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HOUSE OF REPRESENTATIVES—*Thursday, May 16, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We know that in everything God works for good with those who love Him.—Romans 8: 28.

Eternal Spirit of God, the light of the minds that seek Thee, the life of the spirits that find Thee, and the love of the souls that serve Thee, grant unto us a renewal of heart as we wait upon Thee in this our morning prayer. By Thy spirit make us ready for the responsibilities of this day, equal to every experience and adequate to serve the present age.

The world around us is full of the rumblings of discontent and disturbances which breed disorder. In these hours help us to keep our faith, that strong in Thee we may face these facts courageously and confidently, ever seeking liberty and justice and peace for all.

Bless our land with Thy favor and strengthen us to walk in the way of Thy commandments: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO FILE CONFERENCE REPORT ON S. 5 BY MIDNIGHT, MAY 18

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on the amendments of the House to S. 5, the Consumer Credit Protection Act, known as the Truth in Lending Act, may have until midnight on Saturday, May 18, to file the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMISSION ON THE ESTABLISHMENT OF AN AFRICAN INSTITUTE FOR CULTURAL AND TECHNICAL INTERCHANGE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, in the next few days I will introduce a bill providing for the establishment of a Commission on the Establishment of an African Institute for Cultural and Technical Interchange. I invite my colleagues in the House of Representatives who believe in the future of Africa to join as sponsors of this bill.

The time is now for all in our United States to recognize that Africa's role in tomorrow's world will be significant.

There are already in existence two institutions which make possible cultural and technical interchange between our country and the nations of Asia and our country and the nations of Latin America. There seems valid and compelling reason for the existence of an institute to accomplish these identical aims between our country and the nations of Africa.

The bill I will introduce establishes a commission to determine whether such a need is real at this time, and how best to accomplish it. It makes no provision for the actual establishment of such an institute until an in-depth study first ascertains whether or not justification exists.

I hope I may count on your support.

LOAN-SHARK AMENDMENT

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, I am delighted to report that conferees on the truth-in-lending bill have reached final accord on the form of the loan-shark amendment adopted by the House.

Although my separate bill on loan sharking had been pending for a considerable time, the Committee on the Judiciary had not been able to find time in its busy schedule to hold public hearings prior to floor action on the amendment. However, since the day the House acted, earnest efforts have been made to elicit the views and advice of representatives of a broad spectrum of the financial world. Legal craftsmen in the Congress and the Department of Justice have brought a wealth of talent to bear upon the issue. Doubtless, the final product will not fully please everyone. It may be too broad for some and too narrow for others.

Yet, I am confident that the new form will preserve the essential substance of the original House amendment; that it will effectively reach its intended target, the heartless loan shark of organized crime who preys upon destitute and desperate people; and that it will not jeopardize the lawful operations of legitimate lending institutions.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, it was necessary for me to be absent on May 2. For that reason I am not recorded on rollcall No. 113. I would like the RECORD to show that had I been present, I would have voted "yea."

CALL OF THE HOUSE

Mr. ASPINALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 141]

Baring
Bell
Bolton
Broomfield
Cabell
Carter
Clark
Collier
Colmer
Conyers
Cramer
Culver
Dawson
Downing
Eckhardt
Esch
Fraser
Frelinghuysen
Gettys
Griffin
Gross
Gurney
Hagan
Hall
Halleck
Hanley
Hardy
Hawkins
Hébert
Holland
Howard
Irwin
Karsten
Kee
Kelly
Kuykendall
Long, La.
Long, Md.
McDonald, Mich.
Mailliard
Mayne
Moore
Moorhead
Morse, Mass.
Olsen
O'Neill, Mass.
Passman
Pool
Purcell
Rarick
Resnick
Rivers
Rosenthal
Scheuer
Selden
Skubitz
Stubblefield
Taft
Teague, Calif.
Teague, Tex.
Tenzer
Vander Jagt
Wilson, Charles H.
Young

The SPEAKER. On this rollcall 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

THE 1967 ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 312)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

To the Congress of the United States:

It is my pleasure to submit to Congress the 1967 Annual Report of the Saint Lawrence Seaway Development Corporation.

The Seaway had its second best year in nine years of operations—registering a total of 44 million tons of cargo. The record season for Seaway tonnage was 1966 when 49.2 million tons were moved through the Montreal-Lake Ontario waterway. We hoped that the Seaway would reach the 50-million ton mark in 1967, but a strike plus some slackening in demand for grain, resulted in reduced traffic.

While overall tonnage was somewhat disappointing, there are many bright spots in the report. General cargo, for example, increased to six million tons from 5.5 million. Iron ore shipments also were higher with 16.4 million tons moving through the Seaway locks to the steel mills of the Midwest. These increases indicate the growing appreciation of the waterway's advantages as a means of reducing transportation costs.

The Seaway has truly placed Midwest ports on the sealanes of the world. More than 600 salt-water vessels made 1,284 trips into the Lakes in 1967.

However, reduced traffic, along with an adjustment in the division of toll revenue between Canada and the United States caused income to fall from $7.1 million to $6.1 million.

Despite this loss, $4 million was returned to the U.S. Treasury. This makes a total repayment of $28.9 million since the Seaway opened in 1959.

A major concern of the Corporation is the need to repair Eisenhower Lock. The Corporation retained the Corps of Engineers to direct the work which will continue until 1971. Fortunately, it will not interfere with the navigation seasons. In my budget for fiscal year 1969, I requested that funds be made available to cover the cost of repair.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 16, 1968.*

COLORADO RIVER BASIN PROJECT

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3300) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3300, with Mr. MILLS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the committee substitute amendment would be considered as read and open to amendment at any point.

For what purpose does the gentleman from Oklahoma [Mr. EDMONDSON], a member of the committee, rise?

Mr. EDMONDSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, initially I would like to compliment the chairman of the full Committee on Interior and Insular Affairs, the Honorable WAYNE N. ASPINALL, for the outstanding presentation which was made yesterday in behalf of this legislation.

I think the record that has been made on the floor of the House in support of this bill is a splendid one. I am proud of the work that the full committee has done on both sides of the aisle on this particular bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. WILLIS. I want to join the gentleman in complimenting our good friend, WAYNE ASPINALL, the chairman of the Committee on Interior and Insular Affairs.

I have never heard or learned of Chairman ASPINALL bringing a bill before this body which was unworthy of consideration. Despite some of the complaints that one might hear in the cloakroom, and here and there, about this bill, I do want to say this—if it is good enough for WAYNE ASPINALL, it is good enough for ED WILLIS.

Mr. EDMONDSON. I thank the gentleman for his remarks.

I do believe this is a remarkable piece of legislative work that has been brought to the floor of the House, and a great share of the credit must go to the chairman of the full committee.

Yesterday the chairman of the full committee, in his presentation, made reference to the purpose of title II, "to assemble all of the relevant facts with respect to water availability and future water needs for all river basins draining into the Pacific Ocean, whether they are water-short areas or water-surplus areas."

The purpose of my taking this time is to receive an assurance, if I can, from the chairman of the full committee, that this language makes it quite clear that the Secretary of the Interior would not go beyond the area of the reclamation States in connection with the survey authorized by title II.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. ASPINALL. First, may I accept the accolades that were thrown my way? But may I also state that the work on this bill was a committee operation? Even those who are in opposition to some of the provisions of the bill deserve credit for bringing the bill out and making the record which was made yesterday.

Now, if I may answer my colleague, the gentleman from Oklahoma [Mr. EDMONDSON]. He is correct in his interpretation. When we refer to "westwide," we mean the western part of the United States, or the reclamation area. Of course, this particular provision, or the particular area covered by the studies authorized here, would be those basins which flow into the Pacific Ocean.

Mr. EDMONDSON. I thank the chairman very much.

AMENDMENT OFFERED BY MR. RHODES OF ARIZONA

Mr. RHODES of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RHODES of Arizona: On page 59, lines 7 and 8, strike out the words "may, pursuant to an agreement with the Secretary," and insert in lieu thereof the words: "shall have a right, in accordance with plans approved by the Secretary, to".

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. Are we considering amendments to the bill by title or to a particular title?

The CHAIRMAN. The committee is considering the bill on the basis of its being open to amendment at any point.

Mr. ASPINALL. All the way through the bill?

The CHAIRMAN. All the way through the bill.

Mr. ASPINALL. I thank the Chairman.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. RHODES of Arizona. Mr. Chairman, under section 302(a), the Secretary of the Interior is authorized to acquire either fee title to, or easements over, lands within the Fort McDowell and Salt River Reservations for the Orme Dam and Reservoir. The purpose of my amendment is to make clear, as I understand the committee intended, that the two Indian communities involved may not be prevented from developing and operating recreation facilities within their reservations—particularly on lands to which the United States has acquired only flowage easements—by arbitrary action of some future Secretary of the Interior.

Even with my proposed change, the first sentence of section 302(d) still provides that recreation development by the two Indian communities shall be "subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir," and the second sentence further provides that recreation development of the entire reservoir, including Indian lands, "shall be in accordance with a master recreation plan approved by the Secretary."

Moreover section 302(b) provides that any use or lease of land by the Indians must be consistent "with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary," and, of course, any lease also must be approved by the Secretary under existing law—25 United States Code 415.

In short, my amendment frees the two Indian communities from the threat of arbitrary administrative action, but still leaves them subject to all reasonable controls to protect the interests of the United States in the project and to insure that recreation development will be in accordance with the Interior Department's master recreation plan for the reservoir.

Mr. Chairman, I might say parenthetically that, contrary to popular belief, I have only a few Indians in my district. This amendment is offered as a benefit for two Indian groups who live in the First District of Arizona.

One of them is the Salt River Indians, a rather populous tribe with a reservation which is in a very strategically located part of my district. The other is the Fort McDowell group. This group, on the other hand, is not affluent. In fact, this is the band about which the Secretary of the Interior remarked not too many weeks ago that it could not hire an attorney, so he had to be its attorney.

I am joining my illustrious friend, the Secretary of the Interior, as the attorney for the Fort McDowell Tribe and the Salt River Tribe today.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to my good friend from Florida.

Mr. HALEY. Mr. Chairman, I would like to say to the gentleman from Arizona [Mr. Rhodes] that I do not have one Indian in my congressional district. Nevertheless, may I say that I believe this really accomplishes what the Subcommittee on Indian Affairs wanted to accomplish. The original amendment to this bill was the amendment that I offered and was adopted, and I think certainly this clarifies the intention and gives the right; instead of saying "may" do something, it says "shall" do something. I think the gentleman's amendment would do just exactly what the subcommittee sought and hoped it was doing in the language we put in the bill. I wish to thank the gentleman for offering the amendment, which I believe really clarifies what we intended to do.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Colorado.

Mr. ASPINALL. I wish to thank the gentleman for advising the chairman of the Committee on Interior and Insular Affairs of his intention to offer this amendment in the committee, thus giving us the opportunity to examine the amendment.

I believe that the language of the bill as reported by the committee is more than generous in its treatment of the Indians. Section 302 provides for Federal acquisition of the Indian lands needed for the Orme Dam and Reservoir. The United States will pay the full fair market value of the land. While the plans are not complete, it may be necessary to acquire as many as 15,000 acres at a possible cost of $2,000 per acre, which is a possible total of $30,000,000 for the land. Only 400 Indians are members of the Fort McDowell community, where most of the land will be acquired, which means that the payment for the land may amount to as much as $75,000 for each Indian man, woman, and child if applied on a per capita basis.

In addition, the section authorizes the payment of not to exceed $500,000 for relocating the 53 homes and tribal facilities that must be moved. This is a gratuity, because the full value of the improvements will be paid as a part of the land acquisition.

In addition, the section authorizes the Secretary to give the Fort McDowell community 2,500 acres of Federal land. This also is a gratuity.

In addition, subsection (d) provides that each Indian community may, pursuant to an agreement with the Secretary, develop and operate recreational facilities on the federally acquired lands along the reservoir shoreline adjoining their reservations. The facilities must be in accordance with a master recreation plan approved by the Secretary.

The Indians are dissatisfied with this language in two respects:

First. They want a "right," rather than "permission" from the Secretary, to develop the recreation facilities on the Federal land; and

Second. They do not want their right to be made contingent upon an agreement with the Secretary. They say that it is enough if their developments conform to the master plan, and that they should be able to proceed with developments on the Federal land without any agreement with the Secretary regarding specifics.

It is the purpose of subsection (d) to give the Indians every opportunity and encouragement to undertake the recreational development of Federal lands on their side of the reservoir. There is no difference of opinion about this objective. It is unreasonable, however, to permit them to proceed with development, without an agreement with the Secretary, in the hope that the development when completed will be in accordance with the master plan. If the development should turn out to be incompatible with the master plan it would be difficult for the Secretary to do anything about it. If the development were undertaken pursuant to an agreement, however, as the bill provides, the chance of conflict would disappear.

I agree that the Indians should be permitted to undertake any recreation development on the Federal lands along their part of the shoreline that they want to undertake, if the development is in accord with the master plan. I also believe, however, that each particular development should be based on an advance agreement with the Secretary in order to assure compliance.

The amendment offered by the gentleman from Arizona changes the requirement for an advance agreement between the Indians and the Secretary to a requirement that the Indian development must be in accordance with plans approved by the Secretary. This is a clarification of the language in the bill, and I have no objection to it.

The amendment also changes the word "may" to "shall have a right." I regard this change as unobjectionable because under either form of the language the Indian development must be based on plans approved by the Secretary.

I therefore am willing to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. Rhodes].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Saylor: On page 53, line 13, change the period to a colon, and insert the following: "*Provided*, That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress."

Mr. SAYLOR. Mr. Chairman, yesterday in the general debate on this bill, those of us who spoke against it said that one of the real defects in the present bill is that it has in a sense an open-ended authorization. The amendment which I have offered closes one of those open ends.

This proviso will tell the Secretary of the Interior to proceed with his plans, authorized in title II of the bill. He is directed to find the most economical means of augmenting the water supply available in the Colorado River, which is short by at least 2.5 million acre-feet. When he finds the most economical means, he is to report back to the Congress, and, when the Congress authorizes that project, it can then proceed.

No one knows what the total cost might be. One of the principal reasons that some of us have objected to the bill as it was drafted by the committee is that it left this tremendous question of future cost, ranging from low estimates of $2.5 billion to high estimates of $23.5 billion. The total amount that our committee has been advised the feasibility research will take is approximately $12 million.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the chairman of the full committee, the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, my colleague has again been very cooperative with his chairman. He has shown his chairman and others of the staff and of the committee this amendment.

What this amendment attempts to do, if I understand correctly, is to state a policy which is in keeping with other policies that have to do with other river basins. We also state that this basin must continue to furnish the water of the Mexican water burden until there is a satisfactory feasible report together with an authorization, and, when the authorization takes place, it must take place for at least the minimum of the 2.5 million that is provided in this bill, and it cannot be understated. Is that correct?

Mr. SAYLOR. That is correct.

Mr. ASPINALL. It does not attempt to take any position on the position of the upper basin, that under the compact they are not burdened with any debris at all from the river.

Mr. SAYLOR. That is correct. This does not attempt to solve the problem of the upper basin against the lower basin.

This is only an attempt to solve the problem of the burden on the river with respect to the Mexican Water Treaty.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I yield.

Mr. ASPINALL. Once again I say to my colleague, he has been very cooperative. I believe this will remove a great deal of the fear which was expressed in the debate yesterday. As chairman of the committee, I am willing to accept the amendment.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentlewoman from Washington.

Mrs. MAY. If I understand the gentleman's amendment, he is here asking a feasibility study be made. This would authorize a feasibility study, although nothing could be done under this section of the bill until that feasibility study was authorized; is that correct?

Mr. SAYLOR. Nothing shall be done until the feasibility report is made by the Secretary showing the most economical means of augmenting the supply of the river, and then the Congress must approve and act upon that report.

Mrs. MAY. But, in any event, we would still be authorizing a feasibility study without a previous reconnaissance study. We do not know what the cost of this is going to be, as is true in the usual procedure of having a reconnaissance study before we go into the feasibility study. I am correct in that?

Mr. SAYLOR. The gentlewoman is correct in that this authorizes a feasibility study. It does also authorize a reconnaissance study.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. SAYLOR was allowed to proceed for 5 additional minutes.)

Mr. SAYLOR. However, it will be up to some succeeding Congress to take a look at the report which the Secretary will present. The Secretary of the Interior and the Bureau of Reclamation, in testimony before our committee, stated that in their opinions a feasibility study of this nature would cost in the neighborhood of $12 million.

Mrs. MAY. I should like to point out one thing to the gentleman, in all fairness. I want to be sure I am correct. Upon the adoption of the amendment—for which I should like to thank the gentleman, because I believe in some ways it partially corrects a situation about which we are all concerned—I should like to point out that we still would not be giving this body an opportunity to again review a reconnaissance study before we OK'd expenditure on a feasibility study, as we ordinarily do for most projects of this sort.

Mr. SAYLOR. I must concede to my colleague that this is correct.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the chairman of my committee.

Mr. ASPINALL. This section has to be read in conformity with the previous section. The previous section calls for a reconnaissance study first. The reconnaissance study must precede any feasibility study and report.

The only thing involved here is whether or not a reconnaissance study sufficient within itself can cause the Secretary then to go ahead with the feasibility report.

In my opinion, and in the way our committee has worked throughout the years, there will be no feasibility report until we get to see that reconnaissance report and to see whether or not it shows feasibility. Is that not correct, I ask the gentleman?

Mr. SAYLOR. I say to the Members of the House that this has been the policy of the chairman of the full committee, Mr. ASPINALL, which he has followed. I have concurred in that policy ever since he has been the chairman of the committee.

Mr. ASPINALL. What is involved here is that we go ahead and make this a one-package operation. If the reconnaissance report does show feasibility possibility, then the report would be prepared.

The reason for this is that 3 or 4 years ago we changed the procedures in the Congress, establishing the procedure that they have to come to Congress for authorization of feasibility reports. Up to that time it could have been done anyhow; is that not correct?

Mr. SAYLOR. That is correct. Until the action of the committee in bringing that bill to the floor to change the procedure, the Department would go ahead on its own and make feasibility reports.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Washington.

Mr. FOLEY. To clarify the gentleman's amendment, at such time as the committee and the Congress received a feasibility report, if it is authorized by this legislation, nothing would take place under the amendment until that feasibility report was acted upon, if there were a feasible plan being approved; is that correct?

Mr. SAYLOR. That is correct.

Mr. FOLEY. Now, if the Congress should approve a feasibility plan for the augmentation of the river by 2.5 million acre-feet, what then would occur with respect to the burden of the Mexican Water Treaty?

Mr. SAYLOR. Then it would be a national obligation under the terms of this section as amended.

Mr. FOLEY. You are proposing, then, that this section, section 202, shall be suspended unless the Congress shall later authorize a feasibility plan with respect to the 2.5 million acre-feet? Is that the sense of your amendment?

Mr. SAYLOR. That is the effect of this amendment.

Mr. FOLEY. And in no way would the legislation operate presently to assume the Mexican Water Treaty as a national burden? Is that correct?

Mr. SAYLOR. That is correct.

Mr. FOLEY. That whole question would be left to a later time?

Mr. SAYLOR. That is correct.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Idaho.

Mr. McCLURE. If I understand it correctly by the statements made by the chairman of the full committee and by your statement, this amendment which you are now offering does not go to the question of reconnaissance surveys versus feasibility studies, but this is carried in a different section of the bill. If I understood the remarks of the chairman correctly, he stated that this or a future Congress would have the opportunity of looking at that reconnaissance survey between the time it was made and the time a feasibility study was carried forward by the Secretary.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to the chairman.

Mr. ASPINALL. That is exactly what I said. The reconnaissance study is in a previous section of this bill. That is the reason why it was doubled up as I explained to my colleagues yesterday and today. This is so that we can speed up a study without having to come back to another Congress which will later on have an opportunity to act on it, anyway.

Mr. McCLURE. If the gentleman will yield further, I want to make sure I understand the chairman's former remarks that this Congress or a future one would have the opportunity at least to look at the reconnaissance survey between the time it was made and the Secretary went forward with a feasibility study, although that is not required by this legislation.

Mr. ASPINALL. Will the gentleman yield further?

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. This is correct. This is a procedural matter. There has never been a feasibility survey made that I know of in reclamation projects since I have been in Congress which did not come first to the Congress of the United States.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, if we can refer to section 401, title IV, as I read that language, on page 72, it will really——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. As I read this section, I am concerned because it seems to me what we are doing is to have a blank check on the U.S. Treasury for other projects that may cost billions of dollars. I would like to have the gentleman's view on this, and then I would like also to say that it seems very strange to me that this Congress at this time expresses deep concern about the national economy and about the national budget and that many in this House are insisting that we cut $6 billion out of the appropriations. I talked to the people in the education field, and a $6 billion cut in appropriations this year actually means a 30- or 33-percent cut on such things as Federal impact on elementary and secondary education and higher education. I cannot for the life of me understand why today we would take action that would in effect give this blank check to the U.S. Treasury for projects that will run into billions of dollars if we mean what we say that we are for economy and we intend to cut the budget. But I would like to have the gentleman's view on this. This is in section 401 of title IV. It seems it is in essence a blank check.

Mr. SAYLOR. I will say to my distinguished colleague, the gentlewoman from Oregon [Mrs. GREEN], that this is not a blank check. I have a tremendous respect for the gentlewoman's ability, but the procedure which we have established in title IV is to establish a lower basin fund, the same as we have established a fund for the upper basin of the Colorado River and specify where the money should come to go into that fund.

Now, this is the same provision as Congress after Congress has used in establishing water basin acts.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further for one clarifying question—

Mr. SAYLOR. Yes, I yield further to the gentlewoman.

Mrs. GREEN of Oregon. The language which appears on page 72 of section 401 as it is now written, if the gentleman's amendment is not adopted and if this language stays the same as it is now written, is it not conceivable that we really will authorize projects that are going up into billions of dollars? I happen to support the amendment which has been offered by the gentleman from Pennsylvania, but if it is not adopted, it seems to me that this is language which would allow this to happen.

Mr. SAYLOR. The reason this is being done is because the Congress authorized the upper basin projects in the Colorado River with a similar provision and we specified the projects that had to be built. This provided that the people of the upper basin would have to come before the Congress under certain circumstances to seek the deletion of some projects and ask for authorization for certain other projects. The same situation will exist in the lower basin.

Mr. ASPINALL. Is it not the same identical procedure which we used with reference to the Columbia River Basin?

Mr. SAYLOR. It is the identical procedure.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I just want to underline the fact that this bill only authorizes certain projects and if there were augmentation that the gentlewoman from Oregon seems to be worried about it certainly requires before any study could come out of this project for this work some subsequent Congress would have to authorize it. It is fully protected and there is no back door approach about which I am sure the distinguished gentlewoman from Oregon [Mrs. GREEN] refers and about which she is worried.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Washington.

Mr. MEEDS. Would the gentleman explain to the members of the committee what the effect of this amendment will be on section 401, if any?

Mr. SAYLOR. The effect on section 401? It will have no effect on section 401.

Mr. MEEDS. Mr. Chairman, if the gentleman will yield further, if you cannot proceed under section 402 with reference to the feasibility report, then that portion dealing with nonreimbursables will not come up?

Mr. SAYLOR. Will not come into existence; yes.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I yield further to the distinguished chairman of the committee.

Mr. ASPINALL. It will not come into existence until authorized by the Congress. If the amendment which has been offered is accepted, the provisions of section 401 referred to will not become effective until the feasibility report has been prepared and Congress takes a look at it and has the opportunity to approve or disapprove it.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I commend the gentleman for offering his amendment and say to the gentleman that it should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mrs. HANSEN of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. Mr. Chairman, today, as we continue the discussion of H.R. 3300, I want to associate my remarks with the gentleman from Oregon, Congressman ULLMAN, and the distinguished gentlemen of my own State of Washington [Mr. MEEDS and Mr. FOLEY], who are members of the Committee on Interior and serve under the very distinguished chairman, the gentleman from Colorado [Mr. ASPINALL].

My intention today is to talk about the problems of water.

I have the privilege of serving as the Subcommittee Chairman of Interior Appropriations where a great amount of water research is underway, and where even more should be underway. If it were not for the problem of guns or butter, but guns and water, more would be undertaken. I can understand and do understand the needs of Arizona and the needs of California. I appreciate their desires to settle this problem and I support the major portions of this bill but like the gentlemen from Oregon and Washington, I would like to see portions of the bill deleted or changed. However, I have no illusions. The bill will undoubtedly pass this morning since the Northwest is that portion of the Nation which has clear cold water and everyone in the Nation is looking at it with desire.

But it is because of this very fact that I am taking this time to develop legislative history and to point out that every river basin in the entire United States is confronted by serious problems. I was in Philadelphia 3 years ago when the Delaware was short; I have been in other parts of the United States when their rivers were almost dry; 3 weeks ago, I flew the length of the Columbia River where our river was at such a low ebb that one look was sufficient to show what diversion might mean, which brings me to the focal point of my remarks.

Diversion of a river is the easy way out. It is the Bureau of Reclamation's traditional way out. They have never hunted for other solutions and never will if they are given the money for diversion. But what does water diversion from one river basin to another area mean at this particular moment in our history.

It means that before we have made any national survey of the total water needs or total water problems and have met these problems with answering programs diversion could well be considered; 1973 is only 5 years away. From the testimony I have heard in my committee and with the present status of funding and expenditure limitations, the water problem is not going to be solved in 5 years in either the Columbia River Basin or any other river basin.

What are the long-term problems of river basins? Not only are they those of having adequate water now or in 5 years but what will the total needs of those basins be in 5 years? The Columbia River uses its water for power, irrigation, domestic consumption, industrial supply, and navigation. It is a combination of all these factors that must be considered and measured against the population not only 5 years from now but 20 and 50 years from now. What profit is there to divert water to an area and dry up another area? It is very true, as the distinguished gentleman from California [Mr. HOLIFIELD] noted. Washington wants markets but I am sure that not even California wants Washington without water. Last Monday morning as I boarded a plane in Portland, Oreg., I noted the headlines of the Oregonian "Oregon Faces Worst Drouth in Years." Drouth is not a new subject in the Northwest. The last three summers have been dry and the past is full of them. I want to bring to your attention some of the figures when the supplemental appropriations bill is before you. Items in this bill resulting from fire damage were caused by lack of rain in the Northwest.

Now what are the answers?

May I say, diversion of any river at this time is not an answer. There is no way of predicting weather, total population, total commerce, and total growth, the total accuracy that is needed. The people in the Interior Department are aware of this—all except the Bureau of Reclamation. They are aware that we need to do several things:

First. Continue at an accelerated pace the saline water development program and I would call to the attention of the House and the gentlemen from California that Interior is working with areas of southern California on a saline experimental project. I would remind this House that there is a sizable sum of money in this year's budget for saline water development. It must be continued. The price is coming down, and there have been some exciting breakthroughs, and there have been some exciting agricultural byproducts.

Second. We must continue to work to find new sources of underground water. The Geological Survey is continuing in this field as are the research people. May I say, that these are all in the exploratory state today. Again, however, there have been some exciting results.

Third. We need to develop a program of weather modification for water sources. Again, this is in the field of research and discussion.

Fourth. We should be able to know more about the recoupment of water.

Fifth. We should know more about the waste of water.

Sixth. Care, development, and protection of our watersheds.

All the areas of the United States are going to share this vast treasure house of water development knowledge, and it is mandatory that this be completed before diversion becomes the order of the Bureau of Reclamation.

I want to call the attention of the Committee to one further thing about the Columbia River. Unlike many river basins and unlike many rivers, one of its major uses is navigation. After viewing the river scale models year after year one realizes the impact of relative small changes of water flow with resulting sandbars, changes in currents, and other impediments to navigation. This is a subject of deep concern. Commerce is the lifeblood of a district such as mine, which exports into the markets of the world, if you please, the products that are grown and raised there. Therefore, I mention this one further problem that is inherent in navigable rivers. One scale model on the upper part of the river has taken over a year to come up with a solution that is not yet satisfactory. Five years is a very short time to develop the total results of all segments of the Columbia River involved in diversion.

So, ladies and gentlemen of this House, I repeat that diversion is the easy way out and it is not, I am sure, the cheapest way or best way out as a permanent water solution.

I do trust that great thought and judgment will be given here today not against areas that need water but to develop the resource programs that the whole Nation needs and which will be of far more total assistance to the Southwest than the diversion of any single river at the expense of another segment of the country.

AMENDMENT OFFERED BY MR. HARRISON

Mr. HARRISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARRISON: On page 52, lines 14 and 15, strike out "below Lee Ferry by two and one-half million acre-feet annually." and insert in lieu thereof the following: "initially by not less than two and one-half million acre-feet annually, increasing thereafter to not less than four million acre-feet annually by January 1, 1990. Whenever the water supply available in the Colorado River is augmented by four million acre-feet or more, such water supply shall be allocated so that the States of the Upper division receive seven and one-half million acre-feet and the States of the Lower Division receive seven and one-half million acre-feet and Mexico receives one and one-half million acre-feet, with any additional water above this allocation divided equally between the States of the Upper and Lower Divisions."
>
> On page 52, line 16, strike out "may" and insert in lieu thereof "shall".

Mr. HARRISON. Mr. Chairman, at this time I offer an amendment to H.R. 3300. It is an amendment which I sincerely hope my Arizona colleagues—motivated as they are by the good faith desire to benefit their region without causing hardship to Wyoming or other States—will gladly accept.

My amendment to title II is a logical extension of the sentiments of that title with respect to the availability of sufficient water in the Colorado River system to meet future needs.

My amendment would add new language to section 201(c) to provide that by a specific date, January 1, 1990, and in a specific amount, 4 million acre-feet, water will be supplied to augment the dwindling supply of the Colorado River system.

I consider this amendment both fair to Wyoming and all other States of the Colorado, and consistent with the temper of the bill we are debating today. It is consonant with the basic law of the Colorado River: The compact of 1922, the upper basin compact of 1948, and the water treaty of 1944 with Mexico.

The figure of 4 million acre-feet is not an arbitrary one. It would satisfy the Mexican treaty obligation with imported water, which was stipulated in the 1922 compact, and it would as nearly as can be determined, meet the needs of upper and lower basin States by the early part of the 10th decade of our century.

H.R. 3300 as now written, provides for studies to investigate means of supplying water to meet the current and anticipated water requirements of the Colorado River Basin, and reconnaissance reports are to be submitted no later than June 30, 1973.

The bill is silent on the future of these studies, other than to assert that no recommendation for importing water into the Colorado River Basin from other river basins shall be made without the approval of States affected by such importation.

Seldom has legislation risen to the surface atop such voluminous records and history. I will not burden this presentation with more of that history than is absolutely necessary in presenting my amendment. My arguments and premises draw their sustenance from the position of my State on this legislation and I support that position fully. I will ask that at the conclusion of my remarks a speech by Mr. Thomas E. Cahill, assistant to Wyoming State engineer, Floyd Bishop, be printed to establish for the record what has long been the posture of Wyoming regarding central Arizona legislation.

The history and the record leave no doubt that the Colorado River will be short of water to a disastrous extent by the latter half of the 1980's or early 1990's.

At that time, some action will have to be taken to make the divisible supply of water adequate to the per capita demand.

At some point in the near future augmentation of Colorado River water will be an absolute requirement. What better forum is there than for spelling out the clear intent to provide that water, than the legislation which will create the most expansive and expensive reclamation project in history, with Colorado River water which is rightly the property of other States.

It has been the position of Wyoming throughout the proceedings associated with this and similar bills, that a minimal precondition to acceptance of CAP would be the concurrent authorization of water importation. This position has been eloquently set forth by State engineer Floyd Bishop in these words:

> The proposed authorization of the central Arizona project poses an undeniable threat to Wyoming, our concern is not so much over the legal right to the use of the water granted to us by the compacts as it is over the practical problems which Wyoming will face in the future.
>
> There is little argument concerning the legality of the compacts, and without some unforseeable upheaval, it would appear that these documents will continue to be the "law of the river". From political viewpoint, however, Wyoming could in the future, find it impossible to utilize this water which everyone agrees is legally ours. It is an accepted fact that the central Arizona project will be depending on the use of water which is legally upper basin water but is surplus to present day needs in the upper basin.
>
> Concurrently with authorization of the central Arizona project, there should be an authorization of a project to import water into the Colorado River system.

This history of this legislation over three stormy decades and my own statements in public and to the distinguished chairman of the Interior Committee make clear that Wyoming does not oppose the central Arizona project for the sake of opposition. We have no desire to

contribute to the shortage of the most precious of all liquids in the great State of Arizona.

I offer my amendment to extend the study and feasibility report provisions of H.R. 3300 as an effort to put teeth into the proposition that sufficient water will flow into the Colorado River to insure that all user States will have their rightful entitlements, and that water will be available to fulfill the national obligation of the Mexican Water Treaty without jeopardizing the allotments of any State.

I ask each member now to search his knowledge of this legislation and to search as well, his own good conscience and brush the clouds from this bill so the States of the Colorado River will know that water definitely will be provided from some outside source when the need exists.

This bill needs clear language setting forth the date for delivery of water into the Colorado, and it needs language specifying a minimum amount of water. This must not be left to some future interpretation of ambiguity in laws or the munificence of some future Congress unattuned to the realities of the Colorado River and its history.

The crucial questions of how much water and when, must not be left in doubt, perhaps someday to be decided by courts of law which listen to the pleadings of parched upper basin States and wonder why H.R. 3300 was so strangely silent on so vital a matter.

The speech referred to follows:

Interdepartmental Water Conference

(Address by Thomas E. Cahill, Special Assistant Attorney General, September 16, 1966)

Wyoming, under present compacts, is entitled to the beneficial consumptive use of approximately 800,000 acre-feet of water from the Green River. This is some 500,000 acre-feet more than is presently being used. This surplus is presently flowing from the State into the Colorado. The Central Arizona Project, which is part of House Bill 4671 in the present Congress, needs that water, and more, to be a feasible project. Wyoming does not wish to impede the development of Central Arizona but it would not be wise for Wyoming to acquiesce to the construction of a billion dollar project in Arizona which is dependent upon Wyoming water.

If it were practical for Wyoming to finance projects on the Green River with other than federal money, a legal right to the use of the water would be sufficient to safeguard Wyoming's future. However, the projects necessary for the full utilization of Wyoming's potential are so expensive and complex that the most probable method of development is through the construction of federal projects.

Wyoming is concerned that when the time comes to get such federal projects authorized, she will be effectively opposed in the Congress by representatives of those downstream states who have their projects constructed and operating on Wyoming water. Practical politics show that Wyoming's two Senators and single Representative will not be able to successfully overcome predictable opposition to such projects from California, Arizona and Colorado. To assist in a better understanding of Wyoming's Colorado River problems, the following background is offered.

THE RIVER

High in the Wind River mountains of Wyoming, about 900 air miles from the Gulf of California, the Green River, which later joins the Colorado River, begins. From here, the Colorado and its tributaries meander through the seven western states of Wyoming, Colorado, Utah, Arizona, Nevada, New Mexico and California on a 1,600 land mile journey to the sea.

The mainstream of the Colorado and its largest branch, the Gunnison, flow westward from the Continental Divide in Colorado and join the Green River in southwestern Utah. Farther south the San Juan River comes in from the mountains of southern Colorado and northern New Mexico. For hundreds of miles through Arizona and Nevada, the Colorado River is deeply entrenched between high plateaus and forms the Grand Canyon. It then flows through a wide desert valley, forming the boundary between Arizona and California. Almost at the Mexican border, the Gila River, which begins in southwest New Mexico and flows through southern Arizona, joins the Colorado. A short distance below the Mexican border the Colorado flows through its Delta and into the Pacific Ocean.

The Colorado River System drains an area of 242,000 square miles, 1/6th of the contiguous continental United States. In half of this area the average rainfall is less than ten inches annually; in another third, it averages from ten to fifteen inches.

THE 1922 COMPACT

The struggle over the use of water in the Colorado River drainage has been long and turbulent. In the early 1920's, rapidly growing populations and water uses in the Coastal areas, and the desire of Lower Basin interests to construct a major reservoir which would regulate the river brought the first notable crisis. California wanted to enlist the Congressional support of the Upper Basin states for a bill authorizing mainstream developments which included a major reservoir. The Upper Basin states, fearful that the construction of such a reservoir would establish priorities which would preclude the later use of water in the Upper Basin, desired a guaranteed right to future use of water. It became obvious that some form of agreement between the states was necessary before further development of the Colorado River could proceed. This precipitated negotions which, in 1922, culminated in the Colorado River Compact.

Originally, the negotiators attempted to apportion specific quantities of water to each of the seven states. When this failed, Herbert Hoover, who represented the federal government, urged that the approach be changed, and consequently an apportionment of water was made between two divisions. All of the drainage area above Lee's Ferry in southern Utah was called the Upper Division and all that below Lee's Ferry was included in the Lower Division. This put Wyoming, Colorado, Utah and New Mexico in the Upper Division and Arizona, California and Nevada in the Lower Division.

When the 1922 Compact was formulated, it was estimated that the average annual flow of the Colorado River was about 20,000,000 acre-feet. This estimate was based on stream flow records covering the period immediately prior to 1922 which was a period of excessively high stream flows. Hoping for some leeway for error, the negotiators of the 1922 Compact allocated only 16,000,000 acre-feet, leaving, they thought, an additional 4,000,000 acre-feet to be apportioned at a later date (unfortunately, the long-term average annual flow has only been 13,951,000 acre-feet).

Immediately after the ratification of the Colorado River Compact, the Boulder Canyon Project Act was introduced in Congress. Finally, after introduction in four successive sessions, the act was passed. The project included Hoover Dam, the All-American Canal, and the Parker-Gila Valley reclamation project. Subsequently, Parker Dam (diversion point for municipal and industrial water for Los Angeles and San Diego) and the Coachella Canal (which supplies irrigation water to part of the Salton Basin) were built by the United States.

Besides authorizing projects, the Boulder Canyon Project Act divided the waters of the mainstream of the Colorado River. It gave California the use of 4,400,000 acre-feet, Arizona the use of 2,800,000 acre-feet and Nevada the use of 300,000 acre-feet. The Act, however, did not mention the tributaries in the Lower Basin which have an annual flow of approximately 1.75 MAF annually, which includes 1 MAF from the Gila, all of which is almost totally consumed in Arizona.

UPPER BASIN COMPACT

Soon after World War II was over, the Upper Basin states renewed their efforts to gain congressional support for the construction of Upper Basin projects. To establish stable water supplies for reclamation projects and to prevent future lawsuits concerning the equitable apportionment of the Upper Basin share of the Colorado River, the Upper Basin states intensified negotiations to divide the water. These negotiations resulted in the Upper Colorado River Compact of 1948, which was ratified by the legislatures of the four states, and by the Congress of the United States in 1949. This Compact apportioned to the states the annual beneficial, consumptive use of the following quantities of water:

Arizona: 50,000 acre-feet.

Colorado: 51.75 per cent of the Upper Basin entitlement.

New Mexico: 11.25 per cent.

Utah: 23.00 per cent.

Wyoming: 14.00 per cent.

Ratification of the Upper Colorado River Compact cleared the way for development of projects within the Upper Basin, and after a hard fight, the Colorado River Storage Project Act was passed in 1956. This legislation authorized the construction of Glen Canyon, Navajo, Curecanti and Flaming Gorge dams and designated certain projects which could benefit from the power revenues of these major regulating reservoirs. Wyoming projects which were included were Seedskadee, Lyman, LaBarge, Sublette and Savery-Pothook.

WYOMING DEVELOPMENT

In the Green River Basin of Wyoming approximately 225,000 acres, less than 4 percent of the total land area, is now under irrigation. This land lies mostly along the Green River and its tributaries near the base of the mountains. Most of the irrigation development has been by individuals and organized local groups. There are also four federal reclamation projects which are in various stages of development in the Green River Basin.

The Eden project, which includes the 39,700 acre-foot-capacity Big Sandy Reservoir on Big Sandy Creek and some distribution facilities, was largely completed in 1960. It was initially intended to serve 20,200 acres in the vicinity of Farson, including 9,540 acres that had been previously irrigated and 10,660 acres of new land. Because of water shortages and because anticipated efficiencies in water use have not been attained, land development has been limited to a smaller acreage. A program of modification of the distribution system is now underway.

The Seedskadee project was authorized in 1956. It includes the Fontenelle Dam and Reservoir on the Green River, which has been constructed. The project is planned to ultimately irrigate 58,775 acres of presently undeveloped land, and to provide 60,000 acre-feet of stored water for the potential Seedskadee National Wildlife Refuge. Construction of the irrigation canals and laterals has been deferred pending the results of an experimental development farm on project lands. The discovery of trona deposits under 15,500 acres of potential project land on the west side of the Green River has prompted the deferral of agricultural development on that land until possible surface subsidence is further investigated.

The Lyman project, also authorized in 1956, will include the Meeks Cabin and China Meadows Reservoirs on Black's Fork and the East Fork of Smith Fork, respectively. The water will be distributed through existing works and used as a supplemental irrigation supply on 26,000 acres in the vicinity of Lyman. Bids for construction of Meeks Cabin Reservoir were received in 1965 but were rejected as being too high. New bids were called for and let in the spring of 1966.

The Savery-Pothook project, authorized September 2, 1964, will irrigate lands in both Wyoming and Colorado. It will develop unused flows of the Little Snake River and its tributaries, Savery Creek in Wyoming and Slater Creek in Colorado, for the irrigation of 35,265 acres, including 21,920 acres of new land. The Wyoming portion consists of 16,155 acres, including 6,180 acres of new lands and 9,975 acres of supplemental service land. Storage will be provided by the 18,600 acre-foot Savery Reservoir on Savery Creek and the 65,000 acre-foot Pothook Reservoir on Slater Creek. The water will be conveyed to the land by both existing facilities and new project canals and laterals. Funds have not yet been appropriated for the start of construction.

COMPACT AMBIGUITIES

The 1922 Compact is a brief, but sometimes ambiguous, document. These ambiguities have been the basis for a forty year fight between California and Arizona, and are at the heart of the negotiations between the two basins that have been going on for over a year.

Most of these ambiguities stem from article III which divides the water.

III (a) gives the beneficial consumptive use of 7,500,000 acre-feet to the Upper and Lower Basins, respectively.

III (b) gives the Lower Basin the right to increase its beneficial consumptive use by an additional million acre-feet annually, but does not specify the source of the water. (Some claim that this refers to the Gila and Salt Rivers.)

III (c) recognizes the possibility of a future treaty with Mexico and states that any guaranteed deliveries to Mexico should come from unapportioned waters. If there is no surplus, both basins are to share equally in any shortage. In 1944 a treaty was negotiated between Mexico and the United States which guaranteed annual delivery of 1,500,000 acre-feet of water to Mexico via the Colorado River. Under normal river operations to date, more than this amount of water has automatically reached Mexico through return flows, uncontrolled releases and precipitation in the area adjacent to the border. However, as water becomes more valuable, and since the expected flow has been 14 million acre-feet rather than 20 million acre-feet, it is obvious that the Mexican Treaty burden will at some time in the future become more important.

Arizona is now using at least a million acre-feet annually from the tributaries, and claims this should not be included in the 7,500,000 acre-feet given the Lower Basin by III (a). This interpretation is based on the holding in *Arizona* v. *California*, discussed later. Accountability of the tributaries is important in determining any Mexican Treaty burden. If we assume that required deliveries of water from the Upper Basin to the Lower Basin at Lee's Ferry are limited to 75,000,000 acre-feet in a ten year period, as specified in III (d), then the consumptive beneficial use of water from the main stem in the Lower Basin will be limited to something less than 7,500,000 acre-feet per year, due mainly to the channel losses and reservoir evaporation, and the Upper Basin will be required to furnish part of any shortage to Mexico. However, if Arizona's tributary uses are also included in the Lower Basin's 7,500,000 acre-feet annual consumptive use, then the total beneficial consumptive use in the Lower Basin would surpass the 7,500,000 acre-feet per year and the burden of the Upper Basin to deliver water to Mexico would be reduced accordingly.

III(d) placed a delivery requirement upon the Upper Basin of 75,000,000 acre-feet in any ten year period, or an average of 7,500,000 acre-feet annually. This provision put a burden on the Upper Basin states to make a minimum delivery of water to the Lower Basin, and any shortage of water is automatically deducted from the Upper Basin apportionment, rather than from the Lower Basin.

III(e) provided that the Upper Basin states could not withhold water that could be reasonably applied to domestic and agricultural uses in the Lower Basin. It also provided that the Lower Basin could not call for water to be delivered unless it could be applied to those same uses. This provision raises the question of whether the Upper Basin can store water in its reservoirs for the purpose of long-term carryover to even out fluctuations in flow from year to year, when users in the Lower Basin are in need of more water which could be directly used for "domestic and agricultural purposes."

ARIZONA VERSUS CALIFORNIA

In the early 1950's Central Arizona was consumptively using 4,500,000 acre-feet of water annually. Of this, 1,000,000 acre-feet was from surface runoff of the Salt and Gila Rivers. The other 3,500,000 was being mined from a water table that had a recharge rate of 1,000,000 acre-feet annually. Consequently, the underground aquifers were losing approximately 2,500,000 acre-feet annually.

The Central Arizona Project was designed to supply Colorado River water to Central Arizona to supplement the existing supplies and protect a dropping water table. Arizona contended that the Boulder Canyon Project granted Arizona the use of 2,800,000 acre-feet annually from the mainstream of the Colorado River, and that since they were then using only 1,200,000 acre-feet annually, they were entitled to an additional 1,600,000 acre-feet, which could be utilized by the Central Arizona Project.

However, California contended that the Salt and Gila Rivers should be included in determining Arizona's 2,800,000 acre-feet. If this were true, Arizona's share of Colorado River water would have been exceeded, and there would be none available for a Central Arizona Project.

Arizona's congressional delegation introduced legislation authorizing the Central Arizona Project three times. Each time, it passed the Senate, but was blocked by California's strength in the House of Representatives. Finally on the fourth try, the House Committee on Insular Affairs stated that before the bill would be considered again by that committee, the Arizona rights to the use of Colorado River water would have to be determined.

This resolution instigated a law suit between Arizona and California which lasted from the early 1950's until 1963. In 1963, the United States Supreme Court held that the Boulder Canyon Project Act gave Arizona the use, when available, of 2,800,000 acre-feet from the mainstream of the Colorado River (which automatically excluded accounting for the Gila and Salt Rivers). Almost immediately, the Arizona congressional delegation introduced a revised version of the Central Arizona Project Bill. The bill was again rejected by Congress.

CALIFORNIA-ARIZONA COMPROMISE

Arizona, realizing that the 38 California members of the House of Representatives could probably effectively block any legislation which would authorize a Central Arizona Project, decided that they must negotiate with the State of California.

As a result of these negotiations, on February 8, 1965, Congressmen and Senators from Arizona and California introduced identical bills in the House of Representatives and the Senate which would authorize the Central Arizona Project. As was then suspected, and later confirmed in hearings before the Subcommittee on Irrigation and Reclamation of the House of Representatives, for this project to be feasible it had to use Colorado River water apportioned to, but not presently used by, the Upper Basin states by the two Colorado River Compacts.

In order to gain the California support, Arizona had agreed that whenever there was insufficient water to supply 7,500,000 acre-feet for consumptive use in the Lower Basin, the following priorities would apply:

1. Present perfected rights in Arizona and California;
2. 4,400,000 acre-feet to California;
3. Remainder to Arizona for the Central Arizona Project. These priorities would cease upon the importation of 2,500,000 acre-feet into the Colorado River System below Lee's Ferry.

In an attempt to gain Upper Basin support, the Secretary of Interior was directed to study the water needs in the Upper and Lower Basins and to establish whether or not the present sources in these basins could supply sufficient water for their own needs. Then, with the help of the Bureau of Reclamation, the Secretary was to project these estimates of water need up to at least 2030. Concurrently, a study was to be made of water supplies and water needs (also projected far into the future) in the Columbia River Basin. At the same time, a study of the feasibility of transporting water from the Columbia River to the Colorado was to be made.

In an attempt to placate Idaho, Montana, Oregon and Washington, these Northwest states were designated as "areas of origin" and were given the future right to "call back" any water then being transported to the Colorado River states if a need for it developed in the Northwest. The Secretary of Interior was to submit a feasibility report of a project which would facilitate the importation of 2½ million acre-feet into the Colorado River System within three years of enactment of the Bill.

A Lower Basin Fund was established which would receive congressional appropriations for construction of Lower Basin projects. The Fund would also receive: (1) Revenues from the Central Arizona Project (which would include sale of power from Bridge and Marble Canyon Dams): (2) Revenues from Hoover and Parker-Davis Dams after their projected pay-out in 1987: and (3) Payments made from users on other Lower Basin projects. After paying the overhead, maintenance, capital costs and interests, expense of the operating units of the Central Arizona Project, any surplus in the Fund was to be applied to the unit allocation to irrigation, commercial power and municipal and industrial water, for a period of fifty years. Bureau of Reclamation studies showed that with both Bridge and Marble Canyon Dams, by 2024, there would be a billion dollar surplus which would be available to subsidize the importation of water to be used in the Lower Basin.

The present compacts on the river were to remain sacred, and jurisdiction was given to the states to bring suit against the Secretary of Interior in the Supreme Court of the United States in the event that these are violated.

UPPER BASIN RESOLUTIONS

In an attempt to formulate a common position, the Upper Colorado River Commission retained the Denver engineering firm of Tipton & Kalmbach to study the water supply of the Colorado River. Using the period of 1921 through 1964, the Tipton Report showed an average runoff of 13,951,000 acre-feet and assessed Lower Basin requirements as follows:

	Acre-feet
1. Beneficial consumptive use (as provided by III(a))	7, 500, 000
2. Mexican Treaty deliveries	1, 500, 000
3. Reservoir evaporation	730, 000
4. Losses below Hoover Dam	810, 000
Total requirements	10, 540, 000

Assuming that Upper Basin would be required to deliver 8,250,000 acre-feet annually (which is the III(d) requirement, plus one half of any Mexican Treaty burden), the Tipton Report showed the supply to be:

	Acre-feet
1. Delivery at Lee's Ferry	8, 250, 000
2. Net inflow Lee's Ferry to Lake Mead	675, 000
3. Net inflow from Bill William River	55, 000
4. Release from Lake Mead (drawdown to rated power head)	365, 000
Total available	9, 345, 000

Thus, if the Lower Basin was to be allowed to consumptively use 7,500,000 acre-feet annually, as provided by III(a), without accounting for tributary uses, and an annual delivery of 1,500,000 acre-feet to Mexico was to be made, the Upper Basin would have to deliver an average of 9,445,000 acre-feet annually.

The obvious conclusion was that a firm water supply was not available in the Colorado River to satisfy a basic beneficial consumptive-use requirement of 7,500,000 acre-feet from the mainstream by the Lower Basin, plus delivery of 1,500,000 acre-feet to Mexico.

The states of the Upper Basin estimated their present uses and future needs to be:

	Present	1975	1985	2000	2030
Colorado	1, 782	2, 468	3, 098	3, 714	3, 746
New Mexico	140	514	749	764	764
Utah	579	936	1, 171	1, 630	2, 138
Wyoming	265	545	769	1, 193	1, 193
Total	2, 766	4, 463	5, 787	7, 301	7, 841

Thus, even though the study showed that there was a present surplus available for the Central Arizona Project, future development projections clearly showed that if Upper Basin development was to continue, projects which would import major amounts of water into the Colorado River System would have to be authorized and constructed.

Using these figures as guidelines, and realizing that future Upper Basin development would be contingent upon the authorization of future projects by Congress, the Upper Basin, acting through the Upper Colorado River Commission, proposed amendments to H.R. 4671 which they felt would protect future development in the Upper Basin. On August 16, 1965, the Upper Basin states of Colorado, New Mexico, Utah and Wyoming, agreed that before they could support the Central Arizona Project, the following principles would have to be included:

1. That all federal projects within the Lower Colorado River Basin be limited so as not to prejudice, impair, or preclude the future federal authorization of projects which will be required for the annual consumptive use by Upper Basin states of water that may be physically available after delivery of 75 million acre-feet at Lee's Ferry in any period of ten consecutive years;

2. That concurrently with any congressional authorization of the Lower Colorado River Basin project there also be authorized a project to import water into the Colorado River System in such quantities as will (a) relieve the states of the Colorado River Basin from any obligation to deliver water to the Republic of Mexico pursuant to the terms of the Mexican Water Treaty of 1944. (b) Supply the Lower Basin states with enough water to allow for the consumptive use of 7.5 million acre-feet per year, and (c) supply the Upper Basin states with enough water to allow an annual consumptive use of 7.5 million acre-feet.

3. That Glen Canyon Dam shall be operated so that it will not be drawn below its rated power head, except as may be necessary to comply with article III (d) of the Colorado River Compact, and except as may be authorized otherwise by the Upper Colorado River Commission.

4. That the diversion of funds from the Upper Colorado River Basin funds to the Colorado River Dam fund as payment for the so-called Hoover Dam deficiencies, pursuant to the Glen Canyon filling criteria, be terminated immediately.

5. That all expenditures made from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam, pursuant to the Glen Canyon filling criteria be reimbursed to the Upper Colorado River Basin Fund in full.

These principles were included in a draft dated August 16, 1965, which was presented to Congress in hearings held before the Irrigation and Reclamation Subcommittee of the House Insular and Interior Affairs Committee from August 23 through September 1, 1965.

SUBCOMMITTEE HEARINGS

Just prior to these hearings, the seven Colorado River states met and agreed upon the following principles:

1. The Upper Basin's right to the use of water of the Colorado River, pursuant to the Colorado River Compact, shall not be jeopardized by the temporary use of unused Upper Basin water by any Lower Basin projects.

2. The pending legislation should authorize the Secretary of Interior to construct importation works which will deliver not less than 2,500,000 acre-feet annually, upon the President's approval of the Secretary's finding of feasibility.

3. Such importation works should be planned and built so as to make the imported water available, if possible, not later than 1980.

4. Satisfaction of the Mexican Treaty burden should be the first priority to be served by the imported water. The costs of importation allocable to the satisfaction of the burden, which is a natural obligation, should be nonreimbursable.

At the August Subcommittee hearings, several other areas of opposition to the bill emerged. The conservation interests were determined to delete both Marble and Bridge Canyon Dams from the bill, and the Pacific-Northwest was determined that the Bureau of Reclamation should not make a feasibility study of importation.

SEPTEMBER 20 DRAFT

The states were not able to agree on specific language of the bill, and in September, representatives of the governors of the seven Colorado River states met to attempt to draft language that all seven states could agree upon. They could not reach agreement but agreed that Felix Sparks of Colorado and Northcutt Ely of California should try to draft a bill acceptable to all seven states. The result of their work has been called the September 20 draft.

(1) It authorized the Secretary of Interior to make a feasibility study of a staged importation plan. The first stage would include at least 2,500,000 acre-feet to satisfy the Mexican Treaty burden and could also include 2,000,000 acre-feet for Lower Basin use, 2,000,000 acre-feet for Upper Basin use, and 2,000,000 acre-feet for use along the route of the importation system. The importation plan was to be completed by December 31, 1970, and a report was to be made to the President sometime after December 31, 1970.

(2) Areas of origin were to be protected and a perpetual prior right to water was to be given to any state which contributed to the Columbia River System. This priority would be senior to any rights to imported water by Colorado River System users.

(3) Upper Basin rights were protected, but no implementation was given for this protection.

(4) The Secretary of Interior was to promulgate equitable criteria for the reservoir operations on the Colorado River after consultation with the seven Colorado River Basin states.

(5) The Mexican Treaty burden was to be a national obligation, and the Colorado River states were to be relieved of it upon importation of at least 2,500,000 acre-feet into the Colorado River System.

(6) The Central Arizona Project was to be limited to carry an average of 1,200,000 acre-feet from the mainstream, none of which was to be available for use on new lands.

(7) The Dixie and Southern Nevada projects were integrated into the Lower Basin Fund, and the recreation and fish and wildlife uses on the Dixie project were made nonreimbursable.

(8) The Upper Basin Fund would be reimbursed for expenditures made from it to purchase power for the Lower Basin during the filling of the Upper Basin reservoirs.

(9) It authorized the Dolores and Dallas Creek projects in Colorado and the Animas-La Plata project in Colorado and New Mexico, and reauthorized study of other Upper Basin projects, including the Sublette project in Wyoming.

This draft was unacceptable to Wyoming and Utah, but became the basis of negotiation for future drafts of H.R. 4671.

POWER REVENUES

As was previously mentioned, the Upper Colorado River Commission, on August 16, 1965, withheld support of H.R. 4671 pending inclusion of five principles. These principles have served as a basis for negotiations over the past year and the Committee Draft at least pays lip service to the problem areas. Two of these conditions concerned power and power revenues and the language in the Committee Draft is relatively acceptable.

The problem arose during the filling of Lake Powell and Flaming Gorge. By storing water in these reservoirs, there was less water available at Hoover Dam to supply firm power to power contractors. To make up the difference, the Secretary of Interior purchased power from private power companies, and charged the cost to the Upper Basin Fund. As of September 30, 1965, the Secretary of Interior had charged the Upper Basin Fund $7,299,350.04 for the purchase of deficiency energy, generation impairment and capacity deficiency. In addition, 688,734,112 KWH of power had been delivered from Upper Basin dams to Lower Basin power contractors. Assuming a worth of 3 mills, $2,066,202.34 worth of power produced by the Upper Basin generators was furnished to Lower Basin contractors. The Upper Basin Fund received no credit for these deliveries.

The September 20 Draft provided that $7,299,350.04 would be returned to the Upper Basin Fund at the rate of $500,000 annually. No provision was made for payment of interest, which by June 30, 1966, will amount to $13,722,576.38, nor was provision made for payment of Upper Basin power furnished to Lower Basin power contractors. Both basins have generally accepted this compromise.

According to the Upper Colorado River Commission, approximately 10% of the power now generated by Upper Basin dams is being delivered to the Lower Basin, sold, with credit going to the Lower Basin. The Upper Basin Fund is receiving no credit for these deliveries.

MEXICAN TREATY BURDEN

The Commission resolution of August 16, 1965, directed that the Upper Basin should only be required to deliver 75,000,000 acre-feet in any ten year period, and that the Lower Basin tributary uses be included in computing the Lower Basin entitlement to the consumptive use of 7,500,000 acre-feet annually. This would lessen the burden of the Mexican Treaty on the Upper Basin.

The Lower Basin has steadfastly refused to even consider any negotiations on this point.

In the draft now in the Rules Committee, the problem is deferred until sometime in the future by Sec. 601 (b) which states:

"* * * the following listed order of priorities shall govern the storage of water in storage units of the Colorado River Storage Project and releases of water from Lake Powell:

"(1) Releases to supply one-half the deficiency described in article III (c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the states of the Upper division, but in any event such releases, if any, shall terminate when the President issues the proclamation specified in Sec. 305 (b) of this Act."

FILLING CRITERIA

In *Arizona* v. *California*, the Supreme Court gave the Secretary of Interior the authority to apportion future water shortages on the Colorado among the Lower Basin states. It also affirmed his authority to control the filling and refilling of dams on the Colorado. Based on this authority, Secretary Udall promulgated a filling criteria which provided that during the filling period of the Upper Basin reservoirs, water would not be stored in them unless Lake Mead was at its rated power head. This criteria was to be in effect until both reservoirs reached their full capacity.

As introduced, S. 1019 and H.R. 4671 provided that:

". . . the Secretary . . . shall continue to develop . . . a regional water plan, . . . for the filling and refilling of Lake Mead and the reservoirs of the Colorado River Storage Project to optimum operating levels."

This meant that Udall's filling criteria would remain in force. The only protection that the Upper Basin had was found in Section 502 (a) which provided that:

"Nothing in this Act shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Colorado River Compact, (or) the Upper Colorado River Basin Compact . . ." and 502 (b) directed the Secretary of Interior "to comply with the applicable provision of this Act, and of the laws, treaty, compacts and decrees referred to in paragraph (a) in the storage and release of water from reservoirs in the Colorado River Basin."

The Upper Basin states were critical of the filling criteria, and the August 16 Draft had the following which would supercede it:

"In making the reports and recommendations authorized by this section, the Secretary shall make the following assumptions—

"(1) That the ultimate required delivery of water by the states of the Upper division at Lee's Ferry or by exchange delivery at alternate points will not exceed an aggregate of 75 MAF for any period of ten consecutive years reckoned in continuing progressive series."

"(2) That Lake Powell Reservoir will not be drawn below its rated head, except as may be necessary to comply with article III (d) of the Colorado River Compact, and except as may be authorized otherwise by the Upper Colorado River Commission."

This would provide the Upper Basin reservoirs with enough water to meet their Compact requirements, and protect Upper Basin existing and future uses.

In the September 20 Draft was contained the unimplemented statement that:

"Rights of the Upper Basin to the consumptive use of water of the Colorado River System pursuant to the Colorado River Compact shall not be reduced or prejudiced by any temporary use thereof in the Lower Basin."

And that:

"The Secretary shall promulgate equitable criteria for the coordinated long-range operation of the reservoirs constructed under the authority of this Act, the Colorado River Storage Project Act and the Boulder Canyon Project Act, consistent with the provisions of those statutes, the Boulder Canyon Adjustment Act, the Colorado River Compact, the Upper Colorado River Basin Compact and the Mexican Water Treaty. Such criteria shall be prepared after consultation with representatives of the seven Colorado River Basin states and parties to contracts with the United States affected by such criteria."

It further provided that:

"The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty constitutes a national obligation. Accordingly, the states of the Upper Division . . . and states of the Lower Division . . . shall be relieved from all obligations which may have been imposed upon them by article III (c) of the Colorado River Compact when the President issues (a) proclamation" (that 2½ million acre-feet is available from sources outside the drainage of the Colorado River.)

These provisions were the subject of much controversy and bargaining and many meetings between the various states. These eventually culminated in the language as it is now which is found in Title VI of the Committee approved draft.

"601(b). In the preparation and subsequent execution of the criteria, the following listed order of priorities shall govern the storage of water in storage units of the Colorado River storage project and releases of water from Lake Powell:

"(1) Releases to supply one-half the deficiency described in article III (c) of the Colorado River compact, if any such deficiency exists and is chargeable to the States of the upper division, but in any event such releases, if any shall terminate when the President issues the proclamation specified in section 305(b) of this Act.

"(2) Releases to comply with article III (d) of the Colorado River compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the Credit of the States of the upper division from sources outside the natural drainage area of the Colorado River system.

"(3) Storage of water not required for the releases specified in subparagraphs (1) and (2) to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three lower division States and taking into consideration all relevant factors (including, but not limited to, historic streamflows, the most critical period of record, and probabilities of water supply), shall find to be reasonably necessary to assure deliveries under subparagraphs (1) and (2) without impairment of consumptive uses in the upper basin pursuant to the Colorado River compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the lower division to the uses specified in article III (e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell."

IMPORTATION

S. 1019 directed the Secretary to prepare estimates of the long-range water supply available in the upper and lower basins of the Colorado River and to project these requirements to the year 2030. It also directed him to investigate alternative sources of supply to meet the needs in these basins. If an import was necessary, he was to make provision for adequate and equitable protection of the interests of the States in areas of origin. He was to prepare a feasibility study of a plan to import 2½ million acre-feet into the Colorado within three years of passage of the act.

The Upper Colorado River Commission draft provided that if such an importation plan was feasible, the same legislation would also authorize construction. The September 20 Draft directed the Secretary to make a similar feasibility study, but provided the first stage must include 2,000,000 acre-feet for satisfaction of the Mexican Treaty burden, and could also include 2,000,000 acre-feet for use in the Lower Basin, 2,000,000 acre-feet for use in the Upper Basin, and 2,000,000 acre-feet to be used along the proposed diversion route. It also gave to any area or state of origin the perpetual right of recall of any water used for importation.

Senator Jackson of the Senate Interior and Insular Affairs Committee opposed this and has consistently opposed the inclusion of any provision which would effectuate a meaningful study of an importation from the Columbia River. He has done this in several ways. In the Water Resources Planning Act of 1965 he included provisos that no studies would be made of interbasin transfers of water without express Congressional authorization, and that a River Basin Commission in the Northwest could not be established unless it was requested by governors of three of the four states of Montana, Idaho, Washington and Oregon. He also amended the Water Recreation Act by adding a similar bar to interbasin studies.

He has consistently demanded that any study of importation be made under the auspices of a National Water Commission. This Commission would be composed of seven members appointed by the President, who could not be connected with the federal government. They would work in conjunction with the Water Resource Council in deciding broad policy questions.

The Committee draft of H.R. 4671 provides that the Water Resources Council, in consultation with the National Water Commission, would establish principles, standards, and procedures to be followed in any importation study. The Secretary of Interior, under the direction of the National Water Commission, would use these guidelines in making a reconnaissance study of an import plan by December 31, 1969. Unless the plan proved obviously infeasible, the Secretary would then proceed with a feasibility study to be completed by December 31, 1971.

CONCLUSION

With this as a background, it is no wonder that Governor Clifford P. Hansen of Wyoming, on August 2, 1966, in a letter to President Johnson, found it necessary to withdraw previously given support of H.R. 4671, saying:

"The gradual erosion of . . . basic principles through the process of ensuing negotiation and compromise has been a source of increasing concern to me. The cornerstone of our original position was 'that concurrently with any congressional authorization of the Lower Colorado River Basin project, or any of its component parts, there also be *authorized* a project or projects to import water into the Colorado River Basin from sources outside the natural drainage area of the Colorado River system'. This re-

> quirement has now eroded to the point where all that is required is a study of the importation question and even the procedures which are set forth in the bill for making this study would appear to be so cumbersome and difficult to implement that there is a serious question as to whether the study could be adequately executed within the time limits provided in the bill.
>
> * * * * *
>
> "Wyoming is vitally concerned that passage of this bill should not interfere with our right to the use of water allocated to use under the terms of the Colorado River Compacts. Water supply studies on the Colorado River indicate that there will not be sufficient water in the natural drainage area of the Colorado River to permit fulfillment of all of the commitments under the various compacts now in effect. Consequently, it seems obvious that there must be an importation of water into the basin if all states are to be permitted the use of waters to which they are rightfully entitled.
>
> "All of the assurances in the world concerning the validity of compact allocations to Wyoming will be rendered ineffective if there is not sufficient water to meet these commitments.
>
> "(Therefore) I cannot in good conscience lend my continued support to the passage of this bill in its present form."

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret very much that I cannot support the amendment offered by the gentleman from Wyoming [Mr. HARRISON] because I am in agreement with what the gentleman is trying to do; that is, to provide assurance that in the future the upper basin States will have available 7.5 million acre-feet of water as anticipated by the Colorado River compact and the Upper Colorado River Basin compact.

The amendment provides for a feasibility study and report on a plan for augmenting the river by 4 million acre-feet instead of 2.5 million acre-feet. As the gentleman knows, the cost of additional water made available by augmentation must be repaid. Until the upper basin States, and particularly Wyoming, are further along with development of the water already apportioned to them, I do not believe we are ready to ask for a feasibility study covering an additional 1.5 million acre-feet. I would point out that subsection (a) of section 201 provides authority for reconnaissance investigations and report covering the matter involved in this amendment. I would also point out, in the event that it has been overlooked by my friend from Wyoming, that if 2.5 million acre-feet annually, or even 1.7 or 1.8 million acre-feet—the amount to take care of the Mexican Water Treaty—is made available in the lower basin, that this will have the effect of making available to the upper basin States an additional 750,000 acre-feet annually.

In addition, there are flaws in the language of the amendment. As written, the study would provide for the entire 4 million acre-feet being available below Lee Ferry. Also, even with 4 million acre-feet of new water available, we cannot assure the deliveries of water provided for in the amendment.

Mr. Chairman, I regret very much that Wyoming has not been able to give its support to this legislation because I believe its rights are fully protected and that it will receive extensive benefits from the enactment of H.R. 3300.

I shall have more to say on this subject in a few minutes when another amendment is proposed. The only difficulty at the present time that we have in the upper basin—and this is true in Colorado, it is true in Wyoming, and it is true in Utah—that we do not have planning reports ready that have gone through the reconnaissance survey, and feasibility survey procedures, and available here for the consideration of this committee at this time. That is our difficulty.

Wyoming does not have any. I understand their position. No one in Congress during the last 20 years has worked harder for the welfare of the State of Wyoming than I have. I am just sorry that I cannot go along with the amendment.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, reluctantly I go along with the gentleman from Colorado in his reluctant opposition to the amendment for the reasons he has stated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. HARRISON].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SAYLOR: On Page 55, line 12: After "(4)", strike out "Hooker Dam", and insert "Conner Dam".

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes in support of his amendment.

Mr. SAYLOR. Mr. Chairman, one of the matters of controversy in this legislation involves the site of a dam to store the waters given to the State of New Mexico in this bill. If there is augmentation in the first instance, the State of New Mexico is entitled to 18,000 acre-feet. If there is further augmentation in the river, then they are entitled to an additional 30,000 acre-feet.

Mr. Chairman, construction at the Hooker site of a dam high enough to store the amount of water allocated in this bill to New Mexico would result in the backing of slack reservoir water across land within the Gila primitive area, which is subject to review for future inclusion in the national wilderness preservation system, and through the Gila Gorge some 9 miles within the Gila wilderness area.

The Gila wilderness area is one of 54 units of the national wilderness preservation system established by the Congress just 4 years ago, by means of the Wilderness Act—Public Law 88–577—"to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Through the leadership of the late Aldo Leopold, it also was the first wilderness established by the Forest Service in the United States in 1924. It should not be degraded by a man-made, unnatural intrusion as a result of this legislation.

If the Forest Service is going to be able to fully protect the Gila wilderness from nonconforming uses and developments, the bill should be amended to eliminate all references to the Hooker site. An alternative damsite downstream, the Conner site, should be substituted for the Hooker site in the bill to avoid this direct threat to the wilderness area. The phrase, "Conner Dam or suitable alternative," would be preferable to the present language. Many members of the full committee favored this language over the present language of H.R. 300, which, as a minimum, must be interpreted by the Secretary of the Interior as a clear mandate to find an alternative to the Hooker site.

During the committee's consideration of this portion of the bill, it became obvious that adequate, up-to-date technical studies of the Hooker project, and the most feasible alternatives based on the provisions of the current legislation, were lacking. Because the Wilderness Act requires a determination that a water-development project within a wilderness will better serve the interests of the United States than will its denial, and because the necessary study had not been made that would have furnished the facts on which the committee could have made a decision, the committee amended the bill to require such a study—the "Hooker Dam or suitable alternative" language. This amendment—while it does not go as far toward eliminating Hooker Dam as is needed—intends that the Secretary of the Interior shall study the project, taking into account at least the following.

First. The uses to which the water would be put and the benefits that would accrue to the people of the United States; second, comparative advantages of different methods of providing the water, such as, but not restricted to, reservoir storage at various sites, purification of brackish water, and pumping from underground sources; third, means for protecting existing water rights; fourth, damage to the natural environment, wildlife, and scenic resources, particularly those public lands within the wilderness area and primitive area; and fifth, the construction, maintenance, and other costs of dams at the Hooker site, Conner site, and other suitable sites, or other alternative water supply methods.

I would also like to point out that other wilderness areas will be in great jeopardy if a reservoir and associated developments are permitted in this unit of the national wilderness preservation system. I understand that, in Montana, the Bureau of Reclamation has plans to flood out part of the Bob Marshall wilderness area by a dam on the Sun River. Also in Montana, the proposed Glacier View Dam would flood irreplacable wilderness lands in Glacier National Park. Plans exist to construct water-development projects that would invade the Flat Tops wilderness in Colorado, the High Uintas in Utah, and primitive areas in Idaho. The Hooker Dam proposal is a test case. I believe it marks a crisis in the history of wilderness preservation in the United States. An alternative to Hooker Dam can and must be found.

An excellent summary of the potential impact of Hooker Dam on the Gila wilderness, and of the advantages of the alternative Conner site, was published recently by the Wilderness Society, a respected national conservation organization, which with other national conservation groups strongly opposes the authorization of this dam. I quote part of its report:

> The Hooker project would destroy extraordinarily scenic wilderness lands and miles of wilderness river, eliminate significant fisheries and wildlife habitat, and obstruct access to the wilderness by foot and horseback.
>
> The Gila River Canyon in the Hooker Reservoir area is steep and narrow, strictly limiting use of the reservoir for recreational purposes. Precipitous, rocky terrain would make a recreation access road to the reservoir very expensive to build. Few locations on the steep slopes around the reservoir would allow adequate campground, parking, or boat-launching facilities. An alternate dam site downstream—the Conner site—would provide additional recreational facilities without destroying wilderness values.

In summary, I believe the Congress should accept the judgment it made in 1964 when it placed the Gila wilderness in the wilderness system, and should not now authorize a reservoir project which will invade the Nation's first wilderness and set a pattern for other invasions of the National Wilderness Preservation System in the future.

This amendment provides the alternative damsite, which is Conner Dam and Reservoir, which, in turn, will both provide New Mexico with its water and preserve the integrity of the National Wilderness Preservation System.

Mr. Chairman, I urge and move the adoption of this amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I want to make sure I understand what is at stake here, because there has been some public discussion, and the Members have had some communication on this subject. The bill, as passed by the Senate, a similar bill, contained a flat unqualified authorization for construction of Hooker Dam which would have caused some invasion of the wilderness area.

Mr. SAYLOR. That is correct.

Mr. UDALL. In the House committee, I offered an amendment which changed that flat authorization—and the amendment was adopted—to an authorization for Hooker Dam "or a suitable alternative." The committee report directs the Secretary to study this again, to take the outdated studies and bring them up to date, and find out whether or not there is an alternative for Hooker Dam. Is this correct?

Mr. SAYLOR. That is correct.

Mr. UDALL. Is it not the gentleman's understanding that the good people who represent New Mexico in this Congress are willing that such a study be made, and they do not want to invade the wilderness area unless it is absolutely necessary?

Mr. SAYLOR. That is correct. Both the distinguished gentlemen from New Mexico who serve in the House have so assured me, and I understand the same assurance has been given the people of New Mexico by the senior Senator from that State.

Mr. UDALL. So the pending bill as now written will make sure there is a further study and leaves final resolution further down the line?

Mr. SAYLOR. That is correct.

Mr. UDALL. The only difference in the gentleman's amendment, as I understand it—and he also wants a study and wants a decision at a later time and he wants the Secretary to look at all the alternatives and bring the estimates in—is the gentleman suggests that the language read "Connor Dam" or suitable alternative so the the emphasis is pointed there rather than at Hooker Dam as these studies begin. Is this exactly it?

Mr. SAYLOR. This is exactly just what this amendment does.

Mr. UDALL. It seems to me we are not really arguing about anything of any great substance, that either the language the committee put in the bill or the language of the amendment will do essentially the same thing.

Mr. SAYLOR. It may come out to the same end. I just hope this amendment will be adopted, so the Secretaries will not think they are directed to look at Hooker.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. SAYLOR was allowed to proceed for 2 additional minutes.)

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I join with the gentleman in his statement and feeling, and also the assurance of the gentleman from Arizona [Mr. UDALL] that this committee, from which the bill came, and this House itself is serious in every sense of the word, absolutely and completely that the investigation will be made so that, when whatever is built in New Mexico, it is built wherever it can be built with the very least detriment to any of the scenic opportunities of that State.

I commend the gentleman for pointing this out. I would like to get it on the RECORD in triple clarity that the Department of the Interior, when it makes this study, is to make a most serious evaluation and a most serious attempt to get this installation away from that portion of the Hooker site to which the conservationists object.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if I could have the attention of the gentleman from Pennsylvania, I would like to raise one more point of clarification and make legislative history in the event the amendment of the gentleman is adopted.

The committee took the view—and it was the intention of the committee and it is so indicated in the report—that if the studies are carried out, under the language now in the bill, Connor Dam might well be the alternative for Hooker Dam. Does the gentleman intend in his amendment that if no other site can be found, if there is no other feasible way to do it, under language of his amendment conceivably Hooker Dam could be an alternative for Connor Dam?

Mr. SAYLOR. This is correct.

Mr. UDALL. I thank the gentleman.

Mr. SAYLOR. I would hope this would not occur, but it is perfectly within the realm of possibility.

Mr. UDALL. Then, if the members of the Committee please, I suggest again we are not really arguing over any matter of great substance. In either event there will be a study. There will be a final look at this. There will be an opportunity, when appropriations are sought, to review this matter once again, regardless of the decision which is made.

So I would prefer and I would suggest that in this situation we stay with the committee and we stay with the people of New Mexico.

I want to commend their leaders in this House and in the other body for the attitude they have taken on this matter. There has been a lot of national publicity about this. But New Mexico has said, "We do not want to invade the wilderness. We hope there is an alternative. We hope that another way can be found to do this job."

In this situation, where there is no real distinction between the effect of the amendment and the language of the bill, I hope this committee will stay with New Mexico. We do not have to have this argument now. We can settle it later, down the line.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I did not want to bring this matter up, but the gentleman called our attention to the question of sticking with the committee. If the Members will look at the committee report, they will find a majority of the members of the committee objected, and signed views asking that this be changed. So if the Members want to stick with the committee they will adopt my amendment.

Mr. UDALL. The gentleman has correctly stated the number who signed the separate views. Let me say one more thing for the benefit of the Members who have been concerned about communications from conservation groups on this amendment.

Most of the Members received the other day a brochure from a Sierra Club and a letter. In that letter the Sierra Club does not ask for this amendment. I am sure they would be happy with it, but they do not ask for it. What they ask is:

> I hope you will seek assurance from the sponsors of H.R. 3300 that there will be a diligent search for a suitable alternative—one that will take full account of the values of the Gila River and the Wilderness.

The New Mexico members have given that assurance in letters to the Members of the House. The committee has given that assurance. I give that assurance. The gentleman from California gives that assurance.

I would hope, under the circumstances, the members of this Committee would stay with the Committee on Interior and

Insular Affairs in the way we wrote the bill as it finally came to the floor, regardless of the matter pointed out by the gentleman from Pennsylvania.

Mr. REINECKE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. REINECKE. I, too, want to make it clear that it was our intention there would be a full and fair and clear study of the situation.

Whether the wording results in either Hooker or Conner at this point I do not believe is too material, other than the fact that there should be a full and fair and thorough study.

I might also comment, it is refreshing to find that here is one question on which we can agree, that there should be studies, without opposition.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. This whole matter will go to conference, anyhow. It may come out without either name, is that true?

Mr. UDALL. That is entirely possible. I suspect one of the Senators from New Mexico will have something to say in that conference.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, there was some colloquy here about sticking with the committee. I do not know which side is which; all I hope is that the Members of this great body will stick with JOHNNY WALKER. It is important to the people of New Mexico.

Above all, it is important that we get at the truth of this matter.

I know that if my dear friend from Pennsylvania could actually see the site where we propose to build this dam he would agree with me, as far as the wilderness is concerned.

I have seen it. As a matter of fact, I have lived in that very county.

Some people say this is a wonderful habitat we are getting ready to spoil. I have seen pictures in the past few days of beautiful greenery. I can assure the Members that I can take a color camera and go almost any place, and and bring back beautiful pictures.

We are proud of our beautiful New Mexico scenery. But this area which would be inundated is on the edge of 400,000 acres of beautiful scenery, which would be even more beautiful if there were enough water to allow some greenery to grow. There used to be some wild game in the area, but even the wild creatures need water to survive.

What we want, Mr. Chairman, is to see to it that we can make a game habitat out of this beautiful place these people are talking about. Unfortunately, I do not have the time today to discuss this fully. I do have some pictures here that I would like to show you to illustrate how desolate this country is. As I stated yesterday and as other conservationists have stated publicly, water is New Mexico's lifeblood. It might not mean too much to the people in San Francisco or New York who have never seen this spot and who talk so much and so long about desecrating this wonderful place and what a terrible thing it is to do that. I say to them that if they would only come and look at it, they would understand what we are trying to do. We are talking about 450 acres, or approximately that, versus 400,000 acres. It is not the heart of the wilderness and it is not going to ruin the wilderness, but it will have a very beneficial effect on the people who live down there. They have been dreaming of this, as I said yesterday, since 1916.

Now, Mr. Chairman, we are just talking about changing a name here. I want to assure everyone in this body and those people from the New York Times and the people from the Sierra Club and Mr. David Brower that we want it studied, also. That is the reason why we agreed to it. That is the reason why we have compromised. We have tried to be realistic about it. We have gone along with every suggestion that has been made to us, because we want this so badly. Now all of a sudden—and I cannot understand why, but all of a sudden—we are doing a terrible thing here and we have to change it from Hooker to Conner. Why should we do that if we are going to study it? I give you my word, if there is a better place to put this dam, whether it be called Hooker or Sierra or whatever it may be called, I want to assure you that we want it put in the best place. We do not want to go into the wilderness unless we have to.

For many years before I came to Congress, I have been a strong advocate of the wilderness bill and still am. So I am not a Johnny-come-lately as far as this wilderness matter is concerned. I am just as sincere, and perhaps more so, than a lot of these people who are writing about it, but who have never seen it.

Mr. Chairman, in closing I would like to make a couple of remarks as far as the Forest Service is concerned in the report. The Forest Service is not opposing the Hooker site. In a letter dated October 13, 1967, to Col. Henry Zeller of the Sierra Club, Mr. William Hurst, the regional forester of the Southwest region, wrote:

> Based upon the study and findings thus far made, it is our opinion that the administrative problems created by the reservoir (Hooker) can be worked out and that the dam can be constructed and the reservoir created with only a minimum adverse impact on the wilderness and the primitive area.

(By unanimous consent, Mr. WALKER was allowed to proceed for 5 additional minutes.)

Mr. WALKER. Mr. Chairman, in New Mexico we have conservation groups. I shall quote Jon Little, president of the New Mexico Wildlife and Conservation Association, the largest and oldest conservation organization in the State of New Mexico with a membership in excess of 2,000.

Mr. Chairman, Mr. Little states as follows:

> It is poor conservation to advocate a downstream dam site. This site would waste 6,000 acre-feet of water, even more with evaporation. Conservation is the wise use of natural resources as opposed to the wasteful use. Our association has tried to be realistic. We weighed the loss of the wilderness against the benefit to the public the dam would bring. Our association is for the dam—our association is for the Hooker Dam.

Mr. Chairman, I would undertake to talk a little louder, but it is almost impossible for me to talk much louder. As the members of the Committee know, I do not come down in the well of the House very often. When I do I think I am speaking words of wisdom, at least I would hope they are, especially since they are not coming from me but are coming from a great conservationist who believes in this project.

Mr. Chairman, to continue to quote Mr. Little, I read as follows:

> The dam would flood only 450 acres of the 400,000-plus acre wilderness. The portion of the wilderness flooded would be on the periphery, not in the wilderness heart. Water in New Mexico is our life's blood.

Said Little:

> If we can get 18,000 acre-feet this means jobs, water to drink, water for industry, and recreational benefits would be most significant.

Mr. Little went on to say that other conservationists feel this dam would set a precedent. He said:

> If we believed it would endanger the wilderness system, we would have to oppose it. We do regret the small invasion of the Gila wilderness. However, the benefits provided by the Hooker Project far outweigh this invasion. We believe that advocating the downstream Connor site as an alternative to advocating flooding one-tenth of 1 percent of the Gila wilderness is poor conservation. We believe that conservation is the wisest possible use of our natural resources. Therefore, we have tried to exercise responsible conservation by recognizing the benefits of the Hooker Project over the unfortunate, but minute, inundation of wilderness.

So, Mr. Chairman, one can see that we in New Mexico also have our conservationists.

I want to say to my good friend, the gentleman from Pennsylvania [Mr. SAYLOR], and my other dear friends on the floor of the House today that we too are willing to study and compromise. We are trying to be realistic. We are for this study to be undertaken whenever and wherever the Secretary of the Interior—whomever he may be—chooses to do so. Whatever decision he makes we shall follow. If it is his determination Hooker is the best place, that is what we want. But I ask you to defeat this amendment because it is not only undesirable, but unnecessary. The committee language, as written, assures that all potential sites will be considered. The amendment would delete from consideration the Hooker site. If it is found that some other site would be better, then I will be for it.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is, of course, with no wisdom that anyone says we can violate a rule without creating a precedent.

Of course, the invasion of the wilderness area will create a precedent—there cannot be any argument about that.

The discussion we have had seems to circumvent the point which is really at issue. It is obvious that most people believe the Hooker site is the site where the dam should be built, and where it undoubtedly will be built, but we are here arguing about some verbiage, or about the name of a dam. And I am somewhat amazed by all of this argument in view of the fact that there is another great conservationist from that great State of New Mexico, who only a few years ago argued and pleaded with the Members of both Houses of the Congress to create a 65-million-acre wilderness system which would be inviolate to any kind of activity of any sort which might alter its character. The same conservationist who waged that fight at that time is now the first one to come in and create a precedent in undoing the Wilderness Act.

Mr. Chairman, if this matter is of no great significance we might as well go along with the amendment of the gentleman from Pennsylvania, and at least give some emphasis to trying to protect the wilderness system. If those studies then show, after proper emphasis, that the Hooker site is the proper site where a dam should be built, the fight will have been fought and the battle will have been lost by those who wanted to preserve the wilderness, but nothing will be lost for the project which we are debating today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Saylor].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SAYLOR. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Saylor and Mr. Udall.

The Committee divided, and the tellers reported that there were—ayes 45, noes 89.

So the amendment was rejected.

Mr. ULLMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to take this time to direct some questions to the very able chairman of the committee, the gentleman from Colorado [Mr. Aspinall].

First, I would like to say the gentleman has acted with his usual fairness and impartiality in dealing with the amendments that have been proposed today. I very much commend him for the position he took with respect to the amendment that was proposed by the gentleman from Pennsylvania which carried, and further by his strong stand in opposition to the amendment by the gentleman from Wyoming.

Mr. Chairman, I would like to ask, referring now to sections (b) and (c) of section 201, title II, this question with respect to the expenditures of moneys authorized in this bill.

In section (c) it says:

> The Secretary shall prepare a feasibility report on a plan which shows the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet annually.

It is my understanding that no moneys shall be expended for any study beyond the 2½ million acre-feet. Is that right, Mr. Chairman?

Mr. ASPINALL. The position taken by the gentleman is correct; 2½ million acre-feet is the maximum.

Mr. ULLMAN. That is the maximum that they can study. Does that limitation also refer to the reconnaissance study that is being authorized in section (b)?

Mr. ASPINALL. With this particular project, that does.

But I would advise my colleague that this does not prohibit the Secretary in his general authority to make reconnaissance surveys as he is making in my colleague's State and as he is making in my State at the present time after he has received authorization for appropriation and the moneys through the general appropriations process.

Mr. ULLMAN. What I am specifically referring to is this: He will come back before the committee of the Congress and make the report as he is directed to do and the first report will be a reconnaissance reports?

Mr. ASPINALL. The gentleman is correct.

Mr. ULLMAN. When he makes that report, is it within his scope to come back and say, "It is not feasible in our judgment to import water from the Columbia River in the amount of 2½ million acre-feet, but in our studies we have determined that it would be feasible to make such importation at the figure of, say 6 million acre-feet."

Mr. ASPINALL. Not under this feasibility report. He would have to get another authority from the Congress and from the executive department.

Mr. ULLMAN. I thank the gentleman very much. Then the language of this bill is quite clear in that it authorizes the expenditure of funds only for studies limited to 2½ million acre-feet?

Mr. ASPINALL. The gentleman is correct.

Mr. ULLMAN. I thank the gentleman from Colorado.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Saylor: On page 78, line 10: Strike all of section 501, and insert in lieu thereof a new section 501 to read as follows:

"Sec. 501. (a) In order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico and the Dolores Federal reclamation project, Colorado, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), and to provide for the completion of planning reports on other participating projects, subsection (2) of section 1 of said Act is hereby further amended by deleting the words "Pine River extension", and inserting in lieu thereof the words "Animas-La Plata, Dolores". Section 2 of said Act is hereby further amended by deleting the words "Parshall, Troublesome, Rabbit Ear, Tomichi Creek, East River, Ohio Creek, Dolores, Fruit Growers Extension, Animas-La Plata" and inserting after the words "Yellow Jacket" the words "Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomicki Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units)", and by inserting after the word "Sublette" the words "(including the Kendall Reservoir on Green River and a diversion of water from the Green River to the North Platte River Basin in Wyoming), Uintah unit and Ute Indian unit of the Central Utah, San Juan County (Utah), Price River, Grand County (Utah), Ute Indian unit extension of the Central Utah, Gray Canyon, and Juniper (Utah)". The amount which section 12 of said Act authorizes to be appropriated is hereby further increased by the sum of $170,000,000 plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for the construction of the projects herein authorized.

"(b) The Animas-La Plata Federal reclamation project shall be constructed and operated in substantial accordance with the engineering plans set out in the report of the Secretary transmitted to the Congress on May 4, 1966, and printed as House Document 436, Eighty-ninth Congress: *Provided*, That the project construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

"'ANIMAS-LA PLATA PROJECT COMPACT

"'The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Federal Reclamation Project, Colorado-New Mexico, a proposed participating project under the Colorado River Storage Project Act (70 Stat. 105), and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and have agreed upon the following articles:

"'Article I

"'A. The right to store and divert water in Colorado and New Mexico from the La Plata and Animas River systems, including return flow to the La Plata River from Animas River diversions, for uses in New Mexico under the Animas-La Plata Federal Reclamation Project shall be valid and of equal priority with those rights granted by decree of the Colorado state courts for the uses of water in Colorado for that project, providing such uses in New Mexico are within the allocation of water made to that state by articles III and XIV of the Upper Colorado River Basin Compact (63 Stat. 31).

"'B. The restrictions of the last sentence of Section (a) of Article IX of the Upper Colorado River Basin Compact shall not be construed to vitiate paragraph A of this article.

"Article II

"'This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States.'

"(c) The Secretary shall, for the Animas-La Plata, Dolores, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

"(d) The words 'any western slope appropriations' contained in paragraph (i) of that section of Senate Document Numbered 80, Seventy-fifth Congress, first session, entitled "Manner of Operation of Project Facilities and Auxiliary Features", shall mean and refer to the appropriation heretofore made for the storage of water in Green Mountain Reservoir, a unit of the Colorado-Big Thompson Federal reclamation project, Colorado; and the Secretary is directed to act in accordance with such meaning and reference. It is the sense of Congress that this directive defines and observes the purpose of said paragraph (i), and does not in any way affect or

> alter any rights or obligations arising under Senate Document Numbered 80 or under the laws of the State of Colorado."

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that the amendment be printed in the RECORD, and that I be permitted to explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Chairman, the amendment which I have offered is one which I am sure will not be adopted, but I have offered it for the purpose of establishing a record.

The amendment would authorize only two projects in Colorado. They are the two projects which have been approved and on which favorable reports have been received. It would delete from the bill the three projects in Colorado on which final reports have not been submitted to our committee.

This is the first time, I believe, in the history of the Congress that we have ever authorized legislation for projects before favorable reports had been received from the Department. I would hope that the amendment would be adopted. It would have some startling effects. It might save, in times like these, at least the authorization of about $150 million, and it would be, I believe, at this time a good amendment to adopt.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to my chairman of the committee, if he cares to comment.

Mr. ASPINALL. Mr. Chairman, first, if I started to reply completely to the gentleman, I could talk for a long time on this particular matter, but I do not intend to do so. The gentleman from Pennsylvania opposed the Colorado River project, which was authorized in the 84th Congress. But, as soon as the measure was passed, and ever since then, he has been doing everything he can in order to make it a good project. I wish to congratulate him because he has been very cooperative and very constructive.

However, on this particular matter the gentleman is not entirely correct. I know he does not wish to mislead us. The letter from the Bureau of the Budget reads as follows:

> In summary, for the reasons expressed above, the Bureau of the Budget would favor deferral of at least the West Divide, San Miguel, and Dallas Creek projects at this time, pending the establishment of the National Water Commission and completion of its review of related water problems.

Of course, I take exception to that because these projects have already been considered. They already have planning reports. The gentleman was mistaken in the statement that we do not have planning reports. We do have them. We have a favorable position so far as the Department of the Interior is concerned, and we have favorable benefit-to-cost ratios in accordance with the formula currently used.

The letter from the Bureau of the Budget proceeds further to state:

> We believe that this course of action will permit water developments needed at this time in the Colorado Basin to proceed, but at the same time provide a basis for thorough consideration of the fundamental issues involved and a recommended program that will be in the best interest of the people of the Upper and Lower Colorado Basin, as well as the Nation as a whole.

Let me suggest to my colleague very briefly—and I shall get the gentleman more time if he needs it—Colorado furnishes over 70 percent of all the water in the Colorado River Basin. Under the provisions of the Colorado River Compact, the first 1½ million acre-feet, or thereabouts, goes to Old Mexico. The next 7½ million acre-feet goes to the lower basin.

The next 7½ milion acre-feet is supposed to go to the upper basin. There has never been this much water on an annual average in the basin since 1922. So what the upper basin stands to get at the present time, without augmentation, is probably 6 million acre-feet.

Let me give some other facts. The upper basin compact, of course, provides that 51.75 percent of the entitlement of the upper basin should go to Colorado, and 11.25 percent should go to New Mexico, and 23 percent should go to Utah, and 14 percent should go to Wyoming, and Arizona will have a guarantee of 50,000 acre-feet out of that entitlement of 7½ million acre-feet.

In accordance with the provisions of the Colorado River Storage Act, Colorado is entitled to 46 percent, New Mexico to 17 percent, Utah to 21.5 percent, and Wyoming to 15.5 percent.

Colorado's share of the present flowage of the river since 1922, based on an annual figure, is approximately 3.1 million acre-feet of water.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent (at the request of Mr. ASPINALL) Mr. SAYLOR was allowed to proceed for an additional 5 minutes.)

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, Colorado was using approximately 1.8 million acre-feet of water in 1956. That leaves approximately these 1.3 million acre-feet of water for Colorado's future use. Colorado's authorization in the Colorado storage project for water use was only 38,000 acre-feet of water. We stood on the provisions of the act and did not complain. But we went to work immediately after that and we have spent Colorado State money and also conservancy district's money of about $6 million since 1956 in order to get our project studies and investigations underway. Most of this money has gone into Bureau of Reclamation's control. So what we have left at the present time for future projects is approximately 818,000 acre-feet. This project, the Colorado projects in this bill, will take approximately 378,000 acre-feet, which will then leave Colorado about 440,000 acre-feet for future development.

As I tried to explain, when my good friend from Wyoming was in the well, we just do not authorize projects—we do not study them in the Committee on Interior and Insular Affairs—and the gentleman from Pennsylvania is responsible for this procedure as well as the rest of us—until we do have planning reports before us. We do have planning reports for these five projects. We do have the OK from the Department of the Interior.

It is true that the Bureau of the Budget endeavored to kick out the three projects, but this was their way of, I suppose, trying to say we are going too fast. We are not going too fast. With these projects we will not be using one-half of the water which is left for Colorado to develop.

Mr. SAYLOR. Mr. Chairman, I direct this question to the chairman of the full committee: Can the gentleman give us any schedule or program as to when these three projects might be built?

Mr. ASPINALL. I shall give the general program, as I said yesterday. Construction will not start, in accordance with what I said and what I hope is the prevailing feeling in the Congress, until after this war emergency is over. Then it would mean that two or three of the projects would immediately receive some kind of study and some kind of investigation, leading to the final designs, as my colleague understands. Two of these projects will depend upon future determinations.

May I say to my colleagues, we had five projects authorized in Colorado in Public Law 485. One of those projects was later on found to be infeasible with the final study. This might happen to some of these projects, but this makes the record that the State of Colorado is entitled to proceed with its entitlement, just like any other State in the basin, and they are prepared to do it.

Certain of these projects depend on sale of municipal water. No other projects can start, in the way we are now operating in the Bureau of Reclamation programs, until the execution of contracts calling for repayment. My colleague understands that as well as I do.

Mr. SAYLOR. Is what the chairman of the full committee is telling us then is that even though there are five projects authorized for Colorado, there is a likelihood that at least two of these projects may never proceed?

Mr. ASPINALL. I would not put it like that. I would say that this then would leave it up to Colorado to make a later determination whether other projects are more feasible and more desirable. These projects are all good, but they have to be paid out in accordance with reclamation project procedures. If the users are not there to pay them out, they will have to be delayed accordingly.

Of course, I oppose the amendment offered by my friend from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The amendment was rejected.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take 5 minutes, and I appreciate the committee's indulgence.

First I should like to commend the chairman of this great committee for bringing this legislation to the floor and to the Committee of the Whole.

I know of no work in the Congress

which inures more strongly to the benefit of generations of Americans yet to be born and to live under this Government than the work being done by this committee, and this important matter of water.

I certainly look forward to this Congress acting affirmatively on the suggestions of the committee.

I would be remiss if I did not bring to the consideration of this committee an augmentation of the problem of water with regard to another facet of this very important field and its place in the life of the total people of America.

In the past we know, and in the present we live, the fact that people do not go to the place where the water is. Rather, the economic and social forces determine where people will be collected, and there we must bring the water. We have learned this.

In the West more than any other place we have had this history, and we have been able to meet the challenge of bringing the water to the people. The wise policies of this Nation generated in no small respect by this great committee has been, to husband the waters we have available, to distribute them and to use them, where they will best serve the interests of our Nation and of its people.

But to conserve well and to use wisely the water now available on the continent is not enough. We have to develop new waters. Therefore, desalinization of sea water is most important. It should not be in place of but should go along with the husbanding of and the distribution of and the use of fresh waters, to add to these the waters we can reclaim from the oceans.

So long as 75 to 80 percent of our people are within 50 miles of the ocean fronts, good sense dictates we ought to move with the momentum which is now available to us in utilizing atomic energy to recapture fresh waters from the oceans.

I hope that this Congress will not be derelict in moving along in this parallel path of developing new sources of water.

This Congress has favorably acted on a proposal for a desalinization plant at Bolsa Island, off the coast of Orange County. That project at the present time does have some problems financially. I hope the Congress will pick up this matter, and not allow it to be slipped into the past or to become dormant, or to lose the momentum in this particular part of our program. I hope Congress will support it and encourage it. I certainly hope that the committee will keep it in mind as a part of the total water future of America.

I commend the committee for what has been done, and I certainly hope they will also go forward with a great program in desalinization.

I thank the committee.

Mr. EVERETT. Mr. Chairman, in studying the committee report on H.R. 3300, I am impressed by the high percentage of the central Arizona project's costs that will be repaid to the Federal Government by its beneficiaries.

Over the 50-year repayment period, $671 million of the $779 million cost will be returned to the public treasury. The nonreturnable costs, only 14 percent of the total, are credited to general public values such as recreation, flood control, fish and wildlife, water salvage, and wildlife refuges.

We spend billions of dollars every year for which we expect no direct or measurable return at all, so I am glad to support this bill as basically an investment proposal.

I am informed that the annual benefits of the central Arizona project alone will be $82,537,000.

The central part of Arizona enjoys a year-round growing season where melons, lettuce, and other garden vegetables are produced in the wintertime. Let me call your attention to the fact that last year the United States imported $65 million worth of such produce. So this Arizona project can be a factor in improving our Nation's presently unfavorable balance of payments in world trade. Whatever we can grow here at home we would not have to buy from foreign nations.

While our business today is H.R. 3300, I would like to take just a moment to mention the value of the reclamation program in general and to praise the work of the Interior and Insular Affairs Committee. In 1966 irrigated reclamation lands produced an estimated $1.7 billion worth of crops; reclamation projects provided 40.5 billion kilowatts of electricity which returned almost $124 million to the Federal Treasury; and reclamation reservoirs supplied 589 billions of gallons of water for municipal and industrial use by 13.2 million people.

It seems to me that reclamation projects are among the rather few things on which we spend money that actually produce wealth—increase our gross national product—rather than consume wealth with no direct returns.

And if we could measure the amount of taxes collected and traceable to the resources made available by such projects, the story would be even more impressively favorable.

I am glad to lend my support to H.R. 3300 as an essential and sound investment in American resource development.

Mr. JOELSON. Mr. Chairman, although I do not question the ultimate desirability of this Colorado River project, I do very strongly question the wisdom of our being asked to consider it at this time of fiscal crisis. At the very moment of clamor for billions of dollars of cuts in Federal spending, we are now presented with a package bearing a price tag of more than a billion dollars.

It is true that this is merely an authorization bill, not an appropriation bill. However, history should teach us that authorized spending has a way of becoming actual spending before long.

We need a sensible concept of priorities, and I think that we have more urgent and pressing needs confronting us. For this reason, I must conclude that I cannot support the pending legislation at this time.

Mr. COHELAN. Mr. Chairman, I join with the other members of the California delegation in support of H.R. 3300, the Colorado River Basin Act.

The bill represents a finely balanced regional compromise over the division of existing but grossly inadequate water resources.

It is my hope, however, that every possible step will be taken to assure that a suitable alternative to the Hooker Dam, mentioned in the committee's bill, can be found.

Just 4 years ago, the Congress established the national wilderness preservation system "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

The Gila Wilderness Area, which was the first wilderness established by the Forest Service in the United States in 1924, is already a part of the national wilderness preservation system established by that act. The Gila Primitive Area is subject to review for future inclusion in the system.

The Gila's gentle wilderness is extraordinarily beautiful. Significant parts of it would be destroyed if the Hooker Dam were built.

A majority of the committee recognized the need to find a suitable alternative to the Hooker Dam, and I note the strong separate views they filed on this matter in the committee's report on the bill.

I think our decision 4 years ago to establish a wilderness system was sound. I think every effort should be made to continue the preservation of these wilderness areas.

I support the bill today on the basis that a diligent effort will be made to save the Gila wilderness.

Mr. MONAGAN. Mr. Chairman, I oppose H.R. 3300.

Although I realize that this bill is now to some degree a pious declaration of intent, nevertheless, I believe that I should express my reservations.

I describe this legislation as I have because its complicated provisions radically limit possible expenditures in the next few years, especially when one contemplates the political and physical changes that may take place in that time.

It is my judgment, therefore, that even though we are not appropriating funds or even authorizing immediately expendable appropriations, we should not in this time when expenditures on programs of defense and social welfare are threatened give a go-ahead signal to projects of the magnitude and vagueness of those proposed in this bill which involve the ultimate expenditure of $1.28 billion.

Mr. SCHWENGEL. Mr. Chairman, as most of my colleagues are aware, I consider myself a conservationist in the truest sense of the word. I believe that our Nation can and should conserve our natural resources by the elimination of losses to the fullest practicable extent. I refer to all of our natural resources, but at this time I am addressing myself to the water resources. I note with satisfaction that H.R. 3300 provides for immediate and meaningful steps to conserve these water resources and further provides for investigation and implementation of further water conservation measures.

More specially the central Arizona

project is in itself a conservation measure because as the hydrologic figures of the Department of the Interior clearly indicate, in the absence of a central Arizona project, there will be periodic spills to the Gulf of California for many years in the future. Water flowing to the gulf is an irrecoverable loss. The existence of a ditch diverting from Lake Havasu would permit the capture and utilization of such spills to the extent of the capacity of the aqueduct.

Mr. Chairman, it is important to point out that section 3300 gives the Secretary authority to undertake programs for water salvage along and adjacent to the mainstream of the Colorado River and for ground-water recovery. Such programs must be consistent with the maintenance of a reasonable degree of undisturbed habitat for fish and wildlife, as determined by the Secretary. The water salvage program consists of ground-water recovery in the Yuma Arizona area and eradication and control of phreatophytes presently covering 42,000 acres of land near the Colorado River which consume thousands of acre-feet of water each year. It is estimated that the total salvage program, when combined with the channelization of the river which is now in progress will salvage approximately 680,000 acre-feet of water each year. Not all of these measures are dependent upon passage of H.R. 3300, but it is estimated that the water salvage measures expressly provided in H.R. 3300 will conserve 320,000 acre-feet annually in the Lower Colorado River Basin along the main stem of the river. As indicated on page 64 of the committee report on this bill, $42,450,000 for water salvage and recovery has been included in the cost estimates for the central Arizona project.

In addition to the direct salvage provisions of section 306, the bill requires in section 304(c) that each contract under which water is provided under the central Arizona project shall require that the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate, in his judgment, to prevent excessive conveyance losses.

As indicated on page 64 of the committee report, a total of $30 million has been included in the cost of the central Arizona project for the construction of distribution and drainage systems. Section 309(b) authorizes appropriations of an additional $100,000 for construction of distribution and drainage facilities.

Within the central Arizona project area itself provision is made for the construction of four dams: Orme Dam, Buttes Dam, Charleston Dam, and Hooker Dam. In the case of Orme Dam and Buttes Dam, the flood runoff from the drainage area tributary to the Salt and Gila Rivers respectively below the last point of control on each stream will be impounded. Under present conditions, this flood runoff spills over the diversion dams and is largely wasted in the sands of the riverbeds below. In the case of Hooker and Charleston Dams, each will impound water near the headwaters of their respective streams and will thereby reduce the channel losses between the point of impoundment and the next downstream reservoir.

Perhaps the biggest potential for salvage contained within H.R. 3300 is the potential offered by the investigations and planning which would be carried forward pursuant to title II. As therein indicated, the Secretary of the Interior will, within the framework of the principles and standards established by the Water Resource Council, investigate and recommend sources and means of supplying water to meet the current and anticipated water requirements of the Colorado River Basin. The bill suggests that the Secretary consider desalination, weather modification, and other means. The current and anticipated water requirements cannot be supplied by any one means.

I rather think that the end result of the investigation by the Secretary will develop that there should be a combination of things done to provide the requisite water resource. While the act does not specifically mention watershed management, I feel that this holds a tremendous potential which becomes more apparent when it is recognized that in the State of Arizona alone approximately 80 million acre-feet of water falls as rain or snow but of this amount, only 2 million acre-feet is available for use. Here is a potential for conservation in its truest sense.

If we can develop methods to decrease the waters lost by transpiration and evaporation from nonbeneficial plants and land areas by 1 percent of the total precipitation on the State, we will have saved 800,000 acre-feet of water. Desalination is, of course, water conservation in its truest sense as is weather modification, both of which are clearly set forth in the bill.

Recharging of ground-water reservoirs through the control of localized surface runoffs and injection of such water into the ground water is a conservation measure which is being extensively investigated in Arizona and will no doubt be another of the many potentials which the Secretary will look into in pursuance of the instructions set forth in H.R. 3300.

This is not to say that these are the only potentials, for we know there are others. I think that we must recognize that the water problems of the Colorado River Basin must and will be solved and that we must take a giant step in that direction by the passage of H.R. 3300. These are powerful arguments for this bill and justify its favorable consideration.

Mr. Chairman, while I feel the foregoing arguments justify support on my part, there are several other matters that need consideration as I seek to represent the people of the First District of Iowa. First, I would like to point out that I recognize there are water problems in the Southwest which do need our sympathetic consideration and fortunately this bill seeks to solve this critical water problem. Another important point, until now two important States were fighting over water rights and now they have come to some agreements that will satisfy them before they solve the other problems.

Mr. Chairman, this bill, H.R. 3300, interests me for a number of reasons and it does several things that promote the interests of conservation. There are water problems in the Southwest which do need attention and this bill seeks to solve them.

But before giving my support to the legislation I want to be sure of several important aspects of the problem.

First of all I want to know if approved, what will be the effect of H.R. 3300 on the budget in the immediate future? And will the central Arizona project put more farmland into crop production with the farmers of Iowa.

The bill as we all know does not appropriate any funds for construction. It merely authorizes various projects of the entire program at this time. This means that when budgetary conditions normalize and when it will become necessary to adjust from a wartime to peacetime economy, construction on these projects can get underway and then funds for construction will be spread out over 10 years when it will become possible to begin building.

One other reassuring feature of H.R. 3300 is that the Secretary of the Interior is directed to require that lands be irrigated must have a recent history of irrigation. The legislation will not expand farm acreage. This no-farm expansion provision makes good sense to me and to the farmers of Iowa.

Some day we may need more farm crops, but at the present time we have plenty and the central Arizona project is not going to increase present day surplus problems when it is built.

Some may say why action now? This is simple. Agreement has finally been reached by the parties most directly concerned. The road leading to this agreement has been long and hard. State and local officials, residents of the area and conservationists have reached an accord. As one who is vitally interested in conservation, I was particularly concerned about the implications of this bill for this area. I am pleased that most of the objections conservationists voiced in regard to this legislation have been substantially overcome.

With this assurance and other assurances we have from others, I feel this legislation is in good shape and I propose to vote for it.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, yesterday during general debate I announced that I would offer a substitute amendment. In view of the fact that the chairman of the full committee and the Committee of the Whole House on the State of the Union adopted the first amendment which I offered, which would delay to a future time and a future Congress the provisions of section 202 of the bill on the Mexican Water Treaty, until a report has been made by the Secretary of the Interior that an augmentation plan to import 2½ million acre-feet of water is feasible, and is then authorized by the Congress. I will not offer my substitute amendment.

Mr. JOHNSON of California. Mr.

Chairman, I move to strike the last word.

Mr. Chairman, I take this time to commend the chairman of our full committee, the gentleman from Colorado [Mr. ASPINALL], for the way in which he has handled this particular matter ever since I have been in the Congress, especially during the present session of the 90th Congress. I also want to commend the ranking minority members both of the full committee and the subcommittee for their work in connection with bringing this matter to the floor of the House and the courteous way in which we have all been treated while this matter has been under debate and now during the reading of the bill.

I think this is a very important piece of legislation to all of the basin States. I hope the Congress, when we get back into the House, will adopt this, because we can then say that the Colorado River Basin bill has been adopted by the House of Representatives.

Mr. McCLURE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to explain what I intend to do when we return to the House in the way of a motion to recommit. This motion will contain three items directed to two specific points within the bill. One is the question which has been discussed repeatedly during the debate; that is, the difference between a feasibility study and a reconnaissance report. It is our strong feeling that the reconnaissance report is all that should be directed at this time in conformance with the established procedures that have been followed by the committee in recent years and by this House in recent years and recommended by the Bureau of the Budget in the last 2 or 3 years.

The second point goes to the assumption of the Mexican Water Treaty as a national obligation and the implementation of this treaty by providing in section 401 of the bill that the repayment of the construction of works to replace that water would be a nonreimbursable expense.

These two items would fully transfer to the shoulders of the taxpayers of this country the entire burden of replacing in the Colorado River Basin the 1.5 million acre-feet and, under the language of the bill, perhaps as much as 2.5 million acre-feet of water, at the expense of the taxpayers rather than the people who are being benefited by it; that is, the people in the States affected by the Colorado River Basin.

These two amendments are contained in my motion to recommit. I think these are vital to the perfection of this bill, and I think they are sound for the national interest and certainly fair to both basins—of the Colorado River and also the areas represented by my colleagues and myself in the Pacific Northwest.

Mr. HOSMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to discuss the motion to recommit in the framework of the announcement just made by the gentleman from Pennsylvania who stated that his amendment which has been accepted and which puts up to a future Congress at such time as augmentation works may be authorized, or considered for authorization, the decision of where this treaty burden should go; certainly the motion to recommit to be offered by the gentleman is not timely and is not applicable.

Therefore, Mr. Chairman, I strongly urge that the House vote it down.

Mrs. MAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to say I will support the recommittal motion as suggested by my distinguished colleague from Idaho.

As I pointed out yesterday during the general debate on H.R. 3300, title II is completely unnecessary to the authorization or construction, or success of the central Arizona project.

There is no justifiable reason why the Congress should, in this bill, agree to give up the sound practice of taking a look at the reconnaissance survey before authorizing a feasibility study on any project, especially one which would lead to construction of facilities to import to the Southwest millions of acre-feet of water from the major river basins of other regions of the Nation. At this point, no one knows where the water would come from, what the cost would be, or whether such facilities would be necessary. There is no demonstrated urgency, or any justifiable reason why we should direct the Secretary of the Interior to undertake immediate reconnaissance and feasibility studies, contrary to established procedures and law. We should first have an opportunity to know what we are being asked to buy.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to delay or extend this debate. I take this time for the purpose of asking some questions of the distinguished chairman of the full Committee on Interior and Insular Affairs for the purpose of making legislative history. However, before I do that, I wish to very briefly state my continuing concern and opposition to that section of this bill which provides for the assumption of the Mexican Water Treaty burden as a national obligation. I also object vigorously to section 401 which would make any future expenditures for construction to satisfy this obligation of 1.5 million acre-feet of water nonreimbursable.

And, Mr. Chairman, I also wish to repeat my opposition to section 201(c). I associate myself fully with the comments of the gentlewoman from Washington [Mrs. MAY].

The distinguished chairman of the Committee on Interior and Insular Affairs has assured the House that, although the bill authorizes a feasibility study, he will bring the results of a preliminary reconnaissance study to the House before the feasibility study is undertaken. That is a generous offer on his part; however, it does not remove my serious reservation concerning the policy of authorizing a feasibility study where we have not had an opportunity to judge or examine the reconnaissance report ahead of time.

The amendment of the gentleman from Pennsylvania [Mr. SAYLOR] may be of great importance, but I must confess that I am uncertain as to its meaning.

I would now like to ask the distinguished chairman of the Committee on Interior and Insular Affairs one or two questions for the purpose of making legislative history with reference to this amendment.

Mr. Chairman, the amendment to section 202, offered by the gentleman from Pennsylvania [Mr. SAYLOR] and adopted by the Committee of the Whole, would have the effect of delaying the operation of any declaration of the Mexican Water Treaty as a national obligation unless and until Congress subsequently authorizes a plan to augment the Colorado River by 2.5 million acre-feet; is that correct?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. FOLEY. Is it also true that the adoption of this amendment would preclude the operation of section 401, which provides that any costs of construction or other costs associated with the assumption of the Mexican Water Treaty shall be nonreimbursable—would this section be inoperative unless Congress subsequently authorizes an augmentation plan of 2.5 million acre-feet?

Mr. ASPINALL. May I answer my colleague from Washington in this manner, by saying that I do not see wherein he arrives at his statement.

Section 401 has nothing particularly to do with section 202, or any provision of section 202. Section 401 simply states that if, later on, there is an authorization to augment the flow of the river, then the augmentation will take place.

In addition, the provisions of section 401 indicate that part which is chargeable to the Mexican Water Treaty will be nonreimbursable, and that part which is chargeable to the users, be they irrigation, municipal or other users, will be chargeable to those users, and this must be taken into consideration in figuring the feasibility of what is proposed, as far as the augmentation of the river is concerned.

Mr. FOLEY. And that consideration of feasibility will be a judgment which will have to be made by a later Congress in its wisdom?

Mr. ASPINALL. That is correct. All these weeks and months, that is what we have been trying to arrive at, so that we would stay with the procedures that we have followed for years as far as reclamation projects are concerned, and there will be no jumping from one to the other of the studies in any order out of the right constructive approach now provided.

Mr. FOLEY. I thank the distinguished gentleman.

Mr. ASPINALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to advise my colleagues once again that this piece of legislation has been studied carefully. It is an intricate piece of legislation. One provision, one section depends upon the other. Accordingly, Mr. Chairman, I will have to resist—and I ask my colleagues to vote against the motion to recommit because without these sections there is no guarantee for peace along the river, and that is what we are trying to get more than anything else, as far as this legislation is concerned. And we have so tailored this legislation now, even to a greater extent by the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR], we have so tailored it, that there can be no logical attempt in my opinion to frustrate or to hurt or to endanger the rights of the great Northwest.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not prolong the debate very long, but I want to express on behalf of the people of my State of Oregon our deep concern. We touched on this in general debate yesterday. We understand that the feasibility study called for by this bill will embrace much more than just the possibility of obtaining water for the Southwest through diversion. We are also well aware of the fact that, prior to the time that there has been any determination whether there is really any excess of water in our section of the Nation, there will be a skewing by the way this bill deals with the Mexican Water Treaty, in the direction of feasibility for diversion versus any other possible method of obtaining water. We object as strongly as possible to the setting up of the feasibility study in this bill before the reconnaissance study has been completed, and at the same time we object to the features of this bill determining to a significant degree in advance the conclusions the feasibility study is apt to reach.

There is an unfortunate impression that seems to be present in debate on this bill today, as was true yesterday, that this is merely a quarrel between the Southwest and the Northwest sections of the Nation. In truth, this matter goes far beyond this. This is a matter of concern to the Middle West, it is a matter of concern to the Northeast, and it is a matter of concern to the Southeast, because the ultimate burden of the dollars to be paid out from the Federal Treasury, if they be determined to be nonreimbursable, will not fall upon the Pacific Northwest in disproportionate share. The burden of financing this whole project will fall upon the Northeast, it will fall upon the Middle West, and it will fall upon the other sections of this Nation in direct proportion to the amount of Federal taxes paid by the citizens in those sections of the Nation.

So, Mr. Chairman, in truth this is not just a quarrel between the river basins of the Northwest and the river basins of the Southwest; this goes far beyond that. We object very strongly to this matter of the entire predetermination relative to the nonreimbursable national obligation, so far as the Mexican Water Treaty is concerned.

We urge our colleagues to support this motion to recommit, and after having made the particular changes that the motion to recommit calls for, then to go ahead and approve the central Arizona project.

Mr. BURTON of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to associate myself with the remarks of our distinguished chairman, the gentleman from Colorado [Mr. ASPINALL] in opposition to the motion to recommit, and in support of the legislation before us.

Our subcommittee and the full committee has labored long and arduously for a number of years in the development of this legislation. This legislation represents a delicate balancing of the interests of the various basin States and the proposed motion to recommit would do serious damage to that balance.

This legislation represents not only an investment in the West but an investment in the entire Nation.

Mr. Chairman, I would urge my colleagues to vote down the motion to recommit and pass the bill as it now stands.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman.

Mr. RHODES of Arizona. Mr. Chairman, I wish to thank the Members of the Committee for the consideration they have given to this bill which is the fruition of 15 years of work in the Congress so far as I am concerned.

I want to say to my good friend from the Pacific Northwest that there is no intent on the part of anyone to take anything that belongs to you. The bill does not do that. There is ample safeguard in the bill to meet the needs of everybody concerned.

I hope the motion to recommit will not be adopted and that the bill will be passed in the form in which it now is.

The CHAIRMAN. The question is on the committee substitute amendment, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 3300) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes, pursuant to House Resolution 1162, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

For what purpose does the gentleman from Louisiana [Mr. WAGGONNER] rise?

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ASPINALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 142]

Baring
Bell
Broomfield
Cabell
Carter
Clark
Collier
Colmer
Conyers
Cowger
Culver
Dawson
Derwinski
Downing
Esch
Fraser
Frelinghuysen
Gettys
Griffin
Gross
Gurney
Hagan
Hall
Halleck
Hanley
Hansen, Wash.
Hardy
Hawkins
Hébert
Holland
Howard
Irwin
Kelly
King, N.Y.
Kuykendall
Long, La.
McMillan
Mailliard
Martin
Matsunaga
Moore
Morse, Mass.
Olsen
O'Neill, Mass.
Passman
Purcell
Resnick
Rivers
Rosenthal
Scheuer
Selden
Stubblefield
Taft
Teague, Tex.
Tenzer
Thompson, Ga.
Tuck
Wilson, Charles H.
Young

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COLORADO RIVER BASIN PROJECT

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee substitute amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. McCLURE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McCLURE. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCLURE moves to recommit the bill, H.R. 3300, to the Committee on Interior and Insular Affairs with instructions to:

(1) On page 52, line 12, delete the word "feasibility" and insert in lieu thereof the word "reconnaissance"; and

(2) On page 52, line 25, strike out the words "constitutes a national obligation which"; and

(3) On page 72, line 4, after the period, strike out the following sentence: "Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of the Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable."

Mr. ASPINALL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. PELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1162, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 1004.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL: Strike out all after the enacting clause of the bill S. 1004 and insert in lieu thereof the text of H.R. 3300, as passed, as follows:

"TITLE I—COLORADO RIVER BASIN PROJECT: OBJECTIVES

"SEC. 101. That this Act may be cited as the 'Colorado River Basin Project Act'.

"SEC. 102. (a) It is the object of this Act to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

"(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to as the 'Secretary' shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this Act and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

"TITLE II—INVESTIGATIONS AND PLANNING

"SEC. 201. (a) The Water Resources Council, acting in accordance with the procedure prescribed in section 103 of the Water Resources Planning Act (79 Stat. 244), shall within one year following the effective date of this Act establish principles, standards, and procedures for the program of investigations and submittal of plans and reports authorized by this title. The Secretary, in conformity with the principles, standards, and procedures so established, is authorized and directed to—

"(1) prepare estimates of the long-range water supply available for consumptive use in the Colorado River Basin, of current water requirements therein, and of the rate of growth of water requirements therein to at least the year 2030;

"(2) investigate and recommend sources and means of supplying water to meet the current and anticipated water requirements of the Colorado River Basin, either directly or by exchange, including reductions in losses, importations from sources outside the natural drainage basin of the Colorado River system, desalination, weather modification, and other means: *Provided*, That the Secretary shall not, under the authority of this clause or anything in this Act contained, make any recommendation for importing water into the Colorado River system from other river basins without the approval of those States which will be affected by such exportation, said approval. to be obtained in a manner consistent with the procedure and criteria established by section 1 of the Flood Control Act of 1944 (58 Stat. 887);

"(3) undertake investigations, in cooperation with other concerned agencies, of means for maintaining an adequate water quality throughout the Colorado River Basin;

"(4) investigate means of providing for prudent water conservation practices to permit maximum beneficial utilization of available water supplies in the Colorado River Basin;

"(5) investigate and prepare estimates of the long-range water supply in States and areas from which water could be imported into the Colorado River system, together with estimates and plans to satisfy the probable ultimate requirements for water within such States and areas of origin for all purposes, including but not limited to consumptive use, navigation, river regulation, power, enhancement of fishery resources, pollution control, and disposal of wastes to the ocean, and estimates of the quantities of water, if any, that will be available in excess of such requirements.

"(b) The Secretary is authorized and directed to prepare reconnaissance reports covering the matters set out in subsection (a) of this section, and such reports shall be submitted to the President and to the Congress not later than June 30, 1973, and, as revised and updated, every five years thereafter. For the purpose of providing for the repayment of the reimbursable costs of any projects covered by such reports, the Secretary shall take into account such assistance as may be available to the States of the Upper Division from the Upper Colorado from the Upper Colorado River Basin Fund (70 Stat. 107), and to the States of the Lower Division from the development fund established by section 403 of this Act.

"(c) On the basis of the investigations and studies performed pursuant to this section, and subject to the provisions of subsection (a)(2) and section 203 hereof, the Secretary shall prepare a feasibility report on a plan which shows the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet annually. The recommended plan may include the construction of works and facilities by such successive stages as are estimated to be necessary to alleviate critical water shortages as they occur. The report prepared pursuant to this subsection, along with comments of the affected States and appropriate Federal agencies thereon, shall be submitted to the Congress on or before January 1, 1975.

"SEC. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided*, That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress.

"SEC. 203. (a) In the event that the Secretary shall, pursuant to section 201(a)(2) and 201(c), plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in section 201(b) of this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

"(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

"SEC. 204. The Secretary shall submit annually to the President and the Congress reports covering progress on the investigations and reports authorized by this title.

"SEC. 205. There are hereby authorized to be appropriated such sums as are required to carry out the purposes of this title.

"TITLE III—AUTHORIZED UNITS: PROTECTION OF EXISTING USES

"SEC. 301. (a) For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Granite Reef aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system shall have a capacity of not to exceed two thousand five hundred cubic feet per second; (2) Orme Dam and Reservoir and power-pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 304; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Salt-Gila aqueduct; (8) related canals, regulating facilities, hydroelectric powerplants, and electrical transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

"(b) Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

"(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

"Sec. 302. (a) The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed $500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and $8,000. Each community and each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under 40 U.S.C., sections 257 and 258a. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, title to such lands or interests shall be restored to the appropriate community.

"(b) Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) shall reflect the right to extract and dispose of minerals but not the other uses permitted by this subsection.

"(c) In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

"(d) Each community shall have a right, in accordance with plans approved by the Secretary, to develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir. Recreation development of the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. Each community and the members thereof shall have non-exclusive personal rights to hunt and fish on the reservoir, to the same extent they are now authorized to hunt and fish, without charge, but shall have no right to exclude others from the reservoir except by control of access through their reservations, or any right to require payments by the public except for the use of community lands or facilities.

"(e) All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

"Sec. 303. (a) The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and augmenting the Lower Colorado River Basin Fund: *Provided*, That nothing in this section or in this Act contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

"(b) If included as a part of the recommended plan, the Secretary may enter into an agreement with non-Federal interests proposing to construct a thermal generating powerplant whereby the United States shall acquire the right to such portion of the capacity of such plant, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in connection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreement may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practical amount of power and energy that can be sold at firm power and energy rates. The agreement shall provide, among other things, that—

"(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplant, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contracts have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplant;

"(2) annual operation and maintenance costs, including provisions for depreciation (except as to depreciation on the pro rata share of the construction cost borne by the United States in accordance with the foregoing clause (1)), shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1);

"(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the powerplant and appurtenances;

"(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

"(c) No later than one year from the effective date of this Act, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

"(d) If the thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry, other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-feet per annum apportioned to the State of Arizona by article III(a) of the Upper Colorado River Basin Compact (63 Stat. 31).

"Sec. 304. (a) Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges and, with the approval of the Secretary, State-administered wildlife management areas.

"(b)(1) Irrigation and municipal and industrial water supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall, if the Secretary determines such action is desirable to facilitate carrying out the provisions of this Act, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

"(2) Any obligation assumed pursuant to section 9(d) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(d)) with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 9(e) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(e)) may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

"(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

"(c) Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057).

"(d) The Secretary may require in any contract under which water is provided from the Central Arizona Project that the Contractor agree to accept mainstream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: Provided, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

"(e) In times of shortage or reduction of mainstream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive mainstream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

"(f)(1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this Act, in quantities sufficient to replace any diminution of their supply resulting from such diversions from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

"(2) The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

"(3) All additional consumptive uses provided for in clauses (1) and (2) of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on the effective date of this Act in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

"Sec. 305. To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main-stream water in these States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if main-stream water were available for release in the quantities required to supply such consumptive use.

"Sec. 306. The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the main stream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undisturbed habitat for fish and wildlife in the area, as determined by the Secretary.

"Sec. 307. The Dixie Project, heretofore authorized in the State of Utah, is hereby reauthorized for construction at the site determined feasible by the Secretary, and the Secretary shall integrate such project into the repayment arrangement and participation in the Lower Colorado River Basin Development Fund established by title IV of this Act consistent with the provisions of the Act: *Provided,* That section 8 of Public Law 88–565 (78 Stat. 848) is hereby amended by deleting the figure '$42,700,000' and inserting in lieu thereof the figure '$58,000,000'.

"Sec. 308. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this title shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213), except as provided in section 302 of this Act.

"Sec. 309. (a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, $779,000,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved here and, in addition thereto, such sums as may be required for operation and maintenance of the project.

"(b) There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands. Notwithstanding the provisions of section 403 of this Act, neither appropriations made pursuant to the authorization contained in this subsection (b) nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

"TITLE IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND: ALLOCATION AND REPAYMENT OF COSTS: CONTRACTS

"Sec. 401. Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water

Project Recreation Act (79 Stat. 213): *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enhancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this Act.

"SEC. 402. The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water use) and within the repayment capability of such lands shall be subject to the Act of July 1, 1932 (47 Stat. 464), and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

"SEC. 403. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereinafter called the 'development fund'), which shall remain available until expended as hereinafter provided.

"(b) All appropriations made for the purpose of carrying out the provisions of title III of this Act shall be credited to the development fund as advances from the general fund of the Treasury, and shall be available for such purposes.

"(c) There shall also be credited to the development fund—

"(1) All revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaries), including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project; and

"(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 2(c) of the Boulder Canyon Project Adjustment Act so long as revenues accrue from the operation of the Boulder Canyon project; and

"(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

"(d) All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation for—

"(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

"(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 304(f) of this Act.

"(e) Revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

"(f) Moneys credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section in excess of the amount necessary to meet the requirements of clauses (1), and (2) of subsection (d) of this section shall be paid annually to the general fund of the Treasury to return—

"(1) the costs of each unit of the projects or separable feature thereof authorized pursuant to title III of this Act, which are allocated to irrigation, commercial power, or municipal and industrial water supply, pursuant to this Act within a period not exceeding fifty years from the date of completion of each such unit or separable feature, exclusive of any development period authorized by law: *Provided*, That return of the cost, if any, required by section 307 shall not be made until after the payout period of the Central Arizona Project as authorized herein;

"(2) interest (including interest during construction) on the unamortized balance of the investment in the commercial power and municipal and industrial water supply features of the project at a rate determined by the Secretary of the Treasury in accordance with the provisions of subsection (h) of this section, and interest due shall be a first charge.

"(g) All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 307 and 502 of this Act, and (2), upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to clause 201(a)(2) and subsection 203 (a) of this Act.

"(h) The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

"(i) Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

"SEC. 404. On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

"TITLE V—UPPER COLORADO RIVER BASIN AUTHORIZATION AND REIMBURSEMENTS

"SEC. 501. (a) In order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah unit), Utah, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), and to provide for the completion of planning reports on other participating projects, clause (2) of section 1 of said Act is hereby further amended by (i) inserting the words 'and the Uintah unit' after the word 'phase' within the parentheses following 'Central Utah', (ii) deleting the words 'Pine River Extension' and inserting in lieu thereof the words 'Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel', (iii) adding after the words 'Smith Fork:' the proviso '*Provided*, That consideration of the Uintah unit of the Central Utah project shall not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such unit or segment will exceed the costs and that such unit is physically and financially feasible:'. Section 2 of said Act is hereby further amended by (i) deleting the words 'Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, Animas-La Plata', and inserting after the words 'Yellow Jacket' the words 'Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units)'; (ii) by inserting after the word 'Sublette' the words '(including a diversion of water from the Green River to the North Platte River Basin in Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah)'; and (iii) changing the period after 'projects' to a colon and adding the following proviso: '*Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14-06-W-194).'. The amount which section 12 of said Act authorizes to be appropriated is hereby further increased by the sum of $392,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.

"(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project.

"(c) The Animas-La Plata Federal reclamation project shall be constructed and operated in substantial accordance with the engineering plans set out in the report of the Secretary transmitted to the Congress on May 4, 1966, and printed as House Document 436, Eighty-ninth Congress: *Provided*, That construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

" 'ANIMAS-LA PLATA PROJECT COMPACT

" 'The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Federal Reclamation Project, Colorado-New Mexico, a proposed participating project under the Colorado River Storage Project Act (70 Stat. 105), and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and have agreed upon the following articles:

" 'ARTICLE I

" 'A. The right to store and divert water in Colorado and New Mexico from the La Plata and Animas River systems, including return flow to the La Plata River from Animas River diversions, for uses in New Mexico under the Animas-La Plata Federal Reclamation Project shall be valid and of equal priority with those rights granted by decree of the Colorado state courts for the uses of water in Colorado for that project, providing such uses in New Mexico are within the allocation of water made to that state by articles III and XIV of the Upper Colorado River Basin Compact (63 Stat. 31).

" 'B. The restrictions of the last sentence of Section (a) of Article IX of the Upper Colorado River Basin Compact shall not be construed to vitiate paragraph A of this article.

" 'ARTICLE II

" 'This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States.'

"(d) The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

"(e) In the diversion and storage of water for any project or any parts thereof constructed under the authority of this Act or the Colorado River Storage Project Act within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

"(f) The words 'any western slope appropriations' contained in paragraph (i) of that section of Senate Document Numbered 80, Seventy-fifth Congress, first session, entitled 'Manner of Operation of Project Facilities and Auxiliary Features', shall mean and refer to the appropriation heretofore made for the storage of water in Green Mountain Reservoir, a unit of the Colorado-Big Thompson Federal reclamation project, Colorado; and the Secretary is directed to act in accordance with such meaning and reference. It is the sense of Congress that this directive defines and observes the purpose of said paragraph (i), and does not in any way affect or alter any rights or obligations arising under said Senate Document Numbered 80 or under the laws of the State of Colorado.

"SEC. 502. The Upper Colorado River Basin Fund established under section 5 of the Act of April 11, 1956 (70 Stat. 107), shall be reimbursed from the Colorado River Development Fund established by section 2 of the Boulder Canyon Project Adjustment Act (54 Stat. 755) for the money expended heretofore or hereafter from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, $500,000 for each year of operation of Hoover Dam and powerplant, commencing with the enactment of this Act, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 2(d) of the Boulder Canyon Project Adjustment Act, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in subsection (g) of section 403.

"TITLE VI—GENERAL PROVISIONS: DEFINITIONS: CONDITIONS

"SEC. 601. (a) Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994), the decree entered by the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774) or the Colorado River Storage Project Act (70 Stat. 1053).

"(b) The Secretary is directed to—

"(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and the Governors of each State signatory to the Colorado River Compact;

"(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

"(c) All Federal officers and agencies are directed to comply with the applicable provisions of this Act, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

"SEC. 602. (a) In order to fully comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River Storage Project and releases of water from Lake Powell in the following listed order of priority:

"(1) Releases to supply one-half the deficiency described in article III(c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 202 of this Act.

"(2) Releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources.

"(3) Storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic streamflows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided,* That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

"(b) Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

"(c) Section 7 of the Colorado River Storage Project Act shall be administered in accordance with the foregoing criteria.

"Sec. 603. (a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

"(b) Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

"Sec. 604. Except as otherwise provided in this Act, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this Act shall be deemed a supplement.

"Sec. 605. Part I of the Federal Power Act (41 Stat. 1963; 16 U.S.C. 791a–823) shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

"Sec. 606. As used in this Act, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

"(b) 'Main stream' means the main stream of the Colorado River downstream from Lee Ferry, within the United States, including the reservoirs thereon;

"(c) 'User' or 'water user' in relation to main-stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340) to use main-stream water when available thereunder;

"(d) 'Active storage' means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

"(e) 'Colorado River Basin States' means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; and

"(f) 'Augment' or 'augmentation', when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system."

Amend the title so as to read: "An Act to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes."

The SPEAKER. The question is on the motion offered by the gentleman from Colorado [Mr. Aspinall].

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-seven Members are present, a quorum.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment to the title of the Senate bill.

The Clerk read as follows:

Amendment offered by Mr. Aspinall: Amend the title of S. 1004 to read: "An Act to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3300) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 11308, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities of 1965, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none; and appoints the following conferees: Messrs. Perkins, Thompson of New Jersey, Carey, Scheuer, Brademas, Ayres, Goodell, Ashbrook, and Reid of New York.

PROGRAM FOR THE BALANCE OF THIS WEEK AND THE WEEK OF MONDAY, MAY 20, 1968

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the majority leader to kindly advise us as to whether or not there is any more program for this week and the program for the following week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Illinois, we have completed the legislative program that will be called for this week.

The program for next week is as follows:

Monday is Consent Calendar day.

There are eight suspensions. They are as follows:

H.R. 16674, Farm Credit Administration amendments;

H.R. 15387, assaults on postal employees;

S. 561, authorizing appropriation of funds for Cape Hatteras National Seashore;

H.R. 14074, entrance road at Great Smoky Mountains National Park, N.C.;

H.R. 16025, compensation and education assistance for widows of veterans;

H.R. 16902, care and treatment of veterans in State veterans' homes;

H.R. 7481, nursing home care for certain veterans; and

H.R. 14954, improve vocational rehabilitation training for service-connected veterans.

Tuesday is Private Calendar day.

Also on Tuesday is scheduled the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1969.

Wednesday and the balance of the week:

H.R. 2158, Interstate Taxation Act, with 3 hours of debate, and it is subject to an open rule;

House Resolution 1093, investigation of operations of U.S. military credit unions;

H.R. 17324, extension of Renegotiation Act, which is subject to a rule being granted;

H.R. 15794, U.S. Grain Standards Act, under an open rule with 1 hour of debate;

House Joint Resolution 1227, to authorize the temporary funding of the emergency credit revolving fund, under an open rule, with 1 hour of debate and waiving points of order;

H.R. 8573, to amend title I of the Land and Water Conservation Fund Act of 1965, under an open rule with 2 hours of debate; and

H.R. 15198, employer contributions for joint industry promotion of products, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program will be announced later.

I advise Members that it is expected that the truth-in-lending conference report will be brought up sometime next week.

ADJOURNMENT OVER UNTIL MONDAY, MAY 20, 1968

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of Calendar Wednesday may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA—PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CONFERENCE REPORT ON H.R. 15131

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file a conference report on H.R. 15131, the Policemen and Firemen's Salary Act.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. **ADAMS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **ADAMS**. Mr. Speaker, I hereby declare that I would have voted for the motion to recommit and against the bill that has just now passed.

PERSONAL ANNOUNCEMENT

Mr. **STRATTON**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **STRATTON**. Mr. Speaker, had a rollcall been taken on the Colorado River Basin project, I would have voted in favor of the motion to recommit and against final passage.

THE REDWOOD NATIONAL PARK AND SEASHORE

Mr. **DON H. CLAUSEN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **DON H. CLAUSEN**. Mr. Speaker, over many years, the Congress has developed and passed legislation to help the average American citizen. We have appropriated, and I believe rightly so, literally billions of dollars in welfare and assistance programs, educational programs and other programs designed to help the average man.

Now we are being asked to enact legislation to do just the opposite—to make displaced citizens out of normal, hard-working, self-respecting, self-supporting Americans. These people are in my district.

I am referring, of course, to some of the extreme proposals for a Redwood National Park which would deprive thousands of my people of their livelihood.

Mr. Speaker, I have received hundreds of letters from my constituents in the redwood area. All of them ask the same questions: "If the extreme park proposals are to be adopted, what is going to happen to us?" Or, "If we have to go on welfare, and our companies can no longer make their tax contributions, won't the welfare be pretty thin?"

I want to speak for these people.

One of them wrote:

> I work in a Men's Wear Store in Eureka, and business is so bad due to this moratorium that I was laid off. Stores are closing all over Eureka, as you must know.

The fact is that we can have a Redwood National Park which will not create economic devastation. I have submitted one such plan, "Redwoods to the Sea," H.R. 7742. My people can live with it. They approve of it. It would give us a Redwood National Park and Seashore that we could all be proud of.

What I am talking about are the grandiose proposals, which have been incorporated in proposed legislation, and which would take tens of thousands of acres of private timber-growing lands, put several companies out of business, and devastate the economy of the area.

Let me make one thing clear. Today I am not speaking for these companies or the people that own the lands. They have their spokesmen and can speak for themselves.

It is the common man who has no spokesman. I propose to speak for him.

The man in the street is the average man. In the redwood area, he is desperately concerned. He has his home in the smaller towns, and he is economically dependent on the redwood industry. He may work for one of the companies. Or he may be a merchant, the operator of a filling station, or a schoolteacher, or a banker, or a municipal or county employee.

He is economically dependent upon the redwood industry, which, in spite of what uninformed people claim, has done a magnificent, unrecognized job of helping preserve the superlative specimens of that majestic tree, and restores to improved growth those trees that are harvested.

He had his home in the area, and he wants to stay there to raise and educate his children.

He knows that if the company which employs him is put out of business, that company will be paid severance damages. But he, as an individual, will not be compensated; and he is worried.

Not only is he worried, but so is his wife and so are his children. I have a letter from one of these wives who reported that in the Trinidad School District where she lives, that already the average daily attendance has dropped from nearly 500 students to a present count of 392.

In other words, people are already leaving because of the uncertainty and insecurity of their futures.

Mr. Speaker, I am asking that when this House considers the redwood park proposals, that it consider the plight of the average Americans who have lived in the redwood areas most of their lives. Are we to legislate them into being displaced persons and second-class citizens?

Are we to deprive them of productive economic existence?

Are we to jeopardize their school districts?

Are we to ruin their lives and their businesses merely to permit interested visitors to view the redwoods from the edge of the highway, and never see, those additional commercial-type, nonpark quality redwoods located in remote, wild distant areas that would be included in the most sweeping proposals to take 77,000 acres of private producing lands in addition to existing State parks?

We have 30 beautiful Redwood State Parks, but they have not been developed as they should be. One constituent wrote me, and I quote:

> We don't need more parks, what we need is development of what we already have. There isn't a park or grove between Eureka and the Oregon border that you can find a place to park legally. If you could, you'd be lost in underbrush way over your head if you got 10 feet off the highway. How many tourists are going to crawl around in that wet and decayed mess?

Another constituent wrote to tell how he had talked to visitors in the existing State parks, and they had been smart enough to notice that there were very few people in the park where he talked to them. He added that he could not understand why people from other areas have demonstrated such little concern for the future of our region and its people.

They do not seem to care, he added, if we have hungry children or if we are on overloaded relief rolls. He also pointed out that no family in the redwood areas wants handouts; what they want are jobs to go to every day in their own hometown.

Most of these people have never worked in anything but the lumber industry, and it is a little late for them to change. As my constituent said, many of them are too old to retrain for something else, and too young to retire.

Mr. Speaker, these people that I am trying to speak for are very honest, thrifty, and hard-working American citizens. They have an inalienable right to life, liberty, and the pursuit of happiness. Are we to deprive them of these rights simply to impose an unnecessarily large park plan on them from Washington?

Now, I recognize that the proponents of the larger parks tell us that the recreation income will replace the lost income from employment. Careful studies question that this is the case. The recreation income, during the 3 months that the weather permits visits to the redwoods, could not replace the present income provided by the industry in payrolls in the foreseeable future.

So, we have this issue clearly before us. It is, simply: "Do we want to stagnate the economic life and careful use of the God-given redwoods merely to satisfy the private enthusiasms of a few people, or do human values mean anything to this House?"

The distinguished chairman of the Interior and Insular Affairs Committee, the gentleman from Colorado, Representative ASPINALL, wisely held hearings on the proposed bills in the redwood area. The members of the Interior Committee were able to confirm at firsthand what I am saying about the plight of the common man out there. The committee was able to observe the adverse economic effects that already have been inflicted on local communities because of uncertainty about what will happen.

One of the things many proponents of a national park have overlooked, is the desirability of including sufficient coastline. The largest of the proposed parks is mostly inland, and pretty far inland, at that. It would include 18 miles of coastline.

The second proposal includes 13 miles of coastline.

The national park and seashore plan, which was developed in close consultation with the people who live in the redwoods, and which was submitted in legislative form by me, has 39 miles of coastline.

When we analyze the plans, we find that one of them has only 3 miles of usable beaches; the other 11. Redwoods to the Sea has 25 miles of usable beaches.

This is important. Experience has shown that most visitors prefer the coast. They love the beaches. They may briefly view the redwoods from the highways, or visit the existing State redwood parks. But, they prefer the beaches. They have no desire to leave their automobiles and plunge into the wilderness of the redwoods far from the highway.

So, it is of utmost importance to provide coastline and usable beaches. These, they can enjoy and, at the same time, keep people from destroying the roots of these redwoods by "tromping" them to death.

Many others like to fish. Redwoods to the Sea provides 12 miles of Smith River frontage, some of the most beautiful in the world. The larger plan ignores this great recreational possibility altogether. The other plan includes just 6 miles on the Smith River.

Redwoods to the Sea includes 21 miles of lagoon frontage; one of the other plans has no lagoon frontage; the other, 7 miles.

The importance of all this water frontage is that it offers highly desirable recreational possibilities that cannot be achieved in the deep redwood areas which are ordinarily damp, dark, and sometimes dangerous. The beach frontage is not.

Inclusion of the beaches will not deprive anyone of a job, nor harm the economy of the region. Instead, they will enhance it and make life even more enjoyable.

There is another feature of redwoods deep in the woods, in areas which are proposed to be taken over. This is the real element of personal danger.

Redwoods have a characteristic well known to those who work with them—that of suddenly dropping huge limbs to the ground, particularly during high winds or winter storms. Locally, these falls are known as "widow-makers," and it is a term well chosen. I do not mean to frighten people, but I do feel we "natives" should warn our future visitors of this possible hazard.

Unless areas in the redwoods are cleared for recreation and camping, as in portions of State parks, there are few who should venture far into remote areas. Few want to. They stick to the highways, or go into spaces cleared for camping or viewing the great trees.

As another constituent wrote me:

> Those who want to drive through the redwoods can do so by following the old 101 highway along the Eel River. No finer redwoods can be found anywhere, and there are plenty for everyone to see. No man alive today or born tomorrow will ever live long enough to see all the million and three-quarter giant redwoods that have already been set aside in our State parks.

So, if we are to have a Redwood National Park in addition to the redwoods in our existing State parks, why not accept the more reasonable and sensible plan that will provide a National Redwood Park with seashore access that will not disturb the financial condition of the people who live out there?

The communities involved, the people who face possible dislocation, can live with Redwoods to the Sea, and they have said so. The local government bodies have accepted it and endorsed it by resolution and testimony before congressional committees.

The able chairman of the Interior and Insular Affairs Committee also heads up the important Public Land Review Commission. That Commission is engaged in a monumental study of Federal land use and administration in this country. It will, I am sure, have recommendations toward achieving a land-use policy that will be fair to all.

In the matter of a Redwood National Park, I think this House must be fair to all. It must be fair to those who want to see the redwoods and the magnificent cathedral-like groves that we have in northern California and fair to those who live among them.

We should not penalize one to patronize the other.

We cannot ignore the human needs of the people who make their livelihood in the redwood country.

We cannot say to them: "Too bad. You'll have to get along as best you can, even if your wife and children do suffer and your personal plans are disrupted, even if your business is shut down and your bank starts to foreclose."

There is a better answer than that. I am certain that when the time comes, this House will provide that better answer.

I ask that you work with us toward adopting the best possible "compromise" Redwood National Park and Seashore plan—a plan that we in redwood country can live with—one that will be an asset and not a liability.

You will note that I place a great deal of emphasis on the seashore. Frankly, I believe history could record the fact that the value of this magnificent seashore will surpass that of the redwoods—particularly, when you consider the recreational value, the "saving of the redwoods" from the potentially destructive affect too many people, trampling the roots, could have.

This is the only place in the world where redwoods grow contiguous to a nearly 40-mile seashore. Let us be very considerate of and kindly to the people living there who are willing to share these "conservation gems" with their fellow Americans—providing they, themselves, are not destroyed in the process.

PARK SERVICE ADMINISTRATION HAVE ACTED UNWISELY IN REGARD TO POOR PEOPLE'S MARCHERS

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Speaker, exactly 3 weeks ago today, I spoke here on the House floor to point out that the avowed purpose of the so-called Poor People's March on Washington was to disrupt the city of Washington and the orderly processes of government.

In the light of this, I called upon the Secretary of the Interior, the Secretary of Defense, and the President to use the full power of their offices to prevent these marchers from camping on Federal property or elsewhere in the District of Columbia where their use of property would violate existing building and/or sanitation codes or disrupt government.

Many other Members of Congress have expressed a similar opinion. Many bills and resolutions were introduced, and by an overwhelming vote the House Public Works Committee, of which I am a member, reported to the House for consideration a bill which would have prohibited the use of any Federal property except in the Anacostia-Bolling area and would have authorized a requirement of a bond to insure against property damage.

Our opinions have been disregarded and these so-called marchers virtually all of whom arrived in Washington in air-conditioned buses without any marching at all, have been given free access to public property.

Although their leaders are engaging in semantics with the word "violence," they continue to make it clear that it is their purpose and intention to be a disrupting influence here in the city and in the face of the tense atmosphere already existing, only a blind man would fail to foresee the troubles which will inevitably follow.

The Park Service and the administration have acted most unwisely and I can only hope that they are much better prepared to cope with the trouble these marchers have promised to make than they have given us any basis for believing.

LEGISLATION TO ENABLE WOMEN WITH 30 YEARS COVERAGE UNDER SOCIAL SECURITY TO RECEIVE FULL RETIREMENT BENEFITS AT AGE 62

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request from the gentleman from Rhode Island?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, currently, there are some 26 million females gainfully employed in our Nation's labor market, representing over 35 percent of the total number of citizens employed in these United States.

These women have had, and are having, a profound effect upon our Nation's economy and way of life as their numbers, buying power, and importance continue to increase.

Our gross national product, rapidly approaching a trillion dollars, is the most fantastic and enviable materialistic achievement yet known to man. An incredible growth has been realized in our gross national product, rising from $284.7 billion in 1950 to approximately $800 billion today, and paralleling—or perhaps "stimulating" would be a better word—this growth has been the expansion of the female role in our labor market and economy.

The greatness of the female contribution to our Nation's economy and well-being cannot be questioned. We only wonder about the degree of this greatness as we acknowledge their valued contribution.

Today I rise for the purpose of acknowledging their contribution by introducing legislation which, if enacted, will enable the women of our Nation's labor force with 30 years coverage under social security to receive full benefits at the age of 62.

Under legislation enacted in 1956, women are able to receive 80 percent of the benefits due to them if they should retire at age 62. Now, I consider it appropriate and wise that we permit them full—not 80 percent—benefits at age 62, and many other Members, whose names also appear on this bill, concur with me.

Mr. Speaker, the gentlemen whose names appear on this bill are not asking for a giveaway. We are urging the Congress to recognize the great contributions made by the women of our land toward the incredible growth of our Nation's economy during the past 30 years and whose labor continues to spark further growth in our economy.

The initial recipients of this legislation are those women who joined the labor force when our Nation was just beginning to overcome a depression, and whose labor may very well have accounted for our Nation's recovery from that economic disaster.

Let me reiterate that this legislation would only apply to those women who have faithfully contributed to this fund for 30 full years—that is, 120 quarters.

Now as we all know, a person can gain full social security coverage if he has contributed to the fund for every quarter after 1950 up to, but not including, the year he or she reaches age 65. In other words, it is possible that a person could gain full benefits at age 65 if he had only contributed to the fund for 18 quarters. In some special instances, even six quarters would enable one to gain full benefits.

The legislation I introduce today speaks not in terms of six quarters or 18 quarters, but in terms of 120 quarters. That is, recipients must have contributed to the fund for at least 30 years or 120 quarters.

We are addressing ourselves to those hardworking, productive Americans whose names do not appear on the welfare rolls during these past 30 years. We are speaking about those strong Americans who are greatly responsible for the growth of assets in the social security trust funds from $267.2 million 30 years ago to the present $25.5 billion.

We are asking that Congress now realize the extent of their contribution and permit them to retire with full benefits at age 62. We are not giving them anything that they do not deserve. It is not a give away. Rather, it is a way for our Nation to say thank you for a job well done to the women of our land who have indeed contributed far more than they could possibly receive from the social security program.

On behalf of all the Members who have cosponsored this bill, I ask that this body act expeditiously and favorably on this legislation.

We have a debt to repay and a commitment to meet. The debt, of course, is to those who have labored so long, and the commitment is to the younger people who are available to replace those who retire. This bill would free many jobs for these younger people and thus enable us to live up to our standing commitment of maintaining the highest possible level of employment.

Let us now live up to this debt and commitment.

CONNECTICUT YOUTHS RESPOND TO SERVICE ACADEMIES' CALL

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, great emphasis has been placed in recent years on dealing with problems of education which confront students and educators, as well as parents and taxpayers who pay the ever-increasing tab. We hear of the frustration of youth, of high school dropouts, of demonstrations by students, and strikes by teachers. We read of so many incidents from the debit side of the ledger because it is human nature to focus attention primarily on news of misfortune, violence, and the extraordinary.

I want to point up a contrary and laudable achievement which I am proud to say has taken place in my own Fifth Congressional District and which I have discovered in the course of seeking qualified candidates for the Nation's service academies. It is not really an extraordinary experience for it has occurred in previous years, although perhaps to a lesser degree. Once more I find to the credit of the students, educators, parents, and taxpayers of my district that there are far more qualified contenders for academy appointments than there are vacancies. And this despite the generosity and wisdom of the academies in allowing my district more appointments than the normal district quota.

Let me explain the situation with a few statistics. Last year, in the normal course of events, I was notified that I would be asked to fill two vacancies at Annapolis in June 1968, three at the Air Force Academy, and one at West Point. I was also invited to nominate candidates for the U.S. Merchant Marine Academy at Kings Point, N.Y., to take part in statewide competition for appointment.

As usual, and following a custom which I have adopted in my 10 years of the Congress, I made known to the public through newspaper, radio, and television announcements, as well as notice to the guidance counselors of schools in my district, that I was accepting applications for academy nominations. The response was good although I feel that some potential contenders did not get the word in time to compete for the appointments. I use the word "compete" because it is and has been my policy to require that all candidates participate in a preliminary civil service examination and a preliminary physical examination at a military establishment.

I have outlined the number of vacancies available to Fifth Congressional District residents in 1968 and my method of selecting nominees. The usual quota of each Congressman is five cadets at Annapolis, West Point, and the Air Force Academy at a given time. When I say the academies have been generous and responsive to the meritorious efforts of Fifth District contenders, I mean that it is common for the academies to accept qualified boys from my district in excess of my quota. This again has been my experience in 1968.

As outlined above, the Fifth District quota for Annapolis for 1968 was two cadets. As of this date, four young men whom I had the privilege of nominating have been notified to report to the Naval Academy as cadets on June 26, 1968. Another young man from my district is fully qualified for appointment, and I hope that the Academy will be able to find a place for him.

The Fifth District quota for 1968 was three at the U.S. Air Force Academy. As of this date, four of the young men I nominated have been notified to report to the Air Force Academy as candidates on June 24, 1968 and four more are fully qualified as alternates for appointment and I am hopeful that one or more of these alternates will be appointed.

The Fifth District quota for the U.S. Military Academy class of 1972 was one. As of this date, one of my nominees has been appointed and has been notified to report to West Point on July 1, 1968. Another of my nominees is fully qualified as an alternate and I am confident that there is a good possibility that he will gain an appointment. I fact, he has been invited to enroll at the West Point Preparatory School.

Three of the young men I nominated for the U.S. Merchant Marine Academy at Kings Point have qualified as alternates and let the record show that Kings Point is already heavily populated with young men from Connecticut's Fifth Congressional District.

Mr. Speaker, I consider it a privilege each year to recommend young men from my district for the service academies and my staff and I spend considerable time and effort enlisting candidates, checking academic records, arranging civil service and physical examinations, and communicating with the academies and with constituents. But the statistics I have outlined above clearly demonstrate that the effort is certainly worthwhile. It pays dividends not only in bringing qualified young men to the fore and making available to them 4 years of education leading to a military career or civilian opportunity, but also in clearly demonstrating the potentials among our youth today in striving and competing for the values in education offered by our service academies.

I could go on at length in extending compliments and expressing appreciation to those who have participated and to those who have assisted. I am proud of my district and of the young men who have in such large numbers qualified for academy appointments. I am privileged that the normal congressional quotas for academy appointments have been no shackle to the enthusiastic and qualified competitors from my district, and I am confident that this gratifying record will be sustained in the future.

I cite these statistics and make known my feeling of pleasure in them at this time because now that the 1968 appointments have been completed, I am announcing the acceptance of applications for the academy vacancies that may be available and for which I may be invited to make recommendations for 1969. Without reservation, I accept applications from any Fifth Congressional District resident between the ages of 17 and 22. He must be at least 17 and not have passed his 22d birthday on the date of entrance to an academy. I point out, however, that the competition is tough and that only those who can make a proper showing in academic and physical standings in preliminary examinations conducted at my request will be given the opportunity to meet the final tests of the several academies.

On the basis of my experience with academy appointments, Mr. Speaker, I feel that we have no reason to fear for the future of our Nation. I have full confidence in the ability and willingness of our youth, in the vast majority, to rise to the challenge, as demonstrated by the response and the success of my young constituents in service academy competition.

OUR REA PROGRAM

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, this week represents the 33d anniversary of the Rural Electrification Administration, an agency of the U.S. Department of Agriculture. This remarkable agency has an outstanding record of continuous leadership in the challenging task of bringing to light the vital importance of farm efficiency and rural development.

During the history of the REA program, since it was established May 11, 1935, our Nation has changed from an essentially agronomy-oriented society to an economy based upon industrialization and mechanization. Clearly, this transition would have been far more difficult than it was, had it not been for the availability of electric power in rural America, sparked largely by the REA. Indeed, in the economic vacuum of the 1930's local people with the help of REA stepped in to provide rural power when other electric suppliers were reluctant to do so.

Today, REA-financed rural electric systems are rural America. REA is one of the great achievements of our present-day government.

A new industrial load on the lines of an electric cooperative is a well-recognized revenue producer, as it is for any electric utility. But there is another important consideration. Rural industrial and commercial electric loads encourage diversity of economic development and opportunity in rural areas. This diversity and these new opportunities are important to opening the way for overcoming our current—and critical—rural-urban imbalance.

Rural people formed their own cooperatives and assumed the responsibility of providing essential electric service for themselves and their neighbors. In so doing, and with the help of their Federal Government, these rural people have in fact stimulated new opportunities to live, work, and thrive in the areas where they were born and reared.

The remarkable progress made so far in the past 33 years in this field stands as a tribute to our rural Americans. They have demonstrated—with the aid of REA—singular energy and imagination in helping themselves to fashion their own communities of tomorrow. We trust they will enjoy another 33 years of future growth, in advancing steadily toward a brighter tomorrow.

FREEDOM REPLACED BY FEDERAL FORCE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Speaker, recently two field representatives of the Office for Civil Rights—HEW—descended on LaGrange and Troup County, Ga., like a two-man plague of locusts.

They spent about 29 hours in the county before declaring themselves experts on the school systems there. While in Troup County and LaGrange, they attempted to generate complaints and dissatisfactions where none previously existed and where none exist now.

These two 29-hour experts issued an ultimatum that will require extensive busing of students who will pass each other twice a day and that will probably require the closing of new modern school buildings. It is very clear that these bureaucrats are not interested in education or the quality of education.

For the last 4 years, the Troup County school system and the LaGrange school system have operated under the freedom of choice plan. During this period of time, no student or teacher has complained of being denied the opportunity to attend or teach in the school of his or her choice.

The policy of the Department of HEW with regard to "freedom of choice" is that if this does not accomplish the results which HEW desires, school officials are required to force the transfer of students instead of permitting them to attend the school of their choice.

The citizens of Troup County are disturbed, and rightly so, about this exercise of raw bureaucratic power, as is evidenced by an editorial in the May 8, 1968, edition of the LaGrange Daily News, which follows:

OUR FREEDOM IS REPLACED BY FEDERAL FORCE

In the past, the school systems in this area have operated under the "freedom of choice" plan with regard to integration of public schools.

Under this plan, all students, both Negro and white, decided which schools they preferred to attend. If a Negro student elected to attend a formerly all-white school, he could do so.

Tuesday, William Meredith of the Atlanta office of Civil Rights, told Troup County School Board: "The freedom of choice plan has failed." He went on to explain that it has failed because not enough Negroes are attending previously all white schools and no white children are enrolled in Negro schools.

If Mr. Meredith is correct in his statement, then the basic fundamentals of democracy has suffered what may well prove to be a fatal blow.

To say that the American citizen, whether he be Negro or white, cannot exercise his own freedom of choice is to take away one of the basic rights on which America was founded.

Indeed, this basic belief in a freedom of choice was the motivating force which led to the founding of this country.

The next logical question to raise is: If there can be no freedom of choice, what is it being replaced with?

Perhaps Mr. Meredith and the HEW will not agree with us, but we believe that it is "force."

We have moved from freedom to force, and this is a strange and startling direction for democracy to take.

Whose rights are being violated in this absurd approach by the Federal government?

The white man? Yes, he is being forced to lose his identity in a social upheaval which appears to be motivated for political purposes.

But the Negro's rights are being violated as well.

In the Troup County School system, some 100 Negro students have elected to attend previously all-white schools. The other 1,520 elected to remain in all-Negro schools, schools of which they were proud, surrounded by a race of which they were proud to be a part.

Now, the Federal government decides that the Negro can no longer take pride in the traditions of his school. He must lose these traditions to a social change which he already has demonstrated that he did not want through his own "freedom of choice."

Mr. Meredith and his HEW associate, Phillip Lyde, spent only 29 hours in the Troup County School system before giving their report Tuesday. And yet, in this brief time, they had come up with a plan designed to solve all of the educational-social problems for Troup County.

To say that this adds insult to the ridiculous would be a gross understatement.

The only explanation is that the Federal government, acting through its agents, Mr. Meredith and Mr. Lyde, has no real interest in education as such. The resulting chaos of the plan which they presented will be left as a problem to be faced by both white and Negro educators of Troup County.

But the really pathetic note that comes out of such an HEW report meeting is the sudden realization that your freedom is being taken from you by the government that was created by the individual states of America.

Whether you are Negro or white, you are losing your right to choose. Your freedom is

being replaced by force, and you ask yourself what is to come after democracy has been taken away.

THE CASE FOR USING EXISTING HOUSING TO FOSTER LOW- AND MODERATE-INCOME HOMEOWNERSHIP: SURVEY OF AVAILABILITY IN THE DISTRICT OF COLUMBIA

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the more than 150 Members of both the House and the Senate who introduced the National Home Ownership Foundation Act last year, were encouraged this session by the administration change of heart on the question of homeownership for lower income families. The administration bill does have its weak points, however, and perhaps the most glaring is its lack of attention to the potential for immediate homeownership impact contained in existing older housing now available in most urban centers. The emphasis with limited exceptions in the administration measure is on new or completely rehabilitated housing.

To make a more informed judgment on this potential, my office conducted a telephone survey of 151 realtors, real estate agencies and real estate brokers selected at random from the yellow pages of the Washington, D.C., telephone book. While existing apartment houses could of course be converted for cooperative or condominium ownership operations, in this instance I limited the inquiry to housing suitable for single-family homeownership. Of the 151 contacted, 14 either refused to respond, were no longer actively engaged in real estate, or were unavailable for comment.

Of the remaining 137, 92 firms reported dealing in a significant way with moderately priced homes. These 92 were then asked the following questions:

1. Do you currently have for sale any homes priced at the $18,000 or below category?
2. Based upon your activities for the last six months, would you say that homes of this type are listed frequently or infrequently with your agency?
3. Do homes of this type require extensive rehabilitation or repairs before they are considered suitable for family living?

The conclusions that I believe may be drawn from the staff survey, which I will include at the end of my remarks, can be summarized as follows:

First, a moderate number of existing single-family dwellings are available in the District of Columbia for under $18,000 in cost, at any point during the year. Estimates of the number now available ranged among the 50 firms answering affirmatively to the first question ranged from "a few" to a dozen or more. Even taking into account possible multiple listings, the number turned up by the survey could be estimated at 200 or more. It might be added that the cost per unit in the administration housing bill is $17,500 for high-cost areas, and $20,000 for families with five or more children.

Second, most of these houses require minor repairs, if any. Only 20 percent of those replying said houses they now had listed required extensive rehabilitation.

Third, and most important, there was considerable opinion expressed that a significant number of houses would come on the market if the potential buyers could secure mortgage financing. A number of firms, particularly Negro firms, indicated that housing was now being rented because the owner could not find buyers with satisfactory financing arrangements. So prevalent is the renter orientation in some parts of the minority community, and so limited is their present housing choice, that in one instance, when my office asked if the firm dealt with houses for sale to home buyers, the real estate office employee answered, "Oh, no, we do not handle white property, only black property."

I hope Members of this body, particularly those from urban areas, will carefully consider the possibility of similar results if such a survey were conducted in their localities. I am certainly going to press for greater use of existing housing in any bill coming out of the House Special Subcommittee on Housing of which I am ranking minority member.

It would also prove useful to open up FHA-insured mortgages to nonprofit groups like Home Buyers, Inc., a Washington, D.C., organization, who purchase and make available housing to lower income families under a lease with option to buy approach. Under present law, the nonprofit sponsor has to build or thoroughly rehabilitate five or more dwellings before it can qualify under the 211(h) program. Some nonprofit groups simply are unwilling or unable to take on this responsibility when they first enter the homeownership field, but they are quite capable of assisting low-income families in preparing for homeownership responsibilities, or in locating housing and financing, or even in handling minor repair work.

Allowing nonprofit groups FHA assistance in the purchase of existing housing not requiring extensive rehabilitation would also make more housing available for the rent certificate or leased public housing program which I authored in 1965. This would mean lower monthly payments at the outset, easing the tenant into a home-buying position through a lease with option to buy arrangement, with help from the nonprofit sponsor. The lease with option to buy under the rent certificate program has not been tried as yet in the District of Columbia, or, for that matter, in many areas around the country.

This use of existing housing would benefit the potential lower income home buyer by its immediate availability, and would show the concern of Congress for those left out of the mainstream of American abundance at a time when that concern is being questioned. At the same time, nonprofit religious, fraternal, labor, civic, and neighborhood organizations could gain experience and confidence, enabling them to move later into the more demanding, but no less necessary, field of increasing the available low-income housing supply through new construction or total rehabilitation.

The survey paper follows:

RESULTS AND FINDINGS OF TELEPHONE SURVEY OF SELECTED REALTORS IN THE WASHINGTON, DISTRICT OF COLUMBIA DOWNTOWN AREA, APRIL 29 TO MAY 6, 1968

(Prepared by the staff of Congressman WILLIAM B. WIDNALL)

This survey was undertaken to try and assess the availability of low and moderate income housing in the Washington, D.C. downtown area. The method used was random selection of a considerable segment of the realtors and real estate brokers listed in the advertising section of the telephone directory. Small as well as large real estate agencies were included to insure a representative sampling. Any agency whose telephone listing indicated a principal activity other than direct selling of real estate to private individuals was not contacted. All of the respondents were asked three basic questions: a) Do you currently have for sale any homes priced in the $18,000 or below category? b) Based upon your activities for the last six months, would you say that homes of this type are listed frequently or infrequently with your agency? c) Do homes of this type require rehabilitation or repairs before they are considered suitable for family living? Finally, it might be noted that almost all of those contacted were quite helpful, and only a handful were uncooperative and refused to give the needed information.

In all, 151 real estate agents or agencies were solicited. Of these, 92 replied that they engage in the sale of moderately priced homes as one of their principal activities, that is they solicit listings of this type and endeavor to sell homes of this category on a day-to-day basis. Another 45 replied that their principal activities were other than selling either residential housing, or housing in this price range. Most of these people were engaged in either the rental of housing they owned, real estate investments, management, speculation or building.

CHART I—PRINCIPAL ACTIVITY OF REALTORS

	Number	Percent
Dealing in significant way with moderately priced homes	92	61
Not dealing in significant way with moderately priced homes	45	30
Not responding, unavailable, or no longer engaged in real estate business	14	9
Total	151	100

The first question asked only concerned the 92 realtors who indicated significant activity in this area. Of the 92, 50 or 54.3% reported that they currently had homes for sale in the $18,000 or below price category, while 42, or 45.7% stated that they did not have any homes available. Thirty-three per cent, then, of the total realtors surveyed had moderately-priced homes currently for sale.

CHART II—REALTORS REPORTING MODERATELY PRICED HOMES FOR SALE

	Number	Percent	Percent of total realtors
Having current listings of moderately priced homes for sale	50	54.3	33
Not having current listings of moderately prices homes for sale	42	45.7	28
Total	92	100.0	

The second question concerned the frequency with which listings of moderately-priced homes were made with those realtors devoting a large part of their time to such sales. Forty-three, or 46.7%, of the 92 realtors indicated frequent availability of these homes, while 49, or 53.3% stated they obtained such listings rarely. The difference between the 50 realtors who showed current listings of moderately-priced homes and the lesser figure of 43 who report almost constant listings is probably due to the random nature of the sample; undoubtedly some respondents were contacted at one of the times when they had a home for sale costing less than $18,000. These 43 realtors represented 28.4% of the total sample.

CHART III—REALTORS REPORTING FREQUENT LISTINGS OF MODERATELY PRICED HOMES

	Number	Percent	Percent of total sample
Realtors reporting frequent listings of moderately priced homes	43	46.7	28.4
Realtors reporting infrequent listings of moderately priced homes	49	53.3	32.4
Total	92	100.0	

The last question related to necessary repairs on these homes; repairs that would be basic to providing an attractive, clean and safe family living unit. Of the fifty realtors reporting current listings, (this includes almost every one of the 43 obtaining frequent listings) 10, or 20% stated that massive repairs or almost total rehabilitation would be necessary before most of the homes they were selling could be inhabited. Another 26, or 52%, felt that extensive minor repairs, those costing no more than $2,000, would be needed on their homes, while 14, or 28% said that the houses they were selling were already in good or adequate condition and would need little or no work. It seemed as though most of these homes already in good condition were owned by persons who had invested in restoration for profitable re-sale later.

CHART IV—NECESSARY REPAIRS TO MODERATELY PRICED HOMES

	Number	Percent
Reporting major repairs or rehabilitation needed before occupancy	10	20
Reporting extensive minor repairs needed	26	52
Reporting no repairs needed	14	28
Total	50	100

What conclusions can be drawn from these figures? First, it seems that there is an available supply of moderately-priced homes in the Washington, D.C., area, although not as great as the supply of higher priced homes. There is, of course, the possibility of multiple listings, but of the 43 realtors who reported frequent listings of moderately-priced homes, only one was shown as a member of the Washington Board of Realtors, and only four as members of the negro Washington Real Estate Broker's Association. In fact, there may be a rather large potential supply of homes also. A number of firms stated that many owners of low or moderately-priced homes that are currently being rented could be persuaded to sell if only suitable buyers could be found. On the whole, then, the presumed housing shortage in Washington may not be as severe as some feel, although other factors are important in providing adequate living quarters for people as the availability of a building.

A second factor influencing the current housing situation is the problem of financing. The families most attracted to homes in the $18,000 category are usually the ones in the poorest financial position. Most of them cannot afford a large down payment or obtain a conventional mortgage. Even Federal Housing Administration financing may be difficult for these people, even though down payments are lower and qualifications that have to be met, easier. This inability to finance leads both to an inability to purchase and a reluctance to sell. In several instances realtors reported that owners were only willing to sell for cash, presumably to speculators, or that homes could be obtained only if the buyer could obtain proper financing. Others stated that they didn't attempt to sell low or moderately-priced homes because ". . . it's more trouble than it's worth," or, ". . . why go to all the trouble of trying to sell a home when the buyers can't buy." But the most vehement critics of present financing arrangements were non-white real estate agents who apparently suffered both financially and psychologically. They had large numbers of unsold low and moderately-priced homes in their files, but while each stated that people were available in many cases who wanted to buy these homes, they could not present financing agreeable to the seller.

Third, most of these low or medium-priced homes required anywhere from minor repairs to complete rehabilitation before they could be considered suitable living units. Seventy-two per cent of the realtors felt repairs of $1,000 or more would be needed to almost all of their homes they had for sale. Some realtors, in fact, commented that almost all homes in this price category would be considered substandard, although this view was not common. The dominant feeling was that a thousand dollars or more would have to be spent on the large majority of these homes. An aggravating factor has been the decline in building in the Washington, D.C. area in the last few years.

The decline in home building has had its greatest impact on homes selling for less than $20,000, the so-called moderately-priced home. In 1964, 284 of the 570 new housing units were priced at $20,000 or below; in 1967, however, only 81 of the 1173 new units were priced this low, and no new units were sold for less than $15,000. According to the Washington Post, March 16, 1968 edition, this decline indicates ". . . that it is no longer attractive or feasible to build single-family houses for less than $20,000, and that it is almost as hard to build them for under $30,000." The trend toward higher-priced homes apparently caters to the desire of people to "upgrade" themselves, and reflects the rise in building costs, especially land prices and inflation. In any event, this means the present and future market of moderately-priced homes lies in older homes in the central city, with their extra repair costs. Some realtors did indicate that older homes under $18,000 could be found in the suburbs, however.

In summary, then, it may be said that there is a supply of moderately-priced homes available in the Washington, D.C. area, although the full potential of this supply will probably not be known until some financing method is provided which allows individuals with limited resources to purchase homes. The supply will probably consist mostly of older homes, and money will have to be expended on rehabilitation of many of these homes. Essentially the problem is to create an opportunity for real estate agents to handle sales of moderately-priced homes, for owners to sell, and for buyers to have the ability to purchase.

THE IMPACT OF SUPERHARD ICBM SILOS ON ABM DEPLOYMENT

Mr. WHALEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WHALEN. Mr. Speaker, I would like to direct the attention of the Members of the House to testimony given last week before the Senate Appropriations Committee by Dr. Harold Brown, Secretary of the Air Force.

In his statement, Dr. Brown revealed for the first time a new development that could have a major bearing on the extent of the proposed ABM, or anti-ballistic-missile-defense system.

In my view, this new information brought out by Dr. Brown raises questions that demand careful scrutiny by the Congress concerning the potentially huge outlays encompassed in any massive deployment of the ABM.

At the very minimum, the Secretary's disclosures certainly call for a comprehensive analysis of what the timetable for the ABM should be.

What Dr. Brown outlined was an Air Force plan to build "highly survivable superhard silos" to house either the Minuteman III intercontinental ballistic missile, the up-coming replacement for the present Minuteman I, or the Advanced ICBM, currently designated as WS-120A. I am sure that there are those who will be inclined to dismiss the mention of "superhard" silos as another cute Madison Avenue euphemism which means very little in real strategic terms. But a look at the numbers associated with this plan is revealing.

What the Air Force expects to achieve in the construction of these new underground facilities for our missiles is an improvement in the ability of those containers to withstand nuclear detonations by a factor of 1,000 percent. The hardness ratings of the missile silos envisioned would be 2,500 pounds per square inch or approximately 10 times the current hardness. The related control areas would have hardness ratings approaching 7,000 pounds per square inch.

Silo strengths of this magnitude would require an attacker to deliver four times the megatonnage he would need today to assure destruction of our missiles. In addition, the accuracy of the incoming missiles would have to be virtually perfect.

The Soviet Union, however, is not believed capable of developing the striking power required to destroy our second-strike missile capability, with the superhard silo improvement, within the foreseeable future.

In his testimony, Dr. Brown made the following statement, which I consider to be significant:

> Against present estimates of Soviet missile capabilities it seems as efficient or more efficient for us to counter Soviet missile warheads by deploying the superhard missile silos than by deploying ABM defenses for our missile fields.
>
> In a sense, hardened silos are a form of ABM defense.
>
> Eventually, we also may need active ABM defenses around our missile fields.

In effect, Dr. Brown is saying that there may be a less expensive method of insuring the survivability of our intercontinental ballistic missiles than that of employing the multibillion-dollar ABM system.

Last year, this issue of the ABM became one of great contention when it was disclosed that the Soviet Union was developing and appeared to be emplacing its own ABM system. Many reacted with demands for greater haste on the part of the United States to move ahead with its own ABM.

The superhard silo concept casts a justifiable shadow over the urgency of arguments advanced by advocates of a rapid and extensive deployment of an ABM system. Before we rush headlong into the creation of a $40-billion system at a time of serious financial crisis, we must assure ourselves that it is warranted.

We have had expensive projects in the past where billions of dollars have been expended needlessly as we now know with the wisdom of hindsight. An objective, unemotional analysis is what is required so that years hence we can conclude that we acted with foresight and responsibility.

I feel that a thorough analysis of the impact of the superhard silo concept on the deployment plans for the ABM is mandatory at this time. I call upon Air Force Secretary Brown to provide the committee with a comprehensive analysis of this question, including detailed comparative cost estimates.

I intend to seek the support of my committee colleagues on this airing and hope that the distinguished chairman of the committee will lend his full support to determine what the proper course of action should be.

HIGH SCORE HIT BY TRAINEE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, I am pleased to note in the May 1 issue of the Corpsman the achievements of a young Texan—a high school dropout at the Gary Job Corps Center in San Marcos, Tex.

Eric Samuelson of Robert Lee, Tex., recently scored 93 percent on the general educational development test—the high school equivalency test—thus, placing him in the top 5 percent of students in 38,000 high schools nationwide which administer the test.

This is not the only achievement of Eric since he joined the Gary Center. With his year and a half experience in the Center's radio and television repair course, he hopes to obtain employment enabling him to continue his education.

I believe Eric typifies the Job Corps program and what it can do for a young person who makes the most of the opportunities the program offers.

I include the article about Eric which appeared in the Corpsman in the RECORD at this point:

HIGH SCORE HIT BY TRAINEE—SAMUELSON PLACES IN UPPER 5 PERCENT

Corpsman Eric Samuelson has nearly hit the top as far as scholastic rating is concerned.

The 17-year-old from Gary (Texas) scored an amazing 93% on his GED tests. This put him in the top five percent of students in 38,000 high schools all over the country that give the test. It was an all-time high for a Gary Corpsman.

Samuelson dropped out of high school in his home town of Robert Lee, Texas. A few months later he signed up in the Job Corps and was sent to Gary.

He's been there for over a year and a half studying radio and television repair. An excellent student in both his vocational and educational courses, Eric has been described as a model Corpsman.

In recent center elections he won a seat in the General Assembly and was elected secretary.

Eric Samuelson believes that "education and learning never stop" and plans to enter Texas Tech in Lubbock, Texas. He hopes to use the skills he learned at Gary to work his way through college and law school.

JOHN W. GARDNER AND THE URBAN COALITION

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, one of the outstanding public servants of our time is the Honorable John W. Gardner.

During his 2½ years as Secretary of Health, Education, and Welfare, Mr. Gardner brought to that immensely important post the qualities of intelligence, imagination, and compassion that are the highest marks of leadership in a free society.

Now, as chairman and chief executive officer of the Urban Coalition, Mr. Gardner is seeking to mobilize the resources of national leadership in business and labor, in religion and civil rights, as well as among the mayors of our great cities, in an attack upon the problems of the urban ghetto.

Mr. Speaker, I know of few figures in American life whose words and thoughts on the problems facing our country command such widespread respect, both from Democrats and Republicans, liberals and conservatives. Many of us are already familiar with Mr. Gardner's well known books, "Renewal" and "Excellence."

I believe, therefore, Mr. Speaker, that Members of Congress will read with great interests four recent addresses by Mr. Gardner. One of these, I am pleased to say, was delivered in my congressional district when Mr. Gardner received on March 6, 1968, the Annual Patriotism Award voted by the senior class of the University of Notre Dame.

The addresses to which I refer were delivered on the following occasions:

America's Democratic Legacy Award dinner, Anti-Defamation League of B'nai B'rith, New York, May 5, 1968.

Washington Day exercises, the University of Notre Dame, South Bend, Ind., March 6, 1968.

Silver Quill Award dinner, Washington, D.C., February 8, 1968.

American Statistical Association, Washington, D.C., December 27, 1967.

Mr. Speaker, under unanimous consent I insert the text of these addresses in the RECORD together with an editorial from the March 2, 1968, South Bend, Ind., Tribune, and articles from Business Week of April 27, 1968, and the Wall Street Journal of April 17, 1968:

REMARKS BY JOHN W. GARDNER, CHAIRMAN, THE URBAN COALITION AT AMERICA'S DEMOCRATIC LEGACY AWARD DINNER, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH, NEW YORK, MAY 5, 1968

In the time immediately ahead the attribute that may prove to be most valuable to the American people is stamina.

Our afflictions are many. They will not diminish soon. We shall need cool heads and courage—and above all, staying power—if we are to get through the days ahead.

It does no good to oversimplify our problems. But the simplifiers are ever present. They have an understandable desire to roll all our troubles up into one ball. All the trouble, they say, is traceable to the war, or to the President, or to racism, or to the establishment, or to our economic system, or to people over thirty.

One way of suggesting to you the complexity of our troubles is to talk just a bit about the interlocking clusters of problems of poverty, discrimination and the cities.

THE PROBLEM OF POVERTY

The effort to combat proverty, rightly conceived, is far broader and more varied than is generally recognized. It begins with sound management of the economy and attention to the requirements of economic growth and full employment. It requires programs of income maintenance—unemployment insurance, Social Security, public assistance. And justified dissatisfaction with present assistance programs has led to lively debate concerning new forms of income guarantee.

But if we are to break the cycle of poverty we must also eliminate the urban and rural slums that foster poverty. Such environmental change requires massive urban efforts such as the Model Cities Program, as well as regional and rural development activities such as the Appalachian Program.

Equally essential if we are to prevent the continuous regeneration of poverty is to reach its victims—present and potential—with programs of prevention and rehabilitation. That requires programs of early childhood education; excellent schools in the low income areas, job training, health care, social and rehabilitation services.

Having had the opportunity to observe all of those varied attacks on poverty, I am not moved by those who say that the effort to combat poverty has failed. It has not failed. The fact is that the number of people living in poverty has decreased steadily. No social critic likes to mention that fact, but there it is.

Of the hundreds of specific measures we have taken to cope with poverty, some have failed, and some are so new and experimental that the verdict is not yet in. If we don't occasionally have resounding failures in specific programs, then we aren't being sufficiently experimental.

DISCRIMINATION AND THE NEGRO REVOLUTION

The issues surrounding the attack on poverty are of course deeply entangled with the issues raised by the Negro revolution. But they are not the same thing.

The Negro revolution is the most significant event of our day. We seek to cope with it in terms of jobs and low cost housing and other measures not dissimilar to the attack on poverty. But it's more than that. Listen to a well-dressed young Negro college student who has eaten well all his life, and you know that he is talking of something other than poverty.

He's talking about acceptance on equal terms as a human being—and he is not pleading for such acceptance any more, he means to have it. And if you get the feeling as you talk to him that perhaps nothing you can presently do will quite placate him, that his resentment of centuries of subordination is too deep to eradicate quickly, that he is in a sense "raging against history", you are right. We may have to wait for that rage to spend itself.

We do not seek to do him justice because he threatens riots. That would be foolish. We seek to do him justice because it is right.

Unfortunately our task is vastly complicated by the actions of extremists on both sides. Acts of violence on one side bring responsive acts on the other side. Hatred brings responsive hatred. Extremists on each side point with glee to extremism on the other side. And the destructive interaction goes on.

It appears to be building toward a fearsome climax. And I'm sorry to say I believe there are decent people on both sides, white and black, liberal and conservative, who unconsciously want that climax. Don't ask me why. But as I've listened—and I've listened a lot—I have felt it. Being decent people, they of course want someone else to start the trouble. Like the good gunfighter in the western movie, they want bloodshed but want the other guy to draw first.

But no one who cares about the future of this country, whether he is white or black, liberal or conservative, will allow anger or resentment or an unconscious taste for violence to lure him into thoughts or acts that will bring that climax nearer. On the contrary, he will do everything possible to reverse the rapidly escalating mutual fears and hostility. Only in that way can we get back to the constructive task of removing the obstacles to a life of dignity and meaning for Negroes.

MUST COME TO GRIPS WITH PROBLEMS OF THE CITIES

Many of the difficulties facing the Negro today are created by the urban environment in which so many of them now live. Until we resolve the worst of our urban problems, it won't be a fit environment for either race.

The problems of the city are numerous and complex. The urgency of our present difficulties tends to mask those complexities. We now tend to concentrate on two or three desperately urgent matters—jobs, housing and the like. But sooner or later we shall have to get back to seeing the problem in all of its complexity. We shall have to face up to the fiscal starvation, the splintered jurisdictions, the absence of comprehensive planning, the problem of population, and so on.

NEED FOR EFFECTIVE LOCAL LEADERSHIP

In addition to all the other problems facing metropolitan areas, they face a deep running crisis of leadership. They need and must have far more effective leadership in and out of government.

I hasten to add that when I press the case for local leadership, I am not suggesting that Washington should have a diminished role. The argument over whether we should have a powerful Federal Government is over and done. Every sensible person now recognizes that this big and complex nation is always going to need a big and complex Federal Government. If we're lucky, it will also be wisely led and effectively managed. It will never be anything but powerful.

But the significant lesson of recent years is that the Federal Government, with all its wealth and strength, cannot be fully effective without the help of vital local leadership, in and out of government.

While the liberal and the conservative were arguing over the years about the proper role of the Federal Government, neither of them was asking how they could strengthen state and local government, neither of them was asking how the private sector, which in its very nature, is highly fragmented, could pull itself together to cope with major problems facing the nation.

THE URBAN COALITION

Now we must ask these questions.

The organization of which I am now the Chairman and Chief Executive Officer—The Urban Coalition—is designed to foster such leadership at the local level. Let me tell you about it.

After the riots last summer, a group of outstanding leaders in American life came together to form the Coalition.

The members of the Steering Committee included Mayors such as John Lindsay of New York and Jerome Cavanagh of Detroit, business leaders such as Henry Ford and David Rockefeller, labor leaders such as George Meany and Walter Reuther, Negro leaders such as Whitney Young and Roy Wilkins. In fact, no other organization in American life can equal the Coalition for the distinction and variety of its leadership.

I would emphasize the importance of the Coalition principle. Some people think of the Coalition as just another organization tackling the tough urban problems of the day. But it isn't "just another organization." It is unique, and its uniqueness lies in the way it goes about tackling the problems. Our distinction is that we bring together leadership elements that do not normally collaborate in the solution of public problems—in fact, we bring together segments of American life that have often been utterly out of touch with one another—and, in many cities, are still out of touch.

NEED FOR COLLABORATION AMONG SIGNIFICANT LEADERSHIP ELEMENTS

Today, no one leadership segment can solve the problem alone. City Hall can't go it alone. The Business Community can't solve the city's problems singlehandedly. There must be collaboration among all significant elements that hold power or veto power within the community.

Because of this need at the local level, our National Organization set out immediately to form local coalitions. We now have 33 and we hope to have 100 by year's end. As in the case of the National, each local organization includes representatives from a variety of leadership segments in the community—the Mayor, business, labor, minority groups, and religion. And we encourage the participation of other relevant elements—the universities, the schools, the press, the professions. Each local coalition raises its own funds, and is free to shape its own program in terms of its particular needs.

Now I still encounter leading citizens who say, "Why try to get all those people into the act?" "Why don't a few of us get together quietly, and try to solve some of these problems?"

It's a reasonable suggestion, but hopelessly old-fashioned. It won't work for long in any modern city. People are no longer willing to have solutions cooked up in the back rooms of the establishment and then served to them on a platter. They want to have their say. We won't re-establish stability in our cities until we bring into the same conversation all significant leadership elements that hold power or veto power in the life of the community.

The Coalition principle requires that minority groups be represented in the effort to solve community problems, and such representation is itself a step toward solving the toughest problem of all: effective dialogue between the black and white communities. When a crisis strikes, it is too late to begin the long process of building effective channels of communication. If there is to be fruitful collaboration between black and white leaders, it must begin and be tested in a non-crisis atmosphere. Then when trouble strikes, if it does, men who have worked together and trust one another can go into action together.

The creation of open, continuous and understanding communication between white and black communities is difficult. It requires hard work and patience and imagination on the part of every person involved. But there is no alternative, unless we are willing to see our cities torn apart.

The Urban Coalition will be concerned with unemployment, housing, education, entrepeneurship in the ghettos, race relations and many of the other problems that plague the cities today. We will try to make the public aware of those problems. We will try to bring the nation's best talent to bear on them. We will support constructive efforts to solve them.

We will seek to supplement and not supplant other efforts. We consider every organization constructively engaged in these matters to be an ally and we will hope to work with them and strengthen them where possible.

Thus we will work closely and cooperatively with the National Alliance of Businessmen. The Alliance, as you know, is under the Chairmanship of Henry Ford, who is a member of our Steering Committee.

Let me close with a plea that you lend your support and encouragement to the Urban Coalition—nationally and locally.

Our society is in serious trouble. It is a frighteningly complex society. It is undergoing extraordinarily rapid change. It is afflicted with the gravest dissension and internal conflict. If we are to gain command of the problems that threaten to overwhelm us, we are going to need all the talent, all the leadership that the nation can command. You can supply some of that necessary leadership.

A TIME TO THINK AND ACT IMAGINATIVELY

This is not a time for business as usual. This is a time to think and act imaginatively and responsibly to hold this nation together and move it toward a constructive future.

I don't know how many of you are conservatives and how many liberals, how many Republicans and how many Democrats. I will do you the credit of believing that you are all patriots in the best sense of the word, wanting to preserve this as a vital, coherent nation, wanting it to live up to the best in its tradition, wanting it to continue as a dynamic and free society.

Now, in these troubled days, the nation needs your wisdom, your steadiness, your willingness to deal patiently and calmly with difficult issues, working always to knit the nation together and to transmute destructive emotion into constructive action.

This nation can solve its problems. If we have the stamina and steadiness of purpose to keep our heads during times of conflict and controversy, we can make this society what it was always meant to be—a fit place for the individual human being—any and every individual human being—to live a life of dignity and fulfillment.

REMARKS BY JOHN W. GARDNER, WASHINGTON DAY EXERCISES, THE UNIVERSITY OF NOTRE DAME, SOUTH BEND, IND., MARCH 6, 1968

Let me begin with a bit of history.

The time is June, 1776. The scene—a second floor parlor in the brick home of a young German named Graff, at the southwest corner of Market and Seventh Streets in Philadelphia.

There shortly after the eleventh of June, beginning perhaps on the very evening of the eleventh, the lodger who occupied the second floor of Graff's home began to draft one of the great documents in our history. It would not be easy for me to tell you why my mind has for years lingered over that scene.

The lodger was, of course, the tall, lean, thirty-three year old Virginian known as Thomas Jefferson.

The document was, of course, the Declaration of Independence.

Jefferson said that he "turned to neither book nor pamphlet while writing" the Declaration. Beyond that, we know very little about how the actual drafting proceeded. If I could talk with the shade of Jefferson I think I would pass up a good many other exciting topics in order to question him about the drafting. I think I would question him in particular about the second and most famous sentence in the Declaration, the sentence that, as it stands in the final version, reads: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

THE DECLARATION A REMINDER OF OUR INFIDELITY

In the Rough Draft, he said: "We hold these truths to be sacred and undeniable . . ."

Jefferson later emphasized that he was giving expression to widely held views. The Declaration, he said, "was intended to be an expression of the American mind . . ." And we know that he had grounds for that assertion. As Julian Boyd put it "The idea that men were born equal, that they were possessed of certain inherent and unalienable rights, that those rights included life, liberty and the pursuit of happiness, that it was the duty of government to protect and preserve those rights, that the government which did not do so could be abolished—these were ideas familiar not only to . . . every pamphleteer, every lawyer, every minister of the gospel, but also to almost every American subject of George III in the epochal year 1776."

"We hold these truths to be self-evident . . ."

True to our modern temper, we have dissected the sentence, debated it, and impugned it. I myself have questioned it, defended it, argued over it and written about it. But the dignity of the sentence remains. To me nothing can detract from its beauty, nothing can detract from the significance for Americans of the moral strivings reflected in the sentence. It is the most seminal sentence in the history of American values.

But we must not let our admiration blind us to certain facts. After the great words were written, 89 years passed before we abolished slavery in this land of the free. Another half century passed before we enacted effective legislation against child labor. It wasn't until 1920 that women were allowed to vote. It wasn't until 1954 that the Supreme Court ruled against segregation. And even today human potentialities are warped and stunted in our slums.

Recognizing all that, what should be our attitude toward the words of the Declaration? I have heard it argued that in the light of attitudes and practices then prevailing, the words were sheer hypocrisy, the kind of lofty sentiment men express but never live by, and that for the sake of honesty, they might better not have been written.

I take a different view of the matter. I believe the later gains in human dignity would have come even more slowly, if the Declaration had not stood as a reminder of our infidelity.

The story of our failures and partial successes in the 192 years since the Declaration, is more than a story of the slow approach to an early goal. Not only is our practice becoming in some respects more compatible with the Declaration, our moral insight concerning the goal itself is in some respects deepening. We understand more now than we did then about the implications of those truths that were thought to be self-evident.

OBSTACLES TO INDIVIDUAL FULFILLMENT

One of the things we know now is that there are other and perhaps more stubborn obstacles to individual fulfillment than the tyranny and oppression that preoccupied our Founding Fathers. The other obstacles are poverty, ignorance, disease, discrimination, mental or physical illness or incapacity, and so on. And these cannot be romoved by mere assertion of inalienable rights, nor even by legally certified freedoms.

The most exciting declaration of our generation is the assertion that we must seek to remove *all* of these obstacles. Indeed we are now engaged in an unprecedented attack on all the conditions that prevent the full and free development of individual potentialities.

When we get down to the practical realities of that task—improving our schools, eliminating poverty, combatting mental illness, eradicating discrimination and the like, we find ourselves engaged in a hard and unglamorous business. That perhaps is why the unprecedented effort now being carried on is virtually unknown to the general public. Yet a very considerable number of Americans are participating in it, and for them it is the one wholly meaningful thing on the contemporary scene, the one thing that redeems all the idiocy and brutality of modern life.

None of the tasks we have set ourselves are easy. And they are made more difficult by the complexity of the problems that confront us and by the rapidity of the change the society is undergoing. The sheer task of managing the society, to say nothing of improving it, requires exceptional gifts of technical competence and vision and leadership.

NEED FOR EFFECTIVE LEADERS IN OUR NATIONAL LIFE

But in the matter of leadership, and the emergence of leaders, we face a considerable problem.

With all their extraordinary vision, the Founding Fathers failed to foresee one fairly central difficulty that this Nation would face. They did not see that leadership in a free society would not prove to be the only or even the chief magnet for good men. They did not see that with the rise of the professions a career ideal would emerge that would be far more attractive to our best young people than a career in public life or in any other leadership role.

Ask our brightest and best young men and women what careers they intend to follow. How many plan to run for office? How many plan to enter State or local government? How many into national affairs? Of 3106 National Merit Scholars selected during the first 4 years of the program, less than 2 percent of the boys and about 6 percent of the girls looked forward to careers in government service. A follow-up study of the same Scholars a few years later showed that even fewer retained an interest in government service, 1.7 percent of the boys and 1.6 percent of the girls.

Now in our kind of society, government has no monopoly on leadership, so you might imagine that these able young people have in mind some of the other areas of vital leadership in our society. But they do not.

They aren't particularly interested in being corporation presidents, or labor leaders or university presidents. They want to be professionals—unentangled, unencumbered, unbeleaguered, loyal only to their craft.

Now I am all for professionals. They have created the modern world—but I don't hold that against them. They are a priceless asset to any society.

But we also need a steady flow of extremely capable people into the decision-making roles in and out of government. And we aren't getting them.

I believe that there are few facts in our national life more disturbing than that. Our society and our world have grown so complex, social change occurs at such a bewildering pace, and the sheer technical demands of leadership have mounted so swiftly that in my judgment we're headed for disaster unless our ablest young people take a hand in running the society.

We need them as leaders, not just as buttoned-up and buttoned-down professionals living secure and tidy lives. We need them as leaders in business and education and in every other area of our national life—but most particularly we need them in public life.

We are producing the most educated, articulate and brilliant sidewalk superintendents the world has ever seen. We have a limitless supply of people with the intelligence and expertise to analyze the society's problems, but very, very few with the motivation and stamina to leap in and help solve them.

If enough of our young people are willing to commit themselves to the habardous business of leadership, then I have some hope for the years ahead. As some of you know, I have been keenly interested in what it is that makes nations decay. And as those of you who have read my book *Self-Renewal* know, the evidence convinces me that the decline of nations is not inevitable. As I said in the book if we go into a decline, we shall not be able to blame the inexorable forces of history. It will be an avoidable failure of the mind and heart and spirit of the American people. We now know beyond all doubt that nations die from within, and they are attacked less often by traitors within the gate than by traitors within the heart—complacency, apathy, cynicism, intolerance, self-deception and an unwillingness on the part of the individual to lend himself to any worthy common purpose.

"LET US RAISE A STANDARD"

Before the Constitutional Convention in 1789 George Washington is said to have made the statement: "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

When I was a young man that seemed to me, and it still seems to me, a noble proposal. But as a youth, I was also attracted by its seeming simplicity. Life hadn't yet revealed to me how difficult it is to raise any kind of standard, nor for that matter how hard it is to be wise and how very hard to be honest—hard all the days of our lives.

I believe that Jefferson erected such a standard when he inserted into our first great national document a memorable expression of what have proven to be the most enduring values in American life.

We have been faithless and faithful by turns to the ideals Jefferson expressed. We have interpreted and reinterpreted his words. Our understanding of the values underlying them has evolved and deepened. Yet we are still struggling to do justice to the vision, heartened by a few successes, ashamed of many failures, and unable to predict what new moral insights of tomorrow will make present practice appear primitive. Perhaps that is simply a description of the reality surrounding all moral striving.

It may be, of course, that in the years ahead, moral progress will be swifter than we think. It may be that the human race, which for 10,000 years has been so uneven in honoring its ideals, will suddenly change when the generation now under 30 takes over. But it may not. We must face that dreadful possibility.

Perhaps we will have to face the fact that we are imperfect creatures.

But we are imperfect creatures who dream of something better.

The something better that Americans, with all their failings, have dreamed of so insistently down the years is a society in which every person is of value, in which no one is damaged by circumstances that can be prevented, a society in which ignorance and disease and want will tyrannize no longer, a society that does not assault the senses with ugliness nor the mind with mediocrity nor the spirit with bleakness.

We will not redeem that ideal without great devotion and great effort. But there isn't anything we could be engaged in that will more surely give meaning to our lives.

REMARKS BY JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, SILVER QUILL AWARD DINNER, FEBRUARY 8, 1968, 7 P.M., WASHINGTON, D.C.

These are difficult times, and those who care about the well-being of this land are more than ever concerned to serve it well. We want to strengthen the Nation and preserve its vitality. We want to expand its tradition of freedom. We want it to stand for the best. We want it to be true to itself.

But the problems of the Nation are complex, and—at least at the level of leadership—it can only be served well by those who are willing to understand and cope with complexity. I'm going to talk tonight about some aspects of that complexity.

In the course of my career I've been involved in the foundation world, the business world, the universities, the military services and government. And somewhere along the way I developed a strong interest in how the various pieces of this society fit together.

Many people now see that relations between the Federal Government and other elements in the society are in swift transition, and they see that the American people had better understand that transition if we want to shape it to their purposes.

The difficulties facing this society today are of the utmost gravity. They may get much worse before they get better. I do not believe that as a nation we have acknowledged the seriousness of our situation. We must bring to bear on those problems the best minds and energies that this Nation can offer.

We must find better means of appraising our problems as they emerge, better means of devising and testing social solutions, and above all, better ways of mobilizing the abundant talents, resources and institutional strengths of this society. Without such mobilized effort we stand little chance of gaining command of the problems that threaten to overwhelm us.

NEED FOR MUTUALLY RESPECTING PARTNERSHIPS

But as this audience knows so well, we have a system characterized by the dispersion of power and initiative, and we like that attribute of the system. So we must develop means of mobilizing talent and resources that will move us toward our goals and at the same time will disperse power and initiative. Stated in simpler terms this means:

We must find far more effective ways of relating the Federal Government to State and local governments.

We must find new and better ways of involving private enterprise in the pursuit of social goals.

We must ask the universities to become even more deeply involved in carrying out public functions.

We must utilize increasingly a wide variety of nonprofit agencies in getting public work done.

And we must make certain that the relations between the Federal Government and all these other elements—State, local or private sector—are such as to preserve the integrity and vitality of the non-Federal partner.

President Johnson has urged and encouraged the creation of just such mutually respecting partnerships.

When I came to the Department of Health, Education, and Welfare, I initiated a thorough review of relations between the Department and the States. After a year of study I met with the governors and told them there were many specific and concrete measures that the Department could and would take to provide them with greater initiative and flexibility. This has since resulted in organizational changes in the Department, in legislative innovations, and in a revolutionary improvement in communications between the governors and the Department.

Let me give you one example, from the field of health. We had developed—over the years—fifteen separate grant programs through which the Federal Government made money available to the States for specified purposes, after the State had met prescribed conditions. Last year we merged those fifteen programs into one. Now each governor is asked only to assure us that he has adequate machinery for assessing what his State's needs are and then he is free to use his Federal aid for what he and his senior health officials deem important. There's a lot more to be done in redesigning our relations with States, but we're taking the first steps.

The Department has taken comparable steps to review its relations with the universities. I have set up a committee of college and university presidents to provide a continuous channel of communication. And we're already taking some practical, down-to-earth steps to remove sources of irritation from that relationship.

Finally, let me turn to the relationship between the Federal Government and private business. I know that many of the organizations represented here tonight have shown a deep and constructive interest in improvement of that relationship.

Business serves the nation well and the Federal Government well when it preserves its own vitality and forward movement. It is not only this country's chief source of economic growth and vitality, but the principal source of opportunity for the individual.

From the earliest days of this Republic, businessmen have seen in their government not only a keeper of the peace, an enforcer of contracts, a collector of taxes and a regulator of ways of doing business but also a provider of subsidies (sometimes in cash, sometimes in credit or in tax concession).

More recently, government has been given heavy responsibilities in the effort to promote economic growth, to maintain economic stability and to foster full employment. And in the years since World War II the government contract has come to play an increasingly important role in accomplishing a broad range of national purposes.

Even in the Department of Health, Education, and Welfare, which does not deal primarily with the business world, there are innumerable examples of the relationship. Aerojet General has developed a computerized patient manikin which promises to revolutionize the teaching of anesthesiology. McDonnell-Douglas Corporation is working on a power source for the artificial heart. United Aircraft is working on radar devices to aid the blind.

Less conventional and less well known is the Department's relationship to Blue Cross and to commercial insurance carriers in administering Medicare. In the Medicare program, health care is purchased from private, State or local hospitals, and claims are handled and payments made by Blue Cross or commercial carriers—all without a Federal employee having a hand in it.

The Food and Drug Administration, one of the constituent agencies of HEW, is collaborating with General Foods on an interesting experiment in self regulation of food processing. General Foods and FDA have agreed upon standards, and General Foods is reporting periodically on the evaluation of its own operations, with a view to eventual reduction in government inspection.

These examples—involving the universities and State and local governments as well as business—demonstrate that as a nation we are developing new ways to relate the Federal Government to each of the nongovernmental elements.

If those relationships are to develop in such a way as to maximize this society's creative abilities while preserving our system of dispersed power and initiative it will be because we planned it that way. And by "we," I mean all who are involved—those in the private sector, and those in government.

STRATEGY FOR THE PRIVATE SECTOR

As leaders in the private sector address themselves to the future of the relationship, what should they be thinking about? Let me give you what I think of as a strategy for the private sector—and I refer not just to the business world but to all the nongovernmental sector—the universities, foundations, professions, and so on.

FACE UP TO THE PROBLEMS

First, face up to the largest and toughest problems of the society. No factor has been more conclusive in the emergence of big government than the failure of the private sector to look squarely at the real problems of the community and the nation. Even today there are many in the universities and in the business world who somehow imagine that their special worlds can flourish while the society decays. It cannot be. Our society is wholly interdependent today, and decay in one part endangers all.

Today each of the varied segments of the private sector appraises its own special problems, but none examines the larger issues facing the nation. As a result, those larger problems end up in the lap of government. And that makes little sense when one considers the extraordinary resources of talent and expertise available in the private sector. Individuals and institutions in the private sector are perfectly capable of appraising the major problems facing the society and of developing policy alternatives.

What should our future system of health care look like? How should it be organized and how financed? What should our higher educational system be like 20 years from now, and how do we get from here to there? What steps will have to be taken over the next two decades to control environmental pollution? How can we save our cities? The way in which these questions are answered will deeply affect the private sector.

UNDERSTAND PROCESSES OF GOVERNMENT

Second, understand the processes of government. The day is past when leaders in the private sector, whether they are corporation or university presidents or something else, can delegate to their Washington representatives the problem of understanding the Federal Government. The leaders in the private sector should be deeply and personally concerned about how the society is governed. Many should take their turn at governing. They should know how government functions.

I'm not talking about the shallow arts of influence—what official or what Member of Congress to see to get what results. I'm talking about a real comprehension of how the system works.

EXAMINE RELATIONSHIP BETWEEN FEDERAL AND NON-FEDERAL GOVERNMENT

Third, re-examine the relationship between the Federal Government and each non-Federal element. What are the principles that should characterize the Federal Government's relationships with State and local government, with business, with the universities? How can relationships be designed so that the non-Federal partner is not weakened and subordinated? These are questions that should be asked insistently and *they can be answered.* But they cannot be answered with rhetoric or generalities. It is necessary to get down to the specific principles governing the relationship—and those principles must be embedded in legislation, in regulations, and in tradition.

New forms of collaboration need to be devised even as existing relationships are re-examined. In the case of business, for example, we must seek ways of adopting established tools—the credit subsidy, the tax concession, the contract and the grant—to provide the inducement (in business terms, the market) that will bring the creative force of business to bear on social goals.

And in thinking about the Federal Government's relations with non-Federal elements, I urge that everyone give thought to the future of State and local government. Our system of dispersed power and initiative is anchored in two sets of relationships: the government-private sector relationship and the Federal-State-local relationship. Anyone who cares to preserve the system had better care about the latter as well as the former.

STRENGTHEN EXISTING INSTITUTIONS IN THE PRIVATE SECTOR

Fourth, strengthen existing institutions in the private sector and design new ones where needed. In the intricately organized society of the future, inefficient institutions will be squeezed out. To mention those that I see at close range, some of our private hospitals, private charity institutions and private schools are among the most inefficient institutions in the nation. They should be subjected to continuous re-examination and renewal. They are too important to our future to be neglected. (I don't need to add that government agencies need equally rigorous scrutiny.)

Let me conclude with a word about the way in which leadership is organized in this nation. It is characteristic of our system that a great deal of the significant leadership of our society lies outside of government. But today that non-governmental leadership is rarely an effective voice in the larger issues facing our society. That can and must be remedied. We need, outside of government, an effective body of leaders, local as well as national, who are committed to preserve the vitality and stability of the community despite the ups and downs of partisan conflict.

The need for such a layer is dramatically evident in our major cities where City Hall is virtually helpless without the strong assistance of local leadership by industry, labor and minority groups.

Our society has become so complex, change so swift, and the social forces impinging on us tumultuous that it's pretty close to being more than we can manage. If we are to retain any command at all over our own future, the ablest people we have in every field must give thought to the largest problems of the nation.

The whole point of my remarks tonight is that they don't have to be in government to do so. But they do have to come out of the trenches of their own specialty and look at the whole battlefield.

"ONE NATION INDIVISIBLE . . ."

One final comment. Even the ablest and most willing leadership will not be effective unless we can halt the deep cleavages that are appearing in our society.

Anyone who has listened to the messages from the ghetto, and the words uttered in paneled offices and country clubs knows that there are destructive and divisive sentiments in circulation that could tear this Nation apart.

The place to combat those sentiments is where they start—in our own minds and in the conversations of our friends and colleagues. And leaders in every segment of our national life have further responsibilities: To strive to diminish tensions in their own communities, to act constructively under stress, to bind the Nation together.

Every time we salute the flag we pledge allegiance to "one Nation indivisible." And one Nation indivisible it must remain.

REMARKS BY JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, AMERICAN STATISTICAL ASSOCIATION, WASHINGTON, D.C., DECEMBER 27, 1967

A couple of years ago, when I was about ten years younger, Fred Mosteller asked me to give this speech. I said "yes" partly because I've known and admired Fred for many years, partly because I once taught statistics and have many friends in this Association, but mostly because I was flattered that someone thought I would last long enough to keep the engagement.

My days and my energies are now totally absorbed in handling some of President Johnson's major domestic programs, and I want to talk about some of the problems in our domestic effort, problems in the governing of this free society, in other words, problems facing the people.

I cannot speak with assurance, only with concern. I constantly marvel at the number of people outside the arena of action who know precisely how to solve our problems, and the number of people in the heat of action who lack that superhuman clarity. I've often wondered why this is so.

I want to talk about resources, expectations, planning, the public mood, institutional change and civil disorder.

HEIGHTENED AWARENESS OF SOCIAL PROBLEMS

We have seen in the years since 1961 a growth of domestic social programs unrivalled in our history except for the period 1933–37. I'm not speaking solely of government programs—I'm speaking of activities in and out of government, in every corner of this land. It has been an extraordinary outburst of social conscience, marked first and foremost by a heightened awareness of social problems.

There is no precedent for the scope of goals envisioned by the people in and out of government who concern themselves with the social fields today. We have declared war on ignorance, disease, poverty, discrimination, mental or physical incapacity—in fact, on every condition that stunts human growth or diminishes human dignity.

I am deeply committed to that effort and heartened by the progress we have made. But it is a struggle all the way, and there are grave problems ahead.

Consider, for example, the coming crunch between expectations and resources. The expectations of the American people for social benefits are virtually limitless. In the past six years we have opened up innumerable areas of constructive governmental activity—in early childhood education, work with handicapped children, special education for the disadvantaged, health research, work on artificial organs, programs for the aged, rural development efforts, conservation and beautification activities, manpower training and so on. We have begun most of these programs on a modest scale.

The proponents of every social institution or group aided by these programs believe passionately that support to *their* field must be vastly enlarged in the near future. The colleges and universities have ideas for future Federal support that would run to billions per year. And they ask little compared to the advocates of aid to elementary and secondary education.

The annual cost of a guaranteed income would run to scores of billions. Estimates of the cost of adequate air and water pollution control and solid waste disposal run even higher. Estimates of the cost of renovating our cities run to hundreds of billions.

Today we attribute budget constraints to the Viet Nam war, but if the war ended tomorrow, in 12 months we'd again be bumping against the ceiling of resource constraints.

PROBLEM OF LIMITED RESOURCES

How do you make rational choices between goals when resources are limited—and will always be limited relative to expectations? To those of you familiar with program budgeting, the question translates itself into several others: How can we gather the data, accomplish the evaluation, and do the planning that will make rational choices possible?

Forced choices are of course not the only consequence of a limit on resources. We can have our cake and eat at least some of it if we can get a higher yield from the dollars, talent and institutional strength available to us.

But that raises questions of good management and unit cost that are painful to most people active in the social fields. Once in talking with a physician who was ministering to poor people I asked about unit costs of his government-supported clinic, and he said "I'm not an efficiency expert, I just want to heal sick people."

What he was refusing to face is that somewhere up the line hard decisions will necessarily be made, and a limit placed on resources available for delivery of health care. So if he is in fact functioning with high unit costs, the number of sick people he can treat will be correspondingly few. Without knowing it he has made a decision on resource allocation.

RATIONAL USE OF RESOURCES

Now let me mention one more kind of problem that arises when demand is great and resources are limited.

Any effort to plan and rationalize the allocation of resources tends to reduce pluralism, and to introduce new kinds of institutional controls. If we have less than enough to spend in constructing hospitals, then we must be sure that those constructed are properly located and designed to accomplish the greatest good.

In doing so, we move toward a measure of social control. The Federal Government has avoided infringement of local autonomy by asking the States to perform the necessary planning functions.

But whether the controls are at the Federal, regional or State level, rational use of resources tends toward the creation of large-scale, interconnected systems, and to comprehensive planning of those systems.

Traditionally we have had no appetite for such systematic planning. And our non-governmental institutions, whether universities or hospitals or scientific laboratories, are not accustomed to think of themselves as parts of large-scale interconnected systems.

MUST MAINTAIN LOCAL AND INSTITUTIONAL AUTONOMY

I believe it is possible to accomplish a large measure of rational social planning and still retain the most important features of local and institutional autonomy. But it will require a conscious effort and a knowing grasp of the problems involved.

In the light of these requirements one can see the value of President Johnson's assertion that the Federal Government should operate more and more through mutually respecting partnerships with State and local government, with the universities and corporations, and with the other great estates of the private sector. Such partnerships, rightly designed, can maintain the dispersion of power and initiative that we cherish. But it will take a lot of skill and ingenuity to design the partnerships wisely and well.

NEED FOR FORMULATING GOALS

Another inevitable consequence of the effort to husband resources and allocate them wisely is the attempt to predict future needs and expenditures. Our tradition of stumbling into the future is expensive. Intelligent use of limited resources requires orderly formulation of goals, evaluation of means to achieve those goals, and development of strategies and cost-estimates for getting from where we are to where we want to be.

But I have been talking about social goals, plans and priorities as though the only significant considerations were rational and technical. In the development of public policy, that can never be. So let me talk a bit about people.

Once people were fatalistic about their problems because they attributed those problems to the will of God or the forces of Nature or simply to the unchanging order of things.

But for the past 3 centuries man has gained increasing confidence, justified or not, that he can have a hand in determining his own fate, can rid himself of at least some of the ancient afflictions.

Whatever else the consequences, that shift places a very heavy burden on man and his institutions. The individual who used to curse his fate now curses himself or his employer or the party in power.

The pressures and strains on institutions are particularly severe when people who have suffered oppression, as have some of our minority groups, begin to see the chance for a better life.

INSTITUTIONS MUST BE MADE MORE RESPONSIVE

Once the grip of tradition or apathy or oppression has been broken and people can hope for a better life, their aspirations rise very steeply. But the institutions that must satisfy those aspirations change at the same old glacial speed.

As things stand now, modern man believes—at least with half his mind—that his institutions can accomplish just about anything. The fact that they fall very far short of that goal is due, he believes, to the prevalence of people who love power or money more than they love mankind.

To my mind there is an appealing (or appalling) innocence to that view. I have had ample opportunity—perhaps more varied opportunity than anyone you know—to observe the diverse institutions of this society—the colleges and universities, the military services, business corporations, foundations, professions, government agencies and so on. And I must report that even excellent institutions run by excellent human beings are inherently sluggish, *not* hungry for innovation, *not* quick to respond to human need, *not* eager to re-shape themselves to meet the challenge of the times.

I am not suggesting a polarity between men and their institutions—men eager for change, their institutions blocking it. The institutions are run by men. And often those who appear most eager for change, oppose it most stubbornly when their own institutions are involved. I give you the university professor, a great friend of change provided it doesn't affect the patterns of academic life. His motto is "Innovate away from home."

We are going to have to do a far more imaginative and aggressive job of renewing, redesigning, revitalizing our institutions if we are to meet the requirements of today.

Just as the resistant character of institutions blocks constructive change, so does lack of resources. We discussed that subject earlier, but left out one crucial fact. The overall limit on resources available to government programs is determined not just by the economy, not just by the rational and technical processes of budgeting, but by the perception on the part of Congress and the public of what needs doing and how badly it needs doing, by the willingness of the public to let itself be taxed for relevant purposes, by the courage of the Administration in calling for taxes and of the Congress in enacting them.

GRAVE CONSEQUENCES OF INACTION

I believe we are now in a situation in which the gravest consequences for this Nation will ensue if we fail to act decisively on the problems of the cities, poverty and discrimination. The human misery in the ghettos is not a figment of the imagination. It can be read in the statistics on infant mortality, in the crime statistics, in the unemployment figures, in the data on educational retardation. We must deal responsively and not punitively with human need. But the resources available to cope with these problems will be determined by public awareness of the need, by the subtleties of public mood, and by Congressional action. At this writing, it does not seem to me that either the Congress or the public is fully aware of the alarming character of our domestic crisis.

We are in deep trouble as a people. And history is not going to deal kindly with a rich nation that will not tax itself to cure its miseries.

The modern belief that man's institutions can accomplish just about anything he wants, when he wants it, leads to certain characteristics contemporary phenomena.

One is the bitterness and anger toward our institutions that occurs when high hopes turn sour. No observer of the modern scene has failed to note the prevalent cynicism concerning all leaders, all officials, all social institutions. That cynicism is continually fed and renewed by the rage of people who expected too much in the first place and got too little in the end.

ASPIRATION AND DISILLUSIONMENT

The aspirations are healthy. But soaring hope followed by rude disappointment is a formula for trouble. Leaders arise whose whole stock in trade is to exploit first the aspirations and then the disappointment. They profit on both the ups and downs of the market.

The roller coaster of aspiration and disillusionment is amusing to the extreme conservative, who thought the aspirations were silly in the first place. It gives satisfaction to the left-wing nihilist who think the whole system should be brought down. It is a gold mine for mountebanks willing to promise anything and exploit any emotion. But it is a devastating whipsaw for serious and responsible leaders.

All of this leaves us with some crucial and puzzling questions of public policy. How can we make sluggish institutions more responsive to human need and the requirements of change? How can we mobilize the resources to meet the grave crises ahead?

How can we preserve our aspirations (without which no social betterment is possible) and at the same time develop the toughness of mind and spirit to face the fact that there are no easy victories? How can we make people understand that if they expect all good things instantly they will destroy everything? How do we tell them that they must keep unrelenting pressure on their social institutions to accomplish beneficial change but must not, in a fit or rage, destroy those institutions? How can we caution them against exploitative leaders, leaders lustful for power or for the spotlight, leaders caught in their own vanity or emotional instability, leaders selling extremist ideologies?

DIMINISH THE RESORT TO VIOLENCE

How can we diminish the resort to violence? Violence cannot build a better society. No society can live in constant and destructive tumult. We will have either a civil order in which discipline is internalized in the breast of each free and responsible citizen, or sooner or later we will have repressive measures designed to re-establish order. The anarchist plays into the hands of the authoritarian. Those of us who find authoritarianism repugnant have a duty to speak out against all who destroy civil order. The time has come when the full weight of community opinion should be felt by those who break the peace or coerce through mob action, or by-pass established democratic procedures in favor of coercive demonstrations.

In closing let me emphasize one or two points. Dissent is an element of dynamism in our system. It is good that men should expect much of their institutions, good that their aspirations for improvement of this society should be ardent.

But those elements of dynamism must have their stabilizing counterparts. One is a tough-minded recognition that the fight for a better world is a long one, a recognition that retains high hopes but immunizes against childish collapse or destructive rage in the face of disappointment. The other is an unswerving commitment to keep the public peace.

NEED FOR YOUNG LEADERS

But we need something else. An increasing number of very bright and able people—people like yourselves—must become involved in the development of public policy. Ours is a difficult and exhilarating form of government, not for the faint of heart, not for the tidy-minded, and in these days of complexity not for the stupid. We need men and women who can bring to government the highest order of intellect, social motivations sturdy enough to pursue good purposes despite setbacks, and a resilience of spirit equal to the frustrations of public life.

We face the gravest difficulties in the days ahead. But if we could bring to bear on our toughest problems all of the talent and resources of this Nation we could accomplish some things that would leave an indelible mark on the history books.

[From the South Bend Tribune, Mar. 2, 1968]

Gardner Without Handicaps

It was widely agreed that John W. Gardner, who recently stepped down as secretary of Health, Education and Welfare (HEW), was among the most able men ever to serve in President Johnson's cabinet. Such judgments are never unanimous, but in Mr. Gardner's case the agreement was surprisingly broad.

It is, therefore, encouraging that Mr. Gardner has accepted the chairmanship of the Urban Coalition—an organization that has aspirations of becoming a kind of non-federal department of health, education and welfare.

Unlike the federal version, with its entrenched bureaucracy, its tradition-laden ways of doing things, and its emphasis on congressional appropriations as the solution to all evils, the Urban Coalition is young enough to be flexible and responsive instrument.

It is not likely to do away with the need for a parallel federal bureau. But it could prove to be an effective supplement to HEW, and perhaps an experimenter and pace-setter.

The Urban Coalition was born of last year's civil strife. It is an alliance of business, labor, local governments, civil rights groups and churches to seek answers to the social problems that give rise to America's urban agonies.

At its best, it could prove to be the healthiest counter-balance yet to the long trend toward federalizing domestic problems and their solutions. At worst, it will help spread awareness of problems among segments of society whose vision has not normally embraced such problems.

Mr. Gardner performed well as HEW secretary in spite of the built-in bureaucratic handicaps. It will be fascinating to see him in action without the handicaps.

The country may have gained rather than lost a skillful servant in John Gardner's job shift.

[From the Wall Street Journal, Apr. 17, 1968]

Rescuing the Cities—Racial Turmoil Spurs New Urban Coalition To Step Up Its Efforts—Group Led by Gardner Unites Business, Labor, Rights Leaders in Attack on Ills—The "Poolroom Crowd" in Gary

(By Monroe W. Karmin)

Washington.—The day after the death of the Rev. Martin Luther King Jr. an emergency phone call from the nation's capital to

Puerto Rico furnished sudden impetus to a fledgling effort for social change—the Urban Coalition.

President Johnson wanted help from John Gardner, who just five weeks earlier had left the Cabinet to take charge of this national alliance of business, labor, civil rights, religious and urban leaders formed last August to mount a "broad public-private attack on the problems of American cities."

Mr. Gardner, who was in San Juan to deliver a speech, promptly wired local coalitions in 33 cities that the King murder attached "new urgency" to the need for "positive and constructive action in this time of national crisis." From this alert, and amid the post-assassination racial violence, came this response:

—Coalitions in some major riot cities rushed aid. In the District of Columbia, for example, the local unit set up emergency centers to find jobs, distribute food and arrange housing for residents of riot-torn neighborhoods. Though the Washington coalition was organized only a few weeks ago, Chairman Walter F. McArdle, a businessman, says the burning and looting "matured us in a hurry."

—Coalitions in other cities contributed in different ways. Detroit's coalition swung behind Federal civil rights legislation with messages to Congress from big business names: Ford's Henry Ford, General Motors Chairman, James M. Roche; department store magnate Joseph L. Hudson, as well as the board chairmen of Michigan Bell, Detroit Edison and Michigan Consolidated Gas (the rights bill cleared Congress a week ago). The Minneapolis coalition pledged action on 14 alleged grievances presented by the black community, ranging from job discrimination to the lack of Negro representation on the city council.

Cities without coalitions showed new interest. Last week national headquarters received inquiries from at least 11 communities wanting to form local units. Among these communities were Westchester County, N.Y., St. Petersburg, Fla., Madison, Wis., and Memphis, scene of the killing of Mr. King. "Since the assassination and rioting," says a national coalition staffer, "people have been calling in here with a new sense of urgency."

A SIGNIFICANT CALL

As significant as the cities' emergency response to Mr. Gardner was the fact that Mr. Johnson called him at all. At the Urban Coalition's birth eight months ago, there was no White House involvement whatsoever.

The Urban Coalition was founded at an "emergency convocation" here in August. The co-chairmen of the meeting were Andrew Heiskell of Time Inc. and A. Philip Randolph of the Brotherhood of Sleeping Car Porters. The organization had an impressive set of founders: General Electric's Gerald Phillippe, Chase Manhattan's David Rockefeller, labor's George Meany and Walter Reuther, Mayors Richard Daley of Chicago and John Lindsay of New York, and Negro leaders Whitney Young, Roy Wilkins and Mr. King—among many others.

Yet the White House greeted the new group with utter silence; the coalition's blueprint for "an attack on the urban crisis" exceeded, in many aspects, the Great Society's own domestic-spending plans.

But Mr. Gardner now is confident of Mr. Johnson's support. Indeed, the former Secretary of Health, Education and Welfare insists it was the President who suggested (when Mr. Gardner first revealed his wish to resign) that he consider becoming chairman of the Urban Coalition to "stay in the battle" to save the cities. Mr. Gardner did, and at the very next crisis the President called.

Fresh crisis, apparently, is what the Urban Coalition needed to generate momentum. Despite its bold purpose and blue-ribbon sponsorship, the alliance, prior to Mr. Gardner's takeover, could point to few solid accomplishments. Its national staff was small, and what was being done stemmed more from local initiative than from national direction.

OFFERS OF HELP

Mr. Gardner hopes to change all that. He's now recruiting staff talent to be paid from foundation grants, and, encouraged by last week's activity, he has set a couple of short-term goals:

First, he wants to enlarge local membership. With 33 cities represented now, he hopes for 50 by summer and 100 by the end of the year.

Second, he wants to give local units more forceful, precise leadership. By early June, he hopes to give city coalitions specific suggestions about jobs for the hard-core unemployed, education reforms and homes for low-income families plus open housing for Negroes. Jobs are especially urgent. "What we need in the worst way is a distillation of the experience of private industry with the hard core," Mr. Gardner declares.

Why does Mr. Gardner believe the Urban Coalition can be more effective than other organizations—including his former employer, the Federal Government—especially since the coalition's primary purpose is not the dispensing of funds?

The chairman views the coalition as a catalyst, bringing together community leadership elements that do not normally join hands to solve public problems. And he believes it can perform this task more easily than Government simply because the coalition is not Government. "I've gotten all kinds of offers of help that I would never have gotten as HEW secretary," he says.

This coalescing of community support is intended to have both national and local impact.

On the national level, Mr. Gardner hopes the coalition will generate grass-roots pressure on "an inert and apathetic Congress" to win lawmakers' acceptance of social welfare programs aimed at uplifting the urban poor generally and the urban Negro specifically. In this regard, the coalition has moved well out in front of the Johnson Administration in calling for "a reordering of national priorities." For example, it wants Congress to finance one million public-payroll beginner jobs for Negroes in police and fire departments, schools and hospitals. Mr. Johnson indicated late last week that he was not about to recommend any such dramatic—and costly—new program.

On the local level, Mr. Gardner wants to see member coalitions turn their talents and energies to a range of community problems, following the lead of some of the pioneers.

The New Detroit Committee, spearheaded by Henry Ford II, is the most publicized of these. Though the committee existed before the national Urban Coalition was formed, it is now the Motor City's local coalition. And while its success remains to be measured, the committee counts among its accomplishments the placement of at least 50,000 unskilled workers, more than half of them Negroes, in the past six months and the "adoption" of a city high school by Michigan Bell, which sends employes to teach at the school and provides on-the-job training at its own facilities.

In Gary, Ind., the Urban Coalition unit is a product of U.S. Steel Corp. initiative. Four of the coalition's 30 board members come from the corporation, which has also pledged $70,000 to help attack the city's problems. There's no question, says George Coker, executive director of the Gary Urban League and secretary of the Gary coalition, that U.S. Steel has been "a major mover."

Over the winter, the corporation hired 130 hard-core unemployed, described by Mr. Coker as "the poolroom crowd recently arrived from the South," Company-sponsored basic-education classes raised their reading proficiency to the sixth-grade level and taught work discipline. It's too soon to evaluate the newcomers' long-term performance, but only 7 of the 130 have dropped out, and Mr. Coker says the corporation has now revised its hiring standards to begin accepting applicants who aren't high school graduates.

The New York City coalition, as part of a broad attack on local problems, is considering the establishment of an "economic development" unit to provide venture capital and technical assistance for would-be Negro entrepreneurs. The economic unit might seek to obtain Government contracts and private franchises for the ghetto residents.

The Niagara Falls, N.Y., coalition, which came into being only in February, is helping teen-agers, mostly Negro, from a United Youth Corp. United Youth hopes to turn a profit by providing dances, shows and other recreation for local youngsters. Profits would be used to help finance the coalition and to provide scholarships.

The Fresno, Calif., coalition has pledged a modest $10,000 as the start of a city mortgage-insurance fund to help residents of slum neighborhoods buy homes. The 30-man steering committee includes representatives of the poor, Mexican-Americans, Negroes, youngsters and the aged.

The Minneapolis coalition saw one of its plans come into being in a hurry over the crisis weekend that followed the King assassination. To insure order, a mobilization call went out to a citizens' patrol known as the "Protectors"—organized through a Negro community center under the auspices of the city coalition—that had been under discussion for weeks. The coalition paid for gas for the Protectors' cars and provided them with walkie-talkies to keep in touch with the police.

But if the threat of violence spurred Minneapolis to quick action, the occurrence of violence poses a new problem for some other coalitions.

Despite the success of its relief operation in riot-torn Washington, some members of the city's coalition fear the destruction will erode future support. A coalition member reports "a helluva lot of businessmen are saying, 'I'll be damned if I'm going to help, now that the city has been burned.'" Thus, he believes a primary task for the coalition here will be to "try to get people to understand why the riot happened and the need for action" to alleviate its causes.

[From Business Week, Apr. 27, 1968]

BUSINESS JOINS WAR ON URBAN ILLS

The Urban Coalition, now headed by John W. Gardner, pulls in some powerful business backing. Its plan is for a low-key—but solid—drive to raise up the cities' ghettos.

John W. Gardner, the new head of the Urban Coalition, did the impossible when he was Lyndon Johnson's Secretary of Health, Education, & Welfare.

After 2½ years in a job that bruised and scarred other men, Gardner resigned with his prestige enhanced. He is now committed to a new venture: cementing together—and making effective—a brand-new organization that got off to a flying start last summer, but has been flying low and slow ever since.

His task is to make it possible for the country's hard-headed businessmen to stand up and be counted—alongside hard-headed Negro leaders, labor leaders, religious leaders, and big city mayors—for some of the most controversial and costly proposals for solving the urban crisis.

Says a labor union official who is a member of the coalition: "Without the business leaders, you've got the same lobbying organizations you had before. With the business leaders joining in the question becomes: Will they come in hard enough and strong enough to make it a lobbying organization that really is something more than we had before?" The coalition was officially launched last summer, while the horror of Newark and Detroit still hung over the country. Gardner became the coalition's first full-time chairman on Mar. 1.

The coalition has already taken hard stands for more money for the war on poverty, more money for summer jobs for ghetto youth, more public housing and rent supplements, and for the new open housing bill.

It opposed last year's freeze on welfare payments, and supported a tax increase. And it asked the government to provide "public service jobs" in cities and towns for those of the unemployed who cannot find jobs in private industry.

Coming tests. The coalition's next big objective is its drive for public service jobs; its proposals carry a price tag of around $4 billion.

The coalition has discussed the highly controversial welfare system, and the alternative of some kind of guaranteed annual income or negative income tax. But Gardner is going slow on this and other new issues for the rest of this year.

One insider says hopefully that as the coalition takes on weight and momentum, its policy positions "will reverberate throughout the political leadership, and be perceived as important sentiment from around the country." He adds: "But as yet this is not the case. Gardner needs organization and community effort to bring this about. The test for the coalition has to be, 'When will the politicians sit up and take notice?' "

But there is also some doubt whether the coalition can move fast enough and hard enough to satisfy some of its key members. "Whitney Young (executive director of the National Urban League) is going to hold the coalition's feet to the fire," says one man in a position to know. "At Gardner's first news conference a few days after King's assassination, Whitney told the world publicly what he had told the executive committee privately—that he is as mad and as militant as H. Rap Brown. Young has upped the ante. His price for being agreeable has gone up. He would scare hell out of them if he threatened to walk out."

BIG UMBRELLA

The coalition idea began in the fall of 1966, when, as one staffer puts it, "The mayors could begin smelling the joint burning down."

One insider says the coalition was created because "people in leadership positions in business and other fields have been looking for an umbrella to get under, or a bandwagon to get on. The Urban Coalition is both respectable and acceptable—as an umbrella or a bandwagon, depending on how the man wants to use it."

At the moment, the coalition is no bandwagon. But under its umbrella are leaders from five major segments of American society: business, labor, religion, racial minorities, and local government. There are 36 members on the steering committee, with more to be added later to represent Mexicans and Puerto-Ricans, and perhaps educators. Fifteen of the 36 comprise the executive committee, which meets more frequently than the larger group.

Parallel. In its national role, the coalition can be likened to the Committee for Economic Development, which after World War II provided a mechanism through which businessmen attempted to prepare for the switch from wartime production and controls to peacetime competition and growth. The CED promoted the discussion of new ideas, policies, and programs—and particularly proposals for countering the postwar recession that was then expected.

Similarly, the Urban Coalition is providing businessmen with a forum for an exchange of ideas in an era of threatening social change that seems to grow increasingly ominous.

The coalition commits a businessman to a first-hand, do-it-yourself confrontation of ghetto and racial problems, and gives him an opportunity to hammer out programs with Negro and church leaders.

These leaders are also learning something from the pragmatism of the businessmen, according to coalition insiders. "They're learning they can win the backing of the businessmen, but only when they can satisfy them that the policy is right or that the program will work."

NEW DIRECTION

At the coalition's big convocation last August, the 1,200 community leaders represented, in Whitney Young's words, "enough power to turn this country around." Since then, however, Gardner admits that the prevalent impression of the coalition is of "an organization that meets in Washington, holds press conferences, and issues handouts."

Gardner's job is to change all that, but he is not going to be rushed into a splashy show of activity just to get attention. "Everybody wants the Urban Coalition to march out and do some big symbolic thing," Gardner says, "and I want it to move solidly and effectively." The coalition, he contends, could "dissolve in talk if we aren't careful. I'm going to try to move ahead one step at a time."

Satellites. One of the coalition's immediate goals is to create coalitions in each of the major cities, and about 30 have already been formed. "But only about 12 or 15 of these are really functioning," says one coalition source.

The Washington, D.C., coalition, formed only about a month before the riots, sprang into action almost overnight, working with existing church and other groups to provide housing, food, and an emergency fund for burned-out ghetto residents.

Gardner's goal for the next year is to push the total of local coalitions to about 100, each with the same leadership elements that make up the national coalition and each locally financed. The role of the coalitions at the local level is likewise to mobilize a broad base of community support for jobs, housing, and school programs. Like the National coalition, the local groups have task forces working on these problems. Some local coalitions have already sponsored projects of their own. The New York group, for example, organized a work-study program administered by the city police department, and financed by a grant from Standard Oil Co. of N.J. The Minneapolis coalition has organized and backed a citizens patrol of ghetto neighborhoods. The coalitions' normal role, though, will be to act as a catalyst for new programs, or to expand existing ones, and have them run by specialized agencies.

Gardner's role. The appeal of Gardner—a psychologist, educator, and foundation official—to businessmen puzzles some people. He is described by associates as "high-minded . . . low-key . . . idealistic . . . pragmatic." Gardner operates much the same way that President Lyndon Johnson does: He draws on his wide range of sources in industry, universities, foundations, government, and on his own aides for information and views on a given problem, keeping his options open, and disclosing his own conclusions only when everyone else has had his say.

"Businessmen respect him, especially big businessmen. Maybe it's because the bigger the businessman is, the more idealistic he's apt to be," says one man close to Gardner.

Part of Gardner's role, one source suggests, is to give the coalition's policies "a seal of legitimacy. People feel that if Gardner buys something, it must be legitimate, and people will buy anything if it's legitimized."

Gardner is not getting all his views from old friends. He has been busy building a staff in addition to the half-dozen former top aides at HEW that he took with him. And as a real believer, according to one coalition man, in the "generation gap," he has on hand a "youth group" which is encouraged to provide him with unconventional wisdom, information, and insights.

Gardner's strong connections with foundations, dating from his tenure at the Carnegie Foundation, is bringing in financial support. The Ford Foundation, among others, is helping with this year's $3-million budget. Because foundations cannot finance lobbying activities, though, the coalition has created a separate Urban Coalition Action Council with identical membership. Funds for its work will come from business, labor and religious groups. Further, business is kicking in substantially to local coalitions.

LEAP TO ACTION

The coalition's first major effort since Gardner took over was in behalf of the open housing bill, which passed a few days after King's death. At least 14 top businessmen, including such non-coalition members as General Motors Chairman James M. Roche and Kaiser Industries President Edgar F. Kaiser, wired the leadership of the House to adopt the measure as passed by the Senate.

No one knows how much of a difference the coalition's efforts made. But Gardner says his troops worked closely with government lobbyists, labor people, and others so that the coalition's leverage could be used most effectively.

Impact. On some issues there is at least coincidental evidence that the administration has been listening to the coalition.

For instance, the original convocation last August called for "a major expansion of private-sector programs to provide jobs and training for the hard-core poor." A few months later, coalition member (and Business Council member) Henry Ford II became chairman of the new National Alliance of Businessmen. The alliance, backed by some $350-million in government funds, is trying to persuade business to put 100,000 hard-core slum residents into special education and training programs.

Similarly, the coalition came out in January for repeal of "the repressive welfare program amendments"—the so-called welfare freeze—that would have shifted welfare costs from the federal to city and state governments. From all accounts, a one-year postponement of the freeze has been accepted by Chairman Wilbur Mills of the House Ways & Means Committee.

Meeting of minds. Not all these coalition stands are taken easily or quickly. Last fall, businessmen in the coalition would not be rushed into backing the welfare-freeze repealer; "They just didn't understand it," one source reports. But three months later, after they had time to study the issue in detail, they did support it.

The coalition has come out for a tax increase but in this case, the labor leaders were reluctant. George Meany and Walter Reuther have committed themselves and their memberships against a tax increase that does not include a lot of structural reforms to help low-income taxpayers. They are against the Administration's 10% across-the-board surcharge.

But they went along with a statement urging adoption of a tax increase to give credibility to the coalition's demand for "a specific re-ordering of priorities rather than identified in any way with the coalition's without regard to need or merit."

Common ground. The coalition operates on consensus in taking a stand: If any sizable number cannot be persuaded, the issue is put off until agreement can be reached—or the issue is just dropped. On the other hand, one businessman who will not go along cannot stop the coalition from taking a stand. On that one position, he just will not be identified in any way with the coalition's stand; he is free to go his own way.

A consensus "isn't easy nationally and will not be easy locally," Gardner told a Senate subcommittee recently when he testified in favor of a legislation creating a million public service jobs for the unemployed. But when you find a "common piece of ground to stand on," he said, "it is an immensely powerful and effective thing."

THE INCOME MAINTENANCE ACT, H.R. 17331

The SPEAKER pro tempore (Mr. Randall). Under a previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, today I have introduced the Income Maintenance Act (H.R. 17331) which would provide a comprehensive national income maintenance system for all Americans.

Present welfare laws seldom provide sufficient income for needy families to live at a minimum standard of decency. In order to receive minimum welfare benefits, citizens are often subjected to the indignity of intrusions into their private lives, which burden welfare social workers with police functions and tend to destroy the relationship of trust which is necessary if social workers are to provide services which are genuinely needed by deprived families.

Welfare standards vary widely from State to State. The few States with relatively progressive welfare standards find themselves bearing the burden of migration from States which fail to provide for their own indigent families. Yet the most needy are often barred from receiving assistance because of impediments, such as residency requirements, based on considerations other than need.

Moreover, because welfare benefits are usually reduced by $1 for every dollar of outside earnings, there is little financial incentive for the person on welfare to work; and welfare tends to become a way of life.

Last December Congress burdened this already oppressive system with new restrictions in the Social Security Act Amendments of 1967.

Deficiencies in our system of public assistance have been documented by the report to the Secretary of Health, Education, and Welfare by the Advisory Council on Public Welfare issued on June 29, 1966, which called for national standards of public assistance based solely on the criterion of need.

More recently, the report of the National Advisory Commission on Civil Disorders came to a similar conclusion about the failure of the welfare system and the indignities which it imposes. In the short run the National Advisory Commission on Civil Disorders recommended that benefits be raised and made uniform, that residency requirements be eliminated, and that the compulsory work training and the AFDC freeze enacted last December be repealed.

As a long-range goal the National Advisory Commission on Civil Disorders recommended a national system of income supplementation based strictly on need with two broad and basic purposes:

To provide, for those who can work or who do work, any necessary supplements in such a way as to develop incentives for fuller employment; and

To provide, for those who cannot work and for mothers who decide to remain with their children, a minimum standard of decent living, for aid in saving children from the prison of poverty that has held their parents.

Recently the concept of income maintenance, referred to in some instances as a guaranteed annual wage or a negative income tax, has been proposed by economists as diverse as Milton Friedman, Robert Lekachman, Robert Theobald, and James Tobin. It has been endorsed by several nationally known business executives, by major trade unions, and at least one presidential candidate, and also by liberals and conservatives in both parties.

A panel of 12 national business leaders recently recommended to Governor Rockefeller, of New York, an income maintenance program.

This week in a conference with a number of Members of Congress the Reverend Ralph Abernathy endorsed the idea.

Clearly, with this kind of diverse and wide support, income maintenance is an idea whose time has come.

Let me briefly cite some of the advantages which it offers compared with our present system of welfare.

First. It would close the poverty gap in the most direct and efficient way—by providing more money.

Second. By establishing a single national criterion of assistance—need—it would end the indignities and violations of personal liberty which characterize the existing welfare system.

Third. It would end the confusion of diverse and inconsistent State public assistance standards.

Fourth. It would end irrelevant residence requirements for assistance.

Fifth. By providing a minimum standard as a matter of right, payable upon simple application, it would remove the social stigma now attached to public assistance.

Sixth. By establishing national standards, it would slow down the migration of the poor to the overburdened cities.

Seventh. By reducing the monthly benefit by 50 cents for every dollar earned, it would provide an incentive to work which is now absent from present welfare systems.

Eighth. It would force the most menial jobs to pay decent wages.

Ninth. It would limit the need for emergency food programs by giving everyone at least a subsistence standard for living.

Tenth. It would free social workers to provide needed and wanted services, and save money by eliminating the welfare bureaucracy's "police" functions.

Eleventh. It would save the States and cities money by freeing badly needed revenues.

Twelfth. It would stabilize the economy by establishing a minimum floor level of purchasing power for the poor.

I have listed a long and formidable list of advantages for this program. Now let us look at the specific legislation which I have introduced.

Any income maintenance system should serve three separate and somewhat inconsistent requirements.

First, it must provide a minimum benefit for the family with no outside earnings.

Second, it must minimize leakage through benefits to families who are not really in need.

Third, it must not tax outside earnings at 100 percent, or it will create the same disincentives to work that the present welfare system includes.

Therefore, my bill proposes a relatively modest standard which I would expect would gradually be increased as the system is perfected, hopefully to close the poverty gap entirely within 5 years.

The plan would work as follows: Persons with low incomes could apply for income maintenance benefits by submitting monthly income statements at intervals which would be determined. They would simply receive from the Bureau of Income Maintenance in the Treasury Department monthly income maintenance checks similar to social security checks based on a formula.

Under the formula, at zero outside income, a family would receive an income maintenance payment equal on a yearly basis to two-thirds of the dollar amount of its personal income tax exemptions plus the minimum standard deduction. Translated into monthly benefits, this equals $50 a month for the head of a family plus $39 for each dependent, as provided for in H.R. 17331. The benefit would be reduced by 50 percent of outside income. In other words, the income maintenance benefit would be reduced by 50 cents for every dollar earned.

For example, a family of four with no outside income would receive $50 per month for the head of the family plus $39 per month for each of three dependents or $2,004 a year. That benefit would decline as income increased. I include at this point in the Record a table which shows that progression for a family of four.

Outside income	Benefit	Total income
0	$2,000	$2,000
$1,000	1,500	2,500
2,000	1,000	3,000
3,000	500	[1] 3,500
4,000	0	[1] 4,000

[1] Positive tax.

Under this formula there is an incentive to earn; benefits are not reduced at a rate that discourages beneficiaries from working.

Benefits are included in gross income for the purpose of positive taxation, so that, as total income goes beyond the $3,000 level for a family of four, income maintenance benefits would be reduced at a rate slightly greater than 50 percent of earnings.

An amount of $2,000 a year for a family of four is below the poverty line, but it is above the subsistence level and above the present average AFDC payments pertaining in 38 States—States which have the greatest concentration of poverty. In the case of States which now have more generous standards of public assistance, benefits over and above the minimum Federal income maintenance benefit would be paid by State or local governments. I would expect that, as the Federal standard is gradually increased to meet the poverty line, the already reduced burden on the States would be completely eliminated. The maximum income maintenance benefit, regardless of the size of a family would be $284 a month or $3,408 a year. The maximum break-even point for the largest family at which all income maintenance benefits would cease and at which payment of positive income taxes would begin, therefore, would be $6,816 a year. I believe these are realistic limits.

I should also note that my bill provides for an enforcement system based not on a detailed investigation of every applicant as under the present welfare practice, but, rather, on a sampling or spot-checking basis similar to that of the Internal Revenue Service's enforcement system with regard to income tax returns. It is demeaning to build into a new social program the assumption that most recipients are likely to cheat. If all applications are examined routinely for errors and inconsistencies but full-scale investigations are limited to 1 in 10 or 1 in 20—compared to 1 in 35 under the Internal Revenue Service—then the system will operate with less intrusion and greater personal dignity.

It has been estimated that my bill would cost about $4 billion a year over and above present welfare costs. Those States which now have the most liberal welfare services would be saved hundreds of millions of dollars. Although the level of subsidy would not totally close the so-called poverty gap, it would be of major benefit to the majority of the estimated 22 million Americans who now live in poverty but who receive no public assistance whatsoever.

It would improve the income of approximately 60 percent of the approximately 8 million Americans who now are receiving some form of public assistance. It would certainly stimulate earnings from work.

Most importantly, I should point out the fact that this is not designed as a Utopian proposal, but one which is sound and reasonable and one which can and should be enacted into law this year.

This represents the first step toward replacing the present ineffective and burdensome welfare system with a comprehensive and uniform income maintenance program which would eliminate abject poverty in America at a cost which America can afford and should willingly assume.

I should also point out that this proposal is not intended to be, nor can it ever be, a substitute for full employment. If one responsibility is to provide decent incomes for those who cannot work or who cannot find work at a living wage, another responsibility is to assure that more and better jobs are available to all who are able to work.

This is a complicated bill, and I include with my remarks a section by section summary of its provisions. I hope other Members of the House will join in cosponsoring this bill and in the debate which it will arouse.

We must reorient our thinking toward the entire welfare system. And this legislative proposal should help stimulate that reorientation.

A section by section analysis of H.R. 17331 follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 17331, THE RYAN INCOME MAINTENANCE ACT

Section 1: Short title: "The Income Maintenance Act."

Section 2: Amendments to Subtitle A of the Internal Revenue Code of 1964 as follows:

SUBCHAPTER A

Section 1601—Definition

An individual eligible to receive income maintenance assistance must be at least 18 years of age or married, a resident of the U.S. and not the spouse of an ineligible individual nor the eligible dependent of any other individual.

Section 1602—Income maintenance benefits

Eligible individuals making application are entitled to income maintenance benefits.

Section 1603—Maximum benefit

The maximum benefit shall be $50 per month, plus $39 for each eligible dependent, in no case to exceed $284 per month. For rural residents, this shall be reduced by 10 percent, unless the applicant certifies that he did not consume home-grown produce equal to that amount.

Section 1604—Reductions on account of income

The maximum benefit for a month shall be reduced by 50% of the income received by an individual and his eligible dependents during such month.

If an individual is receiving public assistance payments, his income maintenance benefits shall not be reduced until outside income is sufficient to reduce his public assistance payments to zero. At this point, his income maintenance benefits are reduced by two-thirds off such outside income until his position is identical to that of a non-public assistance recipient, at which point income maintenance benefits are reduced by 50%.

Income, for the purposes of this act, includes gross income plus death benefits, interest on Government obligations, workman's compensation and certain disability compensation, income from wage continuation plans, combat pay, Armed Forces mustering out pay, dividends, scholarships and grants, gifts, unemployment benefits, Social Security and retirement benefits.

Section 1605—Imposition of tax on excess annual income

In the case of persons who have received income maintenance benefits for some months of the year due to seasonally fluctuating income, if their annual income exceeds 150% of the sum of the minimum standard deduction and personal exemptions, income maintenance benefits are taxed at a 50% rate until they are repaid.

Section 1606—Ineligibility of individuals receiving public assistance on account of blindness or disability

Individuals eligible for public assistance due to blindness or disability may opt for income maintenance benefits or public assistance, but not both.

SUBCHAPTER B

Section 1611—Regulations

The Secretary may prescribe necessary regulations.

Section 1612—Application for benefits

An individual may apply for benefits by stating his income for a given month. The application may be submitted for a period covering more than one month, but specifying income on a monthly basis, to be determined by regulation. Two or more individuals may apply jointly.

Section 1613—Payment of benefits

The Secretary shall pay benefits not later than 180 days after the close of a month for which application for benefits is made.

Section 1614—Procedure and enforcement

Right to a hearing.

Judicial review.

Overpayments may not be collected except by withholding future payments.

Except for routine examination of applications, detailed investigations shall be conducted on a "spot check" basis on not more than—percent of applicants in any one year.

Income maintenance benefits are considered as taxable income.

This Act shall become effective as of June 30, 1969.

Section 3: Changes in amounts of income to be disregarded under public assistance needs tests.

All Federally aided public assistance programs shall disregard the first thirty dollars a month of earned income and one third of the remaining income in making deductions in public assistance payments. Effective after June 30, 1969.

Section 4: Establishment of a Bureau of Income Maintenance in the Department of the Treasury.

Mr. PRYOR. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Arkansas.

Mr. PRYOR. I thank the gentleman for yielding. Would the distinguished gentleman from New York answer whether or not his proposal—I would assume that we would call this a guaranteed income proposal—would his guaranteed income proposal that he has presented to the House at this point be in lieu of or in addition to the existing welfare programs that are now in existence in the country?

Mr. RYAN. I call this an income maintenance system. It is along the idea of a guaranteed annual income. We have estimated that in 38 States this proposal would replace their current welfare programs, because their level of AFDC benefits today is lower than would be provided for under this bill. In other States, where there are more liberal benefits provided, the income maintenance system can provide a minimum monthly benefit; and the States would still carry or make up whatever the difference might be. Hopefully, if this became established and it were accepted, then the income benefit levels would eventually be increased to the point where the present welfare system in the various States would be phased out.

Mr. PRYOR. Mr. Speaker, if the gentleman will yield further, has there been any prediction or estimate made at this time as to how many additional employees would be necessary to administer this proposal?

Mr. RYAN. No; but I would estimate that it would require less personnel to administer this proposal than are presently required by the Federal, State, and local governments under the present welfare programs. This system would be supervised under the jurisdiction of the Treasury Department where a mechanism already exists for auditing and checking returns which is well established.

I would think this would reduce the number of employees at the local, State, and Federal level which would be needed to operate the program.

Mr. PRYOR. Mr. Speaker, if the gentleman will yield further, does the gentleman have any idea at this point—it might be a little too early—to ascertain as to which committee his proposal might be referred?

Mr. RYAN. I presume it would be referred to the Committee on Ways and Means.

Mr. PRYOR. I thank the gentleman for yielding.

Mr. RYAN. I thank the gentleman for his interest, and I hope that other Members of the House will also raise questions because I believe this is an area which should be explored, and which should be debated. All of us, I hope, are searching for some alternatives to the present welfare programs.

Mr. PRYOR. If the gentleman will yield further, let me make this one statement to the gentleman: that I believe all of us are searching for solutions, but I believe we should not be so overly zealous in our search for answers to the problems which face this Nation that we destroy or damage individual initiative. It is in this area that I have certain fears with regard to the proposal made by the gentleman. Therefore I am interested, and I am interested in studying it, and to see what the gentleman has to offer, and to hear the debate in the ensuing months, because I believe this will become one of the great debates of our time in the next few months—the issue of the guaranteed income.

Mr. RYAN. I thank the gentleman. I feel that this legislation does provide the incentive to work with which the gentleman is concerned to a much greater extent than the present welfare system.

Mr. TIERNAN. Mr. Speaker, would the gentleman yield for a question?

Mr. RYAN. I am happy to yield to the gentleman from Rhode Island.

Mr. TIERNAN. Would the gentleman just clarify this for my own mind: The plan the gentleman submits would guarantee a certain amount of income in lieu of any payments from any welfare program in existence at this time. What kind of a floor does the gentleman intend to establish in the bill, or is that left for determination at a later date?

Mr. RYAN. No. Under H.R. 17331, as I pointed out, a family of four without any outside income would be eligible for $2,000 annually. A family of six would be eligible for $3,000 annually; but there would be a maximum payment of $284 per month which comes to a little less than $3,500 a year, I believe.

Mr. TIERNAN. The gentleman states that there are 38 States that do not provide benefits equalling $2,000 annually for a family of four in this country.

Mr. RYAN. That is correct as related to the average benefit under the aid to families with dependent children program in those States.

Mr. TIERNAN. And then that there are only 12 States that provide benefits of more than $2,000 a year for a family of four at this time on welfare?

Mr. RYAN. That is right, average benefits.

Mr. TIERNAN. I thank the gentleman for yielding, and for the discussion we have had here. I see that the time of the gentleman is expiring.

Mr. RYAN. I thank the gentleman for his contributions.

The SPEAKER pro tempore (Mr. RANDALL). The time of the gentleman from New York has expired.

TITLE I—FEDERAL AID TO EDUCATION OF THE DISADVANTAGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, education for the disadvantaged has a major commitment from Congress. It is expressed in title I of the Elementary and Secondary Education Act of 1965.

In the present school year we are spending approximately $1,180,000,000 to help educate 6,669,796 children from low-income families. This, to me, signifies a major response by Congress to a crying national need. And, as chairman of the General Subcommittee on Education, I am proud to have been part of its germination.

But now, after 2 years of title I programs in operation, the evaluation reports are in. And the results seem confusing.

We have heard from the Center for Urban Education in New York. The National Advisory Council on the Education of Disadvantaged Children. Project TEMPO at General Electric. We have read the title I reports from State departments of education.

Overall, they challenge the high hopes expressed by Congress for immediate success.

They tell us that children of poverty are not reading much better than before. We had hoped they would.

They say you cannot tell whether teacher aids, smaller classes, breakfast, counseling programs, and special field trips help them learn better.

Some educators were certain that they would.

Yet, in every school district we have exceptions. Pockets of excellence where title I funds do get through. And make a difference in the children. And the children learn better. They feel better about being in school. They get a small taste of success that makes them want more. And gives them the courage to fight their way through some of the elements—at home and in the neighborhood—that stand in their way.

California's title I program gets results.

So does the McDonaghue School in Chicago.

The Ardmore School in Prince Georges County.

And P.S. 146—one of the "more effective schools"—in New York.

Why do these schools reach the disadvantaged? And what lessons can they provide for the rest of the Nation? These are the fundamental questions.

An AP reporter recently quoted me concerning title I and incorporated this question in a feature story about title I carried by newspapers throughout the country:

> "The Title I program obviously has not even begun to make any impact on motivating ghetto youngsters," said Rep. Roman Pucinski, (D-Ill.), chairman of the House General Subcommittee on Education. "You go across the length of the country and you find the money being spent on the same tired old ideas. It is a monumental flop and the outbreak of recent riots speaks louder than anything I can say about the total collapse of the program."

This statement, standing alone, only tells part of the story, but there is the other side of the Federal aid program—particularly title I—which needs telling if we are to intelligently appraise the present status of our efforts to help local communities improve their schools.

I would like to place the above quotation in proper context.

The General Subcommittee on Education, under my leadership, has been conducting an informal inquiry into education of the disadvantaged. We have been searching for some insight into this perplexing problem.

In our pursuit of answers, we invited a distinguished list of scholars to meet with us in early morning, informal "coffee chats." The participants were: Prof. James S. Coleman, the Johns Hopkins University; Prof. Urie Bronfenbrenner, Cornell University; Dr. Robert Dentler, director of the Center for Urban Education, New York; Prof. David Fox, City University of New York; Prof. Jeanne Chall, Harvard Graduate School of Education; Dr. David Cohen, Harvard-MIT Joint Center for Urban Studies; Dr. Alice M. Rivlin, Assistant Secretary-designate, Department of Health, Education, and Welfare; Dr. Mario Fantini, program officer, the Ford Foundation; Dr. Ralph W. Tyler, director emeritus, Center for Advanced Study in the Behavioral Sciences, Stanford; and Prof. Charles S. Benson, University of California at Berkeley.

I went beyond my conversations with these stimulating thinkers, however. I conducted my own study of title I programs in Chicago. And I have quizzed some onsite evaluators of many programs in other parts of the country.

This inquiry has convinced me of two things:

First, title I continues to merit strong support from Congress. The need to improve education of disadvantaged children remains enormous, and we cannot turn our backs on this human challenge.

Second, after 2 years of operation, title I's grace period has ended. The time for blind experimentation is over. Now we need some positive feedback. We have to choose those programs and methods which will benefit children in all our title I programs. Without the waste and inefficiency in program planning that has existed.

In line with these priorities, therefore, I want to offer the following recommendations for the continued operation of title I:

First. Title I efforts should be concentrated on target populations. At present, they are being spread so thin that their efforts are virtually washed out. With limited resources, no school system can expect to reach all of its needy children overnight. Therefore, they must set "priority areas" for initial concentration of funds.

Little driblets of money do little good. Past experience has shown us that. Impact requires massive direction of our investment. The California report shows that when you fund programs this way, you get positive results.

Second. Program design must be tightened up. Some school districts have 10 or 12 separate title I programs. My own city of Chicago has over 50. Clearly, this represents an absurd waste of money in a time of national economy. But it would be grossly inefficient any time. No school system should channel its spending into more than one or, at the most, two different projects for title I children.

Third. Priority in title I of the Elementary and Secondary Education Act of 1965 should be placed on reading and communications skills.

As Dwight W. Allen, dean of the University of Massachusetts School of Education, has stated:

> All the problems of school financing, staffing, housing and organization are secondary to the problems of that boy smoldering in the back of the room who cannot read.

The entire reward system in formal education derives from verbal facility. Therefore, we should be spending Federal money where it will have the greatest benefit.

No one can deny that, given unlimited resources, a school district could profitably utilize additional monies for psychological counseling programs, recreation, cultural enrichment activities, and other worthy enterprises. We are all aware that emotional problems, disruptive home backgrounds, and a variety of other intervening variables affect the child's ability to learn.

But, as long as title I funds remain limited, they must be spent where they will do the most good.

The ability to read gives a child dignity in the classroom. It provides the key to every other skill he acquires while in school. As Bayard Rustin told the U.S. Civil Rights Commission last fall: "We want our children to be able to read, and to do arithmetic."

Therefore, I propose that we place legislative priority on reading and communications skills in title I. With the provision that local districts may only spend their funds on nonlanguage arts activities if they can show that a majority of their title I children are reading at least at grade level or above.

Fifth. Evaluation of title I programs should be comprehensive and systematic. Data should be made available by the local school district on a longitudinal basis, in order to compare results from one year to the next.

An analysis of the costs and effects of compensatory education programs must take into account all major school programs, not just compensatory education programs and certainly not just title I programs. At the operating level of the school and the child, the definition of what is "compensatory" and what is the "regular" school program become extremely blurred.

The data should include the social class of individual students, of whole classrooms, and of the whole school.

Most school district standardized testing programs are not systematic or consistent. Districts make use of a number of national tests, each of which is based on a different population. At present it is impossible to equate, with any confidence, performance of different students on different tests.

Description of compensatory programs is difficult and very time-consuming for the local school district. However, it is absolutely essential. They must be sufficiently detailed to differentiate per pupil inputs, and to compare individual pupils and classrooms with one another.

Sixth. Title I funds should stimulate some fundamental changes in education. More of the same does almost no good. That is the message of the evaluation reports. After-school programs are largely a waste of time. Most children are too tired to study at the end of the day. Or they have to help at home. Or work.

Title I must effect changes in the regular school day. And it should be accompanied by dramatic commitment from the school systems, themselves, to use their resources for training teachers and principals in working with the disadvantaged.

Seventh. Local school districts should be given complete latitude in developing title I programs with the U.S. Office of Education setting only the broadest of regulations dealing with general policy as intended by Congress. It should be recalled that Congress stated explicitly and unequivocally that there shall be no interference by Federal authorities with local school districts in their development of standards and curricula.

Where do we go from here? Our directives are clear. The educators must seize upon this opportunity for leadership. We have entrusted them with the future of our nation. We will back them as long as they show results. Now it is up to them to fulfill their responsibilities to all of our children.

AMERICAN LEGION HONORS FRANCES LANGFORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. ROGERS] is recognized for 15 minutes.

Mr. ROGERS of Florida. Mr. Speaker, Florida takes great pride when one of her sons or daughters gains national acclaim for his or her talent.

Frances Langford is such a person. Born in Lakeland, Fla., she became an actress, entertainer, radio and TV personality, columnist, and writer.

But the fame of Frances Langford also came from her generous sharing of her many talents with the fighting men during times of war and with our veterans after the war.

When Bob Hope gave his first show for servicemen in 1941, Frances Langford was part of that show. She became an integral part of the show as it toured from Alaska to Africa, from Panama to the Pacific.

Between 1941 and 1944, she hit every theater of the war, including the Aleutian Islands, England, Algeria, Morocco, Tunisia, Sicily, Iceland, Australia, and Hawaii.

She became the "GI Nightingale." As the jacket on the cover of Hope's book, "I Never Left Home," said:

> It is the story of the mad, concerted enthusiasm of thousands of soldiers every time they saw Bob Hope step to the loudspeaker—and announce that Frances Langford was going to sing a song.

General Eisenhower, who had misgivings about women entertainers in battle zones, paid her tribute, as did many of this Nation's leaders. But maybe the highest tribute she received came from thousands of servicemen as they watched her. An excerpt from one letter from a fighting man indicates this best:

> The amazing part of it was that Frances Langford was just a woman with a voice, a marvelous, rich, delicate voice. She will never know what that did for us. For a few seconds we were back in our natural surroundings and completely happy. I could not have been closer to Mary (his wife) had she been right there holding my hand.

In 1952 our men in Korea and Japan also were brought closer to home as she again joined Bob Hope and toured our bases there. And since then in 1966 she has visited Vietnam, Thailand, and the Philippines to cheer and give comfort to our men.

Frances Langford is now a resident of Jensen Beach, Fla., and I am proud that I can call her a constituent as well as a friend.

Since moving to Jensen Beach, she and her husband, Ralph Evinrude, have taken an active part in the community. They have helped in civic drives and charity programs, contributing greatly to the growth of Jensen Beach.

The Jensen Beach American Legion Post 126 is paying tribute to Frances Langford for the many contributions she has made over the years to lift the spirits of our servicemen.

I regret that I will be unable to attend this fete for Fran, Monday, May 20. The honor is much deserved, as are the many others she has received. I am sure that the Members of the House will join me in congratulating her on this occasion and send our thanks for her contributions.

RESTORATION OF LAW AND ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 15 minutes.

Mr. WHITENER. Mr. Speaker, events of recent weeks cause me to have a grave apprehension as to the future well-being of our Nation. The unseemly conduct of many individuals and groups in America will destroy this Nation from within unless brought to a halt immediately.

Rioting, looting, and burning in many of the great cities, including Washington, should not be tolerated further. It is a national disgrace to have seen things happen which we have seen with our own eyes here in the Nation's Capital.

For several years we have observed a continuing increase in the incidence of serious criminal offenses. The record shows that most of these offenses have been committed by repeaters who have been coddled by the courts of our country.

No one would suggest cruel and inhumane treatment of any individual. I do not recommend that, but I do say, Mr. Speaker, that the time has come when the law-abiding citizens are entitled to the protection of the law.

Law-enforcement agencies have been hamstrung and stifled in their efforts to preserve a safe society. No one who is familiar with the record can controvert the proposition that the namby-pamby attitude of some of our courts, particularly the Federal courts, have contributed heavily to the insufferable increase in criminal conduct.

Today we see throughout our land groups affiliated with private organizations and students on the campuses of tax-supported and privately supported institutions of higher learning participating in lawlessness and revolution which no free society should countenance. Through all of these college revolutions and riots we can see a thread of similarity in the methods employed by insurgents which gives credence to the contention that organized direction is being given by some external force. It is time that this matter be fully explored and that steps be taken to expose those who would destroy higher education in our country through the indefensible tactics that we have witnessed in the past few months.

There are those who tell us that a minority of college students are rebelling against constituted authority because they are oppressed and suppressed and not given the freedoms to which a college or university student is entitled. The record will show that this revolutionary minority and their fellow students have the greatest freedoms ever known to college students in any period in our history.

This misguided minority of college students might get a real lesson from looking at what has happened to university life in many of the Latin American universities where similar riots by a minority of students have brought about a chaotic condition in which the cause of education has been greatly impaired.

Those who engage in mass riots and destruction assert lofty reasons for their misconduct and contend that they are striving for some goals which will in some way change life in America. They say that firm police methods should not be used to deter them in their violence as they destroy the property and lives of their fellow Americans. They and some of their supporters contend that there must be police leniency in the handling of their conduct in the interest of saving lives and maintaining communication between lawful authority and the insurgent groups.

It might be well for those to whom I have referred to take into account that police leniency in time of riot leads to even greater riots and that many more lives may be lost in the end if their misdeeds are permitted to go unpunished. They might also take thought of the proposition that communication between lawful authority and the citizens cannot survive a period of rioting and destruction. The net result, if their misconduct is permitted to go unpunished, will be a state of anarchy. When anarchy comes, the people of a free society will demand that steps be taken which will destroy the freedom of all of us in the interest of establishing a measure of orderliness in our society.

Mr. Speaker, I am familiar with the arguments of the apologists for crime and misconduct. They say that the causes are poverty, unemployment, and hunger. Those of us who were raised in an economic status which would now be described as poverty have little patience with these contentions. While we do not blind ourselves to the need in our Nation for provision for the unfortunate, we do not accept the charge that economic status justifies the commission of offenses against one's fellow men or his nation.

Each of us can give strong testimony to the thesis that some of the most God-fearing and law-abiding citizens that we have known have been persons of limited economic means. As this nation seeks an answer to alleged imbalance in economic opportunity, we must never make the mistake of casting reflection upon the Christian character and morality of the underprivileged as has been done recently by many in high places.

We hear the accusation from many that those who speak for law and order and a restoration of sanity in our country are racists. Nothing could be further from the truth. Crime, rioting, and disorderly conduct are equally bad regardless of the race of those engaging in it. No particular race has a monopoly upon misconduct or upon good conduct.

A majority of the people in every race in our nation believes in law and order and the preservation of the basic features of our nation which have made it the greatest the world has ever known. I do not accept the contention that the good name of any group of our people should be impugned by attributing to their race the stigma of the conduct of the small percentage of their race who now attack our peaceful existence.

During my service in Congress I have had a broader opportunity to deal with legislation relating to crime than comes to most members of Congress. This has been due to my membership on the Committee on the Judiciary and the Committee on the District of Columbia. As the author of the omnibus crime bill, which was signed into law last year, I have been pleased to see that provisions in that legislation have given to the law enforcement officers and the courts statutory provisions which can be used in the trial of the thousands arrested in the Nation's Capital within the past few weeks.

As a member of the Judiciary Committee it has been my opportunity to support the Law Enforcement Officers Assistance Act, the Safe Streets Act, the Bail Reform Act, the Anti-Racketeering Act, and the Work-Release Act, among other measures. These measures are not only of assistance in meeting the threat of crime but also provide consideration for those who are charged with crime and who show an honest desire for reformation.

Our studies show that because of crime the basic quality of life for many Americans has been seriously affected. We are told that 43 percent of the people of our Nation stay off the street at nights because of their fear of crime; 35 percent do not speak to strangers any more because of their fear of crime; 21 percent use cars and cabs at night because of their fear of crime; 20 percent of the American people say that they would like to move to another neighborhood because of their fear of crime. These statistics were developed after a national survey of 10,000 representative American households.

Mr. Speaker, under our constitutional system every citizen is clothed with great protection and is assured many personal liberties not known to the people who live under other systems of government. This is as it should be. The enjoyment of these protections and privileges places upon every American a heavy responsibility to conduct himself in such manner as to preserve these constitutional guarantees.

The recent conduct and demands of some of our citizens that they be given privileges over and beyond those privileges accorded to the citizenship in general will ultimately erode the freedom of all of us. The use of public parks and grounds by one small group in such a way as to deprive all other Americans of the enjoyment of those facilities is not a privilege or right guaranteed by our Constitution.

In discussing this proposition the late Justice Roberts said:

> The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions may be regulated in the interest of all; it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order.

The recent action of some of our Government officials in disregarding this basic tenet in granting privilege to the one group which it denies to other Americans is totally indefensible.

I am genuinely concerned about the future of our Nation. I am equally concerned that so many of our people, some of whom have the loftiest aims, are completely overlooking the lessons of history as they encourage the destructive course that is being traveled by many Americans today.

We have a lesson in history in the decline and fall of the Roman Empire. Edward Gibbon in his famous work quoted Petrarch, the Roman historian, as follows:

> Behold the relics of Rome, the image of her pristine greatness! Neither time nor the barbarian can boast the merit of this stupendous destruction: it was perpetrated by her own citizens, by the most illustrious of her sons; you have done with the battering ram which the Punic hero could not accomplish with the sword.

Those of us who love our country and have reveled in her "pristine greatness" should see to it that it does not experience the "stupendous destruction" visited upon the Roman Empire. We must not permit this destruction of America to be "perpetrated by our own citizens" even though they may be "the most illustrious of her sons."

There are many evidences that "the battering ram" is now being applied in our Nation by those who participate in, and promote, criminal and riotous conduct such as we see about us today. There is reason for apprehension that those who batter our domestic tranquility may accomplish results which our foreign enemies have not been able to accomplish "with the sword."

Mr. Speaker, the obligation and the opportunity which private citizens and public officials in the United States have today exceed that of any other generation. I call upon our colleagues and all Americans of every race, religion, and philosophy to come to the aid of their country by demanding that the patterns and practices now prevalent in our Nation be abandoned to the end that law and order and individual freedom might be reestablished and preserved.

NORWEGIAN INDEPENDENCE DAY, MAY 17

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ROONEY] is recognized for 10 minutes.

Mr. **ROONEY** of New York. Mr. Speaker, 154 years ago on tomorrow the Norwegian people rejoiced to hear that their new Constitution had been adopted. As the good news filtered into every village and hamlet that Norway had established a governmental structure which would assure every citizen protection and permit him to live and work with maximum freedom all Norway was jubilant.

The far-seeing statesmen who drafted their Constitution zealously maintained the long-tested Norwegian legal traditions but added to them the finest elements of the French Revolution and the American Declaration of Independence. Since 1814 this Constitution with only a few of its articles amended has provided Norway with the basic law of the country.

It is small wonder that Norwegians celebrate this day with such enthusiasm, and it is fully understandable why our fine citizens of Norwegian birth or ancestry in this country observe the anniversary of the adoption of the Constitution of the land of their forebears.

Mr. Speaker, I need not remind you of the magnificent contribution which these stalwart sons of the Vikings have made to this country. They have helped to establish our maritime industry and they were in the vanguard of the intrepid pioneers who made the wilderness of our northern tier of States from New York to the Pacific Ocean a massive granary and dairyland. They have helped to give this country a stable and prosperous economy akin to that which prevails in Norway today. They have enriched this country's moral and religious growth with the same honest fundamentals which characterize the lives of the people of that great country.

I salute these fine Americans today, Mr. Speaker, not only for who they are, but for what they have done. I congratulate them for continuing to honor a great manifesto and the magnificent democratic system of government which they have derived from it. I know that many of my colleagues join me in wanting to share with all our Norwegian-American citizens the celebration of this historic and beneficial step taken in Eidsvoll on May 17, 1814.

FOUNDATIONS SHOULD CARRY A FAIR SHARE OF THE TAX BURDEN

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, from time to time, I have called attention to the widespread concern generated by the huge increase in the number and wealth of tax-exempt foundations. I present here, for the consideration of the Members, three thought-provoking editorials on this subject which appeared in the Durham, N.C., Herald of April 1, 1968; the Columbus, Ga., Enquirer of March 29, 1968; and the York, Pa., Dispatch of March 30, 1968:

[From the Durham (N.C.) Herald, Apr. 1, 1968]

THE FOUNDATIONS AND TAXATION

Rep. Wright Patman's, D-Tex., proposal that tax-exempt foundations donate their receipts to the federal government during the Vietnam crisis fails to come to grips with the real issue. That issue is whether so great a portion of the nation's wealth, with all the impact it can have on the economy through sales and purchases of securities and property, is rightly exempt from taxation.

To suggest that the foundations give their income to government during a time of crisis not only is a sentimental evasion of the issue but it would create a situation in which such income would henceforth be contributed to the government.

The tax-exempt foundation stands in succession to the entail of estates in the colonial period and the trust or monopoly at the turn of the 20th century as a privileged institution. The question is, does it merit this special privilege?

While there is the principle involved, the issue has been made acute by the growth, both in number and in volume of wealth, of foundations. Although eleemosynary considerations entered into the establishment of a number of foundations, the motive provided by the opportunity to avoid taxation is not to be discounted and may have been the determining factor.

Undoubtedly some foundations have abused their tax-exempt privileges, and these have given Mr. Patman and others concern. Where there has been abuse, confirmed through judicial proceedings or admitted by foundation officials, the foundation should lose its tax-exempt status, and it should pay income tax on its earnings as any private corporation.

A more complex issue is involved in the question of whether any foundation should enjoy the privilege of having its income and holdings exempt from taxation. Does such privilege involve hazard to the economy through the ability of great foundations to sell and buy securities and property in large amounts and thereby influence prices to the disadvantage of the public? Is the public interest damaged because so great a portion of wealth is untaxed, and in consequence add unfairly to the tax burden of those, individuals and corporations, subject to the tax? Here are issues for Rep. Patman's subcommittee to explore; here are pertinent questions for which it should seek answers.

[From the Columbus (Ga). Enquirer, Mar. 29, 1968]

THE FOUNDATION STUDY

The investigation of tax-free foundations by Rep. Wright Patman deserves careful attention and scrutiny by the American people.

In this area, the charges made against the LaGrange-based Callaway Foundation have naturally received major attention.

But the broader—and the much more important—aspect of the Patman investigation concerned those foundations which it found to be providing money to unfriendly nations, and to domestic organizations that are militantly antagonistic to the U.S. government, and to the free enterprise system.

Rep. Patman suggested that the tax-free foundations donate their money to the federal government for the duration of the Vietnam War, so the money can be used to reduce the national deficit, and for financing vital programs here at home.

Patman's suggestion probably will not be greeted too warmly by the foundations.

But there is a lot of sense in it.

Some foundations are using their tax-free dollars for what actually amounts to political activity. Yet, a citizen can't deduct the money he contributes to politicians.

Many of the causes and institutions which are either wholly or partially financed by foundations are thinly-veiled political pressure groups, no matter what their stated purpose might be.

Yet, the money that supports them is tax free, meaning that taxes have to be collected on the dollars of average citizens to make up the tax not collected on the foundation's income.

It is not unfair to say that a lot of the strife and turmoil in the nation today has been stirred and kept boiling by the activities of groups and studies financed from foundation grants.

That was the disturbing national finding Patman's committee made. He'd rather see the money given to the U.S. government.

But a more practical solution is for Congress to revise the tax exemption laws, and more carefuly define the use of tax-free money, and the kind of organizations to which the money can be given.

[From the York (Pa.) Dispatch, Mar. 30, 1968]

FOUNDATIONS AND TAXES

As the April income tax deadline draws nigh, it's well to ponder, or envy, the fate of the millionaires who, because of loopholes in the law, pay less to Uncle Sam than the average York county industrial worker who makes $5,500 a year.

One of the gimmicks is the establishment of tax-free foundations, which ostensibly are to serve charitable or humanitarian purposes, and to which rich individuals make tax-deductible "gifts."

Congressman Wright Patman (Dem., Tex.) has just taken the foundations over the coals once again. As he said and as the record seems to bear out, foundations represent a "pattern of 'living high' while 'doing good'."

The luxury of such charities as well as the high living of others in welfare work and even in the ministry does not contribute to the image of sacrifice in the service of others. Subterfuge might be the more appropriate word.

MOTHER'S DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, when yesterday's legislative work was over, and I had returned to my office after listening to several hours of brilliant debate, I read the May 9, 1968, edition of the Roll Call and when I came to the editorial I called in the members of my staff and read aloud to them the editorial entitled "Mother's Day."

Mr. Speaker, this is beautiful sentiment and it is fine writing. It deserves a place in the literature of the heart that speaks a universal language for all times and for all peoples. By unanimous consent I am extending my remarks to include an editorial by Editor Sidney Yudain which as it is a tribute to the memory of his mother is likewise a tribute to the memories of all mothers. I repeat, Mr. Speaker, it is a beautiful sentiment and it is fine writing.

The editorial referred to follows:

MOTHER'S DAY

In one respect every person in the world shares equality at his time of birth. He is endowed with life's most priceless gift—a mother.

In the recent convulsion of our mores and standards, it is perhaps neither fashionable nor cool to extol the virtues of one's mother. You risk charges of "Momism" and accusations of being square. Well, perhaps they don't make mothers like they did anymore. Or perhaps there's a new breed of kids.

Well, there were eight kids in a little Connecticut town who grew up in the Depression without benefit of the Dodge Rebellion, acid, surfboards, hotrods, a collection of rock and soul music, or a penchant to own all of the material things of life.

We were lucky to have an open home where our friends and assorted kids from the neighborhood could flop and play. We made our own baseballs out of rags and we used a stick for a bat. But we never had the slightest trouble fielding full ball teams on the vacant lot beside our house.

It was the warmth and understanding of my mother that made our home the headquarters for others' sons. She fed them, she counseled them, and throughout the years, she was their friend.

Too, she was our friend, our confidante, our encouraging voice, our spur to achievement. She was the most placid person I have ever known, maintaining her calm through the battles and squabbles of a large family and all its conglomerate problems.

When the Depression hit us, she assumed control of the family, and we named her "Blum" after the French Premier who had recently assumed responsibility for the wavering French government.

As I think back, I am most impressed with her complete selflessness, her concern only for her family. It was a standing joke at Christmastime or other occasions that any gift of money be accompanied by a warning that the largesse was to go for a hat or a coat for herself, and not to buy an extra chop from the butcher.

She imparted to us a love of beauty—in music, nature, the person. The things most dear to her could not be bought—the sun shining through her windows, the blooming of the apple trees, the first crocus, a ride in the country when the dogwood was in bloom, an inspirational article in the newspaper.

She had a green thumb and was proud of the flowers and trees that surrounded her. But her first love was her brood. We had little preaching from her, but by example we were taught right from wrong, good from bad, and were instilled with an appetite for knowledge, an appreciation of art and music and literature, an awareness of the world, a desire to be good citizens and a desire to create, build, and accomplish.

Her health was excellent for some 70 years—at least we never heard a complaint and she rarely saw a doctor. Three years ago she suffered a heart attack, and the end was in sight. Throughout the trying period of hospitalization, bed confinement, and the stoppage of activity—the hardest to bear—she maintained her good spirits, and she amazed all with the maintenance of her good humor which sprang from a well within her that long should have been exhausted.

On a bright May day "Blum" surprised my younger sister by asking to be taken for a ride in the country. She marveled at the panorama of dogwood and blooming fruit trees, the flowers and the green grass. Here and there she would ask that the car be stopped so that she might drink in all of the beauty.

Upon her return home, her heart stopped beating.

It was Sunday, May 6, 1966. It was my birthday. And Mother's Day.

MISINTERPRETATION OF COMMITTEE REPORT ON GUERRILLA WARFARE

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Speaker, on May 9, my colleague on the Committee on Un-American Activities, the gentleman from Iowa, made remarks which, if not clarified, might create the mistaken impression that the Assistant Attorney General in charge of the Internal Security Division of the Department of Justice has rejected, refuted, contradicted, or taken issue with, a recommendation of the Committee on Un-American Activities.

This is not the case and I am sure the gentleman from Iowa did not mean to imply by his remarks that it is. The committee has made no recommendation which the Assistant Attorney General, Mr. J. Walter Yeagley, has questioned or contradicted, even though some might get that impression from the contents of the letter from Mr. Yeagley to Mr. Culver which was made a part of the RECORD.

The facts in the case are these:

On May 6, the committee released a report entitled "Guerrilla Warfare Advocates in the United States." This 65-page document names and gives background information on organizations and individuals in this country who are promoting guerrilla warfare against the Government. Quoting from their own publications and documents, the report spells out the strategy, tactics, the weapons and devices these elements say they would use against the people and Government of the United States. The report also reveals the role played by some of these elements in the Harlem, Watts, Cleveland, and Chicago riots.

In addition, it summarizes some basic principles of guerrilla warfare enunciated by various Communist theoreticians and, applying these principles to the United States, draws the conclusion that while guerrilla warfare organizations might initially create havoc in this country, they would face certain defeat. It spells out some of the steps the Government could take to suppress guerrilla warfare operations carried out within our major cities, where its proponents say they would operate.

This report, as I indicated in my foreword to it, was prepared by a man who, as a former activist in the Chinese Communist-oriented Progressive Labor Party, had firsthand experience with that group's guerrilla warfare doctrines and plans. This led to a continuing interest in the subject on his part and, following his break with communism, much reading, research, and study in the field. The author, I might mention is a professional writer and editor with a graduate degree in political science.

It is clear to anyone who has read this report that it contains extensive factual information, plus various findings and recommendations of the FBI and grand juries and, in addition, what is obviously the author's personal analysis of and belief about certain matters.

The committee, of course, stands 100 percent behind the factual material in the report. It always very carefully checks and rechecks statements of fact contained in any report it publishes, whether the report is prepared by its own staff or, as occasionally happens, by an outside authority.

At the same time, it should be apparent to any normally intelligent reader that the report material which is not factual in nature does not represent a committee position but only the opinions of the author which, the committee believes, as stated in the foreword, "are worthy of consideration."

Now, in the concluding chapter, the author suggests seven steps that "could be taken" by the Government in dealing with guerrilla warfare operations, should they be attempted. There is no basis for anyone's claiming they are unreasonable, undemocratic, reckless, or in any way inconsistent with our Constitution, or the practices of any democratic nation which has faced an insurrection. They are routine, obvious measures.

It is an unfortunate fact that the Washington Post, in reporting on this committee document, took one sentence out of the 33,000-word report—a sentence from one of the seven steps suggested—and not only played it up out of all proportion but also twisted its meaning. In this sentence, the author had pointed out that the Internal Security Act of 1950 provides for detention centers and wrote:

> These might well be utilized for the temporary imprisonment of warring guerrillas.

The gentleman from Iowa, in his May 9 remarks, stated that he had contacted the Department of Justice for clarification of the detention camp provisions of the Internal Security Act and had received a reply from Assistant Attorney General J. Walter Yeagley, in charge of the Internal Security Division, stating:

> There is no support therein for the establishment of detention centers for the purpose set forth in the House Committee on Un-American Activities report.

I would like to point out that I was aware of the provisions of this section of the Internal Security Act—as I am sure was the author and other members of the committee—long before Mr. Yeagley's letter was written. As I have pointed out in a letter to one newspaper correcting a misleading account of the committee report, the Internal Security Act provides only for the detention of persons who will probably engage in, or conspire with others to engage in, acts of espionage or sabotage when the President has proclaimed a state of "internal security emergency" because of war, invasion, or insurrection in support of a foreign enemy.

I have also been well aware of the fact mentioned by Mr. Yeagley in his letter to the gentleman from Iowa, that, while a number of detention centers were established years ago in keeping with the provisions of the Internal Security Act, none of these centers was ever activated and all have been used for other purposes for some years.

The important fact, however, is that if certain elements should launch guerrilla warfare against the United States, the Government would have to react: it would undoubtedly capture a considerable number of these guerrilla fighters and it would have to hold them somewhere. Neither I, the other members of the committee, nor the author of the report, know just what the Government would do to meet the latter problem.

Our Federal prisons, of course, are overcrowded. I would say there is no possibility they could be used for what would be, in effect, prisoner-of-war camps. It is my information that existing military stockades are far from adequate for the purpose. The Federal Government, however, does own, or has access to, the previously mentioned detention centers which were established for the purpose of holding large numbers of persons under security conditions. Most are abandoned World War II Army training centers with barracks, mess halls, hospital buildings and similar facilities.

What could be more logical than to suppose, as the author of the committee report did, that the Government might well decide to use these existing facilities for, as he wrote, the "temporary" imprisonment of captured guerrillas?

Importantly, despite the wording of Mr. Yeagley's letter, I want to stress the point that even though the Internal Security Act, as I said, does not provide for the creation of centers to detain captured guerrillas, there is nothing in that act, there is nothing in any other statute, there is nothing in the Constitution, and nothing in logic barring the use of these centers for that purpose.

They would be utilized for that purpose, of course, not under the authority of the Internal Security Act but under the President's authority as Chief Executive and Commander in Chief of the Armed Forces to deal with insurrection and rebellion.

It is most unfortunate that the wording of Mr. Yeagley's letter and the placing of it in the Record has created the false impression that such use of the centers would be illegal or improper. The fact is that the Government, owning these properties, can use them for any one of a variety of purposes and is actually doing so now.

I very much regret that the wording of the May 9 remarks of the gentleman from Iowa could be said to imply that the committee report contains "reckless reprisal statements" which can have no other effect but to help those who are doing everything they can to further inflame emotions in already highly charged ghettos. The report, most emphatically, makes no recommendations or suggestions whatsoever about the handling of ghetto rioters. The sentence at issue deals only with captured guerrillas in a case of actual insurrection against the U.S. Government. It has no other application.

Also regrettable, in reference to the report, is the gentleman's statement:

> A disproportionate concentration on presumed conspiratorial danger diverts us from the principal sources of urban unrest and protest, which are essentially social and economic.

Regarding this statement, I would like to call attention to two facts. First, the report is primarily concerned not with riots and not with some vaguely "presumed" conspiracy, but with actual guerrilla warfare plans, instruction, and training. Guerrilla warfare is much different from "urban unrest and protest," as the gentleman from Iowa referred to riots. The roots of the guerrilla warfare some elements are planning against the United States, as the report makes clear, are conspiratorial and clearly alien. No government deals with alien-inspired armed guerrilla uprisings by social and economic reforms.

Second, insofar as the report concerns urban riots, and it does to some extent, it makes due note of their economic and social causes—the denial of basic rights and related matters. It quotes at some length, for example, the findings of the Cleveland grand jury on the evils in the Hough area which contributed to the riots there. Also quoted on the subject of injustice is an excerpt from an excellent study, "Prevention and Control of Mobs and Riots," which was compiled by the FBI in cooperation with law-enforcement agencies in all parts of the country. Moreover, this is done in a manner which indicates clearly that the report supports the correction of such evils.

Is it to be expected that a Federal report on guerrilla warfare should go further and contain a blueprint for complete social and economic reform which will supposedly solve the separate issue of local urban rioting?

I understand the concern of the gentleman from Iowa about the matter but I strongly disagree with his words that it is "most regrettable" that the report "has served to again stimulate baseless and highly misleading rumors about detention camps, as a solution to uprising which it admits are not likely to occur."

The fact is that it is not the report which has stimulated these rumors but slanted and biased accounts of the report published by a newspaper, the Washington Post, which has a long public record of bias against the committee, coupled with continuing effort to discredit it by any and all means. Comparison of the Washington Post account of the report with those published by many other newspapers makes this abundantly clear.

I must express my regrets, too, that the gentleman from Iowa, if he had reservations, complaints, disagreements, and so forth, concerning the report, did not bring them to the attention of the committee at any time during the months before its publication when he had galleys in his possession and, particularly, that he did not raise them at the meeting when the committee, with his concurrence, approved its release.

Finally, it is regrettable that the gentleman from Iowa, if he had some questions about title II of the Internal Security Act, did not endeavor to obtain clarification from other committee members and staff personnel who were thoroughly familiar with the report and could have informed him of the correct meaning of the reference to it in that document.

The May 9 letter of Mr. Yeagley which was placed in the Record of that day by the gentleman from Iowa is poorly worded. I have no desire to be over critical of Mr. Yeagley who as head of the Internal Security Division of the Department of Justice, has tried to do a good job in the face of many difficulties.

Having served as the head of the Internal Security Division here in Washington for many years, however, he must be familiar with the extent to which the Washington Post has traditionally and consistently published distortions and falsehoods about the Internal Security Act, the Subversive Activities Control Board, security laws, various governmental agencies dealing with security, and particularly the Committee on Un-American Activities. Despite this he based his letter to the gentleman from Iowa largely on what the Washington Post reported about the committee document instead of basing it on what the document itself actually states.

The result is that, although the wording of his letter is technically correct, it definitely creates the impression that the committee has made a recommendation it has never made and, further, that it has made an improper recommendation—one that is actually contrary to the provisions of the Internal Security Act. By doing so, it also creates the misleading impression that an official committee position is giving credence to the false rumors now being circulated that the Government has "concentration" camps which will be used for the mass detention of militant Negroes.

THE DEVELOPMENT OF A POSITIVE U.S. EXPORT POLICY

Mr. REES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REES. Mr. Speaker, as a member of the Banking and Currency Subcommittee on International Trade, I have been very concerned with recent developments in this overall area. We have been dealing not only with balance-of-payments problems, but various proposals which would unfortunately reverse the progress this Nation has been making in the recent Kennedy round tariff discussions.

I place in the RECORD an address by our colleague, Congressman THOMAS LUDLOW ASHLEY, chairman of the Subcommittee or International Trade, given before the Toledo Society of Professional Engineers on May 7, 1968. This speech, I believe, represents an excellent approach toward the development of a positive U.S. export policy:

ADDRESS ON FOREIGN TRADE BY THE HONORABLE THOMAS LUDLOW ASHLEY, BEFORE THE TOLEDO SOCIETY OF PROFESSIONAL ENGINEERS ON MAY 7, 1968

I appreciate this opportunity to discuss with you the problems arising from our international trade agreements and how these problems relate to the current imbalance of payments.

Being aware of the opposing views of a previous speaker on this topic, let me say that I especially appreciate your open mindedness in wanting to hear both sides of the case.

I'd like to start with a brief review of current trade policy generally, the Kennedy Round more specifically, and then try to identify resulting difficulties that face us.

As a general proposition, I think it can be said that trade policy at any given time in our history has reflected the state of the national economy during that same period.

Certainly the vitality of the early years of the 20th century helped produce the famous Underwood Tariff of 1913, the most comprehensive ever undertaken to that date, resulting in an average tariff rate of 27%.

The depression which followed World War I, in turn, produced the Fordney-Macomber Tariff of 1922, with an increased average tariff of 38½%, which was in force until 1930.

Then came the Smoot-Hawley Tariff of 1930 in response to the crash and the beginning of the depression. While it was in force between 1930 and 1934 the average tariff was 59%—the highest level in history. This triggered reciprocal tariff, raising all over the world, with the result that world trade went down two-thirds during the 4 years from the 1930 level. U.S. exports alone dropped 70%, while the U.S. share of world trade dropped one-third.

The first phase of the trend toward liberalization of U.S. policy is identified with the Reciprocal Trade Agreements Act of 1934. By that Act Congress gave the President authority to reduce then existing tariffs by 50%. Perhaps the most significant aspect of the Act was the inclusion of the most-favored-nation clause which limits discrimination in trade by extending to third parties the same terms agreed to by contracting parties. This clause became a fundamental principal of U.S. trade policy, as well as a cornerstone of international trade.

The purpose of the 1934 Act was to make bilateral agreements that would increase U.S. exports and employment, as long as there would be no injury to domestic industry. Actually there was little possibility of injury because of high rates and the item-by-item approach to negotiations which allowed certain commodities to be excluded if a decrease in rates would result in an increase in imports.

The 1934 Act was a permanent one but authority to negotiate specific amounts of reduction required renewal. These extensions were made every 3 years and by 1945, when the President was again given authority to cut rates by an additional 50%, the U.S. had concluded agreements with 29 countries.

A second phase of the trend toward liberalization of trade policy came in 1947 when the U.S. and 22 other major trading nations negotiated simultaneously for both reduction of tariffs and removal of trade barriers. These multi-lateral negotiations were conducted at Geneva and culminated in the General Agreements on Tariffs and Trade. GATT membership now includes some 70 nations that account for about 80% of total world trade. Agreements under GATT were made again in 1949, 1951, 1956, 1962 (Dillon Round) and 1967 (Kennedy Round). The value of world trade involved in these negotiations (in billions of dollars) grew from $2.5 billion in 1956 to $4.9 billion in 1962 to $40 billion in 1967, while the percent of average tariff reduction grew from 4% in 1956 to 7% in 1962 to 35% in 1967.

The Trade Expansion Act of 1962—the next major move in U.S. trade policy—gave authority to the President to reduce tariffs up to 50% of the rates existing as of July 1, 1962; to eliminate tariffs on products in which the U.S. and the EEC together accounted for at least 80% of the world trade; and to eliminate rates that did not exceed 5%. The 1962 Act empowered the President to negotiate across-the-board tariff reductions (rather than item by item) and modified the safeguard provisions of the old trade agreements program.

An important practical objective of the 1962 Act was to assure U.S. access to the EEC because in the absence of broad changes in U.S. commercial policy, it was seen that EEC tariffs would be discriminatory and restrictive to U.S. trade.

The 1962 Trade Expansion Act was geared to stimulating not only U.S. exports but also world trade in general, with mutual benefits expected to accrue to all nations as a result of international specialization and trade and the more efficient use of resources which in turn fosters more rapid economic growth. The Kennedy Administration acknowledged that further tariff reductions could lead to increased imports as well as exports. Hence the President was provided with authority to institute various new types of "trade adjustment assistance" such as readjustment allowances to unemployed workers, vocational training, and loans and tax benefits to employers affected by increased imports.

In brief, then, since 1934 we've seen average U.S. tariff rates decline from 59% to 12% in 1967, while our exports rose from $2 billion in 1934 to $30.9 billion in 1967, a period during which imports climbed from $1.7 billion to $26.8 billion.

Turning to the Kennedy Round, the most far reaching ever in reduction of barriers to international trade, it was agreed that tariff reductions would go into effect in 4 stages: in January and July of 1968, January of 1970 and January, 1972.

Based on the year 1964 and summarized primarily in terms of the value of trade covered by concessions and by the depth of the duty reductions, total tariff concessions exchanged in the Kennedy Round covered about $40 billion of trade.

The U.S. granted tariff concessions on about $8.5 billion of its imports and received concessions on $8.1 billion of its exports.

As between the industrialized nations (U.S., EEC, UK, Austria, Denmark, Finland, Norway, Sweden, Switzerland and Japan, the countries negotiating on a linear or across-the-board basis) the U.S. received concessions covering trade of $7.6 billion while granting reductions of $6.7 billion.

If the past is any guide to the future, new export opportunities will be created for American goods as tariffs are reduced abroad, and as exports increase so will the earnings of American businesses and the number of jobs for American workers. As U.S. tariffs are reduced on materials and components used by American manufacturers, both the imported items and the competing domestic materials will be cheaper, production costs will be thereby reduced, and as a consequence the competitive position of American manufacturers using these inputs will be improved in both export and domestic markets.

Conversely, if imports were to be sharply reduced, through quotas or other means, the individual American consumer, as well as industry, would have less choice in the variety, quality, style and price of goods available for purchase. Many things bought from abroad cannot be produced in the United States except at prohibitive costs; other imports are competitive with U.S. products and thereby help keep price levels down. There is nothing new or startling about this: trade among nations is, after all, only the extension beyond our borders of the basic elements of the free enterprise system—competition, specialization, the price mechanism, the free market, freedom of choice, and mutually advantageous exchange.

This is by no means to say that there will not be problems if we continue to pursue a liberal trade policy. Broadly speaking, it seems to me that the general or overall problem we face is that we live in a rapidly and vastly changing world where we must expect a growing number of industrial countries with every improving technology that are just as anxious as we are to advance their standards of living by more actively participating in growing market opportunities throughout the world.

The issue, also broadly stated, is whether we are going to continue our present leadership role, accepting as we must the complex problems which must be overcome if liberal trade is to benefit and serve the community of free nations, or whether we are once again to withdraw from participation and retreat into economic isolationalism.

There's no argument, as I've indicated, that there are problems to be met if we continue our liberal trade policy.

Among the future developments which may confront us are:

The possible expansion of existing regional trading blocks and the emergence of new ones.

The mounting importance of non-tariff barriers to trade, as tariffs go down.

The building of new productive facilities throughout the world, bringing new buyers and sellers into the world market.

The growth of American investment abroad which is making many of our large corporations truly multi-national in character.

The determination of developing nations to widen their export markets and reduce their dependence on basic commodities, and

The desire of both east and west to expand two way trade across the vanishing Iron Curtain.

Immediate attention is being given to the problem of non-tariff barriers.

While all trade problems require for their solution the close cooperation of industry and government, this is probably even more true of non-tariff barriers than of others because their very existence is often first known to the businessman seeking to sell his product abroad. U.S. negotiators during the Kennedy Round were handicapped by lack of documented specifics with respect to the effect of non-tariff barriers and by lack of explicit authority to deal in a negotiating framework with this difficult area. The United States, too, has its own non-tariff barriers against the exports of other nations and negotiations requires reciprocity and the ability to move toward compromise.

It should be noted that very comprehensive efforts have been made over the past 5 years to obtain documented data with respect to non-tariff barriers, including consultations with some 60 different industries, public hearings held pursuant to provisions of the Trade Expansion Act, discussions with the International Affairs Committee of the Business Council, a study by the National Industrial Conference Board, introduction of the issue into the Organization for Economic Cooperation and Development and, most recently, formal raising of the problem by the U.S. in GATT where a Working Party is now actively reviewing the ruling which govern these adjustments.

A full evaluation of the impact of the Kennedy Round must also recognize that there will be some adverse effects as well as beneficial to American industry. Although the overwhelming majority of American industries that face competition can adjust in stride, increases in imports resulting from reduced U.S. tariffs can cause dislocations which require adjustment assistance. New and more constructive means for dealing with the problems which imports may create for particular firms or groups of workers, or even entire industries, are being fully explored as we seek to liberalize the present criteria for adjustment assistance.

The guiding principal in this effort is that tighter quotas or higher tariffs are not necessarily the most appropriate or effective form of relief for injury due to import competition. It may be better in the long run to promote the economic flexibility needed to cope with the ever-changing currents of world trade and their varying effects on different segments within a specific industry, rather than to attempt to insulate whole sectors of our economy against these changing currents.

Let me also be clear about another problem of considerable magnitude, namely, inflation. If we are to successfully pursue a policy of liberal trade, ability to compete will depend upon ability to meet price competition. Since inflation is a significant component of cost reflected in price, nothing could be more obvious than the conclusion that unchecked inflation, whether it be cost-push, demand-pull or the classical definition of too many dollars chasing too few goods, can put us in an extremely exposed position.

I think it is probably true that protectionism provides a degree of insulation against competition but quite honestly I don't think this is good for either the American producer or the American consumer.

There are other problems as well. In recent days we have read that the first quarter U.S. trade surplus is at the lowest level since World War II—$731 million on a seasonally adjusted annual basis as against about $4 billion in calendar 1967. A number of reasons have been given for this precipitous decline: the New York dock strike, steel inventories, increased imports of small automobiles, the surge in copper imports because of the 3 month tie up in the domestic industry, and the different timing of U.S. and foreign business cycles.

These, too, suggest areas of vulnerability which we must recognize and be responsive to if we really mean to protect our own markets and compete successfully abroad.

In all truth, I think that it can be said that the Federal Government must be more vigorous in all of these areas of actual or potential vulnerability. But whether the finger is pointed at the Administration or the Congress, or both, failure to bridge the current $20 billion deficit gap through a combination of federal expenditure cuts and a temporary tax increase is fiscal irresponsibility at its worst because it can only result in a permanent inflation, obviously to the detriment to our trade efforts.

We have also failed to provide effective guidelines which could at least help minimize the wage-price spiral which also inhibits our ability to meet foreign competition and, in a somewhat removed but nonetheless important area, we have been slow to provide competitive export credits—the loans that make it possible for foreigners to purchase U.S. products.

These are some of the difficulties we face and which are inherent in pursuance of a liberal trade policy. They can be met if we have the will and choose to do so. To revert to a protectionist course might obviate some of these problems in the short run but it would also beget others. We can hardly overlook that if new tariffs are imposed, or if quotas are established by the United States at the insistence of one industry, some other American industry or industries must be made to pay the price for that new protection, either by compensatory reductions in tariffs on imports in their field or through consent by the U.S. to increases of foreign tariffs on U.S. exports. In its simplest terms this involves robbing Peter to pay Paul—a regrettable degree of direct participation by government in the allocation of foreign trade between industries. Under the present circumstances, with the President's power to negotiate such compensatory adjustments in tariffs having lapsed, the only remedy available to the foreign governments affected is by way of retaliation—in each case affecting third country trade as well—which inevitably would be followed by a chain reaction of counter-retaliatory moves around the world, affecting all foreign trade. This is precisely what happened when the Smoot-Hawley Tariff Act of 1930 triggered a wave of retaliatory trade restrictions—an important factor in deepening the great depression of the 30's.

Nor do I think that protectionism can affect our balance of payments problem except adversely. A leading proponent of this course suggests that an easy cure is available: cut off all foreign trade and grant important licenses only on a high priority basis. This is both simplistic and illogical. It might not kill his golden goose—although I'm not sure of this in the long run—but it would certainly kill others. The fact is that we can't cut ourselves off from our international responsibilities—responsibilities which promote both our short and long range national interest—with a press of the button or a flip of the switch. Were we to follow this advice, our trade balance—which has been a major asset in our balance of payments—would be decimated through retaliation, compounding an already difficult problem even further.

Certainly liberal trade is not THE answer to bring our payments into balance but in my view it forces upon us the range and system of disciplines which are essential if we are to remain competitive and innovative—the two basic requirements for meeting the challenges which face us in our national life both at home and abroad.

A REPLY WILL BE INTERESTING

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I am in receipt of a letter from Mr. Floyd E. Wilson, superintendent of the North County Public Schools in Desloge, Mo., in which he enclosed a copy of a letter he had addressed to the President of the United States, requesting an answer to a question by one of Superintendent Wilson's students, which Mr. Wilson could not answer; which I cannot answer, and which I believe only the President can answer.

The letter to the President follows:

MAY 14, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

SIR: As a leader of youth in the capacity of Superintendent of Schools, I am confronted with a question to which I do not know the answer.

In the recent months, there has been two deaths of leaders who are known throughout the country. When Dr. Martin Luther King was so unjustly assassinated, you as President of the United States by having this power invested to you by the virtue of your office, ordered the flag to be flown at half-mast.

Just recently, Mrs. Lurleen Wallace, Governor of Alabama, died, and the flag was not ordered to be flown half-mast for her.

I am not against recognition of people who are dedicated to be leaders of what is right, but I have always been under the impression that our flag is flown at half-mast only for heroes or government officials.

I realize that you have the most responsible position in the world, and I admire you for your ability in this capacity. I am sure that you receive all kinds of letters, and receive more criticism than praise.

The only reason I write this letter is so that I can answer the questions of the young citizens of America.

Respectfully yours,
FLOYD E. WILSON,
Superintendent.

IN MEMORY OF SPEAKER MARTIN

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, in the passing of the late Honorable Joseph W. Martin, Jr., America lost one of its most distinguished citizens and a great patriot. As a member of the minority when he served as Speaker of the House of Representatives, I think I came to appreciate more fully the sterling qualities of this individual who enjoyed the esteem, respect, and friendship of all those with whom he had served. While the two districts which we represent in Congress had very little, if anything, in common, I was impressed as a new Member that here was a man, a leader in this House, who while he might not have a comprehensive understanding of the problems of the area I was attempting to serve, was sympathetic to my problems and would take the time to listen and to advise me as to how these problems might be alleviated. Over the years we became, what I like to believe, close friends, and I remember at least three or four occasions when Mrs. Jones and I would be "eating out," we ran onto Speaker Martin, dining alone, and we would enjoy informal visits with him. Perhaps it was these occasions which caused me to regard him as a lonely man. He was indeed, a gracious gentleman, one who served his district, his State, and his Nation well, and whose memory will linger on in the minds of those who were privileged to know and work with him.

TRIBUTE TO MEMORY OF PAST COMMANDER IN CHIEF ARCHIE HOUSE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, belatedly, and with deep sadness, I have learned of the death of Archie J. House, past national commander in chief of the United Spanish War Veterans. He was a great and good American who set for future generations a pattern of service and patriotism.

The last time I saw and talked with Archie was at the White House just 2 weeks before the black and tragic day of President Kennedy's assassination. I had gone with Archie and his wife Blanche to the White House to pay respects to the Chief Executive of our Nation, representing as we did the veterans of the war of 1898 meeting with the honored veteran of World War II, the President of our beloved country, and President Kennedy personally had escorted us around the garden and amidst the flowers, and on bidding us farewell had said: "BARRATT knew my grandfather," the last words I was to hear from President Kennedy, whose grandfather I had indeed known and long had counted among the heroes of my boyhood. In the period of the Spanish-American War, when the 33d Volunteer Infantry of Michigan was brigaded and served in Cuba with the Ninth Massachusetts Infantry, the Kennedy grandfather was mayor of Boston. No man ever had a bigger and a kindlier heart, and he was in a large sense a national idol.

Archie House was born in January of 1882 and I in April of the same year. We were sophomores in the high school at Benton Harbor, Mich., when the *Maine* was sunk in Havana Bay and war with Spain followed. We enlisted together in Company I, 33d Michigan Infantry, trained together at Island Lake in Michigan, later at Camp Alger at Falls Church, Va., and then together were off to Cuba and the siege of Santiago.

The last I had heard from Archie, and that was not long ago, he and his wife were living in Florida, he seemed in good health and certainly as always in good and cheerful spirits. I learned of his passing from the news bulletin issued by the Department of Michigan, United Spanish War Veterans. It was a blow that brought home the realization that the trail of the youth of the last years of the 19th century is rapidly approaching the end. I am told that less than 9,000 remain.

To the wife and loved ones of my high school buddy, later my comrade in march and battle in a foreign land, and later my commander in chief, goes my deepest sympathy.

CONGRESSWOMAN SULLIVAN IS PRAISED FOR REHABILITATION HOUSING PROGRAM

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, recognition has again come to Congresswoman LEONOR K. SULLIVAN, one of our esteemed colleagues and a senior member of the House Committee on Banking and Currency, for her sponsorship of what now is called the 221(h) section of the National Housing Act. This law provides funds to buy and rehabilitate old housing for resale to low-income people at reasonable interest rates.

The Washington Post has written up the first project under the Sullivan rehabilitation housing program. This project in St. Louis has succeeded beyond all expectations as the newspaper article points out.

Most significant is the fact that this housing program successfully involves everyone within the community and allows all to participate in rebuilding what previously had been a slum. The importance of this program is perhaps best summed up by Father Kohler, who has involved himself in this program, when he was quoted as saying:

> If we get enough homes built, we'll make it go—homeowners aren't home burners.

Mr. Speaker, I recommend this article to our colleagues and I hope that this program will continue to receive the full support of HUD for it has already become in just the 1 year it has been in existence one of the most successful housing programs we have.

The article follows:

HOUSING PLAN INSPIRES HOPE

(By Eve Edstrom)

In the living room on the second level of his sturdy row house, Theodore Forte leaned back on the sofa and talked about building a barbecue pit, setting up summer furniture, and landscaping the patio.

The conversation, like the floor plan of Forte's home, was not a world apart from swank Georgetown. Yet Forte lives in one of St. Louis' worst slums.

He is a truck driver for that city's rubbish department and the father of seven children—but he is able to save dollars every week and buy his own home because of "Mrs. Sullivan's law."

I'VE GOT A FUTURE NOW

That law is Section 221(h) of the National Housing Act and what it means to Forte is this:

"I'm living for something now—my own front yard, my own back yard, my own basement. It's a pleasure every night I get home. You can't beat it. You see, I've got a future now and so do my children."

That same kind of future is in sight for 1340 low-income families in 62 cities, including Washington. In these cities, nonprofit organizations are borrowing Federal funds at 3 per cent interest, as authorized under 221(h), to buy and rehabilitate old housing for resale to the poor at the same low-interest rates.

While this program is just getting under way in most cities, its prototype began in St. Louis in 1963 when two priests began a "find and fix-up" housing effort for one large family whose income had priced them out of public housing.

EIGHTY FAMILIES REHOUSED

That effort provided the basis for 221(h), which was pushed through Congress by Rep. Leonor K. Sullivan (D-Mo.) ranking member of the Banking and Currency's Housing Subcommittee.

The first Federal loan under the legislation went to the St. Louis project which, in the last four years, has rehoused about 80 families in rehabilitated dwellings that are about 70 years old.

Other cities, such as Washington where one project involving nine properties is under way and other nonprofit organizations have been established to do similar work, can profit from the St. Louis experience.

It shows that neighborhood corporations can do an effective housing rehabilitation job. But it also shows that a number of self-help measures ranging from job-finding programs to credit unions, must be folded into the program if the rehoused families are to become stable home owners.

The St. Louis results have been dramatic. There have been no defaults in payments. Some family heads have almost doubled their income. Others, like the Forte family, have the same income but are saving money because they no longer pay fantastic heat and gas bills for drafty, ill-equipped dwellings.

IMMIGRANTS MOVED OUT

The St. Louis project area, on the Near North Side, consists of nine blocks where formerly Irish and Polish immigrants lived in the solidly-built brick rowhouses. As the immigrants moved out, slum landlords took over and let the houses deteriorate. Several of the houses are now vacant and boarded up, and others have been demolished, giving the area a war-torn appearance.

Across the avenue and towering over the project site is one of the Nation's largest public housing developments (Pruitt-Igoe), which has 2900 units and is described as a high-rise "jungle" by those who have lived in it. Its shattered windows and grounds littered with debris and clusters of unkempt toughs make it one of St. Louis' sorriest sights.

It was in Pruitt-Igoe that Mr. and Mrs. Oscar Straughter and their seven children lived.

"At first I thought it was heaven—six rooms all to ourselves when we only had two rooms before," Mrs. Straughter said.

DECIDE TO LEAVE

But she soon found that the family was living in a "madhouse," with thousands of children so sandwiched together that there were constant fights. And each time the Straughter family tried to get ahead through pay raises or additional income from a daughter who went to work, their rent went up. The Straughters decided to quit the neighborhood.

That's when the Rev. John A. Shocklee, pastor of St. Bridget of Erin Church, and his former assistant, the Rev. Joseph M. Kohler, stepped in.

"We wanted to keep the Straughters in the area," Father Kohler said. "You know how everyone talks about indigenous leaders these days. I can't spell indigenous, but I know real leaders and we couldn't afford to lose the Straughters."

Until that time, Father Kohler had been principally concerned with finding better paying jobs for area residents. Through VIP—Voluntary Improvement Program—scores of residents have been able to obtain high school equivalency ratings that paid off in qualifying them for jobs at higher wages. Now Father Kohler, who "never had bought anything in my life," decided to buy houses.

LIST OF HOUSES OBTAINED

He and Father Shocklee obtained a list of available houses for sale, mustered up funds through voluntary contributions and bought their first house.

"When Father Kohler asked me how I would like to have a place of my own, I didn't know what to say," Mrs. Straughter said. "I still don't. I love it so."

The interior of the house was brought up to city standards by adding a furnace, electric wiring and bathrooms. The yard was fenced in and Mrs. Straughter now has the garden she always wanted.

From this informal effort, the Bicentennial Civic Improvement Corporation (BCIC) was formed in November, 1964. It has mobilized wide-ranging voluntary support, not only from St. Bridget's Church but from such organizations as the American Jewish Congress and the League of Women Voters.

FINANCING PROVIDED

Most importantly, in terms of the housing venture, BCIC found a strong friend in M. A. Burdzy, president of the Pulaski Savings and Loan Association. Pulaski, with BCIC assisting in collecting mortgage payments, worked out a financing device which, in effect, provided poor families with 100 per cent financing repayable over 15 years.

Dwelling units were acquired for between $2000 and $3000. Rehabilitation costs—replacing roofs, installing new kitchens, furnaces, heating systems, bathrooms and inside stairs—averaged about $4000 to $5000 a unit.

This type of rehabilitation has had an important byproduct—providing jobs for the area's Negroes working under the supervision of an excellent craftsman, Richard Woods, who is on the staff of BCIC.

"I've lived in this neighborhood for 40 years," Woods said. "It was a beautiful neighborhood. It's going to be beautiful again."

But the piecemeal operation of BCIC has had its drawbacks. As fast as a few houses have been rehabilitated, more decayed. Now, with both Federal antipoverty and housing money, BCIC has set up a sister corporation with a master plan to complete rehabilitating 300 houses in the nine-block area.

COMMUNITY ORGANIZER

Mrs. Straughter is now a fulltime community organizer, who screens the families who will buy the houses.

"I still have to earn my title when we really become a community," she said. "Right now, I'm just a people's worker."

Among her "people" are the Fortes. They are paying $71.92 for their three-level home, with its huge basement, living room, dining room, kitchen, three large bedrooms and 1½ baths.

"You don't know the thrill it is to know that this is all yours," said Mrs. Forte.

Forte added: "I now live for my home and my family. They're happy and that makes me the happiest."

And that's why Father Kohler said "if we get enough homes built, we'll make it go—home owners aren't home burners."

TRUTH-IN-LENDING BILL CLEARS CONFERENCE COMMITTEE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, this morning's Washington Post contains a succinct summary of the major provisions of the truth-in-lending bill which the House and Senate conferees finished yesterday.

I am sure all Members will be interested in looking at this summary in anticipation of the conference report being brought to the floor in the very near future.

This time is being taken so that I can personally compliment the gentlewoman from Missouri, the Honorable LEONOR K. SULLIVAN, chairman of the Consumer Affairs Subcommittee of the House Committee on Banking and Currency, for her superb performance in conducting the House hearings on this legislation, her participation in the House floor debate, and the leadership she evidenced in the conference.

Every consumer owes Mrs. SULLIVAN, whom I consider to be the outstanding consumer champion in Congress, a great debt of gratitude.

My words of praise for Mrs. SULLIVAN in no way imply any criticism of the other conferees on the truth-in-lending conference who, in my opinion, all carried out their responsibility in the true tradition of conferees on a very complicated piece of legislation.

I want to emphasize that we also owe a debt to two distinguished Members of the other body, Senator SPARKMAN of Alabama, chairman of the Senate Banking and Currency Committee, and Senator PROXMIRE of Wisconsin, chairman of the subcommittee which handled this legislation in the Senate. I am most grateful to both Senator SPARKMAN and Senator PROXMIRE for their able and informed contributions to the progress of this vital legislation.

Let no one be misled, however, into believing that this legislation has concluded congressional responsibility in this most vital area. This truth-in-lending legislation is nothing more than a mere beginning. I would personally feel that the American consumers have been let down if legislation is not considered in the very near future going beyond that which we now have before us.

I conclude, Mr. Speaker, by also paying homage to that great American, Senator Paul Douglas, for it is to this great American that we owe the original debt for his conception of the legislation and his tenacity in attempting to secure its enactment.

The article follows:

TRUTH-IN-LENDING BILL CLEARED—CONFEREES ADOPT DISCLOSURE RULES ON CREDIT COSTS

(By Richard L. Lyons)

House-Senate conferees agreed yesterday on a "truth-in-lending" bill modified somewhat from the tough House version but still one of the strongest consumer protection bills ever written.

It now goes back to each house for a final vote and expected approval, the climax of an eight-year fight to tell consumers the full cost of credit when they buy on time.

The bill requires full disclosure of credit costs and interest rates in credit advertising. department store revolving credit and other installment purchases and loans.

It imposes restrictions on garnishment of wages to satisfy debts, writes a new Federal anti-loan shark law and protects poor homeowners from unknowingly signing second mortgages to finance home repairs.

The second mortgage protection would be of special importance here in Washington. Recent surveys have shown many cases of poor homemakers learning too late that the loan paper they signed for repairs was in fact a second mortgage, by which they incurred long-term debt and possible loss of their homes.

Rep. Leonor K. Sullivan (D-Mo.) who had pushed through the House a bill requiring full disclosure on consumer credit transactions totaling about $100 billion a year, called the final product a "good bill," but added she was sorry she had to give up some good provisions.

Senate conferees, bargaining for the much weaker Senate bill, said the House hadn't given up five per cent of the difference between them.

President Johnson called the conference agreement "a great victory for the American consumer. I applaud the action of the conferees and I urge the House and Senate promptly to make this long-overdue measure a reality for the American people."

Following is a brief summary of major provisions in the compromise bill:

Garnishment. The bill would exempt from garnishment the first $49 or 75 percent of an employee's weekly take-home pay, whichever is greater. This would take effect July 1, 1970; the rest of the bill, July 1, 1969.

Credit Advertising. Published or broadcast advertising which includes any figures must give total credit costs and period of repayment. The bill would bar offerings of "$1 down and $1 a week", but vague language such as "easy credit" need not be spelled out. The Senate had not considered this, but accepted the House provision.

Revolving Credit. The bill requires department stores charging interest on unpaid charge accounts to state interest charges at both monthly and annual rates. They may also state the "effective rate" charged if they can show that because of grace periods allowed or repayment in less than a year the average customer pays less than the "nominal annual rate."

$10 Exemption. The House had eliminated a Senate provision exempting from disclosure charges on installment buying (not revolving credit) where finance costs were $10 or less. This was modified to permit exempting costs up to $7.50 in some cases.

Loan Sharks. The conferees rewrote a House provision to come up with a stronger Federal law to crack down on loan sharks. The final version defined loan sharks as lenders charging more than 45 per cent annual interest or using threat of violence or other illegal means to collect. For the first time, Federal law enforcement officials could investigate and police loan sharks.

Second Mortgages. The bill would still require lenders to inform homeowners that papers they were given to sign were second mortgages. But instead of requiring notice three days in advance, the bill would give the homeowner three days after signing to withdraw.

Mortgages. Dropped was a requirement that first mortgages state the total, interest charges during the life of the mortgage.

Advisory Commission. The conferees added a provision creating a national advisory commission to make a two-year study in the field of consumer credit costs.

Other Credit. The bill also requires full disclosure of actual credit costs for all other purchases or loans—such as bank loans and auto purchases in addition to revolving credit purchases—but these provisions were not in dispute at the conference.

CONGRESSMAN SAMUEL S. STRATTON REPORTS TO THE 35TH DISTRICT ON THE RECORD OF THE FIRST SESSION OF THE 90TH CONGRESS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I take this time, belated as the occasion is, to give the people of the 35th District of New York a summary of the accomplishments of the first session of this 90th Congress. Each year I have made such a report immediately after the end of the session. But when the session ended last December I was in Asia on an inspection trip as a member of the National Defense Posture Subcommittee and thus was unable to prepare and circulate my report at the usual time. Since then the demands of the present session have further delayed this document.

MAJOR LEGISLATION

The first session was not the most productive one I have seen, but it did generate a number of significant pieces of legislation. For example:

A measure boosting social security benefits by 12½ percent, and increasing the amount recipients may earn on the outside without losing their benefits, is something I have long urged.

Included in this new law were some very strict limits placed on the costs of State-supported medicaid plans, such as the one now operating in New York. This represented victory in my long fight to cut the heavy costs of medicaid, and in the long run will save the American taxpayers as much as $1.5 billion a year.

Pay of postal and other Federal employees was raised in two stages, bringing their earnings more into line with comparable private jobs. The same bill also raised rates for all three classes of mail.

We extended the draft for another 4 years. College deferments were retained but deferments for graduate students were ended.

Adam Clayton Powell was denied a House seat early in the session, in part because he had defied the New York courts and could not enter his own district without being arrested.

In the wake of the Powell and Dodd cases the House created a special committee to establish ethical standards of congressional conduct.

Additional funds were voted to continue the war in Vietnam and furnish economic help to the civilian government of South Vietnam.

Faced with an increasingly large budget deficit, Congress insisted on sharp spending cuts, and ended the year by reducing the President's budget more than $6 billion.

A bill was passed and sent to the Senate to punish those inciting to riots and other violence.

Another measure was sent to the Senate to help local police departments deal more effectively with crime and rioting.

A bill was also sent to the Senate to make it a crime to deface or burn the American flag.

A move was begun to transform the old Union Station in Washington into a National Visitors Center. If successful this should put an end to the drive to spend $34 million to extend the west front of the Capitol, something, as you know, I have long opposed.

A new, tougher Federal meat inspection law was enacted.

A bill to give the Nation's reserve forces more permanent status was also passed.

The government of the District of Columbia was reorganized to make it more representative and effective.

Legislation was passed to provide $40 million for the rat control. I supported the bill. An earlier measure, however, which would have created a new Government bureau for this purpose, was defeated since it would have meant an unwarranted expansion of the bureaucracy.

STRATTON LEGISLATIVE ACCOMPLISHMENTS

I regard enactment of the amendments putting strict cost limits on the medicaid program as my major legislative accomplishment. I introduced such legislation nearly 2 years ago and pushed hard with the Ways and Means Committee for its adoption.

Of course the major share of my time and attention was devoted to the work of my own Armed Services Committee. The Subcommittee on Antisubmarine Warfare, which I chair, continued its inquiry into the adequacy of our defenses against the growing Soviet submarine threat. In addition I made two trips to Vietnam and other parts of Asia as a member of two other subcommittees, subsequently reported on my conclusions from these visits, and spoke dozens of times before all kinds of groups and organizations about Vietnam, illustrating these talks with colored slides I took with my own camera.

I have also been active in other legislative areas, helping to move various matters through legislative and administrative channels.

For example, my 10-year fight to put several of our major holidays on Mondays moved much closer to victory as formal hearings were held in both the House and in the Senate. My legislation was later reported by the Rogers subcommittee to the full House Judiciary Committee, and further action is expected.

Congress still refuses to approve the costly $34 million proposal to extend the west front of the Capitol, so we are winning that fight.

I also won my fight to prevent the Defense Department from moving the east coast branch of our Defense Language Institute to western Texas. Secretary McNamara caved in completely on that one.

My bill to stop foreign dairy imports was not enacted, but the President did impose similar restrictions by Executive order. The Department of Agriculture also approved increases in the price paid to dairy farmers for fluid milk.

The drive I began 2 years ago to force General De Gaulle to pay up his World War I debts by boycotting French wines and substituting New York Finger Lakes wines has continued to pick up support in Congress and across the country.

Congress refused to appropriate further funds to carry out the controversial highway beautification program. I had opposed the original legislation because of the damage it could do to upstate New York's tourist industry, and had sought to amend the basic law.

At my insistence funds were included in the military construction program to rehabilitate Army Reserve and National Guard training facilities at Camp Drum, an installation long neglected for southern training sites.

Late last year I protested an Army requirement that personnel serving in Korea make "voluntary" contributions out of their own pockets to hire Korean civilians to perform KP duties. In response to my demand the Defense Department, early this year, announced plans to begin a phaseout of all KP operations and hire civilians on a regular basis, as I had originally recommended.

I have continued to push for improved airline service and safety. Two years ago I called attention to the practice on some airlines of refusing to serve meals to military standbys. As a result of that protest airlines now serve meals regularly to all military standbys.

Last summer I called attention to the hazards disclosed by the midair collision in North Carolina that claimed the lives of a new Secretary of Navy-designate, his wife, and young son. As a result of public interest stimulated by these comments Congress appropriated special funds to improve safety procedures at several airports including those not adequately equipped to handle modern jet airliners.

In February 1967 I was named chairman of a Special Subcommittee to Investigate the Tragic Fire at Brooks Air Force Base in Texas, which claimed the lives of two young airmen, one from Auburn, in an experimental oxygen atmosphere test chamber. The circumstances of this fire were very similar to the Apollo fire which claimed the lives of three astronauts only 2 weeks earlier. Our subcommittee's findings were made public and led to important safety changes in both military experiments and space activities designed to prevent similar tragedies in the future.

LOCAL ACCOMPLISHMENTS

During the year actions by Congress or other agencies of the Federal Government have resulted in benefits to communities, groups, industries, and individuals in our congressional district. Let me mention some of the highlights.

In response to pleas by myself and others, the Department of Agriculture put grape juice on the school lunch program for the first time, thus helping grape growers and grape-juice processors in Yates, Ontario, and Seneca Counties.

Several Members of the House and Senate, myself included, met with the President in November and persuaded him to continue special tariff relief to the Wilton and velvet carpet industry, located in Amsterdam and Auburn, for at least another 2 years.

Early in the session I took the lead in forming a new informal northeast dairy bloc of Congressmen to see that the interests of dairy farmers in our Northeastern States were fully protected by mobilizing the support of Congressmen from the whole area, without regard for party, behind measures of benefit to dairy farmers. Our interest was one factor in persuading the Department to grant several price increases to dairymen in our area.

Programs were approved and funds released for urban renewal projects in Norwich, Amsterdam, Auburn, Penn Yan, and Oneonta.

Funds were provided to complete the expansion and modernization of the Cortland County Airport. Federal funds were also appropriated to continue the construction of new facilities at the Federal fish hatchery and laboratory in Cortland.

As for Federal aid to education, two items are worth special mention. One was Federal approval of a new comprehensive high school and community living and learning center for Amsterdam. Additional loan funds were also made available to Eisenhower College in Seneca Falls, whose first class will enter in September. Incidentally, I introduced legislation last summer, scheduled shortly for formal hearings, to grant $5 million to Eisenhower College as a living memorial to the former President.

Federal help for water and sewer projects still led in terms of local interest. During the session aid for planning or building projects was approved for the following communities: water projects in Auburn, Oxford, and the Town of Seneca; sewer projects in Victor, Bainbridge, Greene, Weedsport, Port Byron, Cooperstown, Moravia, and Dundee.

The new Oneonta post office was formally dedicated. Earlier plans for a new post office in Sherburne were withdrawn at the request of the successful bidder, and steps were taken to build on a site more acceptable to the community.

Low-rent housing was approved for Geneva.

On-the-job training programs were funded for Amsterdam and Auburn. Under the economic opportunity program a sheltered workshop program got support in Cortland County, and an ambitious on-the-job training program was approved for the Fulmont Development Corp. in Fonda.

GENERAL COMMENTS

Because the last session ran almost until Christmas it was impossible for me to hold my usual open-air office hours at area post offices. I look forward, however, to an earlier adjournment this year, and hope to be able to carry out these office hours in warmer and more agreeable weather.

Until our subcommittee trip to Vietnam last November my attendance record for the session stood at better than 90 percent. But because of rollcall votes I missed during the trip—mostly on issues the House had already voted on—my percentage slipped to just below 80 percent.

I continued to maintain my record for voting independence during the session. My tabulated score was the highest of any New York member of my party. I was also listed as the most conservative member of my party from our State.

On a personal note, I was honored last summer by being named an honorary citizen of Seneca Falls, and in October was awarded an honorary doctor of laws degree by Hartwick College.

During the session we issued our newsletter regularly, as well as a weekly report for weekly newspapers, a weekly radio report, periodic television reports, and an annual questionnaire which evoked a very substantial response, for which I am most grateful. We also maintained our summer intern program in my Washington office, giving several college students from the district an opportunity to learn more about the operations of Congress.

Let me conclude by saying again how much I appreciate the honor of continuing to serve as your Congressman here in Washington. Please call on me whenever I can be helpful, either in my Washington office, 202 225-5076; my Amsterdam office, 518 843-3400; or my Auburn office, 315 252-8575.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Stratton, for May 20–May 27, on account of official committee business.

Mr. Pepper (at the request of Mr. Fountain), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan, for 20 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Whitener (at the request of Mr. Tiernan), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Rooney of New York (at the request of Mr. Tiernan), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Rogers of Florida, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Natcher.

Mr. Harrison to revise and extend remarks made in Committee of the Whole today and to include extraneous matter.

Mr. Karth and to include extraneous material.

Mr. Madden and to include a speech by I. W. Abel.

Mr. Don H. Clausen and to include extraneous matter.

Mr. Johnson of California.

Mr. Thompson of New Jersey and to include extraneous matter in five instances.

(The following Members (at the request of Mr. Wylie) and to include extraneous matter:)

Mr. Fulton of Pennsylvania in five instances.

Mr. Derwinski in three instances.
Mr. Reinecke in three instances.
Mr. Ashbrook in two instances.
Mr. Curtis.
Mr. Rumsfeld.
Mr. Kleppe.
Mr. Cleveland.
Mr. Scherle in two instances.
Mr. Horton.
Mr. Whalley.
Mr. Bates.
Mr. Roudebush.
Mr. Brotzman.
Mr. Biester.
Mr. Widnall.
Mr. Devine.
Mr. Bray in two instances.
Mr. Utt.
Mr. Cunningham in two instances.
Mrs. Bolton.
Mr. Morton.
Mr. Burke of Florida.
Mr. Robison.
Mr. Wylie.

(The following Members (at the request of Mr. Tiernan) and to revise and extend their remarks:)

Mrs. Mink in two instances.
Mrs. Green of Oregon in six instances.
Mr. Long of Maryland.
Mr. Pool.
Mr. Matsunaga.
Mr. Ullman in five instances.
Mr. Moorhead.
Mr. Brinkley.
Mr. Hébert.
Mr. Hathaway.
Mr. Bevill.
Mr. Pepper in two instances.

Mr. Andrews of Alabama in two instances.

Mr. Resnick.
Mrs. Sullivan in four instances.
Mr. Boland in two instances.
Mr. Brasco.
Mr. Hull.
Mr. Bingham.

Mr. O'Neal of Georgia in two instances.

Mr. Rarick in four instances.
Mr. Dulski in three instances.
Mr. Gonzalez in three instances.

Mr. Thompson of New Jersey in three instances.

Mr. Burton of California.

ADJOURNMENT

Mr. TIERNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes, p.m.), under its previous order, the House adjourned until Monday, May 20, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

No. 1849. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ending March 31, 1968, pursuant to Subsection 201(h) of the Federal Civil Defense Act of 1950, as amended, and Executive Order No. 10958 of August 14, 1961; to the Committee on Armed Services.

No. 1850. A letter from the Assistant Secretary for Congressional relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, and for other purposes; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Report entitled "Postal Systems of the United States Armed Forces—Vietnam and the Far East" (Rept. No. 1391). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on manpower management in the Federal Government (Rept. No. 1392). Referred to the Committee of the Whole House on the State of the Union.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 15395. A bill to provide salary step advancements and adjustments for employees moving to and from different pay systems, and for other purposes; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee of Conference. H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (Rept. No. 1394). Ordered to be printed.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 17354. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself, and Mr. Byrnes of Wisconsin):

H.R. 17324. A bill to extend and amend the Renegotiation Act of 1951; to the Committee on Ways and Means.

H.R. 17325. A bill to amend the Internal Revenue Code of 1954 with respect to advertising in a convention program of a national political convention; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 17326. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY:

H.R. 17327. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; to the Committee on Ways and Means.

H.R. 17328. A bill to amend section 4481 of the Internal Revenue Code of 1954 to allow a credit against the truck use tax where the taxpayer, during the taxable period, disposes of a truck and acquires another truck; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 17329. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Illinois:

H.R. 17330. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 17331. A bill to provide for a comprehensive income maintenance program; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 17332. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 17333. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

By Mr. HUNT:

H.R. 17334. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 17335. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 17336. A bill to amend title 10 of the United States Code to exempt reservists who are local law enforcement officers from active duty; to the Committee on Armed Services.

By Mr. MILLER of Ohio:

H.R. 17337. A bill to provide a comprehensive national manpower policy, to improve the Manpower Development and Training Act of 1962, to authorize a community service employment program, and for other purposes; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 17338. A bill to authorize the Secretary of Agriculture to make indemnity payments to honey producers for losses sustained by reason of the application of Government-approved insecticides on adjoining croplands; to the Committee on Agriculture.

By Mr. ST GERMAIN (for himself, Mr. Tiernan, Mr. Annunzio, Mr. Eilberg, Mr. Donohue, Mr. Gonzalez, Mr. Hicks, Mr. Clark, Mr. Pepper, Mr. Rosenthal, Mr. Kyros, Mr. Friedel, Mr. Riegle, Mr. Carter, Mr. Matsunaga, Mr. Dingell, Mr. Byrne of Pennsylvania, Mr. Dow, Mr. Horton, Mr. Hathaway, Mr. Walker, Mr. Quillen, Mr. Edwards of California, Mr. Nedzi, and Mr. St. Onge):

H.R. 17339. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. Charles H. Wilson, Mr. Daniels, Mr. Reuss, Mr. Sisk, Mr. Helstoski, Mr. Murphy of New York, Mr. Dent, Mr. Addabbo, Mr. O'Neill of Massachusetts, Mr. Roybal, Mr. Bingham, Mrs. Hansen of Washington, Mr. Bevill, Mr. Howard, Mr. Flood, Mr. Conyers, Mr. Feighan, Mr. Button, Mr. Brown of California, Mr. Polanco-Abreu, Mr. Halpern, Mr. Anderson of Illinois, Mr. Udall, and Mr. Burke of Massachusetts):

H.R. 17340. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 17341. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. BARRETT (for himself, Mr. Nix, Mr. Byrne of Pennsylvania, Mr. Eilberg, and Mr. Green of Pennsylvania):

H.R. 17342. A bill to authorize the Administrator of General Services to construct the foundation and substructure of a U.S. court house and Federal building at a certain site in Philadelphia, Pa.; to the Committee on Public Works.

By Mr. DONOHUE:

H.J. Res. 1275. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17343. A bill for the relief of Antonio Giaimo; to the Committee on the Judiciary.

By Mr. BLATNIK:

H.R. 17344. A bill for the relief of Nedeljko Korunic; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 17345. A bill for the relief of Catherine Maria Szonyi; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 17346. A bill for the relief of Carolina Messina; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 17347. A bill for the relief of J. Burdette Shaft; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17348. A bill for the relief of Angelo Conteduca and his wife Marianna Conteduca; to the Committee on the Judiciary.

H.R. 17349. A bill for the relief of Corazon Paca; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 17350. A bill for the relief of Filiberto Piciucco; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 17351. A bill for the relief of Sgt. Theodore J. Violissi; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 17352. A bill for the relief of Wincenty Bloniarz; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 17353. A bill for the relief of Elon Ting; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

317. Mr. HOSMER presented a petition of certain residents of the 32d Congressional District of California, who request enactment by Congress of legislation to have this administration stop, promptly and completely, giving aid in any form, directly or indirectly, to our Communist enemies, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, May 16, 1968*

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Dean W. Miller, minister, Palm Desert Community Presbyterian Church, Palm Desert, Calif., offered the following prayer:

O Lord our God, who rulest the world from end to end, and whose will is the good of all Thy sons and daughters under the sun, look in mercy upon us as we raise our prayers to Thee for this good land in which our lot is cast.

We pray for the peace of the world. Our intercessions rise for the Paris conference seeking disarmament and peace, for our President and his Cabinet, the Members of Congress, and all who influence our Nation's policies. May they have an overarching sense of Thy providence, and the wisdom to know that where there is no spiritual vision the people perish.

O God, what we ask for ourselves we ask for all nations of the world. Forbid that we should think our country to be Thy favorite, or ourselves alone to be the object of Thy concern. We pray that every nation may seek the way that leads to peace; that human rights and freedom may everywhere be respected; and that the world's resources may be ungrudgingly shared. Hasten the day of abiding peace and justice for all. Make each one of us to be an instrument of Thy peace.

We ask it in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, May 15, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Flood Control of the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

CHANGE OF REFERENCE

Mr. TALMADGE. Mr. President, S. 3165, to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest, was referred to the Committee on Agriculture. It does not relate substantively in any way to any agricultural law but rather to a matter of taxation.

I therefore ask unanimous consent that the bill be referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate today.

Mr. KENNEDY of Massachusetts. Mr. President, reserving the right to object—and I have no intention to object—if I could have the attention of the distinguished Senator from Nebraska, I believe we are about to embark on a matter of considerable importance, a matter which has been given a great deal of time by many Members of the Senate, and it is of great concern to members of the committee.

As I understand, we entered into a consent agreement last evening about setting a definite time to vote this morning, at 9:30. This was done, as I understand, for the convenience of the Members of the Senate, so that they would have an understanding as to when we would vote and in order to give them a precise time.

The distinguished Senator from Nebraska and other Senators had not used all their time, and there might be a misunderstanding as to the time. We are all interested in a speedy and expeditious vote on this matter, but we are all interested, as well, in having at least some attention given to this matter by our colleagues. I would certainly hope that we would not delay the proceedings, but that we might ask for a live quorum.

Notice has been given to the Members of the Senate that we are going to vote at 9:30, and if we do not have a majority present at 9:30, the vote will not count, anyway. I believe we could expect to get a live quorum quickly, and we could proceed from that point, with the time running.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. DODD. Do I correctly understand the Senator to mean that until we get a live quorum, the vote will not take place?

Mr. KENNEDY of Massachusetts. As soon as we have a live quorum, the 20 minutes will begin to run.

Mr. DODD. I have no objection.

Mr. HRUSKA. I have no objection to that. In fact, I would encourage it. But it strikes me as a little inconsistent. Three minutes ago, three subcommittees were granted permission to meet, and now we ask for a live quorum. We should get together on this.

The ACTING PRESIDENT pro tempore. The last request for a subcommittee to meet has not been granted. Is there objection to the request?

Mr. KENNEDY of Massachusetts. I should like to have some indication, first, from the acting majority leader with respect to this matter, because it does not seem to me to make sense for us to vote at 9:30 and to grant such permission.

Mr. BYRD of West Virginia. The Senator says that it does not make sense to start voting at 9:30. This request was cleared with his office last evening, that we vote at 9:30.

Mr. KENNEDY of Massachusetts. I can understand that. It was cleared because, as I understood from the leadership, we are all trying to be reasonable. A great deal of time remained, and we are trying to expedite the proceedings of the Senate, and I am always willing to do that.

Mr. BYRD of West Virginia. So am I.

Mr. KENNEDY of Massachusetts. And I also expect, as all of us who are interested in this matter, the consideration from the leadership to which I believe any Member of this body it entitled.

Mr. BYRD of West Virginia. The Senator has had consideration from the leadership. The acting majority leader yesterday sent word to the Senator's office that we wanted to vote at 9:30 today, if it was agreeable with the Senator from Massachusetts; and I received word in reply that it was agreeable.

If the Senator from Massachusetts had wanted to institute a request for a live quorum this morning before having that vote, he could have made that request. He did not make the request, so I asked unanimous consent yesterday that the vote occur at 9:30, which would give the Senator from Massachusetts his 20 minutes, to be divided equally between him and the Senator who opposed his amendment.

Word was sent to all Senators to be on hand to vote at 9:30 a.m. I think if we are going to send word to all Senators to be on hand and vote at 9:30 a.m., we should keep our word.

I want to accommodate the Senator, work with him, and show him consideration, and I have done so. I did that yesterday when I asked, through an aide, if he was willing to vote at 9:30. It seems to me if he wanted a live quorum, that was the time to indicate his desire.

Mr. KENNEDY of Massachusetts. Everything that the Senator stated about inquiring of an aide is correct. I think all of us realize that in the press of business these things take place. Out of a matter of accommodation I felt at that time, as it was presented to my office, since there was a great deal of unfinished time, and to make it more convenient for Members of this body because they would not otherwise know whether the time was going to be used by the Senator from Nebraska, that it would be desirable to set a precise time.

My only request this morning is that prior to 9:30 we have a live quorum so that we could at least notify Senators

without delaying the Senate. As the Senator stated, Senators are on notice, and we are not interested in delay.

The ACTING PRESIDENT pro tempore. The Chair would like to suggest that the time is under control. There is only 20 minutes remaining. If the Senator from Massachusetts desires a quorum before the vote, under the rules of the Senate, he is entitled, after the close of debate, to call for a quorum, even though the hour of 9:30 arrives. Under the rules of the Senate there is always an inflexible rule that a Senator can call for a quorum before a vote.

Mr. KENNEDY of Massachusetts. But prior to that time, as I understand, one of the reasons for the calling of the quorum is to have the presence of at least some Members of the Senate.

The ACTING PRESIDENT pro tempore. The time is now running.

Mr. KENNEDY of Massachusetts. I would like to determine if there will be any kind of objection. I have no objection to having other committees meeting during the morning.

Mr. BYRD of West Virginia. Mr. President, may we have the Chair put the question on the unanimous-consent request?

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from West Virginia that the Permanent Subcommittee on Investigations of the Committee on Government Operations be permitted to meet during the session of the Senate?

The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I believe I had other requests.

The ACTING PRESIDENT pro tempore. The other requests had been agreed to.

Mr. BYRD of West Virginia. Both of them?

The ACTING PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. I understood the Chair to put only one request. I beg the pardon of the Chair.

The ACTING PRESIDENT pro tempore. The Chair put each request in order, and it was the last request with respect to which a reservation was made by the Senator from Massachusetts.

Mr. BYRD of West Virginia. Mr. President, I want to work with the Senator from Massachusetts, as I have already indicated. I tried to do that yesterday, and I thought we had an agreement. I am willing to suggest a request which I understand will meet with his approval. I have tried to do everything I could at all times to accommodate all Senators, and I want to do that now. However, I do not think we can have our cake and eat it, too. I think if we agree to something to take place on the following day, we should understand what we are doing and stick to that agreement so that other Senators are not inconvenienced.

Mr. President, I ask unanimous consent that a live quorum occur now, that when a quorum is established the 20 minutes which has been earlier agreed to on the amendment offered by the distinguished Senator from Massachusetts [Mr. KENNEDY], start running, and that at the close of that 20 minutes a vote occur on the perfecting amendment offered by the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 133 Leg.]

Bayh
Boggs
Byrd, W. Va
Church
Cooper
Dirksen
Dodd
Ellender
Hansen
Hickenlooper
Hruska
Kennedy, Mass.
Lausche
Mansfield
McIntyre
Metcalf
Miller
Nelson
Talmadge

Mr. BYRD of West Virginia. I announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Baker
Bartlett
Bennett
Bible
Brewster
Brooke
Burdick
Byrd, Va.
Cannon
Carlson
Clark
Cotton
Curtis
Dominick
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hart
Hatfield
Hayden
Hill
Holland
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long, Mo.
Long, La.
McClellan
McGee
McGovern
Mondale
Mundt
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is present.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 3 minutes.

Domestic tranquillity, peace on our streets, an end to riots and crime and violence; these are today the foremost hopes of every American citizen, and every American official. We want law. And we want order. And we want security at home, at work, and at leisure.

In the long term we can achieve this security only by getting to the roots of crime and violence, by eradicating the poverty and ignorance, and disease, and deprivation, and discrimination that now leave some Americans without a stake in the Nation's progress and stability. That effort is absolutely necessary if we are to survive as a culture, but it will take many years and many billions of dollars.

Yet there are also immediate measures which can be taken as well to help provide short-term relief from tension, fear, and danger.

One of these measures is now before us. It has the support of the National Riot Commission and the National Crime Commission, the National Council on Crime and Delinquency and the American Bar Association, the Attorney General of the United States, and his predecessors and the Director of the FBI, Governors, mayors, State attorneys general, police chiefs, district attorneys, and other officials from all over the Nation. And most of all it has the support of the overwhelming majority of the American people. They support it because they want deadly firearms of all kinds kept out of the hands of criminals, addicts, mental incompetents, thrillseeking juveniles, and others who should not have them.

State and local governments have tried to meet this need through their own laws and ordinances, but they cannot do the job alone. They need Federal help to prevent their citizens from evading their laws by traveling to neighboring States to purchase guns or by making mail-order purchases from distant suppliers. Amendment No. 786, when added to the present title IV can provide them with this help. Title IV now requires that over-the-counter purchases of handguns be made in the State of the purchaser's residence. It requires that mail-order purchases of handguns be made through local dealers. Amendment No. 786, on which we will vote this morning, merely insures that mail orders of long guns, too, will be placed through local gun dealers, so that these licensed dealers can assure compliance with local, State, and Federal law in the purchaser's place of residence. It is clear that such coverage of long guns must be provided if we are not to leave a gaping loophole in our efforts to assist States and localities. Under this amendment, as a concession to traveling hunters and gun competitors, rifles and shotguns will still be permitted to be purchased in person over the counter in any State if the laws of the buyer's State and seller's State are complied with. As a further concession to those who have complained about the breadth and language of the preamble to title IV, my amendment would delete that preamble.

Mr. President, we have it within our power to make this Nation a little safer today, to help keep guns out of the hands of those who should not have them. The only real objection to this amendment has been that it may inconvenience a few people in remote areas when they want to buy guns. In fact, as drafted, neither the amendment nor title IV would be likely to inconvenience anyone at all. But even if a few such cases could be found, I think that handful of people would be willing to make a slight extra effort in purchasing their firearms, in order that 200 million Americans can sleep and walk and work and play with greater peace of mind. That is the question before us, and the results of the way we answer today will be measured in lives saved, robberies avoided, injuries prevented and snipers disarmed. If we are really serious about doing something about crime and riots and violence, here is our chance.

Mr. DODD. Mr. President, yesterday and today I have sat and listened, with astonishment and sadness, to the arguments by the opponents of gun control legislation.

I have been distressed, above all, by the blind and unreasoning opposition to the modest controls over the interstate sale of rifles and shotguns proposed in the amendment submitted by the distinguished senior Senator from Massachusetts.

On every single point, the arguments advanced by those who oppose any control over the interstate sale of long guns avoid a direct confrontation with the facts.

The opponents of the amendment tell us that the rifle and shotgun are sporting weapons and that they are rarely used in the commission of crimes. But a questionnaire which the Juvenile Delinquency Subcommittee sent out to various police departments across the Nation developed the following very revealing statistics on the role of long guns in illegal activities of all kinds for a 5-year period for the 40 cities that responded to the questionnaire: 805 rifles and shotguns were confiscated from juveniles; 1,210 rifles and shotguns were used to commit murder; 2,908 robberies were perpetrated with long guns; 4,179 assaults were committed with long guns; 14,035 long guns were misused in other crimes; 23,130 rifles and shotguns were confiscated from persons involved in illegal activities; and 4,478 long guns were seized on illegal weapons charges. This makes a total of 50,745 cases where longarms were used in crimes of violence or other illegal activities.

These are facts which cannot be ignored.

The opponents of this amendment pretend that they speak for the American people, or, at the very least, that they speak for a majority of those who own guns.

But the fact is that 73 percent of the American people, according to the Gallup poll, favor registration of rifles and shotguns, a measure far more stringent than the provisions of this amendment. And in a recent Harris poll, taken only a short while ago, it developed that 65 percent of all gun owners favor the registration of all weapons.

The fact is further that gun control legislation has had the editorial backing of papers which between them account for 93 percent of all newspaper circulation in the United States.

The Senators who have spoken against the amendment assure us that it is their desire to do everything in their power to help our law enforcement authorities combat crime.

But when FBI Director J. Edgar Hoover points to the increasing use of long guns in crimes of violence across the country and appeals for controls on long guns as well as handguns, they ignore this advice.

And when Mr. Quinn Tamm, representing the International Association of Chiefs of Police, tells us that "the long-arm has taken its place in 20th-century crime with a demolishing force," and when he also urges controlling legislation, they ignore this advice, too.

And when the chiefs of police of our major American cities, almost to a man, echo the opinions expressed by Mr. Hoover and Mr. Tamm, and urge the enactment of strict controls over the sale of all firearms, the opponents of long-gun control treat their opinions with the same cavalier disdain they display for the opinions of Mr. J. Edgar Hoover and Mr. Quinn Tamm.

After all, what do people like Mr. J. Edgar Hoover and Mr. Quinn Tamm and the chiefs of police of our major cities know about the problems of crime and law enforcement?

The gun lobby understands the problem. The National Rifle Association knows what to do about crime. And the Senators who oppose this amendment apparently believe that they share the omniscience of the gun lobby.

Mr. President, I believe the time has come to put an end to such nonsense.

If we claim to represent the American people, we cannot as a body persistently vote against legislation which 75 percent of the American people want.

And if we claim to be truly concerned about our growing crime rate and truly desirous of giving our law-enforcement authorities the legislative assistance they need in order to combat crime, then we cannot go on ignoring the advice of the Department of Justice and the FBI and of our law-enforcement authorities at every level.

We cannot ignore the fact that one-third of all murders and more than one-third of all gun crimes involve the use of rifles and shotguns or sawed-off rifles and sawed-off shotguns.

We cannot ignore the fact that the high-power rifle is the favorite weapon of the assassin.

We cannot ignore the fact that the rifle is the favorite weapon of the berserk killer.

We cannot ignore the fact that the rifle has been the main weapon of the snipers who have taken so murderous a toll in our big city riots.

Mr. President, I ask for a vote of confidence in our law-enforcement authorities.

I ask for legislation which will give them the assistance they themselves have asked for in the fight against crime.

I ask for the enactment of this amendment.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think that the basic reason for much of our gun control activity in the Senate had its genesis in the assassination of President Kennedy in 1963. A long-barreled gun was used in that case. It mystifies the Senator from Rhode Island why we should be seeking to exempt, in this legislation, the long gun. No one who has a right to have a long barreled gun—and that, of course, includes all the sportsmen of this country—will be impeded in any way. Their rights will not be impinged upon.

The purpose of this measure is to get at the criminal. The purpose of this measure is to stop the flow of guns to people who acquire them for unlawful reasons. As the Senator from Massachusetts has pointed out, there is nothing in the bill that prevents a good man, a well-meaning man, a properly motivated man, who loves to use a gun for sportsmanship, from having one.

So I say to the Senate today that it would be incongruous, it would be inconsistent, it would be inconceivable to say that we are going to stop the traffic on the pistol, on the short gun, and yet, in so far as the long gun is concerned, which has caused us so much trouble in the past, which accounted for the assassination of a President in 1963, which is the root reason why we are considering much of this legislation today, to say that it should be exempted on the basis of the frivolous argument that to do otherwise would impede the constitutional right to carry guns.

That, to me, does not make sense at all. I compliment the Senator from Massachusetts for proposing his amendment, and I hope that the amendment will be agreed to today.

I thank the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, I reserve the remainder of my time.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, the amendment upon which we will shortly vote really demonstrates the crux of the matter. It springs from the curious combination of trying to deal, in one bill, with destructive weapons and sporting arms. Sporting arms are under the purview of the Federal Firearms Act of 1938. There are implementing regulations, and there have been for a long time. They have not been enforced, Mr. President, and that is admittedly true from the testimony in the hearings.

The crux of the problem presented by this amendment results from this fact: the real sporting weapon is the long gun, the shotgun and the rifle. I venture to say there is not a Member of this body who did not start using a long gun in his early teens, and some of us, perhaps, before that.

The question is asked, "Why should we regulate handguns more strictly than long guns?" For the simple reason that handguns are the real offender in the crime picture. There is no question about that. The Federal Bureau of Investigation has said that the handgun accounts for 70 to 75 percent of the crimes involving guns; and cities which have kept track of it in greater detail say the percentage is as high as 90 percent.

That is why it is necessary to be more concerned with the handgun than with the long gun. Some say—and repeat, hoping that repetition will make the idea a fact—that the impact on the legitimate user will be small. They say that it is only a matter of inconvenience.

Mr. President, that is not so. Under the terms of the bill (S. 917), as reported by the committee, title IV fastens upon the dealer the responsibility of enforcing the provisions of that bill, the responsibility of keeping guns out of the hands of the wrong people—a very difficult, if not impossible, task. The proponents of title IV say it is a task too great, too burdensome, too costly, and in fact impossible for police departments; but at the same time, they seek to put that burden on the dealer.

What will be the effect of that provision on the dealer who sells firearms, including, of course, long guns?

It will have two effects. Many of the present dealers will refuse to renew their firearms license. Those who stay in the business will say, "The risk is too big; I am going to play this carefully." They will be overcautious, because, if they should indulge in a course of conduct of which some Federal prosecuting attorney might say, "This is not good business judgment," then such dealers would be subject to prosecution, with penalties up to $10,000 in fines and 5 years in the penitentiary.

There lies the burden on the purchasers of long guns under the Kennedy amendment. Further, this proposed amendment to the Dodd bill is not a measure which would affect only interstate sales. It would also ban intrastate mail sales, so that someone living in Miles City, Mont., who may wish to send to Helena, Mont., for a gun, cannot get it by mail. He cannot order it directly; he has to look himself up a licensed dealer. Residents of most outlying communities would probably have a long way to go to a dealer; and when they found one, they would find him only an agent for mail-order sales, because he could not afford to keep a stock of firearms on his shelves; it would be just totally impracticable.

So he would go to the dealer, and the dealer would order it by mail—within a State, Mr. President. The fact is that this would be a great burden; it would increase the price; it would be a disaster to those who buy guns and who have a right to buy them.

Mr. President, there were about 10,000 willful killings, from all sources, with and without firearms, in the year 1966. Only 22 percent of those were felony killings not occurring within or near a home.

Of those crimes, those killings that we know as crimes of passion, only 22 percent are in the felonies bracket, and 75 percent or more of those, by the estimates of the FBI, are committed by handguns. So, there would be some 500 felonious killings by the long gun. And here we are going to forbid mail-order sales that will affect some 15 million to 20 million licensed hunters who have a right to hunt. And hunting is a wholesome and good sport.

We propose to penalize that large a number and what will be the impact on crime? Very little, if anything.

Anyone bent on a felonious killing with a rifle will get a rifle if necessary. He does not have to use the mail-order route.

Several Senators addressed the Chair.

Mr. HRUSKA. Mr. President, I yield first to the distinguished Senator from California.

Mr. MURPHY. Mr. President, are there any statistics that would reflect the percentage of guns used in felonious crimes that were not purchased by the user? I refer to cases in which the possession of a firearm, be it long or short, has been transferred from one to another or stolen.

Mr. HRUSKA. The testimony shows that many of the guns used for this purpose are stolen guns in the first place. I do not know that the pending measure contains any provision against stealing.

Mr. President, I yield now to my distinguished colleague from Nebraska.

Mr. CURTIS. Mr. President, is it conceivable that an orderly and regular process for acquiring guns would put murder in the heart of an individual? An individual does not murder because a gun is available. He murders for other reasons.

Mr. HRUSKA. Not in felonious killing. The Senator is correct.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 1 minute to the Senator from Hawaii.

Mr. FONG. Mr. President, during the years 1960 through the first 6 months of 1965, in 107 cities having populations of more than 100,000: 805 rifles and shotguns were confiscated by law enforcement officials from juveniles; 23,130 rifles and shotguns were confiscated; 505 rifle murders were committed; 705 shotgun murders were committed; 919 rifle robberies were perpetrated; 1,989 shotgun robberies were perpetrated; 1,812 rifle assaults were committed; 2,361 rifles were seized on illegal weapons charges; 2,217 shotguns were seized on illegal weapons charges; 6,151 rifles were misused in crimes; 7,784 shotguns were misused in crimes; and, 14,884 crimes were committed in which rifles or shotguns were used.

According to the FBI Uniform Crime Report for 1966, 1,747 persons were murdered in the United States with rifles and shotguns that year.

In a report dated August 11, 1967, the Director of the Alcohol and Tobacco Tax Division wrote that the strongest argument for including long guns in a firearms control law is the fact that they can be, and frequently are, converted into concealable weapons for criminal use.

> We have reviewed 200 recent firearms violation case reports—

He said—

> and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases.

It seems obvious to me that if strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it into a handgun.

The controls proposed in S. 1 would reduce the easy availability of rifles and shotguns to persons with criminal records by prohibiting federally licensed dealers from making sales to felons and by making it a criminal offense for a felon to give false information to the dealer concerning his criminal record.

There is absolutely no doubt in my mind that a good, strong Federal firearms control law is long, long overdue.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 20 seconds to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 20 seconds.

Mr. LAUSCHE. Mr. President, I subscribe to the theory that there should be a provision in the pending bill against the acquiring of guns across State lines. I cannot see the difference in principle in applying one rule to long guns and another to short guns. They are both criminal weapons.

If the principle is right that interstate traffic should not be tolerated in the sale of short guns, it then follows, Mr. President, that it also ought to be applicable in the sale of long guns.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 15 seconds to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 15 seconds.

Mr. COOPER. Mr. President, I think my State of Kentucky is known for its love of guns. However, I do not think that restricting only the interstate mail-order sale of long guns would hurt the sportsman. If it is logical to prohibit the mail-order sale of handguns used in cases of crime and violence, it is logical to similarly restrict the interstate mail-order sale of long guns used for the same purpose.

I support the amendment of the Senator from Massachusetts.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 3 minutes remaining.

Mr. HRUSKA. I am willing to yield back my 3 minutes if the Senator from Massachusetts will yield back the remainder of his time.

Mr. KENNEDY of Massachusetts. Mr. President, I desire to make a statement.

Mr. HRUSKA. Mr. President, I will give the Senator from Massachusetts 25 seconds of my time in addition to his.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY of Massachusetts. Mr. President, in the final minute of debate on the pending amendment, I wish to point out that we have Federal regulation on drugs and Federal regulation on liquor.

There is absolutely no reason at all why we should not have the same minimum standards established for guns. We have strict standards applied to drugs and liquor. I wonder how many policemen will be shot down by rifles purchased through the mails or in contravention of State and local laws. We have direct testimony before the committee that 87 percent of the weapons confiscated in one strict gun law State were obtained from outside its boundaries. How long can we tolerate these State laws being undermined by neighboring States?

How many firemen will be shot down in the performance of their duties?

How many public officials will be lost?

It is true that handguns are used in crimes. It is equally true that long guns are used with nearly the same frequency, more important, it should be noted that the long gun is the symbol of violence—the very violence we are seeking to decrease throughout this land.

The Senate this morning has an opportunity to speak out on this matter. And I am hopeful that the Senate will support the amendment.

Mr. HRUSKA. Mr. President, I yield 60 seconds to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized for 60 seconds.

Mr. BENNETT. Mr. President, I think we are going at this entire matter backward.

We are assuming that the manner in which the gun is acquired controls its felonious use. It seems to me that instead we ought to be passing laws to impose very severe penalties in addition to the penalties for the crime when a weapon is used in that crime.

I think that we would then begin to deter this practice. However, if a man wants to murder with a gun, he is going to find a gun. There is not any question concerning that in my mind.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Utah [Mr. MOSS] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from New York would vote "yea," and the Senator from Washington would vote "nay."

On this vote the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 29, nays 53, as follows:

[No. 134 Leg.]

YEAS—29

Brewster
Brooke
Byrd, W. Va.
Clark
Cooper
Dodd
Fong
Gore
Griffin
Javits
Kennedy, Mass.
Lausche
Long, Mo.
McIntyre
Mondale
Pearson
Pell
Percy
Randolph
Ribicoff
Smathers
Smith
Spong
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—53

Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gruening
Hansen
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long, La.
Mansfield
McClellan
McGee
McGovern
Metcalf
Miller
Mundt
Murphy
Muskie
Nelson
Proxmire
Russell
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pastore, for.

NOT VOTING—17

Aiken
Case
Fulbright
Harris
Hartke
Hollings
Inouye
Kennedy, N.Y.
Kuchel
Magnuson
McCarthy
Monroney
Montoya
Morse
Morton
Moss
Prouty

So the amendment of Mr. KENNEDY of Massachusetts (No. 786), as modified, was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORE in the chair). Under the previous order, the question recurs on the amendment of the Senator from Nebraska, who has 92 minutes remaining. The Senator from Connecticut has 38 minutes remaining.

The Chair has not been advised as to the need for the presence in the Chamber of those persons who are not Members of the Senate.

Will the Sergeant at Arms ascertain the propriety of the large number of guests on the floor of the Senate and advise the Chair.

The Chair will suspend business temporarily until the Sergeant at Arms advises the Chair of the propriety of the large number of guests in the Senate Chamber.

[After a little delay.]

The PRESIDING OFFICER. The Chair is advised by the Assistant Sergeant at Arms on the side of the majority. We will temporarily await the report of the Sergeant at Arms on the side of the minority.

[After a little delay.]

The PRESIDING OFFICER. The Chair

is advised by the Assistant Sergeant at Arms on both sides that those now remaining in the Chamber are properly certified to be on the floor of the Senate.

The Senator from Connecticut is recognized.

AMENDMENT NO. 789

Mr. DODD. Mr. President, I call up my amendment and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. DIRKSEN. I object. I would like to hear it.

The **PRESIDING OFFICER.** Objection is heard. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PASTORE. Mr. President, we are having the amendment read. I cannot hear a word, and I do not think anyone else can. There is too much noise in the Chamber.

The **PRESIDING OFFICER.** The Senate will be in order. The Chair has ascertained that approximately 30 staff members are properly certified to be on the floor of the Senate, but that does not entitle them to engage in conversation. Only conversation with the Senator that the staff member serves is permitted. If there is not order in the Senate, the Chair will take further action.

The amendment will be stated.

The legislative clerk resumed and concluded the reading of the amendment, as follows:

On page 81, line 1, strike out "other than a rifle or shotgun".

On page 31, line 16, strike out "other than a rifle or shotgun".

On page 82, line 4, strike out "other than a rifle or shotgun".

On page 89, line 20, strike out "other than a rifle or shotgun".

On page 90, between lines 15 and 16, insert the following new paragraphs:

"(C) This paragraph shall not be held to preclude licensed importer, licensed manufacturer, or licensed dealer from shipping a rifle or shotgun to an individual who in person upon the licensee's business premises purchased such rifle or shotgun: *Provided,* That such sale or shipment is not otherwise prohibited by the provisions of this chapter;"

"(D) This paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) shipped or transported into a State which has elected by the enactment of a State law to make the provisions of this paragraph inapplicable with respect to the shipment or transportation of such shotguns and rifles into such State, such inapplicability to take effect upon notification to the Secretary by the Governor of such State of the enactment of such law and the publication of such notice in the Federal Register; and"

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(E)".

On page 93, line 12, strike out the period and insert in lieu thereof: "; or to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, if the firearm is a shotgun or rifle."

The **PRESIDING OFFICER.** The Chair inquires of the Senator from Connecticut if he desires to have the amendments numbered 789 considered en bloc.

Mr. DODD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The **PRESIDING OFFICER.** Is there objection? The Chair hears no objection, and the amendments are considered en bloc.

Mr. DODD. Mr. President, the amendment which has now been called up is similar to the amendment which was just rejected except for one major change. It is my hope that this change will make the amendment acceptable to a majority of the Senate.

The provision is brief, and it is the essence of simplicity. Like the amendment offered by the senior Senator from Massachusetts, it provides for Federal control over the interstate sale of shotguns and rifles. But, in the case of those States that are opposed to such regulations, my amendment would allow the State legislature to enact a statute that would relieve its citizens from compliance with the provisions governing the mail-order purchase of rifles and shotguns.

My amendment would make one further change in title IV. It would prohibit anyone under 18 years of age from purchasing a rifle or shotgun, unless accompanied by his parents or guardian, who would make the purchase for him.

Mr. President, we all know of the violence that ripped many of our major cities last summer and, again, since the assassination of Martin Luther King, Jr.

We all know of the deadly sniper fire that took the lives of innocent victims and frustrated the efforts of law enforcement officers in combating what amounted to guerrilla warfare on the streets of our great cities.

We all know that the rifle and shotgun is the tool of the sniper and that these weapons have been misused during the height of the fury in the riot-torn areas.

Yet there are those who still argue that the rifle and shotgun are strictly the instruments of sportsmen and hunters and that they play little or no role in our soaring crime rates.

It has been painfully apparent from 1933 until today, that the inclusion of rifles and shotguns in any legislation has been a major stumbling block to its enactment.

It is my hope that the option provision which has been written into the amendment I now call up, will remove, or at least substantially reduce, the opposition of the sportsmen and farmers and legislators of our less-populated Western States.

The amendment, in adhering to the principle of assistance to the States, would not, in my opinion, greatly reduce the overall effectiveness of this legislation. It would only be applicable in those States which feel that they do not want these controls to apply to their own citizens or that they do not need the help of the Federal Government in enforcing their own laws.

There is no constitutional bar to this legislative approach. And there is ample precedent in principle for its adoption.

I urge that this amendment be given favorable consideration by the Senate.

I offer it in an effort to loosen the logjam that has characterized the progress, or more accurately, the lack of progress of firearms legislation in the Senate over the years.

I am hopeful that it will meet, or at least reduce, the objections that have been raised by some of our citizens in the rural and Western States.

The record that the subcommittee compiled during the years is clear that there are certain of our States that do not want and do not feel the need for Federal assistance in controlling the acquisition of firearms.

Witnesses from these States have indicated that a mail-order ban or stringent controls on mail-order rifles and shotguns would effect a hardship on sportsmen, ranchers, and farmers whose primary access to sporting rifles and shotguns is through the mail-order route.

For example, Senator FRANK CHURCH presented to the subcommittee a petition of some 44,000 signators from the State of Idaho who oppose, categorically, any Federal firearms legislation.

Nine of our Western States have petitioned the Congress to oppose legislation of this type mainly because of the inclusion of long arms.

I believe that this amendment should remove the basis for such opposition.

If the controls need not apply to these States, there is, after all, no reason why they should oppose it.

In urging adoption of this amendment, I am also mindful of those responsible State and local officials who have pleaded with the Congress to act affirmatively and to enact meaningful Federal gun control legislation.

Their plea should not go unheeded.

And I hope that my colleagues who object to this legislation because of opposition of a minority of their constituents, will not ignore them either.

The record that the Juvenile Delinquency Subcommittee has compiled over the last 7 years conclusively demonstrates the existence of a serious firearms problem in the United States.

Long arms, rifles, and shotguns contribute significantly to this problem. And it is increasing every year.

The gun lobby insists that rifles and shotguns are strictly sportsmen's weapons.

Yet, in 1966, 1,747 persons were murdered with rifles and shotguns, not to mention the major role they played in the summer riots of that year and 1967. Moreover, according to the Department of Justice, the sawed-off rifle and sawed-off shotgun, which are almost as concealable as handguns, are figuring increasingly in crimes of violence. All of our law enforcement authorities, in fact, are agreed that the fight against crime demands some kind of controls over the sale of long guns.

The gun control issue has been before the Congress for 5 years.

The problem of firearms misuse has increased substantially in each of those years.

We simply cannot afford to delay any longer.

We must enact legislation this year that will do the job of allowing the States to control the traffic of all firearms across their borders.

We have such legislation in this

amendment. And with the option provision that I offer today, I believe that we can get on with the task of affording protection to our highly populated States from the virtually uncontrolled interstate commerce in illicit firearms that today threatens our cities with destruction.

I commend the adoption of this amendment to my colleagues and urge that we act on this legislation without further delay.

There has been an awful lot of confusion about this legislation. I wish more Senators were in the Chamber today because I think this matter is of great importance. It is the first time in 30 years that such a measure has been before the Senate. It is hard to keep up with and try to clear the confusion about the bill. For instance, yesterday, I was in colloquy with the distinguished Senator from Wyoming and the distinguished Senator from California when it was stated without equivocation that the theft of one orange in the State of California could constitute a felony. My response was that I was quite surprised because I had never heard of that, although I know that the laws in other States do vary. I looked into that last night. I called up out there and I find it is different from what appears in the RECORD on yesterday's colloquy. I was told that the theft of one orange is a felony only if that orange is worth $50. I did not know they grew oranges that expensive in California. I never ate or saw one. That is the kind of confusion to which I refer. I do not suggest, of course, that the Senator from Wyoming or the Senator from California were purposely confusing the issue, but it is the kind of thing we have had to face. The basic grand theft law of the State of California is contained in section 487 of the penal code. Subsection 1 decrees that the total value of the theft must be $200 or more before it becomes a felony.

Subsection 2 of that same code makes an exception. Subsection 2 is a holdover from the days when California had a principally agrarian economy, and I am told this subsection is about to be rewritten.

That exception is that a felony has been committed when there has been a theft in excess of $50 only of the following items:

> Horses, cows, sheep, cattle, domestic breeding stock of all kinds, along with fruits, avocados, olives, domestic fowl, artichokes, citrus fruits and deciduous nuts. I do not know whether that would cover "gun nuts" or not.

I thought the record ought to be straight on that, Mr. President.

The thief in possession of a firearm when he stole that California orange would be committing only a misdemeanor, and thus not subject to the provisions of title IV—except, of course, if the orange he stole was a particularly valuable orange.

I know Florida oranges are not quite that expensive.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. TYDINGS. Do I correctly understand that the pending amendment is the same as the amendment previously offered, except that any State that did not wish to be bound by the provisions of the long-gun amendment would have the right to take itself out from under the protection, and, therefore, it is not so strong or so effective an amendment as the one just rejected?

Let me further ask, is it not a fact that in the hearings before the Subcommittee on Juvenile Delinquency, extending over the past 3 years, testimony was given to the effect that in Atlanta, Ga., police files show that 80 percent of confiscated crime guns were foreign imports; namely, guns brought in from outside the United States? In Los Angeles, the figure runs to 45 percent. In Massachusetts, for example, the State police have traced 87 percent, or 4,506 guns which were misused in the State of Massachusetts over a 10-year period due to over-the-counter purchase in neighboring States which have no restrictions on selling guns to felons, junkies, juveniles, and criminals.

Many States who wish to have the benefit of that protection for their citizens and do not wish mail-order guns to be brought into their State, have a right to that protection and in Western States that do not wish that, they have at least the right to option out and not come within the protection of this amendment; is that not correct?

Mr. DODD. The Senator is absolutely right. His figures are right, too. The State of Massachusetts—and the Senator from Massachusetts [Mr. KENNEDY] can bear me out on this—found that 87 percent of the guns confiscated in the course of the commission of crimes, were guns purchased outside Massachusetts, in States with weak gun laws, and then brought back into Massachusetts and used for the commission of crimes.

Mr. TYDINGS. I wish the Senator from Michigan were in the Chamber so that I could ask him if it is not a fact—I know that it is—that in the arrests made in connection with the riots and civil disorders in Detroit, there were a number of confiscated weapons, and the majority of those confiscated weapons were acquired by individual rioters outside of Michigan, outside of Wayne County, where they would not have been able to purchase such guns because they had prior criminal records, but they slipped across the State line into Toledo, Ohio, and purchased guns along that strip of pawnshops and gun stores—it has a special name which escapes me for the moment—but they will sell a gun to anyone regardless of his record of criminality or regardless of his character. All we are asking is some type of protection for the law enforcement officials in Michigan, in Maryland, and in every other State in the Union. Those States that do not want that protection have the right to option out; is that not correct?

Mr. DODD. The Senator is right, of course, in every detail. He is a valued member of our committee. We sent staff people out to Detroit and they ascertained just what the Senator has said. A large percentage of the guns confiscated by the police were purchased over the State line, in Ohio, in the neighborhood of Toledo. I believe they are called "Saturday night specials." It is all surplus military stuff from abroad. A great deal of crime was committed with those guns in Detroit. It is going on all the time, so that the Senator is quite right in his observations.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minues remaining.

Mr. DODD. I thank the Chair.

Mr. CANNON. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. CANNON. I wonder would the Senator state whether it is not possible at this time for a State to enact as stringent gun laws as they wish, that there is no prohibition in the law to prevent any State that wants strong gun laws from enacting them.

Mr. DODD. No. Many States already have strong gun laws, but it does not do them very much good. Someone can put a few dollars in an envelope and send it to a gun store in California, and the authorities would never know anything about it.

Mr. CANNON. Is it not reasonable to assume that if a man is going to violate the law, even a strong law, he will violate it regardless of how strong a law it may be? If we enact legislation such as this, is it going to be a deterrent?

Mr. DODD. I reply to the Senator by asking, is it not sensible to do all that we can to make it as difficult as possible for a law violator to violate the law? That is the purpose of the amendment. It is that simple. I had never said, and I do not know of anyone who has, that this would stop all crime. However, it will help to stop some of it. That is the best we can do in any area of crime legislation. That is why I offered the amendment.

Mr. CANNON. Is it not a fact that the theory of proposed legislation of this kind would apply across State lines so that it would involve the commerce clause and, therefore, we have authority to act; is that not correct?

Mr. DODD. Yes, under interstate commerce.

Mr. CANNON. Interstate commerce, yes. Is it not also a fact that the Senator's amendment would, in effect, give a State the right to say that it does not desire to be bound by the interstate commerce clause, which raises the question in my mind as to the constitutionality of such a provision?

Mr. DODD. I can only say to the Senator that I sought the best constitutional advice I could get and was assured that it is constitutional, that we have done it before in other legislation. I would not have offered such an amendment, of course, if I thought it was unconstitutional.

Mr. CANNON. Would the Senator cite some other legislation based on the commerce clause of the Constitution which would apply broadly across interstate lines where we have given a specific State or any number of States individually the right to exempt themselves from the commerce clause? I doubt that there is any such legislation.

Mr. PASTORE. If I may interject

there, if we give those States permission to do that, what we are enacting here we could force them into, but we are given that leeway and, therefore, it is a grant on the part of the Federal Government to the States. The Federal Government cannot raise the constitutional question, because here in the Legislature, or in Congress, we are giving the States that prerogative. We are excluding that prerogative in this amendment.

Mr. CANNON. I would be very much interested to learn of some parallel legislation in which Congress has enacted a broad general law on the basis of the commerce clause applying to all the States, and then giving any one State, or two or three or four States, the right to exempt themselves from the application of the law. If any such law has been enacted, I would like to hear it.

Mr. DODD. It has been done. I am sure we are right.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DODD. I yield to the Senator from Pennsylvania.

Mr. CLARK. I have no doubt that this amendment is entirely constitutional. The commerce clause can be invoked at the option of the Federal Government in whole or in part in cases where the State disagrees with the Federal Government. I am confident there is no constitutional prohibition against this exemption. I regret that the Kennedy amendment was defeated a few moments ago. I want to commend the Senator from Connecticut for the present amendment, which is much stronger than the bill as presently written. I congratulate him.

Mr. DODD. I thank the Senator from Pennsylvania. He has been a great help in getting this legislation to the floor.

I may say one other thing. We are not just offering this option to a few States; we are offering it to all the States, which can take it or leave it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

I assure my colleagues that, while there are 30 minutes available to the opponents of the amendment, it is my intention to use only about 5 or 6 minutes.

The issues are clear here. It is a very simple question. There are two parts to the amendment proposed by the Senator from Connecticut. The first part is to have the Senate vote all over again upon the very question which it rejected by a substantial vote when Senators voted down the Kennedy amendment. In other words, the Senator wishes to include long guns in the prohibition of mail-order sales. The temper of the Senate has been expressed on that point.

It is proper to pose that question again, because there is a second part in the amendment which states that the legislature of any State may, by positive legislative action, say it does not want to be bound by this ban on mail-order sales. Each State may declare mail-order sales proper and legal within the boundaries of that State.

The arguments used to support this amendment are surprising. For example, the Senator from Maryland cited the Michigan situation. He said it has been shown that in the disorders in Detroit and Michigan many persons had gone into Toledo and bought many guns from pawnshop brokers, and that they took those guns back into Michigan.

I point out that there is now, and for 30 years there has been a law on the books, which states that if any State requires a permit for one to own a gun—such as may be the case in Michigan—no federally licensed dealer in any other State may send a gun into that State without seeing the permit on which the prospective purchaser will base his right to buy that gun.

We had testimony in our committee that this law has not been enforced. There was no attempt to go into the surrounding States among the eight or 10 States that have license or permit laws to ascertain whether the licensed dealers were obeying the law. They were also required by law to keep records of the sales that they made into those States. In short, Mr. President, there is already a law in that field.

The second argument advanced for the amendment is that we want to make it as difficult as we can for the criminal to get a gun. That is a fine goal. I think perhaps if we could label criminals, as they did in medieval times, by branding them on the forehead with a red mark, so such a person could not buy a gun, it might be a workable plan. But here we are asked to impose upon millions of law-abiding citizens obstacles to purchasing long arms as well as pistols.

The fact is that relatively few people will be deterred and/or obstructed when they are criminally inclined. For the relatively few people deterred, millions will be heavily burdened and in some cases will find it impossible to get guns. The price is too high. The Senate voted on that issue this morning.

As to the merit of giving a State legislature the option, that option is available now. It is available under title IV, which is in the bill as it was reported by the Judiciary Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield myself 3 additional minutes.

I may say that was done by a very close vote. That option is also included in amendment No. 708, upon which the Senate will vote later this morning. It simply provides that no shipment will be made into any State when that type of shipment would be in violation of the law of that State. Nor may a man go across a State border, buy a gun, and take into his home State if bringing it into the State is violative of State law.

Of course we could reverse the process, that is something else again; but any State that wants to bring itself within the purview of the law may do so without this amendment.

Such an option with each State is proper. The testimony repeated again and again that in areas of the Middle West and Far West conditions are different than they are in the more populous States and cities.

I urge my colleagues to vote the amendment down, first of all, if for no other reason, to reaffirm the expression of judgment the Senate made earlier today; and, second, because we already have in the law the means by which the legislatures can bring themselves within the purview of this act.

I wish to make just one other observation. The amendment of the Senator from Connecticut has the same direction, intent, and effect as the amendment offered by the Senator from Massachusetts had, and the effort that will be made later this morning by the Senator from New York. All three of those amendments are calculated to amend title IV as reported by the committee. There is no effect upon amendment No. 708, upon which the Senate will vote later in the morning.

I want to say again that the superiority of amendment No. 708 emerges even more clearly as we consider these attempts to amend title IV that will make it burdensome, oppressive, and highly undesirable.

It is my hope the Senate will turn down the amendment as decisively as it did the first one.

I yield 5 minutes to the distinguished Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, there is a principle involved here with which I think we ought to come to grips. I recall in House days, when reorganization plans came up from the executive branch, that they had to work out a technique so that unless Congress acted affirmatively, the plans would go into effect. So the onus was upon the Congress. It did not make any difference how busy it was. It did not make any difference what engaged its time at that particular moment. There was a deadline, and it had to act.

So we began to adopt this so-called back-door, left-handed approach. I think I have resented it in all those years.

Now, here we have got the same thing. All you have to do is read this language. I am afraid we sometimes get a little careless when we look at language and do not spell it out:

> This paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) shipped or transported into a State which has elected by the enactment of a State law to make the provisions of this paragraph inapplicable.

What we would be saying to the 50 States by that language is: "Whether you like it or not, we are going to put it on you, and if you do not like it, you can convene your legislatures, in regular or extraordinary session, and say you do not want it." But that means convening 50 legislatures, specially or otherwise, and in some cases the Governor has to include the purpose in the call, if it is an extraordinary session.

What will we have done? We will have transferred the battleground to 50 jurisdictions, because, just as surely as a legislature undertakes to take itself out from under Federal law, there is going to be a fight. There will be lobbying from both sides. I do not propose to put that kind of burden upon the 50 legislatures. The Federal-State partnership is all too fragile now, and we are fragmenting it day after day. This is just another evidence of it, as the proponents of the amendment try to march through the back door.

I will have none of it. This amendment ought to be voted down by a resounding vote, to show that the Congress of the United States still has some respect for the Federal-State union and the Federal-State partnership, and that we do not propose to take advantage of the States by saying, "Well, we will put it upon you, and you see how you can get out from under, no matter how much trouble may be involved."

That reminds me a little of all these neckties that come to my desk, from somewhere or other, every month. I think last month there were five. You look at them, and they look so lovely when they are new, but they only last for one wearing, in most cases; and you are supposed to put a dollar or $2 in an envelope and send it back.

Suppose you do not do it? What do you think they are going to say, in the office out in St. Louis or elsewhere?

"Well, the Senator is a heel," if you know what I mean. "Let's take him off the list."

So you either send the money, or otherwise. Maybe you do not want to keep the merchandise, and lay out $2 for a tie you will wear only once. After all, even in these inflated days, money is not that cheap and easy. But, after all, they give you no choice, because the one way it is an invasion of your pride, and the other way you send a little money that you really do not want to send.

So you take it or leave it. That is the way this is. We say to the States, "Take it or leave it; the only way you can get out from under is to have your legislature take you out from under." That adds to their burdens and their expenses.

This is just a back-door approach. I trust it will be roundly defeated.

Mr. LAUSCHE. Mr. President, will the Senator from Nebraska yield me 5 minutes?

Mr. HRUSKA. I yield 5 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, by my previous vote I indicated my conviction that long guns ought to be included in the bill just as short guns are.

However, the Senator from Nevada [Mr. CANNON] a moment ago raised a question which I believe each of us ought to consider with deep seriousness.

The proposal is made that Congress pass a law which will not be uniformly applicable to the whole country, even though interstate commerce is the basis upon which the law would be passed.

First, can Congress pass a law that would be applicable only to a part of the States and not to all of them? The answer is obviously in the negative.

Second, if Congress cannot pass such a law, how can we, by indirection, achieve what Congress cannot do by direction?

That would be to say, in effect, that while a majority of Senators rejected the proposal that was generally applicable, we will now allow the will of the minority to become applicable in those States that do not want to comply with the uniform law.

I have been a Senator for 11 years, and I do not recall a single instance in which that issue has come before this body.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I will yield on the Senator's time.

Mr. DODD. It will only take a minute.

Mr. LAUSCHE. Will the Senator from Connecticut permit me to finish my statement?

Mr. DODD. I wish to answer the Senator's question. I do not know whether it has been in the last 11 years or not, but we have taken such action with respect to oleomargarine, television fights, and a number of other items. This is not the first time such a proposal has been suggested.

Mr. LAUSCHE. If that is the fact, I stand corrected. But I nevertheless do not abandon the position which I have taken.

Is it not a dangerous practice to allow laws of a Federal nature to be applicable only to a part of the country? Federal laws are supposed to be uniform in their operation, applicable equally to all individuals in all States. But in this instance, we would say that inasmuch as a majority of the Senate refused to adopt the Kennedy amendment, we will adopt a partial amendment by bringing to our cause Senators who represent States that do not want the law.

I believe this proposal is most dangerous. I repeat that while I supported the original Kennedy amendment, I think there is great strength in the argument of the Senator from Nevada that there is danger in permitting bills to be passed that, by the will of some States, can be applicable in all other States except those which seek to exempt themselves.

Mr. DODD. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, while I do not wish to enter into a debate or a controversy with my distinguished colleague from Ohio, because I think he makes a rather substantial point, I should like to present this thought: It is true that possibly if the amendment proposed by the Senator from Massachusetts had been agreed to, that would have been a better solution. But after all, we are confronted here with a diversity of opinion or point of view which is predicated upon well establish tradition. There are many States of the Union where traditionally long guns have been used freely and for good purpose. I am speaking now of the Western States.

It is true that in those States, they may not have had the same trouble we have had in some of the Eastern States, where we have areas of congested population, and where, in many instances, such guns have not been used for lawful purposes, but by gangsters, thugs, and criminals employing such weapons as sawed-off shotguns.

Only recently, we had an incident in my State where such a gun was used in a gangland killing.

Recognizing the sincerity of those who feel that we ought not to impinge upon the freedom of those States which wish otherwise, we ought also to recognize that there are many States of the Union where the situation is quite different and desire such a regulatory law.

The question is, How do we overcome this? Do we exempt States that do not want it, or do we oblige those States which do? I think that the vote awhile ago was a little overwhelming in indicating that the Senate does not feel that it ought to have a national scope law with respect to this.

I come from a State in which I believe the large majority of the people would like to have such a law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I yield 2 more minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. PASTORE. Mr. President, the States that do not care to have the law apply to them could says so. Then it would not apply to them. No harm would be done to those States. However, States that would like to have the law applied to them can say so, and they can have the benefit of the statute. They can then work against gangsterism and hoodlumism and criminality. That is all this amounts to.

I realize that this question could be argued to and fro, and many questions of a legal nature could come up. However, as a practical proposition, we are confronted with the fact that the Senate of the United States said awhile ago: "You want it in Rhode Island, but you cannot have it because too many States do not want it."

Should there be that compulsion on the people of the State of Rhode Island?

The Senator from Connecticut [Mr. DODD] comes along, therefore, and says: "Let us do something different. Let us make it provide that a State can have it if they want it." I do not see anything wrong with that.

Mr. LAUSCHE. What difference would there be between that case and the case in which southern Senators ask that the civil rights bill not be made applicable to them, but be made applicable to the country as a whole?

Mr. PASTORE. I think it would be wrong to do that because we would be talking about humanity there and not about fighting gangsterism.

I hope that when we begin to promote the dignity of man, we do not confuse it with fighting gangsters. In one case we are talking about gangsters, and in the other we are talking about the dignity of man.

We ought to talk about the Constitution. I remember that the first thing I learned in high school was the Declaration of Independence and that all men are created equal.

We have an entirely different situation in the example cited by the Senator from Ohio. I hope that we do not get dignity of man mixed up with criminals.

Mr. LAUSCHE. Mr. President, will the Senator from Nebraska yield me 3 minutes?

Mr. HRUSKA. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 9 minutes remaining.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. LAUSCHE. Mr. President, the discussion thus far between the Senator from Rhode Island and me has divided itself into two parts. One relates to the uniformity of humanitarian treatment of the citizenry. The other refers to the uniform application of laws passed by the U.S. Congress.

Laws should be uniform. My fear is that if we begin to adopt the principle advocated here, intermittently there will be amendments before the Senate seeking to give States the right to exempt themselves.

When we divide the question into two parts, one on the basis of the humanitarian approach and the other on the basis of the uniform applicability of law, we must realize that we are dealing with two different things.

Laws must be uniform. If Nevada and North Dakota and South Dakota can be given the right to exempt themselves from the gun-control law, it follows, in my judgment, that Senators from the Southern States could offer amendments and say: "Our situation is different. We want to be immunized from Federal law." They would, therefore, ask that provisions be included in the bill to give them the privilege of exempting themselves.

I concede that the argument of the Senator from Rhode Island is sound. I would like the law to be applicable to all States. That is how it ought to be. We ought not to adopt a law in the United States and provide that it shall apply in some jurisdictions or Commonwealths and not in others.

That principle is completely contrary to every concept of law and justice that I know.

"Equal justice under law" is the legend over the door of the Supreme Court of the United States. Equal justice means equal justice to the individual and equal justice to the States, especially when the law is predicated upon the commerce clause of the U.S. Constitution.

Mr. PASTORE. Mr. President, will the Senator yield for a short observation?

Mr. LAUSCHE. I yield.

Mr. PASTORE. Mr. President, self-determination is justice. Self-determination is democracy. Self-determination has nobility.

Mr. LAUSCHE. That is why I say the Southern States could say, "We want self-determination." And I am against that.

Mr. PASTORE. We cannot have that self-determination in contravention of the Constitution of the United States, amendments 14 and 15.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, do I correctly understand that each side has 9 minutes remaining?

The PRESIDING OFFICER. Each side has 9 minutes remaining.

Mr. DODD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. DODD. The Senator from Nebraska cited the case of an individual who went to Toledo, Ohio, and bought a gun. The Senator said this was forbidden under the Federal Firearms Act. I do not believe that it is.

These are over-the-counter sales, and there is nothing in the Federal Firearms Act at present that would forbid a dealer in Toledo, Ohio, from selling any kind of weapon he wants to sell to anybody over the counter. And they do it.

As a matter of fact, the mayor of Detroit said they sold some 5,000 guns there in the period of approximately 1 year. Those guns were used in the terrible disturbances that took place in that city.

I do not think it is accurate to say that the Federal Firearms Act forbids such sales.

The Senator from Illinois argues that we are burdening State legislatures. I point out that we are burdened with a terrible problem in this country.

I am told that last year there were 600 firearms bills introduced and considered by the State legislatures of our country.

I think the States are aware of the problem, and I think that they are willing to take up the matter.

I do not think that the States consider it any great burden. It is easy to argue that this is a terrible task and a terrible burden. However, my answer is that we have a terrible burden of crime in this country, and I do not think that these very smooth arguments about our placing a burden on the States have much effect on the American people.

The American people are worried to death. They are buying guns like crazy every day. They are fearful. They do not want to have to buy guns. They want guns to be controlled.

If we do anything to make the Nation a country of pistol-packing people, the first thing we know the situation will be worse than it is now.

That is why all the polls indicate that 70 or 75 percent of the people of the country want strong gun legislation.

I have already answered as well as I could the argument of the Senator from Nevada. I said that I am told that we have on occasions done the same sort of thing with respect to liquor and prizefight films and oleomargarine, and I believe, cigarettes as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

May I request a short quorum call?

The PRESIDING OFFICER. Does the Senator from Connecticut yield back the remainder of his time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The Chair observes the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Utah [Mr. MOSS] is attending the 4th Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY] and the Senator from New Mexico [Mr. MONTOYA] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from New York would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOL-

Lings]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay".

The result was announced—yeas 29, nays 54, as follows:

[No. 135 Leg.]

YEAS—29

Brewster
Brooke
Clark
Cooper
Dodd
Fong
Gore
Griffin
Hayden
Javits
Kennedy, Mass.
Long, Mo.
McIntyre
Mondale
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Smathers
Smith
Spong
Symington
Tydings
Williams, N.J.
Yarborough

NAYS—54

Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gruening
Hansen
Hart
Hatfield
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
Metcalf
Miller
Mundt
Murphy
Randolph
Russell
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Young of Ohio, for.

NOT VOTING—16

Aiken
Case
Fulbright
Harris
Hartke
Hollings
Inouye
Kennedy, N.Y.
Kuchel
McCarthy
Monroney
Montoya
Morse
Morton
Moss
Prouty

So Mr. Dodd's amendment (No. 789) was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, the Committee on Commerce, and the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill, S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

AMENDMENT NO. 739

Mr. JAVITS. Mr. President, I call up my amendment No. 739 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated, but before the amendment is stated the Chair requests order in the Chamber. Senators will be seated before debate begins. The Chair is grateful for the cooperation of staff members recently, but the Chair wishes to remind staff members that they are here by permission of the Senate upon request of the Senators they serve. Staff members are not here to engage in conversation. Conversation will not be permitted except with the Senator who requests the staff member's presence.

The Senator from New York is advised that under the previous order 15 minutes remain to the Senator from New York.

The Senator from New York will be recognized after the amendment is stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 89, line 20, strike out "other than a rifle or shotgun,".

On page 90, between lines 15 and 16, insert the following new clause:

"(C) this paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or a short-barreled rifle) of a type and quality generally recognized as particularly suitable for lawful sporting purposes, and not a surplus military firearm, which is shipped, transported, or caused to be shipped or transported, in interstate or foreign commerce by an importer, manufacturer, or dealer licensed under the provisions of this chapter to any person who has submitted to such importer, manufacturer, or dealer a sworn statement, in duplicate, in such form and manner as the Secretary shall by regulations prescribe, attested to by a notary public, to the effect that (i) such person is eighteen years or more of age, (ii) he is not a person prohibited by this chapter from receiving a shotgun or rifle in interstate or foreign commerce, (iii) there are no provisions of law, regulations, or ordinances applicable to the locality to which this shotgun or rifle will be shipped which would be violated by such person's receipt or possession of a shotgun or rifle, and (iv) that (title --------, Name --------------, and Official Address --------------------) (blanks to be filled in with the title, true name, and address) are the true name and address of the principal law enforcement officer of the locality to which the shotgun or rifle will be shipped. It shall be unlawful for an importer, manufacturer, or dealer, licensed under the provisions of this chapter, to ship, transport, or cause to be shipped or transported, in interstate or foreign commerce any such shotgun or rifle unless such importer, manufacturer, or dealer has, prior to the shipment of such shotgun or rifle forwarded by United States registered mail (return receipt requested) to the local law enforcement officer named in the sworn statement, and the description (including manufacturer thereof, the caliber or gage, the model and type of shotgun or rifle but not including serial number identification) of the shotgun or rifle to be shipped, and one copy of the sworn statement, and has received a return receipt evidencing delivery of the registered letter or such registered letter has been returned to the importer, manufacturer, or dealer due to the refusal of the named law enforcement officer to accept such letter as evidenced in accordance with United States Post Office Department regulations, and has delayed shipment for a period of at least seven days following receipt of the notification of the local law enforcement officer's acceptance or refusal of the registered letter. A copy of the sworn statement and a copy of the notification to the law enforcement officer along with evidence of receipt or rejection of that notification, all as prescribed by this subparagraph, shall be retained by the licensee as a part of the records required to be kept under section 923(d). The Governor of any State may designate any official in his State to receive the notification to local law enforcement officers required in this subparagraph. The Secretary shall be notified of the name and title of the official so designated and his business address and shall publish the title, name, and address of that official in the Federal Register. Upon such publication, notification of local law enforcement officers required in this subparagraph shall be made to the official designated. The Governor of any State may request the Secretary to discontinue in his State or any part thereof the notification to local law enforcement officers required in this subparagraph. Upon publication of the request in the Federal Register, the notification to the law enforcement officers in the area described in the request will not be required for a period of five years unless the request is withdrawn by the Governor and the withdrawal is published in the Federal Register; and".

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(D)".

Mr. JAVITS. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 8 minutes.

Mr. JAVITS. Mr. President, if I may have the attention of Senators, I think we can all get the feeling of what this amendment is about in short order. I explained the amendment in detail yesterday and I call the attention of the Senate to page 13345 of the Record of yesterday, the middle column, where my remarks begin.

The fundamental concept of this amendment is to pick up from the Hruska plan of control for handguns, which is the subject of his amendment upon which we will ultimately vote sometime today, and to apply it to shotguns and rifles which are, in the words of my amendment, "generally recognized as particularly suitable for lawful sporting purposes, and not a surplus military firearm." I am reading from my amendment No. 739, page 1, line 1 through page 2, line 8.

In short, this is a way to use the affidavit procedure. The affidavit is submitted to the seller of the gun, assuming it is an interstate sale, and the seller is required to send the affidavit to the local law enforcement official authorized to receive it. If he does not hear within 7 days, he can ship the gun. That is what it comes down to. That is what the Senator from Nebraska [Mr. Hruska] has argued in his amendment, with his customary skill, for some time, and we are familiar with that.

My amendment would do the same thing for long guns. That is all.

It is a compromise. I proposed it when

I was a member of the Judiciary Committee, and I also sat on the subcommittee of which the Senator from Connecticut [Mr. Dodd] is chairman, when we then had a number of bills before us. The Hickenlooper bill was one with respect to this particular situation, which is essentially the fundamental philosophy that the Senator from Nebraska has, as well as the Dodd bill.

I made a strong effort, because I wanted gun legislation, and realized exactly what we would be up against, and we are up against it, and sought to compromise; to wit, that we would take the Dodd plan for handguns, which everyone agrees are hidden weapons and useful in crime, and we would take the Hruska plan for long guns. I do not know whether the Senator from Nebraska [Mr. Hruska] agrees on that. He does not wish any such regulations applied to long guns. That is my impression, but pick up the Hruska scheme for long guns and take the Dodd scheme for handguns.

What the committee did was to take the Dodd plan for handguns and leave out anything on long guns. That is what all this debate and all these efforts are about today.

In that compromise effort, I won in the subcommittee. It approved the plan, but it did not prevail in the Committee of the Whole, although the committee was practically evenly divided—eight members agreed with the compromise and the rest did not. Therefore it did not carry.

Now, Mr. President, why do I propose this matter now? It is a fact, and it is only fair to say, that there are two deeply conflicting philosophies which obtain here.

One philosophy is traditional American pride in the fact that a man should be entitled to own a weapon if he wants one without any encumbrances or difficulties. It is imbedded, as we know, in our traditions, and in the Constitution.

The other philosophy is the necessity, due to the burgeoning crime rate, which must sandbag us all because it is so serious, and the deep concern all over the country over what is going on. It has its aspects in the riots and the violence.

There is also tremendous concern on the part of the police who are faced with a riot in a city which may be based upon a racial problem, or a college problem, or some other problem.

The first thing the police want to know is, "Are there any snipers?" Once that has been ascertained, then a different order of magnitude prevails as to the character of the disturbance with which the police will have to deal.

Snipers, as we all know, use rifles and shotguns. It is a long gun operation. So when we couple that with the fact that 30 percent of murders are committed with long guns, we find a situation where there has to be some accommodation between the two philosophies. That is what is really taking place on the Senate floor today. The effort I am making to have my amendment adopted is an effort to find an accommodation between these two philosophies.

Now, whatever regulation there was, was really a small notice. It has properly come at this stage of debate because it is true that the Kennedy amendment was a much stricter form of regulation than the last amendment of the Senator from Connecticut [Mr. Dodd], which was rejected by the Senate.

It is time to do something about long guns. In my judgment, if a Senator is inflexibly of the view that every American is entitled to a rifle and should be allowed to go down to the corner drugstore and buy it, or purchase it through the mail, then my amendment will not satisfy him. There is no use fooling about that.

But, it must be realized that we are living in a different society from the pioneer days of the 18th and 19th centuries, that a rifle is just as lethal today as it was then. That is a fact. I do not think anyone can controvert it. If we take even the most extreme figures, say, of 90 percent murders with handguns, that still leaves 10 percent. We say 30 percent. The figures bear that out, as will the various analyses now on Senators' desks—it would indicate that in States where there are controls, there seems to be less incidence of crime by the use of firearms in a material way—by one-third to one-half.

Therefore, I say, I cannot hope to satisfy men with this amendment who feel that it is an inalienable American right to own a gun and they are not going to touch it so far as the long gun is concerned. But I would point out that the minute we are willing to do something about hand guns, in view of the fact that—and it is a fact—that long guns are used in the same way, not so often, but in the same way, as I point out, its particular character in respect to what we are so concerned about now—to wit, riots and civil disturbances, where long guns seem to be the key as to whether it is or is not a riot or a civil disturbance, is a critical question for the police.

From all my information, what has been discussed here, and what has been going on, this is really an effort to compromise. It is not inhibitive. At the same time, it is not politically permissive. An affidavit for a long gun must be certified as to the facts and it can be held against one upon a given occasion. Then the law enforcement officials will know in every town who has a rifle, which they do not know today, which is itself a very useful piece of information. As we all know, when the police blockade an area, they will tell us——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask for an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. The police will tell us everything that is in that area. One of the things they should be able to tell us is how many rifles are in that area, as well as handguns, so that they will know what kind of situation to face in the event of a civil disturbance.

It is on that ground, without laboring the issue unduly, that I feel this is a fair middle ground between the two philosophies. A fair middle ground is essential, in view of the urgent problems which face the country, not only present but also prospectively. I hope that inasmuch as such a large number of members of the Judiciary Committee itself saw the value of this compromise, a majority of Senators will see it also.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I would like to comment on the amendment offered by the distinguished Senator from New York [Mr. Javits] to title IV of S. 917.

This body is well aware of my views on the need for stringent and effective gun control legislation. I need not reiterate my efforts over the last 7 years to place before the Senate a gun control proposal that is stringent, enforceable, and just.

Any comprehensive gun control measure that the Senate adopts must include controls over the acquisition of mail-order rifles. We should not bow to the blandishments of the firearms lobby, which has vehemently fought to strip from any comprehensive gun control measure restrictions on rifles and shotguns.

There is absolutely no justification for excluding from the Federal law the weapons which have been used in this the age of snipers to gun down a President, to sustain rioting in our cities and to take the life of Dr. Martin Luther King.

The Juvenile Delinquency Subcommittee's lengthy hearings of 1965 and 1967 have documented at least to my satisfaction that long arms, rifles, and shotguns, are not only the weapon of the sportsman, but are also the tool of criminals. I would add that law enforcement concurs with my view in this regard as attested to in those hearings.

The subcommittee considered this long arm issue carefully both during consideration of S. 1592 during the 89th Congress and S. 1 and amendment No. 90 to S. 1, during this Congress.

A majority of the subcommittee felt that there should be controls over the acquisition of mail-order rifles and shotguns, but as my colleagues now know, the Judiciary Committee did not concur with those views and thus rifles and shotgun proscriptions on the mail-order traffic were deleted from what is now title IV.

I believe that rifle and shotgun controls should be restored by this body and I cannot emphasize that enough.

It is in this regard that I commend the Senator from New York for offering an amendment to title IV that would restore a measure of control over mail-order rifles and shotguns, and a measure, I might add, that would be helpful in controlling their acquisition.

I, of course, have urged this body to completely prohibit the interstate mail-order sale of rifles and shotguns to nonlicensed individuals. In so doing, I have stated that I believe that any responsible person should be willing to shoulder the slight inconvenience of ordering such a weapon from a local dealer.

In view of the fact that this body has not concurred with my judgment in this regard, I am certainly amenable to and wholeheartedly support the amendment now offered by my colleague from New York.

In effect, the distinguished Senator's amendment would control mail-order rifles and shotguns in the same manner that the subcommittee proposed during consideration of S. 1592.

I of course refer to the notarized affidavit and notification to local law enforcement provision as a means of regulating the acquisition of mail-order rifles and shotguns.

It is noteworthy in considering this amendment, that it provides that a person completing the notarized statement be 18 years of age.

One of our prime concerns has been the ease with which juveniles can and do acquire mail-order guns.

This amendment insures that persons purchasing mail-order rifles and shotguns are not juveniles, but persons of 18 years of age or older.

Juvenile crime, and especially armed crime, is increasing in America each year, and unless this Congress makes every reasonable effort to curb the availability of firearms to juveniles, then we cannot hope to make inroads into this problem.

Mr. President, I support my colleague from New York in his effort to reduce armed crime by America's youth and I urge this body to give favorable consideration to his amendment and to adopt it.

However, I am worried about one point, that is the 7 days. I wonder if that will ever work. Will it be possible to get this thing properly cleared through the law enforcement authorities? I wonder what the Senator from New York thinks about that.

Mr. JAVITS. I think 7 days is adequate for a matter of this character. In a big city like New York, for example, in all likelihood there will be a breakdown by counties with respect to the officials handling it. In other areas, perhaps other sectional arrangements will be required.

Frankly, I made the time as short as humanly possible because I wanted people to feel there is no great interference with their ability to buy; so long as they are law abiding and honest citizens there is nothing to be ashamed of. In fact, they are proud of it. That is the whole intent. It is not the same as was involved in the vote against the Dodd amendment and again the Kennedy amendment. People who attribute a certain manliness to the fact that they own a weapon, are not concerned about letting the world know they have guns, but those who have reason to be concerned are going to be much more cautious about buying guns when they can be identified.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 minute.

That is the situation as I see it. I would rather leave it at 7 days. I think it can be managed.

I am grateful for the support of the Senator from Connecticut [Mr. DODD], which he gave me originally. He was a party to it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Three minutes.

Mr. JAVITS. I yield myself 1 minute, and yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, yesterday I was persuaded by the argument of the Senator from Massachusetts against the proposal of the Senator from Nebraska [Mr. HRUSKA] that 7 days was a totally inadequate time for the local officials to make adequate investigation concerning the truth or falsity of the information set forth in the affidavit. Figures were submitted by the Senator who made the argument, and I believe the Senator from Maryland also discussed the subject, that to make an adequate investigation of the truth of the affidavit could not be done in the 7-day period. It was pointed out that in Chicago and Detroit, I believe, 5,000 guns a week are purchased and that the State government or local government simply could not investigate 5,000 affidavits. They simply could not do it.

Mr. JAVITS. Mr. President, may I answer?

Mr. LAUSCHE. Yes.

Mr. JAVITS. My answer is that the type of regulation I have in mind——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, may I ask unanimous consent to have 2 minutes added to my time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 2 minutes.

The scheme that I have in mind is different from that of the Senator from Massachusetts [Mr. KENNEDY]. Under it we could not stop the sale or shipment. The most that would happen in the 7 days would be that the police official would be able to tell the gun seller, "Look, you are selling a gun to a fellow that is a crook, and we hope you will not do it." That is all that happens under my amendment. The authorities can pick that up, because they know the known criminals, crooks, et cetera. As to the investigation that would follow, they could take all the time they wanted. If they wanted to prosecute someone for a false affidavit, they could take 6 months.

The scheme I have in mind lends itself to 7 days, whereas, if there were to be veto power over the shipment, it is true that 7 days would be inadequate. That is my answer. It is a different scheme.

Mr. LAUSCHE. The argument made yesterday was tremendously effective that 7 days would be inadequate to make an investigation.

Mr. JAVITS. To do what the Senator from Massachusetts [Mr. KENNEDY] wanted done under his amendment, but for my purpose, it is adequate, and that is to flag the criminal. The authorities can do it because they have records. As to the longer investigation for perjury, the authorities are not limited to 7 days.

Mr. LAUSCHE. Then, I understand the Senator's amendment is better than what was discussed yesterday, because his amendment would only enable the police to know that known criminals were attempting it, but as to the many others who were not known criminals, the sales would go through.

Mr. JAVITS. That is correct.

Mr. LAUSCHE. I think that is reasonable.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. I shall talk only briefly.

I again call to the attention of my colleagues the fact that this amendment does not apply to amendment No. 708. It would apply to title IV of the bill, which the committee reported by a vote of 9 to 7.

It is my hope that the amendment will not be agreed to.

I respect the Senator from New York for his sincerity and his eagerness to achieve acceptable and workable legislation, but I do not believe the material contained in his amendment would be consonant with the objective sought in amendment No. 708.

First of all, I want to say that amendment No. 708 is not based upon the idea that everyone who is qualified under applicable law is entitled to a rifle, shotgun, handgun, or pistol. The opposition to the amendments which have already been voted upon, and the opposition to the amendment offered by the Senator from New York, is not based on the idea that there is an absolute right for everyone to have a gun. Under present law as amended by amendment No. 708, it would be illegal for any shipment to go into a State in violation of the law of that State. If the law of that State requires that there be a permit or license, then the mail-order vendor would have to have a copy of that permit or license before he could send the weapon into that State.

The same thing applies in the case of the buyer. The buyer could not receive a gun in his own State if the receipt of that gun would be in violation of the law of that State. So it is not an absolute right.

There is one additional objection to the amendment of the Senator from New York. Yesterday some Senators spent much time arguing against the presale affidavit procedure contained in amendment No. 708 as it applies to handguns. The burden of that argument was that the police would not enforce it.

I do not agree that the police cannot enforce the law through the use of a presale affidavit. However, I admit it does place a burden on the police. But the idea is that with the limitation on handguns alone, we will determine how great that burden will be. We know it will be great, but it will be more than double that if it is applied to long guns.

I say, let us deal with the real offender, as amendment No. 708 does. The real offender is the one who uses the handgun. It is said that 20 percent or more of crimes are still committed with shotguns and rifles, and I do not disregard that figure—but I mean to say that the impact of this legislation, and particularly the impact of this amendment, will not, in my opinion, reduce that crime rate or statistic. On the other hand, it will interfere with the more efficient functioning of amendment No. 708 as it applies to the presale affidavit procedure with respect to short guns.

I ask my colleagues to reject this amendment as they have the previous amendments.

Mr. JAVITS. Mr. President, I yield myself 2 minutes just to say this to the Senator from Nebraska: I am not going to ask the Senator to answer me, but I would point out that if the Senator agrees with this amendment, which is not at all inconsistent with the Senator's amendment, and fits into it, if he wishes to take it, I believe the likelihood is that this is what is going to happen anyway, whether we stay with the committee or whether the Senate agrees to the Hruska amendment.

In this case, with respect to the Hruska amendment, the Senate is voting on something very substantive, because if the Senate says, "We want something," even a very mild form of notice with respect to this long gun business, this is where they are going to get it, and this is the only place they are going to get it, and I predict we will either get it either on the bill itself or on the Hruska amendment. It fits completely with it. I would propose it as an amendment to the Hruska amendment, but I am not for the Hruska amendment, as I think I have made clear, because I believe more tight regulation is needed. But I have never been so little of a lawyer that I would not try to find a way out where practical men have a deep difference in philosophy, as they have here.

I say to Senators, in all due respect, this is a substantive question, and if we decide to do at least this, it will get into this bill, I feel sure of that, and I am sure everybody else does.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, this is the third attempt to do something about long guns—the first one quite strict, the second a backdoor effort, and now a compromise effort.

I notice, in going through the amendment, of course, there have to be rules and regulations; there has to be an affidavit; things have to be published in the Federal Register; these are all of the various requirements, like return by registered mail, but I noticed yesterday when I was out home that, I think it was the last or nearly the last day for registration of firearms in the city of Chicago, and I am not sure that I have the figure correctly in mind, but I thought they said 163,000 guns had been registered.

All those people have got to go down and register, and make out a form, and probably swear to it. Now the Illinois Legislature is dealing with the same problem, in the form of a statute for the State. The distinguished president of the Illinois Senate was here, and he testified on the bill in the subcommittee. He expressed a preference for the substitute that has been offered by the distinguished Senator from Nebraska.

But it looks to me as though this is just another effort to encumber this thing, and make it difficult, even though on its face it seems to have appeal. I am of the opinion that it ought to be voted down. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE (when his name was called). Mr. President, on this vote I have a pair with the distinguished senior Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I also announce that the Senator from Utah [Mr. MOSS] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from New York would vote "yea," and the Senator from Arkansas would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Florida would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE], is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 28, nays 52, as follows:

[No. 136 Leg.]

YEAS—28

Bayh
Brooke
Byrd, W. Va.
Clark
Dodd
Fong
Gore
Griffin
Javits
Kennedy, Mass.
Long, Mo.
McIntyre
Mondale
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Smith
Spong
Symington
Tydings
Williams, N.J.
Williams, Del.

NAYS—52

Allott
Anderson
Baker
Bartlett
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gruening
Hansen
Hart
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
Metcalf
Miller
Mundt
Murphy
Russell
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.
Young, Ohio

PRESENT AND ANNOUNCING A LIVE PAIR

Muskie, for.

NOT VOTING—19

Aiken
Brewster
Case
Fulbright
Harris
Hartke
Hollings
Inouye
Kennedy, N.Y.
Kuchel
McCarthy
Monroney
Montoya
Morse
Morton
Moss
Prouty
Smathers
Yarborough

So Mr. JAVITS' amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BENNETT. Mr. President. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

The Senator will not proceed until the Senate is in order. Senators will take their seats. The Senate will be in order. Senators in the rear of the Chamber on the majority side will please take their seats.

The Senator from Utah is recognized.

AMENDMENT NO. 794

Mr. BENNETT. Mr. President, I call up my amendment No. 794.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. **BENNETT**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 107, between lines 2 and 3, insert the following new title:

"TITLE V—USE OF FIREARMS IN THE COMMISSION OF CERTAIN FELONIES"

SEC. 1001. (a) Part I of title 18 of the United States Code is amended by adding immediately after chapter 115 the following new chapter:

"CHAPTER 116.—USE OF FIREARMS IN THE COMMISSION OF CERTAIN FELONIES

"Sec.
"2401. Definitions.
"2402. Use of firearms in the commission of certain felonies.

"§ 2401. Definitions

"As used in this chapter—

" 'Crime of violence' means any of the following crimes: arson; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; embezzlement and theft; kidnaping; killing certain officers and employees of the United States; murder, voluntary manslaughter; narcotic offenses punishable by a prison term exceeding one year; Presidential assassination, kidnaping, and assault; rape; racketeering and extortion; robbery and burglary; sabotage; treason and sedition; rebellion and insurrection; seditious conspiracy; and advocating the overthrow of the Government.

" 'Firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun.

" 'Destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

" 'Handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand.

" 'Shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

" 'Rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"§ 2402. Use of firearms in the commission of certain felonies

"Whoever, while engaged in the commission of or an attempt or conspiracy to commit any offense punishable under this title which is a crime of violence, employs, displays, carries upon his person, or possesses under his custody or control at or in the vicinity of the place at which such offense is committed or attempted or at any place at which any act in furtherance of such conspiracy is performed by such person, any firearm shall, upon conviction of such offense, attempt, or conspiracy, be punished for his first offense under this section by a fine of not more than $5,000, or imprisonment for a term of not more than five years, or both, and for any subsequent offense and conviction under this section by the same person by a fine of at least $5,000 but not more than $10,000 and imprisonment for a term of at least five years, but not more than ten years, or both. The punishment so imposed under this section shall be in addition to the punishment provided by law for the offense, attempt, or conspiracy for which such person was so convicted."

(b) The analysis of part I of title 18, United States Code, is amended by inserting immediately before the last item the following:

"116. Use of firearms in the commission of certain felonies________ 2402".

Mr. **BENNETT**. Mr. President, I appreciate the opportunity to cosponsor the Hruska amendment No. 708, on firearms legislation. I commend the distinguished Senator from Nebraska for his role in this critical legislative battle.

In considering firearms legislation, Congress faces the very difficult task of resolving the vital question of freedom versus Government controls. Related to this dilemma is the unfortunate and very perplexing crime situation in the United States.

Before any gun legislation is passed, I think it is necessary that Congress define and understand the issue of constitutional rights as they apply to firearms. There has been considerable emotional appeal both for and against gun legislation. Much of this has been centered around the deaths of President Kennedy and Martin Luther King, Jr. In the process, however, we cannot ignore the second amendment to the Constitution. May I, for the purpose of my statement, define what I think this amendment means? It reads:

> A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

THE RIGHT TO KEEP AND BEAR ARMS

Unfortunately, this amendment is shrouded in controversy. Some people have taken the position that the amendment guarantees the right to keep and bear arms only to the militia. This, Mr. President, I believe is both mistaken and dangerous. The amendment states that "the right of the people to keep and bear arms shall not be infringed." It does not state that the right of militia or National Guard, or the Army Reserve, to keep and bear arms shall not be infringed. Consequently, I believe that Congress must accept the amendment for what it really says and for what it intended to say. The people themselves have been guaranteed the right to keep and bear firearms. Thus, any proposed gun legislation which comes before us must be considered in this context. I do not believe that we are dealing with a hazy indefinite provision such as the "general welfare" or the "interstate commerce clause." We are talking about a specific limitation upon the powers of Government and a specific right of the people.

POLICE STATE CONTROLS

I wish to emphasize that the Senate and Congress are dealing with crucial and long-range issues in firearms regulations. Precedents will be set that could be used in future years to affect seriously the nature of our Republic and the rights of our people. We must realize that control of the ownership of firearms carries with it the inherent future possibility of police-state controls. This requires a great deal of wisdom, understanding, and thoughtful consideration.

Conversely, we now face, Mr. President, a crime situation in this country which is fast becoming the greatest scourge of our national life. Some of it, perhaps a good part of it, is perpetrated by the persons misusing firearms, particularly handguns. Thus, as crime rates skyrocket each year, there is a requirement and an obligation by Congress and by the States to protect the general public from those elements in society who abuse it and perpetrate acts of violence against our citizenry. I believe that the Hruska amendment is the best answer to these dual problems of constitutional rights and and skyrocketing crime rates.

GUNS ARE NOT THE CAUSE OF CRIME

Let me say very clearly and emphatically that we, as a legislative body, should not blame a gun itself for any crime or any acts of violence, any more than we can blame a pen for misspelling a word. The time has come when Congress and the American people must face up to the fact that crime itself must be attacked, reduced, and punished, and its causes must be identified and eradicated.

We must realize, as I am sure most people do, that crime in this country if not encouraged by many recent Supreme Court decisions is at least made easier. We must further realize that many procedures and practices used by the courts are turning criminals loose to perpetrate a second, third, and even a fourth crime while out on bond or parole for an earlier conviction or arrest. We must realize that the attitude taken by certain elements in our society that these people are sick and therefore not guilty is one reason why we have such a growing crime rate.

The point I am trying to make, Mr. President, is that there are many causes of crime, and to blame it entirely upon the ownership and possession of a handgun or a long gun is to force upon the general public a mistaken piece of legislation and to limit unjustly, and I believe in a dangerous manner, a constitutional right. I will support moderate firearms legislation that will control effectively sales of guns through mail-order houses to youngsters, to incompetents, and to criminal elements where they can be identified. I do not believe that in this category Congress should include rifles or shotguns, with the exception of sawed-off shotguns. Of course, such weapons as machineguns and other nonsporting weapons should be carefully regulated. I think the Congress in this legislation should place the blame where the blame really belongs. We should write into any bill stern and severe penalties for the misuse of firearms and make doubly certain that persons found guilty of offenses are not allowed once again to perpetrate further crimes of violence upon our law-abiding citizens.

In this context I believe that any legislation passed by the Congress should also contain severe penalties for the misuse of firearms in the commission of felonies covered by Federal law. Therefore, I am offering an amendment to this effect.

The purpose of this legislation is twofold. Under the provisions of the bill and most of the amendments, individuals convicted of illegally selling or purchasing a firearm are subjected to severe penalties. This, I think, is reasonable and acceptable to most Americans. On the other hand, for example, a person who has in his possession a firearm and uses it in robbing a U.S. Government insured bank or killing someone on a Federal reservation or Federal property is not penalized for the misuse of that firearm. I think no one can deny that the misuse of a firearm is a graver threat to the peace and tranquillity of law-abiding citizens than is the illegal sale or purchase of a firearm.

A second reason for my amendment is to serve as a model to the 50 States should they wish to adopt strong penalties for firearms misuse themselves. My amendment is carefully worded and so drafted that State and local jurisdiction will not be affected. The felonies herein described are felonies which fall under the jurisdiction of the United States.

Under my amendment persons convicted for the first offense of Federal crimes, wherein firearms were used would be punished by a fine of not more than $5,000 or imprisonment for a term of not more than 5 years, or both. This provision has a great deal of flexibility and will allow courts and judges to impose fines less than 5 years and $5,000 on the first offense if the occasion calls for such leniency. Under this provision courts dealing with first offenders would not be required to impose the maximum penalty.

The second provision is aimed at the person convicted of a Federal felony for the second or subsequent time. Thus, anyone convicted of a subsequent offense under the amendment would be subjected to a fine of at least $5,000 and not more than $10,000 and imprisonment for a term of at least 5 years and not more than 10 years, or both. The complete flexibility which existed under the first offense is thus generally removed from the second conviction. I feel this is necessary and justified because much of our crime in this country is committed by individuals who are repeat offenders. The law-abiding citizens of America must be given protection from repeat offenders and my amendment will go far in providing it, insofar as those crimes involve the use of guns.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. TYDINGS. It is my understanding that amendment No. 794 is a perfecting amendment to title IV.

Mr. BENNETT. That is my understanding, also.

Mr. TYDINGS. And that, basically, it would increase the penalties for the commission of certain enumerated crimes on Federal property or Federal reservations, by increasing the punishment by fine and imprisonment and by setting a minimum punishment for second and subsequent offenses for the commission of certain crimes.

Mr. BENNETT. It sets both a minimum and a maximum. The Senator is correct.

Mr. TYDINGS. So that it relates only to the penalties for the commission of a Federal crime with the use of a firearm.

Mr. BENNETT. In which a firearm has been used.

Mr. TYDINGS. And it is my understanding that it is not intended to be a substitute for title IV.

Mr. BENNETT. Mr. President, I have discovered an error in the printing of the amendment. It is to be inserted between lines 4 and 5 on page 107, instead of between lines 2 and 3. I ask that the amendment be so modified.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The amendment will be so modified.

Mr. BENNETT. It also shows reference to title V. The amendment, of course, refers to title IV. I ask that that correction be made.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I yield.

Mr. LAUSCHE. With respect to the specific crimes for which the Senator's amendment proposes to increase the severity of the penalty, will the Senator, for my information, state what the present penalty is and what his increased penalty would be?

Mr. BENNETT. I do not have a record of the present penalties for the crimes referred to, which effectively include the commission of a bank robbery, interstate kidnapping, or murder on a Federal reservation; but I am certain I can get that information.

Mr. LAUSCHE. What would the penalties be under the Senator's proposal?

Mr. BENNETT. Under my proposal, for a first offense the judge would be permitted to impose a fine of up to $5,000 and imprisonment for up to 5 years, at his discretion.

For the second offense it sets a minimum sentence of a fine of $5,000, and imprisonment for at least 5 years but not more than 10 years. So it is a mandatory sentence for a second or subsequent offenses but it is a permissive sentence for the first offense.

Mr. LAUSCHE. With regard to the first offense, the judge would have complete discretion; is that correct?

Mr. BENNETT. The Senator is correct.

Mr. LAUSCHE. For the first offense the judge would have complete discretion in determining the monetary fine or length of imprisonment.

Mr. BENNETT. The Senator is correct; up to 5 years and $5,000.

Mr. LAUSCHE. But on the second offense the sentence would be mandatory.

Mr. BENNETT. The Senator is correct, within limits. It would have to be mandatory with respect to at least a fine of $5,000 and imprisonment for at least 5 years, but not more than $10,000 or 10 years.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. NELSON. In a casual reading of the bill, there is something that bothers me a little. On page 2, at the end of the first paragraph, there is included "advocating the overthrow of the Government."

Then, on page 3, if I interpret the bill correctly, it is provided that if a person advocates the overthrow of the Government and at the time he advocates it has in his possession a gun, or on the premises, a gun under his control, that that constitutes a felony and meets the standards of this bill for punishment.

Mr. BENNETT. That was not my intention in connection with "advocating." These definitions are general definitions taken out of the general law. It is my intention to involve only active crimes involving violence with the use of a gun.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. BENNETT. I would be happy to eliminate the words on page 2 "seditious conspiracy; and advocating the overthrow of the Government."

Mr. NELSON. Is the Senator proposing to eliminate that language?

Mr. BENNETT. Yes.

Mr. NELSON. Someone might have a political rally outside his home and there might be a gun in the house.

Mr. BENNETT. I had not realized that implication.

I would be happy to withdraw that language.

The PRESIDING OFFICER. Does the Senator modify his amendment?

Mr. BENNETT. I do modify my amendment by eliminating from page 2, lines 11, 12, and 13 the words: "seditious conspiracy; and advocating the overthrow of the Government."

The PRESIDING OFFICER. The amendment is so modified.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, again, this is not an amendment to amendment 708, but to title IV of the bill.

I am most heartily in sympathy with the objective of the Senator from Utah. I know of no Senator who is more deeply concerned about the present deterioration of law and order than the Senator from Utah. I am confident that he and most other Senators have found that the No. 1 concern within their home States is the problem of crime, the increase in crime, and the methods with which to deal with crime.

Therefore, I wish to commend the Senator for his efforts in fashioning the amendment we are considering. The amendment is carefully drawn because the Senator has limited it to Federal crimes in which firearms are misused. He does not impose a mandatory sentence in the initial instance. It is only in the repeat offenses that there is the mandatory feature.

Mr. President, the Committee on the Judiciary has considered from time to time mandatory sentence situations. They are a most difficult subject to justify and to put into effect. All of the arguments against mandatory sentences would apply to the amendment which the Senator proposes. There are many of them.

There are three or four reasons why I doubt very much that the effect intended and sought by the distinguished Senator from Utah would be achieved by this amendment. First of all, the mandatory sentence may be unjustified by reason of the man's record, and extenuating circumstances. In cases where it would be unjustified it is difficult to get a prosecuting officer to prefer a charge that would subject the man to a mandatory sentence. Therefore, the alternative is used. Instead of putting a charge against the man for that offense, a soft charge is made.

Then, we have a second approach. Where the court might see that a mandatory sentence would be unjust, he looks for possible technicalities to insure that the sentence is not imposed. I do not intend to attack or to justify the practice, but it is the fact of the matter. So excuses are sought and the end result will not be that which the Senator so earnestly and sincerely seeks.

One of the other undesirable attributes of a mandatory sentence is that there is a restraining and stifling influence on the corrections and rehabilitation procedure. The judge has no alternative himself but to impose that sentence, although a man might be ready for discharge because he has been rehabilitated and has changed his viewpoint.

That is the reason why in amendment 708 the penalties for violation of the National Firearms Act and the Federal Firearms Act are increased to up to 10 years in prison or $10,000 fine or both. It is subject to the indeterminate sentence procedure, and then we can get away from the harsh effects approach by mandatory sentence.

I wish to make one other reference. This matter is also subject to consideration by the National Commission on Revision of the Federal Criminal Code. We are going into the matter of mandatory sentences in great depth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, we are going into the matter in depth.

I would trust that we would be willing to go along on these two propositions. First, the Committee on the Judiciary considered this approach and discarded it; second, it is the subject of study, and we hope something can be done within the moderate approach to to penology which will be useful in this area.

I wish to make one additional observation with respect to what is an increasing realization by many people in America: What is involved is not so much a matter of added criminal penalty; it is a matter of getting an increasing percentage of convictions for crimes committed. That will be the real deterrent. We can make the penalty three times as great but unless we succeed through law enforcement channels and criminal justice to increase the rate of convictions, we will not make progress.

I commend the Senator for bringing up this measure but I would hope that we would leave it for another day for consideration.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. LAUSCHE. What is the Senator's opinion, on the basis of his broad experience, about the course followed generally by the courts, and especially the Supreme Court, in the ability to get more convictions, which is the ultimate goal in trying to bring people to the understanding that law and order must prevail?

Mr. HRUSKA. I should like to reply to that question in this fashion: I support titles II and III of S. 917. They spell out my position well, because both will deal with some of the harmful effects of the Supreme Court's decision in this field. Title III is an effort to comply with the decisions of the Supreme Court declaring that wiretapping is constitutional if properly controlled. Title II deals with confessions, eyewitness testimony, and so forth.

Accordingly, I would say that recent developments in jurisprudence in this country will be dealt with constructively by titles II and III. I hope it will result in a higher rate of convictions in those cases which warrant conviction.

Mr. LAUSCHE. Yes. In those cases which warrant conviction, they should be had, and convictions should not be prevented by tenuous and sophisticated philosophies as expressed by the Supreme Court about the rights of criminals and the absence of rights for innocent citizens.

Mr. HRUSKA. The Senator makes a meritorious observation.

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

Mr. BENNETT. Mr. President, I am not a lawyer, but I realize that problem the Senator from Nebraska has presented on the question of a mandatory sentence. I do not know of any other way to underscore the problem that we face in the misuse of firearms than to indicate that it is the feeling of Congress the sentences for the commission of crimes in which firearms are used should properly be longer and more difficult than those in which firearms are not used.

If by adoption of the amendment we are actually going to come up with fewer convictions, in fact fewer indictments, then, of course, I would not want to be responsible for that. But I think that the fact the amendment was offered and is in the record will serve to notify the country that we feel we cannot solve the firearms problem merely by trying to control the sale of firearms but that we must consider the punishment of crimes committed with firearms.

Mr. President, I shall not ask for a yea-and-nay vote, but I hope that the Senate will at least express itself on my amendment.

I am prepared to yield back the remainder of my time.

Mr. DODD. Mr. President, I want to ask a few questions. I am somewhat confused. I should like to refer to the mimeographed sheet which describes the Bennett amendment. As I read it, it says that no individual may use a firearm in the commission of a bank robbery, kidnaping, or murder, on a Federal reservation, and that misuse of a firearm in the commission of such felonies is not now prohibited by law.

I think I am right when I say that in the commission of a bank robbery, if the robber uses a firearm, there is an additional penalty involved.

Mr. BENNETT. I was not able to get that information. Can the Senator give me the reference?

Mr. DODD. It is title XVIII, section 2113. Under that section, a person who commits a bank robbery by armed force is subject to a penalty of 25 years in prison and/or a fine of $10,000, or both. The general penalty provision for the commission of a bank robbery is 20 years and a $5,000 fine. So that there is an additional penalty there.

Mr. BENNETT. That is not mandatory. That is within the discretion of the court.

Mr. DODD. No; it is not mandatory. I do not say that it is mandatory. I thought the Senator would be interested in that point. I am not trying to split hairs but I thought it would sustain the position of the Senator from Nebraska [Mr. HRUSKA] on the mandatory sentence question. The Senator from Utah might consider that in offering his amendment.

Mr. BENNETT. I had not known of that difference. That reference is, I suppose, only to this one crime and does not apply to kidnaping across State lines——

Mr. DODD. I do not think so.

Mr. BENNETT (continuing). Or to murder on a Federal reservation.

Mr. DODD. No; but I knew that there was an additional penalty involved for using a gun in a bank robbery.

Mr. BENNETT. I appreciate the fact that the Senator has supplied this information for the record.

Mr. President, I am prepared now to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the pending amendment has now been yielded back. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

AMENDMENT NO. 744

Mr. BROOKE. Mr. President, I send an amendment to the desk and ask that it not be read but lie on the table.

I rise to a point of clarification. I have an amendment which I will not call up until I can get clarification——

The PRESIDING OFFICER. Who is yielding time? Time is under control now. Who is yielding time?

Mr. HRUSKA. The Senator from Massachusetts has an amendment.

The PRESIDING OFFICER. But the Senator has not offered it.

Mr. BROOKE. Mr. President, I call up my amendment and yield myself such time as I may need.

The PRESIDING OFFICER. That will require unanimous consent.

Mr. BROOKE. I ask unanimous consent that my amendment may be called up.

The PRESIDING OFFICER. Will the Senator please identify his amendment?

Mr. BROOKE. This amendment is numbered 744.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read, as follows:

> On page 91, line 8, after the word "State" insert a comma and the following: "except that this clause shall not prohibit an individual engaged in a bona fide change of residence from one State to another from transporting to his new State of residence any firearm which said individual has lawfully purchased or possessed in his former State of residence, if it is lawful for said individual to purchase or possess such firearm in his new State of residence;"

Mr. BROOKE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Massachusetts may proceed.

Mr. BROOKE. Mr. President, I think that I may be able to avoid asking for the yeas and nays on my amendment merely by asking one question of the distinguished Senator from Connecticut for clarification.

I refer the Senator to section 922(1)(3) of the bill and ask whether that language prohibits an individual engaged in bona fide change of residence from one State to another——

Mr. DODD. Mr. President, there is so much noise in the Chamber that I cannot hear the Senator from Massachusetts.

The PRESIDING OFFICER. The Senate will please come to order. There are too many attachés in the room. Will the Senate please come to order so that the speaker may be heard.

The Senator from Massachusetts may proceed.

Mr. BROOKE. I ask the Senator from Connecticut whether that language prohibits an individual engaged in a bona fide change of residence from one State to another to transport any firearms which said individual has lawfully purchased or possesses in his former State of residence and if it is reasonable for said individual to purchase or possess such firearms in his new State of residence.

Mr. DODD. I do not want to burden the Senator, but would he be good enough to repeat the question? I do not fully understand it.

Mr. BROOKE. I am sorry. I did not hear the Senator.

Mr. DODD. Will the Senator repeat the question? Either I did not fully hear it or I do not understand it.

Mr. BROOKE. My question was whether, under section 922(1)(3), the language contained therein would prohibit an individual engaged in a bona fide change of residence from one State to another transporting to his new State of residence any firearm which said individual had lawfully purchased or possessed in his former State of residence; if it would be lawful for such individual to purchase or possess such firearm in his new State of residence.

Mr. DODD. It is my understanding that under that section it will not be unlawful.

Mr. BROOKE. In other words, if it is lawful to own a firearm in State A and it is lawful to own a firearm in State B, and an owner of a firearm gives up his residence in State A and moves to State B, he is not prohibited under this language from carrying the firearm from State A to State B?

Mr. DODD. That is correct.

Mr. BROOKE. He does not have to divest himself of that firearm when he moves from State A, if it is permissible for him to own firearms in State B, his new State of residence?

Mr. DODD. The Senator is correct.

Mr. BROOKE. I thank the Senator.

I yield back my time.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. Yes.

The PRESIDING OFFICER. The Senator from Nebraska has control of the time.

Mr. HRUSKA. I yield 3 minutes.

Mr. TYDINGS. Mr. President, in further clarification of the point raised by the Senator from Massachusetts, it is my understanding—and I would wish the Senator from Connecticut to verify it—with respect to the provisions referred to by the Senator from Massachusetts and the Senator from Connecticut, on page 91, section 922 of the bill, subsection (3), that subparagraphs (A) and (B) are to be read so that there is nothing in the section which is intended to prohibit otherwise legal travel between States and communities by persons involved in sporting activity such as shooting, rifle matches, pistol matches, or the taking of families into any sort of sporting competition or hunting trip.

There is nothing in the language, nor is there any intent in the language, nor is the language to be construed to place any restriction on the otherwise lawful movement or travel of an individual or family from one State to another, taking any sporting guns or weapons he legitimately has obtained and owns. The purpose of those two sections is not to restrict any normal, legal travel by citizens. Is that correct?

Mr. DODD. That is exactly right. That is precisely stated and that is clearly its intent.

Mr. TYDINGS. And that sections (A) and (B) should be so considered together, and not exclusive of each other?

Mr. DODD. That is right.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

I have engaged in conversation with the Senator from Massachusetts and in discussion of the proposed amendment. In my judgment, there may be some question as to the clarity of the language in title IV as now drawn on this subject. It is certainly contemplated by the introducer of that amendment, the Senator from Connecticut, that the kind of situation referred to should be permissible. It is within the clear intent of the language. Whether that interpretation would be placed on it, I am not sure.

The Senator from Maryland makes a good point when he says that if this amendment were to be considered as such a limitation, it might raise new problems. What is the definition of "residence"? Would it mean that if I went duck hunting in Arkansas for 3 weeks, but did not intend to live there, I might be held to be in violation of the law? Because there is involved a transfer of residence from one place to another, would it exclude other provisions of law?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BROOKE. This language applies only to handguns.

Mr. HRUSKA. I would have no great objection to this amendment. If a vote were called for, I would vote for it, as I have mentioned to the Senator.

Mr. BROOKE. The purpose of calling up the amendment was to make legislative history and get a clarification. I am not going to press the amendment.

Mr. HRUSKA. I want to commend the Senator for clarifying the point, which needs this kind of legislative history.

Mr. DODD. Mr. President, this colloquy has been helpful certainly by way of legislative history. I commend the Senator from Massachusetts for raising the point. It ought to be clear now, from the colloquy and discussion, what the intention of the Senate is. I think it is clear.

Title IV simply does not deal with personal transportation of weapons, and the kind of situation the Senator from Massachusetts has raised a question about is certainly not intended to be covered by this section of title IV.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. Those in favor, say "Aye." Those opposed, "No."

Mr. DODD. Mr. President, I thought the Senator withdrew his amendment.

Mr. TYDINGS. Mr. President, I understood that the Senator withdrew it.

Mr. BROOKE. Mr. President, I did not answer because I did not know what we were voting on. I did not press my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BROOKE. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment has been withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 4(b), Public Law 90-301, the Speaker had appointed Mrs. SULLIVAN and Mr. BROCK

as members of the Commission to Study Mortgage Interest Rates and the Availability of Mortgage Credit at a Reasonable Cost to the Consumer, on the part of the House.

The message announced that the House had passed the bill (S. 2986) to extend Public Law 480, 83d Congress, for 3 years, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime. To increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time is it to be charged?

Mr. MANSFIELD. I ask unanimous consent that the time not be charged to either or any side.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 743

Mr. BROOKE. Mr. President, I call up my amendment No. 743, and ask unanimous consent that it be modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. BROOKE. I modify my amendment to read as follows:

> On page 94, strike lines 4 through 16, inclusive, and insert in lieu thereof the following:
>
> "(4) to any other than those categories of persons specified in Section 4 of the Federal Firearms Act of 1938 (15 U.S.C. 904) any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle."

The PRESIDING OFFICER. Will the Senator send forward his amendment as modified?

Mr. BROOKE. I send my amendment to the desk.

The BILL CLERK. The Senator from Massachusetts [Mr. BROOKE] proposes an amendment identified as No. 743.

The PRESIDING OFFICER (Mr. BURDICK in the chair). How much time does the Senator yield himself?

Mr. BROOKE. I yield myself 15 minutes.

Mr. President, section 922(b)(4) of S. 917 as reported provides that it shall be unlawful to sell "to any person any destructive device, machinegun (as defined in section 5848) of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, unless he has in his possession a sworn statement executed by the principal law enforcement officer of the locality wherein the purchaser or person to whom it is otherwise disposed of resides, attesting that there is no provision of law, regulation, or ordinance which would be violated by such person's receipt or possession thereof, and that he is satisfied that it is intended by such person for lawful purposes; and such sworn statement shall be retained by the licensee as a part of the records required to be kept under the provisions of this chapter."

Mr. President, the Senate has spoken as far as long guns are concerned.

Under the law, however, it will be permissible for a private individual to own a machinegun, a bazooka, a hand grenade, or any other weapon which has been classified as a destructive weapon so long as he does not have a criminal record and so long as his local law enforcement authorities attest that no violation of any regulation, law, or ordinance would be committed by his possession of that destructive weapon.

What are destructive weapons? They are clearly set out in the law as follows:

> The term "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

Mr. President, it seems unconscionable to me that we in this country, with all of the problems we are experiencing at the present time—the riots we have had in our urban centers, our increasing crime rate, and all of the acts of violence to which our Nation has been subjected—should permit private individuals to own destructive weapons.

A man may not have a criminal record, and his local law-enforcement officer very well may attest that there is no violation of any regulation or ordinance by reason of his ownership of a destructive weapon. However, should we in Congress agree that any private individual who desires and who qualifies to do so—and these restrictions and exceptions are most minimal—should have a right to own and possess a destructive weapon?

The mere fact that he has it or possesses it means that he might at some time use it. If it is a hand grenade, he might in the future throw that hand grenade and cause death to many people and much destruction of property.

If it is a machinegun, he might use it in the future and kill scores of people in a short time.

If it is a bazooka or an antitank gun, he could use it on a building.

Even if a private individual has such a weapon in his possession, it does not mean that he might use it for unlawful means. The mere fact that the weapon is available means that someone might break and enter and steal it and use it for unlawful purposes. I refer to a person who is a criminal and who could not qualify for purchase, ownership, and possession of that weapon. Nevertheless, it would be available and accessible, and he might be tempted to break and enter and take the weapon and use it to cause great destruction.

I cannot see any justification whatsoever for a private individual—not a member of a law-enforcement body, not a member of our society who has to protect the life, liberty, and property of people possessing such a destructive weapon.

I think that the Senate would do a great service to the country if it were to agree to the pending amendment and prohibit the sale of any of these destructive weapons to any private individual who does not qualify under the United States Code, which does permit the ownership of such weapons by persons who lawfully should have them.

Mr. President, I therefore urge that the Senate agree to the pending amendment. I think it would be an important step forward in the control of destructive firearms in our country and would be advantageous to us in controlling the riots in the country. It would certainly be helpful in decreasing the high crime rates which, unfortunately, we are experiencing at the present time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, the Senator from Massachusetts has a very exemplary record as the chief law-enforcement officer of his State, and he speaks well. And I know he intends a very good result when he proposes the pending amendment.

It would be difficult to justify the possession by a private individual of a destructive weapon as defined in the National Firearms Act, or as it would be redefined by the adoption of amendment 708.

In amendment No. 708, an effort is made to modernize the coverage of the National Firearms Act to take in expressly certain of the destructive devices and firearms, which were not contemplated or in existence in 1934 when the act was passed.

This Senator made an effort in the Judiciary Committee during the hearings to do just what the Senator from Massachusetts seeks to do now. From the bill introduced on May 24, 1967, No. S. 1854, at page 6, I read:

> It shall be unlawful for any person who is not 21 years or more of age to possess a firearm.

And a firearm in the context of this law meant a destructive device as covered by the National Firearms Act.

We referred this matter to the agencies involved, and particularly to the General Counsel of the Treasury, because it is the Treasury Department that enforces this particular act.

A letter was received from the Department which appears starting on page 1086 of the hearings on Senate Resolution 35 and S. 1 and other bills in the hearings held in July and August of 1967.

The letter recites:

> New section 5857 would make it unlawful for a person under 21 years of age to possess a National Firearms Act firearm.

The Treasury Department says:

> It seems doubtful that the second provision—

That is the one I just read—

> can be justified under the taxing or commerce powers, or under any other power enumerated in the Constitution, for Federal enactment. Consequently, the Department questions the advisability of including in the bill a measure which could be construed as an usurpation of a (police) power reserved to the states by Article X of the United States Constitutional Amendments.

That stopped us cold, and the bill which was introduced was modified accordingly to exclude the objectionable provision.

The letter said in an earlier paragraph:

> The Department—

Meaning the Treasury Department—

> would welcome authority to refuse approval of transfers which would violate state law. We do, however, have some doubts as to the desirability of including this measure in a bill to amend the National Firearms Act which has always relied on the Federal taxing power as authority for its control provisions.

I wish again to commend the Senator from Massachusetts for making a worthy effort. I would like to see this matter considered thoroughly, but I should like to see it acted upon in a constitutional manner and with the normal processes of legislation, including reference to the Treasury Department, the Department of Justice, and such other agencies as might be involved. We need to explore this matter and find some other way to achieve, at least in some degree, what the Senator from Massachusetts wishes to accomplish.

Reluctantly, I suggest that this amendment be withdrawn or, if not, that it be rejected by the Senate.

Mr. DODD. Mr. President, will the Senator yield?

Mr. BROOKE. Mr. President, I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I am happy to find myself in agreement with the Senator from Nebraska, at least on this matter.

I understand the motive of the Senator from Massachusetts. It is entirely laudable, and I agree with it. I do not believe anyone should be permitted to buy one of these destructive devices. I believe that is the real thrust of the amendment. But the trouble I fear is that unless we provide some form of hearing, by some person who will hear an application for the possession, for lawful purpose, of one of these devices, such as a testing laboratory, a museum, or something of that sort, we will put a weakness in the legislation that will be overruled by the courts.

My understanding is that the whole purpose of the Administrative Procedures Act is to avoid that sort of situation. I have talked with the Senator privately about this matter. He is a very good lawyer. I still believe that would be a basic difficulty if we went ahead with this amendment.

I believe the Senator from Nebraska has made a good suggestion to the Senator from Massachusetts. I should like to be satisfied that the Treasury Department, which will enforce this law, says, "All right." But I do not believe they say that now. I do not know about the Department of Justice.

I repeat—it cannot be repeated too often—I join wholeheartedly with the Senator from Massachusetts in the conviction that no one should be allowed to buy these devices. But I am also fearful that if we do just that and make no further provision for hearing or appeal or anything of the sort in order to avoid an arbitrary decision by some officer, we will be in even deeper trouble.

I wonder what the Senator thinks about that.

Mr. BROOKE. Mr. President, I believe the only authority that has been cited which raises a question of the power of the Federal Government to legislate and to deal is that of the Treasury Department; the Treasury Department is the final authority. I believe that this entire bill finds its justification and its basis in the interstate commerce clause.

There is no doubt that these weapons, the machineguns and grenades and other destructive weapons, travel from State to State and are being used and could be used in riots in this country. Certainly, it is in interstate commerce and should be regulated by the Federal Government.

I do not believe that the argument that the Treasury Department has raised some question necessarily means that this is the final authority. I believe if the Supreme Court of the United States were to be called upon to act upon the proposed legislation, they very clearly would rule that it is constitutional and within the authority of the Congress of the United States, within the Federal Government's authority, because of its powers derived from the interstate commerce clause.

We would be doing a great disservice if we were not to prohibit the sale of these destructive weapons, particularly at this time, to private citizens in this country.

Because I feel so strongly about this matter, Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time, if the Senator from Massachusetts is willing to yield back his remaining time.

Mr. BROOKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President (Mr. CLARK in the chair), on this vote I have a pair with the distinguished Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Hampshire [Mr. MCINTYRE] are absent on official business.

I further announce that the Senator from Utah [Mr. MOSS] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from New Hampshire [Mr. MCINTYRE]. If present and voting, the Senator from New York would vote "yea," and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr.

Case] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

The Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Carlson] are detained on official business.

On this vote, the Senator from New Jersey [Mr. Case] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

If present and voting the Senator from Colorado [Mr. Allott] would vote "yea."

The result was announced—yeas 30, nays 47, as follows:

[No. 137 Leg.]

YEAS—30

Baker
Bayh
Brooke
Clark
Cooper
Cotton
Dominick
Fong
Griffin
Hart
Javits
Jordan, Idaho
Kennedy, Mass.
Lausche
Mondale
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Smathers
Smith
Talmadge
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—47

Anderson
Bartlett
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Church
Curtis
Dirksen
Dodd
Eastland
Ellender
Ervin
Fannin
Gore
Gruening
Hansen
Hatfield
Hickenlooper
Holland
Hruska
Jackson
Jordan, N.C.
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
Metcalf
Miller
Mundt
Murphy
Muskie
Russell
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Tydings
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—22

Aiken
Allott
Brewster
Carlson
Case
Fulbright
Harris
Hartke
Hayden
Hill
Hollings
Inouye
Kennedy, N.Y.
Kuchel
McCarthy
McIntyre
Monroney
Montoya
Morse
Morton
Moss
Prouty

So Mr. Brooke's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER** (Mr. Clark in the chair). The question now recurs on the amendment of the Senator from Nebraska [Mr. Hruska].

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 312)

The **PRESIDING OFFICER** laid before the Senate the following letter from the President of the United States, which, with an accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

It is my pleasure to submit to Congress the 1967 Annual Report of the Saint Lawrence Seaway Development Corporation.

The Seaway had its second best year in nine years of operations—registering a total of 44 million tons of cargo. The record season for Seaway tonnage was 1966 when 49.2 million tons were moved through the Montreal-Lake Ontario waterway. We hoped that the Seaway would reach the 50-million ton mark in 1967, but a strike plus some slackening in demand for grain, resulted in reduced traffic.

While overall tonnage was somewhat disappointing, there are many bright spots in the report. General cargo, for example, increased to six million tons from 5.5 million. Iron ore shipments also were higher with 16.4 million tons moving through the Seaway locks to the steel mills of the Midwest. These increases indicate the growing appreciation of the waterway's advantages as a means of reducing transportation costs.

The Seaway has truly placed Midwest ports on the sealanes of the world. More than 600 salt-water vessels made 1,284 trips into the Lakes in 1967.

However, reduced traffic, along with an adjustment in the division of toll revenue between Canada and the United States caused income to fall from $7.1 million to $6.1 million.

Despite this loss, $4 million was returned to the U.S. Treasury. This makes a total repayment of $28.9 million since the Seaway opened in 1959.

A major concern of the Corporation is the need to repair Eisenhower Lock. The Corporation retained the Corps of Engineers to direct the work which will continue until 1971. Fortunately, it will not interfere with the navigation seasons. In my budget for fiscal year 1969, I requested that funds be made available to cover the cost of repair.

I commend this report to your attention.

Lyndon B. Johnson.

The White House, *May 16, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The **PRESIDING OFFICER** laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, under the previous unanimous-consent agreement, 130 minutes of time remains on the Hruska amendment. I am advised that the various parties who have been discussing this amendment among themselves within the last few minutes have agreed that original unanimous-consent agreement be vacated, and that the time on the Hruska amendment be limited to 40 minutes of debate, to be equally divided between the Senator from Nebraska [Mr. Hruska] and the Senator from Connecticut [Mr. Dodd].

I ask unanimous consent that the previous agreement be modified accordingly.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

Mr. McCLELLAN. Reserving the right to object, what is the request?

Mr. BYRD of West Virginia. The request is that time remaining on the Hruska amendment be limited to 40 minutes, to be equally divided between the Senator from Nebraska and the Senator from Connecticut.

Mr. McCLELLAN. I have no objection.

The **PRESIDING OFFICER.** The Chair hears no objection, and the previous unanimous-consent agreement is accordingly modified so that the time remaining on the Hruska amendment shall be limited to 40 minutes, 20 minutes to be controlled by the Senator from Nebraska [Mr. Hruska] and 20 minutes by the Senator from Connecticut [Mr. Dodd].

Who yields time?

Mr. DODD. I yield 5 minutes to the Senator from Maryland [Mr. Tydings].

Before yielding, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, a vote on the Hruska amendment is really a vote on whether or not to sustain title IV of the bill as reported by the Committee on the Judiciary.

Title IV, the concealed weapons title, is a very limited, stripped down, bare minimum gun traffic control bill, primarily designed to restrict access to handguns by criminals, juveniles, and fugitives. This concealed weapons amendment does not affect the domestic sale of rifles or shotguns in any fashion which is now legal. It does not affect mail-order and over-the-counter sales of rifles or shotguns.

Regarding handguns, title IV provides only that handguns must be purchased in the purchaser's home State, or that, if they are purchased through the mails, they must be purchased from a licensed gun dealer in the State where the purchaser resides.

Basically, I think that the Senator

from Nebraska and the proponents of title IV as reported agree that something should be done to limit unrestricted access to weapons by dangerous people. I think all agree—and there was just testimony to that effect during the hearings—that there should be some Federal assistance to local law-enforcement officials in this field.

So the sole issue before the Senate, Mr. President, is what is the best and most effective method to aid and assist local law-enforcement officials in their fight against crime.

In title IV, as I have indicated, the committee has provided a flat prohibition against the sale of handguns to any except residents of a State, and a flat prohibition against mail-order handgun sales, except when the purchaser buys through a licensed dealer in his own community.

Title IV puts the burden on the local licensed gun dealer, whereas the amendment (No. 708) of the Senator from Nebraska puts the burden, if there is such a burden, on local law enforcement officers, by means of a so-called affidavit.

The amendment of the Senator from Nebraska places no additional responsibility on the Federal licensees, other than to raise their license cost from $1 to $10, whereas title IV provides criminal sanctions for violation of the law, including possible loss of licenses, requires the keeping of records, and permits the inspection of records of licensed gun dealers by officials of the Treasury Department.

A major weakness in amendment No. 708 is that it puts the entire burden of policing a rather weak affidavit on local law enforcement officers.

This is what it would do: A nonresident goes into a hardware store to purchase a gun, he is required to sign an affidavit that it is not illegal for him to receive that weapon under the laws of his State. He has only to sign his name—no witness, no notarization, no photograph, no fingerprints, and then the dealer sends that affidavit to the local police department in the home State or the community of the purchaser. Seven days after the receipt of that affidavit, the sale may be consummated.

So the Hruska amendment, Mr. President, would place the entire burden of research on an already overburdened local police force. First of all, they would have to find out the address, and make certain that such a person existed. Then they would have to find him and make certain that he was the person who signed the affidavit. Then if, as is the case in many States and local communities, it is illegal to sell a weapon to someone who has a record of a felony conviction or a felony indictment pending, or is an alcoholic, a juvenile, or a narcotic addict, the burden would be on the local law enforcement officers to try, within 7 days, to research all of the records necessary, after they initially determine whether or not the individual was the actual person who signed the affidavit.

They would have to determine whether or not he has a police record locally or nationally, and whether or not he has ever been committed to a mental institution. They might have to search hospital records for any record of alcoholism, or court records for pending indictments.

Mr. President, I submit that this is an unfair burden to put on the local law enforcement officers.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. TYDINGS. I ask for 1 additional minute.

Mr. DODD. I yield the Senator 1 more minute.

Mr. TYDINGS. Mr. President, title IV is a very minor step forward. To put on an already overworked local law enforcement establishment, the entire burden of research on these affidavits is to my mind unfair, and weakens further an already too weak title IV. I sincerely hope that the amendment of the Senator from Nebraska will be rejected, and that title IV as reported by the committee will stand.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield 5 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I first direct the attention of the Senate to the fact that the Hruska substitute, on which we shall be voting very directly, would provide that no shipment of weapons can be made into a State in violation of State law.

That is the place where the emphasis should be. When all is said and done, law enforcement is a local problem. I think J. Edgar Hoover expressed it very well when he said:

> We can't have a National Federal Police Force. What we need is to rely upon the people in the communities to enforce the law and to assist them directly and indirectly with money and training and whatever else we can offer by way of facilities in order to make a given community a law-abiding place.

And if we fail in that and if we divert the emphasis from that principle, then this whole effort will fail and all the hundreds of millions of dollars that are committed in this bill for the purpose of planning and action grants to communities will have exactly no significance.

The Hruska substitute makes provision for that, and it puts the emphasis, therefore, where it belongs. It provides also that one cannot transport these weapons into a State where it is unlawful to do so. That is a principle that we have carried out over a long period of time.

I remember when I first encountered it in the House of Representatives long years ago in connection with our efforts to do something about sweated child labor in this country. And we had to operate in that fashion and take advantage of the fact that when a State had a legislative proceeding established, we could preserve the integrity of that proceeding and we could protect the State. That is precisely what the Hruska substitute does now.

The Hruska substitute provides also that there shall be no delivery of handguns to any person under 21 years of age. That is a salutary provision. It is very basic. And it would be notice to all dealers and to all manufacturers with regard to the sale of these weapons to those who would be considered legal minors under the pending measure.

The Hruska substitute provides also that the purchase of handguns can be made only when there is an affidavit of eligibility, and that affidavit has to be first expressed by the prospective purchaser of a handgun. And it has got to qualify and be approved through the local law enforcement agency. So that it is pretty well tied down.

And when it is in affidavit form, obviously the person making such an affidavit is subject to indictment for perjury if he undertakes to distort the truth. That provision can be very helpful in this matter.

The Hruska substitute provides also that the affidavit has to go to the dealer so that the dealer is put on notice. It has to go to the chief law-enforcement agency, and it is put on notice and can report on the background and the character of the prospective purchaser. And if, perchance, he has been a felon, if he has been convicted, or if he is under indictment, that procedure would obviously be a help.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 more minutes.

Mr. DIRKSEN. Mr. President, I believe, therefore, that the approach which the distinguished Senator from Nebraska has developed in the substitute on which we will next vote is the answer to the problem that has been besetting us for a long period of time.

There is not a Member of the Senate who does not want a safe streets and crime control bill and for that matter, a gun control bill. At the same time, we want to be sure that it is reasonably well done, that it is a measure that can stand up as a good and efficient exercise of Federal power. And, along with it, we want to be sure that it preserves the authority at the grassroots level where the law must be enforced.

I had a brief experience long ago in running a police department. It was not very large, but it was large enough, I think, for my city.

I had a chance at that time to give some attention to exactly what techniques ought to be employed in order to make it efficient and worthwhile. I think we discovered what had to be done, and I am proud to say now that after the first bout with a number of criminals who used it as a thoroughfare from one place in the State to another, we came to grips with the program in a thorough-going way, and once we did, that was the end of it. And while the city is not entirely free from crime, because always there will be some petty crime, I am rather proud to say that that town is reasonably free from all criminal elements and that in the main all we must contend with are the petty crimes that are committed from time to time.

I point out that the Hruska substitute is fundamental, and it places the emphasis where it belongs. And, in my judgment, it ought to be agreed to by the Senate by an overwhelming vote so that we can dispose of title IV in the pending measure and then go on to other titles and finally complete action on the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, there is no question that there will be a revision of the present Federal statutes on firearms control. The only question, as has often been stated on the floor of the Senate, is what kind of measure will be adopted. Whatever measure is adopted, it must be remembered that we operate under certain limitations. One of the limitations is this simple statistic: 3.4 percent of the 3,250,000 serious crimes committed in America are committed with the use of firearms—or perhaps we should say the misuse of firearms. If there were some way in which we could wave a magic wand and say, "Firearms disappear," and then start new life under a new regime, perhaps the number of crimes could be reduced from the 3,250,000 major crimes that were committed in the United States in 1966 to a figure of 3,200,000. That is limitation No. 1. If we abolished firearms, we would still have this vast area of crime to contend with.

Another limitation is the availability of firearms that are now personally owned by the 40 million to 50 million private owners. And there are between 100 million and 200 million firearms. That is a factor to contend with.

Then there is the factor of zip guns, which are easily made. Anyone having inventiveness or who is persistent in mechanical ability can make them, use them, disassemble them, and dispose of them.

Those are some limitations. That is regrettable; nevertheless it is quite realistic.

How do we go about fashioning a law that will have maximum impact upon crime prevention or reduction of the crime rate when we deal with the control of firearms?

There are two proposals. There is title IV, which is pending, and there is amendment No. 708, upon which we shall shortly vote. I shall comment only briefly upon the different features of the proposals. The idea of joining the subject matter of the National Firearms Act and also the Federal Firearms Act in title IV, is, I think, bad parliamentary and statutory practice.

Item 2, the matter of imports, is another subject on which there is difference in the two bills. It is still difficult for me to understand why a starter pistol that comes from abroad and sells for a very nominal amount of money and has the same characteristics as a starter pistol that is manufactured in this country, and sells competitively, should be outlawed as it is by title IV, and why the domestic starter pistol should be suffered to enter the channels of commerce and find its way into the hands of private owners.

The fourth category, destructive devices, is intended to bring up to date the law which was enacted in 1934. It adds new devices. It would strengthen the provisions of the bill, and, in my judgment, it would serve that purpose well.

However, as to the commerce in firearms themselves, long guns and handguns—pistols, revolvers, rifles, and shotguns—there is this difference in approach: Title IV prohibits mail-order sales of handguns, and the proponents apparently feel that by this method we are going to get rid of murder by mail. It is not very realistic because unfortunately, even after that were done, there would remain the other source of acquiring ownership of guns—over-the-counter sales. Title IV imposes upon the over-the-counter dealer the major part of the burdens of enforcing the sales pursuant to the provisions of this law. That is unfair. It is not right. It would reduce the number of dealers in vast areas where dealers are necessary, and it would result in a situation in which many people, legally entitled to guns, who put them to wholesome, lawful, and proper uses would be deprived of the chance to get a gun with any reasonable expenditure of effort, time, and expense.

As opposed to the number of those who misuse firearms, we have, some 15 to 20 million licensed hunters who are in the business of lawfully and wholesomely and properly using guns. There should be some sense of balance observed with reference to any limitations that are sought to be imposed by legislation of this type.

Reference has been made to the affidavit procedure, the presale affidavit procedure, which is specified in amendment No. 708. It is said, "Don't let us have this kind of thing. This presale affidavit is insufficient; it is inadequate. You don't even have to have a notary on it. It will put a horrible and unbearable burden on police departments, the sheriffs, and the State patrol, and therefore it won't be enforced."

My answer to that argument is this: The more the description becomes a lurid and an impossible one, the worse becomes the position of those who advocate title IV, because all those burdens would be imposed upon the licensed dealer in the over-the-counter sales. That is something that the opposition has not been able to answer, because it is a duty and a responsibility the dealer would not be able to sustain, as a result, many merchants would refuse to become dealers and many others would simply say, "I do not know you. I'll not make a sale to you." That certainly would not be a good result.

The burden under amendment No. 708 is well distributed, for enforcement, Mr. President. First, the buyer would have to fill out the affidavit—and it is an affidavit—and it is an affidavit; let there be no fooling about that. It is not a notarized affidavit, but the definition of "affidavit" does not include notarization.

There is the penalty in this bill, which is a fine of up to $10,000 and imprisonment of up to 10 years, or both, for making any material misrepresentation or deceitful statement in the application.

Mr. President, the affidavit and basis for prosecution in that event would be a writing which would have a signature and an address on it. It is not one of the requirements set out in the statute, but it would be required by the regulations issued by the Secretary of the Treasury, without any question. The false purchaser would manufacture the key that would open the jail door, because upon conviction for putting false material in the application, that kind of prosecution would be based upon the evidence that he, himself, manufactured.

It seems to me that this would be ample deterrent for anyone to become too careless as to how he handled the affidavit.

The second point burden of the enforcement duties finds its way into the office of the dealer, the mail-order dealer, who must take steps in accordance with good commercial practice to verify the sale and must give a copy of that affidavit to the police chief. The police chief then would have the duty of checking it out and of informing the dealer if there is something in the man's record making him ineligible, or something false in the affidavit. Then the sale would be stopped.

There is a further provision which also bears on the enforceability. Any common carrier of a weapon of this kind would be barred from making, and it would be unlawful for him to make, delivery of a handgun to anyone under 21 years of age and of a shotgun to anyone under 18 years of age. It seems to me that that would result in a workable, and enforceable, well-balanced method by which we could regulate the mail-order sale. It would make as much progress as could practicably be made to achieve the objective of firearms legislation.

We have heard many figures recently and all kinds of lurid descriptions of crimes committed in metropolitan areas, with crime clocks and figures comparing murders and other crimes committed with firearms in States that have control to those that do not have control. Mr. President, it is not a matter of trying to convince anyone that there is a great deal of crime in America. The figures are regrettable and deplorable, but the recital of all these statistics means nothing unless it is connected with the impact of a firearms control bill upon those statistics. Will those figures be reduced in the years to come?

Mr. President, I ask unanimous consent to have printed in the RECORD that portion of the committee report dealing with S. 917 which appears on page 247, commencing with the subtitle "Crime Factors" down to and including all subindented material.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CRIME FACTORS

Uniform Crime Reports give a nationwide view of crime based on police statistics made possible by the voluntary cooperation of local law enforcement agencies. Since the factors which cause crime are many and vary from place to place, readers are cautioned against drawing conclusions from direct comparisons of crime figures between individual communities without first considering the factors involved. The national material summarized in this publication should be used, however, as a starting point to determine deviations of individual cities from the national averages.

Crime is a social problem and the concern of the entire community. The law enforcement effort is limited to factors within its control. Some of the conditions which will affect the amount and type of crime that occurs from place to place are briefly outlined below:

Density and size of the community population and the metropolitan area of which it is a part.

Composition of the population with reference particularly to age, sex and race.

Economic status and mores of the population.

Relative stability of population, including commuters, seasonal, and other transient types.

Climate, including seasonal weather conditions.

Educational, recreational, and religious characteristics.

Effective strength of the police force.

Standards governing appointments to the police force.

Policies of the prosecuting officials and the courts.

Attitude of the public toward law enforcement problems.

The administrative and investigative efficiency of the local law enforcement agency, including the degree of adherence to crime reporting standards.

The PRESIDING OFFICER (Mr. SPONG in the chair). The time of the Senator has expired.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, this material points out the crime factors. It enumerates some eight crime factors which account for the commission of crime.

It is notable that the availability of firearms is not included in this enumeration of the crime factors, which has been drawn carefully and expertly by the Federal Bureau of Investigation.

Mr. President, in conclusion I wish to emphasize that it is our purpose in amendment No. 708 to devise a method whereby the interstate shipment of firearms will be regulated. They would be placed under regulation in such a way as to help local authorities and State authorities to enforce the laws.

During our hearings local law enforcement officers came before our committee and said, "We could do all right in our area but help us in connection with the interstate shipment of guns, the weapons which come across State lines."

Considered with all of its provisions, and they have been thoroughly debated here, this is a strong measure and a strict measure, and it is enforceable and workable. In my judgment, it would be effective for the purpose for which it is written.

It is my hope that the Senate will approve this measure in line with previous votes we have had.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Has the Senator yielded back all of his time?

Mr. HRUSKA. I do not know if I have any time remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute remaining.

Mr. HRUSKA. I thank the Chair. I yield back all my time.

Mr. DODD. Mr. President, in view of that situation, I have no desire to delay the Senate. In 7 years I have said all that can be said for the necessity for this title IV.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. CLARK. The Senator was kind enough to place on my desk, and I have been very much impressed with the statistics which the Senator submitted showing the number of murders from guns, long guns, and other weapons.

I hope very much that the Senator's gallant fight to defeat the Hruska amendment will be successful and that we can sustain the position of the Committee on the Judiciary. I wish we could do better.

Mr. DODD. I thank the Senator. For 7 years, to the best of my ability, I have tried to explain the necessity for this measure. I have tried to point out the weaknesses of the measure of the Senator from Nebraska. We have discussed the matter over and over again. I do not believe we will change many minds at this hour. I believe we are right with respect to title IV, as the Committee on the Judiciary voted.

We must stop this dreadful traffic in handguns and concealable weapons. The proposal of the Senator from Nebraska would not accomplish that result. We must stop the illegal sale of the States in which they are purchased; we must stop the sale of handguns to youngsters under 21 years of age, and we must stop the importation of military junk from all over the world. Not another country in the world will let it be sold to its people but we let is be sold here to hoodlums, insane people, and children.

That is what I am trying to stop by title IV, and that is all.

Mr. President, I have said all I can say. I have done the best I can do. I have been supported by many able men in this body. We need title IV. God help us if we do not get a strong bill. I do not know how we can talk about an omnibus crime bill and Safe Street Act and not have this title. There have been things deleted that should be in the bill, but, for heaven's sake, let us do this.

Mr. President, I urge the Senate to reject Senator HRUSKA's motion to substitute his amendment No. 708 for Senator DIRKSEN's amendment No. 782.

Before the Senate can intelligently vote on this matter it must understand the differences between title IV and the Hruska substitute. I have already discussed these differences at some length. I now propose to summarize the major differences for the information of Senators.

I must confess that I find it difficult to compare the Hruska substitute with title IV because the Hruska substitute is so inferior that it almost defies a logical comparative analysis.

After all, if someone were to ask you to explain the differences between a Rolls Royce and a Volkswagen, how would you go about pointing out the differences?

The differences between title IV and the Hruska substitute are even more monumental because at least a Volkswagen will take you somewhere, whereas the Hruska substitute will take our country absolutely nowhere in terms of effective gun control legislation.

The Hruska substitute is so inadequate, so unenforceable, and so burdened with the thinking of the gun lobby that its enactment would do little, if anything, to give our law-enforcement officers the tools for which they have asked.

It would be a travesty on the needed legislation and a sad day for the American people.

I agree with the administration's view that the Hruska substitute is as inadequate as, and perhaps even more difficult to enforce than, the existing Federal Firearms Act.

Let me review some of the major difficulties of the Hruska substitute before Senators are called upon to vote on it.

First, the Hruska substitute does not assist law enforcement. True the Senator from Nebraska assures us that his substitute would assist law enforcement. But those that are in a position to know deeply and vehemently disagree.

The law enforcement authorities who appeared at our hearings testified that the Hruska substitute would hinder, inconvenience, and strain the resources of our law enforcement agencies throughout the land.

Ramsey Clark, the Attorney General of the United States, testified that it would "impose a burden and an unnecessary burden on the law-enforcement officer." He said further that it would neither be efficient nor effective.

Second, the Hruska substitute is the gun lobby approach to firearms control and nothing more than that.

The gun lobby will readily concede that it would prefer no firearms control legislation at all. But they are willing to go along with the Hruska substitute because the Hruska substitute so closely resembles nothing at all.

The support this substitute is receiving from the gun lobby is reminiscent of the 1930's when the National and Federal Firearms Acts were being considered. At that time the Congress was asked to pass meaningful and reasonable controls over long guns but they caved in under pressure from the gunrunners.

Then, as now, the NRA had its bill introduced, had tons of letters written to an unsuspecting Congress, and got the bill it wanted passed. As we all know, this bill turned out to be completely inadequate.

If, in the face of 30 years' experience with the patent inadequacy of the Federal Firearms Act and in the face of the soaring crime rates of the past two decades, we now proceed to pass a second completely inadequate measure at the behest of the gun lobby, then we shall not be able to escape the verdict of history. We shall not be able to escape responsibility for the countless hundreds of Americans who will be gunned down in homes and streets and shops because we, the Congress of the United States, did nothing when we had the opportunity to curb the availability of guns to criminals and juveniles and other socially irresponsible elements.

Third, public sentiment of this country is overwhelmingly in favor of this legislation.

Every public opinion poll since 1959 has reflected the public support for stringent gun control legislation.

Unlike public opinion polls on other issues, successive polls have shown consistent majorities in favor of gun control legislation, ranging from a maximum of 80 percent to a minimum of 70 percent.

Even the gun owners of this country are in favor of strict gun control legislation. In a recent poll 65 percent of this country's gun owners expressed support for gun registration, a measure which goes much further than anything proposed in my bill.

Gun control legislation has been endorsed editorially by the overwhelming majority of our newspapers and national magazines. A study conducted just over a year ago by the staff of the Juvenile Delinquency Subcommittee showed that our legislation had the editorial backing of papers which, between them, accounted for 93 percent of all newspaper circulation in the United States.

The American Bar Association, the International Association of Chiefs of Police and the National Association of Citizens Crime Commissions have endorsed this gun legislation and have urged the Congress to act favorably upon it.

Finally, the need for such legislation has been strongly endorsed by the Department of Justice, by FBI Director J. Edgar Hoover, and by the law-enforcement authorities in virtually all our major cities.

And when I talk about gun control legislation, I do not mean the sadly inadequate legislation represented by the Hruska substitute, which has the unstinting support of the gun lobby. I mean title IV as the absolute responsible minimum.

I do not propose to again go into all the weaknesses and deficiencies of the Hruska substitute. This would take far more time than has been allotted to me. But let me at least examine a few of its more glaring deficiencies.

THE INTERSTATE MAIL-ORDER SALE OF GUNS AND THE OVER-THE-COUNTER SALE TO NONRESIDENTS

Unlike title IV, the Hruska substitute fails to strictly and effectively control the interstate mail-order sale of handguns and the over-the-counter sale of handguns to nonresidents of a State.

Title IV requires that all such sales be channeled through licensed dealers in the purchaser's State of residence, thereby keeping these sales under the control of State and local law. In this way title IV provides for the maximum effective use of State and local law and for maximum protection against circumvention.

There is very substantial reason for believing that these provisions, if enacted, would do a lot to curb sales of deadly weapons to felons, fugitives, juveniles, and other crime-bent individuals.

The Hruska substitute, on the other hand, seeks to control this traffic by means of a sworn statement, which has not been notarized and which furnishes incomplete identifying information about the purchaser to the licensed dealer.

The defect of this approach has been pointed out and lamented by every law enforcement official to appear before the subcommittee.

Quinn Tamm, the executive director of the International Association of Chiefs of Police, testified that such affidavits "are absolutely worthless. They have no value. They would serve no purpose."

There was similar testimony from many of other law-enforcement officers and other interested witnesses.

But the sponsors of the Hruska amendment, as I have pointed out, show a cavalier disdain for the opinions of the Justice Department and Mr. J. Edgar Hoover and Mr. Quinn Tamm and our chiefs of police and for all those who have intimate personal knowledge of the problems of law enforcement.

I regret that I cannot accept their pretense to omniscience. I am certain that the overwhelming majority of the American public would agree with me that, when it comes to the exceedingly important matter of law enforcement, Congress should be guided by the advice of men like Mr. Hoover and Mr. Tamm and our metropolitan chiefs of police, who have devoted their entire lives to the theory and practice of law enforcement.

It is characteristic of the gaping loopholes in the Hruska amendment that under its nonnotarized sworn statement approach, a Federal licensee is not obliged to refuse an over-the-counter sale, even if he has been notified by local law enforcement authorities that the applicant is ineligible to purchase firearms in his State or hometown.

The real irony here is that, even if the Federal licensee carefully complies with the sworn statement procedure, and even if the law enforcement authorities in the purchaser's place of residence dutifully notify the licensee that the applicant is not eligible to purchase a firearm, the sale still may be completed.

The sworn statement procedure in the Hruska amendment, ostensibly, applies to all interestate purchases of handguns except for sales to licensed dealers. But under the loose provisions of the licensing section of the Hruska substitute, there would be a very easy way of circumventing this requirement. All an individual would have to do would be to take out a dealer's license even though he is not a dealer and has no intention of becoming one.

Title IV establishes rational standards for the granting of dealer licenses. If enacted, it would have the effect of protecting legitimate dealers and eliminating the fraudulent dealers and the fly-by-nights.

But under the Hruska substitute the standards established are so minimal as to be nonsensical.

Any individual over 21 years of age who is not a felon and who has not violated the act would be eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage bona fide in the business of selling firearms. Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not genuinely engaged in the business, this failure to strengthen the licensing requirements would create a major avenue for evading the sworn statement procedure. Theoretically, it would be possible for every gun owner and would-be gun owner in the country to become a gun dealer.

This same situation has rendered the present act useless.

SALES TO JUVENILES

Of all the weaknesses in the Hruska substitute, none is more glaring than the failure to prohibit the sales of firearms to minors and juveniles.

All the substitute does is to establish some very inadequate controls over sales to juveniles.

The Senator from Nebraska claims that these controls will be effective. This is simply not the case. Entirely apart from the glaring inadequacy of the sworn statement approach, the Hruska substitute does not prohibit the intrastate sale of firearms, even handguns, to minors.

Despite the sworn statement requirement in the interstate area, the language of the Hruska substitute does not prevent a licensee from completing a sale to a minor even where the licensee knows or has reason to believe or, indeed, has been informed pursuant to the sworn statement procedure, that the applicant is under 21.

Again, I must profess amazement at this deplorable statutory situation.

Title IV on the other hand specifically prohibits the sale by Federal licensees of firearms, other than rifles or shotguns, to persons under 21 years of age.

There are many good reasons for this complete prohibition in title IV.

First, it is simply commonsense not to allow federally licensed dealers to dispense weapons of death to the young and immature. Unless they are properly supervised, firearms in the hands of juveniles can result in great tragedy. There are scores of thousands of tragedies in the police files of our country to attest to this.

Second, minors are responsible for a growing number of crimes across the country.

In 1966 minors under 21 accounted for 35 percent of the arrests for serious crimes of violence, including murder, robbery, and aggravated assault.

Twenty-one percent of our arrestees for murder in 1966 were under 21; and since 1960, juvenile arrests for murder have increased 45 percent.

Fifty-two percent of our robberies in 1966 were committed by persons under 21; and in this category, since 1960, arrests of juveniles have increased 55 percent.

In 1966, 28 percent of our assaults were committed by minors; and since 1960, arrests of juveniles in this category have increased 115 percent.

Mr. President, law enforcement experts virtually to a man agree that we can curb these serious increases in crimes of violence by young people, by restricting the availability of guns to them.

On this point, all the evidence taken by the Subcommittee on Juvenile Delinquency leads me to agree with the views of our law enforcement authorities.

On this issue, as on other issues, it is clear that there are others in this body who are not prepared to be guided by the advice of our law enforcement experts.

Title IV does prohibit such sales. And on the sale of firearms, except long guns, to minors, title IV requires that purchasers of firearms identify themselves and provide proof of age.

There is no similar provision in the Hruska substitute.

SALE OF FIREARMS TO CRIMINALS

Title IV specifically prohibits the intrastate sale of firearms to felons.

The Hruska substitute does not.

Unlike title IV the Hruska substitute does not prohibit a Federal licensee from selling over the counter to a known criminal including felons, fugitives, and those indicted for felonies.

This omission could be particularly significant in the case of pawnbrokers, who frequently know, or have reason to know, of the criminal background of some of their clients, but who under the substitute amendment, could sell to such a person with impunity.

It makes no sense to me to allow federally licensed dealers, or for that matter, unlicensed dealers, to sell firearms to felons.

Against the background of the recent assassination of Dr. King, I fail to understand how anyone can rationalize or justify an omission which makes possible the sale of a gun to a felon.

LICENSING PROVISIONS

Another crippling shortcoming in the Hruska substitute is that it retains the present inadequate provisions of the Federal Firearms Act with regard to the licensing of dealers and manufacturers in interstate commerce.

On the other hand, title IV requires that all persons engaged in the business of importing, manufacturing, or dealing in firearms be licensed as Federal dealers and it applies standards that would insure that only bona fide businessmen would become licensed.

The Hruska substitute does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport, or receive firearms in interstate commerce.

Thus, it is possible that substantial firearms business could be conducted by a person with no Federal license, including over-the-counter sales of handguns or other firearms to nonresidents without complying with the affidavit procedure.

For example, a pawnbroker who deals only in second-hand firearms might not be required to obtain a license. Or a dealer could operate in one State by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring State residents, without having to comply with the affidavit procedure provided for in the Hruska substitute.

It is clear from the foregoing that there is a necessity to license everyone in the firearms business, if we are to have effective Federal controls.

The provision of title IV regarding licensing are clearly preferable to those of the Hruska substitute.

IMPORT CONTROLS IN TITLE IV

The Hruska substitute fails to provide controls over the importation of firearms, except for minimal controls over destructive devices.

Title IV, on the other hand, bans the importation of military surplus handguns, other nonsporting handguns, and destructive devices.

Reasonable exceptions are provided for which include an exemption for sporting rifles, sporting handguns, and shotguns, including military surplus longarms.

There are many good reasons for these restrictions on firearms importation. The hearing records of the Juvenile Delinquency Subcommittee are replete with testimony in support of these prohibitions.

There is overwhelming evidence that the inexpensive, imported, small-caliber revolver plays a role of major importance in gun crimes throughout the United States.

Law enforcement officials from South Carolina to California have told the subcommittee that the importation of these weapons should be stopped, and the files of law enforcement agencies indicate that as high as 80 percent of the confiscated crime guns are foreign imports.

The subcommittee's recent study concerning the profile of a gun murderer in this country shows that in over half of the cases where murder guns are positively identified, it is the small-caliber foreign import that is used by the defendant. This is so for the simple reason that, in the case of the low-grade amateur criminals who account for most of our crime and so much of our murder, the bargain-basement price on imported handguns is an inducement of major importance.

The entire intent of the importation section of title IV is to prevent other countries from using the United States as a dumping ground for inexpensive nonsporting weapons which are used almost exclusively by criminals and juvenile delinquents.

During yesterday's debate on title IV and the Hruska substitute, the senior Senator from Nebraska took issue with the provisions of title IV and offered his reasons for preferring his amendment No. 708.

He advanced several arguments to which I take strong exception. I object to some of them because they completely distort the intent of title IV; I object to others because they fly full in the face of the facts as established by the Juvenile Delinquency Subcommittee during the last 7 years of investigations and public hearings.

First, my distinguished colleague referred to the intrastate aspects of title IV and he indicated that the imposition upon licensees in this area would be excessively burdensome.

My response is that the Hruska substitute does not restrict intrastate sales at all. This means that there would be no controls on the sales of firearms to minors, felons, or other criminals ineligible under State or local law to purchase firearms.

The impositions upon licensees in this area are conditioned by the language "knows or has reasonable cause to believe." I point out that the Senator from Nebraska uses virtually identical language in several subsections of part A of his substitute.

The "impositions," if they can be called that, are really very minor; they are not overly burdensome. A licensee in the gun business should know the laws of his State and locale with regard to the purchase and possession of firearms. If he does not know them, he does not deserve to be a licensee.

Moreover, if a State or locality takes the trouble to enact gun control statutes, the least the Federal Government can do is to help them enforce their statutes. It seems to me grossly unbecoming for a Federal legislator to argue that it will impose an excessive burden on gun merchants if we enact legislation that simply requires of these merchants a closer conformance with their own State and local laws.

A second argument raised by the Senator from Nebraska had to do with the criminal misuse of firearms. In support of his contention that guns play only a minor role in crime statistics, he triumphantly trotted out the fact that guns are used in only 3 percent of serious crimes.

If we equate murder with bicycle theft, or car theft, or burglary of other nonviolent property crimes, then it is true that firearms would only be reflected in some 3 to 4 percent of the total number of crimes committed. But I hope no one will be misled by this statistical sleight of hand.

There are crimes against property which involve no violence, but these are not the kinds of crimes we are trying to get at when we talk about the need for gun control legislation. If one considers the incidence of gun abuse in crimes of violence against the person—that is, murder, rape, assault, armed robbery, kidnaping, and mayhem—then one finds that guns are used in a very substantial percentage of instances. In fact, they are used in 27 percent of them.

Let me briefly recapitulate the major failures of the Hruska substitute:

First. Unlike title IV, the Hruska substitute does not prohibit the interstate mail-order sale of handguns or over-the-counter sale of handguns to nonresidents of a State.

Second. Unlike title IV, it does not provide any intrastate controls over the sale of firearms by Federal licensees.

Third. Unlike title IV, it would not prevent the intrastate sales of handguns to felons or to persons under 21, nor intrastate sales in violation of State and local gun laws.

Fourth. Unlike title IV, it does not require that all dealers, manufacturers, and importers be licensed.

Fifth. Unlike title IV, it does not establish standards for Federal licensees which would eliminate fraudulent and fly-by-night dealers.

Sixth. Unlike title IV, it does not provide controls which would ban the importation of cheap nonsporting firearms.

Seventh. Unlike title IV, it does not even provide effective controls over the importation of destructive devices. For example, a Finnish Lahti antitank gun would not come within the definition of destructive device, because of its nomenclature as a rifle.

Eighth. The Hruska substitute does not even provide effective controls where it ostensibly seeks to impose controls. Law enforcement authorities are agreed that the Hruska sworn statement approach, for example, "would be absolutely worthless."

Mr. President, the choice before the Senate is clear.

We have the choice between a restrained, but effective, gun control bill which has the support of virtually all of our law enforcement authorities.

Or we have the choice of a weak, ineffective, bill endorsed by the gun lobby but strongly opposed by our law enforcement authorities.

I ask the Senate to reject the Hruska substitute because of its total inadequacy and to vote for title IV.

Mr. President, I yield back the remainder of my time. We have requested the yeas and nays.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

VISIT TO THE SENATE BY FIRST LADY OF THE REPUBLIC OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, the Senate is extremely fortunate to have at this time in its family gallery a very distinguished lady, a woman who has made her mark in her country and in the Pacific part of the world.

It was the privilege, pleasure, and honor for a number of us to have lunch with this lady this noon and for some of us to renew old acquaintances, others to renew old friendships, and for some of us to have the opportunity to become acquainted with her for the first time.

She and her husband, the President of the Philippines, have done a remarkable job in greatly improving the production of rice and other commodities in their country, in inaugurating a series of social and welfare projects for the benefit of their people, and in undertaking many other innovations seeking to bring about a better way of life to those close friends of ours, the people who comprise the population of the Republic of the Philippines.

Mr. President, at this time I would like to break the rule of the Senate and to introduce to Senators, the distinguished First Lady of the Philippines, Mrs. Imelda Romualdez Marcos. [Applause, Senators rising.]

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. President, we have now come to the final stage in our tortuous quest for a responsible, responsive firearms policy. In our next vote we will answer a very simple question: Do we or do we not want to have effective controls over handguns in those States that have determined that they want to have such controls. For right now, we are, in essence, being given a choice between a workable, effective straightforward system of Federal restrictions on the interstate traffic in pistols and revolvers, and, in the alternative, a proposal which is a sham, a veneer without substance, a complex, unworkable, incomplete procedure which would burden sportsmen and dealers and police departments all over the country, but would produce little if anything in the way of results. Let us call a spade a spade. There is good reason why the NRA supports amendment No. 708, and that reason is that amendment No. 708 is not gun control legislation in any sense of the word. Let us not fool ourselves. Let us not fool the American people. Let us not represent that we are doing something about the interstate flow of weapons of terror and destruction, when, in fact, if we adopt amendment No. 798, we will be doing nothing at all.

Mr. CANNON. Mr. President, I am concerned today that America may be in the process of moving dangerously in two unfortunate directions—on the one hand toward increasing violence and on the other toward an understandable but unfortunate reaction to lash out blindly in a frenzied effort to stem the violence.

Those of us who are seriously concerned about both trends welcome and support Senator HRUSKA's amendment to title IV of the Safe Streets and Crime Control Act.

I support and am cosponsor of the Hruska amendment which, through national legislation, strengthens the hands of local and State law enforcement authorities to better protect their communities from increased lawlessness due to lax firearm control. At the same time it would protect the rights of those overwhelming majority of law-abiding citizens who own and use firearms for legitimate purposes. This amendment would apply only to handguns—the firearm used in over 70 percent of armed crime.

Far too often we find that firearms have been transported across State lines in violation of State laws, but State officials had no way of finding this out and preventing it. This amendment would insure that proper authorities are notified of all such impending transactions.

Let me briefly outline the major provisions of this amendment:

First. No manufacturer or dealer may ship in interstate commerce any handgun to any person in violation of State law.

Second. No person may transport into his State of residence any firearm acquired by him outside of the State, if the acquisition or possession of such firearms is unlawful in his State.

Third. No carrier may deliver any handgun to a person under 21 years.

Fourth. Destructive devices are strictly regulated.

Fifth. The purchaser of a handgun in interstate commerce must make an affidavit of eligibility to purchase.

The last provision is the key to strict control. Under this legislation law enforcement officials will be able to check every transaction of an interstate measure before the sale is consummated. Any State or local community, which is extremely aware of its particular crime control problems, can enact its own statutes or ordinances and be assured that its provisions will have the protective umbrella of this Federal legislation.

Further, I support this measure because it has the double-edged purpose of protecting the interests of the legitimate sportsman or gun collector. It does not assume by prohibitive features that those who want to purchase guns have criminal intentions. It does, instead, provide assistance to State and local officials who have the responsibility of keeping their communities free from crime and fear.

Mr. TOWER. Mr. President, during the last few months there has been a great deal of talk about crime in the streets of America and how to curtail it. The crime bill before us today will aid in such curtailment. I commend the members of the Judiciary Committee for doing overall a good job in reporting out the legislation which is before us now. However, while I agree with the general intentions of this legislation, some specifics of the bill trouble me greatly.

One of the most perplexing sections is title IV, which concerns gun control. The necessity for enacting some form of control is generally acknowledged. The point of contention, however, is the form that this legislation will take.

The last piece of legislation of this nature, the Federal Firearms Act, was enacted by the Congress in 1938. Now, some 30 years later, we are in need of a measure which would prohibit the sale of firearms to convicted felons and minors while, at the same time, would preserve the constitutional right of the American citizen to keep and bear arms.

The overriding responsibility of the Senate is to enact legislation which would assist State officials in enforcing the gun laws enacted by the respective State legislatures. I do not view it as the responsibility of the Congress to usurp still another part of the States' police powers and to enlarge the Federal scope of criminal law enforcement.

Mr. President, title IV as now written would repeal the Federal Firearms Act of 1938 and would enact a new chapter to the Federal Criminal Code. I do not believe that we have to repeal the Federal Firearms Act of 1938 in order to have effective gun control legislation. In fact, there are rather good judicial and legal reasons why this should not be done. By so doing, we shall be moving away from established case law and into an area in which the effect cannot be presently determined and which could very possibly be unconstitutional.

This measure would immediately repeal the Federal Firearms Act, but the new legislation would not go into effect for some 6 months. However, when legislation is hastily drawn, as this gun control measure seems to have been, some inequities are bound to arise. In short, we must not abandon the generally sound legal system which we now have governing gun control for an alternative approach which has been hastily constructed. What we should concentrate on is improvement of what now exists.

Mr. President, it is my considered opinion that title IV in its present form is not in the best interest of the Nation. It creates too many restrictions upon legitimate gun users and inadequately deals with other problems of gun control. I therefore join my colleague from Nebraska, Senator Hruska, in support of his amendment, as a substitute for title IV. This measure would prohibit the interstate or foreign shipment of handguns unless the receiving individual submits a sworn statement that he is at least 21 years of age, is not prohibited by Federal or State law or local ordinance from receiving or possessing the handgun, and, in addition, he must submit the title, name, and address of the principal law enforcement officer of the locality to which the handgun is to be shipped. If a gun permit or license is required by local law, a copy of this permit or license must also accompany the order. The gun dealer is then required to forward a copy of the customer's sworn statement to this local chief law enforcement officer and wait for 7 days until shipping the ordered gun.

There are many other provisions of this amendment which have been thoroughly detailed by Senator Hruska. What these provisions accomplish is to strengthen existing legislation in this field and to give the States and local communities the tools they need to control the firearms problem. The Hruska proposal accomplishes this goal yet does not trample on the Federal-State relationship which is so important within the system of American law enforcement techniques. With the adoption of this amendment, the States will be able to enact any gun control legislation which they desire without being hampered by Federal legislation. The amendment makes the violation of a State gun control law by an individual engaging in interstate commerce a Federal crime. Thus, what we are in fact doing is to give added emphasis to the laws that the States decide best deal with their particular situations. This is as it should be and is a good approach for gun control legislation to take. The States must remain primarily responsible for this as well as the other aspects of crime control.

In summation, Mr. President, I believe that it is important that we have meaningful gun control legislation. We in the Senate must affirm our support for law and order. However, I do not believe that it is wise that we enact hastily drawn legislation, as is evident in title IV, which would seriously damage the Federal-State relationship in law enforcement built up over the years. The Hruska amendment will assist the States in solving their gun control problems by giving emphasis to any State gun control laws. It is as good a piece of legislation as the Congress could possibly adopt for the control of gun sales. I urge the adoption of the Hruska amendment, for America needs this sound approach to gun control legislation.

Mr. McGEE. Mr. President, there is nobody present here today who would deny that one of the major issues confronting this Nation today is crime and violence. Some call it crime in the streets, but to others that carries the connotation that our concern is more racial than anything else. So I want to make it clear that I am not addressing myself to riot situations alone, but to the month-by-month upward trend of violence which cuts across the entire fabric of our society and evidences itself outside the so-called ghetto as well as within it. Crime is a problem practically everywhere, but more so in areas where large numbers of people are congregated. We need to get at its causes and root it out. We need to make our streets safe from hoodlums, our merchants safe from burglars as well as looters, and our society safe from the panderers of graft and corruption.

Mr. President, having said that, I want to state that I fear we are kidding ourselves here today if we think that by tightening the controls on the sale of firearms that we are going to have made our streets safe, or put an end to crimes of violence, or to the viciousness of the well-padded, quiet criminal activity that goes on out of sight. We will have done something about these very real criminal problems when we decide, Mr. President, to quit tolerating lawlessness, when we decide to stop putting up with violence, and when we decide to stick the guilty with the penalties rather than slapping restrictions on the innocent as well.

I am not going to vote for any gun control measure which is before us because I view these measures as an infringement upon the rights of those who have possessed weapons for many good and valid reasons without every using them for illegal purposes. I am going to cast my vote against such legislation because I think it takes a back-door approach to the real problem of crime in America.

I say this, Mr. President, fully aware of the arguments which have been made about the necessity to get at the instruments of death. I do not believe that Lee Harvey Oswald, Charles J. Whitman, or the man who shot Dr. Martin Luther King, Jr., to death in Memphis would have had any difficulty acquiring the weapons with which they killed and so shocked our society whether laws such as we have before us today, or even stricter ones, existed or not. If the desire to diminish crime and avert tragedies such as I have enumerated were the only factors involved, new gun legislation would have been enacted long ago. But these are not the only factors to be considered, Mr. President. In my own State, the possession of firearms is a long tradition. Individual citizens possess guns for a myriad of reasons—as hobbies, for protection of home and property, and, of course, for sporting purposes above all others.

It is argued, I know, that the bill before us would work no hardship upon these people. But they disagree. To a man, almost, they disagree, if the people with whom I have discussed this issue in Wyoming, or those who have communicated their feelings to me, are any indication. And I happen to think they are. One might go so far as to say that many honest, mentally sound gun owners are up in arms about this question because they view it as a step toward ever-tighter controls over firearms without regard to their local and regional attitudes and conditions. Nor are these people I gladly represent here today simply being hardheaded. They are cognizant of the problems of law enforcement, particularly in more populous parts of the country. They appreciate the efforts to deal with these problems. They do not, however, appreciate the efforts to make these solutions applicable to people who live in a different environment, with a different tradition and with, very often, a way of life which makes of a firearm an instrument of recreation and enjoyment, rather than an instrument of crime and human tragedy.

Scarcely anyone would object to improvement of the National Firearms Act in order to impose better controls over weapons not suited for sporting use. But the measures at hand go much further and, in fact, invade the area of sporting arms. In my own State, where we are concerned about the future of wildlife management programs supported by the taxes on sporting arms and ammunition, the concern runs deep. Because game animals and birds abound in Wyoming, the attitude which we take toward guns may be entirely different from that in another place. And it is this variety of situations and points of view which must be taken into serious consideration by this body.

Quite frankly, Mr. President, for my own part I would rather the laws pertaining to firearms be locally written. That way they will be enforceable.

Mr. JAVITS. Mr. President, I ask unanimous consent that the statement which the Senator from New Jersey [Mr. Case] has prepared on the subject of title IV of the pending bill may be printed at an appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Mr. Case is as follows:

Statement by Senator Case

For years the Senate has been wrestling with the problem of controlling the sale of guns.

Since the Senate Subcommittee on Juvenile Delinquency embarked on its investigation of the sale of firearms in 1961, volumes of testimony have been presented by Governors, Attorneys General, police chiefs, prosecutors and concerned citizens. This testimony has been impressive, not simply in its volume, but in demonstrating the total inadequacy of the Federal firearms law that has been on the books since 1938.

As the chairman of the Subcommittee on Juvenile Delinquency has pointed out, the wording of the key provision of the 1938 law is so vague and unsatisfactory that the Government has not been able to get a single conviction under this section since it was enacted 30 years ago.

The title we are considering today would revise and strengthen the sadly inadequate 1938 law. The purpose of Title IV, very simply, is to assist the states in enforcing their own firearms laws by requiring that all sales of guns, other than rifles and shotguns, to residents of a state be made only through local dealers in the purchaser's state of residence and under the control of that state.

This step forward is long overdue. Yet, it, too, is inadequate. If we are truly to assist the states in controlling the indiscriminate interstate traffic of firearms, the provisions of Title IV must be extended to rifles and shotguns.

Experience has shown that without Federal regulation of these deadly firearms, gun controls passed by state and local governments are ineffective.

Two years ago, the state of New Jersey enacted a gun control law which applies to rifles and shotguns as well as handguns. The primary purpose of the law is to keep these weapons from getting into the hands of persons who are clearly unqualified to use them. These include criminals, mental defectives, drug addicts, habitual drunks, persons physically incapable of handling guns safely, persons under the age of 18 and others, such as mental patients and alcoholics, to whom the issuance of guns would not be in the public health, safety or welfare.

Basically the New Jersey law works as follows:

A permit is required for the purchase of each pistol or revolver and a special permit is required in order to carry a handgun. These permits may be obtained from the local police department or from the Superintendent of State Police, as the case may be. The person applying for such a permit must have his finger prints taken and filed. These are checked against state and the Federal criminal records. For a special permit to carry a pistol or revolver, the applicant must also show that he is mature enough and possesses sufficient skill and knowledge in handling firearms to not constitute a hazard.

With respect to rifles or shotguns, a purchaser is required to have a simple identification card, the number of which is recorded by the seller in each sale of a shotgun or rifle for police inspection. This card is good for any number of purchases and remains valid unless the holder subsequently becomes disqualified. The same ID card is also sufficient to permit carrying rifles or shotguns.

In addition, strict licensing standards are maintained for manufacturers, wholesalers and dealers, each of whom must maintain careful and accurate records of the disposition of each firearm.

Now, how has this law worked?

According to the New Jersey Attorney General, in the 20 months the law has been in effect state and local police have processed some 85,000 applications for guns. Over seven percent of the applicants were found to have had arrest records and a total of 1,606 applications have been denied. Approximately 75% of the denials were for criminal arrest records, including such crimes as first degree murder, burglary, rape, breaking and entering, lewdness and sex crimes.

Under our New Jersey law, these 1,606 people cannot buy a gun in our state. But they are not prevented from going to another state to make their purchase.

Last July, one year after the new state law took effect, Federal agents from the Alcohol Tobacco and Tax Unit of the Internal Revenue Service made a quick check of gun dealers in jurisdictions surrounding New Jersey. They checked some 56 dealers and found, by examining their records, that 690 New Jersey residents had gone outside the state to make over-the-counter purchases of firearms.

Has there been any effect on crime in New Jersey?

While it is difficult to draw definitive conclusions at this stage, preliminary statistics from New Jersey's new uniform crime reporting system indicates, according to the Attorney General, that firearms were used in 44% of all murders committed in New Jersey in 1967 as compared to 60% nationwide in 1966. Rifles and shotguns were used in 9% of all murders as compared to 16% nationwide, a rate nearly twice as high. Furthermore, firearms were used in nearly 19% of all atrocious crimes nationally as compared to 12% in New Jersey.

Most opponents of the New Jersey law have argued that it would inconvenience and place undue restrictions on legitimate hunters and sportsmen. The New Jersey Division of Fish and Game reports, however, that the sale of hunting licenses has continued to increase since the gun law was enacted. In 1967 a total of 156,000 licenses were sold compared to an average sale of 150,000 in recent years.

The experience we have had in New Jersey indicates, I believe, that our state law is accomplishing what was intended. It is preventing the sale of guns in New Jersey to those who should not have them, and it is not deterring legitimate sportsmen from hunting or shooting.

There is one qualifier; the New Jersey law is preventing criminals from buying their guns in *New Jersey* only. It does not and cannot prevent the 1,606 persons whose applications have been denied from going across the state line to buy a gun. Several months after the New Jersey law was enacted, a New Jersey State trooper was killed by a convicted criminal with a gun bought the day before in a sporting goods store in a neighboring state. He could not have bought the gun in New Jersey.

The volatile situation in our cities has added yet another dimension to the problem. Last summer during the Newark riots the U.S. Attorney for New Jersey reported 91 arrests for weapons offenses. At least 60 guns were confiscated in connection with these arrests. Law enforcement authorities, I am told, are convinced that many of these weapons were used by snipers and rioters who could not have purchased them legally in New Jersey.

The soaring crime rate and the dangerous proliferation of arms sales to juveniles and socially irresponsible elements represent a danger that increasingly menaces our society. It is an incredible fact that 795,000 people have been killed by firearms in our country since the year 1900, 245,000 *more* than have died in all of our wars from the Spanish-American to Vietnam.

A stronger firearms bill covering long guns as well as handguns has been endorsed by the National Advisory Commission on Civil Disorders, the National Crime Commission, the American Bar Association, the National Council of Churches, the AFL–CIO, the General Federation of Women's Clubs and by many other distinguished groups and citizens.

The Senate cannot afford to forfeit this opportunity to pass a meaningful gun control law.

Mr. TYDINGS. Mr. President, 3 years ago President Johnson first asked Congress to enact the State Firearms Control Assistance Act. That bill provided modest Federal controls on the interstate commerce in firearms. Its purpose was to assist the States in enforcing whatever gun laws they wish to enact. Three years and 2,040 pages of congressional hearings later, the Senate is finally voting on a limited portion of that legislation as title IV of the Safe Streets and Crime Control Act.

Title IV, the concealed weapons amendment, is a very limited, stripped-down, bare-minimum gun-traffic control bill, primarily designed to reduce access to handguns for criminals, juveniles, and fugitives.

This concealed weapons amendment does not provide for registration of any firearm or require any permit for purchase of firearms.

This concealed weapons amendment does not affect domestic sale of rifles or shotguns in any fashion. Mail-order and over-the-counter sales of rifles and shotguns are totally exempt from the bill.

Regarding handguns, title IV provides only that handguns must be bought in the purchaser's home State. Mail-order sales of handguns, except between licensed dealers, are prohibited. Likewise, dealers cannot sell handguns to out-of-State purchasers, or minors, fugitives, or felons.

Title IV affects long guns in only two ways. First, it authorizes the Treasury Department to control imports of weapons not suitable for sporting purposes. Second, title IV prohibits sale of any handgun or long gun in violation of the law of the State where the sale is made, or which the seller knows will be used in a felony.

As an avid hunter, who first learned to shoot at his father's knee in the duck blind at the age of 9, I can fairly say that this concealed weapons amendment does not significantly inconvenience hunters and sportsmen in any way. The people it does frustrate are the juveniles, felons, and fugitives who today can, with total anonymity and impunity, obtain guns by mail or by crossing into neighboring States with lax or no gun laws at all, regardless of the law of their own State.

This concealed weapons amendment does not violate any State's right to make its own gun laws. Quite the contrary, title IV provides the controls on interstate gun traffic which only the Federal Government can apply, and without which no State gun law is worth the paper it is written on.

The purpose of this concealed weapons amendment is simply to help the States enforce whatever gun laws each wishes to enact. Without such Federal assistance, any State gun law can be subverted by any child, fugitive, or felon who orders a gun by mail or buys one in a neighboring State which has lax gun laws.

The President, the Attorney General, the Director of the FBI, the President's Commission on Law Enforcement and the Administration of Justice, the International Association of Chiefs of Police, the American Bar Association, and State and local law enforcement officials all across the country have recommended Federal firearms control legislation much more stringent than title IV, the concealed weapons amendment, provides.

The overwhelming majority of Americans, including gunowners, want strong gun controls. A nationwide Harris poll of public opinion released on April 22, 1968, reports that three out of every four Americans, and two out of every three gunowners, want far more stringent gun controls than title IV provides.

Gunowners and non-gun-owners alike recognize that today's virtually unlimited gun traffic threatens every law-abiding American. In September 1966, Gallup reported that 56 percent of all gunowners favored registration. By September 1967, a Harris poll reported that this support has risen to 66 percent of all gunowners. The April 22, 1968, Harris poll shows gunowner support of Federal laws compelling registration remains at the same high level, with more than two out of every three gunowners in favor of federally required registration of all gun sales. These findings have been confirmed again and again by an entire series of public opinion polls by the Harris and Gallup organizations during the past 2 years.

The almost limitless gun traffic must be brought under control. More than 100 million guns are already in private hands in our country. More than 1 million more a year are being dumped in this country through imports alone. Americans tolerate a rate of gun murder unthinkable in other countries. In 1962, for example, the 4,954 gun murders in this country compared to 29 in Great Britain, nine in Belgium, six in Denmark, five in Sweden, and none in Holland. The soaring gun crime rate endangers every American and is killing and maiming many new thousands of citizens every year.

Effective Federal legislation to protect the American people from gun traffic is long overdue. The time for action is now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Senate will be in order during the rollcall. Attachés will retire to the rear of the Chamber; Senators will be seated.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. Brewster], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], and the Senator from Oregon [Mr. Morse], are necessarily absent.

I also announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. Inouye], is absent on official business.

I further announce that, if present and voting, the Senator from Maryland [Mr. Brewster], the Senator from Arkansas [Mr. Fulbright], and the Senator from New York [Mr. Kennedy] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from California [Mr. Kuchel]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Oklahoma [Mr. Monroney] is paired with the Senator from New Mexico [Mr. Montoya]. If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Utah [Mr. Moss] is paired with the Senator from New Jersey [Mr. Case]. If present and voting, the Senator from Utah would vote "yea" and the Senator from New Jersey would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from California [Mr. Kuchel], and the Senator from Kentucky [Mr. Morton] are necessarily absent.

The Senator from New Jersey [Mr. Case] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On the vote, the Senator from New Jersey [Mr. Case] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Utah would vote "yea."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from California would vote "nay" and the Senator from South Carolina would vote "yea."

The result was announced—yeas 37, nays 45, as follows:

[No. 138 Leg.]

YEAS—37

Allott
Baker
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Hansen
Hatfield
Hickenlooper
Hill
Hruska
Jordan, N.C.
Jordan, Idaho
Long, La.
McGovern
Metcalf
Miller
Mundt
Murphy
Russell
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—45

Anderson
Bartlett
Bayh
Brooke
Byrd, Va.
Clark
Cooper
Dodd
Ellender
Fong
Gore
Griffin
Gruening
Hart
Hayden
Holland
Jackson
Javits
Kennedy, Mass.
Lausche
Long, Mo.
Magnuson
McClellan
McGee
McIntyre
Mondale
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Smathers
Smith
Spong
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—17

Aiken
Brewster
Case
Fulbright
Harris
Hartke
Hollings
Inouye
Kennedy, N.Y.
Kuchel
McCarthy
Monroney
Montoya
Morse
Morton
Moss
Prouty

So Mr. Hruska's substitute amendment was rejected.

Mr. TYDINGS. Mr. President, I move to reconsider the vote by which the amendment was defeated.

Mr. KENNEDY of Massachusetts. Mr. President, I move to reconsider the vote.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

ORDER IN THE SENATE

Mr. MANSFIELD. Mr. President, I request that the Sergeant at Arms be directed to clear the Senate Chamber except for those who have business on the Senate floor in connection with the business of the Senate itself or the business of Senators to whom they are attached.

Mr. DIRKSEN. Mr. President, the next order of business——

The PRESIDING OFFICER. Would the Senator from Illinois allow the Chair to fulfill the request of the majority leader before he proceeds?

The Sergeant at Arms will direct all attaches who are present and who do not have business on this bill to retire from the floor.

The Senate will be in order.

The Senator from Illinois.

Mr. DIRKSEN. Mr. President, if Senators will now give attention to the substitute I offer, it is essentially a modification of the original Hickenlooper bill, with some changes; but in view of the vote which was just taken, I now withdraw the substitute.

The PRESIDING OFFICER. The substitute is withdrawn.

The bill is open to further amendment.

AMENDMENT

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The Legislative Clerk. The Senator from Michigan proposes an amendment, on page 98, line 14, to replace the semicolon with a period and strike out the following language:

> Except that for the first renewal following the effective date of this chapter or for the first year he is engaged in business as a dealer such dealer will pay a fee of $25.

Mr. GRIFFIN. Mr. President, this is a very simple amendment. My amendment, in effect, provides that the license fee which would be charged a dealer would be a flat rate of $10 per year. In the bill, as it has been reported by the committee, the license fee is $25 for the first year and $10 for each year thereafter.

My amendment might be called the small business amendment. I think it will be difficult enough for a businessman, particularly a small businessman, to understand and comply with the law, and the regulations that will be promulgated as a result of this legislation, without imposing license fees which, at least for some small businessmen, will be rather expensive.

I understand that the purpose of raising the license fee to $25 was to discourage some individuals from applying for licenses. However, I do not understand why we should adopt a policy that would, in effect, freeze out some small businessmen.

I do not feel that there has been a valid explanation for raising the fee to $25. Certainly I am not persuaded by the argument that this increase is needed to finance the operations of the Secretary of the Treasury. My amendment proposes that the license fee would not be more than $10. I submit $10 is enough for a small businessman to pay for such a Federal license.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, is the amendment printed?

The PRESIDING OFFICER. The amendment has not been printed.

Mr. McCLELLAN. May I have the opportunity to see it, or have it restated?

The PRESIDING OFFICER. Would the Senator from Arkansas like to have the amendment read again?

Mr. McCLELLAN. I would.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment.

Mr. McCLELLAN. Mr. President, as I understand, the amendment is to strike, on page 98, all of line 14 after the semicolon and the following three lines, and insert a period at that point; am I correct?

Mr. GRIFFIN. The Senator is correct.

Mr. McCLELLAN. Mr. President, I do not see the author of this title on the floor. I will be happy to yield to any cosponsor.

Mr. DODD. I am here.

Mr. McCLELLAN. I am sorry. I yield to the author of the title, the Senator from Connecticut.

Mr. DODD. I think perhaps the Senator from Massachusetts is better qualified on this point. I yield to him.

Mr. KENNEDY of Massachusetts. Mr. President, I think the Senator from Connecticut and myself can give some of the background on the basis of which this figure was reached.

I remember that the initial proposal had a $100 figure at this point, and then, after consideration of the subcommittee, I believe that there was an amendment by the Senator from Indiana [Mr. Bayh] which reduced that figure to $25. It was felt that if this provision was to be self-operative, and we were to collect sufficient revenues to investigate violations of this provision, we ought to provide at least sufficient resources to do just that.

I think the $25 figure was recommended and looked into by the subcommittee, and concluded to be a sufficient figure to conduct a suitable investigation into the record of any prospective dealer, and that is the reason for it.

The committee would be delighted to support a lower figure, but I think if we are interested in providing resources to make the provisions of this act self-operative, it will be difficult to go much below the $25 figure. I think that is the history, but perhaps the Senator from Connecticut could elaborate on this.

Mr. DODD. Mr. President, may I add one thing? The Senator from Massachusetts has properly and precisely stated the background as to how this change from $100 to $25 took place. I recall, as well, that the time the Treasury Department was consulted, and they said they thought they could live with the $25 fee.

I say to the Senator from Michigan, with great respect for him, that the reason for this figure is that they will need funds, some money from these licensees, to help enforce the law. I have no other interest in it being at any particular level.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. GRIFFIN. If the fee were somehow graduated to reflect the size of the concerned business, it would meet my approval. I think charging the small dealer $25 is a little unfair. I happen to be personally acquainted with several small hardware dealers. I think that even $10 a year, frankly, is an imposition, but that a $25-a-year fee would be more than an imposition—it would be discriminatory against the small dealer.

Mr. DODD. Would $15 per year be acceptable?

Mr. GRIFFIN. The yeas and nays have been ordered on my amendment, and I am not in a position to modify it.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. KENNEDY of Massachusetts. As I understand, the bill as reported applies a $25 fee the first year, and $10 each year after that.

Mr. DODD. That is correct.

Mr. KENNEDY of Massachusetts. It was felt that the $25 figure would cover in part the initial investigatory procedures of the Treasury Department to make sure that the dealership is a reputable kind of firm, and after that, the fee is reduced to the $10 figure; so any renewal of the license would be at the figure the Senator from Michigan has stated.

I believe if we are interested in providing an amount which would approach the cost of policing the legislation, the $25 and $10 figure is really not unreasonable.

I have nothing further to add.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Would it be in order for me to move to amend the amendment of the Senator from Michigan?

The PRESIDING OFFICER. The amendment is open to amendment.

Mr. DODD. I move to amend the amendment of the Senator from Michigan by substituting the figure "$15" instead of "$10."

Mr. ALLOTT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLOTT. I call the attention of the Chair to the fact that the amendment has been offered, called up, and read, and the yeas and nays have been ordered. The amendment, therefore, cannot be amended except by unanimous consent.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that the amendment is amendable, but that it cannot be done until all of the time on the amendment has been used. The Senator from Michigan cannot modify it except by unanimous consent.

Mr. ALLOTT. And neither can anyone else.

The PRESIDING OFFICER. They cannot modify it, but they can amend it.

Mr. ALLOTT. That was the point of order I made, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Are we operating under a time limitation?

The PRESIDING OFFICER. We are operating under a time limitation.

Mr. GRIFFIN. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Michigan has control of half the time, which is 30 minutes. The Senator from Arkansas [Mr. McClellan] has control of the remainder of the time, and the Chair believes he has yielded that time to the Senator from Connecticut and the Senator from Massachusetts.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to say just a few words on the amendment offered by the distinguished Senator from Michigan, which I believe ought to be supported.

We find ourselves once again in the situation where people who feel one way about a matter, such as gun legislation do not understand and perhaps cannot understand the point of view of those of us who feel differently about such a matter.

The situation in my State is not any different, essentially, from the situation in the States of Nebraska, Kansas, Oklahoma, North Dakota, Nevada, Wyoming, or in fact any of the Western States where a great proportion of the people engage in large and small game hunting. As a matter of fact, it is astounding to note the number of out-of-State hunting licenses that are sold each year in Colorado to people from the East, who come out there to shoot deer and elk.

The junior Senator from Texas [Mr. Tower] tells me that I may also include the State of Texas in my remarks.

I am informed by the Senator from Utah [Mr. Bennett] that I may also include the State of Utah in my remarks.

I am informed also by my friends, the senior Senator from Idaho [Mr. Church] and the junior Senator from Idaho [Mr. Jordan], that I may also include the State of Idaho in my remarks.

The point is that in these areas we have vast distances between towns and only one or two or three major towns in a State which may be 200 or 300 miles distant and about 6, 7, or 8 hours' driving time away from the place where the hunting occurs.

Sometimes when a person goes hunting, something goes wrong with his gun. He wants to get his gun repaired, or perhaps has to buy a new one in one of these small towns. That happens all the time because if a man sends his gun away to be repaired, he would lose his investment in his hunting trip. He therefore buys a new gun.

Where does he buy it? He goes into a village with only 200, 300, or 400 people residing in it. Ofttimes, there is only one general store in that village. The general store may sell groceries, dry goods, and a dozen other things. It may also sell some hardware and guns.

These people are not engaged in the business of being gun dealers like the big dealers in larger cities. They are small business people.

I do not hold with the argument that the collection of the fees should be sufficient to finance the enforcement of the measure. We are placing this on the people.

I say to my friends who have been on the other side in this debate that we ought to have some consideration for these people.

The people who will be hurt if this amendment is not adopted are the people in the small towns, not only in the West, but also in the Midwest, and, I would surmise, in some areas in the East.

I hope that the Senate will examine this measure.

I think that the amendment of my friend, the Senator from Michigan, is reasonable. I think that if we were to add on the amount that has been suggested, it would be unreasonable.

I hope the amendment is agreed to.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Colorado has gone to the heart of the opposition to gun legislation in rural America. He described how the people in Colorado feel.

The same situation exists in North Dakota. Perhaps nine out of 10 gun dealers in my State do not handle small arms. The small town hardware merchant may have a rifle or a shotgun or two. That small town merchant would have to pay the same license fee, and he is having a hard time now in making a go of it.

I have never heard anything as unreasonable as the proposal to charge the small town merchant a big license fee.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, is the Senator from Connecticut prepared to yield back the remainder of his time?

Mr. DODD. Mr. President, I should like to have about 2 minutes to determine whether I should yield back the remainder of my time now.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time for the suggestion of a quorum will be charged to which side?

Mr. GRIFFIN. Mr. President, I ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I do not think this is a matter worth quarreling about. I do not wish to place any hardship on any of the people in the great western part of our country. I am willing to accept the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Michigan yield back the remainder of his time?

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Michigan want the yeas and nays withdrawn?

Mr. GRIFFIN. Mr. President, I ask unanimous consent, in view of the statement by the Senator from Connecticut, that the yeas and nays be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 780

Mr. CURTIS. Mr. President, I call up my amendment No. 780.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> On page 19, strike out all of pages 19, 20, 21, 22, 23, and down through line 14 on page 24.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. CURTIS. Mr. President, I yield myself 10 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is the Senate operating under controlled time?

The PRESIDING OFFICER. Only as to amendments to title IV.

Mr. CURTIS. This is not an amendment to title IV.

Mr. President, my amendment No. 780 is a printed amendment. Its purpose is to strike from the bill pages 19, 20, 21, 22, and 23, and through line 14 on page 24. That includes parts B and C. Part B provides for planning grants. I read from page 19, beginning on line 6:

> The Administration is authorized to make grants to States, units of general local government, or combinations of such States or units of local government for preparing, developing, or revising law enforcement plans to carry out the purpose set forth in section 302.

Mr. President, this is a new program in grants to the States. If this program is enacted and grants are made to some communities, how will the Federal Government say "No" to all the other communities?

No time limitation is placed on this provision. No showing has been made that the U.S. Government is in better financial position than are the local governments to support their police.

It is one more grant program. I call attention now to significant language on page 20. Part C relates to grants for law enforcement purposes. I read again, beginning on line 6:

> The Administration is authorized to make grants to States, units of general local government, and combinations of such States or units of general local government to improve and strengthen law enforcement. . . .

The language continues and even includes the construction of buildings and the providing of facilities.

Mr. President, this is another new grant program. What will we gain by staying in session long hours, struggling with the subject of the gold drain and the dollar; staying long hours in conference over the matter of controlling expenditures and raising taxes; and then taking on a new program—in fact, two new programs—of grants to States and local governments?

Mr. President, there is no money in the till. This proposal would have to be funded with borrowed money. Every time we increase the debt of the United States by a billion dollars, upward of $43 million must be raised each year thereafter, until some administration appears on the scene and lowers the debt by a billion dollars.

Of course the mayors want this program. Of course officials of county governments want it. Of course the States will be receptive to it. On the other hand, we in Congress have a responsibility to protect the interests of the United States, and that includes its financial interest. We have a responsibility to pay the Government's debts. We have a responsibility to maintain the value of our money.

What business have we to start two new grant programs? Of course, it is a laudable purpose. Of course, more money needs to be spent on law enforcement. But when are we going to learn that problems are not solved by Congress meeting and appropriating money? The appropriating of money by Congress will not change the rules of the Supreme Court. The appropriating of money by Congress will not change a permissive society to a disciplined one. The appropriating of money by Congress will not generate a spiritual force that will transform the lives of people.

Of course we have a crime problem. But we are applying the same old remedy that has been applied to problems for 30 years, while they have become worse all the time—open up the Federal Treasury.

I am not unaware that there will be plenty of recipients for this money. I am not unaware that some of them have asked for it. I am not unaware that the provision is in the bill and that it has committee support. But my conscience will not permit me to remain quiet and acquiesce in starting new grant programs when we are so broke that we do not even pay our bills.

The deficit we create includes also what we pay in interest on the national debt. When former President Eisenhower left office, the interest on the national debt was approximately $9 billion. Today it is $14.4 billion.

If we could wipe out all the Vietnam expenditures, we still would have a deficit. The big growth in expenditures has been in the domestic civilian programs of government. Let us not be deceived by the idea that if, by some good fortune, the war came to an end—and that would be most pleasing to all of us—there would be money for everything. There would not. The obligations of our country that have piled up exceed our ability to pay, and we sink further and further into debt.

Mr. President, I am aware of the realities facing me. I know that the bill will be defended by the committee, so I shall take no more time of the Senate. But I want the record to show that I do not favor adding two grant programs that will not end until they have reached every corner of the country and will not end at any time in the foreseeable future, because we do not have the money.

I yield the floor.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska [putting the question].

Mr. CURTIS. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request and ask that it be read.

The PRESIDING OFFICER. The unanimous-consent request will be read by the clerk.

The assistant legislative clerk read the unanimous-consent request, as follows:

Ordered, that beginning Monday next, during the further consideration of the unfinished business, S. 917, all debate on amendment No. 788, to be offered prior to Monday next by the Senator from Maryland [Mr. TYDINGS], be equally divided between the Senator from Maryland and the manager of the bill, the Senator from Arkansas [Mr. McCLELLAN], or whomever they may designate; and that the vote on said amendment occur no later than 2 p.m. on Tuesday next.

Provided, That if there are any amendments to the Tyding amendment or to any of the matter to be stricken by that amendment that have not been disposed of prior to that time, then the debate on said amendments will be limited to one hour, to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland, or whomsoever they may designate.

Provided further, That no vote on any amendment to the Tydings amendment or to any of the matter to be stricken thereby, or on the Tydings amendment, be taken prior to Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The Tydings amendment, I gather, is an amendment to strike title II.

Mr. MANSFIELD. Yes.

Mr. JAVITS. Mr. President, I may be unable to be present because of absence from the Senate on official business. But I am just stating that to the Senator, and he must make the decision. I certainly would not wish to impinge on the work of the Senate because I happen to be somewhere else because of international duties.

I ask the Senator about the remainder of the bill. Does he have any intention of asking for another unanimous-consent request?

Mr. MANSFIELD. We are taking this bill, title by title, and doing the best we can. I do not know what will happen.

Mr. JAVITS. May I say to the majority leader that I would hope that if he does have another one, I will be back by 3 o'clock on Thursday. I hope the Senator will try to accommodate me.

Mr. MANSFIELD. I will, indeed.

Mr. GRIFFIN. Reserving the right to object, Mr. President, may I inquire if the amendment to be voted on on Tuesday is an amendment to strike title II?

Mr. MANSFIELD. It will be considered in parts.

Mr. TYDINGS. I intend to call up my amendment No. 788.

Mr. McCLELLAN. It has not been called up yet?

Mr. TYDINGS. It has not been called up yet. It is a motion to strike. Other amendments may be offered by other Senators.

The purpose of the unanimous-consent request was to notify all Senators that voting would begin on Tuesday; the time would be divided between the Senator from Arkansas and myself; and the voting, not only on the motion to strike, but also any amendments with respect to title II would be taken on Tuesday next.

Mr. GRIFFIN. I have an amendment to title II. I will not be here Monday and I wanted to be sure I would not be foreclosed.

Mr. McCLELLAN. The way in which to get a vote on it is to offer it.

Mr. GRIFFIN. Does the leader anticipate that we will come in early Tuesday?

Mr. MANSFIELD. If the Senator desires, we could come in at 10 a.m. or 11 a.m.

Mr. GRIFFIN. That would give us more time.

Mr. TYDINGS. I would suggest 9:30 a.m. or 10 a.m. myself.

Mr. MANSFIELD. Let us make it 10 a.m.

Mr. McCLELLAN. As I understand the situation, it means that this amendment should be laid down before the unanimous-consent request is agreed to.

Mr. MANSFIELD. That is my error. I request that the Senator from Maryland call up his proposal now.

AMENDMENT NO. 788

Mr. TYDINGS. Mr. President, I call up my amendment No. 788 and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 788) as follows:

On page 43, beginning with line 9, strike out through the matter preceding line 3 on page 48.

On page 48, line 3, delete "TITLE III" and insert in lieu thereof "TITLE II".

On page 80, line 15, delete "TITLE IV" and insert in lieu thereof "TITLE III".

On page 107, line 5, delete "TITLE V" and insert in lieu thereof "TITLE IV".

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. What is the request?

Mr. MANSFIELD. To vote on Tuesday.

The PRESIDING OFFICER. Does the Senator wish to suspend rule XII?

Mr. MANSFIELD. Yes. I ask unanimous consent to suspend rule XII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request?

Mr. McCLELLAN. Mr. President, reserving the right to object, as I understand the effect of this unanimous-consent request, it is that tomorrow there will be no controlled time.

Mr. MANSFIELD. The Senator is correct.

Mr. McCLELLAN. Anything can be discussed and any other amendment offered that is to be offered.

Mr. MANSFIELD. The Senator is correct.

Mr. McCLELLAN. Could it be offered without laying aside the pending amendment?

Mr. MANSFIELD. Only under unanimous consent.

Mr. McCLELLAN. Therefore, the situation is that until Tuesday at 2 p.m. there will be no votes; but beginning on Monday the time will be controlled on the motion to strike.

Mr. MANSFIELD. The Senator is correct. However, I wish to say that the Senator from Arizona has an amendment to title I which would include Indians, if under a unanimous consent that could be considered. It is noncontroversial and I expect there will not be a record vote.

Mr. McCLELLAN. By unanimous consent, that amendment may be considered and voted on while this measure is pending.

Mr. MANSFIELD. The Senator is correct.

Mr. McCLELLAN. Would time be limited?

Mr. MANSFIELD. Limited time would start on Monday. The joint leadership—because this has been cleared with the minority leader—would, of course, be very flexible in regard to the suggestions made by the chairman of the committee considering the bill, the distinguished Senator from Arkansas [Mr. McClellan] and the sponsor of the proposal now before us, the distinguished Senator from Maryland [Mr. Tydings].

Mr. McCLELLAN. Mr. President, I mention one other thing, to clear up the matter. At 2 o'clock on Tuesday, if amendments are pending to title II, if a Senator wants to insist upon a vote, he will have 1 hour in time, to be equally divided between the sponsor of the amendment and the Senator in charge of the bill, to debate the matter further before a vote is taken on it.

Mr. MANSFIELD. The Senator is correct. That would be on Tuesday.

Mr. McCLELLAN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Montana, with the proviso that the Indian amendment may be called up?

Mr. MANSFIELD. We will leave that part out.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The unanimous-consent agreement was later reduced to writing, as follows:

Ordered, That effective Monday, May 20, 1968, during the further consideration of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, all debate on the pending amendment (No. 788) offered by the Senator from Maryland [Mr. Tydings] be equally divided and controlled by the Senator from Maryland and the Senator from Arkansas [Mr. McClellan], or by any Senator designated by them, and that the vote on that amendment occur not later than 2 o'clock p.m. Tuesday, May 21.

Provided, That if there are any amendments to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment that has been disposed of prior to that time, debate on such amendment or amendments will be limited to 1 hour to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland [Mr. Tydings] or any Senator designated by him.

Provided further, That no vote on any amendment to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment shall be taken prior to Tuesday next, except by unanimous consent.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, if it meets with the approval of the distinguished Senator from Arkansas, I ask unanimous consent that when the Senate concludes its business tonight, it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY NEXT UNTIL TUESDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business on Monday next, it stand in recess until 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TYDINGS. Mr. President, it is my understanding, and I hope that the Senator from Arkansas agrees, that on Tuesday we will begin voting at 2 p.m.; and that we will stay in session Tuesday evening until we have disposed of the amendments on title II.

Mr. MANSFIELD. All I can say is that we will do our best because I am in full accord with all the Senator's wishes in that respect.

Mr. McCLELLAN. The final vote on the motion to strike on any section cannot come until amendments to that section have been disposed of.

Mr. MANSFIELD. The Senator is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. Attachés will be seated.

MESSAGE FROM THE HOUSE

A message brom the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Thompson of New Jersey, Mr. Carey, Mr. Scheuer, Mr. Brademas, Mr. Ayres, Mr. Goodell, Mr. Ashbrook, and Mr. Reid of New York were appointed managers on the part of the House at the conference.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ERVIN. Mr. President, I send to the desk an amendment to the pending bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from North Carolina (Mr. Ervin) proposes an amendment as follows:

On page 46, line 11, strike out the word "into" and insert in lieu thereof the word "in".

Mr. ERVIN. Mr. President, I ask that the amendment be considered and agreed to at this time. It is purely to correct a typographical error.

I have consulted with the Senators most interested in this title, and they have advised me that they have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, has the Senator from North Carolina discussed the matter with the distinguished junior Senator from Maryland [Mr. Tydings]?

Mr. ERVIN. I have. I showed the proposed amendment to the junior Senator from Maryland, and he assured me that he had no objection.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

NEWSPAPER EDITORIALS CRITICIZE TITLE II OF CRIME BILL

Mr. TYDINGS. Mr. President, editorials critical of title II of the crime bill have appeared in a number of newspapers in the Nation. I think it will be useful to Senators to see the views expressed in these editorials from the New York Times of April 27 and May 15, from the Salt Lake Tribune of May 5, from the Atlanta Journal and the Atlanta Constitution of May 5, from the Dominion News, Morgantown, W. Va., of April 25, and from the Washington Post of May 3 and May 6. In addition, columns have appeared by Dana Bullen in the Washington Evening Star of May 3 and in the Christian Science Monitor of May 4.

I ask unanimous consent that these editorials and articles appear at this point in the Record.

There being no objection, the editorials and articles were ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, May 15, 1968]

Target: The Supreme Court . . .

The omnibus crime control bill is coming to a climax in the United States Senate this week. Seldom has a potential law that would affect the courts, the police and fundamental concepts of justice in every community in the country been so charged with sectional politics, facile solutions and clearly discernible prejudice against the ignorant and the poor.

But there is even larger game behind the scenes. The fact is that the real "enemy" of the most crucial section of the bill, Title II, is not the criminal but the United States

Supreme Court. It is "the Warren Court" that is really under attack. This is the court that since 1954 has committed such "crimes" as the school desegregation case and a host of landmarks (such as Miranda, Mapp, Mallory and Wade) on the right to proper legal representation, confessions, search and seizure and fair trial.

The controversial Title II would abolish Federal habeas corpus jurisdiction over state criminal convictions in clear violation of Article I, Section 9, of the Constitution; abolish Supreme Court jurisdiction to review state criminal cases in which confessions or eyewitness identifications have been admitted in evidence; require Federal courts to admit such evidence even if obtained in violation of the specific safeguards erected by the Supreme Court.

Attorney General Clark has warned that law enforcement would be harmed if Congress included this title in the crime bill. He has expressed grave reservations because it would deny citizens their rights, circumvent the Supreme Court's decisions that are now the law of the land, and be of doubtful constitutionality. Hundreds of legal scholars and the deans of 23 law schools have expressed the view that Title II should not be enacted into law.

The titles in the omnibus crime bill deserve full debate and amendment. There are useful sections, but Title II is not one of them. It would do nothing to halt big-time criminals who know the rules of the game and can afford expensive legal talent to protect them. It would strike at the alleged criminals who frequently do not know their rights and require not state but Federal review of their cases. And it would ambush the Supreme Court by devious legislation that, in the long run, would only cause confusion throughout the judicial system and doubtless end up by being held unconstitutional.

[From The New York Times, April 27, 1968]

Attack on the Court

The Senate Judiciary Committee has reported a "crime control" bill which would deeply invade the power of the Supreme Court. If the nation's highest court is to remain an effective defender of the liberties of the individual, it is imperative that the Senate reject this bill when it comes to the floor next week.

The measure provides that a Federal court would have to admit a confession as evidence if the trial judge found that it was "voluntarily given." But many nominally voluntary confessions are extorted from frightened suspects who are under various kinds of psychological duress. If equal justice is to prevail for poor as well as rich, ignorant as well as educated, the procedural safeguards defined in recent Supreme Court decisions must be maintained.

In criminal cases arising in state courts, the bill would forbid the Supreme Court or any other Federal court to look into a trial judge's rulings on the admissibility of a confession. The highest state court would have the final say. It is no surprise that Senator McClellan of Arkansas and other Southern conservatives pushed for this provision. Negroes and poor white have not always received justice in some Southern courtrooms, and only the power of Federal judges to intervene has righted some glaring injustices.

The regressive language concerning confessions barely survived in committee on a 9-to-9 tie vote. The full Senate ought to throw out this language, along with another section of the bill that is equally inimical to individual freedom. It would deny to the Supreme Court and other Federal courts the power to review criminal convictions in state courts on writs of habeas corpus.

The original purpose of this bill, as proposed by the Johnson Administration, was to channel Federal funds to local police and judicial agencies. That purpose survives, but the Southerners in subcommittee provided that Title VI of the 1964 Civil Rights Act would not apply in dispensing the moneys. This is the title that bars Federal funds to any local government agency which practices racial discrimination—as many Southern police forces do. Although the full committee softened this provision somewhat, the effect would still be to permit Federal money to go to Jim Crow law-enforcement agencies, an intolerable prospect.

A positive feature of the bill is its ban on the mail order sale of pistols and revolvers. The same ban should be extended to rifles and shotguns. But even though this newspaper has long endorsed gun control, we would not purchase that desirable reform at the price of a dangerous attack on the authority of the Supreme Court.

Attorney General Clark already has made clear the Administration's "grave reservations" about using key sections of this bill. This is an encouraging start in a necessary fight. Politically attractive as it is to be against crime and for "safe streets" in an election year, responsible officials must not countenance a destructive and demagogic attack on the authority of the Federal judiciary.

[From the Salt Lake Tribune, May 5, 1968]

Criminals' Rights Also Your Rights

Since they never expect to be charged with crime themselves, a growing number of Americans are calling for a loosening of legal procedures and elimination of some judicial safeguards they feel have worked to the advantage of lawbreakers and contributed to the nation's mounting crime rate.

Pressure to stop "coddling criminals" has taken the form of attacking recent U.S. Supreme Court decisions defining and elaborating on the rights of accused persons. Critics say the court has, by its interpretations of the Constitution, greatly hampered law enforcement. They now are moving to restrict the court's field of review and undo what they see as some of its most objectionable decisions.

A heated battle between opponents and supporters of the court can be expected any day in the Senate which is beginning consideration of the Johnson Administration's crime bill. In its original form this legislation contained no attempt to handcuff the court but two senators, Sam J. Ervin Jr. (D–N.C.) and John L. McClellan (D–Ark.) mustered enough strength in the Judiciary Committee to have their anti-court provisions tacked on.

The provisions would: 1. Reverse the Supreme Court's landmark Miranda ruling which held that confessions were inadmissible unless the suspect had first been warned of his rights.

The amendment declares instead that voluntariness shall be the sole criterion of the admissibility of a confession in federal courts.

2. Reverse another decision which said that suspects in police lineups were entitled to counsel by declaring that eyewitness testimony that a defendant had participated in a crime was admissible in any federal court regardless of the circumstances of the lineup.

3. Reverse a third decision which interpreted the federal rules of criminal procedure as requiring that no confessions be admissible if they were given during an unreasonable delay between arrest and arraignment of the defendant.

4. Abolish the jurisdiction of the federal courts to review state convictions in habeas corpus proceedings.

5. Abolish the jurisdiction of the Supreme Court and all other federal courts to overturn a state court's findings that a confession was voluntary or that a lineup identification was admissible.

Provisions one and two appear to be unconstitutional because Congress cannot reverse a Supreme Court decision interpreting the Constitution merely by adopting contrary procedural rules. The third provision raises no legal problem since Congress enacted the rules of criminal procedure and therefore has the right to change them.

There is doubt about constitutionality of the fourth provision and the fifth proposal touches on one of the most sensitive unanswered questions about the Constitution: Does Congress have power to block the Supreme Court from enforcing a controversial doctrine by passing a statute abolishing the court's jurisdiction to consider appeals on the subject?

The court itself held in 1869 that Congress does indeed have broad power to putter with the court's jurisdiction but Congress has steered away from doing so because of the obvious danger of upsetting the checks and balances system which is an integral part of American democracy.

We are glad the long gathering battle over the Supreme Court is about to break on to the Senate floor. In the long run the best interests of all citizens will be served by defeat of the five Ervin-McClellan amendments.

Backers of these amendments are taking the short-term view. They want convictions at the cost of full justice and they choose to ignore the subtle fact that by denying a criminal the right to full protection under the law they also are denying all people that right. As former Justice Tom C. Clark has noted "It happens that most cases are tested out by criminals but if they are deprived of these rights, you, too, lose them."

Today's upright citizen could possibly run afoul of the law tomorrow. The real question raised by the Ervin-McClellan amendments is not one of what rights criminals should have, but one of deciding what rights all members of this republic want for themselves.

[From the Atlanta Journal and the Atlanta Constitution, May 5, 1968]

Folly in the Senate

The Senate Judiciary Committee has reported the Safe Streets and Crime Control Bill, but somewhere in the process of that panel's deliberations what was a notable tool for reform in the administration of justice has become a frightening piece of legislation.

The bill as it was sent to the Senate this week would legalize wire tapping and other electronic invasion of privacy and seriously restrict the criminal jurisdiction of the federal courts, including the Supreme Court of the United States.

The temper of these mutilations of a good bill is rather hysterical. They would demolish the effectiveness of the landmark decisions which the Supreme Court has made on the admission in trial court of eye-witness testimony and confessions.

In making these decisions, the high court underlined the guarantees every American is given in the Fifth and Sixth Amendments. This bill, as it stands, diminishes those guarantees.

Specifically, the bill would deny the federal courts the right to review writs of habeas corpus and state trial court decisions on admission of testimony of alleged eye-witnesses and the voluntariness of confessions.

The habeas corpus procedure is not to be tampered with, and we are appalled that any senator, however narrow his view, would think to undermine a fundamental aspect of American liberty.

This protection against illegal imprisonment is a right dear to this nation's heart, and it is a right deserving of protection, including the federal judiciary's. To limit that protection is folly.

Folly, too, is an apt word to describe other sections of the bill. The right of privacy guaranteed in the Constitution has been violated—and is being violated—with shameful flamboyance by federal and state agencies. The sophisticated means of snooping that these agencies have developed call to mind George Orwell's novel of Big Brotherism—"1984."

The Supreme Court has effectively limited these privacy-invaders. At least, the court has ruled that what they learn is not admissible evidence. Instead of permitting wire-tapping and the like, the Senate should look to the evils of such practices. They far out-reach any value such snooping has in law enforcement.

Who suffers? The people do. The rights we are guaranteed in the Constitution have held this nation together far more than the stock of our armories or the hot air of our politicians.

The Senate should remove these objectionable sections.

[From the Morgantown (W. Va.) Dominion News, Apr. 25, 1968]

SENATE BILL RESTRICTS RIGHTS OF APPEAL

Our American heritage includes the right to a fair trial and the right to appeal through state courts and, if constitutional rights or other federal issues can be shown, the right to appeal to the Supreme Court of the United States.

Sometimes the high court's actions in protecting the rights of individuals and groups with which we disagree cause us concern and provoke widespread criticism.

If the courts are to be swayed by public criticism or political considerations, then we do not have justice.

If legal procedures and constitutional protections are not assured by the highest federal court to everyone, even those we despise, we are all in danger of a breakdown of our form of government with its checks and balances of power among the legislative, executive and judicial branches.

Members of the Supreme Court are appointed for life and are removed from the pressures exerted on local and state courts.

Many people deplore safeguards of the law as interpreted by the Supreme Court regarding criminals. The Court has held that any accused man has the right to have an attorney present in making statements to police and that police and prosecutors can not force prisoners to sign confessions or other self-incriminating evidence.

A legislative attack on Supreme Court powers and the rights of citizens to appeal to U.S. courts from state court decisions relating to admission of confessions as evidence in trials has been made in Senate Bill 917.

The Judiciary Committee, headed by Senator Eastland of Mississippi, has adopted an amendment (Title 2) to the Safe Streets Bill which would remove the right of appeal from state courts to Federal courts for review of decisions on admitting confessions. The amendment would remove defendant's rights to a writ of habeas corpus to Federal Courts.

This is a concern of all free men, especially West Virginians who do not have an automatic right to appellate court review of a criminal conviction, a right most states grant in their constitutions.

The much criticized Supreme Court decision on confessions has not resulted in fewer convictions, a recent survey showed. It has required police and prosecutors to prepare better evidence than sometimes was the case when police could use force to obtain confessions, even from innocent prisoners.

The amendment to the Senate bill would lessen everyone's rights under the law and should be removed on the floor of the Senate.

[From the Washington (D.C.) Post, May 6, 1968]

ATTACK ON THE COURT

The effrontery of the Senate Judiciary Committee in recommending Title II of the crime bill is surpassed only by the manner in which its sponsors are now attempting to persuade their colleagues to pass it. The four provisions of this section of the bill have been presented on the Senate floor merely as revisions in the rules of evidence and in the procedures for federal court review of state criminal cases. They have been more accurately described by 35 members of the Harvard Law School faculty as making "far reaching . . . changes in the working of our constitutional system." They are, in fact, as serious an attack on the judicial system as the one beaten back in the 1950s and far more serious than the ill-fated "court-packing" plan of the 1930s.

For example, one section of the legislation would compel the Supreme Court to accept any state supreme court finding that a confession was voluntary. That would return the law to where it was prior to 1936 when the Supreme Court said it couldn't agree with Mississippi that a man had confessed voluntarily when his confession came after he had been hanged twice from a tree limb and then tied to the tree and beaten until he confessed. Cases like this still arise. Last December, the Supreme Court unanimously said it couldn't agree that a man confessed voluntarily when he made a statement after he was stripped naked and confined in a box six feet long and perhaps 12 feet wide for 15 days; the box had nothing in it except three prisoners and had one opening, a hole that served as a commode. The State of Florida saw nothing wrong with that and neither do the sponsors of this part of the crime bill. Their proposal would bar the Supreme Court from acting in cases like these; this according to Senator McClellan, would be restoring "a sound rule."

Another part of this same Title II is an effort to deprive the federal courts of the power to issue writs of habeas corpus to state prisoners. This simply means that regardless of how bad a state court system might become and regardless of how flagrantly Federal Constitutional rights might be violated the federal courts would have no effective way of dealing with the situation. Some Senators may wish to place their liberty solely in the hands of state court judges but most Americans, we believe, are not eager to give their Federal Constitutional rights to the tender hands of the courts of some states. Senator Tydings was right in saying that this provision "would roll back a century of progress in American constitutional law and restore American criminal procedure to the Dark Ages."

The other provisions of Title II are similarly misguided. They would create havoc with the American judicial system and they deal with some of the delicate problems in the administration of justice with a meat ax.

[From the Washington (D.C.) Post, May 9, 1968]

THE COURT'S ANSWER

Except for the fact that the Senate is now debating several proposals designed to limit the role of the Supreme Court in criminal cases, the Court's decision Monday on self-incrimination would go unnoticed. The decision is a narrow one as the Court's work goes and of relatively little importance. But the timing of it and the language Justice Black used in announcing it underline the conflict between the Court's view of the Constitution and the view held by the backers in the Senate of Title II of the Crime Bill.

The Court's decision was that a man who is in jail and who is being questioned about his income tax returns must be warned that anything he says may be used against him in a criminal case, that he has a right to have a lawyer with him when he is questioned, and that he can remain silent if he chooses. The holding is directly in line with the Court's decision in the *Miranda* case which is the decision that the first part of Title II attempts to overturn.

This effort by the Senate to upset *Miranda* is of doubtful constitutionality, as even some of its most vigorous proponents have admitted. Their goal, they say, is to convince the Court that it was wrong. But the Court's reiteration of its belief in the rightness of its decision should give them little hope. Referring to *Miranda* as a "great case," Justice Black said that "however much it may be criticized, (it) was an earnest, honest attempt by this Court to perform its duty under the Constitution to enforce the Fifth Amendment."

The Senate would be well-advised in its current debate to remember that a fundamental principle of the American legal system is that a defendant is considered innocent until the Government proves him guilty. The Fifth Amendment's bar against self-incrimination and the Sixth Amendment's guarantee of the right to counsel were designed to reinforce that principle. Undoubtedly it would be easier to convict defendant without these protections. What the Court has tried to do in the decisions now under attack is to make these protections meaningful. What Title II of the Crime Bill attempts to do is to pretend these protections exist but strip them of any real meaning. It is good to know that the Court wants no part of that kind of sham.

[From the Washington (D.C.) Star, May 3, 1968]

CRIME FIGHT: THE CLUB VERSUS THE WALLET

(By Dana Bullen)

At a cocktail party, in the barber shop, even in the Senate of the United States, one of the fastest ways to get people hot under the collar these days is to start talking about the crime problem.

Everyone has the answer.

For one group, it is a simple matter of "getting tough" on crime by removing court-ordered "technicalities" that prevent the police from doing their job.

One "technicality" is the Supreme Court's Miranda decision two years ago banning police use of confessions obtained from suspects who have not been effectively warned of their rights. Another is the 1957 Mallory decision barring use of confessions in federal courts in cases in which there is an unnecessary delay in a defendant's appearance before a magistrate.

A second group sharply disagrees. In its view, the only real way to "get tough" on crime is more money. Along with gun control measures, this group's answer is more financing for everything from police radios to probation officers.

The crime bill reported to the Senate floor several days ago embodies both views.

In line with President Johnson's crime messages, it would provide $100 million the first year and $300 million the second year to stimulate better police training and crime-fighting techniques.

A pilot program—with a fraction of the money the administration's bill would provide—already has shown what can be done.

New York, for example, is developing a statewide television system for identifications. A national survey of police laboratory needs is under way. Some 650 small and medium-sized police departments have been afforded improved officer training programs.

The bill before the Senate, however, does not stop here.

It also would undo controversial Supreme Court decisions, strip federal courts of part of their jurisdiction, permit wiretapping in a variety of circumstances and provide for limited gun controls.

Although the wiretapping and gun control sections are sufficiently controversial by themselves to keep senators talking for weeks, the main showdown is shaping up over the proposals to undo Supreme Court decisions and restrict the power of the federal courts.

Specifically, these parts of the bill would:

1. Blunt the Miranda decision by making "voluntary" confessions admissible in federal courts despite failure of the police to advise a suspect of his rights.
2. Scrap the Mallory decision by providing that a confession would not be inadmissible in a federal court solely because of delay in arraigning an arrested person.
3. Abolish the authority of the Supreme Court and other federal courts to review a state court's finding that a confession was voluntary or that a line-up identification was admissible.
4. End the authority of federal courts to examine state criminal convictions in habeas corpus proceedings.

The proposals, by their very terms, virtually rule out any chance of a face-saving compromise between proponents and opponents.

In the report accompanying the four proposals to the Senate floor, eight of the Senate Judiciary Committee's 16 members charged that "it simply makes no sense" to exclude "voluntary" confessions.

"No matter how much money is spent . . ." the report said, "crime will not be effectively abated so long as criminals who have voluntarily confessed their crimes are released on mere technicalities."

But what is one man's "technicality" may be another's constitutional right.

In a speech several days ago discussing the Miranda case and other rules, retired Justice Tom C. Clark put it this way:

"While I dissented in most of these cases, it is fair to say that these protections are necessary under our system of ordered liberty. A person is only so free as all persons are free; and you are protected from unlawful action only to the extent that all persons are protected. It happens that most of the cases are tested out by criminals but if they are deprived of these rights, you, too, lose them."

The question before the Senate, then, is not just what rights criminals should have. It is what rights all members of a free society want for themselves.

One opponent of the confession and court review proposals, Sen. Joseph D. Tydings, D-Md., charged that the damage that could be done to our constitutional system if Congress approves these sections "is literally staggering."

Instead of helping in the war on crime, Tydings said in a Senate statement, approval of the anti-Supreme Court proposals in the crime bill would lead to "chaos" in law enforcement.

[From the Boston (Mass.) Christian Science Monitor, May 4, 1968]

CONFESSION REVIEWS: CRIME BILL PINPOINTS CHALLENGE TO COURT

WASHINGTON.—After 36 hours of continuous interrogations by police "relays" accompanied by systematic beatings, the Negro defendants in a famous case in Mississippi confessed and were sentenced to death. The Mississippi court ruled that the confessions had been given "voluntarily."

The Supreme Court of the United States, in 1936 in a historic decision by Chief Justice Charles Evans Hughes (Brown v. Mississippi), overruled the decision.

The right of the Supreme Court to review the voluntariness of confessions accepted by state courts would be revoked by one of the sections of the omnibus crime control bill now under debate in the Senate.

"At one stroke this proposal would destroy one of America's firmest bulwarks against barbarous forms of law enforcement," declared Louis H. Pollack, professor at Yale University Law School.

GUN PROVISIONS ATTACKED

But Sen. John L. McClellan (D) of Arkansas, floor manager of the bill, says this and accompanying provisions are necessary to combat crime. In a 284-page report he declares that "our citizens are fearful, terrorized and outraged," and they "demand and deserve relief from this scourge of lawlessness which today imperils our internal security."

The bill also contains mild provisions to control sale of firearms. These are under blistering attack by the sportsmen's and firearms lobby.

Senator McClellan and other conservatives are making what amounts to a direct attack on the Supreme Court for "coddling" criminals.

It is a new instance of the classic clash between the rights of society (as seen by Mr. McClellan) and the rights of the individual (as seen by the Supreme Court).

Mr. McClellan says self-confessed rapists and murderers are allowed to go free. He cites hideous examples.

The Supreme Court has demanded how such confessions were obtained and whether a defendant's constitutional rights were protected in the process. Its defenders cite hideous examples, too.

The Supreme Court has led a drive in recent years to try to impose stricter safeguards over the operation of state judicial processes brought in question particularly in the South and particularly for Negro defendants.

LAW DEANS COMMENT

Shock and astonishment over the bill is expressed by professors and deans of law schools polled by Sen. Joseph D. Tydings (D) of Maryland, an opponent of this provision (Title II). In a batch of replies, 150 legal scholars, including 13 law school deans from 28 law schools, unanimously oppose Title II. Many doubt constitutionality.

"It would virtually abolish habeas corpus for persons convicted in state courts," says David P. Currie of the University of Chicago Law School.

"I regard Title II as fully as ominous an assault on the Supreme Court as the court-packing proposal of the 1930's; in some respects more insidious," says Dean Francis A. Allen of the University of Michigan Law School.

"We will live in a nation that will have become more like the totalitarian governments of the fascist and Communist world," says Dean Harold C. Warner of the University of Tennessee College of Law, in a letter signed by eight other law professors.

These arguments do not convince Senator McClellan.

"We will never have safe streets," he told the Senate, "until we put the criminals in the penitentiaries where they belong."

REVERSAL URGED

It is necessary to reverse recent Supreme Court decisions, Mr. McClellan says, because the court has "lost judicial balance and is subjugating the rights and safety of society to privileged exploitations and atrocities by the criminal."

In Miranda v. Arizona the Supreme Court required that police warn the suspect that he has a right to remain silent and the right to the presence of an attorney.

In United States v. Wade the court held the suspect has a constitutional right to counsel during pretrial confrontations.

These and similar decisions would be undercut or removed by the pending measure.

CALIFORNIA SUPREME COURT JUSTICE DEMONSTRATES THAT MIRANDA DECISION DOES NOT HAMPER LAW ENFORCEMENT

Mr. TYDINGS. Mr. President, I have recently received a most interesting letter from the Honorable Stanley Mosk, an associate justice of the Supreme Court of California, setting out in detail statistics which indicate that the Miranda decision and other court decisions protecting the rights of individuals have not hampered effective law enforcement. Critics of the Supreme Court have constantly asserted that in past years, as court decisions strengthen the constitutional protections of the individual, law enforcement has been adversely affected. But the statistics cited by Justice Mosk from the State of California—which has an enlightened and progressive court system, and whose supreme court adopted a ruling identical to that set out in the Miranda case well before that decision in the U.S. Supreme Court—indicate that law enforcement has not been harmed.

I ask unanimous consent that the letter from Justice Mosk appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF CALIFORNIA,
San Francisco, Calif., May 9, 1968.

Hon. JOSEPH TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I wish you well in your efforts to prevent legislative emasculation of Supreme Court decisions which have been based on constitutional guarantees.

You may find useful some California statistics which I have compiled to demonstrate that there is no significant relationship between crime figures and court decisions.

First of all, it must be borne in mind that crime statistics are based on the number of arrests. This may mean more crime, but it also means more effective law enforcement and more accurate crime reporting. The effect of court decisions on crime and criminals is determined by the results *after* arrest. The test is not how many arrests are made, but whether defendants charged with serious crimes are now being turned loose. An analysis of this subject reveals there has been no effect whatever upon criminal convictions by recent landmark decisions.

At the end of World War II, the year 1947, there were 10,209 persons convicted of felonies in the 58 counties of California. By 1950, the number was up to 12,375. From that year until this, there has been an increase in the total number of criminal convictions in California, despite all the controversial court decisions that are supposed to be handcuffing our police. In 1955, there were 15,236 convictions; 1960, 24,816; 1965, 30,840; and in 1966, the last year for which we have complete figures, a new high was reached: 32,000 convictions of felonies.

One might suggest this increase was due to California's phenomenal population growth. Yet, we can take the percentage of persons charged with felonies who were actually convicted. In 1947, 80.5 percent of those accused and tried of felonies were convicted. In 1950, the figure was about the same, 80.6 percent. But then, instead of dropping as a result of landmark court decisions, the percentage of convictions has generally gone up. In 1955, the percentage of convictions was 85.4; in 1960, a new high was reached: 87.4. For each succeeding year, the figure has fluctuated between 85 to 87 percent.

When *Escobedo* and *Miranda* were announced, many law enforcement people, news commentators, editorial writers and assorted politicians feared that no longer would suspects confess or plead guilty. Here again, figures disprove the apprehensions. In 1947, 8,190 criminal defendants pleaded guilty. In 1950, the number was up to 9,914; in 1955, the figure was up again: 11,930. By 1960, the number increased to 18,619 defendants who pleaded guilty. And 1966, our last complete record, shows the highest number in our state's history, 23,089 defendants pleaded guilty.

From 1947 to 1966, percentagewise, between 61 and 69 percent of all persons charged with felonies pleaded guilty, regardless of prevailing protective court decisions.

What do all these figures indicate? They show that from 1947 to 1966, the number of convictions of defendants in California rose from 10,000 to 32,000—more than tripled. While our population has risen, it has never reached that astronomical rate. The rise in criminal convictions disproves critics' complaints that court decisions have been a handicap to the administration of criminal justice. Quite the contrary, the figures establish that firm and severe justice is being dispensed in California today.

Thus, on the whole, a dispassionate study should convince anyone that our courts are more effective, deterring crime more vigorously, and convicting more guilty defendants than ever before in our history. It is comforting to know that this is being done while our Supreme Courts in Washington and in California remain alert to the guarantees of the Bill of Rights bequeathed to us by our Founding Fathers. It will be a sorry day for America if the expediency of crime control is able to affect our American judicial process and persuade our courts to be any less concerned over individual constitutional rights.

Sincerely yours,

STANLEY MOSK.

TITLE III AND "JUICE" RACKET

Mr. PERCY. Mr. President, next week the Senate will, in all probability, consider title III and the several amendments that are pending thereto. As a cosponsor of the original bill upon which title III is based, I intend to support that title of the bil as written, and I am very hopeful that the Senate will approve those provisions of the title which will allow official electronic surveillance of organized crime activities, under court supervision.

The necessity for a concerted law-enforcement effort to rid the Nation of the terror and corrosive effects on our society of the mob has never been greater. As a Senator who represents an area which is a major stronghold of the Mafia, I am still shocked and saddened when I read and am exposed to accounts of syndicate activities that prey on the poor and disadvantaged, and threaten the freedoms and security of many of our citizens. The testimony received in the Select Committee on Small Business this morning represents a frightening—and tragic—account of the operations and effects of one of the Mafia's most insidious rackets: the loansharking or "juice" racket.

In hearings presided over by our able colleague, the junior Senator from Florida [Mr. SMATHERS], the committee heard testimony from three Chicago witnesses on the juice rackets in Chicago. Mr. Charles Siragusa, the executive director of the Illinois Crime Investigating Commission, was accompanied by his chief investigator, Mr. Robert Walker, and a third witness who could only be identified to the committee as "Mary Smith" because of the danger to her occasioned by her testimony against the mob. Her husband murdered by the underworld, she lives in constant fear she will be recognized by them, and further terrorized.

Mr. President, let me say that it is a tragic situation when a citizen of our country must live in constant fear and shun public places out of fear of retribution for simply doing one's duty as a citizen. The contrast between this forthright, courageous, though anonymous witness and the arrogant defiance of the committee by one "Fifi" Buccieri, one of our Chicago mobsters, presented in the sharpest terms the dimensions of the problem we as a nation face in confronting organized crime.

Messrs. Siragusa and Walker are men of vast experience in dealing with organized crime. We in Illinois are fortunate to have them on the job there. They presented a striking testimony to the committee which has compelling relevance to the debate we will shortly have on title III, and I ask unanimous consent that their statements prepared for the committee be inserted in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

IMPACT OF ORGANIZED CRIME ON SMALL BUSINESS—LOAN SHARK ACTIVITIES

(Remarks of Charles Siragusa, Executive Director Illinois Crime Investigating Commission, on May 16, 1968, before the U.S. Senate Select Committee on Small Business)

I am indebted to Senator Charles H. Percy for his gracious introduction.

Mr. Chairman and distinguished members of your Committee. On behalf of the Illinois Crime Investigating Commission, we compliment you highly for conducting the first nationwide expose of the degrading, highly profitable, and economically debilitating criminal usury racket. I am so concerned that I am now in the process of writing a comprehensive, non-fiction book on the subject.

I am honored you invited me to participate in your public hearings.

The Illinois Crime Investigating Commission Act was adopted by the 1963 General Assembly. We became operational in December of that year when I was appointed its Executive Director.

Our bi-partisan Commission is composed of 4 State Senators and 4 State Representatives appointed by the majority and minority leaders of both houses. The Governor appointed 4 Public Members.

We have 2 Co-Chairmen, one from each party.

As Executive Director I have the responsibility of the day-to-day supervision of 15 investigators, 1 Legal Counsel and 1 Auditor.

Our Act specifically recognized the influence of Organized Crime in the frequent subversion of governmental, political and economic institutions within the State of Illinois.

The Act clearly defined our mandates. (1) To investigate organized crime and establish the facts and general background relating thereto, (2) to investigate individual crimes having any bearing on Organized Crime, (3) to investigate the connection of organized crime and politics and (4) the connection with legitimate business.

In that context it is our obligation to protect the public safety, public peace, public health, public morals, public welfare or public justice of the State of Illinois through the statewide investigation of organized crime.

I shall address my remarks to the thrust of your public hearings, namely the operations of Organized Crime in the loan sharking area and the impact on Small Business.

During my 4 and ⅓ years with the Illinois Crime Investigating Commission and about 24 years with the Federal Bureau of Narcotics much has been said about the criminal syndicate's involvement in legitimate business. This has been usually characterized as penetration or infiltration. In recent years the term of domination becomes more appropriate.

There has been little evidence of gangster involvement in large commercial and industrial complexes. But there has been monumental documentation of the Mob's huge participation in what would constitute your definition of Small Business.

In Illinois we don't use the label of loan sharking or shylocking for the despicable practice of loaning money at usurious rates of interest. In the East the term of "Vigorish" is applied to the 10 to 25% weekly interest rate.

Instead, we cloak these practices under the more appropriate title of "JUICE". It is a juice loan. Juice is also applied to the weekly payments which are in excess of 500% annually.

A witness testified before us that the word is synonymous with squeeze. The juice customer is squeezed of his blood, morale and soul. The pressure of meeting 500% annual interest rates and fleeing inexorable physical reprisals, when he can't pay, are often unbearable.

As you know the term "Shylock" derives from the character of the same name in William Shakespeare's "Merchant of Venice". Over the years the name was applied to any one engaged in the usurious money lending business in the American underworld. The word "Shylock" was unintentionally slurred by gutteral, illiterate hoodlums. The word came out as "Shark".

Juice gangsters in the Chicago area epitomize the words of Shakespeare's Shylock. In addressing Bassanio who was seeking a loan, he said ". . . if you repay me not on such a day, in such a place, such sum or sums as are expressed in the condition, let the forfeit be nominated for an equal pound of flesh, to be cut off and taken in what part of your body pleaseth me".

The late William "Action" Jackson, a petty Chicago muscleman, failed to meet his weekly juice payments. He was strung up alive, on a meat hook, while the juice men cut off a piece of his buttocks, stabbed him with ice picks, and burned him with an acetylene torch. He died from shock.

How do these activities affect small business? The National Crime Commission assessed the economic impact of gambling at $7 billion dollars annually. Ranked next were narcotics and loan sharking at an annual economic impact of $350 million dollars each.

Juice gangsters also squeeze the financial community. Small businesses are denied their rightful share of this economy. Banks, savings and loan companies, finance companies, acceptance companies, factors lose their normal share of the legal loan business to organized crime loan sharks.

Licensed financial institutions and otherwise legally constituted lending and credit companies, many of them within the framework of Small Business, are squeezed out of their lawful rates of interest when individuals and small business, in need of financial assistance, go to the juice gangster.

Small business engaged in the sale of consumer goods and services are denied income juice victims must pay in the form of high rates of interest.

The Illinois Crime Commission continues its investigation of the juice racket, started in 1965.

In 1966 we solved two armed robberies and successfully prosecuted several defendants. They needed the money to pay off their juice debts. We also arrested and convicted top juice gangster operators Willie Messino, George Bravos and their cohorts Joseph Lombardi and Sam Mercuiro on charges of aggravated kidnapping, battery and conspiracy committed before the criminal usuary law was enacted.

My Chief Investigator, Mr. Robert J. Walker will testify before you today concerning Mession, et al., the horrible anatomy of a juice gang.

We held our first juice racket public hearings from January 14 through 16, 1966. We exposed, for the first time in Illinois, the nature and scope of this venal organized criminal activity.

Twelve juice victims testified in detail as did two of our undercover agents. Thirteen suspected juice gangsters were subpoenaed but took the Fifth Amendment to a total of 1,026 questions.

We questioned these hostile witnesses concerning 16 gangland murders, crimes of arson, armed robbery, assault and battery, intimidation, kidnapping, torture, B-girls, vice, gambling, hijacking, counterfeit stock schemes, narcotics, embezzlement, income tax evasion and fraud, and a host of other organized criminal activities.

We discovered that many of the juice gangsters were engaged in a wide range of legitimate businesses, including, but not limited to, restaurants, restaurant supplies and services, trucking, juke box, vending machines, furniture distribution, household appliances, and others.

Some of the gangsters operated sales acceptance and factoring companies as covers for their juice operations.

Another 12 gangsters refused to comply with our subpoenas, contesting their validity and the validity of the Commission itself. They were Fiore "Fifi" Buccieri, his brother Frank Buccieri, Joseph Grieco, Joseph "Gags" Gagliano, two former Chicago Police officers Richard Cardi and Albert Sarno, Dominick Carzoli, Patsy Ricciardi, Pete Ori, Tony Spilotro, Lenny Patrick and Arthur "Boodie" Cowan.

We filed petitions with the Cook County Circuit Court in Chicago. The mobsters were to appear before our Commission. The court orders were appealed unsuccessfully to the Illinois Supreme Court. The U.S. Supreme Court refused to grant certiorari. In the interim Arthur "Boodie" Cowan was murdered in gangland fashion.

Eight of the 11 respondents finally appeared before our next public hearings on February 24, 1968, more than two years later. They too invoked the Fifth Amendment a total of several hundred times.

Albert Sarno, Chris Cardi and Patsy Ricciardi were the subjects of a court petition to grant them immunity from self-incrimination. We expect to file written arguments on or before April 22, 1968.

Three of the original 11 respondents, Fiore 'Fifi" Buccieri, Joseph "Gags" Gagliano and Joseph Grieco, appeared before us on March 23, 1968, at our next public hearings. They too pleaded self-incrimination.

A very courageous widow, Dorothy Franchina, testified that Joseph Grieco gave her husband a $300 loan. He was a full time employee of a local Chicago newspaper. Doctor and hospital bills depleted all his earnings. He was compelled to go to juice gangster Grieco for a $500 loan.

Tony Franchina experienced frequent trouble in meeting the weekly 10% juice interest payments. One night he was dropped at his wife's doorstep badly beaten and bloody.

In May, 1964 Grieco and two of his henchmen tried to kidnap Mrs. Franchina's 5 year old kindergarten son, Michael. His father was again overdue on his payments. Mrs. Franchina frantically begged $30 from her grocery store boss when a telephone call said she may never see her son again.

Another time she was told they would get her enough male customers so she could earn $100 a day and thereby meet her husband's payments. Unfortunately, there is a 3 years statute of limitation on kidnapping.

Mr. Franchina had paid about $1,000 in interest without ever reducing the principal before he finally took his life with a bullet to the chest.

At our March 23, 1968 hearings evidence was adduced from 5 uneducated negro employees of a glue factory, who made juice loans from a nearby clothing store owned by one Marvin Browning, an associate of Chicago area gangsters Charles and Sam English. They paid 20% interest a week and signed blank wage assignments.

The assignments were served upon the negros' employer. Each week 15% of their salaries was withdrawn and paid to the clothing store. One of the employees had been the subject of wage assignments for the past 19 years, coinciding with the full length of his employment. The period of the other continuing juice loans ranged upward from 10 years.

We intend to prosecute Browning, his brother-in-law Guido Smania and the latter's brother Emil Smania, in state court, on charges of criminal usury, consumer fraud, and illegal operation of a tavern.

We established that before World War Two, the juice racket was relatively insignificant in Illinois. Previously only the so-called disreputable thugs would stoop to shylocking. It was considered to be undignified and penny-ante.

Our experience indicated that during the post World War Two period organized crime discovered the tremendous profits to be made from loan sharking. Organized crime now considered this activity as most respectable.

Today gangland leaders finance juice operators, loaning them $50,000 and upwards at an interest rate of 1 to 5%. They usually want their principal returned plus this rate of interest within a few weeks. The financeers work on volume and fast turnover.

These loans usually supplement the large bankrolls already in the possession of the juice operators.

We investigated one juice gang, composed of just 5 men, that in one year, with an initial investment of about $200,000, managed to grant loans in excess of $350,000 to a total of about 150 persons.

At the end of the year the gang earned almost that amount in weekly interest payments and return of principal. And it still had about $200,000 due it in unreturned principals.

The structure of this one juice faction and its modus operandi are typical of the many others in the greater Chicago area.

Gangs have three sections, one distributes loans, another collects the weekly juice payments and the last are the musclemen and enforcers who threaten, intimidate, maim and ultimately murder those marked as total dead beats.

The customers are from every walk of life, legitimate and otherwise. One common denominator is the urgent need for money with false hopes of speedy repayment.

Compulsive gamblers accumulated too many losses from their bookmakers. The latter sold the debts to juice men much as a businessman would sell promissory notes or discount their accounts receivables.

The stick-up man, the burglar, the hijacker, for example, need money for legal and bail bond fees. Or in between "scores" he needs money to tide him over. Again he goes to the juice man.

Or the bookmaker holds out on his collections and fears certain retribution for his sins. He knows where he can find a juice man and runs to him.

Underworld sources represent a secondary fountain of revenue. Those without criminal records, the average man of middle or low income and the small businessman, account for the bulk of the juice man's fortune. Following are a few actual case histories.

The uninsured motorist was involved in a traffic accident and had to furnish a financial responsibility bond.

The unskilled worker was behind on his automobile installment loan and had to avert repossession.

The unemployed stevedore suffered family sickness with large unpaid hospital and doctor bills.

The automobile salesman lived much beyond his means. He owed more money to credit and finance companies than his salary could sustain. Somehow, someway they all expected some miracle to solve their financial dilemmas.

The salesman or even a management officer found it expensive to maintain a wife and family, and a mistress. He hoped to hide his financial woes from his wife. He too was ripe for the juice man.

The small business man wanted to take a flyer on the expansion of his plant. Another needed earnest money to bind a deal. Another was compelled to pay advance commissions of $150,000 to a mob mortgage finder who never did deliver on his part of the contract.

The juice racketeers do not advertise for business. Bartenders overhear the groans and laments of the worker across the street from a large factory or office building. The bartenders refer the prospective customers to the man at the other end of the bar who knows a man who knows a man. Manytimes it is the first man who is the direct representative of the juice gangster.

We determined another recruitment method. One fellow building contractor discussed his money problems with a colleague in the same industry. The latter referred him to a savings and loan institution. The loan officer broke the sad news that the applicant lacked adequate collateral or his financial statement was too scrawny.

However, the loan officer said, "I know an individual who may loan you the $20,000". Five figure loans are called "classic" loans in the jargon of the juice gangsters.

There are two methods of granting a loan and repayment of it. The borrower pays 10% weekly interest. The principal can be paid back whenever convenient. Or loans must be amortized, at the rate of 10 to 20% a week interest, within a previously stipulated period, usually only several months. If, however, the principal is paid off before the expiration of the period, the juice customer is still obliged to pay the interest which would have accrued for that period.

As yet there is no threat, there is no violence. Should a borrower not be in a position to repay the principal, but only the weekly juice, this is entirely satisfactory and preferable.

We know of innumerable instances where an aggregate $1,000 in interest was paid over a long period on a loan of $100. And the $100 principal was still outstanding.

When the day arrives the juice customer can not pay, his peace is rudely interrupted. The collector reminds him that the boss has a hot temper, wants the money on time, or else.

One man ran around frantically to his close friends and relatives. He succeeded in meeting the next payment and pay the arrearage. The next week he could not come up with the juice. He didn't answer his phone at home. Calls to his office or plant were avoided.

He was soon cornered on the street. Another time he received a visit at home from two plug uglies he never saw before. Fist blows fractured his jaw, and broke his ribs. Another delinquent received a few taps on his shin bone with a junior league baseball bat. His wife and children were terrorized. Baseball bats and short pieces of iron pipe have become tools of the trade for the juice enforcers.

As additional punishment delinquent accounts are given arbitrary, flat assessments. Or the interest rate is raised to 15% a week. Or the principal is doubled with the interest payments also doubled.

The human collateral also comes in for the muscle treatment. He is the man who introduced the juice customer. As such, he is the collateral for an invisible paper promissory note. By organized crime's ethical criteria and policy, he is held equally and fully responsible.

The co-signer adds to the pressure already exterted on the juice customer. If his entreaties don't culminate successfully, he, the co-signer must make good for the debt or suffer the same beating. So he either begs the borrower to pay or himself assaults the borrower.

When neither the borrower nor the co-singer find it possible to pay up, the co-signer sometimes winds up as the compulsory finger-man. The juice victim is taken for a ride, riddled with bullets, and thrown in the trunk of his own car. The juice gangsters arrange for the car to be parked so that the police find it.

Discovery of the murder is a warning to other delinquent juice customers. They get the message with stark emphasis. The news headlines don't cost these gangster animals at dime of advertising space.

Occasionally the juice customer borrows money from mobster A to pay mobster B. The customer has broken the unwritten code. A juice mob will never cut in on another's territory. The juice customer gets knocked around just enough to teach him a lesson when he purposely causes one juice faction to unwittingly violate this unwritten edict.

In Illinois, as elsewhere, ordinary usury laws are too broad to permit successful criminal prosecution. Consequently, we adopted a new law in 1965. It prohibits an annual rate of interest in excess of 20% annually. It generally forbids anyone to engage in commercial lending without being duly licensed by the State. Violation of this law is liable to a penitentiary term of maximum 5 years.

In 1967 we attempted unsuccessfully to amend the law to include provisions making possession of loan sharking records illegal per se, and to compel licensing and control of acceptance and factoring companies. We also failed to have the criminal usury law also cover indebtedness. For example, our State law does not yet consider a gambling debt as being a loan. Consequently, a gambling debt converted into a juice debt, is not legally a violation of our criminal usury statute.

We were also unable to secure passage of still another amendment making it unlawful for even a licensed lending institution to charge more than 20% annual interest rate.

We also proposed that some business loans, now exempt from licensing, be compelled to charge no more than 20% annually.

RECOMMENDATIONS

I would recommend the following for your consideration:

(1) Draft a model, uniform criminal usury law for distribution to the Governor, legislative bodies, and Attorney General of every State.

(2) Include in the model law the substance of the existing Illinois criminal usury law, a copy of which I will give you. A copy of the New York State Law would also be very helpful.

(3) Include the amendments we attempted to pass in the 1967 General Assembly. I also brought them with me.

(4) Study the advisability of provisions making violators, upon conviction, liable for treble damages based on amounts of money paid in excess of 20% annually.

(5) Passage of a federal law to provide financial assistance to state authorities, upon approval and certification by the United States Attorney for the appropriate federal, judicial district, in relation to state prosecutions for violation of criminal usury laws. Such financial assistance should be limited to subsistence, housing and transportation for complainants and their dependents, whenever such assistance is essential for a successful court prosecution and state authorities lack sufficient financing.

(6) Passage of a federal law making criminal usury a felony when a person or persons have travelled across state borders in furtherance of this activity. Perhaps an amendment could be made to the Interstate Travel in Aid of Racketeering statute.

I would add parenthetically that this would not be in lieu of responsibilities of state governments to enforce their own criminal usury laws, but rather supplemental thereto.

(7) Amend the Small Business Act to provide that recipients of S. B. Administration loans engaged in any phase of money lending activities, can not charge more than 20% interest annually, under penalty of imprisonment. Loan applications could include this requirement.

(8) Another amendment could be that any person, group or company convicted of criminal usury in state or federal court be ineligible to apply for or receive a loan from the Small Business Administration for the next 10 years.

(9) Local offices of the Small Business Administration should be encouraged to screen questionable loan applicants with federal and state law enforcement agencies.

(10) Section 8 of the Small Business Act provides for the dissemination of information concerning the managing, financing, and operation of small business enterprises. Perhaps it can be amended to include dissemination of information concerning criminal usury activities to encourage small business to apply for loans from the Small Business Administration rather than go to the juice racketeers.

(11) Section 7 of the Small Business Act provides for research grants. You may wish to amend this section to authorize such grants for studies of existing state, usury laws.

In conclusion, juice or criminal usury racketeers seriously encroach upon small business men engaged in the legitimate field of money lending. Loan sharks deprive legitimate business of millions of dollars of income. Loan sharking is on the incline, with the accompanying threat of robbing more millions from more small business men.

The urgency to suppress the juice loan racket conforms with the policy of Congress, as expressed in Section 1 of the Small Business Act which states in part: ". . . the preservation and expansion of competition within free enterprise is basic not only to the economic well-being but to the security of this nation . . ." Thank you.

Impact of Organized Crime on Small Business Loan Shark Activities

(Remarks of Robert J. Walker, Chief Investigator Illinois Crime Investigating Commission, on May 16, 1968, before the U.S. Senate Select Committee on Small Business)

Mr. Chairman and Mr. Senators. My name is Robert J. Walker, I am the Chief Investigator of the Illinois Crime Investigating Commission. I have been employed by our Commission since May 26, 1964. Before that I was with the Chicago Police Department for 8 years.

Mr. Siragusa has given you details of criminal usury or "juice" racket operation in the Chicago area. I will attempt to furnish you a summary of our investigation of one specific juice mob faction.

The case started on July 29, 1965 when juice victims George Chiagouris and his two brothers Jack and Al came to our office. The case ended on August 17, 1965 when we arrested gangsters George Bravos, aged 57, residing at 715 North Pulaski Road, Chicago; Sam Mercurio, aged 47, residing at 3257 North Nottingham, Chicago, and Joseph Lombardi, aged 32, 221 South 30th Garden Apartments, Bellwood, Illinois.

The principal defendant Willie Messino alias Wee Willie alias Willie The Beast, aged 51, of 2037-77th Avenue, Elmwood Park, Illinois, escaped but he surrendered a few days later.

Messino, Bravos and Lombardi were convicted in Cook County Circuit Court, Chicago on charges of aggravated kidnapping, aggravated battery and conspiracy. Mercurio was convicted on conspiracy charges. The trial started on December 19, 1966 and ended January 21, 1967. The jury was out 8½ hours.

Defendant Messino received a sentence of 10 to 30 years; Bravos received 5 to 20 years; Lombardi 7 to 20 years, on April 25, 1967. Mercurio was sentenced on June 8, 1967 and received 5 years probation, the first 30 days to be served in the County jail. All the convictions were appealed.

I will explain briefly why these defendants were not prosecuted on the fundamental usury violation. The witness-victims borrowed a total of $165,000 during the period from June 23, 1964 until July 1965. They paid $163,000 mostly in interest and still owed $124,000. Since the events antedated the passage of Illinois' criminal usury law in 1965 we prosecuted the defendants for kidnapping, battery and conspiracy. In effect, justice was done because penalties for these crimes exceeded the 20 years maximum prison term provided for in the criminal usury statute.

Nevertheless, the news media in Chicago characterized this as the first successful "juice" case prosecution in Illinois.

Juice victims George, Jack and Al Chiagouris were successful small businessmen. They owned a thriving construction company engaged in modest priced private dwelling housing developments.

They had an opportunity to purchase a Chicago loop hotel at a significant bargain price.

Their outstanding loans with licensed banking institutions did not permit an additional loan from them. The lure of a bargain lead them through a long path of violence and severe, mental anguish.

They discussed their financial dilemma with Sandor Caravello, a colleague in the construction business. The Chiagouris brothers were told they could obtain the necessary $50,000 earnest money but the interest rate would be higher than usual. The Chiagouris brothers hesitated, but only briefly.

The brothers were subsequently introduced to Sam Mercurio, a director of the Service Savings & Loan Association, at 7666 West 63rd Street, Summit, a Chicago suburb. Mercurio advised them his association could not extend the loan but he knew friends who could.

On June 23, 1964 the brothers arrived at Caravello's carpeted, wood panelled office. Seated behind the desk was Willie Messino. Also present was George Bravos. "We need $50,000" Albert Chiagouris said.

Messino explained that the interest would be 40%, a total of $70,000 to be paid back in 47 weeks. The payments would be $1,500 a week for 46 weeks and $1,000 on the 47th week.

Two days later the brothers returned. Messino counted out $50,000 in cash. At Messino's directions Jack Chiagouris typed out 10 judgment notes, nine for $7,500 each and one for $2,500, a total of $70,000.

All 3 Chiagouris brothers signed the notes, Messino retained the originals and the brothers kept the carbon copies. Bravos added that the final security on the loan would be the brothers' eyeballs.

At that point Messino introduced Joseph Lombardi as the weekly collector of $1,500. They were instructed to put the cash in an envelope, mark the number 24 on the envelope and leave it for Lombardi at Caravello's office.

After Messino and Lombardi left, Caravello implored the Chiagouris brothers for a $15,000 loan from the $50,000 they had just

received. He was to repay it in a week, but he never did.

The brothers made 3 weekly juice payments of $1,500 each, but their financial plans were snagged. They had expected to liquidate some of their holdings to obtain an additional $100,000 necessary to seal the option on the hotel purchase, and to realize enough cash to cancel their $50,000 loan from Messino and Bravos. However, the liquidation did not materialize.

The Chiagouris brothers returned to Messino and Bravos and succeeded in obtaining a second loan, this time it was $100,000 in cash currency. The terms were repayment of $10,000 at the end of the 35 days, another $10,000 35 days later, and $110,000 on the 105th day. The loan of $100,000 was secured with a $130,000 promissory note.

When Messino and Bravos departed the brothers were opportuned by Caravello for another $25,000. They never saw that money again or the original $15,000 they had loaned to Caravello.

The Chiagouris brothers continued making their $1,500 weekly payments but could not meet their $10,000 payment on the $100,000 loan. A parking lot rendezvous was arranged to explain their predicament, Jack Chiagouris was behind the wheel of his auto. The window was open on his side. Without warning Messino shot his fist at Jack's jaw.

Messino threatened that unless the large payment was made soon, he would impose a tax of $1,000 a day for every day the brothers were late.

Two days later the Chiagouris brothers made their weekly $1,500 payment on the first loan, and paid $10,000 on the second loan. They also paid the tax of $2,000 for the two days they were late; a total of $13,500.

Keeping up with the payments on the two loans from Messino and Bravos became so burdensome the Chiagouris brothers asked Mercurio for help in getting Caravello to repay them all or part of the $40,000 due them. Instead Mercurio repeated the confidence to Messino and Bravos.

The time arrived for the $110,000 payment. In the Flying Carpet Motel cocktail lounge at 6465 North Mannheim Road, the gangsters threatened to put a bullet in the head of each of the 3 brothers.

Bravos stipulated new terms. Thereafter they would pay $10,000 every month until such time as they could make a one lump payment of $100,000. Bravos said this would continue if the victims had to make monthly payments the rest of their lives.

Also present in the cocktail lounge was Caravello. He was punched about the face, kicked in the shins and threatened with murder for "breaking the rules." Caravello had, after all, taken $40,000 of their money from the Chiagouris's. His life was spared.

Thereafter the brothers paid $10,000 a month on the so-called re-financing of the second loan. They were also still paying the $1,500 weekly on the first loan.

In March 1965, however, they could only pay $8,000 of their $10,000 obligation. Messino and Bravos threatened to choke them until their tongues hung out. The terrified men were also given another arbitrary tax of $2,000 on top of the $2,000 balance for that month.

The brothers made their regular monthly and weekly payments on the 2 loans, plus the above assessment, until May 1965. Lombardi collected the payments from them at the Bonfire Restaurant, 7900 West Grand Avenue, Elmwood Park, Illinois.

Once again the brothers could not come up with the money. As instructed, George and Jack Chiagouris reported to the picnic area of the Bonfire Restaurant. Albert Chiagouris was afraid to keep the appointment.

Messino and Bravos were furious. Messino punched Jack, fracturing his jaw. He also walloped George in the face, kicked him in the ribs and kneed him in the groin. They were both worked over thoroughly until they agreed to locate Albert.

Bravos said he would hold them as personal security until Albert showed up. At the court trial two years later George Chiagouris testified ". . . In the meantime Mercurio had arrived. A tooth was out of my mouth, my lip was all swollen, the side of my face was swollen, there was still some bleeding, I couldn't stand erect, I couldn't breathe too readily . . . the whole left side of Jack's face was swollen, he was holding his hand to his face . . . he couldn't stand straight . . ." Messino and Lombardi had inflicted all the punishment.

The brothers had a trust account at the Chicago City Bank valued at $140,000. They promised to make an assignment on the trust, to Mercurio, with Messino and Bravos having the real but undisclosed interest.

George and Jack telephoned their homes, leaving word for Albert to be at the bank the first thing next morning. George and Jack were forcibly taken to the home of Messino's mistress where they were held overnight, literally kidnapped and held for ransom.

The morning of May 8, 1965 George and Jack Chiagouris were taken to the Chicago City Bank & Trust Company, 63rd & Halsted, Chicago, where Albert awaited them. There were 22 buildings and some vacant land in their trust. The Reliance Federal Savings and Loan, 2000 West Cermak, Chicago, had mortgages on the houses. The Chicago City Bank & Trust Company, held the first assignments of the beneficial interest in the trust. The Chiagouris brothers' attorney held the second assignment for past, unpaid services. A third assignment was then signed over to Mercurio by each of the brothers.

The juice victims were now released from custody. A few days later new promissory notes were executed, totalling $124,000. The new schedule of payment was $1,500 a week for the original loan of $50,000 on which they had already paid back $70,000. Monthly payments on the $124,000 would be temporarily suspended but they would resume until the entire sum was paid back in installments, or in toto.

The time arrived when the Chiagouris brothers had difficulty in meeting their legitimate mortgage obligations to the Reliance Federal Savings & Loan. In order to protect their third beneficial interest in the Chicago City Bank & Trust, Messino gave the Chiagouris brothers a $15,000 cash loan, payable in 90 days, interest of $900 a month, with a promissory note of $17,400 as security. Messino's greed again blinded his business acumen.

By July 28, 1965 the brothers were at the end of their rope. They were without any money, and were several weeks behind on their payments. They stayed away from their office and their homes, fearing that any moment either Messino or Lombardi or Bravos would find them and do the worst.

This is when they came to our office and poured out the preceding narrative. They furnished us some documentary evidence and other undeveloped leads which we subsequently verified. However, it was Director Siragusa's wish that we obtain additional, direct evidence to strengthen our case further. Consequently we planned and put into operation an appropriate undercover scheme.

We discussed the investigation with Cook County State's Attorney Daniel P. Ward, who is now a Justice of the Illinois Supreme Court, and enlisted his financial assistance.

We made a list of the serial numbers of $1,500. On July 30, 1965 I accompanied George Chiagouris in his automobile to the Red Steer Restaurant at 8800 West Grand Avenue, River Grove, Illinois, where he had to keep his regular appointment with collector Lombardi.

In a few minutes Lombardi arrived in his car, parked, and walked over to us. In my view George gave the $1,500 to Lombardi, stating I was his brother-in-law. Other agents of our office watched from vantage points in the parking lot, and took photographs of the event.

On August 2, 1965 a second meeting was held between George and Jack Chiagouris and Lombardi, at the Red Steer Restaurant. Surveilling agents also took photographs of this incident. At that time George and Jack made another payment of $800.

The Chiagouris brothers tried to delay another meeting with collector Lombardi. Jack and Albert went into hiding. George got himself admitted to a hospital, for a rest. Lombardi left violent telephone messages at Jack's home.

Consequently, George telephoned Lombardi from the hospital to plead for time. Lombardi threatened to "come choke him a little". Therefore, George agreed to bring his brother Al the following day to the La Salle Hotel.

I walked in with George and Jack Chiagouris. Shortly thereafter Lombardi entered with Messino. Messino motioned for the brothers to follow him into the bar. I protested, saying I wanted to be present. Messino told me Lombardi would sit with me in the lobby.

George Bravos now walked by me and went toward the bar. I made conversation with Lombardi in an effort to obtain more corroboration of past events concerning these juice transactions. I told Lombardi that as George's brother-in-law I had given him the money for the last two payments.

I volunteered that I was concerned for George's safety because of the beating he suffered a few months before, like the broken jaw Jack received from him and Messino. Lombardi said it could have been worse than a broken jaw.

I asked Lombardi why it had been necessary to get rough with the Chiagouris brothers. Lombardi replied they had certain methods of collecting debts from delinquent customers. He also admitted "having given Jack and George a couple of slaps".

I asked Lombardi if there wasn't some way to settle all the debts. Lombardi replied that only Messino and Bravos had the power to do that.

Inside the bar Messino heaped foul language and threats of violence on George and Jack Chiagouris because they had continued to duck their payments. George made another payment to Messino giving him $1,500. Bravos, who was seated at the bar, then walked over to the table, to join the conversation. Bravos cautioned the brothers to stop the nonsense hereafter and make their payments on schedule, or else.

Another meeting was arranged for noon August 5th at Stefano's Restaurant, Damen and Chicago Avenues. I accompanied Jack and George. Messino was there. He said he had another appointment and would see us later that afternoon at Morreale's furniture store at 3742 West Chicago Avenue.

We kept the appointment at the furniture store. Messino did not want to talk to me. Instead he took Jack and George into the private office there. They told Messino they had an opportunity to cancel out their debt to him but would like a rebate. Messino magnanimously said he would accept $75,000 to wipe out the outstanding debt of $124,000.

As I left the store with Jack and George, Messino waved goodbye to me.

We later decided to close out the case because we were not in a position to make any payments to the juice gang. Coordinated arrests were made on August 17, 1965. Lombardi was arrested at the Sahara Motel, 3800 North Mannheim Road, Schiller Park, Illinois.

This establishment was formerly owned by Manny Skar, a Chicago hoodlum who was murdered in gangland fashion on September 11, 1965. It was later determined the motel had received a million dollar loan from Marshall Savings & Loan Association, Ogden & Harlem, Riverside, Illinois. That Association was placed in receivership by the State of Illinois.

Bravos was arrested at his A–1 Industrial Uniform Company located at 1217 North Oakley Boulevard, Chicago.

Caravello was found at his Bee-Gee Builders, 5420 North Harlem Avenue, Chicago. He was formerly associated with the Northlake Community Hospital, Northlake, Illinois, when it was named the Dr. Bruni Memorial Hospital. Dr. Bruni was later convicted in federal court on counterfeiting charges.

Messino was seen on the street coming out of the Chicago Linoleum & Tile Company, 3816 West Chicago Avenue, in which Messino was suspected of having secret financial interests. He became suspicious of the surveillance agents and escaped, running down alleys and vaulting back-yard fences. Because of the many motorists and pedestrians in the vicinity I fired only one warning shot, straight up into the air, but to no avail.

Mercurio was arrested at the Service Savings & Loan Association. He had $1,500 in cash in his possession. This Savings & Loan was taken over by the State of Illinois on September 1, 1965 because it was unable to pay dividends to its shareholders. At one time he was also the president of the Michigan-Erie Insurance Company, 645 North Michigan Avenue, Chicago.

Messino surrendered to us on August 23, 1965 saying he did not want to take the chance of us shooting him on sight if we saw him on the streets. He said he heard we had been looking for him armed with shotguns. Messino was correct because we considered him to be extremely dangerous.

Messino has the following criminal record: March 29, 1935, sentenced to 1 year to life, Joliet Penitentiary for armed robbery.

November 25, 1940, paroled from Joliet penitentiary.

April 11, 1946, Investigation in Dallas, Texas.

April 20, 1953, Investigation in Chicago.

March 11, 1958, Conspiracy and Extortion, found not guilty in Chicago.

December 31, 1963, Aggravated kidnapping in connection with another juice case in Chicago. He was found not guilty.

Bravos was first arrested on March 9, 1944 for investigation in Chicago and on August 8, 1959 for disorderly conduct in Arlington Heights, Illinois. He is the intimate associate of gangster Dave Yaras of Chicago and Miami Beach.

Joseph Lombardi was arrested on January 3, 1963 for burglary, but he was released. On December 9, 1963 he was again arrested for burglary, and released.

Sam Mercurio has no prior criminal record.

Our conspiracy case against Sandor Caravello was dismissed. He has the following criminal record:

On January 3, 1934, he was arrested for armed robbery, but was later acquitted. On December 30, 1936, he was arrested on charges of election fraud, found guilty and sentenced to the penitentiary from 1 to 5 years.

He was paroled from the penitentiary on December 23, 1940 and discharged from parole on September 11, 1942.

In my 12 years of law enforcement experience this was probably the roughest and toughest high echelon mob faction I encountered. A twenty four hour guard is still maintained on all three of the Chiagouris brothers, and for good reason.

The court prosecution was handled by Assistant State's Attorneys Patrick A. Tuite, who is now Chief of the Criminal Division, and George P. Lynch who since left the State's Attorney's office to engage in a private law practice. These 2 young men did a masterful job unfolding an intricate web of diabolical criminal usury and in besting 4 middle aged, highly competent and experienced defense counsels.

I would also like to acknowledge the excellent cooperation we received from Mr. John Stamos, who succeeded Judge Ward as Cook County State's Attorney, and his first assistant Mr. Louis Garippo.

Thank you.

PRESIDENTIAL CANDIDATE RICHARD M. NIXON

Mr. CURTIS. Mr. President, a very capable mentor of mine when I first entered politics often said, "You have to run for office when there is an opportunity." The truth of that statement is well known. There seems to be a time in history when the people turn to a particular man for some great task.

Since the New Hampshire primary there have been some very significant developments. I believe that Mr. Nixon's hour has arrived. The people at the grass roots are responding to the clarity and courage of Mr. Nixon's statements. He is offering leadership that means progress for our Nation and a turning away from those things that have so blighted our country in recent months.

Mr. Nixon's win in Indiana was a significant one. It showed strength and it showed that the people are turning to him. Probably one of the most significant primary elections held has received a lesser amount of publicity. I refer to the State of Pennsylvania.

Pennsylvania is an important industrial State. It is an eastern State that lies adjacent to the State of New York. Most of the statewide leadership of the Republican Party of Pennsylvania looked with favor upon the candidacy of the Governor of New York. No names were printed on the ballot. It was a fair race. Observers cannot escape the meaning of the returns, for in that race Mr. Nixon led the Governor of New York by about 3 to 1.

The people of Nebraska spoke through their primary election last Tuesday. Based upon the returns from 2,109 precincts out of a total of 2,133, the results of the Republican primary are as follows:

Nixon	135, 325
Reagan	41, 831
Stassen	2, 626
Liberator	1, 281
Rockefeller	10, 172

In addition, more than 2,200 Democrats wrote in the name of Richard Nixon on their primary ballot. As the remaining scattered precincts come in and as the mail vote is counted, Mr. Nixon's vote will likewise increase.

Mr. President, the write-in of a name in a Nebraska election is a very simple matter. There are no technicalities concerning spelling or other marks on the ballot that interfere with the proper tabulation of the votes so long as the intent of the voter can be ascertained. In 1952 Senator Robert A. Taft won the Nebraska Republican presidential preference vote on a write-in. There were 79,357 such votes for Mr. Taft. On the same day, 66,078 persons wrote in the name of Dwight Eisenhower. In 1964, the only name on the Nebraska ballot was that of Senator Goldwater, yet Mr. Nixon received a write-in vote of 42,811.

Mr. President, Mr. Nixon's victory in Nebraska, where he received 71 percent of the vote in a contest with four other contenders, shows that he is the people's choice.

Today there was a further development in the Nixon campaign which reveals the trend. This afternoon at 2 o'clock a news conference was held by our brilliant, efficient, and attractive colleague, the distinguished junior Senator from Tennessee [Mr. Baker]. At that news conference, Senator Baker withdrew as a favorite son presidential candidate from his native State of Tennessee and declared his support for Mr. Richard Nixon. This is the first withdrawal of a declared favorite son in favor of Mr. Nixon, but it is only the beginning. It appears that the domino theory is about to operate.

Mr. President, I ask unanimous consent that Senator Baker's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Howard H. Baker, Jr., Republican, of Tennessee, Washington, D.C., May 16, 1968

I am grateful for the endorsement of all nine Congressional Districts in Tennessee of my favorite son candidacy for the Presidential nomination at the Republican National Convention in August. However, I wish to decline that honor. I will support Richard M. Nixon.

I do so, not because I have known Dick Nixon for many years, which I have; nor because I have great affection for him, although I do; nor because he campaigned for me in my race for the Senate in 1966. Rather, I support him because I am firmly convinced that he is the candidate most keenly tuned to these times, that he will be the best campaigner in 1968, and the best President in 1969.

I have listened carefully to Mr. Nixon's speeches and carefully read his published statements of the last several months. I find in those statements imagination, vitality, compassion and firmness.

I know personally of his strong support for a society of laws which offer justice and equal opportunity to every man in housing, jobs and voting. I applaud his equally strong condemnation of those who would forget that order, as well as justice, is essential to a lawful society. And I thoroughly agree with his rejection of the trends of centralism which pervade Washington today and his insistence that there be a return of power from the bureaucracies in Washington to the people at home.

I believe he will be able to capture the mood of the Nation and point a New Direction for America.

As a result of my decision, the favorite son candidacy, which was never designed as a vehicle for personal gratification or obstructionism, no longer serves a necessary or even useful purpose. I hope to lead a unanimous Tennessee delegation to the Republican National Convention in support of Richard Nixon.

NUCLEAR POWERPLANT TO BE BUILT NEAR PALO, IOWA

Mr. HICKENLOOPER. Mr. President, a few weeks ago, an innovation in electric power production occurred in this country, in my home county of Linn, near Cedar Rapids.

At that time, agreement was reached between the Iowa Electric Light & Power Co. in Cedar Rapids, the Central Iowa Power Cooperative, and the Corn Belt Power Cooperative for the construction of a 550-megawatt nuclear plant.

This is the first combination of investor-owned and cooperative power structures in this country which will work together for the production of such a plant.

Mr. Duane Arnold, president of the Iowa Light & Power Co. issued a statement on May 10 on this subject, and I ask unanimous consent to have it printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> Duane Arnold, President of the Iowa Electric Light and Power Company, Cedar Rapids, Iowa, issued the following statement on May 10th:
>
> "Officials of Iowa Electric Light and Power Company, Central Iowa Power Cooperative and Corn Belt Power Cooperative today completed signing of a statement of intent whereby the two cooperatively-owned groups will become joint participants with Iowa Electric in the Duane Arnold Energy Center, Nuclear Power Plant to be built near Palo. It will be the first time in the history of the nation's electric power industry that investor-owned utilities and cooperatively-owned suppliers will share ownership of a nuclear plant."
>
> Mr. Arnold, who joined Central Iowa Power Cooperative's Mr. W. E. Adams and Corn Belt Cooperative's Mr. Richard Buckner in the ceremony, stated:
>
> "This is another progressive step toward making modern abundant and lower-cost electric power available to as many Iowans as possible, since it will broaden the sharing of the economies of the new 550-megawatt nuclear plant. From the time of their original concept, cooperative power groups have served primarily rural areas, and their power requirements are generally not large enough to warrant the huge expenditure for nuclear plants of an efficient size. Thus, this move extends to the rural areas the opportunity to take advantage of the economies of electric power produced by a nuclear-fueled plant."
>
> Under the agreed letter of intent, the undivided ownership of the Duane Arnold Energy Center will be Iowa Electric (800/0), Central Iowa Power Cooperative (100/0) and Corn Belt Cooperative (100/0), with each party being responsible for the financing of its respective percentage. Provisions for extending similar participation in ownership of a second 550-megawatt nuclear power generating unit are included.
>
> As the predominant owner, Iowa Electric will be solely responsible for the design, construction, operation and maintenance of the plant. Each party will receive the production benefits and bear an equitable share of the costs and expenses in proportion to percentage of ownership.
>
> Sutherland Dows, Iowa Electric's Chairman, amplified the significance of the event in stating, "While this is a 'first' for Iowa Electric in the nation's new nuclear fuel utility industry, close cooperation and mutual assistance have existed between our three organizations for over 20 years. We three made believers of those who thought investor-owned and cooperatively-owned utilities could not work together in harmony and for the advantage of all their customers and/or stockholders. To us and to the entire utility industry, it shows that, far from being a threat to the cooperatively-owned power suppliers, nuclear generation through such participation plans as ours is to their best advantage."
>
> "Iowa Electric (Cedar Rapids), Central Iowa Power Cooperative (Marion) and Corn Belt Cooperative (Humboldt) serve over 265,000 customers in the same or contiguous areas in 70 counties in Eastern, Central, Northwestern and Southwestern Iowa."

THE TARIFF COMMISSION'S REPORT ON MINK FUR SKINS

Mr. JAVITS. Mr. President, I wish to address myself now to the Tariff Commission's report on mink fur skins.

In view of conflicting points of view with respect to the state of economic health of the domestic mink producers and the effects of imports of mink fur skins on prices of mink fur and proposals to impose an import quota on this commodity, I call attention to the April 8 report of the U.S. Tariff Commission on mink fur skins.

As the Senate will recall, during last session numerous quota bills were introduced in the House and the Senate which would have restricted the importation of mink fur skins on the grounds that a 1966–67 decline in the world price of mink fur skins—and hence a decline in the U.S. domestic price—was occasioned by increasing U.S. imports of these skins. The President requested that a complete investigation should be made by the Tariff Commission. His request stated:

> The report of the Commission shall include (but not be limited to) data with respect to U.S. consumption, domestic production, imports, exports, prices, employment, the financial returns to domestic producers, and the effect of imports on the industry.

As I stated earlier, proponents of the import quota legislation blamed imports for the decline in prices. The distinguished Senator from South Dakota, testifying before the Tariff Commission, on December 5, 1967, said:

> In my home State of South Dakota, I know of many small ranchers who have been forced out of the mink producer business as a result of the vast numbers of mink skins which are coming into this country duty-free and thereby depressing the market price for the mink fur skins.

The Tariff Commission's report, issued after an exhaustive study of some 7 months duration, has a most interesting summing up in its introduction to the report. It reads as follows:

> The United States has long been the world's major producer and consumer of mink furskins, but its relative importance has declined as both consumption and production have increased at a faster rate abroad than in the United States. The nature of the product and the demand for it, together with the method of sale (principally by auction), have facilitated the development of a world market and, therefore, a world price structure.
>
> For many years both U.S. production and imports of mink furskins have trended upward, with imports increasing at a faster rate than output. The United States produced 27 percent of the world output of mink furskins in 1966 and accounted for 45 percent of world consumption. During the period 1963–67, imports supplied 53 percent of domestic consumption.[1]
>
> In 1967 there was a sharp drop in the price of mink furskins from the previous year. No single price figure illustrates the extent of this change inasmuch as furskins differ in quality, size, and fashion appeal. Even so, it is generally agreed that the price decline in the United States between 1966 and 1967 averaged about 25 percent for total sales. In 1961, following a period of relative stability, there had also been a sharp price decline and the price structure stabilized at the lower level. The new stability, moreover, was sufficiently below the previous level that the industry faced a different set of business conditions.
>
> In the light of the 1961 price decline, the concern of U.S. mink ranchers with regard to the 1967 price break was not limited to the difficulties it brought about for current operations. They were also apprehensive as to whether it ushered in a period of permanently lower prices which might be some 40 percent below the prices they received in the mid-1950's.
>
> The following factors contributed to the sharp decline in the average price that mink ranchers received in 1967: (1) a retardation in the economic growth of the United States and the major mink consuming countries in Europe; (2) reports late in 1966 that the world supply of new mink furskins was more than adequate to meet demand; (3) the accumulation of large inventories of mink furskins in the hands of domestic fur dealers and garment manufacturers late in 1966; and (4) the introduction of new fur dressing techniques and decisions by the Federal Trade Commission regarding their use, which caused apprehension in the trade.
>
> These factors may be short-term conditions which could be reversed or significantly modified in the normal course of a growing world economy. Mink, being a luxury product, is particularly susceptible to changes in economic conditions; even small changes in general economic conditions contribute to wide swings in the price and demand for mink.
>
> The market for mink has broadened substantially. More mink than previously is used for trim and in new styles that differ significantly from the traditional. Mink-trimmed garments utilize furskins of lower quality and smaller size. The new styles require fewer furskins and less labor per unit, thus lowering the cost of a mink garment to the consumer. The broadening market is, at the same time, both a result of, and a factor contributing to, lower average prices. In the United States imports have been particularly important in furnishing furskins for this segment of the market.
>
> These changing production, consumption, and price patterns, both in the United States and in the world, are clearly interrelated with the number and size of domestic ranches, imports, profit opportunities, and the like. Discussions of the pertinent developments, along with factual information on tariff treatment, inventories, foreign production and marketing, and technical aspects of the product and its marketing, are presented in the body of this report.

It should be noted that the report states that there were four factors contributing to this price decline in 1967:

First. Economic recession in the United States and Europe;

Second. Oversupply of world mink;

Third. Large inventories, and

Fourth. New dressing techniques which caused conflicting decisions by the Federal Trade Commission, which caused apprehension in the mink fur trade.

The report contains no suggestion that imports brought about the 1966–67 decline in prices which is the major basis for the domestic ranchers' demands for legislative relief from imports. The omission is significant, for it in effect again verifies the conclusion of the Commission in 1959, when it turned down the domestic industry's escape clause petition on the grounds that imports were not the cause of any difficulties the domestic mink ranchers might be encountering. The Commission's statement made at that time bears repeating:

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[1] The Commission's investigation disclosed that previously reported figures on mink production in the United States were overstated. Accordingly, it developed new figures which show that imports are a greater percentage of domestic consumption than previously supposed.

> On the basis of this investigation, including the hearing, the Tariff Commission finds that dressed mink skins provided for in paragraph 1519(a) of the Tariff Act of 1930 and undressed mink skins provided for in paragraph 1681 of the Tariff Act of 1930 are not being imported in such increased quantities, either actual or relative to domestic production, as to cause or threaten serious injury to the domestic industry producing like of directly competitive products. Accordingly in the judgment of the Commission no sufficient reason exists for a recommendation to the President under the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended.

Domestic mink growers will have a full opportunity to make the case for quotas at open hearings on trade and tariff problems on June 4, to be held by the Ways and Means Committee.

Because the Tariff Commission's report has such an important bearing on the claim that imports have harmed this U.S. industry, I urge my colleagues to review this report carefully.

URBAN TRANSPORTATION

Mr. JAVITS. Mr. President, on February 26, 1968, the President submitted Reorganization Plan No. 2 of 1968 to the Congress. This reorganization plan, which has now gone into effect, transfers the administration of the urban mass transit program from the Department of Housing and Urban Development to the Department of Transportation.

No resolution of disapproval was filed in this body and, accordingly, no hearings were held on this reorganization. I chose not to file such a resolution, because, on balance, I favored this transfer, as proper administrative procedure. However, the reorganization plan submitted by the President and his accompanying message raised—and failed to answer—several questions about the division of responsibilities between the two departments and the interrelationship of urban mass transit and overall urban development planning.

Accordingly, in an exchange of correspondence with Secretaries Boyd and Weaver, I pose those issues which I believe still unresolved by this transfer of functions. In particular, I believe it crucial that transportation systems be planned, constructed, and designed in relation to overall urban planning and development, and in relation to broader social values. Moreover, the construction of transportation facilities must be utilized as an opportunity to save, rather than destroy, the neighborhoods through which they pass. For these reasons, it is crucial that the Department of Housing and Urban Development preserve an active role in approving those transportation projects which have a relationship to overall urban development.

In addition, it has been repeatedly stated that it is the objective of Federal policies to seek the establishment of unified and balanced transportation systems in our metropolitan areas. Indeed, the President, in the message which accompanied Reorganization Plan No. 2, stated that an objective of an urban transportation system must be to "combine a basic system of efficient, responsive mass transit with all other forms and systems of urban, regional, and intercity transportation." This reorganization holds out the promise of a unified Federal transportation effort which will be able to set priorities within and between varying modes of transportation and to allocate resources accordingly. There are, however, no specific guidelines to effectuate this purpose.

I am concerned about the role to be reserved to the Department of Housing and Urban Development, so that it will be enabled "to assure that urban transportation develops as an integral component of the broader development of growing urban areas," and the steps to be taken by the Department of Transportation to assure the coordination of Federal transportation programs and, within each metropolitan area, integrated and balanced transportation systems.

The response of Secretaries Boyd and Weaver does set out the responsibilities of each Department upon the completion of this transfer. I believe it is important that this information be placed on the public record. Most importantly, this exchange of correspondence indicates that criteria and operational arrangements must be developed in order to make Reorganization Plan No. 2 effective:

> We recognize that we have much to do in developing detailed guidelines and operational arrangements necessary to carry out the President's Plan.

The two Departments involved should be given a period of time to establish these guidelines. However, since these criteria and arrangements are, admittedly, necessary to the completion of the reorganization, they should be made public once they have been developed. Moreover, the Congress has a continuing oversight role with regard to the transfer of urban mass transit functions and in insuring that it is fully carried out.

Mr. President, I ask unanimous consent that this exchange of correspondence with the Secretaries of Housing and Urban Development and Transportation be inserted in the RECORD. In addition, I urge the Secretaries of Housing and Urban Development and Transportation to set a deadline for the development of these guidelines and arrangements and to make public and to submit a report of such criteria to the Government Operations Committee of each House of the Congress. In this manner, the Congress would maintain its oversight role and could seek to insure that this reorganization is fully carried out so as to achieve the stated objectives of Federal policy. The criteria, once publicly disclosed, would serve to guide future actions and operations of the Departments of Housing and Urban Development and Transportation in planning and developing urban transportation systems.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 17, 1968.

Secretary ALAN S. BOYD,
Department of Transportation,
Washington, D.C.
Secretary ROBERT C. WEAVER,
Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: On February 26, 1968, the President submitted Reorganization Plan No. 2 of 1968 to the Congress. This Reorganization Plan would transfer the administration of the urban mass transit program to the Department of Transportation.

As ranking member of the Senate Government Operations Executive Reorganization Subcommittee, I am particularly concerned about certain aspects of this Plan. I hope to support it, but I believe that its approval should follow not precede clarification as to the precise allocation of functions between the Departments of Transportation and of Housing and Urban Development. This information should be public and available to the Congress so that its decision on this reorganization may be informed.

In his message the President noted that, since ". . . urban research and planning and transportation research and planning are closely related . . . the plan provides that the Department of Housing and Urban Development perform an important role in connection with transportation research and planning insofar as they have significant impact on urban development . . . The Department of Housing and Urban Development will provide leadership in comprehensive planning at the local level that includes transportation planning and related it to broader urban development objectives."

Despite the stated intention of the President, it appears to me that this Reorganization Plan raises serious questions about the powers to be reserved to the Department of Housing and Urban Development. In particular, the Plan does not spell out the basis upon which the Department of Housing and Urban Development will preserve an active role in approving those transportation projects which have a relationship to overall urban development.

There is little question that the Department of Housing and Urban Development should continue to play an important role in urban mass transit planning, for there is a growing recognition that the manner in which cities develop is directly related to their transportation systems. The existence of efficient, low-cost public mass transit is a requirement, not only for proper physical redevelopment, but also for social progress and labor mobility within metropolitan areas. However, there is nothing in this Plan nor in the President's Message which specifically guarantees that these broader interests will be brought to bear on the planning and construction of mass transit lines. No specific guidelines are set forth. Thus, the necessary cooperation between the two Departments involved would seem to depend upon informal relationships and the capacity of the two Secretaries to work together at any given time.

In addition, the President's message declared that an objective of an urban transportation system must be to ". . . combine a basic system of efficient, responsive mass transit with all other forms and systems of urban, regions, and inter-city transportation." However, there is nothing in either the Reorganization Plan or in the President's Message which would set out the manner in which the Department of Transportation would proceed, with the achievement of this objective once this transfer has been completed.

While recognizing and accepting the utility of the transfer of the urban mass transit program to the Department of Transportation, and agreeing with the hopeful and important objectives implicit in this reorganization, I believe that many questions remain unanswered. It is my hope that you will endeavor to lay before the Congress the answers to these questions within the next few days so that this reorganization can be consummated without disapproval by this Body.

(1) What role will be reserved to the Department of Housing and Urban Development, so that it will be enabled ". . . to assure that urban transportation develops as an integral component of the broader development of growing urban areas?" When and how will the Secretary of Housing and Urban Development determine that given transportation projects ". . . concern the relationship of urban transportation systems to the comprehensively planned development of urban areas?"

(2) What steps will the Secretary of Transportation take to ensure that the transfer of the urban mass transit program will bring about a coordination of all transportation programs so as to permit the establishment of a balanced Federal transportation program and, within each of our metropolitan areas, integrated transportation systems?

I look forward to your response to these issues.

With best wishes.

Sincerely,

JACOB K. JAVITS.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., May 6, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We have your thoughtful letters of April 17 in which you have raised several important questions concerning the manner in which the Departments of Housing and Urban Development and Transportation would achieve the objectives of the Reorganization Plan No. 2 of 1968. These points were given considerable thought before the Reorganization Plan was forwarded by the President, and we are happy to tell you how we would plan to proceed after the transfer of functions.

The Report To The President On Urban Transportation Organization of February 19, 1968, was prepared jointly by the two Departments and goes somewhat beyond the Plan in indicating how we intend to achieve the objectives of the President. However, the detailed arrangements and the coordinating machinery for implementing the Plan will be incorporated in interagency agreements to be developed with the participation of the Executive Office of the President. The two Departments have agreed upon several provisions to be included in an implementing Memorandum of Understanding which are especially relevant to your specific question.

1. The Federal responsibility for assisting and guiding areawide comprehensive planning (including comprehensive transportation planning) by local communities resides in HUD. Criteria for urban transportation system planning are to be developed jointly by HUD and DOT.

2. HUD will advise DOT whether there is a program for a unified urban transportation system as part of the comprehensively planned development of the area. This will include the adequacy of the planning process. The HUD advice would be a prerequisite for DOT making the findings required under sections 3(c), 4(a), and 5 of the Urban Mass Transportation Act. In addition, similar coordinative relationships will be established between DOT and HUD so as to harmonize the planning process required by section 134, title 23 of the Highway Act of 1962 with the comparable planning requirements of the Urban Mass Transportation Act.

3. DOT has the responsibility for determining whether individual projects are needed for carrying out a unified urban transportation system as part of the comprehensively planned development of the urban area. However, the Memorandum of Understanding will include arrangements under which DOT will first secure recommendations from HUD in the case of those projects having a significant impact on the planned development of the urban area.

4. DOT will utilize HUD in the review of annual work programs developed by the state highway agencies under section 307(c) of title 23, insofar as these programs have an impact on comprehensive planning in metropolitan areas. DOT and HUD will develop jointly the standards and guidelines for these reviews.

5. DOT and HUD will develop jointly the criteria for federally assisted urban transportation system planning.

6. The Memorandum will provide that DOT secure HUD concurrence in the criteria for relocation planning made necessary by transportation development. DOT plans to provide HUD at an early date relocation information and will not approve any relocation plan without first reviewing the HUD recommendations.

To discharge these functions effectively will require substantial upgrading in HUD's planning staff. To accomplish this, HUD will need and rely on support from DOT as contemplated by the President's Message. The two Departments agree on the need for immediate steps to achieve this objective.

In your letter, you also asked what steps the Secretary of Transportation would take to bring about a coordination of all transportation programs.

Without question the urban planning process provides the best mechanism through which integrated transportation systems in metropolitan areas can be encouraged. It is for this reason that our two Departments have devoted such great attention to our relationships on comprehensive planning. We know that an integrated transportation system is not an objective in itself. Rather, the objective of all urban transportation systems is to contribute to the achievement of more comprehensive goals and objectives. In both Departments we realize that if urban transportation systems are implemented as a part of the comprehensively planned development of the area, it will be much easier to assure integrated and effective transportation services. Conversely, if urban transportation systems do not fit into the comprehensively planned development of the area, the mere fact that the transportation services themselves are integrated and multi-modal may be of little utility.

To facilitate the coordination of all transportation programs, the Department of Transportation has also taken certain steps in its internal organization. For example, the organization of the Office of the Secretary reflects the need for a coordinated approach to transportation. The Office of the Secretary is organized along functional lines, each major function being headed by an Assistant Secretary. These Assistant Secretaries are charged with assuring coordination across the modal lines represented by the various Administrations of the Department. Thus, a particular transportation policy or program issue is reviewed within the Office of the Secretary from a total transportation viewpoint, not fróm the viewpoint of a single mode such as highways, aviation, or rail.

In connection with the transfer of the urban mass transportation program, the existing coordinative mechanisms are being reexamined to assure their continued adequacy. While there may be a need to make some adjustments, in order to reflect the critical need for coordination in urban areas, no major reorganization is anticipated.

We recognize that we have much to do in developing detailed guidelines and operational arrangements necessary to carry out the President's Plan. However, we believe the above agreed upon points when incorporated in the Memorandum of Understanding will assure that the objectives stated in the President's Message will be met.

We welcome your interest in this important matter and would be glad to provide any further information which might be useful.

Sincerely yours,

ALAN S. BOYD,
Secretary, Department of Transportation.
ROBERT C. WEAVER,
Secretary, Department of Housing and Urban Development.

THE REPUBLICAN CONGRESSIONAL LEADERSHIP ON MIDDLE EAST POLICY

Mr. JAVITS. Mr. President, on May 3, the distinguished Senate minority leader, Mr. DIRKSEN, and the distinguished minority leader of the House, Mr. FORD, at a press conference, discussed Republican policy in the Middle East. Of particular note in this press conference is the policy statement unanimously adopted by the Republican coordinating committee and the statement by Senator DIRKSEN favorable to the United States selling Phantom IV supersonic jet aircraft to Israel, needed to maintain the arms balance in the Middle East.

I ask that there be included as part of my remarks the full text of the Dirksen-Ford Republican congressional leadership press conference of May 3, 1968.

There being no objection, the text of the conference was ordered to be printed in the RECORD, as follows:

THE REPUBLICAN LEADERSHIP OF THE CONGRESS PRESS CONFERENCE, MAY 3, 1968

Sen. DIRKSEN. Well, gentlemen, are you ready, and ladies? By the way, there will be only one statement this morning. So whenever the cameras are ready. . . .

Today marks the first day of the 21st year of independence of the State of Israel. We congratulate the men, women and children of Israel upon their extraordinary success to date.

Now the Middle East is becoming a tinderbox of fearful dimensions and the Johnson-Humphrey Administration still has no firm policy there.

It is a cold, harsh fact that unless a firm, credible policy for the Middle East is soon declared and implemented, the Eastern Mediterranean potential for World War III will take frightening root. And the Johnson-Humphrey Administration still has no firm policy there.

Nearly a year ago, and most recently this month, the Republican Party represented by the unanimous vote of its Republican Coordinating Committee, made the following specific recommendations:

1. The United States should assume active and imaginative leadership in the international community and in the United Nations to secure a political settlement in the Middle East based on the following principles:

a. An end to the state of belligerency between the Arabs and Israel and recognition by all states in the area of Israel's right to live and prosper as an independent nation.

b. As an essential part of a permanent settlement in the Middle East, the United States should insist on, and aid in, the rehabilitation and resettlement of the more than 1 million Palestine Arab refugees who have been displaced over the past 20 years.

c. The United States should join with other nations in pressing for international supervision of the holy places within the City of Jerusalem.

d. The United States should continue to strive for international guarantees of innocent passage through international waterways, including the Straits of Tiran and the Suez Canal.

2. The United States should propose a broad scale development plan for all Middle Eastern States which agree to live peacefully with their neighbors. This should include the bold imaginative Eisenhower-Strass Plan to bring water, work and food to the Middle East by construction of nuclear desalinization plants.

3. The United States must fully recognize the implications of increasing Soviet activities in the Middle East and North Africa and be alert, firm and resourceful in countering them.

4. The United States, in furtherance of peace in the Middle East, should strive with other nations for agreed limitations on international arms shipments to the area; but failing such an agreement, the United States should be prepared to supply arms to friendly nations sufficient to maintain the balance of power and to serve as a deterrent to renewed open warfare.

5. Finally, the United States should make a determined effort to expose and isolate the militant troublemakers in the Middle East. We should support and encourage only non-aggressive non-Communist leaders.

The Republican Leadership of the Congress now reaffirms and again endorses each of these recommendations in its entirety. Let no American be unaware of the fact that Russia has moved into the Middle East and the Mediterranean with tremendous and increasing naval and diplomatic strength in the biggest Soviet power-grab since the end of World War II. And the Johnson-Humphrey Administration has no firm policy there.

Spearhead of the Russian Middle East policy is the modern and constantly growing Russian navy. Today, for the first time, the Kremlin has a fleet on permanent duty in the Mediterranean. It has missile cruisers, missile submarines, a helicopter carrier and amphibious landing forces with the most modern of equipment. These give the Kremlin the means of intervening in troubled countries entirely around the Mediterranean rim.

It is an ominous fact that Russia is dramatically gaining in strength at sea in the strategic, vital Mediterranean area. And the Johnson-Humphrey Administration still has no firm policy there.

The American people, so sorely troubled here at home, can no longer tolerate such blindness to the danger of World War III present today in the Middle East. We urge, no we demand, of the Johnson-Humphrey Administration that it move now with courage, clarity and firmness to assure the State of Israel and the American people that peace and progress in the Middle East can and will be won.

So there you have it.

Question. President Johnson told his news conference this morning that we would accept Paris as a site for talks . . .

Sen. DIRKSEN. Well, obviously we're delighted. That's the first sign of a little progress in this impasse and on top of that I think we can utter the hope that the preliminary negotiations will be fruitful and that they will lead to the larger more extended and more detailed discussions, out of which some kind of an accord can be reached.

Mr. FORD. I would agree with the statement made by the Senator.

Question. To go back to your Middle East statement, there's nothing in here on the question of the United States supplying military jet planes to Israel to balance the shipment of Russian jets to the Arabs. Do you feel that the United States should supply those supersonic jets to Israel?

Sen. DIRKSEN. Well, we're aware of the fact that the Soviet arms in the Middle East, of course, and have been supplied to the Arab nations. But we're aware also that the French Government from time to time has contracted to deliver arms over there and they have done so in the case of Iraq and off and on DeGaulle has evidenced an interest there and obviously that's going to have to be countered. As a result, and because of these developments that have taken place, I think the request that Israel made for some what they called the Phantom IV jets probably should be complied with if we're going to carry out what we recommended in the Coordinating Committee and have re-endorsed here; i.e., to maintain a balance in the Middle East.

Question: If memory serves, it seems in the past you have referred to the Johnson Administration and in today's statement you refer to the Johnson-Humphrey Administration. Is there any specific reason?

Sen. DIRKSEN. Oh, it seems to me that we have used this twin phrase for a good many months, as a matter of fact.

Mr. FORD. I think we started using the Johnson-Humphrey phrase at least three years ago.

Question: Did you have any inside information at the time? (Laughter)

Sen. DIRKSEN. You mean with respect to what finally happened both as relates to the President and his disinclination to again become a candidate? Of course the intrusion of the Vice President into this race. No, Frank, I had exactly no hard information on that subject, so don't ask me to qualify that word hard.

Mr. FORD. It's good Republican intuition.

Sen. DIRKSEN. Otherwise, gentlemen, it's a pretty day. (Laughter) Did I ever tell you about a fellow who applied for a job with the Telephone Company, just a little county telephone outfit, out in my home county, and there were all sorts of questions to answer. At the bottom was about 4 or 5 lines for remarks. So he filled it out and sat there puzzling about those remarks and scratched his head, and finally he wrote, it's a mighty pretty day.

Thank you for coming.

BAKER WITHDRAWS AS FAVORITE SON CANDIDATE

Mr. MUNDT. Mr. President, the news ticker has just disclosed a dramatic new development in the race for the presidential nomination, in that our colleague, the Senator from Tennessee [Mr. BAKER] has today announced his withdrawal as a favorite son, and the Tennessee delegation is putting its support behind Richard Nixon.

I have issued a press release in connection with these two developments, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Following is statement by Senator Karl Mundt, South Dakota Republican, on decision by Senator Howard Baker, R-Tenn., wtihdrawing as favorite son to support Presidential candidacy of Richard Nixon. Mundt is chairman of the South Dakota Nixon-pledged delegation to the Republican National Convention:

"The steady stream of sweeping primary victories by Dick Nixon coupled with today's important announcement of favorite son, Senator Howard Baker of Tennessee, that he is withdrawing in favor of Nixon, moves the former vice-president very close to the nomination in Miami. A primary success in Oregon later this May, if it materializes, should convince any remaining doubters that Nixon really is the one for 1968 and that he will both be nominated in August and elected to the Presidency in November.

"Americans definitely are looking for new leadership in the White House of the type that Nixon has the experience, the ability, and the decisiveness to provide. His campaign is gaining new recruits from among uncommitted delegates every day. In other States where favorite son candidates are trying to hold support to provide them with personal bargaining power at the convention, additional delegates are indicating a desire to vote for Nixon on the first ballot to avoid having their support registered only after the decision is already made.

"Senator Baker is to be congratulated on his wise decision to forego any personal bargaining power in a smoke-filled hotel room in favor of a united Republican Party behind Dick Nixon whose vote-drawing power is now an established fact for all to see. The rank and file Republicans have spoken and the message signaled to their readers rings loud and clear. It says: 'We want Nixon.'"

TIME FOR POLICY DECISION IN FAVOR OF OUR MEN BEARING THE BURDEN OF THE WAR IN VIETNAM

Mr. MILLER. Mr. President, last Monday, in a speech to the Senate, page 5363 of the RECORD, I said it is time for President Johnson to take the American people into his confidence and to tell them the facts about what North Vietnam has done during the past 6 weeks in violation of his assumption that no advantage would be taken of his restrictions on our air campaign over North Vietnam.

And I said, also, that it is time for the President to announce a policy decision which will satisfy both the United States and its allies that our men in Vietnam will not be placed in greater peril as a price for talks which, like the truce talks in Korea, could be used by the enemy as a calculated step in inflicting greater casualities upon us.

I emphasized that such a policy decision should be in favor of—and never against—our brave men who are bearing the real burden of this war; that it should be in favor of reducing—and never increasing the casualties which these men will suffer.

I said then, and I say it now, our position during the talks taking place in Paris will be severely weakened if we do not make it clear to the enemy that we are not so interested in talks as to tolerate abuse of our restraint.

I said then, and I say it now, the question of the people of this country have a right to have answered is just how many more American lives are to be sacrificed before the President orders an effective response to the escalation of the flow of troops and war materiel from North Vietnam into South Vietnam. And that response, quite obviously, is to untie the hands of our air and sea power until such time as the enemy is willing to enter into reciprocal restraint.

In an effort to get talks started, the President withdrew his rightful demand for assurances of reciprocal restraint from Hanoi. Instead he assumed there would be such a response. His assumption has proved erroneous. Press reports which I placed in the RECORD last Monday uniformly indicate that, instead of restraint, North Vietnam has done the opposite—has escalated its flow of troops and war materiel into the South. The result has been as predicted by all of our military leaders—and, indeed, as predicted, by the President himself at the White House only last February 1—more American and allied casualties. In today's Washington Evening Star it is reported from the U.S. command in Saigon that 562 Americans were killed last week—the highest of the war; and the South Vietnamese Army lost 675—the third highest total in a week during the war.

I ask unanimous consent that the article from the Star entitled "562 U.S. Dead Highest of Any Week of War" be placed in the Record.

I also ask unanimous consent to have placed in the Record an article from today's New York Times, which indicates that not only has there been a curtailment in the area of operations of our air campaign over North Vietnam, but a reduction in the sorties flown during the last 7 days.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Five Hundred Sixty-Two U.S. Dead Highest of Any Week in War: Reds Attack North of Saigon and in Central Highlands

Saigon.—North Vietnamese troops launched strong attacks today north of Saigon and in the Central Highlands as the U.S. Command announced that more American soldiers were killed in combat last week than in any week of the Vietnam war.

U.S. Command said 562 Americans were killed, 19 more than the previous record in the week of Feb. 11–17. The U.S. Command reported 5,552 enemy killed last week, no record, while South Vietnamese headquarters said 675 government troops were killed, their third highest weekly toll of the war.

A U.S. spokesman said much of the American death toll resulted from heavy action in the northernmost provinces, where U.S. Marines fought several battles last week around Dong Ha, 11 miles south of the demilitarized zone. The week also saw hard fighting in and around Saigon as American and South Vietnamese forces crushed the second enemy offensive within four months against the capital.

FIGHTING NEAR KONTUM

Allied forces reported nearly 400 more Viet Cong and North Vietnamese killed yesterday in clashes from the canal-laced Mekong Delta to the demilitarized zone. And today there were reports of more fighting in the Central Highlands on three sides of Kontum, a key provincial capital and near Khe Sanh, in the northwest corner of the country.

The Communist command appeared to be trying to keep up the military pressure to strengthen its bargaining position at the Paris peace talks. It sent troops storming at American and Australian positions and South Vietnamese outposts.

Near Khe Sanh, North Vietnamese troops fought U.S. Marines from bunkers for 7½ hours.

The heaviest fighting was around Kontum City where an allied force reported 147 North Vietnamese killed in five hours of action yesterday during which not an allied soldier was killed.

OUTPOST DEFENDERS RETALIATE

That battle was seven miles northeast of Kontum City. Today, in the darkness before dawn, North Vietnamese troops about 20 miles west of the city opened up with mortars, rocket-propelled grenades, flamethrowers and small arms on a patrol base and an outpost of the U.S. 4th Infantry Division within 400 yards of each other.

The defenders of the outpost were forced back to the patrol base, which retaliated with mortars and artillery while Air Force twin-engine AC47s armed with rapid-firing guns sprayed thousands of rounds into the enemy positions under the light of flares.

As dawn broke, the North Vietnamese pulled back but an hour later renewed the mortar attack on the patrol base. Sporadic shelling continued during the day.

Initial reports said four U.S. soldiers have been killed and 22 wounded, while enemy casualties were unknown.

ACTION BEFORE DAWN

At another 4th Division patrol base 17 miles west- southwest of Kontum City, U.S. troops killed 13 North Vietnamese before dawn, U.S. headquarters reported. No U.S. casualties were reported.

U.S. Marines patrolling the Khe Sanh area reported killing 46 North Vietnamese in a 7½-hour fight yesterday south of the Marine combat base. Seven Marines were reported killed and 21 wounded.

Australian troops manning a patrol base 25 miles northeast of Saigon threw back hundreds of charging North Vietnamese twice as the enemy launched "two determined waves of ground attacks about two hours apart" early today, the Australian Command reported.

The enemy covered their infantry assault with a steady barrage of rocket and mortar fire, but Australian and U.S. artillery fired back, and U.S. fighter-bombers raked the attackers.

The Aussies swept the battlefield afterwards and reported at least 33 North Vietnamese bodies, 17 of them inside the camp. Australian casualties were reported light.

It was the second attack this week on the base.

In another onesided battle, troops of the U.S. 25th Infantry Division reported 82 enemy soldiers killed 18 miles northeast of Saigon. The U.S. Command reported five Americans were killed and 20 wounded.

A mile away U.S. helicopter gunships caught an estimated 100 green-uniformed Viet Cong and blasted them with rockets and machine guns. The chopper crews reported 15 enemy killed, one antiaircraft weapon destroyed, and no U.S. casualties.

In three other sharp clashes yesterday, U.S. units reported 16 of their men killed and 27 wounded while killing 81 enemy troops. One of the three encounters took place deep in the Mekong Delta, where U.S. infantrymen poured out of attack boats to engage the enemy in the rice paddies.

South Vietnamese infantrymen dueled enemy forces twice in the delta. In Long An Province just south of Saigon the government troopers reported killing 29 Viet Cong. And in a skirmish 75 miles southwest of the capital government units claimed 14 enemy killed against two of their own killed and 10 wounded.

U.S. MERCHANT SHIP HIT

A South Vietnamese spokesman reported four enemy mortar attacks, the biggest 100-round pounding of a military subsector 20 miles southwest of Hue which killed one person and wounded five.

Enemy mortars also hit the U.S. merchant ship Transglobe about 12 miles southwest of Saigon, but there were no casualties.

In a delayed announcement, a government spokesman said the 9th South Vietnamese Infantry Division overran a Viet Cong prison camp in the Mekong Delta this week and freed 21 prisoners, presumably all Vietnamese. They were being held in the village of Tam Duong, 75 miles southwest of Saigon. No other details were given.

The air campaign against North Vietnam's southern panhandle, meanwhile, appeared to be slacking off despite improving weather conditions. A tabulation showed U.S. planes flew 1,513 missions against the area during the first two weeks of May, 127 less than they flew in poorer weather during the last two weeks of April.

U.S. spokesmen refused to comment when asked if the reduction was a conciliatory gesture to North Vietnam because of the preliminary peace talks in Paris.

Drop in Raids Linked to Talks: Bombing in North Reduced During the Last 7 Days Despite Fine Weather

(By Douglas Robinson)

Saigon, South Vietnam, May 15.—United States pilots have reduced the number of air raids against targets in North Vietnam during the last seven days, despite the best flying weather of the year.

The reduction led to speculation that the preliminary peace talks in Paris were influencing military strategy. It was recalled that air officers had said only recently that air strikes over the North would increase once the weather cleared.

The military command had no official comment on the matter. An air officer, however, shrugged and said, "Look at the figures and draw your own conclusions."

MORE THAN IN EARLIER PERIOD

During the last seven days, the United States has flown an average of 113 missions each day in near-perfect flying weather. During a seven-day period last month, when the monsoon season shrouded the land in heavy clouds, an average of 122 missions a day were carried out.

On April 19, when the weather over the panhandle—the area immediately north of the demilitarized zone—was described as "scattered to clear along the coast in the afternoon," American aviators flew 160 missions, the highest number since President Johnson announced a bombing curtailment on March 31.

Although the number of missions has dropped in recent days, it is still higher than the daily average of those flown during the first three months of this year against all of North Vietnam.

Since the President's announcement, which was later interpreted as precluding bombing north of the 20th Parallel, American planes have pounded suspected troop concentrations and supply points below the 19th Parallel.

In the days just after the President's order for a bombing curtailment, military officers here said that Mr. Johnson was wise in starting the curtailment while weather conditions were less than favorable for all-out bombing.

The largest number of missions flown in the last seven days came on Saturday, when 124 raids were carried out in weather described as fair.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958—CONFERENCE REPORT

Mr. SPONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The Assistant Legislative Clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPONG. Mr. President, I would like to explain very briefly the actions of the conferees on H.R. 15131.

The conferees agreed to provide a two-stage salary increase for police and firemen. The first stage, retroactive to October 1967 increases entrance salaries from the present $6,700 to $7,800, and increases other salaries proportionately. The second stage provides for a salary scale with an entrance salary of $8,000, effective in July 1968. The conference agreement is between the $7,500 retroactive and $8,000 July, 1968 minimum salary scales approved by the Senate and the $8,000 salary originally passed by the House, retroactive to October 1967.

On other matters affecting police and firemen, the House conferees accepted Senate amendments that struck provisions for extra compensation for the incumbent police executive officer and that added to the law permission to dismiss probationary officers for unsatisfactory performance during the probationary year. The Senate conferees agreed to accept House provisions protecting the jobs and advancement opportunities for detectives, and requiring automatic promotion for certain officers who had passed a promotional examination and had been serving in the higher position on an "acting" basis. The conferees agreed to retain existing law regarding promotions for deputy chiefs to their maximum salary level after 30 years continuous service. The House-passed bill would have extended this benefit to include lower-ranking members and the Senate had voted to repeal the present law.

Regarding teachers, the Senate conferees agreed to remove provisions for teachers and school officers from the bill affecting police and firemen. Instead, the committee approved with amendments a separate bill, H.R. 16409, providing substantial salary increases and other benefits for these school employees. The Senate approved this teacher pay bill on May 13.

Mr. President, I am satisfied that the agreement reached in conference grants much needed support for dedicated public servants in the District of Columbia and will aid in the recruitment of additional needed personnel.

I move that the Senate agree to the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY COMMUNICATIONS IN EVENT OF CIVIL DISORDERS DURING THE MARCH ON WASHINGTON

Mr. ALLOTT. Mr. President, I believe that every responsible citizen is extremely concerned about the potentially explosive situation with which we are confronted here in the Nation's Capital.

Our concern, as the distinguished junior Senator from Nebraska [Mr. CURTIS] expressed so well a few days ago, is for the safety and welfare of all of the people both resident and transient of this area, but most especially for those unfortunate citizens who reside in the area most likely to be hardest hit if we are faced with more trouble.

Let us not mislead ourselves. When the thousands who are expected to participate in the so-called Poor People's March at its climax, congregate in one place at one time, and when the emotions of these people are aroused to a fever pitch over a period of time, by a few firebrands, danger plainly exists. The present atmosphere in our Nation's Capital is such that pledges of peace and nonviolence cannot prevent trouble should it be instigated by agitators during group activity of the marchers.

Whether or not we condone or support the method which the Southern Christian Leadership Conference has chosen to confront the Congress with their demands, the fact is that they were permitted to come, to encamp alongside the Mall, and more are arriving every day. Hence, obviously we must deal with the situation as it is today, and prepare for what could happen if there is any provocation whatsoever.

That is why a few of us have been so very concerned with the planning for any eventuality and for the proper coordination of all of the agencies and Government units involved in maintaining law and order.

Some Members of this body have already spoken on various aspects of this planning and coordination, but today I should like to call to the attention of the Senate one additional problem area which concerns me greatly, and which should concern every member of the Senate, and indeed every resident of the Washington metropolitan area.

I speak of the matter of emergency communications. While this subject has not been given a great deal of publicity, there is no doubt that proper communications coordination is one of the key factors involved in maintaining law and order during a disturbance.

We are all aware that, in a general sense, our communications equipment and our capabilities in this country extend far beyond that of any other nation. What is not well known, however, is that while we do possess excellent capability, the lack of proper planning and coordination of our telecommunications facilities has rendered our law enforcement agencies nearly helpless in some of the disasters which have occurred in recent years.

As an example, it was noted at a Federal-State Telecommunications Advisory Committee meeting in Washington, D.C., on September 14, 1967, that even though we are capable of communicating from Paris to Moscow with no problem these days, in an emergency in the United States—and I now quote from the transcript of that meeting—"we can't communicate to a point 3 blocks away."

At the same meeting, Mr. President, it was pointed out that in Detroit, during the riot of 1967, four different communication systems were going on at the same time. They had the Federal troops, the National Guard, the State highway patrol and the Detroit city police, all with different systems. Quoting again from the transcript of that meeting, it was pointed out that in Detroit, during the riot, with these four different communications systems in operation, "at times the leaders could not communicate with each other." Obviously, such a situation prevented proper law enforcement and control of the terrible trouble which was occurring in Detroit. One of the speakers at this committee meeting, said:

> Here is where a critical problem exists right now. We really are not able to cope with it in an extreme emergency—whether it happens to be a riot, a flood, a tornado, or any type of extreme emergency.

I knew of these problems, and I was concerned about what was being done about the matter, particularly since I had been reading the statements of militant extremists all winter to the effect that they were going to burn down our cities again this summer.

I was also aware that under Executive Order No. 10995, dated February 16, 1962, communications responsibilities were assigned to the newly created Office of Telecommunications Management.

The assignment of responsibilities to this new department by the President of the United States, made it clear that—I quote from the Executive order:

> It is essential that responsibility be clearly assigned within the executive branch of the government for promoting and encouraging effective and efficient administration and development of United States national and international telecommunications.

The Executive order continues:

> There is an immediate need for integrated short and long range planning with respect to national and international telecommunications programs . . . and for the development of national policies in the field of telecommunications.

Having established the need for the agency, the Executive order, in creating the position of Director of Telecommunications Management—which, by the way, is by law held by one of the assistant directors of the Office of Emergency Planning—spells out the responsibilities of the office. Again quoting the Executive order, it says that the Director of Telecommunications shall "coordinate telecommunications activities of the executive branch of the Government and be responsible for the formulation after consultation with appropriate agencies, of overall policies and standards therefor."

The order continues:

> Agencies shall consult with the Director of Telecommunications Management in the development of policies and standards for the conduct of their telecommunications activities within the overall policies of the executive branch.

I could go on and on, Mr. President, in detailing the responsibilities of this department, but let me just conclude by stating two of the objectives which the Director of Telecommunications Management "shall consider" in carrying out his responsibilities.

Objective A reads:

> Full and efficient employment of telecommunications resources in carrying out national policies.

Objective B reads, in part:

> Development of telecommunications plans, policies, and programs under which full advantage of technological development will accrue to the Nation and the users of telecommunication; and which will satisfactorily serve the national security.

Against this background of the responsibilities of this department, Mr. President, on March 29, when the Office of Telecommunications Management appeared before the Independent Offices Subcommittee of the Appropriations Committee, of which I am the ranking minority member, I raised the question of communications planning for riots and other civil disorder.

The Director of Telecommunications Management, Gen. James D. O'Connell, suggested that the subject of my inquiry was not a matter which should be discussed in open hearing. The chairman of the subcommittee, the Senator from Washington [Mr. MAGNUSON], and I agreed and the Department of Telecommunications Management agreed that the latter would prepare a report on the subject, which was sent to Senator MAGNUSON on April 22.

Two days later, at an executive session with the Department of Telecommunications Management, when our subcommittee received a briefing on a related matter, I again raised the question of telecommunications planning in the event of riots or other disturbances, because I had encountered some communications difficulties of my own during the April 4 and 5 riot in Washington, which I shall not detail at this time.

But I have learned, from speaking with other Senators and with Members of the House of Representatives, that they all encountered some difficulties. As a matter of fact, on April 5 I was in the room, in the House of Representatives, with the House Ways and Means Committee, and I was fully aware of the communication problems that the Members of the House present at that time were having.

General O'Connell then promised to prepare a supplemental confidential report on this matter. I must say, Mr. President, that what I shall say today does not contain any of the confidential matter contained in that report. It does contain other matters contained in the report.

Then, on May 1, the District of Columbia government issued a report on the riot in April which pointed to some communications problems. I called this to General O'Connell's attention, and requested that the scope of his report be expanded to answer some additional questions.

That report was completed and delivered to my office on Friday, May 10. It contains some confidential material, so I am not at liberty to insert it in its entirety into the RECORD at this time.

However, this document, prepared by the Office of Telecommunications Management, emphasizes, among other things, the widely known fact that the Attorney General of the United States on February 7, 1968, was given the task of coordinating riot control and planning between the various agencies of the Federal Government, as well as between the Federal Government and State and local authorities.

This was accomplished through Executive Order No. 11396, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER No. 11396 PROVIDING FOR THE COORDINATION BY THE ATTORNEY GENERAL OF FEDERAL LAW ENFORCEMENT AND CRIME PREVENTION PROGRAMS

Whereas the problem of crime in America today presents the Nation with a major challenge calling for maximum law enforcement efforts at every level of Government;

Whereas coordination of all Federal criminal law enforcement activities and crime prevention programs is desirable in order to achieve more effective results;

Whereas the Federal Government has acknowledged the need to provide assistance to State and local law enforcement agencies in the development and administration of programs directed to the prevention and control of crime;

Whereas to provide such assistance the Congress has authorized various departments and agencies of the Federal Government to develop programs which may benefit State and local efforts directed at the prevention and control of crime, and the coordination of such programs is desirable to develop and administer them most effectively; and

Whereas the Attorney General, as the chief law officer of the Federal Government, is charged with the responsibility for all prosecutions for violations of the Federal criminal statutes and is authorized under the Law Enforcement Assistance Act of 1965 (79 Stat. 828) to cooperate with and assist State, local, or other public or private agencies in matters relating to law enforcement organization, techniques and practices, and the prevention and control of crime:

Now, therefore, by virtue of the authority vested in the President by the Constitution and laws of the United States, it is ordered as follows:

Section 1. The Attorney General is hereby designated to facilitate and coordinate (1) the criminal law enforcement activities and crime prevention programs of all Federal departments and agencies, and (2) the activities of such departments and agencies relating to the development and implementation of Federal programs which are designed, in whole or in substantial part, to assist State and local law enforcement agencies and crime prevention activities. The Attorney General may promulgate such rules and regulations and take such actions as he shall deem necessary or appropriate to carry out his functions under this Order.

Section 2. Each Federal department and agency is directed to cooperate with the Attorney General in the performance of his functions under this Order and shall, to the extent permitted by law and within the limits of available funds, furnish him such reports, information, and assistance as he may request.

LYNDON B. JOHNSON,

THE WHITE HOUSE, *February 7, 1968.*

Mr. ALLOTT. This order says in no uncertain terms that the Attorney General is in charge of coordinating riot or civil disturbance plans. That statement is not open to question by the wording of this Executive order.

So, Mr. President, we have a situation where Mr. Ramsey Clark, the present Attorney General of the United States, has been told by the President of the United States that it is his responsibility to work out the details of coordination and planning for crime prevention and law enforcement between, as I said, the various Federal Government agencies, and the Federal, State, and local authorities.

In view of this, Mr. President, you can imagine how shocked I was to find on page 19 of the report prepared by the Office of Telecommunications Management to which I referred earlier, the statement, and I shall quote now from that report:

> As of May 10, 1968, the Director of Telecommunications Management has not received any reports or requests for assistance . . . from the Attorney General.

This is shocking. I have detailed the responsibilities of the Office of Telecommunications Management. I have received private estimates of their capabilities to mobilize communicators, and while I think it best not to divulge that information at this time, I can relate that in my judgment that Office stands well equipped to be of assistance to the Attorney General in the planning he has been ordered to carry out by the President.

In addition, the directive which established the Office of Telecommunications Management makes it their duty to do this.

The Executive order was issued on February 7, 1968. On April 4 and 5 we had a riot in Washington. According to the Department of Telecommunications Management, between February 7 and April 4, the Attorney General made no requests for assistance or made no reports of communications problems to the Director of Telecommunications. Here it is May 16, well over a month after our riot, and we face the possibility of another emergency situation. Yet, in a written report, the Office of Telecommunications Management states flatly that the Attorney General has not contacted or made any reports or requests to its department.

I checked with the department again today, 6 days after their report was delivered to my office, and they still have yet to receive a request for assistance from the Attorney General.

This is doubly significant when one considers that at the same time the copy of this report was delivered to my office, an identical copy was transmitted to the Attorney General.

I ask, Mr. President, does the Attorney General have all of the advice he needs? Has he taken every possible step to insure that what happened in Detroit and other cities with respect to communications problems does not happen here?

I can relate from my experience in dealing with the Federal Communications Commission over many years, and more recently from my experience with the Office of Telecommunications Management, that communications problems are for the experts to handle. Perhaps the Attorney General has some communications experts with whom he has been working, but he has many more in the Office of Telecommunications Management. The least that can be said of this shameful situation is that he is not fully employing the resources of the Government in coordinating his plans. I think the problem goes beyond that, however.

Having listened with great interest to the recent speech of the Senator from Arkansas [Mr. McCLELLAN], wherein he detailed some information, which the Permanent Subcommittee on Investigations, of which he is the chairman, had obtained regarding serious problems with which the Nation may be faced as a result of the Poor People's Campaign, and having read the committee report on the same subject, I am not at all convinced that the Attorney General is enough aware or concerned with the seriousness of the situation as it exists. I charge that he has not carried out the responsibilities of the President's order of February 7 and that he has not fulfilled his responsibilities as the chief law-enforcement officer of this Nation, particularly as it pertains to telecommunications.

I believe he owes an explanation to all Americans. He can start by answering some questions. He can start by stating why he has not to this day enlisted the services of the Office of Telecommunications Management to assist him with the planning and coordination of the all important communications aspect of riot control.

I believe I am free to say that in a general way, while I have no knowledge and the Office of Telecommunications Management apparently has no knowledge of the plans that have been made by the Attorney General, there is a great danger that plans that have been made in one department may be conflicting with the other. At least they have not been meshed or coordinated.

He can tell us if the report, by Mike Buchannan of Metromedia television in Washington, was accurate when he reported that new communications facilities to assist with the April 4 and 5 situation in Washington were available but that no decisions had been made as to where to plug them in.

The Attorney General should inform Members of the Senate, and the American people, if reports received that their Capital City has actually regressed in communications coordination since the April 4 and 5 disturbance, are accurate or inaccurate.

He should state openly how soon his plans call for activating the communications capabilities of the Office of Civil Defense in the event of a future disturbance here. Does he think that it is a good idea to wait as long as the authorities did during our last riot?

He must answer these questions, Mr. President, because the safety of each and everyone of us in this Nation depends now on the kind of planning and coordination the Attorney General has done. It is his designated responsibility.

If what I know of the communications situation is any example of the kind of work he has done, and the kind of planning he is directing, then we are all facing grave danger. I call on him to respond before it is too late.

ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, May 16, 1968, the Vice President signed the enrolled bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 1558. A bill to provide for the repayment of certain Federal-aid funds expended in connection with the construction of the Garden State Parkway (Rept. No. 1124).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 2837. A bill to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes (Rept. No. 1129); and

S. 3068. A bill to amend the Food Stamp Act of 1964, as amended (Rept. No. 1130).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

S. 3143. A bill to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act (Rept. No. 1128).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

S.J. Res. 168. A joint resolution to authorize the temporary funding of the emergency credit revolving fund (Rept. No. 1127).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes (Rept. No. 1126).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2276. A bill to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations (Rept. No. 1125).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes (Rept. No. 1131).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. YOUNG of Ohio. Mr. President, from the Committee on Armed Services I report favorably the nominations of 30 flag and general officers in the Army, Navy, Air Force, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Louis Kaufman, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Raymond Ashby Wilkinson, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Maj. Gen. George Vernon Underwood, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general while so serving;

Maj. Gen. William James Sutton, U.S. Army Reserve officer, to be Chief of Army Reserve;

Lt. Gen. James M. Masters, Sr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Lt. Gen. Andrew Jackson Goodpaster, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general while so serving;

Adm. Ulysses S. G. Sharp, Jr., U.S. Navy, for appointment to the grade of admiral on the retired list;

Lt. Gen. Victor H. Krulak, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Col. William T. Woodyard, Regular Air Force, for appointment as dean of the faculty, U.S. Air Force Academy, with rank of brigadier general;

Rear Adm. John V. Smith, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Maj. Gen. William J. Van Ryzin, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. YOUNG of Ohio. Mr. President, in addition, I report favorable 904 appointments in the Army in the grade of major and below, 2,629 appointments in the Air Force in the grade of major and below, and 3,656 promotions in the Navy in the grade of commander and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Leonard J. Kirschner, and sundry other persons, for appointment in the Regular Air Force;

James G. Barrett, Jr., and sundry other distinguished graduates of the Air Force Officer Training School, for appointment in the Regular Air Force;

George H. Dygert, and sundry other persons, for appointment in the Regular Army;

Hugh F. Bangasser, and sundry other scholarship students, for appointment in the Regular Army of the United States;

Darrell G. Agee and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Richard F. Rosser, U.S. Air Force, for appointment as permanent professor, U.S. Air Force Academy;

Phillip L. Abold, and sundry other cadets, U.S. Air Force Academy, for appointment in the Regular Air Force;

Richard A. Blank, midshipman, U.S. Naval Academy, for appointment in the Regular Air Force;

George F. Adam, Jr., and sundry other cadets, U.S. Military Academy, for appointment in the Regular Air Force;

David C. Aabye, and sundry other officers, for promotion in the U.S. Navy;

David E. Adams, Jr., and sundry other midshipmen (Naval Academy), for assignment in the U.S. Navy; and

Edward J. Lynch, and sundry other Navy enlisted scientific education program candidates, for assignment in the U.S. Navy.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON (for himself, Mr. PROXMIRE, Mr. HART, and Mr. GRIFFIN):

S. 3502. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuge in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri:

S. 3503. A bill for the relief of Dante Panzini; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 3504. A bill to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on Rules and Administration.

By Mr. JAVITS (for himself, Mr. HART, Mr. BROOKE, Mr. SCOTT, and Mr. PERCY):

S. 3505. A bill to amend section 7(b) of the Small Business Act; to the Committee on Banking and Currency.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3506. A bill to establish a Joint Commission on the Gold Reserves; to the Committee on Banking and Currency.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself, Mr. HART, and Mr. NELSON):

S. 3507. A bill to repeal the Food Stamp Act of 1964 and enact in lieu thereof the Domestic Food Assistance act of 1968; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3508. A bill for the relief of Setsuko Kurihara; to the Committee on the Judiciary.

S. 3502—INTRODUCTION OF BILL TO ADD AREAS IN WISCONSIN, MICHIGAN, AND MAINE TO THE NATIONAL WILDERNESS SYSTEM

Mr. NELSON. Mr. President, for myself and the senior Senator from Wisconsin [Mr. PROXMIRE] and the Senators from Michigan [Mr. HART and Mr. GRIFFIN], I introduce a bill to add significant natural areas in Maine, Michigan, and Wisconsin to our national wilderness preservation system.

Areas recommended for inclusion in the national wilderness system in this bill are the Seney, Huron Islands, and Michigan Islands wilderness areas in the State of Michigan, the Wisconsin Islands wilderness in the State of Wisconsin, and the Edmunds and Birch Islands wilderness areas in the State of Maine. All of the lands included in these wilderness proposals are presently within the national wildlife refuge system.

The proposed Seney wilderness contains about 25,150 acres of the Seney National Wildlife Refuge, Schoolcraft County, Mich. Approximately two-thirds of the area is an outwash plain formed by a receding glacier, where treeless bogs and topographically oriented strips of bog forest form an unusual land type called a string bog. The proposed Seney wilderness is considered to contain the southernmost example of this land type in North America. The remaining third of the area contains remnants of black spruce and white pine forest, though much of the area has been logged and has been altered by repeated fires. The entire area is relatively inaccessible and seldom visited. Several kinds of big game inhabit the region, including deer, black bear, and occasionally moose. Coyotes and red fox are common and timber wolves have been reported. Bald eagles and osprey nest on the area and merit prime consideration for preservation due to their endangered status.

The proposed Seney wilderness is located entirely within the present Seney National Wildlife Refuge. A wilderness within a national wildlife refuge is by law supplemental to the primary purpose for which the refuge was established. Therefore, no change in present management and public enjoyment of the refuge will occur when the unit is accorded wilderness status.

Seney refuge is a popular recreation area. The establishment of a wilderness within a little used portion of the refuge should enhance the recreational use of the refuge because of the national publicity a wilderness will stimulate.

The proposed Huron Islands wilderness consists of eight small islands in Lake Superior within the Huron Islands National Wildlife Refuge. The islands, which are relatively isolated and seldom visited because of rough seas and limited landing sites, contain approximately 147 acres and are composed of pink and gray granite upthrusts. Trees, shrubs, and herbaceous plants cover two-thirds of the island surface while the remainder is barren or moss and lichen covered rocks.

The Michigan Islands and Wisconsin Islands wilderness proposals consist of six small islands totaling approximately 41 acres. They are all relatively isolated and seldom visited because of difficult access. The islands are considered extremely important breeding and nesting areas for herring and ring-billed gulls. Other birds of lesser importance are black-crowed night herons, great blue herons, double-crested cormorants, common and caspian terns, and several species of waterfowl. Though small and isolated, the quiet and solitude of these rugged, windswept, and wave-battered islands offer an excellent wilderness experience to those willing to visit them. The fragile island ecology, abundant bird populations, and picturesque terrain features have unique beauty and are of great interest to the scientist, the student, and nature lover.

The Edmunds and Birch Islands wilderness proposals containing a total of about 2,780 acres are within the Moosehorn National Wildlife Refuge, Washington County, Maine. This national wildlife refuge is one of very few Federal areas in the Northeast containing wilderness resources. For the fisherman, hunter, family or individual willing to walk, row or paddle a mile or so, these wilderness proposals may eventually be the only areas left, even in the State of Maine, where the solitude and beauty of true wilderness will be guaranteed for generations to come.

All the proposed wilderness areas contain unique combinations of flora and fauna that must be preserved. The balance of nature is indeed very delicate and minor disruptions of that balance can cause irreparable harm. All too often, we have allowed natural nesting and breeding areas to be drained for agricultural use and forests and prairies to be bulldozed for urban development.

The preservation of wilderness areas is an integral part of our struggle to restore the quality of our environment. Our environment is based on a series of delicate, natural interactions, operating within the overall framework of our air, water and soil; that environment is gravely threatened by man's activities.

We dump mountainous quantities of wastes into our air and water and onto our land each day. We pave 1 million acres of land a year in the name of urban development. We spray tons of persistent pesticides into our air, water, and soil every year. We litter our countryside with car bodies, nonreturnable glass bottles, and aluminum cans which defy the forces of nature.

This trend must be reversed. As we move ahead, we must learn to evaluate the effects of what we are going to do on the environment. We simply cannot continue to operate with a total disregard for the natural world around us.

The setting aside of wilderness areas—forever protected from the intrusions of man—is but a small part of what is needed to restore the quality of our environment. But at least it is a step in the right direction.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3502) to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuge in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness, introduced by Mr. NELSON (for himself and others), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in (1) the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, as depicted on maps entitled "Seney Wilderness—Proposed," "Huron Islands Wilderness—Proposed," and "Michigan Islands Wilderness—Proposed," (2) the Gravel Island and Green Bay National Wildlife Refuges, Wisconsin, as depicted on a map entitled "Wisconsin Islands Wilderness—Proposed," and (3) the Moosehorn National Wildlife Refuge, Maine, as depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness—Proposed," all said maps being dated August 1967, are hereby designated as wilderness. The maps shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sec. 2. The areas designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

Sec. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the areas are administered (including measures required in emergencies involving the health and safety of persons within the area) and subject to existing private rights, there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the areas designated as wilderness by this Act.

S. 3505—INTRODUCTION OF BILL—NEW SBA DISASTER LOAN BILL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a new, Small Business Administration disaster loan bill, and ask that the text be printed in connection with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the Record.

The bill (S. 3505) to amend section 7(b) of the Small Business Act, introduced by Mr. Javits and others, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 7(b) of the Small Business Act is amended by inserting "(A)" after "(1)", and by adding at the end thereof the following new paragraph:

"(B) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area which has suffered substantial physical or economic injury, or both, as a result of any occurrence or series of occurrences, if the Administration determines that the concern has suffered substantial physical or economic injury, or both, as a result of such occurrence or series of occurrences."

Mr. JAVITS. Mr. President, this represents an amendment to section 7(b) of the Small Business Act which I am introducing on behalf of myself and the Senator from Michigan [Mr. Hart], the Senator from Massachusetts [Mr. Brooke], the Senator from Pennsylvania [Mr. Scott], and the Senator from Illinois [Mr. Percy].

Civil disturbances across the country have not only caused millions of dollars of damage to property but, because of what appears to be inadequate remedies, may result in the permanent displacement of most businesses in the areas where the violence erupted.

Present programs to rebuild these areas are just not properly designed to deal with the new situations created by civil disorders. This failure is often due to the politically undesirable requirement that a mayor may declare his city a disaster area; in effect admitting he has been unable to maintain order.

Contrary to the belief of many, businessmen are not going back in large numbers into these areas. Instead, more and more buildings are left boarded up adding to the instability, the bombed out appearance, and deprivation of the neighborhood. I think it fair to say that almost 25 percent of the shops and commercial buildings in New York's Harlem are no longer open for business. Washington's burned-out inner city blocks may very likely have the same experience. I am informed the same is true in many sections of other major cities.

We face in these areas more than a money crisis: we also face a crisis of confidence. Many of these sections not only look like bombed out cities but the people who live there are made to feel like the "defeated" people after a war. We should take steps to get the stores in order and open for business—it will take inducements to do that.

I am introducing a proposal today to establish a new emergency loan program within the Small Business Administration, in view of the failure of the present disaster loan program in either its provisions or administration to meet this new type of situation. Also, I want to point up the failure of the SBA to react with sufficient urgency in needed action or recommendations for legislation.

My bill will allow the SBA to act in situations such as the destruction which followed the death of Dr. King without the complicated procedure inherent in the designation of a "disaster" area. The bill would provide the same 3-percent, 30-year loans—as for disasters—for both physical repair, working capital, and relocation of businesses which suffer substantial damage and which are located in an area which has suffered substantial economic injury as a result of any occurrence or series of occurrences. The bill would thus cover many of these areas which have been destroyed not as the result of a single disturbance, but rather after a series of disorders.

I also believe it important that after declaring an area eligible for these 3-percent, 30-year loans, the Administrator seek the views of the local community as to areawide planning and redevelopment. Thus before any loans are actually made, a community may recommend changes in location.

It also may be appropriate for these loans to be made to new owners of destroyed businesses. The availability of these low interest long-term loans may act as an incentive for a move toward greater local ownership. In addition, the Administrator in making a decision to proceed under the new provision which I propose would seek to coordinate with other agencies to determine all other possible sources of assistance.

We should be able to turn immediately to the Small Business Administration for emergency assistance. In last summer's disturbances in Newark and Detroit, the SBA within 10 days offered modified disaster assistance limited to physical repair but not taking into consideration the need for working capital, credit obligations, and so forth.

Several days after the recent disorders, Senator George Smathers, chairman of the Senate Small Business Committee, wired Administrator Moot asking for disaster relief for the hardest hit areas. The Administrator stated in his reply the SBA would do everything that was necessary; however, thus far the SBA has not offered to use even that portion of the disaster loan program which it can implement. It appears the disturbances and resultant losses in some of this country's largest cities were not quite disasterous enough for the SBA to act. Just how much damage is required before SBA will act remains unclear. Perhaps a city must be leveled?

The Administrator's only offer has been to use the SBA's regular loan program. Contrasted with the disaster loan program, the regular loans would be at substantially higher interest rates with shorter time for repayment. For example, the Economic Opportunity Act loan program, considered SBA's most liberal lending program, is limited to $25,000 loans at 5½ percent at a maximum of 15 years as compared with a disaster loan which may be up to $100,000 at 3 percent for over 30 years.

While I deplore SBA's unwillingness to make a determination that a disaster exists in many of these areas, such a decision would at best allow for only repair of the buildings involved. Insofar as badly needed working capital or credit is involved, this would only be available at advantageous disaster loan rates if the President were asked by the Governor—or District of Columbia Commissioner—to declare a "disaster" area. This type of decision too often cannot be obtained for political or other reasons.

Another complication in the present law is my understanding that the Office of Emergency Planning has interpreted the existing disaster loan program in such a way that the President cannot make a disaster determination unless there is actual damage to public buildings and facilities in the area.

The new proposal in the bill I am introducing today together with two pieces of legislation already before the Congress, can begin the job of restoring these areas of our cities. They will also restore the confidence of the businessman and the resident that there is still hope for a better environment.

The urban insurance bill (S. 3028) has been reported out by the Senate Banking and Currency Committee as a separate title of the 1968 Housing Act. The bill would use private insurance companies, individual States, and the Federal Government to insure that businesses will be able to obtain and/or retain their insurance even though they may be located in a disadvantaged area. Senator Smathers and I have both introduced proposals on this subject. I will support the bill as reported and hope for its expeditious consideration.

The other bill already introduced is my amendment to the Housing Act, which would encourage cities to take over ownership of the many abandoned properties in sections of our cities. The cities, or a private nonprofit or cooperative buyer, could then obtain up to $10,000 per unit loans for rehabilitation of property in any deteriorated or deteriorating area. I have received support of this proposal from cities such as Pittsburgh, Atlanta, Boston, and New York City, among others. I am hopeful this provision will be also included in the Housing Act of 1968.

S. 3506—INTRODUCTION OF BILL TO ESTABLISH A JOINT COMMISSION ON THE GOLD RESERVES

Mr. TOWER. Mr. President, during the recent floor debate on the bill to remove the gold cover from our currency, I was prepared to introduce an amendment creating a Commission on the Gold Reserve.

Senator SPARKMAN, our very able chairman of the Senate Committee on Banking and Currency and manager of the gold bill on the floor, requested that various amendments be withheld in order that the gold bill could be acted upon with all possible haste.

I know that many of my colleagues are concerned, as I am, with regard to this Nation's balance-of-payments deficit. I am also greatly concerned over the recent report by the Department of Commerce which indicates that the United States experienced in the month of March its first merchandise trade deficit in 5 years. This country's exports fell 11.5 percent from February and imports rose 0.4 percent, resulting in a trade deficit of $157.7 million.

The problem, of course, is caused by pressures at home, and, more specifically, the problem is one of cost. The cost of goods produced, cost of money, cost of services—all are on the rise and at an alarming rate. Inflation has forced a strong cost factor which is negative to achievement of equilibrium in our balance of payments, and I fear that the March trade deficit is only a beginning of what may be expected in the months ahead.

Furthermore, I have been disturbed by many reports which have left the impression that the special drawing rights approach is the answer to this Nation's balance-of-currency transfers. It must not be forgotten that as long as the United States has an ounce of gold in its reserves, this gold will be jeopardized by our international trade position regardless of the success or failure of the special drawing rights system. It must also be remembered that the SDR's are tied to gold, expressed in terms of gold, and will only be issued to the various members of the International Monetary Fund in relation to the amount of gold they have previously deposited with the IMF.

For these reasons, Mr. President, I am introducing a bill to establish a joint commission to examine the gold policies of the United States, including, but not limited to, a study of the means for maintaining adequate reserves in gold to meet present and foreseeable needs, the role which gold plays in achieving liquidity in world trade, and the alternatives to the present reliance on gold in the settlement of international balances. The Commission should, from time to time, give the President and the Congress its advice and recommendations with respect to matters falling within the purview of its study.

The Commission established by the bill I am offering would consist of the Secretary of the Treasury as chairman; the Secretary of Commerce; the Director of the Bureau of the Budget; six Members of the Senate to be appointed by the President of the Senate; six Members of the House of Representatives to be appointed by the Speaker; and eight public members to be appointed by the President.

This Commission would be charged to study our gold policies generally and to give the President and the Congress its advice and recommendations with respect to matters falling within the purview of its study.

In fact, Mr. President, the creation of the Commission under this bill would follow the same pattern and purpose as the Joint Commission which was provided by S. 2080, passed by the Congress in 1965, which provided for a study of the problems then existing in our silver currency. The House Members of that Commission were appointed July 26, 1965, and the Senate Members on July 30, 1965. The President activated the Commission on May 1, 1967.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3506) to establish a Joint Commission on the Gold Reserves, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3507—INTRODUCTION OF BILL ENTITLED "DOMESTIC FOOD ASSISTANCE ACT OF 1968"

Mr. MONDALE. Mr. President, I today introduce, for appropriate reference, the Domestic Food Assistance Act of 1968. This measure would enable us to launch a new attack on malnutrition, hunger, and starvation in this country, meeting one of the needs the Poor People's Campaign today dramatizes.

Mr. President, what welfare mothers, rural farmers, Senate subcommittee hearings, and the report by the Citizens' Board of Inquiry all have told us can no longer be ignored: Hunger stalks this country. Malnutrition shames this Nation.

Mr. President, many are the paradoxes in this country. But to me none is more appalling, or less forgivable, than the paradox of hungry poor in this land of plenty.

This Nation of voluntary dieters has thousands condemned to forced fasting every day;

This Nation of food fads has thousands sick for lack of protein and vitamins they cannot afford;

This Nation that spends billions to keep food off the market has perhaps 10 million people whom the choice is beans and biscuits, or no food at all.

And part of the paradox is that we do not even know the true dimensions of the problem. For this Nation that knows much about the nutritional status of the underdeveloped countries has never done a complete study of itself.

Nevertheless, the information now available is more than sufficient to show us the nature, if not the scope of the hunger problem in this country.

Like poverty itself, hunger is a pervasive phenomenon. The look of hunger can be seen; the cry of hunger can be heard in every State in the United States. In the rural South, in the Appalachian North, on Indian reservations, in migrant camps, in urban ghettos live men, women, and children for whom each day represents a new horror, and to whom the malnutrition, disease, and death associated with Asia and Africa are a daily threat in America.

> The baby is suffering from chronic malnutrition compounded by acute dehydration—

Said Dr. Christian M. Hansen, Jr., U.S.P.H.S. doctor servicing at the OEO-funded Tufts Delta Health Center in Mound Bayou, Miss., of a baby he examined. What is more, this month-old child was but one of hundreds of Negro children found already by the health center grotesque in shape, permanently stunted, and damaged in growth, due to lack of adequate food. This child was receiving only one-fifth the milk he should have had. And according to the pastor of the Catholic church of the area:

> There is widespread malnutrition, especially among the children.

The findings at the Tufts center in the last few months simply confirm and reinforce the findings reported by the board of physicians that visited Mississippi and reported to the Senate Subcommittee on Employment, Manpower, and Poverty last summer. The findings are always the same:

Infant mortality rates much higher for Negro children than for white. For Negroes in the northern half of Bolivar County, the rate is three times that of whites. The cause: acute, persistent malnutrition.

Severe anemias. Thirty cases of iron deficiency anemia had already been found by March, just the beginning of the numbers of children suffering from a condition that leads to chronic fatigue and possibly brain damage.

Widespread malnutrition, especially among the children, with attendant long-term and immediate damage to the brain, to muscles, bones, skin, and to general growth and development.

Prevalence of bacteria and parasitic disease: 1,800 of 6,000 Headstart children in one survey were carrying worms in their intestinal tracts.

And this is but a sampling of the population, and a small number of the problems.

The Citizens' Board of Inquiry Into Hunger and Malnutrition in the United States heard the litany of "Hunger, U.S.A.," the litany of physical, social, and psychological damage caused millions in the United States by lack of food, or inadequate nutrition. They heard of anemic children in Massachusetts, in South Carolina, in Kentucky, in Alabama; of anemic and protein and vitamin-deficient pregnant women in Texas, Kentucky, Louisiana, Alabama, and Tennessee; of retarded growth—low heights and weights—in urban and rural areas; of the most severe protein deficiency diseases on Indian reservations in Arizona and South Carolina, and among migrant children in Florida; of parasitic diseases associated with malnutrition in South Carolina, Florida, Mississippi, Alabama, and on Indian reservations; of nutritional problems among the aged in New York State; of pervasive and persistent malnutrition among migratory farmworkers, Indians, and the urban poor of Boston, Baltimore, Cleveland, and New York City.

The study of the committee exhausted the scant literature of the field. It confirmed the fears and updated the information of those who read the results of the closest approximation to a national study of nutritional status listed by the National Library of Medicine, "The Cooperative Nutritional Status Studies," conducted in the early 1950's by USDA and PHS in four regions of the United States. Even in the period from 1947 to 1952, the western region sample of 69 children, 1,134 adolescents, 41 adults, and 664 older adults showed significant percentages having less than two-thirds the recommended National Research Council dietary standards. Even averaging rich and poor, one-third and more of the teenaged boys and girls were low in calcium, thiamine, and ascorbic acid. And when one group of the poor, Spanish-American boys of New Mexico, were studied, the list expanded to include deficiency in calories and vitamin A as well. Again, even averaging in rich and poor, as the study did, 9 to 17 percent of adults, and 14 to 25 percent of children, consumed less than two-thirds the calories recommended, and after age 50 the percentage of men, more than 20 percent underweight, shot up appreciably.

And these findings were corroborated by the studies in other regions. In the northeast region, a study of 854 males and 950 females in New York, Maine, Rhode Island, West Virginia, New Jersey, and Massachusetts found diets low in vitamin C, calcium, vitamin A, and riboflavin. In the north central region, 1,188 schoolchildren were studied. One-half to two-thirds were eating poor breakfasts, and many got insufficient milk, meat, and eggs. Again, these were overall averages which probably masked much greater problems in the poor segments of the populations of States studied.

We must wait for more current data for the studies to be released this summer by the Public Health Service, and the USDA.

Hunger means different things to different people. To the desperate mother, it is children who "go to bed hungry and get up hungry and do not ever know nothing else in between."

To the horrified physician, it is "evidence of vitamin and mineral deficiencies; unattended bone diseases, secondary to poor food intake, prevalence of bacteria and parasitic disease; and chronic anemias."

To the concerned psychiatrist, it is the urban and rural problem of "the sick, chronically malnourished child:" who "literally grows up to be tired, fearful, anxious, and suspicious," and who takes this with him as he moves from rural into urban poverty.

To every citizen, it is the national disgrace of people living out the "no win" cycle of poverty, hunger, illness, and dependency; the cycle of people sick because they are hungry, skipping medicine to buy food; the specter of millions of Americans too sick and hungry to get the education and the jobs they need to trade dependency for dignity.

Mr. President, as the report by the citizens board of inquiry points out:

> *Hunger kills:* Malnutrition causes lowering of resistance to infection and consequently is a prime cause of infant mortality;
>
> *Hunger maims:* There is increasing evidence that lack of protein in the diet of youngsters can cause severe and irreversible brain damage; . . . and that it can cause disabilities resulting from inadequate growth;
>
> *Hunger sickens:* . . . Diseases such as blindness, rickets, scurvy, and pellagra . . . result from deficiencies of a particular nutrient;
>
> *Hunger affects us all:* The cost of . . . chronic hunger and undernutrition takes many forms; educational, psychological, and social . . . hunger contributes directly to the schisms which threaten our society today.

Mr. President, hunger is a national disgrace. But it is also a curable condition. For among all the complex causes of poverty, hunger is among the easiest to correct.

Just as the citizens' commission helped us see the hunger problem, so too they help us perceive its solution.

The hunger problem is not new to this Nation. For years Federal food and welfare programs have worked to provide needed sustenance to thousands of needy Americans. But while our past record must be acknowledged, present problems must also be addressed. While the food stamp and commodity distribution programs have helped many, they have failed to do the total job.

In 1967, food programs reached only about 18 percent of the poor. As the citizens' inquiry points out:

> We cannot assume that any of the remaining poor . . . are getting enough food.

The reasons are many;

Food stamps cost too much.

Food distributed through the commodity distribution program is insufficient, and too small a variety of foods is available;

There are not enough consumer services associated with the programs; women who need to know most about food purchase and preparation often know the least; and

There is inadequate communication between those who are recipients of food and those who administer the programs, and the system lacks either consultation or appeals mechanisms.

Mr. President, the bill I introduce today would remedy these defects. It would remove this blight from our countryside. While this legislation preserves and continues the best feature of the Food Stamp Act of 1964, it is intended to be, and is, a complete legislative overhaul of the Food Stamp Act and other domestic feeding legislation. Its purpose is to assure that no person in this land of riches and plenty need starve or suffer malnutrition because of insufficient income.

Its main provisions are—

Free food stamps to those under the poverty level or whose income prevents them from attaining a fully adequate and nutritious diet;

Establishment of a task force on hunger, composed of commercial enterprises in the food and grocery business to bring the power and imagination of the private sector to bear on the hunger problem, following the pattern of the urban coalition;

Provision for new food stamp programs and direct food distribution programs to exist side by side;

Provision for nonprofit and charitable agencies, any capable agency of Federal, State, or local government, in addition to commercial enterprises, to run programs to feed eligible households;

Requirement that nutrition counseling and home economic services be provided food recipients;

Eligibility upon applicant affidavit, with no onerous redtape;

Changes in emphasis of standards from normal food expenditures to enough food for an adequate and nutritious diet;

Requirement and authorization for distribution by Federal Government of all commodities, whether or not in surplus, to supplement the food stamp program;

Involvement and self-help by the poor, through formation of cooperatives of low-income consumers, local advisory committees, and a National Food Assistance Commission.

While this bill no doubt will be referred to the Senate Agriculture Committee, I intend to work closely with other members of the Senate to insure that this bill or some closely parallel version receives active consideration in hearings beginning May 23 in the Senate Labor and Public Welfare Committee. Senator McGOVERN and I are sponsors with many other colleagues of a resolution to establish a select committee to explore thoroughly our reaction to this most grave problem. Whatever course of action is taken by the Senate and whatever bills are considered, I intend to urge the strongest and most comprehensive approach possible. It is much too serious and much too urgent a problem to be treated otherwise.

This bill does not establish a monetary standard for the amount of food stamps, since this will necessarily vary according to circumstances, but relies on the standards of a "fully adequate and nutritious diet." While this is true, however, it is difficult to see how it could go below $90 a month for a family of four or the equivalent, which the USDA determines is a minimum needed to assure a nutritious diet.

I ask unanimous consent that a summary entitled "Hunger, U.S.A.," be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3507) to repeal the Food Stamp Act of 1964 and enact in lieu thereof the Domestic Food Assistance Act of 1968, introduced by Mr. MONDALE

(for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The summary, presented by Mr. MONDALE, is as follows:

HUNGER, U.S.A.—A SUMMARY

INTRODUCTION

In issuing this report, we find ourselves somewhat startled by our own findings, for we too had been lulled into the comforting belief that at least the extremes of privation had been eliminated in the process of becoming the world's wealthiest nation. Even the most concerned, aware, and informed of us were not prepared to take issue with the presumption stated by Michael Harrington on the opening page of his classic, *The Other America:* "to be sure, the other America is not impoverished in the same sense as those poor nations where millions cling to hunger as a defense against starvation. This country has escaped such extremes." But starting from this premise, we found ourselves compelled to conclude that America has not escaped such extremes. For it became increasingly difficult, and eventualy impossible, to reconcile our preconceptions with statements we heard everywhere we went:

That substantial numbers of new-born, who survive the hazards of birth and live through the first month, die between the second month and their second birthday from causes which can be traced directly and primarily to malnutrition.

That protein deprivation between the ages of six months and a year and one-half causes permanent and irreversible brain damage to some young infants.

That nutritional anemia, stemming primarily from protein deficiency and iron deficiency, was commonly found in percentages ranging from 30 to 70 percent among children from poverty backgrounds.

That teachers report children who come to school without breakfast, who are too hungry to learn, and in such pain that they must be taken home or sent to the school nurse.

That mother after mother in region after region reported that the cupboard was bare, sometimes at the beginning and throughout the month, sometimes only the last week of the month.

That doctors personally testified to seeing case after case of premature death, infant deaths, and vulnerability to secondary infection, all of which were attributable to or indicative of malnutrition.

That in some communities people band together to share the little food they have, living from hand to mouth.

That aged living alone, subsist on liquid foods that provide inadequate sustenance.

We also found ourselves surrounded by myths which were all too easy to believe because they are so comforting. We number among these:

Myth: The really poor and needy have access to adequate surplus commodities and food stamps if they are in danger of starving.

Fact: Only 5.4 million of the more than 29 million poor participate in these two government food programs, and the majority of those participating are not the poorest of the poor.

Myth: Progress is being made as a result of massive federal efforts in which multimillion dollar food programs take care of more people now than ever before.

Fact: Participation in government food programs has dropped 1.4 million in the last six years. Malnutrition among the poor has risen sharply over the past decade.

Myth: Hunger and starvation must be restricted to terrible places of need, such as Mississippi, which will not institute programs to take adequate care of its people.

Fact: Mississippi makes more extensive use of the two federal food programs than any state in the United States.

In addition to the hearings, the site visits, the personal interviews, the anecdotal stories, we learned from government officials, statistics, studies, and reports, that where, by accident or otherwise, someone looked for malnutrition, he found it—to an extent and degree of severity previously unsuspected.

To the best of our knowledge, we have collected the studies and information compiled by all who have gone before us and have supplemented it with the best evidence that our own direct efforts could uncover. At best, we can make an educated guess as to the order of magnitude of the problem. But the chief contribution we can make does not rest with engaging in a numbers game.

It lies elsewhere—with the reversal of presumption. Prior to our efforts, the presumption was against hunger, against malnutrition; now the presumption has shifted. The burden of proof has shifted. It rests with those who would deny the following words of one of our members, "there is sufficient evidence to indict" on the following charges:

1. Hunger and malnutrition exist in this country, affecting millions of our fellow Americans and increasing in severity and extent from year to year.
2. Hunger and malnutrition take their toll in this country in the form of infant deaths, organic brain damage, retarded growth and learning rates, increased vulnerability to disease, withdrawal, apathy, alienation, frustration and violence.
3. There is a shocking absence of knowledge in this country about the extent and severity of malnutrition—a lack of information and action which stands in marked contrast to our recorded knowledge in other countries.
4. Federal efforts aimed at securing adequate nutrition for the needy have failed to reach a significant portion of the poor and to help those it did reach in any substantial and satisfactory degree.
5. The failure of federal efforts to feed the poor cannot be divorced from our nation's agricultural policy, the congressional committees that dictate that policy and the Department of Agriculture that implements it; for hunger and malnutrition in a country of abundance must be seen as consequences of a political and economic system that spends billions to remove food from the market, to limit productions, to retire land from production, to guarantee and sustain profits for the producer.

Perhaps more surprising and shocking is the extent to which it now rests within our power substantially to alleviate hunger and malnutrition. While new programs are needed, and new legislation is desired and urged, there are now reserves of power, of money, of discretionary authority and of technical know-how which could make substantial inroads on the worst of the conditions we have uncovered—and this could be commenced not next year or next month—but today.

CHAPTER I. THE MISSISSIPPI STORY: A CASE HISTORY IN BUREAUCRATIC NON-RESPONSE

This chapter sets forth the events which triggered national awareness of the existence of hunger and malnutrition in Mississippi, the Congressional and administrative concern generated by these disclosures. It documents the ineffectiveness of the so-called massive federal efforts substantially to alleviate the problem to date.

CHAPTER II. DOCUMENTING THE EXTENT OF HUNGER AND MALNUTRITION IN THE UNITED STATES

Scope of the problem

The Board found concrete evidence of chronic hunger and malnutrition in every part of the United States, as a result either of field trips or hearings or upon a review of all available studies evaluating the nutritional status of the poor.

These conditions are not confined to Mississippi. In America, the number of victims of chronic hunger and malnutrition appears to reach well into the millions—and the situation is worsening.

Those conditions, directly documented or corroborated by the Board include:

A high incidence of anemia among poor infants and children—urban and rural—white and non-white. Among the young, anemia can have serious and lasting medical and emotional effects.

Evidence of retarded growth (abnormally low in heights and weights) attributable to malnutrition in both urban and rural poverty areas.

Conditions of severe protein deficiency, which in early childhood, may cause permament brain damage.

A prevalence of nutritional deficiencies and anemia among pregnant women in poverty.

A high incidence of parasitic diseases associated with malnutrition on field visits to South Carolina, Florida, Mississippi, Alabama and Indian reservations.

Order of magnitude and probable pattern of distribution

The Board recognizes that no definitive estimate can now be made regarding the number of people suffering from hunger and malnutrition in the United States. Nonetheless, the Board presents evidence which supports its tentative estimate:

"It is possible to assert, with a high degree of probability that we face a problem which, conservatively estimated, affects 10 million Americans and in all likelihood a substantially higher number."

Moreover, it is possible to identify those areas where the incidence of hunger and malnutrition is likely to be extremely high. Where income is low, where postneonatal (one month to one year) mortality rates are high, and where participation in welfare and food assistance programs is low or nonexistent, the Board suggests that hunger and malnutrition are prevalent. On this basis, the Board has identified 256 hunger counties requiring immediate and emergency attention.

CHAPTER III. THE DIFFICULTY OF DOCUMENTING HUNGER AND MALNUTRITION IN THE UNITED STATES

The Board of Inquiry was startled by the absence of knowledge, research, experimentation, affirmative action—and even concern about the existence of hunger and malnutrition in the Untied States. In seeking to learn why so little information was available, the Board turned to those sectors of society which seemed to possess the responsibility for documenting the nutritional status of the American people: the health professions, public health authorities, private charitable organizations, and the private food sector. The Board concludes that each of these sectors have failed to fulfill its responsibility, has allowed hunger to go, not merely unchecked, but also unidentified. As a result, the Board recognizes that—

"If this report is marred by any single element, it is the anomaly of asserting that a phenomenon exists, and that it is widespread, without being able to ascertain its exact magnitude or severity because no one ever believed it existed."

The health professions

The board presents evidence that—

The extent of recorded medical knowledge about dietary intake and malnutrition among the poor in the United States consists of about 30 studies, which—with a few exceptions—have been limited in scope and limited in methodology to the most easily determined manifestations of malnutrition.

Medical schools do not train students to recognize malnutrition.

Most hospitals do not keep systematic records or perform tests necessary to ascertain the presence of malnutrition.

The lack of data is used as the basis for inability to move quickly toward solutions, and some professionals have turned lack of data into confirmation that malnutrition does not constitute a serious or pervasive problem.

Public officials

Among public officials, where the responsibility is clearcut, the Board found a shocking lack of information or action:

The Public Health Service has no knowledge of the extent of malnutrition in the United States, although it concedes that a serious problem exists.

The Department of Agriculture has conducted extensive studies to learn how much money is spent on food, and which foods are most popular among Americans at large. At the same time, its knowledge of nutrient deficiencies of the poor is scant, superficial, and unsatisfactory.

Other federal agencies have not added, significantly, to the collective knowledge of the federal government about hunger and malnutrition.

Dieticians and nutrition experts, public and private, on the state as well as the federal level, have not become familiar with the dietary and nutritional needs of the poor.

Private charitable organizations

In a survey of over 100 charitable organizations across the nation, the Board of Inquiry learned that in contrast to the extensive overseas feeding programs of organizations such as CARE, the immediate and severe problems of hunger in the United States have been addressed by the private sector in only a limited fashion.

The private food sector

The Board of Inquiry asked 75 food manufacturing companies: (a) what steps were being taken to determine the number of people now being excluded from the domestic food market because of low income and (b) what remedial efforts they were engaged in. Of 35 companies responding, the Board learned that there has been little activity in the private sector in determining the food needs of the poor.

This inactivity on the domestic front contrasts markedly with the situation abroad. A major contribution of the private sector in helping needy populations in poor and developing countries has been the development of new and fortified foods, which by themselves, provide many of the nutrients for a nutritionally adequate diet.

When certain barriers to acceptance of these foods are recognized, when taste, appearance, ease of preparation, adequate delivery systems are considered, and finally when an appeal is made to the nutritional advantages of a food rather than its special utility to the poor, the likelihood of acceptance is significantly increased. With these qualifications, the Board of Inquiry makes recognition of the valuable role that fortified foods can play in alleviating hunger and malnutrition in the United States.

CHAPTER IV. ANALYSIS OF FEDERAL FOOD AND WELFARE PROGRAMS

The Board has examined in depth the three chief programs designed to alleviate hunger and malnutrition: The Commodity Distribution Program; the Food Stamp Program; the Welfare Program. And it has taken a brief look at consumer education efforts and the school lunch program an consumer education programs as ancillary programs to combat hunger and malnutrition.

We are forced to conclude that these programs do not do the job.

These programs clearly have failed—but responsibility for this failure cannot be laid merely to lack of money or staff. Much of the responsibility for the failure of these programs rests with the mode of administration adopted, the discretionary decisions made, and the failure to use the full statutory power available to fulfill the purpose of these programs.

Commodity distribution program

Under this program, the Department distributes surplus commodities to needy families. These foods are called basic commodities and are provided in the form of cornmeal, corn grits, flour, non-fat dry milk, peanut butter, rice and rolled wheat. These are the foods that the commodity recipient can count on receiving each month—albeit with some variations in amount and variety.

The government, however, has available special additional money to buy and distribute free any other kind of food—orange juice, turkeys, beef, vegetables. It has the power to distribute such foods to the hungry.

This "Section 32" money (Section 32, P.L. 320, 74th Congress) designed to keep the farmer's prices high and to provide food for those in need, is not part of the President's budget. The Congress does not have to appropriate it. It comes directly and automatically to the Secretary. Last year, it added up to $700 million. Of that $700 million, some $500 million was either returned to the Treasury or carried forward into the 1968 fiscal year. Less than $150 million was used in connection with commodity or food distribution programs.

The Board of Inquiry found that 300 of the poorest counties in the United States have no food assistance of any kind. Local officials in many of these poor counties have refused to apply for federal food assistance, because of unwillingness to extend help to Negroes, who constitute the overwhelming majority of the poor in counties without food assistance.

The Department of Agriculture has the power to start food assistance programs where need is evident. Yet, until April 1968, the Department consistently declined to exercise its power to institute commodity distribution programs where local officials had refused to apply.

In counties where commodities are distributed, they seldom reach even a majority of the poor population. Some people are declared ineligible because their income is too high, although substantially below the poverty line. Some people are discouraged from participating because the distribution depots where they must go to obtain commodities are too far away, and the commodities received are difficult to transport.

The commodity distribution program does not supply enough food for the month. Food runs out, people go days without food. Moreover, the variety of foods distributed is not adequate to meet minimum nutritional requirements, despite the recognized fact that most of the three million participants must look to the commodity distribution program for their total food supply.

As the Board points out, the USDA does not meet its own standards for minimum nutrition:

"Each month the USDA distributes to a family of four commodities with a total retail value of slightly over $20. The USDA has determined, however, that a family of four should spend over $90 per month—on a variety of foods—in order to obtain a nutritious diet.

"Each month the USDA distributes less than 100 pounds of food to a family of four, a total of 23.38 pounds of food per person. The USDA recommends however, that to obtain an adequate diet, a family of four should have 308 pounds of a variety of nutritious foods. This figure excludes milk and eggs.

"The USDA recommends 50 pounds of meat, poultry or fish per month for a family of four. It distributes less than eight pounds to a family of four on commodities.

"The USDA suggests 176 pounds of fruits and vegetables. The family on commodities receives less than five pounds a month."

The Board of Inquiry concludes that the commodity distribution program is a failure. While they do not feel that changes will make the program successful in the long run, they make proposals for administrative reform which, within the framework of existing legislative authority, would benefit the hungry and malnourished substantially. (See page 56).

Food stamp program

The food stamp program, in theory, was to correct the deficiencies of the commodity program. It was to let the poor choose their own foods. The bonus coupons they bought with their normal food dollars would multiply their food purchasing power at local stores. Eligible families would buy the food stamps at rates set by the Secretary of Agriculture. The law requires that such prices be set at a rate equivalent to the "normal expenditure" for food. The Secretary decided to set stamp prices by determining average expenditures for families of different size and income.

Averaging the food expenditures of the poverty population proved administratively expedient to the USDA, but became a nightmare for the hungry. Families who had literally no income were averaged in with lowest income families and expected to pay rates based on averages with money that did not exist. In areas where the commodity distribution program was being scrapped in favor of food stamps, the no-income family found itself whipsawed between a program that had distributed food free and a new program that assumed that the family had paid for its food. When the switchover occurred, participation dropped radically. For once, America became aware of its hungry.

This awareness led to piecemeal efforts at improvement. These efforts in turn uncovered other inadequacies in the planning and administration of the food stamp program. The lowering of the minimum food stamp charges pointed up the inequity of the prices at "higher" income levels. Every time the income of a family of four rises by 10 dollars, six of those dollars must go toward food stamps. The schedule of charges set up by the USDA suffers from certain internal inconsistencies and operates to discourage participation.

Consider the following:

Assumption: That all families with a given number of members and a given income normally spend the same amount of money on food. This is the assumption underlying the use of surveys to determine what are "normal expenditures."

Fact: The USDA concedes that a primary problem in poor families is that there is no plan for spending money, hence, there is no "normal" amount of money spent each month on food. Bills, fixed expenses, and poor consumer practices devour income the day it dribbles in, so that there can be no amount specifically allocated for food expenditures. No steady dollar-and-cents pattern to the expenditures of poor people has yet been established.

Assumption: A family in poverty normally pays a constant amount of money for food from month to month. This justifies the requirement that participants spend a fixed sum on stamps each month or be ineligible for further assistance.

Fact: Food expenditures may double—or be cut in half—from month to month depending upon emergencies, pressing bills—and on income which may vary from month to month or season to season.

Assumption: That as a family's income increases, the percent of income spent on food increases. Food stamp prices are set so that, at the lowest levels a sharp rise in stamp prices accompanies a modest rise in income. This assumption appears to be coupled with the further assumption that the lowest income families spend for food first and pay their bills last.

Fact: At low levels of family income, food expenditures give way to fixed expenses. Items like rent, utilities, and overdue bills come first. What is left is what is spent for food. And this pattern does not change as income increases (until one is substantially above the poverty line).

The requirement that the poor lay out the cash for stamps all in one lump sum—and that they purchase the minimum amount or none at all—has worked considerable hardship. And once a person chooses to participate, he must continue to do so at the same level every month or he will be disqualified and required to apply all over again for eligibility.

A further inadequacy of the program is its unwillingness to provide even its participants with an adequate diet. By the Department of Agriculture's own standards, the money value of stamps falls consistently and deliberately below the amount necessary to secure a minimally adequate diet. Nutritional studies indicate that those participating in food stamps in fact are only slightly better off nutritionally than non-participants.

The county option system which has thwarted use of the commodity distribution program in many counties has been at least as great an obstacle to instituting the food stamp plan. The Secretary of Agriculture denies that he has the power to distribute food stamps in counties which refuse to apply. Yet section 14(a) of the Food Stamp Act expressly gives him that power.

After presenting this and other evidence, the Board of Inquiry concludes that the food stamp program has failed to fulfill its promise, and proposes a number of steps for administrative reform. (See pages 66–67.)

School lunch program

Despite its potential for directly alleviating hunger and malnutrition among the children of the poor, the school lunch program has to date proved unsuccessful. At most, one-third of poverty stricken children attending public schools participate. Although Congress expressly provided in the National School Lunch Act that poor children shall be served without cost or at a reduced cost, a majority of poor children are forced to pay the full price for school lunch or go without. The school lunch program in fact, operates for the benefit of the middle class.

Consumer education programs

Education in the advantages of budget, planning, bargain shopping and food selection has been held out as a solution of the malnutrition problem.

If education is the answer, the Board finds that little of it exists. In addition, limited evidence would appear to indicate that the poor use their food dollar well and that they need greater purchasing power, more than education on how to use that purchasing power.

Much of the need for education, budgeting knowledge, sophistication and skills stems from policies and procedures which make programs complex and directly decrease their utility to the poor. The call for education sometimes masks a shifting of responsibility for the defects of a program from the administrators, who have made the program complex, to the poor, who cannot cope wtih that complexity and red tape.

The role of public assistance programs in feeding the poor

The ability to eat adequately in the final analysis depends upon money. The poor do not have enough money to buy the food they need, despite the myth of massive federal handouts. Three out of every four Americans who live below the poverty level receive no help from federal public assistance programs whatsoever.

Some of those who do not receive federal assistance receive "general assistance" from the state and local government. But "general assistance" is miniscule in scale—amounting to less than six percent of federal expenditures under public assistance programs.

Most states administering federal welfare monies do not pay the minimal amount necessary for subsistence as estimated either by their own standards or by the federal government's standards. Actual payments consistently fall below the level to which families are entitled by law.

Consequently, the Board of Inquiry finds those who do participate in federal public assistance programs do not get enough money to secure a nutritionally adequate diet. In fact, welfare recipients who receive the highest level of payment in the nation have been found to suffer from inadequate diet.

Thus to live on welfare is to be virtually certain of inadequate nutrition. But three-fourths of the poor do not even get welfare. There are four distinct causes for this lack of participation.

1. The categories of federal assistance are a limitation on eligibility.

2. The state exercises its power to restrict participation in federal public assistance programs. The states can simply decline to participate in federal programs, or they can restrict the number of participants by imposing additional eligibility requirements.

3. The mode of administration on the state and local level restricts participation.

4. The Department of Health, Education and Welfare consistently declines to re-examine state plans for conformity to federal law, court decisions and affirmative constitutional requirements.

CHAPTER V. AGRICULTURAL POLICY

Responsibility for the design, enactment and administration of food assistance programs—both domestic and international—has traditionally been vested in those groups and individuals in government concerned with protection of the producers of food. Such a policy converts programs to feed the poor into disposal systems to relieve market gluts and protect profits.

The central focus of agricultural policy has shifted over the years from the small producer, the family farmer, to the large producer, the commercial and corporate farmer.

In 1967 alone, for example, nine large landowners received a total of over $14 million from one or a combination of farm programs designed, as the Department of Agriculture puts it, "to encourage, promote and strengthen the family farm".

Judged by the allocation of payments to farmers in 1967, this purpose has not been achieved. Some 42.7 percent of farmers—the classically small family farmers—with gross income of less than $2,500 received 4.5 percent of total farm payments from the government while the top 10 percent of farmers—the large, diversified, and in many cases corporate landowners—each with more than $20,000 gross income received 54.5 percent of total farm payments.

The large scale producer, as a result, is well protected.

At the same time the interests that dominate agricultural policy have not supported efforts to feed the hungry. The Board of Inquiry concludes:

1. The composition of the agricultural committees of Congress—which pass upon major food assistance legislation—dictates that inevitably the needs of the poor and hungry will be subordinated to the interests of large agricultural producers.

2. The relationship between these agricultural committees and the Department of Agriculture—which administers all major food assistance legislation—dictates that inevitably the Department's priorities will place the interests of agricultural producers first, the needs of the poor and hungry second.

CHAPTER VI. RECOMMENDATIONS

The Board of Inquiry has made recommendations which call for both immediate action to alleviate the present emergency conditions and for long range programs to eradicate hunger and malnutrition in the United States.

Immediate relief

We call upon the President to—

Declare that a national emergency exists;

Institute emergency food programs within these 256 hunger counties, at migrant farm camps, and, after consultation with tribal councils, on selected Indian reservations; all this to be done as the first earnest effort of a national resolve to dispel hunger;

Use all available statutory authority and funds including that under Section 32, P.L. 320 74th Congress customs receipts; under emergency food and medical appropriations (receipts) for the Office of Economic Opportunity, and under the 1967 Social Security Amendments providing for federal participation to needy families with children in order to assure completely adequate food programs in these counties;

Ask Congress for immediate enactment of such other powers and appropriations as he needs;

Use also in these places the authority and funds provided under the federal food programs, to the extent that doing so will not take funds away from other areas;

Report to the people by September 1968 the numbers of needy people reached in these counties, the numbers yet unreached (if there be any) and the nutritional adequacy of the diets provided for all these programs;

Report, at the same time, plans for longer range programs.

Long-range recommendations

The basic federal food program should be the *free* Food Stamp Program.

Eligibility for food stamps should be keyed to income, dependents, and medical expenses. The formula should bear some negative relationship to the same factors as the federal income tax.

At levels set by law, persons should become eligible for varying quantities of stamps without further investigation.

An eligible person should receive more or fewer stamps depending on need. Since the criterion is need, there would be no reason that the recipient pay anything for the stamps to which he or she is entitled.

We believe that school lunches should be available to every child enrolled in public, private, or parochial schools up to and including the 12th grade, as well as in kindergarten, Headstart or other pre-school centers, nursery schools, and day care centers. The lunches would have to conform to federal nutritional standards.

If it be required that families who can afford to pay for lunches do so, then we suggest consideration of a system of non-transferable lunch stamps which would be the only currency acceptable for federally supplied lunches, which would go to food stamp recipients along with their other stamps and which could be purchased by other parents at the issuing office.

School lunches could appropriately be used for prudent experiments with the palatability and nutritional effectiveness of so-called fortified foods.

Either the Department of Health, Education, and Welfare or the Office of Economic Opportunity should be directed and funded to employ and train a large number of food stamp recipients (perhaps at a ratio of one trainee to every 50 recipients) as nutrition and health care extension workers among the poor.

Until such time as the President is able to report to the country that no households (or only an insignificant number) have diets that fall below the Department of Agriculture's criterion of "good" and that federal assistance is no longer a factor in keeping them at that level, custom receipts under Section 32 should be made available as required to supplement other appropriations for the food needs of the poor.

Medical, graduate, and nursing schools should give much more attention to the diagnosis and treatment of malnutrition, and to an understanding of its causes and effects.

Finally, we do hope and urge that private organizations concerned with human welfare will address themselves to this most elemental of all of humanity's problems and that each will find within its purposes and resources its own distinctive contribution; and that all these organizations will, as part of their contribution, continuously monitor and evaluate governmental programs. To this end, and as a first step, we shall ourselves distribute our principal findings and our recommendations to groups representative of the nation's poor.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. BENNETT. Mr. President, on February 7, 1968, I introduced Senate Joint Resolution 140 to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week.

Since the introduction of this joint resolution, a number of my colleagues have expressed an interest in cosponsoring this joint resolution. I therefore ask that when this joint resolution is reprinted that the following Senators be added as cosponsors of this bill: Senator Strom Thurmond, Senator Frank Moss, Senator Hiram Fong, Senator Alan Bible, Senator Jack Miller, Senator Warren Magnuson, Senator John Sparkman, Senator John Tower, Senator Carl T. Curtis, Senator Sam Ervin, Senator Vance Hartke, Senator Quentin Burdick, Senator Roman Hruska, Senator Gale McGee, Senator Joseph Tydings, Senator Frank Lausche, and Senator Edward V. Long of Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 16, 1968, he presented to the President of the United States the enrolled bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

HIGHER EDUCATION AMENDMENTS OF 1968—AMENDMENT

AMENDMENT NO. 795

Mr. WILLIAMS of New Jersey. Mr. President, a new generation of Americans are taking their first steps in higher education. Many of them are the sons and daughters of some 8 million veterans who received similar educations under the World War II GI bill. This law made possible the single largest program of mass adult education ever undertaken at such bargain rates. The $14.5 billion investment on the part of the Federal Government has already been recouped and it is generally estimated that during the life of those veterans who benefited from this law, the return will be better than 3 to 1 with an estimated return of some 45 billion income tax dollars alone. This has certainly been one of the soundest economic investments we have made. One, I dare say, that can be demonstrated to the satisfaction of the most skeptical critics.

Mr. President, the world we live in no longer views a high school education as terminal. It demands continuing education. It pressures our Nation's youth to seek at least 2 years of college in order to survive. It is time we quit congratulating ourselves on the successes of the GI bill. It is time to apply the lessons we say we have learned from that experience to some 6 million students many of whom are presently struggling to finance their continuing education. It is time to give this same opportunity to the millions of others who are less fortunate and cannot absorb the costs of higher education. Next year alone, more than 2.5 million youngsters will finish high school, and only about 50 percent of them will go on to college.

Mr. President, I am tired of the rhetoric about removing the economic barriers that preclude some 60 percent of our college age youth from going to college. I have lost interest in the academic debate of the value of continuing education to the individual and to society. Education is not a private privilege, it is a public responsibility. Today I propose we quit talking about the desirability of providing at least 2 years of tuition-free education on the post high school level and do something about it.

I submit at this time, for appropriate referral, an amendment to S. 3098, the proposed Higher Education Amendments of 1968, which would create a new title, title XIII to provide tuition grants for students of limited income families.

My amendment would grant to each student in substantially full-time attendance for the first two years in an accredited junior college or college, or accredited trade, vocational or technical school a maximum grant of $500 per academic year for tuition and other academic fees if the gross income of the student and family during the preceding tax year is not more than $8,000. The income factor will be adjusted upward to accommodate an increase in dependents.

I recognize that this is far from adequate. But it is a beginning. I am dedicated to education, and feel that the principle of free continuing education is a must for our society. Over a hundred years ago, when the battle for free public schools was being fought, Horace Greeley, in an editorial in the New York Weekly Tribune stated the argument on which I base my proposal today:

> The education of children is a duty of parents when they are able, but it is a duty of the community whether all the parents are able or not. Not for his own sake merely, but for the sake of the whole, should every child be educated. A single ignorant person is a source of evil and peril to the community. That person, properly educated, might have invented something, evolved an idea for want of which the development of the race may be arrested for a whole half of a century.

We are meeting the challenge on the elementary and secondary level. We have matured as a people because of these efforts. I have therefore included a provision in my amendment which would authorize a complete and thorough study of existing proposals and programs all aimed at assisting college students to absorb all or part of their tuition, and other college expenses. When the conclusions of this study are available, we will then be able to build on the concept I have just outlined.

Mr. President, I ask unanimous consent that the text of my amendment appear at this point in the Record.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 795) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 795

On page —, line —, insert the following:

At the end of page 118, add the following new title:

"TITLE XIII—TUITION GRANTS FOR STUDENTS OF LIMITED INCOME FAMILIES

"Sec. 1301. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the Secretary), upon application, shall grant to each student in substantially full time attendance for the first two years in an accredited junior college or college, or accredited trade, vocational, or technical school, the full amount of tuition and other academic fees or $500 per academic year, whichever is less, if the gross income of the family of the student, or the student if he or she is self-supporting, during the preceding tax year is not more than $8,000, provided that the Secretary shall adjust the basic $8,000 income limitation to correspond with an increase in the number of dependents in a family. When a student is receiving a tuition grant from other government or private sources which is less than $500 per academic year, the Secretary is authorized to make a tuition grant in the amount of the difference, but in no case shall the combined grants exceed $500 per academic year.

"Sec. 1302. The Secretary may refuse grants for attendance at any institution which raises its tuition or fees in order to benefit from this title.

"Sec. 1303. (a) The Secretary shall, within a calendar year of the enactment of this provision, submit to the Congress a plan, or alternative plans, for providing a minimum of two years of educational opportunity at the post-secondary level. The Secretary shall have the authority to contract for a study to develop such a plan or plans. Such plans shall include, but not be limited to:

"(1) a minimum of two years of educational oportunity at the post-secondary level made available through outright grants to students or to institutions on behalf of every enrolled student;

"(2) various systems of loans to students or to institutions on behalf of enrolled students;

"(3) the use of the income tax such as through credits or deductions, and work-study or cooperative education systems;

"(4) existing programs of public and private financial assistance, including the Veterans Readjustment Benefit Act of 1966, and programs formerly in effect, including the Servicemen's Readjustment Act of 1944 and the Veterans Readjustment Assistance Act of 1952.

"(b) The study shall include, but not be limited to, such factors as:

"(1) the actual or projected cost effectiveness of alternative plans;

"(2) the immediate and the long-run economic impact of alternative plans;

"(3) financial and social implications to individual students participating under alternative plans;

"(4) institutional implications for post-secondary education or training facilities under alternative plans;

"(5) the relative contributions of Federal, State, and local governments, industry, students, and other sources, to the financing of higher education in the United States.

"SEC. 1304. There are authorized to be appropriated for the fiscal year ending June 30, 1969, the sum of $750,000,000; and for the two succeeding fiscal years such sums as may be necessary to carry out the purposes of this title. In the event that these sums are not sufficient to carry out the purposes of this title, the Secretary will give preference to those students defined in Sec. 1301 with the lowest income."

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENT

AMENDMENT NO. 796

Mr. BROOKE submitted an amendment, intended to be proposed by him, to the amendment No. 715, intended to be proposed by Mr. DIRKSEN, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 797

Mr. LONG of Missouri. Mr. President, I wish to submit another amendment to the bill pending before the Senate, S. 917, the Omnibus Crime Control and Safe Streets Act of 1967, which deals in so many ways with the rights of all American citizens.

This amendment would add a new title VI to the bill, providing a right to counsel for selectees appearing before local Selective Service Boards. I will discuss the need for this amendment at the time it is brought up and ask unanimous consent that the amendment not only be printed up but that it be printed at this point in the RECORD.

I also ask at this time that the RECORD include a statement which I made at a hearing on this subject.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and statement will be printed in the RECORD.

The amendment (No. 797) is as follows:

AMENDMENT NO. 797

At the end of the bill add a new title VIII as follows: "That section 555(b) of title 5, United States Code, is amended by adding the following sentence: 'Notwithstanding the provisions of the Uniform Military Training and Service Act, each individual shall be afforded the opportunity to appear in person, present testimony or other evidence, and be represented by counsel in any proceeding before the local Selective Service board having jurisdiction over him'."

The statement, presented by Mr. LONG of Missouri, is as follows:

OPENING STATEMENT BY SENATOR EDWARD V. LONG, BEFORE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE ON (S. 3303) A BILL TO EXTEND THE RIGHT OF COUNSEL TO THE SELECTIVE SERVICE SYSTEM

This morning, the Senate Subcommittee on Administrative Practice and Procedure begins hearings on S. 3303, a bill to extend the right of counsel to young men appearing before their local draft board. I am pleased to announce that a number of other Senators have joined with me in co-sponsoring this legislation, namely; Senators Ernest Gruening (Alaska); Philip Hart (Michigan); Daniel Brewster (Maryland); Edward Brooke (Massachusetts); Mark Hatfield (Oregon); Edward Kennedy (Massachusetts); Walter Mondale (Minnesota); Frank Moss (Utah); and Ralph Yarborough (Texas).

Before hearing from our witnesses, I would like to read a letter which I recently received from Mr. Ronald A. May, a lawyer fom Little Rock, Arkansas, and a Government Appeal Agent for Local Board No. 60. Mr. May has consented to our making his letter part of the public record:

APRIL 30, 1968.

Re: S. 3303

DEAR SENATOR LONG: I noted today in the American Bar Association Washington Letter that your Subcommittee is considering the above described bill to extend the right of counsel to registrants appearing before their local Selective Service Boards. I am Government Appeal Agent for Local Board No. 60 in Little Rock. Having some familiarity with the Selective Service Law and its administration, I would like to recommend very strongly the passage of this legislation.

As a matter of fact, I think that it does not go far enough. At the present time, the Selective Service Law is monstrously weighted against a registrant who seeks a classification other than I–A. His case is set for a hearing before the Board where he is not entitled to counsel. When he is then classified, the law hypocritically informs him tnat he may seek the counsel of a Government Appeal Agent. Unfortunately, at that time there is damned little the Government Appeal Agent can do for the registrant. Any appeal he takes is on the basis of the record which was made before the local Board. He is not entitled to be heard by the Appeal Board. If, as usually happens, the Appeal Board turns him down, he does not even have an appeal of right to the President, but can only appeal in certain quite limited circumstances.

There are no provisions for a Court review, and the only way a registrant can test the legality of his classification is to take a chance on going to prison. Certainly the manpower requirements of the Government do not require procedures as ill-conceived as these.

The very notion of a Government Appeal Agent is a mocking one. The Agents are untrained and unpaid. I am not seeking compensation for this job and would, in fact, resign if compensation became available. It seems obvious, however, that a paid attorney is going to do a better job than an unpaid one. I object very much to the casual way in which agents are appointed and the almost complete failure on the part of the Government to inform the agents about this rather technical area of the law. As a matter of fact, one of the few communications I have ever received from the Director of the Selective Service was the insulting suggestion that agents (who are supposed to be lawyers) should inform on their clients.

It has been suggested frequently that Government Appeal Agents cannot be trusted because they, in effect, represent the Government. Personally, I resent such criticism, and I have always done my best to advise and represent the registrants who have consulted me. I must admit, however, that there is some ambiguity in the regulations which require the agents "to be equally diligent in protecting the interests of the Government and the rights of the registrant in all matters."

I feel compelled to conclude this letter by stating as strongly as I can that my criticism of the law is not directed at the administration of the law by the Local Board with which I am associated. That Board is composed of extremely fine individuals who have done a splendid job at considerable personal sacrifice. They have never hesitated to reopen cases at my request and to accommodate me on hearings. The same can be said for all the employees of the Selective Service System with whom I have associated. It is clear to me, however, that they have performed well in spite of the law's gross inadequacy. I will look forward with great interest to the outcome of your Subcommittee's hearings.

Respectfully yours,

RONALD A. MAY.

I, too, look with great interest to these hearings, for I believe we are dealing with a basic constitutional issue—the right of counsel. As I stated when this bill was introduced, "when the young man has been called before his draft board, there is perhaps no greater time when he might need the assistance of counsel. Yet, at that very moment, the regulations of the System itself specifically prohibit such counsel."

Since the creation of this Subcommittee in 1959, we have been concerned with basic problems in administrative law. One of these problems is the right of counsel guaranteed by the Administrative Procedure Act. Section 555(b) of Title 5 of the United States Code (Administrative lawyers know this as Section 6(a) of the old Administrative Procedure Act) guarantees a right of counsel to persons compelled to appear before an agency of the Federal government. The hearing this morning will determine whether this right of counsel should extend to the Selective Service System. The record should be made clear that the legislation is not in support of "doves" or "hawks"; the legislation will not be helping the peaceniks or the draft dodgers. If there is a need for this legislation, it will help all young men when they want to appear before their local draft board.

AMENDMENT OF OCCUPATIONAL HEALTH AND SAFETY BILL TO PROVIDE FOR A STUDY OF WORKMEN'S COMPENSATION—AMENDMENTS

AMENDMENT NO. 798

Mr. JAVITS. Mr. President, I submit an amendment to S. 2864, the occupational health and safety bill. The amendment would provide for the establishment of a broadly based Commission to make a comprehensive study and evaluation of our workmen's compensation laws. I ask that the amendment be appropriately referred and that its text be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 798) was referred to the Committee on Labor and Public Welfare, as follows:

On page 19, after line 21, insert the following new title:

"TITLE II—STUDY AND EVALUATING OF STATE WORKMEN'S COMPENSATION LAWS

"CONGRESSIONAL FINDINGS AND PURPOSE

"SEC. 201. (a). Congress hereby finds and declares that the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event they suffer disability injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation.

"(b) In recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

"(c) The purpose of this title is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

"ESTABLISHMENT OF COMMISSION

"Sec. 202. There is hereby established a National Commission on State Workmen's Compensation Laws (hereinafter referred to as the 'Commission').

"MEMBERSHIP

"Sec. 203. (a) The Commission shall be composed of 15 members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary of Labor, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Commission.

"(b) Any vacancy in the Commission shall not affect its powers.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Eight members of the Commission shall constitute a quorum.

"DUTIES OF THE COMMISSION

"Sec. 204 (a) The Commission shall undertake a comprehensive study and evaluation of state's workmen's compensation laws in order to determine if such laws provide an adequate prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (1) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (2) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physicians, (3) the extent of coverage of workers, including exemptions based on numbers or type of employment, (4) standards for determining which injuries or diseases should be deemed compensable, (5) rehabilitation, (6) coverage under second or subsequent injury funds, (7) time limits on filing claims, (8) waiting periods, (9) compulsory or elective coverage, (10) administration, (11) legal expenses, (12) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (13) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (14) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (15) the relationship between workmen's compensation on the one hand, and old age, disability and survivors insurance and other types of insurance, public or private, on the other hand, (16) methods of implementing the recommendations of the Commission.

"(b) The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

"POWERS OF THE COMMISSION

"Sec. 205. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

"(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

"(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $50 a day for individuals.

"(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"COMPENSATION OF MEMBERS

"Sec. 206. Members of the Commission shall receive compensation at the rate of $——— per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"APPROPRIATIONS AUTHORIZED

"Sec. 207. There are hereby authorized to be appropriated such sums as may be necessary, not to exceed a total of $——— to carry out the provisions of this title.

"TERMINATION

"Sec. 208. On the nineteenth day after the date of submission of its final report to the President, the Commission shall cease to exist."

On page 1, between lines 2 and 3, insert the following:

"TITLE I—OCCUPATIONAL SAFETY AND HEALTH."

On page 1, line 3, strike out "That this Act" and insert in lieu thereof "Section 101. This title".

On page 1, line 6, strike out "Sec. 2." and insert in lieu thereof "Sec. 102.".

On page 3, line 12, strike out "Act" and insert in lieu thereof "title".

On page 3, line 17, strike out "Act" and insert in lieu thereof "title".

On page 3, line 19, strike out "Sec. 3." and insert in lieu thereof "Sec. 103.".

On page 4, line 7, strike out "Sec. 4." and insert in lieu thereof "Sec. 104.".

On page 4, line 8, strike out "Act" and insert in lieu thereof "title".

On page 5, line 5, strike out "Sec. 5." and insert in lieu thereof "Sec. 105.".

On page 5, line 6, strike out "Act" and insert in lieu thereof "title".

On page 5, line 12, strike out "Act" and insert in lieu thereof "title".

On page 5, line 19, strike out "Act" and insert in lieu thereof "title".

On page 5, line 21, strike out "Act" and insert in lieu thereof "title".

On page 6, line 4, strike out "Sec. 6." and insert in lieu thereof "Sec. 106.".

On page 6, line 6, strike out "Act" and insert in lieu thereof "title".

On page 6, line 10, strike out "the Act" and insert in lieu thereof "this title".

On page 7, lines 7 and 8, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 7, line 10, strike out "Act" and insert in lieu thereof "title".

On page 7, line 16, strike out "Act" and insert in lieu thereof "title".

On page 7, line 20, strike out "Sec. 7." and insert in lieu thereof "Sec. 107.".

On page 7, lines 22 and 23, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 8, line 14, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 8, line 19, strike out "Sec. 8." and insert in lieu thereof "Sec. 108.".

On page 8, line 20, strike out "Act" and insert in lieu thereof "title".

On page 8, line 23, strike out "Act" and insert in lieu thereof "title".

On page 9, line 2, strike out "Act" and insert in lieu thereof "title".

On page 9, line 3, strike out "Act" and insert in lieu thereof "title".

On page 9, line 7, strike out "Sec. 9." and insert in lieu thereof "Sec. 109.".

On page 9, lines 8 and 9, strike out "section 3(a) of this Act" in both instances and insert in lieu thereof "section 103(a) of this title", respectively.

On page 9, line 10, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 10, line 1, strike out "section 6 (a)(2)" and insert in lieu thereof "section 106(a)(2)".

On page 10, lines 4 and 5, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 10, line 16, strike out "Act" and insert in lieu thereof "title".

On page 10, line 23, strike out "Act" and insert in lieu thereof "title".

On page 11, line 2, strike out "Sec. 10." and insert in lieu thereof "Sec. 110.".

On page 11, lines 13 and 14, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 11, lines 15 and 16, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 11, line 20, strike out "Act" and insert in lieu thereof "title".

On page 11, line 21, strike out "Act" and insert in lieu thereof "title".

On page 11, line 24, strike out "Act" and insert in lieu thereof "title".

On page 12, line 2, strike out "Act" and insert in lieu thereof "title".

On page 12, line 4, strike out "Act" and insert in lieu thereof "title".

On page 12, line 9, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 12, line 16, strike out "section 20 (f) of this Act" and insert in lieu thereof "section 121(f) of this title".

On page 12, line 18, strike out "Sec. 11." and insert in lieu thereof "Sec. 111.".

On page 12, line 21, strike out "Act" and insert in lieu thereof "title".

On page 13, line 4, strike out "Sec. 12." and insert in lieu thereof "Sec. 112.".

On page 13, line 9, strike out "Act" and insert in lieu thereof "title".

On page 13, line 10, strike out "Act" and insert in lieu thereof "title".

On page 13, line 13, strike out "Act" and insert in lieu thereof "title".

On page 13, line 18, strike out "Sec. 13. Nothing in this Act" and insert in lieu thereof "Sec. 113. Nothing in this title".

On page 14, line 2, strike out "SEC. 14." and insert in lieu thereof "SEC. 114.".

On page 14, line 3, strike out "Act' and insert in lieu thereof "title.".

On page 14, line 5, strike out "SEC. 15." and insert in lieu there of "SEC. 115.".

On page 14, line 16, strike out "Act" and insert in lieu thereof "title".

On page 14, lines 22 and 23, strike out "section 5 of this Act" and insert in lieu thereof "section 105 of this title".

On page 15, line 6, strike out "section 3 of this Act" and insert in lieu thereof "section 103 of this title".

On page 15, line 14, strike out "Act" and insert in lieu thereof "title".

On page 15, between lines 14 and 15, insert the following:

"EDUCATION AND TRAINING PROGRAMS".

On page 15, line 15, strike out "SEC. 16." and insert in lieu thereof "SEC. 116.".

On page 15, line 20, strike out "Act" and insert in lieu thereof "title".

On page 15, line 24, strike out "Act" and insert in lieu thereof "title".

On page 16, line 2, strike out "SEC. 17." and insert in lieu thereof "SEC. 117.".

On page 17, line 20, strike out "SEC. 18. Nothing in this Act" and insert in lieu thereof "SEC. 118. Nothing in this title".

On page 17, line 24, strike out "SEC. 19." and insert in lieu thereof "SEC. 119.".

On page 18, line 3, strike out "Act" and insert in lieu thereof "title".

On page 18, line 5, strike out "SEC. 20." and insert in lieu thereof "SEC. 120.".

On page 18, line 10, strike out "Act" and insert in lieu thereof "title".

On page 18, lines 16 and 17, strike out "SEC. 21. (a) The term 'Secretary' appearing in this Act" and insert in lieu thereof the following:

"SEC. 121. As used in this title—

"(a) The term 'Secretary' ".

Mr. JAVITS. Mr. President, the administration's measure, S. 2864, is confined to improving occupational health and safety in America. Any comprehensive safety and health program cannot, however, focus on prevention alone, as S. 2864 does; it should also deal with the problem of workmen's compensation for the victims of occupational injury and disease for it is obvious that, regardless of efforts made to improve job safety and health, job-related deaths, injuries, and diseases will continue to occur.

It is to meet this deficiency in the administration bill that I am introducing today, an amendment to establish a Commission to study and evaluate our workmen's compensation laws.

The Commission I propose would be composed of 15 members, to be appointed by the President from a broad spectrum of interests, including State workmen's compensation boards, representatives of insurance carriers, business, labor, and educators having special expertise in the field of workmen's compensation, as well as representatives of the general public. The Secretaries of Labor, Commerce, and Health, Education, and Welfare would be ex officio members. The Commission would have 1 year to file its report.

The Commission would be charged with the duty of undertaking a comprehensive study and evaluation of State workmen's compensation laws in order to determine if they provide an adequate, prompt, and equitable system of compensation. Its attention would be specifically directed to a number of subjects, among the more important of which would be the amount and duration of medical and disability benefits, provisions insuring adequate medical care and free choice of physicians, coverage, standards for determining compensability, rehabilitation, the advisability of a uniform reporting system, extraterritoriality problems, and the relationship between workmen's compensation and OASDI or other public or private insurance. Finally, the Commission would be directed to consider the possible methods of implementing its own recommendations.

Mr. President, the need for the type of comprehensive review and evaluation which the Commission would undertake should be apparent to anyone with even a cursory knowledge of workmen's compensation today. The fact is that although a few States like my own State of New York do have adequate workmen's compensation laws, in most States workmen's compensation is, in at least some respects, shockingly inadequate.

Workmen's compensation laws were devised to assure that benefits would be paid to workers injured on the job and that they would be paid promptly, with a minimum of legal formality, and without the necessity of fixing the blame for the injury. The fundamental premise of workmen's compensation laws is that the cost of work-related injuries is to be considered part of the cost of production. Workmen's compensation laws were and are a modern industrial democracy's answer to the obstacles, such as the fellow servant and assumption of risk rules, established by the common law to bar recovery by injured workers from their employers. In return for the elimination of the doubtful, but potentially unlimited, liability of an employer under the common law, workmen's compensation laws substituted the limited, but sure, remedy of compensation in the form of medical and disability benefits.

The original intent of workmen's compensation laws was to strike a fair balance between the legitimate claims of injured employees and the potential liability of employers. There is, however, grave doubt that this balance is being struck fairly today. Workmen's compensation laws simply have not kept pace with the development of the economy. The system, as it is operating today, simply does not meet contemporary needs, and it is high time that a careful review and analysis be made of the way the current system is operating, and of possible methods of improving it.

I recognize that the charge I have made today is a most serious one. However, my doubts as to the adequacy of the present workman's compensation system are based on objective yardsticks. These are available in the form of the standards for workmen's compensation laws which have been developed in recent years by the Department of Labor, the Council of State Governments, and the International Association of Industrial Accident Boards and Commissions. The minimum standards developed by these highly respected agencies are in many respects quite similar.

An analysis of Bulletin No. 212 issued by the Department of Labor, as revised up to 1967, which compares the major provisions of State workmen's compensation with the standards recommended by the Federal Bureau of Labor Standards, shows a compliance ratio of only about 45 percent. I ask unanimous consent that a table showing the precise extent of compliance with the Labor Department's recommended standards be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXTENT OF PROTECTION UNDER WORKMEN'S COMPENSATION LAWS

[X=Law meets the recommended standard. . .=Law does not meet standard]

	Compulsory law	No numerical exemption	Farm employment covered	Full coverage of occupational diseases	Rehabilitation division within workmen's compensation agency	Maintenance benefits during rehabilitation	Full medical care for accidental injuries	Full medical care for occupational diseases	Workmen's compensation agency has authority to supervise medical aid	Initial choice of physician by the injured worker	Broad subsequent injury fund	Adequate time for filing occupational disease claims	Waiting period for not more than 3 days with retroactive benefits after 2 weeks	Death benefits to widow until her death or remarriage	Compensation for permanent total disability for life or period of disability	Compensation for temporary total disability not less than 66⅔ percent of average wages	Total standards met
Alabama	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	0
Alaska	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	..	13
Arizona	X	..	..	..	..	X	X	..	X	X	X	..	..	X	X	X	9
Arkansas	X	..	..	X	..	X	X	..	..	..	..	..	..	..	..	..	4
California	X	X	X	X	X	..	X	X	X	..	X	X	..	..	X	..	11
Colorado	..	..	..	..	..	..	..	..	..	..	..	..	..	..	X	..	1

EXTENT OF PROTECTION UNDER WORKMEN'S COMPENSATION LAWS—Continued

[X=Law meets the recommended standard. --=Law does not meet standard]

	Compulsory law	No numerical exemption	Farm employment covered	Full coverage of occupational diseases	Rehabilitation division within workmen's compensation agency	Maintenance benefits during rehabilitation	Full medical care, for accidental injuries	Full medical care for occupational diseases	Workmen's compensation agency has authority to supervise medical aid	Initial choice of physician by the injured worker	Broad subsequent injury fund	Adequate time for filing occupational disease claims	Waiting period for not more than 3 days with retroactive benefits after 2 weeks	Death benefits to widow until her death or remarriage	Compensation for permanent total disability for life or period of disability	Compensation for temporary total disability not less than 66⅔ percent of average wages	Total standards met
Connecticut	X	X	X	X	X	X	X	X	X	X¹	X	--	X	X	X	X	15
Delaware	X	--	--	X	--	--	X	X	--	X	X	--	X	--	X	--	8
District of Columbia	X	X	--	X	X	X	X	X	--	X¹	X	--	--	X	X	--	11
Florida	--	--	--	X	X	--	X	X	X	--	X	--	--	--	X	--	7
Georgia	--	--	--	--	--	--	--	--	X	--	--	--	--	--	--	--	1
Hawaii	X	X	X	X	X	X	X	X	X	X	X	X	X	--	X	X	15
Idaho	X	X	--	--	--	--	X	X	X	--	--	--	--	--	X	--	6
Illinois	X	X	--	X	--	--	X	--	--	--	--	--	--	--	X	--	5
Indiana	--	X	--	X	--	--	X	X	--	--	--	X	--	--	X	--	6
Iowa	--	X	--	--	--	--	X	X	--	--	--	--	--	--	--	--	3
Kansas	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Kentucky	--	--	--	X	--	--	X	X	--	--	--	--	--	--	--	--	3
Louisiana	--	X	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1
Maine	--	--	--	X	X	X	X	X	--	X¹	--	--	--	X	X	X	9
Maryland	X	X	--	X	X	--	X	X	X	X	X	X	--	--	--	--	10
Massachusetts	X	--	X	X	X	X	X	X	--	X	--	--	--	--	X	X	10
Michigan	X	X	X	X	X	X	X	X	X	--	--	X	--	--	X	--	11
Minnesota	X	X	--	X	--	X	X	X	X	X	X	--	--	--	X	--	10
Mississippi	X	--	--	--	--	X	X	X	--	--	--	--	--	--	--	--	4
Missouri	--	--	--	X	X	X	X	X	--	--	X	X	--	--	X	--	8
Montana	--	X	--	--	--	X	--	--	--	X	--	X	--	--	--	--	4
Nebraska	--	X	--	X	--	--	X	X	--	--	--	X	--	--	X	--	6
Nevada	X	--	--	X	--	--	X	--	X	X	--	--	--	X	X	--	7
New Hampshire	X	X	X	X	--	--	X	X	--	X	--	X	--	--	--	--	8
New Jersey	--	X	X	X	X	--	X	X	--	--	--	--	--	X	X	X	9
New Mexico	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
New York	X	X	X	X	X	X	X	X	X	X¹	X	X	--	X	X	--	14
North Carolina	--	--	--	--	--	--	X	--	X	--	--	--	--	--	--	--	2
North Dakota	X	X	--	X	X	X	X	X	X	X	--	--	--	X	X	--	11
Ohio	X	--	X	X	X	X	X	X	X	X	--	--	--	--	X	--	10
Oklahoma	X	--	--	--	--	--	X	X	X	--	--	X	--	--	--	--	5
Oregon	X	X	X	X	X	X	X	X	X	X	X	--	X	X	X	--	14
Pennsylvania	--	X	--	X	--	--	--	--	--	--	--	--	--	--	X	--	3
Puerto Rico	X	X	X	X	X	--	X	X	X	--	X	X	X	X	X	--	13
Rhode Island	X	--	--	X	X	--	X	X	--	X	--	X	X	--	X	--	9
South Carolina	--	--	--	X	--	--	X	X	X	--	--	X	--	--	--	--	5
South Dakota	--	X	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1
Tennessee	--	--	--	--	--	--	--	--	--	X¹	--	X	--	--	--	--	2
Texas	--	--	--	--	X	--	X	--	X	--	--	X	--	--	--	--	4
Utah	X	X	--	X	--	X	X	--	X	--	X	X	--	--	X	--	9
Vermont	--	--	X	--	--	--	X	--	--	--	--	--	--	X	--	--	3
Virginia	X	--	--	X	--	--	--	--	X	--	--	X	--	--	--	--	4
Washington	X	X	--	X	X	--	X	X	X	X	X	X	--	X	X	--	12
West Virginia	--	X	--	X	X	X	X	--	X	X	X	--	--	X	X	--	10
Wisconsin	X	--	X	X	--	X	X	X	X	X¹	X	X	X	--	X	--	13
Wyoming	X	X	--	--	--	--	X	X	--	X	--	X	X	--	--	--	7
Number of States meeting standards	29	28	14	34	21	20	41	32	26	23	18	22	8	13	31	6	--

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[1] Choice from panel.

Mr. JAVITS. Mr. President, a compliance ratio as low as 45 percent is indeed shocking, but it is even more shocking to realize that if the comparison were made with the model workmen's compensation law recently published by the Council of State Governments, the percentage would be even lower.

A brief analysis of the subjects which the Commission would be directed to study under my proposal, many of which are keyed to the minimum standards developed by the Department of Labor, the Council of State Governments, and the IAIABC, will indicate the critical nature of the problem, as it exists today.

First. The amount and duration of permanent and temporary disability benefits. Together with medical benefits, the disability benefits payable under workmen's compensation are, of course, the heart of the system. Yet, in all but a few States the disability benefits payable to an injured worker are grossly inadequate. Furthermore, here in contrast to other areas in which slow, but more or less steady, progress toward recommended standards has been made, we have actually been losing ground. To take just one example, the shocking fact is that, although the absolute amount of disability benefits has increased between 1940 and 1966, the ratio of maximum weekly temporary total disability benefits to average weekly wages has, by and large, fallen drastically in that period. That ratio has actually decreased in no less than 44 States. If the comparison is made between 1958 and 1966, the results are likewise unsatisfactory. In that period, in only half the States did this percentage increase; in the other half it continued to decrease. The sorry tale is told completely in a table, which I ask be included in my remarks at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage¹		
	1940	1958	1966
Alabama	94.9	43.7	39.1
Alaska		75.2	56.7
Arizona		182.6	137.2
Arkansas	122.2	58.8	47.3
California	80.2	51.3	54.1
Colorado	54.7	42.3	45.0
Connecticut	85.9	49.5	53.5
Delaware	50.6	36.6	40.2
District of Columbia	93.7	63.4	60.3
Florida	89.5	47.0	41.9
Georgia	112.0	44.5	38.5
Hawaii	116.2	108.4	106.8
Idaho	79.4	52.8	46.4
Illinois	67.5	43.6	54.8
Indiana	60.1	39.8	37.7
Iowa	63.2	40.3	45.5
Kansas	78.0	41.8	40.4
Kentucky	68.2	41.9	43.8

See footnote at end of table.

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)—Continued

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage[1]		
	1940	1958	1966
Louisiana	94.3	44.8	32.9
Maine	85.8	49.8	64.2
Maryland	81.0	50.2	52.1
Massachusetts	68.2	58.2	69.3
Michigan	55.1	43.9	58.2
Minnesota	77.4	53.9	40.8
Mississippi		57.1	41.0
Missouri	78.4	44.8	46.0
Montana	79.8	47.0	46.2
Nebraska	63.1	45.1	42.8
Nevada	84.7	55.9	59.2
New Hampshire	83.8	51.8	51.4
New Jersey	67.9	42.9	36.3
New Mexico	86.5	36.9	40.4
New York	80.9	47.7	47.7
North Carolina	100.1	55.4	42.3
North Dakota	89.6	50.5	59.4
Ohio	63.8	42.9	44.7
Oklahoma	71.2	43.6	38.9

See footnote at end of table.

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)—Continued

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife and 2 dependent children to average weekly wage[1]		
	1940	1958	1966
Oregon	87.5	56.1	51.5
Pennsylvania	69.0	44.8	47.0
Puerto Rico		86.4	58.0
Rhode Island	83.7	43.1	56.0
South Carolina	153.4	57.3	57.0
South Dakota	66.4	41.9	47.3
Tennessee	78.2	45.0	40.3
Texas	84.0	43.7	33.6
Utah	72.0	49.8	52.1
Vermont	62.3	47.4	46.0
Virginia	74.9	46.9	47.0
Washington	51.1	53.4	53.0
West Virginia	62.1	39.0	37.4
Wisconsin	73.5	55.8	58.9
Wyoming	88.4	53.6	57.6

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[1] The percentages in these columns are found by dividing the maximum weekly benefit for a worker, his wife, and 2 dependent children by the average weekly wage as reported under the State unemployment insurance acts.

Mr. JAVITS. Mr. President, in the area of permanent disability, the figures tell an equally disquieting story. In four States the maximum permanent disability benefit is less than $40 a week. In 13 States the maximum permanent disability benefit is between $40 and $50 per week. Furthermore, absolute limitations on the amount of permanent disability benefits—almost a contradiction in terms—are still common; 19 States have such limitations, with most of them below $20,000 and some as low as $12,500. Only six States meet the Department of Labor's recommendation of an actual, rather than merely theoretical maximum of 66⅔ percent of average wages for temporary total disability. A chart prepared by the chamber of commerce and included in its most recent Analysis of Workmen's Compensation Laws reveals the picture at a glance, and I ask that it be included in my remarks at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968

Jurisdiction	Limitations on permanent total					Limitations on temporary total					Notations
	Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Maximum percent of wages[1]	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	
Alabama	[2] 65	$44.00	$15.00	550 weeks	$17,600	65	$44.00	[3] $15.00	300 weeks	$13,200	
Alaska	65	65.00	25.00	Life		65	100.00	[3] 25.00	Disability		Disfigurement maximum, $3,500.
Arizona	65	[4] 150.00	32.50	do		65	150.00	32.50	433 weeks	65,000	
Arkansas	65	38.50	10.00	450 weeks	14,500	65	38.50.	10.00	450 weeks	14,500	
California	65	52.50	20.00	Life [1]		61¾	70.00	25.00	240 weeks [5]		60 percent maximum after 400 weeks.
Colorado [6]	66⅔	[7] 54.25	13.00	do [1]	16,926	66⅔	54.25	13.00	Disability	16,926	50 percent increase in compensation where employer has failed to comply with insurance provisions. 50 percent decrease in compensation where injury results from failure to obey safety regulations or from intoxication.
Connecticut	66⅔	[8] 74.00	20.00	do	(9)	66⅔	[8] 74.00	20.00	do		
Delaware	66⅔	50.00	[3] 25.00	do		66⅔	50.00	[3] 25.00	do		
District of Columbia	66⅔	70.00	[3] 18.00	do		66⅔	70.00	[3] 18.00	do	[10] 24,000	
Florida	60	49.00	[3] 8.00	do		60	49.00	[3] 8.00	350 weeks		
Georgia	60	37.00	12.00	400 weeks	12,500	60	37.00	12.00	400 weeks	12,500	
Guam	66⅔	35.00	[3] 12.00	Life	10,000	66⅔	35.00	[3] 12.00	Disability	10,000	
Hawaii	66⅔	[1] 112.50	[1] 18.00	do	[1] 35,100	66⅔	112.50	[3] 18.00	do	[12] 35,100	Director may order payment of $150 per month for attendant, paid from special fund.
Idaho	60	[1] 43.00	[1] 15.00	do [13]		60	[1] 43.00	[1] 15.00	do [13]		Maximum $43 with dependent spouse. Add $5 each child. Maximum $63.
Illinois	(1)	68.00	31.50	do	(1)	(1)	76.00	31.50	8 years		Limited to amount if death had resulted. Pension thereafter.
Indiana	60	51.00	[3] 21.00	500 weeks [1]	25,000	60	51.00	[3] 21.00	500 weeks	25,000	Additional benefits from 2d injury fund.
Iowa	66⅔	47.50	[3] 18.00	do	23.750	66⅔	56.00	[3] 18.00	300 weeks		Weekly compensation for temporary total disability is $40, $4 additional for each dependent child.
Kansas	60	49.00	7.00	416 weeks	20,384	60	49.00	7.00	415 weeks	20,335	
Kentucky [14]	66⅔	47.00	21.00	425 weeks	19,975	66⅔	47.00	21.00	425 weeks	19,975	Disfigurement benefits.
Louisiana	65	35.00	[3] 10.00	400 weeks	14,000	65	35.00	10.00	300 weeks	10,500	
Maine [15]	66⅔	62.14				66⅔	62.14				Disfigurement benefits, $1,500 maximum
Maryland	66⅔	55.00	[3] 18.00		30,000	66⅔	55.00	[3] 18.00	208 weeks		If permanent disability exceeds 50 percent of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent injury fund" after completion of payments by the employer.
Massachusetts [16]	66⅔	[1] 62.00	[17] 20.00	Life		66⅔	[1] 62.00	[17] 20.00	Disability	16,000	$6 additional each wholly dependent but not to exceed weekly wage. Combined total compensation for total and partial disability not to exceed $18,000.
Michigan [18]	66⅔	[1] 64.00	27.00	Disability [19]	(19)	66⅔	[1] 64.00	27.00	do		$6 additional for each dependent up to 5, maximum $93.
Minnesota	66⅔	60.00	17.50	Life	(11)	66⅔	60.00	17.50	350 weeks	15,750	Additional $5,000 allowable in in certain cases. Disfigurement benefits.
Mississippi	66⅔	35.00	[1] 10.00	450 weeks [20]	[20] 14,500	66⅔	35.00	[1] 10.00	450 weeks [20]	[20] 14,500	Less in partially dependent cases. $2,000 disfigurement maximum.
Missouri	66⅔	52.00	16.00	300 weeks [21]		66⅔	57.00	[3] 16.00	400 weeks	22,800	$2,000 disfigurement maximum.
Montana	66⅔	[1] 60.00	34.50	500 weeks	30,000	66⅔	[1] 60.00	34.50	300 weeks	18,000	Reducing schedule if less than 5 children.
Nebraska	[1] 66⅔	[1] 45.00	[3] 30.00	Life [22]		[1] 66⅔	45.00	[3] 30.00	300 weeks [22]	13,500	45 percent after 300 weeks, maximum $36, minimum $26 (or actual wages if less).
Nevada	90	[23] 56.00		do		[23] 90	67.50		100 months	29,250	Additional allowance for constant attendant if necessary, $50 a month.
New Hampshire	66⅔	8.00	[3] 15.00	(1)		66⅔	58.00	[3] 15.00	(1)		After 6 successive years of payment, additional payments may be made only on order of the commissioner upon application by the employee and to the employer. If employer objects, medical panel provided for.
New Jersey	(24)	[1] 83.00	10.00	450 weeks [1]		(24)	83.00	10.00	300 weeks		After 450 weeks at reduced rate, if employed; at full rate if not rehabilitable.
New Mexico [1]	60	45.00	[3] 24.00	500 weeks	22,500	60	45.00	[3] 24.00	500 weeks	22,500	10 percent additional compensation payable by employer for failure to provide safety devices.

See footnotes at end of table.

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968—Continued

Jurisdiction	Limitations on permanent total					Limitations on temporary total					Notations
	Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Maximum percent of wages[1]	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	
New York	66⅔	$60.00	[3] $20.00	Life		66⅔	$60.00	$20.00	Disability		Additional compensation for vocational rehabilitation.
North Carolina	60	42.00	10.00	400 weeks[1]	[1] $15,000	60	42.00	10.00	400 weeks	$15,000	In cases of paralysis from a brain or spinal injury, payments may be extended for the life of the claimant and the total may exceed $15,000.
North Dakota	80	[1] 75.00	15.00	Life		80	[1] 75.00	15.00	Disability		$50 plus $5 for each child under 18. Maximum $75 per week.[3]
Ohio	66⅔	56.00	[3, 20] 45.50	do		66⅔	56.00	[3] 25.00	do	10,750	During 1st 12 weeks of temporary total disability, maximum compensation is $63.
Oklahoma	66⅔	40.00	[3] 15.00	500 weeks	20,000	66⅔	40.00	[3] 15.00	300 weeks	12,000	
Oregon	90	70.38	35.75	Life		90	[1] 73.85	39.23	Disability		Reducing schedule if less than 6 children.
Pennsylvania	66⅔	60.00	[20] 35.00			66⅔	60.00	35.00			
Puerto Rico[27]	66⅔	20.76	9.23	Life		66⅔	35.00	8.00	312 weeks		Additional benefits in specific cases such as for vocational rehabilitation or constant companion at not more than $30 a month.
Rhode Island[21]	66⅔	50.00	25.00	1,000 weeks	16,000	60	45.00	25.00	1,000 weeks	16,000	Additional benefits from 2d injury fund. Compensation includes $3 per week each dependent child in addition to that for total incapacity, maximum $12.
South Carolina	60	50.00	5.00	500 weeks	12,500	60	50.00	5.00	500 weeks	12,500	
South Dakota	55	42.00	[3] 22.00	Life[1]	16,000	55	42.00	[3] 22.00	312 weeks	13,108	After 300 weeks, maximum $15 per week. Minimum $12.
Tennessee	65	42.00	[28] 15.00	550 weeks	16,000	65	42.00	[28a] 15.00		16,000	After 400 weeks $15 per week, or actual wage if less but not less than $12. Disfigurement benefits.
Texas	60	35.00	9.00	401 weeks	14,035	60	35.00	9.00	401 weeks	14,035	Special provisions for occupational disease.
Utah	[1] 60	[29] 44.00	[3] 25.00	Life[1]	[30] 19,344	60	[29] 44.00	[1] 25.00	312 weeks	19,344	After 260 weeks 45 percent plus $3.60 for a dependent wife and $3.60 for each dependent minor under 18 up to 4 such children. Disfigurement benefits.
Vermont[31]	66⅔	[32] 52.00	[3] 26.00	330 weeks	17,160	66⅔	[32] 52.00	[3] 26.00	330 weeks	17,160	
Virginia	60	45.00	14.00	500 weeks	18,000	60	45.00	14.00	500 weeks	18,000	Disfigurement benefits.
Washington		[1] 81.23	42.69	Life			[1] 81.23	42.69	Disability		Additional allowance for constant attendant, if necessary $115 per month. Reducing schedule if less than 5 children.
West Virginia	66⅔	47.00	24.00	do		66⅔	47.00	24.00	208 weeks	9,976	
Wisconsin	70	68.00	14.00	do		70	68.00	8.75	Disability		Additional compensation for vocational rehabilitation.[33]
Wyoming		[1] 34.61	28.80	do	27,500	66⅔	63.46	33.46	do	12,000	Permanent—$34.61 plus $6.92 for each child (no limit).[34] Aggregate sum for children $10,000.
Federal Employees' Compensation Act	[36] 75	[1] 345.00	59.00	do		75	[1] 345.00	[3] 59.00	do		Additional allowance of $300 per month for constant attendant if necessary.
Longshoremen and Harbor Workers' Act	66⅔	70.00	[3] 18.00	do		66⅔	70.00	[3] 18.00	do	[25] 24,000	
Alberta	75	80.77	[3] 35.00	do		75	80.77	[3] 35.00	do		75 percent of maximum earnings of $5,600 per year.
British Columbia	75	95.20	[3] 34.72	do		75	95.20	30.00	do		75 percent of maximum earnings of $6,600 per year.[13]
Manitoba	75	86.54	[3, 37] 35.00	do		75	86.54	[3] 35.00	do		Do.
New Brunswick	75	72.11	[3] 25.00	do		75	72.11	[3] 25.00	do		75 percent of maximum earnings of $5,000 per year.
Newfoundland	75	72.11	[3] 28.84	do		75	72.11	[3] 25.00	do		Do.
Nova Scotia	75	72.11	[3] 28.00	do		75	60.58	[3] 30.00	do		Do.
Ontario	75	86.54	32.50	do		75	86.54	30.00	do		75 percent of maximum earnings of $6,000 per year.
Prince Edward Island	75	72.11	[3] 20.00	do		75	72.11	[3] 20.00	do		75 percent of maximum earnings of $5,000 per year.
Quebec[38]	75	72.11	25.00	do		75	72.11	35.00	do		75 percent of maximum earnings of $6,000 per year.
Saskatchewan	75	86.54	[39] 32.50	do		75	86.54	[3] 32.50	do		Do.
Canadian Merchant Seamen Compensation Act	75	64.90	12.50	do		75	64.90	12.50	do		75 percent of maximum earnings of $4,500 per year.

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[1] See Notations column.

[2] Percentage increased 5 percent each, for dependent wife and children. Maximum 65 percent, wife and children.

[3] Actual wage if less.

[4] No actual limit in computing average monthly wage. All wages in excess of $1,000 per month excluded.

[5] Within period of 5 years from date of injury.

[6] Disfigurement maximum $1,000.

[7] If employee is receiving social security benefits for disability, compensation may be reduced by 50 percent of such payments.

[8] 60 percent of average production wage. To be determined annually by Labor Commissioner. Determined to be $74 as of Oct. 1, 1967.

[9] Additional allowance of $5 per dependent child but not to exceed 50 percent of benefit or 75 percent of average weekly wage but may exceed 60 percent of annual average production wage. Retroactive benefit increases provided for cases prior to 1953 and 1967 and prospectively for cases after 1967.

[10] Does not include rehabilitation allowance.

[11] Old age and survivors insurance benefits credited on compensation after $25,000 has been paid.

[12] Same rate of compensation thereafter from special fund. Disfigurement maximum $10,000.

[13] 400 weeks at maximum disability, reduced thereafter to $25 per week.

[14] Maximum shall not exceed 55 percent of 85 percent of average weekly State wage; minimum shall be 25 percent of 35 percent of same, promulgated annually by Workmen's Compensation Board as of Jan. 1, 1968.

[15] Maximum not to exceed 66⅔ percent of State average weekly wage fixed by Maine Employment Security Commission, as of June 1, 1967.

[16] Maximum weekly benefit $62 effective Nov. 12, 1967; will increase to $65 effective Oct. 13 1968.

[17] Actual wage if less, but not under $10 for workweek of 15 hours or over.

[18] Add $3 for each dependent up to 5 to weekly minimum. All benefits increased according to a scale annually until 1967, thereafter will be adjusted to average State wage.

[19] Persons receiving less than benefits provided after 1955 receive difference in amounts from 2d injury fund.

[20] Plus rehabilitation allowance, maximum $160 for 104 weeks.

[21] 40 percent thereafter but not less than $18 or more than $30 for life.

[22] Reduced amounts after 300 weeks.

[23] 65 percent of average monthly wage not in excess of $325 per month plus an additional 15 percent for each dependent not to exceed 90 percent.

[24] Maximum not to exceed 66⅔ percent of average industrial wage determined annually (as of Jan. 1, 1968).

[25] Actual wage if less, but not under $10 for workweek of 15 hours or over.

[26] Actual wage if less but in no case less than $22.

[27] Compensation doubled if disability due to employer's violation of safety or health law or regulation.

[28] Disability extending beyond period compensation from 2d injury fund.

[28a] Actual wage if less but with a minimum of $12.

[29] $3.60 additional for dependent wife and $3.60 for each dependent child under 18, up to 4 such children.

[30] Employees tentatively found permanently and totally disabled referred to rehabilitation program. If employee has cooperated, cannot be rehabilitated and has exhausted benefits, then maximum of $44 per week is paid by special fund upon termination of payments by employer and carrier.

[31] Maximum benefit shall equal 50 percent of annual State average weekly wage. On July 1, 1968, benefits increased to $54 maximum weekly and $27 minimum—Maximum total $17,820.

[32] Additional amount of $3.50 per week for each dependent child under 21.

[33] Compensation reduced 15 percent for employee's failure to use safety devices.

[34] Court will supervise disbursement of fund for children.

[35] Maximum is based upon grade 15 of General Schedule Classification Act ($23,921), minimum upon grade 2 ($4,108). Benefits to be increased annually by 3 percent increase in Consumer Price Index after 1967.

[36] Plus rehabilitation allowance.

[37] Minimum benefits of $150 per month increased retroactively to Aug. 5, 1959.

[38] Beginning Sept. 30, 1965, benefit increases varying from 1.1–40 percent for awards made from Sept. 1, 1931, and Jan. 1, 1965, will be paid existing cases.

[39] Minimum benefits increased retroactively as of July 1, 1965.

[40] Board has discretion to choose the 12 months in the preceding 3 year period most advantageous to workmen for computation of his earnings.

Mr. JAVITS. Mr. President, one of the important tasks of the Commission would be to develop adequate criteria for determining the maximum amount and duration of permanent and total disability benefits. Over the years something like a consensus seems to have developed around a figure expressed as a percentage, usually 66⅔ percent of average weekly wages, in the State. By and large, the States are not meeting even that limited criteria, but the Commission should answer the question whether that standard discriminates unfairly against workers whose incomes exceed the average in the State.

Second. The amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician: Though the quality of medical care and workman's compensation has improved over the years, many workers still have to bear a part of the medical cost of their injury or disease. A number of States still restrict full medical care by setting limits on the monetary amounts or limitations on the time during which a worker may receive medical benefits. This problem has been considerably aggravated by the rising costs of medical care in recent years, and the fact that private medical and hospitalization insurance generally exclude workmen's compensation cases from coverage.

Satisfactory medical care is, of course, as important as adequate benefits. One way in which this problem has been dealt with is to provide that the workmen's compensation agency may supervise medical care. In most States, however, the workmen's compensation agency does not have this authority.

Another aspect of this problem is that almost three-quarters of all workers covered under workman's compensation have their doctors chosen for them by their employer or by the insurance company on behalf of the employer. While this practice does not necessarily imply that injured workers will receive unsatisfactory medical care, it raises other serious questions because it is the physician upon whose testimony and diagnosis the amount of a compensation award may depend. One way in which this difficulty is overcome is to allow any insured worker at least some real freedom of choice in the selection of a physician, but only 23 States meet the Department of Labor's recommended standards in this regard.

Third. Coverage of workers, including exemptions based on numbers and type of employment: The effectiveness of workmen's compensation laws is limited in many States by numerical exemptions under which small employers are not covered by the law. The numerical exemptions range from two to 15 employees. Other types of exemptions are based on the type of employment, rather than the number of employees.

One of the most glaring defects in many State compensation laws is the failure to cover agricultural employees to the same extent as other types of employees; notwithstanding the fact that agriculture has become one of the Nation's most dangerous occupations.

Other types of employees frequently exempted from the law are casual and domestic employees and employees of charitable or religious institutions. All of these exemptions taken together serve to exclude approximately 20 percent of the entire labor force from the benefits of workmen's compensation. Despite a few improvements in some laws toward fuller coverage, this percentage has not changed perceptibly in recent years.

Fourth. Standards for determining which injuries or diseases should be deemed compensable: One of the areas in which the development of workmen's compensation law in the United States has been most marked, but at the same time most uneven, is in the determination of which injuries or diseases are deemed compensable. In many States the law, or the court's interpretation of it is moved far away from the initial "accident" theory of compensable injury to include almost any injury or disease which is work-related. In other States, however, there has been little or no movement at all. Some States specifically exclude from coverage most occupational diseases, and at least 16 States fail to provide full protection for occupational disease. In one particular area, that of radiation disease, the problem has already occasioned a congressional inquiry by the Joint Committee on Atomic Energy. Pending before the Senate now are proposals to provide compensation for workers who have had the misfortune to suffer lung cancer as a result of their exposure to radiation and uranium mines. Such bills, of course, would be unnecessary had these unfortunate workers been entitled to collect workmen's compensation under existing State laws.

Fifth. Rehabilitation: In the years since the original Workmen's Compensation Acts were passed, the science of rehabilitation has made great strides. At the present time there exists a considerable store of knowledge and technique in medical and vocational restoration of an injured workman. Yet only a handful of States have adjusted either their substantive provisions or their administrative mechanisms under the workmen's compensation laws to take advantage of this opportunity. Clearly this is a subject which deserves the most careful study by the Commission.

Sixth. Coverage under second or subsequent injury funds: These funds are designed to facilitate reemployment of disabled workers. Their purpose is to assure full benefits to an employee who suffers a second disabling injury while at the same time allowing his subsequent employer to pay only that share of the benefits specifically attributable to the subsequent injury. Most States have established these funds but their operation and financing vary widely. Some second injury funds are supported by employer contributions under certain circumstances, other funds are supported entirely by governmental appropriations. Moreover, most States limit the coverage of second injury funds to loss or loss of use of a member of the body. In only a minority of the States do the second injury funds provide for coverage of any type of disability.

Seventh. Time limits on filing claims: The time limits on filing claims under most State laws appear to have been drawn to take into account only the "accidental" type of injury. These time limitations have serious drawbacks when they must be applied to occupational disease cases. For even though a law may provide coverage for occupational diseases its effectiveness will be seriously curtailed if there is an inadequate period of time for the worker to file for benefits. A worker may not know that he has contracted an occupational disease until a substantial period of time has passed after the date of his last exposure or a substantial period of time has passed before the condition is diagnosed as a disease that has occurred as a result of his employment. Both of these conditions exist, for example, in the case of uranium mine workers who have contracted lung cancer. Clearly the need for flexible time limit provisions is a subject which will merit serious consideration by the Commission.

Eighth. Waiting periods: Waiting periods or arbitrary periods of time during which employees may not receive compensation unless they are disabled for a fairly long period of time, specified in the law. The Department of Labor has recommended that the maximum waiting period should be 3 days and that benefits should be retroactive after 2 weeks. However, only about eight States currently meet this standard.

Ninth. Compulsory or elective coverage: Compulsory workmen's compensation laws require covered employers to comply with the law. An elective law permits the employer the option of whether to accept coverage of the workmen's compensation law; if he rejects coverage, he loses the common law defenses of assumption of risk, fellow servant negligence, and contributory negligence, in a suit filed by the worker. About one-half of the State workmen's compensation laws are compulsory, while the remainder are elective. Elective laws were at one time the rule rather than the exception. The trend has, however, definitely been toward compulsory coverage and although compulsory coverage has been recommended by the Department of Labor, the Council of State Governments, and the IAIABC almost half the States still have elective laws.

Tenth. Administration: Improved administration is one area in which tremendous strides have been made by some States but little, if any, progress has been made in others. Clearly, with the advent of new data processing techniques and the work which has been done by the Department of Labor, the Council of State Governments, and the IAIABC there is much that can and should be done to improve the administration of workmen's compensation laws in many States.

Eleventh. Legal expenses: Who should bear the burden of an injured workman's legal expenses has been a troublesome question for students of workmen's compensation. Most States require the claimant, whether or not he prevails in the proceeding, to bear his own legal expenses, contenting themselves with regulating the amount of the fees and preventing unethical practices by lawyers handling compensation cases. Some States take a different view, requiring employers to pay the legal expenses of the successful claimant.

The issue has been drawn clearly, and well merits the attention of the Commission.

Twelth. The feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws: One of the perennial difficulties which has served to plague students of workmen's compensation has been the lack of information concerning the system as a whole. The Commission could make use of its greatest contributions by analyzing the feasibility of some sort of uniform reporting system, designed to obtain the meaningful information concerning the operation of workmen's compensation laws necessary to permit continuing critical evaluation of the system.

Thirteenth. Resolution of conflict laws extraterritoriality and similar problems arising from claims with multistate aspects: Here is another area where the new Commission could make a tremendous contribution. The Council of State Governments, has commented that no portion of its model act is more urgently in need of coordinated state action than the extraterritoriality provision. The Council referred to the present law in this area as in "a state of chaos." Dr. Larson, one of the foremost authorities on workman's compensation in the United States, has been even less charitable, characterizing the conflict of laws in this area as "a mad house of confusion."

Fourteenth. The extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they exist: In most States employers may provide compensation coverage through private insurance carriers. Some States, however, have established what are known as "exclusive State funds" with which all employers must deal. Various arguments can be made for and against these exclusive State funds. Under exclusive State funds, it is claimed, compensation insurance can usually be obtained more cheaply than from private carriers. Others argue, with equal force, that that is hardly a reason for prohibiting private carriers from competing for the employer's dollar. Another argument which the Commission will undoubtedly have to consider carefully is the tremendous contribution private insurance carriers have made toward improving occupational safety.

Fifteenth. The relationship between workmen's compensation on the one hand and old age, disability and survivors insurance and other types of insurance, public and private, on the other hand: With the advent of other types of insurance, both public and private, covering disability or death, the problem of overlap arises. There are two aspects of the problem; first, to guard against an injured worker receiving double compensation; second, the decision as to which type of insurance should bear the burden when an overlap exists. The problem is particularly acute in total disability cases where both workmen's compensation and social security are applicable to the same worker and in partial disability cases where unemployment compensation is also sought. Consideration of this problem by the Commission would be especially desirable because of its Federal overtones.

Sixteenth. Possible methods of implementing the recommendations of the Commission: The best method of implementing its own recommendations will probably be the most controversial topic for the Commission to consider. It will also be the most important.

I recognize that workmen's compensation has historically been treated as a function of State government, and that the States themselves deserve full credit for initiating the whole system. There is, however, ample justification for the Federal Government to solicit the views and recommendations of interested and informed parties as to what should be done to achieve necessary workmen's compensation reform. This should not mean or imply any effort to federalize workmen's compensation or to begin such a process. Indeed, my present inclination would be to oppose any attempt to federalize workmen's compensation as much too drastic. There is a wide range of alternatives available which the Commission could consider, and after the Commission has made its recommendations it will still be up to Congress to act or not, as it sees fit. The point of my proposal is that it is only through the informed consideration of the issues by a broadly based Commission that the Congress will have before it the information necessary to enable it to make an intelligent judgment on this issue, which affects all American working men and women.

NOTICE OF HEARINGS ON THE SUPREME COURT

Mr. ERVIN. Mr. President, in recent weeks the Senate has been engaged in a great debate on the safe streets and crime control bill. One of the more controversial aspects of the bill is title II, of which we have heard a great deal from Senators on both sides of the issue. A most important aspect of this debate has been the question of the proper role of the Supreme Court, its relationship to Congress, and the powers each of these great institutions has with respect to the other.

This debate reminds us all, I know, of the genius of the men who drafted the Constitution, and of the principle of separation of powers they embodied in our governmental scheme. We have heard much in the past few weeks of the power of Congress to change the appellate jurisdiction of the Supreme Court—a power placed in Congress' hands for many reasons, not the least of which was to enable the people, through Congress, to discipline and correct a Supreme Court which had overstepped its constitutional bounds. Counterbalancing this power of Congress over the Court is the Court's power to strike down legislation which in its considered view offends the Constitution. This debate is, of itself, a classic example of the operation of the system of checks and balances that the Framers, in their wisdom, made a central part of our governmental system.

The debate in the Senate is only the most recent manifestation of a much larger debate which has been raging throughout the country in past years. The nationwide concern over the functioning of the Court involves more than mere disagreement with a particular decision or line of cases. There has arisen a controversy—growing in intensity with every passing year—over the role in our system of government that the present Supreme Court has assumed. There is increasing belief, oustide of Congress as well as within, that the Court is not performing its proper constitutional functions, that it misunderstands its constitutional mandate, and has assumed a position for itself out of keeping with its historically accepted role.

This concern takes expression in many different ways. It is noteworthy, for example, that feeling about the Court has grown to such proportions as we have seen in recent days. Certainly it is not a usual occurrence for a proposal to be offered on the floor of the Senate to restrict the Court's appellate jurisdiction. Such a proposal would not be presented if a great many citizens were not convinced that it is necessary. Whatever the final vote in that debate, it is clear that the Court is faced with a crisis of confidence of a magnitude rarely equaled in its history.

Public criticism of the Court has increased to such a degree in recent years that it is now incumbent upon us to examine the underlying causes for this reaction. Each Senator, I feel sure, has received mail from his constituents objecting to the way the Court has been functioning. Criticism by the ordinary citizen has been matched by increasing academic commentary on the Court—and much of this commentary has also been critical.

Although I have been critical of many of the Court's decisions in recent years and have urged this body to support title II, I yield to no man in my high regard for the Supreme Court. One may, as I have, criticize the Court and its current notions of judicial superiority, without in any way demeaning the institution. Indeed, I am firmly of the opinion that the Members of the Senate have a responsibility to consider the work of the Court and to criticize and to discipline it when in their judgment the Court is behaving improperly. We also have a responsibility to seek the causes for this progressive decay of the Court's reputation, and to do what we can to restore public confidence in the institution.

When the Subcommittee on Separation of Powers was organized, it was decided that one of the first items on its agenda would be a study of the Supreme Court. The subcommittee has now scheduled a series of hearings on the Court during the week of June 11–14. The hearings will provide a public forum for academic students of the Court so that Members of Congress and the general public can have the benefit of the views of those whose business it is to study and analyze the work of the Court. The hearings will be in the form of panel discussions, at which members of the subcommittee can discuss with constitutional law professors, historians, and students of political science, the important and fundamental questions surrounding the Supreme Court. Among those who have thus far accepted the subcommittee's invitation are: Prof. Henry J. Abraham, Wharton School of Finance and Commerce, University of Pennsylvania; Prof. Gerald Gunther, Stanford School of Law; Dr. Alfred H. Kelly, professor of history, Wayne State University, Detroit; William E. Leuchtenburg, professor of history, Columbia University; Prof. Paul J. Mishkin, University of Pennsylvania School of Law; C. Herman Pritchett, professor of political science, University of Chicago; Prof. Albert J. Sacks, Law School of Harvard University; and Prof. William W. Van Alstyne, Duke University School of Law.

Assisting the subcommittee will be its consultants, Prof. Philip B. Kurland of the University of Chicago Law School, Prof. Robert G. McCloskey of Harvard University, and Prof. Alexander M. Bickel of Yale University.

A topic of such complexity as the role of the Supreme Court cannot possibly be exhausted in a short series of panel discussions such as the subcommittee plans in this session. Our immediate objective is to stimulate additional thought about the relationship of Congress to the Court and to the other institutions of our Government, and to begin consideration of the many aspects of the separation of powers principle as it applies to the Court.

Because of the limited time available for these hearings, it will not be possible to extend invitations to all persons who might have wished to appear. However, the subcommittee will accept for inclusion in the record the statements of persons who desire to submit their views on this important subject. Additional information on the hearings can be obtained from the subcommittee's office. All persons desiring to submit written statements should contact the subcommittee office, room 1403, New Senate Office Building.

ACID DRAINAGE PROBLEMS STUDIED

Mr. BYRD of West Virginia. Mr. President, mine drainage is one of the most perplexing of the water pollution problems confronting mining States. While the coal industry itself has made undeniable progress in coping with the problems created by nature incidental to the exposure of coal seams to air and water, developments have thus far failed to produce the answers that are certain to come through an all-out scientific approach to the problem.

Only a spectacular breakthrough in research will provide a means of reducing water pollution from mine drainage on a practical basis. For this reason there was intense interest in the second symposium on coal mine drainage, which was held in Mellon Institute in Pittsburgh yesterday and the day before. Sponsored by the Coal Industry Advisory Committee to the Ohio River Valley Water Sanitation Commission, the meetings provided a forum for the presentation of results of experimentations now in progress. At the same time, the sessions served to coordinate preliminary studies by the Nation's outstanding scientists and engineers working toward the solution of water pollution problems.

Participants in the symposium included representatives of government and industry, supported by representatives of such educational institutions as West Virginia University, Pennsylvania State University, Harvard, Ohio State, Kent State, University of Kentucky, and Indiana University. In addition, the U.S. Government sent officials from Brookhaven National Laboratory, the Department of Mines, the Federal Water Pollution Control Association, and the Corps of Engineers.

With this array of talent from the relevant disciplines, the symposium was able to present a review of the frontal attack on a water problem that has particular prominence in Appalachian States. The symposium program—covering every phase of laboratory and field investigation to date—was an important stepping stone on the road to the Nation's clean stream objective.

Symposium sessions included discussions on chemistry of mine drainage, biology and mine drainage, mine drainage and the hydrologic influence, control measures research, treatment techniques and the industry's experience with mine drainage treatment plants.

I should like to state that my colleague from West Virginia [Mr. RANDOLPH] will discuss industry's role in water quality control at the symposium luncheon on May 15. As chairman of the Committee on Public Works, he has been most active in furthering Government cooperation with industry and with all institutions dedicated to improving water quality.

Other West Virginians who were invited to participate in the meetings in Pittsburgh are Dean Charles T. Holland, of the West Virginia University School of Mines; Douglas J. Ladish, assistant research chemist at the School of Mines; and Ray M. Henderson, division mining engineer of the Mountaineer Coal Co. in Fairmont. Dr. Gerald L. Barthauer, director of the conservation department, Consolidation Coal Co., who is one of industry's leading scientists dedicated to improving water quality in West Virginia and other mining States, will preside at the luncheon at which Senator RANDOLPH will speak.

Mr. President, the intense desire on the part of both sponsors and participants in the symposium is reason enough to have confidence that practical solutions to the complexities of mine drainage pollution are not far off. We in the coal regions will be watching closely for results of progress from the conference and for developments that are sure to come through the application of science and research.

A WHITE HOUSE CONFERENCE AND THE ECONOMICS OF AGING

Mr. WILLIAMS of New Jersey. Mr. President, on May 6 the Senate passed Senate Joint Resolution 117, which calls for a White House Conference on Aging in 1970.

As chief sponsor of that joint resolution and as chairman of the Special Committee on Aging, I am pleased by the prompt and unanimous action taken by the Senate. I also note that similar joint resolutions have been introduced in the House of Representatives with broad bipartisan support.

The need for the White House Conference on Aging grows more apparent every day. Mail received at the committee office within recent weeks is abundant in helpful suggestions for matters that should be considered at the national conference here in Washington and at preparatory State conferences that would—under terms of the resolution—precede it.

To judge by the interest shown and by the variety of proposals made, it is clear that a significant number of new topics could be added to those discussed at the White House Conference in 1961. In addition, many questions discussed at the earlier conference are in need of intensive reexamination.

Issues related to economic security in retirement, for example, are of major concern. As the Committee on Aging said in its report issued on April 29:

> Income, or the lack of it, is now more than ever the major problem faced by a majority of Americans living in retirement.

The committee will devote considerable attention during the next year to a study of the economics of aging in order to help prepare the way for a searching appraisal of relevant programs and proposals at the White House Conference. We will welcome suggestions for matters that should receive committee attention, and we will attempt to show the impact of present economic trends upon the budgets and well-being of older Americans today and in the future.

Sylvia Porter, the economist and columnist, dealt with several of those questions in her syndicated article of March 14. Drawing from testimony taken by the Committee on Aging in December, she described the increasing difficulties faced by Americans who are trying to provide adequately for retirement. She also asks several probing questions that should receive careful attention at the White House conference and before.

Mr. President, I ask unanimous consent that the column be printed in the RECORD as one more piece of evidence on the need for the early final passage of Senate Joint Resolution 117.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Star, Mar. 14, 1968]

YOUR MONEY'S WORTH: PREPARING FOR RETIREMENT?

(By Sylvia Porter)

Let's say you are now saving a proportion of your income that will give you, combined with your expected Social Security retirement benefits, a total retirement income roughly equal to your current earnings.

If you are doing this—and if you are in the minority of America's informed, affluent and thrifty—the chances are overwhelming your actual retirement income will be only about 50 percent of what other Americans will be earning by the time you retire.

This is a projection developed by two Duke University economists, Juanita M. Kreps and John O. Blackburn, for a recent hearing on retirement problems by the Senate Committee on Aging. It dramatizes how abysmally inadequate are today's actual retirement incomes; it also warns that tomorrow's retirement incomes will be even more inadequate in terms of tomorrow's living standards and living costs.

OBVIOUS RIGHT NOW

It's obvious right now. The typical income of a family headed by a person over 65 is only 46 percent of the median income of families headed by younger Americans. The median income for an elderly individual is a subpoverty $1,443, or only 42 percent of the median $3,443 for younger individuals. And the gap is widening steadily.

What place does Social Security have? On average, benefits amount to about a third of retired Americans' income.

But this is an average: For many in their 70's and 80's, no longer able to supplement their benefits with part-time earnings Social Security is the only source of income.

The problem didn't seem so awesome in previous generation when it was part of the American family tradition for the younger ones to take care of elderly members within the home and the parents died early anyway. But now tradition has been broken—and life expectancy for a 65-year-old man is 13 years, while for his slightly younger wife it's 20 years.

QUESTIONS ASKED

How do we handle it, then? What should we do as responsible participants in a civilized society?

Let me admit right here I do not have the right answers. What I do have, though, are some of the right questions. Specifically:

How big a place should Social Security benefits play in a personal retirement program?

Can individuals save anywhere near enough to supplement in a meaningful way the modest Social Security benefits we can look forward to?

Will rising pension benefits do anything more in the years ahead than offset probable rises in living costs? According to one recent projection, by 1980 half of retired couples will be receiving $3,000 or less in Social Security and private pension incomes, or far below 1980's poverty line.

DEVELOPING URGENCY

Another fundamental question raised by Economists Kreps and Blackburn is: Should the worker who retires now reap retirement benefits based on the spectacular technological gains the nation has been making in recent years, while the worker who retired years ago and also contributed as much as he could to the nation's overall economic growth at that time, gets only a fraction in return for his comparable effort?

Whatever answers we come to eventually, and the questions surely underline the developing urgency of the challenge, will be costly.

To paraphrase an old truism, there's no such thing as a free retirement.

"STEEL INDUSTRY'S VITAL ROLE IN AMERICA'S FUTURE"—SPEECH BY SENATOR DOMINICK

Mr. SCOTT. Mr. President, we are all well aware of the financial crisis this Nation is facing. The news is filled with graphs and charts detailing our accelerating backslide toward economic disaster. One of the most dramatic declines has been in our balance of foreign trade. In March of this year, our exports fell below the level of imports for the first time in 5 years, and the result was an adverse trade balance of over $157 million.

The steel industry is a major barometer of a nation's business health and it is not surprising that in the United States the steel industry is in dire straits.

My distinguished colleague, Senator PETER DOMINICK, of Colorado, recently spoke on this topic and summarized the critical importance of maintaining a strong and viable steel industry. His talk before the Steel Service Center Institute pointed out that 1967 was the ninth straight year that the United States has experienced an unfavorable balance in steel trade. His remarks were entitled "Steel Industry's Vital Role in America's Future."

Mr. President, Senator DOMINICK's speech dramatically illustrates one of the major factors contributing to our economic ills, and I ask unanimous consent that the text of Senator DOMINICK's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STEEL INDUSTRY'S VITAL ROLE IN AMERICA'S FUTURE

(Speech by Senator PETER H. DOMINICK before the Steel Service Center Institute, Denver, Colorado, May 13, 1968)

Despite the glowing headlines which appeared recently in some of our newspapers proclaiming huge profits in steel during the first quarter of 1968, our problems are getting worse instead of better. As most of you know, much of the sales and earnings increase during the last six months resulted from an accelerated buildup of inventories by your customers hedging against the possibility of a steel industry strike in midsummer.

Foreign trade statistics which have just been released show that for the first time in five years, our exports for a single month—the month of March, 1968—fell below the level of imports. During March, U.S. exports fell 11.5 percent below the February level, while imports increased .4 percent. The result was an adverse trade balance of $157.7 million. Steel imports are a major factor in this deficit. It is part of a continuing trend.

In 1967, for the *ninth straight year,* we had an unfavorable balance in steel. Last year, domestic firms imported 11.5 million tons of steel. This is 6.5 percent more steel tonnage than was imported in 1966. This year imports of steel will climb still higher. Figures recently released by the Department of Commerce estimate that, on the basis of first quarter statistics, imports of steel may reach as high as 14.5 million tons in 1968. By comparison with 1961, when 2.9 million tons of steel were imported, the increase in imports during the past eight years amounts to almost 500 percent.

Many of us can recall that after World War II, our money and know-how enabled the shattered nations of Europe and Asia to build modern steel plants. Today those plants—operated by workers who earn only a fraction of the wages paid to American steelworkers—are taking over a greater and greater share of the United States market.

Japan's rapidly expanding steel industry has set its sights on our market. Japan expects to increase its steel producing ability by 66 percent over the next ten years, and already dominates our barbed wire and wire nail market.

While the penetration of the United States market varies from product to product and from region to region, no important steel product line or steel market area is immune from the impact of imports. Unless the spiraling import trend is halted, thousands of jobs in our steel plants and even our national security may be put in danger.

Our government's foreign trade policy is based on the assumption of fair competition among all nations. But today we don't have fair competition! Most foreign steel producers are assisted by their governments in several ways to help them compete against U.S. steel companies. For example, in most important steel producing countries of Western Europe the domestic tax system provides incentives for exporting steel at low prices and imposes severe penalties upon American steel imports.

In the past, technological progress within the United States steel industry has provided a defense against foreign penetration of our market. But today, many foreign steel producers are showing the same technological progress.

The result has been that in the relatively short span of years since the end of World War II the United States' share of world steel production has dropped from 61 percent to 26 percent. Japan's share has increased tenfold. Italy's share has tripled and the Soviet Union's has doubled. And, frankly, the end of this trend is not in sight, as foreign steel producing capacity still is increasing more rapidly than demand.

Our steel mills have attempted to turn the tide of imports by offering extended-payment terms and agreeing to store strike-hedge steel for purchasers—an effort that will cost the industry $30 million. But still this offer has done little to stem imports.

One of the most serious results of cheap steel imports is the shrinking employment opportunity in the steel industry. The Library of Congress has provided a calculation that about 6,400 people are now employed in our steel plants for every million tons of finished product shipped in a year. An additional 1,300 persons are involved in coal and ore mining and transportation. Thus, 7,700 American men and women are employed for every million tons of domestic steel mill products shipped. Accordingly, the 14.5 million tons of steel imports predicted by the Department of Commerce for this year will represent the export of 111,650 American jobs that have gone abroad!

Despite all the brave talk, our balance-of-payments problem is getting worse. It is interesting here to note, however, that the entire deficit in our balance-of-payments, which amounts to about $1.4 billion, is about the same amount as our anticipated trade deficit with respect to steel this year!

Although I am one of the few who voted against the Trade Expansion Act, I am not opposed to freer world trade. This Act, however, penalizes more than it helps. It seems to me perfectly naive to ignore non-tariff barriers. These are economic and, often more importantly, political factors that are structured in such a way as to restrict trade. This is especially the case in steel.

I feel that we must act now in our own national interest. Almost all nations recognize how imperative steel production is to their economies and national security. And almost every country has import problems. I feel we must insist that our trade agreements be truly reciprocal, including political as well as economic considerations.

We must act in our national interest to guarantee that our steel industry will be kept viable if we are to meet our needs in the decade of the seventies and beyond. Steel has a big role to play once we are past the obstacles of Vietnam.

Not only will we need to replace our military hardware depleted by Vietnam, but we also need to revitalize our maritime fleet. We are slipping farther and farther behind in this field. Today only five percent of our trade is carried in American bottoms.

We need to move ahead in developing rapid mass transportation systems. Nowhere is this need more apparent than between our airports and the major cities they serve.

And most importantly, steel will play a major role in our efforts to overcome our crisis of "urban senility"—the decay of our core cities. Tremendous amounts of steel will be required to accomplish this job. The magnitude and anticipated cost of rebuilding our core cities boggles the mind; but it must be done, and we must be certain that our steel industry is able to meet this challenge, and to provide job opportunities for future generations of Americans.

DEPARTMENT OF AGRICULTURE AWARD TO TOM F. McGOURIN, OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, I am always pleased to see our civil servants recognized for their accomplishments, but I take special pride when they are from Virginia.

On Tuesday of this week, May 14, the Department of Agriculture presented a Superior Service Award to Tom F. McGourin, who directs the work of the Soil Conservation Service in Virginia. The award cited him "for demonstrating exceptional leadership in applying agricultural science to the solution of nonagricultural problems in rapidly expanding areas, while improving Soil Conservation Service professional working relationships with all resource conservation agencies in Virginia."

Mr. McGourin pioneered new concepts of soil and water conservation in Virginia, initiating programs to help minimize soil and water problems where large-scale urban development is taking place.

Many of the results may be seen just across the river from the Capital—at Dulles International Airport; at Reston, the "new town" in a rural setting; and at the huge new shopping area being built at Tysons Corners. Virginia's tidewater streams and bay fronts are also the scene of other conservation work to abate erosion damage.

Mr. McGourin, through his leadership, has gained public acceptance to new ideas and techniques. The results will benefit more than just Virginia. People from all across the country have toured these models of conservation to observe the techniques used.

Mr. McGourin has been a Federal employee for 32 years, 7 of which he has spent in Virginia. His dedication, vigor, and enthusiasm are reflected in the many lasting contributions he has made to the soil and water, conservation program. He exemplifies the best of our civil servants and I am very much pleased to see him recognized.

TRIBUTE TO SENATOR LAUSCHE

Mr. WILLIAMS of Delaware. Mr. President, the Wilmington Morning News of May 15, 1968, contains a well-deserved tribute to Senator Frank Lausche of Ohio, by James J. Kilpatrick.

I agree completely with the writer's conclusion that Frank Lausche's departure from the Senate will leave a vacuum, one which it will take a mighty strong man to fill.

Frank Lausche is a statesman, a patriot, a true servant of the people he represents, and a man whom I am proud to call a friend.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Senator Lausche One of Kind

(By James Jackson Kilpatrick)

Washington.—Back in mid-April, when the newspaper editors were having their annual consistory out at the Shoreham, I ran into Ohio's Sen. Frank Lausche and asked him how he was doing. He rolled those expressive eyes to heaven and crossed his fingers for luck. I promised myself to write a piece about the old maverick, but other things got in the way. Now, dammit, it's too late. He went down to defeat in last week's senatorial primary. His departure from the Washington scene will be a real loss to the Senate, and to the country, too.

Lausche was in a class by himself. Over the years, you came to expect most of the Southern Democrats to rack up a stoutly Republican record, but the old warhorses from Dixie were secure in their saddles; no one paid much attention. By the same token, you knew about where Wayne Morse, the Oregon cactus, would sink his barbs. Lausche was different. He voted his convictions with reckless disdain for party labels. He was a conservative, but a restless conservative; he would not stand and be hitched.

Great day, we will miss him next year. He came to the Senate in 1957, after serving five terms as governor of Ohio. He had done a brilliant job in the statehouse. My own recollection of Lausche goes back to the fall of 1951, when the National Conference of Editorial Writers met in Cleveland. He held his tough audience spellbound for an hour, with a virtuoso performance on the problems and prospects of state government.

Come to think of it, he always had the air of a virtuoso. He looked like a solo pianist or a visiting guest conductor—swarthy, his hands always in motion, his mobile face urging a faster tempo. Over the years, his great shock of dark hair turned grey; the lines deepened around his eyes and mouth, but he never lost the vitality of 1951. In a chamber of lusty debaters, he held his own with the best.

A good deal was made in the press of the senator's age—he is 72—but it wasn't his age that beat him on Tuesday. It was a combination of Lausche's own stubbornness and organized labor's strength. The last time the senator ran, in 1962, he won re-election by nearly 700,000 votes. He spent next to nothing in that campaign, and he adamantly refused to spend much of anything this spring. The people knew where he stood—or they ought to know. He had voted for the open housing bill, but he also had sponsored (with Strom Thurmond) a tough amendment to punish rioters. He was hard on Vietnam. He was hard, in truth, on just about everything. There was mighty little softness in him.

It is especially ironic that Lausche should have been toppled by former Rep. John J. Gilligan, for Gilligan was defeated two years ago by young Robert Taft. In the zoology of politics, Taft is a kitten and Lausche a catamount.

This time, Gilligan benefited from one of those great efforts that labor can mount in Ohio. During his single term in the House (1965–66), Gilligan rated a neat 100 per cent in the scorecards of the AFL–CIO. By contrast, his rating from the conservative Americans for Constitutional Action was a feeble 7. Gilligan also benefited in Cleveland from the help of Negro leaders identified with Mayor Carl Stokes.

In November, Gilligan will be pitted against the Republican senatorial nominee. Ohio's Atty. Gen. William B. Saxbe. Conservatives who are dismayed by the loss of Lausche may be consoled, to some extent, by the lively hope of seeing Saxbe elected. Saxbe is known as a pragmatist, a savvy campaigner, a competent middle-of-the-roader with broad appeal across the Republican spectrum. The House elections of 1966 demonstrated a Republican trend in Ohio; if the momentum can be sustained in November, Saxbe should win.

But with deference to the gentleman, he won't bring to the Senate the color, the verve, and the bare-knuckled spirit of Ohio's little giant. In the lovely hurly-burly of the Hill, Lausche has fought the good fight. It's a pity to see him knocked out.

IMPORTANCE OF FEDERAL CROP INSURANCE CORPORATION

Mr. BURDICK. Mr. President, the importance to the rural economy of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture can be illustrated in my home State of North Dakota.

In 1967 approximately 20,000 farmers in 52 counties of my State were carrying almost $60 million in Federal Crop Insurance protection on one or more of seven separate crops: barley, corn, flax, oats, soybeans, sugar beets, and wheat.

For the 1957 crop year, Federal Crop Insurance paid more than 5,600 losses totalling near $3½ million. In many cases the loss payment was a lifesaver for individual farm families who, without it, might have been squeezed out of farming, deeply in debt.

Over the last two decades 3 other years of adverse weather accounted for higher loss payments than were paid in 1967: nearly $7 million was paid in 1961, more than $6½ million in 1953, and about $5½ million in 1952. Over the 20-year period, the average annual loss payment by FCIC to North Dakota insured farmers has been nearly $2½ million. Over the 20 years, however, both in North Dakota and nationally, loss payments by FCIC have been less than the premium total that insured farmers have paid in.

Wheat, of course, accounts for nearly half of the entire Federal crop insurance program in North Dakota, and last year nearly half of all losses—more than 2,200—totalling $1½ million, were paid to the State's FCIC-insured wheat farmers.

Drought, over the last quarter century, has accounted for more than 37 percent of all North Dakota loss payments by FCIC, with disease accounting for more than 26 percent. The remainder of the losses were paid for a dozen lesser causes of crop damage.

During the last 20 years, North Dakota farmers carrying Federal crop insurance not only have been paid nearly $50 million in losses—a significant factor in the State's rural economy—but also they have benefited from the credit value which Federal crop insurance usually gives a farmer-borrower when he applies for a loan for operating capital or for the expansion of his farming operation.

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES AND THE MAYOR OF WASHINGTON, D.C.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an open letter to the President of the United States and the Mayor of Washington which appeared in today's Washington Star. The "open letter" appeared in the form of an advertisement by the Greater Washington Division of Maryland-Delaware-District of Columbia Jewelers' Association.

There being no objection, the item was ordered to be printed in the Record, as follows:

An Open Letter to the President of the United States and the Mayor of Washington, D.C.

It can happen here. The District of Columbia has become a disaster area and a battleground. The field of combat is clearly defined. It is in the minds of the lawbreakers—and those who are tempted to break the law. Our most powerful weapon must be knowledge that the law will be enforced—fairly and firmly.

The ultimate restraint for the lawless is not jail. It is the possibility of jail. When that possibility is diminished by lax law enforcement, crime becomes a way of life. When lawlessness is blinked at, we're eyeball to eyeball with anarchy; "window shoppers" are encouraged—to break the window. Give a potential criminal an inch and he'll take everything he can get, along with human life.

There are those who think that to deplore the increase in the spiral of crime brands one a reactionary. We are not reactionaries but if we did not react to the growing lawlessness in our city with alarm and protest, we would be irresponsible citizens.

We respectfully urge you, Mr. President and Mr. Mayor, while you seek from Congress the needed legislation for the disadvantaged, to seek also laws which will protect all citizens from irresponsible elements in the community—and to seek the means, if in your opinion you do not have them, to enforce those laws. We ask you to enforce and reinforce the law's presence—to alter the present climate which keeps salesmen of national manufacturers from visiting our stores in the Washington area because of danger on the streets, and prevents the law-abiding from going about their lawful pursuits. Escalate the war against robbers, arsonists and murderers—to achieve safety in our city and peace at home.

Greater Washington Division of Maryland-Delaware-District of Columbia Jewelers' Association

"PAPER GOLD" OFFERS A NEW APPROACH

Mr. BENNETT. Mr. President, on April 30, the President sent to Congress a proposal which would create a new form of international monetary reserve. The plan involves the creation of special drawing rights—SDR's—within the International Monetary Fund as reserve assets supplementing principally gold and the dollar.

As the ranking Republican member of the Committee on Banking and Currency and as one who has given much thought and study to the economic problems facing us on an international scale, I think that the President's proposal makes a great deal of sense, and I am hopeful that it can be adopted as quickly as possible.

I realize that one of the problems facing us in complicated international monetary affairs is explaining the issue at hand so that enough support can be mustered for adoption. In this regard, the Salt Lake Tribune, on Sunday, May 12, 1968, provided a fine public service in an editorial entitled "Paper Gold Offers a New Approach." It succintly lists the problems, explains the special drawing rights proposal in easily understood terms, and generally urges the early passage of a bill "to bring order out of the chaos of world finances."

I commend the editorial and the Salt Lake Tribune and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

"Paper Gold" Offers a New Approach

Because they are not designed for general circulation and can only be used by governments in settling international accounts, Special Drawing Rights (SDR) or "paper gold" will never end up in anyone's savings account or safety deposit box. But they will have great bearing on how much ordinary money a person has in either.

President Johnson has asked Congress to approve this plan for a new international reserve currency—the "coin" governments use in settling their accounts with one another—and the request has considerable bipartisan support. But, as with most aspects of world finance, there is little public understanding of what it's all about and why a new reserve currency is so necessary.

"Paper gold" is not a new idea, not a half-baked scheme worked out in a hurry under pressure. It has been kicked around by monetary experts for years but it began to get serious consideration near the end of World War II at the Bretton Woods meetings out of which grew the International Monetary Fund (IMF). Three years ago the President directed Secretary of the Treasury Henry H. Fowler to undertake international negotiations to reform the world money system that since 1945 has depended on the use of gold, dollars and sterling (British pound) to settle international accounts.

This request was prompted by need for a new reserve currency brought about by unprecedented increases in world trade after the war and continuing to the present. There simply is not enough reserve currency—gold, dollars and pounds—to go around, and as a result trade, which in the long run affects the paycheck of the corporation executive and wage earner alike, is threatened with curtailment and possible collapse.

Under the present system the rest of the world accumulates its reserve currencies—gold, dollars, and pounds—only to the extent that the United States and Britain run balance of payments deficits, that is, when these two countries buy more than they sell or spend more they earn, thus enabling other nations to acquire dollars and pounds to use in meeting their own international obligations.

But the very fact of such balance of payments deficits in turn weakens the dollar and pound and makes them less desirable as reserve assets because other nations begin to fear that the value of these currencies won't hold up (recent devaluation of the pound is seen as a justification of these fears) if such balance of payments deficits continue. In such cases other nations turn to gold as the only reserve asset they are willing to accept and hold. Since the supply of gold is limited, increased demand further curtails its ability to meet reserve needs and forces its price up, too.

In order to restore confidence in the dollar and pound it is necessary to bring the external accounts of the United States and Britain into better balance. But this serves to eliminate the major source of new additions to the world's supply of reserve currencies.

If this supply is to continue to grow as needed to fuel world trade expansion there are three alternatives: Encourage the U.S. and Britain to continue their balance of payments deficits, thereby spreading more dollars and pounds around, or raising the official price of gold—neither or which is acceptable to most leading countries—or set out to create an entirely new reserve currency which would be available when and as needed. Special Drawing Rights, "paper gold," is that new currency.

We see "paper gold" as a logical solution to the world's monetary ills, relieving current overdependence on dollars and gold. It will not solve all of the United States' domestic and international monetary deficits. This country still must get its fiscal house in order. Indeed, until it does, there is small hope the Special Drawing Rights plan can begin effective operation.

We urge Congress to give the President's request high priority in the hope that the 10 percent surcharge and mandatory government spending cuts now before Congress, along with other proposed curbs on dollar outflow will put the United States in a position to provide the economic stability so necessary for success of this farsighted attempt to bring order out of the chaos of world finances.

HUMAN RIGHTS VALID SUBJECT FOR TREATIES

Mr. PROXMIRE. Mr. President, a common objection to the ratification of the human rights conventions is based on the theory that human rights is not an appropriate subject for international treaty. Those who are opposed to the pacts on the political rights of women, abolition of forced labor, and genocide argue that these matters belong within the domestic domain of a nation; that the protection of the rights of man has no place in international affairs.

Mr. William Gerber, in a report entitled "The Human Rights Protection," contained in the Editorial Research Reports series, refutes this objection. In one concise passage, he traces the evolution of human rights in international treaty and shows its vital role today. The Senate can carry this evolution one step further by ratifying the Conventions on the Political Rights of Women and the Abolition of Forced Labor. I ask unanimous consent that a portion of Mr. Gerber's report be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Negotiation of Treaties on Individual Rights

International law respecting the preservation of human rights evolved through various stages:

First, it was recognized that citizens of state A residing temporarily in state B could not rightfully be mistreated by the latter. Thus, according to an early writer on international law, "It is reckoned among all nations inhumane to treat visitors and foreigners badly without some special cause."

Later, it became apparent that, in the words of a distinguished British scholar, "the individual in his capacity as an alien enjoys a larger measure of protection by international law than in his character as the citizen of his own state." To overcome this anomaly, some world powers in the 19th century made representations to other states regarding persecution by the latter of their own nationals—for example, the persecution of Christians in Turkey and of Jews in Czarist Russia.

Finally, formal treaties were entered into for the purpose of protecting the rights both of aliens and of nationals. Such treaties included, among others, a series begun in 1864 (particularly the Hague conventions of 1897 and 1907) on rights of civilians, prisoners of war, and others in time of war; treaties of 1890 and 1922 abolishing the slave trade and slavery; treaties of 1919 governing the treatment of minorities in Eastern Europe and the Balkans; the inter-American convention of 1933 on the nationality of women; and the four-power agreement of 1945 on crimes against humanity (governing the Nuremberg trials).

The post-World War II peace treaties with Bulgaria, Hungary, Italy, and Rumania contained general provisions aimed to assure "the enjoyment of human rights and fundamental freedoms" without discrimination.

FORESTRY COOPERATIVES DOING A GOOD JOB

Mr. HART. Mr. President, two forestry cooperatives in my home State of Michigan received recognition in the April issue of News for Farmer Cooperatives, a monthly magazine of Farmer Cooperative Service, U.S. Department of Agriculture.

A series of articles in the publication discusses the potentials for forestry cooperatives in this country. I was glad to see the cooperatives in my State used as an example of how owners of smaller woodland tracts can join together to make more money from these tracts, reduce their costs, and manage them more effectively.

Let me quote what Edward P. Cliff, Chief, Forest Service, wrote:

> Au Sable Forest Products Association, East Tawas, Mich., is an example of a successful pulpwood producers' cooperative. Membership in this association varies from year to year, depending on producers' marketing needs. Over the past decade, membership has averaged about 135 producers making round wood sales totaling $350,000 a year.
>
> An example of a processors' cooperative is Michigan Forest Products Cooperative, Inc., Saginaw, an association of 86 small sawmills and pallet producers.
>
> Through membership in the cooperative, small mills have drastically reduced their compensation insurance rates. They are also obtaining group rates for their employees on accident, medical, and life insurance.
>
> This cooperative purchases supplies and equipment for its members at reduced rates, assists members with marketing on a request basis, and helps seek solutions to mutual problems of industrywide concern. To illustrate, ways of reducing air polluition caused by mill waste burners are being studied.

Au Sable is a good example of how people working together can help solve some of their own economic problems—certainly something we want to encourage.

Woodland owners can call on the Department of Agriculture for help for existing cooperatives or for advice on possibilities of starting a new association. Michigan has a great deal of woodland and should be making the best possible use of this natural resource.

David W. Angevine, Administrator, Farmer Cooperative Service, outlined how this agency can and is helping:

> Under our specialized cooperative research program and in cooperation with the West Virginia University, we're studying the economic feasibility of forest management, processing, and marketing cooperatives. We are discovering, for example, how woodland owners react to the possibilities of using cooperatives to manage the timber stands and to process and market their wood . . .
>
> Under our cooperative marketing and farm supplies program, our staff is helping groups of rural people use research and approved business practice to operate their cooperative enterprises. Over the last year we have aided half a dozen forestry-based groups, and we expect these requests to increase.

Mr. Cliff also discussed in his article how groups can get help from the Department. He said:

> The U.S. Department of Agriculture, working with the States, can assist in establishing forestry cooperatives. Help is available in every State through the State Technical Action Panels. In 32 States these Panels have organized Forestry Cooperative Advisory Groups to provide the services of specialists in cooperative formation, of foresters, and of financial specialists . . .
>
> Services of these specialists can be obtained by contacting the Chairman of the State Technical Action Panel, usually the State Director of the Farmers Home Administration.
>
> The USDA Committee on Forestry Cooperatives (consisting of representatives of eight USDA agencies) in Washington, D.C., has developed guidelines and furnishes information for the use of State Forestry Cooperative Advisory Groups, development groups, and others interested in forestry cooperatives.

DIALOG ON IRS PRACTICES

Mr. LONG of Missouri. Mr. President, on January 17, 1968, my Subcommittee on Administrative Practice and Procedure held a hearing on various constitutional and administrative problems of enforcing Internal Revenue statutes.

The subcommittee was pleased to have as a witness Mr. Vincent L. Connery, president of the National Association of Internal Revenue Employees—NAIRE. Mr. Connery was accompanied by Mr. John Brady, Mr. Glenn R. Graves, counsel; and Mr. Michael Flattery, management relations adviser.

The testimony presented by the NAIRE delegation was extremely critical of certain IRS management attitudes and practices. They singled out for particular criticism the use of a quota system and IRS snooping on its own employees. It was also pointed out that morale in the IRS is very low at the present time and that this was reflected in the extremely high turnover rates of recent years.

Because of the nature of this testimony, the subcommittee asked Mr. William H. Smith, Deputy Commissioner of IRS, who was present at the hearing, if he would care to comment on Mr. Connery's remarks. Mr. Smith indicated that he would prefer to study the hearing transcript and submit written comments thereon at a later date.

Accordingly, the IRS submitted its comments on the NAIRE testimony on January 25, 1968. NAIRE, in turn, later submitted its rebuttal to the IRS rebuttal.

An interesting and healthy dialog has developed as a result of the initial NAIRE testimony before my subcommittee.

The latest issue of the NAIRE Bulletin, dated May 1–15, 1968, summarizes this dialog, which I think may be of considerable interest to the public.

I ask unanimous consent that the summary from the NAIRE Bulletin be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

President Connery's Response to Commissioner Cohen's Comments on Connery's Testimony Before the Long Committee

The February 15, 1968, issue of The NAIRE Bulletin carried the complete text of President Connery's testimony before the Senate Subcommittee on Administrative Practice & Procedure (Long Committee) on January 17, 1968. Late in February an IRS official informed Mr. Connery that Commissioner Cohen had written to Senator Long commenting on the Connery testimony; the IRS official asked if NAIRE would publish the IRS comments in The NAIRE Bulletin. Mr. Connery agreed, and on March 12, 1968, IRS furnished NAIRE headquarters a copy of Commissioner Cohen's letter of January 25, 1968, to Senator Long.

In his January 25th letter the Commissioner set forth ten numbered excerpts from the NAIRE testimony followed by a "Comment" on each issue excerpted. This letter was circulated within IRS on a nationwide basis down to at least the first supervisory level. In many instances the NAIRE testimony and IRS comments were discussed with employees.

While NAIRE has no desire to extend and prolong the debate on these issues, being primarily concerned with the need for corrective action by IRS, the tack taken by the IRS staff in preparing Commissioner Cohen's comments called for further action by NAIRE. Therefore, by letter dated April 11, 1968, addressed to Senator Long, President Connery submitted NAIRE's response in the form of observations on the IRS comments. Set forth below are the IRS-selected excerpts from the NAIRE testimony, the IRS comments, and the NAIRE response to each comment.

NO. 1

NAIRE testimony: Equally significant, however, is the fact that the controversial techniques (illegal eavesdropping) used were ordered, authorized, tolerated, sanctioned, or condoned by responsible IRS management officials . . .

IRS comment: The best response to this charge is to be found in my statement before the Subcommittee on Administrative Practice and Procedure on April 4, 1967, pertinent parts of which are as follows:

"As the picture has unfolded internally and before the Subcommittee, those relatively few working level agents who had actually engaged in illegal eavesdropping were operating under orders from intermediate level supervisors. Such supervisors had moved in isolated cases under the rules of the road as they understood—or misunderstood—them at the time. The more remote supervisors, who had no actual knowledge of illegal investigative acts, but who pressured for successful investigations and authorized technical training and the acquisition of electronic equipment, were perhaps not farseeing enough."

"In sum, the picture becomes with hindsight one of unfortunate breakdowns in understanding between our top National Office officials and the far-flung investigative posts. As you, Mr. Chairman, have publicly recognized, it is most difficult to affix blame on particular individuals under these complex circumstances."

NAIRE response: This is a two-paragraph illustration of how to plead "Guilty" in a way that sounds remarkably like "I didn't do it." It is a fairly brilliant exercise of literary composition and should probably be printed in the Official Federal Manual of Management Doublethink. But it hardly advances the discussion before this Subcommittee.

To cull one hard example from any possibilities—We say the admitted IRS snooping was "ordered, authorized, tolerated, sanctioned, or condoned" by management officials. They say the management officials who pressed for investigations and provided the snooping gear to the field men were "perhaps not farseeing enough." Why did they add "perhaps"? Aren't their standards as managerial competence as high as those for the hard-working souls in the field—who have thus far been saddled by an adroit management with the lion's share of the blame? Or is it simply that a "good" manager is one who can arrange things so that his subordinates catch hell for his own miscalculations?

NO. 2

NAIRE testimony: Aside from outside pressures, however, it is our considered judgment that certain IRS management policies and procedures tend to generate and foster a climate in which offensive practices may well take root and flourish. We have in mind specifically management's emphasis on quotas and production goals.

IRS comment: We categorically deny that our policies and procedures cause a climate in which offensive practices may take root. We assume that in making this statement Mr. Connery really has in mind what he perceives to be an emphasis on quotas and production goals, since he goes on specifically to mention this. Herein, let me assure you there are no quotas in the Internal Revenue Service, nor do we have production goals in the sense clearly implied—that is, in the sense of goals for individual employees.

In order to manage its operations effectively the Revenue Service has production goals as an organization. Indeed, the Congress itself expects the Service to be able to produce a quantitative picture of its accomplishments. Certainly, it is understandable that Congress would want to know what we have accomplished with the money it has appropriated to us and what we expect to do with future appropriations.

The Internal Revenue Service therefore compiles national, regional, and district figures upon which these estimates and projections can be made. However, we strictly prohibit supervisors of enforcement officers from establishing individual employee quotas and keeping track of employees' quantitative production. To the contrary, we encourage supervisors to know and understand their subordinates' overall work record. We foster the idea that a job well done does not necessarily mean one done in haste or productive of the most revenue. We have had cases where supervisors, despite our best efforts to provide adequate guidance, have compiled individual statistics or made invidious comparisons of production between employees. Whenever we have learned of such a practice we have moved summarily to stop it.

NAIRE response: Another interesting non sequitur.

IRS admits the use of national, regional, and district production goals.

IRS also admits that in spite of its best efforts local supervisors sometimes keep books on employees and make "invidious" production comparisons.

But IRS concludes—with a straight face—that its policies and procedures categorically do not provide a climate in which offensive practices may take root.

Over-all, this response is so self-defeating on its face that it makes one wonder whether the staff that drew it up is being serious with this Subcommittee or indulging a high level game of cat and mouse.

Less obvious is another fatal error in the reply: the apparent assumption that the production "system" does not break down until some supervisor starts keeping an actual statistical log on his men. The hard and unpleasant truth is that the system can and does generate inordinate production pressures regardless of whether a supervisor happens to resort to the crude device of an actual log or written production record. These pressures are inherent in the system itself and in precisely that sense IRS policies do tend to foster a climate in which offensive practices take root.

NO. 3

NAIRE testimony: The IRS employee himself is sometimes the victim of invasions of privacy. Consider the case of Mr. Brendan J. Hagarty who was convicted of perjury on the basis of evidence obtained and supplied by IRS inspection.

IRS comment: The Hagarty decision remains subject to further appellate review. Accordingly, we cannot discuss our position in detail. In passing, however, we note that the critical electronic surveillance occurred in January of 1963—more than four years before the Attorney General's restrictions on such activity were put into effect and almost five years before the Supreme Court ruled on investigative techniques of the nature involved.

NAIRE response: Among other things, Hagarty involved the secret tapping of telephone conversations, without the consent of either talking party. This practice was expressly outlawed in 1934 by a Federal statute. The fact is that Hagarty-type wiretapping of employees should have been forbidden by the Commissioner—or at least by the Secretary of the Treasury—for the last 30 years or so. And they could have been. The reference to the Attorney General's administrative "restrictions" is a red herring. It is not the Attorney General but the Secretary of the Treasury who is the departmental head of IRS. At least he is supposed to be—and if he no longer runs the Service, it's high time we—the employees, Congress, the public—were let in on the subcontracting of administrative control.

Also involved in Hagarty was the secret tape recording of an Inspection interview of the employee.

Has this practice also been completely banished in IRS, along with wiretapping and wallbugging? The Commissioner's response does not say. We think it should have. We think the suggestion that IRS has turned over a new leaf—repeatedly stressed in IRS press releases—would gain in credibility if the Commissioner would make a flat statement that Inspection interviews will never again be tape recorded without the explicit consent of the employee.

NO. 4

NAIRE testimony: Morale in IRS is very low; the turnover rate last fiscal year was higher than ever.

IRS comment: It is always difficult to measure an intangible like morale and we are reluctant to characterize this subject with the same certainty Mr. Connery brings to it. All we can say is that we do not believe there is evidence that indicates that morale generally is low. To the contrary, on the basis of the evidence available to us we would conclude that morale in the Internal Revenue Service is relatively high. Morale is made up of many elements and any attempt to measure it has to take into account a number of underlying factors that influence morale. Employees often have strong feelings on these factors, and these feelings are likely to carry over to other matters. For example, if an employee is dissatisfied about salary levels or is housed in poor office space, he will tend to cast a jaundiced eye on his employment in general.

Morale is not all it should be in the case of Revenue Officers—those employees engaged in the collection of delinquent taxes and the securing of delinquent returns. We are working to pinpoint causes of dissatisfaction and do what we can to overcome them. We believe the basic problem here lies in the nature of the work and in the unjustified obloquy and abuse, and sometimes physical assault, that Revenue Officers are subject to.

On the whole, we would agree with the independent findings of the Civil Service Commission, made after a nationwide inspection of the IRS offices. The Commission said in 1966: ". . . Contributing in no small measure to the success of these efforts is the Service's remarkable esprit de corps.

"We were impressed throughout the inspection with the extremely high degree of enthusiasm and support for the Service's mission shown by all representatives of the Service with whom we came in contact, from top management on down."

Similarly, turnover is another area that needs careful definition. If we consider the over-all separation rate which reflects the number of people leaving employment for all reasons, the turnover rate has dropped. In FY 1967 the over-all separation rate for permanent employees in the Internal Revenue Service was 16%, a drop of 3.4% from FY 1966.

Our separation rate compares very favorably with that of other Federal agencies employing large auditing work forces. When one considers also that Internal Revenue Agents are frequently offered lucrative positions by private firms specializing in tax matters, our turnover of professionals is normal in today's labor market.

NAIRE response: Without knowing the sources and method of calculation, we naturally cannot comment on the accuracy of the turnover rate offered in the response.

We do, however, know something about Civil Service Commission inspection technique. They are—as any competent observer will tell you—totally worthless as an index of employee "morale".

We fully concur with the observation that morale is flagging among Revenue Officers. Our own sources suggest that the morale problem extends pretty far beyond this occupationad group—including workers in Service and Data Processing Centers, whom the statement does not even mention.

NO. 5

NAIRE testimony: A good example (of highhandedness and arrogance) drawn from our own experience is the sorry history of foot-dragging and delay by IRS as NAIRE sought to obtain for all IRS employees the right to counsel during investigations which might result in their discharge or loss of earnings.

IRS comment: This is not a new issue but has been called to Congressional attention on at least two previous occasions. On August 3, 1966, NAIRE issued a press release on the subject and we wrote you a letter on the problem on August 17, 1966. Again, in testimony before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on September 29, 1966, Messrs. Connery and Graves, representing NAIRE, both spoke to this issue. My letter of December 20, 1966, to Senator Ervin, once more responded to NAIRE's charge.

Because we have been over this ground on a number of occasions I think the simplest way to deal with the matter is to quote from my letter to you of August 17, 1966: "The facts as presented in the release are, essentially correct. I can very readily understand NAIRE's impatience with the amount of time required to formally issue the policy statement. Ironically, the NAIRE statement was issued at the very time the policy was in its final clearance stages. In fact, I formally approved the policy statement for issuance on August 5. A copy of the NAIRE press release announcing its issuance is attached.

"I personally regret that it took us as long as it did to complete action on our part. Not because I believe the required time was excessive, but rather because it gave rise to suspicion and misunderstanding.

"We expected back in February that the internal reviews and clearances would be completed quickly. Unfortunately, this was not the case. Questions regarding the relationship of the proposed policy statement to the statute prohibiting unauthorized disclosure of tax information and the Supreme Court's decision in the Miranda case were raised and had to be answered before it could be issued.

"The basis for the delay had been communicated to NAIRE along with the assurance that the Service would honor its commitment to issue the policy at the earliest possible date.

"As evidence of our sincerity, the Inspection Service early this year issued instructions permitting employees to have counsel present during interviews. Between February and June 30 of this year, seven employees requested the presence of counsel at Inspection interviews. All of these requests were approved, although two employees subsequently did not actually appear with counsel. These interviews involved both possible criminal and administrative offenses.

"It is regrettable that our inability to issue the policy statement earlier introduced a discordant note into what has otherwise been a very constructive and co-operative joint effort."

I hesitate to characterize this complaint as beating a dead horse but I do not know what else to say. We are still sorry this delay occurred although in the circumstances it was understandable.

NAIRE response: This is an example of how to say "We're guilty but let's hear no more about it."

Inasmuch as IRS has concededly lost on this issue, their anxiety to label it as a "dead horse" is understandable. We suggest, however, that the burial of this particular issue might be a trifle premature. The response states that the delay in keeping the official IRS word was not excessive. We think it was. We think a year-long delay in IRS delivery on a purely administrative action it promises in a short time is explainable on only two possible grounds: arrogance or ineptitude. It should not be so lightly dismissed and forgotten as the response would propose.

The management position would of course be easier to swallow if it were not also hypocritical. What, after all, does IRS management consider a reasonable period of delay when dealing with a delinquent taxpayer? We all know the answer and NAIRE strongly resents management's application of a double-standard to its own employees.

NO. 6

NAIRE testimony: What is worse, the right to counsel in administrative cases proved to be illusory. The language of the regulation, as it finally emerged, provided that the Regional Inspector will "permit such representation as he deems in the best interest of both the Service and the employee".

IRS comment: The word "illusory" implies that we held out hopes that did not materialize or otherwise failed to deliver on a promise. This is not true. The Service's position on this matter has been clear from the outset and NAIRE gave every appearance of understanding this.

In order to provide for the orderly conduct of the public business, Service executives, managers, and supervisors have to have direct access to subordinates on matters of an official nature. In this respect the Inspection Service—both the Internal Audit Division and the Internal Security Division—acts as an arm of management in gathering facts relating to the efficiency and integrity of the Internal Revenue Service. Obviously, in order to do this Inspection representatives must have free and open access to talk with an employee when circumstances so warrant. To say that Inspection cannot talk to an employee on administrative matters without the employee's counsel present is to say, in effect, that the Commissioner cannot discuss work matters with an employee without the employee's counsel being present. No business operation, private or governmental, could function effectively if such a condition were imposed on the workaday communications between supervisors and employees.

A representative of the employee is authorized, as a matter of privilege, during Inspection investigations of noncriminal matters provided the representative is an attorney and member of a bar in good standing who is not employed in any capacity by the Internal Revenue Service.

NAIRE response: On the one hand, IRS is saying that Inspection should have untrammelled access to an employee on a noncriminal matter. On the other hand, they will permit counsel provided the employee can afford the services of an attorney not employed by IRS. Furthermore, they are saying that an Inspector is qualified to determine not only what is in the best interest of the Service, but also what is in the best interest of the employee. In other words, the Regional Inspector, or the Assistant Commissioner (Inspection) is in a better position to determine what is in the employee's best interest than is the employee or a union representative.

If this doesn't render the "right" somewhat "illusory", then we don't know what would.

NAIRE also has evidence that Inspectors frequently try to "persuade" employees not to request counsel—arguing, among other things, that this might tend to blow up an otherwise routine investigation into something bigger. Given the inherently coercive nature of the Inspector-employee relationship, this represents a substantial cheapening of the highly qualified "right" to counsel IRS has provided in its regulations.

NO. 7

NAIRE testimony: . . . under the Inspection scheme (the lawyer) is afforded no leeway whereby he can provide the employee any genuine representation. At one recent interrogation in the IRS National Office, for example, when the employee's attorney sought to ask some questions about ground rules at the outset, he was told by the Inspector that he had no right to ask questions. Incredible as it may seem, the stenographer was also later directed not to transcribe certain remarks made in behalf of his client by the attorney; the interrogation was summarily terminated by the Inspector because of his displeasure with the direction the dialogue was taking; and when the attorney later sought to obtain a copy of the transcript including some of his observations, IRS refused to furnish it.

IRS comment: The case cited here apparently refers to an employee who resigned on January 12, 1968, after charges looking to his removal were prepared. The investigation had established that the employee engaged in homosexual acts and that he had lived and associated with known and admitted homosexuals.

Mr. Connery contends that the attorney for this employee was not permitted to provide his client genuine representation; that the interview was summarily terminated; and that a copy of the transcript was refused him.

The facts are that an interview with the employee was rescheduled four times for the convenience of the employee; that the employee's attorney insisted at the outset of the interview that he be permitted to tape record the entire proceedings; and that he bring with him an individual whom he purported to be a consultant on homosexual affairs. When this request was refused, an impasse was indeed reached, the interview was not commenced, the employee was not talked to, and the discussion with the attorney was terminated.

In regard to the attorney being denied a copy of the transcript of the interview, as stated, none was held.

NAIRE response: Just so the record will be free of any hint of ambiguity—everything NAIRE asserted is true; nothing IRS says rebuts it; and some of the implications management tries to leave in the record are untrue in the most despicable sense of the word.

The attorney in question was not permitted to provide genuine representation for his client; the interview was summarily terminated by IRS (over his objections, in fact); a copy of the transcript was—and still is denied to him.

Fortunately, this particular dispute need not degenerate into a swearing match. There are two avenues by which the NAIRE position can be clearly substantiated:

(1) The sworn affidavit of the attorney, a distinguished official of the Civil Liberties Union and a former associate of Commissioner Cohen in private practice.

(2) The actual transcript of the meeting, which does exist and is presently in the custody of one Stanton Hunter, Esq., an attorney in the Office of Chief Counsel.

In tone and language the entire IRS comment is disingenuous in the extreme. The concluding sentence is phrased to suggest that there is no transcript, when in fact there is. The officials who drafted it also saw fit to becloud the genuine issues of procedural fair play by disclosing the nature of the suspected employee misconduct—disclosures which, because irrelevant, are nothing short of shameful and lascivious.

NAIRE can prove what it alleges here. We welcome any challenege IRS may wish to offer.

NO. 8

NAIRE testimony: NAIRE recently represented an employee in a case in which IRS Inspection completely disregarded the rights and human dignity of a third party who was not a Federal employee. During the course of the investigation, which was of noncriminal type, Inspection wished to interrogate an insurance company clerk. However, they did not attempt to ascertain from the clerk first of all whether she would consent to talk to them; secondly, they never asked her whether she would select her home, place of employment, or the IRS office as the site for the interview. Instead, the two-man team of IRS inspectors went directly to an official of the insurance company who called the clerk from her desk, took her to his private office, and left her alone with the Inspectors. She was a captive and embarrassed witness, fearful for her job if she failed to "co-operate". An interesting sidelight is that while that team was interrogating the bewildered young woman, another two-man Inspection team was interrogating the hapless employee in the IRS office. He was not released by the Inspectors until after the interrogation of the insurance company clerk had been completed.

IRS comment: This is a distorted account of Inspection's interview of a female insurance company clerk who was a third party witness in an Inspection investigation of an IRS employee. She was interviewed at her place of employment with prior permission of the company's personnel officer and her supervisor and it was conducted in the privacy of the supervisor's office. It was purposely conducted at the same time the IRS employee was being interviewed to preclude a reasonable possibility, based on knowledge of a close personal relationship between the insurance company clerk and the IRS employee, that the IRS employee would guide her testimony if given opportunity to do so.

At no time during the interview did the insurance company clerk display any resentment, reluctance, or embarrassment. She freely responded to all questions, except one, and voluntarily and freely discussed her relationship with the IRS employee. The one question which she declined to answer concerned whether she was in a Government automobile with the IRS employee on a particular occasion. She stated she would decline to answer that question as she did not want to cause any trouble for the IRS employee. Her reason for declining was accepted and she was not pressed for additional response.

Throughout the interview the insurance company clerk gave every appearance of being satisfied with the approach used and the interview ended amicably.

NAIRE response: IRS admits the facts set forth in my statement of January 17th. However, as an alibi for Inspection, they resort to the technique of the "big smear". They defend Inspection tactics by insinuating that the IRS employee would have prevailed on the insurance clerk to lie, and that the insurance clerk would have lied at the behest of the IRS employee. The Inspectors allege that the lady refused to answer a question as to whether she was in a Government car with the IRS employee on a particular occasion. However, IRS fails to mention that in an affidavit and in sworn testimony at a hearing, she unequivocally denied that she had ever ridden in any Government car with the IRS employee at any time or on any occasion.

NO. 9

NAIRE testimony: An employee may be compelled without notice to take an oath, submit to prolonged questioning, and give an account of himself without being apprised of the reasons for the inquisition; he can be confronted with an affidavit prepared by Inspection and required to decide whether to sign it—without even a chance to take it home and read it. And running throughout all such interrogations is the employee's fear that, even if he is totally innocent of all wrongdoing, he may still be cashiered for a failure to "co-operate" with the internal investigative unit of IRS itself.

IRS comment: Any such statement or affidavit made by an employee during an Inspection interview becomes a part of the Inspector's report on what the employee said during the interview. As such it is an integral part of the file, no matter what action is subsequently taken by the employee.

The employee has a number of alternatives with regard to reviewing and signing a statement, which give him every opportunity to ascertain its accuracy. Any employee may:

(1) if he so desires, sign the statement;

(2) correct the statement and then sign it; that is, if he feels it needs clarification, or editing;

(3) not sign the statement at all;

(4) prepare any supplementary statement, whether or not he has signed the original statement, to clarify or to correct the record if he feels it is erroneous.

There is no penalty for refusal of an employee to sign a statement or affidavit.

NAIRE response: The IRS comment does not dispute any part of my statement of January 17th, on which I stand.

NO. 10

NAIRE testimony: In another recent case in which NAIRE was representing an employee who had been demoted, some more restrictive IRS policies came to light—for the first time so far as we were aware. This situation involved IRS management officials not Inspection.

The employee-appellant was in the Training Division of the National Office. The Training Division Director took the position that the employee's lawyer could not interview any IRS employee (even with his consent) unless the lawyer or his client had set up the appointment. The lawyer's view—which we support as perfectly reasonable—was that he had a right to interview any IRS employee so long as (1) the employee consented to see him; and (2) the interviewee adhered to internal rules governing annual leave. The dispute was carried directly to Commissioner Cohen and, to our regret, he unequivocally upheld the Director's view as proper IRS policy and practice.

In the same case the IRS lawyer, on the other hand, claimed an absolute right to compel any IRS employee to submit to his interrogation even without employee consent, in an effort to develop the case against the employee-appellant. Such discriminatory power was claimed under a specific IRS regulation, one of the IRS Rules of Conduct. This issue was also carried to the Commissioner. Regrettably, he saw fit not to intercede in the case and declined to overrule the position espoused by the IRS counsel.

IRS comment: Mr. Connery's statement adverts to a controversy that arose during NAIRE's representation of a demoted Training Division employee. The employee appealed his demotion to the Civil Service Commission, and was represented by a NAIRE attorney. In connection with an anticipated appeal hearing, this attorney approached some of our Training Division employees at their desks during working hours, and sought to interrogate them on the case, without regard to their work assignments. When this came to the attention of the Acting Director of the Training Division, he requested the attorney to desist from thus interrupting the employees without first clearing with him.

The attorney then wrote directly to me (by-passing the IRS attorney known by the NAIRE attorney to be handling the case) asserting his right to "direct and unfettered access to IRS witnesses". It was then and is now my view that no practicing attorney has an "unfettered" right to interrupt our employees at their work without any notice to their supervisors.

A few days later, the NAIRE attorney wrote directly to me again, this time complaining of the manner in which the IRS attorney was preparing for the hearing. His complaint was based on no relevant issue or factual occurrence, but pertained solely to the right of the IRS attorney to interview IRS employees on matters of official IRS interest.

It was then and is now my view that our attorneys, if they are to perform their duties effectively, must have the co-operation of IRS employees in matters of official interest. Any other position would deny the Service the full legal representation to which the public's business is entitled.

As a further irony, we even provided ground rules to the employee-appellant designed to give him access to employees; these were ignored.

NAIRE response: Again, everything NAIRE alleged is true; nothing IRS says in reply refutes it; and some of the things IRS says are absolutely false.

The NAIRE attorney, for example, did not "approach" any IRS employees or "seek" to interrogate them "without regard to their work assignments". He interviewed two high-level employees, first having received their consent by telephone (and advising them that they did not have to talk to him), at times and places chosen by them. Nor did he ever assert the right to totally unfettered access to IRS employees on the job. What he did assert was his right, as outside counsel, to interview IRS witnesses (a) with their consent and (b) subject to the requirements of annual leave.

The real subject of this dispute—which one would never grasp from management's comment—is the IRS procedure adopted in this case and apparently now condoned by the Commissioner.

When an IRS employee obtains counsel for his adverse action, it is the IRS position that:

(1) The appellant's superiors (the ones who took the adverse action) can compel the counsel to channel through their office his efforts to locate employee-witnesses helpful to appellant's cause.

(2) At the same time, IRS counsel has the power to compel any IRS employee—even over his objections—to submit to interrogation for the purpose of securing evidence against the appellant.

It is understandable that IRS, in its comments, might seek to obscure such a position, since its unfairness is painfully clear. Nevertheless, it is their position and NAIRE will be glad to produce their own correspondence in proof of it, should it be denied.

THE REFUGEE PROBLEM IN VIETNAM

Mr. KENNEDY of Massachusetts. Mr. President, a matter of deep concern to me for more than 3 years has been the heavy toll in human suffering—especially the extraordinary flow of refugees—brought on by the conflict in South Vietnam.

Because my views on the refugee problem are a matter of record—and because the Judiciary Subcommittee on Refugees, which I serve as chairman, will shortly issue a report on civilian problems in South Vietnam—I shall refrain from any lengthy discussion at this time.

But I am prompted to offer some general observations today, because of the new surge in the flow of refugees as a result of the Vietcong offensive against Saigon and other areas over the last 2 weeks.

I attach a special importance and significance to the refugee problem, because I believe there is nothing in Vietnam which offers a better clue to the nature and brutal results of the conflict, which defines more clearly the basic task of the Government and its allies, and which underscores more dramatically their collective lack of a sense of urgency and substantive progress in serving and protecting the people, in building up a nation, than the recent history and continued neglect of the refugees.

Mr. President, the war in Vietnam is unlike the traditional wars in history—and all of us know it. We label it unconventional. Those we are resisting label it a war of national liberation—a revolutionary effort to undermine and destroy the existing government in Vietnam and its socioeconomic pattern, and to replace it with a new order. As in neighboring Laos, the opponent presses his purpose through a combination of political action, subversion, military action, and terrorism—through determined but protracted conflict, during which the authority and infrastructure of the incumbent regime will systematically erode.

The enemy is guided by a central principle—the ideological mobilization and complicity of the people. It is they who bear the brunt of this strategy and tactics, and of the conflict produced by counteraction on the part of the Central Government and its allies. It is they who suffer as civilian casualties, who leave their homes as refugees. The care and protection of these people and their fellow citizens in distress is inevitably a key task for the Central Government and its allies.

Since early 1965, some 3,000,000 persons have been officially registered by the Saigon government as refugees. At least

1,500,000 remain officially in that status—and the number is growing daily. In Saigon, alone, more than 100,000 persons were made homeless during the last Vietcong offensive against the capital city.

But the official register is only part of the picture. At least 2 to 3 million additional persons displaced by the war are not recorded on the Government's rolls—but are found in the slums of Saigon and other cities, and in the squatter towns which dot the countryside and the outskirts of provincial and district capitals throughout the country.

It is an alarming fact, that because of the war more than one-fourth of the population of South Vietnam is displaced. The tragic and disruptive consequences of this tremendous movement to the life of the individual refugee and in the society of which he is a part, staggers the imagination and all but defies comprehension.

It plays havoc on the social fabric of the countryside. It creates a rootless proletariat in the larger cities and towns. It destroys the familiar rituals and morés of village life. It numbs the spirit of creativity and initiative, and fosters apathy and disorientation within a significant cross section of the South Vietnamese people.

The evidence is everywhere present. We see it in the shattered lives of the fatherless families who have been torn from their surroundings—from their homes, their fields, and the graves of their ancestors—from the ingredients of life which give them strength to carry on amidst great hardship.

We see it in the forlorn spirit of the mothers and children who beg and sleep in front of the bars and establishments on the streets of Saigon and Danang. We see it in the sullen faces of thousands of refugees sitting idle in camps throughout the country.

We see it in the squalor of makeshift huts built by squatters around the tombstones in cemeteries, and along Highway 9 just south of the demilitarized zone. We see it in the disruption of needed public services in Saigon and elsewhere, where refugees, for want of shelter, have taken over a school or dispensary.

Humanitarian considerations alone should compel us to make every effort to meet the needs of the displaced persons—to provide for their care and protection. But more than humanitarian considerations are involved. I believe that creative efforts to reestablish the refugees offers a clue to successful pacification, and progress in meeting the challenge of the so-called other war.

But we have not faced up to the refugee problem. We have failed to appreciate its full measure and significance. We have moved from crisis to crisis—on an ad hoc basis—with little planning or motivation—viewing the refugees more as a burden of conflict, rather than an opportunity to help win the allegiance of a significant cross section of the Vietnamese people. We have simply failed to give the refugee problem the priority it so urgently needs and so rightfully deserves.

To cite these general conditions is not to belittle the work of the many brave and compassionate individuals who have gone to Vietnam to help the refugees. Our civic action teams in the military, our AID personnel, the doctors who volunteer their sevices, and the dedicated staffs of the private voluntary agencies, deserve the respect and admiration of us all. It is unfortunate, but true, that they labor under the most difficult of circumstances—in part because they are working in war—but also because they are trying to do a job without the full support of those we have entrusted with the effective direction of the military effort and the winning of the people of South Vietnam.

Mr. President, a very genuine and active concern for the immediate and long-term welfare of these people should have always been a matter of prime importance to the Saigon government and ourselves—but especially today, given the hope all of us have that the Paris meetings will produce an honorable settlement in Southeast Asia.

The aftermath of conflict will involve a tremendous reconstruction of a tortured land and a fractured society, in which the rehabilitation of a bewildered people will be a major task.

There is little doubt, Mr. President, that our country will be deeply involved in the reconstruction process—but there is little public evidence to suggest that our Government has given the matter much systematic thought.

And so that a beginning be made in which the American people can participate, I strongly recommend that the President create a panel of experts to help identify and measure the areas of need and the resources available in South Vietnam, and to help determine our country's current and future role in the recontruction process. The panel's members must be politically acceptable to all and broadly representative of prevailing views within our country. I feel that such a panel would contribute much in helping our country to meet its responsibilities to the Vietnamese people in an orderly way and to the best of our ability.

The disheveled state of Vietnam's society, reflected in the extraordinary flow of refugees, dramatically underscores the task which lies ahead.

A NEW GENERATION IN POLITICS

Mr. HART. Mr. President; the skilled political writer, David Broder, observed in the Washington Post Tuesday the new sense of involvement that the McCarthy presidential campaign is giving many of the Nation's young people.

I read his piece with fascination because I have had first-hand experience with the McCarthy phenomenon. Several of my children have been heavily engaged in promoting the Senator's candidacy.

If I can do so without violating my declared neutrality in the Democratic presidential derby, I should like to observe that the new sense of involvement these youngsters are finding is a very heartening development to at least one father.

These young men and women are discovering—perhaps to their own surprise—that they can have an influence on events, that the national political system is not rigidly structured and controlled by an elderly and inflexible establishment.

This return to active public life by many of our most talented young citizens already marks the McCarthy campaign as having made a fine contribution to the political health of the Nation.

Senator McCARTHY's sensitivity and courage are understandably attractive to the young, as they should be to us all. Indeed, the quality and ability of those active in Michigan for GENE McCARTHY reflect great credit on our colleague, whatever the verdict of the Democratic National Convention, history's verdict is clear that he has elevated our political life and enthused to participte activity many of our finest citizen, young and not so young.

Probably I should make it clear that I am also prepared to make equally admiring remarks about Senator KENNEDY and Vice President HUMPHREY. There is no Democratic candidate who would not have my strong support in the general election.

But this one aspect of the 1968 campaign is a particularly refreshing one and I ask unanimous consent that the Broder article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McCARTHY CHALLENGE ATTRACTS A NEW GENERATION TO POLITICS

OMAHA, NEBR.—It was Sunday morning in the abandoned auto showroom that is the McCarthy For President headquarters in Omaha, and the volunteer "shape-up" was taking place.

A young man with a bullhorn was standing in the middle of the vast floor. A canvass captain would hand him a slip of paper and he would sound off:

"I need five volunteers for Ward Four—five for Ward Four."

In groups of two or five or ten, scattered around the floor, the college kids from Iowa and Illinois and Texas and Missouri were waiting, sleep still in their eyes. The Saturday night party had been a good one, and they looked somewhat the worse for wear. But there was little delay in filling the canvass quotas. They would stand, stretch and come forward to receive their instructions.

One's mind went back, and one remembered similar scenes. These same kids or their brothers and sisters had come to Manchester, to Milwaukee, to Indianapolis and now to Omaha, bringing their bedrolls and battered suitcases with them, to spend their weekend working for McCarthy. One knew, with certainty, that whatever the results in Nebraska today, they will be coming again, by bus and by car, to work in the Oregon, California and South Dakota primaries.

This is the great thing McCarthy has done. He has involved a whole new generation in politics—and what marvelous young people they are. As he prophesied his challenge to President Johnson channeled at least some of the energy and the idealism of the campus protesters into legitimate channels of politics.

In a sense McCarthy's own fate has now become irrelevant. The student workers think they have accomplished their major goals of denying President Johnson renomination and forcing a start of peace talks on Vietnam. No one can prove them wrong.

If they fail to win their third objective, McCarthy's nomination, they seem realistic enough to accept that.

The whole history of our political era shows that efforts which fall short—or even fail utterly—of their objective nonetheless can leave behind the seeds of future triumphs.

The Democratic Party for a decade lived off the ideas that were generated, the enthusiasms that were kindled and the talent that was brought into politics in the Adlai Stevenson campaign of 1952.

Similarly, many of the young Goldwater enthusiasts of 1964 undoubtedly will emerge as Republican leaders of the 1970's.

But perhaps the most pertinent parallel to the McCarthy movement—for those of us who can remember that far back—was the struggle on the college campuses, centering on the American Veterans Committee (AVC), immediately after World War II. A generation of idealistic GIs found themselves locked in battle with the Communist cadres for control of the AVC. So bloody was the strife before the non-Communists liberals won that the organization itself was in ruins. AVC failed, but the survivors have a lesson in politics of immense value, and many of them have gone on the prominence in both parties.

I think it is predictable that the McCarthy movement will yield greated future dividends than either AVC or the Stevenson campaign. The AVC fight taught chiefly the tactics of parliamentary maneuver and the caucus and convention strategy. Its most distinguished alumni—men like Rep. Richard Bolling of Missouri, the liberal Democratic strongman of the House Rules Committee, and F. Clifton White, the conservative Republican who organized Goldwater's nomination.

The Stevenson campaign veterans—men like Arthur Schlesinger Jr. and Willard Wirtz and John Gilligan and George Ball—practice the politics of aristrocratic eloquence that reflects the man who was its source. But the Stevenson campaign experience was also a limited one. Its precinct work, for example, was confined largely to white middle and upper class areas, and in states like California, where the Stevenson heirs are still in control of the Democratic Party, this weakness shows up.

The McCarthy campaign has been an inclusive political curriculum. Its leader has set a Stevensonian example of eloquence, and his rapport with the intellectuals and upper-class whites of both parties is exceptional.

But his disciples have also had lessons in convention in-fighting from their bruising (and mostly losing) battles in Minnesota, Iowa and other states. And their canvassing has taken them, like their predecessors in the Stevenson movement, into all parts of America—farms and ghettos, suburbs and city apartments.

You cannot talk to the McCarthy volunteers without knowing that as they have been explaining McCarthy, they have also been discovering America.

That is why, whatever his own fate this year, McCarthy was right when he told the University of Nebraska students Sunday, "What has happened in our campaign will not be a footnote in history but a part of the main text."

PARIS PEACE TALKS AND THEIR RELATIONSHIP TO THE MIDDLE EAST

Mr. SPONG. Mr. President, the stepped-up tempo of attacks upon our forces in South Vietnam in recent weeks is reminiscent of the increased intensity of fighting in the Indochina War in 1954 when peace talks began in Geneva. The similarities of the situation then and now would indicate that the strategy of 1968 is the same as that in 1954.

We should be cognizant of the failure of the Vietnam settlement negotiated by the French in 1954, and the pitfalls in some of our other Southeast Asian agreements. We must learn from these experiences.

In addition to the delicateness of the Vietnam peace talks in Paris, we must be mindful of the threat to world peace which exists in the Middle East, and recognize that increased tension in the Arab-Israel dispute could have a marked effect upon our efforts in Paris.

The relationship between our situation in Paris and in the Middle East was pointed out with clarity in an article in the Wall Street Journal on May 13, 1968. I commend the article to the Members of the Senate, and ask unanimous consent that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET SQUEEZE?—MIDWEST COULD BE USED TO EMBARRASS UNITED STATES IN VIETNAM TALKS

(By Ray Vicker)

BEIRUT, LEBANON.—There is more than a hint in current Communist moves here that the Soviet Union may be hatching fresh troubles in the Middle East to coincide with the Vietnam talks that began Friday in Paris.

A little heat applied to Arab-Israeli animosities could complicate America's task no end. The U.S., already deeply mired in Vietnam, certainly has no stomach for two crises at the same time. And the Soviets are now suggesting to their Arab friends that if diplomacy finds no solution to the Arab-Israeli dispute, then "other steps" should be employed.

There is surely no reason to think that the Russians will make things easy for the U.S. during the Paris talks. And the Middle East provides the Reds with an opportunity to embarrass the U.S. and at the same time solidify its already strong foothold in the eastern Mediterranean, to help its North Vietnamese Communist friends, and perhaps to weaken the dollar as well.

"We're really worried about the Middle East situation," admits one U.S. diplomat in Europe. Almost as if in echo to his thoughts, an official of the Bahrain government, in the Persian Gulf, says, "American influence is steadily receding in the Arab world." Then, he adds, bitterly, "And can you blame the Arabs for seeing Russians as friends, when you consider that they are the only ones who are helping us in our war with Israel?"

REFLECTIONS OF BITTERNESS

The U.S., of course, has not deliberately tried to antagonize the Arabs. Its hope is that ultimately a free Israel will be living side by side with peaceable Arab neighbors, while both sides work together to improve the lot of all citizens in the area. Commendable as this goal may seem, it fails to jibe with the Arab picture of the situation. Anyone who travels through this part of the world finds most Arabs convinced that America is showing bias for Israel. This has resulted in a bitterness that is reflected in U.S.-Arab dealings at government levels. In the oil industry, in mercantile businesses and even in tourism.

This makes Arab lands fertile ground for Communist propaganda, especially now that peace talks are beginning. Soviet moves suggest that the Reds are well aware of this factor, probably hoping that any serious pressure in the Middle East could push the U.S. toward acceptance of unappetizing terms in the negotiations.

Some recent moves are indeed discouraging.

Item. Red arms have been pouring into the eastern Mediterranean; ground-to-ground missiles are currently escalating that war buildup.

Item. A Soviet naval flotilla seeks a foothold in the Persian Gulf, an area that includes the richest concentration of U.S. nonmanufacturing investments in the world.

Item. A Soviet version of the U.S. Mediterranean Sixth Fleet is now 46 vessels strong, and a landing force is being added to provide more muscle.

Item. Communist penetration of the Middle East oil industry is accelerating.

Item. Nearly everywhere in the Middle East the Soviets are courting Arabs and Iranians.

A Soviet government note is currently being studied by foreign ministries in Arab nations. It suggests that if UN diplomacy fails to dislodge Israeli troops from conquered Arab lands, than "other steps" must be employed. Moreover, the Soviets are recognizing El Fatah, the Arab terrorist compaign, as a "legitimate Palestinian Arab resistance movement." This endorsement is expected to result in increased activity by this guerrilla outfit, which has been planting mines, exploding bombs and attacking the Israelis from bases in Jordan and Syria. Such raids have stimulated Israel to massive retaliation.

As for the "other steps." Red arms portend what the Soviets have in mind. Ever since last June's six-day war, the Reds have been sending guns, planes, tanks and other equipment into Arab countries, chiefly the United Arab Republic. Rockets are being added to the arsenal in an ever increasing quantity.

The UAR showed last year how accurate a Russian Styx rocket could be by sinking an Israeli destroyer. Soviet technicians are currently in Egypt by the hundreds (some reports say thousands) to help train Egyptians in the handling of new, sophisticated weapons. Last week a vital cargo of rockets with an undisclosed range was landed at the UAR port of Alexandria.

Arabs argue that it is Israel that is escalating weaponry. They point to the recent disclosure that France's Marcel Dassault, builders of the formidable Mirage fighters, is currently testing the MD660 rocket for Israel. This is a highly mobile device with a range of 300 miles and the potential for toting an atomic warhead.

But MD660 rockets aren't due to be delivered to Israel until 1970, and now that the secret of their production is out they may never be delivered.

Admittedly, it takes more than armaments to build a fighting force, and the growing Russian-backed belligerence evidenced by the UAR's President Nasser may be all bluff, for Israel undoubtedly still has the fightingest army in the Middle East. Nevertheless, nobody can be absolutely sure that rocket rattling will be confined to noise-making only when the unstable Middle East is the site.

Moreover, some of the military buildup involves Soviet naval units. The presence of the Soviet fleet in the Mediterranean is already well known, of course. Currently, the Soviets are building a couple of helicopter carriers, and landing craft are being added to the fleet. The purpose seems to be to develop a strike force capable of landing troops in any country that might request direct Soviet military aid. In the past the U.S. has claimed the right to land troops in a friendly country. Perhaps the Communists intend to claim the same right.

The key questions that bother Allied military planners are these: What happens if an Arab nation, beset by Israel, calls for help from Russia? And what response should the U.S. make if Red troops are actually landed in an Arab country?

Last June the Russians seemed to back down from any such showdown. But a case could be made that last June's war was over so fast that the Reds were caught flat-footed along with their Arab friends. Now they may be preparing themselves well in advance for actual intervention if another fighting round develops.

This time the Soviets are trying to obtain a foothold in the Persian Gulf, as well as in the Mediterranean. Ever since Britain announced earlier this year its intention to pull out of the gulf, there has been a flurry of political activity in that area. The Trucial states, Bahrain and Qatar, have joined in a loose federation, aimed at strengthening their positions. Iran has been voicing its claim to Bahrain, and some friction has developed over the limits of offshore oil rights claimed by each country in the gulf. Tass, the Soviet news agency, recently made it clear that the Soviets believe they have rights in the area. A small flotilla of Soviet ships is said to be sailing in the gulf now on a "courtesy" visit. Communists are seeking landing privileges in Iraq, a country that is receiving Red assistance in enlarging several military airfields.

Meanwhile, Communists are penetrating ever deeper into a Middle Eastern oil industry that has always been dominated by U.S. and West European companies. In March the first oil produced in the Middle East with the help of Russian technicians started flowing from wells in Syria. Soviet oil exploration teams are at work in southern Algeria and in Egypt's Siwa Oasis, west of the Nile. This summer more Soviet teams will fan across arid lands of Iraq, searching for oil in an agreement in which Reds furnish only technical help for a payoff in petroleum.

SECOND THOUGHTS

For years Western oil men have scoffed at Russian competition in the Middle East, averring that the Reds have so much oil at home they have no use for Arab oil. Now they are having second thoughts about this, and their rethinking indicates that Western oil companies may be encountering far more competition from Red bloc petroleum outfits.

A study by the Shell group, for instance, notes that the Soviets have a lot of oil, but some of it is in the wrong places. So as Red Bloc petroleum consumption rises, it may help East European countries to import some oil from the Middle East. Thus arrangements are being made with several national oil companies.

Explains David Barran, chairman of Shell Trading & Transport Co., London: "By establishing herself in the Middle Eastern oil scene, Russia would not only be strengthening the hand of local national oil companies vis-a-vis the Western private companies; she would also be taking steps to ensure that at least part of her expected future needs from outside Russia will be there to draw upon when she wants them."

Some financial sources in Europe also believe that the Russians would like nothing more than to bring down the dollar. The Soviets have gold reserves in the range of $2.5 billion to $3 billion, and they are fast increasing production of the metal.

So any increase in the price of gold would provide them with a trade bonanza. A doubling of the price of gold, as an example, would be akin to doubling the purchasing power of Russia in the West.

If the Soviets are convinced that the dollar can be brought down, they might think that the best way to do it would be to de-escalate but not end the Vietnam war. De-escalation would reduce chances of the conflict's spreading, to Russia's detriment. But continuation of that war at a lower level might leave the U.S. bleeding financially, with the dollar tottering to devaluation.

In any case there's no doubt that the heavier the U.S. load of trouble, the harder it will be for the U.S. to negotiate with the North Vietnamese. The Middle East offers opportunities all over the map for adding to America's burden.

VIETNAM PEACE DISCUSSIONS

Mr. McGEE. Mr. President, the toughest job I can think of right now, perhaps, outside of the Presidency itself, is the job which has fallen to Ambassador Harriman and to Cyrus Vance in Paris. Negotiating with the Communists is never an easy matter. Negotiating about the end of a war is, as Max Lerner wrote in Wednesday's Evening Star, a race between death and peace and a race that weighs much heavier upon an open society such as ours than it does upon a tightly closed society such as that run by Ho Chi Minh.

We can be sure, Mr. President, that President Ho and his colleagues consider the Paris talks a second front. We have the evidence. Some of that evidence was disclosed in another column, by Roscoe Drummond, in Wednesday's Washington Post. Their tactic is to seek to win enough on the battlefield, even while the talks go on, to exact a peace settlement in their favor. There are those who believe that Ho Chi Minh, in fact, thinks the negotiations are his key to victory, to control of the south. This theory, of course, is being put to the test by our negotiators in Paris.

Mr. President, I ask that columns I have alluded to by Max Lerner, Roscoe Drummond, and Crosby Noyes be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star,
May 15, 1968]

A RACE BETWEEN DEATH AND PEACE

(By Max Lerner)

The hardest death that soldiers will die on either side, and the hardest for their families to bear, will be death during the peacemaking, between now and the day when the script is signed and the guns are stilled. It is hard enough to tolerate death when a war is in full swing. It is doubly hard when there is a race between death and peace—and death wins.

The Hanoi Communist regime, which had hoped for many advantages when the peace talks finally came, has had to watch most of them vanish. Although a battle is still being fought on the outskirts of Saigon, there are no Viet Cong flags flying in any South Vietnamese city. The Saigon government, written off so many times, has survived every crisis and is functioning tolerably.

While Hanoi is still on the military offensive, it can no longer strike at will and with surprise, as it did in the Tet attacks. Within America itself Lyndon Johnson is no longer the whipping-boy for intense antiwar feeling and demonstrations. The headlines are about student sit-ins on campus issues, not war or draft. Having withdrawn as a candidate for president, Johnson can concentrate on the home and peace fronts.

The one advantage Hanoi still has is its greater capacity to support deaths while the talks go on in Paris. One other linked advantage: the American watching and responding to the talks will be totally open to view, with its campaigns, its candidates, its conflicts and inner violence. Not so North Vietnam, the secret responses of whose people we shall probably never know.

In the history of peace talks, the outcome for each side has always depended on four sets of factors: its military bargaining strength, in terms of the balance of forces in the field; the skill, will and resourcefulness of its negotiators; the strength and leadership of the people, for whom the negotiators are speaking; the climate surrounding both the negotiators and the nation—the envelope of ideas and emotions which contains them both.

We have been repeatedly told how difficult it is to negotiate with Communists and there can be no question that it is. But it is not because they are more tortuous or inscrutable than other elites and other power systems. It is quite simply because they take account of all the sets of factors I have cited and are especially aware of the psychological and political factors.

They know that if you stretch out the peace talks and keep up the fighting, the other side may tire of fighting in its eagerness for peace. Then you get what happened during the Korean negotiations, when so many allied lives were lost because of the slackening of patience and the will to fight.

This question of patient strength, and of good will along with firmness at the conference table, may well determine how many or how few lives are lost before the final script is signed, and whether we can escape another dismal episode like the Vietnamese war in our time.

The position of Averell Harriman and Cyrus Vance at Paris will be all the more difficult because America has fought the war in tandem with the Saigon regime and cannot help making the peace in tandem with them as well. But since it is American strength that has kept the war going, it is America which is the stronger partner in the team.

On the issue of recognizing the Viet Cong as a party to the final agreement, Saigon's veto cannot prevail. On the issue of an all-out end to bombing in the north, Saigon's stress on a reciprocal lowering of the infiltration rate into the south makes sense.

On the question of agreeing to a "fusion" or "coalition" government in the south after the peace, America cannot—either politically or morally—sign away beforehand the right of the people of South Vietnam to decide on what regime they will have. But out of the bargaining there may emerge an agreement to make the Viet Cong a legal party in later elections, provided it gives up its resort to arms and accepts the resort to the ballot.

One additional word about Lyndon Johnson. The peacemaking will be his final role as President—the role for which he has braced himself and for which he made the sacrifice of renouncing his bid for another term. It will be his greatest testing as a political leader—and he knows it. His ruling passion is to have his total presidential tenure justified by history. That is the most cogent reason for believing that he will do everything possible for a reasonable and humane settlement.

[From the Washington (D.C.) Post, May
15, 1968]

HANOI CONSIDERS PARIS TALKS AS OPENING OF A 2D FRONT

(By Roscoe Drummond)

To judge how the Paris talks are going, we need to keep in mind:

1—The best clues on the prospect of settlement will come first from the state of the fighting in Vietnam, not from the state of negotiation in Paris.

2—Hanoi's announced aim is to step up the war, pressing for battlefield gains to extract conference table concessions.

3—The Communists will be working to undermine the will to fight of both South Vietnam and the United States as the talks will almost certainly be painful and protracted, as they were in Korea, with the possibility of stalemated recesses.

These judgments do not come from guessing what Ho Chi Minh has in mind. They come from reading two of his detailed policy papers on his peace talk plans, prepared for political cadres in South Vietnam. They were found on captured enemy troops and are extremely illuminating about what to expect in Paris.

The reason why the news from the battlefronts in South Vietnam will tell more about the prospects for peace than what is now being said in Paris is bluntly set out by Hanoi in this confidential memorandum for the VC:

"In fighting while negotiating, the side which fights more strongly will compel the adversary to accept its conditions. Considering the comparative balance of forces, the war proceeds through the following stages:

"The fighting stage.

"The stage of fighting while negotiating.

"Negotiations and signing of agreements."

Hanoi also stressed that the second stage of the war, now opening in Paris, will be marked by more fighting, not less. It put it this way:

"The future situation may lead to negotiations. Yet, even if there are negotiations, they are to be conducted simultaneously with fighting. While negotiating, we will continue fighting more vigorously."

This explains why, thus far at least, Hanoi will not say that it will not take advantage of an end to U.S. bombing or match U.S. de-escalation of the fighting with any deescalation on its part.

This explains why North Vietnam timed its renewed offensive against Saigon to coincide with the opening of the Paris talks.

We can be sure that these Hanoi documents are a valid guide to Communist policy because they clearly state that the North Vietnamese Politburo "has been unanimously entrusted with the task of carrying out" the three-stage strategy outlined above.

They also shed light on other questions arising from the Paris conversations. For example, why did North Vietnam reject talks when the U.S. ceased all bombing of the North for 37 days over the '65–'66 holidays, but agreed to talk on the basis of a limited cessation last month?

One answer in a Hanoi document captured a year ago is that the North Vietnamese were then counting on Red China for more aid or direct entry into the war.

"What we should do in the south today," Hanoi said, "is to try to restrain the enemy and make him bog down, waiting until China has built strong forces to launch an all-out offensive."

But waiting for China to do more has been fruitless; Peking has been helping less and less, not more and more. And today, while trying to persuade Hanoi not to negotiate under any circumstances, China has become so riven with internal strife that its ability to offer Hanoi much more than words is in serious doubt.

According to its own official statements, Hanoi considers the Paris talks the opening of a second front in the war, to continue while North Vietnam seeks to win enough on the battlefield to exact a peace settlement which will give it control of South Vietnam.

Not that they will succeed. But they will try "more vigorously" and the talks, as war tactics, will be prolonged.

[From the Washington (D.C.) Star, May 9, 1968]

MOMENT OF TRUTH APPROACHES ON VIETNAM

(By Crosby S. Noyes)

TOKYO.—The Paris talks on Vietnam should at least serve to prove or disprove a gloomy theory that has been making the rounds of various Asian capitals in the last few weeks. This theory is quite simply that the agreement to hold any talks at all at this point is based on a profound mutual misunderstanding between Washington and Hanoi and a complete misreading on both sides of what the other has in mind.

Washington's calculations in pressing for talks have been no great mystery. Although there are divisions of opinion within the administration about prospects for serious negotiations, President Johnson has been following up on a hunch relayed to him with some insistence from his advisers in Vietnam.

In the wake of the Communist Tet offensive last February, both Gen. William C. Westmoreland, the American commander in Vietnam, and Ambassador Ellsworth G. Bunker reported on various occasions that the enemy had been badly hurt.

Both men argue that the offensive was launched in the first place because the Communists realized that the military and political situation in Vietnam was turning increasingly against them.

It was, according to this view, a desperate gamble aimed at reversing the whole trend of the war in one stunning series of military victories. And when the enemy failed, despite frightful losses, to achieve any of his major objectives, it was felt with some logic that he might at last be in a receptive mood to talk peace.

Johnson was persuaded that it was at least worth a try. He also concluded that if there was a chance for serious peace talks, that chance would be improved by his withdrawal as an active candidate for re-election.

Eventually, all of these calculations came to a head in his March 31 announcement of a partial halt of the bombing, a new call for peace talks and the declaration of his noncandidacy.

The gloomy theorists hold that this triple-barreled bombshell may well go down in history as a monumental tactical blunder. Because, if their guess is correct, what Johnson succeeded in doing was to transform a promising situation into an utterly hopeless one so far as talks with Hanoi are concerned.

The theory is based on the almost universal misinterpretation of Johnson's decisions that followed his March 31 speech. Even our staunchest and best-informed allies leaped to the conclusion that the President was throwing in the sponge so far as his own political future was concerned. And in this context his offer of negotiations was read far and wide as evidence that he was ready to throw in the sponge on Vietnam, too.

Could the leaders in Hanoi have thought differently? Their own analysis of the situation after the Tet offensive undoubtedly included a number of favorable factors. If their effort was a failure in Vietnam there was considerable encouragement to be found in the psychological flap that ensued in the United States. The mounting pressures of the political campaign, the demonstrations and riots, the recall of Westmoreland and the replacement of Robert S. McNamara as secretary of defense—all capped off by Johnson's bombshell—what better evidence could they want that the President and the nation had finally reached the breaking point?

In the pessimistic view, Hanoi's unexpectedly prompt acceptance of the offer to talk simply means that Ho Chi Minh thinks he is being invited to participate in a surrender ceremony. Although in the interval of bickering over a site for the talks our allies have been largely disabused of any such notion, there are many who still believe the North Vietnamese have settled on Paris as the ideal place to hold a victory celebration.

If so, it should not take long to find out. The coming talks in Paris, like all confrontations of this kind, promise to yield about a hundred parts of propaganda to one part of substance.

But even in the preliminary stages, it should be clear enough what kind of negotiation Hanoi has in mind.

It may be, of course, that the gloomy theorists are wrong and that the Communists are not expecting a peace-at-any-price capitulation by the United States. If so, serious negotiation may be possible, with the outcome depending largely on the course of the war over the coming months.

Under the best of circumstances, however, it is most unlikely that any important decisions will be reached before the elections in November.

Or it may be that the pessimists are partly right, but that the coming confrontation may still serve a useful purpose. The Communists, at least, will be forced to put their cards on the table in Paris. If their demands add up to a flat demand for the surrender of South Vietnam, it will be hard for them to conceal the fact.

At that point, people in the United States and around the world will face the moment of truth about Vietnam and the threat of militant communism wherever it exists.

And this in itself could prove to be a sobering and instructive experience for all concerned.

STATEMENT OF SENATOR HOLLAND ON LOWERING VOTING AGE REQUIREMENT

Mr. HOLLAND. Mr. President, on Wednesday, May 15, I had the honor to appear before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, of which our distinguished colleague from Indiana, Senator BAYH, is chairman, to testify in regard to a proposed constitutional amendment to reduce the voting age requirement to 18 years.

I ask unanimous consent to have my statement before the subcommittee appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR SPESSARD L. HOLLAND BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS OF THE SENATE JUDICIARY COMMITTEE, MAY 15, 1968, ON THE PROPOSAL TO LOWER THE VOTING AGE REQUIREMENT

Mr. Chairman, I appear before your Subcommittee in opposition to any proposal to lower the voting age requirement by Federal Constitutional Amendment or, for that matter, any such proposal to take over this field by the Federal Government, thus taking from the states their right to determine this question for themselves.

As we all know, there is a provision of the Fourteenth Amendment which empowers Congress to cut down the number of representatives a state has in Congress in proportion to the number of male citizens over 21 which it disfranchises for any reason, "except for participation in rebellion or other crime." While it is conceivable to let Congress proceed under this authorization against any state that raised the voting age above 21 the Constitution is entirely silent in regard to lowering of the voting age, leaving each state free to fix what age it chooses. The states were in agreement from 1787 until 1943 in fixing the age at 21 at which time Georgia departed from it by fixing the minimum age at 18. Apparently, at the time of adoption of the Fourteenth Amendment it was inconceivable that any state would reduce the voting age below 21. Other than Georgia there have been few exceptions to the minimum age of 21 years as being standard practice in the nation since colonial times. I add that the state of Florida that I have the honor to represent in part requires a person to be 21 years of age to be eligible to vote.

As I mentioned, Mr. Chairman, other than Georgia there have been few exceptions to the age 21 as a voting requirement. The other exceptions are the states of Kentucky, Alaska and Hawaii. The second of the few states that have reduced the voting age requirement is the State of Kentucky. Kentucky's Constitution was amended by a referendum at the November election in 1955 reducing the voting age to 18. The third state was Alaska which adopted the voting age of 19 when the voters ratified the Constitution in April, 1956, which became operative as to the 49th state when Alaska became a state in January, 1959. The fourth state was the State of Hawaii when the voters ratified the state's Constitution establishing the voting age at 20 in November, 1950, which became operative as to the 50th state when Hawaii became a state in August, 1959. I understand that legislative proposals to lower the voting age from 20 years have been introduced in Hawaii since at least the 1961 session of the Legislature. No action was taken on these proposals. However, in 1967, the Legislature approved the convening of a constitutional convention and the voters approved the convening of such a constitutional convention in a referendum last year, having previously expressed such approval in 1966. The convention will convene in July of this year and in all probability the voting age may be debated at that time.

As you no doubt know, four states have rejected, by referendum, the lowering of the voting age—and one state has rejected it twice. Oklahoma put the proposal to a referendum in November, 1952, and it was overwhelmingly defeated by 639,224 to 233,094. South Dakota twice put the proposal to the voters, once in 1952 when it was barely defeated by 128,916 to 128,231, but the second time the question was put to the voters in 1958 it was soundly defeated 137,942 to 71,033. Idaho put the proposal to a referendum in November, 1960, when it was defeated 155,548 to 113,594. The last state to put the question to a referendum was Michigan in 1966 when the voters defeated the proposal by 1,267,872 to 703,076.

The Connecticut constitutional convention rejected an 18 year old voting age proposal in 1965.

The issue of lowering the voting age in New York was considered during the 1967 constitutional convention. The constitutional delegates defeated the proposed voting age of 19 by a vote of 165–8 and a proposed voting age of 20 by a voice vote. They then voted 102 to 76 to maintain the voting age at 21. Later the delegates gave approval to a provision in the Constitution stipulating 21 as the voting age but authorizing the Legislature to lower that to as low as 18 but once the age was lowered it could not later be increased. The delegates approved this provision by 139 to 30 votes after defeating an attempt to lower the voting age to 20. The voters of New York, however, rejected the proposed Constitution at the November, 1967, election by a 3–1 margin.

In the 1967 session of the Nebraska State Legislature the proposal to reduce the voting age to 18 was approved and the amendment will be submitted to the voters in a referendum in November of this year. Also, the North Dakota State Legislature approved a 19 year old voting age amendment which will go to the voters in a referendum on September 3 of this year. And as you know, Maryland included in the Constitution submitted this year for approval of the voters a provision reducing the age to 19 and older. The vote yesterday on the Constitution was 283,048 to 366,438. Of the remaining states, from the latest information I have available to me from the Legislative Reference Service of the Library of Congress, 7 states have taken no action whatsoever to lower the voting age from 21 years, leaving some 30 states, including the State of Indiana from which your distinguished Chairman comes, which have considered legislative proposals within their respective state legislatures; however, to date no further proposals insofar as we can determine have been approved by the state legislatures.

It might interest the Committee to know that, with regard to the general age of majority, 25 states have no laws governing this matter, 16 states have fixed the age of 21 as being the age of majority, 7 states have fixed 21 years for a male and 18 years for a female, 1 state considers the age of 19 as the majority age and 1 state considers the age of 20 as the age of majority.

With regard to the carrying of firearms, 5 states have no laws, 5 states require a person to be 21 years of age to carry firearms, 2 states will permit a person under 21 to carry firearms if he has parental consent, 3 states prohibit the carrying of firearms by minors (21 at common law) and 5 states require a person to be 21 to carry a pistol or revolver.

With reference to the sale of alcoholic beverages, 37 states require a person to be 21 years or over to purchase alcoholic beverages, 4 states will permit the sale of 3.2 beer to persons over 18 years of age, 1 state will permit the sale of light wine and beer to persons between the ages of 18 and 21, 1 state will permit the sale of beer to persons over 20, 1 state will permit the sale of beer less than 4 percent to persons over 18 years of age, 1 state will permit the sale of beer and wine to persons over 18 years of age, 1 state will permit the sale of 3.2 beer to persons over 19 years of age, and 1 state will permit the sale of beer to persons over 18 years of age. Only 2 states will permit the sale of alcoholic beverages to persons over 18 years of age and 1 state will permit the sale of alcoholic beverages to persons over 20 years of age.

It is also interesting to note that in order to enter into contracts a person must be 21 years of age or over in 38 states. In 9 states a male must be 21 years of age and a female 18 years of age. In 1 state a person must be 20 years of age. In another state a person must be 19 years of age and finally in 1 state a person must be 18 years of age.

Further, in order to marry without parental consent a person must be 21 years of age in 46 states.

Mr. Chairman, a great deal has been made of the argument that those old enough to fight are old enough to vote. I do not subscribe to that theory for the draft age and the voting age are as different as night and day. For soldiers are called upon to be obedient to command and to follow the strictest of military rules and orders. They are not in a position to determine matters of policy for themselves. For this reason to draw a parallel between the draft age and the voting age is utterly fallacious for no such parallel exists. The voter must have the ability to separate promise from performance and to evaluate the candidates on the basis of fact which is a prerequisite to good voting. Furthermore, citizens of the female sex are not subject to be drafted to fight but do have the right to vote.

Senator Fulbright read into the CONGRESSIONAL RECORD on January 27, 1954, a statement from a constituent, W. C. B. Lambert, which I should like to quote ". . . that they (the 18 year olds) can fight is a credit to their physical maturity and their realization of the duties and responsibilities of citizenship to protect, as their older brothers, fathers, and ancestors have protected, their country. . . . Intellectual maturity is a more important basis for democratic citizenship than physical maturity is. The catalytic action of physical maturity and duty and responsibility to defend the country physically does not bring about that intellectual maturity nor the feeling of responsibility not to commit crimes, nor the political maturity to vote."

Incidentally, I might say, we have heard the argument that if you are old enough to fight you are old enough to vote; however, we have never heard it argued that if you are too old to fight, you are too old to vote.

Mr. Chairman, lowering the voting age would confer political rights and responsibilities upon minor persons not generally considered to be sufficiently mature to be held fully responsible legally for their actions. This is indicated by the information I previously discussed with regard to the carrying of firearms, the purchase of alcoholic beverages, marrying without parental consent and the entering into contracts and general state rules as to the attaining of majority. I might also add that a parent is permitted to take a tax deduction for his offspring until they reach 21 if he is supporting them.

Mr. Chairman, we all know that leaders of radical movements understand that patience is not a particular virtue of the young and that radicalism has had its greatest appeal to the youth between the ages of 18 and 21. The most intense and concentrated action of the Communist movement throughout the world has been in the universities where concentration is upon the youth between the ages of 18 and 21. So it was with Hitler and Mussolini. They advocated and accomplished the granting of the vote to the 18 year olds. Today we have witnessed the troubles on the Berkeley campus, we have witnessed the sit-in at Howard University here in Washington prior to the assassination of Dr. Martin Luther King. The militants effectively achieved the closing down of the University by taking over the Administration Building and the University switchboard. Such action which stemmed from a few leaders rapidly spread to the more young and less mature teenagers who followed the leaders. Later we heard of the Columbia University in New York City where the few militants apparently desiring the accomplishment of their purposes led to a shut down of that University and such action was effected by the young and less mature students following leaders of a more militant sort. Today no issue is too cosmic or too peripheral to launch a student power demonstration. *Newsweek Magazine* of May 6, 1968, states "A survey of campus protests conducted by the National Student Association and covering the first two months of the current academic year reveals that there were 71 demonstrations in all including 24 demonstrations aimed at the campus representatives of the Dow Chemical Company and 3 demonstrations each aimed at compulsory ROTC and at campus cafeterias." It is my very strong feeling that the greater number of students are followers of those few radicals within the school structure who feel that they have been put on campus for the sole purpose of leading the teenager down the glory path to what they regard as rightful end.

Mr. Chairman, one reason in particular that should make us want to move slowly in lowering age requirements for voting is the thought of the political organizations moving into our college campuses which they would do with a vengeance if the students were voters. This would be a most dangerous situation since the years 18 to 21 are now, as they have been in previous years, formative years where youth is reaching maturity during which time his attitude shifts from place to place and are the years of great uncertainties which are a fertile ground for demagogues for youth attaches itself to promises rather than to performance. Those years are the years of rebellion, as has been indicated on the college campuses today, rather than reflection.

Today's society is much more complex than that of previous generations, consequently the period for fully responsible citizenship has tended to become longer. Children remain in school longer than did their parents and grandparents. In our complex society of today there are many uncertainties requiring intellectual maturity and a firm grasp of responsibility.

Mr. Chairman, if anything, the maintaining of age 21 for the privilege of voting is more important today than it has ever been. The right to vote implies full citizenship and entails certain duties and responsibilities of citizenship. One of these duties is the serving on juries in both civil and criminal cases and I doubt if there are many teenagers that would possess the judgment, sound reasoning and emotional stability to make jury service a practical course.

Mr. Chairman, I have taken up a great deal of the Committee's time but I feel very strongly in regard to maintaining the voting age at 21.

It seems clear to me that all developments in recent years have clearly shown that a majority of our people do not want to reduce the voting age below 21 and that a submission of the proposed amendment which is being considered at this hearing would be a complete exercise in futility. No amendment reducing the voting age has been adopted by the people of any state since 1955—the date of the adoption of the Kentucky amendment, though proposals to reduce the voting age have been separately submitted to the voters five times in that period of 13 years and rejected every time—namely once each by the voters of Oklahoma, Idaho, and Michigan; and twice by the voters of South Dakota—much more heavily the second time than the first.

No reduction of the voting age has been made as a part of a proposed new Constitution in any state since 1956—the date of the adoption of the Alaska Constitution, though such proposals have been submitted since that date as a part of proposed new Constitutions in New York and Maryland, in both of which cases the new Constitutions were rejected by the voters. I do not have the complete data but we know that state constitutional conventions have refused to incorporate proposals to reduce the voting age in proposed new state constitutions, notably in Connecticut. I hope that this Committee does not recommend the submission of this proposed amendment by Congress since it seems clear to me that such submission would be a completely futile act and would clearly oppose the trend of the thinking of the majority of our people as shown in every case where the matter has been considered in recent years.

Mr. Chairman, if I may add just one more thing. In addition to running upstream against the popular disapproval, as shown in every case since 1955, this amendment would have an additional troublesome time because there are many people, I think, who, like myself, would greatly oppose the taking over by the Federal Government of control in this matter which has been traditionally left to the states.

I thank the Chairman and the committee for their patience, and I hope that the committee will act to report this proposed amendment unfavorably.

DENIAL OF HOUSING DEPRECIATION ALLOWANCE

Mr. MONDALE. Mr. President, recently I cosponsored a bill along with Senator Proxmire and Senator Percy which would deny depreciation allowances for those landlords who have been convicted of housing code violations. I believe that this measure would strengthen the hands of the court enforcement authorities on the local level and improve the quality of housing in our central cities.

The attractive feature of the proposal is that it would do so without an increase in Federal expenditures. On May 3, the Minneapolis Star published an editorial in support of this legislation. I ask unanimous consent that this editorial be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Spur to Slum Improvement

Sens. Proxmire, D-Wis., and Percy, R-Ill., have introduced a bill which would deny depreciation deduction on income taxes for landlords whose property has been found in violation of housing codes.

The theory is that owners of slum rental property should not be able to increase their profits by claiming depreciation. Objectors question whether tax laws should be used to achieve such non-revenue-producing purposes. Proxmire argues there's precedent in such laws as the oil depletion allowance which is intended to encourage oil exploration.

A weakness in the bill is that it still requires local officials to find and prosecute code violations, and some cities haven't had a very good record in this regard. But the threat of denying depreciation allowances is big enough to be helpful in achieving housing code compliance.

INEPT HANDLING HELPS REBELS IN COLLEGE DISORDERS

Mr. BYRD of West Virginia. Mr. President, the second of two editorials dealing with the current disorders on American college campuses appearing in the Washington Post today makes the point that inept handling of such situations by college administration can produce the results the rebels seek.

This is a point to reflect upon, for the same thing is also true of weak-kneed handling of any other civilian disorders including rioting and crime. Unless rightful authority asserts itself, those who rebel against authority can destroy it.

The editorial goes on to say that students must be given the opportunity to participate more fully and more meaningfully in constructive efforts to solve social problems, not only on the campus, but also in the world they are inheriting from their elders, and that is true, for the generation of young people now on college and university campuses has had the opportunity to mature more quickly than any generation that has gone before it.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Crisis on the Campus—II

The widespread support among students and faculty members that the rebels at Columbia University were able to develop underlines the serious problems all American universities now face. The revolutionaries on the campus are in a class apart, numerically small, alien in their beliefs, and violent in their tactics. A far larger number of students are disenchanted with society and with education in a very different way.

These students think universities are badly administered and irrelevant to the needs of the students; in this they often have substantial support from faculty members. They think the Nation is wrong in some of its policies and has put its priorities on the wrong programs. They find, rightly or wrongly, that the world they are inheriting is a miserable one and they blame their parents for its condition. But by and large this vast majority of the disenchanted who wish to change the universities is willing to work for change within the system.

The rub comes, and the real danger to the educational system develops, when the revolutionaries are able to win the support of the disenchanted. They did it at Columbia, and they can do it elsewhere, by seizing the issues that trouble students and making these their very own. Inept handling by a university administration then can produce the results the rebels seek. That, more than anything else, is the lesson of the last few weeks at Columbia.

The best way for a university to avoid the turmoil the revolutionaries desire is to seal off the troublemakers from the rest of the student body. It can do this by meeting the real needs and the real hungers of the Nation's young—by listening to their views and acting on them, by letting them have a voice in how student-faculty-administration affairs are handled, by adapting curricula to let them have a sense of participation in attacking the Nation's problems, by modifying the grading system that has haunted every college student since his earliest years.

There is no clear understanding of why this generation of students is different from its predecessors. Some say that it is the result of earlier exposure, through the educational system itself and through television, to the Nation's problems. Others say it is a product of affluence; students who reach college without a clear mission to acquire there the tools through which a living can be earned are naturally oriented toward social rather than economic problems. Others say it is a result of the fact that this is the first generation of students since college attendance became so widespread that has not been exposed to a great national crisis—war or depression.

Regardless of where the student drive comes from, it is there. This generation of students, already better educated than its parents and intent upon solving the problems of poverty and discrimination its parents have not solved, cannot be confined to a passive role in the classroom at the time in life when the spirit to do *something* is greatest. They intend to be activists, inside the system if it will let them, outside if it will not.

Once a university has accepted this new situation, as some have already done, and adapted to meet it, the problem of student demonstrations will be eased. A rebellion on the campus, like the one at Columbia, can be successful only if it has far more support than the revolutionaries alone can provide. The support will not come from a student body that believes its real needs and desires are being met.

DISTURBANCES ON CAMPUSES

Mr. McGEE. Mr. President, the time has come for American colleges and universities to distinguish between serious students and scholars and the roisterous nonstudents who are a minority, but a noisy and disruptive one. The activities of those whose preferred tactics are to kidnap administrators, seize offices or entire buildings, and bring the process of education to a dead halt are absurd and must be halted, as respected Columnist Carl T. Rowan observed in Wednesday's Washington Evening Star. This column gives added weight to another bit of comment, carried in the Washington Post as a two-part editorial.

The consensus would be, Mr. President, that educators must meet the legitimate needs and answer the valid complaints of the serious students, but crack down upon the activists bent upon destruction of our academic institutions. I ask unanimous consent that Mr. Rowan's column and part two of the Post's editorial. "Crisis on the Campus," be printed in the Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Star,
May 15, 1968]

It's Time To Crack Down on Campus Activists

(By Carl T. Rowan)

Minneapolis, Minn.—There was a time when young people went to college, wise only to the point of knowing that they had a lot to learn.

Today's campuses are being convulsed by a motley assortment of student "activists" who express an arrogant certainty that they need to educate their presidents, deans, faculties, and most of the rest of mankind. And to a disturbing degree, they have made the process of educating a hapless hostage to their absurdity.

After boisterous upheaval, Stanford University is to be partly run by students who, in their wisdom, have made a topless go-go girl the prime candidate for president of the student body.

The president of Oberlin College has knuckled under to pressures and barred all military recruiters from the campus. Now—on the premise that the United States is guilty of "war crimes"—Oberlin students are demanding that the college sell all its U.S. Savings Bonds and that it pull Oberlin funds out of companies that contribute directly to the military effort in Vietnam.

At Columbia, students seek to force the university to end its ties with the Institute for Defense Analysis, a consortium that does military research for government.

And here, ceremonies to install a new president of the University of Minnesota were disrupted by a group angered mostly because police took action against a colleague who had ignored a batch of tickets for traffic violations.

This group cloaked its anger in "nobler" cause, of course, as it barred regents and scholars from entering the front door of Northrop Auditorium.

"We've been going through back doors for decades," insisted a Negro protester. "Now you will all go through the back door."

People politely complied.

On campus after campus, turmoil rages over such diverse demands as a separate course in Negro history, the right of male students to entertain girls in their dormitory rooms at all hours, or the addition of a bit of color (racial, that is) to the college coaching staffs.

The preferred tactics of the activists, whether their demands are obviously just or patently ridiculous, is to virtually kidnap college administrators, seize offices or entire buildings, and otherwise bring the processes of teaching and learning to a chaotic halt.

It is clearly time for college administrators to meet and adopt some joint strategy to deal with this absurd business—and for these reasons:

1. The anarchists and nihilists, who are more interested in destroying universities and "the system" than they are in improving things, are picking off the schools one by one. Administrators and faculties are knuckling under for fear of becoming the first institutions totally wrecked by student strikes and resignations of faculty sympathizers.

2. In this election year, the politicians are eager to get into the act, as the House has shown. Whatever institutions irresponsible and irrational students fail to wreck will be intellectually dismembered by overly righteous congressmen and their meat-ax attempts to repression.

College administrators must agree on areas where they have been wrong and unresponsive to legitimate complaints.

Administrators making bold, honest efforts to right these wrongs will carry along the great majority of students and thus isolate those bent on destruction.

When this latter group resorts to illegal, mob tactics, it ought to be agreed by every president that they are to be expelled—pronto!

Perhaps a few mushheads will say that this is treating students like juveniles. But it is merely treating immature adolescents like immature adolescents, ruffians like ruffians, and serious students and scholars like students and scholars.

It is high time somebody began to make the distinction.

[From the Washington (D.C.) Post, May 15, 1968]

Crisis on the Campus—II

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These students think universities are badly administered and irrelevant to the needs of the students; in this they often have substantial support from faculty members. They think the Nation is wrong in some of its policies and has put its priorities on the wrong programs. They find, rightly or wrongly, that the world they are inheriting is a miserable one and they blame their parents for its condition. But by and large this vast majority of the disenchanted who wish to change the universities is willing to work for change within the system.

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VIETNAM REPORT

Mr. RIBICOFF. Mr. President, in December 1967, I had the opportunity to travel to Southeast Asia as acting chairman of the Permanent Subcommittee on Investigations, in connection with the subcommittee's investigation into matters involving our aid and military construction programs in that area of the world.

At the conclusion of my trip, I prepared a report to the distinguished chairman of the Committee on Government Operations, [Mr. McClellan]. I ask unanimous consent that the text of the report be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, in summary, the report discusses the management of our aid programs in Vietnam and Thailand. Suggestions are made regarding the commodity import program in South Vietnam, the personnel levels in our missions in Southeast Asia, and the programs being conducted in that area.

With respect to military construction, we found serious questions regarding the performance of certain American construction firms. Chairman McClellan has requested a detailed investigation of certain contracts by the General Accounting Office. There is a real possibility of recovering several million dollars by the Government.

I wish to express my deep personal appreciation to the distinguished chairman, who gave me the opportunity to undertake this investigation and has cooperated so fully in its implementation. I also want to thank Mr. Jerome Adlerman, general counsel of the subcommittee, and Mr. Philip Morgan, chief counsel to the minority of the subcommittee. These gentlemen accompanied me on the trip and were of great assistance in the investigation and the preparation of this report.

Exhibit 1

Report to Senator John L. McClellan, Chairman, Senate Permanent Subcommittee on Investigations, Regarding Matters in Vietnam and Selected Southeast Asian and Middle Eastern Countries by Senator Abraham Ribicoff (Democrat, Connecticut)

I. Introduction

On December 1, 1967, I went to the Republic of South Vietnam accompanied by my administrative assistant, Wayne G. Granquist, to conduct a follow-on inquiry to the field investigation made in October 1966 by Jerome S. Adlerman, general counsel, and Philip W. Morgan, chief counsel to the minority, of the Senate Permanent Subcommittee on Investigations.

The subcommittee had held public hearings entitled "Improper Practices, Commodity Import Program, U.S. Foreign Aid, Vietnam" on April 25–27 and August 1–3, 1967, relating to matters disclosed during the first field investigation. You asked me to serve as acting chairman of the subcommittee during the second series of the 1967 hearings in which certain irregularities in procurement of pharmaceuticals and railroad bridges were disclosed. We completed this phase with a hearing on January 31, 1968. You also designated me as acting chairman of the subcommittee to conduct the recent field investigation.

Mr. Adlerman and Mr. Morgan joined me in Vietnam and they assisted me invaluably and greatly advanced the work of the subcommittee. This report of our inquiry reviews the programs we examined. Our trip was made before the Tet offensive by the North Vietnamese/Vietcong forces of last January 1968 and the conclusions of this report are based, of course, on the conditions we found to exist in the pre-Tet period. The effect of the Tet offensive is still under examination by the Agency for International Development, the Department of Defense, and the Department of State. It seems fair to assume, however, that the events of late January and February in South Vietnam, Thailand, and Laos have increased the magnitude of the problems encountered by AID programs in these nations.

The countries I visited included Israel, Jordan, Thailand, Laos, Vietnam, Malaysia, Singapore, and Indonesia. Mr. Adlerman and Mr. Morgan visited Vietnam, Hong Kong, the British Crown Colony, Thailand, and Israel.

A. VIETNAM

II. Vietnam foreign aid program

The Republic of South Vietnam was granted approximately $750 million for the entire AID program for fiscal year 1966. The grant for fiscal year 1967 was approximately $515 million, and some $490 million is budgeted for fiscal year 1968.

The population of South Vietnam is now estimated at 17 million, an increase in the estimate of 1 million in 1 year. Saigon is now estimated to have 2.5 million persons, with another 1 to 1.5 million living in the city's environs. About 13 million persons are said to live in the rest of the country.

The pacification program is headed by Robert Komer in an operation known as civil operations for revolutionary development support (CORDS). That organization recently stated that 67 percent of the South Vietnamese population are under the control of the Government of the Republic of Vietnam, and that this figure represents an increase of 4½ percent in 1 year. The realism of this estimate is undoubtedly subjected to question, particularly in view of the recent Vietcong insurgency.

(a) Agency for International Development (AID)

AID's staff is largely located in Saigon, with a few officials scattered throughout the rest of the country.

The exact number of American employees at the time of our visit was represented to us as follows:

AID employees, either direct hire or "borrowed" from other Federal agencies (1,200 of these are with CORDS)	2,130
Contracted-for employees	450
Total	2,580

There are hundreds of dedicated Americans working in the American AID program, but I was dismayed to find in the Saigon AID mission one of the most overblown bureaucracies I have ever seen. A vast complex of over 4,700 American and Vietnam employees, the Saigon headquarters outnumbers the AID personnel in the field by nearly two to one.

More than two-thirds of the Americans working for AID in Vietnam have no knowledge of the Vietnamese language—less than half speak French. But these statistics are not surprising in view of the frantic growth of AID in the country.

In the past 18 months, the size of our AID mission to Vietnam has more than doubled—and the end is nowhere in sight. This growth reflects, of course, the magnitude of our effort in South Vietnam. But more than that, I am afraid it reflects a misplaced faith in the magic of American dollars and American personnel. As one young American volunteer told me in Saigon: "A little yeast makes the bread rise; too much sours the dough."

Our aid effort in South Vietnam lacks both the discipline of the dollar—the effort that is made to assess priorities when funds are tightly controlled—and the discipline of a realistic personnel ceiling.

AID officials informed us that they are asking for more personnel, totaling 3,100 people in fiscal year 1968, and 3,600 people in fiscal year 1969. Internal resistance to this plan appears to be justified in view of certain questionable projects which AID is engaged in, which I will discuss subsequently.

Many of these AID employees have their families in several "safe haven" countries which the employees are allowed to visit periodically. The number of visits per year varies in inverse ratio to the employee's status and grade within AID. The "safe haven" areas include Bangkok, Thailand; Taipei, Taiwan, and Tokyo, Japan. The housing, commissaries, schools, and medical dispensaries needed by these dependents are being financed with AID funds. AID officials could not provide us with exact cost breakdowns, but stated that the costs were "high." They did not feel that such arrangements were placing much strain upon the host countries, pointing out, for example, that all dependent housing was being built in one place in Taiwan. AID seemingly does not consider the fact that this housing costs a great deal in view of the fact that its anticipated use may be curtailed if the dependents are sent home to the United States or returned to South Vietnam. I would recommend that the subcommittee inquire into alternative ways—such as rental housing or transport of AID personnel on home leave through charter flights to the United States—of resolving this situation.

I asked about the number of projects that AID has undertaken in Vietnam, noting that the Director of AID in Thailand had earlier told me he felt he could cut down, and eliminate at a reasonably early date, some 15 of his 35 major programs and projects. My question was met with a great deal of dissent by AID officials in Vietnam. I was told that there are approximately 80 programs involving some 200 projects currently being undertaken, and that this represents a cut from 300 projects in the previous year. When I continued to ask what projects could be eliminated with a resultant decrease in employees, the resistance continued. The AID Director indicated that he had not permitted a few planned programs to materialize. When pressed, he indicated that he had cut the staff of the land reform section within AID from 26 persons down to two. I had been advised by AID officials that the technical assistance programs in Vietnam started in 1952 and that the commodity import program began in 1956. Therefore I asked if some of the early programs were still in existence. I was told they are, because "it is very hard to drop them."

I asked that a list of programs and projects be provided the subcommittee, including the dates that they started, the amounts spent on them for each reporting year, the purpose of the programs, and the possibilities of eliminating, decreasing, or redirecting them. This request was subsequently repeated by Messrs. Adlerman and Morgan after my departure. The list has been promised to us but is yet to be delivered. I believe that the subcommittee should study this report carefully and that the staff, if necessary, should "look behind it" to verify the accuracy of information provided. If AID will not streamline their own operations, perhaps the subcommittee should do it.

The main purposes of the AID program in Vietnam were explained to us as follows:

(1) *Long-term development.*—This includes the installation of an additional port facility in Saigon, known as Newport, which is supposedly a permanent structure to serve the Vietnamese when the emergency is over and when the existing port facilities become antiquated.

(2) *War relief and support.*—We were advised that AID's support to the total war effort amounts to about $60 million annually, principally through local currency (piasters) generated by AID's commodity import program and the AID administered Public Law 480 (agricultural) program.

(3) *Revolutionary development.*—This is an overall program to secure the hamlets and to root out the Vietcong infrastructure. This program uses 59-man cadre teams of both United States and Vietnamese personnel. (Local criticism is that these civilian cadre teams offer an alternative to military service for sons of influential Vietnamese.) The purpose is to "restore the line" between the farms, villages, and province towns and the national ministries.

(4) *Commodity import program.*—This will be detailed in the following section.

An example of the overall AID budget can be seen from the proposed budget for fiscal year 1968, which AID officials described as follows:

Project programs (including CIP)	$257,141,000
Overhead and technical support in Washington, D.C	17,859,000
Contingencies for major policy purposes (e.g., Vietnamese road system)	15,000,000
Public Law 480 (both title I and title II, but primarily title I; title I includes rice, mainly, also corn for pigs, etc.; titles II and III were combined last year. They include commodities such as bulgar wheat and oil, etc.)	200,000,000
Total	400,000,000

(b) Commodity Import Program

The commodity import program was the subject of much testimony in both the April and August hearings of last year. Therefore, I will not repeat the mechanics of the program here but, rather, will comment upon some of the observations we made during the recent trip to Vietnam.

AID officials' combined reporting to us—in October 1966 and in December 1967—showed that the money we have put into the commodity import program to Vietnam since fiscal year 1962 has been as follows:

	Millions
Fiscal year 1962	$97.8
Fiscal year 1963	95.0
Fiscal year 1964	113.9
Fiscal year 1965	152.8
Fiscal year 1966	398.1
Fiscal year 1967	160.0
Fiscal year 1968 (estimated)	200.0
Total (including 1968 estimate)	1,217.6

The manner in which the commodity import program functions was summarized for us, through briefing materials, as follows:

"The commercial import program (CIP) functions basically as a supplement to the foreign exchange resources of the GVN in financing imports for the private sector of the economy. As such, it contributes to the stability of prices, since commercial imports absorb piasters, that is, they satisfy inflationary demand. The program pays the foreign exchange cost of the commodities which it finances. The goods are paid for by the importer in piasters and these piasters, known as counterpart, are used for support of the GVN budget in projects and programs approved by the United States."

The purpose of the program was explained as follows:

"The CIP in Vietnam was initiated in 1955 following the signing of the Geneva accord. The program was designed to counter inflation resulting from the deficit spending in support of the military establishment required by the emergency conditions prevailing at the time."

The economists in the U.S. overseas mission tend to see the commodity import program as a stabilizing influence in meeting peaks of supply and demand by transferring purchasing of various commodities from Vietnamese Government agencies to the AID commodity import program as may be periodically necessary. For example, we were told that the large military buildup in 1965 found the U.S. military "living off of the local economy," so to speak, and that price increases averaged 125 percent between May of 1965 and July of 1966. Devaluation of the local currency therefore became necessary. However, the Vietnamese relaxed import licensing requirements just before the June 1966 devaluation. The relaxation, coupled with the speculative tendencies of Vietnamese importers, resulted in a tremendous oversupply of commodities. These circumstances, linked to chaotic port congestion, resulted in high inventories and tight bank credit.

The economists, on the one hand, said that importers then bought such items as motorbikes, refrigerators, air conditioners, TV sets, and radios, to attract consumer dollars. On the other hand, the economists said that as troop spending increased in 1966, the Vietnamese Government accumulated more foreign exchange than it was spending. Therefore, in January and March 1967 such items as petroleum products, sugar, pulp and paper, cement, and nonferrous metals were transferred to Vietnamese Government financing. By the end of November 1967, the financing of petroleum products, sugar, cement and fertilizer was returned to AID because of some unexplained decreases in the foreign exchange holdings of the Vietnamese Government.

While there undoubtedly is a great deal of troop spending by U.S. forces, we know that all soldiers have been encouraged to save their money in the 10-percent interest special savings plan that is in effect for them in Vietnam. We found that the average serviceman spends only less than $15 of his own money monthly for purchases in the local economy. This would amount to a total impact on the South Vietnamese economy of less than $100 million annually at current troop levels—far less at 1966 levels.

I believe that the foreign reserves now held by the Government of Vietnam have actually been built up by the generation of piasters in the counterpart aspects of two major programs: AID's commodity import program, and the AID-administered Public Law 480 (USDA) program.

For example, let us take as a basis the commodity import program's budget of $200 million for the current fiscal year, plus the $200 million programed for Public Law 480, title I funds. The amount of the counterpart funds which would be generated from these two programs would be:

	Millions
CIP: 100 percent of the CIP money goes into counterpart funds. It all goes to the Vietnamese Government, per the terms of the program, although we have a right to agree on the use of the funds; most of these funds are used for the Vietnamese defense budget, we were told	$200
Public Law 480:	
80 percent of this is "plain counterpart," which is U.S. owned but is used to assist the Vietnamese Government in different ways, as spelled out in the sales agreement; Vietnamese military pay rolls have been included here from time to time	160
20 percent is used, also in piaster form, for U.S. projects in Vietnam	40
Representing 100 percent of both programs	400

We were told that if the United States discontinued the AID commodity import program to Vietnam, the Vietnamese foreign reserve balance would start to fall. Yet in fiscal year 1967, when AID's CIP program was cut more than 100 percent (from $398.1 million in fiscal year 1966 to $160 million in fiscal year 1967), the Government of Vietnam spent $306 million in foreign exchange for imports—and the South Vietnamese foreign reserve balance continued to increase.

The economists told us that AID CIP-financed commodities were generally held to essentials—raw and semifinished materials for production, bulk commodities, maintenance material and spare parts, and certain capital equipment—while the Vietnamese program financed consumer goods for the most part. What this really means is that we finance the necessities and the Government of Vietnam finances either luxuries or items that are prohibited in the AID commodity import program. Two examples follow:

1. In our subcommittee's hearings of August 2–4, 1967, we disclosed excessive imports of antibiotics into Vietnam. Enough chloramphenicol, for example, was shipped to Vietnam to supply the normal needs of an Asian country of 100 million people. South Vietnam, of course, has a population of 17 million. We further showed that at least $870,000 in kickbacks and improper commissions had been paid by American and European exporters to Vietnamese importer La Than Nghe between 1957 and 1965.

Similarly, we showed in our January 31, 1968, hearing that kickbacks and ineligible commissions were an important part of the operations of the Clement Gubbay complex during the same general period of time. Apparently in anticipation of our findings, AID officials announced during our hearings that they had discontinued the financing of all pharmaceuticals under the commodity import program.

Our investigation disclosed, however, that the Government of Vietnam is still financing the import of pharmaceuticals, including chloramphenicol.

2. We were told that following the currency devaluation of June 1966 there was both chaos in the Port of Saigon and a hectic period of oversupply in the economy. Yet despite the port congestion and the oversupply of consumer goods, we were informed that importers turned to quick-turnover, fast-delivery, high-profit goods to obtain the piasters still in the hands of individual consumers. We were further informed that the principal commodities imported were Government-financed luxury goods, including motorbikes, refrigerators, air conditioners, TV sets, and radios.

It seems highly questionable to me whether heavy taxes for such items would have much effect on the flood of orders in such a booming economy, even if the taxes ever were collected.

Prior to the Tet offensive, the affluence of the people of Saigon was noticeable everywhere. Many of the items listed above were in obvious abundance. We learned that there is little or no unemployment in Saigon. In fact, many persons have a second, or "moonlight" job. The people in Saigon were obviously living well, and conversely, there is no apparent austerity to be seen anywhere in the city.

One cannot help wondering about the obvious absence in Saigon of the kind of austerity that has historically marked successful national struggles. It certainly is to be considered in discussing the apparent lack of any "will to win" upon the part of the Vietnamese people.

A serious and paradoxical weakness in our AID program in Vietnam is that while we have been "footing the bill" for the Vietnamese war effort, the Government of Vietnam, through its own import system has been purchasing almost all commodities everywhere but in the United States. The breakdown of such commodity purchases for fiscal year 1967 follows:

	Millions
Japan	$131
Taiwan	24
Italy	24
United States	17
France	15
West Germany	15
All other countries	80
Total	306

The explanation given to us was not very convincing. I was told that the individual Vietnamese importer does the ordering and buying and that costs were important; the other markets were cheaper and closer. However, I pointed out that the individual Vietnamese importer also does the ordering and buying under our commodity import program, and that although some markets might be cheaper, Italy, France, and West Germany certainly are not closer.

I sincerely believe that this situation should be rectified immediately if we are to continue to finance these programs as abundantly as we have in the past.

It should be pointed out that the administration and efficiency of the AID commodity import program to Vietnam seems to have increased considerably. I am sure that part of the improvement is attributable to the work of our subcommittee in pointing out several deficiencies.

For example, the commodity import program's staff has been increased from five, in early 1966, to 22 at present. There was only one commodity analyst in late 1965, and now there are 10. Some subcommittee members had been critical of the fact that the AID practice had been to let the market select the commodity. It now appears that these analysts have the technical tools and their own expertise to determine commodity requirements.

Some innovations which give more program control include a new seven-digit code which permits a simple specific identification number for each commodity; a positive list of commodities that are eligible for AID financing; and a new central importer file which has much information on importers. An automatic data processing (ADP) system has been established to provide information regarding licenses, letters of credit, and commodities in transit, in customs, and released from customs. An IBM 360–30 computer was received on November 30, 1967, and it is anticipated that the foregoing information will be incorporated into its processing units. It will provide automatic identification, if any, of approved licenses. The computer will control and analyze the CIP pipeline from the initial obligation through customs clearance of the commodities. I am advised that the Commodity Import Division Director, in October 1966 told Messrs. Adlerman and Morgan that many of the functions which the foregoing innovations will provide were going to be put into effect "in 2 weeks." I am sure that until the automatic data processing system and the 360–30 computer are put into operation, the amount of commodities in the pipeline will still not be known accurately.

Finally, I believe that the changes that have been made in the operation of the commodity import program as the result of our hearings to date have been constructive ones. For example, the curtailment of the use of import licenses under $5,000 in value and the requirement that they be advertised in the Small Business Circular both tend to minimize the chicanery that can take place. Positive action also has been taken about a "suspension list" of importers who obviously should not be doing business in Vietnam. A Special Assistant to the Director carries out this responsibility according to procedures set forth in the AID regulations. We were told that the most recent suspension list, dated November 10, 1967, identifies 25 suspended importers who were involved in the "Higgins battery additive" operation that was a subject of our hearings. The list also shows that importers were suspended by the Vietnamese Government for speculation, tax evasion, and black marketing, that 71 ineligible suppliers were suspended or debarred by AID/Washington, two agents were suspended by Vietnamese decrees, and four firms and/or individuals have transactions which are subject to prior review.

All import licenses and amendments thereto are carefully checked for the identities of importers, sales agents, and suppliers, and study is given to prices and commodity amounts already under license. The approved license is stamped and signed by the commodity analyst. Subsequently, copies approved by the Vietnamese Government and the Bank of Vietnam are returned to the analyst for comparison with the approved copy. Some of these techniques, of course, are subject to constant review and updating. For instance, in our January 31, 1968, 1-day hearing, it was disclosed that nine pharmaceutical import licenses—involving some $90,000 of commodities—were altered after the July 15, 1967, cutoff date for pharmaceuticals to indicate that they had been approved on or before that date. However, there is no doubt that improvements in the administration of the commodity import program have been, and are being, made.

(c) Economic Warfare Section of AID

Last year an Economic Warfare Committee, with representation from the various military and civilian U.S. agencies, was created in Saigon. The committee met every 7 to 10 days, and its stated purpose was to keep critical resources from the Vietcong, to prevent the diversion of U.S.-financed goods to the Vietcong, and to counter the enemy's attempts to disrupt the South Vietnamese economy.

The committee was then chaired by the head of the existing AID Office of Special Projects, which was composed of a small group of specialists (e.g.—experts on ports, ships and ship's cargo, narcotics, resources and commodities, currency manipulations, etc.) and auditors who acted on information from Washington about suspect shipments in port, who worked with Government of Vietnam officials on strategic materials, and who investigated Vietnamese firms for irregularities, particularly in suspected diversions of materials.

The committee and the Office of Special Projects were designed to work together, although it should be recognized that attempts to control and to account for AID commodities are generally contradictory to AID philosophy. Specifically, control and accounting were repugnant to the commodity import program in Vietnam, which was geared to bring commodities into the economy in sufficient quantities to provide abundance and thus to avoid the possibility of runaway inflation.

Senator Karl E. Mundt, ranking subcommittee minority member, questioned Deputy AID Director Rutherford M. Poats about the Economic Warfare Committee during subcommittee hearings on the AID program to Vietnam (p. 71, April 26, 1967). The colloquy follows:

"Senator MUNDT. * * * I would like to ask you what contact you have in your office with the economic warfare group?

"Mr. POATS. The economic warfare group is set up under the Deputy Ambassador in Saigon. A member of that group is from the AID mission. There are members from the other U.S. elements in Vietnam. We have in the AID mission an Office of Special Projects which is our economic warfare office, but it is also concerned with other types of surveillance of commodities which have special problems.

"We have several members of that office presently in Vietnam. We also have a group in the Controller's Office of the AID mission which works closely with it. The AID management inspections staff, now called investigations and inspections staff, in Saigon also works with it on occasion. This is a group of six investigators. I believe, on board now.

"Senator MUNDT. How many men are there in the economic warfare section?

"Mr. POATS. Five in the AID organization directly, plus these that I mentioned that are cooperating with it. I haven't mentioned one major aspect of the economic warfare, Senator Mundt, and that is the resources control program of the Vietnamese police."

Mr. Poats went on to describe an extensive system of checkpoints, set up through AID's public assistance program, in cooperation with the Vietnamese police. On land and water these checkpoints are designed to deter and interdict the movement of goods to known VC areas. Mr. Poats said there were 9 full-time employees and 65 part-time province workers on this program, plus 7,204 Vietnamese, all operating 645 checkpoints.

The operation of the checkpoints will be discussed at greater length in the next section. However, the explanation given the subcommittee by Mr. Poats is at odds with the information I received while in Vietnam.

We were told that even though the committee system for handling such matters is cumbersome enough, real embassy support of economic warfare activities was held in abeyance starting in August 1966 pending the arrival of a special Defense Department study group headed by Dr. Stephen Enke. Additionally, the Central Intelligence Agency and the Rand Corp. also looked at the economic warfare program in Vietnam and all of them were substantially in accord with it. However, at about the same time—in early 1967—the Office of Special Projects' staff was reduced to two employees with token responsibilities. As far as we were able to tell, the Economic Warfare Committee and its meaningful accomplishments had become things of the past.

If this function has been curtailed, it should be reestablished. An effective and realistic economic warfare organization, properly supported, is necessary to carry out both "incentive-to-defect" and "denial-of-material" programs which will save lives and shorten the Vietnamese war.

(d) Port Congestion

The unbelievably congested situation at the Port of Saigon of 1966 has vastly improved. This is one area of our inquiry in which great improvements have resulted in efficient operations.

We were told that congestion in the Port of Saigon between the latter part of 1965 and the early part of 1967 was attributable to the rapid build-up of military forces. While this may have been one reason, I believe that there were three factors: (1) the military buildup, (2) the overzealousness of Vietnamese importers in taking advantage of a very small required piaster deposit (10 percent on a predevaluation exchange rate of 69 piasters=$1 United States, to order more commodities than they could use, and (3) the Vietnamese import system that discharged more cargo than could be absorbed by the port. There were very few coastal ports in operation in those days, and there was little or no enforcement system to press the Vietnamese importer to remove his cargo from the docks if the local market did not suit him. Management was lacking when USAID was in charge of port operations. The 4th Transportation Command, 1st Logistical Command, U.S. Army Vietnam (USARV) took over all functions—including the handling of AID and Vietnamese Government cargo in July 1966. The 4th Terminal Command should be given great credit for doing an almost impossible task. They not only cleaned up the chaos on the docks, but they eliminated over 600 barges, which served as temporary river storage and helped to congest the harbor.

During the military buildup, practically all physical facilities in the Saigon area for the unloading of ocean vessels were at the Port of Saigon. These included 13 deep draft berths, 26 in-transit storage sheds adjacent to the docks, and 17 to 21 buoy anchorages in the Saigon River. The military utilized six draft berths and 13 in-transit sheds during the busiest time period, from late 1965 through early 1967. The biggest problem encountered during this period was that the port facilities capability to discharge cargo, even though strained, was still greater than the capability of the military supply depots, USAID warehouses and contractor's facilities, to absorb it. I was told that some of the reasons for this were:

(1) The advance summaries and stow plans sent out by the responsible military authorities in the United States frequently were incomplete or in error. Also, as Messrs. Adlerman and Morgan found in 1966, the cargo manifests from U.S. ports either were late in arriving in Vietnam, or, in some cases, never arrived at all.

(2) The physical condition of the facilities at the Port of Saigon were in deplorable condition and yet, as late as February of 1967, the responsible 1st Logistical Command had not acted on proposals, costing $300,000, to remedy the port deficiencies.

(3) The material handling equipment—forklifts and cranes—at the port was a critical item because only half of the authorized quantity was on hand, and it was deadlined for maintenance and repair at least one-fourth of the time. Such equipment was generally operated on a 24-hour day basis. Shortages of spare parts also kept the machinery out of action.

(4) While 90 percent of the tonnage transported from the port to the consignee was carried in commercial trucks, the long unloading time at several installations cut into a reasonably efficient estimate of 12 hours "turn-around time." (All consignees were located within 25 miles of the port.)

(5) The discharge capability of the port was affected by the limited availability of barges to receive cargo discharged from vessels anchored at the buoys and the frequent lack of tugs to move the barges to consignee locations for unloading. Additionally, the barges were kept loaded at anchor for long periods, under contract with various importers. They served as floating storage facilities because of the lack of wharf facilities. The tugs operated by the Army had exceeded their planned life of 14 years. In December of 1966, 33 percent of the tugs were deadlined because of age and lack of marine maintenance.

We were told that, in addition to the fine work done by the 4th Terminal Command, the combined actions of the Military Assistance Command, Vietnam (MACV), USAID, and the Vietnamese Government were the principal reasons for the relief of the port congestion. To quote from the briefing material furnished us:

"(1) Increasing the number of buoys, barges, and tugs in order to discharge as many vessels as possible in stream.

"(2) Improving the efficiency of the port through use of pallets and materials handling equipment (MHE).

"(3) Institution of better storage practices in order to assist importer in locating and outloading their cargo.

"(4) *The construction of Newport, permitting the U.S. military forces to vacate and return to the commercial port four deep draft berths.* [Emphasis supplied.]

"(5) Organization of an 'importer task force' which visited importers on a continuing basis to determine the reasons for the importers' failure to remove cargo from the port.

"(6) The development of upcountry military ports which obviated the need for transshipment of military cargo through Saigon.

"(7) The AID/DOD agreement whereby certain GVN cargoes are carried under military cognizance and delivered directly to upcountry ports, obviating the need for transshipment through Saigon."

In addition to alleviating the port congestion, the actions taken have resulted in the proper storage of cargo in both open areas and in transit warehouses, as well as rapid discharge to the waiting consignees. Ship "turn-around time" has been sharply cut from a high of 89 days in August 1966 to an average of 7 days in May 1967; 6.2 days in September 1967; and 5 days in December 1967. The specified demurrage for voyage-chartered ships which have to wait for berths or which are held up by slow discharge has dropped markedly as follows:

Time period	Number of ships	Amount of demurrage
Fiscal year 1966	85	$2,480,722.60 plus 69,125.06 new francs.
Fiscal year 1967	96	$2,749,728.76 plus 55,583.19 new francs.
Fiscal year 1968 (1st 5 months)	10	$107,577.65.

A "congestion surcharge" for "liner" or "berth term" ships is imposed by the shipowners on a per-ton basis for cargo delivered to a congested port. This, too, has decreased from $8.25 per revenue ton, at the August 1966 peak to $3.50 per revenue ton in July 1967.

Finally, barge congestion has been remarkably decreased from a peak of 966 barges under load with non-customs cleared cargo on March 20, 1967—658 had been under load for more than 30 days—down to only 3 such barges on November 3, 1967, and only one of them had been under load for more than 30 days.

The additional port facilities, known as Newport, are as modern a facility as can be found in any world port of comparable size. The facilities consist of 4 deep draft berths, 2 LST ships, a landing area for smaller craft (LCM, LSU), 700 feet of barge wharf, and several transit sheds. A highway interchange and bridge supposedly are contemplated in the future. It is located upriver from the main Saigon port. Newport has released four deep draft berths at the Port of Saigon for commercial uses. The additional major ports that have been developed on the eastern coast at Cam Ranh Bay, Qui Nhon, Da Nang and elsewhere have greatly improved the port situation in Vietnam.

Several criticisms, however, have been leveled against the construction of the Newport facility, and some of them appear to be well-founded. In October 1965, Newport was justified on the basis of a continuing need to serve the Saigon area. The original cost estimate was $13.8 million. The proposed scope of the work included deep draft berths which could accommodate class C-4 (large) cargo ships as well as LST's, and other smaller craft. The first funds were received in early January 1966 but late in the same month the Parsons-Certeza Construction Engineers Co. found that "the soil conditions at the site are extremely poor" and they recommended that "deep pile foundations" be used. The result was that the Newport design was changed from sheet pile bulkhead to much more costly jacket-template construction.

On May 9, 1966, the director of construction, MACV, gave the Newport project the highest priority of all construction projects in Vietnam. Then, on August 4, 1966, MACV *requested nearly $30 million additional funding for the project. The entire project*, counting the highway interchange and bridge (increment III), *is now estimated at $70 million, as compared with the original estimate of $13.8 million*. The main reasons for the huge increase were said to be: (1) Soil conditions were far worse than known at the time of the first cost estimate ($16 million more); (2) The change in scope since the original cost estimate ($25 million more).

We learned that few questions were asked "until late in the game" about the physical limitations of the facility. Then, alternate plans were discussed, such as building the port at the coastal city of Vung Tau—the Saigon River mouth on the China Sea some 45 miles southeast of Saigon—and constructing a connecting road to our large military complex at Long Binh so as to bypass Saigon. (A similar connection was accomplished in Thailand when the U.S. Navy port at Sattahip, located some 75 miles Southeast of Bangkok, was constructed to tie into a road network that bypassed Bangkok while reaching out to several of our other bases "up country.") However, this appears to be "after-the-fact reasoning" at best.

In addition, the plan to provide 4 deep berth drafts at Newport to accommodate C-4 vessels has not been accomplished because there is insufficient space to turn the ships around in order to dock. I have been told by the Navy's construction office that the added cost to build the Newport facility for C-4's rather than the smaller C-3 cargo vessels is between $2.8 million and $4.8 million. There would be an additional expense of some $1.7 million to widen the turning basin.

Just before my arrival, the largest cargo vessels going into Newport were the class 2 (C-2) ships because of the turnaround problem. According to the 4th Terminal Command, more cargo still continues to flow through the Port of Saigon than through Newport. The modern use of "roll-on, roll-off" vessels is also precluded at Newport because of the turnaround problem.

While the logistics problems that created the need for a facility like Newport were real and demanded solution, it does not seem to me necessary that the facility must be built to standard permanent specifications. In view of the pressing dollar requirements we face not only in Vietnam but at home, and since—we devoutly hope—we are not in Vietnam forever, it is questionable whether we must build—as we have—with a permanence that will endure through the ages. Finally, it seems proper to ask whether we should build permanent installations when we are in another country on a temporary basis. There are so many places that the American dollar could otherwise be used wisely in Vietnam and at home. "Nothing but the best" seems to be the prevailing attitude in our construction efforts in Vietnam.

III. Theft, diversions, and corruption

(a) Theft

The congested conditions in the port of Saigon that were described in last year's report have changed considerably, as I have described in earlier sections of this report. Indications are that cargo moves through the port with little difficulty to its first destination—military, contractors' warehouses, and some 80 different AID locations all within 25 miles of Saigon.

The cargo is shipped under a transportation control and movement document (TCDM) which is prepared by cargo checkers assigned to the Cargo Accounting Division, Fourth Terminal Command. One copy of the document is left with the checkers while the goods move under guard to the consignee. If the goods are correctly described, the consignee signs the document and that copy ultimately returns to the accountants and is matched with the suspense copy. Much effort has been given to making sure that individual consignees understand the procedure and the importance of using the TCDM. To prevent forgery of the documents, a "chop" system is being introduced. This is a control device whereby the location of the "chop-mark" is changed daily on the documents, although it can be easily identified by a template device.

The condition that remains most difficult to control is the collusion between Vietnamese racketeers, military and civilian personnel, and the gate checkers on the docks. Collusion permits unauthorized persons to take goods off the docks.

In fact, the General Accounting Office has found—contrary to what the subcommittee was advised—that even late in 1967 there were no statistics or records available to indicate the amount of cargo lost or stolen *while in transit through the port*. There is documentation in the form of ships tallies showing cargo discharged from vessels and there are the transportation control movements documents which show the cargo moving out to the various consignees. But the cargo shipped in has not been reconciled to the cargo discharged and thus there was no determination made on cargo lost in transit through the port. The Fourth Terminal Command has recognized this weakness and is working on it, but it was shocking to me that nothing was done about it for such a long time.

It seems to me that a security fence should have been placed around the entire port area long ago. The adjacent area should have been appropriately lighted. Land and water police patrols should have been assigned to keep the discharged cargo intact at least until it was counted and moved on to its first destination. When supplies of all types—military, military construction, contractors' materials, and AID commodity import program and counterinsurgency goods were all coming into one main port area at the same time, it became increasingly important to insure proper control over them from the time they arrived at the port until they moved to their destinations.

(b) Diversions

It is not surprising that lost or stolen goods were given or sold to the Vietcong. The fact that many Vietcong are unidentified is important in considering their ability to buy on the open market. Their ability to obtain such diverted goods at low prices is to their economic advantage just as much as interdiction of their efforts is to ours.

There are two types of diversions—economic (theft for profit) and strategic. It is difficult to determine the amount of the diversions—especially the diversions of rice, which will be discussed later in this report.

Much Vietcong diversion is carried out through use of their own checkpoints. Our officials in Vietnam now seem to accept this as a reality of life more than they did in October 1966. We were told that the Vietcong exact three different types of taxes on the production and transportation of rice. They are:

(1) *Production taxes*.—These are percentages of the production surplus after allowances for family consumption and seed requirements. Percentages are usually from 20 to 50 percent and the taxes are taken either in cash or in kind.

(2) *Sales taxes*.—These are variable percentage taxes taken in cash on the proceeds of commercial sales.

(3) *Transportation taxes*.—The Vietcong taxes rice moving out of the Vietcong areas. The tax usually is set at 15 percent and is taken in cash.

There is no question that diversions are important in other commodities as well.

(c) Improper Use of PX Supplies

Adequate control of PX supplies, now handled by the Army except for those in I Corps, under U.S. Marine Corps control, has improved considerably since so much attention was focused on PX losses and diversions and improper distribution and use of many

PX items. We were told that the Army had $4.2 million in maritime losses, from March to November 1967, from a total of $229 million of merchandise shipped. The actual accountability loss was about $6 million for over $600 million of merchandise in the inventory. The accountability loss is attributable to poor accountability, shoplifting, salesclerks taking money, shrinkage, and other factors. When the loss reaches a figure of over 1 percent of the inventory, an investigation is automatically undertaken.

In spite of control improvements, a considerable amount of diversion still occurs. The main post exchange which we inspected was well stocked with items which were in short supply a year ago, such as transistor radios, stereo sets, photographic equipment, and other luxury items. There was notable increases in the supply of basic "health and comfort" items, toothpaste, shaving cream, etc. Many of these products can also be found in the street vendor stalls in downtown Saigon. Some of them bear the Federal stock numbers, and almost all have PX price markings on them. They are probably resold to the vendors by PX customers. On "PX Alley," Tu Do Street near the National Assembly, the PX item seemed to have disappeared, probably because of official pressure. However, there were quantities of PX supplies in the small stalls which are found on almost every principal street of Saigon.

(d) Black Market and Currency Manipulations

AID and our Embassy officials seemed to indicate that the black market was not a very serious thing. (One assistant to the AID Director said that the black market rate has been "stabilized" for some time at 155 piasters=U.S. $1, but that it was about 200 piasters=U.S. $1 some 1½ years ago.) The U.S. Army provost marshal, on the other hand, indicated that the current rate was as high as 180 piasters=U.S. $1 regular currency—so-called green dollars to differentiate them from military payment certificates (MPC's). In fact, we were told that there was also a black market rate for the military script at a current rate of 140 piasters=$1 MPC.

The U.S. provost marshal did not minimize the existence of the black market and the currency manipulations associated with it, but instead gave us specific examples of the problems being encountered. Some examples were:

(1) An accomplice in the United States sends green dollars to a serviceman in Vietnam via registered mail. The serviceman sells the green on the black market at a profit for military payment certificates (MPC). He then purchases dollar instruments (e.g., postal money orders, Treasury checks, bank drafts, etc.) which he sends to his accomplice, who uses these instruments to obtain more green dollars, and the cycle repeats itself. One recent case involved a military postal money order clerk who sold himself the postal money orders without completing the MACV form 311, required to record amounts and purposes. This particular case involved in excess of $10,000.

(2) A noncommissioned officer who managed an open mess replaced personal checks cashed at the mess with MPC's to obtain the checks as dollar instruments. He then sold the checks on the black market for a profit, which was then used to replace additional personal checks to be sent to U.S. banks in the form of bank-by-mail deposits.

This procedure completely circumvents the MACV form 311 system. The offender in this case transferred more than $65,000 to a Swiss bank through one bank account of the several he maintained.

(3) Finance personnel have been known to manipulate the sale of piasters above the official preferred rate of exchange, realizing about 38 piasters profit per dollar. (This is not possible any longer since all rates—official, individual, country to country—are set at 118 piasters=U.S. $1 now.) The profits realized would then be used to replace green turned in to finance offices for conversion which, in turn, would then be sold for additional profit. Collusion among finance clerks would produce treasury checks of the Vietnamese Government to transmit the profits. Some persons are known to have made profits in excess of $200,000.

(4) At the rest-and-rehabilitation center, Ton Son Nhut Airbase, just outside of Saigon, a serviceman starts out with a $100 MPC, representing his pay. He solicits the assistance of other personnel going on rest-and-rehabilitation trips to convert it to green dollars, which are then sold on the black market for a profit, and the cycle repeats. It is estimated that funds in excess of $500,000 have been converted in this manner. A recent development has been obtaining permission to go to Bangkok or Hong Kong on military planes for weekends. When a person is on the airplane's manifest, the Tan Son Nhut exchange booth converts his money to green dollars, which are later sold on the black market for a profit.

(5) U.S. civilians in Bangkok purchase U.S. green dollars from the legal money exchanges in Bangkok. They then travel to South Vietnam aboard commercial flights and sell the green dollars for a profit. They use false military identification cards to purchase U.S. dollar instruments, selling them for a profit or returning to Bangkok and depositing them in their bank accounts. One offender mailed in excess of $15,000 to the United States by fourth-class mail which was finally intercepted during a U.S. customs inspection. It is estimated that several hundred thousand dollars have been converted in this way.

The person who obtains profits in Vietnam has the problem of getting the money out of the country. The usual method is to falsify a MACV form 311 by overstating the amount of money received on his last payday. Since form 311 cards presently must be manually filed and checked, and some 400,000 cards are generated each month, it is practically impossible to keep up with the manipulators. An automatic data processing system now is being set up for rapid processing of the cards. This will identify the large-scale manipulators, but the provost marshal knows of no way to identify the one-time offender who spends his profits in the country. Another method to take money out is to buy more than one airline ticket and sometimes one or more automobiles while in Vietnam. The air tickets are cashed and the automobile purchases are canceled upon arrival in the Untied States.

(e) Corruption

This subject could be discussed throughout the entire report. It was a vital matter when we first became involved in South Vietnam and it will be vital until our last citizen leaves the country at the end of our commitment.

The December 1967 issue of Harper's magazine has an excellent article by David Halberstam on corruption in Vietnam. Halberstam was interviewed by a subcommittee staff member and furnished invaluable leads which we tried to develop in the relatively short period of time we were in Vietnam.

There is, no doubt, much substance to his allegations. It is clear that the whole Vietnamese infrastructure, in the civilian government and the military and other aspects of the society, is riddled with corruption. The most difficult thing, of course, is to prove the facts about corruption in either a court of law or in a subcommittee hearing. A Vietnamese witness who testified about it could do so only at the risk of personal danger.

We talked with various newspaper men to whom Mr. Halberstam referred us. These people had all been in Vietnam for about 5 years. They were very knowledgeable about the country. They quietly put us in touch with some influential Vietnamese.

One person we met was a former high official of the national police. He spoke of corruption everywhere. He cited a Vietnamese Army captain who owns a bar at Long Bienh and has a half-dozen or so of his soldiers serving as bartenders and otherwise running the bar for him on a full-time basis. The man we spoke to said he lost his police post because he was too honest. The former police official now has been relegated to a relatively unimportant job.

Another person we talked to had been a cabinet minister in the government of Gen. Duong Van Minh, who has been exiled to Thailand. This man, very well educated with advanced degrees from a well-known university in the United States, similarly spoke of the pervasive corruption in Vietnam.

We received corroboration of these charges of corruption during our field trips in the Mekong Delta from U.S. field officials who related to us that corruption was widespread, from the Province chiefs down to the lower echelons.

There is no doubt in my mind that corruption in the Government and in the society of Vietnam is widespread, continuing, and extremely harmful to our massive effort in that country and to the prospects of the Vietnamese themselves for victory in their struggle and for eventual peace and stability.

All over Southeast Asia, I was told by both American officials and Asians that corruption is a way of life—that it is endemic to the societies of Asia. This may be so—and surely the experience of anyone who has lived in Southeast Asia will bear the officials out. But this is no excuse for doing little or nothing about it.

We know that the corruption of Government officials is a prime argument used by the Vietcong and other National Liberation Fronts to turn people against their governments.

We know that, in the long run, corrupt officials are not responsive to the people they serve.

Therefore, our policy must use the leverage we possess to assure that the Government of South Vietnam takes meaningful steps against corruption.

As one step forward the tax collection and enforcement system of South Vietnam must be substantially strengthened. Such a strengthening would not only provide additional revenue—improving the caliber and quantity of Government services—it would also create new respect for, and confidence in, the fairness of law enforcement in South Vietnam.

It is estimated that less than half the taxes that should be paid are collected. In the words of one U.S. official I spoke to, "Tax evasion is the name of the game." We have stationed Internal Revenue Service advisers in Saigon, and they can help. But here again, it is the Government of South Vietnam that must act.

Saigon has become a booming, bustling city. It is not unreasonable to ask those who are profiting economically from the war effort to contribute substantially more to the development of their country.

As an equally important step in a drive to reduce corrupt influences in the Government, the United States should give direct support and backing to the efforts now underway in the Government of South Vietnam to centralize the appointment of Province chiefs in the elected government—removing what has been a strong power from the Vietnamese Army corps commanders.

This step may appear on the surface to be a bureaucratic reorganization. In fact, it would be a major step forward in the fight against corruption.

At the time of our trip, great numbers of the provincial chief positions were being bought and sold. The going rate for such a job, I was told, was a $25,000 payoff to the army corps commander. Needless to say, the jobs would be worth the price. The Province chief is the basic authority over funds and assistance that are funneled into his Province. The opportunities for favoritism, bribes and kickbacks are enormous.

The Central Government has spoken out strongly against corruption. Recently, the Thieu government announced the firing of seven Province chiefs. Their replacements have yet to be selected.

In the final analysis, the best weapons against corruption and the most effective tool for progress in South Vietnam is the placing of responsibility at the local level—giving the villages and hamlets a voice and a power over the projects to be carried out in their areas. Realistically, the more echelons that decisions regarding projects, contract awards, and financial assistance must go through—the more opportunities there are for corruption and graft.

The people of South Vietnam have an old saying: "There are six calamities that befall mankind—famine, fire, flood, drought, pestilence—and Central Government."

Traditionally, the activities of local councils and governments have been supervised in minute detail by the Central Government. Saigon has insisted on the uniform application of programs and assistance, often ignoring local initiative and unique local problems.

This has resulted in waste and inefficiency—like building schools where there are no pupils, and bridges where there is no traffic.

But more than that, the tradition flies in the face of modern self-government. Every society on the way to successful development—whether it is Taiwan or Puerto Rico—has reversed this tradition, and encouraged local and individual initiative.

Ordinary people must come to understand that they can influence the Central Government—that the Government will respond to their opinions or run the risk of losing office.

There is a long tradition of local elections of village officials in South Vietnam, and as the so-called pacification program proceeds, elections are to be held in each hamlet and village in the country.

There must be a meaningful transfer of power to the elected local officials. The most significant immediate power that could be given them would be the power to distribute Government-held land to landless peasants under the land reform program. Such a distribution would build an immediate bond between the new officials and the villagers—and provide concrete evidence of the good faith and concern of Saigon for the well-being of the South Vietnamese.

Second, local officials should be granted some authority to raise revenues locally and to use them for locally initiated and developed projects—projects the people can see and use. The impact of the present system, under which taxes are levied by Saigon and revenues are passed up and down the chain of government, was summed up well—if unintentionally—in a recent American booklet prepared by the mission in Vietnam as a guide to the Delta: "In a * * * third of the Delta, the government exercises sufficient control to bring the greater part of the *normal government services* to the people, *which take the form of forced levies on the people for money and labor.*" [Emphasis supplied.]

It is also necessary to proceed as rapidly as possible to expand elective government to the district and province levels—the next levels up from the hamlet and village.

Making province chiefs directly responsible to the elected government in Saigon would be a great step forward. In the long run, however, these province chiefs should be elective officials. In Vietnam, they represent the main channel between the local communities and the central government. So long as they are responsible to the central government, they will continue in the long tradition of government from the top down. If they are elected, there will be substantially more pressure on them to represent the desires of their constituents—rather than the will of the government in Saigon.

The new Constitution in South Vietnam states that province chiefs should be elected officials, but allows them to be appointed by the central government through 1971, if the government chooses. It seems to me that moves toward the election of province chiefs in those provinces where security permits would be an excellent step for the South Vietnamese government to take as soon as possible.

IV. Rice

(a) Production, Importation and Consumption

Rice is a key to our war effort today as it was when the first report was made to you last year.

The Agency for International Development has supplied me with information which shows annual rice production in Vietnam. The rice year generally starts in the fall. The rice is harvested in different locales from January through March of the following year. There are some double croppings annually in the I Corps area but the total production there, which has been reduced by increased military activities, has represented only about 9 percent of the country's annual rice crop. Sixty-eight percent of the production has come from the IV Corps area in the Mekong Delta. About 13 percent was grown in the III Corps area, and the II Corps area accounts for the remaining 10 percent of the Nation's rice production.

The total Vietnamese production for the past 5 years and imports of rice for the same period are shown below:

[In metric tons]

Period	Paddy	Milled rice equivalent	Imports
1962-63	5,205,000	3,383,000	
1963-64	5,327,000	3,463,000	
1964-65	5,185,000	3,370,000	128,451
1965-66	4,822,000	3,134,000	434,194
1966-67	4,336,000	[1] 2,818,000	773,126

[1] About ½ of the reduction from the previous year was due to flood damage. Also a 20 percent margin should be considered to allow for loss and for nonhuman consumption.

The imports in 1965 started because the United States supplied 25,000 tons of rice under Public Law 480 title I when floods ravaged central Vietnam. The emergency resulted in decreased shipments from the delta and deficit requirements from the northern two-thirds of the country. More American and some Thai rice was imported for 1964–1965.

The availability of rice decreased subsequently because of the decline in the surplus shipped out of the delta to Saigon, the flood of 1966, and the increased deficit in the Eastern and Central Provinces. That deficit was caused by increased military activity and more refugees to feed. While we were told that the deficits will begin to level off in the near future, the effect of the recent Tet offensive has undoubtedly made those predictions overoptimistic.

The estimates for domestic production, importation, and consumption for the ensuing year (1967–68) were represented to me as follows:

Milled rice

	Metric tons
Estimate of production, primarily from the delta	2,200,000
Approximate importation, with 600,000 to 700,000 metric tons to come from the United States	775,000
Total	2,975,000
Less additions to stored stock	50,000
Estimated to be consumed	2,925,000

The briefing material supplied to us indicated that AID officials do not have a good grip on the essential facts and figures of rice production, while one reliable AID source indicated that the consumption figures were probably the weakest of all.

I believe therefore that the accuracy of the foregoing figures may be questioned, and, more importantly, that all rice may not be used for the legitimate purposes for which it is intended.

We were told that the average daily consumption of rice is 1 pound per day per person. An estimated population of 17 million would consume 3,102,500 tons per year. The 2,925,000 tons noted above is based on a metric ton calculation, which is somewhat larger than the American measurement. The two figures therefore relate to each other.

However, some reliable sources in AID's Washington, D.C., headquarters state that the official estimate of rice that was needed beyond Vietnam's dometsic production was set at 35,000 metric tons per month in February, 1965. From the same reliable sources, we have learned that the mission in Vietnam was actually asking AID/Washington to finance additional rice in the amount of 100,000 metric tons per month—even before the Tet offensive. Not all of this would necessarily come from the United States.

There are two obvious questions: (1) Why has the estimate for additional rice tripled in 3 years' time, when the actual production has remained relatively constant and fairly high, except as affected by the 1966 flood? (2) Why has the need for more rice tripled when the holdings of secured land have increased annually, and while the population has remained relatively constant (between 16 and 17 million) throughout these years?

Rice is not cheap. Medium-grain rice is shipped at $175 per metric ton, and long-grain rice is shipped at $195. Both U.S. types carry $30 per metric ton freight costs. Foreign rice is similarly priced, although shipping costs may be less in some instances. Thus, at the 775,000 metric ton figure estimated by AID as imports for this year, the annual cost of the program is at least $135.6 million (for medium-grain rice) $151.1 million for the long-grain variety. Both prices are current under the Public Law 480 program.

Private rice producers have protested that they could command higher prices in the free world market, particularly for long-grain rice. We have received reliable information that our mission officials in Vietnam only recently realized that the Vietnamese prefer the cheaper, medium-grain rice to the long-grain variety long shipped to Vietnam. A colossal blunder appears to have been made.

We also have information that the Rand Corporation has made a study and is in the process of developing a report which will indicate higher production estimates for the current rice crop than AID is forecasting. The U.S. Army has recently made a report showing that some 500,000 tons of rice shipped into Vietnam cannot be accounted for. I have asked the subcommittee's staff to obtain these reports and investigate further.

In concluding these comments on rice, I should point out that the amount of rice in storage does not explain the variance among the aforementioned estimates, because the amount of stored rice is relatively constant, never exceeding some 130,000 tons, which is slightly more than 1 month's supply. However, this is not meant to say that all of the rice in the warehouse is kept in excellent condition. We accompanied representatives of the State Department's Inspector General's Office to a warehousing complex known as Thu Duc, which is located between Saigon and the large U.S. military encampment at Bien Hoa. The warehouses were constructed under AID financing and were then being used by the Vietnamese Government's Central Purchasing and Supply Agency. In this complex alone, inspection disclosed that of the 70,000 tons of United States and Thai rice (worth more than $12 million) stored in the complex, some 12,000 tons (at least $1.1 million worth) suffered from spoilage and infestation.

(b) Price of Rice

We were told that at the start of the import program, the price of imported rice was converted into piasters at the rate of 60 piasters to the U.S. dollar, making the imported rice generally competitive with the domestic price of Vietnamese rice. However, the devaluation of the piaster in June 1966 and the steady rise in world rice prices has changed this to the point that imported rice without subsidy would be considerably higher in price than the domestic rice.

Therefore, the Vietnamese Government began a subsidy program with American encouragement at the time of devaluation in order to keep the rice price low. By the end of 1966, however, it was apparent that the large and growing subsidy could not be supported indefinitely. Some experts felt that this artificially low price also contributed to declining domestic rice production.

In March of 1967, the Vietnamese Government decided, again with our encouragement, that an increase in the price of rice was necessary. The price of medium-grain U.S. rice in Saigon was raised to 15,000 piasters per ton (18,000 piasters per ton if remilled) while the price of long-grain rice became 22,000 piasters (25,000 piasters if remilled). However, the Vietnamese did not raise the price in central Vietnam (I and II Corps) where the price remained at 11,800 piasters per ton. If these prices are continued in 1968, the government subsidy will be slightly over 7 billion piasters, not including storage costs.

We were advised by AID officials that a survey conducted by the Vietnamese Economics and Statistics Section of the Ministry of Agriculture had established the prices paid to farmers. The study involved 1,350 farmers in selected provinces of the Mekong Delta, who stated that they had more than one potential customer and that they averaged 12 to 13 piasters per kilo for high grade paddy rice. (Approximately 156 kilos of paddy rice produces 100 kilos of No. 1, 25-percent broken milled rice.) If, for example, the farmer receives 12 piasters per kilo for ordinary white paddy rice (which is better than "red rice" or "floating rice"), the price at the provincial capital's mills is about 13 piasters. (The miller accepts the brans and broken grains that result from the milling process as his compensation for the milling.) At this point, handling and transportation costs per hundred kilos would add 100 piasters, plus another 100 piasters for the wholesaler's margin. This would bring the wholesale price in Saigon to about 2,228 piasters per 100 kilos of white milled rice. With a retailer's margin of 100 piasters added on, the figure would rise to 2,328 piasters. It was emphasized that the rice market operates on about a 2-piaster spread per kilo between the wholesaler and the consumer. As is the case with other scarce commodities, the price usually fluctuates upward as the supply decreases.

The same officials did say that the price of paddy rice to the farmer 1½ years ago was only 7 piasters per kilo. They seemed to feel that the subsidized market conditions had resulted in a general increase in price to the farmer, and that therefore it had not been necessary to give any subsidy to the farmer. The difference in overall cost between the present system and the system of price subsidy to the farmer apparently has never been determined.

(c) IR–8 "Miracle" Rice

The rice economists indicate that the war has caused some 1.5 million people and 300,000 hectares of land to have been withdrawn from rice production in the last 4 years. This has relieved manpower shortages which have developed elsewhere but the question of further labor input into rice production at this time is of critical concern. Therefore, the economists feel that efforts to increase production must be restricted to efforts to increase yield.

Such increased production will have to concentrate on the introduction of improved seed varieties, increased use of fertilizer, and improvements in the distribution of other agricultural inputs and technical information.

AID's agricultural advisers, with the support of Vietnamese Minister of Agriculture Ton That Triuh, have recommended a high yielding rice seed, which is also responsive to fertilizer application. This rice, known as IR–8, was developed by the International Rice Research Institute in the Philippines. It was introduced to Vietnam in November 1967 in small plots at a hamlet known as Vo Dat, in Bien Tuy Province, some 100 miles northeast of Saigon.

The rice, when full grown, was planned to be used for early seeding in the delta in March 1968. Present yields for existing Vietnamese rice have ranged from 1.9 to 2.1 metric tons per hectare, from 1958–59 through 1966–67. Estimates, based upon testing of the new rice, vary from a conservative figure of 3 metric tons to a "not uncommon" figure of 6 metric tons per hectare. In fact, the experts are using 3.5 metric tons per hectare in their calculations to show that Vietnam eventually can be self-sufficient in rice.

Estimates were that 2,400 metric tons would be produced on the random 800 hectares now planted with IR–8 rice. Thereafter, the proposed growth schedule for the IR–8 acreage would be:

Year	*Proposed growth schedule (hectares)*
Fall of 1968	20,000
Fall of 1969	100,000
Fall of 1970	500,000
Fall of 1971	750,000

Vitally needed water control projects are planned for initiation in 1968 through 1971, to add an additional 250,000 hectares for IR–8 use. AID has also indicated that the first seed, presently used, costs about $200 per metric ton in its rough form, and that the farmers experimenting with it are "paying their own way" thus far.

The plan appears to be extremely overoptimistic—especially in view of security problems and the extremely rapid increase in hectares. The agricultural economists have pointed out other pitfalls to the success of the program:

(1) *Paddy price.*—Farmers must be assured of paddy prices which clearly make it profitable to grow rice and to adopt improved practices. Imports must be planned and prices set to hold market prices, especially during harvesttime.

(2) *Fertilizer requirements* are large for IR–8, over 100 kilos per hectare, and will increase with rice production. The present estimates are that the following tonnage of plant nutrients, in thousands of metric tons, will be absorbed:

Fall of 1968	48.0
Fall of 1969	70.0
Fall of 1970	94.0
Fall of 1971	122.5

It is also estimated that financing for fertilizer required for the 4-year period will be about $182.5 million (U.S.) plus 3,566 million piasters (GVN).

(3) *Plant-protection.*—The agricultural experts estimate that the following amounts of pesticides will be needed:

	Metric tons
Fall of 1968	1,800
Fall of 1969	2,000
Fall of 1970	2,400
Fall of 1971	2,600

The 4-year cost of this program is estimated at $44.5 million (U.S.) plus 170 million piasters (GVN).

(4) *Rice production training and demonstration.*—Extension advisers, both American and Vietnamese, are to be trained in IR–8 cultural methods to guide Vietnamese farmers. Some 50 American and 140 Vietnamese advisers are to train for about 2 weeks per course, and 1,000 controlled demonstrations were planned in 1968 and 1969. A Vietnam training center will be established.

The estimated cost of these services will be approximately $1.8 million (U.S.) plus 103 million piasters (GVN).

(5) *Farm credit.*—Studies show that credit and capital are important limiting factors upon agricultural production in developing countries. The experts say that the minimum agricultural credit inputs, including IR–8 production credit needs, should be supplied:

Fall of:	*Million piasters*
1968	896
1969	1,380
1970	2,485
1971	3,811

(6) *Water control and management.*—About 250,000 hectares of high quality riceland are planned to be converted for IR–8 production in the period from 1968–71. The program emphasizes smaller scale water control and management projects rather than long-term irrigation investments. The estimated financial assistance needed for these programs would be approximately 9.2 million (U.S.) plus 2,200 million piasters (GVN).

(7) *Seed research and multiplication.*—These requirements greatly increase as the IR–8 seed is adopted widely. The program calls for seed storage processing and laboratory equipment for use at rice research stations and training centers. No financial estimate for such a program has been given.

(8) *Labor requirement and mechanization.*—If the targets for the IR–8 production are met, the experts feel that this will result in a 6-percent increase in labor needs in fiscal year 1970, and a 20-percent increase in fiscal year 1971, assuming no progress in mechanization.

Alternately, if the optimistic estimate of 5 tons per hectare is realized, there will be a strong inducement for increased mechanization in the form of expanded use of tractors, power tillers, pumps, and power threshers. Labor input would thereby be reduced up to the same 20 pecent.

In any event, there would be either the added cost of labor or the added cost of the mechanization to be considered.

(9) *Marketing.*—The planned increase of nearly 50 percent in paddy production by 1970–71 will require expansion of the marketing system. Handling methods, storage, milling, and transport will all have to be made more efficient. Main reliance will be placed on the initiative and investment of private business. However, the experts anticipate the rice shipments from the delta, in thousands of metric tons, to be:

1968	338
1969	495
1970	475
1971	1,069
1972	1,321

The realism of these estimates in the light of heightened Vietcong activity is subject to question. In that regard, I am inserting a copy of a newspaper article, found in the New York Times of April 10, 1968, entitled "Lack of Security in Rural Areas Upsets South Vietnam Rice Plan."

"SAIGON, SOUTH VIETNAM, April 9.—A lack of security in large parts of the South Vietnamese countryside has seriously upset the American timetable for making the nation self-sufficient in rice production.

"The U.S. Agency for International Development said in January that it was confident a rice surplus could be created in just 3 years by introducing a new variety of rice seed, IR–8, in South Vietnam.

"But today a high official of the Agency said that the prediction had been far too optimistic. He said that, instead of planting the seed on 110,000 acres this year, as it had planned, the Agency had adjusted its goal to about 70,000 acres.

"The reason for the adjustment, he added, is the insecurity caused by the enemy's Lunar New Year offensive against the cities. In responding to the attacks at the end of January, the South Vietnamese Government pulled many of its rural security forces into the cities, leaving much of the countryside exposed to the enemy.

"ROADS ARE DANGEROUS

" 'The situation is improving, but the roads in several areas still are not secure enough for us to get fertilizer through to the farmers on a regular basis,' the official said. 'This variety of rice seed requires regular fertilization.'

"The Agency also fears that, in some areas, the rice would fall into the enemy's hands, at harvest.

"In January, when planning for the rice experiment was moving into its final stages, the agency and the South Vietnamese Ministry of Agriculture decided to send the new seed to what were then thought to be the most secure parts of the country's rich ricelands.

"The Agency referred to its rice program then as a 'major new thrust' against communism. It reasoned that when the seed substantially increased rice yields in secure areas, farmers in insecure areas would help the Government defense forces in order to get the special seed.

" 'One of the best ways to attack the Vietcong is through the pocketbook,' an Agency official said early this year. 'Now that rice prices have been stabilized in South Vietnam, even a very small farmer can do well by Asian standards if he can substantially increase his rice yields. And if the small farmers—the peasants—do well, the Vietcong philosophy will lose some of its appeal.'

"BOON TO PHILIPPINES

"In the Philippines, where the special seed was planted on a vast scale, it not only increased the incomes of farmers, but made the nation self-sufficient in rice production. The Philippines had been a heavy rice importer.

"Officials of the Agency were confident that IR–8 would do the same for South Vietnam. The country, once a rice exporter, is now importing 800,000 tons of rice a year—a development that has increased the financial burden on the United States and South Vietnam.

" 'But all of our hopes rested on having secure parts of the countryside,' an agricultural adviser said. 'We still have enough of them to get the program started, but it will not be nearly as big a program as we had hoped.'

"To arouse the interest of South Vietnamese farmers, agricultural advisers planted several small IR–8 plots in scattered parts of the countryside last year. The purpose of the program was to show that IR–8 would not only produce more rice per acre, but could produce two crops a year in some areas.

"The short growing cycle impressed many farmers immediately and agricultural advisers said that they had little trouble signing up applicants for the seed.

" 'Things really looked great,' one of the advisers said, 'until the Tet offensive came along.' "

This article corroborates my concern which I felt when I was in Vietnam last December.

Additional objections to the introduction of the new IR–8 rice to Vietnam were given to us as follows:

(1) Such new rice strains could wipe out the existing rice.

(2) Some Vietnamese say that they have failed with other experimental types of rice. Nationalistic pride seems upset because IR–8 was developed by the Institute in the Philippines and appears to be a success.

(3) Farmer education will be required because the IR–8 rice will require more fertilizer, more insecticides, and more work.

(4) Consumer acceptance is still to be determined.

(5) The product may be less nutritional.

While the program followed thus far seems to be constructive, considerable study appears to be required to determine the economic effects of introduction of the new rice. Particularly needed will be complete facts about the total costs of the ambitious program now planned and consideration of the possibility that economic problems may rise from an eventual overabundance of rice in the Vietnamese economy.

(d) Land Reform and Credit Initiative

Throughout the delta and other rice-bearing areas land tenure varies greatly. In some Provinces land is held by small owners. In others, large blocks are owned by families—often in violation of the 100 hectare (247 acre) limitation—and rented to tenants. In fact, about 60 percent of South Vietnam's land suited to rice production is cultivated by tenants—tenants who resent their landlords taking advantage of them.

It is a well known fact that of the 800,000 tenant farmers, the rental contracts held by more than two-thirds long ago expired. And it is certainly no secret that rental charges imposed on large numbers of peasants greatly exceed the authorized maximum charge, while rentals tend to increase when security conditions improve.

In a country whose very future depends on the peasant's confidence in his government—and a country so desperately in need of rice production increases—these breaches of the law are of critical importance.

For the relationship between a farmer and the land he tills determines both his desire and capability for increasing production. Indeed, it is estimated that rice production would increase from 5 to 10 percent if rental regulations are properly enforced.

If these tenant farmers received titles of ownership to land they work, pride of ownership would surely produce even more dramatic results.

While security is the first priority for South Vietnam, land reform must follow in its wake if the peasants in the countryside are to see concrete evidence of the Government's concern for them, and if a strong economic base is to be built.

It, therefore, seems to me that our mission in Vietnam should couple our investment in the IR–8 rice program with strong efforts to urge the South Vietnamese Government to undertake two programs concerned with land reform:

(1) The Government should distribute immediately—and, wherever possible, through local elected governments—as much of the land in its possession as is now secure; and the remaining titles should be given to farmers just as soon as conditions of security prevail.

(2) Hundreds of thousands of acres are now held by landowners in large blocks violating the 100 hectare (247 acres) limit. The newly elected South Vietnamese Government—with its clearly enunciated promise of land reform—must vigorously enforce the landownership limitation if it is to gain credibility with the people.

Landownership will encourage the Vietnamese peasants to increase paddy production by using the improved high-yielding seed, new technology, irrigation water, more effective pesticides, advanced agricultural methods and machinery, adequate fertilizer, proper storage facilities as they become available, and more efficient means of transport and marketing. All require investments of capital.

Financial limitations—not a lack of peasant initiative—will be the single most restricting factor after land distribution in the secure areas of South Vietnam has been carried out.

It seems to me that the United States should make every possible effort to see that two steps are taken immediately:

(1) The Government of South Vietnam should raise the price of rice received by the farmer in order to create greater incentives for the production of rice and capital for reinvestment; and

(2) The Government should develop adequate incentives for savings.

Estimates of the credit rice farmers will need by 1971 will exceed 20 billion piasters. The Agricultural Development Bank's goal of 5 billion piasters by 1971 will be helpful in extending short-term credit, but this sum will only serve a small part of the total requirement.

The Vietnamese people themselves are the main source of untapped farm capital. In Japan, Taiwan, and Korea the people are the prime source of funds for financing farm credit needs. This could be true in Vietnam, too, if the Government would develop adequate incentives for savings. Interest rates on savings and deposits are unrealistically low. The Government must allow rates to reflect the shortage of savings. It must also initiate savings operations in rural areas.

Rice production goals—long expired and never realized—are nothing new in Vietnam. This time, with technical and financial assistance from the United States, we hope for success.

But the burden of responsibility for success or failure rests with the South Vietnam Government. Secure conditions must be followed closely by widespread land reform and the creation of capital resources if success is to be the end result. Success is badly needed.

V. Military construction

(a) Raymond, Morris-Knudsen, Brown, Root & Jones

The RMK/BRJ (Raymond, Morris-Knudsen, Brown, Root & Jones) joint venture has handled practically all contracts for military construction in South Vietnam, with the one major exception of a "package" Air Force contract for an airfield at Tuy Hoa, which was handled by the Walter Kidde Co. with a ceiling of $47 million.

RMK/BRJ has been in South Vietnam for the past 7 years, doing construction work under contract with the U.S. Navy Civil Engineering Corps for which it built facilities, airports, docks, and many other installations. The contract, when it is phased out in late 1968 or in early 1969, will total approximately $1.4 billion. RMK/BRJ is operating under a cost-plus-award-fee (CPAF) contract which provides a 1.7 percent fixed fee, if the contract is performed correctly, plus a maximum incentive of 0.76 percent if the contractors meet the Navy's established criteria for outstanding performance. The incentive fee is fixed and paid on a periodical basis. Thus far the combine has received the maximum amount each time that the Navy has made a determination.

Projects current, at the time of our visit, included the following:

(1) *Port of Hue.*—This will allow 4 LST's to unload simultaneously and will also provide a storage area.

(2) *Civilian casualty hospitals.*—Three hospitals will be at Da Nang, Chu Lai, in the north, and Can Tho in the delta. They will total 1,100 beds and will be completed in the summer of 1968. This contract may be a lump sum contract instead of CPAF.

(3) *Power generation and distribution systems.*—These will be for military bases only.

(4) *Completion of the water and sewage system.*—$10 million is estimated for this project.

(5) *Development of the Au Giang rock quarry.*—This is an AID project in the delta.

(6) *Extensive road building program.*—Some of this will be done by RMK/BRJ, some

by military troops, and some by Vietnamese Public Works Department.

The crash program of new construction and the surge of incoming equipment, materials, and supplies—all Government reimbursable—followed the military buildup of 1965 and reached a peak in the spring of 1966, although the work in place did not peak out until the following March of 1967 ($64 million).

The subcommittee was concerned in 1966 that RMK/BRJ did not appear to use necessary foresight to obtain sufficient personnel to handle the influx of material, nor did they apparently take other proper steps to insure receipt, storage, theft protection, and accountability for shipments. There was sufficient time to prepare; there was usually 3 to 4 months lapse of time between procurement in San Bruno, Calif., and delivery in Vietnam. RMK/BRJ had been on contract in Vietnam for a number of years.

In fact, the RMK/BRJ manager of procurement and supply acknowledged failure in satisfactory documentary and recordkeeping control, or physical control, or receipt, custody and disposition of materials. We have learned that, because of RMK/BRJ's initial negligence, there was no intention to keep proper records of the supplies or of the claims that should have been made for short or improper deliveries. These claims against suppliers normally should run into the millions of dollars for a contract of this size. It was also learned that RMK/BRJ intended to build the lack of accountability to a sizable amount so that the very magnitude of the unaccounted-for items would facilitate the issuance of a waiver of accountability for them. Further information indicated that the procurement officer, Bernard J. Coyne, was sent to Vietnam specifically to aid the combine's cause in waiver negotiations with the Navy. Morris-Knudsen did get a writeoff of between $25 and $32 million for earlier work in Alaska, and Coyne was reported to have said there was no need to worry about Vietnam on this score.

The minutes of an RMK/BRJ "managers and superintendents meeting," dated July 12, 1966, indicated that Coyne had estimated approximately $45 million worth of materials would probably not be accounted for because of theft, unapproved withdrawals from warehouses, and improper paperwork. The obvious implication was that the fault, if any, for this loss would be placed upon the Navy.

Since that meeting, the General Accounting Office has had personnel assigned to auditing and review of the RMK/BRJ contract. In May 1967, GAO reported to the Congress that millions of dollars worth of materials and supplies had been dumped in temporary open storage areas and were issued directly from them without controls. *The GAO felt that it would be practically impossible to reconstruct, with any degree of accuracy, the accountability for materials and equipment which have been:*

(1) Used on authorized construction projects without accountability.

(2) Appropriated without authorization or documentation by military units or others for use outside the scope of the contract.

(3) Damaged, pilfered, or stolen.

At the same time, the GAO said the contractor could not account for approximately $120 million worth of material shipped from the United States to Vietnam.

Now, however, we have been told by both RMK/BRJ Officials and Navy officers that the $120 million of materials reported unaccounted for, has dwindled to a mere $5 million carried in the "in transit" account.

RMK/BRJ has engaged a firm of accountants—Touche, Boss, Bailey and Smart—who assisted in the materials accounting work. The tremendous decrease supposedly has resulted from: (1) extensive engineering studies about materials that have become in-place, and products in the construction work; (2) materials actually on hand but not properly entered in the accounting records as well as materials issued without proper documentation; (3) known and reported cases of thefts or other losses; (4) unaccounted-for materials left in the "in transit" account.

In addition to this supposed $5 million carried in the "in transit" account, RMK/BRJ officials stated that another $5.6 million of equipment, materials and supplies, had been "surveyed" as worn out, lost or stolen. Navy officials stressed that equipment does not wear well in the Vietnamese environment. The Navy said that the actual survey work is done by the Army, after the Navy turns over the equipment, since the Army is the disposal agency. We were also advised that total RMK/BRJ procurements were $465 million, consisting of $340 million in materials and supplies, and $125 million of equipment.

I find it incredible that the RMK/BRJ joint venture could reduce the total figures for unaccounted-for materials and supplies from $120 million in May of 1967 to $5 million in November of 1967, *particularly after GAO had indicated such a lack of accountability controls*. It is hard to believe that the Navy would acquiesce in what appears to be some form of coverup or subterfuge. In my view, the information given to us was completely unconvincing.

I learned in Saigon that the GAO has done very little about this matter since the report was issued in May of 1967. Our subcommittee's staff is primarily engaged in working on the riot investigation, but the GAO does have personnel assigned to Vietnam. I personally feel that we would be remiss in our duties if we failed to seek the facts. I believe that the GAO should take a hard close look at this situation so that any obvious deficiencies can be corrected while there is still time.

(b) Pacific Architect & Engineers—Grand Hotel

The Army Procurement Agency entered into a cost-plus-fixed-fee contract with Pacific Architect & Engineers (PAE) in 1963 to provide management and to operate and maintain physical facilities and utilities of installations used by the U.S. Army and related units throughout all of South Vietnam. The 1st Logistics Command of the U.S. Army, Vietnam (USARV) was designated to administer the contract for the Army.

The work done by PAE under the terms of the contract is somewhat comparable to the work of an Army Post Engineer at continental U.S. Army posts in the field of repair and utilities (R. & U.) work. The size of the contracts have expanded rapidly, from an estimated $500,000 reimbursable cost for R. & U. service to 5,000 troops at nine military locations in 1963, to $133 million for R. & U. and related services for 500,000 troops at 97 military locations by the end of fiscal year 1967. The cumulative dollar amount is second only to the RMK/BRJ total construction contract. PAE's employee ceilings are presently set at about 27,000 persons.

Mr. Adlerman and Mr. Morgan first learned about this company when two former employees came to them during their October 1966 visit to Vietnam. The employees were concerned about a construction project that this company had undertaken in very questionable circumstances. It was known as the Grand Hotel, located at Nha Trang, Vietnam. In mid-year 1965, the U.S. Army determined that office space, troop barracks, and messing facilities were required in Nha Trang for a Field Forces I headquarters. The only facility readily available was the Grand Hotel, formerly a commercial hotel which was then being used by the Air Force for billeting under a lease arrangement with the Vietnamese owners.

The 1st Logistical Command leased the hotel from August 16, 1965, to August 15, 1966, at an annual rent of about $78,300, with the option to renew for 4 additional years at approximately the same rate.

The initial Army estimate was $208,423 to renovate the hotel and its annex as a headquarters site, including a 600-man cantonment, powerplant, and electrical system. However, when it was determined that congressionally appropriated military construction funds (MCA) were not availabe, it was then determined by the Army that operation and maintenance (O. & M.) funds would be used. The statutory limit for the use of such funds under these circumstances was $25,000. The 600-man cantonment (25 billets) therefore was reduced to six billets, seven air conditioners were deleted, the total was reduced to $73,655 with each of six individual segments of the project reduced to less than $25,000.

The estimates, before and after revision, were:

	Initial estimate	Revised estimate
600-man cantonment	$121,500	$22,800
Powerplant	22,000	22,000
Security fence	16,200	16,200
Renovation of Grand Hotel	2,221	2,221
Renovation of annex and garage	1,434	1,434
Electrical distribution	45,068	9,000
Total	208,423	73,655

The facts are that the Army, on August 16, 1965, verbally gave PAE authority to start the renovation and construction under the regular R. & U. contract. Six individual job orders, *all under $25,000 each*, were approved by the 1st Logistical Command.

By early December 1965, it was apparent that the costs for the headquarters facility would far exceed the funding limitations. It was then estimated by the Army that the costs would be around $475,000 for labor and supplies, including some Government-furnished generators costing $90,000. PAE at the same time was estimating the costs to be about $787,000, including some $253,000 in Government-furnished equipment.

At a meeting on December 17, 1965, between PAE and Army personnel, it was decided that new contracts should be executed to use assistance-in-kind funds, which are local currencies generated by country-to-country agreements in the form of counterpart funds. In fact, the Army approved two AIK contracts on December 31, 1965. They included some $175,000 which had been expended under the basic R. & U. contract and was backed out and put into the assistance-in-kind contracts. The first contract, AIK-14-66, was awarded on a cost-plus-fixed-fee basis, in the amount of $252,361, and provided for the supervision, labor, material, and equipment necessary to rehabilitate the Grand Hotel and Annex. The second contract, AIK-15-66, was awarded on a fixed-price basis, in the amount of $172,610, and provided for supervision and labor necessary to construct a 500-man messhall, three bathhouses, six administrative buildings (similar to billets), one water supply and distribution system, and one security fence. The Army was to furnish the necessary materials, supplies and equipment, all charged to AIK-14-66. On January 29, 1966, the contracting officer orally originated three individual job orders for the construction of a powerplant facility, power distribution system, and communications center in the total amount of $412,531. These were to be incorporated into the AIK-15-66 contract. We understand that the Army contracting officer did not necessarily agree with this arrangement, but indicated that this was the only way he could get the funds and that he was going to burn all of the records shortly after the completion of the project.

When the work was finished, PAE submitted public vouchers for reimbursement totaling $701,973. The Army provided material and supplies valued at $294,253. The total recorded costs of the project were $996,226.

Significantly, the pertinent statute which was being circumvented here reads as follows:

"(Title 10, U.S.C., sec. 2674)

"2674. Establishment and development of military facilities and installations costing less than $200,000.

"(a) Under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department may acquire, construct, convert, extend, and install, at military installations and facilities, urgently needed permanent or temporary public works not otherwise authorized by law, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters. However, a determination that a project is urgently needed is not required for a project costing more than $15,000.

"(b) This section does not authorize a project costing more than $200,000. *A project costing more than $50,000 must be approved in advance by the Secretary of Defense, and a project costing more than $25,000 must be approved in advance by the Secretary concerned.* [Emphasis supplied.]

* * * * *

"(f) The Secretary of each military department shall report in detail every six months to the Committees on Armed Services of the Senate and House of Representatives on the administration of this section."

It should be noted that the Secretary of the Army did not approve of the expenditure of this money in any way at any time and that the approval of the original job orders appears to have been a circumvention of the statute. The attempt to transfer the contracts to assistance-in-kind funds appears to have been both a circumvention of the same statute as well as a violation of a MACV directive on the use of some of these funds for offshore procurement.

PAE personnel and the Army contracting officer went to Hong Kong and Singapore to purchase material and supplies for the Grand Hotel project. Some $125,000 was spent in Singapore, in spite of the fact that assistance-in-kind funds are provided by the Government of Vietnam to U.S. forces for use only in Vietnam. The pertinent portion of MACV directive No. 35–1 to this effect is:

"Assistance-in-kind is authorized for contracts and services available in Vietnam only. AIK may not be used for goods and services provided from sources outside the Republic of Vietnam."

There were also definite indications that some of the PAE employees were receiving kickbacks for giving the business to certain Singapore firms. There were further indications that the contracting officer if not directly involved was purchasing inferior commodities at higher prices.

In addition the GAO accountants assigned to the subcommittee in Vietnam last year found that PAE records were poorly kept. However they were able to determine that $165,964 worth of materials paid for by the United States under the terms of the contracts were unaccounted for.

When our staff members were in Vietnam in 1966 they asked for an independent engineering survey of the Grand Hotel project. This request was turned over to a GAO accountant to pursue. He met with delay after delay but finally just before we left for Vietnam last December the engineering survey was given to the subcommittee. It is so conditioned in its premise that it is of little, if any, value. *Not surprisingly, the results based upon such conditioned premises nonetheless justify the expenditures that were made.*

On March 20, 1967, the Comptroller General, answering our request for an opinion, said that the provisions of title 10, United States Code, section 2674, including those relating to operation and maintenance funds, apply to construction and renovation projects in Vietnam in the same manner as they apply to similar projects in the United States.

The significance is that when the matter was called to the attention of the provost marshal at U.S. Army Headquarters, whose investigations division did a considerable amount of investigative work on this matter, the Army seemed to be completely satisfied with the facts as they remain. The Army had referred the matter of kickbacks involving a PAE civilian employee to the Department of Justice, and the U.S. attorney had declined prosecution, apparently because witnesses were scattered around the world. The Army also relied upon the worthless engineering survey to show that the costs were justified. The Army had nothing to say about the violation of the Federal statute or about the use of assistance-in-kind funds. No comment was made about the GAO's indication that some $165,000 in materials were unaccounted for.

Under these circumstances, and because the subcommittee was unable to pursue this matter further last year because of other business, I recommend that we ask the General Accounting Office to examine the situation to see if there cannot be some recovery for the Government.

(c) Pacific Architect & Engineers, General Information

Because of the haphazard manner in which Pacific Architects & Engineers seemed to be operating when Messrs. Adlerman and Morgan visited Vietnam in October 1966, the new GAO members assigned to the subcommittee to replace the two-man team that had worked on the Grand Hotel project were told to study the PAE operations in depth.

The rapid growth of the PAE contract has been explained. Because of it, PAE was able to eliminate any semblance of competition so that they had become, in effect, a negotiated monopoly on a cost-plus-fixed-fee basis. The rapid growth placed PAE in a commanding position in the planning and development of its R. & U. services even though they were of a relatively low priority. The Army, busy with the buildup, apparently gave little surveillance to PAE's operations. The commanding general of the 1st Logistics Command, who administered the PAE contract, told Alderman and Morgan in October 1966 that when the buildup began "PAE had to move fast, so there were few records kept." The general seemed pleased with PAE's performance, and stated to Adlerman and Morgan, "PAE has done a creditable job, in most instances, all over Vietnam."

The two-man team working for the subcommittee found, on a preliminary basis, that PAE in fact kept very few records and that many of those were inaccurate. There was a lack of documentation about whether or not their work performance had been relatively poor, as had frequently been alleged. The accountability control of materials and utilization of labor and equipment was inadequate and an effective cost accounting control system had not been established.

The two-man team found some other aspects of PAE's operations which were subject to question:

(1) PAE rented trucks and equipment which were Government-reimbursed at costs of several million dollars. There is a serious question about the necessity and proper utilization.

(2) PAE also purchased some $10 million of equipment through their own sources which they could have obtained more cheaply through normal Government channels. Many of these items were nonstandard.

(3) PAE installed a country wide radiotelephone communication system which parallels the military system to the same base camp locations. This Government-reimbursable expenditure is questionable.

(4) PAE's authorization to make direct purchases of equipment, materials and supplies because needed items were not immediately available through Government procurement and supply channels is economically questionable.

(5) Many PAE installations appeared to be overstaffed and poorly supervised while others were in exactly the opposite condition. The manning and equipping of PAE installations for R. & U. services obviously were not properly tailored to the real needs of each individual installation.

Although the Army indicated to us that this contractor is now under proper surveillance, and that the Army will attempt to "break out" portions of the overall R. & U. contract for competitive bidding, I believe that a complete audit of the PAE contract should be undertaken to determine whether considerable funds might be returned to the Federal Government.

VI. Narcotics

We were provided the following information by the U.S. provost marshal in Vietnam, who has staff jurisdiction over all of the U.S. military forces in Vietnam, about the number of marihuana and "hard narcotics" cases developed from January 1, 1967, through November 1, 1967. These statistics are:

Marihuana:	
Cases investigated	1,239
Offenders found	1,513
Morphine and heroin:	
Cases investigated	29
Offenders found:	
Military	34
Non-American civilians	10
Total	44

The foregoing information, although it doesn't bear out the allegations of John Steinbeck, Jr., that 75 percent of the troops "are on pot," nevertheless is in marked contrast to what a predecessor MACV provost marshal told us in October 1966 when he said that such usage was practically nonexistent.

There is no doubt that the use of marihuana is hard to control because it grows wild in the plains sector of the country and is of fairly good quality. There also is little or no processing involved in getting it from the fields to the user. The Government of Vietnam has no law prohibiting the growth of marihuana, only its use. One strong recommendation that the provost marshal representatives made to us was that we impress upon the GVN the need to prohibit the growth of hemp, as it is called there.

There is, of course, the classic argument whether marihuana is actually a narcotic, but it seems well established that its use tends to change the personality of the user. Certainly a military man who used it would be unpredictable and unreliable in a combat situation.

We were told that 11 of the more serious cases involved a group of "dippies" who all got "hooked" at the same time. They were all in the U.S. Army of Vietnam (USARV) command. A more serious warning came to us from U.S. Bureau of Narcotics officers, operating out of Bangkok, Thailand. We were told that they have some information that opium comes down from the Yunan Province (Red China), Laos, and Northern Thailand region both by pack animal and by truck and is transferred to light aircraft and flown to Vietnam where it is then air-dropped to waiting traffickers. Chinese merchants seem to be in this business, and there are some Chinese addicts located in the Chulon section of Saigon, but the officers suspect that this may be a part of a larger scheme to attempt to influence U.S. military men by the use of, and eventual addiction to, these drugs.

The Government of Vietnam has a law prohibiting the illicit growth, use, and possession of opium and its derivatives and has recently posted rewards to limit the illicit supply of these drugs. The reward system pays the informational source some 5,000 piastres per kilo (about $42 per 2.2 pounds), which is a tiny fraction of the value of the narcotics but represents a step in the right direction.

Both the U.S. Bureau of Narcotics and the U.S. provost marshal—who, of course, is responsible for the enforcement of the military laws against the use of marihuana and illicit narcotics by our military personnel—have indicated they would like to have at least one Bureau of Narcotics representative assigned to Vietnam to work on the illicit flow into the country, to develop informants, and to render technical assistance to the military police. I have strongly urged that this be done, and it is hoped that this will be accomplished.

B. THAILAND

VII. Thailand foreign aid program

A summary of all information we received concerning the AID program in Thailand from AID Director Howard Parsons and his staff is reported below. The AID program is justified on the basis of combating counterinsurgency in the northern and northeastern portions of the country. This project, utilizing some $22 million of a total of $50 million for Thailand during fiscal year 1967, has a worthy objective. The rest of the program has merit in varying degrees, although some activities seem to have run their course and should be closed.

Thailand is a country three-fourths the size of Texas. The country has had 3.3 percent annual rate of population growth since 1961, when there were 27 million persons. The population in 1967 was estimated to be 33 million people. The overall gross national product, determined at 1965 prices, has grown from $2,626 million in 1960 to $4,242 million in 1966. A per capita GNP of approximately $107 per year in 1961 grew to $139 per person per annum in 1966. The distribution is not even because the gross national product for inhabitants of the north amounts to about $65 per person (with the actual cash crop amounting to only $25 per person annually), while the GNP in the central sector averages as high as $130 per capita per year. The central sector is predominantly agricultural, with the cash crop amounting to about $75 per person annually.

The key exports of the country include rice, rubber, tin, jute, corn, tapioca products, and teak. The rice exports as reported for 10 years, 1957–66, are:

Year	Metric tons	U.S. dollars
1957	1,570,000	$181,000,000
1961	1,576,000	180,000,000
1962	1,271,000	162,000,000
1963	1,418,000	171,000,000
1964	1,896,000	219,000,000
1965	1,895,000	217,000,000
1966	1,515,000	201,000,000
1967 (January–July)	1,050,000	161,000,000

Imports for the past few years show the United States in a very favorable position. This is particularly true when they are compared with the Government of Vietnam's commercial import program, where the United States only received $17 million out of a total of $306 million for fiscal year 1967. The Thai import figures are:

[In millions of U.S. dollars]

Imports from—	1962	1963	1964	1965	1966 [1]
Japan	168	204	235	257	292
United States	98	109	115	120	129
United Kingdom	51	57	66	74	71
Malaysia	2	3	10	8	9
Hong Kong, British Crown Colony	16	17	20	20	18
Federal Republic of Germany (West Germany)	41	44	55	77	65
Indonesia	40	39	24	18	21
Singapore	2	6	13	7	13

[1] Preliminary.

The following figures should be considered in determining the amount of aid appropriate to Thailand. They pertain to exports, imports, and the balance of payments.

[In millions of dollars]

Balance of payments	1961	1962	1963	1964	1965	1966
Exports	+473	+454	+460	+585	+609	+680
Imports	−492	−540	−603	−674	−760	−1,022
Other transactions	+97	+148	+188	+158	+233	+500
Balance	+78	+62	+45	+69	+82	+158
Yearend reserves	421	483	528	597	679	827

Our AID program to Thailand started in fiscal year 1949, and by fiscal year 1952, we had expended $16.1 million in the from of grants. On a cumulative basis, we have expended, through fiscal year 1967, $386.3 million in grants and $57.2 million in loans, for a total of $443.5 million. There is not a commodity import program for Thailand such as we have for Vietnam. We were told that there was such a program at one time, in which counterpart funds were generated and still remain to our credit, but that it was curtailed some time ago.

We heard estimates ranging from 50 to 93 percent relating to the portion of the AID program that is currently devoted to counterinsurgency. We were also told that 70 percent of the program is in the insurgent areas of the northeast.

We were given an estimate of 1,500 insurgents who are believed to live in the jungles and who are believed to receive training in North Vietnam. Recruitment and maintenance of terrorists derives from their relatives in the villages. Their propaganda theme states that the present Thai Government is so corrupt that the United States is taking it over, and that the future lies with China. They tell the people: "You will get tractors and you will get washing machines *from us*."

The insurgents work in areas most remote from the Central Government, where transportation facilities are limited, where economic circumstances are bad, and where the illiteracy rate is high.

One high-priority AID program is aimed at assisting in the training of additional national police. Some 11,500 police are to be trained in an 18-month period, with a goal of 20-man police forces in clusters of villages throughout the country, to patrol the villages and assist the village forces. These full-time police will have training in counterinsurgency. They will also have radio contact with other villages and the larger cities. This communications equipment, along with arms and ammunition, transportation equipment, et cetera, is being furnished through our AID program.

The second largest program pertains to accelerated rural development under the "field operations" sections of the seven operational offices within our Thailand AID office. This program has a budget between $16 and $18 million and is concentrated in the insurgency areas in the northeastern portion of the country. We were told that our main contribution is supplying road-building equipment and competent operators who serve to train the Thai at the same time. We also furnish sufficient spare parts. The purpose is to open up this portion of the country in an attempt to reduce the predominance of agriculture. Some water development is going on at the same time. We were told that both of these programs on counterinsurgency are to be completed in 5 years. We also are assisting the Thai Government in public relations with the inhabitants of this area. The Thai Government has set up a TV station which will receive technical assistance from us, and we have turned over a 50-kilowatt military radio station to them, located in Northeastern Thailand. We will also be giving technical assistance for the commercial operation of the radio station.

There are seven operational offices with the AID mission:

1. Public safety.
2. Field operations.
3. Agriculture.
4. Education.
5. Health.
6. Institutional development.
7. Capital development.

The major programs that our AID mission carries out in Thailand and the amounts involved for fiscal year 1967 were:

1. Civil police	$17,068,000
2. Accelerated rural development	12,502,000
3. Agricultural development	1,624,000
4. Malaria eradication	2,600,000
5. Technical support	2,211,000
6. Potable water	616,000
7. Aeronautical ground services	216,000
8. ARD training	1,611,000
9. Village radio	781,000
10. Comprehensive rural health	1,150,000
11. Chiengmai medical	458,000
12. Feasibility studies	635,000
13. Mobile development units	783,000
14. All others	7,547,000
Total	49,820,000

The foregoing, including "all others" actually break down to about 30 programs. In fact, Dr. Parsons indicated there were about 35 activities in operation.

The number of persons hired by AID in Thailand, as of December 1, 1967, was:

United States (246, direct hire; 78, from other U.S. agencies)	484
Thais	626
Total	1,110

Of these, 833 persons (337 United States; 496 Thais) are in the Bangkok area. Most of the remainder are "upcountry," although there are some 35 vacancies for persons in the public safety and road construction categories.

There is no doubt that some of these programs are not absolutely necessary. For example, we have had a malaria eradication program in effect in Thailand for 15 years, at an average annual cost of $2.5 million. The Thai technicians have been amply trained and the necessary equipment has been available for some time. Yet the program goes on, although we were told that it will be phased out by 1972. Dr. Parsons was in charge of the termination of our AID program in Taiwan. He has a good reputation as a tough and able administrator.

One of the criticisms concerning our AID program to Vietnam is also relevant to Thailand. There are too many AID people located in the metropolis of Bangkok and not nearly enough personnel out in the field—in this case, northeastern Thailand—to assist in getting the program through to the people we are trying to reach.

There is no doubt that bringing the citizens of a nation together is a desirable goal. It is worthwhile to educate them and to give them new skills. Our AID program in Thailand needs to be the subject of a continuing, rigorous examination. While the insurgency problem is a real one, and counterinsurgency efforts deserve our support, Thailand is a prosperous nation.

In view of the fact that Thailand now has almost $1 billion in foreign reserves, U.S. efforts should be directed toward the insurgency. General economic development is within the capacity and capability of the Thais.

VIII. Theft of PX supplies, excessive freight charges, etc.

(a) Theft of PX Supplies

In January of 1967, the Army and Air Force Exchange Service activated the Thailand regional exchange (THAIR) for the entire country. Previously there was a piecemeal arrangement in which the Army and Air Force operated upcountry exchanges from Philippine bases, while the Navy had been operating the exchanges in the Bangkok area.

The present operation has grown so that the exchange now operates 41 retail stores, 55 food outlets, one gasoline service station, and 95 concession activities throughout the country. There are 90 U.S. executive and managerial positions authorized to carry out these functions. There are 151 hourly U.S. employees—wives and off-duty servicemen—and the exchanges employ 1,756 Thai nationals. The Thai Government does not allow the employment of third country nationals in the exchanges.

The exchanges total sales of $20.9 million for the year at the end of November 1967 and the merchandise inventory was, at that time, calculated at $10 million. Sales of $40 million are anticipated for 1968.

There are seven branches established within the Thailand exchange region and, in the fall of 1967, each branch established a safety and security section which reports directly to the base, or operating unit's commander. Since the region's inception, 23 incidents of missing exchange assets were investigated, and these investigations resulted in the dismissal of 16 employees.

The post exchange representatives who briefed us did not seem alarmed about the retail accountability variance, which is the difference between the actual and book inventory, or shrinkage. The variance for the year ending January 1967 was 2.5 percent of sales in the amount of $8 million, or $195,000. Thus far in the ensuing year through November 10, 1967, the variance is only $198,000 on sales of $20.9 million, or less than 1 percent of sales. We were advised that losses under 1 percent are considered acceptable, but one-half of 1 percent is their objective. They also submitted marine claims to their shippers in the amount of $736,000 from January through September 1967. These marine claims or maritime losses, are based upon the difference between the merchandise manifested and the merchandise that is off-loaded in the country.

While the post exchange officials should be commended for their efforts, there was one thing omitted in their presentation to us, which we learned subsequently when we had a similar PX briefing in Vietnam; that is, *the post exchange accountability does not commence until the PX merchandise is placed in the exchange depot or warehouse.*

The U.S. Military Assistance Command, Thailand (MACTHAI), provost marshal explained to us that a major problem confronting the MACTHAI Command was the larceny of U.S. Government property, particularly regional post exchange merchandise. From January 1, 1967, through November 30, 1967, the regional exchange had experienced an in-country total loss from larceny amounting to $238,923.88. *Sixty-six percent of this loss, or some $157,128.06, occurred while exchange merchandise was being transported from the port of warehouses* or, in some instances, from warehouses to exchange outlets. *With few exceptions, the exchange merchandise is transported by a contracting agency,* known as the express transportation organization (ETO). We learned elsewhere that the ETO is a Government monopoly type of operation with 51 percent of it being owned by the Thai Government and 49 percent by prominent Thai citizens.

The ETO enters into contractual arrangements with all of the American agencies—governmental and civil—so that ETO has the exclusive right to haul the merchandise from Thai ports. This right is waived only when there are no ETO vehicles available to do the job. ETO has its own drivers, and the contract with the regional exchange provides that reimbursement of losses suffered during transit will be made *at the acquisition costs of the items involved*. This means little, because PX items can generally be sold at several times their acquisition costs.

Supplies are diverted in simple ways. Generally, through collusion between Thai checkers and ETO drivers, trucks carrying PX cargo are overloaded prior to their departures from the port area. If a truck is to haul 30 cases of cigarettes, 35 cases will be loaded, but the shipping documents will record only the 30 cases. During transit, the five extra cases will be disposed of illegally. Although the loss is ultimately detected, investigation and apprehension of the persons responsible is virtually impossible.

We learned from another source that on other occasions entire trucks and their loads have disappeared. Loose or improper control of the customary transportation control movements documents (TCDM's) can lead to unauthorized access either by legitimate drivers or by unauthorized personnel who falsify the TCDM, seize control of a loaded truck, and drive it from the port area. In fact, we were told that nine such loaded vehicles have been lost since the first of the year. We were told that several gangs are operating in and around Bangkok, and that they concentrate on PX supplies. The provost marshal did say that on one occasion the cargo was obviously unloaded after the truck was driven some distance from the port and abandoned, but the driver was apprehended. However, the man has not been prosecuted to date.

Finally, some $81,795.82 in exchange merchandise has been stolen from both warehouses and exchange outlets. The main problem, according to the provost marshal, is that the contracted Thai guards have proved ineffective, if not in collusion with the thieves. They are poorly paid, poorly trained, and lack supervision. Most importantly, the Thai Government does not allow them to be armed, for fear of insurrection. The provost marshal personally believes that the best solution would be to have the areas guarded by armed U.S. military personnel. However, he said that this course is avoided because of the shortage of personnel "and because of political considerations."

(b) Excessive Freight Charges

Robert A. Hines, Jr., chief of Bangkok operations for the shipment of AID cargo and supplies to Laos, told us about the excessive transportation costs charged by the express transportation organization (ETO). He said ETO's current rates are $17 per ton for AID cargo transported from Bangkok to Vientiane, Laos, and that the rate recently was $22 per ton. By comparison, Hines, who has been in the Thailand-Laos region for 12 years working for AID, has been able to do some trucking with the Ear Peng Chaing Co. which charges $13 per ton for the same work.

Hines has been responsible for the following tonnage in shipments to Laos over the past few years:

	Metric tons
Fiscal year 1964	[1] 2,338
Fiscal year 1965	[2] 3,852
Fiscal year 1966	9,010
Fiscal year 1967	16,289
Fiscal year 1968	[3] 10,336

[1] AID items only.

[2] Noncommercial items.

[3] As of Nov. 30, 1967.

While Hines did not give us a monetary figure for any of the other years, he said that the amount for fiscal year 1967 would be about $500,000 plus another $100,000 for technical support. This contract has been going to the ETO because of their monopoly status, but Hines feels that 30 percent could be saved by utilizing independent truckers such as the Ear Peng Chaing Co.

Hines said that both companies have to pay 20 baht (approximately US$1) to Thai customs at each of five checkpoints between Bangkok and the Laotian border to avoid detention of as much as 6 hours by customs. These payments are "built in" to the freight rates so that the customer, in effect, pays for them.

Hines also said that if any cargo is lost, a "recovery fee" of 30 percent of the value must be paid to the police, or 40 percent to Customs if the cargo is found by either of the two groups. Very little is ever found.

It seems imperative to me that it should be made clear to our American Ambassador in Thailand that every effort should be made to rid our military and civil agencies of the contractual net in which they have found themselves enmeshed and these blackmailing tactics should be curtailed by exposure.

(c) Narcotics

For the Military Assistance Command, Thailand (MACTHAI), the Provost Marshal told us that the number of Military narcotics violations had jumped from a total of 24 in 1966 to an 11-month total of 172 in 1967. He said all of the violations involved the possession and/or use of marihuana and that they were primarily attributed to increased troop strength, greater enforcement capability, and/or intensified traffic from sources within Thailand. Most of the offenders were between 18 to 23 years of age who were trying the marihuana "for kicks." As a deterrent, the military is placing command emphasis upon explaining to military personnel the dangers inherent in the use of marihuana. Additionally, MACTHAI has formed a team composed of military police and Medical Corps officers who will visit all Army units to counsel all personnel about the dangers of marihuana and other drugs. If this has not already been done, I believe that the same team should indoctrinate all military personnel serving in Thailand.

IX. Military construction

The U.S. Navy's Civil Engineering Corps is also in charge of military construction throughout Thailand. The program commenced in fiscal year 1965 and, at the end of November 1967, had funded approximately $425 million for the overall in-country construction program. The amount of work in place, on the same date, was approximately $330 million and the total amount obligated for the entire program is approximately $435 million. Construction is to phase out in fiscal year 1969. In that regard, the officer in charge of construction gave us a briefing figure of "zero" as the construction costs for fiscal year 1969. He subsequently admitted that such an estimate was actually an unrealistic projection. The adequacy of military construction funding estimates for Thailand deserves close attention by the appropriate Senate committees.

The work has involved the construction of airbases and military cantonments at several locations, including Sattahip, Korat, Ubon, Udorn, and Vientiane in Laos. The Navy has had 11 contracts to administer. One of them is a State Department-U.S. overseas mission contract. Nine of the contracts are fixed fee types, with most of the work being done by local contractors. In fact, several other countries (West Germany, Italy, Japan) are represented among the contractors but they are required to associate with Thai citizens to obtain a license to operate in Thailand. There were 10,249 personnel working on all 11 contracts in July 1966 and the employment peak was reached in the spring of 1967 when 17,761 workers were employed on all contracts.

The two cost-plus-award-fee contracts administered by the Navy involved two American joint ventures: Utah-Martin-Day, a west coast combine, and Dillingham-Zachry-Kaiser, a Hawaiian combine. The former handled the construction work at the large Korat Airbase, located 150 miles north of Bangkok. In November 1967, $42 million had been obligated to the contract, $34 million had been committed, and the accrued cost had reached $23 million. Each contract has a fixed fee of 2 percent above costs, with a maximum award of 0.09 percent if the criteria established by the Navy have been met. Both combines had been receiving the 2.9 percent fee, at regular intervals, as various portions of the contracts are completed.

The Dillingham-Zachry-Kaiser combine has done the construction work at the Navy port at Sattahip and at the nearby B–52 bomber base at U-Tapao. The amount of money that was obligated, as of November 30, 1967, was $118 million. The amount committed was $81 million and the accrued cost was $74 million.

Our information indicates that construction work in Thailand is going very well. Figures supplied by the Navy indicate that losses sustained are low and that little unaccounted property has come through the supply pipeline from the United States since the inception of the contracts.

We were particularly impressed by the control that was exercised in procurement, warehousing, and inventorying, and distribution of materials, supplies, and equipment. I think that some credit should be given to the subcommittee in this regard. Last year, Messrs. Alderman and Morgan looked at this Thailand operation, primarily to compare a relatively peaceful construction environment with the wartime atmosphere prevailing in Vietnam. They went to Korat and Sattahip. They had visited the procurement offices in San Bruno, Calif., en route to Vietnam so that ample notice had been given on their arrival in Thailand.

Although they had been told by both companies that there were adequate systems to determine procurement needs, inventories, use, and other factors, they found in one instance that the man in charge had been on station less than a week and was just in the process of setting up a control system. In the other combine a man had just been fired and his replacement had arrived only that day.

I think it can be said that the visit of our two staff members reduced the temptation, under cost reimbursable arrangements, to engage in loose practices such as we found in the RMK/BRJ operation in Vietnam.

C. ISRAEL

X. Israel's program of international cooperation

Because of the subcommittee's concern with the overall effectiveness of U.S. AID programs—and because Israel's foreign assistance efforts had been characterized as quite effective, we visited Israel.

Based on our conversations with Israeli officials, it seems fair to summarize Israel's philosophy with respect to cooperation agreements with other countries "To serve, to train, to leave." They try to start a program, train the recipient country's personnel, and complete their portion of the program, *all within a 5-year span*. Israel does not assist another country unless requested, although it was admitted that the Israeli Ambassador to a particular country sometimes "suggests" Israel's assistance to that country. The recipient nation always pays something of value for its assistance, whether it be actual money or payment in kind.

Israel does not give away buildings and equipment because it cannot afford to. The Israelis do not attempt to compete with the large industrial countries and, in fact, they do not want to. Instead, they concentrate on rendering assistance, both technical and nontechnical, to cooperating countries. Israel concentrates its attention on the developing countries, with 50 percent of the entire program being devoted to Africa.

The activities that Israel engages in overseas through its international cooperation program include the following:

(a) Modernization of Agriculture

In agriculture, Israel operates in well-defined, specialized fields such as poultry husbandry, cattle breeding, and improved seed production. But in its general agricultural programs in other countries, Israel attempts to work within the framework of the existing economic, social, and educational complex of the particular nation to assist in its overall improvement. In Latin America and Africa, in particular, Israel has introduced various agricultural methods which become a part of regional planning and rural settlement projects.

(b) Regional Planning and Rural Settlements

Israel's experts have used their own Lachish development region model as a basis upon which to set up similar plans and settlements in South America, in Eastern Mediterranean countries, and in Asia. The Lachish model involved some 200,000 acres of virgin land in central Israel. The pyramidal structure of the plan had individual farm holdings as the base, rural centers offering intermediate logistical, medical, and religious support in the middle, and regional or "county" towns at the top. The latter provided processing facilities, governmental and financial centers, secondary schools, and entertainment facilities. The whole pyramid operated on a cooperative basis, with the farmer being trained to the requisite skill and with supervised credit being provided to him. Each farm, consisting of 10 acres on the plain or 50 acres in the hills, offered the farmer a living equivalent to that of a skilled urban worker. The Lachish model had 100 farm families comprising each farm village, one rural center serving some 5 to 6 villages, and one "county" town of 18,000 persons, serving the entire model area.

(c) Pioneer Youth Movements

These have been organized in seven African and three Latin-American countries by Israeli experts. They are patterned after the Israeli Nahal movement of 1950 when Israel's young military men combined their military duties with pioneer and agricultural work, much needed at that time. In Africa, however, the concentration is on vocational training for young people so that they may do useful jobs in rural development.

One example is the Ivory Coast's "service civique" pioneer youth movement. In 1961, Israel sent a 16-man team there to open a 4-month training school for instructors/technicians. Courses included civics, general education, carpentry, surveying mechanics and varied agricultural subjects. Thereafter, the instructors/technicians went out to five agricultural villages, each settled by 150 to 200 volunteer pioneer farmers, to spend 2 years working on the improvement of agricultural methods. The pioneer farmers, after their first harvest, returned to their homes and were replaced by others in similar circumstances. This dispersal system brought immediate increased yields and improved agricultural techniques to a wide geographical area. At the same time, 300 16- to 18-year-old native girls were trained for 1 year at the same school in civics, domestic science, and the teaching of literacy. Forty of them became rural community workers. The remainder returned to their villages to demonstrate what they had learned.

(d) Irrigation and Water Resources Development

Israel's hydraulic engineers have shown remarkable skill in solving the Nation's water shortage in order to create arable land from desert. They also have succeeded in converting sea water for fresh water use. Israel's two principal national water supply companies, Tahal and Mekorot, have formed subsidiary companies to answer the many requests of developing countries for water development assistance.

In Africa, Tahal is installing an eight-region rural water supply system in western Nigeria, including all operations from the construction of the dams to the distribution of water in the villages. A similar smaller undertaking is going on in eastern Nigeria. In Ghana, 10 Tahal engineers are setting up a master plan in the Accra-Tama metropolitan area for a water supply system, to be built in stages as finances become available. Tahal and Mekorot are working with Israeli geologists in northern Latin America to find water. Their surveys have brought positive results in Colombia, Ecuador, Peru, Bolivia, and Brazil.

(e) Health

Israeli doctors and other medical personnel, individually and in teams, are serving in 10 African countries today. This started in 1960 when the World Health Organizations put out an urgent request for doctors to go to the new Republic of the Congo when the colonial-system doctors departed.

Israel's ophthalmologists, highly experienced because of the incidence of eye disorders among immigrants from the Middle East, answered a plea from Liberia in 1959 to survey that country's eye needs. A young Israeli doctor went to Monrovia and set up a 30-bed hospital within 6 months. At the same time two Liberian registered nurses came to Israel to receive intensive eye training at Israel's well-known Hebrew University, Hadassah Hospital in Jerusalem. Their training was completed within the same 6 months. A second Israeli eye doctor returned to Liberia with them and the wife of one doctor, herself an optician, set up a workshop to grind prescription glasses and furnish them at cost. This team performed more than 1,000 operations and treated 12,000 patients and gave eye treatments elsewhere in Liberia. In the meantime, a Liberian doctor took a postgraduate course in Jerusalem while his wife studied orthoptics. They have since returned to Liberia and have relieved the doctor-wife team.

Similarly, one Israeli tuberculosis specialist went to the Republic of the Congo, trained four six-man teams of medical orderlies to assist him, and set up an outpatient clinic with the assistance of the World Health Organization. He treated as many victims of tuberculosis as possible through the use of the outpatient clinic, a system widely used in Israel.

(f) Education

In addition to assisting in providing fundamental educations to persons in many developing countries, Israel has released from its own growing programs more than 40 professors, lecturers, and teachers for assignment abroad, particularly to help train teachers.

Since 1960, Israel has sent 24 persons to teach at the Haile Selassie University in Addis Ababa, Ethiopia, teaching the natural sciences and engineering. In Kenya, a joint school of social work was established in 1962 to give a 2-year theoretical and practical course to social and community field workers. At the same time, two Kenyan students have been sent to a special school in social work in Jerusalem in order to speed the gradual takeover of the school by the Kenyan staff. About 15 additional Israeli vocational training teachers of mechanics, electronics, physics, and mathematics are serving in schools in several African countries under the auspices of the Organization for Rehabilitation and Training (ORT).

(g) Miscellaneous

These activities vary from the operation of a cooperative transportation service in Peru to the operation of postal and telegraph services in Ethiopia, and from giving advice on taxation in Ghana and the operation of the police force in Malagasy to the harnessing of solar energy for the pumping of water for agricultural purposes in Mali.

Additionally, Solel Boneh, the Israeli construction company owned by the General Federation of Labor, has applied its experience in roadbuilding with limited finances to several African countries. Generally it forms a joint company with the African government concerned on a 40–60 percent basis, with control gradually passing over completely to the host government. Solel Boneh has completed important construction, on this basis, in western and eastern Nigeria, Sierra Leone, Ghana, and Nepal. Solel Boneh frequently organizes technical training courses for local personnel during these projects.

National lotteries are used in the developing countries as a form of "voluntary revenue system," particularly when the compulsory taxing system is ineffective. Once a preliminary survey determines the feasibility of a lottery system, Israel sends an expert to the country to act as an adviser, particularly as to about the machinery and the local legislation which may be needed. The adviser assists in the early organization, particularly to see that the system is operated honestly. Once it is operating efficiently, the lottery is turned over to local control. This program has been highly successful both in raising needed revenue and providing some recreational outlets.

The foregoing programs and activities are mainly carried out by Israelis in overseas countries. In addition, many countries send their citizens to Israel to receive special training. This is primarily because of the fact that Israel has had a great deal of experience in developing its own country, several languages are spoken in these special training programs, and the needed facilities are available in Israel.

Mr. Eytan Ron, Director of Israel's International Cooperative Division, Office of the Foreign Ministry, told us that 1,000 African women have gone through a special school at Haifa to improve their roles in a progressive community back home. Burma sent 100 military veterans to Israel with their families for 1 year to study agricultural methods.

Mr. Ron said the emphasis is in trying to reach midlevel personnel through these training programs. The theory is that any national plans developed by highly qualified academics would stand little chance of implementation unless the midlevel technicians instructors, and supervisors were trained. Israel's concentration is in four fields: agriculture, cooperation and labor, community development, and youth leadership.

Ron said that Israel offers only two formal degrees in its international development program. These are in agricultural engineering (bachelor of science) and in medicine (doctor of medicine). Otherwise, the language difficulty precludes large-scale participation by foreigners in Israel's regular institutions of higher learning.

It is important to note that Israel has international cooperation programs going in 84 different countries on an annual budget of only $7 million, including grants from the United Nations. Furthermore, Mr. Ron has only 36 employees within his organization. In fact, he told us there were 72 employees when he took over a year and one-half ago and he proceeded to cut the number. There are another 80 persons in the various schools in Israel and between 600 to 800 persons contracted for abroad by the international cooperative division, preferably on a 2-year basis. These persons hired by contract are tied into the foreign ministry system according to grades, but such foreign service salaries are very low. This creates a problem since many of the technicians are highly skilled and normally receive good pay.

A tabulation of personnel in the ICD program for Israel follows:

Located in the ICD, Jerusalem headquarters	36
Located in the various schools in Israel	80 to 100
Contract hire in the various 84 countries where Israel has an international cooperative agreement	600 to 800
Variable total	716 to 936

In constrasting Israel's ICD program with the U.S. AID program, Ron thought that the difference could best be described by what a Burmese official told him. The Burmese said, "Israel does what Burma wants but the United States does what the United States wants."

XI. Conclusion

This detailed report, together with our subcommittee's hearings in this field, gives so many indications of the failure of supervisory and administrative functions by both military and civil officials of American agencies engaged in operations in Southeast Asia that I believe the subcommittee has the duty and responsibility of continuing its investigation in this field with the maximum effort possible, in spite of the exigencies of other work in which we are presently engaged. It is obvious that a thorough investigation in depth would swiftly bring about corrective measures which would save many millions of dollars in Federal funds which are now being squandered because of inefficiency, dishonesty, corruption, and foolishness.

I strongly recommend that the subcommittee undertake expanded inquiries in this field as soon as possible and that our efforts encompass the entire AID program wherever it operates around the globe. The savings and recoveries of funds which would result from a series of inquiries such as I suggest would probably be enormous, and additionally, the tangible results of our worldwide program of assistance to other nations would certainly be greatly enhanced.

THE 18-YEAR-OLD VOTE

Mr. YARBOROUGH. Mr. President, this morning I had the opportunity to testify before the Constitutional Amendments Subcommittee of the Committee on the Judiciary in favor of the proposal to lower the voting age to 18. I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

I am pleased to have this opportunity to testify in support of S.J. Res. 8, a proposal I have co-sponsored with the distinguished Majority and Minority Leaders of the Senate. I have advocated lowering the voting age to 18 since my first campaign for Governor of Texas in 1952, and I have continued to support such a law.

It seems especially fitting to me that we are giving consideration to this proposal in a presidential election year, at a time when we can witness the active participation of thousands of our young people in the political campaigns of the various candidates despite the fact that many of them cannot even vote for the man of their choice. It is time for us to put an end to this anomaly. The current voting age of 21 has its origins in the English common law, which designated 21 as the minimum age for knighthood. This has no relevance whatsoever to the 20th century American youth who is better educated, more widely traveled, and more knowledgeable about public affairs than any of his predecessors.

Ever since the abolition of property qualifications as a prerequisite to voting, the electorate of the United States has continually been expanded to embrace more and more citizen adults, so that every American could have a real voice in the governing of his country. It has not been an easy task, for there have always been those who feared the effects of an enlargement of the electorate. We saw this with the burgeoning immigrant population of the early part of the 20th century, we saw it in the suffragette movement, we saw it in the struggle over passage of the Voting Rights Act just three short years ago. But these fears have not been justified. The infusion of new segments of the population into the electorate has brought with it new ideas and new energies, and in the final analysis the nation, and all of its citizens, have been the richer for it.

The campaign to lower the voting age to 18 began in earnest in 1942, and it has traditionally met with the most support during times of war when scores of young Americans were defending their homeland overseas. The cry, "If we're old enough to fight we're old enough to vote," has a good deal of emotional appeal, and there are many other, and equally sound, reasons why the voting age should be lowered to 18.

In my campaign for the Governorship of Texas in the 1950's, I advocated the enfranchisement of 18-year-olds and over in Texas. For most intents and purposes, the 18-year-old is assumed to be an adult. In most states he may marry without parental consent. He can serve in the Peace Corps or work for the Federal Government, and he is obliged to pay taxes on his earnings. The age of compulsory education does not exceed 18 in any state. The District of Columbia and almost every state requires persons 18 and over to stand trial in criminal court; they are no longer considered juveniles. Life insurance companies recognize anyone 18 years of age or older as an adult. The child labor provisions of the Fair Labor Standards Act do not apply to anyone who is 18 or older.

Many other such examples may be cited. Logically and legally, the age of responsibility in today's society is 18. This in itself is compelling argument for a change in the constitutional voting age.

But perhaps even more significant is the fact that our political system can benefit from the ideals and the hopes of our young people. It is they who have been in the forefront of many of the social movements of our times—from civil rights to action on behalf of the nation's poor. They are not content with the way things are; they are not complacent about the conditions of our society; and they will not accept yesterday's answers to tomorrow's problems. This is the kind of energy that gave life to the nation in the 1770's and this is the kind of spirit that can propel our country forward in the latter part of the 20th century.

As a matter of fact, the average age of Americans is swinging back toward the lower 20's, making it as "young" in its make-up as it was during the American Revolution. By 1970 half of the population will be under

27 and about seven percent will be between 18 and 21.

Increasingly the lives of our young people are being affected by Government programs—from the Selective Service System, to Federal educational assistance, to job-retraining—and it is time we granted them some voice in determining the shape these programs should take. Today's young adult has learned about American history and civics in high school, and a 1963 study indicated that 78 percent of our young people read the newspaper every day. Television has brought the events of the day into his living room, and has given him a better understanding of, and a deeper sense of involvement in, public affairs and governmental decisions than ever before possible. The late and beloved Speaker of the House, Sam Rayburn, once said: "It makes me tired to hear all this talk about the young generation going to hell in a hack. . . . They're a lot smarter than I was at their age." And this is becoming truer every year: Our young today are better educated than their forebears were.

Some persons may object to what amounts to "Federal action" to reduce the voting age, through an amendment to the Constitution. Although four states have succeeded in lowering their voting ages, efforts in other states have been doomed to failure. We came close in my own state of Texas in 1963, but fell just eight votes short in the House. Past attempts to enlarge the electorate indicate that the only effective route is by means of a constitutional amendment.

Public opinion, too, supports a change in the voting age. A Gallup Poll survey taken in April 1967 showed that a larger percentage of the population favored lowering the voting age than ever before. A similar poll conducted in January 1943 indicated that 39 per cent supported such a change; last year the proportion had risen to 64 per cent.

I co-sponsored S.J. Res. 8 because I feel that there is overwhelming justification for lowering the voting age to 18. Our young people are educated, they are politically aware, they are articulate, and they are enthusiastic. It has been said that "the real value of education comes not from its acquisition but from its association with responsibility." We have helped these young people to acquire the best education we can give them; let us now give them a chance to put that education to work by giving them the responsibility of helping to choose the officials who will govern them. There is no reason why they should have to wait for three or four years after they have graduated from high school to exercise the privilege of voting. They understand the workings of their government. Let us also give them the opportunity to have an effective voice in how it is to be run.

Mr. Chairman, I am hopeful that your committee will take favorable action of S.J. Res. 8, which I feel can have only a beneficial effect on the government of this nation.

UNIFORM POLL-CLOSING BILL NEEDED

Mr. JAVITS. Mr. President, as we near the height of the presidential election year, and as the excitement and tension mounts, there is increased concern over the use of electronic projections of voting trends on election night.

My principal concern in this matter is that projections of voting trends in the eastern half of the country, immediately broadcast by the major networks, could have an impact on voters on the west coast. This could be particularly critical in close elections, as the one this year is supposed to be. I realize full well that there is not conclusive evidence that eastern voting affects western voters, but as I asked when I reintroduced the uniform poll-closing bill last July: Who would want to take the chance, in these times of domestic tension, of creating even the suspicion that our national leadership was established on such a basis.

There is also another way at looking at the problem of electronic voter projections. I feel that James A. Wechsler, editor of the New York Post, captured the spirit of this criticism magnificently in a recent column published in his newspaper. In the final analysis, more citizens may come to see the benefits of proposals such as my uniform poll-closing bill by reading Mr. Wechsler's arguments than by any others.

I ask unanimous consent that Mr. Wechsler's column published in the New York Post of May 15, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOST THRILLS

(By James A. Wechsler)

Once again a voice must be raised in fiery if futile protest against the feverish computer "projections" that spoil the excitement of election nights.

Admittedly the pollsters began the process of undermining the ancient American game of trial by ballot. But their margins of possible error, even if sharply reduced since the year of the Truman-Dewey debacle, are still sufficiently large to sustain the suspense. Moreover there is mounting evidence that voting shifts can and do occur in the final days and even hours before the polls open.

The computers are a different matter. They, too, can claim no total infallibility (and occasionally they commit errors that render them almost human). But by and large they are repulsively accurate, and only in those instances where a contest is an enigmatic dead heat is there any excuse for prolonged animation as the votes are being tabulated.

In a happier, less mechanized age one could look forward to a long evening of expectant listening as the returns came in. One did not resent a few clues—such as the locale and composition of the early voting; they never assumed the decisive, authoritative tones of the computer confidently announcing—possibly 30 minutes after the polls had closed—that "on the basis of 3.2 per cent of the votes cast, the Omniscient Broadcasting System declares John Doe as winner over Richard Roe by a margin of nearly three to one in the crucial battle for County Coroner in Peoria."

At that very moment the board may show that Roe and Doe are running almost even, but the computer, having examined the reports from selected representative territories, dogmatically announces that it's all over. The losers are deprived of any agitated interludes of wild hope; the night is over almost before it began; the thrilling finish belongs to the past.

Among many athletic addictions, I have somehow remained immune to horse racing; one reason, I suspect, is that the events are so brief. Thousands of Americans journey each year to Churchill Downs to watch the Kentucky Derby; their preparations are long and extensive, usually including the excessive consumption of mint juleps or some variation thereof. In the latest renewal of that ceremony; the historic event was decided in exactly two minutes plus two and one-fifth seconds. Was the trip worthwhile?

This year, of course, the race had an implausibly astonishing sequel; the "winning" horse was subsequently disqualified because of the illegal ministration of a drug several days earlier. But by the time that news came, those who had witnessed the event were already back home, many nursing their hangovers and their betting losses. Perhaps in the future the Derby will at least invite the crowd to stay on until the medical tests have been completed. Nevertheless there still remains a certain absurdity in traveling long hours to witness slightly more than two minutes of live drama.

Unhappily that is what has happened to our political games. Weeks and even months of emotion are invested in a candidacy; the computer ruthlessly denies us the long, luxurious counting-time during which dreams and delusions were once permitted to flourish.

Where will it all end?

Grimly one anticipates an era when even football and baseball games will be subjected to similar projection. I can hear it now:

"Ladies and gentlemen, there's a time-out here at Baker Field with exactly six minutes gone in the first quarter of the annual Columbia-Princeton game. It's still a scoreless ball game, and the Lions have shown unexpected strength so far; they have registered three first downs to none for the Princeton Tigers.

"However, I've just been handed a projection—remember, this is a projection, not a prediction—based on an evaluation of the comparative amount of sweat and the number of bruises so far recorded, among the many other factors fed into our computer. And the Omniscient Broadcasting System now declares Princeton the winner by an anticipated score of 27-6."

Or from Shea Stadium:

"This is Lindsy Nelson. Here at the home of the Mets it's the top of the fifth inning, and the Mets are leading the world champion St. Louis Cardinals 4-3. It's a real fun night; here with lots of banners—and lots of Rheingold.

"However, our man at the computer has just handed me this projection based, as you know, on many factors not obvious on the ball field or on your TV camera, such as the condition of the blister on Nolan Ryan's right hand, Ron Swoboda's knee, a predicted temperature change of five degrees within the next 20 minutes and many other factors too numerous to mention. It all adds up to this: The Omniscient Broadcasting System now declares the Cardinals the winner by an expected score of 8 to 5.

"Now let's get back to what's left of this exciting ball game."

SMALL BUSINESS COMMITTEE HEARINGS DEMONSTRATE INADEQUACY OF PRESENT EXPORT PROGRAMS

Mr. SMATHERS. Mr. President, on May 3 and 6 the Select Committee on Small Business, under my chairmanship, completed a round of hearings on export expansion for regional industries, small business, and the balance of payments.

This inquiry was conducted in the form of field hearings so that businessmen in our gateway cities could conveniently give us their views on these vital matters. The initial sessions were held in Portland, Oreg., on May 19 and 20, 1967; followed by Mobile, Ala., on November 10, 1967; Milwaukee, Wis., on the St. Lawrence Seaway on December 1 and 2; and Miami, Fla., for the South Atlantic region on March 15 and 18 of this year. The eighth and ninth days took place in the ports of Newark and New York for the North Atlantic States.

Unfortunately, since our inquiry was announced on February 1, 1967, the trade surplus which was once the balance-of-payments anchor of this country has been in continuous decline. From a peak of $7 billion in 1964, it fell to $5.3 billion in 1965 and $3.8 billion in 1966. For 1967, the published figure for the merchandise exports surplus was $4.1 billion, but $3.5 billion of this was Government-assisted, leaving a balance on the commercial account of less than $1 billion. In January and February of 1968, this figure declined further, and in March, as we are all aware, the trade surplus disappeared completely.

The Economist magazine of May 4 stated:

> The trade figures for March were shocking: for the first time in over five years imports exceeded exports by $158 million and suddenly the general public is aware, as the experts have been for a long time, that the one steadily plus factor in America's deficit-ridden balance of international payments can be relied on no longer.

These developments have conferred a particular urgency upon the committee's work. The crisis has been reflected in the testimony of our witnesses, particularly those at the New York-New Jersey hearings, among whom were found the most distinguished members of the Nation's trade community.

Mr. President, when we began this investigation 2 years ago, the committee had serious reservations about whether the trade expansion programs for American small businesses and regional industries were responsive to the competitive conditions of the world marketplace. In accordance with its announced intention, and in view of the seriousness of the balance-of-payments situation, the committee has forwarded its major interim recommendations to the administration in advance of a report. To further implement this policy, the committee will now prepare a formal interim report so that its findings can be placed before the administration and the public at the earliest possible moment.

However, one conclusion can be stated now. It has become painfully evident, as the export figures to which the committee has repeatedly drawn attention demonstrate, that the trade policies of the quiet past are not adequate to the stormy present. The dramatic developments which we have seen do not speak well for our current programs, nor do they suggest that the solution is merely more of the same.

As our field hearings conclude, I should like to make special mention of the work of the Senator from New Jersey [Mr. Williams]. The subject matter with which the committee has been required to deal has been wide ranging and complex—from agriculture and banking through shipbuilding and taxes. In order to accommodate the many interested witnesses in our regional seaport areas, the sessions have been not only concentrated, but lengthy. In most areas, the hearings lasted until well after 6 o'clock in the evening.

The Senator from New Jersey not only was chairman of both of the North Atlantic meetings, but also of similar sessions on the gulf coast and in the South Atlantic region. He has served with unflagging attention and unfailing good humor. He has, in fact, been the mainstay of our committee's effort to gather information across the country, which will be the basis of our deliberations in a field which is of critical importance at this time. I believe that the Members of this body, and the public as well, should recognize the diligence which the Senator from New Jersey has displayed throughout the course of this investigation, and the leadership he has exercised, not only in behalf of his State and region, but in behalf of the Nation as a whole.

I ask unanimous consent to have printed in the Record the articles from the Economist and the Journal of Commerce, reporting the highlights of the May 3–6 New Jersey-New York testimony.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Economist, May 4, 1968]

Yet Another Deficit

The trade figures for March were shocking: for the first time in over five years imports exceeded exports by $158 million and suddenly the general public is aware, as the experts have been for a long time, that the one steadily plus factor in America's deficit-ridden balance of international payments can be relied on no longer. For the first three months of this year the surplus on the trading account was only $731 million at an annual rate, compared with $3.5 billion for 1967; imports were up by 17 per cent over the first quarter of 1967 and exports by only 3 per cent.

April may show whether this disturbing trend is likely to continue through the year. Part of the deterioration is due to definitely temporary factors: a dock strike that held up exports more than imports; a long strike in the copper mines that forced manufacturers to import their supplies; a possible steel strike later this year against which users are buying reserve stocks from abroad. But more steel could be bought at home—only it is more expensive. Rising prices in the United States—they are now going up at an annual rate of nearly 4 per cent—are stimulating imports (and frustrating exports). But imports of motor cars have been climbing this year not only because they are cheap but even more because the small foreign cars are preferred to the domestic models by American buyers.

If Congress increases taxes—and it looks as if the log-jam over this is breaking up at last—then consumer demand would be curtailed and inflation checked, and imports would presumably level off eventually. Meanwhile, however, urgent measures may become necessary in order to safeguard the dollar abroad; the trading account is the most striking, but not the only, sector in the balance of payments which is failing to achieve the goals for improvement set by President Johnson on January 1st. He suggested then that some form of surcharge or broader tax on imports might have to be imposed; but this has been delayed while the members of the European Economic Community and America's other trading partners discuss what they can do to help.

They have now come up with a proposal for accelerating their own tariff reductions agreed under last year's Kennedy round of negotiations and for allowing the United States to postpone its reciprocal reductions. This would be welcome if it were not accompanied by conditions which can hardly be accepted by the United States as they stand—efforts are being made to modify them—because in effect they forbid Congress (or the Administration) to put up any additional trade barriers and direct it to repeal at once the American selling price system of assessing duties on chemicals. The Administration is just as anxious as is the EEC that Congress should behave in these ways. But attempted dictation from abroad may drive the legislators to do just the opposite.

[From the Journal of Commerce, May 6, 1968]

Need for Action Stressed—Shipping Seen in SOS Position

America's cargo carriers are in a better position than anyone else to develop export markets overseas, especially for the small shipper, but the job can be done only if Congress acts to fend off the perils of an obsolescent merchant marine and chokingly inefficient documentary requirements, the U.S. Senate Committee on Small Business is being told in current hearings in the Port of New York.

Sen. Harrison A. Williams of New Jersey conducted a session at Port Newark on Friday, and of Moore-McCormack Lines and the hearing is to be resumed today at the Port of New York Authority Headquarters in Manhattan.

NOTE OF WARNING

Shipping management and labor spokesmen alike warned on Friday that the American-flag merchant marine, despite the excellence of its subsidized liner fleets, is falling dangerously far behind in the number of ships available.

William T. Moore, president of Moore-McCormack Lines and of the Committee of American Steamship Lines, said that although this country's cargoliners are "the best in the world," the American-flag bulk carrier tramp and tanker fleets are in "an SOS situation."

Of the country's present merchant fleet of 969 ships, only 357 will be less than 25 years old by 1972 at the present "limited" rate of replacement—about 10 ships per year for the subsidized lines—he said. He called for adoption of the program pending in Congress, which would provide 35 to 40 new ships a year for five years.

When a national emergency like Vietnam draws off many cargo ships from commercial use, and the country's trade is left to foreign-flag ships, ocean freight rates for American exports immediately go up, Mr. Moore declared.

Thomas W. Gleason, president of the International Longshoremen's Association and the AFL–CIO Maritime Committee's seven-union Port Coordinating Councils, described the federal administration's program of 10 ships a year as "ridiculous."

SOVIET PROGRAM

Soviet Russia is building at least 125 good, fast commercial ships a year, he said—a comparison which drew from Sen. Williams the remark, "I am appalled by that figure."

On behalf of the maritime labor groups he heads, Mr. Gleason called for "high priority" for construction of 25 to 30 tramp vessels a year. In 1966, the mostly antiquated U.S. tramp fleet carried less than 5 per cent of the country's bulk trade, he pointed out.

Similarly "dismal" is the liquid bulk picture, with only 33 American-flag tankers employed in 1966 to carry 8.1 million tons, or only 5.5 per cent of the country's total imports and exports by tanker, Mr. Gleason added. Basically, this cargo is handled by the so-called "flags of convenience," he said. He also called for expansion of the passenger fleet, "with complete flexibility to operate wherever market conditions warrant."

While it is anticipated that U.S. waterborne commerce will increase from 404 million to 685 million tons by 1985, the American-flag vessels share will slip to less than 5 per cent of its total unless "a more realistic government policy" is adopted, he warned.

This decline would mean a shrinkage of about 200 ships in the merchant fleet and a loss of at least 12,000 jobs for seamen, he said.

Joseph G. Barkan, executive vice president of Prudential Lines, also warned that the merchant fleet is approaching a critical stage of obsolescence.

The need for new ships is especially great, he said, because of the tremendous gains in efficiency which can be achieved with new methods and new concepts, such as the lighter-aboard-ship (LASH) vessels that Prudential and Pacific Far East Lines are building.

Peter McChesney, manager of trade development for Farrell Lines, said steamship lines can give the most effective help to the potential small shipper because they have their representatives "on the spot overseas" who can assess immediately the sales possibility of a product.

But what is needed most today, he continued, is a joint trade development effort by all modes of transportation—sea, barge, truck, rail and air.

"Road and railcarriers, for example, can reach far into the grass roots of our economy," he said. "If they, in their normal solicitation for business, could offer a trade development program utilizing the services and know-how of the foreign-going carriers, they could generate new business for all."

Aaron Cohen of the Traffic Executive Assn., Eastern Railroads, said the great need is for legislation to permit different modes of land and sea transporation to work on unified through rates, from inland points in the U.S. to inland points overseas, without fear of anti-trust violations.

Donald Weirda, vice president of United States Lines, emphasized that the steamship lines have valuable help to offer small businessmen about foreign markets, but the great problem is to make the business community more aware of the assistance.

Matthias E. Lukens, deputy executive director of the Port of New York Authority, described the extensive services to exporters which the bi-state agency provides through trade development offices in this country and abroad. The world trade center now under construction will be of special benefit to small business by bringing together conveniently all the services that the potential shipper needs, he said.

[From the Journal of Commerce, May 7, 1968]

AT SENATE PANEL HEARINGS: DRIVE TO SPUR EXPORTS URGED

(By Alan F. Schoedel)

A government effort "with muscle behind it" to stimulate exports was urged by several witnesses yesterday as the two days of hearings by the U.S. Senate Select Committee on Small Business came to a close.

Tax incentives to encourage business firms to seek export markets and stepped-up government help in providing them with overseas economic data were advocated at yesterday's session at the Port of New York Authority Headquarters, 111 Eighth Ave. Sen. Harrison A. Williams of New Jersey and, for part of the day, Sen. Jacob Javits of New York conducted the hearing.

America's foreign trade is "at the crossroads," said Kenneth M. Spang, vice president of First National City Bank, who is chairman of the New York Regional Export Expansion Council and a member of the National Export Expansion Council.

If at this point American industry does not achieve the ability to compete in foreign markets, the time will inevitably come when it will be unable to compete with imports for the domestic market, Mr. Spang warned.

He emphasized the need for combatting inflation as the first means of improving the outlook for U.S. exports. An inflated economy discourages exports and encourages imports, he pointed out. Unless the present situation is changed, he said, the United States faces "the stark prospect" of trade deficits continuing for years to come.

TRADE SURPLUS PREDICTED

For the first quarter of 1968, American exports increased by about $1 billion, or 3 per cent, while imports rose $4.5 billion, or 17 per cent, Mr. Spang said. He predicted a trade surplus for the year of between $800 million and $1.7 billion—including government-financed exports.

But the commerical trade balance alone, leaving out the government-financed exports, probably will show a deficit this year of $1.5 billion to $2.5 bililon, compared with a small commercial surplus of $250 million last year, the bank executive said. He described the situation as "the American challenge."

As one means of launching a strong effort to reverse the downslide, he advocated creation of a White House position of coordinator of international economic and business affairs.

Senator Javits endorsed this idea and said he would fight to have it adopted by Congress.

A. Elliott Lawes of the American Express Co., chairman of the Export Promotion Committee of the Regional Export Expansion Council, described the trade situation as "critical." Artificial attempts to achieve a balance by restricting imports would only invite reciprocal action for foreign countries, he said.

Mr. Lawes advocated government-financed surveys of overseas market opportunities, saying it would be "unrealistic" to expect American small business firms to undertake such expensive groundwork at their own expense. He also spoke in favor of tax incentives for the exporter, such as exemption from the proposed surtax.

Both Mr. Spang and Mr. Lawes supported President Johnson's proposal for a $200 million, five-year program to boost export sales and expressed regret that a nationwide poll of business by the U.S. Chamber of Commerce recently showed opposition to this government expenditure.

Mr. Lawes advocated joint export associations as another means of stimulating sales abroad, but said businessmen first would need assurance from the Department of Justice that such activities would not be held counter to antitrust laws.

G. Doane McCarthy, Jr., president of the American Institute of Marine Underwriters, said that "too many exporters, new and old, sell on terms of sale that leave the initiative to the buyer to decide on insurance and the means of carriage by ocean or air."

"This is not aggressive marketing," said Mr. McCarthy. "This is not trading. This is not the hard sell. This does not make the maximum contribution to the plus side of the balance of payments.

"The exporter who does not control his insurance does not fully protect his seller's interest in the goods until they reach the consignee. He exposes himself unnecessarily to commercial perils by not using his own insurance."

He urged the committee to encourage American exporters to rely on an American "team of service industries—the American marine insurance underwriter, the American-flag ocean or air carrier and the American banker."

Donald T. Cameron, president of the New York Foreign Freight Forwarders and Brokers Association, urged adoption of the pending bill which would allow the ocean freight forwarder to issue a single-factor through bill of lading from inland consolidation points. This is essential if the forwarder's expert knowledge is to be made available to small shippers in the container age, he declared.

There is no one who can render the same service to shippers as the forwarder now does, Mr. Cameron said, and if the single-factor legislation does not pass "the accumulated knowledge of the forwarding industry will dry up and eventually disappear, much to the detriment of the shipping public."

[From the Journal of Commerce, May 8, 1968]

GOVERNMENT CARGO ALLOCATION HIT AGAIN

(By Alan F. Schoedel)

Another blast at the government's allocation of cargoes to the subsidized lines, on the grounds that it is driving the rest of the American-flag fleet into oblivion, has been submitted to a Congressional committee.

Existing maritime laws and policies are being applied in a manner that dangerously weakens this country's balance of payments position, Howard M. Pack, president of Seatrain Lines, Inc., declared in a statement to the U.S. Senate Committee on Small Business, which held regional hearings in the Port of New York last Friday and Monday.

GOVERNMENT ACTIONS HIT

Charges that the federal government gives undue preference to the subsidized lines have been made at the current hearings of the House merchant marine subcommittee in Washington by the American Maritime Association and by the unsubsidized States Marine and Isthmian lines.

Pointing out that the share of this country's foreign trade carried in American-flag ships has declined from 65.3 per cent in 1946 to 42.6 per cent in 1950, 10.5 per cent in 1960 and to an all-time low of 6 per cent last year, Mr. Pack said the downtrend will continue unless action is taken.

When Congress enacted the program of maritime construction and operating subsidies in 1936, its obvious intent was to get the most American-flag ships possible in operation for its money, Mr. Pack told the session conducted by Sen. Harrison A. Williams of New Jersey.

"Unfortunately, the laws have been so implemented that the subsidized lines not only receive construction and operating differential subsidies, but also receive the indirect subsidy of cargo preference," Mr. Pack said.

"As a result, additional American unsubsidized ships are not available to help in our balance-of-payments problem because they cannot operate when their basic cargo has been taken away by the competition of the directly subsidized American-flag ships."

The Seatrain president called upon Congress to revise the law so that subsidized liners would be allowed to carry only commercial cargo, leaving government-sponsored cargo to the unsubsidized American-flag ships.

If the unsubsidized vessels received this kind of government help for their outbound sailings, they could then be positioned to carry unsubsidized cargoes, either back to the United States or to another country, Mr. Pack explained.

An American bulk carrier outbound could carry government-financed grain to India and Pakistan, and on the return trip carry oil or ore to Europe or directly to the United States, he said. Bulk ships can make a bigger proportionate contribution to the balance of payments, he noted, because of smaller part of their earnings goes for port costs than in the case of general cargo ships.

MA PRACTICE HIT

Mr. Pack assailed the Maritime Administration's practice of setting higher rates on government cargo for "smaller and less efficient ships and lower rates for the bigger and more efficient vessels, despite the fact that the cost to the government is substantially greater by so doing."

"If the Maritime Administration would provide that all ships would be eligible to obtain the same rates and that the lowest cost to the government per ton of government cargo carried would be the deciding factor, we would encourage the building of more efficient American ships," he continued.

"These vessels would be able to compete for the carriage of import cargoes and in certain circumstances could carry our commercial export cargoes. This result could be obtained with a savings to the government's

budgetary payments as well as savings to our balance-of-payments position."

Mr. Pack also called for amendment of the law to give operators of the unsubsidized dry cargo and tanker fleet the same right the subsidized lines now enjoy, to accumulate ship-replacement funds from earnings on which taxes are deferred. Legislation to this effect has been sponsored by 22 senators.

Long-term chartering of tankers by the Military Sea Transportation service—which at present has about 40 foreign-flag tankers under charter—would encourage owners to finance and build tankers for operation under the American flag, he said.

BOP SAVINGS

Probably the greatest saving in the balance of payments could be achieved by requiring use of American-flag tankers to carry at least 50 per cent of this country's licensed oil imports, he declared.

At present, 97 per cent of the million and a half barrels imported daily is carried in foreign tankers, with a "huge" drain on American exchange as a result, said Mr. Pack.

He opposed building of American ships in foreign yards and advocated "a substantial duty" on all vessels built or rebuilt abroad.

An example of how American industry shipping a bulk product—coal—can develop markets abroad was given at the Senate committee hearing in New York by Robert R. Nathan and Ralph L. Trisko, executives of Robert R. Nathan Associates, Inc., the firm which made an $89,000 survey of the potential foreign coal market for the Department of the Interior in 1963.

The report is credited with an important role in boosting U.S. coal exports from 35 million tons in 1961 to 49.5 million tons in 1967, Mr. Trisko said, and at least one major company used its exhaustive data on foreign transportation costs and energy needs as the basis for a sales drive in Canada, Europe and Japan.

By the end of last year, the company had long-term contracts to supply customers in Canada and Italy with 30 million tons of coal, and two other exporting firms had contracts to supply about 75 million tons to Japan over the next 10 to 15 years.

Paul Hall, president of the Seafarers International Union and of the AFL–CIO Maritime Trades Department, testified that any government program to boost exports will be "self-defeating" if the cargo is channelled into foreign-flag ships.

FARSIGHTED WISDOM SHOWN BY SENATOR SMATHERS

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished Senator from Florida is far too kind in describing my part in the Small Business Committee's export trade expansion hearings and far too modest in discussing his own role.

It was he who developed the possibility of using the Small Business Committee as a vehicle for exploring ways to stimulate not only small firms but regional industries in our export trade. And it was he who provided the direction and the drive which have made these hearings so successful.

This, despite an arduous schedule of hearings and meetings in the Finance Committee, on the Senate floor, and in the Senate-House conference during the consideration of the complex and vitally important tax legislation, and in addition to the other normal duties of a Senator.

One might have expected the distinguished Senator from Florida to slacken the pace of his senatorial efforts somewhat this year, in view of his impending retirement. But such has not been the case. He has set a fast legislative pace in this, his last year.

I would only add that, in view of the continuing decline in our trade surplus, to the point where it became a deficit in March, the importance of these hearings and the recommendations which will result from them is far greater now than when the study was launched. That is a fitting tribute to the farsighted wisdom of the distinguished Senator from Florida in this matter.

Mr. President, on behalf of the Senator from Oregon [Mr. Morse], who is necessarily absent today, I ask unanimous consent to have printed in the Record a statement he has prepared on this subject.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Morse

SMALL BUSINESS COMMITTEE HAS BEEN HARD AT WORK ON EXPANDING EXPORTS

I wish to associate myself with the remarks of the Chairman of our Committee (Mr. Smathers) and the Senator from New Jersey (Mr. Williams).

It has been gratifying to me that while everyone has been discussing the worsening of the nation's balance of payments, the Small Business Committee has been trying to do something about it.

It was my privilege to propose these hearings on February 1, 1967, and to hold the initial sessions for the Pacific Northwest region in Portland, Oregon, on May 19 and 20 of last year. Throughout this inquiry, we have enjoyed the active support and hard work of our Chairman, and of both the majority and minority members of the Committee, particularly the Senator from New Jersey.

It is obvious that the nation must do something to reverse the downward plunge of its trade surplus of the past three years. Coming on top of an over-all balance of payments deficit in 17 of the last 18 years, and the prospects of back-to-back $20 billion deficits in our domestic accounts at home, the vanishing trade surplus is most serious. It has been a major contributing factor to the "gold rush" of the past six months and the world crisis of confidence in the dollar.

It seems equally plain to me that central to any export policy is a vibrant and growing merchant marine under the American flag, which can service our exports and can assume leadership in other export policy areas. In my judgment, action in behalf of our merchant marine is long overdue.

Our Committee has been fortunate in having the recognized national leaders of many exporting industries, of labor, and from the universities, banks, and transportation companies advising us on what should be done in the five regions of the country where we met.

This wide spectrum of witnesses is symbolic of the fact that when it comes to the financial security of this country, we are all in the same boat. If our trade situation continues as it has been going, we face the prospect this year of the worst trade performance since before World War II and the possibility that our gunwales will be under water.

As I have been from the beginning, I shall be working with the Committee and the business community through our report and recommendations, and the follow-up on these recommendations. We will do whatever we can to unite the efforts of all concerned in order to bring about a better trade policy and a brighter day for every segment of our export trade and maritime commerce.

MURDER IN WASHINGTON

Mr. DODD. Mr. President, yesterday's Washington Post carried another front page story on the murder of still another shopkeeper by a firearm in the District of Columbia.

This is the fourth slaying of a Washington-area merchant in the last 15 days.

The latest victim was a 62-year-old hardware merchant who was found shot to death in his store on Tuesday afternoon. Police report that he was murdered in the course of a holdup.

When are we going to put a stop to these wanton and senseless killings by guns in the hands of the irresponsible elements of our communities?

Today we have an opportunity to put a meaningful curb on these killings.

Will the Senate respond to this urgent need?

I ask unanimous consent to have printed in the Record the editorial published in yesterday's Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, May 15, 1968]

Merchant Slain in Store Looted During April Riot

(By Alfred E. Lewis)

A 62-year-old hardware merchant was found shot to death in his store at 3213 Georgia ave. nw. yesterday afternoon.

His wife, concerned when he hadn't answered her phone calls, entered the store while police were investigating her husband's slaying.

Police said the merchant, Bert C. Walker, had been shot twice in the head by a holdup man who apparently fled without a dime. The cash register was jammed and had been pounded with a blunt instrument. The dead man's wallet was still in his pocket. It contained a small amount of money.

The windows of the store were smashed when it was looted during last month's rioting, and the plywood that stood in their place blocked a view of much of the interior from the street.

It was the fourth slaying of a Washington area merchant in 15 days.

Capt. Eugene D. Gooding, commander of the Tenth Precinct, said the killing took place between 1:15 and 2 p.m., when the body was found.

Walker, who lived at 6518 8th ave., Hyattsville, and who had been in business at the store for more than 30 years, had called a nearby liquor store at 1:15 p.m., to order beer and cigarettes to take home.

At 2 p.m., John Bethea, 59, an employe of the Georgia Avenue Liquor Store, 3210 Georgia ave. nw., walked into Walker's paint and hardware store with the order. The store appeared to be empty and Bethea called out Walker's name. He searched and found Walker's body at the rear of the store, lying behind a counter.

Dr. Richard Whelton, District coroner, pronounced Walker dead at the scene at about 2:45 p.m. He said cursory examination showed Walker had been shot at least twice through the head. An autopsy will be performed today.

Police, who arrived shortly after 2 p.m., were followed soon after by Mrs. Walker.

Walker's store was looted and the windows were broken during the rioting April 5.

The first of the earlier slayings occurred April 29, with the fatal shooting of Benjamin Brown, 59, in his liquor store at 1100 9th st. nw. Next was Emery Wade, 40, an A&P store manager, killed May 3 in the store at 821 Southern ave., Oxon Hill, Md. The third victim was Charles Sweitzer, 59, a sun-

dries department manager in the Brinsfield Rexall Drug Store, 3939 South Capitol st., on May 7. Arrests have been made in each of the earlier cases.

SENATOR BENNETT CHALLENGES THE CREDIT UNION MOVEMENT

Mr. PERCY. Mr. President, our distinguished colleague, the Senator from Utah, addressed the International Credit Union Association International, Inc. in Madison, Wis., on May 10.

His remarks challenged the members of CUNA International to find new ways to make credit available to the poor. While pointing out that credit unions were first established to help members move out of the shadow of poverty by making credit available when other sources were closed to them, he called upon the credit union movement to meet these problems today as they have in the past.

I ask unanimous consent to insert this excellent speech into the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Then, Now, Tomorrow

(Speech by Senator Wallace F. Bennett, Republican, of Utah, before the International Credit Union Association—CUNA International, Inc.—May 10, 1968, in Madison. Wis.)

As I begin I want to express my deep and sincere appreciation for the privilege you have extended to me to participate in the program of your annual meeting. Because my activity in trying to develop what I consider to be a sound and workable consumer credit cost disclosure bill often seemed to bring me in conflict with positions taken by your association, I had never expected to have this privilege. Now that it has come, I appreciate it all the more.

No matter what our disagreement on the terms of this bill may have been, I have never been an opponent of the credit union movement. Actually, I took the initiative in organizing a credit union for the employees of the company I used to manage, and became a member of it myself. In fact, I think I could be called the ideal member. I've made a monthly deposit for years from which others have borrowed. I hope what I shall say tonight will reflect my interest—and my recognition of the service you have rendered and can still render.

Usually, one of the hardest parts of preparing a speech like this is the title—it's hard to find one—then it's harder to stay within its limitations. This time, the title literally set the pattern for the talk.

Let me repeat it again: "Then, now, and tomorrow."

In the beginning was the need.

In the beginning of the Credit Union movement was the need of the poor for credit. As far as I can learn the first and simplest response to that need was the creation of the Raiffeisen societies. These groups, which sprang up in Germany about 1850, were church-related cooperatives which applied their cooperative principles first to the accumulation of thrift capital among their members—and then to the use of that capital to make loans to these same members in order to increase their economic status. The units were small and self-contained.

About the same time another application of the same principles created a different kind of thrift credit cooperative which was developed under the leadership of Herman Schulze-Delitzsch. He opened up the membership of his societies to include everyone who would join—avoided church ties—and created what was essentially a cooperative banking system.

Both philosophical types are represented among today's credit unions. I belong to one that is company oriented and limits its service to its own small membership made up of employees of one firm. The greatest growth has been in the other type with broader potential membership and greater capital accumulation.

But while the same basic cooperative concept still underlies the credit union movement, the economic and technological world in which it operates has changed so much that neither Raiffeisen nor Schulze-Delitzsch would recognize it. In order to justify my title, "Then—Now—and Tomorrow", at the risk of re-telling an old story, let's take a look at some of the things that have happened in order to better focus our attention on what may lie ahead.

The key word, of course, is "change," but its most appropriate synonyms might be *proliferation* and *revolution*.

Let's look first at the thrift side of the coin. At about the same time cooperatives for consumer credit were being established, the development of so-called "building societies" began. These were also cooperatives, but they gathered savings over a longer time to provide down payments and mortgage credit for home building. When the amortized mortgage replaced the old-fashioned single payment one, these societies developed explosively in size and number and many of them became typical, privately owned corporations.

While their deposits are still called "shares" and their interest payments "dividends" they have attracted a great volume of savings from people who never intend to use those savings to buy a home, and they fund mortgages for all-comers, whether shareholders or not.

The traditional banking system has not taken this competitive challenge lying down, and it not only provides thrift deposit service on which it pays competitive interest, but has also developed a variety of term thrift instruments, modern certificates of deposit to attract personal savings.

And if this were not enough, the mutual fund concept has been devised to open the door to the stock market for the man of limited means, thus creating another new class of small investor-savers.

When we turn the coin over and look at the picture on the credit side the changes have been even more dramatic.

In the beginning the key words were cooperative credit. This was the unique contribution of the credit union movement, out of which grew the whole structure of modern consumer credit. In those earlier days the commercial banking system had no interest in the area of general consumer credit. The common basis for extending credit was against capital assets of reasonable liquidity, and most wage earners had very few of these.

My knowledge of credit history isn't deep enough to identify all the forces and factors that operated to change the basis for personal credit from assets to income, but I'm sure the credit unions were a major influence. This was obviously true for those that were company-based, and could therefore work out arrangements for debt payment deductions from wage and salary checks. This arrangement for deductions, in turn, was only practical after the Federal law required that payroll records be set up to accommodate deductions for social security.

I think the next newcomers to this area were probably the finance companies, beginning with those related to the automobile industry—and more recently to the burgeoning home appliance market.

By the time all this had happened, the philosophical concept that consumer credit could be safely based on income had become firmly set and at this point the commercial banks moved into the field, even to the largest and the most conservative.

But this was not to be the final proliferation. The latest and most rapidly growing entry into the field is the retail merchandising industry. Sales on credit had already been a part of their operation for many decades—but their credit program was essentially a convenience service—generally available only to those customers who didn't really need it. Under this concept, no charge was made for its use. Gradually, however, over the recent years, it has been used more and more as a competitive tool to enable the stores to sell (and their regular customers to buy) merchandise that they could not pay for in full in 30 days. Thus the system of revolving accounts, with its charge after 30 free days was a natural extension of the traditional costfree point-of-sale credit. It merely added the modern consumer-credit concept to the already existing convenience credit service—and the fact that this combination is an appealing one is demonstrated by its rapid growth.

These happenings—most of them over less than forty years, have not only created a revolution in competition between consumer credit plans but as true competition is supposed to do in the classic sense, they have greatly multiplied the market. The volume of consumer credit outstanding has increased by an average of about $6 billion per year—over the last five years, and at the end of 1967, it was just under $100 billion. This has, of course, produced not only greater dollar volume for every factor in the market but also greater incentive for each to get a bigger slice of the pie.

This battle for competitive position not only rages in the market place, but it has even moved into the halls of Congress. Here it has taken many forms, but there are two on which I would like to comment specifically.

Under the old pattern, before consumer credit became so impressive and inviting, each different type of credit supplier had its own method of figuring its credit charges and no one seemed too concerned with these differences. Your credit unions, most of whose collections came through weekly or monthly payroll deductions, quoted their rates on a monthly basis. In fact this was written into the law, I assume at your request. I can see great logic in this because most of us operate on monthly budgets and I think this is therefore still the most practical way of stating the rates of charge for consumer credit. Banks and finance companies on the other hand carried over from the pattern of their commercial loans, the practice of quoting their rates as dollars per hundred on the amount loaned. When merchants adopted their open-ended revolving charge systems, they built them around their long-established pattern of monthly statements—and so applied their charges monthly—as the credit unions do. In fact, the only type of consumer credit cost stated on an annual basis was mortgage credit.

When the credit cost disclosure bill was introduced nearly eight years ago, it sought to require a single uniform method of stating credit costs and selected the annual rate. This was natural theoretically, but if finally written into law will have the effect of forcing all major factors in the consumer credit market—credit unions—banks—finance companies and retail merchants—to change their patterns. Parenthetically, I think it would have been easier and more practicable to leave credit unions and merchants on a monthly rate and change the banks over to the same pattern but things haven't worked out that way.

This requirement for an annual rate has always reminded me of the old Greek legend about Procrustes. This mythical character was a highwayman who is said to have fastened every one of his victims to an iron bed and made their bodies fit. If the person's body was too short, he stretched it out, and if too long, he shortened their legs.

Then when the title, "Truth-in-lending" was adopted, we were presented with an impossible dilemma. Which did we want—conformity—or truth.

On revolving credit the actual annual rate differs for each account and cannot be calculated in advance. So you cannot have complete conformity and still have the truth. The conference committee is still divided on that subject. Some want conformity, some, of which I am one, want the truth. The debate reminds me of a famous Lincoln story about the legs of a dog. Someone said to Lincoln, "If you call a dog's tail a leg, how many legs has a dog?" Lincoln's answer was, "He still has only four. Just calling a tail a leg dosn't make it one."

I have been involved in the debate on this bill since the beginning and over the years it has become very clear to me that some of the testimony and political pressure has been created by a desire for competitive advantage, either to get a law which will allow the concealment of a higher cost—or forbid the revelation of a lower cost.

One fairly obvious effect of any credit cost disclosure bill we may pass is that it will tend to separate the lenders from the merchants and highlight the advantage the latter have had all along. Credit unions, banks, and finance companies have only one source of income for the service they render—their finance charge. And this must be fully disclosed. But merchants have two—their merchandising profit and their finance charge. Money is money—and charges for its use are easily comparable, but the variety of merchandise and brands is almost infinite. Price differences for apparently similar merchandise have always existed and are obviously accepted by the public. Therefore, part of the finance charge can easily disappear into the price ticket. In fact, there are already some reputable merchants who advertise, "No charge for credit". When I think of this I sometimes wonder how smart the pressure from money leaders for this bill really is.

Before I leave this subject I want to express two other doubts that have grown over my eight years of study of this bill. First, I seriously doubt that it will help the people in whose name it has been conceived—the poor and the economically illiterate.

Essentially these are people who have no firmly established credit standing, so they must buy or borrow where credit is available to them, and availability is more important than price. The membership of the early credit unions was made up of people in this class and you have helped move them out. Those who have been thus helped do have credit standing and therefore they can decide where to buy or borrow for reasons other than credit cost, such as loyalty, convenience, friendship and/or merchandise desirability.

The other doubt I have about the value of a bill like this is based on reported experience in those states which have already passed credit disclosure laws. What has happened? Nothing. No shift in credit patterns toward the lender with the lowest cost. No great public reaction to an exposure of higher rates. No rush to the courts. Nothing!

The other legislative pattern I want to mention is also a drive toward conformity. Not too many years ago the credit unions—the S&L's, the finance companies and the banks had different functions and were more or less content to stay in their own fields. But no more. Since the commercial banks are permitted by law to operate in the widest field of all, most legislation of the type I refer to is offered to allow credit unions and others to take on traditional banking functions.

Areas in which there is interest by credit unions which are traditionally within the province of other financial intermediaries include: long term real estate loans, traveler's checks, draft-a-loan service competing with checking accounts, revolving credit, insurance programs, a central facility to permit mobility of credit union funds, etc.

Savings and loan institutions are attempting to broaden into consumer lending, preferential treatment on rates during periods of credit stringency through Federal Reserve purchases of mortgages, a reduction in the proportion of their assets that must be invested in mortgages, broader geographical lending limitations, the right to guarantee saving rates for up to a year and a limitation on commercial banks ability to advertise rates for longer than one year. They are also seeking certificate of deposit instruments comparable to those being used by commercial banks.

Even the commercial banks who have had the widest field of operation are now also seeking new fields, including such things as the right to pool their small trust accounts—to operate mutual funds—to sell revenue bonds, provide computer service—and operate leasing organizations.

One credit union manager stated it this way, "Banks, savings and loans, and credit unions—three distinct breeds of cats—all with the alley cats' itch to get in each other's backyard . . ."

What all this could mean, of course, is that in the end, except perhaps for vestigial differences in name, we may find that we have created one vast system of identical financial intermediaries—with one set of controlling laws—and one pattern of taxation. Maybe this would be good, but I'm not sure. If that happens, maybe the search for a special type of lender to meet a special need will someday start all over again—like it did over a century ago in Germany, and some innovator will come forth with a new credit idea to break the monotony (or monopoly). In fact, as I shall try to point out later, that need may already be with us.

My announced title was, "Then—Now—and Tomorrow." Since I have already begun to speculate about the future, maybe I'd better move directly into that part of my talk.

I have already expressed my doubts about the ultimate value of the so-called truth-in-lending bill. I have much the same feeling about the ultimate effect of these suggestions for laws to wipe out the differences between the various types of lenders, not because I believe this should not be allowed to happen, but because I believe it is bound to happen, with or without laws.

While we are fighting over today's patterns, the outlines of tomorrow's credit system are already becoming visible. They are not being shaped by man-made laws, but by science.

Over the years cooperative credit based on assets has been replaced by consumer credit based on income. Now we are already edging into what may well be the credit equivalent of the atomic age, instant credit based on computers. Yes, not only instant credit, but instant asset transfers for nearly all commercial transactions.

Once, when we wanted to buy something for which we could not pay in full out of our immediate liquid assets, or had accumulated bills beyond our current reach, we borrowed cash, and carried it around to our creditors in our pockets and purses. Then we established bank accounts and wrote checks. Today's most modern convenience is the credit card—but these too will pass. We can already foresee the day when these will simply become servants in the new world of credit by computers. The technology already exists by which all our important financial transactions both income and outgo can be handled for us instantaneously and as part of this capability, we may even earn instant interest on our balances . . . Why not? Checks could disappear, and cash become more and more only a means of handling minor impulse purchases.

When this day comes, paper work will largely disappear, and credit judgment will also be automatic, based on a record of credit experience constantly kept up to the minute. The prospect boggles the imagination of people who grew up in the days of the handwritten journals and ledgers.

When the day comes when computers take over large central units of capital and computerized records must be established and all who grant credit, must be tied to each other electronically through this central system. Those who are left outside will find that their service will be inadequate and therefore unable to compete.

Where do CUNA and its members fit into the picture? Are you planning to develop your own separate computerized system or will your members want to make alliances with local systems so that they can get the same instant service that the majority of Americans will receive from other financial institutions.

This to me is your biggest future problem. Because of the nature of your operations most of you have not yet come into the check age, let alone the credit card era—and before long you may either be swept into the computer system or out of the big picture—which?

Perhaps I should stop here, *but before it ends*, a good speech should always return to the beginning and I have a special reason for doing just that tonight. I began with a reference to Raiffeisen societies arranged among the poor German peasants over a century ago. The seeds Raiffeisen and Herman Schulze-Delitzsch planted have grown and flourished around the world and produced a rich and vigorous crop of credit unions. Your success has been shared with your members, thus helping most of them to move out of the shadow of poverty. And, of course, this is what your services were intended to accomplish.

But for many people still living in poverty, numbering into the millions, in the countries you serve throughout the world, the problem of the availability of credit is just as real and serious as it was in Raffeisen's day. In fact, the present problems are probably even more dramatic because today's poor can see abundant credit all around them but they don't know how to obtain it or use it successfully.

In spite of all our progress in providing the varieties and volume of consumer credit, the very poor face the same problem their 19th century counterparts did—either no credit or credit at very high costs. It's easy to denounce the loan sharks and the purveyors of shoddy merchandise but for the very poor it's often this or nothing.

Recently the FTC made a survey of installment and retail sales practices in the District of Columbia because some of the prices for merchandise seem unconscionably high and the reason that such a condition could exist, difficult to understand.

For instance the report shows that a portable T.V. sold by a general market retailer for $129.95 cost $219.95 if bought in a neighborhood store in a low income area. Why? Can't the buyer read the ads? How can the highpricer stay in business? But somehow he does and everyone rather naturally assumes that these merchants must make a mint of money by exploiting the ignorance of their neighbors.

It's easy to get all wrought up emotionally about this kind of situation and too often we feel that when we have expressed our concern and indignation, our skirts are clear. All we have to do is call on Congress and pass a law. But when you look at the problem cold-bloodedly—as this report did, you discover that it is economic—not moral!

The FTC report says: "Despite their higher prices, net profit on sales for low income retailers was only slightly higher (4.7% as compared with 4.6%) and net profit on net worth was considerably lower when compared to general market retailers (General Department Stores—13.0%, Low Income Retailers—10.1%). Part of the answer is in the figures for debt losses—general retailers—0.3%, low income market retailers—6.7%—22 times as high."

I hold no brief for these people—I mention these figures to show that they, like their customers, are also victims of the same tragic situation credit unions were organized to cure.

This problem is a modern counterpart of the problem Raiffeisen faced. Can his principles of cooperative credit, and yours, be applied to this current manifestation of the age-old problem? If so, who will take the lead? Ours is a much more complicated society, and the problems of today's poor are rooted deeper in the more complex patterns of our modern industrial system, which has moved too fast for these unfortunates. It is axiomatic to say that their greatest single need is for education—knowledge on which to form sound judgment, and build the confidence necessary to move into the economic mainstream. An important part of this needed knowledge involves credit—what it is and how to use it wisely. Who will help them to acquire this knowledge?

"Then-Now-and Tomorrow"—the more the needs change the more they remain the same. The changes in operating patterns are just that, and should not be mistaken for changes in goals or purposes. Every so often, every organization faces the challenge of its own beginnings, particularly when it becomes successful. Success can breed complacency. The challenges of new peaks to climb fade before the comforts of the plateaus we have reached.

In the past—*Then*—your philosophical founders set in motion a great idea for social service. They found a solution for a great need. In the present—*Now*—you enjoy the power that comes from success in creating a great structure—a powerful machine. But, like every other group that has been successful, you also face the temptation of the inevitable change of motivation that comes with success. Too often the incentive for service is weakened by the enjoyment of the satisfactions that come from the mere operation of the machine. Just to do this gives a sense of power and creates a vested interest in maintaining the staus quo.

In the beginning was the need. The same need is present today and will still be there in the future. The need was your challenge then. It faces you now. It still must be met tomorrow!

Will you be there to meet it—or must a new Raiffeisen rise up to replace you because your course is set only for growth and an increasing share of the affluent market for consumer credit?

You have done well in meeting the challenges of the past.

How well do you feel you are doing in meeting the problems of today?

And what about tomorrow?

PLIGHT OF NEGRO SOLDIER IN VIETNAM

Mr. KENNEDY of Massachusetts. Mr. President, as a member for many years of the Senate Subcommittee on Veterans' Affairs—and as its present chairman—I have been concerned about a variety of problems faced by the returning serviceman, both before he returns and after he returns.

For the Negro, Mr. President, the experience of serving in our Armed Forces has been a cause both for hope and for disappointment. And nowhere has this been more evident than in the conflict in Vietnam.

There is hope, because often in the pressure of battle conditions the discrimination which he may have known at home has been overcome in a spirit of fighting for a common cause—fighting which knows no distinction between white skin and black skin. But there is also disappointment. First, the notion that there is no discrimination or racial distinction on the battlefield clearly is not always true. And second, the memory and the anticipation of treatment back home is not always encouraging.

I would like to call the attention of the Senate to an important and informative series of articles recently published in the Washington Star by Paul Hathaway, who spent nearly 2 months in Vietnam talking to Negro soldiers, from privates to commissioned officers, in Saigon and in the field, and to returned Negro veterans in Washington and other cities.

Mr. President, I ask unanimous consent that this series of articles be placed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE NEGRO AT WAR—SOME DISTURBING QUESTIONS ARE RAISED

(By Paul Hathaway)

In Vietnam, when a white soldier asks the latest arrival from the states "How are things back in the world?" he's just getting the conversational ball rolling.

But when a Negro soldier asks the ques- it's not just conversation. He is asking for specifics: Are things any different back home? When this is over, am I going back to the same world I left?

In a nutshell, this tells the story of the Negro in Vietnam.

It would be pleasant to be able to report that in the crucible of war color differences fade and that in the task of fighting for his country side by side with his white comrades, the black soldier finds a commitment that relieves him of his burden of bitterness and tension.

In fact, when The Star's editors assigned this reporter to go to Vietnam and talk to Negro soldiers about how they felt about their country and the war and their future, it was in the expectation that that picture would emerge.

It didn't.

For most Negro soldiers in Vietnam it is as though they never left the ghetto. Its agony and its hope, its hate and its love, its violence and its security have come with them to that war-shattered land.

The Pentagon says that when 1968 began, there were 56,000 Negroes in the armed forces in Vietnam, 9.8 percent of our total fighting force. These men are doing all the things that white men do in a war. They live. They die. They kill. They cry. They run away. They curse. They pray. Then they go home. And that is what they think about most.

The black soldier may be eulogized in this war as he has been in others—from Crispus Attucks, who led anti-British agitators against the British in 1770 in the Boston Massacre, to posthumous Medal of Honor winner Pfc. Milton Lee Olive III, who threw himself on a Viet Cong grenade to protect his comrades.

But the reality of the Negro soldier in this war as a person will not be recorded so easily. He is a complicated, troubled, sometimes angry man. He is asking himself some disturbing questions: Is he black first and American second or American first and black second; is he fighting in a white man's war; might the so-called enemy really be his ally in war of the races; is he being used as cannon fodder; is he fighting for his freedom or for someone else's; are the patterns of denial and discrimination that he has known in the states still with him here amidst the red dust and sing-song language?

The answers are not easy for today's Negro soldier. Ironically, they are not as easy as they were in World War II, when two segregated American armies, one black, the other white, fought a common enemy.

Now the armed forces are desegregated—have been, in fact, since the Korean war. But now, also, there have been difficult questions raised for the Negro about the war and his role in it.

The late Dr. Martin Luther King Jr. questioned the morality of the war, as well as the black man's involvement in it.

Muhammad Ali, the former black heavyweight boxing champion, refused induction into the Army on the grounds that he was a Black Muslim minister. He called the Vietnam conflict a white man's war, saying he would not fight his brown brothers in Vietnam.

On a street corner on Washington's 14th Street, in the heart of the city's riot-torn ghetto, members of the anti-war black radical Student Nonviolent Coordination Committee taunted Negro soldiers patrolling the area: "Red China's gonna get you, baby."

DISAFFECTION STRONG

In a month of interviewing hundreds of Negro soldiers all over Vietnam, from the Mekong Delta to the demilitarized zone, this reporter found strong disaffection among black soldiers with the war and their role in it.

Eighty to 85 percent of those interviewed expressed negative feelings about the purposes and the objectives of the war or about the military's treatment of Negroes or about both. Usually, it was both.

Some 15 to 20 percent felt there was no difference between themselves and their white counterparts, that it was a war being fought by the "free world" against Communist attempts to take over Southeast Asia; and that if the war were not being fought in Vietnam, it would be fought back in the United States, perhaps even in the ghetto.

Many of these soldiers felt that those whites who were prejudiced toward Negroes would change after the war, that physical integration on the battlefield would lead to greater understanding between people. Some appeared to welcome Vietnam, with the challenges it presented, as a way to achieve manhood in a world that calls them "boy."

A definite pattern emerged early in the interviewing. Usually, the soldier who expressed negative feelings was in his early 20s and had been drafted or had joined the service because he was about to be drafted. He was not serving his country so much as he was serving his time.

In most cases, he had a minimal amount of education. Perhaps he was a high school dropout. He usually had no desire to reenlist, even though he expressed strong doubts about the kind of life offered him as a Negro back home.

"You go back and tell LBJ that if he extends our tour of duty over here, the brothers are gonna riot," said a paratrooper in Pleiku. "I want to go back to the block, bad as it is."

On the other side, the Negro soldier who identified most with the war and the service usually was in his late 20s or early 30s. He either was already a career soldier or planned to make the service his life. He usually was at least a high school graduate and often had a year or more of college.

He was well integrated in the service and had close associations with whites. He seemed to feel he had been treated fairly in terms of assignments and promotions.

As if it were some sort of medal earned by his diligence, he would trundle out in conversation the kind of security the Army life offered him in Vietnam and his family back in the States.

He would talk hopefully about the future, about the big pension he would be getting in addition to whatever he was going to be doing later. He seemed to have no fear or self-doubt about looking around for a new career or completing college at the age of 39 or 40.

ASSUMES ALL ALIKE

A Negro field grade officer interviewed felt that many Negro enlisted men live with white soldiers of a low socio-economic level who have little education and are more inclined to have feelings of prejudice. Thus, he said, the Negro soldier, who usually has had few past associations with whites, assumes that all whites are the same.

"Most of the people I work with are college-trained, a little more worldly, a little less likely to be jealous or suspicious of Negroes," the officer said.

Most Negro soldiers were interviewed alone, Negro to Negro, for this series of articles. No interview was conducted in the presence of white men or higher-ranking military personnel.

Seldom did a soldier refuse to be interviewed. Most seemed to look at the interview as therapeutic, as though the soldier had been waiting for someone to whom he could unburden himself.

Despite the negative feelings expressed generally about the war and whites by Negro soldiers, most of them have a hawkish attitude toward the fighting. As long as the United States is committed to the war and they are helping to fight it, they believe in going all-out to win. They scoff at bombing pauses and the limited aspects of the war.

Like many of their white counterparts, many Negro soldiers have a callous disregard for the Vietnamese people, a disregard bordering on contempt.

To many black soldiers who see their lives threatened by war, the Vietnamese are not so much people as they are obstructions that must be overcome. They are people who refuse to help themselves, who should be able to lift themselves by their own bootstraps without American help. These soldiers don't appear to recognize the similarity between this attitude and the attitudes they most deeply resent at home.

In Hue, a squat, gold-toothed Negro soldier in an oversized helmet spat angrily into the turbid waters of the Perfume River and stared across the street at a group of South Vietnamese soldiers looting abandoned and damaged stores in the city's business district, oblivious to the mortar blasts and machine gun fire that shook the area.

"Look at them," said the soldier. "They're all the same, soldiers or civilians. They steal from each other. They cheat. They lie. Most of those people aren't worth saving, man."

Suddenly sniper fire hit less than 25 yards away and he and the reporter scrambled on their stomachs to safety behind a tree. Still, he talked about the Vietnamese, about what he would do if he were commander-in-chief.

THEY'RE NO GOOD

"I'd pull every American out of this country and then I'd drop one big atomic bomb, bomb every one of 'em off the map. They're just no good. That's all."

Minutes earlier, this same soldier had expressed the strong belief that "chuck" (white) officers placed Negroes in untenable battle positions so they would be killed off "and there would be one less nigger to worry about back home."

In Nah Trang, an Army corporal lamented the limitations put on the fighting.

"What kind of a war is this?" he snarled, slamming the palm of his hand hard on the mess table before him. "We can't shoot this. We can't shoot that. You can't bomb this. You can't bomb that."

His stubby firefinger drew imaginary lines on the table.

"There's only one way, one way to win this war," he said in a half-whisper, as though he held the final solution to the Vietnamese problem and he were keeping it secret until the right moment. "Treat all Vietnamese the same—the soldiers, the civilians. Let's take over the whole country, I mean really take it over. Treat all the South Vietnamese as the enemy. Don't trust the enemy. Then there'll be no more Viet Cong infiltration. No more enemy. That's how we'll win the war and get out of here."

Someone asked if this would be fair to the Vietnamese people.

"Who cares about them?" he shrugged. "Who cares? I don't. Who can respect anyone who sits around eating fish heads and rice all day."

A POTENTIAL ALLY?

Despite the attitude toward the Vietnamese, many of these same Negro soldiers believe—or would like to believe—that the enemy sees the black man as a potential ally.

Scores of unconfirmed stories circulate among black soldiers in which the enemy treats the Negro either as a friend or as a neutral party.

"Man, I hear the gooks (the Vietnamese) got these seven soldiers and they killed all six whites and they let this one blood (Negro) go," said an excited Negro. "And intelligence has had this guy for days asking him how come they let him go and how come they didn't kill him, too. But this cat ain't telling them nothing."

Belief in these stories is strengthened by Viet Cong and North Vietnamese leaflets aimed at American troops which address the Negro soldier this way:

"Black man, why are you fighting here? We don't want to fight you. Your war is against the white man back home."

One Negro soldier admitted that in the midst of the shooting at him, he is moved by the enemy's appeal.

"And I think to myself, 'Man, you're right.' "

The Negro at War—The Problem Is Back Home

(By Paul Hathaway)

Enemy rocket blasts shook crowded Da Nang Air Terminal. But Marine Pfc. James Barnes did not seem to hear them. He stretched his long legs and closed his eyes, trying to reconstruct the nightmare he had lived through as an infantryman in the war-ravaged northern provinces of South Vietnam.

What he would always remember most about the north, he said, was seeing his friends, Negroes like himself, die as though their lives were light switches that could be turned off.

Barnes, 20, of Newark, N.J., said he thought he would write a book about it some day—about Vietnam and about black soldiers and their problems with the war and with the whites. In his book, there would be no heroes and no villians, just people trying to survive. It had to be written, he said.

He talked with the conviction of a man who has decided to put off writing The Psalms until tomorrow.

"I can't see the war," he said, shaking his head. "I can't see it at all. I can't see killing somebody you might be buying a drink for back home. Maybe I would buy him a drink before I'd buy for one of the chucks (white). I can't tell. I mean, how do I know the guy I'm fighting isn't a guy just like me? Somebody who just doesn't want to be bothered with nothing, somebody who wants to be left alone?

He groaned and folded his arms.

"I'm sick of it," he said. "So sick. . . . They say we're fighting to free the people of South Vietnam. But Newark wasn't free. Was Watts? Was Detroit? I mean, which is more important, home or here?

"I can't see it. . . . I hope my friends died for something. But I don't know. I seen too much war to be 20. Walk past your best friend, dead, and you don't even really recognize him. People killed. For what? For nothing. Let me go home. That's where the problem is."

Barnes was on his way south for duty in Saigon for a few days before returning north.

He continued talking like a man who is being pursued by something he cannot quite see or understand.

"It's lonesome and scary up north for the brothers," he said, biting his lip nervously. "Sure, we fought together with the whites. We fight with 'em and we fight against them."

He expressed a belief often heard among Negro soldiers that they are given the more dangerous assignments in combat areas.

"When you're on patrol and moving into an area, it's always the Negro who's walking point (up front). That means he's the first to get it if a mine explodes," he said. "That's the kind of assignment we get from the whites. Harassment. Nothing but harassment. Look at the guys who go out on sweeps, who protect hills. Brothers, as many brothers as they can find."

Proof that this actually occurs can't be found, and military officials emphatically deny it. They say that all assignments, dangerous and safe, are distributed without regard to race.

But an important fact is that many Negro soldiers are convinced such lethal discrimination does occur and that as a result they suffer an inordinate number of battle casualties.

In Can Tho in the Mekong Delta, a Negro soldier sat in a bar wondering aloud to a Negro friend if someone—some white—was trying to kill off Negro soldiers.

"The other night we were on patrol, all brothers," he said. "The whites were on guard. We got through the night without any trouble. But, afterwards, I got to thinking, what if this was an ambush? We'd be wiped out and the whites would be safe."

"Well," said the other, "the guys on guard duty could have been hit and you would have been the safe ones. You ever think of it that way?"

The first Negro soldier shrugged and didn't reply.

In Dong Ha, a Marine private said he thought the Negro death rate was as high as 60 percent.

"I think we're being killed off," he said. "I think we're being used. That's what."

Defense Department figures show that the percentage of Negroes killed in Vietnam is slightly higher than for whites, a statistic the Pentagon explains is due to the higher percentage of Negroes in elite volunteer combat units and the high percentage of Negro non-commissioned officers.

The official figures show there were 56,000 Negroes in the armed forces in Vietnam on Jan. 1, 1968, 9.8 percent of the total fighting force. In over-all deaths, Negroes in the six years prior to last Jan. 1 had been killed at a rate of 14.1 percent. For 1967, there were 9,378 killed, of which 1,192—12.7 percent—were Negro.

The Army had 37,500 Negroes among its 337,000-man force—11.1 percent. In the six year period, there were 9,599 deaths, of which 1,565—16.3 percent—were Negro. In 1967, 13.5 percent of the soldiers killed were Negroes—733 of 5,443.

8.2 PERCENT IN MARINES

In the Marines, there were 6,500 Negroes, 8.2 percent of a total Marine force of 78,000. Over the six-year period, Negroes accounted for 644 of 5,479 deaths, 12.1 percent. In 1967, 441 Negro Marines were killed, 12.8 percent of the 3,452 Marines killed.

Of 83,000 Air Force men on Jan. 1, 9,000 were Negro—10.5 percent. The six-year death rate for Negroes was 3.3 percent—13 of 434. In 1967, the Negro death rate was 5.2 percent—9 of 172.

There were 3,000 Negroes among the 69,500 Navy personnel—4.7 percent. The six-year Negro death rate was 1.9 percent—10 to 510. For 1967, the Negro death rate was 2.9 percent—9 of 311.

Though the Negro makes up 9.8 percent of the armed forces in Vietnam, he constitutes about 20 percent of the combat troops and more than 25 percent of such elite Army units as the paratroops.

Some have estimated Negro participation in airborne units at from 45 to 60 percent.

Statistics also show that one of every four of the Army's front-line supervisors in the grades of sergeant first-class and master sergeant is a Negro.

The re-enlistment rate for first-term Army men is also significantly higher among Negroes. In 1965, this rate was 49.3 percent for Negroes and 13.7 percent for whites.

It also has been noted that the Negro is a more likely candidate for the infantry during his first enlistment because of a lack of skills and education. Some Negroes claim that those who make the assignments simply assume that the Negro is unskilled and therefore that he will be useful mainly in a combat unit.

OFFICER GAP HIT

Negro soldiers also complain about the lack of black officers.

The Defense Department said it has no figures on the number of Negro commissioned officers in Vietnam, but that over-all figures for the armed services presumably apply for the combat zone. The latest figures the Pentagon was able to provide are of Dec. 31, 1966. They show the Army with 4,064 Negro officers, 3.6 percent; 264 or 0.3 percent in the Navy; 132 or 0.6 percent in the Marines; and 2,261 or 1.7 percent in the Air Force.

Many Negro soldiers claim their negative attitude toward the war can be blamed on the situation back home and not on the war itself.

In Phu Bai, Marine Pfc. Richard L. Gray Jr. of Fairmont, W.Va., said last summer's riots increased tension between black and white in his area, the northern provinces where the heaviest fighting has been.

Gray said that when the Detroit riots erupted last summer, a group of Negro soldiers from the city started a disturbance one night during a movie in the mess hall. It was quickly put down by military police.

"It seemed like when the rioting broke out back home, they felt that they had something more important to do back in The World (the United States). It seemed like they wanted to be back there kicking somebody, too."

Another Negro soldier confirmed reports that a number of soldiers, particularly in the northern provinces, have turned to smoking marijuana.

"You can't blame them," he said. "You'd have to take something or go out of your mind. . . . But I do think that if you took a count, you'd find that there were more brothers smoking them than whites. Like back in the states, you got more Negroes taking drugs than whites. I think it's because the brothers have more problems here and in The World."

MUHAMMAD ALI DISCUSSED

In Dong Ha, 10 miles from the Demilitarized Zone, Marine Pfc. Richard Strothers, 21, of Roxbury, Mass., sat on his bunk listening to a record by Gladys Knight and the Pips on his battery-operated phonograph and talking about Muhammad Ali, former world heavyweight champion.

Strothers said he could not believe Ali is a coward because he had refused induction into the Army. Ali technically refused induction because he is a Muslim minister. But he also said he considered the Vietnam conflict a white man's war.

"You know there must be something more to the man," said the smooth-faced Strothers. "How could he be a champion of the world and be a coward?"

"Who knows?" said Strothers, echoing sentiments often expressed in Vietnam by other Negro soldiers. "If I had to do it again, I might have done the same thing."

He had joined the Marines because the draft was imminent and because the Marines had a glamorous tradition. But now, 10 miles from the DMZ, where the enemy lobbed in rockets every hour and you slept with your flak jacket and your helmet nearby, glamour had degenerated into fear.

"This is no man's war," he said. "And certainly not a colored man's. When people can't live together back home, I can't see coming over here fighting."

In Vietnam, he said, he had encountered all of the discrimination he hoped he had left behind in the states.

Suddenly, a rocket hit within several hundred yards of the area, kicking clouds of red dust high in the air, and Strothers, picking up his flak jacket and his helmet, bolted out the door of his billet with a reporter and they scrambled into a narrow 8-foot-deep bunker head first.

Strothers turned away from white soldiers standing in the bunker three feet away as he continued his story.

I WANT A NIGGER

In Phu Bai, Strothers and a group of Negro friends were playing cards at a club when a white soldier wandered in, drunk, shouting, "I want a nigger."

Strothers took him on. Later, as punishment, Strothers was given a slap on the wrist, one day of office duty. The white soldier was fined $50.

Strothers felt the white soldier should have been punished more severely for instigating the incident.

"The judge told me I should have turned the other cheek," he said. "That's been the colored people's problem all these years. We been turning the other cheek."

Strothers looked at his watch and sighed. It was 4 p.m. and Israel X had not returned.

Israel X or Pvt. Israel X. McCoy, who Strothers said is a Black Muslim, is the unofficial leader of a group of about 40 Negroes at Dong Ha. Strothers said he had been sent to Khe Sanh on kitchen duty for "bugging the brass."

"They don't like Israel," said Strothers. "He speaks his mind. When the brother isn't treated right, Israel X speaks up. He's the leader."

Israel X's bunk sits in the corner of Strother's billet. The corner is a kind of khaki-colored monument to blackness.

MOTTOES ON LOCKER

Graffiti are scrawled on Israel X's locker: "Up, You Mightly Race," "Africa for the Africans at home and abroad," "The Black Mood," and "There is no law but strength. No justice but power."

The names of the black brothers are meticulously inscribed on Xs locker in thick black letters: McCoy, Strothers, McIntyre, Wallace, Vernell, Caesar.

For months the brothers had been meeting at nights in the hooches in the far end of Dong Ha. Here in this embattled outpost, they had created their own ghetto.

"It's the war that makes us hang out together," said Pvt. George F. Washington, 19, of 1444 Rock Creek Ford Road, Washington. "When you're this close to death, you feel more secure with your own."

In Nha Trang on the coast, the only hint that there is a war on is the barbed wire in front of the compounds. After the Tet offensive, there was only a minimal curfew. On weekends, soldiers hold cookouts and play touch football on glistening white beaches.

Officers and noncommissioned officers live in stucco-type villas that are close to a road where pretty, long-haired Vietnamese girls stroll by in floating ao dais, the traditional Vietnamese dress.

But there is a black anger, too.

Army Spec. 4 William F. Washington from Los Angeles criticized stories he had read in newspapers and magazines about the harmony of black and white soldiers on the battlefield.

As a group of five Negro soldiers sat around a mess table nodding their heads in agreement, Washington snarled: "All this talk about integration in the foxhole. Well, why not? Why not? You cover his hide and he covers yours. Thats how you survive . . .

"But, you see, that doesn't mean that he's going to treat you any different when he gets back in The World. It's just that you need each other more now."

It was that way in Nha Trang, he said. The whites talked with them, worked with them. But when it came to going downtown to the bars and to the women, the whites went their way and the Negroes went theirs.

"And when I get up in the morning in the barracks and I don't speak to no one, the white soldiers will say, 'Washington, what's the matter with you?' I don't answer. But I want to say, 'Man, don't you know? Don't you know by now?' "

[From the Washington Star, May 8, 1968]

THE NEGRO AT WAR—"I'LL STICK WITH MY COUNTRY"

(By Paul Hathaway)

It has never occurred to Marine Cpl. Hosea Dyson that he is anything but a soldier. To him, being black is irrelevant in a war.

He scoffed at any thought that the war in Vietnam is a white man's war.

In war, he said, there are no Negroes, no whites; there are only those who gain glory in fighting for a cause they believe in.

"It's everyone's war," said the husky, soft-voiced Dyson, a 22-year-old graduate of a small community college in Chicago, where he had attended an integrated high school. We were talking aboard a plane on the way to Da Nang from Saigon.

Unlike many other Negro soldiers in Vietnam who are disillusioned with the war and their role in it, Dyson saw purpose and direction in the conflict.

"I'm an American citizen first," he said. "It's the only country, the only life I know. I can't turn my back on it, even though I know its been wrong many times, particularly about colored people. I feel I have a sense of responsibility and I'll stick with my country."

Since he was 6 years old, when he saw a blue-uniformed Marine carrying the colors, Dyson wanted to be a Marine. Two years ago, he enlisted in his home town of Chicago.

"I've never looked at white people as beasts," he said. "They're people. And I am people. They respect me and I respect them. The Negroes who don't feel comfortable around whites are the ones who never took the time to know them. I always caution guys when they start talking about the white man. I usually ask them to ask themselves if they are really being fair with themselves and with whites. Sometimes, they understand."

As a squad leader, Dyson helped defend artillery installations on hills overlooking the Demilitarized Zone. Over a three-month period, he saw mortar fire cut down eight of the 15 men in his squad.

Once a mortar barrage buried him in a bunker for 45 minutes. Another time, a rocket exploded nearby, killing his buddy a foot away and perforating both of Dyson's eardrums.

"Once when a white soldier left my squad, he shook my hand and told me he'd been proud to be in the same foxhole with me," said Dyson. "It made me feel good, so good. I would have felt good if a Negro had said it, but it struck me that someone white should do it."

Dyson feels that war doesn't give a man time to think about color.

"In war, there isn't any color line," said Dyson. "Charlie (the enemy) doesn't care whether you're black or white. So you have to work together. You depend on each other to survive out there."

But what happens after the war? Will white attitudes change then?

"I think war changes men," he said. "It will make a difference when we get back. Out here, they see us as people. Before, you were just a shadow or something. Now they know you."

He recalled a night near the DMZ when part of the squad was cut off from the other during an ambush and he and his men were crawling through the jungle to retrieve the dead bodies of squad members.

"We didn't care whether they were black or white, then," he said. "We just wanted to get them back so they could have a decent burial. . . . That's the thing about being a Marine. I don't care about dying so much. I've learned to live with the idea my time might come. It's my parents and my girl I would feel sorry for, not for myself. But, at least, I know one thing. I've got friends here, black and white, who would find my body and bring it back."

BADGE OF EQUALITY

To some Negro soldiers, Vietnam has become a kind of symbolic mission to prove their manhood. For them, Vietnam is a badge of equality, proof that they belong, though they are not necessarily certain it will open new doors when they finish their tour of duty.

They come to Vietnam burning with the ambition to prove themselves, with the idea that the world owes them the dignity of at least recognizing that they exist.

In Pleiku, Spec. 4 Lawrence Harkless, of the 173rd Airborne Division, a former policeman in Watts, spoke of the large number of Negroes who join the elite groups such as the Airborne.

"We join because of pride and the $55 extra a month," he said. "It's a challenge. The brother likes the challenge. We're tough and we want everybody to know it."

He thought about returning home.

"When I get home, I don't want anyone to mess with me in the block. 'Cause I'm a man. If they never noticed before, they better notice now."

For some, Vietnam offers more security than the world they knew back in the States.

A ROLE TO PLAY

Marine S/Sgt. Leon Thomas, 30, stationed at Camp Carroll near Khe Sanh, felt soldiering, even in Vietnam, offered more than civilian life. Thomas, a veteran of 11 years and a native of Cincinnati, said, "It's not like World War II, when the Army was segregated and the Negro didn't have any responsibility. Here we have a role to play. We can see our progress."

Civilian life, Thomas said, was different.

"I don't know if I could live as a civilian," he said. "I could work at a job for eight years and no one would give me a promotion and I'd probably have no recourse. But here in the Marines, you can see your progress, you can have the responsibility."

As for facing civilian life again some day, Thomas said, "I don't think I have to beg anyone when I get out. I can say, 'Look here, white man. I proved myself. Give me what's coming to me.' "

Thomas conceded that many of the younger Negro soldiers have assumed a more militant posture toward racial problems.

"Maybe it's because they were in the States more recently and for a longer time than some of us older fellows. But they seem to be a little more caught up in what's happening back home than us."

Marine Cpl. William Bellamy, 22 of Tarboro, N.C., admitted that there is a growing contingent of anti-white, anti-war Negroes in Vietnam which he keeps at arm's length.

"Many," he said "talk continually about how they are being treated unfairly. But I can never get anything specific from them. As far as I am concerned, I am treated like anyone else. I've been with some whites since Camp Lejeune and not one of them has ever treated me with anything but respect."

DEPUTY ADVISER

Lt. Col. Howard Moon, 38, joined the Army right out of Central State in Ohio in 1949. It was a segregated Army then. The few Negro officers usually were assigned to supply or mess.

"I joined the Army because nothing else seemed to be available in my home town back in Columbus, Ohio," he said. "I could be a schoolteacher, maybe. But I didn't really want that. So I joined the Army. I felt it offered me more of an opportunity than anything else."

Today, Moon is deputy senior adviser to the chief of Thua Thien province in Hue.

Vietnam is every American's responsibility, he said.

"We have a commitment here to people," he says. "If we leave, the lives of these people will be dominated by the Viet Cong. Any Negro should be able to understand this. They should know what being dominated means. These people trust us. They know we'll rebuild Hue. But they also know that the Viet Cong would not lift a finger to rebuild it."

Moon feels that the Army offers an opportunity to Negroes that could not be found in civilian life.

"It gives the Negro a chance to be heard," he said. "We have responsibilities in the Army that we might not find in the private sector of life. The Army life offers Negroes the chance to express themselves and make themselves heard."

But, he added, many of the younger Negro officers apparently are not re-enlisting as opportunities for minority groups develop in private industry.

"Those who might have re-enlisted a few years ago are not doing it now because they have a chance to make economic gains in areas that wouldn't have accepted them earlier," said Moon.

THINGS HAVE CHANGED

First Lt. William Pettis, 30, is serving with the 172nd Engineer Detachment. He joined the Army 10 years ago after working for almost two years as a gas station attendant and dishwasher. After serving as a non-commissioned officer for five years, he became an officer two years ago.

"I felt that on the basis of what I found in civilian life that I could only do better by joining the Army," he said. "I was right."

Pettis, who comes from Aberdeen, Md., remembers that when he had basic training at Fort Jackson, S.C., there were separate barber shops for black and white.

"Things have changed since then," he said. "I feel I can get a fairer shake here than in civilian life."

Pettis sees no discrimination in promotions as other Negro soldiers have charged. He is due for promotion to captain later this year.

To the argument that this is a white man's war, Pettis said, "What do those guys want back home? It's our freedom we're fighting for, too. If we don't fight here, the Communists will take over our country, too. And the ghetto will have even less than it does now."

THE NEGRO AT WAR—JUST FINDING A JOB IS WORK

(By Paul Hathaway)

Two years ago, Johnnie Britt joined the Marines because he was only hanging around street corners and he was afraid he'd get into trouble.

Today, Britt, 19, is back in Oakland, Calif., from Vietnam, looking for a job and afraid he'll get into trouble before he finds one.

Since he was discharged last June, his efforts to find a job have been fruitless.

"A few times I've almost given up," he says. "I was ready to go back into the service. But I've always held myself back. After all, it didn't help me before. Why should it help me now?"

Britt, a lean, intense youth with two front teeth missing, lives with his parents, two brothers and a sister. His service unemployment money ran out in December. From 9 a.m. to 5 p.m. each day, he wanders the Bay area looking for a job.

Sometimes he caddies at a local golf course for $10 a day. That is the closest he has come to steady work.

Britt admits that his efforts are blunted by his lack of education. He quit school in the 11th grade to join the Marines because he didn't feel he was learning anything. In the Marines, he was placed in the infantry.

Early last year, he was sent to Vietnam. At Chu Lai, the war wore him down physically and mentally. In April of 1967, he was sent home with a bad case of war nerves and given an honorable discharge.

For the first month he was home, he didn't try to find a job. He felt it would be easy once he started looking. But it wasn't. He said he has looked everywhere—from state, city and federal agencies to private industry. Either he lacks the qualifications or the job is taken.

Each day, Britt keeps looking.

"I keep telling myself that it can't last forever, that I can't stay a loser forever," he said. "But sometimes I wonder. Maybe it will just go on and on."

Britt was referred to the Bay Area Urban League by the local Veterans Administration office. Costel N. Akrie, veterans' affairs coordinator for the league, has been trying to help Britt.

Early this year, the National Urban League established veterans offices in nine cities to assist Negro veterans in adjusting to civilian life. The national program is supervised by Frank R. Steele, a retired Army major. Akrie is one of nine veterans' affairs coordinators working under Steele.

The program was the idea of Whitney Young Jr., executive director of the Urban League. It has received a $100,000 a year grant from the Rockefeller Brothers Fund. Another 50 members of the league's Commerce and Industry Council, which includes Time Inc., Westinghouse, Ford Motor Co. and Eastman Kodak, will give another $77,000.

In his successful proposal to the fund, Young said that his meetings with Negro soldiers in Vietnam indicated that they "could be either America's greatest opportunity for progress in civil rights, if planned for and properly directed; or America's most tragic experience, if they who have given so much and have developed such unusual qualities are ignored, and inadequate plans made for their re-entry into the mainstream of civilian life."

Akrie, 36, served in the Army in the Korean War. He said that the veterans' ability to make an adjustment to civilian life will depend largely upon what kind of training and education they had before entering the service.

"If he does not have an education, a high school diploma or something, then he is damn near unemployable," said Akrie. "Despite his youth, he is the same as the uneducated guy in World War II or the Korean War. He's at a dead end. The kid comes back from Vietnam. He sees black veterans from other wars fighting the same problems and he asks himself, 'Is this going to happen to me?' "

In the Bay Area, said Akrie, many employers have expressed a desire to help the Urban League program but they have been slow on "follow through."

EDUCATION STRESSED

Akrie said he feels that changes must be made in military as well as civilian life. He favors legislation stipulating that all services require that their personnel receive the equivalent of a high school education before they complete a tour of duty.

In this way, he said, there will be better preparation for the transition to civilian life, where good jobs come hard to the uneducated and the undereducated.

Many service responsibilities do not lend themselves to civilian adjustment, says Akrie. An anti-aircraft technician, a demolition expert or a rifleman had little chance to correlate his former job with one in civilian life," he added.

"Unfortunately, many Negroes fall into these categories," said Akrie. "They went into the service without an education or with an incomplete one, and they are put into a job that does not train them for anything useful in civilian life. They come out with the same problem they had before they went in."

Then, he said, there is the problem of the hypocrisy of the power structure.

"They tell us we need college degrees," he said. "But there are few Negroes that have them. The kind of people industry asks for, we are sometimes unable to supply. They will require a bachelor's degree from a Negro for a particular kind of job, but a high school diploma from a white veteran."

He said he knows of three men with from two to four years of college experience who are working at post office jobs because they have been unable to find anything else. Another, with two years of college, had a custodial job.

NOT ENOUGH MONEY

Leaford Williams, Akrie's Washington counterpart, said he felt that the federal government has failed to meet its responsibility to help veterans. Because they are on the lower end of the social strata, he says, Negroes suffer most.

The government, Williams said, has failed to upgrade the Veterans Preference Act of 1944, which eliminates certain educational requirements for veterans for jobs up to GS–5 at $5,867 a year.

"The federal bureaucracy makes it impossible for veterans to receive consideration even for these jobs," said Leaford. "But even if they were to be considered, it is certainly not enough money."

W. Morton Webster, head of the Southern California regional office of the Veterans Administration, the largest VA office in the country, said that 40 percent of the soldiers returning to his region are either Negro or Mexican-American.

"The average veteran finds a job in five weeks from the time he gets home," he said. "But we find that most of the Mexican-Americans and the Negroes are underemployed. It's not the kind of job that will offer them any kind of future." But government statistics indicate the Negro veteran earns $1,000 more a year than the Negro non-veteran.

It has been estimated that about 41,000 Negroes will be returning to civilian life this year. About 5,000 will have served in Vietnam.

Government agencies have put together a composite picture of the Negro veteran. He is about 22 and has an average of 10 years of education, compared with eight and one-half years for Negro men in general.

VETERANS EARN MORE

More Negroes than whites take advantage of various GI education and vocational-training programs. About 53 percent of the black veterans are reportedly ready to return to school, compared with 45 percent of the whites.

Most of the Negroes who have gone into the military service in the last few years are in the upper 40 percent of all Negroes of draft age mentally and physically, according to U.S. officials. Only two out of five Negroes qualify for the armed forces under existing regulations. Most of the rest fail the mental portion of the armed forces' qualification test.

Only a few of the more recent veterans have had adequate civilian job experience. Government labor experts estimate that eight out of 10 could benefit from more education or training before they look for jobs.

Government figures show that today's Negro veterans earn substantially higher incomes than other Negroes. For Negro ex-servicemen, the median family income is $4,557. For families headed by a Negro who is not a veteran, the median income is $3,610.

In Chicago, Russell Jeter, 23, has the training and the education. He has everything but a job. Jeter, a bachelor and a graduate of Dunbar Vocational High School, was a radio repairman in the Mekong Delta for the 588th Signal Co., where he supervised 14 men on a 240-foot communications tower.

Somehow, his training has not carried over into civilian life. Not long after his discharge, he took a test for a radio repairman at a nationally known electronics firm. A company official told him he had passed the test and asked him to come back in a few days to discuss a job opening. When he returned, another official told him the only job available for him was as a plant guard.

TRYING TO HOLD OUT

"They made it sound real good," said Jeter. "The guy who offered me the job thought he was doing me a real favor. He thought I'd take the job. He called someone up on the telephone while I was in his office and said, 'I've got a man for that security job.' When he hung up, I told him no. He looked hurt—like I wasn't supposed to turn down this wonderful job at $80 a week. I was making more than that fixing radios before I went into the service."

Jeter also has been offered jobs as a stock clerk, truck driver, and general factory worker. But they all offer little money and no future.

"I'm trying to hold out," says Jeter. "I'm trying to hold out before I take something I don't want and wind up with it forever . . . You would think that people would have a little sympathy because you have been to Vietnam and taken chances with your life. But they don't understand."

Like Jeter, Marvin Townsend, a 22-year-old former Marine from Chicago, finds civilian life more difficult, but for different reasons.

Townsend was injured in Vietnam. The vision in one eye is gone and three fingers are missing from his crippled left hand.

"It's hard, it's hard, when you walk in those (business) offices," he says. "I've tried out for at least 20 jobs. They talk to you and give you the impression you have the job, but nothing comes of it."

GETS DISABILITY PAY

Meanwhile, Townsend and his pregnant wife are living with his parents. His training as an administrative clerk at Quantico, Va., has not helped him find a civilian job. He gets $233 a month disability pay.

Edward Woods, the veterans' affairs coordinator for the Chicago Urban League, has been trying to assist both men in finding jobs.

"It's the same old story," says Woods, an aggressive, no-nonsense former Army sergeant. "A guy has been performing a job in the military well enough to receive a promotion. But someone will say he is not qualified when he applies for a civilian job. He can have all the training and the education he can get. But the worst handle is this—he can't change his color."

But many of Woods' efforts to find jobs for Negro servicemen end in success.

As a result of his direct referral, Charles Walker, 24, is now earning $450 a month while in training as a customer engineer for International Business Machines.

Walker, whose girl friend is in training as a ground hostess for Trans World Airlines, said that of the 19 students in his class, 15 are Negro. Most of the Negroes, he said, are former servicemen.

Walker attended the University of Illinois for two years before he was drafted into the Army in 1965. He went to Vietnam later that year.

He proudly displays a certificate for meritorious service for spearheading a counter-attack in Phu Lai.

Early last year, he was sent back to the United States, then transferred to Germany for five months before returning home and completing his tour of duty in September.

DETERMINATION

The self-assured, dapper Walker came home from Germany with seven tailor-made double-breasted suits, $1,200 and a lot of hope.

"I was determined to do something and get something," he said. "I was determined I was not going to accept what was beneath me before my money ran out.

"I was lucky. I had the money and the determination to wait until the right opportunity came along. A lot of guys aren't that lucky. They have the determination. But they don't have the money. And so they have to take the first thing that comes along."

Walker feels that some Negro veterans come out of the service in Vietnam with the wrong attitude.

"Some guys feel that just because they have been to Vietnam that something should be handed to them," he says. "But I don't feel that way. It's like starting a new life when you get out. You have to prove yourself all over again."

The Negro at War—My Country Right and Wrong

(By Paul Hathaway)

For most Negro soldiers in Vietnam, it is not a case of "My Country, Right or Wrong," but "My Country, Right and Wrong."

They see America as a land of cruel paradoxes, conflicting commitments and shifting priorities.

They see the war as theirs and yet not quite theirs, and democracy as something that is in their presence, yet not within their grasp.

In one breath, a Negro soldier can accuse his country of using him for cannon fodder and yet defend its right to be in Vietnam. Another black soldier called this a racist white man's war against non-white people and yet called for the virtual extermination of the Vietnamese people as a useless drag on humanity.

A Negro officer can talk about his country's commitment in Vietnam and yet accuse it of running out on its obligations to the black man.

Another said his promotions have come on the basis of merit, but added that he never would have received them if he had not been "a good Uncle Tom."

VOICES FAMILIAR

All the contradictions that the Negro sees in this country, he takes with him to Vietnam.

The black voices heard by a reporter in Vietnam are familiar. They come from ghetto street corners, slum hallways, Muslim Mosques and welfare centers.

In Cam Ranh Bay, Air Force Sgt. Vincent Thomas of Camden, N.J., spoke passionately of the need for the United States to fulfill its commitment to the South Vietnamese people and criticized protests against the war.

"I think the people who demonstrate against the war don't really understand it," said Thomas. "The people over here have nothing, nothing but themselves—and they're not even sure of that. I feel that as an American citizen I am just as committed to fighting in this war as any white soldier. Who am I to walk out on my country?"

Then he added, almost parenthetically, that when he completes his tour of duty with the Air Force next year, he will not return to the United States but go to Japan, where he was stationed before coming to Vietnam.

"I can't face it, man," said the jockey-sized Thomas. "The whole thing makes me sick. You ought to be in Japan, live in Asia, hear what people in Asia say about the United States. . . . I've been to Hiroshima. I've seen what the bomb did to those people and that city. I've heard people in Japan talk about the people in Hiroshima as though they were infected or something. Do you think that's because of the bomb? No. Not really. It's because the Americans dropped it—like we, not the bomb, were the people that infected them. Man, you ought to hear the way they talk about Americans. I mean, white Americans."

WHY COME BACK?

He thought about his friends back in Camden who, like many Negro soldiers, have been found ineligible for the service because of mental or physical inadequacies.

"I went home once," he said. "They were hanging around pool rooms and bars, going nowhere, doing nothing. I saw a little of myself in them and it scared me. I know I'll never go back now.

"Why fight it? Why go back? This guy won't give you a job. That guy won't give you a break. Too much. I'd rather stay in Japan. There I'm equal. I would rather live some place else than be discriminated against in the country I was born in. That's what hurts most."

He thought for a minute. "Do you know something? In all the time I have been in Japan (three years), no one ever called me nigger. And I know the Japanese word for it, too."

For others, there is another kind of ambivalence.

In Pleiku, Air Force Sgt. Hiram Springle, 21, a communications specialist from Thomasville, Ga., deplored the protests against the Negro's participation in the war.

Once he saw the poverty in Vietnam, says Springle, it was difficult to criticize the United States decision to remain there.

CAN'T PULL OUT

He'd always had a feeling for poor people, he said. He'd seen a lot of poverty himself back home: he had lived in it.

"We can't pull out," he said. "After all, we told the man (the South Vietnamese) we were going to help him. We have a commitment. But I keep thinking of the shame of it all. I read Stars and Stripes over here every day and I look through the list of names of kids who have been killed in action. It seems a shame.

"Sometimes I run across the name of a kid I knew back home. Sometimes I see the name of someone and I just have a feeling that they're colored. Because of the name or the town or something. I see these names and I just keep thinking of them dying here. I keep thinking they died without ever experiencing freedom really. All they knew was what it was to be black and be ridiculed."

It was unfortunate that the United States gave priorities to conflicts beyond its own boundaries, he said.

"Today we're worrying about what we didn't do in Vietnam before. Next year we'll be worrying about what we didn't do in civil rights this year. That's the crazy kind of world it."

In a bar in the Mekong Delta, a black soldier from Chicago lectured four dubious Negro friends about the morality of the United States involvement in Southeast Asia. There was no doubt, he said, that the U.S. either would have to fight in Vietnam or else be forced to defend the Philippines, Australia or even the United States.

"The Negro has as much stake in this war as anyone else," he argued. "If the Communists ever took over our country, they'd take our freedom, too."

LECTURE FORGOTTEN

The conversation shifted to weaponry and the shipment of several new truckloads of guns to Can Tho that day.

"Man, when I saw those guns, I got kind of scared," he said, forgetting his lecture. "I'll bet this summer when the riots start, I can just see tanks and those guns going right into my block. Down everybody's block where there's a riot. They'll just wait for us to make a move and blow us down."

"Do you know what?" one friend laughed. "You just ruined your whole argument right there."

But the first soldier insisted that he had not. He was talking about two different things, he said.

Army Maj. Louis White, 34, of Norfolk, Va., said in Nha Trang that he feels the Negro soldier, once he returns home, can be a force in the community regardless of his views on the war or on the service.

"He is respected in the community," said White. "He can either be a source of pride or discontent. If he was satisfied that his experience was a worthwhile one, then I see no trouble. If he was not, then look out. There'll be trouble, I'm afraid."

He recalled one night in Cam Ranh Bay when a drunken Negro soldier's voice filled the street.

"He was shouting about the war and about how he had been treated and what he was going to do when he got back, what he was going to do to make whites listen to him. Everybody tried to walk past him as though they weren't listening. But you could see that they were. They were listening. I'm sure of that."

MORE CAMPAIGNERS DUE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following items:

A news story in today's Washington Star entitled "1,500 More Poor Due Today as March Problems Rise";

A Washington Star news story today entitled "Bevel Visualizes a Utopian Camp"; and

An article which appeared in the May 3, 1968, edition of the Charleston W. Va., Gazette entitled "School Patrol Capital Trips Are Canceled."

There being no objection, the items were ordered to be printed in the RECORD as follows:

[From the Washington Star]

1,500 MORE POOR DUE TODAY AS MARCH PROBLEMS RISE

(By Charles Conconi and Woody West)

Some 1,500 Poor People's Campaigners were to arrive here today to join about 500 who spent a damp night in Resurrection City. The new arrivals will gravely compound problems of housing, finances, and some dissatisfaction among participants, Southern Christian Leadership Conference officials conceded.

The Midwest contingent of 25 buses and about 1,000 persons was to arrive here from Pittsburgh today. SCLC officials said a 500-person caravan left Chicago sometime yesterday, intending to drive straight through to Washington.

SCLC said the arrivals from Pittsburgh would be billeted in churches in Montgomery County for screening before being sent on to the campsite beside the Reflecting Pool.

The 500 from Chicago were to be handled at reception centers in District churches where the first contingent from the South was accommodated before beginning the move to Resurrection City.

DENY ANY WANT TO LEAVE

SCLC officials today denied reports that 50 to 75 of the first 500-man group had indicated they wanted to return home. They admitted there was some dissatisfaction but asserted that it was not serious.

The Rev. James Bevel, who yesterday gave a reporter from The Star the 50 to 75 figures, later said that "it's a lie." Other SCLC sources said that only about 17 have said they want to go home. There has been no announcement of any participants who might have already left for home.

Early this morning, a light drizzle fell at the campsite, and heavy overcast obscured the top half of the Washington Monument. Few of the campers were stirring in the damp as four marshals patrolled the boundaries of Resurrection City.

The Rev. Ralph David Abernathy, who yesterday morning met with about 70 House and Senate members to discuss goals of the campaign, left Washington yesterday for a swing through the West and Southwest to try and drum up financial support for contingents of Mexican-Americans and Indians who are seeking to come to the Nation's Capital.

SEES FEARS ALLAYED

After the meeting in the Rayburn Building, Sen. Edward Brooke, R-Mass., one of the four legislators who arranged the session, said he felt that Abernathy had allayed the fears of many members of Congress that the poor people were here to threaten that body.

Abernathy, successor to the Rev. Dr. Martin Luther King Jr., as SCLC leader, said after the meeting, "We hope it will not be necessary to progress to civil disobedience. . . ."

Abernathy in the closed meeting denied any plans to block bridges leading into the District, Sen. Charles Percy, R-Ill., said afterwards. Question about SCLC plans to disrupt government operations, however, also were put to Abernathy. "I don't think the answers were too satisfying," Percy said.

SCLC has said repeatedly that massive civil disobedience will be practiced if Congress and the administration do not react to demands to end unemployment and underemployment and provide a guaranteed annual wage.

Rep. Clarence Long, D-Md., praised Abernathy's comments as "conciliatory" but said the programs demanded would cost an "impossible" $30 to $50 billion a year. "The fact is that the average congressman is ahead of the American people on these issues."

Brooke and Abernathy after the meeting expressed the opposite feeling—that the people were ahead of Congress.

Rep. Roman Pucinski, D-Ill., said the answers to poverty problems cannot be found on The Mall. He said Congress has passed and funded wide-ranging programs and advised the poor people to ask local officials why there were not working.

SCLC said it is moving to plug the gaps created by homesickness and boredom among those in Resurrection City, and said recreation and entertainment programs were to start today.

At a rally last night in the big blue, double-domed tent being used as a messhall and meeting area, a show of hands of those wishing to return was called for. Only one old man put up his hand, amid shouts of "Uncle Tom."

NOT A BIG PROBLEM

As to the dissatisfaction, one SCLC official said, "It was to be expected that there would be some, but we consider the number very insignificant and not a big problem."

Money, a chronic problem for SCLC, continued to threaten plans of the campaign although officials remained confident that financing would be found.

"If we don't get more money, we'll have to stop construction" of Resurrection City, the Rev. Bernard Lafayette said yesterday. Of 650-odd A-frame, plywood and canvas structures planned, about 115 were completed substantially late yesterday, with 40 to 50 more under way.

Several area firms supplying material to the Poor People's Campaign, it was learned yesterday, have asked advance payment in the form of certified checks.

Resurrection City, under terms of the federal permit that runs until June 16, can hold only up to 3,000 persons.

The Northest contingent of the campaign—about 750 persons—spent last night in Wilmington, Del.

TWO BALTIMORE PARADES

It was scheduled to move on to Baltimore today, spend the night and push on to Washington tomorrow.

Baltimore officials have issued permits for two parades—today and tomorrow—the Baltimore Sun reported. City officials earlier had offered to house the marchers in Memorial Stadium, but SCLC officials there said there were no plans to use the stadium.

Tomorrow's parade is to begin about 10 a.m., after which the demonstrators will board buses for Washington, the Sun reported.

The Southern section was to leave for Durham today after spending the night in Greensboro, N.C. About 475 persons are in this contingent.

Stops are planned in Norfolk and Richmond tomorrow and Saturday, with the move on to Washington set for Sunday. Richmond SCLC officials said they are expecting about 800 finally to arrive there, revising their figure from a previous 1,200.

ABERNATHY IN OAKLAND

Abernathy, meanwhile, was in Oakland, Calif., to seek funds for groups from the West and Southwest. He declared again that nonviolence still is the keystone of the campaign, but added that if there is no response, demonstrations will be "accelerated," first on a minor scale and progressing to greater militancy.

Bevel was quoted yesterday as saying that demonstrations would begin "probably within five to seven days," but he would not elaborate.

The press and spectators have been barred from the campsite except for several hours in the afternoon. Bevel at an afternoon news conference said the city had provided an "excellent" medical staff and that about 100 persons already have received physicals.

Asked what SCLC would do if the West Potomac Park site were found to be too small to hold all the demonstrations, Bevel said, "Our city will expand in terms of its need . . . if land is not being used, we'll use it."

Mayor Walter E. Washington paid a brief visit to the campsite yesterday, at least his second this week. He said after a quick inspection tour that he was satisfied that all human needs are or will be met and said he was happy that the campaigners have been "monitoring themselves" so far.

ROCKEFELLER'S VIEW

Gov. Nelson A. Rockefeller said yesterday in Pittsburgh that the Poor People's Campaign "Is just a new form of lobbying."

The GOP presidential candidate said that it "Brings into focus" the problems of poverty and presents a "challenge to the country to find out how to bring these people into the economic mainstream so they can share in its benefits."

But a fellow Republican House Minority Leader Gerald Ford said yesterday in New Jersey that Congress "will not be blackmailed into doing something that we would not do without pressure," although he added that the campaigners "have a right" to be in the Capital.

The 15-wagon mule train—the symbol of the Poor People's March—is continuing to plod along in Mississippi, making about 10 to 14 miles a day. Plans reportedly are to load the animals and wagons aboard trucks so they will be here by Monday when the various contingents are expected to have assembled.

[From the Washington Star]

First "Town Meeting"—Bevel Visualizes a Utopian Camp

(By Michael Adams)

Resurrection City will be a utopia of goodness, beauty and intelligence if the Rev. James Bevel has his say.

Bevel is a top aide to the Rev. Ralph D. Abernathy. Last night he was a principal speaker at Resurrection City's first "town meeting."

"We're going to have a great city," he said. "We're going to have a great time. We're all going to go away from here wiser than when we came.

"What we are going to do is get the record straight on this continent so human beings can live here," he said.

"We are the creators and the lovers."

A GIANT PIECE OF DRAMA

Bevel told the more than 800 persons gathered in a large dining tent that the whole Poor People's Campaign and its interaction with official Washington is, in fact, a giant piece of drama, "the most important drama on earth."

"Some of the policemen are going to come over here and feel they have to exercise their authority," he said, "but don't get upset with them. That's part of the play.

"We're not here because we just want to raise hell," he said. "We are here because unless the black people and the white people turn their economy around, the black people are going to be the victims of genocide."

When the town meeting was originally scheduled, it was assumed by many that the session would be used to institute a form of government for the new community near the Reflecting Pool.

Bevel said that community leadership decisions would be made after all those journeying to the city have arrived.

The town meeting started off with the air of an old-time revival meeting or a civil rights gathering in the earlier days of the movement.

A sense of exuberance was evident in the crowd as the Rev. Frederick Douglass Kirkpatrick strummed his guitar and led the predominantly young gathering in singing "Oh Freedom" and other civil rights songs.

The emotional temper reached an even higher level later when the Rev. Albert Sampson of the Southern Christian Leadership Conference staff extolled, preached and exhorted the crowd for more than an hour.

"Just to set the record straight," he said, "we are not here to stay. We're here to do business. We understand how whites work. We've lived with you for 300 years."

GOD'S UNIVERSE

Repeatedly he returned to the theme that "this is God's Universe," and that the white man is breaking God's law by claiming to own most of it.

"You put the Indians on the reservations and called them savages," he said. "You put the Negro on the plantations and called him nigger; you put the Vietnamese in the ocean and called them communists.

"God knew," said Sampson, "that sometime in history, the people would have to go to Washington . . . there is a famine in the land. We say, (President) Johnson, here's malnutrition in Cabin Number 9; here's deprivation in Number 11."

Sampson said: "We ain't going back to Marks, Miss., without a written contract in our hands (that things in America will change).

"We ain't what we ought to be. We ain't what we were yesterday. Thank God, we're going to make white people what they ought to be."

Bevel said that all persons living in the camp would have to work to make his concept of Resurrection City come true. He talked of establishing departments of sanitation, education and other municipal functions.

"But we won't have any violent relationships here," he said. "In our city, we recognize that each individual is sacred and is a student. We must all learn, no matter how old."

[From the Charleston (W. Va.) Gazette]

School Patrol Capital Trips Are Canceled

The two school patrol trips to Washington, D.C., have been canceled by the Southern West Virginia Auto Club because "conditions in the nation's capital are not conducive to large gatherings."

Club President George W. S. Grove Jr. said this is the first cancellation since the club began sponsorship of the patrol trips in 1936.

The first trip was scheduled for May 10–12 and the second for May 17–19. About 2,055 students applied.

Grove said liability insurance issued for children on the trips wouldn't cover injuries received in a civil disturbance.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11308.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Pell, Mr. Yarborough, Mr. Williams of New Jersey, Mr. Javits, and Mr. Murphy conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock tomorrow.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 17, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 16, 1968:

NATIONAL SCIENCE FOUNDATION

The following-named persons to be members of the National Science Board, National Science Foundation, for a term expiring May 10, 1974:

Philip Handler, of North Carolina, reappointment.

Harvey Brooks, of Massachusetts, reappointment.

Norman Hackerman of Texas, vice Rufus E. Clement, deceased.

Frederick E. Smith, of Michigan, vice Henry Eyring, term expired.

R. H. Bing, of Wisconsin, vice Katharine Elizabeth McBride, term expired.

William A. Fowler, of California, vice Edward James McShane, term expired.

Grover Murray, of Texas, vice Edward Lawrie Tatum, term expired.

James G. March, of California, vice Ralph Winfred Tyler, term expired.

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Tharold O. Galloway, Armorel, Ark., in place of G. M. Vinson, retired.

CALIFORNIA

Wanda J. Robertson, Cantua Creek, Calif., in place of V. M. Norton, retired.

Larelda G. Heim, Silverado, Calif., in place of I. M. Odem, retired.

DELAWARE

Joseph L. Marshall, Lewes, Del., in place of A. L. Brittingham, deceased.

IOWA

Robert L. Kerkvliet, Larchwood, Iowa, in place of B. F. Snyder, transferred.

Keith W. Davis, Malcolm, Iowa, in place of P. D. Varnum, transferred.

KANSAS

Geraldine M. Samms, Sylvia, Kans., in place of D. L. Long, resigned.

KENTUCKY

Noah C. Adkins, Jackson, Ky., in place of J. T. Allen, retired.

Elizabeth W. Meredith, Smiths Grove, Ky., in place of W. H. Meredith, deceased.

MAINE

Wilfred A. Weed, Deer Isle, Maine, in place of L. C. Weed, deceased.

MARYLAND

Randolph L. Wallace, Cecilton, Md., in place of M. B. Boulden, retired.

MASSACHUSETTS

Russell A. Pejouhy, Jr., North Pembroke, Mass., in place of E. H. Turner, retired.

MICHIGAN

Homer L. Blamer, Atlanta, Mich., in place of Waldo Whitehead, retired.

Elwood F. Barkkari, Chasseli, Mich., in place of J. H. Sauvola, retired.

Thomas S. Dzarnowski, Gaastra, Mich., in place of W. M. Duff, retired.

Thomas A. Greene, Kinde, Mich., in place of M. L. Yaroch, retired.

Sidney D. Reinbold, Pellston, Mich., in place of Paul Grobaski, retired.

Benjamin L. Bement, Webberville, Mich., in place of H. H. Johns, deceased.

MINNESOTA

John F. Hughes, Marble, Minn., in place of C. J. Passard, retired.

NORTH CAROLINA

Mamie B. Hartman, Advance, N.C., in place of G. T. Ratledge, retired.

Frances J. Dennis, Star, N.C., in place of A. E. Maness, retired.

OHIO

Darrel I. Kesselmayer, Holgate, Ohio, in place of C. E. Archambeault, retired.

OREGON

Bessie E. Wells, Merlin, Oreg., in place of R. I. Lendberg, retired.

PENNSYLVANIA

Wilma J. Lacey, Buena Vista, Pa., in place of H. E. Schwirian, resigned.

Henry A. Hebda, Kane, Pa., in place of V. N. Deane, transferred.

Basil A. Freeman, Port Allegany, Pa., in place of E. W. Anderson, retired.

SOUTH DAKOTA

Virgil K. Djonne, Clear Lake, S. Dak., in place of R. L. Chambers, retired.

Warren W. Sinkler, Wood, S. Dak., in place of E. A. Sinkler, retired.

TEXAS

Elizabeth R. Griffis, Italy, Tex., in place of G. F. Sheppard, retired.

Thomas J. Leatherwood, Sr., Tyler, Tex., in place of F. M. Bell, deceased.

David M. Sears, Wolfforth, Tex., in place of C. D. Gamble, resigned.

WEST VIRGINIA

Robert L. Noll, Martinsburg, W. Va., in place of M. S. Eckerd, deceased.

George A. Biggs, Point Pleasant, W. Va., in place of O. K. Burdette, retired.

WISCONSIN

Roland L. Holtz, Algoma, Wis., in place of Q. M. Groessl, retired.

WYOMING

John D. Tennant, Rock Springs, Wyo., in place of S. A. Grobon, deceased.

EXTENSIONS OF REMARKS

SALUTE TO SMALL BUSINESS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. JOHNSON of California. Mr. Speaker, this week we are celebrating National Small Business Week, saluting this Nation's small businessmen. And indeed, we should salute the small business community.

People in public office are prone to take the credit when times are good. But I think that all of us in Congress can appreciate that credit for the matchless prosperity we have enjoyed for the past 86 months belongs as much—if not more—to the private sector than to the public agencies. A lion's share of the credit rightfully belongs to the small businessmen of the United States.

There are good reasons why I feel this is so.

There are more than 5 million small businessmen in this country;

They make up 95 percent of all American businesses;

These small businesses employ four out of 10 of all our wage earners;

And they provide family income for more than 75 million Americans.

Such is the prominent place small business occupies in our economy.

And in a nation whose very beginning sprung from the concept of individual initiative and free enterprise, the dream of being one's own boss is still strong and bright.

In an age where big corporations have developed and mergers are the order of the day, small business faces many critical problems. Congress—knowing the right of the individual to own his own business and pursue his dream must be protected—created the Small Business Administration, charging the agency to preserve and expand free enterprise.

The Small Business Administration is fulfilling the mandate of Congress. The spirit of the agency is one of dedication to its goals; of seeking new ways to combat the ever-changing problems inherent in a rapidly expanding country.

The agency has made $5.3 billion available to more than 117,000 borrowers through its financial assistance programs—regular business loans, economic opportunity loans for businessmen in poverty-stricken areas, local development company loans, displaced business loans for companies forced to move because of federally aided projects, disaster loans. And about 42 percent of the $5.3 billion—$2.2 billion—came from the private sector.

SBA's local development company loan program, which has assisted more than 1,500 projects principally in smaller communities across the country, has produced more than 64,000 jobs since the program began in 1958. It is easily conceivable those jobs are now putting $300 million a year into the economy.

The Small Business Administration programs are not confined, as many might think, to the urban areas alone. In fact, SBA activity in rural communities has increased substantially since 1963.

President Johnson has said:

> Not just sentiment demands that we do more to help our farm and rural communities . . . the welfare of this Nation demands it.

The Small Business Administration has responded to the challenge. And not only through financial assistance.

For communities far away from an SBA regional office, circuit riders make regular trips to advise local businessmen and bankers of the help SBA offers. Their visits are well publicized, so that as many people as can be assisted during the circuit rider's visit. In my district in the past 11 months, says SBA Regional Director Bob Strauss, circuit riders have made some 20 visits to eight cities—Redding, Chico, Yreka, Red Bluff, Auburn, Placerville, Bishop, Susanville, and Alturas—working with members of the chamber of commerce, local bankers, and small businessmen.

SBA offers, too, management training in the form of workshops and problem clinics. During this past 11 months in my district, there were six problem clinics held in Butte County, two problem clinics in Tahema County; a workshop and a problem clinic in both Lassen and Modoc Counties.

You have heard, I know, of SBA's very successful SCORE program, the corps of retired businessmen who volunteer their time and expertise to help and advise small businessmen.

SCORE volunteers have been working very hard in the Second Congressional District of California. They have been active this past year in 14 cities: Roseville, Chico, Georgetown, Placerville, Redding, Tahoe City, Sonora, Gridley, Etna, Auburn, Grass Valley, Oroville, Red Bluff, and Paradise.

These services, though they do not involve financial assistance, mean a great deal to our small businessmen.

You might think that all I have told you is a pretty big package. But here is the wrapping on the package. The advisory council.

Our Northern California Small Business Advisory Council, like its counterparts all over the United States, has worked diligently to develop strong lines of communication among the private sector, small business and the Small Business Administration.

Men like William Ealy, of Yreka; Colby Smith, of Redding; and Mayor C. L. Weisker, of Oroville, all members of the Northern California Small Business Advisory Council, and Nick Mandich, of Bishop; a member of the Southern California Small Business Advisory Council, devote a great deal of time and effort to the preservation of our small businesses.

We have heard SBA Administrator Robert C. Moot express the conviction that the key to an expanding balanced economy is the small businessman.

I share that conviction. The small businessman has to work for his community as well as for himself. He has to compete—to fight for his standing in the marketplace. As long as he does both, and as long as the marketplace gives him an equal competitive break, he will continue to succeed—and the American way of life will continue to flourish.

In the words of the President, in his 1968 proclamation of American History Month:

> The history of the United States is not a record of blind forces sweeping human beings relentlessly along to an unknown destiny. It is the story of countless individuals whose success and sacrifice converted an idea into a free nation.

NEED FOR ONE-STOP EDUCATIONAL SERVICE CENTERS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, May 16, 1968

Mr. JAVITS. Mr. President, on February 15, 1967, in a Senate address, I urged that the Department of Health, Education, and Welfare establish one-stop service centers for school officials both in Washington and in Office of Education regional offices throughout the Nation. Such centers would be able to furnish information and make appropriate references not only on programs administered by the Office of Education and other divisions of HEW, but also on education programs administered by other agencies; for example, the National Science Foundation, the Office of Economic Opportunity, the Department of Labor, the Bureau of Indian Affairs, the Veterans' Administration, and the Department of Defense, to cite the principal agencies with education programs. Some local education agencies and administrators, for example, pay as much as $500 annually to keep abreast of Federal programs.

The information service which I suggested is now being put into effect by HEW.

Mr. President, I ask unanimous consent that a letter from Secretary Cohen, detailing the agency's efforts in this regard, be printed in the Extensions of Remarks. The Department of Health, Education, and Welfare is to be congratulated for this step forward.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., April 18, 1968.

Hon. JACOB K. JAVITS,
U.S. *Senate,*
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of March 18 requesting a progress report on our study of the feasibility of establishing "one-stop" departmental information centers.

I am happy to inform you that such a departmental center has been established on the first floor of the HEW North Building and that remodeling will be completed and the center will be fully operational in midsummer. The U.S. Office of Education has established an OE information center as well.

In addition, the Department has been able to improve the information services provided by its regional offices and hopes to further improve them in the future.

In my letter to you of January 25, 1967, I outlined some of the additional steps being taken to provide information and assistance to local school officials. Since then, we have intensified our efforts to simplify and clarify communications between the Federal Government and State and local education agencies.

Several task forces in the Office of Education are working toward the establishment of greater uniformity in regulations, report forms, and other documents. In addition, we are moving toward the concept of "package" legislation which would group programs with common objectives into single measures. A good example is the Education Professions Development Act. We have proposed the same approach with regard to student financial assistance and vocational education programs.

Please let me know if I can be of further assistance.

Sincerely,

WILBUR J. COHEN,
Acting Secretary.

WHERE WE STAND NEAR THE OCEAN

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DON H. CLAUSEN. Mr. Speaker, I have the distinct privilege of bringing to the attention of my colleagues a recent speech delivered at the town hall meeting in Los Angeles by Mr. T. R. Gillenwaters, the oceanic adviser to Governor Reagan of California.

Colonel Gillenwaters is one of the most able men in America in the field of ocean resources and is eminently qualified to speak on the vast and unlimited potential for development these resources can provide for America and mankind.

In representing a coastal district in northern California, I can testify to the fact that our people are becoming increasingly aware of this potential and have expressed their desire to accelerate our efforts toward exploitation, enhancement, and programing of these ocean resources.

Technological advancements during this past decade have been of such magnitude that equipment for ocean resource development permits literally unlimited opportunities.

This paper by Colonel Gillenwaters, on behalf of Lt. Gov. Bob Finch, is very timely and should be read fully and carefully by Members of Congress and our citizenry desirous of keeping abreast of the latest information in the ocean resource field.

The text of the paper follows:

WHERE WE STAND NEAR THE OCEAN

(By T. R. Gillenwaters, oceanic adviser to the Governor and staff)

California is greater in population, financial and resource availability than 111 of the 140 nations of the world. In this perspective let us think of our state as a nation. Particularly in view of our ocean potential and what the administration plans for it.

Of the major elements of ocean resources, I prefer to emphasize only four: first, our national defense; second, ocean transportation, including harbor and port development; third, living resources, including commercial and sport fishing and aquaculture; and fourth, the non-living resources which include oil, mining, chemicals, pharmaceuticals, recreation and water. For the purpose of discussion let us not consider recreation as part of the social overhead. Let us reason that the cost of recreation should be considered on a cost effectiveness basis and with few exceptions should be planned, developed, and operated as a business.

After many years of inexcusable neglect, our national oceanographic program is now receiving considerable attention. The Marine Science and Engineering Development Act of 1966 passed by Congress has resulted in the publication of the First and Second reports on Marine Affairs which are now available from U.S. Printing Office. California has made a major contribution to this national effort through the development of the finest corps of scientific and technological manpower to be found anywhere in the world. Our state challenge is to provide programs that will result in the utilization of this unique asset. We must accelerate its conversion to dollar input to the gross national product.

Recently, some politicans have been rightly accused of trying to pull a well known Russian trick on the Spanish explorer Balboa by claiming they "discovered the Pacific Ocean." It is now obvious the Russians long ago discovered the validity of an ancient prediction, "He who controls the seas controls the world." In the January, 1968, issue of Marine Engineering, Vice Admiral McCain, Jr., is quoted: "In 1960 the Soviets were in eleventh place among the fleets of the world; by 1965 they were in sixth place. By 1971, with a projected 10 million tons added to their merchant fleet, Soviet superiority over the U.S. may be 2–1. While the Soviet merchant marine has increased from 4.9 million dwt in 1960 to 9.6 million in 1965, it confidently expects to have the world's largest fleet (20 million dwt) by 1980. Today 80 percent of the Soviet fleet is less than 10 years old, while 70 percent of all U.S. flag cargo ships are more than 20 years old."

There is some comfort in the fact that many of our leading maritime authorities and some of our industrial organizations are determined to overcome this dangerous gap by the better utilization of modern technology. The broadest adaptation of modern technology in the form of harbor facility improvement, containerized cargo handling, systems approach to ship building, utilization of hover-craft, and uniquely designed submarine cargo tankage appear to be our only chance to compete during the coming decades. In order to accomplish these improvements in the shortest possible time, we must devise broader incentive methods for the involvement of private enterprise.

This same principle will apply to the remaining major elements of ocean resources to which I have previously referred, but time does not permit further details at this point.

Early in 1967 Governor Reagan re-activated the Governor's Advisory Commission on Ocean Resources. This commission was composed of Californians of international and national prominence in the field of oceanic, industrial, educational and research activities. Dr. David S. Potter of the General Motors Defense Research Laboratory, Santa Barbara, served as chairman.

In August, 1967, acting upon the recommendation of the Commission the Governor created, by executive order 67–25, the Interagency Council for Ocean Resources and appointed Lt. Governor Robert Finch, Chairman. He also appointed as members, Honorable Houston Flournoy, Chairman of the State Lands Commission, Honorable Norman Livermore, Administrator of the Resources Agency, Honorable Gordon Luce, Administrator of the Transportation Agency, and Honorable Spencer Williams, Administrator of the Health and Welfare Agency. The responsibility of the Council is to maintain the coordination of ocean projects, establish priorities and designate lead agencies within government. In addition, it is to maintain liaison with the National Council on Marine Resources and Engineering Development and other federal agencies.

The legislature with the concurrence of the Reagan Administration enacted the Marine Resource Conservation and Development Act of 1967, the first such state act in the Nation. This act gave the Governor a mandate to prepare and submit to the 1969 legislature a Comprehensive Ocean Resources Plan (CORP). The act states "it is the policy of the State of California to develop, encourage, and maintain a comprehensive, coordinated state plan for the orderly, long-range conservation and development of marine and coastal resources which will ensure their wise multiple use in the total public interest."

Of course, we are expected to accomplish the following at once and without money, (a) preserve all living resources of the ocean for sportsmen, biologists, scuba divers, surfers, commercial fishermen, and wildlife enthusiasts, all this in spite of the fact that the Russians and Japanese operating modern trawlers and floating fish processing plants are now ranging freely up and down our coast just off the 12 mile limit, and, (b) in addition we are to increase our foreign trade without building any modern vessels or modernizing our ports, we must be prepared to desalinate one billion gallons of new water per day without building atomic plants along our coast, they could possibly destroy the natural environment (obviously an impossible feat under present conditions).

Enough for the satire. We must, however, face up to the facts—the environmental diet of our burgeoning population must be accommodated in an orderly manner. This implies multiple use of our limited ocean resources. Unless we develop sound management programs now we cannot hope to meet the demands of 30 million residents in 1980 plus multi-millions of tourists. As an example, one day last month, in a limited ocean area, 5000 salmon were caught by sportsmen and checked in by the Department of Fish and Game.

Fortunately, we have the technology to contend with most ocean resource problems but we have not developed a method of equitable funding of the required projects. We have the proven technology for profitable offshore oil production and soon the same will be true of mining, underwater living and related activities. We have the need, we have the manpower, (scientific, engineering) and the resources. A plan coupled with financing is required. We must recognize that neither the federal, state nor community governments can meet this challenge my way of traditional taxation methods so we must look elsewhere.

Having clearly in mind the urgency for developing our ocean resources, the state administration is taking into consideration the advice of such well known individuals as Dr. Simon Ramo, who on February 2 publicly suggested the creation of a public-private company, also proposed by Dr. Ray Jallo, Vice President and Senior Economist of United California Bank. Dr. Jallo stated on February 18, 1968: "The newly advanced suggestion of the establishment of a public-private company on the order of Comsat for oceanographic research and development should be given serious consideration. . . . The mixed enterprise for a specific purpose has many advantages: (1) public-private companies will provide an excellent opportunity for business, government and labor to work together toward the solution of social and economic problems in areas where such cooperation is necessary and workable."

With the approval of the administration we have been exploring this approach and now recommend it as essential. It appears logical that once we begin to think of the ocean as one massive "public utility" that must be managed for the greatest good of the people of California, the problems of multiple use will come into better focus. In the use of the ocean no one segment of our populace can be favored to the exclusion of all others.

The nearshore resources are now being inventoried. Once we are able to identify those that qualify for investor financing, as opposed to purely sociological overhead development, then the public-private corporation will definitely be justified and hopefully come into being. To develop our ocean resources it is estimated that $500,000,000 of investment capital can be utilized over the next 7 years. This figure does not include the primary costs of harbor dredging, military expenditures nor the multitude of ongoing ocean related projects or those contemplated by the federal government through the Navy, U.S. Bureau of Commercial Fisheries, Bureau of Reclamation and some 23 other agencies or departments. It does not include the present and future commitments by existing corporations.

The proposed California Ocean Resources Corporation (CORC) must follow a secure and conservative course, deriving one half of the invested dollar from the individual investor and one half from the industrial sector. It is planned that the individual and corporate investors will elect an equal number of directors and others will be appointed by the Governor and approved by the Senate. Under no circumstances will this public-private corporation usurp local jurisdiction nor will it be in competition as an operator. In operation it can be compared to the original concept of the Reconstruction Finance Corporation before it became prostituted by an irresponsible bureaucracy. The California Ocean Resources Corporation (CORC) will be subject to legislative scrutiny but must always be controlled by the investors who furnish the money.

On Friday, April 5, Assemblyman Pete Wilson of San Diego introduced Assembly Bill 1470 and Assembly Joint Resolution 31 calling for the establishment of a public-private corporation as described above and hearings will be held soon after May 6.

We must expand our defense, double our harbor tonnage, triple our harvest of living resources and quadruple our returns from the ocean's non-living resources including water by 1980. To do this we must utilize the best of management methods supported by the leverage of invested funds.

California has been the Nation's leading maritime state for many years. Now we must enlarge that leadership and expand our influence not only into the Pacific Rim countries but around the globe. We have the greatest accumulation of technology and science in the world. Incorporating these with the proper planning and funding, our wondrous ocean will become a treasured utility of indefinite duration.

TRIBUTE TO CHARLES A. MORAN, ATLANTA, GA.

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 16, 1968

Mr. TALMADGE. Mr. President, the Georgia House of Representatives in its recent session of the general assembly recognized Hon. Charles A. Moran for the dedicated service that he has rendered the State.

I join the legislature in commending Mr. Moran, and ask unanimous consent that the resolution of the house of representatives be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. RES. 814

Resolution commending Hon. Charles A. Moran; and for other purposes

Whereas, Charles A. Moran, native Atlantan, disabled overseas veteran, a retired State employee, last September was invested a Knight of the Equestrian Order of the Holy Sepulchre of Jerusalem, the first and only layman in Georgia to receive this distinction; and

Whereas, the Order of the Holy Sepulchre reportedly dates from St. James the Apostle, the first Bishop of Jerusalem; and

Whereas, during the Georgia Bi-Centennial he planted a dogwood tree on the Capitol grounds adjacent to the General Gordon Monument which attracts many local people and tourists each year; and

Whereas, as a member of patriotic groups he has been active in the area of Americanism, exposing and focusing attention of our fellow Georgians on the Communist menace; he was actively interested in having the words "under God" included in the Pledge to the Flag, reference to it appearing in the Congressional Record at the time; and

Whereas, to spark the flame of continuing patriotism in all and to promote nationwide unity, a love of God, Country and Flag, he became the originator of the Hall of Flags in our Capitol building which daily attracts visitors from many states; and

Whereas, for several years he was actively interested in the Youth of the Community, escorting some of the Pop Warner Junior League Football Teams to be recognized by this body after having been received by the Governor; and

Whereas, he has requested that legislation be effected to refer to our Flag as the "U.S. Flag" and/or the "Flag of the United States".

Now, therefore, be it resolved by the House of Representatives that this body does hereby salute fellow-Georgian Commander Charles A. Moran of Atlanta for his display of citizenship and heartily congratulates him in being invested a Knight of the Equestrian Order of the Holy Sepulchre of Jerusalem.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and instructed to transmit an appropriate copy of this Resolution to Commander Charles A. Moran.

Read and adopted in House, March 4, 1968.

GLENN W. ELLARD, *Clerk*.

A PARLIAMENTARIAN'S VIEW OF SCIENCE AND TECHNOLOGY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. KARTH. Mr. Speaker, on May 8, 1968, Representative GEORGE P. MILLER delivered an address to the Consultative Assembly of the Council of Europe in Strasbourg, France. This organization comprises parliamentarians from the countries of Western Europe and is an important forum for international cooperation. Mr. MILLER was especially invited because of the work in national science policy which has been accomplished by his Committee on Science and Astronautics. He was accompanied by Mr. Richard A. Carpenter, senior specialist in the Science Policy Research Division of the Legislative Reference Service.

The Council of Europe is concerned with the role which parliamentarians can play in overcoming some of the disparities between the United States and Europe in scientific and technological fields.

Mr. MILLER's address, "A Parliamentarian's View of Science and Technology," and the response by the rapporteur for the Consultative Assembly, Mr. Sven Gustafson, and a member of the Parliament of Sweden, constitute a revealing account of the opportunities for useful exchanges of views among the legislators of various nations.

I commend the attention of the House to the texts of the remarks which follow:

A PARLIAMENTARIAN'S VIEW OF SCIENCE AND TECHNOLOGY

(Address by the Honorable GEORGE P. MILLER, chairman, Committee on Science and Astronautics, to the Consultative Assembly, Council of Europe, Strasbourg, France, May 8, 1968)

I am very pleased to represent the United States Congress in this discussion of science policy today. It is an honor to meet with the consultative assembly and a great pleasure to see old friends and to begin new friendships.

Our theme for this meeting is, and I quote, "disparities between the USA and Europe in the scientific and technological fields—ways and means of remedying them." I wish to emphasize remedies and not disparities, for I feel the latter have been so well documented, "demystified," and discussed that we are all ready to proceed to a more positive, constructive debate.

I commend the organization for economic cooperation and development for its thorough study and your colleague, Mr. Gustafson, for his excellent review which you have before you.

We have seen that technology does not flow evenly throughout the world. The fruits of technology do not appear uniformly in every country, State or geographical region. I can assure you that these disparities are just as troublesome among jurisdictions within the United States as they are between continents.

The transfer of technological information is a subject of much concern to us. It is at the heart of the disparity problem. It is also a subject which we should be able to do something about without encountering great political questions. The remedy lies in standardized information handling procedures implemented through electronic data processing techniques. I am pleased to learn of the OECD effort in technology transfer which is getting under way. We have an experimental program in the National Aeronautics and Space Administration which is beginning to indicate the most useful procedures and techniques. I look forward to the closest cooperation among the developed nations to increase technology transfer.

The use of technology (regardless of wherever it may have originated) is the more crucial problem. The use of technology depends on a climate for innovation within a country or State. This climate can be changed and controlled as the leadership and people of a nation grow to understand science and technology. The simple message I bring today is that the parliamentarian has a vital role to play in constructing a climate in which technology will thrive. My experience of 24 years in the Congress, coinciding with the explosive growth of technology, suggests a few observations which I would share with you. The answers are not all in hand, I assure you. But some of our activities appear pertinent to the discussion.

POLICY FOR SCIENCE AND SCIENCE FOR POLICY

Science policy in the United States, as in other countries, comprises two aspects. First, policy for science means the management principles which assure the health of the Nation's scientific activities. This sort of policy involves basic research, science education, experimental facilities and apparatus, and scientific and technical information systems. Science is not a function of government, but research is supported by public funds on the basis of the eventual, if unspecified, benefits to society. An important aspect of these benefits concerns the training and education of highly skilled manpower.

The second aspect is science in support of policy. This means that virtually all goals and functions of a modern government are to some extent affected by science and technology. National policies lead to missions which are carried out by designated agencies. Analysis of the mission requirements frequently indicates that research and development are necessary and can be justified in practical terms of achieving the stated goal.

Since the U.S. Congress participates fully in the *origination* and *formulation* of national goals, the legislative branch has a direct concern with the ways in which science can be applied in their pursuit. The separation and balance of authority under our Constitution through the executive, legislative and judicial branches, through the bicameral system in the Congress, and through the two-party political system, means that science policy is the result of diverse and numerous viewpoints. Further diversity comes about since the majority of government R & D expenditures is to support a variety of missions. Thus, U.S. science policy is a mosaic of individual policies which stem from national goals expressing the general aims of our democracy.

The impacts which the Congress and the government can have on science are dominated by that of Federal funding for research and development. The total R & D performed in the United States in 1968 is estimated at about $25 billion, 80% of which is development. Federal obligations will be $16.7 billion or two-thirds of the total. Of these government funds, about $10 billion will go to private industry. Thus, Federal science policies are a major factor even in non-government laboratories.

Other governmental impacts on science include tax credits for privately funded R & D, patent laws, and anti monopoly policies. The so-called climate for innovation is affected by a variety of legislative actions, often in a subtle manner.

Changing congressional attitudes toward science

The United States learned the benefits of science applied to national goals during World War II. After that period, in 1950, the National Science Foundation was established to provide government patronage for research. Congressional approval was based on an acceptance that market place economics and private funds would not support a level of scientific effort which was necessary in an increasingly technical world. The motivations, at that stage, were chiefly those of *faith* that basic knowledge will find application in due time, and *fear* that insufficient scientific activity will deprive the nation of a base for industrial and military technology.

In this period most of the large expenditures were for security-classified projects in military or atomic energy programs. Public debate was rare and science policy was not a widely discussed issue in the Congress.

In 1957, the space age began an enormous awakening of public interest in science. At about the same time, the biological effects of radioactive debris from atomic weapon testing were vigorously debated. These implications of research led to increased scientific literacy in the electorate. The Congress responded by establishing standing committees, the Science and Astronautics Committee in the House of Representatives and the Aeronautical and Space Sciences Committee in the Senate.

More recently, the uses of technology in solving a great variety of problems for society have broadened the congressional interest in science policy. Air and water pollution abatement, education, crime detection and prevention, and transportation are examples of public goods and services which depend on scientific ingenuity and technological development. As these issues are debated, the Congress has required a vastly greater amount of technical information to integrate with social, political, legal and economic factors in arriving at legislative decisions. Mr. Gustafson has noted similar concern in European nations in attacking these complex social problems through more effective use of science and technology. I believe that this is an area where increased cooperation among our member countries can occur at an early date and produce meaningful results.

SCIENCE ADVICE FOR THE CONGRESS

In order to elaborate and control science policy, the Congress has equipped itself with a variety of information sources. Since scientists and engineers often do not agree among themselves on technical issues, a number of inputs are well warranted. The legislative branch is unlikely to contain any significant percentage of members with formal training and experience in science. However, members tend to specialize in certain programs and wthin a short time become quite familiar with the technical issues. In our Congress, committees are entrusted to study these matters in depth and report to the parent body with recommendations for action.

Advice for the Congress does not imply any abdication of responsibility for judgment. In fact, there are few issues which are purely technical. The scientific information is simply added to other factors in policy formation.

The executive branch offices are a major source of scientific and technical information. By means of public hearings, congressional committees can elicit comment and explanation on R & D programs in an atmosphere of an adversary proceeding. Questions and background material provided by the committee staffs bring about a probing of issues which penetrates the "salesmanship" of agency proponents to a great extent.

Independent information sources include trade associations, industrial contractors, professional societies, and university representatives. Persons and groups affected by specific legislation will quite naturally submit testimony. Invitations are issued to experts whose opinions are desired and who may be more or less free from vested interest.

In addition to these information sources, the Congress established, in 1964, a science policy research division in the legislative reference service of the Library of Congress. This group of 18 professional scientists and engineers acts as a *bridge* between the Congress and the scientific community. Answers are provided to factual inquiries from individual legislators and committees. But more importantly, major science policy issues are analyzed in a pro-and-con fashion to give the member as complete and objective a background as is possible.

THE LEGISLATIVE PROCESS

The legislative process includes three steps which affect national science policy, First, the *authorizing* function of the legislative branch often brings new programs into existence. Some scientific agencies operate under continuing authorization (e.g., the National Science Foundation, the National Bureau of Standards). The National Aeronautics and Space Administration must receive authorization of its program each year. Changes in emphasis and redirection have resulted from the accompanying hearings. The recent increased attention to environmental quality has come about through congressionally inspired amendments to air and water pollution laws. The Joint Committee on Atomic Energy conducts a detailed annual approval review of the activities of the Atomic Energy Commission. Thus, by authorization, new legislation or amendments, the Congress may propose and originate science policies.

Second, the *appropriations* function is a powerful means of directing the course of research and development. Projects of the executive branch which are endorsed by authorization may yet be delayed, or reduced in scope, or eliminated by an appropriations committee. Alternatively, additional funds over and above what are requested and authorized may be provided.

The results of committee actions in authorizing and funding science may be modified by conferences between the House of Representatives and the Senate, and further changed by floor debate during the passage of the legislation. Currently, science is being challenged at every juncture as a possible place to cut costs during this period of fiscal constraint. The gathering together of R & D budgets to give a coherent picture of Federal obligations has long been an efficient management scheme for the Government. But now this $17 billion total is viewed as one of the few controllable expenses and is subjected to constant scrutiny. Unfortunately, the premise is wrong, for it has been shown that about 90% of this total is in mission support work. To cut R & D funds any appreciable extent would be to limit the capabilities of the agencies involved to accomplish their missions. National goals which the economy minded might support very strongly would not be achieved. For example, of the $17 billion Federal R & D budget for fiscal year 1968, $7.8 billion is for the Department of Defense. Of that figure, $5.6 billion is for development, not research. So the amount of the "science budget" which could be pared without seriously effecting operational projects is much less than is often proposed.

Finally, the legislative process includes an *overview* function—to continually assess the performance of Government agencies, to search for "gaps and overlaps," to foster coordination when projects cross agency lines, and to seek the maximum benefit from tax dollars spent for science.

In recent years the Congress has established the Office of Science and Technology in the Executive Office of the President with an expressed purpose of reporting to the Congress on science policy matters. This office is responsible for coordination of Federal agency R & D activities and its director testifies frequently before committees of both Houses.

A major coordinating effort of the Congress has been the instigation of a national system for scientific and technical information. Beginning in 1961, the Congress has continually fostered improved information exchange as a means of increasing the efficiency of R & D and preventing needless duplication.

The above are two examples of legislative attempts to counteract the fragmentation of science policy among the executive departments and agencies. However, a similar division occurs among the committees of the Congress. The coordination of legislative approaches to science policy is a growing problem. Informal meetings between committee chairmen may be effective. Joint hearings and joint committees are infrequently used devices which can bring concerted action. Sources of advice themselves can provide a coordinating effect on a particular issue as they are sought by various members and committees. The all-pervading nature of science and technology in American civilization means that science policies are as varied and diffused as are the uses of science.

In conclusion may I reiterate: the climate of understanding and appreciation of technological potential can be greatly influenced by the parliamentarian. He called direct the application of science to serve his constituents; and he can lead the public to underwrite the risks of innovation. And these influences can lead to national attitudes which will reduce disparities in the use of technology throughout the world.

INFORMAL EXCHANGE OF VIEWS BETWEEN A U.S. CONGRESSIONAL DELEGATION AND THE MEMBERS OF THE CONSULTATIVE ASSEMBLY, MAY 1968

Mr. GUSTAFSON. It is a privilege for us to have among us today the Chairman of the Committee on Science and Astronautics of the House of Representatives, the honorable George P. Miller. He is the member of Congress who has the most thorough knowledge of scientific policy and I have heard many American experts say that nothing can be done in the field of science and astronautics unless Mr. Miller approves it. We have all read with great interest and may I add with some envy the report of the U.S. Congress and Science Policy presented by Mr. Miller. When Mr. Miller tells us that since 1964 there is a Science Policy Research Division in the Library of Congress with 18 professional scientists and engineers acting as a bridge between the Congress and the scientific community—we understand that we in Europe have much to learn. A European scientist said in one of the very interesting panels organised by Mr. Miller's Committee "Parliaments are in many countries a brake on scientific development while the US Congress has become part of the motor bringing science to bear on the future. Almost everywhere in Europe Servan-Schreiber's book "Le Defi Américain—The American Challenge—is the subject of discussion. More than half a million copies only in France show how burning this question is. Servan-Schreiber's book is of great value as a means of catching the imagination not only of the politicians but also of the public opinion. However, we must not let it create a European inferiority complex towards the USA. There is a great potential in Europe both in the financial and technological fields. What we in Europe must learn is to translate it into action. I am not going to repeat the survey of the studies undertaken in different organisations regarding the so-called technological gap and the US investments in Europe. I would only mention three facts which should not be forgotten:

1. It is true that US investments in Europe are very big and have been increasing. But Christopher Layton has shown in his book Transatlantic investments that the European long-term investments in the USA are of the same size. The big difference however is that while European investors mostly are sleeping partners in US corporation the US investors establish new, US-owned industries in Europe. If instead part of the European money were used to establish Europe-owned subsidiaries or new industries in the U.S.A. the whole picture would change;

2. It is true that U.S.A. spends much more money on R. and D. than does Europe. The newest figures show 110 dollars per capita in USA and about 30 in Europe. It is also true that many more scientists and engineers are engaged in R. and D. in USA than in Europe. However, the OECD report published in March this year gives us the rather sensational news that if you take into consideration all the engineers engaged in industry the European figures are higher than the American. The OECD report draws the conclusion that the European effort in technological education surpasses the United States efforts in both relative and absolute terms.

3. The OECD study has shown that there does not exist one single technological gap. Of eight sectors of industry investigated by

the OECD there is a gap of United States advantage in a few very important research-intensive fields whereas in other sectors no US superiority can be found.

However, we recently received some alarming figures from a US Congressional Committee as regards the so-called "brain drain". At the OECD ministerial meeting in March as well as in other ogranisations the emigration to the USA of about 2000 European scientists and engineers per year has caused grave concern. The new US figures show about 2200 in 1965, 2700 in 1966 and 4200 in 1967. I would appreciate it very much if Mr. Miller would tell us whether he regards the 1967 figure as an exception or as evidence of a new trend. I know that the new immigration laws in the USA will influence the future development and might even put a stop to the European "brain drain" during the next few years and I am sure that we all would be grateful for further information regarding this very important question.

Mr. President, as I see it we are in the beginning of a new industrial revolution. We are going forward at a tremendous speed. Let me give one illustration. In paragraph 15 of my paper I mention that in 1966 27,000 computers were operating in the USA compared with 6,000 in Europe. I have now got the US figure for 1967. It shows 40,000 computers in the USA compared with 27,000 the year before. Certainly we must see to it that we in Europe are not left behind. We cannot solve the industrial problems of tomorrow by using yesterday's technology.

Now what should be done to remedy the disparities. Before turning to the specific proposals in my report I would make a general observation. We in Europe should spend much more money on research and development not in order to try to match the Americans but because of the fact that it is the most profitable investment. Further we must have much more co-operation. Still there are often water-tight compartments between the European countries (also within the EEC) as well as between universities and industry.

But above all we must pay much more attention to the questions of management and of financing industrial expansion. It has often been said that the "technological gap" is to a very large extent a "managerial gap". It is not enough to make an invention. The invention must be transformed to an innovation and developed into a product that can be sold on the market at a competitive price. One of the points that emerge from the OECD studies is the frequency with which inventions and discoveries made in Europe have been left neglected and unexploited for long periods of time, only to be applied in the end by an innovator in the USA. There is nothing wrong with the quality of the European research but it is not properly organized and it is not integrated in the full innovation cycle.

Now we come across a very difficult question indeed. To what extent should Europe have its own research and development and to what extent should it import technology from abroad. Up to the middle of this decade at least US superiority had not had an adverse effect on the overall economic growth in Europe or on its world trade. Most European countries managed to increase their share of world exports. The explanation is, of course, that the European countries have drawn on the US innovations, a fact which is clearly shown by the growing deficit in the European balance-of-payments for patents and licences.

Of course we must try to avoid duplication of work. It has been rightly said that there is no need to invent a mouse trap twice. As I said just now an innovation can be made on the basis of research in other countries.

But if Europe should be as dependent on US fundamental research as is for instance Japan, we would run the risk of always lagging behind and would be able to enter trade in research-intensive industries only from the technology is well established and the innovative element in competition is replaced by more traditional elements of advantage. And this takes some years. We should remember, that it is during the initial period that the big profits arise, profits which are essential to finance further expansion.

There is another important aspect of this question. In order to be able to make efficient use of imported technology the receiving country must be able to assimilate and adjust foreign technology. In order to profit by the innovation of others you must be able to make innovations yourselves. I now come to the suggestions made in my report in paragraphs 30 to 58. I shall not mention all of them but pick a few that I find most important. I have divided them into three sections. The first one deals with possible European efforts, the second with possible U.S. efforts and the third suggests some joint actions.

As regards European actions I shall limit myself to what the Council of Europe could do.

I was very glad to hear yesterday that the Secretary General of the Council of Europe has taken an initiative for co-ordination between the different organizations in Europe. The present difficulties with regard to ELDO and ESRO show the burning need for a concerted scientific policy in Europe, a fact that the Chairman of our scientific and technological committee M. Reverdin underlined yesterday in his questions to the representative of the Committee of Ministers.

The Council of Europe should also further study Mr. Harold Wilson's proposal regarding a European Institute of Technology which should examine case by case, area by area, industry by industry the means of greater European technological co-operation. Particularly now when the Benelux proposals and other efforts to arrive at European co-operation as well as the EEC commissions proposals regarding the medium-term policies are being held in abeyance, the Council of Europe should act in order not to lose valuable time.

With regard to the question what the United States can do to remedy the disparities we are of course waiting for the suggestions from our American friends. I do not know whether the Committee on Technological Disparities set up by President Johnson has come to any conclusions as yet.

We should also like to know to what extent the US balance-of-payments difficulties will affect the relations between USA and Europe.

I mentioned earlier in my statement the "brain drain" and the alarming figures now published. I should very much appreciate it if Mr. Miller would comment on a suggestion made by President Johnson's assistant in scientific matters Dr. Donald F. Hornig. In one of the very interesting panels organized by Mr. Miller's committee Dr. Hornig said that the immigration should be concentrated on young research scientists who have already established themselves in their own country, *who come to America with a purpose related to their activities in their own country and who have some day to return.*

What I would very much like to know is whether the new immigration laws coming into force of July 1st, this year, will in any way be used to serve this purpose. Under all circumstances I think this is a question which could be discussed jointly.

And lastly I come to possible joint actions:

Most of them refer to the work that is already being done in the OECD which is a natural forum for intergovernmental co-operation across the Atlantic in these questions.

I have expressed the wish that OECD should not only be confrontation oriented but also become more action oriented. We owe much to the OECD. Its recent studies and the debate at the Ministerial Meeting in March has cleared away many misunderstandings and preconceived ideas. OECD has also drawn attention to the new fields in which an extensive international collaboration is clearly called for:

Computer utilisation, educational technology, environmental technology, urban development technology, oceanography, and communications.

I would also suggest a new negotiating round on patents, licences and standards as part of an attack on non-tariff barriers to trade.

The question of co-operation with regard to space policy will also have to come up as a result of the present difficulties in the European space organisations.

As Parliamentarians we have much to learn from the US Congress.

To be prepared for this European Members of Parliament should as soon as possible take the following concrete action: (a) the establishment in all European national Parliaments of committees on science and technology; (b) the creation in all national European parliaments of an efficient instrument or service corresponding to the Legislative Reference Service of the Library of Congress; (c) the organisation and holding of regular and frequent seminars on science and technology for MPs, scientists, industrialists and civil servants to which American Congressmen and specialists would be invited, to be held under the auspice of the Council of Europe on the model of the interesting and high-level panels organised by the Committee on Science and Astronautics of the House of Representatives.

PRIVATE SECTOR PARTICIPATION IN THE REBUILDING OF CITIES

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, May 16, 1968

Mr. PERCY. Mr. President, the Committee on Banking and Currency has been working for more than a year on legislation that will encourage private-sector participation in the rebuilding of our cities as well as make homeownership possible for lower income families. The committee has been deeply encouraged in its efforts by the increasing number of privately financed homeownership projects in cities across the country. An article describing such projects in Boston, Gary, Ind., and Pittsburgh was published in Tuesday's New York Times. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Boston To Begin Project for Poor—Banks and Insurers Lend $50 Million for Urban Plan

Boston, May 13.—Mayor Kevin H. White announced today that a major new urban program would be started to expand home and business ownership among the city's poor.

Mayor White said the plan would be a privately financed $56-million self-development program.

A key feature includes a loan commitment of $50-million from Boston banks and insurance companies to support efforts in housing rehabilitation and new construction for low-income families. It will also make mortgage funds available to greatly expand home ownership in the inner city, the Mayor said.

The program provides for the establishment of the Boston Urban Foundation, a nonprofit organization that will attempt to solicit $2-million from the business community and the public.

These funds are to be channeled into disadvantaged areas to assist in financing small business ventures to be owned and operated by residents.

An Urban Development Corporation will be formed to supervise the allocation of the funds.

George H. Whitney Jr., chairman, New England Group, Investment Bankers Association, who will direct the fund drive, said that when the $2-million was raised for equity purposes, commercial banks would lend the corporation another $4-million.

Mayor White said that while the shared risk program was geared to aid slum areas, it would also apply to poor families throughout the city. He said he hoped that between 400 and 500 persons in the area would buy their own homes by the end of the year.

He said that besides the loan commitment, the backing concerns will provide the talent of lawyers, accountants, investment specialists and academic people to assist the new entrepreneurs.

UNITED STATES STEEL JOINS GARY PLAN

Gary, Ind., May 13.—The United States Steel Corporation announced today here jointly with Mayor Richard G. Hatcher that it hoped to build from 250 to 300 moderate-income housing units.

George A. Jedenoff, general superintendent of the steel works here, declined to say how much the company would invest in the project, but estimates are in excess of $5-million.

Mr. Jedenoff told newsmen in a press conference this morning with Mr. Hatcher that they had been working on the project since shortly after Mr. Hatcher's election last November.

About 56 per cent of this city's 475,000 population are Negroes who live in a slum area known as Midtown. Mayor Hatcher, who is a Negro lives in that area.

Mayor Hatcher said a feasibility study was under way. The site is a 48.4-acre undeveloped tract owned mostly by the Gary School system. It is near the site of a new high school under construction on the fringe of the slum area.

Pittsburgh, May 13.—Two major corporations have announced separate plans to attack the problems of slum housing, principally in Negro slums.

The Westinghouse Electric Corporation will form a subsidiary, Urban Systems Development Corporation, to carry out all phases of providing better housing for low-income families throughout the United States.

The Equitable Life Assurance Society has allocated $1-million to rehabilitate, purchase and refinance one- to four-family homes in the metropolitan Pittsburgh area, thereby providing mortgage money to low-income families.

Working under Government-supported programs and with headquarters in Washington, the Westinghouse subsidiary will develop low-rise apartment communities in contrast to massive housing projects erected in the past. It plans to train construction crews from among hard-core unemployed men in the slums.

NORTH DAKOTA SECOND DISTRICT VOTERS BACK NIXON, OPPOSE VIETNAM PULLOUT

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. KLEPPE. Mr. Speaker, recently I mailed a questionnaire to the 81,600 postal patrons in North Dakota's Second Congressional District, seeking their views on a number of issues and questions. The results:

Tabulated below are the combined views of the first 5,000 West District residents who responded to my recent questionnaire on current issues. Returns are still coming in—all will be counted. I deeply appreciate your cooperation in taking the time to participate in the poll and in giving me the benefit of your views. The replies showed:

On alternatives in Vietnam, 41.4% approved going "all out now to win, even if this involves massive bombing of North Vietnam, including Hanoi and Haiphong Harbor, a naval blockade, increased U.S. troop commitments and invasion of the North". Continuation of U.S. military operations "pretty much along present lines" was favored by 6.4%. Halting the bombing of North Vietnam "in the hope this will lead to a negotiated peace" was supported by 23%. Withdrawal of U.S. forces was favored by 17%. Undecided 12.3%.

In a similar poll conducted a year ago, 75% favored stepping up the war effort against North Vietnam, with 16% advocating withdrawal.

Since Governor Rockefeller was not a candidate when the questionnaire was circulated, only Richard M. Nixon was paired with the three announced Democratic Presidential candidates. The results:

Nixon 68.7%; Kennedy 16.1%; Wallace 6.2%; Undecided 9%.

McCarthy 23.1%; Nixon 61.9%; Wallace 5.9%; Undecided 9.1%.

Humphrey 17.5%; Nixon 65.6%; Wallace 6.8%; Undecided 10.1%.

For the proposed 10% income tax surcharge, if accompanied by a cut of several billions in government spending, 46.7%. Against 42.1%. Undecided 11.1%.

On the question of Federal income tax credits to private business for training hard core unemployed, 54% were opposed; 35.4% for.

In favor of the strategic grain reserve bill I have introduced, 75%; opposed 9.1%. Among farmers alone, the favorable percentage was even higher, 85%.

For continuing farm price supports and wheat certificate payments, 55.3%; against, 26.5%. Farmers voted 71.5% for; 21.5% against.

Changing the present Draft Board induction process to a lottery system was favored by 31.5%, opposed by 51%. The undecided group was large, 17.6%.

Federal control over sale and use of firearms: against 64.5%; for 29%.

On two other questions, those responding to the poll strongly indicated they do not believe they are getting accurate reports on the war in Vietnam, and also that they favor stricter law enforcement.

If Federal spending is cut, West District residents said they would like to see the cuts made in this order: 1. Foreign aid. 2. Space exploration. 3. Highway beautification. 4. Poverty war. 5. Federal civilian jobs. 6. Aid to cities. 7. Defense. (Very close between 6 & 7). 8. Agriculture.

IDAHO'S TREMENDOUS MINING POTENTIAL

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, May 16, 1968

Mr. CHURCH. Mr. President, those of us in the Senate have engaged in many a debate in the past few years over the increasingly scarce supply of gold and silver reserves in the United States and the free world. The ramifications of this scarcity have, indeed, been great. We have seen the end of silver coinage with the exception of the half dollar. Earlier this year we abandoned the gold cover on our Treasury reserves.

Clearly, if silver and gold are to continue to play a major role in our fiscal and monetary affairs, we are going to have to find increased sources of supply of these two precious metals.

I am happy to report, Mr. President, encouraging news from my native State of Idaho. Already Idaho produces more than half of the Nation's newly mined silver and its potential production is even greater, for Idaho possesses the greatest known silver reserves in the free world.

Gold, too, is important in Idaho. A recent U.S. Bureau of Mines survey shows that Idaho's gold reserves are larger than any of the other States.

An excellent article which sums up Idaho's unique position in the world of mining recently appeared in the Intermountain Observer, published in Boise. The article was written by William E. Irvin, president of the Idaho First National Bank in Boise. This article will be of much interest not only to the banking and industrial community, but to all who view with alarm the scarcity of gold and silver. I ask unanimous consent, Mr. President, that Mr. Irvin's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

METALS PUT A ROSY GLOW IN IDAHO'S FUTURE

(By William E. Irvin)

(Editor's Note.—The writer is president of the Idaho First National Bank in Boise. The article is reprinted from the April issue of "American Banker.")

If you hold that silver reserves are to be a factor in industrial and monetary considerations of the next several years—and if you believe that gold will occupy a place of similar importance, and that lead, zinc, and phosphate will continue to have an important bearing on the industrial-agricultural fortunes around the world, and if you recognize that, underlying all of this, man's program today is critically dependent upon an abundant supply of water, then . . .

You have begun to identify the state of Idaho as a tangible force in the financial considerations and industrial advancements of the United States and the free world.

Why should this be so?

The silver reserve of the U.S. Treasury is today running about one-seventh of what it was just 10 years ago. In 1958 it was 2,100 million ounces, while in March of 1968, reliable estimates place the reserves at just over 300 million ounces.

With the redemption of silver certificates and other claims against this accelerating beyond 20-million ounces per month in March, 1968, it appears that not much more than a three- or four-month supply of silver remains, after 165-million ounces are set aside as strategic stockpile.

When we consider that the annual U.S. production of silver is about 31-million ounces and the industrial consumption is 150-million ounces, we begin to see the silver situation in a new and startling perspective. These figures vary slightly, depending upon source, but whatever figures we use do not change the picture materially.

Idaho's mining potential begins to emerge from all of this when we witness continually rising industrial demands for silver in the light of lessening reserves and rising free-market prices. When the Treasury lifted the ceiling price of $1.29 per ounce, silver prices began rising; and there are respected authorities predicting that this will be more than doubled by the end of 1968. Already it is just over $2 per ounce in March, 1968.

This is where Idaho comes in. The Gem State produces 52% of all U. S. silver, and its deposits are recognized to be the greatest available in the Free World. For industrial needs alone, Idaho silver seems assured of new and healthy markets.

Gold has the world's attention now, and ties into the complex subject of international liquidity. The basis of settlements has been gold and, although programs are under way to add to the amount by other means, gold itself is a precious metal and will continue to have high value. With the upward pressures, we can expect the price to increase further rather than to decrease.

And here steps in Idaho: A very recent survey of the U.S. Bureau of Mines reveals that Idaho has the largest known gold reserves of any of the 50 states, including Alaska.

After literally billions of dollars in precious metals have been taken from Idaho mines, the state still remains the greatest hope of the United States in replenishing silver and gold supplies. But this is not all: Idaho produces 17% of the nation's lead and 10% of its zinc, both in great demand by industry. So Idaho's promise for the future in metals is great.

Conservatively, geologic experts say that Idaho mining is just coming of age. The potential is only now beginning to be realized. Over 30 new mining ventures have been incorporated in the past year and, in the year just past, nearly 2,000 new claims were located within the state.

As early as 1909, mineral experts predicted great things for Idaho's phosphate deposits. They took years to develop. Now, six decades later, we are just hitting the stride that makes this a giant industry.

Phosphate extraction and refining represents an investment of over $100 million with a gross income of about $60 million annually. When we measure this against the desperate need in the emerging nations in order to bring their agriculture to maximum efficiency, the potential is staggering.

Exploding populations must be fed, and they must be encouraged to grow their own food by way of modern fertilizing methods. Giant Idaho phosphate deposits are a good part of the answer—and at this time markets appear virtually without end.

There's another reason for the rosy glow to Idaho's future. It's reflecting off an abundance of water—pure, clean, mountain water. Water seems to be the common denominator to all progress in most parts of the world today. Talk of agriculture, industry, recreation, talk of people, and the need for water seems to be the all-important next question.

Idaho has water and is putting it to good use. It is undoubtedly as valuable a natural resource as any of the previously mentioned ones. Perhaps more so.

A complex of storage dams controls the release of water so that an adequate year-round supply is available to agriculture and industry. The importance of this can hardly be overemphasized in a day when many sections of our country experience water shortages by mid-summer of most years.

Silver, gold, other vital metals, agriculture and lumbering, plus plenty of water. This is Idaho. This is why we say that Idaho is so important to the United States financial-industrial progress and hence a viable force in Free World advancement.

POOR PEOPLE'S MARCH—COLUMBUS, OHIO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DEVINE. Mr. Speaker, an excellent job of reporting by the Columbus Citizen-Journal's reporter, John Milton, appeared in the Monday, March 13, 1968, newspaper as it relates to the current Poor People's March on Washington.

The article touches on a number of angles in the march which should be invited to the attention of all Members of Congress.

John Milton's story follows:

BLACK POWER JOINS "POOR" RANKS

(By John Milton)

The stated purpose of the Poor People's Campaign, and the reasons many of the participants are headed for Washington, D.C., appear to be two different things.

What has been reported as—and what may have started as—a massed effort by the nation's impoverished to obtain more federal aid, looks in reality like a black power movement, if those passing through Columbus are at all typical.

First inkling of the attitudes of the guests came when black power chants drifted through open bus windows behind the police escort. One might have expected to hear, instead, slogans of food power or money power.

Any belief that the campaign is a solemn, single-minded mission of undernourished people was dispelled when the first bus began to empty into the parking lot Saturday afternoon at Shiloh Baptist Church, 720 Mt. Vernon ave.

The mood was light despite a gloomy canopy of gray which had been dumping rain on Central Ohio all day. There was laughter and a festive atmosphere as legs cramped by the ride from Dayton were stretched.

At least 95 per cent of the crowd was Negro, most of whom seemed in the 18–28 age bracket and were not married or bread winners of families. Many wore African type garb or sweatshirts emblazoned with "Soul Brother," "Soul Sister," "Milwaukee NAACP Youth Council," and "Black Power."

Columbus had expected the poor and was ready for them 750, at least, though earlier estimates had ranged as high as 2500. Barely 600 arrived.

At St. Paul's Episcopal Church, 787 E. Broad-st, a turkey dinner for 150 had been prepared and places for nearly that many were set.

When only about 25 filtered into the dining area of the church after unloading baggage from the bus, a surprised church worker asked, "Is this all of you?"

It was the same at all the other churches where food outnumbered the guests.

After eating, the marchers were taken to the Ohio Expositions Center's Youth Center to hold a rally and sleep.

Some expressed dissatisfaction at the same old routine—bus ride, dinner, rally, to bed, breakfast, and another bus ride to the next city.

Next stop on the agenda was Toledo, followed by Detroit, Cleveland, Akron, Canton and Pittsburgh and then the Nation's Capital.

This reporter offered three Milwaukee "Commandos," a brief look at the city. They accepted eagerly, thinking at first I was a VISTA (Volunteers in Service to America) worker, or something of the kind. They learned later, only after asking, that their tour guide was a reporter. They were surprised but only mildly concerned.

A "Milwaukee Commando" is a trained security guard from that Wisconsin city whose job is protecting marchers from belligerant crowds and the commandos say, occasionally police.

The commandos are unfailingly loyal to a white man, Father John Groppi, the outspoken, often-jailed Roman Catholic priest from Milwaukee who led marches culminating in open housing legislation in that city.

"That man is a god to them," exclaimed a prominent Columbus Negro.

The three Commandos befriended by this reporter wanted to see "where the action is," because, as one put it, "Too much work and no play makes Jack a very dull individual."

"Where the action is" in Columbus on a Saturday night is in an area where white people aren't—in the vicinity of Mt. Vernon-av and 18th-st.

I told them that the last time I was in the area, Palm Sunday afternoon following Martin Luther King memorial services at the Coliseum, a bottle was thrown, striking the side of the car.

One responded reassuringly, "But you didn't have a brother along, man."

We went into an all-Negro bar, had a beer while "soul music" provoked rhythmic shadows, and I didn't get the first threatening look.

I asked one Commando if he were tired of the long bus journey. He said "I was tired before I left Milwaukee. Now I'm just getting mad. I'm getting madder by the day. By the time I get to Washington I'm going to be real mad."

About 1000 were at the Youth Center later for live music, speeches and dancing which let off incalculable steam and prompted Clifford Tyree, community relations director, to wonder out loud if inner city street dances this summer might be desirable for the same reason.

At the entrance to the Youth Center hand-lettered signs were offered with messages such as "Income, is the American Dream Just a Dream?" and "Apple Pie, Rights," and "How About a Real War on Poverty."

Commandos formed a line in front of, and below, the stage during speeches. Then Father Groppi was introduced and received the loudest reception of the night.

After having been with the caravan through Chicago, Louisville and Indianapolis, Groppi had flown to Atlanta, and his Columbus arrival was unexpected.

Groppi was the angry, indignant clergyman, as always, asking for a united black-white assault on slum landlords, and promising the marchers will stay in Washington after a June 16 government deadline and "all go to jail together" if Congress fails to satisfy demands.

Dancing in the Youth Center went on until 3 a.m. Sunday. By 7 a.m. sleepers were being routed from bunks to eat hasty breakfasts.

While awaiting transportation people sat around, sleepy-eyed. The young were impatient. Children were restrained by mothers. Older people sat quietly, hunched over in their chairs—waiting.

William Stamps, 55, of Cincinnati, said he was making the trip "for our freedom."

Young Gary Miller, of 1040 Summit-st, who "just came out to help the people any way I can," said "it's a good thing—maybe it'll wake the people up."

Percy Robertson, 55, is blind, he was making the trip from Chicago with his wife. "I'm here with the rest of the people—for freedom, for freedom . . ." he said, his voice trailing off.

John Gaddie, 18, of Indianapolis, a sophomore at Indiana University, began the trip as a marcher, is now a staff member—a marshal. He's going to Washington "because I believe in what they're doing."

Most felt facilities and treatment in Columbus rated as good as, or better than other cities. Though a Chicago man grumbled "sleeping in those bunks is like sleeping in jail."

The Poor People and the "Commandos" indicated there had been no trouble, even from hecklers, since the trek began.

A few complaints were muttered when a line of 16 Columbus Transit Co. buses snaked through the 17th-av gate. The seats weren't comfortable enough for some apparently accustomed to more luxurious travel, and a low top speed bothered those in a hurry.

Father Groppi and his entourage spent the night at Seneca Towers, at the invitation of owner Adolph Sommer, and stayed long enough Sunday morning to see that everyone got away.

With a cup of black coffee in one hand and a cheese sandwich in the other, Groppi said he was pleased with the reception the Poor People's Campaign has gotten so far.

He said enthusiasm is growing and "I think the crowd will gather as we go along."

Predicting violence if the Washington camp-in isn't productive, Groppi said "there had better be results—I think the salvation of the nation depends on it."

"If this takes all summer then that's how long we're going to be around . . . until we get something that is going to alleviate the sufferings of the poor in this country."

The buses had left, and a Commando at Groppi's side said "that's it—he has to go," and their party climbed into a car and drove away.

It was all over. One person had joined the caravan in Columbus, according to Bernard Wohl, director of the South Side Settlement House, and some 70 others were signed up to go directly to Washington and join those already there.

He said about $8000 has been collected locally for the Columbus delegation's trip, but "I still think we're going to need $3000 or $4000 more."

Chairs were folded up and stacked against the walls of the Youth Center, and a trash truck rolled up to haul away tell-tale signs of the weekend. Stacks of blankets were piled outside entrances to dormitory hallways.

An exhausted Cliff Tyree said, "The whole community was tremendous," went home to bed.

DEATH OF JAMES CARSWELL "MOODY" DANIEL, OF GEORGIA

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 16, 1968

Mr. TALMADGE. Mr. President, on May 4 the State of Georgia lost one of its most outstanding and best-loved citizens in the passing of James Carswell "Moody" Daniel.

Moody Daniel was my longtime friend, and I was profoundly saddened by his tragic and untimely death. He was an active citizen dedicated to his State and community, and he will be sorely missed.

I ask unanimous consent that obituaries and editorial comment concerning Moody Daniel's death be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Waynesboro (Ga.) True Citizen, May 8, 1968]

J. C. DANIEL

Funeral services for James Carswell (Moody) Daniel, 53, husband of Mrs. Lorraine Mallard Daniel, who died Saturday, May 4, in an Augusta hospital, were held Monday, May 6, at Waynesboro First Baptist Church. The Rev. Harold Rowland officiated. Burial was in Magnolia Cemetery, Waynesboro.

The son of the late James Carswell Daniel of Burke County, Ga., he was an honorary member of University of Georgia's Gridiron Society.

Mr. Daniel was a lifelong resident of Burke County. He was active in civic and political activities in Burke County and the state. He was chief aide to the speaker of the House of Representatives, consultant to the commissioner of agriculture in Georgia, and was a member of the Georgia Farm Bureau.

House Speaker George L. Smith, commenting on his death, said: "I think the state—and the House—has lost one of the most able servants. He always was highly conscientious and was widely respected by legislators and department heads."

He also was a member of the Waynesboro Masonic Lodge-Royal Arch Masons, was a past Worthy Patron of the Order of the Eastern Star, and a member of the First Baptist Church, in Waynesboro.

Survivors in addition to his widow include three sons, James Robert Daniel, Augusta, Jack Carswell Daniel, Selma, Ala., and Jerry Mallard Daniel, Macon, Ga.; two sisters, Mrs. Norris C. Tucker, Savannah, Ga., and Mrs. Leroy Kirkendohl, Sylvania, Ga.; brother, Rev. Robert C. Daniel, Augusta; mother, Mrs. Lucile Carter Daniel, Sylvania; four grandchildren.

Pallbearers were Paul Stone, Malcolm Mobley, Gilbert S. Peel, Frank Cates Griffin, James Posey, Tom Cooper, Ralph Elliott and J. C. Palmer Jr.

Honorary pallbearers were J. C. Palmer Sr., Quinton Rogers, M. A. Miller Jr., John W. Walker, Preston B. Lewis Jr., John R. Bates, J. D. Bargeron, Dr. J. M. Byne, O. J. Cliett, Raymond DeLaigle, Freddy McKinney, Jessie McCullough, Robert G. Stephens, Jack Ray, Phil Campbell, Glenn Phillips, Bill Bryan, Obid Davis, George L. Smith, Jack Eland, Bill Lanier, Al Fowler, Arthur Bolton, Ernest S. Vandiver, Julian Cox, Robert Troutman, A. T. Bray, Rountree Youmans, George Busbie, Crawford Pilcher, Dixon Oxford, Jim Gillis and Carl Sanders.

Hopper-DeLoach Funeral Home was in charge of arrangements.

[From the Augusta (Ga.) Chronicle-Herald, May 5, 1968]

J. C. DANIEL DIES AT 53

WAYNESBORO, GA.—James Carswell (Moody) Daniel, 53, died at 6 p.m. Saturday at University Hospital after a brief illness.

Mr. Daniel was a lifelong resident of Burke County. He was active in civic and political activities in Burke County and the state. He was chief aide to the speaker of the House of Representatives, consultant to the commissioner of agriculture in Georgia, and was a member of the Georgia Farm Bureau.

He also was a member of the Waynesboro Masonic Lodge—Royal Arch Masons, was a past Worthy Patron of the Order of the Eastern Star, and a member of the First Baptist Church, in Waynesboro.

Funeral services will be held at 4 p.m. Monday at Waynesboro First Baptist Church, with the Rev. Harold Rowland officiating.

Survivors include his widow, Mrs. Lorraine Mallard Daniel, Waynesboro; three sons, James Robert Daniel, Augusta, Jack Carswell Daniel, Selma, Ala., and Jerry Mallard Daniel, Macon, Ga.; two sisters, Mrs. Norris C. Tucker, Savannah, Ga., and Mrs. Leroy Kirkendohl, Sylvania, Ga.; brother, Rev. Robert C. Daniel, Augusta; mother, Mrs. Lucille Carter Daniel, Sylvania; four grandchildren.

Friends may call at Hopper-DeLoach Funeral Home until the time of services.

[From the Augusta (Ga.) Chronicle, May 6, 1968]

LAST RITES TODAY FOR J. C. DANIEL

WAYNESBORO, GA.—Funeral services for James Carswell (Moody) Daniel, 53, husband of Mrs. Lorraine Mallard Daniel, who died Saturday in an Augusta hospital, will be held at 4 p.m. today at Waynesboro First Baptist Church. The Rev. Harold Rowland will officiate. Burial will be in Magnolia Cemetery, Waynesboro.

The son of the late James Carswell Daniel of Burke County, Ga., he was an honorary member of University of Georgia's Gridiron Society.

Friends may call at the home, 436 Pine St., Waynesboro.

Pallbearers will be Paul Stone, Malcolm Mobley, Gilbert S. Peel, Frank Cates Griffin, James Posey, Tom Cooper, Ralph Elliott and J. C. Palmer, Jr.

Honorary pallbearers will be J. C. Palmer, Sr., Quinton Rogers, M. A. Miller, Jr., John W. Walker, Preston B. Lewis, Jr., John R. Bates, J. D. Bargeron, Dr. J. M. Byne, O. J. Cliett, Raymond De Laigle, Freddy McKinney, Jessie McCullough, Robert G. Stephens, Jack Ray, Phil Campbell, Glenn Phillips, Bill Bryan, Ovid Davis, George L. Smith, Jack Eland, Bill Lanier, Al Fowler, Arthur Bolton, Ernest S. Vandiver, Julian Cox, Robert Troutman, A. T. Bray, Rountree Youmans, George Busbee, Crawford Pilcher, Dixon Oxford, Jim Gillis and Carl Sanders.

[From the Augusta (Ga.) Chronicle, May 9, 1968]

JAMES CARSWELL DANIEL

When death claimed James Carswell (Moody) Daniel of Waynesboro Saturday, it was a distinct loss not only for his family and for Burke County neighbors, but also for the state of Georgia.

Mr. Daniels had carried out responsibilities and exerted a beneficent influence in many spheres, as a member of Masonic bodies, of the Georgia Farm Bureau and of the Baptist Church. It was in the political realm, however, that he possibly was best known and most widely effective in advancing democratic processes.

As chief aide to the speaker of the House of Representatives, he was well and favorably known. The homespun manner and cordial approach which were a genuine and deeply felt part of his nature won him many friends. And, as consultant to the Georgia commissioner of agriculture, he had a voice in farm policies of his native state.

His genial and sincere role in public affairs was one which few can fill.

[From the Augusta (Ga.) Chronicle, May 9, 1968]

STATE OFFICIALS PAY TRIBUTE TO MOODY DANIEL

A large delegation of state government officials headed by Gov. Lester Maddox attended funeral services in Waynesboro Monday for J. C. (Moody) Daniel.

In attendance with the governor, Lt. Gov. George T. Smith and House Speaker George L. Smith were numerous state officials and a majority of the members of the Georgia General Assembly.

The largest crowd in the memory of most Waynesboro citizens gathered to pay tribute to Mr. Daniel's memory.

EDITORIAL COMMENT: COMMUNITY AND STATE LOSE "MOODY" DANIEL

(By Roy F. Chalker)

The untimely passing of James Carswell "Moody" Daniel leaves Burke County with a distinct sense of loss.

Indeed, his loss to the state government will be felt in many places.

He was serving as Chief Aide to the Speaker of the House of Representatives as he had for several years, and as Consultant to the Commissioner of Agriculture. In these positions he had built up a wide circle of friends among the politically great and near-great. His kindly manner and helpful attitude to everyone earned him a place of indispensability in the legislative and administrative branches of state government.

Moody had been a close personal friend of the last four or five governors. All of them depended upon him in their relations with the legislature.

He was helpful to his home people. It was generally understood that he was one of the best people to secure attention and favors from state officials and departments.

Moody pursued his political battles with diligence, but he seemed never to carry a grudge. He was ready to do a favor for anyone, regardless of his previous political affiliation.

He could always be depended upon to do the hard and necessary work in any project that he felt was to the best interest of his community or Church. For instance, several years ago he personally conducted a campaign that resulted in air conditioning the First Baptist Church.

His place of leadership and friendship state-wide and in his home community will not soon be duplicated.

THE UNTOLD STORY OF MARTIN LUTHER KING, JR.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. RARICK. Mr. Speaker, Mr. John S. Perilloux, of Ewa Beach, Hawaii, offers a documented story of Martin Luther King, Jr., with which he feels the American people should reacquaint themselves before the past is forgotten—and history written from halftruths.

I include Mr. Perilloux' "Untold Story" in the RECORD:

THE UNTOLD STORY OF MARTIN LUTHER KING

(By John S. Perilloux)

Few men have had so many words spoken and written about them as has had the late Martin Luther King, Jr. The Reverend King was the center of a storm of controversy and violence from the time he achieved prominence in 1955, when he led a successful boycott against the bus system of Montgomery, Alabama, until the day of his death in Memphis, Tennessee, on April 4, 1968. Indeed, the controversy continues even after his death.

Because of his success in the bus boycott King gained the respect and admiration of many Americans. Overlooked by some, and unknown to most, were the character and backgrounds of the men and women chosen by King to assist him in his assault upon such formidable obstacles as segregation and racial prejudice. Had he enlisted the support of worthier people as his immediate aides, King could have been a potent force in strengthening America and uplifting his people. However, such was not the case, and from the pinnacle of success in 1955 he descended to an all-time low in April of 1967 when he called the United States "the greatest purveyor of violence in the world today".

Who was this man who has been commended as a man of peace and damned as an apostle of violence? To those liberal and bleeding hearts who have not intelligently discerned what King had been saying and doing during his twelve years of prominence this may come as a shock and a tragedy. To those of us who have followed his activities closely and have been aware of his questionable activity it comes as no surprise at all. In 1967 the real Martin Luther King stood up, and yet, where is the criticism he deserved and should have gotten?

On January 15, 1929, Michael Luther King, Jr., was born in a 13-room house in Atlanta, Georgia. When he was six his father changed both their names to Martin. He entered Morehouse College in Atlanta at the age of 15 and from Morehouse went to Crozer Theological Seminary in Chester, Pennsylvania.

In 1955 King became pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama. On December 1st of that year a Montgomery bus driver ordered Negroes to stand so Whites could sit. One woman, Mrs. Rosa Parks, refused and was arrested. Within hours Negroes began a boycott against the bus system which was to last for more than a year. King's gift of articulateness, his willingness to defy city officials, and his apparent lack of personal motives made him the natural leader of the boycott. When the boycott ended Martin Luther King had become world-famous.

But who had assisted King in toppling segregation on Montgomery buses? Surely, no one man, no matter how articulate or how brave, could succeed in such an undertaking alone. And who is Mrs. Rosa Parks?

Dr. King led the boycott as the head of the Montgomery Improvement Association which had been formed by the Reverend Fred Shuttlesworth, former convict who has also been President of the Southern Conference Educational Fund, Inc. (1) The SCEF had been formed from the Southern Conference for Human Welfare. Identified communist James A. Dombrowski was administrator of the SCHW. Paul Crouch, one of its founders, and an admitted communist from 1925 to 1942, testified that the SCHW "was intended to lead to class hatred and race hatred, dividing class against class and race against race". (2) The Senate Internal Security Subcommittee exposed the SCHW, stating that it was "conceived, financed, and set up by the Communist Party in 1938 to promote communism in the Southern states". After the SCHW was exposed the Party replaced this organization with the Southern Conference Education Fund. (3)

This new communist front continued to use the same address as the SCHW, the same publication, the same telephone number, and almost identical officers. Dombrowski continued to serve as administrator, identified communist Aubrey Williams remained on the board, and identified communists Carl and Anne Braden were made field secretaries. After conducting an investigation the Senate Internal Security Subcommittee described the SCEF as a communist transmission belt for the South. (4)

It is extremely interesting that the President of the SCEF was at one time the Reverend Fred Shuttlesworth, founder of the Montgomery Improvement Association and Vice President of Martin Luther King's Southern Christian Leadership Conference.

Also in the Montgomery Improvement Association with King and Shuttlesworth was Bayard Rustin. FBI reports state that Rustin joined the Young Communist League in 1936 while at the College of the City of New York and was active in this organization on the campus and elsewhere. During World War Two he was arrested several times for advocating resistance to the war and served 26 months in Federal prisons for draft dodging. (6)

Rustin has worked closely with the War Resisters League, the World Peace Brigade, Liberation, the Medical Aid to Cuba Committee, the Committee for Non-Violent Action, the Greenwich Village Peace Center, and similar organizations, often as an officeholder. (7) He has also been active in the American Forum for Socialist Education, a communist-dominated organization. (8)

In 1953, in Pasadena, California, Rustin was arrested on a charge of sex perversion and went to jail after pleading guilty. (9)

There are those who might argue that Rustin had mended his ways by 1955 when Martin Luther King hired him as his secretary and adviser. Let's follow Rustin's activities since 1955.

In 1957 the Communits Party invited him to its 16th national convention as an "observer". (10) He has been socially entertained at the Soviet embassy and in 1958 went to Russia under the sponsorship of the Nonviolent Action Committee Against Nuclear Weapons. (11)

The January 1963 issue of Fellowship reveals Rustin to be a "friend" of Kwane Nkrumah, former Communist dictator of Ghana. The same issue of Fellowship credits Rustin with having worked to establish a "center for nonviolence" at Dar es Salaam, Tanganyika, which has proven to be a training center for communist guerrillas. Terrorists, trained at this center, have conducted raids on Rhodesia and South West Africa.

In September 1963, at Richmond, Virginia, Rustin said that "more bloody Negro suffering should be encouraged so that squeamish Northern Negroes would be horrified into line". (12) It is possible that some would be horrified. However, it is *certain* that this is part of the strategy of the communists for propagating racial warfare in the United States.

On August 28, 1963, Rustin led a "march on Washington".

On August 29, 1963, he urged that the only hope for Negroes was to "go left.". (13)

On February 3, 1964, Rustin was a leader of the New York City school boycott.

On February 4 he was photographed leaving a cocktail party at the Soviet mission to the United Nations. (14)

This, then, was the leadership of the Montgomery Improvement Association; Martin Luther King and two ex-convicts who were also communist-fronters.

And what of Mrs. Rosa Parks, the woman who precipitated the bus boycott?

Shortly before the incident on the bus, Mrs. Parks had attended the Highlander Folk School in Monteagle, Tennessee. (15) To fully understand the nature and purpose of this school we must go back to the early 1930's, a time when the Communist Party had great dreams and expectations for using the Negro in the Party's plans for overthrowing the government of the United Sttaes.

It was in the 1930's that the party organized the People's Institute of Allied Religion. As part of its program this organization set up the Commonwealth College at Mena, Arkansas. It was organized around 1932 by identified communist James A. Dombrowski and fellow-traveler Myles Horton. It was cited by the U.S. Attorney General as a communist front (16) and fined $2500 for violating the sedition statute of the state of Arkansas. (17) The faculty then moved to Monteagle, Tennessee, and organized the Highlander Folk School. In addition to Dombrowski and Horton those assisting in the school's operation included Don West, district director of the Communist Party in North Carolina (18), and identified communist Aubrey Williams. (19)

In 1945 the U.S. Senate rejected the appointment of Aubrey Williams as administrator of the Rural Electrification Administration because of his communist affiliations. (20)

Aubrey Williams was President of the Southern Conference Education Fund until 1963, at which time he became national chairman of the Committee to Abolish the House Committee on Un-American Activities. (21) This organization has been cited as a communist front.

Can there be any doubt as to what was taught at the Commonwealth College where the hammer and sickle was prominently displayed? Or at the Highlander Folk School where Rosa Parks was trained?

In March 1967 the Southern Christian Leadership Conference was organized in Atlanta. Martin Luther King was installed as President, Fred Shuttlesworth as Vice President, and the Reverend Andrew Young as program director.

The Atlanta Constitution of July 24, 1963, had this to say about Andrew Young:

> The Reverend Young has been headquartered rent-free in Savannah in the offices of the International Union of Mine, Mill, and Smelter Workers. The Subversive Activities Control Board, an agency of the Federal government, has found the union to be communist infiltrated. Another coincidence.

In 1957 King was photographed at the Highlander Folk School during the Labor Day weekend. Also in attendance and photographed were Rosa Parks, Aubrey Williams, Myles Horton, and Abner W. Berry of the Central Committee of the Communist Party. (22)

Now it would seem that the Reverend King would have gotten some inkling of the backgrounds of his associates at this school and the nature and purpose of the school itself. Nevertheless, on a form letter from school director Horton, dated May 15, 1963, the Reverend Dr. King is listed as a sponsor of Highlander. (21)

In December 1959 King called upon Southern Negroes to practice "civil disobedience" and to break openly any state or local law "not in harmony with Federal law". (32)

In 1960 Hunter Pitts O'Dell replaced Bayard Rustin as secretary and adviser to King. Let's delve a little into O'Dell's background.

In 1956 he refused to testify before the Senate Internal Security Subcommittee, taking the 5th amendment when questioned about his communist activities. He repeated this performance in 1958. (23) In 1962 the House Committee on Un-American Activities published a report entitled "Structure and Organization of the Communist Party in the United States". On page 576 there is a list of those elected to the National Committee of the Communist Party, USA, as known to the House Committee in November of 1961. Among the names is that of Hunter Pitts O'Dell.

The facts are that O'Dell was district organizer for the Communist Party in New Orleans, Louisiana, in 1956 (23), was a member of the Communist Party when Martin Luther King hired him, and was elected to the National Committee of the Communist Party while on King's payroll.

On October 26, 1962, the St. Louis Globe Democrat printed an article stating that King had a communist on his payroll, so King claims to have fired O'Dell at this time. However, O'Dell then went to work as administrator in the New York office of the Southern Christian Leadership Conference. The SCLC, you will recall, is an organization of which Martin Luther King was President. Pressure from the press again caused King to "fire" O'Dell, this time on June 26, 1963. In July 1963 a reporter for United Press International phoned the New York office of the SCLC and was told that O'Dell was still administrator of that office. (24)

In 1960 there was the restaurant "sit in" in Atlanta, led by King. (25)

In 1961 demonstrations in Albany, Georgia, led to his arrest. He declared dramatically when arrested that he would remain in jail until the city desegregated public facilities. Two days later he was out on bail. (25)

In St. Augustine, Florida, after getting Negroes fired up for demonstrations King went to jail amid great fanfare. But two days later he was bailed out again so he could receive an honorary law degree at Yale University. (25) In the meantime, the aged mother of Massachusetts' Governor Peabody remained in the St. Augustine jail after having been arrested in the demonstrations. White segregationists "Hoss" Menuci and Connie Lynch were in St. Augustine whipping up mobs into a murderous fury. King was safely at Yale.

King's American Committee for Africa sponsored and financed the American tour of communist terrorist Holden Roberto, leader of the "war of national liberation" which began in Angola on the morning of March 15, 1961. A thousand whites were murdered and dismembered and also about 8,000 Africans. (34)

In October 1962 King met with communist Ahmed Ben Bella of Algeria in a hotel in Harlem. (26) From the United States Ben Bella traveled to Cuba for conferences with Fidel Castro.

In 1963 there were the demonstrations in Birmingham, Alabama. A bomb in a church, which resulted in the deaths of four Negro girls, was described as the work of white segregationists and the Ku Klux Klan. Possible. Equally possible is that it could have been the handiwork of agents provocateurs. Remember Carl Braden? He was indicted, tried, and convicted of conspiring with Negroes to bomb the house of a Negro and then place the blame on white segregationists. (40)

On October 5, 1963, state and local police raided the office of the Southern Conference Educational Fund at 822 Perdido Street in New Orleans. Quantities of communist literature were seized. Also seized were a check from James A. Dombrowski made out to and endorsed by Martin Luther King. There were letters from King to Dombrowski and the Bradens and a photograph of King, Dombrowski, and the Bradens. The photograph had been taken at the 5th annual meeting of King's Southern Christian Leadership Conference. (27)

King was directly responsible for a Supreme Court ruling in 1964 in the case of "New York Times vs Sullivan". The case dealt with a full-page ad placed in the Times by King and other civil rights leaders. Many statements in the ad, charging that Negroes in Montgomery were being abused, were proven false. Sullivan, a Montgomery city official was subsequently awarded a $500,000 libel judgment. The Supreme Court reversed the judgment, ruling that criticism of official conduct cannot be termed libelous without showing actual malice, which is knowledge that the statement was false or reckless disregard for whether or not it was false. (28)

In 1964 there was the march from Selma to Montgomery. Who were the participants? An entry by U.S. Representative William L. Dickinson in the Congresional Record for March 30, 1965, will help to enlighten us.

Mister Dicskinson says there were four distinct groups participating in the march. "One group was the Alabama Negro who participated to secure rights and privileges which he felt had been withdrawn from him illegally". A second group were the do-gooders from out-of-state, motivated by compassion for their fellow human beings. He describes the third group as "human flotsam: adventurers, beatniks, prostitutes, and similar rabble".

And what of the fourth group, the ones who welded the others together and gave them cohesiveness? Who were they? In the words of Congressman Dickinson, "the Communist Party."

Look at the speakers on the platform in front of the State Capitol in Montgomery or participating prominently in the march or demonstrations:

Carl Braden, a well-known communist who was convicted of conspiring to bomb a Negro's house.

Abner Berry, one of the directors of the Communist Party. He was in and out of the Selma-Montgomery area.

James Peck, who has a federal criminal record and who once tried to prevent the launching of our first nuclear submarine.

Bayard Rustin, who by his own admission in the Saturday Evening Post was a communist party organizer for 12 years.

Martin Luther King, who has amassed the staggering total of over 60 communist front affiliations since 1955 (41).

In the Congressional Record, volume 111, part 5, page 6334, there is an affidavit, sworn to under oath, by Karl Prussion, a former counterspy for the FBI. Part of the wording of that affidavit is as follows:

"I hereby also state that Martin Luther King has either been a member of, or wittingly has accepted support from, over 60 communists fronts, individuals, and/or organizations which give aid to or espouse communist causes".

In the New York World-Telegram for July 23, 1964, there is an article on page 2 in which King says he is sick and tired of people saying the civil rights movement has been infiltrated by communists and communist sympathizers. He said there were as many communists in the movement as there are Eskimos in Florida.

In November 1964 J. Edgar Hoover, Director of the Federal Bureau of Investigation, said King was the most notorious liar in the United States. (29)

In 1965 King began to make critical speeches about U.S. foreign policy. The communist press gave extensive coverage to his speeches, often featuring them on the Communist Party's official newspaper, the Worker. In September of 1965 he called upon Arthur Goldberg at the United Nations and urged the United States to press for a UN seat for Communist China. He also asked for a halt in U.S. air strikes against North Vietnam and recommended negotiations with the Vietcong. (25) Has anyone ever heard of the Reverend King calling on North Vietnam to halt its subversion, murder, and terrorism in the South?

In 1965 an organization known as the Citizens Crusade Against Poverty was founded. Respected author and writer George Schuyler had this to say about that organization:

> Its officers include the Soviet-trained Reuther, Martin Luther King, black power promoter James Farmer, radical socialist Michael Harrington, ADL sneak Dore Schary, the Vietnik Doctor Benjamin Spock, and a team of other such revolutionaries crimson enough to dye the Pacific Ocean a brilliant red. (30)

Gus Hall, General Secretary of the Communist Party, USA, commented, "We are at a new stage in the struggle, because this is the crossroads where the civil rights struggle meets the class struggle". (31)

In an interview on "Meet the Press" on March 28, 1965, King said, "I do think that there are two types of laws. One is a just law, and one is an unjust law. I think we all have moral obligations to disobey unjust laws". (32) And who is to decide which laws are just and which are unjust? King was advocating chaos and anarchy.

The connections between the civil rights movement and the Communist Party became stronger in April of 1966 when all three South-wide civil rights organizations lined up in opposition to U.S. policy in Vietnam. These organizations were the Southern Conference Educational Fund, the Student Nonviolent Coordinating Committee, and King's

Southern Christian Leadership Conference. They termed their merger a "meshing of the civil rights and peace struggles." (43)

The riots which began in Chicago on July 12, 1966, broke out just two days after King held a mass civil rights rally in Soldiers Field. The Chicago Tribune reported that prior to the riots King had shown films detailing the violence of Watts. Asked by the Tribune about this King replied that the films showing the Watts riots were to demonstrate the negative effect of riots. (Negative effects such as rioters carrying off color TV sets?) During the Chicago rioting King reportedly sped from one trouble spot to another, but reporters noted that he seldom got out of his car. (32)

The Allen-Scott Report of July 1966 states that King and company were contacting and enlisting Chicago street gangs and "bringing them into the civil rights movement to fight the 'power structure'."

In a speech in Los Angeles on February 25, 1967, King called for a "merger" of the peace and civil rights movements. He called the Vietnam war the result of "paranoid anti-communism." (44)

In a speech at the Coliseum in Chicago King again called for the merging of the peace and civil rights movements, saying, "We must combine the fervor of the civil rights movement with the peace movement. We must demonstrate, teach and preach, and organize until the very foundations of our nation are shaken". (45)

In a statement delivered April 4, 1967, King called upon Negroes and Whites to register their opposition to the Vietnam war by becoming conscientious objectors to military service. (28)

On April 4, 1967, the Reverend Martin Luther King rose to the speaker's platform in New York City's Riverside Church and delivered what was later described by a Presidential aide as "a speech on Vietnam that goes right down the commie line". In his speech King called the United States "the greatest purveyor of violence in the world today". He charged the nation with "cruel manipulation of the poor" and said that U.S. troops "may have killed a million South Vietnamese civilians—mostly children". He added, "We test our latest weapons on them, just as the Germans tested out new medicines and new tortures in the concentration camps of Europe". (32)

On April 13, 1967, Michael Laski, Chairman of the Communist Party, USA, (Marxist-Leninist), told a press conference in New York: King knows what's going on. He is allowing himself to be utilized by the Communist Party. . . . King willingly enters into an alliance with the Communist Party. . . . Mr. King receives financial support from organizations and individuals that are tied to the Communist Party. He knows what is happening, and so does James Bevel. (33)

James Bevel just happens to be one of the top men in King's Southern Christian Leadership Conference. Bevel helped to organize the Spring Mobilization Committee and in July 1967 met with North Vietnamese and Vietcong officials in Stockholm, Sweden. Bevel's wife, Diane, visited Hanoi in December 1966 and conferred with women in Ho Chi Minh's government. (35)

One of the strongest statements from a fellow-clergyman came in April 1967 from the Reverend Henry Mitchell. As reported by the Chicago Tribune: The leader of a group of West Side Negro ministers declared yesterday that the Reverend Martin Luther King should "get the hell out of here". His civil rights marching last summer "brought hate".

The Chicago chapter of the NAACP, long critical of the civil rights tactics of King, formally split with King's group. (46)

From August 29, 1967, to September 4, the National Conference for New Politics held its convention in Chicago. Every subversive organization in the United States was represented. A par-list of organizations which participated include:

Clergy and Laymen Concerned About Vietnam.

Draft Resistance Union.

Southern Christian Leadership Conference.

Student Nonviolent Coordinating Committee.

W.E.B. DuBois Clubs.

Revolutionary Action Movement.

Socialist Workers Party.

Progressive Labor Party.

Communist Party, USA.

The keynote speaker for the convention was Martin Luther King. Part of his speech follows:

These are revolutionary times. All over the globe men are revolting against old systems of exploitation and oppression. Out of the wombs of a frail world new systems of justice and equality are being born. We in the West must support these revolutions. . . . A morbid fear of communism has made Americans the arch anti-revolutionaries. This has driven many to feel that only Marxism has the revolutionary spirit. Communism is a judgment of our failure.

We have deluded ourselves into believing the myth that capitalism grew and prospered out of the Protestant ethic of hard work and sacrifices. The fact is that capitalism was built on the exploitation of black slaves and continues to thrive on the exploitation of the poor—both black and white.

The way to end poverty is to end the exploitation of the poor and ensure them a fair share of the government's services and the nation's natural resources. We must recognize that the problems of neither racial nor economic injustice can be solved without a radical redistribution of political and economic power. (36)

Lenin couldn't improve on that speech.

On September 21, 1967, King was made an honorary lifetime member of ILWU local 10 in San Francisco. (37) The ILWU, you will remember, is the labor union which was expelled from the CIO when it was found that the ILWU was communist-dominated. The leader of the ILWU, Harry Bridges, is a communist and was ordered deported from the United States. The deportation order was overruled by Roosevelt's Supreme Court at the urging of Eleanor Roosevelt. (38)

In November 1967 King was guest speaker at the National Labor Leadership Assembly for Peace in Chicago. In his speech King denounced the Johnson administration. (39) If communist press reports were accurate the "left wing" of labor dominated the convention. The Worker of November 19, 1967, says, "This was the most significant anti-war gathering of labor leaders ever held in this country. The conference radiated awareness that here was the force capable of mobilizing the decisive factor of the people, the working class, against the Vietnam war." Communist Harry Bridges got a standing ovation when he addressed the closing session.

On March 5, 1968, the Honolulu Star Bulletin carried an article in which King stated that flame throwers in Vietnam are fanning the flames in the cities of the United States.

In 1967 King began planning for massive demonstrations in Washington, D.C. The demonstrations were scheduled to take place beginning on April 22, 1968. In addition to recruiting thousands of the poor, he planned to organize and train black militants involved in last summer's riots for major roles in his campaign of massive civil disobedience.

King revealed this in private conferences with Stokely Carmichael, the pro/Vietcong, pro/Castro revolutionary, and other black militants.

At one point in their meeting Carmichael said that the time had come to begin disrupting American cities *"to help our Vietcong comrades-in-arms"*. King, while stressing that he was vigorously opposed to the Vietnam war, argued that if such an objective were announced for his campaign it would backfire. King's plans included:

(a) Selection of five cities in which to train 100 neighborhood leaders. The suggested cities were Chicago, Cleveland, St. Louis, Houston, and Atlanta.

(b) Contacts would be made with the residents of the poor community. Young men who were actively involved in last summer's riots were to be sought out and trained as leaders.

King also told Carmichael, "To dislocate the functioning of a city without destroying it can be longer lasting, more costly to the society. It is more difficult for the government to quell it by force. The disruption of the cities you want will come much easier.

King also reported that ousted Congressman Adam Clayton Powell would play a major role in the Washington demonstrations. Powell himself has said, "My return to Washington in April will help rock the entire country". (42)

Take a close look at this again, ladies and gentlemen. Stokely Carmichael recently returned to the United States after conferring with Fidel Castro, North Vietnamese officials, and communist revolutionaries in many countries in Africa, Asia, and Europe.

James Bevel, who is on the staff of the SCLC which is drawing up the battle plans for the disruptions, conferred with North Vietnamese and Vietcong officials in Stockholm last July.

Adam Clayton Powell was in California recently where he attempted to organize students, white as well as black.

This is the groundwork for a revolution, and the only people who can possibly benefit from such a coalition are the enemies of the United States.

In late March of 1968 King's attention was drawn to Memphis, Tennessee, where a garbage collectors strike was in progress. He went to Memphis and organized a demonstration which culminated in a riot. During the burning and looting which followed, a 16-year-old was killed. A judge issued an injunction prohibiting any more demonstrations because of the explosiveness of the situation in Memphis, but King promptly announced he had no intention of obeying. He had again decided to disobey an "unjust law".

On April 4, 1968, Martin Luther King was killed by a sniper's bullet fired by someone who has not as yet been apprehended, despite a massive investigation instigated by Ramsey Clark. The odd circumstances surrounding the murder are again suggestive of an agent provocateur.

On April 11, 1968, U.S. Representative John R. Rarick of Louisiana inserted in the Congressional Record a news item concerning King. On page 9816 there is the following:

[From the Yakima (Wash.) Eagle, Nov. 30, 1967]

The first disclosure that an FBI report existed which tied Martin Luther King in communism was published in Washington Observer Newsletter No. 13 in the February 15, 1966 issue.

At that time Attorney General Nicholas Katzenbach refused to turn over this file to the House Committee on Un-American Activities. In fact Katzenbach, in the presence of Lyndon Johnson, lied and denied to Congressman John Bell Williams that the file even existed.

WO is now happy to report that the FBI report is not only in the hands of the HCUA, but copies are also in the hands of Congressman John J. Rooney of New York.

The lawmakers were so shocked at what they read in the FBI report that they plan to summon King before their committees and delve deeply into his involvement with communist conspirators. When the FBI agents had King under surveillance they observed him meet a well-identified Soviet espionage agent at Kennedy Airport in New

York. They also secured evidence that King was receiving large sums of money from a well-known American communist agent who gives King instructions which he implicitly obeys. The Federal agents also adduced evidence of his unsavory personal conduct in Washington hotels and elsewhere and the fact that he had violated the Mann Act (white slavery). This is a violation of the U.S. criminal code, but neither Attorney General Katzenbach nor his successor, Ramsey Clark, would allow the FBI to present the evidence to a Federal grand jury.

The record of Martin Luther King strongly indicates he had been grossly irresponsible in learning the backgrounds of his associates and associations or that he chose to use them for his own ends. The only other conclusion that a reasonable person can come to is that Martin Luther King covertly and consciously attempted to promote the cause of the Communist Party.

DOCUMENTATION

(1) Louisiana Legislative Report on the Southern Conference Education Fund, part 1, pp 13–14.

(2) Communism and Race in America, p 36.

(3) Senate Internal Security Subcommittee Report, Southern Conference Educational Fund, Inc., p v.

(4) The Communist Attack on U.S. Police, p 26.

(5) Louisiana Legislative Report on the Southern Conference Educational Fund, part 1, p 13.

(6) Allen-Scott Report, August 16, 1963.

(7) National Review, August 20, 1963.

(8) Annual Report—1957, Senate Internal Security Subcommittee, pp 36–40.

(9) This information is recorded in the files of the Pasadena Police Department under Rustin's official arrest number 33194.

(10) Daily Worker, February 25, 1957, p 1.

(11) Boston Globe, February 5, 1964.

(12) Ibid.

(13) Richmond News-Leader, September 27, 1963, editorial.

(14) Boston Globe, February 5, 1964.

(15) Testimony of J. B. Matthews given before the Florida Legislation Committee, volume 1, p 24.

(16) New York Times, April 28, 1949, p 6.

(17) Report of the Louisiana Legislative Committee on Un-American Activities, entitled "Activities of the Southern Conference Educational Fund", part 1, p 25.

(18) Testimony of Paul Crouch, leading Communist Party official in the South at the time. See House Committee on Un-American Activities, May 16, 1949, pp 191–193.

(19) "Southern Conference Educational Fund, Inc." Report of the Senate Internal Security Subcommittee, p 45.

(20) J. B. Matthews, testimony before the Florida Legislation Investigation Committee, volume 1, p 21.

(21) It's Very Simple, by Alan Stang.

(22) Photographs may be obtained from The Councilor, 1827 Texas Avenue, Shreveport, Louisiana, price $1.

(23) St. Louis Globe-Democrat, October 26, 1962.

(24) UPI story in the Jackson, Mississippi, Clarion-Ledger, July 26, 1963.

(25) Reader's Digest, September 1967.

(26) New York Times, October 14, 1962.

(27) Activities of the Southern Conference Educational Fund, Inc., in Louisiana, part 2, p 81.

(28) Reader's Digest Almanac, 1968.

(29) North American Newspaper Alliance, November 19, 1964.

(30) George S. Schuyler in American Opinion, January 1968.

(31) The Worker, February 13, 1966.

(32) U.S. Representative John Ashbrook in Congressional Record.

(33) Gary Allen in American Opinion, July–August 1967.

(34) New York Times, March 20, 1961, p 3.

(35) Esquire, November 1967.

(36) Gary Allen in American Opinion, November 1967.

(37) Imua Fact Finder, 568 Alexander Young Bldg., Honolulu, Hawaii.

(38) Gary Allen in American Opinion, March 1967.

(39) Imua Fact Finder #3, December 1967

(40) New York Times, December 14, 1954, p 26, and October 2, 1964, p 6.

(41) "Congressional Record, volume 111, part 5, pages 6333–6335."

(42) Human Events, March 2, 1968.

(43) The Worker, April 26, 1966.

(44) The Worker, March 12, 1967.

(45) The Worker, April 2, 1967.

WORLD REFUGEE REPORT, 1968

HON. EDWARD M. KENNEDY

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Monday, May 13, 1968

Mr. KENNEDY of Massachusetts. Mr. President, each year the U.S. Committee for Refugees—USCR—a New York-based private agency, publishes a worldwide refugee census and special reports on current refugee situations. The 1968 survey records some 4,500,000 more refugees than last year and underscores the need for the United States and other countries to continue their humanitarian concern and activities for the homeless throughout the world. The 1968 survey also includes reports on the refugee problems in Africa, Vietnam, and the Middle East.

I commend the USCR and its executive vice president, Dr. R. Norris Wilson, for preparing the annual survey, which I, as chairman of the Judiciary Subcommittee on Refugees, always find extremely helpful. Because I know the current survey will be of interest to many Senators, and to others as well, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

WORLD REFUGEE REPORT: 1968 ANNUAL SURVEY ISSUE

(By the U.S. Committee for Refugees, Inc.)

(NOTE.—The U.S. Committee for Refugees, a private Citizens Committee, now in its 10th year, brings the story of the world's refugees to the American people and their leadership in the Congress. It encourages support for more than 60 American voluntary agencies working for refugees all over the world and makes funds available to their projects for refugee assistance overseas.

(These outstanding Americans are behind the work of the U.S. Committee for Refugees:

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THE REFUGE STORY IN 1968

Ten years ago when the United States Committee for Refuges was organized the world's refugee population was estimated to be 16,500,000 including 6,500,000 in Europe. At January 1, 1968 the European refugee problem has been reduced to 716,000 persons but the world's refugee population exceeds 15,500,000.

Over the decade, many hundreds of thousands became refugees and were resettled in Korea, India, Pakistan, Kashmir and Algeria—as well as in Europe. Nevertheless, in recent years the number of refugees of record has steadily and tragically increased—in 1964—7,910,309; in 1965—9,790,699; in 1966—11,226,920; in 1967—15,594,090. The most dramatic increases during the recent period are shown for the Middle East, South Vietnam and Africa.

Africa, out of her turbulent new life, has created many refugee problems. There are 57 states on the continent; 35 of them are faced with a refugee problem. In the early months of 1967, the Ford Foundation requested the United States Committee for Refugees to make an on-the-scene study of major refugee problems in Africa. Material for this article by R. Norris Wilson, the executive Vice President of the Committee, was gathered in the course of a 3-month 28,000 mile visit to 17 African countries.

In Vietnam the refugee population has more than doubled in the last 12 months. There are 26 American voluntary agencies at work there in addition to the assistance and pacification programs of the United States Government. The work of the private agencies, in spite of many hazards and discouragements, is probably the most hopeful fact about this tragic country.

In spite of the saddening ambiguities and confusion which burdens the hearts and minds of many Americans, these agencies are a "presence," representing to the Vietnamese people the spirit of compassion and helpfulness of the American people.

The story "Behind the Statistics in Vietnam," by Richard J. Peters, Associate Program Officer of the International Voluntary Services, Inc., is a revealing account of the characteristic work of voluntary agencies.

The Middle East saw the eruption of new fighting in the continuing Arab-Israeli conflict. The war of June 5, 1967 has created fresh tragedy but also opened new possibilities for long-range settlement efforts. This tragic problem, now 20 years old, is carefully analyzed by Dr. Laurence V. Michelmore, Commissioner General of the United Nations Relief and Works Agency (UNRWA).

American readers of this Report will not marvel at the increasing size of our Directory of Agencies engaged in refugee service. These agencies are the creations of the American's traditional desire to be helpful and his effort to extend his help in the most direct, practical and economical way. Intergovernmental, governmental and private agencies all have their distinctive role to play and all are equally vital to the total effort. But it is the private voluntary agency that "sets the pace" and gives the most "agile," flexible and imaginative expression to the humanitarian spirit. This is because the agencies are closer to the people—closer to the people in need and closer to the people *here* who give so generously to meet the needs of refugees. Agency workers on the field, in every corner of the world, labor in circumstances of appalling difficulty and heartbreak. We, comfortably at home, in our churches and temples, in our service clubs or offices, or simply as thoughtful individuals who give our money to support these workers, should be deeply proud of them, and take satisfaction in the fact that we share, in some small way, in their labors.

The shocking number of refugees on every continent is the most tragic evidence of man's inability to manage himself, his religion, his politics and his hungers with due concern for his fellow man. On the other hand, our continuing efforts to help the refugee, wherever he is—in his need, whatever its cause—is heartening evidence that the healing impulses of sympathy and neighborliness are at work among us, nourishing man's hopes for peace and freedom.

WHO IS A REFUGEE?

This Survey is at most a fragment of the story of over 15,594,090 refugees. They are on every continent and in more than 80 countries. We need to remember that they become refugees one by one. Statistics are a useful, if sometimes misleading convenience—and we must not let our statistics blind us. A refugee is a homeless, hopeless and hungry person.

Whether man, woman or child, the refugee is the tragic result of the violent pace and ferment that characterizes our time. Wherever the refugee is—whether Africa, Europe, Asia, Latin America, or in our own country—he, by his rootlessness and need personifies modern man's inability to cope with his personal life, his religion, his ambitions and his hungers, with due concern for his fellow man.

Each refugee group, while it bears some similarities to other groups, is unique. The reasons for their flight differ in each case; the circumstances of their asylum differ in each case; the opportunity for and/or rate of resettlement and integration differ in each case. Moreover, while the human situation for the refugee is always grievous, the political significance of the refugees' predicament varies in importance according to a host of circumstances.

Taking into account the many varied legal, political, economic and religious considerations which bear upon his status as a refugee, we say that a person is a refugee if his forced movement (whether within his own country or to asylum elsewhere) means that he is deprived of a minimally decent life.

If he (1) is still in a camp, though he may have a job; (2) has adequate housing, but no place to work; (3) is well cared for, though still separated from his family and uncertain whether they can rejoin him; (4) by his loss of citizenship or forced migration, is deprived of the fundamental elements of a minimally decent life—he is a refugee.

1967 WORLD REFUGEE POPULATION

15,594,090 HOMELESS—VICTIMS OF WAR, INTOLERANCE, AND SOCIAL UNREST

[Definition of abbreviations: AKF—American Korean Foundation; AFSC—American Friends Service Committee; CPRA—Congo Protestant Relief Agency; CRS-USCC—Catholic Relief Services-United States Catholic Conference; CWS—Church World Service; DHEW—Department of Health, Education, and Welfare, U.S. Government; EPEAA—Ecumenical Programme for Emergency Action in Africa (All Africa Conference of Churches); ICMC—International Catholic Migration Commission; IRC—International Rescue Committee; JDC—Joint Distribution Committee; LWF—Lutheran World Federation; ORM—Office of Refugee and Migration Affairs, Department of State, U.S. Government; PAIRC—Polish-American Immigration and Relief Committee; SRA—Spanish Refugee Aid; UNHCR—United Nations High Commissioner for Refugees; UNRWA—United Nations Relief and Works Agency for Palestine Refugees; WCC—World Council of Churches; U.S. Senate—Subcommittee on Refugees and Escapees]

Country of asylum	From—	1966	1967	Source
East Asia:				
China	Russia	1,000	1,000	ORM.
Hong Kong	China	2,000,000	2,000,000	ORM; AFSC.
Macau	China	80,000	86,000	ORM.
South Korea [1]	North Korea	1,000,000	1,000,000	AKF.
Southeast Asia:				
Bhutan	Tibet	3,000	3,000	Office of Tibet, USA.
Cambodia	South Vietnam		20,000	UNHCR.[2]
India (Calcutta)	Pakistan (East)	2,000,000	2,000,000	CWS-Stroup report; others.
India	Pakistan (East & West)	283,177	1,000,000	ORM.
Do	Tibet	41,800	50,000	Office of Tibet, USA; ORM. Times of London.
Do	Burma	55,249	55,249	Indian Information Service.
Laos	(National) [3]	250,000	300,000	ORM.
Nepal	Tibet	10,000	9,000	Office of Tibet, USA; CWS.
Pakistan (East & West)	India	500,000	500,000	ORM; WCC.
Sikkim	Tibet	6,000	5,000	Office of Tibet, USA.
South Vietnam	(National) [3]	1,003,000	2,091,000	U.S. mission, Saigon; ORM.
Thailand	Vietnam	40,000	40,000	ORM.
Do	Burma	30,000	30,000	New York Times.
Do	China	7,300	7,300	ORM.
Various countries in Asia	Europe		2,000	UNHCR[2]
Total, Asia		7,310,526	9,199,549	
Middle East:				
Dubai	Zanzibar		200	UNHCR.[2]
Gaza Strip	Palestine	307,000	316,716	UNRWA.
Israel		52,000	52,000	JDC.
Jordan (East Bank)	Palestine	259,924	509,924	UNRWA.
Jordan (West Bank)	do	458,000	480,000	UNRWA.
Lebanon	do	164,000	160,723	UNRWA.
Syria	do	140,000	240,009	UNRWA (includes 100,000 Syrian national refugees).
Turkey	Bulgaria, Rumania, U.S.S.R., Yugoslavia, Albania	2,200	2,000	Turkish Embassy, Washington, D.C.
Total, Middle East		1,383,124	1,761,572	
North Africa:				
Morocco		2,700	1,000	UNHCR.[2]
United Arab Republic	South Africa, South-West Africa, Rhodesia, Mozambique.		500	USCR.[4]
Do	Sinai, Gaza Strip		39,000	UNRWA.
Do	Europe		500	USCR.
Northeastern Africa:				
Ethiopia	Mozambique		11	USCR.[4]
Do	Sudan	10,000	20,000	ORM, CWS, CRS.
Do	South Africa, South-West Africa, Rhodesia	18	30	USCR.[4]
Do	Somali Republic	70,000	70,000	Ethiopian Government.
Somali Republic	French Somaliland		12,000	Conference document, Addis Ababa, Oct. 12, 1967 (unconfirmed).
	Ethiopia		189,000	
	Kenya		218,000	
Sudan	Congo		9,000	UNHCR [2]
Do	Ethiopia		25,500	UNHCR [2] (refugees from Eritrea).
Central and East Africa:				
Angola	Zambia		3,500	UNHCR.[2]
Burundi	Rwanda	50,000	54,000	UNHCR, EPEAA.
Do	Congo	20,000	25,000	UNHCR, EPEAA.
Central African Republic	Sudan	18,000	27,000	UNHCR, EPEAA.
Do	Congo	3,000	16,000	UNHCR,[2] EPEAA, CWS.
Congo, Democratic Republic of the	Angola	400,000	500,000	CWS, CPRA.
Do	Rwanda	60,000	24,000	UNHCR.[2]
Do	Sudan	18,000	33,000	UNHCR.[2]
Do	Haiti [5]		1,500	USCR.
Kenya	Southern Africa		450	USCR.[4]
Do	Sudan	100	200	USCR.[4]
Do	Rwanda		50	USCR.
Malawi	Mozambique		20,000	USCR, ORM.
Do	South Africa		30	USCR.[4]

See footnotes at end of table.

1967 WORLD REFUGEE POPULATION—Continued

15,594,090 HOMELESS—VICTIMS OF WAR, INTOLERANCE, AND SOCIAL UNREST—Continued

Country of asylum	From—	1966	1967	Source
Central and East Africa—Continued				
Rwanda	Burundi		12,600	CRS.
Tanzania	Democratic Republic of the Congo	2,000	6,000	ORM.
Do	Rwanda	25,000	13,500	UNHCR.[2]
Do	Mozambique	10,000	19,000	UNHCR,[2] ORM.
Do	Rhodesia	20	20	USCR.[4]
Do	Malawi		600	CRS.
Do	Kenya	2,500	2,500	LWF.
Do	Various African countries		500	UNHCR.[2]
Do	Sudan		600	CRS.
Uganda	Rwanda	50,000	68,000	UNHCR,[2] CRS, ORM.
Do	Sudan	40,000	55,000	UNHCR.[2]
Do	Democratic Republic of the Congo	38,000	33,000	UNHCR.[2]
Zambia	Angola	6,000	3,800	UNHCR.[2]
Do	Mozambique	5,000	1,800	UNHCR.[2]
Do	Malawi, Sudan		120	USCR.
Do	Others		565	UNHCR.[2]
Southern Africa:				
Botswana	South-West Africa, South Africa, Rhodesia		200	EPEAA.
Lesotho	South Africa		200	USCR,[4] WCC.
Swaziland	South Africa, Mozambique		90	USCR.[4]
West Africa:				
Dahomey	Ivory Coast, Senegal, Mali	12,000	12,000	EPEAA, ICMC.
Senegal	Portuguese Guinea	55,000	61,000	UNHCR.[2]
Various African countries	South Africa	800	6,000	Tanzanian Christian Council.
Total, Africa		898,138	1,586,368	
Europe and United Kingdom:				
Australia			37,000	UNHCR,[2] WCC.
Austria		858	24,000	UNHCR.[2]
Belgium			47,000	UNHCR,[2] WCC.
France	Eastern Europe, North Africa	62,500	192,000	UNHCR,[2] JDC, IRC, ORT.
Do	Spain	70,588	100,000	SRA.
Germany	Eastern Europe	17,564	180,000	UNHCR,[2] PAIRC, WCC, IRC.
Greece		4,775	12,000	UNHCR.[2]
Italy	Eastern Europe	1,030	13,000	UNHCR.[2]
Do	North Africa		2,500	ORM.
Netherlands	Eastern Europe		9,000	UNHCR.[2]
New Zealand	do		500	UNHCR.[2]
Spain	Cuba	15,000	17,000	UNHCR.[2]
Sweden	Eastern Europe		20,000	UNHCR.[2]
Switzerland	Tibet	399	495	Office of Tibet, USA.
Do	Various		20,500	UNHCR.[2]
U.S.S.R	China	70,000	70,000	U.S. Senate hearing report.
United Kingdom	Various		167,000	UNHCR.[2]
Yugoslavia	Albania		26,000	UNHCR.[2]
Europe, various	Tibet	600	600	Office of Tibet, USA.
Total, Europe and United Kingdom		243,314	938,595	
Western Hemisphere:				
Argentina [6]	Chile, Bolivia, Paraguay	1,000,000	1,000,000	New York Times.
Bahamas	Haiti	132	12,000	Do.
Dominican Republic	do	5,000	5,000	IRC.
Puerto Rico	Cuba	6,000	14,938	DHEW.
Do	Haiti	5,000	5,000	IRC.
United States	Cuba	91,148	350,000	ORM.
Do	Tibet	48	70	Office of Tibet, USA; New York Times.
Do	Haiti	6,000	6,000	IRC.
Do	Various		550,000	UNHCR.[2]
Various Latin American countries	Cuba	35,000	50,000	ORM.
Venezuela, Peru, Chile, Argentina, Colombia	Europe	130,000	115,000	UNHCR.[2]
Total, Western Hemisphere		1,278,328	2,108,008	

SUMMARY—TOTAL WORLD REFUGEE POPULATION

Area	1966	1967
Asia	7,310,526	9,199,549
Middle East	1,383,124	1,761,572
Africa	898,138	1,586,366
Europe and United Kingdom	243,314	938,595
Western Hemisphere	1,278,328	2,108,008
Total	11,113,430	[7]15,594,090

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[1] There remain approximately 1,000,000 of the 4,000,000 persons who moved from North to South Korea during the Korean war. It is assumed that most of the refugees have been "integrated." Yet only 1 country in the world (India) is receiving the assistance of more registered American voluntary agencies than Korea.

[2] These figures, as of Jan. 1, 1967, represent the estimated number of refugees in each country (whether resettled or not) subject to the protection and/or assistance of the Office of the United Nations High Commissioner for Refugees. In nearly all cases, other agencies confirm these figures.

[3] Refugees in their homelands who, because they have not crossed an international border, retain citizenship.

[4] These figures represent a small but significant number of refugees from southern African states seeking employment or educational opportunities.

[5] In April 1967, there were reported to be 1,500 Haitian refugee teachers working in the Democratic Republic of the Congo.

[6] We know of the presence of 1,000,000 persons who have moved from Chile, Bolivia, and Paraguay to the outskirts of the city of Buenos Aires in Argentina. They are refugees in the sense that they have no proper travel documents and also because they are, for the most part, jobless and homeless—in other words, in need of most of the services normally thought appropriate and necessary for refugees. They are undoubtedly many hundreds of thousands more of these so-called economic migrants, especially in Africa.

[7] There are many thousands of refugees in transit whose movement from their homes to new home in asylum countries is now accomplished quickly enough to prevent their settlement in camps. For example, 4,000 persons per month are moved from Cuba into Miami and out to new homes in a matter of days. Similarly, refugees from behind the Iron Curtain are being processed so rapidly and so efficiently that their numbers of approximately 34,000 per year do not enter our calculations. Only refugees that are visible can be accounted for.

OUT OF SIGHT—OUT OF MIND

The principal objective of this survey of the world's refugee problems is to give visibility to 15,594,090 persons—men, women and children—who are today's refugees and suffer the effects of being "Out of sight—out of mind."

The international apparatus for resettling European refugees has been radically improved. Now most of the camps are gone. Refugees from Eastern Europe who make their escape just as they did in the late 1940's and 1950's are moved to new homes in asylum countries in a matter of days. It is tragic irony that a European refugee, receiving as he does the much improved service from the international community, has become "invisible" and is, therefore, no longer seen or felt as a burden on the heart and conscience of the free world.

Moreover, the scene has changed. The most serious refugee problems are no longer in Europe—they are in Africa, Asia and the Middle East. These refugees, in vast numbers and in serious need, are "invisible" too.

The refugees in Africa and Asia are "invisible" partly because of their distance from us, partly because of the confused, almost frantic pace of the world's life, partly because, as distinct from the European refugees, the refugees in Africa and Asia have no large and influential body of American citizens related by blood or national origin to plead their cause. Moreover, few, if any, of the millions of refugees in Asia and Africa will be resettled in the U.S.A. This is another reason why their tragedy does not "come home" to us. And so, tragically, the refugees of Africa remain "invisible" to the eye and conscience of Americans.

Even in South Vietnam where there are more than 2,000,000 refugees in various stages of resettlement, we do not really SEE the problem. The plight of those who have had to flee their homes because of the constant to and fro of the fighting has been obscured by the confusion in the United States over the ends and means to our national effort in Vietnam.

The American citizen has always responded with sympathy and generosity to any humanitarian need. But when he gave his heart and his money for the relief of the distressed, it was because he had been given a believable vision of the need which had to be met. There is a deep-seated connection between "seeing," and "believing." This is why we believe that giving "visibility" to the problem of the refugee is a task of fundamental urgency. We need to see!

A Refugee is a *person*—his needs are personal—we need to "see" him—that is, to *imagine* him and accept him personally with all his distress—in our minds and hearts.

REFUGEES IN AFRICA

(By R. Norris Wilson, executive vice president)

There are 57 states on the continent of Africa; 35 are faced with the problem of refugees. Of these, 11 (all in Sub-Sahara) have given asylum to refugees from more than one country. For example, Uganda has refugees from Sudan, Congo and Rwanda. Of these, 11, 7 are both receiving and exiling countries. For example, Congo-Kinshasa has given asylum to 560,000 refugees. At the same time, 63,000 Congolese have sought and found refuge in neighboring countries. The total number of refugees who have moved and are moving en masse is 1,586,366.

In addition, and quite distinct from the mass flight of refugees into adjacent asylum countries, there is the small but quite serious problem of refugees from Southern Africa, Rhodesia and South West Africa. At any one time there are 1,500 to 2,000 (mostly young men) moving from, say, Francistown in Botswana to and through the major cities in East Africa as far north as Cairo. They are seeking education, jobs, or, in some cases, are engaged in "rebel" activities against the governments of their homelands.

For many generations, African people have moved freely within their often ill-defined tribal areas in search of game, more fertile soil or forage for their herds. National boundaries did not limit this more or less casual and sometimes seasonal movement. But with independence, these boundaries—once merely arbitrary lines on the map often crossing through traditional tribal grounds—have increasingly become barriers to movement. These boundaries are carefully watched and often defended. The people who cross them now, in far too many cases, are refugees seeking asylum and peace for themselves and their families. This study takes no account of this traditional movement. We are concerned only with the desperately real, continuing and growing problems of persons who are in flight from oppression and escapees from the revolutionary and counter-revolutionary fighting in their homelands.

The situation in most African countries is so volatile and precarious that additional and new flights of refugees are a continuing possibility. The power struggle in many states is the result of an interplay of internal and external forces, tribal animosities old and new, hunger, hope, colonialism and great power tensions. The ferment of these forces will not subside quickly. It is likely, therefore, that while present refugee problems can and will be solved, others perhaps far more serious, will arise.

Repatriation: An unlikely answer

Repatriation seems a natural solution to refugee problems. Whether in Europe, Asia, or Africa, it has always been one of the possibilities for solving the problem of mass flight from an emergency situation, whether from political or natural causes. Officials of nearly all asylum countries refer to the ultimate return of the refugees to their "homelands." It is, on the face of it, the simplest and most ideal solution. In Africa, repatriation is a basic presupposition of refugee policy in most asylum countries. In some places, there is currently some small, and I think significant, evidence to support this presupposition.

On the whole, however, *repatriation is not a promising solution for any considerable number of refugees in Africa at the present time.* Moreover, the continued talk of repatriation on the part of the asylum governments and their apparent belief in its possibility is a deterrent to the proper resettlement of refugees. As long as the refugees are told that they are going to be repatriated or that there is a possibility of repatriation, they are *not* going to make significant progress in their resettlement. For example, the problem of the Sudanese refugees has been aggravated by Khartoum's diplomatic effort to persuade the surrounding asylum countries that the refugees *are* going to return.

In general, repatriation is not a promising solution for any refugee problem in Africa mainly because the causes which brought about the flight of refugees in the first instance are still present and unsolved. This is true in the Sudan; it is true in the Portuguese territories; it is true in the Congo; it is true in Rwanda. The refugees have found asylum, they are safe and they are setting up new homes. They do not want to return to the countries from which they are exiled as long as the circumstances in those countries remain hostile, as they are at the present time.

Repatriation—ideal solution though it may be—must always be a voluntary and never forced solution. It must be based on the refugee's real choice. He must be given the choice as to whether he wants to stay where he is or to return to what was his former residence. In the resettlement areas which I have seen, it would seem unlikely that, refugee resettlement having progressed as well as it has, any significant number of refugees would opt for a return to their countries. They are in almost every respect better off where they are. They have schools and medical facilities; they have planted gardens, trees, orchards and tea; their economic status is probably superior to what was. The promise of the future is certainly encouraging—so much so, as to seriously affect their willingness to be uprooted again and return to what might be called their homes.

Another aspect of this problem is what I think to be the difference in the concept of "home" or "homeland" as between, say, Europe and Africa. An African, at the present time, may be living 100 or 200 miles from his former residence but he is, at the same time, among his neighbors who fled with him and probably within the area occupied by his fellow tribesmen. He regards himself, in these respects, as being "at home." In Europe, on the other hand, the refugee who wants to return from, say, Austria to Hungary has in his mind, as he thinks of home, a particular house on a particular street in a particular city. This is not the case in Africa where men and women have wandered within vast areas but kept tribal connections and ways. They never felt as they moved from place to place that they were not at home.

I think we must accept the refugee resettlements, by and large, as permanent and base our actions and future plans on the presupposition that repatriation is, for the most part, a possibility *only* in exceptional circumstances. The asylum countries are going to recognize that, as the refugee applies his mind, heart and spirit to the development of his new home, he becomes a resource of inestimable value to them. I think as time goes on, there will be less and less talk of his possible repatriation. By the same token, of course, the countries which have exiled the refugees have suffered an absolute loss. I have no idea what recompense, if any, can or need be made to them.

Every refugee problem in Africa is different from every other. Each has its peculiar history—tribal, political, religious and linguistic.

Nevertheless, there are common needs and a general order of priority in meeting them. Refugees fleeing to safety in an asylum country must have basic relief services first. There are medical needs. Some have been injured by gunfire or accident along the way. There is disease, exhaustion and malnutrition. Food and clothing are primary needs. Often, as in flight from Angola or the Sudan, refugees have lived "in the bush" for some days or even months before they have sought asylum. They are hungry and their children are sick and undernourished, their clothing in rags.

Land and temporary housing must be found. Refugees often cross the border to safety and find asylum in their own tribal areas. In these circumstances they find an initial welcome among people who know them. In the lower Congo, the Angolan refugees have been permanently resettled in just this way. They need only the immediate emergency services on their arrival and food and clothing rations for a year. They soon find a home plot, plant their crops and build their homes. Normally, within a year, they have made permanent settlement.

It is not always so simple. Refugees may settle first on land near the border where they receive emergency service and later (often sadly, *too* much later), they are moved further from the border to insure their protection and prevent continuing border strife. This has happened in Uganda and is happening now in the Central African Republic.

Refugees in mass flight while suffering the physical disabilities of their journey also suffer the spiritual and psychological wounds of separation, rootlessness and frustration more grievously. They have been defeated. Some want to continue the fighting, and do. These wounds heal slowly, especially if the flow of refugees continues and the settlers are frequently aroused by new refugees fresh from the fighting. These problems are the most enduring and create the most serious and persisting difficulties for the host government, the High Commissioner and the private voluntary agencies, all of whom are seeking to help the refugees.

Contribution to development

The resettlement activity of the United Nations High Commissioner, as it is seen in most places, is obviously a positive contribution to the development of the country. The land on which the refugees have been resettled is almost always land which has never been under cultivation before. The very fact of its having been brought under cultivation is a contribution to the resources of the host country.

One marvels, for example, as one sees Bibwe in the Kivu Province of the Congo—the resettlement involving 1,250 families from Rwanda. They have cleared 15,000 acres of forest, planted crops, established schools and formed cooperatives. They have now reached the point where they have a common tea plantation (a cooperative) which markets 10,000 pounds of tea per month. The refugees also manufacture furniture which they sell to the cooperatives as well as their agricultural produce (beans, ground nuts, etc.). This settlement, now five years old, has reached the point where it is making a positive, obvious contribution to the general economy of the country.

I think, also, of the settlement at Mugera in Burundi where some 23,000 Rwandese were moved all at one time into an area which was almost entirely swampland. The High Commissioner, with the cooperation of the ILO and other UN Bodies as well as the AIDR (a Belgian organization representing both the Belgian Government and the private sector), has resettled these people with magnificent speed and success. Certain large investments had to be made at the outset. The swamps had to be drained and pipelines laid for an adequate supply of water. Once this was done, the refugees were assigned their homes and garden plots and began their development. It would appear to the observer that they, working together with a great deal of determination and courage, have added to the economy of Burundi a very large and a very impressive capital asset for the long future.

The role of the voluntary agencies

I have made many references to the active cooperation with the High Commissioner of voluntary agencies from many countries. Some of them are familiar to us in the United States—Catholic Relief Services, Church World Service, the American Friends Service Committee, etc. The High Commissioner has invited voluntary agencies into partnership in resettlement activities wherever he is working. They have brought food, clothing, money and personnel to the task in amounts so significant as to be absolutely invaluable and indispensable to the High Commissioner's program.

This pattern of cooperation is not always easy and uncomplicated. Many of the organizations involved with refugees in Africa have a religious motivation and are not used to dealing with the extremely complicated political factors which involve the High Commissioner's activities in Africa. I do not want to be misunderstood. The High Commissioner is engaged in purely humanitarian service but the arrangements under which this service can be rendered to the refugees are based on arrangements that must be made with the Officers of the host government. In many cases, the negotiations surrounding these arrangements are touched with the political considerations that prevail in the host country. It is, I think, a tribute to the skill and patience of the High Commissioner that he has been able to effect these arrangements in the face, sometimes, of very difficult problems which must be talked through and accommodated into his planning.

It is not to be wondered, therefore, that the representatives of the voluntary agencies are not always entirely aware of the negotiations which underlie the High Commissioner's work and feel that he is engaging with the host government on political grounds in arrangements with which they either cannot agree or do not support.

This being true, it is marvelous to see the extent and generosity of the cooperation between the two groups. I believe that the High Commissioner's representatives make every effort to be understood and give in an open-handed and open-hearted way the credit to the voluntary agencies which they so rightly deserve. The voluntary agencies, for their part, are more than ready to contribute where and as they can in the execution of plans that have been worked out by the High Commissioner.

There are many countries in Africa which have refugee problems where the High Commissioner has *not* been invited by the host government to participate. In these places, I have found the voluntary agencies working on their own and, in all cases, making their plans with as much care and executing them with as much fidelity of purpose and clarity of objective as the High Commissioner. Malawi is a good example of this kind of undertaking.

The voluntary agencies but especially the Church and mission-related agencies have unique and crucially valuable strengths for service to refugees in Africa as elsewhere in the world.

They have been there a long time. Mission stations, with hospitals, schools and churches, were planted many decades ago. The teachers, doctors, nurses and other trained personnel close to the people and their needs have a deep understanding and sympathy, born of long friendship. Much of the good work of governmental and intergovernmental agencies is dependent upon this special and rare understanding.

Representatives of these agencies, because they are present as trusted friends and are not working within the limits of governmental agreements are able to protect the rights and welfare of refugees more quickly, generously and flexibly than even the most sympathetic government offices. Governmental and intergovernmental representatives are quick to express their gratitude to the private agencies. They are especially grateful for the material assistance of the private agencies—food, medicines, clothing, tools and the like. While there is never enough, it is commonly true that the only resources of this kind, and always the *first* to be offered, are the gifts of the American people through these agencies.

Nothing is simple or easy. Religion is a part of the tumultuous ferment in Africa. In many places it is a source of deep enmity and strife. Refugees from the Sudan, for example, are refugees partly because of an old and deep-rooted antipathy between Moslems and Christians. Moreover, Christian missionary, educational and medical service is often linked with "colonialism," and present day workers for these agencies are often regarded with suspicion and treated with hostility.

In spite of these difficulties and others more obvious—inadequate transportation, slow communication and the limitations of developing countries—one feels a warm admiration for the gallantry and devotion of these servants of God and men.

I have referred before to the close relationship between representatives of the United Nations High Commissioner for Refugees and the private agencies. The importance of this cooperation, indeed interdependence, cannot be overstated. Each has his role to play and they are complementary.

In most of the countries where I visited, I found Church World Service or Catholic Relief Services engaged in projects related to the problems of refugees. They were using, for example, in Senegal, Public Law 480, foods for work projects. They were, in some cases, supplying rations for the refugees along with clothing and medicines. Personnel, agricultural advisors, nurses and other persons who had become members of the team were working either in the resettlement projects sponsored by the High Commissioner or in projects of their own.

A most important contribution of the private agencies is their work with the refugees from southern African states who are moving slowly through the "underground railway" up through East Africa as far north as Cairo. In each of the "way stations," there is a small committee, sometimes quite anonymously known or, if not anonymous, quite ambiguously titled, which is dealing on a case-by-case, person-by-person basis with these young men and women and the terrible problems that they are facing as they seek opportunities for employment or for their education. Mr. Chidzero, the resident representative of the United Nations Development Programme in Nairobi, told me that the contributions of the private voluntary agencies to the High Commissioner and to other refugee services were absolutely indispensable. He spoke in glowing terms of the generosity and persistence, not only of the American agencies, church-related or not, but the efforts of private citizens from many countries.

I have seen the work of these agencies in every country I visited and I believe that the contribution of the private citizen through his church or other association, all over the world, is a crucial factor in the solution of refugee problems in Africa.

The brighter side of the coin

It may appear from reading this account that the refugee is both *the product and the producer of disorder*. His physical and spiritual problems—sickness and malnutrition, rootlessness and despair—are upthrust out of the ferment of the "new" Africa. In asylum countries where he has been allowed to settle, his hosts often call him a "rebel," a "threat to security" or a "subversive."

But we must read the other side of the coin too! He became a refugee, a "rebel," because he rebelled at what he thinks was an attack on his human rights. His rights to the elemental freedoms of education, vocation, religion, privacy and association were violated. His flight was an act of courage. It was an extremely costly protest which he judged was worth making in order not only to save himself (that is, to "get out of harm's way"), but to say something for the sake of his conscience about human dignity and aspiration. The work of the Government and of the intergovernmental and private agencies is a story of almost miraculous success. Indeed, taking into account the wide range of "hard" problems that have been met, and are being met and faced—it *is* a miracle!

However, what makes this story a miracle is not only the wisdom, patience and generosity of those who work with the problem—it is also the evident courage and the refugee's will to live and make live. He has a kind of dauntlessness—or he wouldn't have become a refugee in the first place.

How many times before we have seen what we now begin to see among the Sudanese in Uganda, the Rwandese in Burundi, or the Mozambiquans in Tanzania. Whether from Germany or Spain or Russia or Italy or China or Palestine—or wherever—in the long past or now—the refugees brought with them, as they emigrated, precisely those strengths of mind and spirit which their homelands could least afford to lose.

It is not foolish to say that among the refugees in Africa, there are nation builders. On the other hand, it is foolish not to see that, for example, in the rather forlorn clusters of migrant refugee students in East Africa, there are leaders of industry, science, politics and human welfare.

Most of us haven't seen this hopeful side of the refugee problem. We see much that is primitive and cruel—like the ruthless reach and clutch of power. Africa's "image," in the Western World at least, gives little hint of what her tumultuous life is providing these highly generative groups of people. Through the experience of becoming refugees (terrible as it is in so many ways), many of these people will become "leaven" in the nations that have given them asylum.

So if the UNHAR, Church World Service, Catholic Relief Services and the host of others who work with refugees count their work as gain, it is because they are working with some of the most highly endowed people of Africa. It is because the agencies have had the patience and imagination to *begin where the people are* and to provide for the refugees the very fundamental nournishment for these powers of mind and spirit that are the basic ingredients of peace development.

The assistance the refugee receives—modest and limited as it appears to be—may be the most helpful and provident investment in all Africa today.

AIRLINE STEWARDESSES' UNIQUE PROGRAM AIDS REFUGEE CHILDREN: "DOOLEY DOLLIES" SCORE SMASH HIT

(By Wilma Dobie)

In Southeast Asia, a strikingly pretty and talented group of young ladies, affectionately known as the "Dooley Dollies," are chalking up a success story that rivals Broadway's "Hello, Dolly!" for rave reviews. Both "Dollies are attracting Standing Room Only audiences but the fans dramatically differ.

The SRO crowd waiting to see the "Dooley Dollies" are solemn-faced refugee children. Some have miraculously crossed the highest mountains in the world to escape the bloody occupation of their homes in Tibet by the Red Chinese. Others are heart-breakingly innocent victims of war-torn Vietnam.

The "Dooley Dollies" are actually airline stewardesses from 15 major airlines in the United States and from abroad. They are under the direction of Dr. Verne Chaney, President of the Thomas A. Dooley Foundation, Inc. and their only payment is the thanks of the Foundation and the satisfaction that comes from knowing their humane services are helping to better the lives of tomorrow's citizens.

Two Pan American stewardesses, Marleane Thompson and Margie Burgy, are credited as the first "Dooley Dollies." Inspired by the work of the late Thomas A. Dooley and with an enthusiastic desire to be of practical help to his ideals, the young women flew to Southeast Asia to explore the possibilities near the end of 1961. Their ideas and observations materialized into the Stewardess Program of the Dooley Foundation.

"For four months we worked six days a week from morning 'til night, teaching nursing, playing, singing and mothering," Miss Thompson recalls. "These children became the most important things in our lives and still are. Thus the Stewardess Program began."

The trial run of the "Dooley Dollies" was an immediate success and in a very short time stewardesses from the various other airlines joined the Pan American girls to volunteer their services. Today over 120 are participating in the Stewardess Program. "Hostesses are probably the most natural individuals for this type of work," Miss Thompson believes. "Our airlines expose us to civilizations, culture, and religious customs which are not our own. They teach us to recognize people's needs, to respond in a gracious manner and they train us thoroughly in first aid. Consequently, the stewardess is a very effective as well as dedicated individual representing the Dooley Foundation."

The stewardesses volunteer for a three-month period and their services cover a wide variety of projects. In Katmandu, Nepal, supplementary teaching assistance is given to a Nepalese Orphanage housing over 150 children and a Nursery Care Center has been established at a Tibetan Refugee Camp. Teaching assistance is also given in Laos and Khong Island.

American Airlines' Kay Billings, a music therapy graduate of Michigan State University, is enthusiastic about the educational program the stewardesses have developed. She spent her time in Katmandu working with the Nepalese youngsters. "If I could feel we have taught them to think for themselves, my stay will have indeed been worthwhile," Miss Billings said on her recent return.

Stewardesses also administer to minor medical needs, work in hospitals and clinics, issue vitamins and regulate the milk supply.

A Pan American stewardess recently initiated a public health program aboard a new Thomas A. Dooley medical houseboat and uses puppets as a teaching aid. This floating clinic treats villages along the Mekong River in Laos.

Joan Hvezda, an Eastern Airlines stewardess, kept a diary which reflects some of the experiences the "Dooley Dollies" have encountered. "June 28—Muon Khong, Laos," she wrote. "A distraught mother stood on my doorstep in the middle of the night with a screaming baby in her arms. They had traveled all day. The child's ear was badly swollen and some horrible-looking gook (black magic potion) was smeared over his head. All night, by flashlight, Dr. Davis and I forced medicine into the little body. By sunrise the baby's fever finally broke."

Looking back on her experiences, Miss Hvezda said thoughtfully, "I have a patience and understanding I didn't have before. I feel so much more aware of myself in terms of the world at large. Yes, of course, I want to go back."

The Stewardess Program has proven to be a reciprocal education for the volunteers and children. For many "Dooley Dollies," it is their first introduction to a different culture, a new way of thinking and living. TWA's Pat O'Hara, working on Khong Island, commented, "It (Khong) is an absolutely beautiful place with wonderful people. Being a city girl I never really knew what was so 'nice' about the people from the country. I guess what I like best about these people is their complete lack of suspicion toward strangers."

Despite hard work and inconveniences, the stewardesses still find time for fun and relaxation. The warmth and friendliness of the people have frequently brought them more social invitations than they can fulfill. Sometimes they are invited to a Laotian wedding and take part in all the pomp and ceremony, including the fascinating custom of each guest tying a string on the wrist of fellow guests as a token of good luck. Often they have the rare opportunity of celebrating two distinctly different New Years—their familiar Western one and the colorful pageantry of the Chinese New Year. They are given seats of honor on special feast occasions and have learned with delight the many native dances and songs.

Dr. Chaney is optimistic about the future of the Stewardess Program. He says, "It is very impressive to the local people that these young stewardesses care enough about them, even in these trying times, to come there and help. It gives them hope because there are no angles, no strings attached. That is the beauty of this type of program."

BEHIND THE STATISTICS IN VIETNAM

(By Richard J. Peters, associate program officer, International Voluntary Services, Inc.)

Refugees have long been a problem in Vietnam, but with the escalation of the war the problem is rising in geometric proportions. The official figures for refugees stand at nearly 2,000,000 (or more than 10 per cent of the population) but the true number is unknown. The official count in Saigon, for instance, is zero but perhaps half of the people in Saigon are refugees of some sort.

Refugees are not new to the world but the aspects of the problem in Vietnam are. Seldom before have refugees been purposely created and transported from a few to sometimes hundreds of miles from their homes in order to clear the area for an operation or a free-bomb zone. To be thus displaced in Vietnam carries special meaning, not only with relation to the attachment to one's native land, but also because one's ancestors are more than likely buried in that land. Ancestor worship is a major Buddhist religious belief and is present to some extent even in Vietnamese Catholicism.

In the process of "creating" refugees, they are usually transported and grouped around province capitals where there is safety but no land to farm, no work under already-crowded urban conditions, and the suspicions of the native city dwellers with which to contend. To be suddenly moved to an area where it is impossible to work, cut off from one's livelihood, and placed in a hostile atmosphere (in many cases by foreign soldiers) is the plight of most refugees in Vietnam. Not all, certainly, are purposely generated. They group themselves around safe areas and province capitals for a variety of reasons, most of them having to do with personal security. Escaping from military operations, Vietcong terror and intimidation or American bombing and napalm are all much the same to them; they are uprooted, lost human beings.

Where possible, the volunteers have found it most beneficial to confine their activities to one village or grouping of refugees because of the personal attention which they need and the number of emergencies which continue to arise in the camps. The refugee camps, although full of people who see little but their miserable condition and uncertain future, offer a good opportunity for true Community Development efforts in the direction not only of projects and material advancement but the building of a "community" and, in many cases, even institutions. Tom Fox's efforts in the refugee village of Ninh Tinh near the city of Tuy Hoa demonstrate this:

"I have made a deal with USAID, asking them to supply cement at the rate of two bags per family to refugee families who would go out and gather rocks with which they could build cement floors to make life a bit more comfortable than the sand on which they were living. USAID agreed and so, too, did the refugee families.

"Within three days the word had spread and within five, every single one of the 91 new families in the new section of the camp had a pile of rocks which they had gathered from a mountain area about three kilometers away. Jon, Nonoy and I demonstrated a cement-laying technique in one of the compartments. A good number of refugees said they were uncertain as to how one goes about leveling, etc. With a rock base and a sand-cement mixture for the surface, we presented the demonstration. Then I agreed to deliver 50 bags to 25 families.

"When they had finished the 25 floors, 50 bags more were agreed to be delivered and so on, until all 91 huts had been made more livable. The communal psychology worked rather well for there was a great deal of discernible pressure brought to bear on the families with cement. It took two weeks until all 91 floors had been laid. There was also a bit of competition detected among the families. Some laid entrances to their little huts; others made little kitchens out in back, etc. The cementing serves the dual purpose of uplifting spirits within the camp by allowing the families to add a personal note to their own meager living quarters and, at the same time, raise health standards by making the huts a lot easier to keep clean."

The refugee problem continues to keep ahead of even the best efforts of the Vietnamese and American governments. The increasing numbers often do not stay in one place for long unless they receive good leadership or are forcibly restricted. If they get the chance, they may even return to their homes in the middle of a communist-controlled area or a free-bomb zone. The day-to-day process of looking after the best interests of these people and attempting to raise community spirits, tapping the resources that are inevitably there, and attempting to give the community a sense of its own existence are the concerns of the IVS refugee worker.

Since 1960 in Khammouane Province of Laos, 17,000 refugees have sought the protection of the Royal Lao Government because of military activities in eastern sections of the Province. The insecurity has driven them southwest and west towards RLG Route 13. This has resulted in 21 groups of refugees in various stages of resettlement.

The basic activities in the Khammouane Province Refugee Program include: 1) emergency relief to area refugees and planning for requirements for new refugees, and 2) assisting as many refugees as possible to become self-sufficient by providing groups in new areas of good agricultural development potential where it would be possible for them to re-establish a normal life.

Initial steps toward resettlement have been taken in 11 sites. Assistance with producing field rice and, for the first time, paddy rice is going on in a program of improved seed distribution and buffalo loans. Self-help programs in schools, dispensaries, and wells are going on as well as agricultural programs in vegetable and fruit tree distribution.

Of major importance are the home industries and handicraft programs. Wood shingles are now being used for self-help projects and permanent refugee housing. The refugees are being encouraged to produce various handicraft items for sale. A craft center will soon be built to train villagers in improved techniques. A sewing and weaving program for women and girls is also under way.

THE COMMITTEE'S JOURNAL

The World Refugee Report provides a way for the Committee and its staff to record for its wide circle of friends some of the highlights of our work in the last year.

The United States Committee for Refugees—

Assists the United Nations refugee agencies by providing them public information and program assistance in the United States;

Brings to the members of the Congress and to appropriate Government agencies information and recommendations on refugee and immigration legislation, and provides testimony for Congressional Committees considering pending legislation:

Operates an information clearing house on the work of the more than 50 recognized refugee relief agencies in the United States;

Serves the communication media as a source of information and material on all aspects of the refugee problem;

Provides, through its World Refugee Report, current comprehensive and authoritative data on refugee situations throughout the world;

Maintains a referral service (to relief agencies) for refugees, former refugees, relatives of refugees, and citizens interested or involved in individual refugee situations;

Furnishes individual students, colleges, universities, and secondary schools with educational materials on the world refugee problem as a part of the social science curriculum;

Makes financial grants to operating agencies according to the availability of its funds for special emergency projects proposed by the agencies. Presently, 8 private and intergovernmental agencies are receiving grants from the Committee.

African Journey, February 17-May 30, 1967

The Committee's "on-the-scene" study of refugee problems in Africa was its most important undertaking in 1967. The study, made at the instance of a Foundation, covering the resettlement efforts of the United Nations High Commissioner for Refugees, the needs of refugee student migrants, as well as the service to refugees by private voluntary agencies. The extensive work of preparations, briefings, and the drafting and editing of the 220-page report involved the staff of the Committee fully for several weeks before and several weeks after the journey.

Throughout the long 27,000 mile trip, we had the fullest cooperation of the United States Embassy and Mission personnel, the United Nations agencies, local Government offices, representatives of voluntary agencies, and the refugees themselves. The Committee expresses its thanks to all participants, but especially to the sponsoring Foundation.

Item: The Middle East Crisis, June 5, 1967

The Committee was asked to organize and provide staff service for a two-day consultation of distinguished American scholars, social scientists, Government and Foundation officers on the refugee problem in the Middle East. The purpose of the discussion, informal and off the record, was to try to find a sense of direction toward new and imaginative solutions to this 20-year old problem. The consultation was held at the Plaza Hotel in New York City on July 17–18.

It is our impression that the sustained, quiet and dispassionate discussion of this most difficult and unyielding problem by these distinguished participants has proved germinal to new undertakings for emergency and long-range solutions to the refugee problem.

Committee's members and friends finance world refugee report

The United States Committee for Refugees, Inc. is a service organization (see above) and one of its major responsibilities is "Telling the Refugee Story." In the late summer, because of the extraordinary strains on our budget, we seriously doubted that we could finance the publication of the World Refugee Report. We shared this problem with our 50,000 members and friends across the country in a special mail appeal which brought us a total of $26,000. This issue of our World Refugee Report is, therefore, really the result of the generosity of our members and friends. We are deeply grateful to them for their help in this crisis.

We sometimes think our services, essential, useful and quiet as they are, do not excite popular attention and support. If this is true, it means that the giving of our many friends is all the more meritorious.

"Tree of Life" gift wrap sales, October and November

We are pleased to say that during the pre-Christmas season, 16,000 of our friends bought 23,000 packets of our "Tree of Life" Gift Wrap. Our buyers gave $33,000 in contributions over and above the purchase price of $2.00 per package. From these funds and the receipts from our special appeal, we have made further and final payments on our special emergency grants to Catholic Relief Services, The Thomas A. Dooley Foundation, International Social Service, American ORT Foundation, and United Church Board for World Ministries.

USCR board meeting, December 9, 1967

The Board of Directors, at its regular meeting, heard reports of Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, and Dr. Laurence V. Michelmore, the Commissioner General of the United Nations Relief and Works Agency. The December meeting is usually timed to hear the results of the United Nations debates, actions and decisions taken in response to the reports of these two refugee leaders.

The meeting also elected a new Treasurer, Dr. Reginald H. Helfferich, General Secretary, Division of World Service of the United Church Board for World Ministries. Dr. Helfferich succeeds Abram Claude, Jr. of the Morgan Guaranty Trust Company, for whose devoted service across the years the Board expressed its appreciation.

Dr. Helfferich is an officer of many organizations giving service to refugees and has been a member of the USCR Board for six years.

UNRWA AND THE NEW REFUGEE CRISIS IN THE MIDDLE EAST

(By Laurence V. Michelmore, United Nations Relief and Works Agency for Palestine Refugees)

The renewal of hostilities in the Middle East in June 1967 caused tens of thousands of Arab families to flee from their homes and seek refuge beyond the Cease-Fire lines. The plight of these 350,000 displaced persons, many of them refugees for the second time in their lives, brought a ready and generous response from every continent.

In the United States, voluntary organizations which had long been providing aid for the Palestine refugees stepped up their appeals and began shipping emergency supplies. The Government, too, was prompt in appropriating funds for the emergency and in organizing an airlift of 10,000 tents for the homeless in Jordan. A number of prominent citizens in the United States—among them industrialists, educators, publishers—felt that this new human tragedy in the Middle East demanded an exceptional effort from the American people. They set about creating an *ad hoc* committee which would raise substantial sums of money in a relatively short period of time from the private sector. General Dwight D. Eisenhower agreed to act as Honorary Chairman, with James A. Linen (President of Time, Inc.) as President and Chairman of the Board. Under this distinguished direction, NEED (Near East Emergency Donations) was established in early August to raise money for the relief of Arab refugees, the major part of the funds were to be channelled through UNRWA.

Before the hostilities

UNRWA (United Nations Relief and Works Agency for Palestine Refugees) was established by the United Nations General Assembly in December, 1949 and it began operations in May 1950. Its task has been to relieve distress and promote rehabilitation among the Arab refugees who lost their homes and means of livelihood as a result of the conflict in Palestine in 1948. Over the years, while continuing to provide basic relief—food, clothing and shelter—it has also developed a considerable range of technical services for the health, welfare, education and training of the refugees.

Since it was established, UNRWA has fed and kept in tolarably good health a refugee population which now numbers about 1,300,000 persons. It has established camps providing shelter for more than 500,000 people, served 120,000,000 meals to children and distributed 10,000 tons of clothing. A simple but effective community health service has been built up with technical guidance from WHO; there has never been a major epidemic among the refugees in UNRWA's care. A whole new education system has been developed with technical advice and guidance from UNESCO. There are today more than 250,000 children receiving full-time education, either in 440 schools constructed or rented by UNRWA or in government or private schools subsidized by UNRWA. In addition UNRWA has established 10 well-equipped, residential centres for training young refugee men and women as teachers or in a variety of industrial and semi-professional skills, with the result that UNRWA has become one of the most important channels for this type of technical assistance in the Middle East.

The economy of UNRWA's operations is demonstrated by the simple fact that assistance to the refugees averages 10¢ (U.S.) per person a day. Of this sum, about 5¢ is spent on relief, 1¢ on health and 4¢ on education.

With the passage of time, the emphasis in UNRWA's work has shifted more and more towards the provision of education for the children and youth of the refugee community. The high proportion of UNRWA's funds that are now devoted to education and training (42 per cent in 1966) goes a long way towards explaining the solid, constructive progress that had been made in dealing with the economic and social aspects of the refugee problem, despite the continuing deadlock on the political plane. *The widespread assumption that the refugees have been stagnating in idleness in the refugee camps throughout the years since 1948 is false. The truth is that, up to the time of the recent hostilities, a slow but steady process of rehabilitation had been at work and, in recent years, had begun to make an evident impact on improving the refugees' economic and social condition.*

As long ago as 1959, the then Secretary-General of the United Nations, Dag Hammarskjold, had urged the international community to regard the Palestine refugees "not as a liability but more justly, as an asset for the future . . . a reservoir of manpower which in the desirable general economic development will assist in the creation of higher standards for the whole population of the area." Ten years ago this seemed a visionary concept. But with each year that has passed since then, the vision has assumed more solid substance and reality.

Commenting recently on the gradual but evident process of rehabilitation which has been at work among the Palestine refugees, the present United Nations Secretary-General, U Thant, said:

> This progress has been primarily due to three factors: first and foremost, the rapid economic development of the Arab host countries and of the Arab world generally, in recent years; second, the energy, intelligence and adaptability of the refugees themselves, who have fortunately shown themselves to be eager for work and very capable of profiting by any opportunity given to them; and third, the education and training which the host Governments, various voluntary agencies and UNRWA have been able to give the young refugees to enable them to take advantage of any opportunities of employment that might come their way. A subsidiary but not unimportant adjunct to these principal factors in the rehabilitation of the refugees has been the economic aid supplied by UNRWA in the form of rations, shelter and other relief services. The regular provision of this relief assistance over an extended period, even though on a meager scale, has certainly helped the refugees not merely to survive but to recover their capacity to support themselves."

Consequences of the hostilities

Renewed conflict and upheaval in the Middle East have brought in their wake a greater need than ever for the established services—relief, health and education—which UNRWA has been providing in the past. About 130,000 of the refugees from the 1948 conflict have been uprooted for the second time, and the flow of refugees seeking new asylum still continues at a rate of some thousands a month. The whole refugee community has suffered twice in a lifetime the impact of armed conflict and the ensuing disruption of their lives.

In the Gaza Strip, the poorest of the poor among the refugees have been engulfed in the tide of war for a third time in the space of twenty years. Even in those areas which were not directly touched by the fighting, the economic consequences of the conflict have been severe and it is the refugees who have suffered most, since their foothold in the economic life of the host countries was bound to be more precarious than that of the ordinary, settled population. Thus, many of the refugees from the 1948 conflict have now again lost the capacity, which they were rapidly recovering, to support themselves. For the time being at least, the gradual hopeful trend towards individual rehabilitation has been halted and set back. All must hope that this process of economic recovery through individual rehabilitation will soon be re-started. Meanwhile, the dependence of the refugees on UNRWA for food and clothing, shelter, medical care and education has much increased.

A new massive human problem

While thus severely aggravating the still unresolved problem of the refugees from 1948, the recent conflict has also created a new massive human problem. Some 350,000 persons were newly displaced as a result of the hostilities in June 1967 and have found refuge in East Jordan (200,000), Syria (116,000), and the United Arab Republic (38,000). Of these newly displaced persons, about 130,000 were already refugees from the 1948 conflict; they are divided between East Jordan (110,000), Syria (16,000) and the United Arab Republic (3,000). The number of displaced persons in East Jordan is still increasing as more come across each day from the West Bank and Gaza.

New and old refugees

In assessing the needs of the people affected by the recent conflict, it is hardly practicable or humane to try to distinguish between the new and the old refugees or between the newly displaced and those who, though not physically displaced, have had their lives disrupted by the impact of the hostilities and their aftermath.

In the tented camps on the East Bank of the Jordan, displaced refugees from the West Bank and Gaza are living side by side with newly displaced persons from the West Bank who face the miseries of refugee existence for the first time. All the inhabitants of those tented camps are receiving food, shelter, clothing, medical care and education services from the Government of Jordan and UNRWA working together in a combined operation, without distinction being made between the two categories of displaced persons.

Again, in the hutted camps established by UNRWA elsewhere in Jordan, in earlier years many thousands of the newly displaced persons have found shelter with friends and relatives and are sharing their dwellings and their food. UNRWA is distributing rations to all these displaced persons, either on its own account if they were already registered with the Agency, or on behalf of the Government, if they are new refugees.

Similarly the UNRWA feeding centers which provide cooked meals for children have been opened to "old" and "new" refugee children alike. Throughout the country the newly displaced persons are given medical care and their children attend school in either UNRWA clinics and schools or in those belonging to the Government, whichever happen to be nearer and more convenient. And, as already explained, many of the "old" refugees already established in East Jordan have been hard hit by the economic consequences of the conflict and the ensuing upheaval and need help almost as much as the newly displaced themselves. In practical terms the problems of the refugees, both old and new, in East Jordan are indistinguishable.

Elsewhere—in Syria and the United Arab Republic—the displaced Palestinian refugees have been somewhat more clearly segregated from the newly displaced citizens of those two countries. But again there is some overlapping, with new and old refugees accommodated together in the same camps and villages, and again the Government authorities and UNRWA have cooperated in meeting together the needs of the displaced persons by whatever means seemed most convenient and effective.

In Syria, and in Lebanon also, many of the "old" refugees who were not physically displaced as a result of the conflict have nevertheless been affected by its economic consequences and now face new difficulties and need more help. Again, it is the Palestine refugees on whom the economic impact of the conflict bears most heavily since the place they painfully gained in the economy of these countries is still unsure.

No one can yet say what the future may hold for the refugees remaining in Gaza and on the West Bank. But for the immediate present it is certain that the recent conflict's impact on them has been severe and that they are now in special need of help, particularly help designed to increase their chances of productive employment in the longer term.

Present and future tasks

For UNRWA a primary task in present circumstances must clearly be to insure the continued operation of its established services for the refugees from the 1948 conflict. Even before the recent hostilities these services not merely helped to meet the crying present needs of a people who had suffered more than their share of human misery. They also gave them hope for the future through the education and training of their children to enable them to lead lives of usefulness and self-respect.

Indirectly, the steady, unobtrusive operation of these services afforded a rare element of stability in a dangerously unstable region of the world. Although a precarious peace was broken and conflict prevailed, this outcome only reinforces the case for maintaining and extending whatever stabilizing elements may exist in a situation of continuing, explosive danger.

In fact, almost without interruption, UNRWA has succeeded in maintaining its services throughout the period of the emergency. And in spite of the accumulating financial difficulties which have threatened to disrupt its operations in recent years, the Agency believes that, from one source or another, sufficient funds will be forthcoming to keep its services going on their existing basis for as far ahead as can be foreseen at the present time.

News burdens

Over and above this continuing primary obligation to maintain its established services, recent events have thrust upon UNRWA two new and heavy burdens:

First, in the shorter term, it has the task, in cooperation with the governments concerned, of helping to secure the survival and to relieve the distress of persons displaced as a result of the recent hostilities, particularly those who now face a grim winter in tented camps.

Second, in the longer term, it has a much enlarged task in helping to reactivate and expand the process of progressive rehabilitation among the refugees, in order to offset as far as possible the adverse economic impact of recent events.

1. The Short Term

The short-term task involves emergency action to provide shelter, food, blankets, clothing, cooking utensils and medical supplies and care. It also involves rendering the tents as weatherproof as possible before the onset of severe winter weather and, in general, improving the living conditions in the emergency camps by the provision of more solid shelter, surfaced roads and pathways, adequate water supplies and adequate latrines and sanitation services. The basic needs of shelter and food have not been met but much remains to be done in improving the camps and the associated medical services.

2. The Longer Term

The second, longer-term task—the contribution which UNRWA can make towards promoting rehabilitation among the refugees—is important, indeed essential, but limited in scope. It is not within UNRWA's financial capacity to engage directly in the promotion of economic development which is designed to create employment opportunities on a large scale.

In a special report published in 1959, the then Secretary-General, Dag Hammarskjold, approached the problem of the Palestine refugees from the viewpoint of regarding them as a part of a general problem of unemployment and underemployed population in the whole Middle East region. He worked out the magnitude of investment that would be required in order to create jobs and absorb into productive employment the whole of this unemployed and underemployed population, including the refugees, over a ten-year period beginning in 1960.

The total investment required was of the order of $14 billion. While it could be expected that a considerable part of this capital would be derived from within the region itself (assuming that the oil-producing countries would be prepared to invest in the capital-deficit countries of the region) funds for development would also be required from foreign sources.

For the refugees, an important implication of these calculations was that they would be unlikely to be given priority over the jobless and underemployed citizens of the countries concerned; hence, their turn to benefit from the creation of jobs through such massive new investment might not come until towards the end of the whole process.

In fact, no such planned, regional approach to the general problem of unemployment and underemployment in the Middle East was ever attempted. But a high rate of economic growth in certain countries of the region, particularly Jordan, has had a marked effect on local unemployment, and the refugees have benefited in common with the local residents from such general economic development.

The magnitude of the investment envisaged by Mr. Hammarskjold makes it clear that UNRWA, with its limited resources, could not have contributed significantly to the direct creation of employment opportunities even if such an approach had been adopted by the governments concerned. The funds available to UNRWA have never reached $40,000,000 a year and have always been pre-empted for maintaining the Agency's established essential services.

UNRWA's role

The most useful role which UNRWA has seen for itself in these circumstances has been to equip the young refugees by education and training to take advantage of any opportunities of employment that might come their way. Fortunately they are intelligent and adaptable, eager to learn and eager to seize any chances that life may offer them to make good. They are growing up in an age of social change and technological development in the Arab world, an environment in which education is the key to opportunity and progress. They start their lives with many disadvantages and handicaps but education can go far to offset and compensate for this.

A policy of hope

UNRWA is now faced with an even greater and more urgent need than ever to promote the processes of rehabilitation among the refugees. UNRWA believes that, after meeting immediate needs to ensure survival and relieve distress, it should devote as much as possible of any special contributions it may receive in connection with present emergency to improving and expanding its education plant and apparatus. Much of this had to be hastily improvised in the years immediately following the first exodus of refugees in 1948 and should now be scrapped and replaced.

In so doing, the Agency will be committing itself to an act of faith, a policy of hope. This means investment in a future which is still uncertain. It presumes that, in spite of present set-backs, the Arab countries of the Middle East will again achieve a rapid rate of economic development; opportunities of productive employment will again be created and will demand an increasing supply of educated and trained men and women.

It presumes also that, in the future, funds will be forthcoming to meet increased operating costs arising from the investment in new, improved and enlarged schools, laboratories, libraries and training centres. But this will not be the first time that UNRWA has proceeded in faith. So far its trust in the resilience of Arab society, in the energy and ability of the refugees themselves and in the generosity and humane concern of governments and peoples elsewhere in the world has not been misplaced. Indeed, there is no alternative if the refugees are not to be left to stagnate and fall further back in their struggle to recover their economic independence.

AGENCIES WORKING WITH REFUGEES

Agencies working with refugees all have distinctive forms of service. The Voluntary Agencies are at work in 119 countries and on every continent, often in active partnership with Governmental and Intergovernmental bodies. The descriptions of their work in this Directory are necessarily brief. All agencies invite the reader's further inquiry.

I. Intergovernmental agencies

Office of the United Nations High Commissioner for Refugees, United Nations Plaza, New York, N.Y. 10017: The work of the Office of the United Nations High Commissioner for Refugees is of a social and humanitarian nature. It provides international protection to refugees and seeks permanent solutions to their problems, either through voluntary repatriation or, if this is not possible, through assimilation within new national communities. The scope of the High Commissioner's mandate is global. Only those refugees who are the direct concern of other UN offices (such as the Palestine refugees who are the concern of UNRWA) and those who have the nationality of the country granting them asylum or equivalent status (for example, refugees in Vietnam) are not the High Commissioner's responsibility. The UNHCR's role is to promote, organize, coordinate and supervise international action on behalf of those refugees who are its concern. It acts upon the request of governments and works in close cooperation with UN Specialized Agencies and other UN programs, regional organizations such as the Council of Europe, the Organization of African Unity, and the Organization of American States, as well as many Voluntary Agencies and non-governmental organizations.

At the beginning of 1967, an estimated 2,350,000 refugees were subject to UNHCR protection and/or assistance activities, in some 50 countries throughout the world. The concentration of refugee situations of concern to UNHCR has moved from Europe to Africa and Asia where vast new refugee problems have arisen during the last few years.

UNHCR programs: All UNHCR material assistance programs are financed through voluntary contributions, primarily from governments. In spite of modest yearly target figures intended to meet the minimum requirements agreed upon by the UNHCR Executive Committee, adequate financing of these programs has been one of the High Commissioner's constant preoccupations. The target figure agreed for the 1967 program, for example, was just under $4,850,000 but, by May 1967, was still $1,500,000 short. More than half of the 1967 program ($2,600,000) consisted of assistance projects for refugees in Africa.

United Nations Relief and Works Agency for Palestine Refugees, United Nations Plaza, New York, N.Y. 10017: War in the Middle East in June 1967 brought tragedy and suffering to many innocent persons. Many of those most affected are Palestine refugees and UNRWA at once put into effect emergency measures to provide food and medical care for the desperately needy. A provisional agreement concluded with the Government of Israel has made it possible for UNRWA to continue its essential relief, medical and educational services for approximately 700,000 Palestine refugees who remain in the Gaza Strip and the West Bank of the River Jordan areas. This cooperation with the Government of Israel implies no commitment of position by UNRWA with regard to the status of any of the areas in question or of any instrument relating to them, but is concerned solely with the continuation of its humanitarian task.

UNRWA is a subsidiary organ of the United Nations established by the General Assembly to aid the Palestine refugees. In cooperation with the "host" Governments, it carries out its task of providing relief (basic food rations, shelter, supplementary feeding and welfare to refugees in special need) and health and education services for more than 1,000,000 refugees.

The Palestine refugees are the Arabs who, as a result of the Arab-Israeli conflict in Palestine during 1948, left their homes in the territory which is now Israel and took refuge in the neighboring areas.

At the beginning of 1967, there were 1,330,077 refugees registered with UNRWA, of whom 859,966 were eligible for all UNRWA services, including food rations.

UNRWA headquarters are in Beirut, Lebanon, and the Agency operates in Lebanon, Syrian Arab Republic, Jordan and in the Gaza Strip and West Bank areas occupied by the military forces of Israel, with liaison offices at the Palais des Nations, Geneva, Switzerland and at the United Nations, New York.

Intergovernmental Committee for European Migration, 370 Lexington Avenue, New York, N.Y. 10017: The movement of European refugees to countries offering them opportunity and security is a major function of ICEM. To ensure the efficient resettlement of 35,000 to 40,000 uprooted people each year, ICEM works closely with the United Nations High Commissioner for Refugees, the United States Government through the U.S. Escapee Program, as well as with other governments, international organizations and voluntary agencies.

From 1952, when the agency began operations, to December 31, 1967, ICEM moved a total of 1,527,340 persons of whom 704,866 were refugees.

For the period January 1 to December 31, 1967, 34,936 refugees were resettled by ICEM. The main countries of resettlement were: Israel (10,002)—USA (9,201)—Australia (8,772)—Canada (3,035)—Europe (2,920)—South Africa (580), etc.

The ICEM 1968 Refugee Program approved by the Council in November 1967 foresees the emigration of 32,800 refugees at an estimated cost of $6,395,700.

II. U.S. Government

Department of Health, Education, and Welfare

Welfare Administration, Washington, D.C. 20201: Total registrations at the Cuban Refugee Program's Miami, Florida Center reached 269,095 persons as of December 15, 1967. The U.S. chartered flights operate twice daily, five days a week between Varadero, Cuba and Miami, Florida. The relative-to-relative airlift from its start December 1, 1965, through December 8, 1967, brought 90,413 Cuban refugees. Total arrivals in that period were 97,327; resettlements 75,063, or 77% of arrivals. Almost 4,000 refugees a month arrive in the United States via this means.

Established by Presidential directive early in 1961, the Program's mission has been to relieve the burden imposed on Miami-Dade County, Florida by the sudden exodus of thousands of destitute Cubans fleeing oppression in their island home. While resettlement is the main objective of the Federal operation, emergency financial assistance is available to eligible refugees in Miami as well as surplus food distribution, medical care, and—for certain airlift arrivals—housing.

Federal funds underwrite health and educational activities in Miami-Dade County to meet problems created by the large refugee population.

As of December 15, 1967, over 63% of total registration (or 169,971 refugees) had been resettled to homes and job opportunities in more than 2,200 communities and in every state of the nation. This vast and continuing resettlement effort is carried out by four national voluntary resettlement agencies with offices at the Cuban Refugee Center in Miami.

Department of State

Agency for International Development, Voluntary Foreign Aid Service, Washington, D.C. 20523: AID cooperates very closely with the private voluntary agencies engaging in a wide variety of overseas programs. These programs, while not always exclusively limited to refugees, do in fact reach a large portion of the world.

AID's Voluntary Foreign Aid Service serves as the point of contact between the voluntary agencies and AID.

In addition to its contractual arrangements, AID encourages, through the Voluntary Foreign Aid Service, informal non-contractual relationships in technical cooperation overseas between voluntary agencies and the AID missions.

Office of Refugee and Migration Affairs, Washington, D.C. 20520: The United States has a deep humanitarian concern for refugees throughout the world and since the end of World War II has provided massive amounts of assistance to refugees. Most of United States Government assistance to refugees overseas is administered by or in coordination with the Department of State. Well over two billion dollars of U.S. Government assistance have been provided for refugee programs and current expenditures are at the rate of over $130,000,000 a year. Some programs are operated directly by the Department of State working through contracts in cooperation with American and international voluntary agencies. In addition, the United States supports and contributes to the programs of the United Nations and other international organizations which assist refugees.

Several programs are administered directly by the State Department through its Office of Refugee and Migration Affairs. The United States Refugee Program (USRP) operates in Europe and the Near East where, through contracts with voluntary agencies, it assists directly in the integration and resettlement of refugees from European Communist countries. USRP assisted over 10,000 refugees in 1967.

Through the Far East Refugee Program (FERP), ORM provides assistance to refugees from Communist China in Hong Kong and Macau. FERP projects include educational facilities, medical services, vocational training, resettlement assistance and other projects which help the refugees to become self-sustaining.

Through the Department of State, the United States supports the Office of the United Nations High Commissioner for Refugees (UNHCR) in its vital role of resolving refugee problems throughout the world. The United States is a member of the Executive Committee of the UNHCR and is the principal contributor both in cash and food commodities.

The Department of State also provides United States support to the Intergovernmental Committee for European Migration (ICEM) of which the U.S. has been a member since its inception in 1951. Through its contributions to ICEM over the years, the United States has assisted in the transportation and resettlement of hundreds of thousands of refugees. Approximately 35,000 refugees were moved by ICEM in 1967; the United States contribution for that year was $3,350,000.

Many African refugees, primarily young people, have left Southern Africa in search of educational opportunities denied them in their homelands. Since 1961, the U.S. Government has maintained a scholarship program to provide higher education for these refugees. More than 400 students from a number of southern African countries are currently studying in the U.S. under this program, for which the U.S. Government allocated approximately $2,300,000 in 1967.

The total United States contribution for the support of the above programs in 1968 will be over $7,100,000.

Over the years, the United States has been the principal contributor to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Since the establishment of UNRWA in 1950, the United States has contributed nearly 70% of the funds received by UNRWA from governments to meet its overall costs in behalf of the Palestine refugees. The U.S. contribution to UNRWA's regular program for 1967 was $22,200,000 in cash and food. In addition, a special U.S. contribution of $2,000,000 was made to UNRWA in 1967 to help fund UNRWA's emergency relief program following the Middle East hostilities.

The Agency for International Development (AID), of the Department of State has arranged for other major contributions to refugee programs in Asia and Africa. For example, during 1967, AID provided about $20,000,000 in Public Law 480 foods to refugees under the Food for Freedom Program and about $22,000,000 to refugees in Vietnam and Laos through regular AID programs. Other general AID programs provide substantial peripheral benefits to refugees.

III. Voluntary agencies

American Council for Emigres in the Professions, Inc., 345 East 46th Street, New York, N.Y. 10017: The American Council for Emigres in the Professions, Inc. specializes in counseling and placement services to refugee professionals. It also retrains persons whose foreign academic background is not immediately adaptable to the requirements of employment on a professional level in the United States.

In addition to the approximately 2,000 academically-trained emigres currently in its active files, ACEP registered 1,086 new refugee professionals during the fiscal year ending May 1, 1967. The number of registrations shows an increasing trend in the current fiscal year. New registrants were trained originally in some professional field including architecture, engineering, medicine, social, political and natural sciences, education as well as in the arts.

During the past fiscal year, the Council made a total of 313 professional and 81 interim placements, and have 71 students enrolled in educational institutions. In order to eliminate the hurdles inadequate English presents to the newcomer, ACEP maintains an English Tutoring Program in which 70 volunteer teachers give intensive English courses to more than 1,000 students each year.

In recognition of the fact that there is urgent need for trained personnel in several professional fields, ACEP carried out special retraining projects geared to meet the requirements for these employment opportunities. For example, the Lawyer-Librarian Retraining Project was initiated 9 years ago. 104 applicants received their Master's Degrees in Library Service and found immediate employment. A Social Work Training Program, with two sessions per year, is sponsored by ACEP at the School of Social Work of Columbia University, 105 registrants were retrained as social-worker assistants by June 1967.

The American Council for Judaism Philanthropic Fund, 201 East 57th Street, New York, N.Y. 10022: Believing that Jews can be at home in every truly free society and that refugees of Jewish faith should be allowed the widest possible choice of countries of resettlement, last year the Philanthropic Fund assisted in the resettlement of 2,176 refugees of Jewish faith through offices in Paris, Rome, Vienna, Stockholm and New York. During 1966, the Fund's two primary concerns were: (1) North Africans of Jewish faith seeking to achieve final resettlement in France; (2) Iron Curtain refugees aided both in their initial asylum in Western Europe and in resettlement in the United States. Within the year, the Fund brought its 500th refugee immigrant to this country. The Fund also continued its support of institutions in Israel including the Shaare Zedek Hospital.

American Council for Nationalities Service, 20 West 40th Street, New York, N.Y. 10018: ACNS and its member agencies are primarily concerned with services to immigrants and refugees after they arrive in American communities.

ACNS also helps in the resettlement of refugees and is particularly involved today with refugees from Cuba and Hong Kong. ACNS cooperates actively with the several resettlement agencies, aiding in finding jobs and housing for Cubans. ACNS, through its San Francisco International Institute, has sent a staff member to Hong Kong to provide pre-immigration planning for the Chinese.

Member agencies of ACNS, which number 36 in 18 different states, also seek to stimulate and maintain a spirit of "welcome" and acceptance for the foreign-born. To this end, member agencies have organized nondenominational resettlement committees composed of representative elements in the community.

American Council for Voluntary Agencies for Foreign Service, Inc., 200 Park Avenue South, New York, N.Y. 10003: The American Council of Voluntary Agencies for Foreign Service was established in 1943 to provide a means for consultation, coordination and planning and to assure the maximum effective use of contributions by the American community for the assistance of people overseas. Through the Council, 44 member American voluntary agencies engaged in programs of active service overseas now coordinate their plans and activities both at home and abroad, not only among themselves but also with non-member agencies and governmental, inter-governmental and international organizations. Since 1955 the Council has operated the Technical Assistance Information Clearing House under contract with the United States Agency for International Development.

American Friends Service Committee, Inc., 160 North Fifteenth Street, Philadelphia, Pa., 19102: The AFSC's major programs to aid refugees are in the following areas:

ALGERIA—AFSC has established a series of community development programs in rural villages composed of former refugees and displaced Algerians which includes training in manual skills, health education, agricultural extension work and assistance in the organization of community projects. 250,000 returning refugees have merged with the rural population and benefit from this program.

Hong Kong—A program has been established within the largest resettlement housing project, offering such services as a cooperative nursery school, a mothers' and fathers' club, counseling and recreational groups for youth and vocational training. Community development projects have been established in fishing villages inhabited by refugees near Hong Kong. 10,000 refugees were directly involved in AFSC programs while some 55,000 were reached indirectly.

Austria—Some 100 refugees are involved in the final stages of phasing out a resettlement program for Hungarian refugees.

Central Africa—Material aids are supplied to approximately 50,000 Angolan, Congolese, and Sudanese refugees in the Congo and Uganda.

Vietnam—Relief work in Quang Ngai, South Vietnam, consists of a child day-care center, physical and occupational therapy, and prosthetics services for amputees.

American Foundation for Overseas Blind, 22 West 17th Street, New York, N.Y. 10011: As the world's only specialized agency dealing exclusively with the problems of all blind people regardless of nationality, race, color or creed, AFOB provides service to thousands of refugees who are among the world's 14 million blind people. Programs in agricultural training, industrial training, rehabilitation and education reach a large refugee population, especially in the Middle East and Southeast Asia. AFOB cooperates with agencies of the United States Government and the United Nations in providing these services.

American Fund for Czechoslovak Refugees, Inc., 1775 Broadway, Room 430, New York, N.Y. 10019: There has been substantial increase in the number of refugees escaping Czechoslovakia from Communism into Germany, Austria and Italy and other West European countries during the last several years. The AFCR caseload now totals more than 4,500 refugees, including approximately 1,300 new refugees. The AFCR program is one of continuing assistance in resettlement, counseling, local integration, material and medical help, education, recreation and rehabilitation of refugee children. Newer refugees are resettled as soon as possible in the United States or other free-world countries.

American Immigration and Citizenship Conference, 509 Madison Avenue, New York, N.Y. 10022: The AICC, as an association of voluntary agencies, does not conduct programs of direct relief but its work is of importance to refugees in that it bears upon their admission to this country and integration once they are here. The AICC is a coordinating agency for over 90 non-profit and non-political agencies interested in promoting a non-discriminatory immigration policy. Standing committees initiate and carry out studies on immigration legislation, immigrant integration, citizenship preparation, international migration affairs and immigration research. AICC acts as a clearing house for information, stimulates conferences on immigration and refugees and provides the means for joint action by its member agencies.

The American-Korean Foundation, 345 East 46th Street, New York, N.Y. 10017: Thousands of Korea's 4,000,000 refugees from North Korean Communism are still living in makeshift hovels and without the skills to earn an adequate livelihood. There is a shortage of over a million houses, with an estimated 230,000 squatter shacks throughout the country. To help overcome this situation, the AKF is providing earth block "do-it-yourself" houses, vocational training opportunities, scholarships and school buildings; it is conducting a bench-terracing program to reclaim thousands of acres of unused land for food production.

AMA Volunteer Physicians for Vietnam, American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610: This program was initiated in 1965 and is financed by contract with the United States Agency for International Development (USAID).

Personnel: 32 volunteer physicians. In 1967, approximately 200 volunteer doctors served in overlapping two-month tours. Thus far 236 physicians have participated.

American Middle East Rehabilitation, Inc., 777 United Nations Plaza, Suite 7E, New York, N.Y. 10017: AMER's aims and objectives are three-fold: (1) to help provide vocational training for Palestine Arab refugee youths; (2) to provide emergency relief when needed in the Middle East, and (3) to promote and help support projects designed to help raise the standards of living in the Middle East.

AMER solicits cash donations and "gifts-in-kind" (chiefly medical supplies) the proceeds of which are used to provide scholarships chiefly in UNRWA's vocational training schools and, also, at the Jordan River Project of the Arab Development Society. As of November, 1967 AMER had provided 432 of these scholarships to worthy Palestine Arab youth.

American ORT Federation, 222 Park Avenue South, New York, N.Y. 10003: ORT (Organization for Rehabilitation through Training) services to refugees are directed toward the problem of their economic integration and the education of high-school-age members of refugee families. The program includes vocational and technical training for adults, vocational training for youth, apprentice placement for on-the-job training and aid in finding employment. The programs are primarily for Jewish refugees.

Asia: Newly arrived refugees in Israel received training and schooling at various levels at 33 localities. The Teheran ORT Center trained Tibetan youngsters to become trade school teachers for Tibetan refugees in India.

Europe: Many special courses were organized at the ORT centers in Paris, Lyon, Strasbourg, Toulouse and Marseilles. About 4,000 Jewish refugees from North Africa received assistance in these programs. ORT centers in Rome and Genoa continued the dual operation of language training and trade instruction to refugees enroute to English-speaking areas of ultimate settlement.

North America: The ORT vocational school in New York, which is entirely devoted to refugee aid, enrolled about 720 persons last year.

American National Red Cross, 17th and D Streets, N.W., Washington, D.C. 20006: The American National Red Cross provides assistance in certain refugee situations in cooperation with other National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The latter two international organizations work closely with the Office of the United Nations High Commissioner for Refugees and often serve as the operations service for that organization.

The American Red Cross meets refugee needs by providing funds, supplies and assistance of qualified specialized staff. Other services including reuniting refugees with their relatives in this country and maintaining an international foreign location inquiry service to help refugees locate missing family members.

Brethren Service Commission, 1451 Dundee Avenue, Elgin, Ill. 60120: BSC, cooperating with Church World Service (CWS) and the Mennonite Central Committee, serves refugees in South Vietnam through the Vietnam Christian Service program. BSC also operates service centers across the United States where material aid, clothing, blankets and medicines are processed for Church World Service, Inter-Church Medical Assistance and Lutheran World Relief. BSC works with CWS in resettling refugees in the United States including those from Cuba.

Catholic Relief Services—United States Catholic Conference, 350 Fifth Avenue, New York, N.Y 10001: Catholic Relief Services USCC maintains relief, social and economic development projects and various health, education and welfare programs in more than 80 countries throughout Asia, Africa and Latin America. These programs include food, clothing and medicine distributions to the needy—regardless of race, religion or color— as well as vocational training, rural education, urban renewal projects, the provision of emergency supplies and other services.

During the 1966 fiscal year, CRS sent relief supplies overseas (including U.S. government-donated foodstuffs) valued at the highest total in the agency's history—$135,867,910.

South Vietnam: CRS continues to place its major emphasis on assistance to war victims in Vietnam. CRS supplied food, medicines and clothing to 200,000 refugees awaiting resettlement. Where the need existed for refugee shelters or camps, CRS constructed temporary shelters for 100,000 refugees.

India: CRS is providing food and clothing to 21,000 Tibetan refugees as part of its continuing program in India.

United Arab Republic: CRS is providing food and clothing to 7,532 Palestinian refugees through units of the Ministry of Social Affairs.

Christian Children's Fund, Richmond, Va. 23204: The Christian Children's Fund provides a wide range of aid—financial medical, educational, food, clothing, care, adoptions—for both refugees and non-refugee children all over the world. Its principal refugee relief projects last year included:

Israel: Educational and emergency aid to children of Arab refugees near Bethany.

Hong Kong: Assistance to several rooftop schools for refugee children, providing books, clothing, emergency medical aid, and one meal a day.

India: Maintains refugee children from Tibet in orphanages close to the border areas.

Korea: Financial aid to orphanages caring for children of North Korean refugees, either abandoned or separated from their families, as well as assistance to many displaced and deprived widowed families through Family Helper Projects.

Vietnam: Orphanages for children of parents killed in the war receive financial aid. Family Helper Projects for children of refugee families are established and maintained.

Church World Service, 475 Riverside Drive, New York, N.Y. 10027: Church World Service, a program of the National Council of Churches, is the coordinating and administrative facility for major Protestant refugee and relief agencies in the United States.

Church World Service works in close fraternal relationship with the Division of Inter-Church Aid, Refugees and World Service of the World Council of Churches whose headquarters are in Geneva, Switzerland.

Refugee relief and rehabilitation have been included in CWS programs of assistance in some 50 countries during the last 20 years. In 1966 this program was supported by cash disbursements of $11,355,810 and material aid distributions valued at $36,865,455.

Notable refugee assistance programs of CWS include:

Congo: Food, clothing, blankets, emergency medical treatment and self-help through the plowing of fields and distribution of tools and seeds, all through the Congo Protestant Relief Agency. Refugees are from the Sudan and Angola and are a result of continuing internal political strife.

Burundi: Food, blankets, clothing, soap, medicine, and vitamins provided for refugees from Congo during their brief asylum.

Tanzania: Material aid supplied through Lutheran World Federation; support for self-help projects using indigenous staff. Refugees are from Rwanda, Mozambique and other countries.

Hong Kong: Hot lunches provided through the Children's Meals Society; family planning, TB and dental clinics within the Hong Kong Christian Welfare and Relief Council.

India-Pakistan: Resettlement and temporary material aid to refugees created by border disputes.

Middle East: A wide variety of long-range self-help and rehabilitation projects for Arab refugees are conducted under the auspices of the Near East Council of Churches Committee for Refugee Work.

Church Agencies Cooperating through CWS: World Relief Committee, American Baptist Convention; Brethren Service Commission, Church of the Brethren; Christian Churches (Disciples of Christ); Cumberland Presbyterian Church; Division of World Mission, Evangelical United Brethren Church; Lutheran World Relief; Methodist Committee for Overseas Relief (MCOR); Department of Overseas Relief and Inter-Church Aid, Presbyterian Church in the U.S.; Division of World Relief and Inter-Church Aid—The Protestant Episcopal Church; Reformed Church World Service; Board for World Ministries, United Church of Christ; Committee on Relief and Rehabilitation, the United Presbyterian Church in the U.S.A.

Vietnam Christian Service: Vietnam Christian Service is a cooperative relief and service program of Church World Service, Lutheran World Relief and the Mennonite Central Committee; administration by the MCC.

VCS staff includes 55 Americans, 1 Swiss, and 8 Canadians; agriculturalists, home economists, social workers providing medical and administrative personnel, and a sizable number of Vietnamese who were on the staff at mid-1967. Additional U.S. staff were in training or en route. Twelve Protestant groups are represented. Most are in Vietnam for two to three years with the first two months for intensive language study.

The program is service-centered but uses some food and other material aid in certain projects. Multi-service community development teams form the core of the program, working in 8 locations. Supplementary medical and other services are provided in 3 other places.

Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016: In its daily operations, CARE does not serve refugees as a special group but directs its aid to them as part of its assistance to all groups of needy.

In consistent efforts to provide refugees with the means of re-establishing themselves economically, CARE has given and continues to give substantial support to resettlement and job-training projects in South Korea, Israel, Hong Kong, Jordan, the Gaza Strip and other regions.

Community Development Foundation, Boston Road, Norwalk, Conn. 06852: Community Development Foundation, having worked in the past with refugees in Greece, Korea and France, is currently laying the groundwork for a future program with Arab refugees in the Middle East and actively involved with program services for refugees in Vietnam.

Vietnam: The nature of CDF refugee service is a training program preparing Vietnamese personnel to initiate and implement self-help activities in order to improve living conditions in temporary camps and to prepare for economic and social needs of resettlement.

Through a contract with the U.S. Agency for International Development and an agreement with the Government of South Vietnam, CDF is responsible for developing and operating a refugee welfare training program that will help the refugees to help themselves.

Direct Relief Foundation, 27 East Canon Perdido Street, Santa Barbara, Calif. 93101: Direct Relief Foundation, in its Self-Help to Health International Medical Program, donates pharmaceuticals and medical supplies to needy hospitals where they are used for treatment of destitute patients and refugees regardless of race, creed or nationality. Shipments are assembled according to needs outlined by a physician who is responsible for receipt and use of these drugs and medical supplies. In 1966, the total value of shipments exceeded $9,000,000.

The Thomas A. Dooley Foundation, 442 Post Street, San Francisco, Calif. 94102: The Dooley Foundation provides technical and material assistance to the developing nations of Asia in the fields of medicine, health education and community development. Assistance programs are presently carried out in India, Nepal, Vietnam and Laos.

In Northern India, a mobile health unit program is provided for Tibetan refugees.

In Nepal, a national health survey undertaken as a joint effort with the Government of Nepal and the School of Public Health of the University of Hawaii is nearing completion. With the assistance of volunteer airline stewardesses, help is also provided to a Tibetan refugee nursery and a Nepalese Leprosarium. Full-time nursing and medical technician training is provided to the Bir General Hospital in Katmandu.

In Vietnam, assistance is provided to the orphanage of An Lac in Saigon which cares for 350 war orphans.

Foster Parents' Plan, Inc., 352 Park Avenue South, New York, N.Y. 10010: Foster Parents' Plans, Inc. a non-sectarian agency, has a twofold purpose—the relief and rehabilitation of destitute children in war-ravaged and underdeveloped countries and the preservation and rehabilitation of the family through help to one of its members. This is done by means of financial "adoptions." A United States or Canadian individual or group "adopts" an overseas child. The Foster Parent pays $15 a month for a minimum of one year. Benefits to the child and his family include monthly cash grant, new clothing, household equipment and medical care, plus counseling and guidance by local social workers. Emphasis is on the education of the children.

Of the 47,300 children currently enrolled, 20,000 live in Vietnam, Korea and Hong Kong. Many are refugees. Foster Parents' Plan has a long-range program for all children in its care. A Foster Child remains with Plan until he becomes 18 so long as the family continues to need assistance and the child remains in a suitable form of education.

Plan develops person-to-person relationships between Foster Children and their Foster Parents by encouraging a monthly exchange of letters (original and translation are transmitted).

During the last fiscal year, Foster Parents' Plan, Inc., spent $7,881,024 in direct aid to Foster Children and their families.

Hadassah, 65 East 52nd Street, New York, N.Y. 10022: Although the Women's Zionist Organization of America does not deal directly with refugees, its work does affect refugees who are being resettled into Israel. Hadassah's health, social welfare and education facilities benefit refugees as well as native Israelis. Last year the Hadassah-Hebrew University Medical Center handled 200,000 patient visits at its outpatient clinic, gave inpatient service to 17,000 people, provided 6,000 patients with surgery and treated 16,223 emergency cases. Hadassah's Oncology Department treated approximately 1,700 patients, which constitutes almost 50% of all cancer patients in Israel. It is impossible to determine the number of resettled refugees who availed themselves of these medical services and other Hadassah facilities.

Heifer Project, Inc., 45 Ashby Road, P.O. Box 278, Upper Darby, Pa., 19084: Refugee self-help and resettlement programs are the beneficiaries of Heifer Project and which takes the form of donations of livestock, poultry, tools and technical services.

HPI made grants and shipments in 1966 as follows:

Europe and the Middle East:

Greece: $3,000 (Congregational Christian Service Committee) to purchase heifers for the flood and earthquakes areas.

Jordan: $1,881 (Near East Council of Churches for Refugee Work) to purchase goats for refugees.

Africa: 9,300 baby chicks (Congo Protestant Relief Agency).

Far East: $500 to Hong Kong Church World Service (revolving loan fund to help farmers).

HPI helped 30 different agencies in Korea in several shipments of 59 heifers, 5 bulls, 31 pigs, 95 goats as well as $738 sent to buy chicks. Heifer Project has two committees in Korea but uses Korean Church World Service as consignee.

South America: HPI completed two plane-load shipments of 13 heifers, 28 bulls and 20 pigs to the Heifer Project Santa Cruz, Bolivia committee.

International Rescue Committee, 386 Park Avenue South, New York, N.Y. 10016—

Asia: Operations in Hong Kong and Vietnam.

Europe: Programs in Sweden, Germany, Austria, Switzerland, France, Italy and Spain. Refugees from behind the Iron Curtain; refugees from Cuba, primarily in Spain; Jewish refugees from North Africa and Egypt.

Caseload: 12,000.

Nature of program: Resettlement services, local integration, emergency assistance, specialized services (legal protection, indemnification, etc.).

U.S. programs include Cuban refugees, resettlement of refugees admitted from Europe and Hong Kong, and a special project for Haitian refugees.

European and Chinese resettlement caseload in 1966: 2,000 plus.

Cuban caseload: Registrations in Miami as of May 26, 1967: 50,570. Resettled from Miami: 29,633.

The IRC office in Montreal handled only European refugees admitted to Canada. 1966 caseload: 300.

Latin America: Operation in Mexico City, Relief activities for Haitian refugees in the Dominican Republic and the Bahamas through the good offices of Catholic Relief Services.

Caseload in Mexico: About 1,000 Cuban refugees.

Nature of program: Material aid and resettlement services.

International Social Service, American Branch, Inc., 345 East 46th Street, New York, N.Y. 10017: International Social Service American Branch is part of a worldwide network of individualized services to families and children whose problems require help in more than one country or involve nationals of more than one country. It aids thousands of refugees with problems of divided families, lost or missing parents, international marriage, lost or abandoned children.

Established in 1921, ISS world headquarters are in Geneva, Switzerland.

Hong Kong: Large numbers of refugee Chinese are now able to enter the U.S. because of changes in the immigration laws (10,000 were expected in 1967 alone).

Vietnam: ISS American Branch is a major source of support for the Saigon office which is administered through the Geneva headquarters of ISS.

All ISS services in Vietnam involve refugees and especially orphaned and abandoned children.

ISS believes that the children of Vietnam should not be confined in orphanages or hurried off into other countries without safeguards for themselves and their families. ISS is working with agencies of the South Vietnam Government to help develop better protection for children who may be adopted and taken out of their homeland.

ISS American Branch and International Social Service also have programs in Argentina, Venezuela, Greece, France and Switzerland.

International Voluntary Services, 1555 Connecticut Avenue, N.W., Washington, D.C. 20036: International Voluntary Services, Inc. is a private, non-profit corporation chartered under the laws of the District of Columbia. It was incorporated in July 1953, is nonsectarian, non-political and is governed by a 21-member Board of Directors representing a cross-section of American academic and professional life. It was organized for the purpose of providing technical assistance to people of developing countries with an objective of developing the human resources through direct involvement of people of the host country in planning and implementation of programs. IVS participates in a supporting role.

Since its inception, IVS has fielded teams of young men and women to 14 countries. Current programs operate in Vietnam and Laos. In Vietnam, 159 volunteers from 10 countries work in agriculture, education and community development. In Laos, 106 volunteers from 5 countries work in education and rural development.

Joint Distribution Committee, Inc., 60 East 42nd Street, New York, N.Y. 10017: In 1966 the Joint Distribution Committee assisted 36,000 refugees, repatriates, etc. Of these, 9,200 were citizens in a country of asylum; 26,800 did not have the protection of citizenship and were scattered over a number of countries. In addition, there are thousands of former refugees living among the "settled" populations of their new homelands who still do not have citizenship status. The JDC helped these refugees with food, clothing, shelter, medical assistance, vocational training, low cost loans and school and guidance counseling. JDC also maintained a community assistance program which provided funds and technical assistance to synagogues, schools and community centers.

In 1966 JDC focused particular attention on the following refugee areas:

France experienced an influx of 29,100 refugees during 1966 mostly from Tunisia, Algeria, Morocco, Egypt and Eastern Europe. Smaller groups of refugees also made their way to Italy, Austria and Belgium.

JDC is till assisting some 5,000 residual refugees and displaced persons from World War II. Most of them (3,100) are in Australia. There are also 350 in Sweden and a lesser number in Belgium, Portugal and Spain. JDC aid is also going to approximately 1,000 refugees from the Hitler era in such widely scattered areas as Tangier, Haiti, the Philippines, Portugal and Spain.

In 1966 the health, welfare, rehabilitation and cultural programs on behalf of some 400,000 refugees and other needy Jews in all parts of the world were sustained by a budget of $22,594,800, provided chiefly by the campaigns of the United Jewish Appeal, a contribution by the United States of 14,710,000 pounds of Food for Peace supplies, valued at close to $900,000 and other material aid.

Lutheran World Federation, U.S.A. National Committee, 315 Park Avenue South, New York, N.Y. 10010: During 1967, the American Lutheran Church and the Lutheran Church in America contributed through Lutheran World Action about 22% of the cost of the refugee services of the LWF Department of World Service, budgeted annually at over $2,750,000. This does not include the $10,000,000 worth of clothing, food and medicine shipped annually by Lutheran World Relief.

Australia: Resettlement of immigrants from Europe through travel loans; housing, trade, craft and farming loans (under agreement with ICEM); counseling, welfare relief, assistance to the immigration chaplaincy and referral service.

Hong Kong: In addition to distribution of material aid from Lutheran World Relief and other relief source, the LWF-WS administers a large program of self-help and rehabilitation; education, youth work and vocational training (800 students); and medical and health services, primarily for Chinese refugees.

India: Resettlement aid to several thousand refugees from East Pakistan and Tibet including housing, farming, production cooperatives and food-for-work projects such as building schools and digging wells and reservoirs.

Jordan: Distribution of food and clothing to refugees and needy persons both East and West of the Jordan River. LWF-WS operates work projects, a vocational training center (120 students), a handicraft center for 36 blind boys, a nurses' school (60 students), a hospital (subsidized by UNRWA) and 13 medical clinics (5 mobile).

Syria: LWF-WS operates five medical clinics in the Damascus area and contributes to the nursing school of the Palestine Arab Refugee Institute.

Tanzania: At least 33,000 refugees in Tanzania have received help from LWF-WS. This includes 18,000 Mozambiquans, 12,300 Rwandese (most Watutsi), 2,500 Kikuyus and 300 Congolese. A tripartite agreement between the United Nations High Commissioner for Refugees, the Tanzania Government and the LWF made possible the creation of an agricultural community in the Mwesi Highlands of Tanzania for 3,000 refugees from Rwanda.

Zambia: LWF provides resettlement aid in Zambia as in Tanzania. In cooperation with UNHCR and the Zambian Government, the LWF established the "Zambia Christian Refuge Service" early in 1967 to express the ecumenical concern of Protestant Christian groups. Three comprehensive rural settlements are now under development with 4,000 Mozambiquan and 1,500 Angolan refugees who fled civil upheaval in their homeland.

Vietnam: LWF provides services in Vietnam through Vietnam Christian Service (See Church World Service).

Meals for Millions Foundation, 1800 Olympic Boulevard, P.O. Box 1666, Santa Monica, Calif. 90406: There's a David and Goliath story unfolding these days in Santa Monica, California, that may eventually become as universally familiar as the famous Biblical version. The modern-day concept concerns a relatively small organization known as Meals for Millions which is engaged in fighting mankind's biggest killer, world famine.

The Meals for Millions Foundation attacks the problem of world hunger in two ways. One is a protein-packed food enriched with vitamins and minerals—Multi-Purpose Food (MPF). It's made of unusual items like soybeans and sunflower seeds, peanuts and fish protein concentrate—a lot of them foods that would ordinarily be thrown away. Then the MPF is mixed with the native diet: rice in Asia, beans and torillas in Mexico and Brazil, noodles in Ecuador and bread-like chapatis in India. However it's made and mixed, the results are always the same: it fortifies deficient native diets and fights off frightening hunger pains.

The Foundation's second strike against hunger—and a more permanent one—is a self-help program that helps to set up high-protein food supplement plants in developing areas, then gets them going on a self-sustaining basis.

The Foundation has helped set up five high-protein foodstuff plants in India and one each in Mexico, Japan and Brazil. More are in the making in Ecuador and Chile.

Relief shipments continue to the critical hunger areas of the world. Since its inception in 1946, Meals for Millions has sent over 15 million pounds of high-protein food supplements to 129 countries and territories.

During 1967 relief shipments were allotted for 20 countries, many of them distributed among refugee groups.

An agency working with the Tibetan refugees in Nepal received 8,250 pounds. Some 2,688 pounds were sent to relief agencies in Hong Kong. In India, Angola and Israel more shipments were received, many designated for refugee groups. Vietnam received 2,112 pounds of high-protein food, much of this earmarked for displaced Vietnamese.

Medical Mission Sisters, 8400 Pine Road, Philadelphia, Pa. 19111: The Medical Mission Sisters, in their 33 hospital and medical centers in the newly emerging nations, are in constant contact with the refugees and migrants of those areas, serving their sick and diseased.

South Vietnam: In Qui-Nhon, the Holy Family Hospital gives medical care to many of the refugees there.

Uganda: Medical Mission Sisters visit groups of Watusi, displaced in tribal uprisings, and treat hundreds of them.

India: In hospitals operated by Medical Mission Sisters in New Delhi, young Tibetan girls who fled their country when the Communists invaded, are being trained as nurses' aides.

Over 1,000,000 patients were cared for by the Medical Mission Sisters in India, Pakistan, Ghana, Uganda, Vietnam, Venezuela, Jordan, Indonesia, The Philippines, Kenya, Malawi, Ethiopia, Orange Free State of South Africa in 1967.

Mennonite Central Committee, 21 South 12th Street, Akron, Pa. 17501: The Mennonite Central Committee, the official agency of the North American Mennonites, conducted refugee relief operations in Asia and Africa. Last year, the Committee assisted refugees in India, Hong Kong, Jordan, Vietnam, Burundi and the Congo. The relief program in these areas consisted of:

India: A health program, self-help project and educational program in a government-assigned refugee colony for East Pakistanis in Calcutta.

Hong Kong: Educational and family-child assistance to 450 children and general distribution of clothing.

Vietnam: Assistance to refugees from North Vietnam with donations of food, clothing and medicines. Medical treatment at Nha Trang was expanded. A doctor and nurse were sent to Pleiku to initiate another medical project.

Vietnam Christian Service: A new joint program sponsored by Church World Service, Lutheran World Relief and the Mennonite Central Committee. Administered by the Mennonite Central Committee (See Church World Service).

Congo: Shipments of food and clothing distributed through the Congo Protestant Relief Agency for refugees from Angola.

Burundi: Food, clothing and medical supplies for refugees from Rwanda and the Congo. This work was conducted in cooperation with Church World Service and the World Relief Commission.

Jordan: 76,000 pounds of blankets and clothing were distributed to refugees on the East Bank. On the West Bank 10 tons of flour, 3½ tons of meat, 3 tons of bedding and clothing and 6 tons of soap were distributed.

Polish-American Immigration and Relief Committee, 156 Fifth Avenue, New York, N.Y. 10010: PAIRC conducts a continuing program for Polish post-war refugees in Western Europe as well as newly arrived escapees. The scope of the Committee's work covers immigration and integration help for new refugees, registration and documentation for "old" refugees under special immigration schemes, provision of sponsorships for regular immigation cases, financial assistance to needy refugees and cooperation in UNHCR integration programs.

Project Concern, Inc., 1262 Kettner Boulevard, P.O. Box 2468, San Diego, Calif. 92112: Project Concern is an independent non-profit relief organization; has established four outpatient medical clinics in Hong Kong and treats over 500 patients a day; has a feeding program for more than 1,500 children at the Hong Kong clinics; has a 42-bed hospital in DaMpao, South Vietnam, also provides outpatient services at the hospital and has a mobile clinic unit regularly visiting two dozen villages and strategic hamlets; has developed a six-month training program in basic, preventive medicine. Trainees are local Vietnamese, Montagnard, and Thai refugees who "graduate" as Village Medical Assistants and return to put their training to use in their own villages; has an international staff of more than 100 doctors, nurses, pharmacists, laboratory technicians, teachers, and volunteers in many capacities.

The Salvation Army, 120–130 West 14th Street, New York, N.Y. 10011: The Salvation Army is serving refugees in several countries as part of its overall social service programs in those areas. Elsewhere, refugees are aided from time to time on an individual basis.

In Hong Kong, The Salvation Army operates nurseries, kindergartens and primary schools which offer education to 5,400 children. Free libraries are attended by 700 to 1,000 children daily. At Salvation Army vocational training centers, more than 300 persons annually learn a trade that will enable them to support themselves. It also operates a shelter for street sleepers, a children's convalescent home, medical clinics, and gives direct relief to the needy, especially the aged and ill.

In Calcutta, The Salvation Army Social Service Center, with the financial backing of OXFAM (Oxford Famine Relief), carries on a daily "Meals on Wheels" service, which provides meals and dried foodstuffs for approximately 1,000 poor people, of whom it is estimated about 125 are displaced persons. Of the 125, there are about 25 lepers. They and their dependents receive food each day.

In Bombay, there is a similar program. Every day (Sundays included) since July, 1964, an average of 800 needy people have been fed. The only qualification is need.

The Salvation Army is also aiding Cuban refugees in Florida. In Key West, it is the agency responsible for distributing government commodities to refugees and also assists with emergency relief. In Miami, Cuban refugees make up the largest part of the Salvation Army's emergency family relief program which involves food, assistance with rent, utilities, clothing, etc.

Save the Children Federation, Inc., Boston Post Road, Norwalk, Conn., 06852: Save the Children Federation has worked in the past with refugees in Greece, Korea, and France and is currently active in a program for refugee children and their families in South Vietnam.

In 1966, Save the Children Federation established field headquarters in Bin Dinh Province in South Vietnam and began a Sponsorship program to help refugee children and their families. American families, schools, business firms or clubs enrolled as Sponsors exchange correspondence with Vietnamese families. They support a program which provides funds and counseling to help families add to their resources for better child care, increase their ability to be self-sustaining, and join with others in self-help projects to establish services and facilities desired by the community.

Spanish Refugee Aid, Inc., 80 East 11th Street, New York, N.Y., 10003: Spanish Refugee Aid, organized in 1953 to aid the Spanish Republican refugees who had fled to France after the Civil War, faces the dual problem of sharply rising costs in France and the need of an increase in aid as the refugees grow older. Of the 100,000 still in France, 10,000 need help currently, 1,549 persons over the age of 60, 1,300 invalids, 282 persons with tuberculosis and 42 blind men and women are on SRA lists. SRA gives general financial help to the neediest. It sponsors an adoption program (278 refugees have been adopted), a scholarship program (69 students are being helped through school) and a special fund-raising campaign for the hospitalized refugees.

At the Foyer Pablo Casals, a center for old people in Montauban, France that was organized by SRA, 259 refugees receive monthly food packages and clothing as against 243 last year. SRA maintains 3 offices in France which are used as distribution centers, and staff workers make regular visits to homes. The problem of the aging refugee, living on small pensions ranging from $30 to $40 a month, is SRA's greatest concern.

Tolstoy Foundation, Inc., 250 West 57th Street, New York, N.Y. 10019: The Tolstoy Foundation is in continuous contact with some 20,000 refugees and escapees registered with its offices overseas and with some 2,000 cases in the U.S.A.

While the majority of refugees assisted by the Tolstoy Foundation are Russian, the Foundation also assists Yugoslavs, Bulgarians, Romanians, who sought asylum abroad and a group of Tibetan students from among the refugees in India.

The Foundation continues to give counseling assistance in emigration in Belgium and Latin America. It also assists in local integration through the establishment of small business enterprises, workshops, etc. in conjunction with programs sponsored by the United Nations High Commissioner for Refugees (UNHCR).

Cultural activities, an important part of the Foundation's program, are centered in the L. C. Stevens Library in Munich and at the Tolstoy Foundation Center in Valley Cottage, New York.

The Tolstoy Foundation and its branches assumes the direct responsibility for supervision of homes for aged refugees in Latin America, Western Europe and in Rockland County, New York with some 1,000 residents.

A Tolstoy Foundation Nursing Home at Tolstoy Center in Valley Cottage, N.Y. is projected for opening in 1969 with a capacity of 80 beds.

Assistance to children is centered mainly in West Germany, with valuable cooperation of British Voluntary Agencies and Swiss Foreign Aid, and continued summer camp programs for children supported by the Tolstoy Foundation in the United States and in Belgium.

United Church Board for World Ministries, 475 Riverside Drive, New York, N.Y. 10027: The Division of World Service of the Board for World Ministeries of the United Chuch of Christ last year administered programs and allocations for relief and rehabilitation in some 50 countries to the extent of about $1,500,000 with half that much again in gifts-in-kind. Much of this was in assistance to "current" refugees and for the alleviation of grave social problems resulting from past migrations.

Particular emphasis in 1967 was laid on the plight of refugees in Vietnam and the Middle East, with personnel and funds contributed through the Vietnam Christian Service and the Near East Council of Churches Committee on Refugee Work. Another major effort of the year was in continued support of India Famine Relief and in behalf of victims of other natural disasters. Projects including refugee service were supported in several Central Africa states, in Algeria, in India (e.g. for Tibetans) and Pakistan, in 8 Latin America countries, in the Far East, in Italy and Central Europe. Special programs were also maintained in Greece and Lebanon, continuing the interest of the Congregational Christian Service Committee.

With major emphasis on self-help projects, especially in agriculture and community development, the Board did most of its work cooperatively through other agencies. These included Church World Service, National Council of the Churches of Christ in the U.S.A.; Division of Interchurch Aid, Refugee and World Service, World Council of Churches; Heifer Project, Inc.; Meals for Millions Foundation; Agricultural missions, Inc.; Interchurch Medical Assistance, Inc.; Shelter for the World, Inc.; World Alliance of YMCAs (refugee program).

Unitarian Universalist Service Committee, Inc., 78 Beacon Street, Boston, Mass. 02108: The Unitarian Universalist Service Committee has been giving assistance to Spanish Republican refugees since 1939. The headquarters of this program are at 93 rue Riquet, Toulouse, serving refugees in Toulouse and in rural areas in the South of France. The program is administered by Miss Persis Miller with her Associate Director, Mme. Dolores Bellido.

Aid is limited to those refugees who arrived in France at the end of the civil war in Spain in the great exodus of 1939. There are roughly 150,000 Spanish Republican refugees in Southwest France.

Services fall into four categories—food parcels, clothing, emergency cash and scholarships.

In emergencies or at regular intervals food parcels are distributed to old people and to families where the father or widowed mother is a chronic invalid with tuberculosis, heart disease or ulcers of the stomach. In 1966, 2,586 food parcels (45,513 lbs.) were distributed to 861 households.

In 1966, 725 households received 18,381 lbs. of clothing for 2,165 persons.

Special grants are given for medical purposes in an increasing number of emergency cases. In 1966, 438 such grants were given to 561 persons.

183 scholarships were awarded since January 1951 for periods of one to six years.

United Lithuanian Relief Fund of America, Inc., 105 Grand Street, Brooklyn, N.Y. 11211: Close to 10,000 Lithuanian refugees still remain in free Europe and receive aid which includes clothing, books and medicines from the Fund. The Fund also supports two secondary schools for Lithuanian refugee children. Some Lithuanian refugees in Poland and deportees to Siberia were helped.

United Hias Service, 200 Park Avenue South, New York, N.Y. 10003: United Hias Service provided rescue, resettlement and related services last year to approximately 53,000 Jewish men, women and children. More than 8,800 of these people were assisted to resettle in the United States and other Western countries.

During the past year, the active caseload of persons registered to emigrate reached 23,608; pre-migration services in the United States and Latin America were rendered to 16,319 relatives and sponsors of prospective migrants; 3,030 were aided in the United States with such post-migration services as naturalization, adjustment of status, and prevention of deportation and jeopardy; 1,549 persons were located throughout the world; and in Latin America, 158 migrants who arrived in prior years received agency assistance.

The cost of the agency's worldwide operations for the year 1966 amounted to $2,250,334 and resulted in a net cumulative deficit of $131,267.

United Ukrainian American Relief Committee, Inc., 5020 Old York Road, Philadelphia, Pa. 19141: Through its headquarters in Munich, Germany, UUARC helped about 20,000 refugees and escapees to resettle in new homes and to find employment. The agency continues its immigration program and, for the past year, has been engaged in a program for Ukrainian students in Poland. In cooperation with other Ukrainian agencies, UUARC is planning to organize a nursing home for the aged in the United States.

Volunteers for International Technical Assistance, Inc., College Campus, Schenectady, N.Y. 12308: VITA provides a person-to-person technical information service to agencies working with refugees and to others working in developing areas.

VITA's method complements the methods of other organizations in international development. VITA's Inquiry Service receives technical problems by mail and sends them to skilled scientists, engineers, businessmen and educators. The more than 2,500 volunteers on the VITA roster come from every state in the United States and from 50 other countries. They are associated with 410 corporations and 150 universities, agencies and institutes. Working relationships with the Institute of Food Technologists, the American Institute of Nutrition and the American Society of Agricultural Engineers give access through VITA to their entire memberships.

VITA volunteers respond to 1,370 requests for technical information in 1966. A number of these requests came from relief agencies, including requests for information for a Community Development Foundation training program for work with refugees in Vietnam and information on a design for ovens for the American Friends Service Committee Refugee Program in South Vietnam.

World Rehabilitation Fund, Inc., 400 East 34th Street, New York, N.Y. 10016: The World Rehabilitation Fund, Inc. is involved directly in services to refugees in two projects in Hong Kong and one in Vietnam.

In Hong Kong under a grant from the U.S. Department of State, the World Rehabilitation Fund, Inc., has completed and equipped the John F. Kennedy Memorial Centre for Spastic Children. The building was dedicated in March 1967. This center has facilities for 60 inpatients and 120 outpatients. It is being managed by the Hong Kong Red Cross with financial assistance for a two-year period from the World Rehabilitation Fund.

The World Rehabilitation Fund Day Centre is currently under construction and will be completed in the spring of 1968. This center will provide vocational rehabilitation training and sheltered employment for 450 persons daily. Personnel for the center has been trained by the World Rehabilitation Fund. The equipment and assistance in the operational expenses for a two-year period will be contributed by the Fund.

In Vietnam, under a contract with the U.S. Agency for International Development, the World Rehabilitation Fund is helping to expand the National Rehabilitation Institute in Saigon, equip staff and provide supplies for four smaller satellite centers. Two of these centers were opened in the spring of 1967, a third will be opened in the summer and the fourth in the fall or spring of 1968.

NAE World Relief Commission, Inc., 33–10 36th Avenue, Lond Island City, N.Y. 11106: The major refugee programs of this agency are in Korea, Burundi and South Vietnam. Services include distribution of food, clothing and medicines to needy refugees in those areas, along with projects for the handicapped.

World University Service, 20 West 40th Street, New York, N.Y. 10018: Needy students from all over the world benefit from WUS aid. Last year WUS continued five major programs aimed at refugee students. They were as follows:

Algeria: Financial assistance was given to 150 Algerians studying in Europe, and food, drugs, clothing, etc., were provided to refugee students in Tunisia and Morocco. WUS is helping the Algerian university community get back on its feet, which requires $30,000 in assistance.

Angola: Financial aid ($70,000 since 1961) has been provided on a continuing basis to refugee students from Angola and other African territories ruled by Portugal.

China: More than $600,000 have been provided over the past six years to foster higher education in Hong Kong. This program continued last year, in addition to which sixteen Chinese professors were brought to the U.S. to study and five students sent to Canada.

Hungary: Since 1956, WUS has been aiding Hungarian refugee students, a six million dollar program. They have been able to continue their studies in new countries of residence.

South Africa: Grants to colleges in neighboring countries enable non-white refugee student from South Africa to continue their education.

World Vision, Inc., 919 West Huntington Drive, Monrovia, Calif. 91016: In 19 countries of the world—in South and Central America, in Southeast Asia, India, Africa, and Hong Kong—World Vision, Inc. maintains orphanages ministering to the medical, social, spiritual and vocational needs of orphans, many of them refugees.

Through its Emergency Mission of the Month program, sponsored by friends of the organization who contribute $10 monthly, funds are sent to alleviate the plight of refugees around the world. Refugees also benefit from relief goods shipped with the assistance of AID to many undeveloped countries.

World Vision, Inc. is an interdenominational service agency, approved by the Advisory Committee on Voluntary Foreign Aid under the AID program.

Young Men's Christian Association of the United States, 291 Broadway, New York, N.Y. 10007: The YMCA acts as a complementary service to the large global programs of the United Nations, governments and churches; it is concerned with the morale of refugees. It is not a relief or migration agency. It tries to establish community centers in the camps and through them help in the organization of educational, recreational, religious programs, etc. The agency also offers language training, orientation courses for prospective migrants, camping for the children, together with handicrafts and vocational training.

Young Women's Christian Association, 600 Lexington Avenue, New York, N.Y. 10022: The World YWCA, in cooperation with the National YWCAs is providing services to refugee women and girls in Egypt, Greece, Hong Kong, Jordan, Lebanon and Pakistan. In Austria a refugee program is carried out jointly with the World Alliance of YMCAs. In Vietnam the World YWCA serves women and girls in cooperation with the Asian Christian Service. The YWCA, in its refugee services, puts great emphasis on the provision of basic education, vocational training and cottage industries in order to help the women and girls to become self-supporting.

U.S. Nonprofit Organizations With Programs in South Vietnam

American Friends Service Committee.
AMA Physicians for Vietnam.
American National Red Cross.
Asia Foundation.
CARE.
Catholic Relief Services—U.S. Catholic Conference.
Christian and Missionary Alliance.
Christian Children's Fund.
Church World Service.
Community Development Foundation.
Eastern Mennonite Board of Missions and Charities.
Foster Parents' Plan.
International Rescue Committee.
International Voluntary Services.
Lutheran World Relief.
Medical Mission Sisters.
Mennonite Central Committee.
N.A.E.—World Relief Commission.
National Rural Electric Cooperative Association.
People-to-People Health Foundation.
Project Concern.
Project HOPE.
Save the Children Federation.
Seventh-Day Adventist Welfare Service.
Summer Institute of Linguistics.
Vietnam Christian Service.
World Rehabilitation Fund.
World Vision Relief Organization.
Worldwide Evangelization Crusade.

HUMAN RIGHTS AND THE PROTECTION OF REFUGEES

51 member nations have signed the United Nations' "Convention Relating to the Status of Refugees." The United States have not acceded to the Convention even though its people have always and generously provided asylum and assistance for refugees.

There are now more than 15,000,000 refugees in the world—more than there were in 1958 which was observed as the United Nations' World Refugee Year. Europe's massive post-war refugee problem is largely solved, but new refugee problems have arisen in Asia and in Africa as a result of the almost universal social and political ferment of our era.

The need for an international instrument which guarantees protection and assistance to these millions of helpless and often stateless persons has never been so great as now.

By Proclamation of President Johnson, the United States is observing with other members of the United Nations the International Year for Human Rights. 1968 marks the 20th Anniversary of the Universal Declaration of Human Rights. Surely, a most forthright and universally beneficial action of our country in celebration of this Anniversary would be the signing of the Refugee Convention by the United States Senate.

Ironically, it is our traditional welcome to the refugee, and the protection given him by *our* laws, which is commonly cited as the reason for our past refusal to become a party to the Convention. Apparently ignored is the fact that if the United States were to accept the Convention, it would greatly strengthen the refugee's Human Right to protection and assistance in other countries. As matters stand, *we* may know that our laws provide all of the Human Rights guaranteed by the Convention—but no one else does. It is crucially important that we strengthen the Convention by signing it *now*.

Our action will help to ensure that the increasing number of refugees fleeing into asylum may have the protection of the international community when they need it.

COMMITTEE FINANCE

At June 30, 1967, the end of our fiscal year, according to the Committee's audited accounts, we had received from individuals, foundations, organizations and corporations 121,361.32 including income from the sale of Gift Wrap in the amount of $30,532.68. We had expended $115,950.27 including the cost of our Gift Wrap program.

The Committee's operational budget for the year ended June 30, 1968 is $146,250, including the Gift Wrap project budget.

The Committee's auditors are Peat, Marwick, Mitchell & Co.

THE OFFICERS AND BOARD OF DIRECTORS

We are introducing our readers, to our Officers and Board of Directors in this issue. Some of them have helped to guide the Committee since its founding 10 years ago, others have come to membership along the way. All, in varying degrees, have lent their names, given financial support and leadership to the Committee's work with uncommon unanimity of spirit and generosity. They are, as it was expected they would be at the beginning, a group of representative distinguished Americans who believe that the problem of the world's refugees should be a matter of serious public concern. Some have given testimony before committees of the Congress, some have made field studies of refugee problems overseas, some have served as consultants to our government officers dealing with refugee affairs, others have played a leading role in refugee resettlement in their own cities.

Each year when the World Refugee Report has gone to press, along with our sigh of relief, we feel a burden of gratitude to William K. Wilson, our Editorial Consultant, whose artistry and industry are evident in the form and appearance of this book.

WASHINGTON, D.C.

MAXWELL RABB,
President and the Board of Directors, U.S. Committee for Refugees, New York, N.Y.:

Re your recent inquiry, I will gladly offer the 1968 World Refugee Report for inclusion in the Congressional Record. As chairman of the Senate Judiciary Subcommittee on Refugees, I want you to know how very much we appreciate your many dedicated efforts to bring the important humanitarian cause of refugees before the American people. Your work, and that of your sister voluntary agencies, is making an extremely important contribution to our Nation's concern for the world's homeless from Cuba to the Hamlets of Vietnam. The USCR deserves high tribute from all men of good will. Best wishes as you continue your efforts.

EDWARD M. KENNEDY,
U.S. Senate.

"HOME AT 62" FOR THE WORKING WOMEN OF AMERICA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. HORTON. Mr. Speaker, in a day and age when the magnitude of national and international problems seem so complex and unending, it is often easy to neglect those who have contributed so much toward the growth and prosperity of this Nation.

Today I am introducing legislation, along with many of my esteemed colleagues, which will justly acknowledge the contribution millions of working women have made to America since those shadowed, lean years of the depression. I fondly refer to this legislation as my "home at 62" bill, because it would enable working women who have contributed to the social security retirement fund for a period of 30 years or 120 quarters, to retire with full benefits, whereas present law limits them to 80 percent of full retirement payments.

It is sometimes hard to realize that working women represent over 35 percent of the labor force. Their effect upon the national economy and their buying power cannot be minimized. Nor can we forget that the role of the female in today's labor market is increasing and helping to stimulate a gross national product which is rapidly approaching the trillion dollar mark.

The reason for supporting this legislation is clearly evident when you compare the existing minimum social security requirements for retirement at age 65—18 quarters—with the 30 years or 120 quarters enumerated in my bill for women to retire at age 62. It is time for us to show just recognition for the contribution of productive hard work that has materially helped forge economic greatness from the economic despair of the 1930's.

I earnestly hope you will join with me in helping the working woman of America to retire to the leisure of their homes on full social security retirement benefits at 62 after they have spent the best part of their lives helping to build a better America.

I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA, SPEAKS BEFORE CONGRESSIONAL DELEGATION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. MADDEN. Mr. Speaker, the Illinois, Indiana, and Kentucky congressional delegation on Tuesday evening at a banquet gathering, received a volume of startling information on the avalanche of steel imports from foreign steel manufactures. The great increase of steel imports, if not curbed, will vastly cripple the steel industry in the United States. Presiding at the gathering was Charles M. Beeghly, chairman, Jones & Laughlin Steel Corp., and the speakers were I. W. Abel, president, United Steelworkers of America; Philip D. Block, Jr., chairman, Inland Steel Co.; and Robert E. Williams, president, the Youngstown Sheet & Tube Co.

It is rather unusual to see management of this great steel industry and leaders of the Steelworkers Union join hands and alert the public to the impending threat to America's economy, steel production and also to the threat of unemployment for tens of thousands of our citizens.

I have filed a bill, along with Congressman VANIK, of Ohio, and several other Members of Congress, to curb the outrageous increase of annual steel imports during the last 10 years from foreign countries.

I hereby submit the remarks made by I. W. Abel, president, United Steelworkers of America, on this occasion. These facts pertaining to the threat to our major industry should be read by all Members of Congress.

The remarks of Mr. Abel follow:

STATEMENT OF I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA, ON STEEL AND IRON ORE QUOTA BILL, BEFORE THE INDIANA, ILLINOIS, AND KENTUCKY CONGRESSIONAL DELEGATION, WASHINGTON, D.C., MAY 14, 1968

The urgency of the problem of foreign steel imports and its adverse impact upon the industry and its workers has necessitated this extraordinary procedure of conveying our concern to you.

As we indicated in our testimony before the Senate Finance Committee, our concern is generated by two developments.

I. SHORT RANGE

During this period of negotiations and the subsequent anticipation of strike action, there is a rush by steel consumers to build up their steel inventory. Some figures indicate that steel imports this year may be as high as 15 per cent. The Department of Commerce has noted that during the first three months of 1968 imports of 3.4 million tons are already up one million tons over the similar period in 1967. It represents a 42 per cent increase over the first quarter level of last year.

When the Great Lakes shipping figures come in from last month, we anticipate an even greater increase. These figures, projected on an annual basis, indicate import levels of about 15 to 17 million tons—more than 4 to 6 million tons over last year's 11.5 million tons.

The adverse impact of this upon our members is twofold. After the immediate period of negotiations and/or strike is over, there are layoffs in the steel mills as these inventories are worked off. Furthermore, long-range commitments are made by domestic concerns to foreign producers which result in a long-term loss to domestic steel production.

These commitments are being made because the foreign producer is seizing the advantage of a good opportunity and is demanding a contract for shipping steel for a period of two to five years.

We very definitely do not think that our foreign trade policy should be taken advantage of to the detriment of the domestic workers who are exercising their prerogatives under the expressed public-policy procedure in labor-management relations—namely, to bargain collectively.

The right to bargain is a cherished one, but it is being eroded by the unfair intrusion of foreign trade. The February 8 issue of the *Japan Metal Bulletin* mentions that the Japanese government, concerned about its own balance of payment deficits, has "asked steel companies for increased exports and decreased imports." (And, here, I especially call your attention to the comment) *"With the threatened steel strike in America resulting in increased enquiries, the original export target of 10 million tons is likely to be attained."*

Gentlemen, we should be allowed to bargain a domestic agreement within the framework of a domestic situation.

Another point I wish to make here is that we are pricing ourselves out of the foreign markets because of the high cost of labor. Actually, we have never been a major steel exporting nation. Although we did maintain a trade surplus prior to 1959, our major market was a domestic one. We are convinced that no matter what our wage costs are, foreign producers will maintain control of their own markets. Furthermore, an aggressive export policy by our own industry would probably wreak havoc in foreign markets.

As I will shortly indicate, our support of the steel quota bill does not rest upon any competitive disadvantage which we may have with regard to wages. Foreign steel producers will always be able to lower the price of steel in our market. It would not only be *unrealistic* but more than that it would be *useless* for us to negotiate within the context of being more competitive. No, the problem facing steel trade comes from another source and as a nation we will eventually have to cope with it.

II. LONG RANGE

Actually, our major concern arises from a long-range view of the world steel industry which is plagued with overcapacity. The scourge of foreign overcapacity, causing a compulsion to export, is coexistent with an acceleration of investments in new technology by our own industry. The coincidence of the two can result in job loss to steelworkers.

A report by the Senate Finance Committee indicates that, from 1965 to 1970, world capacity will increase at a rate of 33 million net tons per year. The present excess capacity is calculated at 50 million tons.

What will be the amount of *surplus* capacity when this *projected* capacity is finally constructed?

According to the report: "The unused capacity exerts pressure to export. Because of heavy fixed overhead costs, typical of the steel industry, especially abroad, foreign producers have a tradition of cutting export prices below total costs rather than to restrict operations. Prewar cartels have a long history of this type of managerial policies."

Again, the *Japan Metal Bulletin* declares that "The iron and steel industry is planning to provide an obligatory export quota to steel, the tonnage allocated to be 10 per cent over the actual export in the current fiscal year, with export target in the next fiscal year raised to over 12 million tons. Those companies that fail to export the allocated tonnage will get less coking coal than they want delivered or will be penalized by $28 per ton, covering the balance unexported."

Well, there you are. The pressure of overcapacity upon the foreign industry and a positive action by a government within a situation where the industry is considered an "instrument of government" unduly stimulates exports of steel into our market.

It is no wonder, then, that the Senate report recommends a world conference of governments of major steel producing countries to discuss common interest in adjusting the pace of steel capacity expansion to the pace of world steel demand. However, we are under no illusion that such a conference can be easily convened. As a matter of fact, we are convinced that such progress, to date, has been a direct result of the unilaterally mandated quotas contemplated in the steel and iron ore quota bill which has elicited this response.

I know that economic interests are at stake and that foreign trade competition is supposed to stabilize the dollar. Lately, however, even that argument is being challenged since we became a deficit trade nation last month. Yet I submit that we must strike a balance between banking interests and our domestic employment policy. What really is at stake is whether we are more concerned about the rate of employment increase in the job market or the rate of interest increase in the money market. Surely we can be precise enough to work out a balanced relationship.

Our position as a Union lies, therefore, within the framework of an expansionary trade policy—but one which is balanced. Our concern is not over a *freer* trade relationship. We are committed to that. Nor is it one of being unduly aroused over *fairer* trade. Certainly, we seek equitable antidumping laws and the reciprocal elimination of non-tariff barriers. But for an industry that is primarily domestic, our attention is directed at a more orderly and balanced penetration of our market. Even GATT regulations recognizes the chaotic conditions arising from "market disruption."

We are advocating, therefore, that these quota restrictions be enacted and enforced until such time as world over-capacity is moderated. Once there is a more proper relationship between world demand and world capacity, then, injurious competition will be abated. We are not opposed to steel trade—even at competitive prices—but we are convinced that the competition should arise from lower cost factors and not from the compulsion of excess facilities. Hence, we view that fact of overcapacity as the crucial malady in the world steel trade picture and not necessarily other competitive factors, like wage costs.

I might mention also that trade adjustment assistance to a limited number of workers displaced by foreign trade is most necessary, but highly unsatisfactory as a solution to massive displacement. I am aware that there are a number of proposals before Congress that liberalizes that section of the Trade Expansion Act which deals with assistance to workers adversely affected by foreign trade. I would hope that the Congress would react favorably to these proposals. It is my understanding that as of now not one single case has been acted upon favorably by the Federal Tariff Commission. We do, however, need the enactment of this provision. However, it is one thing to provide assistance for a small group of workers who will be adversely affected in the interest of a broader trade policy which provides greater economic growth for the economy and more job opportunities for American workers. However, such a relief program cannot be a substitute for a more basic solution to the problems facing the steel industry.

Within the framework of an expansionary trade policy, we must now grapple with the question of a *balanced* trade development. It is that task which Congress must face, and it is one which this Union is completely convinced must be done now—this year.

I wish to thank those members here tonight who cosponsored or introduced the steel quota bill. I am sure that your efforts were instrumental in the fact that the chairman of the Ways and Means Committee has indicated that he will hold hearings on our trade problems next month. I would urge those of you who have not had time to review our problems to study them and I hope to introduce a bill similar to that which has been introduced by Congressman Vanik of Ohio.

A CLEAR POSITION BY RICHARD NIXON ON CRIME

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. CUNNINGHAM. Mr. Speaker, I have recently returned from a visit to the Second Congressional District of Nebraska which I have the honor to represent in this body. The people of Nebraska and the Nation are gravely concerned with the growing crime rate in the United States, and demand and expect that political candidates speak out in a straightforward way on the problem.

Former Vice President Richard Nixon has given his views on this issue and was commended for his clear thoughts in an editorial in the Washington Evening Star on May 14. Because of the interest of my colleagues in the House of Representatives and the people of America in finding solutions to this problem, I am pleased to place this editorial in the RECORD, as follows:

NIXON ON CRIME

Richard Nixon's recent statement of his position on crime in this country has been criticized by some as having a political coloration. There is some basis for this. But how could it be otherwise in a presidential election year?

The Nixon statement also sets forth facts pertaining to the dismaying upsurge in crime and is specific in spelling out some of the things he would do to combat crime. These are the sections on which serious attention should be focused.

In the last seven years, Nixon said, crime in this country has increased by a staggering 88 percent although the rise in population has been only 10 percent. Projecting his estimates, the Republican presidential hopeful said that if the present crime rate continues the number of major crimes will double by the end of 1972—less than five years in the future. Certainly the former vice president was not exaggerating when he said that this is a prospect which America cannot accept, and which, if it should be accepted, will convert the metaphorical "city jungle" into a "barbaric reality."

What does Nixon think should be done at a time when crime is increasing almost nine times as rapidly as the population? He does not take the view that there is any one simple answer. But he does come down squarely and firmly in support of the crime bill now being debated in the Senate, and he specifically included in his statement of support two of the bill's most controversial sections. These would authorize the use of wiretaps and electronic devices under appropriate court safeguards in certain serious crimes, and, second, would modify the Supreme Court's Miranda decision relating to the use of confessions.

Those who equate the use of wiretaps and electronic bugs with a police state in full flower argue that, in any event, these devices would be of no help in curbing the ordinary crimes of violence—robberies, murders, burglaries and the like. Perhaps these things would be helpful in dealing with organized crime, they say, but it is not organized crime which makes people afraid to walk the streets at night.

Nixon's answer to that is this: "Organized crime is also directly and deeply involved in street crime. One estimate is that some 50 percent of the street crime in some of our major cities is the work of addicts trying to support their habit—and traffic in illegal narcotics is a major enterprise of organized crime." In the face of this it is almost incredible that the President and Attorney General Clark, who favor use of wiretaps and bugs without any court supervision in "national security cases," would outlaw them in all other kinds of investigations.

The proposed modification of the Miranda decision, if anything, is more offensive than the possible use of wiretaps to the critics of the Senate bill. To listen to them, one would think that the sponsors of this provision are wicked men, bent not only upon subverting the Supreme Court but also upon turning back the clock of justice to the star chamber days. This is so childishly absurd that it does not merit serious debate.

There are two points worth noting, however. One is this comment by Supreme Court Justice White, speaking for himself and Justices Harlan and Stewart: "I continue to believe that the decision in Miranda was an extravagant and unwise interpretation of the Fifth Amendment, and I would prefer that Miranda be abandoned. . . ." Are these justices to be condemned as subverters of the court?

The other point is that it may not be possible for Congress to alter the impact of Miranda through enactment of a statute, which the court could declare unconstitutional. Nixon, though supporting the provision, recognizes this. If it should be impossible to pass legislation which would satisfy the court, he says, then consideration should be given to amending the Constitution.

This Nixon statement strikes us as a forthright, clear and courageous description of the nature of the crime problem as he sees it, and of the measures needed to deal with it. We hope, political year or not, that Messrs. Kennedy, McCarthy, Humphrey and Rockefeller will be no less specific as they continue to stake out their own political claims.

THE ADMINISTRATION SHOULD TELL THE TRUTH ABOUT THE U.S.S. "PUEBLO" AND LET AMERICAN PEOPLE KNOW ITS MEN DID THEIR DUTY AS ORDERED

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BRAY. Mr. Speaker, it has now been almost 4 months since the North Koreans hijacked the U.S.S. *Pueblo* and took her crew of over 80 men into captivity. I repeat what I urged shortly after this happened: The American people should be told the truth about the matter, and the best way is for the administration to release the full texts of the messages between the *Pueblo* and higher U.S. authority. A very small part of *Pueblo*'s transmissions have been made public, but there has been no word of any kind as to what the ship was told to do, or not to do, or if it was told to do anything at all, but left to fend for itself. Release of the messages would tell the Communists nothing they do not know already.

Capture of the ship and its men was the greatest single loss of top-secret intelligence equipment and highly trained personnel ever suffered by any nation in the entire history of intelligence operations. Secretary McNamara was still head of the Department of Defense at that time; he said there had been no protection for the ship because protection would have been a "provocative act."

I find his solicitude for the feelings of the North Koreans to be something less than logical or desirable. Just a few days before the *Pueblo* was seized, North Korea had sent a trained band of terrorists into Seoul to kill top South Korean officials. During all of 1967, North Korean attacks on American-South Korean border outposts had been growing in number and intensity. North Korea, it seems, can be "provocative," but we cannot.

What instructions were given to the ship? To fight? To destroy all equipment and scuttle the ship to prevent its capture? Or was nothing done at all, and are these men to be allowed to suffer the fate of the Light Brigade at Balaclava:

> Theirs not to reason why, theirs but to do and die . . . because . . . some had blundered.

We know these men, now in North Korean captivity, will be held until the last possible bit of intelligence information and propaganda advantage has been extracted from them by North Korea. The least we can do for them now, and for their families and friends agonizing over their fate, is to let the American people and the whole world, know that they did not break faith with their country, that they followed orders and conducted themselves like men.

Or would this mean revealing that someone farther up the chain of command conducted himself, or themselves, like cowards?

HON. JOSEPH W. MARTIN

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. MORTON. Mr. Speaker, it was my privilege to serve in the 88th and 89th Congresses with Joe Martin. We knew him as a man dedicated to his country and to the House of Representatives, in which he served for so many years. His devotion to duty has always been an inspiration to Republicans and Democrats alike.

Mr. Speaker, may I add to the words of my colleagues in tribute to Mr. Martin's long life and distinguished service to his country and to his colleagues in this great legislative body.

PROPOSAL FOR OUR TIME

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THE READER'S DIGEST,
Pleasantville, N.Y., May 14, 1968.

HON. JAMES G. FULTON,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FULTON: Just before his recent illness, General Eisenhower finished work on the latest of a series of articles he's been writing for Reader's Digest. This piece, "A Proposal for Our Time," advances anew the project conceived by the former President (with Admiral Lewis L. Strauss) for setting up three nuclear desalting plants in the Middle East.

While the proposal received approval last fall in a Senate resolution, there has been no parallel House action to date.

We thought you might like to see a copy of the article before it is released to the public late this month.

With best wishes, I am
Sincerely,
C. R. DEVINE,
Vice President.

A PROPOSAL FOR OUR TIME

(By Dwight D. Eisenhower)

(NOTE.—With force and logic, former President Eisenhower suggests that nuclear technology—applied on a massive scale to the desalination of sea water—could turn the arid, hostile nations of the Middle East toward a future of peace and prosperity.)

In my Atoms-for-Peace address before the United Nations in December 1953, I dwelt on the handsome rewards which the miracle of atomic energy could bring to mankind. During the intervening years, some of these rewards have been realized. For example, when I became President in January 1953, not one nuclear reactor for the production of commercial electricity was in existence or even planned, and scientists were extremely pessimistic about the practical application of this method. As chairman of the Atomic Energy Commission, however, Adm. Lewis L. Strauss was determined that studies and experimentation should continue. The record today: 16 nuclear-power plants in operation, 21 being built, 52 planned. The atomic production of electric power is fully competitive with conventional methods.

Now it looks as if we are on the threshold of a new breakthrough—the atomic desalting of sea water in vast quantities for making the desert lands of this earth bloom for human need. Extensive studies of desalting have been carried on at the Oak Ridge, Tenn., National Laboratory and elsewhere, and technology has made enormous strides, just as it has in the atomic production of electricity. I am convinced that the time has arrived to put this remarkable new tool into major use.

Of course, much has been accomplished over the years by irrigation with natural water supplies. The fabulous agricultural valleys of California and Arizona are remarkable present-day examples. But there are many regions throughout the world where water supplies for agricultural purposes are wholly inadequate or simply do not exist. Consequently, desert peoples through the centuries have looked longingly at the limitless seas which lap their shores, and yearned for some alchemy whereby they could transform salt water into sweet cheaply and in enormous quantities. Until recently, however, this was only an unattainable dream.

In the Atoms-for-Peace speech—for which much information was supplied by Chairman Strauss—I listed agriculture as one human endeavor in which the atom could serve. A few months later, in June 1954, I sent a note to Strauss urging the intensive study of methods of desalting sea water by atomic energy, and I added, "I can think of no scientific success that would equal this in its boon to mankind."

During the spring of 1967, Lewis Strauss and I—both of us now private citizens and still good friends—talked again about the atomic desalting of water and its possible application to the Middle East. Just last June he placed before me a detailed plan, which he had formulated with the help of some of the best engineering and financial brains in the country. We called it "A Proposal for Our Time."

The purpose of the plan is not only to bring large arid regions into production and supply useful work for hundreds of thousands of people, but also, hopefully, to promote peace in a deeply troubled area of the world through a new cooperative venture among nations. I am optimistic enough to believe that the proposal, when implemented—as it is sure to be someday—may very well succeed in bringing stability to a region where endless political negotiations have failed.

Tragic Enmity. The roots of hostility in the Midle East extend back through centuries of time and grow out of the soil of implacable hatred between the Arab and Jewish peoples. It is a bitter soil indeed, as I learned firsthand in World War II. During the North African invasion, we not only were involved in the conquest of Hitler's armies but also had to act as an occupying agency for a time—to prevent complete chaos.

As commander of our forces, I became aware of the unbelievably repressive laws against Jewish minorities in some of these Arab-speaking areas. I ordered these laws modified, and we may have done a little good in this respect. But one day a distinguished Jewish religious leader came to me and begged me not to move too swiftly in changing such practices; he feared it might bring about a bloody pogrom against the Jewish community. From then on we deemed it wise to proceed more cautiously.

Throughout most of the past 20 years, since the Republic of Israel came into being, the Middle East has existed in a state of armed truce. Twice the hostility between Arabs and Jews has flared into open warfare: once during the Suez crisis of 1956; again in the late spring of 1967, when Israel won complete victory in an astonishing six-day war against Egypt and other Arab states.

During my years in the White House, our country tried hard, as an objective and unprejudiced friend of all the Middle East states, to help settle some of the abrasive problems which keep them on the edge of war. In 1955–56, for example, I sent the late Eric Johnston as my personal representative to try to help settle a tumultuous controversy that had arisen between Israel on one side, and Jordan and Syria on the other, over the division of the irrigation waters of the Jordan Valley. A plan that seemed fair and satisfactory was worked out, approved by both the engineers and technical advisers of both sides. But the animosity of the Arab political leaders was such that they contemptuously kicked the proposal aside without even letting their people know it existed.

Yet most of those who have studied the water proposal which Admiral Strauss and I have made believe that its advantages to the region involved are so great that the hostile states of the Middle East simply cannot afford to withhold their cooperation. Nobody supposes that prejudice and hatred would vanish overnight, but the collaboration of Arab and Jew in a practical and profitable enterprise of this magnitude might well be the first, long step toward a permanent peace.

PRACTICAL TECHNIQUE

There is nothing new about the desalting of sea water for human use. For years, ocean-going ships have been equipped with distillation plants for converting salt water into fresh. There are also several such installations on land, producing water for household use in ports where natural supplies are lacking Key West, a city of some 56,000 at the tip end of the Florida keys, last year put a nonnuclear conversion plant into operation. It can produce 2,700,000 gallons per day, and the water quality is excellent.

The problem is that water produced by distillation plants fired with conventional fuels (usually gas or oil) is much too costly for agricultural purposes. The Key West figure, probably the lowest among existing plants, is around 85 cents per 1000 gallons—far too expensive for irrigation. So we must turn to atomic energy.

Although no nuclear desalting plant exists today, construction of a large one on a man-made island off the Coast of southern California is planned. When completed, this Bolsa Island plant would produce 1800 megawatts of electricity and pour 150 million gallons of fresh water per day into the area's water system. The cost of the conversion would be far less than that of any present system. The desalting method used would be much the same as in existing plants fired by conventional fuels—a distillation process in which sea water is put through a long series of evaporation chambers. But the necessary heat in this case would come from atomic reactors.

Even this large Bolsa Island plant would be small in comparison to the installations envisioned for the Middle East. Our proposal suggests three plants—two on the Mediterranean coast and one on the Gulf of Aqaba—with a combined production of more than a billion gallons of fresh water per day. This is more than twice the average daily flow of the three main tributaries of the Jordan River. Since we now know that the cost of desalting water drops sharply and progressively as the size of the installation increases, it is probable that sweet water produced by these huge plants would cost not more than 15 cents per 1000 gallons—and possibly considerably less as we gained technological experience. This is well within practical range for many types of crops. At least 1750 square miles of barren land could be made arable—a long step indeed toward the fulfillment of the ancient dream of desert dwellers.

A POWER FOR PEACE

The Middle East plants, like the Bolsa Island installation, would be dual-purpose: in addition to water, they would produce an enormous amount of electric power. Some of this would be used in pumping water to areas as distant as Syria and Jordan, and perhaps under the Suez Canal to parts of Egypt. The rest would be utilized for the manufacture of needed fertilizer and other industrial purposes; a plentiful supply of electrical energy would bring to the Middle East vast new complexes of industry, just as it has to many other parts of the world.

The proposed plan would thus help solve the problem of the more than a million Arab refugees. When the Republic of Israel was established in 1948, hundreds of thousands of Arabs living there left their homes and moved into refugee settlements in neighboring Arab states. There, in camps, most of which are a disgrace to the civilized world, many of these people exist in idleness and poverty, with little hope, supported largely by a U.N. dole. Large numbers of them could be employed in building the new installations and water conduits and in preparing the land for irrigated crops. Later, a great many could doubtless be settled on the new farming areas in the Arab countries.

The cost of the project would be at least a billion dollars, and we emphatically do not suggest that it be paid for by the United States. There is every reason to suppose that it could be a successful, self-sustaining business enterprise, whose revenue would derive from the sale of its products—water and electricity—to the users. Our government would make an initial investment in some of the corporation's stock, and the rest would be sold to private investors in the security markets of the world. Additional money would be raised through the international marketing of convertible debentures. We are assured by international bankers that the financial world, under normal conditions, would welcome such an investment opportunity.

Fortunately, an agency already exists to supervise the operation of these great plants, allocate the uranium and make sure that none of it is ever used for military purposes. It is the International Atomic Enery Agency, first proposed in my 1953 Atoms-for-Peace speech and established in 1957 as an arm of the United Nations with headquarters in Vienna. Its primary function is to encourage the peaceful uses of atomic energy on a worldwide basis. All of the Middle East nations involved in our present proposal are IAEA members. During my administration, the United States allocated to IAEA, for peaceful uses abroad, a considerable quantity of uranium. More than enough for the Middle East plants is still available.

When our proposal was publicly announced in 1967, it received wide mention and almost universal approval in the press. Our hope was that the Administration would help push it to fruition, but thus far it has merely been referred to the State and Interior departments and the Atomic Energy Commission for study. Most of the professional diplomats seem to think that we must have peace and stability in the Middle East before the plan can be implemented. I contend that the reverse is true: *the proposal itself is a way to peace.*

In the autumn of 1967, however, Sen. Howard H. Baker, Jr., (R., Tenn.) introduced in the U.S. Senate a resolution endorsing the plan. After extensive hearings the Foreign Relations Committee approved it unanimously, and it was then adopted without dissent by the Senate. (As yet, the House has not taken similar action.) Although the resolution is merely an expression of approval and does not actually implement the plan, this fine bipartisan support was more encouraging.

Unhappily, the proposal has thus far received only modest attention in the Middle East. Official and energetic action by our Administration is needed to get the ball rolling there. I am convinced that, once these nations understand the plan and what it can mean to their peoples, they will be eager, despite age-old prejudices, to join hands in the venture. And I believe that there is no better place to give our new technology a full-scale tryout. For there we would have two great humanitarian purposes—prosperity and, above all, peace!

THE HONORABLE JOSEPH W. MARTIN, JR.

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. NATCHER. Mr. Speaker, on last March 6 the House of Representatives and this country as a whole, lost one of the great personalities and statesmen of our times in the passing in Florida of our former colleague and Speaker, the Honorable Joseph W. Martin, Jr.

This outstanding legislator, whose humility and dignity lent charm to any occasion, will long be remembered for his great contributions to the era in which he lived and served with rare distinction. Joe Martin was recognized throughout this country as a leader of men, dedicated to the principles of sound government.

I respected Joe Martin for his outstanding abilities as a lawmaker and admired him for his dedication as the chosen representative of his people. His devotion to his duties as Speaker of the House will forever be remembered as will be his numerous fine accomplishments in the Congress.

CROSSVILLE STUDENT IS TOP SPELLER

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BEVILL. Mr. Speaker, a young man from my congressional district, Joey Hyde, of Crossville, Ala., won first place in this year's annual Alabama spelling bee. Joey, 14, is an eighth grader at Crossville High School. The son of Mr. and Mrs. John J. Hyde, Joey is an all "A" student and active in school affairs. We are all proud of Joey and looking forward to his participation in the national spelling competition, to be held in Washington, D.C., in June.

Runnerup in the bee was another constituent of mine, Miss Judy Gardiner, 14, of Gadsden, who was representing Etowah County. Miss Gardiner is to be congratulated for her fine showing.

At this point, Mr. Speaker, I insert in the Extensions of Remarks of the CONGRESSIONAL RECORD an article from the Birmingham Post-Herald which tells of Joey Hyde's victory:

CROSSVILLE BOY TOP SPELLER

(By Carl Guy)

If anyone is convinced of the effectiveness of lucky charms, it's Joey Hyde, 14-year-old eighth grader from Crossville High School in DeKalb County, who won first place in the 41st annual state finals of The Post-Herald Spelling Bee Saturday.

"I kept twiddling in my pocket a lucky silver dollar my uncle gave me," Joey said.

But it was more than luck that gave him the title of state champion speller.

Joey is an all "A," ideal student at Crossville High School, his English teacher, Mrs. Ruth Cole, said. He is interested in science.

He is not only a smart, good-natured student, but has lately became interested in patriotism and is conscientious, Mrs. Cole said.

Joey has started an "Anti-Communist Party" in his school where he and a group of 10 other students pass out pamphlets to teachers, students and anybody who cares to listen.

"We are trying to awaken and inform people of Communism and its dangers," he said.

Joey is the son of Mr. and Mrs. John J. Hyde, and has a sister, Kathy, 12.

His prizes for winning first place in the contest are a Zenith portable television, made possible through the local distributor, Hart-Greer; a 24-volume set of Encyclopedia Britannica, and a Paper Mate inscribed pen and pencil set.

But the biggest prize for Joey will be the trip to Washington, June 3-8, where he will represent Alabama in the national finals on Thursday and Friday of that week.

The all-expenses paid trip includes transportation by jet to Washington, hotel accommodations at beautiful and historic Mayflower Hotel, meals, tips, sightseeing and other entertainment.

Runner-up in the Bee, giving Joey a tough struggle for the top position was Judy Gardiner, 14, Gadsden, representing Etowah County.

The daughter of Mrs. A. P. Gardiner, Judy is an eighth grader at Disque Junior High School.

The other 58 finalists also did a splendid job of spelling—struggling, concentrating, squirming and sometimes guessing at some of the harder words.

Coming up in the other five top places were:

Third place—Margaret Mathees, 12, daughter of Mr. and Mrs. Walter Mathees, a seventh-grader at Westlawn Junior High School, Huntsville, representing Madison County;

Fourth—Susan Campbell, 13, daughter of Mr. and Mrs. E. H. Campbell, an eighth-grader at Georgiana Public School, Butler County;

Fifth—Wendy Wecht, 14, daughter of Mr. and Mrs. David Wecht, an eighth-grader at Cullman Junior High School, Cullman County;

Sixth—Brenda Nixon, 13, daughter of Mr. and Mrs. Edgar L. Nixon, eighth grade, Carlisle Park School, Guntersville, Marshall County; and

Seventh—Pam Hansen, 14, daughter of Mr. and Mrs. George K. Hansen, an eighth-grader at Monroe County High School, Monroeville, Monroe County.

They received as prizes the Lincoln Library of Essential Information, Britannica's World Atlas and Book of the Year and a hard cover World Almanac.

Joey's school will get the Britannica film service free for one academic year, one film each month.

Officials of the contest, with a difficult task at times during the bee, did a fine job of pronouncing and judging.

They were Stuart Mims, pronouncer, former director Birmingham-Southern College; judges, Mrs. Elibabeth McNair, Latin teacher at Huffman High School; Robert D. Dortch, director of admissions at Southern, and William J. Dempsey, professor of English at Jefferson State Junior College.

In the contest were five returnees from last year's bee who were eliminated late in the event: James Smith, Dale County; Thelma Jean Heflin, Clay County; Barry Vaughn, Blount County; Jan Cardwell, Coosa County; and Shelia Bishop, Cherokee County.

Joey was also a returnee from 1966 where he was eliminated on the word "bursar."

The Spelling Bee is sponsored annually on a national level by the Scripps-Howard Newspapers and in Alabama by The Birmingham Post-Herald.

HON. JOSEPH W. MARTIN

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. HULL. Mr. Speaker, it is fitting and proper that we should pause, consider and pay homage to the deeds and the memory of our late colleague, the Honorable Joseph W. Martin, who served in this body for more than four decades.

Only as this body and this Nation remember the deeds of the great men who have served here do we find for ourselves the inspiration to achieve great things for our country and the future.

Joe Martin loved, lived and, to some extent, made the history of America. It was this love and this desire to make America great that led to his many achievements in the Congress and to his splendid service as Speaker of the House.

He was beloved by all Members of the House of Representatives for his many contributions to good government and for his unfailing kindness and courtesy. His guidance, his vision and his fierce dedication to the Congress and its traditions have become monuments to responsibility in public office.

Few men in the history of our Nation served so ably or so long. We shall miss Joe Martin on both sides of the aisle in the House of Representatives.

COLORADO SECOND CONGRESSIONAL DISTRICT 1968 OPINION POLL

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BROTZMAN. Mr. Speaker, one of the most useful tools available to me in keeping up to date on the feelings of my constituents on domestic and international issues is my annual opinion poll.

Last year this poll, which I initiated in 1964, resulted in a floodtide of responses from the men and women of my district. By computer count, 49,391 constituents registered their opinions, which certainly ranks my district as one of the most responsive—if not the most responsive—in the Nation to polls of this type.

In a few days my 1968 opinion poll will be in the mail. When the results are in, I will make them available to all of my colleagues in the form of a CONGRESSIONAL RECORD insert.

So that all of the Members may have an opportunity to examine the format of my poll at this time, I am submitting a copy of the text of the poll ballot for reproduction in the RECORD, as follows:

COLORADO SECOND CONGRESSIONAL DISTRICT 1968 OPINION POLL

DEAR FRIENDS: Once again I need your opinions on some of the major problems facing our nation. Your views will be of great value to me in the months to come as I debate and cast your vote in Congress.

With the assistance of the Library of Congress, I drafted eight questions which would give me insight into your thinking on both domestic and international issues.

I am again utilizing punch-out cards as ballots. It is the best method available for tabulation of all opinions quickly and accurately, inasmuch as automatic business machines do the counting.

Please take a few minutes to read the questions, and then push out appropriate answer-squares with a sharp pencil. Then place the card, unfolded, in an envelope and mail it to me at my Colorado office within a week of receipt. The address is: Building 40–Room 202, Denver Federal Center, Denver, Colorado 80225.

Sincerely,

DONALD G. BROTZMAN,
Member of Congress.

Colorado Second Congressional District 1968 opinion poll

(IF MARRIED, BOTH HUSBAND AND WIFE MAY PARTICIPATE)	Men's opinions			Women's opinions		
	Yes	No	Undecided	Yes	No	Undecided
1. Do you favor current administration efforts to achieve a negotiated settlement in Vietnam?	☐	☐	☐	☐	☐	☐
2. The National Advisory Committee on Civil Disorders recommends that the Federal Government substantially increase expenditures for antipoverty and other social programs. Do you approve?	☐	☐	☐	☐	☐	☐
3. Do you support the administration's proposed income tax increase?	☐	☐	☐	☐	☐	☐
4. Should Federal tax credits be granted to business and industry for training of "hard-core" unemployed who otherwise would not be considered for hiring?	☐	☐	☐	☐	☐	☐
5. Should the Federal Government return a fixed percentage of income tax revenues to schools, local and State governments for use as they see fit?	☐	☐	☐	☐	☐	☐
6. Do you think the administration should do more to combat inflation?	☐	☐	☐	☐	☐	☐
7. Should Communist China be admitted to the United Nations?	☐	☐	☐	☐	☐	☐
8. Do you think more of our Federal, State, and local resources should be channeled into law enforcement?	☐	☐	☐	☐	☐	☐
Your age group: A. 20–35 B. 36–49 C. 50–over	A ☐	B ☐	C ☐	A ☐	B ☐	C ☐
Political affiliation: A. Republican. B. Democrat. C. Independent	A ☐	B ☐	C ☐	A ☐	B ☐	C ☐
Occupation head of household: A. Business or professional. B. Industrial worker. C. Government. D. Farmer. E. Educator. F. Retired	☐ A	☐ B	☐ C	☐ D	☐ E	☐ F

FREEDOM'S CHALLENGE

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BIESTER. Mr. Speaker, one of my constituents, Miss Margaret Gladfelter, who is a student in the 10th grade of Bristol High School, Bristol, Pa., won the Voice of Democracy contest recently held by the Chester W. Terchon VFW Post in my congressional district. During a time when some of our young people seem to misunderstand the nature of the challenge facing freedom, it is encouraging to read these thoughtful words of her winning essay. I commend them to my colleagues, as follows:

Freedom's Challenge

(By Margaret Gladfelter)

Freedom, to us, as Americans, is as important as life itself, for where would we be without it? Think of how dreadful our daily lives would be if we did not possess the freedoms of worshipping as we please, speaking what we want heard, and writing what we want read. Think of our privacy, the owning of property, the right to a free trial by jury, and the provisions for an education so necessary for a good future.

Freedom, a privilege which is valuable beyond recognition, is ours to enjoy and value, but along with this freedom come challenges which we must meet if freedom is to survive.

As a student in a school in the United States of America, I must keep these challenges uppermost in my mind, and do my best as an individual to meet them, so that in this way, I can set an example for others to follow.

Maintaining respect for police and the law is a great challenge in our land today. Are we, as free American Citizens about to become a police state, or are we going to learn to handle freedom, in the right way, so that it is an advantage, not a disadvantage to us? Today, so many people are trying to oppose the law of the land. Little do we realize that police forces are trying to secure and enforce the laws which keep us a free nation . . . Can we meet this challenge? Can we show them the respect which they deserve, and let them help us, or do we have to rebell, and make matters worse?

Take for example the brave men who enter the armed forces so we can keep our freedom. Look at the way we are all so much against letting our beloved men go off to fight, even though it is for the good of the country. We'd rather have them home, by our side, than have them away from us, fighting for freedom.

In our Constitution are several rights which are ours to obey (or disobey). This is our choice. This is our challenge. We have freedom of speech. We can use this wisely, or we can use it in a way that would be harmful, or slanderous. As long as we abuse the freedom of speech and as long as we lie and are dishonest in exercising this privilege, we are demeaning ourselves, and our integrity suffers. Individual integrity, if developed, will give us integrity as a nation, and only as integrity develops among us, will freedom, unabused, develop. Yes, it's all up to the individual. We have these rights, but along with them, hand in hand, go duties or challenges.

An example of this is that we are supposed to have equal rights, equal respect, equal privileges—and yet look at the poor people. There are people in this country today with no clothing, people who are homeless, or live in homes with no modern facilities, people who are starving, or dying because of lack of medical help. These people have little prospect of bettering these conditions. It is our challenge to help these people who need us so desperately.

It is our challenge to look at the Negro as our equal, not as if he is below us. All men are created equal, and the Negro is a human being, just as we are, with feelings, fears, hopes, and joys, and yet some of us do not regard him as equal to us. He is black, so therefore he hasn't the right to live in a nice home, eat to his heart's desire, or get a good job. Is this fair? No! This is a challenge, where indeed we have failed. If we do encourage and inspire the Negro to meet his challenge, too by helping him to accept the opportunities for education, and job training the inequities could be eliminated.

Complete freedom for all men is an ideal which is very difficult to obtain, and only as the mind and spirit of men matures, will freedom grow in our land. If we accept the challenges with which we are faced daily, and strive to meet them, we will then make progress in our quest for complete freedom!

HAVEN: HELP ADDICTS VOLUNTARILY END NARCOTICS

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. KUPFERMAN. Mr. Speaker, on Saturday night, May 11, at the New York Hilton Hotel in my district, HAVEN, Inc.—Help Addicts Voluntarily End Narcotics—a free clinic for treatment of drug addiction and abuse, held its fifth annual function which was attended by many celebrities, and specialists on narcotics problems.

A partial list of those involved who, with Dr. Robert W. Baird, director of HAVEN, made the evening a success, were: George Aspland, district attorney, Suffolk County; Abe S. Berliner, commissioner, Drug Control, New Jersey; Abraham Bernstein, New York State senator; Edward Burkhardt, M.D., president, New York County Medical Society; Rev. Oberia Dempsey; Barry Farber, WOR; Henry Fineberg, executive vice president, New York State Medical Society; Norman Frank, PBA; Joe Franklin, WOR-TV; Dorothy Gordon, NBC, Youth Forum; Aaron Koota, district attorney, Kings County; Ted Kupferman, Congressman, New York; Jim Jensen, CBS commentator; Tom Mackel, district attorney, Queens; May Okon, New York Daily News; Joseph Resnick, Congressman, New York; Rt. Rev. Msgr. Peter Rofrano; Alan Schwartz, president-elect, County Medical Society; William Storke, vice president, NBC-TV Network Program Department; David A. Werblin, president, New York Jets; and William Wheeler, executive secretary, New York County Medical Society.

Because of the importance of the occasion and the value of the work done, I am pleased to bring to the attention of my colleagues the statement distributed to those in attendance regarding HAVEN and its mission, as follows:

HAVEN, Inc.—Help Addicts Voluntarily End Narcotics

Dear Friend: We want to thank you this evening for attending HAVEN's Fifth Annual Dinner-Dance. To some of you HAVEN is no stranger, but others may be unfamiliar with our work. HAVEN is the only free ambulatory narcotic and drug withdrawal clinic in this country which does not use synthetic narcotics for withdrawal. HAVEN offers its free services to drug addicts from any area in the United States nightly from 10:00 P.M. to 4:00 A.M. They need not be residents of the State of New York.

HAVEN is located in the heart of the addiction world, in fact, the capital of drug operations in the United States—Harlem. We treat all individuals even those who are guilty of felonies, including manslaughter. When drug addicts need help, they should not be placed in the position where they have to say, "I do not know if I qualify because I have committed a felony." We at HAVEN feel that the addict is in need of help, and HAVEN's doors are always open, at no cost to the taxpayer. We receive no contributions from Federal, State or City funds. HAVEN is supported solely by Dr. Robert W. Baird and through private donations.

Under the direction of Dr. Baird, who has lived in Harlem for twenty-one years and treated drug addicts for sixteen years, HAVEN has developed practical approaches to the control of drug abuse. HAVEN has been the leader throughout the nation in prompting new legislative approaches to the problem.

As you sit here, watching the entertainment and waiting to dine, just think how fortunate you are not to have the problem of drug addiction in your home. However, do not become complacent . . . don't say to yourself, "It can't happen to me." At HAVEN we have seen the young son of a Commissioner of Mental Health on drugs, a judge's son nearly hopelessly addicted, a doctor, a nurse and even a seminarian cursed with the scourge of addiction.

It is a rather sad commentary on today's living that the marks of success which once were held lofty—such as owning a home, getting a college education, achieving independence and having respect for law and order—have now been thrown aside. New dicta have been set forth by many people, such as reward the lazy and indolent and penalize the successful. How did this come about? Because so many people in public life are well intentioned but have lost sight of their convictions of the worth of diligent efforts.

In the realm of drug addiction treatment, we do not have a credibility gap in New York but a tremendous "professional gap of inexperienced leadership," where the knowledgeable are the exception rather than the rule. Some examples:

1) Governor Rockefeller has appointed as the president of his Narcotic Control Commission a doctor who wants to decrease the penalty for the possession of marijuana and calls present laws ridiculous. This man should work in Harlem with addicts and learn the dangers of marijuana. His reasoning was compounded even more critically when on a television program he made the incredible statement that if he were to take LSD he would take it under the supervision of Dr. Leary, the high priest of the LSD world. Do you wonder why our youngsters are confused?

2) The lawyer who represents legal counsel for the New York State Narcotic Control Commission, which controls the whole program for the State, has come out for decreasing the penalty for the possession of marijuana.

We wish these men would work in private life and observe the dangers of marijuana on a street level rather than on an administrative basis. Others, after being graduated from law school, immediately become assistant district attorneys without any practical experience or knowledge of how to communicate with people. One must develop insight into the frailties of people by dealing daily with them. Many of these so-called authorities will terminate a discussion by sheer weight of their office.

As you know, in the past seven years, the architecture of the whole State program on addiction was developed as Dr. Baird diagramed it, printed it and saw it reprinted in the New York papers; it was a service to the public and didn't cost the State one penny! We at HAVEN have asked the Governor to discuss the problem with Dr. Baird. But the Governor has been too busy to come to any of our dinners. Is he not concerned that each year 800 youngsters die from an overdose of drugs in New York City?

We can't ask him to fly down in a chartered plane to comfort the mother of a 17-year-old youngster who died from an overdose, but couldn't the Governor just once in six years come to our dinner or to our clinic, which has been the leader in the field of legislation and treatment on an ambulatory basis? Millions of dollars have been saved because many drug addicts treated at HAVEN are now clean four and five years, working and contributing taxes—and not stealing!

We at HAVEN have asked repeatedly why the Governor does not have one single private practicing physician on either of his boards or commissions on drug control. All are institutional men. Liaison with private doctors is a necessity if we are to progress in the fight against addiction.

The Governor's program, which started out with wonderful intentions, has been bogged down by poor implementation. Its own commissioner has made Dr. Baird "persona non grata." Commissioner Pierce says, "Don't criticize our program, doctor," but these very people can criticize the President of the United States at will. We recommend that the Commissioners and their personnel be trained at these centers for a period of at least six months with people who know the problem. We are dismayed that lay people, former addicts, clergy and lawyers who have never been trained, give lectures about drug addiction.

Looking at the dais, one notices the Governor, Mayor and the United States Senators from New York, singularly missing. It is disappointing, since HAVEN is a free clinic that has been operating in Harlem for many years. These men should give us some vote of confidence so other private doctors and lay people may be encouraged to donate their time and facilities free to the public to take care of addicts, rather than having to add more and more salaried personnel to the staggering three quarter billion dollar budget just for drug addiction.

We may seem cynical, but really we are not—just frustrated. We wish that some of the people who are not here tonight or haven't visited our clinic would read the lyrics of the song, "To Dream the Impossible Dream," from the Broadway show, "Man of La Mancha." It reflects our aims.

This Monday the Governor will be the keynote speaker at a drug addiction symposium concerning the State program. We wish him well. HAVEN has conducted symposiums on drug addiction in high schools and colleges for the past six years. The last two were all-day symposiums, held at the New York Hilton Hotel for high school and college students as well as members of the faculties, with free registration. HAVEN has been a leader in this area.

We have no doubt that finally many of HAVEN's suggestions will be adopted, particularly the educational approach, with special emphasis on getting industry to give jobs to former drug addicts, a plan Dr. Baird has offered since 1962. It is only fitting that we congratulate the Governor for recognizing again the importance of recommendations set forth by Dr. Baird, although we would like the Governor to acknowledge HAVEN's efforts.

At HAVEN, we believe the following should be implemented in addition to what you see in the HAVEN HOPE newspaper:

(1) A 50 year prison term for pushing of drugs by the non-addict pusher

(2) Federal follow-up clinic in New York

(3) Expansion of The Federal Bureau of Narcotics

(4) Periodic check-up of elementary, high school and college students for drug addiction

(5) Mandatory courses each semester for students as well as seminars for teachers, principals, superintendents and deans.

Have a wonderful time—and please make it a must for next year.

THE HAVEN COMMITTEE.

IN TRIBUTE TO THE LATE JOSEPH W. MARTIN, JR.

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. CLEVELAND. Mr. Speaker, on Wednesday, March 6, this Nation was saddened by the news of the death of Joseph W. Martin, Jr. With his passing, the House of Representatives lost one of its most beloved sons and the United States one of its most loyal citizens.

Joe Martin devoted most of his long career in the service of his country. After a short tour of duty in the Massachusetts House and Senate, and then after a brief retirement from public life, he returned to go on to Washington as his district's Representative in Congress. There he was to remain for 42 long and productive years. In a true sense, the House became his home.

Joe was a strong proponent of America's two-party system. During the lean years of the Roosevelt administration, he became the guiding light of the Republican Party. It was in great part through his efforts that the party recovered from a disastrous election in 1936 when only 88 Republicans were elected to the House. In 1939, the Republican ranks swelled to 169, and in 1947, the Republican Party took over the majority in the House.

For this contribution, Joe Martin became the Republican leader, a position which he held for 20 years. During two Congresses, the 80th and the 83d, he was Speaker of the House. All over the country, Joe Martin was known by that well-deserved title of "Mr. Republican."

I have fond memories of Joe Martin. Back in 1963, when Joe was in the waning years of his career, and I was a freshman Congressman in search of guidance, he helped me get over some of the first bumps which every new Congressman must face. He used to meet with a group of us every week, and over lunch we would discuss the issues at hand. I often found his advice and help in those years to be invaluable.

A great man was lost last March 6. It has been men like Joe Martin which have made the House of Representatives a great legislative body. To the members of his family, I send my deepest sympathy and for his memory may we all be grateful.

THE ARNHEITER CASE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. RARICK. Mr. Speaker, the Navy has tried unsuccessfully to sweep the affair involving Lt. Comdr. Marcus Aurelius Arnheiter, U.S. Navy, under the rug. This matter no longer is merely Navy—it has become a command matter affecting the services.

The American people continue to seek more information—answers which are lacking. Not one-sided information from an ad hoc hearing nor leaked from the Pentagon but a full-scale inquiry by adversary proceedings.

It is no longer a question that full disclosure may affect the nonexistent image of an infallible Navy—the Arnheiter case reaches the very integrity of the command of the U.S. Navy and its defensive capabilities.

No American wants to be placed in the position of attacking our Armed Forces command, but every American who loves his country believes in fairness and justice.

Lieutenant Commander Arnheiter's case now weighs heavily on the mind of the master of every naval vessel—does he or the junior officers, perhaps the crew—decide command. Discipline, if not supported, could destroy the Navy like the dissidents at Columbia University.

There is no way out for the command. A court of inquiry must be had. Arnheiter must be lawfully charged by specifications—a hearing held and then Arnheiter either removed for cause or acquitted and restored to command.

There is no reason for the Navy to fear the truth. And these rumors and stories must once and for all be put to rest.

I include James Kilpatrick's article from the March 26 National Review and the Evening Star for May 14, 1968, and a public affairs release by Maj. Gen. Thomas A. Lane, retired, as follow:

[From National Review, Mar. 26, 1968]

THE ARNHEITER CASE—FIGHTING CAPTAIN OR SLAVEDRIVER?

(By James Jackson Kilpatrick)

"HE MIGHT HAVE BEEN ANOTHER HALSEY"

Marcus Aurelius Arnheiter, lieutenant commander, USN, assumed command of U.S.S. *Vance* at Pearl Harbor on December 22, 1965. His ship was an aging destroyer, commissioned at Houston in 1943, mothballed after World War II, then recommissioned in 1956 for radar picket patrol in the

Aleutians; she was named for a young American lieutenant who died at his battle station aboard the Australian *Canberra*, sunk at Coral Sea. Now, just before Christmas, 1965, she had returned from one patrol off Vietnam and was about to go out on another. Her new skipper was forty. This was his first command.

It was also Arnheiter's last command. On March 31, 1966, when *Vance* was at Subic Bay to take on stores, Arnheiter was summarily relieved. He was restricted overnight to his cabin, under guard. Then he was beached. He had served in command for precisely 99 days.

All this was two years ago. Those 99 days, and the ordeal that followed thereafter, make up "The Arnheiter Case." The affair has provoked blazing controversy within the Navy; it has divided admirals against admirals; it has destroyed not only Arnheiter's career but also the career of Captain Richard G. Alexander, a brilliant officer, destined for flag rank, who had been assigned to the battleship *New Jersey*. In certain of its aspects, the Arnheiter case offers an absorbing parallel to Herman Wouk's *The Caine Mutiny*. It has overtones of Kafka's *The Trial*. Boiled down, it is the story of one man, utterly devoted to the Navy, who was stripped of command as a consequence of his own hard-driving temperament and the covert actions of other men.

For Marc Arnheiter and Richard Alexander, the story has ended. No conceivable action, whether by congressional investigation or by a belated Court of Inquiry, could restore their broken careers. Yet the story bears telling if only as a reminder of the importance that ought to be attached to the fate of the occasional one man, non-conforming, whose sin is to try too hard. And there is always the thought that one day another such case will come along; if the Navy profits from its blunders in the Arnheiter case, next time the Navy may do better. Perhaps the next Arnheiter will profit, too.

DREAMS OF GLORY

The file on Marc Arnheiter now amounts to hundreds of pages of findings, petitions, reviews and correspondence. From these, the character of the man emerges with the poignant clarity. Born in New Jersey in 1925, he learned to sail and shoot as a boy at his family's summer home in Maine. He was military all the way. His one ambition was to find a career in arms. As a plebe at the Naval Academy in 1948, young Arnheiter found his greatest inspiration in Elbert Hubbard's *A Message to Garcia*. It became his favorite work; for the next fifteen years, he would draw incessantly, almost obsessively, upon the example of the young lieutenant who let no obstacle deter him from the path of duty. Arnheiter had other heroes, too—Nelson, Farragut, John Paul Jones, Douglas MacArthur. He used to lie on his bunk at Annapolis, dreaming a boy's dreams of danger, combat, glory. He was impatient with classmates who failed to measure up to the purity of his own ideal.

Perhaps he dreamed too much. Arnheiter was graduated from the Academy in 1952 in the top third of his class, but with no remarkable honors. As an earnest young ensign, handsome, serious, he went off to duty aboard the battleship *Iowa*, engaged in shore bombardment in the Korean War. Tours of duty followed in the North Atlantic and the Mediterranean. He served as gunnery officer on the destroyers *Fiske* and *Coolbaugh*, then as operations officer on the destroyer *Abbott*. In 1960 he came to Washington for three years of shore duty in the office of the Chief of Naval Operations. Then back to sea on the guided missile frigate *Worden*, and from there to the destroyer *Ingersoll*. And so, three days before Christmas of 1965, to *Vance*.

These years of preparation had their ups and downs. Arnheiter has an essentially Prussian sense of discipline. Even as an ensign, he established a reputation as a spit-and-polish officer who demanded smartness of his men. There were times, it is said, when he seemed to be obsessed with the angle of a sailor's cap. He demanded perfection, which made it all the more embarrassing when he delivered something less than that himself. He once lost his way in the Charleston harbor, took a wrong channel, and came within a mile of running a destroyer into Sumter. He took a royal ribbing for it.

An Arnheiter legend began to develop. He fell into serious personality conflict with a senior commander at the time he was serving on *Fiske*, and wound up with such an unsatisfactory fitness report that he was passed over for promotion to lieutenant. During his period of Pentagon duty, he exasperated some of the carrier admirals with his strong opinions on their shortcomings in anti-submarine warfare. He got in trouble with articles he wrote for defense publications. He even put his hand to a novel, published by Doubleday under the nom de plume of Alexander Zhdanov, in which he made his criticisms sharper.

If he accumulated some liabilities in these years, he built up some assets too. He took a master's degree in personnel administration from George Washington University. While in the South China Sea, he wrote a tenth edition of the *Watch Officer's Guide*, an authoritative manual published under the prestigious auspices of the U.S. Naval Institute. He made staunch friends among senior officers who shared his view on the role of surface combat ships. He won promotion to lieutenant, then to lieutenant-commander. And as executive officer of *Ingersoll*, he achieved a superlative record.

THE NEW BROOM

Arnheiter's eighteen months on *Ingersoll* merit special mention, for it was here, in the period immediately preceding his abortive command of *Vance*, that he conceived certain programs that were to bring his downfall later. He saw the ship's sailors as a sloppy lot and viewed his junior officers as something less than fledgling Farraguts. As the ship's exec, he set out to shape them up, by relentless inspections, patriotic exhortations, demanding drills. He formed a rifle team. He cracked down hard on infractions in dress and demeanor. After a period of resentment, the officers and crew came around; they came to understand and to respect Arnheiter's passionate pride in the naval service. Their glowing testimonials to Arnheiter, volunteered many months later, are among the most persuasive exhibits in the Arnheiter file. Demonstrably, he could lead men, and inspire them to better service. It was his top-flight performance on *Ingersoll* that won him command of *Vance*.

You can hear two accounts, diametrically opposed, of the ship that he inherited that Christmas at Pearl Harbor. On the record, there is evidence that *Vance* was in good condition; she had won an "E" for excellence in engineering; her crew had led the squadron in September gunnery trials; she had been nominated by the commander of Destroyer Squadron Five for unit commendation by the Secretary of the Navy.

A wholly different impression emerges from other sources. Second Class Petty Officer B. D. Mathews, for example, says that the ship "was infested with roaches, and the crew wore sloppy, torn and dirty uniforms." Signalman First Class Wilbert Boson concurs: "The ship was full of cockroaches before Lt. Cdr. Arnheiter took over. During the nine months before he assumed command, the ship was not the kind of ship you normally think of when you think of a destroyer. In other words, it was lax." A former photographer's mate says that in the pre-Arnheiter period, "there was no discipline on board. Seamen would tell their superior officers to get lost if they didn't like an order. They used foul language to do it, too." Other enlisted men have testified to brutal fights below decks.

Arnheiter's own recollection is vivid: "The ship was literally crawling. Cockroaches were everywhere, in the food, in the bunks, in the wardroom. The ship was coffee-stained and generally filthy. Berthing, messing and working spaces were untidy. Damage control procedures were deficient. I was told the crew had been put through general quarters battle readiness drills only six to eight times in the preceding nine months. Hooliganism was rampant among the men. Petty officers could not maintain authority. The junior officers were lax and easy-going. There was an air of boredom and indifference."

Two days after assuming command, Arnheiter talked with Rear Admiral Henry S. Persons, commandant of the Pearl Harbor Naval District. Persons warned him of the crew's poor reputation. The warning was so much fuel for Arnheiters' boilers. At the first opportunity, he summoned his startled sailors to the fantail and let them know a new day had arrived. In her most recent cruise, *Vance* had stayed well out to sea; he proposed to take her where the action was. He promised danger, fun, excitement. Chief petty officers would have his support, but he would expect top performance from them. Inspections would be frequent and tough. The Plan of the Day would be strictly adhered to. Military courtesy and custom would be observed throughout the ship. He wanted a taut ship, and he wanted it fast.

On 28 December, the *Vance* left Pearl Harbor, bound first for Guam and then for Vietnam.

Several incidents occurred in these few days that were to bulk large later on. On Christmas Eve, *Vance* was quietly moored to her pier. Stuck aboard on duty was Lieutenant William Thomas Generous, whose pregnant wife was with him. Arnheiter was struck by the thought that he and his wife Janice ought to go aboard to commiserate with them. She brought along a milk bottle filled with eggnog. The four of them each had a cup.

A day or so after Christmas, Marc and Janice Arnheiter were on the beach at Waikiki. Ensign Luis Anthony Belmonte, *Vance's* gunnery officer was with them. The Arnheiters clambered aboard one of the outrigger canoes that ply the surf. Arnheiter had a camera with him. He asked Belmonte to take their picture. Belmonte, kicking off his loafers, waded into ankle-deep water, took the camera, and made the picture.

Prior to the change of command ceremony on 22 December, in accordance with Navy custom, announcements were mailed to prospective guests. Lieutenant (j.g.) K. D. Hamaker, as postal officer, asked Arnheiter to pay the $11.50 postage on them. In some irritation, Arnheiter said he never had heard of a new C. O. paying such a bill; he told Hamaker to find an alternative way. The matter languished.

At one of his first wardroom luncheons before leaving Pearl Harbor, Arnheiter proposed that the ship's welfare and recreation fund be tapped for $950 to buy a speedboat equipped for water skiing. Ten of the thirteen officers were present. No one objected. The boat was purchased and put aboard.

MOVING TOO FAST?

Meanwhile, Arnheiter threw his furious energies into getting *Vance* cleaned up and cockroach-free. His principal agent in this work was his executive officer, Lieutenant Ray Stirling Hardy. He had long talks with Hardy, in which he sought to inspire him to new concepts of executive authority. Hardy was to jack up the junior officers, keep them smart, see that inspections took on new meaning. Hardy was to make certain the junior officers were properly dressed and shaven. Naval regulations require officers to have dress swords, would he see that the regulation was enforced. The ship's new motto would be "Seek Out, Engage, Destroy." And spread the word that the captain meant it.

Hardy reacted with some unease to these new-broom instructions. When *Vance* had been cruising under her former C.O., Lt. Cdr. Ross Wallace Wright, no such discipline had been enforced. (There was a coffee cup aboard, in fact, decorated on the bottom with a photograph of Wright, bearing the caption of "McHale.") The record indicates that Hardy thought there would be trouble and resentment in the wardroom, and the presumption is strong that he warned Arnheiter against trying to accomplish too much too fast. Arnheiter responded to these negative attitudes by telling Hardy the story of Lieutenant Rowan and the Message to Garcia.

Several events would figure in the case. Using his initiative at Pearl Harbor, Arnheiter had acquired fifteen extra Garand rifles for the *Vance*. With the enthusiastic cooperation of his weapons officer, he set up a special fire team. At Guam he scrounged some empty oil drums for targets. Later it would be alleged that he had violated procurement regulations; and several of the junior officers would complain that the target practice "made too much noise."

Arnheiter saw possibilities in the little speedboat. He had it mounted with a .30-calibre machine gun and painted the boat's prow with red eyes and shark's teeth. The charge would be that he should not have used a recreation boat for prosecuting the war.

Arnheiter yearned for a proper wardroom, composed of officers who were not only officers but gentlemen also. He wanted spotless uniforms, good manners, fine food. His efforts to achieve these amenities led Belmonte to remark, in disgust, that it was like living on an eighteenth-century ship of the line. There was probably much truth in this, for Arnheiter is filled with the tradition from which Horatio Hornblower was contrived. Alas, he looked about his wardroom on *Vance* and saw Belmonte unshaven, and young Michael McWhirter rumpled, and someone else with ketchup on his shirt. Some of the juniors crammed whole slices of bread in their mouths. It was more than Arnheiter's disciplined nature could endure.

As one corrective measure, he decreed a formal Navy Mess Night. "It was my intention," he has said, "to get the wardroom officers to realize that under my command they were no longer in 'McHale's Navy,' but were beginning a tour where the best in naval tradition would be observed." The party was set up for the night of 12 January at the Officers' Club in Guam. There was some grumbling that the affair would add to the officers' mess bill, but this could be adjusted against an unusually low bill for December. In the end, the dinner came off superbly.

Too superbly. Early in the evening, Arnheiter inquired of the club manager if any silver candelabra and demi-tasses might be available for purchase; he wanted to buy them for the wardroom. The manager regretted that he had none to spare. About midnight, after many toasts had been drunk, a couple of the junior officers were seized with the happy thought of making off with some of the club's candelabra. Amidst great hilarity, they staggered into the night. The following morning, an embarrassed Arnheiter brought the candelabra back. The headwaiter cheerfully told him to think nothing of it, but the incident would not be forgotten.

The Mess Night had another unfortunate aspect. When *Vance* arrived at Guam on 6 January, it became apparent that drastic repairs would have to be made to her starboard engine. The ship accordingly was put in "cold iron" condition. A six-by-twenty foot hole was cut in her side for removal of the ailing shaft. Generators were shut down. Under these circumstances, Arnheiter saw nothing wrong in leaving only a single officer in charge on the night of the party. The officer was trained in damage control; one-third of the crew was aboard. It seemed a reasonable arrangement; but it would become a "dereliction."

AS THE TWIG IS BENT

In these first few days of command, Arnheiter's primary concern was to inspire the crew with some of his own zeal for the naval service. Half of his sailors were youngsters, "fresh-caught and impressionable lads away from home who were on their way to a combat zone." Arnheiter's thought was to indoctrinate them not only with "a sense of patriotic purpose," but also with "an awareness of that part of our national heritage which has caused Congress to mint coins with the inscription, 'In God We Trust.' "

Toward this end, he instituted a series of "all hands" assemblies on the fantail. The first was on Sunday, 2 January; the second two weeks later, on the 16th; the third on Sunday the 23rd. Subsequent programs were held on Mondays through February and March. They followed the same pattern throughout—opening and closing prayers from the Naval Institute's manual; the singing of "America the Beautiful," "God of Our Fathers," "My Country 'Tis of Thee," the "Battle Hymn of the Republic," the Navy Hymn, and the National Anthem; a fifteen-minute talk on God and country, or patriots of the past, or the customs of Vietnam. The topics varied. Arnheiter insists the themes were "rigidly nonsectarian." Senior Navy chaplains who have reviewed the programs have found nothing objectionable in them.

But Lieutenant Generous did. He is a key figure in the Arnheiter case. In the limited parallel that is drawn with *The Caine Mutiny*, he would be cast in the role of the literate Lieutenant Keefer. He is tall, thin-faced, bespectacled. In 1964, prior to his tour on *Vance*, he had suffered an emotional breakdown brought on by his first destroyer service. He emerges from the record as a dominant personality, argumentative, sophisticated. Arnheiter has described him as "personally sociable, chronically dissenting, voluble, and extremely articulate." The two clashed at once. Before *Vance* left Pearl Harbor, Arnheiter recalls, Generous wanted "to see how far he could oppose me and get away with it."

Generous had made no secret of his strong objection to the "all hands" evolutions. Early on the morning of the 16th, prior to the second program, he composed a stiff message for Arnheiter:

"Subject: Meetings on Sunday, compulsory attendance at.

"Ref: (a) Constitution of the United States, Article I in amendment thereof.

"1. Your attention is respectfully directed to reference (a), which as interpreted by several recent significant court opinions, prohibits enforced attendance at religious services, however euphemistically disguised they may be.

"2. Please accept this letter as a statement of my desire and intent to preserve this constitutional right.

"W. T. GENEROUS, Jr."

At the bottom of this message, Generous had thoughtfully typed a few lines for Arnheiter's signature: "Returned, receipt acknowledged. You are hereby ordered to present yourself on the fantail this morning at 1025 to hear an address by executive officer, in accordance with the Plan of the Day."

The message never reached Arnheiter. Pursuant to channels, Generous gave it first to Hardy, as executive officer, for forwarding. The unhappy Hardy held it up. He gave Generous confidential advice instead. A week later, after the program of 23 January, Generous went below. Unknown to Arnheiter, he was writing a letter to a friend—a Catholic chaplain at Pearl Harbor, Lieutenant Richard L. Osterman:

"DEAR FATHER OSTERMAN: Alas, we're back in Market Time. I wish I could spend some time in passing generalities . . ., but my rage forces me to use my limited time particularly.

"The enclosed mimeos should speak for themselves. Three times now the crew has been ordered aft . . . for these euphemistic church calls. The first one I missed by virtue of having the Deck, and the second, thanks to the good taste of the Executive Officer, was innocuous. But today's gem was no more nor less than a Protestant service. LTJG Ward's address was secular . . . but the rest was flat religion, led and directed by the commanding officer.

"I have complained previously, both to the CO orally, and in a letter to the CO which was held up by the XO, who advised me 'not to jeopardize myself, but to seek outside help anonymously.' I do have the courage of my convictions, and I would refuse the order to lay aft on the basis of its unconstitutionality were it not for my responsibility to my wife and child-to-be.

"The Nuremberg trials settled for all time the loyalty a military man must show his superior. I cannot be openly disloyal to him, but I cannot accept illegality and infringement of my constitutional rights. I ask relief from this burden, but I do so anonymously, once again for the sake of my family. Is there something that you could do?

"Very respectfully,

"TOM."

The events of 16 and 23 January, seen in retrospect, served to trigger the Arnheiter case. By failing to forward Generous's formal protest of the 16th, Lieutenant Hardy made alliance with him; he put himself from that moment in the untenable position of an exec who acts behind his captain's back. By seeking help "anonymously," through Father Osterman, Generous set in motion the forces that two months later would bring Arnheiter's ruin. It was at this same time that Ensign Belmonte contributed his bit to the anti-Arnheiter conspiracy by starting "Marcus's Mad Log" as a record of the skipper's bizarre behavior. The ship was now in a war zone. On 20 January, *Vance* had relieved the destroyer *Finch* on station in Market Time Area No. 3. Arnheiter had been in command for barely one month.

Arnheiter arrived off Vietnam just at the time of the Tet truce. He saw it as an opportunity for a close look at the shoreline. He wanted to see "where the enemy positions were, where the bunkers were, where the coastal contraband runners were believed to be based." On Saturday the 22nd, accompanied by a U.S. adviser on junk operations, he took the *Vance* within 1,500 yards of the beach and a thousand yards of shoal waters. The weather was excellent, the sea calm; and though no hostile action was expected, Arnheiter ordered the guns manned. Nothing happened, except that Lieutenant Generous, who earlier had scoffed at the ship's new motto as "too flowery," now complained that Arnheiter was getting "too involved in the war." In time, the incident would reappear as an allegation that Arnheiter had needlessly exposed his ship to danger.

For the next several weeks, Arnheiter was in his own seventh heaven, and those who loved action were in that heaven with him. The *Vance* prowled her sector searching for contraband and Vietcong. He put the ship's whaleboat into operation. He sent the smaller speedboat into shallows where the whaleboat couldn't go. He worked on suspicious Vietnamese with a psychological questionnaire. On the 27th, he engaged in an exceptionally bold foray. The incident brought the *Vance* a message from Rear Admiral N. C. Ward, operational commander.

"Your alert and aggressive action in detecting and investigating suspected infiltration attempt 27 Jan. is a refreshing example of individual initiative, well done."

On 28 January, while patrolling the northern sector, Arnheiter saw a chance to assist the destroyer *Mason* in a direct fire mission. He sent a message, begging for a target assignment. His opportunity came the next day, in support of the First Cavalry, when guns of the *Vance* landed seventeen "highly accurate" rounds from 1,200 yards. On the 30th, while chasing junks south of Qui Nhon in the company of the destroyer *Bache*, Arnheiter and others on the bridge observed hostile fire directed at *Vance* from a hillside. He returned fire from a thousand-yard range. A third firing occasion arose on 1 February, off Kim Bong, when an airborne spotter asked *Vance* for direct fire support of the cavalry. She provided it with gusto.

Most of the patrol was devoted to stopping and searching sampans. The activity went on round the clock. Arnheiter is a crack marksman. He kept a loaded rifle secured on the bridge. When a junk failed to stop on command, he often fired a shot over its bow. Sometimes Arnheiter would have two junks tied up fore and two aft, while the small boats were working still others. A sailor has recalled that the *Vance* checked more junks on a single day under Arnheiter than it had checked in the entire preceding cruise. "Something was always going on. The captain was a man who believed in getting things done."

On the night of 4 February, the *Vance* went in hot pursuit of three enemy junks that scuttled for shore. Ensign McWhirter, a first-class fighting man, roared after them. Unhappily, a South Vietnamese liaison officer, assigned to an accompanying armed junk, panicked and refused to join the risky operation. Arnheiter pledged with him to do his duty. A watching signalman later would testify that "everyone on the bridge realized that the liaison officer was yellow." Arnheiter's importunities failed; the Vietnamese officer fled ashore to complain of this demanding American captain. Arnheiter furiously messaged his squadron commander, reporting the officers' cowardice. Two months later, the incident would be used as evidence of Arnheiter's failure to manifest "the finest sense of discretion and tact in contact with the Vietnamese." All that happened at the time was that the operations officer from the Task Force came aboard at Qui Nhon, grinned at the speedboat, and put a friendly elbow in Arnheiter's ribs. "You have too much adrenalin," he said.

They were busy days and nights. Once the *Vance* sought to interrogate a Russian ship; Arnheiter cheerfully kept his peace when the Soviets signaled "Go to hell." Again, the *Vance* stopped three junks filled with refugees, mostly ragged women and hungry children. Arnheiter has five children of his own. He gazed at the pitiful bellies and ordered his supply officer to break out some candy. Told that Navy regulations did not permit such disposal of government property, Arnheiter snapped instructions to "survey some candy," i.e., to declare it unfit, and tossed cholocate bars down to the children. This too would be used against him.

BUSY DAYS

Several other incidents have a place in the record. On one blazing morning, Arnheiter sent a sailor to the ship's store to buy a pair of dark sunglasses for him. "Tell them I'll pay for them later," Arnheiter said. He paid up that same afternoon.

On a couple of occasions, Arnheiter towed the whaleboat and speedboat, fully manned, in order to have them more immediately available for action. On the night of 2 February, at the request of the South Vietnamese Junk Division 23, Arnheiter anchored *Vance* in the outer harbor of a shallow bay where a night attack by Vietcong was feared. Then he sent the whaleboat, bearing his special rifle team, on an armed reconnaissance. The sea was calm; the men were helmeted and life-jacketed; they had sub-machine guns and automatic rifles in addition to their carbines. About midnight, three heavily loaded junks attempted to slip past the ship. Arnheiter radioed the whaleboat that he intended to give chase. "The word from the boat was that they were fine. The Junk Base adviser said all was quiet." Arnheiter upanchored, went in pursuit, captured the junks, put them in tow, and returned to pick up the whaleboat two hours later.

During this same period of intensive patrol, the Coastal Surveillance Center (CSC) at Qui Nhon kept demanding position reports every two hours from *Vance* and other U.S. ships in the area. Such reports were no part of Arnheiter's orders. His orders were to report his position to Commander Task Force 115. The CSC was insistent. Arnheiter was exasperated. "I did just what *Finch* had done," he has said, "I directed that localized rather than pinpoint reports be sent to the CSC on the two occasions when the ship was involved in heavy operations. This kept me from becoming unduly immersed in arbitrary, time-consuming and unnecessary position reports, improperly imposed on the ship as an additional and burdensome requirement not specified by my operational commander, or by any commander in the Seventh Fleet."

There were dull days when *Vance* did little but provide underway replenishment for smaller craft. On an exceptionally dull day late in March, when the crew had been a month at sea, he cracked out the speedboat and authorized off-duty sailors to go waterskiing about the ship as it replenished a Coast Guard cutter. Mostly the days were spent in patrolling the coast. On 20 February, the *Vance* put in to Bangkok for four days of liberty. Then she relieved *Conquest* off An Thoi and worked a new sector. The Vietnamese provided a less sensitive liaison officer; Arnheiter got along fine with him.

Midway in the cruise, on an active morning, Arnheiter was stopped by his engineering officer, Lieutenant Edward G. Fuehrer, on his way to the bridge. Fuehrer was waving a message. "Captain," he said, "they're after our connecting rods." It was an order to supply an inventory of spare Diesel parts. "Tell them what we can spare," Arnheiter said; and initialed the message.

Meanwhile, things were going little better in the wardroom. As part of his campaign to build esprit among the officers, Arnheiter instituted a plan of brief, impromptu after-dinner talks on topics that were written out on slips of paper beneath an officer's plate. Lieutenant Generous made one such talk, seizing a chance to contrast the colorful Halsey with the prudent Spruance: his point was that Halseys have small place in modern naval warfare. The point was wholly lost on Arnheiter, who holds Halsey in a special niche.

Arnheiter also instituted a "boners box." Officers who came sloppily dressed to mess, or left a knife in the peanut butter jar, were fined for each offense. Even Lieutenant Generous agrees that the system was instituted "in a very light-hearted frame of mind." Proceeds of the box went to buy cigars for the wardroom mess. At first, Belmonte and McWhirter paid most of the fines. Then they responded to the teasing goad, and revenues fell off to nothing.

In the course of the 99 days, Arnheiter came to admire the two ensigns. One of his last acts, late in March, was to recommend Bronze Stars for both of them—to McWhirter "because he bravely attempted to carry out my orders at the time of the hot pursuit incident," and to Belmonte for "extraordinary personal bravery and audacity" on other occasions.

He could do nothing with Generous. In mid-January, against his own better judgment, he had accepted Hardy's recommendation that Generous be promoted to lieutenant, because the operations billet provided for an officer of that rank. The two remained at loggerheads. Toward the end of February, an incident arose that made matters worse. After the ship left Bangkok, Arnheiter decided to call on Generous for a daily operations plan, to be sent to the C.O. by 5 o'clock on the afternoon before. One afternoon Arnheiter waited, and waited, but no plan appeared. At 9 o'clock he summoned Hardy to ask the reason why. Hardy was miserable. Generous didn't intend to work up the plan. And why not? "Captain, Sir," said the sad exec, "he just doesn't like you." Arnheiter's explosive answer was to summon Generous for a lecture that must have scorched the woodwork. One more offense, he said, and he would seek Generous' immediate transfer.

THE "DANDO REPORT"

The 28th of February, which was the day of the blessing-out, also marked the arrival aboard *Vance* of a circuit-riding Navy chaplain, Lieutenant George W. Dando. After all these months, he remains a curiously obscure and faceless figure. He had been in the Navy for only five months. Apparently, he spent much of his time aboard *Vance* in listening to complaints from Generous, Belmonte, and others, though he communicated none of this to the captain. Dando did not complain of Arnheiter's Monday guidance services, but he refused to agree to the singing of the Navy Hymn at one of them. Dando remained aboard until 12 March, when he departed with a farewell word to Arnheiter that morale was "extremely low." Ten days later he filed a six-page report with his superiors of what had been told him.

Arnheiter was not to see this "Dando Report" for another five months. It was carefully excluded from the record of his subsequent hearing, yet it floated about in a Navy limbo of "attachments" and "references." If there was a single key document in Arnheiter's destruction, it was this chaplain's report. When Arnheiter at last caught up with a text, it is not to be wondered that Arnheiter exploded. This was Dando's report—backed by his prestige as a Man of God—on Arnheiter's efforts to improve his officers:

"One way was to fine each officer $25 each time he failed to live up to his standard. No one seems to know what he did with the money, except that the executive officer has it in a box."

The boner-box fine was not 25 dollars. It was 25 *cents*. Everyone knew that the proceeds—which amounted to less than $30 in the entire cruise—went to buy wardroom cigars. The Rev. Mr. Dando's margin of error, or of reckless falsehood, was precisely one hundred times. Was the lie ever put straight? Arnheiter never could know. Did Dando ever attempt to rectify the ruinous damage his report had achieved? Arnheiter cannot say.

Arnheiter was stunned by Dando's comment on low morale. He himself had believed that, at least among the crew, morale was improving steadily. He thought he had turned the corner from hostility to acceptance. Considerable evidence from enlisted men—obtained too late to figure in Arnheiter's dismissal from command—tends to confirm that view. There had been no cancellations of liberty in Guam, Bangkok, or Manila. There had been no courts martial and only two mast periods for minor punishments. The ship records reflected good results in rate-advancement. Arnheiter could not make it out. In any event, *Vance's* cruise was coming to an end. On 23 March, she was relieved by the destroyer *Brister*. A Lieutenant (j.g.) Uldis Kortrons, from the staff of the escort squadron, came aboard to hitch a ride to Mainla. On the 26th, *Vance* arrived at Subic Bay for two weeks of restocking and upkeep.

The sequences of events in the next few days remains obscure. Arnheiter charges that, unknown to him, Lieutenant Kortons delivered to Commander D. F. Milligan at Subic a report of complaints written by Hardy in collaboration with Generous. Waive the point. Plainly, Milligan had received the earlier report of Lieutenant Dando, with its melange of truths, half-truths, distortions, and plain lies. This stew of allegations and hearsay statements found its way to Rear Admiral T. S. King Jr., whose flotilla was soon to relieve that of Rear Admiral D. G. Irvine. Various communications followed between King and Irvine and the Navy's Bureau of Personnel. To this day, it remains incomprehensible that officers of the experience of King and Irvine should have acted as they did without once communicating with Arnheiter. He was only fifteen minutes away. They never summoned him. He knew nothing of what was going on.

The thunderbolt fell on 31 March. Arnheiter, busy at his tasks aboard *Vance*, received message orders from the Chief of Naval Personnel, detaching him immediately from command. That same evening, Commander Milligan came aboard and summarily relieved him. On the following day, Arnheiter gathered his crew on the fantail to bid them farewell. Bewildered, he reported to the destroyer tender *Dixie*. Meanwhile, Milligan informed all hands that he was prepared to hear "any personnel who were desirous of shedding any light on the irregularities which were occurring on *Vance*."

That was on 2 April. On 4 April, Captain Ward W. Witter, who had been assigned by King to the case as a one-man investigating board, showed Arnheiter a stack of allegations but declined to say which of them he regarded as important. The "trial" of Marcus Arnheiter—*all the trial he has ever had*—commenced on the following day. It concluded on 11 April. The so-called Witter finding followed a few weeks later.

A word on naval procedures is in order. It may be true, as the Navy insists, that in "emergency" situations the letter of the Navy's law authorizes the summary procedures used in the Arnheiter case. (Seven months later, a reviewing officer would remark with cold incisiveness that no "emergency" of any sort existed; but waive the point.) It is manifest that the spirit of naval law was trampled underfoot. In cases such as this, senior officers are to assure themselves that a difficulty is not "reasonably susceptible to correction." No such assurance was sought in the Arnheiter case. Regulations require that factual allegations of misconduct must be adequately verified by formal or informal investigation before action is taken. No such verification was obtained before Arnheiter was removed. Still another regulation requires that before drastic action is approved, "it is of the *utmost importance* that strong command guidance and counseling be given the officer concerned, and that there is no reasonable alternative to the action requested." No such guidance and counseling were given to Arnheiter. The regulation that was of "the utmost importance" was simply ignored.

These are among the inexplicable aspects of the Arnheiter case. The Navy says that the procedures invoked by Captain Witter "are closely comparable to but not as formal as those prescribed in the manual for a Court of Inquiry." This is a sophistry unworthy of the officers who have advanced it. The difference is night and day. It is the difference between a probable cause hearing before a U.S. commissioner and a full-fledged trial after grand jury indictment. No person possessed of even the most rudimentary acquaintance with the law will buy the Navy's statement that Arnheiter has had his "day in court." He has not.

ADVERSARY PROCEEDING

Surely he never received his "day in court" before Captain Witter. The purported "fact-finding investigation" turned instantly into an adversary proceeding, in which Arnheiter was the sole defendant party. As such, he should have been entitled to a presumption of innocence, but no such presumption appears from the record. He was entitled to a reasonable period in which to prepare his defense; he was given 24 hours. He was entitled to counsel, and did in fact obtain counsel, but his counsel had served only four months in the Navy and never had served on shipboard. He was entitled to written, specific charges; no charges were ever drawn. He was entitled to the summoning of witnesses in his own behalf; but at least four witnesses were denied him. At a Court of Inquiry, Arnheiter might have developed the whole story—the condition of *Vance*, the conduct of the junior officers—but this was denied him also.

The 418 pages of transcript in the Witter hearing produced 41 "findings." It is from these, with various leaks, distortions, and innuendoes, that Arnheiter's asserted "derelictions" have been fashioned. Thus, in a version quoted by the Trenton *Times*, the Christmas eggnog has turned into a nightly pitcher of martinis. Arnheiter's request to Belmonte on the beach at Waikiki has become a direct order that caused the ensign "undue humiliation." The announcement postage bill, which Arnheiter paid in March, has become a tinkering with postal accounts. It is said that the rifles were obtained illegally. (They were not.) He violated regulations in acquiring the empty oil drums at Guam. (He did not.) You hear the rumor that Arnheiter "conspired in the theft of certain candelabra." He is accused of falsifying supply records as to $17.28 in candy. It is said that he violated the rule that credit shall not be extended by a ship's store. (This was the sunglasses bit.) He is accused of frivolously permitting members of the crew to water-ski in a war zone. And so on, and so on, and so on.

The outside observer is struck with the pattern of malice that runs like a dark thread through the record. Wherever an impression of misconduct could be conveyed, such as impression was conveyed. The business of the inventory of spare Diesel parts is entirely typical. Arnheiter did what one assumes every prudent ship commander would have done: he reported as surplus only those parts he reasonably felt could be spared. So, too, with the matter of leaving his ship "inadequately manned" at Guam. The book-requirement is that at least one-third of a ship's company be aboard at all times, in case an emergency requires the ship to put to sea. But the *Vance*, at the time in question, could not possibly have put to sea. The most widely repeated charge against Arnheiter is that he filed false position reports in order to take his ship on dangerous and vainglorious direct fire missions. This is simply untrue. Arnheiter's required posits were meticulously accurate; his ship engaged in three fire missions only, lasting a total of one hour and sixteen minutes. Yes, he worked *Vance* close to shore. Was this a crime?

"I was confident of my own ship-handling and navigational expertise," Arnheiter says, "and also the navigational proficiency of the executive officer. As for enemy shell fire or mortar fire? When all ships of the U.S. Navy hedge in operations because of possible danger from enemy action, then we may as well toss in the sponge and forget the inspiration of men like John Paul Jones and David Glasgow Farragut!"

Captain Witter's findings, and his adverse recommendation, were committed to writing in late April 1966. A copy went to the Pentagon. Another copy went to Rear Admiral (now Vice Admiral) Walter H. Baumberger, commander of cruisers and destroyers in the Pacific. Bombo, as he is known, went over the record with a sense of mounting incredulity. On August 30, he recommended that the whole regrettable business be wiped out, *and that Arnheiter be restored to a command.*

JUDICIAL PROPRIETIES DISDAINED

Manifestly, this was not the recommendation the Pentagon expected or wanted from Bombo. Unknown to the Admiral (and to Arnheiter), a final decision already had been reached, in the form of a finding that Arnheiter's dismissal was "for cause." On September 9, Vice Admiral B. J. Semmes, chief of naval personnel, signed a memorandum to that effect; this memorandum went directly into Arnheiter's selection board jacket, which went directly to the Line Selection Board for Commander which was then in session. Not surprisingly, Arnheiter was passed over for promotion.

In the light of Semmes' death-sentence action, what followed is baffling to the layman. The top brass sent a message back to Baumberger, asking him to provide a second review and recommendation, this time in greater detail. Bombo got the word but failed to understand it. He summoned his top legal officer, Captain Larry H. Benrubi. They went over the whole record, line by line. On 1 November, Baumberger filed his second and more definitive report. He began with the conduct of Captain Witter:

"It is evident that from the inception of this investigation, the investigating officer changed the purpose for which the investigation was convened—that of determining the factual validity of allegations made against the commanding officer which had occasioned his summary relief—to one of whether he is the type of officer who deserves command at sea."

This was none of Witter's business. Even more reprehensible, in Baumberger's view, was Witter's ignorance or disdain of judicial proprieties. Witter had engaged in long off-the-record "discussions" with Arnheiter. He injected himself personally into the role of psychologist "rather than impersonal finder of fact." Witter had accused Arnheiter of engaging in "vicious exchanges" and speaking in "incredulous tones." Such remarks on Witter's part, said Baumberger, "were completely improper and indicate a lack of objectivety." Still further, "the record is replete with instances in which the investigating officer either neglected or refused to pursue available evidence concerning specific allegations of misconduct. His findings of fact are for the most part based upon unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnheiter."

Point by point, Baumberger demolished the flimsy structure. Evidence as to dangerous towing of the whaleboat was insufficient. Arnheiter's leaving the whaleboat for two hours was "not improper." A charge that the speedboat once was used to draw enemy fire "is completely without credible foundation." As for the "false position reports," Baumberger found that Qui Nhon "was at all times aware of the general area in which *Vance* operated." There was a charge that Arnheiter had arranged the Mess Night merely to gain a windfall of $1.85 on his mess bill: "It does not appear that the commanding officer was so motivated." One especially scurrilous charge was that Arnheiter had attempted to coerce Hardy into recommending him for a Silver Star. Baumberger found "no credible evidence" to support the accusation.

In the end, Baumberger boiled the 41 findings down to three. The Christmas Eve eggnog was a violation of regulations and not to be condoned. Arnheiter's failure to keep one-third of his officers aboard at Guam also was a violation of regulations and not to be condoned, but "the nature of *Vance's* employment on that occasion and the otherwise normal manning of in-port watches tend to mitigate the violation." The misleading report on spare parts "was censurable conduct. However, since the extent of the misrepresentation is unknown, the degree of dereliction cannot be determined."

Baumberger did not hold Arnheiter otherwise blameless. He had exhibited "a lack of tact and good judgment in his attempt to achieve commendable goals." Even so, there was not sufficient proof of misconduct to justify relief for cause. Baumberger recommended, *for the second time,* that Arnheiter be "reassigned to command a destroyer escort in this force to provide an opportunity for reassessment of his abilities."

Baumberger's exhaustive review was an exercise in futility. On 20 January 1967, his superior, Admiral Roy L. Johnson, commander of the entire Pacific Fleet, officially closed the file. In a final order, Johnson first defended Captain Witter's conduct; then he upheld Baumberger's critical review of Witter's findings; then he reversed Baumberger's recommendation for a new command. For all practical purposes, that was the end of the Arnheiter case. Arnheiter was transferred to San Francisco. There he began searching for help in his plea for still further review, vindication, and redress.

One suspects that Johnson was uncomfortable. Just one week before his order of the 20th, Johnson sent a puzzling letter to his fleet commanders. The subject was: complaints against commanding officers. Though he did not say so, the Arnheiter case plainly was weighing on his mind. The implication is clear that he believed the case "had not been handled in a wholly satisfactory manner." He reminded his top officers that "it is essential," in such complaints, "that careful inquiry" be made and that pertinent facts be established. Appropriate regulations should be "scrupulously followed." Johnson wanted each of his fleet commanders personally to ensure "that there is a full understanding of this and careful compliance with required procedures."

What is one to make of Johnson's letter? The only reasonable inference is that he felt the Arnheiter case had not been handled carefully, that the facts had not been proven, that procedures had not been scrupulously followed, and that Arnheiter in fact had been treated unfairly. If this was Johnson's meaning (and the letter speaks revealingly for itself), why did he not sustain Baumberger's recommendation or at least provide for a *de novo* Court of Inquiry?

The answer that is given by Arnheiter's supporters—among them retired Admirals Thomas Settle, Lorenzo Sabin, and Dan Gallery—is that it then was too late. The vindication of Arnheiter, at this point, would have created gross embarrassment all down the line. Admirals King and Irvine had erred. Captain Witter had conducted a wretched investigation. Commander Milligan had acted precipitately. Others at Subic were involved. And back in Washington, Vice Admiral Semmes long ago had decreed Arnheiter's "detachment for cause."

Admiral Gallery states his opinion bluntly: "It's the old story of big-shot professionals covering up each other's mistakes." Admiral Sabin has denounced the "smoke screen." Admiral Settle, after reviewing the whole record, has raised a rhetorical question: "Is the Navy no longer big enough, does it no longer have enough guts, to admit a mistake and redress it?"

The answer to Admiral Settle's question is no. In the Navy's view, there has been no mistake. The official position is that Arnheiter "committed many derelictions, knowingly and deliberately." Arnheiter revealed "a gross lack of judgment and an inability to command and lead people." The record further reveals "that the conduct and performance of the officers, other than the commanding officer, of *Vance* were entirely satisfactory." Attention is directed to Captain Witter's finding that Hardy, Belmonte and Generous "served the commanding officer to the best of their ability under the circumstances, and that no person on *Vance*, other than Lieutenant Commander Arnheiter, is deserving of any adverse action based on the facts disclosed as a result of the investigation."

This is the whitewash treatment. It has continued for the past year, despite Arnheiter's discovery in the spring of 1967 of some evidence wholly unknown to him at the time of the Witter hearing. This evidence, known as the "bogus familygram," is a purported letter from Arnheiter to the families of enlisted men. Mimeographed on ship's stationery, it is dated 15 March 1966, Somewhere in the War Zone.

"Dear Mom and Dad or Wife (as the case may be):

"My name is Marcus Aurelius Arnheiter, and I am the commanding officer of the USS VANCE (DER-387). I am the senior officer on board, and I have the sole authority for everything about the ship. It is my ship and I am THE BOSS.

Let me tell you something about myself and VANCE. I am the son of my parents who in turn were the children of theirs. My grandfather was Baron Louis von Arnheiter, an early pioneer in manned flight (with somebody else in the plane). He married my grandmother who was Baroness Bungus von Buttbrusher, and I have their marriage license to prove it. As you can see that I come from such an outstanding line of really fine and famous people, you will really appreciate that I am the CAPTAIN OF THE VANCE. I am the Boss, and what I say on this ship is the law. ARNHEITER!"

The forged letter continues with a statement that "we think of our loved ones back home, you, the ones we love and pray for in massed forced worship."

"We will be heroes, those of us who live through this carnage, and those of your loved ones who fell here and rot in this foreign place will be remembered by the bemedaled ones who, by the merest chance, should survive. But if anyone gets through, I will, and you can bet your ass I'll remember *Vance*.

"I am a great man, and I will try to impart some of that greatness to your doltish loved ones. As you think of *Vance*, think of me, for I am the most important man aboard. If you would like an autographed picture of the ship with my face superimposed, just send $1 apiece to cover the cost of handling . . ."

Who could have written such a letter? To whom was it distributed? Arnheiter's copy came to him anonymously from Pearl Harbor. If this contemptuous ridicule was the work of one of the dissenting officers, the fact would go far toward establishing Arnheiter's basic defense, that he was the victim of a mutinous conspiracy in the wardroom. A full-dress Court of Inquiry could explore the matter.

NOTABLE ALLIES

What of Belmonte's "mad log"? He has described it as "just a few scribbles." He has denied showing it to others. But the few scribbles turned into 38 pages of testimony before Captain Witter. Lieutenant Fuehrer knew of the "mad log." So did McWhirter. So did an enlisted man named Steven Joy. Did Belmonte once say that he hoped to see Arnheiter hanged? A sailor named Farnum said so, under oath. A Court of Inquiry could explore these matters, too. This is all that Arnheiter has asked; he has even brought suit in a U.S. District Court in California, seeking a court order to compel the Secretary of the Navy to set such a procedure in motion.

In his fight for vindication, Arnheiter has enlisted some notable allies. Admirals Settle, Sabin and Gallery have rallied to his side. Rear Admiral A. S. Goodfellow finds Arnheiter's record, on the whole, "exemplary." Vice Admiral Lot Ensey has said that Arnheiter "deserves commendation." Vice Admiral Ruthven Libby sums up the story in a sentence: "A couple of beatnik junior officers succeeded in cutting the throat of their commanding officer from behind his back and got away with it."

None of the support for Arnheiter has commanded the national attention that was drawn by Captain Richard Alexander's self-sacrificing action of 7 November 1967. Alexander had not always been in Arnheiter's corner. In March of 1967, before the evidence of the bogus familygram turned up, Alexander had concluded that Arnheiter's "zeal was excessive and [his] judgment faulty." He urged Arnheiter to face the fact "that you were, in the majority opinion, including my own, brought down by your own actions and not by faulty procedures or disloyal subordinates."

But Alexander changed his mind altogether. It was not the familygram alone. It was rather, he has said, a total reconsideration of the 99 days of Arnheiter's command. The longer he studied the case, and the more he examined his own conscience, the more he was driven to the conviction that while his March withdrawal from Arnheiter was prudent, "to turn against him was pusillanimous." He conveyed his altered view to Secretary of the Navy Paul Ignatius, and because of Alexander's prestigious position as prospective commander of *New Jersey*, Ignatius on 7 November sent a plane to bring Alexander to his office.

They conferred for an hour. Then Alexander departed, leaving behind him a 26-page statement that assuredly will find its place in naval history. His review of the Arnheiter case is brilliant, incisive, overwhelming.

"Where did strength and where did weakness lie in that ship? Who stood for duty, honor, country, and who was disloyal? Whose standards would you commend to a young officer today? Those of Hardy, Generous, and Belmonte? Whose efforts were deserving of command support and who should have been censured?"

Alexander vividly recalled the events of 31 March, when Arnheiter received message orders announcing his summary relief:

"Within twelve hours he was under guard in his cabin, having been relieved by another Escort Squadron Commander who gave no explanation. After a night under guard he was kicked off his ship. Four days later he was confronted in an investigation with an amazing chain of damning, ruinous allegations that were bewildering in scope and viciousness. Mr. Secretary, what all of your officers will demand to know is just how in hell this could happen in the United States Navy!"

It seems unlikely, but it is possible, that Alexander's passionate protest might have moved the Secretary if his statement had stopped there. Unfortunately, Alexander was swept away by his conviction that only a public explosion would blow the top off the Arnheiter case. He distributed his statement to the press and to members of Congress. Regrettably, in a fatal breach of protocol, he failed to leave even a courtesy copy for Admiral Thomas Moorer, Chief of Naval Operations. Moorer, a distinguished and greatly respected officer, had been installed only two months earlier; he knew little of the Arnheiter case. He was understandably outraged to read about it in the papers. He summoned Alexander to his office, told him he had lost confidence in him, and wanted his resignation as commanding officer of *New Jersey*. Three weeks later, Alexander was shipped to an ignominious desk job in the Boston Navy Yard, his career at an end.

Alexander does not regret his support of Arnheiter. In his view, "Arnheiter has the spark of naval genius. He might have been another Halsey. God knows the Navy has need of such men.

There it stands. Secretary Ignatius has flatly refused to reopen the case. Such congressmen as Joseph Y. Resnick and Herbert Tenser of New York have urged a congressional investigation, but the House Armed Services Committee has shown no disposition to take up their resolution. Arnheiter's suit against Secretary Ignatius may not survive the government's first motion to dismiss. Meanwhile, Arnheiter himself has been sued by Generous and Belmonte for invasion of privacy and defamation of character, but such a proceeding scarcely would produce the official inquiry Arnheiter has demanded. At the Pentagon, a form letter has been prepared in which the Navy earnestly cites its multiple reviews of the case.

BACK TO THE OLD WAYS

The key figures are scattered. Arnheiter is stranded at headquarters of the Western Sea Frontier on Treasure Island; his personal struggle for vindication absorbs his waking hours. Hardy, promoted to lieutenant commander, is stationed at Key West; he is "fed up" with Arnheiter, and believes his detachment was "richly deserved." Belmonte, 27, is out of the Navy, and working in the financial district of San Francisco. Generous, 28, who is taking graduate studies at Stanford University, also is out; he resigned his commission in November of 1966 in a highly-charged letter, speaking of Arnheiter as "we who called him criminal."

In June of 1967, long after Arnheiter was effectively beached, a former commissaryman third class on *Vance*, Ronald D. Fournier, wrote a letter of recollection:

"When Lieutenant Commander Arnheiter came aboard, he tried to get the ship running the way it should have been running but was not. The trouble was that people had been too used to being lazy and didn't want to change, didn't want to make the effort. When Mr. Arnheiter was C.O., he changed the status of the petty officers by giving them authority, and I think they appreciated it. But as soon as he left the ship, things went back to the way they were before: A seaman could talk back to a first class petty officer and get away with it . . . *Now, everything's back the way it used to be before he came.*"

ARNHEITER'S DAY A BAD TIME FOR NAVY BRASS

(By James J. Kilpatrick)

Marcus Aurelius Arnheiter, the naval officer who was summarily dumped two years ago as commanding officer of a U.S. destroyer serving off Vietnam, finally got a kind of "day in court" on Capitol Hill last week. It was a bad time for the Navy brass. They were conspicuous by their absence.

The hearings, arranged by New York's Congressman Joe Resnick, were entirely one-sided hearings. All the witnesses were sympathetic both to Arnheiter and to Richard Alexander, the brilliant young naval captain whose career was destroyed when he publicly took Arnheiter's side. This was not Resnick's idea. He repeatedly invited high Navy officials to appear in defense of the Navy's position. No one turned up.

This stone-cold silence was understandable—from the Navy's point of view. The more one studies this distressing affair, the more one is driven to the conclusion that the Navy bungled the Arnheiter case from the very beginning. At half a dozen points along the line, something might have been salvaged by granting Arnheiter the one privilege he has been begging—a Court of Inquiry, or as an alternative, a full-dress court-martial. He was still begging for this last week; and the Navy was still deaf to his pleas.

For those who may have just come in, it should be said that the case arose in December 1965, when Arnheiter took command of the USS *Vance* at Pearl Harbor. It was his first—and his last—command. Ninety-nine days later, after a slam-bang tour of duty off Vietnam, Arnheiter was summarily detached. He was given one weekend to prepare himself against a bewildering array of malicious charges, cooked up by rebellious junior officers. Then he was subjected to a one-man investigatory hearing, without benefit of witnesses in his own behalf. And professionally speaking, that was the end of Marc Arnheiter.

As last week's hearing made clear, every safeguard provided in the Navy's own regulations inexplicably was ignored. The Navy does not award wartime commands lightly, but neither are such commands lightly revoked. The rules provide explicitly that before so drastic a step is taken, an officer must be fully informed of all charges against him; he must be given counsel and advice toward the correction of his defects. The rules are specially designed, among other things, to protect a commanding officer from the very sort of wardroom conspiracy that was hatched against Arnheiter.

The evidence in this case indicates that Arnheiter inherited a sloppy ship manned by an undisciplined crew. He himself is a spit-and-polish Dutchman, a Naval Academy graduate with an obsessive love of fighting naval traditions. He threw his entire energies into a crash program to revitalize his ship. Doubtless he made mistakes of judgment—mistakes of zeal—but his purpose was high and his methods were succeeding.

Then the ax fell. Since then his principal accusers have dropped out of the Navy. Arnheiter's strenuous efforts to clear his name have branded him a troublemaker; he is beached in San Francisco.

Captain Alexander, convinced that Arnheiter had been shabbily treated, came recklessly steaming to his rescue; Alexander too has been beached.

The top brass keep compounding their errors. One burly captain in the Bureau of Personnel has dropped the snide rumor that Columnist Drew Pearson has sided with Arnheiter because Mrs. Arnheiter is Pearson's niece. They are not related in any way. Another charge emanating from the top brass is that Arnheiter ordered the Vance's guns to fire on a "Buddhist pagoda." Evidence offered at Resnick's hearings totally disproves the charge. A third rumor is that Arnheiter had a "pitcher of martinis" aboard. Utterly false.

Perhaps the saddest testimony last week came from a 22-year-old Texas seaman, John M. Cicerich Jr., who served on the Vance after Arnheiter had been banished. Once Arnheiter left, he said, everything reverted to the old undisciplined patterns. Life on the ship once again was "like living in a prison with convicted toughs."

It is too late for Arnheiter, too late for Alexander. It is not too late, however, for the Navy to make certain that the next time a gung-ho skipper is victimized by junior officers, the skipper is accorded the consideration Marc Arnheiter never had.

ARNHEITER CASE DISGRACES U.S. NAVY

Washington . . . Lt. Commander Marcus Aurelius Arnheiter had enjoyed a promising naval career before he took command of the destroyer Vance on Dec. 22, 1965. Immediately preceding his command assignment, he had served as executive officer of the destroyer Ingersoll for eighteen months. In that service, he had demonstrated exceptional qualities of leadership.

Arnheiter found the Vance dirty and the crew undisciplined. He set new standards of performance and inspired the crew with his own desire to excel. But the new discipline was surreptitiously opposed by a cabal of junior officers who sought to undermine the new skipper.

One of these, an officer who had suffered an emotional breakdown in his prior service on another destroyer, complained by private letter to a Navy chaplain, a Catholic priest, about "Protestant" compulsory church services on the Vance.

The Vance was on station in Vietnam waters for about two months. It was there visited by a chaplain who had been in the Navy for five months. As he departed after twelve days aboard, the chaplain referred to low morale but did not reveal to the skipper the tissue of lies and idle gossip which he had collected and which he would incorporate in his report to the Navy Department.

During its service in Vietnam waters, the Vance showed an exceptional elan. It was zealous and competent in performing its assignments.

In late March of 1966, the Vance was relieved on Vietnam station and returned to Subic Bay in the Philippines for servicing. On March 31, Commander Arnheiter was summarily relieved. Naval officers remote from the scene had acted upon malicious and mutinous reports and upon the observations of an inexperienced chaplain to arrive at a false appraisal of a capable officer.

It is a disgraceful record. Arnheiter's fourteen years of exemplary service were brushed aside by superiors who did not even take the precaution to have the allegations checked by a senior line officer. There must have been panic in Navy Headquarters over the lying report of a Catholic junior officer of doubtful mental stability that he had been forced to attend Protestant religious services. This is the kind of charge the Navy would not want exposed in a Court of Inquiry.

Why did the responsible flotilla commanders fail to inform Commander Arnheiter of the reports and hear his side of the story? Their behavior can be explained only by receipt of direct orders from Washington to relieve Arnheiter and to conduct the "investigation" afterward. When the record was reviewed by the Admiral commanding cruisers and destroyers of the Pacific Fleet; he recommended that the proceedings be quashed and that Commander Arnheiter be restored to command. But the Pentagon was adamant. It had informed the Promotion Board that Arnheiter's removal was for cause. Arnheiter was passed over for promotion.

The record is one of outrageous injustice to a capable officer. But it also evidences a deficiency of command in the highest ranks of the Navy. A Chief of Naval Operations who would condone this kind of maladministration is unworthy of his office. Why have two Chiefs of Naval Operations failed to right this injustice?

I can relate this kind of behavior only to the fawning submission which our top military leaders accord to incompetent civilian Secretaries. Did the uniformed personnel of the Navy receive from the civilian superstructure a directive to relieve Arnheiter of command, as the Army did in the case of General Walker? Is that why the normal procedures of investigation *before* taking action were not followed? Is that why the Navy railroaded Arnheiter out of his command and has only a tissue of false reports to support its action?

Captain Richard G. Alexander, another outstanding naval officer, took up the Arnheiter case to plead for correction before the Secretary of the Navy. He gave copies of his analysis to the press. No doubt he thought Commander Arnheiter needed public support, but the press release was imprudent. Captain Alexander has been beached.

Mediocre officers are plentiful; competent leaders are rare. If our Navy treats exceptional ability as Arnheiter and Alexander have been treated, it will destroy its own fine tradition of command responsibility.

VIETNAM

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BRINKLEY. Mr. Speaker, the editor of the Columbus Ledger, Mr. Carlton Johnson, editorialized earlier this week that Hanoi should be told immediately that we are not in Paris to surrender. Any person who is not in agreement should look to the latest casualty figures.

TWO GI'S, MARINE FROM STATE KILLED IN VIETNAM FIGHTING

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. LONG of Maryland. Mr. Speaker, Sgt. George C. Letmate, Pfc. James S. Allport, and Pfc. Thomas N. Dean, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

THREE MARYLANDERS KILLED IN ACTION—MEN FROM PRINCE GEORGES, DUNDALK ARE VICTIMS

Three infantrymen from Maryland, two Army paratroopers and a marine, have been killed in Vietnam, the Department of Defense announced yesterday.

The dead servicemen are Sgt. George C. Letmate, 20, of Dundalk; Pfc. James S. Allport, 19, of Marlow Heights, and Pfc. Thomas N. Dean, 19, of Landover.

Sergeant Letmate, the son of Mr. and Mrs. Rudolph Letmate, of 1942 Ewald avenue, was killed May 4 by shrapnel while his base camp in Quang Tri province was under attack.

KILLED DURING ATTACK

Private Allport, a son of Mr. and Mrs. Campbell B. Allport, of 6283 Akron street, Marlow Heights, was killed during an attack on his base camp near Hue May 2.

Private Dean, a son of Mr. and Mrs. William H. Dean, 7430 Landover road, Landover, and husband of Mrs. Joan Dean, of La Plata, Md., was shot in the stomach and killed May 5 near Da Nang.

Sergeant Letmate, assigned to a pathfinder reconnaissance company of the 1st Cavalry Division (Airmobile), was a 1966 graduate of Patapsco High School.

ENLISTED AFTER GRADUATION

He worked as a carpenter briefly and then enlisted the summer he graduated. He was promoted to sergeant just before returning on a 30-day leave in February.

His last letter home was dated April 9, his birthday, and he wrote that his unit "was on the move" and that "he was taking good care of himself," his father said.

"He was there a full year," Mr. Letmate said. "Then he put in for another six months. He wanted to get it over with so he wouldn't have to go back during his three-year enlistment again. He had been back six weeks when he was killed.

"As near as we can figure from what they tell us, he was in his base camp and they were attacked and he was killed by shrapnel. A mortar, I guess."

PLAYED BASEBALL

Sergeant Letmate played baseball in high school. His father said his son did not plan to make the Army his career.

Besides his parents, Sergeant Letmate is survived by two sisters, Mrs. Janet L. Loyman and Miss Rena Letmate, both of Dundalk.

Private Allport, assigned to a brigade of the 82d Airborne Division, went to Crossland High School.

He enlisted last August, trained at Fort Benning, Ga., and Fort Gordon, Ga., and then went to jump school at Fort Bragg, N.C.

His mother said he had written home that Vietnam is a "beautiful country" and that "things aren't too bad."

GUARDING BRIDGES

She said he had been guarding bridges in Hue most of the time since he arrived in Vietnam February 29.

Besides his parents, Private Allport is survived by three brothers, John, Jerry, and Justin, and three sisters, Donna Jean, Janice and Jo Ann.

Private Dean was a Marine rifleman fighting near Da Nang.

His sister, Miss Linda Dean, said he enlisted last summer and had been in Vietnam for about three months. She said he attended high school in La Plata.

Besides his parents, his wife and his sister Linda, Private Dean is survived by an infant daughter, Joan, two other sisters, Pattie and Betty and three brothers, Jimmy, Bobby and Billy.

STRAIGHT TALK ON CRIME

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. UTT. Mr. Speaker, I include in the Extensions of Remarks an editorial from the Washington Daily News of Friday, May 10, 1968. This editorial commends former Vice President Richard M. Nixon for his forthright stand on the need to crack down on crime. I am certain that most Americans, both Republican and Democrat, support this position, and are demanding that Congress and the administration take firm measures to eliminate this cancer on American life.

The editorial follows:

STRAIGHT TALK ON CRIME

Republican Presidential candidate Richard M. Nixon has said some things that needed saying in outlining his position on how to halt the growing wave of criminal violence in the U.S.

They amounted to this: The high price of leniency toward the lawless is a society in which the law-abiding live in fear—A fact all too apparent in many an American city already. The way to assure "safe streets" is to crack down. Prove to the criminal that crime doesn't pay.

The role of poverty, he said, has been "grossly exaggerated" as a cause of crime. And so it has. It is, no doubt, a contributing factor. But millions of decent, law-abiding Americans of limited means give the lie to the argument that poverty and crime are synonymous.

Mr. Nixon contends doubling the rate of convictions "would do more to eliminate crime in the future than a quadrupling of the funds for any Government war on poverty." Without indorsing that ratio or belittling anti-poverty efforts, we heartly agree that crime is more likely to be deterred by the prospect of certain punishment than of Government aid.

Mr. Nixon advocated legislation—or Constitutional amendment, if necessary—to remove Supreme Court restrictions on confessions. He called for wiretapping to fight organized crime. Provisions to these ends are contained in the omnibus crime bill now before the Senate.

He called for prison reforms, for Federal aid to states for law enforcement, for better trained and equipped local police. Failure to act promptly and decisively now to end growing lawlessness will, he warned, bring this end: "This nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

Tough talk. But it's the kind of talk millions of uneasy Americans will welcome. For crime in this election year is a major—possibly the major—domestic issue.

Candidate Nixon, of course, blamed the Johnson Administration for much of the crime rise. And within hours after Mr. Nixon released his White Paper, President Johnson made public a letter to Senate Majority Leader Mansfield urging prompt action on the omnibus crime bill. "The mugger and the murderer will not wait—neither must we," said the President.

But for the national disgrace of widespread crime there is blame enough to go around among the courts and Congress, the ins and the outs of politics. What's more important is that the politicians of both parties have got the word that the people want crime stopped.

YOUTHS FIND WORK AT JOB FAIR

HON. JOE R. POOL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. POOL. Mr. Speaker, the Dallas Times Herald, on Sunday, May 12, 1968, reported on a job fair held in Dallas, Tex., under the auspices of the Dallas Chamber of Commerce and the Texas Employment Commission. The project succeeded in matching 3,500 youths from low-income families with summer jobs in private industry. This summer employment will permit most of these young people to save enough money to continue their schooling in the fall. I wish to point out, Mr. Speaker, that the job fair was made possible through the interest of the local Dallas business community. In my opinion, this is the proper approach—the only practical approach in keeping with the American tradition of free enterprise—to the eradication of the root-causes of poverty.

SOME 3,500 YOUTHS FIND WORK AT JOB FAIR

(By Tommy Ayres)

A wide grin graced the face of one Charles Richards—he had a job.

Charles is 16. He is a junior at Lincoln High School. He wants to be a doctor. But before Saturday, the prospect of his even attending college was a remote one.

He was one of almost 4,000 Dallas area youngsters who showed up for interviews in a massive summer job signup at the State Fair. More than 3,500 youths were successful.

As for Charles, he will work this summer for Anderson Clayton Brothers Funeral Home. He will receive $1.60 an hour, for 40 hours a week.

"I am going to save as much as I can," he assured. "I want to go to college and take medicine.

"I wanted a job this summer, and I was going to try to find one," he said. "But I don't know if I could have made it without this."

The scene of the giant Job Fair was the Women's Building at the State Fairgrounds.

From wall to wall stood rows of tables. At the tables sat dozens of employers—interviewing youngsters for jobs, and hiring them.

It was all hectic—and heartening. And it climaxed an all-out effort by the Dallas County business community, the Dallas Chamber of Commerce, and Texas Employment Commission, to find jobs for the youth of the area this summer. They were most successful.

The Job Fair was conceived by the Urban League of Greater Dallas, nurtured by the Youth Opportunity Committee and coordinated by the Dallas Chamber of Commerce.

"I know," said Morris Hite, general chairman of the Mayor's Youth Opportunity Committee, "that the employment of these youngsters will be of great benefit to Dallas. Substantial wages will be paid and hopefully, many of these boys and girls will be able to save enough to help them continue their schooling."

All Dallas area youngsters from the ages of 16 and 22 from low-income families were eligible for Job Fair assignments. The applicants were first screened in Dallas County schools. There they were matched and scheduled for interviews with 430 employers offering more than 3,500 jobs at the Job Fair.

State, city and federal agencies provided 529 of those jobs.

The jobs themselves include a wide range—from laborers to bus boy, department store sales-people to paste-up work for computerized type.

Transportation to and from the Job Fair was provided by the Dallas Transit System and various volunteer organizations. Free soft drinks were provided by various bottling companies.

Members of the Texas Employment Commission played a major role, taking over interview responsibilities for 191 of the participating companies.

The National Alliance of Businessmen worked closely with the Dallas chamber in an effort to provide many of the jobs. More than 200 businessmen volunteered to help seek the jobs.

On hand to help with the sign-ups Saturday were a number of members from the Dallas Cowboy football team—among them, Frank Clarke.

"This is something that should have been done a long time ago," he said. "The City of Dallas is responding to a sincere and honest need.

"This program is geared to assist the very kind of people who would be hard-pressed to otherwise find summer jobs," Clarke said. "I think it is a very good thing."

And so does Charles Richards.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC., TO OBSERVE 25TH ANNIVERSARY ON MAY 20

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. McCLOSKEY. Mr. Speaker, the National Federation of Independent Business, Inc., will be celebrating its 25th anniversary on Monday, May 20. I point to its achievements with special pride because the federation's home office is located in the district which I represent, San Mateo County, Calif.

The federation was founded in 1943 by C. Wilson Harder, who recently received the Small Business Administration's Public Service Award for "outstanding service." This award is the highest honor the SBA bestows on individual citizens.

Today Mr. Harder's federation has grown to include nearly a quarter of a million members, making it the largest organization of its kind in the world.

Most of us are familiar with the foundation through the efforts of its representatives on Capitol Hill and its publication, the Mandate. The Mandate carries with it a tear-off self-mailer ballot on pending legislation which each individual businessman fills out and which is forwarded to his Representative in Congress. I have received a number of these ballots, and find that they serve to keep me informed on many matters which otherwise might escape careful analysis. Important as they thus are to the legislative process, these ballots, numbering more than 4 million each year, also serve to indicate the personal, active commitment to better government on the part of men of proven independence and ability.

The federation's expressed goal is "that our Nation remain the land of opportunity by giving small business fair consideration." I am honored to commend the members and the leadership of the federation on their 25th anniversary of continuing success in promoting free enterprise and small business. I hope we in the Congress can join them in constant efforts to reform and cut back the cumbersome aspects of taxation, paperwork, and bureaucracy which so often occur under our democratic form of government.

"STEEL IMPORTS COULD TAKE 25 PERCENT OF MARKET IN AMERICA"—PHILIP D. BLOCK

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune this morning carried a most serious report about a speech made here in Washington Monday evening by Mr. Philip D. Block, chairman of the Inland Steel Co.

I was at the dinner at which Mr. Block spoke, and I know that there were many steel manufacturers in the Chicago area who attended the meeting and who shared in his somber warning.

I believe that Congress can no longer delay action on the Iron and Steel Orderly Trade Act.

The Chicago Tribune article follows:

"STEEL IMPORTS COULD TAKE 25 PERCENT OF MART"—BLOCK

WASHINGTON, May 14.—Steel imports could absorb 25 per cent or more of the United States market if unchecked, Philip D. Block, chairman of Inland Steel company, said today.

Addressing a meeting of congressmen from Illinois, Indiana, and Kentucky, Block said that 10 years ago imports accounted for 1½ per cent of the steel used in this country, but imports rose to more than 12 per cent last year and are likely to exceed 15 per cent in 1968.

"There is nothing on the horizon to give us confidence that in future years imports will not continue to climb at these accelerating rates and could reach 25 per cent or more of the national market," he said.

He asked the congressmen to support the iron and steel orderly trade act which would limit imports to a fixed percentage of recent steel usage in the United States.

Block called the import situation a national problem.

"You, as keepers of the well-being and security of the United States, should insist that, so long as other nations protect and actively encourage their industries and so long as there are serious and artificial imbalances in cost factors, we cannot safely be the only nation acting as tho unrestricted free trade principles govern world markets."

YOUR OPINION, PLEASE

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. ROUDEBUSH. Mr. Speaker, during my four terms in the U.S. House of Representatives I have found it extremely valuable in my responsibilities here to ask my constituents each session, "Your Opinion, Please."

My annual questionnaire this session will go to the residents of the Fifth Congressional District of Indiana.

Through this valuable medium of communication, in addition to frequent personal visits to the district, I am able to keep in close contact wtih the thinking and legislative desires of our citizens.

Mr. Speaker, under unanimous consent I offer my 1968 congressional questionnaire, entitled, "Your Opinion, Please."

The opinion poll follows:

CONGRESSMAN ROUDEBUSH REQUESTS YOUR OPINION, PLEASE

DEAR FIFTH DISTRICT RESIDENTS: As your Representative in the 90th Congress, it is my duty and responsibility to vote on crucial issues of the day affecting all Americans.

To assist me in this task I earnestly solicit your opinion on the great issues of the day confronting our beloved United States.

At the same time, I wish to take this opportunity to invite you to contact me for assistance on any governmental matter.

You may write me or call me here in Washington at 1503 Longworth Building; drop by or write me at the Fifth District Congressional Office located in the basement of the Post Office Building at Noblesville.

Whatever your problem or request—be it Social Security, veterans affairs, armed forces or whatever—we will do our level best to be of assistance. Thank you.

RICHARD L. ROUDEBUSH,
Member of Congress, Fifth Indiana District.

YOUR OPINION PLEASE

	Yes	No
Do you favor:		
1. The administration request for a 10 percent surtax on private and corporate income?		
2. Federal financing to create 1,000,000 new jobs and a guaranteed annual income for all?		
3. Restricting police during riots to avoid brutality charges and further escalation of violence?		
4. Responsible officials halting riots at once with whatever force necessary?		
5. Federal registration and control of firearms?		
6. Congressional action to reverse Supreme Court decisions favoring criminals?		
7. Congressional action to blunt effects of Supreme Court decision permitting Communists to work in defense plants?		
8. More massive Federal spending for the cities, running into the tens of billions?		
9. The Roudebush bill (passed in the House; pending in the Senate) to make desecration of the American flag a Federal offense punishable by fine and imprisonment?		
10. Congress withdrawing all Federal assistance to college students engaged in rioting, disruptions and other campus violations?		
11. Congress cutting off trade with Communist nations aiding North Vietnam? (Introduced by Roudebush.)		
12. In Vietnam, during negotiations, should the United States:		
(a) Cease all bombing?		
(b) Withdraw our troops?		
(c) Agree to a Communist coalition government?		
13. If peace negotiations fail, should the United States:		
(a) Resume limited war?		
(b) Permit our forces to seek a military victory?		
(c) Withdraw?		
(d) Continue to seek a negotiated settlement?		
(e) Other (please explain)		

CALIFORNIA LEGISLATURE ASKS FULL FEDERAL FINANCING OF PUBLIC ASSISTANCE TO PERSONS NOT MEETING STATE RESIDENCE REQUIREMENTS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. ROYBAL. Mr. Speaker, recent Federal court decisions in California and other parts of the Nation have declared State residence requirements for eligibility for various public assistance programs to be unconstitutional on the grounds that they contravene the "equal protection of the law" guarantee of the Federal Constitution, and that they unduly restrict the freedom of Americans to travel at will within the country.

Because of the tremendous financial burden these decisions, if upheld by the U.S. Supreme Court, will impose on State and county governments, the California Legislature has adopted Assembly Joint Resolution 35 asking that the Federal Government assume the responsibility for public assistance payments to persons not now fulfilling the current residence requirements in the States.

Since this subject is of vital importance to millions of Americans throughout the Nation, and because of the deep concern local and State government officials and taxpayers have expressed in this matter, I include the text of Assembly Joint Resolution 35 in the CONGRESSIONAL RECORD at this point:

ASSEMBLY JOINT RESOLUTION 35

Joint resolution relative to Federal participation in welfare payments to nonresidents

Whereas, The Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs whose costs are partly paid by federal funds; and

Whereas, The Federal Social Security Act so provides at the present time, with California having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments; and

Whereas, A federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements alleging that they contravene the "equal protection of the law" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country; and

Whereas, If this new judicial theory is upheld by the United States Supreme Court, state and county costs of public assistance in California will be tremendously and permanently increased; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Federal Social Security Act at once so as to provide full federal financing of public assistance payments made to recipients who do not meet the length of residence requirements presently permitted by federal statute and contained in the California Welfare and Institutions Code and applicable statutes in other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

A LOSS FOR AMERICA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. HÉBERT. Mr. Speaker, when I came to Congress 28 years ago, the name of Joe Martin was already firmly imprinted on the pages of history.

No more could be asked of an individual than the 42 years of public service he gave the people he represented and the Nation as a whole.

I had the pleasure of serving under him during his two terms as Speaker of the House, and I have never found a more dedicated and understanding individual.

He was a giant among men, and Congress will not soon forget his many contributions. A man of the conviction and caliber of Joe Martin is a rarity in this body, and his experience, devotion to duty, and capabilities were unequaled.

I am proud to have been able to serve and work with him, but more important, I am proud to say that Joe Martin was my friend.

His death was a tragic loss for his family and friends, and without a doubt, a loss for America.

THE LATE JOSEPH W. MARTIN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DORN. Mr. Speaker, the Honorable Joseph W. Martin, of Massachusetts, was one of the alltime great leaders of this Congress. Not only was Mr. Martin a great congressional leader, he was a great American and one of the outstanding leaders of the Republican Party in the history of that great political party.

When I first came to the House of Representatives in the 80th Congress, Joseph W. Martin was Speaker. It was my privilege to serve in the 83d Congress when Joe Martin was again Speaker of the House.

Mr. Martin was a warm and close personal friend of the man who served longer as Speaker than any man in history—the beloved Sam Rayburn, of Texas.

As Speaker, and as a Member of this great body, Mr. Martin was always generous with his time. He was courteous, warm, and friendly in his relationship with the Members. Mr. Speaker, I recall that when I first came to Congress Mr. Martin was almost as new at presiding as I was with membership in this House. During the 1-minute period, I dashed into the well of the House shouting, "Mr. Speaker" which is the custom in many State legislative bodies. My senior colleagues in the well were astounded when the Speaker responded to my cry of "Mr. Speaker" and recognized me. Later in the day, an older Member explained the rules to me and advised that I should wait my turn in being recognized during the 1-minute period. Mr. Martin laughed and said he thought there was something urgent about my request.

I shared with Mr. Martin a great admiration for Gen. Douglas MacArthur. When General MacArthur was commander of our forces in the Far East during the Korean war, Mr. Martin believed that a great opportunity presented itself to win the war and crush Communist aggression in the Far East forever. I agreed with Mr. Martin and only wish that General MacArthur had been permitted to cut the Yalu bridges, crush the Communist aggressor, and unite North and South Korea.

Mr. Speaker, Joe Martin will go down in history as a man with great foresight, intense patriotism, love of country, and love of this great institution—the Congress of the United States. I will always cherish my friendship and association with Joseph W. Martin.

QUESTIONNAIRE TO THE 39TH CONGRESSIONAL DISTRICT OF NEW YORK

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. McCARTHY. Mr. Speaker, last week, I sent out over 140,000 questionnaires to the residents in my congressional district. I feel that questionnaires are one of the best ways of gaging the public's feelings on the many important issues facing our Nation today. The results of my questionnaire will be tabulated so that I will get an accurate picture of public sentiment in my district. A copy of my questionnaire follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: Vietnam, our next President, the dollar drain, crime, riots and urban decay, inflation, pollution, these are among the major questions and problems facing the nation.

As I have for each of the past three years, I would this year appreciate having your considered opinion on the major issues of the day.

If none of the choices in this questionnaire approximates your views or you would like to enlarge on any of the points raised, please write me a letter. Thank you!

Sincerely,
RICHARD D. MCCARTHY,
Member of Congress.

QUESTIONNAIRE

Please describe yourself as nearly as possible in the following:

☐ industrial worker
☐ professional
☐ self-employed
☐ office worker
☐ other
☐ 21–30 years old
☐ 31–40
☐ 41–50
☐ 51–60
☐ 61–
☐ male
☐ female
☐ urban resident
☐ suburban
☐ rural

VIETNAM

Which one of the following courses of action would you most nearly prefer?

☐ Do whatever is necessary to win an immediate total military victory, without limitation as to weapons, targets, or commitment of manpower.

☐ Continue our present course restricting ground action to the area south of the DMZ while moving toward a negotiated settlement.

☐ Withdraw all American forces from the area.

OPTIONAL

Name: --
Address: -------------------------------------

U.S. ECONOMY AND THE DOLLAR

In order to stopgap inflation, which one of the following do you favor?

☐ Increasing government revenue through the proposed 10% surtax.

☐ A smaller surtax and expenditure cuts in non-essential programs.

☐ Cutbacks in all programs and no surtax.

PROBLEMS OF THE INNER CITIES

What do you think is the most important factor in the trouble in our inner cities?

☐ Social and economic disadvantages of minority groups.

☐ Disrespect for law and order.

☐ A combination of the above.

Which of the following federal measures do you favor?

☐ Urban renewal and "Model Cities".

☐ The War on Poverty and other self-help measures.

☐ Increased federal aid to local law enforcement agencies for crime prevention and control.

☐ Increased aid for housing and education in core areas.

Please indicate your current choice for President in next fall's election from the following alphabetical listing.

☐ Hubert H. Humphrey
☐ Robert F. Kennedy
☐ Eugene J. McCarthy
☐ Richard M. Nixon
☐ Ronald Reagan
☐ Nelson A. Rockefeller
☐ George Wallace
☐ Other: ------------------------------------

WHERE WILL IT END?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DERWINSKI. Mr. Speaker, the Calumet Index of Chicago, Ill., a community newspaper serving localities in the far South Side of Chicago and immediate suburbs, is noted for its keen editorial observations. An editorial carried in the May 12 edition raises some interesting and necessary questions about Government inflationary policy.

The editorial follows:

WHERE WILL IT END?

A UPI press release reports: "President Johnson asked Congress . . . to set in motion a federal health program aimed at eventually providing medical care to every American who needs it." Not so long ago, when members of the medical profession warned that proposals for unlimited expansion of federal responsibilities in the health care field threatened all-out state medicine (socialism), they were generally scoffed at as alarmists.

Inflation caused primarily by excessive government spending for all manner of services has pushed up all costs, including the cost of medical care. This has added to the appeal of programs for government care of more and more citizens. As inflationary fiscal policies of government push prices higher, pressure increases for more government help which in turn means more deficits and still higher prices. The medical profession has become a victim of this vicious circle as have its patients.

We seem to have learned nothing from the sad plight of Great Britain. For Britain, the story of the welfare state is reaching its inevitable conclusion, financial chaos, and in the United States, we follow the same path. So far as the expanding government health care programs are concerned, as one editorial comment puts it, ". . . the burden of providing for medical aid for the growing millions who come under federal programs falls on a narrowing segment of the population. The final solution in all likelihood will be to include the nonindigent and under 65 in the health program. Then U.S. medicine will be fully socialized."

A SMALL WEEKLY WINS A BIG HONOR

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. WIDNALL. Mr. Speaker, the American Political Science Association, aided by the Ford Foundation, annually honors 40 newsmen and their newspapers for excellence in reporting public affairs. This year's winners, reporters whose stories have contributed toward better government, come from daily newspapers, including such nationally known journals as the Washington Post, the Chicago Tribune, and the Wall Street Journal.

There is one exception to this list of daily newspapers, however. The American Political Science Asosciation saw fit to honor only one weekly newspaper in the Nation, the Virginia Observer of Norfolk, Va., and its national award-winning reporter, Gordon Dillon. Mr. Dillon's stories appearing in a modest weekly, operating on extremely limited capital, have brought about savings to the taxpayers of the United States of over $1.2 million.

I have followed Mr. Dillion's reporting with great interest, ever since his stories on an application for a Federal open space grant by the city of Virginia Beach. The city applied for a $261,000 grant to help pay 50 percent of a $522,000 public park purchase. Mr. Dillon's reporting disclosed the fact that the land was assessed by Virginia Beach for only $21,000, and that the land had been bought by the city from a land speculation company, which had purchased it only 6 months prior for $200,000. The grant was cancelled, and the taxes of the people did not go to reward profiteers.

In another instance, Gordon Dillon exposed the convenient rerouting of a Federal highway through part of the Great Dismal Swamp in Virginia, which had been rezoned for industrial use shortly after speculators had purchased the land. Had the deal gone through, the American taxpayer would have been forced to pay higher prices for land industrially zoned than for the same land which under normal circumstances would be simple swampland. Mr. Dillon's story prompted the U.S. Bureau of Roads to compel the Virginia Highway Department to revert to its original plan for the highway, thus saving over $1 million in construction and acquisition costs. Additional Dillon stores included a series that resulted in the dismissal of the Virginia State highway commissioner.

Then there was the situation described in Mr. Dillon's articles involving the Rosemont housing project being built in Norfolk in a federally supported project. New homes planned for the area were not only above the average income of area residents, but would have been particularly hard on the Negro minority. It was estimated that only 7 percent of the Negro families earned enough even to qualify for the VA or FHA loans. I personally looked into this situation and found out that the homes built on federally financed land did not compare in price with VA-FHA approved homes being built by private builders on privately purchased land who had not benefited from a Federal subsidy of clearance costs. We can hope that this project's story will prevent repetition in the future.

Mr. Speaker, certainly the Congress should congratulate all of the 40 reporters selected by the American Political Science Association for their part in bringing about better government in our Nation, which is a cause to which we are all committed, but I would suggest that perhaps a special accolade should be extended to a reporter for a small weekly newspaper, Gordon Dillon, and the Virginia Observer.

LUNG CANCER AMONG ASBESTOS WORKERS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BINGHAM. Mr. Speaker, the subject of occupational safety and health, the object of H.R. 14816, may seem highly abstract to some. However, an article appearing in the Washington Post graphically illustrates one of the many aspects of assuring safer and more healthful places to the 80 million employed Americans. The article—which is of special interest in view of the fact that H.R. 14816, the Occupational Safety and Health Act of 1968, introduced by the gentleman from Michigan [Mr. O'HARA], and others, is in the markup stage in the Select Subcommittee on Labor—follows:

RAPID INCREASE IN LUNG CANCER NOTED AMONG ASBESTOS WORKERS

(By Thomas O'Toole)

One out of five asbestos insulation workers in metropolitan New York now dies of lung cancer, an eminent physician told Congress yesterday.

"If these figures are projected to the country as a whole, and if no improvement in the health hazzards these men face is achieved," said Dr. Irving J. Selikoff, "we may look forward to perhaps 6000 deaths of lung cancer and perhaps 15,000 deaths of cancer in general in this single asbestos trade alone."

Dr. Selikoff is professor of Community Medicine at New York's Mt. Sinai Hospital and president-elect of the prestigious New York Academy of Sciences.

Testifying before the House Select Labor Subcommittee, Dr. Selikoff said these statistics come as no surprise" to asbestos industry observers.

"In 1935," said Dr. Selikoff, "Dr. Kenneth M. Lynch, now Chancellor of the University of South Carolina, described the case of lung cancer in a man who also had asbestosis," a combination he said was rare. But since then, Dr. Selikoff said, "numerous similar cases of this association were recorded."

The New York doctor told the Subcommittee, which is holding hearings on President Johnson's proposed Occupational Safety and Health Act that nobody has taken steps to curb the spread of cancer in asbestos workers, despite the mounting evidence that the disease is on a rapid rise.

For the past six years, Dr. Selikoff said, he has conducted an intense study of 632 asbestos insulation workers belonging to the New York and New Jersey locals of the Asbestos Workers Union.

The 632 men had been asbestos workers since 1942. Dr. Selikoff said. On the basis of normal life expectancy trends, 203 could have been expected to die by 1962. But, instead, said Dr. Selikoff, 255 men died. Looking for the reason behind the extra 50 deaths, he said, it became evident "that cancers of several types" were responsible.

"We might have expected six or seven deaths due to lung cancer," he went on, "but there were 45. And while we would have expected nine or ten cancers of the stomach or colon, there were 29."

Dr. Selikoff explained that the "people who work in a dusty atmosphere not only breathe it in, they eat it, too."

Since 1962, he said, "the figures have been even worse.

"While we would have expected 50 men to have died in the past five years," Dr. Selikoff said, "there have been 118 deaths. While we would have expected three to have died of cancer of the lung or ploura, 28 have died of this disease."

Of equal concern, Dr. Selikoff went on, is a relatively new tumor related to asbestos exposure called mesothelioma, which is a cancer of the lining of the chest or peritoneum.

This is such a rare cancer, Dr. Selikoff said, that it is found to cause one out of every 10,000 deaths. But of the 113 deaths in the asbestos worker group in New York, he said, 13 have been from mesothelioma.

"This makes it one out of every 10 deaths among asbestos workers," he said, "instead of one out of 10,000."

SBA HELPS PITTSBURGH WOMAN BECOME "SMALL BUSINESSWOMAN OF THE YEAR"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. MOORHEAD. Mr. Speaker, a resident of the Pittsburgh area, Mrs. Roberta Lewis, has been named Pennsylvania's "Small Businessman of the Year" by the Small Business Administration.

SBA Regional Director F. A. Thomassy, who recognized her courage and determination to succeed and helped her get a loan to establish her successful "Hors D'Oeuvres by Roberta" shop, nominated her for the award.

An article about Mrs. Lewis and her long struggle for success appeared in the May 13 edition of the Pittsburgh Press. As an example of the kind of results that the Small Business Administration and energetic people like Mrs. Lewis can achieve by working together, I insert the article at this point in the RECORD:

SMALL BUSINESSWOMAN EARNS BIG STATE HONOR

(By Sherley Uhl)

Pennsylvania's "Small Businessman of the Year" is a businesswoman who rose from coal miner's daughter to successful owner of a specialty food shop here.

Tomorrow, Mrs. Roberta Lewis will be honored here and in Harrisburg for the determination that enabled her to surmount all adversity . . . including the fact that she is a Negro.

Her new title was conferred by the Small Business Administration (SBA).

PROVIDED LOAN

It provided the loan with which she opened her shop, "Hors D'Oeuvres by Roberta," last June in Sleepy Hollow Shopping Center, Castle Shannon.

At 10:45 tomorrow at City Hall, Mrs. Lewis will receive the compliments of mayor Joseph M. Barr.

Then she will fly to Harrisburg for presentation of the SBA award by John Tabor, secretary of labor and industry.

Later she will receive copies of commendatory resolutions passed by both the Senate and House.

Born in McHenry, Ky., she moved with her impoverished family to West Virginia and then to Pennsylvania as her father struggled to find and hold jobs in a declining mining industry.

Forced to leave school in the seventh grade, she supported herself by working as a domestic (she is now coauthoring a book on her career, ironically called "Through Your Back Door"). From her meager income, however, she managed to pay for a course in hotel management.

BECAME SUPERVISOR

Subsequently she obtained supervisory jobs in Pittsburgh hotel and restaurant kitchens, and sought to advance herself by studying voice at the YWCA and drama at the Pittsburgh Playhouse.

She had no show business ambitions, she explained, but merely wanted "to improve my poise and posture"—because by now she was lecturing at food shows and demonstrations.

She was, she recalls, one of the first Negroes to appear on a TV commercial when she was featured on old station WDTV (forerunner of KDKA-TV), as a frozen food expert.

Since 1940, she has been married to T. Harvey Lewis, Sr., a shipping clerk at the Canteen Corp. of Pittsburgh.

Before she opened her own business, Mrs. Lewis was with the Roosevelt Hotel, Colony Restaurant in Mt. Lebanon and Bolan's Restaurant in East Liberty.

CHILDREN DOING WELL

Her eldest son owns a trucking business and a second son is an auditor for the Aluminum Co. of America. Her older daughter, a college graduate, is the wife of a Westinghouse Electric Corp. salesman and her youngest daughter hopes to teach school.

Mrs. Lewis, an hors d'ouevre pioneer, began to experiment with morsels on toothpicks 20 years ago while preparing food for Kaufmann's Department Store.

She now sells 75 original combinations, including such favorites as corn muffins topped with cranberries and sausage; tiny stuffed cabbage rolls, and muffins with seasoned meat and kidney beans. Allegheny Airlines is her biggest customer.

Mrs. Lewis, who was nominated for Small Business champ by SBA Regional Director F. A. Thomassy, credits her success to her refusal to recognize the word "can't."

"Whenever anybody told me I couldn't do anything," she said, "that's when I did it."

CELANESE CORP. SUPPORTS EDUCATIONAL TV

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mrs. GREEN of Oregon. Mr. Speaker, I would like to call attention to an excellent corporate effort being made by the Celanese Corp. to advance public awareness of our great teachers and teaching institutions. The series on great teachers, which they have made possible with a grant to the national educational television, will be a source of inspiration to all those in the profession and those who may aspire to teaching.

I am particularly pleased that they chose Lloyd Reynolds, of Reed College in Portland, Oreg., as one of the men whose fine work is highlighted in the series. Apart from my pride in seeing one of Oregon's great teachers receive national recognition through television, I am heartened to see educational TV benefiting through financial support from private enterprise.

In Oregon our educational television network is State-supported, receiving its funds through the State system of higher education. Recently our network has sought to broaden its financial base by encouraging private enterprise to support ETV programing in the interest of public service, in the same manner as Celanese has done with national educational television's great teachers series.

Educational stations, not only in my own State but throughout the Nation, turn to local business and industry and to interested citizens for a helping hand in meeting the high costs of serving their communities' educational and cultural needs.

I commend Celanese and other private enterprise which have supported educational broadcasting across the nation. Such public service gestures from the private sector of our economy can help educational broadcasting achieve the broad base of support necessary to its well-being.

THE AMERICAN LEGION—A PROUD ORGANIZATION—LOOKS TO THE GOLDEN ANNIVERSARY OF ITS FOUNDING IN ST. LOUIS, MO.

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mrs. SULLIVAN. Mr. Speaker, the city of St. Louis is proud of the record that has been written by the founding of so many of the great national organizations at meetings held within the city. One of these with which all Americans are familiar and which has written an outstanding record of patriotism and service throughout the 49 years since its first meeting in St. Louis held May 8–10, 1919, is the American Legion.

I have a deep personal pride in the American Legion since my late husband, John Berchmans Sullivan, was a member and past commander of Quentin Roosevelt Post No. 1—the first established in the United States—and I am a member of its auxiliary.

In connection with the plans which are being made for its golden anniversary in May 1969, the Honorable Wright Patman introduced a bill providing for a commemorative medal for its 50th anniversary. The subcommittee of the House Banking and Currency Committee, of which I am chairman, handled the bill which was passed by the House and Senate and became Public Law 90–127 on November 4, 1967.

The two great St. Louis newspapers, the St. Louis Globe-Democrat and the St. Louis Post-Dispatch, have carried articles recently, telling of the accomplishments, aims, and purposes of the American Legion as it approaches the 50-year mark, which I commend to you for your consideration. I place them in the Record, as follows:

[From the St. Louis Globe-Democrat, May 11–12, 1968]

They're Proud To Be Americans—Members of American Legion, Which Was Born in St. Louis 49 Years Ago, Foster Good Citizenship

(By Jack Jones, chief of Globe-Democrat's Jefferson City bureau)

One of the places where patriotism stays in vogue is in the ranks of the American Legion.

This has a special significance for St. Louis, for it was here that those ranks began to form nearly a half-century ago.

In studied contrast to draft-card burning, irresponsible pacifism and a growing disrespect for democratic institutions stand 2,500,000 Legionnaires—men who have served their nation in the armed forces in two world wars and a series of lesser conflicts which have threatened the survival of those institutions.

In Missouri, close to 58,000 veterans wear the distinctive red, white or blue military caps denoting their membership in the Legion.

The red denotes national office, the white a state post.

Dr. Harry E. Goddard, of Kennett, Mo., department commander, wears the white. But he declares himself to be "A blue hat at heart."

For it is in the hearts of the rank and file Legionnaires that the real spirit of Americanism resides. They give of their time and their treasure to promote a keener sense of American heritage and tradition.

That tradition was succinctly defined last year by the late publisher of the Globe-Democrat, Richard H. Amberg, who was keynote speaker at the 1967 Missouri department convention in Kansas City.

"It is a tradition of fighting for the right," Mr. Amberg observed, "A tradition of not being pushed around, a tradition of being in favor of the little guy and in favor of law and order."

Just a few days before his death, Mr. Amberg was named the recipient of the Legion's fourth estate award at the 49th national convention in Boston, the birthplace of the American Revolution.

The birthplace of the Legion was in St. Louis May 8–10, 1919.

The concept of establishing a veterans organization following the armistice of World War I had begun to emerge in France even before the hostilities ended.

But it was in St. Louis some months later when advance committees comprised of delegates from each of the states met to formulate the actual purposes, aims and organizational structure of the American Legion.

It was in St. Louis at that caucus where the constitution was adopted.

Its preamble, which has remained unchanged, reads:

Preamble to the constitution of the American Legion for God and Country, we associate ourselves together for the following purposes:

To uphold and defend the constitution of the United States of America;

To maintain law and order;

To foster and perpetrate a one hundred per cent Americanism;

To preserve the memories and incidents of our associations in the great wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and good-will on earth;

To safeguard and transmit to posterity the principles of justices, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Nine days after the St. Louis caucus, the 66th Congress of the United States enacted legislation formally recognizing the American Legion as a corporation formed "to uphold and defend the constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two world wars (as amended in 1942) fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country."

It is in service where the Legion has excelled over the ensuing 49 years.

On the national level, the Legion has in addition to its continuing promotion of Americanism, undertaken extensive programs in fields of child welfare, rehabilitation of the disabled, and national security.

The Missouri department of the American Legion is one of the oldest in the nation, formed at the convention in Jefferson City just a few months after the St. Louis caucus. Within the year, its membership exceeded 18,000.

Its present adjutant, Aubrey W. Sullivan, coordinates a number of Legion activities from the department's headquarters in Jefferson City.

Among them are the annual oratorical contest, the American Legion Missouri Boys State, American Legion Baseball, ROTC awards, and more recently the establishment of the Legion's Law and Order program.

Up to 5,000 high school students each year participate in the oratorical contest, speaking extemporaneously on some facet of the U.S. Constitution.

The 34th annual contest sponsored by the Missouri department and its local posts has just recently been completed. Medals and scholarship prizes for those contestants who worked their way through school county, district and zone competition into the state finals totals more than $1,000.

Winners at the state level then enter national competition.

The American Legion Missouri Boys State, an annual exercise in citizenship training and practical experience in simulated state government, is held on campus of Central Missouri State College at Warrensburg.

It began in Fulton in 1938 with 180 boys attending. More than 950 are expected to take part in this year's assembly which is scheduled for June 15–22.

American Legion Baseball, which has produced several major league athletes, promotes sportsmanship and wholesome competition. The teams are sponsored by local posts, often in cooperation with businesses.

Last year, 107 teams were fielded under the Legion banner.

Missouri is one of three departments conferring awards to college reserve officer training corps cadets for military or scholastic excellence.

In 1967, in the midst of growing civil disorder and disobedience, the Missouri department inaugurated its law and order program in an effort to foster renewed respect in laws and the agencies charged to enforce them.

Mr. Amberg was named chairman of the Legion's first Law and Order Committee in Missouri, and that committee went right to work to set up guidelines for local groups to follow in their own communities.

The current chairman of that committee is Maj. Gen. Lawrence B. Adams, Jr. Adjutant General of the Missouri National Guard.

Commander Goddard summarized the meaning of the Legion in these words:

"In the American Legion, I find the basic ingredients for keeping America strong, respected, and continued freedoms for her people.

"The Legion, as we so often mention, is committed to serve God and Country, and has done just that for the past 50 years.

"By the events in his life, the former military man has a better conception of America and her ideals. His service renders him eligible to belong to the American Legion. It gives him a feeling of owning a great share in his homeland, and working in the American Legion is considered by millions to be continued service and respect to country.

"We of the American Legion in Missouri are proud of the fact that this great organization became a reality through the founders, meeting in the St. Louis caucus in May, 1919."

[From the St. Louis Post-Dispatch, May 12, 1968]

PEACE MUST BE WITH HONOR, LEGION COMMANDER SAYS

William E. Galbraith, national commander of the American Legion, said here yesterday that Americans should accept no compromise on a "peace with honor" in Vietnam.

Galbraith spoke at a Legion founders' day luncheon in the Boulevard room of the Sheraton-Jefferson Hotel. About 200 Legion members and their wives attended, including 26 men who helped found the organization 49 years ago.

"It is our hope and prayer that peace can be brought to Vietnam," Galbraith said. "But although we look forward to a negotiated peace, we should not forget that we have more than 500,000 of our young men fighting there for a freedom that three generations of Legionnaires joined in fighting for."

He called on Americans to show a united front so that the North Vietnamese would not misread dissension as national weakness.

On the subject of riots in American cities, Galbraith declares that the Legion and its members "are not witch-hunters." But he suggested that a national survey be made to see "if our laws are adequate with respect to acts of sedition, acts of treason, acts of inciting a riot."

If they are not, he said, "then the Legion would speak out to encourage the Congress to enact such laws so that we can again live in security and peace in our own homes." The remark drew applause.

Also yesterday, tentative plans for the Legion's fiftieth anniversary celebration here next year were announced.

The plans include an eternal flame in the vicinity of Soldiers' Memorial, and a meeting of the Legion's national executive committee here next May 8, 9 and 10.

In other action yesterday, it was decided to name President Lyndon B. Johnson and former Presidents Dwight D. Eisenhower and Harry S. Truman as honorary presidents of the society of American Legion Founders.

The Founders Day program yesterday began with a wreath-laying ceremony at the American Legion plaque at the Union Electric Building, Twelfth boulevard and Locus street, and closed with a dinner last night.

HON. JOSEPH W. MARTIN, JR.

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. WHALLEY. Mr. Speaker, the passing of the Honorable Joseph W. Martin, Jr., represents a great loss to America as he was one of the Nation's outstanding men. His passing is especially mourned in this House of Representatives.

He dedicated over a half a century to public service and directed this Chamber as Speaker of the House for the 80th and 83d Congresses.

Joseph Martin, who served so long and so well the people of Massachusetts and his beloved country, was a man whose integrity and decency will be long remembered in these halls and throughout this Nation.

He served in some of the most difficult jobs this House offers and devoted many years of hard work to the ideals of our country.

We must not only grieve his passing but also rejoice that he had lived to give his life in public service to the entire Nation. His selfish dedication is an inspiration to all of us.

Joe Martin was a good man. He deserved the confidence, trust and respect he earned from his colleagues. He won my warm, personal affection.

We shall long cherish the memory of the Honorable Joseph Martin, Jr.

LAW AND ORDER COMMEMORATIVE POSTAGE STAMP

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. REINECKE. Mr. Speaker, I should like at this time to commend the Post Office Department for issuance of the 6-cent law and order commemorative postage stamp, which occurs tomorrow, May 17, during this Police Week.

I would also like to commend a woman in my congressional district for her efforts to secure issuance of a U.S. postage stamp honoring the profession of law enforcement. Mrs. John J. Devine deserves the thanks of her community for her efforts in encouraging the Postal Department to issue a stamp honoring the people who bear the responsibility of maintaining law and order.

Mrs. Devine, who lives in Burbank, Calif., was corresponding secretary of the Women's Club of Burbank last March when she began her project of interesting persons in the issuance of such a stamp. Through her efforts, the project was approved by her club and later the convention of the Sierra Cahuenga District No. 15 of the California Federation of Women's Clubs. Later at the State convention, her efforts were recognized by the delegates attending and cooperation of the General Federation of Women's Clubs in Washington, D.C., was sought.

Mrs. Devine presented her suggestion to me last June, and I, in turn, immediately presented her idea to the Post Office Department.

The purpose of both the law and order stamp and Police Week is to produce among the populace an awareness and reaffirmation of the traditional role which the law-enforcement officer plays in protecting the people of America. The policeman is, and should be considered, a friend of each and every citizen he serves. This stamp, as well as the observation of Police Week, is intended to foster respect for law and order to encourage a better understanding between police and society. I heartily commend this contribution by the Post Office Department to the development of harmony and concord among our citizens and to the cause of law and order, which must be preserved.

It is, in this connection, appropriate that the month of May has been designated as "Crime and the Community Month" by the National Broadcasting Co. During this month NBC stations in Los Angeles, New York, Chicago, Washington, and Cleveland are presenting special programs relating to problems in their local communities. Station KNBC of Los Angeles is broadcasting 23 separate programs during May which will deal with local crime and its possible eradication by community-police cooperation. Among these programs are "People and the Police," "Crime in the Streets," "View From the Bottom," and "Youth and the Police."

I commend the efforts by our national leaders—both Government and civic—to deal with the problem of crime in a constructive and positive manner. I wish them every success in promoting the understanding that we all, as Americans, so fervently seek.

TODAY'S NAVY: A SICK ORGANIZATION

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. RESNICK. Mr. Speaker, if there is any one lesson that the Arnheiter-Alexander case has driven home to every naval officer loud and clear it is this: If you want to move ahead, don't bruise the establishment. If you do, your career may be flushed out to sea, whether you are right or wrong, no matter who you are.

Today's Navy has demonstrated, in the full view of the American public, that it is a sick organization, so arrogant and unyielding that it would rather destroy its best officers than admit to a possible error in judgment.

Capt. Richard Alexander learned this the hard way when he courageously came to Lieutenant Commander Arnheiter's defense because he and many other naval officers believed Arnheiter had been grossly wronged. For his trouble, this brilliant officer whom the Navy has trained and groomed for top command for 25 years was fired—suddenly and without explanation.

Why is the Navy fighting so desperately to prevent a rehearing of the Arnheiter case? And why is it dealing out such harsh punishment to those asking for a rehearing? Captain Alexander put it rather delicately, but precisely, to the Secretary of the Navy. He attributed this fear to "the strong positions already taken by senior officers."

In plain English, this means the Navy

is afraid that a new hearing might result in a reversal that would embarrass the authors of Arnheiter's removal, and all the highly placed brass who so readily concurred with the decision and endorsed it. In other words, the myth of naval establishment infallibility must be protected at all costs.

Mr. Speaker, there is another aspect of this matter which disturbs me: The Navy's ability to attract high-caliber officers in the wake of the Arnheiter-Alexander case. What young man would choose to surrender his self-respect and personal freedom to a blind and vengeful system that sacrifices justice and individuality upon the altar of arrogance and self-protection?

Last week, two young men, who at one time contemplated careers in the Navy, testified at my ad hoc hearings. They are James B. Roberts, Ann Arbor, Mich., and Richard S. Stoddart, Shaker Heights, Ohio, who served with Lieutenant Commander Arnheiter aboard the U.S.S. *Abbot*. I enter their statement in the RECORD at this point:

JOINT STATEMENT OF JAMES B. ROBERTS, ANN ARBOR, MICH., AND RICHARD S. STODDART, CLEVELAND, OHIO, BEFORE CONGRESSMAN JOSEPH Y. RESNICK, CONCERNING THE RELIEF OF LT. COMDR. MARCUS A. ARNHEITER AS COMMANDING OFFICER OF THE U.S.S. "VANCE" (DER-387)

BACKGROUND

James B. Roberts—graduate of Purdue University in 1957, and Naval Officer Candidates School, Newport; First Lieutenant and Gunnery officer aboard USS *Abbot* (DD-629) from 1957 through 1960; engaged in technical sales and marketing since 1960; currently Vice President of Systronics, Inc., a computer terminal manufacturer in Ann Arbor, Michigan.

Richard S. Stoddart—graduate of Dartmouth College in 1958 as ROTC Regular; Communications officer and CIC officer aboard USS *Abbot* (DD-629) 1958 to 1960; Staff Operations Officer on Staff of Commander, Escort Squadron 14 from 1960 to 1961; graduated from University of Michigan Law School in 1964; practiced law in the Cleveland law firm of Thompson, Hine and Flory 1964 to 1968; currently Vice President and Secretary of Shaker Savings Association, Shaker Heights, Ohio.

The strange and sometimes bizarre activities of the U.S. Navy regarding the relief of Lieutenant Commander Marcus A. Arnheiter as Commanding Officer of the USS *Vance* have been in the national focus for some months.

Mr. Arnheiter served as Operations Officer aboard the USS *Abbot* at a time when we both were also serving on board the same vessel, Stoddart as a subordinate in the department which Arnheiter headed, and Roberts as a fellow department head. We would not be so presumptuous to assume that we could add a great deal to the testimony of the many articulate career naval officers who have supported Mr. Arnheiter, but we believe that we might add perspective to your investigation, Congressman Resnick, in discussing the attitude and reaction that we had as ex-officers who chose *not* to remain on active duty in the navy.

Had we remained in the navy service, we would have probably by now received an executive officer billet, or perhaps even a small command. We assume therefore, that we probably reflect the views of hundreds of young naval officers in the age 30–35 bracket. Most of them would find it impossible to express their concerns and fears because of the incredible disciplinary action which was taken against one officer within the establishment who had the courage to support Lieutenant Commander Arnheiter. Certainly no junior officer, on his way up and intent upon a career, could now afford to voice the opinion that the Arnheiter case has been a travesty of justice.

Congressman, this case is far bigger than just the man involved or the fate of a naval career. It affects every man in uniform in the service of this country, for it strikes at the very foundation of the military command structure, and the ability of a commander of his vessel or unit to maintain and insist upon discipline. If this case as it now stands is to be considered a precedent, then all commanders in the U.S. Military, particularly those in the Navy, must be constantly on guard lest dissatisfied subordinates take steps to overturn them. A disturbing question that appears in order and particularly relevant to Arnheiter's case, is whether the growing permissiveness and challenge of authority that pervades our society today has in fact been nurtured within the Naval establishment.

We have attempted to thoroughly familiarize ourselves with the background and facts of the Arnheiter case. We feel it is significant, and pertinent, that we find nothing to indicate that Lieutenant Commander Arnheiter was any different an individual while he had command of the USS *Vance* than he was as Operations Officer of the USS *Abbot*. Arnheiter was, in our opinion, a competent, squared away, dedicated officer who constantly endeavored to instill pride of ship and naval tradition in crew and officers alike. Without question, he was a masterful ship handler, and as the senior watch officer, he thoroughly trained others in the safe navigation and conning of the ship. As Operations Officer, he did an outstanding job in operational briefings, in priming the officers and men for the mission at sea. As any Navy man knows, Congressman, there is a certain quality to life aboard ship at sea which exists nowhere else in the world. A combatant ship's ultimate mission at sea is to be constantly prepared for a single purpose—to fight. Marc Arnheiter believed that a ship which was not capable of fighting did not deserve to be at sea. We served with Arnheiter on board the *Abbot* when she was assigned as a gun fire support ship during the Lebanon crisis in 1958. In much the same manner as he successfully prepared *Vance*, and previously the *Ingersoll*, for Vietnam duty, as Operations Officer on the *Abbot* he zealously pursued the task of readying our ship for a possible combat situation. His efforts included working with the Gunnery Department in the organization of a landing team, with small arms marksmanship drill being held off the fan tail en route. As protestant lay leader, at that time, Stoddart conducted services and arranged for Arnheiter to speak on naval tradition and naval heroes as an inspiration to the men on their way to a war zone.

Marc Arnheiter has always had the courage of his convictions. This was no doubt instrumental in his large measure of success as executive officer of the *Ingersoll*. He undoubtedly is aggressive. But it is unfortunate that aggressiveness and innovation are apparently being condemned within the Navy, especially when those attributes were being employed to seek out the enemy in a war zone such as Vietnam.

It is incredible to us that subordinate officers could convince competent senior officers in operational staff positions that Arnheiter had done anything but attempt to make the *Vance* a fighting ship worth her salt. Even more unbelievable has been the subsequent sorry record of cover-up in the entire case—an effort which is still going on—and the lack of sensitivity and understanding of the position taken by Captain Richard Alexander. During our tour of duty abroad the *Abbot*, Captain Alexander was the commanding officer of a sister ship in the same squadron. His exemplary performance and outstanding capabilities were well-known throughout the squadron. We were not at all surprised when he was later selected for the much sought after job as commanding officer of the USS *New Jersey*. The action of the Navy in handling the Arnheiter affair has been deplorable enough, but the destruction of Captain Alexander is particularly appalling.

How could any young officer today, knowing the facts of the Arnheiter case, really believe that he could someday exercise any initiative, imagination, or daring in commanding a ship and still be assured of all prerogatives of command supposedly guaranteed by Navy regulations?

We, along with Arnheiter, had the good fortune of going to sea on the *Abbot* under exceptionally competent, professional Commanding Officers who exemplified the best in naval tradition and leadership. With this influence, we both seriously considered navy careers. Stoddart had applied and was about to be accepted in submarine school. Roberts was offered the opportunity for a teaching assignment at the Naval Academy as an incentive to remain in the Service. Our respective decisions to leave the Service were based in large part upon an uncomfortable awareness of the inherent structure within the naval establishment that would permit just this kind of demoralizing mess. Career-minded young enlisted men and officers alike who are familiar with the actual facts of the Arnheiter story must be disturbed by the fate of needed men like Alexander and Arnheiter. What appeal is there to men of similar stature to remain in the service with this example of the Navy's reward for initiative?

Congressman, today, as private citizens of this country, we are appalled by the actions of some of our Navy's top echelon and decision makers in this case who have apparently chosen to disregard the legal rights of Lieutenant Commander Arnheiter in order not to embarrass one another. Marcus Arnheiter has asked for a court of inquiry. We believe he deserves, at the very least, an opportunity to vindicate himself. We urge members of Congress to insist that the Secretary of the Navy convene a court of inquiry on the Arnheiter-Alexander fiasco. Let the chips fall where they may.

U.S.S. "PUEBLO" INCIDENT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. QUILLEN. Mr. Speaker, the National Executive Committee of the American Legion in their meeting of May 1–2, 1968, at Indianapolis, passed a resolution in regard to the U.S.S. *Pueblo* incident, with which I am in complete agreement.

I said right after the seizure of the U.S.S. *Pueblo* and her crew:

> During a crisis like this, we are first of all Americans, and we must rally to whatever action is necessary.
>
> Taking an American ship by force, killing American men, capturing and holding the crew—all are acts of war against our Country.
>
> We must have the courage to put our foot down firmly and demand the release of our men and ship. If they don't comply within a specified time of our demand, then we must go in and get our men and our ship.
>
> There is no other honorable course for us to take.

I urge my colleagues and the readers

of the RECORD to read this resolution and support positive action to return the U.S.S. *Pueblo* and her crew to the control of the United States.

U.S.S. "PUEBLO" INCIDENT

Whereas, The American Legion is deeply concerned over the fact that the USS Pueblo and its crew have been detained in military custody by North Korea since January 23, 1968; and

Whereas, at the time of its illegal seizure by North Korean gunboats, the National Commander of The American Legion advised the President of the United States by telegram that this organization strongly backs "all determined efforts you deem necessary to effect the prompt return to United States control of the USS Pueblo and its personnel and equipment;" and

Whereas, in his message to the President, Commander Galbraith further stated that, "There must be no miscalculation on the part of our enemies of American resolve at this critical juncture," and that, "We are satisfied that the American public will tolerate no undue delay on the part of Communist North Korea in this situation;" and

Whereas, repeated diplomatic representations, including resort to the Security Council of the United Nations and direct discussions with North Korean officials at Panmunjom, have failed thus far to produce any sign of willingness on the part of the North Koreans to return the vessel and crew; and

Whereas, the Communists there and elsewhere are using this issue for propaganda value and, in their typical fashion, are confusing and distorting the facts in an effort to degrade and demoralize the personnel of the Pueblo, and to discredit and disparage the United States generally; and

Whereas, these Communist tactics—plus the fact that we have not recovered our men and property—have tended to lower United States prestige among our allies and friends; and

Whereas, continued delay in resolving this issue satisfactorily will result in further loss of respect for the United States and in serious deterioration of our ability to fulfill the role of leader of the free world, and champion of free Asia; and

Whereas, the American Legion believes it is high time for the United States to reaffirm and reestablish its traditional posture of defender and protector of our international rights as an independent, law-abiding, and God-fearing member of the community of nations; and

Whereas, The American Legion firmly adheres to the idea that a slogan which helped make that tradition is still a valid guideline for the foreign policy of this country, namely: "Millions for defense, but not one cent for tribute;" now, therefore, be it

Resolved, by The National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 1 and 2, 1968, that The American Legion—

(1) has the utmost sympathy for the plight of the men of the Pueblo and their family members at home;

(2) hopes earnestly that persistent diplomatic efforts on the part of the United States will soon result in recovery of these men and the USS Pueblo itself; and

(3) insists that this matter must be resolved satisfactorily at an early date; and be it further

Resolved, That if the Communist regime of North Korea continues to refuse to return the Pueblo and its crew, The American Legion calls for and will support strong, positive action by our Government—including the use of whatever military force is required—to restore to United States control the personnel of the USS Pueblo and the vessel itself.

COMMUNICATIONS FUTURE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. MILLER of California. Mr. Speaker, Dr. L. A. "Pat" Hyland, vice president and general manager of the Hughes Aircraft Co., delivered a speech entitled "The Future of Communications: A Commentary," which should be of interest to anyone interested in communications, in space, or in science generally.

I know of no one better fitted to deal with this subject than Dr. Hyland, who has had an outstanding record of over 50 years in the field of science and a great deal of this in the field of communications.

I commend his fine speech to the reading of my colleagues:

THE FUTURE OF COMMUNICATIONS: A COMMENTARY

(By L. A. Hyland, vice president and general manager, Hughes Aircraft Co.)

The more than 50 years that I have been a communicator have spanned the period which marked the end of necessarily local communications and the beginning of literally unlimited communications. Until quite recently there has been little change, except in degree, in the patterns of communication from the time of Sir Frances Drake. The importance to our habits of Drake and the British admiralty can hardly be overestimated, for they conceived the pattern which was completed and maintained until the advent of the communication satellite.

In the early development of the British Empire, Drake and his successors established watering stations at every promontory, controlling island, and navigable strait around the world, beginning the effective domination of ocean shipping and communications during the days of the sailing craft. As steam displaced sail these same geographical points became coaling stations. With the development of electrical communications these same points were valuable as cable landings and later as wireless stations.

Whatever important control real estate was not occupied by the British came under the influence of other European powers or, to a minor degree, of American interests. Communication between points dominated by different powers generally was conducted through the home capitals, so we find both colonialism and geography as the primary factors in the structure of long distance communications. The limitations of optical signalling and, later of wire conductivity, controlled short distance communications.

Technological advances slowly crept in and improved and extended, in small increments, the utility of communication within these basic limitations during the four hundred years between the Drake explorations and the first synchronous communication satellite. The important dates then in the history of communication are 1570 and 1963. Why is 1963 important? Why is the year of the launching of the first syncom such a major milestone in the history of communications?

To set this in the proper framework I must comment on the history of inventions. For thousands of years a major invention typically resulted in a two-to-one technological improvement over what had existed before.

Some ingenious prehistoric man discovered that placing a load on a couple of drag sticks enabled him to carry twice as much as the load he could carry on his back. Later on some forgotten genius discovered that placing the load on a couple of wheels carved from a tree trunk would enable him to pull twice the load he could move with the drag sticks. Initially there were long intervals between these major inventions, but the ratio of improvement in each was on the order of two-to-one. This two-to-one relationship persisted for thousands of years until the 1940's when nuclear energy came about and the historical relationship of two-to-one became one-million-to-one. In almost any way you look at it atomic fission has this million-to-one relationship whether for poison, power production, explosive energy, or many other characteristics. This million-to-one relationship suddenly was imposed on a two-to-one human comprehension and level of adaptability that has been bred into us for eons of time. If you should protest that the telegraph or early radio was a jump materially greater than two-to-one, I respond that you have overlooked the five decades it took for the telegraph to be developed and widely implemented, and you have forgotten the pitiably small reliable power of the early radio transmitters.

With the advent of the communication satellite and its million-to-one potential, the barriers of geography and the painfully erected structures of bureaucracy by which our communications have been controlled are crumbling.

Let me recite a few examples. First the rate structure. The transoceanic rates for communication via satellite are not based on satellite costs, but are set to protect investments already made in cables and radio transmission. Although the United States has a monopoly on satellite communication because of its booster and spacecraft technology, nevertheless the protective rates are only a temporary umbrella. Other nations, especially those in the Communist world, will combine to utilize boosters of their own and cut under this monopoly with more realistic rates. This is not a threat; it is a promise if we persist in our present rate practices.

Another example: The cost of establishing communication in the underdeveloped or sparsely settled countries using conventional land-line or land-radio techniques is prohibitive. But with current satellite technology, newly developed beaming systems and the capability of multiple voice, television, and information channels, there can be remarkably flexible choices as to area coverage both for one-way and two-way communication.

It is almost a paradox that those nations without an existing communications plant may be the first to benefit fully from the new technology by having a truly modern system made possible by satellites. That result can flow from the following considerations:

All of you who have been in business know that the existence of factories, special tooling, established markets, and ongoing marketing organizations, are a major hindrance in a change-over otherwise enabled by newer technologies or changing public demands. It is the responsibility of the established manufacturer or operator to introduce new products in such manner as to minimize the prospect of economic loss to his customer as well as to himself. This practice slows down the adoption of new devices or operating modes, particularly where the existing investment is large. No better example of this fact could be found than in the peculiar way mankind is moving to grasp the applications that will be possible as a consequence of communication satellites. There will be impact not only with respect to the satellite systems themselves, but also in the changes to other kinds of communications which will be forced by adaptation to the employment of satellites.

It is entirely possible that many of the developing countries will have modern communication systems much sooner, for example, than the United States because they have little investment in older systems and hence no problem in the writeoff on existing investments.

It may happen, however, that American booster and satellite technology export controls may be a *temporary* controlling factor influencing the rates at which the emerging nations will be allowed to progress in communications. If these ridiculous controls are allowed to persist, their main long term result will be to accelerate the time when the other technically advanced nations will develop their space technology into export quality. The Americans have no corner on the supply of brain power or motivation, and our past investments can be matched elsewhere. Here, as in many other technological and political matters, we should recognize that the launching capabilities of Russia, and the rapidly expanding capabilities of China and other countries, must not be ignored.

Everyone should be aware that France has an active space research program and a well developed launch facility in the Sahara. In collaboration with Germany, France is today at work on the Symphonie Communication Satellite. Even though the European space research organization, Esro, and the launcher development organization, Eldo, have recently come upon hard times with the withdrawal of Italy and the United Kingdom, we must expect these problems to be only temporary impediments to technological collaboration and progress in Europe. I believe the Europeans will learn to collaborate on the simple grounds that it would be patently insane for them not to do so.

Also, by the way, the French are carrying on a discussion of satellite communications of some sort with the Russians.

Meantime the Japanese have an active space research program representing both the government and private industry. Japanese industry is quite active in the field of satellite communication earth terminals.

The lesson is plain enough for all to see. We dare not be reluctant to supply our friends with the service they demand, even including the exclusive ownership of satellites, on a business basis. The foreigners are not children. What they want they will in time obtain, from whatever is the most favorable source of supply.

The matter of satellite frequency needs must be mentioned. The principal divisions of the available radio frequency spectrum, particularly at the frequencies below some 10,000 megacycles where bad weather does not present a problem, were laid out before anyone was prepared to argue the case for satellites and for some of the terrestrial business radio services. Since the advent of radio communication, with the gradual extension of the frequency spectrum utilized, there has been a running battle between the number of channels available and those who desire to employ them. The national and international agencies have done, for the most part, an excellent job of cooperation in laying down and forcing reasonable utilization of these valuable channels. Their job has been made easier by the technological developments which have made an ever increasing number of channels available to satisfy requirements. Always, however, some users have been offended. But we are now approaching the end of this road because the spectrum now in use extends from below the acoustical range up into the frequencies of light. There are certain frequencies which ought to be allocated to satellite communication and this fact, plus the burgeoning of other demands, requires a complete study toward the reallocation of all frequencies. That will be a large international undertaking.

A major change in any policy of a single government is a ponderous, time consuming and controversial matter. When that change involves all governments in the world and some huge private institutions in an area as important as communications, with all of the vast interests, investments and bureaucracies involved, the undertaking is indeed staggering.

Let's review a few familiar facts that will affect the nature of the changes which will take place.

First, although publicly used television is perhaps only twenty-five years old, there are today in this country some 120 million television receivers as against 90 million telephones, and, of course, the number of radio broadcast receivers is far greater than the count of television sets. This means then that the facilities for mass communications far outnumber those for individual communication. I am sure that the ratio between the numbers of mass receivers and of individual terminal handsets will steadily increase from here on out.

Second, both mass and individual communication systems have heretofore been limited by either or both of geographical and national boundaries, but these boundaries are now becoming meaningless from the communications viewpoint.

Third, in the space of five and one-half years the channel capacity of synchronous satellites has increased from one two-way channel to the many thousands which will be provided in the forthcoming military tactical communication satellite. Parenthetically it should be noted that every new venture into expanded communication channels has always been done in the face of questions regarding the prospect of the full use of the new facility, and always the new facility is fully utilized in half the time or less of the most optimistic estimate.

Fourthly, the communications business is one of the great growth businesses in the developed countries with no saturation in sight as the added facilities and services become available. Yet these developed countries account for only a fourth of the world's population. The need for both individual and mass communication media in the developing countries will provide one of the greatest markets of any technological era. It is noteworthy that this need could not be economically satisfied as long as earthbound, land-lines communication, of whatever source, were the only means by which the necessary services could be made available. With the advent of high capacity satellites having selective area coverage and selective beam widths, the economic cost is reduced to the point where the most remote village could be provided with effective information links, whether individual or en masse.

What this all adds up to is that this million-to-one jump in technology has clearly outdistanced all of the means heretofore adequate to bring order and equity to communications.

That we have done as well as we have with the existing administrative, cooperative, and regulatory agencies during the progress of communications to date has been in my opinion largely due to the relatively slow rate of inventions during the 400 years prior to satellites. With the advent of satellites, however, and their concomitant ground distribution devices, we have a completely new ball game. The opportunities never existed before, the old rules are not appropriate, the administrative agencies obsolescent, and the old operating entities are battling the new realities in a paradoxically vigorous but somnolent passion of yearning for the good old days. The next decade will be interesting.

Now I want to depart from this theme and introduce another factor which in my opinion is even more important. In approaching this factor I am going to make the general assumption that the institutional, economic, legal, technical, and political factors for the new era of communications will eventually be solved. That massive achievement, however important and difficult it may be, brings us to the significant issue which for the first time can then be seen in its true dimensions. That issue is understanding! The sole purpose of communications, in whatever field, is to transmit and receive information which can be understood between the parties involved.

The technological limitations on communications prior to radio broadcasting kept information exchange to relatively simple items which could be understood by both parties. These were items such as prices and other easily definable commercial matters, administrative documents, and letters on family or social affairs.

In these cases, conditioning of the minds of the parties involved had either taken place beforehand, or the subject was easily defined in common terms. Where more complex or unknown elements entered into the situation the common practice was to transport one party to the other for face-to-face communication.

Radio broadcasts added a new dimension to the problem of understanding. The number of people listening was vastly increased but the breadth of the language and the contents of the material broadcast had to be limited by the common denominator of audience understanding. The material of the programs therefore became limited to comedy, light drama, crude violence, music, and news—all tightly edited for widest appeal. The advent of television, first black and white and then color, added to the interest of broadcast information without much improvement of understanding. At least television requires attention even though the program content may be no better. It is, by the way, interesting that broadcasting without pictures is the favorite medium for propagandists and charlatans, whereas in television the stage setting and make-up are as important as the material itself.

I am making these remarks from the standpoint of an American living in an environment of education, culture and language that is as well informed as any national group of people in the world. Yet the understanding of this fortunate group is so limited that the broadcast material is largely aimed at the level of understanding of a twelve year old. In Los Angeles we have eleven television channels on the air. Only one of these regularly offers seriously adult programing. We have some fifty radio stations locally, and only two of them are focused upon the mature audience. We do have educational programs—before 7:00 o'clock in the morning. Once in a while we have a churchillian speaker who can reach both the twelve year old and the mature individual, but this level of understanding is the best we have been able to do in the United States.

Now picture in your mind what we shall be able to do on a continent-wide, or worldwide basis with no common language, with millions who have never been out of the immediate area they were born in, with primitive cultures and little experience with a society of more than a few hundred people. Technology has made it possible for us to reach these people. With what do we reach them? What is the program content? Will it be reduced to the six year old level or should we follow the alternative and attempt to determine the means by which understanding can be conveyed through the application of the scientific method? Our technology has run away from the ability to communicate understanding. Anthropologists have repeatedly assured us there is no difference between the races in brain capacity and ability to learn. The differences which do exist at maturity are the consequences of environment, education, and superstition. The task then is *not* one of permanently degrading the programs to an a priori level of understanding, but of how to *improve* the understanding of the audience. Here there is both challenge and magnificent opportunity.

Consider a few examples. In our neighboring country, Mexico, there are villages in which the national language, Spanish, is not spoken. The people have been passed up by the general national progress—farming, health, and nutrition practices have not improved for centuries. The Mexican Government desires to reach these people and draw them into the mainstream of the national life. For this purpose instructional television giving language lessons in the local dialect, instruction in animal husbandry, the care of plots of crop lands, in birth control, in how to make a piece of simple furniture—these services could easily be provided by satellite link and at very low cost per head if the system deployment is sufficiently widespread.

The same problem recurs in nation after nation . . . India, Pakistan, Brazil, Ecuador—where concerned governments desire to initiate appropriate action programs.

There is more to the solution than simply putting up a small receiver terminal and a display tube. One of my staff people recently witnessed, in Spain, a showing in a remote village of a simple training film on the care of chickens for local food production. There was a near riot during the showing as a peasant overturned the screen in an effort to capture the chickens being pictured on it. He could not comprehend how the chicken could be seen without being present in the flesh. He had no understanding.

For untold centuries we have been governed by the lawyers, the priests, the philosophers and politicians, and in later years these have been joined by the professional financial managers, none of whom have improved our *understanding* a particle. The changes that have come to pass, for those in the developed nations, are improvements in factual knowledge, health, nutrition, and in physical facilities. Nothing has been done about human mutual understanding. The best that can be said for the governing sector, the opinion makers—and I must include myself in this indictment—is that they adapted the age old principles of control, or influence, to the increasing numbers in national units. However, we seem to have reached an upper limit to which this adaptation can take place as evidenced by increased unrest around the world. It seems to me we can compare the psychological problems to the medical problems. Humanity did not get very far so long as medicine was practiced by witch doctors and superstition. Progress commenced with the application of science to the healing arts and I submit that progress in understanding can be made only by the application of science.

As a matter of fact our progress in technology has only recently arrived at the point where it can be of use in the humanities. The jobs that we have done in technology so far are the easy jobs. Except for certain bacterial organisms, technology has dealt with materials, and non-living organisms. Until the aviation and space age, the application of systems studies to medicine was unknown, yet the human organism is the most complicated system of systems that exists.

The big job is ahead of us. It is the mission of the engineer to participate and help in bringing about an *understanding of understanding,* just as it has been the mission of technology to help improve health. It is the function of the engineer to recognize his worth and his responsibility to inject himself into the picture.

The fact that engineering should collaborate in bringing about understanding appears to be self-evident. Unfortunately, however, things are not quite as simple as that. Let me give you a definition of philosophy—"A search for truth through logical reasoning rather than factual observation". This is what the world had to live with prior to the advent of technology. In the absence of facts, for example, the philosophers were able to debate for years about how many angels could occupy the head of a pin. It is a human trait that the philosophers were unwilling to give up their dominance of humanity; they sought to continue occupancy of their primary position in the affairs of men. Therefore, I use the word "inject" advisedly with respect to the introduction of engineering in the search for understanding.

A current example of the need for technological injection is the President's Task Force on Communications Policy which is composed of fifteen members, only two of whom have any technical background. Of these two only one is a communicator. Admitting the vital need for participation by legal, political, and diplomatic experts, it is equally necessary for a substantial number of technologists to be represented on such a committee to elucidate, project, interpose, and judge on the facts relating to the future of communications, and to have a vote in the policy determinations. The facts relating to the achievement of understanding and to the evolution of the great potential of communications technology are not self-evident to the technically unprepared, however sophisticated they otherwise may be. It is not enough for a policy organism merely to consult with technologists. The engineer must be an integral and equivalent part of the decision-making process. In these days of rapid technical change it is difficult even for an expert to keep up with progress and develop that judgment which comes from a lifetime of experience in his field.

In our industry, we have what is called Murphy's law which states that: "In the absence of sure knowledge any choice is bound to be wrong". Therefore, I submit that the time has arrived for the development of knowledge so that we may ultimately bring understanding to the peoples who are making use of the communications achievements now made possible.

As I look back upon the last fifty years which have spanned the transition from semaphore and heliograph to television and satellite, I cannot help but be impressed with the great transition that has taken place in the communication field, and by the technically magnificent foundation that has been built. I look ahead to a structure which will go a long way towards bringing about better understanding within our own Nation and throughout the world at large. I envy the opportunity that you people in this room will have to participate in building this structure, and I wish you Godspeed in getting along with the job.

WORLD ORDER PROJECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. RARICK. Mr. Speaker, the promoters of a new world order—hiding behind man-made law—continue their project to equalize the world colony.

Questions such as whose law? By what authority? And who decides who will be in control?—go unanswered.

I place a New York Times release, dated May 8, in the RECORD at this point:

LAW GROUP TO DRAFT WORLD ORDER PLANS

PRINCETON, N.J., May 8.—Officials of the World Law Fund announced today a project in which teams of scholars and public figures in seven areas of the world will develop models of world order, for use about 1990.

Douglas Dillon, former United States Secretary of the Treasury, is chairman of the sponsoring committee of the project in the United States. He announced the teams were now at work in Europe, Latin America, Japan, India and the United States.

"A nucleus group is under way in Africa," he said, "and three meetings have been held in Moscow, which it is hoped will lead to the drafting of a model in the U.S.S.R."

The models prepared in each country will deal with the role of world organizations, peace-keeping, methods of settling international disputes, disarmament, world economic development, social and human rights, weather control, control of oceans and a number of other subjects.

Saul H. Mendlovitz, professor of international law at Rutgers University Law School, is the director of the project. The research effort in the United States is headed by Richard A. Falk, professor of international law at Princeton University.

UBIQUITOUS U

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DERWINSKI. Mr. Speaker, on Wednesday, May 15, the Chicago Tribune very properly commented on the unfortunate anti-U.S. bias of United Nations' Secretary General, U Thant, whose role in efforts to produce peace and freedom in the world has been much less than effective. It is obvious that U Thant, who philosophically is a Marxist, fails to recognize the diabolical nature of communism and persists in his preconceived prejudice against U.S. foreign policy.

The Chicago Tribune editorial of May 15, 1968, follows:

UBIQUITOUS U

The opening statements had hardly been exchanged in the Paris meeting of representatives of the United States and communist North Viet Nam when Secretary General U Thant declared himself in on the act.

In a speech in faraway Edmonton, Alta., he is described as throwing "his personal prestige behind North Vietnamese demands for an unconditional cessation of American bombing of that country."

We don't know what Mr. Thant's "personal prestige" amounts to. If it is equivalent to that enjoyed by the United Nations, his employer, it is minimal if not nonexistent. The secretary general's office, by its nature, requires neutrality, but Thant has never been guilty of that self-effacing virtue.

Over the years he has never missed an opportunity to sideswipe the United States and proclaim the merits of the Communists in every conceivable cause. So he is strictly in character in climbing on America's back once more with a demand for an unconditional halt in bombing and all "other acts of war." He says nothing about reciprocity from the Communists. There is no suggestion that North Vietnamese divisions stop the infiltration of the south or that the Viet Cong terror end. This war was initiated by Hanoi, but you would never know it from Thant's statement.

The secretary general finds it proper that the United States and South Viet Nam suffer these pressures, but it is intolerable to him that North Viet Nam should be obliged to "negotiate under duress." He deplores "the savage conduct of the war," but is unconcerned that there would be no war if the Communists hadn't launched it or that savagery is the stock-in-trade of the Communists. The discovery of mass graves at Hue, containing the bodies of 1,000 to 2,000 civilians butchered during the communist lunar new year offensive, is the latest entry in the gruesome record.

Thant paid us the dubious tribute of saying

that the climate of violence within the United States is "a consequence of the psychological climate created by the Viet Nam war." He said that, "if the principle of the sanctity of human life is not reestablished, the future for international peace and security is indeed a very dark one."

The climate of violence in the United States is largely the product of the revolutionary forces loose against us—the black militants and the Castroites, Maoists, and Marxists of the student left. These elements never miss a chance to make common cause in assailing the war and playing into the hands of the communist enemy. They do not conceal their desire that the United States be defeated and humiliated.

If Thant is concerned about the sanctity of human life, he could spend his time to better profit carrying his preachments to Hanoi, Peking, and Moscow. These are the sources of the doctrine of "wars of national liberation" to encircle America and the west and bring them to their knees.

The timing of Thant's announcements could not have been better calculated to serve the communist cause in the Paris conference, wishfully viewed by the Johnson administration as opening an avenue to "peace." What is most shocking about the secretary general's blatant intervention at this particular juncture of events is that he has perverted his office and disregarded every diplomatic nicety in order to play the partisan on the side of America's enemies.

If the United States government had any self-respect whatsoever, it would demand his immediate resignation. He could then retire to Hanoi and collect the rewards for his services.

STORM CLOUDS OVER THE NATION'S CAPITAL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. **BURKE** of Florida. Mr. Speaker, the skies over our Nation's Capital are heavily laden with storm clouds, but these clouds, as ominous as they may appear, may not be the only troublesome signs over Washington as this city sits on the site of a fire that could light the ingredients for a civil explosion, the likes of which our country has not witnessed since the Civil War.

We here in Washington are witnessing the beginning of a sad spectacle, described by some as the Poor People's March, when, in actuality, it is the intent of the leaders of the march to stage a giant camp-in, almost within sight of the White House, less than 2 miles from the Capitol.

Although I concur that it is the right of any of our citizens under the Bill of Rights to peacefully petition the Government for a redress of grievances, I question the right of our Government officials to encourage and to condone a camp-in by granting a permit for 3,000 or more people to live on land which belongs to all Americans. I also find it difficult to understand why the White House would condone a shanty town in complete violation of the building and sanitary codes applicable to other citizens residing within the District.

Although the leaders of the group have insisted that the demonstrations will be peaceful and nonviolent, one cannot help but remember that Washington was literally a city under siege a little over a month ago when bands of rioters and looters burned and ravaged a large section of the District, causing merchants and householders millions of dollars in losses.

Thus, it is no wonder that I and many other Congressmen and citizens are concerned.

Leaders of the protesters definitely plan acts of civil disobedience in the event the Congress fails to act promptly on their demands.

And while the administration granted a permit to allow camping only until June 16, the Reverend James Bevel, a leader of the Southern Christian Leadership Conference, stated that the marchers feel they have the right to remain longer, maybe as long as 2 or 3 years.

The march leaders also indicated recently they are not obligated to remain within the 15-acre tract in West Potomac Park for which the permit was granted, and may move onto other public lands to build.

To attain their ends, the leaders of this campaign have indicated it might be necessary to turn Washington and the Congress upside down. This hardly sounds like the peaceful protest that is meant under the Bill of Rights, especially since there are elements in Washington who would like nothing better than to seize on any incident to turn nonviolence into violence. One rabble rouser who has already visited the camp is Stokely Carmichael, who after one handshaking tour was described by Reverend Bevel as "A friend and brother, and one of the great black leaders of the country."

The smell of acrid smoke still lingers in many memories and the sight of burned buildings are still too much in evidence for me to take this present setting for trouble as lightly as some of our leaders.

I am sure that the American people will not allow the White House, or the Justice Department to ignore the demands of the majority of our people to maintain law and order and to apply the law equally to all, but I truly wonder where is the action and the words of reassurance that trouble will not occur in this campaign?

"Be cool, don't spread rumors," the President's appointed Mayor Washington says. The White House has said little or nothing and Attorney General Ramsey Clark stated on national television, "A little civil disobedience is alright."

They certainly are not heeding the words of the Reverend Ralph Abernathy, who is directing the campaign from his comfortable suite of hotel rooms and has been saying, "If Congress doesn't act for the poor people, there will be many plagues cast in their direction," and although nonviolence is the theme of the campaign, he adds if his group does not get what it wants he may not be able to keep his people nonviolent.

While Reverend Abernathy has expressed a concern that concentration camps might be built to lock up Negroes, he has created for these people a mock concentration camp. The poor, under his leadership, will live in the most cramped of quarters and share neighborhood restrooms and showers. The possibility of sickness and pestilence is great.

There is no assurance at this time where all this activity will lead, and you might well wonder just what does the Reverend Abernathy and his followers really want.

He demands that $24 billion per year be spent on welfare programs; he demands a rent supplement program; and a guaranteed minimum income of $4,000 per year, including cost-of-living adjustments and a work incentive. More recently he has added to the list a drive for land redistribution programs which would give the poor parcels of land.

These so-called nonviolent demands are backed with certain ominous revolutionary overtones, and I believe all Americans should recognize that Mr. Abernathy, in collaboration with the black militants, is about ready to put the majority of Americans to the test.

I think that once one considers all these demands and looks at the entire scope of this project that one can plainly see why I and others are so concerned. As citizens and as Members of Congress we were eyewitnesses to the horrible mob action in Washington only weeks ago.

The aim of the protesters now is to force the Congress to bend to the will of the leaders in this demonstration.

Once before this year, the Congress was stampeded into enacting legislation under emotion and threats of violence. I state now that the time has come for this type of legislation to be halted.

If the White House and those in the executive branch do not soon become aware of the true nature of how the poor are being used by the revolutionary demagogues without considering protection for the rights of the majority, then I hope that the Members of Congress will show the necessary courage needed to put our national house in order.

We must insist that our laws be obeyed by all Americans alike.

What is happening in Washington may well trigger the shot or incident that will result in the bloodletting revolution that the subversives who are prowling America today want tomorrow.

This country is beset with many problems, but they will not be solved by coercion or threats, nor can they be solved by insurrection and anarchy.

As you will know the protesters involved in this so-called "poor people's camp" will be the real losers should their actions be followed by rebellion.

I hope, therefore, that all Americans; white, black, brown, yellow, or red will recognize the dangers that face the Nation here in Washington. This so-called "poor people's" protest is not in the best interests of our country.

We are now in the midst of times that try not only men's souls, but also the patience of all races. I pray that those who are responsible for allowing this spectacle to take place will heed the storm clouds in the heavens that greeted the marchers upon their arrival into the Nation's Capital and their shanty town.

GENERAL PROVISIONS OF CONSUMER CREDIT PROTECTION ACT AGREED TO IN CONFERENCE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mrs. SULLIVAN. Mr. Speaker, the nine conferees representing the House and the five conferees representing the Senate agreed last night, at the end of six long sessions extending over a period of more than 6 weeks, on all of the provisions of a very comprehensive bill dealing with consumer credit and truth in lending. We will have a completely new substitute bill to present to the respective Houses, and this substitute is still being worked on to incorporate all of the many technical points covered in the conference agreement.

I mention this point because my office has been inundated with calls all day, and so has the Committee on Banking and Currency, asking for information on the specific terms of the conference bill. I want to assure the House that on every significant issue in which the House took a position on this legislation, the conference bill generally follows the spirit of what we agreed to in the House, and in most respects the House bill prevailed. However, we did have to make concessions on details—concessions in degree rather than in principle—as is inevitable in the legislative process where there are such far-reaching differences between the bills passed by the two Houses.

GARNISHMENT

I was disappointed in the extent to which we had to weaken the title of the bill restricting garnishment, for instance, but we have nevertheless ended up with what will be the first Federal law of general applicability on this subject. Instead of the flat exemption of $30 per week and of 90 percent of the worker's pay over that figure, as in the House bill, the best we were able to persuade the Senate conferees to accept was a provision assuring the worker that he would have at least $48 out of his weekly pay, or 75 percent of his pay, whichever is higher. This is better than the garnishment laws in effect in roughly half of the States. The restriction on firing a worker for a single garnishment remains in the bill.

REVOLVING CREDIT

We won on our insistence that stores granting revolving credit advise the customer that the 1½ percent typical monthly charge on the unpaid balance is at the nominal annual rate of 18 percent, but we made several concessions. In all cases, however, the actual dollar-and-cent charges for revolving credit have to be spelled out, along with the manner in which the charge is assessed. If the store has a minimum charge of 50 cents a month or less, it does not have to figure out the annual percentage rate on every customer's monthly balance.

THE $10 EXEMPTION

The Senate bill exempted from rate disclosure all consumer credit transactions in which the credit charge is $10 or less. We had no such exemption in the House bill. We compromised with a rather complicated sliding scale formula which would permit sellers or lenders offering installment credit to avoid having to give the annual percentage rate of the credit charges on any transaction of $25 or less—that is, the principal amount of the debt, not the service charge. Then we set certain limitations on the service charges which can be made without having to give the percentage rate; for instance, on a loan or sale of $75 or more, no annual rate would have to be figured out if the total service charge did not exceed $7.50.

NATIONAL COMMISSION ON CONSUMER FINANCE

We realized throughout our work on this bill that it was impossible to write as far-reaching a piece of legislation and be sure that we had covered every point with exact precision and with wisdom. We tried our best. But there will be many hands and minds put to the task of implementing this legislation under regulations to be drafted by the Board of Governors of the Federal Reserve System before it takes effect July 1, 1969.

One of the most important titles of the bill creates the National Commission on Consumer Finance to study all aspects of the consumer credit industry, particularly in relation to this legislation, and recommend changes or improvements in the law. We are giving that Commission some high priority assignments in the areas where the conferees felt we did not have all of the facts we would like to have in reaching some of our decisions. So there will be time to close loopholes where found, or to eliminate any unnecessary or undesirable requirements.

ADVERTISING OF CREDIT TERMS

The advertising requirements are generally along the lines of the House bill with some technical changes. There was no provision in the Senate bill dealing with advertising of credit terms.

ADMINISTRATIVE ENFORCEMENT

The enforcement provisions followed the House bill.

EXTORTIONATE EXTENSIONS OF CREDIT

A very far-reaching provision in the House bill would make it a Federal crime to engage in organized loan-sharking activities in violation of State law. This section has been completely rewritten to accomplish this goal and will provide a powerful weapon to use against criminal rings using strong-arm methods, or threats of violence to collect unconscionable interest charges. There was no similar provision in the Senate bill.

SECOND MORTGAGE RACKETS

The House bill provisions on credit transactions involving a security interest in residential property have been retained. However, instead of the 3-day notification period required in the House bill, we agreed to provide a 3-day period after the completion of the transaction for the customer to cancel. The details on how this will be done must be worked out by the Federal Reserve Board. The right of the customer to challenge the "holder in due course" defense under certain circumstances, as spelled out in the House bill, was retained also. This is a real breakthrough, as is true with many other provisions of the bill.

FIRST MORTGAGES

The Senate bill exempted all first mortgages, regardless of their character, from any of the requirements of truth-in-lending disclosure. The House bill carried no such exemption. The conference bill has a very limited exemption for "purchase money" first mortgages in that the total amount of the interest over the entire life of the mortgage does not have to be included in the information which must be disclosed to the purchaser. We had already in the House bill an exemption of that nature in the advertising of residential property financing terms, so the change is not inconsistent. The reason for this special treatment is that prospective purchasers of homes might be discouraged from buying if they saw that over the period of a 25- or 30-year mortgage, the interest charges usually exceed the principal amount of the mortgage. I felt this was useful information for home purchasers to have in order to decide on the number of years they would prefer to have the mortgage run, but this was a concession we made in reaching agreement on the bill.

ON THE WHOLE, A STRONG BILL

In this first and hasty outline of the terms in the conference bill, I have left out many of the technical changes and amendments which the credit industry will need to know about. My purpose today is just to try to cover some of the major areas in disagreement between the House and Senate bills which were worked out in conference. It is, on the whole, a strong bill—much, much stronger than many thought we would ever have a chance of enacting into law. Many people deserve grateful thanks for the hard work and the patience and the wisdom they devoted to this landmark piece of legislation and I certainly intend to name many of them as we complete action on the legislation. Right now, I want to mention with my deepest gratitude and admiration the work of Chairman WRIGHT PATMAN of the House Committee on Banking and Currency who succeeded yesterday in guiding the conference into agreements on issues which had eluded agreement for weeks.

The House conferees stood solidly together for the principles of a strong consumer credit bill and exhibited tremendous staying power to win the concessions we obtained for the House position. They were wonderful allies, all of them: Representatives BARRETT, REUSS, ASHLEY, MOORHEAD, WIDNALL, FINO, and DWYER. I have never been in a more difficult conference or seen better House unity and effectiveness.

EXCELLENT WALL STREET JOURNAL ARTICLE

Mr. Speaker, the news media did an outstanding job last night in handling this big package of technical provisions. The story I saw which carried the greatest detail was in the Wall Street Journal. It is remarkably accurate considering the conditions under which it had to be written late in the day. However, there was one minor error: in all of the cases where we exempt revolving credit or installment charges, we do not exempt them from dollars-and-cents disclosure, just from disclosure of the annual percentage rate. Otherwise, I commend this story as an excellent review of the decisions made in conference, as follows:

[From the Wall Street Journal, May 16, 1968]

TRUTH-IN-LENDING MEASURE HEADS TOWARD PASSAGE—HOUSE-SENATE GROUP AGREES ON GARNISHMENT CURBS—ENACTMENT SEEMS CERTAIN—SOME STIFF PROVISIONS KEPT

WASHINGTON.—A House-Senate conference committee recommended legislation that would require "truth in lending" and restrict garnishment of a worker's wages to pay off debts.

The conference's action brings the proposal to the threshold of enactment after a battle of more than seven years. The legislation is expected to be ready soon for final floor votes, and enactment seems assured.

The bill retains many of the tough provisions the House wrote into it, though it was softened somewhat in compliance with Senate demands Truth-in-lending rules would become effective July 1, 1969. The restriction on garnishment of wages would go into effect July 1, 1970.

COST MUST BE STATED

Basically, the rules provide that finance charges must be disclosed to buyers in writing before a sales or loan transaction is completed. For most consumer credit, the charges would have to be itemized both in dollars and in terms of approximate annual interest on the declining balance of loans.

This would change many traditional methods of stating credit costs in the $100 billion consumer-finance field. For example, a person borrowing $100 with a total finance charge of $6 no longer could be told that the interest charge is 6% if the loan is to be paid in 12 equal monthly installments. Instead, in a typical case, the interest rate would have to be stated as approximately 11%.

The higher rate is the "true" figure because the borrower would have available, on the average, only a bit more than half the total loan as he repaid it over the 12 months.

Until Jan. 1, 1971, the legislation would permit lenders and other creditors the option to state finance charges in terms of "dollars per $100." Thus, instead of stating an interest rate of 11%, disclosure could be made in terms of $11 per $100. This is intended to safeguard lenders and creditors from running afoul of state usury statutes; the legislation presumes that states would change usury laws by 1971 so that disclosure could be on an interest-rate basis in all cases.

The bill directs the Federal Reserve Board to administer the law and issue regulations to implement it. Retailers or lenders convicted of violations could be held liable to customers for up to $1,000. Criminal violations could result in a prison sentence of up to a year.

The intent of the measure is to enable consumers to compare credit plans and shop for the best one. It was long opposed by business interests, and a number of concessions from the original concept were written into the bill to mollify businessmen.

A key compromise involves interest-rate disclosure on department-store revolving charge accounts, though backers of disclosure on an annual-rate basis appear to come out ahead.

The bill requires interest-rate disclosure on revolving charge accounts on both a "nominal" annual-rate basis and a "periodic-rate" basis, usually a monthly rate. Thus, in a typical case, a department store would have to tell customers that the finance charge on a revolving account was 18% a year and 1.5% a month.

OTHER METHOD DEVISED

But the conference committee devised another, optional method of stating revolving-account rates. The option would permit a store to tell customers the "effective" average annual interest rate the store realizes from its revolving charge-account business. This would typically be less than the nominal rate, because the nominal rate wouldn't take into account the "freetime" customers often are given before they are charged interest.

The effective rate would be figured by dividing total income from revolving credit into the interest-charge portion of that income. For example, if the total income was $1 million and the interest-charge portion was $100,000, a store could state its effective annual rate as 10%.

The optional method could result in disclosure of three different interest-rate figures. For example, a store could state that its "nominal" annual rate was 18%, its "effective" annual rate 10% and its monthly rate 1.5%.

SMALL CHARGE EXCLUDED

Retailers were given a concession in a provision that would allow them to exclude from disclosure of finance charges a certain minimum monthly charge on small unpaid revolving-account balances. In general, on monthly charge-account balances of $35 or less a store could require payment of up to 50 cents without disclosing the service charge to a customer.

The bill also exempts certain small finance charges from the general disclosure requirement for installment credit and loans. The conference committee adopted a sliding method of exemption. It provides that disclosure of finance charges wouldn't have to be made for any item costing $25 or less. An exemption from disclosure would be permitted for items costing $25 to $75 if the charge was $5 or less. For more expensive items, disclosure wouldn't be required unless the finance charge was more than $7.50.

Interest rates on first mortgages for home buyers would have to be stated at a "true" basis; most mortgage lenders currently do this anyway. But the bill drops a House requirement that would have required mortgage lenders to state total finance costs over the life of the mortgage, though this requirement will continue to apply to other types of loans and retail credit.

VICTORY FOR HOUSE

Agreement to an antigarnishment provision was a major victory for the House; the Senate hadn't considered this proposal. But the House had to agree to soften somewhat the antigarnishment plan it had enacted. The final bill specifies that 75% of a worker's wages would be exempt from attachment to satisfy a debt.

Low-paid workers would receive a flat $48-a-week exemption from garnishment, even if that amount exceeded the 75% rule. The exemption, moreover, would apply to a worker's take-home pay after deductions for taxes and other items required by law. The bill is fashioned so that the minimum $48-a-week garnishment exemption would rise if the Federal minimum wage was increased.

The bill also forbids employers to fire workers the first time they are slapped by a garnishment. Sponsors of the garnishment restriction have argued that many persons have been forced into bankruptcy when they lost their jobs because of garnishment action.

OTHER PROVISIONS

Other sections of the bill include these measures:

A grant of broader power to Federal authorities to combat "loan-sharking" by criminals. This provision will let Federal authorities enforce state usury laws when violations involve interstate traffic in loans.

A rule designed to prevent home-repair concerns from tricking credit customers into giving them second mortgages on their homes under terms of a credit agreement. Sponsors of this measure assert that many home owners have unwittingly signed second mortgages to pay for home repairs when they thought they were simply agreeing to a regular installment payment contract.

A requirement that interest-rate disclosure requirements be complied with in credit advertising. This would permit advertisers to refer generally to "easy" credit terms, or use other general language, but any specific interest-rate and dollar-cost statements would have to comply with the disclosure rules.

A rule that the cost of credit life insurance would have to be figured as a part of the total financing charge to be disclosed, if the consumer is required to buy such insurance. This measure wouldn't apply if the consumer voluntarily bought credit life insurance from the creditor.

Establishment of a National Commission on Consumer Finance that could make recommendations to Congress for further legislation.

REPLENISHING THE IDA

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. REUSS. Mr. Speaker, the May 15 edition of the Washington Post contains an excellent editorial on the need for increased participation by the United States in the International Development Association:

REPLENISH THE IDA

The International Development Association, widely known as IDA, is a subsidiary of the World Bank which specializes in making low-interest, long-term loans to countries so poor that they can neither service nor repay their debts in convertible or "hard" currencies. IDA, which exhausted its capacity to extend more loans, is being replenished by subscriptions from 19 advanced countries. The United States' share of the $1.2 billion replenishment was $480 million, payable in three installments of $160 million. We hope that the House Banking Committee, which meets today in executive session, will authorize the full subscription and strongly urge its approval by the House.

In terms of the urgent needs of the less developed countries, the IDA replenishment is quite modest. Under the original proposal, advanced by Mr. George D. Woods, the former president of the World Bank, the average annual subscriptions to IDA were to be $1 billion and arranged so that they would increase in each of the three years. That plan foundered, largely because the need to protect the U.S. balance of payments position gave other countries an excuse to scale down their contributions. But the U.S. payments problem is now resolved by a special arrangement under which the outflow of dollars for IDA would be postponed until the end of the three-year period.

The United States, which accounts for about 55 per cent of the total income of the 19 advanced countries, is being asked to provide only 40 per cent of the IDA replenishments. For every $2 that we put up, other countries will contribute $3. A $160 million a year contribution is not at all a high price to pay for encouraging economic development. The United States long ago assumed the leadership in providing economic assistance on a multilateral basis, and Congress should honor our commitment by approving the full IDA contribution.

PRESIDENT QUINCY DOUDNA OF EASTERN ILLINOIS UNIVERSITY SUGGESTS SOLUTIONS TO INNER CITY PROBLEMS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. MATSUNAGA. Mr. Speaker, I recently had the opportunity to read an unusually inspiring and thought-provoking commencement address which was delivered to the 1967 graduating class of Eastern Illinois University by its president, Dr. Quincy Doudna.

Dr. Doudna diverted somewhat from the usual commencement themes and spoke to the university graduates on the problems of the inner city—problems which he stated are fundamentally economic rather than racial.

Although this address was delivered last summer, I find that his remarks are as timely today as they were then, and I wish to share them with the Members of Congress and other readers of the CONGRESSIONAL RECORD.

President Doudna suggests economic remedies to help the disadvantaged people in the slums of the inner city—such as "the development of industrial plants in the centers of our large cities within walking distance of large numbers of ghetto dwellers." He also submits the proposal that our large city school systems be broken up into districts that are somewhat similar to the community unit districts in order to make them less remote psychologically to the people of the cities.

The constructive nature of President Doudna's ideas merits careful reading and consideration by all, including Members of Congress, who seek solutions to the problem of civil disorders which is troubling this Nation. To them I commend his speech and insert it at this point in the RECORD:

Some twenty times now I have given a charge to the class on the occasion of the commencement exercises. These have usually dealt with matters associated with the new Eastern Illinois University and sometimes quite particularly with the new role of the members of the graduating class as they become alumni. I had planned such a talk for this evening but have changed my purpose and my presentation.

Distressing and indeed alarming events of this past summer, following similar but less numerous episodes in other recent summers, lead me to feel compelled to add my views to the many that have been publicly stated with respect to the serious problems of our inner cities.

My time for reading is necessarily limited. Yet I have read what I could of the opinions so many have expressed relative to the obvious problems and to the deep-seated but less discernible causes that have brought about the summer riots. I have read of the palliatives that have been proposed, and I have read a number of suggestions for attacking the far-reaching, basic causes insofar as they are understood. After reading all of this, I paraphrase Winston Churchill and suggest that never have so many said so much that adds up to so little about such vital problems. I say this, recognizing that those who hear me may conclude that I have simply added to the number by what I say. If my criticism of the multitude of comments, or yours of mine, should be valid, it would be quite understandable. We are dealing with matters that are extremely complex and we seem to be seeking solutions that are simple and solutions that are cheap because we need them so desperately and so immediately and because demands on our resources are being dissipated in so many other activities which in themselves seem to be important to those making decision.

I should like to say at the outset that I think the element of race involved in the problem has been greatly overstated. I have seen the shacks of the slum-dwellers perched precariously on the hillsides outside Lima, Peru, visible as they are from roofs of the handsome new downtown buildings. I have seen them again in Caracas, Venezuela, visible once more from the luxury hotels and the fabulous University City with its beautiful architecture. I have stepped over men who were asleep on the sidewalks in the principal streets of Cairo, Egypt, because they have no homes to go to. In not one of these situations is color or race an apparent factor. I have seen the slums in Trinidad and other West Indies islands where the slum dwellers are Negro, but where this can hardly be relevant since, in some islands, the colored population constitutes ninety-five percent of the total.

Color is relevant to the problem in America, as I see it, chiefly because through force of circumstance a great many, but by no means all, of the people living in the inner cities do happen to be colored. It can be contended that many of them are there because opportunities have been denied to them because of race. This may well be true, whether they were born there or moved from the South where their opportunities as children were limited. This much I concede. My point, however, is that hatred of the white man, which gets so much publicity because of the utterances of the leadership of the Black Power Movement, might well have been hatred of white man for white man rather than black man for white man—if white men happened to be the dominant population group in the ghettos as was the case several generations ago when the Irish, the Italians, the Poles, the Hungarians, and others came to America and gravitated to the ghettos. What I am saying is that there is little or nothing inherent that results in the dislike of one race for another. There is, however a quite understandable hatred inherent in those who have been disadvantaged for generations—whatever their origin. For those who have somehow not become full participating members of our affluent society this hatred would exist, I repeat, regardless of color.

One asks at once, then, why are there not riots of the same type in the great cities of the world where color is no factor. As I see it, the riots occur in this country more than elsewhere because the people doing the rioting here have had so many opportunities through at least limited contact with schools, through occasional sallies to the suburbs, through watching television, and through hearing the pronouncements of our state and national leaders about our economic progress and prosperity that they have come to believe that in America, at least, no one really ought to live the way they live. Perhaps in some parts of the world poverty is still accepted by the poor. It is no longer accepted by the poor in America, whatever their color.

What I am saying then is that I think the basic trouble is fundamentally economic and not racial. The racial aspect is coincidental and those who make much of it, do a disservice by diverting our attention from the real causes that we ought to be trying to correct. No matter how much we may come to love the black man because of Christian teachings, or how much integration we may advocate, or provide for because of humanitarian considerations, if the economic problem is not solved the hatred and the bitterness and the violence will continue and grow.

Unfortunately, because of a lack of full understanding of the situation, the recommended remedies have fallen short of reality in many, many instances. Even those who have recognized the basic nature of the problem as economic have said that the solution lies in "more and better education"—which ought to make any of us engaged in that enterprise pleased, since our potential contribution to the general welfare appears to be recognized. But then it appears that the big emphasis, in trying to improve educational opportunities, is on *integrating* the schools rather than *improving* them. I cannot agree with those who seem to think that the mere presence of two races in a classroom does very much automatically for the education of the children in the room. If I were a black parent, I would rather have my child go to a school, even if everyone were his color, where the building was first-rate, where the teacher was first-rate, where the equipment was first-rate, and where the books were abundant and first-rate, than to have him to go to a school where there was a variety of children but where everything was third-rate. One can contend that the variety of children will give some social advantages that are worth achieving and that we should have an integrated school that is also first-rate. I agree with this. My only point is that so many seem to have put so much faith in getting the schools integrated that we have had our attention diverted from trying to improve the schools no matter who attends them. This is what is vital.

I shall have more to say about the schools in just a moment. I want to get now to an area where I do not feel as sure of myself as I do when I talk about education.

I said that the basic trouble was economic. I conceded that the problem over the long run could not be solved without great improvement in the education of all of our citizens, but particularly those about whom we are thinking at this moment, namely those who have somehow not been able to participate in any real sense in twentieth century American society.

Improvement in education comes slowly and education is a slow process. Slowly though improvement comes and slow though the process be, the improvement must be sought and the necessary years in school must be afforded. Yet it is impossible to improve the schools forthwith by wave of wand, and no matter how hard we try they will not be much better in the inner cities by the time hot weather comes in 1968. Certainly, we cannot wait for a new generation of better educated young people to come out of our slum schools, even assuming they are improved and that we get all of the students to attend them who should and for as long as they should. Remedies must be forthcoming immediately.

I repeat that the basic trouble is economic. I speak now of an economic remedy that appears to me to be feasible and necessary and that could be made operative in a matter of months, or at least within a year or so, if we were to set our minds to it with anything like the zeal that we apply to helping disadvantaged people in lands overseas.

I propose that the government become a generous partner in the development of industrial plants in the centers of our large cities within walking distance of large numbers of ghetto-dwellers. This may horrify city planners who know more about these things than I do, but I see no reason why new industry must be located in towns such as Charleston or Mattoon, or in cornfields beyond the suburbs such as is the case in some instances in northern Illinois. I think that some of them could be where the labor is—and in order to solve the problem we are concerned with here that is where they ought to be. A man ought not have to drive an hour or so, or ride a bus, to get to his work in the morning and home at night. Certainly he is not very likely to do it if he does not want to work very badly anyway. Further, he will not take the pride in his job that he might if the factory where he works were near him. I said the government would have to be a generous partner. It would have to furnish a substantial portion of the capital to some private investor who is willing to take the risk in this rather precarious type of industrial development. It would also have to furnish the money for the extremely heavy insurance premiums that are now being demanded of those who own any kind of property in the ghettos. It might have to give generous tax write-offs over a period of several years just as has been done in Puerto Rico to encourage the development of industry. Further, the industries would have to be selected so that one does not have to have much educational background to earn at least a modest wage in the enterprise. I was amazed to learn that in a southern Illinois border city an industry acually had to go out of state to hire personnel because they could not find among the unemployed in their own city persons that met the sixth grade education requirement, if I am to believe the public press.

I get back now to something I know more about. I have said that the real problem as far as education is concerned, recognizing as I do its ultimate necessity in solving the economic problem, is to improve the general quality of the schools. In my judgment, this improvement is almost certain not to come in the slums of the inner cities under any plans I have seen proposed thus far. The problem is not one of finance entirely, costly though an improvement program would be. It is more a problem of organization and administration. A generation ago we were faced in rural Illinois and Wisconsin, and in much of the nation for that matter, with a situation where our school districts were too small to operate effectively. We launched a massive program of school district reorganization and developed the very excellent community unit districts that have meant so much in improving educational opportunity for rural, village, and small-city youth.

What we need now is an attack at the other end. We have in our major cities a more serious problem than we ever faced in our rural areas but an entirely different one. In a large city the school system is too large. It is not only difficult to manage; I submit it is unmanageable. No general superintendent in Chicago or New York or Detroit will solve the educational problems within the framework now existing.

I propose that our large city school systems be broken up into districts that are somewhat similar to the community unit districts. I suggest that there be one high school in each district with the neighborhood elementary schools that commonly contribute their graduates to the high school being a part of the same district. Lest somebody tell me quickly that in his city they have "area superintendents" I hasten to say that this is not what I mean at all. I do not propose that the dozens of districts thus set up in the larger cities be under the jurisdiction of a general superintendent with a coterie of assistants. I propose that they be independent school systems, not only with their own superintendent but with their own school board elected by the people who live in the district and whose children go to the schools there. Only then will the people take any pride in the schools. People served by schools must feel close to them to have interest and pride in them. They can then feed strength to the schools and, in turn, draw strength from them. In the big cities, schools must seem terribly remote psychologically, however close geographically. If you live in Chicago or New York or Detroit or Los Angeles, how much do you as a person have to do with efforts to improve the schools? Can you help elect the school board? Can you complain to the school board if you think things are going badly, or can you compliment them when you think things are going well? Does your parent-teacher association have any real effect on the situation? If you answer any of these questions yes, I submit you are being fooled.

I am not deterred, in setting forth this proposal, by the financial problems. I am fully aware that there would be some districts with nowhere near enough assessed valuation to support a first-rate program and others with factories, utilities, etc., that would augment the valuation to the point where the tax rate could be relatively low and still a good school system be supported, but I ask, "Do not these disparities exist in downstate Illinois and elsewhere in rural and semi-rural America?" It does not take any great genius to develop equalization formulas that will result in every taxpayer getting approximately the same quality school system for approximately the same tax rate. Surely an equalization plan within a given large city could be worked out. I say this could be done even if we had to rely largely on the property tax to support schools, which we are not obliged to do. Clearly, with the additional possibilities for equalization of taxes and hence, of opportunity, that exist because of the availability of the state and federal taxing machinery and resources, it should be possible to solve the financial problems of running a hundred school districts in a major city and getting them down to such size that the people whose children attend them can concern themselves with them and exercise some influence in the direction of their improvement.

I recognize that I have dealt with some very complex matters that would be difficult of solution even if all concerned were able to sit down dispassionately and do some good solid thinking about them. They are rendered so much more difficult because of the emotion that has been engendered. The violence, the destruction, the bloodshed, the death, trouble us when awake and haunt us when we sleep. Yet we have to think and we have to think coolly and competently about these matters. Moreover, we also have to think quickly.

As of now, you are university graduates. A very special responsibility rests on your shoulders. If you have been concerned with aid to athletes, the desirability of a stadium, your girl friend's hours in her place of abode, and whether you should be obliged to attend class or decide that as you see fit, surely you must know that those are problems of a passing sort that scarcely are worthy of really deep thought and concern. The problem I have been discussing tonight is, I submit, worthy of every talent our economic, educational, and political leadership can muster. Certainly it is worthy of every effort that you as new graduates at Eastern Illinois University can bring to bear toward its solution.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. SCHERLE. Mr. Speaker, this is the 115th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

FORCES FOR PEACE AND FREEDOM

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. REINECKE. Mr. Speaker, it is a privilege for me to honor the men and women of our Army, Navy, Marine Corps, Air Force, and Coast Guard on this Armed Forces Day, which is Saturday, May 18. In this difficult world of neither total peace nor total war, the necessity of defense preparedness, based upon the Active and Reserve military personnel of our Armed Forces, assumes a transcendent importance.

An English general, Sir John W. Hackett, in a 1962 series of lectures at Trinity College in Cambridge, stated the following:

> Since war became total we have acquired weapons which in total war can destroy mankind.

Does this mean that mankind's only hope of survival lies in the destruction of all weapons, beginning with nuclear weapons? Does this mean that the United States should voluntarily surrender its weaponry in the hope that other nations would follow our lead? The answer is, of course, a categorical "No." General Hackett continues:

> The penalty of inadequacy was high before. It could now be final.

Does this mean that total nuclear war must inevitably come? Does this mean that we should seek and welcome total nuclear war? The answer again, is of course a categorical "No."

What then is the function of our Armed Forces and our military might? I submit that we cannot meaningfully honor our servicemen, their dedication and sacrifice, without fully understanding their role in today's world. Three factors converge at this point. First, the fact that we live in an international environment of neither total war nor total peace dictates an extremely high level of defense preparedness. Second, this preparedness must be partly nuclear as a deterrent to total war; in fact, in the very acquisition of these weapons lies our only hope that they will not be used. Third, in addition to nuclear preparedness, we must maintain a conventional capability because the intolerability of total nuclear war means not that conflicts will cease to occur, but that they may occur on a limited, nonnuclear basis.

What I am saying is that we must be prepared for war if we wish to have peace. This is of course not a new thesis; indeed, Aesop wrote in his "Fables" over 2,500 years ago:

> Against danger it pays to be prepared.

George Washington stated in his first annual address to Congress in 1790:

> To be prepared for war is one of the most effectual means of preserving peace.

Theodore Roosevelt stated in 1897:

> Again and again we have owed peace to the fact that we were prepared for war.

And Gen. Maxwell D. Taylor wrote in 1960:

> The deterrence of war is the primary objective of the armed forces.

We must therefore continue to ask the men and women of our Armed Forces to preserve our national security and deter aggression. Any discussion of peace, of freedom, indeed, of this Nation's survival, is contingent upon military preparedness. It is, within this context, not a cliche to say that our Armed Forces constitute a force for peace and freedom.

In this sense, I am always bewildered at the criticism of certain minority elements who loudly and passionately downgrade our military might. Our Armed Forces are not responsible for man's imperfections, for man's inclination toward conflict and violence. One does not blame a doctor for the existence of disease, for the doctor constitutes a response to that disease. It is the same with our Armed Forces. Their very existence and their continuing presence constitutes a response to aggression. This has been historically true concerning the United States, and it is true today.

The revolutionary ideals and beliefs that created this Nation have, through the passage of time, grown into a rich heritage from which we draw our guidance and inspiration. Our ancestors fighting in the Revolution carried banners bearing such mottos as "Don't Tread on Me" and "An Appeal to Heaven." These banners are still flying, but only because we have been able to draw upon a tremendous reservoir of commitment and self-sacrifice, because the men and women of our military services speak of dedication, not only with words but with service.

Translated into action, this dedication and service provides this Nation with an Army of great flexibility and combat readiness, with a Navy of versatility in the mobilization of seapower, with a Marine Corps of readiness through amphibious forces, with an Air Force of sophisticated specialization in airpower and firepower; and with a Coast Guard consisting of both military and humanitarian capabilities.

The vastness of these services and their functions is equalled only by the extent of their contributions to our security and well-being—ranging from the Air Force's flying of 117,000 strike sorties in South Vietnam in 1967 in support of ground operations to the Coast Guard's 1967 record of saving over 3,000 lives and responding to some 42,000 calls for assistance from ships and aircraft.

This Nation, realizing the contribution of its Armed Forces, has, in its wisdom, set aside a day to honor the men and women who so proudly serve. On this day then, we pause and contemplate a mighty arsenal—an arsenal consisting not only of sophisticated weaponry, but also of profound dedication; an arsenal whose sole reason for existence is the preservation and pursuit of peace and freedom.

WHY THE UNITED STATES WILL HAVE A VALUE ADDED TAX BY 1973

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. ULLMAN. Mr. Speaker, I am pleased to bring to the attention of my colleagues a statement by Dean Richard Lindholm, of the University of Oregon School of Business. This distinguished scholar has brought honor to his school and to himself many times by his outstanding work in taxation studies.

The value-added tax, as presented by Dean Lindholm, has many appealing qualities, especially in the field of foreign trade. I feel this very informative article deserves the attention of everyone, and I insert it in the RECORD at this time:

WHY THE UNITED STATES WILL HAVE A VALUE-ADDED TAX BY 1973

(By R. W. Lindholm, University of Oregon)

The United States, now relying on a nineteenth-century system of taxation and deferring to the ideas of nineteenth century political philosophers such as John Stuart Mill, must change its outmoded tax ways if it is to thrive in the twentieth century.

Current taxation practices in the U.S. are derived from John Stuart Mill's ideas, expressed in 1861 to the British Parliament's Select Committee on Income and Property Tax. The U.S. still subscribes to his hedonistic philosophy of taxation, taxing production so that aggregate personal sacrifice is minimized, justifying all taxes according to the popular standard of individual ability-to-pay. But these practices no longer square with today's social and economic problems.

On the surface the old system sounds equitable, but its real effects appear to work against the best interests of the very segment of society whose welfare it is designed to promote. For today low income non-producers receive help through government expenditures and not through direct redistribution of the income of high producers. Therefore, the welfare of the low-income group seems finally to depend on an increase in funds available to the government. But taxes based on ability-to-pay tend to discourage both profits and individual savings and thus to reduce funds available for investment. Without sufficient new investment, economic growth is hindered and so is the growth of government funds.

European theorists offer a solution for this problem in the philosophy and imposition of taxes. Although they developed ability-to-pay income taxes. Continental economists never completely accepted Mill's tax policies. Since World War I, first through development of the turnover tax and now through the value-added tax, the industrial nations of the Continent have supported taxation based on *use* of resources rather than on production. Resources, by whomever used and in whatever quantities, bear the same tax rate.

The value-added tax (VAT) is difficult to describe briefly for people unfamiliar with tax systems different from those already used in the U.S. But basically, VAT is a general excise tax, a tax assessed at a given rate, say 10 percent, on each sale of a good or service. In effect, it is a 10 percent tax levied on gross receipts, the cost of which is paid by the seller and passed on to the buyer. However, the tax liability of any one seller (and hence the buyer's cost) is reduced by the amount of VAT already paid on the goods and services that have gone into the good or service he offers for sale.

The VAT is founded on use of resources, not production, and on national, not private, prosperity. In modern industrial nations, with capital in short supply and social demands heavy and growing, the domestic advantages of the *resource use* rather than *resource production* approach to taxation cannot be ignored. When resource use is the tax base, it is society's ability-to-pay that is of fundamental importance, rather than individual ability-to-pay, which is emphasized when production is the base.

A closer look at the operation of the VAT and consideration of its widespread use will confirm the advisability of its adoption in the U.S. Assuming the continued viability of capitalism, it is possible to argue the merits of VAT as a basic tax both in its domestic effects and in the competitive advantages it offers internationally.

Domestically, the U.S. system of taxation, the old John Stuart Mill approach implying taxation based on resource production, stimulates spending as opposed to saving. An individual cannot reduce his taxes by saving. He can only reduce his tax payments by earning less, i.e., producing less. This combination of the stimulation of spending and lessened production tends to promote inflation and to inhibit the growth of the economy.

Other disadvantages accompanying the present system. The payroll tax method of social security financing places nearly all of the burden on the producing sector of society. The corporate profits tax places all its burden on our best measure of business efficiency, profits. The individual income tax falls most heavily on society's most productive members, and the more successful their productive efforts, the greater the tax burden.

With VAT, on the other hand, the tax burden rests on a broad, impersonal base. The VAT is impersonal, for it is levied on goods and services, not on individual producers. VAT places an equal burden on all resources as they are utilized. Productive workers using a given quantity of resources pay the same tax as non-producers who use up the same quantity of resources.

VAT offers both public and private advantages. Encouraging business growth, VAT reduces the return, i.e., profit, required from an investment to make it outweigh the risks, i.e., chance of loss. VAT encourages saving (and the consequent possibility of investment) by taxing spending. For private persons VAT offers the advantages of spreading social security financing over the entire life of all of society's members and of increasing the take-home portion of additional dollar earnings by reducing the rates of payroll taxes and income tax withholdings.

These business and personal influences of VAT fit in well with the fiscal needs of today. by utilizing a broad base, perhaps as large as $700 billion in the U.S., VAT would permit government to shift its revenue intake by large amounts with only a small change in the tax rate. Profit and income tax rates can be made much more flexible because VAT can be relied on to provide large and stable revenues. Incidentally, VAT, with the entire production and marketing process as its base, would provide unmatched data for use in evaluating economic trends.

These domestic economic advantages of VAT are augmented by its international strengths. First, it stimulates exports by offering tax advantages to both seller and buyer. The General Agreement on Tariffs and Trade (GATT) has developed a set of regulations to be followed among its cooperating nation members relative to the treatment of taxes. One of these rulings is that indirect taxes (VAT has been declared an indirect tax) can be refunded on goods exported, and that a tax equivalent to the importing nation's indirect tax applicable to the import may be levied as a border tax.

The GATT procedure rests both on a sound theoretical concept, the destination principle of tax payment, and on administrative realities.[1] The allocation of income or profits taxes to particular exports to provide a basis for tax rebate is nearly impossible. The same difficulty exists, of course, in setting border tax rates on imports. On the other hand, indirect taxes, and particularly VAT, can be calculated very accurately for each good exported and for each good produced in a nation.

Second, and perhaps most important, adoption of the VAT, stimulating exports as it does, is necessary if the U.S. is to maintain its position in international trade. The European Economic Community (EEC) has decided to move further in the direction of using this traditional Continental approach to taxation. The EEC Member States have determined to harmonize this general indirect tax system into a rather uniform VAT by 1970. The domestic and international economic implications of this decision are just becoming apparent, and they are so important that the U.S., Great Britain, and other industrial nations can fail to follow suit only at considerable economic peril.

All modern industrial nations seek to expand their international trade, to increase the rate of their economic growth, and to provide for the welfare of their citizens through this expansion. VAT tends to support expansion, whereas the individual ability-to-pay tax system suppresses it. An examination of tax figures from the leading industrial nations further substantiates the threat of economic danger, both in international trade and social financing, for the U.S. and other non-VAT countries.

The comparative tax data of industrial nations show that as a portion of GNP, the total taxes collected are fairly similar. The nation collecting the highest 1965 taxes, measured in this fashion, was Sweden at 39.01 percent of GNP paid as taxes. The lowest was Japan at 19.62 percent. The percentages for other industrial nations went like this: Belgium, 29.74 percent; Canada, 27.13 percent; France, 38.49 percent; Germany, 34.33 percent; Italy, 29.66 percent; The Netherlands, 34.08 percent; Norway, 34.90 percent; Switzerland, 20.87 percent; United Kingdom, 29.94 percent; and the United States, 27.30 percent.

But, examined in detail, these apparently similar data demonstrate a considerable variation in the manner in which nearly one-third of the typical "industrial nation's" GNP is collected as taxes and spent. All nations confront the problem of financing social security programs. For example, in 1965 Japan collected only 3.52 percent of GNP as social security contributions; and the U.S. at 4.22 percent was next, with the United Kingdom and Switzerland tied at 4.76 percent. On the other hand, French Social Security Contributions were at 14.25 percent and Italy at 10.41 percent was not far behind. Although these collection totals are a good indication of the level of social security expenditures, they don't tell the whole story. Canada, for example, collects only 1.85 percent of GNP as Social Security Contributions, but Canada uses a large amount of general revenues to finance her social security system, while France uses very little general revenue taxes for this purpose. In Germany, Holland, Sweden, and Switzerland, too, there is increasing use of general revenues to support social security expenditures.

Another detail or two will help demonstrate why the U.S. will be using VAT as a major tax by 1973.

Since corporate profits taxes are likely to retard business growth, those nations with the least use of such taxes will very likely experience more rapid economic expansion than will nations with a high use. French corporate profits taxes in 1965 were 2.12 percent of GNP, while in the U.S. such taxes equaled 4.50 percent, in Canada 4.19 percent, and in Japan 3.96 percent. .The other industrial nations used the corporate profits tax about as intensely as France. Here, the U.S. is at a clear disadvantage.

Again, the U.S. is overlooking a source of revenue that has proved profitable to the other industrial nations. VAT belongs to the family of taxes classified as general excise taxes levied by the national government. When the leading industrial nations are compared in their use of this type of tax, a sharp divergence again develops. (This time 1961 data will have to be used, for the required breakdown of more recent data is not available.) The U.S. collects no taxes from this source, while France obtains 25.0 percent of total tax collections, or 8.1 percent of GNP, from this type of tax. In Germany the percentage is 16.5 percent and in Italy 16.7 percent.

Finally, the U.S. must recognize the unmistakable international trend toward increasing use of the VAT and must weigh the domestic advantages other nations have found in this tax. Through their VAT the Dutch plan to increase general excise tax collections above those now collected from their cascade turnover tax. The new German VAT (Mehrwetsteuer) is expected to raise sufficient revenues to permit the *Gewerbesteuer* (a local direct business tax to be largely eliminated). The coverage of the French TVA has been expanded, while the rates have been reduced, a move that will increase revenues from this source. Undoubtedly the introduction of VAT in the remainder of the EEC Member States will have a similar upward impact on the portion of national revenues raised from a general excise tax. The development of VAT in Denmark and the new Norwegian VAT are more than likely only the first of the adoptions which will be made by commercial and industrial nations outside the EEC.

Very simply then, VAT will be adopted in the U.S. by 1973 because it provides an efficient excise tax that can be levied at substantial rates without placing an undue burden on any single level of production; serves up through its administrative procedures unaparalleled economic data for use by business, government, and individuals; corrects the undue tax burden that accumulates on wages as social security and medicare costs increase; makes possible more flexibility in fiscal policy through provision of a stable basic revenue source; permits acceptable procedures for increasing domestic capital investment and stimulating exports; and finds increasing favor among the industrial nations of Europe whom the U.S. cannot permit to enjoy the international trade advantage it offers in an ever smaller world of reduced trade barriers and freer capital markets.

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[1] Destination principle teaches that taxes should be paid in the area of final use.

TRIBUTE TO HON. JOE MARTIN

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. HATHAWAY. Mr. Speaker, many men come to Congress. A few men leave their mark. Joe Martin was one of those few who secured himself in the hearts of many. His dedication and service to the body politic around which our democratic system revolves contributed long-lasting momentum to the success of our legislative processes.

Joe Martin did not set himself apart from his colleagues when he took the Speaker's stand. It was his determination to be an essential part of the full body which lifted him to a pedestal.

Joe Martin's will was never imposed—it was invited. The qualities he possessed will always find welcome in the Congress. His insight into the nature of man, his willingness to offer understanding and his integrity which stood behind his convictions made Joe Martin a leader wherever he served.

The Honorable Joseph William Martin, Jr. shall ever be known as a great Republican and an honored American who set a praiseworthy example of leadership.

GOVERNOR REAGAN ON LAW ENFORCEMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. ASHBROOK. Mr. Speaker, more and more the people of this Nation are looking not to the incumbent Federal administration but to the State of California and Gov. Ronald Reagan for answers to problems which confront many segments of society.

This new, forward-looking leadership has now come up with proposals for shaping up law enforcement and judicial processes.

With a 13-point program aimed at improving police efficiency, a six-point program to combat juvenile delinquency, a six-point program to improve correctional work and a 13-point program designed to orient community action against the forces of crime, this document should stir the interest of all who are interested in preserving this Nation against the lawlessness and inefficiency of crime control which each hour threatens the population.

When proposals such as Governor Reagan's are studied and implemented, Americans will come to believe that the scales of justice, thrown so far out of balance by the courts and hand-slapping law enforcement, will balance out to include and protect the rights of the law-abiding.

A short article from today's New York Times outlines several of the statements included in the proposals. I include it at this point:

REAGAN PROPOSES JUDICIAL REFORM—HE ASKS CHANGES TO STIFFEN ENFORCEMENT OF LAWS

(By Gladwin Hill)

LOS ANGELES, May 15.—Declaring that "the guilty should not go free simply because of legal technicalities," Gov. Ronald Reagan proposed today a seven-point program of judicial innovations aimed at strengthening law enforcement.

The suggestions were made in the second of a series of elaborately printed Reagan position papers. The documents, though addressed to "fellow Californians," are being distributed nationally to 6,000 recipients.

Marked "not printed or mailed at taxpayers' expense," the 20-page illustrated brochure resembles a campaign document. Aides of the Governor, who is in Hawaii for a meeting of Western Governors, denied that the document was part of a plan to seek the Republican Presidential nomination. It is being given wide bipartisan distribution, they said, simply because of interest in California problems.

The treatise obliquely accuses the national Administration of espousing "lawbreaking as a 'right.'" "One of America's highest elected officials brags 'I've got enough spark in me to lead a mighty good revolt,'" it says at one point, referring to Vice President Humphrey.

NEW KIND OF CRIME

The paper asserts that the nation is confronted with "a new kind of crime, political lawlessness, committed by revolutionary hypocrites who sing songs to freedom but dance to the beat of anarchy."

"Much of the lawlessness of today is a symptom of the sickness or permissiveness in the attitudes of right and wrong which pervades our homes, our schools, our churches, our courts and our Government," the document continued. "The time has come to state that the law will be upheld—and mean it."

The report contains a 13-point program for improving police efficiency, a six-point program to combat juvenile delinquency, a six-point program for improving correctional work, a 13-point program for gearing community action against crime.

The proposals for judicial changes include court use of computers "for information storage and retrieval"; revision of bail practices "so that the quality of justice is not measured by the quantity of a defendant's money"; development of a summons system in lieu of physical arrests for persons not charged with "crimes of violence or moral turpitude," and improved techniques for handling mass arrests so "the guilty should not be permitted to escape punishment."

Mr. Reagan would also allow law enforcement officers "to use electronic surveillance equipment under the control of a warrant authorized by a judge" and provide some means for judging the constitutionality of laws before crimes are committed.

SWAZILAND INDEPENDENCE

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mrs. BOLTON. Mr. Speaker, the complicated road to self-determination has been followed by some dozens of nation-states since World War II. The whole world has watched, not always comprehendingly, sometimes critically, while these young nations, their leaders, and their inhabitants try to sort out the myriad ideas on nation building that flood in on them from every side. Meanwhile, they struggle with the awesome problems of examining the modern 20th-century ideas that fit their needs. They try to amalgamate the values of this 20th century with the traditional and cultural values they need and wish to keep. They try to figure out how to develop an economy that will support the kind of nation they want and need.

Mr. Speaker, still another nation is now entering upon this struggle. I refer to the small southern African country of Swaziland which is scheduled to achieve its independence next September 6. Like every other new African nation, Swaziland will have some difficult years of nation building ahead of it. It is already tackling many of them, including problems occasioned by the fact that it is landlocked. Beyond this, Swaziland goes forward into independence with certain important advantages that many of these new nations have not had.

Not the least of these advantages is a relatively homogeneous population. The vast majority of the country's inhabitants are Swazis. Almost all of the other indigenous Africans are closely related Zulus. Some 10,000 more inhabitants of Swaziland are Europeans and perhaps 2,500 are Eurafricans.

Another very important "plus" in Swaziland's picture at the outset of independence is a rather good endowment of known natural resources. It has substantial wealth in forestry, comparatively good soil, and plentiful water supplies.

Swaziland is being prepared for final independence under the cooperative efforts of the mother country, Britain, and Swaziland's own Government, headed by its ruler, the Ngwenyama, King Sobhuza II, and its Prime Minister, Prince Makhosini Dlamini.

Under permission to extend my remarks, I include a statement from the Courier Express of Buffalo, N.Y., entitled "Swaziland's Good Independence Prospects."

SWAZILAND'S GOOD INDEPENDENCE PROSPECTS

Another small African community is emerging from the status of a protectorate with more than usual prospects for a successful future. Britain has informed the United Nations Committee on Colonialism that Swaziland, a landlocked state surrounded by South Africa and Portuguese Mozambique, will gain independence Sept. 6 and become a full member of the British Commonwealth. It is expected to apply for U.N. membership.

The encouraging feature of Swaziland's approach to independence is the fact that although it has a population of only 400,000, mostly black, it has attained a position of prosperity, mainly through British investments. It has achieved annual exports of nearly $60-million in sugar, asbestos, iron ore and citrus fruit. It has had internal self-government since last year.

Unlike some other new African states which have arrived at independence facing formidable financial difficulties and needing substantial outside help, Swaziland gives the impression of being able to stand on its own economic feet. If so, its challenge will be to manage its affairs as effectively in freedom as they have been managed in its existence as a protectorate.

THE LATE HONORABLE LOUIS GARY CLEMENTE

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mrs. KELLY. Mr. Speaker, it is with a heavy heart that I learned the news of the death of the Honorable Louis Gary Clemente, of New York, on May 13, 1968. Gary served with distinction in the House of Representatives on the State of New York's delegation, for a period of 4 years, from 1949–53, the 81st and the 82d Congresses.

Gary was my former colleague and a dear and cherished friend. He devoted many years to the public service as a soldier in World War II, as a New York City councilman, as Queens Borough works commissioner, and as a Congressman.

To the members of his family, his wife Ruth, and his nine children, I extend by deepest sympathy.

NEW POSTMASTER GENERAL IS SON OF TEXAS POSTMASTER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DULSKI. Mr. Speaker, it is clear to anyone who knows the family background of our new Postmaster General, W. Marvin Watson, why he has moved so smoothly into his new position in President Johnson's cabinet.

General Watson's father was postmaster in Grapeland, Tex., until he learned his son was being promoted to head the Post Office Department.

W. Marvin Watson, Sr., then resigned before heading for Washington to see his son take the oath of office.

Texas postmasters are very proud of the Watsons, as is evident in the following article from the May 15 issue of the Lone Star Postmaster, published in Glen Flora, Tex.:

TEXAS PM'S SALUTE PMG WATSON: "POSTMASTERING RUNS IN NEW PMG FAMILY"

(By Editor Eve Bartlett)

We have learned that "Postmastering" is not new to the newly-appointed Postmaster General—Texan W. Marvin Watson. That indeed "Postmaster Blood" is his to claim through his father, the recently-resigned Grapeland Postmaster W. Marvin Watson Sr., who for several years has been a member of Texas Chapter, NAPUS, and plans to remain so.

Postmaster Watson's resignation as Postmaster came—as a matter of fact—when he learned of his son's appointment as Postmaster General, and as he and Mrs. Watson made preparation to attend the Postmaster General's swearing-in ceremonies at the White House.

(They stayed 10 days, the elder Mr. Watson said, during our telephone conversation. It was their second Washington visit.)

We discovered the Watson's illustrious son is an only child, who has three children of his own. They are Lee (21 years), Kimberly (17) and William Marvin Watson III, (4) who is called "Bill." The lovely mother of these grandchildren is the former Marion Baugh of Waco, a Baylor University classmate of the now PMG Watson.

The very modest Honorable William Marvin Watson Sr.—who declined the use of his photograph—was born in San Augustine in 1905. After a move by his family to Huntsville he came to Grapeland in 1941 and became the Grapeland Postmaster on December 18, 1964.

His interest in Texas history is personal, since his heritage is that of early-day Texas settlers in and around the History-Heart of Texas, among East Texas pines and rolling hills.

(A Texan Historical Survey Plaque was recently unveiled on the San Augustine High School Football Field, marking 251 years the community has been on the El Camino Real . . . road to Mexico.)

Since Mr. Watson obviously preferred to speak of his son—and that with dignified restraint—we verified stories that PMG Watson once assisted the then Rep. Lyndon B. Johnson in his successful Senate campaign.

That he was indeed active in campaigns of Gov. John Connally and for a time was chairman of the Texas Democratic Executive Committee.

His attendance at Baylor University was interrupted in 1941 for four years while he served in the Marine Air Corps. Following War II he returned to Baylor and earned his Masters Degree while courting and marrying classmate Marion Baugh.

His service as Executive Vice-President of Lone Star Steel, before joining President Johnson as appointments secretary, has been cited in many news releases.

The elder Mr. Watson—who is a young 63 years of age—assurred us he and Mrs. Watson hope to attend the Houston Convention. He also is certain his PMG son will attend "if he possibly can."

President Lyndon B. Johnson, in announcing his appointment of Postmaster General Watson, praised his "wisdom, gentleness and loyalty."

As we visited with his parents we sensed these are inherited virtues nurtured in a Christian, patriotic American home where love and loyalty are the ever-present watchwords.

DO WE HAVE AN ATTORNEY GENERAL?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. TEAGUE of Texas. Mr. Speaker, I submit the following editorial from the U.S. News & World Report of the week of April 29, 1968, and congratulate the editors on calling the crime wave what it is, insurrection:

How To Fight a Domestic War

(By David Lawrence)

Never before in the history of the United States have the people been confronted with such a threat to their safety in the cities as we are witnessing today.

The official figures from 76 cities show that 46 persons were killed in a few days in the riots which erupted after the assassination of Dr. Martin Luther King, Jr., on April 4. More than 2,500 were injured, and approximately 21,000 were arrested. Disturbances actually broke out in more than 100 cities, but the national statistics of all the losses have not yet been compiled.

Also, in the Detroit outbreak last July, there were 43 deaths, and in the same month 23 were killed in riots in Newark, N.J.

Many a college campus from coast to coast has been the scene of violence. A few days ago students seized the office of the President of Columbia University, and similar rebellions occurred in several other universities.

Apparently the impulse to create havoc is infectious. Its spread is plainly due to the failure of established authority promptly to impose discipline so as to deter further attempts to defy the law.

Police chiefs throughout the country find themselves calling for State militia. Governors are faced with a situation so menacing that they have to ask for the aid of federal troops. Meanwhile, the riots reach massive proportions, and the damage is extensive. Fires are set and snipers boldly support the rioters. There is no doubt that in most instances the arsonists work in cooperation with the looters. Persons with criminal records are often noted on the lists of arrests.

Basically, many of the rioters have lost all respect for "law and order," and are taking advantage of the softnes of governing authorities. When "marches" and "demonstrations" first began, and the police used normal methods of control, charges of "police brutality" were heard. A continued propaganda movement has since been carried on against the police generally.

As a tense situation arises anywhere, local authorities who refuse to grant permits for street gatherings related to highly controversial subjects should not be restrained by the courts. There are plenty of auditoriums and stadiums where such discussions can be carried on in a lawful manner. Nothing in the Constitution says that freedom of speech means the right to incite persons to destroy lives or property.

The main problem nowadays is how to apply force and prevent violence when the disorders start or mobs gather. Some police chiefs are even hesitant to utilize tear gas or to let guns be used to quell disturbances. Recently a debate has been going on in the press between the mayors of various cities, some of whom declare that it is wrong to shoot at arsonists or looters to deter them. Others say that the intention to use force must in some way be made clear to the mobs if they are really to be prevented from inflicting serious injury. Certainly resistance to arrest can be dealt with forcibly.

Various public officials have been advocating a gentle handling of riots and restrictions on the use of force, even though criminal elements are stimulated to rob and loot. The impression has been conveyed that the authorities would be "soft" and that thievery could go on with little interference and without much risk of punishment. There have been too many cases of vandalism while police were nearby. If the impression develops throughout the big cities that looting can be done with relatively little chance of its being stopped by police, an even greater loss of life and property could ensue in the future.

It is evident that the police are in many instances not instructed in how to deal with rock-throwing, arson and looting. The uprisings often develop in different parts of a city, and an adequate number of officers of the law is not at hand to squelch the disturbances.

The time has come for the Federal Government to take the initiative and help coordinate the police operations of the States and cities. For obviously the disorders are instigated across States lines and are in large part a federal as well as a local problem. Occasional seminars are not enough. The crime wave in a growing population cannot be handled without more police and some form of national supervision.

If federal authorities were required to train the police force and to issue beforehand public announcements of the methods that would be taken to deal with riots, the irresponsible elements would not be likely to risk a defiance of the law.

The problem of communication is vital—how to let the people in the crowded neighborhoods of the big cities know that a riot can be dangerous and that the police will not hesitate to apply maximum force if violence breaks out. Not only must notice of an intention to use drastic measures be given in advance and widely publicized in the communities, but rigid discipline must be applied when disorder becomes manifest.

Insurrection should be handled on a national basis. There is no need for a police state, but there is every need for national security and safety.

WHERE IS OUR FOREIGN AID MONEY SPENT?

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mrs. MINK. Mr. Speaker, despite demands being made on us to find ways to cut Federal spending, I believe that our foreign aid program deserves our full and continued support. I endeavored to analyze this program and to emphasize its importance to us and our national security in a recent speech I gave to the Business and Professional Women's Club of Honolulu. I submit it to this House in the hope that it might contain information which will be useful and persuasive:

I would like to talk to you tonight about the foreign aid program of the United States, what it is seeking to do, how much it costs, and where the money is spent.

May I start right out by commending you for selecting this timely topic—a phase of our economic and public life which is greatly misunderstood and often misrepresented. Yet, I believe, it stands very close to all of us, and to the cause of peace.

One prominent student of the times in which we live has observed that everything the United States has done in the field of foreign policy since World War II has been done in an effort to prevent World War III. Foreign aid is one of the programs we are conducting, necessarily experimental in many of its pioneering aspects, which looks toward a world in which people can live in freedom and peace. It seeks to help the developing nations of the world get started on the road to self-sustaining economic growth—to achieve a higher standard of living in freedom and to build the strength necessary to protect that freedom. We do this not just out of a sense of charity or goodwill, quite the contrary. We do this in the interest of our own national security and well being.

When we went into Europe with the Marshall Plan after World War II, we were helping to restore order and support democratic governments on a continent which was in chaos and where, without the help we provided, plainly the whole nature of our position there would be vastly different today, and the problem of United States security would be enormously more difficult and more costly.

Looking back, therefore, it is plain that what we spent for economic aid to Europe under the Marshall Plan was not simply of benefit to the Europeans, but also was of great value in terms of our own national security.

Furthermore, there were and are very large economic benefits to the United States flowing from our economic aid under the Marshall Plan. American exports to the European countries are booming, and American investments in Europe, yielding profitable returns to the United States, have grown very rapidly. This growth in exports and in American investment has taken place in Europe because the Marshall Plan helped to restore thriving and growing economic conditions in Europe. It is fair to say that the economic benefits alone of the Marshall Plan are far greater than the entire cost.

Over and above our security interests and our economic interests, however, there is still another element in the motivation for our assistance to other countries. As Americans we are proud of our religious background and our ethical and moral traditions. It would surely not be fitting for the wealthiest nation on earth to refuse help to our friends in other lands who are poor and hungry and ill.

Thus the security interests, the economic incentives, and the humanitarian motives that have led our country to provide assistance to others are very powerful. Why then is there so much controversy in the annual legislative process in the Congress over the foreign assistance legislation?

One reason I believe is that people have been skeptical that the undoubted success of the Marshall Plan could be achieved elsewhere. It was all very well, some say, to provide economic help to the Europeans who after all had a great deal of industrial experience, managerial know-how, and effective governmental institutions. They agree that our economic aid could be effective under those conditions, but ask whether it can be effective in other parts of the world.

By now, the skeptics have been proven wrong in quite a few cases. One of the early instances was Japan. We are accustomed today to think of Japan as a thriving, prosperous, rapidly growing country. But this was not so clear in the late 1940's. In 1949, for example, Fortune Magazine described our "$2 billion failure in Japan," and went on to say that "the Japanese face a future uniquely bleak . . . The American taxpayer must prepare himself for an indefinite period of vast appropriations."

Within five years that prediction by Fortune Magazine was proved to be a spectacular error. By the middle 1950's, economic progress in Japan was so rapid and so firmly based that American assistance could be brought to an end. Japanese economic progress has continued, resulting in growing economic markets—U. S. exports to Japan have nearly tripled in the past ten years, and in recent years Japan has been second only to Canada as the best market for U. S. products. Today, far from being a recipient of economic assistance, Japan, like the European countries, provides major economic assistance of its own to less-developed countries.

In recent years, there have been additional instances of the successful accomplishments of our economic assistance programs. The most recent case, and in many respects the most significant, is the remarkable progress of the Republic of Free China on Taiwan. Fifteen years ago it appeared certain that the only prospect for Taiwan was one of indefinite dependence on U. S. aid. But the strong efforts of the government and the people of Taiwan, plus a major assistance program from the United States, have achieved extremely rapid progress.

From the outset, the Chinese on Taiwan concentrated on expanding the agricultural base for their economy. Chinese agricultural technicians were trained, a successful land reform was instituted, increased crop yields were improved and improved farm marketing was achieved. Food output doubled in fifteen years.

Industry on Taiwan has grown even more rapidly than agriculture, with an average annual rate of increase in output of 12 percent per year over the past decade. The gross national product has grown six to eight percent annually. Schools and health facilities have been greatly enlarged.

Most important of all, there is today sufficient economic strength and momentum, sufficient competence in and out of government to permit Taiwan to make continuing further economic and social progress without further aid grants and soft-term loans from the United States.

It is important to note that the progress that has been made has not made the Taiwanese rich: the average income per person in Taiwan today is about $150 per year—compared to more than $2500 per person per year in the United States. But the point is that the Taiwanese are now in a position through their own efforts to raise their per capita income steadily year by year into the future, without special assistance from the United States.

This is the objective we are seeking in other developing countries as well—and we are making steady progress in that direction.

Of course there are, and will continue to be, difficulties in the way. Foreign aid is not a prescription for "Instant Paradise."

There is first of all the inherent nature of the situation in the developing countries, where typically there are not enough schools for all the children even to go through the primary grades let alone go on to high school and college—where farming methods are typically primitive and farmers have neither the education nor the credit facilities nor the access to modern techniques and supplies which would permit them rapidly to expand farm output—where there is often no tradition of responsible management in the public interest of governmental agencies or private activities—where the average life span is half what it is in the advanced countries, and where the rate of infant mortality is several times what it is in the United States. These are the conditions of lack of education, of disease, of poverty and lack of resources which are inherent in the less-developed countries. It is necessarily a difficult and time-consuming task, no matter how good the leadership is in those countries, no matter how strong and effective is external aid, to make permanent and lasting progress in such countries. But steady if not spectacular progress is being made.

Today we are extending some kind of a helping hand to 55 countries with programs to help them improve their agriculture, their national health, their educational and industrial systems. But this aid is by no means scattered haphazardly around the globe. It is concentrated, generally speaking, in a few countries which need it most and *which can use it best*.

The program has a three-prong thrust—giving top priority to programs in agriculture and the war on hunger, education, and health.

War on hunger

The simple arithmetic of the world's food supply and the population it must feed means that improved agriculture has the highest development priority of all.

In simplest terms, population has been rising faster than food production. There is less food per capita in the world today than a year ago. The rate of increase of food production in the developing world has slowed since 1960 while population has continued to rise by 2½ to 3 percent annually. But in 1966, when world population grew by 70 million, food production stood still.

The significance of this fact—in terms of world stability, peace, further economic progress—is plain. If developing countries cannot meet growing food demands, the bill for failure will be paid in political and social unrest among people no longer content with silent suffering, in the stifling of economic and social development, in malnutrition—eventually in widespread famine. The outlook would be virtually hopeless if solution to the problem were not widely acknowledged as within the capacity of the modern world to achieve.

We know how to produce vastly larger amounts of food. We know how to improve and increase arable land. We have barely begun to fully exploit the food resources of the sea. And we are confident, looking at the other side of the as yet unbalanced equation, that population growth can be effectively curbed without violence to human dignity.

No matter how successful the world may be in increasing agricultural productivity, long continuance of the present population growth rate would bring disaster. Before the world reaches the projected level of seven billion population in the year 2000, millions would be without food and there would be widespread breakdown in employment, education, housing, health and public services, with consequent disorders of many kinds. Fortunately, world concern over the social and economic consequences of the fact is growing. Yet progress has been slower than the urgency of the situation dictates.

Unlike other kinds of assistance, including help in raising food production, family planning programs are relatively inexpensive in terms of foreign exchange needs supplied from the outside, which means that for the most part such programs can be financed with the currency of the country concerned. The techniques of family planning are simple.

However they do require well-planned and well-executed educational efforts because of social and cultural changes implicit in their wide acceptance.

In those countries that have not acted urgently the fundamental obstacle to progress in family planning is insufficient awareness of what fast-growing populations mean, not only to food supplies but to an entire development program.

Every American instinctively understands that good health and economic productivity go hand in hand. In the United States of 1967, more than 60 percent of the people live to an age of 65 or more, providing a sustained application of vigorous adult human resources to economic progress through the truly productive years.

But this was not always so. Eighty years ago only 14 percent, about one American in seven, lived as long. And in the developing world today life expectancy is often less than that. In a typical unhealthy population many children are fed, housed and educated only to die before reaching adulthood!

In addition, sickness creates permanent or recurring unproductivity which further burdens the already weak economy.

AID's programs in health have four broad objectives:

First. To assist developing countries in the control and eradication of communicable disease;

Second. To help them find and train their own health workers;

Third. To help reduce and ultimately solve the problem of malnutrition, above all in mothers and children;

Fourth. To help, *when asked*, in establishing population control programs.

It is apparent that malnutrition and population problems are matters closely related to the broader War on Hunger.

Education

The function of education in developing countries is to train vast numbers of people in the skills of nation-building in the shortest possible time. But in the longer view education is also the key to responsible democracy and enriched individual lives.

Yet in developing countries today there are more than 300 million children of school age who are not in school. The problem is growing as needs mount notwithstanding construction of more schools and training of more teachers. In India, for example, 40 million persons were taught to read and write in a recent 10-year period. When the drive ended, however, there were 11 million more illiterates than before as a result of population increases.

Even the relatively well developed countries AID assists often have major school deficiencies in their rural areas. In Chile, for example, about 30 percent of rural children abandon school within the first two years and only 16 percent complete the sixth grade.

In AID's case, education has long been a priority area of attention, in recent years accounting for the largest number of AID-financed technicians, about one in five, working in Asia, Africa and Latin America. They strive to help develop basic education systems as well as programs needed to train the doctors, nurses, health workers, farm experts, engineers, public administrators, managers and other specialists required for successful development.

In earlier programs, AID directly hired most American technicians and educators assigned to school programs overseas. Today, however, four of every five such experts are staff members from American colleges and universities with which AID has contracts for technical assistance. Through some $219 million in such contracts, 127 U.S. colleges and universities play a role in technical assistance, including training of AID-sponsored foreign students. Teams from 74 of these institutions are at work in 39 countries.

The AID contribution can be measured in several ways, for example by the fact that more than 97,000 foreign technicians and professionals have come to this country under its auspices, or its predecessors', since 1949. In the same period some 19,000 were trained in other countries having suitable facilities. In fiscal 1966 alone there were 8,800 foreign trainees in the United States under AID auspices and about 2,000 in other nations. About half were enrolled in colleges and universities while the rest attended special training programs or seminars.

Colleges and schools established in developing countries with AID assistance have graduated more than 378,000 teachers who in many countries constitute a third or more of the teaching force. In Ethiopia they account for 70 percent of the nation's teachers, in Pakistan 35 percent, Korea 28 percent, Iran 45 percent, Cost Rica 34 percent, and Nepal 33 percent. Although the result is not susceptible of quantitative measurement, AID-financed American educators have helped many developing countries modernize and improve school curricula by relating subjects taught to special requirements for trained manpower.

The University of Hawaii is among these institutions. The University has contracts valued at more than three million dollars to carry out training programs for AID employees assigned to the Far East; to undertake family planning studies; and to render technical assistance to the governments of Pakistan and Laos.

Now once again the Congress is considering what should be the shape and size of the AID program for next year. The President has requested 2.5 billion dollars to carry out the program—the lowest request in history. It means that the cost of our foreign aid represents about a penny and a half of each federal budget dollar. The figure represents less than one-half of one percent of the gross national product of the United States.

Most of the funds requested will be spent in a relatively few countries. The following 15 will get nearly 90% of all country program funds: Bolivia, Brazil, Chile, Colombia, Dominican Republic, India, Indonesia, Korea, Laos, Pakistan, Peru, Thailand, Tunisia, Turkey and Vietnam

Eight of these countries—India, Pakistan, Turkey, Korea, Indonesia, Brazil, Colombia and Chile—are scheduled to get more than four-fifths of development loan country programs. Four of them—Vietnam, Korea, Laos and Thailand—are expected to get 95% of all Supporting Assistance. The President is requesting $765 million for Development Loans.

Three countries in the *Near East and South Asia* region—India, Pakistan and Turkey—are scheduled to receive three-fourths of all Development Loan funds. Nearly half the people AID seeks to help live in these three countries.

India, spurred by a record food grain crop now estimated at 100 million tons, sound agricultural policies, and a more practical approach to current economic problems and longer-range development planning, has the opportunity to break through to a significantly higher growth rate than in the past.

Pakistan is making steady development progress. The development budget has been increased, and agricultural progress is at the point where self-sufficiency in food grains looks only a short time off. A vigorous family planning program is under way, and private investment is steadily expanding. $177 million is proposed for Development Loans.

Turkey is making good use of Aid. Her GNP has grown on an average of 6% a year since 1962, industrial output has grown 9% a year, and food production is growing faster than population. By the early 1970s, Turkey plans to reach the point where she will no longer need concessional economic aid. This year a development loan on the order of $60 million is proposed for Turkey.

Substantial Development Loan programs are contemplated for two countries in *East Asia*—Indonesia and Korea. The United States has agreed, subject to appropriation, to help meet *Indonesia's* requirements as determined by a seven-nation Inter-Governmental Group, the International Monetary Fund and the World Bank, provided the other donors do their part. About $55 million in Development Loans will be needed in 1969.

In the past few years *Korea* has been making excellent progress in agriculture, in industry, in education and in reducing population growth. GNP has averaged 8.5% a year since 1961. Korea will get about $40 million in Development Loans to enable her to maintain her present momentum and capitalize on the remarkable progress she has made to date.

Appropriation cuts have sharply reduced the level of Development Loans for *Africa*—from $98 million in FY 1967 to $52 million in FY 1968. More is needed in FY 1969 to support regional development efforts, help the reform government of Ghana and support Tunisia's strong development effort. A total of $90 million is proposed for FY 1969.

The President has requested $235 million for Technical Assistance in FY 1969.

All developing countries need Technical Assistance to provide skills, develop trained manpower, build basic institutions and prepare for capital investment.

In *Africa*, $80 million is needed to train teachers, provide skilled manpower and expand regional development activities in response to African initiatives.

In the *Near East and South Asia*, $46 million is needed for population programs, for secondary and higher education, and to help governments carry on priority programs in

In *East Asia*, $63 million is needed to spread rural development, education and health programs, and to assist Asian initiatives for regional development.

In the category of direct support, not loans and not technical advice, $595 million is proposed. Programs are planned for seven countries.

Of this, $480 million is proposed for *Vietnam*. The program was planned before the Vietcong offensive which began January 30. In the months to come, changes in scope and composition may be required as the situation develops.

In *Korea*, $25 million is proposed to help that nation shoulder her large defense burden. In *Laos* ($39 million) and *Thailand* ($50 million) Supporting Assistance is needed to help maintain internal security and promote rural development. In the *Dominican Republic* $20 million in Supporting Assistance loans will be used to attack unemployment and support fiscal reforms.

In *Latin America*, the President is requesting $625 million for the Alliance for Progress, $110 million of which is for technical assistance grants. About 70% of these funds are planned for Brazil, Chile, Colombia and Central America.

Brazil is making progress in containing inflation and resuming economic growth. In 1967 real GNP growth exceeded 5% for the first time in five years. AID assistance for FY 1969 is planned at $215 million. A $75 million program loan will support continuing economic stabilization efforts. Sector loans in agriculture and education will total $60 million. The agricultural loan will provide credit to help farmers invest in farm storage facilities, fertilizer, seed and pesticides needed to increase earnings and production. The loan for education will help finance the beginning of a free secondary school system.

Chile, under the administration of President Frei, has achieved an annual per capita growth rate of nearly 2.5%—the Alliance target.

For FY 1969, $83 million is planned. A $35 million program loan will support the economic stabilization program. Over the past three years, inflation has been cut in half to about 20%. $30 million is needed for sector loans in agriculture and education.

In *Colombia*, a $95 million program is planned for FY 1969. The Colombian economy has been hurt by falling coffee prices. The resulting drop in her foreign exchange earnings threatens to choke off growth. $65 million in program lending will finance the U.S. goods and raw materials that Colombia's private sector needs to grow. A $15 million agricultural sector loan will provide fertilizer and machinery to help Colombia boost food production. A $10 million education sector loan will begin an attack on the secondary education bottleneck which now denies educational opportunity to Colombia's people.

Central America has made rapid strides toward economic integration in the last few years. But the increase in traditional exports which spurred growth has stopped, and now the Central American governments must expand their investment and raise more revenue. For FY 1969, $15 million in Alliance technical assistance and $68 million in Alliance loans are planned.

This brief rundown of the developing world gives you an idea of where the AID money goes. Most of it is in the form of loans, made over long terms and at low interest rates, but it is not money we are saying goodbye to forever. The record of loan repayment has been very good. Besides this aspect, the proceeds from such loans are spent in the United States, as required by law, to purchase the tools, the tractors, the trucks needed for development and to pay for the hire of American technicians, teachers and engineers who are sharing American "know-how" and "can-do" with the developing nations.

In relation to our gross national product, we are devoting to foreign assistance *today less than half as much as* we did in the days of the Marshall Plan. Moreover, we have adjusted our policies in order to minimize the impact of our foreign assistance on our own balance of payments. *Today 90 percent of the funds voted by Congress for foreign aid are spent directly in the United States for American goods and services*. It is these goods and services, rather than dollars, which we make available under our aid programs, and their export, of course, does not add to our balance of payments deficit.

Nevertheless, even though they should not be exaggerated, the costs of our foreign assistance are real and substantial, and we must make sure that the funds spent under this program, like those spent under all other government programs, achieve maximum results.

In addition to the inherent difficulties of the task of achieving progress in the developing countries, we are unfortunately facing continuous opposition from subversive elements trained and directed from Communist sources. This type of opposition can be very damaging and costly to efforts to achieve progress for free countries. There is no doubt that we will face this kind of difficulty for years to come. Those who are directing the Communist subversion are astute, persistent, and patient. It will require at least an equal degree of intelligence, of persistence, and of patience on our part if we are to help extend the area of freedom around the world, and prevent that area from shrinking.

But the lesson of experience since the end of World War II is that foreign aid can be a very powerful and effective instrument for achieving peaceful progress. Our aid programs are only one element in our foreign policy. They are no cure-all. Even where they are successful, the results are limited, and will not do away with differences of opinion among free nations.

We believe, after all, in a world of free and independent nations because such a world offers the opportunity through the process of international cooperation to achieve maximum freedom and advancement for us and for all the people of the world. Such a world, like our own situation in the United States, does not eliminate problems, but it offers us the chance to solve those problems in peace and freedom.

As in all major programs affecting our relations with other countries and their people, our foreign assistance programs must constantly stand the light of public inspection and review. In my own view, I believe the time has come when unilateral selection of countries to receive our free-world assistance has passed and we should instead be looking more and more to the counsel of other nations from whom we expect moral and military support in our efforts to help other people. I believe this policy decision of who receives help should be the work of a multilateral group—many nations all participating in this selection and all sharing the responsibility of shaping the future welfare and well-being of the world.

RECOMMENDATIONS TO COMBAT CRIME

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BRASCO. Mr. Speaker, the American public is deeply disturbed over the growing crime rate. The rise in crimes of all types, the fear that has gripped many large urban centers and the need for a restoration of law and order are problems that demand bold measures if we are to achieve realistic solutions.

It is a national tragedy when people are terrified of using the streets after dark and even are reluctant to use park and recreational facilities during the daylight hours. As one who has worked in law enforcement, I recognize the magnitude of the crime problem, and wish to outline a series of recommendations which, if adopted, would be most helpful in combating the crime that troubles our society.

First, it is essential that the President's safe streets and crime control bill be adopted so that new and effective crime-fighting programs may be developed at the local level, including the training and use of neighborhood youth in community patrol activities.

I believe that the bill should go one step further than as is presently constituted. I would propose that a portion of the funds that would be earmarked for anticrime efforts be used to expand the police force of our cities. In New York City, where the crime rate has reached frightening proportions, we need an additional 5,000 policemen in order to make our streets safe again.

The civil disorders that have convulsed our Nation in recent years have served to underscore the critical need for gun control legislation. In many of the cities struck by riots, there were scores of sniper attacks, and the victims included innocent citizens as well as local policemen and firemen. Certainly, we can prevent weapons from falling into the hands of irresponsible persons with little or no regard for life and property by making the interstate sale of all weapons illegal. A ban on the mail-order sale of weapons would not impede recognized, responsible rifle clubs. Rather it would sharply reduce the possibility of wanton mayhem in the streets of our cities.

While the Federal Government has a role and a responsibility in preserving law and order, there is much that can be done by local government to fight crime. For example, I have recommended to the mayor of the city of New York that the parks department create a new job, "parks patrolman," to help combat crime and vandalism in parks and other recreational areas.

I would like to point out that there are patrolmen who function with the transit department, the housing authority and the port authority. Thus, there are precedents for parks patrolmen.

In New York, we have parks that are in such a state of deterioration that even if the streets and the parks were safe, people would find it difficult to enjoy recreation in them.

The costs of the proposed "parks patrolmen" would not compare with the amount of money the city spends every year to rehabilitate facilities that have been hit by vandalism.

In my years as the assistant district attorney, I saw many cases in which recreational facilities in parks were destroyed beyond repair, where park comfort stations were burned down or torn apart brick by brick, and where fences and games were broken and stolen. The addition of parks patrolmen would enable all our citizens to enjoy the city's parks in complete safety, and I think all cities should give this recommendation serious consideration.

Also of extreme urgency is our need for protection for our citizens living in housing projects. A force of 2,500 additional housing patrolmen could prevent a sizable proportion of the crime and damage which is incurred regularly in these areas by vandals. And certainly, the money the city of New York would have by putting a stop to this wanton destruction would be more than adequate to finance the additional "housing patrol" force.

In terms of the role of the courts, I have proposed that a "call system" be established in all criminal courts in New York City, whereby witnesses would be notified to appear on the day of trial instead of having to make repeated trips to court before the case is heard. Under the present system, many witnesses become discouraged and do not make appearances when scheduled.

A call system would make it easier for them as well as for everyone connected with the case. It would also free scores of patrolmen, who are tied up in courts awaiting the call calendar, from wasting precious hours waiting for a trial to come up. We are deeply aware of the shortage of patrolmen on our streets. Here is a method that would enable more police to patrol our streets.

In line with this, I strongly support legislation that would expand the judiciary in New York. New judgeships are especially needed in the criminal courts, where because of an enormous backlog of cases, confirmed criminals sometimes are permitted to plead guilty to a lesser offense in order to speed up the calendars. More judges in these courts would eliminate this possibility, and assure the community that in every criminal case the punishment will fit the crime and hardened criminals will not be released before the appropriate time.

Statistics show that drug addiction is responsible for a substantial number of crimes committed against society. I strongly support measures that would invoke severe penalties against sellers of narcotics, and at the same time urge immediate passage of a bill I introduced to alert young people and their parents to dangerous drugs.

My bill would require that so-called "pep pills" and other barbiturates and narcotics be manufactured in different colors so as to avoid confusion. Pills manufactured in varying colors would serve as a warning to youths, parents, and teachers, and would contribute to a reduction in drug addiction. It would also assist law-enforcement officers in the identification of these dangerous drugs.

Recently I was alerted to the fact that a Florida-based company was selling through the mail masterkeys for all make automobiles. To confirm this, I ordered, and received, a set of keys for all Ford automobiles for the meager sum of $3. This kind of sale is one of the prime causes for the wave of auto thefts plaguing our cities. Subsequently I cosponsored legislation to ban the use of interstate mails for these sales. The House of Representatives very quickly passed the bill; I urge the Senate to do the same immediately.

Mr. Speaker, while I have outlined specific programs, I would like to emphasize that the public itself can contribute to a curtailment in crime by taking an active interest in community affairs, and by working with their local police and law-enforcement officials to eradicate the lawlessness. The problem is an enormous one, but by no means insoluble. We can—and we will—restore safety to the streets. Thank you.

TULIP SELECTED AS NATIONAL FLOWER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. WYLIE. Mr. Speaker, the student body of the Pickaway Township School, Logan-Elm School District in Pickaway County, feels that the United States should have a national flower.

After several flowers were suggested for the honor, arguments were presented to the entire student body, after which by secret ballot the tulip was chosen.

It was suggested that the tulip be chosen as the national flower because: First, it is found in most States; second, it is usually the first flower to bloom in the spring; third, it is eye-catching, representing the beauty of our country; and fourth, it was brought to this country by the Pilgrims on the Mayflower.

OCCUPATIONAL HEALTH AND SAFETY ACT OF 1968

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. BURTON of California. Mr. Speaker, in my district in San Francisco recently a rather remarkable speech was presented to a large group of scientists that forcefully stated the need for the passage of the Occupational Health and Safety Act of 1968.

It was delivered by an Assistant Surgeon General of the U.S. Public Health Service, Dr. Richard Prindle, to the annual convention of the Industrial Medical Association of the United States. I feel that it was sufficiently important to call to the attention of the Members of Congress several of the salient paragraphs of the speech:

> Health officers and physicians cannot afford to approach the potential health hazards of the contemporary environment, and we must include the work environment, as though we were attorneys in a court where the suspect is deemed innocent until guilt is proved beyond reasonable doubt. The size of the population at risk and the possible consequences of failure to control both the known and the suspected hazards are too great to await absolute proof. Strong circumstantial and theoretical evidence requires action. To await positive proof is to court disaster.
>
> The people of this country need and desire the products and the affluence of a prosperous industrial economy. But they also need and increasingly are demanding cleaner air and water; they want safe jobs, safe food, drugs, and clothing. I believe it is clear the people are convinced that an unsafe and unhealthy environment is not a reasonable price to pay for prosperity. I believe the American people feel that a science which can unravel the genetic code, develop artificial hearts and kidneys, and an industry which can transmit clear photographs back to earth from the moon's surface can also clean up the environment and improve the workplace without destroying the American way.
>
> Air and water pollution have held the center of legislative and public attention until now because their gross effects are readily apparent to millions of people. Health authorities have concentrated on air and water because of the size of the populations exposed to their potentially harmful contaminants.
>
> Belated as were the legislative enactments of recent years designed to cope with air and water pollution, with better delivery of health services, even more belated but equally welcome to health workers was the introduction this year of the Occupational Safety and Health Act of 1968. This is clearly one of the most important and needed pieces of health legislation introduced in the last decade.

WINTON M. BLOUNT, NEWLY ELECTED PRESIDENT OF U.S. CHAMBER OF COMMERCE

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. ANDREWS of Alabama. Mr. Speaker, it is with a great deal of pride that I bring to the attention of my colleagues an event which took place recently in Washington when the Chamber of Commerce of the U.S.A. elected Winton M. "Red" Blount its 41st president.

I have known Red Blount all of his life. He was born and reared in my hometown of Union Springs, Ala. His father, affectionately called "Bo" Blount, was one of the best friends I ever had.

Red is president and board chairman of the multimillion-dollar Blount Bros. Corp., which he built from scratch. Blount Bros. has landed some of the biggest and toughest contracts in the country over the past 17 years. They include atomic research facilities at Oak Ridge, Georgia Tech, and the National Bureau of Standards; the Atlanta airport terminal; Cape Kennedy's Saturn launch complex with a 400-foot steel tower that moves on rails; an "indoor ocean" for research by the U.S. Navy; missile defense installations in six States; a 250-foot-deep compulsion engine test cell; Cleveland's underground convention center and mall; the Marion, Ill., Federal maximum security prison that replaced Alcatraz, and a wide variety of complex industrial projects. In fact, he has injected into the construction industry some of the most up-to-date management techniques. He is sending his entire top management, one by one, to the 13-week advanced management program at Harvard Business School.

Red and his lovely wife, Mary Katherine, have five children. They live in a handsome Georgian-style home on a hill overlooking his 60-acre estate—"Wynfield"—in the outskirts of Montgomery, Ala. It is not far from where he plans to build soon a new headquarters for Blount Bros.

In my opinion, Red could give each of us a real good lesson in leadership.

I include in my remarks his acceptance speech made at the annual convention of the Chamber of Commerce of the United States:

WINTON M. BLOUNT, ELECTED U.S. CHAMBER OF COMMERCE PRESIDENT

> Thank you, Mr. Chairman, and ladies and gentlemen, for your expression of welcome and encouragement.
>
> The abilities I have to offer are at your service in the year ahead. But whatever significance they gain—the impact we make on the events of our time—will not reflect the efforts of a single individual, but the resolution of the Chamber of Commerce and the business community to make the force of its convictions felt at a time when they are most needed.
>
> I think I can safely say that never before has the leadership of the National Chamber—its officers, directors and staff—been so aware of the responsibility for assuring that the measure of this organization's effort be sufficient to the challenge of our times.
>
> Today we are faced with international problems such as Vietnam and the worth of the dollar in the world markets; national problems related to an economy beset by inflation, urbanization and industrialization; human problems of race and poverty; and spiritual problems of dissension, distrust and violence. These problems must be met and solved.
>
> This is a time for reason and restraint. This is also a time for response—restraint from emotionalism and radicalism . . . but response toward finding solutions to these major problems. The climate of unrest and uncertainty have placed, as never before, new demands upon the business and professional community for leadership and constructive action.
>
> Business is responding by bringing its leadership, management and problem solving abilities to bear on these matters, invading areas which have been traditionally left to government. We are seeking out dark corners and moving into the social problem backwaters where politicians have been making too many of the decisions. The Chamber must continue to encourage and lead this effort, and determine the most effective channels for its expression.
>
> Government cannot solve these problems alone, as it has sometimes tried to do in the past. Rather, it must be a joint effort of the national government, the local and state governments, business community, other organizations and private citizens—a total effort on the part of all—and business has a key role to play.
>
> I am an optimist—you have to be in my business. And I am optimistic that America will solve its problems. Our background and heritage have not prepared us for defeat. Our resiliency as a nation has been demonstrated time and time again.
>
> But as we progress and change and move forward into the exciting world of the future, we must preserve and strengthen the essential institutions and values which have provided the vitality and inner strength of this great nation.
>
> Ladies and gentlemen, it is up to the vast majority of Americans who are responsible, reasonable and restrained citizens to insure that our progress is responsive, sound, and intelligent.
>
> What is our role? I believe the nation needs to hear from us.
>
> It needs to hear from us about preserving the vitality of our economic system. As George Champion pointed out yesterday we must tell the story to every citizen of the vital role of capital, incentive, and profits in our free enterprise economy.
>
> The nation needs to hear from us a reaffirmation of the democratic process as the proper and most effective expression of the public will. Politics is too important to leave to the politicians; businessmen must become involved.
>
> In this regard, I am pleased to announce tonight that Governor Allan Shivers has graciously consented to serve in this important election year as chairman of the new Individual Political Action Program developed by the National Chamber. Let's all join Gov. Shivers to insure the success of this significant program at every level.
>
> And finally, the nation must hear from us a reaffirmation of our moral strengths—our belief in individual rights, and the preservation of those rights through obedience to the law.
>
> Sunday I visited the rubble and destruction of the recent riots in Washington. While I had seen the destruction on television and through other news media, I was utterly shocked and yes, dismayed, by what I saw—parts of our capital laid waste as a Berlin or a London of over two decades ago. This . . . in the capital of the United States, a nation of dedication to great principles and progress—not to destruction.
>
> I say to you and to all the people of this country that the business community has a deep and compassionate concern for people of all races who live in poverty in the

slums of our cities, the disadvantaged, the hard-core unemployed, and the undereducated. We are deeply concerned over all the problems of the urban areas of our country and the business community must and will redouble its efforts everywhere to open wide the doors of opportunity and to lend a helping hand to those who will take advantage of these opportunities.

While we feel all of these things, it is outrageous to enunciate a policy which essentially encourages and escalates riots and lawless acts. We cannot abide lawlessness, nor can we justify short-run violations of the law in hope that it will bring about peace in the long run. Human rights cannot long exist in a chaotic and disorderly society. They are assured and preserved only by prompt and reasonable enforcement of the law.

Riots are started by lawless hoodlums and the disruptive elements in our society. They are not started by the innocent bystanders or the children. But if we have a national policy of withholding authority and letting the arsonist burn and the looter steal then you can be certain that seeing this example the surrounding community will join in. We must have a national policy that says as soon as riots threaten, at the very first hour there must be an appropriate and overwhelming show of force and determination by all those in authority to insure that these criminal acts are stopped in their tracks.

During the important workshop held Sunday afternoon, I heard it said that the business community has lost the initiative in this area. I do not believe this is the case and in fact the matter of who has the initiative is not the point. Rather we must work together with respect and understanding toward successful solutions.

STRAIGHT TALK

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. O'NEAL of Georgia. Mr. Speaker, Tom Anderson is the straight talking president and editorial writer of the Georgia Farmer, whose monthly page is titled "Straight Talk."

It is most appropriate that his message this month is directed to the 1968 graduates. The commonsense views expressed in pungent quotable words and phrases should be read not only by our colleagues, but by every student in America before it is too late with this generation that preaches "permissiveness." The article follows:

STRAIGHT TALK

(By Tom Anderson)

Now, for the first time, America has a large revolutionary youth movement resembling Europe's. They are against the system, against the Establishment. They plan to take *over*, if *necessary* by force. Some are not militant. They are willing to settle the issue by peaceful and legal means. All we turned-off dopes over 30, we capitalists and puritans need to do is to surrender to their politically passionate puberty.

The hippies are trying to replace "dog eat dog" with "dog love dog." Both are animalism and can only return us to the jungle.

Freedom without discipline is an uncivilized absurdity. "Freedom now!" sounds great, I suppose, to people who lack the capacity to think deeply. The phrase we should be hearing is "Discipline now!" In a civilized society freedom without discipline is impossible. Those who cannot discipline themselves cannot for long be allowed to run free. We must discipline ourselves, individually, else some government must do it. If the prevailing government is too decadent to do it, then some other government, from outside or within, will replace it by force if necessary. Thus, individual violence is replaced by government violence. And freedom is replaced by slavery. There is little individual violence and crime—and little freedom—in any Communist country. All looters in Communist countries are executed. Hence there is little looting.

A recent advertisement by the great and patriotic Warner & Swasey Company of Cleveland said: "I want my boy to have all the advantages I can give him, such as having to earn his own allowance by running errands, cutting lawns. Such as getting good grades in school—getting them because he wants to and because he knows what it would do to me if he didn't. Such as being proud to be clean and neat and decent. Such as standing up and standing proud when his country's flag goes by. Such as addressing elder friends of his parents as 'sir' and 'ma'am.'

"Such as having to earn his own way in the world and knowing he has to prepare for it by hard work, hard study and sacrificing some of the pleasures and ease his friends may get from too-indulgent parents.

"These are the advantages I want my son to have, because these are the things which will make him self-respecting and self-reliant and successful. And that is the happiness I want him to have."

And now the old gasbags pontificate the stupid redundancy that "you are our future." You are not our future but our now.

The young want to change things. They can and they should. I hope I never get so old I won't want to change things—for the better. Some things we can and should change and some we can't and shouldn't. The most inevitable thing in life is change. In government and in life be sure you have something *better* before you agree to a change. Some of the "progressive" ideas, such as socialism to replace capitalism, "humanism" or "modernism" to replace Christianity, would set us back almost 2,000 years. For it was that long ago that socialism, humanism and modernism were first proved failures. There will never be a perfect system until there are perfect people. No society and no city is better than the individuals in it.

The agnostic pragmatists who call themselves "liberals" have taught a generation of children: (1) that there are no clear distinctions between right and wrong; (2) that there are no eternal verities, no absolute truths; (3) that environment determines truth, and, since environment constantly changes, everything is relative; (4) that "life adjustment," not inculcation of principles and disciplines, is the aim of education; (5) that partiotism is out of date. The Freudian frauds further proclaim that we are not responsible: "Man is a product of his heredity and his environment, and you cannot expect him to rise above it."

The collectivists, so-called "liberals," seem to operate on the theory that a socialistic government can legislate unsuccessful people into prosperity by legislating successful people out of it. Remember, there is no such thing as equality. Hold up your thumb and look at it. God has never made another thumb like it. We cannot be free *and* equal. Free men are not equal and equal men are not free. But all slaves are incarcerated equally. All men are created equal only in the eyes of God and of the law. And they don't even stay equal there. God penalizes unrepentant sinners, and the law penalizes repeating criminals.

One of the main reasons America became the greatest nation in the world was because we believed in the *inequality* of man—in the right of any man, no matter to what station born, to rise from the bottom to the top—or, the right to be a bum; the right of anybody to be somebody. An old Hindu proverb says: "There is nothing noble in being superior to some other man. The true nobility is in being superior to your previous self."

All totalitarianism must "destroy" God, for no total state can stand the competition of man as a free creature under God. All atheists are not Communists, but all Communists are atheists. We are headed the way of the Roman Empire, and for the same reasons: The world has lost faith in us and we have lost faith in ourselves. We have all but abandoned the eternal principles that made this country great: religion and morality, discipline, honesty, patriotism and work.

When you cash in your chips for this life, the only thing of any value you can take with you is your character. Character is a victory, not a gift. Character knows no race, creed, color or circumstance. If you lack it, it's nobody's fault but your own.

In the final analysis, neither your government nor your parents are responsible for you—you are responsible for yourself. As somebody said: "The young man who thought the world owed him a living is the old man who is blaming the world for his failures." If you're determined merely to milk all possible pleasure out of life, you should buy your own cow, not milk somebody else's through the fence.

The so-called "civil rights" movement is Communistic, based on forced equality, forced association and forced share-the-wealth. All of the money in the world, all of the bombs and armies, all of the laws and treaties cannot possibly bring either brotherhood or peace. Only Christianity can bring brotherhood and peace. Christianity is the hope of the world, and the only hope.

Christ didn't preach a government "poverty program." Christ said such "un-American" things as: "The poor we will always have with us."

The Bible teaches not government-forced "open housing" but private ownership. The Bible is capitalistic! The Bible advocates private property. It says: "Thou shalt not steal . . . Thou shalt not covet what is thy neighbor's." Property rights are the sacred foundation of human rights.

Our problem today is not so much the noise of the bad people but the silence of the good people. You become part of what you condone. The epitaph on the American tombstone may someday read: "This civilization died because the people didn't want to be bothered." History is made not by majorities but by dedicated minorities. Whether you survive as free men or slaves depends on whether the dedicated minority for what's good and right is more powerful and effective than the dedicated minority for what's evil and wrong. We face socialism, insolvency, surrender and possible revolution and civil war. It's *your* fight. It's your world they're trying to destroy. Where do *you* stand? And what are you *doing* about it?

What can "little" you do? A little 17-year-old country girl who couldn't even read or write changed the course of history. Her name was Joan of Arc. You're probably not a St. Joan. Neither was she when she started.

"THE VULNERABLE RUSSIANS"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. DERWINSKI. Mr. Speaker, the book under the title of "The Vulnerable Russians" deserves the studied attention of every thinking American who is concerned with questions of war and peace, U.S.-U.S.S.R. relations, and America's future. At this time, measures taken by Moscow within the Soviet Union are becoming increasingly oppressive against what this imperio-colonialist center calls "bourgeois nationalism." If I may use a somewhat inaccurate term, "re-Stalinization" is gaining momentum as the tolerated narrow limits of so-called liberalization have been reached. This tightening-up process will have consequences in other parts of Moscow's empire.

A working background to these current developments in the camp of our prime enemy is well furnished by "The Vulnerable Russians." Authored by Dr. Lev E. Dobriansky, of Georgetown University, the work is easy reading, revealing, and well documented.

The work is now available at the Georgetown University Bookstore, White Gravenor, Georgetown University, Washington, D.C. However, some excerpts from the book will give the reader an indication of the novel nature of the work, particularly from the vital angle of Russia's present policies toward the captive non-Russian nations in the Soviet Union.

The excerpts follow:

AN AMERICAN ZIG, THE RUSSIAN ZAG

"The sacred duty of the party is . . . The strengthening of our multinational socialist state . . . The resolute and irreconcilable struggle against every expansion of bourgeois nationalism." (Pravda)

"Bourgeois nationalism" in Russian political lingo means opposition to Moscow's alien domination over the non-Russian nations. So-called crimes of Trotskyism, Bukharinism and the like have long vanished as objects of Moscow's condemnation, but bourgeois nationalism has persisted. The reasons for its persistence are obvious. All that has been said about the patriotic national consciousness of the captive non-Russian nations in the USSR, their invincible aspirations for genuine independence and freedom, forms these reasons. What imperio-colonialist Moscow condemns as bourgeois nationalism, we uphold and esteem as national patriotism and love of country. What the colonialist Russians prescribe as "national in form, socialist in content," the captive non-Russians describe as "national in form, Russian in content." Our formula in the Cold War can only be "national both in form and content." The *Pravda* quote clearly defines Moscow's formula.

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"Whenever they (the Russians) zig, we zag," declared former Defense Secretary Robert A. Lovett in his apt characterization of American foreign policy before a Senate committee. The passive art of zagging has been the conspicuous monopoly of the State Department. Under the perpetuated dominance of the "zaggistic" containment crowd in the Department, this art of diplomatic indolence is the very thing a sizable portion of the American people have been determined to eliminate at the polls since 1952. During each presidential campaign they were repeatedly and in explicit language promised the substitute and imaginative art of zigging. So that whenever we zig, the colonialist Russians would zag. Unfortunately, the unfolding record still shows that this promise has yet to be realized. Mere reactive utterances of "back up your words with deeds," which govern the psychology of the present in our relations with the mortal enemy, are in essence not of the diplomatic species of zigging but rather that of the usual zagging. Again, in their "peace offensive" the Russians have zigged, and we with little show of tangible initiative have just zagged, allowing them to reap all the advantages of the "breather" they need and enjoy. No matter how commendable in themselves, the Peace Corps, the atoms-for-peace proposal, food-for-peace and other weak cold war ventures are all of the zag species. It is most noteworthy how we have shied away from a Freedom Corps, an atoms-for-freedom proposal, the original food-for-freedom and other solid cold war undertakings of the zig species.

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On the surface the resolution appeared at the time to be an appeasing gesture. But when thought was given to its background and implications, it represented, as Felix Morley described it, "a clever legislative proposal, well-calculated to create difficulties for Soviet Russia . . ." For a time the resolution was pigeonholed in the House Foreign Affairs Committee. However, growing public interest in the proposal soon led to formal hearings. Many who had bother to reflect on this proposed diplomatic zig became convinced that the Smith resolution constituted the first solid test of American initiative in the Cold War. Investigating the reaction to it at the State Department, Mr. Morley learned that "2 months after the introduction of the resolution it has been discovered by the State Department. And several alert officials there are of the opinion that the proposal should be seriously pressed . . . Now policy planners at the State Department are saying: 'Why didn't we think of that ourselves?'

* * * * *

But, what happened? Contrary to all expectations, in response to an invitation issued by the chairman of the House Foreign Affairs Committee to participate in forthcoming hearings on the resolution, the State Department sent a letter stating a negative position on the subject. Addressed to the chairman, the Honorable Robert B. Chipperfield, the letter advanced five arguments against the resolution. These were: (1) it would bolster the Soviet myth of the sovereignty of Ukraine and Byelorussia, (2) it would enable Moscow to push other republics in the USSR into international organizations, (3) it would require a "large expenditure of money" to set up missions in Kiev and Minsk, (4) it would lead to two more "communist missions" in the United States, and (5) all this would arouse "adverse sentiment and criticism" among our people. The hearing nevertheless took place on July 15, 1953 before a special subcommittee chaired by the Honorable Frances P. Bolton of Ohio. The members of the subcommitee were, of course, swayed by these arguments. Yet these and other arguments were carefully examined at the hearing. It would do well for us to summarize the analysis here.

* * * * *

2. *We refuse to recognize Red China, so why should we recognize Soviet Ukraine and Byelorussia?*

Because the two cases are by no means parallel. The fact is that we already recognize these two Soviet republics in the United Nations, while we have rightly resisted similar recognition of Red China in the same body. The legal framework which differentiates the two cases was really a justifying basis of the Smith resolution. The provision immediately preceding the body of that resolution itself alluded to this. It read: "Whereas it is clearly incongruous from every viewpoint to maintain the recognition by this Government of the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialistic Republic in the United Nations without the peace-oriented opportunity to establish direct diplomatic concourse with their respective capitals of Kiev and Minsk: Now, therefore, be it Resolved . . ." Of course this legal argument is not sufficient in itself to warrant the step recommended by the proposal, but it obviously answers this and similar points of criticism. We mustn't forget, too, that our mission in the Republic of Free China is a recognition of the Chinese people and nation, both on Formosa and the mainland. We extend no comparable direct recognition to the peoples and nations of Ukraine and Byelorussia. Speaking of Red China, let us also remember its cynical exploitation of the Russian/non-Russian volcano in the USSR, so much so that Brezhnev and Kosygin chastised it for aiming "to disturb the friendship among the nationalities in the U.S.S.R." The issue in the volcano is one of genuine independence and freedom, not Parties' squabbles.

* * * * *

It is interesting to observe the campaign in the United States for our direct recognition of Outer Mongolia. This Russian "satellite" is a member of the U.N., brought in about twenty years after Ukraine and Byelorussia. Secretary Rusk stated in March, 1966, that we continue to weigh the matter of granting diplomatic recognition of this Red state, and a Washington newspaper editorialized in this vein: "Recognition would advance the stated American desire to "build bridges" to Communist lands, and thereby promote their nationalism and our influence, too." These double-standard exponents oppose, however, the same action toward Ukraine and Byelorussia where on every point—population, history, strategic importance, etc.—it would count vastly more. But what can one expect when the editors of the same organ wallow in the conceptual ignorance of "the Soviet Union as a nation."

* * * * *

"PEACEFUL COEXISTENCE" IN REVERSE

5. *Good, but what benefits would we derive if Moscow should refuse to accept our offer for peaceful relations?*

The benefits we would derive in the event of Moscow's refusal would be almost equivalent in force to those hinging on its equally possible acceptance. One, this step would undoubtedly produce acute embarrassment for the highly vocal, puppet delegations representing Soviet Ukraine and Byelorussia in the U.N. In fact, we would gain a powerful propaganda weapon. As Bob Considine evaluated the Smith resolution in his syndicated column, "It would put Russia on the spot in a variety of ways." This surely would be one.

Second, a Soviet Russian refusal would provide an additional lie to its protestations of peace. We would stand to capitalize on this throughout the entire Free World. Third, this circumstance would formally expose the fraud built on the alleged independence of these two major, captive non-Russian nations in the Union. Here, let it also be emphasized that Soviet Russia's acceptance of the offer would by no means constitute any verification of genuine sovereignty and independence in these two states. With American Ambassadors in Kiev and Minsk, Ukraine and Byelorussia would functionally be more independent and sovereign than are Poland and Czecho-Slovakia where we do have missions. The illogic in the State Department's argument on this is quite evident.

* * * * *

6. *Didn't the British Government attempt this in 1947 and fail?*

Not exactly. Although the British Government made certain gestures in the same general direction, its meager effort had by no means been exerted along the lines of strategic psycho-political advantage as proposed in the Smith resolution, nor had it at all been formalized in terms of the data which were incorporated in the resolution. The animus and substance of the British attempt were wholly different. Had it been otherwise, in the way presented here, it could not reasonably have failed.

* * * * *

We have noted the State Department's contention that, should the Soviet government reject—or even accept—this proposal in the name of the Ukrainian and Byelorussian governments, this would bolster the fiction of their independence and consequently nullify one of the propaganda benefits mentioned above. This is a patently groundless objection. It is common knowledge among the captive peoples themselves that these governments are no more independent of the dictates of Moscow than are the governments of Poland, Hungary and so forth. Therefore, a refusal through such means, regardless of all the fabrications surrounding it, would have rather affirmative effects.

* * * * *

9. *Wait now, wouldn't the presence of two more Communist missions in the U.S. increase our internal danger?*

Not really. As a matter of fact, when the U.N. Assembly is in session, the delegations of Ukraine and Byelorussia establish themselves as separate missions in New York. Any opportunity they might have to engage in espionage in a sense already exists. On the merits of the case one cannot compare two additional American embassies in the Soviet Union, situated in Kiev and Minsk, with two more Iron Curtain embassies in Washington, certainly not from the viewpoint of impact on and importance to the specific peoples involved. The environments of the respective embassies are not in the least similar. The area of contacts for American missions in Ukraine and Byelorussia is virtually virgin territory, while that of a Ukrainian or Byelorussian embassy in Washington has surely been exploited well beyond the point of diminishing returns by the USSR embassy. Moreover, espionage is a two-way street. The argument implied by this question seems to suggest American inferiority in the art, a thesis one would find difficult to accept.

* * * * *

NOTHING TO LOSE, EVERYTHING TO GAIN

By now, in thinking through the Smith resolution, you are probably of the feeling that actually there was nothing for us to lose, everything to gain. You are not alone in this feeling. For example, serious-minded students of the Georgetown University International Relations Club had this feeling, and addressed a number of questions on the subject to the Ukrainian and Byelorussian delegates at the U.N. Result?—as anticipated, no reply. These "independent" spokesmen could not decide whether their "independent" countries are open to American diplomatic representation. In a sense, unofficially we zigged and they couldn't even zag. Many others viewed the resolution in the same favorable light. As one editor emphasized at the time, "It deserves a better fate than to be laid on the shelf. It should be studied on its merits."

* * * * *

In the spring of 1958, Congressman Leonard Farbstein of New York revived the resolution and inquired about the long-awaited study by the State Department. The letters received from the Department indicated that no written study had been made. Assistant Secretary William B. Macomber stated "The Department has no record of a study such as you described having been made subsequent to this time." He also enclosed a copy of the March 13, 1953 letter, containing the old arguments of the Department. Macomber's reply confirmed a discussion this writer had in 1956 with Undersecretary of State Robert Murphy, who admitted that State had not pursued any study of the matter since the 1953 hearing. Later, Congressman Barratt O'Hara of Illinois also introduced a similar resolution. For some unknown reason the Committee on Foreign Affairs had not acted on these resolutions. The proposal, however, has remained very much alive and will again be legislatively formalized, so that an American zig can precipitate a Russian zag in the advancement of our own cold war interests.

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Over ten years ago, a diplomatic correspondent for *Newsweek* emphasized that "serious American thought also must be given to the nationally conscious Soviet components such as the Ukraine and Byelorussia. The fact that these two nations have their own representatives in the U.N. has never been properly utilized by the United States. To encourage their independence and to strive for the decentralization of the Soviet Union into its separate though not necessarily unfriendly components, is likely to become one of the chief United States objectives." If we were to wait for the State Department to study this, another glorious opportunity would be lost. Fortunately, the proposal remains very much alive and will be acted upon so that an American zig can precipitate a Russian zag in the advancement of our own Cold War interests. How this can be done was demonstrated again in 1960, an interesting episode to which we now turn.

KANSAS BEEF MONTH

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. WINN. Mr. Speaker, May has been officially declared as Kansas Beef Month, and because of the importance of the beef industry to the Kansas economy, the Kansas Cattlemen's Association and the Kansas Farm Bureau urges everyone to support May beef month by eating Kansas beef daily.

Kansas, because of its climate, topography, and soil conditions, is becoming increasingly important as a beef producing State. As of January 1, Kansas ranked seventh in the number of cattle on feed with a total of 610,000 head. The number of commercial feedlots, those with a capacity of 1,000 head or more, is growing each year.

The Farm Bureau is participating in numerous activities in Kansas designed to call attention to the importance of the Kansas beef industry.

SENATE—*Friday, May 17, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God, the hope of all nations, we have sinned against Thee and each other as a country and a world. Help us, through this prayer of repentance of our sins, to find a new life of love, opportunity and peace for all men.

Give wisdom to those negotiating for peace now meeting in Paris. We pray for a just peace in Vietnam and throughout the world.

We pray for brotherhood, understanding, and sound minds in our cities. We know that death, destruction, and hate must not reign in our streets.

Cause us to ponder what we have done and are doing to ourselves. Give us the inner resource to find a just solution to a feeling of injustice and persecution.

Implant within us a right spirit through the power of Thy Holy Spirit. We pray in the name of Him who can give us life abundant in peace, strength for trying hours, and guidance in ways we must follow. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 16, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON OPERATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit to the Congress the second annual report on the operation of the Automotive Products Trade Act of 1965. By this Act Congress authorized implementation of the United States-Canada Automotive Products Agreement.

The Agreement was designed to create a broader U.S.-Canadian market for automotive products to obtain for both countries and both industries the benefits of specialization and large-scale production. We have moved far toward this goal.

Automotive trade between the United States and Canada was $730 million in 1964, the year before the Agreement went into force. Trade in 1967 was over $3.3 billion. The Agreement has also stimulated trade in allied products.

Industry, labor and consumers in both countries continue to benefit from this growth in commerce and from the increased efficiency made possible by the Agreement. It is dramatic proof of what can be accomplished when friends and neighbors choose the path of cooperation.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 17, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1004) to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2:30 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 12:30 p.m. the Senate stand in recess subject to the call of the Chair, but not later than 2:30 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. MANSFIELD. Mr. President, yesterday the Senate adopted the conference report on H.R. 15131, the District of Columbia Police and Firemen's Salary Act of 1958.

I ask unanimous consent that the Senate recede from its amendment to the title of that bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately upon the reconvening of the Senate after the recess today the distinguished Senator from Mississippi [Mr. STENNIS] be recognized for up to 30 minutes, on the pending business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. AIR FORCE

The assistant legislative clerk read the nomination of Col. William T. Woodyard to be dean of the faculty, U.S. Air Force Academy, with rank of brigadier general.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—THE AIR FORCE, THE ARMY, AND THE NAVY

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, the Army, and the Navy, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of David S. King, of Utah, now Ambassador Extraordinary and Plenipotentiary to the Malagasy Republic, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to Mauritius, which was referred to the Committee on Foreign Relations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar beginning with Calendar No. 1107.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

REPAYMENT OF GARDEN STATE PARKWAY FEDERAL-AID FUNDS

The Senate proceeded to consider the bill (S. 1558) to provide for the repayment of certain Federal-aid funds expended in connection with the construction of the Garden State Parkway which had been reported from the Committee on Public Works, with an amendment, on page 2, line 11, after "(b)" strike out "Upon" and insert "When the New Jersey Highway Authority shall have constructed toll-free highway facilities in the vicinity of said sections of the Garden State Parkway adequate to service local traffic, pursuant to an agreement between the Authority and the State of New Jersey, acting by and through its State House Commission, concerning the financing and construction of such facilities, then upon"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the amount of all Federal-aid highway funds paid on account of those sections of the Garden State Parkway in the State of New Jersey referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such parkway and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Jersey. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) When the New Jersey Highway Authority shall have constructed toll-free highway facilities in the vicinity of said sections of the Garden State Parkway adequate to service local traffic, pursuant to an agreement between the Authority and the State of New Jersey, acting by and through its State House Commission, concerning the financing and construction of such facilities, then upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of all projects on such sections of the Garden State Parkway, as provided in subsection (a) of this section, such sections shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other changes thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections of the Garden State Parkway:

(1) That section of the parkway near Cape May Court House from interchange numbered 8 to interchange numbered 12 at route United States 9—a distance of approximately four and twenty one-hundredths centerline miles;

(2) That section of the parkway from a point near its connection with route United States 9 north of Toms River to Dover Road in South Toms River—a distance of approximately two and fifty one-hundredths centerline miles.

(3) That section of the parkway from route United States 9 in Woodbridge to the Middlesex-Union County line—a distance of approximately six and thirty-seven one-hundredths centerline miles.

(4) That section of the parkway from a point near its connection with the Middlesex-Union County line to a point near its connection with route United States 22 in Union Township—a distance of approximately seven and ninety-two one-hundredths centerline miles.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1124), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

S. 1558 would permit the State of New Jersey under certain conditions to repay Federal-aid funds received in connection with the construction of certain portions of the Garden State Parkway so that those portions may be reconstructed and tolls placed on them. The Garden State Parkway runs, as a toll facility, the length of New Jersey from the New York-New Jersey boarder on the north to Cape May on the south with the exception of four sections involving approximately 20 miles of road. These 20 miles were constructed some 20 years ago as part of a proposed free road designed to serve the area now served by the Garden State Parkway. In 1952, following the original legislative authorization for the highway's constructon, the State of New Jersey through its legislature, recognized the need for accelerated construction of this facility. It, therefore, established the New Jersey Highway Authority, which was authorized to complete the Garden State Parkway by the sale of revenue bonds financed by tolls imposed upon the users.

At the present time the toll-free sections of highway which make up the original 20 miles carry heavy traffic composed both of local and through travelers. The current inadequacy of the present stretches has created certain safety and convenience problems which can be solved through the reconstruction of these sections and the imposition of tolls to pay for such improvements, while at the same time constructing parallel toll-free facilities to serve local traffic.

The committee conducted a hearing on S. 1558 at which time the Department of Transportation of the State of New Jersey, the New Jersey Highway Authority, and the U.S. Department of Transportation testified in favor of the enactment of this legislation. During the course of the hearing, testimony was received from a representative of one of the communities involved regarding the necessity for the provision of alternate toll-free facilities for local service.

ANALYSIS OF THE BILL

The legislation would authorize the State of New Jersey to repay to the Treasurer of the United States for deposit in the highway trust fund, funds equivalent to the amounts received by the State of New Jersey for construction of the enumerated sections of highway as Federal-aid highways. The amount so repaid will be credited to the account of the State of New Jersey and will be used in the construction of other Federal-aid highways.

The committee, in reporting S. 1558, recommends the amendment of the bill to require the construction of toll-free highway facilities in the vicinity of the enumerated sections as may be necessary to adequately serve local traffic. Facilities will be constructed pursuant to an agreement between the New Jersey Highway Authority and the State of New Jersey acting through its State House Commission. This commission is a bipartisan group of elected officials headed by the Governor and who will most certainly be in a position to adequately protect the local interests while insuring that the needs of the State are properly met.

Upon construction of the toll-free facilities and repayment of the Federal-aid funds expended in connection with the construction of sections of the Garden State Parkway enumerated in the bill, the New Jersey Highway Authority will be able to impose tolls on the heretofore free sections of highway.

Legislation of this type has been considered and passed by the Congress on other occasions. The most recent two examples were: (1) The authorized repurchase by the State of Connecticut of mileage constructed with Federal aid pursuant to provisions of section 22(a), Public Law 350, 83d Congress and (2) a similar repurchase by the States of Maryland and Delaware pursuant to section 6(a) of Public Law 86-657.

BILL PASSED OVER

The bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ROBERT S. KERR MEMORIAL ARBORETUM

The bill (H.R. 15822) to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1126), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides for establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, to be administered under national forest laws and regulations so as to promote learning about nature and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized. The boundaries would be determined by the Secretary of Agriculture, published in the Federal Register, and shown on a map in the office of the Chief of the Forest Service. The Department of Agriculture recommends enactment, and advises that the center would consist of about 350 acres on the Talimena Scenic Drive containing numerous game and song birds. Total annual visits to the area are expected to exceed 400,000 by 1976. The Department estimates that the total cost of planning and development over a 3-year period will be about $1.5 million. Operating costs will probably build up to about $150,000 per year.

BILL PASSED OVER

The bill (S.J. Res. 168) to authorize the temporary funding of the emergency fund was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

FROZEN CONCENTRATED ORANGE JUICE

The bill (S. 3143) to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), is amended by striking out "and livestock products" and inserting in lieu thereof ", livestock products, and frozen concentrated orange juice".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1128), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the Commodity Exchange Act to add frozen concentrated orange juice to the list of commodities subject to regulation under that act. The effect of the bill is further explained in the attached report from the Department of Agriculture recommending enactment of the bill.

CRADLE OF FORESTRY

The bill (S. 2837) to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve, develop, and make available to this and future generations the birthplace of forestry and forestry education in America and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Cradle of Forestry in America in the Pisgah National Forest, North Carolina. As soon as possible after this Act takes effect, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register together with a map showing the boundaries which shall be those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

Sec. 2. The area designated as the Cradle of Forestry in America shall be administered, protected, and developed within and as a part of the Pisgah National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of this Act and for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Cradle of Forestry in America is established.

Sec. 3. The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Cradle of Forestry in America. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1129), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill provides for establishment of the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, to be administered under national forest laws and regulations so as to promote knowledge about forestry education and forest land management. Cooperation with, and receipt of contributions from, public and private sources is authorized. The boundaries would be shown on a map published in the Federal Register and would be the same as those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967. The area consists of about 6,800 acres around the site of the Biltmore Forest School, the first technical forestry school in America.

The Department estimates that the cost of planning and development will be about $10.5 million. Operating costs will probably build up to about $400,000 per year.

AMENDMENT OF THE FOOD STAMP ACT OF 1964

The bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 16 of the Food Stamp Act of 1964, as amended, is amended by deleting the phrase "not in excess of $255,000,000 for the fiscal year ending June 30, 1969;" and inserting in lieu thereof the phrase "not in excess of $245,000,000 for the fiscal year ending June 30, 1969;".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1130), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill is needed to permit orderly growth of the program. In December 1967 the number of areas designated under the program totaled 1,239. By June 30, 1968, total participation in these areas is expected to be about 2,750,000 persons, which will take the full $225 million authorized for fiscal 1969, leaving no room for expansion.

In order to assure proper administration of the food stamp program the committee recommends that the Department make clear to dealers and food stamp recipients, through written statements furnished to them, store display signs, and otherwise, the purposes for which food stamps may be used and the penalties for misuse of stamps, or other violations of the act.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ADDRESS BY SENATOR MANSFIELD AT ST. JOHN'S UNIVERSITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a speech I delivered at St. John's University, Jamaica, N.Y., on May 15, 1968, be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

A Time of Trouble

(Remarks of Senator Mike Mansfield, Democrat, of Montana, at St. John's University, Jamaica, N.Y., May 15, 1968)

These are difficult times in which to meet with a student body. There is still Viet Nam. There is still the volcanic condition of the nation's cities. The questions on your minds, I know, are many. The answers, I regret to say, are few. I cannot tell you what I do not know.

I can tell you that we have come to a point of deep trouble in this nation. We have come to it for many reasons. Most of all, we have come to it because we have indulged for a long time in the luxury of ignoring or tinting the nation's problems. For too long, we have downgraded their immensity and their intensity.

It is a measure of our plight at home that we tend to drift with our difficulties rather than confront them. We drift until an assassination or bonfires of metropolitan dimensions or some such abomination shocks us into the recollection that they are still there. It is a measure of our plight abroad that it has taken three years and many thousands of lives from the President's first call for a negotiated end to the war in Viet Nam to the first uncertain touching of the antennas of the negotiators in Paris.

We are in a time of trouble. Yet it does have the virtue that it may be convertible into a time of awakening. Let me consider with you, therefore, some of the sources of the difficulties which confront us both within the nation and in our relations with the rest of the world.

In recent weeks, as you know, many of the nation's cities have erupted in showers of violence. Some of us reside in these cities. Some of us have our homes in quiet places a few miles away or many hundreds of miles away. Yet, can any of us be truly isolated from the violence of the cities? Can we be insulated from these immense social heavings? Can we be impervious to tremors which shake the ideals and institutional foundations of the American experience in freedom?

To say the least, it is alien to witness, within our borders, displays of massive disorder. It is disturbing to live in the eerie stillness of curfews which are enforced by federal troops. It is awesome to contemplate the possibilities of more violence patterned after that which occurred in mid-1967 and then, once more, a few weeks ago.

If outbreaks occur again, let there be no doubt that they will be suppressed; that is inevitable. Responsible government must act to ensure the security of persons and property. In any given situation, it is possible to quarrel with how the domestic tranquility is maintained. In any given situation, it is possible to find fault with the use of the police power; some may say excessive and others inadequate. In the end, however, there can be little debate that it is counter-violence which will be invoked in the face of violence.

Whatever view is taken of the recent outbursts, one message which they conveyed was clear. It tells us, in terms which cannot be put aside, that there are highly combustible substances gathered in our society. These substances, to be sure, are compounds of racial inequities, frustrations, and arrogances. They also include, however, the inadequacy of a whole range of public services. They also contain the problems of concentrated poverty with its retinue of human disabilities and brooding discontents.

This is the stuff of urban violence.

At the moment, the racial factor may concern us most deeply. Racial tensions, however, are but one manifestation of the social combustibility in this nation. The fact is that a high level of violence has been endemic since the beginning and in recent years it has been on the rampage.

It would, perhaps, be a path of least resistance for me, and the Montanans whom I represent in the Senate of the United States, to turn our backs on the crisis of the great cities. Montana is a spacious and beautiful place with a scant and scattered population. Many of the problems which assume hugh proportions elsewhere affect Montana hardly at all. In Montana there is plenty of room. The water is pure. So is the air. Our largest city has a total population of 55,000 a fraction of the slum populations of some of the great metropolitan centers. Yet, we are one nation and Montana is part of it. If cities in other states of the Union lose their habitability, the nation loses, and Montana loses with them.

The problems of the urban areas arise from developments of many years. Most significant, perhaps, have been the vast migrations to these centers in response to an evolving economic technology and a great growth in the population. The process of human concentration, at first, attracted little notice. For a long time it aroused little concern. Now, we find three-quarters of the nation's people in the cities and adjacent suburbia.

If these areas are already caught up in a maze of problems, it is not hard to imagine what the situation could be like by the year 2000. During the next three decades, the nation's population count is expected to rise from its present 200 million level to 350 million.

The shape of the cities of the next century is still only dimly seen. What is already only too painfully visible, however, are the imperatives for the survival of the cities in the final years of the 20th century. There is, today, a plethora of urgent needs. To cite but a few, there is a need for jobs and a need for manpower training and development. There is a need for public health, housing, and recreation. There is a need for sufficient means of transportation. There is need for fully complemented, proficient, and professional police, fire, and other protectional departments of government. There is a need for educational systems which are enlightened and excellent. There is a need for an assured supply of clean water and air.

Relentless effort is going to be required to meet these complex and ever-growing needs.

It will take imagination, skill, and labor. It will take a dedicated leadership and the combined effort of existing institutions and others which have yet to be devised. Money alone will not supply the answer. But make no mistake, it is going to take money—a great deal of money—to cope with the problems of urban habitability.

The responsibility for the cities cannot rest on government alone—much less on the federal government alone. Nonetheless, the role of government cannot be minimized. Responsible government must be responsive to the concerns and requirements of all of its citizens. It must care about the nation's safety and its health. It must care about the youth of the nation and the old. It must care about the jobless, the ill-housed, the poverty-stricken—all those too powerless to help themselves. And it must concern itself, too, with those too powerful. In the final analysis, government must care about the content and caliber of the total environment in which the life of the nation is lived.

Within that framework, the role of the federal government is, of necessity, a substantial one. It can be a source of inspiration, leadership, and direction. It can be a source of action—planned, balanced, and well-knit. It can be a channel of resources of a scope sufficient to have a constructive and durable impact on the localities.

During the Administration of President John F. Kennedy, it began to be realized that the federal government would have to assume a significant role in solving the multiplying problems of the cities. During the present Administration of President Lyndon B. Johnson, these beginnings have been augmented. Together, the Administration and the Congress have formulated a number of programs and plans directed specifically towards the transformation of city life. There come to mind, for example, the establishment of the Departments of Housing and Urban Development, of Transportation, the Model Cities Program, Rent Supplements, and the Safe Streets and Crime Control Act.

Innumerable measures which can bring to bear a constructive impact—direct or indirect—on the urban areas have been approved by Congress in recent years. The package is not perfect but it is a good beginning. As a member of the Senate, I say this, undoubtedly, with a measure of subjectivity. Nevertheless, by any measure, it seems to me that the Senate has passed a range of inaugural legislation of great relevance to the problems which are posed by the progressive urbanization of life in the United States. Taken together, these measures put into place a foundation on which to build anew the regions into which the preponderance of the nation's people is moving. What is most needed now is the will, skill, money, and responsibility to adjust and to engage this basic legislation in effective action.

In this connection, we face the grim fact that the war in Viet Nam has been siphoning off federal fiscal resources at a rate in excess of $25 billion a year, in an overall military budget which in the coming fiscal year will probably reach $80 billion. By contrast, federal spending which is earmarked specifically for problems of the cities is likely to amount to less than $3 billion.

The fact is that urban needs compete for federal funds with the requirements of Viet Nam, and other defense costs, and they compete with many other domestic undertakings of the federal government. Both the President, largely through the Bureau of the Budget, and the Congress, largely through its committees, are weighing these competing requirements. The choices of priority and emphasis are no easier now than they have ever been. Nor will the choices which are likely be all wise choices. However, each has his own view of wisdom in these matters and I accept the fact that my own view is but one of many. Nevertheless, I happen to regard as of fundamental significance to the future of the nation the critical situation which exists in and around the cities. What is most important, I believe, is that we do not mislead ourselves into thinking that we have acted adequtaely when, in truth, we have scarcely begun to scratch the surface of this difficulty.

To rebuild the disintegrating fabric of these cores of population throughout the United States will require far more than the present efforts of the federal government. It is also going to require far more than the present efforts of state and local governments. It is also going to require far more than the present efforts of private initiative and enterprise.

To be sure, there are questions as to our capacity—financial and otherwise—to meet the requirements. We must ask ourselves, however, what is the alternative? What of the mounting costs of police, fire, and military protection in cities which can be kept in an uneasy peace only by tear gas, clubs, firearms, and curfews? What of the quality of American life in that setting?

What of the costs of the immense property losses from riots? What of the loss of economic momentum which follows a wave of destructiveness in cities? What of the toll of the injured and the dead? *What of the extremisms which are born in the wastelands of a nation's fears?* If violence and counter-violence are to become the arbiters of the inner life of this nation, what of the future of freedom?

There is no blinking the fact that the war in Viet Nam has hampered our ability to respond to the troubles in the cities. *That is the fact.* What has been done, however, cannot be undone. The problem is to try to bring the war in Viet Nam to an honorable conclusion. Now, at the first contacts for peace, it may be helpful to recall the origins of the involvement in Viet Nam. It may serve to put into better perspective whatever transpires in Paris in the days, weeks, or months ahead.

One aspect of the tragedy of Viet Nam is that our involvement began in the most well-intentioned actions. This nation went into Viet Nam a decade and a half ago out of a desire to help the people of Viet Nam. When I visited what was then French Indo-China in 1953, it was one political entity. It was a colony in ferment, on the verge of independence. It is now several independent nations, but the region, except for Cambodia, is still in ferment.

A decade and a half ago, there were scarcely 200 Americans in all of Viet Nam, and they were welcomed in the North as well as in the South. They were in Cambodia as well as Laos. So slight was this nation's contact with the region that the presence of myself and an associate for a few days doubled the U.S. population in Laos. At the time, only two Americans were to be found in the entire country.

It was not realized, then, what would come from what was an essentially limited effort at "foreign aid" in Indo-China. It was still little realized even as late as 1962, when the level of aid, and notably military aid, was already high but Americans were still not directly involved in the conflict.

We know now. In the past few years, the war service lists have reached into almost every American community. There are 526,000 U.S. servicemen in Viet Nam alone, not to speak of those in Thailand or the forces of the 7th Fleet off the coast as well as the back-up forces in Okinawa, the Philippines, and Guam. In this year, as of April 20th, 5,688 Americans have already been killed in the war. That total—for a third of a year—is already over four times the number of American deaths in all of 1965, more than the total number of deaths in all of 1966, and more than half the number killed in 1967. What has been suffered by this nation in the rising tempo of the conflict has also been suffered *and far more,* by the people of Viet Nam—North and South, civilian and military, friend and foe.

The changing intensity of our involvement ought not to obscure the purposes which took this nation into Viet Nam in the first place. As at the beginning, the only valid purposes today are limited purposes. There is not now and there has never been a mandate to take over the responsibility for Viet Nam from the Vietnamese. Whatever commitment we have had, has been to support not to supplant. It is not now anymore than it ever was an American responsibility to win Viet Nam for any particular group of Vietnamese.

There is no doubt that the immense military effort which we have made in the past three years has gone a long way to alter the character of what was once an inner struggle among Vietnamese. Nevertheless, in the end, the future of Viet Nam depends not on us but on the Vietnamese themselves. It is their country; they live in it. They will be living in it long after we are gone from it.

Let us be clear on this point: This nation cannot and will not lighten its commitment easily or casually, at Paris or anywhere else. Let us be equally clear, however, that there is no obligation to pour out the blood and resources of this nation until South Viet Nam is made safe for one Vietnamese faction or another. On the contrary, there is a profound obligation to the people of the United States to conserve that blood and those resources and, to the people of Viet Nam, there is an obligation to avoid the destruction of their land and society even in the name of saving them.

There is an obligation to try to establish with all Vietnamese a basis for bringing together the struggling forces in South Viet Nam. There is an obligation to help end the war, to bind up the wounds of war and to rebuild the ravages of war. In short, there is a deep obligation to try to bring about a restoration of a just peace.

That is what the present Paris meeting is all about. President Johnson has repeatedly stated that this nation's objective is ". . . only that the people of South Viet Nam be allowed to guide their own country in their own way." He has stated that we are prepared to begin to move out in a matter of months after a satisfactory settlement is achieved.

It is not at all certain that the negotiations at Paris will bring the conflict to an honorable conclusion in the near future. In the end, negotiations may prove no more effective than military escalation has been in bringing the war to an acceptable conclusion. But the effort which is being made is of the utmost importance to this nation, to the people of Viet Nam, and to the world. That should be borne in mind in the difficult days ahead.

The President has taken the political content out of the issue of Viet Nam by taking himself out of the Presidential campaign. It would be my hope that the rest of us would avoid putting the issue of Viet Nam into a political context. The efforts of the President and his negotiators, at this time, should receive every possible understanding and support.

The dimensions of what is at stake in Paris are illustrated by the fiscal problems which confront us. In recent years, the cost of the Vietnamese conflict has contributed greatly to a steep rise in national expenditures. There has not been, however, any tax rise, or wage and price controls, or rationing, or, in fact, any of the economic restraints which have been associated with past wars.

For a long time, the economic barometers have been trying to tell us that we were attempting too much, especially abroad, with too little in the way of national sacrifice. For too long, we have tended to ignore the warnings. Piled high, now, is an accumulation of huge budgetary deficits. Piled high are great annual deficits in the balance of international payments.

We have arrived at a moment of reckoning.

Even though we may devoutly wish it, we

cannot count on a prompt settlement in Paris. We cannot even count on a slackening in the tempo of the war; witness, for example, the renewed offenses against Saigon and other cities of the past few days. In the circumstances, we cannot anticipate any prompt reduction in the costs which arise from the war. It is imperative, therefore, to take the fiscal measures which the President has urged and which, hopefully, may act to keep a measure of stability in the nation's economy.

Congress is only now coming to grips with the ten percent surcharge on income tax which the President requested as a matter of urgency, more than a year ago. A tax increase is an inevitability of the war; Congress is trying to weave into the surcharge a reduction of several billion dollars in federal expenditures. It seems to me that if the Congress is going to insist upon a $6 billion reduction, as a current bill proposes, then the Congress has a responsibility which it ought not to shirk. It has a responsibility to say where these reductions should be made.

I have my own ideas on that question but, I hasten to add, no assurance that they will prevail. I do not believe, for example, that wholesale cuts can be made with impunity in those parts of the budget which affect the domestic difficulties of the nation. What is possible, in my view, is to single out for curtailment less pressing fields of government activity. As an illustration, there is the multi-billion dollar space program.

That program is a fascinating and mind-expanding adventure for the nation. As far as I am concerned, however, there is no persuasive reason why we cannot take our far-out adventures in more modest doses. It seems to me, too, that many public works projects can also be held in abeyance, however much they may delight one particular locality or another.

Insofar as military expenditures are concerned, there cannot be any stinting on expenditures which are necessary for the forces in Viet Nam. The men who are there have gone not by choice but by virtue of the policies of the government. What can be provided to them to enhance their chances of survival and to carry out their responsibilities under those policies will be supplied.

However, the Vietnamese expenditures are probably less than a third of the expenses of the Department of Defense. The Department's overall costs, in turn add up to almost half of all present outlays of the federal government. Apart from Viet Nam it is not at all unlikely that there are hutches of waste and extravagance in the labyrinth of the immense defense budget.

At the very least, the closest scrutiny ought to be given by the Congress to new and far-reaching proposals which may be proposed in the name of national defense. There is one now, for example, which calls for the creation of logistic ships which would be more or less permanently stationed in the various oceans of the world. The basic concept of the proposal is that these ships would be ready to supply and support, in an instant, a U.S. military action anywhere in the world. Whatever the technical virtuosity of this concept, the ability to move armed forces quickly is not always a virtue in international relations. To act in haste with military power in foreign policy may well bring a long aftermath of repentance at leisure. Unless we presume to play policeman to the world, therefore, such projects are more than wasteful; they can be downright dangerous to the security of this nation.

If the careful screening of defense expenditures is necessary in this time of fiscal straits, it seems to me that there is also a great need to cut back obsolete overseas programs of questionable value. Over the years since World War II, we have put over $128 billion into grants and loans of aid to 121 countries abroad. It is debatable whether these massive infusions of economic and military assistance, particularly in recent years, have always served either the fundamental interests of the people of other nations or our own. The great effectiveness of the Marshal Plan in the preservation of freedom in Western Europe, two decades ago, has had only the faintest of echoes elsewhere in the world. Aid in Africa and Asia and elsewhere has not necessarily spurred progress or strengthened freedom. Indeed, on occasion, it appears to have offered a means for evading the one and stunting the other.

I would point out, too, that for 17 years, six divisions of United States troops have been assigned to Europe in pursuance of our commitment to the North Atlantic Treaty Organization. The accumulated costs of this deployment runs into many billions of dollars. Its debilitating effect on the foreign exchange resources of the nation in recent years has also been very substantial. It has long seemed to me—long before the nation began to experience its current financial difficulties—that of the six U.S. divisions in Western Europe, four with their accompanying dependents, could be redeployed to this nation. That has been my view, not on the basis of penury, but on the basis of principle and policy.

It is true, nevertheless, that a redeployment of a substantial number of the U.S. forces would fit into the fiscal needs of the nation at this time. In my judgment, this redeployment would not alter the significance of our pledge of mutual assistance under NATO to the peace of Europe. It would bring our policies in Europe into line with the realities of Europe, almost a quarter of a century away from World War II. Indeed, it would not be out of step with the NATO policies of the Europeans themselves. They have made only the most limited commitments of military forces to NATO and even these commitments have been drastically reduced in recent years. At the same time, the Europeans have gone far in economic, cultural, and even political rapprochement with the nations of Eastern Europe and beyond.

A reduction of our forces in Europe, in sum, would reverse what I believe has been a most undesirable tendency in the long-standing European policies of this nation. It is almost as though we have regarded only ourselves in step on the question of supplying forces for the defense of Western Europe. That is a dangerous tendency which could lead us, first, to a position of isolated internationalism. From that, it is but a short distance to national isolation. And, in my judgment, there is no place for either isolated internationalism or national isolation in our foreign policies, if the fundamental interests of this nation and world peace are to be served.

I would end these remarks on the same note with which I opened them. We are, indeed, in a time of trouble. The convergence of the problem of the cities and the problem of Viet Nam brings us to the opening of, perhaps, the most critical era in the history of the nation.

If it is a time of trouble, however, it is also a time of testing. We will find, I am confident, within this nation and, more and more, among the young people of this nation, the resources of intelligence and integrity to define the evolving problems of our times. We will find, I profoundly believe, the courage, the conviction, and the concern to face them and to resolve them.

JOHN E. FOGARTY BUILDING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1105, S. 3363.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3363) to designate the U.S. Customs House Building in Providence, R.I., as the "John E. Fogarty Building."

The **ACTING PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with amendments, on page 1, line 5, after the word "Fogarty" insert "Federal"; and on page 2, line 3, after the word "Fogarty" insert "Federal"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Customs House Building in Providence, Rhode Island, is hereby designated as the "John E. Fogarty Federal Building" in memory of the late John E. Fogarty, a distinguished Member of the United States House of Representatives from the State of Rhode Island from 1945 through 1967. Any reference to such building in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "John E. Fogarty Federal Building".

Mr. PASTORE. Mr. President, the purpose of this bill is to designate the U.S. Customs House building in Providence, R.I., as the "John E. Fogarty Federal Building." This is the building in which John Fogarty had his office for many years as a Representative from the State of Rhode Island.

In my State, John E. Fogarty is a political legend, revered and remembered as a great humanitarian. I recall vividly the Democratic State convention in 1940, when John Fogarty, as a very young man—hardly more than a boy—was chosen to be the Democratic nominee to the House of Representatives. He was elected in that year, reelected and reelected, serving his country with distinction for almost 26 years. On January 10, 1967, in his congressional office, waiting to go on the floor to be sworn in for a new term in the House of Representatives, he suffered a severe heart attack and died.

John Edward Fogarty was born in Providence, R.I., March 23, 1913; attended LaSalle Academy and Providence College; apprenticed as a bricklayer in 1930; served as president of Bricklayers Union No. 1 of Rhode Island; elected as a Democrat to the 77th and 78th Congresses and served from January 3, 1941, until his resignation on December 7, 1944, to enlist in the U.S. Navy; reelected to the 79th and to 11 succeeding Congresses serving from January 3, 1945, until his death on January 10, 1967.

The universal sorrow on his death is evidenced in the volume of eulogies—the 250 pages of which form part of our congressional history.

I would like to include here the preface to that historic and human document as symbolic of this genuine public servant, ideal American, distinguished statesman, and valued personal friend:

> More perhaps than anything else, the career of John E. Fogarty symbolizes the strength and magnificent vitality of American democracy. Through all his labors in a quarter century of public service there runs a common thread: Jeffersonian faith in the capacity of ordinary men to govern themselves and to do a better job in the long run than a ruling elite.
>
> John Fogarty's approach to public service was based upon a simple belief in demo-

cratic processes as a means for improving man's lot and enriching his life. He knew well that a stunted mind or deformed body represented formidable obstacles to that goal. He also knew that man's capacity to attack disease and poverty and ignorance had been enormously strengthened by modern science technology. This knowledge and the determination to use it productively constituted his special strength as a congressional leader. Characteristically, his deepest concern was of the young. Here, the inroads of disease and deprivation are the deepest, and the need for marshaling all resources of help the most pressing. For his efforts to aid handicapped children—particularly the mentally retarded—and to enlist the Nation's conscience in their behalf, John Fogarty will be remembered with gratitude. The work that he started will stand as a monument to his vision and insight and restless energy.

The Impact of this man on the cause closest to him—the support of medical research—is impossible to exaggerate. If the National Institutes of Health is today the world's most powerful and influential force for the support and conduct of medical research, it is in large part because John Fogarty early perceived its promise and fought tenaciously for its programs. Thus his influence touches not only the lives of Americans but all who are beneficiaries of medical advances throughout the world.

It seems fitting that this estimate of the Congress should be expressed in this legislation—that the building in Providence, R.I., where this great man met his constituents and labored for them should be designated as the "John E. Fogarty Federal Building."

Mr. President, in conclusion I wish to thank the distinguished Senator from West Virginia [Mr. RANDOLPH], who is the chairman of the committee that approved this legislation, for his expeditious treatment of the matter; and also the distinguished Senator from North Carolina [Mr. JORDAN], and the members of the full committee for the excellent work they did in reporting the bill as quickly as they did.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to designate the United States Customs House Building in Providence, Rhode Island, as the 'John E. Fogarty Federal Building.' "

PARTIAL REVISION OF RADIO REGULATIONS, GENEVA, 1959, WITH FINAL PROTOCOL—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 90th Congress, second session, a partial revision of the Radio Regulations, Geneva, 1959, with a final protocol, dated at Geneva, November 3, 1967, transmitted to the Senate today by the President of the United States, and that the revisions, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the text of a Partial Revision of the Radio Regulations (Geneva, 1959), with a Final Protocol, dated at Geneva November 3, 1967.

I transmit also, for the information of the Senate, the report of the Secretary of State, with enclosure, with respect to the Partial Revision.

The English texts of the Partial Revision and Final Protocol, as certified by the Secretary-General of the International Telecommunication Union and transmitted herewith, are contained in a volume designated Final Acts. The volume also includes texts of certain documents in respect of which no action with a view to ratification on the part of the United States is necessary, namely, a Partial Revision of the Additional Radio Regulations (Geneva, 1959), to which the United States is not a party, and resolutions and recommendations of the World Administrative Radio Conference to Deal With Matters Relating to the Maritime Mobile Service, Geneva, September 18–November 3, 1967.

The Radio Regulations (Geneva, 1959), as amended, to which the United States is a party, are further amended by the Partial Revision transmitted herewith in regard to matters relating to the maritime mobile service, with particular reference to radiotelegraphy and radiotelephony. Among the principal objectives are the allocation of radio frequencies for a worldwide oceanograph data transmission system and the establishment of an effective basis for improved maritime communications.

The Final Protocol contains statements and declarations made by delegations of certain signatories at the time of the signing of the Partial Revision. Inasmuch as "the United States of America" and Territories of the United States of America" are, under the terms of the International Telecommunication Convention, separate voting Members of the Union, the Partial Revision was signed separately for each.

The Partial Revision will come into force on April 1, 1969 for Governments which, by that date, have notified the Secretary-General of the Union of their approval thereof.

It is desirable that the necessary actions be taken to enable the United States to become a party to the Partial Revision.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 17, 1968.*

PETITION

The **PRESIDING OFFICER** laid before the Senate a resolution adopted by the Municipal Council of the Township of Woodbridge, N.J., remonstrating against the enactment of legislation to liberalize truck size and weight limits on interstate highways, which was referred to the Committee on Public Works.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. **RUSSELL**, from the Committee on Armed Services, without amendment:

H.R. 15004. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (Rept. No. 1134).

By Mr. **BYRD** of Virginia, from the Committee on Armed Services, without amendment:

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department (Rept. No. 1135).

By Mrs. **SMITH**, from the Committee on Armed Services, without amendment:

H.J. Res. 1224. A joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1968 (Rept. No. 1132).

By Mr. **THURMOND**, from the Committee on Armed Services, with amendments:

H.R. 15348. An act to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile-fire areas (Rept. No. 1133).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. **PEARSON**:

S. 3509. A bill to amend the Labor Management Relations Act, 1947, to provide improved procedures for the settlement of national emergency labor disputes, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. PEARSON when he introduced the above bill, which appear under a separate heading.)

By Mr. **EASTLAND**:

S. 3510. A bill for the relief of Dr. Mustafa Salih Abdulrahman; to the Committee on the Judiciary.

By Mr. **McGOVERN**:

S. 3511. A bill to prohibit a State from imposing a tax on the transfer of corporate securities held by a nonresident if the transfer of such securities can be effected only in that State; to the Committee on Banking and Currency.

By Mr. **SCOTT**:

S. 3512. A bill for the relief of Tiruvadi N. Balasubramanian (T. N. Bala), his wife, Susila Balasubramanian, and their two children, Canapathiram and Chadraseknar Balasubramanian; to the Committee on the Judiciary.

By Mr. **MONDALE**:

S. 3513. A bill to promote the foreign policy and best interests of the United States by directing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Czechoslovakia; to the Committee on Finance.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

By Mr. **RIBICOFF**:

S. 3514. A bill to authorize the use of the vessel *Mouette* in the coastwise trade; to the Committee on Commerce.

By Mr. LONG of Louisiana:

S. 3515. A bill to modify the comprehensive plan for flood control and improvement of the lower Mississippi River; to the Committee on Public Works.

By Mr. BYRD of West Virginia (for Mr. MONTOYA):

S. 3516. A bill for the relief of Cecilio Benitez-Cabot; and

S. 3517. A bill for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation; to the Committee on the Judiciary.

By Mr. CHURCH:

S. 3518. A bill for the relief of Mostafa Tarkeshian; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT):

S.J. Res. 171. Joint resolution to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S. 3509—INTRODUCTION OF COLLECTIVE BARGAINING ACT

Mr. PEARSON. Mr. President, I introduce for appropriate reference, a bill entitled "The Collective Bargaining Act of 1968." Its purpose is to improve and strengthen existing machinery for dealing with strikes and lockouts which threaten our national health and safety.

The problem of national emergency strikes has long been with us, but the solutions devised to date have failed to provide a lasting answer.

This does not mean, however, that no progress whatsoever has been made. Congress has wrestled with this challenge many times and has gradually increased our ability to protect the public interest in continued service without violating the rights of labor and management. It has passed legislation authorizing the seizure of industrial property on at least sixteen separate occasions, for example, the most familiar being the Transportation Act of 1916 which permits the President to seize the railroads in time of war.

In 1926, the Railway Labor Act, which stresses mediation and a brief prohibition against striking, was also enacted. To date, the 60-day provision against striking embodied in this bill has been invoked approximately 170 times. Yet Congress still found it necessary last year to enact special arbitration legislation to protect the public against a nationwide railroad strike.

The Taft-Hartley Act was passed in 1947 in an endeavor to restrict for 80 days the right to strike or lockout in industries whose continued operation was also essential to the national health and safety. Time has since proven that this measure too has several serious weaknesses. For although it has been invoked approximately 28 times since its passage, it has not succeeded in fully protecting the public interest in vital services.

The public also suffers from the simple fact that one set of emergency strike regulations applies to the railroads and airlines while a different set applies to other industries. This separation of coverage provided by the Taft-Hartley and Railway Labor Acts is historically understandable. But the record of the past 20 years indicates that it is now time to develop uniform standards that will apply equitably to all types of disputes—from steel to airlines.

Mr. President, we must be careful in developing more effective emergency strike legislation to preserve the free spirit of the American economy, while recognizing that in our highly industrialized and interdependent society the public interest in the maintenance of essential services cannot be subordinated to any private concerns.

The administration has often expressed its awareness of this problem, but has failed completely in its responsibility to meet it. On January 12, 1966, for example, the President said in his state of the Union address:

> I also intend to ask the Congress to consider measures which, without improperly invading state and local authority, will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

But to date nothing has been done. In fact, nothing has even been officially suggested.

The administration's inaction, however, has not prevented the advancement of a large number of proposals by scholars and legislators who recognize the critical need to at least begin a productive dialog. For convenience and ease of understanding these suggestions may be grouped into six categories: First, ad hoc congressional intervention; second, compulsory arbitration; third, labor courts; fourth, fractionalized collective bargaining; fifth, seizure; and sixth, civil penalties.

Mr. President, I have carefully examined these various alternatives and for a number of reasons have found them wanting. I ask unanimous consent that my analysis be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

OUTLINE OF THE BILL

Mr. PEARSON. Mr. President, the Collective Bargaining Act, which I propose today, represents an attempt to combine the strength of the best of these proposals while avoiding the pitfalls and gimmicks exposed by time and long usage. Thus, first and most importantly, it leaves the primary responsibility for agreement where it belongs—with the parties involved. If the improved machinery it contains fails to produce a workable settlement, however, the bill still gives the President and Congress the final authority they might need as a last resort to solve the dispute in question.

It is fitting and proper that this ultimate burden rest with the elected representatives of the people whose common interests would be so severely threatened by any national emergency strike. But while the public interest may demand such intervention in the last extremity, it is important to be absolutely certain first that every other avenue to agreement has been thoroughly explored. It is equally important that the machinery used for this exploration be designed to encourage a private and not a public settlement of the issues in dispute. And the methods employed must avoid the pitfall of creating a dependence on externally imposed agreements if they are to achieve their purpose. I believe the Collective Bargaining Act meets this standard.

Mr. President, in discussing the bill, I wish to point out that it is not designed to limit every labor-management dispute that arises, but only those which affect our vital national interests. We must never forget that only a few of the 140,000 labor-management agreements attained each year are of national significance and that still fewer ever reach the crisis stage.

In addition, it needs to be emphasized that the provisions of the Collective Bargaining Act take effect only after the grievance procedures embodied in existing labor law have been completely exhausted. Thus, only the emergency sections of the Taft-Hartley and Railway Labor Acts are amended and their proven utility in less than absolutely critical situations is not affected.

Mr. President, the Collective Bargaining Act would first allow the President to appoint a special board to investigate the issues in dispute and to simultaneously seek a 110-day injunction to prevent any strike or walkout which, in his judgment, might imperil the national health or safety.

This provision represents a modification of the current Taft-Hartley procedure which requires the appointment of a Board of Inquiry and the submission of its report before the President may instruct the Attorney General to apply for an injunction. In my opinion this practice unnecessarily risks the interruption of essential production.

Under the Collective Bargaining Act, no such risk need be run. The President would be able to seek an emergency injunction immediately if the situation required it. In addition, emphasis on mediation by the Board would be strengthened by instructing it "to make every effort to aid the parties to settle the dispute through mediation."

Mr. President, it is important that the emphasis be placed on mediation and conciliation rather than on the mere quasi-judicial determination of fact now engaged in by emergency labor panels—for these are the flexible and persuasive techniques most likely to bring the parties together, particularly when they are coupled with adequate time and effective bargaining levers.

By the 80th day, as under the current Taft-Hartley Act, the Board would have to file a report with the President. This report would include not only the position of each party and the facts surrounding the dispute, but also recommendations for settlement if the President requests them. The Taft-Hartley Act does not give the Board authority to make any such recommendations. Thus, no focus is provided for public opinion and a critical bargaining lever is denied the President. The Collective Bargaining Act remedies this flaw.

In addition, it would allow the President to publicize as much of the report as he felt would contribute toward achieving a settlement.

The injunction would continue for 30 days following the filing of the Board's report and during this period the President would be given discretionary authority to direct the parties to bargaining on the basis of any recommendations which might have been made. Such a step could well provide both labor and management with a profitable new direction of thought at the very time when they are most likely to be stalemated.

Some students of labor management relations have advocated that this process be taken a step further and that the parties be required to accept the recommendations of a board for at least a temporary period. Such a requirement, in my judgment, smacks of compulsory arbitration and is almost certain to fail in producing a lasting agreement. For not only are the parties sure to resent a Government-imposed decision, but they are also unlikely to find the basic economic issues which have divided them substantially changed after any such trial period has elapsed.

The Collective Bargaining Act also eliminates the last offer ballot required under the present Taft-Hartley law. Currently, between the 60th and 75th day of the 80-day injunction, the employees are balloted by the National Labor Relations Board on their employer's last offer. This process is not only useless, but actually tends to encourage management to make this last offer artificially low in order to allow them to keep some concessions in reserve. Employees are naturally well aware of this maneuver and thus have always voted "no" every time such a ballot has been taken.

Finally, the provisions of the Collective Bargaining Act would take effect 180 days after the bill becomes law. This 6-month delay is designed to encourage a full understanding of the bill before it is implemented and also to avoid any legal complications resulting from labor disputes in contention when the law is enacted.

Thus, the Collective Bargaining Act seeks to build upon decades of experience with existing emergency strike legislation. The hinderances of a last offer ballot and the failure to provide for board recommendations are corrected. The President is given several new bargaining levers, such as his ability to publicize or keep confidential any recommendations which may have been made. He also is given the authority to request the parties to bargain on the basis of these recommendations for 30 days. And, if all else fails, the President may still go to Congress for a solution if Congress is willing to intervene.

CONCLUSION

In sum, Mr. President, this proposal has a very simple purpose; namely, to encourage labor and management in critical industries to face their responsibilities squarely. It is further designed to create sound economic settlements by allowing the parties to reach agreement on their own terms.

The Senate Committee on Labor and Public Welfare said in a report issued July 2, 1952:

> We earnestly believe that government interference should be at a minimum so that the terms on which a dispute is settled approximate what the parties would have done for themselves under normal conditions. This maximizes the acceptability of the outcome, thereby providing a measure of stability to the relationship.

Mr. President, I believe the principle laid down by the committee is sound and that the Collective Bargaining Act falls fully within the framework of that principle. It does not cast aside the many provisions of the Railway Labor Act and the Taft-Hartley Act which have proven successful in resolving disputes before they reach the crisis stage. It merely attempts to improve those procedures which take effect once the crisis arrives.

I ask unanimous consent that the Collective Bargaining Act be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3509) to amend the Labor Management Relations Act, 1947, to provide improved procedures for the settlement of national emergency labor disputes, and for other purposes, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Collective Bargaining Act."

SEC. 2. It is the purpose of this Act to reduce industrial strife and to encourage settlement of labor-management disputes by providing a more flexible method of preserving the collective bargaining process.

SEC. 3. (a) Section 206 of the Labor Management Relations Act, 1947, is amended to read as follows:

"SEC. 206. Whenever the President, after consultation with the Director, determines that a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce will, if permitted to occur or to continue, imperil the health or safety of the Nation, he may appoint a Special Board (hereafter in this title referred to as the "Board") to investigate the issues involved in the dispute, to make every effort to aid the parties to settle the dispute through mediation, and to submit a written report to him not later than eighty days after the issuance of an order under section 208 or on such earlier date as the President directs. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position and shall, if the President determines that it will not impede a settlement of the dispute, and so directs, make recommendations in such report or in a supplemental report for the settlement of some or all of the issues in dispute. Each party to the dispute, for the purpose of the preceding sentence, shall furnish to the Board a statement of its own position. The President shall file a copy of such report with the Service or, in the case of a carrier subject to the Railway Labor Act, with the National Mediation Board, and shall make so much of the contents of such report available to the public as he determines will contribute to achieving a settlement of the dispute. The President may, if he determines that it will contribute to achieving a settlement of the dispute, direct the parties to the dispute to bargain on the basis of the recommendations, if any, of the Board."

(b) Section 207 of the Labor Management Relations Act, 1947, is amended by striking out "board of inquiry" wherever it appears in such section and inserting in lieu thereof "Board".

SEC. 4. Section 208(a) of the Labor Management Relations Act, 1947, is amended to read as follows:

"SEC. 208. (a) Upon the appointment of a Board under section 206, the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and if the court finds that such threatened or actual strike or lockout—

"(1) is an industry affecting commerce; and

"(2) if permitted to occur or to continue, will imperil the health or safety of the Nation

the court shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof which imperils the health or safety of the Nation and to make such other orders as may be appropriate."

SEC. 5. Section 209 of the Labor Management Relations Act, 1947, is amended to read as follows:

"SEC. 209. Whenever a district court has issued an order under section 208 enjoining acts or practices which will imperil or threaten to imperial the health or safety of the Nation it shall be the duty of the parties to the labor dispute giving rise to such order to continue bargaining and to make every effort to adjust and settle the dispute, with the assistance of the service created by this Act or in the case of a carrier subject to the Railway Labor Act, the National Mediation Board. The Secretary of Labor, the Service, and in the case of a carrier subject to the Railway Labor Act, the National Mediation Board, shall render assistance to the parties and engage in mediatory action directed to achieving a settlement of such dispute."

SEC. 6. Section 210 of the Labor Management Relations Act, 1947, is amended to read as follows:

"SEC. 210. If the parties to the labor dispute subject to an order under section 208 do not resolve the dispute within one hundred and ten days after the issuance of the first such order under section 208, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings under this title, including recommendations of the Board, together with such recommendations as he deems advisable for considerations and appropriate action."

SEC. 7. Section 212 of the Labor Management Relations Act, 1947, is amended by adding a comma and "except sections 206 through 210 inclusive," immediately after the word "title".

SEC. 8. Section 10 of the Railway Labor Act is amended to read as follows:

"SEC. 10. If a dispute between any carrier and its employees is not resolved under the foregoing provisions of this Act, and if the President determines that a strike or lockout has occurred or threatens to occur as a result of such dispute and that such threatened or actual strike or lockout will imperil the health or safety of the Nation he may initiate proceedings under Title II of the Labor Management Relations Act, 1947, and the provisions of section 206 through 210 of such Act shall apply to such dispute."

SEC. 9. The amendments made by this Act shall take effect one hundred and eighty days after the date of enactment of this Act.

EXHIBIT 1

AN OUTLINE OF THE COLLECTIVE BARGAINING ACT

(Introduced by Senator JAMES B. PEARSON)

The purpose of the bill is to create a uniform method of treating emergency strikes that is more flexible and effective than the present formulae. Thus, the bill amends *both* the Taft-Hartley and Railway Labor Acts so that the procedures for dealing with disputes that threaten the national health and safety, regardless of the industry in which they occur, are exactly the same.

Under the Collective Bargaining Act the President would appoint a Special Board *and* seek a 110-day injunction whenever he felt a strike or lockout imperiled the health and safety of the country. Thus he would be able to request an injunction immediately in order to protect the public interest without having to wait for the Board to file an interim report as is currently the case under the Taft-Hartley Act. The Board would investigate the dispute and attempt to aid the parties to settle their differences through mediation. At the end of 80 days the Board would submit its report to the President. If he felt it would help bring a settlement, he could ask the Board to make recommendations for solving some or all of the questions in dispute. As an additional option he could make these recommendations public if he chose and he could ask the disputants to continue bargaining on the basis of the recommendations for 30 days.

In any event, 30 days after the Board submits its report, even if the parties had not come to an agreement, the injunction would be discharged and the President would transmit the Board's report, including any recommendations (thus making them public), to the Congress together with any suggestions he might have for appropriate action.

The bill also eliminates the "last offer" ballot section of the Taft-Hartley Act which requires that the workers be balloted by the National Labor Relations Board on their employer's last offer. This is a notably unproductive procedure as the employees have always voted against this "last offer" on the assumption that management is withholding concessions as a bargaining technique. And management, well aware of the workers' voting history, usually does hold some concessions in reserve. As a result, nothing is accomplished by the vote except to delay the settlement further.

In sum, the Collective Bargaining Act removes several obstacles to negotiation that time has uncovered and replaces them with more flexible alternatives such as mediation and the judicious use of optional bargaining levers by the President. It is designed to insure that Congressional intervention will only take place as a last resort after every avenue to private agreement has first been explored.

An Outline of Emergency Strike Legislative Alternatives

(By Senator James B. Pearson)

The number of proposals in the field of emergency strike legislation is truly staggering. Yet most are possessed of certain common characteristics which enable them to be grouped into approximately 6 alternative approaches to the problem: (1) Ad Hoc Congressional Intervention; (2) Compulsory Arbitration; (3) Labor Court; (4) Fractionalized Collective Bargaining; (5) Seizure; (6) Civil Penalties.

The first alternative of ad hoc Congressional intervention is the course which has been followed so many years and which has proved so unsatisfactory to so many. It has been claimed that the chief advantage of this approach is uncertainty. This thesis is based on the assumption that when the parties in any given dispute cannot predict exactly what action, if any, Congress will take, they are more likely to settle their differences themselves.

But this argument is weakened by the record of the past which indicates Congress is almost certain to intervene in stalemated labor disputes which threaten the national health and safety and that this intervention will invariably take the form of some type of compulsory arbitration.

This approach is also hampered by the fact that it assumes a dispute will arise when Congress is in session. Even if Congress is in session, it is not equipped to thoroughly examine all the issues in dispute without spending an enormous amount of time—time which it can ill-afford when it is confronted with so many other critical national issues.

The second alternative of compulsory arbitration is often mentioned as the most certain method of achieving lasting agreements. But while it may succeed in providing a solution to specific dispute, it does so at the expense of the collective bargaining process. Moreover, experience has shown that such an approach does not ensure industrial peace, neither does it necessarily further the economic and social policies of the government using it. Use of compulsory arbitration in the recent railroad dispute, for example, resulted in an award of wage increases as high as 11 percent. Surely if we are threatened with ruinous inflation as the Administration would have us believe, then an award of this magnitude is hardly in keeping with the government's supposed economic policy of restraint.

Experience with compulsory arbitration in other countries suggests that industrial strife is encouraged, not inhibited. For under a system of compulsory arbitration, the party most convinced of the righteousness of his cause is tempted to create an artificial emergency by being intransigent. Bargaining tends to stop and both sides wait for the stalemate they have created to let the arbitration machinery settle their dispute for them. Not surprisingly, under such a system more disputes reach the critical stage than when the parties must determine the settlement for themselves. As Senator Robert Taft once observed, "If such a remedy is available as the route remedy, there will always be pressure to resort to it by whichever party thinks it will receive better treatment through such a process, than it would receive in collective bargaining."

In sum, compulsory arbitration often results in encouraging strikes. In addition, such a procedure is time-consuming and costly to the government and frees the parties from facing the economic consequences of their inability to settle their differences.

As Herbert R. Northrup, an experienced labor-management relations analyst and author of "Compulsory Arbitration and Government Intervention in Labor Disputes" once said, "The settlement process under compulsory arbitration becomes embroiled in a bureaucratic maze of delay, confusion and backlog, with resultant unrest, illegal stoppages, disrespect for the law and contrived political solutions, usually in favor of the party which can bring the most political weight to bear. To change our system of not completely free collective bargaining for such a system is to move to an entirely new system, but one which has already been found wanting and less desirable."

Third, a system of labor courts has been advocated by those who essentially favor compulsory arbitration, but who are opposed to the use of ad hoc panels. This approach is based upon the opinion that quasi-judicial arbitration, cloaked in courtroom procedure and built upon precedent and case law, is more equitable and effective than the present methods of imposing settlements. Unfortunately, whether or not such a system were built upon the existing National Labor Relations Board or an entirely new structure, the results would likely be the same as with any other type of compulsory settlement.

For example, the country of Australia, which has a comprehensive and long established labor court system, suffered 1,334 strikes involving a total of 545,628 workers in 1964. In the United States during the same year we suffered 3,655 strikes involving 1,640,000 workers. In other words, we had roughly 3 times as many strikes affecting 3 times as many workers. But the United States has a population approximately 17 times that of Australia and a work force 20 times as large. Thus, Australia suffered proportionally 6 times as many strikes, with a labor court system in full operation.

Even if the jurisdiction of the labor court were initially restricted to emergency disputes, pressures to expand its authority would surely prove severe and perhaps irresistible.

Furthermore, while the more valid argument can be brought forth that a labor court would be a simple and equitable method of handling relatively minor disputes, the fact remains that the National Labor Relations Board is proving quite effective in this regard.

A fourth alternative calls for a prohibition upon industry-wide bargaining by either labor or management. This system of "fractionalized collective bargaining" is thought by many to provide a balanced long-term answer to the problem of emergency strike legislation. Such an approach is essentially founded upon the assumption that if there is no industry-wide bargaining, there can be no industry-wide strikes.

This assumption is incorrect. It is wrong because it ignores the phenomenon of price and wage leadership. This phenomenon is the result of certain inevitable pressures generated by our economic system. The national and local unions are usually unwilling and politically unable to accept a substantially lower settlement from one company than they have already been granted by a competitor. Thus, even where no industry-wide bargaining exists, the final settlements are usually quite smiliar, with any wage differentials being compensated for by paid holidays and other fringe benefits.

In the 1952 petroleum dispute, for example, at least 200 major companies bargained individually with the various unions involved. Yet, within a few months, simultaneous strikes closed almost all these firms. After the wage stabilization board announced the limits for a settlement with one employer, all the remaining employers settled on essentially the same terms.

Fractionalized collective bargaining, therefore, is based on an illusion. As the Senate Committee on Labor and Public Welfare said in its report of July 2, 1952, "A ban on industrywide bargaining is a cure for a fictional condition."

The fifth alternative is seizure. This approach is advocated by those who wish to assert government pressure while maintaining essential services. Thus, it is not surprising that a number of different seizure proposals are now before the Congress. Some would allow special boards to adjust wages and working conditions while the facilities were seized. Others would instruct the compensation boards to take into consideration the fact that the firm would have been struck had it not been operated by the government. Some would seize only the financial assets of the firm, while others would physically occupy the premises.

No matter what assortment of procedures is written into seizure legislation, however, the concept itself remains seriously flawed.

The administrative costs to the government are considerable. The legal procedure required is intricate and time-consuming. And since this approach results in the taking of private property for public use, the government is under a constitutional requirement to provide full, fair and reasonable compensation. This requirement invariably results in a repayment to the company of most of its profits.

In the long run, therefore, this approach imposes very little hardship on industry and almost none on labor. In addition, it bears the brand of extremism, for it seeks to substitute government control for the pressures of the marketplace.

An amalgam of all these approaches is available in the popular "multiple weapons" approach which is advocated by those who feel the President should be given a wide variety of options. Though they may combine a number of techniques, most of these proposals are merely variants on the compulsory arbitration theme. For no matter how many gimmicks they employ, the majority of these bills ultimately give the President authority to impose a decision on the parties.

All these proposals suffer from the basic inequity of an indiscriminate application of pressure. As Donald E. Cullen, a careful student of labor relations, once observed:

> "What then is . . . [the] President to do when events force him to make a choice? If the answer is that there is some secret combination of these alternatives which is fair to all, it would seem wiser public policy to require the President to use only that combination. If instead the answer is that all possible courses of action in this area are equally unjust, then the President should by all means be given the choice of several, on the slim hope that by successful bluffing he will never have to resort to any of them. But surely it is too soon to reach the dismal conclusion that all known forms of government intervention in emergency disputes are on the same dead level of hopelessness."

In addition to these weaknesses, the multiple weapons approach also suffers from a tendency to inhibit collective bargaining. As A. H. Raskin, in his contribution to the book, *Challenges to Collective Bargaining*, expressed it:

> If you give the President an infinite range of things he may or may not do in a crisis, most of the bargaining by the parties will not be with one another but with the White House on what route to choose."

A *sixth* option is to devise a system of civil penalties which would be levied on both sides of the dispute at some time during the injunction period in order to bring added financial pressure to bear for a settlement. Such an approach has the advantage of increasing the leverage of the public interest concept in collective bargaining while at no time giving the government the power to dictate the precise terms of the contract.

Such civil penalties could take the form of a levy against the companies based on profit, payroll, or some other index of their size and wealth, or it could embrace a combination of several such options with the largest being applied. The latter method would insure that artificially low profit figures or a small work force would not allow the company in question to avoid pressure equal to that which would be applied to the union, or unions, involved.

A civil penalty against the unions could be based on the salary of the members involved in the dispute, its treasury, some per capita assessment, or again, some combination thereof.

The use of civil penalties would avoid the requirement in seizure cases for full, fair, and just compensation, and would thus be a far more effective method of financial punishment.

While such an approach is superficially attractive and may, in the long run, have considerable promise, it nonetheless has several grave flaws. The first of which is that any formula is likely to be too rigid to meet every contingency equitably. In many cases the penalties would probably damage one party more severely than another. Therefore, the penalties might inadvertently be used to bring about the very thing they would hopefully prevent—a costly battle resulting in an uneconomic settlement.

In addition, they would be difficult to enforce because the calculation of the payment figures could prove to be quite complex and the court procedure would undoubtedly be time-consuming.

S. 3513—INTRODUCTION OF BILL TO BE KNOWN AS CZECHOSLOVAKIAN TRADE ACT OF 1968

Mr. MONDALE. Mr. President, today I introduce a bill to provide the President with the authority necessary to negotiate a commercial agreement with Czechoslovakia. The agreement should include a provision for most-favored-nation status and an arrangement for the return of the Czechoslovak gold held by the Tripartite Gold Commission.

Two years ago President Johnson proposed the East-West Trade Relations Act of 1966. He asked for the authority to negotiate most-favored-nation agreements with Communist countries, excepting only China, North Vietnam, North Korea, Cuba, and East Germany. In his words:

> With these steps, we can help gradually to create a community of interest, a community of trust, and a community of effort.

Today, the steps of seeking most-favored-nation arrangements can be of more value than ever before. Czechoshovakia is putting unprecedented emphasis on economic reform and welcoming Western investment.

Yugoslavia and Poland receive the advantages of trade under a most-favored-nation agreement; it is imperative that we grant such concessions to Czechoslovakia. The most-favored-nation clause has been extended to most of the Eastern countries by a large number of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States.

The restrictions on the President's power to negotiate most-favored-nation agreements with certain Communist countries are presently contained in section 321 of the Trade Expansion Act of 1962.

The effect of the prohibition is to prevent the extension of nondiscriminatory tariff treatment to Czechoslovakia, including the more favorable tariff rates and duty-free treatment which may have been granted by the United States to other nations since 1930 under reciprocal trade agreements legislation. When the tariff cuts of the Kennedy round go into effect, the gap between the level of new duties for most of the world and the general tariff, the prohibitively high Smoot-Hawley rates paid by Communist products, will increase. In effect, the relative increase in tariff rates will prohibit trade between Czechoslovakia—with the exceptions of Poland and Yugoslavia—and the United States.

Another step the United States could take to demonstrate our interest and sympathy for the developments in Prague would be to reduce the settlement claims our negotiators demand Prague meet before the United States releases the Czechoslovak gold held by the Tripartite Gold Commission since World War II. The $22 million in gold originally seized by the Nazis during the occupation of Czechoslovakia has been held by the Tripartite Gold Commission, composed of representatives from Britain, France, and the United States, in Brussels since the war.

The members of the Tripartite Gold Commission acknowledge that the gold belongs to Czechoslovakia, but it has been withheld pending agreement by the Czechoslovaks to pay for seized American, British, and French property. In 1961, a draft agreement initialed at referendum by the U.S. Ambassador to Czechoslovakia and the Czech Foreign Ministry officials set out proposals for an agreement to settle the claims at $12 million and return the gold. Such a draft agreement is subject to change or rejection by the U.S. Government.

In 1964 a State Department review of the draft agreement found it inadequate. Pressure for this determination came from the American business claimants whose property had been seized by the Czech Government in the aftermath of World War II. The claimants with small claims were paid off with Czech funds retained in payment for a steel mill ordered from the United States and never delivered. In November of last year, the United States presented a new proposal that the Czechoslovaks, instead of paying $12 million, should pay $45 million, but with a credit of $17 million for the steel mill subtracted. If the Czechoslovaks agreed to the settlement, the United States would release its claim on the $22 million in gold. The Czechs turned the offer down on May 2.

Meanwhile, in 1963, Britain and France reached equitable settlements with Czechoslovakia. In return for a claim settlement or a deposit against an agreement, the British and the French agreed to release their holds on the gold. It now remains for the United States to reach an agreement. The changes in Czechoslovakia constitute sufficient political reasons for a modification of American demands.

Every day for the past few weeks, the newspapers have been filled with the details of changes in Czechoslovakia and suggested American responses. I ask unanimous consent that an article from the Washington Post of May 17, 1968, and an editorial from the New York Times, May 16, 1958, be inserted in the RECORD at this point in my remarks.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 16, 1968]

CZECHS UNFLINCHING AT MOMENT OF TRUTH

(By Dan Morgan)

PRAGUE, May 16.—An experienced Czechoslovak journalist sat in his apartment one evening this week reflecting on the tumultuous political situation in his country.

"This is not something we are accustomed to—being free and independent and in command of our future. We Czechs are used to being suppressed, to being threatened, to looking over our shoulders. What is happening here is very out of character."

Menaced by reports of Russian troop movements, threatened by Soviet ideologists and generals, attacked by the press of East Berlin, Warsaw and Moscow, Czechoslovakia's new leaders are still going their own way; taking a step further each day.

Last night Communist Party ideologist Josef Smrkovsky declared firmly:

"I once again state emphatically that no force, whether international or internal, can force us to digress from the path leading to a humanist, democratic, socialist state."

On Tuesday night, in a foreign broadcast on Radio Prague, commentator Irena Petrinova struck back at East German propagandists who are making a final effort to scare the Czechoslovak liberals.

She spoke of "demagogy that takes the breath away."

On Wednesday, the newspaper Lidova Democracie attacked Soviet press allegations that Thomas G. Masaryk, the first president of the republic, conspired to murder Lenin.

The paper said this was a gross falsification and an offense to the Czech nation.

Many private citizens, in and out of politics, have been angered by the Soviet attacks, not cowed by them. Czechoslovak observers note rising hostility to the Soviets.

In 1939, the Czech nation submitted without a fight to the Nazi occupation and to the infamous Reich protectorate. Today, the Czechoslovak reformers are acting not in the spirit of 1939, but of the 15th century church reformer Jan Hus.

This is the spirit in Prague at what is widely thought to be the moment of truth that is to decide whether the Czechoslovak experiment in democratic socialism is to become a turning point in socialist history, or another East European tragedy.

Four months after the young Slovak moderate Alexander Dubcek took control of the Czechslovak Communist Party, beginnings have been made in the reforms, but nothing has been settled.

It is still unclear even if the Russians will allow the experiment to go on, although the arguments against interference are powerful. This government is committed to socialism. The Warsaw Pact has close ties with Moscow, and there is not a single progressive Communist in Prague who wants to change this.

The progressive Smrkovsky warned this week that the Communist Party "will not allow either responsibility or the possibility of seeing things through to be taken out of its hands . . . If there is anyone who wishes to make a frontal attack against the Party, then he is making a grave mistake."

Czechoslovakia is not known for excesses, but whether this pledge is enough for the Soviets remains an open question, though both Smrkovsky and Premier Oldrich Cernik said this week the Russians had promised not to interfere.

Internally, nothing has been settled, either.

No real check on the absolute power of the Communist Party has yet been devised, and the old-line conservatives on the 110-member Central Committee are still the most effective opposition to the reformers.

Private groups such as the Club for Engaged Non-Party Persons want the election law now under revision to provide for a direct electoral challenge to the Communist Party, both in the National Assembly and in the national committees which run the districts and regions.

But the Party leadership has let it be known that opposition is to be allowed only within a "national front" made up of Communists, socialists, the Catholic People's Party and non-Party members.

It is also unclear whether the coalition in the Central Committee which ousted dogmatist Antonin Novotny as Communist Party leader in January still hangs together.

The 70 people who voted against Novotny were Slovaks, Czechs, moderates and progressives whose interests suddenly coincided.

Whether this was more than a historical accident remains to be seen. The conservatives, including Novotny, remain on the Committee.

The Russian menace, domestic tensions and the Czechslovak tradition of caution and rationality have caused almost daily speculation that the brakes are about to be applied.

Nothing of the kind has happened. Instead, this week:

The Interior Ministry announced it intends to ease restrictions on travel to foreign countries this summer.

The Finance Ministry said a new private-enterprise law would be drafted, to allow more individual and family businesses.

The Party Presidum declared that the Party paper, Rude Pravo, must react more promptly to daily events and ordered it to draft a report on itself.

The paper printed an unprecedented public opinion questionnaire earlier in the week.

Premier Cernik announced the formation of a committee to study a constitutional change providing for federalization of the Czech and Slovak nations on an equal basis.

Cernik proclaimed that the rehabilitation and compensation of all persons who suffered for political reasons in the last 20 years would be the first task of the government.

Czechoslovak journalists attending Cernik's press conference dropped their pencils and applauded this week when the Premier said, "We must show effective results of the new program in a short time."

"Up until January, our young people read the works of Kafka because his philosophy of no exit was relevant," said a young man this week. "Now it is no longer so relevant."

Would the Czechoslovak experiment end in success, or in another tragedy? he was asked.

He had doubts. His wife thought it would work "because it must." Faith is in great demand in Czechoslovakia this May.

[From the New York Times, May 16, 1968]

PRAGUE'S ECONOMIC NEED

Moscow's disgraceful attack on the memory of Thomas G. Masaryk and the angry reply in the Prague press testifies vividly to the worsening of Soviet-Czechoslovakia relations. This heightened tension is particularly important now because it darkens the outlook for the large hard currency loan the new Czechoslovak regime has asked of Premier Kosygin. Receipt of such economic aid—whether from the Soviet Union or elsewhere—is essential if Czechoslovakia's new rulers are to have any hope of giving their people material dividends as well as greater freedom.

There is no secret about Czechoslovakia's central economic problem. After two decades of Communist mismanagement, the once advanced industry of Czechoslovakia is plagued by technological obsolescence and high costs that make it a very weak competitor in many international markets. To remedy the situation, Prague's industry needs a major transfusion of advanced machinery and technology from the the West. But Czechoslovakia does not have the hard currency to pay for the needed large scale importation of equipment and knowledge.

This background helps explain why Premier Cernik, at his unprecedented press conference a few days ago, put so much emphasis on economic reform and on Czechoslovakia's interest in welcoming Western foreign investment. The change to a more market-oriented economy, begun last year, was sabotaged by the Novotny faction. Now the competitive pressures on enterprises will be increased, to cut costs and modernize output.

If Western investment can be obtained, it would of course bring with it advanced technology.

The balance-of-payments problem of the United States, not to mention concentration on Vietnam, makes it unlikely that this country will play a major role soon in helping Czechoslovakia meet its economic needs. Nevertheless the Administration could take some useful steps to demonstrate the interest and sympathy it recently expressed for the developments in Prague. It could ask Congress to extend most favored nation tariff privileges to Czechoslovakia.

And it could reverse this country's harsh position on the $20 million of Czechoslovak gold that has been denied Prague since World War II. The gold, in American hands, has been withheld from the Czech Government in an effort to force compensation for American property confiscated in 1948 and afterward. The moral case for using the gold in this way has always been weak. The political case for a reversal of attitude now is overwhelming.

Mr. MONDALE. Mr. President, in introducing a bill today, I want to make clear that I believe in the broader approach taken by the President 2 years ago in asking for authority to grant most-favored-nation status to all the Eastern European Communist states. Rumania has expressed an interest in joining the International Monetary Fund and the World Bank. And when I visited Moscow in January of this year, the Soviets expressed interest in arranging most-favored-nation status. At the present time, however, I believe that Congress should immediately clear the way for granting most-favored-nation status to Czechoslovakia.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3513) to promote the foreign policy and best interests of the United States by directing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Czechoslovakia, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Czechoslovakian Trade Act of 1968."

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

(a) to use peaceful trade with Czechoslovakia, to respond to changes in the countries and to maintain United States objectives in building a peaceful, democratic world;

(b) to promote constructive relations with Czechoslovakia and to provide a framework helpful to private United States firms conducting business relations in Czechoslovakia by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and

(c) to increase peaceful trade and related contacts between the United States and Czechoslovakia, and as assistance in meeting United States balance-of-payments problems, to expand markets for products of the United States in Czechoslovakia by creating similar opportunities for the products of Czechoslovakia to compete in United States markets on a non-discriminatory basis.

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Czechoslovakia, providing Most-Favored-Nation treatment to the products of Czechoslovakia whenever he determines that such agreements—

(a) will promote the purposes of this Act,

(b) are in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary;

(d) most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and Czechoslovakia, such as the settlement of financial and property claims, including the return of the Czechoslovak gold by the Tripartite Gold Commission, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED NATION TREATMENT

Sec. 105. (a) In order to carry out a commercial agreement made under this Act and notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Czechoslovakia.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of Title III of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1901 et seq.).

(c) The portion of general headnote 3(e) to the Tariff Schedules of the United States that preceded the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) Products of Certain Communist Countries. Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 5(a) of the "Czechoslovakian Trade Act of 1968."

(d) Nothing in this Act shall be deemed to modify or amend the Export Control Act of 1949 (50 U.S.C. App. Sec. 2021 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. sec. 1611 et seq.)

Sec. 106. The President shall submit to the Congress an annual report on the commercial agreements program instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

TITLE II

Sec. 201. It is the sense of Congress that the President shall, at the earliest possible date, make every effort to arrange for the return of Czechoslovak gold held by the Tripartite Gold Commission, in order that this substantial irritant to more amicable relationships be removed in the near future. It is further the sense of Congress that the 1961 Draft Agreement Initialed at Referendum regarding Czechoslovak gold is suitable as the basis for final juridical settlement of this matter.

ADDITIONAL COSPONSORS OF BILL AND RESOLUTION

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Colorado [Mr. DOMINICK] be added as a cosponsor of S. 3430 to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed-aircraft rescue transmitters on civil aircraft.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of Senate Resolution 281 to establish a Select Committee on Nutrition and Human Needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 290—RESOLUTION TO ASSIST SMALL MEATPACKING COMPANIES IN COMPLYING WITH NEW FEDERAL INSPECTION REQUIREMENTS

Mr. BIBLE. Mr. President, over the next 2 to 3 years, thousands of meat processing and packing plants across the country will come under the Federal requirements of the Wholesome Meat Act of 1967.[1] This legislation amends the basic Federal Meat Inspection Act of 1907[2] and will require all local and intrastate meat plants, which were not previously subject to Federal inspection standards, to conform either with the strict U.S. rules or with an equally strict State system.

The law has one purpose.

Said one observer—

> To protect American consumers by forcing the States to tighten quality safeguards on all meat, wherever processed, wherever sold.[3]

One of the principal sponsors of the 1967 act, the Senator from Minnesota [Mr. MONDALE] characterized it as "one of the most significant pieces of consumer-protection legislation ever signed into law."[4]

What may have been overlooked so far is that the Wholesome Meat Act is also far reaching and significant business legislation.

As a member of the Select Committee on Small Business, I have been pleased to participate in a 3-year study of the overseas market potential for the American beef industry, including its vital meat processing and packing segments.[5] We have been in touch with the associations representing the small business meatpackers and were made aware of their potentials and problems. In many cases they are small or family, independent operations. Typically they have a long record of service to their local communities.

The seriousness of this program to the business community is indicated by the estimate that in mid-1967 there were 14,832 nonfederally inspected facilities—compared with 1,969 federally inspected plants—and of these only 5,555 were subject to some form of State sanitation inspection.[6]

By July 1 of this year, 26 States will have mandatory meat inspection of animals before and after slaughter. Twenty-five States have mandatory inspection of meat processing facilities. Thirteen other States have voluntary inspection programs, while nine States presently have no laws in this area although there are many municipal and county systems in populous areas.

It is thus apparent that approximately 15,000 businesses are vitally affected. These firms are involved in producing a basic commodity. They account for about 15 or 16 percent of our entire commercial meat supply in this country, and an even higher proportion of the product in their localities.

Over the years since 1907 the Meat Inspection Division of the Department of Agriculture has developed a series of requirements that must be met in order to gain Federal approval.[7] In the fields of construction and layout of plants, these are often highly specific and detailed, prescribing such things as the materials that can be used in floors and walls, the heights of ceilings and rails, spacing and disposal systems. Other requirements cover cleaning procedures, and are illustrated by the following excerpts from a recent article in the New York Times:[8]

> Part of the problem is lack of space. Many small wholesalers perform all their functions in one room. They store, cut, age and sell meat in a cooler where the temperature is 50 degrees or lower.
>
> Much of their equipment such as band saws and grinders, cannot be moved easily, and would have to be cleaned in place.
>
> "If he has a cooler full of meat," said an inspector, "I know he's not going to put a 180-degree hose in there to clean his equipment."
>
> Often the floors are wooden and have no drains. There is no place for the waters to go, and the dealers "go in for spring cleaning," according to a Department of Agriculture official, by carrying their tools to the sidewalk and washing them there.
>
> Concrete floors with drains are the best answer, according to the department, but in any case the Federal inspector is required to check for cleanliness each morning before the plant may begin work.
>
> To meat dealers, sanitation means money.

As the newspaper correctly points out: "Sanitation means money."

Where construction or cleaning requirements are at issue, we are often talking about a good deal of money.

This concern prompted the Senate-House Conference on the wholesome meat bill to request assurances from the

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[1] Public Law 90-201, Approved December 15, 1967.

[2] 21 U.S.C. 71-91.

[3] "States must plug it by 1980; Despite New U.S. Meat Law, Meat Inspectors Gap Exists", by Paul M. Branzburg, from U.S. Courier-Journal and Times, Reprinted *Daily Congressional Record*, March 21, 1968, page E2103.

[4] *Daily Congressional Record*, March 21, 1968, page E2103 loc. cit.

[5] See "Expansion of Livestock Exports", Report of the Select Committee on Small Business, Senate Report 343, 90th Congress, 1st Session, June 12, 1967.

[6] Testimony of Rep. Thomas S. Foley in Hearings before the Senate Committee on Agriculture on Bills to Clarify and otherwise amend the Meat Inspection Act etc., November 15, 1967 at page 243.

[7] These are contained in the Handbook of the Meat Inspection Division, U.S. Department of Agriculture.

[8] "Meat Plants Here Face U.S. Upgrading", New York Times, March 4, 1968, front page of second section.

Department of Agriculture that this act was not going to be used to put thousands of meatpackers out of business. In a letter to the Senator from Florida [Mr. Holland], Deputy Assistant Secretary Leonard responded:

> The only mandatory construction requirements are set forth in general terms in the regulations. . . . For example:
>
> The floors, walls, ceilings, partitions, posts, doors, and other parts of the structure shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned . . . in the light of operating procedures which are to be used in the establishment.[9]

In other words, there is some flexibility in the application of these standards, and this is desirable.

As the Senate Committee on Agriculture observed in its report:

> (S)ome of the Federal standards for plant construction may sometimes be unrealistic (for small non-federally inspected plants) and it would be unreasonable to arbitrarily apply them when the operational practices of a small facility (enable them to meet equivalent standards)[10]

However, eventually, with the best faith in the world, decisions will be made and money will have to be invested by our small meatpackers in modifying the features in their buildings, equipment, and procedures that do not now qualify under Federal or equivalent standards.

Furthermore, they must do so in a short period of 2 years, unless an optional 1-year extension is applied for by the company and granted.

For these companies to comply with the standards previously applicable only to large, interstate plants, will involve substantial outlays of capital for new machinery and new construction. If they do not conform to the Federal specifications they will be out of business.

It is apparent to many of us that these firms will need a ready source of funds to finance the purchase of the new equipment and construction. The meatpacking industry traditionally is a low-profit-margin operation, as has been made clear to our Small Business Committee on several occasions.[11]

Many of these companies, of course, are in a position to take care of themselves, and will do so. Others may not be so fortunately situated. They may be in remote areas where banking resources are smaller or already strained—the expenditures may be large in relation to the current income of the firm. Or, the terms on which loans can be granted, might not match the needs created by this legislation.

I feel strongly that the 2-year deadline is a special factor which greatly increases the pressure on our smaller firms. After all, the useful life of meat-processing equipment has been declared to be 12 years.[12] I question whether the great majority of the businessmen affected can get loans on such terms.

In view of the circumstances, Senator Sparkman and I (together with Senators Dominick, Eastland, Hatfield, Holland, Javits, Jordan of North Carolina, McGee, McGovern, Metcalf, Montoya, Morse, Nelson, Randolph, and Smathers), are submitting the resolution which I now send to the desk and ask unanimous consent that it be printed in the Record following my remarks.

It is in the form of a Senate resolution, calling upon the Small Business Administration to make a study of the needs for capital of small firms in the meat processing and meat packing industries as a result of the Wholesome Meat Act.

As a result of such study, we in the Senate could discover the magnitude of the need, how much of it can be met by conventional sources of funds such as local banks, the extent to which the resources of the SBA and other Government agencies could respond to the excess requirements, and what, if any, additional authority or funds the SBA might need.

It is my hope that the major trade associations and their membership, as well as the Agriculture Department and the Library of Congress, will join this preparatory inquiry which will enable us in the Congress to determine what further steps should be taken to protect the interests of small businesses in the meat industry.

A further complication is that this is an era of tight money on the part of agencies such as the Small Business Administration, which are supposed to be the lenders of last resort in emergency situations such as this.

In addition to the impact of the international situation on the budget of SBA, this agency is also being called upon to devise special programs of assistance to the small manufacturers which must meet deadlines for upgrading their equipment and processes because of new water and air pollution standards.

However, the interest of our small firms in the meatpacking industry, and of the communities they service, are also immediate and pressing. It is my hope that, with the information gathered by the Small Business Administration pursuant to this study, we will be able to fashion sound and effective measures to assist industry in meeting these needs.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the Record.

The resolution (S. Res. 290) was referred to the Committee on Agriculture and Forestry, as follows:

S. Res. 290

Whereas the Wholesome Meat Act requires all meat plants, not previously subject to Federal regulation, to conform to strict standards under Federal or State law; and

Whereas for many small business enterprises compliance with this Act may require substantial outlays of capital for new machinery and plant facilities; and

Whereas meeting such capital needs will be extremely difficult if not impossible for many such enterprises without assistance; and

Whereas Federal assistance to small business concerns in the interest of preserving free competitive enterprise is a declared policy of the Congress: Now, therefore, be it

Resolved, That the Small Business Administration is requested (1) to undertake a study to determine the extent to which financial assistance under statutes administered by it is available to small business concerns in effecting compliance with the requirements of the Wholesome Meat Act, and (2) to report to the Senate at the earliest practicable date, in no event later than 30 days after the approval of this resolution, the results of its study, together with such recommendations for additional legislation as it deems necessary.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENTS NOS. 799 THROUGH 801

Mr. GRIFFIN submitted three amendments, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 802

Mr. LONG of Louisiana submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

(See the remarks of Mr. Long of Louisiana when he submitted the above amendments, which appear under a separate heading.)

AMENDMENT NO. 803

Mr. HART proposed an amendment to Senate bill 917, supra, which was ordered to be printed.

AMENDMENT NO. 804

Mr. TYDINGS proposed an amendment, in the nature of a substitute for the amendment proposed by Mr. Hart (No. 803), to Senate bill 917, supra, which was ordered to be printed.

NOTICE OF HEARINGS ON EAST-WEST TRADE

Mr. MONDALE. Mr. President, the International Finance Subcommittee of the Banking and Currency Committee will conduct hearings on Senate Joint Resolution 169, which is a joint resolution that would express the sense of the Congress that the Export Control Act regulations and the Export-Import Bank financing restrictions be modified to promote the best interest of the United States by permitting an increase in trade in peaceful goods between the United States and the nations of Eastern Europe.

The hearings will commence at 10 a.m., in room 5302, New Senate Office Building, on May 22, 1968. They will continue on June 13, June 27, July 17, and July 24. Persons wishing to testify or submit statements in connection with this resolution should contact Mr. Hugh H. Smith, Jr., assistant counsel, Senate Committee on Banking and Currency, 5300 New Senate Office Building, Washington, D.C. 20510, telephone 225-3921.

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[9] Letter to Senator Holland contained in the Conference Report on the Federal Meat Inspection Act, House Report 998, 90th Congress, 1st Session, December 6, 1967, pages 21–22.

[10] S. Rept. 779, 90th Congress, 1st Session, November 21, 1967, page 3.

[11] See "Industry Survey—the Meat Packing Industry etc." prepared by Carl M. Loeb, Rhodes & Co. of New York; contained in hearings on the Expansion of Livestock Exports, May 18 and 19, 1966, pages 40–45. See also "The Meat Packers" from "The Exchange", magazine of the New York Stock Exchange, Hearings, loc. cit. pages 341–43.

[12] Depreciation, Guidelines and Rules, Revenue Procedure 62–21, Internal Revenue Service Publication 456, page 7.

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

David S. King, of Utah, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESS BY WINTON M. BLOUNT AT 56TH ANNUAL MEETING OF CHAMBER OF COMMERCE OF THE UNITED STATES

Mr. DIRKSEN. Mr. President, as the Nation prepares for another long summer of threatened civil disorders, more and more citizens are questioning the road upon which this Nation seems to be traveling. One of these citizens, Winton M. Blount, newly elected president of the Chamber of Commerce of the United States, directly addressed himself to the question of increasing lawlessness in the cities at the annual dinner of the national chamber's recent 56th annual meeting here in Washington.

Because what he suggests may be representative of what thousands of responsible Americans are urging, in the interest of general information I ask unanimous consent to have printed in the RECORD the address of Winton M. Blount.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY WINTON M. BLOUNT, PRESIDENT, CHAMBER OF COMMERCE OF THE UNITED STATES, AT THE ANNUAL DINNER, 56TH ANNUAL MEETING, CHAMBER OF COMMERCE OF THE UNITED STATES, WASHINGTON, D.C., APRIL 30, 1968

Thank you, Mr. Chairman, and ladies and gentlemen, for your expression of welcome and encouragement.

The abilities I have to offer are at your service in the year ahead. But whatever significance they gain—the impact we make on the events of our time—will not reflect the efforts of a single individual, but the resolution of the Chamber of Commerce and the business community to make the force of its convictions felt at a time when they are most needed.

I think I can safely say that never before has the leadership of the National Chamber—its officers, directors and staff—been so aware of the responsibility for assuring that the measure of this organization's effort be sufficient to the challenge of our times.

Today we are faced with international problems such as the war in Vietnam; the worth of the dollar in the world markets; national problems related to an economy beset by inflation, urbanization and industrialization; human problems of race and poverty and the spiritual problems of dissension, distrust and violence. These problems must be met and solved.

This is a time for reason and restraint. This is also a time for response—restraint from emotionalism and radicalism . . . but *response* toward finding solutions to these major problems. The climate of unrest and uncertainty have placed, as never before, new demands upon the business and professional community for leadership and constructive action.

Business is responding by bringing its leadership, management and problem solving ability to bear on these matters, invading areas which have been traditionally left to government. We are seeking out dark corners and moving into the social problem backwaters where politicians have been making too many of the decisions. The Chamber must continue to encourage and lead this effort, and determine the most effective channels for its expression.

Government cannot solve these problems alone, as it has sometimes tried to do in the past. Rather, it must be a joint effort of the national government, the local and state governments, business community, other organizations and private citizens—a total effort on the part of all—and business has a key role to play.

I am an optimist—you have to be in my business. And I am optimistic that America *will* solve its problems. Our background and heritage have not prepared us for defeat. Our resiliency as a nation has been demonstrated time and time again.

But as we progress and change and move forward into the exicting world of the future, we must preserve and strengthen the essential institutions and values which have provided the vitality and inner strength of this great nation.

Ladies and gentlemen, it is up to the vast majority of Americans who are responsible, reasonable and restrained citizens to insure that our progress is responsive, sound, and intelligent.

What is our role? I believe the nation needs to hear from us.

It needs to hear from us about preserving the vitality of our economic system. As George Champion pointed out yesterday, we must tell the story to every citizen of the vital role of capital, incentive, and profits in our free enterprise economy.

The nation needs to hear from us a reaffirmation of the democratic process as the proper and most effective expression of the public will. Politics is too important to leave to the politicians; businessmen *must* become involved.

In this regard, I am pleased to announce tonight that Governor Allan Shivers has graciously consented to serve in this important election year as chairman of the new Individual Political Action Program developed by the National Chamber. Let's all join Gov. Shivers to insure the success of this significant program at every level.

And finally, the nation must hear from us a reaffirmation of our moral strengths—our belief in individual rights, and the preservation of those rights through obedience to the law.

Sunday I visited the rubble and destruction of the recent riots in Washington. While I had seen the destruction on television and through other news media, I was utterly shocked and yes, dismayed, by what I saw—parts of our capital laid waste as a Berlin or a London of over two decades ago. This—in the capital of the United States, a nation of dedication to great principles and progress—not to destruction.

I say to you and to all the people of this country that the business community has a deep and compassionate concern for people of all races who live in poverty in the slums of our cities, the disadvantaged, the hard core unemployed and the undereducated. We are deeply concerned over all the problems of the urban areas of our country and the business community must and will redouble its efforts everywhere to open wide the doors of opportunity and to lend a helping hand to those who will take advantage of these opportunities.

While we feel all of these things, it is outrageous to enunciate a policy which essentially encourages and escalates riots and lawless acts.

We cannot abide lawlessness, nor can we justify short-run violations of the law in hope that it will bring about peace in the long-run. Human rights cannot long exist in a chaotic and disorderly society. They are assured and preserved only by prompt and reasonable enforcement of the law.

Riots are started by lawless hoodlums and the disruptive elements in our society. They are not started by the innocent bystanders or the children. But if we have a policy of withholding authority and letting the arsonist burn and the looter steal then you can be certain that seeing this example the surrounding community will join in. We must have a policy that says as soon as riots threaten, at the very first hour there must be an appropriate and overwhelming show of force and determination by all those in authority to insure these criminal acts are stopped in their tracks.

During the important workshop held Sunday afternoon, I heard it said that the business community has lost the initiative in this area. I do not believe this is the case and in fact the matter of who has the initiative is not the point. Rather we must work together with respect and understanding toward successful solutions.

In this regard, I commend to you the Forward America program, developed by the National Chamber, for bringing together all the groups willing to cooperate within the community—business, government, labor, civil rights, religious, educational, and the leaders of the ghetto areas—to establish communications, set goals and priorities, and initiate programs of action. Here is a method for responsible Americans to make themselves heard.

The task for responsible Americans, then, is to help the nation find solutions to the great and compelling problems of our times—and to insure that those solutions are within the context of our beliefs and principles.

Ladies and gentlemen, these are the challenges and promises before us. Let's accept them with new determination, confidence and personal commitment. Your country is in great need of your devotion and your leadership ability.

BEAUTIFUL COLLEGE PARK

Mr. TYDINGS. Mr. President, beauty is good business, but beauty is not an easy thing to demonstrate. It does not just happen. It involves sweat and toil and, above all, the introduction of its concept into all our planning and programs until a militant concern for the values of beauty is developed.

Association with beauty is always costly, but since it adds to the quality of man's life, no one would contend that ugliness is less expensive if it can degrade his existence and demean the people who live among it.

There is much that the government, at every level, can do. But a beautiful community will require the concern and action of individual citizens and of private groups to fight squalid conditions and create beauty for themselves and their children.

Such a challenge, Mr. President, has been met by the Beautification and Improvement Committee of the City of College Park, an integrated part of the citizens advisory planning board, which during the last 3 years of its existence has been observing Thomas Jefferson's remark that communities "should be planned with an eye to the effect made upon the human spirit by being continually surrounded with a maximum of beauty."

The beautification and improvement committee is sponsoring again the Cleanup-Paintup-Fixup Month in May.

Mr. President, 35 groups representing civic clubs, garden clubs, service clubs, fraternities, sororities, the Boy Scouts, Girl Scouts, and the two fire departments have pledged their time and talents to make the city's annual May cleanup-paintup-fixup campaign for 1968 the biggest yet.

The organized activities range from the painting of refuse receptacles at the tot-lots to the demolition of old abandoned houses. In addition to the foregoing the city, through the cooperation of the West Virginia Pulp & Paper Co., had 10,000 litter bags prepared which were passed out through the community by two sororities at the University of Maryland.

The order of the day seems to be that everyone must rake the lawn, clean up old leaves and papers, clean out gutters, clean out the basement and garage, paint where needed, trim bushes and trees, keep the lawn mowed, keep driveways swept and then when everyone has done all that they think can be done at home, they must put the frosting on the cake: plant colorful flowers or set out a new tree.

For those in doubt about the need for such a crash program, there is a further message about the duty to beautify. This year, for the second time, the city of College Park is the only community in the State of Maryland availing itself, as a courtesy of the Humble Oil Co., of its gigantic billboard, at Route 1 and Rowalt Drive, to advertise the Cleanup-Paintup-Fixup Month of May campaign. In addition, the Rollins Outdoor Advertising Co. prepared for the beautification and improvement committee a 12- by 20-foot double-faced mobile sign which also carries the campaign beautification message through the courtesy of its company.

The city of College Park association with beauty is permeated by restoration and innovation. This concern is not with its community alone, but with the total relation between it and the world around it; consequently, the city, in expanding a national concept of beauty, has entered the National Cleanup Contest in competition with other cities nationwide.

In all justice, with such hard work, achievements and objectives, I trust that the beautiful city of College Park will have a fine chance to bring home a trophy that will be a direct contribution to the conscious and active concern for the values of beauty of our beautiful State of Maryland.

A beautiful America, Mr. President, will undoubtedly require the effort of the Federal, State, and local governments, but particularly it will require the cooperation and participation of business, private groups, and of individual members of the community. The city of College Park and its citizens organized as a beautification and improvement committee is a fine example of civic responsibility making its own direct contribution to the enhancement of man's imagination and the revival of his spirit through the road of beauty.

I congratulate them, Mr. President.

MEDICAL PRESS SIFTS NEWS FOR PHYSICIANS

Mr. HART. Mr. President, rather belatedly, I would like to call to the attention of my colleagues an article by the Washington Post writer, Morton Mintz, on the news of medicine as it is presented to this Nation's doctors.

Politicians are always criticizing some element of the press for being unfair in news presentation. This criticism is suspect. Often it means the presentation was balanced—instead of loaded in favor of the critic.

So it is refreshing to see a reporter, and an extremely competent one, taking the press to task for lack of balance. This time it is the medical press for printing only those things complimentary to its biggest advertisers—the major drug companies. The Senator from Wisconsin [Mr. NELSON] is thoroughly familiar with this practice.

As the author of the Medical Restraint of Trade Act, which aims at eliminating the harm to health and economics caused by some doctor-merchants. I am not unaware of the slant of the news in the medical press.

Although representatives of several of the publications kept in close touch with our hearings and took full notes on the practices, some of which were shocking, the inches of coverage were exceedingly sparse.

In fact, as I recall, we were about 3 years into the investigation before the AMA News got around to a small paragraph on the investigation.

Allegations of paying too much attention to advertiser and publisher feelings in selection of stories need not be aimed only at the medical press. But when you consider that this Nation's doctors get the majority of the news of their profession from these journals, we must be concerned about what news is acknowledged.

The theory behind freedom of the press in this country is that although all news may be a bit slanted, the reader can balance one paper's slant against another's and come up with something resembling the straight-up truth.

Mr. Mint's article suggests that in the medical press all slants are the same—and counterbalancing is not possible.

Mr. President, I ask unanimous consent that the Washington Post article of March 31, 1968, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAL PRESS SIFTS NEWS FOR PHYSICIANS

(By Morton Mintz)

Last January, at the request of the pharmaceutical firm of Chas. Pfizer & Co., Roper Research Associates sampled public opinion in the New York City area. Of the sample polled, 97 per cent were critical of the drug industry in response to one or more of six questions on profits and pricing practices.

But except when a threat of regulation is involved, it is not the layman's view but the doctor's that really counts with makers of prescription drugs. The reason is that these medicines find a market only when physicians prescribe them. And so it is the doctor who must be "sold" on this or that drug product; the patient's role is merely to pay the bill.

Drug firms begin to cultivate a doctor before he is a doctor, while he is still a medical student. He is given black bags, expense-paid trips, scholarships. His school may get donations to the building fund and research grants.

Once entered upon the practice of medicine, the physician is the target of drug advertising and promotional efforts costing about $3000 a year, according to Dr. James L. Goddard, Commissioner of the Food and Drug Administration. The total advertising and promotion expenditure was calculated by Dr. Goddard at between $600 million and $800 million a year—between a quarter and a third of the industry's gross.

A large share of that sum is spent on advertising in dozens of publications generally seen only by physicians. These publications are sometimes distinguished by comprehensive and reliable reporting. But news that touches on a sensitive nerve in the drug industry can receive some unusual handling.

Last November, for example, a big chunk of a Senate hearing on drug prices concerned an eight-page advertising supplement bought by the Pharmaceutical Manufacturers Association in the Reader's Digest. The PMA called the ad a "magazine within a magazine" and a "public service." Sen. Gaylord Nelson (D-Wis.) called it a "calculated deception."

The Digest insertion and the furor about it dominated the stories written by reporters for newspapers and wire services. But the Digest flap was ignored by Medical Tribune, a twice-a-week newspaper supported almost entirely by drug advertising and distributed free to physicians.

Nor was this curious example of news judgment unique. In December, Chas. Pfizer and two other drug manufacturers were convicted of a criminal conspiracy to rig the prices of "wonder" antibiotics and to monopolize their sale. Half of Medical Tribune's account was turned over to company proclamations of intent to appeal, to a complaint by Pfizer that it had been done wrong by a jury which had relied upon "unjustified inference and suspicion," to a suggestion by Bristol-Myers Co. that the jury might have been influenced by inordinate publicity, and to an expression of surprise and regret by American Cyanamid Co.

Not a line in the Medical Tribune story dealt with the guts of the successful prosecution case—the specific of production costs, prices and profits. Thus were physician-readers anesthetized against the shock of the evidence that tetracycline which costs as little as $1.52 to produce was sold to druggists for $30.60 and to consumers for $51, and that manufacturers' pretax profits on investment in antibiotics was sometimes in the 70 per cent range.

TWO CATEGORIES

For profit, advertising-supported publications distributed free to physicians, such as the 68,000 circulation Medical Tribune, constitute one of the two principal categories of the medical press. Other examples of this group are Medical World News (circulation 230,000) and Modern Medicine (circulation 200,000).

The other major category is the journal or paper published by a professional organization. Examples are the Journal of the American Medical Association, an organization which gets about half its income from advertising, most of it pharmaceutical; Psychiatric News, official newspaper of the American Psychiatric Association, and GP, monthly journal of the American Academy of General Practice.

OPPOSE TOUGHER RULES

Publishers in both categories are united in their opposition to proposals by the FDA to toughen its regulations against deceptive, false and unbalanced advertising of prescription drugs. And the ways in which both categories treat the news can also be quite similar.

The January issue of Psychiatric News—over a third of which was devoted to advertising of drugs used to treat mental illness and anxiety—is a case in point. That issue carried a story headlined " 'Generic Equivalency' Called Myth by Drug Producers." It began:

"Pharmaceutical manufacturers, after enduring seven months of virulent criticism from consumer organizations in testimony before the Senate Small Business Subcommittee, launched a double-barreled counterattack late in November."

About 20 per cent of the story was devoted to a pro-industry statement by Alfred Gilman, a pharmacologist who had not testified. Another 20 per cent was given over to two more nonwitnesses. One's defense of Dr. Gilman was quoted from Hospital Tribune (a sister publication of Medical Tribune). The other was reported "as agreeing with Dr. Gilman's statement." Something over 10 per cent of the story was accorded to actual testimony by the president of the Pharmaceutical Manufacturers Association. That left about half of the story for a summary of the hearings, and two thirds of it consisted of material favorable to the drug industry.

In an interview, associate editor Herbert M. Gant was asked about the unattributed statement that drug makers had been "enduring seven months of virulent criticism." Gant acknowledged that his paper had done no first-hand reporting. Instead, he said, the official newspaper of the American Psychiatric Association had relied on "secondary sources," specifically including the AMA News and "press releases from the Pharmaceutical Manufacturers Association."

"Let me assure you we are not kow-towing to the manufacturers on those hearings," Gant said.

REPRINTS STATEMENT

Another case in point is the handling of an Oct. 13 hearing by the general practitioners' journal, GP. The witness was Richard M. Furlaud, president of E. R. Squibb & Sons. He came before Nelson's Subcommittee with a lengthy prepared statement defending the system of dual prices under which a medicine prescribed by brand name can be very expensive but prescribed under its generic, or chemical, name can be quite inexpensive.

An editorial in the New York Times found Furlaud's case "unpersuasive." But GP was so impressed that it turned over 4½ glossy pages in the February, 1968, issue to excerpts from Furlaud's text.

GP did not, however, tell its 30,000 doctor-readers of a development at the Nelson hearing that was not in Squibb's script. This was the Subcommittee's introduction of documents which the FDA had prepared in recommending criminal prosecution of Squibb. They recited "a long history of mix-ups, recalls and warnings" that indicated, in the agency's view, that the firm had "failed to understand its responsibilities as a drug manufacturer." In March, 1967, Squibb pleaded no contest to the charges in that case, although it has sweepingly rejected the FDA allegations aired at the Nelson hearing.

FDA POLICY CRITICIZED

This same issue of GP carried an editorial condemning the FDA's "new get-tough policy, as it relates to advertising pages in medical publications . . ." There were 145 pages of drug ads in that 280-page issue of GP. Nine of them were for drugs made by E. R. Squibb.

"I didn't know that," said Mac F. Cahal, publisher of GP. The Squibb ads, he said in a phone interview, had "no bearing" on the publication of the testimony by Squibb's president. As to the FDA documents recommending a prosecution, Cahal said, he had not been aware of it.

GP is aware of the importance of advertising, however. To lure ads it has prepared a brochure of reprints of Cahal's "Newsletters" and editorials from GP and American Family Physician, another Academy publication. Captioned "News and Views," the brochure is subtitled ". . . of interest to the pharmaceutical industry."

All of the reprints attack prescribing drugs by generic name and defend prescribing by brand names, such as those that fill the ad pages of both publications. Proponents of generic prescriptions were ridiculed in one editorial as people who "don't know an aspirin tablet from a jelly bean."

BEHIND THE NEWS

Among the commercial publications, McGraw-Hill's Medical World News, a glossy-paper biweekly, is the circulation leader. Its editor is Dr. Morris Fishbein, former editor of the Journal of the AMA. The consulting editor is Dr. Howard A. Rusk. During the past two years, Dr. Rusk has been second on the masthead and has written the "Behind the News" column.

While being paid for his work at Medical World News, Dr. Rusk has continued to contribute a column every Sunday to the New York Times. There he has found occasion to praise to readers of the Times the performance of the industry that is almost the single source of support for Medical World News.

On Oct. 2, 1966, for example, Dr. Rusk's column in the Times commended the prescription-drug manufacturers as a bastion against inflation. With permission from the Times, the Pharmaceutical Manufacturers Association distributed reproductions of the column.

As Associated Press story of Dec. 20, 1966, carried in the Times, called attention to Dr. Rusk's compassionate spirit, although not necessarily to his reportorial detachment. The item said that "a million-dollar gift of Salk polio vaccine for 660,000 South Korean children has arrived from the United States. The vaccine was donated by the maker, Eli Lilly of Indianapolis, at the request of Dr. Howard A. Rusk, chairman of the American-Korean Foundation."

ANONYMOUS AUTHOR

Another eminent physician, heart specialist Irvine H. Page of the Cleveland Clinic Foundation, is editor of Modern Medicine.

But the approximately 200,000 physicians who receive Modern Medicine have not been told who writes its "Washington Newsletter." It is George Connery, whose full-time job is editing and reporting for the PMA's Newsletter, Connery, who says he never has written "an intentional line of public relations or propaganda," gave this advice to Modern Medicine's readers in a "Newsletter" last July about Nelson's drug-price hearing:

"Thus, it might be as late as mid-September before the PMA will have the chance to present its broad, balanced picture of what the industry contributes to health, how it goes about doing so, and why its profit level has to be higher . . ."

INDEPENDENT NEWSPAPER

The Medical Tribune, whose treatment of the criminal price-rigging trial occupied our attention earlier, calls itself "The Only Independent Medical Newspaper in the U.S." But it leaves unanswered the question what it is independent of.

Medical Tribune has extraordinarily close links with William Douglas McAdams, Inc., an advertising agency which claims to be the leader in the field of medical advertising. The American Association of Advertising Agencies forbids ownership of news media by ad agencies, in order to preclude conflicts of interest. But the McAdams agency is not a member of the Association.

The agency's clients, particularly the Roche Laboratories division of Hoffmann-La Roche, Inc., are the dominant advertisers in Medical Tribune.

In the 40-page issue of last Feb. 22, for example, 22 of approximately 27 pages of advertising were for drugs produced by McAdams' clients—Roche Laboratories (14 pages), Warner-Chilcott Laboratories (5), Upjohn Co. (2) and CIBA Pharmaceutical Co. (1).

In the last two years, the publication has undertaken critical, prolonged campaigns against certain drugs, including one for arthritis and one for influenza. But the manufacturers are rarely if ever among those that advertise in Medical Tribune.

The executive editor of the Tribune is Dr. Joseph Gennis, who is simultaneously executive vice president of the McAdams ad agency.

Dr. Arthur M. Sackler, a founder of Medical Tribune, recently retired as board chairman of the McAdams firm, which he joined in 1941.

For many years the relationship between the McAdams agency, Medical Tribune and related Sackler enterprises including the World Wide Medical News Service has been clubby. Employes have shared, at 130 East 59th st. in New York City, office space, a library, other facilities, a single personnel director (James Braunworth), a single employe directory (the one dated Dec. 7, 1965, for example, lists about 280 names) and medical advisers.

There have been joint Christmas parties and social functions at which informal financial reports were given by Drs. Sackler and Gennis on how well "the company"—singular—was doing.

Last year, after the FDA announced proposals to tighten its regulations to assure honesty and balance in ads for prescription drugs, 96 written objections (and zero endorsements) were filed. Drug makers filed 30, medical ad agencies 46, publishers 14, trade groups 4 and individuals 2. For McAdams, Dr. DeForest Ely, president of the ad agency, protested that the regulations would "jeopardize freedom of the press."

THE AUTOMATON SYNDROME

During a hearing held by his subcommittee, Nelson remarked that if he went to any meeting of a local medical society and asked, "What do you think about the drug industry?" he could predict what doctors would tell him: That the industry "has to have high profits because they do a lot of research and it is a very risky business." Doctors who say this, Nelson said, "sound like automatons."

The Senator, who is himself the son of a physician, went on to recall an occasion in Wisconsin when four doctors took him on about his investigation into drug prices.

"I said I will tell you what I will do," Nelson related. "Just let one of the doctors step aside and I will tell him what you are going to tell me and we will come back together. And I did, in some detail; he was outraged."

But the doctor should not have been surprised. The Senator, too, sees the medical press.

ORDER FOR RECOGNITION OF SENATOR THURMOND

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that from the completion of the speech by the distinguished Senator from Mississippi today, the distinguished Senator from South Carolina [Mr. THURMOND] be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virgina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MODIFICATION OF ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the order to recess the Senate be delayed 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Florida may proceed for an additional 5 minutes in the morning hour.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

THE PROPOSED TAX INCREASE—IV

Mr. SMATHERS. Mr. President, in my remarks of November 1967, on this subject, I expressed an opinion that:

> If the country is to maintain its economic health, I feel that (raising taxes) is one of those hard decisions that our citizens are going to have to make . . . The action of the Congress and the American people in this matter will be a test of our resolve, and of our system of government, equal in severity and significance to the Great Depression and the Cold War.

In similar terms, Secretary of Treasury Fowler addressed the U.S. Chamber of Commerce on April 30, 1968, saying:

> Your national government, your nation, and each one of us, faces the hour of responsibility—the hour of sober, fiscal responsibility. In it we must make a momentous decision.
>
> That decision is whether or not we will pay our bills and order our economic and financial affairs in such a manner as to decisively reduce twin deficits in our federal budget and in our international balance of payments . . . We are facing nothing less than a test of representative government in economic and financial affairs . . . Make no mistake, our economic future and that of the entire free world are at stake in this hour.[1]

Mr. President, the question which I would like to put before this body and before the public is, how much of that hour has ticked away?

On April 2, the Senate approved the Smathers-Williams amendment by a vote of 53 to 35, and then passed H.R. 15414 by an even more decisive 57-to-31 vote, which sent the measure to a Senate-House conference.

This action broke an impasse between the administration and the Congress stretching back more than a year to the initial proposal for the surtax in the President's state of the Union message in January of 1967. During that period, the need for higher taxes was clearly established and clearly recognized by those knowledgeable in financial affairs, and yet action by neither House of Congress was forthcoming.

The lesson which this seems to teach is that to obtain a tax increase in a democracy, not only must the key committees and a majority of both Houses be convinced of the need, but that a number approaching a majority of the voters must also accept these necessities, so that the representatives of the people feel that they can be reelected.

Along the way, of course, we need to educate the reporters and editors of our newspapers, radio, and television, who are the media for informing people of what is at stake on the floor of the Senate and the House of Representatives. It might be well for these organizations to conduct a little self-examination of the extent and quality of their coverage of the trade and budget deficits, inflation, the cost of living, and how they are related to the actions of their elected representatives.

In the interest of furthering this education, I would like to review the developments of the past month and a half since the Senate acted. The financial situation was clear, and Members of Congress cannot complain that the facts have been unavailable. They have been spread upon the pages of the CONGRESSIONAL RECORD with regularity since early October last year.[2]

There is no escaping the fact that the United States has incurred domestic budget deficits for 14 of the last 18 years, during which it has spent more than $60 billion in excess of what it has taken in. Similarly, the overall growth of the Federal budget in the last decade of 125.03 percent—$82.7 billion in 1958 to an estimated $186.1 billion in fiscal year 1969—is substantially greater than the growth of 75.5 percent in gross national product during the comparable period.

In addition, we have experienced deficits in our international payments in 17 out of the last 18 years. As Secretary Fowler observed: [3]

> As all of the experts are aware, this situation has been tolerated in the financial world primarily because of the strength and the competitive capacity of the U.S. economy, which has been capable in each of the last seven years of producing a substantial trade surplus.

In one of the most dramatic and perhaps the most serious financial developments of this decade, this trade surplus, which previously produced 70 percent of U.S. balance-of-payments earnings, and was the anchor of our financial position in the world, has melted away during the last 3½ years. The Senate Small Business Committee, under my chairmanship, has just concluded a series of five regional hearings at which our members pointed out at every opportunity the fact that the trade surplus has been in a continuous decline. From a peak of $7 billion in 1962, it fell to $5.3 billion in 1965 and $3.8 billion in 1966. For 1967, the merchandise exports surplus was listed at $4.1 billion, but fully $3.5 billion of this was Government assisted, leaving a balance on the commercial account of less than $1 billion.

In January and February of 1968, these figures declined further, and in March, as we are all aware, the U.S. trade surplus disappeared completely. This faces us with the prospects of the worst trade performance since before World War II, and the possibility of an overall deficit in our commercial accounts this year.

It is surely not mysterious that foreign central banks, which hold about a quarter of their national wealth in the form of U.S. dollars, should be worried about this performance, and about the continued existence of the international monetary system which has been so laboriously built on the foundations of the Bretton Woods Agreement of 1944 and the value of the American dollar with respect to gold. It does not take great intellectual power to understand that if inflation and payments deficits destroy the value of the dollar, that the international monetary system will be at an end.

The gold rush of the last 6 months bears witness to the fact that when people doubt the value of the dollar, they will scramble to buy into some commodity which they feel is a stable storehouse of value, gold being the most notable. It is also simple arithmetic to calculate the fact that if the foreign central banks and other official institutions sought to cash in all of the $15.3 billion they hold, the United States with only about $13 billion in gold reserves could not meet all of their claims for gold, and the international monetary system would collapse with a shuddering roar.

As the most recent edition of London Economist magazine stated:

> Very gradually it has been brought home to almost everyone that a second consecutive deficit of more than $20 billion in the Budget is wrong and irresponsible. When Americans found that they could not cash their traveler's cheques abroad at the height of the March gold crisis, when the foreign trade surplus disappeared altogether in March, when the Consumer Price Index rose for the eighth consecutive month at an annual rate of almost 4 percent, when interest rates went up to record levels (mostly because of the government's need to borrow heavily), members of Congress had to admit that something was wrong.

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[1] "Fowler Presses Chamber Group for Support of Surtax Measures" by Paul G. Edwards, *Washington Post*, May 1, 1968, Page C8:1.

[2] "The Proposed Tax Increase—I", Remarks on the Senate Floor by Senator Smathers, "Congressional Record, vol. 113, pt. 21, pp. 28336–28339." "The Proposed Tax Increase—II" and "The Proposed Tax Increase—III" Remarks on the Senate Floor by Senator Smathers, Daily Congressional Record, March 25, 1968, pp. 3283 *et seq*. See also the entire debate on HR 15414, Daily Congressional Record, March 25–April 2, 1968.

[3] "Fowler Presses Chamber Group for Support of Surtax Measure" by Paul G. Edwards, *Washington Post*, May 1, 1968, p. C8:1.

On the day that the Senate acted upon this conclusion by passing H.R. 15414, the reaction of business leaders throughout the country was exemplified by Mr. David M. Kennedy, chairman of the Continental Illinois National Bank & Trust Co. of Chicago. Mr. Kennedy, at the April 2 symposium of the American Bankers' Association in Washington, reading from a handwritten script and speaking with a visible show of emotion, stated:

> It is the 11th hour—almost past time for us as a nation to put our financial affairs in order.[4]

About the same time, a blue ribbon Treasury Advisory Committee, headed by former Treasury Secretary C. Douglas Dillion, warned that the failure to enact the proposed surtax proposal "would endanger worldwide confidence in the dollar."[5]

Mr. President, I feel that it might be useful to continue this chronology.

Mr. Kennedy's theme was quoted in a widely read Washington newsletter of that week, as follows:

> *Will action come in time to halt another gold panic?* Don't know. The efforts to speed a new system of Special Drawings Rights may cool off the speculators for a while. But they know it will take a year at least before the SDR system is established. And they also know that it is based on a guarantee in gold. So unless action is taken to stem inflation here, speculators may still bet that U.S. will be forced to raise the gold price.
>
> *It's a dangerous game that is being played here* . . . time is short.[6]

Financial analyst Peter S. Nagan predicted that—

> If Congress doesn't act, this week's record (interest rates) will be just the launching pad for still further surges in interest rates . . . (and) brutally tight money and mortgage rates as high as 9 percent.[7]

On April 4, the hopes of the Nation rose when it was reported that the conferees from the Senate and the House of Representatives had met for the first time on the surtax measure, and there was an absence of absolute opposition on the part of Members of the other body.[8]

Another article on the same day by financial analyst Hobart Rowen asserted:

> At the moment, the need for the tax increase as a symbol of U.S. willingness to restrain inflation and protect the dollar is stressed increasingly by our trading partners and other friends abroad. . . . The European suggestion that back-to-back budget deficit . . . in excess of $20 billion could inspire a new gold rush seems to have had more impact on the Congress than the Administration's repeated warnings of price inflation at home.[9]

The clock ticked on through the early weeks of April.

On Thursday, April 18, the Federal Reserve acted for the third time in 5 months, raising the discount rate to 5½ percent and also raising ceilings on large denomination certificates of deposit.[10]

The explanation for these actions was made by William McChesney Martin, Chairman of the Federal Reserve Board, at the annual meeting of the American Society of Newspaper Editors at the Shoreham Hotel in Washington on April 19. Chairman Martin, who is perhaps the most experienced and respected financial manager in the United States, if not in the world, told his audience:

> The nation is in the midst of the worst financial crisis since 1931. . . . In 1931 the problem was deflation. . . . Today it is inflation and equally intolerable. . . . The nation cannot tolerate price rises almost twice the gains in production. . . . Nor can it ignore the warnings of its foreign friends.[11]

Chairman Martin's plea for a tax rise was the lead story in the New York Times the following day, and was accompanied by a White House announcement that tighter money was inevitable in the absence of the enactment of the surtax proposal.[12]

In the wake of this announcement, the Federal Reserve on April 26, tightened the reserve positions of U.S. banks to the most stringent levels since the "crunch" of September 28, 1966.[13]

On that day also, the Washington Post editorialized on the urgency of congressional action. In its view:

> It would be far better to eliminate the budgetary deficit by raising taxes now, then making a more deliberate and careful attack on the problem of expenditure control, one that would shift money from less urgent programs and proposals and channel it to those which would fulfill the country's most pressing needs. But there is no longer sufficient time to take that course. In order to break the deadlock over the surtax, the Administration will have to submit proposals for cutting its own budget.[14]

On the following day, the March figures revealed that living costs had posted their sharpest increase in 8 months, "producing new fears as to the competitiveness of U.S. goods in world markets and underscoring concern that the economy is overheating."[15]

On April 28, Mr. Rowen reported that:

> It now appears at long last that there is activity on the tax front. . . . A tougher fiscal policy is clearly needed, so that Treasury borrowing needs won't send interest rates (already steep) sky-high.[16]

As the readiness to take this action was maturing, Monday morning's headlines disclosed that the gross national product, in the first 3 months of 1968, exhibited the largest quarter-to-quarter gain on record—$20 billion, and an upward trend at an unusually large 10-percent rate. Commented columnist Harold B. Dorsey:

> Congressional dallying with fiscal policy delegation has already done a lot of damage. It has permitted an inflationary boom to get under way. . . . It has already caused the monetary authorities to lay the base for severe tension in credit markets. It has caused one gold crisis, and something near chaos in the international money area is impending unless proper fiscal action is taken very soon.[17]

An Assistant Secretary of Commerce contributed further statistics, including the fact that of the 20 economic indicators tabulated for the month of March, 16, or 80 percent, rose from February, an unusually high proportion.[18]

About a week later, financial columnist J. A. Livingston performed a signal service by canvassing the opinions of bankers, businessmen, and government officials in the finance centers of Germany and Switzerland. From Zurich, he addressed an open letter to the Congress of the United States summarizing these views. The message was: "Raise taxes." Typical were the words of Alfred Hartmann, general manager of the Union Bank of Zurich, the largest commercial bank in Switzerland:

> Things are out of the hands of the central banks. The situation is fragile. Investors and speculators forced the abandonment of the gold pool. Now the urgency is to restore confidence because things can go out of control.
>
> Europeans are disappointed. The U.S. government has not cut expenditures sufficiently and the President has not been able to get through Congress a tax increase which has been obviously necessary for a long time. And so, we doubt that the U.S. is able to balance its payments and we wonder if it is willing.
>
> We are sitting in an American boat and it's leaking.[19]

A companion piece pointed out that our inflation in this country was sucking in imports at a rate too high to be sustained, making the United States, in the words of Chief Economic Adviser Arthur Okun, "the fat lady of international trade." Harold Dorsey predicted that these forces might produce a commercial trade deficit for 1968 of up to $1.6 billion, a deterioration which "is one of the numerous reasons why Congress may finally enact legislation to reduce significantly the huge budget deficit which has been fueling the flames of inflation."[20] The clock ticked on.

A restatement of the arguments in favor of the proposed surtax was laid before the Congress in the CONGRESSIONAL

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[4] "Bankers Hear Plaza for Tax Surcharge", by Hobart Rowen, *Washington Post*, April 3, 1968, Financial Section.

[5] "Faith in Dollar Hinges on New Tax, U.S. Told", *Washington Post*, March 13, 1968.

[6] *The Kiplinger Washington Letter*, March 29, 1968, page 1.

[7] "Fed Is Determined to Brake Boom if Surtax Plan Fails," by Peter S. Nagan, *Washington Post*, March 29, 1968, p. D8:1.

[8] "Hopes Rise for Tax-Cutback Package as Mills Falls to Issue a Flat 'No'", by Frank C. Porter, *Washington Post*, April 4, 1968, p. A21:6

[9] "Peace Hopes Don't Dim Need for Tax Increase", by Hobart Rowen, *Washington Post*, April 4, 1968, p. A21

[10] "Discount Rate Increased to 5½ from 5% to Slow 'Intensifying' Inflation, Aid Dollar", *Wall Street Journal*, April 19, 1968, p. 3:1

[11] "Martin Sees Crisis in U.S. Inflation; Urges a Tax Rise", by H. J. Maidenberg, *New York Times*, April 20, 1968, p. 1:1

[12] "White House Says Tax Rise is Vital", *New York Times*, April 20, 1968, p. 18:5

[13] "Bank Reserves Tightest Since Crunch of 1966", *New York Journal of Commerce*, April 26, 1968, p. 1:7

[14] "Unjamming the Surtax", *Washington Post*, April 26, 1968, p. A24:1

[15] "Living Costs Up Sharply in March", by Frank C. Porter, *Washington Post*, April 27, 1968, p. A1:6

[16] "Rep. Mills Appears Ready to Permit Surtax Action", by Hobart Rowen, *Washington Post*, April 28, 1968, p. G1:4

[17] "2d Quarter Gain in GNP May Approach Record", by Harold B. Dorsey, *Washington Post*, April 29, 1968, p. D11:1.

[18] "Tax Increase Held Vital to Economy", by Frank C. Porter, *Washington Post*, April 29, 1968, p. A3:2.

[19] "A Message to Congress: 'Raise Taxes'", by J. A. Livingston, *Washington Post*, May 6, 1968, p. D8:1.

[20] "Long-Run Dangers of Inflation Have Now Become Short-Run", by Harold B. Dorsey, *Washington Post*, May 6, 1968, p. D9:1.

RECORD of May 6 by way of a comprehensive memorandum from the Chairman of the Council of Economic Advisers,[21] and a letter from President Johnson dated May 4.[22]

> Time is fast running out on one of the most crucial legislative measures of the decade—the tax surcharge—

The President said—

> Further delay is a ticket to disaster.

On May 10, we learned that the conferees of the Senate and the House had agreed upon the compromise measure containing the 10-percent surtax and imposing a $6 billion spending cut for fiscal year 1969, in a manner similar to the Smathers-Williams package of April 2.[23]

The following day the Washington Post editorialized that the surtax had passed "an important hurdle," and that while "none of the extravagant claims made on behalf of the surtax are likely to be realized, the passage of a tax increase will place federal finances on a more orderly basis, a goal that should be achieved with a minimum of delay." [24]

More recent advice is contained in a further review of the necessity to reduce deficits in order to forestall a new gold rush; [25] a renewed plea for the approval of the tax proposal; [26] reports that gold prices in London have hit all-time highs for the past 2 days,[27] and an editorial in the Washington Evening Star which concludes as follows:

> The surtax should be passed—now. The budget should be trimmed wherever possible—now. We cannot afford to wait and to drift until after the elections. For unless the U.S. starts now to show some sense of financial responsibility, the piper may not even accept dollars in payment by November." [28]

Mr. President, I should very much like to end on a note of hope.

I will do so in the words of the London Economist magazine, which I find to be of consistently high quality in these matters. The most recent edition of this publication states:

> It has often been said of the United States Congress that it acts very foolishy much of the time but that on the major issues, in the end, it acts responsibly. . . . At this writing, the tax increase is not yet assured of passage. . . . The members, a clear majority, do know that it must be done, though even now the final vote in the House is not a sure thing.
>
> All through this agonizing struggle a strange combination of forces has held up the tax bill . . . Against this combination the views of foreign central bankers, not to mention those of the Secretary of the Treasury and even the President, have seemed to make little headway. And yet the facts have apparently sunk in. When the vote was taken in the Senate in early April, and then again this week in the House Ways and Means Committee, the majority for higher taxes was decisive.[29]

Mr. President, a month and a half ago the clock stood at the 11th hour. Perhaps now it is just a few minutes before the final hour.

I hope that the legislative institutions of my country will rise to this challenge. I do not wish the 90th Congress to be known in history as the assembly where democracy failed the test of financial responsibility and ushered in the decline of another civilization. If our form of government cannot preserve its stability and afford to exercise its leadership in the world, I hesitate to think what powers will replace it.

Mr. President, I earnestly hope that the Congress will respond upon this historic occasion and immediately approve the surtax proposal together with responsible controls on Federal spending.

If we do not do this now, I fear that the hour will strike, and because of those who have not been counted, our Nation will be weighed in the balance and found wanting.

Mr. President, I ask unanimous consent to include in the RECORD at this point the following: an article by Mr. J. A. Livingston, which appeared in the Washington Post on May 6, 1968, and which is entitled "A Message to Congress: 'Raise Taxes'"; the remarks of Secretary of the Treasury Henry H. Fowler before the Chamber of Commerce of the United States on April 30, 1968; and an article from the Economist magazine of May 11, 1968, entitled "Congress Faces the Tax Facts":

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1968]

A MESSAGE TO CONGRESS: "RAISE TAXES"

(By J. A. Livingston)

ZURICH.—This is a message to Congress—not from the gnomes that supposedly reside here and cause ebbs and flows in international confidence, but from sober, hopeful bankers, businessmen and government officials in Frankfurt, Bonn, Bern and, of course, Zurich. It's "Raise taxes."

Only in that way will the United States demonstrate that it means to stop stuffing the central banks of Europe with unwanted dollars.

Whether diplomatically phrased or impatiently outspoken, the message is unmistakable. Here it is in direct quotes:

Otmar Emminger, a director of the German Budesbank, Frankfurt, one of the architects of the special drawing rights agreement at Stockholm: "We have to assume that the United States will do the right things until all hope is gone. Will Americans take the right measures to restore confidence?

"The dollar is not overvalued in spite of wage, price and cost increases in the last 18 months. To devalue the dollar would open a Pandora's box which no responsible central banker wants to deal with. It would be a far greater problem than that which now confronts the U.S.

"A clear tendency toward improvement in the U.S. balance-of-payments position is necessary. Then confidence in the dollar and the international monetary system would increase."

Franz-Josef Trouvain, director of the economics department of the Deutsche Bank, Frankfurt, largest commercial bank in Germany: "We trust the dollar. Basically, it is the strongest currency because the U.S. is the strongest nation in resources. We recognize that you have special burdens—the Vietnam war, foreign aid and capital exports—investing abroad.

"However, the U.S. bears a special responsibility for international economic development and international monetary stability. It is quite clear in Europe, that without a cut in federal expenditures and an increase in taxes, the present international monetary difficulties can't be solved."

Kurt Richebacher, general manager of the foreign department, Dresdner Bank, Frankfurt, second largest in Germany: "The U.S. is messing up the world. Every country has to accept the rules of the game—to expand or slow down—according to its balance-of-payments position. America is not yet remedying its budgetary deficit. It is relying on monetary policy. And it is forcing up interest rates all over the world."

John P. McCardle, vice president for European operations, Honeywell, Inc., Frankfurt: "European businessmen are worried that the U.S. will not correct its balance-of-payments deficit and that will cause a crisis. We have had to give up one project—a merger—because of U.S. controls. We could not be sure of the financing."

Guenther Harkort, German deputy secretary of state for foreign trade and development, Bonn: "All we can do is wait and see. We want to do everything we can to help the United States. We are following an expansionist policy for internal reasons. This is good for the dollar and the pound. The crucial question is: 'What is Congress going to do?'"

Bruno Muller, vice director of the Ministry of Finance, Bern: "My personal opinion is that there are reservations about the dollar. I wouldn't buy dollars at the moment because I wouldn't sleep quietly. I would do it later, if the balance-of-payments deficit were better.

"Three stages are necessary—first a reduction in the deficit; second equilibrium; third a small surplus. Then you could sleep nights with dollars in your pockets."

Alfred Hartmann, general manager, Union Bank, Zurich, largest commercial bank in Switzerland: "Things are out of the hands of the central banks. The situation is fragile. Investors and speculators forced the abandonment of the gold pool. Now the urgency is to restore confidence because things can go out of control.

"Europeans are disappointed. The U.S. government has not cut expenditures sufficiently and the President has not been able to get through Congress a tax increase which has been obviously necessary for a long time. And so, we doubt that the U.S. is able to balance its payments and we wonder if it is willing.

"The dollar is still considered to be one of the strongest currenices. It is foolish to think it is overvalued. Devaluation of the dollar is a nonsense. Other European countries can't allow it for competitive reasons.

"We are sitting in an American boat and it's leaking."

Edwin Stopper, president of the Swiss National Bank, Zurich: "We are not in a comfortable monetary environment. These are times of financial tension. I can't predict what will happen to the dollar. I am not a prophet.

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[21] "Talking Points on the Tax Increases", Remarks on the Floor of the House by Speaker John McCormack, *Daily Congressional Record*, May 6, 1968, p. H3392.

[22] "Tax Surcharge—Communication from the President of the United States (H. Doc. No. 305)", *Daily Congressional Record*, May 6, 1968, pp. H3334 and H3335.

[23] "Tax Package Wrapped Up by Conferees", by Richard L. Lyons, *Washington Post*, May 10, 1968, p. A1:5.

[24] "The Tax Bill Advances", *Washington Post*, May 11, 1968, p. A16:1.

[25] "Reduction in U.S. Spending Deficits Necessary to Escape New Gold Rush", by Harold B. Dorsey, *Washington Post*, May 13, 1698, p. D8:5.

[26] "Tax Bill Approval is Urged by Fowler", by Richard L. Lyons, *Washington Post*, May 14, 1968, p. A1:5.

[27] "London Gold Prices Hit All-Time High", *Washington Post*, May 16, 1968, p. K11:4; "Gold Prices Continue to Climb in London Mart," by Karl E. Meyer, *Washington Post*, May 17, 1968, page D9:7.

[28] "No Time to Lose", *Washington Evening Star*, May 14, 1968.

[29] "Congress Faces the Tax Facts", by *The Economist*, May 11, 1968, p. 17.

See also "Tax Bill Moves in Tense Drama," by Marquis Childs, *Washington Post*, May 15, 1968, p. A14: rt. lead.

"It is our wish and our hope that the dollar remains the leading currency. The U.S. balance-of-payments deficit has gone on too long. As a result, there are too many dollars and holdings of dollars are regarded as a loan to the most powerful country in the world.

"If the U.S. were to demonstrate that it can reduce substantially its deficit, the problem would change and attitudes would change. Now, the U.S. is regarded as a debtor country because of its persistent deficit. A surplus once or twice would be excellent. Even a reduction in the deficit would be useful.

"It would cause people to think that the dollar once again would be scarce. The dollar once again would become desirable. And if the U.S. then ran a deficit, the leading country would be extending credit—in people's minds—instead of borrowing."

And how do Europeans feel the U.S. can demonstrate its earnestness, its intention? In two words: Raise taxes.

The Hour of Fiscal Responsibility

(Remarks by the Honorable Henry H. Fowler, Secretary of the Treasury, before the Chamber of Commerce of the United States, Washington, D.C., April 30, 1968)

It is always an honor for me to meet with this distinguished group of business leaders who convene here at this season out of their concern with our national economic and financial problems and policies.

The timing of our meeting together is particularly propitious—for you because you escape a much more detailed speech since I must participate later today in a meeting with conferees of the House and Senate, a group of some of the most distinguished members of Congress designated from the tax-writing Committees. The conference will seek to resolve the differences between the Tax Adjustment Act as passed by the House continuing certain excise taxes and the Senate Act called "Balance of Payments and Domestic Economy Act of 1968" which does that and a great many more things, including increasing income taxes and reducing Federal expenditures.

This week you will be meeting your representatives in the Congress, and this morning's session gives me an opportunity to share with you my views on a topic which is at the top of the legislative agenda—what to do about taxes and appropriations. Let me say in advance that my remarks on this topic are meant to be calm, deliberate, unexcited and unemotional—and in prepared text—and not intended to give offense. In the spot I am in I cannot afford to be mad at anybody and I need help from all—particularly you and the Congress.

For in the month ahead, indeed the week ahead, in fact today, and in this very hour, your national government, your Nation, and each one of us faces the hour of responsibility—the hour of sober fiscal responsibility. In it we must make a momentous decision.

That decision is whether or not we will pay our bills and order our economic and financial affairs in such a manner as to decisively reduce the twin deficits in our Federal budget and in our international balance of payments.

These deficits rose to such proportions in 1967 that, unless reversed and sharply reduced in 1968, they threaten to halt the tremendous economic progress the United States has made over the past seven and a half years and the remarkable accomplishments achieved by the free world economy over the past twenty years.

These twin deficits menace the continued strength and stability of the American economy, the future of the economies of many other nations whose destinies are closely linked to ours, and the viability of the international monetary system, which depends so heavily on a strong U.S. dollar as the world's principal reserve and business transaction currency.

The deficit in the U.S. balance of payments has been persistent for a number of years. It has caused a heavy loss in the liquid reserves behind the dollar. Although each year has seen an increase in our overall net asset position, including long-term as well as short-term assets and liabilities, our liquidity position as the world's banker has steadily weakened because of this increasing imbalance in our short-term position. This situation has been tolerated in the financial world primarily because of the strength and competitive capacity of the U.S. economy which has been capable in each of the last seven years of producing a substantial trade surplus.

But, in the last six months a sharp increase in our balance of payments deficit has been accompanied by a serious deterioration in our trade surplus, resulting from an economy that is growing at too fast a rate of speed, growth that is accompanied by an unacceptable rate of inflation, a wage-price upward spiral, and work stoppages, real or threatened, affecting key sectors of foreign trade.

A major contributing factor to the current balance of payments situation with its declining trade margin, and one that threatens our future prosperity and the stability of our domestic economy, is the coincidence of a highly stimulative deficit in our internal Federal budget this fiscal year with a period of expanding economic activity.

And what is more frightening is the massive deficit—in excess of $20 billion—projected for the next fiscal year—unless in the weeks immediately ahead the U.S. Congress—whose members you will be meeting this week—adopts a legislative package of fiscal restraint that combines a substantial income tax increase with a reduction in the expenditures and appropriations projected in the January budget.

Given our high employment economy with heavy defense expenditures some inescapable increases in the civilian costs of government, and a private economic sector that is advancing sharply on a wide front, the acceptance of enlarged deficits in the budget and the balance of payments is contrary to sound economic and financial policy—against all the wisdom either of conventional or the so-called new economics. Accordingly, it is the inescapable responsibility of the Government to use fiscal and monetary policy to reduce these deficits and to brake the economy to a safe cruising speed.

We are facing nothing less than a test of representative government in economic and financial affairs.

The ability of the United States to sustain strong, stable and non-inflationary growth is now being severely challenged and tested. The manner in which we respond to this test will determine our national capacity to avert the swings of feverish inflation, as well as the despair of recession or stagnation, by the intelligent use of a flexible fiscal policy conjoined to appropriate monetary policy. Make no mistake. Our economic future and that of the entire free world are at stake in this hour of fiscal responsibility.

The strength of the world economy and the continuance of a viable international monetary system depend to a large extent on a sustained level of stable economic growth in the United States and the maintenance of a sound dollar—sound in terms of prices and exchange rates.

This is true at all times, but particularly at a time when confidence in that system has been shaken, as it was last November by the devaluation of the British pound and a number of other lesser currencies, and the speculative buying of gold that cost the United States more than $2 billion of its gold reserves in these last six months.

We simply cannot—must not—under these circumstances continue to accept these twin deficits in our balance of payments and internal Federal budget. To do so is to forsake prudence, take intolerable risks, and refuse to exercise the fiscal discipline required for the preservation of a balanced prosperity. And without such a balanced prosperity, we can never hope to achieve our national goals of peace and progress abroad and domestic tranquility at home born of shared opportunities and benefits of our free private enterprise system.

That is not just the view of the Secretary of the Treasury. It is shared by the President, Chairman William McChesney Martin and the entire Federal Reserve Board, the Council of Economic Advisers, and the vast preponderance of economic and financial authorities, private and public, here and in other lands.

It is a view shared by many members of Congress of both parties including a substantial majortiy of the Senate, reflected in the voting in late March and early April on the Act referred to earlier.

But as yet, that sentiment has not been translated into the decisive legislative actions that is necessary.

What are the principal measures the Nation is asked to accept temporarily so that we can assure a safe passage through these financial shoals to continuing prosperity and security, while meeting our urgent national responsibilities at home and abroad? They are these:

1. A temporary increase in personal income taxes amounting to an average of one penny on every dollar of income we earn and a temporary ten percent surcharge on corporate tax liabilities.
2. A cut in Government expenditures and appropriations usable in the next fiscal year beginning July 1 for Federal programs of lesser priority and urgency. Some of these are identified on pages 20 and 22 of the President' January Budget Message.
3. Appropriate monetary policy which in this period calls for moderation in the provision of additional credit and money supply.
4. Avoidance of highly inflationary wage-price decisions and crippling work stoppages, real or threatened, that induce an increase in imports and interfere with export expansion.
5. Reductions in our expenditures overseas, both governmental and private, except where they are absolutely essential to our national commitments.

Having earlier recommended the tax increase and additional measures of expenditure control and reduction in his Message on August 3, 1967, President Johnson incorporated these proposals, together with a broadened and more stringent series of balance of payments measures, in his New Year's Day Message to the Nation.

This program includes unwelcome and unpleasant measures. It involves temporary sacrifices by the American people, our businesses and our banking institutions. We do not like to ask them—we cannot afford to ask less at this point of our history. Too much is at stake for us to rely on halfway, business-as-usual measures, hoping that they will suffice, thinking that we still have lots of time to come to grips with our financial problems. The simple fact is that—we are running out of time—and neither the United States nor other nations can wait much longer for us to bring our financial affairs much closer to balance.

Fiscal restraint is even more urgently required today than it was when the President recommended it to the Congress nine months ago. A tax increase on the scale recommended then, coupled wtih reductions in Federal expenditures, has been and continues to be the single most decisive and important action we can take to protect our economic security and strengthen the dollar.

At the direction of the President, my colleagues in the Administration and I, and the Chairman of the Federal Reserve Board, have sought this tax increase and effective measures of expenditure control diligently and persistently—last August, again in late November, again in January. We pressed hard again in mid-March in the midst of the gold crisis.

It is now clear that the case presented then, and challenged by some, has been abundantly confirmed by developments.

Last August and on these later occasions, we urged that a tax increase, along with expenditure control, was necessary if the 1968 budget deficit then projected in excess of $20 billion was to be substantially reduced, thereby

(a) avoiding a coincidence of a highly stimulative deficit with a rapidly expanding private economy which would make the combination increasingly inflationary.

(b) minimizing the Federal credit demands which would otherwise induce substantially higher interest rates and tighter credit.

(c) protecting our trade surplus from the decline that invariably accompanies an excessively exuberant economy.

(d) maintaining confidence in the ability of the U.S. Government to put its financial house in order.

But there were those who insisted that a tax increase was not necessary, if only expenditures were reduced. In the field of expenditures, there was much talk and some action.

From August through November, appropriation bills for the entire range of Federal activities were enacted by the Congress. Upon the recommendation of the Administration, Congress enacted a law providing an omnibus, cross-the-board cut in all controllable expenditures. As a result of these actions there were specific reductions in expenditures for many budgeted items totaling $4⅓ billion.

But there was no tax increase.

What was the result?

Today the 1968 budget deficit is still running as high as it was last August.

Why?

Because while *controllable* expenditures were being reduced, others *less controllable* such as Vietnam war costs, interest on the public debt, and matching payments to states required by law were *increasing*.

Last August there were those who opposed the tax increase because they doubted the economic forecast of a fast-rising economy after the slow start of early 1967. What happened?

The gross national product increased more than $16 billion per quarter in the second half of 1967 in contrast with less than $6.5 billion per quarter average in the first half. And the increase in the first quarter of 1968 was an extraordinary $20 billion, exceeding all previous records. Inventory accumulation in the first quarter of 1968 was unusually low, so that final sales were up by an enormous $25 billion.

Last August there were some who doubted there would be an inflationary trend in the absence of a tax increase.

In the hot-house atmosphere of excessive demand, prices and wages were bound to rise sharply. The evidence that this is already happening is as plain as can be. In the first quarter, the GNP deflator rose at more than 4 percent at an annual rate. The consumer price index has advanced about 3¾ percent in the past year, and wholesale prices recently have shown very rapid advances. Wage settlements have become more inflationary. All of these developments, of course, create serious burdens and inequities at home and are a major detriment to our international competitive position.

The view is sometimes expressed that the inflationary pressures that we are now experiencing should largely be ascribed to "cost-push" rather than "demand-pull". The fact is that in recent quarters, the advance in over-all demand has accelerated sharply and that over the same period, there has also been a very substantial step-up in prices.

It simply is not reasonable to assume that these developments are unconnected. It is true that part of the present push for higher wages is based on a desire to catch up with prior increases in the cost of living. It is also true that if fiscal measures taken now should succeed in reducing over-all demand pressures, cost-push elements will still represent a substantial problem for the economy for some time to come. But this in no sense implies that there is no connection between over-all demand developments and price pressures. Indeed, if proper fiscal action is taken now, we will still have a fighting chance to move the economy gradually back toward price stability, both by reducing demand pressures on prices and by creating a better environment for coping with cost-push. If, on the other hand, we fail to take steps to contain excessive demand, the prospects of finding any effective ways of coping with upward price pressures from the cost side are virtually nil.

Last August we spoke about a continuance of the Federal deficit at a $20 billion level resulting in heavy burdens on the credit markets. I don't have to tell this audience what has happened to interest rates and credit. Rates have increased in all categories and credit is getting tighter—and the end may not be in sight unless there is a tax increase.

Last August we said our balance of payments position would be serious without a tax increase. It did become serious largely because of a sharp deterioration in our trade surplus that accompanied a too-rapid advance of aggregates of economic activity.

Action on the tax proposals has become the symbol all over the world of our willingness to manage our financial affairs as befits the country which provides the world's leading reserve and transaction currency. It has been the matter of gravest concern to my fellow Finance Ministers in every international gathering I have attended since August and in innumerable bilateral exchanges here in Washington. America is on trial on the issue of fiscal responsibility. More is expected of us—because ours is a reserve currency country. We are the world banker and the foreign holders of our dollars are, in effect, owners of demand deposits in our bank.

Confidence in the dollar has suffered somewhat because of the failure, up to now, of the United States to increase taxes and pay its bills in a manner conducive to the health of the economy and stability of the currency.

But happily this is not the end of the story.

It is the duty of the Secretary of the Treasury to speak plainly on these matters. And I have done so in the past as I do now.

But it is also his duty to keep trying, to retain hope, and to have confidence in the ultimate capacity of representative government to do what is plainly right, even in an election year.

It was out of this confidence that I said in mid-March, during the week of the last climactic run on the London gold market, to the Senate Finance Committee:

"In the light of all these factors, it seems to me that all reasonable men who want to preserve their country's economic and political viability ought to come together and put a tax bill on the books and do that promptly, and I hope the Congress will manage to do that within the next 30 days."

Let us review what has happened since that expression of hope.

On the following week-end, the Governors of the central banks of the seven participating gold pool countries met in Washington and took historic decisions to divorce the exchange of gold reserves among monetary authorities from the non-monetary markets, giving rise to a two-price system.

Two week-ends later the Finance Ministers and Central Bank Governors of the Group of Ten, the major financial powers, met at Stockholm. Except for the representatives of France, they reached agreements that enabled the Executive Board of the International Monetary Fund to conclude and release its Report on the Amendment of the Articles of Agreement of the International Monetary Fund providing for the deliberate and orderly creation of Special Drawing Rights, as new reserve assets to supplement gold and dollars. This will be the subject of a Presidential Message to Congress later today.

These significant decisions, however important to preserve and improve the workings of the international monetary system, are no final answer to the inadequacies of that system that stem from the deficits in our balance of payments and the waning confidence in the holdings of reserve currencies such as the dollar.

In their recent Communique on March 17th the Central Bank Governors noted that an underlying premise for the measures taken was their belief that "it was the determined policy of the United States government to defend the value of the dollar through appropriate fiscal and monetary measures and that substantial improvement of the U.S. balance of payments is a high priority objective."

This was but a realistic recognition of the fact that, without the maintenance of stability of the dollar as a reserve currency, all efforts to preserve, maintain and improve the international monetary system are endangered.

Because of intervening developments in both the Senate and House, I was able to say to my colleagues at Stockholm on March 30:

"Fortunately I am able to report to you that there is a rising tide of feeling in the Congress that the time for decisive action on the fiscal front is approaching. There is a growing sense of urgency that our financial situation must be corrected if representative government is to perform its function in meeting the necessities of the people rather than satisfying wishful thinking."

I did not give these assurances lightly. Before leaving for Stockholm I had noted, as you must have, that a bi-partisan coalition, led by Senator Smathers of Florida and Senator John Williams of Delaware, supported by both Senate Majority Leader Mansfield and Minority Leader Dirksen, had registered the clear conviction of a sizable majority of that body favoring a legislative package that combined in a single bill the President's tax proposals with specific and concrete measures for reductions in budgeted expenditures for fiscal 1969.

Moreover, as a result of extended consultations with members of Congress, I had concluded and had publicly stated that it was my belief that a responsible majority in the Congress is coming to the inescapable conclusion that we must increase taxes temporarily, and that if taxes are to go up, the increase must be made temporary by conjoining it in a procedural form yet to be determined with a reduction in the financial outlays and obligations projected in the January budget.

I said on March 26, while speaking in Philadelphia, "The procedure by which a formula for combining spending reductions and a tax increase is to be devised and enacted is a matter for decision by the Congress, its tax writing Committees, its Appropriations Committees, and its leadership."

May I add only that everything that has happened since that time has confirmed these views and this confidence.

On March 31 the President of the United States set country above self—and above all personal partisan causes—by foregoing any plans to continue in the Presidency beyond next January 20. In so doing he said:

"The Congress is now considering our proposals, and they are considering reductions in the budget that we submitted. As part of a program of fiscal restraint that includes the tax surcharge, I shall approve appropriate reductions in the January budget when and if Congress so decides that that should be done.

"One thing is unmistakably clear, however. Our deficit just must be reduced. Failure to act could bring on conditions that would strike hardest at those people that all of us are trying to help."

On April 2 the Senate adopted the Williams-Smathers amendment providing for the tax increase and a cut in expenditures. On April 5 the House and Senate conferees began their deliberations; they were continued on April 10 and resumed on April 24 after the Easter recess, and will continue today.

Given the Government's serious financial situation now recognized on all sides, I am confident that the men of wisdom, experience and patriotism who are involved will not permit disagreements over details or procedures, or marginal differences as to the degree of expenditure reduction required, to prevent decisive action to reduce our twin deficits to manageable proportions.

And that decisive action should be early and soon. Additional delay only increases the risks.

It continues to be my hope and expectation that appropriate modifications can be developed which will satisfy the conferees on the substance of the bill; and that suitable procedures satisfying the rules and prerogatives of both Houses can be devised so as to permit early and favorable consideration of the agreed-upon measure by both Houses.

In this process the individual Congressman or Senator will not get just what he would prefer for his constituents or for the nation. Nor will the President, given the special constitutional power of the Congress over the purse. Neither will you or I. But acting together we can do what needs to be done—take care of our essential needs at home and abroad in a manner that will keep our economy stable and the dollar strong.

In this hour of national fiscal responsibility I ask for your help and I am confident of the result.

[From the Economist, May 11, 1968]

CONGRESS FACES THE TAX FACTS

WASHINGTON, D.C.—It has often been said of the United States Congress that it acts very foolishly much of the time but that on the major issues, in the end, it acts responsibly. The current question of a tax increase can be seen in this light. Very gradually it has been brought home to almost everyone that a second consecutive deficit of more than $20 billion in the Budget is wrong and irresponsible. When Americans found that they could not cash their traveller's cheques abroad at the height of the March gold crisis, when the foreign trade surplus disappeared altogether in March, when the consumer price index rose for the eighth consecutive month at an annual rate of almost 4 per cent, when interest rates went up to record levels (mostly because of the government's need to borrow heavily) members of Congress had to admit that something was wrong.

At this writing, the tax increase is not yet assured of passage. But after nine months of dawdling (which followed a much longer period of indecision on the part of the President), the Ways and Means Committee of the House of Representatives has voted 17 to 6 in favour of higher taxes. This committee has always been the primary hurdle and the way round it has been almost Byzantine. The Senate added the tax increase to a relatively non-controversial Bill extending certain excise taxes. So the fiscal potentates from the House of Representatives found themselves dealing with the matter in conference with the Senate, despite the constitutional provision that revenue measures must originate with the House.

On Wednesday the conference approved a tax increase in much the terms asked by the Administration—a surcharge of 10 per cent retroactive to April 1st on personal income taxes and to January 1st on corporate ones. Thus the House is now faced with the necessity of accepting or rejecting a conference report on a Bill which it has not itself passed; the procedural consequences should it reject the report are somewhat intimidating. But the conference's decisions have probably brought some Republicans in the House round to support the Bill, by insisting on a bigger cut in the Administration's spending than the majority of Democrats, and the Administration itself, had said that they would accept.

A wag has suggested that Mr. Mills, the chairman of the Ways and Means Committee, should be designated by the President instead of Mr. Averell Harriman to negotiate with Hanoi. He has been, over the nine months of indecision, a combination of mystery and stubbornness, shiftiness and public spirit. There is still much discussion of whether he did or did not agree at a secret White House meeting on April 30th to support the tax increase of $10 billion as part of a compromise package; it included a reduction of $4 billion in government expenditure in the new fiscal year starting on July 1st and even larger reductions—amounting to $18 billion—in commitments for future spending. For a while the President felt bitterly that Mr. Mills had misled him: then Mr. Mills permitted his committee to vote at last and the vote was favourable.

The President evidently believed that he had persuaded at least the Democrats in Congress, including many of the relatively conservative ones, that reductions in spending in the next fiscal year of more than $4 billion were positively not feasible. But the upshot of Wednesday's proceedings was that the Republicans stuck to their guns and insisted on the Bill's provision for cuts of $6 billion.

This is a bitter pill for Liberal Democrats, who now see their social and urban programmes threatened just when these are most urgent, and for Mr. Johnson himself, who has not concealed his opinion that a cut of even $4 billion would do definite harm. (The details of the cuts are not clear to anyone yet.) But the Democrats in the conference found themselves forced to agree to a reduction of $6 billion in spending in order to get the tax increase. In return, they have got the increase in full measure unless, against expectation, one or the other chamber balks. To many economists, of course, and perhaps to many citizens, it is an odd world when Congress will vote for higher taxes only as government expenditures are reduced, rather than when they are increased. But Mr. Mills sensed rightly all along that in the current mood the budgetary deficit must be attacked from both ends.

Mr. Johnson had accepted the $4 billion reduction in expenditure, which will not be easy, only reluctantly. The amounts—and the differences—seem small in a budget of $186 billion, but what is at issue is only some $39 billion that is in any way "controllable" in the fiscal year immediately ahead. Men can differ on what is right in the way of priorities, but that is precisely the problem; a majority cannot be mustered for massive reductions in spending on anything, whether it be agriculture or space, highways or urban works.

In an unusual outburst, Mr. Johnson insisted on May 3rd that the members of Congress "stand up like men" and vote for a tax Bill that they knew was "what ought to be done for the country." At first this seemed counter-productive, but once again Congress, and Mr. Mills in particular, has proved unpredictable. The members, a clear majority, do know that it must be done, though even now the final vote in the House is not a sure thing.

All through this agonizing struggle a strange combination of forces has held up the tax Bill—opponents of the war in Vietnam, conservatives who insisted that the problem was too much spending, economic sophisticates who denied that demand in the economy was excessive, a group that simply opposed Mr. Johnson on everything and, not least, a wide public revulsion against higher federal taxes at a time when state and local taxes have been rising steadily. Against this combination the views of foreign central bankers, not to mention those of the Secretary of the Treasury and even the President, have seemed to make little headway. And yet the facts have apparently sunk in. When the vote was taken in the Senate in early April, and then again this week in the House Ways and Means Committee, the majority for higher taxes was decisive.

TRIBUTE TO IRVING BERLIN

Mr. MURPHY. Recently, Mr. President, one of the world's greatest musical composers, Irving Berlin, observed his 80th birthday anniversary.

For millions of Americans, the mere mention of his name is enough to start them humming the strains of "Easter Parade," "Cheek to Cheek," "White Christmas," or one of the other immortal creations which sprang from his musical genius.

Today, however, I would like to direct my comments particularly to his great patriotic songs—"God Bless America," "Any Bonds Today," and the rest.

If ever a cliché were appropriate, it is surely accurate to note that they do not, indeed, write songs like that any more.

More significantly, however, there sometimes seems today to be a serious decrease in the type of fervent patriotism which flowed so freely and proudly from such Irving Berlin compositions.

His was a patriotism to be proclaimed unashamedly, accompanied by blares of trumpets and ruffles of drums, to all lands.

His was a patriotism neither too sophisticated to shed tears nor too fainthearted to shed blood.

His was a flag-waving, parading type of patriotism which combined unrestrained emotion and deep dedication.

It is the kind of patriotism which the purveyors of alien philosophies among us try by ridicule and innuendo to stifle and kill.

Such patriotism, as I mentioned, seems to find less acceptance in these strange days of ultrasophistication, noninvolvement, and dissent.

But, thanks to men like Irving Berlin, it is not dead; and I can prove it. Just listen, once again, to "God Bless America."

You will see what I mean.

SMALL BUSINESS WEEK

Mr. BAYH. Mr. President, throughout the history of the United States, the small businessmen has played a significant role in our economy. The more than 5 million enterprises which are classified within the category of "small business" employ nearly 40 percent of all workers, and account for about one-third of all goods and services.

Recently, it came to my attention that the Honorable Roger D. Branigin, Governor of the State of Indiana, has proclaimed the week of May 12 to 18 as Small Business Week in honor of the small firms in my State. This is a tribute which is richly deserved and should receive greater recognition. I ask unanimous consent that the official proclamation issued by Governor Branigin be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION FOR SMALL BUSINESS WEEK, MAY 12 TO 18, 1968

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

Whereas, the United States now contains more than five million small businesses which produce more than one-third of our goods and service and provide nearly forty per cent of the total employment; and

Whereas, small business firms are an indication of personal independence and today, more than ever before, the small business field is one of innovation and opportunity; and

Whereas, small firms, which have aided in advancing living standards of the nation, have made vast contributions to our national economic success:

Now, therefore, I, Roger D. Branigin, Governor of the State of Indiana, do hereby proclaim the week of May 12–18, 1968, as Small Business Week in Indiana in recognition of the many outstanding people in the field of small business.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, at the Capital, in the City of Indianapolis, this 25th day of April 1968.

ROGER D. BRANIGIN,
Governor.
EDGAR D. WHITCOMB,
Secretary of State.

TWO MORE VICTORIES FOR RICHARD M. NIXON

Mr. HRUSKA. Mr. President, Richard M. Nixon this week took two more long strides toward the Republican nomination for President and the White House.

On Tuesday of this week, the Republicans of my State of Nebraska added their votes to the impressive string of primary victories which Mr. Nixon has piled up across the country. The triumph was a smashing 70-plus percent of the vote, and he outpolled the combined votes of Senators KENNEDY and MCCARTHY.

At the same time, on a separate ballot, Nebraska Republicans elected an entire delegation of Nixon supporters. I am pleased that I was among those so honored.

Then on Thursday, the able Senator from Tennessee [Mr. BAKER] relinquished his own "favorite son" position in favor of Dick Nixon, placing the Volunteer State in the Nixon ranks at the Republican National Convention next August.

I heartily commend Senator BAKER for his leadership in this effort, and I congratulate him on the splendid statement he made at yesterday's press conference.

I have had occasion to be in Tennessee on two occasions within the past several weeks, and it is my observation that Senator BAKER's State, like Nebraska, is "Nixon country."

Mr. President, I ask unanimous consent, that Senator BAKER's fine statement of yesterday be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HOWARD H. BAKER, JR., REPUBLICAN OF TENNESSEE, FROM WASHINGTON, D.C., MAY 16, 1968

I am grateful for the endorsement of all nine Congressional Districts in Tennessee of my favorite son candidacy for the Presidential nomination at the Republican National Convention in August. However, I wish to decline that honor. I will support Richard M. Nixon.

I do so, not because I have known Dick Nixon for many years, which I have; nor because I have great affection for him, although I do; nor because he campaigned for me in my race for the Senate in 1966. Rather, I support him because I am firmly convinced that he is the candidate most keenly tuned to these times, that he will be the best campaigner in 1968, and the best President in 1969.

I have listened carefully to Mr. Nixon's speeches and carefully read his published statements of the last several months. I find in those statements imagination, vitality, compassion and firmness.

I know personally of his strong support for a society of laws which offer justice and equal opportunity to every man in housing, jobs and voting. I applaud his equally strong condemnation of those who would forget that order, as well as justice, is essential to a lawful society. And I thoroughly agree with his rejection of the trends of centralism which pervade Washington today and his insistence that there be a return of power from the bureaucracies in Washington to the people at home.

I believe he will be able to capture the mood of the Nation and point a New Direction for America.

As a result of my decision, the favorite son candidacy, which was never designed as a vehicle for personal gratification or obstructionism, no longer serves a necessary or even useful purpose. I hope to lead a unanimous Tennessee delegation to the Republican National Convention in support of Richard Nixon.

AN AMERICAN CITIZEN LOOKS TO THE FUTURE

Mr. McGOVERN. Mr. President, I am firmly convinced that the spiraling imbalance in our Nation's population is among the most pressing issues of our time.

We are faced with a monumental task in rebuilding and improving blighted urban areas and in meeting the problems of poverty, hunger, and despair that are the daily lot of many Americans.

These demands upon our national resources can, however, be traced in large measure to the Topsy-like concentration in urban areas that has been characterizing shifts in the location of the American people for many years. Already more than 70 percent of our population is stacked on only 1 percent of our land area; by 1980 it will be 80 percent of an enlarged population; and by the end of this century another 100 million Americans are expected to join in the congestion.

I do not accept these projections—or the trillion dollar estimated costs of Federal help to deal with the fruits of concentration—as inevitable. On the contrary, I believe that an intelligent country will ultimately recognize that we must make better use of the open space that is available.

Mr. Harold Spitznagel, a distinguished architect of Sioux Falls, S. Dak., has written a thoughtful letter to me in which he discusses some of the steps that should be taken. He suggests that "tax incentives, cooperation for an enlightened industry, plus governmental encouragement" should be combined to overcome the "abandonment of the rural areas, with all their natural advantages, and the lure of the overcrowded, man-defiled city."

Opportunities to move in this direction are encompassed in proposed legislation before Congress and in programs that are already in effect. S. 2134 and S. 2300, for example, would employ Federal procurement policies and tax incentives to encourage business to bring economic expansion to rural areas.

Because he has supplied a concise description of the issues involved, Mr. Spitznagel's letter deserves to be read carefully by each Member of Congress. With that thought in mind, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN INSTITUTE
OF ARCHITECTS,
Sioux Falls, S. Dak., May 2, 1968.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: The following is, I readily admit, too long, but unfortunately, it is a subject that defies discussion in but a few words. My thoughts are not necessarily those of The American Institute of Architects but rather those of one who from a lifetime of experience fully realizes the difference between a program and the time required for its accomplishment.

Certainly in time, the U.S. Government will allocate an unprecedented and enormous sum of money for a program which it desperately hopes and no doubt believes will solve the problem of the city. I doubt if you would disagree with me when I say that money alone, even if aided by the most skilled planners, may well not be enough to solve a problem which has been hundreds of years in the making, and which has its roots, as you know, in ignorance, a lack of opportunities for an interest in education, poverty, sloth and indolence. Whether the white man is solely and entirely responsible for the existing conditions is a matter which I cannot with authority discuss, but it exists irrespective of the responsibility therefor.

I hope that in my following statements you will not conclude that I am by nature a pessimist, and I would hope that you would give me credit for being realistic, at least insofar as the area of design and construction is concerned. I have deep-seated fears that we will spend billions and that the results will be disappointing, if not catastrophic. A number of years ago I remarked to several of my friends that the buildings at that time being constructed by the Public Building Authority were nothing more than updated slums, and that in constructing these human filing cases, they had contributed little if anything to the improving of man's environment, much less offering a solution to the already festering urban crisis.

My present fear is that we will not only see more of the same, but unfortunately, hundreds or thousands of new housing complexes which, because of their size, may well be considerably worse than those that preceded them.

Simply stacking families in an ever higher pile offers no solution to the problem, which in my opinion, has been and still is largely one of density. A 40-story housing unit will only tend to worsen the situation, and the prohibitive cost of urban property substantially restricts the prospect of the highly desired "open spaces."

The disrespect, vandalism, and lack of pride with which even the best of the new units have been treated by their inhabitants makes me shudder when I think of what the future may well hold.

There is no doubt in my mind that many of the proposed programs could be accomplished in what would be considered a relatively short period of time, i.e., some five to ten years; but the speed may well contribute little and probably greatly lessen the changes of an acceptable long-range solution to the housing problem.

We have recently seen how long it takes to accomplish even a relatively small development such as Reston, which, as you know, is now turning out to be somewhat less than completely successful in spite of the monumental and not unsuccessful effort to provide for pleasant living. All of the talk now concentrated on new towns is not realistic timewise, because I am sure that to plan and construct a New Town which would come close to satisfactorily accommodating its new population would require the better part of ten years. European experience documents this statement fact. If it is done in less time, I would question whether the results would be satisfactory because speed and appropriate environment seldom if ever go hand in hand, but are the result of long and skillful studies in Europe primarily by architects rather than giant corporations and war-born entrepreneurs seeking new outlets. I have no quarrel with New Town programs, but they do not offer any kind of immediate solution to a critical problem.

I am convinced that one, and not illogical, solution to the Urban Problem is dispersal, and only within the last year or so has anyone paid much more than lip service to this approach to a solution to the dilemma (I realize that both Senators Mundt and McGovern are working on this; but they are indeed in the minority; and unfortunately, I do not know if it has reached the level of the House of Representatives.) Recently, however, the United States News and World Report cited such a concept as being worthy of consideration. It would seem to me that when the whole problem is reduced to one in which there are too many people in one place and too few in another that if something were done to attract the many to the location of the few, the city problem would be at least partially and relatively quickly relieved.

I realize that most of the city dwellers and unfortunately, the executives in the large corporations view the small metropolis with a jaundiced eye where they feel that the climate is abominable, the temperatures either at sub-zero or blast furnace levels, and the opportunities for education and pleasant living limited or restricted. Anyone that has lived in this area, as I have, realizes that there are few facts that will support such an evaluation. Certainly, in cities such as Cedar Rapids, Rochester, Sioux City, Sioux Falls, and countless other communities, it would require but a minimum effort to provide for a considerable increase in population. This is primarily due to the fact that the BASIC public services exist and need only to be expanded. These, of course, include street systems, water and sewage systems, police and fire protection, educational, religious, and varying degrees of cultural and recreational institutions, as well as all of the other various facilities required by a city. It is true that if one were to start from scratch and had unlimited time and money, he would produce a better community; but my question is what is going to happen during the five or ten years which will be an absolute minimum requirement for the construction of the New Town from scratch.

I would not, by any means, suggest that the dregs of the cities population be dumped in the lap of the smaller community but rather that we make a major effort to create employment opportunities for many of the native born who have fled the smaller city for that reason, few of whom would not now welcome an opportunity to return, providing that they had appropriate income, not by any means more and in some cases less. If only a small proportion of these people are reclaimed, the overcrowding of the urban area will be proportionately reduced. I would not be so naive as to believe that we could syphon off only the cream of the urban crop, but we would have to also provide an appropriate proportion of job opportunities for those with minimal education and marginal skills.

The rural areas provide the ideal environment for satisfactory living which the urban scene cannot offer unless the problem of overcrowding is solved. Again you cannot hope to quickly clean up a condition which has had centuries of time to develop. I am hopeful, as no doubt are you, that tax incentives, cooperation from an enlightened industry, plus Governmental encouragement will aid in solving our problem which is the abandonment of the rural areas with all their natural advantages, and the lure of the overcrowded man-defiled city.

I realize that the Congressional Delegation is fully aware of most of what I have said; we are, however, as you also know, desperately in need of appropriate and immediate action lest both the city and the rural areas deteriorate further.

Respectfully,

HAROLD SPITZNAGEL, FAIA.

SECURITY IN ASIA AFTER VIETNAM—ADDRESS BY DR. MORTON H. HALPERIN

Mr. SPARKMAN. Mr. President, Dr. Morton H. Halperin, Deputy Assistant Secretary of Defense—International Security Affairs—for Policy Planning and Arms Control, delivered an address at Pomona College on May 7. Dr. Halperin's remarks on "Security in Asia After Vietnam" seemed to me to be most perceptive and objective. I commend his speech to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SECURITY IN ASIA AFTER VIETNAM

(Address by Dr. Morton H. Halperin, Deputy Assistant Secretary of Defense—International Security Affairs—Policy Planning and Arms Control, at Pomona College, Claremont, Calif., May 7, 1968)

It is a pleasure for me to be here today to participate in this series of discussions about U.S. interests in Asia, with particular reference to Vietnam. For various reasons, I thought that it would be appropriate for me to look to the period beyond the Vietnam War and to discuss with you U.S. security interests in Asia after the end of the Vietnam conflict.

I wish for this purpose to ignore the many problems and difficulties that remain in the way of bringing an end to the Vietnam war and to simply assume that the fighting has come to an end and an honorable peace established. Having asked you to make this rather bold assumption, you must also realize the extent to which I am crystal ball gazing.

In this new post-war period, what should U.S. objectives be? Are there events in Asia which could threaten the security of the U.S.? Are there other concerns which we as a people share and wish to have our Government express? These are difficult, complex questions. The world is no longer divided, as it was in the early post-war period, into relatively homogenous blocks competing at all levels for the support and allegiance of the non-aligned. In such a world our interest in containing the spread of international communism was relatively simple to define and this goal elicited wide public support. The world is no longer so simple and our interests are less clear.

What are we to make of a situation in which an Asian communist country seizes a U.S. vessel in international waters with the Soviet Union uninvolved and professing to be unable to do anything about it—while a short time later, the Soviets have one of their ships seized and held by their Chinese "allies"?

At the United Nations General Assembly, Special Session, currently underway, the delegates are debating an agreed Soviet-American draft of a Non-proliferation Treaty. If this extraordinary event is greeted by at least some countries as a welcome sign of the end of the cold war, others view it as a threat to their interests based on the collusion of the super powers.

None of this means that the Soviet Union does not in certain situations post a threat to American interests, but it does suggest that threats to the peace and stability of the world will in the future come from a variety of different sources and that all such threats need concern us directly.

Whatever the shape of the international situation, American foreign policy must have as its fundamental goal the prevention of actions which could threaten the existence of the U.S., or its way of life. On this principle I believe we could all agree. Where the disagreements and the tough decisions come in determining what events could threaten our security and what effective actions are to deal with these threats—effective both in the sense of coping with the external situation and in the sense of avoiding reactions at home which would themselves threaten domestic tranquility and progress.

In seeking to define where and how we must act, we are confronted by the painful fact that most other nations are too weak to enable those who are threatened to rely on them to protect their vital interests. The days when the British Navy was the bedrock of Western Hemisphere security are gone forever, and many nations with and without our consent have assigned to us the role once performed by Her Majesty's Fleet.

For this reason, we must be concerned not only with threats to particular pieces of territory which if dominated by hostile forces could threaten our security, but also with threats to the credibility of U.S. commitments and to the principles of peaceful change to which we are dedicated.

As difficult as it is to define the vital security interest of the U.S., the problem is further complicated by the existence of other objectives which are widely shared by the American people and which we expect our Government to pursue. The presence in the world of sick and hungry children, and of peoples striving to improve their standard of living and to increase the measure of human dignity afforded to the individual arouses our sympathies for reasons almost entirely unrelated to American security. There is nothing shameful or dangerous about pursuing such objectives, provided we do so with a large measure of humility, with a recognition that others may wish to define the institutions necessary for a good life in ways radically different from our own, and provided that we avoid syphoning energies or resources, or disrupting the consensus necessary to deal with our urgent domestic problems.

Let me now try to relate these broad and rather slippery concepts to the specific questions of American security policy in Asia, recalling that I have postulated an honorable peace in Vietnam.

The historical concern of the U.S. in Asia can, I think, be most clearly understood in terms of the two sets of objectives I have just outlined. First and most important, we have been and continue to be concerned with maintaining a balance of power in Asia so that no single nation can gain sufficient control of the area to directly threaten our homeland. The relevance of this concern to the current period, both the capability and the objectives of potential enemies, is a subject to which I wish to turn in a moment, but it is important to recall that not very many years ago the U.S. was forced to fight a long and bloody war because we failed to be concerned with the Asian balance of power. To those of us who did not experience these events, the concerns expressed by those who did may seem stereotyped and incomprehensible; but we must recognize that the cost of rejecting the true lessons of that experience could be very great.

Behind the shield of the military power of others the U.S. for many years pursued humanitarian and economic objectives in Asia. We continue to have such objectives.

In the years following the end of World War II, the U.S., in seeking to avoid a repetition of the unchecked expansion of the power of a single Asian nation, entered into a series of treaty commitments with many countries of Asia. These treaties are relatively limited in scope, they commit us within the limits of our Constitutional processes to come to the aid of these governments when they are threatened by external aggression, or, in some cases, internal subversion supported by a foreign power. But there are great limits on what we are committed to do. For one thing, our obligation is only to aid the country being threatened. It is not to be construed as an obligation to defend it while its people stand on the sidelines cheering us on, but otherwise proceed with their business as usual. Nor are we committed to keep a particular government, or even a particular set of political institutions intact.

We could debate for a very long time whether such commitments were wisely entered into. Such debate, while important, should not obscure the fact that these commitments were entered into solemnly with wide support from the Congress and the American public. We cannot lightly discard such commitments, or refuse to honor them; although we can, and must, be clear on just what we are committed to and take a very careful look at proposals for new or expanded commitments.

Most of our commitments in Asia arose from a concern about the threat from the Chinese mainland. I think that it is important that we be very clear in defining in what ways China threatens the security of Asian nations and in what ways she does not.

Any assessment of the Chinese threat must begin with consideration of China's capabilities, admitting at once that an analysis of capabilities tells us what a nation might do and not what it intends to do. We estimate that the Chinese are devoting approximately 10% of their Gross National Product to defense—a very large fraction for an underdeveloped rural society.

Some of this effort goes into the Chinese nuclear program. The Chinese have conducted a series of nuclear tests, and may soon deploy a limited number of missiles capable of reaching all of the major capitals of Asia. They are also working on ICBM's, and we expect that they could have a significant capability against the United States by the mid-70's.

Despite the emphasis in their rhetoric on wars of national liberation and the public attention to their nuclear program, most of the Chinese defense budget goes for the maintenance of the largest ground army in the world. The disposition and capability of Chinese General Purpose Forces indicates that the primary objective of these forces is to maintain a capability to defend the China mainland against attack. The Chinese have built up substantial air defense forces, but only a limited capability for air operations beyond their borders. The Chinese Communists still have only a very limited airlift capability for use in the Taiwan straits or elsewhere. The PLA could fight effectively against any attempt to invade China, but has only a very limited capability beyond its borders, although, in Southeast Asia, its capability far exceeds that of its neighbors.

Turning then to the much more difficult question of intentions, we begin with the fact that all of the leaders of China have a long background in revolutionary warfare, and they all view violence as an inevitable part of domestic and international politics. The leaders in Peking expect their adversaries to use force when it is in their interest, and they have long feared an American attack. The Chinese leaders share a belief in the notion that revolution must be primarily an indigenous movement, but they also believe that limited help from the outside can be of great value. We need, also, to keep in mind that the major preoccupation of the Chinese leaders—both Mao and the opposition—is with internal events within China and with the future shape of the Chinese revolution.

Thus, the main tasks given to the Chinese military have been (1) to maintain internal security, (2) to be in a position to defend China against external attack, and (3) to aid revolution abroad.

The Chinese have stated on a number of occasions that they will never use nuclear weapons first. I believe it is very likely that this pledge conforms with Chinese intentions. The Chinese fully understand the destructive power of nuclear weapons, and recognize that their use of nuclear weapons would bring an overwhelming response from the United States. The Chinese see their nuclear power as providing a deterrent against American actions aimed at preventing them from interfering in the affairs of their neighbors. They hope to be able to persuade the United States and China's neighbors that the U.S. will withdraw from Asia, rather than run the risk of nuclear war.

As I already suggested, China's conventional capability appears to be designed primarily for defense and internal security. However, as the Chinese indicated in Korea and on the Indian border, they are prepared to send forces across borders, either in extreme situations, or when they can with a limited action and at low cost gain a significant political advantage.

It is in the field of support for insurgency that Chinese capability poses a real and active threat to security in Asia. The Chinese devote only a very small fraction of their resources to developing a capability to assist insurgency abroad. They do, however, run training schools and produce small arms and equipment of use to insurgents. They are currently supplying substantial amounts of equipment to the Viet Cong guerrillas in South Vietnam and are aiding communist guerrilla forces in Thailand and Burma, in addition to training of potential insurgents from many countries throughout the world.

Threats to peace and security in Asia come not only from the Chinese Communists. Even if Peking were to become entirely preoccupied with its internal problems, Asia would still be an arena marked by violence and military conflict. For one thing, the two other Asian communist states, North Korea and North Vietnam, are on their own, and certainly without direction from China, supporting military adventures across international boundaries. The North Vietnamese military forces are currently operating not only in South Vietnam but also in Laos, and the North Vietnamese are aiding Thai insurgents. North Korea has just launched a disturbing campaign to seek to overthrow the Government of South Korea by infiltration of large numbers of guerrillas.

Violence also emanates, of course, from many noncommunist sources. Internal violence has marked political development in many Asian countries, and we can expect such violence to continue. Moreover, there are many local disputes between Asian nations.

Asia then will be a scene of political ferment, including possibly violence of many types, over the next decade. The question for American policy makers and for American citizens will be how to determine which acts of violence should concern us, and when we are concerned to determine how we can best contribute to a peaceful resolution of the conflict.

Let me begin by suggesting some of the things that we should not be concerned about, or rather events for which our concern should not be translated into government action of any kind.

As I have said, violence is frequently a part of the process of political and economic change in developing countries in Asia, as well as elsewhere. In some cases the violence is initiated by groups who would more effectively implement programs to develop their societies. In other cases, the violence is instigated by groups, whether on the right or left or in the center, who are corrupt or ineffective. In my view the United States does not have the power, the wealth, or the interest to intervene whenever violence flares up within a country. We have no commitment to any government to keep it in power against domestic enemies not supported by external force. We can and must discipline ourselves to remain aloof from intervention in such situations of internal violence.

The same holds true for local conflicts across borders involving states to which we have no security commitments. As much as we may deplore such activity, I believe that we should not step in ourselves unilaterally to resolve such disputes. We have obligations under the United Nations' Charter, which we take seriously, and we should always stand ready to work through the United Nations to mediate such conflicts and bring them to an end.

Such internal conflicts and local conflicts cover much of the violence which is likely to occur in Asia and elsewhere in the developing world over the next decade, but there are residual categories left in which the U.S. is vitally concerned, and in which U.S. action of some kind may well be needed.

The clearest need for a U.S. role in Asian security affairs is in relation to China's nuclear capability. As I have suggested, it seems very unlikely that Peking would use her nuclear weapons, but such action is unlikely, at least in part, because the Chinese have no doubt that the U.S. would respond. Moreover, at least some Asian nations are more concerned than we are about the possibilities of Chinese nuclear threats.

The General Assembly in the United Nations is now meeting, as I noted at the outset, to discuss one of the most important treaties which we have ever negotiated. If this treaty succeeds, mankind will be spared the great danger which would come from the spread of nuclear weapons to a large number of countries. But the treaty will only succeed if the U.S., and the Soviet Union, are prepared to take the steps necessary to convince other countries that they need not develop their own nuclear capability. This problem is particularly acute in Asia where there are several potential nuclear powers.

We and the Soviet Union will have to demonstrate that we are seriously negotiating in an effort to end the nuclear arms race between the two countries. The U.S. some time ago proposed that the two countries engage in serious bilateral talks on limiting strategic defensive and offensive systems. The Soviets agreed in principle to such talks and the Soviet delegate in his opening remarks at the resumed session reiterated his government's interest in negotiations to limit strategic forces. We continue to hope and expect that the Soviet Government will soon agree to a date for talks to begin.

As long as mainland China remains aloof from international arms control negotiations and as long as countries fear the possibility of Chinese or Soviet nuclear threats, the U.S. also needs to make clear its willingness to oppose nuclear threats if the nonproliferation treaty is going to be viable. We have attempted to demonstrate our resolve in two ways. The U.S. has treaty commitments with a number of Asian countries, including Japan, the Republic of China on Taiwan, Korea, Australia, New Zealand and the Philippines. As we have made clear both publicly and privately, these treaties are in no way limited to particular weapons. The U.S. has a firm commitment to protect these countries against nuclear threats and our top officials have made it clear that we intend to honor those commitments. Were we to abandon these commitments, the pressures in several countries now allied with us to develop their own nuclear capability would be very great.

For countries with which we do not have treaty relations, but which refrain from making nuclear weapons, the U.S. has in the past offered unilateral assurances of a general nature. In connection with the non-proliferation treaty, we and the Soviets have agreed to sponsor a Security Council resolution which recognizes the need for the nuclear-weapon state permanent members of the Security Council to act immediately, in accordance with their obligation under the United Nations Charter, in the case of aggression accompanied by the use of nuclear weapons. The U.S. intends to issue a unilateral declaration warning that any state which uses, or threatens to use, nuclear weapons will have its actions countered effectively. The Soviets intend to issue a similar declaration. These steps stem from our desire to prevent the spread of nuclear weapons—not from an impulse to take on greater responsibilities for their own sake.

In the case of overt conventional attack against countries to whom we are committed by treaty, U.S. interests also require that we act. We cannot lightly ignore the commitments we have made. Thus, we do better to make our intentions clear in advance in the hopes that we can thereby deter overt aggression. But such deterrence requires that we maintain appropriate military forces and develop plans to use them.

Our treaty commitments and our concern for non-proliferation require us to maintain a credible deterrent against nuclear threats, and overt conventional aggression against countries to which we are allies. In some cases, I believe, we will wish to intervene to assist in resistance to externally supported insurgency.

But a willingness on the part of the U.S. to intervene does not mean that we will do so automatically, or without regard to what is happening in the area.

The U.S. attitude toward intervention might well be expressed in terms of three principles: (1) self-help, (2) regional responsibility, and (3) residual U.S. responsibility. Let me try to explain briefly what each of these means.

The principle of self-help is simply the notion that the country being threatened must take primary responsibility for its own security. In the case of conventional threats, we expect the country under attack to man the first line of defense. Depending on their own capability and that of potential enemies, we would expect them to be responsible for at least the early stages of any conflict and in some cases for the entire burden of providing ground forces. We would expect them, also, to maintain the necessary bases and facilities so that U.S. forces can return quickly when necessary, but need not remain permanently in large numbers in overseas bases.

In the case of insurgency, we expect the local government to play an even more dominant role. In Vietnam the U.S. assumed a major share of the burden of fighting the war only because South Vietnam was confronted not only with insurgency, but also with what amounted to an overt conventional attack by regular North Vietnamese units. In the face of this sudden invasion, we were forced to assume a major role in the combat, but we have now begun the process of turning over more responsibility to the South Vietnamese military forces and we expect them to assume an ever-growing share of the burden. In the case of other countries in which there are lower levels of external support, we would expect the local government to carry the full load of combat military operations. We would expect them also to take primary responsibility for developing the necessary plans and programs to deal with the insurgency.

Finally, and most important, we expect the local government to play the primary role in those programs of political and economic development which will enable the government to build sufficient support and cohesion to effectively prevent the emergence of an insurgent group which can be effectively supported from the outside.

We take this attitude in part because we cannot rightly ask our own people to sacrifice if the people under direct attack are not doing their share but also because our efforts cannot succeed unless the local forces are assuming a primary burden. Insurgency cannot be checked by an American effort.

The principle of regional self-help means that we expect neighbors to work together to deal with the economic and political causes of instability. There have been very encouraging steps in this direction over the past several years. I refer not only to the contributions of several countries to the effort in Vietnam, but also to the growing number of associations for political and economic operations in Asia. To the degree that these associations are effective, the countries concerned will be in a better position to prevent the emergence of insurgency, and to develop both economically and politically.

Where events reach the stage of overt insurgency, we would hope that the governments of the area will cooperate in providing technical assistance and advice, and, where the insurgencies are located along a common border, will work together to deal with the threat.

Where outside military forces are needed, we would expect that they will be provided, at least in part, by the neighbors of the country under attack.

In considering the prospects for regional and economic and political cooperation, our attention falls, in part, on the potential role of Japan, which is by far the greatest industrial power in Asia. The Japanese fully recognize their responsibility, and we expect them to play an increasingly active role in assisting the countries of the area, both economically and politically.

We look forward to increasingly more intimate ties with Japan in our common effort to promote political and economic development in Asia.

Historically, Japan has been keenly aware of the direct bearing of the security of adjacent areas such as Korea and Taiwan to its own security. Sensitive to the desire of Asian countries to avoid domination by any power, Japan has in the recent past played a quiet but vital role in economic development in both the private and public sectors to the point where it is today principal trade partners and principal source of investment for most East Asian countries. In the coming years, this trend is likely to continue, as well as Japan's cautious leadership in such Asian organizations as the Asian Development Bank, ASPAC, and the Southeast Asian Ministerial Conference, an annual meeting of economic ministers which Japan organized.

The third principle I suggested is that of residual U.S. responsibility. The first aspect of this principle is that we cannot and will not do the things which the nations of the region can and must do for themselves. This means also that we intend to keep our presence in the area at the minimum essential level. The President and the Secretary of Defense have made it clear that we do not desire to maintain any permanent bases in South Vietnam. In other countries in Asia, I believe that we would keep only those forces necessary to make our commitments credible and to perform necessary support functions.

We will provide, as I have said, nuclear guarantees which will make it unnecessary for the countries of the area to develop their own nuclear capability, and effectively to check any Chinese temptation to use their nuclear power. We will continue to maintain conventional ground and especially air forces to reinforce the efforts of our treaty partners in deterring, and when necessary resisting, aggression. We will, within the limits of the assistance voted by Congress, want to provide military assistance to help support both conventional and counterinsurgency forces of countries confronted by external threats. Finally, our economic assistance will constitute our most important contribution to political stability and security in Asia. Such military and economic aid is absolutely essential if we are to rely on local forces to play the primary role in defense. Many of these countries simply cannot afford to maintain the necessary military forces while proceeding with economic development. Taiwan and Korea are both cases in point. These countries have sustained impressive rates of economic growth while maintaining the military forces necessary to deter any attacks; they have been able to do so only because of our assistance—both economic and military. In the case of Taiwan the success of its efforts had enabled us to terminate grant economic assistance and to shift much of our military assistance to credit sales. In the case of Korea the increasing North Korean efforts at subversion will require us to continue substantial aid programs for some time to come. But such aid is well worthwhile provided it is used effectively, as it has been, since it enables the Koreans to assure—as they wish to do—primary responsibility for their own security, and it is far cheaper and more effective than our trying to do it for them.

Finally I should say a word about the prospects for improving our relations with the communist states of Asia and in particular with China. The basic thrust of our policy was stated very clearly by President Johnson in his State of the Union address in January 1968 when he said:

"We shall continue to hope for a reconciliation between the people of mainland China and the world community—including cooperation in all the tasks of arms control, security, and progress on which the fate of the Chinese people, like the rest of us, depends.

"We would be the first to welcome a China which had decided to respect her neighbors' rights. We would be the first to applaud were she to concentrate her great energies and intelligence on improving the welfare of her own people. And we have no intention of trying to deny her legitimate needs for security and friendly relations with neighboring countries."

But change in our relations with Peking will come only very slowly and only, I believe, when China's relations with her Asian neighbors improve. Our more satisfactory relations with the Soviet Union developed after, and in large part depend on, an understanding that neither side will use force or the threat of force in Europe. Another Soviet effort to erode our rights in Berlin, for example, would rapidly chill our relations with

Moscow. The situation in Asia is similar. We can and do seek a better understanding with the Chinese mainland. However fundamental changes in our relations with Peking, Hanoi and Pyongyang will come only when these countries cease to employ threats of force against their neighbors and end their support for insurgency. We have no desire to encircle or threaten China and we look forward to the day when China's relations with her neighbors will make a U.S. military presence in the area unnecessary.

We should not become the world's policemen, and we have no intention of acting like one. Neither are we irresponsible citizens of the world who will stand by when other nations are threatened by external aggression, or when other citizens of this planet are living in hunger and misery. The necessary U.S. role in Asia is well within our economic and political capability. To do less is to invite disaster. To do more would be to neglect our domestic problems, and to seek to do what we cannot do and should not attempt.

NATIONAL UNITY OF PEOPLE OF SOUTH VIETNAM

Mr. McGEE. Mr. President, the impressions of well-informed Americans who have been to Vietnam are important, I think, to all of us in assessing the situation in that war-torn country. So it was with deep interest that I read in last Sunday's Denver Post an account of an interview with Richard M. Schmidt, Jr., general counsel of the U.S. Information Agency. He reported, after a 5-day tour of Vietnam, that he was encouraged by the sense of national unity being evidenced by the people of the South. I am encouraged that a man of the caliber I know Dick Schmidt to be has made such a report. I ask unanimous consent that the article, written by Denver Post reporter Donna Logan, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USIA AIDE'S FINDING: SOUTH VIETS GAINING SENSE OF UNITY

(By Donna Logan)

Richard M. Schmidt, Jr., general counsel for the U.S. Information Agency (USIA) who left Saigon last Sunday after a five-day tour of South Vietnam, reports that the "sense of national unity among the South Vietnamese is encouraging."

There is "considerable optimism," said Schmidt in an interview, that the South Vietnamese are building confidence in themselves.

The former Denver attorney met with officials of the Joint U.S. Public Affairs Office (JUSPAO) who are directing civilian efforts in areas of information and rural development in South Vietnam.

He observed rural development teams both north and south of Saigon, and said he was particularly impressed with an "urban renewal" program started by the South Vietnamese at My Tho, south of the city.

GREAT PROGRESS

There, said Schmidt, from Route 4 south to the Mekong Delta he saw "hardly any military presence" and "great progress in civilian aspects of the economy" since the Viet Cong had been driven out.

Civilians have begun new water systems and sewer lines and housing, Schmidt said, in areas freed of Viet Cong. The agricultural progress has been "outstanding" and the Vietnamese are establishing productive truck farms to supply the cities with food from the delta farmland.

Schmidt reported meeting with village elders, "drinking tea with Buddhist nuns" and seeing evidence of a "bustling" economy in the My Tho region.

Farther north at Bien Hoa, Schmidt said, there is an increasingly bustling economy as consumer goods are "more and more in demand."

TV SETS APPEAR

Television sets, for example, are becoming more numerous, he said, and have been placed by the Vietnamese government in strategic locations at marketplaces where people gather for information.

In the past 10 days, Viet Cong attacks have been aimed at communications centers, particularly radio and television.

Schmidt said an attack May 3 in Saigon against the government television station was repulsed by South Vietnam reaction forces which "did a fantastic job of pushing them (Viet Cong) back."

"Since the Tet offensive," Schmidt said, "the war has been brought closer home to the residents of Saigon in the physical sense."

Surprisingly—to the Viet Cong—the citizens have turned to the South Vietnamese government instead of away and into the arms of the enemy, Schmidt noted.

At a meeting May 4, Ambassador Ellsworth Bunker pointed out the South Vietnamese have a new sense of unity toward the government instead of the village hamlet, Schmidt said.

DEFECTIONS INCREASE

Schmidt added that defections of Viet Cong troops have been increasing.

In a battle May 1 during his visit, Schmidt said, allied forces stopped shooting and 95 enemy troops came over.

Schmidt added that Viet Cong soldiers are much younger and less well-trained than they have been.

"There are numerous reasons for optimism," said Schmidt, "though we all know we've got a long way to go. But the biggest reason is in the increasing confidence of the Vietnamese themselves."

A NEW ALINEMENT FOR AMERICAN UNITY—ADDRESS BY RICHARD M. NIXON

Mr. CURTIS. Mr. President, a highly significant speech was made last night by a man who a few years ago sat regularly in the Presiding Officer's chair in this Chamber.

The speech was a nationwide address on the CBS radio network, and the man who made it has become the man of the hour in American politics—the only man on the scene who can lead America out of the abyss of decadence, dispirit, and disarray into which our Nation has slipped.

The man of the hour is Richard M. Nixon, and the speech he made, entitled "A New Alinement for American Unity," is a clear, concise blueprint for pulling America and Americans back together again.

I ask unanimous consent that Mr. Nixon's outstanding message be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NEW ALINEMENT FOR AMERICAN UNITY

(An address by Richard M. Nixon on the CBS radio network, May 16, 1968)

Great movements and changes in the political scene are seldom recognized while they are happening.

They are perceived long afterward. Historians, looking back in American history, can spot the great shifts:

There was the time, 140 years ago, just after the Era of Good Feeling, when Andrew Jackson re-introduced the two-party system in America.

There was the time, 100 years ago, after the collapse of the Whig Party, of a new coalition that became the Republican Party.

And there was the time, 35 years ago, when Franklin Roosevelt assembled a Democratic coalition of organized labor, minority groups and the "solid" South.

That last assemblage of power blocs dominated the middle third of the Twentieth Century in America. But as we enter the last third of this century, it is time we recognize a profound change that has taken place in American politics.

PARALLEL IDEAS

Without most of us realizing it, a new alignment has been formed.

Most Americans have not been aware that this new alignment has been gathering together. Yet it has happened, and it is an exciting, healthy development.

More than a century ago, Alexis de Tocqueville put his finger on the mysterious formation of a new opinion:

"Time, events, or the unaided individual action of the mind will sometimes undermine or destroy an opinion, without any outward sign of the change. It has not been openly assailed, no conspiracy has been formed to make war on it, but its followers one by one noiselessly secede; day by day a few of them abandon it, until at last it is only professed by a minority . . .

"They are themselves unaware for a long period that a great revolution has actually been effected . . .

"The majority have ceased to believe what they believed before, but they still affect to believe, and this empty phantom of public opinion is strong enough to chill innovators and to keep them silent and at a respectful distance."

This new alignment is already a new majority; it will affect the future of all Americans for generations to come whether they are part of it or not.

The new majority is not a grouping of power blocs, but an alliance of ideas.

Men and women of all backgrounds, of all ages, of all parties, are coming to the same conclusions. Many of these men and women belong to the same blocs that formed the old coalitions. But now, thinking independently, they have all reached a new conclusion about the direction of our nation. Their very diversity of background provides a basis for a new unity for America.

THE REPUBLICAN VOICE

Listen to the conclusion as expressed by one group, the most visible one, voiced by many Republicans for many years:

"This nation has become great not by what government has done for people but by what people have done for themselves. The more centralized and domineering a government gets, the less personal freedom there is for the individual.

"The role of government is to do for people what they cannot do for themselves: to open up new opportunities, to mobilize private energies to meet public needs, to protect and defend every citizen, to create a climate that enables every person to fulfill himself to the utmost—in his own way, and by his own choice."

That's the Republican voice, the voice of both liberals and conservatives within the party, and its good sense is becoming more appealing to millions of Democrats and Independents. That traditionally Republican thinking is the well-spring of the new alignment.

VOICE OF THE NEW LIBERAL

But there is another voice saying much the same thing in a different form. It is the voice of the New Liberal.

That voice of the New Liberal calls for a workable form of "participatory democracy." It demands a political order close to the people who are governed, in which the people play a vital part. That voice demands more personal freedom and less government domination.

Thoughtful critics like **Daniel Moynihan** and **Richard Goodwin**—both liberals—are giving the word another dimension. A century ago, to be a "liberal" meant to be against the domination of governmental authority, to put personal liberty ahead of the dictates of the State. Only recently has the term "liberal" come to mean the dependence on federal action to meet people's needs.

The future meaning of liberal is likely to return to the reliance on personal freedom. But it will have a difference: it will see that a key role of government is to provide incentives for the free enterprise system to accept more social responsibility.

In that context, liberals and conservatives will find themselves coming closer together, rather than splitting apart.

Just as there is a difference between the New Deal Liberal and the New Liberal, there is a big difference between the New Liberal and the New Left.

The New Liberal recognizes that progress and order go hand in hand. He points to the channels of protest open to those who dissent, especially through the electoral process. In this way, the American system can be a force for change without changing the American system itself.

The extremists of the New Left strongly—even violently—disagree. They say that the respect for dissent, the protection of their civil rights to protest peaceably, are only safety valves for the Establishment.

The very processes that permit gradual change are resented by these extremists. That is because they would find it much easier to break a rigid structure than to break our flexible one.

They feel—quite wrongly—that they have to tear down in order to build, shaking society to its foundations, leading us to anarchy. The New Left has a passion, while the New Liberal has a program.

And yet I have a feeling that many of the young people who call themselves New Leftists now are in fact far more closely attuned to the voice of the New Liberal. When it comes to a choice between getting something off your chest or getting something done, sooner or later most people choose to get something done.

VOICE OF THE NEW SOUTH

There is a third voice—the voice of the new South. Not the old solid South of the Thirties, of automatic voting habits and a declining economy.

The new South is no longer prisoner of the past; no longer bound by old habits or old grievances or the old racist appeals. The new South is building a new pride, focusing on the future, pressing forward with industrial development through resurgent private enterprise, forging a new place for itself in the life of the nation.

Politically, the new South is in ferment. It is breaking the shackles of one-party rule, Its new voices are interpreting the old doctrines of states' rights in new ways—those of making state and local governments responsive to state and local needs.

VOICE OF THE BLACK MILITANT

There is a fourth voice—the voice of the black militant. There is a deep and widening division between today's black leadership and the doctrinaire welfarist.

When you listen to these black voices, you hear little about "handouts" or "welfare." Instead, you hear the words "dignity," ownership," "pride." They do not want to be recipients, they want to be participants.

The message of giveaway, of handout, of permanent welfare is no longer of interest to people who want dignity and self-respect.

The nation, in its present economic crisis, cannot afford an increase in these giant welfare programs today.

What we can and should do immediately, is to respond to their demands for a share of American opportunity, for a legitimate role in private enterprise.

THE SILENT CENTER

There is a fifth element to the new alignment—a non-voice, if you will.

That is the silent center, the millions of people in the middle of the American political spectrum who do not demonstrate, who do not picket or protest loudly. Yet, these people are no less committed to seeking out this new direction. They are willing to listen to new ideas, and they are willing to think them through.

We must remember that all the center is not silent, and all who are silent are not center. But a great many "quiet Americans" have become committed to answers to social problems that preserve personal freedom. They have rejected the answers of the Thirties to the problems of today.

As this silent center has become a part of the new alignment, it has transformed it from a minority into a majority. That is why we are witnessing a significant breakthrough toward what America needs: peacefull, orderly progress.

DISHARMONY IN THE NEW ALINEMENT

My point is this: these voices—the Republicans, the New Liberals, the new South, the black militants—are talking the same language.

Let's not oversimplify. The voices are not joined in any harmonious chorus—far from it. The ideas of the new alignment differ in emphasis. But they do not conflict the way the old alliance of power blocs used to conflict.

The differences within the new alignment are differences of emphasis, not of fundamentals; differences in the *speed* of change, not so much in the *direction* of change.

Now, the new alinement's greatest need is to communicate with all its elements, rather than march along in parallel lines that never converge.

STRANGE BEDFELLOWS

You can be sure that the members of the old power blocs will try at first to dismiss this new majority as just an assortment of strange bedfellows.

But despite the differences in appearance, despite the differences in ways and means, despite the lack of communication, despite all the pains of realignment, the *fundamental agreement is there.* Even men who find each other disagreeable at first, can find themselves in agreement.

THE STRADDLERS

I do not claim to be the only one who notices the formation of this new alignment. On the campaign trail today you can see the politicians of the old order adjusting their appeals. It may be awkward, but they speak about "more Federal billions now for the cities" in one breath and then, in the next breath, talk of "an end to the old welfare system and a return to private enterprise."

These politicians are trying to have it both ways. On the one hand, they are reluctant to abandon the old power alliances that have served them so well in the past. On the other hand, they don't want to miss the new boat as it leaves the dock.

People today, and the political figures who appeal to them, will have to make the hard choice: whether to cling to the old power-bloc alliances of the middle third of this century, or to join the new alignment of ideas that will shape the final third of this country.

PROMISE OF UNITY

And therein lies the great excitement of this new alignment. Right now, we see our differences all too clearly; in the future, those of us in the alignment will see our similarity of methods and goals much more clearly.

The mark of a good insight is when everyone says "Of course—that's what I've been thinking all along, only I never put it that way." That is what is at the heart of the new alignment: the crystallization of what is on the minds of the American people today.

Tomorrow, as we focus the new movement more clearly, America will gain a new unity.

We will not seek the false unity of consensus, of the glossing over of fundamental differences, of the enforced sameness of government regimentation.

We will forge a unity of goals, recognized by men who also recognize and value their own diversity. That is the great advantage of an alignment of ideas over the coalition of power blocs.

As we coalesce the elements of this new alignment, some surprising things will begin to happen. As frustration ends, violence will wane; as runaway government is curbed, personal freedom will grow; as demeaning welfare systems are replaced, individual initiative will take the lead; as peace returns to the American city, America will be better able to build peace in the world.

JOINING THE NEW ALINEMENT

The new alignment speaks in many accents, and approaches its point from many directions. But the common message is there:

People come first, and government is their servant. The best government is closest to the people, and most involved with people's lives. Government is formed to protect the individual's life, property, and rights, and to help the helpless—not to dominate a person's life or rob him of his self-respect.

The concept is great not because it is new, but because it is right and it is relevant.

Victor Hugo pointed out that there is nothing so powerful as an idea whose time has come. The time has come for this idea. No one leader has drawn together this new alignment; it has been drawn together by the magnet of an idea that is right for our time, that speaks to us now, that has special meaning today.

How do you become part of the new alignment?

You don't have to be a member of any special party, or any union; you are not required to live in any region or any city; you don't have to be rich or poor, young or old. Because we're not dealing with blocs—we're dealing with an idea.

If you believe that people do come first; if you believe that dignity must replace the dole; if you believe that order and progress go hand in hand; if you are idealistic about personal freedom;—then you don't have to worry about where to go to join the new alignment.

You are already a part of it.

RISING TO THE CRISIS

The great re-alignments of our history did not take place in normal, quiet times. They took place when America was in trouble, or when the existing majority could not come to grips with the needs of the nation. And so, without realizing it, a new majority is formed and lasts as long as it meets the need for change. This is what we mean by "the collective wisdom of the people."

This is the unspoken voice of America, in its majesty and its mystery, demanding articulation by men who sense its new meaning.

That is why new faces with more of the old answers miss the point. That is why new leadership is needed now—leadership with a proven record of fighting for the action the new majority now demands.

No man can predict the ultimate shape of the alignment that is happening in America today. But I know this: It is alive, it is moving forward, it is rooted in reality, and it calls out for you to come aboard. In the years to come, I believe that historians will record this:

That in the watershed year 1968, America, in a time of crisis, responded as it has responded before—with new ideas, with great traditions, with a new alignment, and with the fresh hope that comes from a new unity.

AMERICA'S PROTECTIVE INFLUENCE IN ASIA

Mr. McGEE. Mr. President, if American influence in the world has declined, as some contend, that fact escapes the governments of other nations. As Crosby S. Noyes reported recently in a column from Tokyo, and published in the Washington Evening Star, the consuming interest in Japan is not with what is going on at home, but what is going on here in the United States. What policy Japan will follow will be largely determined by the future course of the United States. That is likewise true around the world. For that reason, Noyes writes, the Japanese idea of an acceptable solution to the war in Vietnam would be close, indeed, to the American ideal.

In another column, Noyes points out the simple fact of life which must confront us. It is that the free nations of Asia have come to look upon American military power as their protective curtain. If it is withdrawn, they will accommodate themselves to the power certain to fill the void—the Communists, led by the Chinese.

Mr. President, these columns by Crosby Noyes are, I think, on target. They should be read and considered by those who would consider either withdrawal of American power from Asia, or from Vietnam alone at this point, as well as those who would seek an end to the war there by accommodating the Hanoi government's desire for a hand in the affairs of South Vietnam's future. I ask unanimous consent that they be printed in the Record. Also, I ask unanimous consent that a column dealing with the question of withdrawing American troops from Vietnam, written by David Lawrence, and published in the Evening Star, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, May 14, 1968]

Japan Recognizes Asia's Stakes in Vietnam

(By Crosby S. Noyes)

Tokyo.—No one, including the Japanese, is very interested in talking about Japan these days. The only question that seems to fascinate everybody now is what in the world is going on in the United States.

The traveler fresh from Washington is seized on eagerly and pumped for information for all he's worth. The election, the riots, the prevailing attitudes toward the war, the state of the administration—these are matters of literally universal concern. The inquiring reporter is lucky if he's able to get in a question now and then.

This concern is understandable enough in countries that have made common cause with us in Vietnam. It is more surprising in a country like Japan which is very far from being a client of the United States and whose support of our action in Vietnam has been, to say the least, reserved.

The interest is not academic. It is a measure of the extent to which the policies of almost every important country in the world are geared one way or another to the policies of the government in Washington. It is also a rather pointed commentary on those students of the international scene who keep expounding on how far American "influence" has declined in recent years.

The minute there is serious uncertainty about what the government in Washington is up to, there is equally serious uncertainty about the most fundamental policies of many other countries. And in democracies, the governments involved are likely to find themselves in real trouble.

Japan is no exception. President Johnson's speech of March 31 set off a political commotion here that is still causing tremors throughout the government.

There was a general tendency to look on Johnson's withdrawal from the presidential election as a kind of resignation. In a parliamentary democracy, the resignation of a government automatically implies an admission of defeat, raising the prospect of a drastic reversal of policy. In this case, of course, the crucial policy placed in question was the effort in Vietnam and the American position in Asia.

In the same way as our active allies in Vietnam, Japan's Prime Minister Eisaku Sato had the uncomfortable feeling that the rug was being yanked from under him. The assumptions on which his pro-American policies were based no longer seemed sure. The opposition could be expected to make the most of the situation. And Sato urgently required reassurance.

Nor was Johnson's withdrawal the only unsettling factor. The murder of the Rev. Martin Luther King Jr., the burning and looting in Washington, the picture of troops guarding the gates of the White House watched nightly on millions of Japanese television screens, added powerfully to the impression of an impending crackup in which Japan inevitably would be deeply involved.

Altogether, it has been a trying period. But now that things have calmed down somewhat, the net results, in the view of some people here, are fairly encouraging.

What has emerged is a new awareness of how closely the destiny of Japan is tied to that of the United States. And when it comes to Vietnam, it suddenly appears that the differences are very small, indeed.

It is still a touchy business. For the time being, at least, there will be no public statement from the Japanese government on what kind of settlement in Vietnam it would support. But it can be said on good authority that Japan's concept of an acceptable solution is one which Washington could easily buy.

Defeat and surrender in South Vietnam would be looked on as a disaster. Reunification is a long-range goal as in Germany and Korea. In the meantime, the objective should be the establishment in Saigon of a government enjoying strong public support.

A coalition involving direct Communist participation is not considered practical. The post-war government would have to be essentially non-Communist in character, although it is hoped that the more nationalistic elements in the Viet Cong might be separated from the Hanoi-dominated organization and play a role in the political life of the country.

The Japanese leaders are under no illusions about the difficulties involved in reaching such a solution through negotiations. They also believe that strong international guarantees would be needed to make any settlement stick. But they recognize now perhaps more clearly than before the stake which all the free nations of Asia have in Vietnam and the necessity of seeing the conflict through to a successful conclusion.

[From the Washington Star, May 16, 1968]

Japan a Good Test of Domino Theory Validity

(By Crosby S. Noyes)

Tokyo.—There has been a good deal of glib talk lately about the shape of a new American policy in the Far East once the war in Vietnam is over. Almost invariably it looks forward to a gradual withdrawal of American power in Asia, with Asians themselves taking over an increasing responsibility for their own defense.

Japan is a good place to test the validity of this theory. Because Japan is the only country in this part of the world with the potential muscle to make the theory work. But when it comes to the proposition of Japan taking on primary responsibility for the security of Asia, there is only one realistic message to pass along: Forget it.

Sure, the Japanese are interested. Their own security depends very directly on the stability of Asia as a whole. They are also well aware of the pressures to which small countries on the borders of Communist China are subjected.

They are even willing to help—up to a point. Japan is a charter member of the Asian Development Bank. It plans to provide major economic assistance to countries like Indonesia and participates in a number of regional development schemes.

But this, along with very active and profitable commercial activity everywhere in Asia, is as far as it goes. The stock argument is that the stability of the area depends ultimately on its economic well-being. And it is in this field exclusively that Japan plans to make its contribution.

Japanese leaders readily concede the need for military strength as well in Korea and many countries of Southeast Asia. Any contribution to the common defense by Japan, however, is firmly ruled out. This is one country where rejection of all forms of militarism has grown into something like a national religion. Sending Japanese soldiers anywhere in Asia in the foreseeable future is simply unthinkable.

Even in their own self-defense, there are definite limits to what the Japanese are willing to do. Any proposal to increase the strength of the country's modest home defense forces meets strenuous political opposition. In a recent incident, a minister of agriculture who was indiscreet enough to suggest that Japan should have warships to protect its fishing fleet in home waters was hounded into resigning.

Japan, to be sure, doesn't feel that it is directly threatened at this point. The American 7th Fleet is more than adequate protection against any invading force. The Chinese nuclear bomb is not yet considered much of a problem.

Of much more immediate concern is the situation in Korea, where the Communists have recently shown signs of wanting to provoke a renewal of the war. South Korea in Communist hands would represent an intolerable strategic threat to Japan. Yet in the direct emergency, no one here would dream of sending military support to South Korea. And no one in South Korea would dream of asking for it.

So those who talk about the withdrawal of American power in Asia—or as Sen. Eugene McCarthy would say, the "liquidation" of our commitments there—should have a very clear idea about what they are implying. The power vacuum created by such a withdrawal would be immense. And there would be quite literally no one other than the Communists to fill it.

The Japanese feel perfectly free to criticize many aspects of our policy in Vietnam and elsewhere. They may argue about the return of Okinawa and demonstrate against the visitations of American nuclear-powered submarines.

Yet at the same time, the Japanese, like all other non-Communists in Asia, have come to look on American military power in this part of the world as an established, permanent and indispensible fact of life. Far more than in Europe—indeed, far more than in any other part of the globe—reliance on American support is the foundation of all national security in the free nations of the Far East.

In this situation, it is not hard to predict what an American retreat in Asia would involve.

For the smaller countries, many of them already threatened by militant communism, there would be no choice except prompt capitulation. The innocent notion that nationalistic fervor is a sure bulwark against subversion and armed force would be small comfort to those involved.

The hardier nations, or those less immediately threatened, might indeed try to establish some system of collective security. But the collective weakness of these nations compared to the force that could be brought against them, the distances involved and the regional rivalries that still exist discourage any optimistic predictions. In all probability, the dominoes in time would fall.

And even for Japan, with all its potential power, the result would surely be a gradual retreat to a position of total neutrality. There would be no need for the United States to liquidate its commitments here. Once persuaded that they can no longer rely on America's performance, the Japanese themselves will cut the ties and make what accommodation they can with the new and very dangerous world in which they find themselves.

[From the Washington Star, May 15, 1968]

Is Early Troop Pullout Feasible?

(By David Lawrence)

Will the Vietnam War end before the presidential election is held in the United States? Will many of the troops then come home this year? If no peace agreement is made, will there at least be an armistice and a cessation of the fighting while the negotiations are prolonged beyond November?

Curiously enough, neither side has the answer to any of these questions at this time. The problem is complicated by the belief prevailing in Hanoi that the Democratic administration here is so anxious for peace that it will make almost any concession in order to get a pledge that the fighting will cease immediately while details are left to subsequent parleys.

The peace negotiations which will begin as soon as the preliminary problems of organization and participation are settled at the Paris conference will not be successful unless an over-all plan of settlement can be formulated. Undoubtedly some neutral governments in the world will play a part behind the scenes in suggesting various ways of achieving peace.

The North Vietnamese see an advantage in withholding any approval of an armistice until they have won some important concessions. What the Hanoi government wants is a formula that will permit it to take over South Vietnam. This will not be forthrightly asserted, and probably promises will be made that North Vietnam will respect the independence of South Vietnam.

The real difficulty is that Communist elements are inside South Vietnam. The government in Saigon is fearful that it will lose out if the American troops go home. North Vietnam's promises and pledges might be disregarded, and it is heard in South Vietnam that America would not promptly send its troops back to Vietnam.

This is why the United States is not likely to withdraw its troops until some international apparatus has been agreed upon to assure the fulfillment of the terms of the agreement. Many people who have been reading about the negotiations in Paris are assuming that it may be feasible to end the war before the American elections. But a halt of the fighting could be brought about only if both sides are willing, and the United States would not risk a big reduction of its forces until some practical plan for enforcing the peace agreement is developed.

It would appear, therefore, that no substantial number of American troops is likely to be pulled out of Vietnam for another year or more. The parents and relatives of the young men in the armed forces may, however, keep on hoping that the major fighting will be stopped between now and November.

The big question is when, if an armistice is agreed upon, American forces can begin to be withdrawn in large numbers. Certainly it would be prudent for the United States government to wait and see whether the armistice agreement is fulfilled. In the case of the Korean War, there were frequent violations of the armistice by the North Koreans and many American troops were killed after the cessation of the fighting had been ordered by agreement of both sides.

A Vietnam armistice could be signed after mutual concessions are made. But the document would be worthless until sufficient time has elapsed in which the good faith of the North Vietnamese can be tested. The prospects of an early "peace"—in the sense in which the term is being used in the United States—is not likely until next year, since an armistice will have to come first. The period in which the terms of peace are worked out could be lengthy.

It is improbable that a peace treaty between North and South Vietnam can be arranged unless several nations agree to pledge their military forces to support the agreement. This is properly one of the functions of the United Nations. The majority of the member countries, however, are closer to the Communist side, and the Soviet Union is not likely to permit any U.N. peacekeeping force to be established. But an international force can be set up by a group of nations irrespective of any relationship to the United Nations.

The problem of making peace in Vietnam is not necessarily going to be solved by the delegates to the Paris conference. Much will depend upon whether the Moscow government will really block all efforts and keep the Vietnam situation in the same unsettled state as the Korean truce has been for years.

AN ATTORNEY GENERAL FOR CONGRESS

Mr. **PELL**. Mr. President, a few days ago I read an interesting article written by Ernest Cuneo for the North American Newspaper Alliance, expressing the view that Congress needs its own Attorney General if its power and position is to be restored.

The idea is challenging and the objective is one with which I am sure we are all in accord.

Because I believe the article will prove interesting to Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS NEEDS OWN ATTORNEY GENERAL IF ITS POWER IS EVER TO BE RESTORED

(By Ernest Cuneo)

WASHINGTON, May 7.—For a considerable time, there has been growing concern over the relegation of the Congress to a secondary role in the Nation's affairs. This has come about in two principal ways. The Senate, once all powerful in international matters, was all but completely emasculated in foreign affairs by the famous Curtiss-Wright decision of the Supreme Court in 1936. The decision held that the president was the sole spokesman for the Nation in foreign matters, that he need give the Senate only such information as he saw fit, and that his actions could not be questioned even in the courts. Added to his powers as commander-in-chief, in volatile and dangerous times, it is no wonder that Professor Corbin remarked that the Nation was back to the first institution of the Anglo-Saxon race, the elected kingship.

On the domestic side, Congress faced the dilemma of all powerful bodies, the paradox that the only way to exercise power is to delegate it. Congress created the vast governmental agencies ranging from securities and exchange to the power and the communications commission. These and other agencies regulate more of American daily life than it is pleasant to think about. The power of these agencies is such that it has been remarked that national elections may become irrelevant because American life is today largely governed by agency. Far from being responsive to the people, there is considerable doubt as to whether they are responsible either to the Executive Department or to the Congress. They have been described as revolving between them. Mohammed's coffin revolves twixt heaven and earth.

CONGRESS FAILED ITS DUTY

There never was the slightest doubt that the Congress was designed to be the supreme branch of the government, nor that it must be restored to its original position if we are to continue in a government responsive to the people. It is a fair statement, therefore, that the Congress failed its duty, not only to itself, but primarily to the people by allowing its power to be eroded.

The manner of the erosion of congressional power suggests the manner in which it can be restored. Assuming that the three great branches of government are equal, that is legislative, executive and judicial, it follows that the latter, the Supreme Court, usually has final say, in case of dispute. This is not provided for in the constitution. The Supreme Court itself simply took that power unto itself in the early case of Marbury vs. Madison.

CONGRESS UNCONSULTED

It is somewhat astonishing, therefore, that since the inception of the republic, the Congress provided for an Attorney General, who is in fact, house counsel for the executive branch, and provided for no attorney general for the Congress of the United States. Since the Constitution designedly built in frictions for the purpose of dividing power, it follows that on greatest issues, the Congress is represented before the Supreme Court by an Attorney General who represents only the executive. Thus, the Supreme Court and the executive branch often labor mightily to ascertain the intent of Congress, with Congress across the street and totally unconsulted. Of the finality of Supreme Court decision, Mr. Chief Justice Hughes said simply and forthrightly, "the Constitution means what the Supreme Court says it means." This is the present state of the law, but it was not designed so. Mr. Justice Holmes declared, that if the Supreme Court did not have the right to declare acts of Congress unconstitutional, the Union could continue; on the other hand if it did not have the right to declare acts and decisions of the various States unconstitutional, the Union would dissolve. The original Constitution gave no powers over Congress to the Supreme Court.

The Supreme Court, as do all other courts, accepts without question the rulings of the State Department on status of foreign matters. It would seem appropriate, therefore, that the Supreme Court accept the will of Congress as stated by Congress, and not decide itself what the Congress intended.

This, of course, would involve fundamental procedural changes in cases where the intent of a congressional statute is before the Court. There is, of course, the implied condition that if the Congress is not satisfied with the interpretation of the Court, it can change it by another law. But this is a slow and cumbersome business, and of no value in the case actually before the Court.

HEALTHY COMPROMISE

An extremely healthy compromise would be if the Congress looked to the protection of its constitutional powers by the creation of its own law office. Thus, it could create the offices of the attorney general of the Congress, with solicitors-general of the

House and of the Senate. By law, it could be easily provided that when the attorney general of the Congress deems that a fundamental constitutional right of the Congress is in issue, or when the intent of the Congress is a decisive issue, then the Congress itself shall have right to appear before the Court to memorialize the Court on what the Congress deems its intent or its constitutional right to be. Failing in this, that body most responsive to the people will continue to be shouldered, and alarmingly, into space more confined by the Courts, the agencies, the executive branch, for the reason that it did not assert its constitutional rights.

The creation of an attorney general of the Congress with solicitors-general of the House and of the Senate would instantly restore the Congress to the pre-eminence designed for it in the original Constitution.

SMALL BUSINESS ADMINISTRATION HELPS BUSINESS TO HELP ITSELF

Mr. SMATHERS. Mr. President, in these trying times when everyone seems to be making big troubles out of little ones, I should like to tell two stories about small business with much happier endings.

Each involves a helping hand from Government. One brought a disaster-stricken company to a richer life. The other made a more substantial success out of a little, plodding concern.

The first company is Melweb Signs, Inc., of Daytona Beach, Fla., which manufactures and installs neon signs and works on other outdoor advertising projects.

In 1953 it had 40 employees, did about $650,000 business a year, and had a net worth of about $215,000. The hurricanes came. When they had gone, the company had suffered more than $75,000 damage, of which little more than half was covered by insurance.

The Small Business Administration stepped into the picture with a $34,000 disaster loan, payable over a period of 10 years, at 3 percent, the rate set by Congress for such loans.

Instead of having to struggle and devote much of its energy to make up its loss, Melweb was able to embark upon an aggressive expansion effort.

The company used its investment tax credit and ploughed back into the company a substantial part of its earnings.

By careful analysis Melweb was able to determine that its future operations would be more successful in manufacturing neon signs rather than other related operations, and they have made the change.

It is a pleasure to tell how successful Melweb Co. has become. Their sales have passed $1.4 million. Their profits more than tripled, and their net worth has risen by more than $265,000. Perhaps even more significant to the economy, the number of employees of Melweb Signs, Inc., has grown from 40 to 100.

Our other case, which tells of a smaller success, is no less gratifying.

It is the case of the Strickland-Chrobak Corp. another Florida firm, this one in Jacksonville. It sells and rents scaffolding and construction equipment.

The business was started in 1956 as a branch of a Georgia company and was later bought by the Messrs. Strickland and Chrobak in June 1962. Early in 1963, when the Small Business Administration made a $20,000 loan to the company, they were doing a little over $100,000 a year business and had a net worth of $34,000—$20,000 of which was invested by the new owners.

In the first 10 months of the new operation, the firm earned a small profit, but its efforts were now directed toward specialty lines. The SBA loan enabled them to increase their rental inventory and gave them working capital so they could take on business which they had previously been unable to handle because of their short supply of stock and working capital.

The loan did the trick. Sales have now risen to a level of about half a million dollars a year, net worth has nearly tripled to $119,000, and that all important item, the number of employees, has risen from five to 11.

These two companies are prime examples of what President Johnson has stressed in his continuous efforts to help business to help itself. It is quite possible that each of these companies might have attained the same measure of success without SBA loans but it certainly would have taken much longer.

This joining of efforts by the private sector has produced many obvious benefits. More capital worth has been created; new jobs have been created; and, of course, the national economy has benefited.

These are two more examples of what Robert C. Moot, Administrator of the Small Business Administration, pointed out when he said recently:

> We are carrying on the SBA promise that no small businessman will ever be allowed to falter for lack of any assistance we can give him. Congress gave us a mandate to help small business, and I hope the day never comes when we shall do less.

RED BUFFALO

Mr. DOMINICK. Mr. President, this morning the Secretary of Agriculture announced his decision not to permit the routing of Interstate 70 west from Denver, Colo., through the Gore Range-Eagle Nest Primitive Area—the Red Buffalo Route.

As one of those who have been deeply concerned over the location and cost of Interstate 70 across our great State, I am delighted with Secretary Freeman's decision against the Red Buffalo Route. This decision, if implemented by construction of the Vail Pass alternate, should mean earlier completion of the route to the western slope, perhaps by as much as 2 or 3 years, a saving in overall tax funds of more than $50 million, and a preservation of our wilderness resources, one of the great drawing cards for the people of Colorado.

Secretary Freeman's decision was arrived at only after long and detailed study of the problems involved, and I commend him for the care and depth of the research which he and his staff and many private groups gave to this troublesome problem.

Reconstruction of the Vail Pass Route by our fine highway department to conform to interstate specifications will improve the present highway enormously and should minimize most of the complaints which the opponents of the route have expressed. The grade will be less than that of Red Buffalo, the comparative danger of slides will be reduced, and the finished road will be available sooner, all at a saving to hard-pressed taxpayers.

The decision of the Secretary also conforms with the provisions of the Highway Act providing that highways shall not be constructed over recreation lands when a practical alternative routing is available.

Once again, I commend the Secretary and the private groups on both sides of this difficult problem who provided the detailed factual data on which the decision was based.

I ask unanimous consent that Secretary Freeman's letter to me dated May 17, 1968, his public statement, and his letter to Secretary of Transportation Boyd be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 17, 1968.

Hon. PETER H. DOMINICK,
U.S. Senate.

DEAR SENATOR DOMINICK: When Congress passed the Wilderness Act on September 3, 1964, it was aware that one of the various routes under consideration for Interstate Highway 70, west from Denver, Colorado, would pass through the Gore Range-Eagle Nest Primitive Area on the Arapaho and White River National Forests. In recognition of this possible need, the Wilderness Act delegates to the Secretary of Agriculture the responsibility for determining if it is in the public interest to delete from the southern tip of the Primitive Area such area as may be necessary to accommodate the highway. In March of 1967, the Colorado Department of Highways requested through the Bureau of Public Roads and the Forest Service permission to locate Interstate Highway 70 through the Primitive Area.

Our Forest Service completed a comprehensive analysis of the resource impacts which would result from construction of the proposed highway in this location. In addition, we asked that two more independent studies be made. Hundreds of private citizens and groups wrote to give us their views.

After carefully reviewing all of the facts available to me, I have concluded that it is not in the public interest to modify the Primitive Area boundary to accommodate the Red Buffalo route for Interstate Highway 70. Attached are copies of my letter of decision to the Honorable Alan S. Boyd, Secretary of the Department of Transportation, and my public statement on the matter.

Sincerely yours,
ORVILLE L. FREEMAN.

DECISION ON THE REQUEST BY THE COLORADO DEPARTMENT OF HIGHWAYS TO ROUTE INTERSTATE HIGHWAY 70 THROUGH GORE RANGE-EAGLE NEST PRIMITIVE AREA, ARAPAHO AND WHITE RIVER NATIONAL FORESTS

(Statement by Secretary of Agriculture Orville L. Freeman)

The controversy over routing Interstate 70 through the Gore Range-Eagle Nest Primitive Area in Colorado represents, in microcosm, the larger question of how the public interest may best be served in the use of National Forest lands. It is a controversy that will rage with increasing intensity in the future as an expanding American population and a rising standard of living push relentlessly against a very fixed resource, our available land.

Although the decision to be made in this case was simple—whether or not to allow an Interstate highway to pass through a Primitive Area—the facts and arguments on both sides of the question that led up to that decision were anything but simple.

My decision is to preserve the Gore Range-Eagle Nest area by denying permission to build Interstate 70 over the Red Buffalo route.

Our studies show that the road through the Primitive Area—which has come to be known as the "Red Buffalo Pass Route"—would have a serious and permanent impact on wilderness values. It would destroy or seriously erode the wilderness resource on about 5,300 acres of land suitable for addition to the National Wilderness Preservation System. It would destroy another 4,800 acres also suitable for Wilderness preservation by cutting it off and isolating it from the main body of the present Primitive Area.

There are economic arguments—albeit with conflicting figures—for doing just this, for sacrificing the wilderness values in over 10,000 acres in the interest of speedier auto travel.

The Red Buffalo route would save about 10.9 miles. The State Highway Department estimates this shortened distance would save the motoring public some $4 million a year for the next 20 years. On the other hand, the wilderness route would cost some $76.3 million compared to $26.6 million by the longer Vail Pass route, the most often mentioned alternative.

Impact on forest resources—other than wilderness—would be about the same over the two routes according to our studies. The Vail Pass route would disturb about 6½ more miles of National Forest land and affect 2½ miles more stream than the Red Buffalo route. Impact on wildlife, livestock forage, fisheries, timber, and water quality would be roughly the same. But, as I said earlier, the impact on wilderness values would be very great indeed.

This is the conclusion reached by two separate studies of this Department—those of our Department's analysts and our Forest Service and also by the Interior Department's Bureau of Outdoor Recreation.

I have carefully examined these studies, others by the State Highway Department, and still others by concerned citizens and organizations.

I have also most carefully reviewed the charge given me by the Congress in the Wilderness Act of 1964, which delegated to me responsibility to make the specific decision as to whether this Primitive Area should be penetrated.

In addition, I have examined the history of this question. The Gorge Range-Eagle Nest Primitive Area was established in 1933. In 1941, 8 years later, its area was reduced to accommodate the present route of Highway 6 over Vail Pass; this decision having been made at the time because there was no feasible alternative for this important transcontinental route.

The evidence before me indicates that alternatives do exist, although my decision does not in any way determine the alternative; it merely precludes the Red Buffalo route through the Primitive Area.

This Department established the Nation's first Wilderness Area some 44 years ago. Before the Wilderness Act passed in 1964, we had designated 88 separate areas encompassing over 14½ million acres to be managed for wilderness purposes. We are proud that Congress endorsed this concept when it accepted 54 of these administratively designated areas with about 9 million acres as the nucleus of the National Wilderness Preservation System. It has been my personal privilege to put 11 areas containing over 2 million acres in the Wilderness System by Secretary's order. This is nearly one-fourth of the present Wilderness System. In the first 3 years after the Wilderness Act passed, this Department completed its review of 12 Primitive Areas and recommended additions to the Wilderness System which will add about 1,200,000 acres. One of these, the San Rafael, became the first addition to the original Wilderness System when President Johnson signed the act on March 21, 1968.

Through 4 decades, this Department has maintained that the National Forest Wilderness System should not be invaded—even for important purposes—if there is a feasible alternative. We have rejected the pleas of miners who would shatter the wilderness calm with the roar of helicopters because such use would make their work easier and more efficient. We have used primitive equipment and travel methods in administering Wilderness when modern motorized equipment would have been more convenient. I have urged the Kennecott Copper Corporation to forego development of large copper deposits in favor of the priceless, yet intangible, national treasures of the Glacier Peak Wilderness in Washington. I have consistently resisted efforts to cut the heart out of the San Gorgonio Wilderness in California for a winter sports development. We held then, and we hold now, that economics *alone* is not a sufficient basis for determining whether wilderness shall survive or die.

This philosophy has guided me in this decision. All of the National Forest resources must be utilized in the combination that best meets the needs of the American people. We have all the land now that we will ever have. As administrators of these lands, we must resolve conflicts in the interest of the greatest number of people in the long run, which is what I have attempted to do today.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 17, 1968.

Hon. ALAN S. BOYD,
Secretary of Transportation.

DEAR MR. SECRETARY: On March 13, 1967, Mr. A. R. Abelard, Division Engineer, Bureau of Public Roads in Denver, Colorado, wrote to Regional Forester David S. Nordwall requesting that boundaries of the Gore Range-Eagle Nest Primitive Area in the Arapaho and White River National Forests be changed to accommodate the routing of Interstate Highway 70 via the proposed Red Buffalo Pass tunnel.

In accordance with the responsibility delegated to me by the Wilderness Act, this Department has completed its analysis of that portion of the Primitive Area which would be affected if the request were granted to determine its suitability or nonsuitability for designation as Wilderness. Our Forest Service has also made an analysis of the resource impacts which would result from construction of the highway over both the Red Buffalo route and the most discussed alternative route over Vail Pass. To be sure that no facts were overlooked, I also asked for two other independent studies—one by our Department's analysts and the other by the Bureau of Outdoor Recreation in the Department of the Interior. The numerous reports, letters, and other expressions from interested organizations and individuals have also been carefully considered.

These studies reveal that the majority of the affected portion of the Primitive Area is suitable for addition to the National Wilderness Preservation System. The impact on such resource values as wildlife, fisheries, water quality, timber, and grazing does not differ significantly between the two alternative routes. However, the proposed Red Buffalo route would destroy or seriously erode the wilderness resource on approximately 5,300 acres of the land presently suitable for addition to the Wilderness System. The remainder of the suitable area would be isolated from the main body of the Primitive Area, and its wilderness values would be seriously compromised.

The Department of Agriculture initiated the wilderness concept 44 years ago. Under this concept, it is in the public interest to designate for this and future generations some specific areas where roads will not be built. Congress endorsed this philosophy when it passed the Wilderness Act in 1964.

The Gore Range-Eagle Nest Primitive Area was established in 1933. In 1941, it was reduced to accommodate the present Route 6 over Vail Pass because there was no feasible alternative to that proposal. However, the evidence before me does not support a conclusion that a feasible alternative to the Red Buffalo route does not exist or that it would be in the public interest to delete an additional area from this designated Primitive Area for that route. I am, therefore, directing that the Regional Forester inform the Bureau of Public Roads that the boundary of the Primitive Area will not be modified to accommodate the highway route currently proposed by the Colorado Department of Highways.

Sincerely yours,
ORVILLE FREEMAN.

TELEVISION TIME FOR CANDIDATES

Mr. HARTKE. Mr. President, Clayton Fritchey, writer for the Washington Evening Star, today joins the growing number of newspaper writers, presidents of the major broadcasting networks, and Members of Congress, who are seeking the suspension of section 315(a) of the 1934 Federal Communications Act, for the duration of the 1968 campaign for the major candidates seeking the office of President and Vice President.

We need only to look back upon the experiences of the 1960 campaign, when a bill which I sponsored was enacted into law, thus making possible the great Kennedy-Nixon debates.

I have introduced a repealer measure during the first session, and have recently introduced a bill which would temporarily suspend section 315(a) for the duration of the 1968 campaign, if the Congress is not willing to repeal it outright.

I ask unanimous consent that this very cogent article by Mr. Fritchey be made part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TV TIME FOR CANDIDATES A SPENDING REMEDY

(By Clayton Fritchey)

The Presidential election campaign still has six months to go, but even at this early date the spending is breaking records. The cost of one large state primary these days almost compares with the cost of a national election not so many years ago.

The public is rightly concerned. "Is Indiana For Sale?" asks one prominent publication. "Can A Nomination Be Bought?" asks another. It isn't just the Kennedy spending that is troubling, for all the candidates are pouring large sums into their drives. Nelson Rockefeller and Hubert Humphrey are not formally in the primaries, but they too will have to spend lavishly to meet the competition.

Nobody likes this, especially the candidates, but, as they point out, the cost of campaigning has soared, chiefly because of the rush to television, and the rising cost of that expensive medium. Candidates who cannot afford substantial television exposure are hopelessly handicapped.

The best answer to this problem is liberal free time (during premium hours) for television debates between the candidates, both in the primaries and the general election. This would cost the television industry millions of dollars; it would require difficult adjustments of programming; and no doubt would expose the industry to complaints from viewers who are indifferent to politics.

Yet, in the face of this, the industry appears to be not only willing but eager to undertake this public responsibility. Frank Stanton, president of CBS, has been openly campaigning for Congressional authority to sponsor in 1968 the kind of debates (Kennedy vs. Nixon) that were the high point of the 1960 campaign.

Some weeks ago there was doubt that the incumbent President would be willing to participate in debate, but Johnson's retirement has overcome that obstacle. Since then, all the candidates have indicated interest in the proposal, for the debates would certainly ease the drain on their campaign funds.

Hence, all that stands in the way is Congressional reluctance to modify Section 315 of the Federal Communications Act to permit television to give the major candidates free time, without also being required (as of now) to give equal time to every frivolous or crank candidate that runs for the Presidency. The famous Kennedy-Nixon debates were made possible in 1960 when Congress temporarily suspended Section 315 for the duration of that campaign. Otherwise the networks could have been forced to give equal time to 20 other obscure candidates, which, of course, was manifestly impractical.

Considering the success and popularity of the 1960 experiment, and the fair way it was conducted by the television industry, it is hard to understand why Congress is holding back this year, especially when television spokesmen have been offering to broaden this public service by extending it even to the Presidential primaries.

Supporters of Section 315 argue that it protects third parties. Actually, it tends to penalize significant third parties by lumping them together indiscriminately with the insignificant. The Wallace campaign, for instance, is a serious one, and, as Stanton says, broadcasters ought to be free to treat it as such; but if they have to give equal time to all third parties, significant or trivial, they'll probably give it to none.

The television debates of 1960 drew and held audiences 20 percent larger than the entertainment programs they pre-empted. They heightened interest in the election to an unprecedented degree, and on Nov. 8, 1960 a greater percentage of voters went to the polls than ever before in U.S. history—64.5 percent, as against 60.4 in 1956. There is everything to gain and nothing to lose by amending Section 315 for a trial period of several years. After all, it can always be reinstated if television abuses the change or fails to make the most of it.

TIME FOR COMMITTEE TO REPORT HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, since its founding in 1945, the United Nations has struggled and striven to maintain the peace and protect the human rights of all individuals. The fight has been long and hard and not entirely successful.

But at least in its quest for peace, the U.N. has had the complete support of the United States. Such cannot be said about human rights. Here the United States, particularly the U.S. Senate, has been content to sit on the sidelines and watch the show.

Since 1948, the United Nations has produced 20 treaties designed to insure human rights. The United States has ratified only one of these treaties. This is a pitiful record. Surely we can do better.

Even now, the Committee on Foreign Relations is sitting on two conventions, Forced Labor and the Political Rights of Women, on which hearings have already been held. The time for action is now. I call on the Committee on Foreign Relations to report these treaties so that the entire Senate may have a chance to vote and go on record.

A TRIBUTE TO JOSEPH HUDSON, JR., DEERFIELD BEACH, FLA., WHO DIED IN THE SERVICE OF HIS COUNTRY

Mr. SMATHERS. Mr. President, I should like to give recognition today to a young man from my State who died in the service of his country.

On March 5, 1968, the Sun Sentinel, of Pompano Beach, Fla., reported that Pfc. Joseph Hudson, Jr., of Deerfield Beach, Fla., was listed as killed in Vietnam. On June 28, 1966, Joseph enrolled in the Job Corps at the Wolf Creek Job Corps Civilian Conservation Center, in Oregon. He had been out of school 24 months after completing the 11th grade. He had tried to enter the Armed Forces, but was classified 4–F. The West Palm Beach, Fla., State Employment Service Office advises that Joseph "comes from an area of extreme poverty." Joseph graduated from the Wolf Creek Center on December 12, 1966. The employment service stated that he "was well on his way to making something of himself." He had reportedly been in the Army for about a year.

Unfortunately some people have the misconception that the Job Corps is a haven for draft dodgers. What Job Corps actually does is to equip many youngsters who wished to enlist but were previously rejected by the Armed Forces for service. As of March 1968, 10,123 Job Corpsmen had entered the Armed Forces. These are young men who come from the same type of background as those who are engaging in unlawful acts in areas of unrest in our cities. As opposed to their contemporaries, however, these young men have and are defending a system which has helped them on the road to achieving their full potential.

I commend the initiative and service of Pfc. Joseph Hudson and express my deepest sympathy to his family and friends.

OBJECTIVES AND RESOLUTIONS OF THE NAVY LEAGUE OF THE UNITED STATES

Mr. FONG. Mr. President, Hawaii, a maritime State, was host to the 66th annual convention of the Navy League of the United States last month—April 21–27.

About 1,600 persons—1,200 from the mainland United States—assembled in Honolulu for the national convention, the first held by the league in the 50th State.

An independent, nonprofit, civilian educational organization, the Navy League serves as the civilian arm of the Navy. Its 304 councils are organized in 49 States, including Hawaii, and in nine other locations.

At its Honolulu convention, the league unanimously adopted a Declaration of Objectives and Resolutions, 1968. It is a statement which deserves attention and consideration. I quote from a portion of the statement:

> Two significant events transpired during this past year which accentuate the necessity for a full scale re-determination of policy, program, and strategy to fulfill the objectives of our national interest.
>
> 1. The emergence of the Soviet Union, a nation heretofore dominated by a continental defense concept, as a fullfledged maritime power with expanding global ambitions.
>
> 2. The change of civilian leadership in the Department of Defense.
>
> These two recent developments place sharp focus on the importance of the Navy League, as the "Civilian Arm of the Navy," expressing its purposes in terms of the national needs for decisive maritime power. It has been the conviction of the Navy League that restrictive policy, strategy, and programs in recent years have precluded the Naval Services from assuming a dominant role in defense required in the light of emerging threats and the volatile world situation.
>
> Therefore, the League considers that a review and revision of these broad categories, which now inhibit the development of modern and decisive maritime power, is an immediate need.

The Navy League identified seven basic areas to which it invited the attention of the American people and the Government: First, national maritime policy; second, national maritime strategy; third, ship construction; fourth, oceanic education; fifth, current world crises—limited wars; sixth, personnel; and, seventh, oceanic research.

The convention adopted resolutions setting forth its policy on each of these basic areas.

I am especially pleased that the Navy League is continuing its efforts toward broader education among the American people in ocean-related activities, with emphasis on educational opportunities in our Nation's schools. Such opportunities are encouraged and made more available as a result of recent congressional legislation.

As a cosponsor of the Marine Resources and Engineering Development Act and the National Sea Grant College and Program Act, I was pleased to note the Navy League Convention in Honolulu adopted a resolution on oceanic education.

The resolution expresses the position of the Navy League, "as a matter of policy, to continue to foster the broad spectrum of oceanic education and research in universities, colleges, and institutes of education throughout the country to attain a preeminent intellectual foundation for gaining the fullest oceanic advancement in furtherance of the long-term security and prosperity of the Republic."

In connection with the convention, the two leading Honolulu dailies printed editorials which I commend to Members of Congress. One is entitled "Hawaii and the Oceans" and was published in the Honolulu Star-Bulletin of May 2; the other is entitled "U.S. Power at Sea" and was published in the Honolulu Advertiser of April 23. I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, May 2, 1968]

HAWAII AND THE OCEANS

"The number of intellectuals in the United States oriented to the sea is very small.

"The number of these participating in U.S. policy-making is almost infinitesimal."

The author of this observation was an active participant in last week's successful Honolulu meeting of the Navy League of the United States.

The concern he expressed was central to the deliberations and recommendations of the League in its meetings here.

Some 1,600 persons gathered here, 1,200 from the Mainland, with their ranks well-dotted by retired admirals and captains and important business leaders.

President Charles F. Duchein expressed in his welcoming speech the central interest of the League in developing a wider resource of trained ocean-oriented people and of winning an ear for them when U.S. policy is made.

He spoke cuttingly of the fact the former Defense Secretary Robert McNamara frequently kept the Navy and other military chiefs from giving direct advice and counsel to the President. He gave praise to Clark Clifford, the new secretary, for appearing to change direction on this.

But Duchein expressed greater concern with the long run and the need for a nationwide educational program to encourage broader understanding of the oceans and the maritime concept.

In this Hawaii can heartily concur.

The League voted its approval of the Sea Grant College program as laying the foundation for providing a reservoir of ocean-oriented leaders for the future.

This program could have a long-term impact as significant as that of the Land Grant Colleges established a century ago.

The League also indorsed the Marine Engineering and Resources Development Act of 1966 under which a master plan for our future oceanic development is now being structured.

Some leaders suggested that "maritime parks" should be encouraged near Sea Grant campuses with industry and the academic world cooperating as now is done with industrial parks.

Others suggested that ocean-oriented industrial leaders would find ways to make the U.S. more competitive in ship construction, and pointed out that one firm (Avondale Shipyard in New Orleans) even now is almost competitive with foreign builders.

With proper emphasis, it is believed the U.S. could develop 100-knot ships and quick turn-around techniques that would open new markets to U.S. vessels. Less than eight per cent of U.S. trade now moves in U.S. bottoms.

Concern was expressed that the U.S. presently is lagging in all phases of ship-building and oceanic research, even fishing, while Russia is moving ahead.

The long-term answer was seen in building more ocean-oriented leaders for the U.S.

This is an area in which Hawaii itself should be able to make a great contribution.

It is an area to which ambitious young Islanders can well address themselves. Most academic disciplines can be related to the ocean.

Hawaii fully backs the League in its desire to see ocean-oriented leaders and intellectuals win a greater role in government.

It expects through the University of Hawaii to help train and supply them.

[From the Honolulu Advertiser, Apr. 23, 1968]

U.S. POWER AT SEA

The Navy League of the United States, the independent civilian support group, is holding its first national convention in Hawaii at a significant time.

It comes in a period of change when sea power, both military and civilian, is going to be increasingly important in the Pacific.

There is ample evidence of this on the military level.

Vietnam's outcome remains uncertain. But the hoped-for settlement and eventual withdrawal there seems bound to increase our future reliance on Pacific bases and naval forces.

Moreover, this does not come at a static time in the ratio of naval power and Communist interest in naval matters. One of the major military facts to emerge last year was the well-documented growth of Soviet sea power.

Not only has Russia dramatically increased the size of its fleet, it has increased its scope, even to the extent of building aircraft carriers and creating a marine corps.

The Russian naval buildup has been most evident in the Mediterranean and Middle East, where British withdrawal is leaving a vacuum.

But it seems only likely Russian naval activity will move around and down to Southeast Asia and out into the Pacific, the biggest geographical unit in the world and one where the Soviets do not have a base.

Thus, at a time when U.S. naval activity will become of new importance in security, it may also be meeting with increasing Russian activity in our Pacific lake.

But the prospects do not end there. Nor does the interest of the Navy League at this gathering.

One aim of the meeting, in fact, is to call for the launching of a new national maritime program. Part of the theme in this comes from a statement by Vice President Humphrey:

"The United States must have a maritime policy, if it is to remain a maritime power."

That we have no effective national civilian maritime development policy is almost as sad as the present state of our merchant marine.

The U.S. has declined to 12th place in the world on merchant ship construction and sixth place in active, privately owned merchant fleet. Russia has the world's fastest-growing merchant fleet. It will pass ours in tonnage in early 1970.

Writing in the current issue of Navy magazine, military specialist John G. Norris says:

"American-flag ships are carrying less than 8 per cent of U.S. foreign trade, compared to 50 per cent in 1950. While the world's shipping fleet has increased more than 60 per cent in the past 15 years, the privately owned U.S. merchant fleet has dropped by about 25 per cent."

Since maritime power is what President Eisenhower called the "four arm of defense," such facts have military implications that are naturally of special concern to the Navy League. But they also have economic implications that are important in terms of our balance of payments.

As dismal as our maritime picture is the difficulty in getting a realistic development plan going. As Norris points out:

"The public image of the maritime industry is of squabbling groups within both capital and labor, constantly demanding subsidies because of inefficient management and obsolete practices which make them unable to compete with other maritime powers."

If that seems like a harsh judgment for the public to hold, nobody should underestimate the problem or the need for something better.

Both the Administration and Congress are coming forth with programs, and the importance of doing so was pointed up by Acting Maritime Administrator James Gulick earlier this year. He said that unless a program were adopted the U.S. merchant marine would "go down the drain."

What's most needed is a program that will make the point to the nation, not to island Hawaii or the coastal states where interest in the sea and its potential is great, but all across the country where there are other preoccupations.

To do this is not easy. As we said in an editorial last October: More subsidies in the tired manner of the past do not seem the answer, if we are to truly move. Money must be used to stimulate new thinking rather than to solve old problems.

Such are the divisions over Vietnam and its military significance that not everyone is going to agree with all the statements made at this meeting where the military influence is strong.

But on the continuing importance of naval power in a vast and changing Pacific and on the need for a vigorous American merchant marine there is understanding and appreciation of the broad aspects of Navy League goals.

TRIBUTE TO THE LATE JOSEPH W. MARTIN, FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. THURMOND. Mr. President, I wish to add my comments to those which have been expressed in honor of the late Congressman Joseph W. Martin, former Republican Speaker of the House of Representatives during the 80th and 83d Congresses. When Joe Martin died, our Nation lost one of its great statesmen and great personalities. He was elected to the House of Representatives in 1924, serving in the 69th and each succeeding Congress including the 89th; he was elected minority leader in the 76th through 85th Congresses except the 80th and 83d in which he served as Speaker.

Joe Martin was one of the stalwarts of the middle 20th century. He protected our two-party system and helped to preserve the Republican Party which I have grown to respect and adopted as my own. He was his party's leader in the House of Representatives for 20 years, and it was because of his dynamic leadership that he acquired the well-deserved title of "Mr. Republican."

Mr. President, the whole Nation was saddened by the death of Joe Martin, and this sadness was deepest among those who knew him as a legislator. He was a great American, and his efforts helped to preserve the freedoms and opportunities of our great Nation for generations to come.

SENATOR JENNINGS RANDOLPH ADDRESSES SECOND SYMPOSIUM ON COAL MINE DRAINAGE RESEARCH, SPONSORED BY THE AMERICAN MINING CONGRESS, IN PITTSBURGH, PA., MAY 15, 1968

Mr. BYRD of West Virginia. Mr. President, yesterday in my Senate remarks entitled, "Acid Drainage Problems Studied," I called attention to the perplexing water pollution problems caused by acid mine drainage, which were being discussed at the second symposium on coal mine drainage at the Mellon Institute in Pittsburgh. This meeting was sponsored by the Coal Industry Advisory Committee to the Ohio River Valley Water Sanitation Commission.

At the symposium luncheon on May 15, attended by approximately 350 persons, my distinguished colleague from West Virginia [Mr. RANDOLPH] presented an eloquent discussion of industry and Government cooperation in water quality control and particularly in regard to mine drainage pollution.

As chairman of the Senate Public Works Committee, Senator RANDOLPH has been a knowledgeable and realistic advocate of comprehensive programs dedicated to the improvement of water quality and the cleaning of our streams and rivers. He has been a diligent worker for vital research efforts and pilot and demonstration projects which hopefully will culminate in effective national pollution abatement processes. It is important to emphasize that our able colleague [Mr. RANDOLPH] has been in the forefront of the movement to develop a viable partnership between Government and industry in this complex area. In the final analysis, such a partnership will be the answer to making our waters clean.

I should like to note that Senator RANDOLPH has had a close and continuing interest in the specific field of mine drainage problems. He has had many years of experience, beginning with his work in the House of Representatives as a member of the Committee on Mines and Mining and chairman of its Subcommittee on Coal. I know that this early work has been a valuable asset in his present endeavors.

Mr. President, the senior Senator from West Virginia [Mr. RANDOLPH] gave a challenging address at the symposium luncheon. He was introduced by C. Howard Hardesty, senior vice president of Continental Oil Co., a native of West Virginia who has given constructive leadership to the coal industry and to our State in general. Mr. Hardesty has worked closely with Senator RANDOLPH and with me in efforts to provide realistic solutions to pollution problems.

Mr. President, I ask unanimous consent that the address of the Senator from West Virginia [Mr. RANDOLPH] he printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

RESEARCH AND RESPONSIBILITY

(Remarks by Senator JENNINGS RANDOLPH, Democrat of West Virginia, before the Second Symposium on Coal Mine Drainage Research, American Mining Congress, Pittsburgh, Pa., May 15, 1969)

I am gratified to participate in this Second Symposium on Acid Mine Drainage Research. I am even more pleased with this evidence of the commitment of the mining industry to meet one of the critical problems of environmental pollution. For it is incumbent on all of us—in government at all levels and in industry—to strengthen our efforts to combat mine drainage pollution in order to compensate for the years of neglect in this area.

In referring to the "years of neglect," I do not charge industry alone for this condition. In 1926, the Secretary of War sent to the Congress the report of the Chief of Engineers on his investigation of pollution affecting the navigable waters of the United States. The Chief of Engineers discussed the seriousness of pollution from mine drainage wastes, but concurred in the judgment of the Bureau of Mines that investigation of neutralization methods should precede a decision as to "whether it is more economical, everything considered, to treat these wastes at their source, or to bear with the damage done by them later, if untreated."

The Chief concluded that until more information and data were available he would not "be prepared to recommend any Federal legislation for the prevention of pollution by acid mine drainage."

But the conditions and attitudes have changed in the four decades since the Chief's report, and surely no responsible person in government or industry would today deny the need for preventive and remedial legislation at both the state and Federal levels.

Nor would any responsible person today predicate preventive or remedial action solely on measurable terms of a benefit/cost ratio. But let us for a moment consider the problem solely in economic terms:

It is estimated that over 3,000,000 tons of acid are discharged annually from active and abandoned underground and strip mines into the streams and impoundments of the Appalachian region. (The great bulk of this pollution, as you know, occurs in the States of West Virginia and Pennsylvania.)

The commercial value of the 3,000,000 tons of acid—if recovered and used in the processing of steel, rayon, etc.—would be approximately $90,000,000. In addition, some 150,000 tons of aluminum, worth $12,000,000 is washed away—enough to make 6,000 Boeing 707 airplanes. And 500,000 tons of iron, worth about $50,000,000 are washed down the Nation's rivers every year.

It is difficult to measure the cost of this blight in terms of the earlier replacements required for corroded waterworks, bridge piers, boat and barge hulls, culverts and other structures, and the higher water treatment costs for industries and municipalities. However, to offer one example, the City of Clarksburg, West Virginia, population 27,500, spends approximately $20 per million gallons for treatment to neutralize the acid in the municipal water supply, or $100 per day, or approximately $36,000 per year. It is further estimated that the abandoned mines upstream from Clarksburg, which are responsible for the acid condition, under new grouting techniques now being developed and tested in the region, could be sealed off with a consequent reduction of about 90 percent of the acid drainage, at a cost in the neighborhood of $1,250,000. Such an investment would thus pay for itself in terms of water treatment costs alone, in less than 40 years. This, of course, does not include the added recreational benefits downstream, nor improved recreational opportunities if small impoundments were constructed in conjunction with the sealing of abandoned mines.

In order to advance our efforts in the field of acid mine drainage, I introduced last year S. 1870, cosponsored by my friend, Senator Joseph S. Clark of Pennsylvania, a bill to authorize additional funds for the demonstration of the engineering and economic feasibility of various abatement techniques for mine water pollution. The purpose of my bill is to provide funds to demonstrate certain techniques within drainage basins so that we can determine more accurately the cost-benefit ratios for certain abatement methods.

The Subcommittee on Air and Water Pollution of the Committee on Public Works, on which I am privileged to serve as Chairman, conducted hearings on this matter last year and our Committee incorporated major provisions of my bill in S. 2760, which was passed by the Senate on December 12, 1967.

As enacted by the Senate, the bill authorizes $15 million for such demonstration purposes, on a Federal-State matching basis with the State contributing not less than 25% of the project costs. The program would be administered by the Federal Water Pollution Control Administration of the U.S. Department of the Interior, and in selecting watersheds or drainage areas for demonstration purposes, the Secretary will give preference to areas which have the greatest public value for use for recreation, fish and wildlife, water supply, and other public uses. I am pleased to report that the House Committee on Public Works has completed hearings on S. 2760, and it is my hope that it will be reported in a very few weeks.

In passing, I would mention that such a program as this, though recommending additional authorization of public funds, is not, in my opinion, in conflict with the President's expressed intention to maintain a lean budget. For we have already indicated some of the magnitude of costs, both public and private, that result from acid mine pollution. And the very modest investment in research and demonstration recommended by my bill would yield long term benefits vastly in excess of the $15 million that would be authorized.

Natural resources are the reservoir from which society draws its material sustenance. Although there is a growing awareness of the need for aesthetic resources such as space for recreation and natural beauty, the basic resources are soil, air, water, and minerals, including fuel. Minerals and all sources of energy gain in relative importance with advancing technology and expanding industrialization.

Throughout history, those nations with access to minerals, and the technology for using them, have gained ascendency. Before World War II, the leading powers also were leading coal producers. In order of declining rank, the five leading coal producers were the United States, the United Kingdom, Germany, the USSR, and Japan. That the military victory went to the side with the greater capacity to convert iron and coal into tools of industry, and weapons, is more than coincidence. It is a fundamental fact of existence. It is axiomatic that the United States must have a continually increasing supply of minerals if we are to meet the needs of our burgeoning population for a comfortable standard of living and for national security.

At the same time, other natural resources must be preserved and protected. Among mankind's many activities, mining is not the major cause of environmental damage. Industrial wastes and municipal sewage pollute our streams. So, also, does sediment from agricultural activities, highway and urban construction, and burned over forest land. Automobiles pollute the air, and beer cans defile the countryside. Although water pollution is reaching intolerable levels, the loss of soil by erosion is at least as serious, and is inextricably involved with many water pollution problems, especially those resulting from surface mining and construction activities.

The new dimension that has been added is the increase in man's ability to control the other elements of nature. He can destroy the soil, render air and water unusable through pollution, kill every form of life. He also has the means to conserve and protect. Whether he has the wisdom and self-restraint to take effective action in the remainder of this century may well determine the course of man's remaining years on earth.

As Fairfield Osborn stated in his book, *Our Plundered Planet*, some 20 years ago, it has not been the change in climate since Biblical times so much as the misuse of land that accounts for the disappearance of many of the ancient civilizations and the present impoverishment of those areas where mankind formerly thrived. As Mr. Osborn stated:

"Palestine has today the same general weather conditions that it had in Biblical times. A small stand of cedars of Lebanon, untouched for many centuries because it was considered a sacred grove and was protected by a wall that kept out goats, supports the opinion that weather was not responsible for the loss of all the immense forests of cedar which existed within historic times."

In parts of Syria, Iraq, China, India, Turkey, and along the Mediterranean border of Africa, poverty now exists on the sites of formerly rich agricultural land. In some places, great cities lie buried because of the misuse of the land. Overgrazing and destruction of forest by resulting erosion were primarily responsible.

Our land today is not threatened by the same causes as destroyed the lands of ancient civilizations, but by the much more severe depredations of a technological civilization. One need only look at our rivers, heavy with the silt from highway construction and suburban housing construction, the pollution of Lake Erie, and the countless other rivers, streams and lakes burdened with the outfall of municipal and industrial sewage and the product of improper mining practices.

Obviously, the mining industry is not responsible for, nor can it correct, all of the damage that has been or will be done to our natural environment.

Nor do I mean to imply that all of the effects from strip mining are detrimental. Spoil banks often retain more water than the original undisturbed surface, a factor which tends to provide more uniform runoff in streams. Excavations to depths below the water table can be used to create lakes with high recreational value. And other ponds created at mine sites may be useful in flood control, in the preservation of desirable ground water levels and in forest fire control. And many hunters know that the vegetation which eventually occurs voluntarily on strip-mined areas, providing a dense, low-growing cover, offers an improved habitat for deer, rabbits and other small game and wildfowl. These are but a few of the positive benefits that might emerge from mining activities which are planned with a view toward the use of the land after the minerals are withdrawn.

In the growing competition for resources which results from our expanding population and economy, members of the mining community have an urgent interest in the solution of environmental problems. Mining people should understand the impact of their activities on water and soil quality, on fish and wildlife habitat, on agriculture, and on other segments of society. Conversely, they should understand how urban development or the public interest in wilderness areas might affect the mining industry.

This symposium is representative of the kind of thinking which needs to be extended throughout the mining industry, in order that we may all work more effectively to achieve the most ideal distribution of land use patterns to best serve the Nation's future needs.

NEW POSTAGE STAMP HONORS NATION'S POLICEMEN

Mr. BYRD of West Virginia. Mr. President, I was privileged to attend today the first day of issue ceremonies at the White House for the new 6-cent postage stamp honoring our Nation's law enforcement officers.

This moment has been a long time in coming but the honor finally accorded our country's policemen is in no way diminished by the wait.

There is no question in my mind as to the worthiness of our police officers of this honor.

These men are society's frontline defense in the war on crime. They are on duty 24 hours a day, 365 days a year, always ready to respond to calls for assistance.

Too often these men are looked down upon by those whom they have sworn to protect.

Too often they are forgotten men, remembered and appreciated only when there is an emergency.

Too often have the high courts of our land reversed the convictions of confessed criminals; writing restrictions which, figuratively speaking, place handcuffs on the police in the legitimate pursuit of their duty rather than on the criminals who operate in their profession of crime.

This stamp will remind the hundreds of thousands of policemen throughout our country that all responsible citizens are profoundly grateful to them for the work they do protecting lives and property.

I personally am proud to have been able to play some small part in the issuance of this stamp. For the better part of 3 years I have been urging the Post Office Department to issue such a stamp. Last September I was informed by the Post Office Department that such a stamp would be issued.

At that time the then Postmaster General, Lawrence F. O'Brien wrote me as follows, in part:

> I have ordered a stamp on the theme of respect for law and order . . . Your endorsement contributed significantly to my decision to issue this stamp.

Today this promise has become a reality and, we in Congress, appreciate the hard work and dedication of our country's police officers who have been deservingly recognized by the issuance of this stamp.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Bill Clerk. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS

Mr. HAYDEN. Mr. President, on behalf of myself, the senior Senator from Montana [Mr. Mansfield], the junior Senator from Montana [Mr. Metcalf], the junior Senator from South Dakota [Mr. McGovern], and the junior Senator from Arizona [Mr. Fannin], I ask unanimous consent to offer the following amendments, which I ask the clerk to read.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

On page 19, line 14, insert before the period a comma and the following: "except that this limitation shall not apply in the case of an Indian tribe".

On page 20, line 13, insert before the period a comma and the following: "except that this limitation shall not apply in the case of an Indian tribe".

On page 23, line 7, insert after the paragraph designation "(2)" the words "except in the case of Indian tribes".

On page 41, line 22, insert immediately before the period a comma and the following: "or an Indian tribe which performs law-enforcement functions as determined by the Secretary of the Interior".

The ACTING PRESIDENT pro tempore. Is there objection to the offering of the amendments notwithstanding the unanimous-consent agreement?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the amendments may be immediately considered.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, the senior Senator from Montana [Mr. Mansfield], the junior Senator from Montana [Mr. Metcalf], the junior Senator from South Dakota [Mr. McGovern], and the junior Senator from Arizona [Mr. Fannin] have joined with me in offering these amendments to S. 917, which would make Indian tribes eligible for grants under this bill.

Indian tribes exercise important law-and-order responsibilities. The present costs for reservation law and order are more than $6 million. The tribes provide more than half of this amount, the Indian Bureau the rest.

Last year, in its report No. 223, on the Interior Department and Related Agencies, the Senate Committee on Appropriations noted the seriousness of the law-and-order problem on the various reservations. Last September, the Assistant Commissioner for Community Services of the Bureau of Indian Affairs, in a memorandum to area directors, stated:

> Crime on Indian reservations is an acute problem. It is one that needs to be clearly recognized along with its disastrous effects upon the reservation community and its members. It is one that seriously retards the growth and stability of the community and the multi-range of social and economic services aimed at assisting Indian people. It is one that deserves the immediate attention of all.

Although tribal governments have important responsibilities for maintaining law and order in large sections of the country, S. 917 would prohibit them from participating in programs available to general local governments. I am sure that this was a legislative oversight. Some of you will recall that the Area Redevelopment Act was similarly amended, to permit Indian tribes to benefit from that legislation which proved to be extremely helpful to many of our Indian citizens.

The amendment would exempt Indian tribes from the population requirements in sections 201 and 301. Tribal governments have law-and-order responsibilities and problems comparable to and sometimes greater than local governments. However, population on most reservations is less than 25,000 persons and in many cases only a few thousand. In section 303 the amendment would exempt Indian tribes from the requirement that the applicant increase its funds used for law enforcement. The record shows that a number of tribes are already contributing a substantial percentage of their funds for law enforcement. And, finally, in the definitions section of the bill, section 601, the amendment would include "an Indian tribe which performs law-enforcement functions as determined by the Secretary of the Interior" in the definition of "unit of general local government."

I ask for the adoption of the amendments.

The **ACTING PRESIDENT** pro tempore. Without objection, the amendments will be considered en bloc.

Mr. McCLELLAN. Mr. President, I have examined the amendments and conferred with interested parties in this legislation and the leaders, and there is no objection to the amendments.

The **PRESIDING OFFICER.** The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, under the previous order.

The **ACTING PRESIDENT** pro tempore. Pursuant to the previous order, the Senate will now stand in recess until 2:30 p.m., or subject to the call of the Chair.

(At 12:37 p.m. the Senate took a recess.)

The Senate reconvened at 1:57 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia in the chair).

VISIT TO THE SENATE BY THE PRESIDENT OF THE UNITED STATES

(At 1:57 p.m. the President of the United States entered the Chamber accompanied by Senators MANSFIELD, DIRKSEN, and HAYDEN.)

Mr. MANSFIELD. Mr. President, I was discussing with the distinguished minority leader the question of which seat the President of the United States should occupy if he had his choice, either that of the Presiding Officer or that of the majority leader of this body, where he served so effectively and efficiently in those positions for so many years.

We decided that for the time being at least he should not be half a Member of the establishment, but a full-fledged Member of the Senate.

I would like at this time, with the concurrence and approval of my colleagues, to break tradition, in a certain sense, and call upon the President of the United States for a few remarks as the majority leader of the Senate. [Applause, Senators rising.]

ADDRESS BY THE PRESIDENT

The **PRESIDENT.** Mr. President and Members of the Senate, I appreciate very much your asking me to come here today. I always enjoyed my association with the Senate. I served here as a Senator, a whip, a minority leader, a majority leader, and later as Vice President.

I always profit from what I learn from the Members of this great body, and I appreciate all that you have done to ease my burden to help us better govern this Nation.

I hope that through the years to come, I shall have the privilege of seeing all of you from time to time and that together we can continue to build and develop this Nation and continue to make it the best country in all the world. [Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 2 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:08 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia in the chair).

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The **PRESIDING OFFICER.** Under the previous order, the Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Maryland [Mr. TYDINGS] and to the Senator from Michigan [Mr. HART] without losing my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MODIFICATION OF AMENDMENT NO. 788

Mr. TYDINGS. Mr. President, I ask unanimous consent that my amendment No. 788 be modified to strike out lines 3 through 8.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Maryland? The Chair hears no objection, and it is so ordered.

Mr. HART. Mr. President, I send to the desk an amendment in the nature of a substitute for title II, and ask that it be made the pending business.

The **PRESIDING OFFICER.** The amendment will be stated.

The bill clerk read the amendment, as follows:

> On page 43, beginning with line 9, strike out through the matter preceding line 3 on page 48 and insert in lieu thereof the following:
>
> "TITLE II—INVESTIGATION ON LAW ENFORCEMENT IMPACT OF COURT DECISIONS REGARDING CRIMINAL LAW PROCEDURE
>
> "The Congress finds that extensive factual investigation of the actual impact on law enforcement of the decisions of the United States Supreme Court regarding criminal law procedure is a necessary prerequisite to legislative action pertaining to such decisions. The Congress therefore directs that the appropriate Committee or Committees of the Congress undertake such investigation of court decisions before the Congress considers legislative action regarding them."

Mr. TYDINGS. Mr. President, I send to the desk an amendment in the nature of a substitute for the amendment which the senior Senator from Michigan [Mr. HART] has offered, and I ask unanimous consent that my amendment be made the pending business.

The **PRESIDING OFFICER.** The amendment in the nature of a substitute to the amendment offered by the Senator from Michigan [Mr. HART] will be stated.

The assistant legislative clerk read as follows:

> On page 43, beginning with line 9, strike out all through the matter preceding line 3 on page 48 and in lieu of the language proposed to be inserted by the senior Senator from Michigan [Mr. HART], insert:
>
> "TITLE II—INVESTIGATION ON LAW ENFORCEMENT IMPACT OF COURT DECISIONS REGARDING CRIMINAL LAW PROCEDURE
>
> "The Congress finds that extensive factual investigation of the actual impact on law enforcement of the decisions of the United States Supreme Court in *Miranda* v. *Arizona, United States* v. *Wade* and other decisions regarding criminal law procedure is a necessary prerequisite to legislative action pertaining to such decisions. The Congress further finds that, in view of the fact that the *Miranda* and *Wade* decisions are recent, there has been insufficient time adequately to evaluate their impact on law enforcement. The Congress therefore directs that the appropriate Committee or Committees of the Congress undertake extensive factual investigation of such decisions before the Congress considers legislative action regarding them."

Mr. STENNIS. Mr. President, I wish to say in the beginning, with emphasis, that this is a very highly important bill that we have under consideration. It represents the product of splendid hearings that have been conducted by the proper committee and subcommittee under the leadership of the Senator from Arkansas [Mr. McCLELLAN], and it attempts to deal with a crucial and critical situation in which this country finds itself, a condition which I think is without parallel in our history.

What I say about certain features of the bill is not trying in any way to discredit the great service that has been rendered; but what I say is for the purpose of emphasizing what I think is a part of the problem and what I think we must do toward some basic reform in our thinking, rather than merely appropriating some money for more studies or more training of various kinds, even though some of that training is necessary, and we do have some of it now.

Mr. President, I wish to refer, in passing, quite briefly, to a section of the bill to which I shall not address myself today but which I think is the most important part of the measure. I refer to title II. Title II is that part of the bill which would restore the rules of evidence that have been in effect from the beginning of our Nation until just a few years ago when they were changed by the Supreme Court of the United States. What I shall say is not an attack on the Court, as such. I think it is very clear they have made a fundamental error of judgment, and the best proof of that is what is stated in the able dissenting opinions of the judges who would not let themselves be associated with that decision but who were not content with anything less than an active and vigorous dissent. I propose, at a later time in the debate, to discuss these rules of evidence the Court did change and why I think they should be restored to the normal rules that had been in effect.

But the main point is that the rule, as established by the Court, is impractical, unworkable, and does not deal with the realities of crime, and does not deal in a realistic way with the problems that all law enforcement officials are up against all the time.

With respect to the present rule, time has proved that it ties the hands of investigators and police officers to the extent that they cannot meet the demand for protection that society has to have to survive.

However, today I intend to talk primarily about the part of the bill that proposes a lot of Federal money for subsidizing police forces throughout the Nation, as well as for training. I do not particularly object to the training; if the FBI were called on to conduct schools throughout the Nation and to cover the entire Nation with a program of intensive courses, and, on a lower scale, continue that training, I would highly favor that process. But if we fool ourselves into believing that we can cope with this problem by merely passing a bill and appropriating a lot of money, we are behaving more or less like children and blinding ourselves to the real problem.

I am not an expert on anything. I refer only to the experience I have had. The most active and vigorous years of my life were spent as a prosecuting attorney during the depression when there was a lot of crime. I was what we call a district attorney. I had no assistant.

I had no investigator. Only two of the counties where I was serving had a county attorney. I received no help of any kind, but I had to get out and go to the scene of a crime, work up the evidence as best I could, and go from court to court. I am not claiming any special credit for that. It is nothing more than I should have done. But, I did everything. I wrote indictments. I interrogated witnesses. I prepared the cases. I presented them to the court, and so on.

Therefore, as a result of that experience I know firsthand about the problems of an officer and something about the nature of those who violate the law, either by habit, by impulse, or by chance.

Later, I had the responsibility of 10 years' service in the trial courts where I had to preside over trials in a court of unlimited jurisdiction. I ruled on the evidence, and on the witnesses; and, on those who were convicted, I had to try to figure out the punishment. Thus, I am no stranger to this problem at the level it really exists.

Mr. President, we can theorize a whole lot and we can write many books on evidence, we can write books on the preponderance of evidence and reasonable doubt. They all have their place, of course; but, if we are going to enforce the law, we have got to have realistic, practical rules.

We talk about deterring crime. The greatest of all deterrents to crime is the certainty of punishment, not so much its amount but its certainty.

Just let the word get out in the village, township, city, county, or State, or anywhere else, that we are going to prosecute with vigilance and with vigor everyone who violates the law, and make sure, insofar as human endeavor can, that those against whom there is evidence—which evidence will be sought and found—will be brought to trial and those convicted will be punished—not pardoned, not paroled—but will be punished, and that will deter crime. We can theorize and read books from now on but we will not find any remedy that will be effective unless it includes that idea, to some degree at least, of the certainty of punishment.

In that connection, we have all the laws on the books we need to meet this crime situation. What we need is the will to enforce those laws, to prosecute those who violate them, and bring them to justice.

Here in our Capital City, its merchants are being found lying around in their stores, dead on the floor. I understand that last night there were four robberies of bus drivers, one of whom died this morning. That sort of thing has been going on here for months and years now, and the certainty of punishment is being laughed at. That is partly due to the rules of evidence which I have talked about.

Washington, D.C., has a well-trained police force. It is the home of the FBI. I am not downgrading their work. They have been doing the best they can. I think we may need additional police. They are operating in an atmosphere here of "let them alone. Someone else is to blame for these wrongdoings. They are not the culprits. That is not the reason for their violence and their crimes. Society is at fault. It is the schools. It is their family life." Frequently, it is "police brutality." Yes, something is wrong, but not the individual who commits a crime; therefore, no punishment should apply to him.

Mr. President, until we make an about-face on the fundamental concept of fighting crime, we will not get very far.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. The distinguished Senator from Mississippi was a very distinguished trial lawyer, a very distinguished prosecuting attorney, and a very distinguished trial judge in his State. I should like to ask him if his experience in practicing law and law enforcement does not lead him to the conclusion that perhaps the most convincing evidence of guilt is a voluntary confession of the accused that he committed the crime with which he is charged?

Mr. STENNIS. The Senator is correct. Within the safeguards that the common law of England established centuries ago, which we have perfected to meet present needs.

Mr. ERVIN. That safeguard lies in the rule which declares that a voluntary confession shall be admitted in evidence and that an involuntary confession shall be excluded from evidence; is that not right?

Mr. STENNIS. The Senator is correct. That is a summary of the rule, and well stated.

Mr. ERVIN. I should like to ask the Senator from Mississippi if he does not agree with the Senator from North Carolina that the most convincing evidence of the guilt of a person charged with a crime, next to a voluntary confession, is the positive testimony of an eyewitness to the crime that he saw the crime committed and that he saw the accused commit the crime, assuming the witness to be a credible person, of course.

Mr. STENNIS. Yes. That is the basic source of testimony that does convince.

Mr. ERVIN. I should like to ask the Senator from Mississippi if he does not agree with the Senator from North Carolina that from the time the words of the sixth amendment became a part of the Constitution, on June 15, 1790, down to the 12th day of June 1967 when the Wade, Gilbert, and Stovall cases were handed down, that it was accepted practice in all jurisdictions of the United States that the positive testimony of an eyewitness that he saw the accused commit the crime with which the accused stood charged was admissible evidence, and that the question whether the witness was worthy of belief was a matter for the jury and not for the court.

Mr. STENNIS. The Senator is correct. That is what the jury is for. The Senator has correctly stated the rule. In many ways, that is the best possible testimony we could have.

Mr. ERVIN. I should like to read a passage from the Stovall case as a premise for putting a question to the Senator from Mississippi. It sets forth the reasons given by the court for not making the rule announced on that day retroactive, although the court allegedly based the rule on the right of counsel clause of the sixth amendment which had been in the Constitution since June 15, 1790.

I now read the passage:

> The law enforcement officials of the Federal Government and of all 50 States have heretofore proceeded on the premise that the Constitution did not require the presence of counsel at pretrial confrontations for identification. Today's rulings were not foreshadowed in our cases; no court announced such a requirement until *Wade* was decided by the Court of Appeals for the Fifth Circuit, 358 F. 2d 557. The overwhelming majority of American courts have always treated the evidence question not as one of admissibility but as one of credibility for the jury. Wall, Eyewitness Identification in Criminal Cases 38. Law enforcement authorities fairly relied on this virtually unanimous weight of authority, now no longer valid, in conducting pretrial confrontations in the absence of counsel. It is, therefore, very clear that retroactive application of *Wade* and *Gilbert* "would seriously disrupt the administration of our criminal laws."

That is what the Court said in deciding it would not make that rule retroactive.

I should like to ask the Senator if it is not inconceivable that, if the sixth amendment really put any such limitations upon the positive statement of an eyewitness that he saw the accused commit the crime charged, someone among the great judges who sat upon the Court during the previous 167 years, or somebody charged with law enforcement, or some other knowledgeable citizen in this country, would not have come to that conclusion prior to the 12th day of June 1967.

Mr. STENNIS. The Senator is so correct. With all deference to the Court—and I make no attack on the Court—the Senator's question proves that this is largely a theory or an academic approach, far from the realities and experience in human nature, and every conceivable, resourceful rule that has been thought about by the many predecessors on that Court and other courts in our country.

Mr. ERVIN. I wish to thank the Senator for yielding to me for questions and to say that it seems to me the decisions in the Wade, Gilbert, and Stovall cases are wholly unrealistic and unworkable in the kind of world in which human beings live; and that it was a new invention which, according to the confession made by the Court in the Stovall case, no one had ever suspected throughout the preceding 167 years could be found in the Constitution.

Mr. STENNIS. It was unthinkable and unheard of then, and these nearly two centuries of experience have not brought about any change in the realities of life or problems in law enforcement.

Mr. President, I proceed now to a discussion of the title of this bill which has to do with the grants of money. I want to express some of my philosophy, based upon experience and at least some knowledge of human nature.

I have little faith that mere Federal grants are going to do much to halt the rapid increase in crime. We already have all the agencies we need to maintain law and order—the police and the courts. We already have a plan for controlling crime—arrest, prosecution, and punishment of the criminal. What we need is action—not a show of activity by merely setting up research projects all over the country. What we need is a firm resolve by those in authority to put down crime and lawlessness—not a constant stream of official reports explaining and excusing it. The way to strengthen law enforcement is by strongly enforcing the law.

These grants do not meet the hard decisions that are going to have to be made sooner or later. When all the money is spent, when all the studies are in and all the police forces have been retrained, reorganized, and reequipped, the question of what to do about the law violator will still remain. Are we going to hold the law violator individually responsible for his wrongs against others and punish him according to the gravity of his crime? Or are we going to continue to excuse him by trying to shove the blame off on society? Until we have made a decision on this basic question, there is very little effective action that can be taken against crime.

This ought to be the first question rather than the last. Until it is settled that the law violator, when caught, is going to be dealt with as a law violator, it is useless to be building up the police forces. The most effective police force possible can only track down, apprehend, and bring into court the violator. If he cannot be convicted in court, it is a waste of time and money to hunt him down.

I am excluding, of course, those who are not proven to be guilty. A person must be proven guilty in open court beyond a reasonable doubt, to the satisfaction of 12 reasonable persons, under the rules, and under the guidance of law.

As long as we continue to operate on the theory that it is the police or society or the law instead of the criminal that needs correction, crime is going to continue to increase. It is time to return to the old-fashioned but sound philosophy that each person is responsible for his own conduct and if it does not measure up to the minimum standards set by society for its protection then he is going to be held accountable to the law. It is time to revive the principles of self-discipline and individual responsibility and make them again the mainspring of our system of government and laws.

We have experimented long enough with the idea that society and not the criminal is the cause of crime. It has brought nothing but higher and higher crime rates and the threat of general anarchy. It is time to turn things around. Society has retreated far enough in its fight against the criminal. The line must be drawn and a determined stand made. The ground lost by appeasement must be regained through aggressive enforcement of the law.

Grants for law enforcement are no substitute for law enforcement itself. If there is to be a grant program, however, it is best that it be kept as far as possible in the hands of those actually responsible for law enforcement. The basic responsibility for law enforcement in this country rests primarily on State and local authorities, and it ought to remain there. It would be extremely dangerous and unwise to transfer any significant part of this responsibility to the national level. There are some crimes national in scope or directly affecting the Federal Government which are properly the responsibility of Federal authorities, but the every day task of keeping the peace and protecting life and property are more safely left to State and local officials who are familiar with the problems and are immediately responsible to the people they serve.

I state here a fact that all of us know well and that staff members in the Senate and staff members in our offices know—that numerous Federal programs have been piled up so high and there are so many of them that it is impossible for a Senator to have anything like complete knowledge of all the laws or questions he has to pass on. It is almost impossible for an Appropriations Committee any more to get down to the real, major part of huge appropriation bills, which provide billions of dollars for various programs.

By the same reason, it is impossible for an Attorney General—it makes no difference who he is—or any other Cabinet official to have personal knowledge of the many duties he has imposed on him by law.

This bill proposes this very large sum of money to be put in the hands of the Department of Justice to be distributed around the country, part of it to subsidize police salaries, part of it to train police. I will refer to training later. We have imposed on the Department of Justice and the Attorney General all kinds of duties. They have certain responsibilities in selecting U.S. attorneys. They have duties and responsibilities in selecting members of the judiciary. They have all kinds of responsibilities now in connection with enforcement of guidelines in hospital cases and school cases. They have all kinds of responsibilities in apprehending criminals. The present Attorney General has jurisdiction over certain crimes, and in some degree he was in charge of investigating the unfortunate incident we had recently.

Now we are piling all of those things on top of these officials who already are unable to get down into the real problem. It all has to be delegated to others. They are never elected and never confirmed by the Senate; and this is another illustration of our tendency, when a problem comes along, to try to solve it by authorizing and appropriating a lot of money and turning the matter over to some branch of the Federal Government.

If we create a condition here whereby the police departments of various cities, or the mayors, or the police departments of small cities or counties, are going to come here like so many other people are having to do, to beg for money and trade for money, trade, and traffic and promise, and be put on trial and error, we are going to confound and confuse the whole problem. If we are going to have real law enforcement, there has got to be a desire for it back home, back where the problem is. The major influence contributing to the success of such a program is public opinion back home.

To put every local police officer under the remote control of the U.S. Attorney General would further weaken law enforcement, not strengthen it. There are over 40,000 local jurisdictions plus 3,000 counties and the 50 States. Any effort to bring the law-enforcement agencies of all these units of government under one head and administer their operations at long distance would tie local law enforcement in knots. They would become so snarled in Federal regulations and guidelines, so burdened down with Federal forms and reports that law enforcement would come to a standstill while crime runs rampant.

I emphasize that, Mr. President. I say that with all deference to the officeholders. It would not be their fault. We now have a proven Federal Bureau of Investigation that handles investigations of crime, but there is nothing they can do about prosecuting the criminals; that all has to be agreed to by the Attorney General. That is another part of his burden.

We have the FBI, which has done a wonderful job in training officers beyond its own—State officers and city officers—and I would vigorously support any reasonable plan for the FBI handling these training programs on a large scale, to start with, throughout the Nation, and then on a continuing basis, so as to keep them up to date. But I am not going to be fooled into believing that we can merely appropriate some money here, and then everything is going to be rosy.

I think there will be more confusion. I believe it will downgrade and degrade the whole concept of actual law enforcement, rather than help it. It would be just another instance where we would be flooded with applications here, of people, police wanting to have their salaries raised—and many of them ought to be raised—but there will be applications coming here to get on the police force somewhere, because now they are connected with the Federal Government, since a lot of the money would be coming from certain Federal sources.

So I think we have the cart before the horse. I am going to support the amendment, with reference to these funds, that would make whatever grants are made by a block grant, which would be a payment, not to the individual subdivisions in a State, but to the State itself. If we are going to have the appropriations, let the State then be responsible, under certain provisions that we put into the law itself that would protect the expenditure of the money, but leave the responsibility, the power, and the oversight back where it belongs, at the State or at the city level.

Federal control would gradually become more strict and less compatible with local conditions. The discretion and authority of local police chiefs and superintendents will be steadily diminished. They will no longer be able to act promptly on their own best judgment but will have to have all their decisions reviewed by some unknown official in Washington. The procedures and redtape for getting anything done will stretch out endlessly and local officials will become merely minor subordinates at the bottom of a Federal bureaucracy. This will undoubtedly drive many experienced men out of law enforcement and discourage bright and energetic young men from entering law enforcement work.

At the same time, Federal law enforcement will also suffer. Attention would be diverted from the protection of vital national interest, and resources that should go into the enforcement of Federal laws would be used instead to supervise law enforcement officers at the local level. Instead of hiring more Federal agents to investigate criminals we will be hiring more bureaucrats to investigate local police departments to see if they are in compliance with all the Federal regulations that will be issued.

The best qualified men will be taken out of active law enforcement at the local level and drawn to Washington to fill a desk job reviewing applications for Federal grants.

It is also highly dangerous and contrary to the most fundamental principles of free government to put it within the power of one man to impose on the entire country his personal philosophy of law enforcement. The creation of a national police force has always been rightly feared and firmly resisted in this country as a grave threat to liberty. One man with centralized control over all law enforcement agencies of the Nation and the authority to say which laws will be enforced—or will not be enforced—and how and by whom they will be enforced, is the very essence of the totalitarian state. We are treading dangerously close to this pitfall and must be extremely careful not to stumble into it in the panic to pass a crime bill. It is a step which once taken is almost impossible to retrace.

There is no real safeguard against the concentration of power over the police if the spending authority for all law enforcement is lodged in one central agency under the general direction of one man. One follows the other as night follows day. Control over Federal funds carriers with it effective control over the State and local matching funds so that it is not just the Federal expenditures that are managed from Washington but all spending for law enforcement. In order to avoid losing Federal funds State and local governments will be under severe pressure to adopt programs favored by the Federal administrator rather than those which are more sound or more urgently needed when considered solely from the standpoint of local conditions. This pressure is always difficult to resist and it is practically unbearable when exerted directly on small individual communities. They have neither the resources nor the organization to stand up separately against the overbearing authority of the Federal Government and they will be whipped into line one by one. They will become more and more dependent on the Federal Government and gradually lose the habit and ability of acting on their own initiative to solve the problems of local law enforcement.

To avoid centralized control is not only sound political philosophy but sound law enforcement as well. The wisest administrator is not infallible and if he were he would still be incapable of devising a single rule, one way of doing things, that would be appropriate to all situations. Local control over law enforcement insures that the errors of one man or one agency or one State will not extend nationwide. Mistakes which may be borne a while with minimum damage in a limited area might become disastrous if imposed on the county at large through centralized control. Blunders that might be corrected if confined to one locality might become permanent, for want of a better example to follow, if they are made as national policy.

Centralized control of law enforcement would also needlessly force the whole country into an ill-fitting straitjacket. Different areas have different problems and different priorities. To put them all under a single administration would inevitably, if unintentionally, compel them all to adopt similar policies and similar procedures regardless of whether they were appropriate to local conditions. It is highly unlikely that communities 3,000 miles apart are going to have identical interests, and it is equally unlikely that programs thought up by some body in Washington will fit the needs of either. The result will be that everywhere, local law enforcement will be a makeshift compromise that does not adequately serve any community but merely satisfies the masterplanner's passion for national uniformity.

Furthermore, it is foolish to put millions of dollars into studies and research projects while closing down the best laboratories available for discovering new ways to combat crime. There is no better way of experimenting with new methods of law enforcement than through the thousands of independent police forces throughout the Nation. Every police department in the country is engaged in constant research, bringing to bear the power of different minds on the problem of crime, trying different solutions, correcting their errors and improving their methods, as they try to solve the 3 million crimes committed each year. To impose a bureaucratically determined uniformity on the Nation's local police forces would eliminate this useful diversity and destroy one of the best means we have of discovering and testing new methods of law enforcement.

For all these reasons I am cosponsoring and strongly supporting Senator DIRKSEN's block grant amendment to title I of the crime bill. It preserves the basic features of the committee bill, but it makes one major and highly desirable change. Under the amendment Federal funds for law enforcement assistance would be provided to the States in the form of a block grant instead of being parceled out by the Federal Government among individual communities. The funds would then be administered by the State and it is provided that at least 75 percent of the Federal grant to the State must be made available to units of local government.

The system of administration provided by the amendment will reduce the danger of a central Federal agency gaining complete control over local law enforcement. It will avoid the stifling uniformity of national regulation. It will conserve the energies of the Federal Government for the enforcement of Federal law, and eliminate the need for creating a huge new bureaucracy to administer the program. It will preserve the independence and freedom of action of local government in matters of law enforcement. It will insure that every community will receive a fair hearing on its application for funds and not be drowned out and pushed aside in the national competition for funds at the Federal level.

ORDER IN THE CHAMBER

Mr. President, may I suspend until order is restored in the well of the Senate Chamber?

The PRESIDING OFFICER (Mr. HART in the chair). The Senator is quite correct. The Senate must be in order. The Senator will suspend until order is restored.

Mr. STENNIS. Mr. President, I have never understood why it is that when any Senator is speaking, our staff members here have to have all these conferences down in front, talking in such loud tones that the speaker can hear them and everybody else can hear them.

They are very valuable men, and I respect them highly, personally. Some of them have been here as long as I have. But I think it is an affront to any Senators—I am not speaking about myself, but to any Senator—however important their business is, for them to sit there and talk into his face while he is trying to think, as well as speak.

I know they do not look at it that way, or had not thought about it that way, but that is the practical effect of it.

The PRESIDING OFFICER. The Chair shares the feeling of the Senator from Mississippi, and appreciates his last comments. But these things do occur without thought.

Mr. STENNIS. Yes. I thank the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Mississippi may proceed.

Mr. STENNIS. I thank the Chair.

Most importantly, the amendment preserves the vital link between the people and law enforcement. When the responsibility for keeping the law and the authority for spending the money necessary to do it are united in the local government, the people affected have direct control over the safety of the community. If law enforcement breaks down they have the means readily at hand to restore it. If the local government is indifferent to the situation the people can elect more responsive representatives. If, however, they have to look to local government for enforcement of the law while appealing to an appointed official in Washington to provide the money, the people will have lost effective control over the peace and welfare of their community. Instead of acting to protect themselves they will have to get in line behind everyone else going to Washington and asking for assistance. If it does not come, they will have no recourse; and if it does, it may well be too late.

The people are the best judge of their own needs and the means of meeting them should be left in their hands. The block-grant amendment comes closest to recognizing this principle and I strongly urge its adoption.

Mr. President, I wish to make it clear that some additional training for police officers is needed. Times change. The police need to be brought up to date, and there are times when they need additional equipment. Electronic and other modern devices are now coming into the picture for the detection of crime. Every city and every State may not be able to provide complete training of itself, so I would favor, to that extent, some kind of Federal program to start such training. But that is the extent to which I would be interested in real participation by providing sums of money. I would not want the people to be fooled into believing that the mere appropriation of funds and the setting up of some kind of program will change the situation.

I would judge that in the city of Washington generally speaking plenty of training and plenty of money are available. Congress has appropriated money to enable the city government to enforce the law. Somewhere along the line an unwillingness to enforce the law and impose penalties has intervened. As I said in the beginning, I think it is unfortunate that, without any intended wrong, some of the decisions of the Supreme Court went outside the field of reality and put shackles and other limitations on the very finest, best-trained officers of the law. That has made it impossible for them to cope with many criminal cases.

This is not a theory with me. I have spoken with many officers. I have spoken with men who walk the beats. I sometimes come in contact with them in the evening while I walk in the area of the city where I live. I have had the privilege of knowing a number of them during the many years I have had a home in Washington.

I have also spoken with men in the FBI. They are intelligent men and understand these matters. They do not talk out of turn or out of school.

It confirms what I believe, based on my experience with these problems. That is why I am so insistent here that we consider this position.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Arkansas, and I thank him again for his fine work in the hearings.

Mr. McCLELLAN. I express my appreciation to the distinguished Senator from Mississippi for the very able address he has given this afternoon.

Mr. STENNIS. I thank the Senator.

Mr. McCLELLAN. Mr. President, particularly am I impressed with the remarks of the Senator in the last few moments with respect to the fact that spending money will not eradicate crime. And that is the only solution in the so-called crime bill which the Senate has already acted on, but which the House did not act on, that is contained in the bill that was sent to us and recommended by the administration.

I agree with the Senator. I do not believe that spending money is any substitute for the correction of the grievous errors that the court has committed that favor the criminal as against society and law enforcement.

That is the real crux of the battle in the Senate today—not the spending of money. There is not a single Senator who would not be willing to spend $1 billion, $2 billion, or any amount of money if it would correct the conditions that exist. However, the spending of money alone simply will not do it.

We can give better training, and it is needed.

How would we profit law-enforcement authority by training and equipping officers and then not having them sustained and supported by the highest court in the land?

Unless the Court will meet its responsibility and sustain these officers, instead of doing just the opposite and making their decisions reflect upon the law-enforcement agencies of this country, unless we can get some correction in that area, the spending of money will not get the job done.

Mr. STENNIS. Mr. President, I thank the Senator. As always, he is so sound in his thinking and so practical in his application.

Mr. President, I shall not detain the Senate but a few moments longer.

I have been surprised at the vehemence of the assaults that have been made upon the provision of the pending bill that seeks to restore the rules of evidence under which this Nation has grown, the rules of evidence which have served our country so well until a change was made here a few years ago by the Court.

Article III of the U.S. Constitution is a provision that gives Congress not only the power, but also the duty to pass on this very matter when it says in article III, section 2:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

That provision gives Congress the duty to pass on these matters, on all exceptions. And the title of the pending bill that refers to that subject is merely an effort to try to restore what have been the rules of evidence for all these many decades. They evolved from the common law of England centuries ago.

The basic principles involved have been affirmed and reaffirmed over and over again, as the Senator has pointed out, by the preceding courts in all of the prior years in which our Government has been in existence.

That is the rule in the State courts generally.

It took a long time to discover a thing that they say is so wrong. They made a virtually 180° angle turn. This constitutes a handcuffing of our law-enforcement officers.

Mr. President, I thank the indulgence of the Senate, and I yield the floor.

Mr. McCLELLAN. Mr. President, I again compliment the distinguished Senator from Mississippi who served for many years, received much experience as a trial lawyer for many years, and served as a distinguished judge in his State.

The distinguished Senator from Mississippi is extremely capable of analyzing the conditions which exist today as a result of the impact of the Court decisions. He is able to counsel with respect to the best way and the best methods of trying to combat the crime evil that has engulfed our country.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR THURMOND TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order that the distinguished Senator from South Carolina [Mr. THURMOND] be recognized today be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, I invite attention to the chart displayed at the rear of the Chamber. It compares the rise in crime to the rise in population in this country from the years 1944 to 1967.

It shows that from 1944 until today that the population of the Nation increased 48 percent while the rate of crime increased 368 percent.

Looking at the chart, we see that the crime rate has greatly increased since the time the Supreme Court began to change the law of the land. Crime has spiraled upward. Opponents of title II of S. 917 say, "Well, do you want to go back to the days of the third degree?"

Of course, no one wants to do that. But, I say, Mr. President, that we have got to reverse the trend from what it is today. It cannot continue, or else America cannot survive. Everyone's life is in danger. No one is secure.

Is the Senate going to do anything about it? Or, are we going to pass a small money bill which will take 5 years before it can start being effective?

Look at the chart, Mr. President.

What will happen in the next 5 years while we are waiting for that money to begin to take effect?

Are we going to do nothing about it in the meantime?

I say we cannot take that risk. I, for one, do not intend to take it.

Before today I have tried to speak about the crime conditions existing in the country and have tried my best to call the attention of my colleagues to something that I think the country already knows—that the present rate of crime increase cannot be permitted to continue.

There is something radically and vitally wrong, so wrong that it will destroy law and order in this country if something is not done to reverse the present trend.

Probably the worst place in the country today is the Nation's Capital. What is happening here is a national disgrace.

I have here a copy of today's noon issue of the Washington Evening Star. I also have a copy of today's noon issue of the Washington Daily News.

I ask the Presiding Officer to look at the headlines. I know that the Record cannot adequately reflect them. But, Mr. President, the headline in the Washington Daily News is "Bus Driver Slain Here." That headline is in letters 1½ inches tall. It must have some significance.

The headline of the story in the Washington Evening Star is "Bus Driver Slain in Holdup, Sparking Rush-Hour Walkout."

That refers to a walkout of the bus drivers; and who can blame them, Mr. President?

I ask unanimous consent to have the article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bus Driver Slain in Holdup, Sparking Rush-Hour Walkout—Five Others Robbed in District of Columbia During Night—Union Threatens New Tieup Unless Protection Is Given

A two-hour wildcat strike erupted among D.C. Transit bus drivers this morning after the fatal shooting of a driver in one of six bus robberies last night and early today.

The union local president said the buses might not run after dark tonight if protection is not provided.

The six holdups occurred between 10:17 p.m. yesterday and 3 a.m. today.

John Earl Talley, 46, died about seven hours after he was shot twice in the head about 1:20 a.m. at 20th and P Streets NW. Three suspects were captured shortly after the shooting and a fourth is being sought.

Talley, it was learned, had a gun but it was not known if it was the weapon used in the slaying.

George Apperson, president of Capital Local 689 of the Amalgamated Transit Union, said later:

"The boys have had a belly full. I don't know if people are going to have transportation tonight or maybe tomorrow.

"The preliminary job is to get the men back on the streets during daylight today but tonight—if you can't put someone on the bus to protect the operator, then I think I may have to keep the operator off. . . ."

TWO HUNDRED THIRTY-TWO ROBBERIES IN 1968

Last night's six robberies brought the total for the 4½ months of 1968—to 232—compared to 326 in all of 1967.

Of about 150 buses due on the road at 6 a.m. today, about one third were not running. Many of the missing operators called in sick, according to union and company officials.

But by about 8 a.m., the union said service on the five divisions of D.C. Transit was running at "about 95 percent" of normal amount.

Heaviest hit apparently was the Bladensburg-Benning Road division, the one to which the dead driver belonged.

District police, anticipating a massive traffic jam when first word of the wildcat came through, held over the midnight to 8 a.m. shift to cope with rush-hour traffic.

Apperson said officials of the Washington Metropolitan Area Transit Authority were working to set up a meeting with Mayor Walter E. Washington and union officials today.

Asked what he would tell the mayor, Apperson said:

"I'm going to tell him what will happen tonight if we don't get men on the buses to protect the drivers. Maybe they could use police or military police. Unless it's done I'm fearful there will be no transportation in the Nation's Capital tonight."

In Oakland, Calif., he said, police were put on the buses for a short period after a wildcat strike that erupted there after a bus driver was shot.

Apperson said maybe some kind of curfew would be the proper step to protect the drivers. He said he would go to Capitol Hill today to press Congress to do something.

"SACRED TO DEATH"

One union official said this morning he would not drive on the night shift: "I won't take any night shifts. It's dangerous out there and I'm scared to death."

Apperson said he has talked in the past with Sen. Robert Byrd, D-W. Va., about the bus drivers' plight and he said he will try to see Byrd today and Rep. Joel Broyhill, R-Va.

Talley, of 2015 Somerset St., West Hyattsville, died at 8:20 a.m. at George Washington University Hospital.

OUT OF CONTROL

Police said that at 1:20 a.m. shots were heard at 20th and P Streets NW. Two U.S. Park policemen rushed to the scene and saw a D.C. Transit bus running out of control down P Street NW, with several Negro youths fleeing the opposite way.

One of the patrolmen, Pvt. Quinto Geissitto, chased one of the fleeing youths and captured him on Hopkins Place NW, after the youth hid under a car. Another youth was arrested nearby, and later this morning a third was apprehended in the neighborhood of 4th Street NW. All were juveniles, police said.

The other robberies were described by police this way:

10:17 p.m.: Joseph Bush, a D.C. Transit driver, told police he was approached by two men at 8th Street and Potomac Avenue SE. One held a gun in one hand, and with the other, clasped a handkerchief to his mouth. The gunman demanded money, got $31 in bills and $98 in tokens and change; then the pair fled on foot. Police describe both holdup men as Negroes in their early 20s.

HANDS OVER $50

11:15 p.m.: Augustus Bosley, 28, told police his bus was boarded by two Negro men at 10th Street and Virginia Avenue SE; one held a knife to Bosley's throat, the other snatched $2 in cash and $50 in change and tokens before fleeing.

11:15 p.m.: James Walker, 27, a Transit driver, said he was approached by a Negro man at Minnesota Avenue and Gault Place NE. The man, who held a gun, demanded money. Walker was forced to hand over $50 in cash and tokens.

12:30 a.m.: Dewey Graves, 31, told police he was stopped at the intersection of 25th Street and Benning Road NE when two Negro men, one with a gun approached. They demanded money, and escaped on foot with $17 in cash and tokens.

3 a.m.: Robert E. Thomas, 26, was stopped at 8th and K Streets NE when two Negro men approached. One held a gun in his hand. The gunmen escaped with $16.50.

Apperson said the morning walkout was not called by the union local but added it was "sanctioned to this extent—we're going to protect these men."

The local has about 2,850 active members, of whom about 2,000 are D.C. Transit operators.

URGED SPECIAL FORCE

D.C. Transit and union officials have increased their public discussion of the need for protection of bus drivers in recent months. However, as far back as May, 1965, D.C. Transit President O. Roy Chalk urged creation of a special 250-man police unit to cope with increasing violence on company vehicles.

In February of this year, District police increased their efforts against transit holdup men by putting some plainclothesmen on buses in areas heavily hit by bandits.

Last March, D.C. Transit asked the police department to assign uniformed men to ride buses, but police officials said they did not have the manpower.

"We just don't have enough personnel to do that," said Police Chief John B. Layton after a meeting with Morris Fox, vice president of the company.

Apperson, at about the same time, told a Star report that if a driver was killed, he would call off his men.

"One of these days someone's going to get killed. So far we've been lucky, but somebody's going to pull a trigger sooner or later," he said at that time.

After the holdup-shooting of Talley, WMAL–TV reported that as many as 25 D.C. Transit drivers showed up at the scene and there was talk at that time of a walkout. Two of them told a WMAL newsman that they had been robbed themselves within the last 24 hours.

Mr. McCLELLAN. Mr. President, I invite attention to the following portion of the article. I believe it is of great significance:

John Earl Talley, 46, died about seven hours after he was shot twice in the head about 1:20 a.m. at 20th and P Streets, N.W. Three suspects were captured shortly after the shooting and a fourth is being sought.

Mr. President, I lived within three blocks of that neighborhood but I moved early last year because of the crime conditions.

The article continues:

Talley, it was learned, had a gun but it was not known if it was the weapon used in the slaying.

George Apperson, president of Capital Local 689 of the Amalgamated Transit Union, said later:

"The boys have had a belly full. I don't know if people are going to have transportation tonight or maybe tomorrow."

This is a subheadline in the article: "232 Robberies in 1968."

Compared with 326 in all of 1967.

If my calculation is correct, the year is less than half over—only eleven twenty-fourths of the year has passed—but there is already a 71-percent increase over the number of robberies committed in the Nation's Capital last year. That is frightening, and it must be stopped. We will not stop it, as has been said by the distinguished Senator from Mississippi, simply by passing the so-called gun title in this bill and spending the small amount of money that has been recommended by the President for various purposes. The money will be spread so thin that very little effect will come from it.

I say without any hesitation and without any reservation that if those two titles are all that will be enacted, it will be only a little slap at the terrible conditions that confront us, and it will not be enough to retard, hinder, or abate the crime menace that is endangering our country.

Mr. President, I invite attention to another item, in yesterday's edition of the Washington Evening Star. It is entitled "An Open Letter to the President of the United States and the Mayor of Washington." It is not the first advertisement of this type. Several of these ads have been inserted in the local press by various groups begging for protection.

What is wrong, Mr. President? Why cannot these citizens be protected? It is said that we have better jurisprudence today; that it is more equitable; that it is right and just. Look at the rate at which crime is increasing, and then let someone tell me that it is better, that we are making the streets safer. Every day, the risk one takes in walking the streets is increased—every day—as irrefutable statistics demonstrate. What are we going to do? The American people are asking today, "Is Congress helpless, or does it lack courage?"

We are going to answer that question in this debate, Mr. President. We are going to answer whether we have courage to do more than spend a little money or whether we are going to get to the root of this problem and try to demonstrate by legislation that it is the sense of the U.S. Senate that crime must be stopped and that criminals must not escape just punishment on dubious technicalities and be turned loose on society to repeat and continue their pursuit of nefarious crime.

Mr. President, I ask unanimous consent that this open letter to the President of the United States and to the Mayor of Washington be printed at this point in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES AND THE MAYOR OF WASHINGTON

It can happen here. The District of Columbia has become a disaster area and a battleground. The field of combat is clearly defined. It is in the minds of the lawbreakers—and those who are tempted to break the law. Our most powerful weapon must be knowledge that the law will be enforced—fairly and firmly.

The ultimate restraint for the lawless is not jail. It is the possibility of jail. When that possibility is diminished by lax law enforcement, crime becomes a way of life. When lawlessness is blinked at, we're eyeball to eyeball with anarchy; "window shoppers" are encouraged—to break the window. Give a potential criminal an inch and he'll take everything he can get, along with human life.

There are those who think that to deplore the increase in the spiral of crime brands one a reactionary. We are not reactionaries but if we did not react to the growing lawlessness in our city with alarm and protest, we would be irresponsible citizens.

We respectfully urge you, Mr. President and Mr. Mayor, while you seek from Congress the needed legislation for the disadvantaged, to seek also laws which will protect all citizens from irresponsible elements in the community—and to seek the means, if in your opinion you do not have them, to enforce those laws. We ask you to enforce and reinforce the law's presence—to alter the present climate which keeps salesmen of national manufacturers from visiting our stores in the Washington area because of danger on the streets, and prevents the law-abiding from going about their lawful pursuits. Escalate the war against robbers, arsonists and murderers—to achieve safety in our city and peace at home.

GREATER WASHINGTON DIVISION OF MARYLAND-DELAWARE-DISTRICT OF COLUMBIA JEWELERS' ASSOCIATION,
Affiliate of Retail Jewelers of America.

Mr. McCLELLAN. Mr. President, I have said to my colleagues on the floor of the Senate that I am receiving mail from every State in the Union, urging that Congress do something. The people want more done than a little gesture of spending a little money. We have already found that the spending of money, as such, is not a cure for all our ills, and it will not cure this disease, either. It will take more than that. It will take law enforcement, and that is something we do not have today.

According to the statistics, many crimes are not reported. How much, no one knows. Estimates are that from two to three times as many serious crimes are committed in this country as are reported. But of the serious crimes reported, seven of eight of law violators who commit those crimes are not punished for their unlawful deeds. That is not law enforcement. I believe that if we had the true figures, taking into account the number of crimes that are not reported, the figure would not be seven of eight. The figures probably would reveal that only one out of 15 criminals is punished for the crime he commits. We cannot have law and order in this country with that kind of law enforcement.

As we debate S. 917, crime continues rampant across our Nation, every day, not only in Washington, D.C. In the District of Columbia there were six robberies, and one killing last night. Robberies are up 71 percent over the figures for all of last year, Mr. President.

Every day, in important cities across our country, there are newspaper reports of violent crimes. It should be remembered that only one of eight of those committing the crimes is punished. That is conceded.

As an example, there occurred in Washington a few days ago a dastardly crime which was reported in local newspapers. A 14-year-old girl was raped in the basement of a United Planning Organization youth center by three youths.

On May 16, I received a letter from a resident from Washington who is concerned about crime in our streets, and I quote from his letter:

On Wednesday, May 8, 1968, my granddaughter was attacked by 6 or 7 teen-agers on her way home to the Northeast part of Washington, D.C.

To me, these young punks act like a lot of wild animals. There is too much of this going on in our nation's capital, and I think Congress should stop talking and do something to put an end to it.

Mr. President, I believe I can say, without any fear of contradiction, that millions of Americans today entertain that sentiment in their hearts: Why does Congress not do something about it?

Mr. President, I propose to try to do something about it, and this is the time to do it. We are approaching the hour of decision. Let no one say he did not have a chance. He will have the chance in S. 917 to try to do something about it, to try to stem the tide, to try to put around the innocent some shield of protection from the ravages of murderers, rapists, robbers, and muggers.

Mr. President, I received a letter dated May 13, 1968, from Miss Ruth Stout, who is a history teacher in Ohio and who, for several years in the past, has accompanied a school-sponsored tour of eighth-grade students to Washington, D.C.

Because of the current unrest in Washington—and that unrest amounts to lack of safety, and that is exactly what it is; it is lack of safety—and because of the current unrest in Washington and the Poor People's March, this history teacher is concerned about the safety of her students if she were to bring them to Washington.

Mr. President, I ask unanimous consent to have the letter from Miss Stout printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CIRCLEVILLE, OHIO,
May 13, 1968.

Senator JOHN MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SIR: For several years I have taken eighth grade students to Washington, D.C. These are no longer school sponsored tours but private tours in which the students are accepted on the basis of scholarship and conduct. These very fine groups of young people have enjoyed the tours and have profited patriotically and educationally by them. This year I am preparing two tours to be conducted in June. Each tour will have thirty-three students.

Knowing that the much publicized "Poor Peoples' March" is now being undertaken, the parents and I are much concerned about the safety of the children on the tours. We are experiencing anger, frustrations, fear and anxiety over the tactics employed and to be employed by the so called "Civil Righters". We are disgusted with our Congress in permitting the lawlessness, rioting, burning and disrespect in *Our* Nation's Capital. We are alarmed that Congress can be coerced by threats. While we believe in and uphold the

> rights of all Americans to march, petition and assemble, we also believe that "rights" are not absolute but relative. We feel that our right to visit our Capital City in safety and with protection is being denied, and that the marchers, among whom are bound to be some lawless elements, are jeopardizing the public safety, public health, public welfare and public morals. We are growing weary of the attempt to brainwash us with the idea that "riots are a deserved punishment for the white man's sin of racism". This idea is not aiding the negro but is hastening the corruption and debasement of our society.
>
> We ask, "What will Congress do? Where are we headed? Is the sickness of 'permissiveness' spreading so rapidly among our Congressmen that even the courageous will be stricken?"
>
> We believe that Congress *has* the authority and should exercise that authority to control riots, crimes and civil disobedience. What we ask is that Congress do something to control rioting, burning, looting, assaults and civil disobedience in our capital. We ask that interference with traffic and the camping and trespassing on the Mall, on the grounds of the public buildings, and on the grounds surrounding the monuments, be prohibited in the interest of public safety, health and morals.
>
> If Congress fails to do this, how can we honestly teach our young people respect for law and order? How can we say to them that the rights of the majority are being safeguarded?
>
> Mr. Congressman, I want to know what protection will our groups have? What assurance can I give the parents that their children will be protected from insult and violence while in Washington?
>
> Sincerely,
>
> Miss RUTH STOUT,
> *History Teacher, Valley Forge Award 1966, Sertoma Award 1967.*

Mr. McCLELLAN. Mr. President, the letter speaks for itself.

Go into the corridors of the Capitol today. In the past, at this time of year, near graduation, these corridors have been flooded with visitors. The visitors are not here today and for one reason only: because they do not feel safe in their Nation's Capitol.

Law enforcement has broken down and all some would do about it, is spend a little more money. This is not adequate; this will not provide the relief; we have to do more.

A medical doctor from Maryland writes:

> I feel that Washington, D.C., which is the Capital of the greatest nation in the world, should have more effective laws regulating protest demonstrations and marches. I feel that all citizens, be they individuals or groups, should be allowed to express their opposition. However, I feel that these groups should be represented in the nation's capital by not more than 100 people. There should be no more than one demonstration or protest march per day. Demonstrations or protest marches by any one group should not last longer than one week. Public facilities should not be provided or allowed to be used by these groups. If necessary, bond should be posted to cover damage to private property during a demonstration.

Mr. President, I would say this person possibly goes to the extreme, but it shows what is happening to God-fearing, law-abiding, decent American citizens. They are becoming disillusioned; they are frightened, and they are terrified. Is the Senate going to sit here and do nothing about it, and pass a soft, money-spending bill? That may be all the Senate does, but if we do not do more, we will reap the whirlwind, Mr. President.

We are being rewarded now for our failure to enforce the law. What a tragic reward it is: More crime, more deaths, more rape, more mugging; and less obedience and less respect for law and authority every day because we are not enforcing the law.

Mr. President, the doctor stated further in his letter to me as follows:

> I feel if we are to preserve the dignity of the capital and have an orderly and safe city, there must be more stringent regulations to demonstrations.
>
> If some laws of this type are not enacted soon, Washington, D.C., will follow the course of Rome where the hordes descended upon it and demanded dole which eventually destroyed the empire.

You say it cannot happen here, Mr. President? Ten years ago no one would have believed what the chart in this Chamber reflects with respect to increased crime. Anyone who might have made such an assertion would have been looked upon as a prevaricator.

Today it is true. We are in the midst of it and some are afraid they might lose a vote if we got down to the guts of the matter and tried to eliminate this cancer in our society.

Another concerned citizen, Mr. Edward W. Green, from Landover, Md., stated in his letter that it is about time someone has voiced their opinion on the rulings of the Supreme Court:

> These decisions have handcuffed the police courts of this country to protect the criminals. The law abiding citizen must have a gun to protect his home and family. It has become impossible to depend upon the courts and the police to stop crime.

The reason why the police cannot stop crime is the court decisions.

Mr. President, it is a sad commentary indeed when law-abiding citizens feel compelled to write Members of this body asserting that we can no longer depend on "the courts and the police to stop crime."

Mr. President, I have a number of quotations from letters to place in the RECORD. In view of the time situation and the fact that I want to speak on another aspect of this question during the afternoon and because the distinguished Senator from South Carolina [Mr. THURMOND] wishes to address this body at this time, I am going to conclude in a moment and yield the floor for the present, so the Senator from South Carolina can make his address. Following his address, I shall have some more remarks to make on the importance of the legislation before us, and particularly with respect to the confessions provision in title II.

A lady from New Lisbon, N.J., writes:

> I do hope you will continue to try to get good laws passed so that the decent people can safely walk the streets again. Today, the criminal is catered to, and it is a disgrace that the laws all favor the rapist and murderer.

From Fairfax, Calif., a man writes:

> I may not be one of your constituents, but I definitely support the stand you are taking in defense of our American way of life.

A man from Webb City, Mo., states:

> I believe all people interested in our country welcome and support your investigations. We can no longer tolerate and excuse offenses against our constitutional government regardless how minor. If force is needed to expose and expel our enemies within, it should be used now. The day of our choice is now, not later."

A California man states:

> I want to thank you for your concern for the honest people that your bill S. 917 will help to protect. Up to now the Courts have been helping the crooks. They can thank the Courts for their services and the honest people can look to you and your bill S. 917. We need it in its fullest.

From Norwalk, Conn., a man writes:

> You, Senator Mundt, and others in the Senate and House are so right, realistic. These marches should not be permitted as they will be violent, riotous.

From a county official of a small western Kansas county, I received a letter stating:

> You are thanked, commended and congratulated upon your interview as published in the U.S. News & World Report on May 6th.
>
> You have put into words my thoughts and beliefs as I have garnered them from the responsible and irresponsible reportings of the news media, and you do deserve the Nation's wholehearted "Thank You".

A lawyer from Wewoka, Okla., writes:

> It is refreshing to me to know that some of the leaders of our nation in high office have the nerve to analyze the problems and face them with a sane and sensible remedy. It seems to me that we can't continue to tolerate riots, looting, stealing and disrespect for law and order much longer.

From a couple in California:

> We have just read of your Bill called the Crime Control Bill (S. 917). We are writing this letter advising you and our California Senators and Representative that we are very much in favor of this measure and would wish that you and our California representative vote in favor of this bill as soon as it reaches the floors of the respective Houses.

A Des Moines, Iowa, man writes:

> This is a critical situation for our country. Our Senators and Representatives must set aside politics and go to work with our President and Attorney General for stricter law enforcement for these militant groups. Certainly all colored people do not approve of riots. People can't tolerate violence; they're beginning to live in anxiety and fear, and we don't want another Viet Nam gradualism. Only the communists can sit back now and enjoy our rioting conditions.

A doctor from Jackson, Miss., states:

> Please do all you can to stop the breakdown of our government and the destruction of the Christian people of America.

A Massachusetts woman writes:

> In these times, it is extremely difficult to express one's views at the risk of being called a Bigot. A great many politicians mostly those up for elections, do not speak out loud enough for law or order, if they do, they make sure to sugar coat the following sentences. It is gratifying to find persons who know the issue and know the only answer. Speak out. We can attain nothing in this

country until we have Law and Order first and without intimidation.

Another Massachusettsan states:

Your comments on riots in U.S. News & World Report (5/6/68) are the first from any Federal official that make sense to me. I believe we need desperately a National leadership that speaks in support of principle and not out of fear of losing votes.

A couple from Newport News, Va., write:

We salute you for your Crime Control Bill (S. 917) and "the guts" to stand up and be counted.

From Walhalla, S.C., a man writes:

What this country needs, and needs desperately is law enforcement, without regard to race or color, and no more coddling of criminals, or potential criminals. The fact that our country is in a really desperate situation seems to be completely ignored by our present administration.

A Stockton, Calif., housewife comments:

I feel that most people think as I do—they have had their fill of lawlessness—not only in connection with rape and murder, but in all forms of crime. Most people I have talked to do believe that punishment is a deterrent, but that we are not inflicting this punishment to its full extent in our Courts so we are not accomplishing the desired effect. As our local District Attorney said to me: "If you tell a small child not to put his hand in the cookie jar or you'll give him a good spanking, he's not so liable to put his hand in there. But tell him that if he puts his hand in the cookie jar now you'll probably spank him in two years, and that child is going to get a cookie."

A Brookhaven, Pa., couple write:

Please accept our sincere (Thank You) for your constant effort in trying to abolish crime, riot and disorder in this wonderful land of ours.

From New York, a man comments:

Please make every effort for a strong crime bill or people will form vigilantes in every city as the last resort.

A housewife from Sun City, Calif,, writes:

Why are there not more men like you who will speak out at the injustices being fostered upon us by our Supreme Court.

Another Californian states:

It is a sad state of affairs when there is more concern for the "rights" of criminals than the rights of the law-abiding citizen. I strongly urge your support of the crime control bill.

A St. Louis, Mo., man comments:

Keep up the good work in having the Anticrime bill passed. The American citizens won't feel safe until it is.

A retired Air Force man from Georgia states:

Many friends, associates and myself wish you well in your Crime Control Bill, S. 917. What a great pity that members of the Supreme Court are and have been selected due to political patronage, membership of various groups, etc. rather than judicial experience or ability. Everyone is aware that the anarchy now in existence can be in part traced to the most questionable rulings we see from the Supreme Court.

From California, a woman comments on the Supreme Court:

It is heartening to know that at long last something is going to be done about the Supreme Court. At present we are living under an oligarchy of the Court.

A Cape Charles, Va., man writes:

I feel that it is high time that more people in office take a firm stand on enforcing our laws to quell disorders. If men of your caliber and men in positions of leadership fail to do this, our country will surely be destroyed by a minority group.

From Eugene, Oreg., a woman writes:

I read about your pushing for Senate passage of the Crime Control Bill that would supersede controversial Supreme Court decisions, and I am writing to wish you success! It's about time our Senators and Representatives woke up and tried to do something.

God bless you in your work, and I hope you succeed and hope you'll get your bill and a few more, stronger one's passed. I'm so afraid we're too late.

A housewife in San Diego, Calif., writes:

Concerned citizens of each party, except the Communist Party, U.S.A., are aghast and utterly confused by so many decisions made by this administration, as well as by the Supreme Court, that are unfavorable for the preservation of this Republic.

An attorney in Detroit, Mich., comments:

I have read with considerable interest your comments on the decisions of the U.S. Supreme Court in the cases referred to therein as published in the last issue of the U.S. News and World Report. It is a masterpiece. I hope you will continue to pour it on and keep pouring it on until the Congress enacts some legislation that will knock those decisions into a cocked hat. They are positively "deplorable and demoralizing" as you point out in the excerpts.

In all the years of my life I have never had the feeling of insecurity for my country as I have now. Law and order has been the prevailing concept of our national life, but now there is a complete reversal of that concept and, in my opinion it all stems from those rank decisions you mention and many others like them, giving complete protection to the underworld with little or no protection to law-abiding citizens. Those decisions are so rank they fairly stink. It is little wonder that law enforcing agencies hesitate to make arrests and bring cases before the courts when they are so fenced in by rules of the highest court. Rules that are utterly ridiculous.

You are doing a real service to the people in bringing to them the necessity for changing the law, giving to the public protection not now afforded them. The Supreme Court could also do a real service to the people by half of them resigning their high posts.

From Oak Ridge, Tenn., a woman writes:

Although I am not a constituent of yours, I do want to take the opportunity to commend your efforts regarding passage of the Crime Control Bill. This piece of legislation is badly needed and long overdue. I have written both Senators from Tennessee urging them to give this Bill their full support.

From Washington, W. Va., a man comments:

I agree with you one hundred percent that the handcuffs placed on the police by the Supreme Court should be removed so that the criminals can be brought to justice and the people protected.

A woman from Glendale, Calif., writes:

We want to thank you from the bottom of our hearts for your patriotism and unswerving loyalty to the United States. Your splendid article in U.S. News and World Report entitled "How Riots are Stirred Up" should be a warning to all of the people who are lenient and sympathetic with the marchers in whose wake violence inevitably follows. You have done a great service to our country by your stand on the various issues, and by your very informative articles. May God bless you for your great service to our country.

Mr. President, out of deference to my distinguished colleague, the Senator from South Carolina [Mr. THURMOND], I yield the floor at this time. When he has concluded, I shall resume with some further remarks on this issue.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Arkansas.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Mr. President, I congratulate the Senator for the magnificent fight he has been making for law and order to resist this tremendous increase in crime that has been going on in this country. I applaud the Senator. I understand he is planning to offer some amendments and propose affirmative steps.

Mr. McCLELLAN. We have them in the bill now. The Committee on the Judiciary reported some very effective legislation. There is a motion pending to strike it from the bill, which would eliminate the real crux of this measure with respect to doing something about crime.

Mr. LONG of Louisiana. Mr. President, I recall that in years gone by the distinguished Senator from Arkansas and others have tried to do something about this tremendous increase in the crime rate here in the District and elsewhere in the country. Some people, because of their liberal philosophy, I guess, said "No, we must not do anything about the Supreme Court decisions which favor crime over law enforcement and which favor the criminal over society."

The Senator has labored diligently in that respect and I wish him luck.

Mr. McCLELLAN. I thank the Senator. I am proud I have his support in this effort. I urge all of my colleagues to join hands together.

Mr. President, it is said, "Oh, that would be a harsh remedy you propose to try to correct the Supreme Court decisions." It may be harsh but the harshness does not compare to the tragedy happening in this country. Something must be done.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Mr. President, as the Senator knows so well, here in the District of Columbia we are experiencing the fact that people of all races suffer from the breakdown of law and order. The Negro citizens of our community suffer from mugging, raping, and murdering just as the white citizens suffer. This is a matter in which every good citizen should stand together in support of government and in support of necessary laws and constitutional amendment to bring us back to law and order.

Mr. McCLELLAN. The Senator is so correct. We all suffer from lack of law enforcement, and that includes people of every race, creed, color, and station in life. No one profits from it except the criminal; no one except the criminal is profiting from crime today; and regrettably and tragically, too many criminals today are profiting from crime. It has become a way of life for them. They are getting by with it because of the lack of law enforcement. I say it cannot go on. We are moving, moving rapidly toward anarchy in America. Some say it cannot happen here. I say: Look at the increasing crime rate. Take a pencil and a pad of paper and project the crime rate ahead a few years. Project the rate of increase in crime by a few years ahead and we will find that law and order can simply not exist.

Mr. LONG of Louisiana. I know that the Senator is well aware of the fact that a poor people's group is camped near the Lincoln Memorial, one of their principal complaints being that they think they should have some good jobs.

The last time I looked at that situation, there were 50,000 good jobs available as policemen throughout this country. I think we need 500 additional police just in Washington, D.C., alone and at least an equal number in Baltimore only 40 miles away. There are 1,000 good jobs right there—at least what was once considered a good job, that of being a policeman; but because of recent Supreme Court decisions and the failure of Congress to act to restore traditional law enforcement and the high morale which once existed in our police forces, on the Federal part to correspond to that which should be done by State and local governments, it makes it very difficult to recruit the 50,000 good men and women needed to serve as police officers.

Mr. McCLELLAN. Mr. President, there are plenty of opportunities for people to qualify for positions as policemen as well as firemen—but especially policemen. What is the reason for it? Poor pay may be one reason, but I say to the Senator that there is a greater reason—to wit, the policeman gets no support from sources who should give him respect and protection.

Today, why should a policeman go out and risk his life to catch a known murderer or criminal who is armed with a gun, when the Supreme Court will find some small technicality, without regard for guilt or innocence, to find a way to turn that murderer or criminal loose and then, in the decisions the Supreme Court render, attack the officer who risked his life and reflect upon his integrity, by inferring that we cannot trust a policeman to do right, that we cannot trust our courts to do right. That is their attitude. It is wrong. There should be a change.

Call this an attack on the Court?

I do not attack the Court. I deplore what some of its decisions are doing to this country. As long as I am able to do so, I am going to protest, and I am going to do what I can, as a legislator in the Senate of the United States, to get legislation enacted to correct it. If it is not corrected through that process, or through a reversal of their conclusions and views, then the spiral in the crime rate will continue onward and upward, and if it keeps going onward and upward, then the security of the American people will sink lower and lower.

There has got to be a change. We do not need a change in the Constitution of the United States. That is what is wrong now. Had the Supreme Court interpreted the Constitution as it had been the law of the land since the founding of the Republic, we would not have all these problems today. All it had to do was to adhere to precedent, the precedents of distinguished judges, some of the greatest in this Nation, as well as some of the greatest jurists, the most honored and most respected this country has ever known, who rendered decisions on the identical issues and declared that the Constitution did not require all of the ceremonial warnings that the Supreme Court today now says must be given as in the Miranda case.

Who is attacking whom?

The Court had to attack its predecessors. If saying they are wrong is an attack, I say that the Supreme Court today—five members of it—are wrong. If that is an attack upon the Court, then to arrive at what the Court did—those five members—they have to attack all their predecessors who came before them who had ruled on the same issues.

What is sauce for the goose is sauce for the gander. I am not attacking them any more than they attack.

Mr. LONG of Louisiana. As the Senator from Arkansas so well knows, sometimes something gets to be law because the courts hold that the law is "thus and so," even though it has never been regarded as being that before.

Mr. McCLELLAN. To the contrary, in this instance, it had been held specifically on all fours that it was not that way by the predecessors of the present day Supreme Court, who undertook to change the Constitution.

Mr. LONG of Louisiana. The point being there that when that Court rules the Constitution to mean something different from what it had been understood to be in the past, and different from the previous decisions of earlier years, the Court has, in effect, made its own law.

Mr. McCLELLAN. The Court has amended the Constitution because previous Courts said the Constitution did not require it. The Court now says that the Constitution does require it. Had the present Supreme Court adhered to precedents and observed the law of the land, and had they followed the law of the land, we would not have the hiatus we have today in law enforcement.

Mr. LONG of Louisiana. The Senator has so well stated it. Largely as a result of the Supreme Court decisions, we have seen the crime rate go up over a period of the past 20 years by 380 percent. That is a fantastic increase in crime. I am referring to the chart in the rear of the Chamber. I am not sure whether that is the Senator's table or someone else's, but I accept it on its face as to what has been happening in this country.

Mr. McCLELLAN. Let me say to the Senator from Louisiana that I had that chart verified before I had it placed in the Chamber.

Mr. LONG of Louisiana. When a Supreme Court decision has the effect of changing or amending the Constitution of the United States——

Mr. McCLELLAN. That is tantamount to doing exactly that, and the Supreme Court does not have the power to do that.

Mr. LONG of Louisiana. Assuming that the Supreme Court honestly, in error, or for good cause, or even correctly, ruled the Constitution to mean something different than it had been construed to mean in the past, if we in the Congress do not think that is a change for the better, then it is our duty and we are paid to work on a matter of that significance. It is our duty to correct the situation in such fashion as to offset whatever mischief or evil might occur as a result of what we regard as an unwise decision of the Court.

Mr. McCLELLAN. It becomes our duty. We are the elected representatives of the people.

I know what the Senator must be experiencing in his mail, the protests he is getting, and the pleas from his constituents to do something about it. I am getting them. I know every Member of the Senate must be. What are we going to do? Nothing? Just spend a little more money? That is not the answer. It is not going to get the job done.

Mr. LONG of Louisiana. The Senator has quoted—quite correctly, I think—the Mallory decision. He has tried to do something about it for a number of years. He has also quoted the Miranda decision. He is trying to do something about that, and to point out what it has led to.

It seems to me if we are serious about this, we should come up with some answers. Part of the answer is that if we think those court decisions have tended to lead to what has happened, then we should so change the law—not by changing the Miranda decisions, because Miranda was liberated and turned free, even though he was obviously guilty, and so was Mallory——

Mr. McCLELLAN. Miranda has been convicted on another charge and has been given a sentence, and he has been reconvicted on this charge, although it is questionable whether it will be sustained, because he made a confession to a common-law wife. How much dignity will be given to a common-law marriage by the court, we do not know, but if it is given as much as a legal marriage, then that confession cannot be received in evidence and is not admissible, because it is privileged.

Mr. LONG of Louisiana. The situation we have is that the law is clearly unsatisfactory when we have a 380-percent increase in crime over a period of 20 years. I have served in the Senate most of those 20 years. People have a right to say, "What is the matter with you people up there? Why don't you do something about this?" I think they would correctly expect us to try to correct those things about the law, whether they got that way by court decisions or by our passing bad laws in the past, that would make the law help bring about adequate law enforcement.

One thing I have done since we have had all the looting and shooting and arson and practically armed insurrection against the Government, is that when I am on the street and see a policeman, I practically walk out of my way to go up to that policeman on the street and take his hand and say, "I want to thank you for what you are trying to do to protect the people of the community, my family, my property, and my person, but if there is something we can do that will help you to do your job, you can count on me to try to vote for it."

I appreciate what the Senator from Arkansas has done, as a member of the Judiciary Committee, in many years of diligent effort in this field to try to reverse this trend. I hope that his efforts, together with those of some of our other colleagues, will meet with some success. I quite agree with the Senator that merely spending some money will not do it. It will help the morale of the police and firemen to have their pay increased, but it will take more than that. There is no question about it.

Mr. McCLELLAN. I thank the Senator. I am grateful, indeed, for the support he is giving us in this matter. He has always been on the side of law and order. He has made every contribution he could, as a representative of his wonderful State in the Senate of the United States, on the side of law and order. I am grateful I have his support in this battle.

U.S. CIVIL RIGHTS COMMISSION CHARGES UNFOUNDED AND RECOMMENDATIONS UNWARRANTED

Mr. THURMOND. Mr. President, Saturday's report of the U.S. Commission on Civil Rights is an unfortunate combination of unfounded charges and unwise and unwarranted recommendations. The report contain blanket charges that Negroes have been barred from political participation in the Southern States by actions of both governmental authorities and political parties. The Commission thus calls for new laws to be passed by Congress and new rules to be passed by the national party organizations.

As a Senator from South Carolina and as an active participant in the Republican Party of South Carolina, I should like to comment on these charges as they apply to my State and to parties in South Carolina. Political party organizations are governed by State law in South Carolina. The party organizations are based on the precincts which hold public meetings that are required to be publicized in the local press, both as to time, date, and place. At these meetings, precinct officers and delegates to the county conventions are chosen. The county conventions may nominate local candidates or authorize a primary; they also elect county party officials and delegates to the State conventions. State conventions may nominate statewide candidates or may authorize a party primary for this purpose.

The State convention also chooses State party officials and elects delegates to the national conventions. Between conventions, the county parties are run by an executive committee composed of one committeeman from each precinct, and the State parties are run by an executive committee composed of one committeeman from each county.

All of the procedures outlined above are provided for by State law. At every phase of the political process, from the precinct to the State convention, decisions as to policy, nominees and party officials are made by a majority of the participants. All voters are free to participate at the precinct level, and elected delegates at the subsequent conventions. The party machinery is composed of persons freely elected in open meetings according to State law.

There are 1,638 precincts in South Carolina. The Commission alleged discriminatory practices in only three of these during the 1966 reorganization. The 1968 reorganization has already occurred, and I am familiar with no charges of this nature. Further, the Commission cites disputed elections involving Negroes in Democratic primaries. These were resolved according to State party rules: Two were decided in favor of white persons, one in favor of a Negro. No mention is made of election disputes involving white persons only.

Negroes participate in large numbers in the general election. We are currently undergoing complete voter reregistration, and surely such charges would be debated in the State now if they were true. With regard to party participation, Negroes are active in both parties. There are Negro candidates in both parties and Negro delegates to the State conventions of both parties. It is clear that the vast majority of politically active Negroes are in only one of the parties, but this is the result of the exercise of choice by those Negroes and not the result of any pattern of discrimination.

The truth is that Negroes participated in party affairs as they chose to—and were not in any way prevented from working in either party.

It may be true that Negroes were not elected to party positions to which they sought election. This, however, is not discrimination, but the choice inherent in free elections. Surely freely elected delegates to party conventions are not to be told that they must elect certain candidates to office. Many Negroes have sought public office in South Carolina. Their failure to be elected is not a result of discrimination but a result of the voter's decision to vote for other candidates. In a free society, members of any group—either racial or religious—are not entitled to a share of either public or party offices; they are entitled only to seek these offices.

Mr. President, I resent the Commission's charges. With regard to my own State—of which I have personal, first-hand knowledge; I know them to be false. With regard to other Southern States, I suspect them to be false also. Apparently, what the Commission is suggesting is that the national committees of the parties require a certain racial balance in the selection of party officials, or the delegates to the national conventions will be penalized. Such a suggestion is totally unwarranted. It violates the very principle of a free election. As a substitute, perhaps a law should be passed requiring that the Negro vote be fairly apportioned between the parties on election day. This would certainly make as much sense as the Commission's other suggestions.

Another suggestion made by the Commission is that Federal registrars be present in all jurisdictions until such time as the percentage of registered voters who are Negro is the same as the percentage of the population which is Negro. Mr. President, this is nothing more or less than asking the Federal Government to take over the functions which properly belong to the political parties or other political groups. The Senate is not naive about politics. A knowledge of the political system and how it works is an unwritten requirement for membership in this body. The simple truth is that the greatest single obstacle to voter registration is apathy. Political parties, voter education groups, and labor unions spend many long and hard hours getting people registered who they feel are predisposed to vote their way at the polls. The process is time consuming. It is expensive. It takes many dedicated volunteers—or paid staff personnel. The plain truth is that many people do not register and vote unless prodded by someone else.

Many of these apathetic citizens need to be told where to register, when to register, how to register. They often need to be reminded by mail and by telephone. Finally, they need to be given a ride to the registration office. Anyone familiar with politics knows this to be true. All those familiar with politics also know the terrific advantage any party, group, or political persuasion would have if the Federal Government undertook this task for them. It is axiomatic that the political group which is successful in getting its voters registered has a great advantage. To utilize the time, the money, the energy, and the personnel of the Federal Government on behalf of one group of voters—instead of the normal private resources—is to give a terrific boost to one group over the other citizens.

Mr. President, we are also familiar with group voting preferences in this Nation. Many detailed and scholarly studies have shown that many individuals cast their votes as members of a larger group, rather than on individual considerations. Politicians from Maine to California are aware that racial, religious, economic, and other group identifications often play a large part in how a person votes. We know from experience that certain groups tend to vote alike on election day. This is known as bloc voting. We also know that studies of past elections have shown that general political preferences of these various groups. Thus, by making the facilities of the Federal Government available to certain groups for registration purposes, but not to other groups, the Government is injecting itself in the political process in a partisan and unfair manner.

Voter groups do not register with equal enthusiasm. Educational level, economic status, union affiliation, religious preference, involvement in political and/or civic affairs—all of these in addition to race—play a great part in the predictability of whether or not a person will register. Whether or not he has been the subject of an organized registration drive also plays an extremely important role. For the Government to inject itself into this process by conducting registration drives aimed at specific voter groups is to allow the Government to use the taxpayers' money to give valuable assistance to one group to the exclusion of others. It should be remembered that the Commission is not asking the Federal Government to register all voters—only Negro voters, and in certain States. It should also be noted that Negroes in these States, for the most part, have a history of preference for a particular party and a particular point of view.

Let me give a specific example of how this works. As I mentioned earlier, South Carolina is currently undergoing complete reregistration of all voters, as State law requires this every 10 years. It is obvious that those who are most successful in getting their friends and supporters reregistered have a large advantage. The registration board in Clarendon County, S.C., has been open from 9 a.m. to 5 p.m. daily, except Thursdays and Saturdays, when they are open from 9 a.m. to 1 p.m. Federal registrars were active in this county 2 years ago. The total registration—including those who had died or moved away during the previously 10 years—was approximately 10,000. For the new registration period, 8,000 voters had been reregistered by April of 1968, indicating that voters were reregistering in large numbers. Nevertheless, the U.S. Civil Service Commission, over the signature of Wilson M. Matthews, director of the voting rights program, mailed a letter to all voters who had been registered by a Federal registrar that they must do so again. The letter reads as follows:

U.S. Civil Service Commission,
Washington, D.C., April 8, 1968.

——— ———: This is to tell you that the law of South Carolina requires all registered voters in the State to register again in order to be able to vote in future elections.

Our records show that you were registered by a Federal Examiner and given a Federal "Certificate of Eligibility to Vote." *If you have not already registered again, you must do so now.*

In order to register again do *one* of the following:

1. Go to your Local Registration Board. The Board for Clarendon County is in Manning at the County Courthouse. The Board for Dorchester County is in Saint George at the County Courthouse. Both registration offices are open from 9:00 a.m. to 5:00 p.m., Monday through Friday of each week. Take your Federal Certificate with you to the Board. Do so by May 11.

2. Go to the office of the Federal Examiner where you registered. Take your Federal Certificate with you. The Federal office for Clarendon County is in Manning in the Federal Building. The Federal office for Dorchester County is in Saint George in the Post Office. These Federal offices will be open starting Wednesday, April 10, 1968, from 8:00 a.m., to 5:00 p.m. every day except Sunday. If you register again at the Federal Examiner's office, you must do so by May 11, 1968, in order to vote in the primary.

3. Mail two copies of the State Application for Registration to your Local Registration Board. Applications may be obtained at your Local Board, the Post Office, a bank, or other public place in your county. If you register by mail, your Application must be notarized and you must mail it in together with your Federal "Certificate of Eligibility to Vote."

Remember, you must register again by May 11, 1968, at your local board or at the Federal Examiner's office if you want to vote in the June 11 primary election. If you register after May 11, you can vote in the general election of November 5, 1968, and future elections.

Sincerely yours,
Wilson M. Matthews,
Director, Voting Rights Program.

Mr. President, I forwarded this letter to the office of Mr. Matthews, requesting an explanation as to what authority existed for such a letter to all Negro voters registered by Federal examiners. I received an answer from Anthony L. Mondello, General Counsel to the Civil Service Commission. In his reply Mr. Mondello cited several Federal regulations as the basis for this action.

Mr. President, I ask unanimous consent that the letter of Mr. Mondello, dated May 10, 1968, and copies of the United States Code of Federal Regulations 801.401 through 801.404 be placed in the Congressional Record at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Civil Service Commission,
Office of The General Counsel,
Washington, D.C., May 10, 1968.

Hon. Strom Thurmond,
U.S. Senate.

Dear Senator Thurmond: This will respond to your letter of April 24, 1968, regarding the letter of April 8 sent by the Civil Service Commission to certain voters in South Carolina.

I regret that you interpret the letter as being "coercive". It was certainly not intended to be so interpreted by the addressees or anyone else. The letter was sent for the purpose of informing those citizens of South Carolina who had been listed under the Voting Rights Act of 1965 of the State law requirement to register if they wished to vote. The letter informs these citizens of the places where they can register and advises them that failure to do so will result in the loss of their current eligibility to vote.

The Commission is authorized, and indeed directed, to supervise the activities of its employees, manage its internal affairs, and execute, administer and enforce the statutes with which it is concerned. Under the Voting Rights Act, the Commission has power to regulate procedures concerning removals from eligibility lists. The regulations (45 CFR 801.401–801.404) require a discrete procedure to be used with respect to each voter to be removed from eligibility; an administrative burden which is not borne with respect to voters who remain eligible. I believe the action of the Commission in dispatching the letters of April 8, 1968 to be consistent with the overriding objective of the Voting Rights Act to fulfill the right of qualified citizens to vote, and with the authority of the Commission to manage its affairs.

If I can be of further assistance, please let me know.

Sincerely yours,
Anthony L. Mondello,
General Counsel.

Subpart D—Removals From Eligibility List

§ 801.401 Scope.

The subpart prescribes the bases and procedures for removals from eligibility lists under the Act.

§ 801.402 Bases for removals.

An examiner shall remove the name of a person from an eligibility list:

(a) Pursuant to the instruction of a hearing officer under § 801.316;

(b) Pursuant to the order of a court having jurisdiction under the Act;

(c) When the examiner determines that the listed person has lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States and in accordance with the instructions concerning loss of eligibility to vote prescribed by the Commission after consultation with the Attorney General which shall be set out in Appendix D to this part and incorporated in and made a part of this section.

APPENDIX D

This appendix sets out the bases for loss of eligibility to vote and removal from an eligibility list.

ALABAMA

A person loses his eligibility to vote in elections in the State of Alabama if:

(1) He is no longer a legal resident of the State of Alabama or the county for which he is listed (a person may not vote in a county or precinct in which he is not a resident, but when a person removes from one precinct or ward to another precinct or ward within the same county, town, or city within three months before an election, he may vote in the precinct or ward from which he so removed);

(2) He dies;

(3) He is convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on wife, bigamy, living in adultery, sodomy, miscegenation, incest, rape, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude, or vagrancy or being a tramp, or selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector, and has not been subsequently pardoned with restoration of his right to vote specifically expressed in the pardon;

(4) He is declared legally insane by a court and has not been subsequently declared legally sane or competent by a court; or

(5) He loses his citizenship in the United States or the State of Alabama.

A person loses his eligibility to vote in municipal elections only, if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of such residence does not result in loss of eligibility in any other election.

GEORGIA

A person loses his eligibility to vote in elections in the State of Georgia if:

(1) He is no longer a legal resident of the State of Georgia or the county for which he is listed;

(2) He dies;

(3) He is convicted of treason against the State, embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of Georgia with imprisonment in the penitentiary, and has not been subsequently pardoned;

(4) He is declared legally insane or idiotic by a court and has not been subsequently declared legally sane or competent by a court; or

(5) He loses his citizenship in the United States or the State of Georgia.

A person loses his eligibility to vote in municipal elections only, if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of such residence does not result in loss of eligibility in any other election.

LOUISIANA

A person loses his eligibility to vote in elections in the State of Louisiana if:

(1) He is no longer a legal resident of the State of Louisiana or the parish for which he is listed, however the removal from one parish to another does not deprive a person of the right to remain listed in the parish from which he has removed for the purpose of voting for district officers to be elected in a district which includes the parish to which he has removed, or for State officers, whether the parish is in the same district or not, until he has acquired the right to register or be listed and vote for such officers in the parish to which he has removed (the removal of a person from one precinct to another in the same parish does not deprive him of his right to remain listed in the parish from which he has removed until three months after the removal);

(2) He dies;

(3) (a) He is convicted of any crime punishable by imprisonment in the penitentiary and has not been subsequently pardoned with the express restoration of the franchise, or (b) he is convicted of a felony and has not subsequently received a pardon and full restoration of franchise.

(4) He is declared legally incompetent or insane by a court and has not been subsequently restored to legal competency or sanity by a court;

(5) He is dishonorably discharged from the Louisiana National Guard or the military service of the United States and has not been reinstated;

(6) He deserts from the military service of the United States or the militia of the State of Louisiana, when called forth by the Governor or, in time of invasion, insurrection, or rebellion, by the President of the United States and has not returned to the command from which he deserted, made good the time lost in desertion, and served out the term of his original enlistment;

(7) He becomes an inmate of any charitable institution, except the Soldiers Home and the United States Marine Hospital at Carville; or

(8) He loses his citizenship in the United States or the State of Louisiana.

A person loses his eligibility to vote in municipal elections only, if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of such residence does not result in loss of eligibility in any other election.

MISSISSIPPI

A person loses his eligibility to vote in elections in the State of Mississippi if;

(1) He is no longer a legal resident of the States of Mississippi or the election district for which he is listed;

(2) He dies;

(3) He is convicted of arson, bigamy, bribery, burglary, embezzlement, forgery, obtaining money for goods under false pretenses, perjury, or theft and has not had his right to vote restored by the legislature;

(4) He is declared legally insane by a court and has not been subsequently declared legally sane or competent by a court; or

(5) He loses his citizenship in the United States.

A person loses his eligibility to vote in municipal elections only, if he (1) is no longer a legal resident of his city or town, or (2) if he has, within two years before the next municipal election, been convicted within the municipality of violating the liquor laws of the State or the municipality, or (3) is at the time of the municipal election in default for taxes due the municipality for the two preceding years. Loss of eligibility to vote in a municipal election because of change of such residence or such conviction or such default in taxes does not result in loss of eligibility in any other election.

SOUTH CAROLINA

A person loses his eligibility to vote in elections in the State of South Carolina if:

(1) He is no longer a legal resident of the State of South Carolina or the county for which he is listed;

(2) He dies;

(3) He is convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, challenging or accepting a challenge to duel with a deadly weapon, or crimes against the election laws and his right to vote has not been restored by pardon;

(4) He is declared legally insane, idiotic or incompetent by a court and has not subsequently been declared legally sane or competent by a court;

(5) He becomes a pauper supported at public expense; or

(6) He loses his citizenship in the United States or the State of South Carolina.

A person loses his eligibility to vote in municipal elections only if he is no longer a legal resident of his city or town. Loss of eligibility to vote in a municipal election because of change of residence does not result in a loss of eligibility in any other election.

[30 F.R. 9913, Aug. 10, 1965, as amended at 30 F.R. 11104, Aug. 27, 1965; 30 F.R. 14046, Nov. 6, 1965]

§ 801.403 Procedure for removals determined by examiners.

An examiner may remove the name of a listed person as authorized by § 801.402 (c) only after:

(a) Giving the person a notice of the proposed removal of his name stating the reason why the removal is proposed and offering the person an opportunity to answer the notice of proposed removal in person or in writing or both within ten days after his receipt of that notice;

(b) Considering all available evidence concerning the person's loss of eligibility to vote, including any timely answer submitted by the person.

§ 801.404. Notification of removals.

When an examiner removes the name of a person from an eligibility list he shall notify the person, the appropriate election officials, the Attorney General, and the attorney general of the State of that removal and the reason therefor.

Mr. THURMOND. It should be clear from a careful examination of the regulations cited by Mr. Mondello that no such authority is conferred on the Civil Service Commission. The regulations provide a detailed procedure for notifying voters who are no longer eligible to vote under State law and enumerate the provisions applicable in South Carolina. Complete re-registration required of all voters is not cited, even though this was part of South Carolina law at the time the regulations were devised, and had been for years. Chapter VIII of title 45 is clearly not referring to a mass mail-out of letters to one portion of the voters when all voters are similarly affected.

Mr. President, it is apparent that the Civil Service Commission is willing to use its power and facilities to conduct registration drives for Negroes. This may be in accord with the goals of the Civil Rights Commission, but it is unauthorized by law and is improper. The Civil Rights Act of 1965, bad as it was, was aimed at eliminating alleged discrimination, not at taking over the functions of non-government political organizations.

Mr. President, I object to the type letter mailed out by Mr. Matthews being sent for serveral reasons:

First, it has the obvious effect of encouraging certain voters to re-register—but not all voters.

Second, it is on Government stationery and has a coercive ring to it.

Mr. President, how fortunate all of us would be if the Government would send a letter to a voting group of our choice telling them they must register to vote. This is an unfair, partisan intrusion into the free political process. The Civil Rights Commission apparently wishes to extend this type of activity even further.

Throughout the Commission's report, issues facing State government are discussed only in terms of how they affect this particular racial group. For example, many of us are familiar with the conflict in many States as to whether legislators should be chosen by single member districts or be elected as a slate on a countywide basis. There are numerous arguments pro and con. Generally, those favoring single member districts are in a political minority and are unable to elect even one representative of the slate, although they may represent 49 percent of the votes. The political majority prefers that the county be represented by the countywide elected slate, usually contending that intracounty legislative districts are lacking in political history and an identity of interests, thus constitute artificial constituencies. This debate has taken place in many States. Conservatives and liberals, Republicans and Democrats, appear on different sides of the issue in different States and in different counties within the States, probably according to whose ox is being gored—though reasons of principle cannot be altogether discounted.

However, because this issue has an effect on Negro political power, the Civil Rights Commission takes a position in favor of single member districts. The fact that both parties and numerous groups are affected by the measure is irrelevant. Everything must be subjected to whether or not this one group achieves political power—regardless of the fact that other groups are affected. If population patterns indicated this group would be favored by the countywide approach, I have no doubt that the Commission would endorse that method.

Another example is the Commission's discussion of the full-slate requirement. In South Carolina if 10 positions are being filled for the State house of representatives, the voter must vote for 10 candidates—no more or no less. The purpose of this is to prevent "bullet ballots." There are numerous arguments for and against this system, and they do not involve race. The South Carolina Republican Party actually brought a suit, unsuccessfully, to invalidate this requirement, preferring a system which provided greater opportunity for two-party legislative delegations. The Civil Rights Commission's report discusses this issue only in its racial implications. Because it does not serve to accomplish political power for a particular racial minority, the Commission is constrained to comment on its use.

Mr. President, in conclusion, I am disturbed and concerned about this report. The Commission is subjecting every consideration of fairplay, of impartiality, of constitutionality, of the interest of everyone in society, to the achievement of political power for one racial group—not the opportunity to achieve power, but the actual achievement of power for this group. This is unprecedented. It deserves the careful study and serious attention of all Members of Congress.

Mr. President, I ask unanimous consent that the article, entitled "Rights Unit Warns Parties on Bias," published in the Washington Post of May 12, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHTS UNIT WARNS PARTIES ON BIAS—MAY ASK LEGISLATION

(By Jean M. White)

The Civil Rights Commission called on the Democratic and Republican parties yesterday to eliminate racial discrimination at every level of party activity.

If the parties fail to do so, it said, "new legislation providing greater political control over the electoral process may be necessary."

Among other things, the Commission said, the parties should refuse to seat Southern delegations at the national conventions this summer unless the state political organizations allow Negroes full participation in party affairs.

The commission made the recommendations in a 256-page report entitled "Political Participation." It is the first detailed study of the effects of the 1965 Voting Rights Act on Negro voting and political participation in the South.

"While we found that there has been an increase in the number of registered Negroes and a corresponding increase in the number of black candidates seeking public and party office," it said, "there are new forms of discrimination and new election contrivances to prevent Negroes from participating fully and freely in the political and electoral processes."

Much of the report dealt with internal party politics as distinct from public elections.

Participation in party politics, the Commission notes, is at the heart of the American electoral process. But, it added, neither of the national political parties has issued firm and binding directives to insure full and equal participation by Negroes in party activities.

The Democratic and Republican parties, the Commission concludes, "must assume responsibility for eliminating present practices of discrimination at the state and local levels." The rules, it adds, should clearly spell out that a state organization that fails to abide by the directive of the national party would risk losing its convention seats to a challenging delegation.

The Commission study found that Negroes accounted for less than 1 per cent of the officers of the Democratic and Republican state party committees in the Deep South.

Negroes, it found, are still excluded from local party activities and made to feel unwelcome—precinct meetings may be abruptly adjourned when they enter and information is kept from them.

In most Southern States, the report notes, primary elections are conducted by the political parties rather than government officials.

SOME STEPS TAKEN

Both political parties have taken some steps to eliminate discrimination and encourage Negro participation in state and local party affairs, the commission observed.

For example, the Democratic National Committee has included a non-discrimination resolution and guidelines in its call to the 1968 convention. But these are not binding, and the credentials committee is not obligated to enforce the guidelines, the commission points out.

As for the GOP, the study notes that the Republican National Committee has not adopted any guidelines but has provided some help to candidates and party officials seeking to get more Negroes involved in party affairs.

William L. Taylor, staff director of the commission, said the commission probably will have observers at the national conventions this summer and staff members will be available to assist party officials and supply information.

"If we do not get action from the parties, then Congress should take a good look to insure full participation by Negroes in party activities," he added.

FIGURES CITED

The commission report finds that since passage of the 1965 Voting Rights Act, 1,280,000 new Negro voters have been registered in 11 Southern states to bring the total to 2.8 million—about 57 per cent of the voting-age Negro population in the last census. Registration for whites is about 75 per cent.

At the same time, more Negro candidates ran for state, local and party offices in the South. Almost 250 were elected to public office.

But new and old forms of discriminations still deny many Negroes the right to vote and discourage them from running for public or party office, the report emphasized.

The commission study details practices such as these:

Dilution of the Negro vote by racial gerrymandering, switching to at-large elections, and full-slate voting laws.

Measures to prevent Negroes from obtaining office. These include abolishing the office, extending the term of incumbent white officials, making formerly elective offices appointive, raising filing fees, and withholding information from Negro candidates.

Discrimination against Negro registrants and voters. The study mentioned withholding information, failing to provide adequate voting facilities in Negro areas, and refusing to provide or permit help to illiterate Negro voters.

Intimidation. Commission field workers found Negro voters, candidates, poll watchers and campaign workers were subjected to harassment and intimidation in some areas of Louisiana, South Carolina, Mississippi, Alabama, Georgia and Virginia during the 1966 and 1967 elections.

One of the greatest deterrents to Negro participation in voting and political activities, the commission found, is economic dependence. Negro tenants and sharecroppers dependent upon white landlords, bosses, bankers and merchants often are afraid to vote or run for office.

Earlier this month, the Commission held hearings in Montgomery, Ala., and Taylor said one discouraging finding was the "evidence that Federal programs . . . have failed almost completely to break the cycle of economic dependence" of Negroes in the South.

He added that the commission now is studying this problem of economic insecurity facing Negroes in the South and hopes to have some recommendations later.

COMMISSION RECOMMENDATIONS

Among the commission recommendations is one to broaden the Civil Rights Act of 1968 to provide protection from economic as well as physical intimidation and authorize victims to bring civil actions for damages and injunctive relief. The report noted that the 1968 law does not cover campaign workers.

Here is a summary of some of the other recommendations:

The Justice Department should assign Federal voting examiners to all political subdivisions where Negro registration is disproportionately low.

The Justice Department also should move to block enforcement of new state legislation or party rules that violate the provisions of the Voting Rights Act of 1965, and should use existing legal sanctions in cases of discrimination in treatment of election officials, candidates, campaign workers and poll watchers and the exclusion of party members from precinct meetings.

The Federal Goverment should institute a program of affirmative assistance to encourage Negroes to register and vote and provide Negro candidates with information and legal advice on meeting requirements for political office.

The Federal Government should undertake an extensive program to reduce the economic dependence of Negroes and to permit them to participate more freely in voting and political activity.

After the 1968 elections, Congress should evaluate whether discriminatory practices still exist in states and political subdivisions in which voter registration tests and devices were suspended for five years under the 1965 act.

ROBBERIES ON D.C. TRANSIT BUSES

Mr. THURMOND. Mr. President, last night John Earl Talley, a bus driver, was shot and killed in a robbery attempt on a D.C. Transit bus. There were five other armed robberies on buses in the District of Columbia last night. One immediate result is that a large number of bus drivers failed to report for duty this morning, and there is considerable question whether the buses will be running after dark tonight.

The city's bus drivers are scared for their lives, and understandably so: Last night's six robberies bring the total for the 4½ months of 1968 to 232—compared with 326 in all of 1967. Bus drivers requested police protection on the buses in March, but police officials indicated that sufficient manpower was not available.

Mr. President, the city of Washington is the Nation's Capital. It should be a model for the rest of the Nation. It should set an example for cities all over America in law enforcement as well as in other fields. If Washington is setting the example, it is no wonder that cities throughout the United States are regressing into jungles of violence and disorder.

The President of the United States has a duty and a responsibility to see that the inhabitants of Washington are protected. This duty is not being fulfilled. Last night's tragic slaying of John Earl Talley and the five other armed robberies on the city's buses are evidence enough of the failure of Washington's authorities to protect the citizens. A city that cannot provide sufficient protection to allow normal operation of its mass transit system is in serious trouble. This is coming on top of the continued occurrence of arson and sporadic looting which are well on the way to becoming permanent hazards for residents of the city.

Mr. President, one of the reasons for the rapid descent of this city into chaos is the restrictions placed upon law enforcement officers in the District. The criminals know these restrictions exist.

According to law, a police officer is free to use all necessary force to aid in the arrest of a felon. I repeat, all necessary force. If police officers are not to use all the means at their disposal unless their lives are threatened or unless they catch an arsonist with gasoline in hand, many criminals know that if they can outrun the officers, they will get away. Law enforcement personnel should be instructed that if they have reliable information that a felony has been committed, and reliable information that the suspected felon is the guilty party, and that he cannot be stopped by means short of using force, they are authorized to use whatever force is necessary. They have not been so instructed, and the wave of crime and violence continues unabated in this city.

The much-heralded step of increasing police patrols will accomplish nothing if police officers continue to operate under unnecessary restrictions. Crime continues because the criminal is convinced that the promise of success is significantly greater than any risk he entails.

Another contributing factor is certainly the series of Supreme Court decisions which have made convictions of those arrested more difficult, specifically, the Mallory, Miranda, and Escobedo rulings. Justice White, in his strong dissent in the Miranda decision states:

> In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the street and to the environment which produced him, to repeat his crime whenever it pleases him.

He further noted:

> The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it.

We should keep these thoughts in mind when voting on title II of the omnibus crime control and safe streets bill next week.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, I commend the Senator from Connecticut [Mr. RIBICOFF] for his valuable contribution to this bill through his able advocacy of better education and training for law enforcement officers. More than a year ago, he introduced a bill to provide loans to college students enrolled in law enforcement programs and tuition grants to policemen to encourage them to seek and obtain a college degree by part-time study. Throughout the hearings and consideration of this bill, Senator RIBICOFF strongly supported these police education programs and convinced the committee of their merit.

As a result of his efforts, section 406 of title I authorizes $10 million for a two-part program of educational assistance: forgivable loans up to $1,800 a year to undergraduate and graduate students enrolled in law enforcement studies and tuition grants of up to $300 a semester, or $200 a quarter, to law enforcement officers enrolled in courses relating to their police work.

This proposal is an important step toward raising the educational standards of police officers as recommended by the President's Commission on Law Enforcement. A 1961 survey of 300 police departments showed that less than 1 percent required any college training; and a 1964 study of 6,200 officers across the Nation revealed that only 30 percent had taken one or more college courses, and just 7 percent had a college degree.

An effective, modern policeman should have sound judgment, tact, stability, and a knowledge of political science, psychology, and sociology. These traits can best be developed through advanced education. With the implementation of the proposed legislation, the Nation can look forward to a significant improvement in the quality of our police forces.

But beyond his work on this proposal, the Nation owes a debt of gratitude to Senator RIBICOFF for speaking out on behalf of greater public understanding of the difficult and demanding roles of police officers in our society.

In these tense and troubled times, he has been a voice of calm and reason. He has taken a moderate course, recognizing that progress can only be made in an atmosphere of order and respect for the law and those who uphold it.

In a recent speech, Senator RIBICOFF eloquently developed this theme. I ask unanimous consent that the text of the speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Text of Speech Given by Senator Abraham Ribicoff of Connecticut Before the Convention of the Connecticut Council of Police Unions, No. 15, AFL–CIO, Park Plaza Hotel, New Haven, Conn., April 17, 1968

We meet today at a time of rising national concern about crime in our cities and our communities.

The events of April, the burning and the looting and the destruction in 125 cities, have shown us how deep and widespread is the threat to law and order in this country.

They have also shown us how great is our debt to the police officers in our nation.

For you are the men who risk your lives for the rest of us. Upon your shoulders rests the enormous burden of maintaining the public peace, of controlling disorders without killing people. No group of men in this country has shown greater skill, patience, dedication and courage than our police officers.

And yet, you often find that instead of being praised you are criticized.

You are told what your job is and how to do it. You are told you must have the wisdom of Solomon, the courage of a combat officer, the gentleness of a Florence Nightingale. We ask you to be Dr. Kildare and Batman rolled into one.

On the one hand we expect you to possess the sympathetic, characteristics of physician, nurse, teacher and social worker as he deals with school traffic, acute illness and injury, juvenile delinquency, suicidal threats and missing persons.

On the other hand we expect you to command respect, demonstrate courage, control hostile impulses, and meet great physical hazards. We ask you to control crowds, prevent riots, apprehend criminals and chase after speeding vehicles. There is no other profession which constantly requires such seemingly opposite characteristics.

The patrolman has one of the most difficult and demanding jobs in the world. An officer is compelled to make instant decisions affecting his own life and the lives and property of others. These decisions often must be made without clearcut guidance from a legislature, the courts or his superiors. A mistake can cost him his life—or the life of an innocent person. There is seldom a reward for the right choice, and the wrong one can be disastrous for the entire community.

Unfortunately, too many have little or no understanding of the policeman's role. The public attitude toward the police was distressingly demonstrated in a 1961 survey which rated the status of 90 occupations. The police rated 54th.

We cannot have effective law enforcement when the police are held in such low esteem.

The cry of "police brutality" has sounded so loud that we have forgotten the facts. The overwhelming number of policemen are hard-working, dedicated, helpful and needed by the entire community. We should do everything possible to encourage respect for law and the men sworn to uphold it. As a whole, the police have taken a "bum rap" for the failures elsewhere in our society. We have forgotten that the policeman fills one of the most agonizing roles in the community. He represents the *status quo*. He is the most visible symbol of authority—faced with the task of enforcing a law he didn't make.

It is time to pay attention to our laws. But it is equally time to pay attention to our police.

We must learn to understand the problems of the police—and do everything to encourage able men to join and stay in our police departments. We must begin programs to make their work more effective. For the Kraft survey in the ghettos showed that people there—like everywhere—want more protection, not less. Those who live in our slums suffer most from urban crime.

Improving our police forces is not a complicated matter—but it does require effort, money and imagination.

First, and most important, we must make sure that we attract and keep the best men for the job. Simply stated, this means a decent wage for our policemen, and I think it is fair to say that our police need and deserve substantial pay increases.

Second, we need to make sure that the police officers we attract are properly trained—and not only in the skills of detection, protection and defense—but in the problems of humanity, to which few others are closer each working day.

In many cases, this too will require money—to hire civilian instructors and teachers.

Third, we must take the necessary steps to make our police more effective. Mobile radios, improved communications, scooters and computers can help. But more basic steps are long overdue. In most police departments, up to one-third of a detective's time is spent typing reports—in triplicate—and doing paper work.

Why not make dictaphones and typists available—at much smaller salaries—and allow the detective to spend his time doing what he is trained to do—find, arrest and capture criminals?

Go into any courtroom and you will find police officers waiting to testify. For the most part, they are at the mercy of the defendant's lawyer, who moves for a continuance—and requires the officer's testimony to await another day and more long hours spent away from his assignment. We must develop better court procedures that respect the time of the police. If better procedures cannot be found—if the police officer must continue to spend a considerable amount of time in the courthouse—why not install training and teaching devices there. Then the officer could get—and receive credit for—additional training while he waits.

And, fourth, we need to hire more police from minority groups, and we must improve relationships between the police and the community. Why not establish cadet corps for the police, recruited from young people—who serve as cadets while the Department helps them get the schooling they need to qualify fully as police officers?

Why restrict police-community relations activities to the community level? Why not establish units at the precinct level as well?

We should explore the possibility of setting up some type of civil force to deal with problems like domestic quarrels, garbage in the halls, and other matters not strictly related to criminal law. We have seen wonderful results when women were put to work as "meter maids"—when non-police officers were stationed at school crossings. Why not expand the concept—and get the policeman back where he belongs, back full time in the fight against crime.

These suggestions are by no means conclusive. I offer them as indications of what small steps might be taken to produce significant results.

In the 90th Congress, I have introduced legislation to enable every police officer to earn a college degree in police science. Under my bill, officers who have been employed for a minimum of 2 years would be eligible for tuition grants of $200 a semester to attend a local community college as a part of their regular duty. To assure that the police forces gain the benefits of the increased education of their officers, the bill requires officers to remain with their units for a period of 18 months.

The bill has been incorporated in the Safe Streets and Crime Control bill which was recently approved by the Senate Judiciary Committee. I am confident that the Senate will pass the bill and that funds for police education will soon be assisting thousands of police officers in Connecticut and around the country to improve their knowledge and skills.

The violence that America has undergone for the past five years is much more than a police problem. And the people who know this best are the police themselves. In city after city, police officers have told me that they can keep a lid on a hot situation, but they cannot end the slums that breed the conditions that lead to riots. That, they say, is a job for the rest of us. As one young police sergeant put it:

"If you really want to help us, clean up the ghetto." But by the same token, the police of this nation know better than anyone else that cleaning up the ghetto, ending the squalid poverty in our cities, cannot be done overnight. They know that those who promise an overnight cure, be they black or white, are misleading and deluding the men and women in our cities. Those who promise instant success will build only frustration that may lead to more anger and destruction.

We must bring an end to the suffering and squalor in our cities, to the unhappy lives that millions of law-abiding Negroes have contended with. But we must also do this within the framework of law and order. Every American must discipline himself. Every American must try to redress his grievances through legitimate chnnels. Those who preach anarchy and tyranny are not interested in building America. They are interested in destroying America.

The violence of this month—and the disorders of last summer—are destructive of more than property. Violence is destructive of the spirit. It hardens the attitudes of men.

Nowhere has it produced lasting and positive results.

Violence does not eliminate the conditions it seeks to destroy. Often it causes them to endure.

Violence does not make life in the slum any less mean or more tolerable, or bring forth responsible leadership.

Violence does not create understanding.

Instead, violence breeds fear. Lawlessness creates a lack of confidence. Disorder pushes into the background those who would build. The glare of flames and the flashing lights of police cruisers illuminate only the wreckers and the wreckage.

The times and events cry out for sanity and for constructive action.

More than 15 months ago, following extensive hearings on urban problems, I introduced a package of legislation that was based on six main themes. They were:

First, guaranteed job opportunities for all;

Second, providing a decent home in a decent environment that includes personal security and public safety;

Third, offering the maximum encouragement to private investment in rebuilding our cities and the lives of our people;

Fourth, involving the individual in his own destiny and emphasizing neighborhood development;

Fifth, reorganizing our agencies of government so that the new ideas of today will not wither on the bureaucratic vines of yesterday; and

Sixth, developing an educational system that will equip all children with the skills and resources necessary for a modern and growing society.

They are as valid today as they were in January of 1967. Perhaps more so.

The strength of a nation lies in its sense of moral force. The test of civilized men is how well they restrain in themselves that which can destroy others. America is a strong and a civilized nation. It is composed of black men and white men who believe in this country and who want this country to endure and to prosper.

America was founded on the belief that a man could change his destiny through peaceful means. For some, especially Negroes, this was impossible for many generations. But now it is possible. A foundation exists. We must build upon it so that one day, when police and public officials gather together, we will no longer speak about violence and destruction.

ADMISSIBILITY OF CONFESSIONS

Mr. McCLELLAN. Mr. President, I wish to discuss further the confession provisions of title II of the pending measure.

Mr. President, no matter how much money we appropriate for local police departments we will not have effective law enforcement so long as the courts allow self-confessed criminals to go unpunished. The confusion and disarray injected into law enforcement by such decisions as Mallory—*Mallory* v. *U.S.*, 354 U.S. 449, decided June 27, 1957—Escobedo—*Escobedo* v. *Illinois*, 378 U.S. 478, 1964—and Miranda—*Miranda* v. *Arizona*, 384 U.S. 436, decided June 13, 1966—are deplorable and demoralizing. They have weakened intolerably the force and effect of our criminal laws, and Congress better do something about it.

These decisions have set free many dangerous criminals and are daily preventing the conviction of others who are guilty. How can the freeing of known, admitted, and confessed murderers, robbers, and rapists by the courts, not on the basis of innocence, but rather on the pretext of some alleged, minor, or dubious technicality, be justified?

The breakdown of law and order emanating from such slavish dedication to technicalities is diminishing the safety of our citizens in their homes and on the streets of our cities. It is, to some degree, responsible for the increase in vicious assaults that are being made by thugs and hoodlums upon police and law-enforcement officials upon whom we must rely for protection.

Gangsters, racketeers, and habitual criminals are increasingly defying the law and flaunting duly constituted authority and getting away with it. As a consequence, public confidence in the ability of the courts to administer justice is being destroyed. Until the courts, and particularly the U.S. Supreme Court, become cognizant of this damaging trend and begin to administer justice with greater emphasis on truth and a deeper concern for the protection of the public, the crime rate will continue its upward spiral and the quality of justice will further deteriorate.

Criminal laws and punishment of the guilty are imperative to the preservation of social order and the civic liberties of our people. In the pursuit of those objectives, the scales of justice should be balanced proportionately and firmly so as to protect both the rights of society and those of the individual.

MALLORY CASE

Rule 5(a) of the Federal Rules of Criminal Procedure states that an officer making an arrest shall take the arrested person "without unnecessary delay" before a committing magistrate. The determination of what constitutes "unnecessary delay" was properly left to the court to be determined by the circumstances in any given case. In the Mallory case (*Mallory* v. *U.S.* 354, 449, June 27, 1957) some 7 hours after being taken into custody he voluntarily confessed to the crime of rape. The police could not locate a committing magistrate that night and, therefore, he was not arraigned until the next day. For this reason, the Supreme Court reversed his conviction and released him saying that the delay between arrest and arraignment was too long.

As I remember, and I think I am correct, some time thereafter this man was released on that rape charge, was arrested again, tried and convicted, and is now serving a sentence in prison for the crime of rape. What about the second rape victim, Mr. President? Who is responsible for that? We hear a lot of people crying that some policeman did not warn the accused of his rights and, therefore, he should be released again on society. Mr. President, do we think of the future victims? Do we fail to remember them?

This is just one instance. I think in each of those cases I have referred to the defendant has been convicted since of another crime, but all of them have been turned loose and all of them have since been convicted of other crimes.

Had they been in prison no doubt these other crimes would not have occurred, especially those committed since their convictions.

In the Mallory case the court said that 7 hours constituted "unnecessary delay." Eight short years later, the U.S. Court of Appeals for the District of Columbia—following the Supreme Court's edict—held, unbelievably, that a 5-minute interview before arraignment violated rule 5(a) and reversed the manslaughter conviction of one Tom E. Alston, Jr. (*Alston* v. *U.S.* D.C. Circuit No. 18750, May 6, 1965).

One would have to search long and hard to find a decision more calculated to thwart the administration of justice, and lessen respect for the law. The phrase "without unnecessary delay," under the distorted construction now applied by this court, means that the police cannot detain and talk to, or interrogate for even 5 minutes one who is suspect of having committed a crime of violence.

Title II would return to the rule of reason in such cases by providing that—section 3501, (c):

> In any criminal prosecution by the United States or by the District of Columbia, a confession made or given by a person who is a defendant therein, while such person was under arrest or other detention in the custody of any law enforcement officer or law enforcement agency, shall not be inadmissible solely because of delay in bringing such person before a commissioner or other office empowered to commit persons charged with offenses against the laws of the United States or of the District of Columbia if such confession is found by the trial judge to have been made voluntarily and if the weight to be given the confession is left to the jury.

ESCOBEDO AND MIRANDA CASES

Custodial interrogation has always been recognized as "undoubtedly an essential tool in effective law enforcement" said the Supreme Court in 1963 (*Haynes* v. *Washington*, 373 U.S. 503, 515).

This was held just 5 years ago. Yet 1 year later this same Supreme Court held:

> When . . . an investigation no longer is a general inquiry into an unsolved crime, but has begun to focus on a particular suspect who has been taken into custody, and the police carry out interrogation that lends itself to incriminating statements, without warning of his constitutional rights and without acceding to his requests for assistance of counsel, the accused has been denied the right to counsel guaranteed by Amendment 6 and the due process clause of Amendment 14. Consequently any statements elicited from him during such interrogation is inadmissible at his trial.

Justice White accurately characterized this far-reaching 5-to-4 decision in his dissenting opinion. He stated that the Court seems to think it is uncivilized for law enforcement to use an accused's own admission at his trial and effects this by attaching the right to counsel to its rule. This right attaches once the accused becomes suspect and thus bears admissions. This rule will prove unworkable unless police cars are equipped with public defenders and undercover agents and police informants have defense counsel at their side. He said:

> Under this new approach one might just as well argue that a potential defendant is constitutionally entitled to a lawyer before, not after, he commits a crime, since it is then that crucial incriminating evidence is put within reach of a Government by the would-be accused.

The defendant here knew full well that he did not have to answer. This new rule will cripple law enforcement.

If I attack the Court in trying to rectify these decisions, I am joined by four members of that Court who dissented.

Unhappily and tragically, Justice White's dire predictions are with us today, as the prohibitions imposed by this rule are definitely thwarting legitimate and necessary efforts of law enforcement officers to detect and investigate crime and to apprehend and prosecute those who are guilty. Thus, by this decision, the rights of society and the safety of the public are further imperiled while the wages of crime are enhanced and the protection of the criminal is reinforced and made more secure.

Following the reversal of Escobedo's conviction, this self-confessed murderer continued his criminal career and was subsequently convicted on four counts of possessing and selling heroin and sentened to 22 years in prison.

But it was in the case of *Miranda* v. *Arizona*, 384 U.S. 436, decided June 13, 1966, that the Supreme Court went "too far on too little," said Justice Tom Clark. In that case, the Court in another 5-to-4 decision amended the Constitution to formulate a new code of rules for the further protection of criminals at the expense of public safety. The decision provides that no confession—even if wholly voluntary in the traditional sense—can be admitted in evidence in a State or Federal criminal proceeding unless the prosecution can sustain the burden of proving that a fourfold warning of his rights was given to the suspect in custody before he was questioned; namely, that he has a right to remain silent; that anything he says may be used against him; that he has the right to have an attorney present during all questioning; and that, if indigent, he has the right to a lawyer without charge. Under this decision, the prosecution also has the burden of proving that the suspect voluntarily waived these rights by some affirmative statement and that such waiver continued in force throughout the entire questioning period. Any conviction depending in whole or in part upon voluntary confessions obtained by methods which do not measure up to these rigid standards must be reversed on appeal.

This decision was an abrupt departure from the precedent extending back to the earliest days of the Republic. Up to the time of this 5-to-4 decision the "totality of circumstance" had been the test in both State and Federal courts in determining the admissibility of incriminating statements and evidence derived by leads therefrom.

Prior to the 5-to-4 Miranda opinion, the Court had consistently held, as so clearly demonstrated by Mr. Justice White in his dissent, that:

> It is *not* essential to the admissibility of a confession that it should appear that the person was warned that what he said would be used against him, but on the contrary, if the confession was voluntary, it is sufficient though it appears that he was not so warned.

Mr. President, that is quoted from a prior decision of the Supreme Court. It was not the Constitution that changed. It was five members of the Court who undertook to change the Constitution, and what the Court had said for years was the Constitution.

This is nothing less than an usurpation by the Court of the power to amend the Constitution. That power is not reposed in the Court by the Constitution.

It is that usurpation of power and its exercise here that we are truly trying to correct.

Justice Clark aptly characterized the decision by saying that—

> Even in Escobedo the Court never hinted that an affirmative "waiver" was on the prosecution; that the presence of counsel—absent a waiver—during interrogation was required; that a waiver can be withdrawn at the will of the accused; that counsel must be furnished during an accusatory stage to those unable to pay; nor that admissions and exculpatory statements are "confessions."

Mr. President, listen to what Justice Clark said:

> To require all those things at one gulp should cause the Court to choke over more cases than (the two) expressly . . . overruled by Miranda.

Yes, Mr. President, I think that Justice Clark was right.

I ask today: Who benefited from it?

Not society. Not law abiding citizens. Not the innocent. The confessed, guilty defendant—who have since committed another crime and been sent to prison—is the only one who benefited from it.

Who benefits from it today?

The lawless element in the country. Not the good citzen. Not decent people. Not those who are afraid to walk the streets at night, but the criminal, the beast—if you please—who walks the streets, seeking to prey upon the innocent upon whom he can vent his depraved appetites.

Justice Harlan said:

> I believe the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large. How serious these consequences may prove to be only time can tell.

Mr. President, Look at the chart. The line represents the accelerated increase in crime today. It is almost vertical. It is moving rapidly in that direction. If it gets there, there is no telling what will happen.

He said further:

> The new rules are not designed to guard against police brutality or other unmistakably banned forms of coercion . . . rather, the thrust of the new rules is to negate all pressures, to discourage any confession at all. The aim in short, is toward "voluntariness" in a utopian sense, or to view it from a different angle, voluntariness with a vengeance.
>
> We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the Court is taking a

> real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation.

Mr. President, that is not my language. Anyone who wants to charge that I am being a little harsh should read the opinions of the dissenting justices. They did not spare any language to show they knew what was happening by these decisions.

Justice White said:

> Although in the Court's view in-custody interrogation is inherently coercive, it says that the spontaneous product of the coercion of arrest and detention is still to be deemed voluntary. An accused, arrested on probable cause, may blurt out a confession which will be admissible despite the fact that he is alone and in custody, without any showing that he had a notion of his right to remain silent or of the consequences of his admission. Yet, under the Court's rule, if the police ask him a single question such as "Do you have anything to say?"—

Mr. President, they cannot even ask that. They cannot even ask a single question like, "Do you have anything to say?" or "Did you kill your wife?"

To repeat the quotation:

> Yet, under the court's rule, if the police ask him a single question such as "Do you have anything to say?" or "Did you kill your wife?" his response, if there is one, has somehow been compelled, even if the accused has been clearly warned of his right to remain silent. Common sense informs us to the contrary. While one may say that response was "involuntary" in the sense the question provoked or was the occasion for the response and thus the defendant was induced to speak out when he might have remained silent if not arrested and not questioned, it is patently unsound to say the response is compelled.
>
> I see nothing wrong or immoral, and certainly nothing unconstitutional, with the police asking a suspect whom they have reasonable cause to arrest whether or not he killed his wife or with confronting him with the evidence on which the arrest was based, at least where he has been plainly advised that he may remain completely silent.
>
> Until today, "the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence."
>
> The rule (of Miranda) will measurably weaken the ability of the criminal law to perform (its) tasks.
>
> There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what (the) Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation.

In my opening remarks which I made on May 1, Law Day, the day this bill was taken up and made the pending business of the Senate, I cited case after case, newspaper accounts, of known defendants being turned loose on the basis of the Miranda decision. I cited one case in which a 14-year-old boy killed his mother by shooting her 12 times, and confessed to his father, and then went, with his father, to the police and confessed again. Because he had not been given a warning and offered a lawyer, and because everything the Miranda case said had to be complied with was not complied with, the judge had to turn him loose.

Mr. President, is that justice? Is that American justice today? If it is, the criminal has all the advantage. Under the Court's logic in the Miranda case, the day may come when a parent cannot ask his child about any harm the child has committed upon his mother without the parent giving him a warning that anything the child says may be used against him. Should fathers and mothers be required, before they ask a child about an act that may be criminal, to say, "Son, or Daughter, I am going to ask you something. I want you to know you can remain silent. You do not have to answer me. If you answer me, it may be used against you. Yes, Son, or Daughter, if you cannot afford a lawyer, I will provide you a lawyer. You must have him here by your side before I can ask you a question"?

Mr. President, is that justice?

Mr. President, one of the things that is contributing to crime in America is the lack of discipline in the home.

Justice White went on to say:

> I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.
>
> In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him.

I cited a number of cases which are cited in the RECORD in my speech on May 1, the day this bill came up, and I invite those interested to read them. But those are only a few examples of what is happening in America today.

Justice White goes on to say:

> Nor can (the Miranda) decision do other than have a corrosive effect on the criminal law as an effective device to prevent crime.

Look at the chart of crime today. The line is spiraling up and up, largely as a result of these decisions that do not enforce the law, decisions that favor criminals and turn them loose.

The opinion goes on to say:

> A major component in its effectiveness in this regard is its swift and sure enforcement. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it. This is still good common sense. If it were not, we should posthaste liquidate the whole law enforcement establishment as a useless, misguided effort to control human conduct.

I am quoting the view of the minority, 4 members of the court, including the father of the present Attorney General of the United States. Those are the views they held. They did not want to try to change the Constitution. They rebelled against it.

The opinion goes on to say:

> Much of the trouble with the Court's new rule is that it will operate indiscriminately in all criminal cases, regardless of the severity of the crime or the circumstances involved. It applies to every defendant—

Yes, a lawyer of the bar, a judge on the bench, the most intelligent man, a professor, a doctor of laws in this country, if he should be apprehended for some crime, must be told by the police officer, "I must warn you that anything you may say will be used against you. You must be silent. If you cannot afford a lawyer, we will get you one free of charge." How asinine can a rule of law or procedure be that requires such a warning to an accused having a doctorate of law degree or the court must set him free?

The same would apply to a hardened criminal, one who had been in the penitentiary most of his life and is a repeated offender. He would have to be advised of the Miranda warnings.

Mr. President, it does not make sense. It is not justice, and we should not tolerate it. I hope this body will have the intellect, courage, and wisdom to protest, by its vote, this trend toward absolving criminals from their responsibility under the law, and to strengthen the law enforcement officer who risks his life to try to enforce the law.

> It applies to every defendant, whether the professional criminal or one committing a crime of momentary passion who is not part and parcel of organized crime. It will slow down the investigation and the apprehension of confederates in those cases where time is of the essence, such as kidnapping.

The fears expressed by the minority were well founded as evidenced by the testimony received by the Subcommittee on Criminal Laws and Procedures, which is contained in the copy of the hearings on Senators' desks.

May I most respectfully and urgently suggest to my colleagues that the spiraling rate of crime that now plagues our Nation and endangers our internal security will continue unabated—even worsen—so long as this rigid and arbitrary prohibition against the admission into evidence of voluntary confessions by criminals is imposed on the processes of justice. As chosen representatives of our people we have a duty to do something about it. I earnestly ask each of my colleagues to join me in this most important legislative effort.

To allow reasonable questioning of suspects would protect the innocent, and would not, I am convinced, infringe in any way on the real constitutional rights of the criminal.

More than those of any other nation, our criminal trials are replete with protection for the accused. This was true before Miranda. Since Miranda, the trial has become a quest not for truth or innocence, but rather a witch-hunt for technicalities that protect the law violator and unbalance the scales of justice in favor of the self-confessed, known guilty criminals.

Yes, Mr. President, we hear a lot about witch hunting. There is a lot of it done today, in places where it should not be done—trying to find technicalities to free prisoners, to release convicted, guilty criminals back on society.

Are there those who say it is not being done? I say to them, "Look at the record. Look at these cases overruling precedents of a hundred years, to arrive at the decisions that would release these hardened criminals back on the society from which they came, to continue the pursuit of their criminal activities."

That is what they have done, Mr. President. Today some of them are back in the penitentiary, because they have been convicted of another crime. That crime could have been avoided had we adhered to the Constitution as it had been interpreted and enforced since the founding of this Government.

It simply does not make sense that uncoerced confessions and incriminating statements cannot be used in the prosecution of a criminal. From time immemorial voluntary confessions and incriminating statements have been considered the very best of evidence. After all, a criminal trial should be a serious effort to ascertain the truth. It is a flagrant travesty on justice to reject and exclude from consideration the strongest and most reliable evidence of guilt. No lawyer or judge for one moment would contend that coerced confessions should be admitted against an accused. They have always been excluded, and should be, for the simple reason that coerced confessions or statements are not trustworthy. But, if uncoerced, they are obviously the most trustworthy and convincing evidence of guilt that it is possible to produce.

Mr. President, the Constitution says that no man shall be compelled to be a witness against himself. The Constitution does not say that an officer investigating a crime has no right to ask the suspect a question about it. That is not compulsion. That is not the meaning of the word "compelled."

By "compelled" in this sense, as used in the Constitution, is meant coerced into making a statement. To ask a man if he killed his wife, or to ask him the question, "Where were you when the crime was committed"—if he answers those questions, is that compulsion? If it is compulsion, Mr. President, Webster's Dictionary fails to give that definition of it.

How, then, is civilized society to determine the issue of whether or not such evidence was coerced? Commonsense dictates that the determination, in each individual case, should be made in the same manner that other disputed issues of fact are determined under our system of jurisprudence—by judge and jury. When the confession or incriminating statement is offered in evidence and the issue of voluntariness is raised, the trial judge should exclude the jury and hear the evidence. If the trial judge concludes it was involuntarily given, he should exclude it. If he concludes it was the voluntary act of the defendant, he should admit it and then permit the jury to hear all the evidence as to the circumstances of the giving of the confession or statement, with instructions that it be given such weight as the jury may feel it is entitled to receive. In short, the totality of circumstances is the true and should be the only test for the court in determining voluntariness and the admissibility of a confession.

Certainly such a procedure would adequately safeguard the rights of the defendants. Judge and jury decide the ultimate issue of guilt or innocence in criminal cases. There is no reason why the issue of voluntariness should not be determined in the manner I have just outlined—a procedure that has always been the law of the land until these recent 5-to-4 decisions of the Court attempted to amend the Constitution. I believe that our trial judge and juries are to be trusted. They see and hear the witnesses and, therefore, are better able to determine the truth than an appellate court which sees only a cold printed record.

EXPLANATION OF TITLE II (SEC. 3501)

Title II would require the trial judge to take into consideration, in determining the issue of voluntariness, all the circumstances surrounding the giving of the confession or incriminating statement of the accused. Such circumstances would include the length of time between arrest and arraignment; whether the defendant knew the nature of the offense with which he was charged or suspected; whether he was advised or knew that he was not required to make any statement and that such statement could be used against him; whether the defendant had been advised prior to questioning of his right to the assistance of counsel; and whether he was without the assistance of counsel when questioned and when giving his statement or confession. The trial judge would have to take into consideration these factors, together with any others which have relevance in determining voluntariness. This procedure would provide a workable yardstick for the court, the jury, the accused, law enforcement officers, and would protect the public interest. It would be eminently fair to the accused as well as to society. It is reasonable. No arbitrary time limit would be set for holding and questioning an accused before arraignment. Nor would this procedure deny the prosecution the use of prime evidence of guilt; that is, voluntary confessions and incriminating statements, on the arbitrary and unreasonable ground that the arresting officer did not warn the accused of his constitutional rights and that the accused did not have a lawyer present. We all know that a confession might be involuntary and coerced no matter how much warning the arresting officer might have given or how short the time between arrest and arraignment. And we all know that a confession might be unquestionably and completely voluntary even though the accused had not been so warned and had not been arraigned without delay. The test of admissibility should, therefore, rest upon the circumstances in each individual case and should be applied by those best able to make the determination—our trial judges and juries who hear and see the witnesses as they testify.

REBUTTAL TO ARGUMENTS MADE AGAINST THE VOLUNTARY CONFESSIONS SECTION OF TITLE II (SEC. 3501)

First. Contention: That title II is "a resort to police state tactics."

Answer: The voluntariness test is not a "police state tactic," we lived under it up until the Miranda decision in 1966. It was constitutional up to that time, when by a vote of 5 to 4 a "new rule was fashioned" by the Supreme Court. Many more Supreme Court Judges have held it to be constitutional, than have ruled against it.

Second. Contention: That title II would do great damage to the perpetuation of a system of government by law."

Answer: On the contrary, the damage to law enforcement and respect for law and order has been done by these unrealistic 5-to-4 decisions of the Supreme Court, which have been tantamount to amending the Constitution by misinterpreting it. The Constitution has not changed. A misinterpretation of it by five judges has sought to change it.

Third. Contention: That proposals in title II are "heavily suspect first in their effectiveness and second in their constitutionality."

Answer: The testimony in the RECORD shows conclusively they would be effective and are desperately needed. As to constitutionality, no one can say what the Court would do when these issues get there. Title II would not be declared unconstitutional by three of the present Justices; the procedure provided was not declared unconstitutional until 1966; the RECORD contains much support for constitutionality.

Fourth. Contention: The President would not sign the bill with title II included.

Answer: The same doubts were expressed about the District of Columbia crime bill which revised the Mallory rule. The President signed that bill.

Fifth. Contention: The only part of S. 917 that would make streets safer is title I.

Answer: All the money in the Treasury won't make streets safe if self-confessed criminals, who have voluntarily admitted their guilt, are to be turned loose.

Sixth. Contention: That the bill seeks to change the fifth and sixth amendments to the Constitution.

Answer: No such thing. Nothing in title II denies a defendant a right to appeal, all the way to the Supreme Court if he so desires. The Court can still pass upon any claim of denial of rights in the orderly process of appeal.

Whether or not a confession is voluntary is a question of fact. Traditionally, if there is any substantial evidence to support a lower court finding on the facts, appellate courts will not interfere. The bill does no violence to this principle.

Section 3501 of title II does not deny the circuit courts of appeal and the Supreme Court the power of review. It does not even provide that the trial judge's finding as to voluntariness shall be conclusive.

The bill does not seek to change the fifth and sixth amendments. They remain the same, only five of the Justices have usurped the power to amend the Constitution.

Seventh. Contention: That Miranda was correctly decided, and that the bill provides unlimited time for third-degree methods.

Answer: The bill does no such thing. It does not authorize unlimited interrogation by police. The length of time between arrest and arraignment specifically is one thing the judge must look to in determining voluntariness. Police officers know the courts will be looking at their conduct.

Eighth. Contention: It is argued that the presumption of innocence is one of our safeguards.

Answer: No one disputes that; nor does the bill in any way affect this presumption.

Ninth. Contention: That an arrested person must be carried forthwith before a magistrate.

Answer: Rule 5(a) states—"without unnecessary delay." Nothing in the bill authorizes lengthy delay in arraignment; delay is a factor the judge must take into consideration in determining the factual issue of voluntariness.

Tenth. Contention: That this proposed legislation is a futile attempt to amend the Constitution.

Answer: Not true. It is a conscientious effort on the part of Congress to undo incalculable harm five members of the Court have done to society by their attempt to amend the Constitution by erroneously interpreting it. Of course, it is possible the Supreme Court might declare the provisions of title II, or some of them, unconstitutional. But this is by no means certain. If the Court should do so, the Congress might then have to resort to more drastic and cumbersome procedures of amending the Constitution in an effort to respond to the demands of the people for protection from the injustice of guilty criminals being released on society.

Eleventh. Contention: That there are emotionally unstable defendants who will confess to save a loved one, and that we cannot have "the kind of rule of thumb" set out in the bill.

Answer: The concept of "totality of circumstances" was not thought to be a rule of thumb up until the Miranda decision. Trial judges, who see and hear the defendant and other witnesses, are better able to judge and weigh the evidence, and to take into consideration the mental state of the defendant. The bill does not provide for a rule of thumb. It provides the most accurate, reasonable, and reliable approach to the problem of the admissibility of voluntary statements and confessions.

Twelfth. Contention: That title II "smacks of a Court-packing scheme."

Answer: This is a wholly inaccurate analogy and as a matter of fact, when I was a Member of the House of Representatives, I opposed the Court-packing scheme. We seek not to pack the Court. We seek only equal justice for society as against the criminal and for a return to the law of the land—the Constitution as interpreted by some of our most learned Justices of the Supreme Court since the founding of the Republic.

Thirteenth. Contention: The adoption of title II would do nothing in the fight on crime.

Answer: The record completely refutes this statement. For example, testifying on the confessions provision of the bill—title II—the Honorable J. Edward Lumbard, chief judge of the U.S. Court of Appeals for the Second Circuit, New York City, said:

> During the past ten years the most troublesome questions before the trial and appellate courts both State and Federal, have involved the administration of criminal justice under our Federal Constitution. The judges share the alarm of the public, the Congress and the President over the worsening crime situation and the shrinking power of law enforcement to cope with it as effectively as it should. Any proposals for expanding and clarifying the powers of law enforcement agencies must be considered in light of the fact that it has become more and more difficult for these agencies to secure sufficient evidence of crime to justify arrest, prosecution and conviction. First, decisions of the Supreme Court now require law enforcement agents to warn suspects . . . . in such a way that those who otherwise would voluntarily speak are now virtually encouraged not to do so. Thus in many cases the most ready, the most authentic and the most natural means of getting information by the voluntary statement of the person best able to tell, is no longer available.
>
> We think this matter is so important that the Congress and the State legislatures ought to do the best they can to lay down the rules under which statements may be taken, and to provide how the rights of the individuals should be protected.
>
> For the reasons set forth in the separate statements of seven members of the President's Commission, I think the public interest in effective law enforcement would require a return to the rule that the admission of the statement or confession of an accused should depend only on whether it was voluntary.

Judge Alexander Holtzoff, U.S. district judge for the District of Columbia, stated:

> There is no doubt whatever that in the District of Columbia at least, many criminals whose guilt was either admitted or was not seriously in dispute have been turned loose because of the manner in which the rule of the *Mallory* case has been interpreted and applied in this jurisdiction. In my humble judgment this was one of the contributing causes to the difficulty in enforcing the criminal law and in the increasing rate of crime. Washington has become a crime-ridden city.
>
> We get fewer pleas of guilty than we ever did before, because experienced and sophisticated criminals feel that, well, they will take a chance. The chances are very great that eventually, if they are found guilty, the conviction may be reversed.
>
> Not only have we had a diminution in the percentage of pleas of guilty, but trials take longer, because instead of concentrating on the real issue of the case—namely, did the defendant commit the crime, that is what we should be trying—we have to try a great many tangential issues, such as did the policeman take his prisoner promptly enough to a magistrate. Should he have questioned him? Should he have searched him? And more time is devoted to these tangential issues than to the real issue that has to be tried.
>
> The question of guilt or innocence become relegated to the background, because in many of these instances guilt isn't seriously in dispute.

The Honorable Edwin M. Clark, president judge, 40th Judicial District, Indiana, Pa., in a letter to Senator McCLELLAN dated April 13, 1967, stated:

> It is my opinion that a voluntary confession and the information gathered by the police as a result of a voluntary confession should be admitted in evidence in the trial of a case. In the trial of cases today of course, I am bound by late decisions of the United States Supreme Court and we try all cases in the light of those decisions. I think, however, I have the right to say that I believe that these decisions are based upon some rather fuzzy, mental, sob-sister gymnastics. I am very much interested in the rights of the individual but I am also interested in the rights of society generally.

Fourteenth. Contention: The proposals are shocking, arbitrary, attempts to legislatively repeal the Constitution, and lacking in congressional restraint.

Answer: The present majority on the Supreme Court has shown no restraint whatsoever, even though chided and warned by four of their brethren. This proposed legislation, on the other hand is really restrained. It would only restore "the law of the land" under the Constitution.

Fifteenth. Contention: That if changes are to be made in the Constitution they should be made through amendment.

Answer: I wholeheartedly agree. We are here protesting and trying to rectify 5-to-4 court decisions, which have had the effect of amending the Constitution—a power the Supreme Court does not have under the Constitution.

Sixteenth. Contention: That the voluntariness test is "vague."

Answer: There is nothing vague about it. It is time tested and the only commonsense way of dealing with the problem. Voluntariness is a question of fact in each case that arises and must be left to the court and jury, just as all other such issues are, under the guidelines being set forth in the bill. It is not a straitjacket.

Seventeenth. Contention: That State prosecutors now always see to it that the evidence as to voluntariness is conflicting; that coercion is denied on the record by the arresting officers; and that, therefore, that is the reason the majority on the Supreme Court insists on warnings.

Answer: This is an unwarranted indictment of the integrity of State law-enforcement officers. Commonsense tells us that an officer who would coerce a confession and lie about it would lie also and say he gave the warning, and that the defendant waived counsel. The only sensible solution to the problem then is the "totality of circumstance" approach, an issue that should be determined by the trial judge and jury.

Eighteenth. Contention: That absence of counsel means the defendant will have no witnesses other than himself to testify to abuse by interrogating officers.

Answer: Under this bill the court must take into consideration whether or not he had counsel. Trial judges would surely take this into account in the case of an uneducated or misinformed defendant, but it would have little or no weight with a law school graduate, or other well-informed defendants. Nor should it have undue weight with a hardened criminal—a repeater in crime.

Nineteenth. Contention: Since there are 50 States there will be 50 different versions of what is voluntary.

Answer: This is absurd. Every case must stand on its own facts. It is a factual question, not a law question, in each case as to whether or not a confession was coerced.

Twentieth. Contention: That the proposed action by Congress "can only generate cynicism among the people, invite lawlessness, and make a mockery of the rule of law in America."

Answer: That is a good description of current conditions and that is exactly what we are trying to overcome by the enactment of S. 917.

Twenty-first. Contention: That there is a "longstanding principle" that the accused has a right to be advised of his rights.

Answer: Prior to Miranda the Supreme Court had consistently held that there was no such constitutionally required right to warnings.

Twenty-second. Contention: That the bill would be a disservice to the police.

Answer: Policemen, prosecutors, and judges disagree with this. The record of testimony is overwhelming against this contention.

Twenty-third. Contention: That some surveys show that Miranda has had no adverse effect on law enforcement.

Answer: Surveys on the effect of Miranda, whatever their basis may be, are completely in disregard of and at variance with the testimony in the record. For example, the Younger survey was laid to rest by Mr. Quinn Tamm, executive director, International Association of Chiefs of Police—see page 340 of the hearing record. The Sobel survey was likewise proved fallacious by Judge Miles McDonald, justice, New York Supreme Court—see page 687 of the hearing record.

Twenty-fourth. Contention. That it is a myth that prosecutors need confessions and admissions to make their cases.

Answer: This conclusion is not shared by the numerous witnesses who testified; certainly not by the Association of District Attorneys, which endorses title II and such other prosecutors—Mr. Charles E. Moylan, Jr., State's attorney for Baltimore City, or by Mr. Aaron E. Koota, district attorney, Brooklyn, N.Y., or by Mr. Arlen Spector, district attorney, Philadelphia, Pa., or by Mr. Frank S. Hogan, district attorney, New York City.

Twenty-fifth. Contention: That "should the Supreme Court declare this portion of the bill unconstitutional, vast numbers of arrests and convictions made in reliance on the bill would be invalidated."

Answer: This argument is fallacious because; first, no one can predict what the Court would hold as to retroactivity; second, the question could get to the Court speedily; third, the bill applies only in Federal courts; fourth, other Federal convictions would be few in number and would have to be passed upon in separate proceedings. The facts in each case would have to be passed upon; fifth, nothing in the bill requires Federal or State officers to cease giving the warnings; and, sixth fears expressed in this regard are purely speculative.

Mr. President, some two or three extremely liberal editorial writers have characterized title II of S. 917 as an unwarranted attack on the Supreme Court. Mr. President, if it is an unwarranted attack, so were the statements I have read here of four members of the Court itself. If it is an unwarranted attack, then there are millions of Americans today who, in their hearts, are attacking the Court, because they believe its decisions are wrong.

Can we not disagree, and can we not criticize, without being charged that we are attacking the Court? If this is an attack, then the Court attacked its predecessors, Mr. President, in order to arrive at the rulings that it made.

I do not believe my colleagues or the law-abiding citizens of America will be deceived or misled by these "red-herring" tactics to becloud and detract from the real issue.

The true issue, and there is no escaping it, is the spiraling rate of crime and the erroneous decisions of the Supreme Court, versus the safety of our people and the security of our country.

That is the real issue in this battle, Mr. President, that is being fought here in the Senate today. That is the issue.

Since this bill has been in issue, I have not seen one single editorial by these bleeding hearts expressing concern for the victim—not one expressing concern for the safety of our citizens—and not one expressing concern for the total breakdown of law and order which is evident in all sections of the country, and especially here in the Nation's Capital.

Who cares for the victim? Who wants to protect our citizens? Who is concerned over our internal security?

I earnestly solicit and urge all Members of the Senate to join with me in this fight, and vote for a strong, comprehensive anticrime bill to make our streets safe, and to insure equal justice for all—for society as well as for self-confessed, confirmed criminals.

Let us bring the scales back in balance.

ALL SEGMENTS OF LEGAL COMMUNITY CONDEMN TITLE II OF CRIME BILL

Mr. TYDINGS. Mr. President, I believe it is important that the Senate recognize, in its consideration of title II of S. 917, that spokesmen for all segments of the legal community in this country have spoken firmly against these radical proposals. One recurrent theme in this criticism should be emphasized. Far from assisting police in effective law enforcement, approval of title II would deprive the police of clear guidelines for their conduct and create a chaos of uncertainty for police and prosecutors.

Before any member of this body considers voting for title II, he should consider that the Judicial Conference of the United States—which is composed of the most distinguished Federal judges, at the district court and appellate levels, in this country—is on record as opposed to all of the provisions of this title, except for the provision to overrule the 1967 Wade case, regarding lineups, which the Conference has not yet had time to meet on.

Before any Member of this body considers voting for title II, he should consider that the criminal law section of the American Bar Association has adopted a formal position opposing title II of this bill.

Before any Member of this body considers voting for title II, he should consider that the American Law Institute, composed of the most eminent lawyers in this country—a group which, incidentally, was critical of the rules set out in the Miranda case before that case was in fact decided—has just this week issued a report recommending against any legislative action to change the Miranda rules at this time. The report states:

> Prior to any serious consideration of a system that would be inconsistent with *Miranda*, it is of the utmost importance to evaluate what the results are of seeking the fairest and most effective procedures within the scope of that decision. It is only as experience accumulates and is carefully evaluated that the appropriateness of more sweeping changes can fairly be judged.

Before any Member of this body considers voting for title II, he should consider, and study carefully, the unanimous views of 212 legal scholars, from 43 law schools, including the deans of 24 law schools, who have written urging that title II be rejected by the Senate. These law schools are the following:

University of Arizona College of Law, Tuscon, Ariz.

Boston College Law School, Brighton, Mass.

University of California School of Law at Davis, Calif.

University of California School of Law at Los Angeles, Calif.

California Western University School of Law, San Diego, Calif.

Chase College School of Law, Cincinnati, Ohio.

University of Chicago School of Law, Chicago, Ill.

University of Cincinnati College of Law, Cincinnati, Ohio.

University of Connecticut School of Law, West Hartford, Conn.

University of Detroit School of Law, Detroit, Mich.

Duke University School of Law, Durham, N.C.

Emory University School of Law, Atlanta, Ga.

Georgetown University Law Center, Washington, D.C.

George Washington University National Law Center, Washington, D.C.

Gonzaga University School of Law, Spokane, Washington.

Harvard University Law School, Cambridge, Mass.

Indiana University School of Law, Bloomington, Ind.

University of Kansas School of Law, Lawrence, Kans.

University of Louisville School of Law, Louisville, Ky.

Loyola University School of Law, Los Angeles, Calif.

University of Maine School of Law, Portland, Maine.

University of Maryland School of Law, Baltimore, Md.

University of Michigan School of Law, Ann Arbor, Mich.

University of Missouri School of Law, Columbia, Mo.

University of Missouri School of Law, Kansas City, Mo.

University of New Mexico School of Law, Albuquerque, N. Mex.

University of North Dakota School of Law, Grand Forks, N. Dak.

University of North Carolina School of Law, Chapel Hill, N.C.

Northeastern University School of Law, Boston, Mass.

Notre Dame Law School, Notre Dame, Indiana

University of Oklahoma College of Law, Norman, Okla.

University of Oregon School of Law, Eugene, Oreg.

University of Pennsylvania School of Law, Philadelphia, Pa.

Rutgers, The State University, School of Law, Camden, N.J.

University of South Dakota School of Law, Vermillion, S. Dak.

Southern University Law School, Baton Rouge, La.

Stanford University School of Law, Stanford, Calif.

University of Tennessee School of Law, Knoxville, Tenn.

University of Tulsa College of Law, Tulsa, Okla.

University of Utah College of Law, Salt Lake City, Utah

University of Virginia School of Law, Charlottesville, Va

West Virginia University College of Law, Morgantown, W. Va.

Yale University School of Law, New Haven, Conn.

Mr. President, the letters from these law schools reveal both the radical character of title II and its undesirability.

Mr. President, before any Member of this body considers voting for title II, he should consider the unanimous views of the groups I have mentioned—the Judicial conference of the United States, the criminal law section of the American Bar Association, the American Law Institute, and hundreds of legal scholars across this country. Having considered these views, I believe that every Member of this body should be persuaded to vote against every provision of title II.

I ask unanimous consent that the full text of these letters appear in the Record, so that these letters can be studied in detail.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The University of Arizona,
Tucson, Ariz., May 6, 1698.

Senator Joseph D. Tydings,
U.S. Senate, Committee on the Judiciary, Washington, D.C.

Dear Senator Tydings: I have read with interest, and I may say astonishment, Title II of the Omnibus Crime Control and Safe Streets bill. Passing the question of the power of the Congress to overrule the Supreme Court's decisions in *Miranda* and *Wade,* I should like to direct my comments to the proposed reduction of the Court's appellate jurisdiction in certain aspects of criminal cases and abolishing federal habeas corpus jurisdiction over all state criminal convictions.

As a student of the criminal process, as one who has served as a prosecutor as well as defense counsel, I can only say that I regard these proposals as the most dangerous to have grown out of our current concern for the criminal process. I respectfully suggest that these sections of the statute bespeak a misdirection of the Senators' concern over the state of criminal procedure. The fact is that the states have long ignored the necessity to revise and modernize their procedures in order to accomplish their objectives of social control with efficiency, fairness but a due regard for individual rights. As a result, the Supreme Court and lower federal courts have been compelled to exercise their long standing power to enforce the Constitution. The result has been considerable friction and restiveness under the pressure of federal court decisions but the solution is the improvement of statute procedure not the dismantling of the federal courts' power to protect individuals from injustice and unconstitutional treatment.

For example, few states in this nation have any post-conviction procedures worthy of the name. To resolve that problem by making it impossible for one who has been aggrieved to vindicate his right in federal court seems unwise in the extreme.

The practicing profession and the law schools are only now beginning to awaken to their responsibility to modernize our criminal process. If this responsibility is discharged in reasonable fashion, there will be little necessity for the federal courts to exercise their ancient authority but that authority ought always to be available.

I appreciate the opportunity to express my views on this most important legislation.

Sincerely,

Charles E. Ares,
Dean.

The University of Arizona,
Tucson, Ariz., May 6, 1968.

Senator Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Dean Ares has forwarded to me a copy of your letter of April 19th requesting comment upon S. 917, the Omnibus Crime Control and Safe Streets bill. Without attempting to write a lengthy legal memorandum which I am sure you have in sufficient supply, I want to say that in my considered opinion the bill is, in certain respects, plainly unconstitutional.

Of particular concern to me is the attempt to regulate the appellate jurisdiction of the Supreme Court. While language in *Ex Parte McCardle,* 7 Wall. 506, certainly suggests a residual power in Congress to deprive the federal courts of specific areas of jurisdiction, it is my view that Congress, having once established the courts, must refrain from disestablishing areas of judicial concern when to do so would seriously hinder the protection of basic civil and constitutional rights. (See: *Glidden* v. *Zdanok,* 370 U.S. 530 at 604–605, dissenting opinion of Douglas J.)

The other provisions of the bill which attempt to legislatively define constitutional standards, are to my mind equally offensive. In our system of government the judiciary is the body that is empowered to "expound the constitution," to paraphrase Chief Justice Marshall.

Sincerely,

Winton D. Woods Jr.,
Professor of Law.

Boston College Law School,
Brighton, Mass., April 25, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Dean Drinan has referred to me your letter of April 19 concerning the Judiciary Committee's amended Title II of S. 917.

I suggest that a balanced appraisal of the Supreme Court's decision in *Mallory* v. *United States,* 354 U.S. 449, must take into account the factual background of that case. The record shows that shortly after the crime was committed the police set out a dragnet and indiscriminately arrested a great many citizens on nothing more than suspicion or speculation. All these people were held in custody far beyond the time at which the legal mandate required that any accused be presented before a U.S. Commissioner. It was only after Mallory gave the confession the police wanted, that Mallory himself was brought before a magistrate and the others released. To me, these circumstances constitute the strongest sort of justification of the Court's action in adhering to the doctrine that it had announced fifteen years earlier in *McNabb* v. *U.S.,* 318 U.S. 332. A generation or two ago, there was a legal philosophy accepted by some eminent jurists with reference to the somewhat similar matter of the use of evidence obtained by unreasonable search and seizure. This philosophy was summed up in the well known phrase which objected to the proposition that "the criminal is to go free because the constable has blundered." Experience over the years has shown that all too frequently constables have done much more than simply "blunder." In the light of such experience there is now a pretty general consensus, first among State Courts, then capped into constitutional dimension by the Supreme Court (*Mapp* v. *Ohio,* 367 U.S. 643) that the only effective way of enforcing the rights of the people under the Fourth Amendment is to exclude from evidence at a trial material seized in violation of that Amendment. I suggest that similar considerations logically lead to the conclusion that the only effective method of enforcing existing legal limitations upon police rights of arrest and detention is to adopt a similar evidentiary rule of exclusion.

With reference to the provisions of the Committee amendment, which look to evasion of *Miranda* v. *Arizona,* 384 U.S. 436, and *U.S.* v. *Wade,* 388 U.S. 218, I would suggest that enactment of such provisions would be a gross abuse of the powers of Congress under Article III of the Constitution. I refuse to believe for one minute that when the Founding Fathers authorized the Congress to regulate and establish exceptions to the appellate jurisdiction of the Supreme Court it was ever conceived that this power would be used to prevent judicial action striking down violations of the Constitution itself. In my opinion, one of the most shameful episodes in United States history was the one, some one-hundred years ago, when the Congress rushed through a law snatching away from the Supreme Court its appellate jurisdiction in a case which seemed certain to bring about invalidation of the manifestly unconstitutional Reconstruction legislation. I would fervently hope that American history will never witness a repetition of this incident. I do recall, however, that at the height of a wave of hostility some ten years ago attempts were made to use the Congressional power to regulate the appellant jurisdiction of the court in order to make a dead letter of various constitutional doctrines announced by the Court which one senator or another found unacceptable. You may recall that it was probably only through the brilliant parliamentary leadership of the then Majority Leader of the Senate in combining all of the bills into a single package that the incipient revolt against the Supreme Court was defeated by a single vote.

With reference to the proposed abolition of Federal habeas corpus to review State convictions, I feel that this too would have a dangerous tendency to undermine the securities of individuals guaranteed by the Constitution. Our experience for many years in the administration of Federal habeas corpus in these cases has revealed abundantly that all too often State criminal procedures contain "springes" (*Davis* v. *Wechsler,* 263 U.S. 22, 24–25) which the Constitution forbids the States to bar enforcement of Federal rights. As you know, however, the pressure of business upon the Supreme Court is so great that it would be impossible to set aright denials of Federal rights from such sources by direct review through the writ certiorari. The only alternative remedy which the ingenuity of diligent and talented men has been able to devise is the present practice of collateral review in the Federal Courts. I strongly feel that until a better procedure, which would furnish protection of basic individual rights, can be devised we should retain what we have.

I earnestly hope that your efforts in opposition to this unfortunate Committee amendment will meet the success that it deserves.

Sincerely yours,

John D. O'Reilly, Jr.,
Professor of Law.

University of California, Davis,
Davis, Calif., April 25, 1968.

Hon. Joseph D. Tydings,
Senators' Building,
Washington, D.C.

Dear Senator Tydings: I agree with you that it would be a great mistake for Congress to pass title II of the Omnibus Crime Control and Safe Streets bill.

The proposed § 3501 would propose to legalize some procedures which the Supreme Court has found to be in violation of the Constitution. Such a head-on collision between legislative and judicial authority is not a satisfactory way to solve this problem. In these days when we are all so concerned with maintenance of law and order in our cities, it is hardly an appropriate precedent for the Congress itself to act in defiance of the law laid down by the courts. I am inclined to think that there are things Congress might do in relationship to this problem which would not involve what is in effect, defiance of court rulings.

§ 3502 would also be a most unfortunate precedent. Whatever the basic constitutional limitations are, they should have reasonable uniformity of application within the United States. To allow each state to develop its jurisprudence regarding confessions without any form of unifying review would run counter to the traditional constitutional scheme. Whatever one's views on the Supreme Court cases dealing with confessions, I should think that one would regard it as a mistake to open this way of dealing with the problem. I hope we are not ready to start tearing down the Union by permitting the creation of local legal empires sheltered from the uniform application of Federal law. Similar comments to the above apply to § 3503. I cannot believe that Congress does not want any constitutional control upon the testimony of alleged eye witnesses, notoriously a most unreliable form of evidence in criminal proceedings. Here again, there is room for creative legislation setting legislative standards for the admission of such testimony. The Court itself has indicated that with such adequate standards, it would not feel the need to apply its requirement of having a lawyer at a line-up.

§ 2256 deals with a very difficult problem which has been struggled with by the Judicial Conference and Congress over the years. Again, it would seem that the meat-axe approach of cutting out all collateral review in the Federal courts is much too arbitrary a solution to the problem.

Sincerely yours,
EDWARD L. BARRETT, Jr.,
Dean, School of Law.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
SCHOOL OF LAW,
Los Angeles, Calif., April 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: We are writing to you regarding Title II of the Safe Streets bill, S. 917, as recently reported out by the Senate Judiciary Committee. As we understand it, Title II would overrule the decisions in *Miranda* v. *Arizona* and *Westover* v. *United States* and make voluntariness the sole test of admissibility of a confession in the Federal courts. It would withdraw the jurisdiction of any Federal court to review state court determinations on the voluntariness issue. It would make eyewitness testimony always admissible in the Federal district courts, thus overruling the decision in *United States* v. *Wade*, and withdraw the jurisdiction of Federal appellate courts to review state or Federal trial court determinations admitting such testimony. It also would overrule the decision in *Mallory* v. *United States* holding that unnecessary delay in bringing an arrested person before a magistrate is a ground for excluding a confession obtained during the period of delay. Finally, it would effect a withdrawal of the power of the Federal courts to review state court convictions through *habeas corpus*.

As teachers of constitutional and criminal law, we are dismayed by this attempt to overturn, in wholesale fashion, recent decisions of the Supreme Court in the field of criminal procedure. In our judgment, Title II is bad as a matter of policy. It is worse as a matter of constitution law.

In overruling *Miranda* and *Wade*, it represents an attempt to withdraw constitutional protections by statutes—a power that Congress clearly does not have under the Constitution.

In attempting to withdraw the jurisdiction of the Supreme Court to review state court decisions as to confessions and eyewitness testimony, it raises serious constitutional questions involving the limits of Congressional power under the Constitution. Although Congress has the power under Article III to determine the appellate jurisdiction of the Supreme Court, there is grave doubt that that Article empowers it selectively to withdraw the jurisdiction of the Court to review *particular* issues that arise in the context of a criminal case. If Congress could so use its power over the appellate jurisdiction of the Supreme Court there would be nothing to prevent the Congress from promulgating similar legislation every time the Supreme Court reached a decision with which it disagreed.

In abolishing Federal habeas corpus jurisdiction in state criminal cases, Title II also raises serious constitutional questions since Article I of the Constitution bars suspension of the "privilege of the Writ of Habeas Corpus" except in cases of rebellion or invasion.

Viewed as a whole, Title II makes substantial inroads on the traditional power of the Federal courts to determine constitutional issues in state criminal cases. As a matter of policy, we consider this undesirable. Historically the Federal courts have performed an important and useful function in reviewing state criminal convictions for constitutional error. Over the years, it has been amply demonstrated that state courts have not always effectively protected the constitutional rights of accused persons. Abolishing Federal court review would relegate important issues of constitutional dimension to the authority of 50 state court systems. It would thus make for inconsistency and undercut the basic protection of individual rights that our system of judicial review has traditionally provided.

In summary, we conclude that Title II of S. 917 represents bad law and poor policy. We vigorously oppose it and call upon you and your colleagues in the Senate to reject it.

Sincerely yours,
Norman Abrams, William Cohen, Kenneth Graham, Harold W. Horowitz, Kenneth Karst, Herbert Morris, Melville B. Nimmer, Monroe Price, Arthur Rosett, Lawrence Sager, Murray L. Schwartz, Professors of Law.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
SCHOOL OF LAW,
Los Angeles, Calif., April 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I have joined a letter to you, dated today, signed by some of my colleagues, concerning Title II of the Safe Streets bill, S. 917. The purpose of this letter is to elaborate on some of the points made in that letter, concerning the unconstitutionality and undesirability of Title II.

As a teacher of federal jurisdiction, as well as constitutional law, I am particularly concerned with the restriction of Supreme Court Jurisdiction, contained in proposed 18 U.S.C. § 3502, and the severe curtailment of habeas corpus jurisdiction in the proposed amendment to 28 U.S.C. § 2256.

The proposed reduction of Supreme Court and lower federal court jurisdiction in 18 U.S.C. § 3502 would, since the days immediately following the Civil War, be the first time that the jurisdiction of the Supreme Court has been curtailed because of disagreement with the merits of the Court's decisions. More important, it would mark the first time in our history that a jurisdictional statute has been used to control the merits of the future decisions of all federal courts. Because the serious policy implications of the use of Congress' control over the Court's jurisdiction to control the Court's decision of constitutional issues are so obvious, I will confine my discussion to the constitutional issues. *Ex Parte McCardle*, 74 U.S. 506 (1869), sustained the power of Congress to repeal the Court's recently granted power to review decisions of the circuit courts on habeas corpus. While the repeal frustrated the Court's review in the *McCardle* case itself, the *McCardle* case does not establish Congress' power to remove entirely narrow classes of cases arising under the Constitution from the Court's reviewing power. After *McCardle*, the Court continued to have jurisdiction to review denial of the writ of habeas corpus by petition for original writs of habeas corpus and certiorari. *Ex parte Yerger*, 75 U.S. 85, (1869). Moreover, nothing in the *McCardle* case justifies the power of Congress to deny jurisdiction to federal courts to determine discrete issues in cases where the courts continue to have jurisdiction over other federal issues in the case. Finally, and most significant, federal courts would continue to have jurisdiction to review and reverse state court decisions which hold that a confession should be *excluded* on federal grounds. The determination whether the federal court can review federal law issues concerning confessions in state cases depends entirely upon the decision on the merits in the state courts, and not upon the nature of the case or the issues involved. Even conceding the power of Congress to deny federal jurisdiction entirely over certain kinds of constitutional issues (a concession I have refuted above), it is settled that Congress can not use its power over jurisdiction to control the *outcome* of judicial decisions in cases where the courts are given jurisdiction. *United States* v. *Klein*, 80 U.S. 128 (1872). In short, 18 U.S.C. § 3502 would not be a constitutional exercise of Congress' power to control the jurisdiction of federal courts, but an unconstitutional attempt to control the merits of constitutional adjudication.

The proposed amendment to 28 U.S.C. § 2256 would be an unconstitutional suspension of the writ of habeas corpus. Moreover, its impact upon the process of federal review of state court conviction will be more serious than that of any other provision of Title II. Its effects would go far beyond cases of exclusion of confessions and the products of illegal search and seizures. The Supreme Court is not physically able to review on certiorari the merits of federal constitutional issues in the decisions in criminal cases in the fifty states. If denial of certiorari is equivalent to the denial of all federal court review, either the Supreme Court must undertake such review to the point that it will be unable to function in other classes of cases, or denial of the most basic federal constitutional rights of fair procedure will be without remedy in the federal courts. In the case of indigent prisoners, more and more the extent of their right to fair procedure will depend on the adequacy of representation by court-appointed counsel if all further review is denied simply because counsel failed to raise issues which "could have been determined" at the trial. With the amended habeas corpus bill, those states which provide the lowest level of representation at the criminal trial will gain the largest immunity from further federal court review of the constitutionality of their procedures. It would be tragic if the amended habeas corpus bill should cripple the orderly development of minimum constitutional standards of fair procedure in criminal cases. That national tragedy might be dwarfed by the increased numbers of indigents imprisoned after trials which fail to meet the basic minimum of due process.

Sincerely,

WILLIAM COHEN,
Professor of Law.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES SCHOOL OF LAW,
Los Angeles, Calif., April 26, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I recently joined with some of my colleagues in a letter dated April 26, 1968 addressed to you commenting on Title II of S. 917 as reported out by the Senate Judiciary Committee. I would like to take the opportunity to add some more particularized thoughts to the comments expressed in that letter.

The attempt to overrule the decision in *Miranda* v. *Arizona*, in addition to being of very dubious constitutionality, is unfortunate. It is probably based upon the misconception that *Miranda* somehow has hamstrung law enforcement efforts. Although there were outcries to this effect at the time of the decision, experience since has produced no substantial evidence that the *Miranda* doctrine has interferred significantly with effective law enforcement.

The warning and waiver rules formulated in *Miranda* are designed simply to protect against the potentiality for compulsion involved where a suspect is "thrust into an unfamiliar atmosphere and run through menacing police procedures," and to insure that statements obtained are "truly the product of free choice." If we have not abandoned our traditional concern about compelled or involuntary statements there can be no objection to taking reasonable steps to protect against the risk of such compulsion.

Similar grounds exist for rejecting the attempt to overrule the recent decision in *United States* v. *Wade*. There is no evidence that *Wade* has hampered law enforcement. Consistently with that decision, eyewitness testimony can still be used simply by providing an opportunity for counsel to be present at any lineups. Surely the potential for "improper suggestion" inherent in pretrial lineups justifies providing this minimal degree of protection to a suspect in a criminal case.

The attempt to overrule *Mallory* v. *United States* is also of doubtful merit. That case implemented Rule 5(a) of the Federal Rules of Criminal Procedure which prohibits unnecessary delay in bringing an arrested person before a magistrate. This bill would eliminate the one available sanction—the exclusion of statements made during the period of unnecessary delay—to encourage prompt presentation of the arrestee before a judicial officer. Unless we are prepared to abandon such promptness as a value in our criminal justice system, it behooves us to provide an effective sanction to insure that such delay does not occur.

In this connection, it is worth noting that state courts have also begun to express serious concern about such delay. In a recent case, *People* v. *Powell*, 59 Cal. Rptr. 817 (1967), the Supreme Court of California said:

"The principal purposes of the requirement of prompt arraignment are to prevent secret police interrogation, to place the issue of probable cause for the arrest before a judicial officer, to provide the defendant with full advice as to his rights and an opportunity to have counsel appointed, and to enable him to apply for bail or for habeas corpus when necessary . . . .

"In the case at bar the delay was used to 'extract' from these defendants not one but fourteen self-incriminating statements . . .

". . . [W]e need not decide at this time whether the circumstances just described amounted to such prejudice as to render reversible the denial of defendants' constitutional and statutory rights to prompt arraignment. But we cannot condone such conduct by the police, and any repetition thereof will be closely scrutinized."

In conclusion, let me also add another word about the several attempts in this bill to withdraw the jurisdiction of the Supreme Court to review claims of error of constitutional dimension in the criminal process. Such attempts, if effective, would upset the existing delicate balance between our three coordinate branches of government. Historically, the Supreme Court has functioned both symbolically and in fact to protect individual liberty in our society. Legislation such as this would go far to undermine that role of the Court and, in my judgment, be a substantial step toward a type of society we abhor.

Sincerely,

NORMAN ABRAMS,
Professor of Law.

UNIVERSITY OF CALIFORNIA,
LOS ANGELES, SCHOOL OF LAW,
Los Angeles, Calif., April 25, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I have already joined with a number of my colleagues in a letter to you, commenting on Title II in S. 917, I want to add some personal reflections.

I believe that the legislation is unconstitutional and that, apart from this, bad policy. It seems to me that legislators legitimately concerned with respect for law must exercise extraordinary care in avoiding the enactment of unconstitutional laws. It erodes the value of law for all when those specially responsible for its enactment are themselves prepared to go beyond the limits of law. This ties in with the *Miranda* decision. There is no evidence that law enforcement has been hampered by that decision but there is good reason to believe that the risk of police violation of constitutional rights has been diminished.

There is much talk these days of an increase in crime, of indifference to and disrespect for law. The decisions of the Supreme Court in the area of protecting the rights of individuals are, for me, among the most persuasive reasons for believing that our laws deserve respect. Nothing, at this time particularly, should be done to attack that institution in our society which is most closely linked in the minds of many with preservation of individual rights.

Yours sincerely,

HERBERT MORRIS,
Professor of Law and
Professor of Philosophy.

CALIFORNIA WESTERN UNIVERSITY,
San Diego, Calif., April 24, 1968.

Re. S. 917, omnibus crime control and safe streets bill.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Your letter of April 19 addressed to the Dean of this Law School has been referred to me for reply.

Time does not permit a detailed analysis of the constitutionality of Title II of the Crime Control bill. Nevertheless, it is apparent that the provisions thereof do raise serious constitutional questions.

Section 3501(b) sets forth certain factors to be considered by the trial judge in determining voluntariness of a confession. Even though the judge finds that one or more of these factors are missing he may nevertheless find the confession voluntary, and thus admissible. However, *Miranda* establishes that the Fifth Amendment privilege against self-incrimination requires that certain warnings be given the accused before his confession can be admitted against him.

If Congress can give a trial judge the power to admit a confession obtained in violation of the Fifth Amendment, then it is Congress, not the Supreme Court that is defining the Fifth Amendment. If Congress has the power to set the limits for the exercise of the Fifth Amendment, it would appear that it would also have the power to set the limits for the exercise of all other constitutional rights, restricting or enlarging them at will.

Since the decision in Marbury v. Madison, this power has resided with the Supreme Court, and it is inconceivable that the Supreme Court will (or should) change that at this late date in our history.

Insofar as Section 3502 is concerned, the extent to which the Congress can enlarge or restrict the exercise of appellate power of the Supreme Court has not been definitely determined. Nevertheless here again, history tells us that the Supreme Court is the final arbiter of constitutional questions, not Congress. If Congress can prevent the Court from reviewing the constitutionality of the admissibility of a confession, why can't Congress then restrict the review of other constitutional issues? For example, why could not Congress also then enact legislation preventing the Supreme Court from reviewing a State Supreme Court decision that the First Amendment had not been violated? Or any other Amendment?

When one asks the question that way, it is apparent that while the exact limits of the appellate jurisdiction of the Supreme Court have not been defined, our constitutional system requires that the Supreme Court be the final arbiter of constitutional issues, and that Congress not have the power to restrict the appellate review of constitutional adjudications made by State Supreme Courts.

From a purely public policy point of view, I think that just proposing this kind of legislation is very unwise. Because of the challenging times we live in today, we have great need to preserve our constitutional system, and for our people to understand and have confidence in it. This kind of legislation is designed to destroy the system, and destroy public confidence in it.

This does not mean that the Court is above criticism, but criticism ought to be constructive and intelligent and not destructive and emotional.

If ever there was a need for greater knowledge of the merit of our system, that need is here today. What we need is greater education of the people in the tremendous advantages of living under this system rather than an emotional attack upon the Court because we dislike its decisions. It would be far better for members of Congress to undertake to educate their constituents in the value of the system, rather than to tear it down.

Sincerely,

JAMES E. LEAHY,
Associate Professor.

CHASE COLLEGE,
SCHOOL OF LAW,
Cincinnati, Ohio, April 25, 1968.

Hon. JOSPEH D. TYDINGS,
Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I am in receipt of your recent letter of April 19, 1968, and a copy of Title II of S. 917. In reviewing the proposed Title II, I was aghast at the proposals contained therein. In my opinion, Title II is patently contrary to the United States Constitution. It is an attempt to legislatively remove the safeguards of the Bill of Rights and the Fourteenth Amendment. The reviewability of judicial action is the bulwark against infringement of individual rights in this great country of ours.

My greatest concern, however, is that these provisions were approved by a Committee of the Senate, containing many of its most distinguished and learned members. The future of this country is indeed dark, when our government leaders spearhead the assault upon the basic fundamental rights of the individual. True safeguards exist only if the worst element of society receives guarantees accorded to others.

I would urge that you, and your colleagues, make every effort to eliminate Title II.

Very truly yours,

C. Nicholas Revelos,
Acting Dean.

The University of Chicago Center for Studies in Criminal Justice, the Law School,
Chicago, Ill., April 22, 1968.

Hon. Joseph Tydings,
U.S. Senate, Washington, D.C.

Dear Senator Tydings: I write to you about Title II of S. 917 as approved by the Senate Judiciary Committee. I do most earnestly hope that this legislation will not receive Congressional approval.

I am closely concerned with many of the problems of the prevention and treatment of crime in this country; but I am not a specialist in constitutional issues and therefore I shall not comment on the constitutionality of Title II or on the likely judicial consequences of its legislative acceptance. It is clear to me, however, that these provisions would make no contribution whatsoever to reducing crime or the fear of crime in this country. They would not improve our prevention or treatment methods. They would not, I believe, increase police crime clearance rates. They are the product of misplaced frustration, not relevant to the serious problems of crime and its effective control.

No responsible student of criminal law can look at the overcrowded dockets and routine processing of criminal cases in many State jurisdictions in this country without recognizing the need for some extra-State protection both of the rights of the accused and of the integrity of the system which confronts them.

The better police forces and virtually all policemen now face community anxieties about crime in the streets which often sound to them like cries for action—any action—prompt and forceful. They need the protections of clear rules. Title II would deny them this. Its passage at this time would undercut the more thoughtful voices within the police not only for lawful law enforcement but for effective law enforcement. This Act at this time would be seen by many police as a mandate for unlawfulness; there is little the country needs less, and many other policemen realize this.

These views are, of course, my own; I cannot speak for the Center for Studies in Criminal Justice but I know my views are widely shared by my colleagues.

Yours sincerely,

Norval Morris.

The University of Chicago,
The Law School,
Chicago, Ill., April 22, 1968.

Senator Joseph Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: I am writing to express my concern over Title II of Senate Bill 917, as recently approved by the Senate Judiciary Committee. This Title takes a substantial step backward in the quest for civilized criminal procedure, and it is in several respects of quite doubtful constitutionality.

1. Section 2256, which would virtually abolish federal habeas corpus for persons convicted in state courts, would shift to the already burdened Supreme Court the entire task of overseeing the constitutionality of state criminal proceedings. Recent decisions demonstrate that the state courts are not always able or willing to protect the constitutional rights of the accused. The availability of habeas corpus in the federal district courts gives some assurance that meritorious claims will not get lost in the enormous volume of petitions to the Supreme Court, and the district courts are in a better position than is the Supreme Court to review the constitutionality of convictions because of their ability to conduct factual hearings. To make the state-court decision conclusive as to matters that were or even could have been determined is to subordinate the constitutional rights of citizens to considerations of procedural expediency. To require a man to serve an unconstitutional sentence because his lawyer bungled is not a choice worthy of a free society.

Moreover, section 2256 runs afoul of the provision in Article I, Section 9 of the Constitution forbidding suspension of habeas corpus. It is no defense that the proposal leaves habeas corpus intact as to persons in custody other than pursuant to a state-court judgment; as held in Eisentrager v. Forrestal, 174 F. 2d 961 (D.C. Cir. 1949), the Constitution forbids suspension of the privilege as to any class of persons. Nor is it material that the proposal purports not to eliminate habeas jurisdiction but only to make the state judgment conclusive; the Supreme Court has made clear that review of issues available in the state courts is necessary to the protection of federal rights on habeas corpus, see Fay v. Noia, 372 U.S. 391 (1963), and to forbid investigation of such issues would effectively suspend the privilege.

2. Section 3502 is an even more drastic proposal designed to eliminate altogether federal review of the validity of confessions utilized in state criminal proceedings. To abandon the long-established principle of Supreme Court review of the denial of federal rights in state courts would be to risk leaving those denials uncorrected and also to invite disuniformity among the States in the interpretation and application of the Constitution. The fact that illegal convictions today continue to reach the Supreme Court before being set aside attests to the present need to preserve the Supreme Court's power.

The section too presents serious constitutional difficulties. Although Congress has power under Article III to make "exceptions" to the Supreme Court's appellate jurisdiction, it has never been held that this power can be used to frustrate substantive constitutional rights. Ex parte McCardle, 7 Wall. 506 (1864), which upheld a limitation of the Supreme Court's jurisdiction by appeal, emphasized that other avenues to the Court remained open. Cf. Battaglia v. General Motors Corp., 169 F. 2d 254 (2d Cir. 1948) and Eisentrager v. Forrestal, 174 F.2d 961 (D.C. Cir. 1949), both holding the analogous power of Congress to limit district-court jurisdiction subject to constitutional limitations. Judicial review of the constitutionality of the acts of government, a critical part of our system of checks and balances, would be a delusion if it could be defeated by the simple expedient of phrasing a statute in jurisdictional terms.

Section 3502 is subject to an additional constitutional infirmity, for it attempts to deprive the Supreme Court of power not over whole cases but over a single issue. Even if Congress were free to deprive the Court of jurisdiction altogether, it could scarcely order the Court to decide cases in disregard of the Constitution. Ever since Marbury v. Madison, 1 Cranch 137 (1803), it has been settled that the Supreme Court, when a judgment is properly brought before it, must obey the Constitution. The Court cannot therefore be directed to affirm convictions unconstitutionally obtained.

3. The provisions in proposed sections 3501 and 3502 permitting the admission of eyewitness testimony and of voluntary confessions are designed to overturn recent Supreme Court decisions recognizing the right of a suspect to prompt arraignment, to be informed of his rights, to the effective aid of counsel, and to effective cross-examination and confrontation of witnesses. Insofar as these decisions were based upon interpretation of the Constitution, the proposals are beyond the power of Congress; the federal courts cannot be told to violate the Constitution. The Miranda and Wade decisions explicitly invoked the Constitution; it seems most probable that the McNabb-Mallory rule requiring prompt arraignment, while based in those decisions upon the Court's supervisory power over lower federal courts, would be held to be required by the Constitution if the supervisory power were curtailed. As a matter of policy the Title II proposals are most unfortunate. They encourage delay in arraignment, which is an important safeguard against arbitrary incarceration. They encourage law-enforcement officers to take advantage of the ignorance of suspects. They increase the danger of convicting innocent persons on what Mr. Justice Frankfurter once called the untrustworthy testimony of strangers who caught a fleeting glimpse of the criminal. They suggest that the United States is not prepared to treat those accused of crime in a fair and civilized manner.

I urge that Title II be omitted from Senate Bill 917.

Yours very sincerely,

David P. Currie,
Professor of Law.

College of Law,
University of Cincinnati,
Cincinnati, Ohio, April 23, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: Yesterday I received a copy of your letter addressed to the Dean of our law school respecting Title II of S. 917. Before April 29th, I shall not have time to write a brief or to comment at any length. Under the circumstances, I shall simply state my conclusion. The enactment of Title II of S. 917 would be a giant step backward in a civilized society.

Sincerely yours,

Wilbur R. Lester,
Rufus King Professor
of Constitutional Law.

The University of Connecticut
School of Law,
West Hartford, Conn., May 3, 1968.

Hon. Joseph D. Tydings,
Senate Office Building,
Washington, D.C.

Dear Senator Tydings: We would like to express our views concerning certain provisions of the proposed Omnibus Crime Control and Safe Streets bill.

We are of the opinion that the provisions of the bill which in effect repeal the *Miranda* and *Wade* cases are unconstitutional, and that Congressional attempts to undo Supreme Court decisions of Constitutional Law do not reflect credit on the legislative process.

The provisions of the bill which withdraw the jurisdiction of federal courts over state court convictions, although argually constitutional, are unwise and unwarranted. We feel that legislative action which is designed to limit the availability of federal judicial protection of individual constitutional rights is an extremely dangerous precedent.

Very truly yours,

Joseph A. LaPlante,
Professor of Law.
Arnold H. Loewy,
Assistant Professor of Law.

University of Detroit
School of Law,
Detroit, Mich., May 8, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator: Our Dean, Father Paul Harbrecht, referred your letter of April 19, 1968 to various faculty members with academic responsibility over the subject matter of S917, the so-called Omnibus Crime Control and Safe Streets Bill. As I teach the basic six-hour course in Constitutional Law as well as the Seminar in Crime and Society (Criminology), I would like to take this opportunity to indicate that I fully agree with your stand regarding Title II, as I have in the past with respect to the Dirksen Amendment on reapportionment (e.g. your remarks of March 22, 1967 on the Senate floor).

Although the McNabb-Mallory Rule should be retained as a standard for states to work toward in their administration of criminal justice, and thus proposed section 3501 should be struck down, I would like to center my remarks on proposed sections 3502, 3503 and 2256 due to the portentous ramifications they embody with respect to the federal balance-of-power. Such dangers are *pro tanto* enhanced with the diminishing powers of the states due to their failure to respond to the needs of the population. Given this increasing political fact of American life, the federal balance of power so wisely provided by our founding fathers constitutes a virtual "last stand" against a situation conducive to absolutism.

First let us look to experience. Over the one hundred seventy nine years of the republic there have been only three opinions of the Supreme Court that have had to be reversed by amendment, viz, Amendments 11, 13–15, and 16. If after given a chance to operate, the decisions obviously attacked are improper ones, then all informed citizens committed to our utilitarian system would have to reply, "so be it." However, the truth is that the above proposed sections represent the pressure of a small minority of politically powerful individuals who mistakenly feel that they, and their past performance, are attacked when the Supreme Court attempts to equalize the substance of criminal justice meted out to all citizens in spite of their financial and/or intellectual resources.

Those instances, for example, where attempts have been made to determine if the decisions regarding confessions have had a negative impact on successful prosecutions, the answer has almost always been no. (I say "almost always" because I am not aware of any such reports, but admit they may exist.) The Eleventh Amendment resulted from an error of draftsmanship; the 13–15 from a basic social problem still with us, and then only after a bloody war; and the 16th from the political ramifications of the industrial revolution. Let us not now set the dangerous precedent of allowing special-interest groups (however well-meaning they may feel their cause to be) the ability to overturn untested rules directed at the protection of the individual, the very *raison de etre* of our nation. As Justice Brandeis once wrote, "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding."

I have had the privilege of discussing the cases in issue with both Mr. Justice Brennan and former Justice Tom Clark. The latter informed me shortly after the Miranda decision that he has realized the wisdom behind the majority opinion of the Court, and supports it. May I suggest you request that he, or both he and Mr. Justice Brennan (if tradition permits) be called to testify regarding the proposed legislation. May I suggest District Attorney Yeager of Los Angeles County, California, also be called.

More dangerous than the substance of these proposals, and the portentous consequences of further dividing this nation between the rich and the poor, is the methods the proponents choose to realize their objectives. Rather than attempt the Amendment route, honestly proclaiming their objective, and requesting the people for a mandate through the state legislatures, the supporters of the Title II are willing to risk a serious impairment of the federal balance-of-power, with all the consequences alluded to above. If I may be allowed to utilize a cliché, they are willing to run the grave risk of throwing the baby out with what deem to be bath water.

Moreover, the legislation raises serious problems of constitutional dimensions. It is true that *Ex Parte* McCardle is on the books. It is a product of its times, of Reconstruction with its concomitant national anger over the unnecessary carnage of brother against brother. But it was followed later the same year by *Ex Parte Yerger*, and most significantly, by *United States* v. *Klein* shortly thereafter. With the disappearance during recent years of the deference granted to property rights (Klein) when contrasted with those of the individual (McCardle), the Supreme Court, in my opinion, will deem the above proposals regarding its jurisdiction unconstitutional as a violation of the balance-of-power. Certainly the language of *Baker* v. *Carr*, as well as Mr. Justice Douglas' remarks in *Glidden Co.* v. *Zdanok* in response to Mr. Justice Harlan, tends to support my conclusion.

Should this prove to be the case, where will Congress find itself? It will in effect "be out on a limb." It will have forced upon itself the choice between backing down in the face of a challenge to its power under Article III, Section 2, Paragraph 2, Sentence 2 of the Constitution, or calling into issue the fundamental power of judicial review upon which rests our most sacred and traditionally proclaimed national characteristic—that we are a nation "of laws and not of men."

One is compelled to ask, "For what purpose does Congress present itself with this possible dilemma?" "Is it due to a basic national need or requirement?" (I find none!) "Is it acting to protect a fundamental American principle with respect to the rights of the individual?" (Quite the contrary will result.) Thus, perhaps presumptuously, I must suggest that Congress forbear, lest it and the nation end up the eventual victims of the ominous legislative effort.

Respectfully,

ALLEN SULTAN,
Assistant Professor.

DUKE UNIVERSITY,
Durham, N.C., April 26, 1968.

Hon. JOSEPH D. TYDINGS,
US. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: We write for the purpose of urging the defeat of Title II of the so-called Omnibus Crime Control and Safe Streets bill. Title II contains a number of unfortunate amendments. One would deny lower federal courts jurisdiction to entertain collateral attacks on state court criminal judgments even where the constitutional rights of state defendants have been abridged thereby overruling *Townsend* v. *Sain* and *Fay* v. *Noia*. Another would deprive both the lower federal courts and the Supreme Court of the power to review the voluntariness of a confession admitted in a state criminal trial where the highest courts of a State has found the confession voluntary, regardless of whether the State court flagrantly defied the Supreme Court's prior determinations of the appropriate standards required to be applied by the Fourteenth, Sixth and Fifth Amendments. Another provision would permit the introduction of a confession into evidence in a federal trial if the court determined that the confession was voluntary, even if the confession resulted from a custodial interrogation in which the defendant had not been informed of his privilege against self-incrimination and his right to assistance of counsel as required by the Fifth Amendment as interpreted by the Supreme Court in *Miranda* v. *Arizona*. The bill would also overturn the *McNabb-Mallory* doctrine which for twenty years has excluded the admission of confessions obtained during a period of unnecessary delay between arrest and presentment before a magistrate in federal trials. Another amendment apparently designed to overrule the Supreme Court's decision in the *Wade* and *Gilbert* cases, would not only permit the introduction of "eye witness" testimony under circumstances where a defendant has been denied the assistance of counsel at a lineup, in violation of the Sixth Amendment, but would go so far as to permit its admission in circumstances where the admission of such testimony would constitute a denial of due process of law, as in the case of testimony resulting from an unfairly staged lineup.

At this late date in our constitutional history it seems clear that the Supreme Court is the final arbiter of the meaning of the Constitution. This is the meaning of *Marbury* v. *Madison*. The Court has interpreted the Fifth Amendment in *Miranda* and the Sixth Amendment in *Wade*. It is not the function of the Congress, and beyond its power, to overrule these decisions. It is equally clear that it has no right to require a federal court to permit a conviction to rest on evidence obtained in violation of the Constitution. Furthermore the impartial studies now available (Yale, Georgetown, Pittsburgh) provide no basis for a belief that these decisions have had any substantial effect upon police effectiveness.

It is doubtful if the Congress has the authority to deny the Supreme Court the right to review a state court ruling admitting a confession obtained in violation of the Fifth or Fourteenth Amendments, after a state Supreme Court has opined that the confession is voluntary. The power to limit the appellate jurisdiction of the Supreme Court is asserted to find support in *Ex parte McCardle*, decided a century ago. It is doubtful if *McCardle* would be decided the same way today. Indeed its holding was limited two years later in *United States* v. *Klein*. In any case, even if it continues to have vitality, it may be distinguished. The bill in question poses grave problems of the equal protection of the laws which did not face the Court in *McCardle*. A single class of defendants in state prosecutions, those whose confessions have been found voluntary by the highest state courts, are alone deprived of the right to review by the Supreme Court of lower court rulings affecting their rights under the Constitution. It is extremely questionable if there is anything about this class of defendants which is sufficiently distinctive to merit subjecting its members to this type of overt discrimination.

In any case, the attempt to divest the Court of appellate jurisdiction in an area where Congress disagrees with its decisions poses a great threat to the balance of powers. The attempted exercise of such power by the Congress would set an unfortunate precedent which might ultimately imperil the judicial independence which has been the bulwark of freedom since the inception of the Republic.

The immediate result of divesting the court of jurisdiction to review rulings of "voluntariness" is clear. Two cases during the present term provide examples of the level of civilization in criminal procedure which would result from limiting the Supreme Court's jurisdiction as the bill proposes.

In *Beecher* v. *Alabama* a badly wounded negro confessed to the rape and murder of a white woman at gunpoint after Tennessee police had told him that they would kill him if he didn't tell the truth and fired a rifle next to his ear in order to emphasize the point. Five days later in a morphine stupor and intense pain the defendant signed written confessions prepared by Alabama investigators who had engaged in a 90 minute conversation with him after the defendant had been instructed to "cooperate" with them by the medical attendant in charge. The Alabama Supreme Court concluded that the confessions taken from him by the investigators were voluntary.

In *Brooks* v. *Florida* the defendant accused of rioting in a prison was confined with two other prisoners for 14 days in a cell 7 to 13 feet long and 6½ feet wide. The cell had no external window, no bed or other furnishings or facilities except a hole in the floor which served as a commode. Brooks was fed 12 ounces of "peas and carrots in a soup form" and eight ounces of water daily. The defendant's testimony that he was stripped naked before being thrown into the cell was not controverted. During his two weeks his only contact with the outside room was interviews with the prison's investigating office. On the 15th day of confinement under these conditions, the defendant was brought before the investigating officer and confessed. The Florida court upheld this conviction.

It is difficult to believe that the Senate could want state rulings of this kind to be upheld. But this would be the result of the bill reported to the floor of the Senate by the Judiciary Committee.

The denial of jurisdiction to lower federal courts in cases in which state criminal judgments are attacked on constitutional grounds is defended upon the basis of the Congressional power to limit the jurisdiction of the lower federal courts. The practical effect would be to suspend for state prisoners the federal writ of habeas corpus, the "Great Writ" which has protected the liberty of English-speaking persons for almost three hundred years. In addition, substantial problems of equal protection are implicit in a situation where the meaning of the Constitution depends on local option unless Supreme Court review can be obtained. Even if such a drastic step is constitutional, it seems clearly to be unwise. The large number of cases brought to the federal courts by state prisoners has resulted from two factors, the refusal or failure of some state courts to follow Supreme Court decisions, and the failure of most states to enact modern post-convictions remedies. The Supreme Court is not able to review all cases where there are substantial allegations of deprivation of Constitutional rights. To permit the continued confinement of state prisoners, whose convictions rest on evidence obtained in violation of the Constitution, or whose sentences violate Constitutional mandates, would make the Bill of Rights meaningless to substantial numbers of citizens accused of crime, and reduce the Supremacy clause to a meaningless rubric in the field of criminal procedure. It would also remove one of the principal incentives to the reform of state criminal procedure.

Over-turning the *McNabb-Mallory* rule is likewise unwise. During twenty years it has proved to be an effective device for discouraging arrests without probable cause, and implementing the privilege against self-incrimination, the right to counsel, and the right to bail. Furthermore, there is no evidence that it has, in the past or at the present, constituted any impediment to federal law enforcement outside of the District of Columbia.

Last year the Congress passed legislation over-turning the Mallory Rule in the District of Columbia, but requiring the safeguards constitutionally required by the *Miranda* decision which are absent from the present bill. The present effort to overturn *Mallory* can only be described as a symbolic gesture designed to set back the evolution of a criminal procedure which will protect the rights of the citizenry with no attendant benefits to law enforcement. The manner in which the bill seeks to achieve these objects again raises doubts concerning its constitutionality. The bill does not permit delays in order to interrogate. It requires the Court to admit evidence obtained during a period of unlawful delay. It may be doubted whether such an approach is consistent with the imperative of judicial independence and the integrity of the processes of justice which are implicit in Article III of the Constitution.

These comments are not intended to constitute a detailed presentation of all of the legal principles involved. We regret that we were not invited to present our views before the Judiciary Committee under circumstances where a scholarly study could have been prepared. This document has been prepared in the few days available to us after receipt of your letter in an effort to express sincere hope that the Senate will delete Title II from the bill when it reaches the floor.

Your very truly,

A. Kenneth Pye,
Professor of Law [Criminal Procedure], Duke University.

William W. Van Alstyne,
Professor of Law [Constitutional Law] Duke University.

Daniel H. Pollitt,
Professor of Law [Constitutional Law and Criminal Procedure], University of North Carolina.

Frank R. Strong,
Professor of Law [Constitutional Law] University of North Carolina.

Emory University,
School of Law,
Atlanta, Ga., April 24, 1968.

Senator Joseph D. Tydings,
Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: I appreciate very much your sending me a copy of Title II of S. 917 and calling attention to the effect of its provisions on recent decisions of the Supreme Court which have delineated for our society the outlines of "fair treatment" for persons suspected of crime.

It seems to me that once our society is presented, by an authoritative branch of government, with a higher standard of "fair treatment" than what has customarily been followed, another branch of government can hardly settle for less. The point is that new ideas have already come upon the current scene in this area of criminal procedures and Title II, even if passed, cannot obliterate these ideas; such legislation can only mark those who support it as being willing to settle for "unfair treatment"—and this in the face of our time-honored notion that a man is presumed innocent until proved guilty.

It is really strange legislation that deliberately sets our federal trial court judges against our federal appellate judges and our state courts against our federal courts when the situation today cries out for more unity.

Surely there must be a better way.

Sincerely yours,

Ben F. Johnson,
Dean.

Georgetown
University Law Center,
Washington, D.C., May 3, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: We write for the purpose of urging the defeat of Title II of the so-called Omnibus Crime Control and Safe Streets bill. Our position with respect to this legislation is well stated by Professor A. Kenneth Pye of the Duke University School of Law in his letter of April 26, addressed to you.

We stress that those portions of Title II, (Section 3501 and 3503) which would abrogate the Supreme Court's interpretations of the Fifth and Sixth Amendments in the *Miranda*, *Wade*, and *Gilbert* decisions are plainly unconstitutional. As Professor Pye points out, the supremacy of the Supreme Court as final arbiter of the meaning of the Constitution cannot be doubted. By attempting to abolish these decisions, the Congress flouts the balance of powers which is the heart of our constitutional government.

Proponents of Title II may point to the language of *Miranda* and *Wade* suggesting that Congress and the States are at liberty to develop workable safeguards for implementing the Fifth and Sixth Amendment rights of an accused during custodial interrogation and pretrial lineups. The fallacy in this argument is that Sections 3501 and 3503 completely fail to provide even minimal safeguards. The conclusion is inescapable that these provisions contemplate derogation and abrogation, rather than implementation, of the decisions. In *Miranda*, Mr. Chief Justice Warren observed: "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

The other provisions of Title II overturning the *McNabb-Mallory* Doctrine and divesting lower federal courts of jurisdiction to entertain collateral attacks on State court criminal judgments are both constitutionally suspect and unwise. It is regrettable that the pendency of this bill before the Judiciary Committee received so little publicity, and that interested persons have not had time to develop the kinds of analysis so sorely needed for reasonable congressional consideration of legislation of such vast and unprecedented implications. We believe, for example, that available emperical data will not demonstrate that the *Mallory* rule has significantly impeded legitimate law enforcement activity in the federal system. We also believe that the availability of federal habeas corpus to state prisoners is an indispensable bulwark against procedural arbitrariness and injustice in the States.

In short, we believe that enactment of Title II would seriously jeopardize the rights of all accused, state and federal, guilty and innocent, and would represent a retreat to principles of law enforcement and criminal procedure long since discredited and considered repugnant to the concept of equal justice in a civilized society.

Very truly yours,

Addison M. Bowman,
Associate Professor of Law (Criminal Justice).

Samuel Dash,
Professor of Law (Criminal Justice).

John G. Murphy, Jr.,
Associate Professor of Law (Co-Director, Legal Internship Program).

John R. Schmertz,
Associate Professor of Law (Procedure and Evidence).

Joseph M. Snee, S.J.,
Professor of Law (Constitutional Law).

Bethesda, Md.,
May 2, 1968.

Senator Joseph Tydings,
Senate Office Building,
Washington, D.C.:

Undersigned faculty members of the National Law Center, George Washington University, believe removal title II from pending crime control bill is of utmost importance. Legislative efforts to prevent Supreme Court from performing its role of constitutional adjudicator seriously jeopardizes basic separation of powers principle. Elimination of Federal habeas corpus review removes vital safeguard against abuse of rights of individuals, who have often secured more effective representation and vindication of their rights in Federal than in State courts.

Fully support your efforts to eliminate these provisions from S. 917.

Richard C. Allen, Jerome A. Barron, James M. Brown, Monroe H. Freedman, J. Reid Hambrick, Roger S. Kuhn, Arthur Selwyn Miller, Donald P. Rotschild, Ralph C. Nash.

Gonzaga University,
Spokane, Wash., April 39, 1968.

Senator Joseph Tydings,
Senate Office Building,
Washington, D.C.

Dear Senator Tydings: Thank you for your letter of April 18, 1968 concerning Senate Bill S. 917. I agree with your conclusions concerning title II of this bill. In my opinion, much of the bill is of doubtful constitutionality in addition to being extremely unwise. It is, indeed, as you say, an extensive legislative assault on the Supreme Court.

I support you in your efforts to strike Title II from the bill.

Sincerely,

LEO J. O'BRIEN,
Dean.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 30, 1968.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: We are writing to urge the Senate to reject Title II of the Omnibus Crime Control and Safe Streets Act of 1968 (S. 917). This Title seems designed to overrule several recent Supreme Court decisions, including *Miranda* v. *Arizona* and *United States* v. *Wade*. The effect of these decisions upon law enforcement is as yet unknown. But, regardless of their merits, we believe that enactment of Title II is not an appropriate way to deal with any problems they may raise.

The language of Title II makes far reaching, and possibly dangerous, changes in the working of our Constitutional system. By limiting the power of the federal courts to review rulings as to the admissibility of confessions and eye-witness testimony in criminal cases, the bill will lead to nonuniform interpretations of the Constitution. And, to see the Constitution applied differently in different places is likely to create disrespect for the law. Moreover, partial elimination of the habeas corpus jurisdiction of all federal courts will either prevent defendants from having questions of federal law determined in a federal forum, or vastly increase the workload and impair the efficiency of the Supreme Court. Finally, for this legislation to attempt by statute either to overturn particular Constitutional rulings, or to restrict the court's jurisdiction over issues in a case which would be governed by those rulings, raises very serious constitutional problems. The attempt suggests a dangerous tinkering with the delicate check-and-balance system.

If revision of *Miranda* and *Wade* is felt desirable, we believe Congress should accept the Court's suggestion, made in those cases, to enact alternative legislative solutions to the underlying problems involved—the problems of police interrogation, self-incrimination, the need for counsel, the line-up, and eye-witness testimony. We see no reason to believe that these problems—which gave rise to the *Miranda* and *Wade* cases—can be solved merely by removing the courts' jurisdiction to deal with them. Finely tailored, sharply focused solutions, not a broad undiscriminating approach, are called for.

We, therefore oppose enactment of Title II.

Yours sincerely,

Richard R. Baxter, Professor of Law; Harold J. Bergman, Professor of Law; Stephen G. Breyer, Assistant Professor of Law; Clark Byse, Professor of Law; David F. Cavers; Fessenden Professor of Law; James H. Chadbourn, Professor of Law; Abram J. Chayes, Professor of Law; Jerome A. Cohen, Professor of Law.

Vern Countryman, Professor of Law; John P. Dawson, Charles Stebbins Fairchild Professor of Law; Alan M. Dershowitz, Professor of Law; Richard H. Field, Professor of Law; Roger D. Fisher, Professor of Law; Paul A. Freund, Carl M. Loeb, University Professor; Charles Fried, Professor of Law; Livingston Hall, Roscoe Pound Professor of Law; Milton Katz, Henry L. Stimson, Professor of Law; Andrew L. Kaufman, Professor of Law; Louis Loss, William Nelson Cromwell, Professor of Law.

John H. Mansfield, Professor of Law; Frank I. Michelman, Professor of Law; Charles R. Nesson, Assistant Professor of Law; Frank E. A. Sander, Professor of Law; David L. Shapiro, Professor of Law; Morgan Shipman, Assistant Professor of Law; Samuel Edmund Thorne, Professor of Legal History; Donald T. Trautman, Professor of Law; Arthur T. von Mehren, Professor of Law; James Vorenberg, Professor of Law; Lloyd L. Weinreb, Assistant Professor of Law; Adam Yarmalinsky, Professor of Law; Albert M. Sachs, Professor of Law; Henry M. Hart, Jr., Dane Professor of Law; Paul M. Bator, Professor of Law; Derek C. Bok, Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 30, 1968.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I am writing to urge the defeat of Title II of the pending crime control bill, which came to my attention in Saturday's press. In my view, three simple points are enough to demonstrate that this is highly unsound legislation.

First, it is an exceedingly dangerous precedent for the legislative branch to overturn constitutional decisions of the Supreme Court by curtailing the Court's jurisdiction, as this bill would do in adding proposed Section 3502 to Title 18 of the United States Code. We live in times in which it is increasingly difficult yet increasingly important to maintain the rule of law. I suggest that it would encourage disrespect for law for the Congress to use political power to shut off access to normal judicial process as a method of preventing the enforcement of the Constitution.

Second, Congress has laid no foundation for such drastic action. It is not only possible but even probable that Congress could make enormously important contributions to the improvement of the law pertaining to confessions. The *Miranda* case should not be the last word. But as matters stand, an insufficient time has elapsed to perceive the effects of the *Miranda* line of cases, and the Congress has not even conducted a thorough and systematic study of the problems of confessions in criminal cases. All Title II accomplishes is to revive the old rule of voluntariness which, standing alone, has proved demonstrably inadequate to prevent the use of "the third degree" in procuring confessions from suspected criminals. To develop a new rule requires careful factual study of the consequences of the *Miranda* principle and the examination of alternatives. No such groundwork has been laid for the enactment of Title II.

Third, proposed Section 3502 of Title 18 of the United States Code is particularly objectionable. The power of the Supreme Court to reverse State convictions under the Fourteenth Amendment may have been employed in highly debatable cases, but it has also been necessary to prevent shocking travesties on justice. For example, in *Ashcraft* v. *Tennessee*, 322 U.S. 143, two defendants were convicted and sentenced to 99 years in the penitentiary almost entirely on the basis of confessions procured by holding them without sleep or rest, under a glaring light, for 36 hours of constant questioning, by teams of lawyers and investigators. In *Brown* v. *Mississippi*, 297 U.S. 278, the confession was obtained by twice hanging the defendant by the neck from a tree limb and then tying him to a tree and beating him until he confessed. The violence and torture in *Chambers* v. *Florida*, 309 U.S. 227 were scarcely less brutal. Ordinarily the State judges are quick to correct such travesties upon civilized justice. Unfortunately, there are exceptional cases in which the only corrective is the Supreme Court of the United States. Proposed Section 3502 lumps all these cases together indiscriminately in curtailing the Court's jurisdiction. The Court's effectiveness in correcting barbarities like *Brown*, *Chambers*, and *Ashcraft* ultimately depends upon its power to determine for itself whether fundamental rights were denied. I find it impossible to believe that if the Senators were aware of the probable impact of Title II upon cases like *Brown*, *Chambers*, and *Ashcraft*, the Senate would vote to cut off Supreme Court review whenever a State court found that the confession was not the product of coercion.

Sincerely,

ARCHIBALD COX.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 29, 1968.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I write to urge the rejection of Title II of S. 917. Title II has been drafted to overturn a number of Supreme Court decisions, whose development in the law I have been watching since shortly after I began teaching Criminal Law in 1932.

There are objections to Title II of S. 917 which go far beyond the unconstitutionality of some of its sections. They would undo the progress of the past twenty years in rationalizing and improving police practices. They would permit the Federal Government to hold persons for questioning before its own officials in federal cases for long periods of time. They would abandon state prisoners to the vagaries of state court decisions.

We are at long last making progress in the proper and respectable enforcement of the criminal law. I strongly urge you to advocate in the Senate, that the Senate not interfere to undo all the work of the past twenty years of the Federal Courts.

Very truly yours,

LIVINGSTON HALL,
Roscoe Pound Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 29, 1968.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I am writing to urge the Senate to reject Title II of the Omnibus Crime Control and Safe Streets Act of 1968 (S 917). I share the dissatisfaction of many persons with the decisions of the Supreme Court in Miranda, Wade, and Mallory—at least as Mallory is applied in the courts of the District of Columbia. I also deplore the indiscriminate and destructive use of habeas corpus.

But Title II is a thoroughly indefensible approach to the solution of the problems raised by these cases. The bill seeks to exclude the federal courts from the decision of major constitutional issues. This reverses nearly 200 years of constitutional history. Since the decision in Cohens v. Virginia and Martin v. Hunters Lessee the jurisdiction of the Supreme Court to determine constitutional issues has been the cornerstone of our federal judicial system. To return the power over these decisions to the courts of our 50 states is an invitation to confusion, conflict, and futility. Furthermore, I doubt that this legislation will hold up in the Supreme Court. The Supreme Court on appeal or certiorari and the district courts in habeas corpus have jurisdiction over *cases* insofar as they involve constitutional issues. Once they have jurisdiction they cannot be forbidden to consider any issue relevant to the disposition of the case.

The proper way to deal with the issues raised by Miranda, Wade, Mallory, and habeas corpus is by legislation directly addressed to matters of criminal procedure. These questions are of the utmost difficulty.

I would welcome legislation of that character but the now proposed legislation is a failure to give these issues the serious consideration to which they are entitled.

Yours sincerely,

LOUIS L. JAFFE,
Byrne Professor of Administrative Law.

CAMBRIDGE, MASS., *April 30, 1968.*
Senator TYDINGS,
Senate Office Building,
Washington, D.C.:

Urgently hope Senate will reject title two omnibus crime bill unwise and inappropriate to deal with difficult problems of criminal procedure by manipulating courts jurisdiction and endangering delicate balances underlying our separation of powers.

PAUL BATOR,
Professor of Law,
Harvard Law School.

INDIANA UNIVERSITY,
SCHOOL OF LAW,
Bloomington, Ind., May 2, 1968.
Senator JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: I have delayed a response to your letter of April 19th about Title II of S. 917 until I had had an opportunity to consult with some of my colleagues. As you might have expected, out of these discussions emerges the clear view that Title II contains provisions that are certainly unwise and in some aspects unconstitutional.

We believe the policies reflected in the *Miranda, Mallory,* and *Wade* decisions are sound. To the extent that the safeguards imposed by these decisions render more difficult the procuring of convictions, we feel this is a legitimate price to pay for the preservation of fundamental decencies in the administration of criminal justice. If the Congress wishes to eliminate safeguards which the Supreme Court has determined to be constitutional rights, we believe that formal amending processes should be invoked. Aside from this procedure, it might be appropriate for the Congress to conduct extensive fact-finding hearings to determine the actual impact on police operations and criminal prosecutions of the decisions in *Miranda, Mallory* and *Wade*. The findings of such an investigation might assist the Supreme Court, if at a later time it is disposed to reconsider its holdings in the relevant cases. To attempt constitutional revision by statute, as seems to be the effort of Title II of S. 917, invites an unfortunate confrontation of the legislative and judicial powers that cannot fail to undermine respect for the Supreme Court and possibly for the Congress as well.

We are aware of the difficult constitutional questions involved in the assertion of legislative power to restrict the review jurisdiction of the Federal courts and to abolish Federal habeas corpus jurisdiction over state criminal convictions. It is difficult to believe, however, that Congressional control over the jurisdiction of the Federal courts may be exercised so extensively as to prevent effective assertion and implementation of rights guaranteed by the Constitution of the United States. That such a risk is implicit in the elimination of Federal review of state determinations of voluntariness is well illustrated by such recent decisions as *Beecher* v. *Alabama*, 88 S. Ct. 189, and *Brooks* v. *Florida*, 88 S. Ct. 541.

We would strongly support your efforts within the Judiciary Committee and the Senate itself to assure the elimination of Title II of S. 917.

Your sincerely,

WILLIAM B. HARVEY, *Dean.*

THE UNIVERSITY OF KANSAS,
SCHOOL OF LAW,
April 29, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR: I have your request for comments on Senate Bill No. 917, the so-called Omnibus Crime Control and Safe Streets Bill. I have reviewed that bill, and our expert on criminal law, Professor Paul E. Wilson, has also reviewed it. Paul is co-editor of the American Criminal Law Quarterly, the periodical published by the Criminal Law Section of the American Bar Association. Paul is also on the Council of the Criminal Law Section of the American Bar Association. Both of us are of the same view.

We strongly oppose enactment of Title II of that bill. Not only do we disagree vigorously with the policy expressed in the bill, but we consider the bill an affront to the Federal Judiciary. Insofar as it purports to repeal the *Miranda* and *Wade* decisions, it seems clear that the proposal is unconstitutional. We find it incredible that the Title could have been favorably reported by the Senate Judiciary Committee. As we see it, the proposal is one effectively to amend the constitution by legislation. The proposed limitations upon the Federal Judiciary and state post-conviction matters are to us intolerable. The history of the administration of criminal justice in this country makes it clear to us that the federal constitutional guarantees can be made effective in state prosecutions only when the federal courts have broad powers to grant post-conviction relief. As we see it, the principal objective of this proposal is to make possible the emasculation of constitutional guarantees in criminal prosecutions.

In short, we urge that the bill be defeated decisively.

Sincerely,

JAMES K. LOGAN,
Dean.

LOUISVILLE, KY.,
May 8, 1968.
Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.:

The undersigned law professors respectfully urge you to vote against title II of Senate bill 917 which title is designed to curtail many important constitutional guaranties affirmed by the Supreme Court. We regard this title as reactionary and one which may bring the courts and Congress into conflict over constitutional guaranties. Legislation in this field is apt to provoke more trouble than it settles. History has shown that the limits of constitution rights are more properly a field for judicial development than for legislative action, CC Hon. Joseph D. Tydings.

DEE A. AKERS,
WM. E. BIGGS,
NATHAN S. LORD,
JAMES R. MERRITT,
RALPH S. PETRILLI,
WM. E. READ,
ABSOLOM C. RUSSELL,
W. SCOTT THOMSON,
University of Louisville School of Law,
Louisville, Kentucky.

LOYOLA UNIVERSITY,
SCHOOL OF LAW,
Los Angeles, Calif., April 25, 1968.
Hon. JOSEPH D. TYDINGS:
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I have read with interest your letter of April 19, 1968, addressed to the Dean of this faculty.

Upon a reading of the enclosed proposed legislation, it occurred to me that the enactment of any such legislation could be one of the most serious legislative acts in recent history. I can imagine no good which could possibly arise out of any such legislation. I will not use your time unnecessarily by expanding upon the obvious constitutional, ethical, and psychological problems which can be created by such legislation. In my opinion, therefore, you are entitled to the most complete support for the position you have taken, and it is my sincerest hope that this portion of the Crime Bill will be deleted before its final enactment.

If I can be of any further service in this matter I would be delighted to do anything which you request.

Sincerely yours,

GEORGE C. GARBESI,
Professor of Law.

NEWPORT BEACH, CALIF.,
April 26, 1968.
Hon. JOSEPH D. TYINGS,
Senate Judiciary Committee,
Washington, D.C.:

Passage of Senate bill 917 would be fatal to judicial system. Please note my strong protest.

J. REX DIBBLE,
Professor of Law and Former Dean,
Loyola Law School.

UNIVERSITY OF MAINE,
SCHOOL OF LAW,
Portland, Maine, April 23, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: I concur with you that the proposed Title II of the Omnibus Crime Control and Safe Streets bill contains provisions that would be most unwise. I am circulating your letter, with a copy of the bill, among the faculty of this law school with the suggestion that they write to you if they are so inclined.

Thank you for drawing the material to my attention.

Sincerely yours,

EDWARD S. GODFREY,
Dean.

LAW OFFICES, CHASE, ROTCHFORD,
DRUKKER & BOGUST,
Los Angeles, Calif., April 29, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

SIR: I am a full time practicing lawyer in Los Angeles and a part time professor at Loyola Law School at Los Angeles. Dean Tevis of the law school has called my attention to your letter of April 19 pertaining to the so-called Omnibus Crime Control and Safe Streets bill. I also have read the copy of the proposed bill enclosed with your letter.

In my view, this bill would do immense damage to the present state of the law in those areas it would affect. The proposal to remove the appellate jurisdiction of the Supreme Court of the United States is clearly unwarranted as is the attempt to abolish federal habeas corpus over all state criminal convictions.

I can only strongly urge you to do everything within your power to fight this far-reaching and ill-considered legislation.

Very truly yours,

JAMES J. MCCARTHY.

UNIVERSITY OF MAINE,
SCHOOL OF LAW,
Portland, Maine, May 2, 1968.
Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: I have just had an opportunity to read Title II of S. 917, the Crime Control and Safe Streets bill.

The attack on mandatory fair procedures as a prerequisite to admissibility of confessions is extremely disturbing. The procedural rules which proposed sections 3501 and 3502 are apparently designed to reverse are perhaps the only way of assuring fair treatment for criminal defendants. In particular, it would seem that the right to counsel (or a knowing and fully voluntary waiver of that right) is not only an essential protection for the poor and uneducated, but is probably constitutionally required:

Since wealthy and educated persons know of their right to remain silent until consulting with counsel, a lack of warning to the poor and uneducated constitutes a denial of equal protection; and

It seems realistically true that the constitutional right to counsel extends back to the interrogation stage of criminal proceedings.

However, I am most distressed by proposed section 2256, which would seek to abolish federal habeas corpus jurisdiction in state criminal cases.

The privilege of the writ of habeas corpus is enshrined in the Constitution, and stems from the Magna Carta. The Writ is generally regarded as the greatest protection of individual rights existing in Anglo-American law.

If the Congress were to purport to say that citizens of the United States cannot have a *United States* court determine the question of whether they were imprisoned in violation of the *United States Constitution*, it is not certain that individual rights would suffer greatly; no doubt the Supreme Court would grant certiorari more freely, at the expense of other types of cases. But by an attack upon habeas corpus, the Congress would bring itself into disrepute.

I hope that the Committee rejects these backward-looking proposals.

Very truly yours,
DAVID J. HALPERIN,
Associate Professor of Law.

UNIVERSITY OF MARYLAND
SCHOOL OF LAW,
Baltimore, Md., April 23, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Title II of the proposed Crime Bill (S. 917) now before the United States Senate contains provisions on confessions and eyewitness testimony in criminal cases and on federal habeas corpus which are very unwise and of doubtful constitutionality.

Title II first provides that in a federal criminal prosecution a confession shall be admissible in evidence if it is voluntarily given. The states, on the other hand, are not required to adopt any particular test on the admissibility of confessions in criminal cases. However, Title II does attempt to withdraw from the jurisdiction of the federal courts the review of a ruling by a state court system that a confession is admissible into evidence as voluntarily made. This latter provision is an open invitation to the states to return to the old voluntariness test on the admissibility of confessions and an attempt to shield states which adopt such a course from federal court review of criminal convictions where such confessions are admitted into evidence. All these provisions are in direct conflict with the Supreme Court's landmark decision in *Miranda v. Arizona*, which discarded the old voluntariness test on the admissibility of confessions and held that additional safeguards must be developed to protect, in the setting of custodial interrogation, a suspect's constitutional privilege against self-incrimination. Any confessions obtained by the police in the absence of these safeguards were held inadmissible. The *Miranda* opinion required in the way of safeguards basically that the police warn the suspect that he has a right to remain silent and a right to the presence of an attorney, either retained or appointed. The *Miranda* opinion was nevertheless very clear in stating that federal and state governments were free to supplant these safeguards with other safeguards which they found more appropriate or workable so long as the latter safeguards were fully effective in protecting a suspect's privilege against self-incrimination. Title II does not do this. Rather, its provision on the admissibility of confessions are in direct conflict with the Supreme Court's *Miranda* decision, which found that the voluntariness test did not adequately protect the rights of the suspect. Title II therefore does not deal constructively with the problem of reconciling the suspect's privilege against self-incrimination with effective law enforcement; but rather provokes an unseemly and needless confrontation between Congress and the Supreme Court. In doing this the Title unwisely departs from the *Miranda* opinion's well-founded concern with protecting the dignity and integrity of a person suspected but not yet convicted of the commission of a crime.

The provisions of Title II on eye-witness testimony are open to similar objections. The testimony of an eye-witness to a crime that the defendant was the perpetrator has often proved to be unreliable. One of the chief causes of this unreliability is that the eye-witness often first identifies the defendant as the perpetrator in a line-up or other pre-trial confrontation where various suggestive influences may lead the eye-witness to pick out the defendant. To protect innocent defendants from faulty identification processes, the Supreme Court held in the recent case of *United States* v. *Wade* that the suspect had a constitutional right to counsel during such crucial pre-trial confrontations. A courtroom identification of the defendant is inadmissible if it is the product of a prior identification of the defendant at a pre-trial confrontation where the defendant neither had nor waived counsel. Once again the way remains open for Congress or the states to develop alternative means of protecting an accused from an erroneous identification. Title II does not adopt this constructive approach but enters into direct collision with the Supreme Court's *Wade* decision when it provides, in effect, that eye-witness testimony shall in all instances be admissible in state and federal criminal trials.

Title II also seeks to abolish the rule, established by the Supreme Court in *Mallory* v. *United States*, that any confession obtained by federal officers during an illegal detention is inadmissible in the federal courts. The *Mallory* rule does not derive from the Constitution but from the Supreme Court's exercise of its supervisory power over the administration of federal justice. Nevertheless, few individual rights are more precious than the right to be brought before a judicial officer within a reasonable time after an arrest for purposes of obtaining bail, a preliminary hearing, or information on one's rights. Congress should not encourage federal law enforcement officers to delay bringing an arrested person before a judge by telling the officers that no matter how long they delay the confession may still be admissible. The recently enacted District of Columbia Crime Bill permits the District police to detain a suspect for three hours prior to bringing him before a judge. Three hours should be ample time for the police, and any further delay should be considered in the majority of cases as unreasonable. Federal law enforcement officers should not be able to profit from such an unreasonable delay by obtaining a confession.

Perhaps the most regrettable provision in Title II is the attempt to withdraw from the federal courts the habeas corpus jurisdiction over state prisoners. This withdrawal of jurisdiction may amount to an unconstitutional suspension of the great writ of habeas corpus. In any case, this provision deprives state prisoners of a readily available federal forum in which to raise federal constitutional claims and leaves the determination of a state defendant's federal constitutional rights entirely to the state courts, subject only to discretionary review by the Supreme Court on the defendant's direct appeal from his conviction. Such a withdrawal of federal jurisdiction upsets the delicate balance of federal state relationships. As the Supreme Court indicated in its discussion of the federal habeas corpus jurisdiction in *Henry* v. *Mississippi*, the federal courts grant the state judiciary full opportunity to air and determine initially federal constitutional claims and only intervene on habeas corpus when federal constitutional rights have been denied. It appears most unwise to remove this federal check on the states' administration of criminal justice.

For the above reasons we as individuals urge you to do all in your power to secure the defeat of Title II on the Senate floor.

Very truly yours,
EDWARD A. TOMLINSON,
(Drafter of the letter),
BERNARD AUERBACH,
LEWIS D. ASPER,
EVERETT GOLDBERG,
LAURENCE M. KATZ,
SANFORD JAY ROSEN,
JAMES W. MCELHANEY,
GARRETT POWER,
Members of the Faculty.

UNIVERSITY OF MARYLAND,
SCHOOL OF LAW,
Baltimore, Md., April 23, 1963.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter of April 19th alerting us to the dangers lurking in Title II of S. 917. Several members of the faculty are drafting a comprehensive letter dealing in specific terms with the objections that can and should be made to Title II. Their letter will reach you soon.

Meanwhile, let me just make two points:

1. Much of Title II seems to me to be destructive; it creates unnecessary and unseemly tension between the Congress (which may pass it) and the Supreme Court (which will be called upon to pass on its constitutionality).

2. Congress can take constructive action to clarify what law enforcement officials can do within the guidelines of current Supreme Court decisions, without diminishing the important rights that have been granted the accused. Such a legislative approach, I think, would have widespread support in the academic community as well as elsewhere.

Sincerely yours,
WILLIAM P. CUNNINGHAM,
Dean.

BALTIMORE, MD.,
April 24, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for bringing to my attention the crime bill currently before the Senate, Title II of which would amend chapter 223 of title 18 and chapter 153 of title 28 of the United States Code. In my judgment it is a very bad approach to a difficult problem.

I share the apparent discontent of the bill's proponents with the exclusionary rules developed by the Supreme Court, in an attempt to insure fairness in criminal proceedings. Such rules sometimes free the guilty to achieve their ends. I would like to see Congress and the States try to work out alternatives which would permit conviction of the guilty, such as, for example, administrative and training procedures within law enforcement agencies which would make police misconduct a rarity. Such approaches to the problem, not open to the courts to initiate, are open to legislative bodies. But I see nothing of such a constructive nature in this bill.

Unless alternatives can be developed, we must stay with the exclusionary rules if we are to seek fairness. The cases before the Supreme Court will continue to be difficult, and its decisions will sometimes seem to be wrong, but the Court must continue to review State practices and supervise federal practices, because history shows that without such action many law enforcement agencies and State courts will not adequately police themselves. The bill may be bad constitutionally as well as bad as a matter of policy, it is doubtful that the constitution permits this kind of limitation of the Supreme Court's jurisdiction in such an important area of civil liberties.

My colleagues, Professor John W. Ester and Assistant Professors Robert G. Fischer and Lawrence L. Kiefer, have authorized me to say that they agree with the views expressed in this letter.

Sincerely yours,

John M. Brumbaugh,
Professor of Law, University of Maryland School of Law.

University of Maryland,
School of Law,
Baltimore, Md., April 24, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Title II of the proposed Crime Bill presently before the Senate reflects a genuine feeling of concern that the Supreme Court is, in effect, penalizing the public by requiring the release of confessed criminals in its attempt to prevent law enforcement officials from violating the civil rights of indigent defendants in criminal proceedings.

In my opinion, however, the proposed bill bends too far the other way in eliminating Supreme Court review in the area of confessions. While somewhat similar restrictions have been imposed upon the appellate jurisdiction of the Supreme Court and have been held constitutional (*Ex parte* McCardle, 7 Wall. (74 U.S.) 506; see U.S. v. Klein, 13 Wall. (80 U.S.) 128, 1872), experience has shown that without Supreme Court review, state courts and agencies cannot be relied upon to assure fair police and trial practices. The proposed limitations upon the use of the writ of habeas corpus would be a body blow to civil liberties as would be the removal of the unifying force of Supreme Court review upon the disparate constitutional interpretations of fifty states.

Congress and the states should, however, consider alternative approaches directed to the heart of the problem, namely, the conduct of law enforcement officials. Such officials might be made amendable to civil suits and perhaps governmental sanctions for unacceptable, clearly defined misconduct, such as coercing a defendant to confess or a delay of more than a few hours in bringing him before a magistrate. Radical revision of present training and administrative procedures of law enforcement officials could also accomplish much in this area. Until satisfactory alternatives are developed, it would be most unfortunate to remove the Supreme Court's jurisdiction over an area as vital as civil liberties.

Sincerely yours,

Aaron M. Schreiber,
Associate Professor of Law.

University of Michigan
Law School,
Ann Arbor, Mich., April 25, 1968.

Re the unconstitutionality of title II of S. 917.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: After wrestling for decades with the unruly, unsatisfactory "voluntariness" test for the admissibility of confessions—an elusive measureless standard of psychological coercion developed by accretion on almost an ad hoc, case-by-case basis, a test so uncertain and unpredictable that it guided police conduct very little, if at all—the Supreme Court of the United States finally displaced it with a set of relatively firm, specific guidelines: "Custodial questioning" must be preceded by warning the suspect that "he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed." *Miranda* v. *United States*, 384 U.S. 436, 444 (1966).

We do not claim there is nothing to be said for a *constitutional amendment* modifying the Supreme Court's reading of the Fifth Amendment to prohibit police interrogators from compelling a defendant to be a "witness against himself" and the Court's interpretation of the Sixth Amendment to afford a person in the police station, as well as in the courtroom, "the assistance of counsel for his defence." We maintain only that there is nothing to be said for a bill which *pretends there are no constitutional principles at stake* but simultaneously flies in the face of this nation's constitutional traditions by seeking to insulate the bill from judicial review.

We realize that some members of Congress are unhappy about recent Supreme Court constitutional rulings in the police interrogation-confession area, but we submit this scarcely justifies an expression of unhappiness in the form of a statute which in one breath fails to recognize the existence of authoritative constitutional decisions squarely on point, but in the next breath manifests sufficient awareness of the bill's constitutional infirmity to seek to prevent the federal courts from performing their essential and traditional function of determining a statute's consistency with the federal constitution. To solemnly pass Title II into law, in order to register unhappiness or wishful thinking, seems to be nothing less than a perversion of the legislative process.

In the thirty years since *Brown* v. *Mississippi*, 297 U.S. 278 (1936), the first fourteenth amendment due process confession case, the U.S. Supreme Court took an average of only one state confession case per year—and *two-thirds of these* were "death penalty" cases. See Prettyman, Jr., *Death and the Supreme Court* 297–98 (1961). But Section (e) of Title II purports to remove even this modest check on state courts by purporting to take away the U.S. Supreme Court's power to "disturb in any way" a state court's finding that an admission or confession was "voluntarily made".

It is well to remember that but for the intervention of the U.S. Supreme Court, the defendant in *Brown* v. *Mississippi* would have been convicted on the basis of a confession obtained after thirty-six hours of continuous interrogation by police "relays"; the defendant in *Malinski* v. *New York*, 324 U.S. 401 (1945) would have been convicted on the basis of a confession obtained from him only after he had been stripped of all his clothing for three hours; and the defendant in *Davis* v. *North Carolina*, 384 U.S. 737 (1966) would have been convicted on the basis of a confession taken from him only after he had been questioned an hour or two each day *for sixteen days*—during which time no one other than his police captors saw or spoke to him. All of these confessions—*according to the state courts*—were "voluntarily made."

In a few short days we shall celebrate "Law Day." On that day leaders of the Congress and the bench and bar will undoubtedly point with pride to our "accusatorial, adversary system," of which the right to counsel and the privilege against self-incrimination are dominant features. A vote for Title II is a vote to honor our ideals *only* on "Law Day" and other ceremonial occasions, but to forget them the rest of the year.

Sincerely yours,

Layman E. Allen, Olin L. Browder, Paul D. Carrington, Robert A. Choate, Alfred F. Conard, Luke K. Cooperrider, Whitmore Gray, Robert James Harris, Carl S. Hawkins, Jerold H. Israel, John H. Jackson, Michael S. Josephson, Douglas A. Kahn, Yale Kamisar, Paul G. Kauper, Thomas E. Kauper, Arthur R. Miller, William J. Pierce, Terrance Sandalow, Joseph L. Sax, Stanley Siegel, Russell A. Smith, Theodore J. St. Antoine, Richard V. Wellman, L. Hart Wright, Kenneth L. Yourd, Members of the Faculty.

University of Michigan Law School,
Ann Arbor, Mich., April 25, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: This letter relates to Title II of the Omnibus Crime Control and Safe Streets bill (S. 917), recently reported by the Senate Judiciary Committee. Because I believe the provisions of Title II are founded on erroneous assumptions and constitute a serious threat to the American tradition of constitutional government, I feel obliged to state the basis for my views.

Having spent the larger part of my professional life in the study of criminal law and the administration of criminal justice in the United States, I am, of course, aware of the agitated concern engendered in some quarters by the decisions of the U.S. Supreme Court in cases like *Miranda* and *Mallory*. I shall not pause to argue the merits of these decisions; nor am I disposed to challenge the sincerity of those who have disagreed with the Court. I am convinced, however, that the Court's critics have unreasonably exaggerated the importance of these decisions in their efforts to explain the problems confronting American law enforcement today. The evidence overwhelmingly supports the view that the crime rate and the comparative ineffectiveness of law enforcement in this country have very little to do with judicially fashioned rules of evidence of the sort announced by the Supreme Court in *Miranda, Mallory, Wade,* and kindred decisions. In my judgment, the effort to make the Supreme Court the scape-goat for the failure of American law enforcement is wrong for the same reasons that the sale of patent-medicine cures for cancer are wrong: it is based on an erroneous diagnosis of the illness and is dangerous because it diverts attention from the real problems and creates false hopes in an ineffectual remedy.

But even more serious is the method Title II proposes. Stripping the Court of jurisdiction in certain types of cases because members of Congress happen to disagree with the Court's view of the constitutional commands is a step down a road that leads to fundamental alteration in the distribution of powers in the American system. Once a first step is taken along this path, it will be difficult to avoid other steps in the future. I regard Title II as fully as ominous an assault on the Supreme Court as the court-packing proposal of the 1930's. In some respects it may be a more insidious threat, for it is less forthright and candid, and its dangers less apparent to the public at large.

I strongly urge that Title II be deleted from the bill.

Sincerely yours,

Francis A. Allen,
Dean.

University of Missouri,
School of Law,
Columbia, Mo., April 24, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Your letter to Dean Joe E. Covington dated April 19, 1968, and concerning S. 917 has been referred to me for reply. Your letter requested a reply not later than April 29.

All of the undersigned members of this faculty are specially concerned with either Constitutional Law, Criminal Law or Evidence.

Due to the shortness in time, it is not possible for us to delineate the reasons for our views. It will have to suffice that, for reasons of unconstitutionality or undesirability, we are opposed to all of the provisions included in Title II of S. 917. Please add our names to the list of opponents of this proposed legislation.

Respectfully,

WILLIAM P. MURPHY,
Professor of Law.
EDWARD H. HUNVALD, Jr.,
Professor of Law.
T. E. LAUER,
Associate Professor of Law.
GRANT S. NELSON,
Assistant Professor of Law.
ELWOOD L. THOMAS,
Assistant Professor of Law.

UNIVERSITY OF MISSOURI,
AT KANSAS CITY,
Kansas City, Mo., April 30, 1968.

Hon. JOSEPH D. TYDINGS,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR TYDINGS: Dean Kelly has referred your letter of April 19 to me, as professor of constitutional law, for response.

I concur entirely with you that Title II should be stricken from the Crime Control Bill. In an effort to overcome the *Wade, Miranda,* and *Mallory* decisions, the proponents of the Title would jeopardize the whole constitutional system. The Supreme Court is the heart of the Constitution and judicial review is the essence of the Constitution. Any attack on the jurisdiction of the Court is necessarily an attack on the Constitution itself. The American people have accepted the thesis expounded by John Marshall in *Marbury* v. *Madison* that it is the peculiar function of the Supreme Court to interpret and apply the Constitution and they look to that tribunal as the ultimate guardian of their rights under the Constitution. To deprive the Court of jurisdiction to pass upon a claimed right is in effect to deny that claim. If the jurisdiction of the Court can be trimmed in one area to fit someone's distaste for certain decisions of the Court, it can be adjusted for another's dislikes, with the end that the Court ceases to be the supreme court of the United States. Without judicial review the American Constitution would be essentially the same as the Stalin Constitution, a handsomely worded document lacking in reality. The best place to put a stop to an inroad on the jurisdiction of the Supreme Court is whenever an inroad is proposed.

Title II's limitations on the jurisdiction of the Federal Courts are, I presume, being rationalized as falling within the authority conferred upon Congress by Article III, sec. 2, to make "exceptions" and "regulations." It is my firm conviction that this is not a conferral of a carte blanche upon Congress to enact any kind of legislation it sees fit affecting the jurisdiction of the Federal Courts but is rather a grant of a limited power to enact needful rules and regulations in keeping with the spirit of the Constitution. It is certainly not within the spirit of the Constitution to deprive an individual of his privilege against self-incrimination, his right to counsel, his right to be brought promptly before a magistrate, or any other right made secure by a decision of the Supreme Court, yet that is what Title II aims to do. The proposed amendment to 28 U.S.C., sec. 2256, is evidently designed to reduce to a negligible minimum Federal supervision over State Courts' disposition of Federal rights since the Supreme Court obviously can perform only a minute portion of the task of review of State action. If Title II is enacted, the Due Process Clause of the Fourteenth Amendment will be for all intents and purposes repealed pro tanto and the discredited States' rights doctrine of interposition will have won accreditation.

Unless constitutional development from *Marbury* v. *Madison* to the present is somehow obliterated, Congress cannot say that *Mallory, Miranda* and *Wade* are not the law of the land. It is 165 years too late to replace judicial supremacy by congressional supremacy in the matter of interpreting the Constitution.

Sincerely,

JOHN SCURLOCK,
Professor of Law.

ALBUQUERQUE, N. MEX., *April 29, 1968.*

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.:

For Senate to adopt S. 917, proporting to overrule Miranda and Wade decisions and to abolish the Mallory rule would be unwise and as to Miranda and Wade probably unconstitutional. Statistical studies show these rules are not handicapping police in proper law enforcement.

Prof. GEORGE N. STEVENS,
Prof. HENRY WEIHOFEN,
University of New Mexico,
School of Law.

UNIVERSITY OF NORTH DAKOTA,
SCHOOL OF LAW,
Grand Forks, N. Dak., April 23, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your recent letter with its enclosure of S. 917. Since I teach our criminal procedure course, the Dean has forwarded the materials to me.

Not only do I regard the statute as being itself unlawful, to the extent that it attempts to correct a constitutional decision through ordinary legislation, but I further believe that it would reverse a very wholesome trend in recent Supreme Court decisions: toward removing justice from the list of marketable commodities, and encouraging economic and ethnic minorities to respect the law by demonstrating to them that the law respects them. It is decisions such as Miranda which provide the most effective corrective to "crime in the streets"; not bills such as S. 917, however deceptively labelled.

Thank you for your efforts to defeat this statute.

Very truly yours,

MARTIN B. MARGULIES,
Asisstant Professor of Law.

NORTHEASTERN UNIVERSITY
SCHOOL OF LAW,
Boston, Mass., April 22, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Enclosed is a statestatement concerning Title II of S. 917. You are free to use it in whatever way you wish.

I am in complete agreement with your view on this bill, and its progress to date reflects an unrealistic attitude on the part of the members of Congress.

Sincerely,

THOMAS J. O'TOOLE,
Dean.

STATEMENT OF DEAN THOMAS J. O'TOOLE, NORTHEASTERN UNIVERSITY SCHOOL OF LAW, CONCERNING TITLE II OF S. 917 (THE "OMNIBUS CRIME CONTROL BILL")

So far as it applies to state criminal trials, Title II appears to be constitutional in the light of existing precedents.

Its constitutionality depends, however, on a technicality. Under Article III of the United States Constitution, the appellate jurisdiction of all the federal courts and the original jurisdiction of the lower federal courts are subject to Congressional definitions. If Congress were to enact Title II, it would be saying to some persons convicted in state criminal trials: even if you have been unconstitutionally convicted, we are depriving you of any federal opportunity to have your rights vindicated. By withdrawing the rights to writ of habeas corpus, Congress would be sharply narrowing this most ancient and hallowed device by which Americans and their British forbears have protected their personal liberty against arbitrary government action.

Insofar as it applies to criminal trials in the federal courts, this proposed title II is blatantly unconstitutional. The Mallory rule has never been placed on constitutional grounds, but Miranda and its ramifications are nothing more than an explicit development of the constitutional rights to fair trial and to representation by counsel. In nonlegal terms, these judicial rulings represent not simply a desire to avoid convicting the innocent, but also an attempt to secure recognition of the human dignity of all persons, even those who stand accused.

At this point in national history, when constructive and imaginative approaches to our urban problems are desperately needed, the enactment of Title II would be an angry and vindictive attempt to return criminal justice to a more barbaric stage. Worse than that, it would be a declaration by Congress of disaffection with our Bill of Rights and the independence of our federal judiciary.

NOTRE DAME LAW SCHOOL,
Notre Dame, Ind., May 7, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR: I regret exceedingly that it has not been possible to reply sooner to your letter of April 19 concerning S. 917. One of our brilliant young professors, at my request, has written a brief memorandum on Title II of the Bill. I share his views and pass them on to you, since it seems to me that he has said what I would say better than I could say it myself.

"The *effort* to legislatively overrule *Miranda* is unfortunate and illegal. Unfortunately because *Miranda*, when all is said and done, does no more than extend to the poor and stupid what the wealthy and sophisticated have had all along. Illegal because it attempts to amend the Constitution by statute, which is a legislative version of what Senator McClellan accuses the Court of.

"Restriction of the *habeas corpus* jurisdiction is unwise, in view of the proud history of that remedy in Anglo-American jurisprudence and in view of its use in our own history to protect the most disadvantaged and unpopular of criminal defendants. It is also a paltry attempt to punish the Supreme Court by hopelessly clogging its certiorari and original dockets."

With warm regards and all best wishes, I am.

Sincerely,

JOSEPH O'MERA.
Dean.

THE UNIVERSITY OF OKLAHOMA,
Norman, Okla., May 1, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: In response to your letter I inquired of my colleagues with respect to their views regarding the wisdom of the proposed legislation.

Two members of the faculty took the position that the faculty as a whole should express no opinion until each member had the opportunity to study the problem carefully.

The overwhelming majority of the faculty expressed the view that we as the faculty should express agreement with the views which you stated. Two members of the faculty who expressed agreement with your views did, however, disagree on the habeas corpus point involved in § 902(a) and observed that they could not see why the Court cannot adequately review questions after presentation to the state courts.

In summary, it is fair to say that twelve members of the faculty and I substantially agree with the views which you expressed in your letter.

Yours truly,

Eugene Kuntz, *Dean*.

University of Oregon,
School of Law,
Eugene, Oreg., April 27, 1968.

Senator Joseph D. Tydings,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: Please add my name to those who support your efforts to have Title II of S. 917 stricken from the Crime Control bill.

Sincerely,

Chapin D. Clark,
Acting Dean.

University of Pennsylvania,
The Law School,
Philadelphia, Pa., April 24, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: We write to express our strong concern over the provisions of Title II of S. 917 (the "Safe Streets" bill), currently before the Senate.

Every one of the provisions of this Title presents a serious constitutional question. To the extent this means only that they may prove to be ineffective or invalid, that would not necessarily be sufficient reason to oppose passage. The bulk of these provisions, however sweep much too broadly, creating serious additional problems going to the core of our governmental system.

The provisions which would restrict the jurisdiction of the Supreme Court and of the inferior federal courts (especially with regard to habeas corpus) are particularly troublesome. By their terms, these provisions would cut federal jurisdiction back so far as virtually to eliminate federal review in nearly all state criminal cases—regardless of the number or kinds of federal issues which may have been involved. There is substantial question whether these provisions would actually be effective as written or whether they might be partially or entirely unconstitutional. To the extent they might operate, however, they would alter the nature of our system far beyond what is necessary or appropriate in the circumstances.

The provisions seeking to redistribute authority within the federal judicial structure are less troubling only in degree. They also present constitutional questions and also would, if effective, work serious dislocation in the over-all functioning of the system.

Of greatest importance, the provisions of Title II would pose the issues of constitutionality in a manner likely to produce a confrontation between the legislative and judicial branches of our Government from which the Nation can only suffer. No matter how the immediate questions might be resolved in the specific cases, the long-range effects of such a confrontation could be even more serious.

One does not have to agree with the pace or even to content of the decisions of the Supreme Court in the area of criminal procedure to conclude that the corrective measure proposed in Title II is too blunt an instrument which would cause unnecessary damage to our system as a whole.

Sincerely yours,

Jefferson B. Fordham,
Dean.
Anthony G. Amsterdam,
Professor of Law.
Stephen R. Goldstein,
Assistant Professor of Law.
A. Leo Levin,
Paul J. Mishkin,
Curtis R. Reitz,
Louis B. Schwartz,
Bernard Wolfman,
Professors of Law.

Rutgers University,
School of Law,
Camden, N.J., April 29, 1968.

Senator Joseph D. Tydings,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: I am writing in reply to your letter of April 19th. Like you, I am distressed by those provisions of Title II of S. 917, the Omnibus Crime Control and Safe Streets Bill, which purport to overturn the *Miranda*, *Wade* and *Mallory* decisions, remove federal appellate jurisdiction to review state court decisions admitting confessions, remove federal appellate jurisdiction to review both state and federal cases admitting eyewitness identification testimony, and abolish federal habeas corpus jurisdiction over state criminal convictions.

While I think that all these features of the bill are unwise and that many of them present the most serious constitutional problems, and consequently hope that all of them will be stricken from the bill, I am particularly distressed over those provisions which limit the jurisdiction of the federal courts. Most questionable, in my opinion, are those provisions of Section 3501 which would remove appellate jurisdiction from the Supreme Court and the United States Court of Appeals to review state decisions admitting confessions and both federal and state decisions admitting eyewitness identification testimony. The point is not whether Congress has power to limit the appellate jurisdiction of the Supreme Court. This is uncertain. See Hart, *The Power of Congress to Limit the Jurisdiction of the Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362, 1365 (1953); Ratner, *Congressional Power over the Appellate Jurisdiction of the Supreme Court*, 109 U. Pa. L. Rev. 157 (1960). The point is that this is changing the referee in order to obtain a referee who may be more favorable to the views of those doing the changing. Even if constitutionally permissible, this is inconsistent with the framework of the amending process of article V of the Constitution. It bears the marks of an attempt to circumvent the amending process. I am opposed to efforts to change the game by changing its rules or its referee no matter from whom they originate.

In addition, the provision depriving the Supreme Court of jurisdiction to review state court decisions admitting confessions and the provision depriving the Supreme Court of jurisdiction to review both state court and federal court cases admitting eyewitness identification testimony will, if a federal trial court or a state court, respectively, should declare unconstitutional the substantive provisions of the act dealing with the confession or eyewitness identifications problems, lead to a lack of uniformity in the decisions of the various courts—state and federal—as to whether the provision in question is constitutional. This is regrettable. There should be but a single ultimate arbitor of constitutional questions. The Constitution should mean the same thing in all the states and in all federal judicial districts.

Moreover, the effect of these jurisdictional provisions insofar as they apply to review of state court determinations would be to provide the person convicted in a state court of even one opportunity to have a federal claim adjudicated in a federal court. A person convicted in a state court is entitled to a determination of a federal claim by a federal court just as he is entitled to a determination of his state claims in a state court. While cases involving review of convictions by state courts usually involve state claims, they may also involve federal claims. State law is supreme with respect to the generality of criminal law within a state, but federal law is supreme with respect to the federal claims presented by a state criminal case. Under the Constitution, conflict between the state law and a valid claim under the federal Constitution must be resolved by the state law giving way to the federal claim. A federal court does not review questions of state law when it reviews a claim of person convicted in a state court except to determine whether the state law is constitutional. That federal courts do review questions of state law to this extent is entirely proper. The Government whose law in supreme in a particular area, here the federal government, should have authority to adjudicate that supremacy. Otherwise, courts of the other government, here the state government, who may possibly be less receptive or sympathetic to the claim of supremacy, here the federal claim, would, in violation of the spirit of the Supremacy clause, be able to frustrate these claims.

This is not to say that state courts are in fact unreceptive or unsympathetic to federal claims but only that there is a greater likelihood that being institutions of another sovereign, they may be less receptive or sympathetic to these claims than federal courts.

In short, these provisions could undermine the federal supremacy for which the Constitution provides when state law conflicts with it. Just because a case involves the criminal law of a state—which, if of course, authoritative when it does not conflict with the Constitution—does not mean that it does not contain a federal claim also. Under our system of government, the federal claim, in cases of conflict, control, and federal courts may be more certain guarantors of the vindication of federal rights than state courts.

I have a similar objection to section 902(a) of the Act. This provision abolishes the remedy of a state prisoner to seek relief from a state criminal conviction by writ of habeas corpus issued by a Federal court. In so doing, it would effectively preclude any *Federal* determination of federal claims in state criminal proceedings in all but a few of these cases, because the great number of these cases, are reviewable by the Supreme Court on direct review of the judgment of conviction or of a judgment of a state court rejecting an attempt to collaterally attack the judgment of conviction only by discretionary writ of certiorari, and the pressure of work on the Court will make it impossible for certiorari to be granted in more than a tiny fraction of these cases.

Very truly yours,

Michael P. Rosenthal,
Associate Professor of Law.

The University of South Dakota,
Vermillion, S. Dak., April 24, 1968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Your letter of April 19th calling attention to the inclusion of Title II in the Omnibus Crime Control and Safe Streets bill, and to the one-vote approval by the Senate Judiciary Committee of the provisions of Title II, caused a great deal of consternation here in this Law School. I personally am appalled by the action of the Committee. This is true despite the fact that I have a great deal of sympathy for some of the goals which Title II is rather obviously attempting to attain. It is incomprehensible to me that the Judiciary Committee of the United States Senate should lend its support to an attempt to change drastically our system of adjudication of constitutional rights in order to overturn specific products of that system. It is even more incomprehensible that the Committee should attempt to take such action with no publicity and little or no attempt to explain to either the legal community or to the public in general the purposes or the implications of its action.

Since receiving your letter, I have made personal telephone calls to a number of the outstanding legal leaders in the state of South Dakota. Not a single one of them was aware of the existence of Title II, and although quite a few of them were something less than antagonistic toward its purposes, without exception they were firmly opposed to the methods being used to fulfill those purposes.

The action of the Committee in this instance is completely illogical and ill considered. If the appellate system is under direct attack, the entire system should be studied and revised where necessary in a uniform logical manner. If, on the other hand, the attack is directed toward individual case results of this system rather than toward the system itself, the enactment of Title II, which jeopardizes our existing constitutional protection, borders on representative irresponsibility. Action of this sort should not be taken without full public discussion involving participation by the Bar, legal educators, and the legal community, as well as by all other segments of the interested public.

Please let me know if I can be of further assistance in your attempts to delete Title II from the Omnibus Crime Control and Safe Streets bill. I am forwarding copies of this letter to Senators McGovern and Mundt, and to the President of the South Dakota State Bar, together with my recommendation that they do everything within their power to prevent the enactment of Title II.

Sincerely yours,

John D. Scarlett, *Dean*.

Southern University,
Baton Rouge, La., April 25, 1968.

Re S. 917 (omnibus crime control and safe streets bill).

Hon. Joseph D. Tydings,
Senate Office Building,
Washington, D.C.

Dear Sir: In view of the immediacy of your need for a reply to your letter of April 19, 1968, the views expressed herein are not supported by research. There are, however, some fundamental constitutional principles that are involved in the proposed bill above referred to. Specifically, the Fourteenth Amendment protections of a "Due Process" would be seriously erroded should such a bill become law.

Further, to enact such a bill into law would set a dangerous precedent on the constitutionally fixed balance of power between the Executive, Judicial and Legislative branches of government. The historic function of the Supreme Court in maintaining order in meeding out justice under a single constitutional principle would be seriously imperiled and would be to permit as many different applications of law as there are State Supreme Courts. This to me would cause utter chaos in our system of administration of justice.

I trust that my views will aid in this type of bill which seems to be emotionally inspired rather than legally reasoned with justice as its aim.

Respectfully,

A. A. Lenoir.

Stanford School of Law,
Stanford, Calif., April 23, 3968.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: I have just seen a copy of Title 2 of Senate 917 as approved by the Senate Judiciary Committee and wish to write you to protest against its possible enactment. First, though not most important, the constitutionality of at least two of its provisions is most dubious. I think that a reading of the Supreme Court decisions indicates that at least our present Supreme Court would be prepared to hold the overruling of the Miranda or the Wade decisions unconstitutional; and although the legislative overruling of the Mallory decisions is not so clearly unconstitutional, it would be without effect as a practical matter providing Miranda remained standing.

Secondly, the efforts to contact the jurisdiction of the United States Supreme Court and the general habeas corpus of jurisdiction though perhaps constitutional are all the more dangerous. The fact is that once it becomes popular to restrict the jurisdiction of the Supreme Court and the lower federal courts in the area of constitutional rights we are well on our way to removing the constitutional rights of the individual from judicial protection.

Finally and most important, entirely apart from any unconstitutionality, I would like to protest even more against the lack of wisdom of Title 2. The protections which Title 2 is meant to repeal are for the most part protections given to the poor and the dispossessed against a government which more and more they are feeling they have no share in. To abolish these protections, rather than decreasing crime, could only have the effect of increasing the alienation of large numbers of our minority group members, of playing into the hands of the extremists who tell them that the "establishment" is rigged against them and of increasing violence.

I hope that this bill can be defeated not only before it has any chance of becoming law but before widespread publicity can be given it. The very fact that Congress is considering such a bill at this time is a blot upon the legislative process.

Yours very truly,

John Kaplan,
Professor of Law.

The University of Tennessee,
College of Law,
Knoxville, Tenn., April 23, 1968.

Hon. Joseph T. Tydings,
U.S. Senate,
Judiciary Committee,
Washington, D.C.

Dear Senator: We are pleased to write in support of your efforts to remove Title II from S. 917, the so-called Omnibus Crime Control and Safe Streets bill, purporting to repeal by statute the constitutionally grounded *Miranda* and *Wade* decisions, to overrule the *Mallory* decision, to remove the Supreme Court appellate jurisdiction to review state decisions admitting confession or eyewitness testimony in criminal cases, and to abolish federal habeas corpus in all state criminal convictions.

First and foremost, this proposal violates the basis of our constitutional system, which has rested, since Chief Justice Marshall, upon the view that the judiciary has the final determination as to what a constitutional provision means. The Court occupies a most advantageous position in this function, being removed from the political pressures and the emotions of a moment, the bias of a particular social or political segment of our country, and being the principal body which by custom is supposed to be impartial and judicial, and to weigh the welfare of the nation over the concerns of particular groups.

Second, experience demonstrates that the protection we can count on to preserve the new experiment of the founding of our nation, and the new ideal of government which was created, has most consistently been the United States Supreme Court.

Third, the decisions of the states have shown repeatedly that even the most fundamental and basic elements of due process are often disregarded.

Fourth, the decisions of the Court, debatable though a few have been, have, in the overwhelming majority, been consistent with the concepts of freedom for those who constitute a minority, whether the classification is based upon accusation of crime, color, race, religion, or political philosophies.

It is most disturbing to visualize a time when liberties will depend upon a particular state's interpretation of what the welfare of the nation requires, which will depend all too frequently upon the emotional and unwise preoccupations with some local bias or self interest. These are the dangers which the constitution sought to avoid. Without the jurisdiction of the Supreme Court, freedom will depend upon what state decides the question. There will be no uniformity. If the day ever comes when the Supreme Court has been effectively muzzled we will live in a different world. We will live in a nation that will have become more like the totalitarian governments of the Fascist and Communist world, which we purport to abhor, which we ought, we believe, to resist.

We hope that your efforts and those of others of like mind will succeed in arresting this tendency toward an era when freedom as we know it, will become a weakened, once adhered to, ideal.

We recognize the need to control crime more effectively and to make streets more safe. We think that this can be done in ways other than removing from our system its basic characteristic. Better trained and more efficient personnel in the law enforcement area, more effective regulation by and of the criminal law administration machinery, the removal of some of the most significant causes of the current crime picture all should be pursued much more thoroughly before the solutions are sought by the provisions of Title II.

We realize that liberty has its costs, but we believe that the destruction of liberty has a greater cost. We do not believe that we can afford the cost to our system of weakening the underpinning to freedom and liberty which the United States Supreme Court has provided.

Yours respectfully and sincerely,

Harold C. Warner, Dean; Josep G. Cook, Assistant Professor of Criminal Law; Don F. Paine, Assistant Professor of Evidence; Elvin E. Overton, Professor of Constitutional Law; Jack D. Jones, Associate Professor of Law; Durward S. Jones, Assistant Professor of Law; Forrest W. Lacey, Professor of Law; Jerry J. Phillips, Assistant Professor of Law; Dix W. Noel, Professor of Law.

The University of Tulsa,
College of Law,
April 23, 1968.

Hon. Joseph D. Tydings,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: Thank you for your letter and the copy of S. 917 "Omnibus Crime Control and Safe Streets Bill." Of course the Senate and House have the power to withdraw federal habeas corpus jurisdiction over all state criminal convictions, although I feel that this would be a most disastrous exercise of that power.

Miranda and *Wade* simply cannot constitutionally be overruled by legislative fiat. I sincerely hope that you are successful in having these provisions stricken from the bill.

Thank you again for furnishing me with these materials. If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,

Bruce Peterson, *Dean*.

THE UNIVERSITY OF UTAH,
COLLEGE OF LAW,
Salt Lake City, Utah, May 1, 1968.
Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I very much appreciate your letter of April 19, 1968, calling the attention of our faculty to the provisions of Title II of Senate Bill 917. Our faculty has responded to your letter by urging the elimination of Title II from the bill. A statement signed by every member of the law faculty is enclosed.

Sincerely yours,
SAMUEL D. THURMAN, *Dean.*

THE UNIVERSITY OF UTAH,
COLLEGE OF LAW,
Salt Lake City, Utah, April 30, 1968.

As members of the Legal Profession devoting our professional efforts to the communication of the American legal tradition to our students, we are shocked and dismayed that the Senate Judiciary Committee should have favorably reported Title II of Senate Bill 917.

This blunderbuss bill attempts to deal with the crime problem by repressive measures inconsistent with the American system of law and the constitutional concern for individual liberty. We believe that the bill would seriously curtail the developing legal doctrines designed to protect and preserve individual liberty and personal human dignity. In our increasingly complex society, it is vital that neither the legal doctrines designed to protect and augment the personal rights and personal dignity of the individual nor the traditional processes of judicial review to secure those rights should be undercut by short-sighted federal legislation. As conservatives, we challenge the appropriateness of a legislative proposal designed to curtail judicial review of actions by governmental officials. As liberals, we question the wisdom of a proposal which would have the effect of giving abritrary discretion to the police and to state courts as a means of dealing with so complex a problem as that of the increase in crime. As citizens, we are dismayed at the destructive impact upon our federal polity, and its system of checks and balances, of this proposal by insulate state court decisions in criminal matters from effective federal judicial review, thereby encouraging non-uniformity in and discriminatory application of constitutional rights of the individual.

This repressive proposal, designed as a measure for crime control, would in our opinion, ultimately have the effect of rendering law enforcement less effective. History shows that a free society must depend for effective crime prevention on the cooperation and support of its people. Such support and cooperation ultimately rests upon the moral persuasiveness of the law and the justice with which the law is administered. In the words of Justice Brandeis, "If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." This proposal to curtail judicial review of law enforcement measures can only be seen as an invitation to law enforcement agencies to bend and break the statutory law as well as the fundamental law of the land, the Constitution itself.

In these troubled times, when we have seen riots in our cities and commotions in our streets, Congress must not suggest that the police are above the law by measures designed to weaken judicial review of law enforcement practices. To do so would vindicate the claims of extremists who use false cries of police brutality as a justification for and an incitement to unlawful action. Since effective law enforcement and crime prevention ultimately depend on the support of all segments of the population, Congress should do nothing to weaken that support. Title II of this bill would do so.

The proposal to reverse the recent Supreme Court rulings on confessions is subject to more specific criticism. Congress should be aware that numerous studies in many parts of the nation conducted after the Miranda decision show that the Miranda rule has not operated to inhibit effective law enforcement. On the contrary, the detailed and specific rules of Miranda make for more effective law enforcement and fewer instances in which guilty men escape justice than the vague and uncertain standards of the "totality-of-the-circumstances" test of voluntariness which the bill proposes to substitute for the Miranda rule.

The great virtue of Miranda is its clarity. Law enforcement officers know in advance what they may do and what they may not do to questioning a suspect. If, they fail to obtain a confession because the suspect asserts his constitutional right to remain silent, the officers may pursue other investigative avenues while the clues are fresh. Conversely, the uncertainty of the voluntariness standard means that the officers lack a clear guide to what is permissible. In the absence of guidance it is understandable that officers will often guess wrong and go too far. When they do so, the only remedy available would be a later judicial ruling that the confession is inadmissible. Such rulings will usually come when it is to late to pursue other investigative paths with the result that guilty men will often escape conviction. Thus, it can be said that the clarity and certainty of the Miranda rule will lead to greater assurance that the guilty will be convicted, and to fewer miscarriages of justice, than would a return to the uncertainties of the voluntariness test revived in S. 917.

The proposal to eliminate the jurisdiction of the United States Supreme Court to review state rulings in criminal cases, admitting confessions into evidence, flies in the face of more than 30 years of constitutional history. Since Brown v. Mississippi, 297 U.S. 278, in which Chief Justice Charles Evans Hughes declared a state-approved conviction obtained by torture to be "revolting to the sense of justice" and a "clear denial" of due process of law, the Court has repeatedly been called upon to consider the constitutional admissibility of incriminating statements attributed to defendants in cases affirmed by the highest state courts. While today, these cases include few instances of physical torture and sadistic violence, we do not believe that our precious liberties as Americans would be served by a bill which would preclude the Supreme Court from providing a remedy in these situations. Yet section 3502 would have such effect.

The Supreme Court's role in state and federal confession cases has brought uniformity of approach and consistency of doctrine into this difficult aspect of criminal law enforcement; elimination of jurisdiction to review such questions would undoubtedly promote inconsistency, confusion, uncertainty, and caprice as the courts of the several states, lacking in a national perspective and without the check and balance of Supreme Court review, go their several independent ways. The ideal of "equal justice under law" would thus be impaired, for lack of uniformity and consistency in the administration of justice is widely regarded as characteristics of a "government of men," not of a "government of law."

Perhaps nowhere in Title II is its essential clumsiness and total disregard of constitutional principles more clearly demonstrated than in section 3503. This section would prohibit the exclusion of testimony that a witness saw an accused commit or participate in a crime. The provision is apparently aimed at the Supreme Court's recent rulings in United States v. Wade, Gilbert v. California, and Stovall v. Denno. These decisions attempted to fashion controls to deal with risks inherent in lineup identifications. The cases were a response to a continuing problem, the danger that identification testimony, however honest, may often be mistaken. Numerous legal commentators and judges, including Justice Frankfurter, Dean Wigmore, Judge Jerome Frank, Professor Borchard, and Doctor Glanville Williams, among others, have pointed out that such erroneous identifications are a major cause of convictions of innocent persons. We assume that nobody, including the proponents of section 3503, would seriously contend that crime control can or should be achieved by the conviction of innocent persons. Yet their proposal is an attempt to nullify the Supreme Court's efforts to assure that only the guilty are convicted by requirements making identification testimony more trustworthy.

Section 3503 is also a graphic demonstration, by its clumsiness and over-breadth, of the lack of insight and perspective with which Title II was prepared. While section 3503 was, it seems, chiefly aimed at the lineup cases, it succeeds in hitting many other targets involving entirely different problems and constitutional principles. The section would in large measure repeal the rules of Weeks v. United States and Mapp v. Ohio insofar as they exclude testimony obtained from an illegal search and seizure. The section would legalize "police state" practices by permitting the illegal searcher to testify to what he found in all cases where the possession of the items found was a crime. In addition, the section would in large measure eliminate the fruit-of-the-poisonous-tree rule as applied in both state and federal courts. Its unqualified language would require admission of eyewitness testimony without regard for other circumstances which, under present law, may limit admissibility in the interest of competency, probativeness, fairness, and public policy; and it would eliminate the principal practical sanction against violation of the constitutional right of personal privacy. We believe that section 3503 is not the kind of legislation that law-abiding and law-respecting persons expect or deserve from the Senate. Moreover, this section, in and of itself, demonstrates the lack of careful consideration which generally characterizes Title II as drafted.

The proposal to eliminate the habeas corpus jurisdiction of the federal courts to review state court decisions claimed to violate federal constitutional rights will lead to an excerbation of tensions between state and federal courts. If enacted, this provision will mean that an increased proportion of state court decisions will undoubtedly be brought to and considered by the United States Supreme Court. Thus, instead of the litigation taking place in the states before federal district court judges who are members of the state bar and familiar with state legal practices and traditions, such litigation will take place in Washington. The disadvantage to the states, the litigants, and the federal courts under this proposal seems obvious; the inability of the Supreme Court, with its already heavy workload, to give adequate protection to constitutional rights is deplorable.

Finally, we urge that you consider the proposals embodied in S. 917 from an historical perspective. The finest traditions of the Senate suggest that posterity will not look kindly on this ill-considered attempt to curtail and restrict the legal remedies of individuals seeking redress for violations of their constitutional liberties. While no doubt these legal remedies are sought by guilty and innocent alike, history teaches that the rights of all, guilty and innocent alike, are inseparable. The American tradition of presumed innocence until there has been a final determination of guilt, made in accordance with law, emphasizes the truth that the rights of the innocent are diminished by measures designed to restrict thorough judicial consideration of the claims of those who are believed to be, but in fact may not be, guilty.

We urge you to look beyond the problems of the immediate present and to weigh the part that the federal courts have played in developing the legal rules and restraints on governmental power. Individual rights of the citizen, developed over centuries of historical conflict, are far too precious to be sacrificed to temporary political expediency. We urge the Senate to stand firmly for a continuation of equal justice according to law. We urge you to vote for the elimination of Title II from Senate Bill 917.

Sincerely,

Robert W. Swenson, Lionel H. Frankel, Robert L. Schmid, John F. Flynn, Wallace R. Bennett, Arvoban Alsty, A. C. Emery, Ronald W. Boyce, Jerry R. Andersen, Samuel D. Thurman, I. Daniel Stewart, Richard L. Young, Richard I. Howe, William J. Lockhart, Edwin Brown Firmerge, E. Wayne Thode, Denny I. Ingram, Jr., Members of the Faculty.

UNIVERSITY OF VIRGINIA,
SCHOOL OF LAW,
Charlottesville, Va., April 29, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary, Washington, D.C.

DEAR SENATOR TYDINGS: Your letter of April 19 reached me just as I was on the point of leaving for meetings in Washington. This explains my inability to reply in time to meet your deadline. I immediately referred your letter to Professor Low who replied on April 23. I hope you found his letter helpful.

I write now merely to echo the sentiments he expressed. While I can, in no sense, speak with authority on the problems raised by *Miranda* and *Wade,* I cannot escape the feeling that, even if constitutional, as to which I have reservations, the proposed legislation would be at once premature and unwise.

It would be premature because we have not yet acquired enough experience adequately to judge the impact of the decisions. It would be unwise because at this juncture in our national life the last thing we need is to generate an added sense of instability by stimulating a dispute between the Congress and the Supreme Court.

I am glad to know that one of your standing and reputation is taking up the cudgels against Title II of S. 917.

Please do not fail to call on me if you think I can be helpful.

Sincerely,

HARDY C. DILLARD,
Dean.

UNIVERSITY OF VIRGINIA,
SCHOOL OF LAW,
Charlottesville, Va., April 23, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate, Committee on the Judiciary, Washington, D.C.

DEAR SENATOR TYDINGS: Your letter of the 19th only came to my attention today. The timing is somewhat unfortunate in view of the fact that you need replies before April 29 and the press of other matters on such short notice does not give me the opportunity to make the type of response which your letter deserves.

I would like in any event to give you what quantitative help I can by registering my firm opposition to Title II of S. 917. It is, in my opinion, riddled with Constitutional infirmities and is likely if it becomes law to be drectly provocative of a confrontation between the Court and Congress such as we have never seen. Although those sections which purport to deprive the federal courts of jurisdiction to review state court judgments undoubtedly derive some support from decisions such as *Ex Parte McCardle,* I do not believe that the present Court would, or should, read Article III to give Congress the power to exempt from the federal system review of such fundamental matters. To do so would give the Congress the power to repeal the Bill of Rights through the back door and to make the Supremacy Clause meaningless verbiage.

Let me also add that I am one who has grave doubts about the wisdom and necessity of cases like *Miranda* and *Wade,* although more to their detail than to the principles for which they stand. But I do not believe that precipitate repeal—even if it could be effective against Constitutional attack—is a wise course, if only for the reason that those who accomplish it will think that they've done something to solve "the crime problem" or "crime in the streets". What they will actually have accomplished, on the other hand, will have been a Constitutional crisis which has little bearing at all on a real solution to our problems.

I hope that you find this letter helpful, and that you are successful in your efforts to defeat this measure. I am only sorry that I could not devote more time to helping you make a case.

Sincerely,

PETER W. LOW,
Assistant Dean,
Associate Professor of Law.

WEST VIRGINIA UNIVERSITY,
THE COLLEGE OF LAW,
Morgantown, W. Va., April 24, 1968.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Dean Paul Selby, Jr., of our College has shown me your letter of April 19 calling to his attention Title II of S. 917 as it was reported by the Senate Judiciary Committee. I am shocked by the contents of Title II as it was reported by the Senate Committee and join you in a sincere concern over the grave consequences that could result from enactment of the Bill in this form. The Title as drafted would wipe out three decades of gradual improvement in the administration of criminal law as encouraged by Supreme Court decisions.

As the Bill is drafted even the original confessions case—*Brown* v. *Mississippi*—where the State Court blatently approved the admission of a confession extracted by an admitted brutal beating would lie beyond the power of Federal Courts to control. While some have fairly complained that the Supreme Court rulings in regard to confessions are overly stringent, this Bill responds out of proportion to that complaint. It throws out the baby with the bath. It strikes me that this is a major assault upon the dignity of the Federal Judicial System as a whole and I think it does not represent responsible legislation at all. I am shocked that Congress could consider going so far.

Additionally, grave Constitutional doubts are raised as to whether Congress can completely remove the availability of all Federal Courts to protect recognized Federal Constitutional rights. I urge you to work actively for the defeat of Title II. I am sending copies of this letter to Senators Randolph and Byrd urging them to take a similar position. This is a matter of utmost gravity in my estimation and represents a serious threat to the proper administration of criminal justice in the United States today.

Very truly yours,

WILLARD D. LORENSEN,
Professor of Law.

YALE UNIVERSITY,
LAW SCHOOL,
New Haven, Conn., April 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Many thanks for your letter of April 19, alerting me to the impending Senate debate on S. 917.

I am fully in agreement with your view that Title II of S. 917 should be stricken from the bill. Title II is, in my judgment, dangerous, retrograde legislation, which would, if enacted into law, strip American citizens of vital and hard-won procedural rights.

As I see it, Title II would, if adopted, have at least four calamitous sets of consequences:

(1) The new Section 3501 of Title 18 would strip federal criminal defendants—including those in the District of Columbia, where Congress has special responsibility to the citizens who cannot elect their own lawmakers—of the shields against official abuse written into law by the Supreme Court in *Mallory v. United States,* 354 U.S. 449; *Miranda v. Arizona,* 384 U.S. 436, and kindred decisions. Bearing in mind that *Miranda* was itself a declaration of the requirements of due process, there would seem grave doubt that a legislative overruling of *Miranda* is, at least as to federal defendants, constitutional. Nor is the constitutionality of the proposed section saved by the fact that the Court, in *Miranda,* invited legislative approaches to the problem of interrogation procedures the Court was there considering. Plainly enough, what the Court was soliciting was alternative safeguards of defendants' due process rights, not simple obliteration of the safeguards there formulated.

(2) The new Section 3502 of Title 18 would apparently deprive federal courts, including the Supreme Court, of authority to review the voluntariness of confessions admitted in evidence in state criminal trials. At one stroke this proposal would destroy one of America's firmest bulwarks against barbarous forms of law-enforcement.

Adoption of this section would mean repudiation of Chief Justice Hughes' historic decision in *Brown v. Mississippi,* 297 U.S. 798, reversing death sentences imposed on Negro defendants convicted on the basis of confessions elicited by systematic beating (a deputy sheriff who acknowledged whipping one of the defendants said he hadn't been unduly severe: "Not too much for a negro; not as much as I would have done were it left to me." 297 U.S. at 284).

The proposed legislation would undercut *Payne* v. *Arkansas,* 356 U.S. 560, in which Justice Whittaker summarized the relevant evidence as follows (356 U.S. at 567):

"The undisputed evidence in this case shows that petitioner, a mentally dull 19-year-old youth, (1) was arrested without a warrant, (2) was denied a hearing before a magistrate at which he would have been advised of his right to remain silent and of his right to counsel, as required by Arkansas statutes, (3) was not advised of his right to remain silent or of his right to counsel, (4) was held incommunicado for three days, without counsel, advisor or friend, and though members of his family tried to see him they were turned away, and he was refused permission to make even one telephone call, (5) was denied food for long periods, and, finally, (6) was told by the chief of police "that there would be 30 or 40 people there in a few minutes that wanted to get him," which statement created such fear in petitioner as immediately produced the "confession." It seems obvious from the *totality* of this course of conduct, and particularly the culminating threat of mob violence, that the confession was coerced and did not constitute an "expression of free choice," and that its use before the jury, over petitioner's objection, deprived him of "that fundamental fairness essential to the very concept of justice," and, hence, denied him due process of law, guaranteed by the Fourteenth Amendment."

And the proposed legislation would likewise put beyond Supreme Court review a case like *Leyra* v. *Denno,* 347 U.S. 556, 561, where Justice Black observed:

"First, an already physically and emotionally exhausted suspect's ability to resist interrogation was broken to almost trance-like submission by use of the arts of a highly skilled psychiatrist. Then the confession petitioned began making to the psychiatrist was filled in and perfected by additional statements given in rapid succession to a police officer, a trusted friend, and two state prosecutors. We hold that use of confessions extracted in such a manner from a lone defendant unprotected by counsel is not consistent with due process of law as required by our Constitution."

In considering the impact of legislation which would remove the voluntariness of confessions in state criminal trials from federal scrutiny, you may feel, as I do, that the following facts about confession cases adjudicated in the Supreme Court in the quarter-century following *Brown* v. *Mississippi*, are relevant:

"In twenty-five years, from February 1936 (when *Brown* v. *Mississippi*, the path-breaking coerced-confession case, was decided), to June 1961, the Supreme Court set aside state court convictions on coerced-confession grounds on twenty-two occasions. Of the twenty-seven defendants involved in these cases, nineteen were Negroes and six were whites; the race of the other two is not disclosed by the record. Sixteen of the nineteen identifiable Negroes were tried in Southern courts. Only one of the six identifiable whites, and neither of the two racially unidentified defendants, was tried in a Southern court." (Pollak, The Constitution and the Supreme Court, vol. II, p. 198.)

(3) The full impact of proposed Section 3503 is hard to determine. But it apparently would, at a minimum, purport to insulate federal and state criminal convictions based on eye-witness testimony from federal judicial review even where, for example, such testimony was perjured. Of course, the introduction into evidence of perjured testimony, known by the prosecution to be false, was denominated a denial of due process of law as long ago as *Mooney* v. *Holohan*, 294 U.S. 103. To write into federal law the proposition that federal criminal convictions based on perjured testimony should be immune from appellate or collateral attack would seem a plain violation of the Fifth Amendment. To create a cognate immunity for state criminal convictions of this nature would seem to generate constitutional questions of comparable gravity.

(4) If the proposed new Section 2256 of Title 28 means what it appears intended to mean, it would virtually erase the cherished writ of federal habeas corpus as it applies to state prisons. Taken together with the preceding sections of title II, it would complete the work of making a large spectrum of vital federal claims, vainly asserted in state criminal courts, almost invulnerable to vindication by the federal judiciary. It seems not inappropriate to recall that federal habeas corpus for state prisoners chiefly derives from the Habeas Corpus Act of 1867, adopted to give some measure of reality to the new liberties contained in the Fourteenth Amendment, which had a few months earlier been submitted to the states for ratification. It would indeed be a grim irony if Congress were to celebrate the centennial of the Fourteenth Amendment by jettisoning the Great Writ.

Very sincerely,

LOUIS H. POLLAK.

P.S. In the body of this letter I have supposed that the proposals under discussion were intended to accomplish—and were so drafted as to be successful in accomplishing—very radical changes in the existing structure of federal judicial review of criminal convictions. But it is, of course, arguable that some of the proposals do not go as far as I have feared they may.

For example, the proposed new Sections 3502 and 3503 of Title 18 in terms deny to the Supreme Court and other Article III courts authority to "review [or to] reverse, vacate, modify, or disturb in any way, a ruling of any [state] trial court . . . admitting in evidence" a confession or so-called eye witness testimony. Normally, of course, the Supreme Court or other federal court does not, in passing upon a challenged state court conviction, "review, reverse, modify, or disturb" any particular evidentiary ruling except in the sense of determining whether authorizing the trier of fact to base a judgment of conviction on, *inter alia*, certain challenged evidence, worked a denial of due process. In short, the federal court acts on the totality of the state adjudication, of which a controversy with respect to the constitutionality of certain evidence may be a, or even the, key element. If the federal judicial scrutiny is by the Supreme Court on direct review, a disposition adverse to the state is a reversal of the *judgment of conviction*, not the evidentiary ruling. If the federal judicial scrutiny is by a district court on habeas corpus, a disposition adverse to the state is, ordinarily, not even an order vacating the judgment of conviction, but rather an order releasing the petitioner (notwithstanding the judgment of conviction; but, ordinarily, subject to the state's entitlement to reprosecute in a trial conforming with the mandate of due process).

Similarly, the proposed Section 2256 of Title 28 would deny to the Supreme Court or any other Article III court authority "to reverse, vacate, or modify any . . . judgment of a State court" following a verdict or plea of guilty, except on appeal or certiorari from the highest court of the state which has appellate jurisdiction to review the trial court. By placing the proposed section in the habeas corpus part of Title 28, the drafters presumably intended the proposed new section as a limitation on habeas corpus; and this is the sense in which, in the body of this letter, I have construed the proposal. However, as I have noted just above, a federal habeas court deciding adversely to the state does not ordinarily "reverse, vacate, or modify" the judgment pursuant to which the petitioner is detained; rather, the federal habeas corpus court ordinarily issues a (contingent) release order notwithstanding the (constitutionally defective) state court judgment of conviction. So, the question arises whether the provision as drafted actually accomplishes what I suppose to be the draconian curtailment of federal habeas corpus jurisdiction intended by the drafters. If the language does not accomplish this purpose, however, it is hard to assign operative effect to the quoted language, or to the preceding language purporting to assign "conclusive" effect to the state court judgment as to "all questions of law or fact which were determined, or which could have been determined" in the state trial court. (If the proposal works the drastic cutback on habeas corpus which I suppose was intended, very serious constitutional questions are presented—questions which are the more serious in proportion as the companion provisions of Title II curtail federal judicial scrutiny, by direct review on appeal or certiorari, of substantial claims of denial of due process of law.)

YALE LAW SCHOOL,
New Haven, Conn., May 1, 1968.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Approval by the Senate Judiciary Committee of Title II of S. 917 (The Safe Streets and Crime Control Act) prompts this letter. Enactment and implementation of Title II would undermine many major advances that have only recently begun to be made in the administration of criminal justice.

The major components of Title II are of doubtful constitutionality. The Title in its entirety constitutes a threat to the integrity and soundness of our criminal process, and places in jeopardy many hard won procedural rights. Guided by the wisdom of the generalization once proffered by Jerome Hall that the substantive criminal law should be designed for criminals and that its procedure be designed for honest people we urge that Title II be stricken from the bill.

Sections 3501(a) and 3501(b) which make a narrowly and arbitrarily conceived "voluntariness" the sole criterion for the admissibility of a confession in evidence in a Federal court are in conflict with the decision of the Supreme Court in *Miranda*, 384 U.S. 436. There the Court established the following specific essentials of voluntariness as constitutional requirements for the admissibility in evidence of confessions:

A suspect must be warned that he has a right to remain silent and that anything he says may be used against him.

A suspect must be warned that he has a right to consult with a lawyer and to have the lawyer with him during interrogation.

A suspect must be warned that if he cannot afford a lawyer, a lawyer will be appointed for him.

These *Miranda* requisites are designed to safeguard the right against self-incrimination under the Fifth Amendment. As Chief Justice Warren emphasized in *Miranda*, the FBI practice then being followed was substantially consistent with the decision. To abandon the *Miranda* guides can only serve to encourage those abuses of authority frequently carried out in the name of law enforcement. And equally disheartening, enactment is likely to set up on another course of litigation at a time when the police after some 30 years of litigation following *Brown* v. *Mississippi*, 297 U.S. 798, have been provided with reasonably clear guide lines to which they can respond. (See Interrogations In New Haven: The Impact of *Miranda*, 76 Yale L. J. 1519 (1967).)

Section 3501(c) provides, contrary to the Court's decision in *Mallory*, 354 U.S. 449, that a confession shall not be inadmissible in evidence in a Federal court solely because of delay between the arrest and arraignment of the defendant. Section 3501(c) is bound to increase prolonged and indefinite incarceration and interrogation of suspects, without opportunity to consult with friends, family or counsel. Not only does this section undercut the purpose of the Court's exercise of its supervisory power in *Mallory* but it is likely to trigger police practices of doubtful constitutionality.

And there are serious doubts about the constitutionality of Sections 3500 and 3503. Section 3503 so far as it relates to eyewitness testimony undercuts the Court's decision in *Wade*, 388 U.S. 218, which gives body and meaning to the right to counsel at crucial early stages of the criminal process. Both Sections 3502 and 3503 prohibit Federal review of decisions by State courts, even though the State court has squarely passed upon a Federal claim. The Supreme Court has had ultimate authority under the Constitution to resolve conflicting interpretations of Federal law and to pass on the constitutionality of legislation enacted by Congress. To deny this authority to the Supreme Court is to nullify the Supremacy Clause and destroy the role of the Supreme Court in our constitutional system. Sections 3502 and 3503 are thus far more serious attacks on the Supreme Court than the Court-packing plan of the 1930's. To abolish Supreme Court review would create chaos in the interpretation of important issues of Federal law, since the 50 State Courts and 94 Federal district courts would become the final arbiters of the meaning of the Constitution and laws of the United States in very important areas of the administration of criminal justice.

Finally, Section 2256 abolishes the habeas corpus jurisdiction of Federal courts over State criminal convictions. The sole Federal review of a Federal claim by a State prisoner would be limited to appeal or certiorari. The Constitution prohibits the suspension of the writ of habeas corpus except in cases of rebellion or invasion. Since the remedies of appeal and certiorari are almost entirely discretionary in the Supreme Court, they cannot adequately protect Federal constitutional rights. Many State prisoners would thus be denied even one full and fair hearing in a Federal court on their constitutional claim. Sole reliance on State court judges to protect Federal constitutional rights can not protect these rights.

For these reasons, and without expressing our views on other provision of S. 917, we urge that every effort be made to defeat Title II of S. 917.

Your laudable efforts on behalf of improving the administration of justice encourages us to convey these views to you.

Respectfully yours,
JOSEPH GOLDSTEIN,
Justus S. Hotchkis Professor of Law.
ABRAHAM S. GOLDSTEIN,
William Nelson Cromwell Professor of Law.
STEVEN B. DUKE,
Professor of Law.
JOHN GRIFFITHS,
Assistant Professor of Law.

YALE LAW SCHOOL,
New Haven, Conn., May 2, 1968.
Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I have just had word from my colleague, Alexander M. Bickel, Chancellor Kent Professor of Law and Legal History, that he wishes to be associated with the letter that I sent to you yesterday, May 1, concerning Title II.

Sincerely yours,
JOSEPH GOLDSTEIN,
Justus S. Hotchkis Professor of Law.

THE HIGH CASUALTY RATE IN VIETNAM SINCE ANNOUNCEMENT OF PEACE TALKS

Mr. BYRD of Virginia. Mr. President, the military command reported today that the United States suffered the highest American death toll, 562, for any week in the Vietnam war.

Total casualties, dead and wounded, were 2,787.

These casualties occurred at a time when U.S. emissaries were in Paris to meet with representatives of the North Vietnamese.

The high casualty rate the United States has suffered during 1968 is not only tragic and distressing, it is alarming.

During the 2-year period 1966 and 1967, U.S. casualties in Vietnam averaged 1,000 per week.

For the first 19 weeks of 1968, U.S. casualties averaged 2,500 per week. Last week's total was nearly 2,800.

It is important that our Nation explore all possibilities leading toward peace in Vietnam.

But it is also important that the American fighting man in Vietnam—500,000 of them—not become the American forgotten man.

While we are seeking peace in Paris, we must not be lulled into policies which lead to increased American casualties.

Thoughtful Americans yearn for peace in Vietnam. But until peace comes our Government is obligated to pursue such military policies in Vietnam as will minimize American casualties.

I am concerned at the high casualty rate that has existed since the President on March 30 announced his intention to meet with the North Vietnamese in peace talks.

A meeting between representatives of the two Governments is a hopeful sign—provided it does not force us into adopting military policies which can only lead to increased American casualties.

THE NEED FOR DECENTRALIZATION OF THE SCHOOLS

Mr. BYRD of Virginia. Mr. President, it is interesting that the liberal New York Times is stanchly advocating a "genuine decentralization" of New York City's school system.

The Times, in a lead editorial Saturday, May 11, says:

> Genuine decentralization of the city's school system is in imminent danger of sabotage by a combination of political cowardice in Albany and political maneuvering in New York.

Continuing, the Times says this:

> The basic issue is plain and simple. It is that the slow-moving and remote bureaucracy of New York City's school system has proved incapable of responding to the specific needs of children in a huge educational complex in which the requirements of the middle-class and of the severely deprived have come to be separated by a gaping gulf.

The Senator from Virginia does not pretend to know the needs of the school system of the city of New York.

But the Senator from Virginia has long been an advocate of bringing the public school systems as close to the people as possible. I feel strongly that the closer we can keep the schools to the people, the more effective school system we will have.

That is the reason I want the Federal Government to keep its hands off the operation of the schools in the various localities. It is one reason I oppose the so-called guidelines handed down by the Department of Health, Education, and Welfare. I do not want control of the schools to be shifted to Washington, D.C. I want decentralization of the schools.

I want the localities to handle their own school problems. The New York Times goes further and wants a decentralization within the city itself.

It is good to read that the New York Times, a newspaper that long has had a keen interest in public education, is now firmly advocating the decentralization of the public schools of that city.

To me this dramatizes that the larger a city becomes and the larger the Nation becomes the more difficult and the more complex its problems become. Thus it is more important to decentralize; it is more important to permit the States and the localities to work out their own local problems.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

AMENDMENT NO. 802

Mr. LONG of Louisiana. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 917).

I ask unanimous consent that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD reads as follows:

> On page 107, between lines 4 and 5, insert the following new title:
>
> "TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS
>
> "SEC. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation in commerce, of a firearm by felons, veterans who are other than honorably discharged, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship, constitutes—
>
> "(1) a burden on commerce or threat affecting the free flow of commerce,
>
> "(2) a threat to the safety of the President of the United States and Vice President of the United States,
>
> "(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and
>
> "(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by Article IV of the Constitution.
>
> "SEC. 1202. (a) Any person who—
>
> "(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or
>
> "(2) has been discharged from the armed forces under other than honorable conditions, or
>
> "(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or
>
> "(4) having been a citizen of the United States has renounced his citizenship, or
>
> "(5) being an alien is illegally or unlawfully in the United States,
>
> and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.
>
> "(b) Any individual who being employed by any person who—
>
> "(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or
>
> "(2) has been discharged from the armed forces under other than honorable conditions, or
>
> "(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or
>
> "(4) having been a citizen of the United States has renounced his citizenship, or
>
> "(5) being an alien is illegally or unlawfully in the United States,
>
> and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.
>
> "(c) As used in this title—
>
> "(1) 'commerce' means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

"(2) 'felony' means any offense punishable by imprisonment for a term exceeding one year;

"(3) 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle or shotgun;

"(4) 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

"(5) 'handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

"(6) 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

"(7) 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"Sec. 1203. This title shall not apply to—

"(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

"(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm."

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII".

On page 107, line 6 strike out "1001" and insert in lieu thereof "1301".

Mr. LONG of Louisiana. Mr. President, it seems to me that the amendment I have prepared would go far toward solving the almost continual debate that has taken place over the gun question for years, ever since the assassination of President Kennedy. It seeks to bring together the people on both sides of this issue and also seeks to meet the constitutional problems involved.

A lot of people have objected to the Dodd gun bill on the theory it would make it difficult for honorable people—who have a right to have weapons for the defense of their homes to acquire weapons—and would make it somewhat cumbersome and burdensome for people to cross State boundaries seeking an opportunity to hunt or engage in other sports activities, as they have historically done in this country.

It would be burdensome on the hardware stores that sell firearms. A lot of people have felt that one way or the other it would impede the privileges and the rights that people have had historically.

It would be a bother to them, and it would not really prevent what it seeks to prevent in that it would not have, for example, prevented Oswald from acquiring the weapon with which he killed John Kennedy. And it would not have kept the assassin of Martin Luther King from acquiring the weapon he used for that dastardly act.

Generally speaking, it would have burdened good, honorable people without achieving enough good to make it worthwhile.

On the other hand, Mr. President, the best argument for the position of the Senator from Connecticut [Mr. Dodd] and those who share his view seems to have been that there are a lot of lunatics, mental incompetents, and members of the criminal element who have guns and have been using guns to rob, plunder, and commit all sorts of crimes.

This, of course, is contrary to what we want. While we may be willing for a citizen to have a gun for the defense of his home—and I certainly have no objection to it—we do not want the murderers, the burglars, the rapists, the looters, or the arsonists armed to the teeth and walking the streets. We do not want the habitual criminals who have committed all sorts of crimes armed and presenting a hazard to law-abiding citizens.

That being the case, it makes good sense that we should see to it that citizens, as far as Federal law is concerned, can have weapons for self-defense.

I have prepared an amendment which I will offer at an appropriate time, simply setting forth the fact that anybody who has been convicted of a felony or discharged from the Armed Forces for conditions other than honorable, has been adjudged by a court of the United States or State to be mentally incompetent, or, if he is a citizen of the United States, who has renounced his citizenship, or, if he is an alien, who is illegally and unlawfully in the United States he is not permitted to possess a flirearm, and he would be punished by a sentence not to exceed 2 years in the penitentiary or a $10,000 fine, or both.

It might be well to analyze, for a moment, the logic involved. When a man has been convicted of a felony, unless—as this bill sets forth—he has been expressly pardoned by the President and the pardon states that the person is to be permitted to possess firearms in the future, that man would have no right to possess firearms. He would be punished criminally if he is found in possession of them.

Let us take the case of men who have served in the Armed Forces. If it is found that a serviceman must be discharged for a reason other than honorable, because he has been convicted and has been given a dishonorable discharge or a bad conduct discharge, or if he has agreed to resign from service on conditions less than honorable, he would forfeit his right to possess firearms.

Once again, this is a matter of saying that if he cannot be trusted to carry arms for Uncle Sam, he cannot be trusted to carry arms on the streets. This kind of person is part of the criminal element in many instances, the kind of person who does not know how to behave properly, and is a hazard to others when he possesses firearms.

A person who has been adjudged mentally incompetent should not carry firearms. That is too dangerous. Idiots and morons who carry high-powered rifles are a threat to citizens.

Also, if a person has renounced his citizenship and is not a citizen of this country, that would be a situation in which he has voluntarily given up certain rights that belong to an American citizen, which would include the right to bear arms. If he is an alien who is illegally in the United States, he should not be carrying firearms. He is one who should not be trusted to carry firearms.

Mr. President, if the report of the Warren Commission is correct and Oswald acted alone in the assassination of John F. Kennedy, a bill such as this could have prevented the assassination of President Kennedy by Lee Oswald. Oswald, as I understand, did not have an honorable discharge from the military service. I believe he had renounced his citizenship. For reasons involved in this bill, he would not have been permitted to possess firearms. And if he had managed to come into the possession of firearms illegally, most likely he would not have been such a good shot, because he would not have been able to practice the use of firearms, because people would have been aware that he had no right to possess or transport them.

It is my understanding that the committee seriously considered proceeding in this direction, but was deterred from doing so by what I believe was not the best of advice from the Department of Justice. The Department of Justice sent a letter to the Committee on the Judiciary—it can be found in the printed record of the hearings—indicating that they had a constitutional doubt that the Federal Government could outlaw the mere possession of weapons. I contend that the Federal Government can do so. I have discussed this matter with legislative counsel, and I believe they agree with me.

For example, there was much debate and discussion about the constitutionality of the Civil Rights Act of 1964, but many of the items and transactions reached by the broad swath of the Civil Rights Act of 1964 were reached by virtue of the power of Congress to regulate matters affecting commerce, not just to regulate interstate commerce itself. While I have had some doubts as to how far Congress should go in regulating matters affecting commerce, the Supreme Court decisions with regard to the Civil Rights Act of 1964, as well as other decisions, have clearly established the right of Congress, in the view of the Court, to regulate matters affecting commerce. So if you want to do something about this matter, the present state of the law, as interpreted by the Supreme Court, would clearly permit you to reach either the possession or the transportation of weapons, in that this could affect commerce.

I refer to the bill. It will be noted that it says:

> Congress hereby finds and declares that the receipt, possession and transportation of a firearm by felons, veterans who are other than honorably discharged, mentally incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship, constitutes a

burden on commerce or threat affecting the free flow of commerce.

So Congress simply finds that the possession of these weapons by the wrong kind of people is either a burden on commerce or a threat that affects the free flow of commerce.

You cannot do business in an area, and you certainly cannot do as much of it and do it as well as you would like, if in order to do business you have to go through a street where there are burglars, murderers, and arsonists armed to the teeth against innocent citizens. So the threat certainly affects the free flow of commerce.

Also, we clearly have a right to protect the life of the President of the United States. What happened with regard to the assassination of President Kennedy is a very good example. So we set forth that the possession of weapons by people of the type I have described—a description broad enough to include Mr. Oswald—would be a threat to the safety of the President of the United States and a threat to the safety of the Vice President of the United States. We employ many Secret Service agents to protect the lives of the President and the Vice President from people of that sort. We have passed a law making it a Federal crime for one to assassinate the President. If we have a right to pass that law, we certainly have a right to take measures to protect the lives of the President and the Vice President.

Then we say that the possession and transportation of firearms by these people is an impediment or a threat to the exercise of free speech and to the exercise of religion guaranteed by the first amendment to the Constitution of the United States. That clause, of course, could clearly pertain to this Government's right to protect citizens, such as Martin Luther King, who are expressing either religious or political views and whose life might be endangered because someone did not agree with what they were saying. But they have a right to say it. This would clearly justify the Federal Government in protecting the right of free speech guaranteed under the first amendment of the Constitution and in protecting freedom of religion.

We go on to say that the possession of firearms by people thus described would be a threat to the continued and effective operation of the Government of the United States and of the government of each State as guaranteed by article IV of the Constitution. The type of riots that occurred after the assassination of Martin Luther King bordered on anarchy, and such lawlessness certainly is a threat to the continued and effective operation of government. The Government does have a right to protect itself and to maintain its own existence.

So, Mr. President, it seems to me that the constitutional problem is not at all insurmountable. Any one of the constitutional connections I have mentioned would be adequate to support a statute such as I propose to offer; and all four of the constitutional connections—each in its own right—could support such a statute and could assure its constitutionality, in my judgment. Certainly, the combination of the four reaches that extent.

Mr. President, I shall read from a memorandum prepared by one of our fine lawyers in the legislative counsel discussing this problem:

> It may be argued that the proposal to prohibit the receipt or possession, or transportation affecting commerce of any firearm by certain undesirable persons can be supported as a constitutional exercise of (1) the broad reach of the power of Congress to regulate matters affecting commerce, as in title II of the Civil Rights Act of 1964—

In my judgment, we could stop there. That is all the authority we need to do what I propose.

The memorandum continues:

> (2) the power of Congress to protect the life of the President of the United States and the Vice President of the United States, as in the recently enacted criminal provision related to presidential assassination, kidnapping, and assault of section 1751 of title 18 of the United States Code, (3) the authority of Congress to protect the fundamental rights of national citizens guaranteed by the Constitution and laws of the United States, here, the right of free speech and the free exercise of religion, and (4) the power of Congress to insure the continued operation of the Government of the United States freely elected by the people of the United States, and pursuant to Article IV of the Constitution, to guarantee to each State a republican form of government.

Mr. President, there is an additional provision which I recommend would take care of the underworld element which has been so successful. Having been found guilty of felonious conduct and denied the right to possess weapons themselves, they proceed to hire bodyguards, triggermen, and goon squads to go out and do their dirty work for them, all in the same general course of conduct. The murder-incorporated types, or the major underworld characters have been known to have so-called triggermen working for them.

If the boss is the kind of person whom I have described and he hires a triggerman to do his shooting for him, then while he is in the performance of his duties he would not be permitted to possess firearms.

Many people are concerned about the Mafia and concerned that some member of the Mafia may have a number of gun-carrying lieutenants working for them who would otherwise be permitted to possess firearms to endanger the lives of good citizens who are interested to do that which is right, as the Lord gives them the right to see it.

If a person is in the employ of a person who is not permitted to possess a firearm, then the employee would not be permitted in the performance of his employment to possess a firearm; and one who is either convicted of a felony, or for other reasons not permitted to carry weapons, would be covered.

It seems to me that this simply strikes at the possession of firearms by the wrong kind of people. It avoids the problem of imposing on an honest hardware store owner the burden of keeping a lot of records and trying to keep up with the ultimate disposition of weapons sold. It places the burden and the punishment on the kind of people who have no business possessing firearms in the event they come into possession of them.

Mr. President, I ask that the amendment be printed and available at the desk in due course and when we have occasion to discuss it and explain it I shall offer it to the Senate.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUSPECTED KILLER OF MARTIN LUTHER KING

Mr. LONG of Louisiana. Mr. President, in connection with my earlier statement, I think it might be well to have printed in the RECORD an article that was published in Life magazine discussing the background and record of the man who is suspected of having killed Dr. King. The article starts on page 20 of Life magazine, and includes interviews associated with the article.

The article makes clear that this man who is suspected of this murder was a convicted felon, having committed a number of serious offenses and having been convicted.

Assuming that what is thought with respect to the assassin is correct, as I have indicated, the proposal which I have sent to the desk perhaps would have saved the life of Martin Luther King and the life of President Kennedy, as well.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "The Story of the Accused Killer of Dr. King," published in Life magazine on May 3, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STORY OF THE ACCUSED KILLER OF DR. KING

(NOTE.—This account is written by Associate Editor William A. McWhirter, from reports by Life Correspondents Gerald Moore, Richard Woodbury, John Pekkanen, Frank Leeming, Jr. and Ron DePaolo.)

His name was Galt. Eric Galt. Eric Galt. If you did not hear the name the first time, that was all right because Eric Starvo Galt was more than likely to repeat it, again and again, as if he were still trying to memorize the thing himself. It seemed new, out of place, like his manner, nervous and friendly and quickly withdrawn, like his $150 alligator shoes which did not go with the mismatch of blue pants, brown coats and Redi-Ty bow ties, like his puffy stomach which he rubbed worriedly as if it didn't quite belong to him. "I knew he was lying about his name," says a bar acquaintance, a songwriter who traveled with him from Los Angeles to New Orleans. "I just knew he wasn't an Eric. He was too country to be an Eric."

That is also what the Federal Bureau of Investigation concluded when it identified Eric Starvo Galt, the accused killer of Martin Luther King, as no more than a lean, battered wild-hair, a punk who was a local nuisance in half a dozen Mississippi River towns, a convict who had escaped a year ago in a bread truck from the bakery of the Missouri State Penitentiary in Jefferson City, just plain James Earl Ray.

Jimmy Ray was a child whose nose ran all winter, who missed anywhere from 25% to 30% of a school year, flinched when a teacher dared so much as to reach out an arm and sat painfully aware that to the other students in the Ewing, Mo. elementary school he was just another member of the family "out there on the side of that hill without enough to eat."

He had grown up mean in the thinnest of times and the toughest of places. Born March 10, 1928 in Alton, Ill., he was the eldest of nine children of George and Lucille Maher Ray, a Catholic family that was to drift from river town to town throughout the Depression. When he was one year old, the family moved upriver to Quincy, Ill.; when he was 6, they moved across the river to Ewing, Mo., and when he was 16 and out of the eighth grade, they moved again to Quincy. The sight of the large, shiftless family coming where work was scarce was hardly a welcome one for communities with already too little to share. The family even began to think of itself with the same carelessness as the towns themselves had: they were identified as the Rayns, the Raynes or the Raines, either because of the way Ray was drawled out or from confusions with past families. The children cared little in any case and often went to school under different names.

Jimmy was the eldest, but he already seemed to be wearing hand-me-downs; in rural poverty, no age is ever old enough; there is always someone before you. Virgil Oscar Graves, who was principal of the Ewing school, recalls Ray: "He was a rebel. He rebelled against authority and his approach to most of his teachers was very bad. He always seemed to have trouble getting his assignments in on time. But he was a sensitive boy. I remember he came up to my desk one day wearing patched overalls and asked whether I thought the other kids would pay attention to his appearance."

The school record was considerably more brusque. James Earl Ray was only in the second grade by the time he was being judged a menace to the Ewing community. The record declared:

"Attitude toward regulations—violates all of them.

"Honesty—needs watching.

"Appearance—repulsive.

"Courtesy—seldom if ever polite."

The Ewing school system also took note that his teeth were defective. By the time he was 14, Ray was still in the seventh grade and had slipped so far behind so many classes that everyone's sorriest predictions were confirmed. Ray only tried in endless scraps to make up for what the students, as much as five years younger were doing to him in the classroom. He was an unmanageable bully. Once, in a fight over a piece of meat in the cafeteria, he ran a knife through his brother Jack's ear. In the sixth grade, he was caught stealing the class's hot-lunch money.

"The family had it pretty poor," remembers a local resident. "I've seen the time when they had a sack of potatoes to eat—that's all, just a sack of potatoes."

As they grew up, the Ray children were either to drift off or to be routinely placed in foster homes, seldom again seeing another member of the family. Even today, Gerald Ray, a brother, insists their father's name was George, while Jimmy Ray's birth certificate shows it was James. An uncle, William E. Maher, of Alton, says of the Rays: "We tried to stay away from them. They always seemed to want something."

Besides Jimmy, there were Marjorie Ray (who died as a child after setting herself on fire with a box of matches), John, Melba, Carol Jean, Gerald, Franklin "Buzzy" Delano (who was killed in 1964 when he and a girl friend ran their car off a bridge into the river at Quincy; the funeral provided one of the few Ray family reunions), Susan Jane and Max. The father died in 1951, most probably of chronic alcoholism; the mother in 1961. Of the other surviving Rays of Quincy, Melba Ray was in a succession of foster homes and today spends most of her time in the lobby of the decaying Virginia Hotel on Oak Street. Occasionally, she goes to her $30-a-month room upstairs to fondle a giant wooden cross which she has painted red, white and blue and lettered "rugged cross." She once walked it down Maine Street in Quincy. "I made it," she says, "to keep my sanity. After what happened to Kennedy and the war and all . . . I had to turn to Jesus."

Susan Jane, who will be 21 this week, never bothered to see Melba, although she lived only a few miles away from the Virginia Hotel until 1965. She was a hospital cafeteria worker, secretary and go-go dancer until marrying an ex-bandleader who now manages a hamburger drive-in in North Chicago. Susan failed even to recognize Jimmy's picture in the newspapers.

John, the next eldest after Jimmy Ray, has also served prison time, for burglary. So far, he hasn't been heard from. Carol is now a St. Louis housewife who called a relative to say she was horrified and too ashamed to think of even leaving her home. Max, 17 years old, is living with foster parents. He has only his brother's example.

Susan Jane, John and Carol have now been joined with the rest of the scattered Ray clan in a kind of common notoriety. Behind their locked screen doors, they give their laments of pride and offense against Jimmy Ray. But it is not clear which the family members hate most: that Ray may have been responsible for such a hateful act or that their neighbors may now learn the truth of their past lives in Ewing and Quincy. Or that, perhaps, after years of obscurity and estrangement, this event may force the Rays together again.

Then there is Gerald (Jerry) Ray, who says simply, "Jimmy is my brother." Over the years, Jerry has been in trouble as often as Jimmy. But Jerry, who lives in Wheeling, Ill., today has grown accustomed to their separations and of the family is probably closest to his brother. "After we were grown," he says, "about the only times I could see him was when he was visiting me in jail or when I would visit him. One or the other of us was in jail most of the time. Jimmy wrote me a lot."

Jerry is, with his brother, a fellow professional ("A grocery store," he says, "is worth maybe $200, but a supermarket is worth about $1,500"), so he can be cooly analytical about the King case. As he told the FBI when discussing his brother's motives: "Well, look at it this way, Jimmy escaped. He had served seven years of a 20-year sentence. Because he escaped, he would be facing flat time if they caught him plus more time on him for escaping. He would have to steal while he was out to support himself so he knew he would get rapped extra for that. A deal with a lot of money would have looked pretty good to a man in that circumstance. He sure didn't have any love for colored people, but I know he wouldn't have put himself in a spot like this unless there was something in it for him."

In their last winter in Ewing, the Ray children had spent most of their time in bed for lack of heat in the home, which had only a dirt floor. They began tearing out the inside of the house to use for kindling until, in early spring, the remainder of the building simply collapsed around them. The Rays left Ewing soon afterward and James Earl Ray, who was then 16, little more than a town nuisance and an uneducated school bully, drifted off to join the Army.

Ray's service record is erratic but blunt enough about the failure of the following two years. If there was anything more miserable for Ray than competing with boys five years younger, it came in dealing with men his own age. There were enough battles to make his Army career look like a Golden Gloves circuit instead of a tour of duty spent mostly in Germany, as an infantryman and military policeman. Finally he was handed a general discharge in December 1948 that cited Ray's "ineptness and lack of adaptability to military service."

He lost a factory job in Chicago, had a car repossessed in St. Louis and used up a bank account in Alton before heading for Los Angeles in the fall of 1949. It was there that he began to commit an almost clownish series of crimes, angry and desperate. As a hapless and headstrong victim of a depression that seemed to be lifting everywhere but where he was, James Earl Ray would have been as effective if he had settled for kicking tires. As it was, he chose to hold up grocery stores.

Ray first tried to steal a typewriter from a cafeteria office in L.A., but was discovered by an assistant manager. He got away but only after dropping his Army discharge papers and a bank savings book. Even so, he stayed around the neighborhood until a parking lot attendant recognized him and called the cops. With no record, only 21 and an Army veteran, Ray was given a 90-day term.

"Every time he came back here, he got into trouble," says his uncle, Bill Maher, in Alton. And the Alton police chief, William Peterson, remembers the passing through of James Earl Ray with a special loathing: "He was a dirty neck, the kind of criminal who gets into all kinds of trouble, hates and has no respect for the law." But if Ray blundered, got caught and returned only to lose another day, he did so with persistence.

On May 6, 1952 he tried robbing a cab driver in Chicago of $11 but was again discovered, chased by policemen down a one-way alley; when he refused to surrender, one of the patrolmen fired a shot, hitting him in both arms. Ray fell through a basement window, cutting his face open. He was found guilty and sentenced to two years in the state prison. On March 12, 1954 he was released.

Attempting to break into a dry cleaner's in East Alton, Ill. on Aug. 28, 1954, he lost his loafers as he kicked out the front windows. The police began arriving and Ray turned, in stocking feet, to run across the broken glass, through thickets and over the railroad tracks. The police stopped to dismantle the distributor on the engine of his parked car. Ray circled back and tried to start the motor, but he took off again as the police converged. He tried again and then a third time to return to the car, both times failing to start it; finally, with his feet slashed and bleeding, he ran some five miles to a relative's house.

In March 1955, Ray was arrested with a partner for passing forged money orders and sentenced to Leavenworth Penitentiary, where he was released two years and nine months later, in early 1958.

It was not until Aug. 7, 1959 that Ray had his first success—an $800 grocery store hold-up in St. Louis. He and his partner both escaped. Encouraged, two weeks later they chose a market in Ray's old neighborhood in Alton. It was hardly a smooth operation. The wife of the market owner remembers: "At first, I thought he was fooling around and so I started telling him about God and then he pulled the gun. That was all there was. He chased people all around the store. He just ran around like a wild man." But the pair got $2,200. Their escape, however, was so rushed that Ray forgot to shut his car door and fell out as he swerved the car sharply around a corner. The car crashed and Ray fled, leaving his partner behind.

In October, Ray returned to St. Louis with a new accomplice to hold up a second market there. But this time, they got only $190 from a cashier and then were followed by a customer who gave police a running account as they switched cars. Their new car was later seen parked in front of Ray's rooming house. As the police entered the building, they spotted Ray and ordered him to halt. He turned and ran to his room; one of the cops followed and hit him over the head with his revolver. Another boarder happened by and, taking advantage of the distraction, Ray stood up and began to run. A patrolman fired a single shot and Ray surrendered. It took a jury only 20 minutes to sentence him to 20 years in the Missouri State Penitentiary. That was the last time James Earl Ray stood trial.

Ray, however, was not quite spent. After the verdict, Earl A. Riley, a deputy sheriff, remembers that he "had taken the handcuffs off one of his wrists when Ray suddenly grabbed my arm and swung me around against the cell bars. While I was on the floor, he tried to kick me in the head, then he broke loose and ran to an elevator," where he was caught.

For the next seven years in prison, Ray distinguished himself only by a series of solitary escape attempts which earned him the nickname "The Mole." For this quiet, angry figure the ventures were perhaps a source of amusement, perhaps a way to do precisely what the skinny schoolboy in Ewing, Mo. had always wanted to have happen—to rebel, be recaptured and revolt again. "Hey, kids, it's the Mole!" Once he tried to scale a wall and was knocked unconscious when his makeshift ladder collapsed; another time, in 1966, he hid for two days in a ventilator shaft, then crawled to a rooftop only to have a guard spot his hands coming up over the top. He was trying to escape with $4.15, razor blades, a broken mirror and a bag of assorted pills. Then, exactly a year ago, he finally did it.

In the curiously lit world that includes a sleek, bleached strip of North Hollywood, Eric Starvo Galt might have seemed 34 or even 28 years old, depending on the shade, the time of day or how close he was sitting to the bar lamp at the Rabbit's Foot Club. Galt, who was 40, looked like a man learning to swing; last November, he went on a marijuana-buying junket to Mexico. "Sharon," one of his ballroom dance instructors, had suggested to the girls at the National Dance Studios in Long Beach that her pupil had developed a crush; he trembled, she said, when he stood too close. But Galt fled in his white Mustang after only an hour on Go-Go Night, and for $245, paid in advance, enrolled in bartending school instead.

James Earl Ray had never had his picture among the "big dealers" in the warden's album in the Missouri State Penitentiary. In Prison, like any kid from Alton or Quincy or Ewing or Shelbina, Mo., he had never mixed with the big boys from Kansas City and St. Louis. "He's innocuous," said the warden. "He's penny ante."

That is, James Earl Ray, slight and round-shouldered, who flinched, smiled a crooked, private grin and sometimes even seemed to walk on a slant, was once penny ante. But, says the FBI, on April 4 in Memphis, at the moment Martin Luther King died, all the bills for the Mustang, the shoes, the dancing lessons and a $150 30.06 Remington—and maybe the bitter childhood—came due.

Mr. LONG of Louisiana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME IN WASHINGTON—MURDER OF BUS DRIVER THREATENS TRANSIT SERVICE

Mr. BYRD of West Virginia. Mr. President, I invite the attention of the Senate to an article published in today's Washington Evening Star entitled "Bus Driver Slain in Holdup, Sparking Rush Hour Walkout."

The article reads in part as follows:

> A two-hour wildcat strike erupted among D.C. Transit bus drivers this morning after the fatal shooting of a driver in one of seven bus robberies last night and early today.
>
> The union local president said the buses might not run after dark tonight if protection is not provided.
>
> The seven holdups occurred between 10:17 p.m. yesterday and 3 a.m. today.
>
> John Earl Talley, 46, died about seven hours after he was shot twice in the head about 1:20 a.m. at 20th and P Streets NW. Three suspects were captured shortly after the shooting and a fourth was arrested later this morning. All are juveniles.

George Apperson, president of Capital Local 689 of the Amalgamated Transit Union, said later:

> The boys have had a bellyfull. I don't know if people are going to have transportation tonight or maybe tomorrow.
>
> The preliminary job is to get the men back on the streets during daylight today but tonight—if you can't put someone on the bus to protect the operator, then I think I may have to keep the operators off.

Mr. President, the staff of the Senate Appropriations Subcommittee on the District of Columbia, of which I am chairman, was advised during the day that a decision had been reached this morning to supply 40 uniformed policemen per day—this would amount to 320 man-hours per day—to be placed on buses, in an effort to curtail crime, and, hopefully, to keep the busdrivers from going on strike.

I am told this will be on a voluntary basis and will be in addition to the 20-percent augmentation of police announced late last week.

I understand the uniformed policeman will man certain buses and bus stops beginning tonight. I am also advised that it now appears that D.C. Transit will have sufficient operators to operate most schedules in most areas this afternoon and tonight.

Although Mr. Talley was murdered in the Northwest section of Washington, it is expected that bus operators in the Northeast, quadrant of the city, the area most affected by the driver shortage this morning, will be hesitant to return to work. This could cause a substantial slowdown in bus operation in this area of the city for some days to come.

Mr. President, I also call attention to the Washington Post of Tuesday, May 14, 1968, in which the Mayor of the Nation's Capital was reported to have said that Members of Congress, businessmen, and the public in general ought to stop downgrading the city. I quote from an article by Miss Elsie Carper, Washington Post staff writer:

> "I am out on the streets day and night," the Mayor said. "The city doesn't look like a city gripped in fear. Don't misunderstand me. We have tensions; we have problems, we have potentials' for trouble.
>
> "But," he said, "it is time to come out from under the bed, stop listening to false rumors and build a city."

Mr. President, it may be distressing to the Mayor to hear that some Members of Congress have advised student groups not to come to the city, but I am more distressed by the long and futile effort that far too many officials of government here have made to sweep crime under the rug in the District of Columbia; and I am distressed and grieved at the senseless slaying of a busdriver in this city today while he was doing his work.

How long do we have to wait for officials, who have been telling us that Washington is a safe place, to realize that instead, the Capital City of the most powerful nation in the world has become a veritable jungle, where decent, law-abiding citizens have to cower behind locked doors at night, with blinds drawn, for fear they may be assaulted, maimed, robbed, raped, and murdered?

I have almost no words, Mr. President, for the anger that wells up in me this afternoon as I contemplate what has been allowed to happen in the city that ought to be a model of law and order for the whole world to see. A model, indeed. Instead of a model, it is a mockery of law and order, a travesty on the concept of a civilized, urban nation.

I have no words to express the outrage which I feel, which is tempered only by my sorrow for the family and friends of this man who went to his job last night, perhaps in the thought that all might be well with him after the night's work hours had been spent—or that all might not be well. He must have known fear in his heart as he thought of countless other busdrivers who have been attacked and robbed in this city in the last few weeks and months.

In the last 3 weeks, if memory serves me, four merchants have been killed by armed hoodlums in their places of business in the city of Washington as the merchants went about their peaceful pursuits.

One of these, a 62-year-old hardware merchant, Bert C. Walker, was found shot to death in his store at 3213 Georgia Avenue, NW., on the afternoon of May 14.

The first of the four slayings to which I have referred occurred on April 29. Benjamin Brown, 59 years old, was fatally shot in his store at 1100 Ninth Street, NW.

Next was Emory Wade, 42, killed in an A. & P. Store at 821 Southern Avenue, Oxon Hill, Md.

The third victim was Charles Sweitzer, a sundries items salesman in the Brinsfield Rexall Drug Store at 2929 South Capitol Street on May 7.

So, four men were slain in their stores, Mr. President, since April 29—less than a month ago.

And now, today, the driver of a bus was slain as he went about what should have been the peaceful pursuit of his work.

Who can blame this driver's friends and associate for wanting to leave their buses today, or tonight, or tomorrow, or next week, in fear of their lives, even though thousands of people would be left stranded and unable to get to their jobs or to their homes?

Mr. President, if it takes a bus strike to awaken the officials of the District government—and, yes, of the Federal Government, as well—at least something will have been accomplished.

It is astonishing and tragic to think that the recent rioting in the District of Columbia taught our city government and our Federal Government so little. It is disheartening to realize, in retrospect, that the looting, the arson, and the murdering that went on in this city in April, and which are continuing in May, are being viewed by some officials as something of a civic triumph because the lives of adult rioters and arsonists—purveyors of violence, if you please—were spared. It is frightening that the city is reaping the ugly fruits of the seeds of restraint that were so freely sown during the time of the riots and prior thereto.

No criminal is afraid of an unloaded gun. No criminal is afraid of a policeman, of a National Guardsman, or of Federal troops who will not shoot. On the contrary, the criminal is emboldened to strike only the harder at a society that is soft on hoodlums, soft on criminals, soft on rioters.

I find no fault with the police and the soldiers who were supposed to be protecting the Nation's Capital. They were acting under policies that were not initiated or developed by them. But they might as well have been armed with BB guns or cap busters, for all the good that they could do to impress upon the lawless element of this city that crime does not pay and that violence, if persisted in, will be done only at the risk of life and limb of the individual lawbreaker. It is shameful that this was the official policy of the city, although no one in a position of responsibility seems willing to admit it. This pusillanimous performance will go down in the annals of the city as one of the most weak-kneed responses to violence that society has ever seen. Now we reap the whirlwind, and we will continue to reap the whirlwind.

There has been a great deal of patting themselves on the back by many, while bus drivers and merchants continue to pay with their lives for such a weak-kneed policy on the part of government officials and on the part of the courts in dealing with the criminals.

Mr. President, who knows who will be next? It may not be a busdriver. It may not be a merchant. It may not be a merchant's family. It may be a friend of yours. It may be an acquaintance of yours or mine.

I did not know these men. I knew none of the four merchants. I did not know the busdriver who died last night.

The next time it may be a relative of some official of the Government. Who knows? But what difference does this make? It is too early to pat oneself on the back for the way the riots were handled.

This city and this country, Mr. President, have been misled by far too much silly sociology about how to meet the criminal threat that is dragging the Nation down to ruin. All of the foolish optimism, all of the slobbering over the criminal, has brought us to the terrible crisis we now face in this city.

I do not know who is advising the students to stay home. I have not advised any to stay home. But I would not advise any to come to Washington while the so-called Poor People's Campaign is in progress, or while crime continues apace as it does now.

One needs only to look daily at the Visitor's Galleries in this Chamber to see that the students are not here. A year ago or 2 years ago, it was difficult for Senators to move through the Halls, difficult to get to the elevators, because of the great masses of people coming from all over the Nation—students and tourists visiting their Capitol, visiting the Congress, filling the Galleries. At times they stood in line out here in the corridors waiting to get into the Galleries.

But look at the Galleries today, as we meet in the month of May. Often they are half filled, often only a third filled. People are not standing in line to get into the Galleries now. I doubt that citizens require advice from Members of Congress not to come to Washington. The daily press carries to the eyes and ears of the Nation the distasteful facts of the situation in this city, and people can make up their own minds.

Mayor Washington was quoted in the news article to which I referred at the outset of these remarks as saying that those who have been criticizing the continuing toleration of criminal activities here, and the breakdown of law enforcement in the District of Columbia, ought to: "come out from under the bed, stop listening to false rumors, and build a city."

Mr. President, some of us in this Chamber have been trying to build a city here. We have been doing our best to make this a better city in which to live. We have done our best to improve the educational facilities in the city, to improve the recreational facilities, to provide swimming pools, community centers, and better libraries. We have been trying to build a city, Mr. President. I think it is time for the Mayor and his Director of Public Safety to come out from under whatever it is they have been hiding under, and face the facts.

The Mayor said that he had been walking the streets, and that "the city does not look like a city gripped in fear."

Well, I do not know where he was walking, but if he was doing it without a bodyguard in some areas of this city, he was taking his own life in his hands.

Mr. President, I sympathize with the Mayor in many respects. I think he has been trying to do a good job. I think he has been working conscientiously; and he has many advisers. He has many people telling him how to do his job. He cannot please everyone. I have been impressed with his conscientious efforts. I think he is a hard worker, and I think that he needs the support of Members of Congress and citizens in his effort.

I do support him in his efforts. I want to support him in his efforts. I want to do whatever I can in cooperation with him and anyone else while I am chairman of the subcommittee to fund programs that can be justified and that will improve the lot of the citizens in the community. However, there is no use in kidding one's self that people are under the bed without good reason.

There is no point in kidding ourselves that they are not gripped with fear. One fools only himself if he attempts to believe that this city is not a city gripped in fear. The sooner we face up to the fact, the quicker appropriate action may be taken.

It is time for this Nation's Capital to quit temporizing with criminals. It is time or past time for any more remarks such as the one that Safety Director Patrick Murphy made when he was reported in the press to have said that he would resign his position rather than shoot looters or arsonists.

Of late, within the last day or so, as I recall, the press has indicated that Mr. Murphy has now qualified this earlier statement. And I was glad to see that there was a qualification of this earlier statement which he was reported to have made.

I am glad to see Mr. Murphy come around to a more reasonable point of view. But the damage from the earlier statement was already done.

How do I know? I know because I have talked with policemen. I have talked with merchants. I have talked with people of this city. I know damage was done. I know that police morale was affected adversely, and I know that the morale of the citizens was likewise affected.

So, I have been pleased to hear that he has qualified his earlier statement to some degree. But, if he still feels that, after the terrible events connected with the bus holdup last night and after the terrible events connected with the slaying of four merchants within the past 3 weeks in this city, criminals should be temporized with—there is no question that restraint should be used where force is not required, depending upon the circumstances at a particular time, but there has been too much restraint in dealing with lawbreakers—if he feels that the police should not have the strongest backing from their immediate superiors and their superiors all the way to the top—strong, firm, unequivocal backing—in their efforts to enforce the law, then he ought to resign.

We need actions, not words from him and from Mayor Washington and from the White House, to prove to this city that the reign of terror in Washington—it is not mere rumor—will be brought to a halt by whatever means are necessary.

I heard the President at the White House several months ago, in speaking with reference to crime in the city, address himself to those persons who are responsible for enforcing the law in the city and say something to the effect that if they did not get busy and reverse this trend—and I am not quoting him exactly, but essentially I am quoting him correctly—the fur was going to fly.

I have not yet seen any fur fly, Mr. President. And I have not seen the crime trend reversed in the city of Washington.

I have heard a lot to the effect that we ought to pass this crime bill—and we should—but there are ample laws on the books now in the District of Columbia to deal with criminals, if those laws were but enforced firmly.

Just vigorously enforce the laws already on the books, and we will put the criminals on the run.

Talk all we want about spending more money for research, for better law enforcement. I am for it. I want to spend more money for it. I will vote for it. But we can spend all the money in the Federal Treasury, and we can make all the speeches for the radio, the TV, and the other press media about passing legislation. But as long as we do not mean business in enforcing the laws that are already on the books and as long as we let the Federal courts go unscathed, the criminal is still going to hold the upper hand.

Message after message comes to Congress. Speech after speech is made before the TV cameras about crimes and criminals. But not one word is ever said in those messages about how the Federal courts of the country are greatly responsible for the spiraling crime rates.

I have said time and time again, and I shall repeat it today, that if we really want to strike at the roots of crime in this country, we should start with the Supreme Court of the United States. In making appointments to the Court—and it is a responsibility that this Senate shares in its constitutional powers of confirmation—one should try to place people on that Court who will not temporize with the criminal. Yes, accord the criminal his constitutional rights. Accord him his constitutional rights, but let us not forget about the rights of innocent victims.

So, let us point the finger where we should.

I say to the President of the United States, whoever he is or may be: "Look at your Supreme Court. Look at your appointees. If you want really to do something about crime, start there."

I also say that we in the Senate have a responsibility to face up to the facts and to act promptly on the provisions that are before us, which will help to rectify some of the decisions that have been handed down by the United States Supreme Court and which have, figuratively speaking, placed handcuffs on the police departments of the country.

So we all share a responsibility in this matter—not just Congress. Congress needs to pass legislation; it needs to appropriate money. But Congress is not alone. Let the executive branch face up to its responsibilities and enforce the laws that are already on the statute books and appoint men to the Federal courts who will look at the problem as the average man on the street has to look at it and as it confronts him as he goes about his business daily, in fear.

We have had enough mealy-mouthed reassurances that do not and cannot and will not reassure.

As to crimes against busdrivers, to which I have alluded, there was a total of 331 vicious crimes against busdrivers in 1967 in this city, such as robberies, attempted robberies, and assaults; and this was an increase of 315 percent over 1966.

Through May 9 of this year there have been 294 aggravated crimes of this nature, which, when projected, will more than double last year's tragic toll.

Mr. President, I regret that it takes senseless killings of bus drivers and merchants to awaken the governing officials to the fact that the city is in fear and to the need for taking action to dispel that fear.

Mr. President, I ask unanimous consent to insert in the Record an article which appeared in the Washington Post of May 14, 1968, titled "Mayor's Plea to Hill: Halt Attacks, Rebuild," and to which I have previously referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

Decries Spread of Rumors: Mayor's Plea to Hill: Halt Attacks, Rebuild

(By Elsie Carper)

Mayor Walter E. Washington made an appeal yesterday to members of Congress, businessmen and the public in general to stop downgrading Washington.

He spoke out at a hearing before the House District Committee's special investigating subcommittee on legislation that would require organizations seeking parade permits to post a bond.

The legislation, aimed at the Poor People's Campaign, is similar to a provision in a bill approved by the House Public Works Committee last week requiring permit applicants to post bond for use of Federal or District property when there is a likelihood of damage or disorder.

Mayor Washington said it distressed him to hear that members of Congress were advising student groups to cancel their spring trips to the city because of the danger of violence.

He praised members of the Daughters of the American Revolution, who held their national convention here a few days after the April riots, and added that others should show the same courage.

Instead, he said, some people are "yelling from the rooftops and hiding under the bed while some of us carry the load . . . They are going to pull this city apart if they are not careful."

After the hearing, Washington told reporters that people in the suburban areas are making observations about the city without knowing the situation and that businessmen are spreading rumors.

"I am out on the streets day and night," the Mayor said. "The city doesn't look like a city gripped in fear. Don't misunderstand me. We have tensions; we have problems, we have potentials for trouble.

"But," he said, "it is time to come out from under the bed, stop listening to false rumors and build a city."

District Committee Chairman John L. McMillan (D-S.C.) told Washington that during the first day of the riots his phone was busy with merchants wanting to know "if I couldn't give them any relief." They told him, he said, that there were policemen standing outside their stores but they had "orders not to touch the looters."

Both Washington and Police Chief John B. Layton emphatically denied that any such orders had been given. Layton said police made almost 8,000 arrests during the disorder and 1,100 of them were for looting.

Washington opposed the bonding bill, saying that the requirement would raise constitutional questions under the First Amendment by limiting the right to petition only to groups able to post bond. He said the city had issued 85 permits in the last year and that all of the parades and demonstrations had been peaceful.

McMillan responded by saying that "we all believe everyone has a right to come and petition, but we do not think groups should be permitted to remain here and disrupt the orderly procedures of government."

Rep. Albert W. Watson (R-S.C) complained that the Interior Department turned down the request of a Baptist organization to hold a parade and rally on the Monument grounds in October because of tensions in the city.

He said there was "no way to reconcile" the position of the Department in granting a permit to the Poor People's Campaign for a camp near the Lincoln Memorial and denial of a permit to the Baptists.

Subcommittee Chairman Basil L. Whitener (D-N.C.) said that a request made by North Carolina Boy Scouts to hold a camporee on the Monument grounds in July had not received a reply from the Interior Department.

He contrasted the "God and country" motto of the Boy Scouts with a statement by leaders of the Poor People's campaign that they will "turn the city upside down."

The subcommittee also had under consideration a bill that would require the city to remove at public expense buildings destroyed or damaged during riots. Rep. Samuel N. Friedel (D-Md.), who introduced the bill, said that it was only fair that the city government, which has the responsibility for maintaining law and order and suppressing riots, should bear the cost of removing the debris.

Washington supported this bill. The city estimates of cost of demolishing and removing the unsafe structures at $300,000. About one-third of that amount is available from District funds and the balance would be covered by a demolition grant from the Department of Housing and Urban Development.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Thursday, May 16, 1968, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 6 o'clock and 4 minutes p.m.) the Senate adjourned until Monday, May 20, 1968, at 12 noon.

NOMINATION

Executive nomination received by the Senate May 17, 1968:

Diplomatic and Foreign Service

David F. King, of Utah, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1968:

In the Air Force

Col. William T. Woodyard, FR4827, Regular Air Force, for appointment as dean of the faculty, U.S. Air Force Academy, under the provisions of section 9335, title 10, of the

United States Code, with rank of brigadier general.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Louis Kaufman, O390854.

To be brigadier generals

Col. Frank Albanese, O324827, Artillery.

Col. Donn Raymond Driver, O383580, Medical Corps.

Col. Frederick William Duncan, Jr., O1167818, Artillery.

Col. Cyrille Pierce LaPorte, O1116742, Corps of Engineers.

Col. Leo Albert Santini, O1576603, Civil Affairs.

Col. Leonard Spencer Woody, O405973, Corps of Engineers.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Raymond Ashby Wilkinson, O373466.

To be brigadier generals

Col. Robert Joseph LeBlanc, O446454, Infantry.

Col. John Randolph Phipps, O417523, Infantry.

Col. John Joseph Remetta, O1105757, Infantry.

Col. Salvador Torros, O365162, Infantry.

Col. Dan Walker, O393696, Artillery.

Col. Robert Thomas Williams, O1167284, Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. Oliver Wendell Bassford, O346058, Adjutant General's Corps.

Col. James Sprague Brooks, O2067274, Adjutant General's Corps.

Col. Robert Howard Canterbury, O545783, Adjutant General's Corps.

Col. Edward Joseph Hooten, O734235, Adjutant General's Corps.

Col. Thomas David Neal, Jr., O363394, Adjutant General's Corps.

Col. Carson Royce Neifert, O1165317, Adjutant General's Corps.

Col. Clarence Edwin Reid, O329493, Adjutant General's Corps.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Vernon Underwood, Jr., O20679, U.S. Army.

The U.S. Army Reserve officer named herein to be Chief of Army Reserve under the provisions of title 10, United States Code, section 3019:

Maj. Gen. William James Sutton, O263659.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Andrew Jackson Goodpaster, O21739, Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Adm. Ulysses S. G. Sharp, Jr., U.S. Navy, for appointment to the grade of admiral on the retired list, pursuant to title 10, United States Code, section 5233.

Rear. Adm. John V. Smith, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

Lt. Gen. James M. Masters, Sr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, United States Code, section 5233 effective from the date of his retirement.

Lt. Gen. Victor H. Krulak, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list, in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of his retirement.

Maj. Gen. William J. Van Ryzin, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The nominations beginning Leonard J. Kirschner, to be captain, and ending Edward G. Wolf, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 8, 1968; and

The nominations beginning Richard F. Rosser, to be permanent professor, U.S. Air Force Academy, and ending Peter A. Swan, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 22, 1968.

IN THE ARMY

The nominations beginning George H. Dygert, to be captain, and ending Loren L. Zeller, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 10, 1968.

IN THE NAVY

The nominations beginning David C. Aabye, to be lieutenant, and ending Robert B. Wilcox, to be a permanent lieutenant (jg) and a temporary lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1968; and

The nominations beginning David E. Adams, Jr., to be ensign, and ending Francis L. Sink, to be ensign which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 6, 1968.

EXTENSIONS OF REMARKS

A LETTER TO THE FOLKS FROM A BOY AT COLLEGE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, May 17, 1968

Mr. BYRD of Virginia. Mr. President, Charles McDowell is a perceptive and witty writer for the Richmond Times-Dispatch. His column of May 16, 1968, published in the Times-Dispatch, strikes the funny bone while getting at the heart of some of the recent disorders we are witnessing on our campuses. I ask unanimous consent that the column be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

A LETTER TO THE FOLKS FROM A BOY AT COLLEGE

WASHINGTON.—The following letter might well be received any day now by the parents of a young man off at college:

DEAR MOTHER AND DAD: I'm sorry not to have written for so long, but I have been very busy here on the campus. You will be glad to know, however, that I had a long talk with the dean recently about my grades that seemed to worry you when I was home for spring vacation.

I had my opportunity to talk with the dean while we were holding him hostage for 48 hours in the administration building.

We had a good confrontation but I don't think the dean understood that I failed English History 202 as a conscientious protest against colonialism. He is just too old—37, I think—to comprehend that many of us feel a deep commitment to making college meaningful.

I broke his water cooler to give him something to think about.

Sooner or later the college administration is going to have to realize that we of the new generation mean business when we demand a new era of true academic freedom.

I am aware, Mother and Dad, that you are not exactly in sympathy with what has been going on here. I know you wonder if it is worth all the money you are spending to send me here. But some day you may realize that it was worth it.

We students have advanced the cause of free inquiry farther in the past couple of weeks than in the previous history of this place. We now hold the dorms, the library, the student union, the second floor of the administration building and about half of the academic buildings, and we have the whole science faculty shut up in a lab with a bushel of frog cadavers.

It may shock you, but I have a hunch that a loyal alumnus like you, Dad might even come around some day to making a substantial contribution toward building back the gymnasium. Actually, we had nothing against athletics as such, but any emphasis on fun and games in a serious intellectual community strikes us as contradictory and unacceptable.

Specifically, we wanted to make a forceful intellectual demonstration against scholarships for athletes when not one grant is available to full-time protest singers or to some of the most talented academic insurrectionists in this country.

Incidentally, the car that you gave me for my birthday was not damaged when the west wall of the gymnasium fell into the parking lot. I had left the car at the country club and rode to the riot with a friend on a motorcycle.

We find that it is beautifully provoking to the police, faculty, administration and other enemies of free inquiry if we arrive at riots with our beards blowing in the wind. What I am missing about English History I am learning about life as it really is.

Please don't worry about my failing the one course—and the others, too, if this Fascist crowd insists that we come to class to receive credit. The truth is, we plan to be in charge shortly and issuing our own grades, perhaps not degenerate old letter grades but something on the order of a freely intellectual self-evaluation.

So it won't be necessary, Dad, for you to talk with the dean when you come up here in June for your 25th reunion. In fact, I doubt that you will be coming to the reunion. We students have about decided to take over all the alumni functions to prevent any reactionary incursions on the campus, and to insure an absolutely independent academic atmosphere.

Mother, I am sending the usual bag of laundry. Please go easy on the starch in the collar of the Nehru jacket. That reminds me: Were my beads in the pocket of anything I sent last week?

Dad, I'm afraid I need $200 as quickly as possible for my club dues and one thing and another. And do you suppose it would be possible to come up with $1,500 by the end of May. I have a marvelous opportunity to go to the Sorbonne in France this summer. It is a student exchange program. We are going to take over their university and they are going to take over ours.

NORWEGIAN INDEPENDENCE DAY, 1968

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, May 17, 1968

Mr. GRIFFIN. Mr. President, May 17, 1968, marks the 154th anniversary of the signing of the Constitution of Norway. It was May 17, 1814, that a new constitutional law was signed establishing constitutional monarchy in Norway that has lasted almost continuously for a century and a half.

That day is celebrated in Norway and among the American citizens of Norwegian descent as Norwegian Independence Day, although it was not until the second half of the 19th century that Parliament became more powerful and paved the way for the referendum which, in 1905, gave independence to Norway.

Norway has given the world many outstanding men and women of many talents in many fields: First, Henrik Ibsen, founder of the modern drama, placed Norway in the forefront of world literature; second, Edward Grieg, a well-known Norwegian composer; third, Trygve Halvdan Lie, the first Secretary General of the United Nations; and fourth, Sonja Henie, a leading woman figure skater, to name only a few.

The immigrants to the United States from Norway have played a major role in the building of this country. Their contribution to Michigan and other Midwestern States is well known to all of us. They are among the hardest working people who have been pioneers in many areas.

I take this occasion to congratulate the people of Norway—our loyal friends and NATO allies—as well as my fellow Americans of Norwegian heritage on their most important day and wish them good fortunes in the future.

POLICE OFFICERS LOSE RIGHTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. RARICK. Mr. Speaker, the continued onslaught against our dedicated law-enforcement officers is destroying our personal protectors of life, liberty, and property.

Unfortunately, the handcuffing of our police by impossible legal rulings and unfair attacks by the communications media is having its effect in driving some officers to resign.

To be perfectly honest—who today would want to be a police officer. Low pay, harassment, continued intimidation, and constant targets from many elements.

The requested $400 million crime bill—to use taxpayers' money to give control of State and local law enforcement participating to the guidelines of Attorney General Clark—can solve nothing.

An educated and better paid officer who cannot enforce the law, can have no appreciable effect on the swelling crime rate.

We cannot buy pride, respect, dignity, nor law and order, nor peace of mind.

The American people are not to blame for the Supreme Court decisions and Government breakdown. Why gouge the taxpayers when money cannot buy a solution. A nationalized police force—centrally commanded will not do the job.

Decentralized control of law enforcement, individual authority as well as responsibility is the answer. Just as the men and laws we have passed by the elected representatives of the people, is the best answer.

Mr. Speaker, I include pertinent news clippings:

[From the Jersey Journal, Jersey City, N.J., May 9, 1968]

Fewer Rights Than a Criminal, Bayonne Police Lieutenant Resigns

(By Bernard Rosenberg)

A veteran Bayonne police officer has resigned because he feels that recent court decisions have left the policeman with fewer rights than the criminal.

"Law enforcement officers have been degraded to the point where it requires really a concerted effort on their part to remain on the force," declared Lt. Raymond T. Schreiner yesterday in submitting his resignation after 16 years on the force.

"I have at this point expended all of my reserve effort, and it is for this reason that I now take this course of action," he added. "If I cannot deliver my best to my employer—and in my frame of mind I cannot—then I must either be removed or I must resign. This is exactly what I have decided to do."

In a letter to Police Chief William Veydovec, Schreiner said his decision was "no snap judgment," since he had been debating them over for the past two years.

"I have been a policeman for almost 16 years," he wrote, "and during this period I have watched as the respect and admiration of the public has gradually dwindled until it has rested in only a mere handful of people.

"Any man likes to feel that the work he is doing is appreciated by someone, and when the job he is doing is in the best interests of the populace, he'd like it to start there."

However, Schreiner said, he has become increasingly aware of a "certain frame of mind among high-ranking officials in police departments in general, and Bayonne in particular."

"In order to cater to the public, as evidenced by the clamor for civilian police review boards," he charged, "a policeman may find himself thrown to the wolves. Even an unsupported claim against a policeman results in some form of disciplinary action, if only strong verbal chastisement.

"Who ever heard of an army having to bow to the very people they are paid to control?" he asked. "The decent citizen never complains about a policeman's actions; he is never in need of it.

"Only those who have done something to draw the attention of a policeman finds a form of psychotic 'revenge' in this type of weapon, and the unknowing public has forced the high officials into the position they take today. In clamoring for more and more individual rights, the public is lowering the efficiency of the army they are paying to protect the rights of the majority," Schreiner wrote.

Since he alone cannot expect to correct the situation, Schreiner said, he could no longer take part in it. He said it is up to the public, "the front office" and the courts to adjust this "terrible effrontery to this, our bulwark against crime."

Neither Chief Veydovec nor Public Safety Director Hugh Greenan would comment on Schreiner's letter. They both said they regretted his decision.

Schreiner, whose wife died last July, said he has sold his house and plans to move to his summer home at Mystic Island, where "I'll rest for about a year." His resignation also noted he had been "more prone to illness than ever before in the past year."

While his resignation came as a surprise to most members of the force, some superiors suspected something was "in the wind" since Schreiner failed to take the test for police captain last month.

He was one of 13 lieutenants eligible for the test and had filed an application with the Civil Service Commission. Schreiner has been a desk lieutenant since obtaining that rank in 1963.

[From the Times-Picayune, Now Orleans, La., Apr. 30, 1966]

Riot Leaders Said Coddled: Patterson Attending Meet in Atlanta

Atlanta, Ga.—Joe T. Patterson, Attorney General of Mississippi, said Monday he thinks there is a tendency to coddle rioters and that this is the reason civil disorders are increasing in America.

Patterson, one of the officials attending the Southern Regional Conference of Attorneys General, said, "The finest way in the world to prevent a riot is to never let one get started.

"People have been led to believe they have a right to riot so long as they do it in the name of demonstration and protest," he said.

"I don't agree with what we've been told so far that you should let a riot get on the move before you move your men. There's an old saying where I come from that the best way to stop the puppies is to stop the big dog."

Patterson said that trained law officials can tell whether a demonstration has the potential of violence. It is time for legal action, he said, when militants stand up and advocate burning cities to the ground.

In addition, he said, shooting rioters and looters is the best way to stop them, although he said he does not believe in taking human life unnecessarily.

"To put it in the paper and on television that you have law enforcement officers out there, but that they are unarmed or have blanks in their guns, is an open invitation to violence," he said.

Patterson's remarks came in response to a speech by Fred M. Vinson Jr., assistant U.S. Attorney General, who addressed the officials from 15 states.

[From the Hudson Dispatch, New York, N.Y., May 10, 1968]

POLICE RIGHTS BOW TO CRIMINALS

It is a pitiful situation which finds a highly competent and experienced police officer resigning his lieutenancy because he is convinced law enforcement officers have fewer rights than criminals.

Lt. Raymond T. Schreiner of the Bayonne Police Department turned in his badge Wednesday after 16 years on that city's force because he felt that "law enforcement officers have been degraded to the point where it requires a really concerted effort on their part to remain on the force."

In a letter to Bayonne Police Chief William Veydovec, Lt. Schreiner said his decision to resign was "no snap judgment." He asserted that he had reached a point where he had expended all his reserve effort and he had decided on his course of action because, "if I cannot deliver my best to my employer—and in my present frame of mind, I cannot—then I must either be removed or I must resign."

We, and we feel certain that most thinking persons will agree with us, have the fullest admiration for Lt. Schreiner's determination to leave a post which he believed did not permit him to give his best to his community.

He wrote in his letter of resignation that he had been a policeman for 16 years, "and during that period I have watched as the respect and admiration of the public" has gradually dwindled until it now rests in a mere handful of people. He added that "any man likes to feel that the work he is doing is appreciated by someone, and when the job he is doing is in the best interests of the populace, he'd like it to start there."

In resigning, Lt. Schreiner revealed his disgust with the thinking of high-ranking police officials in general and with Bayonne in particular. He said that "in order to cater to public, as evidenced by the clamor for civilian police review boards, a policeman may find himself thrown to the wolves. Even an unsupported charge against a policeman results in a form of disciplinary action, if only strong verbal chastisement."

The writer has no inside information on the controversy involving resigned Lt. Schreiner and his superiors, but it is our studied opinion, as we have expressed it in this column often, that there is an alarming trend in this day of "Be Kind to Criminals" psychology on the part of our officials to forget or overlook that for which the law is responsible.

It seems, somehow, that we have gotten ourselves into a lamentable situation where our previous high standards are meaningless. When it comes to lawlessness, we say that the great majority of us are entitled to just rights and criminals should be punished to the limit of the law. Amen!

[From the Washington (D.C.) Daily News, May 10, 1968]

PASS THE CRIME BILL NOW: L. B. J.

(By David Breasted)

WASHINGTON, May 9.—President Johnson, warning that "the mugger and the murderer will not wait," asked the Senate today to approve immediately a $400 million, two-year setup in federal aid to law enforcement.

Johnson wrote Senate Democratic leader Mike Mansfield that "crimes of violence threaten to turn us into a land of fearful strangers."

He urged passage "now" of administration legislation which would furnish $100 million in its first year for better pay, training, equipment and scientific support for the cop on the beat.

Also in the Senate bill are provisions for moderate federal controls over interstate traffic in hand guns. It is aimed at persons with criminal records and other undesirables.

In urging approval of the gun-control section, opposed by the National Rifle Association, Johnson wrote: "Now it is time to stand up and show we are not a government by lobby but a government of law."

Johnson's letter, which Mansfield read to the Senate, further urged reasonable interstate controls on rifles and other long guns.

"Has not the mail-order rifle brought enough tragedy to America?" he asked, referring to President Kennedy's assassination.

Johnson opposed a section of the Senate bill authorizing wire-tapping under certain conditions. He said it would raise "grave constitutional questions."

FREEDOM OF SEAS OR PIRACY?

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, May 17, 1968

Mr. THURMOND. Mr. President, on May 15, 1968, the Greenville, S.C., News, published an excellent editorial entitled "Freedom of Seas—Or Piracy?"

At a time when the country cannot protect its own citizens at home, we should not be surprised to learn that Americans are being victimized on the high seas. The capable editor of the Greenville News, Mr. Wayne Freeman, invites our attention to the fact that certain South American countries claim territorial waters out to 200 miles in some cases. Although the United States and most of the international community of nations do not recognize this territorial limit, the countries of Chile, Ecuador, and Peru have harassed American fishing boats on the high seas off their coasts.

During the past 7 years, more than 60 American-owned fishing vessels have been seized at gunpoint and fined for violating this illegal ruling. Within the past 7 years, a total of $500,000 has been paid as damages in order to obtain the release of the fishing vessels that were captured. It goes this way: The American fishermen pay the fines and the U.S. Government reimburses the fishermen. The money comes from the American taxpayer.

Mr. Freeman concludes that this example of American spinelessness and its refusal to protect its citizens from piracy on the high seas, was probably the basic cause for the North Korean seizure of the *Pueblo*. At least, it is one more example of the administration's failure to cope with reality and to command law and order not only within its boundaries, but in the international boundaries on the high seas.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREEDOM OF SEAS OR PIRACY?

No wonder the North Koreans dared to seize the U.S.S. *Pueblo*. And no wonder the Communists apparently have gotten away with it, despite Washington's immediate statement that this country would act firmly to defend the "freedom of the seas" by taking necessary measures to free the ship and its crew.

The fact is that the Red pirates had plenty of evidence that the United States, once the world's greatest sea power and recognized as the firm defender of the freedom of the seas for all nations, had abandoned that lofty role.

The evidence, going back at least seven years, has escaped widespread notice in this country. But the Reds obviously were well aware that more than 60 American-owned ocean going vessels have been pirated on the high seas by three insignificant South American countries—Chile, Ecuador and Peru.

All were captured at gunpoint by patrol ships while going about their legitimate business of fishing in international waters—in some cases almost 200 miles from the nearest land. In most instances the boats and crew were released after payment of "damages" (a total of $500,000 so far) to the capturing countries.

Instead of doing something about the continuing violation of ages-old unwritten laws guaranteeing the freedom of the high seas, the United States has been "talking" with Chile, Ecuador and Peru in hopes of finding some way to negotiate a settlement of the unstable situation.

Prospects have been, and still are dim.

The three South American countries put up the ridiculous claim that they can extend their fishing control limits to 200 miles at sea. The maximum ever recognized by major maritime nations is 12 miles.

The United States officially does not recognize the 200-mile claim. It does unofficially, however, by continuing to reimburse American fishermen for "fines" paid to the three countries. The money comes from the taxpayers, naturally.

With that background of American spinelessness, the North Koreans had every reason to believe they could grab the *Pueblo* and get away with it.

Chances are this form of piracy will be repeated, even more flagrantly in the future, if the United States does not return to its once firm policy of enforcing reasonable protection of ships flying its flag on the once free seas.

It does no good to proclaim and talk about an international law of the high seas, if that law can be violated at will by unilateral action on the part of any nation. A law is not a law until it is enforced and upheld.

The choice really is simple. It is between freedom of the seas and piracy, with no shades of gray in between.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1968

Mr. SCHERLE. Mr. Speaker, this is the 116th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE LATE HONORABLE LOUIS GARY CLEMENTE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. CAREY. Mr. Speaker, I was deeply saddened by the untimely death of the Honorable Louis Gary Clemente.

Gary was admired and respected as an outstanding American by everyone who knew him. It was my privilege to know him during the time he served our country as a member of the armed services. Although I was not his contemporary in the Congress, I knew of the years of splendid service he gave to this body.

I recall very well the close relationship between Gary and our late President, John F. Kennedy, and how much he meant to the President by reason of his loyalty and support.

Mr. Speaker, I include the account of his death appearing in the New York Times on May 14 at this point in the RECORD:

L. GARY CLEMENTE, LAWYER, DIES; EX-CONGRESSMAN, COUNCILMAN

L. Gary Clemente, a former Representative from New York, former City Councilman and former Queens Borough Works Commissioner, died of cancer yesterday at Mary Immaculate Hospital, Jamaica, Queens. He was 59 years old and lived at 85–50 Edgerton Boulevard, Jamaica Estates, Queens.

Mr. Clemente was a partner in the law firm of Manning, Hollinger and Shea, 330 Madison Avenue, until last summer, when he left to open his own office in Jamaica, Queens. William A. Shea, after whom Shea Stadium was named, is also a partner in the firm.

Mr. Clemente served in the City Council from 1945 through 1948, and in Congress from 1949 through 1952. He was a member of the Armed Services Procurement and Guided Missiles Committees.

PRACTICE LAW IN CAPITAL

A graduate of the Georgetown University Law School in 1931, Mr. Clemente practiced law here and in Washington before World War II. Commissioned a second lieutenant in 1940, he served in Army intelligence and as an Army judge advocate. He rose to a colonelcy, and at one time was deputy commander of the Philadelphia Port of Embarkation.

Mr. Clemente was a former vice president and director of the Unexcelled Chemical Corporation, and was also associated in executive capacities with the Modene Paint Company, the Ohio Bronze Company and other corporations.

A director of Mary Immaculate Hospital, he had served as its dinner chairman since 1957. He had also been a director of the Angel Guardian Home of Brooklyn and the New York World's Fair Corporation, 1964–65.

Mr. Clemente was on the boards of the Federation Bank and Trust Company, the Queensboro Council for Social Welfare and the Queens Council of the Boy Scouts, and was a former chairman of the Americanism committee of the Disabled American Veterans.

During his terms in Congress, where he represented the South Ozone Park section of Queens, Mr. Clemente worked closely with Representative Carl Vinson of Georgia, then Armed Services Committee chairman.

Mr. Clemente leaves his wife, the former Ruth Sonnefeld; five sons, Gary E., Stephen C., Michael A., John P. and Peter J. Clemente; four daughters, Christina A., Catherine M., Barbara C. and Patricia Ruth, and a sister, Mrs. Joseph Frumento.

A mass for Mr. Clemente will be offered at 10:30 A.M. Friday at Immaculate Conception Roman Catholic Church in Jamaica.

"FREEDOM FROM FEAR"

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, May 17, 1968

Mr. TYDINGS. Mr. President, occasionally one hears a speaker who has the particular ability to point out a pattern in our human frailties and thus to restore our perspective on contemporary problems. In a sermon at the National Presbyterian Church in Washington on May 5, Dr. Lowell Russell Ditzen, director of the National Presbyterian Center, spoke of anxiety and the conquest of fear. Although this may well be recorded in history as the age of anxiety, Dr. Ditzen gives a gentle reminder that fear and worry—far from being peculiar to the 20th century—are a part of our mortal baggage. I will not attempt to extrapolate from Dr. Ditzen's sermon, but rather commend it in its entirety to the attention of Senators. I ask unanimous consent that the sermon and the concluding prayer be printed in the RECORD.

There being no objection, the sermon and prayer were ordered to be printed in the RECORD, as follows:

"FREEDOM FROM FEAR"

(A Sermon by Lowell Russell Ditzen, D.D., LL.D., the National Presbyterian Church, Washington, D.C., May 5, 1968)

TEXT: ". . . WHY ARE YE ANXIOUS . . .?"
MATTHEW 6:28

Have you ever wanted to argue with Jesus—ever wanted to question Him face to face about some of His assertions? Wouldn't many of us welcome the opportunity to talk to Him about that familiar passage in the Sermon on the Mount where He speaks of freedom from anxiety? "Be not anxious," the Master says. Not irreverently, but with questioning earnestness, wouldn't some of us reply, "But Jesus, we are anxious! We're subject to a thousand fears of various natures and forms that gnaw and distress us daily—fear of solitude, fear of separation, fear of being found out in a deflection from duty or right. Some have a fear of becoming alcoholics. Some are afraid of pain, of death, of being unpopular, of being rejected, of failing. How can you speak so airily about non-anxiety when we're anxious over our health, our appearance, our position, our economic security?

Our sons and grandsons are engaged in a brutal war in Vietnam. Our inner cities are gutted by violence. Our streets daily witness acts of terrifying cruelties. It appears that the trusted moorings of law that provide security of person and property are weakening. Why shouldn't we be anxious? Can we be men and not fear in these turbulently troubled days?

Some of us, Master, have children, and we're naturally anxious over what they may or may not become. Others of us have no children and we're anxious for ourselves in life's denial of parenthood.

Others might go further to contend, "Jesus, I cannot find you helpful here. You are unrealistic, lacking the scientific understanding which teaches us that fear is ingrained in the organic mechanism which we receive at birth—a terror of falling, fear of water, of discomfort, of loud noises. Jesus, you probably didn't know of the adrenal glands with their powerful stimulant, epinephrin, which throws us into high gear whenever these dangers of any one of a hundred others confront us."

In deed, whether we might be reluctant so to speak, will not we all acknowledge fearfulness as widespread in life?

James Whitcomb Riley used to say that he couldn't travel with a trunk because he was scared stiff it would be lost. So, no matter where he went, he carried only one grip. He reported he was even uncomfortable with it unless he had hold of the handle during the day and could touch it as his bedside at night. He wrote, "In case there is ever a fearful railway accident and among the debris is discovered a valise with an arm attached to it very firmly, they may bury it without further identification as the last fragment of the hoosier poet." Well, you chuckle and say, "Thank God, that's no fear of mine. I can leave my suitcase outside a telephone booth without going into a tizzy." But don't we all have equally silly and ridiculous fears of one kind or another?

Couldn't we all say to Jesus, "This crowd of mine is perplexed by your easy saying 'don't be anxious.' We'd like to be without anxiety, but we're not. We're beset with fears. Like Bluebeard, we have some rooms that are tightly locked where we don't want anyone to look, not even ourselves. Jesus, we can say to ourselves that our fears are wasteful and negative and wrong, but they are still there. They still hang on. Perhaps we'd better pass this passage by."

But before we do that, let's be fair with Jesus. Certainly in other areas and on other subjects He has enunciated principles which at first we may have questioned, but in time we've come to trust. Hasn't He opened for us certain insights which on first encounter we may have questioned, but found to be as reliable as the rising and the setting of the sun? "As a man sows so shall he reap." "The sins of the fathers are visited unto the third and fourth generation."

And indeed, shouldn't we say this too, that if Jesus has any guidance as to how to master anxiety, you and I and everyone who makes up this generation of ours certainly needs it? Do you know what is the single major item of expense in the state of New York? Why not take a guess. Administration? Public works? Highway systems? You're way off. It's the Department of Mental Health. Close to two hundred million dollars are spent annually to support the mental health institutions of the state of New York.

During years past, when I served on a small citizens committee to advise the Mental Health Commissioner, I recall an additional item of 178 million dollars for further needed hospitals and facilities required by the increased number of mental patients.

"So what?" someone says. Well, this is a sobering "what" in reply: "If fear were abolished from modern life, the work of the psycho-therapist would be nearly gone." That's the judgment of a leading psychiatric authority of London, England, Dr. J. A. Hadfield.

The dollars taken from our pocketbooks, as well as the palpitations of our hearts, the cold sweats, the sleeplessness and all the destructive bodily and spiritual effects of fearfulness surely ought to make us willing to listen to any word that would help us achieve freedom from fear.

Jesus, we're listening now. What are you saying—what are you trying to tell us when you say, "Be not anxious. . ."? Look at His spirit. Catch the genius of His personality. Listen humbly to His words and the spirit that's behind them as they are spoken. See their context and their related teachings and I believe we find some wise suggestions for the conquest of fear.

I

First of all, catch the feeling of relaxation, the light touch, the gentle tint of humor, with which Jesus paints the very heavy frame of "poverty." That's what He is talking about on the Mount—poverty—brutal, crushing poverty. We, who lived through the depression to see lives twisted by the loss of jobs and savings, know, as did Jesus, who daily saw people depressed by poverty, that economic security is a sobering matter.

Jesus is often in dead seriousness. There is no laughter I am sure, when He denounces the scribes and the Pharisees. No smiles when He's driving the money changers from the temple. No gaiety as He kneels in prayer in Gethsemane and expresses the tormented longing: "If it be possible, let this cup pass." And yet now, when He turns to man's fear-laden concern for economic security. He uses the gentle, humorous tints. There is an easy abandon, akin to the lightheartedness of a child sailing up and down in the long swing from an old oak tree.

How do you think He would respond to the Poor People's March on Washington? I'm sure He would stand against inequities and plead for fairer opportunities: in housing, education, and employment. But I think He'd bring in the light touch, too. I can see Him greeting them—"Well, what's so new about you? We poor people have been around for a long, long time in history. Let's not alone squawk about our problems, let's do our part, too, as we have the chance, to help solve them!"

Now let's hold to this mood. Let's give more than casual interest to Jesus' attitude if we're serious about freedom from fear. May it not be that it requires the light touch? We all know that no desperately serious problem is ever going to be rightfully solved if all we bring to it is serious desperation.

Wasn't Lincoln acting in the spirit of Jesus when, in the overcast days of the Civil War, he told jokes in the cabinet meetings? May not we use the same technique ourselves when, with a smile, with our feet up on the desk or lying in a relaxed way, we say to our problems and its fears, "Now look here, what in the blazes will it matter one way or another a hundred years from now?"

Let the light, the relaxed point of view come in, and the likelihood of fear leading to some regrettable action is lessened. Why are ye anxious, when you can meet your fears with this most precious gift of the heart—the capacity to smile?

Once again Jesus met fear, not alone with lightness, but with courage. We wouldn't use His name with repetitious respect if, seeing as He did, the ominous shadow of the cross looming ahead of Him, He had let the craven hands of fear hold Him back from going to Jerusalem. He went. "He steadfastly set His face," in spite of the fear, "to go to Jerusalem."

He was courageous. Are there not times when, whatever our fear may be, it needs to be openly faced? Is there not a time when, with valor, one must come to grips with it, taking what wounds it may give, but struggling with it till it's subdued? So Jesus responded to His fear and so He conquered it!

In the mythology of the Norselands there was one needful and crowning virtue. It was simply to be brave. Any who met the cruel destiny of death with cowardice were to be cast into the outer darkness. But those who met it with valor were called Valkyrs. They were led, heads held high, to the Heavenly Hall of Odin. Thomas Carlyle, commenting on this virtue which was so basic to Norse mythology, wrote, "It is indispensable to be brave. Valor is still value—Odin's Creed—is true to this hour. A man shall and must be valiant."

There's the glory, not alone of the Norse mythology, it's the glory of Christianity. In spite of all the brooding fears and anticipated pains, He steadfastly set His face to go to Jerusalem.

Do you remember Coleridge's "The Ancient Mariner"? Recall how, after the mariner had slain the albatross, he goes on tremblingly, a slave to fear:

"Like one, that on a lonesome road doth walk in fear and dread,
And having once turned round walks on, and turns no more his head;
Because he knows, a frightful fiend doth close behind him tread."

Oh, my soul, what a horrible way to live! The time may well be when there is but one thing—to turn about, to see the fiend, to face him courageously, and in the solitude of that lonely road, to do battle with him.

The truth of the matter is that usually the dark fear is not as strong as we imagine it to be. And this is undeniably true, is it not, that it cannot withstand any real valor? We need not be bowed down with dissipating anxiety if we unsheath the soul's bright blade of courage.

III

Once again, fear losses its hold, not alone through lightness and courage, but through dependence on God, forgiveness from God, Companionship with God.

If we want any nutshell clue as to the final way to freedom from fear, do we not find its essence in Jesus' crystallization of the commandments: "Thou shalt love the Lord thy God with all thy heart and mind and strength and soul." Human companions, members of our families, advisors, friends, psychiatrists, clergymen, may help us greatly in our needy hours. Yet there is a point beyond which they cannot go. There is a solitariness, is there not, about each of us, a lonesomeness and an aloneness which never can be fully communicated to another mortal. If this is true, as I believe it is, to be only dependent in our journey through life on imperfect human helpers is to never really find the ultimate source where fear's chafing burden can really be unleashed.

One of the greatest dramas to deal with fear is Shakespeare's "Macbeth." In the later portion of the play, Lady Macbeth, who had put up such a hard front at the murder in which she had participated, begins to walk in her sleep, endlessly scrubbing her hands—hands which do not come clean. Her maid, disturbed at her behavior, calls a physician who watches and listens as, in her sleep-walking, she pathetically cries, ". . . all the perfume of Arabia will not sweeten this little hand . . ." The physician in the shadow says, "More needs she the Divine than the physician. God, God, forgive us all!"

Those words need speaking to every soul that seeks ultimate refuge from fear, and to all who seek the cure for the sick soul. There are times when the only prescription must be "More needs she the Divine than the physician. God forgive us all."

The Scripture teaches that perfect love casteth out fear. But where do we find this perfect love—this complete understanding that comprehends and forgives in the soul's silent solitariness? God, alone, is perfect love.

Now I don't propose to suggest that in the few minutes of this sermon time all has been said that can be said on so wide-spread, far-reaching and deeply-buried a subject as this one on human fear.

But with all my heart and mind I do feel that there are some guideposts here offered for us through the inspiration of the Master. Why are we anxious, when there is lightness that can be drawn out from our spirit? Why be anxious when there is courage? Why be anxious when there is God to guide, to keep, and to help you to the end? So the Christ would teach us.

If ever we did want to question Jesus' calm command to refrain from anxiety, should we not say now, "Jesus we're so very foolish. We're like little children prattling before the Master. We really can't argue with you. All we say is that we'll strive, with Your help, to be less anxious and to walk more on that road where we know the perfect love which casteth out all fear."

Let us pray: Lord, receive our petitions for peace, for patience and courage—and let the spirit of Christ communicate His wisdom and insight to us. Help us to meet and overcome the fears that debilitate and destroy us and keep us from our best. Grant that we may grow into that understanding of God's love which casteth out all fear. In the name and for the sake of Jesus Christ, our Savior. Amen.

WHOLESOME MEAT SCARE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, May 17, 1968

Mr. FANNIN. Mr. President, as if there were not enough real and pressing problems crowding in upon the Republic, there is now a highly vocal special-interest group bent on generating problems from their imagination, or making big ones out of little ones.

Ralph Nader has gone from cars to pipelines to pipe cleaners and now has accused the radiologists of the Nation of discriminatory practices in the dispensation of diagnostic X-rays.

We have had a great deal of induced hysteria by these professional alarmists who have created a profitable profession for themselves developing their highly paid concern for the poor benighted consumer who, in their opinion, is hardly able to discern a store front from a fireplug. One of the most blatant uses of this hysteria occurred last year with much sound and fury emanating from the White House and other points west about the reputed problems of wholesome meat in this Nation.

The standard technique is to scare up some outstanding horror stories and plaster them in the newspapers, thus generating enough public pressure for the passage of the new laws. This procedure was followed, and we now have the Wholesome Meat Act, which practically preempts the States from doing anything effective in this field; supposedly sets up the Federal Government as the guardian of the people's meat problem; but has dangerous and precedent-setting trends that could actually result in a reduction of the quality of meat that consumers enjoy.

To back up what I have just said, I ask unanimous consent to have printed in the RECORD an article written by the eminent veterinarian and lawyer, Dr. Oscar Sussman, and published in the May issue of Nation's Business.

Dr. Sussman points out that while we will not permit State-inspected meat to cross State boundaries, we freely let foreign-inspected meat travel to all 50 States.

Mr. President, this is the kind of mess we get ourselves into when we listen to the rabble-rousers who incite the public to gain political ends. I am tired of it, and I intend to speak out against it wherever and whenever possible.

I ask unanimous consent that another article, relating to animal drugs, and published in Animal Health News, also be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Health Expert Reveals New Law's Dangerous Deceit

The Wholesome Meat Act of 1967 is a fraud. It is an expensive, unproductive extension of bureaucracy and an unnecessary and perhaps unconstitutional invasion of states' responsibilities and rights. More important, the law misleads Americans, if they think it alone will prevent disease and promote public health.

The law was enacted on the basis of half-truths, partial facts and some outright lies. The public has been told to buy only "U.S. Inspected" meats and poultry because such products are free of disease-producing organisms. Nothing could be further from the truth.

Another similar law covering fish and poultry now seems headed toward passage. The same misleading tactics are now being used by the politicians and professional consumer guardians who back this measure.

Betty Furness and Ralph Nader, two self-styled protectors of the public weal, are the best known on the bandwagon of mob psychologists and public relations experts who clobbered the meat industry.

Now they are after other foods.

The real truth is that, prior to the new law, the American meat industry furnished consumers with an abundance of nutritious, inexpensive meat and poultry. Generations of Americans have grown strong and healthy on these products. They have never caused disease, unless improperly handled or prepared in the home.

The new meat law is not only unneeded, but casts improper doubt on the high quality of the products that packers and processors have furnished the public.

As a result, the average housewife today is so frightened that she will not normally purchase any meat or poultry unless it has been stamped with the two words, "U.S. Inspected," to which she attaches an almost superstitious faith.

Supermarkets have taken the clue, and now advertise they sell only U.S. inspected meat and poultry products. The rabble-rousing techniques, the shrill cries of horror which have been used are regrettable because of the harm done to the consumer, food producer and food processor. It is likely prices of meat will go up and small businessmen will be eliminated because of it.

No present method of U.S. meat or poultry inspection can assure disease-free, non-contaminated raw meat or poultry products. Reliance by the housewife on the U.S. inspected legend alone has, can and will cause countless cases of food infections such as salmonellosis and trichinosis.

HOUSEWIVES MISLED

In none of the testimony on this meat Act, or in the resultant consumer education efforts, were housewives told that there can be hazards to their families in U.S. inspected meats.

Such failure to inform rests squarely on those public health authorities who were silent then and who maintain silence now.

A false sense of security must not be legislated into the public's mind. Under the present system, U.S. inspected meat and poultry products can contain pathogenic organisms. Trichinosis is not eliminated in U.S. inspected raw pork. Salmonellae organisms are presently found in great numbers in both red meat and poultry that are U.S. inspected.

Elimination of such hazards lies in proper food-processing, food-handling and cooking techniques. The housewife must guard her family against these disease-carrying bacteria.

Proper cooking, of course, kills them.

But the danger is that they may be transferred, in the kitchen, to food that's served uncooked.

For that reason, the housewife must always wash her hands—after handling raw meat or poultry—before touching other foods. And she must always scrub a cutting board or drainboard, which raw meat or poultry has touched, before placing on it salads or other uncooked foods. Preferably she should not use the same surface.

Until newer, scientific meat inspection methods—principally epidemiologic surveillance, including bacteriological monitoring—are introduced, the public must be made aware that raw or partially cooked meats, or meats that are improperly handled after cooking, are hazardous.

This is not intended to frighten those who, like myself, prefer rare beef steak.

Usually the major share of bacterial contamination occurs on the surface of the meat. Searing the outside normally eliminates the hazard. However, this is not true with hamburger, which could be contaminated throughout the patty. Also with stuffed turkey or chicken, the stuffing acts as an insulator. So the bird should be cooked thoroughly enough to do away with any contamination in the stuffiing or innermost part of the bird.

UNDER THE NOSE OF INSPECTORS

The public should understand that the huge expenditures assured by the new law only perpetuate an outmoded, ineffectual method of carcass-by-carcass inspection.

Recently, in a federally controlled plant in New York, seven federal inspectors were present when ton after ton of tainted, uninspected horse meat was utilized and sold for human consumption. This, under the very noses of a highly touted U.S. inspectors group and with the "U.S. Inspected" stamp applied.

Also recently, thanks to the cooperation of two state health departments, a U.S. inspected, ready-to-eat sausage product was found to harbor dangerous salmonella organisms. Through cooperative efforts of industry and local and state health departments, procedures were changed in the U.S. inspected plant to eliminate the problem.

In the Congressional hearings on the Wholesome Meat Act of 1967, no mention was made of these and similar incidents. These were the same hearings where many false horror stories were exploited, pointing up the supposed need for passage of the Act.

Salmonellosis, a widespread infection of animals and man, is caused by an organism which abounds in nature.

It can be brought under control in animals used for food through a surveillance and action program initiated with vigor at the farm level.

A significant percentage of the U.S. inspected meat and poultry eaten in the United States regularly contain some organisms of this group that can cause human illness.

Dr. Arthur Wilder in the *New England Journal of Medicine* showed recently that 50.8 per cent of U.S. inspected poultry were contaminated with salmonellae while only 48.7 per cent of uninspected poultry were contaminated. Thus, the harm to the consumer in blind reliance on U.S. inspected products is beyond calculation.

At the 1965 White House Conference on Health, I stated:

"Inspection of meat in the United States by even the most competent veterinarians—and I speak as a veterinarian—cannot provide assurance that meat is free from salmonella, because salmonella organisms cannot be seen by anyone unless a microscopic and bacteriological examination is made.

"We could reduce salmonella infections if more housewives learned that eggs, poultry, and meat have to be handled with circumspection in the kitchen.

"The housewife must learn, if she does not now know, that if she handles raw poultry or meat, she must wash her hands thoroughly before she deals with something else; and that she must not put salad or other materials on an unwashed drainboard that has previously accommodated uncooked fowl and meat.

"If more of our housewives will remember this, there will be fewer cases of salmonella poisoning."

Proper precautions will prevent trichinosis. This is a disease spread to man by the eating of raw or insufficiently cooked pork.

Trichinae—organisms that cause the disease—cannot be seen by the U.S. inspector at the time he checks the carcass.

Therefore, even if trichinae are present, it is passed as U.S. inspected meat.

Many housewives have the false impression that all U.S. inspected pork is free of disease and therefore does not have to be thoroughly cooked.

Nowhere in the high pressure public relations campaign used in passing the Act was the housewife told the truth.

SAFER THAN THEY SAID

During the debate on the Wholesome Meat Act of 1967, its proponents, with great success, tossed out the names of a variety of diseases, such as tuberculosis, leptospirosis and brucellosis for public horrification.

The proponents did this in spite of the fact that no one has ever demonstrated that even one case has been spread to man in the United States by consumption of meat.

Despite this, one federal official, described them as diseases "which can be transmitted through meat and constitute a direct potential threat to human health."

During the Congressional debate, Congressman Thomas S. Foley asked for information on diseases caused by unwholesome meat. In a letter from W. B. Rankin, the Deputy Commissioner of the U.S. Food and Drug Administration, he was told:

"Among the 80 animal diseases which may be transmitted to man, there are those which can be transmitted through meat and constitute a direct potential threat to human health. These include bovine tuberculosis, brucellosis, leptospirosis, salmonellosis and several others."

Since Congressman Foley's request was made with regard to meat inspection activities, Deputy Commissioner Rankin's reply indicated that these diseases can be prevented by U.S. meat inspection methods.

Since not one case of tuberculosis, leptospirosis or brucellosis was traced to consumption of U.S. inspected meat he would be 100 per cent correct.

He would also be 100 per cent correct if he had said not one case of tuberculosis, leptospirosis or brucellosis was traced to consumption of non-U.S. inspected meat. As for salmonellosis both U.S. inspected and non-inspected meats and poultry are equally capable of causing human illness if handled improperly.

As it stands, his reply was misleading to Congressman Foley and to the meat consuming public.

BEFORE NEW LAW PASSED

Prior to passage of the Wholesome Meat Act of 1967 interstate meat packers were subject to inspection by the U.S. Department of Agriculture. Meat packers whose products did not move interstate were not included in this program. Most states developed meat inspection programs which complemented the federal program.

Knowledgeable observers reported vast differences among the states; some states had excellent programs; some were poor. State programs had been conducted by State Departments of Agriculture or State Departments of Health.

Some cities filled the gap by developing municipal meat inspection programs. But no epidemiologic evidence had accumulated anywhere which indicated, because of human health illness factors, the need to further extend the U.S. meat inspection system to include the intrastate meat packers.

Evidence was and is available to the contrary.

There is also evidence of a need to overhaul and re-evaluate the present, carcass-by-carcass methods of the federal meat inspection system.

Under it, the U.S. inspector must determine—in as little as two seconds—the wholesomeness and freedom from infection of the meat of a chicken, cow, sheep, or pig that we are to eat.

It is, of course, impossible to do.

This type of inspection is unnecessary, and perhaps dangerous, because it breeds complacency against disease that may actually be present.

Public Health workers know of not one case of tuberculosis, brucellosis, salmonellosis or trichinosis that could have been prevented by looking at the carcass of an animal. Their views were not asked for, nor—in the few instances when made available to Congress—were they heeded.

The public and the Congress were stampeded into the 1967 Meat Act by a skillful and emotional exercise in publicity, but not by facts.

The Act will cost taxpayers dollars somewhere in the vicinity of $200 million annually. It requires a federal inspector to be stationed at every private meat plant in the country—a great expense that adds nothing to the consumers' protection.

In fact, the public would benefit more by increasing health education for people responsible for kitchen management in the home, restaurants and public institutions.

The Act requires states to develop meat inspection programs at least equal to that of the U.S. Department of Agriculture. The federal government will assist in financing such programs up to 50 per cent, if the funds are made available by Congress.

Under the Act, the federal government will inspect the inspectors to be sure the state programs comply with federal standards.

If any state fails to comply within two years, the U.S. Department of Agriculture may then take over.

The question can and should be raised as to why any state should establish a new program with many new positions and pay half the cost, just to run it under federal supervision. It would be much less expensive for the state government and state taxpayers to default, and allow the U.S. Department of Agriculture to operate the program.

In this way, federal taxpayers will pay the entire cost.

As matters stand now, small packers or processors, subject to state inspection, will have to meet requirements at least equal to federal standards. But if the inspection is made by the state inspector, the businessman cannot sell in interstate commerce.

If the inspection is made by the federal government, however, small packers or processors now confined to intrastate commerce will be able to successfully compete with the large multimillion-dollar giants that have been in the interstate field.

It is intriguing to contemplate why the federal government has never trusted good, efficient, state meat inspection systems. California inspected meat, for example, has not, cannot and will not, even under the new Meat Act of 1967, be permitted across state boundaries or go to a foreign country.

LITTLE INSPECTION ABROAD

However, our federal government permits foreign meats inspected by foreign personnel to travel to all 50 states, and will continue to do so. In some cases, this meat has come from countries severely burdened with endemic diseases such as brucellosis and tuberculosis. Thirty-three countries exporting meat to the United States were, up to 1968, checked on for compliance with federal standards by only six men.

Lone inspectors were present in Australia and New Zealand and required 18 months to visit each of the plants in their territories.

Such protection that was afforded the U.S. consumer certainly was cursory and could have been no better than California supervision.

Had the federal government encouraged the state meat inspection systems in the United States by providing recognition to efficient ones, and by allowing certain state-inspected meats to move freely in interstate commerce, we would not now be faced with a large-scale, expensive and useless take-over by the federal government.

INDUSTRY'S RECORD GOOD

In slaughtering and dressing meat, cleanliness and sanitation are, of course, important. In most instances, the American meat industry has a good record.

Both are also important for any other food product prepared for human use. But is the U.S. government obligated or prepared to furnish continuous on-site inspection at every single, food-processing establishment in the United States?

This, of course, is an absurdity.

It would require expenditures more astronomical even than those to which United States' taxpayers have become accustomed.

Sanitary practices, adequacy of facilities, epidemiological and microbiological surveillance can be better handled by a smaller corps of public health sanitarians making periodic, irregular, unannounced visits similar to those made to protect milk and other items of diet in the United States. These techniques have been so effective that virtually no disease outbreaks have been traced to milk or milk products in recent decades.

The precedent set in the Meat Act of 1967 is dangerous. It assumes federal authorities know more, are better equipped and have the public's interest more fully at heart than any state official. It sets the stage for further encroachment by a centralized federal bureaucracy, eliminating state responsibilities in protecting their citizens' health.

If the precedent is followed, other state programs in areas of health protection or agriculture that do not meet standards decreed by federal bureaucrats could be eliminated. This could result in clean-cut lines of administrative responsibility from one federal office in Washington to regional federal offices, covering several states and eliminating need for state officials.

A DANGEROUS PRECEDENT

Once this precedent is allowed to stand, the Justice Department may well set standards for state and local police departments. Congress could pass a law providing funds to aid states in reaching the police standards set. Washington could then take over police work in those states failing to comply within two years, as inspection can be taken over under the Meat Act. The Justice Department, regardless of state statutes and state constitutions to the contrary, would then be responsible for all police work in such states.

This Big Brother type of benevolent control is as tough to oppose as motherhood or clean meat. The argument in Congress over the right of a traveler to a hamburger that is safe to eat when he travels from state to state does not really touch on the more significant factors of human illness spread by foods. Congressmen and travelers would be better protected if states were aided in implementing educational techniques and epidemiological methods of investigation with regard to cooked foods served in restaurants, diners and other potential sources of food-borne infection. Congressmen traveling the turkey banquet circuit would be better protected if everyone knew the hazards in handling raw meats and poultry and the proper way to cook foods. Unnecessary, extensive harassment of meat-packing concerns over construction details and inspection should be tempered and weighed with the true facts of food-borne illness.

The meat and poultry industry of the United States should be commended for having produced a product excelled nowhere in the world. It would continue to produce it, without federal intervention.

Consumer food protection activities at federal and state levels should be totally re-evaluated in order to get more for the taxpayers' money. The multiplicity of inspections and crossfires to which the meat, poultry and food industries are now subject—with no concomitant benefit to human health—should be ended.

A Congressional review and investigation is needed to accomplish this properly. It cannot be done by rabble-rousing or inciting the public to gain political ends.

NEED FOR SPEEDY APPROVAL OF ANIMAL DRUGS SAYS SENATOR

LAS VEGAS, NEV.—Sen. Paul J. Fannin (R-Ariz.) today called for passage of a proposed amendment to the federal Food, Drug, and Cosmetic Act to speed approval of new animal drugs.

Sen. Fannin, in delivering the keynote address at the 28th annual meeting of the Animal Health Institute (Apr. 22–24 at the Riviera), asserted that the time lag between application and approval of new animal drugs is much too long and contributes to the annual loss of $2.8 billion in livestock and poultry due to disease, parasites, and insects.

The proposed legislation, which Sen. Fannin is co-sponsoring, retains all the safety standards necessary for the protection of public health, he said.

Under the provisions of a bill already passed by the House and pending in the Senate, food additives, non-certifiable antibiotics, and new drugs all would be processed under a new section of the act.

The manufacturer would submit an application giving complete information about safety, effectiveness, components, controls, facilities, and labeling, Sen. Fannin said. The producer also would supply a practical analytical assay method.

The federal agency involved would have 180 days to approve the new drug, deny the application, or call for additional information.

A time saving of up to five months could be made if the proposed legislation is enacted into law, Sen. Fannin said. "Here is just what we have at stake," he added.

"We can substantially reduce losses through the development of new animal drugs," the Senator continued. "If we could cut just $5 off the cost of producing a steer, farmers could save $500 million per year. Each month of delay is expensive."

Sen. Fannin took exception to what he termed today's "pervasive philosophy" that the federal government can solve all the nation's problems. "For my part," he declared, "I feel the possible judgment of history upon this era in the story of our great republic will be that the government created more problems than the people could successfully solve.

"We cannot pass laws to make men honest, or cooperative, or unprejudiced. We can set our standards and ask the citizens to abide by them, but in the final essence a country, a nation, is the product of its people, not its laws."

JOSEPH W. MARTIN, JR.

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1968

Mr. DULSKI. Mr. Speaker, our late colleague, Joseph W. Martin, Jr., of Massachusetts, was one of the most highly respected and likable men on Capitol Hill.

Although I came to Congress when the onetime Speaker of the House was stepping aside as a leader of his party in the House, I became quickly aware of the high regard in which he was held by one and all—inside and outside the Congress.

He was an outspoken partisan for the cause of his party and the issues in which he believed. But at the same time he was respectful of our two-party system of government and of the views of those who believed differently than he did. He was above all a gentleman and a friend.

The Nation, and particularly the House of Representatives, is better for his having passed our way.

HOUSE OF REPRESENTATIVES—*Monday, May 20, 1968*

The House met at 12 o'clock noon.

Father Felix Alvarez, C.M., Vincentian Fathers House of Studies, chaplain of the Cuban Crusade for the Relief and Rehabilitation, Washington, D.C., offered the following prayer:

Almighty and Eternal God, Lord of all nations and Father of all men, show Your power in favor of those who, faithful to Your word, struggle to implement in the world peace, justice, and universal brotherhood.

Help, O Lord, our Congressmen who unite their strength in creating a new society, a free society, a society which respects the dignity of the person, a society in which individual responsible liberty is activated, and in which mutual understanding and social justice is established.

Strengthen, O Lord, the hope of those who do not presently see encouraging signs of future betterment. Reunite the Cuban people so that they may joyfully collaborate with You in the building of a new Christian society. This we ask through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 16, 1968, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on May 17, 1968, the President approved and signed a bill of the House of the following title:

H.R. 11527. An act to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest of Oklahoma, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes."

The message also announced that the Senate recedes from its amendment to the title of the foregoing bill.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11308) entitled "An act to amend the National Foundation on the Arts and the Humanities Act of 1965," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. JAVITS, and Mr. MURPHY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1558. An act to provide for the repayment of certain Federal-aid funds expended in connection with the construction of the Garden State Parkway;

S. 2837. An act to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes;

S. 3143. An act to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act; and

S. 3363. An act to designate the U.S. Customs House Building in Providence, R.I., as the "John E. Fogarty Federal Building."

OMNIBUS BILL H.R. 16187—PERMISSION TO PASS OVER FOR CONSIDERATION ON TOMORROW

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the omnibus bill H.R. 16187 to be passed over for consideration on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

BOLLING AND ANACOSTIA

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, Bolling Air Force Base and Anacostia Naval Air Station should be made available to private aviation and chartered flights.

Anacostia and Bolling fields are but a short distance from downtown Washington. They are only a few moments from the House and Senate Office Buildings and most departments and agencies of the Federal Government.

With every passing day, more businessmen and taxpaying American citizens have business with their Congressmen, Senators, and with officials of the Federal Government here in Washington. More and more are coming here by private planes. Washington National Airport is already badly overcrowded.

Businessmen wishing to see their representatives in the Congress and officials of the Federal Government do not have the time to circle Washington for an hour before they land. They do not have time to drive the 30-odd miles often in heavy traffic from Dulles into Washington.

They deserve a convenient and prompt access to downtown Washington. Utilization of Bolling and Anacostia is the logical answer. Use of these splendid and ideally located facilities would free needed runways at National Airport for commercial planes and would, I believe, lessen the increasing hazards at National and Dulles.

Bolling and Anacostia could be immediately available. These excellent facilities are scarcely being used today. Thus, I am today introducing a resolution which expresses the sense of the House that the President should direct the Secretary of Defense to enter into a leasing agreement with the Secretary of Transportation to operate the runways, taxiways, hangars, parking aprons, and other related facilities at both Bolling and Anacostia for general aviation purposes.

FOOD STAMP PROGRAM

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to join my colleague, the distinguished lady from Missouri, the Honorable LEONOR K. SULLIVAN, in cosponsoring legislation expanding the food stamp program so that we can more effectively combat the problem of malnutrition in this country. As one of the sponsors of the original food stamp legislation, I have a long-standing interest in the program. And I want to see it work as it should. The bill is simple and its purpose sound. It removes the authorization ceiling of the food stamp program and provides for an open-ended authorization for the 1969 and three subsequent fiscal years.

The need for this bill is critical. Despite the $225 million authorized for the new fiscal year, of which the House recently appropriated the full amount, we are faced with the fact that an additional 100 counties which have formally requested designation will be unable to participate in the food stamp program, unless the authorization ceiling is raised or removed. The President has recognized this need and has requested an additional $20 million for fiscal year 1969.

Since the 1964 Food Stamp Act was enacted and started as a pilot program in eight counties, it has grown to where nearly 1,000 counties participate now, with an additional 389 counties designated for inclusion. Unless adequate funds are found, however, the salutary effects of the program in meeting the nutritional needs of many families will be lost.

The sound principles of the program are clearly recognized. At an average cost to the Government of $6.20 per month per person, low-income families are assured of adequate diets. Those families, in turn, contribute to their own well-being by meeting the remaining two-thirds of the cost.

Recent disclosures about the extent of malnutrition in this country indicate much more needs to be done. The food stamp program has proven its worth. It is a humane, effective response to those in need. It should be expanded so that it will work as intended.

CONGRESSMAN PELLY URGES END OF EXPENDITURE CUT IMPASSE

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, as of today the conference report on H.R. 15414, to adopt a 10-percent income surcharge, with a spending limitation for fiscal year 1969, reducing the expenditures by $6 billion, would not pass. In fact, I would think it would be badly defeated. Opposition by groups that would be adversely affected by curtailment of programs under a $6-million expenditure cut is such I feel certain as to doom the adoption of the Revenue and Expenditure Control Act of 1968.

Likewise, my best guess would be, after discusion with many of my colleagues on both sides of the aisle, that this measure would not fare any better if the level of expenditures were reduced $4 billion. Some Members of the House will not vote for the $6 billion cut, and others will not support the $4 billion cut agreed to by the President.

Mr. Speaker, I tremble to contemplate what the repercussions will be if this measure comes up and is defeated. Such an adverse vote could cause a world financial upheaval and could well set off another international rush to convert foreign dollars into gold. It could cause panic on the world monetary markets and do great violence to our economy here at home.

As of now, judging from the talks I have had with other Members, this report, as agreed to by the House-Senate conference, is doomed.

Mr. Speaker, the national interest is at stake. There must be a compromise. The impasse must be broken.

MILITANTS PLAN TO EXPLOIT SO-CALLED POOR PEOPLE'S CAMPAIGN AND COMMUNISTS' INVOLVEMENT

Mr. WATSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Speaker, just a few moments ago I asked for a special order for one-half hour for tomorrow. I take this time now to apprise my colleagues of the nature of that discussion.

We all recall that a few days ago a Member, or Members, of the other body alluded to the fact that militants planned to exploit the so-called Poor People's Campaign now being conducted in the Nation's Capital. At that time they were called upon to give specifics. Such specifics have not been forthcoming.

Tomorrow I shall give specifics concerning this matter, especially the Communists' involvement. I shall name names. I shall give the date and place of at least one meeting that was held, at which time the Communists were directly involved both in the planning and in the implementation of this campaign.

I believe the American people should have this information. I hope that my colleagues will see fit to be present. At that time I will be happy for anyone to contribute to the discussion and to answer any questions anyone might like to pose concerning the authenticity of the information which I shall reveal to the House tomorrow.

ANNOUNCEMENT OF MEETING BY HOUSE REPUBLICAN URBAN AFFAIRS TASK FORCE ON MAJOR PROBLEMS CONFRONTING URBAN AMERICA

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to announce that the House Republican urban affairs task force will hold the ninth in a series of meetings tomorrow, May 21, on a major problems confronting urban America. This meeting, to be held in H. 202, will feature two representatives of the National Association of Manufacturers, Wright Elliott and Harding Williams, who will discuss "Job Matching Programs and Unemployment."

The National Association of Manufacturers has undertaken an ambitious project utilizing computers to match unemployed persons with available jobs. Mr. Elliott and Mr. Williams will describe the manner in which their computer placement program works at tomorrow's meeting.

Under the leadership of Congressman WILLIAM COWGER, the urban affairs task force has had several outstanding urban experts appear before the task force. Among them have been mayor of New York City, John Lindsay; a commissioner from the Equal Employment Opportunity Commission, Sam Jackson; a group of real estate and investment bankers from New York City who are interested in ghetto business development; and a representative from a national Negro industrial organization, Bobby Mitchell, who is also a member of the Washington Redskins.

The hearings being conducted by the urban affairs task force are a follow-through effort on the Republican-sponsored "Human Renewal Fund" which would reorder our national priorities through deferring $6.6 billion in low-priority Federal expenditures and by plowing back $2.5 billion of the savings into high priority urban and human programs.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 17324, TO EXTEND AND AMEND THE RENEGOTIATION ACT OF 1951

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight, May 20, 1968, to file a report on the bill H.R. 17324, to extend and amend the Renegotiation Act of 1951, along with any separate and/or supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR SELECT COMMITTEE ON SMALL BUSINESS TO SIT TODAY AND TOMORROW DURING GENERAL DEBATE

Mr. BOGGS. Mr. Speaker, at the request of the gentleman from Tennessee [Mr. EVINS] I ask unanimous consent that the Select Committee on Small

Business may be permitted to sit during general debate today and tomorrow.

The SPEAKER. Is these objection to the request of the gentleman from Louisiana?

There was no objection.

TAX SURCHARGE AND SPENDING CUTS

Mr. HANNA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, I take this opportunity to speak for just a short while about this very important matter of our tax bill and some cuts in spending. I think there has probably been no time at which the Congress had before it a greater compulsion to duty than we now have with regard to the tax bill. I suggest to my colleagues that there are two things happening that should not escape their attention. The first is the present level of interest rates and the increase in the interest rates indicate that more and more of the wealth of this country is going to be spent on debt service and therefore will not play a dynamic role in our economy. It will not be turning over in the manner in which jobs are created and new facilities are made, which is all a part of the growth of America.

The other thing is that imports are coming in at a level which will increase. These imports are attacking the very job structure of America. No country in the world, including America, can have an increase in inflation and avoid imports. This is a challenge to American labor in the United States to support a tax increase or else they are going to face the prospect of having less jobs to offer to Americans who are now coming on the job market.

Mr. Speaker, this is a very serious matter. I hope and trust that there will be no delay in bringing the tax bill to this floor so that we can do for our country that which is required of us.

DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16409) to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, in the table following line 2, strike out

"Class 1	$28,000								"

and insert:

"Class 1	$29,000								"

Page 2, in the table following line 2, strike out

"Class 2	24,000								"

and insert:

"Class 2	25,000								"

Page 4, in the table following line 2, strike out

"Class 1	$28,000								"

and insert:

"Class 1	$30,000								"

Page 4, in the table following line 2, strike out

"Class 2	24,000								"

and insert:

"Class 2	26,000								"

Page 11, line 4, strike out "1 teacher" and insert "3 teachers".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman give us a brief explanation of the amendments?

Mr. WHITENER. If the gentleman will yield, I will state to him that this bill is almost identical to the bill passed in the House on April 22, with the exception of one provision relating to the so-called strike of the teachers, and the fixing of salaries for the superintendent of education and his deputies.

We provided in the House bill that no more than 5 percent of the teachers may have leave from school for nonemergency purposes on any particular day. This has been changed to provide that no more than three teachers from any school would be able to obtain leave for nonemergency purposes from any schools, because some of the schools with the 5-percent provision contained therein only would be able to give leave to one teacher. Therefore, it would work a hardship. So, we supported the new provision whereby up to three teachers in a school may have leave.

Further, the House bill provided for a salary to the Superintendent of $28,000, and that is now $29,000 under the Senate amendment. And, it provided in the House bill that the Deputy Superintendents would receive a salary of $24,000; whereas, the Senate amendment is $25,000. Those are the only changes.

H.R. 16409 passed the House on April 22, by a rollcall vote of 225 to 32, providing marked increases in the pay of teachers and school officers of the District of Columbia. It was amended and passed by the Senate on May 13 to include certain amendments agreed upon by the conferees of the House and Senate during their consideration of H.R. 15131, the police and firemen's pay bill—which had also included teacher's pay legislation added in the Senate. The House Committee on the District of Columbia concurs in the Senate amendments.

PURPOSE OF BILL

H.R. 16409, in the first schedule provides a starting salary of $6,400 per annum—and maximum of $10,800—for teachers with B.A. degrees. This increase, effective October 1, 1967, was that originally recommended by the Commissioners of the District of Columbia. It represents an 8.3-percent increase for such teachers over their present starting salary of $5,840. The estimated cost of this increase is $5.7 million per year, or $5 million for that part of fiscal year 1968 retroactive to October 1, 1967.

The second schedule provides a starting salary of $7,000—maximum $12,040—for teachers with B.A. degrees. It represents a 19.2 percent increase for such teachers over their present starting salary of $5,840. This schedule, effective July 1, 1968, will cost an estimated $13 million per year.

The present annual budget for teachers' salaries in the District of Columbia is $64.5 million.

The increased pay provided teachers and school officers in the reported bill continues District of Columbia teachers in first place among pay raises since 1954 to employees of the District of Columbia government giving the teachers a total pay increase since 1954 of 82.8 percent.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislation just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PAY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN—CONFERENCE REPORT

Mr. WHITENER. Mr. Speaker, I call up the conference report on the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman if there are copies of the conference report and the statement of the managers on the part of the House available? We do not seem to get any of them here at the minority desk.

Mr. WHITENER. If the gentleman will yield, I will say to the gentleman that the report has been available for several days. I have one here if it will be of any assistance to the distinguished gentleman from Missouri.

Mr. HALL. May I ask the distinguished gentleman if there is any great change in the bill as it passed the House, and were added by the other body are germane?

Mr. WHITENER. Mr. Speaker, if the gentleman will yield, I will say to the gentleman that there are no amendments which are not germane. There is a substantial change over the action taken by the House in the retroactive pay amendment for firemen which was contained in the House bill which has been reduced from $8,000 annual rate to $7,800 annual rate retroactive to October of last year.

We had hoped that we could maintain the level of retroactive pay for police and firemen at the House levels, but we were not able to do that.

There are other amendments with reference to the certain Deputy Chiefs who exercise certain executive responsibilities in a rather significant way for whom the House bill provided. The other body whether or not the amendments that deprived these Deputy Chiefs of the increases which we had hoped they could get upon their retirement.

Mr. HALL. Mr. Speaker, I thank the gentleman for his clarification.

Mr. WHITENER. I believe that is substantially the only difference.

Mr. HALL. I would say to the gentleman that I now have a copy of the statement of the managers on the part of the House, although none are available at the minority desk. I have read them hastily and they confirm the gentleman's statement and indicate the bill has been improved.

Mr. Speaker, I withdraw my reservation of objection to the unanimous-consent request.

The **SPEAKER.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1394)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following: "That (a) effective on the first day of the first pay period beginning on or after October 1, 1967, the salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

" 'SALARY SCHEDULE

" 'Salary class and title	Service step						Longevity step		
	1	2	3		5	6	A	B	C
Class 1:									
Subclass (a)	$7,800	$8,040	$8,280	$8,520	$8,844	$9,168	$9,492	$9,816	$10,140
Fire private.									
Police private.									
Subclass (b)	8,090	8,330	8,570	8,810	9,134	9,458	9,782	10,106	10,430
Private assigned as:									
Technician I.									
Plainclothesman.									
Subclass (c)	8,380	8,620	8,860	9,100	9,424	9,748	10,072	10,396	10,720
Private assigned as:									
Technician II.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a)	8,844	9,168	9,492	9,816			10,140	10,464	10,788
Fire inspector.									
Subclass (b)	9,134	9,458	9,782	10,106			10,430	10,754	11,078
Fire inspector assigned as technician I.									
Subclass (c)	9,424	9,748	10,072	10,396			10,720	11,044	11,368
Fire inspector assigned as technician II.									
Class 3:									
Assistant marine engineer	9,458	9,782	10,106	10,430			10,754	11,078	11,402
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a)	9,745	10,069	10,393	10,717			11,041	11,365	11,689
Fire sergeant.									
Police sergeant.									
Subclass (b)	10,325	10,649	10,973	11,297			11,621	11,945	12,269
Detective sergeant.									
Subclass (c)	10,419	10,743	11,067	11,391			11,715	12,039	12,363
Police sergeant assigned as motorcycle officer.									
Class 5	11,506	11,934	12,362	12,790			13,218	13,646	
Fire lieutenant.									
Police lieutenant.									
Class 6	12,577	13,005	13,433	13,861			14,289	14,717	
Marine engineer.									
Pilot.									
Class 7	13,647	14,182	14,717	15,252			15,787	16,322	
Fire captain.									
Police captain.									
Class 8	15,792	16,327	16,862	17,397			17,932	18,467	
Battalion fire chief.									
Police inspector.									
Class 9:									
Subclass (a)	18,469	19,004	19,539	20,074			20,609	21,144	
Deputy Fire Chief.									
Deputy Chief of Police.									
Subclass (b)	19,540	20,075	20,610	21,145			21,680	22,215	
Assistant Fire Chief.									
Assistant Chief of Police.									
Commanding officer of the White House Police.									
Commanding officer of the U.S. Park Police.									
Class 10	23,800	24,335	24,870	25,405					
Fire Chief.									
Chief of Police."									

"(b) Effective on the first day of the first pay period beginning on or after July 1, 1968, such salary schedule is amended to read as follows:

"'SALARY SCHEDULE

"'Salary class and title	Service step						Longevity step increases		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a) Fire private. Police private.	$8,000	$8,200	$8,400	$8,600	$8,940	$9,280	$9,620	$9,960	$10,300
Subclass (b) Private assigned as: Technician I. Plainsclothesman.	8,290	8,490	8,690	8,890	9,230	9,570	9,910	10,250	10,590
Subclass (c) Private assigned as: Technician II. Station clerk. Motorcycle officer.	8,580	8,780	8,980	9,180	9,520	9,860	10,200	10,540	10,880
Class 2:									
Subclass (a) Fire inspector.	8,940	9,280	9,620	9,960			10,300	10,640	10,980
Subclass (b) Fire inspector assigned as technician I.	9,230	9,570	9,910	10,250			10,590	10,930	11,270
Subclass (c) Fire inspector assigned as technician II.	9,520	9,860	10,200	10,540			10,880	11,220	11,560
Class 3:									
Assistant marine engineer Assistant pilot. Detective.	9,570	9,910	10,250	10,590			10,930	11,270	11,610
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	10,175	10,515	10,855	11,195			11,535	11,875	12,215
Subclass (b) Detective sergeant.	10,485	10,825	11,165	11,505			11,845	12,185	12,525
Subclass (c) Police sergeant assigned as motorcycle officer.	10,555	10,895	11,235	11,575			11,915	12,255	12,595
Class 5 Fire lieutenant. Police lieutenant.	11,710	12,138	12,566	12,994			13,422	13,850	
Class 6 Marine engineer. Pilot.	12,781	13,209	13,637	14,065			14,493	14,921	
Class 7 Fire captain. Police captain.	13,852	14,387	14,922	15,457			15,992	16,527	
Class 8 Battalion fire chief. Police inspector.	15,994	16,529	17,064	17,599			18,134	18,669	
Class 9:									
Subclass (a) Deputy Fire Chief. Deputy Chief of Police.	18,671	19,206	19,741	20,276			20,811	21,346	
Subclass (b) Assistant Chief of Police. Assistant Fire Chief. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.	19,742	20,277	20,812	21,347			21,882	22,417	
Class 10 Fire Chief. Chief of Police.'	24,000	24,535	25,070	25,605					

"SEC. 2. (a) The rates of basic compensation of officers and members to whom the amendments made by the first section of this Act apply shall be adjusted as follows:

"(1) Except as otherwise provided in subsection (b) of this section, each officer and member receiving basic compensation immediately prior to the first day of the first pay period which begins on or after October 1, 1967, at one of the scheduled service or longevity rates of a salary class or subclass of a salary class in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (hereafter in this section referred to as the "salary schedule") shall receive a rate of basic compensation at the corresponding rate in effect on such day.

"(2) Each officer and member receiving basic compensation immediately prior to the first day of the first pay period which begins on or after July 1, 1968, at one of the scheduled service or longevity rates of a salary class or subclass of a salary class in the salary schedule shall receive a rate of basic compensation at the corresponding rate in effect on such day.

"(b) Initial advancement to longevity steps shall be made, as of the effective date of this Act, in the following manner:

"(1) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 10 but less than 13 years of service as a private shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

"(2) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 13 but less than 16 years of service as a private shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

"(3) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 16 years of service as a private shall be advanced to longevity step C in such salary class.

"(4) An officer or member who was serving in service step 4 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

"(5) An officer or member who was serving in longevity step 7 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

"(6) An officer or member who was serving in longevity step 8 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step C in such salary class.

"(7) An officer or member who was serving in service step 4 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

"(8) An officer or member who was serving in longevity step 7 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class.
Each such officer or member shall receive the appropriate scheduled rate of basic compensation for the longevity step to which he was advanced under this subsection. In computing the service of an officer or member for purposes of this subsection, only periods of satisfactory service as an officer or member and periods of satisfactory service in the Armed Forces of the United States shall be included.

"Sec. 3. Section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) is amended to read as follows:

" 'Sec. 401. (a) In recognition of long and faithful service, each officer and member, except the Chief of Police and Fire Chief, shall receive an amount (to be known as a longevity step increase) in addition to the rate of compensation prescribed in the salary schedule in section 101 for the maximum scheduled service step in the subclass of the salary class in which he is serving, or for the salary class in which he is serving if there are no subclasses in his salary class, for each 156 calendar weeks of continuous service completed by him following the effective date of this subsection at such maximum rate or at a rate in excess thereof, without change to a higher salary class, subject to all of the following conditions:

" '(1) No officer or member shall receive more than one longevity step increase for any 156 calendar weeks of continuing service, and in order to be eligible therefor he shall have a current performance rating of "satisfactory" or better.

" '(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

" '(3) In the case of officers or members serving in salary class 1, each longevity step increase shall be equal to the increment between service step 4 and service step 5. In the case of officers or members serving in the other salary classes, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving.

" '(4) Each longevity step increase shall begin on the first day of the first pay period following completion of each 156 weeks.'

"Sec. 4. The Commissioner of the District of Columbia (or his delegate) may not as a part of any reorganization of the Metropolitan Police force or through any other administrative action

"(1) change the title of the positions of Detective and Detective Sergeant in salary classes 3 and 4, respectively, of the salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823),

"(2) change the job description or duties of such positions as in effect on the effective date of this Act, or

"(3) deny any individual serving in the position of Detective on the effective date of this Act reasonable opportunities to advance to the position of Detective Sergeant, or transfer such individual without his consent to any other position,
so long as any individual serving in the position of Detective on the effective date of this Act is serving in such position.

"Sec. 5. Any officer or member of the Metropolitan Police force, the White House Police force, the United States Park Police force, or the Fire Department of the District of Columbia who—

"(1) successfully completed a written examination required for promotion to a position in such force or Department,

"(2) was placed on a list of individuals eligible for a permanent promotion to such position,

"(3) was assigned to serve in such position on an "acting" basis, and

"(4) on January 1, 1968, had served at least 5 years in such position on such basis,
shall be given a permanent promotion, as of the effective date of this Act, to such position without the administration of any other written examination.

"Sec. 6. The second paragraph under the center heading 'METROPOLITAN POLICE' in the first section of the Act of August 31, 1918 (D.C. Code, sec. 4-105), is amended to read as follows:

" 'No person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement, and pension in accordance with existing law. If at any time during the period of probation, the conduct or capacity of the probationer is determined by the Commissioner of the District of Columbia, or his designated agent, to be unsatisfactory, the probationer shall be separated from the service after advance written notification of the reasons for and the effective date of the separation. The retention of the probationer in the service after satisfactory completion of the probationary period shall be equivalent to a permanent appointment therein.'

"Sec. 7. (a) Retroactive compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

"(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

"Sec. 8. For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of enactment of this Act.

"Sec. 9. (a) Except as provided in subsection (b) of the first section of this Act and in subsection (b) of this section, the effective date of this Act and the amendments made by this Act shall be the first day of the first pay period beginning on or after October 1, 1967.

"(b) The effective date of the amendment made by section 6 of this Act shall be the date of the enactment of this Act.

"Sec. 10. This Act may be cited as the 'District of Columbia Police and Firemen's Salary Act Amendments of 1968'."

And the Senate agree to the same.

John L. McMillan,
Basil L. Whitener,
Bernie Sisk,
Don Fuqua,
Ancher Nelsen,
William H. Harsha,
Joel T. Broyhill,
Managers on the Part of the House.
Wm. B. Spong,
Wayne Morse,
Thruston B. Morton,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

SALARY SCHEDULES

The House bill provided a one-step salary increase for police and firemen in the District of Columbia to be effective October 1, 1967. Such salary increase would have provided a starting salary for police and fire privates of $8,000 and would have provided an average increase for all policemen and firemen of 19 percent.

The Senate amendment provided the same amount of increase for police and firemen, except that such increase was to become effective in two steps. The first step would have been effective October 1, 1967, with starting salaries for police and fire privates of $7,500. The second step with rates the same as in the House bill would have been effective July 1, 1968.

The conference substitute adopts the two-step salary increase for police and firemen provided in the Senate amendment, except that the first step will provide a starting salary for police and fire privates of $7,800 and proportionate increases for all other police and firemen.

EXTRA PAY FOR DEPUTY CHIEF ASSIGNED AS EXECUTIVE OFFICER OF THE POLICE DEPARTMENT

The House bill provided an extra $500 of salary for the incumbent Deputy Chief who is also assigned as the executive officer of the Police Department. This dual capacity is to be abolished when the incumbent retires. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

ADVANCEMENT OF OFFICERS WITH 30 YEARS' SERVICE TO TOP OF SALARY SCALE

The House bill provided that all officers in salary classes 8 and 9 (battalion fire chief, police inspector, deputy fire and police chiefs, assistant fire and police chiefs, commanding officer of the White House Police, and commanding officer of the United States Park Police) with 30 years of continuous service would be advanced to the top step in their salary class. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

DISMISSAL OF A POLICE PRIVATE DURING HIS YEAR OF PROBATIONARY SERVICE

The Senate amendment contained a provision not in the House bill which would allow the District of Columbia Commissioner (or his agent) to dismiss a probationary policeman for unsatisfactory conduct or capacity at any time during the probationary year. Present law requires that a police private must be retained for the full probationary year unless formal charges are brought against him before a police trial board. The present procedure is inconsistent with that applicable to probationary firemen and all other District employees, who are subject to dismissal for unsatisfactory performance at any time during the probationary year. The conference substitute contains the Senate provision.

SALARY INCREASES FOR TEACHERS AND SCHOOL OFFICERS

The Senate amendment contained a provision not in the House bill providing salary increases for teachers and school officers in the District of Columbia public school system. The House has passed a bill (H.R. 16409) providing identical increases for teachers, and the Senate has passed that bill with amendments agreed upon during the meeting of the conferees on H.R. 15131. Thus, the conference substitute does not contain any provision for salary increases for teachers and school officers.

JOHN L. MCMILLAN,
BASIL WHITENER,
BERNIE SISK,
DON FUQUA,
ANCHER NELSEN,
WILLIAM H. HARSHA,
JOEL T. BROYHILL,
Managers on the Part of the House.

The SPEAKER. The Chair recognizes the gentleman from North Carolina.

Mr. WHITENER. Mr. Speaker, as the statement of the managers indicates, H.R. 15131, as passed by the House—by a record vote of 353 to 2 on February 26, 1968, provided a one-step salary increase for police and firemen in the District of Columbia to be effective October 1, 1967. Such salary increase would have provided a starting salary for police and fire privates of $8,000 over $6,700 in present law, an increase of 19.4 percent as to them, and would have provided an average increase for all policemen and firemen of 10.1 percent.

The Senate amendment provided the same amount of increase for police and firemen, except that such increase was to become effective in two steps. The first step would have been effective October 1, 1967, with starting salaries for police and fire privates of $7,500. The second step, with rates the same as in the House bill, would have been effective July 1, 1968.

The conference substitute adopts the two-step salary increase for police and firemen provided in the Senate amendment, except that the first step will provide a starting salary for police and fire privates of $7,800, and proportionate increases for all other police and firemen.

The other matters of agreement in conference I feel are self-explanatory and require no specific delineation.

Mr. Speaker, I move the previous question on the conference report.

Mr. GUDE. Mr. Speaker, I would like to express my appreciation of the fact that the House and Senate have worked out their differences and substantially increased policemen and firemen's salaries for the District of Columbia. It is high time this be done. The District policemen and firemen deserve our support and must have decent salaries. I am disappointed that the Senate felt it necessary to cut back even minimally the increases passed by the House, in the retroactive pay increases. However, I believe that the conference report should be passed at this time, so that the police and firemen will receive their increases without further delay.

There were provisions in this legislation of which I was a cosponsor, as originally considered by the House, that should not have been eliminated. These provisions, providing educational and recruitment incentives for police and firemen, were taken out of the bill by the House District Committee. They were also debated on the House floor. Although they did not pass, no one has come up with any valid argument against the proposals which would move us further toward our goal of the best in modern professional police force. It is obvious that in order to have such a force, incentives must be provided for policemen to acquire higher education in law enforcement.

The maintenance of law and order in today's society is a highly demanding and complex nature. Modern professional policework is needed to cope with these problems. Education in the field of law enforcement must be encouraged in order to provide the policeman with the necessary tools and techniques to combat the rising crime rate. To quote the executive director of the International Association of Chiefs of Police, Quinn Tamm:

> In the long run, we can only hope to improve the quality of the Nation's police through educational programs designed to meet the needs of modern law enforcement.

I strongly urge that the conference report be passed today. However, I would also urge that provisions to provide educational and recruitment incentives be acted on with deliberate speed. We must press for every opportunity to increase the skill and professional excellence of our law enforcement and fire safety authorities.

Mr. WHITENER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks in the RECORD on the conference report just agreed to by the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS—APPROVAL OF PUBLIC BUILDING PROJECTS

The SPEAKER laid before the House the following message from the chairman of the Committee on Public Works; which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WOBKS,
HOUSE OF REPRESENTATIVES,
Washington, D.C. May 13, 1968.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on May 7, 1968, approved the following public building projects for construction, alteration, and purchase:

PROJECT REVISIONS

Van Nuys, California, Post Office & Vehicle Maintenance Facility.

Jacksonville, Florida, Post Office & Vehicle Maintenance Facility.

Covington, Kentucky, Treasury-Regional Service Center.

Andover, Massachusetts, Treasury-Regional Service Center.

Charlotte, North Carolina, Post Office & Vehicle Maintenance Facility.

Mansfield, Ohio. Post Office & Fed. Office Bldg.

Ogden, Utah, Treasury-Regional Service Center.

Total, 7 projects.

POSTAL PUBLIC BUILDINGS

Fresno, California.
Riverside, California.
Pensacola, Florida.
Chicago, Illinois (South Suburban).
Chicago, Illinois (North Suburban).
East St. Louis, Illinois.
Gary, Indiana.
South Bend, Indiana.
Kansas City, Missouri.
Albuquerque, New Mexico.
Brooklyn, New York.
Youngstown, Ohio.
Pittsburgh, Pennsylvania.
Memphis, Tennessee.
Dallas, Texas.
Salt Lake City, Utah.
Northern Virginia, Virginia.
Tacoma, Washington.
Madison, Wisconsin.
San Diego, California.
New York, New York (Murray Hill Sta.).

PURCHASES

Flint, Michigan.
Philadelphia, Pennsylvania.

NOTE.—All of the above buildings are Post Office and Vehicle Maintenance Facilities except for the following:

Memphis, Tennessee—Postal facility only.

Chicago, Ill. (South Suburban)—Postal facility only.

San Diego, Calif.—Postal facility, Courthouse, Federal Office Bldg. and Parking Facility.

Madison, Wisconsin—Postal facility, Federal Office Bldg., and Post Office and Courthouse (Alteration).

Philadelphia, Pennsylvania—Post Office Garage (Acquisition).

Total—23 Projects.

PROJECTS FOR NEW CONSTRUCTION

Fayetteville, Arkansas, Courthouse, FOB.
Sandpoint, Idaho, FOB.
Iowa City, Iowa, Post Office, FOB.
New Orleans, La., Courthouse, FOB.
New Bedford, Mass., Post Office, FOB.
Ann Arbor, Michigan, FOB.
Hattiesburg, Miss., Courthouse, FOB.

Auburn, New York, Post Office, Courthouse, FOB.

Hempstead, New York, (1) Post Office, (2) FOB.

Eugene, Oregon, Courthouse, FOB.

Williamsport, Pennsylvania, Post Office, Courthouse, FOB.

Aberdeen, South Dakota, (1) Post Office, (2) FOB.

Midland, Texas, Post Office, FOB.

Elkins, West Virginia, Post Office, Courthouse, FOB.

Total—16 Projects.

ALTERATION PROJECTS

South San Francisco, Calif., Federal Supply Warehouse.

Jacksonville, Florida, Post Office, Courthouse.

Chicago, Illinois, FOB, Courthouse.

Kansas City, Missouri, FOB-911 Walnut.

Kansas City, Missouri, 2306 E. Bannister Road-FOB.

Brooklyn, New York, FOB-29th and Third Ave.

Staten Island, New York, Post Office.

Pittsburgh, Pennsylvania, Post Office, Courthouse.

Aberdeen, South Dakota, Post Office, Courthouse.

Milwaukee, Wisconsin, Post Office, Courthouse.

Washington, D.C., Courthouse.

Washington, D.C., GSA Regional Office Bldg.

Total—12 projects.

REPORTS OF BUILDING PROJECT SURVEYS

Santa Ana, California, FOB.

Winston-Salem, North Carolina, FOB.

Huron, South Dakota, Post Office, FOB.

Mt. Vernon, Illinois, FOB.

Total—4 projects.

Total Projects Approved—62.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

SECOND ANNUAL REPORT ON THE OPERATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I am pleased to transmit to the Congress the second annual report on the operation of the Automotive Products Trade Act of 1965. By this Act Congress authorized implementation of the United States-Canada Automotive Products Agreement.

The Agreement was designed to create a broader U.S.-Canadian market for automotive products to obtain for both countries and both industries the benefits of specialization and large-scale production. We have moved far toward this goal.

Automotive trade between the United States and Canada was $730 million in 1964, the year before the Agreement went into force. Trade in 1967 was over $3.3 billion. The Agreement has also stimulated increased trade in allied products.

Industry, labor and consumers in both countries continue to benefit from this growth in commerce and from the increased efficiency made possible by the Agreement. It is dramatic proof of what can be accomplished when friends and neighbors choose the path of cooperation.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 17, 1968.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

FARM CREDIT ADMINISTRATION AMENDMENTS

The Clerk called the bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

TEMPORARY FUNDING OF THE EMERGENCY CREDIT REVOLVING FUND

The Clerk called the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the emergency credit revolving fund.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASH.

The Clerk called the bill (H.R. 859) for the relief of Public Utility District No. 1 of Klickitat County, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask a question or two of someone who is conversant with the subject matter of the bill. Who gets the benefit of this utility district that has been created?

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, would the gentleman kindly repeat his question. I am not sure that I heard the last part of the question.

Mr. GROSS. The question is: Who gets the benefit of the utility district that was created by virtue of the installation of the lock and dam?

Mrs. MAY. The residents of the city. The sewage and water system is created for them under the public health law of the State of Washington.

Mr. GROSS. No, who gets the benefit of the utility district that was created?

Mrs. MAY. The public utility district has always been there. It has been there for many years.

Mr. GROSS. But the problem arises out of the dam and lock which was installed; is that not true?

Mrs. MAY. I would say the entire Northwest and industry and the United States of America would benefit.

Mr. GROSS. The United States of America?

Mrs. MAY. Yes.

Mr. GROSS. You would not say that the taxpayers of Iowa get very much direct benefit; would you?

Mrs. MAY. I would, sir. I think any power project that develops any part of our natural resources of our region does benefit the Nation as a whole.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HUNGATE. I think the gentleman has made a point. But I think it is a matter that might very well arise in Iowa. I am sure it could in Missouri.

This land was condemned and paid for and the people were forced to move the sewer system. Their sewer system met the existing standards, as an existing sewer system under the grandfather clause. When they moved, they had to meet the standards and now I understand that causes an additional expense.

Mr. GROSS. I will say to the gentleman that I understand perfectly the predicament of these comparatively few people who have been moved out and who are sought to be reestablished. But along the line somebody was shortsighted in that they did not make proper provision when they moved them out and relocated them. I do not understand that failure. Why are you now coming to the taxpayers through a forgiveness procedure to take care of this? Why was this not considered when this utility district was established? This is a question that in my opinion needs to be answered. It is a matter of principle. I feel sorry for these people and I want to help them, but I do not want to see this repeated. I think the obligation is upon those who created the utility district and upon those who gain the benefit from the district to take care of these people.

Mr. HUNGATE. I think the gentleman makes a good point. It would have been well if someone had foreseen the fact that in relocating this to establish a fund for a Cadillac sewer system instead of a Model T sewer system, but that did not happen.

These relatively few people are victims so far as I know. They did not seek the new project. They did not want to move the town and I think in behalf of the United States, this is the least we can do.

Mr. GROSS. So far as the burden of this is concerned, I do not know how they are going to pay for the maintenance of the water and sewage system they now have.

Mr. HUNGATE. I think what we are simply concerned with is at least leaving them as well off as we found them. We are not adopting them—we do not guarantee their future—that is their own problem.

Mr. GROSS. When you say "we," if you want to be part of that "we" all right. But I want to be left out of this "we." I do not know that I had a thing to do with creating this project and subsequent problem. It is the people out there who are getting the benefit of this—not your people in Missouri nor my people in Iowa—despite what may be said here on the floor. They are getting the direct benefit of this utility district, not my people and not your people.

Mr. HUNGATE. The benefits we are conferring here are the same as those you confer when someone has had his leg broken and you set it for him. We are really not financing these people at all. We are trying to make them whole again. When I say "we" I speak not only for myself but I am sure I speak for more Members of this Congress, and most of them I think, who are men of stature in this Congress who would like to do something when they see a situation of injustice like this in the country and the situation has to be alleviated.

Mr. GROSS. I do not want anyone penalized because of an injustice, and the gentleman has referred to an injustice in which I had no part.

Mr. HUNGATE. I have not meant by this statement anything by which I would intend to infer that he had any part in the origin of this—I would not do that.

Mr. GROSS. The gentleman from Missouri should know that a Member of Congress cannot exactly acquit himself in some of these situations in which mistakes are made by wrapping the flag around himself and saying that out of compassion for my brother I will run to the U.S. Treasury and attempt to rectify the error or injustice by spending money. I do not buy that, and I want the record to clearly show that I do not buy it. Those in Government who make the mistakes ought to be held to account.

Mr. HUNGATE. I think the record will reveal that the gentleman does not buy it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Public Utility District Numbered 1 of Klickitat County, Washington, the sum of $31,000. Such sum represents payment for amounts expended by the district to construct a sewer and water system for the unincorporated city of Roosevelt, Washington, which was relocated because of the inundation of the original townsite by waters of the reservoir created by the construction of the John Day lock and dam project of the Department of the Army.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOOD RIVER COUNTY, OREG.

The Clerk called the bill (H.R. 3165) for the relief of Hood River County, Oreg.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR THE REAPPOINTMENT OF DR. CRAWFORD H. GREENEWALT AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the joint resolution (S.J. Res. 142) to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Clerk read the joint resolution, as follows:

S.J. RES. 142

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor Crawford H. Greenewalt, of Wilmington, Delaware, on April 6, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

(Mr. JONES of Missouri asked and was given permission to extend his remarks at this point in the Record.)

Mr. JONES of Missouri. Mr. Speaker, the Board of Regents, pursuant to 20 United States Code 42, is composed of the Vice President, the Chief Justice, three Senators, three Members of the House, and six citizens other than Members of Congress. The Citizen Regents are appointed by joint resolution of Congress for 6-year terms.

The three Citizen Regents involved in the joint resolutions have served prior terms on the Board of Regents. They serve without salary but are reimbursed travel expenses when attending meetings.

The Smithsonian Institution fully supports reappointment. The joint resolutions have passed the Senate, and were reported unanimously from the House Administration Committee. There is no opposition to these reappointments.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE REAPPOINTMENT OF DR. CARYL P. HASKINS AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the joint resolution (S.J. Res. 143) to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Clerk read the joint resolution, as follows:

S.J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor. Caryl P. Haskins, of Washington, District of Columbia, on April 6, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE REAPPOINTMENT OF DR. WILLIAM A. M. BURDEN AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the joint resolution (S.J. Res. 144) to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Clerk read the joint resolution, as follows:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor William A. M. Burden, of New York, New York, on July 2, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE FEDERAL VOTING ASSISTANCE ACT OF 1955 SO AS TO RECOMMEND TO THE SEVERAL STATES THAT ITS ABSENTEE REGISTRATION AND VOTING PROCEDURES BE EXTENDED TO ALL CITIZENS TEMPORARILY RESIDING ABROAD

The Clerk called the bill (H.R. 8176) to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone who has further information on this bill whether the objections of the Justice Department were met. I notice in the report that Deputy Attorney General Christopher takes exception to certain provisions.

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman from South Carolina.

Mr. ASHMORE. The preference of the Justice Department was not complied with. They requested and preferred that we pass an act known as the Residency

Voting Act, which would go further and is more inclusive than the bill we have recommended here. As I recall, the Deputy Attorney General's letter, they do not object to the bill that we acted upon, but they wanted to go still further and recommend that the States make certain additional modifications in existing law.

Mr. GROSS. The Justice Department wanted to go further?

Mr. ASHMORE. Yes, and we would go no further. The committee did not wish to go that far.

Mr. GROSS. I appreciate the gentleman's explanation and thank him for it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 8176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171) is hereby amended by striking out subsections (3) and (4) and inserting in lieu thereof a new subsection (3) as follows:

"(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them."

SEC. 2. Section 204(b) of the Act (5 U.S.C. 2184(b)), is hereby amended by striking out subparagraphs 3 (c), (d), (e), and (f) and inserting in lieu thereof new subparagraphs 3 (c), (d), and (e) as follows:

"(c) A citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia

"(d) A spouse or dependent of a person listed in (a) or (b) above

"(e) A spouse or dependent residing with or accompanying a person described in (c) above".

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 101 of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof a new paragraph (3) as follows:

"'(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.'

"SEC. 2. Section 204(b) of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1464) is hereby amended by striking out subparagraphs (3) c., d., e., and f. and inserting in lieu thereof new subparagraphs (3) c., d., and e. as follows:

"'c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia ☐

"'d A spouse or dependent of a person listed in (a) or (b) above ☐

"'e. A spouse or dependent residing with or accompanying a person described in (c) above'. ☐"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2884) to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2884

An act to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171) is hereby amended by striking out subsections (3) and (4) and inserting in lieu thereof a new subsection (3) as follows:

"(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them."

SEC. 2. Section 204(b) of the Act (5 U.S.C. 2184(b)), is hereby amended by striking out subparagraphs 3 c., d., e., and f. and inserting in lieu thereof new subparagraphs (3) c., d., and e. as follows:

"c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia ☐

"d. A spouse or dependent of a person listed in (a) or (b) above ☐

"e. A spouse or dependent residing with or accompanying a person described in (c) above". ☐

AMENDMENT OFFERED BY MR. ASHMORE

Mr. ASHMORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHMORE: Strike all after the enacting clause of S. 2884 and insert the text of H.R. 8176, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8176) was laid on the table.

AMENDING THE FEDERAL VOTING ASSISTANCE ACT OF 1955 (69 STAT. 584)

The Clerk called the bill (S. 1581) to amend the Federal Voting Assistance Act of 1955 (69 Stat. 584).

There being no objection, the Clerk read the bill, as follows:

S. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Voting Assistance Act of 1955 (69 Stat. 584) is amended as follows:

(1) Clause (10) of section 102 is amended to read as follows:

"(10) for the purposes of this Act, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States."

(2) The following new section is inserted after section 103:

"SEC. 104. It is recommended that each of the several States permit any person covered by section 101(1) of this Act who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections."

(3) Clauses (1) and (2) of section 203 are amended to read as follows:

"(1) the Secretary of Defense to designate a day in the latter part of September before any general election in November as 'Armed Forces Voters Day' and to insure that every component of the Department of Defense exerts every effort to make that day a success;

"(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this Act. Such post cards shall be delivered by the department or agency concerned to persons to whom this Act is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and".

(4) Clause (b) of section 204 is amended by amending item (5) of the Federal post card application to read as follows:

"(5) For ---- years preceding the above election my home (not military) residence in the above State has been------------------

(Street and number of rural route, etc.)

in the county or parish of------------------.
The voting precinct or election district for this residence is--------------------------"
(Enter if known)

(5) Clause (b) of section 204 is amended by amending item (7) of the Federal post card ballot to read as follows:

"(7) Mail my ballot to the following official address:

For those assigned in the U.S.:

(Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office)

(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

For those assigned elsewhere:

---"

(APO or FPO number)

(6) Clause (c) of section 204 is amended to read as follows:

"(c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

FREE of U.S. Postage
Including Air Mail

Official Mailing Address

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: ____________________________________
(Title of Election Official)

____
(County or Township)

____
(City or Town, State)"

With the following committee amendments:

On page 2, line 14, strike "Clause (1) and" and insert in lieu thereof "Clause"; strike "are" and insert in lieu thereof "is".

On page 2, strike lines 16 through 20.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL WEATHER PROGRAMS

The Clerk called the concurrent resolution (H. Con. Res. 723), requesting the President to take action to insure the United States will derive maximum benefits from an expanded and intensified effort to increase the accuracy and extend the time range of weather predictions.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know a little bit more about the mandatory commitments which the passing of this authorization by unanimous consent, would place on subsequent committees and Congresses with respect to appropriations.

It seems to me that the concurrent resolution which is before us on the Consent Calendar is important, first of all. Also, we are again in the position of, by unanimous consent, authorizing untold millions of dollars in a cooperative international effort wherein we will support perhaps 40 percent of the joint effort, as we have in the United Nations in the past, and as we have in the World Health Organization for examples.

Point No. 2, there is delegation of congressional authority to one of the departments and secretaries for carrying out rather long-range whereases and implications in this sense of Congress resolution. I am impressed with the importance of cooperation in international meteorology and even doing something about the weather, for a change.

I am concerned lest we grant authorization by unanimous consent, when we have sentences such as under the first resolve on page 2, "that it is the sense of Congress that the United States should participate in and give full support to the world weather program." This is open-ended authorization not only in areas of weather watch, but in research and development internationally. Under the second resolve, the concurrent resolution does state that plan and simply state the activities to be conducted, and they would be back to seek appropriations therefor.

However, this old bird has come home to roost so many times, when the Committee on Appropriations stands up and says, "Well, the Congress mandated it by passing the authorization on such and such a date, there was no objection, indeed it was by unanimous consent, and the Committee on Appropriations must fund this request by the legislative body."

If these things be true, and they cannot be countermanded, then we are extending in a time of alleged austerity and economic retrenchment, our necks to a degree more than required for simple progress.

I would yield to the distinguished gentleman, if he has a comment about the three points I mentioned: The delegation of authority, the unlimited authorization, and the U.S. support of international weather research.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. Mr. Speaker, I thank the distinguished gentleman for yielding.

On the question of authorization, I would like to make it clear the resolution does not include authorization for additional appropriations. It was the view of the committee that this resolution was merely expressing the sense of Congress of possessing an interest in the world weather-watch program. An international meeting is scheduled to begin, I believe, on May 29 and extend through June 14, in Geneva, where countries of the world are getting together to discuss the world weather situation.

The purpose of this resolution, which does not have the force of law inasmuch as it simply expresses the sense of Congress, is that it would be beneficial to the United States in the Geneva meeting. It would back up our representative in indicating to the other countries of the world that we are interested in the international weather program.

We do not bring here a resolution which costs any money or which, insofar as I know, commits the United States to any future appropriation or expenditure of funds other than already passed by the Congress.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement. I believe he has come right to the nub of the problem. This obviously would be enabling legislation with which to come back to the Congress for at least a travel resolution to go to the international conference at Geneva as the first step. Is that correct?

Mr. KORNEGAY. So far as I know, there are no plans to come here with a travel resolution. I have heard of none. Whether a congressional delegate will go or not I do not know. I can inquire.

If the gentleman will yield further, I am advised by a staff member that the United States will be represented there by Dr. White, of the Commerce Department. So far as any congressional delegation is concerned, I have no knowledge of any who plan to attend.

Mr. HALL. Does the gentleman expect to submit an amendment to strike the "whereas" clauses and to leave only the resolving clause?

Mr. KORNEGAY. No. I do not plan to do that. I plan to ask unanimous consent to substitute the Senate Concurrent Resolution 67.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. I want to concur in the sentiment which the gentleman from Missouri expressed with respect to what this may do to involve us in the spending of money at some future time. I suggest to my friend from Missouri that he ask that this resolution to go over to the next call of the calendar. If this is not to require an expenditure of money on the face of it, the last sentence on page 4 could be eliminated, and then it might be acceptable. That language reads:

> The plan should contain a statement of the activities to be conducted and specify the department or agency of the Government which would conduct the activity and seek appropriations therefor.

If it is not intended to indulge in future spending through this concurrent resolution, then let us just set this aside for today, put it over until the next call of the Consent Calendar, and offer an amendment to take out any reference to appropriations projected into the future.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from North Carolina.

Mr. KORNEGAY. While that language which has been pointed out would indicate that at some future date, if a plan were submitted, there would be a request for appropriations, but as to the resolution which we have before us there is no authorization for funds.

I should like to point out that we are presently spending money on weather programs, and we have at least four or perhaps five agencies of the Government which are involved in weather programs. There is a feeling that this activity, as much as possible, should be drawn together under one agency. Presently the Commerce Department, NASA, and two or three others are involved in the weather picture.

I would say certainly it would require further action on the part of the House and of the Congress before an appropriation could be had for additional weather activities. This resolution, as I have already stated, is here simply to give our representatives at Geneva the backing, so to speak, of the Congress in asking cooperation in working out worldwide weather problems.

Mr. HALL. Mr. Speaker, it is that "backing" I am afraid will "come home to roost" on the "limb" of appropriations.

I, too, had underlined the last sentence on page 4, as objectionable.

Would the gentleman tell us if the plan referred to there, which will be submitted to Congress, or prepared by the President and submitted to Congress by March 1 of each year, would again have to pass the Congress and this body, or whether that plan would automatically go into effect if appropriated for, as stated, wherein "the plan" contains the direction to "seek appropriations therefor?"

I believe this is the nub of the question.

Mr. **SPRINGER**. This does not authorize any appropriations. You have to come back. It was testified before the committee as being made very clear that this does not authorize any appropriations nor does the bill authorize any appropriations on which the Committee on Appropriations would act. However, if it will make it any clearer, I will offer an amendment to strike on page 4, line 11, the words "and seek appropriations therefor".

Mr. Speaker, I offer that amendment.

Mr. **HALL**. Mr. Speaker, further reserving the right to object, would either one of the gentlemen care to make a further statement as to whether or not the Congress is indeed, through this sense-of-Congress resolution, delegating to the Secretary or to the President more authority than was intended under the Reorganization Act of 1946 as amended in 1949?

Mr. **SPRINGER**. If the gentleman will yield further, personally I cannot see how it would. In this bill the President still has a great deal of authority. What we are trying to do here is to bring this together under the Department of Commerce where it should be. I think what the President has to do here is submit an overall plan for the improvement of worldwide weather sources of information. We work closely, may I say, with the Russians. They give us their data daily and we give it to them. There is no ideology involved in this matter of weather. Almost every country participates in it regardless of whether they are East or West or regardless of the Iron Curtain. This kind of thing has a great deal of importance, may I say, not only in the field of commerce but in agriculture. There are named in the report all of the various departments affected by it. What we are trying to do here is to put together a worldwide program which will have some real effectiveness. That is the purpose of the resolution, and that is about the best explanation I can give of it.

Also, Mr. Speaker, I ask unanimous consent to extend my remarks further on this matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **SPRINGER**. This resolution is a current statement of the interest of Congress in the world weather program. This bill includes a world weather watch, research for the development of long-range weather predictions, the study and evaluation of inadvertent climate modifications, and the feasibility of intentional climate modifications. It calls for cooperation with other nations looking toward the improvement of communications and analysis of worldwide weather data.

All of the functions called for in the resolution are presently being carried out in the executive departments. The Department of Commerce, however, has a particular interest in this resolution as it will underscore U.S. leadership in developing the world weather program and make certain to all concerned that this country's interest in this program is a continuing one.

Finally, I would make it clear that the resolution does not constitute an authorization for additional appropriations.

Mr. **KORNEGAY**. Mr. Speaker, will the gentleman yield? .

Mr. **HALL**. I gladly yield again to the gentleman from North Carolina.

Mr. **KORNEGAY**. I would like to echo what the gentleman from Illinois said and add this additional comment. As I understand it, there is existing authority for our participation in international weather activities. As has already been indicated, both by myself and by the gentleman from Illinois, we are trying to pull together our weather activities because we have about four or five agencies involved in this field today. Certainly in the area of international weather cooperation we need to have a agency of the Government handling that phase of our weather activities. The purpose, as I understand it, of section 3 is simply to have the President submit a plan to pull the weather activities of these agencies together into a single plan for international cooperation.

Mr. **HALL**. Would the gentleman from North Carolina, who is handling the bill under the Unanimous Consent Calendar, be willing to have an amendment that would strike the reference to appropriations on page 4, line 11?

Mr. **KORNEGAY**. I will certainly concur in the amendment offered by the gentleman from Illinois [Mr. SPRINGER].

Mr. **HALL**. Mr. Speaker, in view of this situation and in view of the acceptance on both sides of the aisle for an amendment thereto, and in order to provide the time to prepare the amendment and properly submit it, I ask unanimous consent that this bill be put over without prejudice at this time.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The **SPEAKER**. This concludes the call of the Consent Calendar.

FARM CREDIT ADMINISTRATION AMENDMENTS

Mr. **POAGE**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Farm Loan Act, as amended, is hereby amended—

(a) by substituting "twenty" for "twelve" in section 203(a) thereof (12 U.S.C. 1041);

(b) by changing the heading over section 205 thereof (12 U.S.C. 1061) to read "CAPITAL STOCK AND PARTICIPATION CERTIFICATES" instead of "CAPITAL STOCK" and by adding the following new subsection (c) at the end of section 205 thereof (12 U.S.C. 1061):

"(c) PARTICIPATION CERTIFICATES IN ADDITION TO THOSE ISSUED IN PAYMENT OF PATRONAGE REFUNDS.—In addition to the participation certificates issued in payment of patronage refunds, each Federal intermediate credit bank may issue further amounts of such participation certificates, with the same rights, privileges, and conditions, for purchase by institutions other than production credit associations that are entitled to receive participation certificates from the bank in payment of patronage refunds."; and

(c) by inserting the following new paragraph between the present second and third paragraphs of subsection (a) of section 206 thereof (12 U.S.C. 1072(a)):

"If and when the relative amounts of class B stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such class B stock owned by each association, as provided in the second or third paragraphs of section 205(a)(2) of this Act (12 U.S.C. 1061(a)(2)), amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of class B stock.".

SEC. 2. The Farm Credit Act of 1933, as amended, is hereby amended by inserting "or otherwise, except as may be authorized under rules and regulations prescribed or approved by the Farm Credit Administration," immediately after the word "loan" in the last sentence of the first paragraph of section 23 thereof (12 U.S.C. 1131g).

The **SPEAKER**. Is a second demanded?

Mr. **BELCHER**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **POAGE**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is one which, with the amendments, simply allows the intermediate credit banks to issue securities and sell them on the general market and to increase the debt ratio from the present 12 to 1 to 20 to 1, which is the ratio of the Federal land banks at the present time.

Also, it would authorize the intermediate credit banks to periodically adjust the investments of the production credit associations. That simply means that they would call in stock held by those production credit associations that have not been using their share of the I.C.B.'s funds and would issue more stock to those who have been doing a larger business.

Mr. Speaker, this is the whole purpose of the legislation—to allow the intermediate credit banks to operate with less drain on the Federal Treasury and with a smaller amount of Federal investment in their capital stock.

Mr Speaker, it was the feeling of the committee, by unanimous vote, that this was highly desirable and that we should authorize this procedure and try to reduce the amount of Government investment in the capital stock of the intermediate credit banks.

Mr. Speaker, I reserve the balance of my time.

Mr. **BELCHER**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was passed out of the Committee on Agriculture unanimously. However, after it was passed out of the committee there was some discussion about section (b) to which the amendment is directed, and the amendment was offered by the chairman of the committee. We then discussed this amendment. There seemed to be no objection whatsoever to striking out section (b), and since section (b) has been stricken out I think it has the unanimous support of the committee and I hope that the bill will be passed.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. POAGE] that the House suspend the rules and pass the bill H.R. 16674, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATION OF FUNDS FOR CAPE HATTERAS NATIONAL SEASHORE

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 561) to authorize the appropriation of funds for Cape Hatteras National Seashore.

The Clerk read as follows:

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy any final judgments rendered against the United States in civil actions numbered 263 and 401 in the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, for the acquisition of land and interests in land for the Cape Hatteras National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgments, together with such interest and other costs as may be specified by the court.

The SPEAKER. Is a second demanded?

Mr. MORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. ASPINALL], the chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Speaker, and Members of the House, the two bills which come from the Committee on Interior and Insular Affairs to be considered by the House today are in a sense housekeeping bills.

Both of them are necessary bills, and the reason they come up under suspension is because the amounts of money that are involved in each of them is a little bit over that amount which is provided for under the Consent Calendar procedure.

PURPOSE

Mr. Speaker, S. 561 is a bill authorizing the appropriation of funds to satisfy judgments of the U.S. District Court for the Eastern District of North Carolina in two condemnation actions involving lands within the boundaries of the Cape Hatteras National Seashore.

BACKGROUND

Cape Hatteras National Seashore was authorized as the Nation's first national seashore in 1937. It is gratifying to know that approximately 18,000 acres of the seashore lands have been acquired by donations and with donated funds. A large measure of credit goes to the State of North Carolina which has long recognized the value of outdoor recreation facilities and which has always cooperated in every way possible to keep the Federal outlay for such facilities at a minimum. Several organizations have also helped to acquire needed lands by donating funds for purchasing properties within the seashore boundaries.

Only after 20 years of effort, Mr. Speaker, did it become apparent that it would be necessary to authorize Federal funds for land acquisition purposes. In 1956, the Congress authorized an appropriations of $250,000 to match donated funds for acquisition of the 6,400 acres of private lands remaining within the boundaries.

Following authorization, actions were taken to acquire the lands by eminent domain proceedings. A long-delayed series of unforeseen events finally resulted in the judgments which give rise to this legislation.

COST

S. 561, if enacted, will authorize only the sums necessary to satisfy the final judgments in these actions, together with interest and costs specified by the courts. Altogether, this amounts to a little over $2.5 million, at the present time. Until the judgments are paid, interest will continue to mount at a rate of $92,203.14 per year.

CONCLUSION

It is unfortunate that this legislation is necessary, Mr. Speaker, but it is symbolic of the problems which we are facing with recreation land acquisition programs throughout the Nation. Land price escalation is something with which we are all familiar: however, we seldom have specific examples of rapidly rising land prices. Your authorizing committee has concluded that prompt acquisition action will help to avoid excessive land price increases—and we hope to have before the House later this week legislation which will enhance the existing outdoor recreation resources program.

Mr. Speaker, S. 561 is a bill to satisfy a judgment and, therefore, is necessary now if we are to prevent the interest from continuing to mount. I urge its favorable consideration by the Members of the House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentle- from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

My question is simple, and it is probably simply a technical question. In the act itself, S. 561, I would point out that it authorizes appropriation of any amounts needed, as determined in the U.S. District Court of Claims in the Eastern District of North Carolina, and so on and so forth, rather than specific sums necessary to satisfy any final judgments registered. Should not this legislation be more specific and authorize the amount certain?

Mr. ASPINALL. Of course, the answer is that we do not know what the sum is going to be, because we do not know when we will get the money, and we are trying to tie it by legislative history to the exact amount of the judgment that has come down, plus interest that has accrued to the date of payment.

This is one of the few instances where we have failed to put in the exact sum, but we believe that we will have made sufficient legislative history to make good our intentions to get as near a fixed amount as possible.

Mr. HALL. The gentleman from Missouri recognizes the propensity of the distinguished chairman of the Committee on Interior and Insular Affairs to be precise in his legislation, and therefore I missed this in the bill under consideration, and hence the question.

Furthermore, in the report on page 2 the numbers themselves, as far as principals are concerned, are apparently very specific; namely, $1,863,660 minus the amounts deposited in court, and to come later, and it would seem that we would know how much we had on deposit, but I understand that the interest on said principal, of course, will vary according to the time between appropriation and settlement.

Mr. ASPINALL. That is right, and also the interest rate is fixed.

Mr. TAYLOR. And if the gentleman will yield, the amount of the final judgment has not been rendered on the two tracts, and that figure is indefinite.

Mr. ASPINALL. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand the Government is paying 6 percent interest on this money?

Mr. ASPINALL. It is paying 6 percent interest, as established by the court. This was the decision of the court.

Mr. GROSS. Do I understand that in answer to the gentleman from Missouri that the gentleman from Colorado could not give assurances that either the $1.5 million or the $1.8 million is the last money that Congress will be asked to appropriate for this particular land acquisition?

Mr. ASPINALL. No. There are two other legal cases still outstanding. They have not yet been decided by the court, and we will have to come back for appropriations for these items later on.

Mr. GROSS. This is not the total of the Cape Hatteras land acquisition; is it?

Mr. ASPINALL. The gentleman is correct. But in line with what the State of North Carolina has done, I think it is one of the finest facilities of its kind that we have in the National Park Service and its procedure of establishment is outstanding.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. TAYLOR. Judgments have not been rendered on two small tracts, so this is practically all of it.

Mr. MORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of S. 561, a bill to authorize the appropriation of funds for the satisfaction of two condemnation actions for lands within the boundaries of the Cape Hatteras National Seashore.

The act of August 17, 1937 (50 Stat. 669), which authorized the establishment of Cape Hatteras National Seashore, provides that the property could be acquired only by donation or purchase with donated funds.

Approximately 18,000 acres of land have been acquired by donation or purchase with donated funds. However, it became apparent that donated funds would be insufficient to acquire all the private lands within the boundaries of the national seashore. The result has been that the United States has been required to exercise the right of eminent domain to acquire the private lands of approximately 6,400 acres within the boudaries of the seashore.

The Federal Government filed its declaration of taking and deposited with the court its estimates of the fair market value of the lands as just compensation. The court then permitted the owners to withdraw and utilize the deposit. In the meantime, a series of unforeseen events delayed the final outcome of these condemnation proceedings.

The report in civil action 263 was filed on April 22, 1966, and recommended an award of $1,506,540 for 4,400 acres. The United States had deposited with the court $289,638 as just compensation at the declaration of taking filing.

In civil action 401, the report recommended an award of $364,660.60 for approximately 2,000 acres. The Federal Government deposited $44,850 with the court as just compensation at the filing of the declation of taking in this action. The final judgment in civil action 401 provides for 6 percent interest per year on the difference between the amount awarded by the court and the amount deposited with the court by the Federal Government at the declaration of taking.

The court has directed the Commission to reconsider the award recommended in civil action 263. No final ment has been entered as yet, but one is expected in the near future.

Mr. Speaker, S. 561, authorizes the appropriation of funds needed to satisfy the final judgments in both actions, together with interest and other costs which may be required by the court. Again, Mr. Speaker, I urge the passage of S. 561 in order to protect the existing Federal investment in the Cape Hatteras National Seashore.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of S. 561, the bill before us at this moment. This legislation, is long past due and is designed for nothing more or less than to provide an equitable settlement to American citizens who have been deprived of the just payment for their real property. For over 15 years many of the citizens of my district, as well as others, have been deprived of their own land without compensation. This is a matter which has long been before the U.S. Commissioners, the Federal courts, and here today this House has an opportunity to take another step in providing just payment on the part of this Government to those who have been deprived of that to which they have been rightfully entitled for so long. I hope, Mr. Speaker, that there will be no objection to the enactment of this legislation and that this House will concur in the Senate action by an overwhelming vote.

Mr. TAYLOR. Mr. Speaker, S. 561 involves a difficult legal situation.

The bill authorizes the appropriation of such sums as might be necessary to satisfy two judgments rendered against the United States in civil actions involving some 6,400 acres in the Cape Hatteras National Seashore. Under the applicable laws of the United States, the Government is obligated to pay the difference between its estimate of just compensation, which is deposited with the court at the time of filing the declaration of taking, and the final judgment in cases involving the use of the power of eminent domain. In addition, the Government is obligated to pay interest at the rate of 6 percent per year on that amount from the time the declaration of taking was filed until paid.

Final judgments have been rendered in all except cases involving two tracts. As of March 3, 1968, the total amount of the judgments and interest, according to Parks Director, George Hartzog's testimony, amounted to $2,585,705.53. Interest will continue to run at the rate of over $92,000 per year.

The original legislation enacted in 1937 provided that lands in the Cape Hatteras National Seashore could only be acquired by donation or be purchased with donated funds. This was the first of the national seashore areas and it accommodated over 2 million visitors last year. Some 18,000 acres were acquired by donated funds—mostly by the State of North Carolina—before it became apparent in 1956 that all of the private lands could not be acquired, within the authorized boundaries, without some Federal assistance. Consequently, legislation was then approved which authorized an appropriation of $250,000 to be used with matching donated funds for acquisition purposes. Part of these funds—$134,423.36—along with donated funds—$200,064.64—were used as the deposit with the court on the lands now in question.

The court judgments were delayed 10 or more years due to the unfortunate illness and death of some of the court appointed Commission members and of the U.S. district judge.

This is an illustration of the extra cost that comes to the Government by not acquiring recreation lands promptly after recreation areas are created. Such delays bring about mistreatment of citizens whose land has been taken by eminent domain and who cannot get payment. Such delays are poor economy for our Government.

I see no alternative but to enact this legislation. Judgments have been rendered in Federal courts against the United States and are drawing interest at 6 percent. We have no choice but to pay them.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill S. 561.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL WEATHER PROGRAMS

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 192, the concurrent resolution (H. Con. Res. 723) requesting the President to take action to insure the United States will derive maximum benefits from an expanded and intensified effort to increase the accuracy and extend the time range of weather predictions.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, do I correctly understand from the gentleman that the amendment discussed previously during the call of the Consent Calendar has been prepared and that it is the intention of the gentleman to offer it at this time?

Mr. KORNEGAY. Yes, sir.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 723

Whereas the Congress finds that unprecedented scientific opportunities and technological possibilities exist to improve the weather services for the United States by increasing the accuracy and extending the time range of weather prediction;

Whereas substantial improvements in the weather services of the United States would enhance the protection of life and property against severe storms and other hazards, would further the safety and efficiency of air and marine transportation, and would assist the growth of agriculture, commerce, and industry, thereby yielding social and economic benefits of great magnitude to the peoples of the United States;

Whereas the increased capability in weather prediction and weather services to the people of the United States will require the development and operation of a system for the acquisition, communication, and processing of weather data from over the entire globe, and the conduct of a systematic program of research to broaden the scientific understanding of global atmospheric processes;

Whereas the global weather system and the research program—the world weather program—can be more effectively and economically carried out through a cooperative effort by the nations of the world which have already demonstrated in international forums a genuine interest and desire to cooperate and participate in the required effort;

Whereas the World Meteorological Organization has taken action on an initial implementation program for the World Weather Watch System and the International Council of Scientific Union in concert with the World Meteorological Organization has begun to move forward with the planning of the research programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States should participate in and give full support to the world weather program which includes (1) a world weather watch—the development and operation of an international system for the observation of the global atmosphere and the rapid and efficient communication, processing, and analysis of worldwide weather data, and (2) the conduct of a comprehensive program of research for the development of a capability in long-range weather prediction and for the theoretical study and evaluation of inadvertent climate modification and the feasibility of intentional climate modification;

Sec. 2. It is further the sense of Congress that the President should cooperate with other nations in (1) a program, utilizing proven technology, procedures, and techniques, for the immediate improvement of the capability of the existing international weather system to observe the global atmosphere and to communicate, process, and analyze worldwide weather data; (2) a program to develop new technology, procedures, and techniques for the observation of the global atmosphere and for the communication, processing, and analysis of worldwide weather data, so that the needs of operational weather forecasting may be adequately served; (3) a program of research on the global wind systems of the atmosphere and on the interactions between the atmosphere and the underlying earth and oceans, including the collection of the data that may be required for these research activities; (4) a program for the training and education of scientists, engineers, and technical personnel for the development, operation, and conduct of any system or program referred to in clauses (1), (2), and (3) of this section; and (5) a program to provide appropriate technical and training assistance and facilities to other nations and to international organizations so that they may effectively participate in an international system for the observation of the global atmosphere and the rapid and efficient communication, processing, and analysis of worldwide weather data and so that they may fully utilize the data, charts, analyses, and other information provided by such a system.

Sec. 3. It is further the sense of Congress that on or before March 1 of each year, the President should transmit to the Congress a plan setting forth the proposed participation of the United States for the next fiscal year in international programs in meteorology. The plan should contain a statement of the activities to be conducted and specify the department or agency of the Government which would conduct the activity and seek appropriations therefor.

AMENDMENT OFFERED BY MR. KORNEGAY

Mr. KORNEGAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kornegay: On page 4, line 11, after the word "activity," insert a period and strike out the remainder of the line.

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate concurrent resolution (S. Con. Res. 67) requesting the President to take action to insure the United States will derive maximum benefits from an expanded and intensified effort to increase the accuracy and extend the time range of weather predictions.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, as amended?

Mr. KORNEGAY. Mr. Speaker, I assure the gentleman I will offer a similar amendment.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 67

Whereas the Congress finds that unprecedented scientific opportunities and technological possibilities exist to improve the weather services for the United States by increasing the accuracy and extending the time range of weather prediction;

Whereas substantial improvements in the weather services of the United States would enhance the protection of life and property against severe storms and other hazards, would further the safety and efficiency of air and marine transportation, and would assist the growth of agriculture, commerce, and industry, thereby yielding social and economic benefits of great magnitude to the peoples of the United States;

Whereas the increased capability in weather prediction and weather services to the people of the United States will require the development and operation of a system for the acquisition, communication, and processing of weather data from over the entire globe, and the conduct of a systematic program of research to broaden the scientific understanding of global atmospheric processes;

Whereas the global weather system and the research program—the world weather program—can be more effectively and economically carried out through a cooperative effort by the nations of the world which have already demonstrated in international forums a genuine interest and desire to cooperate and participate in the required effort;

Whereas the World Meteorological Organization has taken action on an initial implementation program for the World Weather Watch System and the International Council of Scientific Unions in concert with the World Meteorological Organization has begun to move forward with the planning of the research programs: Now, therefore, be it

Resolved by the Senate of the United States (the House of Representatives concurring), That it is the sense of Congress that the United States should participate in and give full support to the world weather program which includes (1) a world weather watch—the development and operation of an international system for the observation of the global atmosphere and the rapid and efficient communication, processing, and analysis of worldwide weather data, and (2) the conduct of a comprehensive program of research for the development of a capability in long-range weather prediction and for the theoretical study and evaluation of inadvertent climate modification and the feasibility of intentional climate modification;

Sec. 2. That it is further the sense of Congress that the President should cooperate with other nations in (1) a program, utilizing proven technology, procedures, and techniques, for the immediate improvement of the capability of the existing international weather system to observe the global atmosphere and to communicate, process and analyze worldwide weather data; (2) a program to develop new technology, procedures, and techniques for the observation of the global atmosphere and for the communication, processing, and analysis of worldwide weather data, so that the needs of operational weather forecasting may be adequately served; (3) a program of research on the global wind systems of the atmosphere and on the interactions between the atmosphere and the underlying earth and oceans, including the collection of the data that may be required for these research activities; (4) a program for the training and education of scientists, engineers, and technical personnel for the development, operation, and conduct of any system or program referred to in clauses (1), (2), and (3) of this section; and (5) a program to provide appropriate technical and training assistance and facilities to other nations and to international organizations so that they may effectively participate in an international system for the observation of the global atmosphere and the rapid and efficient communications, processing and analysis of worldwide weather data and so that they may fully utilize the data, charts, analyses, and other information provided by such a system.

Sec. 3. It is further the sense of the Congress that, on or before March 1 of each year, the President should transmit to the Congress a plan setting forth the proposed participation of the United States for the next fiscal year in international programs in meteorology. The plan should contain a statement of the activities to be conducted and specify the department or agency of the Government which would conduct the activity and seek appropriations therefor.

AMENDMENT OFFERED BY MR. KORNEGAY

Mr. KORNEGAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kornegay: On page 4, line 10, after the word "activity", insert a period and strike out the remainder of the line.

The amendment was agreed to.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 723) was laid on the table.

ASSAULTS ON POSTAL EMPLOYEES

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15387) to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes.

The Clerk read as follows:

H.R. 15387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the portion of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding immediately following section 3107 thereof the following new section:

"§ 3108. Disciplinary action against employees who assault other employees

"The Postmaster General may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from the service, against any employee who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any other employee while such other employee is engaged in the performance of his official duties or on account of the performance by such other employee of his official duties.".

(b) That part of the table of contents of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding—

"3108. Disciplinary action against employees who assault other employees."

immediately below—

"3107. Postal employees relocation expenses.".

SEC. 2. Section 1114 of title 18, United States Code, is amended by striking out "any post-office inspector," and inserting in lieu thereof "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department,".

The SPEAKER. Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I want to take this opportunity to express my appreciation to the Honorable ROBERT N. C. NIX and the other members of the Subcommittee on Postal Operations for the extensive hearings and consideration, and the favorable action they have taken, on my bill, H.R. 15387, relating to assaults on postal employees. At least 20 other Members of the House have sponsored similar legislation. I am confident that the Members here today will take favorable action on the bill.

There are two primary purposes of this legislation.

First, the legislation will provide specific statutory authority for the Postmaster General to discipline a postal employee who assaults another postal employee engaged in the performance of his official duties.

Second, the bill will extend to all postal employees the protection of Federal criminal law now afforded to only post office inspectors in homicide cases, and in cases when the postal employee is assaulted.

Mr. Speaker, I sponsored H.R. 15387 to correct what I sincerely believe to be two shortcomings in both postal and criminal statutes—a shortcoming in the postal statute which does not provide specific authority for the Postmaster General to discipline an employee who assaults another postal employee; and a shortcoming in the criminal statutes which does not afford the postal employee the protection of Federal law in homicide and assault cass.

These gaps in the law have been highlighted by the recently increased frequency of assaults on postal employees. The statistics verifying these increases are set forth in detail in our committee report on the bill.

I am fully aware that general disciplinary authority already is vested in the Postmaster General. However, the mission of the postal service is so critically important to the national economy and the public welfare, that separate and specific protective legislation is both necessary and suitable.

The postal service is unique among all Government services. It touches and affects every person in the United States. Postal employees also are unique among Government employees because they are the ones who are the backbone of the postal service. The extraordinary status of the postal employees has been recognized by the Congress in terms of their pay, their working conditions, and many of their other employment rights and benefits.

Mr. Speaker, I am convinced that the specific authority for the Postmaster General to take disciplinary action in assault cases, as proposed by the first section of H.R. 15387, is an affirmation of congressional recognition of the postal employees.

The primary thrust and the most important feature of this bill is to extend the application of the criminal laws to postal employees who are subjected to assaults. Many groups of Federal employees now are covered by the Federal criminal laws relating to homicide and assault, and I am convinced that the time has long since passed when these provisions of law should be amplified to include postal employees.

I sympathize with the problem some public officials in the Department of Justice may have by reason of the amplification of these criminal laws but convenience in scheduling prosecution or court action does not, in my opinion, outweigh the very evident and immediate need for protection of postal employees under these Federal laws.

State and local laws are available in practically all cases of assault on, or the killing of, a postal employee. However, in my opinion, there is every indication that many, if not most, of the local laws are inadequate.

By toughening up the penalties for assaults against postal employees, I am convinced that we can deter the deliberate criminal from committing criminal acts against postal employees.

Criminals always are wary of violating the Federal law. They know the chance of their apprehension and the penalties prescribed are generally greater than are the penalties against State laws or local ordinances.

Mr. Speaker, it is an extremely serious thing to assault a postal employee who is performing his official duties. Any such assault is bound to impede the movement of the U.S. mails.

The mail that a mail carrier delivers is protected by Federal criminal laws. The person who delays or steals the mail is subject to Federal criminal penalties. A Federal crime is committed if even so much as one post card is stolen.

But if a letter carrier is savagely beaten, there is no Federal criminal penalty involved. The punishment is left to local and State laws. The post card receives greater protection than the letter carrier.

Certainly, the sanctity of the mail is important, but the deterrent afforded them by Federal criminal laws against assaults on postal employees is important beyond measure.

Mr. Speaker, I am convinced that we can delay no longer in bringing our postal employees under the protection of the Federal criminal laws. I urge the favorable consideration of my bill by the Members here today.

Mr. CORBETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill and urge its prompt enactment. There exists an urgent need for this legislation.

Unfortunately, the record in support of this proposed action speaks for itself. Not too long ago forcible assaults on, or among, postal employees were practically nonexistent. Today, their frequency has become a national problem that demands corrective action.

In fiscal year 1967, the rate of increase in the number of assaults on postal employees rose 123 percent over the number for 1966. In fact, assaults on postal personnel are increasing at a faster rate than for postal crimes generally. The hearings conducted on H.R. 15387, and our committee's report, recite numerous examples of aggravated assaults and crimes committed on the persons of postal employees. This is not very pleasant reading, but it does dramatically illustrate the seriousness of the problem.

Ironically, it is a serious Federal crime to steal a postal card from the mails. Yet, there is no violation of the Federal law for killing the mailman who carries the postal card. H.R. 15387 will correct this situation. It will cover postmasters, and all other postal field service employees, under the existing provisions of Federal law which fix Federal crime penalties for any person who assaults or kills certain other Federal employees while engaged in the performance of official duties.

The bill also adds a new and positive provision to the postal code which provides for disciplinary action by the Postmaster General against any official or employee who assaults another postal worker. In the case of such an assault, this provision would permit an offender to be suspended, demoted, or separated from the service if the circumstances warrant.

Mr. Speaker, we expect our postal employees to move and deliver the mail without interruption regardless of conditions or circumstances. This is the proud tradition of the postal service. It is, therefore, now incumbent upon us to send these employees on their appointed rounds with the mantle of protection afforded by this legislation.

Mr. Speaker, I now yield to the gentleman from Iowa [Mr. GROSS], a member of the committee.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as one of those who introduced a similar bill I wish to join with those who favor this legislation, H.R. 15387, and urge its prompt approval.

The hearings conducted on this bill demonstrated, I believe, without doubt the need for legislation to shield postal employees in the performance of their duties from assaults upon their person. This bill which we are considering is, in fact, identical in purpose to one which I introduced, H.R. 15029, but which because of its construction was referred to another committee.

Postal employees by the nature of their work are required to go places in their prescribed routes where comparatively few other Government workers in the performance of their duties must go. In recent years this has exposed postal workers to physical harm and assault at a rate which has been rapidly rising.

Just as respect for authority has been eroded in other areas of our society, so has the traditional respect for our letter carriers and other postal workers been diminished. This deplorable circumstance was amplified by Mr. James H. Rademacher, vice president of the National Association of Letter Carriers, in his testimony to the subcommittee. Mr. Rademacher said:

> Because of growing irresponsibility and a tendency toward hoodlumism in many of our major cities, the job of a letter carrier is becoming an increasingly dangerous one. Every month, at our headquarters, we receive scores of reports of letter carriers who have been mugged, beaten, robbed, threatened, or otherwise assaulted.

As has been pointed out, this legislation does not pretend to make postal employees immune from attack. I believe, however, that we can reduce the frequency of these attacks which are not now covered by Federal laws by granting specific authority for administrative action by the Postmaster General to discipline the employees who assault other postal employees and by extending the protection of Federal laws to all postal employees who are assaulted while performing their official duties.

This legislation, H.R. 15387, will do just that and I therefore urge its passage.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. Daniels], a member of the committee.

Mr. DANIELS. Mr. Speaker, I rise in support of H.R. 15387, a bill which will add statutory penalties to the United States Code in two situations that are of vital concern to the House of Representatives. This bill will protect postal employees from assaults by other employees and by assaults by members of the public. It has become increasingly difficult in recent years to maintain discipline in our post offices. In addition, letter carriers and other postal employees who deal with the public have been physically intimidated and last year there were two rapes of female employees. The administration and postal unions generally support the proposition that statutory authority will strengthen the hand of the Federal Government in dealing with both threats.

In New York City, a notice was placed on a post office bulletin board, which read "Open Season, August 15–30, Foremen—All Sizes and Shapes." This notice is indicative of the breakdown of discipline within our major post offices. A great deal of trouble in our post offices results from bad working conditions and long hours. But the increase of assaults by postal employees against each other has to be stopped. This bill, by adding statutory penalties to the administrative regulations of the Post Office Department, will do the job for us. In addition, many of us are aware of the trouble that letter carriers are having across the country. Hoodlums have harassed and beaten mailmen not only because they work alone, but because they represent the U.S. Government. The percentage of these assaults increases every year. Local law enforcement has its hands full today and it needs all the help it can get. What is more, an assault on a letter carrier is a direct challenge to the Federal Government and must be met with firmness. I hope that the House of Representatives will support this bill.

Mr. CORBETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. Derwinski], a member of the committee.

Mr. DERWINSKI. Mr. Speaker, as the sponsor of a measure identical to the legislation before us, H.R. 15387, I strongly recommend its approval by my colleagues.

The purpose of this legislation is to correct the obvious shortcomings and gaps in present law, both in criminal statutes and postal regulations. It is clear that letter carriers, clerks, and other Post Office personnel do not have the complete protection of the law that conditions warrant.

The measure before us will provide for disciplinary action by the Postmaster General which would permit him to suspend, demote, or separate from service any official or employee who assaults another postal employee. It also provides for postal employees' effective protection of the law by strong criminal penalties in instances involving intimidation, interference with, assault, or killing of an employee who is performing his official duties.

Mr. Speaker, substantial testimony was gathered by our Subcommittee on Postal Operations from representatives of the letter carriers, clerks, and supervisors in support of the added protection of Federal law which this legislation provides. I believe that the tenor of our times strongly suggests the enactment of this measure.

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Bennett] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BENNETT. Mr. Speaker, I want to congratulate the Committee on the Post Office and Civil Service for acting on this much-needed legislation. From the report on H.R. 15387 the need for passage of this bill is apparent.

I feel, nevertheless, that there may be a possible need to broaden the bill to include all Federal employees rather than just postal employees. The possible need for broader coverage was first brought to my attention by a constituent, Mr. Donald C. Weber, of Jacksonville, Fla., who told me of an experience he had had while an employee of the Federal Aviation Agency. After receiving Mr. Weber's letter I contacted the National Federation of Federal Employees, the National Association of Government Employees, and over 16 other related organizations or locals in my district about the possible need to cover all Federal employees under this bill.

Chairman Dulski, however, has advised me that no concrete evidence of any need for coverage of all Federal employees has yet been submitted to or considered by the committee. Since I do not have any substantial evidence of increases in assaults on other than postal employees and since we are late in this session of the Congress, I do not want to imperil the passage of this bill by objecting to its passage under suspension of the rules, but I hope the Senate may secure full evidence on the possible need for broadening the legislation and amending it, if need be, in that respect.

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Nix] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NIX. Mr. Speaker, I introduce a bill, H.R. 16225, which is identical to H.R. 15387.

H.R. 15387 provides two additional deterrents to assaults against postal field service employees while they are engaged in the performance of official duties;

First, by providing specific statutory authority (39 U.S.C. 3108) for the Postmaster General to take appropriate disciplinary action against any postal field service employee who assaults another postal employee engaged in, or on account of, the performance of his official duties; and

Second, by adding Postmasters and all other employees in the postal field service to the class of postal employees, which now includes only post office inspectors, who are covered under the provisions of Federal law (18 U.S.C. 11, 1114) which fix Federal criminal penalties for any person who assaults or kills certain Federal employees while engaged in the performance of official duties.

There have been over 20 bills introduced on this subject in the House by members of both parties. Two Republican members of the subcommittee introduced similar bills, and several Democratic members of the committee introduced bills, including the bill under consideration, H.R. 15387, introduced by Mr. Dulski. The Committee on Post Office and Civil Service gave the bill overwhelming support.

RATIONALE

The frequency of assaults by employees against supervisors and fellow postal workers has increased rapidly over the past few years. The number of such assaults are not necessarily large, but the percentage of increase in assaults is increasing rapidly. Although the Post Office Department has general authority under 5 U.S.C. 7501 for the removal of employees and Executive orders provide for appeal procedures for employees in such cases—Executive Order No. 10988, Executive Order No. 10987—the committee felt that it would be advisable to have specific statutory authority relating to such assaults included in title 39 of the U.S. Code.

It is the committee's position, as well, that including postal employees within the protection of Federal law during duty hours is a necessary step because of the increase of assaults on postal personnel. The motivation of many attacks on letter carriers and other postal employees is the desire to show contempt for the U.S. Government.

PRESENT LAW

The mail that a letter carrier delivers is protected by the Federal Government. Federal investigators will swoop down on those who delay or steal our mail. In short, a Federal case is involved if a post card is missing, but if a letter carrier is savagely beaten, the Federal Government assumes an attitude of noninvolvement. It stands aside. The post card receives greater protection than the letter carrier. It is true that local State and city ordinances against assault are some protection. But in recent months the motive for these crimes is contempt for the U.S. Government. When the operations of the Government are being undermined, it is absolutely necessary that the Government respond. Crowded criminal dockets and overworked police have great difficulty in coping with the average assault and this type of problem cannot be solved without Federal assistance.

The interests of the American public are vitally concerned because a vital public service is being disrupted. If the present trend continues, letter carriers may very well ask to go about their rounds in pairs. Let me cite for you some of the assault cases that have occurred to show that this attitude is not unreasonable.

In New York City, in April 1967, a dispatcher was stabbed with an ice pick after he discovered a man puncturing the tires of a postal vehicle.

In Brooklyn, N.Y., a collection truck was stopped by two men and the driver was stabbed, no mail was taken.

Two rapes were committed against female postal employees by patrons in the last year.

In December 1967, a letter carrier on a collection assignment was dragged from his vehicle and injured as the result of being savagely kicked.

On Christmas Eve, a letter carrier died as the result of a beating in a case where no mail was stolen.

A Corpus Christi, Tex., letter carrier is recovering from gunshot wounds as the result of an attack by a deranged postal patron.

This bill also contains a section which will protect postal employees and supervisors from assaults by other employees. These cases have been increasing in recent years because of what I believe are poor and overcrowded working conditions in our large post offices. This bill will not diminish the effect of the administrative sanctions of the Post Office Department. It will add statutory authority for disciplinary action by making such sanctions part of title 39 of the United States Code. Postal employees will continue to receive the protection of adverse action procedures under Executive Order 10987, and 10988, as well as the Veterans Preference Act.

This bill is necessary because street toughs have challenged the Federal Government and the people of the United States. The poor of our urban areas have the right to expect service as good as that received in the suburbs. They have a right to such service and that service is being interfered with. We must act by providing statutory authority for Federal action. If it is of vital concern to solve the theft of a postcard, it is of more concern to protect the life and limbs of those who deliver the mail. As for the section of the bill which protects the disciplinary system in the Post Office Department, I think it goes without saying, a Government that cannot maintain order in its own installations is not likely to maintain order anywhere else. This legislation is necessary. I hope the House will pass it.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WALDIE] a member of the committee.

Mr. WALDIE. Mr. Speaker, probably I am a small and undoubtedly ineffective voice in the wilderness and perhaps the only member of the committee who had any objection to this measure. My objections do not involve the first portion of the bill but only the latter portion, section 2, which makes a Federal crime of actions that are presently covered solely and exclusively by State and local criminal statutes.

During the committee presentation I asked all of the witnesses who appeared in favor of this bill whether or not State and local law enforcement had been capably handling the job assigned to them in prosecuting and convicting for assaults on mail carriers. There was not a dissenting view that State and local law enforcement had performed properly and ably. The bill was not introduced in any way as a reflection on them.

It seems to me that there is a major principle involved in this particular measure. State and local law enforcement should never be undercut, in my view, and their responsibilities and obligations assumed by the Federal Government until it has been proven beyond an overwhelming doubt that State and local law enforcement are unable to handle the job assigned to them. That has not been the case here. State and local law enforcement have ably prosecuted and have obtained convictions, and no criticism was voiced by any of the witnesses concerning their performance.

That being so, it seems to me that the separation of powers that is so essential to the working of this representative federal system of government must be upheld in this instance and in that separation of powers theory the most important and jealously guarded exercise of power should be State and local law enforcement. The Central Government or the Federal Government should never intrude into local law enforcement or usurp that authority, when the need, the desire, and reason is not present, as it is not in this case.

Mr. CORBETT. Mr. Speaker, we have no further requests for time.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WHITE].

Mr. WHITE. Mr. Speaker, H.R. 15387 provides two additional deterrents to assaults against postal field service employees while they are engaged in the performance of official duties.

The bill provides specific statutory authority—39 U.S.C. 3108—for the Postmaster General to take appropriate disciplinary action against any postal field service employee who assaults another postal employee engaged in, or on account of, the performance of his official duties.

Also the bill adds postmasters and all other employees in the postal field service to the class of employees which now includes post office inspectors, who are covered under the provisions of Federal law—18 U.S.C. 111, 1114—which fix Federal criminal penalties for any person who assaults or kills certain Federal employees while engaged in the performance of official duties.

There have been over 20 bills introduced on this subject in the House by members of both parties. Two Republican members of the subcommittee introduced similar bills, and several Democratic members of the committee introduced bills, including the bill under consideration, H.R. 15387, introduced by the gentleman from New York [Mr. DULSKI]. The Committee on Post Office and Civil Service gave the bill overwhelming support.

The frequency of assaults by employees against supervisors and fellow postal workers has increased tremendously during the past few years. The number of such assaults is not necessarily great, but the percentage of the increases is growing.

The Postmaster General has general authority to remove employees for misconduct of a serious nature such as a grievous assault. The committee felt that it is advisable to have specific statutory authority for the Postmaster General to discipline an employee who assaults another postal employee.

The mail that a letter carrier delivers is protected by the Federal Government. The person who delays or steals the mail is subject to Federal crime penalties. A Federal crime is committed if even so much as a postcard is stolen, but if a letter carrier is savagely beaten the Federal Government, under existing law, is not involved. The punishment is left to local and State laws.

The postal card receives greater protection than the letter carrier. While it is true that local and State laws cover an assault on a postal employee, the problem can no longer be solved by leaving it to local and State control.

The interests of the American public are vitally concerned because a vital public service is disrupted when there is interference with a postal employee.

This bill will not diminish the authority the administration now has, it will add statutory authority for the Postmaster General to take disciplinary action by making such authority a part of a specific provision of law.

The postal employees will continue to receive all the protection they now have under law or regulation in those cases when adverse action is taken against an employee.

Mr. Speaker, I am convinced this legislation is necessary. It is important for the people of the United States to have the right to expect good postal service. It is equally important that postal employees have the right to expect strong

Federal laws to provide a deterrent against those who are inclined to commit assaults against an employee who is providing that postal service.

If it is of vital concern to solve the theft of a postal card, it is of more concern to protect an employee who delivers that card. I urge that the Members here today vote overwhelmingly in favor of this legislation.

Mr. DULSKI. Mr. Speaker, I have no further requests for time.

Mr. CORBETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 15387, a bill which will provide additional deterrents to assaults against postal employees.

One problem which this bill seeks to solve is that which is reflected by our present unsettled condition with regard to law and order. During 1967 the number of assaults on postal personnel by thugs increased more than 100 percent over the previous year.

Testimony received by the Subcommittee on Postal Operations clearly showed that the letter carrier on his daily appointed rounds in many cities, faces the constant peril of physical harm.

This legislation meets the problem in two ways. First, it provides specific statutory authority for the Postmaster General to take appropriate action against any postal field service employee who assaults a fellow postal worker engaged in the performance of his duties.

Second, it adds postmasters and other postal employees to the class of those employees covered under the provisions of Federal law which fix criminal penalties for any person who assaults or kills such Federal employees while engaged in the performance of their duties.

Mr. Speaker, this legislation serves notice on the criminally minded that our Government will not stand idly by and permit letter carriers, postal clerks, postal supervisors, and others in the postal service to become the victims of assault and mayhem.

I strongly support this bill and urge favorable consideration by the House.

Mr. HANLEY. Mr. Speaker, I, too, sponsored a bill, H.R. 13226, to extend the Federal criminal penalties to assaults against postal employees.

As are the other members of our committee, I am convinced that our postal employees have a right to, and deserve the assurance, that, any harrassment of them in the performance of their official duties will be dealt with in a manner fitting the seriousness of the incident.

I think most Americans would feel a little guilty about the relative safety of their places of work if they knew that these public servants were not accorded the same right.

Judging solely from the upswing in the number of assaults on postal workers, the favorable consideration of this bill is amply justified.

As shown on page 4 of our committee report on this bill, House Report No. 1350, the number of assaults against postal employees at the 100 largest post offices increased from 224 in 1965, to 280 in 1966, and 367 in 1967.

The problem becomes even more apparent in view of the increasing number of women postal employees, now totaling over 120,000, many of whom are assigned to night duty and to collection duty, often working alone.

The Federal laws now fix Federal criminal penalties for most offenses against the mail, and for some offenses against postal employees.

When a postal card or a letter or any piece of mail is stolen, when an assault on a postal employee is committed with an intent to rob a postal card or letter or any particular piece of mail, or is committed on post office property under the exclusive jurisdiction of the United States, a Federal crime is involved.

When someone stabs or shoots a mailman while out on his route and there is no loss or danger to the mail, or when someone assaults a clerk or a supervisor in the mailroom, a Federal crime is not committed and the matter is left to State and local laws.

Certainly, the sanctity of the mail is of utmost importance, but the deterrent afforded by Federal criminal laws against assault on postal employees is important beyond measure.

It already has been pointed out that Federal and local laws do cover all of the offenses we are now talking about. However, I am convinced that the division of jurisdiction between State and local laws for the person of the postal employee, and between the Federal law for the mail the postal employee handles, is no longer defensible.

I am convinced, as was the committee, that all criminal matters involving postal employees should be subject to Federal criminal penalties the same as are all matters now involving the U.S. mails.

Mr. Speaker, I urge the Members to unanimously approve H.R. 15387 here today.

Mr. PICKLE. Mr. Speaker, I wish to voice my support for H.R. 15387 and to comment that I believe this is a very timely measure, particularly in view of the many assaults made on postal personnel.

I compliment the members of the committee for their acute awareness of the problem and for their foresight in recommending passage of legislation aimed at benefiting postal employees.

I am in complete agreement with the aims of this legislation and earlier this year, I introduced similar legislation to cover the protection of a postal employee from assaults and murder while engaged in or on account of the performance of his official duties.

Passage of this legislation closes a gap in the Federal statutes with regard to the protection of our postal employees.

Existing Federal laws protect the safety of Government property from malicious mischief—18 United States Code 1361—it should also have equal concern for the physical safety of postal employees.

Our postal employees have a right to and deserve this assurance that any harassment of them in the performance of their official duties will be dealt with in a manner fitting the seriousness of the incidence.

I think most Americans would feel a little guilty about the relative safety at their places of work if they knew that these public servants were not accorded this same right.

Judging solely from the upswing in the number of assaults on postal workers, this bill is justified. By the end of the first 6 months of fiscal 1967, the number of these assaults exceeded the total number for all of fiscal 1966.

The records of these assaults by fiscal years are as follows:

Year:	*Number*
1964	35
1965	32
1966	60
1967 (first half)	72

The bill also embodies a provision to assure that the Postmaster General will have the power to exert disciplinary action against employees who assault other employees, and this is a provision which the postal unions have long supported.

To extend the protection of Federal law to all postal workers, the bill amends section 1114 of title 18, United States Code, so as to create a Federal crime for killing "any postal inspector, any postmaster, officer or employee in the field service of the Post Office Department." At the same time, the persons protected by section 1114, title 18, are protected from assaults by section 111 of the same title.

The penalties for assaults are a fine of not more than $5,000 or imprisonment for not more than 3 years, or both; or in the case of assault with a deadly weapon, fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

The penalties for killing range from death for murder in the first degree to $1,000 or 3 years, or both, for involuntary manslaughter.

In light of the overall increase of crime throughout the country, I believe we need every reasonable protection. The bill will give the U.S. attorney the tools he needs to cope with these problems. I hope it will receive quick and favorable consideration.

Mr. BRASCO. Mr. Speaker, H.R. 15387, will afford needed protection to America's letter carriers and postal employees generally at a time when assaults against postal personnel are a growing and tragic category of crime. I introduced a similar bill, H.R. 15499.

Letter carriers must work alone. They must deliver the mail to every American wherever Americans live. It would be indeed tragic to curtail mail service to our poorer citizens. The residents of ghetto areas are the constant victims of crime. Those who serve them are likewise frequent victims of crime, and this, of course, includes the letter carrier who must carry the relief checks, the social security checks, and the few personal letters that the residents of these neighborhoods receive.

Local law enforcement needs all the help it can get, and must treat assaults against letter carriers the same way that other assaults are treated in high crime neighborhoods. But today the Federal Government has a special interest in this situation. An attack on a Federal employee during the course of his duties is an attack on the Federal Government itself. It is obvious to me that an injury to a letter carrier interferes with the delivery of the mail, and I do not see how anyone could argue otherwise.

What is more, I think a failure on the part of the Congress and the Federal Government to protect letter carriers in this situation would be a form of discrimination, because we will be saying to the residents of the ghetto neighborhoods that they are responsible for the actions of a few thugs and must suffer the diminishment of a public service by the Federal Government. This service must be protected by the Congress, and I am sure that it will be.

Let me give you some examples of what has happened in Brooklyn, N.Y., during the past year: There were 23 assaults on letter carriers last year. One letter carrier, Jack Pasternack, died as the result of the beating he received. He was found in the street in a pool of blood, in a coma. He never came out of the coma an died on Christmas Eve. On the same day that Jack Pasternack was assaulted, a letter carrier by the name of Stanley Jefferson was attacked on a nearby route. He suffered a nervous breakdown as a result of the attack. The assaults on mail carriers usually take place on the first and the 16th of each month when welfare checks are delivered.

It does not seem reasonable to me that the Federal Government will use its full force and power by statute if a letter is stolen but will under present law do little or nothing if a letter carrier is assaulted.

This bill will punish by the application of Federal criminal law where postal employees are assaulted by postal patrons or other postal employees.

I believe that we should do all that we can to protect our postal system. The Federal Government itself is not immune from problems in an era where crime is on the increase throughout society. I hope that the House will support H.R. 15387. It will add the deterrent force of the Federal Government to that of the local governments against a type of crime that is a threat to the lives of postal employees and a danger to services rendered by the Federal Government to the people of every neighborhood in the country.

Mr. HALPERN. Mr. Speaker, we hear with increasing frequency of our mailmen being violently assaulted—and even murdered—while carrying out their official duties. I cannot express how utterly shocking and deplorable this is to me. America's letter carriers—conscientious and hard-working men who each day walk their route—are the backbone of our communications system. That the very nature of their duties should carry with it the constant risk of physical harm is inexcusable and cannot be tolerated.

Yet, in recent months, it has been reported that mailmen have been knifed, shot, and killed; that they have been robbed of mail, cash, and parcels; and it has even been reported that a letter carrier's throat was slashed by an assailant.

Crime and violence are by no means novel phenomena. They plague our society today; they have plagued all societies; and it is unlikely that, even with our best efforts, these evils will ever be completely eradicated. But our dedicated and faithful mailmen should not be the ready victims of criminal assault and intimidation. We can, and we must, provide our postal workers with a shield against such physical harm.

Our present laws relating to the assault, intimidation, murder, or manslaughter of Federal officials apply, with regard to officials of the Post Office Department, only to postal inspectors. The measure before us today will broaden the coverage of these provisions to include instead "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department." Thus, anyone who attempts to interfere with any postal worker in the performance of his official duties will be subject to strong criminal penalties—fines, imprisonment, or both.

This measure will also empower the Postmaster General to take disciplinary action, including suspension, demotion, reduction in pay, or removal from the service against any postal employee who assaults, intimidates, or interferes with any other postal employee engaged in official business.

Our postal service is truly a remarkable organization. It serves this Nation's 200 million citizens daily, delivering over 80 billion pieces of mail annually—speedily and efficiently. It is astounding that this task can be accomplished at all, let alone so quickly. It is a daily testimonial to the dedicated men and women of the postal service. They, as do all public servants, deserve our highest respect and admiration for their excellent work.

And, at the very least, they deserve the protection of laws against senseless attacks against their persons. The need to shield their vulnerability is urgent. This measure will correct the deficiencies in our law which, as it now reads, excludes them from the protection they have every right to expect and surely must have. It is the very least we can do, and I urge all of my colleagues to join in support of H.R. 15387.

Mr. FASCELL. Mr. Speaker, the postal employee is a public servant worthy of respect and consideration. The nature of his responsibilities, however, often places him in difficult geographical areas and frequent contact with momentarily upset or deranged citizens.

The misfortunes which the postal employee often faces are creeping into our news accounts with increasing frequency. This expanding file of stories relating to muggings, beatings, and stabbings of our public servants alarms me. This alarm has prompted me to cosponsor a piece of legislation designed to offer more protection to our postal field service employees.

This bill, H.R. 15387, is being considered today. Its passage would bring the needed postal employee protection near reality. The bill would provide that "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" would be covered by the laws now present which fix stern criminal penalties for assaulting, intimidating, interfering with or killing certain Federal employees in connection with the performance of their official duties.

Further, the bill would enable the Postmaster General to dispense disciplinary action against any official employee who assaults another postal worker. Enactment of the suggested remedial legislation would clearly spell out that any employee assaulting another could not only be demoted or suspended, but even separated from the service if the circumstances appear to warrant such action.

With the volume of mail delivered each year—an average of 387 pieces to each citizen in 1966—the postal carrier is indeed a valuable member of our community. I urge my colleagues to join with me in unanimous support of H.R. 15387, a needed piece of legislation to benefit the vital role played by the postal employee.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion of the gentleman from New York [Mr. DULSKI] that the House suspend the rules and pass the bill H.R. 15387.

The question was taken.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 334, nays 5, not voting 94, as follows:

[Roll No. 143]

YEAS—334

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Corbett
Cramer
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Donohue
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lloyd

Long, Md.
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Minish
Mink
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Poff
Pollock
Pool
Price, Ill.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Udall
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walker
Wampler
Watkins
Watson
Watts
Whalen
White
Whitener
Whitten
Wiggins
Williams, Pa.
Willis
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—5

Brown, Calif.
Burton, Calif.
Ottinger
Rosenthal
Waldie

NOT VOTING—94

Albert
Ashbrook
Ashley
Baring
Bell
Bingham
Blatnik
Bolling
Brown, Ohio
Cabell
Carter
Celler
Cohelan
Colmer
Conyers
Corman
Cowger
Culver
Curtis
Diggs
Dingell
Dole
Dorn
Dow
Dwyer
Edwards, Calif.
Edwards, La.
Farbstein
Fino
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gallagher
Gardner
Gilbert
Goodell
Green, Oreg.
Green, Pa.
Gurney
Halleck
Halpern
Hansen, Idaho
Hardy
Hawkins
Hébert
Herlong
Holifield
Holland
Jonas
Jones, N.C.
Kastenmeier
Kelly
Kupferman
Lipscomb
Long, La.
Lukens
McClure
Macdonald, Mass.
Mailliard
Martin
Miller, Calif.
Mills
Minshall
Morris, N. Mex.
Morse, Mass.
Nix
Olsen
O'Neill, Mass.
Pepper
Pirnie
Price, Tex.
Reinecke
Resnick
St. Onge
Scherle
Scheuer
Selden
Skubitz
Steed
Stephens
Stratton
Stubblefield
Tenzer
Thompson, Ga.
Tunney
Ullman
Waggonner
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wright
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Ashbrook.

Mr. Albert with Mrs. Dwyer.

Mr. Hébert with Mr. Fino.

Mr. Holifield with Mr. Carter.

Mr. Pepper with Mr. Frelinghuysen.

Mr. Celler with Mr. Goodell.

Mrs. Kelly with Mr. Fulton of Pennsylvania.

Mr. Dorn with Mr. Halleck.

Mr. Baring with Mr. Brown of Ohio.

Mr. Holland with Mr. Halpern.

Mr. Stubblefield with Mr. Jonas.

Mr. Charles H. Wilson with Mr. Lipscomb.

Mr. Jones of North Carolina with Mr. Martin.

Mr. Blatnik with Mr. Pirnie.

Mr. Corman with Mr. Mailliard.

Mr. Waggonner with Mr. Gurney.

Mr. Morris of New Mexico with Cowger.

Mr. Culver with Mr. Dole.

Mr. Colmer with Mr. Curtis.

Mr. Olsen with Mr. Kupferman.

Mr. Selden with Mr. Gardner.

Mr. St. Onge with Mr. Minshall.

Mr. Stratton with Mr. Reinecke.

Mr. Ashley with Mr. Hansen of Idaho.

Mr. Tunney with Mr. Morse of Massachusetts.

Mr. Cabell with Mr. Price of Texas.

Mr. Mills with Mr. Widnall.

Mr. Miller of California with Mr. Bob Wilson.

Mr. Gallagher with Mr. Skubitz.

Mr. Tenzer with Mr. Scherle.

Mr. Stephens with Mr. Thompson of Georgia.

Mr. Steed with Whalley.

Mr. Cohelan with Mr. Lukens.

Mr. Hardy with Mr. McClure.

Mr. Conyers with Mr. Edwards of California.

Mr. Nix with Mr. Resnick.

Mr. Bingham with Mr. Kastenmeier.

Mr. Scheuer with Mr. Diggs.

Mr. Dingell with Mr. Edwards of Louisiana.

Mr. Dow with Mr. Hawkins.

Mr. Farbstein with Mrs. Green of Oregon.

Mr. Green of Pennsylvania with Mr. Gilbert.

Mr. Fraser with Mr. Ullman.

Mr. Macdonald of Massachusetts with Mr. William D. Ford.

Mr. Long of Louisiana with Mr. Wright.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on H.R. 15387, to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDING THE ACT OF SEPTEMBER 9, 1963, AUTHORIZING THE CONSTRUCTION OF AN ENTRANCE ROAD AT GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14074) to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

The Clerk read as follows:

H.R. 14074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved September 9, 1963 (77 Stat. 154), authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, is amended—

(1) by striking out, in the first sentence of section 1, the words "on North Carolina Highway Numbered 107 close to its point of interchange with Interstate Route Numbered 40, near Hepco, North Carolina, to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road, and to construct the entrance road on the donated land:" and inserting in lieu thereof the words; "near the intersection at White Oak Church of North Carolina Routes Numbered 1338 and 1346 to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road together with the necessary interchange with said Routes 1338 and 1346, and to construct the entrance road and the interchange on the donated land:";

(2) by striking out the words "four and two-tenths" and "five hundred and twenty-five" in the proviso of section 1 and inserting in lieu thereof the words: "five and two-tenths" and "six hundred and fifty", respectively; and

(3) by striking out the figure "$1,160,000" in section 2 and inserting in lieu thereof the words: "$2,200,000 (1967 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, I want to start off by congratulating the able chairman of our Subcommittee on National Parks and Recreation for bringing in the bill, H.R. 14074, that we are about to consider. I also want to congratulate and thank the people of the State of North Carolina for the cooperative attitude they and the State have taken over the years in connection with our national park system. North Carolina has long been in the forefront of States that have donated lands and funds to the National Park Service to assist in carrying out its program. Doubtless it has been good business for the State to do this. The increase in tourism has repaid it and its people many times over. If this is enlightened selfishness, it is all to the good, for the rest of the Nation has also profited from it.

Establishment of the Great Smoky Mountains National Park was provided for by the act of May 22, 1926, and it actually came into being about 8 years later. It is thus more than 30 years old. Its 512,000 acres—800 square miles—in North Carolina and Tennessee take in some of the most beautiful scenery in the eastern part of our country. The park meets in every respect the generally approved standard for a national park.

National parks are spacious land areas essentially of primitive or wilderness character which contain scenery and natural wonders so outstanding in quality that their preservation intact has been provided for by their having been designated and set aside by the Federal Government for the benefit, enjoyment, and inspiration of the people.

The interest of the public in the Great Smoky Mountains National Park is attested to by the facts that last year nearly 7 million people visited it and that visits have been increasing year by year.

But increases in visitation to our parks, though welcome as an indication of the interest our people have in them and of the pleasure and enjoyment they find in them, bring problems as well. They bring problems of access, problems of accommodations, and problems of how to insure that large masses of people today will not injure or destroy the very things that we seek to preserve for tomorrow's multitudes.

H.R. 14074 is concerned with the first two of these sets of problems—access and accommodations. Our colleague from North Carolina will go into these in more detail than I am prepared to do. Suffice it to say that the present question is one of opening up the Cataloochee area of the park so that visitors can get to it and, if they wish to do so, camp and picnic in it. This will not only take some of the pressure off other parts of the park but it will also make accessible to visitors a very beautiful wooded area that they would probably never see otherwise.

As is the case in so much of the rest of the Great Smokies park, this will be, in every sense of the word, a cooperative effort on the part of the State and the United States. The State is constructing a connecting road between Interstate 40 and White Oak Church and it is providing the land—about 650 acres—for an interchange and for the 5-mile road from White Oak Church to the boundary of the park. The National Park Service will construct the interchange and the road for which the land is being donated. The road from the park boundary to the interior of the park has already been built and is awaiting only the construction of the facilities for which H.R. 14074 provides to serve fully the purpose for which it was constructed.

Mr. Speaker, H.R. 14074 carries an appropriation limitation of $2,200,000 with the usual plus or minus clause that is necessary in engineering work to keep current with unavoidable changes in construction costs. Of this amount, more than half has already been authorized, so the net increase represented by H.R. 14074 is only $1,040,000. Half of this latter amount is accounted for by the interchange I have already spoken of. The remainder comes from general construction cost increases over the last 5 years and by a lengthening of the road which is to be built by the Federal Government.

Mr. Speaker, I urge the House to support H.R. 14074 and to pass the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to my good friend from Iowa.

Mr. GROSS. As the gentleman said this is the second bill that we have had dealing with the North Carolina area today. One dealt with respect to Hatteras and the other with respect to the Great Smoky Mountains and that area. Both bills have indicated that the costs have been underestimated or else something has happened. This carries a 50-percent increase in funds on the part of the Federal Government. I wonder if we could get any kind of assurance that we have about reached the limit on this Great Smoky Mountain highway proposition for the time being at least.

Mr. ASPINALL. I think I can tell my friend that for the time being that is so. This area deals with 7 million people, which is a rather large number of people visiting a single facility in a year's time. At the present time they have one through road. It is true that they have a road that leads over on the Tennessee side and you can have a park experience or a wilderness area experience without taking advantage of the through highway. There is no definite plan at the present time to build another highway through the park, but I would say to my good friend from Iowa, with all due honesty and candor, that I cannot see how we can continue to operate the Great Smoky Mountains National Park for another 10 years and have the visitation that we have there, which is so close to a very populous part of our Nation, unless we do have some more means of access to the area.

Mr. GROSS. What I am trying to say is that this, perhaps, would be a good thing, but I would like to see some of the good things of life, with the supposedly great prosperity which we are enjoying spread around, if we are going to be able to afford to spread some of the good things of life, no matter how meager this may be. But, we will have to spread them around a little bit. I think we have been very generous to the great State of North Carolina, and I would hope that North Carolina would not be back right away requesting funds for these or additional projects.

Mr. ASPINALL. May I say to my good friend, the gentleman from Iowa [Mr. GROSS], that there are only three bills which have been brought before the Congress this session within this area of our Nation—dealing with this matter. One in northern Georgia and then these two for the State of North Carolina. I do not think that North Carolina is asking for more than that to which they are entitled.

Mr. GROSS. Yes; there are very fine people down there. There is no question about that. They are among our Nation's best. But I would like to see the good things of life spread around elsewhere because I am afraid there will not be money enough to spread very far.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, I thank the chairman of the full Committee on Interior and Insular Affairs for yielding to me at this point, and in response to the statement of the gentleman from Iowa [Mr. GROSS], the Smoky Mountain National Park has the biggest traffic problem of any area which is operated by the National Park Service; 6.7 million people visited the park during the last year, most of them undertaking to get into the park through the use of only one road. Most of the traffic carrying these visitors was bumper to bumper for a distance of approximately 30 miles.

As I recall, Mr. Speaker, back in 1963 when this project was authorized, the road running from Knoxville to Nashville, which goes near the eastern section of the park and we recognize this as one of the most beautiful areas of the park, the Cataloochee area to which many people cannot gain access but which is one of the most beautiful sections of the park.

Mr. Speaker, in my opinion three things have occurred which have caused this needed increased request in this authorization. In the initial stages the Engineers recommended a 5-mile road instead of a 4-mile road and this accounts for a portion of the increase. There has been a 21-percent increase in cost of construction and it is because of this that they have recommended this interchange. The earlier authorization provided for an interchange but one which was not adequate. We realize that many people will be protected and will derive many benefits from the standpoint of safety as a result of the construction of this interchange.

Mr. GROSS. I do not very often get up to New York, but they tell me that the cars are bumper to bumper up there and I am further told that cars are bumper to bumper on the Chesapeake Bay Bridge and at times it is almost impossible to travel in these areas.

However, Mr. Speaker, I do not wish to deprive the people of North Carolina or the people of Colorado or the people of Iowa of the opportunity to go down among the Great Smoky Mountains and have a good time. They would probably be safer down there then they are in Washington, D.C. I do not wish to downgrade the purpose of this bill, but after all, there are other areas of the country that will have to have some help too. All I am saying here is, "Let's spread it around."

Mr. ASPINALL. I know what my friend, the gentleman from Iowa [Mr. GROSS] is saying, and the chairman of the full Committee on Interior and Insular Affairs endeavors to spread around these benefits.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding.

I know what my colleague from Iowa is concerned about, and I take this moment to respond further to his questions concerning the Great Smoky Mountains National Park—and this in a way symbolizes the problem we have in our park system.

Most of our park areas, acreage wise and otherwise, are located in the less populous parts of the United States. This is one reason why the traffic is so heavy in the Great Smoky Mountains National Park. The other reasons is that it is a beautiful area, in fact, in certain seasons of the year, I believe the gentleman will agree with me that it is one of the loveliest, or is in that top category. But to me the problems that are anticipated here are the problems for which we have no answers at this time. The number of campers now are so great that we either have to enlarge the camp grounds or establish camp grounds to take care of them, and if we continue in this process then very shortly we will spoil some of the natural values and beauties of the areas, or we may even have to come to a time when we will limit access at certain times, perhaps by requiring reservations for visitation.

There is one other element I would like to speak about for the benefit of my friend from Iowa, who always tries to see that we get a dollar's worth of value from each dollar spent, and that is this: that there is a lesson for the other States to learn from the activity of the State of North Carolina, and in respect of the Congress dealing with special favor in regard to the requests from the State of North Carolina, because that State and individuals in that State have been so cooperative in granting land and in otherwise assisting in the development of their parks, and I believe there is a natural preference which arises because they have been so cooperative—and other States might note that.

Mr. Speaker, I again thank the gentleman for yielding.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 14074, a bill to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

This legislation amends the act of September 9, 1963 (77 Stat. 154) in three ways. It revises the route of the road; it changes the length of the road from 4.2 to 5.2 miles, and increases the right-of-way from 525 to 650 acres; and increases the amount authorized to be appropriated for the construction of the road $1,160,000 to $2,200,000.

The construction of this entrance road to the Cataloochee section of the Great Smoky Mountains National Park has been a cooperating effort between the National Park Service and the State of North Carolina since its original authorization in 1963. Since then, detailed studies on constructing the entrance road in cooperation with the State road plan indicate that a different entrance route involving an interchange rather than an at-grade crossing with State highways, would be more feasible for park visitors and highway traffic.

Annual visits to the Great Smoky Mountains National Park have averaged in excess of 6,700,000 people. This number is expected to increase to 7,000,000 in the near future. H.R. 14074, will facilitate the entrance to the park for these 6,700,000 visitors as the interchange will provide access from two State highways and eliminate a dangerous at-grade intersection as originally contemplated.

The National Park Service and the State of North Carolina have entered into a memorandum of agreement under which the National Park Service will construct the entrance road in accordance with an agreed design that includes the interchange. The State will acquire and donate to the Federal Government the right-of-way and construct a connecting highway to the interstate route.

The increase in the amount authorized to be appropriated by this bill is $1,040,000, subject to ordinary fluctuations in construction costs as indicated by the applicable engineering cost indexes.

Mr. Speaker, this legislation provides the opportunity to enhance our Federal investment in the Great Smoky Mountains National Park. I urge the passage of this legislation.

Mr. QUILLEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. QUILLEN. I would like to point out to the distinguished gentleman from Pennsylvania, that I agree with him on what he has said about North Carolina. But I would not want the Members of this House to think that the Great Smokies lies entirely in the State of North Carolina—it does not. A good portion of the park is in the great State of Tennessee, which has contributed greatly in its own resources and in acreage to make this park a reality.

I support this measure but I want the Members of the House to know, that this great beautiful place is situated in the great State of Tennessee.

Mr. SAYLOR. I am happy to have that called to our attention.

What you have stated is true and these States are to be commended for the action they have taken, as well as the State of Virginia for the Blue Ridge Parkway which has also been purchased and given to the Federal Government.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. KYL. A moment ago the gentleman from Pennsylvania remarked that the Congress had been delinquent in granting the money necessary to purchase the lands which were included in the park. I think this might be the proper time to point out that at the present time we have authorized parks for acquisition with a value somewhere between $350 million and $450 million and have not appropriated the funds to purchase those lands. We are that far behind and we are talking about new acquisitions for such things as Redwood Park.

Later this week we will have before us—at least it is scheduled for action this week—a bill which would replenish the land and water conservation fund from which we have been getting most of the money to make these acquisitions.

If we cannot do it through these means, we will have to find other means of providing the funds to buy the lands which are already authorized for acquisition. If we cannot get this fund replenished, I think it is incumbent on some of the people who would vote against that proposal to try to come up with some answers. Or we are simply going to have to stop acquiring land for national parks and similar purposes.

This instance as to North Carolina is not the only one where we made the acquisition without paying and we are about $350 million or $400 million behind today.

Mr. SAYLOR. I commend the gentleman from Iowa for bringing this to our attention because later this week there will be a bill on the floor having to deal with a land and water conservation fund which was reported out of the Committee on Interior and Insular Affairs unanimously.

I sincerely hope when that bill is brought up we may have the united support of the Members of the House to give to the Departments of the Interior and Agriculture for acquisition and to the States of the Union for their development and acquisition of State parks and county and city parks the moneys necessary for the acquisition and development of parks in those areas to help take care of the recreation needs of the country.

Mr. Speaker, I urge that the rules be suspended and that this bill be approved.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, last year over 6,700,000 people visited the Smoky Mountains National Park making it the most visited national park in the Nation. Most of these people entered the park on U.S. 441 which runs from Gatlinburg, Tenn., to Cherokee, N.C. The National Park Service states that the most serious traffic problem in any national park in the Nation is in the Smoky Mountains National Park and on Highway 441. On a summer weekend or October weekend traffic is bumper to bumper for 30 miles. It has been referred to as the world's longest parking lot.

In an effort to alleviate this condition and disburse visitors into other sections of the park the National Park Service is seeking to take advantage of the fact that I–40 running from Knoxville to Asheville close to the eastern edge of the park will be completed and opened to traffic this fall.

In 1963 Congress passed a bill authorizing the construction of a scenic road from I–40 to the edge of the Smoky Mountains National Park. The road was to continue inside the park 4 miles to the heart of the Cataloochee Valley which has great potential for development of campsites, picnic areas, nature trails, and so forth.

The 4-mile section of this road located within the park has been completed and is ready for use.

The section of road authorized by the 1963 act was to be a cooperative Federal-State effort. The State of North Carolina has acquired the entire right-of-way for the road and is building an eight-tenths mile connecting road between I–40 and the beginning of the Park Service road. The National Park Service, as authorized by the 1963 act, will construct the entrance road.

As plans have become more definite and detailed, it became evident that the cooperative Federal-State plan required an entrance road of greater length than had been anticipated earlier. It also became evident that in order to build a road of desired standards, that the 1963 authorization was inadequate, and that an increase in the cost limit was necessary.

It is estimated by the National Park Service that highway construction costs in the area have increased 21 percent since 1963.

H.R. 14074 contains the recommended cost increase authorization which amounts to $1,400,000 and authorizes lengthening the road from 4.2 miles to 5.2 miles and revises the description of the route.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 14074.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 5, TRUTH-IN-LENDING BILL

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a privileged conference report on S. 5, the truth-in-lending bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EDUCATIONAL ASSISTANCE TO WIDOWS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16025) to amend title 38 of the United States Code with respect to compensation and educational assistance for widows of veterans, to make certain widows and children eligible for care in Veterans' Administration hospitals, and to change the limitation on the periods of educational assistance available under part III of such title, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1502(b) of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "If the veteran has pursued an educational or training program under chapters 33 (prior to its repeal), 34 or 35 of this title, such program shall be utilized to the fullest extent practical in determining the character and duration of the vocational rehabilitation to be furnished him under this chapter."

(b) Section 1661 of title 38, United States Code, is amended—

(1) by striking out "subsection (b)" in subsection (a) thereof and inserting in lieu thereof "subsection (c)",

(2) by striking out subsections (b) and (d),

(3) by redesignating subsection (c) as subsection (b), and

(4) by adding at the end thereof the following new subsection:

"(c) Except as provided in subsection (b) and in section 1678 of this title, no eligible veteran shall receive educational assistance under this chapter in excess of thirty-six months."

(c) Section 1711 of title 38, United States Code, is amended by striking out subsections (b) and (c), and by redesignating subsection (d) as subsection (b).

(d) (1) Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1791. Limitation on period of assistance under two or more programs

"The aggregate period for which any person may receive assistance under two or more of the laws listed below—

"(1) parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

"(2) title II of the Veterans' Readjustment Assistance Act of 1952;

"(3) the War Orphans' Educational Assistance Act of 1956;

"(4) Chapters 31, 34, and 35 of this title, and the former chapter 33

may not exceed forty-eight months (or the part-time equivalent thereof), but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone."

(2) The table of sections of chapter 36 of title 38, United States Code, is amended by adding at the end thereof the following:

"1791. Limitation on period of assistance under two or more programs."

SEC. 2. (a) (1) Subchapter I of chapter 35 of title 38, United States Code, is amended by inserting immediately before section 1701 the following new section:

"§ 1700. Purpose

"The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces after the beginning of the Spanish-American War, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of such parent. The Congress further declares that the educational program extended to the widows of veterans who died of service-connected disabilities and to wives of veterans with a service-connected total disability permanent in nature is for the purpose of assisting them in preparing to support themselves and their families at a standard of living level which the veteran, but for his death or service disability, could have expected to provide for his family."

(2) The table of sections of chapter 35 of title 38, United States Code, is amended by adding immediately before

"1701. Definitions."

the following:

"1700. Purpose."

(b) Paragraph (1) of section 1701(a) of title 38, United States Code, is amended to read as follows:

"(1) The term 'eligible person' means—

"(A) a child of a person who—

"(i) died of a service-connected disability or

"(ii) has a total disability permanent in nature resulting from a service-connected disability, or who died while a disability so evaluated was in existence,

"(B) the widow of any person who died of a service-connected disability, or

"(C) the wife of any person who has a total disability permanent in nature resulting from a service-connected disability, or the widow of a veteran who died while a disability so evaluated was in existence.

arising out of active military, naval, or air service after the beginning of the Spanish-American War, but only if such service did not terminate under dishonorable conditions. The standards and criteria for determining whether or not a disability arising out of such service is service connected shall be those applicable under chapter 11 of this title."

(c) Subsection (d) of section 1701 of title 38, United States Code, is amended to read as follows:

"(d) No eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the Armed Forces under conditions other than dishonorable, or while he is on duty with the Armed Forces."

(d) Subsection (b) of section 1711 of title 38, United States Code (as redesignated by subsection (c) of the first section of this Act), is amended to read as follows:

"(b) If any eligible person pursuing a program of education, or of special restorative training, under this chapter ceases to be an 'eligible person' because—

"(1) the parent or spouse from whom eligibility is derived is found no longer to have a 'total disability permanent in nature', as defined in section 1701(a)(10) of this title, or

"(2) she, as an eligible person under section 1701(a)(1)(C) of this title, is divorced, without fault on her part, from the person upon whose disability her eligibility is based, then such eligible person (if he or she has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of the quarter or semester for which enrolled if the educational institution in which he or she is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until nine weeks have expired, whichever first occurs."

(e) Section 1712 of title 38, United States Code, is amended—

(1) by inserting immediately after "eligible person" the first place where it appears in subsection (a) thereof the following: "(within the meaning of section 1701(a)(1)(A))", and

(2) by amending subsection (b) thereof to read as follows:

"(b) No person made eligible by section 1701(a)(1) (B) or (C) of this chapter may be afforded educational assistance under this chapter beyond eight years after whichever last occurs:

"(1) the date on which the Administrator first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature, or

"(2) the date of death of the spouse from whom eligibility is derived."

(f) In the case of any person who is an eligible person by reason of subparagraph (B) or (C) of section 1701(a)(1) of title 38, United States Code (as added by subsection (b) of this section), if the date of death or the date of the determination of service-connected total disability permanent in nature of the person from whom eligibility is derived occurred before the effective date of this section, the eight-year delimiting period referred to in section 1712(b) of such title (as amended by subsection (e)(2) of this section) shall run from such effective date.

(g) Section 1720 of title 38, United States Code, is amended—

(1) by inserting "(a)" immediately before the first word thereof,

(2) by inserting in the first sentence thereof immediately after "assistance" and before the comma the following: "for a person eligible within the meaning of section 1701-(a)(1)(A)"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Administrator may, on request, arrange for educational counseling for persons eligible for educational assistance under section 1701(a)(1) (B) or (C) of this chapter."

(h) (1) The heading of chapter 35 of title 38, United States Code, is amended by inserting "AND WIDOWS'" immediately after "WAR ORPHANS'".

(2) The analysis of part III of title 38, United States Code, and the analysis of such title, are each amended by striking out:

"35. War Orphan's Educational Assistance .... 1701"

and inserting in lieu thereof:

"35. War Orphans' and Widows' Educational Assistance.................. 1700".

Sec. 3. Paragraph (2) of section 1682(c) of title 38, United States Code, is amended to read as follows:

"(2) The period of entitlement of any eligible veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $130 which is paid to the veteran as an educational assistance allowance for such course."

Sec. 4. Section 1774 of title 38, United States Code, is amended—

(1) by inserting "(a)" immediately before the first word thereof,

(2) by inserting immediately after "expenses of salary and travel incurred by employees of such agencies" in the first sentence thereof the following: "and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section", and

(3) by adding at the end thereof the following new subsection:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

"Total salary cost reimbursable under this section:	Allowance for administrative expense:
$5,000 or less........	$250.
Over $5,000 but not exceeding $10,000.	$450.
Over $10,000 but not exceeding $35,000.	$450 for the first $10,000 plus $450 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$2,625.
Over $40,000 but not exceeding $75,000.	$2,625 for the first $40,000 plus $350 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$5,225.
Over $80,000........	$5,225 for the first $80,000 plus $300 for each additional $5,000 or fraction thereof."

Sec. 5. (a) The amendments made by the first section and sections 2 and 3 of this Act shall take effect on the first day of the second calendar month which begins after the date of the enactment of this Act.

(b) The amendments made by section 4 of this Act shall apply with respect to contracts and agreements entered into under section 1774 of title 38, United States Code, effective for periods beginning after June 30, 1968.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks on the several veterans' bills today, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the Subcommittee on Education and Training held hearings on April 30 and May 1 on H.R. 16025 and related proposals. As reported, section 1 provides that a veteran who has received, as an example, 36 months of education and training under the War Orphans' Educational Assistance Act and who has earned additional entitlement under the current so-called GI bill of rights—Public Law 89–358—may have a maximum of entitlement under both programs of 48 calendar months. The present law provides a maximum of 36 months of education and training under the war orphans' program and under the provisions of Public Law 89–358; the latter law applies to veterans who served the necessary service on or after January 31, 1955. The War Orphans' Educational Assistance Act program, enacted in the 84th Congress as Public Law 634, currently authorizes education and training for the children of individuals whose death was due to service or who have a total and permanent disability based on service-connected causes.

Section 2 of the bill extends the provisions of the war orphans' education program to the widow of any person who died of a service-connected disability or the wife of any person who has a total disability permanent in nature resulting from a service-connected injury or disease. Benefits provided in section 2 would not be applicable to a widow who has remarried. In line with the current provisions of VA education laws, there is an 8-year time limitation for a widow or wife to complete the educational assistance program of 36 months at $130 a month—8 years from the effective date of this proposal or 8 years from the date of death of the veteran or decision of total disability, whichever is the later.

Section 3 is in line with the current provisions of Public Law 89–358, as amended by Public Law 90–77, applicable to flight training and provides that any veteran who is pursuing a program of education exclusively by correspondence shall be charged 1 month of eligibility entitlement for each $130 which is paid to the veterans as an educational assistance allowance.

Under existing law the Administrator of Veterans' Affairs is authorized to pay State and local agencies for reasonable and necessary expenses of salary and travel of employees of State agencies in rendering necessary services for evaluating and surpervising the several educational programs administered by the Veterans' Administration insofar as they relate to educational institutions in a given State. Section 4, originally introduced as H.R. 14253, would provide an allowance for administrative costs, the exact amount of which would be determined by the size of the contract, between the Veterans' Administration and the State, for the amount of salary. Thus if the amount of salary was $5,000 or less a year, the administrative expenses would be limited to $250. In a State which had many institutions subject to supervision by the State approval agency, and the salary allowance was more than $80,000, the amount for administrative expenses would be $5,285 for the first $80,000 of salary expenses plus $300 for each additional $5,000 or fraction thereof.

Section 5 specifies an effective date for sections 1, 2, and 3, as the first day of the second calendar month which begins after the date of enactment of this act; and section 4 is effective for the periods beginning after June 30, 1968.

The Veterans' Administration estimates that the following costs can be expected:

The total estimated first-year cost would be $7,625,050. The estimated first-year cost of each section of the bill, as amended, follows:

Section 1. First-year cost: nominal.

Section 2. First-year cost: $7,485,050.

Section 3. No cost and could possibly result in some savings.

Section 4. First-year cost: $140,000.

The 5-year cost would total $80,500,000.

I take this opportunity to express my appreciation and commendation to the members of the Subcommittee on Education and Training, headed by the gentleman from California [Mr. Brown] and his colleagues: the gentleman from New York [Mr. Dulski], the gentleman from Nevada [Mr. Baring], the gentleman from South Carolina [Mr. Dorn], the gentleman from New Jersey [Mr. Helstoski], the gentleman from New York [Mr. Resnick], the gentleman from New York [Mr. Hanley], the gentleman from Illinois [Mr. Pucinski], the gentleman from New York [Mr. Halpern], the gentleman from California [Mr. Teague], the gentleman from Tennessee [Mr. Duncan], the gentleman from Ohio [Mr. Ayres], the gentleman from New York [Mr. Kupferman], and the gentleman from Virginia [Mr. Scott] for their hearings which were held on April 30 and May 1 on the bills H.R. 14954 and H.R. 16025.

Mr. Speaker, I include as a part of my remarks, communications which I have received from the several veterans organizations relating to the bills we are today considering:

The American Legion, Legislative Commission,
Washington, D.C., May 17, 1968.

Hon. Olin E. Teague,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, D.C.

Dear Chairman Teague: The American Legion appreciates your sponsorship and the action of your Committee in reporting H.R. 16025.

Extension of eligibility to wives and widows, as proposed in this bill, is a realistic approach to the serious economic problem confronting the family of a veteran suffering total service-connected disability, and the widow on death of the veteran from a service-connected disability. Educational assistance, as proposed in this bill, would assist these wives and widows in achieving economic security, and, from the standpoint of national interest, would add to the reservoir of scientists, teachers, technicians, etc., needed today and in future years to meet the demands of our industry and society.

Increasing the period of entitlement to 48 months for those veterans who have eligibility as a war orphan, and for those who acquired eligibility by reason of their own service, is also in accord with the general policy of The American Legion to improve veterans educational assistance programs.

For these reasons, The American Legion urges early enactment of H.R. 16025.

Sincerely yours,

HERALD E. STRINGER,
Director.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Rayburn House Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to H.R. 16025 as reported by your Committee to the House and is scheduled for consideration and vote next week.

The Veterans of Foreign Wars strongly supports the provision in this bill which will extend educational assistance to the widows of service-connected veterans. This is in line with a mandate approved by the delegates to our New Orleans National Convention last August calling for more educational assistance for the widows of veterans who have made the supreme sacrifice in Vietnam or have died from service-connected causes.

Many of these widows are quite young and have assumed the role as head of the household. Additional training and education are most important for these young widows, who must become the breadwinners upon the loss of their husbands. Most important, the additional education and training will not only help the nation but will aid these widows in achieving a standard of living in keeping with our national economy. Many of these young widows have been forced to live on the very modest dependency and indemnity compensation payments.

Presently, a veteran who is entitled to training under the War Orphans' Educational Assistance Act may also be entitled to training as a veteran under the GI Bill of 1966. While his right to this training is predicated on completely different and distinct statutes, nevertheless another provision of the law prevents him from entitlement to more than 36 months under either program. The provision in this bill, which would permit a maximum of 48 months entitlement for such a veteran, is strongly supported by the Veterans of Foreign Wars.

The Veterans of Foreign Wars does not have any position with respect to Section 3 of the bill which relates to certain administrative costs for services rendered in carrying out educational programs administered by the Veterans Administration.

The more than 1,400,000 members of the Veterans of Foreign Wars of the United States will be deeply appreciative if the Congress will favorably consider and pass H.R. 16025 at the earliest opportunity.

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

WASHINGTON, D.C.,
May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: The Disabled American Veterans commends the House Committee on Veterans' Affairs for their foresight in reporting H.R. 16025, and urges you to exert every effort to secure early House approval of this deserving measure to improve the Veterans educational programs and make war orphans educational benefits available to the wives and widows of Veterans who have died or become totally disabled as the result of service to their country.

CHARLES L. HUBER,
National Director of Legislation, Disabled American Veterans.

WASHINGTON, D.C.,
May 17, 1968.

Hon. OLIN TEAGUE,
Chairman, House Veterans Affairs Committee, Rayburn House Office Building, Washington, D.C:

AMVETS would favor the passage of H.R. 16025 with the proposed revisions.

RALPH E. HALL,
National Executive Director, AMVETS.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 16025.

Section 1 of this bill authorizes a maximum of 48 months of education for any veteran who is eligible for benefits under the current GI bill and who received benefits under either the War Orphans' Educational Assistance Act, the World War II or the Korean GI bill. Existing law, in limiting the maximum of entitlement to 36 months, creates certain inequities. The principle inequity that comes to mind, of course, is the case of the young man who received 36 months of education under the War Orphans' Act, by virtue of the death in service of his father. This same young man then becomes eligible for 36 months of education under the provisions of the current GI bill based upon his own military service. Because of the 36 months' limitation of existing law, this young man is unable to avail himself of the educational benefits that he has earned.

The bill before the House today will permit this young man to receive an additional 12 months of schooling under the GI bill. Section 2 of the bill, Mr. Speaker, will extend the provisions of the War Orphans Educational Assistance Act to the widows of service-connected deceased veterans and to the wives of service-connected totally disabled veterans. Educational benefits were initially extended to the children of deceased or totally disabled service-connected veterans on the theory that the Federal Government had an obligation to aid such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of their parents. It is the committee's view that the educational program should be extended to the widows of veterans who died of service-connected disabilities and to wives of veterans with a service connected total disability for the purpose of assisting them in preparing to support themselves and their families at a standard of living level which the veteran, but for his death or total disability, could have expected to provide for his family. Too frequently, Mr. Speaker, the young widow must assume the responsibility of the breadwinner of the family and is inadequately prepared to assume this obligation. In providing educational benefits, we are assisting this young widow in qualifying for a greater earned income than she could otherwise expect.

Section 3 of the bill revises the method of charging entitlement in the case of veterans pursuing correspondence courses and provides that 1 month of eligibility entitlement shall be charged the veteran for each $130 paid him as an educational assistance allowance.

Section 4 authorizes the Veterans' Administration to pay a minimal sum to the several State approval agencies for administrative expenses incurred in connection with the pursuit of their responsibilities for evaluating and supervising veterans' educational programs.

Under existing law, in each of the 50 States, a State agency has been designated to approve facilities and courses for veterans' education. The law permits the payment of salary and travel expense for State employees performing these functions. This provision of the bill would permit the payment of a nominal sum for administrative expenses as well. The administrative expenses would be paid in accordance with a formula set forth in the bill. The minimal annual payment of $5,225 for a salary expense of expense is $5,000 or less ranging up to a payment of 5,225 for a salary expense of $80,000 a year with an additional $300 for each additional $5,000 of salary expense. The Veterans' Administration has estimated that the total cost of this section would not exceed $140,000 for the first year.

Mr. Speaker, the provisions of this bill have been carefully thought out by the Committee on Veterans' Affairs and will correct inequities of existing law. I support the bill and urge that it be passed.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16025, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38 of the United States Code with respect to eligibility for, and the period of limitation on, educational assistance available under part III of such title, and for other purposes."

A motion to reconsider was laid on the table.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I heartily endorse bill H.R. 16025 to extend educational benefits for certain veterans now limited by the 36-month maximum and to provide educational benefits to widows of veterans and to wives of service-connected, 100 percent disabled veterans.

Besides recognizing the need for expanded benefits for some of our veterans, the bill embodies a genuine, practical effort to assist the women who must bear a sharply increased burden because of the military service our Nation has asked of its men.

Passage of the bill indeed compliments this Congress since the legislation embodies a broad change in attitude far from the kind of thinking which only a few years ago questioned the validity of any education for women.

Findings by the House Veterans' Affairs Committee as well as the recommendations by the Veterans' Advisory Commission also give enthusiastic support to this innovative proposal. The country can never repay a wife for the loss of her beloved husband nor a wife for the incapacitation of her husband.

But the country can and should minimize her economic trauma.

This bill achieves certain very worthy objectives: First, the bill offers a practicable solution to the loss of the major wage earner by encouraging women to help minimize this economic loss and to maintain the current standard of living;

Second, not only will the bill benefit our economy in general, but such educational opportunity can give these women a sense of personal accomplishment;

Third, the bill both explores and capitalizes on an often untapped resource, the woman power in these United States, for it encourages the updating of skills or completion of education started at an earlier time.

The monetary cost is indeed small when measured against the magnitude of the advantages—the opportunity to better the condition of the veteran and to focus on the potential of our women.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16025. This bill will permit widows of service-connected deceased veterans and wives of service-connected totally disabled veterans to receive 36 months of educational benefits similar to those provided to war orphans. This bill is long overdue, Mr. Speaker, because it is just as important, maybe even more so, to educate a young widow so that she can support her family as it is to provide educational benefits to children of deceased veterans that cannot be utilized until the child graduates from high school. The young widow of a serviceman killed in Vietnam immediately becomes the breadwinner of a family. Through this bill, we are providing an opportunity for her to increase her earning potential so that she can better support her family.

An equally important provision of this bill, Mr. Speaker, is the provision that will permit a young man who has already received the benefits of the War Orphans' Educational Assistance Act to utilize the educational entitlement he has earned by his own service in the Armed Forces. Unfortunately, the bill only authorizes a maximum total of 48 months educational entitlement, irrespective of the amount of time the veteran has earned in his own right. Under existing law, if a veteran has utilized 36 months of educational entitlement under the War Orphans' Act because his father was killed in service during World War II, he is prohibited from utilizing the GI bill educational benefits that he has earned by virtue of his own service in Vietnam. Should this bill become law, this young man would be entitled to an additional 12 months of entitlement. I sincerely believe that he should be entitled to the full GI bill benefits if he has served long enough to earn them. I shall support this provision, Mr. Speaker, because it is a step in the right direction, but I hope we can take another look at it in the near future.

Mr. BOLAND. Mr. Speaker, I rise in support of H.R. 16025, a bill that would offer new educational opportunities to the wives of totally disabled veterans and the widows of veterans who die of service-connected disabilities.

Many of these wives and widows, Mr. Speaker, rely wholly on VA benefits for supporting themselves and their families—benefits that bring family income significantly above the poverty level, but that nevertheless provide for only a modest standard of living. H.R. 16025 would help these women to shore up their incomes. By granting them an adequate monthly stipend for part-time or full-time study, the bill would allow them to take part in educational and training courses leading to jobs. And, for those wives and widows who now work, H.R. 16025 would help them to gain better jobs. In addition to increasing their earning power, Mr. Speaker, the educational opportunities granted by this bill would allow veterans' widows and totally disabled veterans' wives to take part more actively in community affairs—making unnecessary the kind of sheltered and withdrawn lives in which many of these women find themselves trapped.

The other provisions of H.R. 16025, Mr. Speaker, are equally admirable. One provision would broaden the educational opportunities offered to veterans who are also war orphans, another would amend and update the benefits program for veterans taking correspondence courses, still another would provide new financial assistance to State agencies charged with approving veterans' educational programs.

This bill, Mr. Speaker, deserves the support of every House Member.

I strongly urge its passage.

Mr. DONOHUE. Mr. Speaker, I hope the House will very quickly approve this measure before us, H.R. 16025.

In substance, this measure extends the provisions of the war orphans educational program to the widows of persons who died of a service-connected disability and the wives of persons who are totally disabled as a result of a service-connected injury or disease.

Upon the deaths of their husbands, widows of veterans who die from service-connected disabilities often face an abrupt loss of adequate financial support, and must, in many instances, adjust their living standards to a substantially lower level. Barring employment or remarriage, their expectations for income are limited to VA benefits and perhaps, to social security which together average about $153.79.

Additional training would make it possible for widows to supplement their income, thereby enabling them to achieve a reasonable standard of living. The national economy would benefit from such training because the costs of training would eventually be returned as additional income tax revenues. In addition, the Nation would gain needed skills for its manpower resources.

Totally disabled veterans and their families must rely on VA compensation for support which is ordinarily much less than the standard of living that the veteran could have provided for his family, except for his service disability.

It is seldom possible to rehabilitate the totally disabled veteran economically. Therefore, an equitable alternative lies in a program of educational assistance for the veteran's wife. Such a program would enable her to supplement the income of the family of the veteran totally incapacitated due to service.

Mr. Speaker, veterans' widows and families and the wives and families of totally service-connected disabled veterans certainly deserve the opportunity and encouragement to fully participate in our continuing economic and social progress, and that is just what this measure is fundamentally designed to provide. Therefore, I hope and urge that it will be promptly and unanimously approved.

CARE AND TREATMENT OF VETERANS IN STATE HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16902) to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes.

The Clerk read as follows:

H.R. 16902

A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 641 of title 38, United States Code, is amended to read as follows:

"§ 641. Criteria for payment

"The Administrator shall pay each State at the per diem rate of—

"(1) $3.50 for hospital or domiciliary care, and

"(2) $5.00 for nursing home care,

for each veteran of any war receiving such care in a State home, if, in the case of such a veteran receiving domiciliary or hospital care, such veteran is eligible for such care in a Veterans' Administration facility, or if, in the case of such a veteran receiving nursing home care, such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirements of clause (B) of such paragraph (1) shall for this purpose refer to the inability to defray the expenses of necessary nursing home care; however, in no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veteran's care in such State home."

SEC. 2. Section 5033(a) is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "nine succeeding fiscal years".

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the bill as reported—

First, increases the domiciliary and hospital rate to State homes to $3.50 from $2.50;

Second, increases the nursing home rate to $5 from $3.50; and

Third, extends for 5 additional years—$5 million each year—the matching grants for States to construct nursing homes.

Public Law 88-450 introduced the nursing home care concept into the activities of the Department of Medicine and Surgery of the Veterans' Administration. That law also authorized the operation by the Veterans' Administration of 4,000 nursing home beds to be operated by the Veterans' Administration directly and also made provision that where a veteran was in a Veterans' Administration hospital and no longer needs hospital care, he could be placed in a community nursing home at the expense of the Veterans' Administration for a period not to exceed 6 months unless extended by the Administrator. The law, as well, provided for a nursing home rate of $3.50 a day for veterans who are receiving care in one of the several State homes operated throughout the United States. Previously, domiciliary care had been paid for by the Federal Government at the rate of $2.50 a day and this rate remained unchanged. The public law also provided for a 5-year program of grants to the States to aid them in the construction of new nursing home facilities. There has been steady progress under this provision, as indicated elsewhere in this report.

The first section of the bill would increase the payments by the Federal Government to the State homes for domiciliary and hospital care from $2.50 to $3.50, and for nursing care from $3.50 to $5.

Section 2 extends, for an additional 5 years, the program of matching grants—$5 million each year—to the States and to encourage and assist them in the construction of State nursing home facilities for war veterans.

Section 1 of the bill, increasing per diem payments, would have a first year cost of $4,098,000, rising to $4,413,000 in fiscal year 1973. The cost of section 2 would be a potential of $5 million in appropriations for construction grants for each of the 5 additional years, beginning with fiscal year 1970.

Hearings on nursing care programs were held before a special subcommittee on June 21, 22, 27, July 18 and 19, August 15 and 24, 1967.

Current statistics on State nursing homes follow:

STATE NURSING HOME CONSTRUCTION AS OF MAR. 31, 1968

1. FUNDING

	Millions
Fiscal year 1966	$2.5
Fiscal year 1967	4.0
Fiscal year 1968	4.0
Total	10.5
Requested for fiscal year 1969	4.0

2. CONSTRUCTION PROJECT COMPLETED

Date	State	Number of beds	VA share (thousands)	State share (thousands)	Total project (thousands)
May 1967	Vermont, Bennington	22	$123	$129	$252

3. CONSTRUCTION PROJECTS GIVEN TENTATIVE APPROVAL

Estimated completion	State	Number of beds	VA participation (estimated in thousands)	State share	Total project (estimated in thousands)
June 1968	Georgia, Augusta	192	$982	$1,083	$2,065
January 1970	Illinois, Quincy	200	1,619	1,620	3,239
January 1969	Iowa, Marshalltown	80	532	538	1,070
Construction not begun	Kansas, Fort Dodge	88	400	400	800
December 1968	Nebraska, Grand Island	100	744	1,268	2,012
Construction not begun	New Jersey, Menlo Park	100	820	820	1,640
May 1968	New Jersey, Vineland	100	592	705	1,297
Construction not begun	Oklahoma, Norman	50	209	209	418
December 1968	Rhode Island, Bristol	30	364	389	753
May 1968	Wisconsin, King	200	1,181	1,700	2,881
Total		1,140	7,443	8,732	16,175

4. CONSTRUCTION APPLICATIONS UNDER REVIEW

State (by date application was received)	Number of beds	VA participation (estimated in thousands)	Total project (estimated in thousands)
Massachusetts, Holyoke	157	$1,845	$4,220
Wisconsin, King (No. 2)[1]	200	1,602	3,469
Montana, Columbia Falls	13	45	545
New Jersey, Vineland (No. 2)[1]	100	858	2,305
New Jersey, Menlo Park (No. 2)	100	897	1,794
New Hampshire, Tilton	50	290	580
Total	620	5,537	12,973

[1] States advised that, subject to availability of Federal funds, VA will participate at 50 percent of New Jersey (Vineland No.2) and 47 percent of Wisconsin project costs.

Mr. Speaker, in the 88th Congress I named the gentleman from Tennessee [Mr. EVERETT] to head the special subcommittee on intermediate care. He has performed the same function in the 89th and 90th Congresses and has shown a keen interest in the general subject of nursing care. He and his colleagues on that subcommittee, the gentleman from Texas [Mr. ROBERTS], the gentleman from Virginia [Mr. SATTERFIELD], the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] in their hearings in the first session of this Congress thoroughly reviewed the nursing care program and bring to us today the bills H.R. 7481 and H.R. 16902. For their activities, I thank them.

Mr. Speaker, I include as a part of my remarks communications which I have received from the several veterans organizations relating to the bills we are today considering:

THE AMERICAN LEGION,
Washington, D.C., May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House Office Building, Washington, D.C.

DEAR CHAIRMAN TEAGUE: The American Legion appreciates the action of your Committee in reporting H.R. 16902, a bill to promote the care and treatment of veterans in State veterans' homes.

As your Committee knows from the many reports and studies available to it, hospital, domiciliary, and nursing bed care costs continue to increase annually. This is attributable to the growing costs of construction and equipment, food and drugs, and wages and salaries. State home facilities are not immune from these increases.

Although our mandate from the 1967 National Convention seeks a higher per diem payment to State homes for hospital care than is provided under H.R. 16902, we believe that the rate provided in this bill would improve the ability of these homes to provide adequate domiciliary and nursing bed care of war veterans.

With respect to the Federal grant authorized by P.L. 88-450 to States to assist them in the construction of nursing bed care facilities, an extension of the authorization of $5 million each fiscal year through June 30, 1974 would enable additional States to develop plans and programs, and to process their applications for this grant.

The American Legion urges prompt enactment of this measure by the Congress.

Sincerely yours,
HERALD E. STRINGER,
Director.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Rayburn House Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to H.R. 16902, which would increase the VA's cost of caring for veterans in State homes, which has been reported to the full House and is scheduled for consideration next week.

The Veterans of Foreign Wars strongly supports the increased per diem rate for hospital, domiciliary, and nursing home care as proposed in this bill. Likewise, the Veterans of Foreign Wars strongly supports the extension of the grant-in-aid construction program for an additional five years. This is the Federal-State program which assists the several states in the construction of State home facilities for furnishing nursing care to veterans.

The more than 1,400,000 members of the Veterans of Foreign Wars of the United States will be deeply appreciative if the House will favorably consider and approve H.R. 16902 at the earliest opportunity.

Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

MAY 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: The Disabled American Veterans urges early and favorable House consideration of H.R. 16902, reported by your committee on May 14 and commends the House Committee on Veterans' Affairs for recommending the small, but needed increase in the amount which the Veterans' Administration may pay for the medical care and treatment of veterans in State veterans homes.

CHARLES L. HUBER,
National Director of Legislation, Disabled American Veterans.

MAY 17, 1968.

Re H.R. 16902
Hon. OLIN TEAGUE,
Chairman, House Veterans' Affairs Committee, Rayburn House Office Building, Washington, D.C.:

AMVETS would favor this legislation to promote the care and treatment of veterans in State veteran homes and for the extension of the present program for five additional years.

RALPH E. HALL,
National Executive Director, Amvets.

VETERANS OF WORLD WAR I OF THE U.S.A., INC.
Washington, D.C., May 16, 1968.

The National Commander's Statement on H.R. 16902:

The National Commander of the Veterans of World War I, USA, being privileged to serve on the Advisory Board of one of the biggest State Homes in the country for many years, feels this increase is long overdue. It is apparent that more and more of the older veterans need nursing home care which entails a great expense on the state.

PHILIP F. O'BRIEN,
National Commander.

Mr. Speaker, I include as a part of my remarks an historical analysis, prepared by the Veterans' Administration, on the nature of State homes and Federal assistance thereto:

APPENDIX

HISTORICAL ANALYSIS OF THE NATURE OF THE STATE HOME PROGRAM FOR VETERANS AND RELATED STATE-FEDERAL RESPONSIBILITY FOR SUCH CARE

Following the Civil War, a number of States established State Homes for the domiciliation of disabled soldiers and sailors. These were originally erected or acquired and operated entirely at State expense. The first enactment to provide for payment of Federal aid to States which maintained Homes in which certain disabled soldiers and sailors of the United States received care was the Act of August 27, 1888.[1] The legislative history, as reflected in the debates reported in the Congressional Record, in Senate Report No. 754, 50th Congress, to accompany S. 2116, and House Report No. 2821, 50th Congress, to accompany H.R. 7939 (copies of reports reproduced herein)[2] show that the care provided in States Homes for which the Federal aid would be paid was to be the equivalent of the type of care then being provided by the Federal Government in the existing National Home system. For example, the Senate Committee on Military Affairs in reporting S. 2116, amended the bill as introduced in order to make "the bill accord in the matter of rule of admission with that now in force and governing admissions to the National Home." Also, Hon. Levi Maish in the debates in the House on the measure (19 Congressional Record 6552) is reported to have stated: "We propose simply to admit into the State homes for disabled soldiers upon the same terms on which they are now admitted to national homes. . . ."

That the National Home for Disabled Volunteer Soldiers primarily provided a type of care which we designate today as "domiciliary care" would seem to be generally recognized. The following extracts from annual reports of the Board of Managers are illustrative:

For the fiscal year ending June 30, 1883:

". . . The men are well cared for, are comfortably clothed, housed, and fed; all proper means are taken for their occupation and amusement, and for their religious instruction, and the Board does not know what more can be done than has already been done by Congress for making a comfortable home for these disabled soldiers where they can happily spend their declining years."

For the fiscal year ending June 30, 1884:

". . . It believes that as the result of its labors the money appropriation by Congress has been economically expended, the members of the Home have been well housed, nourished, and clothed, and that they have been made as happy as circumstances will permit. And the Board calls attention to the fact that its endeavor has constantly been to make the institution as nearly as possible a home for the members and not a mere asylum.

"To attain this end, chapels, libraries, reading-rooms, objects of amusement of various kinds, theaters, greenhouses, etc., have been furnished. The table is as good as the money available will permit, and the clothing is all of the best quality. It is believed by the Board that in no public institution have men ever been better housed, fed, and clothed than they are in the National Home."

Many years later the Comptroller General had occasion to make a detailed examination of the legislative history of the acts relating to Federal aid payments to State homes for the purpose of determining the nature of the care authorized, 35 Comp Gen 476, B–125206, February 24, 1956. His letter of February 24, 1956 furnishing a copy of that decision to the Chairman, Committee on Veterans' Affairs states in part:

"The 1888 act as amended does not define 'home' and what the Congress intended as a prerequisite upon the States to their becoming eligible for the Federal-aid payments can be ascertained only from the language it used and the sense in which the particular words then were understood. The language of the act itself authorizes payments only where the States had established or thereafter shall establish a home. The sense in which the Congress used the word 'home' is fully discussed in the attached decision to the Administrator of Veterans' Affairs. For the reasons set forth in the decision we have concluded that the Congress meant an institution which would primarily furnish domiciliary care for the veterans. The term 'domiciliary care' seems to have meant the furnishing of shelter, food, and clothing to the veteran and such incidental medical care as is necessary to his maintenance. The term does not encompass the furnishing primarily of hospital care or treatment. Of course, under the 1939 amendment the furnishing of hospital care or treatment in the homes also would entitle the home to the Federal-aid payment."

The full text of the letter and decision were reprinted in Committee Print No. 213, 84th Congress, a copy of which is reproduced herein. (See footnote 2.)

The foregoing demonstrates the means utilized to care for those disabled veterans unable to earn their own living but there is still for consideration the degree and nature of the responsibility for such care as between the individual States and the Federal Government in carrying out the State home program. Some eleven States expended more than $40,000,000 to provide such care for their veterans prior to the initiation of any Federal assistance. The aforementioned Congressional Reports, 50th Congress, as well as Exhibit A thereto, contain a number of replies obtained in response to inquiries concerning the proposed bill (which, as previously indicated, was enacted as the Act of August 27, 1888). The communication from the State of New Jersey included an extract from the Governor's Annual Message, reading in part as follows:

"*The care of those who are disabled from earning their own livelihood*, in consequence of wounds received, or of sickness contracted in the service of their country *in time of war, is a sacred trust upon the people of the State*. They gave up all the comforts of home, abandoned the pursuit of business, and devoted their lives, health, and energies to the defense of the Union. *They should be the wards of the State, and it should be our care, when they become and are unable to provide for themselves or their families, to look after them*, make their future pathway in life as pleasant as possible, and do all that we can to secure their comfort and alleviate their suffering." [Emphasis added.][3]

History establishes that Congress did not feel it necessary to assume the entire responsibility for the care of disabled needy veterans. The passage of the 1888 Act demonstrated that it intended to leave a large share of the responsibility with the States but authorized a Federal sharing of costs to alleviate the burden upon State taxation. To that degree, it seems plain that the care of these war veterans was considered to be a responsibility of both the Federal Government and the individual States. The following extracts from Senate Report 754 support this view:

"It can not be seriously doubted that the Federal Government, in the first instance, is justly chargeable with the care of its defenders, and more especially of those who aided to preserve the integrity of the Union in the late war, who, by thousands, have become, from the effects of service and the infirmities of age, physically disabled from earning a livelihood. *In no proper sense can the responsibility for the entire care of the veterans of its wars be cast upon the States* when the local burden always includes a liberal item of taxation for the support of the indigents usually found in every community. This is a sufficient strain, in that direction, upon the taxpayer.

"The care and support of the indigent and disabled soldier is essentially a Federal obligation, and, in the judgment of your committee, it is neither wise, just, nor patriotic for a nation, by delay or otherwise, to evade it."

* * * * *

"*The necessity for national aid to the States* becomes still further apparent from reports by the Board of Managers of the National Home for Disabled Volunteer Soldiers . . ."

* * * * *

"It seems quite plain to your committee that a *portion of this burden*, yea, the greater part of it *should be borne by the Federal Government*." [Emphasis supplied.]

House Report 2821 is of a similar import, as is the debate in the House. See, for example, the Hon. Laird's comments (floor manager of the bill) as they appear in 19 Congressional Record 6552, July 19, 1888, as follows:

"The report of the managers [of Soldiers homes] demonstrates that either we must build additional homes, we must enlarge the capacity of those in existence, or *we must grant aid to the States and encourage them in caring for these veterans*, or refuse to do anything and let these men take care of themselves to the end of life."

* * * * *

"The recommendation of the Board of Managers is clear, distinct, and practical. They ask us to give them as much money to add to the capacity of the present soldiers' homes, *or to pass this law and encourage the States to care for their own men . . .*". [Emphasis supplied.]

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[1] A chronological statement of the provisions of the Act and subsequent amendments or enactments follows this commentary beginning on p. 12.

[2] The source material is reproduced herein beginning on p. 17 and ending on p. 42.

[3] Not all of the State communications are as precise in pinpointing the responsibility for the care of needy war veterans nor do all reflect the same view.

No history reflecting the relationship of the Federal Government to the State Home program would be complete without some reference to the early views expressed by the Veterans' Administration reports to Congress which may be found in Senate Report No. 705, 76th Congress, to accompany H.R. 4647. In a report dated April 13, 1939, to the Chairman, House Committee on Military Affairs, the then Administrator stated, in part:

"As a matter of general policy the Veterans' Administration would be inclined to favor a greater utilization of the domiciliary beds under its control.

"This policy was established some years ago and has been emphasized since the consolidation of the National Home of Disabled Volunteer Soldiers with the United States Veterans' Bureau and Pension Bureau. Further construction on the part of States for the care of veterans entitled to domiciliary care in Veterans' Administration facilities has not been encouraged. This feeling that State relief should not be extended is based on the thought that whatever was necessary to be done in making provision for domiciliary care of veterans of the World War should be undertaken by one agency; and since the Federal Government had entered this field to a considerable extent, it was considered desirable that necessary provisions for the World War group be made in Veterans' Administration facilities."

Also on April 24, 1939, the Administrator reported to the Chairman of the Senate Committee on Finance:

"Congress has decided that the care of our disabled veterans is a function of the Federal Government; and since the Federal Government has recognized and assumed this obligation, it is not good administrative policy to encourage the State governments to parallel or duplicate these efforts. If the States are encouraged to assume this function, then it will certainly follow that the Federal Government will not undertake to build to meet the peak load. The Veterans' Administration has no desire to avoid the obligation of a full assumption of providing care for our disabled veterans, but it is felt to be economically and administratively unsound for the Federal Government to provide this care and in addition to assist State governments in providing similar care."

It is to be noted, however, that the Congress did not follow the recommendation of the VA. It enacted H.R. 4647, which became Public Law No. 250, 76th Congress, increasing the amount payable as a subsidy to the States and expanding the base also authorizing aid payments where a veteran eligible for VA hospitalization was admitted to a State Home for purposes of hospitalization.

The view that the primary responsibility for the care of veterans rests upon the Federal Government and not upon the States has been given expression from time to time. For example, in the Hearings before the Senate Committee on Military Affairs, on S. 861, Federal Aid to State Homes for support of Disabled Soldiers and Sailors, June 18, 1943, we find (page 8) Senator Reynolds, Chairman, saying:

"In view of the fact that all these inmates, residents of your State hospitals are veterans of the Federal Government, are veterans of the United States Government, it strikes me that the Federal Government ought to maintain those men and eliminate the cost from the States, . . ."

See also arguments and briefs presented to the Comptroller General (which led to the decision of February 24, 1956, 35 Comp. Gen. 476, supra) to the Congress, printed in the Hearings before the House Committee on Veterans' Affairs, on H.R. 4446 et al. Legislation Proposing Construction Aid to State Soldiers' Homes, and Regulating Federal Payments Thereto, January 25 and 26, 1956. In the same vein, the former Administrator presented the VA legislative policy to the House Committee on Veterans' Affairs on April 3, 1963, during which the following conversation took place:

"Mr. FINO. Mr. Gleason, on page 2 you say, and I quote:

" 'There are other patients who cannot be rehabilitated to this point and need attention in a nursing home or other suitable environment. What to do for this group poses a large question to which we have not found the answer.'

"Is there any question in your mind that the responsibility to all veterans is a Federal problem and not a local or State problem?

"Mr. GLEASON. In my opinion, Congressman, *I believe it is a Federal problem. The veteran served the United States, not any particular State.*" (Emphasis supplied.) (Hearings before the Committee on Veterans' Affairs, on Position of the VA on Bills Related to Provision of Nursing Care for Veterans, etc., VA Legislative Policy—Administrator of Veterans' Affairs, April 3, May 28, 1963, page 180.)

The preceding paragraph notwithstanding, there is abundant legislative history reflecting the nature of the payments as being a Federal *contribution* to State Homes to aid in the care of certain veterans who are domiciled therein. See for example, House Report No. 1702, 80th Congress, to accompany H.R. 1562, April 8, 1948, which was enacted as Public Law 531, 80th Congress and provided for a temporary increase in the amount payable; Senate Report No. 2243, 81st Congress, to accompany S. 3889, August 3, 1950; House Report No. 1076, 82nd Congress, to accompany H.R. 3548, September 27, 1951; House Committee (on VA) Print No. 62, and No. 219, 86th Congress, May 27, 1959 and April 8, 1960, respectively; House Report No. 1535, 86th Congress, to accompany H.R. 10596, April 21, 1960; etc.

Until the enactment of Public No. 250, 76th Congress, August 1, 1939, the only hospitalization which came within the purview of the Act of August 27, 1888 was that which was furnished by the State Home as an incident to domiciliary care. This Act, in addition, authorized Federal aid payments to State Homes for veterans who are admitted for purposes of hospitalization and are eligible for such care by the VA. Thereafter, if a veteran was eligible for domiciliary or hospital care by the VA and was admitted to a State Home for either type care, federal aid payment was authorized. See 19 Comp. Gen. 531, B–6897, November 29, 1939, herein reproduced; 35 Comp. Gen. 476, B–125206, February 24, 1956, reprinted in Committee Print No. 213, 84th Congress, reproduced herein.

The foregoing reflects a clear State recognition and assumption of its responsibilities to its citizens (including veterans) and to an impressive degree a Federal recognition and assumption of a more limited sharing responsibility for the type of care provided in the State Home situation. The Federal Government has for many years continuously provided financial contribution to the States which care for eligible veterans in a State Home, thus assisting the State and also meeting the Federal responsibility at reasonable Federal cost. Compelling arguments can be made on both sides of the question but it would seem that the legislative pattern, long established, rather persuasively tends toward a conclusion that the Federal responsibility has been Congressionally viewed as somewhat secondary or auxiliary to that of those States who have undertaken veterans' Home care programs. It is in form a grant-in-aid to provide partial financial relief from the burden of meeting the responsibility historically assumed by many of the States for this form of care extended to war veterans residing within their boundaries.

CHRONOLOGY OF FEDERAL LAWS RELATING TO STATE HOME PROGRAM FOR VETERANS

The basic Act of August 27, 1888, 25 Stat. 450, reads as follows:

"An Act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States."

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the war of rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of one hundred dollars per annum. The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the Board of Managers shall not have nor assume any management or control of said State or Territorial homes. The Board of Managers of the National Home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report.

"SEC. 2. That the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, and payments to the States or Territories under it shall be made quarterly by the said Board of Managers for the National Home for Disabled Volunteers to the officers of the respective States or Territories entitled, duly authorized to receive such payments, and shall be accounted for as are the appropriations, for the support of the National Home for Disabled Volunteer Soldiers."

This Act provided for the payment at the rate of $100 per annum to the Homes.

This Act was amended by appropriation Act of March 2, 1889, 25 Stat. 975, which added the following proviso:

"Provided, That hereafter no State under this appropriation shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State."

This proviso was eliminated by the appropriation Act of April 4, 1890, 26 Stat. 39.

By the appropriation Act of August 5, 1892, for the fiscal year 1893, 27 Stat. 384, the following proviso was adopted:

"Provided, That one-half of any sum or sums retained by State homes on account of pensions received for the inmates shall be deducted for the aid herein provided for."

The language continued until April 28, 1904, the appropriation Act for fiscal year 1905, 33 Stat. 504, when it was changed to read as follows:

"An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes."

"STATE OR TERRITORIAL HOMES FOR DISABLED SOLDIERS AND SAILORS: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, nine hundred and fifty thousand dollars: *Provided, That no part of this appropriation shall be appor-*

tioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section four of an Act approved March third, eighteen hundred and eighty-three, entitled 'An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes'; but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: and provided further, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold."

It will be noted that the provisos which are underscored in the foregoing were added by this Act and that the proviso which had been adopted by the Act of August 5, 1892, was eliminated.

(Section 4 of the Act of March 3, 1883, provided that a Government pension of an inmate should be assigned to his child, wife, or parent; if none, to be paid to treasurer of Home, in trust, payable while an inmate as board of commissioners thinks best, balance payable on discharge or death. Purpose of inclusion in Act of April 28, 1904 was to prevent State Homes from requiring all funds to be deposited with Home and then issuing beer chits redeemable on premises until inmates left without funds. See Cong. Rec. Vol. 38, Part 5, Pages 4050–55, March 31, 1904).

The next change appears in the appropriation Act for fiscal year 1910, March 4, 1909, 35 Stat 1012, which provides:

"An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes."

"State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to state or territorial homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, Eighteen Hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, one million one hundred and fifty thousand dollars: *Provided*, That no part of this appropriation shall be apportioned to any state or territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further, That for any sum or sums collected in any manner from inmates of such state or territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any state or territorial home into which the wives or widows of soldiers are admitted and maintained."*

It will be noted that the underscored proviso appears here for the first time although the exception as to wives and widows appears to be taken from the first proviso of the Act of April 28, 1904, which in all other respects is eliminated.

The next significant amendment was made by the Act of January 27, 1920, 41 Stat. 399, Public No. 126, 66th Congress, which reads as follows:

"An Act To amend an Act entitled 'An Act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States,' approved August 27, 1888, as amended March 2, 1889.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of an Act entitled 'An Act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States,' approved August 27, 1888, as amended March 2, 1889, is hereby amended to read as follows:

" 'That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

" 'The number of such persons for whose care any State or Territory shall receive the said payment under this Act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the board of managers shall not have nor assume any management or control of said State or Territorial homes.

" 'The board of managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided*, That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for. That no money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.' "

It will be noted that this Act, for the first time since 1888, changed the amount payable from $100 to $120 per annum. The other provisions regarding state aid include the provisos contained in the Acts of March 2, 1889, August 5, 1892, and March 4, 1909.

The Act of July 3, 1930, 46 Stat 1016, provided for the consolidation of the VA.

The language of the 1920 Act remained substantially unchanged until the appropriation Act for fiscal year 1934, 48 Stat. 301. June 16, 1933, which reads as follows:

"An Act Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes.

"*Provided further,* That the appropriation herein made for domiciliary care shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, including all classes of veterans admissible to the Veterans' Administration homes."

Public No. 141, 73rd Congress, 48 Stat 519, March 27, 1934, the Appropriation Act for fiscal year 1935, changed the final phrase to read "for those veterans eligible for admission to Veterans' Administration facilities for domiciliairy care."

Public No. 250, 76th Congress, 52 Stat. 1145, August 1, 1939, increased the amount payable from $120 per annum to $240 and expanded the base so as to make it payable on behalf of veterans who were hospitalized as well as those who were domiciled in the State home. Section 2 provides in pertinent part: ". . . *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further*, That no payment to a State or Territory under this Act shall be made for any period prior to the date upon which the Administrator of Veterans' Affairs determines that the veteran on whose account such payment is requested is eligible for such care in a Veterans' Administration facility."

The change in the base made by Public No. 250, supra, was reflected in the Appropriation Act for fiscal year 1941, Public No. 459, 76th Congress, 54 Stat 140, April 18, 1940, so that it read "eligible for admission to Veterans' Administration facilities for hospital or domiciliary care".

Public Law 202, 78th Congress, 57 Stat. 603, December 17, 1943, increased the amount payable to State homes from $240 to $300 per annum.

The next change is provided in Public Law 531, 80th Congress, 62 Stat 237, May 18, 1948, which increased the rate from $300 to $500 a year effective only through June 30, 1951.

Public Law 823, 81st Congress, 64 Stat. 981, September 23, 1950, continued the per capita increase from $300 to $500 through June 30, 1956.

The Act of October 29, 1951, Public Law 227, 82nd Congress, 65 Stat 661, provided that the period for which payment is made should not be diminished by any time lag ensuing between the date of an eligible veteran's admission to a State home and the date of determination of eligibility by the VA, in any case where a request for a determination of such eligibility is received by the VA within 10 days of the commencement of such care. If a request is not received within such 10-day period, payment of federal aid would not be made to cover any period prior to the receipt of the request.

Public Law 613, 83rd Congress, 68 Stat 757, August 21, 1954, increased from $500 to $700 per annum the Federal aid to States for the support of veterans domiciled or hospitalized in State homes who are eligible for such care in VA hospitals or homes and also removed the restrictive date of June 30, 1956, which had been imposed on the $500 rate.

Public Law 85–857, September 2, 1958, 72 Stat. 1105, codified title 38, United States Code, repealed the basic Act of August 27, 1888, as amended, and included said Act in the code as sections 101(19) and 641–643, with a change of language but not of substance. It reads as follows:

Section 101(19):

"(19) The term 'State home' means a home established by a State (other than a possession) for veterans of any war (including the Indian Wars) disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living."

Section 641:

"(a) The Administrator shall pay each State at the annual rate of $700 for each veteran of any war cared for in a State home (whether or not he is receiving hospitalization or domiciliary care therein) in such State who is eligible for such care in a Veterans' Administration facility; however, such payment shall not be more, in any case, than one-half of the cost of such veteran's maintenance in such State home.

"(b) The amount payable on account of any State home pursuant to subsection (a) for any veteran cared for therein shall be reduced—

"(1) by one-half of any amounts retained by such home from any payments of pension or compensation made to such veteran; and

"(2) unless the widows or wives of veterans of any war are admitted and maintained in such State home, by any other amounts collected in any manner from such veteran to be used for the support of such State home.

"(c) No amounts shall be paid on account of any State home under this section if a bar or canteen is maintained therein where intoxicating liquors are sold."

Section 642:

"(a) The Administrator may inspect any State home at such times as he deems necessary.

"(b) The Administrator may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home."

Section 643:

"Payments on account of any veteran of any war cared for in a State home shall be made under this subchapter only from the date the Administrator receives a request for determination of such veteran's eligibility; however, if such request is received by the Administrator within ten days after care of such veterans begins, payments shall be made on account of such veteran from the date care began."

The codification, supra, was recognized in the Appropriation Act for fiscal year 1960, Public Law 86-255, 73 Stat 511, September 14, 1959, so that it read "as authorized by section 641 of title 38, United States Code".

Public Law 86-625, 74 Stat 424 July 12, 1960, changed the method of payment of federal aid to State homes for war veterans from an annual to a per diem basis. This eliminated the maximum annual amount payable of $700 and substituted a daily maximum amount payable of $2.50.

Public Law 87-819, 76 Stat 935, October 15, 1962, amended 38 USC 641(b) to prohibit any offset or reduction in federal aid payments for the care of certain war veterans in State homes because of amounts retained or collected by such homes from the estates of deceased veteran members and used for educational, recreational, entertainment, post-exchange, or other utilities or facilities not specifically required by State law.

The next major revision resulted from the passage of Public Law 88-450, 78 Stat 500, August 19, 1964. This Act dealt primarily with nursing home care. In order to make more such facilities available, the Act expands the base for payments by providing a rate of $3.50 per day to State homes for nursing home care eliminates all offset and reduction provisions formerly contained in Section 641(b), and also deletes the bar to payments where intoxicating liquors are sold. To further encourage the States to provide nursing home care beds, section 4 of the Act authorizes a five-year program, supported by an appropriation of $5 million per year, of matching grants to States for the construction of additional State home facilities to furnish nursing home care to war veterans. These funds are not to enlarge or increase existing facilities for hospital or domiciliary care but are limited to the purpose of construction of nursing home care facilities.

The foregoing reflects the sections of the applicable laws, their scope, and the rates in effect under the program. The law now reads:

Section 101(19):

"(19) The term 'State home' means a home established by a State (other than a possession) for veterans of any war (including the Indian Wars) disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. Such terms also includes such a home which furnishes nursing home care for veterans of any war."

Section 641:

"The Administrator shall pay each State at the per diem rate of $2.50 for each veteran of any war receiving hospitalization or domiciliary care in a State home in such State if the veteran is eligible for hospitalization or domiciliary care in a Veterans' Administration facility, and at the per diem rate of $3.50 for each veteran of any war receiving nursing home care in a State's home in such State, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care; however, such payment shall not be more, in any case, than one-half of the cost of the veteran's maintenance in such State home."

Section 642:

"(a) The Administrator may inspect any State home at such times as he deems necessary.

"(b) The Administrator may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home."

Section 643:

"Payments on account of any veteran of any war cared for in a State home shall be made under this subchapter only from the date the Administrator receives a request for determination of such veteran's eligibility; however, if such request is received by the Administrator within ten days after care of such veteran begins, payments shall be made on account of such veteran from the date care began."

A recapitulation of the rate changes follows: Act of August 27, 1888, $100 per year for each veteran domiciled in a State home; Act of January 27, 1920, amount increased to $120 per year; to $240 a year by the Act of August 1, 1939; to $300 a year by the Act of December 17, 1943; to $500 through June 30, 1951 by the Act of May 18, 1948; $500 continued until June 30, 1956 by the Act of September 23, 1950; to $700 per annum with no time limitation by the Act of August 21, 1954; a change in method from $700 per annum to $2.50 per day by the Act of July 12, 1960; a special exemption from the reduction provisions of certain monies collected and used for certain purpose by the Act of October 15, 1962; and the elimination of all reduction provisions with an additional base for payment for nursing home care at the rate of $3.50 per day by the Act of August 19, 1964.

Source material referred to in the Historical Analysis

[S. Rept. No. 754, 50th Cong., first sess.]

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1888.—Ordered to be printed

Mr. MANDERSON from the Committee on Military Affairs, submitted the following report

[To accompany bill S. 2116]

The Committee on Military Affairs, to whom was referred the bill (S. 2116) entitled "A bill to provide aid to State homes for the support of soldiers and sailors of the United States and their widows and orphans," have had the same under consideration, in connection with various communications received from the executive departments of States and other papers relating thereto, and, after a careful review of the subject-matter, report the bill back with some amendments and recommended its passage.

The bill, as introduced, provided:

"That all States which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the war of the rebellion or in any previous war, shall be paid for every such disabled soldier or sailor and widow or orphan thereof who may be admitted and cared for in such home for one year the sum of $100."

The number for which a State should receive pay to be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers; the States to have exclusive control of their State homes, with power in the Board of Managers of the National Home to inspect the same; payments to be made quarterly.

It can not be seriously doubted that the Federal Government, in the first instance, is justly chargeable with the care of its defenders, and more especially of those who added to preserve the integrity of the Union in the late war, who, by thousands, have become, from the effects of service and the infirmities of age, physically disabled from earning a livelihood. In no proper sense can the responsibility for the entire care of the veterans of its wars be cast upon the States when the local burden always includes a liberal item of taxation for the support of the indigents usually found in every community. This is a sufficient strain, in that direction, upon the taxpayer.

The care and support of the indigent and disabled soldier is essentially a Federal obligation, and, in the judgment of your committee, it is neither wise, just, nor patriotic for a nation, by delay or otherwise, to evade it.

The Government has conceded the merit of this obligation and the necessity for its discharge. By the act of March 3, 1865, Congress authorized the erection of a National Home for Disabled Volunteer Soldiers of the late war, and by various acts since it has made appropriations for the erection of branch homes and provided for the support of inmates therein, extending the provision concerning admissions to disabled veterans of all our wars.

The necessity for action at this time in the direction indicated in the bill is demonstrated, in part, by statements recently furnished the Commissioner of Pensions, showing the condition of the disabled and indigent soldiers in the States. It will appear therefrom that there are at present in charitable institutions of the States because of their poverty an aggregate that is quite startling. Senator Manderson, in a recent speech in the Senate, presented a tabulated list, by States, of those who are in almshouses of the country, which your committee deem it proper to herewith present:

VETERANS IN CHARITABLE INSTITUTIONS BECAUSE OF THEIR POVERTY, AND DEPENDENTS, AT NOON OCT. 15, 1887

	Veterans	Dependents	Total
Arkansas			6
California	274	1	275
Colorado	11	4	15
Connecticut	274	91	365
Dakota	15	2	17
Delaware	17	1	18
District of Columbia	21	51	72
Florida	3	1	4
Georgia	14	6	20
Idaho			2
Illinois	827	167	994
Indiana	208	116	324
Iowa	229	119	348
Kansas	66	9	75
Kentucky	100	50	150
Louisiana	8	6	14
Maine	1,097	113	1,110
Maryland			36
Massachusetts	8,798	112	8,910
Michigan	473	96	569
Minnesota	77	15	92
Mississippi			7
Missouri	138	62	200
Nebraska	16	1	17
Nevada			1
New Hampshire	266	95	361
New Jersey	346	15	361
New Mexico			7
New York	1,782	206	1,988
North Carolina	12	2	14
Ohio	732	480	1,212
Oregon			10
Pennsylvania	721	2,958	3,679
Rhode Island	15	4	19
Tennessee	27	20	47
Texas	12	5	17
Vermont	99	75	174
Virginia	12	2	14
Washington territory	11	1	12
West Virginia	44	14	58
Wisconsin	125	45	170
Wyoming territory			1
Total	16,856	4,945	21,801
Deduct Massachusetts	[1] 8,000		[1] 8,000
Total	8,856		13,801
Add national homes			15,152
Total			28,953

[1] 8,000 are deducted, being those receiving State aid in Massachusetts who are not actual inmates of the poorhouse.

There are many more supported by private charity, by the Woman's Relief Corps and by the Grand Army of the Republic.

The necessity for national aid to the States becomes still further apparent from reports made by the Board of Managers of the National Home for Disabled Volunteer Soldiers. In their report for the fiscal year ending June 30, 1885, the Board says:

"The increase in the membership of the National Home (and branches) has been constant, and for reasons referred to hereafter the percentage of increase has been greater than it has been for many years. * * *

"Four branches of the Home (all except that at Leavenworth) now contain more than double the number of men for which they were originally built. The capacities of these branches should not, in the opinion of the Board, be further increased, and the limit of size of the branches now existing should be considered to have been reached, a membership of fifteen hundred being, from the experience of the Board, as large as any branch should have.

"It is impossible to tell how long the membership of the Home will increase under the present law. It is safe to say, however, that it is not probable that the number will begin to diminish for at least ten years, and that there will be an increase up to that time at least. There are now fully one thousand men who have applied for admission to the Home who are fully entitled to admission under the law. They can not be admitted, first, because there are no places for them, and, second, because there is not money enough appropriated for their support."

In the report of the Board for the fiscal year ending June 30, 1887, it appears that the average numbers of members present during the last five fiscal years are as follows:

Year ending June 30—	
1883	6, 738
1884	7, 494
1885	8, 118
1886	8, 758
1887	9, 718

It appears, therefore, that the actual number present through the whole year has increased in five years 2,980, or 44 per cent, and the Board says:

"The barracks at the Northwestern, Southern, and Western Branches, appropriated for by Congress June 30, 1886, have been erected during the fiscal year, furnishing accommodations for about 1,000 men. Every bed in these additional barracks is now in use, and in every branch, unless it be the Western, men are now using the floor for beds.

"The question, how long the membership of the Home will increase, still remains unsolved. Under the law every soldier who is disabled and who can not earn his living is entitled to admission to the Home whether his disability can be traced to service in the Army or not. This law was enacted on July 5, 1884. During the past three years the number of those admitted on account of wounds received in action or disability incurred in service has materially fallen off. On the other hand, the number admitted on account of age and disability incurred since the war has increased, so that the annual number of admissions continually increases. These causes of increase will continue as the soldiers grow older, and the membership of the Home must increase for an indeterminate series of years so long as Congress furnishes the means for such increase. The existing branches of the Home are now filled to their utmost capacity, and, in the opinion of the Board, only one, or at most two, of them should be farther enlarged."

The remedy: In their report for 1885, the Board opposes an enlargement of the branches; "the capacities of these branches should not, in the opinion of the Board, be further increased." To establish a sufficient number of branch homes to accommodate those entitled to and now awaiting admission to the National Home, and those now in the poor-houses of the States, would not be a measure of economy. It would assuredly call for an excess of expenditure by the Government (for buildings and support) far greater than that called for in this bill.

Some idea of the burden which is cast upon the States may be derived from statements in the hands of your committee, from which it appears that in buildings for State Homes there has been expended—

In California	$75, 000
For support, probably annually	15, 000
In Connecticut, buildings and support for only 2 years	147, 000
In Illinois, annually, for support	430, 000
And that State has expended on Soldiers' Orphan Home and support thereof	1, 155, 446
In Iowa, for buildings	100, 000
And for buildings and support of orphans	1, 1[illegible]3, 555
In Kansas, for orphans of and soldiers, and for buildings (and has but just opened a Soldiers' Home; no figures at hand)	80, 000
In Michigan, for buildings	160, 000
For support, annually	145, 000
In Minnesota, Orphans' Home and support (has just erected a State home)	110, 000
In Missouri (no State home) for orphans	42, 500
In New Jersey, Newark State Home	695, 000
For a new State home building	125, 000
In New York, buildings and grounds	203, 000
For support, per annum, about	100, 000
In Ohio, buildings and grounds	150, 000
In Pennsylvania, buildings, State home	250, 000
For support, per annum (estimated)	230, 000
And for orphans	625, 000

In some of the States the care and support of veterans and orphans of soldiers is made a town charge or is a matter of taxation. According to the statement of Senator Hoar, Massachusetts has paid for support of widows and orphans of veterans upwards of $18,000,000, and that State "would have been long ago out of debt were it not for the sum represented by this State aid." He said:

"There are agents of the Commonwealth who visit every town and city of the State during the year to inquire personally into the condition of every person who is receiving State aid. The number of such persons is between six thousand and seven thousand all told. In addition to that, the town or city authorities have a full knowledge of the propriety and necessity of the administration of this aid."

Wisconsin is said to have expended upwards of $11,000,000 for such support since the war.

It seems quite plain to your committee that a portion of this burden, yea, the greater part of it, should be borne by the Federal Government. The States have carried it over twenty years, and it is scarcely possible to say what the aggregate has been. They ask for no return of moneys thus expended, but they do demand that, in future, the nation assume its just and full share of an obligation that rests upon it alone. That the States, from motives of patriotism and humanity, have erected State homes and given inmates support therein in no wise absolves the Federal Government from its own obligation to extend future aid. In their report for the fiscal year ending June 30, 1886, the Board of Managers of the National Home say:

"The survivors of the war are growing old, their disabilities are severer, and the number who are unable to support themselves is for these reasons rapidly increasing. Notwithstanding the fact that a new Home, capable of providing for 1,500 additional members, has recently been completed at Leavenworth, Kans., there are yet many disabled and destitute soldiers cared for in the almshouses of the country. Several of the States have endeavored to provide for this emergency by the erection of State homes. Illinois, Ohio, Iowa, Michigan, and Pennsylvania have recently established State homes, and such homes have for some time been established in New York, California, Massachusetts, Vermont, New Jersey, Connecticut, and in a few other States. If Congress should provide by law for assisting in maintaining the soldiers admitted to these State homes by authorizing the Board of Managers to pay one-half of the cost of supporting each soldier thus provided for, the necessity of building additional Homes might be avoided."

Since this was written other States have taken steps to establish homes, among them Nebraska, which by law provides not only for the support of ex-soldiers but also their dependent widows and orphans.

Many of the States have incurred large expense in caring for the orphans of veterans of our wars, and for the widows of soldiers, and there are at the command of your committee strong expressions from the executives of States in favor of the Government assuming a share of this burden, but your committee after reflection are constrained to differ, and have accordingly stricken from the bill the provision in regard to the widows and orphans of soldiers. It is also suggested in executive communications received that the amount of aid proposed to be extended by the bill be increased to $150 per capita, but your committee adhere to the sum ($100) fixed in the bill as offered, but amend the first paragraph so as to read as follows:

"That all States which have established, or which shall hereafter establish, State Homes for disabled soldiers and sailors of the United States who served in the war of the rebellion or in any previous war, *who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living*, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such Home at the rate of one hundred dollars per annum."

This makes the bill accord in the matter of rule of admission with that now in force and governing admissions to the National Home. And your committee see no reason why period of time should be prescribed, but that the sum paid should be at the rate of $100 per annum. As thus amended your committee recommend that the bill do pass, and attach hereto by way of an exhibit (A), excerpts from some of the executive communications received. The title of the bill should be amended by striking out the words "and their widows and orphans."

EXHIBIT A

STATE OF CONNECTICUT, ADJUTANT-GENERAL'S OFFICE,
Hartford, March 16, 1888.

Hon. CHARLES F. MANDERSON,
U.S. Senate.

DEAR SIR: Your letter of March 1 to his excellency Governor Lounsbury of Connecticut, inclosing copy of Senate bill No. 2116, has been referred to me by the governor for reply.

This State has a Soldier's Home, which was first established by private benevolence for soldiers and children of soldiers. It was incorporated by the legislature of this State in 1874, and was continued in a small way until 1883, when it was first aided by the State paying weekly board for inmates and so continued until the State assumed control. In 1886 the sum of $15,000 was appropriated for additional buildings. In January, 1887, the legislature provided for the transfer of the management to the State, appropriated $17,000 for additional land and buildings, and in addition thereto appropriated $147,000 for the care of soldiers in Home and State hospitals for two years, ending June 30, 1889.

The Home was transferred to State control May 1, 1887, and is managed by a board called the Soldier's Hospital Board, composed of the governor, adjutant-general, surgeon-general *ex officio*, and three G. A. R. veterans nominated by the department commander and appointed by the governor. The governor and all present members of the board, except surgeon-general, are members of the G. A. R.

The average number present at the home during the first four months of the year 1887, under the old management, was 103; for the last nine months of the year the average was 125. In addition to the above the State supported in hospitals during the year an average of 50 at a cost of $6 per week each, and an average of 20 in the State Hospital for Insane. This State makes no provision for the care of soldiers outside of the above-named institutions.

A fund of $20,000, which came from private benevolence, is kept as a permanent fund, the income to be used for the benefit of the Home.

The foregoing information comprises, I think, all that is asked for in your letter, but as you requested suggestions from the governor, I take the liberty of offering a few for your consideration.

Your bill is, in my opinion, an eminently just one, placing the cost of caring for the disabled veteran on the General Government, where it rightly belongs, and making the States lately in rebellion, who caused all the expense, pay a portion (a very small one it is true) of the cost.

1st. I wish that the sum appropriated might be increased to $150 per man. The cost to this State at the Home for last six months of 1887 was about $3 per week per man, which included board, clothing, tobacco, and medicines.

2d. The cost for those in hospitals as stated above was $6 per week, and I think whatever amount is fixed upon, the bill should be made to include those supported in hospitals as well as in the Homes.

3d. The inmates of the Home are transient, the number being much larger in winter than in summer, and comparatively few remain steadily a year.

Should not the bill be made to pay so much per *average* number present during each quarter?

I have the honor to be very respectfully, your obedient servant,

FREDERICK E. CAMP,
Adjutant-General and Executive Officer Soldiers' Hospital Board.

STATE OF ILLINOIS, EXECUTIVE OFFICE,
Springfield, March 5, 1888.
Hon. CHARLES F. MANDERSON,
U.S. Senator, Washington, D.C.

DEAR SIR: Your communication of the 1st instant, inclosing copy of a bill "to provide aid to State homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received.

I have this day directed the superintendent of the Soldiers' and Sailors' Home at Quincy, Ill., Maj. J. G. Rowland, to transmit to you at the earliest practicable day the information you desire in regard to the date of the establishment of the home, the number of its inmates, etc. I think the passage of such a bill would be a judicious appropriation of public moneys, especially any surplus revenue which may be lying idle in the Treasury at the present moment. The United States could in no more acceptable way testify its regard for the soldiers of the Republic than by such a measure. I ought perhaps to state that the act of our legislature of 1885, creating the home, makes no provision for caring for the widows and orphans of soldiers. We have provided excellent cottages for their accommodation, and therefore have an excellent home admirably equipped in every respect for the purpose for which the legislature created it. It is very prudently and economically managed, and all of our Illinois soldiers find comfortable homes there.

My impression is that the number present and absent is not far from 600. I believe there are over 500 present in the institution at this time. Major Rowland will, however, communicate with you on the subject.

Yours, respectfully,

R. J. OGLESBY.

ILLINOIS SOLDIERS AND SAILORS' HOME,
Quincy, Ill., March 7, 1888.
Hon. CHAS. F. MANDERSON,
U.S. Senate, Washington, D.C.

SIR: The governor of Illinois has referred to me your letter of 1st instant concerning this Home, with request that I supply the desired information.

The Illinois Soldiers and Sailors' Home was established by act of general assembly June 26, 1885. It was opened for reception of soldiers March 15, 1887, and is supported exclusively by State appropriations.

Total number of members admitted to date	700
Present enrollment	598
Members present	525

I will cheerfully furnish any other information which may be deemed of service to you.

Very respectfully, yours,

J. G. ROWLAND,
Superintendent.

IOWA EXECUTIVE OFFICE,
Des Moines, March 7, 1888.
Hon. CHAS. F. MANDERSON,
U.S. Senate, Washington, D.C.

DEAR SIR: I am instructed by Governor Larrabee to acknowledge the receipt of your letter of the 1st instant, and to state in reply that our general assembly of 1886 passed a bill for the establishment of an Iowa Soldiers' Home. The Home was subsequently located at Marshalltown; it was completed last year and formally opened for the reception of inmates on the 30th of November. The report of the commandant for January shows that 91 inmates were being cared for in the Home on the last day of that month.

The Home was built at a cost of about $75,000, and is supported by a direct appropriation made by the State.

I am also instructed to assure you that the governor is in hearty sympathy with the object of your bill, and that he hopes you may succeed in having it enacted into law.

Very respectfully yours,

FRED'K. W. HOSSELD,
Private Secretary.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
Topeka, March 5, 1888.
Hon. CHARLES F. MANDERSON,
U.S. Senator,
Washington, D.C.

MY DEAR SIR: I acknowledge the receipt of your leter of March 1, inclosing a copy of Senate bill No. 2116.

There is no State home for soldiers in Kansas. We have established a home for soldiers' orphans, and it now has about 100 inmates. But we have no home for soldiers that is maintained by the State.

I heartily approve of your bill to provide aid for State homes for the support of disabled soldiers and sailors of the United States. The Board of Managers has recommended such action in its annual report to Congress. This recommendation was made at my suggestion and on my motion. I had noticed that homes have been established in a number of States, and it seemed to me unjust that the State should be taxed to support men who were disabled in the service of the United States.

Yours, very respectfully,

JOHN A. MARTIN.

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
Frankfort, March 10, 1888.
Hon. CHAS. F. MANDERSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your letter of 1st instant, inclosing copy of Senate bill No. 2116, was duly received. For reply I would state that Kentucky has no "State Soldiers' Home." While I sympathize with the soldiers of our Republic who may have incurred any of the various forms of disability incident to military service, I think such persons are peculiarly the wards of the nation, and as such should be liberally provided for at the national expense.

I have the honor to be, very respectfully,

S. B. BUCKNER,
Governor of Kentucky.

MINNESOTA SOLDIERS' HOME,
St. Paul, Minn., March 9, 1888.
Sen. ROBERT MANDERSON

DEAR SIR: Your letter of March 2 to Governor McGill has been referred to me for reply.

The State of Minnesota has a State Soldiers' Home, established by a law passed in March, 1887. It is now located in temporary quarters at Minnehaha Falls (between Saint Paul and Minneapolis), and near the permanent grounds on which buildings will at once be erected. The temporary Home was opened November 15, 1887, and now has fifty-eight inmates, its full capacity of accommodation. We have at least forty more applications, which we have been obliged to decline on account of lack of room, but we are helping the applicants from our "outside relief," at various places, until we can provide for them. It is safe to say that there are at least one hundred and fifty homeless ex-soldiers (without families) in this State, who should be immediately gathered into our State Home, and will be as soon as buildings can be provided. And the number will rapidly increase. We shall build with a view to a maximum capacity of eight hundred or one thousand men. The State does not regard it as primarily its duty to care for these veterans, but the National Homes can not take them, and as soon as it was found that many of them were drifting into poor-houses, the G. A. R. took the matter up, and this is the result.

I inclose copies of the report of the secretary of our board. From this you will see that we have an outside relief fund from which we are caring for hundreds of men living at home with their families, who would otherwise be eligible for admission to the Home. It is a very valuable feature, but is also doing the work which should be done by the National Government, and which we will be largely released from if the Senate pension bill becomes a law.

Both the governor and myself think very highly of the principle of your law. But we think that the allowance to the States should be increased to at least $150 per annum for each inmate. Even then it would reach less than half the cost of maintenance, counting interest and repairs of buildings, etc. We are keeping these men comfortably, not as paupers to be starved, but as invalids to be nourished. The average age of our inmates is about sixty years, and 40 per cent of them are fit subjects for medical treatment.

The report of the secretary, which I inclose, was made February 13. Since then the number of inmates has increased, as stated, to fifty-eight, and the applications for outside relief, and disbursements of same, have increased in still greater proportion. The fact is, that the facts as to the law and its operation have only just begun to be disseminated throughout the State, and it is only when the work is full organized in every county that its full necessity and benefits will be appreciated.

I will be glad at any time to furnish any information in my power on this subject.

Very truly, yours,

HENRY A. CASTLE.

STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
Lincoln, March 7, 1888.
Hon. C. F. MANDERSON,
U.S. Senator, Washington, D.C.

DEAR SIR: Your favor of the 2d instant, inclosing copy of bill to provide aid for State homes for support of disabled soldiers, sailors, etc., has been received. In reply to your inquiries, I have the honor to state that the legislature of this State one year ago enacted a law providing for the establishment of a soldiers home at Grand Island, Nebr. The main building is now nearly completed. No one has yet been received into it. When occupied the inmates are to be supported by appropriations from the State.

The act provides for receiving into the institution all soldiers and sailors "who have become disabled by reason of such service in the late war of the rebellion," old age, or other causes, from earning a livelihood, and who would be dependent on public and private charity; and also wives of such soldiers and sailors, and their children under the age of fifteen years, and the widows, and children under the age of fifteen years, of soldiers, sailors, and marines who died while in the service of the United States, or who were honorably discharged from such service, and who have since died, etc.

The act establishing this home contemplates the erection of cottages, each on a lot of 2½ acres, so that the veterans who are able may do a little in the way of cultivation.

The act creating the home approved March 4, 1887.

I have no suggestions to make in reference to the bill, except to call attention to the word "disabled." I trust that that word as used in this act does not refer alone to soldiers disabled by wounds, but to such also as are disabled by reason of service in the war of the rebellion, or by old age and other causes, from earning a livelihood.

I most heartily endorse this measure, and trust that in the interest of justice this will become a law.

Very truly, yours,

JOHN M. THAYER.

STATE OF OHIO, EXECUTIVE DEPARTMENT, OFFICE OF THE GOVERNOR,
Columbus, March 14, 1888.
Hon. CHAS. F. MANDERSON,
Washington, D.C.

SIR: Answering your communication of the 2d instant, the State of Ohio is now building a Soldiers' and Sailors' Home at Sandusky, Ohio. We are building it on what is known as the cottage plan. The administration building and a number of cottages will be completed and ready for occupation by June 1 next. It was provided for by act of the general assembly of date April 30, 1886. The State has appropriated for its construction $150,000. More will be appropriated as needed until it is finished, at which time it is expected to accommodate about 1,200 inmates.

We have also at Xenia, Ohio, a home for the orphans of soldiers and sailors, which accommodated during the year 1887 about 700 inmates.

Allow me to suggest that your bill should be amended so as to re-imburse each State for each soldier's orphan it is supporting in a home such as ours at Xenia.

I have the honor to be, very respectfully,

J. B. FORAKER.

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE CHAMBER,
Harrisburg, March 3, 1888.
Hon. CHARLES F. MANDERSON,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: Your letter of the 2d inst., inclosing copy of Senate bill 2116, entitled "A bill to provide aid to State Homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received. We have a State Home in Pennsylvania, located in the city of Erie. It was established in pursuance of the provisions of the act of June 3, 1885. It has been in active operation for nearly two years. The number of inmates at present is about 250. Of these some 10 to 15 are absent on leave, making the actual number present in the Home about 240.

We are making large additions to the buildings just now, so that we expect to be able to accommodate within the next six months about 600 in all. It is a distinctively State institution, built with State funds, managed by a board of trustees provided for in the original act establishing the Home, and is maintained by State appropriations. No one is admitted to the Home except those who served in Pennsylvania regiments during the war of the rebellion and have been honorably discharged from the service and are without means of livelihood. Great care is exercised when admitting the inmates to see that their record of service is all right. I can not see, under the circumstances, why the General Government should not provide for the men who are there assembled, and it seems to me that the provisions of your bill are entirely proper.

We will probably expend $250,000 in buildings and equipment, in addition to the value of the ground and buildings which the State had on hand, and which had been intended originally for a marine hospital.

The provisions of your bill do not, as far as I can see, conflict in any way with the proper management of our Home, or of any other which may have been or may hereafter be established under State supervision and authority. The beneficial effects of the bill will, in my judgment, be better than an indiscriminate service pension, or even a general dependent pension bill, inasmuch as the bounty of the Government will go to the men who are in actual and pressing need of it. Whilst our State will not hesitate to provide for these men in the manner in which it is now doing, it is nevertheless true that the provision should be made by the General Government, and the State in contributing toward this worthy object is simply lifting so much of legitimate burden from the shoulders of the Government.

Very cordially yours,

JAMES A. BEAVER.

EXECUTIVE OFFICE, MICHIGAN,
Lansing, March 9, 1888.
Hon. CHARLES F. MANDERSON,
Washington, D.C.

DEAR SIR: Yours of the 1st instant, making inquiries in relation to the Michigan Soldiers' Home, at hand. A Home for disabled Michigan soldiers and sailors was establised by act at our legislature in June, 1885. It was completed and dedicated on the 31st of December, 1886. The building, furniture, and equipments have cost $160,000. It has provisions for three hundred and eighty inmates, but is now overcrowded and four hundred are accommodated. About $145,000 for the current expenses of 1887 and 1886 were appropriated, making an annual average expense of about $200 each. The plan works to the general satisfaction of the old soldiers and citizens of the State.

Very truly, yours,

C. G. LUCE,
Governor.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 6, 1888.
Hon. CHARLES F. MANDERSON,
Washington, D.C.

MY DEAR SENATOR: I send you the last annual report of the managers of the New Jersey Home for Disabled Soldiers. It was organized under an act passed in 1866, and has a permanent annual appropriation of $25,000 for its support. An additional amount of $10,000 has been appropriated this year for its proper maintenance.

The State has made an appropriation of $125,000 for the purchase of property and the erection of suitable buildings, which are now about completed, and will be occupied in the spring.

I also send extracts from my annual message and from the report of the comptroller, which will give you more in detail the statistics.

Very truly yours,

ROBERT S. GREEN.

[Extract from message]

SOLDIERS' HOME

By the report of the managers it appears that there were 328 inmates on the 31st of October, 1887. There were admitted during the year 329; discharged, 269; expelled, 12; died, 35. The average number of inmates was 329 per day. Of the inmates of the Home during the year 513 served in New Jersey regiments. Fourteen thousand seven hundred and twenty-five have been cared for since the Home was opened. The total receipts for the year, including the balance on hand October 31, 1886, was $33,814.29. The expenses for the same time were $32,592.79. Balance on hand October 31, 1887, $1,221.50. The value of farm and dairy products consumed was $1,557.22. The additional amount needed for the proper maintenance of the Home during the present fiscal year is $20,000.

One hundred and twenty-five thousand dollars was appropriated for the purpose of the erection of a Home for Disabled Soldiers, and the purchase of the necessary property on which to build the same. The managers, to whom this important work was entrusted, secured an excellent plot of ground upon the banks of the Passaic River, and have been engaged during the year in the erection of the buildings necessary for that purpose.

The care of those who are disabled from earning their own livelihood, in consequence of wounds received, or of sickness contracted in the service of their country in time of war, is a sacred trust upon the people of the State. They gave up all the comforts of home, abandoned the pursuit of business, and devoted their lives, health, and energies to the defense of the Union. They should be the wards of the State, and it should be our care, when they become and are unable to provide for themselves or their families, to look after them, make their future pathway in life as pleasant as possible, and do all that we can to secure their comfort and alleviate their suffering.

[The New York State Soldiers' and Sailors' Home, Bath, Steuben County, N.Y.]

BATH, STEUBEN COUNTY, N.Y.,
March 12, 1888.
Hon. CHARLES F. MANDERSON,
Senate Chamber, Washington, D.C.

DEAR GENERAL: Absence at Albany on official business has prevented an earlier reply to your favor of the 2d instant, and I take pleasure in answering your queries in their order, viz:

The New York State Soldiers' and Sailors' Home is a State institution and was originally organized by the Grand Army of the Republic, Department of New York, and the original building erected under its auspices by voluntary contributions from members of the order and citizens of the State.

It was opened on Christmas day in the year of 1878, and early in 1879, was turned over to the State on condition that the legislature would provide for its maintenance, which it has done liberally up to this time.

Three years ago an appropriation of $50,000 was also made for the construction of additional barracks. Previous to the erection of the new barracks the capacity of the home was about 700. We can now accommodate 1,000, with a number of applications which we have been compelled to deny.

We have applied to the legislature for an appropriation for additional buildings, which will no doubt be granted.

The number present and absent September 30, 1887, was	924
Present September 30, 1887	759
Discharged and dropped during year ending September 30, 1887	498
Died during year ending September 30, 1887	68
Admitted during year ending September 30, 1887	554
Average number present daily during year ending September 30, 1887	852
Present and absent March 12, 1888	1,062
Present March 12, 1888	991
Number of acres of land, 360; value	$21,600.00
Cost of buildings	182,305.50
Total	203,905.50

The appropriation by the legislature for the fiscal year ending September 30, 1888, for maintenance and ordinary repairs was $110,000.

As your bill provides that the sum to be awarded to the State homes shall be made under such regulations as may be established by the Board of Managers of the National Home, I have no suggestions to offer. I have no doubt they will carry out the intent of Congress in a satisfactory manner.

I have the honor to be, general, very respectfully, your obedient servant,

WM. F. ROGERS,
Superintendent.

STATE OF VERMONT, EXECUTIVE CHAMBER,
Brandon, March 15, 1888.

Hon. CHAS. F. MANDERSON,
U.S. Senator.

DEAR SIR: Your favor having reference to and making inquiry as to the subject of Soldiers' Home in Vermont, with inclosure, was duly received, and in reply I have to say that there is a Soldiers' Home at Bennington, in this State, established and maintained by the State, the same having been established under the provisions of act No. 180 of the session laws of Vermont, A.D. 1884, entitled "An act to incorporate the trustees of the Soldiers' Home in Vermont," and by act No. 228 of the same session of the legislature entitled "An act making appropriation for the trustees of the Soldiers' Home," the sum of $10,000 was appropriated by the State for the use of said trustees, and by act No. 214 of the session laws of 1886 a further appropriation of a like sum for the same purpose was made by the State.

Through the generosity and liberality of individuals the State has a Home—a fine farm containing about 200 acres—formerly the residence of a retired gentleman, which makes a pleasant and beautiful place for our disabled and needy veterans. Nearly all of the first appropriation was required to reconstruct, repair, and furnish the building. The Home was not in condition to receive applicants until May, 1887, when it was opened. Up to this time there have been 39 inmates, 2 of whom have died, 1 furloughed, and 1 discharged, so that there are now 35 inmates, with a large number of applicants who can not be received, only as vacancies occur, for want of room. The trustees intend to so enlarge the accommodations by erecting additional buildings by early summer that they can accommodate from 80 to 100 in all. It is my opinion that by next summer we shall be in great need for room and accommodations to the full extent contemplated by the trustees, *i.e.* from 80 to 100, and it seems to me that the number must increase from year to year for from fifteen to twenty-five years to come, unless the pension laws of the United States shall be so changed as to include a class not now covered by laws having reference to pensions.

It is gratifying, indeed, to see a move in the direction contemplated by Senate bill 2116. Our veterans should and must be so provided for as to keep them from the doors of the poor-house; and this duty can not be in better hands than that of the General Government they helped to save. You ask me to make suggestions. Very well. Let me call your attention to the language in section 1, line 7, "and widow or orphan thereof who may be admitted and cared for in such Home," etc. I am at a loss to conclude what is meant or intended by this language. Is it intended to render this aid for the "widow or orphan" *at the Home?* If not, then wherein and under what regulations, etc., is the proposed act broad enough to accomplish the purpose in view, having reference to the "widows and orphans"?

I am, sir, very truly, yours,

EBENEZER J. ORMESBEE,
Governor of Vermont.

STATE OF WISCONSIN, STATE BOARD OF CHARITIES AND REFORM,
Madison, March 23, 1888.

Hon. C. F. MANDERSON.

DEAR SIR: At the request of the governor's private secretary, I write you in relation to the Wisconsin Veterans' Home. He tells me that you have introduced a bill in the Senate giving aid to State Soldiers' Homes.

The Wisconsin Veterans' Home was proposed by the department encampment of the G.A.R. February 15, 1887. I was a member of the committee to which the subject was referred to asking for a State Soldiers' Home. As secretary of the State board of charities and reform I was able to assure the committee that no State institution of any kind would be built during this financial period on account of the condition of the State finances and the demands of the State University. On my advice it was decided to establish a Home of our own, asking for State aid. We secured such legislation without any difficulty.

We now have 70 acres of land on a beautiful lake at Waupaca, and buildings which now contain 51 inmates, nearly the full capacity at present.

We receive $3 a week from the State for each inmate who was an honorably discharged soldier, sailor, or marine of the civil war, or for a woman who was the wife of such during the war. We shall ask to have this extended to the wives and widows of soldiers who were married since the war, with some precautions to prevent imposition.

We have a fair sized central building, and six cottages for two each, usually a soldier and his wife. We expect to enlarge this summer by adding cottages, which will be contributed by posts of the Grand Army of the Republic and corps of the Woman's Relief Corps. We hope to build twenty-five such small cottages this summer.

The appropriations from the State is ample to cover all current expenses and make some minor improvements, but not to put up buildings. For these we expect to rely upon the Grand Army of the Republic, the Woman's Relief Corps, and citizens like Senators Sawyer and Spooner, who have each contributed liberally.

We expect to make it a home as nearly as it is possible to make any institution a home. Our specialty will be to receive the soldiers with their wives. Single men are well provided for in the national Homes, except for two evils, the overcrowding and the unnecessary expense in providing elegance rather than comfort, which is the great fault of most public institutions. But married men must leave their wives to enter a national Home. We shall also receive the widows of soldiers, most of whom do not get pensions.

Will you do us the favor to so arrange your bill as to include us in it, if we are not already so included? The title to the property is in a corporation called the Wisconsin Veterans' Home. The members of the Department Encampment of Wisconsin, Grand Army of the Republic, are members of the corporation, which is managed by a board of trustees, elected by them.

Yours, respectfully,

A. O. WRIGHT,
Secretary Trustees.

Letters have also been received from many other governors of States where State Soldiers Homes have not been established, and it is a fact worthy of note that in no instance has there been adverse criticism of the bill herewith reported.

General W. B. Franklin, president of the board of managers of the National Home for Disabled Volunteer Soldiers, in a letter dated January 31, 1888, to Senator Hawley, says:

"Some legislation is necessary in the direction of increasing the number of the branches of the National Homes or in giving national aid to State Homes with such restrictions as to the expenditures of the money as may be found to be proper. But the legislation should not be confined to a Home in one State. It should be general, and apply to all of the State Homes, and there are now many of them. It seems to me, therefore, that legislation giving money to one State Home is objectionable, considering the large number of State Homes that have been long established and supported at the cost of the various States which have hitherto received no help from Congress."

In another letter, dated February 2, 1888, to General T. S. Peck, of Burlington, Vt., General Franklin says:

"We have 12,500 old soldiers in the National Home to-day. Every foot of space is occupied, and yet hundreds are kept out from want of room. I believe the best way to supplement the National Home is to assist the State homes, but I think the assistance should be given to all of them and be a general law."

General M. T. McMahon, of New York, writes as follows to General Peck:

OFFICE OF THE UNITED STATES MARSHAL, SOUTHERN DISTRICT OF NEW YORK,
New York, February 2, 1888.

General T. S. PECK.

MY DEAR GENERAL: Your letter of the 31st is received. I expect to see General Franklin and go with him to Washington in a few days, and will do what I can to carry out your views. The trouble as to the State homes has been that with the exception of the State of New York, the appropriations necessary for their support are not to be counted on, and I have frequently, in conversation with General Franklin and other members of the Board, discussed the matter, and I think the sentiment of the Board is in favor of an act of Congress authorizing the Board to pay a certain sum towards the support of those institutions per capita for the number of men maintained in them.

The National Homes are overcrowded, and while I think myself it would be better that a larger number of branches of the National Home should be created, yet while the States are willing to establish and maintain homes for their own soldiers it would be wise for the General Government to render them certain assistance.

Very sincerely yours,

M. T. McMahon.

[H. Rept. No. 2821, 50th Cong., first sess.]

STATE HOMES FOR THE SUPPORT OF DISABLED SOLDIERS AND SAILORS

The Committee on Military Affairs, to whom was referred the bill (H.R. 7939) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, their widows and orphans, having considered the same, submit the following report:

There are now in existence, supported by appropriations by the General Government, the following National Homes for the care of volunteer ex-soldiers and sailors of the United States, disabled in any war, namely: Dayton, Ohio; Milwaukee, Wis.; Leavenworth, Kans.; Togus, Me.; Hampton, Va., and the recently located branch of the National Home at Los Angeles, Calif.

The following table, taken from the 1887 report of the Board of Managers of these Homes, shows the number of soldiers furnished from the various States and Territories of the Union during the war, and the number of the survivors thereof now being cared for at the National Home:

COMPARATIVE STATEMENT OF THE NUMBER OF MEN FURNISHED BY THE STATES DURING THE CIVIL WAR, AND THE NUMBER CARED FOR BY THE NATIONAL HOME FROM DATE OF ORGANIZATION TO JUNE 30, 1887

Whole number furnished by the States	2,778,304
Whole number cared for by the National Home	42,605
Percentage of whole number furnished by the State cared for by the National Home	1.533

States, Territories, etc.	Furnished by States		Cared for by National Home			
	Enlisted in	Percentage	Enlisted in	Percentage	Admitted from	Percentage
Alabama	7,545	0.272	3	0.0007	15	0.035
Arizona			1	.002	4	.012
Arkansas	13,815	.497	8	.019	59	.138
California	15,725	.566	131	.307	98	.230
Colorado	4,998	.180	44	.103	77	.184
Connecticut	55,864	2.011	667	1.566	620	1.455
Dakota	206	.007	2	.005	67	.157
Delaware	12,284	.442	136	.319	171	.401
District of Columbia	16,534	.595	573	1.345	845	1.983
Florida	2,334	.084			1	.002
Georgia	3,486	.125	2	.005	5	.012
Idaho			1	.002	3	.007
Illinois	259,092	9.326	2,580	6.056	2,941	6.903
Indiana	196,363	7.068	2,662	6.248	2,330	5.469
Indian Territory			1	.003	7	.016
Iowa	76,242	2.744	508	1.192	562	1.319
Kansas	20,149	.725	286	.671	803	1.884
Kentucky	75,760	2.727	869	2.040	796	1.868
Louisiana	29,276	1.053	82	.192	109	.256
Maine	70,107	2.523	1,103	2.589	1,036	2.432
Maryland	46,638	1.679	670	1.573	737	1.730
Massachusetts	146,730	5.281	3,513	8.246	3,345	7.851
Michigan	87,364	3.145	1,169	2.744	1,419	3.331
Minnesota	24,020	.865	201	.473	296	.695
Mississippi	18,414	.663	5	.012	41	.098
Missouri	109,111	3.927	1,062	2.493	1,227	2.880
Montana					17	.039
Nebraska	3,157	.115	43	.100	208	.488
Nevada	1,080	.039	1	.003	5	.012
New Hampshire	33,937	1.223	588	1.380	529	1.242
New Jersey	76,814	2.765	1,157	2.716	1,017	2.387
New Mexico	6,561	.236	4	.009	12	.028
New York	448,850	16.156	8,045	18.881	6,617	15.529
North Carolina	8,191	.295	2	.005	17	.039
Ohio	313,180	11.272	7,990	18.754	7,436	17.454
Oregon	1,810	.065	14	.033	22	.051
Pennsylvania	337,936	12.164	5,728	13.445	5,878	13.797
Rhode Island	23,236	.836	484	1.134	474	1.112
South Carolina	5,462	.196	1	.003		
Tennessee	51,225	1.844	69	.161	91	.211
Texas	2,012	.073	10	.023	66	.155
Utah			2	.005	8	.019
Vermont	33,288	1.198	181	.425	150	.352
Virginia	5,723	.206	200	.469	220	.516
Washington Territory	964	.035	14	.033	15	.035
West Virginia	32,068	1.154	191	.448	136	.320
Wisconsin	91,237	3.284	1,600	3.756	2,050	4.812
Wyoming			2	.005	11	.026
At large	9,426	.339			12	.028
Total	2,778,304	100.000	42,605	100.000	42,605	100.000

From this it appears that in the period covered by the table the number so cared for amounts to 42,605.

The following statement, taken from the same authority, shows the increase and the ratio of the increase in the number cared for at the homes from 1883 to 1887:

"The average numbers of members present during the last five fiscal years are as follows:

Year ending June 30—	
1883	6,738
1884	7,494
1885	8,118
1886	8,758
1887	9,718

"It appears, therefore, that the actual number present through the whole year has increased in five years 2,980, or 44 per cent. The number present and absent has increased in the same period from 8,480 during the year ending June 30, 1883, to 12,168 for the year ending June 30, 1887."

An inquiry into the capacity of the present homes to care for those entitled to admission therein under existing law shows that at the present time every branch home, unless it be the Western Branch, is so crowded that inmates are compelled to sleep on the floors. And this is true notwithstanding the fact that the capacity of the homes has been increased by the erection during the last year of temporary barracks for the accommodation of one thousand additional men.

Speaking on the subject of the number of ex-soldiers and sailors entitled under the law to admission to the homes and to the want of capacity to care for them, the Board of Managers, in their report for 1885, say this:

"The increase in the membership of the National Home (and branches) has been constant, and for reasons referred to hereafter the percentage of increase has been greater than it has been for many years. * * *

"Four branches of the Home (all except that at Leavenworth) now contains more than double the number of men for which they were originally built. The capacities of these branches should not, in the opinion of the Board, be further increased, and the limit of size of the branches now existing should be considered to have been reached, a membership or fifteen hundred being, from the experience of the Board, as large as any branch should have.

"It is impossible to tell how long the membership of the Home will increase under the present law. It is safe to say, however, that it is not probable that the number will begin to diminish for at least ten years, and that there will be an increase up to that time at least. There are now fully one thousand men who have applied for admission to the Home who are fully entitled to admission under the law. They cannot be admitted, first, because there are no places for them, and, second, because there is not money enough appropriated for their support."

Again the Board, in their report for 1886 (June 30), says:

"The question, how long the membership of the Home will increase, still remains unsolved. Under the law every soldier who is disabled and who cannot earn his living is entitled to admission to the Home whether his disability can be traced to service in the Army or not. This law was enacted on July 5, 1884. During the past three years the number of those admitted on account of wounds received in action or disability incurred in service has materially fallen off. On the other hand, the number admitted on account of age and disability incurred since the war has increased, so that the annual number of admissions continually increases. These causes of increase will continue as the soldiers grow older, and the membership of the Home must increase for an indeterminate series of years so long as Congress furnishes the means for such increase. The existing branches of the Home are now filled to their utmost capacity, and, in the opinion of the Board, only one, or at most two, of them should be further enlarged."

It will be remembered in connection with the above extract that, until the passage of the act of July 5, 1884, no sailor, however wounded or helpless, could be admitted to any home for disabled soldiers; and, indeed, could be cared for only at one place in the United States, and that the Marine Hospital in Philadelphia. Nor could any soldier be received into a home except for disabilities contracted in the line of duty in the service.

So overcrowded are the national homes at present that the managers, at their annual meeting for 1888, recommended the appropriation of $150,000 to be used in the construction of temporary barracks at the several branches of the Home, humanity in their judgment demanding that some additional effort be made by the Government to care for the disabled veterans, as it had agreed to do by law. This bill has passed the Senate of the United States, and is now pending on the Calendar of the House, having been unanimously reported from this committee.

The data so far presented demonstrates the incapacity of the present homes to provide for the increasing demand under existing law for hospitality. A reference to the extracts cited from the various board reports shows, first, that the number of those dependent and entitled to care under the law will increase for at least five to seven years yet, and second, that an increase in the number of dependents at the demonstrated rate stated by the Board would add some 20,000 to the list of those now received into, or known to be entitled to be received into, the homes under existing law.

In the opinion of your committee the number above stated will not cover the number of those entitled to relief, and is less than the actual number will be, by thousands; and we base our conclusion on this fact, that of the 2,700,000 men enrolled for the war at least 1,000,000 are now alive. Taking the average age of a soldier at the expiration of the war to be thirty years, these survivors are now fifty-three years of age, and upon them, from this age to the end of life, time, aided by the hardships of war, will tell terribly upon constitutions undermined in the service of the country, and as a consequence drive them, where dependent, to seek the protection which a great government ought justly and generously to give.

Two facts, in a very marked degree, confirm the conclusion of your committee that the country is now entering upon the period when it is to see the maximum of the suffering of its defenders, and must, in consequence, widen its policy to meet the increasing demand, or narrow it, and, deserting the men that saved it, leave them to the mercy of private or municipal charity. Your committee does not believe the lives of these patriots were spared for such a fate. This is a christian and civilized nation, and it will do its duty by these men as they did their duty by it.

The first of the facts referred to is the number of veterans dependent on public charity in the several States and Territories, as shown by the following table:

VETERANS IN CHARITABLE INSTITUTIONS BECAUSE OF THEIR POVERTY, AND DEPENDENTS, AT NOON OCT. 15, 1887

	Veterans	Dependents	Total
Arkansas			6
California	274	1	275
Colorado	11	4	15
Connecticut	274	91	365
Dakota	15	2	17
Delaware	17	1	18
District of Columbia	21	51	72
Florida	3	1	4
Georgia	14	6	20
Idaho			2
Illinois	827	167	994
Indiana	208	116	324
Iowa	229	119	348
Kansas	66	9	75
Kentucky	100	50	150
Louisiana	8	6	14
Maine	1, 097	113	1, 110
Maryland			36
Massachusetts	8, 798	112	8, 910
Michigan	473	96	569
Minnesota	77	15	92
Mississippi			7
Missouri	138	62	200
Nebraska	16	1	17
Nevada			1
New Hampshire	266	95	361
New Jersey	346	15	361
New Mexico			7
New York	1, 782	206	1, 988
North Carolina	12	2	14
Ohio	732	480	1, 212
Oregon			10
Pennsylvania	721	2, 958	3, 679
Rhode Island	15	4	19
Tennessee	27	20	47
Texas	12	5	17
Vermont	99	75	174
Virginia	12	2	14
Washington Territory	11	1	12
West Virginia	44	14	58
Wisconsin	125	45	170
Wyoming Territory			1
Total	16, 856	4, 945	21, 801
Deduct Massachusetts	[1] 8, 000		[1] 8, 000
	8, 856		13, 801
Add National Homes			15, 152
Total			28, 953

[1] 8,000 are deducted, being those receiving State aid in Massachusetts who are not actual inmates of the poorhouses.

And the second is the necessity which has impelled the various States to expend the following sums of money in providing local State protection for the disabled veterans residing within their limits:

In California	$75, 000
For support, probably annually	15, 000
In Connecticut, buildings and support for only 2 years	147, 000
In Illinois, annually, for support	430, 000
And that State has expended on Soldiers' Orphan Home and support thereof	1, 155, 440
In Iowa, for buildings	100, 000
And for buildings and support of orphans	1, 188, 555
In Kansas, for orphans of and soldiers, and for buildings (and has but just opened a Soldiers' Home; no figures at hand)	80, 000
In Michigan, for buildings	160, 000
For support, annually	145, 000
In Minnesota, Orphans' Home and support (has just erected a State Home)	110, 000
In Missouri (no State Home) for orphans	42, 500
In New Jersey, Newark State Home	695, 000
For a new State Home building	125, 000
In New York, buildings and grounds	203, 000
For support per annum, about	100, 000
In Ohio, buildings and grounds	150, 000
In Pennsylvania, buildings, State Home	$250, 000
For support, per annum (estimated)	230, 000
And for orphans	625,000

To this can be added Nebraska, which is just completing a home for its veterans at a cost of $75,000.

In addition to these sums, aggregating over $6,000,000, expended in plants by the States named, it appears from data that has come under your committee's observation that the State of Massachusetts has expended in providing for her veterans, their widows and orphans, the sum of $18,000,000, and Wisconsin, for the same purpose, $11,000,000. These facts not only tell the story of the needs of the class in question, but they demonstrate by example the duty of the General Government. The argument of these millions points, if not to the neglect, then to the oversight of the General Government, and its force should hasten considerate action. When the patriotism of the States answers the appeal of its soldier citizens for relief to the extent of from $30,000,000 to $40,000,000 in payment of an obligation resting primarily upon the people as a nation, it is time for Congress, representing the whole people, to act, and assume at least a part of a responsibility wholly national.

Your committee believes that both justice to the soldier and the taxpayer demand that the nation should charge itself with the protection of these men in their need, who in its need protected it. Nor will this obligation of honor and patriotism ever be lessened in the estimation of high-minded persons by the fact that the beneficiaries of this bill, while defending their country, were often overtaken by disaster in their business, which now, through years of varying struggle and lapsing powers of mind and body, has at last ripened into utter and hopeless ruin, leaving them stricken with age and the infirmities begotten of exposure and service, stranded and desolate, with no hand, save that of chance or public charity, to stay them as they totter down the slope of life toward the grave.

Your committee dismisses at once any thought that Congress will refuse to adopt some policy of relief, and submits that if it proposes to meet the responsibilities of the occasion and provide for such soldiers as are entitled to admission to the homes under existing law, legislation is required—

(1) To establish additional branches of the Home; or

(2) To materially enlarge existing branches; or

(3) To encourage the States to establish State homes; or

(4) To make appropriations for outdoor relief to those who can not be admitted to existing homes.

Of these obvious alternatives, your committee has selected the one which in their considerate judgment promises the most satisfactory, as well as the speediest, solution of the problem, namely, "To encourage the States to establish State homes."

In this conclusion the committee has the unqualified support of the present Board of Managers of the National Homes, all of whom concurred in the opinion expressed by General Franklin, its president, which is as follows:

"The Board is opposed, totally opposed, to the construction of other permanent homes, provided Congress will relieve existing homes and care for those entitled to care under the law, by granting aid to State homes. And it is the unanimous judgment of the Board that national aid to the States is the true policy."

As early as June 30, 1886, the Board of Managers outlined the policy of aid to States as follows:

"The survivors of the war are growing old, their disabilities are severer, and the number who are unable to support themselves is for these reasons rapidly increasing. Notwithstanding the fact that a new home, capable of providing for 1,500 additional members, has recently been completed at Leavenworth, Kans., there are yet many disabled and destitute soldiers cared for in the almshouses of the country. Several of the States have endeavored to provide for this emergency by the erection of State homes. Illinois, Ohio, Iowa, Michigan, and Pennsylvania have recently established State homes, and such homes have for some time been established in New York, California, Massachusetts, Vermont, New Jersey, Connecticut, and in a few other States. If Congress should provide by law for assisting in maintaining the soldiers admitted to these State homes by authorizing the Board of Managers to pay one-half of the cost of supporting each soldier thus provided for, the necessity of building additional homes might be avoided, except in the case of that recommended for the Pacific slope."

In recommending the adoption of this policy and the passage of this bill your committee is not unmindful of the important evidence and opinion bearing on the matter furnished to this committee through exhibits attached to the Senate report on this subject, and which are hereto attached and made a part hereof.[4]

As the provisions for the distribution of the sum covered in this bill would be complex and intricate, your committee have decided to leave that matter to the Board of Managers of the existing Soldiers' Homes, whose experience and accountability guarantee safety to the fund and its practical application to the object sought.

For the reasons set forth herein, your committee recommend that the bill do pass with the following amendments:

Amend the title by striking out the words "their widows and orphans."

Amend line 6 of the bill, by adding after the word "war" therein the words "who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not received in service against the United States."

Amend line 7 by striking out the following words therein, "and widow and orphan thereof."

Amend line 8 by striking out the words "for one year the sum" where the same appear therein, and insert in lieu thereof the following, "at the rate of."

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[4] The exhibits have not been reproduced. They are the same as Exhibit A, pp. 20–28.

Amend line 9 by adding after the word "dollars" therein the words "per annum."

[No. 213]

COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, February 24, 1956.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives.

DEAR MR. CHAIRMAN: We enclose herewith for your information a copy of our letter of today to the Administrator of Veterans' Affairs sustaining, upon reconsideration, the principal holding of our decision of October 13, 1955, B-125206, concerning Federal-aid payments under the act of August 27, 1888, as amended (24 U.S.C. 134).

Since the State of Oklahoma contends, in effect, that its facilities at Sulphur and Norman, Okla., were primarily established for, and do primarily furnish domiciliary care and hence properly may be considered "homes" within the meaning of the 1888 act, we have requested the Veterans' Administration to make a factual investigation and determination as to whether these homes were so established and do furnish such domiciliary care. We reserve decision as to the eligibility of these Oklahoma homes pending receipt of the report requested from the Veterans' Administration.

The 1888 act as amended does not define "home" and what the Congress intended as a prerequisite upon the States to their becoming eligible for the Federal-aid payments can be ascertained only from the language it used and the sense in which the particular words then were understood. The language of the act itself authorized payments only where the States had established or thereafter shall establish a home. The sense in which the Congress used the word "home" is fully discussed in the attached decision to the Administrator of Veterans' Affairs. For the reasons set forth in the decision we have concluded that the Congress meant an institution which would primarily furnish domiciliary care for the veterans. The term "domiciliary care" seems to have meant the furnishing of shelter, food, and clothing to the veteran and such incidental medical care as is necessary to his maintenance. The term does not encompass the furnishing primarily of hospital care or treatment. Of course, under the 1939 amendment the furnishing of hospital care or treatment in the homes also would entitle the home to the Federal-aid payment.

Therefore, under the present law, as we feel it must be construed, payments of Federal aid may not be made to States on account of veterans receiving hospital care or treatment in an institution that does not qualify as a "State home," that is, an institution which was established for the purpose of furnishing domiciliary care primarily. H.R. 7918, and other similar bills now pending before your committee would eliminate the requirement that the "State home" be one which furnishes domiciliary care primarily and would authorize aid payments whether the "home" is one which furnishes hospital care primarily or domiciliary care primarily or one which furnishes a combination of both. However, as we pointed out in our report of January 23, 1956, to you, the bill does not undertake to define a "State home" and we suggested that consideration should be given to your committee to defining in the bill what is meant by a "State home."

As we previously reported with regard to these various bills, the question of whether and the extent to which the Federal Government should undertake to reimburse the States for the care of disabled veterans is a policy matter for the consideration of the Congress. However, it is understood that many of the States maintain State insane asylums or hospitals in which veterans in common with other residents are admitted and cared for at the expense of the States. In some cases the States probably seek reimbursement from the estate of the incompetent or from relatives responsible for his support. If the 1888 statute is broadened to define the word "home" as including hospitals, the net effect might well be to shift to the Federal Government, to the extent of the Federal-aid payments, the financial burden of the care of such insane veterans with the result that the Federal costs might greatly be increased without caring for any greater number of veterans than are being cared for at present. Also, it might make the Federal Government responsible for the costs of veterans hospitalized in State general as well as State mental hospitals. It would also appear to pose a tremendous administrative problem to the Veterans' Administration in that it might require an audit of the costs of all State hospitals rather than the relatively few State homes now in existence in order to ascertain whether the amounts claimed as reimbursement were not more than half the State costs of maintenance of each soldier or sailor admitted therein. Furthermore, because such hospitals generally would admit wives or widows (if they too were insane or required hospitalization, but not generally because of the relationship) problems would also arise as to administration of the proviso in the 1888 act, as amended that—

"for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes, a like amount shall be deducted from the aid provided for in this section, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained."

We therefore urge that any change in the law be made only after careful consideration of the policy questions involved and of the wording of any change considered desirable.

Pursuant to the request made by you to representatives of our Office at the hearings held by your committee on January 25, we have attempted to formulate a definition of the term "State home" for inclusion in H.R. 7918, or a similar bill. However, after prolonged consideration, we have not been able to arrive at any satisfactory definition of the term "State home" for the reason that once legislation is enacted providing for Federal aid regardless of whether a veteran is cared for in an institution which is primarily established to furnish hospital care or domiciliary care, the aid payments lose their character as payments toward the maintenance of State homes. Federal payments then become contributions toward the maintenance of veterans by the States in "hospitals" and "homes." In other words, we feel that once the legislation is broadened to encompass institutions which furnish hospital care primarily the continued reference to the institution as a "home" only creates confusion.

For the reasons indicated in our report of January 23, and those set forth above, we feel that if the legislation be broadened to permit aid payments to States for hospital care furnished to veterans apart from a "home" which is established primarily to furnish domiciliary care, some limit should be placed on the obligation which the Federal Government will assume. Since we feel that any clear-cut limitation may not be worked out through a definition of the term "home" we suggest that, in lieu of the present legislation, your committee may wish to explore the possibility of legislation which would authorize an overall allowance to all the States on account of domiciliary care or hospitalization accorded to veterans. The total amount of such allowance would be apportioned among the various States pursuant to some equitable formula that might be worked out.

We will be available to cooperate fully in any study along those lines which may be undertaken by your committee.

Sincerely yours,
JOSEPH CAMPBELL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., February 24, 1956.

Hon. H. V. HIGLEY,
Administrator, Veterans' Administration.

DEAR MR. HIGLEY: We have been requested by representatives of the States adversely affected to reconsider our decision of October 13, 1955, to you, concerning Federal-aid payments to State veterans' homes under the act of August 27, 1888, as amended (24 U.S.C. 134). Our decision held that the Federal-aid payments are not authorized under the 1888 act, as amended, for care furnished by the States to disabled veterans in State hospitals or portions of hospitals (designated by the State as "homes") because the "homes" were not established primarily to furnish domiciliary care and do not furnish such care. Specifically, on the basis of reports of your Administration that all of the patients in so-called homes in West Virginia are or will be veterans generally receiving hospital care rather than domiciliary care, and the information contained in your report of July 25, 1955, on H.R. 5378 and H.R. 5930, 84th Congress, to the chairman, House Committee on Veterans Affairs (Committee Print No. 158) showing the West Virginia "homes" had no domiciliary bed capacity, we held that no payments of Federal aid for periods subsequent to the date of the decision were authorized to the West Virginia "homes." We also commented therein that the State facility at Sulphur, Okla., appeared to fall into the same category as the West Virginia "homes." The basis for such comment was the statement in Committee Print 158 to the effect that the Oklahoma State War Veterans Home Facility at Sulphur had a hospital and infirmary capacity of 233 and no domiciliary bed capacity.

As you know, the decision of October 13, was rendered at your request pursuant to 31 United States Code 74, under which the head of any executive agency may apply for and we are required to render our decision upon any question involving a payment to be made by or under them. Our decision was addressed solely to the question of whether, under the circumstances presented in your request, Federal-aid payments were authorized for the care of disabled veterans by the 1888 act, as amended. We, of course, did not consider whether such payments as a matter of policy should be made or ought to be authorized, since that is a matter for consideration solely by the Congress. Many of the contentions of the representatives of the States appear to be addressed to that policy question rather than the question we are authorized to consider and, hence, those contentions will not be discussed herein.

In our review of the matter, we have considered briefs submitted by representatives of Georgia, Oklahoma, and West Virginia. Also, an oral hearing was accorded to representatives of these States on January 24, 1956, the substance of which was reduced to writing and made a part of the record here.

The States contend, in substance, that the 1888 act as originally enacted authorized Federal-aid payments to be made to the States for the care of disabled veterans in State hospitals designated by the States as "homes." In the alternative, they urge that, if the original act does not authorize Federal-aid payments for care of disabled veterans in such hospitals, the amendments thereto by the act of August 1, 1939 (53 Stat. 1145), and similar later acts repeating such language, providing "that said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home" authorize the payments for care in any institution set aside and designated by the States as a "home" irrespective of whether the "home" furnishes domiciliary care. In support of arguments it is urged that the common law definition should be applied to the term "home." While these views of the matter were considered at the time our decision of October 13, 1955, was rendered, they have been reexamined and evaluated in the light of a detailed reexamination of the legislative history of the acts involved.

By the act of March 3, 1865 (13 Stat. 509), the Congress authorized the establishment of a National Home for Disabled Volunteer Soldiers who were totally disabled by wounds received or sickness contracted in line of duty during the Civil War. Thereafter, branch Federal homes were established and, by section 5 of the act of July 5, 1884 (23 Stat. 120, 121), it was provided—

"That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers and sailors of the war eighteen hundred and twelve and of the Mexican War, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers: *Provided* such disability was not incurred in service against the United States."

House Report No. 754, 50th Congress, 1st session, on the bill which became the 1888 act shows that the Board of Managers of the National Home for Disabled Volunteer Soldiers in its reports for the fiscal years ending June 30, 1885, and June 30, 1887, reported over-crowding of the branch homes and that, despite the erection of barracks appropriated for by the Congress on June 30, 1886, the beds in the branches were fully occupied and that in every branch, with one exception, men were using the floor for beds. In its report for the fiscal year 1886 the Board reported:

"The survivors of the war are growing old, their disabilities are severer, and the number who are unable to support themselves is for these reasons rapidly increasing. Notwithstanding the fact that a new home, capable of providing for 1,500 additional members, has recently been completed at Leavenworth, Kans., there are yet many disabled and destitute soldiers cared for in the almshouses of the country. Several of the States have endeavored to provide for this emergency by the erection of State homes. * * * If Congress should provide by law for assisting in maintaining the soldiers admitted to those State homes by authorizing the Board of Managers to pay one-half of the cost of supporting each soldier thus provided for, the necessity of building additional homes might be avoided."

The report further states that approximately 8,800 veterans were then being cared for in almshouses maintained by the States and that many more are being supported by private charity and by the Grand Army of the Republic and that the eligibility requirements for Federal aid in the State homes would be in accord with those in effect in the national homes.

The Adjutant General of the State of Connecticut Soldiers' Hospital Board, acting for the Governor of that State, in his comments on the bill, printed in the House report, stated that Connecticut then maintained approximately 125 veterans in the State home and in addition maintained an average of 50 veterans in hospitals and 20 in the State hospital for insane and suggested that the bill should be widened to permit Federal aid for those supported in hospitals as well as in the homes. In report of the Minnesota Soldiers' Home on the bill, it is stated that since the national homes could not take care of these veterans and many were drifting into poorhouses, the State home was established after the Grand Army of the Republic took the matter up. It is further stated:

"We are keeping there men comfortably, not as paupers to be starved but as invalids to be nourished. The average age of our inmates is about 60 years, and 40 percent of them are fit subjects for medical treatment."

In the report of the State of Wisconsin, it is stated:

"We expect to make it a home as nearly as it is possible to make any institution a home. Our specialty will be to receive the soldiers with their wives."

The report also quotes a letter dated February 2, 1888, from Gen. W. B. Franklin, president of the board of managers of the National Home for Volunteer Soldiers in which he said:

"We have 12,500 old soldiers in the national home today. Every foot of space is occupied, and yet hundreds are kept out from want of room."

It seems clear from the foregoing that, under the 1888 act, the Federal-aid payments were authorized for care of veterans in the State homes to relieve the crowded conditions in the Federal homes in an economical manner and that Federal-aid payments were authorized and intended for the same class of care as the national homes for volunteer-soldiers. Thus, Hon. Levi Maish in the debates in the House on the measure (19 Congressional Record 6552) is reported to have stated:

"We propose simply to admit into the State homes for disabled soldiers upon the same terms on which they are now admitted to national homes and at the same time save the Government $100 a year in each case."

Also, see page 250 of House Committee Print No. 171, 84th Congress, 1st session, entitled "An Historical Analysis of Major Veterans' Legislation 1862–1954" on which is reported a debate, in 1910, on the National Soldiers' Home which, as we have pointed out above, furnished the same type of care for which Federal aid is authorized to the States. There are set out Mr. James M. Cox's comments to the House (45 Congressional Record 6183) in which he refers to the veteran in the homes in the following terms:

"The tides of time have carried them down to the very shadows of the great unknown. Representing the youth and chivalry of the old antebellum days, they now await the setting sun."

It is stated on that page of the House committee print that as a result of the debates—

"A total of $5,351,800 was made available for the soldiers' homes, including $1,150,000 for the States and Territories which cooperated in furnishing domiciliary care for veterans."

Despite the suggestion of the State of Connecticut that aid should be provided for veterans cared for by the States in general and insane hospitals, no change was made in this regard in the language of the bill which became the act of 1888. Thus, it appears Federal aid under the original 1888 act was contemplated and authorized only where the care was provided in a State home rather than a hospital, insane asylum, or other institution. Also, it seems clear that while disabled veterans unable to support themselves were admitted to the homes for disabilities from wounds and disease as well as the infirmities of age, the homes primarily were intended to provide a place in which veterans would be furnished shelter, food, and clothing, and incidental medical care, in other words, domiciliary care. That this situation obtained up to the establishment of the Veterans' Administration in 1930 seems to be brought out succinctly in Senate Report 1090, 71st Congress, on a bill which became the act of July 3, 1930 (46 Stat. 852). On page 3 of the Senate report, there is quoted, with approval, the House report on the bill, reading in part, as follows: "A soldier's home is not a hospital. It is for the domiciliary care of veterans." Also, some idea of the relationship of the domiciliary character of the "homes" and the incidental hospital care then provided therein is set out in the letter of Gen. George H. Wood, the then President of the Board of Managers, National Home for Disabled Volunteer Soldiers, included in such report. In such letter he recommended the establishment in the Pacific Northwest of a home for at least 1,500 men. He states:

"This would include a hospital, with capacity of, say, 250 to 300 beds, for we find that in the neighborhood of 25 per cent of our population will be in and out of the hospital, and barracks, with capacity of 1,200 men * * *."

About the same time, General Wood testified before the 71st Congress on H.R. 6141, which was one of the bills which resulted in the act of July 3, 1930 (46 Stat. 1016), establishing the Veterans' Administration. He reported (pp. 114 and 115 of the House hearings) that pursuant to legislation passed about 1920, authorizing the then Veterans' Bureau to use hospitals of the military services, the Public Health Service, and the facilities of the national homes, they had established a neuropsychiatric sanitarium at Marion, Ind., and tuberculosis sanitariums at Mountain Branch, Johnson City, Tenn., and Sawtelle, Calif. In his testimony, he stated:

"It is not possible to separate the hospitalization completely from domiciliary care, for the reason that with a population, say at the Central Branch or at the Pacific Branch, of over 3,500 men, all of whom are disabled, there is a great amount of hospital care incident to domiciliary care, which cannot be avoided.

"The statistics of the homes show that 25 or 30 percent of the members of any domiciliary home are hospital patients, for some time during the year" (p. 121 of the House hearings on H.R. 6141).

He also is reported on the same page as testifying:

"We are not taking care of mental cases, except at Marion, which was made a mental sanitarium 10 years ago at the request of the Veterans' Bureau. That is the only place where we are caring for mental cases in any numbers at all. Of course, in every home, a few men will turn up who are mental cases and who have got to be cared for temporarily at that home until we can send them to Marion.

"But the hospitalization that we are doing at practically all our homes is the hospitalization incident to domiciliary care * * *."

The testimony as to the type of care given in the homes is further outlined by the testimony of Col. R. L. Marston, Vice President of one of the national soldiers' homes, reported on page 130 of the hearings on H.R. 6141, wherein he states:

"As you have listened to the testimony, you have found that it costs about a dollar a day to give a man a home, clothe him, feed him, give him medical care, see that his clothes are kept clean, etc."

The testimony is replete with references to the type of care given as custodial, the furnishing of living accommodations in barracks with incidental medical care, and as domiciliary care. Thus, in the light of the legislative history of the 1888 statute, the first basic contention of those requesting reconsideration of our decision does not appear to have any substantial foundation.

There remains for consideration the effect of the 1939 amendment. In the Independent Offices Appropriation Act, 1935 (48 Stat. 509, 519), appropriating funds to the Veterans' Administration, it was provided—

"That this appropriation shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers in conformity with the act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care."

This language is explained at page 249 of the House hearings on the bill which became that act as follows:

"The second change is the deletion of the words 'including all classes of veterans admissible to the Veterans' Administration homes' and substituting the language, 'for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care:' so as to distinguish definitely that only domiciliary cases will be cared for in State homes at the expense of the Government."

Apparently, pursuant to this provision and an administrative instruction, the Veterans' Administration refused to pay for veterans receiving hospitalization in State homes. As a result, the 1939 amendment set out above was enacted. It appears that the then Administrator was in doubt whether the amended act authorized Federal aid payments for veterans admitted to State homes for hospitalization or only where admitted for domiciliary care and then furnished incidental hospitalization. He requested a decision of such question. In our decision of November 29, 1939 (19 Comb. Gen. 531) we held that the furnishing of a veteran with either type of hospitalization in a State home, would entitle a State home to payment. No question was raised therein as to whether a payment would be authorized if the hospitalization was furnished in an institution other than a State veterans' home but, in view of the specific language of the 1939 amendment authorizing payments only for domiciliary care or hospitalization "in said home," we would have no alternative but to hold that such payments would not be authorized where the care was furnished in other than a "State home" within the meaning of those words as used in the 1888 act.

It is contended in several of the briefs filed by the States that because the Administrator stated in his report on the proposed 1939 amendment—

"should the present policy be modified so as to permit payments to States on behalf of hospitalized cases, it would undoubtedly result in enlargement of State homes or the construction of new homes for the furnishing of hospital care as distinguished from domiciliary care—"

the Congress intended that Federal aid should be given for care in hospitals as well as in homes. We do not feel that such view is warranted. Obviously, the then Administrator of Veterans' Affairs, in speculating upon what the effect of enactment of the bill might be, was not expressing what the Congress intended. Furthermore, the fact that he thereafter expressed doubt as to the effect of the amendment and submitted the question to our Office would seem to indicate he was uncertain as to its effect. Therefore, his statements in regard to the possible effect of the amendment cannot be taken as expressing the legislative intent. Thus the only change made by the 1939 act, in this regard, was to clarify the 1888 act so as to assure that Federal aid would be payable for hospital cases admitted to the homes as well as for hospitalization furnished incident to the primary function of the home, that is, the furnishing of domiciliary care of the veteran.

With respect to the contention that the common-law definition should be applied to the word "home" in the 1888 act as amended, the primary rule of statutory construction, and its only purpose, is to arrive at what the legislature intended. It has been held that the common meaning of a word may be disregarded where such an interpretation would be contrary to its legislative intent (*Foley* v. *Miller*, 24 F. 2d 722). As set out above, the Congress intended the word "home" as an institution where the veteran would be furnished shelter, food, clothing, and incidental medical care. To apply any other definition would not be to construe the statute and give effect to the congressional intent but to alter or change it.

On the basis of the foregoing, we perceive no substantial basis for modifying the principal holding of our decision of October 13, 1955, namely, that payments of Federal aid are not authorized under 24 United States Code 134, for care furnished by the States to veterans in State hospitals or portions of hospitals (regardless of how denominated by the States) which were not established to furnish domiciliary care primarily and do not furnish such care. Also, we construe domiciliary care to be the furnishing of a home to the veteran, embracing the furnishing of shelter, food, clothing, and other comforts of the home, including incidental medical care necessary to maintain him. It does not include the care in an institution primarily established to furnish hospital treatment. Of course, if a home is established and continues to be such by reason of the primary furnishing of domiciliary care, payments of Federal aid would be authorized under the 1939 amendment for patients admitted for hospital care or treatment.

The brief of the State of West Virginia and the statements of the representative of their Department of Veterans' Affairs appear to concede that the so-called homes at Beckley and Weston are not primarily domiciliary homes but rather institutions furnishing hospital care. Also, the brief of Georgia, while contending that under the State statute a truly domiciliary home might be established, does not appear to contend that it has established a domiciliary home. Accordingly, insofar as our decision indicates payments of Federal aid to the homes in those States are unauthorized, that decision is affirmed without prejudice to any action the States may take to establish homes within the meaning of the 1888 act, as amended.

The brief of the State of Oklahoma, in addition to requesting reconsideration of the principal holding of our decision, appears to contend that its Sulphur and Norman institutions are primarily furnishing domiciliary care. This contention raises a question as to what are the true facts as regard these institutions. The question of finding the facts is primarily an administrative one and this Office consistently has accepted such a finding in the absence of a strong and convincing showing of error therein. Moreover, your Administration has superior facilities for making a factfinding survey of the Oklahoma homes involved particularly because of the physicians employed by your Administration who are generally familiar with the veterans' homes program. Accordingly, we request that you make a survey of the Oklahoma homes in question at Sulphur and Norman, Okla., to determine whether those facilities are "homes" within the meaning of the 1888 acts as amended, as construed in our decision of October 13, 1955, as amplified by this letter. Pending such survey and report thereon, we will reserve decision upon the eligibility of these two homes for the Federal-aid payments. Needless to say the congressional delegation from the State of Oklahoma is vitally concerned wtih this matter and an early report of the factfinding investigation and your determination as to whether these homes are primarily furnishing domiciliary care will be appreciated. We shall be pleased to cooperate with your Administration, to the extent you deem it desirable, in making a survey of the Oklahoma homes.

Copies of this letter are being furnished the interested Congressmen, the chairman, House Committee on Veterans' Affairs and the representative of the States affected.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General
of the United States.

(B-6897)

VETERANS' ADMINISTRATION—FEDERAL AID TO STATES—HOMES FOR DISABLED SOLDIERS AND SAILORS

While Federal aid payments to State homes in connection with the care of disabled veterans were limited, by provisos in recent annual appropriation acts, to cases of veterans who would be eligible for *domiciliary care* in Veterans' Administration facilities, the act of August 1, 1939, 53 Stat. 1145 (amending the Federal aid authorizing act of August 27, 1888, as amended) clearly provides that eligibility of a veteran for either *domiciliary* or *hospital* care entitles a State to the payments provided for his care, and the applicable Veterans' Administration appropriation is available for payments on that basis.

Comptroller General Brown to the Administrator of Veterans' Affairs, November 29, 1939:

Consideration has been given your letter of October 30, 1939, as follows:

"In connection with the payment of Federal aid to States for the care of veterans in State homes, the question has arisen as to whether a State is entitled to Federal aid under Public No. 250, 76th Congress, for hospitalization furnished a veteran suffering from a non-service connected disability, who is not eligible under existing Veterans' Administration regulations for domiciliary care but is eligible under such regulations for hospitalization in Veterans' Administration facilities if beds are available.

"Under existing law (Public, No. 312, 74th Congress) and regulations (Regulations and Procedures, Veterans' Administration. Paragraphs R-6047 and R-6048), the Veterans' Administration is authorized to furnish, *within the limits of existing Veterans' Administration facilities*, hospitalization to veterans suffering from a disability, disease or defect which, being susceptible to cure or decided improvement, indicates need for hospital care (as for example, veterans suffering from reparable hernia, chronic appendicitis, acute tonsilitis, etc.), and domiciliary care to veterans suffering from disability, disease or defect which, being essentially chronic in type and not susceptible of cure or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period and thereby indicates need for domiciliary care.

"Public No. 250, 76th Congress, approved August 1, 1939, which is an act 'To increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States,' provide:

"That the act entitled 'An Act to provide aid to States or Territorial homes for the support of disabled soldiers and sailors of the United States,' approved August 27, 1888, as amended (U.S.C., 1934 edition, title 24, sec. 134), is amended by striking out in the first paragraph thereof '$120 per annum' and inserting in lieu thereof '$240 per annum.'

" 'SEC. 2. The amendment made by this act shall apply to payments with respect to the care given to disabled soldiers and sailors on and after the first day of the month next following the month during which this act is enacted: *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further*, That no payment to a State or Territory under this act shall be made for any period prior to the date upon which the Administrator of Veterans' Affairs determines that the veteran on whose account such payment is requested is eligible for such care in a Veterans' Administration facility.' "

"The Regulations and Procedure of the Veterans' Administration in effect prior to the enactment of this law contained the following provision:

"'(C) Federal aid payments will be made to States in behalf of veterans cared for in State Houses who are eligible for domiciliary care in Veterans' Administration facilities. Federal aid payments will not be made to States in behalf of veterans who are receiving hospitalization as distinct from domiciliary care in a State Home.' (Regulations and Procedure, Veterans' Administration, Paragraph 7883.)

"The above quoted provision of Regulations and Procedure is based on the provision contained in the annual appropriations acts applicable to the Veterans' Administration since the 1935 Appropriation Act, which read in part as follows:

"'*Provided further,* That this appropriation shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care * * *'

"Prior to the enactment of the 1935 Appropriation Act the annual appropriations provided that they should be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors in conformity with the act of August 27, 1888, as amended, 'including all classes of veterans admissible to the Veterans' Administration Homes.'

"In explaining the change in the 1935 Appropriaton Act to the subcommittee of the House Committee on Appropriations in charge of the Independent Offices Appropriation Bill for 1935, it was stated:

"'* * * The second change is the deletion of the words, "including all classes of veterans admissible to the Veterans' Administration homes": and substituting the language, "for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care": so as to distinguish definitely that only domiciliary cases may be cared for in State homes at the expense of the Government. * * *' (P. 249, Report of Hearings before subcommittee of House Committee on Appropriations in charge of Independent Offices Appropriation Bill for 1935, 73d Cong., 2d Sess.)

"It is being contended that the language of section 2, Public No. 250, supra, authorizes the payment of Federal aid to State homes for the hospitalization of veterans, even though such veterans are not eligible for domiciliary care. It is my understanding that the reference to hospitalization in Public No. 250, 76th Congress, refers only to those cases having entitlement to domiciliary care but who because of their physical condition must be cared for in the hospital part of a home; this because the purpose of the Bill, as stated in the title, was 'To increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States,' and secondly, because it would be a major reversal of policy and contrary to that announced in the basic law for Federal aid to be extended to State homes in cases in which there existed no eligibility to domiciliary care from the Federal Government. I do not believe it was intended to change the general policy by the above referred to act, which, if construed in a manner as has been suggested, would create the anomalous situation of allowing veterans not eligible for domiciliary care to be hospitalized in State homes on the one hand when, on the other hand, the Veterans' Administration is precluded, except under circumstances not here material, from contracting with State hospitals for the care of the very class of veterans whom it is sought to read into the Act of August 1, 1939. To interpret this act as broadening hospital rights would completely nullify the limitations in Public No. 312, 74th Congress, and would allow the accomplishment of something indirectly which could not be done directly.

"Inasmuch as the question deals with the expenditure of appropriated funds, I respectfully request your decision as to whether the appropriation to the Veterans' Administration as afore referred to is available to pay Federal aid to State homes under Public No. 250, 76th Congress, for hospital care and treatment furnished veterans suffering from non-service connected disabilities who are not eligible for domiciliary care under existing law and regulations, since, as indicated above, the Veterans' Administration is limited in furnishing hospitalization in this type of cases to available Veterans's Administration facilities."

The act of August 27, 1888, 25 Stat. 450, which was amended by the recent act quoted in your letter, appears with its previous amendments in 24 U.S.C. 134, 1934 edition, as follows:

"Aid to State or Territorial homes. All States or Territories which have established, or which shall establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

"The number of such persons for whose care any State or Territory shall receive the said payment under this section shall be ascertained by the Administrator of Veterans' Affairs under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the Administrator shall not have nor assume any management or control of said State or Territorial homes.

"The Administrator of Veterans' Affairs shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided,* That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further,* That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid provided for in this section. No money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further,* That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid provided for in this section, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained."

The amending act of August 1, 1939, 53 Stat. 1145, increases prospectively the amount payable to the States for the care of each disabled soldier or sailor, and incorporates two new provisions, reading as follows:

"* * * *Provided,* That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further,* That no payment to a State or Territory under this Act shall be made for any period prior to the date upon which the Administrator of Veterans' Affairs determines that the veteran on whose account such payment is requested is eligible for such care in a Veterans' Administration facility."

The question is whether either or both of the quoted provisos were intended to modify or qualify the proviso appearing in the annual appropriation acts which hitherto has limited these payments to States to cases of veterans who would be eligible for *domiciliary care* in Veterans' Administration facilities. It will be observed that under the provisions last above quoted, the payments are to be required for either "domiciliary care or hospitalization," the appropriations for "medical, hospital, and domiciliary care" are specifically made available, and the payments are conditioned upon your finding that the veterans are "eligible for such care in a Veterans' Administration facility."

The language of the two provisos is too plain to admit of construction and clearly provides that eligibility of a veteran for either domiciliary or hospital care entitles a State to the payments provided for his care. Any doubt there might be in the matter would appear to be resolved by reference to the legislative history of the bill, H.R. 4647. The two provisos in question were added to the House bill by Senate amendment—a fact which may account for the failure of the title to reflect their purpose—and it must be assumed the Congress was fully aware of the former limitations restricting aid to cases eligible for domiciliary care. See Senate Report No. 705, 76th Congress, 1st Session—particularly pages 7 and 8. It was understood and explained that the Senate Amendments would effect a change in the existing Veterans' Administration regulations. See Congressional Record (Semi-Mo. Ed.), 76th Congress, 1st Session, at page 13500. While, as you state, it is evident that payments to States will be required for a type of care which may not be obtained by contract, it will be noted that an alternate proposal to obtain this service by contract was made, but not approved. Senate Report, *supra,* at page 6.

There has been carefully considered the suggestion that the reference to hospitalization was for the purpose of including persons entitled to domiciliary care but actually receiving hospitalization. But since the appropriation acts theretofore required only that the veterans be "*eligible for admission* to Veterans' Administration facilities for domiciliary care," it would appear that such persons as referred to by you who were receiving State care were already entitled to Government aid; Furthermore, it is quite evident that the language of the first proviso in question was derived from the nearly identical wording of an amendment proposed to the companion bill, S. 1325. In commenting upon the latter proposed amendment, the Veterans' Administration expressed the view that the enactment of such amendment would materially modify the existing procedure under which no payments are made for State hospitalization as distinguished from domiciliary care (Sen. Rep. *supra,* p. 7). It appears the procedure *was* so modified by the adoption of the substance of that amendment as a part of the act of August 1, 1939.

For the reasons herein stated; the question presented in the concluding paragraph of your letter is answered in the affirmative, subject, of course, to the limitations contained in the second proviso of the act of August 1, 1939.

CRITERIA FOR ADMISSION OF VETERANS TO STATE HOMES (FOR NURSING AND MEMBER CARE) AS OF JULY 3, 1967

Location of State home	How much of the veteran's income does the home collect?		What are the State homes' requirements with respect to veteran's assets, such as bank account, bonds, and cash?	What are the State homes' requirements with respect to veteran's property such as home, automobile, etc.?	Are veterans, when admitted, required to make assignment of life insurance to the State home?	In responding to cols. A, B, C, and D, indicate disposition in event of veteran's death in the State home.	What charges other than those covered in cols. A, B, C, and D are made to the veteran or his family or representative by the State home?	Is the State home affiliated with a medical school?
	Yes No	Criteria (A)	(B)	(C)	(D)	(E)	(F)	(G)
Atlanta, Ga	No		Not asked this question	None	No	None	Glasses, $25; Dental, charge for material.	No.
Boise, Idaho	Yes	Above $65 to maximum of $40 per month. Income over $105 per month not disturbed.	Not considered in determining eligibility or monthly rate of charge.	do	No	To next of kin. If no kin or claim within 5 years to State treasurer.	None	No.
Chelsea, Mass	Yes	Aid and attendance pension allowance.	If assets exceed following veteran encouraged to seek other service: Domiciliary $2,500; acute hospitalization $5,000; chronic hospital care $10,000.	If real property exceeds cash values cited in col. B, encouraged to seek other service.	No	As willed by patient	3d party coverage for care, etc., on assignment by patient.	Negotiating.
Holyoke, Mass	Yes	do	None	None	No	do	3d party coverage for care on assignment by patient.	No.
Buffalo, Wyo	Yes	Not to exceed $200, but in all cases veteran retains $50 per month.	Financial statement required of all veterans who are admitted to home.	If no income and has assets, encouraged to convert assets to cash to make monthly payments.	No	According to will or to next of kin under applicable State laws.	None	No.
Quincy, Ill	Yes	Graduated scale from $5 to $150 per month.	None	None	No	None unless liquid assets exceed $5,000, then maximum of $150 month for period he paid less.	do	Yes.
Sandusky, Ohio	No		Eligibility established according to p. 2 of VA form 10–P–10 query.	do	No	As willed by patient. Valuables and money by probate court.	do	No.
Grand Rapids, Mich	Yes	Over $60 to maximum of $126 per month.	Assets listed and evaluated as to sufficient for support. Assignment to home made and retained unless claimed by next of kin.	Real estate and car listed, however, no assignment of such property required.	No	Assigned at time of admission and retained by home unless claimed by next of kin.	None	No.
Home Lake, Colo	Yes	$36 a month maximum from other income. None from compensation and pension income.	None	None	No	If no heirs to personal property located in 6 months property sold for benefit State general fund.	None except for nonveteran.	No.
Marshalltown, Iowa	Yes	If personal estate $1,500 or more and no dependents, he pays total support. If $500 or less, charges as follows: 1st $20—none; $30—40 percent; $70—75 percent.	None	Home is counted as asset only if it is rented. Car not allowed as an asset.	No	Not required to sign over home. All assets, after burial expenses go to next of kin.	Veteran buys his own clothes and personal items.	No.
Menlo Park, Vineland, N.J.	No		Veteran must be necessitous, insufficient income or assets to maintain himself.	Without dependents is not permitted to have property or car Married veteran can have home and/or car if used by wife.	No	None	None	No.
Lisbon, N. Dak	No		No special provisions. Individual cases reviewed.	No restrictions	No	If no heirs or will, become property of board of trustees.	do	No.
Columbia Falls, Mont	Yes	Approximately 20 percent	None	None	No	If no heirs or will to State	do	No.
Lafayette, Ind	Yes	$248 per month. Less if income not adequate. 1st $30 of compensation and pension exempt, 80 percent of balance collected.	Not admitted if liquid assets $3,000 or more; this waived if special care required, upon advice of advisory committee.	Permitted to retain property such as home, car, etc.	No	Claim for unpaid maintenance made by state. If dependent parent or minor child, no claim.	do	No.
Grand Island, Nebr	Yes	Maximum—$125 per month. Women must pay $14 minimum. $40 allowed for personal needs by State law.	Must be dependent wholly or partially on charity. Income in excess of $40—reasonable amount charged for maintenance.	See col. B	No	Personal effects and valuables as willed. Property disposed of per State laws.	do	No.
Tilton, N. H	Yes	Income from all sources in excess of $115 per month.	Not admitted if real or personal property exceeds $1,500, or if receiving unemployment compensation.	$1,500 limitation covers property, cash, bonds, etc. Cannot own or operate car.	No	As designated on State home application.	Cost of prescriptions	No.
Minneapolis, Minn	Yes	1st $30 exempt; $2 of $35; $10 of $50, $30 of $80; over $100, $46 plus 90 percent collected.	Veteran ineligible if total of all assets and property owned exceeds $2,000.	See col. B	No	Will is made upon admission. No claim by home.	None	No.
Norman, Okla	Yes	If veteran has dependent, no charge regardless of income, If no dependent, no charge if income $64 or less per month.	None	None	No	Claim against estate for difference between per diem cost and what veteran paid.	do	No.
Ardmore and Sulphur, Okla.	Yes	In excess of $64, charge varies from 1.2 percent to maximum of 50 percent depending on income per month.	do	do	No	May make claim to cover difference between per diem cost and amount paid.	do	No.
Rocky Hill, Conn	No		Home acts as custodian for bonds, bank books and cash. No investigation by home of resources.	do	No	Claim against estate billing home cost less Federal aid and medicare received.	do	No.
Erie, Pa	No		If total assets exceed $10,000, veteran not admitted.	See B; no dependents and income excess of $225 per month not admitted.	No	All assets held 1 year. If no claim placed in welfare fund.	do	No.
Bristol, R.I	No	No presently, but planning to collect percentage in excess of $45 monthly.	Remain in veterans name but deposits and expenditures supervised by home.	No restrictions on property; cannot retain car.	No	Advised to make will. Assets become property of State.	do	No.

CRITERIA FOR ADMISSION OF VETERANS TO STATE HOMES (FOR NURSING AND MEMBER CARE) AS OF JULY 3, 1967—Continued

Location of State home	How much of the veteran's income does the home collect? Yes No	Criteria (A)	What are the State homes' requirements with respect to veteran's assets, such as bank account, bonds, and cash? (B)	What are the State homes' requirements with respect to veteran's property, such as home, automobile, etc.? (C)	Are veterans, when admitted, required to make assignment of life insurance to the State home? (D)	In responding to cols. A, B, C, and D, indicate disposition in event of veteran's death in the State home. (E)	What charges other than those covered in cols. A, B, C, and D are made to the veteran or his family or representative by the State home? (F)	Is the State home affiliated with a medical school? (G)
Napa County, Calif	No		Liquid assets should not exceed $4,000. Needs of dependents are considered.	Real assets not in excess of $5,000. Needs of dependents considered. Must swear inability to defray cost of care elsewhere.	No	Per will if made 1 year prior to admission. If intestate, after 5 years assets to post fund unless claimed by kin.	None except for dentures if veteran can afford to pay for them.	No.
Retsil, Wash	No		$1,000 limitation of total assets as property, car, cash, bonds, etc.	See B	No	To next of kin. If no heirs after 2 years to State.	Charge of 50 cents a week for personal laundry.	No.
Orting, Wash	No		do	do	No	do	None	No.
Hot Springs, S. Dak	Yes	Nothing to $49, $5 from $50 to $59, $10 to $69, $17.50 to $79, maximum $75 on $150 or more a month.	Not able to earn living, less than $1,800 income, unable to support self and dependents.	Property not a factor, may own and use cars.	No	If no will or legal dependents, home is sole heir.	If more than $3,000 cash accumulated while at home must pay maximum monthly cost until cash assets reduced to $3,000.	No.
St. James, Mo	Yes	From $2 to $200 graduated scale of 17 to 45.5 percent. Over $200 per month, 50 percent.	3 percent in excess of $750 cash added to monthly income.	3 percent of real estate over $5,000 added to monthly income.	No	As willed or to next of kin.	None	No.
Oxford, N.Y	Yes	All income in excess $30 per month.	Required to place assets in joint ownership with home.	Generally disposed of prior to admission Retains sufficient funds for tax payments.	Yes	Assets in excess of amounts claimed by home to State.	do	No.
Bennington, Vt	Yes	All over $100 if single and no dependents, otherwise none.	Must give evidence of no adequate means of support. All assets properly are considered.	See B	No	To next of kin or heir if will exists, otherwise to State.	do	No.
Fort Dodge, Kans	Yes	Maximum of $120 a month. Minimum of $35 for comfort items. If hospitalized 60 days or more $35 reduced to $15 a month.	Not admitted if cash, bank account, or bonds exceed a figure 6 times current living expenses.	If assessed value of real property exceeds $2,000 not admitted. No request for surrender of property Late model car might be considered.	No	According to State laws	do	No.
King, Wis	Yes	1st $20 exempt; $30—40 percent, $50—60 percent, $70—75 percent; over $70—100 percent. If pension payments suspended due to excess assets, per diem cost may be charged to estate.	All assets in excess of $1,000 must be turned over to home.	See B	No	If no legal dependents to the State.	do	No.

Source: D.M. & S. Circular 10-67-157 dated July 3, 1967.

VA FEDERAL AID PAYMENTS MADE FOR MEMBER AND NURSING CARE PROVIDED BY STATE VETERANS HOMES, FISCAL YEAR 1967

Location of State homes		Days of care during fiscal year 1967 [1]	Average daily member and nursing census fiscal year 1967 [2]	Costs—Shared by Veterans' Administration and State veterans homes					
				Per diem cost [1]	Total cost [1]	Distributed cost [3]			
						By VA	By State	Percent	
State	City							By VA	By State
		Member care							
Total		2,806,204	7,687	$8.92	$25,046,783	[4] $6,900,598	$18,146,185	27.6	72.4
California	Napa	510,390	1,398	11.12	5,675,537	1,275,933	4,399,604	22.5	77.5
Colorado	Homelake	30,937	85	7.71	238,524	77,700	160,824	32.6	67.4
Connecticut	Rocky Hill	[5] 237,817	652	9.92	2,359,145	605,810	1,753,335	25.7	74.3
Georgia	Milledgeville	127,388	349	6.03	768,150	318,542	449,608	41.5	58.5
Idaho	Boise	35,552	97	3.79	134,742	66,519	68,223	49.4	50.6
Illinois	Quincy	131,767	361	6.39	841,991	329,418	512,573	39.1	60.9
Indiana	Lafayette	52,963	145	6.50	344,260	133,909	210,351	38.9	61.1
Iowa	Marshalltown	140,285	384	8.58	1,203,645	350,678	852,967	29.1	70.9
Kansas	Fort Dodge	32,998	90	4.04	133,312	66,472	66,840	49.9	50.1
Massachusetts	Chelsea	138,309	379	20.30	2,807,673	345,634	2,462,039	12.3	87.7
	Holyoke	60,746	166	24.60	1,494,352	143,873	1,350,479	9.6	90.4
Michigan	Grand Rapids	115,977	318	8.53	989,284	292,245	697,039	29.5	70.5
Minnesota	Minneapolis	116,232	318	5.68	660,198	290,785	369,413	44.0	56.0
Missouri	St. James	18,867	52	6.00	113,202	47,217	65,985	41.7	58.3
Montana	Columbia Falls	17,188	47	6.95	119,457	42,961	76,496	36.0	64.0
Nebraska	Grand Island	85,456	234	7.74	661,429	213,638	447,791	32.3	67.7
New Hampshire	Tilton	13,263	36	6.67	88,464	33,162	55,302	37.5	62.5
New Jersey	Menlo Park	40,101	110	6.82	273,489	99,765	173,724	36.5	63.5
	Vineland	53,619	147	8.35	447,719	134,047	313,672	29.9	70.1
New York	Oxford	7,894	22	9.03	71,283	21,272	50,011	29.8	70.2
North Dakota	Lisbon	34,662	95	4.11	142,461	71,244	71,217	50.0	50.0
Ohio	Erie County	[6] 207,844	568	4.33	899,964	449,982	449,982	50.0	50.0
Oklahoma	Ardmore	70,513	193	4.92	346,924	172,102	174,822	49.6	50.4
	Norman	81,115	222	5.62	455,866	204,336	251,530	44.8	55.2
	Sulphur	43,021	118	9.57	411,711	108,985	302,726	26.5	73.5
Pennsylvania	Erie	63,151	173	7.17	452,793	157,407	295,386	34.8	65.2
Rhode Island	Bristol	44,425	122	6.82	302,979	111,427	191,552	36.8	63.2
South Dakota	Hot Springs	36,102	99	7.83	282,679	90,255	192,424	31.9	68.1
Vermont	Bennington	21,123	58	9.12	192,642	52,807	139,835	27.4	72.6
Washington	Orting	40,562	111	8.11	328,958	101,405	227,553	30.8	69.2
	Retsil	62,442	171	6.68	417,113	156,105	261,008	37.4	62.6
Wisconsin	King	125,902	345	10.50	1,321,971	314,755	1,007,216	23.8	76.2
Wyoming	Buffalo	8,018	22	8.09	64,866	20,208	44,658	31.2	68.8

See footnotes at end of table.

VA FEDERAL AID PAYMENTS MADE FOR MEMBER AND NURSING CARE PROVIDED BY STATE VETERANS HOMES, FISCAL YEAR 1967—Continued

Location of State homes: State	Location of State homes: City	Days of care during fiscal year 1967 [1]	Average daily member and nursing census fiscal year 1967 [2]	Costs—Shared by Veterans' Administration and State veterans homes: Per diem cost [1]	Total cost [1]	Distributed cost [3]: By VA	Distributed cost [3]: By State	Percent: By VA	Percent: By State
				Nursing care					
Total		519,560	1,426	$11.38	$5,914,654	$1,819,475	$4,095,179	30.8	69.2
California	Napa	48,916	134	8.94	437,309	171,117	266,192	39.1	60.9
Illinois	Quincy	72,615	199	10.25	744,304	254,153	490,151	34.1	65.9
Indiana	Lafayette	29,023	80	7.87	228,411	101,782	126,629	44.6	55.4
Massachusetts	Chelsea	64,168	176	21.09	1,353,303	224,585	1,128,718	16.6	83.4
Michigan	Grand Rapids	140,362	385	9.79	1,374,144	494,687	879,457	36.0	64.0
Missouri	St. James	11,984	33	9.23	110,612	42,347	68,265	38.3	61.7
New Hampshire	Tilton	2,723	7	15.62	42,533	9,542	32,991	22.4	77.6
New Jersey	Menlo Park	20,327	56	11.70	237,826	71,144	166,682	29.9	70.1
New York	Oxford	1,680	5	16.47	27,670	4,322	23,348	15.6	84.4
Oklahoma	Ardmore [7]	2,236	6	8.97	20,057	7,826	12,231	39.0	61.0
	Sulphur	23,387	64	10.99	257,023	81,855	175,168	31.8	68.2
Rhode Island	Bristol	47,437	130	11.75	557,385	166,033	391,352	29.8	70.2
South Dakota	Hot Springs	12,400	34	8.66	107,384	43,050	64,334	40.1	59.9
Vermont	Bennington [8]	558	2	18.03	10,061	1,953	8,108	19.4	80.6
Washington	Orting	17,082	47	10.58	180,728	59,787	120,941	33.1	66.9
	Retsil	24,662	68	9.16	225,904	85,292	140,612	37.8	62.2

[1] Per diem cost is based on the total cost divided by the total days of care during fiscal year.

[2] Based on total days of care during year divided by the number of calendar days in fiscal year.

[3] Data are an approximation of cost based as follows; (1) for the VA, the amount shown is the payment reported on DM & S Cost Report A-2; (2) for the State, the amount is the difference of difference of total cost minus VA payment.

[4] Data are $7,511 less than originally reported due to corrections made retroactively by 3 stations.

[5] Does not include adjustment of 4,357 additional days of care owing to "medicare".

[6] Includes 425 patient days of care adjusted subsequent to release of official data and are not included in overall total.

[7] Program initiated at station during May 1967.

[8] Program initiated at station during June 1967.

COST FOR MEMBER AND NURSING HOME CARE IN STATE HOMES

Fiscal year	Total	Paid by State homes	Paid by VA
Member care:			
1967	$25,046,783	$18,146,185	$6,900,598
1966	25,001,125	17,563,147	7,437,978
1965	25,848,771	18,157,145	7,691,626
1964	24,978,345	17,396,642	7,581,703
1963	23,304,418	15,889,411	7,415,007
1962	22,442,261	15,041,858	7,400,403
Nursing home care:			
1967	5,914,654	4,095,179	1,819,475
1966	3,849,226	2,653,049	1,196,177
1965 [1]	616,348	430,708	185,640

[1] Program began Jan. 1, 1965.

COST FOR MEMBER AND NURSING HOME CARE IN STATE HOMES, BY STATE, JULY 1967 THROUGH MARCH 1968

State	Member care	Nursing home care
Total	$17,101,100	$5,674,130
Cost of State home [1]	11,970,770	3,971,891
Cost to VA	5,130,330	1,702,239
California	905,117	151,365
Colorado	57,692	
Connecticut	499,550	
Georgia	244,812	
Idaho	45,805	
Illinois	240,102	257,856
Indiana	96,923	83,070
Iowa	282,606	
Kansas	54,600	
Louisiana	25,507	
Massachusetts	354,958	155,404
Michigan	189,125	387,357
Minnesota	209,925	
Missouri	34,275	34,784
Montana	34,470	
Nebraska	175,715	
New Hampshire	25,540	12,053
New Jersey	176,988	65,880
New York	13,380	4,179
North Dakota	56,573	
Ohio	404,758	
Oklahoma	343,846	102,592
Pennsylvania	108,330	40,992
Rhode Island	84,263	126,560
South Dakota	63,320	32,722
Vermont	26,005	20,640
Washington	192,887	110,414
Wisconsin	162,973	116,371
Wyoming	20,285	

[1] Estimated. Based on the experience of the past several years the State home contributes 70 percent and the VA contributes 30 percent of the cost care of veterans in the State homes.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 16902. This bill will increase Federal payments to State homes on behalf of individual veterans and it will also extend for 5 additional years the program of matching grants to States to encourage and assist them in the construction of State nursing home facilities for veterans.

Under existing law, Mr. Speaker, the Veterans' Administration is authorized to make payments on behalf of veterans either hospitalized or domiciled in a State home at the rate of $2.50 per day. Should the veteran be receiving nursing care in a State facility furnishing such care for veterans, the Federal Government will make payments of $3.50 per day to the State in his behalf. The cost of hospital, domiciliary and nursing home care has increased considerably in recent years. The bill (H.R. 16902) will increase the Federal payment for hospital or domiciliary care from its present $2.50 per day to $3.50 per day. The nursing care rate, under the bill, would be increased from its present $3.50 to $5 per day.

Section 2 of the bill will extend for 5 additional years the matching fund program providing grants to assist States in the construction of State home nursing care facilities. The current authorization will expire at the end of the 1969 fiscal year. This program, which authorizes a total of $25,000,000 in Federal grants in annual increments of $5,000,000, has been an incentive to States in building additional nursing home facilities for veterans. According to the Veterans' Administration, eight nursing home projects have been approved in various States, four are currently under review and 13 additional States have expressed interest in securing financial assistance for the construction of nursing homes. The program is gaining momentum and our committee believes that other States will become actively interested in the next few years, should the program be extended. The 5-year extension contemplated by the bill will authorize the expenditure of $5,000,000 per year through the 1974 fiscal year. This matching fund program provides an incentive for State governments to share the responsibility for care and treatment of the aging veteran population.

I shall vote for this bill and urge my colleagues to support it also.

(Mr. ADAIR asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, because the gentleman from Massachusetts [Mr. CONTE] has had a long and active interest in this legislation, I ask unanimous consent that he may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CONTE. Mr. Speaker, I rise to speak in support of this bill which closely resembles legislation I introduced in April 1967. Under the provisions of the bill each State is to receive daily $3.50 for hospital or domiciliary care and $5 for nursing home care for each veteran of any war receiving such care in a State home who was otherwise eligible for such care in a Veterans' Administration facility or under certain other stated circumstances.

Mr. Speaker, it is of paramount importance that meaningful care and satisfactory facilities are provided for these men who have done so much in the service of our country. Our soldiers are in the forefront of the public's mind during times of conflict and struggle such as today. No one would question that our fighting men in time of war are called upon and, in fact, do make the greatest conceivable sacrifices at the call of, and in the service of this Nation.

Unfortunately, once these men have completed their service we are all too often too quick to forget the contributions and the sacrifices they have made for each one of us.

This legislation, I believe, constitutes an important and necessary step forward in overcoming this failing.

In Massachusetts alone this new legislation would result in increased benefits of some $200,000 for the soldiers' home in Holyoke, located in my congressional district, and some $400,000 for the soldiers' home in Chelsea.

I urge all of my colleagues to support this legislation, which will be a great benefit to our veterans and which will constitute a further recognition by this Nation of just how much our fighting men have done and just how much they have given for our country.

Mr. EDMONDSON. Mr. Speaker, the House Committee on Veterans' Affairs has brought to the floor today several excellent bills to improve our veterans' programs, and I am sure all will win overwhelming approval.

H.R. 16902, to aid State veterans' homes, and H.R. 7481, to increase contributions to private nursing home care, are deserving of our support.

H.R. 14954, to improve vocational rehabilitation training for service connected veterans, should be adopted without a dissenting vote.

I commend the committee for its continued splendid work.

Mr. PHILBIN. Mr. Speaker, I rise in support of legislation which increases reimbursements to States for care of veterans in State homes and extends the period of time for aid to States in construction of State nursing home care facilities.

This bill would increase the maximum per diem rates of the Federal payments for domiciliary and nursing home care of eligible war veterans in a State home.

The committee and its distinguished, able chairman deserves great credit for bringing this bill to the floor of the House. It will be very helpful to many needy, disabled veterans and surely every Member fully recognizes the need and the merit of this cause which is so dear to our hearts.

Since I first came to the public service, even before I came to Congress, my interest was always centered on this cause.

I originally worked on the vital problems of consolidating the Government agencies involved in taking care of the needs of veterans and their dear ones and for years now the Veterans' Administration and its fine leadership and skilled, specialized personnel has performed great service and benefits in this important field.

I have labored hard and long to establish and strengthen the main outlines and entitlements of the veterans program and I am very proud to have played a continuing role in this great work.

But we cannot rest on the oars. We must continue this work with undiminished vigor, spirit, vigilance, and creativity. Our veterans need and must receive the best in every sense, and we can never do too much to insure that result.

I am happy to support this bill to improve construction programs and step up domiciliary care and nursing services for those to whom this Nation owes so much.

Obviously, no legislation should ever be passed in this House which will put a paltry, unsound kind of economy ahead of the needs and deserts of our honored and beloved veterans.

Mr. MONAGAN. Mr. Speaker, H.R. 16902, which we are considering today marks an important forward step in providing adequate Federal reimbursement to State institutions for the care of veterans, and I rise in support of it.

Earlier in this Congress, Mr. Speaker, I introduced legislation that would have raised the maximum per diem reimbursement rates for domiciliary and hospital care in State institutions from $2.50 to $3.50, and $10 respectively, and the rates for nursing home care from $3.50 to $5. I very much regret that the Veterans' Administration saw fit to recommend against the increase in hospital care payments from $2.50 to $10 but the bill even as it stands—with a hospital and domiciliary care rate of $3.50 and nursing home rate of $5—represents a significant improvement.

The object of the reimbursement program was to establish a joint Federal-State effort to meet the needs of veterans who required institutionalization. The first enactments authorizing a Federal payment to the States for these purposes were as early as 1888. Under present statutes in this area, it was contemplated that the costs of the necessary care would be borne in equal measure by the States and the Federal Government, but in recent years, rising costs and the limitations on Federal payments have resulted in a disproportionate share of the expense being carried by the States. If this situation is not corrected, the result will be a diminution in the availability and quality of the care given one of our most deserving groups of citizens. It is more than time the balance was redressed, and the present bill is a major move in this direction.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16902. This bill will increase the payments that the Veterans' Administration is authorized to make to State homes on behalf of veterans who are hospitalized or domiciled therein from its present rate of $2.50 to $3.50 per day. It also increases the payment to State homes for veterans receiving nursing care from $3.50 per day to $5 per day. The increases authorized by this bill, Mr. Speaker, merely represent the committee's efforts to keep pace with the continually rising costs of hospitalization, domiciliary care, and nursing care.

Additionally, Mr. Speaker, the bill will continue for 5 additional years the matching fund program for the construction of State nursing homes for veterans. This program, authorizing $5 million for each of 5 years, will expire at the end of the 1969 fiscal year. H.R. 16902 will extend the program at the same rate until 1974. As a result, more States will be encouraged to construct these facilities for veterans, thus relieving to a great extent the burden upon the Federal Government. I urge that the bill be passed.

Mr. DONOHUE. Mr. Speaker, I rise to urge the House to promptly approve this measure before us, H.R. 16902, to promote the care and treatment of veterans in State veterans' homes.

The authoritative evidence revealed here this afternoon very convincingly shows that the various States have been providing essentially needed domiciliary hospital and nursing home care, in State facilities, for many veterans and that the number of such veterans will greatly increase through the coming years. Basically the care of war veterans is the responsibility of the Federal Government and therefore the Federal Government should grant the States reasonable financial assistance when the States participate in that responsibility.

Briefly, this measure before us increases the domiciliary and hospital rate to State homes to $3.50 from $2.50; the nursing home rate to $5 from $3.50; and extends for 5 additional years the matching grants for States to construct nursing homes which are essentially needed.

In substance the bill is designed to more realistically assist the States in meeting the increased costs of modern domiciliary and nursing care provided for our war veterans in State facilities and I urge the House to unanimously adopt it without prolonged debate.

Mr. BOLAND. Mr. Speaker, I rise in support of H.R. 16902, to extend for another 5 years the law providing Federal assistance for the care and treatment of veterans in State homes.

On March 1, 1967, I sponsored a similar bill, H.R. 6342, to further promote the care and treatment of veterans in State veterans' homes. My bill also called for an increase in the Federal payments to State institutions for care of disabled veterans. My own State, the Commonwealth of Massachusetts, has two such institutions, the State soldiers homes in Holyoke and Chelsea.

Mr. Speaker, we are all aware of the vast complex of Federal institutions for veterans' care throughout the Nation. We may lose sight of the fact, however, that very important adjuncts of this system are institutions maintained by the States. The fact that a disabled veteran may receive care in a hospital which is closer to his home than in a Federal facility, may, for example, be a vital factor to him and his family. Suffice it to say, the less centralized State systems of veterans care undoubtedly supplement the Federal system in innumerable ways.

To insure continuation of the valuable role of the States in providing for disabled veterans, several years ago Congress enacted a law with the intention that the Federal Government would defray half the expense incurred by State institutions for care of veterans who are eligible to receive the same care in Federal facilities. These veterans undoubtedly would be receiving Federal hospitalization or nursing care were it not for the provision and accessibility of State care. The per diem rate paid to States is now $2.50 for each veteran receiving nursing home care.

But today these rates undoubtedly defray less than 50 percent of assistance expense. According to the most conservative report I have heard, hospitalization care amounts to at least $6 a day. Rather than providing 50 percent of the cost, then, the $2.50 in Federal assistance now only amounts to 42 percent.

Mr. Speaker, the bill before us will increase the Federal assistance rate per day for domiciliary and hospital care from $2.50 to $3, and increase the similar rate for nursing care in State homes from $3.50 to $5 a day.

This bill also extends for 5 years, at $5 million each year, the program which provides matching grants to States for construction of State nursing home facilities for war veterans. I urge my colleagues to unanimously approve this most urgent piece of veterans legislation.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16902.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NURSING HOME CARE FOR CERTAIN VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7481) to amend section 620, title 38, United States Code, to authorize payment of a higher proportion of hospital costs in establishing amounts payable for nursing home care of certain veterans, as amended.

The Clerk read as follows:

H.R. 7481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 620(a) of title 38, United States Code, is amended by striking "one-third" and inserting in lieu thereof "40 per centum".

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, section 620 of title 38, which was section 2 of Public Law 88-450, authorizes the Administrator of Veterans' Affairs to transfer any veteran patient in a Veterans' Administration hospital that has received maximum hospital benefits, and who requires protracted nursing home care, to a community nursing home at Government expense. The period of such care for which the Veterans' Administration may pay cannot generally exceed 6 months, and the cost of this nursing care may not exceed one-third of the cost in a Veterans' Administration general-medical hospital. This means that the present cost on a per diem basis may not exceed $12 at the present time.

Under the committee amendment the cost for community nursing care may be as much as $14.40 per day.

The cost of nursing home care for the first 9 months of fiscal year 1968 fully supports the committee's action in limiting any cost in this field to not more than 40 percent of the cost of care in a Veterans' Administration general hospital.

The Veterans' Administration had estimated that if the 40 percent figure were enacted the first-year cost would be an additional $1,296,000 over the projected cost based on the 33.3 percent figure. In fiscal year 1970 it would be $1,396,000; 1971—$1,484,000; and in 1972—$1,596,000.

Current nursing care costs in the Veterans' Administration and in the community are shown in the table which follows:

HOSPITAL, DOMICILIARY, AND NURSING CARE LISTINGS

VA NURSING BED CARE

VA hospitals and domiciliaries	Operating beds, July 1, 1967-Mar. 31, 1968	Percent bed occupancy March 1968	Average daily patient census		Admissions, July 1, 1967-Mar. 31, 1968	Number of discharges, July 1, 1967-Mar. 31, 1968	Average monthly turnover rate, July 1, 1967-Mar. 31, 1968	Patients treated July 1, 1967-Mar. 31, 1968	July 1, 1967-Mar. 31, 1968	
			March 1968	July 1, 1967-Mar. 31, 1968					Per diem cost	Budget cost
Total	4,000	88.2	3,527	3,429	2,180	1,777	5.8	5,479	$14.71	$13,865,974
Albany, N.Y	30	93.3	28	27	27	17	7.0	46	13.64	105,033
Alexandria, La	95	94.7	90	89	52	41	5.1	136	12.52	306,861
Allen Park, Mich	36	97.2	35	35	13	13	4.1	48	15.51	147,984
American Lake, Wash	76	80.3	61	43	63	14	3.6	84	15.68	185,417
Aspinwall, Pa	208	91.3	190	197	68	54	3.0	267	14.72	797,505
Augusta, Ga	40	97.5	39	35	32	28	8.9	68	12.75	122,733
Bath, N.Y	40	97.5	39	38	24	23	6.7	63	16.22	169,471
Battle Creek, Mich	65	90.8	59	60	58	23	4.3	121	17.47	289,160
Beckley, W. Va	42	97.6	41	41	16	16	4.3	57	13.78	156,165
Bedford, Mass	82	95.1	78	33	92	11	3.7	92	7.45	159,692
Biloxi, Miss	71	80.3	57	45	84	24	5.9	84	15.95	197,341
Bonham, Tex	38	92.1	35	36	8	10	3.1	45	16.45	162,861
Brecksville, Ohio	50	98.0	49	48	19	16	3.7	67	16.84	222,242
Brockton, Mass	51	94.1	48	47	17	17	4.0	66	14.05	181,950
Buffalo, N.Y	36	97.2	35	35	10	12	3.8	48	17.64	170,293
Butler, Pa	64	98.4	63	60	27	14	2.6	76	18.71	306,105
Canandaigua, N.Y	47	80.9	38	45	44	49	12.1	91	7.31	89,218
Castle Point, N.Y	96	80.2	77	28	90	8	3.2	90	16.78	129,080
Cheyenne, Wyo	47	93.6	44	45	18	22	5.4	65	17.18	212,584
Chicago, Ill. (WS)	40	97.5	39	38	42	43	12.6	83	17.12	180,348
Chillicothe, Ohio	99	100.0	99	99	32	31	3.5	131	12.17	331,384
Cincinnati, Ohio	201	75.6	152	147	92	110	8.3	266	19.48	789,974
Columbia, S.C	72	63.9	46	27	72	42	17.3	91	15.18	112,738
Danville, Ill	58	87.9	51	46	51	20	4.8	73	10.54	133,318
Dayton, Ohio	84	88.4	76	78	37	29	4.1	113	14.44	313,650
Dublin, Ga	56	94.6	53	54	21	21	4.3	76	15.28	226,911
Fargo, N. Dak	50	98.0	49	48	16	14	3.2	64	15.73	208,035
Fayetteville, N.C	39	100.0	39	38	11	9	2.6	48	14.11	147,412
Fort Lyon, Colo	37	89.2	33	35	17	22	7.0	55	13.93	132,505
Grand Junction, Colo	42	97.6	41	41	18	16	4.3	58	12.47	140,618
Hampton, Va	41	100.0	41	41	26	26	7.0	68	15.34	172,555
Houston, Tex	78	97.4	76	74	71	63	9.5	147	14.11	286,847
Indianapolis, Ind	46	97.8	45	45	32	36	8.9	81	14.06	175,081
Jefferson Barracks, Mo	68	95.6	65	64	74	75	13.0	144	13.78	241,015
Kerrville, Tex	36	97.2	35	29	31	18	6.9	53	17.51	142,074
Knoxville, Iowa	50	90.0	45	47	56	58	13.7	104	11.15	144,126
Lebanon, Pa	37	97.3	36	36	10	11	3.4	47	12.40	123,418
Lexington, Ky	51	90.2	46	46	10	10	2.4	57	14.09	178,653
Livermore, Calif	36	97.2	35	35	25	22	7.0	58	15.31	145,704
Los Angeles, Calif	222	93.7	208	184	193	149	9.0	372	12.87	650,709
Manchester, N.H	38	100.0	38	37	21	21	6.3	58	14.13	141,860
Marion, Ind	69	72.5	50	58	12	21	4.0	72	12.81	206,018
Montrose, N Y	75	40.0	30	31	3	6	2.2	35	11.96	105,287
Mountain Home, Tenn	58	96.6	56	56	28	26	5.2	85	18.07	278,223
Murfreesboro, Tenn	48	70.8	34	38	35	47	13.7	84	12.86	134,457
North Little Rock, Ark	100	64.0	64	83	43	82	11.0	139	14.74	337,981
Palo Alto, Calif	50	98.0	49	54	5	44	9.1	94	11.33	166,681
Poplar Bluff, Mo	49	93.9	46	45	20	15	3.7	62	13.01	160,989
Reno, Nev	22	100.0	22	22	27	27	13.6	49	15.04	90,988
Roseburg, Oreg	45	97.8	44	37	12	4	1.2	47	14.48	174,868
Salisbury, N.C	93	44.1	41	76	9	10	1.5	54	14.58	303,817
Salt Lake City, Utah	46	91.3	42	43	19	21	5.4	65	16.60	196,256
San Fernando, Calif	36	88.9	32	33	26	16	5.4	50	15.12	137,253
Sepulveda, Calif	40	80.0	32	34	30	36	11.8	72	17.48	162,018
Sioux Falls, S. Dak	75	93.3	70	71	13	13	2.0	86	15.18	295,533
St. Cloud, Minn	44	97.7	43	43	19	6	1.6	49	18.73	221,502
Togus, Maine	60	96.7	58	58	21	22	4.2	82	11.94	191,503
Tomah, Wis	53	86.8	46	47	35	3	.7	51	12.25	158,961
Tuskegee, Ala	68	77.9	53	52	56	55	11.8	109	15.33	219,147
Waco, Tex	84	94.0	79	87	44	59	7.5	142	13.58	324,954
Wadsworth, Kans	45	100.0	45	45	15	6	1.5	50	14.73	180,197
Wilmington, Del	39	79.5	31	35	14	14	4.4	49	15.68	149,188
Wood, Wis	106	100.0	106	105	14	13	1.4	119	15.26	440,438

COMMUNITY NURSING HOME CARE

VA clinic of jurisdiction	Average daily patient census		Admissions, July 1, 1967–Mar. 31, 1968	Number of discharges, July 1, 1967–Mar. 31, 1968	Average monthly turnover rate, July 1, 1967–Mar. 31, 1968	Patients treated, July 1, 1967–Mar. 31, 1968	July 1, 1967–Mar. 31, 1968	
	March 1968	July 1, 1967–Mar. 31, 1968					Per diem cost	Budgeted cost
Total	2,643	2,732	6,041	6,051	24.6	8,894	$11.41	$8,564,893
Albany, N.Y	11	10	29	25	27.8	40	10.88	29,323
Albuquerque, N. Mex	21	8	34	12	16.7	35	11.67	26,318
Allen Park, Mich	14	6	16	8	14.8	21	12.00	19,824
Atlanta, Ga	26	52	93	137	29.3	167	10.06	142,547
Baltimore, Md	20	13	36	27	23.1	48	11.90	40,892
Bay Pines, Fla	163	167	368	407	27.1	589	11.30	523,805
Boise, Idaho (VAC)	8	11	17	23	23.2	31	10.78	31,427
Boston, Mass. (OPC)	142	132	308	208	17.5	356	11.24	407,346
Buffalo, N.Y	7	18	31	53	32.7	62	11.54	57,789
Cheyenne, Wyo. (VAC)		2	5	4	22.2	4	10.93	6,312
Chicago, Ill. (West Side)	276	275	634	648	26.2	925	11.79	889,781
Cincinnati, Ohio	77	67	154	154	25.5	238	11.89	218,366
Cleveland, Ohio	53	47	96	67	15.8	123	11.68	149,732
Columbia, S.C	36	34	69	65	21.2	104	11.39	107,146
Dallas, Tex	56	43	140	131	33.9	192	11.48	136,679
Denver, Colo	40	39	82	93	26.5	137	11.95	126,806
Des Moines, Iowa (VAC)	67	68	154	158	25.8	229	11.41	214,568
East Orange, N.J	49	49	88	98	22.2	148	11.37	151,993
Fargo, N. Dak. (VAC)	14	20	39	55	30.6	72	11.17	60,212
Fort Harrison, Mont. (VAC)	6	7	19	18	28.6	25	11.17	22,732
Houston, Tex	39	28	98	97	38.5	137	11.48	89,659
Huntington, W. Va	35	33	74	112	37.7	146	10.26	93,078
Indianapolis, Ind	37	30	75	75	27.8	121	11.88	98,988
Jackson, Miss. (VAC)	21	22	44	54	27.3	73	11.57	70,286
Kansas City, Mo	53	44	110	95	24.0	146	11.14	133,313
Lincoln, Nebr	30	29	69	70	26.8	104	11.38	90,446
Little Rock, Ark	68	89	141	131	16.4	286	11.02	268,583
Los Angeles, Calif (OPC)	145	194	383	461	26.4	622	11.71	626,141
Louisville, Ky	55	70	139	161	25.6	214	11.43	219,082
Lubbock, Tex. (OPC)	18	17	43	26	17.0	51	10.73	51,658
Manchester, N.H	7	5	11	9	20.0	16	11.89	15,372
Minneapolis, Minn	120	108	250	218	22.4	333	11.41	341,318
Montgomery, Ala	43	43	104	87	22.5	130	11.56	136,416
Muskogee, Okla	72	70	188	159	25.2	234	9.75	187,991
Nashville, Tenn	83	67	184	169	28.0	263	11.38	209,660
Newington, Conn	29	46	82	100	24.2	129	11.88	149,622
New Orleans, La	27	23	59	50	24.2	78	11.82	75,075
New York, N.Y	5	8	9	28	38.9	31	11.49	24,021
Philadelphia, Pa. (OPC)	55	56	123	138	27.4	195	11.63	179,740
Phoenix, Ariz	67	73	169	155	23.6	228	11.72	237,145
Pittsburgh, Pa	18	16	43	31	21.5	51	11.89	50,684
Portland, Oreg	26	49	86	106	24.0	132	10.68	143,002
Providence, R.I	28	27	65	54	22.2	87	11.96	89,768
Reno, Nev. (VAC)								
St. Louis, Mo	21	22	50	39	19.7	61	11.03	65,559
Salem, Va	71	72	140	107	16.5	194	11.34	221,951
Salisbury, N.C	31	48	81	99	22.9	133	11.80	155,443
Salt Lake City, Utah	2	3	5	6	22.2	7	7.94	5,680
San Antonio, Tex. (OPC)	14	14	30	24	19.0	36	11.09	43,606
San Francisco, Calif	45	39	112	104	29.6	149	11.70	126,483
San Juan, P.R. (VAC)	17	18	46	47	29.0	64	10.95	54,519
Seattle, Wash	57	53	128	134	28.1	194	11.42	167,325
Shreveport, La	8	17	29	40	26.1	48	11.38	51,642
Sioux Falls, S. Dak. (VAC)	9	10	22	23	25.6	34	10.26	27,074
Suracuse, N.Y	7	12	18	28	25.9	35	11.26	37,457
Togus, Maine (VAC)	23	23	40	42	20.3	65	11.67	73,800
Waco, Tex	35	37	72	68	20.4	108	11.27	115,581
Washington, D.C	13	23	52	55	26.6	65	11.96	74,004
White River Junction, Vt. (VAC)								
Wichita, Kans. (VAC)	13	24	36	62	28.7	78	11.32	73,482
Wilkes-Barre, Pa	17	26	42	53	22.6	13	11.81	86,387
Wilmington, Del	6	8	18	10	13.9	12	11.44	23,910
Wood, Wis	87	68	159	133	21.7	224	11.57	216,353

Mr. Speaker, I include as a part of my remarks communications which I have received from the several veterans organizations relating to the bills we are today considering:

THE AMERICAN LEGION,
Washington, D.C., May 17, 1968.

HON. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House Office Building, Washington, D.C.

DEAR CHAIRMAN TEAGUE: The American Legion appreciates your sponsorship and the action of your Committee in reporting H.R. 7481.

Since the establishment of the community nursing home program (P.L. 88–450), the Veterans Administration has experienced difficulty in obtaining contracts with community nursing homes in several metropolitan areas because the prevailing rates in these homes are higher than the maximum the Administrator of Veterans Affairs is authorized by law to pay.

Increasing the per diem formula from one-third to forty percent of the cost of care furnished in a general hospital under the direct and exclusive jurisdiction of the Administrator of Veterans Affairs would place the Veterans Administration in a more favorable position to compete for nursing home care beds in high-cost areas.

On behalf of the national organization of The American Legion I urge favorable consideration of this measure by the Congress at an early date.

Sincerely yours,
HERALD E. STRINGER,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., May 17, 1968.

HON. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Rayburn House Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is to indicate the support of the Veterans of Foreign Wars with respect to H.R. 7481 which would authorize a higher proportion of hospital costs in establishing the amount payable for nursing home care of certain veterans, which is scheduled for consideration and vote by the full House on Monday, May 20, 1968.

All evidence indicates that the present formula whereby the Veterans Administration may not pay more than one-third the cost of a veteran being cared for in a nursing home is inadequate and has not kept up with the increased cost of medical care. The Veterans of Foreign Wars has been urging the Congress to reassess and increase this formula for the past several year when medical costs started to skyrocket.

Accordingly, the Veterans of Foreign Wars strongly supports this legislation which will increase the cost to not more than 40% of the cost of care in a general hospital.

The more than 1,400,000 members of the Veterans of Foreign Wars will be deeply appreciative for the favorable consideration and passage of H.R. 7481 when it is presented to the full House.

Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

WASHINGTON, D.C.,
May 17, 1968.

HON. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: The Disabled American Veterans support the needed increase in the proportion of hospital cost which the Veterans Administration may pay for the nursing home care of certain veterans and urgently request that H.R. 7481, reported by your committee May 14, be favorably considered by the House of Representatives, at the earliest possible date.

CHARLES L. HUBER,
National Director of Legislation,
Disabled American Veterans.

WASHINGTON, D.C.,

HON. OLIN E. TEAGUE,
Chairman, House Veterans' Affairs Committee, Rayburn House Office Building, Washington, D.C.

AMVETS would appreciate being recorded in favor of passage of H.R. 7481 to authorize payment of a higher portion of hospital costs in establishing amounts payable for nursing home care for veterans.

RALPH E. HALL,
National Executive Director, AMVETS.

VETERANS OF WORLD WAR I OF THE
U.S.A., INC.,
Washington, D.C., May 16, 1968.

THE NATIONAL COMMANDER'S STATEMENT ON H.R. 7481

The National Commander of the Veterans of World War I, Philip F. O'Brien, wholeheartedly supports the enactment of H.R. 7481, believing that the increase is justified because of the rising costs in nursing home care.

PHILIP F. O'BRIEN,
National Commander.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 7481. This bill will increase the maximum payments that the Administrator of Veterans' Affairs is authorized to make to community nursing homes for the care of veterans.

Public Law 88–450 authorized a comprehensive program of nursing care for veterans. One of the provisions of that law authorized the Administrator of Veterans' Affairs to transfer to community nursing homes for periods up to 6 months any veterans requiring such treatment who were hospitalized in Veterans' Administration facilities. The cost of such care, to be borne by the Veterans' Administration, could not exceed one-third of the cost of daily care in a Veterans' Administration general hospital. Since the present day cost of care in Veterans'

Administration general hospitals is $36 per day, the Administrator is limited to $12 per day in payments to community nursing homes. In many cases, this $12 per day payment is adequate. Since the cost of nursing care has increased considerably in recent years, however, the Veterans' Administration is handicapped in its efforts to provide suitable facilities for nursing care for veterans. Accordingly, H.R. 7481 proposes to increase the 33⅓ percent formula to 40 percent. Thus, under the present $36 per diem rate for care in a VA general hospital, the revised formula contained in this bill will permit the Veterans' Administration to pay up to $14.40 per day for care in a community nursing home rather than the $12 ceiling presently in effect.

I believe this proposal will permit the Veterans' Administration more flexibility in its negotiations for suitable facilities for the care and treatment of the aging veteran population. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 7481. The continuing increase in the cost of nursing care affects not only the nursing care facilities in the Federal and State Governments, but private facilities as well. Existing law authorizes the Veterans' Administration to pay for a maximum of 6 months of nursing care in a private facility for veterans who can be transferred from a Veterans' Administration hospital, having received maximum hospital benefits therein. The Veterans' Administration is authorized to pay not more than 33⅓ percent of the cost of care in a Veterans' Administration general hospital for this community nursing care. This bill will increase that percentage from 33⅓ to 40 percent. Based upon the cost of care in a Veterans' Administration general hospital today, the maximum payment to a community nursing home is $12 per day. Under this bill, the maximum would be increased to $14.40 per day. This proposed increase in ceiling will expand the scope of facilities available for nursing care for veterans. I urge that it be passed.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope the House will speedily and resoundingly approve this bill, H.R. 7481, authorizing payment of a higher proportion of hospital costs in establishing amounts payable for the nursing home care of certain disabled veterans.

Existing law permits the Veterans' Administration Administrator to transfer any veteran patient in a Veterans' Administration hospital, who requires additional nursing home care after having received maximum hospital benefits, to a community nursing home at Government expense which may not generally go beyond a 6-month duration. Currently the Administrator is limited to a payment, to the community nursing home, not in excess of one-third of the cost of maintaining the veteran in a Veterans' Administration hospital. At the present time and as a matter of practicality this means that such payment, on a per diem basis, cannot exceed $12 which I think anyone will agree is greatly unrealistic.

It is obviously in the Government's interest to transfer a veteran patient from the hospital to the community nursing home when protracted care is required and equally obvious is the fact that the veteran patient merits nursing care in a most efficient and reputable nursing home. This bill is designed to increase the amount payable for good nursing home care from 33⅓ to 40 percent of the cost of hospital care.

The authoritative evidence revealed here unquestionably proves that the veteran cannot be given adequate nursing home care in reasonable proximity to his own home community unless this increase is granted; without this increase a great number of veterans and their families would be forced to experience real and substantial hardships which I am sure neither the people nor the Congress desires to occur. Let us then adopt this measure without delay.

Mr. BOLAND. I want to express my strong support for H.R. 7481, a bill that would increase Federal payments for the care of veterans transferred from VA hospitals to nursing homes.

The bill calls for an amendment to section 620, title 38, United States Code—a section that gives the VA authority to transfer to a nursing home any veteran who has received maximum hospital benefits but who needs protracted nursing home care. The section limits to 6 months the period for which the VA may pay nursing home costs—except when the VA Administrator feels longer periods are warranted—and establishes a ceiling on those costs. The per diem rate cannot exceed one-third the per diem rate of VA hospital care.

H.R. 7481 would increase this ceiling to 40 percent. The need for this increase, Mr. Speaker, is clear and pressing. Nursing home rates are steadily moving upward, making it more and more difficult for the VA to find nursing homes whose rates are within the bounds set by section 620. These rates, moreover, vary sharply from one region of the country to another. This means that some VA hospitals seeking to transfer patients to nursing homes must place them in homes far away from the patient's places of residence. Such long distance moves do more than merely delay a patient's transfer. They inhibit his recuperation by putting out of reach his family, friends, and familiar surroundings.

H.R. 7481 would help eliminate the difficulties I have just outlined: it would allow VA hospitals to compete fairly for nursing home care in high-cost areas without jeopardizing the basic legislation's objective of keeping nursing home costs significantly below those of continued hospitalization.

I urge the passage of this bill.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 7481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PART-TIME VOCATIONAL REHABILITATION

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14954) to amend title 38 of the United States Code to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis.

The Clerk read as follows:

H.R. 14954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1504 of title 38, United States Code, is amended by (1) deleting in subsection (b) the table contained therein in its entirety and substituting in lieu thereof the following:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time	$110	$150	$175
Three quarters time	80	110	130
Half time	55	75	85
Institutional on-farm, apprentice or other on-job training: Ful time	95	125	150";

and (2) inserting in the first sentence following the table immediately before the word "trainee" the following: "full-time"; and (3) by inserting at the end of such section immediately after subsection (c) the following new subsection:

"(d) The Administrator shall define full-time and part-time training in the case of all eligible veterans pursuing a course of vocational rehabilitation training under this chapter."

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, Public Law 16 of the 78th Congress was enacted to provide vocational rehabilitation to returning veterans of World War II who had service-connected disabilities and who were in need of such training in order to restore their employability. It was the forerunner of Public Law 346 of the 78th Congress, the World War II GI bill of rights.

The concept embodied in Public Law 16 has now been made permanent, for veterans 30 percent or more disabled, and is found as chapter 31 of title 38, United States Code. As presently constituted, this program involves the payment of subsistence allowance—based on the number of dependents—as well as tuition, fees, books, supplies, and equipment during the period in which the training is involved. Generally, the training may be afforded during the 9-year period immediately following the veteran's discharge or release from service. It should be emphasized that this is a liberal program, and one which has worked extremely well, and applies to all service-connected disabled veterans. Any amount of training which is necessary to assure a veteran's full training and employability may be authorized. In addition, a service-connected, seriously disabled veteran may receive additional training if it is found that he had not been previously rehabilitated—rendered employable—as a result of training furnished under this program, or because of the worsening of his service-connected disability since he was declared rehabilitated to the extent that it precludes his performing the duties of the occupation for which he was previously trained.

The program described has been limited to a veteran taking rehabilitation training on a full-time basis. The purpose of this bill is to authorize the furnishing of vocational rehabilitation on a part-time basis. The existing law has worked so well that it is apparent that the subject of this bill is a logical extension and will be in the best interest of not only the veteran but the Government as well.

The rates provided by this bill are shown in the table which follows:

Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time	$110	$150	$175
Three-quarters time	80	110	130
Half-time	55	75	85
Institutional on farm, apprenticeship, or other on-job training: Full time	95	125	150

Hearings were held on this bill by the Subcommittee on Education and Training on April 30 and May 1, 1968.

The Veterans' Administration estimates that the first-year cost of the bill will be approximately $5,300,000.

Mr. Speaker, I include as a part of my remarks communications which I have received from the several veterans organizations relating to the bills we are today considering:

THE AMERICAN LEGION,
Washington, D.C., May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House Office Building, Washington, D.C.

DEAR CHAIRMAN TEAGUE: The American Legion supports the enactment of H.R. 14954, a bill to improve the vocational rehabilitation program for service disabled veterans by authorizing pursuit of schooling or training on a part-time basis. We appreciate the favorable report of your committee.

Since the enactment of P.L. 78–16, we know that some veterans have been denied the advantage of vocational rehabilitation under this program because family responsibilities or other personal reasons precluded pursuit of education or training on a full-time basis.

Passage of H.R. 14954 would permit eligible veterans to pursue a program of vocational rehabilitation which is compatible with their family or financial obligations.

Sincerely yours,
HERALD E. STRINGER,
Director, Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is to indicate the support of the Veterans of Foreign Wars of H.R. 14954 to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis, which is scheduled for consideration by the full House on Monday, May 20, 1968.

Presently, the vocational rehabilitation program for service-connected disabled veterans who are pursuing training to overcome their vocational handicaps must do so on a full-time basis. In many instances, experience has indicated that some of these veterans are unable to participate in vocational rehabilitation training on a full-time basis because of family obligations.

Because of the present law, these veterans are unable to take vocational rehabilitation on a part-time basis, which would help them to acquire additioanl skills to overcome their vocational handicap.

The Veterans of Foreign Wars supports this most meritorious legislation which will help service-connected disabled veterans.

Favorable consideration and approval of H.R. 14954 by the full House will be deeply appreciated by the more than 1,400,000 members of the Veterans of Foreign Wars of the United States.

Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

WASHINGTON, D.C.,
May 17, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. TEAGUE: The Disabled American Veterans strongly supports the enactment of H.R. 14054, and commends the House Committee on Veterans Affairs for their efforts to improve the vocational rehabilitations training program for disabled veteran by authorizing the pursuit such training on a part time basis; we urge you to exert every effort to secure early House approval of this bill, to make the advantage of vocational rehabilitation available to disabled veterans who for physical or financial reasons are unable to participate in the program on a full time basis.

CHARLES L. HUBER,
National Director of Legislation.

WASHINGTON, D.C.,
May 17, 1968.

Hon. OLIN TEAGUE,
Chairman, House Veterans' Affairs Committee, House Office Building, Washington, D.C.:

Please record AMVETS in support of H.R. 14954 to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis.

RALPH E. HALL,
National Executive Director.

VETERANS OF WORLD WAR I
OF THE U.S.A., INC.,
Washington, D.C., May 16, 1968.

The National Commander feels that this bill should be enacted as it will, in great measure, help to re-establish the service-connected veteran in civilian employment, and in that way, will not be so burdensome on the government.

PHILIP F. O'BRIEN,
National Commander.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 14954. This bill will authorize service-connected disabled veterans to pursue vocational rehabilitation training on a part-time basis. Existing law, Mr. Speaker, authorizes a program of vocational rehabilitation training to restore employability to those veterans whose service-connected disabilities have created occupational handicaps. The training may consist of a higher education program in a college or university or it may be on-the-job or apprentice training. The program involves the payment of a monthly subsistence allowance, as well as tuition, fees, books, supplies, and equipment during the period in which such training is being pursued. Unfortunately, the law provides that vocational rehabilitation may be pursued on a full-time basis only.

This provision of existing law precludes the possibility of many severely disabled veterans of pursuing courses of vocational rehabilitation. In some cases, the veterans' service-connected disability makes the full-time pursuit of a vocational rehabilitation program medically infeasible. In other cases, a disabled veteran's financial obligations will not permit him to forego the immediate security of his present job to train for a higher paying position. By authorizing the pursuit of vocational rehabilitation training on a part-time basis, we are permitting disabled veterans to avail themselves of this type of training without suffering financial hardship. Those who are medically infeasible for full-time vocational rehabilitation training may be able to pursue it on a part-time basis without jeopardizing their health.

Mr. Speaker, because of the obvious merit of this proposal, I will support it. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 14954. Since the end of World War II, the Veterans' Administration has administered a vocational rehabilitation training program designed to permit veterans with service-connected disabilities that create an occupational handicap to go to school or receive job training to qualify them for a new profession or vocation that is more compatible with their service-connected disabilities. To avail himself of the provisions of this program, the disabled veteran must be able to pursue the training on a full-time basis. Thus, many disabled veterans are unable to take advantage of this benefit because of the seriousness of their disabilities or because their economic status will not permit them to go to school full-time. This bill, Mr. Speaker, will correct this situation by authorizing disabled veterans to pursue a program of vocational rehabilitation training on either a half-time or a three-quarter time basis as well as the full-time basis of existing law. This bill will eliminate any long-standing inequity and permit many seriously disabled veterans to enjoy a well-earned benefit. I urge that the bill be passed.

Mr. BROWN of California. Mr. Speaker, I had the honor to introduce the legislation which we are considering today following the message of the President on January 30, 1968, which he titled "Our Pride and Our Strength: America's Servicemen and Veterans." The bill which I introduced was the second suggestion made in that message and at that time the President said:

> Second, I propose that the benefits of Vocational Rehabilitation be extended to service-disabled veterans being trained on a part-time as well as full-time basis.
>
> Presently, a disabled veteran can take Vocational Rehabilitation and receive a training allowance only if he trains full-time. This restriction may present him with a hard choice: either leave his job for training, or forego the training itself.
>
> Clearly, that choice is unfair.
>
> The disabled veteran should be able to keep his job while he prepares for a better one through vocational training, drawing the allowance it provides.

In January 1967, the President submitted another message to the Congress on veterans benefits, and one of the suggestions made at that time was for the appointment of a Veterans' Advisory Commission which was subsequently accomplished by Administrator Driver. That Commission, made up of distinguished individuals in the field of veterans affairs, recently filed its report, and recommendation No. 27 is reflected in the bill H.R. 14954. I include its text at this point:

RECOMMENDATION NO. 27

> The Commission recommends that veterans with service-connected disabilities be allowed to pursue vocational rehabilitation on a part-time basis.
>
> *Background to recommendation*
>
> The vocational rehabilitation program (ch. 31, title 38, United States Code) provides training for veterans of World War II and later service who have been handicapped by service. The program intends to help restore the employability of these veterans to an extent consistent with their degree of disability. The law provides that training must be pursued on a full-time basis.
>
> Experience has shown that some disabled veterans have family responsibilities which preclude them from participating in vocational rehabilitation training on a full-time basis. The option of part-time training would allow many of these men to learn a skill.
>
> Other veterans, while able to perform some type of gainful employment despite their disabilities, would like to participate in such training on a part-time basis, in order to improve their employment status. Except for their disabilities, these men would most likely have been able to attain more lucrative jobs and thereby achieve higher standards of living. Thus, they should be permitted to take vocational rehabilitation on a part-time basis while they are employed so that they can achieve the positions and income they might have attained but for their service-connected disabilities.
>
> The President has recognized the problem and has proposed its solution in his message to the Congress of January 30, 1968.
>
> His statement clearly and concisely expresses the views of this Commission.
>
> Therefore, the Commission recommends providing service-connected disabled veterans with the opportunity to take vocational rehabilitation training on half-time and three-quarter-time bases. Pro-rata subsistence allowance rates would be paid the veteran, and no subsistence allowance would be paid for less than half-time training. Part-time training would be limited to institutional training, unless the Administrator determined that it would be in the veteran's best interest to pursue on-the-job training on a part-time basis.

Mr. Speaker, I have the honor to be chairman of the Subcommittee on Education and Training of the Committee on Veterans' Affairs, and on April 30 and May 1 my subcommittee conducted hearings on this and another bill, H.R. 16025. I am glad to say that all of the testimony which my colleagues and I heard was favorable to this bill, which has as its basic purpose the providing of authority for service-connected veterans who are 30 percent or more disabled to take training under chapter 31 of title 38, United States Code—Vocational Rehabilitation. The original law on this subject was Public Law 16 of the 78th Congress, enacted 1 year before the famous World War II GI bill of rights. As it is presently constituted, the program is now a permanent part of our veterans benefits system and is available for any service-connected disabled veteran whose disability is rated 30 percent or more. The program has historically worked extremely well, and any amount of training which is necessary to assure the veteran's full training and employability may be authorized. In addition, if it is found that the previous training given a veteran has not rehabilitated him and rendered him employable, or if his service-connected disability should worsen, he may again receive such training as may be necessary to fulfill the duties of an occupation for which he is found to be eligible.

Since the program was instituted in 1943 the Veterans' Administration has trained over 715,000 individuals in this program. Of this number 620,000 were World War II veterans, 75,000 were Korean veterans, and 20,000 were veterans of the Regular Establishment. As of the end of April 1968 there were 8,644 veterans taking training under the existing authority, 4,454 of these were in institutions of higher learning; 3,624 were in school below college level; 473 were receiving on-the-job training; and 93 were undergoing on-the-farm training. On an overall average basis, the period of training is 28 months, and in addition to the veterans disability allowance the Veterans' Administration pays an average of $8,802 for each veteran so trained. This consists of $2,179 for tuition, $149 for supplies, and $5,322 for subsistence allowance. $1,152 is allocated for administrative cost, broken down in the categories of counseling, travel and other expenses pertinent to the training of the individual veteran.

The first year cost of this bill is set at $5,300,000. The present full time institutional rate, by way of example, for a veteran is $110 monthly for subsistence allowance. The three-fourths time and one-half time allowance authorized by my bill would be $80 and $55 monthly.

Mr. DONOHUE. Mr. Speaker, I urge the House to resoundingly approve this bill, H.R. 14954, providing vocational rehabilitation training to service disabled veterans on a part-time as well as a full-time basis. Presently a disabled veteran can participate in this program and receive training allowance only if he trains full time.

Experience has shown that some disabled veterans have family responsibilities which preclude them from participating in vocational rehabilitation training on a full-time basis. The option of part-time training would allow many of these men to learn a skill.

Other veterans, while able to perform some type of gainful employment despite their disabilities, would like to participate in such training on a part-time basis, in order to improve their employment status. Except for their disabilities, these men would most likely have been able to attain more lucrative jobs and thereby achieve higher standards of living. Thus, they should be permitted to take vocational rehabilitation on a part-time basis while they are employed so that they can achieve the positions and income they might have attained but for their service-connected disabilities.

Obviously the purpose of this bill is to extend simple justice to those who have sacrificed much for this country and I hope it will be given the unanimous approval of this House.

Mr. BOLAND. Mr. Speaker, we have before us today a bill that would help thousands of disabled veterans to develop new job skills.

I want to voice my vigorous support for this bill—H.R. 14954—and to urge its swift enactment into law.

The bill, a proposed amendment to title 38 of the United States Code, would amend this title to allow disabled veterans to take part in vocational rehabilitation programs on a part-time basis as well as full time. Currently the title prohibits part-time participation in these programs. This restriction, Mr. Speaker, is clearly unfair. It presents many disabled veterans with a bleak dilemma: either leave their present jobs to take part in vocational rehabilitation programs full time, or abandon the rehabilitation programs entirely. Many disabled veterans, despite their disabilities, hold jobs that increase their morale as well as their bank accounts. Clearly they should be allowed to keep these jobs while participating part time in vocational rehabilitation programs that lead to better jobs. Many other disabled veterans—those not employed—have family responsibilities that prevent them from joining rehabilitation programs full time. These men, too, should be granted the opportunity of part-time activity in vocational rehabilitation.

Again, Mr. Speaker, I urge the passage of H.R. 14954.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 14954.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. FULTON of Pennsylvania. Mr. Speaker, the bill H.R. 15387, relating to assaults on postal employees, passed this afternoon without controversy by a vote of 333 for and 5 against.

Had I been present for the vote on final passage today, Monday, May 20, 1968, on the bill relating to assaults on postal employees, I would have voted "yea," thus to protect our good postal employees.

THE RECENT RIOTS IN WASHINGTON

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I know of no city or people in America that has had to endure more than the city of Washington and its people when this town was struck by rioting, arson, and looting a few weeks ago. Many reports were heard to the effect that the servicemen, National Guardsmen, and policemen who were put upon the streets were instructed not to load their weapons and not to shoot looters, arsonists or rioters even though the acts were committed in their presence.

Mr. McMillan and the House District Committee saw fit, as a result of these reports, to make some inquiry into the matter. I think this inquiry was most appropriate. I think a contribution was made toward having perhaps better protection of the public and the property thereof should the riots break out again. Many think a renewal of the riots is quite possible. Evidently the city fathers think there is a great possibility of such as they testified before the committee that preparations were being made for a "show of strength" on the streets in a minimum of time if such did break out.

This morning I noticed in the Washington Post—I seldom look at the Post, incidentally, but this was called to my attention—a report that it was my view that the police should be authorized to shoot suspects "indiscriminately." I may be a pretty bad fellow—and the Post seems to think so—but I am certainly not that bad. I never made any such suggestion, and the Post knows this. However, when considering the character of journalism usually resorted to by the Post, no one would suspect it of pursuing a policy of accurate reporting. And I might also add, Mr. Speaker, that I am flattered not to be within the realm of its favor.

I did suggest, Mr. Speaker, that Public Safety Director Murphy forced the police to play it "soft." His own testimony reflected as much. He never denied it. His policies left this city and its people at the mercy of the hoodlum element and it also left them endangered to a renewal of the riots, looting, and arson. If there is any doubt that Mr. Murphy stands at the bottom of the totem pole with the police and the people of this city then the Post editorial writers and others who may be in doubt need only take a look at my District of Columbia mail and answer the telephone calls made to my office.

Most of the people realize, whether the Post does or not, that they are living under very dangerous circumstances and in a very tense situation. Millions of dollars worth of property and lives are endangered. The economy of Washington has been stagnated as a result of the recent riots and the method by which they were handled. Hotels are not near to capacity as ordinarily at this season of the year. Restaurants are suffering from the same lack of business. We used to see thousands of young high school children going through this magnificent building at this time of year, so heavy that you could hardly go from one end of this Capitol to the other. The hallways are empty. Conventions are being canceled, up through the year 1969. This is all because the policy of Mr. Murphy, who carries the title of Public Safety Director, is such that the public does not feel they are safe on Washington streets.

Everyone in this city, except possibly the Post, knows this city is in deep trouble. This we all regret. We ought to be ashamed of it. For one, I am, although I am not in the slightest responsible for it. Who could be proud of the opinion which the rest of the Nation and the world have of this city at this time? The Post might be, but indeed no one else is.

I simply want to see a safety policy adopted here where people will feel that their lives are safe and their property will be protected.

I must say to the Post that the hoodlums may burn Seventh Street, 14th Street and U Street today, but they could burn the Post tomorrow, and they just might do it.

Then the Post will be crying out in agony "Where is the law?"

CUBAN INDEPENDENCE AND CASTRO'S CUBA

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, on Independence Day, it is customary to evoke memories of the patriots who risked life and fortune to secure their nation's liberty. The hardships they bore are recalled, with gratitude for the legacy of freedom that their courage and convictions made possible.

CUBA'S REVOLUTIONARY HERITAGE

Today is Cuban Independence Day. The long and bitter struggle to rid Cuba of Spanish tyranny is rich with the heroism of such leaders as Maximo Gomez, Antonio Maceo, and Jose Marti, and countless ordinary citizens endured several decades of strife so that future generations of Cubans might be free to forge their own destinies.

In the bloody but unsuccessful Ten Years War which lasted from 1868 to 1878, 200,000 lives were lost. But the Cuban people refused to accept Spain's arbitrary rule. In 1895 they revolted again. This time Spain resorted to herding thousands of men, women, and children into concentration camps to prevent them from aiding Cuba's rag-tag guerrilla forces. In Havana Province alone, 50,000 died in the infamous camps from inadequate food and disease. Still the Cuban people fought on against Spain's massive and better-armed forces.

UNITED STATES AND THE CUBAN REVOLUTION

Deeply moved by the writings of Jose Marti, Cuba's great "apostle of freedom," Americans felt a special affinity and compassion for the Cuban people. Marti, after taking refuge in New York in 1881, worked unceasingly to rally his countrymen against Spain's arbitrary rule, to raise money for arms, and to win understanding among Americans. His eloquence helped to arouse strong sympathy in the United States which was instrumental in America's decision to intervene against Spain.

According to the current Cuban regime, U.S. intervention was designed to steal Cuba's freedom at the very moment victory was in sight. But the facts belie Castro-Communist attempts to denigrate Cuban-American friendship by rewriting history. When the U.S. Congress did call for intervention in 1898, the Senate passed without debate the Teller amendment, which declared:

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over the said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Certainly, U.S. economic and strategic interests were considerations in the intervention. But the temper of the American people, as reflected in the Teller amendment, was anti-imperialistic. In fact, the United States did withdraw from Cuba and did set up an independent state, a remarkable demonstration of altruism in an epoch when the principal powers of the world were scurrying to extend their holdings in the backward and weaker regions of the world.

When, at last, the flag of the sovereign Republic of Cuba was unfurled in Havana on May 20, 1904, the event was greeted joyfully throughout the Western Hemisphere for it marked the eradication of the last vestige of Spain's colonial power in the Americas.

On the anniversary of that joyous day, this House of Representatives has traditionally paused in its deliberations to join our Cuban neighbors in celebrating their victorious battle for independence, in which the United States played a role, albeit small in comparison to the sacrifices and heroism of the Cuban people.

CUBAN INDEPENDENCE DAY STILL RELEVANT

With Castro in the saddle and the Cuban people again deprived of control of their beautiful homeland, it may seem ironical, even irrelevant, to commemorate Cuban independence.

Indeed, Cuba no longer is an independent nation. Castro can rail against the Soviet Union's tactics of "peaceful coexistence" in Latin America. He can denounce the Kremlin's attempts to trade with Latin American countries whose governments Fidel regards as enemies. He can demonstrate his contempt for Soviet policy by sending a low-level delegation to Moscow for the 50th anniversary of the Bolshevik Revolution. He can boycott the Kremlin-sponsored Budapest

Conference last February where the Soviet Union hoped to line up supporters against Peking. He can imprison old-guard Cuban Communists caught complaining to Russian envoys about his erratic economic policies and revolutionary adventures. But for all Castro's bombastic show of independence, Cuba remains perilously dependent upon the Soviet Union. By simply dallying on the shipment of petroleum, the Kremlin could paralyze the Cuban economy.

With Cuba converted into a Soviet satellite, Cuban Independence Day is no longer an occasion for rejoicing. Nevertheless, Cuba's struggle for independence from Spain remains pertinent today. In that prolonged battle, the Cuban people proved their mettle. They demonstrated that they will not long endure tyrannical rule, and that they are prepared to make great personal sacrifices to achieve freedom.

Despite all Castro's efforts to indoctrinate the young with totalitarian Communist doctrine, I am confident that Cuban pride in Cuba's own ideals and martyrs will eventually cause a revulsion against the foreign dogmas and the gallery of imported gods—the German Marx, Russian Lenin, Argentine Che Guevara, and Vietnamese Ho Chi Minh—which Castro has imposed on the anguished Cuban people.

UNITED STATES CANNOT REMAIN ALOOF

Meanwhile, the United States cannot remain aloof from the Cuban tragedy. As long as Castro and his Communist cohorts retain power, Cuba will remain a threat to the Western Hemisphere, for two reasons: first, because of Castro's determination to spark guerrilla warfare in Latin America; and second, because of the possibility that the Soviet Union may again, in presently unforseen circumstances, deem it advantageous to install nuclear armaments in Castroland.

Then, too, there is the question of the Cuban people. The inter-American regional security system was organized and designed to prevent the domination of a member state by a foreign government. It is futile to play the game of hindsight, and even now it is not at all clear that the Organization of American States could have prevented Castro, then riding a wave of hysterical popularity, from marching Cuba into the Communist camp. Nevertheless, the Organization of American States, and the United States as a member of the OAS, cannot evade their responsibilities to the Cuban people. Our policies, therefore, must be designed not only to prevent Cuba from becoming a military threat to the Western Hemisphere and to block Cuban-based subversion of other Latin American countries, but also to quicken the day when the Cuban people themselves oust the tyrant.

U.S. POLICY OBJECTIVES

I believe that U.S. policy toward Cuba has been well formulated. Our policy objectives are aimed at achieving the following objectives:

First. To see that Cuba does not menace our strategic power, as during the October 1962 missile crisis;

Second. To strengthen the Latin American nations, through collective political, military, and economic measures, so that they may resist Communist subversion;

Third. To limit Cuba's ability to subvert Latin America;

Fourth. To increase the cost to the Soviet Union of maintaining a Communist outpost in the Western Hemisphere;

Fifth. To demonstrate to the peoples of the American Republics that communism has no future in the Western Hemisphere; and

Sixth. To deny the Castro regime the wherewithal and success it requires to consolidate itself firmly within Cuba, thus making clear to the Cuban people and to elements of the power structure in the Castro regime that the present government cannot serve their interests.

POLICY HAS BEEN EFFECTIVE

To date, our Cuban policy has been remarkably effective.

To guard against any attempt to reintroduce offensive weapons into Cuba, the Strategic Air Command's U–2's continue to overfly Cuba as needed. Also, radar and photographic reconnaissance is carried out along Cuban coasts. These operations, as well as our steadfast refusal to deal with Castro, constantly remind the Soviets that the United States considers its vital interests to be a stake in Cuba and will not tolerate any threat in the Caribbean to our total defense posture. The message seems to be getting through loud and clear to the Kremlin. We must keep signaling the Soviets lest they forget the lesson of the missile crisis and again underestimate our resolve in that area.

TERRORIST-INSURGENCY CAMPAIGNS STIFLED

Meanwhile, our policies with respect to limiting Castro's ability to subvert other countries in Latin America have been demonstrably effective. The United States has worked continuously with individual governments in the region to help them to improve the ability of their police and armed forces to deal with terrorism and insurgency. In addition, the United States and Latin American governments are cooperating with increasing effectiveness in exchanging intelligence on Castroite subversive activities and improving communications between their security forces.

The capture and execution of Che Guevera by Bolivian counterinsurgency forces last October was a devastating blow to Castro's plan to ignite violent revolutions throughout Latin America. Che was the most renowned Latin American theoretician on guerrilla warfare. His treatise on do-it-youself revolution was the bible of young malcontents and self-styled messiahs throughout Latin America. When Guevara dropped from sight, international speculation as to his whereabouts heightened his mystique. Given Che's stature in the world of violent revolutionaries, his capture in Bolivia by what had widely been regarded as the most feeble armed forces in South America was a humiliating defeat.

But Che's ignominious end was only the last of a long line of Castro-inspired failures. Guerrilla campaigns in Guatemala, Venezuela, Colombia, and Peru, which the Cubans hailed with a fanfare of extravagant propaganda, have been wiped out or reduced to marginal proportions.

OLD-GUARD COMMUNIST PARTIES BACK OFF FROM CASTRO

Meanwhile, the stiffened resistance to terror and insurgency on the part of Latin American governments has had an important side effect. As it became increasingly clear that guerrilla-terrorist campaigns were not going to succeed, were frequently suicidal and was antagonizing the masses, the leadership of the old Soviet-oriented Communist parties in Latin America backed off from supporting Castro's revolutionary strategy. This has infuriated Castro. He now argues vehemently that armed warfare against the "imperialists" is the only test of a person's revolutionary ideology.

Castro's thesis, which challenges the right of each national Communist Party to decide its own strategy and tactics, has sharpened dissension between him and old-guard Communist parties in Latin America. Their marriage has soured to the point where none of the experienced Communist leaders showed up last August in Havana for the meeting of the Latin American Solidarity Organization, Castro's vehicle for aiding and abetting revolution in the hemisphere.

The falling out among thieves does not mean an end to robbery. Nevertheless, Castro's split with the old-guard Communist parties in Latin America does deprive him of the Communists' organizational skills, their manpower, and their financing. Castro is thus thrown back on his own resources to realize his dream of turning the Andes into a vast Sierra Maestra.

POLICY OF ECONOMIC DENIAL EFFECTIVE

Those resources, thanks in part to the United States and hemisphere policy of economic denial, are now practically nonexistent. Our blacklisting of ships that call on Cuban ports, the OAS sanctions against any trade with Cuba, and our own efforts and those of a number of Latin American countries to persuade nonhemisphere countries to refrain from trading with Cuba, have been devastatingly effective.

Cuba is particularly vulnerable to this type of pressure. Prior to the Castro regime, Cuba's imports from the free world—principally the United States—represented more than 30 percent of its gross national product. These imports were vital components of Cuba's economic prosperity, consisting primarily of industrial goods and equipment, fuel, raw materials, and foodstuffs. Furthermore, Cuba's industrial installations, its powerplants, sugar mills, and transportation equipment all were of Western origin. Without replacement parts, Cuba's industrial plant has rapidly deteriorated.

The much publicized sales of British buses, French locomotives, and Spanish boats are annoying, but these are infrequent departures from the rule. In fact, a large number of sales to Cuba have been blocked, a fact which we can not broadcast without offending the involved countries. But Castro himself is painfully aware of the effective economic blockade hemming him in. In a speech at Havana University on March 14 he complained:

> There is no single country whose trade relations with the rest of the world have been cut to a higher degree by the imperialists [that's us]. Many times it is not even a question of having the reserves. Sometimes the reserves are available and there is no place to buy, or one must buy at much higher prices.

This "imperialist" says, "Great." The policy of economic denial is hurting the Cuban regime, and hurting badly. But what is the policy meant to accomplish and are its ends being achieved?

The policy has several goals. It is aimed at tarnishing Castro's image in Latin America as a revolutionary hero who can bring the millennium by clubbing up with the Communist bloc.

It is intended to cripple the Cuban economy to the point where Castro has no handy cash with which to engage in subversive activities elsewhere in Latin America.

It is designed to put the full burden for subsidizing Castro's follies on the Soviet bloc in order to dampen Russian enthusiasm for underwriting any new Communist revolutions in Latin America.

Finally, it is directed at denying the Castro regime the success it needs to consolidate itself in Cuba.

The economic denial policy, along with Castro's own spectacular mismanagement, is proving remarkably effective. The Cuban economy is in dire straits. The forced industrialization by which the Castro regime was going to free Cuba from dependence upon sugar failed when Castro's theoreticians discovered that Cuba lacked the basic raw materials. So it was back to the drawing board, and Castro's planners made the brilliant discovery that Cuba's future lay in its agricultural resources, particularly sugar production.

You will remember that early in the Castro regime, Castro and his associates floated the canard that the United States was responsible for Cuba's lopsided dependence upon sugar, because we had made sugar production so attractive by allotting the island a huge sugar quota at above world market prices. By their cockeyed definition, that was "imperialism." But by 1964, Castro was promising that Cuba would produce 10,000,000 tons of sugar by 1970. Since then, he has promised all manner of goodies by 1970: to abolish rent and housing payments; have half a million students above the primary grades; have 40,000 agricultural technician graduates; even to abolish money.

But the economy cannot even run without a Soviet subsidy, calculated at $350 million a year. Cuba needs a minimum of about 1.5 million tons of sugar in free market exports to pay for purchases like a recent $48 million fertilizer plant from Great Britain. It needs another 400,000 tons for home consumption. That means that Castro must subtract about 2 million tons from the crop before he can meet his commitment to Iron Curtain countries for bartered items, chiefly heavy machinery and oil. Most experts agree that this year's harvest will not top 5 million tons. Since Cuba already owes the Soviet Union about 2½ million tons for past transactions, Castro is going deeper into hock to Russia and will not have much sugar, if any, with which to earn hard currency on the open market to buy other essentials.

Can Cuba meet Castro's promised 10 million ton annual sugar harvest figure? It is highly improbable. Planned mechanization has failed. Soviet canecutters have been producing less than one-sixth their estimated daily quota. After the machines got into operation last year with great fanfare, the Cubans found that they were not suitable. Furthermore, they took far more support equipment than needed to serve human canecutters. And all that mechanized equipment burned oil. In addition, the new "reception centers" Castro's planners set up in the fields to collect, clean, and chop the cane before it is sent to the mills all burn oil. When these tasks were accomplished in the mills, they were often done by steam power from boilers heated by bagaz—dried cane.

Meanwhile Cuba, as Fidel Castro was forced to announce on the January 1, 1968, anniversary of his takeover, is confronted with a paralyzing shortage of petroleum products. In an uncharacteristically short speech—only 1 hour and 40 minutes—a subdued Castro told his audience: "The Soviet Union has made a considerable effort to keep us supplied with fuel"—to the extent that in 1967 162 tankers arrived in Cuba, one every 54 hours—"but all appearances indicate that the possibilities of this country supplying us with fuel at the rate of increase of our necessities are limited."

Castro claims that the direct petroleum shortage is due to increased domestic consumption. It is more likely that inefficient consumption in Cuban industry has contributed to the shortage, while known refinery breakdowns have helped. Metal fatigue and corrosion have made the three U.S.-built Cuban refineries run a combined breakdown rate of about 60 days per year. For over a year and a half, Cubans have been frantically shopping in Canada, Japan, and Europe for replacement parts.

Just how disastrous the fuel situation is was revealed by Raul Castro in a May Day speech, when he declared:

> The party Central Committee this year decided not to have the same mobilization as the previous ones but to carry it out by using the civil defense organization system for the purpose of giving a practical test to the plans prepared for wartime. To this end, a pilot plan was organized at No. 8 people's farm in Bayamo, in which tractors and trucks were replaced by plows, teams of oxen, and farm wagons, eliminating all kinds of machinery and transportation vehicles that consumed fuel . . .
>
> Based on this experience we will copy this system on a local basis and in the various agricultural activities throughout the nation until we get the most precise idea possible of how much we can produce without a single drop of fuel or with an indispensable minimum of fuel if it became necessary.

Stripped of jargon, Raul is telling the Cuban people that he and his brother have succeeded in moving Cuban agriculture back at least one-half century, under the pretense of practicing for wartime.

In similarly whacky terms, the Castro regime seems to have solved the problem of unemployment. In 1957, the sugar harvest took 93 days. In 1967, the harvest was spread over 129 days, with a massive mobilization of manpower. Schools were let out so that young people could help cut cane. Women were encouraged to take men's jobs to free the men to work in the fields. The militia and reserves were mobilized to haul cane. Some 40,000 political prisoners were pressed into service. What matter that Cuba produced 22 percent less per day in 1967 than a decade before, everybody in Castro's Communist paradise was working hard for the fatherland—or so says Castro's script.

Is everybody in Cuba happy on a daily diet of exhortations and slogans?

Food is stringently rationed in a land where it had been plentiful. Per month, people are allowed only 3 pounds of rice, 1 pound of beans, 1 pound of lard, one-fourth pound of butter for children under 8 years of age. The meat ration is one-fourth pound per person every 2 weeks when available, and one chicken per family every 3 months. The coffee ration is 1½ ounces per person per week. Only children under 6 years and the very old are permitted fresh milk, 1 liter of skimmed milk a day. Recently, a ration has been set at one beer or one soft drink per month.

The clothing situation is equally disastrous. Women may buy one dress, one petticoat, three pairs of stockings, and two brassieres per year. Men get only one pair of trousers, one shirt, one undershirt, two undershorts per year.

Signs of real trouble for Castro are appearing. There have been continuous food riots from one end of the island to the other. In some cases, the armed forces have had to be called in and, in sympathy with the people, have shown a real reluctance to bring force to bear. In one instance, in February, about 70 stevedores in Havana refused to load food and powdered milk aboard a Soviet vessel destined for Vietnam and were hustled off to prison by soldiers. Recently, horrendous graffiti are being scrawled in public restrooms. Among the nonobscene appear: "Hunger," "Fidel, traitor," "Down with Russian imperialism."

There is as yet little tendency toward organized sabotage or resistance. The more dispassionate observers report that the Cuban people seem to be in a stupor. But individual Cubans now and then vent their feelings by dropping a wrench into machinery; sailors and railroad men urinate in the bulk sugar. Another telling sign is reported by incoming Cuban refugees. Members of the Committees for Defense of the Revolution, the neighborhood block spy system, have begun to tell refugees departing Cuba words to the effect, "Remember, I never mistreated you."

Castro, in a kind of stream-of-consciousness passage in a speech at Havana University on March 14, indicated that even he is beginning to harbor doubts about Marxism-Leninism. With a weird plaintiveness, he said:

> We must say that many militant revolutionaries went through the so-called revolutionary instruction schools, which were in fact schools for the purpose of revolutionary instruction. Philosophical matters were

> taught—the elements, the fundamentals of Marxism—and of course this is useful, it is necessary, and good. But there was also something that the revolution has taught us, since the revolution is, after all, the most formidable teacher for revolutionaries, and that is the abyss, the enormous abyss that at times exists between philosophy and reality. Above all, it has also taught us to what extent the manuals are becoming antiquated, are becoming something anachronistic, since often they are incapable of saying a single word on the problems the masses ought to know about.
>
> Often they become abstract generalities, vague and without content. You think you have a really trained militant and what you have is a militant who is ignorant about many of the most serious problems of the contemporary world.
>
> It must also be said that there is much of cliche, little stereotyped phrases, and something more . . . some lies. This is something which unquestionably has had an influence on that certain weakness in training—instruction—to which our masses are still subjected. We understand that a more complete and better understanding of these problems would be helpful. Of course there is not much literature within Marxism on these problems. It would be well if those who in some way can do something, those who in some way can tell something, would ponder in what problems and in what manner we must give our people more profound revolutionary training.

But if Castro had any doubts about the Communist path he had led his countrymen down, later in the same speech he plunges ahead anyway, more papal than the Pope.

> There still remains among us—

Said Castro—

> a real scum of privileged persons who live on the work of the others and who live considerably better than the rest. We believe—

He went on to the cheers of the audience—

> that we must firmly propose to put an end to every parasitical activity that still remains in our revolution.

Who were these scum, these parasites, living in luxury? They are, it turns out, street vendors and the owners of small bars and hole-in-the-wall businesses.

If the situation were not so tragic, Castro's speech would be hilarious, a perfect script for an Alex Guiness lampoon of a beserk tropical dictator playing at being a Communist. According to Castro, and I quote:

> A series of investigations and statistical analysis were ordered, for the party's benefit, of the material different comrades had gathered to acquaint ourselves and give us a concrete knowledge of the problem and to undertake solutions involving the social and economic nature of our revolution. This study was made by CTC (Central Committee of the Communist party) militants . . . For this study the CTC members undertook all types of research with the cooperation of the comrades from the viligance front of the CDR's (the neighborhood spies).

What kind of research? With respect to the bars, Castro enumerates the following:

> Who they are, who buys, where they buy, how much they make, what they do, who frequents them, and what they discuss. They themselves cannot even imagine. We have their names and everything else.

And what did the loyal Communist militants turn up in their investigations of the Cuban bars? Castro tells it with a straight face:

> The outstanding type of sale is alcoholic beverages . . . Seventy-two percent of them are opposed to our revolutionary process. Sixty-six percent of the customers who frequent these places are antisocial. None of these businesses provide any social benefits for the people.

It would be of interest to social scientists to know how the militants determined if a customer was antisocial. I can see one of the investigators slipping on to a stool beside some poor guy and asking him, "How goes it, Chico?"

The man replies, "Well, not so good. It's been a bad day?"

"Why, what's the matter?" the secret investigator asks companionably, as strangers are wont to do when sipping a drink side-by-side at a bar in old Havana.

"Well," the unknowing victim responds, "that wife of mine is giving me a hard time. Gripe, gripe, gripe. No meat, after waiting in line 3 hours, no medicine for her mother; no shoes for the kids. As if I can do anything about it." Out comes a black notebook, into which the investigator chalks up the customer's crimes: antisocial; counterrevolutionary.

Castro went on to inform his audience that an investigation was made regarding the "political integration" of 2,056 owners of private businesses in Havana Province and metropolitan Havana. Then he declared:

> The greatest percentage of those who were not participating in the revolution was among the owners of fried food stands, where out of 41 individuals who reported the information, 39 of them, 95.1 percent, were counterrevolutionaries.

Castro then proceeded to relate what he called a "specific analysis of the fried food sellers." Here I must quote Castro at some length, for if I paraphrase, you will think I have got to be kidding. Said Castro:

> In this work a special study was made of a group of individual stand operators who sell fried and other food. The most widely sold article is egg omelet, generally bread with egg omelet. Of the 50 establishments investigated, 43 of them sold omelets. This is due to the easy acquisition of the materials. In second place are fish croquettes and rolls. After these come French fries. Sold in lesser amounts are stuffed potatoes, fritters, and sardines. In others, shrimp, fish, squid, hamburgers, sugarcane juice, cigars, matches, milkshakes, candy, coffee, and soft drinks are sold. The study made in these cases was made by a group of extraordinarily interested militants. These studies bring into prominence the political importance of finding a solution to the problems created by this mercantile infrastructure, one which appears where the state organizations do not give adequate service to the people. The lumpen find suitable means for making profit and living from all vices, exploiting the rest. We have 10 cases which clearly illustrate these problems.

The upshot of this incredible parody of social science research was Castro's decision to shut down 57,600 little businesses. But he gives no inkling of how he intends to replace their services which he himself admitted sprang up "where state organizations do not give adequate service to the people."

Castro is right on one score. He desperately needs some guidance to bridge, in his words, "the enormous abyss that exists between philosophy and reality." But that bridge in communism has yet to be built and probably never will be. So at this stage Castro could use a psychiatrist.

Why, Castro-watchers speculate, did Castro close the little shops and street stands? Certainly, their expropriation could bring nothing of economic value to the regime—a mess of pots and pans, some irons, perhaps a cache or two of pre-Castro scotch.

Most observers think Castro needed a new whipping-boy to spur flagging revolutionary fervor. He had to make a speech on March 14, the 11th anniversary of the assault on the Presidential Palace. But everything was wrong. The economic screws stayed tight on the island. The economy was paralyzed. His Soviet mentors, while not cutting back on petroleum shipments, had refused to step them up to bail Cuba out of its ominous petroleum shortages. His goal of 10 million tons of sugar in 1970, now only 2 years away, looked less promising than ever of fulfillment. Then there were all his other promises, also unfilled and each year obviously less likely to materialize. Even Castro, in his speech, mentions for the first time, "a certain unrest and spreading of rumors." Then, too, there was the end of his pretensions to lead all Latin America in a glorious Communist revolution. With Guevara's death, the Soviets backing off from violent tactics in favor of peaceful coexistence, and young Castroite adherents from Latin America dropping down to a trickle, Castro was deprived of his rallying cry to the Cuban people that they would show Latin America the way. He could still dredge up the Bay of Pigs and the threat of a U.S. invasion, but after 7 years, and no subsequent fireworks, this was getting to be a rather stale substitute for meat and bread. Castro needed to create a new enemy of the revolution, hence the crackdown on the hole-in-the-wall businesses.

Then, again, Castro may just simply be a purist who cannot stand to see 57,600 individuals making a living in Cuba's barren economy.

Whatever the reason, Castro may find that his move was counterproductive. In one swoop, he created an army of unemployed. The able bodied have been carted off to cut cane, but after the harvest? And contemplate, for a moment, those closed bars. Where is a man going to go to blow off steam?

In short, the policy of economic denial is accomplishing its goals. First, Latin Americans can see Castro's Communist experiment for what it is: an absolute dictatorship, with even that cherished right of Latin American students, university autonomy and student representation, eliminated; a nation of conscript labor, the people deprived of individual freedoms and enduring great privation. As a result, Fidel is no longer the "Pied Piper" of the Latin American left.

Second, Cuba's collapsing economy can ill afford to undertake subversion on a scale which could seriously menace Latin America.

Third, there is every indication that the Soviet Union and Eastern European block countries have learned a lesson from their Cuban experience and are not eager to repeat the experience.

Finally, the current dissatisfaction and unrest is a sign that Castro is not firmly in the saddle. The recent trial and imprisonment of some 40 old guard Communists, who were trying to get the Soviet Union to exercise pressure on Castro to get some rationality into his erratic policies, is an additional measure of the growing disillusionment with Castro within Cuba.

ALLIANCE FOR PROGRESS

While strengthened security measures in the hemisphere and the policy of economic denial have proved effective in countering Castro's militant subversion, forceful means alone will not safeguard Latin America. The belated impact of the industrial and technological revolutions on traditional societies in the region is ripping apart old institutions, in many cases before new ones can be built to replace them. There may be no completely successful policy which the United States can bring to bear on rapidly moving, unstable situations, but maintenance of the status quo is out of the question.

I am convinced, therefore, that the concept of the Alliance for Progress is valid. The United States must continue to press for the goals of the Alliance for Progress in order to channel revolutionary fervor toward ameliorating intolerable political, economic, and social conditions in a democratic manner—to cut off at the pass, so to speak, the dangerous demagogues and Communist conspirators. While operations of the Alliance for Progress can probably be improved in many ways, the concept still remains the best policy for promoting democratic, stable countries in Latin America, capable of defending themselves.

Clearly, solutions to Latin America's myriad problems will take longer than the 10 years originally stipulated in the Charter of Punta del Este. President Johnson has stated that the United States is prepared to extend the period. I agree. I see no alternative to the multilateral framework for cooperation established by the Alliance except the chaos of more than 20 rudderless countries in the hemisphere, directionless, or even at cross purposes, and easy prey for the determined Communists.

Even though the Alliance for Progress has not attained all its ambitious self-imposed goals, I think it has proved its value. I do not believe its accomplishments can be measured solely by the numbers game, that is, by the numbers of schools, houses, and hospitals built, the per capita rise in GNP, or the number of cooperatives established. Nor can the Alliance be declared a failure by pointing to the white elephants it has promoted. We have to look at the broader picture. Despite Castro's appeal to the downtrodden to grab guns and Molotov cocktails, no Latin American country has suffered a protracted civil war or succumbed to communism. There is, of course, no way to determine what influence the Alliance for Progress has exercised on the situation. But I am convinced that the Alliance has been an important factor in providing some direction and hope in the region, thus blunting the appeal of the extremists.

THE FUTURE OF CUBA

To sum up, I believe that the United States is following the right general course of action toward Cuba. Castro's attempts to subvert Latin America are being frustrated. The Soviet leaders have come to recognize the determined strength behind the U.S. presence in the region. The serious economic and political problems which Cuba has raised for Moscow have dampened the enthusiasm of the Kremlin leadership to defend and subsidize another satellite in the hemisphere. Thus, the challenge once posed by Communist Cuba to the hemisphere has been greatly reduced.

But what about the Cuban people? There are now roughly a half million Cubans in exile. Since the Cuban airlift was established in December 1965, 100,000 people have used that route of escape from Castro's tyranny. Another 120,000 have signed up for the airlift, in itself an act of courage and desperation since all those who register their desire to depart lose immediately their employment and become dependent upon the charity of friends for months, even several years, until they can get space on the airlift. Only those with relatives in the United States can take advantage of the airlift. Other Cubans still are risking their lives on makeshift boats and rafts to find a haven in the United States. Some Cubans make a run to Guantanamo Base through an area heavily guarded by Castro's militia.

There are many Cuban refugees in my district, making a significant contribution to the life of the area. A number of them feel embittered that the United States and/or the Organization of American States have not forcefully removed the Castro regime from Cuba.

While sympathizing with their longing to return to a democratic Cuba, I do not think an invasion from outside will achieve the goals we all desire. Indeed, an invasion might give Castro the rallying cry he needs to unite Cuba's restive and wavering populace. For, however insane Castro's policies have been, Cuban nationalism remains ardent.

Furthermore, we cannot ignore the question of Soviet involvement. The Soviets have a dilemma in Cuba. Moscow hoped to make Cuba an example for other countries in Latin America, as well as a base for propaganda, training of agents, and other subversive activities. But, as we have seen, Cuba is a poor showcase for communism, and the stiff policy of containment has reduced Cuba's usefulness as a base of subversion. Meanwhile, Castro's insistence on promoting guerrilla warfare throughout Latin America goes against the new line the Soviets want to follow—to keep progressing gradually until conditions for takeovers materialize. Consequently, Cuba has become a political as well as economic liability to the Soviet Union.

But for the time being, Moscow cannot just drop Cuba. Cuba is the only extension of the Communist world not achieved under the shadow of the bayonets of the Red army. It is the only country in the half-century since the October revolution that gives any substance to Communist claims that the world Communist revolution is inevitable. Furthermore, Cuba represents a great accomplishment for the Soviets in having established a Communist regime only 90 miles from the United States, the heart of the capitalist world. Cuba is also important to the Soviet Union in the context of the Sino-Soviet contest for leadership of the world Communist movement. The Kremlin cannot allow Cuba to slip from its influence to the Peking camp.

Castro knows all this and has taken great liberties in challenging Soviet leadership. The disagreement between Russia and Cuba is now serious. While each country has good reasons to bear with each other a while longer, each seems to have drawn a line and is daring the other to step over. Given Castro's temperament, it is not inconceivable that he will be unable to control himself and will overstep the limits of Soviet patience. Castro, himself, in his Havana University speech on March 14, warned that his Soviet backing is insecure, saying:

> We have to think first about ourselves and believe only in ourselves, always ready to sell our lives very dearly without expecting anybody to come to defend us.

In this situation, an invasion of Cuba, with all the preparations such a maneuver would necessitate, would almost certainly force the Soviet Union to give massive support to the Castro regime to avoid being denounced before the world by Peking for deserting a dependent satellite. This would only breathe new life into Castro's floundering regime.

But if outright invasion of Cuba is, at least for now, not a recommendable policy, neither do I believe we should let up our pressures on the Castro regime. Occasionally there is some talk about recognizing the regime as a fait accompli, and normalizing our relations with the island. In my view, there should be no resumption of relations with Cuba as long as Castro is in power.

Castro has been in power for 9 years, a long and tragic nightmare for the suffering people of Cuba, But, as the history of the Cuban revolution for independence demonstrates, the Cuban people will not endure tyranny for very long. Castro, thrashing around now for some way to extricate Cuba from the economic morass he created, stripped of all his pretensions to revolutionary leadership, quarreling with his Soviet mentors, and forced constantly to take more oppressive measures to keep the lid on, will one day know the wrath of an anguished people.

And the spirit of liberty lives on. Dedicated and brave Cubans outside of Cuba have pledged themselves to fight constantly to free Cuba from communism. On January 23, 1966, patriotic and free Cubans reaffirmed their faith in the principles of liberty. In the very same San Carlos club, Jose Marti proclaimed Cuba's independence from Spain in 1893. In Key West, Fla., on that historic day in 1966, 1,500 Cubans gathered to proclaim their new declaration of freedom. Their declaration is a reaffirmation of faith in the principles of liberty which once inspired the people of Cuba to throw off tyranny:

THE DECLARATION OF FREEDOM

In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs, and history as a spirtual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

And so, Mr. Speaker, the torch of freedom is passed from hand to hand and many hands shall one day proclaim its righteousness for the Cuban people.

Mr. ROGERS of Florida. Mr. Speaker, I find it sad and ironic that on this day, the 65th anniversary of Cuban independence, the only Cubans who can celebrate the occasion are the ones not living in Cuba.

The degree of freedom and independence once enjoyed by the Cuban people has declined almost daily since Fidel Castro imposed his Communist government on the people of that island.

He promised them much, in spite of the fact that the standard of living in Cuba was one of the highest in Latin America. Yet he has delivered only poverty and hunger. He has all but destroyed the pride and spirit of the Cuban people.

He promised to turn Cuba into a land of milk and honey. But the fact is, you can hardly get milk in Cuba today. The rationing of food has resulted in an average diet that is below the daily caloric intake recommended as minimum by the World Health Organization.

The people of Cuba are actually hungry. And there is little in sight to indicate the situation will better itself in the near future. People between the ages of 5 and 65 cannot get milk and the ration for children under 5 has recently been cut in half. Bread, meat, and eggs are almost impossible to get.

The rate of stillborn births, mental illness, and malnutrition are rising.

And the people of Cuba are in a state of unrest because of this. There have been incidents of sabotage among the workers and there have been reports that even the students have protested.

The sugar and cattle that have been produced have been marked for export as Castro is more concerned about his image among the Communist nations of the world than the welfare of his own people.

Cuba has become the welfare puppet of the Soviet Union with no hope of breaking the economic strings which control her every move.

Castro will eventually go. We do not know when or how. But in the meantime the people of Cuba are the ones paying the price for Castro's personal ambition of joining the leaders of the Communist world on equal footing.

But he has failed here, too. He has taken a once prosperous nation, turned its economy upside down, and converted it into the beggar nation of the Communist world.

I can only say that I join the free Cubans—those who are not in Cuba—in praying that the people of Cuba will one day be able to celebrate a true Independence Day. When that day comes, it will be because the people of Cuba are no longer under the reign of communism.

GENERAL LEAVE TO EXTEND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the subject on which I have spoken.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WHY NO ROLLCALL?

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, on Thursday, May 16, by an overwhelming voice vote, the House of Representatives passed the central Arizona project bill. In my view it was approved with less than adequate consideration of the consequences of enacting a vast construction project at this time. In addition, the measure so casually passed by the House contains open-ended provisions for future expenditures that could cost billions.

Anytime a major, costly project such as the CAP, which is authorized specifically at $1.3 billion, plus the indeterminate future provisions I mentioned, is being considered it seems to me a rollcall vote is in order. But when we are faced with the sort of economic crisis that we all know exists, and know must be dealt with vigorously, to refuse a rollcall vote is, in my view, irresponsible.

It should be pointed out that the economy bloc, the Members who invariably press for spending cuts and who are tireless in their opposition to the many programs designed to improve the quality of our life—this fearless band—was silent when the efforts were made to record each Member's vote through a rollcall.

Silent, too, were the liberals who have vowed opposition to a tax increase, tied to a large spending cut such as the one agreed to by the tax conference committee. Their reasoning is that most of the spending cuts will be taken from the very programs I mentioned before, the programs we need to save our cities and to make good our pledge to secure a society of equal opportunity for all. It is probably true that the spending cuts will mostly affect those endeavors, but I would hope that the spending cut burden can be equitably distributed among all areas of Government spending. But anyone who thinks seriously about our current economic situation concedes the necessity for both a tax increase and spending reductions. What in heaven's name are we doing then, approving without even a record vote a new project that will cost more than a billion for sure, probably much more, while refusing to face the crying need of the economy for stability. To make this costly commitment so easily is irresponsible, and I am dismayed by the willingness of this body to yield to the temptation to add a cost that is surely deferrable to our overstrained budget while resisting every effort by a small group to require that each Member stand and be counted. If we believe in economy, let us show it. If we are for economy for some and not for others, then let us be clear on that too. The Poor People's Campaign will have a new and justified grievance if we can so easily authorize a billion three hundred million for the central Arizona project, and with the other hand cut back on the programs they seek to expand.

Mr. Speaker, had I been permitted to vote on H.R. 3300, I would have voted "No."

SUGGESTIONS FOR RESPONSIBILITY

Mr. JONES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a statement by the Missouri Public Expenditure Survey.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, the Missouri Public Expenditure Survey, is an organization of responsible citizens, representing the business, professional and civic leadership throughout the State of Missouri, with its headquarters in Jefferson City.

My knowledge of the effective services rendered by this organization dates back some 30-odd years, when I was serving in the Missouri Legislature, and more particularly during the time when I was chairman of the appropriations committee of the Missouri Senate. At that time professional staffs of committees, trained and equipped to do the job of making in-depth studies to justify or deny requests of agencies of government, were practically unknown in our State. The Missouri Public Expenditures Survey, even with a very small staff, which started with merely a staff director and a secretary or two, was able to furnish members of the Appropriations Committees in both the House and Senate with reliable information concerning the justification for requests of boards, bureaus, and departments. They served a very vital need during that period and while I have not been as closely associated with, or as well acquainted with the operations of the organization as I was a few years ago, I was glad to receive in the mail today, a copy of a statement, unanimously adopted by the board of trustees of the Missouri Public Expenditures Survey, setting forth its position on the fiscal responsibility of the Federal Government, which appears to be deteriorating, and pointing up the need for Federal legislation to evaluate Federal expenditure programs.

Believing that there are still Members of Congress who concur with the views of the MPES, and hoping that other Members may be interested in the views of what I consider to be experts in this field of fiscal responsibility, I am including herewith a copy of the statement unanimously adopted by their board of trustees on May 15, 1968:

STATEMENT ADOPTED BY BOARD OF TRUSTEES MISSOURI PUBLIC EXPENDITURE SURVEY, MAY 15, 1968

The Board of Trustees of Missouri Public Expenditures Survey is seriously concerned over the state of Federal finances.

Another large federal budget deficit can be expected this fiscal year. Such deficits in the past have been contributing to inflation and to an unstable economic outlook. We note a worsening balance-of-payments situation. Attacks on the dollar continue.

Expenditures for domestic-civilian programs, totally unrelated to international and security requirements, have risen at a rate actually exceeding that of defense spending. The question as to whether or not the federal government has the self-discipline to place its fiscal house in order has been frequently raised. Expenditure reduction is generally regarded by economists as a more effective inflation control measure, dollar for dollar, than higher taxes.

While we favor the proposed federal tax increase, it will not constitute an adequate response to the acute federal fiscal problem unless it is accompanied by a substantial expenditure reduction.

We, therefore, support efforts being made in expenditures proposed for the fiscal year that starts July 1 and in those presently authorized for succeeding fiscal years.

Also, for the long run control of federal expenditures proposed for the fiscal year that starts July 1 and in those presently authorized for succeeding fiscal years.

Also, for the long run control of federal expenditures, we urge that Congress enact pending legislation to evaluate federal expenditure programs for the purpose of determining their effectiveness in terms of their present and projected costs, whether they should be continued and, if so, at what level, and the relative priority which should be assigned to programs in the allocation of federal funds with the intention that programs of lower priority be eliminated in the amount (or to the degree) necessary in order to bring non-defense spending in line with income.

IRON AND STEEL ORDERLY TRADE ACT

Mr. HARSHA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Speaker, it is most urgent that this Congress enact an Iron and Steel Orderly Trade Act which I am cosponsoring along with many other Members of this House. Unless this Congress expeditiously passes this measure the iron and steel industry will soon be confronted with a situation that they are unable to control. If this Congress is interested in the welfare of one of the basic industries in this Nation and the resulting jobs and economic benefits created thereby it must with dispatch meet this problem head on.

The sharp increase in imported steel for this first 3 months of 1968 exceeds last year's imports for the comparable period by 41 percent. This alarming increase is seriously affecting employment opportunities in the steel industry in Ohio and is threatening the economy of the Midwest even more seriously than other parts of the Nation.

Foreign steel is making such inroads on domestic production because foreign governments accord certain concessions and subsidies to their industries for exports. As an example, Mr. Speaker, Japan is establishing an export quota for its steel producers and those who do not fulfill their quota are denied the coking coal they need for domestic production or are penalized by $28 per ton for every ton not exported. Another example is the great variance in trade barriers. It costs $33.73 in duties, levies, and taxes to ship a ton of auto body sheet from the United States to West Germany. That same product coming from West Germany to the United States pays only a U.S. duty of $10.59.

Furthermore, the U.S. steel industry cannot compete with foreign wage rates. In 1966, the hourly cost of employment in the U.S. steel industry was over twice as high as the Common Market countries average and over four times that of Japan.

Although the U.S. steel industry spent over $2 billion last year to modernize and improve its technology and is spending another $2 billion this year and next, steel technology is international and foreign steel producers have the same technology and equipment.

The Iron and Steel Orderly Trade Act would not shut out imports but would provide a fair share of the market for imports—about 10 percent of consumption—permitting imports to remain at virtually their present percentage level. In addition, the legislation provides for a study of its effect on our national security, employment opportunities, and on our international balance of payments, and the Secretary of Commerce may then recommend that the legislation be repealed, modified, or continued in its present form.

The situation is serious and unless the Congress deals with this problem immediately, hundreds of thousands of job opportunities will be affected in the steel industry alone. Furthermore, each ton of finished steel requires 5 tons of raw materials from the ore and coal mines, limestone quarries; refractory, chemical, and service supplies thus affecting many additional job opportunities.

TRIBUTE TO TUNISIA AND ITS GREAT PRESIDENT, HABIB BOURGUIBA

Mr. MIZE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MIZE. Mr. Speaker, in these troubled times, it is understandable that the United States must necessarily be concerned with the realities of great power. However, it is also important for us to demonstrate to the world that we sincerely value the warm and friendly ties which bind us to nations and national leaders whose influence is not based on material wealth and military power, but on the respect they have earned throughout the world for their intellectual, political, and moral integrity. Such a nation and such a leader are Tunisia and its great President, Habib Bourguiba, who is currently visiting Canada and the United States.

His views and the views of his Government were, I think, accurately described in an editorial which appeared in the Tunisian newspaper, L'Action, on the eve of President Bourguiba's visit to this hemisphere. In order that we might better understand our distinguished visitor, I insert a translation of this editorial in the RECORD:

Translation of Editorial From L'Action, May 7, 1968

> "Last year at this time President Bourguiba was supposed to make an official visit to the United States and Canada. This visit had to be postponed for reasons of health which each of us would rather forget. Today, President Bourguiba is ready to honor his commitments and his voyage is about to take place under happier circumstances.
>
> To be sure, at Ottawa, a new government has just been installed and, in Washington, President Johnson has decided not to run again and will leave the White House during the first days of next year. But the friendship that ties Tunisia to these two countries is too deep, relations between them are too close, and the confidence which characterizes her understanding with the two capitals is too solid to be affected by such a change of leaders. The recent increase of assistance furnished by Canada to Tunisia, the ceaseless United States support to the Tunisian people during their struggle for independence, and the continuing aid to an independent Tunisia, speaks sufficiently for the permanence of this friendship, now becoming traditional.
>
> The development of Tunisia will no doubt be at the center of conversations between the Chief of State and the Canadian and American leaders. This topic will be that much easier to talk about because, in Tunisia, the record of development is a subject of pride. Foreign assistance is put to good use and an entire people are hard at work, having decided to pull themselves out of underdevelopment at any cost. It is known across the Atlantic that Tunisia considers foreign assistance to be only a small part of its national effort, although it is greatly appreciated. Here, we count first on ourselves and then on our friends.
>
> On the other hand, our constant concern is to promote, with the assistance of all our friends, the harmonious development of our country. There is no need for our leaders to go abroad appealing for arms or the strengthening of our armed forces. The only arms for which we are appealing are those that can aid us in combating underdevelopment, misery, and ignorance.
>
> The conversations with Ottawa and Washington will take place while the negotiations at Paris, the harbinger of peace in Vietnam, are being prepared or underway. The courageous and spectacular initiative taken by President Johnson on March 31 will not fail to be emphasized.
>
> This initiative reiterated the position so often proclaimed by President Bourguiba who has always spoken for a negotiated solution to the crisis.
>
> Another crisis has continued for a year, or rather for 20 years, as a menace to peace in the world. The struggle undertaken by the Palestinian people after the failure of Arab states to reconquer their country puts the problem in its real perspective, that of a war of liberation. No action, no man, as long as he believes in moral values, can remain unmoved at this aspect of the conflict and President Bourguiba certainly will not fail to make an effort to convince those with whom he has discussions of the justness of the cause of the Palestinian people.
>
> It is thus a mission of good will that the Chief of State proposes to accomplish: to bring peoples together, to make the efforts and the image of Tunisia better understood, to defend the cause of justice and of peace.
>
> Whatever be the misunderstandings and difficulties, President Bourguiba will have the occasion to prove once again that his fidelity to the friends of Tunisia is only equalled by his attachment to moral values."

COOPERATIVE EFFORT IN POWER SUPPLY FOR IOWA

Mr. MAYNE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MAYNE. Mr. Speaker, this being my first term in this body, I was not an observer of or participant in the sometimes heated debates that have occurred in past years discussing the relative merits of investor-owned utilities as opposed to cooperative or public ownership of energy production and distribution facilities.

However, anyone conversant with national economic issues knows that the advocates of these two different philosophies too often were engaged in a bitter struggle working at cross purposes which distracted each from the primary objective of better and cheaper service to the public. In recent years, there has been an increasing realization on both sides that much more can be accomplished by joining hands in a common effort. This new spirit of friendly cooperation has nowhere been more in evidence than in my own State of Iowa. And today I am happy to report to my colleagues here in the House the formation of a new amicable working partnership between one of Iowa's largest private utilities and two of the largest power co-ops in the State, one of which, the Corn Belt Power Cooperative, with headquarters in Humboldt, happens to be in the congressional district which I have the honor to represent. Together they serve over 265,000 customers in the same or contiguous areas in 70 Iowa counties. On Friday, May 10, officials of the Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative, completed signing of a statement of intent whereby the two cooperatively owned groups will become joint participants with Iowa Electric in the Duane Arnold Energy Center, nuclear powerplant to be built near Palo, Iowa. It will be the first time in the history of the Nation's electric power industry that investor-owned utilities and cooperatively owned power suppliers will share ownership of a nuclear plant.

Duane Arnold, president of Iowa Electrict, who joined CIPCO's W. E. Adams and Corn Belt's Richard Buckner in the signing ceremonies, stated:

> This is another progressive step toward making modern, abundant, and lower-cost electric power available to as many Iowans as possible, since it will broaden the sharing of the economies of the new 550-megawatt nuclear plant. From the time of their original concept, cooperative power groups have served primarily rural areas, and their power requirements are generally not large enough to warrant the huge expenditure for nuclear plants of an efficient size. Thus, this move extends to the rural areas the opportunity to take advantage of the economies of electric power produced by a nuclear-fueled plant.

Under the agreed letter of intent, the undivided ownership of the Duane Arnold Energy Center will be Iowa Electric—300/0—CIPCO—100/0—and Corn Belt—100/0—with each party being responsible for the financing of its respective percentage. Provisions for extending similar participation in ownership of a second 550-megawatt nuclear power generating unit are included.

As the predominant owner, Iowa Electric will be solely responsible for the design, construction, operation, and maintenance of the plant. Each party will receive the production benefits and bear an equitable share of the costs and expenses in proportion to percentage of ownership.

I congratulate these three fine organizations on having accomplished this important "first" in the Nation's new nuclear fuel utility industry. The new plant results from the close cooperation and mutual assistance which all three have practiced during the past 20 years.

STOP THE MARCH

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, the proposed march on Washington by a million persons on Memorial Day is a clear invitation to violence, bloodshed, and anarchy. This should be prevented by prompt action.

People on their way to the Nation's Capital to join those already here should be turned back at the city limits by whatever U.S. marshals or troops are necessary.

Those persons now camping in West Potomoc Park should clearly and promptly present their requests for legislation and their views and then fold their tents and return to their homes before the worst happens. The leaders of the march are practicing hypocrisy if they say they believe that with 1 million persons crammed into Washington there will not be real danger of deaths, rioting, and looting.

These people are making Washington "insurrection city" not "resurrection city" and they should be required to leave before our beloved America is harmed again by violence. Hundreds of city policemen are now engaged in law enforcement directly related to the campers near the Lincoln Memorial. They are standing guard, they are policing the area, and they are directing traffic. This march has taken law-enforcement officers away from their day-to-day duties, and crime continues to rise in the District of Columbia. Through

March 1968, crime in the District was up 27 percent over the last year. Arson, rape, and vandalism continues as District police are watching over the campers.

If the march goes to a million persons, as its leadership has requested, then the basic rights of petition and freedom of speech will certainly be offset by great economic and human loss to the Capital as experienced last month here. Those who falsely cry fire in the crowded theater are not within the law. Violence and possibly death could be the result. The Supreme Court ruled that no one has the right to cry fire when there is none in a crowded theater—and this is analogous to what would happen if a million persons come to Washington. People in the march and those frustrated by the march would be the victims of the expected uncontrollable mob.

The Supreme Court shares the blame for lawlessness in this country. Numerous decisions have made it more difficult to apprehend, prosecute, and convict criminals and disloyal elements in our country. I have introduced legislation to correct these decisions, which I feel give great license to break the law in the United States. The Justice Department has failed to vigorously prosecute law violators, such as draft card burners, and has dragged its feet in enforcing the law against militant race agitators which it is responsible for and directed to do.

The march has already developed a barrier to the millions of citizens from throughout our country and from foreign nations who want to visit Washington. Americans are fearful to come here. The Federal Government should not have allowed this to happen. What the marchers propose, to camp out in the city parks "for years" if necessary and to bring a million agitators here right away, is against every concept of fairness.

I was one of the first introducers of legislation to prohibit the use of public property for these campers and demonstrations. I know that safer and more proper avenues are open to citizens who have legitimate and thoughtful grievances to place before our Government. Suppose every lobby, conservative as well as liberal, were allowed to do this. Where would it stop?

The threats of violence and a million marchers are blackmail devices which must not be tolerated.

Leaders of the march should gain knowledge from past acts of destruction. Everybody else has. Before the horrible events in Selma, Ala., in 1965, I announced that I would support the Voting Rights Act. I said on July 27, 1965:

> The voting rights legislation was passed because it was right for the country, and not that these Negro leaders were right in exercising their mob protests. Before the horrible events in Selma, Alabama, I said a voting bill was needed, and I feel that any other really needed legislation can be enacted without mob support. So I say to these leaders of mob action, let's have a moratorium on your marches and demonstrations and let's do something to raise the level of education and job training among Negroes.

One of the first speeches I made here when I came to Congress 20 years ago was in behalf of legislation I introduced to aid education for Negroes and Indians. I have worked toward the passage of this legislation and other bills to assist in the field of education and jobs for all. I was one of the first introducers of the Teacher's Corps bill, and I was the first Congressman to introduce a bill to find jobs for the hard-core unemployed, a suggestion I drew from the Civil Disorders Commission report, and which has gained wide support from business and labor and other Members of the U.S. House of Representatives.

I said in a speech in the House on April 9, 1968, after the villainous murder of Dr. Martin Luther King:

> Two things need to be done if we are to find an answer in reason for the problems of racial unrest in our country. One is to enforce the law—

And besides this—

> we need to go forward with legislation and programs which will realistically and with reason meet the challenge and opportunity to create equal opportunities for all Americans. Instead we have legislated racially and areawise, and we have created false and unattainable hopes. We have by this course increased tensions and frustrations rather than eliminating them.

We need no march on Washington by a million people. It is blatant hypocrisy to believe that this march will not do what Dr. King warned of in his Lincoln Memorial speech in August 1963:

> Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

CALL FOR UNITED STATES-FRENCH RECONCILIATION ON 10TH ANNIVERSARY OF DE GAULLE'S ASCENSION TO POWER

The **SPEAKER**. Under a previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. FINDLEY. Mr. Speaker, on June 20, 1966, as the sleek white French Caravelle airliner escorted by seven silvery Mig's in tight formation swooped down out of the clear bright sky to make the approach to the runway at Moscow's Airport, the Atlantic Alliance never appeared more precarious. Charles de Gaulle was about to begin his historic tour of Russia. The cabin door of the plane bearing the President of France opened and out stepped De Gaulle wearing an unadorned khaki of a two-star general recalling the World War II alliance between Russia and the free French. His gesture was a reminder to the world that of all the wartime chiefs, he was the only one alive and still in power. As he stepped forward to greet the Chief of the Russian State, Nikolai Podgorny, and the Chairman of the Council of Ministers, Alexis Kosygin, the 40-piece band of the Red Army played Marseillaise and the Soviet national anthem. Other dignitaries on hand to greet President deGaulle included the late Yuri Gagarin, the first man to orbit in space, and Leonov, the first man to walk in space.

Following the official greeting, President de Gaulle—who manages grandeur as lesser men handle adding machines—stepped to the microphone, and in measured cadence spoke in Russian:

> In my person the French people salute the great Soviet people. Long Live Russia.

The 19-mile-long trip into Moscow followed the same route Napoleon used in retreating from the Russian Capital in 1812. But on this day the French in the person of General de Gaulle were the heroes of the hour. Tens of thousands waved little paper tricolor and Soviet flags. To impress the General, trees had been freshly planted, grass sown, and every building on the street from the French Embassy to the Kremlin had been repainted. All the while high in space Russia's whirling communication satellite Lightening I relayed television pictures of the spectacular from Moscow to Paris.

Thus, the general was on the first leg of his 6,200 mile odyssey of pomp, ceremony, and public acclaim.

In every respect the Russians outdid themselves. Deep in the deserts of Kazakhstan President de Gaulle stopped at the rocket launching site near Baikonur. In a remarkable gesture of deference his hosts decided to accord him the signal honor of being the first Western statesman to be allowed a look at so closely guarded an installation. He was permitted to address the people of Moscow from a tiny second floor balcony of the Moscow City Soviet Building on Gorki Street. This balcony—a national shrine of the Soviet state—has never been used since Lenin exhorted the Bolsheviks from it in the early days of the Communist State. The general himself was installed in rooms once occupied by the Czarevitch, heir to the throne of Imperial Russia. A state dinner in his honor was given at the historical Granovitaya Palata. Discussions and talks between the French President and the men who rule the Russians were held in the Kremlin's Hall of St. Catherine, once the throne room of Russian Emperors and used now for negotiations only on the most special of occasions.

Throughout his trip De Gaulle's favorite theme was the historical links between Russia and France that far antedate the advent of communism. He hardly needed to remind his Russian hosts that France and Russia had signed four alliances—1807–12, 1893–1917, 1935–39, and 1944–55—the last of which President de Gaulle himself had negotiated with Joseph Stalin.

General de Gaulle's trip, however, was not an exercise in vanity and grandeur. It was a major diplomatic initiative toward achievement of his cherished dream: A concert of European nations. De Gaulle sees himself as an honest broker between Bonn and Moscow and the architect of a lasting European peace. Kosygin and his fellow members of the Presidium were not going to make the same mistake that Khrushchev did in believing that De Gaulle was interesting only in terms of his nuisance value to the United States.

During the occasion of the President's visit to Russia, our Ambassador in Paris, Mr. Bohlen—according to reports—has misjudged entirely the whole scope and purpose of De Gaulle's visit. He dispatched to the State Department ominous telegrams warning of an impeding Franco-Soviet nonaggression pact and military alliance. A more careful observer and a more alert State Department would have realized that this was far from De Gaulle's design. For instance, General de Gaulle had purposefully rerouted his flight plan to Moscow in order to avoid flying over the territory of East Germany. In his talks with Kosygin and others he contemptuously dismissed East Germany as a "nonnation." When Kosygin and others reminded him that they set German policy only after talking it over with East German officials, De Gaulle replied:

> When you say you have talked with Pankow (East Germany's capital), you mean in reality you have talked with yourselves.

In public speeches, he reaffirmed France's membership in the Atlantic Alliance. He referred to France as a "nation of the West" and pointedly reminded his Russian friends of "the essential role that the United States has played in establishing peace and transforming the world" from the ravages of World War II.

I cite this brief history of President de Gaulle's trip to Moscow almost 2 years ago because I believe it needs to be set in perspective. At the same time it offers a contrast to the manner in which officials in the United States and a large majority of our fellow citizens as well abuse France and its leader.

For instance, one can imagine the indignation in France when a prominent American novelist, Leon Uris, writes an exaggerated and embellished novel, "Topaz," which infers that the President of France—De Gaulle thinly disguised—is willingly harboring Communist spies in his cabinet and absolutely refuses to do anything to remove them. Even so respected an American journal as Foreign Affairs publishes an extremely critical and biased account of our oldest ally's foreign policy, "What is French Policy" by Andre Fontaine. Madame de Gaulle is subjected to critical and unfair abuse in such articles as "The Silent Lady of France" by Edward Behn, which appeared in the Saturday Evening Post. De Gaulle is blamed personally by unnamed officials for the Peace Corps ouster in the former French colony of Gabon, but the Washington Post for February 14, 1968, points out that "documentation is nil" on De Gaulle's intervention. The Francophobia is extended to include not only President and Madame de Gaulle and his government, but the French state as well. Elieth Roux, head of Bergdorf-Goodman's Salon, admits that her customers are cool to buying French this year. Various groups urge Americans not to travel on French aircraft, not to vacation in France, not to buy French goods. A typical attitude was that expressed by Leonard Gross in Look magazine on February 20 when he wrote France "attacks our values, vilifies our name, and conspires against our currency in a calculated effort to destroy our power. These are actions of an enemy." This discontent is widespread. The Gallup poll reporting on February 6, 1968, finds U.S. amity for France has eroded. France had a favorable rating of only 49 percent compared to 75 percent for West Germany and 94 percent for Canada. This unfavorable opinion of the French people is reciprocated by a growing dislike of Frenchmen for the United States. In 1964 the Gallup poll reported that 1 in 2 Frenchmen had a good opinion of the United States, today it is less than 1 in 3.

Yet for many reasons I cannot understand this attitude on the part of many of our people. General de Gaulle has repeatedly said that frictions between France and the United States must not be allowed to alter the fundamental historic friendship between the two countries. In his farewell toast to former U.S. Ambassador Charles E. Bohlen, De Gaulle noted that Franco-American relations have traditionally been characterized by one partner attempting to restrain the other from foolish adventures. In a toast to Ambassador Bohlen, President de Gaulle remarked:

> At various times when France chose to lead an adventurous life, she did not receive the permanent support of the United States. Today when they in turn are particularly susceptible to the impulses of power, it is true that France does not give them constant approval.

The General stressed that despite such divergences:

> The capital of interest, of attraction, of reciprocal admiration that is common to our two peoples and which on several decisive occasions has weighed so fortunately and so heavily on the destiny of the world must not be altered.

In concluding he described the friendship between the United States and France as "fundamental". Clearly then, President de Gaulle's remarks are indicative that upon future "decisive occasions" France and the United States will remain allies. This view is confirmed by independent obervers in France. In an article earlier this year by M. Jacques Ogliastro, head of the Diplomatic Service of the French daily Le Figaro—released through the Embassy of France—ties to the West were reaffirmed:

> France remains in the alliance and intends to remain within it after 1969, because it is a primordial element of the equilibrium between West and East.

Official French views on remaining in the Alliance came from the Prime Minister on November 5, 1964, when he stated:

> The exit from the Atlantic Alliance is not our working hypothesis. There is no question of our abandoning the Alliance.

President de Gaulle himself has said:

> The Atlantic Alliance is an elemental necessity.

Today I wish to discuss briefly several important aspects of our relations with the Fifth French Republic. First, I will discuss some of the irritants, past and present, in these relations. Second, I will discuss the role of France in the world today and the necessity for the United States to realize that France is a major power and will continue to fill that role. Third, I will discuss the interrelationship of France, the Alliance, and the United States. Fourth, I will propose some independent initiatives for the United States to undertake in improving its relations immediately with France and the French people.

IRRITANTS IN FRENCH AND UNITED STATES RELATIONS

Each nation governs itself in accordance with its own national interest or what it perceives to be in its national interest. Few nations willingly will sacrifice what its government perceives to be fundamental to its survival in order to please an ally or appease a foe. This is true no less of France than it is of the United States. The first principle of the foreign policy of France—under any government—is to promote the best interest of France. Primary reliance upon national self-interest governs likewise foreign policy of any other country whether it be the United States, Britain, Soviet Union, China, or El Salvador. Naturally there will be occasions when the interests of friends and states conflict. There is no reason why the U.S. Government should feel offended or wounded when the French feel that their own interests dictate an independent course at variance with ours any more than with any other country.

I believe that an accurate summary of our criticism of De Gaulle rests on the general's opposition to the Vietnam war, blocking Britain's entry into the Common Market, support of the Arabs against the Jews, his alleged defamation of the Jews and his reported moves against the dollar during the monetary crisis that accompanied Britain's devaluation of sterling. Clearly a fair and objective view of these complaints shows that some of them are not only trivial, but they have been misinterpreted. There is no evidence that France has endangered the security or the values of Western civilization. On the contrary at each point when our security has been threatened, in Berlin and in Cuba, De Gaulle and France resolutely stood by the United States, even though in the case of Cuba they were informed, not consulted, only after the fact.

Let us discuss each of these points of criticisms. French opposition to U.S. policy in Vietnam is largely the result of France's own withdrawal from that portion of its former empire. The French feel that the United States let them down at the end of World War II and gave an unfair advantage to the Viet Minh then under Ho Chi Minh. The knowledgeable observer Bernard Fall wrote in his classic "Two Vietnams":

> In large measure, American policy weakened France's postwar position in the Far East, as it was intended to do.

During the closing days of World War II, Fall relates, the French Government paid for 120 modern fighter aircraft and antiaircraft artillery from the United States, but we prohibited the shipment to Vietnam. Pierre Messmer, now French Minister of Armed Services, was imprisoned by the Viet Minh before V-J Day but the United States made no effort to intervene—despite its own close relationship with the Viet Minh. Perhaps most lasting of all impressions to the French of our policy for tying their hands in the Far East came on June 30, 1940, when Sumner Welles, the Under Secretary of State, told the French Ambassador in Washington that the United States would not oppose a Japanese attack on French Indochina. The French Government requested the United States to not intervene, but to only "show the flag" as a "show of strength" to deter the Japanese invasion. But on September 15, 1940 the United States even refused a naval demonstration off Indochina in order to deter the Japanese.

These insults and humiliations are not easily forgotten. If they do not excuse current French policy, they at least make it understandable. Yet despite this background, President de Gaulle was the very first chief of a foreign state to praise President Johnson's deescalation of the Vietnam bombing as a courageous act of "reason and peace." France has sought to remain neutral in Vietnam but on all occasions has been willing to serve as a mediator in the conflict. And finally, to the best of my knowledge, I do not believe any French ships have been calling at the Haiphong port.

French objection to British entry in the Common Market rests upon the premise that Britain is not yet ready to sever her special relationship with the United States and the Commonwealth to join "Europe." In all fairness to President de Gaulle it must be remembered that Britain actively opposed the creation of the Common Market and the formulation of the Treaty of Rome. There is a respectable body of opinion in Britain itself that firmly believes it is against British interests to join the Common Market. A number of these individuals believe that Britain should retain its relationship to the United States and the Commonwealth by joining a free trade area with Canada, the United States, and the remaining members of the European Free Trade Association. In no sense then, on the question of British entry into the Six, can it be said that De Gaulle's position is an isolated one totally devoid of any reason except Anglophobia.

French attitude toward Israel and in particular alleged statements reflecting De Gaulle's "anti-Semitism" have stirred up a tempest in the teapot. Again, the French position has been misrepresented. President de Gaulle strongly supports the right of Israel innocent passage through the Gulf of Aqaba and the Suez. His position on this was confirmed at his press conference in the Elysee Palace on November 27, 1967. De Gaulle has also pledged French support for the independence of Israel. He has stated that France would not stand idly by and permit Israel to be destroyed. Now criticism has been leveled at De Gaulle because of two other factors: First, alleged anti-Semitism and second, France held up shipments of military aircraft to Israel. The most emotional of the charges against De Gaulle following the Middle East was the reaction to his statement that the Jews are "an elite people, sure of itself and dominating." Somehow or other this was interpreted to mean that the French Chief of State was anti-Semitic. These remarks, if taken out of context, might be susceptible to such a tortured construction. However, in the very next paragraph of the same statement, President de Gaulle referred to "abominable persecutions" against the Jews, and he praised "their constructive work and the courage of their soldiers." He further reiterated French support for Israel passage through international waterways in the Middle East. It is a shocking abuse of reporting to take statements out of context, and twist them into a meaning which the author never intended. Even though France did hold up some shipments of aircraft to Israel during and immediately following the war last June, the hard fact is that an estimated 95 percent of Israel aircraft is "made in France."

President de Gaulle's attitude toward the United States and the dollar during the recent monetary crisis is perhaps understandable from his point of view. President de Gaulle believes that world trade should be conducted on a standard of gold which he describes as "universal, impartial, and immutable." He withdrew France from the London gold pool at a time when a number of independent and impartial observers felt that the pool was aggravating, not alleviating, the financial crisis. Later the remaining pool members closed it down. Heavy criticism was leveled at France for undermining the dollar by exchanging its dollar holdings for gold. However, the January 1968 issue of the Federal Reserve Bulletin shows that the opposite is true. France actually increased its dollar holdings in the November 1966 to November 1967 period by 34 percent. This made the French figure second to Italy's 46 percent in the increase in dollar holdings. In third place was the Netherlands—33 percent—fourth was Belgium—31 percent—and Canada fifth—with 6 percent. Sweden actually decreased its dollar holdings in the 12-month period by 25 percent. In light of these facts it is not logical to lay all the blame at France for "undermining the dollar." The dollar has been weakened by our our irratic and irresponsible fiscal and monetary policies and not by General de Gaulle.

There has been some criticism of De Gaulle for two other actions which should be mentioned in passing. In 1964 he extended diplomatic relations to the Peking government of China. Perhaps nothing else demonstrated his independence of the United States more than this single act. However, in view of France's historic preoccupation with the mystique of "Eternal China" and the foreign policy designs of De Gaulle to increase his prestige in the third world, nothing was more logical and in keeping with a tradition of diplomatic pragmatism than his extending diplomatic relations. De Gaulle simply took note of the fact that for over a decade and a half the Chinese leaders have been building, and despite failures and setbacks, they have scored great successes: The country is united and organized; a powerful political system governs the remotest parts of the country and the smallest units of society. China, under Communist leadership, has created the foundations of a modern industry, science, and technology, and is becoming one of the world's greatest industrial nations. In this respect it should be noted that other NATO members, including Great Britain, have long maintained diplomatic representatives in Peking.

De Gaulle has further been criticized for his statement last July from the balcony of the Montreal City Hall urging liberation for Quebec. While the French chief of state can perhaps be properly reprimanded for interfering in the domestic affairs of another country, the fact is that De Gaulle judged accurately that many in Quebec sincerely and honestly believe that because of their French background, they are second-class citizens. Events since July 1967 have shown clearly in the assistance the Quebec government has requested from France and in the proposal by Premier Daniel Johnson, of Quebec, for a "two-partner Canada" that De Gaulle was perhaps more astute than many of his critics realized at the time. As recently as February 2, Quebec has requested French assistance to develop the mineral wealth of the Province, including any oil that may be found under the Gulf of St. Lawrence. I have prepared as an annex to my remarks a chronology of French-Quebec relations since July 24, 1967.

FRANCE—A MAJOR WORLD POWER

The revival of French political influence is the singular achievement of President de Gaulle. By straightening out French finances and putting an end to the chronic governmental instability and ridding France of her reputation for irresolution and impotence Charles de Gaulle has performed an invaluable service not only for his nation but for the interests of the larger Atlantic community. An alliance is no stronger than its weakest partner. The Fourth Republic of France was the "sick man" of Europe and was a drag on the larger interests of the West. The weaknesses of successive governments and France's unpopular involvement in revolutions in Algeria, Tunisia, and Morocco were fanning the flames of civil war which might have resulted in either a Fascist or Communist dictatorship. A recent book describing what the author considered the 100 most significant events in world history properly included, in my estimation, the return of De Gaulle to power as preserving the stability of Western Europe.

The general's efforts to reform France moved forward on three fronts: A balanced economic expansion; streamlining the administrative and constitutional apparatus; and progress in the fields of labor and welfare—including health and education. De Gaulle's success can be seen in these figures:

From 1958 to 1965 the national product of France rose 40 percent, industrial production 46 percent, agricultural production 23 percent, imports 78 percent, an exports 88 percent.

In the same period the balance of payments ran a consistent surplus which enabled the state to pay back nearly all its foreign debt; the nation's monetary reserves went from $630 million in 1958 to $5.5 billion in 1965 while its debts were cut from $3.3 billion to $450 million.

Living conditions in France improved dramatically:

From 1958 to 1965 the cost of living rose only 24 percent compared to a 40 percent increase for the previous 7 years.

Housing construction over the last 7 years has averaged 350,000 units annually, compared to 190,000 for the last 7 years of the Fourth Republic.

Under De Gaulle, purchasing power rose 30 percent and homes in France were provided with more of the amenities of modern life: The percentage of households with automobiles rose from 27 percent to 45 percent, with refrigerators from 18 percent to 52 percent, and with television sets from 0.5 percent to 40 percent.

Family allowances were increased by 58 percent and old age pensions by 84 percent from 1958 levels.

Having secured the stability of France, De Gaulle next disengaged France from its futile war in Algeria.

Having accomplished these two steps the French President moved to reestablish French influence on the world scene. Nothing is more dramatic of his success than the fact that North Vietnam proposed Paris as the site of the peace conference notwithstanding the fact that North Vietnam fought France and that Paris is a NATO capital. De Gaulle asked President Eisenhower to agree to a free world directorate composed of France, the United Kingdom, and the United States. Together these three allies would share worldwide policing responsibilities. I believe that the United States made a tragic mistake in not exploring President de Gaulle's initiative further.

A brief listing of these French major foreign policy initiatives will reflect the depth and breadth of influence:

Reestablishment of diplomatic relations with the United Arab Republic;

Neutralization of Southeast Asia;

De Gaulle's trip to the Soviet Union;

Extension of diplomatic relations to the Peking government of China;

Vetoed twice British bid for membership in the Common Market;

Launched its own outer space program, becoming the third nation to launch its own satellites with its own rockets.

Ordered the removal of U.S. troops from French soil;

Withdrew from the integrated command of NATO;

Recognition of the Order-Neisse line as the final Eastern Frontier of Germany;

De Gaulle's opening to the "East" as reflected in his trip to Poland and forthcoming trip to Romania;

Refusal to sign either the Nuclear Test Ban Treaty or become associated with a draft treaty on nuclear nonproliferation;

Political support for Indonesia against Malaysia;

Ordered home the French liaison officer at the United Nations Korean headquarters; and

Refused to pay her share of costs of United Nations peacekeeping forces because of the belief that only the Security Council could authorize such forces.

Although France played a diminished role in international relations immediately after World War II, as the above events indicate, under President de Gaulle, it has since become a more influential factor in world politics. Though overshadowed in strength and size by the United States and the Soviet Union, France has regained a leading position in Western Europe. Moreover, despite the loss of its colonial empire, France continues to possess great influence in former French Africa through its economic and educational aid.

Under De Gaulle, France has given evidence that many varying factors can constitute major power status, factors ranging from geography and numbers of people to leadership and diplomatic skill, degree of technological advancement and cultural heritage. Thus, such circumstances as comparatively small population and area, and scarceness of natural resources may be compensated for by the quality of leadership, scientific achievements, and military capability.

President de Gaulle's aim is to place France in the first ranks of the world's nations. To achieve this she has divested herself of colonial liabilities; adopted an independent status within the West; has steadily championed Europe—on Gaullist terms—founded on the conviction that Europe can only be built by defining its interest distinct from—but not necessarily opposed to—United States interests; has promoted French-German reconciliation; and has engaged in diplomatic initiatives which have impressed other nations with the realization that France cannot be ignored.

Like his predecessor, De Gaulle is determined to make the most of France's favorable strategic position in Europe and of her "cultural radiance" in the world. He has consistently pursued his vision of France as one of the world's great powers. As he declared on the opening page of volume I of his Memoires de Guerre:

> The positive side of my mind convinces me that France is not really herself except in the front ranks, that only vast undertakings are capable of setting the disintegrating elements of her people. In short, France cannot be France without greatness.

Three aspects of increasing French greatness should be briefly considered: the foreign aid program, space exploration, and the French nuclear and missile programs.

The French foreign aid program is conceived of in terms of "a certain responsibility before History." De Gaulle believes that in today's world one of the most effective ways of disseminating French influence is by extending to the former colonies French cultural, technical, and economic assistance. France ranks as one of the major dispensers of foreign aid in the developing countries. In terms of financial flow as a percent of national income, France ranks first of OECD members in aid efforts from 1960. In terms of absolute value, France ranks second only to the United States. French aid has generally averaged well over $800 million, and the level of aid has been consistently about double that of either the United Kingdom or the Federal Republic of Germany. Countries which initially benefited from the French assistance program were in the franc area. These were chiefly the States of North Africa, Africa South of the Sahara and Madagascar. However, since 1964, French assistance to states outside the franc area has increased substantially. Among these latter states are Cambodia, Laos, Vietnam, Mexico, Iran, Greece, India, Ethiopia, and Pakistan. In addition, Brazil and Chile are also recipients of French financial aid on a more modest scale.

A second major element in French power is its outer space program, a joint military and civilian effort. France has its own space launch facilities and vehicles together with an advanced satellite program. Her scientists and technicians have proved that French industry and science are capable of producing the components of the standard required for space exploration, and they have largely accomplished this without the aid of any other power. In its quest to explore outer space, France has launched five satellites, four of which were launched with French launchers. The dates for the launchings were: November 1965; December 1965; February 1966; and two in February 1967. Since the recent evacuation of the Hammaguir launching range in the Sahara under the terms of the Evian peace agreement of 1962, the subsequent move to the Kouru launching base in French Guiana has created a temporary gap in France satellite launching activity.

France is now moving toward second generation space programs and activities. The projected D–2 satellite will weigh 180–200 pounds and will be a decisive step forward in French space technology because of its planned guidance system and because it will be an "intelligent" satellite in which tests can be conducted and controlled by means of telecommand.

Perhaps no other factor has caused so much comment in and out of France since the conclusion of the Algerian War than the development of the French nuclear deterrent—the force de frappe. The deterrent is a part of the French military policy which reflects De Gaulle's distinctive style and lofty ambitions to place France in the ranks of the great powers. It also reflects the continuing search for security through less military and political dependence upon others. This in turn has resulted from French dissatisfaction with the present integrated command structure in NATO. In 1959, President de Gaulle accelerated the French effort to produce nuclear weapons. His push for the program is a natural reflection on his belief that a nuclear deterrent is absolutely essential to France's independence and status as a great power. He has stressed that France can have no political independence without military independence, and that such military independence must include nuclear weapons. He has repeatedly declared his belief that the American commitment to defend European cities was not reliable if at the same time the United States were threatened with destruction. As De Gaulle declared in April 1961:

> It is both the right and duty of the continental European powers to have their own defense. It is intolerable for a great state to have its destiny subject to decisions and acts of another state, no matter how friendly it may be.

Michel Debre, Prime Minister of France from 1959 to 1962, has written that possession of nuclear weapons helps France "in not falling down to the level of those nations who would not be asked for their opinion regarding world problems or even regarding European problems." The acquisition of nuclear weapons by France reflects the possession of a scientific, technological, and industrial potential which a powerless and weak nation does not have. The force de frappe provides France with international prestige and independence, a possible trigger for the American nuclear arsenal, increased influence over American strategic policy, and a concrete basis for the assertion of primacy among her European partners.

France envisions three stages in the development of its strategic nuclear force. The first stage, and the only one now operational, consists of Mirage jet planes carrying 60 to 80 kiloton bombs. France is now believed to have planned for a force of 62 Mirage jets which are equipped for aerial fueling from American purchased KC–135 tankers. The jet force is scheduled to be phased out in 1968, to be superseded in late 1968 or 1969 by a transitional, or second stage of strategic surface-to-surface ballistic missiles set up in scattered hardened sites. These are to be solid fuel, 2,000 mile range missiles, which will carry nuclear warheads of from 100 to 200 kilotons. The third stage of the strategic nuclear force is a force of nuclear-missile-launching submarines, expected to become operational between 1970 and 1973. The first French nuclear-powered submarine was launched on March 29, 1967. Named the *Redoutable*, the submarine will undertake its first sea trials in late 1968 and is expected to become operational in 1969 or 1970. When operational, the *Redoutable* will carry 16 sea-to-air ballistic missiles. Its first missiles will have fission warheads of 500 kiloton strength only, for the projected more powerful thermonuclear or fusion warheads are not expected to be ready at that time. The French hope to test their first thermonuclear or fusion device this year at the South Pacific test range from which they ultimately hope to produce warheads in a 1-megaton range, or equivalent to about 1 million tons of TNT.

The second in their series of nuclear submarines, the *Terrible*, is already being placed on the stocks and is expected to enter service in 1972. A third submarine is scheduled to follow in 1974 or 1975. It is expected that additional submarines may be built. The strategic nuclear force has already been expanded from its original goals. The Government now hopes to build 75 land-based missiles rather than the previously forecast 50 missiles. The French are also developing their first very small battlefield atomic weapons.

There are those who are critical of the nuclear deterrent, believing it to be of no military significance. Naturally the predominant importance of the deterrent is political. It provides France as the nucleus for a European atomic force. International prestige provides another political motivation. The possibility of a direct United States-U.S.S.R. settlement over the heads of the Europeans—a genuine fear in Paris and Bonn—is to be avoided by the enhanced prestige and power which France derives from nuclear possession. The most crucial aspect of nuclear weapons is the influence upon the United States which they provide for France.

As Robert Lieber pointed out in "The French Nuclear Force" in the London edition of International Affairs in July 1966:

> The U. S. must pay far more attention to the views of the French than if they possessed only conventional arms. Secondly, France is potentially in a situation to upset American conceptions of flexible response and controlled nuclear war since these depend upon close central direction of alliance nuclear forces. Third, France gains a finger on the American nuclear trigger. Given the existing international structure, the U. S. is committed to France because it cannot foreseeably allow the loss, whether through surrender or annihilation. Secure in this knowledge, the French have considerable room to manoeuvre.

FRANCE, THE ALLIANCE, AND THE UNITED STATES

Earlier I have outlined some of the irritants in U.S. and French relations. However, the most serious irritant has been the absolute and adamant refusal of the United States to reform the NATO structure. France itself before De Gaulle came to power, indicated she was dissatisfied with the organizational structure. Many French troops and foreign troops on French soil were under the command of a foreign military officer. Throughout NATO's entire 20 years, U.S. officers have always held the two supreme command posts. Of the 10 principle subordinate commands, French officers have never held more than 1. United Kingdom officers have always held six and the United States the remaining three. The United States attributed French complaints about the present command structure to De Gaulle, not realizing that there were far more fundamental reasons. The United States has not bothered to ask how we would feel if the situation were reversed, with U.S. officers never permitted to hold more than one lonely subordinate command post in the entire structure. Despite the fact that France is strategically located from the standpoint of alliance organization, force deployment, logistics, and geography, the French complaints—which should have received serious, courteous, and sympathetic attention—were brushed aside.

The United States has consistently fought the development of a French nuclear deterrent. Some of the obstacles we have erected have bordered on the childish, especially our refusal to sell France instruments and computers because they might have been used for nuclear tests held near Tahiti. These tactics are even more indefensible in view of the "special relationship" between Britain and the United States, which continues in the field of nuclear weapons. In 1959 the Eisenhower administration undertook the obligation to supply enriched uranium fuel for the Cadarrache plant. The plant was developing a nuclear reactor which would become the prototype of reactors to be installed on future French submarines of the Polaris type. This agreement was unilaterally suspended by the United States in 1964. Alvin J. Cottrell and James E. Dougherty writing in the Politics of the Atlantic Alliance have described the French viewpoint:

> The French have argued that it is illogical to withhold from a trusted ally military secrets which are well-known to the chief adversary of the alliance, viz., the USSR, and that such a policy on the part of the United States may really mean that, when it comes to certain nuclear questions (such as the avoidance of proliferation), the United States is more closely allied with the Soviet Union than France.

Raymond Aron, certainly no Gaullist, confirms this statement when he writes:

> The privileged position of Britain in the atomic field is something which will never be accepted in Paris, no matter who may happen to be in power.

Despite numerous conversations with the heads of other NATO states, the President of the United States has not visited personally with President de Gaulle except for 13 minutes following the Kennedy funeral and very briefly at the funeral of former German Chancellor Adenauer. Nothing more substantial than courtesies were exchanged at either meeting.

When President de Gaulle withdrew France from the integrated command, U.S. State Department officials attempted to rationalize by stating the United States had wanted to introduce NATO reforms of their own but found De Gaulle uninterested and unwilling. As Charles Bartlett and Edward Weinthal wrote in their book, "Facing the Brink":

> No formal American proposal of substantive replies to De Gaulle's demands for treaty revision have been made. The U.S. continued to temporize in the hope that something might turn up: De Gaulle might die, he could be overthrown by the electorate, rebuffed by the Assembly, or condemned by the other thirteen NATO members.

Until his resignation, George Ball, Under Secretary of State under both Kennedy and Johnson, was a primary obstacle to improving relations with France. As Bartlett and Weinthal write:

> Ball fervently preached that Gaullism was evil, that it was a destructive force keeping Germany off balance, preventing Britain from playing its rightful role in Europe and ultimately leading Germany back into militarism and Europe to disaster. He was firmly supported in this view by former Deputy European Chief, Robert Schaetzel, and Policy-Planning Chief, Henry Owens.

On June 22, 1966, after De Gaulle had been in Moscow for only 2 days, Ambassador Bohlen reported to Johnson from Paris that the general in Moscow had read the United States out of the European picture and allegedly implied that close and immediate cooperation with the Soviets was desirable forthwith in "all fields." In contrast to Bohlen's temporary loss of the sense of perspective and reality, the German Ambassador in Moscow reported to his Government that De Gaulle "stanchly maintained the West German position on all problems discussed and that Bonn should regard the visit as a great success for the Western cause," according to Bartlett and Weinthal.

Many of the policies advocated by George Ball as Under Secretary of State had the effect of undermining French-United States relations. According to usually reliable sources. Ball made himself the final authority on relations with France. Often Ball went into action without presenting alternatives to the President or Secretary Rusk. In early

1966, the Under Secretary prepared what has been called a personal paper on how to handle Gaullism and De Gaulle. Bartlett and Weinthal have described it:

> A declaration of war against Gaullism on the ground that the revival of national rivalries which it spawned would only end in catastrophe. When Ball's paper reached the White House, all references to "war" on De Gaulle were carefully eliminated by the President. But, undaunted by setbacks, Ball continued to advocate his French policy to the end of his stay in the State Department.

Mr. Ball has since been named U.S. Ambassador to the U.N. In the State Department the able and knowledgeable Eugene Rostow has risen in influence. While no one can expect a major miracle in U.S. relations with France, there is at least a fresh breeze blowing on the seventh floor of the State Department. Every opportunity should be seized to build good will with France. Although France is no longer within the integrated command structure of NATO, every effort should be made to work with France within the Atlantic Alliance. De Gaulle is not a lonely anachronism. His policies are not apt to disappear from the world scene when he leaves office. As I stated in 1965 upon my return from France as chairman of the Republican factfinding mission on NATO:

> De Gaulle actually rides powerful currents of opinion which flow throughout all of Western Europe, and the problem posed by his challenge of U.S. policies is only partially to be formulated in exclusively French terms.

The tragedy for the United States and for NATO is that it "could have shown wisdom and skill in practical diplomacy by meeting De Gaulle part of the way before he himself decided to go all the way."

Notwithstanding the fact that France is politically, geographically, morally, and militarily essential to the coalition of Atlantic states, the United States has not moved in an imaginative manner to meet the French halfway. French criticism of the alliance centers on the integrated command structure and the limitation of the alliance to the single area of Europe. There appear to be few in our own Government who recognize the vital importance of strengthening our position in the Far East and the Near East by coordination of policies among the members of the alliance.

Instead we content ourselves with the belief that coordination on extra European matters is neither feasible nor desirable. We feel indignant at seeing French policies going against American wishes when we read of De Gaulle's critical statements regarding American moves in Vietnam or in the Dominican Republic. However, we did not consult De Gaulle on Cuba—even though we placed our continental European troops on the highest alert—and thereby endangered French territory in the event of a Soviet-United States nuclear confrontation. Nor did we consult with the French in July 1958 at the time of the concerted Anglo-American action in the Near East following the Iraq revolution. The United States and Britain debarked troops in Lebanon and Jordan, but neither felt it desirable to ask for French advice. However, France had a legal reason for expecting consultation, being one of the three powers signing the 1950 declaration on the maintenance of status quo in the Near East. The French reaction was especially bitter since Lebanon is a country of traditional French influence.

An additional element has now been added to the worsening relations between the United States and France. A number of Members of the Congress—whose motives and sincerity I do not for a moment question—have introduced various bills, amendments, and resolutions that will tend to aggravate our relations not only with France but with other members of the Atlantic Alliance, including many of the very nations who recently assisted us in the gold crisis. Reaction to anti-American statements abroad is a questionable basis upon which to base policy or enact legislation. At the moment the most serious of these maneuvers was a Senate amendment to the excise tax bill. This amendment was designed to bar American gold sales to countries behind in their debt payments, including World War I debts. Such a restriction would have the gravest implications for the international monetary system. If the United States were to place conditions on its willingness to sell gold to a foreign monetary authority—however desirable the condition might seem in an individual instance—the result would be to make the dollar only a partially convertible currency. This would inevitably shake confidence in the continued convertibility of the dollar and hasten the run on our gold holdings. Ironically, this amendment hastens the very thing it seeks to prevent—a run on our gold holdings.

While legal justification can be made for resolutions in the House demanding payment of the French World War I debt, it should be recognized that some very serious practical considerations argue against such a course of action. First, France is not alone in being delinquent in regard to this indebtedness. The United Kingdom, with a much larger total as well as a longer overdue debt than France, Italy, Belgium, and a dozen or so other debtor countries, also have not been making any payments on their World War I debts to the United States since the 1931 moratorium. Demanding French payment alone on the debt while refusing similar action on the other debts would be an obviously discriminatory move. To make identical demands also of other debtor countries would aggravate for most of them, but, especially for Great Britain and Italy, their own already serious balance of payments, not to mention the internal domestic political consequences of such an action.

The crux of the debt situation is the original reason for the cessation of debt serving as claimed by France and other debtor nations after the 1931 moratorium, namely, that they had insufficient resources for the continued servicing of the debt primarily or even exclusively, because of, first, the drastic reduction, and, late, a moratorium on German reparation payments to the Allied Powers.

While the question of German reparations as the source of repayment of Allied debts to the United States was never formally expressed as a provision of the Allied agreements on their indebtedness to the United States—and the United States has explicitly rejected such an interpretation—the Allied debtor countries have always considered these two points inseparably connected.

Further complicating the situation is the fact that the solution of the German reparation problem has been deferred by an international treaty signed in 1953 until such time as the entire German problem is definitely solved.

In light of these facts, the issue must not be made a rallying cry for extremists and dissidents on both sides of the Atlantic who would too easily forsake the institutions and interests the Western nations share in common. The problem of war debt should be resolved on a multilateral basis, relying on the NATO Council or some other appropriate forum, where all Atlantic governments concerned would be represented.

NEW INITIATIVES TO IMPROVE FRENCH RELATIONS

A high priority for the outgoing Johnson administration should be the improvement of relations with our oldest ally. Just as the President seeks to win the peace in the Far East, he should seek to restore Allied unity in Europe. A reapproachment and reconciliation in the Atlantic community would be a most significant legacy for President Johnson's successor. It would surely earn for Mr. Johnson a permanent place in history as the man who restored the vitality in the relations among North Atlantic nations. I believe the key to restoring this unity will be a drawing together of France and the United States.

The past of neither nation is free of errors. The interests of neither nation is served by perpetuating these errors. Common interests require that we learn from them. The conduct of our two nations reflects the national purposes of each, and it is important that differing aspirations be fully and sympathetically considered. When nations agree on a goal but undertake differing ways of reaching it, reconciliation of these divergent approaches should always be possible. This can be advanced by a face-to-face meeting between the two Chiefs of State. Surely if the President, whose renunciation of personal ambitions for the sake of avoiding divisiveness in this country was an act of great courage and humility, is willing to discuss peace with our formidable adversary, Ho Chi Minh, then he must be willing to discuss unity and reconciliation with the leader of our oldest ally. In my judgment the President should seek at once a personal meeting with President de Gaulle.

Officials within the Department of State and in the Military Establishment should review critically our policies toward De Gaulle—including our prohibition on assistance to the nuclear program of France—and determine whether these policies are genuinely in our national interests. It would appear that France is now entitled to the same nuclear privileges long accorded to Britain.

The United States could move at once to invite France to participate with it in a joint effort to land a man on the moon. This joint French-United States moon project could be open ended so that other nations, as they qualify and desire, could become partners

Needless and unnecessary criticism of France, its people and its leadership, should be discouraged.

Every effort should be made now to reassure our allies, including the French, that our commitment to defend Western Europe is automatic and ultimate.

Our Government, recognizing that France considers participation in the integrated military command to be unacceptable, should actively seek a mutually agreeable means of coordinating the defense policies of the two countries.

The closing administration and its officials should leave to the successors a full and detailed analysis of its problems and experiences with the Atlantic community so that the new President can profit by past errors and successes.

The historian Carlyle believed that in the final analysis history was determined not by ideology or events, but by the nation's leaders. Their force of personality, ambition, capacity for leadership, and breath of vision, he wrote, set the course of the world. We live in an age in which all the giants of history have died or are in retirement. The Big Three of the War, Churchill, Roosevelt, and Stalin are dead and have been replaced by men who lack the spark of greatness their predecessors possessed. Men such as Eisenhower, Khrushchev, and Ben Gurion have left the corridors of power for retirement, either honorable or otherwise. Of all the world's leaders only De Gaulle still has the depth of vision, the grand design, and the will to achieve it. His majestic command of the language, presence, and character have established that De Gaulle is the soul of France. Undaunted by the grimness of the times, the dimensions of his goal, and the hostility of his allies, he pursues the greatness of France with single-minded dedication and determination. In the lengthening shadows of his own life, De Gaulle has reestablished France as a major power. He has told his countrymen they must be strong in will, strive, seek, find, and never yield. Speaking at Bordeaux in April 1961, he exhalted France:

> France must fulfill her mission as a world power. We are everywhere in the world. There is no corner of the earth where, at a given time, men do not look to us and ask what France says. It is a great responsibility to be France, the humanizing power par excellence.

That De Gaulle will eventually yield his position of power is inevitable, but his influence on France will reverberate through decades he shall not see. The passing of Lincoln did not end the Union's cause nor did the death of Lenin abort communism. The eventual demise of the general will not result in the reestablishment of American hegemony over France. De Gaulle will force us to remember something we had long ago forgotten: History will not be determined in Washington and Moscow alone, but also in London, Rome, Berlin, Cairo, Paris, and a dozen of other major capitals in the world. Historians will judge whether the age of American omnipotence ended before or after the general attained power, but they will agree that he was the first to recognize the changing world stage.

THE LIBRARY OF CONGRESS,
Washington, D.C., April 17, 1968.

To: Hon. PAUL FINDLEY.
From: Pauline A. Mian, research assistant,
Via: Chief, Foreign Affairs Division.
Subject: Chronology of Quebec-French Relations Since July 1967.

July 24,1967: During a visit to Canada, President de Gaulle shouts "Vive le Quebec libre," a separatist slogan, from the balcony of City Hall in Montreal.

July 26, 1967: De Gaulle cancels trip to Ottawa and returns to Paris, after having been rebuked by Prime Minister Lester Pearson, who termed his speech as "unacceptable." At a farewell luncheon for De Gaulle, Mayor Drapeau of Montreal said: "We have learned to survive two hundred years by ourselves."

July 31, 1967: De Gaulle reasserts his belief that French Canadians do not enjoy "liberty, equality and fraternity," and promises them the help of France in achieving their goals of freedom in a communique issued after a cabinet meeting.

August 23, 1967: The French government announces plans for "a considerable increase" in aid to Quebec. The proposed assistance would fall within the scope of two 1965 Franco-Canadian agreements that provide for educational, cultural, scientific, technical and artistic exchanges. Premier Daniel Johnson of Quebec had visited Paris in June, 1967, and had agreed on nine projects, which include an exchange of engineers between Hydro-Quebec, the provincially owned power commission, and the French Atomic Energy Commission.

Quebec will also participate scientifically and financially in a joint telecommunication satellite that will beam French radio and TV to North America.

Canadian Prime Minister Pearson said he "saw nothing to be disturbed about" in the French government's announcement which falls within the scope of the 1965 Franco-Canadian agreements.

A long text signed by fifty-two Quebec intellectuals was sent to Paris newspapers. It calls for "indispensable support of France" so that Quebec might "freely choose its social, cultural and political destiny." The signatories included professors, writers, clergymen, journalists, artists and labor leaders.

August 27, 1967: Mr. Claude Ryan, editor of Montreal's moderate French-language newspaper, *Le Devoir*, said a recent poll indicating a majority in Quebec approved of the General's declaration showed "that Quebec aspires to a greater freedom which it hopes to be able to find within Canada."

September 15, 1967: France and the Province of Quebec announced wide agreement on further cooperation in educational and cultural fields after five days of talks between France's Education Minister, Alain Peyrefitte, and provincial officials headed by Premier Daniel Johnson. The agreements include an increase in the number of scholarships offered by France to Quebec students, a greater use in Quebec of French school and university textbooks joint research in hydrology, electric power, nuclear power, forestry, fisheries and geophysics.

September 17, 1967: René Levesque, one of the most influential members of the former liberal administration in Quebec, told a party meeting that he favors the creation of a sovereign Quebec nation independent of, but in economic partnership with, the rest of Canada.

September 20, 1967: France announces the establishment of a special political partnership with Quebec, including regular summit meetings between the two governments. The meetings would be held alternatively in Paris and Quebec. This partnership, with its emphasis on the equality of the two members, recalls similar provisions in the Franco-German treaty of 1963.

September 25, 1967: L'Action, a Quebec City newspaper, publishes a timetable for independence in five years and identifies the timetable as a working paper of the policy committee of the ruling Union Nationale Party in Quebec.

September 26, 1967: Quebec Finance Minister Paul Dozois explains that the independence plan, which had been commissioned by the Party, had been rejected by the Party's policy committee.

October 7, 1967: Premier Daniel Johnson of Quebec, who at first did not protest General de Gaulle's remarks, states that the province's desire to obtain a new status under the Canadian Constitution could be fulfilled within the confederation and re-emphasized his view that separatism would not solve the province's problems of cultural and economic self-sufficiency.

October 15, 1967: The Quebec Liberal Federation unanimously rejected separatism as a means of speeding the province's drive toward French cultural identification and economic self-sufficiency. The vote resulted in the resignation of Mr. Levesque from the Liberal Party.

November 27, 1967: During a press conference De Gaulle states: "That Quebec be free is indeed what is at issue." Quebec should be raised to the level of a "sovereign" state.

December 1, 1967: Prime Minister Lester Pearson qualified General de Gaulle's latest intervention in Canada's affairs as "intolerable."

December 5, 1967: The Royal Commission on Bilingualism and Biculturalism submitted its four-year study to Prime Minister Pearson, recommending that the status of the French language be elevated to official equality with English to preserve the 100-year-old confederation.

January 6, 1968: Four Acadian leaders left for Paris at De Gaulle's invitation, to discus cultural aid. Louis Robichaud, New Brunswick's Acadian Premier, raised no objection, although he is a vigorous opponent of the movement in Quebec to divorce French Canada from English Canada.

January 11, 1968: France announces plans to finance "Evangeline," the only French-language newspaper in the province of New Brunswick, where some 250,000 Acadians are concentrated. The circulation of "Evangeline" totals only 10,000.

February 5, 1968: Premier Daniel Johnson of Quebec, attending a federal-provincial conference aimed at revising the Canadian constitution, called for a new charter to recognize a "two-partner" Canada. He demanded for Quebec a bigger share of the federal Government's powers.

March 27, 1968: The two largest nationalist movements in French-speaking Quebec, the Mouvement Souverainete et Association, led by René Levesque, and the Rassemblement pour l'Independance Nationale, led by Pierre Bourgault, have been holding a series of talks in Montreal, debating on whether to merge. Of the two groups, Pierre Bourgault's is the more radical.

A group of Quebec business and professional leaders has opened a countrywide campaign against separation of the French-speaking province from the rest of Canada.

April 7, 1968: Following his election as the head of the governing Liberal Party, Pierre Elliott Trudeau gave a news conference in which he stated that "Canada must be one," but cultural equality must be achieved between English and French-speaking Canadians.

According to the French embassy in Washington, the French consulate in Montreal has been a consulate general for many years.

SOCIAL SECURITY AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, it was indeed a pleasure for me to join my distinguished colleague from Rhode Island, Fernand St Germain, last Thursday in sponsoring a most worthy amendment to the Social Security Act.

The bill would permit full retirement benefits for women at age 62 if, and only if, they have contributed to the social security fund for 120 quarters. One hundred and twenty quarters is the equivalent of 30 years.

Under existing law, women are eligible to receive only 80 percent of their benefits if they retire at age 62.

I do not consider this legislation to be a handout. As we all know, it is possible for a woman to receive full retirement benefits 3 years later, at age 65, having contributed only 18 quarters, and in some cases, even fewer quarters than that.

The women who would benefit from this bill have proven, by virtue of having paid into the fund for 30 years, that they have been industrious and productive contributors to the Nation's economy. In this greater sense, they are owed far more than they will ever receive. It seems to me that this bill would be an appropriate and meaningful tribute to their long labor, as well as incentive for them to settle back to a well-deserved rest and open up more jobs for younger people. I urge every Member to give this measure his unstinting support.

THE MARINE RESOURCES AND CONSERVATION AND DEVELOPMENT ACT

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Speaker, I have today introduced a bill to create a comprehensive, long-range plan for the conservation and development of our Nation's marine resources, including the resources of the Great Lakes. Under this plan, known as the Marine Resources and Conservation and Development Act, some $300 million per year would be used to develop a coordinated Federal program for the following purposes:

Water pollution abatement; aquaculture—underwater farming; fisheries development; oceanographic research; hurricane protection; elimination of beach erosion; sea grant colleges; as well as a wide variety of other marine related uses of economic benefit to our coastal and Great Lakes States as well as to the economy of the entire Nation.

The Marine Resources Conservation and Development Act would apply old and time-tested conservation principles to the new and rapidly expanding frontiers of the sea. From our Nation's history, we have learned—often through tragic errors—how vital it is to restore natural resources at a rate commensurate with the rate in which they are depleted. Too often, while nature bestowed its bounties upon us, we denied to nature the very ingredients necessary to assure the replenishment or replacement of those resources. In our Nation's interior we have seen forests denuded, farmlands turned to dust, wildlife wantonly destroyed. But fortunately we learned a lesson—learned of the need for conservation, planning, and coordination.

With the lessons of our past in mind, the Marine Resources and Conservation Act would require that the great bulk of revenues from mineral production on our Nation's Outer Continental Shelf be turned back into the development of marine resources.

Under my bill, the precedents which were established to conserve our Nation's interior would be followed to conserve its coastal resources. In this regard, the major conservation measure established for the interior lands has been the so-called reclamation fund which, under the Mineral Leasing Act of 1920, in effect receives 62½ percent of the moneys derived from federally owned mineral deposits in the interior. Under the same act, the State which owns the land surrounding the Federal mineral deposits receives 37½ percent of the proceeds of the Federal leases.

My proposal would apply the exact principle and the exact same formula. Thus, under my bill the mineral resources conservation and development fund would receive 62½ percent of the proceeds of Federal leases on the Continental Shelf with the balance going to the State off whose coast the mineral deposit is located.

My bill would place the fund under the administration of the Department of the Interior. The Secretary of the Interior would create an advisory board composed of experts from both Government and private sectors, whose respective talents would assist the Secretary in shaping and administering the broad national program dedicated to the purposes listed above.

For the information and easy reference of interested Members, I submit for inclusion in the Record, at this point, a copy of the proposed Marine Resources Conservation and Development Act.

H.R. 17369

A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Resources Conservation and Development Act".

Sec. 2. Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

"Sec. 9. Disposition of Revenues.—(a) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the outer Continental Shelf for the period beginning June 5, 1950, and ending with the day preceding the date of the enactment of this section shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(b) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf for the period beginning with the date of the enactment of this section shall be deposited in the Treasury of the United States; and of the amount of the revenues so deposited in each fiscal year which are attributable to the portion of the Outer Continental Shelf adjacent to any State—

"(1) 62½ per centum shall be paid by the Secretary of the Treasury into a special fund in the Treasury to be known as the Marine Resources Conservation and Development Fund for use as provided in section 18; and

"(2) 37½ per cetum shall be paid by the Secretary of the Treasury to such adjacent State, to be used for the benefit of the public schools or public roads of such adjacent State, as the legislature of such adjacent State may direct.

"(c) Any moneys paid to the Secretary or the Secretary of the Navy under or in connection with a lease but held in escrow pending the determination of a controversy as to whether the lands on account of which such moneys are paid constitute part of the Outer Continental Shelf shall, to the extent that such lands are utlimately determined to constitute a part of the Outer Continental Shelf, be distributed—

"(1) in accordance with subsection (a) if paid before the date of the enactment of this section, and

"(2) in accordance with subsection (b) if paid on or after the date of the enactment of this section.".

Sec. 3. (a) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify in any manner any right, claim, or interest of any State in any funds received before the date of the enactment of this Act and held in escrow pending the determination of any controversy as to whether the submerged lands on account of which such funds are received constitute a part of the Outer Continental Shelf.

(b) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify any claim of any State to any right, title, or interest in, or jurisdiction over, any submerged lands.

Sec. 4. The Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by adding at the end the following new section:

"Sec. 18. Marine Resources Conservation and Development Fund.—(a) The Marine Resources Conservation and Development Fund created by section 9(b)(1) of this Act shall be available as provided in appropriation Acts for use by the Secretary for Marine Resources Conservation and Development programs, including programs for: water pollution control and abatement in the Great Lakes, on the Continental Shelves and in estuaries and other areas immediately adjacent thereto; aquaculture; prevention of beach erosion; hurricane protection; aid to sea grant colleges; fisheries development; development and maintenance of waterfront recreation facilities; and oceanographic research.

"(b) Amounts made available from the Marine Resources Conservation and Development Fund shall be allocated and used by the Secretary for the purposes described in subsection (a) in accordance with priorities, standards, and procedures set forth in regulations which shall from time to time be prescribed by him after consultation with the advisory board established under subsection (c).

"(c) The Secretary shall establish an advisory board to assist him in carrying out his functions under this section. The board shall consist of officers and employees of Federal departments and agencies, and persons selected by the Secretary from State and local governments and the private sector, who are determined by the Secretary to have special knowledge and experience in activities and programs described in subsection (a). Members of the board from Federal departments and agencies, who shall serve at the request of the Secretary with the approval of the heads of the departments and agencies involved, shall receive no additional compensation for their services as members of the board. Members of the board selected from State and local governments and the private sector, while serving on business of the board, shall receive compensation at rates fixed by the Secretary but not exceeding $100 per day. All members of the board, while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Secretary shall make available to the board such office space and facilities, and such secretarial, clerical, technical, and other assistance and such information and data in his possession or under his control, as the board may require to carry out its functions."

SEC. 5. Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 450; 30 U.S.C. 191), is amended by striking out "37½ per centum" and inserting in lieu thereof "60 per centum", and by striking out "52½ per centum" wherever it appears and inserting in lieu thereof "30 per centum".

FEDERAL RESERVE'S HIGH-INTEREST RATES GIVE BANKS LUSH WINDFALL PROFITS AND 1968 PROMISES MORE OF SAME

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, no economic or business activity is more affected with the public interest than is the business of banking. Money, as a medium of exchange and store of value, is the lifeblood of every economy. The health and well-being of every person depends upon the availability of money and credit at reasonable rates of interest. For these reasons, the creation of money has always been a prerogative of the state, whether kingdom, dictatorship or democracy. Kings and dictators today as in the past have been known to debase their coinage and currency to the great harm of the general public. In a democracy, money and banking must be servant to the people, not their master. For example, the U.S. Constitution provides that the money creating power of our Government shall rest with the Congress—the representatives of the people—as part of our lawmaking responsibility—see article I, section 8, clause 5. There was good reason that the Founding Fathers and the ratifying States insisted that this great sovereign power over money rest with not just one man, or a small group of men, but instead with the Congress. The money power was consigned by the Constitution to the mainstream of representative government.

But money and banking always have been questions of controversy. There is always the danger of expropriation of the money power for private gain—because when used for selfish purposes, the profits are fantastic. The establishment of the Federal Reserve System by President Woodrow Wilson and the Democratic 63d Congress was to return the money power to an oppressed public and for reasonable Government supervision of banking. In addition to express powers to create money for the public interest, the Federal Reserve Act also authorized the Federal Reserve to periodically examine all member banks. This new agency was made part and parcel of the executive branch and, at the same time, subject to general congressional oversight and audit of its public functions.

But the big bankers got busy as soon as the ink was dry in the statute books. Through weakening amendments in 1927, 1933, and 1935 public control over the money power waned as the bankers sought to recapture their influence. World War II interrupted their timetable. However, a Democratic President, although a great President, was unable to prevent the banker-Federal Reserve coalition resulting in the infamous 1951 accord. This unholy alliance culminated in a rapid rise in interest rates starting in 1953. There followed three serious tight-money, high-interest-rate economic recessions during the ensuing 8-year period.

Banker control over the Federal Reserve always results in high interest rates and lush bank profits. If the Federal Reserve is supposed to be "independent," although the act fails to even mention that word, should it not be independent of banker influence most of all? Actually, the present Federal Reserve-banker coalition is illegal, even if all Members of Congress were aware, and approved of it. It would take a constitutional amendment to legalize our present monetary system. David McCord Wright, the eminent lawyer and political scientist, first made the same point over 30 years ago when the Banking Act of 1935 was pushed through Congress by the American Bankers Association.

Our national debt is greater than it ought to be by dozens of billions of dollars because of banker-dictated interest rates with the cooperation of the Federal Reserve. At the same time, bank profits are climbing clear out of sight. Since the war against Asian communism began, profiteering in money has reached the point of a national scandal. Will it take another national calamity before the money power is returned to its rightful owners, the American public, or will it remain forever in the hands of the big bankers?

Banks and their stockholders enjoy many substantial benefits from the public over and above the interest they charge on loans. First of all, every bank receives its charter from the people, either at the State or Federal level, and only banks may offer checking accounts. Second, bank deposits are insured by a Federal agency at virtually no cost to the banks, with an additional $3 billion draw on the U.S. Treasury. Third, existing banks are protected from competition from new entrants into the banking business by the very strict chartering policies of State and Federal officials. Also, bank earning assets—checkbook money to lend out—are created free for the banks by the Federal Reserve System—a public agency.

Furthermore, banks enjoy substantial State and Federal tax benefits not enjoyed by other businesses. Thus, banking is not only an industry vitally affecting the public interest, but it is probably the most highly subsidized industry as well.

Currently, interest rates are at their highest level in 40 years, and some rates on Government securities are at their highest level in the past 100 years.

Mr. Speaker, with unanimous consent, I will insert at this point in the RECORD a table of earnings of 50 of the largest commercial banks comparing 1963 with 1967 and additional data comparing bank earning to other industry earnings. While other businesses have been caught in a cost-price squeeze, bankers are enjoying windfall, wartime profits with prospects for more of the same, as indicated by the April 1968 Monthly Review of the Federal Reserve Bank of San Francisco and the March 1968 issue of Bank Stock Quarterly, the latter observing that "Banks are operating in a seller's market. The monetary authorities have turned to tighter credit and toward higher interest rates."

NET OPERATING EARNINGS

[Dollar amounts in millions]

Bank	1967	1963	Increase (percent)
1. First National City Bank	$112.75	$76.94	47
2. Bank of America N.T. & S.A.	130.26	90.50	44
3. Chase Manhattan Bank, N.A.	105.47	77.51	36
4. Morgan Guaranty Trust Co.	71.13	48.68	47
5. Manufacturers Hanover Trust Co.	62.39	41.91	48
6. Chemical New York Bank & Trust Co.	61.06	44.62	38
7. First National Bank of Chicago	45.49	31.85	44
8. Continental Illinois Bank & Trust Co.	50.07	36.14	39
9. Mellon National Bank & Trust Co.	39.08	28.41	39
10. Bankers Trust Co.	47.20	31.23	52
11. Security First National Bank, L.A.	41.30	28.59	45
12. First National Bank of Boston	33.03	21.91	50
13. Wells Fargo Bank, San Francisco	$28.28	$20.39	40
14. Irving Trust Co.	22.27	16.97	31
15. National Bank of Detroit	24.38	18.06	35
16. Crocker-Citizens National Bank [1]	25.84	22.37	16
17. Cleveland Trust Co.	22.22	12.41	82
18. First Pennsylvania Banking & Trust Co.	17.37	10.26	71
19. Harris Trust & Savings Bank, Chicago	13.12	9.03	45
20. Republic National Bank of Dallas	13.26	10.06	32
21. Pittsburgh National Bank	15.08	9.53	57
22. Philadelphia National Bank	13.79	9.86	39
23. Seattle-First National Bank	15.02	10.68	40
24. Detroit Bank & Trust Co.	13.33	9.48	41

See footnote at end of table.

Bank	1967	1963	Increase (percent)
25. First National Bank in Dallas	$11.87	$9.28	28
26. National City Bank of Cleveland	15.23	9.44	62
27. Northern Trust Co., Chicago	11.91	7.51	59
28. Girard Trust Bank	12.89	9.15	41
29. Wachovia Bank & Trust Co	12.34	7.43	66
30. Bank of New York	11.64	6.31	84
31. United States National Bank of Oregon	9.82	7.41	32
32. Manufacturers National Bank of Detroit	9.36	7.43	26
33. Provident National Bank	8.24	5.87	41
34. Franklin National Bank	13.73	10.27	35
35. Fidelity Bank, Philadelphia	10.56	5.42	94
36. Central National Bank of Cleveland	9.28	4.84	92
37. Citizens & Southern National Bank	9.67	5.35	81
38. Bank of California National Association	$6.40	$4.80	33
39. State Street Bank & Trust Co	7.76	5.22	48
40. Valley National Bank of Arizona	9.05	6.65	36
41. Fidelity Union Trust Co	8.52	4.95	72
42. North Carolina National Bank	7.27	4.99	46
43. County Trust Co., White Plains	7.85	5.94	32
44. First National Bank of Atlanta	6.05	4.15	45
45. First National State Bank of New Jersey	6.19	4.41	41
46. Manufacturers & Traders Trust Co	6.11	3.99	53
47. American Fletcher National Bank & Trust Co	6.20	4.05	55
48. American National Bank & Trust Co. of Chicago	6.91	4.25	63
49. American Security & Trust Co	7.72	5.12	51
50. First National Bank of Memphis	5.30	3.25	64

[1] This bank sustained heavy losses on the mass distribution of unsolicited credit cards, many of which came into the hands of poor credit risks and dishonest persons.

RECORD BANK PROFITS

The commercial banking system operated in a much more favorable environment in 1967 than in 1966. Monetary policy was relatively easy, and banks were able to expand their total credit and to recover from the deterioration in liquidity experienced in 1966. Even in the face of near-record rates in the money and capital markets, particularly in the long-term sector, banks recorded increased deposit inflows both in demand and time categories. Under these generally favorable circumstances, Federal Reserve member banks nationwide increased their net current operating earnings by 5 percent and their net income after taxes by 18 percent.

Twelfth District member banks, however, departed somewhat from the national pattern. Their net current operating earnings reached a record $604 million, but this represented only a 1½-percent gain over the 1966 figure. The effects of the favorable financial atmosphere were offset for many major Western banks by sharp increases in costs, related to the introduction of credit-card programs, the installation of second- or third-generation computers, and expanded building programs. On the other hand, District banks' security losses were sharply reduced over the year, and net income after taxes thus soared to $351 million—20 percent above the 1966 figure and 12 percent above the previous (1965) peak.

Loan portfolios, security portfolios, and all other sources of revenue contributed to the 1967 increase in District banks' operating revenues. Even so, this gain exceeded the rise in current expenses by only a small margin. The largest item of bank expense—interest on time deposits—continued its upward trend, but at a decelerated rate. However, wage costs and other miscellaneous costs increased rapidly.

Paradoxically, 1966's poor profit experience was a major contributor to 1967's large net profit, since the heavy capital losses on securities taken by District banks in 1966 (some of which represented shifts in holdings for tax purposes) placed them in a much better position to hold down security losses in the following year. Furthermore, the reinvestment of funds from these earlier sales into higher-yielding issues contributed substantially to 1967's 25-percent increase in security revenues.

HIGHER LOAN INCOME

Current operating revenues of District member banks totaled $2.8 billion in 1967, for a 10-percent increase over the previous (1966) record. Reflecting changes in the financial climate, the revenue "mix" differed markedly from that in the preceding year. Loan income accounted for less than one-half of the gain last year, compared with 80 percent in 1966. But interest from securities made up over one-third of the 1967 revenue increase—in contrast to a mere 7 percent in 1966, when banks reduced their security holdings to obtain funds to meet loan demand.

Last year's rise in loan income was due to a combination of expanded loan portfolios and an increase in the average rate of return. However, the 5-percent expansion in loan volume fell one percent short of the 1966 gain, and the average rate of return on loans rose only 14 basis points—far less than the dramatic 32-basis point increase of the previous year.

The 1967 rise in the average rate of return, to 6.87 percent, developed in the face of two reductions in the prime loan rate. (This rate, offered to key business customers, dropped from 6 to 5¾ percent in late January and to 5½ percent in late March, but then returned again to 6 percent on November 20.) However, banks benefitted from the carryover of loans made in 1966, which bore sharply higher rates than loans made in other recent years.

SOARING SECURITY REVENUE

District member banks added over $2 billion to their security portfolios in 1967 as a result of easing monetary policy and slackened loan demand in the first half of the year. Obviously, this 20-percent increase in holdings was a major cause of the sharply higher earnings from securities. It also was a factor contributing to the increase in net profits, since about three-fourths of the increase in security revenues came from bank portfolios of tax-exempt municipal obligations, which expanded 30 percent last year.

PERCENT CHANGES IN SELECTED EARNINGS AND EXPENSE ITEMS OF 12 DISTRICT MEMBER BANKS

	All		13 largest [1]		Other	
	1966-67	1965-66	1966-67	1965-66	1966-67	1965-66
Earnings on loans	+6.4	+14.4	+6.1	+14.3	+8.2	+14.4
Interest and dividends on securities	+25.3	+5.6	+28.8	+4.0	+12.7	+12.1
U.S. Government	+16.1	−7.0	+18.7	−10.3	+8.1	+4.4
Other	+35.7	+24.6	+38.9	+23.8	+19.0	+28.8
Service charges on deposit accounts	+5.7	+6.9	+4.8	+5.9	+9.4	+11.0
Trust department earnings	+8.5	+8.6	+8.5	+7.5	+8.0	+15.5
Other earnings	+32.3	+24.2	+33.3	+27.6	+21.1	+7.6
Total earnings	+10.0	+12.6	+10.1	+12.3	+9.4	+13.7
Salaries and wages	+9.2	+7.8	+9.3	+7.8	+8.9	+8.0
Interest on time deposits	+14.7	+17.9	+14.7	+17.6	+14.6	+19.7
Other expenses	+11.2	+14.8	+11.6	+15.1	+9.4	+14.0
Total expenses	+12.2	+14.0	+12.5	+13.9	+11.3	+14.6
Net current earnings	+1.6	+7.5	+1.3	+6.9	+2.9	+10.0
Net profits before income taxes	+11.1	−7.0	+12.4	−7.8	+5.9	−3.52
Taxes on net income	−7.9	−9.7	−9.4	−9.3	−2.8	−9.5
Net profit after taxes	+19.8	−6.0	+22.5	−7.2	+9.9	−.4
Cash dividends declared	+10.3	+.5	+11.0	−.2	+6.9	+3.9

[1] Includes all district member banks with total deposits of $500,000,000 and over as of Dec. 30, 1967.

Source: Federal Reserve Bank of San Francisco.

District banks also reaped benefits from the higher yields borne by their 1967 acquisitions and from the earlier restructuring of their portfolios. Banks realized an average yield of 4.56 percent on U.S. Government securities in 1967—64 basis points above their 1966 rate of return—and an average (before-tax) yield on other securities of 3.77 percent—up 35 basis points. In view of these rate developments, it is not surprising that income from securities last year represented a much larger share of total operating earnings of Western banks.

All other itemized sources of income, including earnings from service charges on deposits and trust functions, also rose in 1967. The fastest growing item was "other current revenue," which increased by one-third over the 1966 figure. Profits from foreign branches are included in this category, so the expanded participation of District banks in foreign operations accounts, at least in part, for the large increases reported under this revenue item in recent years.

RAPID TIME-DEPOSIT GROWTH

District bank expenses reached a record $2.5 billion in 1967, for a 12-percent year-to-year increase. Interest expense on time deposits again was the major cost item, as could be expected from the 10-percent increase in the inflow of time-and-savings deposits. But the cost increase could have been even greater; a large share of the inflows went into savings deposits, which earn lower rates than other time deposits, while a slowdown developed in the struggle for deposits through higher-paying certificates which had dominated the two preceding years.

SELECTED RESOURCE AND LIABILITY ITEMS OF ALL MEMBER BANKS, 12TH DISTRICT, DEC. 30, 1967

[In millions of dollars]

	As of Dec. 30, 1967 [1]	As of Dec. 31, 1966	Changes from Dec. 31, 1966	
			Dollars	Percent
Net loans and investments [2]	46,073	42,284	+3,789	+8.96
Loans and discounts, net [2]	32,476	30,931	+1,545	+4.99
Commercial and industrial loans	12,307	11,282	+1,025	+9.09
Agricultural loans	1,326	1,271	+55	+4.33
Real estate loans	9,831	9,535	+296	+3.10
Loans to individuals	6,388	6,074	+314	+5.17
U.S. Government obligations	6,038	5,545	+493	+8.89
Other securities	7,559	5,808	+1,751	+30.15
Total assets	57,246	52,392	+4,854	+9.26
Total deposits	50,778	46,111	+4,667	+10.12
Demand deposits	22,293	20,298	+1,995	+9.83
Total time and savings deposits	28,485	25,813	+2,672	+10.35
Savings	16,260	15,727	+533	+3.39
Other time, IPC	8,022	6,407	+1,615	+25.21
Capital accounts	3,789	3,665	+124	+3.38

[1] Preliminary.

[2] Total loans (including Federal funds sold) minus valuation reserves. Selected loan items which follow are reported gross.

Note: Details may not add to totals due to rounding.

Source: Federal Reserve Bank of San Francisco.

In 1967, the average rate of interest paid by Western banks on their time-and-savings deposits was 4.39 percent—a 21-basic-point increase over the previous year's rate. But this increase fell well below the increases of 26 and 37 basis points, respectively, recorded in the two preceding years. Besides, banks last year benefitted from the fact that the average yield realized on bank holdings of U.S. Government securities exceeded by 17 basis points the average interest paid on deposits.

[From the Bank Stock Quarterly, March 1968]

HOW BANKS ARE DOING

Despite international monetary dislocations, as have not been witnessed since the Thirties, commercial banks are functioning normally, continuing to provide credit and services to the domestic economy. From November 18, 1967 when Great Britain devalued the pound, to March 17 when the seven-nation gold pool stopped selling gold in the London market, the United States gold stock shrank by about $2 billion. On March 18 Congress removed the 25 per cent gold cover from the Federal Reserve note, freeing about $11 billion of gold. This gold now is available to meet claims of foreign central banks at $35.00 an ounce. Removal of the gold cover need not restrict growth of bank credit and expansion of the money supply.

Confidence in the dollar rests on faith in the fiscal integrity and unimpaired credit of the United States Government. At stake is the value of future payments to individuals and families under Social Security, other public and private pension trusts, savings, insurance, and other contractual plans.

The aftermath of sterling's devaluation and the gold run on the dollar finds the bank rate up a full point, to 7½ per cent from 6½ per cent at the Bank of England, while the rate at the Federal Reserve Banks stands at 5 per cent, up from 4 per cent. The British rate was jumped to 8 per cent on November 18, then lowered to 7½ per cent on March 21 with the publication of the Government's new austerity measures. The U.S. rate was raised to 4½ per cent on November 19, and to 5 per cent on March 17. Commercial banks increased their lending rate to prime borrowers to 6 per cent from 5½ per cent on November 20. In the wake of the discount rate changes, all open market rates advanced.

Federal Reserve monetary policy has shifted toward restraint. Reserve requirements against time and savings deposits were increased in January, immobilizing about $550 million of member bank funds. The System has moved the member banks from a $261 million "net free" reserve position in September to an estimated "net borrowed" position of $305 million in March, a swing of $566 million in six months. These and other restrictive actions have slowed the growth of the money supply and the volume of bank reserves, which in the previous 12 months had expanded 6.2 per cent and 9.7 per cent respectively. The Federal Reserve, moving cautiously, has refrained from raising the ceiling on interest rates which commercial banks can pay on time and savings deposits (Regulation Q). Member banks were advised in November that borrowing for purposes of meeting market pressures is a proper use of the discount window.

The demand for the banking industry's product—bank credit and bank services—will continue to grow, and perhaps accelerate. In 1967 bank credit outstanding (total loans and investments) at all commercial banks rose to $358.6 billion, an increase of $36 billion or 11.1 per cent.

Banks are operating in a seller's market. The monetary authorities have turned to tighter credit and toward higher interest rates. The differential between interest earned and interest paid is moving favorably. Customers, anxious to build strong relationships with their banks, are maintaining larger balances. This may explain the rising trend in demand deposits, as evidenced in the New York Clearing House Association figures. Even after imposition of the proposed 10 per cent tax surcharge, the conjunction of a more profitable margin and a rising volume of loans and investments should create opportunities for further gains in bank earnings.

SIXTH CONSECUTIVE INCREASE

Commercial banks are off to a good start for another prosperous year. Combined first quarter net operating earnings of 25 large representative banks—seven in New York City and 18 in other principal centers—are up 12 per cent from the $248 million earned in the corresponding period a year ago. All banks are showing improvement. Individual gains range as high as 20 per cent.

Taken together, earnings for the full year 1968 are forecast, on the basis of prevailing tax rates, at $1,145 million, an increase of $112 million or 10.9 per cent from the $1,032.9 million reported for 1967. In 1967 earnings rose $80.7 million, or 8.3 per cent.

This year's projected earnings for the 25-bank group will mark the sixth consecutive annual increase, a compound growth rate for the 1962–1968 period of 8.8 per cent per annum. Earnings on common capital accounts, the published stockholders' equity, are running at the rate of about 11.8 per cent, up from 11.33 per cent in 1967, and 9.44 per cent in 1962.

Mr. Speaker, on December 6, 1965, the Federal Reserve Board raised interest rates to the highest level in about 40 years.

For the 2-year period since interest rates were increased in 1965, the banks listed by Standard & Poor's, Inc. increased average earnings for 1967 more than 20.5 percent above the average earnings of 1965. This compares with an increase of 2.2 percent in average earnings for the 30 companies listed in the Dow-Jones industrial average for 1967 as compared to 1965.

EARNINGS OF STOCKS LISTED 'N DOW-JONES INDUSTRIAL AVERAGE

[Standard & Poor's May 1968 Stock Guide]

	1963	1964	1965	1966	1967
Allied Chemical	2.58	2.91	3.03	3.25	2.50
Alcoa	2.27	2.72	3.41	4.83	4.88
American Can	2.56	2.70	3.61	4.12	4.18
American Telephone & Telegraph	3.03	3.24	3.41	3.69	3.79
American Tobacco	2.51	2.69	2.88	3.01	3.15
Anaconda	2.08	2.63	3.64	5.99	4.31
Bethlehem Steel	.16	.29	.20	.67	.80
Chrysler	4.23	5.50	5.44	4.16	4.35
Du Pont	10.05	10.03	8.63	8.23	6.58
Eastman Kodak	1.88	2.32	3.07	4.30	4.37
General Electric	3.14	3.25	3.93	3.75	4.01
General Foods	3.33	3.44	3.73	3.93	4.10
General Motors	5.55	6.05	7.41	6.24	5.66
Goodyear	2.32	2.81	3.06	3.31	3.54
International Harvester	2.29	3.39	3.36	3.86	3.31
International Nickel	3.61	4.59	4.85	3.98	4.76
International Paper	1.48	1.85	1.96	2.40	2.03
Johns-Manville	3.25	3.78	4.03	4.50	3.91
Owens-Illinois	2.18	2.73	3.38	3.51	2.92
Procter & Gamble	2.75	2.99	3.06	3.47	4.08
Sears Roebuck	1.72	1.98	2.08	2.38	2.51
Standard Oil of California	4.29	4.60	5.15	4.97	5.22
Standard Oil o New Jersey	4.74	4.87	4.74	5.06	5.54
Swift & Co	1.43	2.09	1.34	1.60	2.20
Texaco	4.24	4.27	4.71	5.12	5.57
Union Carbide	2.66	3.14	3.76	3.97	2.82
United Aircraft	2.08	2.82	4.33	4.01	4.80
United States Steel	3.30	3.91	4.62	4.60	3.19
Westinghouse Electric	1.28	2.05	2.88	3.16	3.21
Woolworth	1.75	1.99	2.41	2.34	2.29
Total	88.74	101.63	112.11	118.41	114.58

For the 2-year period since the Federal Reserve Board increased interest rates on December 6, 1965, the 105 utilities listed by Standard & Poor's, Inc., had an average gain of only 10.6 percent for 1967 over 1965 earnings. The earnings gain for these same utilities for 1965 over 1963 had been 17.4 percent, which covered the period immediately prior to the effect of the interest increases on December 6, 1965.

EARNINGS OF UTILITY STOCKS LISTED BY STANDARD AND POOR'S, INC.

	1963	1964	1965	1966	1967
Arizona Public Service	1.49	1.52	1.34	1.41	1.50
Arkansas-Missouri Power	.62	.72	.80	.74	.71
Baltimore Gas & Electric	1.63	1.78	1.99	2.10	2.21
Bangor Hydro-Electric	1.30	1.38	1.50	1.62	1.62
Black Hills Power & Light	2.67	2.44	2.64	2.71	2.69
Boston Edison	2.08	2.22	2.35	2.57	2.82
Carolina Power & Light	1.41	1.60	1.80	1.87	1.91
Central Hudson Gas & Electric	1.70	1.82	1.95	2.08	2.21
Central Illinois Light	1.19	1.45	1.60	1.68	1.78
Central Illinois Public Service	1.22	1.33	1.42	1.50	1.59
Central Louisiana Electric	.79	.90	1.00	1.08	1.14
Central Maine Power	1.15	1.23	1.38	1.41	1.51
Central Vermont Public Service	1.47	1.62	1.62	1.65	1.84
Cincinnati Gas & Electric	1.29	1.53	1.72	1.84	1.98
Citizens Utilities	.69	.89	1.03	1.15	1.25
Cleveland Electric Illuminating	1.81	1.98	2.26	2.50	2.63
Columbus & Southern Ohio Electric	1.90	2.04	2.31	2.42	2.55
Commonwealth Edison	2.26	2.41	2.61	2.82	2.98
Community Public Service	1.86	2.20	2.14	1.99	1.85
Consolidated Edison	2.09	2.21	2.42	2.31	2.58
Consumers Power	1.98	2.24	2.58	2.81	2.87
Dayton Power & Light	1.45	1.61	1.74	1.92	2.15
Delmarva Power & Light	1.11	1.20	1.38	1.42	1.45
Detroit Edison	1.60	1.80	2.00	2.15	2.07
Duke Power	1.33	1.48	1.66	1.72	1.85
Duquesne Light	1.70	1.81	1.91	2.00	2.08
Eastern Utilities Association	1.52	1.54	1.70	1.88	2.01
El Paso Electric	.73	.77	.87	.91	.92
Empire District Electric	1.70	1.82	1.95	2.07	2.17
Fitchburg Gas & Electric Light	3.60	3.84	4.05	4.22	4.33
Florida Power	1.59	1.77	1.99	2.12	2.27
Florida Power & Light	2.54	2.83	2.87	3.29	3.26
Green Mountain Power	1.05	1.16	1.26	1.29	1.33
Gulf States Utilities	.82	.89	1.01	1.15	1.19
Hawaiian Electric	1.21	1.39	1.37	1.63	1.70
Houston Light & Power	1.54	1.70	1.99	2.01	2.00
Idaho Power	1.50	1.69	1.84	2.05	2.10
Illinois Power	1.80	1.98	2.12	2.25	2.41
Indianapolis Power & Light	1.57	1.60	1.79	2.08	2.12
Interstate Power	1.30	1.43	1.44	1.61	1.54
Iowa Electric Light & Power	1.51	1.60	1.80	1.90	1.90
Iowa-Illinois Gas & Electric	1.51	1.76	1.87	1.95	1.90
Iowa Power & Light	1.74	1.92	2.08	2.20	2.32
Iowa Public Service	1.53	1.67	1.84	2.00	1.93
Iowa Southern Utilities	1.40	1.53	1.76	1.98	2.28
Kansas City Power & Light	2.14	2.27	2.34	2.47	2.54
Kansas Gas & Electric	1.71	1.79	1.84	1.96	2.06
Kansas Power & Light	1.35	1.50	1.58	1.69	1.71
Kentucky Utilities	1.67	1.87	2.06	2.24	2.29
Lake Superior District Power	1.73	1.78	1.85	1.95	2.01
Long Island Lighting	1.35	1.45	1.56	1.67	1.80
Louisville Gas & Electric	1.60	1.75	1.87	2.08	2.16
Madison Gas & Electric	1.14	1.20	1.27	1.14	1.15
Minnesota Power & Light	1.36	1.53	1.56	1.69	1.69
Missouri Public Service	1.08	1.19	1.31	1.48	1.57
Missouri Utilities	1.45	1.65	1.61	1.72	1.95
Montana-Dakota Utilities	2.08	2.03	2.34	2.45	2.37
Montana Power	1.86	1.95	2.08	2.20	2.10
Nevada Power	1.45	1.78	1.86	2.02	2.20
Newport Electric	1.11	1.33	1.76	1.40	1.49
New York State Electric & Gas	2.38	2.52	2.79	2.91	2.98
Niagara Mowhawk Power	1.39	1.42	1.58	1.59	1.69
Northeast Utilities	.92	1.02	1.06	1.10	1.20
Northern Indiana Public Service	1.10	1.21	1.40	1.55	1.70
Northern States Power	1.79	1.90	1.94	2.05	2.11
Northwestern Public Service	1.50	1.90	1.97	2.09	1.90
Ohio Edison	1.33	1.47	1.64	1.74	1.88
Oklahoma Gas & Electric	1.06	1.16	1.30	1.35	1.32
Orange & Rockland Utilities	1.02	1.18	1.32	1.43	1.52
Otter Tail Power	1.47	1.72	1.68	1.77	1.81
Pacific Gas & Electric	1.70	1.87	2.08	2.23	2.49
Pacific Power & Light	1.34	1.49	1.50	1.53	1.53
Pennsylvania Power & Light	1.83	1.91	2.02	2.14	2.17
Philadelphia Electric	1.69	1.79	1.92	2.08	2.13
Portland General Electric	1.22	1.43	1.24	1.44	1.53
Potomac Electric Power	1.12	1.16	1.31	1.28	1.38
Public Service of Colorado	1.23	1.34	1.40	1.52	1.57
Public Service of Indiana	1.76	2.03	2.31	2.57	2.60
Public Service of New Hampshire	1.55	1.63	1.72	1.82	2.03
Public Service of New Mexico	1.25	1.33	1.46	1.55	1.67
Public Service Electric & Gas	1.96	2.06	2.23	2.39	2.54
Puget Sound Power & Light	1.80	1.95	2.05	2.17	2.30
Rochester Gas & Electric	1.87	2.02	2.04	2.10	2.24
St. Joseph Light & Power	1.20	1.17	1.24	1.39	1.46
San Diego Gas & Electric	1.07	1.19	1.28	1.39	1.56
Savannah Electric & Power	1.01	1.23	1.33	1.26	1.25
Sierra Pacific Power	.76	.83	.88	.97	1.05
South Carolina Electric & Gas	1.24	1.37	1.47	1.60	1.70
Southern California Edison	1.80	1.90	2.08	2.24	2.39
Southern Indiana Gas & Electric	1.59	1.81	2.19	2.49	2.56
Southwestern Electric Service	1.09	1.13	1.16	1.21	1.22
Southwestern Public Service	.71	.76	.77	.74	.73
Tampa Electric	.83	.87	1.02	1.21	1.27
Toledo Edison	1.62	1.78	1.96	2.18	2.28
Tucson Gas, Electric & Power	.70	.77	.82	.90	.93
Union Electric Co	1.33	1.35	1.42	1.53	1.60
United Illuminating	2.10	2.12	2.26	2.46	2.66
Upper Peninsula Power	1.44	1.84	2.04	2.22	2.12
Utah Power & Light	2.02	2.13	2.23	2.39	2.43
Virginia Electric & Power	1.20	1.29	1.46	1.55	1.61
Washington Water Power	1.28	1.34	1.39	1.48	1.58
Western Power & Gas	.89	1.00	1.08	1.24	1.20
Wisconsin Electric Power	1.55	1.64	1.96	2.02	2.07
Wisconsin Power & Light	1.26	1.31	1.44	1.54	1.73
Wisconsin Public Service	1.33	1.33	1.45	1.49	1.57
Total	155.33	169.04	182.43	194.12	201.85

EARNINGS OF BANKS FOR YEARS 1963 THROUGH 1967

[Standard & Poor's Stock Guide for May 1968]

Banks	1963	1964	1965	1966	1967
American Bank & Trust of Pennsylvania	2.25	2.26	2.64	2.84	3.13
American Fletcher National Bank & Trust	3.26	3.52	4.19	4.61	4.95
American National Bank & Trust (Chicago)	2.84	3.18	3.68	4.37	4.61
Arizona Bank	1.43	1.62	1.70	2.02	2.18
Bank of America N.T. & S.A. (California)	3.18	3.50	3.57	4.15	4.57
Bank of California N.A	3.04	3.25	3.32	3.59	3.38
Bank of Commonwealth (Detroit)	1.26	1.15	1.44	2.18	2.79
Bank of Hawaii	2.54	2.87	2.85	3.43	3.80
Bank of New York	4.21	4.71	5.29	6.05	6.48
Bankers Trust New York Corp	3.44	3.81	4.33	4.86	5.13
Boatmen's National Bank, St. Louis	2.38	2.60	2.86	3.10	2.94
Camden Trust Co	3.85	3.44	3.50	3.29	3.49
Central National Bank Cleveland	2.46	2.65	3.08	3.79	4.28
Central Penn National Bank (Philadelphia)	3.92	4.12	4.60	4.63	4.81
Charter New York Corp	3.00	3.10	3.04	3.15	3.55
Chase Manhattan Bank (New York)	3.70	4.04	4.40	4.71	5.03
Chemical Bank New York Trust Co	3.47	3.90	4.01	4.14	4.65
Cleveland Trust Co	6.21	6.79	8.09	10.19	11.11
Continental Bank & Trust (Norristown)	2.36	1.83	1.91	2.20	2.46
Continental Illinois National Bank & Trust	2.15	2.41	2.59	2.92	2.98
County Trust Co	3.01	2.97	2.92	2.96	3.15
Crocker-Citizens National Bank	2.16	2.25	2.29	2.48	2.50
Detroit Bank & Trust Co	4.46	4.78	5.12	5.86	6.12
Fidelity Bank	5.33	5.78	6.33	7.36	8.27
Fidelity Union Trust Co	3.81	4.33	4.71	4.66	5.33
First Bancorporation	.59	.64	.69	.71	.66
First Camden National Bank & Trust	3.49	3.56	3.74	4.03	4.40
First & Merchants National Bank (Richmond)	2.51	2.88	3.23	3.62	3.78
First National Bank of Atlanta	2.89	3.15	3.65	4.33	4.21
First National Bank of Boston	3.65	4.05	4.41	5.08	5.51
First National Bank of Chicago	3.19	3.56	3.99	4.48	4.55
First National Bank of Dallas	2.11	2.24	2.25	2.36	2.70
First National Bank of Hawaii	3.37	3.62	3.96	4.57	5.03
First National Bank of Maryland	3.41	3.90	4.39	4.94	5.28
First National Bank of Memphis	2.17	2.39	2.52	2.94	3.54
First National Bank of Oregon	2.44	2.80	2.78	3.28	3.43
First National Bank of St. Louis	2.89	3.26	3.40	3.69	3.98
First National City Bank (New York)	2.95	3.26	3.52	3.94	4.22
First National State Bank of New Jersey	3.06	3.19	3.20	3.22	3.48
First Pennsylvania Banking & Trust	2.07	2.33	2.62	2.94	3.38
Franklin National Bank	2.85	2.53	2.64	3.18	3.45
Girard Trust Bank Philadelphia	3.61	3.99	4.27	4.70	5.04
Harris Trust & Savings (Chicago)	3.62	3.93	4.32	5.49	5.25
Hibernia National Bank New Orleans	2.39	2.73	3.04	3.71	4.11
Indiana National Bank of Indianapolis	3.40	3.87	4.20	4.71	4.96
Industrial National Bank of Rhode Island	3.24	3.29	3.55	4.17	4.82
Manufacturers Hanover Trust	3.20	3.55	3.58	3.99	4.46
Manufacturers National Bank, Detroit	4.80	5.09	5.12	5.45	5.47
Manufacturers & Traders Trust	1.58	1.73	1.99	2.17	2.35
Maryland National Bank	3.07	3.43	4.08	4.86	5.58
Mellon National Bank & Trust	4.27	4.82	5.26	5.58	5.87
Mercantile Trust N.A. (St. Louis)	1.97	2.31	2.63	3.00	3.29
Michigan National Bank	2.48	2.09	3.03	2.63	2.75
Morgan Guaranty Trust	5.34	5.98	6.55	7.02	7.80
National Bank of Commerce, New Orleans	2.57	2.60	3.19	3.47	3.55
National Bank of Detroit	3.77	4.14	4.28	4.92	5.08
National Bank of Tulsa	3.15	3.02	3.32	3.56	4.00
National Bank of Westchester	1.24	1.23	1.39	1.46	1.70
National City Bank (Cleveland)	2.93	3.24	3.74	4.40	4.71
National Newark & Essex Bank	2.72	2.98	3.48	3.98	4.22
New England Merchants National Bank, Boston	2.75	3.25	3.18	3.83	4.07
North Carolina National Bank	1.81	1.97	2.10	2.42	2.53
Northern Trust (Chicago)	5.01	5.62	6.23	7.60	7.94
Peoples Trust, Bergen County	1.47	1.89	2.25	2.70	3.13
Philadelphia National Bank	3.75	3.99	4.32	4.86	5.20
Pittsburgh National Bank	3.15	3.55	3.91	4.50	4.97
Provident National Bank	5.30	5.18	6.02	6.36	6.71
Republic National Bank (Dallas)	1.44	1.24	1.43	1.48	1.69
Riggs National Bank of Washington, D.C	4.04	4.65	5.25	5.86	6.22
Seattle-First National Bank	2.37	2.54	2.65	2.99	3.34
Security First National Bank, Los Angeles	2.18	2.63	2.62	3.01	3.15
Security National Bank of Long Island	1.47	1.78	2.07	2.40	2.58
State Street Bank & Trust	2.73	3.10	3.55	3.40	3.87
Trust Co. of New Jersey	.96	1.01	1.09	1.25	1.37
Union Commerce Bank (Cleveland)	2.75	3.09	3.48	3.92	4.07
U.S. National Bank of Oregon	2.27	2.15	2.42	2.54	2.71
Valley National Bank of Arizona	.83	.95	1.01	1.10	1.13
Virginia National Bank	2.05	2.25	2.35	2.62	2.94
Wachovia Bank & Trust	1.58	1.90	2.12	2.39	2.55
Wells Fargo Bank	2.30	2.68	2.61	3.04	3.17
Western Pennsylvania National Bank	1.87	1.92	1.72	1.92	2.11
Total	234.79	253.58	276.85	310.31	333.75

BANK EARNINGS FOR 1ST QUARTER OF 1968 COMPARED WITH 1ST QUARTER 1967

[Data Digests, Inc., May 1968]

Banks	1st quarter 1968	1st quarter 1967
Bank of New York	$1.64	$1.44
Bankers Trust New York	1.44	1.25
Charter New York	.92	.82
Chase Manhattan	1.43	1.23
Chemical Bank New York Trust	1.28	1.13
First National City	1.25	1.08
Franklin National	.96	.87
Manufacturers Hanover	1.20	1.06
Morgan Guaranty	2.21	1.91
United States Trust	1.28	1.21
First National (Boston)	1.51	1.38
New England Merchants	1.08	.89
State Street Bank & Trust	1.17	.98
Continental Illinois National	.80	.75
First National (Chicago)	1.30	1.10
Harris Trust & Savings	1.26	1.25
Northern Trust	2.12	1.96
Central National	1.04	.98
Cleveland Trust	3.04	2.73
National City	1.23	1.11
Union Commerce Bank	1.05	.96
Detroit Bank & Trust	1.55	1.52
Manufacturers National	1.30	1.31
National Bank of Detroit	1.35	1.25
Bank of America N.T. & S.A	1.15	1.02
Bank of California N.A	.88	.85
Crocker-Citizens	.65	.53
Seattle-First National	.88	.81
Security-First National	.85	.77
Union Bancorp	.76	.58
U.S. National Oregon	.66	.58
Valley National (Phoenix)	.29	.27
Wells Fargo Bank	.79	.71
Fidelity Bank	2.29	2.16
First Pennsylvania Banking	.91	.83
Girard Trust Bank	1.35	1.11
Philadelphia National	1.36	1.30
Provident National	1.66	1.63
Bank of S.W.N.A. (Houston)	.78	.70
First National (Dallas)	.74	.64
Republic National (Dallas)	.45	.38
American Fletcher (Indianapolis)	1.20	1.19
Citizens & Southern (Georgia)	.72	.59
Connecticut Bank & Trust (Hartford)	1.42	1.29
County Trust (White Plains)	.82	.76
Fidelity Union Trust (Newark)	1.35	1.22
1st & Merchants (Richmond)	.93	.93
First National (Atlanta)	1.07	1.00
First National (Maryland)	1.41	1.24
First National (St. Louis)	1.07	.98
1st National State (Newark)	.90	.78
Hartford National	.77	.71
Indiana National Bank	1.06	1.27
Industrial National (Providence)	1.21	1.15
Lincoln First Group	.86	.83
Manufacturers & Traders (Buffalo)	.55	.53
Maryland National Bank	1.48	1.33
Mellon National (Pittsburgh)	1.56	1.37
Merchantile Trust (St. Louis)	.81	.77
North Carolina National	.74	.62
Pittsburgh National	1.31	1.24
Riggs National (Washington, D.C.)	1.60	1.43
Union Trust (Maryland)	2.24	2.01
Wachovia Bank and Trust	.71	.63
Total	75.65	68.91

L. MENDEL RIVERS DAY IN GREENVILLE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record an include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, although the city of Greenville is more than 200 miles from his native Charleston, it was "L. Mendel Rivers Day" in Greenville on Armed Forces Day, Saturday, May 18.

Among the many distinguished visitors from Washington and throughout the Nation who came to Greenville to honor Mr. Rivers were Lt. Gen. Lewis B. Hershey, Director, Selective Service System, and our able and distinguished native son, Lt. Gen. James M. Masters, Commandant, Marine Corps Schools, Quantico, Va.

His Excellency, Mayor David Traxler, declared Armed Forces Day in Greenville "L. Mendel Rivers Day" by proclamation. The General Assembly of South Carolina adopted a resolution authored by the capable and charming Mrs. Caroline Frederick, representative from Greenville County, declaring it "L. Mendel Rivers Day" in the entire State of South Carolina.

Mr. Speaker, the following text of the resolution is a great tribute to our friend and beloved chairman of the great Committee on Armed Services:

Concurrent Resolution

Concurrent resolution declaring May 18, 1968, nationally recognized Armed Forces Day, as L. Mendel Rivers Day in South Carolina

Whereas, May 18, 1968, is nationally recognized as Armed Forces Day, and

Whereas, the State of South Carolina is honored to have the distinguished Statesman, L. Mendel Rivers, as Chairman of the Armed Services Committee of the United States House of Representatives; and

Whereas, Congressman Rivers exerts as much influence over the Armed Forces of the United States as any person; and

Whereas, recognition should be given this outstanding American of which all South Carolinians are so justly proud, now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That May 18th, 1968, nationally recognized as Armed Forces Day, is hereby declared and designated to be L. Mendel Rivers Day in South Carolina. Be it further resolved that a copy of this Resolution be sent to the Honorable Mr. Rivers.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the South Carolina House of Representatives, and concurred in by the Senate.

Inez Watson,
Clerk of the House.

SUPPORT FOR COOPERATIVE EDUCATION PROGRAMS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, because of my personal acquaintance with many industrial and educational leaders who desire to see cooperative education programs established and expanded by the universities and colleges in this country, I have submitted an amendment to the Higher Education Amendments of 1968, bill H.R. 10567 to add a new part providing support for cooperative education programs.

Leaders of education have testified before the House Special Subcommittee on Education of the Committee on Education and Labor. I note with pride that among those who have testified in regard to the need for expanded work-study cooperative education programs is Dr. John S. Allen, president of the University of South Florida, which is located in my district and has a most useful and successful program allowing students to alternate their academic work with full-time jobs that are educationally related to their academic fields. My own experience has shown me how valuable this can be to our youth. For the past 6 years, I have had two University of South Florida political science students assisting me in my office during their cooperative education work periods. When these periods end, they are replaced by two more students with political science majors. I am benefited by their help and they have the advantage of seeing first hand some of the real problems of self-government.

President Allen of the University of South Florida told our committee:

> I urge your support of amendments to the Higher Education Act which would give assistance to furthering the cooperative education movement. It is my belief we have not fully recognized the opportunities for education offered through the cooperative education programs, a plan whereby students alternate between terms of campus study and terms in paid professional training programs in their area of professional interest.
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> The University of South Florida is a comparatively new university as we opened our doors to our first class on September 26, 1960. Before we opened our doors, it was my belief we should have a cooperative education program, one that would be available to every student desiring to participate.
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> I had observed other cooperative education programs in previous years and noted that this plan gave a student an excellent opportunity of blending theory and practice and that when the hand and the mind are educated together the knowledge is never forgotten. I believe the cooperative education plan has the potentiality for increasing the meaningfulness of what the student studies on campus and what he observes while on the job. I believe, too, that cooperative education programs convey a distinctive role to an institution, contributing to the institution's personality. And as one of our deans at South Florida has said. "A student in a university who is isolated from life is not likely to learn how to cope with and improve upon his society." Cooperative education, therefore, is a worthy plan of education even without its monetary value. The income to the student, which is taxable income, is not only a fringe benefit but the means by which many of our students are able to continue their studies at the University as the Florida West Coast is an area where people have modest incomes.
>
> At the University of South Florida, as well as in selected areas of the other universities in Florida's university system, we have found cooperative education extremely useful. At South Florida, we have found it useful in nearly all disciplines in all colleges—the College of Liberal Arts, the College of Business Administration, the College of Education, and the College of Engineering.
>
> While we currently have more than 300 students in our Cooperative Education Program, more than 3 per cent of our full-time equivalent enrollment, only the need for additional finances prevents us from developing more positions with additional employers increasing the size of this program to at least 10 per cent of our enrollment and probably more.
>
> We believe a cooperative education program should not merely place the student in a job but place him in a position in his area of professional interest where he can work with others who serve as his field faculty in his area of study. This means that very few college and university co-op programs can serve the student's best interest by being only local in nature. Our 300 plus co-op students are assigned training positions with business, industrial and governmental employers in 17 states and the District of Columbia. There are more than 30 of our University of South Florida cooperative educa-

tion students here in Washington today, two of them with Congressman Gibbons' office, who are productive in their assignments with their employers and earning taxable income which produces an average of more than $250 in Federal Income Taxes per student per year. None of them receive any money from financial aid programs while on these training assignments except for Veterans receiving VA benefits.

President Allen goes on in his statement to emphasize the educational advantages:

> I believe one of the best ways to evaluate a program is by testing the product. In a recent survey among those who had taken the cooperative education route at the University of South Florida, we found that the students really believe in cooperative education. The comments of the students were most gratifying. Of the survey sample, 100 per cent said they would take the Co-op route again if entering the University and would advise others to do as well. They pointed out a number of specific things that made them rate cooperative education most highly. Points upon which they placed extreme value included: Learning to get along with people, learning the responsibility of living on their own, making valuable contacts, and getting a running start in their professional careers both from an experience and income standpoint, building contracts and references which helped them get into graduate programs, and the satisfaction they earned all or part of their educational expenses while attending the University. To many, this latter point brought a high degree of self-satisfaction, knowing they had paid their way and did not have to turn to any financial aid program.

I turn from these important educational considerations to some of the economic facts about cooperative education.

The dollar figures which are proposed in the amendment that I am introducing are modest. But this proposed amendment to the Higher Education Act for expanding cooperative education programs would have significant results.

Let me detail the following facts:

First. At the present time in 1968 there are 61,000 students in cooperative education programs in 119 colleges, universities, and community colleges earning $104,000,000 this year in their full-time jobs in the alternative full-time work periods away from the classroom. I point out that they pay at least 10 percent of this total in taxes to the Federal and State Governments. The remainder of this $104,000,000 pays for all or most of the cost of their education this year.

Second. This proposed amendment would enable more than 400 additional institutions of higher learning to move vigorously into programs of cooperative education and offer the opportunity for an additional 250,000 students to become part of this educationally valuable program. Institutions could receive grants of up to $75,000 a year to arrange and establish programs of cooperative education for their students. As a consequence, total annual student-earned income from cooperative jobs would amount to the impressive sum of over $500,000,000 a year, 6 to 8 years from now.

The expansion which would be made possible by this proposed amendment would result in about 5 percent of the total of college and university students participating in cooperative education programs.

I also wish to emphasize strongly the inherent advantages of greater efficiency in the use of the capital facilities of colleges and universities that adopt programs of cooperative education. With the same classroom, laboratory, dormitory, and student facilities the institution is able to serve two alternating student bodies. Joined with a 12-month use of the facilities through each school year we can achieve the most efficient service and use from our investment in our higher education plant.

I sincerely hope that the House will have the opportunity to take action on this most significant means of assistance to high education.

In conclusion, Mr. Speaker, I ask unanimous consent that there may be printed in the Record a summary of proposed amendments to H.R. 15067 to authorize Federal assistance in the development and carrying out of programs of cooperative education:

Summary of Proposed Amendments to H.R. 15067 To Authorize Federal Assistance in the Development and Carrying Out of Programs of Cooperative Education

The proposed amendments to H.R. 15067, the Higher Education Amendments bill of 1968, would add a new part D to title IV (Student Assistance) of the Higher Education Act of 1965 to authorize the Commissioner of Education to make (1) grants to institutions of higher education (not in excess of $75,000 to any one institution for any fiscal year) to plan, establish, expand, or carry out programs of "cooperative education" under which students would alternate periods of full-time academic study with periods of full-time public or private employment, and (2) grants to, or contracts with, such institutions, or (as variously provided) other public or private organizations, for the training of persons in the planning and operation of cooperative education programs, or for research into methods of improving, developing, or promoting the use of such programs in institutions of higher education.

Employment under these programs would be designed to provide students not only with financial assistance for continuing their education but also with work experience related to their courses of study. However, grants would not be available for compensation of students for their employment by employers participating in the programs.

In developing criteria for approval of cooperative education grants, the Commissioner would be required to consult with the Advisory Council on Financial Aid to Students to be established by title IV of H.R. 15067.

There would be authorized to be appropriated $8 million for fiscal 1969, $10 million for fiscal 1970, $12 million for fiscal 1971, and $15 million for each of the fiscal years 1972 and 1973, for cooperative education grants, and $750,000 per fiscal year, 1969 through 1973, for training and research grants and contracts.

These amendments would supersede § 409 (b) of the Higher Education Act of 1965, as proposed to be added by H.R. 15067, which would have authorized institutions of higher education to use a portion of their work-study allocation to pay administrative costs of developing or carrying out programs of cooperative education. The present proposal, like the one to be superseded, includes accredited proprietary institutions within the definition of "institution of higher education".

ARTICLES BY RAY McHUGH, WRITTEN DURING RECENT TRIP TO THE MEDITERRANEAN AND THE MIDDLE EAST

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include a series of articles.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I include for printing in the Record a series of articles written by Mr. Ray McHugh, the bureau chief of the Copley News Service here in Washington, during his recent trip to the Mediterranean and the Middle East:

(Editor's Note.—International eyebrows never have been lifted higher than by the drifting apart of once-close America and France. The writer examines the depth of the split in the following story.)

(By Ray McHugh)

Paris.—Like a beautiful but selfish paramour, France displays more disbelief than dismay at the collapse of her 200-year transatlantic love affair with the United States.

The dismay, however, may soon take over. Even the arrival of a handsome new Ambassador from Washington with the glamor of the Kennedy family circle cannot hide the creeping truth.

Sargent Shriver and his wife Eunice, sister of the late President John F. Kennedy, will soon move into the big embassy on the Place de la Concorde, but they won't be followed by the usual millions of summertime American tourists.

Already the grand hotels and the shops along the Champs Elysees wear a worried look. Reservation lists are short. Rooms are plentiful. Even some prices have been cut. More than 400 Paris businessmen attended a recent discussion of Franco-American relations sponsored by the American Cultural Institute.

"They left with long faces," said one of the speakers, Pierre Emannueli, Secretary-General of the French Atlantic Association, a stubborn defender of the North Atlantic Treaty Organization.

"The realization comes hard," he added. "For years those of us who frequently visit the United States have warned what was happening, but few would listen.

"Our friendship with the United States was above politics, they thought. De Gaulle was perhaps difficult, but the Americans would understand."

Today the Frenchman in the street is beginning to realize that something serious has gone wrong. Today it is the Frenchman, not the American, who brings up LaFayette or 1917 or 1944 in conversations with U.S. newsmen.

French exports to the United States fell in 1967 while other members of the European Common Market increased their Yankee markets. Sales for the first three months of 1967 are reported "disastrous" by a high French trade official. Tourist experts are warning that American travel to France this year may be off as much as 60 percent.

The undeclared boycott of French goods on "Main Street" by angry private U.S. citizens is being felt, but is still not admitted by French officials. Premier Georges Pompidou complained the other day that the U.S. Government "had to do something." President Charles de Gaulle is obviously not going to admit that his policies and high-handed insults and his refusal to cooperate in defense of the dollar have chilled the old romance.

BANK EARNINGS FOR 1ST QUARTER OF 1968 COMPARED WITH 1ST QUARTER 1967

[Data Digests, Inc., May 1968]

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L. MENDEL RIVERS DAY IN GREENVILLE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD an include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, although the city of Greenville is more than 200 miles from his native Charleston, it was "L. Mendel Rivers Day" in Greenville on Armed Forces Day, Saturday, May 18.

Among the many distinguished visitors from Washington and throughout the Nation who came to Greenville to honor Mr. RIVERS were Lt. Gen. Lewis B. Hershey, Director, Selective Service System, and our able and distinguished native son, Lt. Gen. James M. Masters, Commandant, Marine Corps Schools, Quantico, Va.

His Excellency, Mayor David Traxler, declared Armed Forces Day in Greenville "L. Mendel Rivers Day" by proclamation. The General Assembly of South Carolina adopted a resolution authored by the capable and charming Mrs. Caroline Frederick, representative from Greenville County, declaring it "L. Mendel Rivers Day" in the entire State of South Carolina.

Mr. Speaker, the following text of the resolution is a great tribute to our friend and beloved chairman of the great Committee on Armed Services:

CONCURRENT RESOLUTION

Concurrent resolution declaring May 18, 1968, nationally recognized Armed Forces Day, as L. Mendel Rivers Day in South Carolina

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Whereas, Congressman Rivers exerts as much influence over the Armed Forces of the United States as any person; and

Whereas, recognition should be given this outstanding American of which all South Carolinians are so justly proud, now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

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I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the South Carolina House of Representatives, and concurred in by the Senate.

INEZ WATSON,
Clerk of the House.

SUPPORT FOR COOPERATIVE EDUCATION PROGRAMS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

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Mr. GIBBONS. Mr. Speaker, because of my personal acquaintance with many industrial and educational leaders who desire to see cooperative education programs established and expanded by the universities and colleges in this country, I have submitted an amendment to the Higher Education Amendments of 1968, bill H.R. 10567 to add a new part providing support for cooperative education programs.

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> I urge your support of amendments to the Higher Education Act which would give assistance to furthering the cooperative education movement. It is my belief we have not fully recognized the opportunities for education offered through the cooperative education programs, a plan whereby students alternate between terms of campus study and terms in paid professional training programs in their area of professional interest.
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> The University of South Florida is a comparatively new university as we opened our doors to our first class on September 26, 1960. Before we opened our doors, it was my belief we should have a cooperative education program, one that would be available to every student desiring to participate.
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> At the University of South Florida, as well as in selected areas of the other universities in Florida's university system, we have found cooperative education extremely useful. At South Florida, we have found it useful in nearly all disciplines in all colleges—the College of Liberal Arts, the College of Business Administration, the College of Education, and the College of Engineering.
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tion students here in Washington today, two of them with Congressman Gibbons' office, who are productive in their assignments with their employers and earning taxable income which produces an average of more than $250 in Federal Income Taxes per student per year. None of them receive any money from financial aid programs while on these training assignments except for Veterans receiving VA benefits.

President Allen goes on in his statement to emphasize the educational advantages:

> I believe one of the best ways to evaluate a program is by testing the product. In a recent survey among those who had taken the cooperative education route at the University of South Florida, we found that the students really believe in cooperative education. The comments of the students were most gratifying. Of the survey sample, 100 per cent said they would take the Co-op route again if entering the University and would advise others to do as well. They pointed out a number of specific things that made them rate cooperative education most highly. Points upon which they placed extreme value included: Learning to get along with people, learning the responsibility of living on their own, making valuable contacts, and getting a running start in their professional careers both from an experience and income standpoint, building contracts and references which helped them get into graduate programs, and the satisfaction they earned all or part of their educational expenses while attending the University. To many, this latter point brought a high degree of self-satisfaction, knowing they had paid their way and did not have to turn to any financial aid program.

I turn from these important educational considerations to some of the economic facts about cooperative education.

The dollar figures which are proposed in the amendment that I am introducing are modest. But this proposed amendment to the Higher Education Act for expanding cooperative education programs would have significant results.

Let me detail the following facts:

First. At the present time in 1968 there are 61,000 students in cooperative education programs in 119 colleges, universities, and community colleges earning $104,000,000 this year in their full-time jobs in the alternative full-time work periods away from the classroom. I point out that they pay at least 10 percent of this total in taxes to the Federal and State Governments. The remainder of this $104,000,000 pays for all or most of the cost of their education this year.

Second. This proposed amendment would enable more than 400 additional institutions of higher learning to move vigorously into programs of cooperative education and offer the opportunity for an additional 250,000 students to become part of this educationally valuable program. Institutions could receive grants of up to $75,000 a year to arrange and establish programs of cooperative education for their students. As a consequence, total annual student-earned income from cooperative jobs would amount to the impressive sum of over $500,000,000 a year, 6 to 8 years from now.

The expansion which would be made possible by this proposed amendment would result in about 5 percent of the total of college and university students participating in cooperative education programs.

I also wish to emphasize strongly the inherent advantages of greater efficiency in the use of the capital facilities of colleges and universities that adopt programs of cooperative education. With the same classroom, laboratory, dormitory, and student facilities the institution is able to serve two alternating student bodies. Joined with a 12-month use of the facilities through each school year we can achieve the most efficient service and use from our investment in our higher education plant.

I sincerely hope that the House will have the opportunity to take action on this most significant means of assistance to high education.

In conclusion, Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD a summary of proposed amendments to H.R. 15067 to authorize Federal assistance in the development and carrying out of programs of cooperative education:

SUMMARY OF PROPOSED AMENDMENTS TO H.R. 15067 TO AUTHORIZE FEDERAL ASSISTANCE IN THE DEVELOPMENT AND CARRYING OUT OF PROGRAMS OF COOPERATIVE EDUCATION

The proposed amendments to H.R. 15067, the Higher Education Amendments bill of 1968, would add a new part D to title IV (Student Assistance) of the Higher Education Act of 1965 to authorize the Commissioner of Education to make (1) grants to institutions of higher education (not in excess of $75,000 to any one institution for any fiscal year) to plan, establish, expand, or carry out programs of "cooperative education" under which students would alternate periods of full-time academic study with periods of full-time public or private employment, and (2) grants to, or contracts with, such institutions, or (as variously provided) other public or private organizations, for the training of persons in the planning and operation of cooperative education programs, or for research into methods of improving, developing, or promoting the use of such programs in institutions of higher education.

Employment under these programs would be designed to provide students not only with financial assistance for continuing their education but also with work experience related to their courses of study. However, grants would not be available for compensation of students for their employment by employers participating in the programs.

In developing criteria for approval of cooperative education grants, the Commissioner would be required to consult with the Advisory Council on Financial Aid to Students to be established by title IV of H.R. 15067.

There would be authorized to be appropriated $8 million for fiscal 1969, $10 million for fiscal 1970, $12 million for fiscal 1971, and $15 million for each of the fiscal years 1972 and 1973, for cooperative education grants, and $750,000 per fiscal year, 1969 through 1973, for training and research grants and contracts.

These amendments would supersede § 409 (b) of the Higher Education Act of 1965, as proposed to be added by H.R. 15067, which would have authorized institutions of higher education to use a portion of their work-study allocation to pay administrative costs of developing or carrying out programs of cooperative education. The present proposal, like the one to be superseded, includes accredited proprietary institutions within the definition of "institution of higher education".

ARTICLES BY RAY McHUGH, WRITTEN DURING RECENT TRIP TO THE MEDITERRANEAN AND THE MIDDLE EAST

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a series of articles.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I include for printing in the RECORD a series of articles written by Mr. Ray McHugh, the bureau chief of the Copley News Service here in Washington, during his recent trip to the Mediterranean and the Middle East:

(EDITOR'S NOTE.—International eyebrows never have been lifted higher than by the drifting apart of once-close America and France. The writer examines the depth of the split in the following story.)

(By Ray McHugh)

PARIS.—Like a beautiful but selfish paramour, France displays more disbelief than dismay at the collapse of her 200-year transatlantic love affair with the United States.

The dismay, however, may soon take over. Even the arrival of a handsome new Ambassador from Washington with the glamor of the Kennedy family circle cannot hide the creeping truth.

Sargent Shriver and his wife Eunice, sister of the late President John F. Kennedy, will soon move into the big embassy on the Place de la Concorde, but they won't be followed by the usual millions of summertime American tourists.

Already the grand hotels and the shops along the Champs Elysees wear a worried look. Reservation lists are short. Rooms are plentiful. Even some prices have been cut. More than 400 Paris businessmen attended a recent discussion of Franco-American relations sponsored by the American Cultural Institute.

"They left with long faces," said one of the speakers, Pierre Emannueli, Secretary-General of the French Atlantic Association, a stubborn defender of the North Atlantic Treaty Organization.

"The realization comes hard," he added. "For years those of us who frequently visit the United States have warned what was happening, but few would listen.

"Our friendship with the United States was above politics, they thought. De Gaulle was perhaps difficult, but the Americans would understand."

Today the Frenchman in the street is beginning to realize that something serious has gone wrong. Today it is the Frenchman, not the American, who brings up LaFayette or 1917 or 1944 in conversations with U.S. newsmen.

French exports to the United States fell in 1967 while other members of the European Common Market increased their Yankee markets. Sales for the first three months of 1967 are reported "disastrous" by a high French trade official. Tourist experts are warning that American travel to France this year may be off as much as 60 percent.

The undeclared boycott of French goods on "Main Street" by angry private U.S. citizens is being felt, but is still not admitted by French officials. Premier Georges Pompidou complained the other day that the U.S. Government "had to do something." President Charles de Gaulle is obviously not going to admit that his policies and high-handed insults and his refusal to cooperate in defense of the dollar have chilled the old romance.

Defenders of the old general still plead for patience, point to his domestic political problems and insist that some of the policies are designed to save Americans from themselves. But they are threadbare arguments.

"In the last three years nothing has changed," said a prominent Paris publisher. "All we have is a little more of the same—egotism and a peculiar anti-American, anti-British phobia."

As Shriver leaves his war on poverty command post for diplomacy, his briefings must be confusing and sometimes ominous. He will come to a Paris where French gendarmes and soldiers guard not only the U.S. Embassy, but every major American business establishment.

A hard-core Communist band recently bombed and vandalized the American Express, TWA, Chase Manhattan Bank, and Bank of America offices here.

Guards can even be seen outside the American Cathedral a few blocks from the Arc D'Triomphe. It was there that unkempt beatnik antiwar protestors burned an American flag during the 1967 visit of Vice President Hubert H. Humphrey.

Shriver also is headed for an Embassy whose staff is frankly uneasy about its contacts with the French public. The "6–CD" American auto tag is a target for abuse. A highly organized group of Communist students at the University of Rennes recently drove Assistant Cultural Affairs Attaché Peter Jacoby from the stage when he appeared on invitation to speak on the Alliance for Progress.

"Jacoby CIA, Johnson assassin," the students chanted as they hurled chalk, stones and debris at the American diplomat. Similar incidents have been reported at universities in Strasbourg and Dijon.

Jacoby's joust with students was ironical. The attaché directs the highly successful cultural office in the left bank student area here.

The briefing for Shriver might also touch these points in the complicated French scene:

Item: even the most pro-American Frenchmen want a quick halt to the bombing of North Vietnam. It is nonproductive, they say. But when pressed, each one interviewed confesses that he sees in the bombing the risk of a confrontation with Russia or Red China—a confrontation that could involve Western Europe. A bitter land war, costly as it may be to the United States, does not involve such a risk to Europe.

Item: France officially preaches "neutrality" for what was Indochina, but men in the foreign office on the Quai d'Orsay readily admit it is not a practical solution in view of North Vietnamese president Ho Chi Minh's appetite. The alternative? The French diplomat shrugs. Only French military men will speak out vigorously for an American military victory.

Item: high officials in the French government are saying privately that de Gaulle has no intention of withdrawing France from the NATO treaty when it reaches its 20th anniversary in 1969. Such a move might fracture his carefully nutured understanding with West Germany, they say.

But at the same time there is no early prospect that France will return to an integrated NATO military command. She is continuing to participate in the West European air defense system because it is vital to her own defense and some French officers continue to play active roles in NATO planning, although they are technically only liaison men at Supreme Allied Headquarters in Costeau, Belgium.

Item: the French Atlantic Association arranged a trip to Costeau and the new NATO headquarters at Brussels for about 60 French businessmen. More than 130 showed up. NATO Secretary-General Manlio Brosio met the group and made no attempt to hide his pleasure and amazement.

Item: public opinion polls in France show only 12 per cent favor withdrawal from NATO while 52 per cent opposes such action. Even 41 per cent of Communist Party Members and 61 per cent of Gaullists oppose withdrawal, emphasizing the point that political party ties in France are more often based on domestic issues, not foreign policy.

Item: a confidential report from Ambassador Charles Lucet in Washington has shaken the French Government.

It describes in detail the depth of anti-French feeling in the American public and spikes the popular notion that it is basically a de Gaulle-Johnson feud.

Lucet's report is credited with Paris' decision to give departing Ambassador Charles Bohlen a lavish farewell party and it prompted the quick, almost eager, acceptance of Shriver as a replacement.

Item: For the first time the government-owned radio–TV network is permitting free discussion of deteriorating Franco-American relations. The network, however, has taken no steps to moderate the anti-U.S. tone of its only television political commentator, Emmanuel d'Astrer de la Vigarie.

A sample of his anti-Americanism—"When I heard that Hue had been recaptured by the Americans, I felt as much sadness as when I heard that Paris had fallen to the Nazis."

Item: The powerful newspaper l'Figaro in one of its attention-getting "feather" editorials has warned De Gaulle bluntly that if he expects France to withstand the potential power of a Communist-Socialist alliance, the time has come for "fewer smiles directed at Moscow and more consideration to our traditional friends."

French officials say De Gaulle privately expresses contempt for "the dictators" in Moscow, but that he is convinced his stand has helped the tide of liberalization in Eastern Europe. The President is reported particularly pleased at student unrest in Poland where he was criticized last year for remarks made on a state visit.

Item: There is growing talk about "after De Gaulle," but there is little agreement on what will happen when the aging general bows out.

The Socialist-Communist alliance that almost seized control of the general assembly is regarded as strong on paper and effective sometimes as an opposition force, but shows little capacity to govern France. The most likely heirs today appear to be Pompidou who has surprised some with his skill at manipulating a divided parliament and Giscard d'Estaingg, the right-of-center economist who commands a pivotal Gaullist splinter group. D'Estaingg so far has elected to go along with de Gaulle rather than risk a new general election that might see a victory for the combined left.

D'Estaingg is the obvious choice of pro-American and pro-NATO Frenchmen. Two of his assembly leaders recently accepted directorships in the French Atlantic Society, adding to his appeal.

If these items leave Shriver confused, he must consider still another—the French character.

There is no yardstick to measure the depth of De Gaulle's independent nationalism. Nor is there a yardstick to measure the real impact of France's departure from the "big power" category. Some observers say the new role has left the Frenchman cantankerous, angry and a little jealous. Some say he is retreating from world issues into a purely domestic arena and that he finds it very restricting.

"France is bored," said one.

In a peculiarly Gallic way, he might be right.

ATHENS, GREECE.—When a door opens or closes in Eastern Europe, the draft is felt on this threshold to the Communist world.

Bordered by three shades of Red—Albania, Yugoslavia and Bulgaria—Greece is peculiarly sensitive to any changes beyond the Iron Curtain. And perhaps the most sensitive of all the Greeks is Panayotis Pipinelis, foreign minister and senior stateman in Athens' revolutionary government.

Today Pipinelis is a worried man.

The opening doors of liberalization in Czechoslovakia, Poland and Romania are causing ripples of fear as well as satisfaction. From his icon-decorated office on Constitution Square, Pipinelis sees a situation developing in western Europe that may be fraught with danger.

"We are now facing a real crisis," he warned in an interview.

"Russia has a dilemma. Will she allow the whole satellite system to break down—and it will. Or will Russia react vigorously to reassert her control?

"I read the reports of Russian tank movements on the Czech borders. It made me shudder. All of us remember Hungary."

The courtly old gentleman also remembers other perilous hours in Europe's 20th century. He entered the Greek diplomatic service in 1922 and experienced the frustrations of the League of Nations and later the United Nations.

He has been ambassador to Moscow and London, a permanent representative to the North Atlantic Treaty Organization, an interim prime minister for three months in 1963, a frequent cabinet member and onetime political head of the king's household here.

He speaks with a candor that surprises reporters accustomed to the careful phrases of diplomats.

"I'm too old and I've seen too much," says the 69-year-old Pipinelis. "I also realize the limitations of small countries in today's world."

Nations like Greece, he said, can make only small contributions to world stability.

"Here our first task is to set our internal affairs in order. Then we must try for the best possible relations with our neighbors. If we do that, it is something."

The foreign minister has opened negotiations with Turkey in an effort to end the centuries-old conflicts between the two nations. He describes early talks as "highly encouraging."

But the conversation quickly drifts back to events in Russia's European empire.

If Russia accepts the tidal changes in Czechoslovakia that have followed the ouster of Stalinist president Antowin Novotny, he said, it faces the disintegration of the entire buffer system built in the wake of World War II.

"Russia will soon have to decide between the Yugoslav or the Hungarian formula—acquiescence to independence or ruthless military counter force," he said.

The recent Moscow-ordered conference of satellites at Dresden in East Germany was a desperate Soviet bid to restore the status quo, he said. But absolute Soviet political domination can no longer be maintained, he added.

"For years I have expected this explosion," said Pipinelis.

"Since the early 1950s there has been pressure for liberalization and nationalism in Eastern Europe, and nationalism is the most powerful force in the world.

"It managed to split and pulverize the Catholic Church, It overtook the Roman Empire, the British Empire and the Empire of Alexander the Great.

"Today it is overtaking the Communist empire."

Pipinelis rejects the theory that western economic-diplomatic "bridge-building" and disciples of "detente" can take credit for the ferment in east Europe.

"External forces have not played an important role," said the thin-lipped bald man with the dark piercing eyes. "These are inexorable human forces at work. Intellectuals give these forces a voide, but this is really age-old nationalism. Man always insists on an individual identity for himself and for his country."

While the world has come to view communism as the tie that binds the eastern bloc, he said, the system is really Russian imperialism.

"That is why the situation is so dangerous," he added. "Moscow faces the loss of her colonies, the wall—or bridgehead—that she built between herself and Western Europe. And she faces this loss at precisely the time when she is pursuing new colonies in the Mediterranean and the Middle East."

The buildup of Soviet naval strength in the Mediterranean, he said, is part of the military phase of an ideological-economic-political-religious offensive.

"Russia is playing every card," he said, "in an attempt to penetrate the Arab-Moslem world. If the challenge is not countered, Moscow will spread her influence across Asia Minor to the gates of India, throughout the Middle East and across the northern shore of Africa."

Forceful American and NATO policies are required, he said, to checkmate the Russians. He said Greece has thwarted the Communist bid to gain control of that country and he said American-British military strength in the Mediterranean still overshadows that of Russia, but he expressed deep concern about future events in the Middle East.

"A solution seems impossible," he said. "The Israelis and Arabs are locked in their positions and Russia continues to send in arms."

Greek sources estimate that upwards of 25,000 Russian troops and technicians are now reorganizing and even commanding Egyptian and Syrian forces.

Pipinelis stressed Greek neutrality in the Arab-Israeli feud.

"We have good relations with both sides," he said. "We use our influence for peace, but it is limited. The real pressure must come from the big powers.

"The 1967 war was contained, but no one can be sure what will happen if widescale fighting resumes—particularly at a time when Russia faces this unrest in her satellite empire."

The foreign minister aligned his government's policy solidly alongside that of the United States.

"Our relations with the United States are unique," he said. "There is no anti-Americanism in Greece, no criticism of your Vietnam commitment. Instead there is an atmosphere of sympathy and gratitude. Greeks have not forgotten that it was the American commitment by President Truman that saved us from communism. Without it, we could have been part of this Russian Empire."

TEL AVIV, ISRAEL.—Gen. Aaron Yarrev gets paid to know what Israel's enemies are up to.

The young chief of Israeli military intelligence is convinced that Egypt's President Gamal Abdel Nasser, backed by Russia, has opened a new phase in the 20-year war against the Jewish state.

The picture he draws is strikingly similar to the situation in Vietnam. The Arabs, he says, are adopting guerrilla tactics and a "war by proxy" strategy.

In an interview in the closely guarded general staff headquarters in downtown Tel Aviv, Yarrev rejected the theory that terrorist raids against Israel are isolated incidents carried out by the fanatic El Fatah.

"In the last few months, the pattern of Arab pressure against Israel has undergone some important changes," said Yarrev. "Two developments have gone almost unnoticed in the outside world:

"First, the Jordan regime of King Hussein has been losing control of the country. It is no longer capable of dealing with the El Fatah sabotage units within its borders. In fact, Hussein himself is no longer capable of dealing with Prime Minister Bahjat El Talhouni.

"Second, the Arab countries led by Egypt have adopted the sabotage groups as the weapon to continue the war without directly committing their national forces."

The El Fatah gangs are made up of displaced Palestinian Arabs—largely drawn from the Gaza Strip and the west bank of the Jordan River. They have been trained and harbored in neighboring Arab countries for almost two decades.

They received major reinforcements during last year's six-day war when Israel seized the Gaza Strip and the west bank and dealt a crushing defeat to the combined Egyptian-Jordanian-Syrian-Iraqi forces.

Palestinian brigades are part of the Syrian, Iraqi and Egyptian armies. The 421st Palestinian commando battalion from Iraq entered Jordan last June 5, Yarrev said, and is still in that country. Men from the 421st, he said, have been fed into El Fatah groups concentrated around Karame—the camp that was the target of the March 21 punitive raid by an Israeli armored column.

Similar reinforcements, he said, have been drawn from three Palestinian battalions in Syria and from 2-plus infantry brigades in Egypt. The latter, he said, retreated into Egypt from the Gaza Strip during last year's fighting.

In addition, he charged, the El Fatah maintains training bases in Syria, Jordan and Egypt for new recruits who are armed with Soviet, Czech and some Chinese communist weapons. A large store of these weapons was seized at Karame, including some Russian 120mm mortars that have a range of five miles.

(In a tiny country such as Israel, enemy weapons with a range of five miles are a serious threat, and the Israelis are watching closely for any sign that Russia might give the Arabs 12-mile 132mm rockets such as the Viet Cong has employed against U.S. air bases in Vietnam.)

The Russian ambassador to Amman last week pledged new aid to Jordan.

Gen. Yarrev said the decline of King Hussein and the Arab government's decision to employ the El Fatah began in December and January.

"We told other governments what was happening," said the General, "But they didn't want to believe us. Even some people here in Israel clung to the idea that Hussein must not be undermined. They felt that he was the only moderating force among the Arab States.

"But it was evident that the militant nationalism inside Jordan and the fear that Arabs in the (Israeli-occupied) West bank were about to seek a compromise with us put tremendous pressure on Hussein.

"The people on the West bank even told the King that they wanted no part of any sabotage campaign. They knew it would not be effective and that they would bear the brunt of any retaliation.

"But the situation was beyond Hussein.

"Last May he had to ally himself with Nasser or lose his throne, even though he knew he would lose the war.

"Now, he must accept the El Fatah for the same reason. It's a tragedy."

Yarrev's assessment of feeling on the West bank was borne out when El Fatah gunmen killed two Israeli soldiers and two Arabs in an outburst in the marketplace at Hebron. The mayor of the city—an Arab—called the act "childish" and said such attacks would do nothing to solve the Palestine question.

The announcement that Hussein will soon visit Cairo to confer with Nasser also seemed to bear out the General's claim that the King "can do nothing unless he has the approval of Nasser."

Because of Jordan's geographic position and because of Hussein's reputation as a moderate, Yarrev said, Jordan has become the "logical" center for an Arab terrorist offensive against Israel.

"Before the war, the El Fatah bases were in Syria," he said. "Now they have moved to Jordan.

"The terrorists move about freely in bands of 200 or 300 men. The police dare not oppose them. The Jordan Army tolerates them.

"When we attacked Karame, the Jordanian troops felt obliged to oppose us. If they had not, Hussein's rule might have ended then and there."

He said the terrorists are now uniformed and have even fired on Jordanian troops on several occasions.

In addition to 2,000-3,000 El Fatah forces in Jordan, he said, the country also is still playing host to a 20,000-man Iraqi division that moved in last June.

Jordanian police and army troops have orders not to interfere with the terrorists, he said.

"Hussein made one last attempt in February," Yarrev said. "He was countermanded by the Prime Minister. In fact, he even had to go to the Prime Minister's home to apologize. That's how his position had deteriorated.

"He tried to fire the Prime Minister and he was stopped."

The El Fatah, he said, can be conceded some motivation against Israel because of the loss of lands and other properties. But he said the terrorists would not have the resources to wage war unless they had the united support of other Arab governments. This support, he said, is channeled through a special budget adopted by most Arab nations.

"Defeated in the six-day war and still unwilling to challenge us again, they have turned to this sabotage gang," he said. "It's the same kind of 'masked' war you face in Vietnam.

"Here the Arabs are desperate for some kind of action against Israel.

They have to remove the sting of defeat before it becomes insufferable at home. You already see the pressures Nasser faces."

Yarrev, a sergeant in the British army during World War II and an early fighter for Israeli independence under the Palestine mandate, takes a cold, calculating view of the Arab threat to this country.

The Arabs, he said, face a crisis concerning Israel. Despite its massive resupply of war material, he thinks Russia is counseling restraint.

But at the same time the Arab leaders face a real danger that the Arab population within Israel's expanded borders will learn to live with the Jewish government.

"The Arab population inside our borders has not joined the battle," he said. "Quite the opposite. There is still resentment, of course, but the people are hungry for peace and they have been amazed by our conciliatory actions.

"The Karame raid upset plans for another effort in April. That effort will come. We only postponed it. But sooner or later the Arabs must learn that we will not be destroyed. When they learn that, we can begin to talk about real peace."

Before the El Fatah effort subsides, however, Yarrev expects some attempt at a spectacular blow.

"I certainly don't rule out some sort of big raid during the 20th anniversary celebrations in May," the General said.

"But I'll tell you one thing. We're ready."

SEDE BOQUER, ISRAEL.—Even a man who has built a nation dreams of what might have been.

As Israel prepares for its 20th anniversary celebration on May 2, David Ben-Gurion goes his quiet way in this primitive kibbutz on the barren Negev desert, pondering old dreams and new ideas.

The anniversary evokes only questions from this man who was Prime Minister for 15 of Israel's first 20 years and is recognized as one of the great world statesmen of the 20th century.

Where other men of 81 might be ready to rest and pass the burden to younger hands, Ben-Gurion peers ahead with the same intensity that must have marked him that day in 1906 when he arrived by boat in Jaffa from his native Russia and walked two miles along dusty roads to an agricultural school and a place in history.

Sede Boquer sums up the still unfinished business of Israel and Ben-Gurion.

Surrounded by a jumble of books and the excitement of young pioneers trying to make the desert bloom, the old premier has chosen to live out his years in a setting that must turn his mind's clock back 60 years.

This is a remote, desolate compound. Beersheba, famed in biblical times, is the closest city 12 miles to the north.

The houses, huts and farm machinery look tired from overwork. A child's slide outside a small barracks school and a postage-stamp swimming pool are the only amenities visible to a visitor.

The coils of barbed wire and the rifles slung on the shoulders of farm workers are reminders that the Negev is still Israel's permanent front line against Egypt, although the 1967 war pushed the ceasefire line across the Sinai desert to the south all the way to the Suez canal.

The harsh light and shadow of the desert do nothing to soften the hard frontier look of Sede Boquer. A brief spring shower only darkens the sand and makes the kibbutz look even more inhospitable.

The silence hangs heavy from horizon to horizon, broken only occasionally by the sound of a passing car or a tractor motor. The moustachioed Israeli soldier with the burp gun who guards Ben-Gurion strolls the only patch of grass visible—a tiny square in front of weather-beaten, faded green barracks that the former premier calls home.

Sede Boquer is Ben-Gurion's Israel. It is in places like this, he believes, that the young country will live or die.

He first crossed the Negev in 1934 when Jews were barred from the desert and he returned in 1953 to find a small band of pioneers trying to eke a living from the sand. They were veterans of the 1948–49 war who had served in the Negev and had heard stories of a biblical settlement that was perhaps founded by Abraham.

"I made up my mind to join them," said Ben-Gurion.

He returned to Tel Aviv, cleared his desk and resigned as premier to work in the fields of this kibbutz as a common farmer.

He was called back as chief of state 14 months later, but when he resigned again in 1963 he headed straight back to Sede Boquer. "Here we can achieve the ideal of Israel," he said. "We can create everything from the beginning. Even the soil must be washed before it can be planted."

Three months ago his wife died. She had been a partner in all of Ben-Gurion's dreams.

Since then, friends say, life has been a lonely thing for the old Premier, but there was was no sign in a long conversation that sadness and loss have dulled Ben-Gurion's capacity to think and analyze and plan.

"The beginning was not 20 years ago," said Ben-Gurion. "Perhaps it began more than 3,000 years ago, or 100 years ago, or perhaps this is still part of the beginning.

"In many ways, Israel is still not a state. Its fate still is uncertain. Whether it lives or dies depends on the Jewish people. They must decide. We have had great accomplishments, but we also have had great failures."

In the ancient Fifth Book of Torah, Ben-Gurion pointed out, there was a promise that if the Jews were dispersed, they would one day be reunited.

"That could be called the mystical beginning of Israel," he said. "Through the 1,800 years without a home, every Jew prayed three times a day for the rebirth of Israel.

"But the practical beginning was in 1870 when the French Jewish alliance organized the first agricultural school near Jaffa on land leased from the Turkish sultan.

"They called it 'Hope of the Jews.' The name was prophetic."

Throughout Ben-Gurion's almost 60 years in this sun-stained ancient land, he has followed two unswerving convictions:

1. All Jews should return to their religious home.

2. That home must be made a habitable, viable, inviting place to live.

"So much remains to be done," he said. "Only 30 per cent of the land is producing and only 2.4 million of our people—less than 18 per cent—have come home."

Ben-Gurion has been "home" for all but three of his last 62 years.

He spent those pre-World War I years in exile in New York where he found an American wife and "spent most of my time in the library at 42nd St. and Fifth Ave., writing a book on Palestine."

He returned as a volunteer in the Jewish Brigade of the British Army during World War I.

It's not the same land today," he said. And for the only time in a two-hour interview, the ruddy-cheeked old man with the white wisps of hair permitted a note of pride to creep into his voice.

"We built 700 villages, 20 to 30 towns. We have reclaimed and developed thousands of acres. But so much remains to be done."

Asked to cite Israel's greatest accomplishment, Ben-Gurion answered immediately:

"The army.

"Not as a military force, despite its great victories, but as a tool to reunite a people.

"For 1,800 years Jews lived among all the people of the world, accepting foreign languages, foreign ways of life.

"To turn such a diverse group back into a nation was a staggering task. The army did it, both as a unifying and educational instrument.

"As in every army, everyone is equal. This was important because we had to equate men from the 11th century and men from the 21st century. We had Yemenites who actually lived in caves and we had Ph. D's from America and Western Europe.

"We also were trying to build a cohesive economy and here again the army was our tool. In addition to one year or more in uniform, each man and woman served one year in a Kibbutz, learning the skills, trades and habits we had to have.

"The Army never disappointed me. What I asked, it gave."

The Israeli Army, Ben-Gurion said, also helped reveal some socio-economic "laws" that many said made Israel an impossible dream.

He recalled that in 1906 the Jews in Jerusalem alone spoke 40 different languages. He was told that Hebrew was a dead language and could not be revived.

Sociologists said Jews, known throughout the world as artisans and merchants, could never become farmers. They cited an irreversible trend of people from small villages to large cities. And scientists said the inhospitable desert would never support the millions Ben-Gurion wanted to bring "home."

"We changed the nature of the country, and of the people," he said.

Ben-Gurion also recalled that when statehood finally came in 1948, Israel became a magnet for the type of Jew that early Zionists never reckoned with.

"Before World War II," he said, "most Jews arriving in Palestine were educated Europeans. But six and one-half million of these were killed. After the war we received only Europe's sick and shattered survivors of nazism.

"Instead of building a nation with educated, sophisticated citizens, we had to build with the uneducated of Asia and North Africa—the poor, the diseased, the peddlers of the world.

"But we took everyone, despite those who said we must restrict immigration. How could we? That was the purpose of the State. We had to welcome everyone."

In 1948 there were 650,000 Jews in Palestine. The first four years of statehood saw an influx of 750,000. But the torrent has now slowed to a trickle.

Ben-Gurion did not get the 3 million Jews still locked inside Russia. And he did not get significant numbers from the United States that counts a highly educated Jewish population of almost 6 million.

That remains one of his greatest disappointments. He still speaks with regret about U.S. Zionist leaders.

"To me," he said, "Zionism always meant: Come to Israel and build a country. That is why when a Jew arrives and declares himself, he becomes a citizen the same day.

"But not one American Zionist leader came to make such a declaration.

"If that is Zionism—to live in America, teach children English and admire from afar—then I am not a Zionist. I have stopped calling myself one."

Ben-Gurion, however, has not given up hope of tapping the American Jewish reservoir. Last year he toured major American and Canadian cities and returned to Israel convinced that significant numbers of youths can still be lured.

"The Government and the people of Israel must accept as their main task the encouragement of youngsters who have a need for creative meaning. In Europe and America, these are the best. They are the idealists. They want to serve."

He estimated that if one percent of the Jewish youth in the Western World came to Israel each year and found challenges, idealism and opportunity, they would stay.

"Without them," he added, "I don't think we can survive. We need another 4 to 5 million people to settle the desert, improve our living standard and strengthen our security."

Despite three victories over Arab enemies, Ben-Gurion warns that Israel cannot hold out indefinitely.

"Nasser knows we will not destroy Egypt," he said. He knows, too, that he can lose again and again and again. But once he wins, Israel is finished."

The former Premier complained that thousands of youths who volunteered to fight with Israel during last June's war were not encouraged by the government.

"They might have stayed to join us," he said. "Instead they went away disappointed. True we won the war. But there is no peace. Israel is in danger. We need those people."

The old man in the gray turtleneck sweater, khaki trousers and black slippers rose from behind the simple pine desk and moved about the bare room decorated only by glass bookshelves and littered by mounds of books stacked on the floor and strewn haphazardly across a long pine table.

"The decline in immigration is one disappointment," he continued. "Another is our electoral system."

When Britain closed the books on its Palestine mandate, he recalled, Israel was immediately plunged into war and was ruled by an emergency administration that wielded often dictatorial powers.

When the armistice came on Jan. 9, 1949, elections were immediately scheduled. Jan. 25 was the day. But because the population was scattered by war, Ben-Gurion could not establish a British-style constituency.

REPRESENTATION

Instead, all 120 members of the Knesset or parliament ran on an "at large" basis. The whole country voted for everyone.

"The result," he said, "was the creation of all sorts of little splinter parties. We had 18 competing for the 120 seats. My party won the most—38, but my hopes for a solid two-party system were dashed."

The Jews, he pointed out, usually came from poor and oppressed countries and had little experience with Western political concepts. The small parties quickly turned inward, concentrating on personal and local issues that would insure their survival and leaving broad national issues to the bigger parties.

"Two years later when we suggested a change to the British system," he said, "we were voted down. The unfortunate result was a philosophy that the state should serve the parties instead of the parties serving the state."

The recent merger of three parties under Mrs. Golda Maier is a "hopeful" sign that political concepts are changing, Ben-Gurion added.

To this eloquent man who has been an intimate of virtually every non-Arab leader of the century, hope is a powerful word.

To a visitor, the three-hour drive to Sede Boquer from Jerusalem prepares him for Ben-Gurion's pensive confidence.

The rock-strewn hills of Judea, the road of courage and its seven million trees dedicated to the victims of World War II concentration camps, the well-tilled Valley of Sarjac where Samson fought the Philistines, the burned-out hulks of armored cars destroyed by Arab guns in 1948 and left as monuments, the waving grain fields that were desert 20 years ago, even the old cemetery at Beersheba where the dead of Allenby's army—Britisher, Arab and Jew—rest together are all part of Ben-Gurion's story.

When Israel marks its 20th anniversary next month, "Zaken" (the old man) will stand to one side. The only role he has accepted is that of a judge at an international Bible study contest among Jewish youth in scores of countries.

In a way it is typical of David Ben-Gurion. He has always had an eye on tomorrow. And tomorrow, he knows, belongs to the young.

BEIRUT, LEBANON.—The stars and stripes still fly on the campus of the American University here, but U.S. warships are no longer welcome in Beirut's picture-postcard harbor and American influence is ebbing in the banks and business houses of this financial hub of the Arab world.

Reluctantly, but inexorably, Lebanon seems to be preparing for the day when Russian influence will replace U.S. influence on the eastern rim of the Mediterranean.

Soviet domination of Syria has already pushed the iron curtain within 50 miles of this citadel of private enterprise. Russian oil agreements in Iraq have sent shudders through Lebanese banks. The deposit of Arab oil revenues in Beirut keep the wheels turning in this city that has lived on commerce since the days of the ancient Phoenicians.

Quiet visits to Beirut by Soviet government financial teams adds to the nervous air.

The 1967 war and its aftermath has cost Lebanon heavily. Although its forces were not committed against Israel, Lebanon's tourism industry suffered a staggering blow and its financial houses took heavy losses as Arab investments and oil revenues were interrupted.

Prosperity is returning slowly, but the sealed border with Israel still denies Lebanon the traditional Holy Land visitors who used to travel north from Jerusalem to Tyre, Sidon, Baalbek and Byblos.

Lebanese bankers, merchants and professional men—many of them graduates of the American University; virtually all of them pro-western in their personal psychology—are caught up in a chain of events that is pulling their world closer and closer to the Communist orbit.

The momentum is the all-encompassing Arab hatred for Israel.

Not even the presence of more than 400 American business firms has been enough to stem an erosion of confidence in U.S. policies. The anti-Israeli and anti-American comments heard in Lebanon are more reasoned, less strident than those coming from Cairo, Damascus and Baghdad; but they are no less vehement.

Israel, these men are convinced, is a threat to the Arab world. They charge that it has usurped the lands of the Palestine Arabs and has seized illegally the Sinai Desert of Egypt and the west bank of the Jordan River.

Israel, they are convinced, is committed to further territorial expansion. A remark by Israeli Premier Levi Eshkol that there should be "adjustments" in the Israel-Lebanon border has fanned charges that Israel covets Lebanon's Litani Rivier hydro-electric-irrigation project.

To a first-time American visitor, the passionate depth of Arab sentiment is almost physical.

The hatred of Israel is paralleled by a distrust of the United States. A conviction persists that the American Jewish community wields such political strength and holds such influence over the U.S. communications and entertainment industries that it is impossible for an American President to make impartial judgments on the Middle East.

"Try as we might, we can't shake this conviction," said an American businessman who has spent a score of years in the Arab world.

Arabs of several nations, however, have suddenly seen new hope in President Johnson's announcement that he will not seek reelection.

"Since the President is not running, he can order a settlement in the Middle East without worrying about the domestic political consequences," argued one.

"The solution must be imposed by America if we are to avoid a catastrophe," said the president of one of Lebanon's largest banks. "It is impossible for any Arab leader to accept negotiations with Israel. He would be killed."

The banker's view was almost identical with that expressed by David Ben-Gurion, former Premier of Israel.

"If a settlement has to come from inside the Middle East," said Ben-Gurion in an interview, "I don't see any possibility of peace."

The minimum Arab terms appear to be Israeli withdrawal to the June 1, 1967, boundaries and an international program for the resettlement of 1.5 million Palestinian Arabs now scattered throughout neighboring countries. Lebanon has almost 200,000.

Students at the American University just raised $2,000 in a campus "tag day" to buy a full page ad in the Times of London urging a "Balfour Declaration for the Arab homeless."

(It was the Balfour Declaration of 1922 that laid the foundation for the establishment of a Jewish national state in Palestine.)

The Palestinian refugees have resisted assimilation into their countries of exile and they have maintained constant pressure on Arab governments for the destruction of Israel—pressure that has been abetted by some Moslem religious leaders.

The refugees represent volatile minorities. Egypt did its best for 18 years to keep its quota bottled up in the Gaza Strip. Other nations such as Lebanon maintain strict police controls over the movements of the refugees. Despite emotional alliance, host countries have sought to prevent the complete organization of the refugee societies.

Jordan's King Hussein recently lost his fight with the refugees, according to Israeli sources, and now is unable to control El Fatah, the guerrilla organization that is fighting a vicious border war with Israeli regulars.

But while there are suspicions about the refugees, there is no wavering in Arab support for their cause. And there is no hesitation to accept Russian military aid and the Communist strategy of a National Liberation Front to wage guerrilla war and enlist the help of Arabs inside Israel.

"What else can we do?" ask the Lebanese. "Israel is a threat to all of us. If America and Europe will not sell us the arms we need to defend ourselves, we have no choice but to turn to the Communists."

Despite Russia's resupply of weapons lost by Arab armies last June, there is no rush toward a new conventional war with Israel. The Arabs apparently feel keenly a lack of leadership. Nasser's domestic problems and his sorry showing last June have sharply lessened his stature in the Arab world.

The Palestinians are critical of every Arab statesman.

Despite Nasser's lead in deals with Russia, Egyptians in Beirut insist that he is not a Communist. In fact, argues one prominent financial figure, Nasser is the chief barrier to a Communist takeover in Cairo.

"Nasser has not gone far to the left as have the Syrians," he said. "He still encourages contact with the Americans, English and French. He still relies on the educated moderates for many decisions.

"In Syria the country has been taken over by military men whose education matches about two years of an American high school. They have no experience, no appreciation. And the Russians dominate them. Russian has even become the required second language in Syrian schools."

But the refugees call Nasser "The Talker." Hussein is scoffed at for his "moderate" views and his ties with the U.S.

King Faisal of Saudi Arabia is frequently branded an "appeaser."

These assessments spur acceptance of El Fatah's guerrilla war strategy. They also spur Arab moderates to one last appeal to Washington. Lebanon Foreign Minister Georges Hakim is the only Arab diplomat to publicly suggest recognition of Israel if occupied areas are cleared.

"Is America going to let the Russians in?"

"How can she throw away 100 million friends?"

These questions dog an American reporter in Lebanon.

Were the United States to intervene to force a settlement and guarantee its effect, Arabs argue, the Russian penetration of the Middle East, the Mediterranean and the Persian Gulf would be stopped cold and rolled back.

"The Communist military government of Syria wouldn't last a month, if America took a stand," said a prominent Beirut businessman with close ties in Damascus. "In fact, within a year there wouldn't be one pro-Soviet government in the Arab world. It is only the fear of Israel that gives Russia this opportunity. Communism is contrary to the beliefs and traditions of every Arab. But we must take help where we can find it."

Beirut is a cosmopolitan, French-accented city that prides itself on its gracious manner of living and its hospitality. Since its Phoenician founders it has lived on trade and preached understanding. Its nightly social whirl has moved many Americans to call it "a little Washington." As the center of Arab trade and finance and with four universities, the city is also a collecting place for Arab business and intellectual leaders.

Today, its character only accentuates the deep division between Arab and Jew.

A doctor's wife, educated in American women's colleges, speaks proudly of a young Palestinian who is fighting on the Jordan River.

An Egyptian financier does not hesitate to criticize Nasser's domestic policies, but adds that "Egypt can't really solve its own problems until the problem of Israel is solved."

A Palestinian who works for an American firm in Kuwait tells of his young children:

"They have been taught they are Palestinians. That is their home."

A well-educated Lebanese woman who has devoted most of her life to social work bemoans the inability of the Arabs to make their positions clear in the United States and the United Nations.

"Perhaps we have sent the wrong men," she said. "But there is a real problem in communicating from Arabic to English.

"Arabic is a beautiful language. But it is prone to exaggeration, romanticism, excess of all kinds. When it is translated literally it puts us at a disadvantage. It indicates an extremism that is not accurate."

A Lebanese parliament member insists that the Arabs "do not want to throw the Jews into the sea."

"Our argument would end," he said, "if they would abandon the idea of a racist-religious state and would respect the rights of their Arab citizens."

An educator picks up the same issue.

"After all the persecutions the Jews had experienced in Europe," he said, "we never dreamed they would turn to the same tactics in Palestine and establish a state based on racism and sectarianism.

"We recognize and respect their power and unity and we resent that they are protected by the most powerful nation in the world.

"But America should study Jewish history. Why did these people never assimilate? Why did they always abandon countries when they passed their peak of power?"

When Israel was formed in 1948, Arabs argue, the Jews were a minority with only 460,000. They had grown from 70,000 in 1936. Their own guerrilla war against the British and the Arabs, waged by the Irgun and Stern groups, succeeded, Arabs say because three key nations—Iraq, Syria and Lebanon were still not independent, and because Egypt, Jordan and other states lacked cohesion.

"Today we have regressed to the attitudes of 1948," said a Beirut importer. "The new flood of refugees that followed the 1967 war has brought all the bitterness back to the surface. Unless America acts, we see nothing ahead but war. And since we know we can't win in the conventional sense, we will use terrorism, just as the Jews did 20 years ago."

Each of the Arab countries contributes directly to the Palestinian cause. And each Palestinian refugee contributes at least 5 per cent of his income to buy arms and equipment for El Fatah.

"War is not our choice," said one refugee, "but it is all the Jews have left us."

Pehaps most disquieting for an American is the "rationalization" Arabs apply to their courtship with Russia.

"To us," said one Lebanese, "Communism is less a threat than Zionism.

"We know that the Communists stifle freedom and opportunity. We know it can be cruel. But it is an abnormal system. It cannot last long. Even today in Eastern Europe you see what is happening.

"If the Communists come, they will go because their ideas are not natural.

"But if the Zionists come, they will deprive us of our nationhood."

ATHENS.—When a band of army colonels seized power in Greece a year ago, the odds against "respectability" were 100 to one; maybe 1,000 to one.

Today it would be hard to find anyone in Athens who would bet that the colonels couldn't be elected to office.

In fact, the possibility of just such an election is causing sleepless nights for the disorganized, "unemployed" politicians of Greece.

Prime Minister George Papadopoulus and his fellow colonels, using sometimes harsh measures, have worked vigorously to correct economic and social ills that they believe carried Greece to the brink of political chaos and possible Communist domination. They have hammered out a new constitution that is now being debated and will be submitted to a national plebiscite Sept. 1. It will be the platform for parliamentary elections, probably late in 1969.

The colonels have effectively neutralized the once-potent political power of the aging former Premier George Papandreau and his firebrand leftist son Andreas. They have isolated young King Constantine from the traditional royal power bases in the Greek society, although they still swear allegiance to the throne.

They have weathered vehement attacks from Western governments—particularly the socialist regimes in Scandinavia and northern Europe, as well as a predictable Communist propaganda barrage.

They have ignored the chilly disapproval with which Washington greeted their April 21, 1967, coup d'etat and after 12 months have gradually warmed Greek-U.S. relations.

They have remained staunchly committed to NATO despite the still-interrupted shipment of U.S. heavy arms and supplies. American military men regard Greece as perhaps their strongest ally in the trouble-tossed Mediterranean.

They have created a "free enterprise" business and banking climate that is attracting steadily increasing foreign investments.

They are credited with unprecedented concessions and responsible cooperation that permitted U.S. presidential envoy Cyrus Vance to gain Greek-Turkish agreements that warded off war over Cyprus. And they have taken the initiative in new bilateral talks with Turkey aimed at salving centuries-old sores between the two countries.

Foreign Minister Panayoris Pipinelis said in an interview that Greece is ready to accept any initiative toward solution of its problems with Turkey and is ready to join any action toward a peaceful settlement of conflicts in the Mediterranean.

"Small countries like Greece can make only limited contributions toward world peace," said the foreign minister. "Global issues are out of our control. But we can seek the best possible relations with our neighbors and hope that the example spreads."

Dark business suits have replaced the khaki uniforms the colonels wore lost spring, but the air of military authority and sometimes brusque "command decisions" still are felt in the ministeries around Constitution Square in downtown Athens.

The Papadopoulus government pledges a return to constitutional democracy, but it makes clear that it will decide when the country is ready for elections.

Until then, there is no question who is boss in Greece.

Deputy Premier Michael Sideratos in an interview compared the military government's approach with that of a father.

"The revolution never supported a dictatorial policy," he said. "It never used violence, except in the rarest situation and under extreme provocation.

"The revolution embodied the desires of the majority of the Greek people."

Papadopoulus also emphasizes that his group does not seek "a personal type of dictatorship."

"We came to clean up public life and we will achieve this by all means," he said.

But he also made it plain that the regime will not brook interference. No true Greek, he said, would return to previous unsettled conditions "if he really wants life in his country."

The future of Constantine remains uncertain. The King is now living in Rome after his abortive December attempt to overthrow the colonels. The government has appointed a regent to represent the monarchy.

It is popularly believed, however, that Constantine will be invited back to Greece after the referendum on the new constitution.

The Sept. 1 referendum, Papadopoulus says, has no effect on the future of the monarchy.

"The King will return," he said, "when, in cooperation with the government, that is considered beneficial to the nation."

The premier also has underscored the government's desire for close ties with Washington.

"We believe in the free democratic life," he said, "and in cooperation between nations that presupposes mutual understanding, mutual confidence and mutual assistance. We have offered all these things. We now expect them from the American people as well.

". . . Greece has always fought in the front line for freedom and we want it understood. If we are not assisted, at least we should not be insulted, if we do not have a good word from others, at least we should not have a bad word."

Press censorship still lingers in Greece, although it has become less obvious. A new "freedom of the press" amendment is being drafted for the constitution. Government officials say it will be modeled after recommendations of international journalistic groups, but they emphasize that it will insist on a still-to-be-explained "responsibility" for publishers, editors and reporters.

Sideratos said the new law is being drafted by newspaper owners, jurists and members of journalist unions.

"We are not interested in a controlled press," he said. "But we want a responsible press. In the past some of our newspapers have not only committed slander and dealt in scandals; they have deliberately provoked scandals.

"We have not had the libel and slander protection available in many countries. This is why we are very careful about drafting a new section for the constitution."

Political discussion in restaurants and sunny sidewalk cafes is free and easy, even with former members of parliament and party leaders such as Alexander Spanorigas, No. 3 man in Papandreau's center union movement. The pros and cons of the suggested constitution are being debated without interference in Greek newspapers.

But the government placed the elder Papandreau and former premier Panoyotis Canellopoulos under house arrest to forestall any critical statements that might mar their first anniversary celebration.

The government also continues to hold an estimated 2,500 of 6,000 political prisoners who were seized in last year's bloodless coup. It insists, however, that the majority of these prisoners are being held on civil and criminal charges, based on laws that predate the revolution. It has vigorously denied charges abroad that the prisoners were being tortured or mistreated. A recent international Red Cross Survey criticized conditions in some Greek prison camps, but reported no evidence of organized torture.

The amnesty of several thousand prisoners, including Andreas Papandreau who was given permission to leave the country defused much of the foreign criticism.

The young Papandreau has been unsuccessful in organizing anti-Greek boycotts abroad despite his vehement attacks on the Athens regime. He gained a pledge of financial support from Sweden's Prime Minister Tag Erlander that immediately led to a break in relations between Athens and Stockholm and he carried some support in the left wing Americans for democratic action in Washington, but the State Department and the foreign ministries of most NATO countries have steered warily away.

Deputy Premier Sideratos recently made public Red Cross reports on the prisoners and said the torture charges "are myths and have no connection with truth or reality."

He said accusations, including those leveled by Amnesty International, are "charges invented to slander Greece."

Francis Noel Baker, British Labor MP, backed Siderators in an April 11 address in Commons.

Baker said Amnesty International "has a duty to conduct its inquiries in a responsible and objective way and to check facts beyond all doubt before publication."

"I much regret that the latest amnesty report and investigation do not satisfy these requirements," he said.

Noel Baker said he accompanied an Amnesty official on two or three Athens interviews and on a visit to police headquarters. He complained that the official sought only people "who shared his opinions."

Opponents of the regime, he said, have followed Communist propaganda lines using "various masks and disguises."

The Colonels also have weathered the passionate denunciations of Melia Mercouri, famous Greek actress, and the more reasoned criticisms of former Premier Constantine Caramanalis who has lived in exile in Paris since 1963.

A mark of the problem confronting Greek politicians is that many see Caramanalis as the only effective voice that could challenge a bid by the Colonels for elective office, despite that fact that he has lived outside the country for five years. The only other name mentioned is Spiros Markecinis, repected leader of the small Progressive Party.

The Papadopoulos government's steps to improve social security and pension programs and its recent order cancelling $250 million of debts for almost 650,000 farm families complicates the issue for politicans.

"It's like running against Santa Claus," complained one. That's a contest few politicians in any country would relish.

JERUSALEM.—A hard, angry, stubborn look crosses the jowled face of Premier Levi Eshkol of Israel when he is asked about Russia's role in the Middle East.

It is the same expression a reporter draws from former Premier David Ben-Gurion; Mrs. Golda Meir, Secretary-General of Israel's biggest political party and ex-Foreign Minister; and from Meyer Weisgal, head of Israel's famous Weizmann Institute.

The four all were born in Russia. Each fled the programs of the early 20th century. But each retained that indefinable tie to his homeland. Each could be pardoned the hope that Moscow would not turn against Israel, that the Kremlin one day would release Russia's 3 million Jews and permit those who wish to migrate to Israel.

Immigrants are needed desperately if underpopulated Israel is to escape the tightening Arab noose.

Despite victories over Egyptian President Gamal Abdel Nasser and King Hussein of Jordan, the combination of Russian military aid, implacable Arab hostility, uncertain American policies, the sudden opposition by French President Charles De Gaulle, and the accelerating British withdrawal from the Middle East confronts Israel with a grim situation.

Her leaders' words are confident, but they don't hide the uneasy fact that Arab armies are once again equipped with even more modern Soviet arms. Nor do they hide worry over mounting attacks by El Fatah guerrilla fighters, Israel's deteriorating position at the United Nations and the slowly improving Arab diplomatic offensive.

Israel realizes, too, that the inexorable advance of Soviet influence in the Mediterranean and the Middle East poses difficult decisions in Washington. U.S. public opinion is still on the side of Israel, but the specter of a Russian-dominated Arab world poses hard choices for American diplomats.

Prime Minister Eshkol is almost sarcastic when he talks of Russia's strategy.

"It is pure imperialism," he said. "It has nothing to do with Jews or Arabs.

"The Russians have dreamed of it since Peter the Great. The Bolsheviks pose as opponents of colonialism, capitalism and imperialism, but these are their goals.

"We are frightened about the vacuum created by the British withdrawal from the Middle East and we think you would be frightened, too. It has given Moscow its opportunity. Through Nasser or through direct intervention, Russia is trying to penetrate the region.

"We would like normal, friendly relations with Russia, Every nation should be free to decide its own course. But we are here. Despite what Russia may do, we intend to stay."

Ben-Gurion, interviewed in his desert Kibbutz at Sede Boquer, sees Russia as seeking Moslem allies for an inevitable Sino-Soviet confrontation.

The old premier pleaded for new U.S. efforts at talks with Russia on Middle East problems.

"As far as Israel is concerned," Ben-Gurion said, "Russia can have peace tomorrow if it wants it. But it must talk with America.

"From inside the Middle East, I don't see the possibility of peace."

Ben-Gurion also renewed his plea for a united Western Europe as an added guarantor of peace.

"In 15 years," he said, "China will have the same weapons as Russia and America. She may be tempted to war against first one, then the other. But if Europe is united and can be a bridge of understanding between a liberalizing Russia and the United States, then China will face a combined force she dares not challenge."

Britain, Ben-Gurion said, has already dropped its opposition to at least an informal Western European union. Only De Gaulle stands in the way, he said, although a majority of French people favors such a merger.

Eshkol also has sharp words for De Gaulle who has interrupted the shipment of Mirage jets to Israel in a play for increased French influence in the Arab world.

"De Gaulle acts for reasons known only to him," Eshkol said.

He pointed to Belgian statesman Paul-Henri Spaak's recent remark that "the general will go down in history as the grave digger of a united Europe."

In an interview with Eshkol in his office near the handsome Israeli knesset (parliament) building and the gleaming new University of Jerusalem, the conversation centers on Russia's determined wooing of the Arab world and her persistent anti-Semitism.

While many in Israel say the Jew in Russia is worse off today than he was in 1917, Premier Eshkol qualifies his assessment.

"That is right if one talks about the Jewish religion," he said. "There are a half million Jews in Moscow, but only one synagogue and one house in which rites are permitted. The religion could die in another generation. But there's a phenomenon in Russia.

"Tens of thousands of youngsters who were never taught their faith have sprung as if from the air with a new interest in Jewry."

However, Eshkol said, this revival has revived old suspicions about the Jewish population.

The economic progress and the advance in scientific, legal and educational fields have been interrupted.

"It isn't just condemnation of Israel, or help for Nasser," he said. "There is the smell of the pogrom again in Russia. Jews are forbidden important positions in science, diplomacy, nuclear energy, banking, etc. Low quotas limit Jews in colleges and universities. A drive is on to completely eradicate Jewish culture in Russia.

"We are anathema once again, just as when I was a boy."

Eshkol, born in the Ukraine in 1895 and raised in Lithuania, still recalls the bloody pogroms of his childhood.

"I remember how we lived in the house for months with the windows black and sealed," he said. "We didn't dare turn on a light for fear it would draw attention to us.

"The Russians were even more terrified. They had denied us the right to own land or to till the soil. They had pounded us into the cracks of their economy as the artisans, the merchants, the money lenders. Then one day the czar awoke and found us everywhere."

When the Jewish exodus to America began at the turn of the century, Eshkol looked instead to Palestine.

"Some of us asked: 'Is the United States a solution?' We had been wandering for 2,000 years and we decided to go home."

Eshkol arrived in Palestine in 1914 and went to work as a farm laborer. He helped found Jewish villages near Jerusalem. He quickly became acquainted with Ben-Gurion who had come to Palestine eight years earlier. Both men served in the Jewish Legion of the British Army during World War I.

Golda Meir was taken from Russia to Milwaukee as a young girl.

Her father was a railroad carpenter and she remembers her first Labor Day when he marched and mounted policemen joined the parade.

"My sister saw the police and screamed, 'Cossacks!'" Mrs. Meir recalls. "It took us hours to reassure her and then I knew the big difference between Russia and America. In America the police were our friends."

Mrs. Meir won a teacher's certificate in Milwaukee and taught in high schools until the early 1920s when she went to Palestine to work in an early kibbutz near Nazareth.

"It was so like today," she said with a note of sadness. "The first thing we were taught was never to go out at night wearing a white dress. The Arabs might shoot us.

"The same rules applies today in our border kibbutzim."

Meyer Weisgal's route to Palestine was more circuitous. He went from Russia to Chicago where he worked as a boy selling matches. Then, to a career in show business (Eshkol calls Hollywood the American Jews' only venture into "basic industry"), and finally to a life dedicated to support Chaim Weizmann and his Zionist dream. Weizmann became the first President of Israel and Weisgal has built the $100 million Weizmann Institute as his memorial. It ranks with such centers as the Massachusetts Institute of Technology.

The institute specializes in basic research and has been described as "the one most important difference between Israel and her Arab enemies." Egyptians promised to destroy it in the 1967 war and terrorists did kill some workmen in the manicured orange groves that surround the modernistic complex near Rehovot.

Interviews with these four products of Russian Jewry find a common thread of compassion for the Arabs who threaten Israel's existence.

"One day we will have to find a modus vivendi with the Arabs," says Eshkol.

"We are here to stay and some of the Arab leaders know it, though if I mentioned their names they might be killed in a week.

"We have no territorial aspirations against any Arab country. Before the six-day war last year we never dreamed of changing our borders. But we will not retreat today in the face of threats and violence.

"I still believe peace is possible. What we are doing and learning can revolutionize this part of the world. We have discovered underground water. We are near economic desalinization of seawater. We are developing new agriculture, new industry. We are already exporting citrus, avocados, flowers.

"We are trying to replace limited natural resources with brain resources. What we accomplish can be made available to all our neighbors as soon as they agree to let us live in peace."

Eshkol sought to minimize the religious differences between Jews and Arabs.

"I do not consider myself a religious man," said the Prime Minister. "I don't believe in

> this talk of a 'special mission' for Israel. We want a normal nation that has an opportunity to develop its faculties.
>
> "I don't deny our religious heritage," he hastened to add. "Many nations have disappeared in the last 4,000 years. The Jews kept alive their dream."
>
> Eshkol pointed to Israel's technical aid efforts in Africa as an example of the kind of help he is ready to offer the Arabs.
>
> Ben-Gurion cited this effort as a major Israeli contribution to stability in Africa. Israeli technicians are often accepted in nations that refuse or suspect American and Russian help, he said.
>
> But while Eshkol pleaded for peace and understanding in the same office from which he ordered Israeli forces into action in 1967, there is no sign of weakness among any of the Jewish leaders. Instead there is a grim determination to halt the Arab border raids and an equally defiant attitude toward U.N. demands that Israel quit the Sinai Desert and the west bank of the Jordan River—areas occupied last June.
>
> Mrs. Meir, who as Foreign Minister in 1957 announced the withdrawal of Israeli forces from the Sinai, said: "I envy Abba Eban (her successor). He will never be told to make the same speech.
>
> "Had we not withdrawn in 1957, the 1967 war would not have been fought," she said. "If we withdraw again without agreements with the Arabs, we will have war again. There is only one question: will the Arabs acquiesce to Israel or will they persist in destroying us?
>
> "We refuse to make it easier for U.N. diplomats to live in comfort.
>
> "For 2,000 years the problem has been the same. We have refused to die."
>
> To this Eshkol added a warning against American concessions to the Arabs.
>
> Washington might feel that such moves would weaken Russia's influence, he said, but the Soviet would claim that they were only evidence of Moscow's ability to help the Arabs.
>
> "In 1954 the United States helped Nasser and what happened?" he asked. "In 1955 you signed the Baghdad pact with Iraq. In 1956 you forced Britain and France out of Suez when Russia rattled rockets she didn't have. You recognized the Yemen Republic and the Russians have virtually taken it over. They are moving into the Persian Gulf even before the British withdraw. They are in the Mediterranean and North Africa.
>
> "We are always ready to negotiate, but we will not surrender. So long as there is no Arab response to our proposals there will be no withdrawal from the territory we occupied in the six-day war."
>
> Before the crisis of May-June 1967, Eshkol was regarded as a Prime Minister whose political future was behind him. A tour of Israel today from Tel Aviv to Jerusalem, from Haifa to the Negev Desert is enough to convince a reporter that Eshkol has found the issue that has united his people behind him.
>
> As Golda Meier says, the Jews refuse to die.

TEXANS HAVE SERVED THE NATION WELL

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, last month a New York newspaper columnist wrote a so-called humorous piece noting that next January, for the first time in 35 years, there will be no Texans in the highest level positions in Washington. On May 12, the Abilene Reporter-News answered the column.

An editorial recalled the great years of service of Senators Morris Sheppard and Tom Connally. It referred to John Nance Garner and Sam Rayburn. The most illustrious example of a Texan serving his Nation in Washington has been President Lyndon B. Johnson.

The editorial states:

> There is an intense, even irrational bias against Texas now, and against President Johnson. One of his greatest sins in the eyes of his critics is the place of his birth and home.

Fortunately, this bias is not shared by most Americans. I am convinced that objective history will record the Nation was well served by these outstanding leaders, even if they were from Texas. The editorial is well-reasoned and thoughtful, and with permission I insert it in the RECORD at this point:

EVEN IF THEY WERE FROM TEXAS, THEY SERVED WELL

> A column by Ted Lewis of the New York Daily News in this newspaper on April 26 took off on Texas and Texans and chortled at length that come next January, there will be no Texans in prime power positions in Washington for the first time in 35 years.
>
> The Reporter-News intended to comment at the time on Lewis' diatribe, but other compelling subjects required attention that day instead. Our readers, however, have adequately dealt with Mr. Lewis in letters to the editor.
>
> But Ted Lewis really is not the point of this editorial. In retrospect, his piece was rooted in such repugnant bias that it had no validity whatever as a constructive commentary.
>
> He was correct in one important detail, that for the first time since 1931, there will indeed be no Texan in one of the four centers of power in the national capital.
>
> For most of this century, Texas was fortunate enough to have one or more outstanding men able to achieve high stature in Congress, Sen. Morris Sheppard was one, and so was Sen. Tom Connally.
>
> Rep. John Nance Garner became Speaker of the U.S. House of Representatives in 1931 and occupied that post until his election as Vice President in 1932. He took office in 1933 and served until 1941.
>
> Sam Rayburn became Speaker in 1940 and set an all-time record of service in the job, 17 years. Lyndon Johnson became U.S. Senator in 1949 and developed into the most astute, powerful Senate Majority Leader in history.
>
> In 1960 he was elected Vice President, and the rest is history. He is our 36th President.
>
> There is an intense, even irrational bias against Texas now, and against President Johnson. One of his greatest sins in the eyes of his critics is the place of his birth and home. This prejudice is not universal, not shared by all people in all other 49 states, but it has been fostered and nurtured in communications (press, radio and TV) and so-called intellectual circles until it now is devastating all out of proportion to the percentage of population involved.
>
> Any objective evaluation by historians, political scientists and writers would conclude that the nation is richer for the fact that in crucial periods of our history, there were men of great wisdom and integrity in key positions of government equal to the problems and opportunities thrust upon them.
>
> The place of their origin and residence, geographically, neither enhances or detracts from their records, even if many were from Texas.

TRIBUTE TO HON. WILBUR J. COHEN

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on Thursday, May 16, 1968, the Honorable Wilbur J. Cohen took the oath of office as Secretary of the Department of Health, Education, and Welfare.

I have known this great American humanitarian, this outstanding civil servant, this friend both of the mighty and of the helpless, for many years. His character is the kind that, were he a man of the cloth and not a servant of his Government, would be called saintly. Unlike many men who might have regarded today's ceremonies as a fullfillment, he regards his appointment as simply a new challenge, another opportunity to show once again his administrative genius, his boundless sympathy for the problems of the poor, the aged, the ill, the young, the rejected and the forgotten, and his dedication to his Government and his country.

He was born in Milwaukee 55 years ago, the son of Aaron Cohen. After graduation from the University of Wisconsin in 1934, Wilbur Cohen accompanied one of his professors, the economist Edwin E. Witte, to the Nation's Capital where teacher and student placed their trained talents at the disposal of their Government, first on the Committee on Economic Security and next in the new Social Security Administration.

Wilbur Cohen labored for 20 years in the vineyard of the new concepts of social welfare that the Social Security Act of 1935 brought to our society. He served with equal competence and enthusiasm Democratic and Republic administrations.

In 1956, he became professor of public welfare administration at the University of Michigan. But he responded immediately to President Kennedy's call to public service in 1961, and was appointed Assistant Secretary for Legislation in the Department of Health, Education, and Welfare. His achievements in that post are part of the historic record of social legislation in our time.

President Johnson, with his great capacity for recognizing the achievements and the potential for still greater attainment of those who serve their Government, next appointed Wilbur Cohen Under Secretary for Health, Education, and Welfare. In this position of grave responsibility, he was responsible for no fewer than 65 legislative proposals which became law, including measures liberalizing social security eligibility and benefits, advancing the cause of child welfare, aiding education, protecting the consumer, and providing hospital care, the famous medicare.

Now this pioneer of the social security system, this father of medicare, this great man and distinguished American, brings his utter dedication and his extraordinary abilities to the service of his country as a cabinet officer in charge of the Department of the Government that has most to do with the concerns that were once only attended to by private philanthropic endeavors. No longer need those in need seek out the benevolently inclined wealthy members of our society to give them succor when want and distress strike. These obligations to the sick and the helpless have in our time been assumed by the U.S. Government which fulfills them without favor, prejudice, or discrimination.

To lead the way in that solemn and magnificent task we now have Wilbur J. Cohen as Secretary of Health, Education, and Welfare. This country and its people are fortunate to have him there in the position of leadership which his efforts, his God-given talents, and his destiny have led him. I congratulate him today from the bottom of my heart.

I know that the high regard that I have for Secretary Cohen is shared by my colleagues in the House. It is a pleasure for me to include here the remarks of Secretary Cohen at his swearing-in ceremony at the White House.

Remarks by Secretary Cohen, Swearing-in Ceremony, White House, May 16, 1968

Mr. President, Mrs. Johnson, Mr. Vice-President, my Cabinet colleagues, and Friends, I cannot adequately express in words the joy and humility I feel at this moment—that once in a lifetime sensation. The more so because of the confidence, Mr. President, you and the Vice-President have shown in me. I am happy also at the fact that the President finally received the advice and consent of the Senate to my nomination, after the rigorous review by the members of the Senate Finance Committee. Marvin Watson was appointed,

Mr. President, after you announced my appointment but he was confirmed before I was. That proves what you and I have known over these many months—how tough it is to convince the Senate Finance Committee on taxes and all other matters. I don't recall Marvin Watson or Sarge Shriver having to answer 26 questions in writing before they were confirmed as I had to do, especially since they asked me what was going to happen in the year 1972.

I am pleased, of course, to have eventually received clear title to my position by the Senate and especially of the Senate Finance Committee whose members like those of the House Committee on Ways and Means have known me for 34 years and who have seen me under all kinds of circumstances explaining, pleading, cajoling, arguing or defending the proposals which the President has presented to them—always for their impartial and dispassionate review.

Mr. President, I did little better this third time in the Senate than my first time seven years ago. Only one Senator voted *against* me this time—but only two Senators voted for me. The first time, four Senators were mustered to vote *for* me. My confirmations by the Senate, I believe, will become a landmark in the political science books. These smashing victories have been due solely to the fact that more Republicans were not on the floor at the time. So is history made by chance.

But the great decision affecting my future was not made this year or in this decade. It was made way back thirty years ago—in 1938—when I entered my first big campaign and won the hand of Eloise Bittel. She was born and raised—guess where—in the wonderful hill country of Texas. I never made a smarter decision than I did to marry her.

The President told me the other day that he had completely forgotten when he appointed me that my wife was a Texan. He told me he was deeply concerned that the press might think he appointed me to this important post because my wife was a Texan. I said, "Mr. President, I thought that was the *only* reason I got the job."

Mr. President, I have spent the most important years of my life working for you, President John F. Kennedy, President Truman, and President Franklin Delano Roosevelt in programs that help people. I am proud to have worked for you for 4½ years—and I hope for 8 months more—because you have done more for health, education, and social security than any President in the history of the United States. You have helped more people in 4½ years than any President has done. And when the history of this decade is written and the longer perspective is evident your legislative record will shine unequalled.

Now, Mr. President and Mr. Vice-President I want to talk about my campaign plans.

As your new Secretary of Health, Education, and Welfare, I want to say to you and to the American people I do not believe that the campaign for social justice, which you have fought for, is completed. For the task of true social justice must ever be incomplete and just beyond our grasp. But together with you and the Vice-President, wherever we may be in the days and years ahead, we are going to continue in that particular campaign. I believe we can—and I believe the United States will—eradicate ignorance and disease, eliminate squalor, poverty and discrimination, and make our Great Nation the most beautiful and majestic democracy within the competence of man.

Mr. President, I pledge you that during my tenure—however short or however long—I will work to keep the faith which you have so eloquently expounded—for better education for our youth, for better health for our aged, our mothers and our children, and for a sound and progressive system of social security in an expanding economy for all our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Waggonner (at the request of Mr. Boggs), for the week of May 20, on account of official business.

Mr. Tenzer (at the request of Mr. Boggs), through May 23, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Watson, for 30 minutes, on May 21; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Dellenback) and to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 60 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Quillen, for 30 minutes, on June 5.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Dorn in two instances and to include extraneous matter.

Mr. Johnson of California.

Mr. Andrews of Alabama and to include extraneous matter.

Mr. Teague of Texas to revise and extend his remarks and include extraneous matter on the bills passed today.

Mr. Saylor to revise and extend his remarks on the four veterans bills passed today.

Mr. Philbin to revise and extend his remarks on H.R. 16902 today.

Mr. O'Hara of Illinois in five instances and to include extraneous matter.

(The following Members (at the request of Mr. Dellenback) and to include extraneous matter:)

Mr. Byrnes of Wisconsin.
Mr. Gubser.
Mr. Scherle.
Mr. Rumsfeld in five instances.
Mr. Berry.
Mr. Railsback.
Mr. Adair.
Mr. Quillen in five instances.
Mr. Schwengel.
Mr. Hosmer in two instances.
Mr. Vander Jagt.
Mr. Kuykendall.
Mr. Derwinski in three instances.
Mr. Schweiker.
Mr. Ashbrook in two instances.
Mr. Wyman in three instances.
Mr. Pelly in three instances.
Mr. Mize.
Mr. Gude.
Mr. Nelsen.
Mr. Findley.
Mr. Saylor.
Mr. Gerald R. Ford.

(The following Members (at the request of Mr. Everett) and to include extraneous matter:)

Mr. Ottinger.
Mr. Corman.
Mr. Resnick.
Mr. Charles H. Wilson.
Mr. Rodino.
Mr. Long of Maryland in two instances.
Mr. Howard.
Mr. Jones of Alabama.
Mr. Gilbert.
Mr. Thompson of New Jersey in three instances.
Mr. Matsunaga.
Mr. Teague of Texas in six instances.
Mr. Bingham in two instances.
Mr. Moorhead in two instances.
Mrs. Sullivan in three instances.
Mr. Brinkley.
Mr. Podell in two instances.
Mr. Giaimo.
Mr. Gonzalez in three instances.
Mr. Downing.
Mr. Boland in three instances.
Mr. Jones of North Carolina.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1558. An act to provide for the repayment of certain Federal-aid funds expended in connection with the construction of the Garden State Parkway; to the Committee on Public Works.

S. 2837. An act to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes; to the Committee on Agriculture.

S. 3143. An act to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act; to the Committee on Agriculture.

ADJOURNMENT

Mr. EVERETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 21, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1851. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 14, 1966, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of Hillsborough Bay, Fla., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 313); to the Committee on Public Works and ordered to be printed with illustrations.

1852. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 13, 1967, submitting a report, together with accompanying papers and illustrations, on a review of the report on Feather River near Chester, Calif., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 13, 1956 (H. Doc. No. 314); to the Committee on Public Works and ordered to be printed with illustrations.

1853. A letter from the Acting Comptroller General of the United States, transmitting a report on the review of administration of U.S. assistance for capital development projects to Brazil. Agency for International Development, Department of State; to the Committee on Government Operations.

1854. A letter from the Acting Comptroller General of the United States, transmitting a report of savings available to the Government through elimination of duplicate inventories, General Services Administration, Department of the Navy; to the Committee on Government Operations.

1855. A letter from the Acting Comptroller General of the United States, transmitting a report on the need to strengthen control over incoming U.S. AID cargoes to Vietnam, Agency for International Development, Department of the Army; to the Committee on Government Operations.

1856. A letter from the Acting Comptroller General of the United States, transmitting a report of review of community action program in Chicago, Ill., Office of Economic Opportunity; to the Committee on Government Operations.

1857. A letter from the Acting Comptroller General of the United States, transmitting a report of the need for improvement in airlift of cargo to Southeast Asia, Military Airlift Command, Department of the Air Force; to the Committee on Government Operations.

1858. A letter from the Assistant Secretary of the Interior, transmitting a report of applications for loans, pursuant to the provisions of section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1859. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to plan and provide financial assistance for airport development, and other purposes; to the Committee on Interstate and Foreign Commerce.

1860. A letter from the Director, Eleanor Roosevelt Memorial Foundation, transmitting the fifth annual report of the Foundation for the year 1967, pursuant to Public Law 88–11; to the Committee on the Judiciary.

1861. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 8, 1968, submitting a report, together with accompanying papers and illustrations, on a letter report on Cuckold Creek, Charles County, Md., authorized by Section 112 of the River and Harbor Act approved July 3, 1958; no authorization by Congress is recommended as the desired improvement has been approved by the Chief of Engineers for accomplishment under the provisions of Section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

1862. A letter from the Deputy Director, National Aeronautics and Space Administration, transmitting the semiannual report of contracts negotiated under 10 U.S.C. 2304(a)(11) for the period July 1 through December 31, 1967, pursuant to the provisions of 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

1863. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the imposition of additional airway user charges and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAY: Committee on Public Works. H.R. 16629. A bill to name the U.S. customhouse, Providence, R.I., the "John E. Fogarty Building"; with amendment (Rept. No. 1396). Referred to the House Calendar.

Mr. PATMAN: Committee of conference. S. 5. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit (Rept. No. 1397). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 17324. A bill to extend and amend the Renegotiation Act of 1951 (Rept. No. 1398). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of May 15, 1968, the following bill was introduced on May 16, 1968:

By Mrs. HANSEN of Washington:

H.R. 17354. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

[*Submitted May 20, 1968*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 17355. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect children and others from accidental death or injury by authorizing safety closures to be required for drug containers; to the Committee on Interstate and Foreign Commerce.

By Mr. BOW:

H.R. 17356. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 17357. A bill to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

H.R. 17358. A bill to provide incentives for the creation by private industry of additional employment opportunities for residents of urban poverty areas; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 17359. A bill to revise the selective service laws of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. HOWARD:

H.R. 17360. A bill to amend title 23, United States Code, in regard to the cost of certain mileage of the Interstate System; to the Committee on Public Works.

By Mr. KUYKENDALL (for himself, Mr. BLANTON, and Mr. EVERETT):

H.R. 17361. A bill to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the city of Memphis; to the Committee on Banking and Currency.

By Mr. MOORHEAD:

H.R. 17362. A bill to amend the Military Selective Service Act of 1967 with respect to deferments for students pursuing graduate or professional study; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 17363. A bill to establish an international health, education, and labor program to provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields; to the Committee on Foreign Affairs.

H.R. 17364. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 17365. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 17366. A bill to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 17367. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 17368. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 17369. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 17370. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.R. 17371. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 17372. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Louisiana:

H.R. 17373. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. MAHON (for himself and Mr. Bow):

H.J. Res. 1276. Joint resolution to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. RODINO:

H.J. Res. 1277. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK:

H. Con. Res. 780. Concurrent resolution expressing the sense of Congress with respect to the entry into the United States of deserters from the Armed Forces; to the Committee on Armed Services.

By Mr. DORN:

H. Res. 1175. Resolution expressing the sense of the House of Representatives with respect to the use of the Bolling Air Force Base and Anacostia Naval Air Station for general aviation purposes; to the Committee on Armed Services.

By Mr. PUCINSKI:

H. Res. 1176. Resolution that it is the sense of the House of Representatives that the United States enter into an agreement with the Government of Israel for the sale of military planes, commonly known as Phantom jet fighters, necessary for Israel's defense to an amount which shall be adequate to provide Israel with a deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States, and on order for future delivery, and to replace losses suffered by Israel in the 1967 conflict; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the development of Trinidad Harbor; to the Committee on Public Works.

345. Also, memorial of the Legislature of the State of California, relative to Federal participation in welfare payments to nonresidents; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17374. A bill for the relief of Erasmo LoPiparo; to the Committee on the Judiciary.

H.R. 17375. A bill for the relief of Virgilia and Geuseppe Pappalardo; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 17376. A bill for the relief of Vincenzo Angelilli; to the Committee on the Judiciary.

H.R. 17377. A bill for the relief of Elena Giacometti; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 17378. A bill for the relief of Wei Lian Lee; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17379. A bill for the relief of Helene Albilia; to the Committee on the Judiciary.

H.R. 17380. A bill for the relief of Vito Rallo; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 17381. A bill for the relief of Ping-Kwai Chan and Sau-Yee Chan; to the Committee on the Judiciary.

H.R. 17382. A bill for the relief of Raul Fernando Berdugo; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 17383. A bill for the relief of Edward S. Cook; to the Committee on the Judiciary.

H.R. 17384. A bill for the relief of Ihsan S. Ibrahim, his wife, Hayfa I. Ibrahim, and their children, Nada I. Ibrahim and Hussain I. Ibrahim; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 17385. A bill for the relief of Dr. Ashraf El-bayoumi, his wife, Soheir, and children, Mona and Amr; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 17386. A bill for the relief of Mr. and Mrs. Georgorio T. Mariano, Jr.; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 17387. A bill to provide for the relief of certain civilian employees of the Air Force; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 17388. A bill for the relief of Sebastian Silvio; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17389. A bill for the relief of Filippo Passantino; to the Committee on the Judiciary.

H.R. 17390. A bill for the relief of Monique Paule Sulter; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 17391. A bill for the relief of Anna Calafiore; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 17392. A bill for the relief of Carlo Crinto; to the Committee on the Judiciary.

H.R. 17393. A bill for the relief of Gabriele Fioriti; to the Committee on the Judiciary.

H.R. 17394. A bill for the relief of Michele Pucillo, his wife, Giagina Ragozzino Pucillo, and their minor daughter, Geraldina Pucillo; to the Committee on the Judiciary.

H.R. 17395. A bill for the relief of Valerio Rossi; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 17396. A bill for the relief of Mr. and Mrs. Dov Haftel and their son; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 17397. A bill for the relief of Alfredo M. Carreon; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 17398. A bill for the relief of Dr. Nasser Shekib and Lila Shekib; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 17399. A bill for the relief of Mrs. Latife Hassan Mahmoud; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 17400. A bill for the relief of Edith L. Lynch; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.Res. 1177. A resolution for the relief of Faith M. Lewis Kochendorfer and others; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

318. By the SPEAKER: Petition of Mrs. Isabelle Gallegos, Denver, Colo., relative to her son's special orders for Vietnam; to the Committee on Armed Services.

319. Also, petition of Melvin C. Holt, Leavenworth, Kans., relative to his petition dated April 15, 1968, requesting information concerning its status; to the Committee on the Judiciary.

SENATE—*Monday, May 20, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in whose keeping are the destinies of men and nations, endue with Thy wisdom our fallible minds as we face decisions with the background of fearful forces of nature which, if not harnessed by mutual good will, may destroy us utterly.

Give us greatness of soul that the keys of new power may be used to open doors, not of peril, but of plenty for the whole earth.

By tasks too difficult for us, we are driven unto Thee for strength to endure and wisdom to interpret rightly the signs of these testing times.

Save those who minister here from false choices, and guide their hands and minds to heal and bind, to build and to bless.

For—

"We are watchers of a beacon whose light must never die;
We are guardians of an altar that shows Thee ever nigh;
We are children of Thy freemen who sleep beneath the sod;
For the might of Thine arm we bless Thee: Our God, our Father's God."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 17, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1108, 1110, and 1114.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The Senate proceeded to consider the bill (S. 2276) to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations which had been reported from the Committee on Agriculture, with an amendment on page 1, at the beginning of line 3, strike out "unless requested to do so by the local organization" and, in lieu thereof, insert a colon and "*Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures."; so as to make the bill read:

S. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

"(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 1125—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill amends the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon the request of the local organization, to contract for the construction of works of improvement. At present the Secretary is prohibited from constructing, or contracting to construct, such works, so the contracting must be done by the local organizations.

Local organizations frequently are inexperienced in contract administration, and act under the supervision of the Secretary, with added difficulty for the local organization, the Secretary, and contractors. The bill, by permitting the Secretary to execute the contract, would result in lower cost, save time, avoid disputes, and strengthen operation of the program. It has no effect on the respective contributions of the United States and the local organization to the financing of the project, except to the extent that it would reduce administrative costs.

The committee amendment, which was suggested by the Department, would make it clear that the Secretary could not undertake construction, but would be limited to contracting for such construction.

EMERGENCY CREDIT REVOLVING FUND

The joint resolution (S.J. Res. 168) to authorize the temporary funding of the Emergency Credit Revolving Fund was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 168

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed $30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1127), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This joint resolution would direct the Commodity Credit Corporation to advance up to $30 million to the emergency credit revolving fund. The advances would later be repaid with interest out of appropriations to the fund. The background and need for this legislation is explained in the attached report from the Secretary of Agriculture recommending its enactment.

INTER-AMERICAN DEVELOPMENT BANK

The bill (H.R. 15364) to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CARLSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1131), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. PURPOSE OF THE BILL

H.R. 15364 amends the Inter-American Development Bank Act of 1959 (Public Law 86–147) to authorize the U.S. Governor of the Bank (the Secretary of the Treasury) to vote in favor of a $1 billion increase in the Bank's authorized callable capital stock. The U.S. Governor is also authorized to agree on behalf of the United States to subscribe this Nation's proportionate share of the increase, amounting to $411,760,000. The bill further authorizes appropriation of the last-named sum, without fiscal year limitation. These funds will be requested in 1968 and in 1970 in two equal appropriations of $205,880,000 each. Such subscriptions to callable capital stock in themselves do not involve any budgetary expenditure. Moreover, the Bank to date has not had any occasion to levy a call on existing capital shares, and it is considered very unlikely that such a requirement for cash payments would occur in the foreseeable future.

2. BACKGROUND

The Inter-American Development Bank, established in 1959, and with lending experience dating from 1916, currently has 21 member countries which are all represented in the Organization of American States. Having withdrawn from the OAS, Cuba is not eligible for membership. The Bank is designed to accelerate economic and social development in the Latin American member countries and is generally modeled upon the organization and procedures of the International Bank for Reconstruction and Development, or World Bank.

As of the beginning of 1968, the Inter-American Bank had authorized an overall total of roughly 450 loans from its resources, involving the equivalent of almost $2.4 billion. These sums actually represent a minority participation in Bank projects for development in Latin America which total approximately $6.4 billion; in accord with the emphasis placed on self-help by the Bank, the Latin American borrowers themselves are investing the greater portion of the funds needed for the projects. Not only does the Bank maintain rigorous criteria for its financing, it also engages in extensive coordination with other international and national development institutions and agencies. In particular, the Bank has undertaken to give special attention to the views of the Inter-American Committee on the Alliance for Progress (CIAP, as it is abbreviated from the Spanish).

Since the Bank commenced operating in 1960 it has conducted its activities through one "hard-loan" window, the ordinary capital account, and two "soft-loan" windows, the Fund for Special Operations (FSO) and the Social Progress Trust Fund (SPTF). These three funds are kept completely separate from each other. In 1965, however, the three windows in effect were reduced to two when the funds available to the SPTF ($525 million entirely supplied by the United States) were not replenished after use, and its social development functions were taken over by the FSO. The Fund for Special Operations last year was provided with the assurance of additional lending resources of $1.2 billion from the Bank members over a 3-year period. The pending request from the Bank concerns only the ordinary capital, or hard-loan window.

3. BANK ORDINARY OPERATIONS

The following table illustrates the authorized capital stock resources of the Bank taking account of the original 1959 authorization, the 1964 increase and the increase proposed for this current calendar year:

AUTHORIZED CAPITAL STOCK

[In millions of dollars equivalent]

	Total	U.S. share
Original capital	850	350.00
Of which paid in	(400)	(150.00)
Of which callable	(450)	(200.00)
1964 increase in callable capital	1,000	411.76
1964 increase in capital for subscription by possible future members	300	
Authorized total	2,150	761.76
Proposed 1968 increase in callable capital	1,000	411.76
Authorized total after increase	3,150	1,173.52

From these figures it will be seen that only some $400 million of the total current authorized capital has actually been paid into the Bank. The bulk of the ordinary lending resources increasingly are derived from the Bank's bond issues in private capital markets here and abroad. The Government-guaranteed backing for these bonds (which have a triple A rating) is afforded by the callable subscriptions to the capital stock. These callable amounts are not paid in cash when subscribed and appropriated; they remain only a book entry unless needed to make good on guarantees that cannot be covered otherwise. The "funds" appropriated for the U.S. shares of callable capital since 1959 thus have remained with the U.S. Treasury.

Through the end of 1967, ordinary capital loans from the Bank on normal commercial terms numbered 155, involving authorizations for $901 million; over half that sum had been disbursed, and some $62 million had already been repaid. By that same date, there had been 77 loans totaling about $380 million equivalent devoted to industrial and mining projects, 26 loans of roughly $188 million for agriculture and 18 loans of about $180 million for electric power. Other areas receiving smaller sums were transportation, water, and sewage, export financing and preinvestment studies. It should be noted that Bank lending and technical assistance are not confined to strictly national projects, but are increasingly being devoted to multinational areas in keeping with the aims of regional economic integration.

The terms for loans from the Bank's ordinary capital are what are usually described as "hard": that is, they reflect the cost of the funds borrowed by the Bank from private markets. Also, principal and interest are payable in the currencies loaned, and maturity dates range between 7 to 20 years, with the average running at about 15 years. Currently the interest rate on dollar loans is 7¾ percent, and a standard commitment fee of 1¼ percent is charged on the unused balance of such loans, commencing to accrue 60 days after signature of a loan contract. Charges are slightly higher on loans made from resources obtained by bond flotations in the capital markets of nonmember countries. Through these terms the Bank has been able to accumulate ordinary capital reserves now approaching the $45 million mark.

4. THE CURRENT PROPOSAL

In a report of April 1967 the Bank's Executive Directors set forth a goal of maintaining an ordinary capital lending rate of $175 million a year for the period 1968–70. However, as of December 31, 1967, the Bank had available cash funds of about $52 million and remaining borrowing capacity of roughly $98 million, giving a total of approximately $150 million, which would not even cover the projected lending rate for 1 year.

The reason for the limited borrowing authority remaining to the Bank lies in agreements made with bondholders when the first borrowing was made in 1962. The Bank undertook that it would limit its borrowings and guarantees to the amount of the subscription of the United States to the Bank's callable capital. It did so in order to acquire the highest ratings for its bonds and to hold down the cost of money borrowed from the private market, which in turn is reflected in the interest rates on loans to Bank members.

Accordingly, the Bank's Board of Governors in April 1967 recommended to member governments the proposed $1 billion expansion of authorized callable ordinary capital stock. The proposal will become effective in October 1968 if members subscribing to at least 75 percent of the increase, $750 million, accept it through their standard constitutional procedures. Each country is scheduled to share in the increase in the same proportion as its existing share in current total authorized stock. Thus the U.S. share remains at 41.18 percent; there also has been no change in the 42-percent voting power of the United States. All subscriptions are to be made in two installments in 1968 and 1970, and no country's subscription to either installment will become effective until 75 percent of subscriptions for each installment are completed. Enough countries have completed action so that the U.S. subscription will bring the increase into effect.

5. COMMITTEE ACTION

The President of the United States, in his budget message of January 29, 1968, stated his intention of requesting an increase in the U.S. subscription to the callable capital of the Inter-American Bank. On February 8 there was referred to the Committee on Foreign Relations a letter from the Secretary of the Treasury transmitting a draft of proposed legislation to give effect to the Presidential determination. An NAC report favoring such action was received by the committee on February 27 from Secretary Fowler in his capacity as Chairman of the National Advisory Council on International Monetary, and Financial Policies. On February 15 Senator Fulbright, by request, introduced S. 2975, a virtually identical bill to H.R. 15364, to provide for U.S. participation in the proposed increase in callable capital of the Bank. However, the House of Representatives passed its companion bill on March 19, 1968, and H.R. 15364 was referred to the Foreign Relations Committee the following day.

The committee held a public hearing on H.R. 15364 on March 25, receiving testimony from Under Secretary of the Treasury Joseph W. Barr; Robert M. Sayre, Deputy Assistant Secretary of State for Inter-American Affairs; and Reuben Sternfeld, alternate U.S. Executive Director of the Inter-American Bank. Thereafter the bill was considered in executive session on April 3 and several members felt that another hearing should be held in order to develop additional information on the balance-of-payments question, on loan procedures and end-use review, and on methods employed in the eventuality of a call on member governments of the Bank. These subjects are discussed briefly under subheadings below.

An executive hearing was held on May 8 with Mr. Reuben Sternfeld and Mr. John Petty, Assistant Secretary of the Treasury for International Affairs. At the conclusion of the hearing that day the committee further considered H.R. 15364 in executive session and, without objection, ordered the bill reported favorably without amendment.

A. The U.S. balance of payments

According to testimony given the committee by Under Secretary of the Treasury Barr, over the past 5 years through 1967 the impact of the Bank's ordinary capital operations on the U.S. balance of payments has amounted to a plus to this country of a total of $129 million—"or an average of a favorable $26 million per year." It was pointed out that the Bank has recently intensified its efforts to float bond issues outside the United States capital markets. Thus, of the Bank's total funded debt of roughly $513 million at the end of 1967, about 35 percent was borrowed abroad.

The Bank has additionally established a formal policy of seeking to cooperate with the United States in the payments field. The more technical aspects of this policy are best quoted directly from the NAC report on the current proposal:

"On October 15, 1967, the Bank took a further significant action which had the dual effect of helping to generate additional funds from nonmember countries and of showing its understanding and constructive attitude regarding the U.S. balance-of-payments problem. On that date the Bank announced plans for the adoption of measures aimed at mobilizing additional financial resources for Latin America's development from countries not currently members of the Bank. These measures will condition procurement financed with ordinary capital loans in economically advanced nonmember countries on an appropriate contribution of resources to the Bank by the respective country. Procurement under ordinary capital loans now takes place on an international competitive bidding basis.

"Under the decision announced by the Bank, a country in a reasonably advanced stage of development will be considered eligible for procurement under loans from the ordinary capital resources of the Bank in any given period only if, up to a date shortly before the beginning of the period, the country has provided resources to the Bank on reasonable terms in a cumulative amount bearing an acceptable percentage relationship—100 percent after a transitional period—to cumulative procurement already effected in such country. Contributions of financial resources to the Bank can include bond sales, funds entrusted to the Bank for administration, participation in Bank loans, and parallel financing operations. The new policy applies only to procurement under loans authorized after October 15, 1967. However, for purposes of determining the eligibility of developed countries, both procurement and the provision of resources will be taken into account from the beginning of the Bank's operations on a cumulative basis.

"This new policy, effective January 1, 1968, applies to a list of economically advanced countries initially consisting of Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, and the United Kingdom.

"The Bank's cooperation with respect to the U.S. balance-of-payments problem is also demonstrated in its handling of the proceeds from the flotation of bond issues in the U.S. capital market. This cooperation has taken the form of undertakings on the part of the Bank to invest in the United States the proceeds from the sale of bonds to U.S. investors in such manner as to eliminate any effect on the U.S. balance of payments until the end of 1969. Under these conditions the Bank's loan flotations in the United States have no early impact on our balance of payments. It is only at a later stage when the proceeds from such issues are disbursed under loan contracts that the Bank's ordinary capital transactions may affect the U.S. balance-of-payments situation. These undertakings to invest proceeds of bond issues in the United States help assure the Bank's ordinary capital operations will have only minimal effect on the U.S. balance of payments."

B. Audit and end-use review

Late this past February the Bank's Board of Executive Directors approved a new proposal—resulting from a congressional initiative last year—to create within the Bank a system of comprehensive and continuing independent audit, with special attention to be given to the effectiveness of loan procedures. This new system, which originally was developed from a set of guidelines offered by the U.S. General Accounting Office, was unanimously accepted by the Directors and is being implemented. It is designed along the line of what we would term an end-use review, and it will be supplementary to the regular financial audit undertaken by the firm of Price Waterhouse & Co. A special small auditing group, including a member from the United States, will be expected to examine procedures and operations both in Washington and in the field. And the results of such audits will be available for scrutiny by member governments of the Bank. These auditors will be under the guidance of the Executive Directors rather than of the Bank's management. Their work will be completely additional to the extensive loan control techniques already in use and described in a July 1967, report to the Director by the Bank's Executive Vice President; a copy of this paper is available in the committee files.

Although not every committee member was fully convinced of the likely efficacy of the proposed new measures, there was much appreciation expressed for the forthcoming attitude of the Bank. There was no member who was not willing to withhold judgment until evidence had been accumulated about the workings of such a system.

G. Calls in event of defaults

Some confusion was created in committee as a result of the discussion in the public hearing concerning the way in which the guarantees might be invoked by the Bank in case of need. Calls may be made only to meet Bank obligations created by borrowings of funds for inclusion in the Bank's ordinary capital resources. In other words, calls could be made only if the Bank did not have the money to pay back its bond-holders. Such an unlikley event could occur only if there were large-scale defaults by the Bank's borrowers which would wipe out the reserves which the Bank has established for such contingencies. To date, there have been two defaults in the hard-loan operations, and none in the soft-loan activities, together amounting to slightly over $10 million. Both loans were made in the Bank's early days before government or quasi-official guarantees were required. After completion of legal moves to recover everything possible from the failed enterprises the net loss to the Bank probably will be slight. In any event, such sums would be relatively minor when set in the context of constantly increasing reserves of roughly $45 million.

However, in a hypothetical situation in which the Bank did not have the resources to repay the bondholders, then the Bank would make a call on all member countries in proportion to their respective shares in the capital stock. The call would be made in the currency necessary to meet the default. The U.S. share in any such call would be approximately 41 percent. If one or more other members failed to respond to the call, an unlikely course which would virtually destroy a country's international credit position, then all the other members would be liable for that unpaid share. In that circumstance, another call would be issued to all Bank members and the U.S. share again would be roughly 41 percent of the amount needed to make up an individual nation's unmet obligation. In this second call, if one of the members refused to accept its share, there would be a third call to meet that unpaid obligation. The process would continue until all obligations to bondholders had been fulfilled. At the same time, any defaulting member country would continue to be held legally responsible for its share which was covered by other members.

From this it will be seen that there is no reason to be concerned that the United States alone would have to fulfill all guarantees issued by the Bank. Such a wildly improbable event presumably could only come about as a result of worldwide financial chaos.

6. CONCLUSION

The Committee on Foreign Relations continues to maintain the view that no geographical region is more important to this country than Latin America, and that multinational partnership with our neighbors is the best means of our helping forward the economic and social development of the region. In promoting this objective the record of the Bank has been a sound one. The pending legislation involves no cash payments from the Treasury, but only a book entry in the nature of a contingent liability. Moreover, its longer-term impact on the U.S. balance of payments is likely to be either modest or nonexistent. The committee therefore urges the Senate to take early favorable action on H.R. 15364.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Acting Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended March 31, 1968; to the Committee on Armed Services.

AMENDMENT OF FOREIGN SERVICE ACT OF 1946

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of administration of U.S. assistance for capital development projects in Brazil, Agency for International Development, Department of State, dated May 16, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on savings available to the Government through elimination of duplicate inventories, General Services Administration, Department of the Navy, dated May 16, 1968 (with an accompanying report); to the Committee on Government Operations.

NOTICE OF RECEIPT OF PROJECT PROPOSALS UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of project proposals under the Small Reclamation Projects Act of 1956, from Cameron County Water Improvement District No. 2, San Benito, Tex., Central Oregon Irrigation District, Redmond, Oreg., Lakeside Irrigation Water District, Hanford, Calif., and Buttonwillow Improvement District, Bakersfield, Calif.; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 35

"Joint resolution relative to Federal participation in welfare payments to nonresidents

"Whereas, The Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs whose costs are partly paid by federal funds; and

"Whereas, The Federal Social Security Act so provides at the present time, with California having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments; and

"Whereas, A federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements alleging that they contravene the "equal protection of the law" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country; and

"Whereas, If this new judicial theory is upheld by the United States Supreme Court, state and county costs of public assistance in California will be tremendously and permanently increased; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Federal Social Security Act at once so as to provide full federal financing of public assistance payments made to recipients who do not meet the length of residence requirements presently permitted by federal statute and contained in the California Welfare and Institutions Code and applicable statutes in other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"Adopted in Assembly May 3, 1968.

"Adopted in Senate May 2, 1968."

A resolution adopted by the National Guard Association of Alabama, Birmingham, Ala., praying for the reexamination of the Army National Guard; to the Committee on Armed Services.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Manuel Frederick Cohen, of Maryland, to be a member of the Securities and Exchange Commission.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 3519. A bill to provide increased programs of assistance to the fishing industry of the United States; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

S. 3519—INTRODUCTION OF BILL TO PROVIDE INCREASED PROGRAMS OF ASSISTANCE TO THE FISHING INDUSTRY

Mr. MAGNUSON. Mr. President, I introduce today, for appropriate reference, legislation to assist the depressed American fishing industry. This introduction is at the request of the AFL–CIO Maritime Committee which has dedicated considerable thought and effort toward this proposal which they believe to be a step forward in assisting the harvesting fishermen in particular.

The Commerce Committee files contain a large number of broad, omnibus-type proposals to assist the American fisherman. None are perfect, but in each there are ingredients which offer good hope for progress in our long effort in this regard. Among them is a proposal by the Congress of American Fishermen, representing a broad spectrum of the producing fishermen on the west coast. It is my intention to introduce the CAF suggested program at an early date.

Because of the complexity of the problems facing our domestic fisheries, particularly of those who harvest the adjacent resources—often in near-direct competition with foreign subsidized fishing fleets—the answers are equally complex. By the same token, the suggestions of one segment or geographical area are not consistent with the answers provided by others. There is great difficulty in achieving any kind of unity or consensus to attack a problem which is one of great gravity and concern to this Nation.

It seems to me that the introduction of these measures, coming as they do from the grassroots of harvesting experience, may assist our committee in providing proper direction for assistance of the depressed American fishing industry.

There are problem areas in all of these omnibus proposals. For example, the proposal I introduce today by request of the AFL–CIO Maritime Committee includes a section to provide for the construction of three fish protein concentrate plants and four leased plants. The suggested construction authorization figure has been set at $6 million, and the leasing, operation, maintenance, and research authorization is proposed at $4.6 million annually for a period of 5 years.

I am totally in favor of this needed development in this country, but the facts which confront us indicate that the other body is presently wrestling with the need for an additional $900,000 to get the first such plant in operation. In view of this, the suggestion in this bill does not square with some current legislative realities. I have not given up, however, Mr. President, on fish protein concentrate as I feel that when the facts are known to the subcommittee members now studying the problem they will act as rapidly as did my Senate committee and the Senate itself in the passage of S. 3030, which provides for these necessary funds.

Our fishermen need assistance of some kind. They need it badly. There is no debate on any fishing coast of the country as to need, but there is evidence of varied views as to method. It is my hope that these proposals will assist by providing for accelerated discussion.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3519) to provide increased programs of assistance to the fishing industry of the United States, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

REREFERRAL OF BILLS AND JOINT RESOLUTION

Under authority of the order of the Senate of February 20, 1968, the Committee on Public Works was discharged from the further consideration of the following bills and joint resolution, and they were rereferred to the Committee on the Judiciary:

S. 470. A bill granting the consent and approval of Congress to the Illinois-Indiana Air Pollution Control Compact;

S. 2350. A bill granting the consent and approval of Congress to the West Virginia-Ohio Air Pollution Control Compact; and

S.J. Res. 95. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENT

AMENDMENT NO. 805

Mr. SCOTT submitted an amendment, intended to be proposed by him, to the bill (S. 917) to assist States and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NOS. 806 THROUGH 808

Mr. ERVIN submitted three amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON INTER-CIRCUIT ASSIGNMENTS OF JUDGES

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings on the operations of chapter 13, title 28, United States Code.

The hearings will be held on May 28 and 29, 1968, at 9:30 a.m., in the District of Columbia Committee hearing room, 6226 New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE CONCERNING HEARINGS ON SENATE JOINT RESOLUTION 169

Mr. MONDALE. Mr. President, the first day of hearings on Senate Joint Resolution 169, the East-West trade resolution, originally scheduled for May 22 have been postponed. When a new date is set, it will be announced.

The hearings will continue on June 13 and 27, and July 17 and 24, commencing at 10 a.m. in room 5302, New Senate Office Building.

DEDICATION OF MILFORD RESERVOIR IN KANSAS

Mr. CARLSON. Mr. President, last Saturday, the giant $50 million Milford Reservoir on the Republican River, near Junction City, Kans., was dedicated.

This project marks the completion of another one of a group of important reservoirs constructed in Kansas during the last 25 years, and will add much to the control of water runoff in our State.

The master of ceremonies for the occasion was John D. Montgomery, Civilian Aide at Large to the Secretary of the Army, and publisher of the Junction City Daily Union.

Participating in the program were the Honorable Robert Docking, Governor of Kansas; Maj. Gen. F. J. Clarke, Deputy Chief of Engineers, Office of the Chief of Engineers, Washington, D.C.; and Col. W. G. Kratz, district engineer of the Kansas City district. It was my honor and privilege to give the dedicatory address, and I ask unanimous consent that the text of the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FRANK CARLSON AT THE DEDICATION CEREMONY OF THE MILFORD RESERVOIR, MAY 18, 1968

It is indeed an honor and a privilege to share with you this dedication of the Milford Reservoir.

During this period of our national history, when we have become almost totally preoccupied with grave and pressing problems, it is indeed refreshing to participate in a ceremony such as this.

For here, we dedicate a project that serves as an example of our ability to work together—to build—to cooperate—to mutually agree upon a project of progress. This project typifies the traditional American "can do" attitude and our national ability to work together for the benefit of many.

Certainly, the Nation acted very wisely when the plan for the Missouri River Basin was adopted under the 1938 Flood Control Act. The actions that we have taken since that time are indicative of the wonderful American ability to use foresight—to look to the future and to build for tomorrow.

As a people, we have come to realize that our natural resources are basic to our National strength and greatness. We have accepted the fact that our natural resources must be used in the best interests of society as a whole.

Our modern day society has placed fantastic demands upon our land, water and other resources and these demands are intensifying daily. These same demands serve to intensify the need to develop sound plans for the proper utilization and conservation of our natural resources—sound plans that will not only meet the needs of today but those of the future as well.

When compared to our abundance of natural resources, man seems small indeed but man has become the dominant factor—the master of his environmental fate. It is an awesome challenge. We must fit our needs and activities into our total environment. We must not only make the best use of our great resources but insure their use and beauty for future generations to come.

This challenge assumes larger proportions each passing year. We are now a nation of 200 million. The next century will see an additional 100 million Americans. Perhaps the greatest challenge facing us today is not whether we can reach the moon and explore outer space, but if we can provide a decent and desirable environment for ourselves here on earth.

And, although we recognize this challenge, we cannot afford to sit back and bask in this knowledge and in past accomplishments—we have not always been so wise. The story of the Great Plains should remind us all that man can destroy our natural resources as well as preserve them.

Indiscriminate use of the plow turned under millions of acres of fine grass for the planting of crops. Much of the land was not suited for the purpose. By 1930, the scene for disaster was set and successive years of drought and wind took their toll.

When I first came to Washington—a newly elected member of the House of Representatives—the Midwest was known as "The Dust Bowl." We paid dearly for our thoughtless and ill informed treatment of the land.

Since then, we have witnessed the formulation and partial execution of a blueprint for the control and development of the water resources of the Great Plains area—already these projects have greatly changed the face of Kansas.

We began with the Flood Control Act of 1938—which was later expanded by the 1944 Flood Control Act.

I consider myself very fortunate to have been a member of the House Committee that deliberated on the bill that was to become that important legislation. The act provided for flood control—water supply management—hydroelectric power—navigation and other benefits, including erosion control—fish and wildlife conservation and public recreation facilities.

Nature, however, did not wait for us to transfer the blueprint into reality before providing the forceful lessons of the need for such a plan. The 1951 and 1952 floods served as grim warning of the need for action.

And then being the contrary lady that she is, nature showed her other hand. Beginning with 1954, the Missouri River experienced eight consecutive years of below normal run-off.

It was during this time that accelerated action on this project was begun in the form of dams and local flood control projects.

We saw the construction of the Topeka levees—the Ottawa protection unit—projects at Manhattan, Salina—the Wilson Reservoir—Tuttle Creek—Kanapolis— and Perry. These are but a few of the parts that make up the total river basin project.

The value of this overall project is almost incalculable. The Corps of Engineers early last year estimated that the completed portions of the Missouri River Basin Program had prevented flood damages to date in excess of $1.5 billion dollars.

This Milford project has already added its share of benefits. In June of 1965, this partially completed project prevented serious flood damage.

In addition, the benefits of the plan have attracted nationwide attention. These reservoirs generate millions of kilowatt hours of electricity—float barges carrying millions of tons of commercial freight—irrigate thousands of acres of land—provide quality water for municipal and industrial uses—and enable virtually millions of people to enjoy recreational benefits.

During my years in Congress, we have certainly come a long way in our efforts to conserve and wisely use our resources. I have seen the Great Plains—our own Midwest—change from a "Dust Bowl" to a virtual water wonderland.

This project serves as a noteworthy example of cooperative planning and working for a common purpose. Federal, state and local governments, working together, have again demonstrated our determination and ability to properly utilize this Nation's basic material strength.

I would only repeat my earlier statement that the challenge of man living in his environment gets greater each year. We cannot afford too much time looking over our shoulder at what we have done—much remains to be done in the future.

The first chief of the U.S. Forest Service—Gifford Pinchot—a man who was a conservationist long before that profession and philosophy became popular—left us a meaningful challenge concerning our great natural resources. He said:

"The rightful use and purpose of our natural resources is to make all of the people strong and well—able and wise—well taught—well fed—well clothed—well housed—full of knowledge and initiative, with equal opportunity for all and special privilege for none."

Only history will be the final judge of how well we lived up to Mr. Pinchot's challenge and how well we husband this Nation's wealth and greatness for those who will follow us.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess, not until 10 a.m. tomorrow, as previously agreed, but until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WILLIAMS OF DELAWARE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the completion of the prayer and the disposition of the Journal tomorrow morning the distinguished senior Senator from Delaware [Mr. WILLIAMS] be recognized for not to exceed one-half hour, or until 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, is not all time under control?

Mr. MANSFIELD. Beginning at 10 o'clock.

Mr. McCLELLAN. Tomorrow?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. The Senator is talking about in the morning; one-half hour in the morning.

Mr. MANSFIELD. Before time starts on the bill.

Mr. McCLELLAN. I thought time was under control today.

Mr. MANSFIELD. The Senator is correct.

Mr. McCLELLAN. I have no objection. I was trying to understand the situation. That was my recollection.

Mr. MANSFIELD. The Senator is correct. The time today is under control, and, as I recall, it is under the control of the distinguished Senator from Arkansas [Mr. McCLELLAN], the manager of the bill, and the distinguished Senator from Maryland [Mr. TYDINGS], who is the proposer of an amendment.

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The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Will the Chair advise us what the pending business is at the moment?

The PRESIDING OFFICER. The bill is not before the Senate yet.

Mr. McCLELLAN. Nothing has been laid before the Senate yet?

The PRESIDING OFFICER. When the pending business is laid before the Senate, the question then will be on the amendment offered by the Senator from Maryland as a substitute for the amendment of the Senator from Michigan.

Mr. McCLELLAN. That would be true of any amendment lying on the desk; when it comes before us, that will be the pending business.

The PRESIDING OFFICER. No. These will be the pending questions because they have already been offered.

Mr. McCLELLAN. Are they now the pending business?

The PRESIDING OFFICER. When the morning hour is concluded.

Mr. McCLELLAN. They will be the pending business when the morning hour is concluded?

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. There was a unanimous-consent agreement entered into placing a limitation of time on a motion to strike title II. My inquiry is: If a substitute is offered for title II which goes beyond a motion to strike, is there any time limitation left?

The PRESIDING OFFICER. The pending question is a motion to strike and insert, and a motion to strike and insert takes precedence over a motion to strike.

Mr. ERVIN. I do not believe that answers my question.

I would then oppose a unanimous-consent agreement to place a limitation of time upon a motion to strike. That is what the unanimous-consent agreement is directed to.

Now, we have a different proviso, not only to strike, but also an amendment to insert in addition to strike.

My parliamentary inquiry is: Does a unanimous-consent agreement which is entered into only on a motion to strike fall by the wayside——

The PRESIDING OFFICER. I am informed by the Parliamentarian that the answer to that question is "No," because the Senator fails to take into account the additional proviso of the unanimous-consent agreement which states:

> *Provided*, That if there are any amendments to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment that has not been disposed of prior to that time, debate on such amendment or amendments will be limited to 1 hour to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland (Mr. Tydings) or any Senator designated by him.

Mr. ERVIN. A Senator can make a motion to strike, and then abandon it by making a motion to strike and insert in its place, and an agreement which Senators are willing to make in respect to the former is binding on the latter. By so doing, a Senator may be able to frustrate a vote on the real issue.

The PRESIDING OFFICER. This is all part and parcel of the unanimous-consent agreement which was agreed to without objection.

Is there further morning business?

Mr. ERVIN. It will be a long time before I ever allow a unanimous-consent agreement to be made that will tie my hands like this.

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. HILL. Mr. President, last Thursday I had the pleasure of being present at a ceremony in the White House at which Wilbur Cohen was sworn into office as Secretary of Health, Education, and Welfare.

President Johnson said that Mr. Cohen "has been a planner, he has been an architect, he has been a builder, and he has been a repairman on every major piece of social legislation in the last 35 years."

I can personally attest to Wilbur Cohen's long record of dedicated work on behalf of better health for all Americans. As chairman of the Committee on Labor and Public Welfare, I have observed, over the years, the traits of character and the know-how which have so well prepared Wilbur Cohen for the important office he now holds.

I ask unanimous consent that the text of the President's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President at the Swearing-In Ceremony of Wilbur Cohen, Secretary of Health, Education, and Welfare, May 16, 1968

Secretary Cohen and family, Mr. Vice President, Members of the Cabinet, ladies and gentlemen, distinguished members of Congress:

One thing I have always noticed about Wilbur Cohen is that he never does anything without a reason. Usually I can figure out what he is up to. But for the life of me, I just couldn't understand why he chose the man he did to administer the oath of office this morning.

In any discussion of our social history, two landmark laws deserve very special mention, Social Security and Medical Care. Each was passed after very long and searching debate in the Congress. Each looked at one time or another like it was a very lost cause.

Each is a monument to the compassion and the enlightenment of the American nation and each bears the indelible mark of one man—Wilbur Cohen.

If there is any man in America whose record and whose devotion to public service qualifies him for high office, it is Wilbur Cohen. I am glad that I had a chance to participate in that decision that brought him to the highest office in his field.

He has been a planner, he has been an architect, he has been a builder, and he has been a repairman on every major piece of social legislation in the last 35 years.

He hasn't minded being a private in the rear ranks and now he is a general in the front ranks. But he will be doing the same things.

During the early years of the long battle for health insurance Wilbur wasn't always the best loved leader in the land, at least in the medical society meetings.

After one earnest speech before a medical society, I am told a doctor came up and offered to provide Wilbur personally with free medical care. In fact he volunteers to make a no-cost incision—from here all the way over to here. He said he could economize by not using anesthesia.

But Wilbur kept on working and as we meet here today, more than 19½ million Americans are getting the benefits of Medicare and the benefits of his long hours, his patience and his understanding and his devotion to his country.

Today the reformers would do well, I think, if they would just take Wilbur Cohen's life and study it. In a time when we are hearing so much about power, black power, white power, green power and student power, perhaps someone should do an analysis of another kind of power—"Wilbur Power".

You might define it as "Wilbur Power" with something added. Certainly it is the power of optimism over pessimism. Certainly it is the power of involvement over indifference. It is the power of reason over rhetoric. It is the power of the patient, persistent reformer over the noisy zealot. I have found that it is power that gets the job done.

Wilbur Cohen knows that you cannot move a nation from an ivory tower. But he has also learned that you can't move a nation with a bulldozer.

It took more than 20 years to achieve Medicare and this man's determination and his skill in the agonizing art of turning dreams into law worked the miracle when lesser men could only stamp their feet in frustration.

A friend once said that Wilbur feels every person in the country who is at home alone, who is sick, is his personal responsibility.

But we did not come here for this ceremony simply to praise Wilbur's past record, great as that is. Wilbur Cohen is taking the oath of office today because I believe that he knows the needs of our country.

He knows the need to raise the national spirit. He knows the need to win new victories in new ways against disease and ignorance and poverty. He knows how urgent it is to erase the old indignities and to do it now, to end the old inequalities and to do it now, and to replace neglect with opportunity and to do it now.

Our future is filled with unfinished business, but it is rich with hope and with a great deal of opportunity, too.

So, Wilbur, we welcome you, knowing that any man who marries a redhead from Texas is a man who really loves challenges.

(The oath was administered to Secretary Cohen.)

THE CITIZEN SOLDIER AND THE ALLIANCE OF THE FREE

Mr. SCOTT. Mr. President, today, in California, our minority whip, the distinguished senior Senator from California, is to address the San Fernando Valley American Legion on the occasion of its 10th annual Armed Forces Day luncheon. Senator Kuchel has emphasized the vital importance of a citizen response by the American people, together with peoples of the free world, in the face of challenges to our security.

In his remarks, he has called for a system of selective service based on random selection. I also invite attention to the Senator's call for the adjudication of the *Pueblo* issue by the World Court. I ask unanimous consent that a partial text of Senator Kuchel's remarks be printed in the Record.

There being no objection, the excerpt from the remarks was ordered to be printed in the Record, as follows:

The Citizen Soldier and the Alliance of the Free

(Partial text of remarks by U.S. Senator Thomas H. Kuchel before the 10th annual Armed Forces Day luncheon of the San Fernando American Legion Luncheon Club, North Hollywood, Calif., May 17, 1968)

I am deeply honored on this our national Armed Forces Day to address the 10th Annual Luncheon of the San Fernando Valley American Legion. On this day, we honor our men in uniform. As all of us who have answered the call to the colors in our own time remember on this occasion, the deep significance of that uniform in the life of our Republic. Those who wear it are the guardians of the achievements of a long and historic struggle to perfect free society and to make it safe and strong.

I want to recall for a moment one of the chapters of that story. Not far from Washington, where the broad York River moves gently through the Tidewater country of Virginia to the Chesapeake Bay, lies the battlefield at Yorktown. Here the independence of the United States was finally delivered from British imperial hands. Here, men with faith in inalienable human rights proved their power, by standing together, to win freedom.

Yorktown was the finest hour of General George Washington. His genius set the trap for the British forces on the James Peninsula. Fighting alongside him were 5,000 French troops. Off in the Atlantic stood French ships-of-the-line which decisively defeated the British fleet at the Battle of the Virginia Capes. Without support of these allies, there could well have been no victory.

The Frenchmen were modest, despite their courtly ways. When British commanders refused to surrender their swords to the Yankee commoners, it was a Frenchman of noble blood who stood forward to insist that the full honors of victory be given the Americans.

not only meet the needs of today but those of the future as well.

When compared to our abundance of natural resources, man seems small indeed but man has become the dominant factor—the master of his environmental fate. It is an awesome challenge. We must fit our needs and activities into our total environment. We must not only make the best use of our great resources but insure their use and beauty for future generations to come.

This challenge assumes larger proportions each passing year. We are now a nation of 200 million. The next century will see an additional 100 million Americans. Perhaps the greatest challenge facing us today is not whether we can reach the moon and explore outer space, but if we can provide a decent and desirable environment for ourselves here on earth.

And, although we recognize this challenge, we cannot afford to sit back and bask in this knowledge and in past accomplishments—we have not always been so wise. The story of the Great Plains should remind us all that man can destroy our natural resources as well as preserve them.

Indiscriminate use of the plow turned under millions of acres of fine grass for the planting of crops. Much of the land was not suited for the purpose. By 1930, the scene for disaster was set and successive years of drought and wind took their toll.

When I first came to Washington—a newly elected member of the House of Representatives—the Midwest was known as "The Dust Bowl." We paid dearly for our thoughtless and ill informed treatment of the land.

Since then, we have witnessed the formulation and partial execution of a blueprint for the control and development of the water resources of the Great Plains area—already these projects have greatly changed the face of Kansas.

We began with the Flood Control Act of 1938—which was later expanded by the 1944 Flood Control Act.

I consider myself very fortunate to have been a member of the House Committee that deliberated on the bill that was to become that important legislation. The act provided for flood control—water supply management—hydroelectric power—navigation and other benefits, including erosion control—fish and wildlife conservation and public recreation facilities.

Nature, however, did not wait for us to transfer the blueprint into reality before providing the forceful lessons of the need for such a plan. The 1951 and 1952 floods served as grim warning of the need for action.

And then being the contrary lady that she is, nature showed her other hand. Beginning with 1954, the Missouri River experienced eight consecutive years of below normal run-off.

It was during this time that accelerated action on this project was begun in the form of dams and local flood control projects.

We saw the construction of the Topeka levees—the Ottawa protection unit—projects at Manhattan, Salina—the Wilson Reservoir—Tuttle Creek—Kanapolis— and Perry. These are but a few of the parts that make up the total river basin project.

The value of this overall project is almost incalculable. The Corps of Engineers early last year estimated that the completed portions of the Missouri River Basin Program had prevented flood damages to date in excess of $1.5 billion dollars.

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In addition, the benefits of the plan have attracted nationwide attention. These reservoirs generate millions of kilowatt hours of electricity—float barges carrying millions of tons of commercial freight—irrigate thousands of acres of land—provide quality water for municipal and industrial uses—and enable virtually millions of people to enjoy recreational benefits.

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ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess, not until 10 a.m. tomorrow, as previously agreed, but until 9:30 tomorrow morning.

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ORDER FOR RECOGNITION OF SENATOR WILLIAMS OF DELAWARE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the completion of the prayer and the disposition of the Journal tomorrow morning the distinguished senior Senator from Delaware [Mr. WILLIAMS] be recognized for not to exceed one-half hour, or until 10 a.m.

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ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, is not all time under control?

Mr. MANSFIELD. Beginning at 10 o'clock.

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The PRESIDING OFFICER. I am informed by the Parliamentarian that the answer to that question is "No," because the Senator fails to take into account the additional proviso of the unanimous-consent agreement which states:

> *Provided*, That if there are any amendments to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment that has not been disposed of prior to that time, debate on such amendment or amendments will be limited to 1 hour to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland (Mr. Tydings) or any Senator designated by him.

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The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. HILL. Mr. President, last Thursday I had the pleasure of being present at a ceremony in the White House at which Wilbur Cohen was sworn into office as Secretary of Health, Education, and Welfare.

President Johnson said that Mr. Cohen "has been a planner, he has been an architect, he has been a builder, and he has been a repairman on every major piece of social legislation in the last 35 years."

I can personally attest to Wilbur Cohen's long record of dedicated work on behalf of better health for all Americans. As chairman of the Committee on Labor and Public Welfare, I have observed, over the years, the traits of character and the know-how which have so well prepared Wilbur Cohen for the important office he now holds.

I ask unanimous consent that the text of the President's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE SWEARING-IN CEREMONY OF WILBUR COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, MAY 16, 1968

Secretary Cohen and family, Mr. Vice President, Members of the Cabinet, ladies and gentlemen, distinguished members of Congress:

One thing I have always noticed about Wilbur Cohen is that he never does anything without a reason. Usually I can figure out what he is up to. But for the life of me, I just couldn't understand why he chose the man he did to administer the oath of office this morning.

In any discussion of our social history, two landmark laws deserve very special mention, Social Security and Medical Care. Each was passed after very long and searching debate in the Congress. Each looked at one time or another like it was a very lost cause.

Each is a monument to the compassion and the enlightenment of the American nation and each bears the indelible mark of one man—Wilbur Cohen.

If there is any man in America whose record and whose devotion to public service qualifies him for high office, it is Wilbur Cohen. I am glad that I had a chance to participate in that decision that brought him to the highest office in his field.

He has been a planner, he has been an architect, he has been a builder, and he has been a repairman on every major piece of social legislation in the last 35 years.

He hasn't minded being a private in the rear ranks and now he is a general in the front ranks. But he will be doing the same things.

During the early years of the long battle for health insurance Wilbur wasn't always the best loved leader in the land, at least in the medical society meetings.

After one earnest speech before a medical society, I am told a doctor came up and offered to provide Wilbur personally with free medical care. In fact he volunteers to make a no-cost incision—from here all the way over to here. He said he could economize by not using anesthesia.

But Wilbur kept on working and as we meet here today, more than 19½ million Americans are getting the benefits of Medicare and the benefits of his long hours, his patience and his understanding and his devotion to his country.

Today the reformers would do well, I think, if they would just take Wilbur Cohen's life and study it. In a time when we are hearing so much about power, black power, white power, green power and student power, perhaps someone should do an analysis of another kind of power—"Wilbur Power".

You might define it as "Wilbur Power" with something added. Certainly it is the power of optimism over pessimism. Certainly it is the power of involvement over indifference. It is the power of reason over rhetoric. It is the power of the patient, persistent reformer over the noisy zealot. I have found that it is power that gets the job done.

Wilbur Cohen knows that you cannot move a nation from an ivory tower. But he has also learned that you can't move a nation with a bulldozer.

It took more than 20 years to achieve Medicare and this man's determination and his skill in the agonizing art of turning dreams into law worked the miracle when lesser men could only stamp their feet in frustration.

A friend once said that Wilbur feels every person in the country who is at home alone, who is sick, is his personal responsibility.

But we did not come here for this ceremony simply to praise Wilbur's past record, great as that is. Wilbur Cohen is taking the oath of office today because I believe that he knows the needs of our country.

He knows the need to raise the national spirit. He knows the need to win new victories in new ways against disease and ignorance and poverty. He knows how urgent it is to erase the old indignities and to do it now, to end the old inequalities and to do it now, and to replace neglect with opportunity and to do it now.

Our future is filled with unfinished business, but it is rich with hope and with a great deal of opportunity, too.

So, Wilbur, we welcome you, knowing that any man who marries a redhead from Texas is a man who really loves challenges.

(The oath was administered to Secretary Cohen.)

THE CITIZEN SOLDIER AND THE ALLIANCE OF THE FREE

Mr. SCOTT. Mr. President, today, in California, our minority whip, the distinguished senior Senator from California, is to address the San Fernando Valley American Legion on the occasion of its 10th annual Armed Forces Day luncheon. Senator KUCHEL has emphasized the vital importance of a citizen response by the American people, together with peoples of the free world, in the face of challenges to our security.

In his remarks, he has called for a system of selective service based on random selection. I also invite attention to the Senator's call for the adjudication of the *Pueblo* issue by the World Court. I ask unanimous consent that a partial text of Senator KUCHEL's remarks be printed in the RECORD.

There being no objection, the excerpt from the remarks was ordered to be printed in the RECORD, as follows:

THE CITIZEN SOLDIER AND THE ALLIANCE OF THE FREE

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the 10th annual Armed Forces Day luncheon of the San Fernando American Legion Luncheon Club, North Hollywood, Calif., May 17, 1968)

I am deeply honored on this our national Armed Forces Day to address the 10th Annual Luncheon of the San Fernando Valley American Legion. On this day, we honor our men in uniform. As all of us who have answered the call to the colors in our own time remember on this occasion, the deep significance of that uniform in the life of our Republic. Those who wear it are the guardians of the achievements of a long and historic struggle to perfect free society and to make it safe and strong.

I want to recall for a moment one of the chapters of that story. Not far from Washington, where the broad York River moves gently through the Tidewater country of Virginia to the Chesapeake Bay, lies the battlefield at Yorktown. Here the independence of the United States was finally delivered from British imperial hands. Here, men with faith in inalienable human rights proved their power, by standing together, to win freedom.

Yorktown was the finest hour of General George Washington. His genius set the trap for the British forces on the James Peninsula. Fighting alongside him were 5,000 French troops. Off in the Atlantic stood French ships-of-the-line which decisively defeated the British fleet at the Battle of the Virginia Capes. Without support of these allies, there could well have been no victory.

The Frenchmen were modest, despite their courtly ways. When British commanders refused to surrender their swords to the Yankee commoners, it was a Frenchman of noble blood who stood forward to insist that the full honors of victory be given the Americans.

We owe eternal gratitude to the people of France, and to those other peoples of Europe who helped us gain our independence. One hundred fifty lears later, our obligations were remembered. With the nostalgic cry, "Lafayette we are here," American doughboys landed in France to join a struggle which they hope would make "the world safe for democracy."

The challenge was met once again, on the beaches of Normandy, on the front at St. Lo, in the Battle of the Bulge. From the cruelties of World War II, men learned the lesson that, without one another, in joint determination, the flame of freedom may be snuffed out.

Two themes run through this chain of events. One is the awareness among free men in the Western democracies of the need to make common cause in defense of liberty. This we have come to call collective security. It has been the basis of American foreign policy since the beginning of this century. It is the most effective means yet available to assure the independence and safety of free nations without pawning them to larger powers.

The other is the reliance on the citizen soldier—the shareholder in American sovereignty who will ever respond to defend his birthright. Through him our defense becomes truly a national effort. Our wars have been fought and won by him. With his inspiration our people have known unity and determination.

It has been 23 years since the last world war. The great alliances of the Atlantic democracies are today in sad repair. Our European allies remain aloof. In Vietnam, our long standing ties with Western Europe have been little availing. Petty nationalism has narrowed the interests of some European leaders. Last year, the French Foreign Minister stated that international crises now center in Asia. As a consequence, he said, they are of little concern to the nations of Europe.

The departure of France from the councils of the Free World is indeed tragic. The quest for narrow grandeur at the expense of a broader view of mankind is a backward move. The French posture is a policy that is bound to result either in a frantic effort to play both ends against the middle or, worse, in submission to satellite status before some greater empire.

De Gaulle would have the world believe that America seeks an empire in Europe. You and I know that this is far from the truth. America stands ready today to join in the defense of freedom. This is the testimony of our effort in Vietnam. The greater tragedy is that our purpose has been so badly misunderstood.

The rigid confrontation of the Cold War has broken down on both sides. French behavior is but one of the new elements in the world around us. In Communist Rumania, there is a progressive effort to break loose from Soviet domination. In Yugoslavia, there is a continuing move from socialism toward a market economy, where the consumer rather than the state can be the arbiter of trade. In Czechoslovakia, a frozen Communist glacier has been unrelentingly exposed to hot demands for freedom. Rigid Communist rules of censorship have broken down. The Communist hacks, who unthinkingly took their ideas from Moscow, have been thrown out. A new era of political competition is opening. I believe it unlikely that Communist doctrines and rigid ideology will survive if free debate and open criticism are permitted.

The Soviet Union is worried. It has summoned the newly appointed Czech leaders to Moscow. Economic pressures are being applied. The threat of none-too-subtle military action looms in the bitter memory of the intervention in Budapest 12 years ago. But times have changed. The Russians may no longer be able to prevent the unraveling of the Iron Curtain as they once could. The voice of freedom in Czechoslovakia is an old and hardy one. The rulers of neighboring Communist states are uneasy. East Germany, for example, is jamming broadcasts from across the Czech border. But inevitably the voice of struggle for human freedom is being heard, and it will be victorious if those who seek freedom stand together.

None of us can be too sorry to see an end to the old, Cold War World. But, in its heyday, it did provide a kind of certainty. We knew our adversaries. We believed our allies could be counted on. Today, the United States seems caught between "going it alone" or attempting to pull behind our vast oceans in a vain hope that they might again protect us. Neither alternative is realistic. Neither isolation nor the role of the world's policeman fit this country's future. Peace is best pursued by nations working in concert.

In this new era for any nation to ignore the concept of collective defense is to invite conflict. For a small nation to adopt a strategy of defense against every point in the compass, as France has done, makes for little safety, and probably for economic disaster as well. The likelihood of conflict appears from rising tensions where none need be. We need communication, not isolation.

Many of the old problems, of course, remain. I have no doubt that the Kremlin's leaders still dream of a "World Revolution" in which our way of life would be destroyed. I rather think they also see in their dreams the nightmare of nuclear warfare, emanating, possibly, from the land of their Chinese neighbor, in which their cities, and perhaps the human race, could be utterly devastated in a matter of an hour or two.

Danger comes by surprise. New causes of peril appear where we least expect them. Our nation has only now come to realize the gravity of the criminal seizure of the U.S.S. PUEBLO last January. Eighty-three Americans are still held hostage in North Korea. So far, our diplomacy has been unavailing. We seem powerless, short of an all-out war, to obtain their freedom by use of force, and the tragic fact is that the well-being of the captured Americans is at the whim of the North Korean Communist regime. I assure you that there is no responsible Member of the Congress who has not daily agonized over how to get these men back, safe and sound. Recently the Deputy Chief of Naval Operations, Vice Admiral W. F. A. Wendt, wrote me the following statement:

"From our experience with the Asian communists, one fact has emerged rather clearly. Once an American falls into the hands of North Korea, Communist China, or North Vietnam, there is little that the use of force can accomplish toward defending or securing his freedom. The dilemma is not unlike that of law enforcement agencies in a kidnapping case. However, the difficulties and consequences of punishing an offending country are obviously far more complex."

Admiral Wendt has put the dilemma very well. Lately, it has seemed to me that America should call for adjudication of the conflict by the World Court, as another means of seeking action in the matter. There is precedent for this action. We have a right to demand such action in the United Nations Security Council. North Korea has been at odds with the family of nations for two decades. It is time that this outlaw Communist state be brought before the bar of world justice.

For the years ahead, our nation must yet be prepared for many trials in unexpected quarters. The United States is going to have to test every aspect of her relationship in this new world. We will have to take our bearings and find the high road we must follow. Our nation has always sought a world ruled by law—a world where nations would recognize the rights of their neighbors, would accept the futility of global conflict, and would uphold the manifest advantages of settlement of dispute by peaceful means. This search for the rule of law is as valid in international affairs as it is in Newark, Chicago, or Santa Monica.

We are approaching a major turning point in the affairs of the United States. What we do in these coming years is crucial. Further steps must be taken cautiously and, in my opinion, with the constant participation and approval of the American people. That is a test for our system—indeed, the very reason for it.

In the world ahead, we will continue to depend on the determination of all Americans to accept the joint responsibility for defending freedom. The Vietnam war has shown us, that even in the nuclear age, we continue to need the undeviating devotion to country of the individual citizen. The Roman Cincinnatus, who left his plow to lead the defense of his Republic, remains an inspiration in our own time.

America must be able to depend on her citizen soldier. Recent experience has shown that the present draft laws can be improved. Our nation, with its highly sophisticated and rapidly developing industry, is faced with a terribly complex problem in time of war. America must train men for her armed services, and at the same time, continue to fill the expanding manpower needs of our increasingly complicated economy. Above all, the risks for each American having to place his life on the line in the face of a deadly enemy must be equalized.

Of the possible alternatives, it seems to me, the most equitable and workable is a system of random selection. By this means, each man faces equal odds. His period of exposure to the lottery can be reduced under present manpower requirements to no more than one year. After that time, he would have certainty and independence. He would be free to plan his career, once his year of risk is passed.

Most important, this plan would permit the vital process of higher education to continue without interruption. Today, our universities face reductions in enrollments from 20 to 60 percent below current levels in their graduate schools. This is a heavy burden. Over time, this drain in trained manpower will be felt with disastrous force on our economy. The growth potential found only in the exuberant capacities of young minds meeting new horizons must not be lost to our nation. As we treasure our young men, so must our policy strive increasingly to treat them with wisdom and fairness.

America is threatened with an appalling reduction in our cadre of trained citizens. This is a grave matter both to our economy and to our national security. Let me point out the contrasting situation in the Soviet Union. The Russians are training three times as many engineers as we are. Far from cutting their enrollments in scientific studies they doubled them between 1960 and 1964 and the output of trained manpower continues to rise. Meanwhile the relative advantage of the United States has dwindled. We may now fall well behind.

In America, we demand an equal sharing of the risks and privileges of citizenship. The call to the colors must certainly be no exception. I believe that we can be of great assistance to the American youth as they shoulder the burdens of our country and its defense. We can and should remove the uncertainties and inequities from the operation of our Selective Service System.

In this new world, we must be prepared not only to defend ourselves, but to take advantages of the cracks in the Communist monolith as they appear. This means diplomacy, as well as preparedness. This means getting the message of freedom across, both by public and private means. It means an effective system of public information purged of the credibility problems. It means a voice of America, both public and private, that speaks with unity. It means that when the world hears the word of our government, it is the word of the people.

In the world ahead, the great traditions of our Republic will be our primary source of strength. The need for an individual response to the nation's problems is enshrined in our belief that there can be no wide separation between the man in uniform and the man in the street. History tells us that alliances of free men from independent nations in common defense of their rights is the safest guardian. The experience of American society leads us to seek a world ruled by law. The alternative is the law of the jungle augmented by all the modern and sophisticated tools of destruction.

I believe now, as Mr. Lincoln said long ago, that our American nation is the last best hope on earth. I believe that America must remain free, and that the hope she represents will not be shattered or dispelled. Those who wear the uniform of our country stand ready to take arms in defense of our faith in this future. We owe them all honor.

But the grim paradox of our time is that while our beloved country is, indeed, stronger militarily today than ever before in our history, she is far more vulnerable to sudden attack from across the seas. Much as we dislike it, we have learned to live with a balance of terror, as we continue struggling to find, or to try to find, a better means to achieve a peace, both just and enduring, for the family of man.

Twenty-two years ago, as the Second World War came to a close, General Douglas MacArthur spoke to the American people:

"Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start workable methods were found insofar as individual citizens were concerned, but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balance of power, Leagues of Nations all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we do not devise some greater and more equitable system Armageddon will be at our door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advance in science, art, literature, and all material and cultural developments of the past two thousand years. It must be of the spirit if we are to save the flesh."

THE NEW WAR PROFITEERS

Mr. PROXMIRE. Mr. President, one of the tragic ironies of war throughout history is that there are those who profit excessively from it. The greed of war profiteers has been identified during and after countless wars of the past as one of the fueling elements if not the cause of those wars. A part of this villification, of course, has been due to nothing more than a frenzied search for scapegoats. But there has usually been a solid core of truth in the charges.

There is growing evidence, some of it gathered by the Subcommittee on Economy in Government of the Joint Economic Committee which I chair, that the Vietnam war has been producing its own crop of war profiteers.

It may even be a bumper crop for all we know for as James Reston pointed out in an excellent column in the New York Times on May 3:

> The arts of cheating the Government are improving and the techniques for exposing the profiteers are declining.

Adm. Hyman Rickover, a fearless, articulate, and brilliant, if not popular Pentagon insider, has been sounding the alarm. He testified April 11 before the House Committee on Banking and Currency that profits on defense contracts were, on the average, 25 percent higher in the period from 1964 to 1967 than they were in the 1959–63 period. This is due in part to higher labor and material costs, but it is also due, he said, to the ability of contractors to charge unwarranted costs to defense work. As an example of the steep increase in profits on negotiated defense contracts, Admiral Rickover related that propulsion turbines for nuclear submarines have gone up almost 100 percent in price—from $5.5 million to about $10 million. No one in the world knows more about nuclear submarines, and the costs involved, than Admiral Rickover.

One of the problems the admiral identified in his testimony is the Pentagon's weak-kneed enforcement of the Truth in Negotiations Act. For more than a year, my Subcommittee on Economy in Government has been urging stronger enforcement of this law. I introduced a bill at the last session, S. 1913, which would tighten up the Truth in Negotiations Act by giving the Pentagon clear authority to postaudit defense contracts. The bill is still pending before the Committee on Armed Services. An identical bill in the House passed just last week, I am pleased to say, and I am hopeful there will now be action in the Senate on the proposed legislation.

A determined effort must be made across the board to recover excessive profits already reaped out of the Vietnam war—a job that must be handled by the Renegotiation Board.

James Reston's discussion of the Renegotiation Board is most instructive. I ask unanimous consent that his column on the subject, published in the New York Times, be printed in the RECORD. I also ask unanimous consent that a recent article, on the same subject, written by Sanford Watzman, and published in a national periodical, be printed immediately after the Reston column.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 3, 1968]

WASHINGTON: THE NEW WAR PROFITEERS

(By James Reston)

WASHINGTON, May 2—Every war has produced a new crop of "war profiteers," and the Vietnam war is no exception. What is original now is that the arts of cheating the Government are improving and the techniques for exposing the profiteers are declining.

The task of eliminating excessive profits on Government contracts and subcontracts is the responsibility of the Renegotiation Board, which was established by the Renegotiation Act of 1951. It enabled the Government to recover more than $800 million through renegotiated contracts in the Korean War alone, but since then its authority and its personnel have been substantially reduced.

HANDCUFFING THE COPS

For example, in 1952, the board had about 550 employees. Today is has about 180, though the level of defense procurement has increased from $25 billion to over $45 billion in the last few years.

Also, more and more exemptions have been written into the Renegotiation Act since it first passed the Congress. Under the original act contracts of $250,000 and more were subject to review by the board. This was amended in 1954 to exempt all contracts under $500,000, and in 1956 to exempt all contracts under $1 million.

In addition, certain important categories of goods were withdrawn from the board's supervision—for example, "durable productive equipment," meaning machinery and tools with a life of over five years; and also "standard commercial articles or services." Similarly, certain agencies originally covered were removed from the board's supervision, including the Department of Commerce, the Bureau of Mines, the Coast Guard, and the Bureau of Reclamation.

This issue is now coming to the fore for two reasons: It takes about a year and a half between the time contracts are awarded until the Renegotiation Board begins its review. So the vast Vietnam buildup of 1966 and 1967 is just now coming under the board's scrutiny, and the board's tenure ends this summer.

RICKOVER'S CHARGES

The likelihood is that it will be extended for another two years, but it will come under attack as usual unless vigilant members of the executive, the Congress and the press watch the undercover battle going on here to weaken it further or even put it out of business.

Vice Adm. H. G. Rickover, the Navy's self-appointed watchdog, recently told a subcommittee of the House Committee on Appropriations that profits on defense contracts were running at the rate of about $4.5 billion a year.

"In the past several years," he said, "I have seen profits on defense contracts go higher and higher. I have pointed out that the weighted guidelines method of profit analysis adopted by the Department of Defense a few years ago resulted in higher profits for the same work—in some cases as much as 30 per cent higher."

His charge is that lack of uniform standards for letting contracts and lack of uniform standards of accounting are costing "hundreds of millions of dollars each year," and that even the present inadequate laws are not properly enforced by a Defense Department "too much influenced by an industry viewpoint."

Representative Henry B. Gonzalez, Democrat of Texas, has introduced legislation to restore the original authority of the Renegotiation Board, but despite the likelihood of a $20-billion budget deficit, and though the Government is now offering to pay 6 per cent interest on some Government securities—the highest since 1920—there is surprisingly little interest on Capitol Hill in the issue.

PUBLIC APATHY

Also, official secrecy makes investigation of war profits exceedingly difficult. The new freedom of information law covers Government contracts in theory, but efforts by The New York Times and others to get at the details have been turned aside on the ground that other laws protect the privacy of these contracts.

The loopholes in the present law on renegotiation are obvious. Industry can assign costs, Rickover asserts, "in almost any manner it chooses under loose Department of Defense guidelines" and "generally accepted accounting principles." But despite all the cries about "inequality of sacrifice" in the Vietnam war, there has been less of an outcry about "profiteering" this time than in any recent American war.

[From the Nation, Mar. 4, 1968]

LITTLE WATCHDOG OF THE DOLLAR WARRIORS

(By Sanford Watzman, reporter in the Washington bureau of the Cleveland Plain Dealer)

WASHINGTON.—The Renegotiation Board, an already crippled agency that polices war profiteering, will die on June 30 unless Congress renews its license to live. Though it will probably win another reprieve with less supplication than has been necessary in former years, because now more than ever it is needed as an adornment for the war budget, the issue is not merely whether this five-member independent board should survive but whether its former powers should be restored to it, so that it can really keep track of all the riches flowing from where the action is today.

The board is a small beast in the bureaucratic jungle, with low visibility on Capitol Hill, where it has few good friends and has frequently been ambushed by its enemies. A pariah of sorts, it can't roar for attention as other agencies do because (a) its absurdly small budget of $2.5 million a year does not afford a press agent or, to use the euphemism, a public information officer; and (b) like the Internal Revenue Service, it must take a vow of silence about the corporations it duns on behalf of the U.S. Treasury.

The board is sequestered in its own little office building, in a remote corner of downtown Washington. It was discovered there by its current champion, low-ranking Rep. Henry B. Gonzalez, a liberal Democrat from San Antonio, after a chance reference was made to it at a committee hearing on another topic. Gonzalez has since confessed to the House: "At the time, I knew nothing about the board. I have been pained to discover that the same is true of most of my colleagues."

The fact is that the agency is better known to lobbyists than to legislators. The former and their defense contractor clients, whose sales exceed $125 million a day, have felt the board's bite; they fear it still, even though the board has had many teeth pulled and been shrunk drastically in size.

In the wake of Korean War spending, the agency was recovering excess profits at the rate of more than $150 million a year; the figure for the last fiscal year was $15.9 million. Recurring amendments to the Renegotiation Act of 1951 have opened large loopholes in the law, and the board, violating all the laws of bureaucratic respectability, has been withering away. It had 558 employees in 1952 and 742 in 1953. It sank to 639 employees in 1954, 550 in 1955, 466 in 1956 and then by steady decline to 178 in 1967. These are total personnel figures, including board members, not the staffs only of the Washington headquarters but of the two regional offices as well.

On December 31, the agency published its annual Blue Book—a report to Congress which hardly anyone reads. It is terse enough, but the prose is hardly as stimulating as—and of course less comprehensible than—the latest communiqués out of Vietnam. Yet this particular Blue Book would have been especially meaty for the press agent which the Renegotiation Board lacks. For in it the agency, whose reporting runs two years behind because of the time it takes to receive and process contractor's fillings, begins to lift the curtain on the costs of stepped-up procurement of Vietnam war materiel. The book is full of indicators that the profitability of defense contracts is escalating, with excess profits also surging.

What is meant by "excess profits? In a free enterprise economy, the question is often asked and one would expect constant quibbling over it, especially since the renegotiation law is deliberately vague and flexible on the point. But the U.S. tax court has had no trouble with the term. It asserted buntly in one case: "The word 'excessive' has a generally understood meaning. . . . It means more than is reasonable." And even the contractors, in their quiet and private dealings with the board, appear to have no trouble understanding the phrase. For the record shows that when the board has decided there was profiteering, the corporations agreed nine times out of ten (99.9 per cent of the time, to be exact), to refund money to the U.S. Treasury. There have been 3,375 such cases since the board was established during the Korean War; only 142 cases have been appealed to the tax court. The board has won seventy-one of these lawsuits, the court decreased the board's billings in forty others and the rest are pending. One case was that of the Boeing Airplane Co., which stormed into court protesting a finding of excess profits amounting to $9.8 million and slunk out owing $13 million—because the court took a closer look than had the board. (Only those cases that reach the court become known to the public.

When the board asked Congress in 1966 for a new lease on life, ultimately winning a two-year extension, the House Ways and Means Committee publicly announced it "would be pleased to receive written comments from any interested individuals or organizations." But only foes of the board replied, including such powerful lobbies as the Aerospace Industries Association, National Association of Manufacturers, U.S. Chamber of Commerce, Electronic Industry Association, National Security Industrial Association, American Institute of Certified Public Accountants and Machinery and Allied Products Institute. They insisted that the board serves no legitimate purpose and that it be abolished or further weakened. One reason that an independent agency is not needed to watch for profiteering, they added, is that the Defense Department was already doing this very thing itself as a consequence of the 1962 Truth in Negotiating Act.

This reasoning by the contractors is noteworthy because many of them had opposed a strong "Truth" Act, and because a series of Congressional hearings in 1967, notably those held by Sen. William Proxmire's Joint Economic Committee, disclosed that the Defense Department had never adequately enforced that law. For instance, it took five years for the Pentagon to agree last October, under fire from Proxmire and others, to implement the audit provisions of the "Truth" Act. It is understandable, thus, that defense contractors would rather deal exclusively with the Pentagon (the military half of the military-industrial complex), which had overlooked padded prices totaling countless millions of dollars, than suffer the curiosity of an independent Renegotiation Board.

But as the Vietnamese War was then heating up, the lobbyists deemed it prudent not to press too hard. A *modus vivendi* was reached when they tacitly agreed that the board be allowed to carry on for two more years at its existing level of limited operations. The consideration was that a study would be undertaken by the Joint Committee on Internal Revenue Taxation to determine, among other things, whether "this ancient and antiquated [board] meets today's needs"—a question posed by Rep. Charles S. Gubser (R. Calif.). The same joint committee had published an innocuous study on the subject only four years before. This is the background against which the impending debate will be held.

Corporations are required to file annually with the board if they hold defense or space contracts or deal with certain agencies such as the Atomic Energy Commission—unless the companies qualify for one of the numerous exemptions that have punctured the law in recent years. The filing is a report on that portion of the year's business with the government that remains covered by the Act. It resembles the corporation's income tax return, to which the board legally has access. In this sense, it differs from the accounting that a company is supposed to make under the Truth in Negotiating Act, which is enforced (when it is) on a contract-by-contract rather than on a broad annual basis.

The Renegotiation Act sets forth standards for determining excess profits; it is more liberal than the "Truth" Act in allowing costs to the contractor. Some of the criteria are (1) reasonableness of the profits netted on defense contracts, assessed against the normal earnings of the company; (2) the extent of financial risk assumed by the corporation and the inventiveness of its product; and (3) government assistance to the company in developing the product.

The board's finding of $15.9 million in excess profits in fiscal 1967 was down from $24.5 million the previous year. But the latest Blue Book warns that this comparison could be misleading. It asserts: "Because of the normal time lag between award of a contract . . . and the time required for processing a renegotiation case, the effect of accelerated Vietnam procurement is not reflected [by the $15.9 million]." The annual report also contains indicators which are more current and that point to fat in many Vietnam contracts. For instance:

Corporate filings are screened at board headquarters in Washington, where an overwhelming majority win quick clearance. But when profiteering is suspected, the filing is bounced back to a regional board for renegotiation of profits between the company and board officials. The Blue Book says on this point: "In fiscal 1967, 635 filings were thus assigned, as against 444 in fiscal 1966, an increase of 43 percent. Most of the increase occurred in the last quarter of the fiscal year, when the first filings reflecting the surge of Vietnam procurement were processed. This sharp increase indicated the beginning of an upward trend in the Board's workload."

Also suggestive was the fact that corporations reported $30.3 million in voluntary refunds and price reductions to the board, against $23.2 million in the previous fiscal year. Since these cases were not run through the bureaucratic mill, the contractor having elected to take a short cut, the voluntary figures are regarded as more current and a better reflector of Vietnam spending than the lagging official determinations of the board. Representative Gonzalez and other advocates of a rearmed Renegotiation Board see the voluntary refunds as a crucial element. This money flows back, they contend, because it looks better when the companies cough it up themselves than when they get caught with it later by the board. In fact, Chairman Lawrence E. Hartwig, chosen by the last four Presidents of the United States to sit on the five-member panel, views the agency as a strong inducement to corporate honesty. Though he has no idea how much money is saved by fear of the board, he says that the figure—if known—would dwarf the dollar amounts officially recovered.

The Blue Book shows more companies (20.7 per cent more) reporting profits and fewer companies (20.3 per cent less) claiming losses than in the previous year. Average profit margin of the moneymakers was 4.99 per cent, compared with 4.62 per cent in fiscal 1966. When the "loss" companies are figured in, these percentages drop to 3.53 and 3.02. Although this portion of the board's statistics points to only a slight upward trend in profits, the figures are regarded with a great deal of skepticism by the agency. Profit figures, it is argued, are deflated by the many exemptions and allowances in the renegotiation law. Besides, generalizations about the highly diversified defense industry are said to be hazardous. Where there is a monopoly or oligopoly on a sorely needed military item, the deck is stacked in favor of high profits. On the other hand, corporations are generally willing to take a loss for a few years in order to develop a monopoly item, such as a new weapons system.

Representative Gonzalez was perhaps not the first Congressman to discover the Renegotiation Board and its significance for the Vietnamese War, but he was the first to find something to say about it. Last March, he introduced a bill that seeks to return the board to its Korean War strength. Despite a number of speeches on the House floor, he had a difficult time winning attention to his cause until a series of articles appeared last January in the Cleveland Plain Dealer. It was this newspaper which first exposed the Pentagon's "comprehensive lack of compliance" with the Truth in Negotiating Act—a conclusion reached by the Joint Economic Committee—and which has since taken an interest generally in the subject of war profiteering. After the articles appeared Gonzalez won an important ally in Rep. Charles A. Vanik (D., O.), who joined him as a cosponsor of the bill. Vanik is a member of the Ways and Means Committee; Gonzalez is not. Other Ohioans, including Reps. William E. Minshall of the defense appropriations subcommittee and Jackson E. Betts of Ways and Means (both are Republicans), have been aroused.

The Gonzalez-Vanik legislation has two major provisions to bring more Defense Department purchasing under the jurisdiction of the board. It would require any corporation holding at least $250,000 in renegotiable government contracts to file annually with the agency. This, the Korean War figure, was subsequently raised to $500,000 and then $1 million. (Some lobbyists speak of boosting the exemption again—to $5 million.) The bill also would repeal the so-called standard commercial article exemption that after the Korean War drained away much of the authority the board could have exercised despite the raising of the floor. This dispensation excuses from renegotiation proceedings the purchase of certain products when it can be shown that the contractor sells at least 35 per cent of the item to customers other than the government.

The legislation also would make the board a permanent agency. No longer would it have to implore Congress periodically for authority to survive, for one or two more years, with the lobbyists sharpening their knives in advance. Even should the Vietnamese War end, Gonzalez and Vanik argue, unsettled world conditions and competition in the cold war will sustain a high level of defense and space buying. They cite the impending anti-missile race with Russia as an example.

Even today, the agency has enough staff and other resources to strike at the giants, like Boeing. Measured in terms of large dollar amounts, it is among the top defense contractors that most of the excess profits have been found. But when the number of separate cases is recorded, more instances of profiteering turn up in the less exclusive group just below the giants, where prices may be proportionately just as bloated.

In fiscal 1967 the board examined sales totaling $33.1 billion. The new legislation would permit the board to thumb through an additional $6 billion to $7 billion a year in defense and space contracts. The bill also would triple the number of contractors that come under the board's scrutiny, the figure then shooting up to 11,300 annually. A large share of the board's new "customers" would be subcontractors, now enjoying a boom with the escalation of the war in Vietnam. Because subcontractors, especially on the lower tiers, do not deal directly with Pentagon procurement officers, their pricing policies are not open to the Defense Department, but they would become visible to the board.

Business protests that such legislation would make an octopus of the board, giving it tentacles that would choke what the corporation spokesmen are pleased to refer to as "small business." At a time when the government should be encouraging more competition for defense contracts, the smaller corporations would become strangled by red tape flowing out of costly and pointless confrontations with the Renegotiation Board.

An answer to this argument was given as far back as 1948, when a special Senate investigating committee headed by the late Sen. Owen Brewster (R., Me.) confessed an "error" on its part. It had recommended boosting the filing floor from $100,000 to $500,000 and its proposal was adopted in 1943. "The committee now feels in view of our wartime experience in the administration of the renegotiation laws that this recommendation was a mistake," the panel reported. It explained that most of the complaints received about profiteering during the war were directed at contractors with less than $500,000 worth of contracts, adding: "It was damaging to war morale . . . It frequently happened that contractors about whom complaints were received were located in small communities where it soon became common knowledge that the contractor was profiting excessively."

Chairman Hartwig told a House appropriations subcommittee last year: "There have been instances where the board has found salaries unreasonable. Our statute ties in with the Internal Revenue Code. We must allow those costs which are good tax deductions. Internal Revenue, of course, can disallow excessive salaries. And so we have on occasion disallowed salaries." Hartwig also warned about the need for keeping track of satellite corporations. He asserted: "Otherwise, an individual could organize four or five companies, each with less than $1 million in renegotiable business (the present minimum required for board review), and escape renegotiation. . . . Chasing down affiliates and subsidiaries is not an easy task, and certainly requires the staff we have. We are down to the bare bones with only twenty-two people in that office."

Congress last year gave the agency the budget requested for it by President Johnson. The President and Ways and Means Chairman Wilbur Mills (D., Ark.) are the two persons most likely to determine the board's future. Representative Gonzalez sometimes hitches a ride when Mr. Johnson flies to his ranch in Texas. Should the President side with Gonzalez and Vanik, he would find himself in the company not only of some liberals but even a few conservatives—such as hawkish Chairman L. Mendel Rivers (D., S.C.), of the House Armed Services Committee. Defending the board's sniffing on the trail of Defense Department purchases, Rivers once advised the House that the renegotiation agency doesn't "deal in chickenfeed."

"The contractors and subcontractors are big men," he said. "They hire the smartest people on earth to come down here to Washington to sit across the table with some little colonel . . . who may not know exactly everything about a computer. These people can steal you blind, if they want to. That is a fact of life. I know what I am talking about, because I have a subcommittee that looks into this."

MICHIGAN SUPPORTS PEACE CORPS EFFORT

Mr. HART. Mr. President, the opportunity to participate in the development process of other nations has enriched the lives of thousands of Peace Corps volunteers. The Peace Corps has resulted in foundations of concrete and foundations of understanding, improved agricultural methods and improved attitudes, stronger educational systems and stronger friendships that span national boundaries. The minds of U.S. participants and participants of developing nations have been expanded far beyond the capacity of LSD.

In its 6 years of existence, the Peace Corps has developed a distinguished record. I am delighted that the Peace Corps is creating programs that enable those here at home to be a part of its effort. Its school partnership program encourages school and church groups in the United States to collect and donate funds to schools in other lands.

Michigan schools are deeply involved in this program. I am proud of the students and schools. I am proud to report this to the Senate. Students at the Plymouth, Mich., senior high school raised $900 for schools in Kagnigada, Togo, and Francisco de la Cruz, Peru; the Church Youth Group at the St. James United Presbyterian Church in Detroit raised $1,025.36 for a school in Brahmansasan, Ind.; the Taylor, Mich., junior high school raised $10 for a school in Brahmansasan, Ind.; and the Rodney B. Wilson High School in St. Johns, Mich., contributed $1,028 for schools in Assere and Kagnisi in Togo and schools in Malkapur and Andhra Pradesh in India.

Human beings tend to believe most strongly what they see. And for the citizens of developing nations to see real evidence of the interest of young Americans in their own schools will result in an awareness of American concern and increased international understanding at a time when that commodity is scarce indeed.

NEW U.N. TREATY POINTS UP SENATE INACTION ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, in 1949, President Truman sent to the Senate the Convention on Genocide. Hearings were held, and this convention was then shelved, even though the vast majority of the testimony favored it.

In 1963, President Kennedy sent to the Senate the Convention on Slavery, the Convention on Forced Labor, and the Convention on Political Rights of Women. Once again, hearings were held. Once again, the vast majority of witnesses favored ratification. But so far, only one convention, that on slavery, has been reported for a vote by the full Senate.

While the Senate has dragged its feet on these limited treaties, the United Nations has gone ahead. On December 16, 1966, the General Assembly of the United Nations unanimously passed a comprehensive treaty, the International Covenant on Civil and Political Rights. The passage by the U.N. of this new treaty vividly points out the inaction of the Senate in the field of human rights.

Mr. President, I ask unanimous consent that the International Covenant on Civil and Political Rights with an optional protocol be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent, authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the Present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall inform immediately the other States Parties to the Present Covenant, through the intermediary of the Secretary-General of the United Nations of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) The preceding sub-paragraph shall not be held to preclude in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that such court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*"ordre public"*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*"ordre public"*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself, or to confess guilt.

4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequently to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in the foregoing paragraph carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall be such only as are provided by law and are necessary, (1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order (*"ordre public"*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*"ordre public"*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*"ordre public"*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Convention of 1948 on Freedom of Association and Protection of the Rights to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in the Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as required by his status as a minor, on the part of his family, the society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as "the Committee"). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election of the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in paragraph 4 of article 30.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights; (a) within one year of the entry into force of the present Covenant for the States Parties concerned and (b) thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may after consultation with the Committee transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports and such general comments as it may consider appropriate to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, if may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in this Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution is not reached, within the terms of sub-paragraph (e), the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General of the United Nations unless the State Party concerned had made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as "the Commission"). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission the members of the Commission concerning whom no agreement was reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the Commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned.

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, as well as its views on the possibilities of amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned.

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, inform the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudices to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned in accordance with paragraph 9 of this article.

Article 43

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 41, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant of or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amndments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General

Assembly and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant") and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as "the Committee") to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals, subject to its jurisdiction, claiming to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provision of article 1, individuals claiming that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under this Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) the same matter is not being examined under another procedure of international investigation or settlement;

(b) the individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provision of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification address to the Secretary-General of the Untied Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General of the United Nations.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Signatures, ratifications and accessions under article 8;

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

PHARMACEUTICAL MANUFACTURERS ASSOCIATION WITNESSES COMMAND HIGH FEES

Mr. HART. Mr. President, on behalf of the Senator from New Mexico [Mr. MONTOYA], I ask unanimous consent to have printed in the RECORD a statement prepared by him entitled "Pharmaceutical Manufacturers Association Witnesses Command High Fees" and the text of an article entitled "The Professors Cash in, Raising Ethics Questions," published in the National Observer of March 18, 1968.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

PHARMACEUTICAL MANUFACTURERS ASSOCIATION WITNESSES COMMAND HIGH FEES

(Statement by Senator MONTOYA)

The article which follows this statement, entitled "Professors Cash in, Raising Ethical Questions," was published in the March 18, 1968, edition of National Observer.

This piece was prompted by a request of the Senate Small Business Committee's Monopoly Subcommittee to the Pharmaceutical Manufacturers Association that it furnish for the committee records a listing of the fees paid to economists and professors who testified on behalf of the association during December 19, 1967 hearings on high prescription drug prices.

The writer of the article, Mark Arnold, says that the size of the fees paid these professors "raised eyebrows" in government, industry and more particularly in "academic circles."

The five professors and the economic consultant who represented PMA's viewpoint on December 19 received a total of just under $40,000.

Government witnesses, on the other hand, receive $16.00 per day plus transportation.

Members of the academic community hold a special and unique place in our way of life. While no one would criticize the increasing involvement of scholars in extra-curricular activities as being incompatible with the pursuit of truth—in fact I applaud it, for everyone should become involved in the problems of society—the PMA witnesses do raise questions of professional ethics.

A lawyer can and must build a case for his client. That is what is expected of a lawyer. A lobbyist sells his company's views as hard as he can; that is what is expected of a lobbyist. A consultant, once he has agreed to his retainer, looks for and finds every possible way by which the cause of his sponsor can be promoted. In all these cases, the question of fees has remained pretty much what the traffic will bear.

But, what are the ethics involved, as the article points out, of PMA professors acknowledging that "they were not necessarily speaking their own minds" and that "they were not going down as completely objective professionals?"

Dr. William McPherson of the University of Illinois and former chairman of the American Association of University Professors Committee on Professional Ethics said: "A professor has no business testifying for something he doen't believe in. His responsibility is finding the truth, not in building a case."

The writer of the article says that Professor Paul H. Cootner of the Massachusetts Institute of Technology, defended his $1800 fee on the basis that "there's risk to one's professional reputation." He said, "You should see the stream of uncomplimentary letters I've got from my testimony."

One of the witnesses contends that it is ethical to receive a fee of $4,250 so long as "you believe in what you are saying."

Another, who commanded $4,500, stated: "Nothing I said was either for or against the drug industry. All I said was there is a relationship between risk and return as theoretical principle. . . . That was deduced to be in support of the drug industry."

The question really becomes, according to one economist, that "when the fees begin to bear little relation to someone's normal fees and when the amount of work done is minimal, it leaves a bad taste."

The academic community of this country has done a remarkable job in educating to an exceptional degree the masses of our people clamoring for highly sophisticated training.

I am not criticizing the vast majority of those who are taking part in our society, molding our public opinion, working for causes, and leading our nation in those highly technical fields of competence. But I do think the *National Observer* article raises questions which should be closely scrutinized by the country's professors themselves.

The Professors Cash In, Raising Ethics Questions—Drug Industry Pays Big Fees for Its Testimony; Isolated Incident?

(By Mark R. Arnold)

WASHINGTON, D.C.—Scholars are in demand.

They're advising business and government, signing petitions, working for political candidates, and—increasingly—testifying before Congress.

Few would contend that such conduct is, in and of itself, incompatible with the academic pursuit of truth. Yet the growing involvement of professors in outside activities does raise questions of professional ethics.

Last week it was revealed that five economics professors and one other economist-consultant received fees totaling $40,000 in connection with testimony they gave to a Senate Small Business subcommittee, which is investigating competition in the prescription-drug industry. Their testimony was clearly labeled as sponsored by the Pharmaceutical Manufacturers Association (PMA). No law was breached no deception intended.

QUESTIONS OF OBJECTIVITY

Yet the disclosure did raise eyebrows in some academic circles. The fees were high—ranging up to $1,200 a day. And the chores the economists performed underlined the age-old question of a scholar's commitment to objectivity: Does a professor's dedication to pursuing the truth preclude him from "building a case for a client" the same way a lawyer would?

The six economists testified Dec. 19 before the subcommittee, which is headed by Sen. Gaylord Nelson of Wisconsin. Senator Nelson, a leading critic of the drug industry, believes the prices of brand-name prescription drugs are excessively high and could be lowered without any appreciable adverse effect on the pharmaceutical industry. The testimony of the six economists bolstered the argument of the PMA that industry profits are high because the risks involved are high, and that to lower profits by price reductions would have a serious, adverse repercussion on the industry.

AN UNUSUAL REQUEST

The subcommittee took the unusual step of asking to be informed of the fees paid the PMA witnesses. That information was furnished in a letter last week from PMA President C. Joseph Stetler to Senator Nelson. In the letter, Mr. Stetler protested having to supply the requested information, saying he failed to understand how the request served "any legislative purpose."

The letter listed payments of $6,450 to Paul H. Cootner of the Massachusetts Institute of Technology, $4,500 to Jesse W. Markham of Princeton University, $4,250 to Simon N. Whitney of New York University, and $875 to John M. Firestone of City University of New York.

In addition, it showed payments of $13,100 to Gordon B. Conrad, a senior staff assistant at Arthur D. Little, Inc., a private research firm in Cambridge, Mass., and $10,250 to Irving H. Plotkin, an MIT economist now spending much of his time at Little as a consultant.

It has long been accepted practice in Washington for groups interested in legislation to offer expert testimony before congressional committees. Big lobbies like the U.S. Chamber of Commerce and the AFL–CIO have trained staff people who frequently work up their own studies on the implications of a proposed bill, and present them in an attempt to influence the legislation's prospects.

Smaller organizations must rely for expert testimony on outside consultants, sometimes paid a retainer, other times commissioned specifically for a set of studies on a particular issue. Only in recent months has Congress been interested in the financial arrangements.

Last August, Maryland Democrat Daniel B. Brewster sent questionnaires to 37 experts who testified or submitted statements in 1965 to a Senate subcommittee considering the idea of putting a warning label on cigarettes. Among the 21 replies were 5 from experts who acknowledged receiving fees from tobacco companies or law firms representing them.

One respondent, Darrell B. Lucas, chairman of marketing at New York University's Graduate School of Business Administration, reported receiving $3,200, or $400 a day for "eight days or parts of days." Professor Lucas submitted a statement backing the industry's position against cigarette health warnings.

NO CONSISTENT PATTERN

The fees disclosed last week represented no consistent pattern. Both Princeton's Markham and MIT's Cootner were retained as part-time consultants by Arthur D. Little, which was commissioned at an undisclosed sum last year to work up economic studies favoring the position of the PMA at Senator Nelson's hearings. But Professor Markham charged the firm $250 a day while Professor Cootner's bill was for $600 a day, plus $1,200 for testifying before Congress.

Professor Markham says his $4,500 payment represents "about 20 days I put in over the past year and a half" at Little on drug problems; Professor Cootner said he spent "eight or nine days" consulting with Little, two of which were "wasted." "They flew us down to Washington to answer questions for the PMA, but they didn't have any questions. That was $1,200 right there."

The Little study was coauthored by economists Conrad and Plotkin and drew contributions from Professors Cootner and Markham. Professors Whitney and Firestone were paid for work they did on their own. The Little study argued that drug industry profits were not out of line with those of high-risk industries generally, and that the prescription-drug industry is, indeed, a high-risk industry.

Rival witnesses, retained by the subcommittee, maintained the industry was low-risk and its profits were excessive. Among these was economist Willard F. Mueller of the Federal Trade Commission, who noted that the drug industry has consistently ranked first or second in profits among all large manufacturing industries since 1956.

THE GOVERNMENT FEES

The Nelson panel paid its witnesses $16 a day plus transportation, the standard rate paid by congressional committees. Says a committee spokesman: "We've never had anyone tell us that wasn't enough money and they wouldn't come."

The PMA's economists concede their fees were higher than usual. Appearing before a committee whose chairman is hostitle to your position "commands a premium," says MIT's Mr. Cootner; the panel has been known to subject witnesses to "mental and emotional strain." Too, there's a risk to one's professional reputation. "You should see the stream of [uncomplimentary] letters I've got from my testimony," he adds.

Is it ethical to collect high fees for testifying?

Yes, if you believe in what you're saying, asserts NYU's Simon N. Whitney, who declines to say how much work he did for the $4,250 he collected from the PMA. "I believe in the free-enterprise system and don't mind saying so." Wr. Whitney, a frequent drug-industry consultant, testified that drug profits could not be lowered to the average level of other industries without jeopardizing the industry's research program aimed at discovering new drugs.

NO "PRETENSE WHATSOEVER"

Several of the economists said they weren't necessarily speaking their own mind. Says Professor Markham, of his testimony before the committee: "None of us made any pretense whatsoever that we were going down as completely objective professionals." Adds economist Cootner: "Nothing I said was either for or against the drug industry. All I said was there is a relationship between risk and return as a theoretical principle. . . . That was deduced to be in support of the drug industry."

The 80-page Little study, complete with charts, graphs, and exotic mathematical symbols, developed a correlation between the rate of an industry's return and its risk, and showed that the drug industry fit the pattern established. Explains Dr. Conrad: "A client may pay us to do a study and the study is meant to elucidate his position, but everything we do is scrupulously honest. Our job is to uncover the truth for our client. If it's useful to him in an adversary situation, he'll use it; if not, he can't use it."

Little, of course, is a private firm. No one, as far as is known, has ever questioned a private research company's right to defend whatever proposition it is paid to defend. Many scholars, however, contend that professors should follow a different standard of conduct.

"A professor as a professor is dedicated to the discovery and dissemination of truth," says the University of Illinois' William McPherson, former chairman of the American Association of University Professors' committee on professional ethics. "He has no business testifying for something he doesn't believe in. His responsibility is in finding the truth, not building a case."

"WHAT THE TRAFFIC WILL BEAR"

High fees, too, can raise problems. "It's an accepted economic principle to charge what the traffic will bear," says one economist. "But when the fees begin to bear little relation to someone's normal fees and when the amount of work done is minimal, it leaves a bad taste."

Economist Whitney of NYU thinks it was "playing dirty" for Senator Nelson to publish the fees paid to the economists. It's established practice that industry-retained witnesses—particularly on controversial issues—command high fees. Professor Whitney says it's unfair to make an example of the incident.

The PMA's Joseph Stetler thinks so too. "I wish we could get witnesses at $16 a day," like congressional committees, he says, "Believe me we don't like spending this kind of money to defend ourselves."

DOMESTIC FOOD ASSISTANCE ACT OF 1968

Mr. MONDALE. Mr. President, on May 16, 1968, I introduced a bill called the Domestic Food Assistance Act of 1968. In remarks made at the introduction, I stressed the paradoxical nature of the hunger problem in the United States. I quoted extensively from "Hunger, U.S.A.," prepared by the Citizens Board of Inquiry. I called for immediate action to correct a condition that is killing, maiming, and sickening 10 million or more Americans today.

Mr. Presdent, it is not only our consciences that must impel immediate action, but also our commonsense. Hunger is unforgivable in this abundant land. And the effects of hunger in our society affect us all.

An article by Dr. Joshua Lederberg, and published in the Washington Post, explains well the social repercussions of domestic starvation and malnutrition. As he says:

> Commonsense Should Impel Moves To End U.S. Hunger.

My bill would help us to do just that.

I ask unanimous consent that Dr. Lederberg's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Commonsense Should Impel Moves To End U.S. Hunger

(By Joshua Lederberg)

Controversy over priorities for effective action quickly dissipates our verbal compassion about proverty. Do we stress racial self-esteem or integration, jobs or schools, reform or law and order? We argue, and we procrastinate. Meanwhile, children go hungry, a crime that no civilized community knowingly tolerates.

The most recent documentation of "Hunger, U.S.A." was issued a few weeks ago by an unimpeachable Citizens Board of Inquiry inspired by Walter Reuther. Its findings were mainly anecdotal; but a few realistic pictures of starvation may have more human impact than do scientific statistics.

These graphic portrayals of misery have been widely publicized and have received the most compassionate editorial comment. It still has to be seen whether the Government will respond to some common sense proposals for Federal salvage of local irresponsibility in existing programs.

The most cogent indictment in the report was that food subsidy programs have been geared more closely to the management of agricultural surpluses than to the needs of the poor and hungry. The same criticism must of course, be lodged against our programs of foreign food aid.

The more analytical parts of the report deserve more attention than they have received. "We have been startled by the absence of knowledge, research, experimentation, affirmative action—and even concern. The sad truth is that the extent of recorded medical knowledge about dietary intake and malnutrition among the poor in the U.S. consists of approximately 30 studies. Those who have gained expertise in malnutrition problems among the poor have done so . . . in other countries. The problems at home have been ignored.

"Society uses the lack of data as the basis of its inability to move quickly toward solutions."

In fact, the inquiry is not, in a scientific sense, an important contribution to the statistics of hunger in the United States. There was no difficulty in finding too many poignant examples of starving children; but it had no tools to assess the actual magnitude of the problem, or to define it more sharply in terms of the specific nutrients that were lacking in the diets of particular people.

The board's approach to a solution is the only one that can be mounted quickly enough to meet the immediate emergency; make an abundance of food more readily available. Where cash is lacking, distribute food stamps more widely to the poor, and they will eat enough.

The urgency of these measures is sharpened by increasing evidence of the stunting effect of malnutrition during the early years of life. Recent studies by Dr. Stephen Zamenhof at the University of California at Los Angeles have verified that when pregnant mice are fed protein-deficient diets, their offspring are born with neurone-deficient brains. Since there is good evidence that brain neurones do not multiply significantly after birth, these studies give a firm biological basis to clinical observations on mental retardation in protein-starved children. Dr. B. F. Chow at Johns Hopkins University has led several studies on rats with similar effects on learning behavior ("intelligence?") of the offspring. Furthermore, female rats that had been congenitally stunted by starvation did not fully sustain the nutrition of their offspring, even though they are adequately fed during their own pregnancy.

In the long run, the whole society will pay for the imposed retardation of its human resources. There is no surer mortgage against our future than to neglect present-day hunger. But the response must be twofold: prompt intervention with common-sense but crude measures like food stamps, especially for mothers and children, and a long-range program of nutritional research, field study and education in elementary domestic science for the most efficient use of our total resources.

SMALL BUSINESS DEVELOPMENT AND RURAL AMERICA, A BLUEPRINT FOR RURAL RENEWAL

Mr. SPARKMAN. Mr. President, the problems of our overcrowded and congested cities cry out for urgent solutions. Regardless of what approaches we use to resolve the crisis in the cities today, no long-range solution can ever be effective unless it serves to stop the migration of rural and farmworkers into these areas.

Immense growth is a fact of life in the American city today. As a matter of fact, in the next two decades, the population of the United States will increase by 70 million people. The largest part of this growth will occur at the periphery of the metropolitan areas which are already the focal points of our society. Obviously, if something meaningful is not done now, conditions will worsen rapidly.

Forty-three million people now live in 61 cities with populations over 200,000. Yet four times as many people, 156.5 million, live outside of these concentrated areas in our suburbs, small towns, and rural areas.

Actually, more people classed as "poor" live outside the large population centers—in small cities and in rural areas—than in the biggest central cities.

The point is, rural America has needs, too. Equal attention must be given to both urban and rural America if we ever hope to solve today's domestic problems.

Our society, in the waning years of this decade, looms as an ominous frontier of doubt and irresolution. Our cities are out of scale with the people who live in them, and they will be out of tune to the needs of the people of the seventies.

In spite of our efforts to foster an economic framework which will preserve our fundamental institutions of democracy, opportunity, and free enterprise, there remain vast economic wastelands; urban and rural areas of social and economic decay—dismal testimonials to our failures.

Our American environment must be reshaped and remolded. It should serve us and our institutions, be they political or economic.

Our development process must discover solutions that are long overdue: We need better answers to give our people who want broad opportunity to shape their lives to an environment that is free from the unsightly clutter along our highways, free from the overcrowding and violence of the ghetto, and free from the antipathy and bitterness of the jobless wanderer, who aimlessly searches for the chance to find the self-respect and dignity of a payroll.

Mr. President, to sum it all up, the enormous growth experienced by this country since the end of World War II has largely been fragmented, ill conceived, and incomplete. Our efforts, or lack of them, seem actually to have aggravated rather than alleviated the problems of disorder which we have come to know as the "ghetto."

As long as the rural jobless are forced to seek refuge in our inner cities, there will be no solution to this disorder. It can only become worse. Therefore, I have decided to schedule hearings before my Small Business Subcommittee on Financing and Investment to seek tools with which we may develop a balanced pattern of economic growth and with which we can replace this fragmented and ill conceived growth of the past two decades.

I think these hearings will make it quite clear that more job opportunities and bigger payrolls are the keys to a rural-urban balance.

I think, further, that we will find our small business community will be able to provide a large measure of those jobs. It has already made a good beginning.

Mr. President, I submit that SBA's development company loan programs should serve as a blueprint for "rural renewal." These programs, based on the concept of a Federal-State-local community partnership designed to foster and create jobs, should be looked to as providing us with one essential and workable solution to our inner cities' economic and social ills.

These programs are now a decade old. During their relatively short life, States and local communities, in close partnership with the Small Business Administration, have financed projects which have resulted in adding over 61,000 jobs to our Nation's economy. Reliable estimates indicate that tax revenues from these jobs and from increased corporate profits net the U.S. Treasury $87,362,000 annually. At this rate, the $215,000,000 loaned by SBA since the inception of the programs through April 30, 1968, would be repaid in less than 3 years.

More astounding is the fact that, assuming the average term of development company loans is 20 years, the remaining 17 years of continuing income tax payments could be expected to generate a "profit" to the U.S. Government of better than $1.4 billion.

It has always been a source of satisfaction to me that I sponsored and guided this legislation through to enactment.

Mr. President, I believe strongly in jobs and payrolls.

Throughout my nearly 32 years as a Member of Congress, I have always contended that adequate jobs can do more toward solving our Nation's problems than all of the social welfare programs in the world.

Give a man a job, and he has self-respect—something he can call his own.

Give a man a job, and he has the purchasing power to buy a home for his family.

Give a man a job, and he is better able to educate, feed, clothe, and protect his children.

Give a man a job, and his children are much more likely to grow up conditioned to working for a living than children who are brought up in welfare situations.

These SBA programs provide jobs. I hope we can find ways to strengthen these programs and develop new ones.

These hearings will provide the subcommittee with an opportunity to make a diligent search for ways to improve the economic climate of rural America. We will search for ways to provide more permanent jobs in rural America through all aspects of small business development.

To this end, the subcommittee hopes, during the course of these hearings, to hear from representatives of the Economic Development Administration, Department of Transportation, Office of Economic Opportunity, Department of the Treasury, Department of the Interior, Department of Labor, Appalachian Regional Commission, and the Securities and Exchange Commission, as well as influential spokesmen from the private sector. I am sure we can all learn from their experiences.

Mr. President, it is up to us to shore up the economy of rural America before our cities, now bad, become intolerable.

WASHINGTON COMMISSION ENDORSES PENDING OCEANOGRAPHY BILL

Mr. MAGNUSON. Mr. President, on March 12 I introduced proposed legislation to earmark portions of the Federal revenue from Outer Continental Shelf oil leases for exploration and mapping of the marine environment and for enlarging the sea-grant college program.

The bill, S. 3144, is predicated on my conviction that we should reinvest a portion of the revenues the Government obtains from the Continental Shelf and Outer Continental Shelf in programs that will expand the resources and knowledge that produce these revenues.

The bill, which would amend the Marine Resources and Engineering Development Act and title II of the act, the National Sea Grant College and Program Act, would create, from Treasury receipts under the Outer Continental Shelf Lands Act and certain funds held in escrow a marine resources fund, in the amount of $50 million each fiscal year.

Of this fund one-half, or $25 million, would be available, subject to appropriation, for the exploration, description, and prediction of the marine environment, and the remaining $25 million would be available for implementing the national sea grant college program. Hearings are expected to be held on his proposed legislation shortly.

Mr. President, I have received a communication from Capt. Griffith C. Evans, Jr., U.S. Navy, retired, Executive Secretary of the Oceanographic Commission of Washington, advising me that the Commission has formally endorsed S. 3144, and enclosing a copy of the resolution of endorsement.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, a Bill, S. 3144, has been introduced before the 90th Congress, second session, of the United States which would amend the Marine Resources and Engineering Development Act of 1966 and the National Sea Grant College and Program Act of 1966 in order to provide financing for programs under such acts; and

Whereas, this Bill would require the initial $50,000,000 of all revenues received in each fiscal year beginning after June 30, 1968, which otherwise would be deposited in miscellaneous receipts of the United States Treasury under the Outer Continental Shelf Lands Act, to be placed in a special fund in the Treasury to be known as the "Marine Resources Fund"; and

Whereas, these moneys would be used only for the purposes of exploration and description and prediction of the marine environment pursuant to the Marine Resources and Engineering Development Act of 1966 and for the National Sea Grant College and Program Act of 1966 except that not in excess of $25,000 may be so appropriated for either of these programs in any fiscal year; and

Whereas, the investment of these moneys in this manner will result in the national good by creating better understanding and utilization of the resources of the sea,

Now therefore be it resolved, That the Oceanographic Commission of Washington does endorse S. 3144 and asks that this Bill be speedily passed by the Congress of the United States and enacted into law.

Signed this 7th day of May 1968.

JOHN M. HAYDON,
Chairman.

Mr. MAGNUSON. Mr. President, the Committee on Commerce, before which this proposed legislation is pending, expects to hold hearings on S. 3144 in the near future.

ANNIVERSARY OF THE POLISH CONSTITUTION

Mr. CLARK. Mr. President, May is a month of special significance to the Polish people and to friends of Poland everywhere. Long before the birth of the Communist movement, which celebrates May Day as a ceremonial occasion, May 3 was an important day for Poland. That is because on May 3, 1791, the Polish nation adopted a constitution which made that country one of the pioneers of the new liberal spirit in Europe.

Since that time the course of liberalism in Poland has been a stormy one. Numerous partitions invasions, and other tribulations have plagued that unhappy country. There is strong evidence now that a wave of officially sanctioned anti-Semitism is sweeping Poland. I know that all friends of Poland join in hoping that this deplorable situation will be remedied, and that Poland will one day return to that tradition of liberalism which is so basic a part of her national heritage.

COOPERATIVE FERTILIZER PLANT FOR INDIA

Mr. PEARSON. Mr. President, the need for increased food production is one of the great challenges facing India today. Considering the fact that millions of Indians are already suffering from inadequate diets, and in view of the rapid growth in the Indian population, it is apparent that local food production must be increased by truly gigantic proportions.

An absolutely basic ingredient in this effort to increase food production is a greatly expanded system for producing and distributing agricultural fertilizer. Last year, on July 25, in a statement on the Senate floor, I discussed the subject of agricultural fertilizers in India and also reported on a survey I had conducted of American agricultural firms capable of building fertilizer plants in India and otherwise assisting in India's fertilizer production program. The survey showed that there was great interest in American private firms and U.S. cooperatives in participating in this effort and that despite numerous problems progress was beginning to be made.

Therefore, Mr. President, I was especially pleased by a recent announcement of a major new fertilizer facility to be built in India. This particular project owes its existence to the initiative of a number of cooperative organizations, principally the Cooperative League of the U.S.A. and the International Cooperative Development Association. The leadership of the American cooperatives have long recognized this basic need in India and are particularly well suited for working with the Indian Government and Indian agricultural cooperatives in developing a joint project of this type.

The $119 million nitrogen plant to be built at the port city of Kandla will be financed by the Indian Government and Indian cooperatives and an AID guaranteed loan from the Bank of America. When completed in 1970, it will produce 800,000 tons of finished fertilizer a year. Considering that 1 pound of nitrogen usually results in 10 pounds of increased wheat and rice production, the output from this single plant could mean an increase of more than 80 million bushels of additional wheat or rice each year.

Mr. President, this is a most worthwhile project and the manner in which all the various parties have cooperated in bringing it to fruition is most encouraging. I bring this to the attention of the Senate and ask unanimous consent that a detailed account regarding the background of this project be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COOPERATIVE FERTILIZER PLANT IN INDIA IS "ALL SYSTEMS GO"

Indian and U.S. cooperatives—assisted by private capital and a government guarantee—are working together to build a $119 million nitrogen fetilizer plant in India.

The project is believed to be the world's largest international business transaction by cooperatives.

It has been in development for more than two years, but because of the complex and many-sided negotiations involved, only fragments of its story have heretofore been made public.

Parties to the project are: in India, the National Cooperative Union of India, the Indian government, Indian AID (U.S. Agency for International Development) Mission, Indian Farmers Fertilizer Cooperative, and other cooperatives; and in the United States, U.S. AID in Washington, the Bank of America, and some two dozen cooperative organizations.

For one of the principal participants, the Cooperative League of the USA, Chicago, the projects marks a major fruition of 13 years of joint effort with the Indians to develop and strengthen cooperatives in their country. The League has maintained an office in New Delhi since 1955.

The Indian Farmers Fertilizer Cooperative, formed to own and operate the new plant and distribute its products, was inaugurated at a ceremony in New Delhi, April 11. Donald H. Thomas, president of Cooperative Fertilizers International of Chicago, new U.S. organization brought into being because of this project, was one of the speakers.

Following this inauguration, at which Jagjivan Ram, India's prime minister for food and agriculture, was the principal speaker, Thomas and Allie C. Felder, Jr., head of the Cooperative League India office, said that the project could be described as "all systems go."

The proposed plant will produce 1,000 tons of anhydrous ammonia (83% nitrogen) per day—an estimated (depending somewhat on formulas) 800,000 tons of finished fertilizer products a year.

One pound of nitrogen is computed to produce up to 10 pounds of additional wheat or rice. Thus, on the basis of 300 days' operation, this single plant could account for more than 80 million bushels of additional wheat or rice in a year.

This would mean a 3% to 5% increase in India's total annual grain production. It also is equivalent to nearly one-third of the wheat and feed grain the United States sent to India in 1967, peak year of its shipments under the "Food for Freedom" program.

The homemade fertilizer also will represent a saving of foreign exchange for India, which imports about $400 million worth of fertilizer a year.

Of the estimated plant cost of $119 million, 10% ($12 million) is to come from the Indian cooperatives, 20% ($24 million) from the Indian government in the form of a redeemable stock, 23% ($27 million) from the Indian government as a loan, and 47% ($55 million) from a loan to be obtained in the United States.

The investment is projected to pay off in 12 years. In that time the plant will, according to computations, pay $128 million in principal and interest; redeem the Indian government's $24 million in shares and pay it $12 million in dividends; save farmers $165 million in cost of fertilizers; save the country $350 million in foreign exchange, and represent a net worth of $49 million. All of this is apart from the increased value of crop production resulting from the fertilizer.

Ram said in his April 11 speech that the plant is expected to reduce fertilizer prices from current levels by 10%, 20%, and 30% in its fourth, sixth, and eighth years of operation.

The plant will be built at Kandla, a port city on the Gulf of Kutch in northeast India. Construction is expected to begin in 1969, with completion targeted in 1971.

Development of this "India fertilizer project" is a many-stranded story.

In 1953 the American International Association for Economic and Social Development (AIA)—founded by Nelson Rockefeller and active principally in Latin America—established a supervised agricultural credit project in India. The man in charge, Thomas B. Keehn, found himself working primarily with the Indian cooperatives.

In 1955 Jerry Voorhis, executive director of the Cooperative League from 1947 to 1967, made the League a partner with the AIA in the India project. Felder went to India for the League in 1956 as an agricultural credit specialist. In 1961 both Keehn and AIA left India and Felder took charge of the League's India office.

In 1961 Nationwide Insurance companies of Columbus, Ohio, a League member, sent a five-man team to India to study the possibilities of further assistance to cooperatives. This group recommended fertilizer production as part of an overall cooperative development plan.

In 1964 Howard A. Cowden, president of the 1-year-old International Cooperative Development Association, visited India and, as the result of talks with Indian co-op leaders, strongly recommended a fertilizer program.

Felder, working closely with the Indian coop leaders, Indian government, and AID Mission, developed a comprehensive plan of cooperative development. The Indian government asked the Cooperative League to send a team to study the feasibility of the cooperative part of this plan.

On September 5, 1966, this team left for India, where it worked three months, returning in December.

The team members were Howard H. Gordon, retired general manager of Southern States Cooperative, Richmond, Va; William Mitchell, manager of the plant food department of Tennessee Farmers Cooperative at La Vergne, Tenn.; and Albert J. Soday, process engineer of Mississippi Chemical Corporation, Yazoo City, Miss., Ferris S. Owen, administrator of AID projects for the Cooperative League, recruited the men; their trip was financed by the League's overseas-assistance contract with AID.

The team found the fertilizer project feasible and recommended a go-ahead.

At that point the Cooperative League referred the project to the International Cooperative Development Association, Washington, D.C., which had been formed by U.S. cooperatives in 1963 for the express purpose of promoting international cooperative business operations. Herbert C. Fledderjohn, who had succeeded Cowden as president of the ICDA, then took the lead in developing the plan, which ICDA's board approved in January, 1967.

A dramatic and perhaps decisive moment in development of the project came on January 19 at a meeting in the Jung hotel in New Orleans. ICDA called the meeting on short notice because representatives of most U.S. cooperatives in the fertilizer business were there for the annual meeting of the National Council of Farmer Cooperatives.

Fledderjohn presided. Kenneth F. Lundberg, president of the Central Farmers Fertilizer Company, Chicago, and Owen Cooper, president of Mississippi Chemical Corporation, both ICDA member organizations, presented the plan for a cooperative fertilizer plant in India.

One after another, on a rising wave of enthusiasm, the men present expressed themselves in favor of helping Indian farmers get a fertilizer plant. They left the meeting having pledged themselves to seek from their organizations $1 million—not as invested capital expected to bring any return, but as a contribution to the costs of getting the plant going; travel to India, economic studies, and such.

In April Fledderjohn, Owen (who also had been on the 1961 Nationwide team), Lundberg, Cooper, and Gordon went to India to present the plan to the Indian cooperative and government. Felder and the India AID Mission were party to the talks.

The Indians liked what they heard, and on May 26 the government asked the ICDA, also a contractor with U.S. AID, to send a team of experts to get down to the brass tacks of plant location, type, size, and such. This team—Thomas, then an economic analyst for Central Farmers Fertilizer Company (which is owned by 22 fertilizer-producing co-ops in the United States and Canada); John Wiley, marketing specialist for Central Farmers; and Soday—worked in India six weeks in June and July.

On October 19 the Indian government formally accepted the plan, the cooperatives already having done so.

Meanwhile, on September 25 at a meeting in Washington the interested organizations had formed Cooperative Fertilizers International (CFI) to handle the U.S. side of the operation. CFI elected Thomas president and Lundberg chairman of the board. And during the summer the U.S. cooperatives had formally committed the $1 million to be paid in four equal parts over four years.

The Agency for International Development in Washington found that, because of cutbacks in funds, it could not lend the $55 million needed to build the plant. It could, however, guarantee the loan; and on that basis a private lender was found: the Bank of America.

In April, 1968, CFI arranged for Ernest C. Davis, manager of the fertilizer plant of Central Nitrogen, Inc., at Terre Haute, Ind., to go "on loan" to India as its representative during the detailed planning and construction of the plant. He will work with Shri Paul Pothen, managing director of the plant.

Thomas, accompanied to India by O. Roy Wiebe, secretary-treasurer of Central Farmers, told his inauguration-day audience that the cooperative fertilizer plant will create "healthy competition" among plants in the private and public sectors of the industry, thereby benefiting all farmers.

In Chicago, Stanley Dreyer, president of the Cooperative League, described the India project as "a wonderful example of cooperation among cooperatives—both within this country and between the two countries."

He said the League staff is proud of the part it has been able to play and is genuinely appreciative of the support of its own board and members as well as the cooperation of other organizations.

PENNIES TO WAGE PEACE

Mr. CLARK. Mr. President, an editorial from the Greensburg, Pa., Tribune-Review, has recently come to my attention. It discusses a subject which is of great concern to me, the need for adequate financing for the Arms Control and Disarmament Agency, and it voices my sentiment on the matter. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PENNIES TO WAGE PEACE

Sen. Joseph S. Clark delivered himself of a wry comment, the other day, on a subject that falls under the general heading of penny wisdom and pound foolishness. "I think," he told his colleagues, "we could afford the modest sum of 11 million dollars a year to wage peace."

His colleagues evidently think otherwise. Clark's reference was to the administration request for 33 millions to finance the Arms Control and Disarmament Agency over the next three years. The Senate, mindful of the demand for twice that sum daily to finance our Vietnam involvement, authorized only a two-year extension of the Disarmament Agency and held its budget for that period to 17 million dollars.

No one supposes that this agency, however well financed, could of itself stem the international arms race and set the world on a peaceful course. Also, it would be unfair to imply that this is the only segment of the U.S. government that "wages peace;" a variety of federal effort is directed more or less to that end.

Yet the fact remains that the Arms Control and Disarmament Agency is assigned the task of working with other governments to curb and perhaps even reverse the deadly arms spiral. It is a task whose signal importance is underscored by the development of even more powerful and ingenious weapons of mass destruction. The Senate was penny wise and pound foolish to vote for such piddling support.

SELECTIVE SERVICE AND THE RIGHT TO COUNSEL—S. 3303

Mr. YARBOROUGH. Mr. President, it is my privilege to join the distinguished Senator from Missouri [Mr. LONG] in cosponsorship of S. 3303, legislation to permit the right of counsel to young men when they appear before their local selective service boards. This right is now specifically denied by section 1624.1(b) of the selective service regulations which states:

> No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of the registrant: *Provided* . . . That no registrant may be represented before the local board by anyone acting as attorney or legal counsel.

This denial is a shocking violation of the spirit if not the letter of the Bill of Rights. While an appearance before an administrative body to appeal a draft classification technically may not be the same as defending oneself in a criminal case, the consequences of the Board's decision may be comparably grave for the young man whose very life, especially in times of war, may be in the Board's hands.

This is certainly true today. In spite of hopeful peace talks, the war in Vietnam continues to rage. During the week of May 5 through May 11—the same week peace negotiators were meeting in Paris—there were 562 Americans killed in Vietnam fighting. That is the highest weekly total of American deaths since this unfortunate war began. From January 1 through May 11 of this year—just over 4 months—6,954 Americans have died in that tragic conflict, 12,000 lonely miles away. At this rate, more than 18,000 American boys could die in that bloody land during 1968—double the number of American lives lost there last year.

In this context, the decision of the local draft board cannot be viewed merely as a matter of administrative classification; rather it must be considered for what it is: a very human matter involving the possibility of death. In such a proceeding an individual citizen's access to legal counsel must be considered a fundamental right.

Nor is death the only issue. At the very least the draft is an interruption of one's domestic pursuits and an infringement on one's freedom of choice. The local board has the power to require a young man to forgo career, educational, and personal plans for a 2-year period. In many cases, this means an irretrievable loss of opportunity.

Anthony Wolff, an assistant editor of Look magazine, eloquently described the inequitable position of today's youth in confronting Government bureaucracy when that Government is to decide his immediate and, perhaps, long-term future:

> After the first flush of coming of age, an 18-year old boy may begin to sweat. In his pocket, keeping company with his driving license as part of the thin dossier that proves he's a man, is a card from Uncle Sam that says the Government has a lien on his life. In most states, he may not buy a drink, vote, marry without parental consent or sign a legal contract, but he knows that his Government can arrogate to its own purpose two years of his irreplaceable youth and subject it to unfamiliar indignities, perhaps to death.

Within the framework of our democratic system, the right of the state to appropriate 2 years of an individual's life, perhaps at the cost of that individual's life, can be granted only when there exists every protection for the individual's rights.

The words of Justice Sutherland in Powell against Alabama, which recognized an indigent criminal defendant's right to have a court-appointed attorney in cases which might result in capital punishment, accurately reveal the need of counsel for both the criminal defendant and the prospective draftee:

> The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.

The Supreme Court, in Gideon against Wainwright, Escobedo against Illinois, Miranda against Arizona, and other cases, has expanded the right of counsel to all criminal defendants from the earliest stages of police interrogation or investigation of a particular criminal suspect. If such protection is available to even the meanest criminal defendants throughout the proceedings against them, surely it should be available to the youth who has done nothing wrong but only wishes to appeal from what he believes to be a wrong determination by an administrative board.

The Government does provide appeal agents, but as a critique of the Selective Service recently observed:

> As his title implies, the Appeal Agent—who may or may not be an attorney—is legally bound "To be equally diligent in protecting the interests of the Government and the rights of the registrant . . ." It might be difficult for the most diligent and sympathetic Appeal Agent, stretched on such a rack, to provide full legal counsel.

The urgent need for attorneys to represent the appellants' interests particularly at the early stages of the classification process is further evident from the recent oral opinion of a Federal Judge indicating that he was powerless to overturn a selective service recommendation that draft boards reclassify as 1–A students who participate in illegal antidraft demonstrations.

The suit had been brought by the National Student Association, other student groups, and 15 student council presidents who protested General Hershey's widely publicized directive to local selective service boards as an attempt to stifle legitimate dissent to the Vietnam war. Judge George Hart found that the letter was not binding on the local boards and therefore of no legal effect and that individuals who believed their draft status was being changed because of their opposition to certain policies had administrative and judicial remedies.

This is of little comfort when one realizes that the State appeal board reviewing the local board determination, also composed of volunteer citizens, cannot consider any information the local board has not seen and no one is allowed to appear before it. If the appeal board is unanimous in rejecting an appeal, the appellant can appeal to a national appeal board designated by the President, but only if the State selective service director or General Hershey agrees to sponsor it. No appeal may be taken from the National Appeal Board.

I need not dwell on numerous cases reported in the press which seem to indicate that many local selective service boards, as well as applicants, are also in need of legal advice on the selective service laws and the Constitution. Some inequities have appeared in areas such as the classification of conscientious objectors.

Many inequities occur largely because no one advises the prospective draftee of his rights. The April 2, 1968, issue of Look magazine tells of boys going to their draft boards to volunteer for the draft under the impression that they could get educational benefits by volunteering rather than waiting to be drafted. No one told them of the difference between volunteering for enlistment and volunteering for the draft. All the latter gets is preference on the 1–A list.

The right to counsel in these proceedings will not solve all the inequities in our present system of selective service, but it will go far toward giving hundreds of young men a chance to have their cases fairly heard and judged. For this reason I am pleased to cosponsor S. 3303 and to lend to it my full support.

SOLVING THE NATION'S PROBLEMS—IT CANNOT BE DONE ALONE

Mr. CLARK. Mr. President, last week, on May 16, the Chamber of Commerce of Greater Philadelphia made its William Penn Award for distinguished service to Frederic A. Potts, formerly president and now chairman of the board of directors of the Philadelphia National Bank, one of the great banking institutions in the city of Philadelphia.

Mr. Potts made an extraordinarily courageous speech, I thought, to a group of business leaders of Greater Philadelphia.

His speech is entitled, "It Can't Be Done Alone." It is a plea for joint action by Government and the private sector of the economy to solve the frightening problems of economics, race, sociology and, indeed, of politics, which confront every great city in the land today—Philadelphia being no exception.

Mr. Potts' message is well worth the attention of all serious students of the domestic problems which confront the country today. I commend it to all readers of the CONGRESSIONAL RECORD. Therefore, Mr. President, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

IT CAN'T BE DONE ALONE

(William Penn Award speech of acceptance by Frederic A. Potts, May 16, 1968)

The welfare of a community depends on the degree of confidence, cooperation and understanding which exists between the private sector and the body politic.

This is a strong statement, but I firmly believe in it. Without open lines of communication between business and government, a stifling stultification of forward movement ensues. The slackening of advancement may not be seen immediately, but becomes increasingly apparent over a period of time. *A bridge of dialogue and comprehension must be built.*

I could recite examples of the negative and unhappy events that can occur in the absence of such mutual understanding; they are to be observed all over the United States and one reads of them daily in our press. Instead, I am going to confine my remarks to the positive aspects of my thesis, and try to show its application in our own community.

Urban problems have always been legion, but they are intensified today because of the hard core of unemployed at a time when the majority enjoys unprecedented affluence. In the Delaware Valley the difficulties are acute and at an explosive stage. For various reasons—some obvious and some not altogether clear—*certain* cities in this country have erupted. *It could happen here at any time* and my fingers are crossed; but what you should be aware of, if you do not already know, is that much preventive action has already been taken. Indeed, in my estimation there is currently a closer rapport developing between whites and blacks in Philadelphia than ever before.

That is a good thing and most encouraging, but it is not in itself sufficient to accomplish all that needs to be done. Better understanding between the whites and non-whites sets up a more favorable climate for action; but without specific goals, plus organized effort to attain them, no constructive action can take place, and, by this I mean no non-violent action! That is the heart of my argument. It is the responsibility of business and government jointly to provide the organized, coordinated effort which is vital in bringing about the healthy community advancement so badly needed. Business cannot do it alone. Government cannot do it alone. But business and government can accomplish wonders if they keep in close sympathetic touch with each other and work *together* in formulating and carrying out a common program to attain essential goals in employment, housing, education in short, equal opportunity for all.

Please do not think that I am dismissing or selling short the *people* of this city. In truth, the city is its people. But two million citizens, two million separate individuals, of whatever income or race or creed, must have some means of *focusing* their desires and hopes for a better world and be provided an opportunity to enter it. Organized *leadership* is needed to identify the problems and to find solutions based on the best thinking and the widest practical experience the community has to offer. Business and government together can and must provide these ingredients.

We, who make our living in Philadelphia and go to comfortable homes at night in the suburbs have too long turned our minds away from some of the main problems and responsibilities which are left in the city. It's human nature not to want to take on additional problems when we already have so many. But does this make sense? Is it even safe? What happens to business when urban blight spreads beyond the critical stage or when people desiring positions are not employable because of lack of education?

Benjamin Franklin, wisest and most practical of Philadelphians, once said, "A little neglect may breed mischief. For want of a nail the shoe was lost. For want of a shoe the horse was lost. For want of a horse the rider was lost."

Philadelphia has changed somewhat since Dr. Franklin lived here, but I'm pretty sure he would say the same today. He genuinely loved his fellow citizens; but he was also a shrewd businessman and smart enough to understand that he could not long prosper if everyone else was broke. Today we call this enlightened self-interest. Some might call it good citizenship. It is certainly good common sense. Whatever the terminology, this precept is based on sound economic principles and a good rule to live by.

There are critics who might say, that's all very fine, but why complicate matters when business already is contributing via increased taxes to the education, health and welfare of our citizens? Why go further, why go overboard? Why not leave it to government?

Actually solutions cannot be bought with tax dollars. Welfare payments and handouts are not the answer. Nor are the oft repeated cliches of past generations going to resolve the complexities of an expanded urban population, such as: "Have you ever tried to work—it works!" "Early to bed, early to rise," et cetera.

Imagine what it would mean if we could turn the unemployables into employed and the poor who are now a drain on the taxpayer into taxpayers! These families represent a tremendous potential market. If the incomes of the substantial number of poor American families involved were increased significantly, the generative power would not run into millions but into billions of dollars.

The advantages of an active partnership between business and government already have been publicly recognized by government itself. Vice President Humphrey remarked recently: "The Federal Government can help; it can stimulate and supplement; but in the last analysis the key is to be found in the private sector." And in actual practice I happen to know that some of America's leading bankers and businessmen, including Philadelphians, go regularly to Washington for informal talks at the highest level. In addition here in our own city informal meetings are currently taking place between the city government and representatives of the business community.

All of this is valuable and adds to the impressive list of projects and organizations—that you are quite familiar with—in which Philadelphia businessmen are already working actively with government. Business has contributed much to the well-being of Philadelphia and its citizens. It can contribute *more* and a still wider range of dialogue and understanding is needed.

The *efforts* of business to alleviate poor living conditions and unemployment have not gone unappreciated. Whitney Young, Executive Director of the National Urban League, recently paid tribute to the business community's contribution, and voiced confidence in its goodwill and ability.

However, the fact is that at present only a small minority of the blacks can afford what the average white family enjoys. As the late Dr. Martin Luther King pointed out when he spoke here at a Chamber of Commerce luncheon over two years ago, the median income of the Negro family in this country is only about half that of the white family. One of the main reasons is that the unemployment rate for Negroes is *more than twice as high* as that for whites.

The fault lies in the system, and the blacks don't like their lot any more than we would like it. Of course there are a few who are allergic to work, like some white people I know. But the great majority want to work, and work hard, at any job that pays a decent wage. Dr. King called for a massive job-training program to get these "hard core" unemployed off the relief rolls and into the main stream of American life. At this minute, jobs for *skilled* labor are going begging; one has only to look at the want-ad section of the daily papers. American business needs many more qualified people. How to get them?

As Mark Twain said, "Training is everything. The peach was once a bitter almond. Cauliflower is nothing but cabbage with a college education."

One of the shining examples of business and government getting behind the job-training idea is the Reverend Leon Sullivan's Opportunities Industrialization Center organized here in Philadelphia 5 or 6 years ago. "OIC" programs are now set up in over 60 cities and have become the most practical and successful undertaking dedicated to a frontal attack on the problem.

I would like to interject here that working closely with The Rev. Dr. Leon H. Sullivan since the inception of "OIC" has been not only a privilege but also a challenging and most exciting experience.

In ways other than job-training, the Philadelphia business community already has made some interesting advances. The Job Loan Corporation with a $2 million loan pool has been set up by the Philadelphia Clearing House banks for the purpose of helping the Negro community launch new business ventures and expand those already existing. The Loan Corporation has been swamped with applications. Not everyone who applies gets a loan, of course; but if the applicant shows initiative, intelligent planning and some basic knowledge of financial principles, he does get it, together with free counsel in matters such as bookkeeping, legal and business practices.

Once again I would like to refer to the Rev. Sullivan, who recently said, "The day must come when the Negro must not only go to another man's factory for a job, but must build the factories for others." The Job Loan Corporation goes a long way in that direction. The interest in it shown by Negro small businessmen directly belies, I think, a statement made by another Negro minister, and I quote, "whites don't know how to talk to blacks, and blacks won't speak to whites." Whites are beginning to show that they do know how to talk very practically to blacks, and blacks are glad to talk to whites when the whites show understanding and a sincere interest in helping them to help themselves.

As most of you know, Philadelphia business recently agreed to provide $1 million to launch a coalition of active young Negro leaders upon a program of self-initiated economic projects aimed at the full spectrum of ghetto ills, including housing, jobs, education, and health services. This project indicates the degree of interest of business in turning problems into opportunities. I would like to make it clear that this effort is designed to compliment the very fine programs already in effect which have similar goals—such as National Alliance of Businessmen, Urban League, the Mayor's Manpower Commission, and others. However, much more is needed. Let us always remember that actions speak louder than words—and let both our words and our actions be such that Philadelphia will be a city that other cities will emulate.

Consideration must be given not only to the ghetto but to the part which business should play in advancing the total daily life of a big urban community. It runs the whole gamut—from art museums and symphony orchestras to hospitals and schools; from labor unions to unemployment; from garbage disposal to air and water pollution; from mass transportation and expanded airport facilities to further improvement and modernization of the Port of Philadelphia. And so it goes!

In all of this, good communications between people, and particularly between business and government, are an absolute "must"—for only in this way can there be a common understanding—and thus a basis for joint action, regarding the needs and aspirations of business, of government, and of the common weal.

The more I see of the misery and misfortune in this world, the more I am convinced that most of it springs from a lack of communication. I have never believed that people are fundamentally cruel or callous; they are busy, preoccupied perhaps, worried, or even downright afraid; but these attitudes usually can be traced to a failure to comprehend what is in the other person's mind and heart.

Understanding and cooperation are at the core of all successful human endeavor. It is only through these means that our way of life as a democracy can be preserved. Only thus can the hopes and ideals of the founders of our country be brought to fuller realization for the generations to come.

May we continue, now and always, to work together whole-heartedly for the fulfillment of our goals for Philadelphia!

Thank you!

MUGGERS

Mr. BYRD of West Virginia. Mr. President, the New York Times has done a distinct service, I believe, with the publication of an article in today's edition concerning the increasing number of assaults and robberies in New York City.

The article's conclusions are shocking. The Times concludes:

> The average mugger strikes many times before he is arrested.
>
> Even when arrested and convicted he will prowl the streets again in a relatively short time.
>
> The time he spends behind bars is unlikely to furnish him with meaningful rehabilitation treatment.
>
> And because many crimes are not reported at all, the statistics probably underestimate the total number of robberies and muggings that occur in the city. A survey . . . indicated that about 50 percent of all robberies are never reported to the police.

I ask unanimous consent that the article headlined "Fear of Muggers Looms Large in Public Concern Over Crime" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEAR OF MUGGERS LOOMS LARGE IN PUBLIC CONCERN OVER CRIME

(By David Burnham)

Predatory, often senselessly savage, the mugger looms as the most menacing figure in the public concern over crime.

A mugging is a type of robbery that involves a physical attack. It is a crime that is reported to the police in Manhattan 16,200 times each year.

Although muggings represent only a fraction of all serious crimes reported to the police, the mugger exacts a high toll in terms of physical and mental anguish and personal property loss, and he diminishes the quality of life in a fearful New York.

In an effort to learn more about the mugger, his habits and society's attempts to deal with him, The New York Times studied the court records of the 136 persons arrested in 100 cases in Manhattan during the first two months of 1967 on charges of assault and robbery, the legal charge placed against most muggers.

The broad conclusions suggested by this statistical study and by an examination of pertinent law enforcement records are:

The average mugger strikes many times before he is arrested.

Even when arrested and convicted, he will prowl the streets again in a relatively short time.

The time he spends behind bars is unlikely to furnish him with meaningful rehabilitation treatment.

Despite the enormous public concern over muggings, the mugger is a rare subject of statistical research. Neither the courts nor the police, for example, have compiled statistical information about the mugger because under state and Federal law mugging is classified as a kind of robbery and not singled out as a separate crime.

The Times's study examined the first 100 attacks in Manhattan in 1967 that resulted in arrests for assault and robbery. The period of the study was selected to permit the cases to work their way through the courts to final disposition. The specific findings of the study were:

Eigthy-two per cent of the defendants had been arrested at least once before and 46 per cent had been arrested five or more times. Because details about a man's conviction record listed on the police arrest sheet is considered incomplete by lawyers and researchers, the exact percentage of those who had been convicted of previous crimes is not known. The arrest statistics suggest, however, that perhaps half of the defendants had at least one previous conviction.

Initial bail for 60 per cent of the suspected muggers was set at $2,000 or higher, high enough so that probably well over half the defendants were unable to make necessary premium payments and be released immediately. Although bail is sometimes lowered at subsequent hearings, the notations of such actions are erratic enough to make generalization difficult. However, the widely held belief that most muggers are immediately released on the streets by the courts is not supported by the evidence.

The case against 31 per cent of the defendants were dismissed. Though the records often indicated that the cases were dismissed at the request of the assistant district attorney, the reason for the request usually was not given. Court officials say a major reason for the dismissals was the refusal of many victims to press charges. In this sense, police complaint that law enforcement is hampered by the public's unwillingness to cooperate has some substance.

The average sentence for guilty defendants was slightly more than a year. (Of the total, 62 per cent pleaded guilty and 7 per cent were tried, with half of them being convicted). A one-year sentence usually means nine months in prison, because of time off for good behavior. At the time of the study, the mandatory sentence for first-degree robbery, one of the charges placed against many of the defendants, was 10 to 30 years. The difference between the actual sentences and the sentence required by law can be explained by the fact that not one of the 136 defendants was convicted of the crime for which he was arrested.

More than half of the incidents of assault and robbery—54 per cent—occurred in hallways, elevators, stairs and apartments, and thus raised questions about whether police patrols that are legally restricted to the streets and parks can adequately protect the public from this kind of crime.

At least 20 per cent of the attacks studied were against chronic drunks or men seeking the company of prostitutes or homosexuals, victims who by their habits are unusually vulnerable to being mugged.

LINKED TO NARCOTICS

Much public discussion has attempted to link muggings with the serious narcotics problem in the city. The court records studied did not indicate how many of the 136 defendants were narcotics addicts. But a study published last week by the New York Police Department indicated that the number of addict attackers is far less than is generally believed.

According to the police, only 7.4 per cent of all those persons arrested for robbery in

1967 admitted they were narcotics users. Experts believe some of the arrested persons would not tell the police about their narcotics habit, they believe that enough do to make the statistics roughly accurate.

The problems of the police in apprehending robbers is documented in the 1967 Statistical Report of the New York Police Department. According to this report, only one robber was arrested for every six robbery complaints.

And because many crimes are not reported at all, the statistics probably underestimate the total number of robberies and muggings that occur in the city. A survey by the National Opinion Research Corporation, for example, indicated that about 50 per cent of all robberies are never reported to the police.

DETAILS OF ATTACK

Perhaps one of the best ways of looking at the mugging problem, is to examine in detail one of the 100 cases selected for the study.

At 8:15 P.M. on Saturday, Feb. 4, 1967, Mrs. Virginia Haspel (that is not her real name) walked along 169th Street near Broadway in Washington Heights. It was a cold, cloudy evening.

Suddenly, a youth accosted her and tried to grab her purse. Mrs. Haspel fought back. In the struggle, her arm and leg were cut by a knife held by the assailant. The mugger yanked the purse from Mrs. Haspel's hand and started running.

Mrs. Haspel's screams attracted a patrolman, who chased and apprehended the youth, who was 20 years old. That night, he was fingerprinted, photographed and taken to Night Court, where he was held on $5,000 bail. The complaint typed out by the patrolman at the request of Mrs. Haspel charged the youth with assault and robbery, both felony charges.

Three days later, on Feb. 7, the youth pleaded guilty to assault in the third degree, a misdemeanor charge. On March 1 he was sentenced to six months in prison.

TYPICAL AND UNTYPICAL

In a number of ways, the attack on Mrs. Haspel and the way in which the court dealt with her assailant are typical of the manner in which New York City is now dealing with muggers. In other ways, it is not.

Most of the muggings examined, for example, were similar to the attack on Mrs. Haspel in that they were committed by an individual assailant. Seventy-two percent of the attacks in the study involved a single assailant, the others by two or more persons. On the basis of the study, fears of roving gangs responsible for most of Manhattan's muggings are not supported by the evidence.

The initial bail set for Mrs. Haspel's mugger, $5,000, is considerably higher than that set for most persons arrested for assault and robbery. Judges set the same or higher bail for only 25 per cent of the 136 defendants in the study. For 30 per cent of the defendants, the bail was set at $1,000 or lower. Bail for the rest of the defendants fell in between these two figures, with the largest concentration at $2,500. Judges are permitted wide discretion in the setting of bail.

CAN'T MAKE BAIL

According to a survey made by the Vera Institute of Justice, 25 per cent of all defendants here do not have enough money to pay the necessary premiums when bail is set at $500, about 45 per cent cannot make bail when it is set at $1,500 and 63 per cent cannot make bail when it is set at $2,500.

Thus the effect of initial bail is likely to keep mugging suspects in jail even though the legal purpose of bail is to assure the appearance of the defendant in court.

The fact that Mrs. Haspel's assailant had been arrested three times before (once for intoxication, once for auto theft and once for the possession of burglar tools) also was not unusual.

More than 80 per cent of the defendants in The Times survey had been arrested at least once before and 40 per cent had previously been arrested five or more times. Though many of these arrests were for such minor charges as public intoxication, a majority of the defendants had previously been arrested for more serious offenses, such as burglary and robbery.

The number and seriousness of previous arrests appeared to influence the bail decisions, Those with no previous arrests or only a few minor arrests were granted the lowest bail while judges tended to require higher bail for those with more serious records.

SIXTY-TWO PERCENT PLEAD GUILTY

The decision of the defendant in the Haspel case, on the advice of a Legal Aid lawyer, to plead guilty to assault (one of the lesser charges placed against him at the time of his arraignment) also was typical of most defendants in the study.

In 62 per cent of the cases the defendants were permitted to plead guilty to a less serious charge.

Studies done by the American Bar Association and the President's Commission on Law Enforcement and Administration of Justice indicate that judges, prosecutors and nearly every major city in the country encourage defendants to plead guilty to lesser charges by offering them the inducement of lighter sentences.

This is done, according to these studies, because the small number of available prosecutors, judges and lawyers would be unable to handle the workload if more than a handful of defendants demanded a time-consuming trial. A study by the President's Commission said that 95.5 per cent of all convictions in New York were obtained by pleas of guilty rather than at trials.

In a recent speech before a meeting of the Correctional Association of New York, Lester C. Goodchild, administrator of the New York Criminal Court, took note of the proportions of the problem when he said each judge in his court processed more than 58,000 cases in 1967.

MANY TRAFFIC CASES

Many of these cases, however, involved traffic summonses, which require very little court time. According to an earlier report by the Criminal Court, each of the city's criminal judges handled about 23 nontraffic cases each working day during 1966. With arraignment, bail and other hearings, almost all cases will involve more than one appearance before a judge.

Donald J. Newman, a professor at the School of Criminal Justice of the State University of New York at Albany, and a leading authority on plea bargaining, said he believed that while plea bargaining was necessary, it had three major dangers.

"One is that the very dangerous recidivist [incorrigible criminal] escapes long control—he gets off too easily," Professor Newman said. "The other is that the person who may be innocent pleads guilty rather than face the chance of gettting [jailed] for a long time."

Professor Newman said the third danger was that the plea-bargaining system often resulted in the defendant going to a short-term jail rather than to a prison "and that to the extent there is any rehabilitation and treatment, it is not in our jails."

FEW SOCIAL WORKERS

Just how little rehabilitation is offered in the jails—the penal institutions that usually hold muggers imprisoned for a year or less—was suggested in a recent national survey of correctional agencies by the National Council on Crime and Delinquency. According to this survey, less than 3 per cent of all jail employes are social workers, psychologists, psychiatrists and teachers.

In the Times's survey, many of the 136 persons originally charged with assault and robbery were indicted on felony charges of first-degree robbery and assault and were later permitted to plead guilty to petit larceny and assault in the third degree, both misdemeanors.

In only 7 per cent of the cases was the matter of guilt or innocence decided by trial. Of these, slightly less than half the defendants were found not guilty. The remainder, after being arrested for assault and robbery, were indicted for petit larcency and third-degree assault, found guilty and given a variety of sentences ranging from a suspended sentence to four months.

The six-month jail sentence given to Mrs. Haspel's mugger was typical of the lower court that sentenced him. Those who were either found guilty or pleaded guilty in the Criminal Court received an average sentence of 5.6 months.

In the State Supreme Court, which in theory at least handles more serious incidents, such as a mugging in which the victim was slashed by a knife, the average minimum sentence was 18 months. The combined average sentence, using the minimum average of the upper court, was 12.4 months.

MOST GET TIME OFF

This does not mean that those sentenced to a year will serve a year. Anyone sentenced to six months or more before September, 1967, was eligible for and usually received a third of his time off for good behavior.

Last Sept. 1 New York State's new penal law went into effect. The law, designed to simplify and improve the old statute, was drafted by the State Commission on Revision of the Penal Law and Criminal Code and approved by the State Legislature after several years of debate.

Under the new penal law, a person found guilty of first-degree robbery, typical charge placed against a mugger, could be sentenced to from 1 to 2 years in prison.

However, Richard Denzer, staff director of the commission, does not believe the penal law changes have meant any significant alteration in the length of sentences given to persons arrested for assault and robbery.

Police Commissioner Howard R. Leary has suggested the enormity of the over-all problem facing the agencies of criminal justice in dealing with criminals:

"Our problem as police officers is that we arrest the same person again and again for robbery, we arrest the same person again and again for burglary, we arrest the same person again and again for pushing narcotics.

"Until such a time that society generally, not the police alone, have a way of dealing with the problem of repeated offenders, we are constantly going to be faced with the problem of increased crime and assaults against the person."

MINIMAL ACCOMPLISHMENTS

Presiding Justice Bernard Botein of the Appellate Division's First Judicial Department said in an interview that because of the resources given the system of criminal justice are inadequate, "its accomplishments are minimal."

"We pay a lot more lip service to the idea of rehabilitation and deterrence and the safety of the individual citizen than we actually seem to deliver," he said.

Justice Botein is supporting a bill now in Albany that would increase the number of Criminal Court judges in the city from 78 to 98 and increase the number of Supreme Court justices in the city from 89 to 122.

Because Democratic and Republican leaders have not been able to divide this rich source of patronage, the bill has been bottled up in the Legislature for a number of years, although last week a "general understanding" was reported to have been reached on the creation of new judgeships.

But Frank Remington, a professor of law at the University of Wisconsin and a leading legal researcher, believes that "increasing the number of judges isn't the only answer."

"With a few exceptions," he said, "there are no court systems in the country that have responded to the enormous challenge facing them. Much talk has been spent on the Supreme Court and crime. But talk is easy. Getting at the real problems of criminal courts in the big cities, finding some way of dealing with individuals, is going to require an enormous amount of leadership, innovative research and money."

OPPOSITION TO A SURTAX ON INCOME

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a transcript of questions which were asked of me during a TV interview which was filmed on May 15, 1968, together with my answers thereto.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Text of Senator Byrd's Television Interview, May 15, 1968

Question. Senator, what is your position on the bill providing for an income tax surcharge and a $6 billion reduction in Federal spending?

Answer. Well, I voted against the bill when it passed the Senate and I expect to vote against the conference report when it comes back to the Senate. I am against any increase in taxes until such time as the Federal Government cuts back on nonessential spending and wasteful programs.

Question. Well, the bill provides for a $6 billion reduction, what's your objection to that?

Answer. Well, I would like to see the reductions made in a selective manner. For example, I would like to see the moon shot program cut back. I think we ought to cut back drastically on foreign aid programs. I believe that most of our servicemen and their dependents in Western Europe should be brought home. This would constitute a great savings. So, these are selective cuts, which I would institute.

Now, the $6 billion reduction which was provided by the bill which passed the Senate would make cuts in areas which would hurt my State. For example, the highway program could be cut back and many public works projects, such as the R. D. Bailey Reservoir, East Lynn, Burnsville, and Beech Fork Reservoirs could be cut back or even stopped completely.

And then there are other programs which might be cut back. For example, the Food Stamp Program, hospital construction, aid to education, urban renewal, FHA loans, SBA loans, and VA loans, and so on. I think these constitute the wrong places in which to institute reductions. They would hurt my people, and for this reason, as I say, I voted against the bill and will vote against the conference report.

Question. Senator Byrd, what are the chances of passage of the Omnibus Crime Control and Safe Streets Act? And just what is your position on the bill?

Answer. Well, I think the bill will pass the Senate. There have been some amendments already to the measure and there will likely be more. I think, in the overall, it is a good piece of legislation.

It is sickening to look at the proliferation in crime that has occurred since 1960. Now the figures for 1967 have not yet been fully processed but according to FBI projections, crime will have increased 88% over what it was in 1960. The population increase was just 10%. So, crime is increasing at a rate ten times faster, or at least nine times faster, than is the population. So I think some legislation is needed.

Now this legislation would provide for grants to be given to the States for the improvement of law enforcement. It would also prohibit wire tapping and electronic surveillance except by duly authorized officers of the law, acting on specific cases involving major crime, and acting under a court order. It would also seek to prevent firearms from falling into the hands of people who are not legally eligible to possess them, such as juveniles, criminals, and persons who are mentally incompetent. And finally, and perhaps most importantly, it would provide for the admissibility of confessions, when they are voluntarily made, into evidence. This would be left up to the trial judge and to the jury.

I think that during the past few years we have seen decisions rendered by the United States Supreme Court which have hurt law enforcement and handcuffed the police. And this has emboldened the criminal. And this legislation, if this provision is enacted, will restore equity into the balance and protect society and allow the police to enforce the law and, I think, inhibit the criminal from his profession.

Interviewer. Thank you, Senator Byrd.

THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record the following items:

A story from today's Washington Star entitled "Leaders Meet on Capitol Hill Demonstrations";

An article in today's Washington Star entitled "Transit Agency Steps Into Union Company Row";

A column by David Lawrence, in today's Washington Star, entitled "Washington's Reign of Terror"; and

An article in today's Washington Post entitled "Poor City Rolls Rise to 1,500."

There being no objection, the articles were ordered to be printed in the Record as follows:

[From the Washington (D.C.) Evening Star May 20, 1968]

Marchers Map Protest Rallies—Leaders Meet on Capitol Hill Demonstration—Bolling Is Mentioned as Second Campsite as Poor Pour Into District of Columbia

Leaders of the Poor People's Campaign worked into the early morning hours today on plans for the first mass demonstrations by their followers, who now number about 2,500 in the Washington area.

The critical housing shortage at the Resurrection City campsite on The Mall was eased temporarily by a Sunday of feverish construction activity by volunteers. The activity by volunteers. The population of the camp nearly doubled yesterday, and some 2,000 campaigners are now housed in the plywood huts.

But with an additional 3,000 demonstrators expected before the end of next week, it became clear that an additional campsite would be necessary. About 400 marchers for whom there was no room at Resurrection City are being put at 15 nearby Virginia churches, where they will stay until Wednesday.

ANACOSTIA MENTIONED

A possible second campground that has been mentioned is Bolling Field in Anacostia, although the Rev. Ralph David Abernathy said the leaders would prefer something closer to the Capitol Hill and downtown targets of the march's lobbying efforts.

Abernathy, chairman of the Southern Christian Leadership Conference, returned to Washington yesterday from a nationwide fund raising tour. He presided at the strategy meeting in the Pitts Motor Hotel in the 1400 block of Belmont Street NW.

The meeting lasted for two and a half hours. Participants would not reveal immediately what came out of the meeting except to say that "some important decisions" were made.

Involved in the discussion were: Bayard Rustin, director of the A. Philip Randolph Institute and an organizer of the march on Washington in 1963; the Rev. Wyatt Tee Walker, former Southern Christian Leadership Conference aide and now urban affairs adivser to New York Gov. Nelson A. Rockefeller; Norma Hill, a Rustin assistant; the Rev. Andrew Young, executive vice president of SCLC; Anthony Henry, a director of the campaign; the Rev. Jesse Jackson, national director of Operation Breadbasket, a selective buying adjunct of SCLC; and the Rev. James Bevel, an aide to Abernathy.

HILL ACTIVITIES PLANNED

It was indicated that SCLC staff members would continue discussions today although Rustin and Hill were reported on their way back to New York.

Young said the group would begin some kind of activities on Capitol Hill this week. He said he wasn't concerned about the ban on large demonstrations at the Capitol because House Speaker John McCormack, D-Mass., "has promised to protect the demonstrators' right to petition."

"We might march to the Capitol," Young said, "and then break into smaller groups and have the demonstrators go visit their own congressmen.

"When we move, we will move," he added.

The Sunday afternoon rainstorm caused the leaders at the campsite to call off an unscheduled demonstration that was planned as a parade from the Lincoln Memorial area to the Capitol and back.

FACE SEVERAL PROBLEMS

Under the permit granted by the National Park Service, only 3,000 demonstrators can stay in the campsite by the Reflecting Pool, and this number appears likely to be reached in a matter of days as construction continues and caravans roll into the city from all directions.

Housing is not the only problem faced by the SCLC leaders. But leaders voiced optimism about the financial squeeze the campaign is in, and discounted speculation that their control of the protest will be made harder by the growing number of militant youths among the latest contingents to arrive.

Volunteers worked all day Sunday and into the evening putting together the A-frame structures, which now number about 500. Buses shuttled between The Mall and the Washington Coliseum throughout the day, bringing over the 1,000 marchers of the Midwest contingent who had been housed in the sports arena Saturday night.

The Rev. James Groppi, the militant Roman Catholic priest who led months of open housing marches in Milwaukee, was with this group.

LITTERED WITH RUBBISH

After the marchers were taken from the Coliseum to the campsite, it was reported that the building was littered with rubbish. An official said lockers containing soft drinks and beer had been rifled.

The arrival of Abernathy and the other "top brass" of the campaign appeared to buoy up the spirits of Resurrection City residents. "Now we'll get down to business," was the feeling expressed by more than one demonstrator.

During last week's delay and confusion as the campaign faced a financial crisis and construction lagged at the camp, several of the demonstrators were heard complaining that they came to demonstrate and not sit around in some church basement waiting for housing.

When asked about the housing problem, Young said that if people need housing and there is land available, "we will use it."

He added that he wasn't concerned about opposition from Congress if the demonstrators attempt to move onto neighboring parkland because "Congress has to operate on its own logic."

Standing at the muddy campsite that had been hit by a rough rainstorm earlier in the day, Young refused to be concerned about reports that tough militant gangs from Memphis, Chicago and Milwaukee had taken over the city.

He said SCLC had brought many different people from vastly different places and backgrounds and over the next two days would begin trying to build a community.

"We have to mold the people into one disciplined, nonviolent fighting unit," he explained.

In an interview at National Airport, Abernathy also discounted reports that young militants were attempting to seize control of Resurrection City.

"The last report I received was that the Blackstone Rangers were serving as marshals and were helping keep things under control," he said.

Abernathy also discounted reports that the campaign was experiencing severe financial difficulties.

"There is no crisis," he said. "We still need funds, of course, and welcome more contributions. But I would say we have cleared up our problems."

THOUSANDS OF SIGHTSEERS

The rain, which dispelled fears that the shelters would leak or blowdown, also delayed the construction and soaked piles of clothing and shoes that had come into the site from early in the day.

The storm also added to the general traffic tieup along Independence Avenue and around the Lincoln Memorial as sightseers came out by the thousands to catch a glimpse of the city.

In various cities around the country, groups of demonstrators were poised for the move on Washington.

Three busloads scheduled to leave Buffalo, N.Y., last night were held back when the leaders were informed that there was no room for them in the capital. Revised plans call for up to 400 persons—10 busloads—to leave Buffalo May 29 for arrival in time for the Memorial Day mass demonstration.

RALLY IN DENVER

In Denver, 520 members of the campaign's western contingent held a rally on the steps of the State Capitol yesterday, Bernard Lafayette, national coordinator for the campaign, told the Negroes, Mexican-Americans and Indians making up the group that they are going to Washington "to demand payment of a bad check the government issued" on civil rights legislation.

Buses from San Antonio, Dallas and Oklahoma are scheduled to join the Denver caravan in Kansas City, and the combined contingent is expected to arrive in Washington on Friday.

A Pacific Northwest caravan reached Bismarck, N.D., yesterday in two buses. Most of the party were from Washington and Oregon cities, but they were joined by two white persons and 15 Indians at Missoula, Mont. A third busload of 15 to 20 North Dakotans joined the caravan at its departure for Washington today. Most of them were Indians from Fort Berthold, who want to press claims against the federal government.

REACTION IS MIXED

Reaction to the campaign continued to be mixed.

Senate Democratic Whip Russell Long said yesterday he would not knuckle under to "threats" by the poor people.

Referring to Abernathy, leader of the Poor People's March on the city, Long said:

"If he wants me to vote for something on the threat of burning Washington down, then let him burn it down." The Louisiana Senator then said, "If the President and the federal government are not disposed to carry out the law, then maybe they ought to burn it down and move the capital to some state."

Long's remarks were made on the CBS television and radio program, Face the Nation. He emphasized he would be willing to listen to the poor people so long as they observed the law and petitioned Congress peaceably.

Long noted that Abernathy had stated that the SCLC would remain nonviolent during the campaign to persuade Congress to do more for poor people. Long also noted that Abernathy said the SCLC could not be blamed if other groups took advantage of the situation and became violent.

Meanwhile the demonstration won the endorsement of Gov. Rockefeller of New York, who said in a television interview that he looked upon it "as a new imaginative way of creating a lobby, to bring attention to congressmen they have a problem, they want help."

The Americans for Democratic Action meeting in Washington, also endorsed the march and pledged a $1,000 contribution.

[From the Washington (D.C.) Evening Star, May 20, 1968]

TRANSIT AGENCY STEPS IN IN UNION, COMPANY ROW—ATU LOCAL ORDERS NIGHT BUS DRIVERS NOT TO CARRY CHANGE AFTER 6:30 P.M.

(By Lee Flor)

The Washington Metropolitan Area Transit Commission today said it was stepping into the dispute between the D.C. Transit system and the bus drivers' union, which had ordered its members to refuse to carry money to make change on night runs.

The executive board and the officers of Local 689 of the Amalgamated Transit Union met in emergency session yesterday and late in the day issued the order for drivers to refuse to carry change after 6:30 p.m.

The union said a requirement by the company that the drivers carry money to make change provides "bait" that attracts robbers.

George Avery, chairman of the transit commission, said he had been working with the District to help get extra police protection for the drivers. Avery said his commission was directly involved because the crisis might result in a slowdown of service tonight in some form of crisis affecting transportation.

RANGE OF AUTHORITY

The transit commission regulates bus routes and service requirements and establishes the level of bus fares. Its authority over the drivers is not as strong as over the company, but Avery may be able to negotiate a compromise, or his staff may be able to develop some alternatives to settle the dispute.

For several months the rate of holdups of D.C. Transit buses has been increasing. Last Friday bus driver John E. Talley died of gunshot wounds received in a holdup of his bus near Dupont Circle.

Services for Talley were scheduled today at Ager Road Methodist Church, Hyattsville, with burial in the National Memorial Park cemetery in Falls Church, Va.

George W. Apperson, president of Local 689, said his drivers were planning to pull over to the side of the road for a 60- or 90-second observance of the funeral.

Apperson said he and other union officials would be attending the funeral and then would go to D.C. Transit divisional offices to back up the drivers on the union decision to stop carrying bus company money after 6:30 p.m.

Apperson said that between 30 and 350 buses and men are involved in the night service. He said no meeting was scheduled between D.C. Transit and the union officials.

The bus company has been active for several months in trying to get more police protection for its drivers. However, a spokesman for the company said it was impossible for the company to accept the proposal by the union that its men not carry change for passengers.

The spokesman said that this would mean a large number of passengers could get on the bus at night and ride free by merely claiming they had only a large bill.

The bus company has been in a series of disputes with local organizations and the transit commission for the past several years, with the company saying it does not make enough revenue.

EXTENSIVE AUDIT

The transit commission earlier this year said it agreed that the bus company needed higher fares after an extensive audit of company books.

Apperson said the bus company's latest decision to insist that drivers carry change was "made with the sole purpose of protecting the company's profits in that the bus company made it clear that it was alarmed over the possibility that a few passengers might ride the buses free of charge."

Apperson said the union's decision was made so that it would be "clear that there no longer will be any money in the driver's possession and thus eliminate the money motive as a reason for holding up our bus driver members."

The union has made several suggestions to the bus company to help protect the drivers, and has asked for $50,000 in felonious assault insurance protection for each driver, but the company has rejected each suggestion because it would cost money, Apperson said.

The bus company's position is that if a driver wants to work, he will have to carry money to make change for his passengers. The bus company so far has remained silent about its plans for dealing with the problem tonight.

WASHINGTON'S "REIGN OF TERROR"

(By David Lawrence)

A reign of terror prevails in the capital of the United States. Drivers of buses are afraid to work at night because one of their number was killed a few days ago by robbers. Attempts to steal the money collected from passenger fares have produced 234 incidents thus far this year.

The police force is inadequate. Businessmen are dismayed. Tourists are reluctant to come to the national capital. Residents of the city are scared to go out on the streets at night. Theaters and movies have smaller audiences. Owners of parking lots are particularly apprehensive. Two hundred members of "the park and shop" organization unanimously signed a letter to the President and Congress which was published in a page advertisement in the newspapers Friday. It said in part:

"This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spontaneous. An aura of uncertainty and personal insecurity, a growing smog of fear hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching . . . .

"Will the government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? . . .

"We ask for a deterrent to destruction, not only a promise of control after it has started . . . .

"If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the commander-in-chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterwards."

The police in Washington are so busy watching the encampments where 3,000 "demonstrators" are to spend 30 days that there are not enough patrolmen to protect people on the streets and prevent the wave of looting and arson which has been going on.

Although the population of this city is more than 800,000, the police number only 3,000. Troops can help temporarily, but a larger force is really necessary. It cost the federal government $5,375,400 to deploy troops across the nation after the assassination of Dr. Martin Luther King Jr. brought on "demonstrations" which gave criminals a chance to start fires and rob stores. Property losses in Washington alone were 13 million and amounted to much more across the country.

When bus drivers are fearful about operating at night, and the transit company has to require passengers to carry the exact change so that the cash box can be kept locked, it certainly indicates that the governing authorities are lax and that not enough policemen have been utilized to deter acts of crime.

During such periods of disorder, "demonstrations" of any kind should not be permitted. There are enough halls and auditoriums for free speech to be exercised fully.

"Demonstrations" and mass gatherings could be forbidden by city ordinances everywhere until such time as an adequate force of troops has been provided to afford protection. It's an expensive way to assure respect for law and order, but it would cost far less in lives and property damage than bringing in soldiers after the riots and vandalism have occurred.

Disorder, meanwhile, is sweeping the nation. Members of college faculties and students who should know better are joining in the deliberate creation of conditions of disorder. All this is happening because federal, state and city governments are afraid of the so-called "liberal" vote and the possibility that Negro voters will be likely to misconstrue the mobilization of police power as somehow related to the controversies over racial discrimination.

The American people, however, have again and again in a national election held the party in power responsible for unfavorable conditions.

[From the Washington (D.C.) Post, May 20, 1968]

POOR CITY ROLLS RISE TO 1,500—LEADERS PLAN FIRST STRATEGY TALKS TODAY

(By Irna Moore and Paul W. Valentine)

The ranks of the Poor People's Campaign swelled to at least 1500 at their West Potomac Park encampment last night as Campaign leaders prepared for their first strategy session on demonstrations today.

Construction of plywood and plastic shelters, which had bogged down late last week, picked up over the weekend, allowing hundreds of campaigners waiting at the Washington Coliseum and at churches in Prince George's County to move in.

Nearly 400 shelters were completed by the end of the day, filling much of the 15-acre "Resurrection City."

The entrance to the city became increasingly congested as more campaigners arrived, and weekend tourists and curiosity seekers mingled around the snow fence serving as a city boundary.

Brief but heavy showers yesterday afternoon sent people running for cover and turned the dusty campsite into a quagmire.

MARCH CALLED OFF

A planned march from the site eastward to the Capitol was called off. It was not clear how many persons were going to participate or whether they intended to go on the Capitol grounds.

Most D.C. policemen working the 8 a.m. to 4 p.m. shift were held over in anticipation of the march but were released at 6 p.m.

Though leaders will hold their first strategy session today at Resurrection City, the Rev. Andrew Young, executive vice president of the Campaign-sponsoring Southern Christian Leadership Conference, said he did not favor starting demonstrations early this week.

The Rev. Ralph David Abernathy, SCLC president and head of the Campaign, arrived here from Atlanta about 5 p.m. yesterday and joined other SCLC staff members in a meeting at the Pitts Motor Hotel, 1451 Belmont st. nw.

With several Campaign contingents still on the road or waiting in Washington suburban areas to join the encampment, a total of 5,000 participants is expected by later this week.

LIMITED TO 3,000

The Interior Department permit for the use of West Potomac Park provides for occupancy for only 3,000 persons.

At a press conference yesterday, Mr. Young repeated the SCLC response to questions about acquiring more park space for the overflow: when the time comes, "we'll just claim it," without seeking a permit from officials.

But at an earlier press briefing yesterday, Tom Offenburger, chief of SCLC information officer, said the search for an additional campsite "may include" negotiating an arrangement with the Interior Department.

Neither spokesman would say what sites they are considering.

Mr. Young said the Campaign is "doing extremely well" so far, "especially in view of all the contingency factors."

CITES MAJOR PROBLEMS

He cited lack of donations and coordination of travel arrangements as among the major problems. Getting persons organized at the West Potomac encampment, he said, "was only short of a miracle."

Though the Campaign has not entered into the demonstration phase, it already can claim some accomplishments, he said.

"It has gotten everyone in America talking about poverty the way they never did before," he said.

Composition of the encampment now appears to be an even balance of families on the one hand and independent youths, many of them from urban gangs, on the other. Most participants are Negroes.

MORE FAMILIES

Offenburger said a greater number of families and non-Negro participants will arrive with contingents from the West Coast. He said youths were deliberately included in the early arrivals to help with construction of Resurrection City.

Among the gangs represented in the city are the Blackstone Rangers of Chicago, the Invaders of Memphis and a group called Hell's Black Cobras.

A group called the "Commandos," young Negro men who formed a support corps for Father James E. Groppi's fair-housing demonstrations in Milwaukee, Wis., is also in the city.

Father Groppi led a singing, hand-clapping Mass for about 70 persons in the Washington Coliseum yesterday morning. Some 800 campaigners from the Midwest spent Saturday night in the Coliseum on hastily furnished cots. Food, mostly fruit, doughnuts and sandwiches, were distributed to them.

Harry G. Lynn, owner of the Coliseum at 3rd and M Streets nw., made the building available at no cost after District Building officials asked him to help out.

Not all of the marchers who came over to the campsite from the Coliseum found a place to stay at Resurrection City. By 6 p.m. about 100 of the Midwest marchers were camped under a large tent, waiting for the rain to stop and construction of more units to continue.

Cleveland Henry, a 19-year-old from Muskegon Heights, Mich., who came in with the Midwest caravan, said the group had been earger to leave the Colseum "because we've been on the road for 12 days and we wanted to get in here and start living."

About 15 members of the Midwest caravan planned to leave Resurrection City and return home tonight. One of the marchers, Howard Wright, 23, of Milwaukee, said the group was leaving "for various personal reasons." He planned to return with them to take his final exams at Marquette University in Milwaukee.

About 700 members of the Northeast contingent, who spent Saturday night at churches in Prince George's County, came into Resurrection City yesterday.

The Southern contingent, 450 to 500 strong, left Richmond to spend last night in 15 churches in suburban Virginia.

Caravans from San Francisco, Los Angeles, San Antonio, Tex., and Seattle, Wash., were expected to arrive later this week.

Yesterday, several independent persons and families arrived at Resurrection City in their own cars.

In another development, New York Gov. Nelson A. Rockefeller endorsed the Poor People's Campaign as a "new, imaginative way of creating a lobby" for the poor.

Also, the Americans for Democratic Action gave its formal endorsement to the Campaign and contributed $1100 to it.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President——

The **PRESIDING OFFICER.** How much time does the Senator from Maryland yield himself?

Mr. **TYDINGS.** Mr. President, I yield myself 1 hour.

I rise to speak against title II of Senate 917 as is presently retained in that measure as a result of a tie vote of 8 to 8 of the Senate Judiciary Committee. In other words, half of the members of the committee voted against the inclusion of that title in the bill. I was one of those eight who voted against that title in the committee.

Mr. President, title II is a legislative proposal which is not, in my judgment, a law enforcement proposal. In fact, it threatens to undermine the basic constitutional system under which this country has grown up and operated for almost two centuries.

Title II contains several separate provisions. Considered separately, each of these provisions is, I believe, subject to the gravest constitutional doubts. Considered together, the provisions of title II rank among the most serious and extensive assaults against the Supreme Court and the independence of the Federal judiciary in the history of our Nation.

Briefly stated, the provisions of title II would overrule, by legislative act rather than constitutional amendment, the Supreme Court's decision in the Miranda case, and in the Mallory case, and in the Wade case. The effect would be to permit Federal criminal suspects to be questioned indefinitely before they are presented to a committing magistrate, and leave each State free to adopt any rule it might consider desirable, with regard to the safeguards necessary to protect the fundamental rights of an accused to remain silent under the historic fifth amendment.

It would overrule the Supreme Court's decision in the Wade case by leaving the States free to admit eye witness testimony, regardless of whether it was secured by even the most unfair procedural conduct.

Title II would suspend the writ of habeas corpus, that great writ, for those State prisoners for whom there is no other effective means to vindicate their rights under the Constitution of the United States.

Proponents of title II urge that it should be enacted to assist in the battle against crime. I challenge that assertion, Mr. President.

Title II is not a law enforcement measure. If title II were enacted, the chaos which would surround law enforcement procedure would be devastating. Law enforcement in this country would be in a state of confusion for at least 3 or 4 years, until another case reached the Supreme Court. During that time the constitutionality of the title II provision would be tested in court. Ultimately, vast numbers of arrests which may have been made in reliance on title II would be invalidated by the Court. At that point retrials would, in many cases, be impossible. Witnesses would have died. Memories would have faded. Convicted criminals could be released. This would be a tragic situation.

The enactment of title II will not generate, in my judgment, respect for the law, because many of the provisions in title II, if not all, are little more than an attempt to amend the Constitution of the United States by statutory enactment rather than constitutional amendment.

This act, in and of itself, is not legal. Moreover, the abolition of the Supreme Court's decision to review the voluntariness of confessions in State court proceedings can only generate many, many different definitions of the term "voluntary." Nonuniformity in the application of fundamental Federal rights can only generate cynicism toward that belief which has been the bulwark of our liberty, the rule of law.

Finally, the repeal of the habeas corpus jurisdiction is, in effect, eliminating the only remedy available to many persons illegally incarcerated.

Federal habeas corpus is available to State prisoners only when there is no remedy in the State courts——

Mr. **ERVIN.** Mr. President, will the Senator yield for a question?

Mr. **TYDINGS.** I think I will deliver my speech, Mr. President, and then I shall be happy to engage in debate.

The **PRESIDING OFFICER.** The Senator from Maryland.

Mr. **TYDINGS.** Federal habeas corpus is available to State prisoners only when there is no remedy in the State courts or such remedy as does exist is clearly defective.

Can one seriously defend the proposition that there can be a right without a remedy to enforce the right? This is the argument which proponents must make to overcome what clearly is their intent, an unconstitutional suspension of habeas corpus, a great writ, a writ which was bought with the blood of our forefathers here and overseas.

Title II should not be a partisan issue. It should not divide Democrats and Republicans. There is not a liberal or conservative position on this issue.

Thirty years ago, in this Chamber, a similar assault was made on the independence and the power of the Federal judiciary by a powerful President of the United States, Franklin D. Roosevelt. The distinguished Senator from Georgia, Walter George; my father, the Senator from Maryland, Millard Tydings; the senior Senator from Virginia, Mr. Harry Byrd; and others fought the President of the United States and his legislative effort to attack the judiciary almost 30 years ago. That assault was the infamous Court-packing plan. A few Senators who stood firm to defeat the attempt to destroy our constitutional checks and balances and weaken the Federal judiciary are still in this Chamber.

The circumstances surrounding that attempt were that the administration of President Roosevelt, and some of his leaders in the Congress, were not happy with a number of decisions rendered by the Supreme Court under the decisions of Charles Evans Hughes. They were decisions which upset certain progressive administrative proposals made in the 1930's. Among them was the NRA, AAA, and other acts. The President of the United States and his leadership in the Congress sought to change the Supreme Court of the United States by adding a number of new members so that the President would have a majority, in a sense, and thus remove the delicate balance which the judiciary then held over actions of the legislative and executive branches.

Many people labeled the victory when the Court-packing plan was defeated a "conservative victory." It was not that. It was a victory for the strength and the continued viability of our basic institutions of Government, and of the democratic system as we know it, with our checks and balances.

It is necessary to defeat title II, Mr. President, for the same reason that it was necessary to defeat the Court-packing plan. This is neither a "liberal" battle nor a "conservative" battle. The defeat of title II will be a victory for our Constitution, and a reaffirmation of our faith in the wisdom of our Founding Fathers. It will be a victory for government of law and reason, and not of emotion and the passion of the time.

Basically, there are two different approaches embodied in title II. The first is a frontal substantive assault on Supreme Court decisions regarding constitutional rights and police interrogations in lineups. The second is a "side-door" jurisdictional attack on the same decisions, and on the great writ of habeas corpus. Each of these attacks is equally unwise and equally invalid under our Constitution.

On May 3 of this year, in this Chamber, I discussed at some length the history of the right against self-incrimination in Anglo-American law. The right against self-incrimination, under our Constitution and the Anglo-American law, did not come easily. It was purchased with the blood and the anguish of our ancesters. On May 3, I related how the infamous Star Chamber under the Stuarts and other kings of the British Isles used secret interrogation and the methods of torture to extract self-incriminating statements from prisoners. I related how the House of Commons and Cromwell's Army fought for and established the principle that no man should be compelled to testify against himself. I related how the roots of the privilege against self-incrimination go even deeper, even to Biblical times. The Gospel according to St. John relates than when, following the Last Supper and following the accusation, Christ was confronted by Pontius Pilate, and Pilate attempted to have Christ incriminate Himself, Christ responded, according to the Scriptures:

> Why ask ye me? Go to them that heard me.

This historic principle against self-incrimination was sparked by the frightful tortures and deprivations used in the Spanish Inquisition during the time the New World was being developed. It was carried by the colonists into the New World, and when the American Republic was created and the Bill of Rights proclaimed, this great idea was enshrined in the fifth amendment, that "no person shall be compelled, in any criminal case to be a witness against himself."

This extensive history is the background against which the Miranda case

was decided. There can be no doubt that it is the law of the land that a man should not unwillingly be convicted out of his own mouth. The Supreme Court, for years, tried to protect this ancient and sacred right of our Anglo-American jurisprudence by the rule that confessions must be voluntary. Their experience with the so-called voluntariness tests was totally unsatisfactory. When an accused is taken into custody and held incommunicado for a long period of time, without the benefit of counsel and without the benefit of contact with his family and friends, it is virtually impossible for him to establish whether or not any statement was voluntary, whether or not there was abuse in the extraction of the confession, and whether or not he was fully advised of his constitutional rights.

The rules of procedure set down in Miranda were designed to meet this need. Exclusion of the confession was the only remedy available to the Court. The Miranda case requires: The defendant must be advised that he has a right to remain silent and that anything he says may be used against him; the defendant must be advised that he has the right to consult with a lawyer and to have the lawyer present during his interrogation; the defendant must be advised that if he cannot afford a lawyer, a lawyer will be appointed for him.

No one can seriously suggest that any thing less than these procedural requirements is adequate to protect what I presume we all acknowledge to be the longstanding constitutional rights of the accused. On the basis of the experience of the Supreme Court with a much more flexible "voluntary standard," applied as each State court sees fit, no reasonable man can seriously suggest that the repeal of the Supreme Court's jurisdiction to review the admissibility of a confession in State court proceedings is anything less than an open invitation for the State courts to ignore the Miranda safeguards.

With regard to Federal proceedings, there is a similar attempt to repeal Miranda and Mallory. The provisions of section 3501 of title II are an attempt to destroy the important safeguards erected in those decisions. By making voluntariness the sole test, title II can only lead to chaos and confusion and place a huge additional burden on the Supreme Court.

The greatest sin of these provisions is that they are worthless to protect the rights of the accused. They are a cruel hoax aimed at creating the illusion of a constitutional right. At best, they provide substance to that right only in the unusual case when a policeman present during the interrogation of the accused decides to testify against his fellow officers. Without the presence of an attorney or other friend, the accused has no opportunity to rebut exculpatory police testimony.

However, of far more importance to us today, as we work on S. 917, the Safe Streets Act, is the fact that title II is a great disservice to the police and to law enforcement efforts, because of the uncertainty as to what each police officer must do, and what he may not do, when he makes an arrest.

The legality of the conduct of an individual law officer will depend on what some unknown judge and jury may eventually decide and upon what State he happens to be in at the time the arrest is made.

Finally, the failure to provide clear and easy to follow procedures for proper police conduct will multiply the opportunities for unfounded charges of illegal police conduct and police brutality.

The Supreme Court made it quite clear in its Miranda opinion that its holding was firmly grounded in the Constitution. In both the briefs and oral argument, the Court was expressly requested to withhold decision until legislative bodies acted upon the issue. The Court replied to the arguments presented in briefs and orally.

> Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described [in the Court's holding] in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. . . . Judicial solutions to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. *Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.* (Emphasis added.) 384 U.S., at 490–491.

Mr. President, I submit that the legislation pending before us in title II is an attempt to do by statute that which clearly can only be done by constitutional amendment, and to throw the law enforcement officers of this country into turmoil and uncertainty as to whether they can proceed without reference to the safeguards for individuals in Miranda would do them a great disservice.

If we seek to amend the Constitution, let us amend it; but let us not try to amend the Constitution by an illegal act of Congress which clearly, when it reaches the Supreme Court, will be overruled.

The Court's invitation in Miranda for legislatures to adopt "other fully effective means" to protect suspects in the free exercise of their constitutional rights cannot be used as a justification for the provisions now found in title II. As just stated, the provisions of title II dilute so substantially the safeguards for these rights as to constitute an abridgement of the right. The means provided in title II are manifestly less effective than the safeguards prescribed in Miranda.

I reiterate again the language of that decision:

> Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

MIRANDA AND MALLORY IMPOSE NO UNDUE BURDEN ON EFFECTIVE LAW ENFORCEMENT

Certainly all men would agree that a good many more people would be convicted of crimes if, every time a crime was committed the sole function of the police was to go upon the street grab the first man who came along and torture him until he confessed. But convictions alone are not what we seek, we seek only to convict the guilty. Long ago, our Founding Fathers enshrined in the Bill of Rights the ancient maxim, Nemo tenetur seipsum accusare. In the words of the fifth amendment, no person "shall be compelled in any criminal case to be a witness against himself." This principle lies at the very heart of the Anglo-American accusatory system of criminal justice. It represents the belief that the state must produce evidence against an individual by its own independent labors, rather than by the cruel, though simple, expedient of compelling it from his own mouth. As Sir James Fitzjames Stephen commented almost a century ago:

> There is a great deal of laziness in it. It is far pleasanter to sit comfortably in the shade rubbing red pepper in the poor devil's eyes than to go about in the sun hunting up evidence.

Forty years ago, Justice Brandeis forcefully answered the recurrent argument that the needs of law enforcement outweigh the rights of the individual. In Olmstead against United States he said:

> Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—

That, in my judgment, is what title II seeks to do. I continue to read:

> . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face. 277 U.S. 438, 485 (1928) (dissenting opinion).

That the protections provided by the Miranda case will not hamper law enforcement is amply demonstrated by the fact that these protections are already made available to criminal suspects by the Federal Bureau of Investigation. Over the years the FBI has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that he may secure the services of an attorney of his choice and, more recently, that he has a right to free counsel if he is unable to pay. In 1952, J. Edgar Hoover, Director of the FBI, stated:

> Law enforcement, however, in defeating the criminal must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual would be a hollow victory.
>
> We can have the Constitution, the best laws in the land, and the most honest reviews by courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest ethics, and

The **PRESIDING OFFICER**. How much time does the Senator from Maryland yield himself?

Mr. **TYDINGS**. Mr. President, I yield myself 1 hour.

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Thirty years ago, in this Chamber, a similar assault was made on the independence and the power of the Federal judiciary by a powerful President of the United States, Franklin D. Roosevelt. The distinguished Senator from Georgia, Walter George; my father, the Senator from Maryland, Millard Tydings; the senior Senator from Virginia, Mr. Harry Byrd; and others fought the President of the United States and his legislative effort to attack the judiciary almost 30 years ago. That assault was the infamous Court-packing plan. A few Senators who stood firm to defeat the attempt to destroy our constitutional checks and balances and weaken the Federal judiciary are still in this Chamber.

The circumstances surrounding that attempt were that the administration of President Roosevelt, and some of his leaders in the Congress, were not happy with a number of decisions rendered by the Supreme Court under the decisions of Charles Evans Hughes. They were decisions which upset certain progressive administrative proposals made in the 1930's. Among them was the NRA, AAA, and other acts. The President of the United States and his leadership in the Congress sought to change the Supreme Court of the United States by adding a number of new members so that the President would have a majority, in a sense, and thus remove the delicate balance which the judiciary then held over actions of the legislative and executive branches.

Many people labeled the victory when the Court-packing plan was defeated a "conservative victory." It was not that. It was a victory for the strength and the continued viability of our basic institutions of Government, and of the democratic system as we know it, with our checks and balances.

It is necessary to defeat title II, Mr. President, for the same reason that it was necessary to defeat the Court-packing plan. This is neither a "liberal" battle nor a "conservative" battle. The defeat of title II will be a victory for our Constitution, and a reaffirmation of our faith in the wisdom of our Founding Fathers. It will be a victory for government of law and reason, and not of emotion and the passion of the time.

Basically, there are two different approaches embodied in title II. The first is a frontal substantive assault on Supreme Court decisions regarding constitutional rights and police interrogations in lineups. The second is a "sidedoor" jurisdictional attack on the same decisions, and on the great writ of habeas corpus. Each of these attacks is equally unwise and equally invalid under our Constitution.

On May 3 of this year, in this Chamber, I discussed at some length the history of the right against self-incrimination in Anglo-American law. The right against self-incrimination, under our Constitution and the Anglo-American law, did not come easily. It was purchased with the blood and the anguish of our ancesters. On May 3, I related how the infamous Star Chamber under the Stuarts and other kings of the British Isles used secret interrogation and the methods of torture to extract self-incriminating statements from prisoners. I related how the House of Commons and Cromwell's Army fought for and established the principle that no man should be compelled to testify against himself. I related how the roots of the privilege against self-incrimination go even deeper, even to Biblical times. The Gospel according to St. John relates than when, following the Last Supper and following the accusation, Christ was confronted by Pontius Pilate, and Pilate attempted to have Christ incriminate Himself, Christ responded, according to the Scriptures:

> Why ask ye me? Go to them that heard me.

This historic principle against self-incrimination was sparked by the frightful tortures and deprivations used in the Spanish Inquisition during the time the New World was being developed. It was carried by the colonists into the New World, and when the American Republic was created and the Bill of Rights proclaimed, this great idea was enshrined in the fifth amendment, that "no person shall be compelled, in any criminal case to be a witness against himself."

This extensive history is the background against which the Miranda case

was decided. There can be no doubt that it is the law of the land that a man should not unwillingly be convicted out of his own mouth. The Supreme Court, for years, tried to protect this ancient and sacred right of our Anglo-American jurisprudence by the rule that confessions must be voluntary. Their experience with the so-called voluntariness tests was totally unsatisfactory. When an accused is taken into custody and held incommunicado for a long period of time, without the benefit of counsel and without the benefit of contact with his family and friends, it is virtually impossible for him to establish whether or not any statement was voluntary, whether or not there was abuse in the extraction of the confession, and whether or not he was fully advised of his constitutional rights.

The rules of procedure set down in Miranda were designed to meet this need. Exclusion of the confession was the only remedy available to the Court. The Miranda case requires: The defendant must be advised that he has a right to remain silent and that anything he says may be used against him; the defendant must be advised that he has the right to consult with a lawyer and to have the lawyer present during his interrogation; the defendant must be advised that if he cannot afford a lawyer, a lawyer will be appointed for him.

No one can seriously suggest that any thing less than these procedural requirements is adequate to protect what I presume we all acknowledge to be the longstanding constitutional rights of the accused. On the basis of the experience of the Supreme Court with a much more flexible "voluntary standard," applied as each State court sees fit, no reasonable man can seriously suggest that the repeal of the Supreme Court's jurisdiction to review the admissibility of a confession in State court proceedings is anything less than an open invitation for the State courts to ignore the Miranda safeguards.

With regard to Federal proceedings, there is a similar attempt to repeal Miranda and Mallory. The provisions of section 3501 of title II are an attempt to destroy the important safeguards erected in those decisions. By making voluntariness the sole test, title II can only lead to chaos and confusion and place a huge additional burden on the Supreme Court.

The greatest sin of these provisions is that they are worthless to protect the rights of the accused. They are a cruel hoax aimed at creating the illusion of a constitutional right. At best, they provide substance to that right only in the unusual case when a policeman present during the interrogation of the accused decides to testify against his fellow officers. Without the presence of an attorney or other friend, the accused has no opportunity to rebut exculpatory police testimony.

However, of far more importance to us today, as we work on S. 917, the Safe Streets Act, is the fact that title II is a great disservice to the police and to law enforcement efforts, because of the uncertainty as to what each police officer must do, and what he may not do, when he makes an arrest.

The legality of the conduct of an individual law officer will depend on what some unknown judge and jury may eventually decide and upon what State he happens to be in at the time the arrest is made.

Finally, the failure to provide clear and easy to follow procedures for proper police conduct will multiply the opportunities for unfounded charges of illegal police conduct and police brutality.

The Supreme Court made it quite clear in its Miranda opinion that its holding was firmly grounded in the Constitution. In both the briefs and oral argument, the Court was expressly requested to withhold decision until legislative bodies acted upon the issue. The Court replied to the arguments presented in briefs and orally.

> Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described [in the Court's holding] in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. . . . Judicial solutions to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. *Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.* (Emphasis added.) 384 U.S., at 490–491.

Mr. President, I submit that the legislation pending before us in title II is an attempt to do by statute that which clearly can only be done by constitutional amendment, and to throw the law enforcement officers of this country into turmoil and uncertainty as to whether they can proceed without reference to the safeguards for individuals in Miranda would do them a great disservice.

If we seek to amend the Constitution, let us amend it; but let us not try to amend the Constitution by an illegal act of Congress which clearly, when it reaches the Supreme Court, will be overruled.

The Court's invitation in Miranda for legislatures to adopt "other fully effective means" to protect suspects in the free exercise of their constitutional rights cannot be used as a justification for the provisions now found in title II. As just stated, the provisions of title II dilute so substantially the safeguards for these rights as to constitute an abridgement of the right. The means provided in title II are manifestly less effective than the safeguards prescribed in Miranda.

I reiterate again the language of that decision:

> Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

MIRANDA AND MALLORY IMPOSE NO UNDUE BURDEN ON EFFECTIVE LAW ENFORCEMENT

Certainly all men would agree that a good many more people would be convicted of crimes if, every time a crime was committed the sole function of the police was to go upon the street grab the first man who came along and torture him until he confessed. But convictions alone are not what we seek, we seek only to convict the guilty. Long ago, our Founding Fathers enshrined in the Bill of Rights the ancient maxim, Nemo tenetur seipsum accusare. In the words of the fifth amendment, no person "shall be compelled in any criminal case to be a witness against himself." This principle lies at the very heart of the Anglo-American accusatory system of criminal justice. It represents the belief that the state must produce evidence against an individual by its own independent labors, rather than by the cruel, though simple, expedient of compelling it from his own mouth. As Sir James Fitzjames Stephen commented almost a century ago:

> There is a great deal of laziness in it. It is far pleasanter to sit comfortably in the shade rubbing red pepper in the poor devil's eyes than to go about in the sun hunting up evidence.

Forty years ago, Justice Brandeis forcefully answered the recurrent argument that the needs of law enforcement outweigh the rights of the individual. In Olmstead against United States he said:

> Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—

That, in my judgment, is what title II seeks to do. I continue to read:

> . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face. 277 U.S. 438, 485 (1928) (dissenting opinion).

That the protections provided by the Miranda case will not hamper law enforcement is amply demonstrated by the fact that these protections are already made available to criminal suspects by the Federal Bureau of Investigation. Over the years the FBI has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that he may secure the services of an attorney of his choice and, more recently, that he has a right to free counsel if he is unable to pay. In 1952, J. Edgar Hoover, Director of the FBI, stated:

> Law enforcement, however, in defeating the criminal must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual would be a hollow victory.
>
> We can have the Constitution, the best laws in the land, and the most honest reviews by courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest ethics, and

The **PRESIDING OFFICER**. How much time does the Senator from Maryland yield himself?

Mr. **TYDINGS**. Mr. President, I yield myself 1 hour.

I rise to speak against title II of Senate 917 as is presently retained in that measure as a result of a tie vote of 8 to 8 of the Senate Judiciary Committee. In other words, half of the members of the committee voted against the inclusion of that title in the bill. I was one of those eight who voted against that title in the committee.

Mr. President, title II is a legislative proposal which is not, in my judgment, a law enforcement proposal. In fact, it threatens to undermine the basic constitutional system under which this country has grown up and operated for almost two centuries.

Title II contains several separate provisions. Considered separately, each of these provisions is, I believe, subject to the gravest constitutional doubts. Considered together, the provisions of title II rank among the most serious and extensive assaults against the Supreme Court and the independence of the Federal judiciary in the history of our Nation.

Briefly stated, the provisions of title II would overrule, by legislative act rather than constitutional amendment, the Supreme Court's decision in the Miranda case, and in the Mallory case, and in the Wade case. The effect would be to permit Federal criminal suspects to be questioned indefinitely before they are presented to a committing magistrate, and leave each State free to adopt any rule it might consider desirable, with regard to the safeguards necessary to protect the fundamental rights of an accused to remain silent under the historic fifth amendment.

It would overrule the Supreme Court's decision in the Wade case by leaving the States free to admit eye witness testimony, regardless of whether it was secured by even the most unfair procedural conduct.

Title II would suspend the writ of habeas corpus, that great writ, for those State prisoners for whom there is no other effective means to vindicate their rights under the Constitution of the United States.

Proponents of title II urge that it should be enacted to assist in the battle against crime. I challenge that assertion, Mr. President.

Title II is not a law enforcement measure. If title II were enacted, the chaos which would surround law enforcement procedure would be devastating. Law enforcement in this country would be in a state of confusion for at least 3 or 4 years, until another case reached the Supreme Court. During that time the constitutionality of the title II provision would be tested in court. Ultimately, vast numbers of arrests which may have been made in reliance on title II would be invalidated by the Court. At that point retrials would, in many cases, be impossible. Witnesses would have died. Memories would have faded. Convicted criminals could be released. This would be a tragic situation.

The enactment of title II will not generate, in my judgment, respect for the law, because many of the provisions in title II, if not all, are little more than an attempt to amend the Constitution of the United States by statutory enactment rather than constitutional amendment.

This act, in and of itself, is not legal. Moreover, the abolition of the Supreme Court's decision to review the voluntariness of confessions in State court proceedings can only generate many, many different definitions of the term "voluntary." Nonuniformity in the application of fundamental Federal rights can only generate cynicism toward that belief which has been the bulwark of our liberty, the rule of law.

Finally, the repeal of the habeas corpus jurisdiction is, in effect, eliminating the only remedy available to many persons illegally incarcerated.

Federal habeas corpus is available to State prisoners only when there is no remedy in the State courts——

Mr. **ERVIN**. Mr. President, will the Senator yield for a question?

Mr. **TYDINGS**. I think I will deliver my speech, Mr. President, and then I shall be happy to engage in debate.

The **PRESIDING OFFICER**. The Senator from Maryland.

Mr. **TYDINGS**. Federal habeas corpus is available to State prisoners only when there is no remedy in the State courts or such remedy as does exist is clearly defective.

Can one seriously defend the proposition that there can be a right without a remedy to enforce the right? This is the argument which proponents must make to overcome what clearly is their intent, an unconstitutional suspension of habeas corpus, a great writ, a writ which was bought with the blood of our forefathers here and overseas.

Title II should not be a partisan issue. It should not divide Democrats and Republicans. There is not a liberal or conservative position on this issue.

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It is necessary to defeat title II, Mr. President, for the same reason that it was necessary to defeat the Court-packing plan. This is neither a "liberal" battle nor a "conservative" battle. The defeat of title II will be a victory for our Constitution, and a reaffirmation of our faith in the wisdom of our Founding Fathers. It will be a victory for government of law and reason, and not of emotion and the passion of the time.

Basically, there are two different approaches embodied in title II. The first is a frontal substantive assault on Supreme Court decisions regarding constitutional rights and police interrogations in lineups. The second is a "sidedoor" jurisdictional attack on the same decisions, and on the great "writ of habeas corpus. Each of these attacks is equally unwise and equally invalid under our Constitution.

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was decided. There can be no doubt that it is the law of the land that a man should not unwillingly be convicted out of his own mouth. The Supreme Court, for years, tried to protect this ancient and sacred right of our Anglo-American jurisprudence by the rule that confessions must be voluntary. Their experience with the so-called voluntariness tests was totally unsatisfactory. When an accused is taken into custody and held incommunicado for a long period of time, without the benefit of counsel and without the benefit of contact with his family and friends, it is virtually impossible for him to establish whether or not any statement was voluntary, whether or not there was abuse in the extraction of the confession, and whether or not he was fully advised of his constitutional rights.

The rules of procedure set down in Miranda were designed to meet this need. Exclusion of the confession was the only remedy available to the Court. The Miranda case requires: The defendant must be advised that he has a right to remain silent and that anything he says may be used against him; the defendant must be advised that he has the right to consult with a lawyer and to have the lawyer present during his interrogation; the defendant must be advised that if he cannot afford a lawyer, a lawyer will be appointed for him.

No one can seriously suggest that anything less than these procedural requirements is adequate to protect what I presume we all acknowledge to be the longstanding constitutional rights of the accused. On the basis of the experience of the Supreme Court with a much more flexible "voluntary standard," applied as each State court sees fit, no reasonable man can seriously suggest that the repeal of the Supreme Court's jurisdiction to review the admissibility of a confession in State court proceedings is anything less than an open invitation for the State courts to ignore the Miranda safeguards.

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The legality of the conduct of an individual law officer will depend on what some unknown judge and jury may eventually decide and upon what State he happens to be in at the time the arrest is made.

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Mr. President, I submit that the legislation pending before us in title II is an attempt to do by statute that which clearly can only be done by constitutional amendment, and to throw the law enforcement officers of this country into turmoil and uncertainty as to whether they can proceed without reference to the safeguards for individuals in Miranda would do them a great disservice.

If we seek to amend the Constitution, let us amend it; but let us not try to amend the Constitution by an illegal act of Congress which clearly, when it reaches the Supreme Court, will be overruled.

The Court's invitation in Miranda for legislatures to adopt "other fully effective means" to protect suspects in the free exercise of their constitutional rights cannot be used as a justification for the provisions now found in title II. As just stated, the provisions of title II dilute so substantially the safeguards for these rights as to constitute an abridgement of the right. The means provided in title II are manifestly less effective than the safeguards prescribed in Miranda.

I reiterate again the language of that decision:

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That, in my judgment, is what title II seeks to do. I continue to read:

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That the protections provided by the Miranda case will not hamper law enforcement is amply demonstrated by the fact that these protections are already made available to criminal suspects by the Federal Bureau of Investigation. Over the years the FBI has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that he may secure the services of an attorney of his choice and, more recently, that he has a right to free counsel if he is unable to pay. In 1952, J. Edgar Hoover, Director of the FBI, stated:

> Law enforcement, however, in defeating the criminal must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual would be a hollow victory.
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> We can have the Constitution, the best laws in the land, and the most honest reviews by courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest ethics, and

> makes its work a career of honor, civil liberties will continually—and without end—be violated. . . . The best protection of civil liberties is an alert, intelligent and honest law enforcement agency. There can be no alternative.

Mr. Hoover continued:

> Special Agents are taught that any suspect or arrested person, at the outset of an interview, must be advised that he is not required to make a statement and that any statement given can be used against him in court. Moreover, the individual must be informed that, if he desires, he may obtain the services of an attorney of his own choice.

Mr. President, these are practices of the Federal Bureau of Investigation, the most effective and the most efficient law enforcement institution this country has ever seen. They are practices which have been in effect, by Mr. Hoover's own words, since 1952.

My experience as a U.S. district attorney leads me to state, without fear of contradiction, that the efforts of the FBI were always effective, that in my district they always subscribed to the language and the philosophy set forth by Mr. Hoover in 1952, and that their rate of effective law enforcement is second to none.

Similar to FBI practices are those of the Armed Forces. The Uniform Code of Military Justice has long provided that no suspect may be interrogated without first being warned of his right of silence and that any statement may be used against him. Denial of the right to consult counsel during interrogation has also been prohibited by military tribunals. Surely, the rights we make available to our Armed Forces should be equally available to all our citizens.

FRUSTRATION OF THE POLICE UNDER TITLE II

Mr. President, I believe that the provisions of title II will cause years of delay, uncertainty, and frustration for our police.

The provisions of title II on the admissibility of confessions and eyewitness testimony are likely to spawn great confusion among law-enforcement officers. Whereas Miranda formulated a constitutional rule specifying with considerable precision what the police must do in order to insure the admissibility of a defendant's statement, title II seeks to dismantle the rules and to require the police and the courts to start all over again, and would permit each State of the 50 States to adopt its own rules with regard to voluntariness.

By making voluntariness the issue, but specifying no prerequisites, title II leaves each court to develop its own case-by-case definition of what constitutes a voluntary statement.

The potential for years of uncertainty under title II is enormous. First, the police, prosecutors, and courts in each jurisdiction must try to reach agreement, through discussion and litigation, on whether they will follow Miranda, Mallory, and the Constitution, or the new provisions of title II. Second, even if they choose to follow title II, a new standard of voluntariness must be evolved. In each jurisdiction, and in each case, the police must in the first instance address such questions as: "Shall we bring the accused promptly before a magistrate, or shall we continue the interrogation?" "How long may we continue?" "How much should we tell a suspect about the charge we are considering?" "Should we warn him of his right to remain silent?" "Should we tell him of the consequences of any statement?" "Should we tell him of his right to counsel?" "Should we honor his request if he asks for counsel?" "Should we delay questioning until counsel arrives?" "Will answers we get without one or more of the above warnings be worth anything in court? or an appeal? or after some future test of title II's constitutionality?"

Title II would confront law-enforcement officers with a Pandora's box of confusion and uncertainty which could only hinder their effective law-enforcement work. If we wish to change the Miranda or Mallory decisions, let us do it in a legal and proper manner, and let us amend the Constitution of the United States and the Bill of Rights. But let us not throw into the already difficult area of law enforcement all sorts of impossible questions on constitutional areas and uncertainty, with the possibility that the entire act may be upset or will be upset in a later court review.

Each prosecutor must ask similar questions before proceeding—amidst what will likely be an already crowded criminal calendar—with a prosecution based on prearraignment questioning, or to introduce a statement by the defendant which may undermine any conviction he obtains.

Each trial judge must decide anew—balancing title II, Mallory, Miranda, and his conscience—whether to admit or deny evidence, or to acquit or convict a person prosecuted with questionable evidence.

Each appellate court, perhaps without the benefit of Supreme Court resolution of such issues, must struggle anew with questions now nearly settled prior to the introduction of title II by the Committee on the Judiciary.

Despite the extravagant charges of the proponents of title II, the new test of voluntariness which title II offers runs deeply contrary to the recommendations of the National Crime Commission. That body urged that legislatures make rules to clarify the law for the police. It predicted that the courts would withdraw from police rulemaking if specific, sensible, and fair rules were forthcoming from the administrative and legislative process. Title II does not proceed in this path. It completely abandons the present clearcut rules. Instead, it substitutes the vague standard of voluntariness, susceptible to different interpretation in each of the 50 States. Our police and courts will be obliged to spend years of searching for new principles to clarify the rights and duties of the police in the solution of crime. What our police really need is certainty in the techniques they follow—certainty that if carefully stated rules are followed, confessions will be admissable in evidence. We cannot require our law-enforcement officers to guess, at their peril, the dividing line between a confession that is voluntary and a confession that is involuntary. They would far prefer to operate under strict but clear rules than under rules like title II that portend dangers and pitfalls at every step of the way.

I submit that it is literally impossible to turn the clock back to the pre-Miranda days. We may disagree about particular aspects of the revolution in criminal procedure that has been accomplished in the past four decades. The Miranda decision was but the culmination of a long process of evolution of basic rights under the Constitution. Even if the Miranda decision itself is overturned, its impact on courts, counsel, and defendants cannot be dispelled. Today, lawyers know that confessions may be challenged on many grounds, including the crucial factors emphasized by the Supreme Court in Miranda. Title II still requires such factors to be taken into account in determining the voluntariness of a confession. Defense lawyers will rely on the absence of such factors to challenge at every stage of the legal proceedings the use in evidence of confessions obtained in the absence of such factors. Title II thus leaves the police with almost all of the criteria of Miranda, but none of its certainty. The result can only be disaster and frustration for law enforcement.

In a very real sense, therefore, I believe that Congress in title II is abdicating its responsibility to provide strong and clear guidance for law enforcement.

EYEWITNESS TESTIMONY—THE REPEAL OF WADE

For the same reasons enumerated in my earlier discussion of confessions, the provisions of title II overruling United States against Wade and its progeny is unconstitutional. Section 3503 is in direct conflict with the decisions in United States against Wade, Gilbert against California, and Stovall against Denno. In Wade and Gilbert, the Supreme Court held that a pretrial lineup at which a defendant is exhibited to an identifying witness is a critical stage of a criminal prosecution and the accused must be accorded due process of law; to insure this result he is entitled to the presence and assistance of counsel. The presence of counsel during lineups was found to be a safeguard necessary to insure that the accused was accorded due process of law as required by the fifth and 14th amendments to the U.S. Constitution.

In Stovall, the Court held that, even though the Wade decision was not to be applied retroactively, lineups in pending cases must meet due process requirements. Decisions like Stovall indicate, contrary to the suggestions of the proponents of title II, the Supreme Court is in fact highly sensitive to the problems and needs of law enforcement.

Title II, by providing that eyewitness testimony shall be admissible regardless of the underlying circumstances if enacted will put the U.S. Senate on record for the proposition that the criminally accused are not entitled to due process of law during a lineup. Let me examine, very briefly, the gravity of this position.

In the Wade decision itself, the Supreme Court discussed at length the grave potential for prejudice and miscarriage of justice inherent in lineup procedures. Eyewitnesses to crimes are notoriously subject to mistaken identifications. Frequently, their opportunity for observation at the time of the crime was insubstantial.

We all know instances where identifications were made by so-called eyewitnesses of a criminal suspect at the time of a crime which were completely different from the identification and description when the criminal was apprehended.

At the lineup, individual eyewitnesses are highly susceptible to suggestion, whether intentional or not, based on the manner in which the prosecutors or police present the suspect for identification. Where the victim himself is the witness, the hazard to objective identification is even further increased, because of the turbulent and possibly vengeful emotional attitude of the witness.

One expert authority quoted by the Supreme Court has given graphic examples of cases in which grossly unfair lineups were conducted, and on the basis of which lineups positive identifications by "eyewitnesses" were made:

> In a Canadian case . . . the defendant had been picked out of a line-up of six men, of which he was the only Oriental. In other cases, a blackhaired suspect was placed in a group of light-haired persons, tall suspects have been made to stand with short non-suspects, and in a case where the perpetrator of a crime was known to be a youth, a suspect under twenty was placed in a line-up with five other persons, all of whom were over forty.

Surely, the Senate does not want to go on record as condoning this type of illegal lineup and yet that is what we would do in title II.

Once an eyewitness has picked a suspect from a lineup, the witness easily becomes totally committed to the identification and at trial is frequently unable to distinguish between the supposed identification relating to the crime and the identification at the lineup. It is very unlikely that once having made an identification in an unfair lineup he will go back on his word. He has a so-called vested interest, Mr. President. The Supreme Court did not believe that civilized men nor a civilized nation could condone such unfair tactics by its officials. Accordingly, to provide a modicum of protection for the accused during this stage of the criminal proceeding, it required that the accused have the assistance of counsel.

There is no basis for suggesting that Wade is likely to place an undue burden on effective law enforcement. The Court suggested a variety of procedures which could conveniently be used by law-enforcement officers to assure fair and impartial lineups. It also suggested appropriate alternative procedures that could be used in circumstances where the presence of the suspect's counsel at a lineup was likely to cause prejudicial delay or obstruction of police proceedings.

In other words, the Supreme Court did not say the defendant had to have his own counsel present at the lineup if the delay would be prejudicial to police investigation. They did say he had a right to counsel at this stage of the procedure—an attorney, legal aide, or some other disinterested attorney—so that the accused would be afforded protection against illegal and improper frameups at this vital stage of investigation.

The Wade opinion offered workable guidelines for achieving a reasonable accommodation between the needs of law enforcement and the constitutional rights of the accused. So far as I am aware, no study has yet been made of the impact of Wade on law enforcement. Certainly there is no empirical evidence that the Wade decision has hampered law enforcement. Again I wish to emphasize the view that before the Senate tosses aside the fundamental rights of the accused, it must act on some rational basis. A general dissatisfaction with the Supreme Court is no basis for striking out blindly. In these circumstances, I submit, the repeal of Wade by act of Congress would not only be unconstitutional, but unwise and highly premature.

ABOLITION OF SUPREME COURT APPELLATE JURISDICTION

Another provision of title II attempts to achieve the same result—to overrule Miranda, Mallory, and Wade—but by a means which, I believe, is even more threatening to our fundamental scheme of government. This provision would deny the Supreme Court any jurisdiction to review State criminal cases in which confessions or eyewitness testimony had been admitted in evidence. In a single stroke, this provision would overturn 150 years of our constitutional history—from the great decision of the Marshall Court in Martin against Hunter's Lessee, and even earlier—and would abolish the historic role of the Supreme Court as ultimate guardian of the supreme law of the land.

This abolition of jurisdiction is, I believe patently unconstitutional. The controlling language of the Constitution on this question is article III, section 2, which reads, in pertinent part:

> The judicial Power (of the United States) shall extend to all cases, in Law and Equity arising under this Constitution, the laws of the United States, and Treaties made, or which shall be made, under their Authority.

Then other classes of cases, such as those affecting Ambassadors, admiralty and maritime cases, and so forth, are enumerated. And the section continues:

> In all cases affecting Ambassadors, other Public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions and under such Regulations as the Congress shall make.

The proponents of title II argue that this last-quoted language gives the Congress authority to deprive the Supreme Court of jurisdiction over State cases admitting confessions and eyewitness testimony; that this is simply an exception to and regulation of the Supreme Court's appellate jurisdiction which Congress is authorized to make. I submit that this argument is totally incorrect.

By depriving the Supreme Court of appellate jurisdiction of these State cases—and, in addition, by removing any post-conviction review of State criminal cases in any Federal court through the writ of habeas corpus—title II flies directly in the face of the first sentence of article III, section 2—that "the judicial power" of the United States "shall extend"—and I emphasize the word "shall"—"to all cases"—and I emphasize the word "all"—"arising under this Constitution." If title II is adopted, this clear language of the Constitution would be violated; the judicial power of the United States would not extend to all cases arising under the Constitution.

My reading of this constitutional provision is not novel. In fact, this interpretation of the Constitution has been established doctrine since at least 1816, when the great case of Martin against Hunter's Lessee was decided.

In that case, Mr. Justice Story in the opinion for the Court, stated:

> If some of these cases arising under the Constitution, laws and treaties of the United States might be entertained by state tribunals, and no [Federal] appellate jurisdiction as to them should exist, then the appellate power would not extend to *all*, but to *some*, cases. If state tribunals might exercise concurrent jurisdiction over all or some of the other classes of cases in the constitution, without control, then the appellate jurisdiction of the United States might, as to such cases, have no real existence, contrary to the manifest intent of the constitution. (14 U.S. at 339)

I believe that this statement by Mr. Justice Story, speaking for the Supreme Court in 1816, conclusively established the unconstitutionality of the provisions of title II which would deny individuals any Federal review of claims that confessions or eyewitnesses were admitted in violation of the Constitution of the United States.

The reasons underlying the Court's decision in Martin against Hunter's Lessees—that Federal review necessarily exists over State court decisions on Federal questions—is rooted in the essential framework of our institutions of government. As Justice Story indicates, in his opinion:

> The constitution has presumed . . . that state attachments, state prejudices, state jealousies, and state interests, might sometimes obstruct, or control, or be supposed to obstruct or control, the regular administration of justice. (14 U.S. at 345)

As we have seen in the cases I discussed earlier, where shocking coercion of confessions by State law enforcement officials was overlooked by State courts, and constitutional rights against coercion were only upheld by Supreme Court review—this constitutional principle noted by Justice Story is justified by historical experience.

I might add that the cases of confession which have been reviewed and reversed by the Supreme Court were always cases where the highest court of the State had upheld that confession and always on the ground that it was voluntary, that the defendant was a "self-confessed" murderer or a "self-confessed" rapist or "self-confessed." That word "self-confessed" was used by the Spanish perpetrators of the Inquisition when they tortured Protestant prisoners and Protestant seamen. The "self-confessed" is the same justification rationale used by the Stuart and Plantagenet

Kings after they had tortured their political prisoners.

"Self-confessed guilty" is the same term used by the Communists when, one by one, they exterminated all who opposed them.

"Self-confessed accused" and "self-confessed guilty" are always the terms used by a power and authority which wishes to justify its own actions.

Let me tell the Senate the facts on some of these cases where self-confessed defendants' testimony and statements were upheld by the highest court of the State until review by the Federal court gave them the constitutional protection that they were all afforded or should have been afforded.

In Brown against Mississippi, 1935, three ignorant Negroes were beaten with leather straps, one was hung from a tree by his neck and whipped, let down and then hung again, all three were threatened with mob vengeance, and finally confessions were extracted. The State supreme court ruled that those confessions were all voluntary. They were "self-confessed," just as the Protestants who were tortured in the Spanish Inquisition were self-confessed; just as the political prisoners of the Tudor Kings were all self-confessed.

The PRESIDING OFFICER. The time yielded by the Senator from Maryland to himself has expired.

Mr. TYDINGS. Mr. President, I yield myself an additional half hour.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. TYDINGS. Let me recall the facts in that case. The supreme court of the State ruled that those confessions were voluntary, that the accused were self-confessed guilty, and that the defendant's right to the due process law of the United States under the Constitution had not been violated. But because the judicial power of the United States extended to all cases, and extends to all cases arising under the Constitution, article III, section 2, the defendants were able to appeal to the Supreme Court of the United States. The three individuals who had been beaten and tortured said their rights under the 14th amendment of the Constitution had been violated.

The Supreme Court took the case and reversed the shocking and brutally obtained confession of the so-called self-confessed guilty.

Title II of the bill purports to deprive the Supreme Court of this review authority. It would leave Brown and his codefendants to the tender mercy of the high court of his State.

Can anyone deny that Federal review of the State court decision in Ward against Texas was unnecessary? In that case, a self-confessed guilty man, the defendant, was taken alone by the local sheriff from one town to another, over 100 miles from the town where he lived, and was whipped and beaten by the sheriff. Burning cigarettes were snubbed out on his bare skin. Finally a confession was extracted.

The high court of the State ruled that that was a voluntary confession and was admissible in evidence. However, under article III, section 2, if a man has a constitutional right which is deprived, he has recourse to the Supreme Court of the United States. Ward against Texas went to the Supreme Court, and, of course, the Supreme Court reversed.

Mr. President, in my earliest speech I set forth at length a great many similar cases, but I shall not do so again. The reason for these constitutional provisions is not to provide meaningless procedural formalities. These protections are needed to guard against the real possibility of abuse.

In 1961, the Commission on Civil Rights found much evidence to indicate that some policemen still resort to physical force to obtain confessions. As the Supreme Court observed in the Miranda case, in a series of cases decided long after the infamous Wickersham report of the 1930's, there were some law-enforcement officers who restored to physical brutality, physical beating, hanging, whipping, and holding prisoners incommunicado for sustained and protracted questioning, in order to exact confessions.

A 1965 New York State case cited by the court tells that in Kings County, N.Y., the police brutally beat, kicked and placed lighted cigarette butts on the back of a potential witness to secure statements incriminating a third party. A 1958 seventh circuit case tells of the defendant suffering from broken bones, and multiple injuries sufficiently serious to require 8 months' medical treatment after being manhandled by five policemen. A 1957 Maryland case tells of a police doctor who told the accused, who was strapped to a chair completely nude, that he proposed to take hair and skin scraping from anything that looks like blood or sperm from various parts of his body. A 1945 Colorado case tells of a defendant held in custody over 2 months, deprived of food for 15 hours, forced to submit to lie detector tests whenever he wanted to go to the toilet.

These are exceptions. I am hopeful that these shocking cases will become more and more infrequent. But procedural protections must exist to insure that brutality does not again rear its ugly head.

In each of these cases the prosecution always argued, "here we have a self-confessed murderer, a self-confessed rapist. We have his statement right here. What more do you need?" That is the historic rationale used by the torturers in the Tower of London, and used by the Communist Party.

Mr. President, I submit that our Constitution deserves to be upheld.

Without our constitutional protections of the fifth and 14th amendments, the temptation to take shortcuts can become overpowering. We must never forget that the protection exists to protect the innocent, not to aid the guilty.

Justice Storey's words in Martin against Hunter's Lessee were not idle concerns. The history of this country clearly establishes that Federal review of constitutional claims is necessary to protect essential liberties under the Constitution.

Mr. President, I wish that the instances of misconduct and tortured confessions which have gone to the Supreme Court could not take place today; that they were peculiarly past history; that they could not occur now. Mr. President, let me remind you of one case which occurred in New York City, in April of the year I was running for the U.S. Senate, 4 years ago.

At 7:30 a.m. on April 24, 1964, George Whitmore, a slow-witted 19-year-old Negro drifter with no previous arrest record, was ushered into the back room of a Brooklyn police station. Within 22 hours, he had confessed to an attempted rape and two murders—the double killing of career girls Janice Wylie and Emily Hoffert, New York's most sensational crime in recent years.

There he was. They had the self-confessed murderer-rapist by his own words—after 22 hours, of course, but there he was, a self-confessed murderer-rapist.

Six weeks after Whitmore had confessed, the Supreme Court issued its decision in the case of Escobedo against Illinois. That ruling, which was the direct precursor of the Miranda decision, sent shock waves through the Nation's prosecutors and is one of the major Supreme Court decisions that, like Miranda, the proponents of title II now seek to overrule.

When the Escobedo decision was announced, the prosecutors took to the press. From public platforms and in private interviews, they charged that the Court was "coddling the criminal element" and "swinging the pendulum too far" in favor of defendants' rights as against the public's safety.

In a long harangue directed at a reporter, one of the top assistants of a great district attorney, Frank Hogan, explained the connection between the Escobedo and the Whitmore cases. He was arguing that the Escobedo case should be overruled. Senators will recall that the Escobedo case was reversed when it was learned that during the interrogation of the accused, his attorney was in the stationhouse, that he had requested the right to talk to his attorney, and that that right was refused until after Escobedo signed a confession.

The assistant district attorney, in arguing about the terrible thing about the Escobedo case—that is, depriving a defendant of the opportunity to see and talk to his lawyer—used the Whitmore case as an example. This is what he said:

> Let me give you the perfect example of the importance of confessions in law enforcement. This, more than anything else, will prove how unrealistic and naive the Court is.
>
> Whitmore! The Whitmore case. Do you know that we had every top detective on the Wylie-Hoffert murders and they couldn't find a clue. Not a clue!
>
> I tell you, if that kid hadn't confessed, we never would have caught the killer!

In January of 1966, 6 months after this passionate statement by his top assistant, District Attorney Frank Hogan dropped the charges against Whitmore for the Wylie-Hoffert murders. Why? Because shortly after Whitmore's confessions, after 22 hours—Whitmore, this self-confessed rapist and murderer—another man, a drug addict named Richard Robles, was arrested for minor offenses, and he volunteered information about the Wylie-Hoffert murders, which demonstrated that he alone was the killer. Then it was learned that Whitmore was prompted in the details of the crime by the police officers who questioned him in isolation for 22 hours.

If Whitmore's tragically false confession could have been obtained in the office of Frank Hogan, one of the great district attorneys in the Nation, it could have been obtained anywhere. Yet, title II preaches that George Whitmore and others like him must be sacrificed in the greater interest of the needs of law enforcement.

> In the development of our liberty—

Wrote Justice Brandeis—

> insistence upon procedural regularity has been a large factor.

And this is especially true in the realm of criminal justice, where loss of liberty, or loss of life itself, may turn on the integrity of the inquiry made into the charges preferred against the accused. The accused's general bad character, or even his probable guilt, is not an acceptable excuse for the shoddy administration of justice. As Judge Cuthbert Pound, of the New York Court of Appeals, once put it:

> The defendant may be the worst of men, but the rights of the best of men are secure only as the rights of the vilest and most abhorrent are protected.

The community that fails to insist on scrupulous observance of high standards by its police, by its prosecutors, and by its judges and juries, has surrendered responsibility for its own most awesome institutions. Such a community has lost track of the purposes that brought it into existence.

Mr. President, if the 90th Congress can suspend the Constitution by an illegal act, and deprive the Supreme Court of the right of certiorari in habeas corpus cases involving fifth amendment confessions and fifth amendment due process of criminals, it can do the same—suspend the writ of habeas corpus—in first amendment cases involving the freedom of speech of Members of this very body.

I submit, Mr. President, that the great writ of habeas corpus is the single most important political protection that one can have under our Anglo-American system of democracy, and that it was the one most important factor in the development of freedom of speech; the right of Parliament against the King, in the development of the Anglo-American system of democracy.

Once we set this precedent for depriving the protection of that great writ to one class of individuals, those who seek fifth amendment protection in the matter of confessions and illegal lineups, then there is no reason why members of a legislature or Members of this body cannot be deprived of first amendment protection.

I realize that emotions are aflame. I realize the tempers of the time. But the thought that this body could suspend the great writ of habeas corpus should be enough to make John Marshall turn over in his grave tonight.

We cannot close our eyes to the fact that in interrogation and lineup practices, State and local officials have in the past—and may be expected in the future—to violate the constitutional rights of some of our citizens. We cannot escape the further fact that State courts have not in the past always been scrupulous in vindicating these Federal constitutional rights. And, as Justice Story said:

> The presumption rooted in our Constitution is that State institutions—because of State attachments, State prejudices, State jealousies, and State interests, might sometimes obstruct or control the regular administration of justice.

Federal review of cases arising under the Constitution is thus essential—and the Constitution, in article III, section 2, assures this. But title II of this bill would ignore this overriding constitutional principle.

This is not the only argument which supports Federal review of State court decisions where constitutional rights are at stake. In Martin against Hunter's Lessee, Justice Story continued with another equally compelling argument:

> A motive of another kind, perfectly compatible with the most sincere respect for state tribunals, might induce the grant of appellate power over their decisions. That motive is the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the constitution. Judges of equal learning and integrity, in different states, might differently interpret the statute, or a treaty of the United States, or even the constitution itself: If there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the constitution of the United States would be different, in different states, and might, perhaps, never have precisely the same construction, obligation or efficiency, in any two states. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot be believed, that they could have escaped the enlightened convention which formed the constitution. What, indeed, might then have been only prophecy, has now become fact; and the appellate jurisdiction must continue to be the only adequate remedy for such evils.

Mr. President, as I now quote Alexander Hamilton in Federalist No. 80, hear with me how true these words are today—even more so than they were in 1816, when Justice Story handed down his decision, and even more so than in 1787, 1788, and 1789, when the Constitution was being ratified.

Bear in mind how true those words are today as history has borne out the wisdom of our Founding Fathers.

It is this great constitutional principle which title II throws to the wind, by abolishing any Federal review of claims that confessions or eyewitness evidence had been admitted as evidence in State cases in violation of the U.S. Constitution.

As Alexander Hamilton eloquently stated, in Federalist No. 80:

> The mere necessity of uniformity in the interpretation of the national laws decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

It is this great constitutional provision that title II seeks to throw to the winds. It seeks to abolish any Federal review of claims in areas of fifth amendment confessions or eyesight evidence that has been admitted as evidence in State courts, even though it is in violation of the U.S. Constitution.

Title II, however, carries Hamilton's example of a nightmare, namely, the 13-headed hydra, into the 20th century. We now have a 50-headed hydra, which title II seeks to set up with each State court having final jurisdiction to interpret the Constitution in its State regarding confessions and eyewitness evidence.

Is the highest court of the State which decided Brown against Mississippi and held that confession was voluntary going to admit into evidence all confessions even though men are beaten and are hung by their hands or their heels for a period of 3 days? I hope not. However, the possibility is there.

These arguments are, I believe, conclusive that the provision of title II, withdrawing Supreme Court jurisdiction over confession and eyewitness cases, is unconstitutional and unwise. When we can withdraw jurisdiction over confessions in eyewitness cases, we can withdraw jurisdiction in any other area.

The power to regulate and make exceptions to the jurisdiction of Federal courts may and has been used for diverse legitimate purposes. Certainly, as was the framers' intent, it is important that the Federal judiciary be arranged so that it can conduct its business in an expeditious and efficient manner. This should be the primary purpose to which the power is put. For example, there should be a sufficient number of Federal district courts to handle the case load present in their respective areas. It has been found desirable to establish specialized Federal courts like the Tax Court or the Court of Claims to more efficiently handle discrete categories of cases. The Congress, by providing the Supreme Court with discretionary jurisdiction over cases which arise through certiorari jurisdiction has made it possible for the Court to stay relatively current with its docket. These are all legitimate exercises of the power vested in Congress to "regulate and make" exceptions to the jurisdiction of Federal courts. But the power to "regulate and make" exceptions to Federal court jurisdiction does not—and cannot, under article III, section 1—extend to abolishing all Federal jurisdiction over claims arising under the Constitution. Title II of this bill attempts to do this, and therefore is not a legitimate exercise of the "exception and regulation" power.

Mr. President, the last time the U.S. Congress tried to do this was in the radical, Republican-controlled Congress during the Reconstruction years when the House of Representatives had prepared a bill of impeachment for the President of the United States. The Senate was seated to try that impeachment.

The legality of the Reconstruction legislation was pending before the Supreme Court of the United States, and the Congress under the whip of the radical Republican leaders at that time, through legislation, deprived the Supreme Court of the right to pass on the legality of the Reconstruction legislation because it was felt that the Supreme Court would overrule that legislation.

That gave rise to the famous McCardle case which went to the Supreme Court of the United States.

THE M'CARDLE CASE: NO PRECEDENT FOR ADOPTION OF TITLE II

Proponents of title II have argued that one clear precedent does exist to justify the extreme exercise in removing Federal review from State confession and eyewitness cases; that precedent is, they assert, the Supreme Court decision in ex parte McCardle, handed down immediately following the Civil War. In that case, briefly stated, the Congress abolished the Supreme Court's appellate jurisdiction over habeas corpus cases while McCardle's habeas corpus appeal—challenging the constitutionality of the Reconstruction Act—was in the Supreme Court.

The act was passed. The McCardle case went up on habeas corpus.

The Court thereupon dismissed McCardle's appeal, ruling that Congress could validly withdraw its jurisdiction. But the crucial aspect of the Court's holding, which was made evident a few years after McCardle in ex parte Yerger, was that the Court retained under the Judiciary Act of 1789 the power to issue an original writ of habeas corpus, and McCardle could obtain Federal court review of his claims under the U.S. Constitution by using this route.

Mr. ERVIN. Mr. President, will the Senator yield? I would like to ask the Senator from Maryland to point out where the Supreme Court said anything like that.

Mr. TYDINGS. I would be happy to do so for the Record, and I ask unanimous consent that the entire decisions in ex parte Yerger and in re McCardle be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, I have read the case. I did not see anything like that in it.

Mr. TYDINGS. In title II, defendants would be deprived of any Federal court review of constitutional claims in confession and eyewitness identification cases; and McCardle clearly does not authorize the extreme abolition of Federal review power.

I submit that the McCardle case does not support title II.

Mr. ERVIN. Mr. President, I ask the Senator from Maryland if the Supreme Court of the United States did not hold twice that the Supreme Court had no jurisdiction to review the constitutionality of the Reconstruction Acts.

Mr. TYDINGS. Mr. President, the Supreme Court, it is my understanding, did not review the McCardle case. As it arose on habeas corpus, it did not review the prisoner McCardle's petition. It is my understanding of the case, however, and I will read it into the Record.

Mr. ERVIN. I am not talking about——

Mr. TYDINGS. Mr. President, I wish the Senator would hear me out. He asked me a question. I wish he would let me finish it.

It is my understanding that McCardle still had the right of appeal, and the court still retained under the Judiciary Act of 1789 the power to issue an original writ of habeas corpus.

Mr. ERVIN. Does the Senator from Maryland not know that prior to McCardle, the Supreme Court held twice that it had no jurisdiction to consider the constitutionality of the Reconstruction Acts, notwithstanding the fact that this Reconstruction Act provided for the trial of civilians in military courts?

Mr. TYDINGS. I am aware that the Court in the McCardle case upheld Congress abolition of the writ of habeas corpus and, therefore, that in that specific they left a loophole and that McCardle still had available the use of the original writ of habeas corpus under the 1789 statute. That is my understanding.

The PRESIDENT OFFICER. The initial time of the Senator from Maryland has expired.

Mr. TYDINGS. I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 15 additional minutes.

Mr. TYDINGS. The essential reasons why the provisions of title II depriving the Supreme Court of jurisdiction over State cases must be rejected, Mr. President, when taken with a point of reference of the McCardle case, in that there is no loophole, no exit, in title II where the Supreme Court assumed jurisdiction in habeas corpus cases.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield.

Mr. ERVIN. I should like to ask the Senator from Maryland if he does not know that from the time of the creation of this Republic to the year 1867, the Supreme Court of the United States and no other—neither the Supreme Court of the United States nor any other Federal court—had any jurisdiction to review on writ of habeas corpus the conviction of any person in a State court.

Mr. TYDINGS. Has the Senator asked his question?

Mr. ERVIN. Yes.

Mr. TYDINGS. I shall now answer:

In 1867 Congress made the Federal writ of habeas corpus available to all persons, including State prisoners, restrained of their liberty in violation of the Constitution or laws of the United States, and permitted inquiry into both the facts and the law of the detention. The 1867 act is now codified in section 2241 and the following sections of title 28 of the United States Code. Thus, in all cases in which a full and fair disposition of a Federal claim had not been reached in a State court, the Federal courts were made available on a general basis as an alternative forum through their habeas corpus jurisdiction to test the legality of the prisoner's confinement.

Much has been made in these debates of the fact that Congress waited until 1867 before granting habeas corpus jurisdiction to the Federal courts over State criminal convictions. The history of habeas corpus reveals, however, that long before 1867, and well before the habeas corpus suspension clause was written into article I of the Constitution, authority existed under the common law to issue the writ to remedy any kind of governmental restraint contrary to law.

At the time the Constitution was adopted, therefore, habeas corpus was available under the common law even to State prisoners. The act of 1867 merely broadened the common law writ by extending Federal habeas corpus to all State prisoners on a general basis. The reason for this significant statutory expansion of the writ by Congress was the grave political crisis facing the Nation after the Civil War. Congress passed the 1867 act in specific anticipation of possible southern hostility to Reconstruction legislation. The act was intended to provide a liberal and rapid remedy for any Federal officer imprisoned by the States.

The 1867 statute was the last major statutory change in the Federal habeas corpus statute. For more than 100 years, therefore the writ has been generally available in the Federal courts to all State prisoners subjected to arbitrary or illegal detention.

EXPANDING SCOPE OF HABEAS CORPUS

Although the broad statutory habeas corpus jurisdiction of the Federal courts over State criminal convictions is now more than a century old, it is only relatively recently—within the past four decades—that the complexities of the habeas corpus jurisdiction have become abrasive in our Federal system. There can be no doubt that Federal habeas corpus today is one of the most important postconviction remedies available to State prisoners who claim that their trial was marred by a fatal constitutional defect.

Why were the problems that now bristle in almost every aspect of Federal habeas corpus so long in emerging after the 1867 statute was enacted? The answer is simple, and it lies in the nature of the appellate jurisdiction of the Supreme Court and the doctrine of exhaustion of State remedies. In the first case decided by the Supreme Court under the 1867 statute, the Court held that the Federal writ of habeas corpus could not be issued unless the State prisoner had presented his Federal claims to the appropriate tribunal of his own State.

The effect of this division was virtually to eliminate Federal habeas corpus from State criminal convictions. A State defendant was required to pursue his State remedies through the highest State court. From that decision, he was required to seek review by the Supreme Court under what was known at that time as a writ of error, which was a method of appeal as of right, not the discretionary review that is available today. Once a State defendant had started up the ladder of State remedies he would inevitably reach the U.S. Supreme Court. And, of course, no lower Federal court was likely to disagree with the decision of the Supreme Court. As a consequence, Federal habeas corpus for State prisoners was almost unknown.

In the early days of the 20th century, however, almost half a century after the enactment of the 1867 statute, Congress eliminated the requirement of mandatory review by writ of error in the Supreme Court, and substituted the discretionary remedy of review by writ of certiorari. Thereafter began a series of the now familiar Supreme Court orders, "certiorari denied." State prisoners were no longer able to obtain effective Federal review of their convictions.

The first modern case establishing the availability of Federal habeas corpus for State prisoners came shortly thereafter in Moore against Dempsey 1923, in which Justice Oliver Wendell Holmes delivered his classic opinion holding that mob denomination of a criminal trial constituted a violation of the due process clause of the 14th amendment.

Now I will be happy to yield.

Mr. ERVIN. Will the Senator from Maryland inform the Senator from North Carolina whether the Senator from Maryland is reading a pronouncement of Chief Justice John Marshall or a speech delivered by the Senator from Maryland?

Mr. TYDINGS. I am reading a pronouncement of the junior Senator from Maryland, made on the floor of the Senate on May 10, 1968.

Mr. ERVIN. Despite my great respect for the Senator from Maryland, I must say that I attribute more weight to the statement of Justice Harlan, that it was also during this period that Congress, in 1867, first made habeas corpus available by statute to prisoners held under State authority.

I assert that prior to 1867, no Federal court had any jurisdiction to issue a writ of habeas corpus to inquire into the legality of the detention of any State prisoner held under the judgment of a State court.

Mr. TYDINGS. I have outlined in my response the 1867 statute. I believe, however, that, once granted, the right of the writ of habeas corpus cannot be suspended; and I believe the Senator from North Carolina will find that clearly spelled out in the Constitution.

Mr. ERVIN. In the Constitution; but in every decision, I say to the Senator from Maryland, neither the Supreme Court nor any other Federal court had any power to issue any writ of habeas corpus to inquire into the legality of the detention of any person held under the judgment of a State court prior to 1867.

I further assert that, notwithstanding the pronouncement made by the distinguished Senator from Maryland, the Federal courts had no common law jurisdiction in respect to habeas corpus or anything else.

I thank the Senator for yielding.

Mr. TYDINGS. The Senator does not dispute the fact that the writ of habeas corpus is a fundamental part of the common law of this country and of States which have adopted the common law?

Mr. ERVIN. The Senator from North Carolina would say, in reply to the interrogation of the Senator from Maryland, that the States of the Union whose law was founded on the English system, had the common law, but the Federal Government has never had any common law. It is the creature of the Constitution.

Mr. TYDINGS. The Senator is not being responsive to my question.

Does the Senator from North Carolina agree that the writ of habeas corpus is a fundamental part of the common law, Anglo-American common law?

Mr. ERVIN. Yes, but quite a different writ——

Mr. TYDINGS. Does the Senator agree that over one century ago, the Congress of the United States extended the benefits of the writ of habeas corpus—the Supreme Court of the United States——

Mr. ERVIN. The Senator from North Carolina not only affirms that, but also affirms that that was the first time that any Federal court had jurisdiction to issue a writ of habeas corpus to inquire into the legality of the detention of any prisoner held under the judgment of a State court.

Mr. TYDINGS. Does the Senator agree that over a century ago the Congress——

Mr. ERVIN. In 1867 the Federal courts became vested for the first time with jurisdiction to issue writs of habeas corpus to inquire into the legality, under the Constitution and the statutes, of a State prisoner held under the judgment of a State court. But before that time, from the time of the morning star hanging in glory to 1867, it had no such jurisdiction.

Mr. TYDINGS. Does the Senator agree that there is also a provision that the writ of habeas corpus shall not be suspended except in times of rebellion or war?

Mr. ERVIN. In that provision there was no reference to State matters. It had reference to powers of Congress or the President to suspend the writ of habeas corpus.

Mr. TYDINGS. I thank the distinguished Senator.

That, in brief, is the holding of the McCardle case. And this summary indicates why the case cannot be used by the proponents of title II either to justify removal of Supreme Court appellate review over State confession and eyewitness cases, or the abolition of all Federal habeas corpus review over State criminal convictions. The McCardle case, however, is the most notorious instance in the history of our country in which the Congress tried to intimidate the Supreme Court and undermine the Constitution by depriving the Court of jurisdiction. I believe this case serves as a present-day warning to us. I believe that, if title II is enacted, historians will view it as just as notorious—and potentially destructive to our institutions of government—as the actions of Congress which gave rise to the McCardle case.

These, then, are the essential reasons why this provision of title II depriving the Supreme Court of jurisdiction over State cases must be rejected. Because this provision is so clearly directed at overruling the Supreme Court's decisions in confession and eyewitness identification cases, and because Congress has no power to act by simple statute to amend the Constitution and change Supreme Court rulings based on the Constitution, it is clear that this back-handed jurisdictional attempt to reverse the Supreme Court and change the Constitution will be held unconstitutional. In addition, this provision is flatly contrary to article III, section 2 of the Constitution, and it would undermine the historic role of the Supreme Court as the ultimate tribunal to vindicate and establish uniform interpretations of Federal constitutional rights. Justice Oliver Wendell Holmes stated, more than 50 years ago:

> I do not think the United States would come to an end if we (the Supreme Court) lost our power to declare an Act of Congress void. I do think the Union would be imperilled if we could not make that declaration as to the laws of the several States.

By depriving the Supreme Court of the power to review State court decisions based on the U.S. Constitution, title II would, in Justice Holmes' words, "imperil the Union." We must not take that disastrous step. We must reject title II.

The final provision of title II would abolish the Federal writ of habeas corpus for State prisoners.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the distinguished Senator from Montana.

CLARIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, for the purpose of clarification, I ask unanimous consent that the time to be used this afternoon be equally divided between the distinguished Senator from Arkansas [Mr. McClellan] and the distinguished Senator from Maryland [Mr. Tydings], so that there will be no misconception as to what the intent was on the division of time.

Mr. TYDINGS. That was my understanding of the intent.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. That is correct with respect to this afternoon, but what about tomorrow?

Mr. MANSFIELD. It was our understanding, and I repeat, that tomorrow the time allocated would be evenly divided between the Senator from Arkansas and the Senator from Maryland, beginning at 10 o'clock and ending at 2 o'clock; and that the first vote would take place at 2 o'clock.

The PRESIDING OFFICER (Mr. Hollings in the chair). Without objection, it is so ordered.

Mr. TYDINGS. Is the unanimous-consent request that the first vote take place at 2 o'clock?

Mr. MANSFIELD. That is the understanding.

Mr. TYDINGS. I withhold agreement to the request because it is possible an amendment to perfect title II might be offered prior to 2 o'clock, when the pending amendment comes up, and I would not agree to that because there might be offered some amendment I am not aware of. We have the same situation as we had with respect to title IV. I do not think the Senator from Arkansas would want to agree to that.

Mr. McCLELLAN. I think that is correct. The first vote should come at 2 o'clock unless there is some perfecting amendment pending. If so, we will allow one-half hour on each side.

Mr. MANSFIELD. That is all right but I wish to emphasize what we told the Senate last week with respect to 2 o'clock being the time. However, on this basis that is fine.

Mr. McCLELLAN. There may not be a perfecting amendment, and then there would be equal time before a vote.

Mr. TYDINGS. In any event there would be a vote at 2 o'clock or the 1-hour limitation would start to run on the vote on the pending business.

Mr. McCLELLAN. I know of no perfecting amendment, but no one can be sure.

Mr. TYDINGS. Mr. President, what is the unanimous consent request that is being propounded?

The PRESIDING OFFICER. That the time between 10 and 2 o'clock tomorrow will be equally divided, with the time controlled between the Senator from Arkansas and the Senator from Maryland, and with a vote at 2 o'clock, providing there is no amendment pending; but if an amendment is pending, 1 hour on that amendment to be equally divided between the proponent and the opponent. That reaffirms the unanimous-consent agreement.

Mr. McCLELLAN. During this day, time would continue to be equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. One can speak as long as he wishes; but I did want that time charged against the 4 hours tomorrow.

The PRESIDING OFFICER. The Senator is correct. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I have been speaking now for an hour and a half. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TYDINGS. Charge it to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time the Senator had yielded to himself has expired.

Mr. TYDINGS. I yield myself an additional 20 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, article I, section 9, clause 2 of the Constitution states categorically that "The privilege of the writ of habeas corpus shall not be suspended unless in cases of rebellion or invasion the public safety might require it."

Those words are pretty clear. We do not have any invasion of our land. There is no rebellion. Where, then, is the justification of the suspension of the writ of habeas corpus which has stood for over one century?

I submit that there is no such justification, and that the attempt in title II to suspend the writ of habeas corpus will be declared unconstitutional as soon as it is tested in the courts. Title II is a blatant denial of an effective remedy for State prisoners suffering violations of their constitutional rights. Federal habeas corpus is the channel of ultimate resort through which State prisoners can vindicate their constitutional rights when all other recourse has failed and all State remedies have been exhausted. With the abolition of Federal habeas corpus for State prisoners, the sole Federal review of Federal claims by State prisoners will be appeal or certiorari to the Supreme Court, an inadequate and inappropriate remedy at best.

The writ of habeas corpus—the great writ—is one of the ancient pillars of our Anglo-American civilization. It has played a central role in the development of our modern system of jurisprudence.

The writ of habeas corpus is inextricably bound up with the growth of fundamental rights and personal liberty in the United States. Throughout its history, it has proved a prompt and effective remedy for restraints that society deems to be intolerable. The use of habeas corpus is based on the precept that government in a civilized society must always be accountable to the judiciary for a man's imprisonment. The writ requires the body of a person restrained of his liberty to be brought before the court, so that the lawfulness of the restraint may be determined.

Blackstone called the writ of habeas corpus "the most celebrated writ in English law." The writ of habeas corpus is nearly as old as the Magna Carta. Throughout English history it has been used to implement the fundamental guarantee of the Magna Carta that "no free man shall be taken or imprisoned except by the lawful judgment of his peers or by the law of the land," and that "to no one will we sell, to no one will we refuse or delay, right or justice." In its modern operation, the office of the writ is clearly guided by the spirit of these fundamental guarantees.

Mr. President, that goes back a long time. In its modern operation, the office of writ is clearly carried by the spirit of those fundamental guarantees which were gained so long ago.

The American colonists were thoroughly familiar with the great struggles in which the writ of habeas corpus had been forged and used.

On the eve of the American Revolution, habeas corpus was used to bring about the release of a Negro slave in Somersett's case, in which Lord Mansfield delivered his famous decision that a slave brought into England could not be held in bondage.

The Presiding Officer in the chair at this moment will recall that in 1763, John Wilkes was released on habeas corpus from the Tower of London, on the ground that, as a Member of Parliament, he could not be imprisoned for writing his famous North Briton No. 45, which was critical of the Crown.

In Bushell's case in 1670, an entire jury had been sent to jail for disregarding the court's orders to convict William Penn of rioting—all that Penn had done was to hold a Quaker meeting in a London street. The jurymen sought habeas corpus and obtained their liberty. The court held that they could not be lawfully punished for reaching their own determination of the facts and that they were being restrained illegally.

As these cases clearly indicate, the right to seek habeas corpus had been a strong defense for the exercise of basic rights in our society—the right of the Negro not to be enslaved, the privilege of a legislator not to be arrested, and the right to trial by an impartial and uncoerced jury.

In the U.S. Constitution, the sole provision on habeas corpus is contained in article II, section 9, clause 2 which provides—I repeat, as I have three times in my speech—that, and I repeat:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

The Constitution assumes, without stating, that the writ of habeas corpus will ordinarily be available. It provides only for the suspension of the writ, and then only in the narrow range of circumstances dealing with national emergencies. The Constitution assumes without stating it that the writ of habeas corpus will ordinarily be available because the Constitution was adopted in 1787 by those who had knowledge of, were familiar with, worked with, or were governed by Anglo-Saxon common law.

Statutory provisions for habeas corpus have been continuously on the national statute books since the first Judiciary Act of September 24, 1789. These statutes find their prototypes in the English Habeas Corpus Acts of 1679 and 1816. Under their provisions, every U.S. judge has the power, and in appropriate cases the duty, to issue the writ.

Congress must, of course, legislatively create courts before the writ of habeas corpus can be employed. But having established Federal courts, Congress would be powerless to deny the privilege of the writ. Otherwise article I, section 9 of the Constitution would be reduced to a dead letter. The Constitution does not merely prohibit suspension of habeas corpus statutes, or of the writ, but of "the privilege of the writ" a privilege long antedating the codification and reforms embodied in the English statutes of the 17th century. In England, all the higher courts were open to applicants for the writ, and it is hardly supposable that, under the new government, founded on more liberal ideas and principles, any court would be, intentionally, closed to them.

It has not always been easy in our history to enforce the writ of habeas corpus in the United States in time of political crisis. During the War of 1812, Judge Hall of Louisiana issued a writ to bring before him one Louaillier, the editor of the Louisiana Courier, who had been placed under military arrest for criticizing Gen. Andrew Jackson. On direction of the general, the military authorities ignored the writ and escorted Judge Hall out of the city of New Orleans. At the end of the war, however, the judge returned to his court, found Andrew Jackson in contempt, and fined him $1,000.

Another famous example of defiance by military and political authorities of a writ of habeas corpus issued by a Federal court occurred in the case ex parte Merryman. At the outset of the Civil

War, the military commander at Fort McHenry in Baltimore ignored a writ of habeas corpus, issued by Chief Justice Taney himself, to bring before the Court John Merryman, who had been charged with various acts of treason and was being held in military custody. The military commander refused to comply with the writ, and President Lincoln declined to support the order of his Chief Justice.

In contrast to the Civil War era, complete respect for the writ of habeas corpus as a protector of civil liberty characterized American authority in the First and Second World Wars. The most famous case is ex parte Quirin, 1942. In that case, prisoners of war had been condemned to death by a military commission after being captured while entering the the United States as enemy saboteurs. On an application for a writ of habeas corpus in the Supreme Court, it was held that the military commission had lawful jurisdiction over the saboteurs, and the writ was denied. Nevertheless, the case demonstrates how far habeas corpus procedure may be pursued even in time of war by a person who is a citizen of an enemy power and who is held in the United States as a prisoner of war.

In ex parte Endo, 1944, an American of Japanese descent secured her release on habeas corpus from the War Relocation Center, where thousands of Japanese Americans had been detained during World War II on the ground of their ancestry. The decision by the Supreme Court in this habeas corpus case was broad enough to invalidate the entire detention scheme and put an end to one of the darkest chapters in recent American history.

The two areas in which the writ of habeas corpus has produced the most litigation in recent years are the areas of deportation proceedings and criminal convictions. The writ is available to test the validity of the detention of an alien under a Government order directing his deportation. That is, the writ may be used to secure a judicial determination of the validity, both in law and in fact, of the deportation order. In the case of criminal convictions, the writ is available to test whether a prisoner who has been sentenced to and is serving a term of imprisonment was denied a fundamental constitutional right at the time of his trial, such as the right to the assistance of counsel, or the admission of a coerced confession.

Although the broad statutory habeas corpus jurisdiction of the Federal courts over State criminal convictions is now more than a century old, it is only relatively recently—within the past four decades—that the complexities of the habeas corpus jurisdiction have become abrasive in our Federal system. There can be no doubt that Federal habeas corpus today is one of the most important postconviction remedies available to State prisoners who claim that their trial was marred by a fatal constitutional defect.

In 1963, the Supreme Court handed down the two decisions that are so seriously criticized by the proponents of title II—Townsend against Sain and Fay against Noia. I would like to examine these cases briefly and attempt to demonstrate that the decisions themselves represent a fair and reasonable accommodation between respect for State legal processes, and the right of an accused defendant to at least one full and fair hearing on his constitutional claims.

What were the facts of the Sain case, that have caused so much furor and misunderstanding? In spite of this complicated procedural history of the case, the facts are quite simple. The defendant was a 19-year-old narcotics addict with a mentality barely above that of a moron. To relieve his narcotics withdrawal symptoms, the police, after his arrest, allowed a doctor to administer a shot of hyoscine and phenobarbital. Hyoscine, also called scopolamine, is known to most of us as "truth serum." The defendant contended that the State court, in determining the voluntariness of his confession, was not informed that hyoscine was a truth serum, and that it was neither common nor proper to administer this drug to an addict suffering from withdrawal symptoms. The prosecution conceded there was no direct mention made of the identity of hyoscine and truth serum. Does any of us honestly believe in these circumstances that the defendant received a full and fair hearing on his confession, or that a hearing in Federal habeas corpus was not fully justified?

In Fay against Noia, the other recent decision of the Supreme Court heavily castigated by the proponents of title II, the problem before the Court was: What is to be done if a valid State procedural law prevents a defendant's constitutional claim from being litigated? Noia was convicted of murder with two accomplices. The accomplices appealed their convictions, but Noia did not. Years later the accomplices were successful in reversing their convictions on the ground that their confessions had been coerced. The State conceded that Noia's confession, too, had been coerced. The State argued, however, that Noia had lost his chance for freedom because he had failed to take a timely appeal from his conviction. Thus, a man languished in jail for years, convicted on a coerced confession but barred from freedom by the State's harsh procedural rules. Habeas corpus came to the rescue. The Supreme Court held that the writ was adequate to meet the urgent demand for liberty presented.

The true function of the habeas corpus jurisdiction of the Federal courts is revealed most clearly by analysis of Supreme Court cases in which the writ has been issued for State defendants.

Take a case like Mooney against Holohan, 1935. In that case, the Supreme Court held for the first time that the guarantees of the due-process clause of the 14th amendment prohibited the conviction of a defendant on the basis of perjured testimony knowingly used by the prosecution. Mooney had been convicted in California of murder in the first degree, on charges growing out of a bombing that killed nine people during a parade in San Francisco in 1916. He was originally sentenced to death, but the sentence was subsequently commuted to life imprisonment. Mooney's conviction was affirmed by the highest court of the State of California, and certiorari was denied by the Supreme Court. There was considerable feeling that, because Mooney was a militant California labor leader, powerful antilabor forces took charge of the investigation and prosecution in a deliberate attempt to find, and if necessary, fabricate evidence connecting Mooney with the crime. Subsequently, Mooney discovered evidence of blatant perjury by the State witnesses on whose testimony he had been convicted, and he filed a petition for habeas corpus in the Federal courts. The State of California did not dispute any of the facts alleged in Mooney's petition. The State simply filed a demurrer, alleging that the acts or omissions of a prosecutor at a trial could never, in and of themselves, amount to a denial of due process of law. The Supreme Court summarily rejected this astounding assertion by the State.

I wish I could say that Mooney against Holohan is ancient history, and that today's prosecutors no longer knowingly and willfully use false or perjured testimony to obtain convictions. But take a case like Miller against Pate, decided only last year by the Supreme Court. The defendant Miller had been convicted of rape and murder. An important link in the chain of circumstantial evidence was a pair of stained underwear shorts. At the trial, the shorts were characterized as "bloodstained." In the context of the vicious and revolting crime with which Miller had been charged, the Supreme Court found that the emotional impact of the shorts on the jury was "incalculable." The prosecutor not only argued at length that the shorts were bloodstained but that the blood was of type "A," the same blood type as that of the murder victim. It was not until the habeas corpus proceedings in the Federal district court that it was established that the so-called bloodstains on the shorts were nothing more than paint, and that the prosecutor had known all along during the original trial that the stains were paint, not blood.

Again, I ask, would the proponents of title II really have us deny the privilege of habeas corpus to defendants like Miller?

These cases—all arising out of habeas corpus proceedings brought in the Federal courts by State prisoners—demonstrate beyond doubt the need to maintain the power of Federal courts as a forum to test the constitutionality of a prisoner's confinement in all cases where a full and fair hearing on his Federal claim has not been reached in a State court. For a hundred years, the Federal courts have vindicated the basic constitutional rights of American citizens through habeas corpus proceedings, frequently after blatant denials of such rights have gone uncorrected in the State courts. Many of the great principles of American constitutional law have been established in such proceedings. To abolish this jurisdiction would destroy a century of progress in our legal system, and banish American criminal procedure to the Dark Ages.

The proponents of title II are quick to argue that such blatant denials of fundamental rights as I have described are easily corrected by the Supreme Court through direct review by appeal or certiorari. These procedures, however, are grossly inadequate as a method of review by the Supreme Court for correcting constitutional errors. As methods of review in such cases, appeal and certiorari are subject to serious infirmities.

In the first place, the procedures of appeal and certiorari at the present time are ineffective methods of Federal review of State decisions. As is well known, the appeal and certiorari procedures are largely and necessarily discretionary in the Supreme Court.

The second serious deficiency is that the Supreme Court as an institution is simply not in a position to serve as a court of errors and appeals for all cases arising in the State courts.

The third serious deficiency is that the issue involved in the case is often not exposed on the record as the criminal case comes from the State courts.

The fourth serious deficiency is that postconviction remedies in the State courts may not be available at all. Or, if they are available, they may be too narrow to fully protect the fundamental rights of the defendant. Frequently, the record in such State proceedings is unclear. The defendants are indigent, and they frequently do not have the assistance of counsel. The records of the proceedings are often disjointed, and the transcripts are incomplete or ambiguous. Appellate review is unable to function in the face of such difficulties.

By accepting title II, therefore, the Senate would be turning back the clock and taking away a basic safeguard of liberty that has stood the test of time for more than a century. Repeal of Federal habeas corpus jurisdiction would effectively destroy a fundamental component of our constitutional system, the ability of the Federal courts to review the actions of State courts. As Mr. Justice Oliver Wendell Holmes stated more than 50 years ago:

> I do not think the United States would come to an end if we lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States.

Much has been made in the report of the Judiciary Committee with respect to the increasing number of habeas corpus petitions that are being filed in the Federal district courts by State prisoners. The significance of the figures quoted in the committee report can only be assessed in their proper perspective when it is realized that the number of Federal habeas corpus petitions occupies only a very small portion of the overall business of the Federal district courts. Equally important, the number of habeas corpus petitions that eventually are successful for the prisoners is extremely small—of the order of 1 percent. Almost 97 percent of the habeas corpus petitions are disposed of without a hearing and without any contest in the Federal district courts. In effect, the overwhelming majority of the petitions are disposed of on the basis of the State court proceedings. It cannot be said, therefore, that the Federal district judges spend even a substantial portion of their time reviewing the merits of State criminal convictions.

Even on the merits, however, the increasing number of Federal habeas corpus petitions filed by State prisoners does not reflect an abuse by the Federal courts of the writ. Rather, the increase reflects the rapidly evolving concepts of fairness and due process of law in criminal cases.

It was not until the present century that the 14th amendment was held even to apply the fundamental provisions of the Bill of Rights to the States. More recently, further applications of the 14th amendment to State criminal proceedings have led the Supreme Court to find correspondingly more numerous occasions upon which Federal habeas corpus would lie for State prisoners. The fault, if any, does not lie in misuse of habeas corpus. Rather, it lies in the substantive principles of the criminal law. At bottom, therefore, it is the basic constitutional principles of fairness and due process that the proponents of title II now challenge.

The habeas corpus jurisdiction of the Federal courts has served the highest traditions of Anglo-American law. An attempt to circumvent the writ must be cautiously and skeptically viewed. As Justice Black has eloquently put it:

> [I]t is never too late for courts in habeas corpus proceedings to look straight through procedural screens in order to prevent forfeiture of life or liberty in flagrant defiance of the Constitution . . . Perhaps there is no more exalted judicial function.

I urge the Members of the Senate not to join in the dangerous and unwarranted assault on the great writ that is threatened by title II. I urge you to strike title II from S. 917.

As Thomas Jefferson, the major architect of our Bill of Rights, said in his first inaugural address:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political, . . . freedom of religion, freedom of the press, freedom of the person under the protection of the habeas corpus, and trial by juries impartially selected—these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. This wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instruction—the touchstone by which to try the services of those we trust; and should we wander from them in moments of error, or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty and safety.

Before we throw aside our right to "freedom of the person under the protection of the habeas corpus," before we discard the wisdom of the centuries and our great constitutional heritage, before we adopt title II of this bill, let us—as Jefferson says—"hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety."

EXHIBIT 1

EX PARTE MCCARDLE

The Chief Justice delivered the opinion of the court.

The first question necessarily is that of jurisdiction; for, if the act of March, 1868, takes away the jurisdiction defined by the act of February, 1867, it is useless, if not improper, to enter into any discussion of other questions.

It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."

It is unnecessary to consider whether, if Congress had made no exceptions and no regulations, this court might not have exercised general appellate jurisdiction under rules prescribed by itself. For among the earliest acts of the first Congress, at its first session, was the act of September 24th, 1789, to establish the judicial courts of the United States. That act provided for the organization of this court, and prescribed regulations for the exercise of its jurisdiction.

The source of that jurisdiction, and the limitations of it by the Constitution and by statute, have been on several occasions subjects of consideration here. In the case of *Durousseau* v. *The United States*,[1] particularly, the whole matter was carefully examined, and the court held, that while "the appellate powers of this court are not given by the judicial act, but are given by the Constitution," they are, nevertheless, "limited and regulated by that act, and by such other acts as have been passed on the subject." The court said, further, that the judicial act was an exercise of the power given by the Constitution to Congress "of making exceptions to the appellate jurisdiction of the Supreme Court." "They have described affirmatively," said the court, "its jurisdiction, and this affirmative description has been understood to imply a negation of the exercise of such appellate power as is not comprehended within it."

The principle that the affirmation of appellate jurisdiction implies the negation of all such jurisdiction not affirmed having been thus established, it was an almost necessary consequence that acts of Congress, providing for the exercise of jurisdiction, should come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to the constitutional grant of it.

The exception to appellate jurisdiction in the case before us, however, is not an inference from the affirmation of other appellate jurisdiction. It is made in terms. The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of *habeas corpus* is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.

We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

What, then, is the effect of the repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

Several cases were cited by the counsel for the petitioner in support of the position that jurisdiction of this case is not affected by the repealing act. But none of them, in our judgment, afford any support to it. They are all cases of the exercise of judicial power by the legislature, or of legislative interference with courts in the exercising of continuing jurisdiction.[2]

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[1] 6 Cranch, 312; Wiscart *v.* Dauchy, 3 Dallas, 321.

[2] Lanier *v.* Gallatas, 13 Louisiana Annual, 175; De Chastellux *v.* Fairchild, 15 Pennsylvania State, 18; The State *v.* Fleming, 7 Humphreys, 152, Lewis *v.* Webb, 3 Greenleaf, 326.

On the other hand, the general rule, supported by the best elementary writers,[3] is that "when an act of the legislature is repealed, it must be considered, except as to transactions past and closed, as if it never existed." And the effect of repealing acts upon suits under acts repealed, has been determined by the adjudications of this court. The subject was fully considered in *Norris* v. *Crocker*,[4] and more recently in *Insurance Company* v. *Ritchie*.[5] In both of these cases it has held no judgment could be rendered in a suit after the repeal of the act under which it was brought and prosecuted.

It is quite clear, therefore, that this court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the court, in cases of *habeas corpus*, is denied. But this is an error. The act of 1868 does not except from that jurisdiction any cases but appeals from Circuit Court under the act of 1867. It does not affect the jurisdiction which was previously exercised.[6]

The appeal of the petitoner in this case be dismissed for want or jurisdiction.

Ex Parte Yerger

The Chief Justice delivered the opinion of the court.

The argument, by the direction of the court, was confined to the single point of the jurisdiction of the court to issue the writ prayed for. We have carefully considered the reasonings which have been addressed to us, and I am now to state the conclusions to which we have come.

The general question of jurisdiction in this case resolves itself necessarily into two other questions:

1. Has the court jurisdiction, in a case like the present, to inquire into the cause of detention, alleged to be unlawful, and to give relief, if the detention be found to be in fact unlawful, by the writ of *habeas corpus*, under the Judiciary Act of 1789?

2. If, under that act, the court possessed this jurisdiction, has it been taken away by the second section of the act of March 27, 1868,[1] repealing so much of the act of February 5, 1867,[2] as authorizes appeals from Circuit Courts to the Supreme Court?

Neither of these questions is new here. The first has, on several occasions, received very full consideration, and very deliberate judgment.

A cause, so important as that which now invokes the action of this court, seems however to justify a reconsideration of the grounds upon which its jurisdiction has been heretofore maintained.

The great writ of *habeas corpus* has been for centuries esteemed the best and only sufficient defence of personal freedom.

In England, after a long struggle, it was firmly guaranteed by the famous Habeas Corpus Act of May 27, 1679 [3] " for the better securing of the liberty of the subject," which, as Blackstone says, "is frequently considered as another Magna Charta." [4]

It was brought to America by the colonists, and claimed as among the immemorial rights descended to them from their ancestors.

Naturally, therefore, when the confederated colonies became united States, and the formation of a common government engaged their deliberations in convention, this great writ found prominent sanction in the Constitution. That sanction is in these words:

"The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

The terms of this provision necessarily imply judicial action. In England, all the higher courts were open to applicants for the writ, and it is hardly supposable that, under the new government, founded on more liberal ideas and principles, any court would be, intentionally, closed to them.

We find, accordingly, that the first Congress under the Constitution, after defining, by various sections of the act of September 24, 1789, the jurisdiction of the District Courts, the Circuit Courts, and the Supreme Court in other cases, proceeded, in the 14th section, to enact, "that all the before-mentioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus*, and all other writs, not specially provided by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law." [5] In the same section, it was further provided "that either of the Justices of the Supreme Court, as well as Judges of the District Courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment; provided that writs of *habeas corpus* shall in no case extend to prisoners in jail, unless they are in custody, under, or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify."

That this court is one of the courts to which the power to issue writs of *habeas corpus* is expressly given by the terms of this section has never been questioned. It would have been, indeed, a remarkable anomaly if this court, ordained by the Constitution for the exercise, in the United States, of the most important powers in civil cases of all the highest courts of England, had been denied, under a constitution which absolutely prohibits the suspension of the writ, except under extraordinary exigencies, that power in cases of alleged unlawful restaint, which the Habeas Corpus Act of Charles II expressly declares those courts to possess.

But the power vested in this court is, in an important particular, unlike that possessed by the English courts. The jurisdiction of this court is conferred by the Constitution, and is appellate; whereas, that of the English courts, though declared and defined by statutes, is derived from the common law, and is original.

The judicial power of the United States extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority, and to large classes of cases determined by the character of the parties, or the nature of the controversy.

That part of this judicial power vested in this court is defined by the Constitution in these words:

"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

If the question were a new one, it would, perhaps, deserve inquiry whether Congress might not, under the power to make exceptions from this appellate jurisdiction, extend the original jurisdiction to other cases than those expressly enumerated in the Constitution; and especially, in view of the constitutional guaranty of the writ of *habeas corpus*, to cases arising upon petition for that writ.

But, in the case of *Marbury* v. *Madison*,[6] it was determined, upon full consideration, that the power to issue writs of mandamus, given to this court by the 13th section of the Judiciary Act, is, under the Constitution, an appellate jurisdiction, to be exercised only in the revision of judicial decisions. And this judgment has ever since been accepted as fixing the construction of this part of the Constitution.

It was pronounced in 1803. In 1807 the same construction was given to the provision of the 14th section relating to the writ of *habeas corpus*, in the case of *Bollman and Swartwout*.[7]

The power to issue the writ had been previously exercised in *Hamilton's case* [8] (1795), and in *Burford's case* [9] (1806), in neither of which cases does the distinction between appellate and original jurisdiction appear to have been made.

In the case of *Bollman and Swartwout*, however, the point was brought distinctly before the court; the nature of the jurisdiction was carefully examined, and it was declared to be appellate. The question then determined has not since been drawn into controversy.

The doctrine of the Constitution and of the cases thus far may be summed up in these propositions:

(1.) The original jurisdiction of this court cannot be extended by Congress to any other cases than those expressly defined by the Constitution.

(2.) The appellate jurisdiction of this court, conferred by the Constitution, extends to all other cases within the judicial power of the United States.

(3.) This appellate jurisdiction is subject to such exceptions, and must be exercised under such regulations as Congress, in the exercise of its discretion, has made or may see fit to make.

(4.) Congress not only has not excepted writs of *habeas corpus* and *mandamus* from this appellate jurisdiction, but has expressly provided for the exercise of this jurisdiction by means of these writs.

We come, then, to consider the first great question made in the case now before us.

We shall assume, upon the authority of the decisions referred to, what we should hold were the question now for the first time presented to us, that in a proper case this court, under the act of 1789, and under all the subsequent acts, giving jurisdiction in cases of *habeas corpus*, may, in the exercise of its appellate power, revise the decisions of inferior courts of the United States, and relieve from unlawful imprisonment authorized by them, except in cases within some limitations of the jurisdiction by Congress.

It remains to inquire whether the case before us is a proper one for such interposition. Is it within any such limitation? In other words, can this court inquire into the lawfulness of detention, and relieve from it if found unlawful, when the detention complained of is not by civil authority under a commitment made by an inferior court, but by military officers, for trial before a military tribunal, after an examination into the cause of detention by the inferior court, resulting in an order remanding the prisoner to custody?

It was insisted in argument that, "to bring a case within the appellate jurisdiction of this court in the sense requisite to enable it to award the writ of *habeas corpus* under the Judiciary Act, it is necessary that the commitment should appear to have been by a tribunal whose decisions are subject to revision by this court."

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[3] Dwarris on Statutes, 538.

[4] 13 Howard, 429.

[5] 5 Wallace, 541.

[6] Ex parte McCardle, 6 Wallace, 324.

[1] 15 Stat. at Large, 44.

[2] 14 Id. 385.

[3] 3 British Stat. at Large, 397; 3 Hallam's Constitutional History, 19.

[4] 3 Commentary, 135.

[5] 1 Stat. at Large, 81.

[6] Cranch, 137.

[7] 4 Id. 100.

[8] 8 Dallas, 17.

[9] 8 Cranch, 448.

This proposition seems to assert, not only that the decision to be revised upon *habeas corpus* must have been made by a court of the United States, subject to the ordinary appellate jurisdiction of this court, but that having been so made, it must have resulted in an order of commitment to civil authority subject to the control of the court making it.

The first branch of this proposition has certainly some support in *Metzger's case*,[10] in which it was held that an order of commitment made by a district judge at chambers cannot be revised here by *habeas corpus*. This case, as was observed by Mr. Justice Nelson in *Kaine's case*,[11] stands alone; and it may admit of question whether it can be entirely reconciled with the proposition, which we regard as established upon principle and authority, that the appellate jurisdiction by *habeas corpus* extends to all cases of commitment by the judicial authority of the United States, not within any exception made by Congress.

But it is unnecessary to enter upon this inquiry here. The action which we are asked to revise was that of a tribunal whose decisions are subject to revision by this court in ordinary modes.

We need consider, therefore, only the second branch of the proposition, namely, that the action of the inferior court must have resulted in a commitment for trial in a civil court; and the inference drawn from it, that no relief can be had here, by *habeas corpus*, from imprisonment under military authority, to which the petitioner may have been remanded by such a court.

This proposition certainly is not supported by authority.

In *Kaine's case* all the judges, except one, asserted, directly or indirectly, the jurisdiction of this court to give relief in *a case* where the detention was by order of a United States commissioner. The lawfulness of the detention had been examined by the Circuit Court for the Southern District of New York upon a writ of *habeas corpus*, and that court had dismissed the writ and remanded the prisoner to custody. In this court relief was denied on the merits, but the jurisdiction was questioned by one judge only. And it is difficult to find any substantial ground upon which jurisdiction in that case can be affirmed, and in this denied.

In *Wells's case*,[12] the petitioner was confined in the penitentiary, under a sentence of death, commuted by the President into a sentence of imprisonment for life. He obtained a writ of *habeas corpus* from the Circuit Court of the District of Columbia, was brought before that court, and was remanded to custody. He then sued out a writ of *habeas corpus* from this court, and his case was fully considered here. No objection was taken to the jurisdiction, though there, as here, it was evident that the actual imprisonment, at the time of the petition for the writ, was not under the direction of the court by whose order the prisoner was remanded, but by a different and distinct authority.

In this case of *Wells*, Mr. Justice Curtis again dissented, and, on the point of jurisdiction, Mr. Justice Campbell concurred with him. The other judges, though all, except one, were of opinion that the relief asked must be denied, agreed in maintaining the jurisdiction of the court. Judge Curtis, who regarded the question as left undetermined in *Kaine's case*, admitted that the jurisdiction was asserted in this, and stated the ground of judgment affirming jurisdiction to be that, "as the Circuit Court had had the prisoner before it, and has remanded him, this court, by a writ of *habeas corpus*, may examine that decision and see whether it be erroneous or not."

Since this judgment was pronounced, the jurisdiction, in cases similar to that now before the court, has not hitherto been questioned.

We have carefully considered the argument against it, made in this case, and are satisfied that the doctrine heretofore maintained is sound.

The great and leading intent of the Constitution and the law must be kept constantly in view upon the examination of every question of construction.

That intent, in respect to the writ of *habeas corpus*, is manifest. It is that every citizen may be protected by judicial action from unlawful imprisonment. To this end the act of 1789 provided that every court of the United States should have power to issue the writ. The jurisdiction thus given in law to the Circuit and District Courts is original; that given by the Constitution and the law to this court is appellate. Given in general terms, it must necessarily extend to all cases to which the judicial power of the United States extends, other than those expressly excepted from it.

As limited by the act of 1789, it did not extend to cases of imprisonment after conviction, under sentences of competent tribunals; nor to prisoners in jail, unless in custody under or by color of the authority of the United States, or committed for trial before some court of the United States, or required to be brought into court to testify. But this limitation has been gradually narrowed, and the benefits of the writ have been extended, first in 1833,[13] to prisoners confined under any authority, whether State or National, for any act done or omitted in pursuance of a law of the United States, or of any order, process, or decree of any judge or court of the United States; then in 1842 [14] to prisoners being subjects or citizens of foreign States, in custody under National or State authority for acts done or omitted by or under color of foreign authority, and alleged to be valid under the law of nations; and finally, in 1867,[15] to all cases where any person may be restrained of liberty in violation of the Constitution, or of any treaty or law of the United States.

This brief statement shows how the general spirit and genius of our institutions has tended to the widening and enlarging of the *habeas corpus* jurisdiction of the courts and judges of the United States; and this tendency, except in one recent instance, has been constant and uniform; and it is in the light of that we must determine the true meaning of the Constitution and the law in respect to the appellate jurisdiction of this court. We are not at liberty to except from it any cases not plainly excepted by law; and we think it sufficiently appears from what has been said that no exception to this jurisdiction embraces such a case as that now before the court. On the contrary, the case is one of those expressly declared not to be excepted from the general grant of jurisdiction. For it is a case of imprisonment alleged to be unlawful, and to be under color of authority of the United States.

It seems to be a necessary consequence that if the appellate jurisdiction of *habeas corpus* extends to any case, it extends to this. It is unimportant in what custody the prisoner may be, if it is a custody to which he has been remanded by the order of an inferior court of the United States. It is proper to add, that we are not aware of anything in any act of Congress, except the act of 1868, which indicates any intention to withhold appellate jurisdiction in *habeas corpus* cases from this court, or to abridge the jurisdiction derived from the Constitution and defined by the act of 1789. We agree that it is given subject to exception and regulation by Congress; but it is too plain for argument that the denial to this court of appellate jurisdiction in this class of cases must greatly weaken the efficacy of the writ, deprive the citizen in many cases of its benefits, and seriously hinder the establishment of that uniformity in deciding upon the questions of personal rights which can only be attained through appellate jurisdiction, exercised upon the decisions of courts of original jurisdiction. In the particular class of cases, of which that before the court is an example, when the custody to which the prisoner is remanded is that of some authority other than that of the remanding court, it is evident that the imprisoned citizen, however unlawful his imprisonment may be in fact, is wholly without remedy unless it be found in the appellate jurisdiction of this court.

These considerations forbid any construction giving to doubtful words the effect of withholding or abridging this jurisdiction. They would strongly persuade against the denial of the jurisdiction even were the reasons for affirming it less cogent than they are.

We are obliged to hold, therefore, that in all cases where a Circuit Court of the United States has, in the exercise of its original jurisdiction, caused a prisoner to be brought before it, and has, after inquiring into the cause of detention, remanded him to the custody from which he was taken, this court, in the exercise of its appellate jurisdiction, may, by the writ of *habeas corpus*, aided by the writ of *certiorari*, revise the decision of the Circuit Court, and if it be found unwarranted by law, relieve the prisoner from the unlawful restraint to which he has been remanded.

This conclusion brings us to the inquiry whether the 2d section of the act of March 27th, 1868, takes away or affects the appellate jurisdiction of this court under the Constitution and the acts of Congress prior to 1867.

In *McCardle's case*,[16] we expressed the opinion that it does not, and we have now reexamined the grounds of that opinion.

The circumstances under which the acts of 1868 was passed were peculiar.

On the 5th of February, 1867, Congress passed the act to which reference has already been made, extending the original jurisdiction by *habeas corpus* of the District and Circuit Courts, and of the several judges of these courts, to all cases of restraint of liberty in violation of the Constitution, treaties, or laws of the United States. This act authorized appeals to this court from judgments of the Circuit Court, but did not repeal any previous act conferring jurisdiction by *habeas corpus*, unless by implication.

Under this act, one McCardle, alleging unlawful restraint by military force, petitioned the Circuit Court for the Southern District of Mississippi for the writ of *habeas corpus*. The writ was issued, and a return was made; and, upon hearing, the court decided that the restraint was lawful, and remanded him to custody. McCardle prayed an appeal, under the act, to this court, which was allowed and perfected. A motion to dismiss the appeal was made here and denied. The case was then argued at the bar, and the argument having been concluded on the 9th of March, 1869, was taken under advisement by the court. While the cause was thus held, and before the court had time to consider the decision proper to be made, the repealing act under consideration was introduced into Congress. It was carried through both houses, sent to the President, returned with his objections, repassed by the constitutional ma-

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[10] 5 Howard, 176.

[11] 14 Ib. 103.

[12] 18 Howard, 308.

[13] 4 Stat. at Large, 634.

[14] 5 Stat. at Large, 539.

[15] 14 Id. 385.

[16] 7 Wallace, 508.

> jority in each house, and became a law on the 27th of March, within eighteen days after the conclusion of the argument.
>
> The effect of the act was to oust the court of its jurisdiction of the particular case then before it on appeal, and it is not to be doubted that such was the effect intended. Nor will it be questioned that legislation of this character is unusual and hardly to be justified except upon some imperious public exigency.
>
> It was, doubtless, within the constitutional discretion of Congress to determine whether such an exigency existed; but it is not to be presumed that an act, passed under such circumstances, was intended to have any further effect than that plainly apparent from its terms.
>
> It is quite clear that the words of the act reach, not only all appeals pending, but all future appeals to this court under the act of 1867; but they appear to be limited to appeals taken under that act.
>
> The words of the repealing section are, "that *so much* of the act approved February 5th, 1867, as *authorizes* an appeal from the judgment of the Circuit Court to the Supreme Court of the United States, or the exercise of any such jurisdiction by said Supreme Court on appeals which have been, or may be hereafter taken, be, and the same is hereby repealed."
>
> These words are not of doubtful interpretation. They repeal only so much of the act of 1867 as authorized appeals, or the exercise of appellate jurisdiction by this court. They affected only appeals and appellate jurisdiction authorized by that act. They do not purport to touch the appellate jurisdiction conferred by the Constitution, or to except from it any cases not excepted by the act of 1789. They reach no act except the act of 1867.
>
> It has been suggested, however, that the act of 1789, so far as it provided for the issuing of writs of *habeas corpus* by this court, was already repealed by the act of 1867. We have already observed that there are no repealing words in the act of 1867. If it repealed the act of 1789, it did so by implication, and any implication which would give to it this effect upon the act of 1789, would give it the same effect upon the acts of 1833 and 1842. If one was repealed, all were repealed.
>
> Repeals by implication are not favored. They are seldom admitted except on the ground of repugnancy; and never, we think, when the former act can stand together with the new act. It is true that exercise of appellate jurisdiction, under the act of 1789, was less convenient than under the act of 1867, but the provision of a new and more convenient mode of its exercise does not necessarily take away the old; and that this effect was not intended is indicated by the fact that the authority conferred by the new act is expressly declared to be "in addition" to the authority conferred by the former acts. Addition is not substitution.
>
> The appeal given by the act of 1867 extended, indeed, to cases within the former acts; and the act, by its grant of additional authority, so enlarged the jurisdiction by *habeas corpus* that it seems, as was observed in the McCardle case, "impossible to widen" it. But this effect does not take from the act its character of an additional grant of jurisdiction, and make it operate as a repeal of jurisdiction theretofore allowed.
>
> Our conclusion is, that none of the acts prior to 1867, authorizing this court to exercise appellate jurisdiction by means of the writ of *habeas corpus* were repealed by the act of that year, and that the repealing section of the act of 1868 is limited in terms, and must be limited in effect to the appellate jurisdiction authorized by the act of 1867.
>
> We could come to no other conclusion without holding that the whole appellate jurisdiction of this court, in cases of *habeas corpus*, conferred by the Constitution, recognized by law, and exercised from the foundation of the government hitherto, has been taken away, without the expression of such intent, and by mere implication, through the operation of the acts of 1867 and 1868.
>
> The suggestion made at the bar, that the provision of the act of 1789, relating to the jurisdiction of this court by *habeas corpus*, if repealed by the effect of the act of 1867, was revived by the repeal of the repealing act, has not escaped our consideration. We are inclined to think that such would be the effect of the act of 1868, but having come to the conclusion that the act of 1789 was not repealed by the act of 1867, it is not necessary to express an opinion on that point.
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> The argument having been confined, by direction of the court, to the question of jurisdiction, this opinion is limited to that question. The jurisdiction of the court to issue the writ prayed for is affirmed.

Mr. McCLELLAN. Mr. President, I do not know what weight is going to be given to going all the way back to the Crown, but if it is going to be given any weight, I would like to make reference to a more recent Supreme Court decision in the case of Culombe against Connecticut, decided in 1961.

I am contending that the Constitution has always been interpreted to mean just the opposite from what the Supreme Court said in the Miranda case. I read from the case of *Culombe* v. *Connecticut*, 367 U.S. 568, decided in 1961, in which Justice Frankfurter said, with respect to all the factors that must be taken into consideration in considering confessions:

> Each of these factors, in company with all of the surrounding circumstances—the duration and conditions of detention (if the confessor has been detained), the manifest attitude of the police toward him, his physical and mental state, the diverse pressures which sap or sustain his powers of resistance and self-control—is relevant. The ultimate test remains that which has been the only clearly established test in Anglo-American courts for two hundred years: the test of voluntariness. Is the confession the product of an essentially free and unconstrained choice by its maker? If it is, if he has willed to confess, it may be used against him. If it is not, if his will has overborne and his capacity for self-determination critically impaired, the use of his confession offends due process. . . .

Justice Frankfurter wrote that opinion in 1961. That was the Constitution and that was the law of the land then. And who agreed to it? Listen. Here are the judges: Chief Justice Warren, Justice Black, Justice Frankfurter, Justice Douglas, Justice Clark, Justice Harlan, Justice Brannan, Justice Whitaker, Justice Stewart. Every one of them agreed to it in 1961. Four of the judges who dissented in the Miranda case subscribed to that decision as the law of the land just before—5 or 6 years before—the Miranda case.

Yes, Mr. President, if you want to go back, go back 200 years. For 200 years, the test has been voluntariness, not an arbitrary question of whether a warning was given or was not given. The court absolutely, time and time again, said the Constitution did not require that.

All we are trying to do with this provision in the law is to go back to the Constitution that was abandoned and deserted by those who rendered the opinion in the Miranda case.

Mr. President, you can talk about long ago. Look at what is happening today. Look at those charts.

Mr. President, I ask unanimous consent to insert in the RECORD at this point as a part of my remarks an open letter to the President of the United States, published in last Friday's Washington Star, signed by Park & Shop, Inc., begging Congress for protection in Washington.

There being no objection, the open letter was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.), Evening Star, May 17, 1968]

"AN OPEN LETTER TO: THE PRESIDENT OF THE UNITED STATES—THE CONGRESS OF THE UNITED STATES—THE MAYOR AND OFFICIALS OF THE DISTRICT OF COLUMBIA

"All citizens of the United States have a right to visit their national capital, and this right should be denied to none. All citizens have a concomitant right to do so with reasonable assurance of personal safety. This dream of every American from childhood, this privileged pilgrimage to the shrine of liberty, is now denied to the vast majority of the people by the actions of a few. The majority of the people are afraid to visit Washington, and many of its own citizens are leaving the city. The effect on business, property values, and tax income can not escape even the casual observer, nor can the effect on the support needed by the people's representatives.

"The economic advancement, or even survival, of the entire community of Washington depends largely on the existence and growth of commerce within the city. If all commerce ceased, the community would cease. The daily needs of the people, rich and poor alike, for food, clothing, shelter, transportation, services, health, recreation, and many other aspects of life are provided by the business community. In many areas of this metropolis the innocent citizens are now denied convenient access to these requirements because businesses have been destroyed or driven out by arson, looting, and ever increasing harassment, violence, and open crime.

"These same businesses provide the opportunity for tens of thousands to support themselves and their families, but many are now denied the means of livelihood by the destruction or dispersal of the businesses for which they had worked. Why do the many innocent have to continue to suffer while the few guilty run rampant through the streets?

"The taxes of the business community provide a large part of the support of the social welfare, police, fire and other public functions of this city. Taxes have been increasing, and are expected to increase more, but protection has been decreasing, and if the recent past is any indication, it is expected to decrease more.

"As businessmen and as private citizens we want to live within the law, but we want others also to live within the law. We want the protection and justice of the law for all. We want to respect the rights of others, but we want them to respect our rights.

"Men have given into the hands of society their own defense and the defense of their families in order to attain order and the general welfare through law. Not fear or intimidation, but love of civilization has been the genesis of the self-control and the reluctance to react with force against force on the part of threatened communities during recent disorders. There may well be a dangerous misunderstanding of this point on the part of a militant few. If people are pressed too far, or if their families, communities, or means of livelihood are threatened beyond endurance or beyond the ability or willingness of society to provide adequate protection they will retake into their own hands their inalienable right to self-defense and survival.

"This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spontaneous. An aura of uncertainty and personal insecurity, a growing smog of fear, hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching. Continued order and justice under a common law depends on the outcome. If the Government is incapable of assuring the security of the capital and the personal protection of less than a million citizens, you may fully expect that the lesson will not be lost on two hundred million.

"Our national policy has been to assure national security wherever possible through the existence of sufficient force to be an overwhelming deterrent to aggression rather than through the use of that force to punish aggression. Will the Government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? Or will they allow an apparent danger to become a real disaster? Will they bear the guilt of driving each State, each city, and even each citizen to provide his own protection? Will their example teach each individual that in order to survive he must meet the threat of force with force, action with reaction, and counter reaction with escalation until the fabric of our society and our civilization is rent asunder?

"We of the business community feel that we have some guilt for not having pressed for greater protection in the past, for having allowed ourselves to be intimidated by the potential and at times real threat inherent in sticking one's neck out. But it is time to stop worrying about sticking our necks out, about not getting involved. We are involved, and we intend to defend the commercial and economic interests of this city and its people. We ask for the protection to which we have a right, for our lives and property and for the lives and property of the entire community. It will be achieved, but we prefer that it be achieved through the law.

"We ask for a deterrent to destruction, not only a promise of control after it has started. A curfew is an effective emergency weapon to curb destruction, but it penalizes the innocent far more than the guilty. Use of a curfew for long periods in itself could destroy large segments of commerce. If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson, and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the Commander-in-Chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterwards.

"It is obvious to all that the existing number of police does not allow adequate protection, especially when their effectiveness is reduced drastically by imprudent restraints. We, therefore, ask that troops be placed on duty to supplement the police forces prior to and during the impending demonstrations that they be made clearly visible in sufficient numbers to provide an overwhelming show of force, and that the President of the United States and Government of the District of Columbia make a public statement of policy that the police and the troops will be authorized and directed to use all force necessary to assure the peace and order of the community.

"You have taken the oaths of the highest offices of this land that you will to the best of your abilities preserve, protect, and defend the Constitution of the United States. That Constitution guarantees the rights of the citizens to live in peace and free from fear. We citizens now call upon the executive, legislative, and judicial officers of the United States and of the District of Columbia to fulfill their oaths of office.

"Very truly yours,

"PARK AND SHOP, INC."

This letter is sent at the unanimous request of the Executive Board of Park and Shop, Inc., which represents over 200 member merchants and professional firms and over 95% of all commercial parking facilities in the District of Columbia.

Mr. McCLELLAN. Mr. President, we are not going to protect these people by merely passing title I. I have businessmen coming to me and telling me they cannot get insurance in Washington today. Why? Because law enforcement has broken down. Why? Because the Supreme Court is turning criminals loose and establishing precedents under which the lower courts have to turn them loose, notwithstanding that they are known to be guilty and have confessed their guilt.

Mr. President, I ask unanimous consent to also insert in the RECORD as a part of my remarks an article which appeared in today's Washington Star, with the headline "1967 Bank Robbers Put Record Take Above $8 Million."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN 1967 BANK ROBBERS PUT RECORD TAKE ABOVE $8 MILLION

NEW YORK.—Losses from bank holdups and burglaries and the number of such attacks reached record highs in 1967, the American Bankers Association says.

A total of 1,591 holdups and burglaries of banks occurred last year, causing losses of $8.7 million.

The previous record was in 1966, when there were 1,088 similar attacks with losses of $4.8 million.

Holdups numbered 1,318, up from 865 the previous year, causing losses of $7.2 million compared with $3.7 million in 1966.

The number of burglaries rose to 273, with $1.5 million in losses in 1967 compared with 223 and $1.1 million in losses in 1966.

Herman C. Eberts, chairman of the ABA Insurance and Protective Committee, said the increase in bank crimes "is part of a greater social problem which will require the cooperative efforts of all levels of government, of business, and, indeed, of society in general." Eberts is president of the First National Bank, Melbourne, Fla.

CRIME RATE CITED

Banks with their depositories of money can expect added attacks whenever the nation has a high level of crime, said an ABA spokesman in disclosing the figures over the weekend.

The ABA said the average loss per holdup attack rose from $4,300 in 1966 to $5,400 last year but that almost half of all hold-up attacks—46 percent—netted the bandits nothing or less than $1,000.

Of 1,318 attempted holdups, 259 were frustrated. Bandits involved in the successful holdups got bank loot totaling $9.231 million but $2.011 million was recovered from bandits apprehended.

A total of 639 bandits were arrested and, said the ABA, "additional arrests and recoveries of loot are anticipated."

AVERAGE LOSS RISES

Eighty-seven holdups came as banks were opening or closing for the day. Drive-in banks were attacked 54 times, twice the number in 1966.

The average loss through burglary in 1967 was $5,700, up from $5,000 in 1966. Of the 273 burglary attempts, 121 came on holidays or weekends. There were 118 unsuccessful burglary attacks.

The ABA said embezzlements of $10,000 and over totaled 132 in 1967, 32 below the previous year. However, losses totaled $13.7 million, compared with $12.1 million in 1966.

Mr. McCLELLAN. Mr. President, I read the first two paragraphs. It has a New York dateline:

> Losses from bank holdups and burglaries and the number of such attacks reached record highs in 1967, the American Bankers Association says.
>
> A total of 1,591 holdups and burglaries of banks occurred last year, causing losses of $8.7 million.

The article continues:

> The previous record was in 1966—

Just the year before—

> when there were 1,088 similar attacks with losses of $4.8 million.

It is significant to note that in 1 year's time, from 1966 to 1967, bank robberies increased 46 percent in the Nation, and the take went up 81 percent from the year before.

We are talking about crime in America today, not what happened under the Crown somewhere else. I say that, whatever happened in the past, under the Constitution as interpreted by some of the best jurists we have ever known in this country, we had less crime. A criminal could be convicted and sent to jail, where he belonged. Today it is doubtful. The insecurity as a result of Court rulings is frightening. I know that from the expressions I hear and from the way crime has tended to greatly increase since the Court started the so-called liberalization to turn everybody loose.

Mr. TALMADGE. Mr. President, will the Senator yield me 20 minutes?

Mr. McCLELLAN. I yield 20 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, the wave of lawlessness and fear that have gripped this Nation require prompt congressional action.

The Omnibus Safe Streets and Crime Control Act of 1967 is badly needed legislation that will advance national efforts to curb and control crime in the United States.

Millions of American citizens live in fear for their personal safety and the security of their families, their homes, and their businesses. The root of this fear is rampant crime in the streets.

Since 1960, the total volume of serious crimes reported in the United States has increased more than 60 percent, with violent crimes showing about a 50-percent rise, and property crimes are up about 65 percent.

Latest Federal Bureau of Investigation figures for 1967 report a 16-percent increase in serious crime over 1966. In the past 12-month period, crimes of violence rose 15 percent; robbery 27 percent; murder 12 percent; forcible rape 9 percent; and aggravated assault 8 percent.

This new crime cannot be attributed to the natural increase in U.S. population. The fact is, serious crime has been increasing at a rate almost eight times our population growth.

The recitation of these statistics may seem to be an academic exercise. But it is far from that. Crime is a grim reality for the young child who is criminally assaulted, to the corner grocer who is repeatedly robbed, to the elderly lady at the bus stop who is mugged and brutally beaten, and to thousands of other citizens who each day are victimized by vicious punks and hoodlums.

To express it in even more meaningful terms, in Washington, D.C.—in this would-be showplace of the world—four merchants were shot to death in their places of business inside a recent period of just 15 days. The fear of crime and the tragedy of crime is very real indeed to the families and loved ones of these men, just as it is to other businessmen in Washington who recently secured a full-page ad in the Washington Post to appeal for protection against criminals in the Nation's Capital.

Again, to translate these statistics into human terms, last Thursday night five public buses were held up, and one bus driver was shot and killed. City bus drivers are demanding protection, much in the same way that policemen ride shotgun on subways in some of our cities.

I cite the District of Columbia only as an example of what is being repeated in city after city across our land, and not just in our metropolitan areas but also in our supposedly safe and secure suburbs. The natural reaction of the man on the street, to what the FBI has called an avalanche of crime sweeping America, is utter shock. People ask, how does it happen, and what are we going to do about it?

We have in our country today an increasing disrespect not only for the law, but for all constituted authority. The policeman, as an instrument of the law, is scorned, ridiculed, and abused. His job is probably the most thankless in all the country. He is hamstrung by the courts, and weakened by public apathy. He is restrained by public policy, and very often set upon by mobs in the course of trying to make an arrest.

While criminal thugs roam the streets in search of a victim, our society is further plagued by another element that travels under the lofty banner of civil disobedience. These are the self-appointed judges of which laws are good and which laws are bad, and which ones ought to be obeyed and which disobeyed. These are people who make a mockery of our laws, and who believe they have a right to take to the street, and use or abuse the law as they see fit.

I concur wholeheartedly with FBI Director J. Edgar Hoover that this doctrine is very much responsible for the turmoil in our streets and for the increase of crime in America.

In attempting to get to the root of the crime problem, we must also seriously consider the effectiveness of law enforcement and judiciary systems in handling the criminal.

Unfortunately, the success of law enforcement officers in prosecuting crime is diminishing. And with it, the safety and security of our people have also greatly diminished. During the calendar year 1966, law enforcement agencies successfully solved an average of 24 percent of the serious crimes which came to their attention. This was a substantial 8 percent decline from the year before.

Contrary to the old saying, crime does pay in far too many cases.

Throughout the ages, society has assumed that the most effective deterrent to crime is knowledge on the part of the potential criminal that he will be apprehended and severely punished. It is just as true that the criminal mind derives encouragement from the knowledge or belief that his apprehension is not very likely, or that if he is caught he will be turned loose, with perhaps just a slap on the wrist.

We must also consider why law enforcement officers find it increasingly difficult to obtain convictions. It is not because police departments are inefficient. Nor is it because prosecuting attorneys are derelict in their duties.

The executive director of the International Association of Police Chiefs, Mr. Quinn Tamm, came straight to the point by declaring:

> As fast as we adapt modern technology and social concepts to police use, we find ourselves being denied the use of the simplest, basic, investigative techniques by virtue of the Supreme Court's decisions. . . .

He was referring to such landmark cases as Mallory, Escobedo, and Miranda against Arizona, with which we are all familiar. During hearings held by the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee earlier this year, witness after witness produced testimony and evidence that Miranda and similar decisions have placed a severe handicap upon our judges, prosecutors and policemen in the fight against crime.

We have more than ample evidence to support the warning that was issued by Justice White in his strong dissent when the Supreme Court handed down its 5 to 4 decision in the Miranda case in 1966. Said Justice White:

> In some unknown number of cases, the court rule will return a killer, a rapist, or other criminals to the streets or to the environment which produced him to repeat his crime whenever it pleases him.

In case after case across the country, convictions that were sound have been overturned, and criminals who have confessed to crimes, including murder, have been set free upon society. It appears that our high courts are more concerned with securing the alleged rights of criminals than with the safety and security of law-abiding citizens.

More concern is being shown for legal technicalities than with the vital issue of whether the defendant is guilty of the crime with which he is charged and whether he ought to be punished.

U.S. District Judge Alexander Holtzoff of the District of Columbia has stated:

> I must say that I sometimes feel, when I am trying a criminal case, as if I am in a topsy turvy world: I am not trying the accused, I am trying the policeman—did he break any rules? . . . The law has begun to lose sight of the rights of the public and the rights of the victim of the crime . . . I think that the way of our administration of criminal justice has recently developed, there is something radically wrong with it, and it needs correction.

I could not agree with Judge Holtzoff more. There is something radically wrong with the administration of justice. I submit that title II of the pending bill will go a long way toward correction of the situation.

Title II will give meaning to the fact that American courts are supposed to be courts of justice, and not just courts of mercy.

Because of the Miranda decision, the value of confessions in the conviction of a criminal has been minimized greatly. In fact, Miranda has virtually made voluntary confessions a thing of the past. The district attorney for the city of Philadelphia stated that the trend is toward the elimination of confessions completely. District Attorney Arlan Spectre based his warning upon a study on the effects of the Miranda decision that showed that the percentage of criminal suspects who gave statements to the police has been cut in half since the Miranda decision.

Title II of the pending bill would allow the trial judge to determine whether a confession is voluntary by examining all the circumstances surrounding the statement of the accused. Whether a confession is voluntarily rendered is a question of fact, not one of law, and it should be decided at the trial court level.

Facts which the trial court would take into account include the length of time between arrest and arraignment, whether the defendant knew the nature of the offense with which he was charged or suspected, whether he was aware that he was not required to make a statement, and whether he knew himself to be entitled to the services of counsel.

I submit that a trial judge, who is familiar with the facts of the case and the live testimony of witnesses, is better able to determine whether a confession is voluntary than an appellate court which must examine a cold record.

Another desirable feature of title II would free State courts from disruptive Federal court activity, and strengthen the State's powers to enforce their criminal laws. This is the provision to limit Federal jurisdiction to review a State's court decision regarding voluntary confessions, provided the decision had already been upheld by the highest appellate court of the State.

Mr. President, I urge the adoption of title II. It will restore some balance to our system of justice—a system which has become far too weighted in favor of the criminal.

Let us hope that it will also help counteract the lawlessness and the fear of lawlessness that plague America today.

I thank my distinguished friend from Arkansas for yielding to me, and I yield the floor.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Georgia for the very able presentation of his views on the issue now pending before the Senate.

It is very gratifying to know that the Senator is supporting the decision the Senate Judiciary Committee has taken in reporting the measure, and particularly with respect to title II that deals with confessions and would undertake to establish a just rule for the admission of voluntary confessions—a rule that would return to reason the procedures required in criminal cases where a confession or incriminating statement is offered in evidence.

Mr. President, I am glad to yield 10 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. HOLLINGS. Mr. President, crime in the United States today has reached such phenomenal proportions that the peace and security of our citizenry is seriously threatened. The latest figures from the files of the FBI reveal that a serious crime—murder, forcible rape, aggravated assault, robbery, burglary, larceny, and auto theft—occurs every 6 minutes in this country. One murder is committed every 48 minutes, a forcible rape occurs every 21 minutes, an aggravated assault occurs every 2 minutes, one robbery occurs every 3½ minutes, a burglary occurs every 23 seconds, a larceny occurs every 35 seconds, and there is one auto theft every 57 seconds. For the last reported year property worth more than $1.2 billion was lost by robbery, larceny, and auto theft. There were more than 6,500 murders and 43,500 aggravated assaults against innocent citizens of our land.

These statistics are staggering to the imagination. It is almost inconceivable that this amount of crime and lawlessness exists in our country.

What is responsible for this? Who is to blame? These are questions being asked on every hand today. There is no easy answer. In a sense, we are all to blame—every man, woman, and child in America.

But there is yet a far more important question. What are we going to do about this problem—a problem that our national leaders proclaim as the No. 1 domestic problem of our Nation—the problem of crime and lawlessness. Seventy-five percent of the Governors of our States responded to a White House inquiry in February of this year that, of all the problems faced by them and their States, law enforcement was the gravest and most crucial problem. Something must be done to reverse this present trend of lawlessness or else we will, in a very short while, be in the grips of anarchy and chaos.

Title I of the bill before us is a first step in the right direction to curb this problem by providing much needed financial assistance to our police departments to strengthen and improve law enforcement throughout the Nation.

Title II is a most crucial piece of legislation directed towards returning our system of criminal justice to the rule of reason in admitting into evidence voluntary confessions.

Justice Frankfurter said years ago "the bite of the law is in its enforcement." But with 87 out of every 100 offenders in our country going free and escaping any punishment, the criminal knows there is very little bite to the law today. No longer can it be said that crime does not pay when there is now only a 13 percent chance that an offender will be caught and punished and the criminal knows this. There is no questioning the fact that the recent decisions of the Supreme Court have contributed greatly to this problem. The greatest of all deterrents of crime—the likely prospect of apprehension, prosecution, conviction, and just punishment of the offender—has been so weakened and impaired that it no longer is having much force or effect.

The problems in police procedure created by the exclusionary rules laid down in the *Miranda* case, 384 U.S. 436 (1966) are contributing to this crime problem. Prior to this decision the police were getting statements in some 80 out of every 100 cases, but following Miranda suspects made statements in only 41 percent of the cases. Often these statements were not incriminating on their face, but served very valuable purposes in investigating crime. The record is replete with sufficient data to convince any right thinking person that this and other Supreme Court decisions has greatly retarded the solution of crime.

Commissioner David H. Pine, of the President's Crime Commission in the District of Columbia in the Commission's report of 1966, stated:

> Crime increases when the law enforcement process is lax and uncertain. This premise . . . is axiomatic. Law violations must follow and be encouraged by loopholes and technicalities in the judicial process (p. 889).

And it is just these technicalities required of our police officials that result in self-confessed murders, rapists, arsonists, muggers and thieves being released back upon an unprotected and innocent society.

Title II returns us to the historical rule of reason in admitting into evidence confessions when voluntarily made. Any money that the Congress appropriates to strengthen law enforcement across the country will be wasted unless we also enact legislation to get the criminals off the streets and into the jails where they belong.

Mr. President, our distinguished colleague, the Senator from Maryland, cited quite a bit of the English common law. A moment ago the distinguished Senator from Arkansas pointed out the decision of Culombe against Connecticut, of some 6 years vintage. In Miranda against Arizona, of less than 2 years vintage, Justice White in his dissenting opinion said:

> As for the English authorities and the common-law history, the privilege, firmly established in the second half of the 17th century, was never applied except to prohibit compelled judicial interrogations.

Citing further from the dissenting opinion of Mr. Justice Harlan, joined in by Justice Stewart and Justice White:

> I believe the decision of the court represents poor constitutional law and entails harmful consequences for the country at large.

This has obviously been the result of the Miranda decison. And what is being attempted here in title II of the pending bill is to put the law back where it was 6 years ago in Culombe against Connecticut, or, more specifically that four Justices of the Supreme Court found to be constitutional in dissenting opinions of Miranda.

Mr. President, I ask unanimous consent that the dissenting opinions of Justices Clark, Harlan, and White be printed at this point in the RECORD in their entirety.

There being no objection, the dissenting opinions were ordered to be printed in the RECORD, as follows:

[June 13, 1966]

MR. JUSTICE CLARK, dissenting in Nos. 759, 760, and 761, and concurring in result No. 584.

It is with regret that I find it necessary to write in these cases. However, I am unable to join the majority because its opinion goes too far on too little, while my dissenting brethren do not go quite far enough. Nor can I agree with the Court's criticism of the present practices of police and investigatory agencies as to custodial interrogation. The materials it refers to as "police manuals"[1] are as I read them, merely writings in this field by professors and some police officers. Not one is shown by the record here to be the official manual of any police department, much less in universal use in crime detection. Moreover, the examples of police brutality mentioned by the Court are rare exceptions to the thousands of cases that appear every year in the law reports.[2] The police agencies—all the way from municipal and state forces to the federal bureaus—are responsible for law enforcement and public safety in this country. I am proud of their efforts, which in my view are not fairly characterized by the Court's opinion.

I

The *ipse dixit* of the majority has no support in our cases. Indeed, the Court admits that "we might not find the defendants' statements [here] to have been involuntary in traditional terms." *Ante*, p. ——. In short, the Court, has added more to the requirements that the accused is entitled to consult with his lawyer and that he must be given the traditional warning that he may remain silent and that anything that he says may be used against him. *Escobedo* v. *Illinois*, 378 U.S. 478, 400–491 (1964). Now, the Court fashions a constitutional rule that the police may engage in no custodial interrogation without additionally advising the accused that he has a right under the Fifth Amendment to the presence of counsel during interrogation and that, if he is without funds, that counsel will be furnished him. When at any point during an interrogation the accused seeks affirmatively or impliedly to invoke his rights to silence or counsel, interrogation must be foregone or postponed. The Court further holds that failure to follow the new procedures requires inexorably the exclusion of any statement by the accused, as well as the fruits thereof. Such a strict constitutional specific inserted at the nerve center of crime detection may well kill the patient.[3] Since there is at this time a paucity of information and an almost total lack of empirical knowledge on the practical operation of requirements, truly comparable to those announced by the majority, I would be more restrained lest we go too far too fast.

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[1] *E.g.*, Inbau and Reid, Criminal Interrogation and Confessions (1962); O'Hara Fundamentals of Criminal Interrogation (1956); Dienstein, Technics for the Crime Investigator (1952); Mulbar, Interrogation (1951); Kidd, Police Interrogation (1940).

[2] As developed by my Brother HARLAN, *post*, pp. ——, ——, such cases, with the exception of the long-discredited decision in *Braum* v. *United States*, 168 U.S. 532 (1897), were adequately treated in terms of due process.

[3] The Court points to England, Scotland, Ceylon and India as having equally rigid rules. As my Brother HARLAN points out, *post*, pp. ——, ——, the Court is mistaken in this regard, for it overlooks counterbalancing

Constitution has prescribed its holding and where the light of our past cases, from *Hopt* v. *Utah*, 110 U.S. 574, (1884), down to *Haynes* v. *Washington, supra*,

II

Custodial interrogation has long been recognized as "undoubtedly an essential tool in effective law enforcement." *Haynes* v. *Washington*, 373 U.S. 503, 515 (1963). Recognition of this fact should put us on guard against the promulgation of doctrine rules. Especially is this true where the Court finds that "the * * * are to the contrary. Indeed, even in *Escobedo* the Court never hinted that an affirmative "waiver" was a prerequisite to questioning; that the burden of proof as to waiver was on the prosecution; that the presence of counsel—absent a waiver—during interrogation was required; that a waiver can be withdrawn at the will of the accused; that counsel must be furnished during an accusatory stage to those unable to pay; nor that admissions and exculpatory statements are "confessions." To require all those things at one gulp should cause the Court to choke over more cases than *Crooker* v. *California*, 357 U.S. 433 (1958) and *Cicernia* v. *Lagay*, 357 U.S. 504 (1958), which it expressly overrules today.

The rule prior to today—as Mr. Justice Goldberg, the author of the Court's opinion in *Escobedo*, stated it in *Haynes* v. *Washington*—depended upon "a totality of circumstances evidencing an involuntary . . . admission of guilt." 373 U.S. at 514. And he concluded:

"Of course, detection and solution of crime is, at best, a difficult and arduous task requiring determination and persistence on the part of all responsible officers charged with the duty of law enforcement. And, certainly, we do not mean to suggest that all interrogation of witnesses and suspects is impermissible. Such questioning is undoubtedly an essential tool in effective law enforcement. The line between proper and permissible police conduct and techniques and methods offensive to due process is, at best, a difficult one to draw, particularly in cases such as this where it is necessary to make fine judgments as to the effective of psychological coercive pressures and inducement on the mind and will of an accused. . . . We are here impelled to the conclusion, from all of the facts presented, that the bounds of due process have been exceeded." *Id.*, at 515.

III

I would continue to follow that rule. Under the "totality of circumstances" rule of which my Brother Goldberg spoke in *Haynes*, I would consider in each case whether the police officer prior to custodial interrogation added the warning that the suspect might have counsel present at the interrogation and, further, that a court would appoint one at his request if he was too poor to employ counsel. In the absence of warnings, the burden would be on the State to prove that counsel was knowingly and intelligently waived or that in the totality of the circumstances, including the failure to give the necessary warnings, the confession was clearly voluntary.

Rather than employing the arbitrary Fifth Amendment rule [4] which the Court lays down I would follow the more pliable dictates of Due Process Clauses of the Fifth and Fourteenth Amendments which we are accustomed to administering and which we know from our cases are effective instruments in protecting persons in police custody. In this way we would not be acting in the dark nor in one full sweep changing the traditional rules of custodial interrogation which this Court has for so long recognized as a justifiable and proper tool in balancing individual rights against the rights of society. It will be soon enough to go further when we are able to appraise with somewhat better accuracy the effect of such a holding.

I would affirm the convictions in *Miranda* v. *Arizona*, No. 759; *Vignera* v. *New York*, No. 760; and *Westover* v. *United States*, No. 761. In each of those cases I find from the circumstances no warrant for reversal. In *California* v. *Stewart*, No. 584, I would dismiss the writ of certiorari for want of a final judgment, 28 U.S.C. § 1257 (3) (1964); but if the merits are to be reached I would affirm on the ground that the State failed to fulfill its burden, in the absence of a showing that appropriate warnings were given, of proving a waiver or a totality of circumstances showing voluntariness. Should there be a retrial, I would leave the State free to attempt to prove these elements.

[June 13, 1966]

Mr. Justice Harlan, whom Mr. Justice Stewart and Mr. Justice White join, dissenting.

I believe the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large. How serious these consequences may prove to be only time can tell. But the basic flaws in the Court's justification seem to me readily apparent now once all sides of the problem are considered.

I. INTRODUCTION

At the outset, it is well to note exactly what is required by the Court's new constitutional code of rules for confessions. The foremost requirement, upon which later admissibility of a confession depends, is that a fourfold warning be given to a person in custody before he is questioned: namely, that he has a right to remain silent, that anything he says may be used against him, that he has a right to have present an attorney during the questioning, and that if indigent he has a right to a lawyer without charge. To forgo these rights, some affirmative statement of rejection is seemingly required, and threats, tricks, or cajolings to obtain this waiver are forbidden. If before or during questioning the suspect seeks to invoke his right to remain silent, interrogation must be forgone or cease; a request for counsel brings about the same result until a lawyer is procured. Finally, there are a miscellany of minor directives, for example, the burden of proof of waiver is on the State, admissions and exculpatory statements are treated just like confessions, withdrawal of a waiver is always permitted, and so forth.[1]

While the fine points of this scheme are far less clear than the Court admits, the tenor is quite apparent. The new rules are not designed to guard against police brutality or other unmistakably banned forms of coercion. Those who use third-degree tactics and deny them in court are equally able and destined to lie as skillfully about warnings and waivers. Rather, the thrust of the new rules is to negate all pressures, to reinforce the nervous or ignorant suspect, and ultimately to discourage any confession at all. The aim in short is toward "voluntariness" in a utopian sense, or to view it from a different angle, voluntariness with a vengeance.

To incorporate this notion into the Constitution requires a strained reading of history and precedent and a disregard of the very pragmatic concerns that alone may on occasion justify such strains. I believe that reasoned examination will show that the Due Process Clauses provide an adequate tool for coping with confessions and that, even if the Fifth Amendment privilege against self-incrimination be invoked, its precedents taken as a whole do not sustain the present rules. Viewed as a choice based on pure policy, these new rules prove to be a highly debatable if not one-sided appraisal of the competing interests, imposed over widespread objections, at the very time when judicial restraint is most called for by the circumstances.

II. CONSTITUTIONAL PREMISES

It is most fitting to begin an inquiry into the constitutional precedents by surveying the limits on confessions the Court has evolved under the Due Process Clause of the Fourteenth Amendment. This is so because these cases show that there exists a workable and effective means of dealing with confessions in a judicial manner; because the cases are the baseline from which the Court now departs and so serve to measure the actual as opposed to the professed distance it travels; and because examination of them helps reveal how the Court has coasted into its present position.

The earliest confession cases in this Court emerged from federal prosecutions and were settled on a nonconstitutional basis, the Court adopting the common-law rule that the absence of inducements, promises, and threats made a confession voluntary and admissible. *Hopt.* v. *Utah*, 110 U.S. 574; *Pierce* v. *United States*, 160 U.S. 355. While a later case said the Fifth Amendment privilege controlled admissibility, this proposition was not itself developed in subsequent decisions.[2]

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prosecutorial advantages. Moreover, the requirements of the Federal Bureau of Investigation do not appear from the Solicitor General's letter, *ante*, pp. ——, ——, to be as strict as those imposed today in at least two respects: (1) The offer of counsel is articulated only as "a right to counsel"; nothing is said about a right to have counsel present at the custodial interrogation. (See also the examples cited by the Solicitor General, *Westover* v. *United States*, 342 F. 2d 684, 685 (1965) ("right to consult counsel"); *Jackson* v. *United States*, 337 F. 2d 136, 138 (1964) (accused "entitled to an attorney").) Indeed, the practice is that whenever the suspect "decides that he wishes to consult counsel before making a statement, the interview is terminated at that point . . . . When counsel appears in person, he is permitted to confer with his client in private." This clearly indicates that the FBI does not warn that counsel may be present during custodial interrogation. (2) The Solicitor General's letter states: "[T]hose who have been arrested for an offense under FBI jurisdiction, or whose arrest is contemplated following the interview, [are advised] of a right to free counsel *if* they are unable to pay, and the availability of such counsel from the Judge." So phrased, this warning does not indicate that the agent will secure counsel. Rather, the statement may well be interpreted by the suspect to mean that the burden is placed upon himself and that he may have counsel appointed only when brought before the judge or at trial—but not at custodial interrogation. As I view the FBI practice, it is not as broad as the one laid down today by the Court.

[4] In my view there is "no significant support" in our cases for the holding of the Court today that the Fifth Amendment privilege, in effect, forbids custodial interrogation. For a discussion of this point see the dissenting opinion by my Brother White, *post*, pp. ——, ——.

[1] My discussion in this opinion is directed to the main questions decided by the Court and necessary to its decision; in ignoring some of the collateral points, I do not mean to imply agreement.

[2] The case was *Bram* v. *United States*, 168 U.S. 532 (quoted, *ante*, p. 23). Its historical premises were afterwards disproved by Wigmore, who concluded "that no assertions

The Court did, however, heighten the test of admissibility in federal trials to one of voluntariness "in fact," *Wan* v. *United States*, 266 U.S. 1, 14 (quoted, *ante*, p. 24), and then by and large left federal judges to apply the same standards the Court began to derive in a string of state court cases.

This new line of decisions, testing admissibility by the Due Process Clause, began in 1936 with *Brown* v. *Mississippi*, 297 U.S. 278, and must now embrace somewhat more than 30 full opinions of the Court.[3] While the voluntariness rubric was repeated in many instances, *e.g.*, *Lyons* v. *Oklahoma*, 322 U.S. 596, the Court never pinned it down to a single meaning but on the contrary infused it with a number of different values. To travel quickly over the main themes, there was an initial emphasis on reliability, *e.g.*, *Ward* v. *Texas*, 316 U.S. 547, supplemented by concern over the legality and fairness of the police practices, *e.g.*, *Ashcraft* v. *Tennessee*, 322 U.S. 143, in an "accusatorial" system of law enforcement, *Watts* v. *Indiana*, 338 U.S. 49, 54, and eventually by close attention to the individual's state of mind and capacity for effective choice, *e.g.*, *Gallegos* v. *Colorado*, 370 U.S. 49. The outcome was a continuing re-evaluation on the facts of each case of *how much* pressure on the suspect was permissible.[4]

Among the criteria often taken into account were threats or imminent danger, *e.g.*, *Payne* v. *Arkansas*, 356 U.S. 560, physical deprivations such as lack of sleep or food, *e.g.*, *Reck* v. *Pate*, 367 U.S. 433, repeated or extended interrogation, *e.g.*, *Chambers* v. *Florida*, 309 U.S. 227, limits on access to counsel or friends, *Crooker* v. *California*, 357 U.S. 433; *Cicenia* v. *Lagay*, 357 U.S. 504, length and illegality of detention under state law, *e.g.*, *Haynes* v. *Washington*, 373 U.S. 503, and individual weakness or incapacities, *Lynumn* v. *Illinois*, 372 U.S. 528. Apart from direct physical coercion, however, no single default or fixed combination of them guaranteed exclusion, and synopses of the cases would serve little use because the overall gauge has been steadily changing, usually in the direction of restricting admissibility. But to mark just what point had been reached before the Court jumped the rails in *Escobedo* v. *Illinois*, 378 U.S. 478, it is worth capsulizing the then-recent case of *Haynes* v. *Washington*, 373 U.S. 573. There, Haynes had been held some 16 or more hours in violation of state law before signing the disputed confession, had received no warnings of any kind, and despite requests had been refused access to his wife or to counsel, the police indicating that access would be allowed after a confession. Emphasizing especially this last inducement and rejecting some contrary indicia of voluntariness, the Court in a 5-to-4 decision held the confession inadmissible.

There are several relevant lessons to be drawn from this constitutional history. The first is that with over 25 years of precedent the Court has developed an elaborate, sophisticated, and sensitive approach to admissibility of confessions. It is "judicial" in its treatment of one case at a time, see *Culombe* v. *Connecticut*, 367 U.S. 568, 635 (concurring opinion of THE CHIEF JUSTICE), flexible in its ability to respond to the endless mutations of fact presented, and ever more familiar to the lower courts. Of course, strict certainty is not obtained in this developing process, but this is often so with constitutional principles, and disagreement is usually confined to that borderland of close cases where it matters least.

The second point is that in practice and from time to time in principle, the Court has given ample recognition to society's interest in suspect questioning as an instrument of law enforcement. Cases countenancing quite significant pressures can be cited without difficulty,[5] and the lower courts may often have been yet more tolerant. Of course the limitations imposed today were rejected by necessary implication in case after case, the right to warning having been explicitly rebuffed in this Court many years ago. *Powers* v. *United States*, 223 U.S. 303; *Wilson* v. *United States*, 162 U.S. 613. As recently as *Haynes* v. *Washington*, 373 U.S. 503, 515, the Court openly acknowledged that questioning of witnesses and suspects "is undoubtedly an essential tool in effective law enforcement." Accord, *Crooker* v. *California*, 357 U.S. 433, 441.

Finally, the cases disclose that the language in many of the opinions overstates the actual course of decision. It has been said, for example, that an admissible confession must be made by the suspect "in the unfettered exercise of his own will," *Malloy* v. *Hogan*, 378 U.S. 1, 8, and that "a prisoner is not 'to be made the deluded instrument of his own conviction,'" *Culombe* v. *Connecticut*, 367 U.S. 568, 581 (Frankfurter, J., announcing the Court's judgment and an opinion). Though often repeated, such principles are rarely observed in full measure. Even the word "voluntary" may be deemed somewhat misleading, especially when one considers many of the confessions that have been brought under its umbrella. See, *e.g.*, *supra*, n. 5. The tendency to overstate may be laid in part to the flagrant facts often before the Court; but in all events one must recognize how it has tempered attitudes and lent some color of authority to the approach now taken by the Court.

I turn now to the Court's asserted reliance on the Fifth Amendment, an approach which I frankly regard as a *trompe l'oeil*. The Court's opinion in my view reveals no adequate basis for extending the Fifth Amendment privilege against self-incrimination to the police station. Far more important, it fails to show that the Court's new rules are well supported, let alone compelled, by Fifth Amendment precedents. Instead, the new rules actually derive from quotation and analogy drawn from precedents under the Sixth Amendment, which should properly have no bearing on police interrogation.

The Court's opening contention, that the Fifth Amendment governs police station confessions, is perhaps not an impermissible extension of the law but it has little to commend itself in the present circumstances. Historically, the privilege against self-incrimination did not bear at all on the use of extra-legal confessions, for which distinct standards evolved; indeed, "the *history* of the two principles is wide apart, differing by one hundred years in origin, and derived through separate lines of precedents . . . ." 8 Wigmore, Evidence § 2266, at 401 (McNaughton rev. 1961). Practice under the two doctrines has also differed in a number of important respects.[6] Even those who would readily enlarge the privilege must concede some linguistic difficulties since the Fifth Amendment in terms proscribes only compelling any person "in any criminal case to be a witness against himself." Cf. Kamisar, Equal Justice in The Gatehouses and Mansions of American Criminal Procedure, in Criminal Justice in Our Time 25–26 (1965).

Though weighty, I do not say these points and similar ones are conclusive, for as the Court reiterates the privilege embodies basic principles always capable of expansion.[7] Certainly the privilege does represent a protective concern for the accused and an emphasis upon accusatorial rather than inquisitorial values in law enforcement, although this is similarly true of other limitations such as the grand jury requirement and the reasonable doubt standard. Accusatorial values, however, have openly been absorbed into the due process standard governing confessions; this indeed is why at present "the kinship of the two rules [governing confessions and self-incrimination] is too apparent for denial." McCormick, Evidence 155 (1954). Since extension of the general principle has already occurred, to insist that the privilege applies as such serves only to carry over inapposite historical details and engaging rhetoric and to obscure the policy choices to be made in regulating confessions.

Having decided that the Fifth Amendment privilege does apply in the police station, the Court reveals that the privilege imposes more exacting restrictions than does the Fourteenth Amendment's voluntariness test.[8] It then emerges from a discussion of *Escobedo* that the Fifth Amendment requires for an admissible confession that it be given by one distinctly aware of his right not to speak and shielded from "the compelling atmosphere" of interrogation. See *ante*, pp. 27–28. From these key premises, the Court finally develops the safeguards of warning, counsel,

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could be more unfounded." 3 Wigmore, Evidence § 823, at 250, n. 5 (3d ed. 1940). The Court in *United States* v. *Carignan*, 342 U.S. 36, 41, declined to choose between *Bram* and *Wigmore*, and *Stein* v. *New York*, 346 U.S. 156, 191, n. 35, cast further doubt on *Bram*. There are, however, several Court opinions which assume in dicta the relevance of the Fifth Amendment privilege to confessions. *Burdeau* v. *McDowell*, 256 U.S. 465, 475 see *Sotwell Mfg. Co.* v. *United States*, 371 U.S. 341, 347. On *Bram* and the federal confession cases generally, see Developments in the Law—Confessions, 79 Harv. L. Rev. 935, 959–961 (1966).

[3] Comment, 31 U. Chi. L. Rev. 313 & n. 1 (1964), states that by the 1963 Term 33 state coerced confession cases had been decided by this Court, apart from *per curiams*. *Spano* v. *New York*, 360 U.S. 315, 321, n. 2, collects 28 cases.

[4] Bator & Vorenberg, Arrest, Detention, Interrogation and the Right to Counsel, 66 Col. L. Rev. 62, 73 (1966): "In fact, the concept of involuntariness seems to be used by the courts as a shorthand to refer to practices which are repellent to civilized standards of decency or which, under the circumstances, are thought to apply a degree of pressure to an individual which unfairly impairs his capacity to make a rational choice." See Herman, The Supreme Court and Restrictions on Police Interrogation, 25 Ohio St. L. J. 449, 452–458 (1964); Developments, supra, n. 2, at 964–984.

[5] See the cases synopsized in Herman, *supra*, n. 4, at 456, nn. 36–39. One not too distant example is *Stroble* v. *California*, 343 U.S. 181, in which the suspect was kicked and threatened after his arrest, questioned a little later for two hours, and isolated from a lawyer trying to see him; the resulting confession was held admissible.

[6] Among the examples given in 8 Wigmore, Evidence § 2266, at 401 (McNaughton rev. 1961), are these: privilege applies to any witness, civil or criminal, but the confession rule protects only criminal defendants; the privilege deals only with compulsion, while the confession rule may exclude statements obtained by trick or promise; and where the privilege has been nullified—as by the English Bankruptcy Act—the confession rule may still operate

[7] Additionally, there are precedents and even historical arguments that can be arrayed in favor of bringing extra-legal questioning within the privilege. See generally Maguire, Evidence of Guilt § 2.03, at 15–16 (1959).

[8] This, of course, is implicit in the Court's introductory announcement that "[o]ur decision in *Malloy* v. *Hogan*, 378 U.S. 1 (1964) [extending the Fifth Amendment privilege to the States] necessitates an examination of the scope of the privilege in state cases as well." *Ante*, p. 25. It is also inconsistent with *Malloy* itself, in which extension of the Fifth Amendment to the States rested in part on the view that the Due Process Clause restriction on state confessions has in recent years been "the same standard" as that imposed in federal prosecutions assertedly by the Fifth Amendment, 378 U.S. at 7.

and so forth. I do not believe these premises are sustained by precedents under the Fifth Amendment.[9]

The more important premise is that pressure on the suspect must be eliminated though it be only the subtle influence of the atmosphere and surroundings. The Fifth Amendment, however, has never been thought to forbid *all* pressure to incriminate one's self in the situations covered by it. On the contrary, it has been held that failure to incriminate one's self can result in denial of removal of one's case from state to federal court, *Maryland* v. *Soper*, 270 U.S. 9; in refusal of a military commission, *Orloff* v. *Willoughby*, 345 U.S. 83; in denial of a discharge in bankruptcy, *Kaufman* v. *Hurwitz*, 176 F. 2d 210; and numerous other adverse consequences. See 8 Wigmore, Evidence § 2272, at 440–444, n. 17 (McNaughton rev. 1961); Maguire, Evidence of Guilt § 2.062 (1959). This is not to say that short of jail or torture any sanction is permissible in any case; policy and history alike may impose sharp limits. See, *e.g.*, *Griffin* v. *California*, 380 U.S. 609. However, the Court's unspoken assumption that *any* pressure violates the privilege is not supported by the precedents and it has failed to show why the Fifth Amendment prohibits that relatively mild pressure the Due Process Clause permits.

The Court appears similarly wrong in thinking that precise knowledge of one's rights is a settled prerequisite under the Fifth Amendment to the loss of its protections. A number of lower federal court cases have held that grand jury witnesses need not always be warned of their privilege, *e.g.*, *United States* v. *Scully*, 225 F. 2d 113, 116, and Wigmore states this to be the better rule for trial witnesses. See 8 Wigmore, Evidence § 2269 (McNaughton rev. 1961). Cf. *Henry* v. *Mississippi*, 379 U.S. 443, 451–452 waiver of constitutional rights by counsel despite defendant's ignorance held allowable). No Fifth Amendment precedent is cited for the Court's contrary view. There might of course be reasons apart from Fifth Amendment precedent for requiring warning or any other safeguard on questioning but that is a different matter entirely. See *infra*, pp. 13–15.

A closing word must be said about the Assistance of Counsel Clause of the Sixth Amendment, which is never expressly relied on by the Court but whose judicial precedents turn out to be linchpins of the confesson rules announced today. To support its requirement of a knowing and intelligent waiver, the Court cites to *Johnson* v. *Zerbst*, 304 U.S. 458, *ante*, p. 37; appointment of counsel for the indigent suspect is tied to *Gideon* v. *Wainwright*, 372 U.S. 335, and *Douglas* v. *Calif~rnia*, 372 U.S. 353, *ante*, p. 35; the silent-record doctrine is borrowed from *Carnley* v. *Cochran*, 369 U.S. 506, *ante*, p. 37, as is the right to an express offer to counsel, *ante*, p. 33. All of these cases imparting glosses to the Sixth Amendment concerned counsel at trial or on appeal. While the Court finds no pertinent difference between judicial proceedings and police interrogation. I believe the differences are so vast as to disqualify wholly the Sixth Amendment precedents as suitable analogies in the present cases.[10]

The only attempt in this Court to carry the right to counsel into the station house occurred in *Escobedo*, the Court repeating several times that that stage was no less "critical" than trial itself. See 378 U.S. 485–488. This is hardly persuasive when we consider that a grand jury inquiry, the filing of a certiorari petition, and certainly the purchase of narcotics by an undercover agent from a prospective defendant may all be equally "critical" yet provision of counsel and advice on that score have never been thought compelled by the Constitution in such cases. The sound reason why this right is so freely extended for a criminal trial is the severe injustice risked by confronting an untrained defendant with a range of technical points of law, evidence, and tactics familiar to the prosecutor but not to himself. This danger shrinks markedly in the police station where indeed the lawyer in fulfilling his professional responsibilities of necessity may become an obstacle to truthfinding. See *infra*, n. 12. The Court's summary citation of the Sixth Amendment cases here seems to me best described as "the domino method of constitutional adjudication . . . wherein every explanatory statement in a previous opinion is made the basis for extension to a wholly different situation." Friendly, *supra*, n. 10, at 950.

III. POLICY CONSIDERATIONS

Examined as an expression of public policy, the Court's new regime proves so dubious that there can be no due compensation for its weakness in constitutional law. Foregoing discussion has shown, I think, how mistaken is the Court in implying that the Constitution has struck the balance in favor of the approach the Court takes. *Ante*, p. 41. Rather, precedent reveals that the Fourteenth Amendment in practice has been construed to strike a different balance, that the Fifth Amendment gives the Court little solid support in this context, and that the Sixth Amendment should have no bearing at all. Legal history has been stretched before to satisfy deep needs of society. In this instance, however, the Court has not and cannot make the powerful showing that its new rules are plainly desirable in the context of our society, something which is surely demanded before those rules are engrafted onto the Constitution and imposed on every State and county in the land.

Without at all subscribing to the generally black picture of police conduct painted by the Court. I think it must be frankly recognized at the outset that police questioning allowable under due process precedents may inherently entail some pressure on the suspect and may seek advantage in his ignorance or weaknesses. The atmosphere and questioning techniques, proper and fair though they be, can in themselves exert a tug on the suspect to confess, and in this light "[t]o speak of any confessions of crime made after arrest as being 'voluntary' or 'uncoerced' is somewhat inaccurate, although traditional. A confession is wholly and incontestably voluntary only if a guilty person gives himself up to the law and becomes his own accuser." *Ashcraft* v. *Tennessee*, 322 U.S. 143, 161 (Jackson, J., dissenting). Until today, the role of the Constitution has been only to sift out *undue* pressure, not to assure spontaneous confessions.[11]

The Court's new rules aim to offset these minor pressures and disadvantages intrinsic to any kind of police interrogation. The rules do not serve due process interests in preventing blatant coercion since, as I noted earlier, they do nothing to contain the policeman who is prepared to lie from the start. The rules work for reliability in confessions almost only in the Pickwickian sense that they can prevent some from being given at all.[12] In short, the benefit of this new regime is simply to lessen or wipe out the inherent compulsion and inequalities to which the Court devotes some nine pages of description. *Ante*, pp. 10–18.

What the Court largely ignores is that its rules impair, if they will not eventually serve wholly to frustrate, an instrument of law enforcement that has long and quite reasonably been though worth the price paid for it.[13] There can be little doubt that the Court's new code would markedly decrease the number of confessions. To warn the suspect that he may remain silent and remind him that his confession may be used in court are minor obstructions. To require also an express waiver by the suspect and an end to questioning whenever he demurs must heavily handicap questioning. And to suggest or provide counsel for the suspect simply invites the end of the interrogation. See, *supra*, n. 12.

How much harm this decision will inflict on law enforcement cannot fairly be predicted with accuracy. Evidence on the role of confessions is notoriously incomplete, see Developments, *supra*, n. 2, at 941–944, and little is added by the Court's reference to the FBI experience and the resources believed wasted in interrogation. See *infra*, n. 19, and text. We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control,[14] and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation.

While passing over the costs and risks of its experiment, the Court portrays the evils of normal police questioning in terms which I think are exaggerated. Albeit stringently confined by the due process standards interrogation is no doubt often inconvenient and unpleasant for the suspect. However, it is no less so for a man to be arrested and jailed, to have his house searched, or to stand trial in court, let all this may properly happen to the most innocent given probable cause, a warrant, or an indictment. Society has always paid a stiff price for law and order, and peaceful interrogation is not one of the dark moments of the law.

This brief statement of the competing considerations seems to me ample proof that the Court's preference is highly debatable at best and therefore not to be read into the Constitution. However, it may make the analysis more graphic to consider the actual facts of one of the four cases reversed by the Court. *Miranda* v. *Arizona* serves best, being neither the hardest nor easiest of the four under the Court's standards.[15]

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[9] I lay aside *Escobedo* itself; it contains no reasoning or even general conclusions addressed to the Fifth Amendment and indeed its citation in this regard seems surprising in view of *Escobedo's* primary reliance on the Sixth Amendment.

[10] Since the Court conspicously does not assert that the Sixth Amendment itself warrants its new police-interrogation rules, there is no reason now to draw out the extremely powerful historical and precedential evidence that the Amendment will bear no such meaning. See generally Friendly, The Bill of Rights as a Code of Criminal Procedure, 53 Calif. L Rev. 929, 943–948 (1965).

[11] See *supra*, n. 4, and text. Of course, the use of terms like voluntariness involves questions of law and terminology quite as much as questions of fact. See *Collins* v. *Beto*, 348 F. 2d 823, 832 (concurring opinion); Bator & Vorenberg, *supra*, n. 4, at 72–73.

[12] The Court's vision of a lawyer "mitigat[ing] the dangers of untrustworthiness" (*ante*, p. 32) by witnessing coercion and assisting accuracy in the confession is largely a fancy; for if counsel arrives, there is rarely going to be a police station confession. *Watts* v. *Indiana*, 338 U.S. 49, 59 (separate opinion of Jackson, J.): "[A]ny lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances." See Enker & Elsen, Counsel for the Suspect, 49 Minn. L. Rev. 47–66–68 (1964).

[13] This need is, of course, what makes so misleading the Court's comparison of a probate judge readily setting aside as involuntary the will of an old lady badgered and beleaguered by the new heirs. *Ante*, pp. 19–20, n. 26. With wills, there is no public interest save in a totally free choice; with confessions, the solution of crime is a countervailing gain, however the balance is resolved.

[14] See, *e.g.*, the voluminous citations to congressional committee testimony and other sources collected in *Culombe* v. *Connecticut*, 367 U.S. 568, 578–579 (Frankfurter, J., announcing the Court's judgment and opinion).

On March 3, 1963, an 18-year-old girl was kidnapped and forcibly raped near Phoenix, Arizona. Ten days later, on the morning of March 13, petitioner Miranda was arrested and taken to the police station. At this time Miranda was 23 years old, indigent and educated to the extent of completing half the ninth grade. He had "an emotional illness" of the schizophrenic type, according to the doctor who eventually examined him; the doctor's report also stated that Miranda was "alert and oriented as to time, place, and person," intelligent within normal limits, competent to stand trial, and sane within the legal definition. At the police station, the victim picked Miranda out of a lineup, and two officers then took him into a separate room to interrogate him, starting about 11:30 a.m. Though at first denying his guilt, within a short time Miranda gave a detailed oral confession and then wrote out in his own hand and signed a brief statement admitting and describing the crime. All this was accomplished in two hours or less without any force, threats or promises and—I will assume this though the record is uncertain, *ante*, 53–54 & nn. 66–67—without any effective warnings at all.

Miranda's oral and written confessions are now held inadmissible under the Court's new rules. One is entitled to feel astonished that the Constitution can be read to produce this result. These confessions were obtained during brief, daytime questioning conducted by two officers and unmarked by any of the traditional indicia of coercion. They assured a conviction for a brutal and unsettling crime, for which the police had and quite possibly could obtain little evidence other than the victim's identifications, evidence which is frequently unreliable. There was, in sum, a legitimate purpose, no perceptible unfairness, and certainly little risk of unjustice in the interrogation. Yet the resulting confessions, and the responsible course of police practice they represent, are to be sacrificed to the Court's own finespun conception of fairness which I seriously doubt is shared by many thinking citizens in this country.[16]

The tenor of judicial opinion also falls well short of supporting the Court's new approach. Although *Escobedo* has widely been interpreted as an open invitation to lower courts to rewrite the law of confessions, a significant heavy majority of the state and federal decisions in point have sought quite narrow interpretations.[17] Of the courts that have accepted the invitation, it is hard to know how many have felt compelled by their best guess as to this Court's likely construction; but none of the state decisions saw fit to rely on the state privilege against self-incrimination, and no decision at all has gone as far as this Court goes today.[18]

It is also instructive to compare the attitude in this case of those responsible for law enforcement with the official views that existed when the Court undertook three major revisions of prosecutorial practice prior to this case, *Johnson* v. *Zerbst*, 304 U.S. 458, *Mapp* v. *Ohio*, 367 U.S. 643, and *Gideon* v. *Wainwright* 372 U.S. 335. In *Johnson*, which established that appointed counsel must be offered the indigent in federal criminal trials, the Federal Government all but conceded the basic issue, which had in fact been recently fixed as Department of Justice policy. See Beany, Right to Counsel 29–30, 36–42 (1955). In *Mapp*, which imposed the exclusionary rule on the States for Fourth Amendment violations more than half of the States had themselves already adopted some such rule. See 367 U.S., at 651. In *Gideon*, which extended *Johnson* v. *Zerbst* to the States an *amicus* brief was filed by 22 States and Commonwealth urging that course, only two States besides the respondent came forward to protest. See 372 U.S., at 345. By contrast, in this case new restrictions on police questioning have been opposed by the United States and in an *amicus* brief signed by 27 States and Commonwealths, not including the three other States who are parties. No State in the country has urged this Court to impose the newly announced rules, nor has any State chosen to go nearly so far on its own.

The Court in closing its general discussion invokes the practice in federal and foreign jurisdictions as lending weight to its new curbs on confessions for all the States. A brief résumé will suffice to show that none of these jurisdictions has struck so one-sided a balance as the Court does today. Heaviest reliance is placed on the FBI practice. Differing circumstances may make this comparison quite untrustworthy,[19] but in all events the FBI falls sensibly short of the Court's formalistic rules. For example, there is no indication that FBI agents must obtain an affirmative "waiver" before they pursue their questioning. Nor is it clear that one invoking his right to silence may not be prevailed upon to change his mind. And the warning as to appointed counsel appearently indicates only that one will be assigned by the judge when the suspect appears before him; the thrust of the Court's rules is to induce the suspect to obtain appointed counsel before continuing the interview. See *ante*, pp. 46–48. Apparently American military practice, briefly mentioned by the Court, has these same limits and is still less favorable to the suspect than the FBI warning, making no mention of appointed counsel. Developments, *supra*, n. 2, at 1084–1089.

The law of the foreign countries described by the Court also reflects a more moderate conception of the rights of the accused as against those of society when other data is considered. Concededly, the English experience is most relevant. In that country, a caution as to silence but not counsel has long been mandated by the "Judges' Rules," which also place other somewhat imprecise limits on police cross-examination of suspects. However, in the court's discretion confessions can be and apparently quite frequently are admitted in evidence despite disregard of the Judges' Rules, so long as they are found voluntary under the common-law test. Moreover the check that exists on the use of pretrial statements is counterbalanced by the evident admissibility of fruits of an illegal confession and by the judge's often-used authority to comment adversely on the defendant's failure to testify.[20]

India, Ceylon and Scotland are the other examples chosen by the Court. In India and Ceylon the general ban on police-adduced confessions cited by the Court is subject to a major exception: if evidence is uncovered by police questioning, it is fully admissible at trial along with the confession itself, so far as it relates to the evidence and is not blatantly coerced. See Developments, *supra*, n. 2, at 1106–1110; *Reg.* v. *Ramasamy* [1965] A.C. 1 (P.C.). Scotland's limits on interrogation do measure up to the Court's; however, restrained comment at trial on the defendant's failure to take the stand is allowed the judge, and in many other respects Scotch law redresses the prosecutor's disadvantage in ways not permitted in this country.[21] The Court ends its survey by imputing added strength to our privilege against self-incrimination since, by contrast to other countries, it is embodied in a written Constitution. Considering the liberties the Court has today taken with constitutional history and precedent, few will find this emphasis persuasive.

In closing this necessarily truncated discussion of policy considerations attending the new confession rules, some reference must be made to their ironic untimeliness. There is now in progress in this country a massive reexamination of criminal law enforcement procedures on a scale never before witnessed. Participants in this undertaking include a Special Committee of the American Bar Association, under the chairmanship of Chief Judge Lumbard of the Court of Appeals for the Second Circuit; a distinguished study group of the American Law Institute, headed by Professor Vorenberg of the Harvard Law School; and the President's Commission on Law Enforcement and Administration of Justice, under the leadership of the Attorney General of the United States.[22]

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[15] In *Westover*, a seasoned criminal was practically given the Court's full complement of warnings and did not heed them. The *Stewart* case, on the other hand, involves long detention and successive questioning. In *Vignera*, the facts are complicated and the record somewhat incomplete.

[16] "[J]ustice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true." *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (Cardozo, J.).

[17] A narrow reading is given in: *United States* v. *Robinson*, 354 F. 2d 109 (C.A. 2d Cir.); *Davis* v. *North Carolina*, 339 F. 2d 770 (C.A. 4th Cir.); *Edwards* v. *Holman*, 342 F. 2d 679 (C.A. 5th Cir.); *United States ex rel. Townsend* v. *Ogilvie*, 334 F. 2d 837 (C.A. 7th Cir.); *People* v. *Hartgraves*, 31 Ill. 2d 375, 202 N.E. 2d 33; *State* v. *Fox*, 131 N.W. 2d 684 (Iowa); *Rowe* v. *Commonwealth*, 394 S. W. 2d 751 (Ky.); *Parker* v. *Warden*, 203 A. 2d 418 (Md.); *State* v. *Howard*, 383 S.W. 2d 701 (Mo.); *Bean* v. *State*, 398 P. 2d 251 (Nev.); *Hodgson* v. *New Jersey*, 44 N.J. 151, — A. 2d —; *People* v. *Gunner*, 15 N.Y. 2d 226, 205 N.E. 2d 852; *Commonwealth ex rel. Linde* v. *Maroney*, 416 Pa. 331, 206 A. 2d 288; *Browne* v. *State*, 24 Wis. 2d 491. 131 N.W. 2d 169.

An ample reading is given in: *United States ex rel. Russo* v. *New Jersey*, 351 F. 2d 429 (C.A. 3d Cir.); *Wright* v. *Dickson*, 336 F. 2d 878 (C.A. 9th Cir.); *People* v. *Dorado*, 62 Cal., 2d 338, 398 P. 2d 361; *State* v. *Dufour*, 206 A. 2d 82 (R.I.); *State* v. *Neely*, 229 Ore., 487, 395 P. 2d 557, modified, 398 P. 2d 482.

The cases in both categories are those readily available; there are certainly many others.

[18] For instance, compare the requirements of the catalytic case of *People* v. *Dorado*, 62 Cal. 2d 350, 398 P. 2d 361, with those laid down today. See also Traynor, the Devils of Due Process in Criminal Detection, Detention, and Trial, p. 26 (1966 Cardozo Lecture, N.Y. City Bar Ass'n, multilith copy).

[19] The Court's *obiter dictum* notwithstanding, *ante*, p. 48, there is some basis for believing that the staple of FBI criminal work differs importantly from much crime within the ken of local police. The skill and resources of the FBI may also be unusual.

[20] For citations, and discussion covering each of these points, see Developments, *supra*, n. 2, at 1091–1097, and Enker & Elsen, *supra*, n. 12, at 80 & n. 94.

[21] On comment, see Hardin, Other Answers: Search and Seizure, Coerced Confession, and Criminal Trial in Scotland, 113 U. Pa. L. Rev. 165, 181 and nn. 96–97 (1964). Other examples are less stringent search and seizure rules and no automatic exclusion for violation of them, *id.*, at 167–169; guilt based on majority jury verdicts, *id.*, at 185; and pre-trial discovery of evidence on both sides, *id.*, at 175.

[22] Of particular relevance is the ALI's drafting of a Model Code of Pre-Arraignment Procedure, now in its first tentative draft. While the ABA and National Commission studies have wider scope, the former is lending its advice to the ALI project and the executive director of the latter is one of the reporters for the Model Code.

Studies are also being conducted by the District of Columbia Crime Commission, the Georgetown Law Center, and by others equipped to do practical research.[23] There are also signs that legislatures in some of the States may be preparing to reexamine the problem before us.[24]

It is no secret that concern has been expressed lest long-range and lasting reforms be frustrated by this Court's too rapid departure from existing constitutional standards. Despite the Court's disclaimer, the practical effect of the decision made today must inevitably be to handicap seriously sound efforts at reform, not least by removing options necessary to a just compromise of competing interests. Of course legislative reform is rarely speedy or unanimous, though this Court has been more patient in the past.[25] But the legislative reforms when they came would have the vast advantage of empirical data and comprehensive study, they would allow experimentation and use of solutions not open to the courts, and they would restore the initiative in criminal law reform to those forums where it truly belongs.

IV. CONCLUSIONS

All four of the cases involved here present express claims that confessions were inadmissible, not because of coercion in the traditional due process sense, but solely because of lack of counsel or lack of warnings concerning counsel and silence. For the reasons stated in this opinion, I would adhere to the due process test and reject the new requirements inaugurated by the Court. On this premise my disposition of each of these cases can be stated briefly.

In two of the three cases coming from state courts, *Miranda* v. *Arizona* (No. 759) and *Vignera* v. *New York* (No. 760), the confessions were held admissible and no other errors worth comment are alleged by petitioners. I would affirm in these two cases. The other state case is *California* v. *Stewart* (No. 584), where the state supreme court held the confession inadmissible and reversed the conviction. In that case I would dismiss the writ of certiorari on the ground that no final judgment is before us, 28 U.S.C. § 1257 (1964 ed.); putting aside the new trial open to the State in any event, the confession itself has not even been finally excluded since the California Supreme Court left the State free to show proof of a waiver. If the merits of the decision in *Stewart* be reached, then I believe it should be reversed and the case remanded so that state supreme court may pass on the other claims available to respondent.

In the federal case, *Westover* v. *United States* (No. 761), a number of issues are raised by petitioner apart from the one already dealt with in this dissent. None of these other claims appears to me tenable, nor in this context to warrant extended discussion. It is urged that the confession was also inadmissible because not voluntary even measured by due process standards and because federal-state cooperation brought the *McNabb-Mallory* rule into play under *Anderson* v. *United States*, 318 U.S. 350. However, the facts alleged fall well short of coercion in my view, and I believe the involvement of federal agents in petitioner's arrest and detention by the State too slight to invoke *Anderson*. I agree with the Government that the admission of the evidence now protested by petitioner was at most harmless error, and two final contentions—one involving weight of the evidence and another improper prosecutor comment—seem to me without merit. I would therefore affirm Westover's conviction.

In conclusion: Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy handed and one-sided action that is so precipitously taken by the Court in the name of fulfilling its constitutional responsibilities. The foray which the Court takes today brings to mind the wise and farsighted words of Mr. Justice Jackson in *Douglas* v. *Jeannette*, 319 U.S. 157, 181 (separate opinion): "This Court is forever adding new stories to the temples of constitutional law, and the temples have a way of collapsing when one story too many is added."

[June 13, 1966]

Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join, dissenting.

I

The proposition that the privilege against self-incrimination forbids in-custody interrogation without the warning specified in the majority opinion and without a clear waiver of counsel has no significant support in the history of the privilege or in the language of the Fifth Amendment. As for the English authorities and the common-law history, the privilege, firmly established in the second half of the seventeenth century, was never applied except to prohibit compelled judicial interrogations. The rule excluding coerced confessions matured about 100 years later, "[b]ut there is nothing in the reports to suggest that the theory has its roots in the privilege against self-incrimination. And so far as the cases reveal, the privilege, as such, seems to have been given effect only in judicial proceedings including the preliminary examinations by authorized magistrates." Morgan, The Privilege Against Self-Incrimination, 34 Minn. L. Rev. 1, 18 (1949).

Our own constitutional provision provides that no person "shall be compelled in any criminal case to be a witness against himself." These words, when "[c]onsidered in the light to be shed by grammar and the dictionary . . . appear to signify simply that nobody shall be compelled to give oral testimony against himself in a criminal proceeding under way in which he is defendant." Corwin, The Supreme Court's Construction of the Self-incrimination Clause, 29 Mich. L. Rev. 1, 2. And there is very little in the surrounding circumstances of the adoption of the Fifth Amendment or in the provisions of the then existing state constitutions or in state practice which would give the constitutional provision any broader meaning. Mayers, The Federal Witness' Privilege Against Self Incrimination: Constitutional or Common-Law? 4 American Journal of Legal History 107 (1960). Such a construction, however, was considerably narrower than the privilege at common-law, and when eventually faced with the issues, the Court extended the constitutional privilege to the compulsory production of books and papers, to the ordinary witness before the grand jury and to witnesses generally. *Boyd* v. *United States*, 116 U.S. 616, and *Counselman* v. *Hitchcock*, 142 U.S. 547. Both rules had solid support in common-law history, if not in the history of our own constitutional provision.

A few years later the Fifth Amendment privilege was similarly extended to encompass the then well-established rule against coerced confessions: "In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment to the Constitution of the United States, commanding that no person 'shall be compelled in any criminal case to be a witness against himself.'" *Bram* v. *United States*, 168 U.S. 532, 542. Although this view has found approval in other cases, *Burdeau* v. *McDowell*, 256 U.S. 465, 475; *Powers* v. *United States*, 223 U.S. 303, 313; *Shotwell* v. *United States*, 371 U.S. 341, 347, it has also been questioned, see *Brown* v. *Mississippi*, 297 U.S. 278, 285; *United States* v. *Carignan*, 342 U.S. 36, 41; *Stein* v. *New York*, 346 U.S. 156, 191, n. 35, and finds scant support in either the English or American authorities, see generally *Regina* v. *Scott*, I. Dear. & Bell 47; III Wignore, Evidence § 823, at 249 ("a confession is not rejected because of any connection with the *privilege against self-crimination*"), 250, n. 5 (particularly criticizing *Bram*) (3d ed. 1940), VIII Wigmore, Evidence § 2266, at 400–401 (McNaughton ed. 1961). Whatever the source of the rule excluding coerced confessions, it is clear that prior to the application of the privilege itself to state courts, *Malloy* v. *Hogan*, 378 U.S. 1, the admissibility of a confession in a state criminal prosecution was tested by the same standards as were applied in federal prosecutions. *Id.*, at 6–7, 10.

Bram, however, itself rejected the proposition which the Court now espouses. The question in *Bram* was whether a confession, obtained during custodial interrogation, had been compelled, and if such interrogation was to be deemed inherently vulnerable, the Court's inquiry could have ended there. After examining the English and American authorities, however, the Court declared that:

"In this Court also it has been settled that the mere fact that the confession is made to a police officer, while the accused was under arrest in or out of prison, or was drawn out by his questions, does not necessarily render the confession involuntary, but, as one of the circumstances, such imprisonment or interrogation may be taken into account in determining whether or not statements of the prisoner were voluntary." 168 U.S., at 558.

In this respect the Court was wholly consistent with prior and subsequent pronouncements in this Court.

Thus prior to *Bram* the Court, in *Hopt* v. *Utah*, 110 U.S. 574, 583–587, had upheld the admissibility of a confession made to police officers following arrest, the record being silent concerning what conversation had occurred between the officers and the defendant in the short period preceding the confession. Relying on *Hopt*, the Court ruled squarely on the issue in *Sparf and Hansen* v. *United States*, 156 U.S. 51, 55:

"Counsel for the accused insist that there cannot be a voluntary statement, a free open confession, while a defendant is confined and in irons under an accusation of having committed a capital offense. We have not been referred to any authority in support of that position. It is true that the fact of a prisoner being in custody at the time he makes a confession is a circumstance not to be overlooked, because it bears upon the inquiry whether the confession was voluntarily made or was extorted by threats or violence or made under the influence of fear. But confinement or imprisonment is not in itself sufficient to justify the exclusion of a confession, if it appears to have been voluntary, and was not obtained by putting the prisoner in fear or by promises. Wharton's Cr. Ev. 9th ed. §§ 661, 663, and authorities cited."

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[23] See Brief for the United States in *Westover*, p. 45. The N.Y. Times, June 3, 1966, p. 33 (city ed.) reported that the Ford Foundation has awarded $1,100,000 for a five-year study of arrests and confessions in New York.

[24] The New York Assembly recently passed a bill to require certain warnings before an admissible confession is taken, though the rules are less strict than are the Court's N.Y. Times, May 24, 1966, p. 35 (late city ed.).

[25] The Court waited 12 years after *Wolf v. Colorado*, 338 U.S. 25, declared privacy against improper state intrusions to be constitutionally safeguarded before it concluded in *Mapp* v. *Ohio*, 367 U.S. 643, that adequate state remedies had not been provided to protect this interest so the exclusionary rule was necessary.

Accord, *Pierce* v. *United States*, 160 U.S. 355, 357.

And in *Wilson* v. *United States*, 162 U.S. 613, 623, the Court had considered the significance of custodial interrogation without any antecedent warnings regarding the right to remain silent or the right to counsel. There the defendant had answered questions posed by a Commissioner, who had failed to advise him of his rights, and his answers were held admissible over his claim of involuntariness. "The fact that [a defendant] is in custody and manacled does not necessarily render his statement involuntary, nor is that necessarily the effect of popular excitement shortly preceding. . . . And it is laid down that it is not essential to the admissibility of a confession that it should appear that the person was warned that what he said would be used against him, but on the contrary, if the confession was voluntary, it is sufficient though it appear that he was not so warned."

Since *Bram*, the admissibility of statements made during custodial interrogation has been frequently reiterated. *Powers* v. *United States*, 223 U.S. 303, cited *Wilson* approvingly and held admissible as voluntary statements the accused's testimony at a preliminary hearing even though he was not warned that what he said might be used against him. Without any discussion of the presence or absence of warnings, presumably because such discussion was deemed unnecessary, numerous other cases have declared that "[t]he mere fact that a confession was made while in the custody of the police does not render it inadmissible," *McNabb* v. *United States*, 318 U.S. 332, 346; accord, *United States* v. *Mitchell*, 322 U.S. 65, despite its having been elicited by police examination, *Wan* v. *United States*, 266 U.S. 1, 14; *United States* v. *Carrignan*, 342 U.S. 36, 39. Likewise, in *Crooker* v. *California*, 357 U.S. 433, the Court said that "the mere fact of police detention and police examination in private of one in official state custody does not render involuntary a confession by one so detained." And finally, in *Cicenia* v. *Lagay*, 357 U.S. 504, a confession obtained by police interrogation after arrest was held voluntary even though the authorities refused to permit the defendant to consult with his attorney. See generally *Culombe* v. *Connecticut*, 367 U.S. 568, 587–602 (opinion of Frankfurter, J.); III Wigmore, Evidence § 851, at 313 (3d ed. 1940); see also Joy, Confessions 38, 46 (1842).

Only a tiny minority of our judges who have dealt with the question, including today's majority, have considered in-custody interrogation, without more, to be a violation of the Fifth Amendment. And this Court, as every member knows, has left standing literally thousands of criminal convictions that rested at least in part on confession taken in the course of interrogation by the police after arrest.

II

That the Court's holding today is neither compelled nor even strongly suggested by the language of the Fifth Amendment, is at odds with American and English legal history, and involves a departure from a long line of precedent does not prove either that the Court has exceeded its powers or that the Court is wrong or unwise in its present reinterpretation of the Fifth Amendment. It does, however, underscore the obvious—that the Court has not discovered or found the law in making today's decision, nor has it derived it from irrefutable sources; what it has done is to make new law and new public policy in much the same way that it has in the course of interpreting other great clauses of the Constitution.[1] This is what the Court historically has done. Indeed it is what it must do and will continue to do until and unless there is some fundamental change in the constitutional distribution of governmental powers.

But if the Court is here and now to announce new and fundamental policy to govern certain aspects of our affairs, it is wholly legitimate to examine the mode of this or any other constitutional decision in this Court and to inquire into the advisability of its end product in terms of the long-range interest of the country. At the very least the Court's text and reasoning should withstand analysis and be a fair exposition of the constitutional provision which its opinion interprets. Decisions like these cannot rest alone on syllogism, metaphysics or some ill-defined notions of natural justice, although each will perhaps play its part. In proceeding to such construction as it now announces, the Court should also duly consider all the factors and interests bearing upon the cases, at least insofar as the relevant materials are available; and if the necessary considerations are not treated in the record or obtainable from some other reliable source, the Court should not proceed to formulate fundamental policies based on speculation alone.

III

First, we may inquire what are the textual and factual bases of this new fundamental rule. To reach the result announced on the grounds it does, the Court must stay within the confines of the Fifth Amendment, which forbids self-incrimination only if *compelled*. Hence the core of the Court's opinion is that because of the "compulsion inherent in custodial surroundings, no statement obtained from [a] defendant [in custody] can truly be the product of his free choice," *ante*, at 20, absent the use of adequate protective devices as described by the Court. However, the Court does not point to any sudden inrush of new knowledge requiring the rejection of 70 years experience. Nor does it assert that its novel conclusion reflects a changing consensus among state courts, see *Mapp* v. *Ohio*, 367 U.S. 643, or that a succession of cases had steadily eroded the old rule and proved it unworkable, see *Gideon* v. *Wainwright*, 372 U.S. 335. Rather than asserting new knowledge, the Court concedes that it cannot truly know what occurs during custodial questioning, because of the innate secrecy of such proceedings. It extrapolates a picture of what it conceives to be the norm from police investigatorial manuals, published in 1959 and 1962 or earlier, without any attempt to allow for adjustments in police practices that may have occurred in the wake of more recent decisions of state appellate tribunals or this Court.

But even if the relentless application of the described procedures could lead to involuntary confessions, it most assuredly does not follow that each and every case will disclose this kind of interrogation or this kind of consequence.[2] Insofar as it appears from the Court's opinion, it has not examined a single transcript of any police interrogation, let alone the interrogation that took place in any one of these cases which it decides today. Judged by any of the standards for empirical investigation utilized in the social sciences the factual basis for the Court's premise is patently inadequate.

Although in the Court's view in-custody interrogation is inherently coercive, it says that the spontaneous product of the coercion of arrest and detention is still to be deemed voluntary. An accused, arrested on probable cause, may blurt out a confession which will be admissible despite the fact that he is alone and in custody, without any showing that he had any notion of his right to remain silent or of the consequences of his admission. Yet under the Court's rule, if the police ask him a single question such as "Do you have anything to say?" or "Did you kill your wife?" his response, if there is one, has somehow been compelled, even if the accused has been clearly warned of his right to remain silent. Common sense informs us to the contrary. While one may say that the response was "involuntary" in the sense the question provoked or was the occasion for the response and thus the defendant was induced to speak out when he might have remained silent if not arrested and not questioned, it is patently unsound to say the response is compelled.

Today's result would not follow even if it were agreed that to some extent custodial interrogation is inherently coercive. See *Ashcraft* v. *Tennessee*, 322 U.S. 143, 161 (Jackson, J., dissenting). The test has been whether the totality of circumstances, deprived the defendant of a "free choice to admit, to deny, or to refuse to answer," *Lisenba* v. *California*, 314 U.S. 219, 241, and whether physical or psychological coercion was of such a degree that "the defendant's will was overborne at the time he confessed," *Haynes* v. *Washington*, 373 U.S. 503, 513; *Lynumn* v. *Illinois*, 372 U.S. 528, 534. The duration and nature of incommunicado custody, the presence or absence of advice concerning the defendant's constitutional rights, and the granting or refusal of requests to communicate with lawyers, relatives or friends have all been rightly regarded as important data bearing on the basic inquiry. See, *e. g.*, *Ashcraft* v. *Tennessee*, 322 U.S. 143; *Haynes* v. *Washington*, 373 U.S. 503.[3] But it has never been suggested, until today, that such questioning was so coercive and accused person so lacking in hardihood that the very first response to the very first question following the commencement of custody must be conclusively presumed to be the product of an overborne will.

If the rule announced today were truly based on a conclusion that all confessions resulting from custodial interrogation are coerced, then it would simply have no rational foundation. Compare *Tot.* v. *United States*, 319 U.S. 463, 466; *United States* v. *Romano*, 382 U.S. 136. *A fortiori* that would be true of the extension of the rule to exculpatory statements, which the Court effects after a brief discussion of why, in the Court's view, they must be deemed incriminatory but without any discussion of why they must be deemed coerced. See *Wilson* v. *United States*, 162 U.S. 613, 624. Even if one were to postulate that the Court's concern is not that all confessions induced by police interrogation are coerced but rather that some such confessions are coerced and present judicial procedures are believed to be inadequate to identify the confessions that are coerced and those that are not, it would still not be essential to impose the rule that the Court has now fashioned. Transcripts or observers could be required, specific time limits, tailored to fit the cause, could be imposed, or other devices could be utilized to reduce the chances that otherwise indiscernible coercion will produce an inadmissible confession.

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[1] Of course the Court does not deny that it is departing from prior precedent; it expressly overrules *Crooker* and *Cicenia*, *ante*, at 41, n. 47, and it acknowledges that "[i]n these cases . . . we might not find the statements to have been involuntary in traditional terms," *ante*, at 19.

[2] In fact, the type of sustained interrogation described by the Court appears to be the exception rather than the rule. A survey of 399 cases in one city found that in almost half of the cases the interrogation lasted less than 30 minutes. Barrett, Police Practices and the Law—From Arrest to Release or Charge, 50 Calif. L. Rev. 11, 41–45 (1962). Questioning tends to be confused and sporadic and is usually concentrated on confrontations with witnesses or new items of evidence, as these are obtained by officers conducting the investigation. See generally LaFave, Arrest: The Decision to Take a Suspect into Custody 386 (1965); ALI, Model Pre-Arraignment Procedure Code, Commentary § 5.01, at 170, n. 4 (Tent. Draft No. 1, 1966).

[3] By contrast, the Court indicates that in applying this new rule it "will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given." *Ante*, at 31. The reason given is that assessment of the knowledge of the defendant based on information as to age, education, intelligence, or prior contact with authorities can never be more than speculation, while a warning is a clear-cut fact. But the officers' claim that they gave the requisite warnings may be disputed, and facts respecting the defendant's prior experience may be undisputed and be of such a nature as to virtually preclude any doubt that the defendant knew of his rights. See *United States* v. *Bolden*, 355 F. 2d 453 (C. A. 7th Cir. 1965), petition for cert. pending No. 1146 O.T. 1965 (secret service agent); *People* v. *DuBond*, 235 Cal. App. 2d 844. 45 Cal. Rptr. 717. pet. for cert. pending No. 1053 Misc. O. T. 1965 (former police officer).

On the other hand, even if one assumed that there was an adequate factual basis for the conclusion that all confessions obtained during in-custody interrogation are the product of compulsion, the rule propounded by the Court would still be irrational, for, apparently, it is only if the accused is also warned of his right to counsel and waives both that right and the right against self-incrimination that the inherent compulsiveness of interrogation disappears. But if the defendant may not answer without a warning a question such as "Where were you last night?" without having his answer be a compelled one, how can the court ever accept his negative answer to the question of whether he wants to consult his retained counsel or counsel whom the court will appoint? And why if counsel is present and the accused nevertheless confesses, or counsel tells the accused to tell the truth, and that is what the accused does, is the situation any less coercive insofar as the accused is concerned? The court apparently realizes its dilemma of foreclosing questioning without the necessary warnings but at the same time permitting the accused, sitting in the same chair in front of the same policemen, to waive his right to consult an attorney. It expects, however, that not too many will waive the right; and if it is claimed that he has, the State faces a severe, if not impossible burden of proof.

All of this makes very little sense in terms of the compulsion which the Fifth Amendment proscribes. That amendment deals with compelling the accused himself. It is his free will that is involved. Confessions and incriminating admissions, as such, are not forbidden evidence; only those which are compelled are banned. I doubt that the Court observes these distinctions today. By considering any answers to any interrogation to be compelled regardless of the content and course of examination and by escalating the requirements to prove waiver, the Court not only prevents the use of compelled confessions but for all practical purposes forbids interrogation except in the presence of counsel. That is, instead of confining itself to protection of the right against compelled self-incrimination the Court has created a limited Fifth Amendment right to counsel—or, as the Court expresses it, a "right to counsel to protect the Fifth Amendment privilege . . . ." *Ante*, at 32. The focus then is not on the will of the accused but on the will of counsel and how much influence he can have on the accused. Obviously there is no warrant in the Fifth Amendment for thus installing counsel as the arbiter of the privilege.

In sum, for all the Court's expounding on the menacing atmosphere of police interrogation procedures it has failed to supply any foundation for the conclusions it draws or the measures it adopts.

Criticism of the Court's opinion, however, cannot stop at a demonstration that the factual and textural bases for the rule it propounds are, at best, less than conpelling. Equally relevant is an assessment of the rule's consequences measured against community values. The Court's duty to assess the consequences of its action is not satisfied by the utterance of the truth that a value of our system of criminal justice is "to respect the inviolability of the human personality" and to require government to produce the evidence against the accused by its own independent labors. *Ante*, at 22. More than the human dignity of the accused is involved; the human personality of others in the society must also be preserved. Thus the values reflected by the privilege are not the sole desideratum; society's interest in the general security is of equal weight.

The obvious underpinning of the Court's decision is a deep-seated distrust of all confessions. As the Court declares that the accused may not be interrogated without counsel present, absent a waiver of the right to counsel, and as the Court all but admonishes the lawyer to advise the accused to remain silent, the result adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not. This is the not so subtle overtone of the opinion—that it is inherently wrong for the police to gather evidence from the accused himself. And this is precisely the nub of this dissent. I see nothing wrong or immoral and certainly nothing unconstitutional, with the police asking a suspect whom they have reasonable cause to arrest whether or not he killed his wife or with confronting him with the evidence on which the arrest was based, at least where he has been plainly advised that he may remain completely silent, see *Escobedo* v. *Illinios*, 378 U.S. 478, 499 (dissenting opinion). Until today, "the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence." *Brown* v. *Walker*, 161 U.S. 591, 596; see also *Hopt* v. *Utah*, 110 U.S. 574, 584–585. Particularly when corroborated, as where the police have confirmed the accused's disclosure of the hiding place of implements or fruits of the crime, such confessions have the highest reliability and significantly contribute to the certitude with which we may believe the accused is guilty. Moreover, it is by no means certain that the process of confessing is injurious to the accused. To the contrary it may provide psychological relief and enhance the prospects for rehabilitation.

This is not to say the the value of respect for the inviolability of the accused's individual personality should be accorded no weight or that all confessions should be indiscriminately admitted. This Court has long read the Constitution to proscribe compelled confessions, a salutory rule from which there should be no retreat. But I see no sound basis, factual or otherwise, and the Court gives none, for concluding that the present rule against the receipt of coerced confessions is inadequate for the task of sorting out inadmissible evidence and must be replaced by the *per se* rule which is now imposed. Even if the new concept can be said to have advantages of some sort over the present law, they are far outweighed by its likely undesirable impact on other way very relevant and important interests.

The most basic functions of any government is to provide for the security of the individual and of his property. *Lanzetta* v. *New Jersey*, 306 U.S. 451, 455. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.

The modes by which the criminal laws serve the interest in general security are many. First the murderer who has taken the life of another is removed from the streets, deprived of his liberty, and thereby prevented from repeating his offense. In view of the statistics on recidivism in this county[4] and of the number of instances in which apprehension occurs only after repeated offenses, no one can sensibly claim that this aspect of the criminal law does not prevent crime or contribute significantly to the personal security if the ordinary citizen.

Secondly, the swift and sure apprehension of those who refuse to respect the personal security and dignity of their neighbor unquestionably has its impact on others who might be similarly tempted. That the criminal law is wholly or partly ineffective with a segment of the population or with many of these who have been apprehended and convicted is a very faulty basis for concluding that it is not effective with respect to the great bulk of our citizens or for thinking that without the criminal laws, or in the absence of their enforcement, there would be no increase in crime. Arguments of this nature are not borne out by any kind of reliable evidence that I have seen to this date.

Thirdly, the law concerns itself with those whom it has confined. The hope and aim of modern penology, fortunately, is as soon as possible to return the convict to society a better and more law-abiding man than when he entered. Sometimes there is success, sometimes failure. But at least the effort is made, and it should be made to the very maximum extent of our present and future capabilities.

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[4] Precise statistics on the extent of recidivism are unavailable, in part because not all crimes are solved and in part because criminal records of convictions in different jurisdictions are not brought together by a central data collection agency. Beginning in 1963, however, the Federal Bureau of Investigation began collating data on "Careers in Crime," which it publishes in its Uniform Crime Reports. Of 192,869 offenders processed in 1963 and 1964, 76% had a prior arrest record on some charge. Over a period of 10 years the group had accumulated 434,000 charges. FBI, Uniform Crime Reports—1964, 27–28. In 1963 and 1964 between 23% and 25% of all offenders sentenced in 88 federal district courts (excluding the District Court for the District of Columbia) whose criminal records were reported had previously been sentenced to a term of imprisonment of 13 months or more. Approximately an additional 40% had a prior record less than prison (juvenile record, probation record, etc.), Administrative Office of the United States Courts, Federal Offenders in the United States District Courts: 1964, x, 36 (hereinafter cited as Federal Offenders: 1964); Administrative Office of the United States Courts. Federal Offenders in the United States District Courts: 1963, 25–27 (hereinafter cited as Federal Offenders: 1963). During the same two years in the District Court for the District of Columbia between 28% and 35% of those sentenced had prior prison records and from 37% to 40% had a prior record less than prison. Federal Offenders: 1964, xii, 64, 66; Administrative Office of the United States Courts, Federal Offenders in the United States District Court for the District of Columbia: 1963, 8, 10 (hereinafter cited as District of Columbia Offenders: 1963).

A similar picture is obtained if one looks at the subsequent records of those released from confinement. In 1964, 12.3% of persons on federal probation had their probation revoked because of the commission of major violations (defined as one in which the probationer has been committed to imprisonment for a period of 90 days or more, been placed on probation for over one year on a new offense, or has absconded with felony charges outstanding). Twenty-three and two-tenths percent of parolees and 16.9% of those who had been mandatorily released after service of a portion of their sentence likewise committed major violations. Reports of the Proceedings of the Judicial Conference of the United States and Annual Report of the Director of the Administrative Office of the United States Courts: 1965, 138. See also Mandel et al., Recidivism Studied and Defined, 56 J. of Crim. L. C. & P. S. 59 (1965) (within five years of release 62.33% of sample had committed offenses placing them in recidivist category).

The rule announced today will measurably weaken the ability of the criminal law to perform in these tasks. It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials.[5] Criminal trials, no matter how efficient the police are, are not sure bets for the prosecution, nor should they be if the evidence is not forthcoming. Under the present law, the prosecution fails to prove its case in about 30% of the criminal cases actually tried in the federal courts. See Federal Offenders: 1964, *supra*, note 4, at 6 (Table 4), 59 (Table 1); Federal Offenders: 1963, *supra*, note 4, at 5 (Table 3); District of Columbia Offenders: 1963, *supra*, note 4, at 2 (Table 1). But it is something else again to remove from the ordinary criminal case all those confessions which heretofore have been held to be free and voluntary acts of the accused and to thus establish a new constitutional barrier to the ascertainment of truth by the judicial process. There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation.

I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.

In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity. The real concern is not the unfortunate consequences of this new decision on the criminal law as an abstract, disembodied series of authoritative proscriptions, but the impact on those who rely on the public authority for protection and who without it can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined. There is, of course, a saving factor: the next victims are uncertain, unnamed and unrepresented in this case.

Nor can this decision do other than have a corrosive effect on the criminal law as an effective device to prevent crime. A major component in its effectiveness in this regard is its swift and sure enforcement. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it. This is still good common sense. If it were not, we should posthaste liquidate the whole law enforcement establishment as a useless, misguided effort to control human conduct.

And what about the accused who has confessed or would confess in response to simple, noncoercive questioning and whose guilt could not otherwise be proved? Is it so clear that release is the best thing for him in every case? Has it so unquestionably been resolved that in each and every case it would be better for him not to confess and to return to his environment with no attempt whatsoever to help him? I think not. It may well be that in many cases it will be no less than a callous disregard for his own welfare as well as for the interests of his next victim.

There is another aspect to the effect of the Court's rule on the person whom the police have arrested on probable cause. The fact is that he may not be guilty at all and may be able to extricate himself quickly and simply if he were told the circumstances of his arrest and were asked to explain. This effort, and his release, must now await the hiring of a lawyer or his appointment by the court, consultation with counsel and then a session with the police or prosecutor. Similarly, where probable cause exists to arrest several suspects, as where the body of the victim is discovered in a house having several residents, see *Johnson* v. *State*, 238 Md. 140, 207 A. 2d 643 (1965), pet. for cert. pending No. 274 Misc. O. T. 1965, it will often be true that a suspect may be cleared only through the results of interrogation of other suspects. Here too the release of the innocent may be delayed by the court's rule.

Much of the trouble with the Court's new rule is that it will operate indiscriminately in all criminal cases, regardless of the severity of the crime or the circumstances involved. It applies to every defendant, whether the professional criminal or one committing a crime of momentary passion who is not part and parcel of organized crime. It will slow down the investigation and the apprehension of confederates in those cases where time is of the essence, such as kidnaping, see *Brinegar* v. *United States*, 338 U.S. 160, 183 (Jackson, J., dissenting); *People* v. *Modesto*, 398 P. 2d 753, 759, 42 Cal. Rptr. 417, 423 (1965), those involving the national security, see *Drummond* v. *United States*, 354 F. 2d 132, 147 (C. A. 2d Cir. 1965) (*en banc*) (espionage case), pet. for cert. pending No. 1203 Misc. O. T. 1965; cf. *Gessner* v. *United States*, 354 F. 2d 726, 730, n. 10 (C. A. 10th Cir. 1965) (upholding, in espionage case, trial ruling that Government need not submit classified portions of interrogation transcript), and some organized crime situations. In the latter context the lawyer who arrives may also be the lawyer for the defendants' colleagues and can be relied upon to insure that no breach of the organization's security takes place even though the accused may feel that the best thing he can do is cooperate.

At the same time, the Court's *per se* approach may not be justified on the ground that it provides a "bright line" permitting the authorities to judge in advance whether interrogation may safely be pursued without jeopardizing the admissibility of any information obtained as a consequence. Nor can it be claimed that judicial time and effort, assuming that is a relevant consideration, will be conserved because of the ease of application of the new rule. Today's decision leaves open such questions as whether the accused was in custody, whether his statements were spontaneous or the product of interrogation, whether the accused has effectively waived his rights, and whether nontestimonial evidence introduced at trial is the fruit of statements made during a prohibited interrogation, all of which are certain to prove productive of uncertainty during investigation and litigation during prosecution. For all these reasons, if further restrictions on police interrogation are desirable at this time, a more flexible approach makes much more sense than the Court's constitutional straitjacket which forecloses more discriminating treatment by legislative or rule-making pronouncements.

Applying the traditional standards to the cases before the Court, I would hold these confesions voluntary. I would therefore affirm in Nos. 759, 760, and 761 and reverse in No. 584.

Mr. **McCLELLAN**. Mr. President, I yield 25 minutes to the distinguished Senator from Mississippi.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized for 25 minutes.

Mr. **STENNIS**. Mr. President, on a previous occasion during the consideration of the pending bill, it was my pleasure to address the Senate primarily with reference to the provisions of the bill concerning the appropriation of money.

It is my privilege today to address another principle feature of the bill, the provision that is known as title II. That title has reference to the admissibility of certain testimony related to confession.

Mr. President, I do not see any ground whatsoever, and I have little sympathy for, the charges that title II of the bill constitutes an assault on the Supreme Court.

The best possible answer to that is to read the dissenting opinions of the members of the Court in the very cases to which most of title II relates. I know of one dissenting opinion by a former Attorney General of the United States, who was a member of the Court when the case was decided, and another dissenting opinion by a former Deputy Attorney General of the United States.

So I believe that the concept of title II being an assault on the Court is totally false and without any foundation. I suspect that it is an argument that comes partly from the present Department of Justice in trying to make the Court an issue. The Court is not an issue here, as plainly shown by the decisions to which I have referred.

In my feeble way, I should like to try to get before the people of the United States the fact that this is an attempt to have a better chance to enforce the criminal law of this country, and it is contrary to an assault on the Court.

Mr. President (Mr. SPONG in the chair), I speak very meekly about my experience in this field. My small achievement in this field has not been more than average, either as a prosecuting attorney or as a judge of a trial court of unlimited jurisdiction. However, I do have the benefit of experience, and experience is worth something. I believe it is worth a great deal. I know what the situation was before these decisions were handed down, before this change of law, and I know what the situation is now. I have some practical idea of the difficulties that police have in trying to live under these decisions.

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[5] Eighty-eight federal district courts (excluding the District Court for the District of Columbia) disposed of the cases of 33,381 criminal defendants in 1964. Only 12.5% of those cases were actually tried. Of the remaining cases. 89.9% were terminated by convictions upon pleas of guilty and 10.1% were dismissed. Stated differently, approximately 90% of all convictions resulted from guilty pleas. Federal Offenders: 1964, *Supra*, note 4, 3–6. In the District Court for the District of Columbia a higher percentage, 27%, went to trial, and the defendant pleaded guilty in approximately 78% of the cases terminated prior to trial. *Id*. at 58–59. No reliable statistics are available concerning the percentage of the cases in which guilty pleas are induced because of the existence of a confession or of physical evidence unearthed as a result of a confession. Undoubtedly the number of such cases is substantial.

Perhaps of equal significance is the number of instances of known crimes which are not solved. In 1964, only 388,946, or 23.9% of 1,626,574 serious known offenses were cleared. The clearance rate ranged from 89.8% for homicides to 18.7% for larceny. FBI, Uniform Crime Reports—1964, 20–22, 101. Those who would replace interrogation as an investigatorial tool by modern scientific investigation techniques significantly overestimates the effectiveness of present procedures, even when interrogation is included.

I repeat that the sole purpose of this title is to try to enforce the law, to protect the public, not to convict anyone who is not guilty. The primary object is to protect the public.

Punishment is necessary, and discipline is necessary. I believe that the major cause of conditions today is the lack of discipline. It is the lack of end result to the wrongdoer, be he a law violator or one who is just violating a code of discipline in the family, a code of discipline in the miltary, or a code of discipline that applies to all of us.

The concept of penalty for wrongdoing has been swept under the rug, and the concept of having to comply with rigid rules has been diminished. Unfortunately, a looseness, a laxity, and a softness have pervaded our society for the past 20 years or more, and now the chickens have come home to roost.

I believe that everyone—almost everyone—who has his eyes open can see that something must be done about the situation—and more than just talk. Something more than merely passing a law must be done. I am not fooled into believing that this bill or any other bill that is passed is going to help very much in and of itself. There must be a will to enforce the laws we already have. I doubt that we need any more law, except some corrections in procedure. We must have a will, however—there was a time when we had that will—at least to try harder. But if everyone must be pleased and everyone must be satisfied and no group of voters is to be offended by anything that is done, we really will have chaos, and we are headed in that direction now.

I do not lose hope. I know that something can be done about it and will be done about it. And the people realize that something can be done about the happenings now. They are about to decide that they are the ones who will have to do it, and I know there is enough commonsense, willpower, and judgment left to the American people. If it takes a revolution at the polls, that is what we will get. But unless we change the attitude and have a better application of discipline and a better application of requiring all people, including me, to live up to rules, the road to chaos in human conduct will continue and go downhill.

I have heard the argument made on the floor of the Senate that chaos will result in the United States if title II is enacted. With all deference to those who make such an argument, how would chaos result and why would chaos result from tightening up on some rules of evidence that were in effect from the time this Nation was born until 1957 or 1966 or 1967, when the cases to which title II refers were decided? Did we have chaos before? Chaos has come about since then.

There is no particular legal problem here. The legal systems of the States and of the U.S. courts have lived for almost 200 years of our existence under the very rules that title II proposes to restore. It was born in the bosom of the common law of England, and it is the greatest instrumentality that has ever been devised by the human mind for the protection of human rights. It has evolved not over the decades but over the centuries. It was inherited by us and was developed by us over the decades to meet the circumstances of our time.

To say that chaos would result if we put the law back the way it was—when some members of the Supreme Court have said all the time that the laws should not have been changed originally—with all deference, is a ridiculous conclusion. I believe that our job is to find a practical rule—no one will find a perfect rule—that will make more likely the attainment of the ends of justice and the protection of society.

The present trend of major crime toward more and more crime cannot continue indefinitely unabated and this country remain free. Either we will be ruled entirely by lawless bands that can grow and will grow, or we will see the rise to power of ruthless men who can nevertheless restore order, and we are not going to let that happen.

The people of this country are compassionate and they cherish liberty, but they also have a good deal of commonsense, and they are not going to stand by and be killed and pillaged because of an undue and impractical regard, so-called, for the rights of those who commit crime.

It must not be forgotten that the vast majority of decent, law-abiding citizens still run this Government, and they ultimately have it within their power to change its course. They will accept some experimentation with the system of criminal justice, but they expect, at the same time, that a minimal degree of public order and personal security will be maintained.

Mr. President, if it is not provided under present leadership within the existing system, new leaders will provide it under a radically different system.

I want to say for emphasis again that in my humble opinion it is not more law that is needed and it is not more money that is needed. We pass too many laws and we appropriate too much money now. What we need is the will to enforce the laws we have now. This is a matter of determination and the will to act, regardless of political consequences, on the part of men charged with enforcing the law, leading the departments, and applying rules that are reasonable and modern enough to protect those charged with crime but strong enough also to protect the public.

Our legal and constitutional government will turn in a different direction unless something is done about this trend. Principles which have grown up and are capable of further growth in a peaceful and orderly society will be pruned back or rooted out completely in order to get at the increasing forces of crime.

Crime must be brought under control and the streets made safe again, but this will not be done by merely lavishing Federal funds in all sorts of long-range research projects or by putting every law enforcement official in the Nation in the pay of the U.S. Government and under the direction of the Attorney General.

The way to stop crime is to enforce the criminal laws against those who break them. We can have the most well-paid, highly trained, best equipped police force money can buy and it will not do one bit of good if the law violators they bring in cannot be convicted in the courts. For this reason I consider title II, relating to the admissibility of voluntary confessions and eyewitness testimony into evidence in State and Federal prosecutions, and the finality of State convictions, to be the heart and most important part of the crime bill.

Title II is a reasonable and realistic response to the urgent demand for more effective law enforcement. It is entirely consistent with our legal tradition. Indeed, title II, for the most part, was the law of the land until quite recently. It requires no vast outlay of Federal funds and its effects will not be delayed while we await the further study of the ellusive "causes" of crime. It does not tie local law enforcement to the desk of the Attorney General and it preserves to the State the necessary freedom to combat the variety of crime found at the community level.

I have followed closely the hearings, the debates, and comments of the press on the crime bill and I am amazed at the violent criticism that has been directed against title II. It has been represented, or rather misrepresented, as a throwback to the dark days of the torture chambers and as an attack on the Supreme Court. The specter of unconstitutionality has been raised. Mass confusion in the law and collapse of the Federal system have been prophesized. These are arguments of desparation hurled against proposals which are unassailable on the merits.

Title II provides first that—

> In any criminal prosecution brought by the United States or by the District of Columbia, a confession, as defined in the bill, shall be admissable in evidence if it is voluntarily given.

It is this reasonable, rational rule of evidence that has been likened to the reinstitution of the rack and the screw and the third degree.

This rule originated in the development of the common law of England and was the law in this country under the Bill of Rights of our Constitution before being reversed in 1966. Its long history has not been static and the rule admitting voluntary confessions has kept pace with changing times. Under the common law and the early law of this country, a confession was considered voluntary and was admissible in court if not obtained through threats, physical coercion, or promises of reward. The standards were gradually extended to include psychological coercion as well as threats, force, and promises and in modern times the test came to be whether, considering the "totality of circumstances" the defendant freely confessed or was pressured into doing so. This was the state of the law when, in 1966, five of the nine Justices of the Supreme Court declared voluntary confessions to be inadmissible unless the police officer receiving the confession first recited to the defendant a list of his constitutional rights and got from the defendant an ironclad waiver of his rights.

What the Court held specifically in this case, *Miranda* v. *Arizona*, 384 U.S. 436 (1966), was that—

> The defendant must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.

This ruling creates, and then raises to the status of constitutional rights, an array of technicalities that would astound the most practiced common law pleader. Under the decision of the Court it is doubtful that even a constitutional lawyer could make a valid and admissible confession unless he were first specifically advised of all his rights and then made some positive and affirmative waiver of them. It is immaterial that he knew his rights and had no intention of claiming them. If the police officer failed to go through the set routine of enumerating them and obtaining a waiver, his statement could not be used against him in court. This is the worst kind of "mechanical jurisprudence."

The decision of the majority was entered over the strong dissent of Justices Clark, Harlan, Stewart, and White.

I refer to the fact that Justice Clark is a former distinguished Attorney General of this Nation; and Justice White is a former distinguished Deputy Attorney General of this Nation; they are both outstanding in this field, and they are both outstanding as members of the Court. Here are four of the nine members of that Court entering a strong dissent.

Then when the bill before us proposes to restore the very rules that Justices Clark, Harlan, Stewart, and White proposed, the word is sent out all over the Nation that this is an assault on the Court and that it is an attack upon the integrity of the Court. It is merely an effort to uphold what four members of the Court said should be the law.

It is ridiculous to try to put the proponents of title II in a position of attacking the Court. It is the old idea of a smokescreen that is always raised when a person cannot meet the arguments on their merits.

Mr. President, these Justices describe the new rules laid down by the majority as "hazardous experimentation" and as "going too far too fast." Those are the words of the members of the Court, not mine. However, I think it sums up the gist of all criticisms leveled against the Court in recent years. It is not an attack on the Court as an institution or any individual member of the Court.

It is simply a widespread and sincere belief that the Court is engaged in "hazardous experimentation" and going "too far too fast." It only confuses and obscures the important issues at stake to portray this deep and genuine concern as a malicious attack on the Court.

The Court has outrun the sentiments of the people and the needs of the times in efforts of some of its members to achieve what is to them a perfect system of criminal justice. Congress must step in and lay a steadying hand on the law; not as a slap at the Court but in aid of the Court. The Court, removed as it is from the currents that agitate society, can go too far for its own good. Congress which is peculiarly sensitive to these forces has a responsibility to the Court and to the people to see that the law gives due regard to practical realities. The public safety and the general welfare cannot be sacrificed to the logic and symmetry of a jurisprudential ideal.

The criminal law is not a perfect abstract system for the intellectual amusement of judges and lawyers and legal scholars, or even legislators. It is a rough compromise for the protection of the people. Some principles must be stopped short of their extreme logical development in order to prevent other equally important principles from being completely overridden. When the rights of the law violator are overemphasized at the expense of the rights of law abiding society, the compromise is upset and must be reestablished. This is exactly what title II attempts to do.

It is not a perfect abstract system of law we are writing. The best illustration of that that I know of is the jury system. If one were looking for perfect logic and depth of learning, legal or otherwise, one would never select the jury system to make many of the highly important decisions of this Nation. One would never turn to the jury as a group of specialized experts in anything. But contrary to what a few people may think, it has proved over the centuries—here and in other English-speaking nations—to be one of the wisest, soundest provisions of our legal system. Even though juries make mistakes, and I know they do, under the guidance of a judge well versed in the law, and under the principles of evidence and basic concepts of the law, and under the guidance and instruction of the court, the jury system is still the best means ever devised for reaching a just and sound verdict in our system, or in any other system in the civilized world. So we are not writing perfect laws. It cannot be done. We are trying to get something practical and realistic, as in the case of a jury.

Title II updates and restores the voluntary confession rule as it existed prior to the 1966 decision. Title II provides that before a confession is presented to the jury in the trial of a criminal case, the trial judge must determine, out of the presence of the jury, whether the confession was voluntarily made. Title II further provides that in determining the issue of voluntariness, he "shall take into consideration all the circumstances surrounding the giving of the confession," and he is particularly required to consider: first, the time elapsing between arrest and arraignment of the defendant making the confession, if it was made after arrest and before arraignment; second, whether such defendant knew the nature of the offense with which he was charged or of which he was suspected at the time of making the confession; third, whether or not such defendant was advised or knew that he was not required to make any statement and that any such statement could be used against him; fourth, whether or not such defendant had been advised prior to questioning of his right to the assistance, and, fifth, whether or not such defendant was without the assistance of counsel when questioned and when giving such confession.

What title II does, therefore, is substitute a reasonable and workable standard for the hard and fast rule laid down by the Court. It preserves the principles announced in Miranda, but it does not make a fetish of them or carry them to the ridiculous extreme. It focuses on what ought always to be the main question when the admissibility of a confession is challenged in a criminal case: did the defendant freely and voluntarily confess? and not whether the police officer was guilty of some lapse in lecturing the defendant on constitutional law. It protects the legitimate rights of the accused as carefully as the rigid rule in Miranda, but it does not provide him with a storehouse of technical objections to the introduction of reliable evidence freely given.

This seems to me to be an eminently fair and reasonable compromise between the rights of the accused and the rights of society. The accused is protected against being compelled and coerced into making a confession. All of the factors considered by the Court in the Miranda decision to have a bearing on this issue must be taken into account. The only difference is, that if none of these factors in fact influenced the defendant in making a statement, it could be used against him to convict him of the crime he admittedly committed. This would protect society against being needlessly and foolishly exposed to self-confessed criminals.

Title II also attempts to overcome a related problem by providing that in Federal and District of Columbia prosecutions a voluntary confession "shall not be inadmissible solely because of delay in bringing" the defendant "before a commissioner." This provision will counteract the so-called Mallory rule, and put an end to the practice of discarding voluntary confessions of guilt because the police officers were not hasty enough in getting the defendant before a committing magistrate. Delay in taking the defendant before a commissioner would continue to be a factor in determining whether his confession was voluntarily given but it would no longer be the overriding issue. Mere delay would cease to be an absolute and automatic cause for excluding valuable and often essential evidence.

The Mallory rule was announced by the Supreme Court in 1957 (*Mallory* v. *United States*, 354 U.S. 449) in a case where the defendant confessed to rape within 5 hours after his arrest. His confession was excluded from evidence, his conviction reversed, and Mallory released to stalk the streets of Washington, solely because of delay in carrying him before a judicial officer. There was no doubt as to his guilt, no question as to the voluntariness of his confession, but this grave crime went unpunished, society unprotected, because of another inflexible rule imposed on the police.

The consequences of this narrow view of the purpose and function of the criminal law is revealed in Mallory's own life. Not long after he was freed by the courts, he committed another felonious assault in another city.

The significance of the Mallory decision does not stop at the crimes it enabled Mallory himself to commit. The rapid and unchecked extension of the Mallory rule has made possible the escape of hundreds more like him. The length of delay which invalidates a voluntary confession has been steadily reduced by the courts from 5 hours to 5 minutes and has been applied in countless cases to free self-confessed criminals of every kind including murderers.

Title II also undertakes to correct another arbitrary rule that has recently sprung up to vex law enforcement and obstruct justice. Last year in another split decision in the case of *United States* v. *Wade,* 388 U.S. 318 (1967), the Supreme Court held that the testimony of an eyewitness to a bank robbery identifying the defendant as the robber was inadmissible in evidence because the witness had also previously identified the defendant in a police lineup without his counsel being present. This is simply an intolerable waste of evidence for no justifiable purpose. Title II attempts to retrieve this valuable evidence to be put to good use in controlling crime and making the streets safe.

Title II provides that in Federal criminal prosecutions:

> The testimony of a witness that he saw the accused commit or participate in the commission of a crime for which the accused is being tried shall be admissible into evidence.

Such a rule is so fundamentally sound, so unquestionably right, so basic to the administration of criminal justice it is almost impossible to believe that at this stage of our legal development it is necessary to spell it out in a statute. That it has become necessary is cause for grave concern.

Decisions such as these reflect an unconscionable disregard for the public interest. During the 10-year period between the Mallory decision in 1957 and the Wade ruling last year, the crime rate increased an astronomical 126 percent. I do not attempt to attribute this staggering increase in crime directly to the decisions of the Court. The point is that in the face of this fantastic rise in crime the Court continues to hand down decision after decision making it more difficult for society to defend itself. Clearly these figures ought to be read by the Court as a warning that it is going "too far too fast" and, I might add, in the wrong direction at the wrong time. Certainly Congress cannot ignore the danger signs. We are fast approaching anarchy in this country. If the Court is not aware of the danger then Congress must act.

The **PRESIDING OFFICER.** The time of the Senator from Mississippi has expired.

Mr. McCLELLAN. Mr. President, I yield 5 additional minutes to the Senator from Mississippi.

The **PRESIDING OFFICER.** The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. I thank the Senator from Arkansas.

Mr. President, I still believe that the plain provisions of the Constitution of the United States have that meaning. They plainly point out not only the power, but also the duty of Congress to set the jurisdiction and define the jurisdiction of the Supreme Court of the United States.

In order to assure to the States the benefits of the provisions regarding the admissibility of confessions and eyewitness testimony, title II denies the Supreme Court and the lower Federal courts jurisdiction to review the rulings of a State trial court admitting such evidence if the ruling has been upheld by the highest appellate court of the State having jurisdiction. A similar provision denies the Supreme Court and the inferior Federal appellate courts jurisdiction to review the admission of eyewitness testimony in the Federal trial courts. These provisions are based on the constitutional powers of Congress under section 2 of article III of the Constitution to define the jurisdiction of the Supreme Court and to create inferior Federal courts. It merely restores to the States, in this limited area, the authority which they originally possessed until the Court in recent years began extending purely Federal requirements to the States. It is particularly appropriate that the trial courts should exercise this power in this instance where the issue is simply one of fact and not of law. Factual questions such as the voluntariness of the confession are properly decided at the trial level where the witnesses can be observed and their credibility assessed firsthand rather than on the basis of a cold record. In any event the admissibility of evidence will continue to be reviewable by the appellate courts of the State.

In spite of all the innumerable obstacles to ever convicting a criminal even the first time, the States have been lately faced with the task of convicting them over and over again as a result of recent Supreme Court decisions greatly enlarging the rights of State prisoners to bring habeas corpus proceedings in Federal courts. The growing volume of this unnecessary litigation is sapping the resources of both the States and the Federal courts. Testimony before the committee revealed that 2 years before the "landmark" decision in this area, there were 981 habeas corpus petitions filed by State prisoners in Federal courts. Two years after the 1963 decision the number had grown to 4,664. Lest anyone jump to the conclusion that this vast increase in habeas corpus petitions indicates a wholesale miscarriage of justice in State court's requiring Federal correction, it is well to note that less than 3 percent of these petitions are successful.

These are all moderate but decisive measures to reduce crime and restore order. They are minor adjustments in the law which will bring the rights of society back into balance with the overweighted rights of the criminal without dislocating the system of criminal justice. For the most part these provisions merely restore rules and procedures which served adequately for most of our history and were in use until only recently.

They may not be perfect and they are certainly not the complete answer to the crime problem, but they will strengthen the hand of society in this life or death struggle with crime and help hold the country together long enough for better ways to be found.

Mr. President, the provisions operate in a limited way, and to a small extent, in withdrawing from the court the jurisdiction to decide matters of evidence in a very narrow area compared to all the other cases.

These matters have been fully discussed. I do not care to repeat the able arguments which have already been made. The points are practical. Their solution is relatively simple, so far as the law goes, in writing rules of evidence and providing more practical means to get at the heart of the problems.

I wish to make one other point, which is not a theory with me, concerning the problems of the law enforcement officer.

I served once as prosecuting attorney during the years when there were few investigators or assistants given to prosecuting attorneys.

I did most of that work myself. I had to go out and work—all night, sometimes—trying to help the sheriff gather the evidence, then work over the evidence, bring it in, present it to the grand jury, prepare indictments, prepare the case for trial, write the instructions for the State, present the evidence to the jury, argue the case to the jury, and do that in case after case, week after week.

I do not deserve any credit for that but it shows that I am familiar with the practical side and know the relevancy of the rules and the necessity for having them. I know, firsthand, the problems with which our law enforcement officials are confronted.

I think that these rules are a choke around their neck, a binding cord around their hands. They limit the activities of law enforcement officers as well as their efficiency and effectiveness.

Under the present rules, we cannot continue to get the right kind of qualified men to bare their breasts to the hazards of their calling, when they have to operate under limitations that increase the hazards rather than decrease them, and which lessens their chance to render valuable public service rather than increases it.

It is not a matter of money. It is a matter of backing by the law, by the courts, and by the people.

One of the most signal benefits that can possibly come from enactment of title II would be this encouragement, this backing, this "espirit de corps" that would uplift our police forces all the way from the village through the FBI.

I have talked to these men. I see them as they walk their beats. I know their problems from their practical side.

I thank the Senator from Arkansas for yielding this time to me.

Mr. McCLELLAN. Mr. President, I express my appreciation to the distinguished Senator from Mississippi for his able remarks. I think he will agree with me that the ingenuity of man in our day of civilization has devised no better, no fairer procedure or means for establishing the guilt or innocence of a defendant based upon his statements than to insist that the statements be voluntary and that the trial judge and jury determine the voluntariness of those statements, taking into account all factors that were present and all the circumstances that attended the situation at the time.

Mr. STENNIS. I commend the Senator for his clear, fine statement of the rule that has stood the test of time and has also proven to be necessary. I thank the Senator for the fine work he has done in the hearings, in the preparation of the bill, and in presenting it to the Senate. He is rendering the Nation a great service.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Carolina [Mr. ERVIN] such time as he may desire.

Mr. ERVIN. Mr. President, the men who drew our Constitution and the men who ratified that instrument had earth's most magnificent dream. They dreamed that they could enshirine in a written constitution the principles of the government which they wished to create and the rights of the citizens which they wished to secure and safely entrust the interpretation of that constitution according to its true intent to a Supreme Court composed of fallible men.

They knew that some dreams are realized and that other dreams vanish. They also realized that the constitutional system which they were attempting to create would vanish if that constitution was not interpreted by the Supreme Court according to its true intent.

To make it as certain as humanly possible that the Supreme Court would interpret the Constitution according to its true intent—that is, the intent expressed in it—they did three things. First, they provided that Supreme Court Justices should be carefully chosen by the President and then confirmed by a majority of the Senate. Second, they undertook to remove Supreme Court Justices from all of the pressures and all of the temptations which beset all other occupants of public office. To this end, they provided that Supreme Court Justices should enjoy life tenure. The third thing they did in that Constitution to make it as certain as humanly possible that the Supreme Court would interpret the Constitution according to its true intent is found in the requirement that every Supreme Court Justice shall be bound by oath or affirmation to support the Constitution.

A great law teacher, a great constitutional scholar, and a great jurist, Thomas M. Cooley, of Michigan, in his great book on constitutional limitations, said that a legislature or a court which would give to a provision of the Constitution an interpretation not warranted by the intention of its drafters is justly chargeable with neglect of official duty and disregard of official oath.

My good friend, the Senator from Maryland [Mr. TYDINGS], asserted on the floor of the Senate this morning that certain provisions of title II which undertake to restrict or limit the jurisdiction of the Supreme Court in respect to voluntary confessions and in respect to testimony of eyewitnesses to crimes are unconstitutional.

Mr. President, those provisions are constitutional, and will be constitutional, unless the majority of the Supreme Court as now constituted holds that the Constitution itself is unconstitutional. I say that for the reason that there is nothing in the Constitution plainer or expressed in more understandable English words than section 2 of article III. That section provides, in its first subdivision, that Federal courts have the capacity to take jurisdiction of certain specified cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under the authority of the United States. Then it provides that cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction.

This is what it says after that, in the words which deal with the appellate jurisdiction of the Supreme Court:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

For the constitutionality of the provisions of title II which undertake to limit the jurisdiction of the Supreme Court, I do not merely rely upon the McCardle case. There are many decisions of the Supreme Court which hold that Congress has power to prescribe, to limit, to change, or to abolish the appellate jurisdiction of the Supreme Court.

These cases lay down a doctrine interpreting section 2 of article III of the Constitution in plain words. They all hold, in substance, the same thing which was held by the Supreme Court of the United States in the case of Daniels against Railroad Company, which I cited on a previous occasion.

Here is what the Daniels case says about the appellate jurisdiction of the Supreme Court:

> To come properly before us, the case must be within the appellate jurisdiction of this court. In order to create such jurisdiction in any case, two things must concur: the Constitution must give the capacity to take it, and an act of Congress must supply the requisite authority.*
>
> The original jurisdiction of this court, and its power to receive appellate jurisdiction are created and defined by the Constitution; and the legislative department of the government can enlarge neither one nor the other. But it is for Congress to determine how far, within the limits of the capacity of this court to take, appellate jurisdiction shall be given, and when conferred, it can be exercised only to the extent and in the manner prescribed by law. In these respects it is wholly the creature of legislation.†

It is no exaggeration, Mr. President, to say that the very existence of constitutional government in the United States is dependent upon the ability and the willingness of a majority of Supreme Court Justices to interpret the Constitution in accordance with its true intent. George Washington recognized this when he delivered his Farewell Address to the American people. He said in that great message:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

So constitutional government cannot continue in America unless a majority of Supreme Court Justices are able and willing to subject themselves to the restraint inherent in the judicial process when that process is properly understood and applied. The restraint inherent in the judicial process consists in the ability and the willingness of a Justice to lay aside his personal notions of what the Constitution or statute ought to say, and to base his decision solely upon what the Constitution or the statute does say.

It does not come easy to me to criticize the decisions of Supreme Court Justices. When I was a teenaged boy, my father, who was a practicing lawyer at the North Carolina bar for 65 years, took me to the Supreme Court chamber, pointed out the busts of some of the great Jurists who had sat on our Supreme Court, and said to me in a tone of reverential awe:

> The Supreme Court will administer justice according to the Constitution, though the heavens fall.

In the course of these remarks, truth compels me to exercise a privilege vouchsafed to all Americans by this remark of Chief Justice Harlan F. Stone:

> Where the courts deal, as ours do, with great public questions, the only protection we have against unwise decisions and even judicial usurpation is careful scrutiny of their action and fearless comment upon it.

There is nothing sacrosanct about decisions of Supreme Court Justices. They are fallible human beings, just as the rest of us are. But the Constitution which they interpret does not belong to them. It belongs to the American people, and the Justices have no right to amend that Constitution while pretending to interpret it. The power to amend the Constitution is the power to change its meaning, and that power is vested by the Constitution itself in Congress and the States. The power to interpret the Constitution, which is the only power that belongs to the Supreme Court, is the power to interpret that Constitution according to its true intent, for the purpose of ascertaining and giving effect to its meaning.

Two of the provisions of title II undertake to free American citizens from newly invented rules which handicap officers of the law in the enforcement of the law, and which place limitations upon the use of the most convincing evidence known to mankind—namely, first, the voluntary confessions of the accused that they committed the crimes with which they stand charged; and, second, positive testimony of eyewitnesses that they saw the accused commit the crimes for which the accused are being tried.

Both of these types of evidence were admitted without question in the courts of the United States and in the courts of all the States until the Mallory case, the Escobedo case, the Miranda case, and the Wade case.

The Escobedo case and the Wade case represent attempts by five of the nine Justices of the Supreme Court to change the meaning of the words of the sixth amendment which say:

> In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of Counsel for his defense.

For 174 years before the Escobedo case was handed down and for 177 years before the Wade case was handed down, it was held that these words meant exactly what they said and that the right to counsel did not accrue until a criminal prosecution was initiated by a public official or public agency such as the prosecuting attorney or grand jury who had the right and power under the law to prefer a formal charge of crime against the accused.

In the Escobedo case the Court held for the first time in the history of the Supreme Court, and contrary to the decisions handed down during the 174 preceding years, that the right to counsel accrued not when a formal charge of crime was lodged against the accused, but when a law enforcement officer having an accused in custody began to suspect somewhere in the innermost recesses of his mind that the suspect might be guilty of a crime he was investigating.

The Court held in the Wade case that even an eyewitness to a crime who might perhaps be the last surviving victim of the crime could not even look at a suspect in custody for the purpose of determining whether he was or was not the person he saw commit the crime unless the suspect had his lawyer present.

In the Wade case, the Court laid down the rule that, when that happened, the eyewitness could not be permitted to take the stand on the trial on the merits and give positive testimony that he saw the accused commit the crime unless the judge first held a preliminary investigation and determined by clear and convincing evidence that the look the eyewitness took at the accused during the absence of his lawyer did not influence him in any way in his conviction that he saw the accused commit the crime for which he was being tried.

Manifestly, that is, an impossible task for a trial judge to perform. He is required to turn himself into a psychologist and delve into the innermost recesses of the witness' mind and be able to say that there is clear and convincing evidence that the eyewitness was not influenced in any respect in his conviction that he saw the accused commit the crime by the look he had in the absence of the accused's lawyer.

It had always been a practice in this Nation until that time that the question of whether an eyewitness is worthy of belief is a question for a jury and not for a judge.

I have heretofore pointed out on the floor of the Senate that the majority opinion in that case admitted in substance that nobody in this Nation could have anticipated that such a decision would be handed down until it was handed down.

I say—and in saying this, I am corroborated by four of the able Justices of the Supreme Court, Justices Clark, Harlan, Stewart, and White—that there is no warrant to be found in the Constitution for the Escobedo case. And I say this—and in saying this, I am corroborated by Justices Black, Harlan, Stewart, and White—that there is no basis whatever in the Constitution for the rule announced in the Wade case.

And in respect to the Miranda case, which allegedly is based upon the words of the fifth amendment to the effect that no person shall be compelled in any criminal case to be a witness against himself, I say—and in so saying I am corroborated by Justices Clark, Harlan, Stewart, and White that the rule there created is not only contrary to those words, but it is also contrary to every decision and every practice followed by the Supreme Court of the United States and all of those officials operating under it during the preceding 176 years.

These decisions are not only incompatible with the words of the Constitution and incompatible with all of the interpretations placed upon the words of the Constitution by the Supreme Court and incompatible with all the practices of law-enforcement authorities in the history of this Nation, but they also constitute impediments which interfere with law-enforcement officers bringing violators of criminal laws of the State and Nation to justice.

When I did not object to a unanimous-consent request for a time limitation of the debate on title II, I did not anticipate that those who oppose title II would attempt to deny Senators an opportunity to vote on the real issue, and that is whether Senators are willing to do something to prevent self-confessed criminals from going unwhipped of justice and to permit eyewitnesses to identify the parties they saw commit crimes. But we have since had an amendment in the nature of a substitute offered by the distinguished Senator from Michigan [Mr. HART] followed by an amendment in the nature of a substitute for the substitute offered by the distinguished Senator from Maryland [Mr. TYDINGS] which are designed to prevent the Senate from having to face up to the square issues presented by title II and its various sections.

The substitute and the substitute for the substitute recite that we need some factual investigations to determine whether these recently invented rules have any impact upon crime or any impact upon the failure of the courts to bring criminals to justice.

I do not know of any better authority on that subject than the Federal Bureau of Investigation. We have in the Chamber a chart prepared under the supervision of the man whom I conceive to be the greatest law-enforcement officer this Nation has ever known—Director J. Edgar Hoover. This chart, which is based upon facts gathered by the FBI since 1944, discloses these startling facts:

It shows that while the population of the United States has increased 48 percent, serious crimes—murder, forcible rape, robbery, aggravated assault, burglary, larceny of property of the value of $50 or over, and auto theft—have increased 368 percent.

It shows that since the Mallory case, wherein a majority of the Court took a rule of procedure to govern the action of an arresting officer and converted it into a rule of evidence, serious crimes have increased in this Nation 268 percent.

It shows that since the Escobedo case was handed down in 1964, serious crimes have increased in this Nation by 128 percent; that since the Miranda case was handed down in 1966, serious crimes have increased in this Nation by almost 63 percent.

These figures may not show to the opponents of title II that these newly invented judge-made laws are not having any impact upon crime or upon bringing criminals to justice, but they do show one thing, beyond the peradventure of a doubt—that this is no time for judges to be inventing new and artificial rules, contrary to the Constitution, to make it more difficult to enforce the criminal laws of this Nation.

I invite attention to another chart prepared by the FBI, for the year 1966. This chart shows that six serious crimes—the categories enumerated a moment ago—are committed every minute; that a murder or a forcible rape or an assault to kill is committed in this country every 2 minutes; that a murder is committed every 48 minutes; that a forcible rape is committed every 21 minutes; that an aggravated assault is committed every 2 minutes; that a robbery is committed every three and a half minutes; that a burglary is committed every 23 seconds; that a larceny of personal property of a value of $50 or over is committed every 35 seconds; and that an auto theft is committed every 57 seconds.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I understood the distinguished Senator from North Carolina to say a moment ago that a serious crime was committed every 6 minutes. I believe the Sentor meant to say that six serious crimes are committed every minute.

Mr. ERVIN. Yes. I thank the Senator for correcting my statement. The Senator is correct. According to the figures compiled by the FBI for 1966, six serious crimes are committed every minute, every time 60 seconds pass.

Mr. BYRD of West Virginia. One every 10 seconds.

Mr. ERVIN. The Senator is correct.

The substitute amendment and the substitute for the substitute say that we need some factual informaion. We do not need any factual information. The Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary conducted extensive investigations as to the impact of these decisions, and this information covers 1,205 pages of the report. I wish I had time to read the report extensively to the Senate, but I must go on.

One of the veteran Federal judges of this Nation, a man who has done a monumental job in trying to keep the Federal courts of this land faithful to the Constitution, Judge Alexander Holtzoff, testified before the subcommittee and made this statement, in substance: He said the courts in the District of Columbia have stopped trying to determine whether the accused in criminal cases are innocent or guilty of the crimes charged. He said the courts have to spend all their time trying to determine whether the police officers of the District have violated one or the other of these recently erected rules. He said that there were less pleas of guilty since these rules had been adopted, and that there were more trials in the courts because of that fact.

I invite attention to certain statements. Those who oppose title II rely in large part upon two articles—one entitled "Interrogations in New Haven; the Impact of Miranda," published in the Yale Law Journal of July 1967, and "Miranda in Pittsburgh, a Statistical Study," published in the University of Pittsburgh Law Review of October 1967.

Mr. President, I have had prepared an analysis of these two articles, which analysis shows that they do not prove the things which the opponents of title II assert that they prove.

In the interest of time, I ask unanimous consent to have printed in the RECORD at this point the analysis of the two articles.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

> Opponents of Title II of the crime bill have leaned heavily on two Law Review articles purporting to show that the Miranda decision has not really hurt law enforcement. These articles are "Interrogations in New Haven: The Impact of Miranda," Yale Law Journal, July 1967, and "Miranda in Pittsburgh—a Statistical Study," University of Pittsburgh Law Review, October 1967.
>
> A careful study of these two articles will make it quite apparent that the data reported within the articles hardly support the conclusions reached by the authors, and certainly not the conclusions drawn from the articles by the opponents of Title II.
>
> *The Yale Study:* The Yale authors conclude, "Interrogations play but a secondary role in solving the crimes of this middle-sized city, both because serious offenses are relatively infrequent and because the police rarely arrest suspects without substantial evidence." The authors themselves carefully note that serious offenses in New Haven are relatively infrequent. New Haven's 1960 population was 152,048, 14.9 percent nonwhite. The interrogations monitored by the Yale researchers covered only 11 robberies in the cases they sampled. In 1965 New Haven had only 19 robberies, the lowest by far of 12 cities of comparable size. The next lowest of the comparable cities was Tacoma with 62 robberies. Bridgeport, Conn., had 78, Nashville, Tenn., 280; Savannah 155; Sacramento 434; Fresno 189. So the New Haven police department simply does not have the kind of "crime in the streets" that police in other cities the same size face, let alone the acute crime problems faced by the big metropolitan departments. And it is precisely the armed robbery, the mugging, the yoking and rape which are relatively rare in New Haven for which interrogation is necessary. New Haven is hardly representative of the crime problem in cities where most Americans live today.
>
> Moreover, the Yale observers concluded interrogations were "important" or "essential" in 13 to 18 percent of the cases they observed. That is, no other investigative techniques could have solved the cases. (P. 1584.) So under the Miranda rule, potentially almost a fifth of the cases could not be solved without police interrogations. This, in a nation where fewer than 25 percent of the crimes are "cleared" in any case! How far are we willing to pare down the police capacity to clear crimes? It would seem that Miranda may be the straw that has broken the camel's back, as later statistics may indicate.
>
> *The University of Pittsburgh Study:* This study shows that the Pittsburgh detective branch got confessions in 58.6 percent of its homicide cases before Miranda, only 31.3 percent after; in 62.4 percent of the robberies before, 36.7 percent after. Before Miranda, 61.2 percent of the robbery suspects confessed; 28.9 percent after; homicide suspects, 59.3 percent before, 31.6 percent after. The proportion of suspects making statements dropped about half (from 48.5 percent to 27.1 percent) in homicide, robbery, burglary, auto theft and rape.
>
> The two law professors judged confessions necessary in 20 percent of the homicide cases they studied, 20 percent of the robberies, 21 percent of the burglaries, 16 percent of the auto thefts, and 23 percent of the rapes (p. 15).
>
> In Pittsburgh in the 18 months before Miranda, the detective bureau was clearing robberies at a rate of 45.1 percent; after Miranda in the first 13 months that rate fell to 30.3 percent, a reduction of fully one third in the proportion of cases the police were able to clear. The detective bureau was clearing 45.1 percent of the robbery cases before Miranda, only 30.8 percent after. Thus, the effectiveness of the detective bureau was *slashed about one third!*
>
> In view of these statistics, how can anyone conclude that the Miranda decision has not harmed law enforcement, particularly in the violent crimes that make it unsafe to walk the streets of America's cities?
>
> * * * * *
>
> Look what has happened nationally to police effectiveness in solving reported felonies. Historically the clearance rate had held about steady until 1961 when the Supreme Court handed down its Mapp ruling, applying the artificially strict federal exclusionary rule to the police in cases of search and seizure of evidence. Then a gradual decline in clearance rates began; and after the June 1966 Miranda ruling, the decline sharply accelerated.
>
> For example, let us compare the six months of January-June 1967 against the January-June 1966 period, the last half-year before the Miranda decision. *In the post-Miranda period, the police rate of success in solving serious crimes dropped sharply, ten percent.* We might appreciate the seriousness of this impact on law enforcement by considering the outcry that would result if the entire nation's police forces were reduced by ten percent in one fell swoop.
>
> Murder clearances went down 4.5 percent, rapes 3.6 percent, robbery 10.4 percent, burglaries 12.1 percent, larceny 7.1 percent, auto theft 12.3 percent.
>
> No doubt other causes played some role in these decreases in police effectiveness. In the first nine months of 1967, robberies increased 28 percent. No doubt the police had a great deal more work to do, without commensurate manpower increases. But how much of this increase in robberies can be attributed to the prevailing opinion that the Supreme Court has rendered the police powerless? In any case, it would seem that the burden of proof would rest heavily upon those who contend that the Supreme Court's decisions have not had any detrimental impact on law enforcement!

Mr. ERVIN. Mr. President, I wish to summarize very briefly some of the testimony given before the Subcommittee on Criminal Laws and Procedures when it considered this proposed legislation.

Aaron Koota, the district attorney for Kings County, N.Y., said that prior to Miranda 10 percent of suspects involved in serious crimes declined to make statements or confessions. He said that after the Miranda decision was handed down the number of suspects who refused to make statements increased from 10 to 41 percent. His statement is based on accurate records kept by him or his office.

Charles E. Moylan, Jr., State's attorney for the city of Baltimore, Md., said:

> We used to get confessions in 20 or 25 percent of our cases, and now we are getting them in 2 percent of our cases. The confession, as a law enforcement instrument, has been virtually eliminated.

Frank S. Hogan, New York County district attorney, reported that in the 6 months, prior to Miranda 49 percent of the nonhomicide, felony defendants in New York County made incriminating statements while in the 6 months after the Miranda case only 35 percent gave incriminating statements.

Arlen N. Specter, district attorney, Philadelphia, Pa., said that since Escobedo and Miranda, statements from suspects arrested for serious crimes have fallen by 49 percent.

The district attorneys around the Nation feel so strongly about the disastrous effects of the Miranda case on the administration of criminal justice that their association, the National District Attorneys Association, endorsed subsections 3501 and 3502 that deal with the Miranda case.

The district attorneys of this Nation are the men who daily face the grim realities of our rising crime rates. They know law and order is being undermined by recent Supreme Court decisions, and they know far better than the misty idealists who clamor for more and more restrictions being placed on our police.

These new rulings are handed down out of a misguided and unnecessary compassion for the accused. Those who advocate these new rules seem to think that society needs no protection from criminals but that criminals need protection from law-enforcement officers. They overlook the fact that society and the victims of crime are just as much entitled to justice as the accused; and they overlook the fact that some compassion is due the victim who is sleeping in the tongueless silence of the dreamless dust, to the widow whose husband was murdered, and to the children of the victim, who oftentimes are denied adequate education because of the slaying of their father.

As I have stated before, enough has been done by these decisions for those who murder, rape, and rob. It is time for Congress to do something for those who do not wish to be murdered, raped, or robbed.

I have spent a major part of my life in the administration of justice as a trial lawyer, as a trial judge, and as an appellate judge. While I was engaged in practicing law, I devoted my efforts to a very considerable degree to the defense of men charged with crime. I have never held the office of prosecuting attorney. As a result of my experience as a practicing lawyer representing the accused, and my experience as a trial judge, I can truthfully say that in my humble judgment these new decisions, which are based upon a distrust of the character of law-enforcement officers, and on a distrust of the veracity of human beings as witnesses, have no substantial factual foundation.

Most law-enforcement officers are honorable gentlemen, who are just as much dedicated to the performance of their duties as any Member of the Senate or any member of the Supreme Court. The overwhelming majority of Americans, when they become witnesses in court testify truthfully.

Mr. President, I wish to call to the attention of the Senate a statement made by one of the greatest judges who ever lived on the North American Continent, Judge Learned Hand, while sitting as district judge in the case of United States against Garsson, 291 Federal Reporter 646. This opinion says some things which need to be said. He was discussing the application of the accused to compel the prosecution to reveal to him the entire case of the prosecution. He said:

> Finally, the defendants, recognizing that it is difficult to make a case for quashal by the scraps of evidence accessible, move for inspection of the grand jury's minutes. I am no more disposed to grant it than I was in 1909. U.S. v. Violon (C. C.) 173 Fed. 501. It is said to lie in discretion, and perhaps it does, but no judge of this court has granted it, and I hope none ever will. Under our criminal procedure the accused has every advantage. While the prosecution is held rigidly to the charge, he need not disclose the barest outline of his defense. He is immune from question or comment on his silence; he cannot be convicted when there is the least fair doubt in the minds of any one of the twelve. Why in addition he should in advance have the whole evidence against him to pick over at his leisure, and make his defense, fairly or foully, I have never been able to see. No doubt grand juries err and indictments are calamities to honest men, but we must work with human beings and we can correct such errors only at too large a price—

Here is the passage to which I should particularly like to direct the attention of the Senate:

> Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime.

That is the statement of Judge Learned Hand, one of the most experienced men who ever occupied judicial office in this country.

Let me repeat it:

> Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime.

Our country has erected, without such artificial and unrealistic rules as those expounded in Mallory, Escobedo, Miranda, and Wade, a system for the trial of criminal charges which makes it as certain as is humanly possible that no innocent man will ever be convicted.

Under our system, every person is presumed to be innocent of the charge against him until the truth of the charge has been proved beyond a reasonable doubt to 12 jurors. The accused has the right to remain silent. He can testify or refrain from testifying, at his election. His failure to testify cannot be made the subject of comment by the prosecuting attorney or by the judge. He has the right to confront the witnesses against him, and to cross-examine them in person or through his attorney.

He has the right to compulsory process, to secure the attendance of witnesses to testify in his behalf. As I said a moment ago, as long as one of the 12 jurors has a fair doubt of his guilt, he cannot be convicted.

After he is convicted, he has the right to appeal to the highest court in the State having appellate jurisdiction of his case; and then to the Supreme Court of the United States if he claims he has been denied any right under the Federal Constitution, or under any act of Congress, or under any treaty of the United States.

Mr. President, I have already pointed out that the National District Attorneys Association has recently adopted a resolution endorsing certain of the provisions of title II.

I ask unanimous consent to have this resolution printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION 2: McCLELLAN AMENDMENTS

> Be it resolved, that the National District Attorneys Association in convention assembled hereby endorses amendments offered by United States Senator John McClellan to the Safe Streets and Crime Control Act (S. 917) as follows:
>
> 1. An amendment authorizing wire-tapping and electronic interception of communication pursuant to court order.
>
> 2. An amendment making voluntariness the test for admissibility of any statement, admission or confession.
>
> 3. An amendment restricting the jurisdiction of the United States Supreme Court to review certain decisions of state supreme courts.

Mr. ERVIN. Mr. President, let me now proceed to another provision of title II, which is incorporated in section 702, on page 47 of the bill and which reads as follows:

> The judgment of a court of a State upon a plea or verdict of guilty in a criminal action shall be conclusive with respect to all questions of law or fact which were determined, or which could have been determined, in that action until such judgment is reversed, vacated, or modified by a court having jurisdiction to review by appeal or certiorari such judgment; and neither the Supreme Court nor any inferior court ordained and established by Congress under article III of the Constitution of the United States shall have jurisdiction to reverse, vacate, or modify any such judgment of a State court except upon appeal from, or writ of certiorari granted to review, a determination made with respect to such judgment upon review thereof by the highest court of that State having jurisdiction to review such judgment.

Mr. President, the Senator from Maryland declared this morning that this provision would deny a man tried in a State court the benefit of his rights under the Federal Constitution.

With all due respect to him, I assert my good friend is in error.

This provision would secure to every man the right to raise any point in his defense which may arise under either Federal or State law, the right to appeal to the highest appellate court of his State having jurisdiction of his case, and then to secure a review by the Supreme Court of the United States, if the Supreme Court of the United States finds there is reason to believe that he has been denied any right to which he is entitled under the Constitution of the United States, under any act of Congress, or under any treaty of the United States.

My friend from Maryland also intimated that it is unconstitutional. Well, I am moved to offer this amendment because the chief justices of the State courts of this country, by formal resolution on one or more occasions, have appealed to Congress to pass a statute of this character. I do not believe they would petition Congress to enact an unconstitutional law.

In a few moments, I shall ask to have included in the Record the concurring opinion of Justice Jackson in the case of *Brown* v. *Allen*, which is reported in 344 U.S. at 443.

On page 539 of that decision, Justice Jackson sets forth in his concurring opinion a footnote which incorporates in full a resolution adopted by the Conference of Chief Justices of the Courts of the States in 1952, and which makes this plea to the Congress of the United States:

> Now, therefore, be it resolved That it is the considered view of the Chief Justices of the States of the Union, in conference duly assembled, that orderly Federal procedure under our dual system of Government should require that a final judgment of a State's highest court be subject to review or reversal only by the Supreme Court of the United States.

Prior to making that request of the Congress, the Conference of Chief Justices of the States of this Union set forth certain whereases, in which they pointed out how the recent rulings of the Supreme Court in relation to writs of habeas corpus to inquire into the legality of the detention of persons held under the judgments of State courts were bringing about chaos in the administration of justice in this country.

As a result of some of these rulings, many States, such as my own State of North Carolina, have had to set up what are called postconviction proceedings. I might state as an absolute truth that where these postconviction proceedings are authorized by State law, we have a system under which in the original trial the court tries the accused, and in the postconviction proceeding the accused tries the court.

These rulings of the Supreme Court have absolutely nullified the words of the statute giving the court jurisdiction to issue writs of habeas corpus to inquire into the legality of the detention of State prisoners.

I am sorry that my good friend the Senator from Maryland [Mr. TYDINGS] has left the floor, because he and I had a little colloquy about the writ of habeas corpus this morning. I find he and I are in substantial disagreement with respect to many aspects of the question. So I want to summon the Supreme Court of the United States to my side on this one occasion.

In England the writ of habeas corpus was originally used solely to inquire into the legality of the detention of the applicant by an executive officer or private citizen. It did not lie originally to inquire into the legality of the detention of any person held pursuant to the judgment of any court.

As time passed, however, it was modified and it was permitted to issue to inquire into the legality of the detention of a person under the order of the court, provided it was alleged and shown that the judgment of the court was void in that the court either had no jurisdiction of the person of the applicant or no jurisdiction of the case in which the applicant had been tried. It did not lie to inquire into whether or not errors of law had been committed by the trial court which had sentenced the applicant. In other words, it was not permitted to be used as a substitute for an appeal.

The United States of America has no common law. All of its laws must be found either in the Constitution or in an act of Congress or in a treaty made by it. So, as a result, much of the talk about what the common law permitted in England or in the States is not germane to our subject.

I pointed out on a previous occasion that except for the limited original jurisdiction of the Supreme Court, neither the Supreme Court nor an inferior Federal court has any jurisdiction other than that vested in it by Congress which must confine any jurisdiction granted by it to one of the cases or controversies named in article III.

I mentioned the fact that originally habeas corpus would lie only to inquire into the legality of the detention of a person held under the order of a court where the order was void for want of jurisdiction of the person of the applicant or the cause for which he was tried.

Now I would like to call attention to this point. The Supreme Court of the United States held, in *Bergemann* v. *Becker* (157 United States 655); *re Frederich* (149 U.S. 70, *Ex parte Carll* (106 U.S. 521), and *Ex parte Parks* (93 U.S. 18), that the well-settled rule that the only ground on which any court without some special statute authorizing it will give relief on habeas corpus to a prisoner under conviction and sentence of another court is the want of jurisdiction of the latter over the person or the cause applies to habeas corpus proceedings before the Supreme Court.

So even the Supreme Court of the United States, according to its own decisions, apart from special statutes, has no power to issue a writ of habeas corpus to inquire into the legality of the detention of the applicant under sentence of any court unless the court which imposed the sentence lacked jurisdiction of the person of the applicant or jurisdiction of the cause in which he was tried.

I stated this morning in my colloquy with the Senator from Maryland that the Federal courts had no jurisdiction by way of habeas corpus in respect to the detention of prisoners under State judgments prior to 1867. This was true because Congress did not so provide, and the Federal district courts—or circuit courts, as they were then called—had no jurisdiction except that conferred upon them by Congress.

The first act of Congress having any relation to this subject was the Judiciary Act of 1789. I am reading a passage from 25 American Jurisprudence, Habeas Corpus, Section 112, at pages 226 and 227;

> Under the Judiciary Act of 1789, the courts of the United States and any of the justices of the Supreme Court, as well as the judges of the District Courts, had power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment; but this extended in no case to prisoners in jail, unless they were in custody by color of the authority of the United States or had been committed for trial before some court of the United States, or unless it was necessary to bring them into court to testify. Under that act, no writ of habeas corpus, except ad testificandum, could be issued in the case of a prisoner in jail under commitment by a court or magistrate of a state. The law remained in this condition until the events connected with the nullification proceedings in South Carolina, by which officers of the United States engaged in collecting the revenue and performing other duties in that state were, for that reason, subjected by the laws of South Carolina to imprisonment. At that time, the power of the United States courts was extended to all cases of prisoners in jail or confinement, where committed or confined on or by any authority or law for any act done or omitted to be done in pursuance of a law of the United States or of any order, process, or decree of any judge or court thereof. In 1842 there was another extension of power, whereby the writ could be issued where the prisoner, being a subject or citizen of a foreign state and domiciled therein, was committed or confined under or by any authority or law of the United States or of any one of them, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations or under color thereof.

Outside of that, Federal trial courts had no jurisdiction whatsoever to inquire into the legality of the detention of any State prisoners by the writ of habeas corpus prior to 1867.

Surely, that would have been unconstitutional, too, if the Constitution had not provided that the jurisdiction of the Federal courts depends upon acts of Congress.

Among the greatest judges, greatest legal scholars, and most knowledgeable men in constitutional law who have ever adorned the Supreme Court of the United States is one of the present justices of that court, Justice John Marshall Harlan. In a recent case, the *Fay* case 372 U.S. 391, he outlined the history of the use of the writ of habeas corpus by Federal district judges. For the information of the Senate, I ask unanimous consent that a copy of his opinion—which is a dissenting opinion—be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[October term, 1962]

HARLAN, J., DISSENTING

MR. JUSTICE HARLAN, whom MR. JUSTICE CLARK and MR. JUSTICE STEWART join, dissenting.

This decision, both in its abrupt break with the past and in its consequences for the future, is one of the most disquieting that the Court has rendered in a long time.

Section 2241 of the Judicial Code, 28 U.S.C. § 2241, entitled "Power to grant writ," which is part of the federal habeas corpus statute, provides among other things:

"(c) The writ of habeas corpus shall not extend to a prisoner unless—

* * * * *

"(3) He is in custody in violation of the Constitution or laws or treaties of the United States."

I dissent from the Court's opinion and judgment for the reason that the federal courts have no *power*, statutory or constitutional, to release the respondent Noia from state detention. This is because his custody by New York does not violate any federal right, since it is pursuant to a conviction whose validity rests upon an adequate and independent state ground which the federal courts are required to respect.

A full exposition of the matter is necessary, and I believe it will justify the statement that in what it does today the Court has turned its back on history and struck a heavy blow at the foundations of our federal system.

I. DEPARTURE FROM HISTORY

The history of federal habeas corpus jurisdiction, I believe, leaves no doubt that today's decision constitutes a square rejection of long-accepted principles governing the nature and scope of the Great Writ.[1]

Habeas corpus ad subjiciendum is today, as it has always been, a fundamental safeguard against unlawful custody. The importance of this prerogative writ, requiring the body of a person restrained of liberty to be brought before the court so that the lawfulness of the restraint may be determined, was recognized in the Constitution,[2] and the first Judiciary Act gave the federal courts authority to issue the writ "agreeable to the principles and usages of law." [3] Although the wording of earlier statutory provisions has been changed, the basic question before the court to which the writ is addressed has always been the same: in the language of the present statute, on the books since 1867, is the detention complained of "in violation of the Constitution or laws or treaties of the United States"? *Supra*, p. 448.

Detention can occur in many contexts, and in each the scope of judicial inquiry will differ. Thus a child may be detained by a parent, an alien excluded by an immigration official, or a citizen arrested by a policeman and held without being brought to a magistrate. But the custody with which we are here concerned is that resulting from a judgment of criminal conviction and sentence by a court of law. And the question before us is the circumstances under which that custody may be held to be inconsistent with the commands of the Federal Constitution. What does history show?

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[1] For a broad range of views, see the analytical discussions of the development of federal habeas corpus jurisdiction in Hart, Foreword, 73 Harv. L. Rev. 84; Reitz, Federal Habeas Corpus: Impact of an Abortive State Proceeding, 74 Harv. L. Rev. 1315; Brennan, Federal Habeas Corpus and State Prisoners: An Exercise in Federalism, 7 Utah L. Rev. 423; and Bator, Finality in Criminal Law and Federal Habeas Corpus for State Prisoners, 76 Harv. L. Rev. 441.

[2] U. S. Const., Art. I, § 9, cl. 2.

[3] Section 14 of the Judiciary Act of 1789, c. 20, 1 Stat. 73, 81–82.

1. *Pre-1915 period.*—The formative stage of the development of habeas corpus jurisdiction may be said to have ended in 1915, the year in which *Frank* v. *Mangum*, 237 U.S. 309, was decided. During this period the federal courts, on applications for habeas corpus complaining of detention pursuant to a judgment of conviction and sentence, purported to examine *only* the jurisdiction of the sentencing tribunal. In the leading case of *Ex parte Watkins*, 3 Pet. 193, the Court stated:

"An imprisonment under a judgment cannot be unlawful, unless that judgment be an absolute nullity; and it is not a nullity if the court has general jurisdiction of the subject, although it should be erroneous." 3 Pet., at 203.

Many subsequent decisions, dealing with both state and federal prisoners, and involving both original applications to this Court for habeas corpus and review of lower court decisions, reaffirmed the limitation of the writ to consideration of the sentencing court's jurisdiction over the person of the defendant and the subject matter of the suit. *E. g., Ex parte Parks*, 93 U.S. 18; *Andrews* v. *Swartz*, 156 U.S. 272; *In re Belt*, 159 U.S. 95; *In re Moran*, 203 U.S. 96.

The concept of jurisdiction, however, was subjected to considerable strain during this period, and the strain was not lessened by the fact that until the latter part of the last century, federal criminal convictions were not generally reviewable by the Supreme Court.[4] The expansion of the definition of jurisdiction occurred primarily in two classes of cases: (1) those in which the conviction was for violation of an allegedly unconstitutional statute, and (2) those in which the Court viewed the detention as based on some claimed illegality in the sentence imposed, as distinguished from the judgment of conviction. An example of the former is *Ex parte Siebold*, 100 U.S. 371, in which the Court considered on its merits the claim that the acts under which the indictments were found were unconstitutional, reasoning that "[a]n unconstitutional law is void, and is as no law," and therefore "if the laws are unconstitutional and void, the Circuit Court acquired no jurisdiction of the causes." 100 U.S., at 376–377.[5] An example of the latter is *Ex parte Lange*, 18 Wall. 163, in which this Court held that if a valid sentence had been carried out, and if the governing statute permitted only one sentence, the sentencing judge lacked jurisdiction to impose further punishment:

"[W]hen the prisoner . . . by reason of a valid judgment, had fully suffered one of the alternative punishments to which alone the law subjected him, the power of the court to punish further was gone." 18 Wall., at 176.[6]

It was also during this period that Congress, in 1867, first made habeas corpus available by statute to prisoners held under state authority. Act of February 5, 1867, c. 28, § 1, 14 Stat. 385. In this 1867 Act the Court now seems to find justification for today's decision, relying on the statement of one of its proponents that the bill was "coextensive with all the powers that can be conferred" on the courts and judges of the United States. Cong. Globe, 39th Cong., 1st Sess. 4151. But neither the statute itself, its legislative history, nor its subsequent interpretation lends any support to the view that habeas corpus jurisdiction since 1867 has been exercisable whether or not the state detention complained of rested on decision of a federal question.

First, there is nothing in the language of the Act—which spoke of the availability of the writ to prisoners "restrained of . . . liberty in violation of the constitution . . ."—to suggest that there was any change in the *nature* of the writ as applied to one held pursuant to a judgment of conviction. The language was that typically employed in habeas corpus cases, and, as we have seen, it was not believed that a person so held was restrained in violation of law if the sentencing court had personal and subject matter jurisdiction. Rather, the change accomplished by the language of the Act related to the *classes* of prisoners (in particular, state as well as federal) for whom the writ would be available.

Second, what little legislative history there is does not suggest any change in the nature of the writ. The extremely brief debates indicated only a lack of understanding as to what the Act would accomplish, coupled with an effort by the proponents to make it clear that the purpose was to extend the availability of the writ to persons not then covered; there was no indication of any intent to alter its substantive scope.[7] Thus, less than 20 years after enactment, a congressional committee could say of the 1867 Act that it was not "contemplated by its framers or . . . properly . . . construed to authorize the overthrow of the final judgments of the State courts of general jurisdiction, by the inferior Federal judges . . ."[8]

Third, cases decided under the Act during this period made it clear that the Court did not regard the Act as changing the character of the writ. In considering the lawfulness of the detention of state prisoners, the Court continued to confine itself to questions it regarded as "jurisdictional." See, *e.g., In re Rahrer*, 140 U.S. 545; *Harkrader* v. *Wadley*, 172 U.S. 148; *Pettibone* v. *Nichols*, 203 U.S. 192. And the Court repeatedly held that habeas corpus was not available to a state prisoner to consider errors, even constitutional errors, that did not go to the jurisdiction of the sentencing court. *E.g., In re Wood*, 140 U.S. 278; *Andrews* v. *Swartz*, 156 U.S. 272; *Bergemann* v. *Backer*, 157 U.S. 655.

At the same time, in dealing with applications by state prisoners the Court developed the doctrine of exhaustion of state remedies, a doctrine now embodied in 28 U.S.C. § 2254. In *Ex parte Royall*, 117 U.S 241, the prisoner had brought federal habeas corpus seeking release from his detention pending a state prosecution, and alleging that the statute under which he was to be tried was void under the Contract Clause. The *power* of the federal court to act in this case, if the allegations could be established, was clear since under accepted principles the State would have lacked "jurisdiction" to detain the prisoner. But the Court observed that the question of constitutionality would be open to the prisoner at his state trial and, absent any showing of urgency, considerations of comity counseled the exercise of discretion to withhold the writ at this early stage. In subsequent decisions, the Court continued to insist that state remedies be exhausted, even when the applicant alleged a lack of jurisdiction in state authorities which, if true, would have enabled the federal court to act on the application immediately. *E. G., Ex parte Fonda*, 117 U.S. 516; *Cook* v. *Hart*, 146 U.S. 183; *New York* v. *Eno*, 155 U.S. 89. As stated in *Cook* v. *Hart*, 146 U.S., at 195, "The party charged *waives no defect of jurisdiction* by submitting to a trial of his case upon the merits . . . Should . . . [his] rights be denied, his remedy in the Federal court will remain unimpaired." (Emphasis added.) The question whether the Constitution deprived the State of *jurisdiction*, in other words, would remain open under traditional doctrine, on collateral as well as direct attack.

There can be no doubt of the limited scope of habeas corpus during this formative period, and of the consistent efforts to confine the writ to questions of jurisdiction. But the cardinal point for present purposes is that in no case was it held, or even suggested, that habeas corpus would be available to consider any claims by a prisoner held pursuant to a state court judgment whose validity rested on an adequate *nonfederal* ground. Indeed, so long as the writ was confined to claims by state prisoners that the State was constitutionally precluded from exercising its jurisdiction in the particular case, it is difficult to conceive of a decision to detain in such cases resting on an adequate state ground. Even when the concept of jurisdiction was expanded, as in *Ex parte Siebold*, 100 U.S. 371, and other decisions, the matters open on habeas were still limited to those which were believed to have deprived the sentencing court of all competence to act, and which therefore could always be raised on collateral attack. It is for this reason that the *Royall* line of "exhaustion" cases, relied on so heavily by the Court, has no real bearing on the problem before us. For those cases dealt only with the *discretion* of the court to take action which, if the allegations of lack of state jurisdiction were upheld, it would have had *power* to take either before or after state consideration. The issue here, on the other hand, is one of *power*, and wholly different considerations are involved.

In those few instances during this early period when the Court discussed questions it did not regard as jurisdictional, it occasionally went so far as to suggest that a constitutional claim could not be raised on habeas even if the state decision to detain rested on an *inadequate* state ground—that the only avenue of relief was direct review. Thus in *Andrews* v. *Swartz*, 156 U.S. 272, where the claim made on federal habeas was the systematic exclusion of Negroes from a state jury, the Court held it "a sufficient answer to this contention that the state court had jurisdiction both of the offence charged and of the accused." *Id.*, at 276. It continued:

"Even if it be assumed that the state court improperly denied to the accused . . . the right to show by proof that persons of his race were arbitrarily excluded . . . it would not follow that the court lost jurisdiction of the case within the meaning of the well-established rule that a prisoner under conviction and sentence of another court will not be discharged on *habeas corpus* unless the court that passed the sentence was so far without jurisdiction that its proceedings must be regarded as void." *Ibid.*

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[4] The statutory development relating to review of criminal cases by the Supreme Court is discussed in Bator, *supra*, note 1, at 473, n. 75.

[5] See also, *e. g., Ex parte Jackson*, 96 U.S. 727; *Ex parte Yarbrough*, 110 U.S. 651; *Minnesota* v. *Brundage*, 180 U.S. 499.

[6] See also, *e. g., Ex parte Wilson*, 114 U.S. 417; *In re Snow*, 120 U.S. 274; *In re Bonner*, 151 U. S. 242. Compare *Ex parte Bigelow*, 113 U. S. 328.

In addition, there were a few cases during this period in which the Court rejected claims made in habeas corpus, apparently on their merits, without clearly limiting itself to questions of "jurisdiction." See *In re Converse*, 137 U. S. 624; *Felts* v. *Murphy*, 201 U. S. 123. See also Bator, *supra*, note 1, at 484. These cases were infrequent, however, and must be considered as exceptions to the general rules held to be applicable in this formative period.

[7] The remarks of Congressman Lawrence quoted by the majority, *ante*, p. 417, were in response to a suggestion by Congressman LeBlond that the bill would not cover certain civilians in military custody. Cong. Globe, 39th Cong., 1st Sess. 4151. See also *id.*, at 4229.

[8] H. R. Rep. No. 730, 48th Cong., 1st Sess. 5 (1884).

2. *1915–1953 period.*—The next stage of development may be described as beginning in 1915 with *Frank* v. *Mangum*, 237 U.S. 309, and ending in 1953 with *Brown* v. *Allen*, 344 U.S. 443. In *Frank*, the prisoner had claimed before the state courts that the proceedings in which he had been convicted for murder had been dominated by a mob, and the State Supreme Court, after consideration not only of the record but of extensive affidavits, had concluded that mob domination had not been established.[9] Frank then sought federal habeas, and this Court affirmed the denial of relief. But in doing so the Court recognized that Frank's allegation of mob domination raised a constitutional question which he was entitled to have considered by a competent tribunal uncoerced by popular pressures. Such "corrective process" had been afforded by the State Supreme Court, however, and since Frank had received "notice, and a hearing, or an opportunity to be heard" on his constitutional claims (237 U.S., at 326), his detention was not in violation of federal law and habeas corpus would not lie.

It is clear that a new dimension was added to habeas corpus in this case, for in addition to questions previously thought of as "jurisdictional," the federal courts were now to consider whether the applicant had been given an adequate opportunity to raise his constitutional claims before the state courts. And if no such opportunity had been afforded in the state courts, the federal claim would be heard on its merits. The Court thus rejected the views expressed in *Andrews* v. *Swartz, supra*, p. 455, by holding, in effect, that a constitutional claim could be heard on habeas if the State's refusal to give it proper consideration rested on an *inadequate* state ground. But habeas would not lie to reconsider constitutional questions that had been fairly determined. And *a fortiori* it would not lie to consider a question when the state court's refusal to do so rested on an adequate and independent state ground.

In this connection, it is important to note the section of the opinion relating to Frank's separate constitutional claim that his involuntary absence from the courtroom at the time the verdict was rendered invalidated the conviction. Frank had failed to raise this point in his motion for a new trial; that state court held that it had been "waived"; and this Court decided that the state rule barring assertion of the point after failure to raise it in a motion for new trial was reasonable and did not violate due process.[10] Clearly, the significance of the Court's ruling was that as to *this* constitutional claim, whatever its merits if the point had been properly preserved, there was an adequate nonfederal ground for the detention.

In no case prior to *Brown* v. *Allen*, I submit, was there any substantial modification of the concepts articulated in the *Frank* decision. In *Moore* v. *Dempsey*, 261 U.S. 86, this Court did require a hearing on federal habeas of a claim similar to that in *Frank*, of mob domination of the trial, even though the state appellate court had purported to pass on the claim, but only by refusing to "assume that the trial was an empty ceremony." [11] The decision of this Court is sufficiently ambiguous that it seems to have meant all things to all men.[12] But I suggest that the decision cannot be taken to have overruled *Frank;* it did not purport to do so, and indeed it was joined by two Justices who had joined in the *Frank* opinion. Rather, what the Court appears to have held was that the state appellate court's perfunctory treatment of the question of mob domination, amounting to nothing more than reliance on the presumptive validity of the trial, was not in fact acceptable corrective process and federal habeas would therefore lie to consider the merits of the claim. Until today, the Court has consistently so interpreted the opinion, as in *Ex parte Hawk*, 321 U.S. 114, 118, where *Moore* was cited as an example of a case in which "the remedy afforded by state law proves in practice unavailable or seriously inadequate." See also *Jennings* v. *Illinois*, 342 U.S. 104, 111.

Certainly, there is no basis in the *Moore* opinion, whatever it may fairly be taken to mean, for concluding that the Court required consideration on federal habeas of a question which the state court had had an *adequate state ground* for refusing to consider. The claim of mob domination *was* considered, although apparently inadequately, by the state court, and it was only on this premise that the claim was required to be heard on habeas.

Subsequent decisions involving state prisoners continued to indicate that the controlling question on federal habeas—apart from matters going to lack of state jurisdiction in light of federal law—was whether or not the State had afforded adequate opportunity to raise the federal claim. If not, the federal claim could be considered on its merits. See, *e.g.*, *Mooney* v. *Holohan*, 294 U.S. 103; *White* v. *Ragen*, 324 U.S. 760; *Woods* v. *Niersheimer*, 328 U.S. 211; cf. *Jennings* v. *Illinois*, 342 U.S. 104.[13]

A development paralleling that in *Frank* v. *Mangum* took place during this period with regard to federal prisoners. The writ remained unavailable to consider questions that were or could have been raised in the original proceedings, or on direct appeal, see *Sunal* v. *Large*, 332 U.S. 174, but it was employed to permit consideration of constitutional questions that could not otherwise have been adequately presented to the courts. *E.g.*, *Johnson* v. *Zerbst*, 304 U.S. 458; *Walker* v. *Johnston*, 312 U.S. 275; *Waley* v. *Johnston*, 316 U.S. 101. This limited scope of habeas corpus, and its statutory substitute 28 U.S.C. § 2255, in relation to federal prisoners may have survived *Brown* v. *Allen* and may still survive today. See, *e.g.*, *Franano* v. *United States*, 303 F. 2d 470, cert. denied, 371 U.S. 865. Compare *Jordan* v. *United States*, 352 U.S. 904.

To recapitulate, then, prior to *Brown* v. *Allen*, habeas corpus would not lie for a prisoner who was in custody pursuant to a state judgment of conviction by a court of competent juridiction if he had been given an adequate opportunity to obtain full and fair consideration of his federal claim in the state courts. Clearly, under this approach, a detention was not in violation of federal law if the validity of the state conviction on which that detention was based rested on an adequate nonfederal ground.

3. *Post-1953, Brown* v. *Allen, period.*—In 1953, this Court rendered its landmark decisions in *Brown* v. *Allen*, 344 U.S. 443, and *Daniels* v. *Allen*, reported therewith, 344 U.S., at 482–487.[11] Both cases involved applications for federal habeas corpus by prisoners who were awaiting execution pursuant to state convictions. In both cases, the constitutional contentions made were that the trial court had erred in ruling confessions admissible and in overruling motions to quash the indictment on the basis of alleged discrimination in the selection of jurors.

In *Brown*, these contentions had been presented to the highest court of the State, on direct appeal from the conviction, and had been rejected by that court on the merits, *State* v. *Brown*, 233 N. C. 202, 63 S. E. 2d 99, after which this Court had denied certiorari, 341 U.S. 943. At this point, the Court held, Brown was entitled to full reconsideration of these constitutional claims, with a hearing if appropriate, in an application to a Federal District Court for habeas corpus.

It is manifest that this decision substantially expanded the scope of inquiry on an application for federal habeas corpus.[15] *Frank* v. *Mangum* and *Moore* v. *Dempsey* had denied that the federal courts in habeas corpus sat to determine whether errors of law, even constitutional law, had been made in the original trial and appellate proceedings. Under the decision in *Brown*, if a petitioner could show that the validity of a state decision to detain rested on a determination of a constitutional claim, and if he alleged that determination to be erroneous, the federal court had the right and the duty to satisfy itself of the correctness of the state decision.

But what if the validity of the state decision to detain rested not on the determination of a federal claim but rather on an adequate non-federal ground which would have barred direct review by this Court? That was the question in *Daniels*. The attorney for the petitioners in that case had failed to mail the appeal papers on the last day for filing, and although he delivered them by hand the next day, the State Supreme Court refused to entertain the appeal, ruling that it had not been filed on time. This ruling, this Court held, barred federal habeas corpus consideration of the claims that the state appellate court had refused to consider. Language in Mr. Justice Reed's opinion for the Court appeared to support the result alternatively in terms of waiver,[16] failure to exhaust state remedies,[17] and the existence of an adequate state ground.[18] But while the explanation may have been ambiguous, the result was clear; habeas corpus would not lie for a prisoner who was detained pursuant to a state judgment which, in the view of the majority in *Daniels*, rested on a reasonable application of the State's own procedural requirements. Moreover, the issue was plainly viewed as one of *authority*, not of discretion. 344 U.S., at 485.

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[9] *Frank* v. *State*, 141 Ga. 243, 280–281, 80 S. E. 1016, 1032–1033.

[10] See 237 U. S., at 343. The dissenting opinion, 237 U. S., at 345, 346, did not take issue with this holding, but rather focused on the allegations of mob domination.

[11] *Hicks* v. *State*, 143 Ark. 158, 162, 220 S. W. 308, 310.

[12] Compare Hart, *supra*, note 1, at 105; Reitz, *supra*, note 1, at 1328–1329; Bator, *supra*, note 1, at 488–491.

[13] It has been suggested that language in such cases as *White* v. *Ragen*, 324 U.S. 760, 765, and *House* v. *Mayo*, 324 U.S. 42, 48, supports the result reached today by indicating that federal habeas will lie when an adequate state ground bars direct review by this Court. See Brennan, *supra*, note 1, at 431–432, n. 51; Reitz, *supra*, note 1, at 1359–1360. But these cases do not stand for this proposition. In each of them the state court appeared to have denied that the particular post-conviction remedy sought was available to redress a claim of federal right that could not have been adequately asserted in the original trial. In each of them, it remained possible that other state remedies might be open, in which event it seemed clear that the particular denial of relief rested on an adequate state ground. But if it was subsequently determined—either by further attempts to obtain state relief or by proof in a Federal District Court—that no state remedies of any kind were ever available in the state courts, then federal habeas would lie. For, "it is not simply a question of state procedure," and there is no truly adequate state ground, "when a state court of last resort closes the door to any consideration of a claim of denial of a federal right." *Young* v. *Ragen*, 337 U.S. 235, 238; cf. *Ward* v. *Love County*, 253 U.S. 17; *General Oil Co.* v. *Crain*, 209 U.S. 211. In other words, the proposition that cases such as *White* v. *Ragen* do stand for is that this Court will, as a matter of sound judicial administration, accept what *appears on its face* to be an adequate state ground because the Federal District Court remains open for more intensive consideration of the petitioner's claim of inadequacy. Cf. 28 U.S.C. § 2241(b).

[11] A third case, *Speller* v. *Allen*, was also reported at the same time but was not significantly different, for present purposes, from *Brown* v. *Allen*.

[15] *Brown* v. *Mississippi*, 297 U.S. 278, cited by the Court, *ante*, p. 414, arose on direct review of a state conviction, and did not suggest that a claim of a coerced confession, once determined by the state courts, could be redetermined on federal habeas.

I do not pause to reconsider here the question whether the state ground in *Daniels* was an adequate one; persuasive arguments can be made that it was not. The important point for present purposes is that the approach in *Daniels* was wholly consistent with established principles in the field of habeas corpus jurisdiction. The problem, however, had been brought into sharper focus by the result in *Brown*. Once it is made clear that the questions open on federal habeas extend to such matters as the admissibility of confessions, or of other evidence, the possibility that inquiry may be precluded by the existence of a state ground adequate to support the judgment is substantially increased.

Issues similar to those in *Daniels* next came before the Court in *Irvin* v. *Dowd*, 359 U.S. 394. In that case, the state court's decision affirming Irvin's conviction for murder was ambiguous and it could have been interpreted to rest on a state ground even though Irvin's federal constitutional claims were considered. *Irvin* v. *State*, 236 Ind. 384, 139 N.E. 2d 898; see also the dissenting opinion of this writer in *Irvin* v. *Dowd*, *supra*, 412. This Court, in reversing a dismissal of an application for federal habeas corpus, concluded that the state court decision had rested on determination of Irvin's federal claims, and held that those claims could therefore be considered on federal habeas. The majority appeared to approach the problem as one of exhaustion,[19] but the basic determination was that the state court judgment, pursuant to which Irvin was detained, did not rest on an application of the State's procedural rules.

This brings us to the present case. There can, I think, be no doubt that today's holding—that federal habeas will lie despite the existence of an adequate and independent nonfederal ground for the judgment pursuant to which the applicant is detained—is wholly unprecedented. Indeed, it constitutes a direct rejection of authority that is squarely to the contrary. That the result now reached is a novel one does not, of course, mean that it is necessarily incorrect or unwise. But a decision which finds virtually no support in more than a century of this Court's experience should certainly be subject to the most careful scrutiny.

II. CONSTITUTIONAL BARRIER

The true significance of today's decision can perhaps best be laid bare in terms of a hypothetical case presenting questions of the powers of this Court on direct review, and of a Federal District Court on habeas corpus.

1. *On direct review.*—Assume that a man is indicted, and held for trial in a state court, by a grand jury from which members of his race have been systematically excluded. Assume further that the State requires any objection to the composition of the grand jury to be raised prior to the verdict, that no such objection is made, and that the defendant seeks to raise the point for the first time on appeal from his conviction. If the state appellate court refuses to consider the claim because it was raised too late, and if certiorari is sought and granted, the initial question before this Court will be whether there was an adequate state ground for the judgment below. If the petitioner was represented by counsel not shown to be incompetent, and if the necessary information to make the objection is not shown to have been unavailable at the time of trail, it is certain that the judgment of conviction will stand, despite the fact the indictment was obtained in violation of the petitioner's constitutional rights.[20]

What is the reason for the rule that an adequate and independent state ground of decision bars Supreme Court review of that decision—a rule which, of course, is as applicable to procedural as to substantive grounds? In *Murdock* v. *Memphis*, 20 Wall. 590, 632–636, it was concluded that under the governing statute (i) the Court did not have jurisdiction, on review of a state decision, to examine and decide "questions not of a Federal character," *id.*, at 633, and (ii) an erroneous decision of a federal question by a state court could not warrant reversal if there were:

"any other matter or issue adjudged by the State court, which is sufficiently broad to maintain the judgment of that court, notwithstanding the error in deciding the issue raised by the Federal question." *Id.*, at 636.

But as the Court in *Murdock* so strongly implied, and as emphasized in subsequent decisions, the adequate state ground rule has roots far deeper than the statutes governing our jurisdiction, and rests on fundamentals that touch this Court's habeas corpus jurisdiction equally with its direct reviewing power. An examination of the alternatives that might conceivably be followed will, I submit, confirm that the rule is one of constitutional dimensions going to the heart of the division of judicial powers in a federal system.

One alternative to the present rule would be for the Court to review and decide any federal questions in the case, even if the determination of nonfederal questions were adequate to sustain the judgment below, and then to send the case back to the state court for further consideration. But it needs no extended analysis to demonstrate that such action would exceed this Court's powers under Article III. As stated in *Herb* v. *Pitcairn*, 324 U.S. 117, 126:

"[O]ur power is to correct wrong judgments, not to revise opinions. We are not permitted to render an advisory opinion, and if the same judgment would be rendered by the state court after we corrected its views of federal laws, our review could amount to nothing more than an advisory opinion."

Another alternative, which would avoid the problem of advisory opinions, would be to take the entire case and to review on the merits the state court's decision of *every* question in it. For example, in our hypothetical case the Court might consider on its merits the question whether the state court correctly ruled that under state law objections to the composition of the grand jury must be made prior to the verdict.

To a limited extent, of course, this procedural ruling of the state court raises federal as well as state questions. It is clear that a State may not preclude Supreme Court review of federal claims by discriminating against or evading the assertion of a federal right, and indeed that state procedural grounds for refusal to consider a federal claim must rest on a "fair or substantial basis."[21] Occasionally this means that a state procedural rule which may properly preclude the raising of state claims in a state court cannot thwart review of federal claims in this Court.[22] These principles are inherent in the concept that a state ground, to be of sufficient breadth to support the judgment, must be *both* "adequate" and "independent."

But determination of the adequacy and independence of the state ground, I submit, marks the constitutional limit of our power in this sphere. The reason why this is so was perhaps most articulately expressed in a different but closely related context by Mr. Justice Field in his opinion in *Baltimore & O. R. Co.* v. *Baugh*, 149 U.S. 368, 401. He stated, in a passage quoted with approval by the Court in the historic decision in *Erie R. Co.* v. *Tompkins*, 304 U.S. 64, 78–79:

"[T]he Constitution of the United States . . . recognizes and preserves the autonomy and independence of the States—independence in their legislative and independence in their judicial departments. Supervision over either the legislative or the judicial action of the States is in no case permissible except as to matters by the Constitution specifically authorized or delegated to the United States. Any interference with either, except as thus permitted, is an invasion of the authority of the State and, to that extent, a denial of its independence."

For this Court to go beyond the adequacy of the state ground and to review and determine the correctness of that ground on its merits would, in our hypothetical case, be to assume full control over a State's procedures for the administration of its own criminal justice. This is and must be beyond our power if the federal system is to exist in substance as well as form. The right of the State to regulate its own procedures governing the conduct of litigants in its courts, and its interest in supervision of those procedures, stand on the same constitutional plane as its right and interest in framing "substantive" laws governing other aspects of the conduct of those within its borders.

There is still a third possible course this Court might follow if it were to reject the adequate state ground rule. The Act of 1867, which in § 1 extended the habeas corpus jurisdiction to state prisoners detained in violation of federal law, in § 2 gave the Supreme Court the authority, in cases coming from the state courts, to order execution directly without remanding the case. 14 Stat. 385, 386–387. That authority, which has been exercised at least once,[23] remained unimpaired through the modifications of appellate and certiorari jurisdiction,[24] and exists today.[25] Acting pursuant to that authority in our hypothetical case, this Court might grant certiorari, "ignore" the state ground of decision, decide the federal question and, instead of merely remanding the case, issue a writ requiring the petitioner's release from custody. By this simple device, the Court, it might be argued, would avoid problems of advisory opinions while at the same time refraining from consideration of questions of state law.

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[16] See 344 U.S., at 486. See also Mr. Justice Frankfurter's separate opinion, 344 U.S., at 488, 503.

[17] "A failure to use a state's available remedy, in the absence of some interference or incapacity . . . bars federal habeas corpus. The statute requires that the applicant exhaust available state remedies. To show that the time has passed for appeal is not enough to empower the Federal District Court to issue the writ." 344 U.S., at 487.

[18] "[W]here the state action was based on an adequate state ground, no further examination is required, unless no state remedy for the deprivation of federal constitutional rights ever existed." 344 U.S., at 458.

[19] Analysis of the problem in terms of exhaustion of remedies no longer available has been severely criticized. Hart, *supra*, note 1, at 112–114. This "exhaustion" approach is today quite properly interred. *Ante*, pp. 434–435.

[20] See *Michel* v. *Louisiana*, 350 U.S. 91.

[21] *Lawrence* v. *State Tax Comm'n*, 286 U.S 276, 282. See, *e.g.*, *Rogers* v. *Alabama*, 192 U.S. 226; *NAACP* v. *Alabama*, 357 U.S. 449. See also Hart and Wechsler, The Federal Courts and the Federal System, 501.

[22] See *Davis* v. *Wechsler*, 263 U.S. 22; *New York Central R. Co.* v. *New York & Pa. Co.*, 271 U.S. 124; *NAACP* v. *Alabama*, *supra*. See also the discussion in the dissenting opinion in *Williams* v. *Georgia*, 349 U.S. 375, 393, 399.

[23] In *Tyler* v. *Magwire*, 17 Wall. 253, 293, the Court issued a writ of possession and ordered its marshal to execute it against the state defendant in possession.

[24] The successive statutes are collected and set out in full in Robertson and Kirkham, Jurisdiction of the Supreme Court of the United States (Wolfson and Kurland ed. 1951), Appendix A.

But apart from the unseemliness of such a disposition, it is apparent that what the Court would actually be doing would be to decide the state law question *sub silentio* and to reverse the state court judgment on that question. For if the petitioner is detained pursuant to the judgment, and his detention is to be terminated, that must mean that the state ground is not adequate to support the only purpose for which the judgment was rendered. The judgment, in other words, becomes a nullity.

Moreover, the future effect of such a disposition is precisely the same as a reversal on the merits of the question of state law. If noncompliance with a state rule requiring a particular constitutional claim to be raised before verdict does not preclude consideration of the claim by this Court, then the rule is invalid in every significant sense, since no judgment based on its application can ever be effective.

In short, the constitutional infirmities of such a disposition by this Court are the same as those inherent in review of the state question on its merits. The vice, however, is greater because the Court would, in actuality, be invalidating a state rule without even purporting to consider it.

2. *On habeas corpus.*—The adequate state ground doctrine thus finds its source in basic constitutional principles, and the question before us is whether this is as true in a collateral attack in habeas corpus as on direct review. Assume, then, that after dismissal of the writ of certiorari in our hypothetical case, the prisoner seeks habeas corpus in a Federal District Court, again complaining of the composition of the grand jury that indicted him. Is that federal court constitutionally more free than the Supreme Court on direct review to "ignore" the adequate state ground, proceed to the federal question, and order the prisoner's release?

The answer must be that it is not. Of course, as the majority states, a judgment is not a "jurisdictional prerequisite" to a habeas corpus application, *ante*, p. 430, but that is wholly irrelevant. The point is that if the applicant is detained *pursuant* to a judgment, termination of the detention necessarily nullifies the judgment. The fact that a District Court on habeas has fewer choices than the Supreme Court, since it can *only* act on the body of the prisoner, does not alter the significance of the exercise of its power. In habeas as on direct review, ordering the prisoner's release invalidates the judgment of conviction and renders ineffective the state rule relied upon to sustain that judgment. Try as the majority does to turn habeas corpus into a roving commission of inquiry into every possible invasion of the applicant's civil rights that may ever have occurred, it cannot divorce the writ from a judgment of conviction if that judgment is the basis of the detention.

Thus in the present case if this Court had granted certiorari to review the State's denial of *coram nobis*, had considered the coerced confession claim, and had ordered Noia's release, the necessary effects of that disposition would have been (1) to set aside the conviction and (2) to invalidate application of the New York rule requiring the claim to be raised on direct appeal in order to be preserved. It is, I think, beyond dispute that the Court does exactly the same thing by affirming the decision below in this case. In doing so, the Court exceeds its constitutional power if in fact the state ground relied upon to sustain the judgment of conviction is an adequate one. See pp. 472–476, *infra*. The effect of the approach adopted by the Court is, indeed, to do away with the adequate state ground rule entirely in every state case, involving a federal question, in which detention follows from a judgment.

The majcrity seems to recognize at least some of the consequences of its decision when it attempts to fill the void created by abolition of the adequate state ground rule in state criminal cases. But the substitute it has fashioned—that of "conscious waiver" or "deliberate bypassing" of state procedures—is, as I shall next try to show, wholly unsatisfactory.

III. ATTEMPTED PALLIATIVES

Apparently on the basis of a doctrine analogous to that of "unclean hands," the Court states that a federal judge, in his discretion, may deny relief on habeas corpus to one who has understandingly and knowingly refused to avail himself of state procedures. But such a test, if it is meant to constitute a limitation on interference with state administration of criminal justice, falls far short of the mark. In fact, as explained and applied in this case, it amounts to no limitation at all.

First, the Court explains that the test is one calling for the exercise of the district judge's *discretion*, that the judge may, in other words, grant relief even when a conscious waiver has been shown. Thus the Court does not merely tell the States that, if they wish to detain those whom they convict, they must revamp their entire systems of criminal procedures so that no forfeiture may be imposed in the absence of deliberate choice; the States are also warned that even a deliberate, explicit, intelligent choice not to assert a constitutional right may not preclude its assertion on federal habeas.

Second, the Court states (as it must if it is to adhere to its definition) that "[a] choice made by counsel not participated in by the petitioner does not automatically bar relief." *Ante*, p. 439. It is true that there are cases in which the adequacy of the state ground necessarily turns on the question whether the defendant himself expressly and intelligently waived a constitutional right. Foremost among these are the cases involving right to counsel, for the Court has made it clear that this right cannot be foregone without deliberate choice by the defendant. See *Johnson* v. *Zerbst*, 304 U.S. 458; *Carnley* v. *Cochran*, 369 U.S. 506. But to carry this principle over in full force to cases in which a defendant is represented by counsel not shown to be incompetent is to undermine the entire representational system. We have manifested an ever-increasing awareness of the fundamental importance of representation by counsel, see *Gideon* v. *Wainwright*, *ante*, p. 335, and yet today the Court suggests that the State may no more have a rule of forfeiture for one who is competently represented than for one who is not. The effect on state procedural rules may be disastrous.

Third, when it comes to apply the "waiver" test in this case, the Court then in effect reads its own creation out of existence. Recognizing that Noia himself decided not to appeal, and that he apparently made this choice after consultation with counsel, the Court states that his decision was nevertheless not a "waiver." Since a new trial might have resulted in a death sentence, Noia was, in the majority's view, confronted with a "grisly choice," and he quite properly declined to play "Russian roulette" by appealing his conviction. *Ante*, pp. 439–440.

Does the Court mean by these colorful phrases that it would be unconstitutional for the State to impose a heavier sentence in a second trial for the same offense? Apparently not, since the majority assures us that there may be some cases in which a risk of a heavier sentence must be run. What distinguishes this case, we are told, is that the risk of the death sentence on a new trial was substantial in view of the trial judge's statement that Noia's past record and his involvement in the crime almost led the judge to disregard the jury's recommendation against a death sentence.

What the Court seems to be saying in this exercise in fine distinctions is that no waiver of a right can be effective if some adverse consequence might reasonably be expected to follow from exercise of that right. Under this approach, of course, there could never be a binding waiver, since only an incompetent would give up a right without any good reason, and an incompetent cannot make an intelligent waiver. The Court wholly ignores the question whether the choice made by the defendant is one that the State could constitutionally require.

Looked at from any angle, the concept of waiver which the Court has created must be found wanting. Of gravest importance, it carries this Court into a sphere in which it has no proper place in the context of the federal system. The true limitations on our constitutional power are those inherent in the rule requiring that a judgment resting on an adequate state ground must be respected.

IV. ADEQUACY OF THE STATE GROUND HERE INVOLVED

It is the adequacy, or fairness, of the state ground that should be the controlling question in this case.[26] This controlling question the Court does not discuss.

New York asserts that a claim of the kind involved here must be raised on timely appeal if it is to be preserved, and contends that in permitting an appeal it has provided a reasonable opportunity for the claim to be made. The collateral post-conviction writ of *coram nobis*, the State has said, remains a remedy only for the calling up of facts unknown at the time of the judgment. See *People* v. *Noia*, decided *sub nom. People* v. *Caminito*, 3 N.Y. 2d 596, 601, 148 N.E. 2d 139, 143. In other words, the State claims that it may constitutionally detain a man pursuant to a judgment of conviction, regardless of any error that may have led to that conviction, if the relevant facts were reasonably available and an appeal was not taken.

Under the circumstances here—particularly the fact that Noia was represented by counsel whose competence is not challenged—is this a reasonable ground for barring collateral assertion of the federal claim? Certainly the State has a vital interest in requiring that appeals be taken on the basis of facts known at the time, since the first assertion of a claim many years later might otherwise require release long after it was feasible to hold a new trial. And although in *Daniels* v. *Allen* it might have been argued that the State's refusal to entertain an appeal actually received on time amounted to an evasion of the federal claim, no such argument can be made here, since no appeal was *ever* sought.

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[25] 28 U.S.C. § 2106 authorizes the Court to vacate, as well as reverse, affirm or modify, any judgment lawfully brought before it for review. 28 U.S.C. § 1651(a) provides that the Court "may issue all writs necessary or appropriate" in aid of its jurisdiction. See also 28 U.S.C. § 2241(a), giving this Court specific authority to issue writs of habeas corpus. Such writs are to be executed, under 28 U.S.C. § 672, by the marshal of this Court, who is authorized by 28 U.S.C. § 549, when acting within a State, to "exercise the same powers which a sheriff of such state may exercise in executing the laws thereof." The power to enter judgment and, when necessary, to enforce it by appropriate process, has been said to be inherent in the Court's appellate jurisdiction. *Stanley* v. *Schwalby*, 162 U.S. 255, 279–282. See also Hart and Wechsler, *supra*, note 21, at 420–421.

[26] In view of the concession by the State, I assume in this discussion that Noia's confession was coerced. A confession, of course, may be coerced and yet still be a wholly reliable admission of guilt. See *Rogers* v. *Richmond*, 365 U.S. 534. Whether or not Noia was guilty of the crime of felony murder, and whether the evidence of his guilt was accurate and substantial, are matters irrelevant to the question of coercion and also irrelevant here.

Moreover, we should be slow to reject—as an invalid barrier to the raising of a federal right—a state determination that one forum rather than another must be resorted to for the assertion of that right. A far more rigid restriction of federal forums was upheld in *Yakus* v. *United States*, 321 U.S. 414. In that case, the Court sustained a federal statute permitting an attack on the validity of an administrative price regulation to be made only on timely review of the administrative order, and precluding the defense of invalidity in a later criminal prosecution for violation of the regulation. What the Court there said bears repetition here:

"No procedural principle is more familiar to this Court than that a constitutional right may be forfeited in criminal as well as civil cases by the failure to make timely assertion of the right before a tribunal having jurisdiction to determine it." 321 U.S., at 444.

But is there some special circumstance here that operates to invalidate the nonfederal ground? Certainly it cannot be that the claim of a coerced confession is of such a nature that a State is constitutionally compelled to permit its assertion at any time even if it could have been, but was not, raised on appeal. Many federal decisions have held that a federal prisoner held pursuant to a federal conviction may not assert such a claim in collateral proceedings when it was not, but could have been, asserted on appeal. *E.g., Davis* v. *United States*, 214 F. 2d 594, cert. denied, 353 U.S. 960; *Smith* v. *United States*, 88 U.S. App. D.C. 80, 187 F. 2d 192, cert. denied, 341 U.S. 927; see *Hodges* v. *United States*, 108 U.S. App. D.C. 375, 282 F. 2d 858, cert. dismissed, 368 U.S. 139.

Is it then a basis for invalidating the nonfederal ground that Noia's two codefendants are today free from custody on facts which Noia says are identical to those in his case? Does the nonfederal ground fall when the federal claim appears to have obvious merit? There may be some question whether the facts in Noia's case and those in Bonino's and Caminito's are identical,[27] but assuming that they are, I think it evident that the nonfederal ground must still stand.

Again, there is highly relevant precedent dealing with federal prisoners. In *Sunal* v. *Large*, 332 U.S. 174, Sunal and Kulick had been prosecuted for violation of the Selective Service Act, and both had sought to raise a defense the court had refused to consider. Both were convicted and sentenced to imprisonment but took no appeal, quite evidently because such an appeal would have been to no avail under the existing state of the law. Subsequently, in another case, this Court held on comparable facts that the defense in question must be permitted. *Estep* v. *United States*, 327 U.S. 114. Sunal and Kulick then sought relief on habeas corpus, and this relief was denied. The opinion of the Court observed that there had been no barrier to the perfection of appeals by these prisoners and no facts which were not then known. That an appeal may have appeared futile at the time (indeed, far more futile than was the case here) was held not a sufficient basis for collateral relief. The present case, I submit, would be less troublesome than *Sunal* even had it involved a federal prisoner.

Surely, the state ground is not rendered inadequate because on a new trial for the same offense, Noia might have received the death sentence. The State is well within constitutional limits in permitting such a sentence to be imposed. Of particular relevance here is the decision in *Larson* v. *United States*, 275 F. 2d 673. Two criminal defendants had been tried and sentenced to imprisonment by a federal court. One defendant, Juelich, had moved for a continuance or a change of venue, on the ground of community prejudice, and his motion had been denied. Both defendants were convicted; Juelich appealed from his conviction; and the Court of Appeals reversed, *Juelich* v. *United States*, 214 F. 2d 950, holding that the constitutional requirement of a fair trial had been violated by the refusal to grant a change of venue or a continuance. Larson, the other defendant, had chosen not to appeal, apparently because he feared that the death sentence might be imposed in a new trial, but after his codefendant's success, he sought collateral relief under § 2255. That relief was denied by the District Court, and the Court of Appeals affirmed, stating:

"We do not say . . . that in every instance, before resort can be had to Section 2255 there must be an appeal. We say only that, in the circumstances of this case, Larson, taking a calculated risk, made a free choice not to jeopardize his life, and he is bound by that decision. . . . Whatever errors there were in his trial were known to Larson and to his counsel—for the same errors formed the basis for Juelich's appeal. Manifest justice to an accused person requires only that he have an opportunity to correct errors that may have led to an unfair trial. The orderly administration of justice requires that even a criminal case some day come to an end." 275 F. 2d, at 679–680.

This Court denied certiorari. 363 U.S. 849.

Decisions such as *Sunal* and *Larson* are reasoned expressions by the federal judiciary of its views on the fair and proper administration of federal criminal justice. We cannot turn around and tell the State of New York that it is constitutionally prohibited from being governed by the same considerations.

I recognize that Noia's predicament may well be thought one that strongly calls for correction. But the proper course to that end lies with New York Governor's powers of executive clemency, not with the federal courts.[28] Since Noia is detained pursuant to a state judgment whose validity rests on an adequate and independent state ground, the judgment below should be reversed.

Mr. ERVIN. I call attention to the opening of Justice Harlan's dissenting opinion, which was concurred in by Justice Clark and Justice Stewart. He said:

> This decision, both in its abrupt break with the past and in its consequences for the future, is one of the most disquieting that the Court has rendered in a long time.

I expect to elucidate very briefly on the matter which prompted that statement from Justice Harlan in a moment.

The only authority a Federal district court has to issue a writ of habeas corpus to inquire into the legality of holding a person in custody pursuant to the judgment of a State court is found in 28 U.S.C. 2254. I invite the careful consideration of Senators to the wording of that statute:

> An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.
>
> An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

It is to be noted that there are only two alternative cases in which a writ of habeas corpus may issue in behalf of a person in custody pursuant to the judgment of a State court. Those cases are as follows: It must appear, in the first alternative, that the applicant has exhausted the remedies available in the courts of the State; or it must appear, in the second alternative, that there is either an absence of available State corrective process, or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.

I wish to show the necessity for the passage of this provision of title II, which would make State judgments final on matters that have been litigated, unless they are reversed on appeal either to the State's highest appellate court having jurisdiction, or to the Supreme Court of the United States. It is very well illustrated by the case of *Townsend* v. *Sain* (372 U.S. 293).

In that case, the petitioner, back in 1955, 8 years before the Supreme Court handed down its decision, was convicted of murder in the criminal court of Cook County, Ill. At his trial, he objected to the admission of his confession on the ground that it was involuntary. The trial court heard all of the evidence bearing on this point in the absence of the jury, found that the confession was voluntary, and admitted it in evidence.

After his conviction of murder and his sentence to death, the petitioner appealed to the Supreme Court of Illinois which gave full consideration to his case and affirmed the judgment.

He then asked the Supreme Court of the United States to grant certiorari: to review the decision of the Supreme Court of Illinois, and the Supreme Court of the United States refused to grant certiorari, thereby denying the petitioner a review of the Illinois decision.

The petitioner then went into the State court of Illinois in a postconviction proceeding. In that proceeding, the Illinois trial court reviewed the record in the case and found on the basis of the record of what transpired at the original trial that the prisoner had been accorded all of his rights under the Constitution and laws of the United States and for that reason denied relief.

The petitioner then appealed to the Supreme Court of Illinois, and the Supreme Court of Illinois a second time reviewed the case and found that all of the rights of the petitioner had been fully protected at his original trial, and it refused to grant him relief.

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[27] See *People* v. *Noia*, 4 App. Div. 2d 698, 163 N.Y.S. 2d 796.

[28] At the oral argument the State District Attorney advised us that his office would support an application for clemency once the case had been disposed of in this Court.

The petitioner then for a second time asked the Supreme Court of the United States by a writ of certiorari to review the judgment and rule on the same question which had already been passed on twice by the trial court in Illinois and twice by the Supreme Court of Illinois. The Supreme Court denied the application for the writ and refused to review the decision of the Illinois court.

The petitioner then went into the U.S. district court, and the district court considered the pleadings filed in the matter and refused to grant him the writ of habeas corpus.

The petitioner then applied for a third time to the Supreme Court of the United States to review his case on an appeal from the district court. The Supreme Court of the United States then for the first time did so and remanded the case back to the district court with direction that it conduct an evidentiary hearing in the case and determine anew the question already twice decided in the trial courts of Illinois and twice adjudged in the Supreme Court of Illinois. In other words, the Supreme Court ordered the U.S. District Court to try and determine anew a question already judicially determined four times.

I respectfully submit that both the majority opinion and the minority opinion in the Townsend case make it as clear as the noonday sun in a cloudless sky that all of the applicant's Federal rights had been fairly and fully protected on his original trial in the Illinois trial court.

This applicant had been convicted of murder, and the authorities in Illinois had to go into court time and time again merely because he made an oath contrary to everything which had transpired on his original trial.

The Court laid down this rule in the Townsend case:

> Where the facts are in dispute, the Federal Court on habeas corpus must hold an evidentiary hearing if the habeas corpus applicant did not receive a full and fair hearing in a State court, either at the time of the trial or in a collateral proceeding.

Since the applicant has to allege in his application facts militating against the State court's hearing, the facts are virtually always in dispute.

The majority opinion further holds:

> In all other cases where the material facts are in dispute, the holding of such a hearing is in the discretion of the district judge. If he concludes that the habeas applicant was afforded a full and fair hearing by the State court resulting in reliable findings, he may, and ordinarily should, accept the facts as found in the hearing. But he need not.

By these words, the Court laid down the rule that even though the record of the State court shows that the applicant had received a full and fair hearing in the State court on his original trial, the Federal district court nevertheless can put the State to the trouble and expense of litigating again the question whether the constitutional rights of the applicants were protected in the previous hearing or hearings.

This startling doctrine appears on page 319:

> So also, there may be cases in which it is more convenient for the district judge to hold an evidentiary hearing forthwith rather than compel the production of the record. It is clear that he has the power to do so.

That is a strange holding—that a U.S. district judge may hold a hearing without the record of applicant's conviction in the State court, and make a determination in the absence of the record with respect to the question of whether the applicant has or has not had a full and fair hearing in the State court on the Federal question which he seeks to raise.

As I have observed, the statute provides that it must appear before the writ can be granted that the applicant has exhausted the remedies available in the courts of the State. This provision for a long time prevented the chaos that now exists in the administration of justice in the State courts as a result of writs of habeas corpus issued by Federal district judges. Where it appeared that the applicant had failed to exhaust his State remedies, the district judge refused to issue the writ just as the statute commanded they should do.

However, those who are so solicitous about the accused were not satisfied with that. So they altered the statute by judicial fiat in the case of *Fay* v. *Noia*, which is reported in 372 U.S. 391.

In this case, a majority of the Supreme Court changed the meaning of the statute. They held that the statutory provision requiring an exhaustion of State remedies does not refer to the exhaustion of State remedies existing at the time the applicant was tried and sentenced, but applies only to State remedies which might be available to him at the time he applies to the Federal district court—an event which may not occur for 5, 10, 15, 20, or more years. As in the case in respect to the Supreme Court, State appellate courts are not permitted by law to entertain appeals unless they are taken within the time limited by law or rule. As a consequence of the majority decision in Fay against Noia no State in the Union can now have any procedural rule governing appeals which is binding on State prisoners when they apply for habeas corpus in Federal district courts.

Let me read the law as it was announced before that time. Prior to the decision in Fay against Noia, the interpretation placed upon this statute, which is evidently the interpretation intended by Congress, was:

> To exhaust the State remedies, it is not sufficient for a prisoner to present his claim of violation of his Federal rights to a State trial court. In the absence of extraordinary circumstances, his failure to appeal or to perfect his appeal within the time prescribed by State law precludes his resort to habeas corpus in a Federal court.

There was plainly the interpretation which Congress intended to be placed upon this statute.

In *Brown* v. *Allen* (344 U.S. 443), Justice Reed, writing the opinion of the Court, had this to say on the subject, at page 486:

> Finally, federal courts may not grant habeas corpus for those convicted by the state except pursuant to § 2254. See note 17, *supra*. See also note 2, *supra*. We have interpreted § 2254 as not requiring repetitious applications to state courts for collateral relief, p. 447, *supra*, but clearly the state's procedure must be employed in order to avoid the use of federal habeas corpus as a matter of procedural routine to review state criminal rulings. A failure to use a state's available remedy in the absence of some interference or incapacity, such as is referred to just above at notes 32 and 33, bars federal habeas corpus. The statute requires that the applicant exhaust available state remedies. To show that the time has passed for appeal is not enough to empower the Federal District Court to issue the writ.

That was a sound interpretation of the statute. So the practical result of the majority opinion in the Fay case, which was handed down 20 years after the applicant had been tried and sentenced for murder, is that an applicant can fail or refuse to appeal his case to the State appellate court, wait until the witnesses against him have died or otherwise become unavailable and until his right of appeal has expired, and then apply to the Federal district court to try the same question anew on the theory that his State remedies no longer exist.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. LONG of Louisiana. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Mr. President, I was much impressed by the statement put into the RECORD on Friday to the effect that the criminal section of the American Bar Association was opposed to title II of this bill. It sounded like a very impressive statement. So I discussed the matter with a man I have known for many years whom I regard as one of the finest and most courageous judges in America. I asked him why the criminal section of the American Bar Association would be against this title if they really thought that it might have had something to do with the fact that crime has increased by 380 percent.

He said:

> I don't know. I'll call you back after I think about it.

He called me back and said:

> Senator, can't you figure that one out? Do you know who is the criminal section of the American Bar Association? Those are lawyers who defend criminals. Don't you realize that if crime has increased by 400 percent, their income has increased by 400 percent?

They have a vested interest in crime, and, naturally, they would be in favor of striking title II, because they are in favor of crime—not that they are particularly in favor of all criminals going free. But why should they give up the tools which liberate all the guilty criminals and turn them loose on society? They make money out of that. That is their business.

Now, point No. 2: Why does the American Bar Association take that position? Because they appoint the different sections. You appoint the international law section, and they are supposed to know about international law, and you take their judgment. You appoint the criminal section. They defend criminals. You take their judgment about crime. Naturally, they would have you believe that the criminal section of the American Bar Association is against crime, but a closer look would better tell you that their pocketbooks are the nearest objects to their hearts.

He went on to say:

> Senator, about the American Law Institute, that leaves me a little bit in doubt. Let me think about that for a few minutes, to see how they come to be in favor of crime.

Mr. ERVIN. I thank the Senator for mentioning the American Law Institute. I had inquiry made of the Institute and learned that it had taken no action whatever on this matter, but had merely postponed consideration of it.

Mr. LONG of Louisiana. There are a number of law schools that do not want a blessed thing done about crime. I just cannot understand it. Why would any law school be in favor of a 400-percent increase in criminality? It does not make sense.

Well, I look down the list and, fortunately, it is in alphabetical order. I do not see Louisiana State University on the list. It is strange that Louisiana State University would not be among all this distinguished company. But there is Southern University, which is a good law school, a Negro law school, on the north side of the city. Louisiana State University is on the south side of the city of Baton Rouge, my hometown, and Southern University, also a very fine institution is on the north side.

This good judge said:

> Senator, I don't know why it is. You can read these law suits about how you choose the jury. They reverse themselves and reverse the reversal and reverse the reversal about how you select the jury. It has gotten so that if you are going to write something to try to satisfy the Fifth Circuit Court about how the jury should be chosen, you cannot afford to guide yourself by their last case, the one which reversed yesterday's decision because they are likely to reverse that one tomorrow.

There is only one thing those cases have in common—that no person who murdered or raped and murdered somebody will suffer a death sentence, even if the victim survived long enough to testify as to who did it. The criminal will not be put to death, because there seems to be an irrebuttable presumption to the effect that any time someone is convicted before a jury in the South, though that jury be 50 percent Negro or 100 percent Negro, and all the Negroes and all the whites agree that the culprit is guilty and he swears the same himself, if a death sentence comes forth, the appellate court will send it back for a certainty even if that requires that the judge reverse the decision which reversed the prior decision.

So now we have 32 convicted people at the State penitentiary in Louisiana awaiting execution. And that is how it is all over America.

But the one thing which seems apparent is that some circuit courts will find a way to prevent you from imposing a death sentence. The difficulty is that you cannot even appeal to the Supreme Court to see whether they are responsible for this or not. You cannot even get that far.

I wish to say this, in the event anybody has any doubt about it: In my judgment, whether people will admit it or not, 99 percent of the Negroes are good citizens. Some people may not agree, but I believe it is true. Their criminal element is small, just as the white criminal element is small. Ninety-nine percent are good citizens. And they are just as worried about this breakdown in law and order as are the 99 percent of white citizens.

Mr. ERVIN. I am sure the Senator from Louisiana will agree with me that, as a matter of fact, they suffer the most from it.

Mr. LONG of Louisiana. I believe they do. Where did all the burning occur in Washington, D.C., when all this mischief broke out? It was in the part of town where the Negro citizens live. And they are more terrified and worried about this situation, if they are good people, than are the white people.

The 1 percent like to call the other 99 percent vicious names—"You're an Uncle Tom; you're old-fashioned"—because the 99 percent happen to believe in law and order.

The best I can make of the situation is that we have been moving in the wrong direction, and that is why we have experienced a 400-percent increase in crime. Frankly, if it continues this way, the figure will double again next year. As the Senator from Arkansas [Mr. McCLELLAN] said, the line will go up to the point where there will be 100 percent a year increase in crime because of the people who do not have the courage to stand up against a criminal. If someone does not begin to measure up, sooner or later this country could be destroyed.

I have tried to learn why people do these things, and about the best explanation I can get would be to say that it is impossible to conceive why—conceivably, it might be a Communist plot to destroy America.

Can the Senator from North Carolina explain one rational reason why people want to support 400-percent increase in crime, with the certainty that 10 years from now it will be an 800-percent increase in crime?

Mr. ERVIN. Frankly, I cannot understand why any Senator would oppose any bill, the object of which is to prevent self-confessed murderers, rapists, arsonists, burglars, and thieves from going unwhipped of justice.

Mr. LONG of Louisiana. Does the Senator have any doubts that the courts have found enough technicalities to turn loose murderers, rapists, and burglars, besides this matter of throwing out the voluntary confession? For example, is the Senator aware of the fantastic mental gyrations the Court proved itself capable of with respect to the choice of the jury?

Mr. ERVIN. Justice Jackson declared in his concurring opinion in Brown against Allen that the Supreme Court rulings on habeas corpus permitted Federal courts to interpret anew the same evidence formerly interpreted by State courts. He made this wise observation.

> But the Constitution does not prevent the State courts from determining the facts in criminal cases. It does not make it unconstitutional for them to have a different opinion than a federal judge about the weight to be given to evidence.

In his concurring opinion in the Brown case, Justice Jackson said that virtually all of these habeas corpus hearings are merely a review of testimony formerly weighed in State courts; and that the reason they cause so much chaos in the administration of criminal law is that the Supreme Court insists that the Federal court should review the facts and see whether or not the State jury and judges decided the facts correctly. Most of them do not involve any law. All they ordinarily involve is a review of the facts in the case.

As Justice Jackson also said:

> But call it *res judicata* or what one will, courts ought not to be obliged to allow a convict to litigate again and again exactly the same question on the same evidence. Nor is there any good reason why an identical contention rejected by a higher court should be reviewed on the same facts in a lower one.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. One reason we have such a fantastic increase in crime is that certain people, who constitute the criminal element, are incapable of obeying the law; and some of these people spend most of their lifetime in the penitentiary. That is how it used to be.

I have represented some of those people and I know the kind of people I am talking about. When one represents them he gets to know them and understand them. I can look back on cases of obviously guilty people whom I represented.

Mr. ERVIN. I wish to ask the Senator a question with respect to the Miranda case. I wish to ask the Senator if it was not his practice to tell his clients not to say anything to anybody.

Mr. LONG of Louisiana. Yes. May I just illustrate by giving one case that I handled when I was a young practicing lawyer. I had gone to the courthouse a little early to file some papers, and the judge assigned me to represent a man who had no lawyer. The man was a confessed burglar.

I did the best I could with the case and I would have been proud to get him off had I been able to do so. Unfortunately, he had confessed and there was all sorts of evidence to support the confession. Therefore, I looked into his criminal record. He had spent most of his life in the penitentiary for various offenses of burglary, breaking and entering, armed robbery, and things of that sort. Even so, as a young lawyer, it would have been a matter of pride to me to have been able to get the man off.

If a lawyer is able to clear a guilty defendant he feels he has proved himself to be a real lawyer. When they have as clear a case against the defendant as is possible and the lawyer is able to get him off on a technicality, that is when a lawyer really proves he is good and has earned his fee, or if working for nothing, has improved his reputation.

As much as I searched around there was no possibility of proving this man had not committed the crime, which he had told me he had committed. I cannot recall his real name but his alias was Bullgator. He was well nourished, even though he was somewhat poor. They feed prisoners well in the State penitentiary in Louisiana. He had not been out of the penitentiary for a long time before committing another burglary.

This man was very much concerned that he had been dragged in and asked questions down at the sheriff's office. What happened was that a very serious crime had been committed, a crime much more serious than old Bullgator had committed. The sheriff's office had put out a dragnet for suspicious characters and they came up with Bullgator. They asked him questions and he admitted that he broke into and entered the back of a garage and had stolen some property, which was not of great value but, unfortunately, there was involved the habitual criminal statute.

The habitual criminal statute is a sort of doubling-up proposition. They are entitled to double up, and double up, and double up, and this man would have owed the State about 70 years in the penitentiary if convicted. He was clearly guilty and he had told me he was.

About the best that I, as a lawyer, could do against the set of facts existing at that time was to tell this man that if I were going to look after his interest I better go before that district judge and plead him guilty.

Then, if I could, I would try to make a deal with the district attorney so that they would not invoke the habitual criminal statute because under that statute he would spend the rest of his life in the penitentiary; otherwise, he might get out in 3 or 4 years.

I looked at his record. At one time he had owed the State about 7 years in the penitentiary. He had served the whole 7 years. I said to him, "Why did you not get out for good behavior after 3 or 4 years?" He said, "To tell you the truth, lawyer, I spent so much time in the penitentiary by that time I did not want to have all that stuff hanging over me and then reporting to the parole officer, so I thought I would just like to stay there where I was and get it over."

Under the rule which we are being asked to vote upon, if we agree to the Tydings proposal they would have to get old Bullgator if he is still there and take him out of the penitentiary because, he found himself there because after all, he talked before he had a lawyer.

He was a pretty fair lawyer himself.

He told me, "When I went inside that place I remembered that the last time I was caught for stealing chickens." He said, "When I went in that coop, I had to push the door open, and that is why they got me, for breaking and entering; so this time I was careful not to touch that door. In that way, if you get caught, it will be simply stealing and not breaking and entering, or burglary."

Unfortunately, the legislature had changed the law to say that even though the defendant did not push the door open, if he entered a building, it became a more serious degree of theft.

It sort of amused the judge and it put him in a good frame of mind, and the defendant got off lightly.

Can the Senator see any reason why an obviously guilty man should be turned loose when he has made a voluntary confession and when his guilt is just as certain as that the sun shall rise tomorrow, and there is no doubt whatever? Is the Senator aware of the fact—and if one talks to these judges, he is aware of the fact—that the penitentiaries are being emptied these days because of this foolish rule? They will tell you that 99 percent of the people being turned loose freely admit that they are guilty, in fact most of them are habitual, professional, dedicated criminals who could not live by a rule of law if their lives depended on it.

It is just that someone develops a technicality and because of that technicality people claim that they are entitled to be free and, indeed, if the district judge will not free them, then the appellate court will.

Mr. ERVIN. All I can say is that the majority of the Supreme Court, in the Miranda case, that is, 5 out of the 9, evidently wedded themselves to the strange theory that no man should be allowed to confess his guilt, even though the Bible says, even though psychiatrists assert, and even though those interested in the rehabilitation of prisoners declare that an honest "confession is good for the soul." Hence, they invented rules in the Miranda case to keep people from confessing their crimes and sins. The wisest of men could not have devised more efficacious rules to accomplish this object had he pondered the question a thousand years. These rules require the police to summon a lawyer to the station house hurriedly to give advice to a suspect about a case of which he knows nothing. The lawyer is certain to tell the suspect, unless he is an idiot, "Keep your mouth shut."

Justice White intimated in his dissenting opinion in the Escobedo case, and also in his dissenting opinion in the Miranda case, that that was exactly what a majority of the Court was trying to do, to put an end to confessions, regardless of whether they were voluntary or involuntary.

Mr. LONG of Louisiana. We are told that if we make it impossible to use the confession or the admission, that law enforcement officers will be better law enforcement officers and that they will have to work harder. Maybe so. I am sure that is correct, because it will make it more difficult for us all. But a Federal judge with whom I have discussed this matter told me that FBI agents are telling them that about nine out of every 10 convictions they achieve are due in some measure to the fact that the criminal, by some of his words, somewhere along the line, either by admission or confession, or some words that came from his lips, gives them some hint as to where to go to look for evidence. So, if we follow the liberal trend, we might make better and more diligent workers out of the FBI, deputy sheriffs, and policemen, but we are also going to liberate 90 percent of the few criminals we are convicting.

It has been said in this Chamber, and not contradicted, that seven out of the eight criminals we catch are turned loose, anyway. Now we are asked to run up the percentage until 71 out of 72—almost 99 out of 100 criminals—even when they are caught, will be turned free.

Mr. ERVIN. Let me refer to what Justice Jackson said concerning applications for habeas corpus by State prisoners on page 540 of his concurring opinion in Brown against Allen:

> It really has become necessary to plead nothing more than that the prisoner is in jail, wants to get out, and thinks it is illegal to hold him. If he fails, he may make the same plea over and over again.

In other words, the Court holds, in effect, that a State prisoner is entitled to have a writ of habeas corpus issued and the case tried again and again, so far as the alleged Federal right is concerned, if he just makes an affidavit, which may be contradictory to everything in the court records, and everything in the decision of the appellate court passing on his case. Yet, if he merely makes an affidavit, which may be contrary to everything which has happened, the Federal judge will have to issue a writ of habeas corpus and inquire into the legality of his detention.

Mr. LONG of Louisiana. Yes, as the Senator so well knows, that is only a part of the impediment the Supreme Court, and the appellate courts working under the Supreme Court, have succeeded in placing in the path of effective law enforcement, so that the fact is, the scales of justice have been completely weighted in favor of the criminal and against society by the so-called new liberal thinkers. I am not talking here about economic liberals. I mean those who have this strange, new idea that there is a new society which someone has created. I am not criticizing the Great Society. I am talking about the new society the liberal thinkers would have, where it would be absolutely impossible to convict a murderer, arsonist, rapist, or assassin. In fact, it would be utterly impossible to convict anyone.

Mr. ERVIN. I think that instead of inventing new rules to make it difficult to convict people, the Court should manifest more concern for protecting society from the criminal element. As we all know about 240 robberies have been committed on buses in the shadow of the Nation's Capitol since the first of January this year.

Mr. LONG of Louisiana. Well now, once again, one might suggest, or infer, that in view of the fact that these young punks who killed the busdriver last Friday were Negro delinquents, it has something to do with race, when as a practical matter, there are not many Negro citizens out there who have killed busdrivers. It is a very, very small percentage of the population.

The way things are going, there is not going to be any bus service in Washington pretty soon. Let me ask the Senator, how are members of the Negro race going to make out when they have to walk to work and no buses are around to take them? I suppose the rioters are going to burn down the city in protest, if they do not have enough automobiles or enough parking spaces made available.

Mr. ERVIN. One might maintain that a majority of the Supreme Court may be more concerned by the possibility that someone who robbed a busdriver may voluntarily confess that he did so.

My experience has been that people do not go around making voluntary confessions that they committed crimes they did not commit.

Mr. LONG of Louisiana. The appellate court should take a look at whether a man is guilty, as to the 99 percent of those who voluntarily admit their guilt, and it is a matter of turning them loose for a technicality or inventing new technicalities to turn them loose. Much of this mischief arises because of the newly contrived rules that turns those people loose. They will not let a person suffer the death penalty. They will find some way to overrule the trial court. Having done that, they show up again with some ridiculous proposition which if applied generally would mean that it would be an accident if anyone were ever convicted of a crime. Having contrived a rule to save a murderer from a death sentence case, when the same silly logic is applied to a burglary or a theft, but we cannot do anything about it because in the supreme effort to see that the criminals do not suffer the death penalty when they deserve it, new rules have been invented, prior decisions have been invented, also, in cases which have been reversed, and then re-reversed to make them apply to protect the criminal from the death penalty for his crime until no one on earth would know how to go about convicting a common thief.

I ask the Senator, would it not be a lot better for the Supreme Court to say, "Look, we have made up our minds as to our goal, that there will not be any capital punishment. We are not going to respect any sentences that demand it. It is not going to be inflicted by any court in this land. Even though Congress may reverse it, we are going to do it. We have satisfied ourselves on that score. So, let us go the rest of the way. We will then reverse our own reversal."

To save this Nation we must put the law back to where it was, so we can enforce the law and make criminals behave themselves.

Mr. ERVIN. I will say I think what the majority of the Supreme Court should do is to begin to interpret the Constitution according to the language of the Constitution, and quit substituting their personal notions for things in the Constitution, and quit doing what they did in the Escobedo, Miranda, and the Wade cases, that is, adding things to the Constitution which are not only not in the Constitution, but which are incompatible with its words.

Mr. LONG. of Louisiana. I thank the Senator. I think basically that is the answer to it—to have some respect for those who went before and to recognize what the Constitution was intended to mean, to begin with. If that cannot be done by the Court, perhaps we can make some headway by enacting the kind of law the Senator is advocating.

Mr. ERVIN. In the case of *Townsend* v. *Sain*, 301 U.S. 441, it appears, both from the opinion of the majority of the court, which required the district judge to hear the petition, and from the dissenting opinion that the applicant's rights were fairly and fully protected by the original trial in the trial court of Illinois. Notwithstanding, the majority ordered the Federal district to grant him another hearing, and thrash all the old facts anew.

And, in the Fay case, although the act of Congress, which gave the Federal court the only power it had to issue a writ to inquire into the legality of the detention of the State prisoner, provided that the State prisoner must have exhausted his State remedies, and although all the preceding decisions construing that act had held that, in the absence of the most extraordinary circumstances, the court could not issue the writ if the prisoner had failed to perfect his appeal to the State appellate court in the time fixed by law, the Supreme Court held, in substance, that the act of Congress no longer meant what it had meant theretofore and no longer meant what Congress intended it to mean, but that, on the contrary, it meant that the applicant could fail to perfect his appeal until the time for taking it had expired and then apply to the Federal court for a habeas corpus on the ground that he then had no State remedies available to him. The majority of the Supreme Court made this ruling for the first time 20 years after the victim of the murder had been sent to his grave and after the witnesses may have disappeared or their memories of the occurrence may have vanished.

As the dissenting judges noted in that case, the majority of the Court did not even apply its new rule to the facts. The majority had ruled that the writ of habeas corpus could be denied where the applicant had deliberately bypassed State procedures and had deliberately failed to avail himself of his right to appeal.

I want to ask Senators to remember the words concerning "deliberately bypassing State procedures." After laying down the rule that no longer does he have to exhaust State remedies and is entitled to the writ unless he deliberately bypassed State procedures, the Court said:

> The application of the standard we have adumbrated to the facts of the instant case is not difficult. Under no reasonable view can the State's version of Noia's reason for not appealing support an inference of deliberate by-passing of the state court system. For Noia to have appealed in 1942 would have been to run a substantial risk of electrocution. His was the grisly choice whether to sit content with life imprisonment or to travel the uncertain avenue of appeal which, if successful, might well have led to a retrial and death sentence. See, *e.g.*, *Palko* v. *Connecticut*, 302 U.S. 319. He declined to play Russian roulette in this fashion. This was a choice by Noia not to appeal, but under the circumstances it cannot realistically be deemed a merely tactical or strategic litigation step, or in any way a deliberate circumvention of state procedures.

Evidently the word "deliberate" meant something to those who joined in the majority opinion which it does not mean to those who compile dictionaries. Mind you, Mr. President, the applicant had been convicted of murder. The jury had fixed his punishment at life imprisonment instead of death. He did not appeal because he realized that he might get a new trial and on a new trial he might be convicted and sentenced to death. He weighed the reasons for and against appealing. He did so carefully. He considered his situation and what might happen to him. He studied the matter and he took a choice which was intentional. The only conclusion one can draw is that he deliberately decided not to appeal and for that reason failed to appeal and thereby, as far as Congress has legislated, lost his right to obtain a writ of habeas corpus to have another inquiry made.

My dictionary says the word "deliberate" means "carefully weighed or considered; studied." If Noia did not study the advisability of appealing and did not carefully weigh it and did not, after such careful weighing and consideration, reach the conclusion that he did not want to appeal, and if that was not a deliberate failure on his part to avail himself of the remedies the State had provided, I do not know anyone with a vivid enough mind to explain what a deliberate failure or refusal to utilize State procedures would be.

That may be playing Russian roulette; but it is judicial roulette that society has to play and that victims of crime have to play when an accused who has State remedies for his alleged complaint willfully fails to pursue such remedies, lets 20 years go by in the hope that witnesses may die or become otherwise unavailable, and then seeks discharge by a Federal district court habeas corpus upon a ground he was unwilling to permit a State appellate court to consider.

As is pointed out by three of the Justices in the dissenting opinion, the majority of the Supreme Court in the Fay case nullified the provision of the act of Congress which had theretofore prevented abuse of habeas corpus and virtual chaos in the administration of justice by State courts.

It is not only the Senator from North Carolina who says that the majority of the Court changed the statute in that case. This assertion is made by the writer of the cumulative supplement to volume 25, American Jurisprudence, 1967, on page 50:

> Attention is called to the fact that the law requiring exhaustion of legal remedies available in state courts as a condition of issuance by a federal court of a writ of habeas corpus for release of a petitioner held by state authorities has been changed—

Mark these words—

> has been changed by the United States Supreme Court in a case (citing the Fay case).

What authority does the majority of the Supreme Court have to change a statute? None whatever. Yet that is precisely what was done in the Fay case. This is a serious matter. In the year 1955, 660 applications for habeas corpus were filed with Federal district courts by prisoners held under judgments of State courts. This number had soared to 5,948 by 1967, last year.

Justice Jackson points out, in his concurring opinion in Brown against Allen, that in virtually none of these cases is there any merit, and that all an applicant has to do to get a hearing is make an oath contradicting everything that has transpired in the State court. He says that looking for a meritorious case among the cases where writs of habeas corpus are applied for by State prisoners is like looking for a needle in a haystack.

He points out that the facts show, how unjustified the Federal procedure is, which permits thousands of State prisoners, who in virtually every case have been fairly tried and justly convicted, to file petitions and get another hearing on habeas corpus on factual questions already rightly decided by State courts.

Justice Jackson further points out in a footnote a case in which the Supreme Court reversed a lower Federal court because it denied a State prisoner a fourth application for a habeas corpus writ.

Mr. President, I ask unanimous consent to have printed in the RECORD figures which I obtained from the Administrative Office of the U.S. Courts, showing the increase, year by year, in the number of applications by State prisoners to Federal courts for writs of habeas corpus from 1955 through 1967.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

Petitions by State prisoners to Federal district courts for habeas corpus to review State trials

Year:	
1967	5,948
1966	5,162
1965	4,664
1964	3,531
1963	1,903
1962	1,115
1961	984
1960	871
1959	822
1958	755
1957	778
1956	734
1955	660

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am happy to yield.

Mr. LONG of Louisiana. Mr. President, some time ago Mr. Truman Capote, who wrote the famous novel "In Cold Blood," describing a very heinous murder of five innocent persons in a Midwestern State, made a study of some murderers.

We are not talking about the case where a man, in a fit of passion, might have killed his wife, or vice versa, but a case where someone did the kind of thing that was described in that book—went and murdered someone who had done him no harm and had no ill will toward him, in fact, someone whom he hardly knew.

After having interviewed various murderers, he was asked if he could make any suggestions about capital punishment. What he said was that it did not bother him to think of the prospect of a man who had murdered someone in cold blood being subjected to capital punishment, but it did rather concern him that someone who was guilty of murder would be kept in the death house for 15 or 20 years, waiting to see what was going to happen to him.

We in Louisiana know something about that. At our State penitentiary, we have about 32 prisoners who have been sentenced to death. Some of them have been found guilty of murder, some of rape, some of a combination of murder and rape. They have been around for a long time now. No such sentences have been executed in the last 7 years, at least; and I believe the last sentence of that sort executed was in 1959.

That is quite a long time for people to wait—15 or 20 years, or until their natural death—to find out what is going to happen.

All this confusion and doubt occurs because of these overzealous appellate court judges, who seem to be so anxious to protect the rights of a criminal even though he is guilty beyond any shadow of a doubt, and admits he is guilty. They still seem to feel that there is something of an irrebuttable presumption that there must be something that can be said for a murderer that has not been said—or for a man who rapes a woman and then murders her—that there still must be something to be said, or some possible hint of criticism from somewhere that the Federal Government should bring back the 82d Airborne Division if necessary, and liberate the person who had committed the crime.

The situation which exists in Louisiana is not unusual, where we have 32 people, sentenced to death, waiting around, I would say, for an average of about 10 years, after their cases were tried, then the fifth circuit finds some excuse to throw the convictions out and honest law officers and honest elected officials proceed to convict the perpetrators of the heinous crimes again.

It eventually gets to be a contest between the murderer, or the murderer-rapist, and the witnesses, as to who is going to outlive the other; and one begins to wonder which will survive. It gets to be rather like the case Charles Dickens described in his famous novel "Bleak House," where this sort of thing went on for generations, generation after generation, until finally, even though the case originally involved a large sum of money, it had to be dismissed because, while the matter was still in dispute, the entire estate had been dissolved in court costs. I believe that case was named "Jarndyce against Jarndyce."

Mr. ERVIN. I understand it was based historically on an actual will contest, which was litigated for 17 years, and when they got through, they did not have enough left to pay the court costs.

Mr. LONG of Louisiana. As I understand, the Jarndyce case was one in which there was a large amount of money, and after two centuries, the entire estate had been used up in expenses, so there was nothing left to litigate about.

Mr. ERVIN. The trouble is that now the defendant can litigate and relitigate the same old question on the same old evidence, and the taxpayers have to pay the lawyers for doing it for him.

Mr. LONG of Louisiana. Yes, that seems to be a great deal of the problem: the taxpayers and the element of the population that believes in trying to obey the law and do right have become like the Frenchman at the time of the French Revolution who was forced to carry his own basket to the guillotine, so that his head could be carried away in it. The responsible members of society are forced to pay all of the taxes and all the expenses of those who now can forever frustrate the purposes of the law and prevent it from being enforced, while, as shown on the chart there prepared under the supervision of the Senator from Arkansas, the crime rate is going up at a 90° angle, and has almost reached the perpendicular which would show it going up at about the rate of 10,000 percent a year. That is about all there is left for it to do, to improve over the way it is moving.

Then we are told by the Criminal Law Association, the members of which represent all these criminals and are paid by the Government, part of the money coming out of the poverty program, whereas they used to do it free, that they are against any measures to try to achieve efficient law enforcement, to try to convict some of these criminals, or do something constructive about it.

Just from looking at that chart, I would suppose that it must be one of the most profitable businesses in the world, or will soon be, to be a criminal lawyer representing all those criminals, because, at the rate that crime is increasing, with the Federal Government now moving in to pick up a large part of the check, one could become enormously wealthy just representing them on a volume basis.

Mr. ERVIN. One would need only one client to have a great law practice, just litigating the same case over and over again.

Mr. LONG of Louisiana. He could litigate the same case from the time he hung his shingle up until God called him home, at Government expense. The only worry he would have would be that his client might die a natural death somewhere along the line.

Mr. ERVIN. Mr. President, I have pointed out that the relevant statute, 28 United States Code 2254, clearly intended to put a limit on the abuse of the writ. It did this by denying the writ to applicants who refuse or fail to use State remedies to redress their alleged grievances, and by recognizing it is not proper, in our Federal system, for a Federal district judge to nullify trials conducted by State courts without giving such courts a prior opportunity to correct their mistakes, if any, by appeal. As I have pointed out, however, in the Fay case the majority, over the protests of three judges, nullified the statute. I have already placed in the RECORD the dissenting opinion of Justice Harlan in the Fay case, which he rightly says is a decision that constitutes an abrupt break with the past and has disquieting consequences for the future.

Mr. President, I ask unanimous consent that the concurring opinion of Justice Jackson in Brown against Allen, in which Justice Jackson discloses in most eloquent language the practical evil results arising out of the abuse of the writ of habeas corpus, be printed at this point in the RECORD.

There being no objection, the concurring opinion was ordered to be printed in the RECORD, as follows:

MR. JUSTICE JACKSON, concurring in the result.

Controversy as to the undiscriminating use of the writ of habeas corpus by federal judges to set aside state court convictions is traceable to three principal causes: (1) this Court's use of the generality of the Fourteenth Amendment to subject state courts to increasing federal control, especially in the criminal law field; (2) *ad hoc* determination of due process of law issues by personal notions of justice instead of by known rules of law; and (3) the breakdown of procedural safeguards against abuse of the writ.

1. In 1867, Congress authorized federal courts to issue writs of habeas corpus to prisoners "in custody in violation of the Constitution or laws or treaties of the United States."[1] At that time, the writ was not available here nor in England to challenge any sentence imposed by a court of competent jurisdiction.[2] The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial.[3] It might have been expected that if Congress intended a reversal of this traditional concept of habeas corpus it would have said so. However, this one sentence in the Act eventually was construed as authority for federal judges to entertain collateral attacks on state court criminal judgments.[4] Whatever its justification, it created potentialities for conflict certain to lead to the antagonisms we have now, unless the power given to federal judges were responsibly used according to lawyerly procedures and with genuine respect for state court fact finding.

But, once established, this jurisdiction obviously would grow with each expansion of the substantive grounds for habeas corpus. The generalities of the Fourteenth Amendment are so indeterminate as to what state actions are forbidden that this Court has found it a ready instrument, in one field or another, to magnify federal, and incidentally its own, authority over the states. The expansion now has reached a point where any state court conviction, disapproved by a majority of this Court, thereby becomes unconstitutional and subject to nullification by habeas corpus.[5]

This might not be so demoralizing if state judges could anticipate, and so comply with, this Court's due process requirements or ascertain any standards to which this Court will adhere in prescribing them. But they cannot. Of course, considerable uncertainty is inherent in decisional law which, in changing times, purports to interpret implications of constitutional provisions so cryptic and vagrant. How much obscurity is inevitable will be a matter of opinion. However, in considering a remedy for habeas corpus problems, it is prudent to assume that the scope and reach of the Fourteenth Amendment will continue to be unknown and unknowable, that what seems established by one decision is apt to be unsettled by another, and that its interpretation will be more or less swayed by contemporary intellectual fashions and political currents.

We may look upon this unstable prospect complacently, but state judges cannot. They are not only being gradually subordinated to the federal judiciary but federal courts have declared that state judicial and other officers are personally liable to federal prosecution and to civil suit by convicts if they fail to carry out this Court's constitutional doctrines.[6]

2. Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

A manifestation of this is seen in the diminishing respect shown for state court adjudications of fact. Of course, this Court never has considered itself foreclosed by a state court's decision as to the facts when that determination results in alleged denial of a federal right. But captious use of this power was restrained by observance of a rule, elementary in all appellate procedure, that the findings of fact on a trial are to be accepted by an appellate court in absence of clear showing of error. The trial court, seeing the demeanor of witnesses, hearing the parties, giving to each case far more time than an appellate court can give, is in a better position to unravel disputes of fact than is an appellate court on a printed transcript. Recent decisions avow no candid alteration of these rules, but revision of state fact finding has grown by emphasis, and respect for it has withered by disregard.[7]

3. The fact that the substantive law of due process is and probably must remain so vague and unsettled as to invite farfetched or borderline petitions makes it important to adhere to procedures which enable courts readily to distinguish a probable constitutional grievance from a convict's mere gamble on persuading some indulgent judge to let him out of jail. Instead, this Court has sanctioned progressive trivialization of the writ until floods of stale, frivolous and repetitious petitions inundate the docket of the lower courts and swell our own.[8] Judged by our own disposition of habeas corpus matters, they have, as a class, become peculiarly undeserving.[9] It must prejudice the occasional meritorious application to be buried in a flood of worthless ones. He who must search a haystack for a needle is likely to end up with the attitude that the needle is not worth the search. Nor is it any answer to say that few of these petitions in any court really result in the discharge of the petitioner.[10] That is the condemnation of the procedure which has encouraged frivolous cases. In this multiplicity of worthless cases, states are compelled to default or to defend the integrity of their judges and their official records, sometimes concerning trials or pleas that were closed many years ago.[11] State Attorneys

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[1] 28 U.S.C. § 2241(c)(3).

[2] *Ex parte Ferguson*, [1917] 1 K. B. 176, 179; *Ex parte Lees*, El. Bl. El. 828, 120 Eng. Rep. 718; *In re Dunn*, 5 C. B. 215, 136 Eng. Rep. 859; Habeas Corpus Act of 1679, 31 Car. II, c. 2; *Ex parte Watkins*, 3 Pet. 193, 202.

[3] *Darnell's Case*, 3 How. St. Tr. 1 (1627). For this purpose, the writ has not been conspicuously successful in the United States. I have reviewed its failures, especially in wartimes, in Wartime Security and Liberty under Law, 1 Buff. L. R. 103; *United States ex rel. Knauff* v. *Shaughnessy*, 338 U.S. 537.

[4] See the equivocal discussion of the question in *Frank* v. *Magnum*, 237 U.S. 309, 326–332, and the more explicit assumption of the dissent, *id.*, at 348. An earlier case, *Ex parte Royall*, 117 U.S. 241, contained a dictum to the effect that legislative jurisdiction—the validity of the statute under which conviction was had in the state court—could be challenged on habeas corpus in the federal courts. While this represents a certain expansion of traditional notions of jurisdiction in the judicial sense, it by means supports the broad reach given to federal habeas corpus by recent cases. See also *Moore* v. *Dempsey*, 261 U.S. 86; *Mooney* v. *Holohan*, 294 U.S. 103.

[5] An idea of the uncertainty and diversity of views in this field may be gleaned from a comparison of *Rochin* v. *California*, 342 U.S. 165, with *Wolf* v. *Colorado*, 338 U.S. 25, and *Adamson* v. *California*, 332 U.S. 46.

[6] This Court's decision in *Screws* v. *United States*, 325 U.S. 91, as the dissenters anticipated, has led a Federal Court of Appeals to hold that federal law enforced in federal courts imposes personal liability upon state judicial officers, though that court admits that "The result is of fateful portent to the judiciary of the several states." *Picking* v. *Pennsylvania R. Co.*, 151 F. 2d 240, 250. Contrast to this absolute immunity from suit enjoyed by federal officials, even in administrative capacities. *Gregoire* v. *Biddle*, 177 F. 2d 579. While the *Screws* decision held out promise of protection for state officials by requiring that any denial of constitutional right must be proved to be willful in the sense of knowing and intentional, that protection has since been withdrawn. Another Court of Appeals upheld a conviction based on a charge that wilfulness and intent are "presumed and inferred from the result of the action." 189 F. 2d 711, 714. This Court, against my written dissent calling attention to its effect, refused review. *Koehler* v. *United States*, 342 U.S. 852.

[7] See, *e.g.*, *United States* v. *Oregon State Medical Society*, 343 U.S. 326, for a recent example of the application of the presumption in favor of a lower federal court's finding of fact. Compare *Watts* v. *Indiana*, 338 U.S. 49; *Turner* v. *Pennsylvania*, 338 U.S. 62; *Harris* v. *South Carolina*, 338 U.S. 68; and *Malinski* v. *New York*, 324 U.S. 401, with the above for illustrations of cases in which this salutary presumption in favor of state court findings was disregarded in fact if not in theory.

[8] There were filed in federal district courts during 1941 one hundred twenty-seven petitions for habeas corpus challenging state convictions; in 1943 there were two hundred sixty-nine; in 1948 five hundred forty-three; in 1952 five hundred forty-one. Speck, Statistics on Federal Habeas Corpus, 10 Ohio St. L. 337, shows that during the period from 1943 through 1945 there were a high number of petitions filed by those convicts who had filed at least one such petition in *federal* court before. In federal courts in New Hampshire and South Dakota, the percentage of the total petitions made up by repeaters was 50%. The percentages for the larger states on which statistics were then available are as follows: California, 12%; Illinois, 19%; Massachusetts, 20%; Missouri, 21%; New Jersey, 17%; New York, 18%; Pennsylvania, 22%; Texas, 25%. These figures show an unnecessary burden on the federal courts by quantitative as well as dramatic tests.

[9] See Speck, *supra*, Table 3, p. 349.

[10] Statistics of the Administrative Office of the United States Courts for the period 1946–1952 show that, in 1946, 2.8% of the petitioners were successful; in 1952, 1.8% were successful.

[11] Pages full of numbers fail to indicate what the states must contend with as vividly as the history of particular litigation. The *Wells* litigation in California is an object lesson in conflict. Wells was sentenced to death by the California trial court, and this judgment was affirmed by the Supreme Court of California in an opinion which gave extended consideration to the appellant's contentions. *People* v. *Wells*, 33 Cal. 2d 330, 202 P. 2d 53. This Court denied certiorari, *Wells* v. *California*, 338 U. S. 836. Wells, without seeking habeas corpus in state court, then petitioned a federal district judge in Cali-

General recently have come habitually to ignore these proceedings, responding only when specially requested and sometimes not then. Some state courts have wearied of our repeated demands upon them and have declined to further elucidate grounds for their decisions.[12] The assembled Chief Justices of the highest courts of the states have taken the unusual step of condemning the present practice by resolution.[13]

It cannot be denied that the trend of our decisions is to abandon rules of pleading or procedure which would protect the writ against abuse. Once upon a time the writ could not be substituted for appeal or other reviewing process but challenged only the legal competence or jurisdiction of the committing court.[14] We have so departed from this principle that the profession now believes that the issues we *actually consider* on a federal prisoner's habeas corpus are substantially the same as would be considered on appeal.[15]

Conflict with state courts is the inevitable result of giving the convict a virtual new trial before a federal court sitting without a jury. Whenever decisions of one court are reviewed by another, a percentage of them are reversed. That reflects a difference in outlook normally found between personnel comprising different courts. However, reversal by a higher court is not proof that justice is thereby better done. There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals of state courts would also be reversed. We are not final because we are infallible, but we are infallible only because we are final.

As to the pleading requirements in habeas corpus, what has happened may best be learned by comparison of the meticulously pleaded facts and circumstances relied upon by this Court's opinion in *Moore* v. *Dempsey*, 261 U.S. 86 (1923), and in *Mooney* v. *Holohan*, 294 U.S. 103 (1935), with condonation of their absence in *Price* v. *Johnston*, 334 U.S. 266 (1948). It really has become necessary to plead nothing more than that the prisoner is in jail, wants to get out, and thinks it is illegal to hold him.[16] If he fails, he may make the same plea over and over again.[17]

Since the Constitution and laws made pursuant to it are the supreme law and since the supremacy and uniformity of federal law are attainable only by a centralized source of authority, denial by a state of a claimed federal right must give some access to the federal judicial system. But federal interference with state administration of its criminal law should not be premature and should not occur where it is not needed. Therefore, we have ruled that a state convict must exhaust all remedies which the state affords for his alleged grievance before he can take it to any federal court by habeas corpus.

The states all allow some appeal from a judgment of conviction which permits review of any question of law, state or federal, raised upon the record. No state is obliged to furnish multiple remedies for the same grievance. Most states, and with good reason, will not suffer a collateral attack such as habeas corpus to be used as a substitute for or duplication of the appeal. A state properly may deny habeas corpus to raise either state or federal issues that were or could have been considered on appeal. Such restriction by the state should be respected by federal courts.

Assuming that a federal question not reachable on appeal is properly presented by habeas corpus and decided adversely by the highest competent court of the state, should the prisoner then come to this Court and ask us to review the record by certiorari or should he go to the district court and institute a new federal habeas corpus proceeding? *Darr* v. *Burford*, 339 U.S. 200, as I understand it, held that in these circumstances the prisoner must apply to this Court for certiorari before he can go to any other federal court, because only by so doing could he exhaust his state remedy. Whatever one may think of that result, it does not seem logical to support it by asserting that this Court's certiorari power is any part of a state's remedy. An authority outside of the state imposes a duty upon the state to turn the case over to it, in a proceeding which makes the state virtually a defendant. To say that our command to certify the case to us is a state remedy is to indulge in fiction, and the difficulty with fictions is that those they are most apt to mislead are those who proclaim them.

But now it is proposed to neutralize the artificiality of the process and counterbalance the fiction that our certiorari is a state remedy by holding that this step which the prisoner must take means nothing to him or the state when it fails, as in most cases it does.

The Court is not quite of one mind on the subject. Some say denial means nothing, others say it means nothing much. Realistically, the first position is untenable and the second is unintelligible. How can we say that the prisoner must present his case to us and at the same time say that what we do with it means nothing to anybody. We might conceivably take either position but not, rationally, both, for the two will not only burden our own docket and harass the state authorities but it makes a prisoner's legitimate quest for federal justice an endurance contest.

True, neither those outside of the Court, nor on many occasions those inside of it, know just what reasons led six Justices to withhold consent to a certiorari. But all know that a majority, larger than can be mustered for a good many decisions, has found reason for not reviewing the case here. Because no one knows all that a denial means, does it mean that it means nothing? Perhaps the profession could accept denial as meaningless before the custom was introduced of noting dissents from them. Lawyers and

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fornia for habeas corpus. That judge took the unusual step of passing on the merits of the case in spite of the fact that state remedies had not been exhausted and the prisoner had to be remitted to the state courts. The district judge held on the merits that the California courts had misapplied California law. *Ex parte Wells*, 90 F. Supp. 855. When the petitioner applied to the Supreme Court of California for a writ of habeas corpus, as he was instructed to do by the district judge, that court adhered to its prior view as to what the law of California was. *In re Wells*, 35 Cal. 2d 889, 221 P. 2d 947. This Court again denied certiorari. *Wells* v. *California*, 340 U.S. 937. Thereafter the same federal judge, although now conceding that he must take California law from California courts, voided the conviction on a federal ground not even mentioned in his earlier opinion. *Ex parte Wells*, 99 F. Supp. 320. The opinions of the district judge show that he was well aware of the difficulties presented by the procedure, but felt he had no alternative in the light of this Court's decisions. Indeed, he has contributed the lessons of his own experience in this field in Goodman, Use and Abuse of the Writ of Habeas Corpus, 7 F. R. D. 313. Another caricature of the great writ in action is the *Adamson* litigation in California. Adamson was sentenced to death in the California trial court in 1944. The Supreme Court of California affirmed the judgment of conviction in 1946. *People* v. *Adamson*, 27 Cal. 2d 478, 165 P. 2d 3. This Court *granted* certiorari, heard the case on the merits, and *affirmed*, *Adamson* v. *California*, 332 U.S. 46. On January 30, 1948, just one week before the date set for his execution, Adamson petitioned the Supreme Court of California for habeas corpus, and this petition was denied. This Court denied application for a stay and denied certiorari to the Supreme Court of California. *Adamson* v. *California*, 333 U. S. 831. Later on the same day that this Court denied certiorari, a judge of the United States District Court for the Northern District of California issued a stay of execution of the sentence. Then the District Court denied the writ and denied a certificate of probable cause to appeal. In *Ex parte Adamson*, 167 F. 2d 996, a judge of the United States Court of Appeals denied an application for a certificate of probable cause. This Court again denied certiorari. *Ex parte Adamson*, 334 U. S. 834. Even this was not the end, however, for in 1949 we find Adamson appealing to the Supreme Court of California from a denial of an application for a writ of *coram nobis*. That court then took occasion to question the good faith of the proceedings. 34 Cal. 2d 320, 338, 210 P. 2d 13, 22. Certainly the use of the federal courts as aids in such delaying tactics as are evidenced here does not elevate the stature of the writ of habeas corpus. We have no mythical abuse here but a very real problem of harassment of the state.

[12] *Dixon* v. *Duffy*, 344 U.S. 143.

[13] Conference of Chief Justices—1952, 25 State Government, No. 11, p. 249 (Nov. 1952):

"Whereas it appears that by reason of certain principles enunciated in certain recent federal decisions, a person whose conviction in a criminal proceeding in a State Court has thereafter been affirmed by the highest court of that State, and whose petition for a review of the State Court's proceedings has been denied by the Supreme Court of the United States, may nevertheless obtain from a Federal district judge or Court, under a writ of habeas corpus, new, independent, and successive hearings based upon a petition supported only by the oath of the petitioner and containing only such statement of facts as were, or could have been, presented in the original proceedings in the State Courts;

"And whereas the multiplicity of these procedures available in the inferior Federal Courts to such convicted persons, and the consequent inordinate delays in the enforcement of criminal justice as the result of said Federal decisions will tend toward the dilution of the judicial sense of responsibility, may create grave and undesirable conflicts between Federal and State laws respecting fair trial and due process, and must inevitably lead to the impairment of the public confidence in our judicial institutions;

"Now therefore be it resolved that it is the considered view of the Chief Justices of the States of the Union, in conference duly assembled, that orderly Federal procedure under our dual system of government should require that a final judgment of a State's highest court be subject to review or reversal only by the Supreme Court of the United States.

"Be it further resolved that the Chairman of the Conference of Chief Justices be authorized, and he is hereby directed, to appoint a special committee to give study to the grave questions and potential complications likely to ensue if the power to review or void state court judgments continues to be recognized as lying in any courts of the Federal judicial system, save and except the Supreme Court of the United States: and that said special committee report its findings and recommendations at the next regular meeting of the Conference."

[14] *Ex parte Watkins*, 3 Pet. 193, 202.

[15] Such was the view expressed by the Solicitor General of the United States at the Bar of this Court during argument of *Martinez* v. *Neelly*, affirmed by an equally divided Court, 344 U.S. 916. His adversary agreed.

[16] *Price* v. *Johnston*, *supra*.

[17] In *Price* v. *Johnston*, *supra*, the lower federal courts were reversed for dismissing the convict's fourth petition. See also statistics as to repeaters in note 8, *supra*.

lower judges will not readily believe that Justices of this Court are taking the trouble to signal a meaningless division of opinion about a meaningless act.[18] It is just one of the facts of life that today every lower court does attach importance to denials and to presence or absence of dissents from denials, as judicial opinions and lawyers' arguments show.

The fatal sentence that in real life writes *finis* to many causes cannot in legal theory be a complete blank. I can see order in the confusion as to its meaning only by distinguishing its significance under the doctrine of *stare decisis*, from its effect under the doctrine of *res judicata*. I agree that, as *stare decisis*, denial of certiorari should be given no significance whatever. It creates no precedent and approves no statement of principle entitled to weight in any other case. But, for the case in which certiorari is denied, its minimum meaning is that this Court allows the judgment below to stand with whatever consequences it may have upon the litigants involved under the doctrine of *res judicata* as applied either by state or federal courts. A civil or criminal judgment usually becomes *res judicata* in the sense that it is binding and conclusive even if new facts are discovered and even if a new theory of law were thought up, except for some provision for granting a new trial, which usually is discretionary with the trial court and limited in time.

It is sometimes said that *res judicata* has no application whatever in habeas corpus cases and surely it does not apply with all of its conventional severity. Habeas corpus differs from the ordinary judgment in that, although an adjudication has become final, the application is renewable, at least if new evidence and material is discovered or if, perhaps as the result of a new decision, a new law becomes applicable to the case. This is quite proper so long as its issues relate to jurisdiction. But call it *res judicata* or what one will, courts ought not be obliged to allow a convict to litigate again and again exactly the same question on the same evidence. Nor is there any good reason why an identical contention rejected by a higher court should be reviewed on the same facts in a lower one.

The chief objection to giving this limited finality to our denial of certiorari is that we pass upon these writs of habeas corpus so casually or upon grounds so unrelated to their merits that our decision should not have the weight of finality. No very close personal consideration can be given by each Justice to such a multiplicity of these petitions as we have had and, as a class, they are so frivolous, so meaningless, and often so unintelligible that this worthlessness of the class discredits each individual application. If this deluge were reduced by observance of procedural safeguards to manageable proportions so that it would be possible to examine the cases with some care and to hear those that show merit, I think this objection would largely disappear. The fact is that superficial consideration of these cases is the inevitable result of depreciation of the writ. The writ has no enemies so deadly as those who sanction the abuse of it, whatever their intent.

If a state is really obtaining conviction by laws or procedures which violate the Federal Constitution, it is always a serious wrong, not only to a particular convict, but to federal law. It is not probable that six Justices would pass up a case which intelligibly presented this situation. But an examination of these petitions will show that few of them, tested by any rational rules of pleading, actually raise any question of law on which the state court has differed from the understanding prevailing in this Court. The point on which we are urged to overrule state courts almost invariably is in their appraisal of facts. For example, the jury, the trial judge, and one or more appellate courts below have held that conflicting evidence proves a confession was voluntary; the prisoner wants us to say the evidence proves it was coerced. The court below found that the prisoner waived counsel and voluntarily pleaded guilty; he wants us to find that he did not. The jury and the trial judge below believed one set of witnesses whose testimony showed his guilt; he wants us to believe the other and to hold that he has been convicted by perjury. That is the type of factual issue upon which this Court and other federal courts are asked to intervene and upset state court convictions. There are plenty of good reasons why we should rarely do that, and even better reasons why the district court should not undertake to do it after we have declined to.

My conclusion is that whether or not this Court has denied certiorari from a state court's judgment in a habeas corpus proceeding, no lower federal court should entertain a petition except on the following conditions: (1) that the petition raises a jurisdictional question involving federal law on which the state law allowed no access to its courts, either by habeas corpus or appeal from the conviction, and that he therefore has no state remedy; or (2) that the petition shows that although the law allows a remedy, he was actually improperly obstructed from making a record upon which the question could be presented, so that his remedy by way of ultimate application to this Court for certiorari has been frustrated. There may be circumstances so extraordinary that I do not now think of them which would justify a departure from this rule, but the run-of-the-mill case certainly does not.

Whether one will agree with this general proposition will depend, I suppose, on the latitude he thinks federal courts should exercise in retrying *de novo* state court criminal issues. If the federal courts are to test a state court's decision by hearing new evidence in a new proceeding, the pretense of exhaustion of state remedies is a sham, for the state courts could not have given a remedy on evidence which they had no chance to hear. I cannot see why federal courts should hear evidence that was not presented to the state court unless the prisoner has been prevented from making a record of his grievance, with the result that there is no record of it to bring here on certiorari. Such circumstances would seem to call for an original remedy in the district courts which would be in a position to take evidence and make the record on which we ultimately must pass if there develops a conflict of law between a federal and state court.

If this Court were willing to adopt this doctrine of federal self-restraint, it could settle some procedures, rules of pleading and practices which would weed out the abuses and frivolous causes and identify the worthy ones. I know the difficulty of formulating practice rules and their pitfalls. Nor do I underestimate the argument that the writ often is petitioned for by prisoners without counsel and that they should not be held to the artificialities in pleading that we expect in lawyers. But I know of no way that we can have equal justice under law except we have some law. I suggest some general principles which, if adhered to, would reduce the number of frivolous petitions, make decision upon them possible at an earlier time and alleviate some of the irritation that is developing over ill-considered federal use of the writ to slap down state courts.

First, habeas corpus shall not (in absence of state law to the contrary) raise any question which was, or could have been, decided by appeal or other procedure for review of conviction. In the absence of showing to the contrary, habeas corpus will be deemed to lie only for defects not disclosed on the record, going to the power, legal competence or jurisdiction of the committing state court.

Second, every petition to a federal court is required, and those to a state court may be required, by state law to contain a plain but full statement of the facts on which it is based. Unless it states facts which, if proved, would warrant relief, the applicant is not entitled as of right to a hearing. Technical forms or artificialities of pleading will not be required.

Presumably a federal court will not release a convict until he proves facts which show invalidity of his conviction. If proof is to be required, it is no hardship to require a simple statement of what it will be. A petitioner should be given benefit of liberal construction, of all usual privileges of amendment, and, if the court finds a probably worthy case, appointment of counsel to aid in amending the petition and presenting the case.

Third, petitions to federal courts are required, and those to state courts may be required, to set forth every previous application to any court for relief on any grounds. If the current petition is made upon the same grounds as an earlier one, it should state fully any evidence now available in its support that was not offered before and explain failure to present it. On the jurisdictional questions appropriate for habeas corpus, the petitioner may not be barred from proof by newly discovered evidence, but it is not asking too much that his petition disclose that he has it and a basis for appraising its relevance and effect. He should not be precluded from raising new grounds of unconstitutionality in a later petition, especially in view of the unsettled character of our constitutional doctrines of due process. But the facts that make the new grounds applicable should appear. If federal relief is sought on the grounds that state law affords no remedy, or his resort thereto has been obstructed and he has been unable to present his case to a state court, the facts relied on should be clearly and fully set forth.

Much probably may be said in criticism of my statement of these principles but nothing, I am convinced, against their historical authenticity as part of the traditional law of habeas corpus or against their application now to stop abuses so grave that they foreshadow legislative restriction of the writ. They do not foreclose worthy causes but earmark them for the serious treatment they deserve. They will not even wholly eliminate frivolous petitions but will discourage them by exposing their frivolity at an earlier stage.

Society has no interest in maintaining an unconstitutional conviction and every interest in preserving the writ of habeas corpus to nullify them when they occur. But the Constitution does not prevent the state courts from determining the facts in criminal cases. It does not make it unconstitutional for them to have a different opinion than a federal judge about the weight to be given to evidence. My votes in the cases under review and on other petitions and reviews will be guided as nearly as I can by the principles set forth herein.

I concur in the result announced by MR. JUSTICE REED in these three cases.

Mr. ERVIN. Mr. President, the chief justices of the States of the Union by a formal resolution adopted in conference assembled have asked the Congress of the United States to pass legislation in the form of section 702 of S. 917 requiring that the final judgment of the highest courts of the State in criminal cases be subject to review only by the Supreme Court of the United States.

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[18] When petitioner in *Brown* v. *Allen* sought certiorari here after his appeal to the state court failed, two Justices dissented from the denial of certiorari. *Brown* v. *North Carolina*, 341 U.S. 943.

I ask the Senate to vote for this section which the chief justices of the States of the Union have asked Congress to pass and which it is necessary for Congress to pass if the States are going to be allowed effectively to try their own citizens in their own courts for violation of their own laws.

If we are to prevent chaos in the administration of criminal justice in the States, which are charged with the primary responsibility for law enforcement in our system of government, we must adopt a provision of this character.

Mr. McCLELLAN. Mr. President, I think I can say without any reservation or hesitation on my own part with respect to the truthfulness of this statement that, if one talks to the Federal and State judges, more than three out of four of them in private conversation will say that the Miranda decision is devastating to law enforcement.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Mr. President, I think the Senator would find if he were to make a more careful selection and check the judges who know best—for example, the trial judges in the districts where the State and Federal penitentiaries are located, since they are the ones who have the problem right in their own lap and who understand the exact facts about each one of these people who have committed very serious crimes and have been sentenced either to death or to very long prison terms—the Senator would be talking then to the ones who really know what this is all about. I believe he would then find that they would be almost unanimous.

Mr. McCLELLAN. Mr. President, I said more than 3 out of 4, because I wanted to be very conservative. And I say that without any reason to believe at all that anyone could successfully challenge that statement.

Mr. President, the argument is made that insufficient time has elapsed since the Miranda decision to determine its demoralizing and devastating effect upon law enforcement; that there is no "empirical data" to demonstrate the need for congressional action; and that there is no evidence to justify title II.

Mr. President, nothing could be more erroneous and further from the facts. If one will take the time to read the transcript of hearings conducted by the Subcommittee on Criminal Laws and Procedures, one will find convincing, irrefutable and overwhelming evidence as to the disastrous effect of this ill-advised majority decision. We have now had 2 years of the costly experience of seeing law-enforcement officers handcuffed in investigating crime, prosecutors handicapped in prosecuting cases and being compelled to either dismiss cases or accept pleas to lesser offenses.

The transcript is replete with the testimony of police officials, prosecuting attorneys and judges, and with letters from such officials who were unable to testify in person. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a number of letters which are printed in the transcript, beginning at page 663 and continuing through page 784.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, these are representative of letters in the subcommittee files. Some give statistics and many of them give specific examples of cases that have been lost as a result of this 5-to-4 decision. They are almost unanimous in urging action by Congress to remedy this constant miscarriage of justice.

Mr. President, at page 619 of the hearings, we will see the resolution placed in the RECORD which was adopted by the National District Attorney Association when Mr. Moylan, the district attorney of Baltimore, was testifying. The National District Attorneys Association in convention this year endorsed amendments to the Safe Streets and Crime Control Act, S. 917, as follows:

First. An amendment authorizing wiretapping and electronic interception of communication pursuant to court order.

Second. An amendment making voluntariness the test for admissibility of any statement, admission, or confession.

Third. An amendment restricting the jurisdiction of the U.S. Supreme Court to review certain decisions of State supreme courts.

The record contains letters from 122 chiefs of police in 37 States; letters from nine district attorneys in nine States; and letters from nine judges in seven States. This is in addition to the testimony of seven district attorneys in seven States and seven judges in seven States.

Mr. President, every Senator received a letter inviting him to come before the committee and testify and offer counsel and offer suggestions and offer amendments and help us get a crime bill.

Today we find amendments that have been submitted to provide for a little old investigation or something of that kind. I do not know what it amounts to. It does not set up a committee. It does not authorize anything and does not directly report anything.

It is a subterfuge to try to avoid the real issue.

I hope that the Members of the U.S. Senate, the elected representatives of the people—and they are not appointed—will hear the voice of the people and, I hope on tomorrow, instead of accepting the subterfuge and dodge, face up like Senators should on the real issue and vote the matter up or down.

We are either for these court decisions and their consequences or we want to do something about them.

We will give an answer tomorrow to that question. Tomorrow is a day of decision, and it is also the day of opportunity to do something about the crime wave that is sweeping America. And the crime wave is getting worse and worse by the hour.

One of the most contributing factors to that deplorable situation is the attitude of the courts and the rulings they have made as reflected in the letters I have just referred to. Those decisions are turning criminals loose by the dozens and the hundreds across the country. Why? It is simply because the law is not being enforced. It is simply because the Supreme Court has undertaken to amend the Constitution and to throw precedent, tried, tested, and true, into the ashcan.

I hope we do something about it.

Mr. LONG of Louisiana. May I say to the distinguished Senator from Arkansas that I was somewhat troubled about this matter over the weekend, because I read both sides of the argument in the RECORD. Over the weekend and this morning I telephoned a number of distinguished people whom I know personally, men whom I regard highly, judges, district attorneys and sheriffs who have the problem of trying to protect the public and to defend society from the outrages of crime. Of course, those I have called have been a rather select group, people I know personally, and in whom I have the utmost confidence. Without exception, everyone said, "JOHN McCLELLAN is right 100 percent."

Mr. McCLELLAN. I wish each Senator would call a representative group of the judges and prosecuting attorneys he knows, and a representative number of the chiefs of police he knows, and ask them the question, "What is Miranda doing to you? How does it help you enforce the law? How does it prevent you from enforcing the law? How does it handicap you?"

I guarantee that what I said earlier will be sustained, and more than three-fourths of them will say that they are handicapped and that not only is it causing confusion but also is devastation to law enforcement.

Mr. LONG of Louisiana. Typical of the explanations given to me was that of a sheriff who told me that he has no more jail space, that these people have been in jail all this time, and he now needs two courthouses and two jails; because the impediments placed in the way of moving forward and convicting a guilty man and getting it over with, and moving on to the next case, have been so tremendous that he cannot complete these cases. They just go on and on forever. The lawyers advise the people not to admit anything. And if they do confess, it cannot be used; or if they admit something, it cannot be used; or the Federal appellate court will find some technicality to send it back every time a major case is concluded. That has been the result in our part of the country, and it is probably true in Arkansas and all over the country. Jails are being filled with people, who are being done no favor by being kept in jail, forever awaiting trial. Many of these people would be done a big favor, if they are guilty, to be found guilty, serve a year or so, and turned loose, rather than being kept in jail for a lifetime while people haggle over the technicalities.

Mr. McCLELLAN. I thank the Senator.

Mr. President, I understand that tomorrow the time will be divided—4 hours of debate. I shall expect tomorrow to dwell at some length upon the crux of the issue before the Senate, because this is a vital matter. Congress is going to correct this situation, or the situation will worsen until it becomes intolerable.

Exhibit 1

Commonwealth of Pennsylvania,
Office of the Attorney General,
Harrisburg, Pa., April 14, 1667.

Dear Senator McClellan: Recently Governor Shafer wrote to Senator Edward V. Long with reference to a bill which he introduced (S. 928). I believe that the Governor's comments are appropriate, and I am enclosing a copy of that letter for your information.

Sincerely yours,
William C. Sennett,
Attorney General.

Enclosure.

April 13, 1967.

Hon. Edward V. Long,
U.S. Senate,
Washington, D.C.

Dear Senator Long: I have before me your recent letter asking my views on S. 928 which you introduced in the Congress. I understand this bill would completely outlaw the use of wiretapping and other electronic listening devices, except in situations involving national security.

My views, in summary, are:

I oppose S. 928.

I wholeheartedly endorse the legitimate use of any technological instrument as a weapon against crime, including the use of both "wiretapping" and any "electronic listening device," provided such use is under the strict control of courts of competent jurisdiction, and is restricted to use by legitimate law enforcement officers to ferret out specific onerous crimes and criminal conspiracies.

The national security is today being threatened by crime more so than ever before in our history, as evidenced by the recent report of the Presidents' Commission. We must not limit an effective war on crime just as we would not restrict a total effort against any foreign aggression.

If we allow the use of electronic devices to prevent an enemy nation from endangering our national security, why should we prohibit the use of such devices to prevent or help eliminate a present domestic danger? If necessary, we would rely upon our Armed Forces to overcome subversion either from within or without. Crime today in the United States presents a clear and present danger which must be overcome.

The effects upon the community of narcotics, gambling, prostitution and other criminal activity, the interstate character of such activity, and the use of modern technology by criminals are well-known and well-documented.

In my view, we must utilize every weapon to eliminate crime from our society, preserving, of course, those ancient rights guaranteeing due process to all citizens. Therefore, I urge the adoption of such measures as will allow the use of these devices under appropriate order of courts of competent jurisdiction.

Sincerely,
Raymond P. Shafer.

U.S. District Court,
Southern District of California,
San Diego, Calif., March 29, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

Dear Senator McClellan: I have just read the statement of J. Edward Lumbard, Chief Judge of the Second Circuit, before your committee on March 8, 1967, and I take this opportunity to put myself on record as to approving in toto his presentation.

Sincerely,
James M. Carter,
Chief Judge, Southern
District of California.

U.S. District Court,
Southern District of California,
San Diego, Calif., March 31, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

Dear Senator McClellan: The excellent and logical statement of the Honorable J. Edward Lumbard, before your Committee on March 8, 1967, voices my opinions, and is fully approved of by me.

Respectfully,
Fred Kunzel,
U.S. District Judge.

Commonwealth of Pennsylvania,
40th Judicial District,
Indiana, Pa., April 13, 1967.

Senator John L. McClellan,
U.S. Senate Building, Washington, D.C.:

I notice by the Legislative Bulletin published by the Pennsylvania Bar Association that you are Chairman of the Senate Crime Laws and Procedure Sub-Committee. I further note that you are holding a hearing on a series of anticrime bills including Senate Bill No. 674, which is designed to assure the admissibility of voluntary confessions.

I was a Prosecuting Attorney for twelve years and am now on my twelfth year as a Judge. I am deeply concerned about the crime situation in the United States.

It is my opinion that a voluntary confession and the information gathered by the police as a result of a voluntary confession should be admitted in evidence in the trial of a case.

In the trial of cases today of course I am bound by late decisions of the United States Supreme Court and we try all cases in the light of those decisions. I think, however, I have the right to say that I believe that these decisions are based upon some rather fuzzy, mental, sob-sister gymnastics. I am very much interested in the rights of the individual but I am also interested in the rights of society generally.

Incidentally I enjoyed hearing you speak when you were at Indiana University.

Very truly yours,
Edwin M. Clark.

State of Alabama,
Office of Attorney General,
Montgomery, Ala., January 24, 1967.

Hon. John L. McClellan,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator McClellan: I have your letter under date of January 17, 1967.

In reply to your inquiry dated November 21, 1966, you are advised that Alabama has not yet enacted legislation as a result of *Miranda*. The State Legislature has not yet considered legislation apparently required by *Miranda*. However, an Alabama Bar Committee will recommend to the Bar the sponsorship of legislation to make it possible to comply with *Miranda*.

This proposed legislation, amending Alabama statutes already providing for State payment of counsel in indigent criminal cases, will, according to current thinking in the Bar Committee, provide for temporary appointment of counsel on request of police authorities by circuit judges at the preliminary stages of interrogation of indigents. Provision must also be made for payment of private appointed counsel fees. I expect such legislation to be introduced early in the next regular session of the Alabama Legislature with Bar approval. As stated, such legislation will make it *possible* to supply counsel at the interrogation stage as required by *Miranda* at a time that such was and is yet impossible.

Neither the attorneys or judges to whom I have talked are so naive as to believe that such legislation will be effective. The attorney appointed for interrogation will simply send word to his client to remain silent and no statements will be forthcoming.

While this legislation will probably be adopted in order to make it *possible* according to the book to comply with *Miranda*, it will be a futile and empty gesture because of the impossible situation created by the Supreme Court of the United States in *Miranda*. The Alabama Legislature may be of the opinion that it is useless to levy a tax and appoint and pay counsel to advise indigents to remain silent during interrogation, but I believe with Bar approval the legislation will pass.

Miranda is simply a law passed by the United States Supreme Court, which in effect prohibits the introduction into evidence of admissions or confessions or the fruits of uncounseled interrogation. This law, according to five justices, is in the Constitution. I doubt if Congress or the Alabama Legislature can by mere statute effectively amend what the present majority call the Constitution.

I respectfully suggest that you may begin thinking in terms of a constitutional amendment or amendments and hope that, if adopted, the terms thereof will be reasonably construed by the United States Supreme Court.

The excerpt from *Miranda* quoted in your inquiry may be thought by some to hold out some hope for an alternative method for complying with *Miranda*. However, I can conceive of no State or Federal legislation that could as a practical matter soften the blow that *Miranda* has struck at law enforcement. If confessions, shown to be voluntary, are again to be recognized, the strait jacket, denied by the justices in the opinion, but in fact locked on by them, can only be removed by a law enacted into the Federal constitution. Such an amendment would simply make confessions or admissions, shown to be voluntary, admissible.

I would certainly favor legislation punishing those who would coerce confessions, but I believe that reasonable persuasion by police interrogators before counsel is expressly demanded is essential to proper law enforcement.

Very truly yours,
MacDonald Gallion,
Attorney General.
By Bernard F. Sykes,
Assistant Attorney General.

George Van Hoomissen, District Attorney for Multnomah County,
Portland, Oreg., January 3, 1967.

Hon. John L. McClellan,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator McClellan: In answer to your letter of November 21, 1966, since we have been operating such a short period of time under the *Miranda* decision, it is impossible to give you a definitive answer regarding the effect of the decision.

However, after *Escobedo* and before *Miranda*, the Oregon Supreme Court handed down *State* v. *Neely*, 239 Or 487, 395 P2d 557 (1964), 398 P2d 482 (1965), wherein the Oregon court adopted what was then understood to be among state courts the minority *Escobedo* rule regarding advice to defendants. Because of the *Neely* case we here in Oregon had a transition period during which most of our major police agencies modified their procedures. Unfortunately, for purposes of analysis we did not maintain any statistical data regarding the effect of *Neely* on admissions, statements and confessions; and to date we have not maintained statistical data on *Miranda*. Although I am able to say that *Miranda* has caused dismissal of several felony matters and resulted in the inadmissibility of some statements, I cannot demonstrate it. I assume that both *Neely* and *Miranda* have prevented our police departments from solving a certain number of cases, and I am referring your request for information to the City of Portland Police Bureau and the Sheriff's Office of Multnomah County with the request that they send any additional data they may have.

No legislation has been proposed at the local level. We do have a statute which is very similar to the McNabb-Mallory rule. Although to date our court has not adopted McNabb-Mallory, and the statute has not been interpreted to require exclusion because the statement is taken between arrest and prior to the time defendant appears before the magistrate, our court indicates such a ruling is in the offing.

I regret we are unable to present data for you, and hope the police departments mentioned will be able to assist.

Respectfully,

GEORGE VAN HOOMISSEN,
District Attorney.
By DESMOND D. CONNALL,
Chief Deputy, Criminal Department.

OFFICE OF THE PROSECUTING ATTORNEY,
MAHONING COUNTY,
Youngstown, Ohio, January 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SIR: Please accept my most sincere apologies for the belated answer to your letter dated November 21, 1966. In some manner it became mixed up with other papers and was mislaid.

I am familiar, of course, with the *Miranda* decision as well as with other recent Supreme Court decisions involving criminal law.

It goes without saying, I think, that this case will make the obtaining of confessions and admissions much more difficult for law enforcement officers. As of this writing I know of only one case in which we feel not able to use a confession because it was not obtained in accordance with *Miranda*. The local police officers would probably be in a better position to develop statistics than this office.

I feel it safe to assume that cases where *Miranda* had stopped an investigation have not been bound over to the Grand Jury in accordance with the Ohio practice. I also feel that it will be extremely difficult for anyone to draft Federal Legislation which can circumvent the very positive finding of the majority in the *Miranda* case, but I certainly wish you well.

If this office can be of assistance, please let us know.

Very truly yours,

CLYDE W. OSBORNE.

DISTRICT ATTORNEY GENERAL,
15TH JUDICIAL CIRCUIT OF TENNESSEE,
Memphis, Tenn., February 15, 1967.
Senator JOHN L. MCCLELLAN,
U.S. Senate,
Committee on Judiciary,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you very much for your letter of February 10 regarding your proposed legislation on the admissibility of voluntary confessions, wire tapping, and the outlawing of the Mafia and similar crime syndicates. It makes me feel a lot better, in fighting the day-to-day battle against crime, to know that we have someone of your stature and capabilities working to protect the law abiding people of this country, and the victims of crime.

I feel that it is most appropriate for the United States Congress to take the lead in passing this much needed legislation because, and I say this with no bitterness but in an objective manner, I feel there is no doubt but what some of our overzealous Federal courts have placed all law enforcement agencies and the public in the present sea of confusion in which we now find ourselves.

With regard to your proposed Federal bill on wire tapping, I am enclosing herewith a bill which I drafted in 1963, to present to the Tennessee State Legislature. I did present this bill but was not successful in getting it passed. I plan to again attempt during the 1967 Tennessee Legislature to get this same bill passed. I believe that the provisions of this bill which I drafted substantially meet the requirements set out in your proposed Federal legislation as far as allowing state law enforcement officials to wire tap. In any event, if the bill you are sponsoring is passed, we would on a local level scrupulously abide by the provisions of your act.

You will also note in the bill which I have drafted that it would be unlawful to eavesdrop by electronic and other devices. I put this provision in my bill because of the insidious nature of some of our present electronic devices, and the effect the use of such devices could have if used by unscrupulous and unauthorized persons.

If I can be of any further assistance to you in your efforts to get your bills passed, I would be most happy to do so.

Respectfully yours,

PHIL M. CANALE, Jr.,
District Attorney General.

DIVISION 2, CIRCUIT COURT,
Springfield, Mo., March 27, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have your letter of March 20th, together with copies of S. 674 and S. 675, together with excerpts of your remarks which you made to the Senate. I am heartily in accord with your thoughts in this matter.

We have been spending a great deal of time in Southwest Missouri with our law enforcement officers in an effort to try to help them understand the import of some of the recent Supreme Court decisions. I do not believe that the decisions have had any effect on the over-zealous or dishonest officer. In other words, the policeman who would subject a suspect to third degree methods in order to obtain a confession and who would then lie about it on the witness stand, will still lie under the present rules and will state that the suspect waived his rights when in reality he did not. On the other hand, the law abiding policeman, who in my opinion comprises the great majority of our officers today, has been handcuffed and hamstrung by these decisions to a point where he is confused, embittered, and despondent. In the last analysis, it is the duty of Congress to rectify the situation, and I applaud your efforts to date.

I would be glad to add my voice to other judges and prosecutors across the land who see in the present rulings a clear-cut danger to our society if you think my testimony would be useful. However, as our County has no budget for a trip of this magnitude and as I am unable to finance it at this time out of my personal funds, coupled with the fact that our Supreme Court discourages the appearance of judges before legislative bodies unless subpoenaed, I would not be able to come unless this procedure was followed.

Best wishes in your endeavor. I know you are on the right track.

Very truly yours,

DOUGLAS W. GREENE.

DIVISION 2, CIRCUIT COURT,
Springfield, Mo., March 10, 1967.
Hon. JOHN MCCLELLAN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I have recently read, with great interest, your comments concerning your intention to hold hearings for the purpose of determining what legislation is necessary to correct the intolerable situation in law enforcement which has been caused by the Supreme Court of the United States by virtue of its interpretation of the meaning of the Fifth Amendment in recent decisions such as Miranda vs. Arizona.

I have been a practicing attorney for twenty years; I have been the Prosecuting Attorney of my home county, which contains over 150,000 people; and I have had considerable experience in the trial and defense of criminal cases. I am the senior Circuit Judge of this circuit and have been in office as judge more than six years. Felony convictions, which used to be almost routine in cases where confessions which had been voluntarily given were used in evidence, have become almost a thing of the past. Prosecutors today are reducing felony charges to misdemeanors to which defendants will plead in order to obtain a conviction at all. It would be funny if it wasn't so serious. As you know, most judges are effectively muzzled by Canons of Judicial Ethics which have been promulgated and adopted by Supreme Courts without even consulting the trial bench and which state, among other things, that a judge should not criticize or comment on the actions of judges. However, I do not believe such sanctions would have any force or effect in regards to testimony given under subpoena before your committee.

I urge you to make the broadest use of your subpoena power and to call witnesses from the police, prosecuting and district attorneys, and trial judges who are, through no fault of their own, castigated and criticized for the Supreme Court's action in this field so that your Committee and the Country can get a true picture of what is going on in the field of law enforcement in America today.

Although I have never met you personally, I have a very high regard for you by reason of the work you have done in the past in this very important phase of American life.

With best personal regards, I remain,

Very truly yours,

DOUGLAS W. GREENE,
Judge.

CRIMINAL DISTRICT COURT,
PARISH OF ORLEANS, SECTION F,
New Orleans, La., March 17, 1967.
Hon. JOHN L. MCCLELLAN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Having read in the attached article, "Fencing in Supreme Court" that you are Chairman of the Senate's subcommittee on criminals and judicial procedures, I am taking the liberty of enclosing a copy of reasons for Judgment which I rendered in a narcotics case wherein, under my oath and at considerable violence to my sense of justice, I maintained a defense motion to suppress evidence.

May I ask Senator, that you take a couple of minutes from your day to read the enclosed opinion. You may use it in any way desired.

I am sending a copy of this letter to my Senators, Ellender and Long, inasmuch as I have previously given them a copy of the opinion. I had the honor of being Senator Long's classmate at Louisiana State University Law School and I believe he feels basically the way we do.

I applaud you for your speech in the Senate wherein you are quoted as having stated: "We must stop, and stop now, the release upon society of self-confessed, vicious criminals because of the trivial technicalities invoked in recent decisions which were vigorously denounced by the other four Justices as unsound and harmful to the administration of justice."

I trust that your efforts will prove fruitful and I hope that I may have the pleasure of meeting you in person.

Sincerely,

OLIVER P. SCHULINGKAMP,
Criminal District Judge.

Office of the District Attorney,
Fifteenth Judicial Circuit of Alabama,
Montgomery, Ala., March 16, 1967.

Senator John L. McClellan,
Chairman, Committee on the Judiciary,
Senate Office Building, Washington, D.C.

Dear Senator McClellan: I apologize for not answering your letters of November 24, 1966, and February 10, 1967, until this time but I do want to congratulate you and express my appreciation for the work you are doing in trying to help maintain law and order throughout the country.

In my opinion, the U.S. Supreme Court by its rulings in *Giddeon, Escobedo, Mapp* and *Miranda* are responsible in a large part for the increase in the crime rate. I say this because its decisions, and especially the *Miranda* decision, have lowered the morale of the law enforcement agencies and at the same time, have encouraged the criminal by letting him believe that he can get by with most anything.

In my circuit, after *Miranda* was handed down, the police adopted the attitude of "What's the use?" However, by schooling, lectures and instruction, I believe that we have changed their thinking and have showed them that there is still hope even though in many instances we cannot get a conviction because of the lack of a statement for the defendant. Most of the defendants, even though caught redhanded in the act, immediately ask for a lawyer and refuse to give any statement whatsoever.

The following cases are cited which may be of help in your work.

In the case of *State vs. Wilson and Whitt*, the defendants committed five armed robberies. Whitt confessed to all five charges but Wilson refused to make any statement whatsoever. Whitt stated that Wilson was with him and was the one who planned the crimes. In four cases, we were unable to corroborate the testimony of Whitt and so could not proceed against Wilson. However, we were able to corroborate Wilson's testimony in one case and succeeded in getting a conviction in that.

In *State vs. Gunther and Stalker*, both defendants were charged with robbery, on October 11, 1962, in that they got in an automobile of a man who was waiting for his wife to finish teaching school, took him out in the country, severely beat him, robbed him and left him for dead. Stalker was arrested, tried and convicted a few months after the robbery took place. Gunther, being a juvenile, was certified to the Circuit Court for trial as being incorrigible, which decision he appealed to our State Court, thereby preventing us from trying him until the present time. Both defendants at the time of arrest talked freely about the robbery, going into the most minute details but, of course, were not warned in accordance with the *Miranda* decision. The victim is at this time not positive in his identificaton of Gunther and, of course, we cannot use his statement when we try him next month.

In *State vs. Isom*, the defendant killed a man and the patrol car arrived within two minutes after the shooting. Isom walked up to the patrolman with a pistol in his hand and the patrolman asked him "Did you do it?" Isom was convicted and he appealed to the State Court. Our Court of Appeals reversed the case, citing *Miranda* and we have now brought it to the Supreme Court on certiorari. I cite this case to show the effect the *Miranda* decision has had on even State Appellate Judges. Sometimes it would appear that the lower federal courts as well as the state courts try to out do and get further out than the five judges on the U.S. Supreme Court.

In the case of *State vs. Asberry, Floyd, Ivery and James*, the defendants were charged with four burglaries. All defendants except Floyd gave statements which implicated Floyd, who demanded a lawyer and refused to make a statement. We were only able to corroborate the accomplices' statements in one case and so could not proceed against Floyd in the other three.

The decision worked to the disadvantage of the defendant in one case in which the defendant had killed her husband. There were no eye witnesses, the defendant called a lawyer and refused to make a statement. She waived preliminary hearing and was bound over to the Grand Jury. The day her case was to be presented to the Grand Jury, her lawyer talked to me and told her side of the story, which clearly proved self-defense. If she had told us this in the beginning, no case would ever have been made against her.

I have read the bills that you have introduced and believe that their passage will help the law abiding citizens of the nation and will go a long way toward maintaining law and order.

Sincerely yours,

D. W. Crosland.

Commonwealth of Virginia,
Tenth Judicial Circuit,
Richmond, April 12, 1967.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: I appreciate so much your letter of April 6, 1967, with enclosure, including excerpts from your very fine and forceful speech released January 25, 1967, on the urgent situation occasioned by the high rate of crime in this country. I have also read the enclosed proposed bills and hope it will be the pleasure of your committee to approve same and for the Congress to enact them.

I appreciate very much your invitation to me to testify before your Committee regarding the desirability of this legislation, but regret that due to my heavy trial schedule I will be unable to do so.

With all good wishes,

Sincerely,

Edmund Waller Hening, Jr., *Judge.*

Commonwealth of Virginia,
Tenth Judicial Circuit,
Richmond, March 10, 1967.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: I was delighted to see that you recently stated for the news media your concern about the nations rising crime rate, partly due to the Supreme Court's decision rigidly limiting the admission of voluntary confessions.

After four years as Commonwealth's (Prosecuting) Attorney and ten years as Judge of this Circuit having criminal jurisdiction, I firmly believe that the *Miranda* Case and others have placed too many safeguards around the criminals to the point that innocent people are no longer properly protected.

I hope that you will continue to work for balancing the Scales of Justice in favor of innocent members of the public.

Respectfully yours,

Edmund W. Hening, Jr., *Judge.*

Resolution of the Judicial Conference of Virginia, Annual Meeting, May 12, 1967

Whereas, the President of the United States has expressed his concern over the increase in the rate of crime in this country; and

Whereas, various government agencies have likewise expressed the necessity for corrective measures to reduce criminal activity and for the prosecution of crime; and

Whereas, the recent 5 to 4 decisions of the Supreme Court of the United States have substituted a limiting test for the admissibility of confessions into evidence in place of the long-standing and traditional test of the voluntariness of any such confessions; and

Whereas, among various bills introduced at the current session of the 90th Congress aimed at eradication of crime and the prosecution and punishment therefor, there are included several bills purporting to re-establish the test of "vountariness" as the rule to govern the admissibility of confessions into evidence,

Now therefore, be it resolved by the 1967 Annual Meeting of The Judicial Conference of Virginia, this 12th day of May, 1967, as follows:

1. That Congress is hereby urged to enact Senate Bill 1194 and Senate Joint Resolution 22; and
2. That copies of this Resolution be sent to all members of Congress representing the Commonwealth of Virginia, and to all Senators whose names appear as co-patrons on the Foregoing Bill and Resolution.

Criminal Court, Fifth Circuit,
Cookeville, Tenn., March 7, 1967.

Senator John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: I was very much pleased to read a UPI Washington dispatch in last Sunday's *Nashville Tennesseean* that you plan to investigate some of the aspects of recent decisions of the Supreme Court, especially those which have "unduly restricted legitimate law enforcement practices."

I am sure that many people who are engaged in the administration of justice will look forward anxiously to some remedial legislation along this line.

In more than 30 years in the circuit and criminal courts of this Circuit, which is composed of 11 counties in the rural section of Middle Tennessee, I do not remember any instance where an innocent man has ever confessed that he was guilty of committing a crime.

Sincerely yours,

John A. Mitchell, *Judge.*

State of Minnesota,
Bureau of Criminal Apprehension,
St. Paul, Minn., March 3, 1967.

Re hearings by U.S. Senate Subcommittee on Criminal Laws and Procedures, March 7, 8 and 9, 1967, regarding U.S. Supreme Court decisions affecting local law enforcement.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator: As suggested by Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, a review of the experience of our corps of investigators was made on the above subject. The results thereof and comments follow.

In one area, five court hearings have been conducted under the Miranda ruling in what we refer to as the Rasmussen-type hearings in Minnesota whereby the activities of the officers regarding the securing of evidence and the taking of statements are scrutinized, and often thereafter they are thrown out before the case ever gets into court. In one of these cases, the original charge of auto theft was dismissed and an agreement was made to plead to a lesser offense of tampering with a motor vehicle brought about by the exclusion of some of the evidence.

Comments by one of our old and experienced investigators is as follows:

"Also it has been my experience that when called to a Rasmussen hearing, the defense attorney is not only concerned about the Miranda ruling, but is conducting a fishing expedition to determine how much evidence we have against the defendant, he will also imply that the suspect was interviewed, threatened, pressured and beaten, and then advised of his rights, and that a statement is then taken which the defense attorney claims was taken without the defendant understanding what his rights were.

"It is the opinions of some Juvenile Court judges in this area that juveniles cannot waive their right unless their attorney is present."

In the Minneapolis-St. Paul area, one of our men was involved in seven cases where this type hearing was held. In one, a burglary, a defendant was dismissed, the facts therein being that an accomplice admitted his guilt and testified against the defendant. Our Laboratory expert testified in reference to ballistics, and the evidence suppression was granted on the basis, first, that there could have been a million to one chance of a ballistics duplication; and, also, the Probate Court which heard this matter held that the defendant's rights were violated because he was being implicated by an admitted accomplice.

One of the investigators remarked that there has even been an active move afoot to bring this type of hearing into Municipal Court so that the lower courts are being restricted in their ability to bind a case over to District Court, based on the fear of being overruled. Judges of the lower courts, upon receiving a move for suppression of evidence, both written and material evidence, are apt to go along with the defendant's request *assuming* the police were illegal in their actions.

Further comment by this investigator was the fact that due to the Miranda ruling, investigative techniques have been forced to change, and investigations are now definitely restricted to what witnesses say (if there are any witnesses) and physical evidence (if any is found). The Miranda ruling practically prohibits questioning and restricts police officers' activities in numerous ways.

In a recent case (within the past month) employees of the Minnesota Mining and Manufacturing Company were suspected of carrying out an amount of silver nitrate. In questioning employees for information, it was necessary to be very cautious and restricted in the presentation of questions because no suspects were developed until after at least 30 persons were questioned. The two who turned out to be definite suspects were questioned routinely, along with the others, and did not become definite suspects until later. This investigator said that in order to develop a case of this nature, in order to be within the scope of the Miranda ruling, he would have to warn each person he talked to before starting the interview. It is his opinion that this warning approach, if used in questioning everyone, would result in little, if any, cooperation. A willing witness frequently has taken the attitude that he doesn't want to get involved, that the police are only interested in pinning the cirme on someone and, therefore, by the warning of Miranda, a willing witness will clam up, remain silent and be uncooperative. Miranda prohibits interviewing that in the past has allowed one to fill in the vacant or void areas. This investigator felt that also this encouraged the allowing of immunity for one individual in exchange for his testimony against others, thereby allowing him to go free. As in the one case mentioned above, this might not work either, since in the case mentioned the court held that the defendant's rights were violated because he was implicated by an accomplice.

This investigator said he had heard two defense lawyers recently comment about their clients written admissions in such a way that when these hearings take place, motions to suppress would be granted because confessions are becoming a thing of the past and not admissible unless the defendant's lawyers are present at the time the statement or confession is taken. This investigator felt that when questioning has to be restricted, guarded, and not of a probing nature for fear of assuming an accusatory nature prematurely, one can easily recognize that Miranda is restricting police investigations. The Miranda case fails to provide a time lapse needed by police officers to cover situations that might arise, an example of which is that when an arrest is made and other circumstances arise of an emergency nature such as a search of the premises or the observance of another suspect in the area that requires attention, either way the officer acts is wrong.

A case arose in the last year under similar circumstances where a man called the sheriff up by telephone. The sheriff answered in a routine manner, and the man making the call said he had shot and killed his neighbor. While this case did not come up for hearing because the man was committed to a mental institution, it was thought that possibly under the Miranda case this man might have exonerated himself by virtue of his confession before receiving any warning. It is my belief, however, that such a confession would be upheld, but I can easily see that under the present trend it might not be.

Another investigator ran into this situation in a case known as State of Minnesota vs. Anton Olson. The matter involved the shooting and killing of two police officers in Morrison County, Minnesota. The hearing was held in Ramsey County as a result of change of venue requested by the defense attorney. District Judge Marsden in this case ruled inadmissible a statement of admission made by the defendant. In addition, the sawed-off shotgun allegedly used in the shooting was ruled out as evidence, although the gun was located in the Mississippi River on information supplied by the defendant. The judge applied the Miranda ruling in this case. The offense occurred before the Miranda decision was delivered, and the ruling of Judge Marsden occurred in August 1966. In this case, the State, in order to obtain a confession, changed the two first degree murder charges to murder in the third degree. I might add in this connection that the statement taken from Olson in this case was after all warnings were given *except* that the State would furnish an attorney if he could not afford one. In this case, the defendant was a farmer with all the usual resources, tractors, machinery, barn, house and crops, and the belief he had funds for legal services seemed most reasonable. In this case the defendant had come into the police station and said he killed an officer before anyone had even asked him a question, and on this basis he was not released. This was the only saving feature and, had this man been released, I feel sure some vigilante action would have been taken, and I feel that will come to pass in the future unles the trend is reversed.

I am enclosing articles from the St. Paul Pioneer Press of August 4 and August 5, 1966 commenting on Judge Marsden's rulings, which I feel you will find interesting.

We have another case in this area at Hibbing, Minnesota in April or May 1966 where one Ronald Keiser was charged with stabbing a girl to death. He gave a signed statement admitting this, and later demanded a hearing which was held before the Supreme Court, and the confession was thrown out. This caused a tremendous furor in that part of the country. I do not have complete details in my possession, but perhaps Powell Majerle, Chief of Police, Hibbing, Minnesota, who is also an IACP member, will furnish the facts in this case.

I am enclosing comments in the St. Paul Dispatch of Thursday, March 2, 1967 of William B. Randall who is Vice President of the National District Attorneys Association and former President of the Minnesota County Attorneys Association.

We find that the hearings resulting from recent Supreme Court decisions are most time consuming. Most every such case takes from one to three days, and we had one take five days. Even our Laboratory personnel have been called in several times, thus disrupting their work on other matters. With these one or two hearings in each case, plus the actual trial, if it gets that far, the police officer finds much of his time thereby taken up. Police departments are almost universally handicapped by a shortage of personnel, and these present procedures only add to the problem.

Furthermore, the tendency today of the courts seems to be to over-emphasize the right of the criminal at the expense of the rights of the public or the individual or the victim of the crime.

Sincerely yours,

Roy T. Noonan, *Superintendent.*

County of Hamilton,
Cincinnati, Ohio, March 3, 1967.

Hon. John L. McClellan,
U.S. Senator,
Washington, D.C.

Dear Senator McClellan: In reply to your letter of February 10, 1967, concerning various bills presently before the Senate, I submit the following:

Bill S. 674—The bill as written is workable and acceptable. The only suggestion I would make is that some thought be given to that portion of the Miranda decision dealing with exculpatory or inculpatory statements. Perhaps some word should be inserted so that if an accused makes an exculpatory statement, which later turns out to be false, this false exculpatory statement could be used to impeach the accused.

Bill S. 678—I would suggest a change on page 4, line 15, after the words "dedicated to" insert "violate criminal laws of the United States or any State, or commit unlawful acts" etc.

Bill S. 675—This bill is acceptable in its present form.

You recognize, of course, that Bill S. 678 does not generally apply to state law enforcement.

I feel that if the three Bills you have suggested were passed they would provide additional necessary armament for law enforcement.

I have been a member of the Prosecuting Attorney's staff for twenty years, and during that twenty years this office has enjoyed an excellent reputation in the community for its manner of administering justice. It is difficult for me to understand why so many people (many in high office) seem to fear law enforcement and that which it represents. This statement applies to those in the legislative branch of government. They seem to be apprehensive and unsure of those of us who are not seeking to harm or hurt anyone, but trying to protect society from those who would abuse society. It seems to me this theme must be sold.

I wish you a great deal of success in the handling of these important pieces of legislation.

Yours very truly,

Melvin G. Rueger,
Prosecuting Attorney.

Office of the
Maricopa County Attorney,
Phoenix, Ariz., February 28, 1967.

Hon. John L. McClellan,
U.S. Senator,
Chairman, Committee on the Judiciary,
Washington, D.C.

Dear Senator McClellan: I apologize for having taken so long to answer your letter of February 1, 1967, concerning Senate Bills 674, 675 and 678. Thank you for sending them.

The reason for the delay; I was re-trying the Ernesto A. Miranda case for the crimes of Rape and Kidnapping. As you probably know by now, we were successful through the use of his confession to a lay person. Without the confession Mr. Miranda would be a free man on these charges, since this was the only evidence we had to convict on. Even the

Judge trying the case stated, after it was over, that he would have had to direct a verdict of acquittal if we had not had this confession. We were lucky to find out that he had made the confession since, as I previously stated, without it we had nothing. Of course his attorney intends to appeal to the Supreme Court on the basis that since the first confession (to the police) was no good, neither was this one.

After reading the three Bills you plan to introduce, I can only say I found all three excellent and sincerely hope they will be enacted into Law. I have read where a wiretap bill may be introduced limiting its use to the scope of national security. I think this is too much of a limitation.

I believe as your Bill states, that wire tapping should be allowed at all times when a judge has heard the evidence and has determined there is probable cause for said wire tapping. We need everything we can get to search out the criminal and obtain evidence to convict him. I believe your Wiretap Bill goes to this end.

The Mafia Bill would also be a big step forward in the elimination of organized crime in the United States.

I want to thank you very much for asking my views. I hope they will be helpful to you and that you will be successful in getting the Bills passed during the present session of the Congress.

Sincerely yours,

ROBERT K. CORBIN,
County Attorney, Maricopa County.

COMMONWEALTH OF KENTUCKY, OFFICE OF THE COMMONWEALTH'S ATTORNEY,
Louisville, Ky., February 15, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on the Judiciary, Subcommittee on the Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: This will acknowledge receipt and thank you for your letter of February 10, 1967, enclosing a copy of Senate Bill 674.

A return to the rule of "Totality of Circumstances" in determining the admissibility of confessions is conceded by experienced prosecutors to be the proper answer. Such, as we understand, is the purpose of Senate Bill 674. The awesome examples of miscarriage of justice contained in the copy of your "Excerpts" are decidedly verified in the courts here in Louisville, Kentucky.

The only objection to your Bill, as we see it, is constitutionality. The constitutional concepts proscribed by Miranda apparently will not be changed by the present Court. Would not a direct attack by Constitutional Amendment be more expedient and certain? We believe the entire country would back you on such a proposal.

If your aides have prepared memorandums on the constitutionality of proposed Senate Bill 674, we would greatly appreciate a copy of same.

Respectfully,

EDWIN A. SCHOERING, Jr.,
Commonwealth's Attorney.

OKLAHOMA CITY, OKLA.,
February 21, 1967.

Hon. JOHN L. MCCLELLAN,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I received your letter of February 10 with the enclosures. Let me congratulate you on your address you gave before the Senate on the crime situation.

The bills you enclose will certainly help law enforcement. I find no fault with them. If there should be a fault, it would be that they are not strong enough in favor of law enforcement. However, I fully realize that the thinking nowadays of Legislatures and Congress it would be difficult to get through that which aids law enforcement to any great extent.

I sincerely hope that Congress appropriates the three hundred and fifty million dollars to aid law enforcement and there will be enough members of Congress who will insist that the money do just that and not let it be just another deal where the government spends the money to, in effect, bribe and beg people not to break the law.

Under the guise of spending the money to prevent crime it seems that the ten million dollars heretofore appropriated and placed in the hands of a Department of Justice official was being used not to aid local law enforcement in the least. It seems that they wanted a program that was "imaginative" and unusual to prevent crime and that they specifically told us that it could not be used for any ongoing activities of law enforcement. What the local police needs is up to date equipment, more policemen, and better pay. I know of nothing that will prevent crime better than to have enough patrol cars to properly patrol the areas where crime flourishes. Oklahoma City is like a lot of other cities that cannot hire even the quota of police allowed. This because of the low pay and the ridicule which policemen are subjected to constantly.

I am unalterably convinced that the best deterrent to crime is sure swift detection and prosecution with sure, swift, adequate punishment.

Respectfully,

CURTIS P. HARRIS,
District Attorney.

COUNTY OF SAN DIEGO,
OFFICE OF DISTRICT ATTORNEY,
San Diego, Calif., February 21, 1967.

Senator JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you very much for your letter and enclosures of February 10, 1967.

I am heartily in accord with your remarks in the United States Senate and with your views of the very real need for legislation such as proposed by Senate Bills 674, 675, and 678, as well as legislation which will deny Federal courts, including the Supreme Court, jurisdiction to reverse judgments of convictions in State courts which are based in whole or in part upon confessions voluntarily given.

You and the Subcommittee on Criminal Laws and Procedures and the Committee on the Judiciary are performing a truly great service to our country and to the law-abiding citizens by your efforts to provide the weapons and the means by which law enforcement can carry out its duty of protecting our people and combatting the tremendous menace of crime rampant across the nation.

You have my every wish and prayer for complete success in your legislative program.

Thank you for requesting my views.

Sincerely,

JAMES DON KELLER,
District Attorney.

STATEMENT OF FRED E. INBAU, PROFESSOR OF LAW, NORTHWESTERN UNIVERSITY

S. 675—FEDERAL WIRE INTERCEPTION ACT

Wiretapping is an indispensable investigation technique for many types of serious crimes and particularly those involving organized or syndicated criminals. It should be legally authorized although, to be sure, only upon court controlled conditions.

S. 675 is a commendable step in this direction but in my opinion it does not encompass a sufficient number of criminal activities. Wiretapping should be allowable in the investigation of any offense as long as its usage is subject to the types of controls set forth in S. 675. Some critics of wiretapping practices allow only for its use in national security cases; what these critics overlook, it seems to me, is that we are faced with a great internal threat to our security and particularly from organized, syndicated crime. To bar wiretapping except in national security matters is to ignore the threat posed by society's internal enemies.

Rather than repeat much of what has already been presented to you and your colleagues I would like to endorse wholeheartedly the statement of the Honorable J. Edward Lumbard, Chief Judge of the United States Court of Appeals for the Second Circuit presented before your Committee on March 8, 1967. Among his various recommendations was one that Congress authorize appeals by the Government from Court orders suppressing wiretap evidence once a bill, such as S. 675, has been enacted. Here in Illinois our experience has been that the authorization of prosecution appeals from pretrial orders suppressing evidence has had a very salutary effect. Although we have not had experience with wiretap suppression orders, since wiretapping is not permissible in this jurisdiction, a similar salutary effect would prevail with respect to wiretap situations.

S. 674—ADMISSIBILITY IN EVIDENCE OF CONFESSIONS

I am in thorough sympathy with the objectives of this bill and hope Congress will enact it although much doubt remains as to its constitutionality in view of the Supreme Court's decision in *Miranda* vs. *Arizona*. If enacted into law S. 674 would at least afford an opportunity for the Supreme Court reconsideration of its 5 to 4 decision in the *Miranda* case. It is not inconceivable that a change in the composition of the Court in the next few years may result in a reexamination of the *Miranda* doctrine and perhaps in an overruling of that decision—just as *Miranda* itself overruled the earlier decisions in *Crooker* and *Cicenia*.

S. 1194—JURISDICTION OF SUPREME COURT CONFESSION CASES

I do not favor this Bill because I think there should be Appellate Court review in confession cases. The principal objective underlying this Bill (an avoidance of such decisions as *Miranda*) may well be accomplished by the Senate's insistence upon future Supreme Court appointments from the ranks of Federal Estate Court Judges who have in their prior decisions and opinions evidenced a viewpoint of moderation with respect to the confession issue as well as other issues in the criminal law area.

S.J. 22 CONSTITUTIONAL AMENDMENT REGARDING CONFESSIONS

As already indicated, I favor the voluntary test of confession admissibility but I do not approve of the restriction contained in S.J. Res. 22 regarding Appellate Court review.

Another constitutional amendment that should be given serious consideration is one proposed by Illinois Supreme Court Judge Walter V. Schaefer which would permit comment at the trial upon the accused's failure to submit to a pre-trial judicial investigating officer's interrogation into the accusation. This proposal is set forth in a recent book by Judge Schaefer entitled "The Suspect and Society" published by Northwestern University Press, Evanston, Illinois.

If constitutional amendments are sought to correct the present confession situation, I think consideration should be given at the same time to the abolition of the present exclusionary rule with respect to improperly obtained physical evidence.

In view of all the efforts that will be exerted in the near future by way of the training and improvement of the police, we should be able to control improper police procedures other than by the currently favored method of turning guilty persons loose in order to teach the police a lesson. It just simply does not make sense to me that we should be spending the millions of dollars required to rehabilitate drug addicts while at the same time turning loose drug peddlers selling or possessing narcotics because a court finds that the police acted improperly in seizing the evidence. If a complete abolition of the exclusionary rule may be unobtainable we could at least hope for a modification of it along the lines developed by the State of Michigan in its constitutional conventions. In Michigan the exclusionary rule applies in general principle but exceptions are made in cases where narcotics or dangerous weapons are seized on a person outside of his home.

Perhaps what I am suggesting in these present comments is that consideration be given in constitutional convention to several of these basic fundamental constitutional road blocks now confronting the police of this country.

[From the Journal of Criminal Law, Criminology and Police Science]

The Next Supreme Court Appointment

Several commissions have been appointed by the President of the United States to make studies and recommendations regarding the crime problem. At the President's urging, substantial federal funds have been appropriated to improve enforcement and diminish the causes of crime.

As commendable as these measures are, there remains another necessary Presidential step to be taken, when the occasion arises, and that is with respect to the next vacancy, or vacancies, on the Supreme Court of the United States. At least one such vacancy, due to resignation, is expected in the very near future.

To replace any one of the present members of the Court—and particularly one of the "conservatives"—with someone who is an adherent of the ultra-liberal philosophy currently embraced by some of the Justices would be a grave mistake.

The next appointee to the Supreme Court—and, indeed, *any* future appointee—should be an able, experienced *federal or state court judge* who, by his judicial decisions and opinions, has evidenced a viewpoint of *moderation* with respect to the issue of individual civil liberties and public safety.

Although a judge's prior decisions and opinions constitute no guarantee against future deviations, they do afford a rational basis for selection.

A selection from within the Judiciary itself would serve as an inspiration to the Bench at large. It would also enhance the stature of the Court.

FRED E. INBAU.

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,
Detroit, Mich., May 12, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman of the Senate Judiciary Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: As a member of the Michigan Crime Commission, I have served with the Honorable John B. Martin as a member of the Committee on Organized Crime of that Commission.

Our committee has had occasion to consider the problem of legislative action in the field of electronic surveillance and has had occasion to review the statement previously made to your Committee by Mr. Martin.

Both as an appellant court judge and as a former Police Commissioner, I believe that federal legislation prohibiting wiretapping and eavesdropping is a must. There should, in my judgment, be no general exemptions, even for law enforcement, except when based on search warrants issued in a court of law. Such search warrants should issue only on probable cause and should be required to be specific as to time, place, object and method of search. They should, in my opinion, be restricted to crimes against national security, kidnapping, murder, and the most important activities of organized crime.

Over and above this brief comment, I associate myself generally with the careful statement on this problem previously made to your Committee by Mr. Martin.

Trusting this will be of assistance in your Committee's deliberations, I am

Sincerely yours,

GEORGE EDWARDS.

PORT ALLEN, LA., *March 29, 1967.*

Hon. JOHN L. MCCLELLAN,
U.S. Senator, Chairman, Criminal Laws and Procedures Subcommittee, Senate Judiciary Committee, Senate Office Building, Washington, D.C., and

Hon. DANTE B. FASCELL,
Member of Congress, Chairman, Legal and Monetary Affairs Subcommittee, House Judiciary Committee, House Office Building, Washington, D.C.

GENTLEMEN: We wish to join other Judges, District Attorneys, Law Enforcement Officers and Law Abiding Citizens in expressing our disapproval of the *Mapp, Gideon, Escobedo, Miranda* and other recent Supreme Court decisions destroying our criminal laws. We also disapprove of the Supreme Court amending our Constitution as they have done on many occasions in recent years. Frankly, we believe it is past time for Congress to do something about these things.

Unless something is done to nullify the effect of recent Supreme Court decisions crime will continue to increase regardless of what else is done. The President's proposed crime prevention program is only a waste of billions of dollars and giving him more absolute control of our state and local affairs.

Your kind and prompt attention to these serious matters is urged because of the great importance to all of us.

Respectfully yours,

G. ROSS KEARNEY,
Judge, Div. B, 18th Judicial District of La.
DANIEL P. KIMBALL,
Judge, Div. A, 18th Judicial District of La.

OFFICE OF THE COUNTY ATTORNEY,
Wichita, Kans., February 15, 1967.

Hon. JOHN L. MCCLELLAN,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you very much for your letter of February 10, 1967, supplementing your Miranda decision letter.

The Wichita Police Department has done a considerable amount of work looking towards supplying the information requested in the last letter, and on behalf of law enforcement in this community may I please state that we appreciate what you are doing to attempt to pass legislation which will effectively combat the growing law enforcement problem which we are facing.

I am most interested in your Bill No. S. 674 as it will have a derivative value to us if passed, because it will be directly calling to the court's attention the fact that the Congress of the United States is not content to have law enforcement completely hamstrung.

Thank you very much and you may be sure we are assemblying the data and we will give you further information such as we have at our disposal after having examined the contents of your latest communication.

Yours truly,

KEITH SANBORN,
County Attorney.

OFFICE OF THE ATTORNEY,
Wichita, Kans., April 20, 1967.

Hon. JOHN L. MCCLELLAN,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Enclosed is a copy of a letter from our Wichita Police Chief which is an analysis of a number of matters which have occurred within our department since the Miranda ruling. It appears to me that one of the most serious problems created is the uncertainty where certainty should exist. This permeates law enforcement and it has percolated into the District Courts in the uncertainty as to the application of what heretofore had been considered settled rules of law.

I do not believe that all of this springs from the Miranda case by any means. I believe it is the general upheaval and reevaluation in the field of criminal law. I sincerely believe that the most cogent reasoning which could be brought to bear on this problem consists in the opinions of the learned Justices who dissented.

It is not my function as a lawyer to criticize the courts. It is my function as a lawyer to apply the decisions of the courts without reservation or purpose of evasion. However, candor compels me to say that our observation thus far is that preparation and prosecution has been made substantially more difficult and that imbalance exists wherever any rule is enacted which prevents the search for the truth by civilized means. Equally serious problems with the new confession rule are the derivative evidence rule and the poison fruits dilemma presented to the officers every time they must make a decision as to whether to proceed with interviews of persons who may have been involved in the commission of crimes.

Thank you for writing and I am sorry that your answer has been so long in forthcoming, but as you are well aware, everybody connected with law enforcement has had substantially increased duties to perform without a requisite increase in persons with whom to accomplish these new duties. I appreciate receiving the letters on these important matters to law enforcement.

Sincerely yours,

KEITH SANBORN,
County Attorney of Sedgwick County, Kans.

THE CITY OF WICHITA,
POLICE DEPARTMENT,
Wichita, Kans., March 30, 1967.

Mr. KEITH SANBORN,
County Attorney, Sedgwick County,
Care of Sedgwick County Courthouse,
Wichita, Kans.

DEAR MR. SANBORN: Your interest in the controversy about the effects of Supreme Court rulings on law enforcement processes is very encouraging. Those of us in the police field are seriously affected by the resulting chain reactions. These have developed in all Courts as a result of Judges being so concerned that their decisions may be overturned by higher Courts. We are struggling to find some hope to the solution of this dilemma.

There follows a few typical cases in point. These case histories were submitted by Detectives.

1. In April, 1966, a defendant shot and killed a man and shot his wife twice in an attempt to kill her. Officers arrived moments after the offense had occurred. The gun was turned over to the officers. The man at this time was advised in detail of his rights by more than one officer, including the Station Captain. The defendant waived his rights at that time and told the officers about the incident. Within 2½ hours of the time of the incident, he had given detectives a one hour detailed statement of events, his plans, his preparation, his thoughts and as to the time he made the decision to do what he had done. The planning was quite detailed, as were all of his actions quite detailed. The detectives prior to talking with the defendant again advised him in detail of his rights and to the use of the telephone. He declined use of the phone and waived all rights. The defendant was intelligent and wanted to talk. As a result of the statement, he waived rights of search by signing waiver of search forms for

his automobile and his residence. Evidence was obtained as a result of these searches. The case was reviewed by higher echelon, along with members of the County Attorney's staff, and it was believed it was an excellent first degree murder charge along with an attempt first degree murder charge, predominately on the basis of the man's statement concerning his plans, premeditation and attempt and actions. Defendant was charged first degree murder and attempt first degree murder. *The day before the case was tried in preliminary court, the Miranda decision was handed down.* After hours of deliberation the court decided that although we had met all of the standards necessarily at the time of the incident for admitting the tape into evidence into this case, that it now no longer met the standards required under Miranda. The reason being we had not informed him if he could not hire an attorney one would be furnished for him. As the result of the confession not being admitted into evidence, it was decided that the waivers of search which had been signed were not admissible. Therefore, all of the evidence obtained as result of the confession and as result of the waivers of search was not admissible. The end result was that a case which appeared to be a good first degree murder, first degree attempt murder charge, was that the jury came back with the decision of third degree manslaughter and attempt third degree manslaughter.

2. There were several robbery-assaults, predominately in the downtown area. The victims of these assaults were drunks who were unable to furnish us with much information or make any identification. Information was eventually developed that there was about twelve juveniles ranging from age 16 to 17 involved in these robbery-assaults. The information was not suitable for the obtaining of a warrant. Normal procedure would have been to bring these young juveniles in and talk to them, confront one with the other in an attempt to build a case for prosecution. The Miranda decision has defined this practice as coercion. We realized that due to the age of the juveniles and the type crime, that if we could build a case it would undoubtedly or most likely be referred to the District Court and therefore Miranda would apply. It was decided to go ahead and round up the juveniles rather than wait to build a case for fear that if they continued someone could be badly hurt. These juveniles were rounded up. We did apply Miranda. Due to no identification and lack of evidence, we were able to charge only one as a delinquent, getting him referred to the District Court. The others were charged as miscreants and turned over to the Juvenile Court. The significance of this particular investigation is that although our information was proved to be good. Miranda prevented us from properly investigating the case. Time element made it necessary to get these young juveniles stopped before somebody got hurt. Therefore, instead of being able to build first degree robbery charges on more than one, we had no choice but to take them out of circulation and let them know that we knew what they were doing and charge them as miscreants as above stated. It might be added that some of the County Attorney's Staff was contacted before the above action was taken and concurred that this was the best procedure to use in this particular case due mainly to the restrictions of the Miranda decision.

3. Under H-97848 one Kenneth R. McKibben was charged along with four other co-defendants on second degree burglary and grand larceny. At the time of the complaint and warrant being drawn, McKibben was serving a sentence on a different charge in KSIR. Prior to Miranda and Escobedo the four co-defendants were tried and received sentences. However, due to McKibben's incarceration, he did not become available for trial on this case until after the two above Supreme Court decisions. One of the most important items of evidence was a written confession taken from McKibben prior to Miranda, which contained all the admonitions except the appointment of counsel for indigents. Therefore, when this case came to trial after Miranda, it was discovered that the confession taken prior did not meet the qualifications of the new policy. This case was dismissed without trial and the man went free.

4. Just recently in the series of high school and junior high school burglaries which have occurred the latter two months of 1966 and the first month of 1967, four juveniles were apprehended in one school. As a result of questioning the four juveniles we were able to get the name of two adults who had been involved with them, in most of the school burglaries where vaults were entered. We were able to secure search warrants for houses and automobiles belonging to the two adult suspects and were successful in obtaining enough evidence against one of the adults to charge him with one or more of the burglaries. However, the second adult suspect who we have reasonable grounds to believe in talking with the 17 year old juvenile and the 22 year old adult defendant, is totally involved with these subjects in all the burglaries where safes and vaults were entered in the city as well as Sedgwick County. However, on reading the Miranda warning to this one adult suspect, he immediately stated that he did not want to talk further about the matter and wanted to talk with his attorney, and with the interview ending there we have been unsuccessful in building a solid burglary case against him although on 1-24-67 a warrant was issued by the County Attorney's office charging him with one burglary of a high school in the county and we think that we might be able to get one or more warrants on burglaries in schools in the city, however, we have some question as to whether these cases will ever get through Court of Common Pleas and this defendant will be bound over to District Court. This is a good example, however, had we not been confronted with the Miranda decision, the 17 year old juvenile and the 22 year old defendant were both willing to repeat their stories in the presence of this second adult defendant or suspect and no doubt would have admitted his involvement when he realized that these individuals had told their portion of participating in all of these burglaries which may amount to somewhere in the neighborhood of 25 to 30 cases.

5. On January 4, 1967 Sgt. Mead had occasion to run a polygraph test on Paul D. Wood, 19wm, in connection with application for employment. On this test the question was asked if Mr. Wood had ever stolen anything. At this time Sgt. Mead received a reaction on his machine. At the conclusion of the running of this test and upon reviewing the chart with Mr. Wood, he admitted to Sgt. Mead several thefts which he was involved in. Due to the fact that Mr. Wood was not in the Police Station being questioned in connection with any crimes, he had not been advised of the Miranda warning and because of this and because of the fact that he admitted these thefts to Sgt. Mead without this warning, there was no prosecution concerning these thefts since it was a voluntary thing on this man's part and he had not been advised of his rights.

6. Under J-19419 Harry D. McClain, 24cm, was charged with forgery and uttering, along with a Frank M. Brown, 35cm. McClain admitted this crime but Brown would not, therefore the two defendants were placed together and after McClain told his story Brown stated he was also involved. He admitted writing this check for McClain to cash and received $20.00 for his share. The case originated before the new rulings; however, they were in effect at the time we went to trial and the judge dismissed the case on Brown because of using one defendant against the other to secure the confession.

7. No doubt the Miranda warning has also affected the investigation results under the Crestview Bowl, J-32943, Oklahoma Tire & Supply, J-50291, Pickering Sales, J-50290 and Wolf Retail Liquor Store, J-48808, because after reading the warning to them, the defendants under all these cases refused to talk to me at all. In all, six subjects were charged under these cases; however, in the burglary of the Wolf Retail Liquor Store, although three subjects have been bound over in the Court of Common Pleas, we have never recovered the safe hauled out in this case because not any one of the three defendants will discuss the case with me.

The following remarks made by Detective Sergeant:

"In addition to these instances pointed out by the detectives previously mentioned, some of the things that I would like to relate as far as to how the Miranda and Escobedo Decisions have affected law enforcement by this Department are as follows:

At the present time there is no provision for providing an attorney or attorney fees until such time as the defendant has been formally charged and arraigned in the Court of Common Pleas. After reading that portion of the Miranda warning, "if you cannot hire a lawyer the Court will appoint one for you", following the previous warning, "you have the right to talk to a lawyer and have him present with you while you are being questioned", and then followed up with the admonition about the Court appointing one in the event the suspect is without funds to hire a lawyer, they then want an attorney present for the questioning. There is no provision for this, nor funds or provision for having one appointed prior to the formal arraignment of the suspect or defendant.

The widespread publicity on the Miranda Decision has resulted in many of those individuals even presently in the juvenile age groups that they can quote you the Miranda warning almost verbatim. Recently a 16 year old was picked up who had never been in trouble and the first thing he stated was that he would not say anything until he had an attorney and that we had to provide him one and have one present while he was being questioned and that when he wasn't able to pay for an attorney, one would have to be appointed for him.

Another fact where Miranda has definitely hampered clearances of cases and building a case against another defendant, is that previous to Miranda we were able to confront a co-defendant with the oral statement of one, and in many instances obtain an oral statement, as well as a written and taped statement, from the second defendant or even a third or fourth. And as a result of this we could pyramid the cases and many more cases were cleared and many more dedendants were named in warrants along with the defendant who gave the first statement. It is now ruled in Miranda that the second defendant's statement is not considered voluntary.

I feel that there are a lot of inequities in the justice now being meted out inasmuch as we have one defendant who wants to clear his conscience in regards to his wrongdoings, but he is the only one then that is charged as having a conscience and wanting to get these things off his chest and will go ahead and talk even though he's being given the Miranda warning. I feel these are definitely inequities and double standards as far as this Miranda Decision is concerned."

A Detective Captain says:

"Many times in the past months we have been called upon to describe how the Miranda decision is affecting us in law enforcement. We are only able to cite a few instances where there has been a direct bearing; however, the cause and effects of this decision are much deeper and more expanded than we are able to prove. My reason for saying this is due to the way we in law enforcement have always operated in the past on information. In this day and age, information is becoming worthless to us as we are unable to use this without physical evidence to back it up. I will try to outline an example for you as to what I mean.

"A few years back if we would pick up John Brown on burglary charges and he would give us a full statement admitting burglaries that he was involved in and then would tell us that on so many of these burglaries a Robert Smith was with him, we could then pick up Robert Smith, confront him with Mr. Brown's testimony in the presence of all parties, and then could take a statement from him in regard to his activities. This would be in those days a free and voluntary statement and admissible in Court. Then this system would work with him, telling us the ones he was involved in and would also pyramid on to other people who were him on other burglaries. Therefore, you can see we would be able to clear an unknown number of burglaries. Therefore we cannot say the Miranda Decision has kept us from clearing 10 burglaries or 100 burglaries a month as it is an unknown number."

We are told that we cannot use one person against another to force a statement as this takes the statement out of the realm of free and voluntary. We have lost one felony case in Court on this exact operation.

I hope this report clarifies to you why I say we cannot measure the damage that the Miranda Decision has done in law enforcement.

As you can see, the new rulings do have very serious effects on the success in our work in crime control. After recent conferences in Honolulu with the American Academy of Forensic Science and in Chicago with the First National Symposium on Law Enforcement, Science and Technology, sponsored by the Office of Law Enforcement Assistance, U.S. Department of Justice, we are firmly convinced science alone cannot ever fill the gap. Science in based on truth and fact. We would that all courts could base judicial proceedings on truth and fact of guilt or innocence rather than imaginary violations of criminals' rights.

The theory that crime can be controlled by spending fantastic amounts of tax payers money to enlarge, train, and better equip Police Departments is very unrealistic. The facts are that no Police Department can possibly have not been seriously affected in obtaining confessions. Consequently it is obvious that additional police alone is not the answer, as long as the Courts will not admit reasonable and proper confessions or statements.

Doctor Kenneth McFarland of Topeka, Kansas, has developed a very realistic plan for law enforcement. A brochure of his statements on this subject is enclosed. We agree one hundred per cent with his point of view. If sufficient number of Americans could understand the truth of the matter as presented by Dr. McFarland the dilemma would be well on the way to elimination.

Thank you once again for your serious interest.

Respectfully,

E. M. Pond,
Chief of Police.

State of New Jersey,
Office of the Governor,
Trenton, May 10, 1967.

Hon. John J. McClellan,
New Senate Office Building,
Washington, D.C.

Dear Senator McClellan: It is my sincere belief that S. 917, "The Safe Streets and Crime Control Act of 1967," is one of the most important measures before this session of the United States Congress.

As you are aware, the National Crime Commission depicted in great detail the needs of law enforcement and correctional agencies at the State and local levels. Attorney General Arthur J. Sills and Commissioner of Institutions and Agencies, Dr. Lloyd W. McCorkle, have impressed upon me the need for extensive federal financial aid if the many progressive programs they, and others in their fields, consider essential are to be realized. Advanced facilities for the treatment of offenders, the establishment of regional police training schools, and the creation of a statewide communications network are but a few of the more significant advances which we anticipate as a result of increased federal aid.

On behalf of all law enforcement and correctional officials, and indeed the people of this State, I am appealing to you to lend your wholehearted support to the enactment of "The Safe Streets and Crime Control Act of 1967."

Sincerely yours,

Richard J. Hughes,
Governor.

Court of Common Pleas,
Twelfth Judicial District,
Dauphin County, Pa., May 19, 1967.

Hon. John J. McClellan,
Chairman, U.S. Senate Judiciary Subcommittee, Washington, D.C.

Dear Senator McClellan: I have your letter concerning my Law Day address before the Harrisburg Rotary and other service Clubs with the Dauphin County Bar Association. Due to the pressure of my work, I was unable to reduce my address to writing. Nevertheless, I appreciate your inquiry.

I read recently a statement in the press attributed to Attorney General Clark that a check of some 2,000 cases in New York City revealed that only twenty suspects requested a lawyer after having received the Miranda warning at incustody proceedings in the Police Station. I do not recall that any explanation was given as to the method employed to arrive at these statistics which are almost, if not altogether, incredible.

If you have any background material as to the method by which these statistics were obtained, I certainly will be glad to learn of it. Even if they are reliable, which I doubt very much, there is still an urgent need for the passage of Senate Bill No. 674. As long as the Miranda doctrine remains as the last word of the Supreme Court, a most formidable stumbling block to law enforcement still exists.

Last evening Mrs. Kreider and I attended a small dinner party at which some Harrisburg business men and their wives were present. All expressed amazement and anguish in regard to recent U.S. Supreme Court decisions. The ladies, though not conversant with the tortuous process of reasoning by which these decisions were reached, feel very keenly that the safety of their persons and property has been endangered thereby. In fact, this was the topic of conversation which interested them the most. I find, as I am sure you do, that this sentiment prevails in all walks of life. All present expressed their admiration for the valiant struggle you and your fellow committee members are making for the safety of all of us.

Kind regards.

Sincerely,

Homer L. Kreider,
President Judge.

Commonwealth of Pennsylvania,
Board of Parole,
Harrisburg, May 17, 1967.

Hon. John L. McClellan,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator McClellan: Replying to your letter of May 11, 1967, in reference to *Pennsylvania Chiefs of Police Association Bulletin* and soliciting my views on Senate Bills 674, 675 and 917, I herewith submit my views.

I have devoted thirty-five (35) years in my chosen profession, Prisons, Probation and Parole. This service started as a guard, advancing to Warden. It covers a ten (10) year tour of duty in post-war Germany as Chief of Prisons and Parole (German) and directing the parole system for war criminals, I have been in my native State (Pennsylvania) directing the State parole system, since 1956.

During this period of service, I have interviewed and interrogated well over 100,000 individuals who were convicted by duly established Courts. Although the general philosophy of a criminal (recidivist) is that they want to believe everyone is doing the same thing they were convicted of, but they were not apprehended. To this end, they consider themselves unlucky that they were caught. A recent parole applicant, convicted of larceny (shoplifting) had only one complaint. He felt unlucky that he was caught and convicted *once* for an average of *fifty such criminals acts* and bemoaned the fact that his mentor was convicted only *once in five hundred* shoplifting acts.

His criminal history indicated a thirty-year pattern of shoplifting, during which period he maintained a respectable family life in his community, in which his wife and children maintained a comfortable existence all on funds derived from his pattern of criminal acts—shoplifting. This is an exceptional case, but many others fall into this pattern to a lesser degree.

This fits the parisitic criminal. However, the murder, or even the rapist, when apprehended, is relieved of inner emotions and will, at this time, volunteer a confession. This confession is highly important, in that in both rape and murder, usually only two (2) persons are present; the offender and the victim. Unless there are methods to learn the facts, details are available only when the accused offender reveals it. Confessions are not unusual. Religious training by many denominations encourages confessions, even for simple or minor acts against religious vows and principles. Why should a confession of a criminal act be treated otherwise?

Senate Bill 674 is necessary, if for no other reason, to permit the accused a chance to express his remorse. In many cases, this is a mental relief. The Bill incorporates sufficient safeguards to keep confessing voluntary. Without the use of voluntary confessions, we are indirectly encouraging criminal acts and the offender never fully realizes he did any wrong.

I have never experienced a true rehabilitation of the offender, without the offender realizing the motivation for his acts and with some remorse in his makeup. The Alcoholic Anonymous Program is successful because the first step in AA is to acknowledge the alcoholic addiction, i.e., "I am an alcoholic."

Some of our present programs for rechanging the criminal are based on excuses for his or her acts. This the criminal absorbs like a duck to water, fits his ego and his thinking. There is no excuse for crime or criminals. There is motivation for their acts. We know that there are parents unworthy of that label. Also, poor economic conditions, but that is no excuse for committing crime. I was born at a time when my folks were struggling economically, but crime was not our way of solving our hardships.

The use of electronic devices are available to the criminal and certainly the police should not have the restriction for their use. In Pennsylvania, we have a gun law—no one is permitted to carry a side arm without a special permit. The law's restrictions have no effect on those who are engaged in crime. They get them and they use them. Why then, restrict law enforcement?

I am familiar with the contents in Senate Bill 917. This, I believe, is a step in the right direction. States and urban areas with major crime problems cannot finance the type of crime controls necessary for an effective program. In the past, our State and local crime control budgets increased by an average of five percent (5%) annually. This did not keep pace with the increase in population growth or crime increase.

Therefore, before we stress new programs and innovations, let us review why some present programs were not effective. Take Parole Services. The President's Crime Commission advocates caseloads of thirty-five (35) when our present services are averaging close to one hundred (100) cases per agent.

We had a series of innovations under LEA and other Federal subsidized or supported programs. For the funds spent, you *did not* receive as much in return as would have been possible in subsidizing existing services, thus providing the workable caseload as is now advocated. I am not opposed to innovations, but I feel we should first determine what programs are effective and then financially support such programs, even if they are existing ones. My only concern is Title III and I caution that the emphasis on innovations *will not* be the major goal.

Senate Bill 917 is necessary and only with Federal funds subsidizing State and urban budgets can we meet the challenge.

The part of the crime problem that disturbs me most is why are ninety percent (90%) of crimes committed unreported. This issue needs a closer study than that covered in the President's Crime Commission Report. If the unreported crimes are ninety percent (90%), then our crime rate must be increasing at a rate greater than six percent (6%) of population growth, a rate of increase based on reported crimes. But, more important, have our citizens lost faith in our Administration of Justice? If so, why? If my reading of public sentiment is correct, then I believe that the citizen has little faith in our Judicial process, including the U.S. Supreme Court. This is an important issue and in our democratic process will be reflected at the ballot box. The years ahead will verify my observations and it will be an issue in State and Federal elections.

The Courts set the tone for our entire criminal justice system. This begins with law enforcement agencies and runs through the process to probation and parole. It is for this reason that the judicial process becomes the important factor.

Long delays and postponements in Court trials, frequently requiring victims, witnesses and others to appear again and again until the trial is ended. This factor alone discourages citizens to appear as witnesses or even the victim, in many cases. The drawn-out delays favor the accused and not the victim. It is this very factor that brings the judicial process under public scrutiny.

I have followed your hearings and believe that you are realistic in your approach to finding the facts. It is for this reason I have made this a lengthy reply to your request for my views.

You have the respect of law-abiding citizens and when you speak on a subject you instill confidence and the majority of our citizens will follow you. Law enforcement is grateful that we have in our Congress a friend in Court.

Warmest regards.

Sincerely yours,

Paul J. Gernert,
Chairman.

Jenkins & Jenkins,
Knoxville, Tenn., April 28, 1967.

Senator John McClellan,
Senate Office Building, Washington, D.C.

My Dear Friend: Remember me?

Well, I am as active as ever, feel like a spring colt, living life with the usual zest and pursuing my "trade" with the old-time vigor—four murder cases set during the month of May.

With more interest than I can possibly tell you I have read of your proposed legislation to counteract some of the decisions of the Supreme Court and which in my opinion as a criminal lawyer have resulted and will result in a traumatic effect on the administration of justice. As a criminal lawyer I would be expected to agree with some of the Court's decisions because they have afforded so many loopholes for the escape of the hardened criminal from the punishment he deserves. The reverse of this is true. As I look back over an experience of 47 years in trying cases in many Courts (now around 700 murder cases) I can think of so many cases that could have been thrown out of Court by the application of the present day rules of the Supreme Court and yet in all those cases I can't think of a single one in which there was a miscarriage of justice.

The rigid rules now in effect and especially those pertaining to the questioning of suspects, their confessions and the publicity given such cases by the news media have made it impossible to secure convictions in many cases of obvious guilt, with the result that society stands aghast, confused and bewildered and suspicious of the integrity of the Courts, and the hardened criminals glory in the Champions of their cause, that is the Supreme Court of the United States. Certain members of that Court—at least five of them—apparently have their heads in the clouds. Would that they would come back to earth and give some consideration to the lives and safety of society in general.

I close by saying, "God save the United States from the Supreme Court of the United States."

I glory in the stand you are taking. Go to it.

Sincerely your friend,

Ray H. Jenkins.

Superior Court of Rhode Island,
Providence, May 18, 1967.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: My attention has been called by the Council of Judges of the National Council on Crime and Delinquency, of which I am a member, to H.R. 5037 (Senate S. 917) being a bill "To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government and for other purposes."

I urge its adoption by the Congress as I believe it to be in the best interests of our Country.

Sincerely yours,

John E. Mullen,
Presiding Justice.

Office of the Prosecuting Attorney,
Charleston, W. Va., May 26, 1967.

Hon. John L. McClellan,
U.S. Senator from Arkansas, Senate Judiciary Committee—Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

Dear Senator McClellan: I am extremely interested in the Safe Streets and Crime Control Act of 1967, which I understand is now being considered by the Senate and House Judiciary Subcommittees.

Recent Supreme Court decisions and the report of the President's Crime Commission underline the necessity of legislation designed to achieve new plans and programs in the criminal law field. I have examined the Act and note its concern with a wide range of criminal justice, including police, courts, corrections and delinquency.

I am a member of Governor Smith's State Crime Commission and a member of the Executive Committee of the National District Attorneys Association in addition to my official capacity as prosecuting attorney.

I, wholeheartedly, endorse the Safe Streets and Crime Control Act of 1967 and would appreciate any activity upon your part to get this legislation passed as early as possible.

Very truly yours,

Charles M. Walker,
Prosecuting Attorney.

Office of the District Attorney,
Eighth Circuit Court District,
Decatur, Miss., May 22, 1967.

Senator John L. McClellan,
U.S. Senate, Washington, D.C.

Dear Senator McClellan: Please allow me to express my appreciation for the very fine work you are doing in Congress in seeking to enact legislation that will give some relief to law enforcement officers and prosecutors. I am convinced that the President's Commission on law enforcement and administration of justice has not found the answer to our problem as shown by the February report and supplements thereto.

I have had numerous cases thrown out of Court, or otherwise dismissed, because of recent decisions of the United States Supreme Court. Throwing cases out because of slight technicalities is not good for the morale of law enforcement officers, who in general are doing a very fine job.

I am convinced that the coddling of known criminals is not the answer to our problem. The President's commission has missed the boat as far as I am concerned.

Please be assured that your efforts are appreciated.

With kind personal regards and best wishes, I am,

Sincerely yours,

W. H. Johnson, Jr.

Supreme Court of the
State of New York,
Justices' Chambers,
Brooklyn, N.Y., May 31, 1967.

William A. Paisley,
Chief Counsel, U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Mr. Paisley: Please accept my sincere thanks for your letter of May 17th, which I have been endeavoring to answer since its receipt. The pressure of work has been so great that this is the first opportunity I have had to furnish you with the information you desire.

With reference to the question of importance of confessions in criminal cases, and specifically in regard to Judge Sobel's statistical survey, I must inform you as follows: After 25 years of active participation in the enforcement of the criminal law, as Assistant District Attorney, District Attorney, and a judge presiding at criminal trials, I am convinced that confessions are by far the most reliable evidence in criminal cases. Frequently one has doubts with regard to eye-witness identifications, and this, I believe, is an area which causes great concern to prosecutors who, like every other citizen, are most anxious not to convict an innocent person. With respect to confessions, however, a false confession is almost always easily detected, and while there are false confessions from time to time, they are usually readily recognized and disregarded.

As far as Judge Sobel's figures are concerned, these figures are, in my opinion, most unreliable, as they were based upon a very small cross-section of the actual cases pending in this court during the period which Judge Sobel used as the basis for his investigation, the reasons being as follows:

Shortly after the decision in the U.S. Supreme Court case of *Jackson* v. *Denno* (378 U.S. 368), which arose in this court and in this state, the Court of Appeals of the State of New York laid down certain specific rules in a decision entitled *People* v. *Huntley* (15 NY 2d 78). This decision laid down certain rules which were later incorporated in the Code of Criminal Procedure of the State of decision are much deeper and more expanded than we are able to prove. My reason for saying this is due to the way we in law enforcement have always operated in the past on information. In this day and age, information is becoming worthless to us as we are unable to use this without physical evidence to back it up. I will try to outline an example for you as to what I mean.

"A few years back if we would pick up John Brown on burglary charges and he would give us a full statement admitting burglaries that he was involved in and then would tell us that on so many of these burglaries a Robert Smith was with him, we could then pick up Robert Smith, confront him with Mr. Brown's testimony in the presence of all parties, and then could take a statement from him in regard to his activities. This would be in those days a free and voluntary statement and admissible in Court. Then this system would work with him, telling us the ones he was involved in and would also pyramid on to other people who were him on other burglaries. Therefore, you can see we would be able to clear an unknown number of burglaries. Therefore we cannot say the Miranda Decision has kept us from clearing 10 burglaries or 100 burglaries a month as it is an unknown number."

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Thank you once again for your serious interest.

Respectfully,

E. M. POND,
Chief of Police.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, May 10, 1967.

Hon. JOHN J. MCCLELLAN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: It is my sincere belief that S. 917, "The Safe Streets and Crime Control Act of 1967," is one of the most important measures before this session of the United States Congress.

As you are aware, the National Crime Commission depicted in great detail the needs of law enforcement and correctional agencies at the State and local levels. Attorney General Arthur J. Sills and Commissioner of Institutions and Agencies, Dr. Lloyd W. McCorkle, have impressed upon me the need for extensive federal financial aid if the many progressive programs they, and others in their fields, consider essential are to be realized. Advanced facilities for the treatment of offenders, the establishment of regional police training schools, and the creation of a statewide communications network are but a few of the more significant advances which we anticipate as a result of increased federal aid.

On behalf of all law enforcement and correctional officials, and indeed the people of this State, I am appealing to you to lend your wholehearted support to the enactment of "The Safe Streets and Crime Control Act of 1967."

Sincerely yours,

RICHARD J. HUGHES,
Governor.

COURT OF COMMON PLEAS,
TWELFTH JUDICIAL DISTRICT,
Dauphin County, Pa., May 19, 1967.

Hon. JOHN J. MCCLELLAN,
Chairman, U.S. Senate Judiciary Subcommittee, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have your letter concerning my Law Day address before the Harrisburg Rotary and other service Clubs with the Dauphin County Bar Association. Due to the pressure of my work, I was unable to reduce my address to writing. Nevertheless, I appreciate your inquiry.

I read recently a statement in the press attributed to Attorney General Clark that a check of some 2,000 cases in New York City revealed that only twenty suspects requested a lawyer after having received the Miranda warning at incustody proceedings in the Police Station. I do not recall that any explanation was given as to the method employed to arrive at these statistics which are almost, if not altogether, incredible.

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Kind regards.

Sincerely,

HOMER L. KREIDER,
President Judge.

COMMONWEALTH OF PENNSYLVANIA,
BOARD OF PAROLE,
Harrisburg, May 17, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: Replying to your letter of May 11, 1967, in reference to *Pennsylvania Chiefs of Police Association Bulletin* and soliciting my views on Senate Bills 674, 675 and 917, I herewith submit my views.

I have devoted thirty-five (35) years in my chosen profession, Prisons, Probation and Parole. This service started as a guard, advancing to Warden. It covers a ten (10) year tour of duty in post-war Germany as Chief of Prisons and Parole (German) and directing the parole system for war criminals, I have been in my native State (Pennsylvania) directing the State parole system, since 1956.

During this period of service, I have interviewed and interrogated well over 100,000 individuals who were convicted by duly established Courts. Although the general philosophy of a criminal (recidivist) is that they want to believe everyone is doing the same thing they were convicted of, but they were not apprehended. To this end, they consider themselves unlucky that they were caught. A recent parole applicant, convicted of larceny (shoplifting) had only one complaint. He felt unlucky that he was caught and convicted *once* for an average of *fifty such criminals acts* and bemoaned the fact that his mentor was convicted only *once in five hundred* shoplifting acts.

His criminal history indicated a thirty-year pattern of shoplifting, during which period he maintained a respectable family life in his community, in which his wife and children maintained a comfortable existence all on funds derived from his pattern of criminal acts—shoplifting. This is an exceptional case, but many others fall into this pattern to a lesser degree.

This fits the parisitic criminal. However, the murder, or even the rapist, when apprehended, is relieved of inner emotions and will, at this time, volunteer a confession. This confession is highly important, in that in both rape and murder, usually only two (2) persons are present; the offender and the victim. Unless there are methods to learn the facts, details are available only when the accused offender reveals it. Confessions are not unusual. Religious training by many denominations encourages confessions, even for simple or minor acts against religious vows and principles. Why should a confession of a criminal act be treated otherwise?

Senate Bill 674 is necessary, if for no other reason, to permit the accused a chance to express his remorse. In many cases, this is a mental relief. The Bill incorporates sufficient safeguards to keep confessing voluntary. Without the use of voluntary confessions, we are indirectly encouraging criminal acts and the offender never fully realizes he did any wrong.

I have never experienced a true rehabilitation of the offender, without the offender realizing the motivation for his acts and with some remorse in his makeup. The Alcoholic Anonymous Program is successful because the first step in AA is to acknowledge the alcoholic addiction, i.e., "I am an alcoholic."

Some of our present programs for rechanging the criminal are based on excuses for his or her acts. This the criminal absorbs like a duck to water, fits his ego and his thinking. There is no excuse for crime or criminals. There is motivation for their acts. We know that there are parents unworthy of that label. Also, poor economic conditions, but that is no excuse for committing crime. I was born at a time when my folks were struggling economically, but crime was not our way of solving our hardships.

The use of electronic devices are available to the criminal and certainly the police should not have the restriction for their use. In Pennsylvania, we have a gun law—no one is permitted to carry a side arm without a special permit. The law's restrictions have no effect on those who are engaged in crime. They get them and they use them. Why then, restrict law enforcement?

I am familiar with the contents in Senate Bill 917. This, I believe, is a step in the right direction. States and urban areas with major crime problems cannot finance the type of crime controls necessary for an effective program. In the past, our State and local crime control budgets increased by an average of five percent (5%) annually. This did not keep pace with the increase in population growth or crime increase.

Therefore, before we stress new programs and innovations, let us review why some present programs were not effective. Take Parole Services. The President's Crime Commission advocates caseloads of thirty-five (35) when our present services are averaging close to one hundred (100) cases per agent.

We had a series of innovations under LEA and other Federal subsidized or supported programs. For the funds spent, you *did not* receive as much in return as would have been possible in subsidizing existing services, thus providing the workable caseload as is now advocated. I am not opposed to innovations, but I feel we should first determine what programs are effective and then financially support such programs, even if they are existing ones. My only concern is Title III and I caution that the emphasis on innovations *will not* be the major goal.

Senate Bill 917 is necessary and only with Federal funds subsidizing State and urban budgets can we meet the challenge.

The part of the crime problem that disturbs me most is why are ninety percent (90%) of crimes committed unreported. This issue needs a closer study than that covered in the President's Crime Commission Report. If the unreported crimes are ninety percent (90%), then our crime rate must be increasing at a rate greater than six percent (6%) of population growth, a rate of increase based on reported crimes. But, more important, have our citizens lost faith in our Administration of Justice? If so, why? If my reading of public sentiment is correct, then I believe that the citizen has little faith in our Judicial process, including the U.S. Supreme Court. This is an important issue and in our democratic process will be reflected at the ballot box. The years ahead will verify my observations and it will be an issue in State and Federal elections.

The Courts set the tone for our entire criminal justice system. This begins with law enforcement agencies and runs through the process to probation and parole. It is for this reason that the judicial process becomes the important factor.

Long delays and postponements in Court trials, frequently requiring victims, witnesses and others to appear again and again until the trial is ended. This factor alone discourages citizens to appear as witnesses or even the victim, in many cases. The drawn-out delays favor the accused and not the victim. It is this very factor that brings the judicial process under public scrutiny.

I have followed your hearings and believe that you are realistic in your approach to finding the facts. It is for this reason I have made this a lengthy reply to your request for my views.

You have the respect of law-abiding citizens and when you speak on a subject you instill confidence and the majority of our citizens will follow you. Law enforcement is grateful that we have in our Congress a friend in Court.

Warmest regards.

Sincerely yours,

PAUL J. GERNERT,
Chairman.

JENKINS & JENKINS,
Knoxville, Tenn., April 28, 1967.
Senator JOHN MCCLELLAN,
Senate Office Building, Washington, D.C.

MY DEAR FRIEND: Remember me?

Well, I am as active as ever, feel like a spring colt, living life with the usual zest and pursuing my "trade" with the old-time vigor—four murder cases set during the month of May.

With more interest than I can possibly tell you I have read of your proposed legislation to counteract some of the decisions of the Supreme Court and which in my opinion as a criminal lawyer have resulted and will result in a traumatic effect on the administration of justice. As a criminal lawyer I would be expected to agree with some of the Court's decisions because they have afforded so many loopholes for the escape of the hardened criminal from the punishment he deserves. The reverse of this is true. As I look back over an experience of 47 years in trying cases in many Courts (now around 700 murder cases) I can think of so many cases that could have been thrown out of Court by the application of the present day rules of the Supreme Court and yet in all those cases I can't think of a single one in which there was a miscarriage of justice.

The rigid rules now in effect and especially those pertaining to the questioning of suspects, their confessions and the publicity given such cases by the news media have made it impossible to secure convictions in many cases of obvious guilt, with the result that society stands aghast, confused and bewildered and suspicious of the integrity of the Courts, and the hardened criminals glory in the Champions of their cause, that is the Supreme Court of the United States. Certain members of that Court—at least five of them—apparently have their heads in the clouds. Would that they would come back to earth and give some consideration to the lives and safety of society in general.

I close by saying, "God save the United States from the Supreme Court of the United States."

I glory in the stand you are taking. Go to it.

Sincerely your friend,

RAY H. JENKINS.

SUPERIOR COURT OF RHODE ISLAND,
Providence, May 18, 1967.
Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: My attention has been called by the Council of Judges of the National Council on Crime and Delinquency, of which I am a member, to H.R. 5037 (Senate S. 917) being a bill "To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government and for other purposes."

I urge its adoption by the Congress as I believe it to be in the best interests of our Country.

Sincerely yours,

JOHN E. MULLEN,
Presiding Justice.

OFFICE OF THE PROSECUTING ATTORNEY,
Charleston, W. Va., May 26, 1967.
Hon. JOHN L. MCCLELLAN,
U.S. Senator from Arkansas, Senate Judiciary Committee—Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I am extremely interested in the Safe Streets and Crime Control Act of 1967, which I understand is now being considered by the Senate and House Judiciary Subcommittees.

Recent Supreme Court decisions and the report of the President's Crime Commission underline the necessity of legislation designed to achieve new plans and programs in the criminal law field. I have examined the Act and note its concern with a wide range of criminal justice, including police, courts, corrections and delinquency.

I am a member of Governor Smith's State Crime Commission and a member of the Executive Committee of the National District Attorneys Association in addition to my official capacity as prosecuting attorney.

I, wholeheartedly, endorse the Safe Streets and Crime Control Act of 1967 and would appreciate any activity upon your part to get this legislation passed as early as possible.

Very truly yours,

CHARLES M. WALKER,
Prosecuting Attorney.

OFFICE OF THE DISTRICT ATTORNEY,
EIGHTH CIRCUIT COURT DISTRICT,
Decatur, Miss., May 22, 1967.
Senator JOHN L. MCCLELLAN,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: Please allow me to express my appreciation for the very fine work you are doing in Congress in seeking to enact legislation that will give some relief to law enforcement officers and prosecutors. I am convinced that the President's Commission on law enforcement and administration of justice has not found the answer to our problem as shown by the February report and supplements thereto.

I have had numerous cases thrown out of Court, or otherwise dismissed, because of recent decisions of the United States Supreme Court. Throwing cases out because of slight technicalities is not good for the morale of law enforcement officers, who in general are doing a very fine job.

I am convinced that the coddling of known criminals is not the answer to our problem. The President's commission has missed the boat as far as I am concerned.

Please be assured that your efforts are appreciated.

With kind personal regards and best wishes, I am,

Sincerely yours,

W. H. JOHNSON, Jr.

SUPREME COURT OF THE
STATE OF NEW YORK,
JUSTICES' CHAMBERS,
Brooklyn, N.Y., May 31, 1967.
WILLIAM A. PAISLEY,
Chief Counsel, U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR MR. PAISLEY: Please accept my sincere thanks for your letter of May 17th, which I have been endeavoring to answer since its receipt. The pressure of work has been so great that this is the first opportunity I have had to furnish you with the information you desire.

With reference to the question of importance of confessions in criminal cases, and specifically in regard to Judge Sobel's statistical survey, I must inform you as follows: After 25 years of active participation in the enforcement of the criminal law, as Assistant District Attorney, District Attorney, and a judge presiding at criminal trials, I am convinced that confessions are by far the most reliable evidence in criminal cases. Frequently one has doubts with regard to eye-witness identifications, and this, I believe, is an area which causes great concern to prosecutors who, like every other citizen, are most anxious not to convict an innocent person. With respect to confessions, however, a false confession is almost always easily detected, and while there are false confessions from time to time, they are usually readily recognized and disregarded.

As far as Judge Sobel's figures are concerned, these figures are, in my opinion, most unreliable, as they were based upon a very small cross-section of the actual cases pending in this court during the period which Judge Sobel used as the basis for his investigation, the reasons being as follows:

Shortly after the decision in the U.S. Supreme Court case of *Jackson* v. *Denno* (378 U.S. 368), which arose in this court and in this state, the Court of Appeals of the State of New York laid down certain specific rules in a decision entitled *People* v. *Huntley* (15 NY 2d 78). This decision laid down certain rules which were later incorporated in the Code of Criminal Procedure of the State of

New York (Sec. 813(f), (g), (h) and (i)). The statute and the decision required that in a case in which the People intended to offer a confession, they must serve notice thereof on the defendant prior to the trial. Defendant thereafter had an opportunity to demand a hearing to contest the voluntariness or the confession. This hearing had to be conducted prior to the trial.

After the decision in *Escobedo* and *Miranda*, any objections to the confession, based upon either of these decisions, were similarly to be determined in the course of this hearing. The District Attorney of this County adopted the practice of serving the required notice upon the defendant at the time the case was assigned to a trial part—usually two weeks to a month in advance of the trial. All that was required of the defendant was that he serve a notice on the District Attorney that he desired a hearing with respect to the issue of voluntariness of the alleged confession.

Judge Sobel, in the computation, used as the basis for his estimates only the cases in which the District Attorney served a notice that he intended to use the confession at the time of the trial. He failed to realize that prior to this time all of these cases had at least two preliminary conferences before the court for the purpose of disposing of the case by a plea to a lesser degree of the crime. My experience during these pre-trial discussions (I sit in a pre-trial part a great percentage of the time) has been that approximately 40% of all indictments filed result in a disposition in the pre-trial part. From my experience in these parts, I have ascertained that at least 75 to 80 percent of the cases disposed of in the pre-trial parts were cases in which there was a confession by the defendant; and by far in the greatest percentage of the confession cases, the defendant was willing to plead to a lesser degree. The greatest majority of the cases, in which confessions had been obtained, were disposed of by a plea of guilty before the case reached the stage of being noticed for trial, and for that reason Judge Sobel's figures have no validity regarding the importance of the confessions, and he has eliminated a large number of cases in which the defendants had confessed and already pleaded guilty before the necessity for the service of the notice upon the defendant ever arose.

I pointed this out to Judge Sobel but as far as I have been able to ascertain he has never rechecked his figures or conducted any further survey, either to validate the existing figures or to disprove my assertion with respect thereto.

I am extremely interested in the Bill introduced by Senator McClellan to limit the appellate jurisdiction of the Supreme Court and jurisdiction of other Federal courts. I am afraid, however, of what the Supreme Court would do if it were offered the opportunity of passing upon the constitutionality of the Bill. I am inclined to believe it would hold that the Bill was unconstitutional and that only a constitutional amendment would remove the effect of the *Miranda* decision.

I am grateful to you for your thoughtfulness in forwarding to me the various legislative documents and Senator McClellan's speech. If I can be of further assistance, I shall be only too glad to cooperate, as I am convinced that we have gone much too far in protecting the accused. I have always been of the opinion that the first 10 Amendments were a limitation on the Government of the United States and were never intended to convey to the Federal government the right to limit the activities of the states in their enforcement of their penal laws. The colonists who adopted the Constitution were afraid of the Federal government, not of the state governments. That fact that for over 150 years the Constitution was so interpreted seems to me to bear out this point of view.

Sincerely,

MILES F. MCDONALD,
Justice.

MARCH 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Members of every law enforcement agency, as well as the law abiding public, I think, owe you their everlasting gratitude for your concern and activity in behalf of good law enforcement. Your understanding and that of other members of Congress regarding the admissibility of voluntary confessions, gives hope that something will be done about the crime problem.

Many of the Crime Commission recommendations would no doubt improve conditions, some only on a long term basis, but to fail to regain a proper balance between the rights of the public and that of the individual engaged in crime, insofar as the authority of law enforcement officers to investigate and use confessions voluntarily given is concerned, would be like building a strong baseball team and then attempt to play the game without the centerfielder.

There are as you know many causes of crime. Among them, the breaking down of law enforcement for political expediency, or other selfish gain and the exploitation of minority groups whose good members have not stood up strong enough for law enforcement because they have not realized that the majority of the crimes against the person have been committed against their people. Also the advocacy by some of the violation of the law that individuals or groups may think is unjust, and the philosophy of excuse whereby a person who does not have everything he would like to have, may be expected to resort to lawlessness, or because of a considered wrong in some other part of our society may be excused.

There is, another thing that we might well be concerned about and that is that some public appointed officials who should be taking a positive position on the type of legislation you propose, are not doing so. They say that we haven't had proof yet that such rulings as Mallory and Miranda have adversely affected the crime rate. One reason for this might be that reports from prosecutors, etc., cover only cases where there have been indictments. This does not cover what police officials across the country know from experience. It does not cover multiple crimes, nor multiple defendants that can't be detected.

In 1957, when testifying before the Senate Committee on Constitutional rights and the House Judiciary Subcommittee we said that the Mallory ruling and others, would cause a rise in crime, and a lowering of clearance in the District of Columbia. Though crime had been reduced 35% in the five years before 1957, it has increased every year since. I believe the full increase has been about 200%.

I will not burden you here with a volume of cases but let us look at the case of James Killough, who made three voluntary confessions to the murder of his wife, was twice convicted but was freed under the law. I am sure that this case could not have been cleared under Miranda because we would never have gotten to the point where he would have shown the police where he threw her body. Without this there would have been probable cause to arrest but not probable cause to charge, because the evidence was circumstances.

Apparently the only thing left under these rulings in this type of case, would be a law of chance. The chance that maybe the criminal will tell a friend of the crime who by some chance might report to police. Or by chance maybe he might be caught in the act the next time he commits a crime. There is no doubt that these rulings have gone too far, toward the criminal and have encouraged crime.

There are many other cases that I can remember which could not likely have been successfully prosecuted at all under present law. For instance when the Puerto Ricans shot up the House of Representatives and one escaped from the scene.

Having served in the Metropolitan Police Dept., Wash., D.C., for about 32 years, the last 12 as Chief of Detectives, retiring in 1963, I watch with interest your untiring work along with your committee, on behalf of good law enforcement and hope that you can get your recommendations through.

If at any time I can be of assistance to you please advise.

With best wishes to you, I am,

Yours very truly,

EDGAR E. SCOTT,
Deputy Chief of Police, Chief of Detectives (Retired), Metropolitan Police Department, Washington, D.C.

CITY OF COLUMBIA, S.C.
February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington D.C.

DEAR SENATOR: I am in receipt of a memorandum from Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, relative to Bill No. S. 674, which is a Bill to amend Title 18, U.S. Code, with respect to the admissibility of evidence of confessions.

Senator, I have looked at several major cases which were committed recently in our city. Frankly, I could cite many, many cases of this nature. We've found that the Supreme Court rulings have caused us considerable hardship in preparing cases for Court. They have, not only tied our hands in readying a case for Court, but burdened us in that three or four days are now required to prepare a case. In many instances, the suspects have gone free, when we knew they were guilty.

It is my personal feeling as a veteran officer with 37 years service, 26 as Chief of Police, that the Supreme Court rulings have hindered law enforcement far more than anything that I can recall during my long career. The demonstrations by the youth on the Civil Rights issues were the beginning of crime increase in our nation. In addition to this, the Supreme Court rulings have added a "stumbling block" in the enforcement of law and order in our present day society.

Very truly yours,

L. J. CAMPBELL,
Chief of Police.

RECENT U.S. SUPREME COURT DECISIONS AFFECTING LOCAL LAW ENFORCEMENT

It is our opinion that the recent U.S. Supreme Court decisions in the "Miranda Case" have hindered law enforcement. The Supreme Court should give thought to the right of law-abiding citizens as well as the undesirables. Under presently-existing conditions, the law-abiding citizens, who are victims of rape, murder, and other type crimes, have no rights. The Supreme Court has leaned over so far that they have fallen off the cliff in favor of the criminals, in guaranteeing them of their personal rights.

CASE ILLUSTRATION NO. 1

A subject was apprehended running from a resident yard at 2:00 a.m. The residence had been burglarized. This subject was warned of his rights, that anything he said could be used against him in Court, that he had the right to engage an attorney before answering questions, and, if he could not financially afford one, the Court would appoint one, without cost. This *hardened criminal* was allowed to go free as he refused to answer any questions. The owner of this residence was unable to identify subject.

CASE ILLUSTRATION NO. 2

The Crystal Linen Service, 803 Main Street, this City, was entered on Christmas Day, 1966. The owner came by his business at which time two burglars ran out the back door. The owner could only describe them as two white males. The police apprehended two men, one fleeing approximately two blocks from the business, who was later identified as one Kenneth Chapman. He refused to answer any question, giving only the name of Bill Spivey, which was false. During his incarceration (bond was set, but he was unable to make it), a report on his fingerprints was received, indicating that he was an escaped prisoner from the State of Georgia, where he was serving twelve years for bank robbery.

Subject # 2 in this case, one Walter Turner, refused to make any statement and demanded an attorney. After getting his prints off to the Bureau in Washington and a report there from, he had been released on bond, and it was learned that he was wanted for parole violation. As of this date, the subject is still at large. His car was found less than a block from the Crystal Linen Service with a complete set of burglary tools in it. The car was properly registered to Walter Turner of Georgia. He was indicted in this city for possession of burglary tools. These two subjects had entered this business establishment, moved the safe to the rear of the building where they were performing a "peel" job, and was surprised by the owner. They did not enter the safe.

"This case was marked "cleared" by the arrest of Chapman. His attorney advised him that, through the Police Department returning him to Georgia with no prosecution on this end, we were able to clear this case. Through advise of his attorney, he re-enacted the crime for us, so there is no doubt concerning this crime."

CASE ILLUSTRATION NO. 3

A man died and an autopsy was performed to ascertain the cause of death. Findings revealed poisoning. During the investigation, it was revealed that his wife had taken out a $5,000 life insurance policy on subject several months prior to death. The wife was brought to headquarters for questioning, but prior to leaving home she called her attorney who met her at headquarters. On the very first question, in the presence of her attorney, she was asked, "can you tell us about your husband having been poisoned" and this concluded the interrogation. The case is still unsolved.

I could, without any difficulty, cite many other cases where the "Miranda Case" has hindered law enforcement. Since this decision by the U.S. Supreme Court, cases that usually took one day to investigate, now take three to four days.

DEPARTMENT OF PUBLIC SAFETY,
BUREAU OF POLICE,
St. Paul., Minn., February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: On Friday, February 17, 1967, I appeared before your Subcommittee in the City of Milwaukee and at that time expressed to your Committee my views on the effects which the Miranda and other Supreme Court Decisions have on our police endeavors. To reiterate these views and suggestions to you would be superfluous.

However, I feel that it is my responsibility, as a representative of local law enforcement, to bring to your attention the fact that without immediate legislation which will return to the police officer some of the tools that have been removed by the Supreme Court in the past six years, we cannot hope to stop crime, or even maintain the present holding action.

Certainly I have no quarrel with the President's Committee on Crime, nor with the proposals for the solution of crime in these United States. Since theirs is a sociological approach to the problem it is obvious that we will face many years before there is noticeable return on their endeavors.

Since crime will not wait and attitudes cannot be changed over night, it is only through direct action by concerned legislators, such as you and your committee, which will provide the law abiding members of our society some reasonable degree of assurance.

Sincerely,

L. E. MCAULIFFE,
Chief of Police.

CITY OF MOUNTLAKE TERRACE, WASH.,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

SIR: I would take this opportunity, relative to your Committee hearings on March 7-8-9, to offer what support I can—and echo, I am sure, the sincere appreciation of all law enforcement officials, for your recognition of the situation now existing. The current trend of thinking in the area of 'civil rights' has obviously not included the one which the basic and most important—that right to own property and to live—both in peace and secure from attack.

The intent of the Constitution was to provide this to the society and, originally, from tyrannical acts of the Government. We have heard several prominent persons observe that the Supreme Court has been amending the Constitution, not interpreting it. Since you are interested in the results of the "Miranda" decision, it will be most interesting to see what will happen now that he has been again convicted in Arizona of those charges. It is the opinion of many law enforcement people and much of society that the Court should limit its interest to its basic responsibility; its service to the Congress, matters of corporate law, monopolies, anti-trust, etc., and terminate the right of appeal of individuals involved in crimes at the State Supreme Court level.

In the event you do not see a copy prior to your Committee hearing, I am enclosing a copy of Senate Joint Memorial #10, State of Washington, 40th Session, which urges action in this area.

Peace officers are not an individual segment of our society—they are the representatives of society appointed to protect the masses against the individuals who elect to violate the rules by which we must all live. We must, first, take steps to properly select and train people for this work, but more important, 'weed' out the ones who are not capable of professional attitudes—regardless of their present position or length of experience and particularly those in command and administrative positions where their undesirable philosophy contine to infect the recruit officers. We may then refer to it as a profession and—with reforms in Courts and social conditions which contribute to crime, the Peace officer will become again a respected member of the community.

If the present trend is not stopped immediately, it will lead to more and more problems in securing men to fill positions as peace officers. Almost every City has budgeted positions which cannot be filled—not because of salary alone, although this is a factor in many cases, but because of a lack of interest in becoming part of what appears to be another case of the 'vanishing American'.

If it were not for the public support demonstrated in many of our Cities, such as ours, many officers would probably leave their positions. Some are waiting—most of them—for the "pendulum to swing back again." On this comment, one of our County attorneys has commented, "The time may come when the pendulum may start its swing, but we may find that the clock has been stolen and it will be impossible to ask who was the thief."

I have been advised that you are interested in possible witnesses to call for the hearings. I would suggest that any administrative official in law enforcement might be used and in addition, I would recommend Chief Frank Ramon, Seattle Police Department; Professor James Thompson, School of Law, Northwestern University (States Att'y for the State of Illinois at the time of the Escobedo trial and who represented the State in the appeal); Dr. Max Rafferty, Sup't. of the California State Department of Education, the nation's largest school system, who has published many articles on this subject. Locally, in Washington, D.C., Columnist James J. Kilpatrick has some interesting comment on the Crime Commission report which he describes as "pedantic, professorial, antiseptic." He notes there is little perception in the report, of the link between crimes and punishment and that the area of punishment is very lightly treated in the whole of the 340-page report.

We wish you all possible success in the job your Committee is about to do—and, one which must be done.

Respectfully,

ROBERT C. FOX, *Chief of Police.*

THE DOORS ARE NOW OPEN, THE ENEMY CAN WALK IN

(By Dr. Max Rafferty [1])

"The great object of my fear is the federal judiciary. That body, like gravity, ever acting with noiseless foot and alarming advance * * * is engulfing insidiously the special governments into the jaws of that which feeds them. It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional matters. It is one which would place us under the despotism of an oligarchy."—Jefferson.

Yes, boys and girls, it was old Tom who said this. Not Barry Goldwater. Not even Robert Welch. It was Mr. Democracy himself. And if this be treason, make the most of it.

I wanted to point this out right off the bat, just in case someone felt called upon to brand me a "Let's Impeach Earl Warren" member of the you-know-what. The author of the Declaration of Independence, the third President of these United States, the founder and patron saint of the Democratic Party is, I hope, above such suspicion, even in this murky era of guilt by association and rebuttal by labeling.

What brought about the quotation from the sage of Monticello was the recent United States Supreme Court decision opening the doors of New York classrooms to avowed Communists as teachers and counselors. Justice Tom Clark, in his scathing minority opinion, pointed out almost wistfully that his black-robed brethren had, "by this broadside, swept away one of our most precious rights—namely, the right of self-preservation."

It's true, you know.

When Uncle Sam goes, everything goes. The courts which protect us. The schools which educate us. The homes which nurture us.

As Justice Clark has said, the doors are open now. Open to the tamperer, to the burglar, to the wild-eyed fanatic with the torch. We seem to have the pretty dubious prospect of being the only great nation in all history to commit deliberate suicide.

But I guess this self-preservation stuff is stuffy and old-fashioned nowadays. After all, how important is a nation's right to defend itself as compared to a Communist's right to subvert it?

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[1] Dr. Max Rafferty is superintendent of public instruction and director of education in California, which has the nation's largest school system. He is the author of best-selling books on education.

Not very, according to the court majority. "Academic freedom"—that's the important thing today, even though there are as many definitions of this highly subjective phrase as there are professors in our colleges. The high-court judges have formally given us notice that, in their own words, they "will not tolerate laws which cast a pall of orthodoxy over the classroom."

For "orthodoxy" read "patriotism"—Or even "simple decency."

O, brave new world that hath such judges in it!

Make way now for Prof. Timothy Leary and his glassy-eyed cult of LSD. And for the beatnik mouthers of the Filthy Speech Movement. And for the Mafia and Murder, Inc., for that matter. Nothing orthodox about them.

Why not?

Good manners are orthodox. So are virtuous morals. So is clean speech. So is the ability to keep one's hands out of one's neighbor's pockets. If orthodoxy now casts a legal pall, it is not too farfetched to envisage the classroom of the future as a cross between a Communist cell and a burlesque runway where, in the immortal words of Cole Porter, "anything goes!"

If academic freedom now is more important than morality and love of country and sheer survival, then in its name literally anything goes. The lid is definitely off, and with it the traditional right of American parents ever since the founding of the Republic and long before to determine through their elected representatives just who should teach their children what.

Once, long ago, the Supreme Court in its arrogance trampled upon the conscience of the country. The Dred Scott decision legalized slavery in the North and presumably riveted it upon the nation for all time to come. Within a single decade, slavery was dead on this continent to the obbligato of great guns and to the outraged thunder of a betrayed and indignant populace.

So much for the infallibility of the court. Jefferson was right.

So was Lincoln, who once remarked wryly, "A judge is as apt to be honest as any other man. And no more so."

Washington State Senate,
February 20, 1967.

To: Law enforcement personnel.
Re: SJM 10—Respect for law and order.

The deterioration in respect for law and order and law enforcement authorities greatly concerns some of us here in Olympia.

The causes are many and varied but a contributing factor has been the misinterpretation of our federal constitution by the Supreme Court of the United States. They have read into this document ideas which are not written there and which have hampered law enforcement and the protection of the public.

We have introduced SJM 10 which is a small step toward the solution of this major problem. I hope it will bring encouragement to you in the performance of your duties to know that action is being undertaken in this vital area.

I have the highest regard for the job being done under difficult circumstances by our law enforcement personnel.

Sincerely,

Senator Jack Metcalf,
21st Legislative District.

Senate Joint Memorial No. 10 of the State of Washington, February 1, 1967

To the Honorable Lyndon B. Johnson, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress Assembled, and to the Secretary of the Department of Health, Education, and Welfare:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectively represent and petition as follows:

Whereas, It is self-evident in a nation dedicated to preserving the rights of all individuals that liberty and justice are not separate and distinct concepts; and

Whereas, It is also evident that if either concept is weakened both are in danger; and

Whereas, The concept of equal justice has been jeopardized by recent supreme court decisions which make conviction of criminals difficult or impossible because of technicalities even where the evidence is incontrovertible, or guilt is admitted.

Now, therefore, Your Memorialists respectfully pray that the Congress begin immediate action to amend the United States Constitution to clarify the relationship between the accused and the law enforcement authorities with a view toward both safeguarding the rights of the accused and, at the same time, making absolutely certain that the public is protected and that justice is upheld.

Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

DuPage County Chiefs
of Police Association,
Woodbridge, Ill., March 7, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: As legal counsel for the DuPage County Chiefs of Police Association, they have requested that I write to you expressing their views and suggestions regarding Supreme Court Decisions, specific examples of such decisions as Miranda.

I would say that the general feeling among these law enforcement people is that the Miranda decision and decisions of this nature have removed one of their most valuable tools in law enforcement investigation, and has substantially impaired their ability to be of service to the public at large. Also, the County of DuPage being a County represented by people of higher than average income, educational background, this overlaps also into the field of law enforcement, and the abuse of law enforcement officials as so eloquently recognized by the opinion in the Miranda decision is all but unknown in this jurisdiction. In the eighteen or more years of my own experience I only have on rare occasions witnessed or had reported incidents of questionable police behavior. As long as this constitutes no problem, the men in this jurisdiction feel a tremendous loss in effectiveness merely because possibly that in some jurisdiction there is a problem constituted and they failed to see why this cannot be handled on a case to case basis as to the individual rights rather than make a blanket preclusion of certain police procedures.

There have been certain cases wherein the Miranda decision confronts a problem. As a matter of fact my office is presently in collaboration with one of the local departments for investigating a possible homicide involving husband to wife. The Miranda decision is so very explicit in police relying upon scientific evidence. In this instant case all of the scientific evidence, which type of evidence on careful review of all criminology would be glaring with its limitations, has been exhausted. After all Dick Tracy is the only one with a space coupe. The only hopeful solution to this possible homicide would be if the errant husband would acknowledge it. If all of the scientific evidence that we have would point toward this defendant, it still would not be sufficient as it is all corroborative to even commence a prosecution.

We have another case which we have just brought to a conclusion which uniquely brings forth a problem I am sure was farthest from the jurists' minds, and that is a case which was solved akin to the old time bounty theory. Factually it is this: two young men were very much suspected in a major crime in this County, the Chief of the local department investigating being very cognizant of the Miranda decision was fearful of approaching the young men, fully admonished their fathers that they were suspected and that if he gained more evidence would return. He was hopeful that the fathers could prevail upon these young men. Within a day a reward of substantial proportion was posted for information leading to the arrest and conviction of those responsible. Immediately this local Chief of Police was awaited upon by two characters, each more evil probably than those involved, who immediately made statements incriminating these two lads, and thereby demanding their reward. Of course we commenced a prosecution. I give you this as a rather unique example of the pitfalls of this decision.

In discussing this generally with law enforcement officers many of them have various stories to relate wherein they have been advised by those subject to interrogation as to what all these rights are and that they the subject of the inquiry are somewhat so called immune.

As to my own view, I note that the biggest problem has been that the law enforcement officer's confidence in his own status has been all but destroyed and this is a feeling that runs rampant among law enforcement officials that they are almost hesitant to talk to anyone. This carries over to a point where they are placed in an actual position of fear, being afraid, during the course of an investigation that they will in some way make a mistake and thereby endure grave embarrassment. This has a very bad effect upon their activities. The dangers of this is something we cannot measure as it would be impossible to determine how many law enforcement officials are not making proper inquiry, due to this fear. This fear itself is a very natural thing with a conscientious officer trying to do his job and trying to do it right. He is in a position where he doesn't know what is right any more.

Very truly yours,

William V. Hopf,
State's Attorney.

City of Fresno,
Police Department,
Fresno, Calif., March 1, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: This correspondence is directed to you in response to your request, through the International Association of Chiefs of Police, for information relative to recent Supreme Court decisions affecting the admissibility of confessions into evidence in criminal matters.

It appears to be well established that the Escobedo and Miranda decisions have had a decidedly adverse effect upon law enforcement. Examining the fact that law enforcement officers are not thoroughly schooled in constitutional law, may shed some light on the situation. Contributing to the overall problem, however, is the difficulty with which lower courts apply the Escobedo and Miranda principles. In many instances they are arriving at decisions which are poles apart under very similar circumstances.

The number of convictions and guilty pleas have declined drastically since the pre-Escobedo days of 1963. This is in spite of the fact that felony arrests have increased 75% since 1963. The following table is included for reference.

CITY OF FRESNO, CALIF.

	Felony arrests	Convictions or pleas	Percent
1963	1,475	546	37
1964	1,635	539	32
1965	1,539	379	24
1966 (+72 percent)	2,042	461	22

Figures such as those shown make a travesty of the efforts of dedicated law enforcement officers. In previous years and through 1963, there had been a gradual increase in the number of felony arrests and the percentage of those arrests which terminated in a conviction or plea of guilty. This trend, which I attributed to better police methods, was drastically reversed after Escobedo and the California decision in Dorado.

Fresno County Court records show that the fiscal year 1965–66 experienced a new high in the number of felony cases in which criminal informations were filed. In spite of this new high, the percentage of guilty pleas as compared to complaints filed, dropped to a new low. The percentage drop in guilty pleas amounts to 24% since the pre-Escobedo and pre-Miranda era. *One of the most disturbing facts, however, is that for the first six months after the 1966 Miranda decision, dismissals before trial are already higher than for the entire preceding year.*

It may appear rather trite to reiterate that the Supreme Court has contributed immeasurably to the above facts, but I am compelled to do so. *Advancements in training police personnel and the utilization of more science in crime detection methods are no doubt partial solutions to the mounting crime toll, but they certainly are not the complete answer. There are too many crimes in which no physical evidence of value may be found and well trained investigators are definitely thwarted when they must tell a suspect that he has a right to say nothing to them.*

I hope that the above comments may be of value to you and wish you success in your attempt to remedy this situation. Certainly, as the dissenting opinion Miranda expressed, no other country in the world has ever had such restrictions nor are such restrictions founded on a constitutional basis.

In closing, I respectfully request a copy of your Bill S. 674 and, if possible, an abstract of the hearing to be held by your committee on March 7 through 9.

Sincerely,

H. R. MORTON,
Chief of Police.

CITY OF YONKERS,
DEPARTMENT OF PUBLIC SAFETY,
Yonkers, N.Y., April 11, 1967.

Hon. JOHN L. MCCLELLAN,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I know of your inquiry into the effects of the Miranda decisions on law enforcement agencies at all levels, and I am transmitting herewith some views for your consideration.

Immediately following the Miranda decisions, our community experienced a sharp rise in crime in most of the categories of the F.B.I. crime statistics. This trend is continuing. The areas most affected are burglaries and larcenies. There is usually a dearth of physical evidence and lack of eye witnesses for crimes of this type, hence if confessions and admissions are drastically reduced, the number of clearances of these crimes will diminish, and the burglar and thief will be permitted to pursue his course of crime.

Our experience has been, before Miranda, it was not uncommon for us to obtain voluntary confessions and admissions, which have been instrumental in many instances for convicting a suspect and gaining valuable, necessary information pertaining to other crimes. This vital and productive area of criminal investigation has disappeared since Miranda.

The figures from our records are illustrative of this point. In 1964 we had 129 burglary arrests, in 1965 we had 165 burglary arrests, but in 1966 there were only 126 burglary arrests. The Miranda decision was a definite factor affecting these figures. Since June 13, 1966 our Detective Division has conducted 4,183 investigations (with 573 arrests in 1966) and has not received one written waiver of rights and written admissions of past crimes. Our combined burglary and unlawful entry figures (as the F.B.I. requires them) disclose that we had a total of 157 arrests for these two categories with 95 occurring for the first half of 1966 and the balance of 62 for the second half of 1966.

I believe there are also intangible factors flowing from Miranda which cannot be pinpointed by statistics. The resourceful dedicated police officer, engaged in pursuing crimes, particularly against property, of necessity feels a sense of frustration and demoralization. On the other hand, the criminal must be elated by Miranda, encouraging him to greater and more brazen efforts.

I have followed closely the efforts at the federal level to thwart spiraling crime against our nation, read with interest the efforts of the President of the Crime Commission. I have also read with great interest proposals forwarded to Congress by the President for making our streets safe. I believe many of these proposals to elevate the status of police officers to a professional basis are excellent.

However, the President's proposals, in my humble judgment, fail to provide the most indispensable tool, namely legalized wire tapping and eavesdropping. I would strongly urge the Congress to clarify and authorize wire tapping and eavesdropping for law enforcement officials. In appealing for this power, I am not unmindful of abuses that could arise, and I would also strongly recommend stringent safeguards, such as we have provided in our New York State Constitution for such procedures.

Finally, I would urge the Senate carefully review the qualifications and background of Federal Judges, whose confirmations they provide.

Respectfully,

DANIEL F. MCMAHON,
Commissioner of Public Safety.

DEPARTMENT OF PUBLIC SAFETY,
BUREAU OF POLICE,
Portland, Oreg., January 10, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedure, U.S. Senate, Washington, D.C.

SIR: Multnomah County District Attorney George VanHoomissen, through his Chief Criminal Deputy Desmond D. Connall replied to your recent request for experience regarding the Miranda decision. This office has been furnished a copy of this reply with a request for comment.

We are in the same position as the District Attorney's Office in that we are sure substantial damage to law enforcement has resulted from this decision. However, we find it most difficult to statistically substantiate this damage. In fact, the police are probably in a better position than others to evaluate the results of the decision as we are not only cognizant of cases lost in court, but are also acutely aware that many cases including homicides have not been solved as a direct result.

This office is particularly disappointed that the Oregon legislature is opening its biennial session this week without legislation on this subject to be considered. This is probably true because neither we on the local level nor the office of the State Attorney General can visualize legislation that would not be struck down by the United States Supreme Court.

Be assured we will watch your activities in the Congress with great interest and will forward any information coming to our attention that would be helpful.

Respectfully,

DONALD I. MCNAMARA,
Chief of Police.

THE VILLAGE OF INDIAN HILL, OHIO,
POLICE DEPARTMENT,
March 22, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Buiding, Washington, D.C.

DEAR MR. MCCLELLAN: Since *Miranda*, we have had a great many discussions here among us on the Indian Hill Rangers force, and in the Hamilton County Police Association of which this Village is a member. We have had the benefit of speakers at Association meetings who have been pro and con *Miranda*. As an isolated case, we conclude that *Miranda* made some sense, but as a general rule of law, it has crippled law enforcement agencies. Consequently, we have come to a conclusion which I feel I should like to have before the Senate Subcommittee on Criminal Laws and Procedures.

Prior to *Miranda*, the Courts always investigated confessions to ascertain whether or not they were voluntarily given. Certainly there is no reason why a confession voluntarily given should not be used against a person whether he has had counsel present or not. So my conclusion is that while the Courts might examine confessions with a greater degree of particularity and care than they did before with respect to whether they are voluntary or coerced, it seems to me that we ought to get back on the pre-*Miranda* situation, where a confession voluntarily given, and without coercion, is admissible into evidence.

Kindest regards and with good wishes for your endeavors on behalf of the law.

Sincerely yours,

JOHN H. DIEKMEYER,
Chief of Police.

VILLAGE OF GENEVA-ON-THE-LAKE,
Ashtabula County, Ohio, March 20, 1967.

Hon. Senator JOHN L. MCCLELLAN,
Democratic Senator from Arkansas,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I am writing this letter in support of your protest against the Supreme Court decisions and giving you my backing in this matter.

Speaking for myself and my fellow officers of this department, we would like to see a move towards a constitutional amendment to help the police of this great country, rather than laws that hinder the police from doing their job.

I know that in the past, it probably has been the stupid police officers causing "the infraction of the rules" by violating some criminal's rights has brought about these decisions of the Supreme Court. It seems to me that the Supreme Court has worried too much about the criminal's rights and has forgotten that there are quite a few million honest people in this great country that have rights too, against lawlessness and crime.

Crime, as you know, Senator, is climbing at an alarming rate and the only way to curb it is to give the police officer some tools to work with, such as good laws. The police officer can't be a miracle man in trying to solve a crime without the help of the law. He can only do so much.

Again, I say to you, Senator, I am backing you. We, the police, need help if we are to stop the rise in crime. I wish we could have met in person in order to discuss our views, but this being impossible, I am writing this letter and hope it meets with your approval.

If I can be of any more assistance in this matter, please feel free to call upon me. Thank you, Senator, for your time in reading this letter.

Sincerely,

Edward G. Kemerait,
Chief of Police.

City of Westfield, Mass.,
Police Department,
March 17, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: I am enclosing a clipping which appeared in the Springfield Union issue of March 16, 1967.

This clipping will indicate one of the many instances in which police are hampered by the recent Supreme Court decisions. In this case a gang fight between young people with knives and razors ended with the murder of one young lad nineteen years of age.

Because of the decisions this group of young people could have gotten away with murder. Also because of the liberalized parole laws one of these youths who received a sentence of five years and a day in the state prison can be released on parole in fourteen months.

Everybody talks about the increasing crime situation but as yet it has not been attacked from the proper angle.

The report of the President's Crime Commission on Law Enforcement and Administration of Justice does not seem to have touched the real reasons for the crime situation as it exists today.

There is much talk about what to do to correct these conditions, but most of what has been done to date seems only to take the props away from the law enforcement officers who are charged with their duty of investigating crimes, apprehending criminals and bringing them before the courts.

It appears that in many of these decisions the Supreme Court in its deliberations has gone far beyond the intent or meaning set forth in the Constitution.

I hope that this clipping will indicate to you what we are up against, and this condition exists nationwide.

If there has to be an amendment to the Constitution or guidelines set down to control the Supreme Court or to reverse or circumvent their recent decisions I hope that you and your committee and Congress will effect what has to be done.

Very truly yours,

Malcolm Donald,
Chief of Police.

International Conference
of Police Associations,
Washington, D.C., March 18, 1967.

Re S. 674, 90th Congress, First Session.

Hon. John L. McClellan,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator McClellan: The International Conference of Police Associations representing over a quarter of a million police officers in the United States and Canada, wishes to be included in those who endorse your efforts to get legislation thru Congress to remove the handcuffs from policemen placed there by the Supreme Court decisions.

We have in mind the fact that murderers and rapists are being released daily throughout this Nation because of the recent Supreme Court decisions that say their rights have been violated. What about the innocent people who were murdered or raped? What concern is there for the protection of the law-abiding citizen who is afraid to walk our streets?

Computers will not decrease crime. A well-paid, well-trained police officer walking the beat will decrease crime; he is the front line soldier in the war against crime. The same is true in the Army—expensive planes are fine but we still need the foot soldier.

The I.C.P.A. represents the soldier in the war against crime, however, without the help by Congress, the courts and an aroused citizen, we are going to lose the war against crime.

We endorse S. 674 on which you have been holding hearings. Give us the tools to work with and you will see tide turn in our favor and the war will be won.

Respectfully yours,

Royce L. Givens,
Executive Director.

Police Department, Village
of Maplewood,
Maplewood, Minn., March 14, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Honorable Senator McClellan: It is with a great deal of interest and appreciation that I learn of your efforts to alleviate the effect of recent Supreme Court decisions and your support of law enforcement. The apathy of dedicated career law enforcement people as the result of recent restrictive Supreme Court decisions is very alarming.

I would like to relate an incident which I personally experienced in our police station recently. An office equipment salesman, a long time friend and solid citizen, came into the station and handed me a newspaper clipping from a Sunday edition of the St. Paul paper which I am enclosing a copy of. He said in a facetious manner, "Is this you?" I proceeded to relate examples of similar cases we have been exposed to and how we have to stop people from willingly and voluntarily telling us the truth, to advise them they have the right to remain silent, to have an attorney, and anything they tell us may be used against them in court. Incidentally, on more than one occasion, after telling them this, they become alarmed and apprehensive and refuse to say more. Once they refuse we are prohibited from any further questioning or discussion of the case with them.

After I completed pointing out these problems to my friend, he took out his order book and inquired of our Policewoman if we desired to order any supplies. At this point I challenged him as to whether he had pointed out her rights in our competitive, free enterprise society to know he has good competitors and to get other prices before she placed any orders. It readily was obvious to him he wouldn't make many sales nor would any other salesman if he were required, to advise each of their customers of this before they made a sale. This analogy, I believe, more than explains our problems of "no sale" in interrogation of suspects after we are obliged to tell them of their rights.

More and more we are faced with the sad fact that the search for truth is secondary in today's law enforcement and courts and instead it has become a great battle of technicalities. The honest citizen is the loser as well as the dedicated policemen when admitted criminals are turned loose to terrorize and prey on the public.

Again, I commend your efforts in behalf of law enforcement and urge and solicit your continued support.

Sincerely yours,

R. W. Schaller,
Chief, Maplewood Police Department.

The City of Pierre,
Police Department,
Pierre, S. Dak., March 13, 1967.

Hon. John L. McClellan,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator McClellan: This replies to the memorandum from the International Association of Chiefs of Police, with regard to recent Supreme Court decisions effecting law enforcement.

The Miranda decision has had far-reaching effects on law enforcement particularly in the field of interrogation, confessions and detention.

While our city is comparatively small at around 13,000 population, it can be assumed that the problems are much more pronounced in the larger metropolitan areas.

Very truly yours,

Morris Michaelson,
Chief of Police.

Charlotte, N.C.,
March 14, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

My Dear Senator McClellan: So much has been written and said on both sides of the issue of Supreme Court restrictions on police practices, that I am hard put to reveal anything novel. I feel that the effort to do so would only add to the quantity and not the substance of the debate.

I feel the need to have all reasonable tools at hand to do my job. Interrogation under most conditions is a very valuable and reasonable tool. Our investigative efforts are suffering because this method is available to us under only the most limited conditions. As a realist, I know the technique has been abused at times. But punishing all the police for the transgressions of a few (assuming transgressions did occur), in the final analysis harms the public, not just that segment it employs for protection. It would seem equally logical to indict all Americans because some commit crimes. The restoration of more liberal interrogation practices is not something to be done for the police—it is of benefit to the *American people!*

Needless to say, I endorse efforts that will help restore a bit of public peace of mind and confidence in government to maintain order. If the residents of this area of North Carolina qualify as valid indicia of national public sentiment, I think the people want to give their police proper means to gain control of the crime problem. Specifically, they wonder why it is "wrong" to question persons suspected of crime. They wonder if it is really true that the police cannot be trusted to observe the rights of citizens. They want the police to discharge their duties positively and with authority. I think they resent the intrusion of the court, distinguished and lettered as it may be, into matters affecting *their* safety and freedom from fear.

Sincerely,

John E. Ingersoll,
Chief of Police.

Colorado State Patrol,
Denver, Colo., March 9, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: In recent years the law enforcement profession has been confronted with problems stemming from decisions handed down by all court jurisdictions from the lowest to the highest, but no case decision has had such a pronounced effect as the recent decisions handed down by the U.S. Supreme Court in the Miranda and Escobedo cases, along with other case decisions based upon the same general conceptions.

I am certain that every well informed police administrator will agree that more training is necessary to equip the officer with greater knowledge in the area of proper procedures in arrest, investigation and court preparation and presentation to more efficiently and effectively carry out his duties as a police officer. Furthermore, all law enforcement agencies and their personnel believe that their primary duty is to safeguard the rights of all the people, and to insure that this first responsibility of law enforcement is carried out. Many departments, including my own, have instituted instructions by the judiciary of the state to properly inform the officer in procedures which best accomplish this requirement.

Certainly no law enforcement agency seeks to deprive any person of his rights in any way and it is equally certain that the courts do not seek to deny any person of his rights afforded by the law of the land. However under the recent decisions in the cases in question here, the rights and actual safety of the majority are being undermined by the intense eagerness of the courts to assure the accused that all technicalities, language loop holes, procedural evasion routes, etc., are afforded him even at the expense of the real reason for a trial in the first place—that of establishing whether or not the person actually did commit the crime for which he is being tried.

Law enforcement agencies are being forced by court decisions to become justices themselves to determine, not whether a crime has been committed and whether they have the person who committed it, but whether or not they have plugged all the quasi-legal and legal loop holes involved in order that the courts may be presented with the basic factual evidence to decide whether the person is in fact guilty of the offense for which he has been charged. Because of the trend of the courts for leaning over backward in favor of an accused person in all types of crimes, the law enforcement agency must base the decision to arrest, to investigate, to present evidence on previous court decisions and not on the facts of the case: Was there a crime committed and is this the person by whom it was committed?

Although the decisions in question here were handed down in crimes classified as felonies, the effects of these decisions are permeating the entire gamut of law enforcement from simple misdemeanors to murder. In the area of traffic law enforcement, wherein the Colorado State Patrol has its most important responsibility, the decisions have had an adverse effect not only on the personnel within the agency but the general administrative policies of the department as well. The decisions have created a disrespectful attitude on the part of the public toward the enforcement profession, as well as a dangerous attitude of distrust of the judiciary at all levels. Law enforcement has no answer for the injured innocent party in a court case who asks: "How can a person who has admitted his guilt have action against him dismissed on a procedural or language technicality that has nothing whatsoever to do with the facts of the case?"

The best interests of the majority are not being served when a person apprehended and charged with any type of crime is at liberty to say anything he chooses or to say nothing at all, can refuse to cooperate in any way with law enforcement officers or the prosecution, then admit his guilt in court and still be acquitted because the exact letter of the information and instructions given him by any one of the agencies involved was in error, the error itself having nothing whatsoever to do with the facts of the case.

Recently the Supreme Court of Ohio ruled in the case of a part time enforcement officer that, because of his part time affiliation with law enforcement, he should know his rights. Therefore, even though he was not made aware of his rights, his conviction in a manslaughter case was upheld. This example is included to point up the lack of uniformity in the highest courts in the land and serves to further complicate the complex problem of the police in attempting to carry out their sworn duties.

The attitude trend of persons involved in traffic cases has meant a steady decrease of respect for the right and wrong of the incident in relation to the safety of persons and property and the laws which were passed to insure these, and a steady increase toward the conception that the worst thing about a traffic accident is the civil claims portion rather than the legal and moral aspects.

If there is a continuation of the present trend of the courts of protecting the lawbreaker to the extent that the law-abiding citizen, who is still in the overwhelming majority, can no longer feel that he is protected from the free roaming of any and all kinds of criminally inclined persons, the incidence of traffic accidents for example will rise to enormous proportions without any foreseeable way to solve the problem.

The decisions in fact and in effect penalize the law-abiding citizen by increasing the cost of adjudication of all types of cases which he the taxpayer must assume. His confidence in those to whom he entrusts his safety and rights as a citizen is undermined and his respect and support toward the police and the courts is declining to a point of distrust and antagonism.

Changes have been made in nearly all functions of government to keep pace with the ever-increasing problems caused by war population explosion and increased mobility of a nation on wheels. Certainly it is now evident that the safeguards which have been instrumental in the swift progress of this country must now be altered and improved to take care of today's problems today. The laws must be improved in every way it is possible to do so to safeguard the rights and well-being of the majority of the people in this nation who do not break the law, as well as to guarantee that swift, impartial justice will be dealt the lawbreaker.

If the court decisions continue to free the criminal on technicalities to the ultimate detriment to society as a whole, it is suggested that the constitution be changed to insure the rights of the majority of the people instead of the criminal element who presently find very little deterrent toward crime in the courts today.

Very truly yours,

G. R. Carrel,
Colonel, CSP, Chief.

City of Eaton,
Eaton, Ohio, March 13, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: I recently received a memorandum from my professional association, the International Association of Chiefs of Police, indicating your particular interest in hearing additional views and suggestions regarding Supreme Court decisions concerning law enforcement. It is certainly a pleasure to know of your interest in this matter because the decisions have created serious problems for law enforcement and we need distinguished persons such as yourself to lead an effort to correct the situation.

Your statement about tenuous technicalities giving freedom to criminals is so true—turning criminals loose because of minor technicalities or an insignificant error in procedure surely is not justice. Invariably society pays dearly for such actions.

Our major concern arises from situations in which we have a good suspect regarding a crime, yet lack sufficient information to formally charge him. We advise him of his rights and this raises the first problem. Being a small city, and being short of funds like most cities, we cannot afford a television taping system or the like to provide proof that we have properly advised the suspect of his rights. Therefore, we must rely on persons to witness our explanation of rights. Finding persons having absolutely no involvement in the case or with the police (no friends, relatives or acquaintances, for instance) is difficult at best and virtually impossible at 3:00 A.M. some morning when the questioning is not to be delayed.

Once we cross that hurdle the next one is often immediately in front of us. The suspect wants counsel and says he can't afford it. Since we don't have sufficient information to formally charge him and, therefore, give the court the responsibility for appointing counsel we are quickly stymied. And in Ohio appointed counselors are not paid unless the case actually goes to court. The problem is obvious.

So, somehow, counsel is obtained and we are ready to question. Likely as not we are pitting a $5,500 a year patrolman with a high school diploma against the suspect and his well-educated attorney. Such patrolmen make honest, and usually very insignificant, mistakes—the suspect and his counsel sit back, say nothing useful and yell "foul" at an opportune time in court.

Police morale is at an all-time low. Law enforcement is losing (and never obtaining) good men. We are working hard to improve training, salaries and working conditions, and stand ready to do whatever can be done to eliminate the above-described dilemma, but we need your help.

Sincerely,

Howard Stottlemire,
Chief of Police.

Pennsylvania Chiefs of
Police Association,
March 6, 1967.

Hon. John L. McClellan,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

My Dear Senator: This letter is written in my capacity as Chief Counsel for the Pennsylvania Chiefs of Police Association, and pursuant to a conversation held this date between myself and the Honorable Homer L. Kreider, President Judge of the Courts of the County of Dauphin, Commonwealth of Pennsylvania.

My friend, Judge Kreider, has advised me that he expects to appear before your Committee on Thursday, March 9, 1967, at your invitation, to offer testimony on behalf of U.S. Senate Bills 674, 675, 678, and 917.

The Pennsylvania Chiefs of Police Association is heartily in favor of the enactment of all of them.

We are of the opinion that there is no one that is as well qualified to pass upon the admissibility of confessions, the subject of Bill 674, as the Judge who presides over a trial and the jury who will hear the testimony of the witnesses and determine the credibility to be placed thereon.

I was, for sixteen years, a member of the Board of Pardons of this Commonwealth. During this time, I heard more than 17,000 appeals for executive clemency. I am firmly of the opinion, as the result of this experience, that the cause of justice will be harmed if the present pronouncement of the Supreme Court, relative to confessions, should stand. In my professional experience and in my public life, I am convinced that the safeguards presently invoked by the Courts of Pennsylvania are adequate in protecting the rights of those who may confess to criminal wrongdoing.

At the last Annual Convention of our Association, we unanimously adopted a resolution urging the use of wiretapping when, and only when, the same is subject to the strict control of the courts. I understand that this is the purpose which is sought to be achieved by U.S. Senate Bill 675, known as the Federal Wire Interception Act.

We are also in favor of both Senate Bills 678 and 917. We believe that those charged with the duty of law enforcement need all the assistance they can get in the war against such as the Mafia.

The results sought under Senate Bill 917, can be best achieved by keeping federal intervention to a minimum in its administration. We are wholeheartedly opposed to using such a Bill as a means to establish a federal police force.

I shall be pleased to have duplicate copies of all four of the above numbered Bills and copies of your addresses made on January 25 and February 23 of this year, forwarded to myself and to Francis J. Schafer, Executive Director of the Pennsylvania Chiefs of Police Association.

We are delighted that in Judge Kreider we will have a most eloquent spokesman on behalf of the citizens of the Commonwealth of Pennsylvania. We trust that you will heed his words, spoken out of a wealth of experience, both as a practitioner of the law and as a tested and humane jurist.

Respectfully yours,

WILLIAM S. LIVENGOOD, Jr.,
Chief Counsel.

COMMISSION GOVERNMENT,
Memphis, Tenn., March 13, 1967.

Hon. JOHN McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: Having been in law enforcement for over 25 years, and vitally interested in the crime picture, and trend, may I take this opportunity to urge you to keep up the fine work you are doing to assist law enforcement.

We urgently need support, and new laws of search and seizure, and something definite on defining rules on confessions, and the admissibility of confessions. This is also true on interrogations.

I admire you, and your efforts in this direction, and if I can assist you, or your efforts, please call on me.

Your truly,

CLAUDE A. ARMOUR,
Commissioner of Fire and Police.

CALIFORNIA POLICE CHIEFS ASSOCIATION, INC.,
Monterey Park, Calif., March 3, 1967.

Hon. JOHN L. McCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SIR: As the Chairman of the Senate Subcommittee on Criminal Laws and Procedures, I earnestly request that you give serious consideration to legislation or even Constitutional Amendment to overcome the effect of some of the recent Supreme Court Decisions in the field of criminal laws.

The Miranda Decision has created many technical problems within the ranks of law enforcement. Arrests are being made by policemen but complaints are not issued by District Attorneys because of some purely technical errors.

In the field of search and seizure, narcotics cases in jurisdictions as small as ours are being lost for the same reason.

It is hard for me to imagine how this country grew as great as it has over the last 190 years while, at the same time, depriving the people of the rights enumerated in such landmark cases as Mapp, Escobedo, Miranda, and others.

I'm sure that Chief of Police Thomas Reddin of Los Angeles would make an excellent witness for your Committee and could document factual illustrations.

Many good wishes to you on this hearing. You have been fighting this battle for many years. Law Enforcement is behind you.

Very sincerely,

ALLEN SILL,
President.

MARYLAND CHIEFS OF POLICE ASSOCIATION,
Baltimore, Md.,
March 10, 1967.

Hon. JOHN L. McCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, Senate Office Building, Washington, D.C.

DEAR SENATOR McCLELLAN: The Maryland Chiefs of Police Association would like to go on record supporting S 674 intended to amend Title 18, U.S. Code, with respect to admissibility evidence of confessions. We feel very strongly in support of any legislation lessening the restrictions placed upon law enforcement officers in their efforts to perform their duties within the framework of our Constitution.

Please accept the commendation of this organization for the work performed by yourself and your subcommittee in respect to assisting the law enforcement officer to correctly and honorably perform his job.

Yours very truly,

WILLIAM F. REYNOLDS,
President.

DEPARTMENT OF POLICE,
Buffalo, N.Y., March 7, 1967.

Hon. JOHN L. McCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SENATOR McCLELLAN: It is the writer's feeling the United States Supreme Court, as presently staffed, is embarked on a course ultimately destined to exclude confessions from evidence in criminal trials.

My experience has been a confession can be as reliable and competent as any parol evidence provided trial courts remain alert to assure an offered confession was voluntarily given. The experience in Buffalo has been most persons will not make any statement in the course of investigation of a crime when advised they are entitled to the presence of an attorney, and, if unable to afford an attorney, one will be supplied them.

I have reservations about amending our Federal Constitution, but it does seem possible Congress can enact legislation (without Constitutional Amendment) to give law enforcement officers, as part of their investigatory duties, some time to interview and interrogate a suspect and to provide for court admissibility of a confession obtained without force or duress.

I have enclosed herewith some specific examples of the effects of the Miranda decision on prosecutions in our local criminal courts.

Our Chief of Detectives, Mr. Ralph V. Degenhart, could provide your Committee relevant data. However, my opinion is Mr. Fred Inbau, Professor, Northwestern University Law School, is most able to present your Committee the views herein expressed.

Thank you for the opportunity given me to communicate with you.

Sincerely,

FRANK N. FELICETTA,
Commissioner of Police.

MARCH 6, 1967.

To: Frank N. Felicetta, Commissioner of Police.

From: Leo J. Donovan, Lieutenant Commanding Homicide Bureau.

SIR: The following is submitted pursuant to your direction to forward examples of the effect of recent United States Supreme Court decisions affecting the obtaining an admission in evidence of statements and confessions in criminal cases:

1. In this case, a crime that happened in the midsummer of 1965, a man was brutally beaten and robbed on Jefferson Avenue in the City of Buffalo. He died as a result of the beating and stabbings he received at the hands of two assailants. The assailants took a considerable amount of money from him and made their escape. They did everything they could to protect themselves from detection by wiping walls of their fingerprints, wiping their hands free of blood, taking a back route to leave the scene without being observed, changing their clothes, trying to destroy blood-soaked clothes, going downtown and purchasing new clothing, and later in the day, making arrangements to leave the city. They hired a third individual to drive them to New York. Information was gained by the Police Department as to the method they were going to use to leave the city, the make of the car, the name of the owner of the car, the license number of the car, and the intended route they were taking. This information was put over the Buffalo Police radio station, also over the State teletype, and a telephone call was made to the State Police on the Thruway. These individuals, enroute to New York City, were apprehended by the State Police near Syracuse. They were taken into custody, searched, a large amount of money was found underneath the seat of the car and personal property and money were taken from their possession.

The Buffalo Police Department dispatched two police officers to Liverpool, New York, to return the three to Buffalo. The two officers who were sent down there were not connected with the Homicide Squad, nor with the Robbery Squad. They were sent down there for the sole purpose of transporting the suspects back to Buffalo. When they reached the State Police substation in Liverpool, New York, they were told by the State Police that the individuals had been searched, the car had been searched, and the property taken from the individuals and the car were turned over to the Buffalo Policemen to return with the suspects to Buffalo. On the way back to Buffalo, one of the suspects decided he wanted to say something and tell his part of the crime, to "get it off his chest," so to speak. He said he had to tell somebody. The officer in charge of the escort back to Buffalo told him they were not assigned to the case, that they were not representatives of the Homicide Squad or the Robbery Squad, and that when they got back to Buffalo, the suspects could tell their story to the Homicide Squad if they so desired. The one suspect said, "Well, I've got to tell somebody." He then blurted forth certain admissions that he and his partner were involved in the crime. The suspects were repeatedly told by the officer in charge of the detail returning them that they (the officers) weren't assigned to the case. Nevertheless, the suspects did make admissions which seemed at the time to be spontaneous.

On their arrival here in Buffalo, I was told by the officer in charge of the return detail that the suspects wished to make a statement to me and tell me what had happened. Before any questions were asked of them, the suspects were apprised of their rights by my telling them they were entitled to have counsel, that they were entitled to a lawyer now, at this time, before any questions were asked. They were also told they had a right to remain silent, that they didn't have to answer any questions, and that if they desired a lawyer, the Court would appoint one for them. They were not told that if they could not afford a lawyer, one would be appointed for them or provided for them. They were also told that anything they said would be taken down and used against them in Court. They seemed more than willing, especially the one defendant, to get it off his chest. He told me that if it hadn't been for the man dying we would never have gotten anything out of him, but, he said, "The man is dead; I feel as though I'm half responsible for it, and I want to tell my side of it." He said, "I want to get it off my chest." He was asked if he wanted a lawyer, and he said, "What for? I'll get a lawyer when I go to Court. A lawyer can't help me now." In other words, apparently he wanted to confess. A statement was taken from him. The suspects were arraigned in Court, a preliminary hearing was held in City Court, a Grand Jury indictment followed, and, before the Grand Jury, the suspects statements were read and two witnesses were presented, the wife of the deceased, and a friend of the deceased who was an eye witness to the suspects' escape from the scene of the crime.

The suspects were each indicted on five counts of Murder in the First Degree. Trial was set for early last April, but was adjourned because one of the lawyers appointed by the Court withdrew and another lawyer was appointed and was given time by the Court to familiarize himself with the case. Before the case was ready to go to trial, June 13th arrived and the Supreme Court handed down their rulings in the *Miranda* case. The *Miranda* rule affected this particular case in the following manner: The attorneys naturally seized upon the opportunity to ask for a suppression hearing to suppress not only the statements taken from the defendants, but also the admissions made by them to the Police Officers on the return trip to Buffalo. This case had to be resubmitted to the Grand Jury and an indictment sought without the use of the statements.

A date was set for a suppression hearing, to be followed by a Huntley hearing. In the suppression hearing, the officers testified, both State Police and Buffalo Police officers, as to exactly what happened. The Buffalo officers testified they were unwilling listeners or witnesses to the admissions made by these defendants on their way back to Buffalo, but they had to listen because they were in the same car with the defendants and the defendants insisted upon telling someone of their crime, they were full of remorse, they wanted to get it off their chests, and, upon their return to Buffalo, I was informed by the officer in charge of the return detail that these defendants wished to talk to me and tell me everything that happened; that before a single question was put to these defendants, they were fully advised by me as to the admonitions handed down by the Supreme Court up to this date (August 1965). They were told they had a right to have an attorney; they had a right to have him then, at the time of the questioning; they had a right to remain silent; they didn't have to answer any questions; they didn't have to say anything. They were also told that anything they did say would be taken down in writing and could be used against them in a Court of Law.

In the statement of one defendant, Brown, that was the extent of the advice given him as to his rights. In the statement of the second defendant, Selwyn Lemon, he was told that if he wanted an attorney, one would be obtained for him. It came very close to fulfilling the admonition set forth under the *Miranda* rule.

The supression hearing before Judge Marshall was quite lengthy, and Judge Marshall ruled that the admissions made to the police officers on their trip back would be inadmissible. He called a conference with the District Attorney and myself, with regard to the statement of Lemon, and his advice to us was that it's very possible this statement could be admitted into evidence at the trial. He also said that if the defendants were convicted, there was a fifty-fifty chance of the decision being reversed on appeal.

A conference was held with the District Attorney, the Judge and myself, and the District Attorney said that if the statements were suppressed, it would weaken our case considerably.

At a conference between the defendants, their attorneys, the District Attorney, the Judge and myself, it was decided that the defendants would be permitted to plead to the lesser charge of Manslaughter in the First Degree. The facts warranted a prosecution for murder, but without the statements voluntarily made to the police officers it was doubtful the murder charge could be substantiated beyond a reasonable doubt. Had we been able to go to trial with the statements in effect, there is no doubt in my mind that these defendants would have been convicted of Murder in the First Degree. Their confessions were complete. They told everything about the crime, step by step, including the killing of the victim of their crime.

2. In this case, a fifteen-year-old boy stabbed to death a twelve-year-old boy during an argument one evening out on Chester Street. I first came in contact with this boy over at No. 6 Police Station. He was accompanied by his mother. I introduced myself to the boy and his mother, and told them I was there to talk to them about the events that had happened earlier in the evening. I said to them, "Before I ask you any questions, or before you give me any answers, I want to inform you that you are entitled to an attorney; you can have a lawyer present at this questioning; you don't have to answer any questions, and by that I mean you have a right to remain silent. Also, anything you say will be taken down in writing and may be used against you in a Court of Law. I further want you to understand that if you cannot afford a lawyer, one will be provided for you." With this, the mother of the boy spoke up and said, "I think that we should have a lawyer. We can't afford one, but if you say that you will give us one, I think we should have one." Thereupon, no questions were asked of her son with regard to his apparent participation in the killing.

This case went to Family Court. The boy was adjudged a Juvenile Delinquent, based on the allegations set forth in the petition that if he were an adult, he would have been convicted of manslaughter in the First Degree.

I know that in my conversation with this boy and his mother, a voluntary statement would have been given had I been able to ask him questions. He wanted to tell the police what happened. If a statement had been taken from him, based on knowledge that I had of the facts of the case, it probably would have been exculpatory, and the boy not adjudged a delinquent.

3. In this case, still in litigation, a man was stabbed during an argument on the East Side. He was pronounced dead upon arrival at Emergency Hospital. A suspect was taken into custody about two and a half to three blocks from the scene of the crime, approximately ten minutes after the crime had occurred. I had instructed the officers who apprehended the suspect not to ask him any questions in any way. He was returned to the scene of the crime, and there was identified by witnesses who had been present at the time the stabbing took place. The suspect was taken to Police Headquarters, where I told him I wanted to ask him some questions with regard to his activities that day. I informed him he did not have to answer any questions, that he was entitled to a lawyer before he answered any questions, that he had a right to remain silent, that anything he said would be taken down and could be used against him in a Court of Law. At that time, he interrupted and said, "I can't afford a lawyer. I don't know any lawyers." I told him that if he could not afford a lawyer, one would be provided for him. He, in turn, said to me, "I think I'd better talk to a lawyer before I say anything." There was no further questions asked of this man, and a lawyer was provided for him.

4. In the case of Henry Scott, age 25, defendant, charged with Murder in the First Degree, Scott was arrested by the Homicide Bureau on January 31, 1966, for the slaying of Walter Alexander, age 37. Scott was indicted by a Grand Jury of Erie County on April 6th, 1966. The indictment was based on a statement given by Scott at the time of arrest, confessing to the acts constituting the crime of Murder in the First Degree and the indictment was set down on the trial calendar.

On June 13th, 1966, the Supreme Court of the United States handed down, on Writ of Certiorari, a decision in the case of Ernesto A. Miranda, Petitioner, State of Arizona, that affected the standing of several lawsuits, pending, by the Homicide Bureau and the District Attorney's Office, for trial. The defendant Scott was fully apprised of his rights at the time of his arrest, before the taking of any statement, oral or written. This conformed with the rules set down under Escobedo, but failed to set forth the indigency rule. In November 1966, Attorney Walentynowicz, for the Defendant Scott, was granted a suppression hearing before Judge Gaughn, to take place in the month of December 1966—but, an order had been signed by Judge Gaughn for an examination by Doctors Jennie D. Klein and Murray A. Yost of Meyer Hospital Staff, pursuant to Section 658 of the Code of Criminal Procedure. It was the opinion of examiners that Henry Scott does not understand the charges against him and would not be able to participate in his defense. Had it not been thus, the defendant, Henry Scott, would have been freed, because his statement would have been suppressed as evidence at trial, under Miranda, and there was not enough other evidence to convict.

5. The case of Alberta Golivitzer, age 25, arrested February 3rd 1966, charged with Manslaughter in the First Degree, in the death of her son, Brian, 2 months old. A statement was taken from her at the time of her arrest, that conformed with Escobedo (U.S.), Gunner (N.Y.), Donovan (N.Y.), etc. She was indicted by the Grand Jury on 2/8/66, as charged and indictment was set down on the trial calendar. On November 27, 1966, a suppression hearing was ordered and on appearance before Judge King of Supreme Court, in the County of Erie, a decision was handed down by him, suppressing the statement of the defendant and because the indictment was unsupported by independent evidence against the defendant, the indictment was dismissed because the statement revealed that the defendant Golivitzer was not advised that if she could not afford a lawyer that one would be provided for her, and that, if she so desired a lawyer, no further questions would be asked of her. The statement taken from her, at the time of her arrest, was good; it was only because of the admonitions set down under Miranda that it became fatal.

6. The case of Lowell Claxton, arrested November 11, 1965, age 40, charged with 483-B of the Penal Law (Carnal abuse of child over 10 and under 16 years of age): Case tried in City Court of Buffalo on January 6th, 1966, before Judge Zimmer and defendant was convicted. At the time of his arrest, Claxton was advised of his rights under the then existing Escobedo rulings and he made oral admissions to the investigators of the Homicide Bureau. He refused to make a written statement. Claxton's conviction before Judge Zimmer of City Court of Buffalo was appealed by Attorney Peter Parino before Judge Marshall of the County Court of Erie, and due to errors made by the trial Judge of City Court, the conviction, was set aside and a new trial was ordered and the case sent back to City Court. Attorney Parino applied for, and was granted, a hearing to suppress any statements or admissions made by Claxton at the time of his arrest. On February 28, 1967, in City Court of Buffalo, Judge Bellomo presided over the hearing to suppress. Attorney Parino invoked the Miranda rule, after questioning the arresting officers and bringing out before the Court the fact that his client had not been advised that, if he could not afford a lawyer, one would be provided for him, free of charge. Judge Bellomo suppressed any admissions or statements of Claxton, made to officers at the time of his

We are also in favor of both Senate Bills 678 and 917. We believe that those charged with the duty of law enforcement need all the assistance they can get in the war against such as the Mafia.

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Chief Counsel.

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Your truly,
CLAUDE A. ARMOUR,
Commissioner of Fire and Police.

CALIFORNIA POLICE CHIEFS ASSOCIATION, INC.,
Monterey Park, Calif., March 3, 1967.

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Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

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I'm sure that Chief of Police Thomas Reddin of Los Angeles would make an excellent witness for your Committee and could document factual illustrations.

Many good wishes to you on this hearing. You have been fighting this battle for many years. Law Enforcement is behind you.

Very sincerely,
ALLEN SILL,
President.

MARYLAND CHIEFS OF POLICE ASSOCIATION,
Baltimore, Md.,
March 10, 1967.

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Yours very truly,
WILLIAM F. REYNOLDS,
President.

DEPARTMENT OF POLICE,
Buffalo, N.Y., March 7, 1967.

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Thank you for the opportunity given me to communicate with you.

Sincerely,
FRANK N. FELICETTA,
Commissioner of Police.

MARCH 6, 1967.

To: Frank N. Felicetta, Commissioner of Police.

From: Leo J. Donovan, Lieutenant Commanding Homicide Bureau.

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On their arrival here in Buffalo, I was told by the officer in charge of the return detail that the suspects wished to make a statement to me and tell me what had happened. Before any questions were asked of them, the suspects were apprised of their rights by my telling them they were entitled to have counsel, that they were entitled to a lawyer now, at this time, before any questions were asked. They were also told they had a right to remain silent, that they didn't have to answer any questions, and that if they desired a lawyer, the Court would appoint one for them. They were not told that if they could not afford a lawyer, one would be appointed for them or provided for them. They were also told that anything they said would be taken down and used against them in Court. They seemed more than willing, especially the one defendant, to get it off his chest. He told me that if it hadn't been for the man dying we would never have gotten anything out of him, but, he said, "The man is dead; I feel as though I'm half responsible for it, and I want to tell my side of it." He said, "I want to get it off my chest." He was asked if he wanted a lawyer, and he said, "What for? I'll get a lawyer when I go to Court. A lawyer can't help me now." In other words, apparently he wanted to confess. A statement was taken from him. The suspects were arraigned in Court, a preliminary hearing was held in City Court, a Grand Jury indictment followed, and, before the Grand Jury, the suspects statements were read and two witnesses were presented, the wife of the deceased, and a friend of the deceased who was an eye witness to the suspects' escape from the scene of the crime.

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A date was set for a suppression hearing, to be followed by a Huntley hearing. In the suppression hearing, the officers testified, both State Police and Buffalo Police officers, as to exactly what happened. The Buffalo officers testified they were unwilling listeners or witnesses to the admissions made by these defendants on their way back to Buffalo, but they had to listen because they were in the same car with the defendants and the defendants insisted upon telling someone of their crime, they were full of remorse, they wanted to get it off their chests, and, upon their return to Buffalo, I was informed by the officer in charge of the return detail that these defendants wished to talk to me and tell me everything that happened; that before a single question was put to these defendants, they were fully advised by me as to the admonitions handed down by the Supreme Court up to this date (August 1965). They were told they had a right to have an attorney; they had a right to have him then, at the time of the questioning; they had a right to remain silent; they didn't have to answer any questions; they didn't have to say anything. They were also told that anything they did say would be taken down in writing and could be used against them in a Court of Law.

In the statement of one defendant, Brown, that was the extent of the advice given him as to his rights. In the statement of the second defendant, Selwyn Lemon, he was told that if he wanted an attorney, one would be obtained for him. It came very close to fulfilling the admonition set forth under the *Miranda* rule.

The supression hearing before Judge Marshall was quite lengthy, and Judge Marshall ruled that the admissions made to the police officers on their trip back would be inadmissible. He called a conference with the District Attorney and myself, with regard to the statement of Lemon, and his advice to us was that it's very possible this statement could be admitted into evidence at the trial. He also said that if the defendants were convicted, there was a fifty-fifty chance of the decision being reversed on appeal.

A conference was held with the District Attorney, the Judge and myself, and the District Attorney said that if the statements were suppressed, it would weaken our case considerably.

At a conference between the defendants, their attorneys, the District Attorney, the Judge and myself, it was decided that the defendants would be permitted to plead to the lesser charge of Manslaughter in the First Degree. The facts warranted a prosecution for murder, but without the statements voluntarily made to the police officers it was doubtful the murder charge could be substantiated beyond a reasonable doubt. Had we been able to go to trial with the statements in effect, there is no doubt in my mind that these defendants would have been convicted of Murder in the First Degree. Their confessions were complete. They told everything about the crime, step by step, including the killing of the victim of their crime.

2. In this case, a fifteen-year-old boy stabbed to death a twelve-year-old boy during an argument one evening out on Chester Street. I first came in contact with this boy over at No. 6 Police Station. He was accompanied by his mother. I introduced myself to the boy and his mother, and told them I was there to talk to them about the events that had happened earlier in the evening. I said to them, "Before I ask you any questions, or before you give me any answers, I want to inform you that you are entitled to an attorney; you can have a lawyer present at this questioning; you don't have to answer any questions, and by that I mean you have a right to remain silent. Also, anything you say will be taken down in writing and may be used against you in a Court of Law. I further want you to understand that if you cannot afford a lawyer, one will be provided for you." With this, the mother of the boy spoke up and said, "I think that we should have a lawyer. We can't afford one, but if you say that you will give us one, I think we should have one." Thereupon, no questions were asked of her son with regard to his apparent participation in the killing.

This case went to Family Court. The boy was adjudged a Juvenile Delinquent, based on the allegations set forth in the petition that if he were an adult, he would have been convicted of manslaughter in the First Degree.

I know that in my conversation with this boy and his mother, a voluntary statement would have been given had I been able to ask him questions. He wanted to tell the police what happened. If a statement had been taken from him, based on knowledge that I had of the facts of the case, it probably would have been exculpatory, and the boy not adjudged a delinquent.

3. In this case, still in litigation, a man was stabbed during an argument on the East Side. He was pronounced dead upon arrival at Emergency Hospital. A suspect was taken into custody about two and a half to three blocks from the scene of the crime, approximately ten minutes after the crime had occurred. I had instructed the officers who apprehended the suspect not to ask him any questions in any way. He was returned to the scene of the crime, and there was identified by witnesses who had been present at the time the stabbing took place. The suspect was taken to Police Headquarters, where I told him I wanted to ask him some questions with regard to his activities that day. I informed him he did not have to answer any questions, that he was entitled to a lawyer before he answered any questions, that he had a right to remain silent, that anything he said would be taken down and could be used against him in a Court of Law. At that time, he interrupted and said, "I can't afford a lawyer. I don't know any lawyers." I told him that if he could not afford a lawyer, one would be provided for him. He, in turn, said to me, "I think I'd better talk to a lawyer before I say anything." There was no further questions asked of this man, and a lawyer was provided for him.

4. In the case of Henry Scott, age 25, defendant, charged with Murder in the First Degree, Scott was arrested by the Homicide Bureau on January 31, 1966, for the slaying of Walter Alexander, age 37. Scott was indicted by a Grand Jury of Erie County on April 6th, 1966. The indictment was based on a statement given by Scott at the time of arrest, confessing to the acts constituting the crime of Murder in the First Degree and the indictment was set down on the trial calendar.

On June 13th, 1966, the Supreme Court of the United States handed down, on Writ of Certiorari, a decision in the case of Ernesto A. Miranda, Petitioner, State of Arizona, that affected the standing of several lawsuits, pending, by the Homicide Bureau and the District Attorney's Office, for trial. The defendant Scott was fully apprised of his rights at the time of his arrest, before the taking of any statement, oral or written. This conformed with the rules set down under Escobedo, but failed to set forth the indigency rule. In November 1966, Attorney Walentynowicz, for the Defendant Scott, was granted a suppression hearing before Judge Gaughn, to take place in the month of December 1966—but, an order had been signed by Judge Gaughn for an examination by Doctors Jennie D. Klein and Murray A. Yost of Meyer Hospital Staff, pursuant to Section 658 of the Code of Criminal Procedure. It was the opinion of examiners that Henry Scott does not understand the charges against him and would not be able to participate in his defense. Had it not been thus, the defendant, Henry Scott, would have been freed, because his statement would have been suppressed as evidence at trial, under Miranda, and there was not enough other evidence to convict.

5. The case of Alberta Golivitzer, age 25, arrested February 3rd 1966, charged with Manslaughter in the First Degree, in the death of her son, Brian, 2 months old. A statement was taken from her at the time of her arrest, that conformed with Escobedo (U.S.), Gunner (N.Y.), Donovan (N.Y.), etc. She was indicted by the Grand Jury on 2/8/66, as charged and indictment was set down on the trial calendar. On November 27, 1966, a suppression hearing was ordered and on appearance before Judge King of Supreme Court, in the County of Erie, a decision was handed down by him, suppressing the statement of the defendant and because the indictment was unsupported by independent evidence against the defendant, the indictment was dismissed because the statement revealed that the defendant Golivitzer was not advised that if she could not afford a lawyer that one would be provided for her, and that, if she so desired a lawyer, no further questions would be asked of her. The statement taken from her, at the time of her arrest, was good; it was only because of the admonitions set down under Miranda that it became fatal.

6. The case of Lowell Claxton, arrested November 11, 1965, age 40, charged with 483–B of the Penal Law (Carnal abuse of child over 10 and under 16 years of age): Case tried in City Court of Buffalo on January 6th, 1966, before Judge Zimmer and defendant was convicted. At the time of his arrest, Claxton was advised of his rights under the then existing Escobedo rulings and he made oral admissions to the investigators of the Homicide Bureau. He refused to make a written statement. Claxton's conviction before Judge Zimmer of City Court of Buffalo was appealed by Attorney Peter Parino before Judge Marshall of the County Court of Erie, and due to errors made by the trial Judge of City Court, the conviction was set aside and a new trial was ordered and the case sent back to City Court. Attorney Parino applied for, and was granted, a hearing to suppress any statements or admissions made by Claxton at the time of his arrest. On February 28, 1967, in City Court of Buffalo, Judge Bellomo presided over the hearing to suppress. Attorney Parino invoked the Miranda rule, after questioning the arresting officers and bringing out before the Court the fact that his client had not been advised that, if he could not afford a lawyer, one would be provided for him, free of charge. Judge Bellomo suppressed any admissions or statements of Claxton, made to officers at the time of his

arrest, and on motion by Attorney Parino the charge against the defendant was dismissed.

In my opinion, the recent admonitions set down by the Supreme Court in the *Miranda ver. Arizona* ruling, and the *Escobedo* case, have definitely adversely affected the workings of the police in the apprehension and questioning of suspects.

Respectfully,

Leo J. Donovan,
Chief, Homicide Bureau,
Buffalo Police Department.

The University of Oklahoma,
Norman, Okla., February 27, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Sirs: As a member of the International Association of Chiefs of Police, I was more than interested in your remarks to the Senate regarding recent Supreme Court Decisions, and your Senate Bill 674.

Law Enforcement officers are not only confused by some of the language of the Miranda Decision, but are further hampered by its application in our lower courts. As an example, a police officer recently contacted me regarding a police matter wherein two officers were interrogating a suspect. One of the officers carefully advised the suspect of his rights in the presence of the second officer. The accused was willing to talk. The second officer directed a question to the accused without personally (a second time) advising the accused of his rights. The Judge in his wisdom, dismissed the case. I am sure that more specific examples could, if space permitted, be supplied.

Pertinent and valuable testimony during the hearing could be provided by Mr. Lewis B. Ambler, District Attorney, Bartlesville, Oklahoma.

Sincerely,

K. O. Rayburn,
Director, Southwest Center for
Law Enforcement Education.

City of Eugene,
Police Department,
Eugene, Oreg., March 3, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: We would like to take this means to express our support of the legislation you have introduced with respect to the admissibility of evidence of confessions.

We feel that the judicial branch of government has, in many ways, taken over a legislative function when it sets forth specific rules for arrest procedure. It will, then, require legislation in order to correct the situation and to place this authority back into the hands of the legislative branch. This is not to say that there has been no abuse, and we understand that when a confession has been received as the result of coercion that the courts should invalidate the evidence. On the other hand, we feel that when the statement has been given freely and voluntarily, and when the evidence of guilt is unmistakable, the criminal should not be released due to a minor technicality.

We wish you every success in your endeavors in this regard, and we stand ready to assist in any way possible.

Very truly yours,

H. A. Ellsworth,
Chief of Police.

Police Department,
Newark, N.J., March 9, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: Your proposed "Safe Streets and Crime Control Act of 1967" has been well received by informed and concerned persons, both inside and outside of law enforcement. It must be agreed, as stated in the purpose of the bill, "Crime is essentially a local problem, that must be dealt with by State and local governments." Many police agencies have achieved remarkable results in some of the areas of concern in your bill. Their efforts have pointed the way and indicate that with proper support, progress can be made. It is indeed heartening to know that legislation committing the power and resources of the Federal Government is proposed.

Your bill is of particular interest to the Newark Police Department at this time. Newark has consented to host the 1967 Northeast Grad Seminar of the Traffic Institute. The area involved encompasses eleven (11) states from Maryland north. As you probably know, the Traffic Institute is one of the leading police administration schools in the country.

Seminar sessions will be held on May 10th, 11th and 12th at the Military Park Hotel, Park Place, Newark. On the afternoon of May 11th we hope to schedule a panel discussion on "The Impact of the President's Crime Commission Report." Our hope is to obtain a highly qualified panel and panel chairman to discuss the import of this document.

We are attempting to enlist Fred Inbau of Northwestern University Law School as a panel member. William H. Franey of the International Association of Chiefs of Police is expected to represent that organization. The Office of Law Enforcement Assistance of the Justice Department is expected to participate. We expect that an outstanding law professor from a university in this area will participate.

This occasion presents a fine opportunity to obtain regional support for a measure which is urgently needed. We cordially invite your personal participation. If your busy schedule precludes your attendance, we request that one of the sponsors of the bill, or a qualified employee of the Committee on the Judiciary attend.

Sincerely yours,

Oliver Kelly,
Chief of Police.
By John L. Redden,
Deputy Chief of Police.

Police Department,
Newark, N.J., March 6, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: I am in receipt of a Memorandum from Mr. Quinn Tamm, Executive Director of the IACP regarding the proposed hearings of your Subcommittee scheduled for March 7th, 8th, and 9th, 1967. After a careful review of Senate Bill 675, I am pleased to advise you that I support its enactment by Congress. This Bill if enacted as presently drafted, should make the McNabb-Mallory Rule more flexible.

There are certainly many learned men outside the law enforcement profession who subscribe to your recent comments before the U.S. Senate that:

"The U.S. Supreme Court—five members—a one man majority—are committed to the illogical pursuit of tenuous technicalities which it recklessly invokes to nullify the convictions of and to set free confirmed criminal to prey again on a victimized society."

Among them, Professor Fred E. Inbau, Northwestern University School of Law recently said:

"The Court's one man majority was going to continue to 'Play God' and 'Play God' it did in its June 1966 decision in *Miranda vs Arizona* (384 U.S. 436)."

How unfortunate that the architects of the National Crime Commission in its report "The Challenge of Crime in a Free Society" did not see fit to explore areas which were not considered explicitly in the report itself. These relate to the difficult and perplexing problems arising from certain of the constitutional limitations upon our system of criminal justice. This in the face of the fact that in some of the recent notorious decisions, the subjects were released to be again arrested for the commission of a second crime. As Chief Thomas Cahill of San Francisco, a member of the Commission, said on a recent television program:

"I think that in some cases we have forgotten the victim of crime and the victim is also a member of society."

Most recently in New York, State Supreme Court Justice Michael Kern, in freeing one, Jose Suarez, a confessed murderer of six people, his wife and his five small children, said: "even an animal such as this one—and I think it would be insulting the animal kingdom—must be clothed with all these safeguards. This is a very sad thing. It is repulsive; it makes any human being's blood run cold and his stomach turn to let a thing like this out on the streets."

According to the World Journal Tribune of February 21st, 1967, Brooklyn District Attornew Aaron Koota said that ten (10) criminals have been freed as a result of the Miranda decision. He also said that 130 out of 316 suspects questioned refused to make any statements as a result of the Miranda ruling and were released.

Unfortunately, I am unable at this time to provide you with specific examples of cases affected by these recent decisions of the U.S. Supreme Court in this jurisdiction.

I would suggest that following officials from this area as most qualified to provide valuable testimony during your hearings:

1. New Jersey Attorney General Arthur J. Sills, State House, Trenton, New Jersey;
2. Essex County Prosecutor Brendan T. Byrne, Essex County Court House, Newark, New Jersey.

Please be assured that you have my continued support in your efforts to combat crime and improve law enforcement in this Country.

Very truly yours,

Oliver Kelly,
Chief of Police.

Department of Police,
Topeka, Kans., March 21, 1967.

Hon. John L. McClellan,
U.S. Senate, Washington, D.C.

Dear Senator McClellan: In reading over the President's *Challenge of Crime in a Free Society* I find some recommendations that are rather disturbing.

Number one is the disarming of the Police officers in traffic control, also the initiation of community service officers who cannot qualify for strict Police qualifications, the use of federal funds, the suggestion of a national pension system, the deletion of civil service work, employment of non-police personnel without Police training, the encouragement of lateral movement of Police personnel, a nationwide retirement system being devised that permits the transferring of retirement credits.

Acting Attorney General Ramsey Clark has notified the House Rules Committee that the Federal Government feels it has complete power to order the reassignment of teachers, professors, or members of the staff of any educational institutions receiving Federal assistance if there is any reason to believe that "racial allocation of faculty" denies to students "equally of educational opportunity."

I think it would be advisable if you would investigate this matter, for I, for one, feel that once law enforcement begins to accept Federal subsidies, then the local government and the people have lost control. The same people who were involved in the writing and recommendations of this crime report were also strong for the Civilian Review Boards. The Police won this battle, let us not lose it by seeking these funds. If necessary, a campaign on the local levels should be made to inform the citizens. The best way to support your Police Department is to do it through local funds, because they are going to pay for these programs by paying to the Federal Government who will, in turn, disburse the funds back to local governments, except this time you play ball in their ball park and their type of ball game.

I would appreciate hearing from you regarding my comments and particularly if you are able to evaluate the statement by Ramsey Clark pertaining to the educational field.

This Department is ordering twenty-five copies of the report by the President's Commission on law enforcement and administration of justice.

Yours very truly,

DANA L. HUMMER,
Chief of Police.

DEPARTMENT OF POLICE,
Topeka, Kans., March 3, 1967.

Senator JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: This Department is in receipt of a letter from Quinn Tamm, Executive Director, International Association of Chiefs of Police, Inc., requesting information be forwarded to your office relative to the views of Police Chiefs throughout the country on the controversial Miranda case.

It is my opinion that the recent Supreme Court rulings have had an overly sharp, adverse effect in our efforts to clear felony cases, charge subjects implicated in such cases and to convict them in our courts after they have been charged.

We have noted a marked decline in the area of interrogation of suspects of felony cases. Many, many cases are lost because the investigating officers are unable to come up with the very necessary reasonable grounds required to arrest the suspect, and as a result all interrogation of the suspect must be done in surroundings that are adverse and often impossible for the investigating officers. Interrogation in the past, handled in a civil and humane manner, was responsible for the clearance of at least seventy-five per cent of our felony cases. At the present time, operating strictly under the new rulings interrogation has been responsible for probably twenty-five per cent of our clearances and this is only with the grace of the courts in accepting our statements. We find more and more subjects refusing to talk, even to the extent of refusing to give their names to our investigators.

As a result of this needless and extreme granting of so-called "rights" to the individual, which in our case is mainly the criminal, our investigators are forced to rely on physical evidence, witnesses, and circumstantial evidence to make a chargeable case. This is often impossible as such evidence and witnesses are more often than not, not present.

While our County Attorney has been very good in the issuance of complaints, he too is bound by present rulings as to when and where complaints can be issued.

In our preliminary court we find we are getting repeated dismissals of cases upon grounds that would indicate decisions far beyond the mandate of our Supreme Court and its new rulings.

Not only does this Department feel that this is true as all four of our District Court judges have stated that such rulings are not reasonable and are not included in any manner in the meaning or text of the new rulings by our U.S. Supreme Court.

We find that in all of our courts the case is now tried on technicalities of the violation of the subject's rights rather than the evidence submitted in the case.

There is no question that the rulings have curtailed the efforts of all police officers in their efforts against crime to a very great degree. This is basically because of fear for themselves for false arrest, lack of a clear set of rules of operation by any court or judge. This is the result of a complex new set of rules by our Supreme Court that even the higher judges in our country cannot agree on as to their true intent or meaning.

The only suggestion I can make in regard to this confused situation is that the public, our Police Departments, courts, etc., protest to the U.S. Congress until this body takes action to limit our Supreme Court to the reasonable rulings in individual cases rather than the creating of new laws without the authority by our same constitution to do so.

Law enforcement people throughout the country will be watching very closely the appointment of a new Supreme Court justice. I, personally, feel that the President's greatest liability in his quest for re-election will be his appointment of Justice Fortas, which has swung the balance of power to the liberal majority. If the President picks another Liberal, who in his thinking is as far afield in his quest for individual rights, then we are certainly not going to have a free society.

Yours very truly,

DANA L. HUMMER,
Chief of Police.

TORRANCE, CALIF.,
March 4, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

SIR: I welcome this opportunity to express our views and experiences in dealing with the various Supreme Court decisions and their effects of the apprehension, prosecution, and conviction of criminals. To say that these decisions have not greatly affected the efforts of law enforcement officers in the battle against the rising crime rate would be to indulge in a costly form of vanity. These decisions, particularly the Miranda, have caused a great deal of confusion not only among law enforcement officers but among the Judiciary, each Judge in many cases having his own interpretation of its meaning and intent.

We have, as have other law enforcement agencies, experienced instances where self-confessed persons have gone free due to an interpretation as to when suspicion had focused on those persons. In the field of narcotic enforcement this has been particularly evident with such problems as Search and Seizure, Probable Cause, and Divulging the Identity of Informants.

The following are cases in point that exemplify some of the problems we are experiencing:

Suspects: Bazer, Billy Ray (Case number D.R. 2215–67) Douglas, Donald Jack.

Charge: Grand Theft Auto.

Date of arrest: Feb. 67.

Facts: Officers, while on routine patrol, received radio dispatch that a certain vehicle located at a service station was possibly stolen and being stripped. Officers responded to the call, at which time Billy Ray Bazer was contacted. At this point, officers made inquiries into the allegations. The defendant at this time told officers that he had removed certain parts from a vehicle which he described as a 1949 Oldsmobile. The defendant then made statements involving Donald Jack Douglas' knowledge of the vehicle in question. When both defendants were confronted with each others stories, both admitted knowledge of the vehicle in question and of having parts of that vehicle in their possession, but they denied that that vehicle was stolen. An arrest was not effected at this point due to the officers not having information that the vehicle in question was in fact stolen. The officers then left the location and returned a short while later, at which time Billy Ray Bazer stated that the vehicle was stolen and gave the location of the vehicle. The vehicle was then located a short time later, and the victim verified its being stolen. Officers then effected the arrest of both defendants and advised them of their rights as prescribed by Miranda.

Case Disposition: (Preliminary Trial.) Case dismissed. Court ruled that both defendants should have been advised of their rights upon the original conversation with officers.

Suspects: Rivera, Rudy Ralph (Case number D.R. 11696–66), Chavez, Jesus Perol (Case number D.R. 11921–66).

Charge: Illegal use of Heroin (11721 H&S).

Dates of arrest: 4 Aug. 66, 8 Aug. 66, respectively.

Facts: Both defendants were arrested for Traffic Warrants. Both defendants were advised of their rights as per Miranda upon arrest for above warrants. Subsequent to the arrests, physical evidence of the illegal use of heroin was observed by Narcotic Officers. The additional narcotic violation was added to both defendants' bookings. In both cases admissions were obtained subsequent to the defendants being advised of their rights, establishing their usage and the venue of the crime.

Case Disposition: Case dismissed. Court ruled that arresting officers did not use proper terminology during that portion regarding the defendants' right to have an attorney present during any questioning. According to the Court the officer erred when he stated that, "You have the right to the services of an attorney during all stages of the proceedings against you." Court ruled that the officer should have said, "You have the right to the services of an attorney *prior* to any questioning."

I hope this information will be of assistance in your efforts to clarify many of these problems; and if this agency can be of any further assistance, do not hesitate to call upon us.

Respectfully,

WALTER R. KOENIG,
Chief of Police.

FLORIDA SHERIFFS BUREAU,
Tallahassee, March 6, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have been advised by the International Association of Chiefs of Police of the forthcoming U.S. Senate Subcommittee hearings regarding recent U.S. Supreme Court decisions which are adversely affecting the ability of local law enforcement agencies.

I appreciate your great interest in law enforcement problems and applaud your courage in standing up to the "illogical pursuit of tenuous technicalities" imposed upon local law enforcement by the Supreme Court.

While time has not permitted me to submit a detailed recommendation regarding changes in criminal laws and procedures, I urge you to include in your proposals a law permitting the controlled use of wire tapping by legitimate law enforcement agencies and a stiff penalty for unauthorized use of wiretapping.

As research is completed, I will submit more detailed recommendations to your committee regarding other phases of law enforcement.

Again, thank you for your interest in our problems.

Sincerely yours,

E. ED YARBOROUGH,
Director.

CROWN POINT, IND.,
March 7, 1967.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: The Lake County, Indiana Law Enforcement Council, composed of all Chiefs of Police, the County Prosecutor, and the Sheriff, has been heartened by your recent speech before the Senate of the United States.

It is felt that the recent Supreme Court decisions in many cases, have rendered the police ineffective in dealing with problems confronting them daily.

It is quite obvious that many local crimes such as aggravated assaults, vehicle taking, purse snatching, strong arm robbery, rapes and burglaries, will go unsolved unless the suspected perpetrators can be questioned concerning these matters.

It is further believed that a cruel hoax is being played upon the local police of the nation, by permitting many youths to engage and continue to engage in criminal activities until "court room" evidence can be gathered for successful prosecution.

We appeal to you, Senator, to continue your efforts in this direction, and bring to an end the chaotic and demoralizing conditions, which exist in every police station of the nation.

Very truly yours,
LAKE COUNTY LAW ENFORCEMENT COUNCIL, MILLIARD T. MATTHEWS,
Secretary.

CARMEL POLICE DEPARTMENT,
Carmel-by-the-Sea, Calif.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Law and Procedures, Washington, D.C.

HON. JOHN L. MCCLELLAN: Referring to the recent memorandum from the International Association of Chiefs of Police, Inc., concerning your remarks before the Senate and the scheduled hearings before the Subcommittee on Criminal Laws and Procedures.

You have my whole-hearted support. It is gratifying to know that positive action is being taken at the Legislative level on behalf of Law Enforcement.

It behooves Law Enforcement to improve and refine their investigative ability. Law enforcement should not try to hide behind permissive legislation. But, if the present dangerous trend of Supreme Court decisions is not stopped, and if possible, reversed, Law Enforcement will be dealt a crippling blow from which it may never recover.

Again, May I express my whole-hearted support.

Yours very truly,
CLYDE P. KLAUMANN,
Chief of Police.

TOWN OF TAZEWELL,
Tazewell, Va., February 23, 1967.
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Washington, D.C.

Hon. JOHN L. MCCLELLAN: In regards to the recent Supreme Court decision in the *Miranda* case:

I'm very much impressed with your decision of bringing up this hearing by U.S. Senate Subcommittee on Criminal Laws and Procedure, March 7, 8 and 9, regarding U.S. Supreme Court decisions affecting local law enforcement. I think this is the best news I've heard since this decision of the *Miranda* case was handed down.

This decision has handcuffed Police Officers throughout the U.S., in fulfilling their obligations to the citizens in protecting their property, rights and person against lawlessness which has become the number one topic in society today.

May the Lord smile on you as I am. May you have the best of luck in your decision.

Sincerely yours,
R. G. HAGY,
Chief of Police.

CITY OF LONG BEACH,
DEPARTMENT OF POLICE,
Long Beach, Calif., March 3, 1967.
Senator JOHN L. MCCLELLAN,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In reply to your letter of February 21st I am happy to enclose a statement in support of bills S. 674 and S. 675 which you sponsored. By nature I am not a verbose individual, but on subjects about which I harbor strong feelings it is difficult to contain myself, although I did try to keep the statement within reasonable bounds.

It was most pleasant hearing from you, Sir. Writing to you has been my first experience of this nature, and while I am not a resident of your state, nor a member of your political party, I have long been one of your admirers and felt impelled to contact you. This has helped convince me that people should take a more direct interest in their elected representatives in the halls of government at all levels, other than faithfully exercising my franchise at the polls.

I am taking the liberty of enclosing two clippings from the Los Angeles Times, one by an editorial page writer and the other a news item regarding some pending legislation on a state level at Sacramento, which you may find interesting. While not in agreement with all the opinions expressed in the editorial article, I do heartily concur with those of new Los Angeles Police Chief Thomas Reddin on the role of the police, and those propounded by Dean Lohman of the School of Criminology, University of California, Berkeley. As to the news item about seeking state funds to increase police pay—this may be construed as very liberal and idealistic by many, but in my opinion is a far-reaching proposal with merit. While my career as a law enforcement officer may be over before these proposals are enacted into law, the need here and now. Law enforcement is striving for professional status and how better can educated and dedicated men and women be recruited into our ranks by upgrading of salaries and raising of standards?

With best wishes for continued success and well-being, I am

Sincerely yours,
J. M. BLACK,
Captain, Detective Division.

CITY OF LONG BEACH,
DEPARTMENT OF POLICE,
Long Beach, Calif., March 3, 1967.
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

GENTLEMEN: Speaking as a long time law enforcement officer, I wish to state that I am heartily in favor of S. 674, a bill with respect to the admissibility in evidence of confessions in criminal cases; and of S. 675, a bill which would outlaw all wiretapping except in cases involving the national security and in investigations of organized crime by law enforcement officers, under proper court supervision. America needs legislation such as this, and more, in this era of space age crime, to remove some of the shackles binding law enforcement in the proper performance of its duties.

Crime is a national disgrace making deeper inroads each year, and costing many billions of dollars which could be better spent in other endeavors. Public apathy and indifference have long aided the cause of the criminal, and unless there comes an awakening to this problem, civilization as we know it will cease to be. Perhaps this is what our enemies from within and without are waiting for! I am truly thankful that we have men of character and high principles in our Senate who are willing to face this and other problems, by offering leadership on a national level which others may follow, in efforts to preserve our great American heritage.

My career in law enforcement spans a period of 28½ years on a police department which has grown to employ 780 personnel, in a city of 375,000, and the second largest city in the great megalopolic that make up Los Angeles County, California. In progressing through the ranks via promotion examinations my experience has covered the many facets of a police officer, service, both in supervisory and administrative capacities, and for the past six years I have served as Captain of Detectives, with 78 personnel in my division.

With the foregoing in mind, I feel qualified to express my opinions on this pending legislation, and wish to commend Senator John L. McClellan for the firm stand he has taken in this regard. Obviously, much thought and consideration went into the preparation of bills S. 674 and S. 675, and merit no amending or changing on my part.

Yours very truly,
J. M. BLACK,
Captain, Detective Division.

POLICE DEPARTMENT,
Long Beach, Calif., January 30, 1967.
Senator JOHN L. MCCLELLAN,
United States Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: As a U.S. citizen and resident of the state of California I wish to commend you for the forthright stand you have chosen to take regarding the crime situation in this country of ours. It will take concerted effort on the part of national leaders such as yourself to awaken the American public from the apathy afflicting it, before it is too late.

For the past 28½ years I have been engaged in law enforcement work, and can readily see, as you do, the losing battle being fought by police and prosecutor alike. Granted that there have been abuses by law enforcement in the past and some court decisions were necessary to correct them, but by the same token, a balance should be struck between the rights of society and those of the accused—something which is sadly lacking now. It seems as long as we have a 5–4 ultra liberal majority on the U.S. Supreme Court that the pendulum will continue to swing away from that necessary balance. I cannot find it within myself to believe that our founding fathers who wrote our Constitution would ever condone some of the interpretations put upon its passages.

When the makeup of the President's Commission on Crime was first released, I was disappointed to note that only *one* professional policeman, the chief of police of San Francisco, was a member. Now one wonders how much impact the Commission's findings will have on the crime scene as a whole, and what will be done to implement them.

With the strong voice you exert in the Senate and the Congress, Senator McClellan, I feel sure that definite progress will be made, and hope and pray that right thinking people in this country will rally 'round you and others like you.

With best wishes for your good health and well being, I remain,

Yours very truly,
JOHN M. BLACK,
Captain of Detectives.

POLICE DEPARTMENT,
Huntington, W. Va., March 2, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SIR: Law abiding citizens have every right to be concerned over the rapid rise in the crime rate. Each day there is an increase in the citizen's chance of becoming a victim of crime. Even if they are not involved they are exposed to the higher cost of crime, inadequate police protection, lessening of their personal liberties, and the ever present fear for their life and property.

The plight of the law enforcement officer whose duty it is to protect life and property is becoming more and more difficult. The law enforcement effectiveness is being curtailed by some recent U.S. Supreme Court rulings.

The citizens in many parts of the United States are now paying because of some of the recent Supreme Court rulings that seem to serve the purpose of throwing protection around the criminal. Those who think that the police officer can cope with crime under these conditions should try to question a criminal. The police depend a great deal on their ability to interview and interrogate. Approximately seventy per cent (70%) of the major crimes are solved by interviews and confessions.

Locally in the City of Huntington, West Virginia, our criminal judge will not allow a confession or statement entered as evidence in his court even if the officer has obtained a waiver.

The responsibility of a police officer is great. The police officer's daily task is not one of research, nor are his decisions made in the quiet of the Judge's Chambers with time to arrive at a decision with all the rules and guidelines to study. Instead, his decision is made hurriedly and most often amidst disorder and confusion. Not only must the officer protect the innocent, find the guilty, but he must also protect the public. Ours is a government of laws—not men. Woodrow Wilson, once said. "The first duty of the law is to keep sound the society it serves."

The law enforcement officer today already has a greater responsibility than he can fully understand and is capable of discharging. We feel the Scales of Justice have been dipped too far in favor of the criminal. You are in the position of possibly bringing the scales more in balance and giving the officer an equal chance. You can be assured of our one hundred percent (100%) cooperation in this mutual effort.

Sincerely,

G. H. KLEINKNECHT,
Chief of Police.
By Sgt. SAM WATKINS,
Commander, Investigators Unit.

TIGARD, OREG., *March 3, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to take this opportunity to express some of my views on the current recent actions of the U.S. Supreme Court. I feel as I believe do most police officers, that the Supreme Court is going far beyond the bounds within which it was intended to operate as established originally.

It has always been my understanding that there were 3 distinct divisions within our field, those being, legislative, judicial and enforcement. Under present conditions it certainly appears to me that the Supreme Court has gone far beyond the bounds of judicial restraint and that its decisions in recent times have been and are being accepted as legislation.

There is certainly something wrong when a court, such as that, after considering all evidence and technicalities for several months, then renders a decision and usually by a majority of one, that completely reverses the findings of lower courts and refutes the intelligence and abilities of all police officers in the United States.

There is no question that the recent decisions handed down by the Supreme Court have made our work much more difficult. Confessions are almost a thing of the past on major crimes today. Too many admitted criminals are now being released back into the public even though there has been no questions of their guilt at any time during their trial or subsequent appeals. These persons are being released back into the public even though there has been no question of their guilt * * * what to expect when he makes an arrest even though he may follow all the guide lines now established by the Supreme Court and safeguard as completely as possible all of the rights of the accused person. The Supreme Court may, while that person is waiting trial, render a new decision that makes that officer's actions at the time of arrest inadequate.

At a time when crime is increasing more rapidly than ever and at a time when we are trying to attract more police applicants with a college education, these decisions make our work just that much harder. No well educated man is going to enter into the police service bearing the handicaps of low pay, poor working conditions and in addition to that the extreme restrictions under which they are now expected to operate as established by the Supreme Court.

It is certainly my feeling that any legislation that would tend to narrow some of the operations of the U.S. Supreme Court or to strengthen in any way the position of the police officers in criminal matters would be invaluable.

I would like to enclose a copy of the forms we must use within my county in Oregon when we begin to question a suspect or a person arrested for any reason. I only ask if you believe that anyone in his right mind would agree to answer any questions after having had these forms read to him, after reading the forms himself and then after signing the forms in all of the different required places.

I certainly agree that there must be restrictions in the law to protect fully the rights of all persons, but I do believe that under present circumstances and within the near future it is going to be necessary to introduce legislation to protect more fully the rights of the victims of these criminals that are now being returned to society.

Very truly yours,

HUGH H. WILKINSON,
Chief of Police.

We are police officers. We wish to talk to you about a crime. *These are your constitutional rights.* Read them carefully. You will be asked if you understand them. You will be given a copy to keep.

1. You have the right to remain *silent*. You do not have to say anything, write any statement or answer any questions.

2. Anything you say and any statement you write can be *used against you in court* to prove that you have committed a crime. *This is true even if you are a minor.*

3. You have the right to a *lawyer*. If you don't have the money to hire one, the court will appoint one for you free of charge. You can see a lawyer, hired or appointed, before you make up your mind whether you want to talk to us. If you do choose to talk to us, the lawyer can be present with you.

4. Any conversation with us is under your control. If you choose to talk to us, you can answer some questions, not answer others, and end the conversation whenever you wish.

I have had the above read to me.

I have read the above and *understand* what my constitutional rights are. I have received a copy of this paper.

Mark or Signature ------------------------
Date & Time ------------------------
Witness ------------------------
Witness ------------------------
------------------------ has told me that he/she cannot read.

I certify that I have accurately read and explained the above to him/her prior to the affixation of his/her signature or mark.

Witness ------------------------
Date & Time ------------------------

1. I know that I don't have to talk to the police and that if I do, whatever I say and whatever statement I write may be used against me to prove that I have committed a crime—but I want to talk to them anyway.

Signature ------------------------
Date & Time ------------------------
Witness ------------------------
Witness ------------------------

2. I do not want to see a lawyer before I talk to the police, nor do I want one present while I talk to them.

Signature ------------------------
Date & Time ------------------------
Witness ------------------------
Witness ------------------------
------------------------ has told me that he/she cannot read.

I certify that I have accurately read and explained the above to him/her prior to the affixation of his/her signature or mark.

Witness ------------------------
Date & Time ------------------------

I am about to make a written statement or to have one written for me by a police officer at my direction. I have not been threatened or coerced in any way to make this statement. No one has indicated in any manner that I will get off or receive light treatment if I make this statement; nor has anyone told me that I will get special treatment of any kind for making this statement.

I have read the above and it is true:

I have had the above read to me and it is true:

Date & Time ------------------------
Mark or Signature ------------------------
Witness ------------------------

The following is true to the best of my knowledge:

Mark or Signature ------------------------
Date & Time ------------------------
Witness ------------------------
Witness ------------------------

OCALA, FLA.,
March 6, 1967.

Re: Psychology.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SIR: The hearing will be followed with much interest by the public. Your committees command much respect.

Time will not permit me to elaborate at length, so I will confine my remarks to the Miranda Decision, and in brief:

Miranda, in all of its aspects, if followed to the letter of intent, will have the effect of stripping the Police Service of its most effective tool. (Psychological Inquiry).

Interrogations are responsible for the successful conclusion of crime investigation. Contrary to what has been said, interrogation plays an important roll in every police operation.

In the Miranda Decision, it was pointed out that the illiterate and uneducated would be the most helped by the decision.

This is not quite the situation. Such persons, along with the first offender, are usually anxious to clear the conscience by revealing their guilt.

The professional criminal is quick to exercize his right of silence, but was vulnerable to reasonable police inquiry.

I feel sure that our records will verify these statements, based on 30 years of experience, 14 years in the rank, 16 years as Chief of Police.

K. C. ALVAREZ,
Chief of Police.

MARIPOSA, CALIF.
March 1, 1967.

Hon. JOHN MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: Mr. Quinn Tamm, Executive Director, IACP, has informed me that you are considering changes that will redirect the effects of the Miranda decision and others like it, to a more sane approach toward criminal justice throughout the United States, and presently seek whatever evidence or testimony that will assist your committee toward that end.

May I suggest that your committe initiate the ratification of an amendment to the U.S. Constitution that will include proce-

It is felt that the recent Supreme Court decisions in many cases, have rendered the police ineffective in dealing with problems confronting them daily.

It is quite obvious that many local crimes such as aggravated assaults, vehicle taking, purse snatching, strong arm robbery, rapes and burglaries, will go unsolved unless the suspected perpetrators can be questioned concerning these matters.

It is further believed that a cruel hoax is being played upon the local police of the nation, by permitting many youths to engage and continue to engage in criminal activities until "court room" evidence can be gathered for successful prosecution.

We appeal to you, Senator, to continue your efforts in this direction, and bring to an end the chaotic and demoralizing conditions, which exist in every police station of the nation.

Very truly yours,
LAKE COUNTY LAW ENFORCEMENT
COUNCIL, MILLIARD T. MATTHEWS,
Secretary.

CARMEL POLICE DEPARTMENT,
Carmel-by-the-Sea, Calif.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Law and Procedures, Washington, D.C.

HON. JOHN L. MCCLELLAN: Referring to the recent memorandum from the International Association of Chiefs of Police, Inc., concerning your remarks before the Senate and the scheduled hearings before the Subcommittee on Criminal Laws and Procedures.

You have my whole-hearted support. It is gratifying to know that positive action is being taken at the Legislative level on behalf of Law Enforcement.

It behooves Law Enforcement to improve and refine their investigative ability. Law enforcement should not try to hide behind permissive legislation. But, if the present dangerous trend of Supreme Court decisions is not stopped, and if possible, reversed, Law Enforcement will be dealt a crippling blow from which it may never recover.

Again, May I express my whole-hearted support.

Yours very truly,
CLYDE P. KLAUMANN,
Chief of Police.

TOWN OF TAZEWELL,
Tazewell, Va., February 23, 1967.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Washington, D.C.

Hon. JOHN L. MCCLELLAN: In regards to the recent Supreme Court decision in the *Miranda* case:

I'm very much impressed with your decision of bringing up this hearing by U.S. Senate Subcommittee on Criminal Laws and Procedure, March 7, 8 and 9, regarding U.S. Supreme Court decisions affecting local law enforcement. I think this is the best news I've heard since this decision of the *Miranda* case was handed down.

This decision has handcuffed Police Officers throughout the U.S., in fulfilling their obligations to the citizens in protecting their property, rights and person against lawlessness which has become the number one topic in society today.

May the Lord smile on you as I am. May you have the best of luck in your decision.

Sincerely yours,
R. G. HAGY,
Chief of Police.

CITY OF LONG BEACH,
DEPARTMENT OF POLICE,
Long Beach, Calif., March 3, 1967.

Senator JOHN L. MCCLELLAN,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In reply to your letter of February 21st I am happy to enclose a statement in support of bills S. 674 and S. 675 which you sponsored. By nature I am not a verbose individual, but on subjects about which I harbor strong feelings it is difficult to contain myself, although I did try to keep the statement within reasonable bounds.

It was most pleasant hearing from you, Sir. Writing to you has been my first experience of this nature, and while I am not a resident of your state, nor a member of your political party, I have long been one of your admirers and felt impelled to contact you. This has helped convince me that people should take a more direct interest in their elected representatives in the halls of government at all levels, other than faithfully exercising my franchise at the polls.

I am taking the liberty of enclosing two clippings from the Los Angeles Times, one by an editorial page writer and the other a news item regarding some pending legislation on a state level at Sacramento, which you may find interesting. While not in agreement with all the opinions expressed in the editorial article, I do heartily concur with those of new Los Angeles Police Chief Thomas Reddin on the role of the police, and those propounded by Dean Lohman of the School of Criminology, University of California, Berkeley. As to the news item about seeking state funds to increase police pay—this may be construed as very liberal and idealistic by many, but in my opinion is a far-reaching proposal with merit. While my career as a law enforcement officer may be over before these proposals are enacted into law, the need here and now. Law enforcement is striving for professional status and how better can educated and dedicated men and women be recruited into our ranks by upgrading of salaries and raising of standards?

With best wishes for continued success and well-being, I am

Sincerely yours,
J. M. BLACK,
Captain, Detective Division.

CITY OF LONG BEACH,
DEPARTMENT OF POLICE,
Long Beach, Calif., March 3, 1967.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

GENTLEMEN: Speaking as a long time law enforcement officer, I wish to state that I am heartily in favor of S. 674, a bill with respect to the admissibility in evidence of confessions in criminal cases; and of S. 675, a bill which would outlaw all wiretapping except in cases involving the national security and in investigations of organized crime by law enforcement officers, under proper court supervision. America needs legislation such as this, and more, in this era of space age crime, to remove some of the shackles binding law enforcement in the proper performance of its duties.

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My career in law enforcement spans a period of 28½ years on a police department which has grown to employ 780 personnel, in a city of 375,000, and the second largest city in the great megalopolic that make up Los Angeles County, California. In progressing through the ranks via promotion examinations my experience has covered the many facets of a police officer, service, both in supervisory and administrative capacities, and for the past six years I have served as Captain of Detectives, with 78 personnel in my division.

With the foregoing in mind, I feel qualified to express my opinions on this pending legislation, and wish to commend Senator John L. McClellan for the firm stand he has taken in this regard. Obviously, much thought and consideration went into the preparation of bills S. 674 and S. 675, and merit no amending or changing on my part.

Yours very truly,
J. M. BLACK,
Captain, Detective Division.

POLICE DEPARTMENT,
Long Beach, Calif., January 30, 1967.

Senator JOHN L. MCCLELLAN,
United States Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: As a U.S. citizen and resident of the state of California I wish to commend you for the forthright stand you have chosen to take regarding the crime situation in this country of ours. It will take concerted effort on the part of national leaders such as yourself to awaken the American public from the apathy afflicting it, before it is too late.

For the past 28½ years I have been engaged in law enforcement work, and can readily see, as you do, the losing battle being fought by police and prosecutor alike. Granted that there have been abuses by law enforcement in the past and some court decisions were necessary to correct them, but by the same token, a balance should be struck between the rights of society and those of the accused—something which is sadly lacking now. It seems as long as we have a 5–4 ultra liberal majority on the U.S. Supreme Court that the pendulum will continue to swing away from that necessary balance. I cannot find it within myself to believe that our founding fathers who wrote our Constitution would ever condone some of the interpretations put upon its passages.

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With the strong voice you exert in the Senate and the Congress, Senator McClellan, I feel sure that definite progress will be made, and hope and pray that right thinking people in this country will rally 'round you and others like you.

With best wishes for your good health and well being, I remain,

Yours very truly,
JOHN M. BLACK,
Captain of Detectives.

POLICE DEPARTMENT,
Huntington, W. Va., March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SIR: Law abiding citizens have every right to be concerned over the rapid rise in the crime rate. Each day there is an increase in the citizen's chance of becoming a victim of crime. Even if they are not involved they are exposed to the higher cost of crime, inadequate police protection, lessening of their personal liberties, and the ever present fear for their life and property.

The plight of the law enforcement officer whose duty it is to protect life and property is becoming more and more difficult. The law enforcement effectiveness is being curtailed by some recent U.S. Supreme Court rulings.

The citizens in many parts of the United States are now paying because of some of the recent Supreme Court rulings that seem to serve the purpose of throwing protection around the criminal. Those who think that the police officer can cope with crime under these conditions should try to question a criminal. The police depend a great deal on their ability to interview and interrogate. Approximately seventy per cent (70%) of the major crimes are solved by interviews and confessions.

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Sincerely,

G. H. KLEINKNECHT,
Chief of Police.
By Sgt. SAM WATKINS,
Commander, Investigators Unit.

TIGARD, OREG., *March 3, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to take this opportunity to express some of my views on the current recent actions of the U.S. Supreme Court. I feel as I believe do most police officers, that the Supreme Court is going far beyond the bounds within which it was intended to operate as established originally.

It has always been my understanding that there were 3 distinct divisions within our field, those being, legislative, judicial and enforcement. Under present conditions it certainly appears to me that the Supreme Court has gone far beyond the bounds of judicial restraint and that its decisions in recent times have been and are being accepted as legislation.

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There is no question that the recent decisions handed down by the Supreme Court have made our work much more difficult. Confessions are almost a thing of the past on major crimes today. Too many admitted criminals are now being released back into the public even though there has been no questions of their guilt at any time during their trial or subsequent appeals. These persons are being released back into the public even though there has been no question of their guilt * * * what to expect when he makes an arrest even though he may follow all the guide lines now established by the Supreme Court and safeguard as completely as possible all of the rights of the accused person. The Supreme Court may, while that person is waiting trial, render a new decision that makes that officer's actions at the time of arrest inadequate.

At a time when crime is increasing more rapidly than ever and at a time when we are trying to attract more police applicants with a college education, these decisions make our work just that much harder. No well educated man is going to enter into the police service bearing the handicaps of low pay, poor working conditions and in addition to that the extreme restrictions under which they are now expected to operate as established by the Supreme Court.

It is certainly my feeling that any legislation that would tend to narrow some of the operations of the U.S. Supreme Court or to strengthen in any way the position of the police officers in criminal matters would be invaluable.

I would like to enclose a copy of the forms we must use within my county in Oregon when we begin to question a suspect or a person arrested for any reason. I only ask if you believe that anyone in his right mind would agree to answer any questions after having had these forms read to him, after reading the forms himself and then after signing the forms in all of the different required places.

I certainly agree that there must be restrictions in the law to protect fully the rights of all persons, but I do believe that under present circumstances and within the near future it is going to be necessary to introduce legislation to protect more fully the rights of the victims of these criminals that are now being returned to society.

Very truly yours,

HUGH H. WILKINSON,
Chief of Police.

We are police officers. We wish to talk to you about a crime. *These are your constitutional rights.* Read them carefully. You will be asked if you understand them. You will be given a copy to keep.

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2. Anything you say and any statement you write can be *used against you in court* to prove that you have committed a crime. *This is true even if you are a minor.*

3. You have the right to a *lawyer*. If you don't have the money to hire one, the court will appoint one for you free of charge. You can see a lawyer, hired or appointed, before you make up your mind whether you want to talk to us. If you do choose to talk to us, the lawyer can be present with you.

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Mark or Signature ----------------------------
Date & Time ----------------------------
Witness ----------------------------
Witness ----------------------------
---------------------------------- has told me that he/she cannot read.

I certify that I have accurately read and explained the above to him/her prior to the affixation of his/her signature or mark.

.----------------------------------
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Date & Time ----------------------------

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Date & Time ----------------------------
Witness ----------------------------
Witness ----------------------------

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I have had the above read to me and it is true:

Date & Time ----------------------------
Mark or Signature ----------------------------
Witness ----------------------------

The following is true to the best of my knowledge:

Mark or Signature ----------------------------
Date & Time ----------------------------
Witness ----------------------------
Witness ----------------------------

OCALA, FLA.,
March 6, 1967.

Re: Psychology.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SIR: The hearing will be followed with much interest by the public. Your committees command much respect.

Time will not permit me to elaborate at length, so I will confine my remarks to the Miranda Decision, and in brief:

Miranda, in all of its aspects, if followed to the letter of intent, will have the effect of stripping the Police Service of its most effective tool. (Psychological Inquiry).

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I feel sure that our records will verify these statements, based on 30 years of experience, 14 years in the rank, 16 years as Chief of Police.

K. C. ALVAREZ,
Chief of Police.

MARIPOSA, CALIF.
March 1, 1967.

Hon. JOHN MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: Mr. Quinn Tamm, Executive Director, IACP, has informed me that you are considering changes that will redirect the effects of the Miranda decision and others like it, to a more sane approach toward criminal justice throughout the United States, and presently seek whatever evidence or testimony that will assist your committee toward that end.

May I suggest that your committe initiate the ratification of an amendment to the U.S. Constitution that will include procedures along the lines of those parts of the California Constitution that read:

Art. I, Sec. 3, California Const.: "in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be considered by the court or the jury" (Nov. 6, 1934).

Art. VI, Sec. 4½, California Const.: "No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any errors to any matter of pleading, or for any error as to any matter of procedure, unless after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice" (adopted November 3, 1914).

Note: Art. I, Sec. 13, as quoted above was decided violative of the Fifth Amendment by the U.S. Supreme Court in *Griffin* v. *California* as made applicable by the Fourteenth in *Malloy* v. *Hogan*, 378 U.S. 1 Pp. 610–615.

I suggest an amendment to the U.S. Constitution because the current line of decisions by the U.S. Supreme Court is contrary to what has long been thought to be an accurate interpretation of the Bill of Rights, namely that the Bill of Rights applied to the United States, and that the exercise of police power rested exclusively with the several States.

That thinking is found in the Federalist Papers. Obviously, Madison and Hamilton were familiar with the tradition that the English Parliament legislated and the English courts decided, it being unthinkable that the English courts would decide an Act of Parliament as unconstitutional, so "Congress shall make no law" as we find that quote in the Bill of Rights applied to the United States government.

Now, as matters stand, the Tenth Amendment is a dead thing, and if the present tendency of the U.S. Supreme Court continues, the several States will soon be mere administrative districts of the United States, contrary to the original concept of those who wrote the U.S. Constitution.

Since the U.S. Supreme Court regularly undertakes to decide Acts of Congress as unconstitutional, I hope for an amendment to the U.S. Constitution that will stay the hand of that court in matters of criminal law that are as just as our compatriots can make them, just to see how ingenious the U.S. Supreme Court can be in an effort to declare such an amendment unconstitutional.

May every success attend your efforts in this matter.

Cordially,
Arthur C. Hohmann,
Deputy Chief of Police,
Los Angeles Police Department (*Retired*).

City of San Buenaventura,
Ventura, Calif., March 3, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Sir: I am writing in support of your efforts to broaden the admissibility of evidence in court cases where confessions are considered. Recognizing that you have limited time to read communications such as this, I will briefly state the following:

(1) I recognize the need to have courts conduct an intensive search for truth in considering the merit of evidence to be allowed in a particular court case. However, the trial of a given matter and the attendant search for the truth should not be so technical that obviously valuable evidence is excluded from consideration by those seeking the truth in a disputed case.

(2) The attached newspaper clipping is typical evidence of the damage that is being done by an over-technical approach to the law at the expense of the search for truth.

I wholeheartedly endorse your efforts to increase the protection afforded citizens by updating our laws.

Sincerely yours,
David Patrick Geary,
Chief of Police.

Oklahoma City Police Department,
Oklahoma City, Okla., February 28, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: I join with, I am certain, the overwhelming majority of law enforcement officers in wishing success for your efforts to improve the condition under which officers must operate. While there is an abundance of groups and individuals arguing the cause of the criminal, there is a dearth of such advocates on the side of law and order.

For too many years, the psyche of social welfare has been allowed to supplant social responsibility and one of the results is reflected in a growth of lawlessness that threatens the roots of this nation in a way exceeding the wildest dreams of the international communist conspiracy. The most recent example of this philosophy was evidenced in the Miranda decision, but despite the notoriety of Miranda, it would be inaccurate to blame much of what is now history on that or indeed, any single ruling of the Court.

Too often, in fact *ordinarily*, the concern of society has been with protecting the rights of accused, including analyzing his subconscious, without regard for the rights of society or the victim of crime. If, as some say, the criminal is the produce of his environment, then what of the other and much larger public that is of this same environment but respects the law? Responsibility, or the absence thereof, is the difference between orderly and lawless society.

A second element appears in the recent decision of the Supreme Court: that is the obvious and announced intent to "control" the police. Repeated reference is made to the Wickersham Crime Report of the early 1930s as though law enforcement had not had enough sense to change one whit in over thirty years.

The Court has confused the understandable desire of the framers of this Constitution to escape oppression at the hands of a foreign king with the right of the housewife to escape assault in the parking lot of a supermarket.

Consider the "police" that were known to colonial times and imagine their effectiveness in any matter of more consequence that discovering a fire. The power was then and is now in the military establishment. The police are neither capable nor desirous of overthrowing the government. They are capable of enforcing the criminal laws but are not allowed to do so. The early distrust of the Crown has been transferred to the police operating in a field foreign to that which gave rise to the historical distrust. To this mania to control the police has been added the psyche of social welfare so that now a man is not even responsible for what he says, much less what he does, and especially so if he says he did it and can show that he is of humble origin or is a member of a minority.

The "blameless" philosophy is exemplified in the bit of doggerel by the unknown author who paraphrased the story of Tom the Piper's Son to show the current thinking of those who say the criminal is the misunderstood product of physiological trauma, as follows:

"The pig has hissed, but Tom was kissed
And sent to see a psychiatrist."

This sounds extreme and even silly, but really is this not the case when automobile owners are told that *they* are to blame for car thefts by virtue of leaving their vehicles unattended? Such thinking zeros in with deadly accuracy on the entire system of property rights as known in this nation. It is but a matter of degree to shift the blame for bank robbery to those wicked bankers who have all that money lying around . . . and besides, it's all insured so nobody really gets hurt!

The insurance is a story by itself. It has advanced to such a degree that it would come as no surprise if a professional thief's policy were placed on the market with low monthly premium, providing a policy to cushion the impact of arrest with its attendant inconvenience and expenses. (Ultimately, I suppose the "Company" would provide a substitute to serve the "insured's" time if all legal appeals failed.)

This department has noticed, as I am sure have others, a growing trend by victims of crime, especially national chain stores, to provide only sketchy details of crimes which appear to have their base in some sort of company policy related to the concept that whether solved or unsolved, the loss is insured and if solved, there could be repercussions in the form of law suit, producing of records, witness time away from the job, intimidation of witnesses, and other related phenomena. If the police feel that they are in some way being "used" it is because they know that the insurance companies uniformly require that crime be reported before a settlement can be made. We receive daily numerous reports of crimes that were discovered days and sometimes weeks earlier. The delay is explained by the victim when he reports that his company required that the incident be reported to the police. The age of insurance and irresponsibility seems to be upon and a part of us. There is hope though that a distinction can be made that will distinguish between asocial acts and anti-social acts.

Whether a man pay his bills, support his children, work for a living or not do these things should have no bearing on his personal responsibility if he decides to steal, rob, rape or murder. There is a difference between flunking school and stealing cars. There is a difference between assembly and petition and looting and burning. Illiteracy should not be confused with buglary. Surely, the United States of America and the several states have the ability and the sovereign right to make such distinctions that will prevent establishment, on an all-encompassing front, of a police state but will assure responsibility for those acts which have, since recorded time, been crimes. It is perfectly reasonable to set all sorts of technical rules around technical crimes. It is an absurdity to so surround crimes at common-law.

Sincerely yours,
Hilton Geer,
Chief of Police.

Division of Police,
Xenia, Ohio, March 3, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Honorable Sir: Thank you for your request asking for my views and suggestions regarding the decisions of the Supreme Court. Although many of the decisions of the Supreme Court have affected the Police Service, I doubt whether all of them collectively have caused an impact such as the Miranda decision.

It seems to me that the Supreme Court has attempted to right the wrongs of a few policemen by penalizing all of us. There is no denying that many citizens were denied their constitutional rights before we started to train our men; there is no denying that many policemen guarded the citizen's constitutional rights and obtained convictions through the practice of proper investigation techniques, thus giving society proper protection and service—these officers have been slapped down for doing a good job for the actions of a few.

It seems inconceivable that we, as police officers, are not allowed to question a suspect without the suspect's counsel present. Are we allowed to be present when the suspect confers with his attorney?

I do not advocate an unreasonable period of time for questioning, however, it seems that we should be allowed a sufficient period of time to question a suspect in proper surroundings, without interference from outside sources. Proper questioning will many times eliminate suspicions from a subject completely. Proper questioning will many times solve a case in a very short time. Thus, with proper questioning, under proper conditions, without interference or outside influences, we would be able to serve the citizens of our City in the manner they demand.

How are crimes to be solved when the required evidence is non existent?

We are not asking for complete freedom in our investigations; we are asking for realistic procedures that we can follow with the knowledge that our properly conducted investigations will be accepted and not thrown out of court by a technicality.

Yours very truly,

Harold W. Miller,
Chief of Police.

Department of Police,
San Clemente, Calif., March 1, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: I have been informed of your introduction of Senate Bill 674 seeking to amend Title 18 of the United States Code.

May I join the thousands of other law enforcement officers in this country in giving you every possible support in this endeavor. We feel strongly that Supreme Court decisions in the area of Escobedo, Miranda, and other unnecessarily restrict the best efforts of law enforcement nationwide.

For your information, I am also writing to the Senate representatives from California.

Sincerely yours,

Clifford G. Murray,
Chief of Police.

Department of Police,
Antioch, Calif., March 1, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Sir: May I take this brief moment to express my appreciation to you and your committee for the sincere efforts and expenditures of so much time and energy in behalf of the community welfare and promotion of better law enforcement for this nation. I would heartily encourage you not to become dispaired in the face of so many vociferous defenders of criminal liberties. As usual, those who are in favor of and desire quiet justice do not often speak loudly until pushed over the brink of disaster.

Now we are being faced with imminent disaster unless the courts recognize the predominant desire of a human being to issue confession to clear his own mind. I believe the original intention of the courts were to insure justice to all parties and to seek the truth. Unless the truth in total evaluation and merit is accepted and acknowledged by the courts, our form of freedom for the pursuit of happiness for the law abiding citizen will perish.

Yours very truly,

E. A. Carlson,
Chief of Police.

State of Rhode Island and Providence Plantations, Division of State Police,
North Scituate, R.I., February 23, 1967.
Hon. John L. McClellan,
Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: I have just received a communique from Mr. Quinn Tamm, Executive Director of the IACP, regarding your Senate Subcommittee on Criminal Laws and Procedures, which is scheduled to begin hearings on March 7, 8, and 9, 1967, concerning U.S. Supreme Court decisions affecting local law enforcement.

It is indeed gratifying to know that such an outstanding and respected legislature as yourself, is interested in the law enforcement officer's plight to rectify the recent Court decisions.

I want to compliment you and the members of your committee on this undertaking, and you may be assured that I stand willing to do whatever I can to assist you in this endeavor.

I have instructed the members of my staff to conduct a survey of all of our recent cases which have been affected by these decisions, and the report is to be forwarded to you prior to March 3, 1967.

As Chairman of the New England State Police Administrators, I am also bringing this correspondence to each Administrator's attention so that we may, as a body, go on record as supporting your committee.

Assuring you of my desire to cooperate at all times in matters of mutual interest, I am

Respectfully yours,

Walter E. Stone,
Colonel, Superintendent.

City of Hermiston,
Hermiston, Oreg., February 28, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Sir: As a Chief of Police I can attest to the effect on law enforcement of the late U.S. Supreme Court in general, and the Miranda Decision in particular.

I would certainly support any review of these late findings of the U.S. Supreme Court.

The releasing of confirmed criminals is much more of a threat than any crimes which these individuals could commit. It has already done serious damage to any deterrent effect the punishment of criminals might have had.

I will not join with those who are blindly criticizing the U.S. Supreme Court. I have too much respect for our judicial system. Neither do I share the panic shown by some over the direct effect these rulings have had on integration and other standard police procedures and techniques.

The thing that frightens me is, I feel that the U.S. Supreme Court has more support from the American citizen than anyone dares admit. I welcome and support any and every objective inquiry, study or appraisal of these rulings in question. I feel strongly that such inquiries, studies or appraisals should be as public as possible.

We are faced with much more than the reckoning with the illogical pursuit of a five member—one man majority court. We must contend with the illogical pursuit of many American citizens who can see the need for good effective law enforcement only when they themselves are the victims of some criminal act.

I am certain that adjustments at the U.S. Supreme Court level will help with immediate problems of law enforcement as it relates to daily public protection. However, I am just as certain that in the long run, without a basic change in trust of the average American citizen toward local law enforcement, adjustments on the Supreme Court level will serve only to pacify the situation.

I see more future with the programs aimed at directly upgrading local law enforcement. You can not demand respect by a court ruling, you must gain it. Hopefully, these programs will assist local law enforcement to a new level. A level of respect and trust by the American citizen. Until such time that a policeman is looked upon in the same light as a doctor, a lawyer or a teacher, I am afraid that our present day situation will continue.

Respectfully,

James Pollard,
Chief of Police.

Department of Police,
Beverly Hills, Calif., March 1, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator: Wish to commend you for your efforts in trying to restore commonsense and reason in Court actions regarding criminals. It is, indeed, disturbing for Law Enforcement Officers to see guilty persons released on minor technicalities.

Despite the criticism of Law Enforcement Officers, they are doing their best under extreme handicaps, and criminal statistics show that crime is increasing much faster than the population and in the average metropolitan cities, persons do not attempt to walk on the street at night time. No one seems to be concerned about the rights of law abiding citizens and some reasonable laws will have to be made to allow Police Officers to interrogate suspects and a reasonable time limit placed on keeping suspects in custody.

When a person wilfully violates the laws of the nation or the states, he certainly is not entitled to a protective cloth during this period of time. I am certain that our founding fathers never intended it that way. They are entitled to the due process of law and in impartial trial but the constitution was never intended to be used by unscrupulous lawyers to inject suspicion or accusations in order to cover up the guilt of the defendant.

Wishing you success in your program, I remain

Sincerely,

Chief C. H. Anderson,
Past President,
California Police Chiefs' Association.

Austin, Tex.,
March 3, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Senator McClellan: The following information is respectfully submitted in response to your request that the members of the International Association of Chiefs of Police state their views concerning the effect of recent Supreme Court rulings such as Miranda v. Arizona on their efforts to effectively enforce the criminal statutes in their respective communities.

Your introduction of S. 674 to amend Title 18, USC with respect to the admissibility in evidence of confessions strikes at the very heart of the major problem of all law enforcement agencies in protecting the life and property of their citizens.

May I direct your attention to my letter to you of December 17, 1965 which was in response to your inquiry of December 3, 1965 concerning the bill that you had pending in the Senate at that time, S. 2578, Standardizing the Admissibility of Voluntary Confessions? At that time I mentioned that our Texas Legislature, just six months prior to that date had enacted a new Code of Criminal Procedure. This new Code, under Article 15.17, established the requirement that before any arrested person could be questioned by an officer he must be taken "immediately" before a magistrate who would warn him of his rights to an attorney and, in fact, if he had no attorney one would be appointed for him without charge.

An amendment to this statute is now pending in the current session of our Legislature which will emphasize even further the advisability of such person having an attorney appointed for him before he discloses information of any kind to a police officer. As a matter of fact, we are today experiencing difficulties with court appointed attorneys who endeavor to refuse to even allow their clients to be properly identified and booked before obtaining their release on bond.

Such statutes and amendments are sponsored by members of our legislature who specialized in the practice of criminal law. Many of these parties have openly admitted that they are anticipating future rulings of the Supreme Court and purposely intend that our State statutes in these matters shall extend beyond the requirements now contained in the Federal Rules of Criminal Procedure.

I am sure that you are already well aware that, in the State of Texas only the written confessions of a defendant are admissible in evidence against him. No oral statements are admissible unless made in the presence of a magistrate and are properly recorded and witnessed.

The instances where criminals are now walking the streets as free men after having committed the crime of murder without witnesses exist in virtually every section of the Nation. In all of these cases the only available evidence against them would be their confession if it would be admissible under our existing rules of evidence.

Crimes of this nature are relatively insignificant, however, when we consider the restrictive effect of these rules of evidence on various other types of crime which effect a much larger segment of our citizenry. I refer to the crimes of theft and burglary.

It has always one of the most basic principles of police procedure to endeaver to clear up as many of these crimes as possible by interrogation of the arrested person and, particularly, to recover the stolen property and return it to its rightful owners. Further, this practice has had a salutary effect on the potential rehabilitation of the criminal by enabling him to confess all of his crimes and plead guilty to only one of the many offenses he has committed.

Under our present system, however, only a very strong-willed person can withstand the repeated warnings and urgings of a magistrate to not disclose any information to the arresting officer until an attorney has been appointed to represent him. It goes without saying, of course, that no attorney worth his salt will permit his client to make any admissions whatever to a police officer.

Further, it is a well accepted fact throughout our Nation that all of our law enforcement agencies are woefully undermanned. In the past when it has been possible to obtain clearance of a large number of offenses of this type the amount of time spent on continuing investigations of the unsolved cases has been materially reduced. Today, this is no longer the case.

May I cite, for your consideration, the following factual comparison offenses of this type taken from the records my department, both prior and subsequent to the Escobedo and Miranda rulings:

	Offenses	Offenses cleared	Percentage	Property losses	Property recovered	Percentage
Larceny, all grades:						
1963	4,653	1,061	22.8	$102,084	$23,461	23.0
1964	5,453	1,110	20.4	112,060	27,479	24.5
1965	5,830	1,121	19.2	119,529	20,985	17.6
1966	6,640	1,085	16.3	176,323	30,210	17.1
Burglaries:						
1963	1,519	482	31.7	51,730	12,745	24.6
1964	1,904	503	26.4	79,868	17,227	21.5
1965	1,860	370	19.8	97,971	15,644	15.9
1966	2,564	404	15.7	119,247	15,784	13.2

I think these figures tell the story much more effectively than I could state it in words. The number of offenses and property losses have constantly increased, since the advent of the Supreme Court Rulings and the restrictive measures passed by our Texas Legislature, based upon those rulings. In contrast, the percentage of cases solved and property recovered has consistently declined.

Our professional criminals are well aware of these court rulings and laws which pertain to their alleged rights and govern the manner in which their cases must be handled by the arresting officers. In fact, it is common practice to have these persons, following their arrest, quote the law and remind the officer of his limitations when he attempts to interrogate them and clear up the offenses which they have committed.

As contrasted to these adult, professional criminals there is however, another group which is a matter of grave concern to me, my associates in the law enforcement profession and the adult law-abiding citizens of our community.

This concerns the youthful offenders who have, thus far, been guilty of only petty thefts of automobile hub-caps, parts and occasionally automobiles which have been taken merely for a "joy-ride".

In the past when these youngsters were apprehended it was not usually too difficult to nip a budding career of crime in the bud through a quick moving investigation by the officers assigned to our Juvenile Bureau. Immediately following their arrest these boys could be readily interviewed at which time they would admit their guilt, identify other youths who were also involved and, finally, assist in the recovery of the stolen property.

In such instances, these boys were placed under closer supervision by their parents and made aware of the seriousness of their acts through our local courts and juvenile correctional facilities.

Today, however, after having been admonished by the magistrate concerning their rights and the offer of a court appointed attorney it is relatively rare that these procedures are possible. Their attorney will almost invariably instruct them to furnish no information whatsoever to the officers. As a consequence, any punitive action against them for their offenses is seldom possible.

Their associates in these offenses, being unidentified, are then enabled to continue their criminal activities until they gradually become involved in crimes of a more serious nature. By that time the possibilities of rehabilitation are relatively remote and, in the meantime, the crime problem in the community continues to increase in volume and magnitude.

In referring to the rulings of the Supreme Court in recent years I have been concerned with the fact that in virtually every decision which has, in effect, interpreted the Constitutional rights of the criminal the decision has been by a five to four majority. In virtually all of such rulings the court has completely reversed its position of long standing on such matters.

I am totally unable to reconcile this situation wherein one member of the court is able, in effect, to amend our Constitution by his interpretation on these questions whereas the Constitution itself can be amended only through ratification by three-fourths of the States in the Union.

I sincerely hope that these observations may be of some value to you in your splendid effort to aid the law-abiding citizens of our Nation through your support of their duly constituted law enforcement agencies. You may be assured that I shall deem it a privilege to provide any assistance possible to assist you in obtaining passage of this vitally important legislation.

Respectfully

R. A. MILES,
Chief of Police.

PROVIDENCE POLICE DEPARTMENT,
Providence, R.I., March 3, 1967.

HON. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedure, Washington, D.C.

DEAR SENATOR MCCLELLAN: In complying with the request of the I.A.C.P. in its recent memorandum concerning the forthcoming hearings before your committee regarding the adverse effect U.S. Supreme Court decisions are having on efficient law enforcement, I consider it high privilege to offer you my views on this subject which are in support of S. 674, the bill by which you seek to amend the law with respect to the admissibility in evidence of confessions.

As you well know, the members of any profession or occupation responsible for the discharge of specific duties are very often biased in their point of view on matters which have a direct effect on their profession. I think that all of us in the police profession will have to admit that within certain extended limits there exists a conservative viewpoint which is somewhat characteristic of policemen and which we feel we must have in order to carry out our responsibilities.

Basically it is the duty of every law enforcement officer to administer the enforcement of law and to protect the public from law violators. Therefore, in a strict sense only those factors which either add or detract from this objective, directly or indirectly, are of legitimate concern to police officers. It is with this presupposition that I agree with the I.A.C.P. which feels that policemen ought to have the chance to express their views concerning this vital matter.

I am in complete favor with the provision of S. 674. I think that everyone needs to show more concern about the rising crime rate and the importance of the role of the police in maintaining social order in this country. Unfortunately, not all citizens realize the threats that can accrue to the safety of their person and property if police authority continues to be cut back by judicial or legislative incursion of the police function.

Many police officers feel that they have been shorn of some of their essential authority by the impact of the *Miranda* decision. Policemen believe they face an enigma: What can be done about the public clamor for more effective police protection in the light of this decision of the Supreme Court, and at the same time observe the procedural safeguards favoring the accused? One federal judge unerringly pinpointed the present dilemma of the police when he said, "Pressures of society and of public opinion in one breadth demand that crime be promptly solved, and in the next seem to condemn any interrogation of suspects by the police."

In effect, to date, the majority opinions of the Supreme Court have placed emphatic weight upon the political ideals which hold in esteem human rights and human dignity. Please understand that, in my opinion, no policeman anywhere questions this ideology for these conceptualisms are held sacred by every good American. The problem today is their application to the work-a-day world of law enforcement.

It seems to me that what is needed now from the judiciary or legislature are rules of law making more clear the extensions and limitations of human freedom as they relate to the society of law enforcement. Such clarification is not only important for the police function, but also that of criminal courts. All levels of courts are faced with the problem of interpreting the "exclusionary rule" implication in relationship to extensions of the "right to counsel" represented in the *Escobedo* and *Miranda* decisions. Court justices and policemen are having to make hairline decisions in the absence of firm guidelines in the new rules as they exist now.

In their zeal to protect a defendant's constitutional guarantees in accordance with their measure of these rules, justices, particularly in the lowest municipal courts, are handing down decisions that are virtually crippling the traditional investigative procedures of the police. I'm sure you are familiar with some of these decisions in important cases throughout the country, and I shall not burden you with more of the same. However, I would like to single out two local cases of minor nature as examples of what is happening in the police field, and how frustrating it is for dedicated police officers to do their job.

Case history No. 1

A traffic officer of this department was dispatched to the scene of an accident at an intersection controlled by a traffic signal light. Arriving at the scene, the officer was met by the two motorists involved. One of the motorists immediately said to the policeman, "This fellow went through a red light and ran into me." Turning to the second motorist, the officer said simply "Is that so?", whereupon this motorist admitted that he had failed to stop at the red light.

When the case was presented in our municipal court the judge immediately dismissed the charge against the offending motorist on the grounds that the policeman failed to notify the defendant of his rights before he asked the question "Is that so?"

Incident No. 2

An off-duty officer of this department was operating his own private car along a local freeway during a heavy traffic period when he witnessed a car ahead of him side-swipe another vehicle and then continue on without stopping. This officer, together with the operator of the car that was struck, both obtained the registration number of the offending car but were unable to identify the operator who sped off. The registered owner of the car was subsequently notified by the police to have the person operating that car report to our traffic division. A short time later, the registered owner appeared at the police station with his attorney. He stated his name and address and then refused to give any other information or answer any questions.

Obviously, under these circumstances no action could be taken leading to the prosecution of the person responsible for this violation of the law.

I am enclosing a copy of a recent newspaper story which is self-explanatory and emphasizes the concern of other public officials in this community.

Very truly years,

HOWARD A. FRANKLIN,
Colonel, Chief of Police.

[From the Providence Journal, Feb. 24, 1967]

RULINGS ALARM CHAFEE, GOLDSTEIN

CRIME RULINGS ALARM CHAFEE, SAFETY CHIEF

The results of some cases decided on the basis of recent U.S. Supreme Court decisions were viewed with dismay yesterday by Governor Chafee and attacked vigorously by Harry Goldstein, Providence police commissioner.

Governor Chafee, during his press conference, said he shares what he called the public's "incredulousness" about recent acquittals of defendants whose confessions were disallowed on grounds they were obtained in violation of constitutional rights.

He was directing his comments specifically at a Rhode Island case involving an escapee from the Adult Correctional Institutions, and another in New York, where a man accused of stabbing his wife and five children to death was freed.

In both cases the defendants' confessions were thrown out. The judges ruled they had not been properly informed of their right to counsel.

"We are making this all-out attempt to stop crime and some of these decisions seem incredible," the governor said. Mr. Chafee, an attorney, said he is not challenging the judge's verdicts, if they are "based on the proper Supreme Court holding."

"But something is out of whack," he said.

Commissioner Goldstein debated the issue with Aram A. Arabian, a former public defender, before the Pawtucket Rotary Club.

Warning of "serious social consequences" unless the trend is reversed, Mr. Goldstein said thousands of cases in the lower courts have been thrown out because the court changed the rules.

The people "are not going to sit back and be inundated by escalating crime," he said.

"The court doesn't worry, but I have to worry about the impact on the community, and so do you," the top Providence law enforcement official said. The luncheon meeting was held in St. Paul's Parish house.

Mr. Arabian countered with the contention the court has only told police, "Do it the right way."

He said the court did not change the rules. It just defined the basic rights that have been in the Constitution since it was written, he said.

He predicted the day will come when no confessions will be admissible under any circumstances. He said new scientific ways of prosecuting crime will make confessions unnecessary.

Mr. Goldstein disagreed on both points.

"Those who talk of solving crimes scientifically haven't been inside a police station, and that includes most judges," he said.

Disputing the statement that the court has not changed the rules, he said, "These are rights created by the courts and nothing else." He said the Miranda decision should not have been retroactive.

Mr. Goldstein said it is becoming almost impossible to convict narcotics and gambling offenders. He said they "come down the corridor of the police station laughing" and making such remarks as, "Just keep your mouth shut and we'll be all right."

Referring to the New York man mentioned by Governor Chafee, Mr. Goldstein said, "As a result of a subsequent change in the rules a man who committed six murders was allowed to walk out free." He said there was no Supreme Court ruling at the time of the murders.

Mr. Goldstein said the man's lawyer attempted to reassure the people of New York by saying, "Don't worry. He's going back to Puerto Rico."

The real concern in the controversy should be the impact of crime upon the victims, Mr. Goldstein said.

Mr. Arabian had compared the role of the U.S. Supreme Court with that of an umpire at a baseball game.

"Without the umpire, it would be riot and chaos," he said. "It would be the same with our government."

Another former public defender, Leo Patrick McGowan, who was also at the meeting, said a defendant is outnumbered five to one by police who are "jabbing" him in the ribs at the police station. "It is the defendant's word against five policemen," he said later.

"I have found most policemen more reliable than many of the people you have defended," Commissioner Goldstein replied.

MEMORANDUM

FEBRUARY 28, 1967.

To: Peter J. Gannon, Chief, Bureau of Navigation.

From: William H. Fennecken, D/Chief, Marine Patrol.

Subject: Memorandum 2/21/67.

It is common knowledge today that a police officer's lot is not a happy one. Pressures from all sides, particularly in the field of civil rights and recent Supreme Court decisions has lowered the police image to below that of the local garbage collector. With the bombardment of his image, his morale has also tumbled. The average Cop today is a disgruntled individual, who is doing only what is necessary in the performance of his duties; to have a spark and be energetic is to look for trouble and further criticism.

The picture was not always thus. When I first entered the police field thirteen years ago, it was on the way to becoming an honorable profession. I can recall how proud I was when I first donned the uniform. Walking my post as the local symbol of justice, I felt more like a knight in shining armor, ready to protect the proverbial damsel in distress. No apprehension entered my mind. All peoples from all walks of life were treated with equal candor.

As a police officer, I soon learned that in Rome you do as the Romans do. As I gained experience I learned to size people up. Basic philosophy began to take hold. I found that all people desire to be treated as individuals, to be accepted for their own sake regardless of their position in life. Everyone wants to be understood and in their own way to be important. The wise guy had his underlying motive, the recidivist his.

Today the task of getting to the underlying motive has all but vanished. The police officer's approach to people has, by mandate, radically changed. The violator of public trust seeks no help because he expects none from the man in blue. The once human bond, the old avenue to justice is as cold as a weather front from Canada.

Recent Supreme Court decisions have heaped coals upon the relationship between the law enforcement officer and the accused. The policeman, must of necessity, change his entire outlook bringing into enforcement a different approach. An approach that is cold and calculating. For an officer with years of experience, this becomes a bitter pill to swallow and is not easily comprehended.

Most police officers today are disillusioned men, fighting frustration at every turn. Nothing to an officer can be more heartbreaking than to see weeks of work for naught, because of some court technicality. When the criminal is turned loose to ply again on the public, the officer wonders why he ever pinned a badge on in the first place.

Something must be done in the immediate future to restore the policeman to the symbol of old; the pillar of the community; respected as the protector of every citizen's rights, and a very present help in time of trouble.

WILLIAM H. FENNECKEN.

MEMORANDUM

FEBRUARY 28, 1967.

To: Peter J. Gannon, Chief, Bureau of Navigation.

From: Alvin M. Walsh, D/Chief, Marine Patrol, Dis. II.

Subject: Bureau Chief's memo of February 27, 1967, Re International Association of Chiefs of Police.

The undersigned officer feels very strongly about the recent Supreme Court decisions. However, in way of an opinion: Both the recent Escobedo and Miranda decisions were decided by the Supreme Court on 5–4 votes. In each case the minority justices accused the majority of writing laws, a function of our legislators as defined in the Constitution of the United States. It appears Chief Justice Warren is attempting to re-write all criminal laws.

Apparently the only way that law enforce-sidering the rights of the accused, have forgotten the rights of the victims. A case in point: Recently, in New York City, a factory worker who had admitted killing his wife and five small children was released from prison. His confession, the only evidence against him, was set aside "because he had not been informed of his rights" as outlined in the historic Supreme Court Decision under Miranda.

When this individual was released, Brooklyn District Attorney Aaron A. Koota made a comment with which I agree as, I am sure will most law enforcement officers. He said: "The United States Supreme Court has weighed the scales of justice heavily in favor of the criminal suspect. I am not a prophet, but the handwriting on the wall indicates a trend on the part of the court to outlaw all confessions made to police.

If and when that melancholy day comes, the death knell of effective criminal law enforcement will have been sounded.

Miranda has cut at the very foundations of law enforcement and of the legal system—by weakening the right of the police to search for the truth by oral questioning of a suspect before trial.

In Escobedo and Miranda the decisions state that a suspect can waive his rights to remain silent or waive his right to counsel. The waiver concept is and will continue to come under close scrutiny by lawyers and I doubt that law enforcement has heard the last of the criticism when an officer advises, in court, that the defendant waived his right to remain silent.

Further, some of the New Jersey Magistrates have added Miranda to both Motor Vehicle and Juvenile cases.

Last summer, Sgt. Newman at a juvenile court hearing was asked; even though he had previously stated questioning was conducted in the presence of the juveniles parents, whether the boys (aged 14 and 15; charged with Larceny), were apprized of their constitutional rights before they were questioned.

This officer would strongly recommend that our unit, the Marine Police, go on record as endorsing the stand of Senator McClellan and of the Sub Committee on Criminal Laws and Procedures and urge the passage of his legislation with respect to the admissibility in evidence of confessions.

Respectfully,

ALVIN M. WALSH,
D/Chief, Marine Patrol, Dist. II.

MEMORANDUM

FEBRUARY 28, 1967.

To: Mr. Peter J. Gannon, Chief, Bureau of Navigation.
From: Steven Zwarych, Jr., Dep. Chief, Marine Patrol.
Subject: Memorandum—I.A.C.P., Bureau Chief's Memo of 2/27/67.

With reference to the above subject, the following comments are submitted for your use in complying with the I.A.C.P. Memorandum.

At the present time, neither the Mapp's nor the Miranda decisions have affected the enforcement procedures of our Marine Patrol Organization.

To the writers knowledge, our authority to stop and board a vessel underway as outlined under 12:6–6, has never been challenged by any court of law. Should a vessel be docked or moored and the necessity to board arise, a proper search warrant would be obtained by one of our senior men after first clearing such action with the District Headquarters.

The Miranda decision would have no bearing on our normal accident investigation procedures with the recent decision of the New Jersey Superior Court in the case of "State v. Zucconi" bearing this out, stating that this Supreme Court decision, "did not apply because defendant was not under arrest, in custody, or otherwise deprived of his freedom when he made the admission."

By Departmental Policy all officers of the New Jersey Marine Patrol are restricted to the enforcement of our Boating Laws and Regulations with instructions that if any other violations or crimes are detected, they be turned over to the appropriate municipal, county or State authorities.

Should this policy change whereby their enforcement responsibilities would be expanded then potentially the Mapps and Miranda decision would directly hinder their capability as far as the investigation of larcenies, breaking and entries and death caused by boat.

Occasionally when an out of state boater or disorderly person is placed under arrest for transportation to a local court or police headquarters for the purpose of posting bond, the Miranda decision would affect questioning of the defendant until he was apprised of his rights; however, this should not pose any problem as a Deputy Attorney General could be obtained for any later court proceedings if the defendant is represented by counsel.

Respectfully submitted,

STEVEN ZWARYCH, Jr.,
Dep. Chief, Marine Patrol.

Attachment: Excerpt from Bulletin Letter 131, p. 2.

RECENT OPINION

(NOTE.—The following opinion, which will shortly appear in the advance sheets, is presently available, without cost, by writing to the Clerk of the Supreme Court, State House Annex, Trenton.)

State v. *Zucconi—N.J. Super.*—(App. Div., A–786–65, decided January 13, 1967.)

Defendant was convicted in the municipal court and in the county court after a trial de novo of careless driving (*R.S.* 39:4–97). Twelve days following the accident which led to the charge, the defendant was interviewed at the hospital by a State Trooper who was investigating the accident. The defendant stated he was driving the car and later in his home repeated his statement to the Trooper and signed a typed statement in the presence of members of his family. At the trial defendant testified another person, who died as a result of the accident, drove the car. Defendant's statement was admitted in evidence and he alleges this was error because he had no counsel when he made the admission; that he was not told that he had a right to counsel or offered one; and that he was not warned that what he said might be offered in evidence against him. The Appellate Division affirmed the conviction and held that *Miranda* v. *Arizona*, 384 *U.S.* 436, did not apply since the defendant was tried before the *Miranda* decision *and in any event it did not apply because defendant was not under arrest, in custody, or otherwise deprived of his freedom when he made the admission*. The court also held that *Escobedo* v. *Illinois*, 378 U.S. 478, did not apply because defendant was not in custody and did not ask for counsel.

The State additionally argued that, in any event, *Miranda and Escobedo* did not apply to motor vehicle violations. The Appellate Division held that in a prosecution for a *motor vehicle violation resulting in a fine Miranda does not apply*.

It is conceivable that a boating violation would be likened to a MV violation.

Very sincerely yours,

EDWARD MCCONNELL,
Administrative Director of the Courts.

FEBRUARY 9, 1967.

CITY OF CONCORD
OFFICE OF CHIEF OF POLICE,
March 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: I am in receipt of a memorandum from Mr. Quinn Tamm which announces the hearings which are to be held by your committee on March 7, 8, 9, 1967, regarding the United States Supreme Court Decisions Affecting Local Law Enforcement. I am pleased that your Honorable Committee is looking into this most serious matter for, in my opinion, law enforcement must get some relief if it is to be effective.

The present requirements which are imposed upon law enforcement by the Miranda Decision have created an impossible situation for law enforcement. The admonition which we must give to suspects in criminal matters is, in effect, a plea to the individual that he do nothing that would help the police in their investigation of the incident. If the suspect says, "I don't want to talk about it now", all questioning must immediately cease and I submit that this restriction goes too far to the detriment of society. This aspect of the Miranda Decision is crippling law enforcement.

We had an excellent example of the crippling effects of this rule only last week. This case involves a 19-year old California Youth Authority parolee who was accused of the statutory rape of a 14-year old girl. The girl alleges that this young man had relations with her on two separate occasions. There are no witnesses and there is no evidence. The suspect has stated that he does not wish to discuss the case with us and our officers are powerless to resolve the matter. Our officers feel that they could get enough information out of this individual to make a case if they could spend a short time discussing it with him, however, under Miranda, anything he might say to them would be inadmissible in a court of law.

I am not suggesting that the police be permitted to resort to the old third degree methods of yesterday, however, if we are to be able to do our jobs, we must be given the right to interrogate suspects concerning their involvement. Having informed a man that he has a right to remain silent and that anything he says may be used against him in a court of law, the police must be given the right to interrogate him whether he wants to talk to them or not and we must have the right to introduce what he had to say if the case goes to trial. I submit that local judges are competent, educated and fair. Let them weigh the facts after listening to both sides. The majority opinion in the Miranda Decision said that the police are suspect; I would hope that the judges in our lower courts are not. If they are, the real problem may lie with the Supreme Court?

Finally, the one man majority on the Supreme Court has developed a lot of "bad" law. It is bad in the sense that we cannot depend on it for it was decided on the basis of one vote. If only one justice out of the nine were to change his mind, the whole concept of criminal justice would change. It is my opinion that society would get a better break if a reversal in a criminal matter required a two-thirds majority of the Supreme Court. I wish you would give this suggestion some serious thought.

Please be assured of my support and cooperation in all matters of mutual interest.

Your very truly,

JAMES L. CHAMBERS,
Chief of Police.

POLICE DEPARTMENT,
Portola, Calif., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to take a few minutes of your time and discuss the problem of Supreme Court Decisions.

As a career police officer and a Chief of Police, I feel that the United States Supreme Court has committed a great injustice to law enforcement. It appears that their decisions with regard to Civil Liberties have gone beyond the scope of their limits. While we all believe in the civil right and liberties of mankind we do not believe that the court should pick up and blow up every small technicality.

As a Police Administrator, I do not object to good clean decisions which would affect the whole of the American people, but I strenuously object to the decisions which hamper law enforcement.

I have thought about these decisions with an open mind, trying to put myself in the place of the Justices and I still come up with the same answers.

Apparently the only way that law enforcement can make their position clear is to unite through men such as you, who are willing to take a stand, and who are willing to help law enforcement be the power, to protect life and property that it should be.

You can count on me and this department to support your views.

Respectfully yours,

R. A. HARRIS,
Chief of Police.

WESTPORT, CONN.,
POLICE DEPARTMENT
March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Fairfield County is a focal point for "House Breaks"; hundreds of homes have been broken into and thousands of dollars of belongings taken.

As Captain of Detectives and a veteran police officer, it is my opinion that certain decisions made by the Supreme Court have given the criminal an unwarranted "Supreme Court Robe of Protection."

Unless a perpetrator is apprehended in the commission of a crime it is almost impossible to convict him because of the Mapp and Miranda decisions. For example: an automobile is mobile; can be rented or have stolen marker plates; thus making it almost impossible to check it at a later date. A search warrant may be obtained hours later.

The Harlis Miller case was retried in the State of Connecticut because of the Mapp decision. The Grimes case (narcotics) requested two retrials because of the Miranda decision.

I have been a police officer since 1938; have attended many police schools, including the F.B.I. National Academy and the New York Police Academy; and because of my experience and training, I know what a great help your bill can be to law enforcement and the honest public. I hope, therefore, that your amendment will be passed.

Sincerely,

LOUIS D. ROSENAU,
Captain of Police.

CITY OF DAYTON, OHIO,
DEPARTMENT OF PUBLIC SAFETY,
March 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: In reply to your Memorandum to the International Association of Chiefs of Police, Incorporated, the following information is submitted:

Miranda has produced two definite problems in law enforcement. In the first instance, the day of the suspect admitting his criminal action is almost gone. At the completion of the warning as prescribed by the Decision, the suspect, finding that an attorney will be furnished, immediately will request one. At this point all questioning must cease and we can only await the arrival of the attorney and the inevitable, "Don't tell the police anything." We all realize that there are cases where no physical evidence exists and the only solution is by an admission.

Our hands were tied recently in a Shooting to Kill case. The complainant was taken to the hospital and placed in intensive care. (No questioning possible.) The only witness was fleeing and not in custody. The suspect demanded an attorney and was advised by him to say nothing. The attorney also demanded that we file an affidavit on the man or release him immediately. How could we possibly do our job under these circumstances?

Since the advent of the Miranda Decision, our Detective Section has compiled records as relates to prisoners being processed. This record shows that of the 688 prisoners processed since Miranda up to and including February 1967, 477 signed a waiver and 170 refused. The detectives feel that the Miranda Decision definitely caused lack of prosecution in 128 cases.

Miranda has hurt in a second instance as to the clearing of complaints. Prior to this Decision, we could question a suspect as to related offenses, thus clearing more complaints. Today we are fortunate to clear one offense with the reflecting decrease in Part I crimes cleared.

We feel that the rights of the individual are important, however, the community also must be protected. At present 2% of the community are being protected at the expense of the other 98 percent.

Very truly yours,

L. H. CAYLOR,
Director of Police.

CITY OF LAKE OSWEGO,
POLICE DEPARTMENT,
Lake Oswego, Oreg., March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR: With reference to the Senate Subcommittee on Criminal Laws and Procedures set for March 7, 8, and 9, 1967, I would like to express my feelings in relation to the recent Supreme Court Decisions.

First, let me begin by saying I have been in law enforcement twenty one years. I was Chief of Detectives for fifteen years prior to becoming Chief of Police. I have been involved in making many arrests and conducting hundreds of interviews and interrogations.

I strongly believe that every person is entitled to his rights, *including* police officers. Recent rulings of the Supreme Court have gone overboard in protecting the rights of the criminal; however, they have failed to recognize the rights of the law enforcement officers who are endangering their lives to apprehend the vicious criminal. I, and I'm sure many, many other officers, have taken guns and knives off criminals in dark alleys and, like all officers, made decisions in seconds where it takes the courts years to determine if these decisions were proper. It is quite easy for others to be a "Monday Morning Quarterback," but how many of our justices have availed themselves to actual police officer's duties. It is my understanding that only one of the justices has had the experience of trying a criminal case in our courts.

When our forefathers drew up our Constitution they did not have minority groups such as there are today. If these groups had existed we would have seen a much larger document than now exists. Amendments or additions to the Constitution should be left to the legislative body.

In my grade school days, I was taught there were three branches of government; executive, judicial and legislative. It is the thought of many that the Supreme Court has taken it upon themselves to be all three. The court does not decide cases on facts, but upon technicalities. They do not decide the case on what the law is, but what they think it should be. I have heard it voiced many times in police circles that the court has the knack of changing the rules after the game has been played.

We, as police officers, find it difficult trying to abide by the court's decisions. We can't act on what the law is today, but we must anticipate what it will be in the future. The Supreme Court is quick to tell us what we can't do, but I have yet to hear one decision telling us what we can do.

Recruiting for police departments is far more difficult today than ever before. The reason being that no person wants to be wrong in the public view, nor do they want to be liable in a civil suit. An officer remarked in a somewhat cynical statement, "If you haven't been arrested, you have no rights." Unfortunately, this situation now exists.

I am of the belief that a Supreme Court is very necessary. It appears to me that they should base their decisions on the law as it is written and the facts of each and every case. I do not feel that they should legislate and decide cases on technicalities.

Very truly yours,

LYLE C. PERKINS,
Chief of Police.

BREA, CALIF.,
February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: I received information from the International Association of Chiefs of Police indicating that you would be interested in the views and suggestions of its members regarding the United States Supreme Court decisions and its effect on crime in the United States.

It has been reported that in ruling on the Miranda decision, Chief Justice Warren stated that "this procedure has been used by the Federal Bureau of Investigation for many years, and it has not hurt their operation." Chief Justice Warren apparently has failed to take into consideration the different types of police work being done by these bodies. In the main, the FBI as its name implies, investigates. With the exception of bank robberies and kidnapping, the FBI is seldom called upon to proceed to the scene of an emergency and to make split-second decisions. In local law enforcement, it is the exception rather than the rule that the police officer has the time to build up a case before taking action.

The FBI agents carry a case load from twenty to thirty cases per month per agent. It is not at all uncommon for a detective with a metropolitan police department to carry fifty, sixty, or more cases per month.

Miranda was just again convicted for kidnapping and rape on the same charge as before, without the use of the confession. Under the rationale of punishing law en-

forcement, the Supreme Court has in reality, failed in its obligation to protect the citizens of our great country. Nothing was accomplished by releasing Miranda. He has been found guilty by two juries. Society's rights were not protected by the shallow thinking of the majority on the Supreme Court, and in my humble opinion, Miranda will be a better person by paying a penalty for the crime he has committed rather than have been allowed to go free.

Danny Escobieto in all probability fits into the same category as Miranda. When a criminal is allowed to roam the streets free after having committed an act against society because of some legal technicality, then our country has failed. It may be that crime is bred in the slums, it may well be that crime is caused by unemployment, and by the many other social injustices that are so often cited. If this is true, and I am not completely convinced that it is, it would be many years before these conditions are corrected and the United States can be safe from the criminal. In the interim, society must be protected. Society has the right to be protected, and society should not be hampered by unwarranted restrictions placed upon the law enforcement officer.

It is my opinion that if the Chicago Police Department abused its authority in the Escobieto case then the Chicago Police Department, the involved detectives, and the Chief of Police should have brought out for public censor. But Escobieto should not have been freed on that technicality, or should a law enforcement officer in some other jurisdiction be hampered.

It would appear to me that the Supreme Court will not face up to reality either due to overpowering loyalty to the legal profession, shallow thinking, or a gutless approach to "reality." The true problems in the United States dealing with criminal justice is the use of the worn-out, out-moded, fallacious, Adversary System of criminal justice.

This system which is based on hypocrisy, professional theatrics, bribery, and so many other odious practices should be replaced by a system of justice that is seeking the truth in an impartial, fact-finding atmosphere. Then justice will be served.

I do not consider myself an authority on the Adversary System, nor do I consider myself as a proponent of any system to replace it, however, in the sixteen plus years of my experience in law enforcement, I am convinced that this system is sadly lacking in the performance of its fundamental duty, and that "Lady Justice" sitting on her pedestal, draped in flowing white robes, is being prostituted daily in every criminal court in the country by the use of this system.

Sincerely yours,

R. O. BAUGH,
Chief of Police.

DEPARTMENT OF POLICE,
Beverly Hills, Calif., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: As a veteran Police Officer with 32 years experience, I can attest to the fact that the recent decisions of the Supreme Court are resulting in the further handcuffing of the police officer and at the expense of the law abiding citizen.

The question of "Whose rights are being defended" is a logical question to ask in view of the Miranda decision of June 13, 1966, which virtually eliminates police station interrogation of suspects, and further hinders the police in their fight against crime. The dismay with which we in law enforcement regard this additional roadblock in our ability to perform our duty was admirably summed up by Justice White in his dissenting remarks "Nor can this decision do other than have a corrosive effect on the criminal law as an effective device to prevent crime. A major component in its effectiveness in this regard is its swift and sure enforcement. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it. This is still good common sense. If it were not, we should posthaste liquidate the whole law enforcement establishment as a useless, misguided effort to control human conduct."

Further emphasis was added to this view by Justice Clark in his dissenting opinion: "The Court further holds that failure to follow the new procedures requires inexorably the exclusion of any statement by the accused, as well as the fruits thereof. Such a strict constitutional specific inserted at the nerve center of crime detection may well kill the patient."

After reading the Court's opinion as delivered by Chief Justice Warren, it is difficult to avoid concluding that it is the police who are on trial in the prisoner's dock. Some solace can be derived from the fact that this view of the police was definitely not a unanimous one. In Justice Harlan's dissenting opinion he makes it clear that he does not at all subscribe to "the generally black picture of police conduct painted by the Court."

It is not within the purview of the police to question the legal soundness of the Court's decision, nor is this necessary. This was done with detailed thoroughness by the dissenting Justices.

It is within the purview of the Police, however, to pose the following highly pertinent questions, not to Justice Warren and his four cohorts, regrettably, but to the citizens whom they serve:

1. Why are we indicted for performing our duty to enforce the law?

2. Why are we, in effect, denied a vital tool of law enforcement—interrogation of suspects—when the crime rate is already increasing at five times the population increase?

3. With our departments already undermanned and underfinanced, how are we expected to cope with the increased demands for protection that can be expected to result from this Court decision?

Noting that "under this new version of the Fifth Amendment" many criminal defendants who might previously have been convicted may now either not be tried at all, or acquitted, Justice White stated: "I have no desire whatsoever to share responsibility for any such impact on the present criminal process."

We in law enforcement suggest to those of the Supreme Court whose concern appears to center on the rights of the probable lawbreaker that the time is long overdue for equal concern for society—and its protectors, the police.

I am enclosing a copy of an address given by Justice Walter J. Fourt of the California District Court of Appeals, concerning his opinion of the recent Supreme Court decisions.

Your subcommittee is to be commended for your interest in this manifold problem, and trust your studies will result in recommendations of a factual nature to the Congress of the United States. Law Enforcement and the public, which they serve, deserve no less.

Respectfully yours,

P. R. SMITH,
Service Division.

"TODAY'S COURTS SEARCHING FOR ERRORS, NOT TRUTHS"

(By Judge W. J. Fourt)

(The following address of Justice Walter J. Fourt of the California District Court of Appeals was made to the North Area Police Association. It contains a studied diagnosis of the current crime problems. It is a subject of concern for many police officers; and is considered by them worthy of wide public dissemination—The Editor.)

We are today, in my opinion, in a complete state of confusion as to what the law is with reference to investigating and prosecuting criminal cases.

Until the present class of appellate justices graduated and took over, there was, in the legal world, a doctrine or rule known as "stare decisis." Those words translated mean to adhere to precedent, and not to unsettle things which have been satisfactorily settled for many, many years. In other words, it is a rule of common sense that rules of conduct should be settled to the end that society, the people of the community, including police officers, would know what to do in the future in a given type of case.

No one argues that any rule which is absurd, ridiculous or unjust on its face ought to be continued in effect—yet, we should give due consideration to the judgments of those persons who have gone before us and successfully conducted the affairs of this country for 150 years. One of the reasons we have grown great, and have the country we have, is because of what those people of substance did and said.

SUPER LEGISLATURE

And in speaking of the founders, they did not provide any statement, inference, or otherwise, to the effect that an appellate court shall be a super-legislature and entitled to enact into law that which the people do not want, or to legislate judicially into the law that which the people, sooner or later will not accept.

As one Justice of the Supreme Court of the United States stated some years ago, with reference to this matter, "The viewpoint in question indicates an intolerance for what those who have composed this court in the past conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom resides in us which was denied to our predecessors."

Law to be obeyed or enforced must necessarily be known by all who have to do with it—the members of a community, the law enforcement agencies and the judges and others engaged in the administration of justice. Law to be known, must be fixed and substantially or reasonably constant.

In other words, the rule "stare decisis" gave balance, stability and symmetry to our law and to society. It took out the capricious element in the administering of justice. It kept the scales of justice even and steady and not liable to wavering with every new judge's opinion—that matter would be disposed of, not in accord with whim or caprice of any individual judge, but according to established, known laws and customs of the country. In other words, judges ought to expound the law as it is and not take upon themselves the responsibility of pronouncing new law.

We have witnessed, literally, in the last few years a veritable tearing up by the roots of the fundamentals, the old cornerstones of the administration of justice—and, strange as it may seem, in many if not in most, of the cases of recent date where this has been done, the courts have stated in part and given as one reason for their opinions, that the police must be taught a lesson.

All of this, in my opinion, has led to a breakdown in law and order—respect for the courts in many areas has diminished—vicious and violent criminals run rampant and many are turned loose to prey again on innocent victims.

PUBLIC AWARE

I am certain that the American people want a written constitution as we had for the first 150 years of this country's existence—they want no part of a constitution which is made up, altered, modified and changed from case to case, term to term, or year to year to suit the personal or ideological whims of an everchanging majority of any Supreme Court. I am confident that the thinking of the great majority of decent people in this country is that they do not want the constitution amended by judicial fiat from day to day and they are not favorably impressed with much of the judicial legislation.

In other words, it is my opinion that the power of the appellate court to interpret is not synonymous with the power to amend. The power to interpret the constitution is the power to ascertain its meaning. The power to amend the constitution is the power to change its meaning.

CIVIL DISOBEDIENCE

Defiance of the law receives encouragement from many publicly paid employees. Disrespect for law and order has for intents and purposes taken on an aura of respectability in many areas. Civil disobedience seemingly now travels under the guise of academic freedom in many of our public institutions. Many segments of our society are thoroughly imbued with the belief that it is wholly fitting and proper to violate any law with which it disagrees.

CITIZENS MUST CHOOSE

Citizens must ultimately choose between lawlessness and regulated order. I know that presently there is the widespread attitude, "Oh, well I don't want to get involved"—and as a consequence, many crimes go unpunished—but that attitude will ultimately lead to destruction. Crimes are increasing at least five to six times faster than our population.

In fact, no one can legitimately argue that a trial in California is a genuine search for truth—the whole truth and nothing but the truth. Seemingly a trial becomes a game between the state on one hand and the defendant on the other.

The judge is for practical purposes an umpire, there to see to it that each side observes the rules of the game (the latter which are handed down to him from above day to day).

FOUNDING FATHERS

The founding fathers of the Constitution—George Washington, Benjamin Franklin, James Madison—and others were not visionaries toying with speculations and theories, but were practical men, dealing with the facts of political life.

They wanted a written Constitution—all to the end that there would be "equal justice under law," and not justice according to the personal notions of the temporary occupants of the appellate courts.

It would seem that the court puts a "police lineup" in the same category as a "third degree" which has long since, and properly so, been outlawed. I predict that in the distant future the court will declare "line-ups" out of bounds, and down the drain will go another very important investigative tool of law enforcement.

POLICE LINE-UPS

If a simple police line-up is in the mind of a court comparable to and in the same category with the "third degree," I suggest that perhaps the day is not too far distant when someone may do more than hint that the taking of fingerprints is degrading and brings the suspect by his own act into disrepute and tends to convict him of a crime—and, therefore, the fingerprints should not be used against a suspect.

COURTS LOSE SIGHT

The courts however, I think unfortunately, seem to have lost sight of the fact that a criminal prosecution is brought for the purpose of convicting the guilty. Necessarily, that includes the protection of the innocent. But in no event should an appellate court procedure be turned into a search for error to the end that the obviously and many times self-confessed, guilty criminal be turned loose into society to murder or rob again.

I close with this observation—we cannot and will not have unbridled individual liberties and at the same time a safe and stable society. Individual liberties and rights cannot and do not exist in a vacuum. We have to have a decent and reasonably safe place in which to live and work—otherwise there is no place within which to exercise our individual rights such as the right of privacy."

POLICE HEADQUARTERS,
Springfield, Mo., March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

SIR: The members of the Springfield Missouri Police Department would like to add their support in your efforts to amend Title 18, U.S. Code, with respect to the admissibility and evidence of confessions. We are finding it increasingly difficult to protect our citizens from the minority criminal violator due to recent Supreme Court decisions. We feel that it can only be through the efforts of individuals such as you that we will be able to satisfy the obligation placed upon us by our citizens.

It is an accepted fact in law enforcement that interrogation is our most valuable tool. Without interrogation and the subsequent confession we might obtain to collaborate circumstantial evidence, we cannot maintain our efficiency.

We would like to recommend for your consideration Mr. Fred Inbau, Professor of Law, Northwestern University, as an individual who can give valuable testimony during the forthcoming hearings. He is recognized nationally as an authority on criminal interrogation and is well aware of our problems.

If our department can assist you in any way in your endeavor, please call on us.

Very truly yours,

SAM L. ROBARDS,
Chief of Police.

AVON POLICE DEPARTMENT,
Avon, Conn., March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: In accordance with your request, as conveyed to me through the medium of the International Association of Chiefs of Police, I wish to also express my dismay at many of the recent close Supreme Court decisions which are so adversely affecting local law enforcement.

The Miranda decision, of course, is the most recent and also most restrictive and we find our efforts severely restricted by it.

Others restrictive in nature to a lesser degree are Escobedo V Illinois, Mapp V Ohio and numerous others. Perhaps the decisions in some of these were brought on by over zealousness on the part of particular police officers, however it does not appear reasonable that the entire law enforcement structure, particularly at such perilous times, should be shackled for the indiscretions of a small minority.

Your efforts on the behalf of Local Law Enforcement are greatly appreciated by this Department.

Very truly yours,

LESTER F. CLARK,
Chief of Police.

DEPARTMENT OF POLICE,
Seattle, Wash., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: The admissibility of evidence, particularly statements against interest, is of major concern to law enforcement administrators in the United States. The interpretations of law as enunciated by the United States Supreme Court in the rationale beginning with United States versus McNabb in 1943 and culminating in Arizona versus Miranda has had two impacts on municipal law enforcement. The first one is the obvious—that the restrictions upon interrogation deny the courts information about the crime from the person who knows most about it—the one who committed it. Secondly, the demonstrating at every stage of criminal investigation and criminal procedures that the directives of the Supreme Court were followed in every respect has added an additional time element to the preparation of criminal cases. This latter may not sound significant, but when from twenty minutes to an hour is added to the case preparation and court presentation for each offense resulting in a criminal trial and the number of offenses is multiplied by the thousands, it has the effect of actually reducing the size of the police department.

In this jurisdiction, we had an incident of first degree murder which was settled by an arrest, the taking of a confession in compliance with Escobeda, the recovery of the murder weapon, and the suspect held without bail for trial. This entire case was completed and ready for prosecution two months before the Miranda decision was announced. When it came up for trial, the trial judge dismissed the case because the police had not, two months prior to their being announced, followed the rules outlined in Miranda. The general public reacted very strongly to the release of this confessed murderer.

There was no suggestion that there had been any impropriety in any of the actions of the police or the prosecutor, but still the case was dismissed on a technical construction and an artificial date.

I strongly support realistic legislation which will protect the rights of the accused person and will also protect the public. In far too many crimes, the only method of determining the culprit and preparing a case which will result in successful prosecution depends upon the "interrogation" of the suspect does in my opinion include physical or mental abuse or mistreatment of any kind. I would doubt very much if any police department in 1967 would resort to such tactics under any circumstances.

Very truly yours,

F. C. RAMON,
Chief of Police.

DEPARTMENT OF POLICE,
Port Angeles, Wash., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: The recent decisions of the Supreme Court have done little to create respect for the Court and its opinions.

It is my belief that a police agency should be able to confine a felony suspect for a reasonable period of time. During this period, the officers should be able to interrogate him without interference from attorneys or other sources. The questioning should be reasonable, with breaks or rest periods. I also feel a person so confined but not charged with a crime should be paid a fee for his confinement by the State. This would tend to curtail unreasonable confinements.

I do not believe an officer should have to advise a person he does not have to say anything, but do believe he should be advised that anything he says may be used in a court of law. That a copy of his statements should be given to him or his attorney.

The crime should not be dismissed on errors of testimony or procedure. Every effort should be made be curtail crime and criminal activities.

Thanking you for your interest in problems of the law enforcement people.

Yours truly,

HARRY KOCHANEK,
Chief of Police.

Police Department,
Endicott, N.Y.
To: Senator John L. McClellan.
From: Delbert E. Pembridge, Chief of Police, Endicott, New York.
Subject: Hearings by United States Senate Subcommittee regarding United States Supreme Court Decisions.

Following receipt of the February 21st memo from Executive Director of the International Association of Chiefs of Police, Quinn Tamm, I would like to inform you of my very strong feeling concerning subject hearings:

My protest is that the Miranda decision of the United States Supreme Court has seriously affected the ability of law enforcement agencies to fulfill their obligation to serve in the protection of lives and property. In an effort to insure all persons of their rights, the courts have moved to the other extreme and handed down decisions rewarding to the criminal element at the increasing expense of the law abiding citizen.

A particular situation presently of primary concern here is that of investigations in relation to traffic accidents. Many lower court judges have misinterpreted the decision as to "in custody", and are applying it to all questioning and investigation *before* custody or arrest has taken place. An example of such later misinterpretation for instance would commence to arise at the scene of an accident to which an officer has been called.

During the course of his investigation, the officer having concluded that one of the operators of the vehicles involved is in violation of any of one or more vehicle and traffic laws or regulations (intoxication, ignoring a stop sign, etc.), advises the violator of his rights, as required by the Miranda decision. We are finding ourselves in the position of having cases later dismissed because the officer failed to give such advice prior to commencing his investigation. If persons involved are not required to answer questions pertaining to the incident, the conduct of any investigation is impossible. The protection of the individual wronged has in effect been sabotaged.

It would seem that President Johnson's War on Crime would accomplish more for the non-criminal were a more realistic appraisal of law enforcement *be* the subject of executive and legislative action. There were no trained police or organized crime when the fourth, and fifth amendments concerning these problems were written.

I strongly urge that the Supreme Court of the United States take a more realistic 20th century look at these cases; and that the legislature make a complete reform in criminal law and procedure.

Respectfully submitted.
Delbert E. Pembridge.
Dated: March 1, 1967.

City of Lexington, Ky.,
February 27, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator: I have been informed by reliable sources that you are Chairman of the Senate Subcommittee on Criminal Laws and Procedures and that you have introduced legislation, S. 674, which is a bill to amend Title 18, U.S. Code, with respect to the admissibility in evidence of confessions.

As a police officer of thirty-five years continuous service and experience in one department and as Chief of that department for the past fourteen years, I have experienced practically every facet and problem that a municipal police officer will have to face.

Reference is made to recent Supreme Court decisions in the Miranda case and others, and most recently the case in New York where Jose Suarez murdered his wife and five children and after the heinous crime was perpetrated admitted to police officers that he had committed this horrible act. He was tried on February 21, 1967, and acquitted due to the fact that the only incriminating evidence against the subject was his statement that he had committed the crime, but there was no corroborative evidence of any kind and no witnesses, and, under the recent Supreme Court decisions, Judge Michael Kern, of the New York Supreme Court, had to turn him loose and, in so doing, remarked: "It makes one's blood run cold to realize such as this has come to pass." He also went on to say: "I am not a prophet, but the handwriting on the wall indicates a trend for the Supreme Court to outlaw all confessions made to police. If and when that melancholy day comes, the death knell to effective criminal law enforcement has been sounded."

However, in researching old English Common Law there was found a particular case in which a man thought he had killed another man in a fight at a fair. Leaving the injured man for dead, he went to the Sheriff and confessed that he had killed a man. The supposed victim, who had not been mortally wounded, regained consciousness, arose, joined a band of gypsies and was gone from this locality for quite a few years. In the meantime, the self-accused, supposed murderer was tried and hanged.

This was a classic object lesson on the necessity for res gestae and corpus delicti. In the case of Jose Suarez apparently, from newspaper reports, there existed five corpus delicti, but there was an absence of any res gestae or supporting evidence and most experienced investigators and police officers realize that the corroborative evidence is most essential and necessary in nearly all cases and the absence of same apparently influenced the courts to harken to the old Anglo Saxon concept in common law of reluctance to incriminate on inadequate evidence. However, in most cases that have occurred in this country since the recent revolutionary decisions for corroborative evidence, the indiscriminate releasing of felons on technicalities is extremely hazardous to organized society.

It has been my personal observation in recent months after these damaging decisions that the police throughout the nation are in a state of deep confusion, inasmuch as we full well realize that we were delegated and sworn in to protect society against the criminal rather than the criminal against society, which is the case at the present time it seems.

The general idea about police using great duress and brutality—sand bags and rubber hoses—ordinarily, in my experience, does not exist in law enforcement today. The law enforcement agencies fully realize that they must continue to improve their techniques and adopt effective and modern scientific aids in determining guilt in criminal cases. We should have legislation authorizing and allowing such aids as lie detectors, truth serum, blood tests and other scientific aids to assist in the proper investigation of criminal cases.

The problem facing society at the present time here in the City of Lexington, in the State of Kentucky and in the United States of America is not only that of legal technicalities, it is a problem of educating the people to realize that all criminals, from the "Mr. Bigs" of Cosa Nostra to the lowest petty pickpocket and sneak-thief, are predators on those of organized society who are producing wealth and things of value and making an honest living. We must raise bulwarks against the underworld for our personal and financial protection.

Our Honorable President, Lyndon B. Johnson, is justly and rightfully alarmed at the criminal situation in the United States at the present time. He has recommended the allocation of fifty million dollars for training police officers so that they can more adequately cope with crime, and he has allocated the use of better than three hundred million dollars to combat crime.

However, all of this will be for naught if proper steps are not taken first to overhaul the courts by appointing more judges to eliminate and dissipate the enormous backlog of untried cases. One very important weakness in our system is the inadequate penal facilities in which to quarantine away from society criminals who are serving sentences. Rehabilitation by proper techniques may be effected in some types of criminals and should be promoted, but, at the present time, due to inadequate housing facilities in the penitentiaries and jails, the courts, in a way, have been forced to parole felons who should be removed from society for a time for proper rehabilitation and sometimes psychiatric treatment. As a result, sad to say, organized society is being beleaguered on all sides by the predatory criminals.

There is a current case in Detroit where a groceryman has been robbed and held up so often that he has decided to sell his two groceries and emigrate to Canada. This is no reflection on Detroit, but is symptomatic of the conditions that exist all over the United States at the present time.

I would like to bring another problem to your attention. It is the dilution of police strength in many areas where police are being allocated responsibilities that are not directly connected with crime control and the suppression of criminality. These must be kept to a very minimum.

In closing, I urge you to do everything in your power to make it possible for a police officer to legally interrogate, as we have in the past, a suspect who has, in most cases, a long criminal record, advising him of his constitutional rights and informing him that anything that he shall say may be used against him in a court of law, and let's give the criminal the right of free will. If he wishes to cooperate with the investigating police officers, let's not make it illegal for him to do so.

Sincerely,
E. C. Hale,
Chief of Police.

Minneapolis, Minn.,
February 28, 1967.
Hon. John L. McClellan,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

Dear Senator: Reference being made to your position as Chairman of the Senate Subcommittee on Criminal Laws and Procedures.

I am sure you will agree one could write volumes on the subject—should suffice to say allowing the guilty to go free because of recent procedures prescribed by our Supreme Court is contrary to the peace-loving principles on which our forefathers founded this country of ours.

Changes in procedure are certainly in order for the protection of the innocent. You have my support in your endeavors to make it possible for peace officers to again be able to perform their duties in a reasonable and prudent manner, without fear of legal embarrassment.

Very truly yours,
W. J. Bear,
Captain of Police.

Carlstadt Police Department
Carlstadt, N.J., March 2, 1967.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: It is most fortunate that the Senate Subcommittee on Criminal Law and Procedures has in my opinion a most able chairman, statesman and law maker as yourself to head this most important committee in this day and age when our most learned jurist have conflicting opinions as to the interpretation of the constitution effecting the administration of justice with the respect to the admissability in evidence of confessions.

It appears in my opinion as a law officer for the past twenty-six years that the Supreme Court has read into the constitution in their majority decisions, opinions that were never meant to be, more recently the Miranda opinion.

First let me say that I agree that as many safeguards should be afforded the accused after an arrest but be limited to the following—He/She has a right to remain Silent—Anything said can and will be used against him/her in a court of law—He/She is not only privileged to contact an attorney or if he/she is indigent and cannot afford an attorney one will be appointed by the court.

I have always believed and practiced that duress of any kind is never warranted under no conditions, but I also believe that a confession voluntarily made without threats, force, coercion or promises of immunity should always be admissible even though it be made without an attorney being present. It is my opinion the admissibility of voluntariness rest with the court as it should be. The mere fact that an atttorney was not present during the interrogation and all the guidelines were met as to the suspect being warned of his right and the statement being a voluntary statement does not make confessed criminal innocent and made to be set free to prey on society.

It is my honest conviction that the rights of a suspect/defendant is protected by the police from self incrimination on arrest when he is advised of his rights, he again is advised of his rights by his attorney if engaged by the court or himself—his rights are protected in court against self incrimination in that he does not have to bear witness against himself in taking the stand and all other rights under law but nowhere do I read in the constitution that an attorney must be present during an interrogation between police & suspect. To bring any lawyer in the interrogation is a real peril to the solution of the crime, because under our adversary system, he deems that his sole duty is to protect his client, guilty or innocent and in such a capacity, he owes no duty whatever to help society 338 US at 59.

It has got to be remembered that in many cases the only weapon law enforcement has is a voluntary statement and admission from which other physical evidence is developed. Through skillful interrogation many cases are solved. It is a law enforcement officers duty to develop himself in all phases of law enforcement, skillful interrogation is one of them to serve his community better. If in the opinion of the court that council has to be present it appears instead there seems to be a factual presumption that all confessions are a product of coercion through interrogation and there is no rational basis for that presentation. Since the state is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation during questioning. The true function of any court is to find out where the truth lies. The most basic function of any government is to provide for the security of the individual and of his property.

The courts interpretation of a voluntary statement is one that is made without threats, force, coercion or promises of immunity, here again it contradicts its interpretation and says that in the event one would come into a police station and confess to a crime he had commited without any interruption from the desk officer, this would be a voluntary statement—then where does the obligation on the part of a police officer and his duty to do so to advise the individual of his *rights*—it appears there are no guidelines whatsoever for the police to follow and it appears that the court is so far out in their interpretations of the Fifth Amendment that it will never get back until definite guidelines are established and can properly operate within the law whereby those guilty of violating the law will be prosecuted and not released on an interpretation of the Fifth Amendment where there is no basis for such a conclusion, for if this is to continue then all confessions and statements no longer be part and a most important tool will be taken from law enforcement hands. I may add that the British Courts have found a middle way; they have given police a set of "Judges Rules" which are few and understandable—They must warn the suspect only of his right to remain silent; and that he may consult with a lawyer—but the lawyer is not allowed to be present during questioning.

Sincerely,

Chief Fred D. Barceline.

Office of the Prosecutor,
County of Morris,
Morristown, N.J., March 1, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator McClellan: As a member of the International Association of Chiefs of Police, I strongly urge the passage of Senate Bill No. 674 amending Title 18 of the United States Code with respect to the admissibility of confessions. It has been my experience since the pronouncement in the *Miranda* case by the United States Supreme Court, the work of this office has met with considerable difficulty in the investigation endeavors of the personnel. Although we have never relied solely on a confession for the purpose of prosecution, the information obtained from a confession has very often been the foundation of criminal prosecution. The status of the law presently has I believe increased the difficulties in solving criminal cases and bringing the accused before the court. It is my suggestion that Legislation be passed to allow voluntary confessions to be admitted in evidence, notwithstanding the fact that the defendant was not apprised of his constitutional rights. In the majority of cases, once an accused is informed of the fact that he is entitled to an attorney before arraignment, no more information of any kind has been forthcoming.

I believe what the *Miranda* decision has done is to place the Supreme Court in a position of telling the police how to conduct a criminal investigation. This I believe is usurpation of the United States Constitution of the powers of Executive by the Judiciary which is prohibited by the United States Constitution.

It has become evident that it would be impractical for the Court which has no practical experience in police matters to direct the law enforcement agencies in criminal procedure.

Very truly yours,

Edward F. Burke,
Chief of County Detectives.

Meridian, Mass., *February 24, 1967.*

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator: I am in receipt of a memorandum dated February 21st, 1967 from the International Association of Chiefs of Police of which I am a member and it is my understanding in this letter that you have introduced Bill No. S. 674 which is to amend Title 18, U.S. Code with respect to the admissibility in evidence of confessions.

Senator, as a career man in law enforcement and Chief of Police for the past thirty-four years, I am whole heartedly in favor of your bill to try to give the police officers part of the rights back that rightfully belong to them. We are operating under conditions now where the criminal is the most respected person and the law enforcement officer is the out-cast. Unless the law enforcement men of this country get some relief from some of the Supreme Court decisions rendered, then I feel that in a matter of a few years true law enforcement will become a thing of the past and the criminal element will take charge. I am sure you are aware of what this will mean to society and our way of life.

I would like to relate a case we recently had in our County: There was a sailor at the McCain Air Force Base who beat his two year old son to death and threw his body into a nearby lake. The Navy personnel handled this case. He was indicted at the last term of the Grand Jury and the District Attorney, Mr. George Warner felt under the "Miranda" decision that he had no alternative but to nol-pros this case and send it to file.

This case was an unusual one and when this happened the public became highly indignant. Nevertheless, the man was set free.

It is time for true Americans who love their country more than anything else stand up and be counted and you can put me down as one of these. It is my prayer and my earnest hope that you will meet with unanimous approval and favorable consideration in the passage of your bill which will enable us to start back on the long road of forcing the criminals of our country to respect and fear the laws of the land.

Sincerely, your friend,

C. L. Gunn,
Chief of Police.

Police Department,
International Falls, Minn., February 27, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator McClellan: It is with deep interest and satisfaction to myself in learning of your concern over the present status of law enforcement as a result of recent U.S. Supreme Court Rulings (such as Miranda 6-13-66).

I know this feeling is shared by all conscientious law enforcement people nationwide. The effects of these rulings are only starting to be noticed in all branches of enforcement. As time goes on, I am certain, that the results will become disastrous to society, It bothers me to hear the high courts say that the police must be punished, as it is not us that are suffering. We all know Society is paying the price in the end.

Interrogation of suspects always has been and always will be most vital in criminal investigations. The existing restrictions on interrogation have an emasculating effect on investigation and law enforcement in general.

Therefore, be assured that we appreciate no end, your efforts in this direction and are with you all the way.

Very truly yours,

Richard A. Ellison,
Chief of Police.

The Dalles, Oreg., *February 28, 1967.*

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: A letter from the International Association of Chiefs of Police was sent to all members of that organization concerning the hearing scheduled March 7, 8 & 9, 1967, regarding U.S. Supreme Court decisions affecting local law enforcement. It suggested all members write expressing their views regarding such decisions as the Miranda case and name any specific cases or other pertinent testimony that would assist your hearings.

I have been a Police Officer in this city of approximately 12,000 for seventeen years. I became Chief of Police shortly after attending the FBI Academy in 1958. We are not a large city but have a reputation in the State of Oregon as being one of the worst delinquency-wise. We had two murders the latter part of 1966 and were successful in getting convictions only because our District Attorney is insistent that all cases be handled with the proper preliminary warnings and chances to call an attorney.

The letter mentioned in the first paragraph asked for persons who could give pertinent and valuable testimony for your hearings. I sincerely hope your committee can contact Lt. Myron Warren of the Portland, Oregon Police Bureau. He is an officer of many, many years experience known to most of the law enforcement agencies on the West Coast and respected by all. He recently had an article in the Portland papers on the same things your committee is studying. I am positive this officer could assist you with his brilliant memory and experiences.

May I express my thanks for your stand on the matter that is probably one of the most important in our present day.

Very truly yours,

ROBERT W. BROWNER,
Chief of Police.

POLICE CHIEFS ASSOCIATION OF SOUTHEASTERN PENNSYLVANIA, INC.,
Philadelphia, Pa., March 1, 1967.

Senator JOHN L. MCCLELLAN,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR: We agree wholeheartedly with your efforts to enact legislation as proposed in your Senate Bill 674. The executive board of the Southeastern Pennsylvania Police Chiefs Association and the officers jointly agree, with our 600 members, that such legislation is greatly needed.

Very truly yours,

WILLIAM F. RIEMPP, JR.,
Chief of Police Chiefs Association.

DRAPER POLICE DEPARTMENT,
Draper, N.C., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: As one who has been in law enforcement work for seventeen years, I wish to protest the U.S. Supreme Court decisions affecting local law enforcement.

The Miranda decision has practically paralyzed the Police Departments efforts to make an honest investigation and is an insult to American intelligence.

Anything that can be done to relieve this situation and allow the Police Departments to help make our Country a safer place for honest God-fearing citizens, will be appreciated.

Yours very truly,

WILLIE H. ADKINS,
Chief of Police.

MONMOUTH COUNTY POLICE CHIEFS ASSOCIATION, INC., OF NEW JERSEY,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Our Association wishes to advise that we are entirely in accord with your expressions and actions relative to the hearings to be held by the United States Senate Subcommittee on Criminal Laws and Procedures, March 7, 8 and 9, 1967 regarding U.S. Supreme Court decisions affecting local law enforcement.

We forward this communication to you for use at said hearings as we would like our position noted on the record. We greatly respect all laws of our country but feel that recent U.S. Supreme Court decisions have adversely affected the ability of local law enforcement agencies to fulfill their responsibilities, to the greatest degree possible.

We respect and protect the rights of all citizens but do not feel that the public's welfare should be jeopardized by unreasonable legislation or judicial interpretation that unreasonably hampers law enforcement activities.

We feel that the degree of limitation as to the obtaining of confessions should be specifically delineated in legislation so that investigating procedures by law enforcement agencies would grant unto such agencies the ability to interrogate suspects in such latitude to protect everyone's interest and to still have justice preserved.

The broad spectrum of recent court decisions, including the Miranda case goes, we feel, beyond reasonable limitations and does in many instances create situations which are adverse to the public's best interests.

We trust that our experience and our views based thereon, will be of aid concerning this vital issue.

Respectfully yours,

CHIEF FRANCIS M. SCALLY,
President.

DEPARTMENT OF POLICE,
GRAND FORKS, N. DAK.,
February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR: We, in law enforcement, are sincerely interested in the recent Supreme Court decisions affecting law enforcement over the nation. Most people fail to realize that law enforcement is the first line of defense of our nation and unless we are able to do the task assigned, then, certainly we all must fail.

Today's youngsters are losing their respect for law enforcement and the courts because of the conditions imposed upon law enforcement and on the ability to handle juveniles with dispatch and clarity.

In the past few days we have arrested one-eighteen year old and two-sixteen year old boys involved in approximately fifteen burglaries. The eighteen year old was treated as an adult and placed in jail. The two-sixteen year olds had to be turned loose to go on their way and supposedly in charge of their parents. Equal treatment is not for all this day and age.

Changes must be made to *protect* the *citizen* for he is the *forgotten person* in the United States today.

Yours for equal law enforcement with justice, .

S. D. KNUTSON, N.A.,
Chief of Police.

POLICE DEPARTMENT,
Rockford, Ill., March 1, 1967.

Hon. Senator JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedure, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: In reply to a request from Quinn Tamm, Executive Director of the International Association of Chiefs of Police Inc., I will cite a recent homicide case that occurred here in Rockford, Illinois. The investigation conducted by our department into this homicide was, I feel, greatly hampered by our inability to talk to and question the only known living witness to this crime. The following are the facts as we have found them to be.

On the afternoon of October 5th, 1966 our department received a telephone call in regards to a possible homicide at a local residence here in Rockford, and that the caller, himself, was also injured. An emergency first aid unit was dispatched to the scene and upon arrival they were met by the complainant, Mr. Charles Adams, who was apparently in a state of shock and incoherent. He had visible injuries to his neck, chest, hands and head, and there was some indication of blood around his mouth. The injuries were later determined to be severe second and third degree burns. In the bedroom the officers found Mrs. Virginia Adams, wife of Charles Adams, lying on a bed obviously dead. First aid was administered to Mr. Adams, pictures were taken of his injuries, and he was transferred by police ambulance to one of our local hospitals.

Detectives were immediately called to the scene, and under the supervision of a detective sergeant a thorough investigation was made. A close examination of Mrs. Adams revealed that she had suffered head injuries to the back of her skull. Autopsy later revealed that she died of a skull fracture. The bedroom in which Mrs. Adams was found revealed no signs of any struggle. An examination of the bathroom indicated a struggle had taken place there.

After a complete investigation and gathering of all evidence at the scene an attempt was made to question Mr. Adams at the hospital, as to the circumstances surrounding the death of his wife and his injuries. At this time the officers talked to Mr. Adams for a few brief minutes. He indicated that he was in the bathroom to take a shower and the next thing he remembered he woke up in the bathtub. Upon gaining his senses and going into the bedroom he found his wife lying on the bed.

This was the extent of the questioning of Mr. Adams as his lawyers arrived at the hospital and told his client not to answer any further questions. From that time until the present we have not been able to question Mr. Adams in regards to any of the circumstances. The investigation revealed there was no forced entry to the home, and the physical evidence that was gathered was submitted to the FBI laboratory in Washington for analysis. None of the physical evidence was of the nature to indicate who might have committed the crime.

The coroner conducted an investigation and held a coroner's inquest. Mr. Adams was subpoenaed, and other than giving his name and address, refused to answer any questions on the advice of his attorney.

At the onset of the investigation the States Attorney's office was contacted and an assistant was assigned to the case and was present at the scene of the investigation. After studying all the information and evidence gathered the States Attorney's office did not feel there was sufficient evidence at that time to o.k. the issuance of a warrant for any particular person. Several weeks later all of the information was presented to the Grand Jury for their consideration. They did not return an indictment against any person for this crime.

Since the original investigation began on October 5, 1966 we have been unable to gather sufficient evidence to charge any one with this crime. It is my personal belief that we have been greatly hampered in the investigation of this crime by the failure of the one living witness, and perhaps a victim himself, to answer any of our questions or to supply us with any information. His attorney in this case has repeatedly advised him not to answer any questions of the police, and has based this on the Miranda decision. He has said he was doing the only thing any good lawyer would do, tell his client not to say anything.

We do not know who committed this crime but we do know that in order to successfully solve a crime such as this the police must have the opportunity to question witnesses and suspects in a reasonable and prudent manner.

I submit this letter to you for what value it may be in the development of the necessary legislation to permit the reasonable questioning of witnesses and interrogation of suspects in regards to serious criminal activity.

I have not gone into the details of the investigation, and if you need any further information please contact myself. Please be assured of this department's cooperation at all times.

Very truly yours,

DELBERT E. PETERSON,
Chief of Police.

DEPARTMENT OF PUBLIC SAFETY,
BUREAU OF POLICE,
Mount Vernon, N.Y., March 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I wish to congratulate you for the fine speech that you delivered before the Senate recently. As a member of the IACP and as a professional police officer since 1932, I too have expressed dismay with regard to recent United States Supreme Court Decisions which are adversely affecting the ability of local police officers to fulfill their responsibilities in combatting the ever mounting acceleration of crime.

The Court seems to prey on the victims of crime instead of safeguarding society against the vicious confirmed criminals. The Court is not even certain of its own findings in giving 5 to 4 decisions and is committed to the illogical pursuit of tenuous technicalities which it recklessly invokes to nullify the convictions of confirmed criminals. These decisions affect every city, village and hamlet.

As Inspector of Police in Mount Vernon, New York Police Department in 1953, I investigated the apprehension and conviction for murder of one Chester Lee. Thirteen years later, in 1966, as a result of the Miranda decision, a retrial disputing the statement taken by a District Attorney, resulted in the release of the defendant. I enclose a newspaper article from the New York Daily News which illustrates the case in point.

I exhort your Senate Colleagues to vote favorably on your Bill S. 674 to amend Title 18, U.S. Code, with respect to the admissibility in evidence of Confessions.

I also recommend the national legal use of wiretapping and eavesdropping to curb the accelerating rise of the sale of narcotics, the violation of gambling laws, the vicious felonies that terrorize our residents and homeowners and the destruction of crime syndicates.

It is time that the people support and the Legislators enact laws that favor police investigation and police action to deter the rise of crime.

Rest assured of our cooperation in all matters of mutual concern.

Very truly yours,

GEORGE F. KUMMERLE,
Commissioner of Public Safety.

ST. CLOUD, MINN.,
March 2, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Committee on Criminal Law and Procedure, Washingon, D.C.

DEAR SENATOR MCCLELLAN: We have recently received a letter from the Executive Director of the International Asociation of Chiefs of Police, which indicates that your committee will hold hearings on proposed changes in the laws of admissibility of confesions in criminal procedures. In the letter, it was indicated that you requested correspondence from members of the IACP regarding Supreme Court decisions, with emphasis on the recent Miranda decision. I would presume that you have received replies from Police Administrators throughout the country, and that some of them will be heard before your committe. As a police officer I am vitally interested in the outcome of the hearings, and more important, the possibility of remedial legislation.

We in the police profession have been plagued in recent years with adverse decisions which have allowed criminals to go free, even though guilty, and in many cases being set free before any criminal prosecution is started, simply because of a narrow Supreme Court decision. I think it is important to point out that police officers generally agree that the rights of the accused are important, but they do not agree with the methods of the court in setting up guidelines in how these rights should be protected.

The reason for my writing to you is that I sincerely hope that not all of your witnesses are Police Chiefs or Police Commissioners of large cities. I would hope that you would talk to the Police Officer who is out doing the work. The detective or Police patrolman is much nearer the problem in many instances, than the Police administrator. The administrator will bring out statistics on the number of cases that have been lost because of court decision, but the Police Officer will be able to testify to the actual difficulties involved in attempting to remain within the law in clearing a case.

St. Cloud is not a large city, population is about 40,000, but our problems in this area are the same as those in Chicago, New York City & Los Angeles. Our crime rate is probably not as high, but when we come in contact with a suspected criminal, our procedure is the same as that in any other part of the country. You have requested specific examples of cases involving the Miranda decision. In the past week our department recovered a stolen car under circumstances that if the Miranda decision had not been made, a charge of unauthorized use of a motor vehicle would certainly been made. Due to a recent snow our officers tracked an individual to his home. He was a known car thief, but was not contacted on the night in question. The following day he was picked up on a warrant on another charge and lodged in the County Jail. When one of our Detective attempted to question him regarding the car theft he first advised him of his rights and the person in custody refused to talk to him. An auto theft may not seem too important in an isolated instance of this nature, but multiplied nationally it becomes a very grave problem.

A case I was involved in may, or may not be affected by the Miranda decision, even though the Miranda warning was given. I was assigned to investigate a possible violation of the National Firearms Act at a local manufacturing plant. The case involved the possession of a sawed-off shotgun by one of the employees. I entered the office of the personnel manager and he, his assistant and another man were present. The personnel manager was examining the gun in question and stated that the foreman had informed him that one of the employees had the gun in the plant. Since this was a violation of the company rules, the manager explained that he had gone to the work area in question and had confiscated the gun. I questioned him for several minutes and then turned to the third man in the room, presuming him to be the foreman and asked him about the situation. It turned out that this individual was the owner of the gun and he stated that it was his and that he had modified it himself. He stated that he had brought it to the plant with the intention of showing it to another employee with the possibility of selling it to him. It was at this point that I informed him of his rights based on the Miranda decision. There is the possibility that the Government may not prosecute this individual under the National Firearms Act, but merely content themselves with collecting the tax due on the weapon. However, if the Federal District Attorney should decide to prosecute on the charge, I suppose that the possibility exists that the admissibility of the man's statements might be successfully argued by a defense attorney. This of course involves a great deal of speculation, and I am quite sure that you would be able to secure much better cases to illustrate the effects of the Miranda decision, but I did want to point out that *all* Police officers are bound by the same rules.

In closing I would like to make one more plea to have at least some of the working force of Police departments testify before your committee. Only by talking to the men directly involved, and hearing from them the number of times that they have had to abandon a sure case merely because they have not been able to question a suspect, will your committee have an opportunity to assess the real impact of these decisions.

I would like to add that the Supreme Court has had one good effect on the Police Profession. Because of the increasing demands on law enforcement, it has become incumbent on police administrators to attempt to attract highly qualified people to the careers in the Police service. Our department has become aware of the need of careful selection of qualified persons for the department. We have had a difficult time in the last few years to fill vacancies, but our Chief would rather run a man or two short, rather than hire an unqualified person for the mere sake of being at full strength.

I would like to thank you for the interest you and your committee have shown in the problems of the Police Profession. I sincerely hope that some remedial legislation will be forthcoming as a result of recommendations of your committee.

Sincerely yours,

JAMES J. MOLINE,
Sergeant, St. Cloud Police Department.

BINGHAMTON, N.Y., *February 28, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: This is in response to the memorandum forwarded to members of the International Association of Chiefs of Police, Inc. by Mr. Quinn Tamm, Executive Director regarding Supreme Court decisions concerning the function.

I will restrict myself to one consideration only which to my knowledge I have never heard come under discussion. This is the necessity for police Officers to give, what has come to be called "The Miranda Warning" to suspects.

Specifically, that this places an unfair burden on a policeman in that he is required to "educate" citizens as to their constitutions contents. Were the suspect an alien I could understand and appreciate this warning but I feel that all citizens should know the U.S. Constitution forward and backwards.

But, my main thought on this matter is that this requirement places another opportunity for corruption in an enforcement officer's hands in that he could effect the release of a defendant by failing or stating he failed to comply with this requirement.

If for no other reason I oppose this requirement.

Respectfully yours,

JOHN V. GILLEN,
Chief of Police.

DEPARTMENT OF POLICE,
Casper, Wyo., March 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I am in receipt of a letter from the International Association of Chiefs of Police in regard to your work on the Senate Subcommittee on Criminal Laws and Procedures.

I wish to commend you in your efforts to restore some logic in the handling of statements taken from defendants and evidence obtained during investigation through interrogation. A typical case of injustice through the recent supreme court decision was in the City of Douglas, Wyoming, in 1965.

On December 27, 1965, Lynette Powell, age 16, disappeared from a home where she was babysitting. The following morning her body was found in the river and she had been stabbed twice in the chest. A short time later Richard Rogers was arrested, advised of his rights, and confessed to the murder. He showed the law enforcement officers where he had hidden the knife he had used in the stabbing of the girl and told them where he had thrown the body in the river. This case was not taken to trial because the judge ruled under the supreme court decision that no evidence could be allowed through interrogation. Richard Rogers was turned loose and never tried for the crime.

I hope through your efforts that at least common sense can be used in the handling of prisoners, and again, I want to commend you for all the work you have done to help the law enforcement profession.

Respectfully,

PAUL V. DANIGAN,
Chief.

DEPARTMENT OF PUBLIC SAFETY,
Knoxville, Tenn., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: As Chief of Police of Knoxville, Tennessee, I should like to express our sincere appreciation for your introduction of Senate Bill 678, and to assure you of our support of any legislation designed to free Law Enforcement from the shackles of recent Supreme Court decisions.

Every person with any knowledge of Law Enforcement realizes that interrogation is a necessary part of Police investigative procedure, and that, in many cases, it is the only key to the solution of the crime. If we apprehend a known criminal in the vicinity of a burglary, with the loot therefrom in his possession, must we have his attorney present before we ask him how he came by that stolen property? If, because of the overwhelming circumstantial evidence against him, he confesses his guilt to the Officers bringing him to Police Headquarters, shall the court rule out his subsequent confession because his attorney was not present when he made his original admission of guilt?

We make no attempt to justify the isolated instances of abuse of Police powers in the past. In common with Law Enforcement Agencies everywhere, we guard zealously against even the appearance of such abuse. We have no "third degree"; officers interrogating suspects are very careful to offer neither threats nor promises. For many years, our State Courts have provided counsel if the defendant in a criminal trial is unable to afford an attorney.

With these policies, we are in wholehearted agreement. However, to arrest a criminal under suspicious circumstances and to be unable to even question him regarding his guilt; or to be unable to use as evidence his voluntary statement regarding that guilt is an illogical overemphasis on the constantly-increasing rights of the criminal, while totally ignoring the declining rights of his victims—the right of society as a whole to protection under the law. It is emasculation of Law Enforcement, to the point where Police and the Courts are well-nigh impotent in the performance of our sacred trust as guardians of the public safety.

We offer you the whole-hearted cooperation of this Office and of this Department, in your commendable efforts to remedy this situation.

Sincerely yours,

H. C. HUSKISSON,
Chief of Police.

DEPARTMENT OF POLICE,
Menasha, Wis., March 1, 1967.

Hon. JOHN J. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: As a representative of law enforcement, I strongly support a change in the law regarding the admissibility of confessions. The quagmire produced by recent court decisions is affecting police operations because of the lack of operational guidelines.

In many circumstances, a confession is readily available from a suspect when he is confronted with facts relating to the case. The restrictions set forth in the *Miranda* rulings and the various interpretations given in the news media confuse everyone involved.

I am certain that no one who lives in this country wants to lose any of his rights granted under the Constitution. By the same token, a truly professional enforcement officer does not want to violate those rights.

The rights of law enforcement should also be considered and liberalized, and such legislation is long overdue.

Very truly yours,

LESTER D. CLARK,
Chief.

DALLAS, TEX., *March 1, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.:

Dallas Crime Commission believes critical crime situation resulted from Supreme Court decision such as *Miranda* Subcommittee hearings will be invaluable in assessing same. Recommend you call Orlando Wilson, criminologist and superintendent of police, Chicago, Ill., for testimony. Also suggest consideration requiring unanimous decision by Supreme Court in criminal cases or legislation to permit reversal of such decisions by Congress, voice of the people.

JOHN MCKEE,
President, Dallas Crime Commission.

LANE COUNTY SHERIFF'S OFFICE,
Eugene, Oreg., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I was requested by Quinn Tamm, executive Director, of the International Association of Chiefs of Police, Inc., of which I am a member, to contact you regarding the Senate Subcommittee on Criminal Laws and Procedures. I would like to express my opinion as follows:

The lack of statements from accused criminals has forced the police to pursue a more painstaking and expensive type of investigation than was formerly necessary prior to the Supreme Court Decisions which redefined the rights of the accused.

Formerly the police interrogated a subject and in most cases there was no reluctance on the part of the suspect to give a statement. This eliminated the painstaking technical search of each and every crime scene for physical evidence necessary to connect the suspect with the crime.

This time consuming police work coupled with the expensive laboratory work necessary to process evidence obtained has posed the problem of obtaining more personnel, more laboratory space and equipment. Personnel, time, laboratory expense, all run into vast amount of money of which is absolutely uncalled for in this writer's opinion. The accused was never mistreated by any enlightened enforcement officer and in most cases was always willing to admit a crime in which he was involved. The scientific crime scene search and laboratory evaluation has merely replaced scientific interrogation with no advantage to the criminal, but adding a great burden on the taxpayer.

We in law enforcement certainly feel that the recent U.S. Supreme Court decisions are adversely affecting the ability of local law enforcement agencies to fulfill our responsibilities.

Very truly yours,

HARRY H. MARLOWE,
Sheriff, Director of Public Safety.

DEPARTMENT OF PUBLIC SAFETY,
Baton, Rouge, La., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have just received a memorandum from Mr. Quinn Tamm, Executive Director, International Association of Chiefs of Police, Inc., regarding hearings by the U.S. Senate subcommittee on Criminal Laws and Procedures scheduled March 7, 8 and 9, 1967.

Law enforcement agencies join you and the other Senators and Representatives in your concern with regard to recent U.S. Supreme Court decisions which are adversely affecting the ability of those agencies to fulfill their responsibilities.

This will advise you that the under-signed strongly favors legislation such as S. 674, which I understand is a bill to amend Title 18, U.S. Code with respect to the admissibility in evidence of confessions. Such legislation, I believe will do much to relieve the almost impossible situation law enforcement agencies have been faced with since the Miranda decision.

With best wishes for success in this matter, I am

Yours very truly,

THOMAS D. BURBANK,
Director.

DEPARTMENT OF POLICE,
Manteca, Calif., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Law and Procedures U.S. Senate, New Senate Office Building, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: I would like to add my support to your bill (S. 674). It is my opinion, related on my personal experience, that the Supreme Court has gone past a reasonable man's interpretation of the Constitution. I think it is time the rights of the victims of crimes be considered and society's right to be protected against violence and crime be brought to the forefront.

Guilt or innocence no longer seems to be a factor in our courts. The contest now is to see if the defense can find any minute detail that may have been overlooked by the police to free a guilty person and return him to prey on society.

Very truly yours,

DAVID WALSH,
Chief of Police.

WAUSAU POLICE DEPARTMENT,
Wausau, Wis., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Law and Procedures U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR: I wish to take this opportunity to express my views and objections to the problems fostered on the police by the Supreme Court Decisions in the Escobeda and Miranda decisions.

We have experienced a great deal of difficulty in clearing cases involving criminals with previous records. These persons, when apprehended are hiding behind their so-called rights and refuse to answer questions, consequently only cases with physical evidence and witnesses are being cleared. We are not having any problems with the first offenders. These persons willingly waive their rights and confess to their crimes.

The retroactive order of the Miranda Decision suppressed evidence secured by a statement in a vicious sex murder case in Wausau in July 1966. The statement was suppressed in its entirety due to the ruling. Included in the statement was an account of happenings leading to the crime which were not witnessed by anyone except the victim and the murderer. As a result the Murderer pleaded insanity and was found insane which would not have been possible had the statement been allowed as evidence.

Other points that I wish to make and feel are important are: the many man hours needed to secure evidence enough for conviction of the criminal and the great lack of available laboratory facilities to examine the evidence secured.

Then also the image of Law Enforcement has been harmed. The feeling of the man on the street is that the police have "goofed" and had to be put in their place by the Court. There has been relatively no feeling exhibited for the victims of crime.

These are only a few of the views and as time goes by the real damage will be noted. As a policeman for the past thirty years I wish God's speed in correcting a bad situation.

Sincerely,

EVERETT GLEASON,
Chief of Police.

POLICE DEPARTMENT,
Albuquerque, N. Mex., February 28, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: I am convinced that recent United States Supreme Court decisions have put a burden on police in the nation and have affected every law abiding citizen of this country.

These decisions, in effect, have not caused less respect for law and order by criminals and hoodlums because they have none to begin with. It has caused a lack of respect for the police, being unable to enforce the law, and a lessening of fear for the consequences, if caught.

The police can adjust to the interpretations of the Court but the law abiding citizen will never be able to understand why we cannot protect his rights from the criminal and hoodlum.

It is my opinion that Mr. Average Citizen does not appreciate nor understand the release of admitted murderers, sex criminals, etc., merely because the accused had not conferred with an attorney before the admission.

Sincerely,

PAUL A. SHAVER,
Chief of Police.

POLICE DEPARTMENT,
Saddle River Borough,
Bergen County, N.J.,
February 28, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR: In accordance with your request to the members of the International Association of Chiefs of Police, I am enclosing a photocopy of the article in which I expressed my opinions to a reporter for the Ridgewood News Incorporated, Ridegway, New Jersey.

I hope that as a result of your hearings that some changes will be made with respect to the admissibility of evidence of confessions.

Yours truly,

SHELDON T. MCWILLIAMS,
Chief of Police.

POLICEMAN'S LOT NOW UNHAPPIER

(By Suzanne Barrett, of Ridgewood News)

While emphasizing that he did not wish to take a negative approach to the recent Supreme Court ruling on the procedure for questioning upon accusation, arrest or taking into custody of persons suspected of crime or criminal activity, Police Chief Sheldon T. McWilliams of Saddle River made the following observations in an interview with this reporter: "With time an essential element in criminal investigation and the subsequent apprehension of the criminal the recent Supreme Court decisions tend to tie the hands of the police even when making an ordinary, on the spot, arrest where circumstantial evidence points to the guilt of the party involved and where, in the past a simple interrogation could produce, what was once considered by the high courts, a bona fide confession or a release. Now we must advise the suspected law breaker of what the constitution says about his rights, delaying in some cases and preventing in others a confession of wrong doing. This hampers the work of the police which is, mainly, the protection of law-abiding citizens and their property.

"What is not publicized is that the people who perform police interrogation are trained for this specialized work. There are hundreds of volumes written by eminent professors on the subject of criminology and the psychology of verbal methods of obtaining information. Given too much time, even the nonprofessional criminal can manufacture a story, convince his attorney of its truth and end up by going away free. Where I once could pick up a suspect and casually question him, perhaps leading him into telling me what I want to know, now I must begin by advising him he is under suspicion, putting him immediately on the defensive and I must further inform him of his right to remain silent and his right to an attorney—which, incidently, if he cannot afford I will provide him—caution him against saying anything that can be used against him . . . then, if he waives these precious rights, I must attempt to get information from this man. This procedure can introvert even the innocent man with nothing to fear.

"There was a situation here where a man thought to have stolen a sum of money from his employer, was interrogated by that employer and restitution made, after the man admitted the theft, by withholding the amount from the man's pay check. The man was fired, of course, and the employer now satisfied . . . refused to prosecute the individual. He felt that if the police had been called into this matter chances were that the man might have gotten off without restitution being made. A subsequent check by the police revealed that the subject had a long record of crimes. The function of the police is to apprehend and prosecute criminals. When private citizens feel they have to handle matters themselves in order for justice to be done, something is not quite right with the system.

"It would be interesting to observe what kind of on the spot, split second and without deliberation decisions members of the United States Supreme Court and other learned legal counselors would make when confronted with many of the situations that the police officer encounters during the course of his duty. The Supreme Court has ruled that the police officer must not err in his procedure of arrest because if he does, not only will his case against the guilty person be dismissed but the officer can be held for liable infringement of this person's constitutional rights. The dismissal would not be based upon whether the person is guilty or not, but rather upon the procedure used to ascertain his guilt. Isn't this rather ridiculous when you realize that the great learned men of the Supreme Court take hours and even days to render a decision on a course of action?

"People have always had the rights that are now spelled out, but why delay the work of the police or render it impossible by rolling stones into the already difficult road-way of investigations?

"It seems to be a situation where behavior on the part of a minority and the ensuing arousal of public opinion has brought about a decision detrimental to the majority of law enforcement agencies. We will have to adjust it, but it will in time prove itself to be wrong. Dust off the red carpet for the criminal, educate the young to their rights, never mind the responsibilities, and watch the crime rate, already on the increase rise."

POLICE DEPARTMENT,
River Edge, N.J., February 28, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: In compliance with your request that members of the International Association of Chiefs of Police write to you expressing their views and offering suggestions regarding the Supreme Court decisions, I am writing to you to give you an example of one instance in which the efforts of this department were thwarted in the prosecution of complaints of larceny against two adults and one juvenile. The matter was dismissed upon the mere allegation that the defendants had not been advised of their rights.

I realize that the instance I cite is indeed minor compared to the many perpetrators of heinous crimes who have gone scot-free because of the fact of recent Supreme Court decisions. Not only have these culprits gone unpunished for the crimes they have committed but also are free to prey upon society with what amounts to immunity from the law.

The last thing that those of us in law enforcement desire to do is to deprive any individual of his rights. It is part of our duty to protect the rights of the citizenry. It is also part of our duty to protect life, limb and property and to apprehend those people who have violated the laws of the land so that they may be brought to the bar of justice.

We do not want to judge the guilt or innocence of any defendant but we do want to have the tools with which to gather the true facts of a case and present the evidence found as the result of a good and honest investigation, made in good faith and taking every reasonable means to protect the rights of the accused. It cannot be expressed too emphatically that to lose the right to interrogate a suspect is tantamount to losing the ability to fight crime at all.

The seasoned criminal does not have any need for advice as to what his rights are, because he knows them better than anyone else. He is hoping for the police to make that one mistake which will enable him to claim a violation of his rights so that any physical evidence which may be used against him will be barred from being introduced into the proceedings. This is not an individual viewpoint it is an actual fact.

I cannot express too emphatically the disastrous effect that recent decisions have had upon the morale of the police. This effect is even being felt by the dedicated policeman who, in the past, has risen above the obstacle placed in his path in his fight against crime. How much longer can he be expected to dedicate himself to his job if he is thwarted and frustrated in his every effort?

We, in law enforcement, hope that men such as you will take up this fight and return to the police those tools which are necessary for them to do an honest job of protecting *all* of the Citizenry.

With thanks for anything you may be able to do in aiding the fight for law enforcement against crime, I am,

Respectfully yours,
EVERETT M. CRANDELL,
Chief of Police.

DEPARTMENT OF POLICE,
Southhampton, Buck County, Pa., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: As Chief of Police, I find law enforcement headed for a "law-bound chopping block". I am in full accord with your statements regarding criminal laws and procedures.

I never did believe that anyone's constitutional rights were ever violated through law enforcement officers. The only tool that any law enforcement agency, employs, is the tool of information, and to obtain information we must ask questions.

I can truthfully say that every man, under my command, is well experienced and informed. Any case that is investigated, is for a purpose. None of my officers have ever "picked" on any person in the community, or any transient that has had police contact.

This era reveals, that a person is not allowed, to unburden his troubles or cleanse his soul and conscience, without being accompanied by a lawyer. Is this the way of life? I think that a person is being deprived of his "Freedom of Speech," when he wants to confess, and the court rules out the confession, for the fact that he was without counsel.

Present day society is being victimized by tenious technicalities, such as law procedures, taking precedence over the crime involved.

Where do law enforcement agencies stand in this day and age? Why is the police and their departments on trial? The citizenry and the governments, Federal, State and Local, employ law men to do a job and then when they do, they are put on a witness stand and crucified. Is this the trend today? Once again Sir, I will support you, if needed.

I agree with you and all of your policies, take the shackle off the police and let them perform their duties, to reduce the country's criminal population.

You can count on me!

Respectfully,
CHARLES W. GRAY,
Chief of Police.

POLICE DEPARTMENT,
Sommerville, N.J., March 1, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have been informed that you, as Chairman of the Senate Subcommittee on Criminal Laws and Procedures, have scheduled hearings on March 7, 8 and 9, 1967, regarding the United States Supreme Court decisions which have so much affected local law enforcement.

The most recent decisions have placed a severe hardship on the local enforcement officer and his supporting taxpayers, as an example; this department was bothered by a rash of break, entry and larcenies in one section of our municipality where there are new homes being erected. At 3:00 am one morning, one of our patrol cars found a man coming out of a woods in the midst of this housing development. This person is well known to the department because of his prior criminal record. When the officer stopped to question the man and informed him of his rights under the recent Supreme Court decision, the suspect stated that he did not wish to be questioned and our man could go no further because if he were detained and brought to headquarters, we would be violating his constitutional rights by questioning him in a "custodial atmosphere."

I am sure you are well aware of the recent bitter dismissal, in New York State, of murder convictions against a man who very frankly admitted killing six people. It is horrible to think that this person is free to roam the streets and commit his atrocities again.

I don't believe any police department is seeking a completely free hand in the apprehension of criminals or would deny anyone the due process of law, but we do very strongly feel that the Supreme Court has overstepped its bounds, especially in the Miranda et al. case.

I realize you are fighting a tremendous uphill battle in attempting to lessen the burden placed on police officials, and I wish you the very best in your endeavors.

Very truly yours,
DIX R. M. FETZER,
Chief.

WAUWATOSA, WIS., *February 28, 1967.*

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MCCLELLAN: Members of the International Association of Chiefs of Police have been asked to express to your distinguished subcommittee their views and suggestions regarding recent U.S. Supreme Court decisions affecting local law enforcement. Unfortunately, up to this time, almost all of the comments presented by law enforcement people have been in the nature of opinion and rhetoric. Facts and well-documented conclusions are very scarce.

There are, I think, three reasons for this state of affairs:

First, the full impact of the recent decisions is just now being felt at the level of police, prosecuting attorneys and lower courts, as the man in the street becomes aware of the new interpretations of constitutional rights.

Second, police departments generally have not kept records in such a way that specific data are available on the results of interrogation as an investigative tool.

Third, the recent decisions on police interrogation have raised secondary questions which are still unanswered by the Courts. Among these questions are—

(1) Does the Miranda doctrine apply to juveniles who, by statute in some states, are not subject to criminal process?

(2) Do the Escobedo and Miranda doctrines apply to traffic offenses?

(3) Do these doctrines cover cases charged in Municipal Justice Courts, where proceedings are, in some jurisdictions, considered civil rather than criminal, even though "criminal" type misdemeanors are processed in these courts?

Based on our own experience, I will venture a few empirical observations of the way the new doctrines are affecting police operations. Like some other departments we have begun to gather data on the use of standard "Miranda Warnings" on the investigative process. The value of such data will, of course, be severely restricted by the fact that we had no data before Miranda against which a comparison can be made.

1. The Miranda and Escobedo rulings are severely curtailing interrogation of arrested persons about crimes *other than* the ones for which they have been arrested. This effect is most felt in connection with burglary. Until recently the arrest of a gang of burglars in the act would often result in the clearance of many other burglaries—sometimes 30 or 40. Attorneys now rarely allow their clients to admit other crimes. The clearance of a series of thefts, even without prosecution on most of them, together with the return to the victim of at least a part of the loot, is a vital part of the law enforcement process.

2. The restrictions on search and seizure have proved to be more of a handicap to police work than the pre-trial interrogation doctrines. District attorneys seem to have developed a tendency to refuse warrants where the search appears to them in any way questionable. The machinery of criminal justice is simply not geared to the prompt issuance of the search warrants which the Federal Courts keep telling us to use more extensively. Moreover, until some more realistic interpretation of the terms *probable cause* and *reasonable search* is forthcoming, or until specific legislation is enacted, giving the police officer at least the search powers of a game warden, much of the "scientific evidence" which the higher courts encourage can not be discovered at all.

3. Law enforcement at the municipal level is, to say the least, in a state of flux. The differences of interpretation of various constitutional guarantees manifested by the split decisions of the Federal Courts on many cases seem also to confuse the prosecuting attorneys and some lower court judges. On the same set of facts in a given case one magistrate may refuse a warrant while the next one will issue it.

No doubt your committee will hear testimony to the effect that "the federal agencies have always followed the Mapp, Mallory, Escobedo and Miranda doctrines and they have had a high percentage of convictions". This statement while generally true is also irrelevant to the work of local police. The federal enforcement agencies work in comparatively restricted classes of offenses, very few of which present an active, *immediate* threat to life and public order. For many of the crimes within its jurisdiction, each agency is armed with a powerful weapon—compulsory disclosure. Business accounts, tax records, bank assets, drug inventories, etc., are made available for lengthy and thorough pre-arrest investigation. The local police begin most of their cases with information obtained "on the street" often in a fluid and rapidly-developing situation. The evidence, especially if on a person or in a motor vehicle, is available usually for only a fleeting moment. For these reasons we need specific legislation giving us reasonable as well as realistic powers if we are to continue to fulfill the expectations of the citizens. Suggestions for such legislation can be found in the American Law Institute's model code of pre-arraignment procedure, the so-called stop-and-frisk laws of some states and the search and seizure powers given to conservation officers in some states.

Sincerely yours,
JOHN P. HOWARD,
Chief of Police.

DEPARTMENT OF POLICE,
Newport, Vt., February 25, 1697.

Hon. JOHN L. MCCLELLAN,
Chairman, Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Along with other Chiefs of Police in America I am most grateful to you for introducing Bill S. 674 which if passed could assist us in this our Hour of real Bewilderment. It's getting so now that in minor Traffic Violations We must explain their rights before We interview the Operator. The Prosecutors in our Country are in many instances scared to bring into Court even minor Cases.

Thank you so very much for your assistance.

Acknowledgment of this is not necessary.

Most Sincerely,

Chief JAMES F. MULCAHY.

DEPARTMENT OF POLICE,
Virginia Beach, Va., February 24, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: It is indeed gratifying to learn that you have introduced legislation with respect to the admissibility in evidence of confessions.

At no time in our history has the need been greater than it now is for an awakening to the fact that the "Pendulum" has swung too far in favor of the criminal, and too far from the rights of society.

Of the multitude of cases handled today by Law Enforcement Officers, a great many depend entirely upon the obtaining of confessions in order that proper convictions may result.

I am quite sure you will receive specific examples from various parts of our country from well known and recognized Law Enforcement Officials with examples of the effect of the "Miranda" decision on law enforcement.

Your interest and efforts for Law Enforcement and Society, I am sure, will be greatly appreciated and welcomed by all of our good law abiding citizens.

Very truly yours,

JAMES E. MOORE,
Chief of Police.

POLICE DEPARTMENT,
Summit, N.J., February 27, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: The Summit Police Department appreciates your concern for the effects of the Miranda decision.

As a result of this decision we are having increasing difficulty, and we feel that there is a need for Congress to examine and modify the laws of arrest and search and seizure so that public interests may better be served by the Police.

Yours very truly,

JOHN B. SAYRE,
Chief of Police.

DEPARTMENT OF STATE POLICE,
Richmond, Va., February 27, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: If law and order are to prevail in the United States of America, something must be done to stem the phenomenal increase in criminal offenses.

In the five year period 1960–1965, crime in America increased 48%.

This Nation cannot long survive this trend. We can no longer effectively come to grips with criminals. We have become the laughing stock of all nations.

Remedial measures of a drastic nature are imperative or some future historian will write of the rapid rise and fall of the United States of America.

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, 1319 Eighteenth St, N.W., Washington, D.C. 20036, should be the spokesman for all police departments in America.

Sincerely,

C. W. WOODSON, Jr.,
Superintendent.

OFFICE OF POLICE DEPARTMENT,
Conway, S.C., February 25, 1967.
Hon. JOHN L. MCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR CONGRESSMAN MCCLELLAN: I appreciate your interest in law enforcement and I know you will do everything possible to assist law enforcement officers in apprehending criminals and bringing them to justice. The recent decision handed down by the Supreme Court in the Miranda case has certainly interfered in investigating work as far as the admissibility in evidence of confessions is concerned, certainly needs to be amended. I wholeheartedly endorse any bill that you introduce to amend Title 18, U.S. Code with respect to Miranda.

With kindest personal regards, I am

Sincerely yours,

H. T. BARKER,
Chief of Police.

POLICE DEPARTMENT,
Seekonk, Mass., February 24, 1967.
Hon. JOHN L. MCCLELLAN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SIR: I, as President of the Southeastern Massachusetts Police Chiefs Association which comprises fifty-three cities and towns, am writing to you as the representative of this organization.

We are all very disturbed about the many recent one-man decisions made by the Supreme Court of this country.

There is no doubt in my mind that something should be done about this, and I as the representative of the association, am requesting that your committee record us as being very strongly opposed to some of the decisions.

We cannot see why if a man is suspected of having committed a crime and he is questioned and he admits he is the guilty one, that this confession cannot be used against him. I do not believe that there is a criminal in this country who doesn't know that he has the right to an attorney. They know this better than the police themselves.

As far as we are concerned, a confession is usually made as a result of guilt or remorse for his crime, and he freely gives out with his own words. We also know that a hardened criminal wouldn't give anyone the right time of day, let alone give out with a confession. We also know that a hardened criminal will lie through his teeth to gain his freedom, but yet the police officer has to tell the truth and is made to look like he is the criminal on the witness stand in a court room.

We would like to see your committee go all the way to push legislature to admit confessions in evidence and not so many criminals go free, such as the one in New York the week of February 18th, wherein the subject had confessed to killing his wife and children and was allowed to go free because his confession was not allowed as evidence.

This, we all feel, is out and out foolishness and something should be done about it before this whole country of ours is turned over to the criminal.

Very truly yours,

ALFRED WEHR, *Chief.*

THE BOROUGH OF RAMSEY, POLICE DEPARTMENT,
County of Bergen, N.J., February 24, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: With regard to the rulings of the Supreme Court on statements and confessions, I feel that it should be the responsibility of the people of such an advanced country to know their constitutional rights.

There are not too many people in the United States who do not have the opportunity to obtain an education. Even a person who has had only a grade school education should know what his rights are. I know that I learned mine when I was in the fourth or fifth grade.

If something is not done our country will be in great trouble as it will be overrun by thieves and cutthroats and it will not be possible for decent people to walk the streets without fear.

Let us place this responsibility just where it should be, upon the people, not upon the law enforcement officer.

Yours very truly,

NORMAN R. STEGEN,
Chief of Police.

MARYLAND POLICE
TRAINING COMMISSION,
Pikesville, Md., February 27, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

SIR: The International Association of Chiefs of Police has called to my attention the hearing scheduled before your Committee on March 7, 8 and 9, 1967, relative to S. 674 intended to amend Title 18, U.S. Code with respect to admissibility in evidence of confessions.

Without commenting in any way as to the correctness of recent Supreme Court decisions dealing with the conduct of law enforcement in the course of criminal investigation, I cannot help but express my sympathy with any legislation having as its object the lessening of such restrictions placed upon law enforcement. I am completely mindful of the necessity for zealously protecting the rights of individuals, which rights have been granted to them by the Constitution of the United States. I cannot help but wonder, however, at the necessity of some decisions, particularly where there has been a close division in opinion on the part of Justices when such decisions obviously favor the rights of an individual over the seemingly more important rights of society, particularly with respect to the protection of society against the actions of criminal and subversive elements.

Accordingly I should like to commend your Subcommittee for its concern in this respect and its efforts within the framework of the Constitution to make easier the role of law enforcement in the protection of society.

Sincerely yours,

ROBERT L. VAN WAGONER,
Executive Secretary.

DEPARTMENT OF POLICE,
EAST CLEVELAND, OHIO,
February 27, 1967.
Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I join with you in expressing dismay at the recent Supreme Court decisions which are adversely affecting the ability of law enforcement agencies to fulfill their responsibilities. In our own Department (sixty-six men) we have had several cases wherein we were forced to release a guilty person because of the fact that he refused to sign the so called "Miranda Waiver". Cases such as these do much to undermine the morale of members of the Police Department.

I am hopeful that you and your committee will be able to bring about procedures which will nullify or at least modify many of the recent Supreme Court decisions—decisions

which I feel are one sided in favor of the individual with little or no thought being given to the victim of the offense.

Sincerely,

PATRICK J. O'MALLEY,
Chief of Police.

POLICE DEPARTMENT,
TOWN OF GROVELAND, MASS,
February 25, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: With respect to recent United States Supreme Court Decisions which are adversely affecting the ability of local law enforcement agencies to fulfill their responsibilities, it is my judgment that in this total protection and insurance of a defendant's "rights" as required by these decisions, we are forgetting and neglecting the rights of an innocent victim, and his constitutional rights also as a citizen.

Our forefathers conscientiously arrived at a Constitution under which all were guaranteed certain rights—the transgressed as well as the transgressor. Why then, should the Supreme Court now rule that only a defendant has these inalienable rights?

Very truly yours,

JAMES J. SHANAHAN,
Chief of Police.

OIL CITY, PA.,
February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: As the Chief of Police of a small department, I have found that the Miranda decision has hampered our investigation seriously.

For example: Recently we had several house burglaries resulting in a loss of approximately 2,000 dollars. A scientific investigation was conducted. The intruder wore gloves during the commission of the crime. We did preserve fibers from the tools used at the crime site. We have known burglars in our community. However, as a result of the Supreme Court decisions, they are aware of their rights and needless to say, we achieve nothing by interrogating them on suspicion.

We have never in the past beat a confession out of a suspect, nor did we use other cohersive means in obtaining a confession. We merely interviewed a suspect and used our training and education as police officers in obtaining a confession.

I suggest that we return to the interviewing stage and the accusatory stage in interrogations. Also, we are aware of what we can not do, perhaps a uniform code should be rendered as to the rights of a police officer, in his dealings with the criminal element.

My sincere appreciation to you, and the other Senators and representatives for your interest in this grave matter, so crucial to the preservation of peace and property in our great Country.

Your very truly,

E. J. KONETSKY,
Chief of Police.

POLICE DEPARTMENT,
CHICOPEE, MASS.,
February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SIR: It certainly is a pleasure to learn that the forgotten policeman has finally found a Champion of the "Boys in Blue". With the stand you took in a recent speech before the Senate, against some of the U.S. Supreme Court decisions which handcuff Police in doing their duty and freeing confirmed criminals, I certainly believe you are the Champion the Police have long waited for.

I whole-heartedly endorse your legislative bill S. 674 which is a bill to amend Title 18, U.S. Code, with respect to the admissibility in evidence of confessions.

Since the Ohio vs. Mapp, Escobedo vs. Illinois and Arizona vs. Miranda decisions, this Department has lost some of its cases in Court due to these decisions.

I don't know how the Legislative Branch of our government can reverse these decisions, but if there is a way, I am sure you will do your best in trying to do so.

This Department wishes you success in your endeavor to make this a better place to live in by taking measures to fight this great crime problem confronting this nation.

Very truly yours,

HENRY A. KULIG,
Chief of Police.

BELMONT POLICE DEPARTMENT,
Belmont, N.H., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Washington, D.C.

DEAR SENATOR MCCLELLAN: Just a brief note to let you know that, as a representative of Law Enforcement, I appreciate and support your efforts in the form of S. 674, the bill to amend Title 18, U.S. Code, regarding admissibility of confessions and hope that it will receive an "ought to pass" recommendation, and that our Congressmen from New Hampshire will support it on the floor.

Since the *Miranda* v. *Arizona* Supreme Court decision, in our small town of 2,500 population, we are hamstrung in our efforts to enforce the law by an inability to interrogate suspects. They say that we should overcome this through better training and more technological advances. However, even a 7-year-old child who watches T.V. knows better than to leave his fingerprints at the scene of a crime and many crimes of stealth are committed in such a way that the only person who can shed true light on what has happened is the perpetrator himself. Many times in the past, we would solve crimes by interrogating suspects who would lie to us: then checking out their alibi and when it did not check, confronting them with the discrepancies whereupon they would confess. This was accomplished without threats, brutality or coercion, merely through patient investigation, yet now the Supreme Court would deny to us this valuable tool.

In our small town in 1964, 80% of our burglaries were solved through investigation, only 20% where the burglars were caught at the scene of the crime. In 1966 the only burglaries we solved were cases where the criminal was caught "flagrante delicto." Other departments in our area report similar statistics.

Another problem that has arisen since *Miranda* v. *Arizona*, and one which I have yet to see much comment upon, but which I feel is important, is that prior to Miranda, you would often apprehend a person for one crime, and after talking to him, he would admit to a whole series of prior crimes. Although many times you would not charge him with all the prior crimes it did clear many unsolved cases off the books and lead to recovery of many stolen items. Now, the criminal only confesses to the crime he was caught red-handed at, and the prior offenses committed by the same person remain unsolved.

Also, we can learn much about the habits and methods of criminals by questioning them about the crimes they have committed, and thus better prepare our police departments in terms of methods and deployment of forces to cope with future crimes. Many times in high crime areas we find that a certain crime tends to be committed in a particular way, and can therefore alert our men as to what to watch for. Now, since Miranda, the criminal does not give us any of these details, and we are thus deprived of a valuable tool with which we could prevent further crimes of the same type.

I hope that you are successful in your efforts to help us, because if you do not succeed, there are only two courses of action open to the American public: One is to allow crime to run so rampant as to finally lead to the return of vigilantes and lynch mobs, which should never be necessary in a civilized society. The other is to break the back of the American taxpayer by stationing a policeman on every streetcorner in the hope of preventing a larger share of crimes.

With best regards,

EARL M. SWEENEY,
Chief of Police.

CITY OF ST. LOUIS PARK,
February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SIR: I became involved in a burglary case at 2:00 a.m. one morning by accident. While returning home, I heard on squad police radio officers of my Department searching for 3 burglary suspects. In assisting them I happened to turn onto the road being used by the suspects in their getaway. Being the first officer, I built my necessary probable cause for arrest and then proceeded to advise the three suspects of their rights as required by the *Miranda* decision. Because of the excitement of the chase, the lateness of the hour, the rustiness of my apprehension procedure, etc., I failed to say the words "and to have your lawyer with you while you are being questioned." The result of the case was that the County Attorney ruled improper *Miranda* warning had been given, and the three suspects were released.

I realized this is a small case, but I believe it points out the problem in practical application of the court ruling. I further believe the requirements created by the recent rulings have caused officers to fall back from the aggressive approach to suspects needed in apprehending violators and solving crime.

Statistics on cases lost, or crime unsolved, will be difficult to obtain. We cannot know how many cases are never brought to the prosecutor due to inability to question a suspect when no other evidence is available. The results of recent court rulings to the field of law enforcement will be varied. It may be some time before we see some of the dangerous changes in our society's behavior as to right or wrong, good or evil.

I definitely believe the rulings have curtailed good law enforcement and will have a decided effect on the future crime pattern of this country.

Sincerely yours,

CLYDE A. SORENSEN,
Chief of Police.

CITY OF CEDAR RAPIDS, IOWA, COMMISSION FORM OF GOVERNMENT,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I have been informed that you, as Chairman of the Senate Subcommittee on Criminal Laws and Procedures, have scheduled hearings for March 7, 8, and 9, 1967, regarding U.S. Supreme Court decisions affecting local law enforcement, and that you have introduced legislation to amend Title 18 U.S. Code with respect to the admissibility in evidence of confessions.

At a time when police everywhere are seeing self-confessed criminals set free because of technicalities invoked by the supreme court, it is, indeed, heartening to know that some of our legislators are taking steps in the opposite direction.

In a series of rulings during the past nine years, the Supreme Court has handed down increasingly unreasonable decrees on police procedure. The trend has been toward strengthening the rights of the accused, and limiting the powers of law enforcement. As pointed out in the recently released report of the National Crime Commission, both the right of police officers to question suspects and the use of voluntary confessions have been severely jeopardized.

If legislative action is necessary to halt the invasion of the Supreme Court into what has previously been a legislative and executive function—that of policing the police—by all means let us get on with it. Let us get back into the world of reality, where the rights of the individual are protected, but without disregarding entirely the rights of society. Action must be taken so that five men are not permitted to rewrite the Constitution.

Many criminal cases, without interrogation, without a confession, would never be solved. These are the cases where no evidence is available, and there are many such. More and better training, and more education for police are fine ideals, but they will not provide evidence where there is none. Interrogation and voluntary confessions must continue to play a large part in the solving of crimes.

In this small city, seven criminal cases have been lost because of the retroactive clause in the Miranda decision alone.

I am sure you have the moral support of every conscientious police officer in the country—if I could assist in some more concrete way, I would indeed be honored.

Very truly yours,

GEORGE J. MATIAS,
Chief of Police.

POLICE DEPARTMENT,
Bristol, Va., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR: I commend you for efforts to restore the confession as a tool of law enforcement and of justice.

In my opinion it is a most dependable form of evidence, frequently better than an eye witness (were one present), and subject to the least possible contribution to miscarriage of justice. Its possibilities are greatest in the earliest hours following an offense or arrest and provision for reasonable opportunity for officers to elicit a free and voluntary confession without restraint of an attorney would serve justice and could in no way convict an innocent person.

I have been an officer for thirty years, believe the current court rulings will contribute to a greatly increased crime rate despite expanded enforcement activities with greatly increased operating costs.

I regret I am unable to support my opinion with any specific examples. We have had a few subjects decline to talk without an attorney (which of course ended the matter), but they could have done that before Miranda, and in any event might not have confessed. Yet, the trend seems to be toward getting the use of the "free attorney" at the interrogation stage.

Respectfully yours,

JOHN W. STOVER,
Chief of Police.

HENRY W. RODNEY,,
New York, N.Y., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: After almost 40 years in law enforcement, both state and federal governments, as well as in private industry, during which years I have written hundreds of reports and letters on official matters, I now cannot find sufficient words to express my disappointment, perplexity and indignation with the manner in which our United States Supreme Court is rendering decisions involving criminal law.

How can we expect to have law, order and decency in our society, when vicious criminals, murderers, robbers, rapists, etc., are set free by the top legal brains in our nation, just because they were not given what is tantamount to a suite at the Waldorf; a steak dinner; a kiss on the cheek, and of course, "You don't have to say anything; you don't have to admit anything, because it may get you into trouble, and we could thus stop your nefarious activities."

What is happening to our wonderful country as we once knew it, when we permit vicious dogs to roam and kill at will knowing they will be protected by the top court just because they weren't told of their "rights"? Aren't law-abiding persons entitled to their rights?

How can we expect our law enforcement agencies to do an effective job when they know what the result will be if they fail to inform the criminal of his "right" when, in fact, he morally is not entitled to them after the commission of a crime. When the Bill of Rights and other protecting laws were first set up, were they really meant to protect the criminal? Weren't they, in fact, meant to protect the God-fearing people who uphold the law?

What has become of our great Supreme Court which was revered and respected throughout our country? Have some of its members become senile, and no longer possess the ability to reason? Are they in conspiracy with lawlessness? Are they seeking revenge against society for some unknown reason? Are some of them waiting until a heinous crime is committed on members of their own families before they have a change of mind and reasoning?

I speak not only for myself, but for the innumerable honest, hard working, dedicated law enforcement officers, who daily risk their lives so that yours and mine, yes, and the lives of the high court can be safe.

I wish to impress upon you, if the present trend continues, we will become slaves of the criminal masters, who will have complete immunity within the sanctum of the highest court in the land.

May I respectfully suggest that you do everything in your power to "operate" on the crowns of those "good justices" and, during the surgery, have those crowns injected with "hormones" known as "Common-Sense-Justice-for-All", the kind of justice that would protect the good people from the bad and eradicate the incomprehensible and dangerous decisions now being rendered by the Supreme Court.

Every law-abiding person is with you 100% in your efforts to enact legislation to protect the honest people of our country—and *not* the criminals—and give our police the *tools* with which they can do their jobs properly! Knock out the absurd rulings, "No love—No case", as dreamed up by the Supreme Court.

Some of my remarks may seem somewhat harsh, but I still feel that the decent man is being let down while the criminal is being protected far beyond reason.

Best wishes for the success of your endeavors and I hope for the pleasure of hearing from you.

Very respectfully yours,

HENRY W. RODNEY.

THE VILLAGE OF OAK PARK, ILL.,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Career law enforcement officers are very much aware that guidelines must be established for the protection of individual rights. With this there can be no quarrel. We are further aware that there must be a continuous effort on a daily basis to improve police procedures. However, the guidelines for the protection of individual rights must be realistic if we are to protect innocent citizens.

The law clearly states that it must be presumed that every person should be aware of his legal rights, that ignorance of the law is no excuse. On the other hand, recent decisions of the Supreme Court (the Miranda decision for example) directs that each one must be warned and made aware of his rights. Recent decisions of the Supreme Court have made an almost intolerable situation for police officers when, before questioning a subject, he must advise him that he has a right to remain silent, that if he does not remain silent anything that he may say or write can and will be used as evidence against him in court, that he has the right to consult a lawyer before he is even questioned, that he has a right to have a lawyer present while he is questioned, and further that if he does not have any money he has a right to counsel with an attorney who will be furnished to him and appointed to represent him before any questioning by any police officer.

We understand that for the protection of the ignorant and the poor it is necessary that there be some counseling. However, it is not the ignorant and the poor who are taking advantage of these most unrealistic Supreme Court decisions. Those who are taking advantage are the hardened criminals who prey upon the innocent.

Law enforcement's difficulties have become very burdensome with these decisions and will continue to be so and we are extremely worried about the future of crime which is now gaining momentum at an all too rapid pace.

I would respectfully request that your committee seek the testimony of Virgil Peterson, the executive director of the Chicago Crime Commission, whom I feel is extremely competent and has considerable knowledge of criminal activity and the courts in the Chicagoland area.

Yours very truly,

F. P. NESTER,
Chief of Police.

CITY OF WINCHESTER, VA.,
POLICE DEPARTMENT,
February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: In reference to your Memorandum of February 21, 1967: On the early morning of May 26, 1966 a fire occurred at the Schewel Furniture Co., 23 W. Cork St., this city. Subsequent investigation revealed that a white male, 27, had apparently been the first one to notice the fire. Accordingly in the routine investigation that followed we asked the subject to come to Police Headquarters so that we could talk to him. He voluntarily came to Police Headquarters on May 31, 1966 and our subsequent conversation with him led to his giving us a confession admitting that he was implicated in the fire at Schewels and also to one at the Brumback Co. on 2–24–66.

Prior to his making any statement and prior to his being questioned he was advised that he was not under arrest, that we were making no threats or promises against him, that he had the right to remain silent, that he had a right to an attorney and could use the phone to call a lawyer or his family and that any statement he did make could be used in any court of law. After he made the confession to the two offenses he sat in the police department lobby, still not under arrest or restraint, for several hours while we located the Commonwealths Attorney. Later the same day warrants were issued and he was arrested and charged with one count of Arson.

On subsequent occassions when he was questioned he was advised each time of his rights and he eventually confessed to 9 arson offenses spanning a period of several years. Total damages probably ran around $200,000.00. He re-enacted the offenses for us and was totally open about his involvement.

Between the time of his confessions and the time he was brought to trial on the 4 offenses for which he was subsequently indicted, the Miranda-vs-Arizona decision had been handed down. Consequently even though this man was advised of all rights required at the time of the confessions and the added fact that he was not even under arrest when the first 2 offenses were admitted, the retro-active aspects of the Miranda decision resulted in our statements being thrown out of court and the subsequent loss of all cases.

Arson is a very difficult case to prove as most of the evidence burns up. Therefore in many instances about the only thing you have of substance is a confession and with that thrown out you simply do not have a case.

Since the Miranda-vs-Arizona and the Escobedo-vs-Illinois decisions there are many instances where we simply do not talk to suspects for fear of possible repercussions in the eventual court trial.

We have now made up our own forms which we use in taking statements and also our release forms which we use in giving lie detector examinations and I am enclosing a copy herewith. These forms were made up by Police Department personnel and are used without exception in giving lie detector examinations or taking statements.

Recent Court Decisions have made it imperative that Police Officers be well trained, dedicated men and in view of the generally low salary scales paid by Police Agencies it is becoming more and more difficult to find acceptable applicants. It is now almost a case of trying to get the best of the job applicants while paying salaries that rank among the lowest when compared with representative industrial and other employers in the area.

Your efforts and those of your fellow Senators in endeavoring to improve the laws and working conditions which Police must use are indeed appreciated.

Respectfully,

MAJ. F. M. FUNK,
Chief of Police.

FEBRUARY 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SIR: The Police Chiefs Association of Bergen County, N.J., is an organization of seventy (70) Police Chiefs of seventy (70) municipalities, covering an area of 236 square miles with a population of over 886,000 people.

We wholeheartedly support your campaign in which illogical, shortsighted decisions reflect an unjustified and unprecedented concern for the law breaker.

These decisions and rulings have handcuffed law enforcement agencies by requiring impossible procedures which will insure the release of the guilty to the detriment of the law abiding people.

Since 1789 when the U.S. Constitution was adopted the Police and Courts have had a common objective: To develop and maintain a system of criminal justice which is fair, impartial and effective. We all agree that this is an exceedingly difficult and complex task.

Each and everyone of us support, without reservations, President Johnson's proposed Safe Streets and Crime Control Act, which he outlined in his State of the Union message.

We Chiefs are of the belief that law enforcement agencies will be able to slow down our rising rate of crime if confessions shall be admitted as evidence when it is shown that the confession was given voluntarily, without any threats, promises or coercion of any kind.

Again, may we focus our thoughts on this matter to you and the other Senators and Representatives and stress our readiness to assist in any way possible to bring a change to the recent court decisions on confessions, interrogation, search and seizure, and various rights of the accused.

Sincerely,

ROBERT B. LOVEMAN,
Secretary, Bergen County Police Chiefs Association.

DEPARTMENT OF POLICE,
Frederick, Md., February 28, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3421 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for interest in the protection of society and the individual's rights. The Miranda Decision of the Supreme Court has, in a great measure, resulted in hampering the Police with interviews necessary to complete their investigations. The interviews are only for the purpose of the meticulous ascertainment of the truth and in some instances it proves a suspect innocent. There is nothing more important in a criminal investigation than the interview because it puts together physical evidence, technical evidence, information from citizens and the true presentation to the Judiciary upon their examinations through testimony.

Experience has proven that we have had unworthy situations because of the lack of training and integrity. The Supreme Court Decisions have been reviewed and I agree with them with the exception of the Miranda Decision because this draws the line too tightly. We must look forward in our zeal to protect the individual's freedom and not so much the person who has committed an offense. Therefore, it is my sincere suggestion that some change might be made that would give the right to the truly conscientious Police Officer to question a suspect or search him for the protection of society; and to enable the Police Officer to carry out his sworn obligation, new legislation is needed. Moreover, I suggest the following:

a. "Enact provisions with respect to law enforcement officers to stop persons for brief questioning including specifications of the circumstances and limitations under which stops are permissible."

b. "Interrogator should be given some latitude when questioning a suspect that would enable him to connect all evidence in the interview to prove or disprove the act or commission of a crime but informing the suspect of his rights and that anything that he would state will be used against him in a Court of Law."

We must have strong Police Administrators and not just men who desire to become popular, because so much depends upon his integrity and devotion to the laws of the Nation. There is no substitute for this type of man because it is the American society that he and his subordinates must serve. The Police Officer is the first line of defense in a free society and the guardian of the individual's rights and privileges. Therefore, he must be fully cognizant of his responsibilities for justice and equality under the law.

With kind regards.

Sincerely yours,

CHARLES V. MAIN,
Chief of Police.

CITY OF SPARTANBURG, S.C., POLICE DEPARTMENT,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Criminal Law and Procedures,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: It was indeed gratifying to me to learn of your scheduled hearings on March 7, 8, and 9, 1967, with reference to the recent United States Supreme Court decisions affecting Local Law Enforcement.

Being a police official supervising some 75 police officers in a medium size southern community, I can say without any reservations or qualifications whatsoever, these recent decisions have adversely affected the responsibilities of my officers in fulfilling their obligation to the law-abiding taxpayers of this city. A check of our police files reflects a reduction in "cases cleared" since the officers are required, under the recent decisions, to advise any suspect of his so-called Constitutional Rights before interrogation. On many occasions a police officer must make a decision in a matter of seconds for the safety of the public; therefore, he does not have the time to weigh the circumstances as to whether he is going to violate a person's constitutional right or not. I personally think these decisions have put a "cloak of fear" in all law enforcement officers, not physically, but a fear of making an honest mistake when making arrests in an effort to not violate any Federal Statute.

We, as police officers as a whole, would be the last ones to deliberately violate the rights and freedoms of any American which is granted to him by the Constitution of the United States.

Your efforts, along with the other Senators and Representatives, in attempting to amend Title 18 of the U.S. Code is greatly appreciated by me and this department.

Yours very truly,

W. T. IVEY,
Director, Spartanburg Law Enforcement.

POLICE DEPARTMENT,
ELK GROVE VILLAGE, ILL.,
February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: Your positive action in introducing Senate Bill 674, to amend Title 18, U.S. Code, with respect to the admissibility in evidence of confessions, is hailed by all law enforcement administrators as a possible roadblock—or at least a turning point—in stopping the downhill run of the "one-man majority", in the United States Supreme Court, to absolve criminals of their antisocial deeds to disregard the civil rights of victims of criminal offenses, to pronounce retroactive rules in the fancied game between law enforcement and the criminal element—all under the guise of the administration of justice.

Certainly no progressive police administrator endorses either physical, verbal, or implied duress or abuse in obtaining confessions; but, to be bound by the four rules of counsel which must precede any criminal interrogation places the police investigator in the untenable position of building a fence around a prime suspect which neither the police officer nor the prosecuting attorney will be able to penetrate—unless the suspect is in less control of his mental faculties at the time of the interview than at the time of his crime.

The "one-man majority" of the United States Supreme Court has succeeded in confusing not only the police officer who is first at the scene of a heinous crime and his fellow officers who are charged with the detection and apprehension of the perpetrator; but the system has, also, so confused the lower courts and their respective prosecutor staffs that the present fiasco on display in the State of Illinois (The Speck Trial) will cost the taxpayers an estimated $100,000.00—plus the unmeasured grief for the families most dramatically involved—and no person has dared ask the suspect whether he committed the crime.

In the name of Justice and Mercy, may your proposed legislation succeed.

Very truly yours,

HARRY P. JENKINS,
Chief of Police.

DEPARTMENT OF POLICE,
TOWN OF CICERO,
Cicero, Ill., February 27, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR: May I take this opportunity to express my feeling regarding S. 674, with respect to the admissibility in evidence of confessions.

I am dismayed by recent U.S. Supreme Court decisions which are adversely affecting the ability of law enforcement agencies to fulfill their responsibilities to the citizens of their communities. My feelings are the same as, so many other law enforcement men, who feel the criminal has been given all rights, advantages and freedom to prey again on a victimized society.

As a member of the International Association of Chiefs of Police and many other Police Associations, I find from attending these meetings and conferences, that the police officer has lost his effectiveness in dealing with the criminal and has been hampered in their interrogations with fear of having the case thrown out of Court due to some legal technicality.

Being the next door neighbor to the City of Chicago, may I suggest that Superintendent O. W. Wilson, head of the Chicago Police Department, who could make suggestions and provide valuable and pertinent testimony regarding the above mentioned legislation.

May the good Lord bless you with the strength to continue in your fight for all concerned, I wish to remain,

Very truly yours,

JOSEPH BARLOGA,
Superintendent of Police.

POLICE DEPARTMENT,
ST. PETERSBURG, FLA.,
February 27, 1967.

Re Legislation Needed to Protect Society from Criminal Activity. Passage of Bill S. 674.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: We, in law enforcement, feel that the time has come when must speak out on the subject of too much protection for the "rights of the criminal" and not enough for society.

It has gotten to the point where court trials have receded to where the only questions that are argued are the ones on admissibility of evidence. The actual fact of guilty or innocence does not enter the case. The police officers testifying often suffer more harassment than the person being tried.

Actually, the most serious effect on law enforcement (which in reality represents the 90% of the people who do not commit crimes) is not in the court room but in the field. There is no known substitute for interrogation of suspects and witnesses. Often persons thought to be witnesses turn out to be suspects and sometimes give information that could have been used to convict them had they been formally warned beforehand.

Every law enforcement officer that I know urges you to push for the passage of Bill S. 674 to amend Title 18, U.S. Code.

If we can be of assistance in any way at any time, please do not hesitate to call on us.

Very truly yours,

HAROLD C. SMITH,
Chief of Police.

CITY OF GRANDVIEW HEIGHTS,
COLUMBUS, OHIO,
February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3421 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: With respect to your proposed legislation, S. 674, I would like to offer the support of our small municipal police agency. We are a suburban community of approximately 10,000 population, located in the metropolitan area of Columbus, Ohio.

The resultant theory to the recent Escobedo, Miranda, Mapp, and other Supreme Court decisions, that police investigations must rest basically upon scientific evidence is, in my opinion, a gross injustice to the law abiding American citizen. It is unreasonable to believe that the majority of enforcement agencies can equip, train, or hire personnel so as to conduct criminal investigations with the same professional approach as that of the Federal Agencies or the large metropolitan departments.

We, of course, cannot permit police misconduct, third degree tactics, nor the abridgment of our civil liberties, however, I sincerely believe that the rights of the innocent must take precedent to those of the criminal.

I, therefore, urge and support your committee's efforts to correct, through legislation; the adverse effects imposed upon local law enforcement by the United States Supreme Court.

Very truly yours,

D. L. MILLER,
Chief, Division of Police.

STATE OF NEBRASKA,
LINCOLN, NEBR.,
February 23, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3421 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: It is a privilege on my part to send to you my opinion as to how the Miranda Opinion has affected our department in the performance of our duties.

We as a police organization are attempting, as far as time and finances will permit, to better educate our officers in the field of policing. We send our officers to special schools to further develop their ability in the technical fields of our work, and one of these fields is the procedure of interrogation in which they stress that privacy in interrogation is essential. Also, stressed in the interrogation instructions is the preservation of rights of those being questioned. It seems that we are defeating our purpose when we spend time and money for instructions in this field and then our Supreme Court rules that this is trickery. We, as law enforcement officers, feel that we have an obligation to the public to develop all means possible without jeopardizing anyone's rights to properly investigate every crime committed.

To better substantiate my opinion, may I relate a few actual experiences that will reflect how we are handicapped.

For many years members of the Nebraska Safety Patrol have given verbal warnings similar to those given by the Federal Bureau of Investigation Agents, to persons under arrest, prior to interrogation. This was not a necessity under the laws of our state but was done in an effort to insure that an individual was apprised of certain of his rights. Contrary to the apparent opinion of the majority of the United States Supreme Court, there is probably no person more concerned for the rights of individuals than the police officer engaged in actual law enforcement. This concern is not only for the rights of the perpetrators of crimes but also for the rights of the victims and potential victims of criminals.

The restrictions placed on law enforcement by the decisions of the U.S. Supreme Court, while not impossible to work with, have severely hampered us in effectively doing the job which is expected of law enforcement officers.

In a recent case, a man was suspected of murdering his wife. She was killed by a single bullet wound in her head. The victim was found lying across a bed with a rifle lying across her body. Two pathologists who examined photographs of the scene advised that from their experience it was impossible that the weapon could be found in this position under the circumstances depicted by the photos.

The husband was cooperative and readily admitted animosity toward his wife, however, he claimed he was in the other room when his wife shot herself. He waived his rights and agreed to take a polygraph examination. When the polygraph examination disclosed he was lying and the examiner accused him of killing his wife, he terminated the interview and walked out of the interrogation room. There were no witnesses to the shooting, no fingerprints on the gun or any other physical evidence to establish a case strong enough for conviction. The husband is not only walking the streets a free man but was also appointed administrator of the victim's estate.

Professional criminals have long been aware of and have exercised their constitutional rights. Long before "Mapp" and "Escobedo", the police officer has been confronted by the burglar who says, "My name is so and so. I live at such and such a place and my lawyer is so and so." Usually this person has been arrested inside a building which he was burglarizing or has been caught with loot which can be identified. Here there is physical evidence which can be presented to and evaluated by a jury and the need for statements is not so demanding.

Far different is the case in which a masked person enters a store and robs the proprietor of his money. Here, the only possible way to solve the case is to catch the robber in the act. It is not possible to identify the robber or the money.

Both the burglar and the robber will eventually be caught if they continue to operate. In the past when one of these individuals was apprehended and he knew the case against him was sufficient for conviction, he was often willing to give statements concerning other crimes in which he was involved. Often officers from several jurisdictions questioned the subject who was "talking" in order to attempt to clear cases other than the immediate one. Rarely were additional charges filed. In cases where additional charges were filed, the courts had the prerogative to let the sentences run concurrently.

Now the police are even restricted from clearing those cases which they know they will be unable to prosecute. They are told that if they have sufficient evidence for conviction they should not try to get statements. Often, continued interrogation will clear a number of cases and bring out the identity of other criminals who have been accomplices of the person being questioned. In the past we have been able to arrest these persons and, in most cases, to obtain confessions and convictions even in the absence of physical evidence.

Now, to continue an interrogation past the immediate case even after a person has knowingly waived certain of his rights may, because of the time involved, create doubts in the mind of the court as to the voluntariness of the waiver of rights should the party attempt to repute the officer's word.

In the "Miranda Decision" numerous referrals by the court to interrogation texts clearly indicates a lack of knowledge of actual practices. Texts are available on "sure fire" methods of accomplishing nearly everything whether it be selling insurance, succeeding in life on winning an election. Are we to conclude that the salesman who uses psychology in some form to complete a sale should be castigated as using unfair tactics?

Certainly some restrictions should be placed on police interrogations to insure against any form of brutality but it is a recognized fact there is a desire to confess in many cases.

In one of our cases a person suspected of a homicide agreed to four separate polygraph examinations. He finally confessed after eight hours of interrogation. He had conferred with his attorney before the interrogation started and knew his rights. He stayed because he actually wanted to tell someone about what he had done. He needed help to bring out the truth.

Some interrogators do have certain powers of personality which enable them to obtain information and to get next to an individual more readily than do others. These powers might be compared with those of the man who sold the icebox to the Eskimo. These men who have an understanding of human nature are valuable to the police profession and certainly do not deserve the villainous connotations placed on their integrity as was done in the "Miranda Decision."

The presence of an attorney during an interrogation sets up an impossible situation. In one of our cases a man was questioned about a homicide in the presence of his attorney. On several occasions during the interview the subject indicated he wanted to confess but each time the attorney would enter into the conversation. After about an hour the interview was discontinued.

The investigation was continued and when it was apparent that the suspect and his wife were the only ones who could have killed the victim, a warrant was issued for both of them. When the questioning of the man was resumed without his attorney being present he confessed in less than six minutes.

This case was reversed by the State Supreme Court and eventually dismissed.

At the present time we have a vicious murder under investigation and have a good suspect. The suspect is incarcerated in another state for a similar case in which the victim survived in spite of multiple fractures of the skull. There is a possibility that an expert interrogator could successfully obtain a confession to this crime but it is felt the subject would not be agreeable to this.

The possibility of false confessions brought out by sophisticated methods of interrogation was mentioned in the "Miranda Decision". There is always this possibility. These suspects are also likely to be the ones who are most willing to waive their rights. Police are aware of the fact that there are persons who will confess to anything, with or without pressure. This is one of the values of a good interrogation; only the actual perpetrator will have knowledge of the minute details of the crime.

We have been fortunate in Nebraska in that our Attorney General and several of our County Attorneys were able to foresee the trends of the decisions of the U.S. Supreme Court and immediately instituted a program to acquaint Nebraska law enforcement officers with these decisions.

We have placed a great deal more emphasis on these subjects in our in-service training and have provided our men with opportunities to attend various schools on Search and Seizure and Interrogation.

Since December 15, 1964, we have published a Memorandum to All Interested Law Enforcement Officers in our weekly Law Enforcement Bulletin. These Memoranda are furnished by Attorney General Clarence Meyer and have been widely acclaimed in law enforcement circles.

I mentioned before that these decisions are not impossible to work with. They even are of value to the police profession in that they have brought to public attention some of the situations with which the police must deal. They have also resulted in an increased emphasis on training and recruiting. When an officer is required to make split-second decision, often a lack of physical evidence. The victim may be the only witness.

The viciousness of the crime may cause a police officer to become over zealous because the police are the only branch of the judiciary to have actual contact with the victim at the time of the crime.

A police officer may sometimes be placed in the paradoxical position of solving a crime and thus losing a case or following the rules and letting the case go unsolved.

In the past, an officer knew that if he used good judgment in the handling of an arrest he could expect fair treatment from the courts. Today there is doubt in the officer's mind. The courts have accused him of violating the very thing he stands for. They have established decisions without providing a clear rule of procedure. We are forced to make tape recordings or to get signed statements of the waiving of rights and are restricted from even talking to a prisoner who had indicated he may want a lawyer.

No group has greater respect for the rights of man than the police. They deplore brutality and the bullying of prisoners but the officer feels an obligation to do the job for which he was hired, to protect the law abiding citizen from those who know no law.

We spend millions of dollars to catch criminals, more millions to try to convict them and more millions to incarcerate and rehabilitate them. Nothing is spent on the victims, they have only the police to console them.

Respectfully yours,

DAN J. CASEY,

Colonel, Superintendent, General Chairman, Division of State and Provincial Police, International Association, Chiefs of Police.

OFFICE OF THE CHIEF OF POLICE,
SAUGUS, MASS.,
February 24, 1967.

HON. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: It is gratifying to know that someone knows about the problems of Law Enforcement Agencies and is doing something about it. You are to be congratulated for your stand in reference to the recent U.S. Supreme Court one-man majority decisions.

Much has been said about these decisions and how they hamper the normal process of reasonable criminal investigations, and whatever I may say would be superfluous.

I do find from my own personal experience, as a law enforcement officer, that many cases have been lost in court as the result of these decisions and that some cases did not even reach the court because the police were unable to interrogate the suspect.

Time will not permit me to give you the facts on every case but here are a few examples.

(1) A short while ago we had an epidemic of school, church and hospital fires. We apprehended the culprit responsible for the school and church fires because he did not invoke his constitutional rights. The person responsible for the hospital fires refused to say anything and although our investigation disclosed that he was responsible for the fires, the evidence was not sufficient to prosecute. Needless to say he committed similar crimes with the same results.

(2) Two burglaries occurred one night in Saugus. A few days later culprits were arrested in another jurisdiction for crimes committed there. At the time of the arrest property were seized including property that had been stolen in two Saugus burglaries. The subject refused to speak invoking their constitutional rights. When brought before the court the judge sustained a motion to suppress all evidence for the illegal search and seizure and the case was dismissed. Is it any wonder that the crime rate is increasing enormously year after year in every city and town of our country? With the ridiculous decisions of individual rights for the criminals, the crime rate is going to increase rather than diminish.

I believe that greater latitude should be given to Law Enforcement Officers in the field of Arrest, Search & Seizure and interrogation in order to combat crime.

Thank you for your cooperation and with deep personal regards I am.

Very truly yours,

FRED FORNI,

Chief, Saugus Police Department.

DEPARTMENT OF POLICE,
Mequon, Wis., February 23, 1967.

HON. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee, Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: My purpose in corresponding with you is to commend you for your concern relative to recent U.S. Supreme Court decisions that have literally handcuffed professional and dedicated law enforcement personnel. Recent decisions involving Miranda and Escobedo have certainly tipped the scales of justice directly in favor of the criminal element.

Another impending decision, namely U.S. versus Lewis could effectively decision law enforcement out of existence, should the U.S. Supreme Court reverse the lower court decisions.

Although our agency has complied with the requirements of the Fifth Amendment for many years, we have found that this is not sufficient for it is incumbent upon the prosecution to prove not only that the suspect was properly advised of his rights, but further that he thoroughly understood them. You might be interested in knowing that our agency lost a court decision in Circuit Court that involved the arrest and subsequent prosecution of an intoxicated driver of a motor vehicle involved in a fatal auto accident wherein an innocent person was killed. The court held that although the arresting officers had twice advised the suspect of his Constitutional Rights, it felt that because the subject was so intoxicated, he was unable to properly understand them. The burden placed upon law enforcement today is truly difficult to contend with.

It is my opinion that the U.S. Supreme Court has read this "advising" requirement into the Fifth Amendment, for exhaustive research on my part fails to delineate any directives requiring that police officers must so do.

Yours truly,

Robert L. Milke,
Chief of Police.

City of North Olmstead, Police
Department, North Olmstead,
Ohio,
February 24, 1967.

Re bill S. 674.
Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator McClellan: It is very gratifying to see legislation being introduced on the above Bill.

If it takes a unanimous decision of the jury to find a defendant guilty of a felony; I feel that there should be a greater majority than five to four in handing down decisions which become the law of the land.

I had the occasion to attend a seminar in Ann Arbor, Michigan on August 1, 1966. There were mostly Defense Attorneys present and the common thought among them was that "they at least had the law enforcement officer where they wanted him." A few examples were mentioned concerning "police brutality," but none were recent occasions. They were all at least forty to fifty years ago.

I wholeheartedly agree with rights for the individual, but all I have been noticing in recent decisions is "rights for the criminal." When is the law abiding citizen going to have representation?

Any person who has any law enforcement experience knows that confession alone does not make a case. There should be some coordinating evidence to build a case. At the same time, one of the most important points of investigation is interrogation. Many times during an interrogation the smartest suspect may unconsciously drop a remark which presents a lead to the crime. Even this is ruled out now. For example; a woman's scream is heard from a home at 3:00 A.M. A male runs from behind the house. The law officer stops suspect and asks the following questions.

1. Who are you?
2. Where do you live?
3. Where have you been?
4. Where are you going?

If the officer did not advise the suspect of his rights before he asked questions three and four, the officer has violated the suspect's rights.

My honest feeling is that we are going overboard to protect the criminal in recent decisions and it is about time to protect the honest and law-abiding citizen. It is about time the cases were tried on the merits of the cases instead of technicalities.

As I said before, it is highly appreciated that a person of your status and importance has taken an interest in our problems. I sincerely hope you will receive the response and support for the Bill S. 674.

Sincerely yours,

Harry W. Hird,
Chief of Police.

Police Department,
Manchester, N.H., February 24, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

Dear Senator McClellan: On behalf of the entire personnel of the Manchester Police Department we want to thank you for the work you are doing to increase the ability of local law enforcement agencies to fulfill our obligations to their communities.

The introduction of S. 674 which amends Title 18 of the U.S. Code with respect to the admissibility of confessions should be of invaluable assistance to all law enforcement agencies.

With every good wish for continued success, I remain

Sincerely,

Francis P. McGranaghan,
Chief of Police.

Lyndhurst, N.J., *February 24, 1967.*

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

Dear Senator: I have received a recent communication from Quinn Tamm, Executive Director of the International Association of Chiefs of Police, Inc., regarding your sentiments on the actions of the Supreme Court, mentioning particularly your concern with the effects of the Miranda decision.

I am in full accord with your endeavors in introducing legislation, S. 674, which is a bill to amend Title 18, U.S. Code, with respect to the admissibility in evidence of confessions.

Yours very truly,

Howard C. Liddle,
Chief, Lyndhurst Police Department.

City of University Park,
Dallas, Tex., February 24, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

Dear Senator McClellan: May I take this opportunity to express to you my personal appreciation and the appreciation of the various Texas Law Enforcement Groups with which I am affiliated. Our sincere thanks for your efforts in the control of the criminal element in our country today.

Recent Supreme Court decisions and certain provisions of the Revised Texas Code of Criminal Procedure has hand-cuffed and shackled law enforcement in the United States, has reduced effectiveness in crime control, reduced law enforcement personnel to a status of puppets and has wrapped the "Professional Criminal in Sheep's Clothing".

Miranda and Escobedo have been the most damaging decisions rendered to date to grant the hoodlum an additional license to ply his trade upon the law abiding citizens of our country. A great many law enforcement officers throughout this land are under the impression that our Supreme Court is making the law rather than interpreting and in doing so giving the murderer, the rapist, the robber, sex deviate and others of the criminal element encouragement to prey upon the men, women and children of our country without fear of punishment. If punishment should be meted out, our parole provisions are so lax that a murderer can be on the streets again in Texas in seven or eight years after being given a life sentence. In fact, Senator McClellan, the criminal process, not only in Texas, but throughout this nation is a complete farce.

Law enforcement officers have been robbed of their tools and initiative necessary to protect the people. The fact that law enforcement has been scuttled and stripped of authority by the decisions and provisions of the courts and legislatures does not mean for the police officers, a segment of the chain of law enforcement, to take the defeat like "A Lamb Led to the Slaughter".

Police officers and those in the entire criminal process must make their voices heard in the Legislative Halls of our country and defeat the program designed to cause our people to live in constant fear when at home, or on the streets. Under existing conditions the professional criminal and those who profit from his acts will thrive and flourish as crimes against the person and property continue un-abated.

During the 1965 Session of the Texas Legislature, a Revision of the Teaxs Code of Criminal Procedure was passed, signed by Governor Connally and became effective on January 1, 1966. This monstrosity was revised for the benefit of a few for personal gain and the State Bar of Texas did not recognize it when passed as being the revised version they had been asked to submit.

On March 7, 1967, a group of law enforcement officers are to appear before a Senate Committee in Austin and plead for the revision of some of the provisions that were passed that restricted law enforcement in Texas as much almost as Miranda has done in the nation.

As an example under our new code, we must take the arrested party "Before the Magistrate Immediately". Under the Federal rule the arrested person must be taken before the commissioner, "With out unnecessary delay", this is quite a difference and we are asking the Legislature to grant us the Federal Rule.

Texas is the only state in the union that is not permitted to use an "oral" confession. Federal officers are allowed the use of oral confessions too but the new Texas Code does not permit it. We are asking for this rule to be provided by this session of the Legislature.

The majority of the provisions in the new Texas Code are good but just enough changed in order to hand-cuff the police and give the Texas Criminals and their cohorts an additional license to steal and plunder.

Prior to 1963, Law enforcement in Texas had not been active in so far as statutes and procedures were concerned as it was at this time that the Texas Code was beginning to be revised. Those who were assigned to the revisions, during the entire process, did not contact a police chief, police officer or a police association while in the process of revision.

Police officers throughout the nation have been beaten to their knees with the false charges of "Police Brutality" and our image is darker before the eyes of our citizens than at any time in history. The "Police Brutality" charge has been used so successfully by those who would like to see local departments dispersed and review boards installed and the entire process put under the jurisdiction of the Federal Government. Law enforcement is on the brink of disaster and if the present trend continues local communities will organize vigilante groups for the protection of life and property as has already been done in some areas of the country.

In closing, may I pledge to you my complete individual cooperation and the cooperation of the various Law Enforcement Associations of which I am a member, a constant program of informing the citizens we serve of the needs of law enforcement for the protection of the people. Should we fail to advise the people of the needs of the Law Enforcement in the control of crime then in a sense we have neglected our sworn duty to the citizens we serve.

Sincerely yours,

Forrest E. Keene,
Chief of Police.

City of Cudahy, Wis.,
Police Department,
February 25, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator: As Chief of Police in the City of Cudahy, I heartily endorse any legislation that will lift some of the burdensome restrictions brought about by the Miranda Decision.

The full impact of this decision cannot be adequately assessed by merely comparing the tional charges filed. In cases where additional charges were filed, the courts had the prerogative to let the sentences run concurrently.

Now the police are even restricted from clearing those cases which they know they will be unable to prosecute. They are told that if they have sufficient evidence for conviction they should not try to get statements. Often, continued interrogation will clear a number of cases and bring out the identity of other criminals who have been accomplices of the person being questioned. In the past we have been able to arrest these persons and, in most cases, to obtain confessions and convictions even in the absence of physical evidence.

Now, to continue an interrogation past the immediate case even after a person has knowingly waived certain of his rights may, because of the time involved, create doubts in the mind of the court as to the voluntariness of the waiver of rights should the party attempt to repute the officer's word.

In the "Miranda Decision" numerous referrals by the court to interrogation texts clearly indicates a lack of knowledge of actual practices. Texts are available on "sure fire" methods of accomplishing nearly everything whether it be selling insurance, succeeding in life on winning an election. Are we to conclude that the salesman who uses psychology in some form to complete a sale should be castigated as using unfair tactics?

Certainly some restrictions should be placed on police interrogations to insure against any form of brutality but it is a recognized fact there is a desire to confess in many cases.

In one of our cases a person suspected of a homicide agreed to four separate polygraph examinations. He finally confessed after eight hours of interrogation. He had conferred with his attorney before the interrogation started and knew his rights. He stayed because he actually wanted to tell someone about what he had done. He needed help to bring out the truth.

Some interrogators do have certain powers of personality which enable them to obtain information and to get next to an individual more readily than do others. These powers might be compared with those of the man who sold the icebox to the Eskimo. These men who have an understanding of human nature are valuable to the police profession and certainly do not deserve the villainous connotations placed on their integrity as was done in the "Miranda Decision."

The presence of an attorney during an interrogation sets up an impossible situation. In one of our cases a man was questioned about a homicide in the presence of his attorney. On several occasions during the interview the subject indicated he wanted to confess but each time the attorney would enter into the conversation. After about an hour the interview was discontinued.

The investigation was continued and when it was apparent that the suspect and his wife were the only ones who could have killed the victim, a warrant was issued for both of them. When the questioning of the man was resumed without his attorney being present he confessed in less than six minutes.

This case was reversed by the State Supreme Court and eventually dismissed.

At the present time we have a vicious murder under investigation and have a good suspect. The suspect is incarcerated in another state for a similar case in which the victim survived in spite of multiple fractures of the skull. There is a possibility that an expert interrogator could successfully obtain a confession to this crime but it is felt the subject would not be agreeable to this.

The possibility of false confessions brought out by sophisticated methods of interrogation was mentioned in the "Miranda Decision". There is always this possibility. These suspects are also likely to be the ones who are most willing to waive their rights. Police are aware of the fact that there are persons who will confess to anything, with or without pressure. This is one of the values of a good interrogation; only the actual perpetrator will have knowledge of the minute details of the crime.

We have been fortunate in Nebraska in that our Attorney General and several of our County Attorneys were able to foresee the trends of the decisions of the U.S. Supreme Court and immediately instituted a program to acquaint Nebraska law enforcement officers with these decisions.

We have placed a great deal more emphasis on these subjects in our in-service training and have provided our men with opportunities to attend various schools on Search and Seizure and Interrogation.

Since December 15, 1964, we have published a Memorandum to All Interested Law Enforcement Officers in our weekly Law Enforcement Bulletin. These Memoranda are furnished by Attorney General Clarence Meyer and have been widely acclaimed in law enforcement circles.

I mentioned before that these decisions are not impossible to work with. They even are of value to the police profession in that they have brought to public attention some of the situations with which the police must deal. They have also resulted in an increased emphasis on training and recruiting. When an officer is required to make split-second decision, often a lack of physical evidence. The victim may be the only witness.

The viciousness of the crime may cause a police officer to become over zealous because the police are the only branch of the judiciary to have actual contact with the victim at the time of the crime.

A police officer may sometimes be placed in the paradoxical position of solving a crime and thus losing a case or following the rules and letting the case go unsolved.

In the past, an officer knew that if he used good judgment in the handling of an arrest he could expect fair treatment from the courts. Today there is doubt in the officer's mind. The courts have accused him of violating the very thing he stands for. They have established decisions without providing a clear rule of procedure. We are forced to make tape recordings or to get signed statements of the waiving of rights and are restricted from even talking to a prisoner who had indicated he may want a lawyer.

No group has greater respect for the rights of man than the police. They deplore brutality and the bullying of prisoners but the officer feels an obligation to do the job for which he was hired, to protect the law abiding citizen from those who know no law.

We spend millions of dollars to catch criminals, more millions to try to convict them and more millions to incarcerate and rehabilitate them. Nothing is spent on the victims, they have only the police to console them.

Respectfully yours,

DAN J. CASEY,
Colonel, Superintendent, General Chairman, Division of State and Provincial Police, International Association, Chiefs of Police.

OFFICE OF THE CHIEF OF POLICE,
SAUGUS, MASS.,
February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: It is gratifying to know that someone knows about the problems of Law Enforcement Agencies and is doing something about it. You are to be congratulated for your stand in reference to the recent U.S. Supreme Court one-man majority decisions.

Much has been said about these decisions and how they hamper the normal process of reasonable criminal investigations, and whatever I may say would be superfluous.

I do find from my own personal experience, as a law enforcement officer, that many cases have been lost in court as the result of these decisions and that some cases did not even reach the court because the police were unable to interrogate the suspect.

Time will not permit me to give you the facts on every case but here are a few examples.

(1) A short while ago we had an epidemic of school, church and hospital fires. We apprehended the culprit responsible for the school and church fires because he did not invoke his constitutional rights. The person responsible for the hospital fires refused to say anything and although our investigation disclosed that he was responsible for the fires, the evidence was not sufficient to prosecute. Needless to say he committed similar crimes with the same results.

(2) Two burglaries occurred one night in Saugus. A few days later culprits were arrested in another jurisdiction for crimes committed there. At the time of the arrest property were seized including property that had been stolen in two Saugus burglaries. The subject refused to speak invoking their constitutional rights. When brought before the court the judge sustained a motion to suppress all evidence for the illegal search and seizure and the case was dismissed. Is it any wonder that the crime rate is increasing enormously year after year in every city and town of our country? With the ridiculous decisions of individual rights for the criminals, the crime rate is going to increase rather than diminish.

I believe that greater latitude should be given to Law Enforcement Officers in the field of Arrest, Search & Seizure and interrogation in order to combat crime.

Thank you for your cooperation and with deep personal regards I am.

Very truly yours,

FRED FORNI,
Chief, Saugus Police Department.

DEPARTMENT OF POLICE,
Mequon, Wis., February 23, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee, Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: My purpose in corresponding with you is to commend you for your concern relative to recent U.S. Supreme Court decisions that have literally handcuffed professional and dedicated law enforcement personnel. Recent decisions involving Miranda and Escobedo have certainly tipped the scales of justice directly in favor of the criminal element.

Another impending decision, namely U.S. versus Lewis could effectively decision law enforcement out of existence, should the U.S. Supreme Court reverse the lower court decisions.

Although our agency has complied with the requirements of the Fifth Amendment for many years, we have found that this is not sufficient for it is incumbent upon the prosecution to prove not only that the suspect was properly advised of his rights, but further that he thoroughly understood them. You might be interested in knowing that our agency lost a court decision in Circuit Court that involved the arrest and subsequent prosecution of an intoxicated driver of a motor vehicle involved in a fatal auto accident wherein an innocent person was killed. The court held that although the arresting officers had twice advised the suspect of his Constitutional Rights, it felt that because the subject was so intoxicated, he was unable to properly understand them. The burden placed upon law enforcement today is truly difficult to contend with.

It is my opinion that the U.S. Supreme Court has read this "advising" requirement into the Fifth Amendment, for exhaustive research on my part fails to delineate any directives requiring that police officers must so do.

Yours truly,

ROBERT L. MILKE,
Chief of Police.

CITY OF NORTH OLMSTEAD, POLICE DEPARTMENT, NORTH OLMSTEAD, OHIO,
February 24, 1967.

Re bill S. 674.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: It is very gratifying to see legislation being introduced on the above Bill.

If it takes a unanimous decision of the jury to find a defendant guilty of a felony; I feel that there should be a greater majority than five to four in handing down decisions which become the law of the land.

I had the occasion to attend a seminar in Ann Arbor, Michigan on August 1, 1966. There were mostly Defense Attorneys present and the common thought among them was that "they at least had the law enforcement officer where they wanted him." A few examples were mentioned concerning "police brutality," but none were recent occasions. They were all at least forty to fifty years ago.

I wholeheartedly agree with rights for the individual, but all I have been noticing in recent decisions is "rights for the criminal." When is the law abiding citizen going to have representation?

Any person who has any law enforcement experience knows that confession alone does not make a case. There should be some coordinating evidence to build a case. At the same time, one of the most important points of investigation is interrogation. Many times during an interrogation the smartest suspect may unconsciously drop a remark which presents a lead to the crime. Even this is ruled out now. For example; a woman's scream is heard from a home at 3:00 A.M. A male runs from behind the house. The law officer stops suspect and asks the following questions.

1. Who are you?
2. Where do you live?
3. Where have you been?
4. Where are you going?

If the officer did not advise the suspect of his rights before he asked questions three and four, the officer has violated the suspect's rights.

My honest feeling is that we are going overboard to protect the criminal in recent decisions and it is about time to protect the honest and law-abiding citizen. It is about time the cases were tried on the merits of the cases instead of technicalities.

As I said before, it is highly appreciated that a person of your status and importance has taken an interest in our problems. I sincerely hope you will receive the response and support for the Bill S. 674.

Sincerely yours,

HARRY W. HIRD,
Chief of Police.

POLICE DEPARTMENT,
Manchester, N.H., February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: On behalf of the entire personnel of the Manchester Police Department we want to thank you for the work you are doing to increase the ability of local law enforcement agencies to fulfill our obligations to their communities.

The introduction of S. 674 which amends Title 18 of the U.S. Code with respect to the admissibility of confessions should be of invaluable assistance to all law enforcement agencies.

With every good wish for continued success, I remain

Sincerely,

FRANCIS P. MCGRANAGHAN,
Chief of Police.

LYNDHURST, N.J., *February 24, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR: I have received a recent communication from Quinn Tamm, Executive Director of the International Association of Chiefs of Police, Inc., regarding your sentiments on the actions of the Supreme Court, mentioning particularly your concern with the effects of the Miranda decision.

I am in full accord with your endeavors in introducing legislation, S. 674, which is a bill to amend Title 18, U.S. Code, with respect to the admissibility in evidence of confessions.

Yours very truly,

HOWARD C. LIDDLE,
Chief, Lyndhurst Police Department.

CITY OF UNIVERSITY PARK,
Dallas, Tex., February 24, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: May I take this opportunity to express to you my personal appreciation and the appreciation of the various Texas Law Enforcement Groups with which I am affiliated. Our sincere thanks for your efforts in the control of the criminal element in our country today.

Recent Supreme Court decisions and certain provisions of the Revised Texas Code of Criminal Procedure has hand-cuffed and shackled law enforcement in the United States, has reduced effectiveness in crime control, reduced law enforcement personnel to a status of puppets and has wrapped the "Professional Criminal in Sheep's Clothing".

Miranda and Escobedo have been the most damaging decisions rendered to date to grant the hoodlum an additional license to ply his trade upon the law abiding citizens of our country. A great many law enforcement officers throughout this land are under the impression that our Supreme Court is making the law rather than interpreting and in doing so giving the murderer, the rapist, the robber, sex deviate and others of the criminal element encouragement to prey upon the men, women and children of our country without fear of punishment. If punishment should be meted out, our parole provisions are so lax that a murderer can be on the streets again in Texas in seven or eight years after being given a life sentence. In fact, Senator McClellan, the criminal process, not only in Texas, but throughout this nation is a complete farce.

Law enforcement officers have been robbed of their tools and initiative necessary to protect the people. The fact that law enforcement has been scuttled and stripped of authority by the decisions and provisions of the courts and legislatures does not mean for the police officers, a segment of the chain of law enforcement, to take the defeat like "A Lamb Led to the Slaughter".

Police officers and those in the entire criminal process must make their voices heard in the Legislative Halls of our country and defeat the program designed to cause our people to live in constant fear when at home, or on the streets. Under existing conditions the professional criminal and those who profit from his acts will thrive and flourish as crimes against the person and property continue un-abated.

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On March 7, 1967, a group of law enforcement officers are to appear before a Senate Committee in Austin and plead for the revision of some of the provisions that were passed that restricted law enforcement in Texas as much almost as Miranda has done in the nation.

As an example under our new code, we must take the arrested party "Before the Magistrate Immediately". Under the Federal rule the arrested person must be taken before the commissioner, "With out unnecessary delay", this is quite a difference and we are asking the Legislature to grant us the Federal Rule.

Texas is the only state in the union that is not permitted to use an "oral" confession. Federal officers are allowed the use of oral confessions too but the new Texas Code does not permit it. We are asking for this rule to be provided by this session of the Legislature.

The majority of the provisions in the new Texas Code are good but just enough changed in order to hand-cuff the police and give the Texas Criminals and their cohorts an additional license to steal and plunder.

Prior to 1963, Law enforcement in Texas had not been active in so far as statutes and procedures were concerned as it was at this time that the Texas Code was beginning to be revised. Those who were assigned to the revisions, during the entire process, did not contact a police chief, police officer or a police association while in the process of revision.

Police officers throughout the nation have been beaten to their knees with the false charges of "Police Brutality" and our image is darker before the eyes of our citizens than at any time in history. The "Police Brutality" charge has been used so successfully by those who would like to see local departments dispersed and review boards installed and the entire process put under the jurisdiction of the Federal Government. Law enforcement is on the brink of disaster and if the present trend continues local communities will organize vigilante groups for the protection of life and property as has already been done in some areas of the country.

In closing, may I pledge to you my complete individual cooperation and the cooperation of the various Law Enforcement Associations of which I am a member, a constant program of informing the citizens we serve of the needs of law enforcement for the protection of the people. Should we fail to advise the people of the needs of the Law Enforcement in the control of crime then in a sense we have neglected our sworn duty to the citizens we serve.

Sincerely yours,

FORREST E. KEENE,
Chief of Police.

CITY OF CUDAHY, WIS.,
POLICE DEPARTMENT,
February 25, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR: As Chief of Police in the City of Cudahy, I heartily endorse any legislation that will lift some of the burdensome restrictions brought about by the Miranda Decision.

The full impact of this decision cannot be adequately assessed by merely comparing the number of confessions obtained before and after the decision was rendered. A more realistic picture is presented when one considers the following:

Witnesses and other people with pertinent information are now reluctant to cooperate with investigators, especially after the required warnings are recited.

Physical evidence at crime scenes is overlooked, or its value to the prosecution deteriorates, because investigators are prohibited from making the necessary inquiries that would lay proper foundation for introduction in court.

Many prosecutors have become so sensitive to the rules set down by Miranda that they often talk the defendant out of cooperating by long, detailed and repetitious warnings with regard to the defendant's rights. There also seems to be a good deal of confusion among prosecutors and some members of the judiciary as to the application of these rules. It is now impossible to find two officers of the court who will give similar answers to questions on such matters as Tacit Admissions, Res Gestae Declarations, etc.

Probably the most damaging result of these decisions has been its effect on the public's attitude toward police. Many people feel that the laws and ordinances can be violated with impunity. Matters that were once treated as routine incidents now require extensive investigation and sometimes lengthy court proceedings.

This is having an adverse effect on the efficiency and morale of the police.

I honestly feel that unless some of the restrictions on questioning suspects prior to arrest are removed, crime figures will soar and conviction rates will drop.

Very truly yours,

ANTHONY M. WISE,
Chief of Police.

STREATOR, ILL., *February 24, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

YOUR HONOR: Law enforcement in our time is very difficult and trying operation. Breaking and entering, Larceny and Burglary is taken for granted by many persons to be their legal right.

In Chicago during their heavy snow, breaking into business establishments, carrying and hauling away merchandise was a huge operation and when officers attempted to make arrest, resistance occurred and they were accused of brutality as they were when the so-called peaceful demonstrations were held.

After arrests were made, proof beyond doubt is demanded by attorneys for their clients.

Under present conditions a person is not safe in his own home. Forced entries are made, occupants are threatened, tortured, raped, tied up, valuables stolen and some are murdered and the offender is not easily apprehended. If and when apprehension is made, proof must be established of guilt.

We know we must inform those who are placed under arrest as to what their Constitutional rights are.

Release on Bond, especially on offenses in Chapter 38 of the Criminal Code of the IRS, is a simple matter. Once out on bond, many commit other crimes and some fail to appear in court on date set for them.

Long delays in bringing cases to trial. Changes of location for trial to be held takes additional time. All such actions pile up a back log and bring on discouragement.

I do not believe that the Founding Fathers of our Constitution intended for the criminal to be protected as they are today. I believe that this protection be given to the Law Abiding Citizens.

In recent years, Attorneys for the Defense have used and are using every technicality to sway Jurors and the Judges to point out and define a Statute in a manner that their Client is innocent of the offense committed.

Even Attorneys do not agree on definitions many times of the Statutes.

The Supreme Court Of The United States has laid down Rules that we as Officers must follow. We have been Handcuffed. Crime can be reduced. We as officers have the knowledge, ability and are willing to enforce the State laws and City Ordinances and assist each other of any department and the F.B.I. We are and there is no doubt every department has and is. The Handcuffs Must Be Removed from us.

The pendulum has swung too far in favor of the criminals. It must swing back to ours and swiftly. When it does, there will be a reduction.

Allocating of monies to fight crime is necessary. Just as necessary are Amendments or Enactments of laws which will permit officers to protect Law abiding citizens and our free way of life.

Respectfully yours,

ANDREW KOLESAR,
Chief of Police.

POLICE DEPARTMENT,
Ringtown, Pa., February 23, 1967.

Hon. JOHN L. MCCLELLAN,
United States Senate,
Washington, D.C.

DEAR SENATOR: The recent Supreme Court decisions favoring the criminals at the expense of our citizens is shameful. Chief Justice Warren has set law enforcement back a hundred years. His fifth deciding vote has made it well nigh impossible to punish the guilty criminal element. The innocent public, police who are ham-strung in trying to perform their duties, judges whose hands are tied in deciding a case, all these are practically at the mercy of any person who decides to commit a criminal act.

I never arrested, or tried to convict an innocent man. To-day I fear making an arrest because of the loopholes expressly put into the law by the courts to aid a criminal to avoid paying the penalty for his misdeeds.

I am so disgusted with what we have to contend with in law enforcement since the U.S. Supreme Court saw fit to so recklessly interpret the law to benefit lawbreakers, to misinterpret the will of our law makers, that I am resigning my position as chief of police, effective 31 December, 1967.

Sincerely yours,

J. J. KENNEDY, Jr.,
Chief of Police.

DEPARTMENT OF POLICE,
Danbury, Conn., February 23, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, United States Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR: First, let me tell you how happy I am that you are the Chairman of this very important Committee, also that you are such an outstanding member of the Democratic party.

It is with a deep feeling of respect and admiration for you that I ask that you do everything within your power to have S. 674, which will amend Title #18, U.S. Code, with respect to the admissibility in evidence of confessions.

All police departments are having a very difficult time in recruiting men to the departments and it is all due to the decisions which have been handed down by the Supreme Court.

With all due respect to this fine group of men, it is a general feeling that an age limit should be set for the members of this august body.

With every best wish and trust the Good Lord will bless you with continued health so that you can serve your country for some period of time.

Sincerely,

J. HOWARD MCGOLDRICK,
Chief of Police.

RALEIGH, N.C., *February 22, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I am sure that I only speak the sentiment of all law enforcement officers that we appreciate your and Senator Ervin's efforts to assist law enforcement officers to do their job. Recent Supreme Court decisions have handicapped us to some extent and the situation certainly needs clarifying. I believe that our people should have enough confidence in the great majority of their law enforcement agencies to trust them with the tools needed to do an acceptable job in protecting the lives, rights and property of those same people.

Best wishes to you and if either I or this department may serve you in any way, I assure you it shall be done to the best of our ability.

Sincerely,

TOM DAVIS, *Chief of Police.*

DEPARTMENT OF POLICE,
Kirkwood, Mo., February 23, 1967.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to thank you very much for introducing Senate Bill 674 which would amend Title 18 of the U.S. Code.

In the face of the many recent Supreme Court decisions that directly affect the ability of the police to serve the public, it occurs to me that we need new rules such as the one that you propose. I think too that it might be nice if it could be legislated into being that our courts recognize a certain amount of error or mis-judgment on the part of police when cases are presented for adjudication. In any event, the bill that you have proposed would certainly go a long way to assist us in law enforcement.

Thank you very much.

Yours truly,

MAX A. DURBIN, *Chief of Police.*

NEW BOSTON, OHIO, *February 23, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

DEAR SIR: The Miranda decision is a great deterrent to effective law enforcement. I feel that the law-abiding citizens of our great country should be able to expect and receive better protection from those who commit crimes than the Miranda decision permits.

Respectfully yours,

RUSSELL IMES, *Chief of Police.*

ORLANDO, FLA., *February 23, 1967.*

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

HONORABLE SIR: We have a very timely memorandum from our Executive Director, Mr. Quinn Tamm concerning the very immature decisions made by the Supreme Court, adversely affecting Law Enforcement. These, of course, being the Mapps, Mallory, Jencks, Miranda, Escobedo and the more recent extension of the Escobedo Decision.

As a member of the Law Enforcement profession, with almost forty years' experience in this field. I am truly amazed by the decisions in the above cases, along with others that have handcuffed the Police throughout our nation.

We, here in our city, have an organization of five people who have been speaking to church groups and other organizations for the past year, trying to enlighten them with the bare facts and not nebulous intangibles. It is believed that we have made some progress in this direction and we will continue to make our presentations and appearances as long as we feel that the desired and ultimate goal can be reached.

It is absolutely nauseating to see the direct result of these decisions, public apathy; complacency; and failure of our parents to assume their God Given Responsibilities. We have too many houses and not enough homes in our nation today.

Then, of course, we shouldn't overlook these so-called do-gooders, who are slobbering over these "so-called unfortunate individuals" in a vain effort to find excuses for their senseless transgressions.

It is my firm belief that unless the decent law-abiding Americans, which compromise approximately ninety percent of our population, stand up and be counted as tried and true Americans, the other ten percent, which give us ninety percent of our trouble, will be dictating policies and procedures for our guidance in the future.

Maybe, Sir, my words may be a little strong, but they describe my convictions most thoroughly.

If there is anything we can do here to assist you in your wonderful undertakings, please advise.

Kindest personal regards and very best wishes.

Sincerely,

Carlisle Johnstone,
Chief of Police.

Phillipsburg, N.J., *February 23, 1967.*

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate; 3241 New Senate Office Building, Washington, D.C.

Dear Senator: I welcome your concern of recent Supreme Court decisions. It is hard to conceive just how the *Miranda* Supreme Court decision has shackled the efficiency and performance of police work.

While pursuing our obligation to preserve life and property, we are in turn very concerned with the rights of every citizen, being ourselves citizens and a member of the same society.

Our concern over the known criminal element walking free in our cities and towns has caused great dismay to every policeman dedicated to his career and his obligations to the people he serves.

It is with great hope that you, Senator, will be one of the first pioneers to make this Miranda decision more flexible in the name of every American citizen who cries out for the pursuit of happiness and the absence of fear in walking the streets of our nation.

Sincerely yours,

John W. Budd,
Chief of Police.

Buffalo, N.Y., *April 20, 1967.*

Mr. William A. Paisley,
Chief Counsel, U.S. Senate, Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, Washington, D.C.

Dear Mr. Paisley: In response to your recent inquiry, I would state that the Miranda and other recent Supreme Court decisions have had a decided adverse effect on law enforcement. We have encountered a decided lessening in the amounts of confessions we get in comparison with the pre-Miranda times. The criminal now realizes he may commit his crimes with almost certain impunity so long as he keeps his mouth shut and there are no witnesses. This feeling on the part of the criminal must certainly be responsible, to a great extent, for our alarming increase in crime.

I would certainly hope that all of the proposals contained in Bills S. 674, S. 1194 and S. 1333, as they concern confessions, may finally be adopted. However, I suspect this is wishful thinking. Something must surely be done soon to give some protection to our citizens rather than the criminals. Adoption of these bills would be a step in the right direction.

The other two Bills—S. 675 and S. 917, also contain much merit and are vitally needed by law enforcement. Some financial means must be supplied, most especially here in Buffalo, to help upgrade police salaries. Our local Patrolmen make $2,500 a year *less* than a New York State Trooper. Perhaps full utilization of the funds which could become available through adoption of S. 917 would help overcome this discouraging salary schedule in our City.

Sincerely yours,

Ralph V. Degenhart,
Chief of Detectives.

Commonwealth of Virginia,
Chesapeake Bay Bridge and Tunnel District,
Cape Charles, Va., February 23, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

Dear Senator: Needless to say, we in the Police profession are greatly concerned with the recent Supreme Court decision, commonly referred to as the Miranda decision.

I am of the opinion that if this decision remains as the guide line, and I say this reluctantly, that, in many instances, the victim is the only one who will be punished.

I have enclosed a newspaper clipping which is a classic example of the aforementioned.

Sincerely yours,

William C. Meyer,
Chief of Police.

Police Department,
Fort Lee, N.J., March 7, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, 3241 New Senate Office Building, Washington, D.C.

Dear Senator McClellan: I want to go on record against the deplorable conditions created by the Miranda decision and its adverse effect on responsible law enforcement.

The Miranda decision makes it extremely difficult to obtain convictions against known criminals. Law enforcement officers are reluctant to pursue the questioning of suspects with the uncertainty of their position which could lead to a possible false arrest charge being lodged against the arresting officer.

There is no question that the Miranda decision is responsible for criminals being returned to society to prey again on the community without fear of paying their rightful debt for their criminal acts.

New technological advances in communications are being used by the modern day criminal elements. Adversely, the small local law enforcement bodies have not been able to keep pace with the new advances made in communications because of the cost to the community.

The old bug-a-boo about back room interrogation is a thing of the past. Today's law enforcement officer is a highly educated and skilled professional, who is not only interested in his profession but is usually an active member of his church and community, taking part in many civic activities.

Morale, which is the crux of good law enforcement efforts is dwindling as a direct result of the Miranda decision.

In conclusion, let us reverse the trend in law enforcement and get back on the right road with the reversal of the Miranda decision.

Sincerely yours,

Theodore E. Grieco,
Chief of Police.

City of Fresno Police Department,
Fresno, Calif., March 1, 1967.

Hon. John L. McClellan,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: This correspondence is directed to you in response to your request, through the International Association of Chiefs of Police, for information relative to recent Supreme Court decisions affecting the admissibility of confessions into evidence in criminal matters.

It appears to be well established that the Escobedo and Miranda decisions have had a decidedly adverse effect upon law enforcement. Examining the fact that law enforcement officers are not thoroughly schooled in constitutional law, may shed some light on the situation. Contributing to the overall problem, however, is the difficulty with which lower courts apply the Escobedo and Miranda principles. In many instances they are arriving at decisions which are poles apart under very similar circumstances.

The number of convictions and guilty pleas has declined drastically since the pre-Escobedo days of 1963. This in spite of the fact that felony arrests have increased 75% since 1963. The following table is included for reference.

CITY OF FRESNO, CALIF.

	Felony arrests		Convictions or pleas	
	Number	Percent	Number	Percent
1963	1,475	....	546	47
1964	1,635	....	539	32
1965	1,539	....	379	24
1966	2,042	+72	461	22

Figures such as those shown make a travesty of the efforts of dedicated law enforcement officers. In previous years and through 1963, there had been a gradual increase in the number of felony arrests and the percentage of those arrests which terminated in a conviction or plea of guilty. This trend, which I attributed to better police methods, was drastically reversed after Escobedo and the California decision in Dorado.

Fresno County Court records show that the fiscal year 1965–66 experienced a new high in the number of felony cases in which criminal informations were filed. In spite of this new high, the percentage of guilty pleas as compared to complaints filed, dropped to a new low. The percentage drop in guilty pleas amounts to 24% since the pre-Escobedo and pre-Miranda era. One of the most disturbing facts, however, is that for the first six months after the 1966 Miranda decision, dismissals before trial already higher than for the entire preceding year.

It may appear rather trite to reiterate that the Supreme Court has contributed immeasurably to the above facts, but I am compelled to do so. Advancements in training police personnel and the utilization of more science in crime detection methods are no doubt partial solutions to the mounting crime toll, but they certainly are not the complete answer. There are too many crimes in which no physical evidence of value may be found and well trained investigators are definitely thwarted when they must tell a suspect that he has a right to say nothing to them.

I hope that the above comments may be of value to you and wish you success in your attempt to remedy this situation. Certainly, as the dissenting opinion Miranda expressed, no other country in the world has ever had such restrictions nor are such restrictions founded on a constitutional basis.

In closing, I respectfully request a copy of your Bill S. 674 and, if possible, an abstract of the hearing to be held by your committee on March 7 through 9.

Sincerely,

H. R. MORTON,
Chief of Police.

FOUR PARADOXES OF TITLE II

Mr. TYDINGS. Mr. President, much has been said in these debates on the constitutional and policy issues surrounding the validity of title II. I would like to speak briefly at this time of four amazing paradoxes that I find in the provisions of title II.

The first paradox is that the provisions of title II overruling the Supreme Court's constitutional decisions in the Miranda and Wade cases apply only to trials in Federal courts. Title II leaves completely intact, for State trials, the rules elaborated by the Supreme Court in Miranda with respect to the voluntariness of confessions, and in Wade with respect to the admissibility of eyewitness testimony. All that title II accomplishes with respect to State trials is to prohibit the Supreme Court from reviewing on appeal State determinations of these issues.

Thus, in every State trial that takes place in the future, title II is inapplicable and State judges will be obliged to continue to follow the requirements of Miranda and Wade. No confessions may be introduced in evidence in a State trial unless the procedures required by Miranda have been obeyed. No eyewitness testimony may be admitted in a State trial unless the procedures required by Wade have been obeyed. And, intermediate State appellate courts and State Supreme Courts must continue to apply the strict requirements of Miranda and Wade to all cases within their jurisdiction.

All that title II accomplishes, therefore, is to overrule Miranda and Wade with respect to Federal trials. But, as the Supreme Court clearly recognized in Miranda, the decision had little or no impact on Federal law enforcement, because Federal investigative officers were already following essentially the same requirements established by the Supreme Court in Miranda. The paradox of title II is that, when stripped of the rhetoric that has obscured it the title fails to accomplish what we might have expected to be the prime goal of this attack on the Supreme Court—the overruling of Miranda with respect to State courts and State law enforcement officers, where the impact of Miranda is alleged to have been most severe.

Title II still contains, however, the extremely undesirable provisions prohibiting Supreme Court review of State court decisions. Although the effect of title II is to require State courts to continue to follow Miranda, title II is likely to be used by the States as an invitation to bypass Miranda on their own, since no Federal court will be looking over their shoulders.

The second paradox of title II lies in the curious difference in treatment between the provisions limiting the appellate jurisdiction of the Supreme Court in cases involving the voluntariness of confessions, and the provisions limiting such jurisdiction in cases involving the admissibility of eyewitness testimony. Section 3502 of title II abolishes the appellate jurisdiction of the Supreme Court in cases involving confessions admitted in evidence in the State courts. The Supreme Court remains free to review the decisions of the lower Federal courts admitting confessions as voluntary.

By contrast, section 3503 of title II goes much further. Not only does it abolish the jurisdiction of the Supreme Court to review the determination of a State trial court that eyewitness testimony was admissible, it also abolishes the jurisdiction of the Supreme Court to review such determinations by the lower Federal courts.

The anomalous results that will be produced by these provisions on appellate jurisdiction are obvious. If the goal of the proponents of title II is to prohibit the Supreme Court from passing on the constitutionality of the provisions of title II overruling Miranda, they will fail, because title II does not affect the jurisdiction of the Supreme Court to review the application of title II by the Federal trial courts. The question of the validity of title II, therefore, will surely reach the Supreme Court for decision. To be sure, the provisions of title II repealing the Wade decision do purport to completely insulate those provisions from Supreme Court review. Here, however, title II creates another anomaly, in that every Federal trial court—each of the 94 Federal district courts throughout the Nation—is made into a miniature Supreme Court, able to promulgate its own final interpretation of the meaning of title II and its own final interpretation of the complicated factors that must be given weight under title II in determining whether a confession is "voluntary."

The third paradox of title II is the highly ambiguous language of section 702, which—at the very least—seeks to abolish the habeas corpus jurisdiction of the Federal courts over State criminal convictions. But section 702 does not stop with this result—its broad language will also prohibit any State from fashioning its own similar remedies for convicted defendants. So long as a State conviction has been affirmed by the highest court of the State and certiorari has been denied, title II preaches that the conviction cannot be overturned by any State or Federal court, no matter how egregious may have been the denial of the defendant's constitutional rights at his trial, and no matter how dispositive any newly discovered evidence may be.

For my own part, I confess I am sympathetic to the plea that the Federal district courts have been a little too quick in the past to hold habeas corpus hearings for State prisoners. But surely this provides no support for title II, which prohibits even the States themselves from holding such hearings and inquiring into the validity of the convictions of their own defendants. The evidence of recent years indicates that the States have been extremely active in this area, and that there is less and less incentive to the Federal courts to interfere through habeas corpus proceedings.

I submit that title II exalts beyond all reason the principle of finality in criminal cases. Our legal system simply must contain a safety valve—whether it be called habeas corpus or some other name—to permit gross miscarriages of justice to be remedied, even though the injustice is uncovered long after the conviction has been affirmed by a State's highest court and certiorari has been denied. The burden of the courts is small in comparison to the basic rights that are preserved. We must always remember that it is not a needle we are looking for in the stacks of paper filed by State prisoners, but the rights of a human being.

The fourth and final paradox of title II that I would like to discuss is the very curious contrast I find between the attitude toward the Supreme Court in title II and the attitude in title III. During these debates, we have heard the proponents of title III go to great lengths to tell us that the provisions on wiretapping and eavesdropping in title III faithfully adhere to the basic decisions of the Supreme Court. Indeed, we have been told that in the Berger and Katz decisions, the Supreme Court laid down a blueprint for a statute authorizing electronic surveillance, and that title III conforms to this blueprint in every significant detail. How, then, can the architects of title II exhibit such a remarkable disregard for the equally clear blueprint laid down by the Supreme Court in the Miranda and Wade decisions with respect to the voluntariness of confessions and the conduct of police lineups?

In the long debate on title II, I have heard no serious contention that the provisions of title II seeking to overrule the Miranda and Wade decisions of the Supreme Court are constitutional. At the most, we are told that these decisions were decided by a one-vote margin of the Supreme Court five to four and that it is always possible that one of the Justices of the Court may change his mind, and the law will be upheld. But, I submit, that possibility is even more remote now than it was even at the time Miranda was decided. In the recent decision of the Supreme Court in Mathis against United States, decided only 2 weeks ago, the court reaffirmed its Miranda decision in clear and unmistakable terms.

Even more significant, I would like to point out what must be obvious to all Members of the Senate—that the personnel of the Court have changed by one member since the date of the Miranda decision. The change in personnel, however, is hardly propitious for the proponents of title II. Almost a year ago, Justice Tom C. Clark, one of the four dissenting Justices in Miranda, resigned from the Supreme Court. His seat on the bench is now occupied by Justice Thurgood Marshall. None of us, I think, believes that Justice Marshall would dissent from the holding of the Court in Miranda. To be sure, as the proponents of title II have pointed out, Justice Marshall, when he was Solicitor General of the United States, argued the Miranda case on behalf of the Government and took a position against the result reached by the Court in its decision. Surely, however, the position espoused by Justice Marshall in his Miranda argument is best read as the argument of an advocate, not the independent judgment of a Justice of the Supreme Court. The tally of votes of the Justices now sitting on the Supreme Court is six to three in favor of Miranda, not five to four. A change in the vote of one Justice will no longer change the result of the case.

My remarks have been brief, but I urge the Members of the Senate to ponder carefully the paradoxes of title II that I have mentioned. To me they demonstrate, whatever the merits of the constitutional and policy objections made against its provisions, that the path of wisdom lies in rejecting title II.

AMERICAN LAW INSTITUTE REPORT ARGUES AGAINST ADOPTION OF TITLE II

Mr. President, I wish to draw attention to the recent "Study Draft on Prearraignment Procedures," published last month by the prestigeous American Law Institute. As I am sure Senators are aware, the American Law Institute is one of the most potent forces in America today in the development and revision of legal doctrine. Over the past decades, through the publication of the many restatements of the law and model code, their stature has risen to unparalleled heights. The institute's membership includes not only many distinguished legal scholars, but also lawyers of outstanding reputation from both private practice and public service.

The American Law Institute's interest in the area of prearraignment procedure dates back at least to 1959. In 1962 the institute made application for a grant from the Ford Foundation, noting that—

> The problems of pre-arraignment, concerned with the suspect in the hands of the police . . . have not yet received the kind and scope of attention and thinking that have been applied to substantive criminal law, to the criminal trial process, and to sentencing and treatment of offenders.

The Ford grant was made in 1963.

The first tentative draft was presented to the May 1966 meeting of the institute after two meetings of the advisory committee and two meetings of the council. Among the many outstanding members of the advisory committee are such distinguished law-enforcement personnel as Thomas Lynch, attorney general of California, Frank S. Hogan, district attorney of New York County, John B. Layton, Chief, Metropolitan Police Department, District of Columbia, and Howard R. Leary, police commissioner of the city of New York. One of the two reporters for the study draft is James Vorenberg, formerly the Executive Director of the President's Commission on Law Enforcement and the Administration of Justice.

Although the in-custody investigation, including interrogation, proposals were "warmly debated at the 1966 meeting" of the institute, no votes were taken because of the time limitations and because Miranda against Arizona was pending in the U.S. Supreme Court.

In June 1966 the Miranda decision came down. At the December 1966 meeting of the council, the reporters expressed the view that the decision made it advisable to propose several legislative models for possible adoption by the institute until some experience and information was accumulated to give a sense of just how the prearraignment system would operate under Miranda. Accordingly, the reporters recommended that further work on in-custody investigation take the form of:

> (a) exploring some of the major alternatives which might be available after Miranda, *and*
>
> (b) concurrently seeking to gather information on the factual situation and needs that might be helpful as background to a future decision about various alternative models and that might suggest what lines of further empirical research should be pursued.

The present study draft is the product of work performed along these lines. The proposals contained in the study draft are the product of a lengthy and serious consideration of the need to accommodate the requirements of effective law enforcement and the rights of the accused. They are, in large part, based upon the various empirical studies which have been made by agencies and institutions around the country. Included among these studies are the Yale study, conducted in New Haven, Conn.; the Vera Institute of Justice project in New York City; the Georgetown Institute study, conducted in Washington, D.C.; the Pittsburgh study; and studies in Chicago, New Orleans, Detroit, and Los Angeles.

Briefly stated, the recently released ALI study draft is a document for the consideration of institute members to aid them in their efforts to draft a model code which would meet the Supreme Court's requirements that any legislative solution be "at least as effective" as the safeguards laid down in Miranda, Wade, and Stovall. The study draft consists of four different statutory procedures which might be followed by the police during the period prior to presentation of the accused before a magistrate. Although I do not propose to discuss the details of these four models, I should like to point out that all of them are completely consistent with the Supreme Court's decisions in Miranda, Wade, and Stovall. All of the proposals are examples of what the Supreme Court was talking about when it invited legislative action in this area. All of the proposals, in sharp contrast to the proposals in title II, provide an effective means of protecting the constitutional rights of accused persons.

Although all four of the models proposed were consistent with the constitutional safeguards prescribed by the Supreme Court in Miranda, Wade, and Stovall, the ALI reporters concluded that—

> Present empirical knowledge makes it difficult to predict with confidence how various models will operate in practice and what their impact on law enforcement and the protection of individuals will be.

The draft concludes with a recommendation of research techniques and lines of inquiry which would be helpful in further evaluating the desirability of the four recommended procedures. The conclusion of the ALI makes clear that enough time has not elapsed since the Court's decisions in Stovall, Wade, and Miranda to assess their impact on the effectiveness of law enforcement. The ALI reports reviewed many of the empirical studies that have already been made. They found that these studies were seriously inadequate in many respects. The ALI reporters therefore concluded that any crystalization of prearraignment procedures by adoption of a model code would be premature. I submit to you that action on the proposed title II would likewise be premature.

Title II, unlike the four model procedures put forth by the ALI reporters, is not as "fully effective" in protecting individual rights as the safeguards prescribed by the Court in Miranda, Wade, and Stovall. Title II is an attempt to cut back on individual rights in order to promote the needs of effective law enforcement. The reporters clearly recognized that such a goal could be accomplished only by constitutional amendment, not by statute. The reporters specifically addressed themselves to the desirability of a constitutional amendment, but rejected it in the following terms as premature:

> More broadly, it seems to the Reporters that prior to any serious consideration of a system that would be inconsistent with *Miranda*, it is of the utmost importance to evaluate what the results are of seeking the fairest and most effective procedures within the scope of that decision. It is only as experience accumulates and is carefully evaluated that the appropriateness of more sweeping changes can be fairly judged.

I believe their point is well taken. If we are to act upon a rational basis in the area of criminal procedure, we must first examine and carefully evaluate the impact of the Court's decisions on law enforcement. To date, the three most complete empirical studies of the Miranda problem—the Yale, Pittsburgh, and Georgetown studies—indicate that Miranda has had no significant adverse impact on law enforcement. There has, of course, been insufficient time to study the impact of Wade and Stovall. If, on further examination it is found that the safeguards prescribed in these three cases do have a deleterious effect on law enforcement, then we should devise a legislative solution consistent with the decisions of the Supreme Court. Any such legislative solution should be carefully designed to meet the specific problems that are found to exist.

Only after the alternative legislative solutions consistent with present constitutional requirements have been evaluated should the Congress consider placing restrictions on individual rights. Moreover, such action should—indeed must—as the reporters of the American Law Institute suggest, take the form of a constitutional amendment.

Title II is nothing more than an obvious and hasty attempt to restrike the balance between the rights of the individual and the needs of law enforcement. I submit to you, and the reporters of the American Law Institute concur, that at the present time there is no adequate factual basis to support the conclusion that title II is either necessary or wise. I urge support of the motion to strike title II.

AMERICAN BAR ASSOCIATION RESOLUTION CONDEMNS TITLE II OF CRIME BILL

Mr. President, I would like to announce to the Members of the Senate the substance of an important resolution approved unanimously this afternoon by the board of governors of the American Bar Association at the annual meeting of the association. That resolution deals specifically with the provisions of title II of S. 917. It unequivocably condemns each of the provisions of title II. It opposes all legislation at this time that would in any way abrogate the constitutional rights of our citizens or restrict the jurisdiction of the Supreme Court.

As I have emphasized the resolution of the American Bar Association was adopted without a dissenting vote. The board of governors was acting on a draft resolution that had been carefully studied and drawn up by the criminal law section of the association.

Mr. President, I strongly agree with the resolution adopted by the American Bar Association today. I urge all Members of the Senate to follow this strong recommendation by the most prestigious bar association in the United States. At the very least, the provisions of title II deserve careful and exhaustive study before such fundamental changes in our American system of government are enacted into law. I urge you to vote against adoption of title II.

I ask unanimous consent that the resolution adopted by the board of governors of the American Bar Association be inserted at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION OF THE AMERICAN BAR ASSOCIATION

Whereas, Title II of Senate Bill 917 (90th Congress) purports to deal with the conduct of federal and state criminal prosecutions and directly bears on the constitutional rights of defendants in the administration of state and federal criminal laws;

Whereas, Title II substantially restricts and in effect, eliminates the availability of the federal writ of habeas corpus as a means of protecting rights guaranteed to defendants in state criminal cases by the Constitution of the United States;

Whereas, Title II would restrict and eliminate the jurisdiction of the Supreme Court of the United States to decide significant issues concerning rights now protected by the Bill of Rights and the Fourteenth Amendment to the Constitution of the United States;

Whereas, In addition to the general limitation on the function of federal courts in protecting constitutional rights, Title II is directed to specific Supreme Court decisions construing and implementing the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution and purports to overrule the decisions through legislative enactment;

Whereas, There is serious doubt about the constitutionality of each of the provisions of Title II and there are serious questions about the meaning and effect of some of its provisions;

Whereas, Even if Congress has the constitutional power to deal with the issues by providing alternative effective remedies for unconstitutional wrongs, it may not properly overrule a judicial determination that the Constitution requires that the individual be protected from those wrongs;

Whereas, Although Title II strikes down the protections afforded by the Supreme Court decisions under attack, it fails to deal with or provide remedies for the wrongs disclosed;

Whereas, A complete denial of access to federal courts for the determination and protection of rights guaranteed by the federal constitution is contrary to the spirit of our federal system;

Whereas, No basic change in a judicial system or in the relationship between the federal judiciary and the states should be made without a thorough consideration of the consequences and the availability of less radical alternatives;

Whereas, The orderly processes of deliberate, reflective and reasoned legislative judgment and when necessary, constitutional amendment, can better accomplish results which will (a) satisfy both the defenders and critics of the judicial decisions presently under attack, (b) in the process, improve the administration of justice for the benefit of the entire nation, and (c) avoid unnecessary strains on the relationship between the legislative and judicial branches of the federal government;

Whereas, There is presently no adequate factual basis for determining the effects on law enforcement from adherence to the safe guards required by the Supreme Court decisions under attack;

Whereas, Several studies are now pending on the effects on law enforcement of those decisions and of alternative means of dealing with the wrongs at which the decisions are directed, and any changes such as those proposed in Title II should await and be based upon objective and informed assessment of the facts in the light of traditional constitutional principles: Now, therefore, be it

Resolved, That the American Bar Association opposes Title II of Senate Bill 917 and opposes in principle any legislation similar thereto which (a) restricts the jurisdiction of the United States Supreme Court to decide all federal constitutional issues on direct review of state and federal court decisions in criminal cases, and (b) effectively eliminates or substantially restricts any federal court consideration of federal constitutional issues in a state criminal case by limiting such consideration to review by the Supreme Court by writ of certiorari or appeal from the highest court in a state with jurisdiction to review the judgment and precludes resort to federal writs of habeas corpus in state criminal cases.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. LONG of Louisiana. Mr. President, there are two items in the calendar which I understand have been cleared. For fear that there might conceivably be some misunderstanding, I will not move to reconsider these measures if they are passed. In fact, I agree to unanimous consent to reconsider them in the event that a Senator on tomorrow might find that there is some second thought about the matter. I understand that there is no disagreement as to these measures.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1116 and 1118.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN ACT TO EXTEND THE AUTHORITY TO GRANT A SPECIAL 30-DAY LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES WHO VOLUNTARILY EXTEND THEIR TOURS OF DUTY IN HOSTILE FIRE AREAS

The Senate proceeded to consider the bill (H.R. 15348) to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas which had been reported from the Committee on Armed Services, with an amendment, on page 1, line 4, after the word "out", strike out "the last sentence" and insert "June 30, 1968, and inserting in lieu thereof June 30, 1970".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1133), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill as amended would extend for 2 years the authority to grant an extra 30 days of leave and round trip transportation to the United States or another place of the member's choosing to those members of the uniformed services who voluntarily extend their service in a hostile fire area.

EXPLANATION

Public Law 89–735 provided authority for members of the uniformed services who voluntarily extended their tour of duty in a hostile fire area for at least 6 months to be granted an extra period of 30 days of leave and round trip transportation to the United States or to another place that the member selects. Unless extended, this authority would expire on June 30, 1968.

A tour of this length is not sufficient from the standpoint of manpower utilization, but it has been retained for equitable reasons. There are many advantages to the Government when members of the uniformed services voluntarily extend their tour of duty.

The experience under the authority that would be extended by this bill has been highly satisfactory. Almost 60,000 members of the uniformed services have taken advantage of this program since the authority was approved in November 1966; 97.4 percent of the persons who have extended their tours were enlisted members and 2.6 percent were officers.

The committee recommends that the authority be continued. It believes, however, that the authority should not be made permanent because the justification for use of this authority in Vietnam might not necessarily exist in other areas where a permanent authority could apply.

COST

The average transportation cost for a member of the uniformed services who extends his tour of duty under the authority this bill would extend is approximately $570. This cost is offset by reductions in the transportation of replacements and in the relocation of dependents of replacements. The Department of Defense considers that this authority pays for itself in savings on replacement costs. If two persons extend for 6 months each and are paid their transportation and are given their leave, the cost is approximately the same as to send one person to Vietnam, to resettle his family, and to return him to the United States 1 year later.

The title was amended, so as to read: "An act to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas."

ARMY MEDICAL DEPARTMENT

The bill (H.R. 15863) to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department was considered, ordered to a third reading, read the third time, and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended by striking the words "Army Medical Service" wherever they appear in sections 711a, 3064, 3067, 3210, 3296, 3579, and 4624, and in the text of the catchlines and corresponding analyses to sections 3067 and 3579, and inserting the words "Army Medical Department" in place thereof.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1135), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would change the name of the Army Medical Service to the Army Medical Department.

EXPLANATION

The Army Organization Act of 1950 changed the name of the Medical Department of the Army to the Army Medical Service. The purpose of the change was to eliminate the possible confusion that might result from use of the term "Department" when this term was also used in connection with the Department of Defense and the military departments.

The 1950 change has had an opposite effect from the one intended. The term "medical service" is used within the Army to refer to parts of a hospital that provide care in specific fields of medicine. Another source of confusion is that one of the six corps constituting the Army Medical Service is called a Medical Service Corps.

Returning to the name of the Army Medical Department that was used for 132 years before 1952 is intended to eliminate misunderstandings about the terminology for medical personnel and units of the Army.

CONVENTION ESTABLISHING A CUSTOMS COOPERATION COUNCIL—REMOVAL OF INJUNCTION OF SECRECY

Mr. LONG of Louisiana. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 90th Congress, second session, the Convention Establishing a Customs Cooperation Council, together with the protocol concerning the European Customs Union Study Group, signed in Brussels on December 15, 1950, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

Today I ask the Senate to give its advice and consent to accession by the United States to the Convention Establishing a Customs Cooperation Council.

The Council is the major international organization for improving and simplifying customs procedures. It started out as largely a European organization. Now 53 countries are members. Almost all our major trading partners participate in its work.

The objectives of the Convention are to assist international trade by working for:

—uniformity and simplicity in the customs systems of its members;
—solutions to customs administration problems;
—cooperation among governments in these matters.

The Council's recommendations are not binding but they are widely accepted by most of our major trading partners. They have an increasing importance for United States trade.

The United States sends observers to meetings of the Council and its Committees. I believe that accession to the Convention would be of clear advantage to the United States. We would have increased opportunities to participate in the Council's recommendations and to benefit from its work.

As the world's largest trading nation, we would be better able to do our part in helping to improve customs procedures so as to expand international trade.

I recommend that the Senate give favorable consideration to United States accession to this Convention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 20, 1968.*

(Enclosures: 1. Report of the Acting Secretary of State, 2. Certified copy of the Convention Establishing a Customs Cooperation Council, together with the Protocol concerning the European Customs Union Study Group, signed in Brussels on December 15, 1950.)

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p.m.) the Senate recessed until tomorrow, Tuesday, May 21, 1968, at 9:30 a.m.

EXTENSIONS OF REMARKS

STUDENTS EDIT BURLINGTON HAWK-EYE FOR A DAY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. SCHWENGEL. Mr. Speaker, on Friday, May 10, the senior members of the Purple & Gray Burlington High School student newspaper, helped edit their city's newspaper, the Burlington Hawk-Eye.

The experience was educational and worthwhile. The students were up to the challenge. Editorials by Gretchen Funck and Kathy McAllister were particularly good.

I commend their reading to my colleagues:

GENERATION GAP

(By Gretchen Funck of the P. & G.)

"Generation gap" . . . For centuries youth and adults have disagreed. Socrates complained that young people had "bad manners, contempt for authority, and disrespect for their elders." Yet many sociologists feel the gap is wider and deeper now than ever before.

As the folk song "The Times They Are A-Changin'" says ". . . better start swimming or you'll sink like a stone, for the times they are a-changin'." Later, the song tells mothers and fathers ". . . your sons and your daughters are beyond your command" and "please get out of the new one (road) if you can't lend a hand."

While there are many aspects to a generation gap, the communication gap plays an important part. Much depends upon understanding, and this can't come about without some type of exchange of ideas. The more discussion, the greater the understanding and the narrower the rift.

Today many families seem to be afraid to talk to each other. "They wouldn't listen or pay attention anyway" or "I'd just be laughed at and considered and old fogey" are two widely-used excuses.

This lack of communication has been criticized by many popular songwriters. Simon and Garfunkel in "The Sounds of Silence" see communication as existing on only the most superficial level. "She's Leaving Home" by the Beatles discusses parents' lack of understanding as to why their daughter left after they had given her everything money could buy.

Yet the outlook is not all bad. Parents must realize that, because of TV and radio, their views must contend with news from all over the country and world. Besides parents, these two mass media are strong influences for teenagers.

Teens, on the other hand, should be aware of the fact that their parents have been around longer and have more experience in life in general than they have. The particulars may differ, but some things hold true under any circumstances.

Both adults and youth must get in the swing of things and break the silence. Some parents may be surprised to find that their kids agree with them on many points. Teens will be surprised to learn that their parents weren't born in the Dark Ages and drinking and pre-marital sex were problems when they were young too.

No one should fear criticism. It can be healthy and helpful. A reevaluation of criticized ideas can bring out bad points and ultimately solutions. However, no one should criticize ideas he doesn't understand. This can ruin everything previously established.

"What we have here is a failure to communicate" as Luke of "Cool Hand Luke" says. If all adults and young people would try, the generation gap could be closed a little. While it will never be closed completely, and shouldn't be, a sturdy bridge can be built over it so ideas can be freely interchanged.

Where the Gang Is

(By Kathy McAllister)

"To go where the gang is" is pretty important to today's high-schooler. Whether it means meeting at the youth center, theater, or dark country road, teen-agers like the security of knowing they're doing the "in" thing.

Approximately 25 years ago the Spider Web Youth Center was opened for just that purpose. It served very well for a place for kids to have what adults classify as "good clean fun." However, within the past year or so, attendance has drastically fallen until it is necessary to seriously look at the situation. A normal Saturday night no longer includes the Web in its agenda for many high-schoolers.

The Web certainly is still a fine youth center, but there are two main reasons why the older teens have left it. The first reason has been the admittance of much younger students. The forms of entertainment which are enjoyed by junior high school students are not easily compatible with senior high students.

Overcrowding, the second factor, is a direct result of the first. More space is needed for the ever-increasing youth.

Along with the tentative plans for improving the waterfront, a civic center has been included. On the order of a student union, this would serve the teenagers, but the age problem would probably still exist. Besides, today's youth may be in need of senior citizen facilities by the time such a project could be completed.

A place for the older teens is needed now. We need a place to study, dance, and just get together and talk without paying a large price for admission. The Web should continue as it is now, but for the 13 to 17 age group. This would eliminate both reasons for decreasing attendance.

The Youth Development Committee and a few private individuals are currently working on the idea, but the entire community is needed to give the center the push it needs.

LETTER CARRIER RESCUES TRAPPED MAN

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. PEARSON. Mr. President, I recently received a letter from a constituent relating how a Shawnee Mission, Kans., letter carrier rescued him from an extremely uncomfortable situation and quite possibly saved his life.

The constituent, Mr. Frank M. Powell, was working in the trunk of his car when a gust of wind slammed the lid shut, trapping him in the trunk. His cries for help went unheeded until the mailman, Mr. Walter Clyde, approached on his daily round and promptly responded to the cries for help and freed Mr. Powell in a matter of moments.

Mr. Powell was most grateful and expressed the hope that this incident would be brought to the attention of the public. I wish to commend Mr. Clyde. I ask unanimous consent that Mr. Powell's letter relating the incident be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Shawnee Mission, Kans.,
May 9, 1968.

Hon. James B. Pearson,
Senate Office Building,
Washington, D.C.

Honorable Sir: Undoubtedly your desk is continually heaped high with a multitude of letters of every predictable nature but I doubt if the one I now bring to your attention is covered by any of these, since it is one of praise for a government employee—our Letter Carrier.

A few weeks ago while working in the trunk of my car imagine my surprise when the exceeding high wind slammed shut the lid trapping me within the confines of my own car.

All my screams, knocks, yells, etc., fell on deaf ears and I now found myself in a position from which there seemed to be no escape. My continual efforts to spring, break or release the lock from the inside failed and the hour or more I was a prisoner in my own car seemed an eternity.

Fortunately for me, however, along came our regular Letter Carrier—Walter Clyde—on his regular rounds with our mail; heard the commotion from the inside of the trunk of my car; knocked on the door, obtained the keys to the trunk lid from my wife and released me into the bright, wonderful world.

Needless to say I was becoming a bit worried, confused and troubled at being shut up in such small quarters for such a long period of time as I am rather large in proportion to the small space which I had been forced to occupy.

Surely an organization as large as the Post Office Department must have some arrangements that reward outstanding and meritorious service that is performed by its employees, and what can be more outstanding than that of saving a life? There is no doubt but that this Letter Carrier saved my life.

Please use your influence to see that this action on the part of an alert and observant Letter Carrier is brought to the attention of the proper authorities.

Sincerely,

Frank M. Powell.

SECRETARY BROWN ON U.S. STRATEGIC FORCES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, on May 14, the Honorable Harold Brown, Secretary of the Air Force, addressed the Los Angeles Jaycees' salute to the Armed Forces luncheon. In his very fine talk, Secretary Brown raised many topical questions on the U.S. Strategic Forces—questions of vital importance in today's world. Knowing that many Members of the House will find these remarks of great value to their understanding of our defense policy, I insert Secretary Brown's address in the Record at this point:

U.S. Strategic Forces

I. INTRODUCTION

During Armed Forces Week we have a chance to look at your military forces and policies and consider some of the critical issues that are so important to our country.

In maintaining our defenses as the necessary shield for freedom, we must give major emphasis to defenses against the most violent form of warfare—strategic nuclear war. I would like to discuss with you today our strategic forces and the issues associated with them.

Specifically, there are three related questions which we must all seriously consider:

Should we work for a first-strike capability that would permit us to attack an enemy and not be hurt ourselves?

Should we adopt a policy of minimum deterrence or parity in numbers of weapons?

How can we guarantee deterrence in a world of rapid technological and political change?

II. STRATEGIC DETERRENCE

There can be no successful aggression by means of strategic nuclear war today. And the job of our armed forces is to see to it that nuclear aggression against the U.S. or its Allies remains as unprofitable in the future as it is now.

The success or failure of deterrence will depend on hard calculations in the minds of enemy leaders. They must conclude that if they attack us they will themselves suffer an unacceptable level of damage from our retaliation. As to what level of potential damage would prevent a war, Mr. McNamara stated to the Congress this year that the question cannot be answered precisely. He judged, however, that a capability to destroy 20 to 25% of the Soviet population and 50% of her industry would serve as an effective deterrent.

Of course, the threat of even 25% Soviet casualties might not be enough to prevent war if prospective U.S. casualties, as judged by the Soviets, would be disproportionately higher. Soviet leaders may grossly overestimate their ability to eliminate U.S. weapons. For example, we should consider a serious confrontation—involving, let us say, a European crisis in which each side believed its vital interests were involved. In such a case, the Soviets may be willing to accept heavy population losses and industrial damage, if they think they have a chance of achieving complete dominance. To the extent that we believe that such calculations affect behavior in a crisis—and I do—we should insure that such calculations show ratios of surviving population and industry not adverse to the United States and a surviving military balance in our favor.

U.S. forces that can guarantee these results should be sufficient to deter attack and inhibit nuclear blackmail, even in grave crises. And if deterrence should fail, a favorable surviving military balance could make it easier for us to negotiate an end to the war and limit further damage to the United States.

To put this another way, we must deter nuclear attack by being ready to deliver unacceptable damage in return if an attack should come. And our strategic forces should be capable of fighting a nuclear war in any of the more likely ways in which such a war could unfold.

The question is, how can we provide this necessary level of strategic capability? Many distinguished and thoughtful men claim we are lagging behind in strategic weapons, and soon will be in danger of strategic attack. Other equally distinguished and thoughtful people tell us that we have a weapons culture that buys more armaments than it needs.

As usual, the extreme positions each have attractive aspects. It would be politically and militarily satisfying to know that we held complete nuclear dominance in the world and could overwhelm any combination of threats that man could conceive. Or, on the other hand, it would be economically satisfying if we could safely maintain only a very small strategic force.

III. WHY NOT A MASSIVE FIRST-STRIKE CAPABILITY?

Let's consider the first extreme: the desire for an overwhelming first-strike. It is true that once we have strategic forces that can guarantee deterrence, we do not try to provide the additional weapons needed to launch a first-strike attack that would destroy the Soviets and prevent any damage to ourselves.

There are two principal reasons why we stop at the level of a completely adequate deterrent force, instead of going on to build forces for a massive first-strike.

In the first place, the massive first strike has proven not too useful for a democratic country that rejects aggression. We had a first-strike capability after World War II when we possessed nuclear weapons and the Soviets didn't. But we were not willing to use that sort of power—at least for any cause other than a major and direct aggression against ourselves or against Europe.

Second, a massive first-strike capability is no longer a practical goal to pursue. We cannot maintain the necessary force to destroy an enemy and not be destroyed ourselves, if that enemy has economic and technical resources at the level available to the Soviet Union, and exercises good planning. There is no question that, at least over the long run, such an opponent could take the necessary counter-measures to insure that a considerable number of his nuclear bombs and warheads would reach their targets.

Thus, for sound political, economic, and military reasons we have determined that to pursue the illusion of an overwhelming first-strike is a waste of our national resources and an unnecessary acceleration of the arms race.

IV. WHY NOT MINIMUM DETERRENCE?

But if we cannot fight a strategic war without unacceptable damage to ourselves, why do we maintain such large forces? Why not seek a minimum deterrence level using only a few large missiles, perhaps a few bombers, and some POLARIS submarines—just enough to throw some doubt on whether an aggressor could achieve a successful first-strike? This would free several billion dollars every year, and undoubtedly some of it could be well used in domestic programs.

Unfortunately, this extreme is no more feasible than the first. Greatly reduced deterrent forces would clearly invite an enemy to prepare a first-strike himself. Bombers, if unwarned, can be destroyed on the ground. Missile sites can be destroyed if each is attacked by several large enemy missiles, even with current missile accuracies. Submarines can be destroyed. And surviving missile warheads, and bombers, if limited in numbers, could be eliminated by an anti-missile system and air defenses.

A minimum deterrent approach depending on only a few weapons might stimulate enemy arms production as much as an effort to achieve a U.S. first-strike. But in this case the result would probably be not merely an arms race, but a lost arms race, ending in the defeat and subjugation of the United States.

We do not want to court the disaster of insufficient deterrence, nor waste our resources in attempting to achieve an overwhelming first-strike capability. How, then, can we determine the composition and extent of our strategic forces?

V. THE ISSUE OF PARITY IN NUMBERS OF WEAPONS

Some scholars have argued that we should base deterrence on a standard of parity in numbers of weapons—that we should seek to maintain about the same numbers of missiles and bombers as the Soviets. Those who take this position believe that the Soviets would feel less threatened if they were allowed to achieve parity, and that arms control measures might then be possible.

Unfortunately, relative numbers in themselves tell us very little about the actual capability of forces and the danger of strategic attack. In other words, this argument considers only quantity and not quality.

For example, the Soviet Union is gradually approaching the U.S. in numbers of intercontinental missiles. But their accuracy is such that it would take a large number of their most numerous type of missile to destroy a single U.S. missile silo. As a result they could not hope to eliminate our retaliatory forces by missile attack—even if they had many times as many missiles as the United States.

On the other hand, if the Soviets should develop a high degree of accuracy and multiple warheads for their missiles, we would need to better protect our missile silos, even if we had many more missiles than they have, to assure the survival of a residual force.

In other words, we might have fewer missiles and still maintain deterrence, or we could have more and still be unable to maintain it. Thus parity in numbers alone is a poor guide for policy. It becomes a worse guide when we consider that Soviet forces are not symmetrical to our own. They have fewer heavy bombers and ICBMs, but many more medium bombers and medium range missiles—the latter aimed mostly at our allies. Also, many of their missiles have a larger payload than ours, and they have placed more emphasis on missile and air defenses.

VI. MAINTAINING DETERRENCE

In maintaining deterrence, the danger that faces us is that, for reasons of their own, the Soviets might try to achieve a first-strike capability. Of course, this goal will not be feasible for them, as long as the United States takes the necessary countermeasures.

The Soviets have gone ahead with major improvements in their strategic forces. It may be that this results from a policy of prudent self-defense and that they are seeking only to reduce their own vulnerability. But these steps could lead to strategic offensive forces that would threaten the U.S. deterrent—either completely, or sufficiently to obtain what they would consider an exploitable imbalance. They may expect that their improved submarine-based missile force and their fractional orbit bombardment system, or FOBS, will catch U.S. bombers on the ground. They may plan to deploy enough missile warheads, and develop the necessary accuracy, to eliminate many of our missiles in their silos. Their new attack submarines, surface forces, and naval air units, which are at present capable of only a modest anti-submarine role, may have the goal, for the mid-1970s, of neutralizing our POLARIS submarines. Finally, they may hope that their anti-ballistic missile system and improved air defenses will be able to eliminate most of the remaining U.S. retaliatory weapons.

If, however, they have actually been contemplating the serious possibility of obtaining an effective first-strike capability, they probably are now becoming aware that they cannot succeed. For it lies within our power to deny them such a capability. Our own force developments are specifically designed to accomplish this. At the present time, we could eliminate over two-fifths of the Soviet population after absorbing a first-strike.

We plan our forces to insure against a Soviet first-strike capability. We maintain both a bomber force and a missile force—either of which now, and in the next few years, will provide enough retaliatory capability to assure deterrence. Therefore, each provides insurance against degradation of the other as a result of unexpected Soviet developments. Our alert bombers can be launched with only a few minutes warning and a large percent would be able to penetrate Soviet defenses. Our land-based missiles are in hardened silos below ground, and our Polaris force is dispersed under the seas. They can survive attack and can penetrate the present very modest Soviet ABM and air defense systems.

For the longer run, we are providing many choices for force improvement. We carry out research and development to insure our leadership in technology. This gives us a high probability of being the first to discover any major new concepts in strategic weapons. It also insures that we can offset any particular advances that the Soviets may make. And we have the capability to deploy additional forces of existing kinds, in less time than the Soviets can significantly increase the threat.

In determining what resources to assign to development projects or to additional deployments, we consider each system's promise of effectiveness, related enemy force improvements, and our best estimate of the added insurance necessary for our deterrent capability.

Last year, for example, we observed the testing of the new Soviet-fractional orbit bombardment system. The FOBS is essentially a missile that sacrifices payload and accuracy to achieve surprise through a low trajectory. We have not deployed a FOBS ourselves, because it is less efficient for deterrence than the ICBM. The Soviet FOBS was probably designed to provide a surprise attack capability against our bomber alert force, and perhaps also to reduce the effectiveness of future area ABM defenses.

But the Soviet FOBS didn't affect our deterrent because for some time we had been conducting extensive development work on over-the-horizon radars. These radars, which can detect launch of FOBS, were already being tested when the new Soviet weapon appeared in development. They now have an operational capability which prevents a surprise FOBS attack against our bomber bases.

Along with FOBS, the Soviets are attempting to use improved air defenses to challenge the bomber portion of our deterrent. Our countermeasures in this case are the SRAM air-to-surface missile and the high performance FB-111 bomber which will replace our older model B-52's.

But if Soviet air defenses become heavier and more sophisticated, a new advanced bomber will be our best and cheapest method of insuring bomber survival. Such an aircraft would have more payload, better defense penetration aids and faster speed. We are continuing preliminary work on the aircraft technology and penetration aids needed for such a new bomber.

In addition to threatening the bomber portion of our deterrent system, the Soviets have deployed an anti-ballistic missile system. There is no doubt that this step can be a serious destabilizing influence on the strategic balance. It is still a very limited system—but it is definitely oriented toward U.S. missile approaches. The United States is still trying to reach an arms control agreement with the Soviets that would stop construction of such systems on both sides—and limit offensive forces as well.

In response to the Soviet ABM system, we are improving the capability of our missiles forces by developing penetration aids and multiple warheads. The number of multiple warheads we deploy will depend on the extension of the Soviet ABM system. We would hope that our development of countermeasures will help to persuade the Soviets that further costly extension of their strategic capabilities will not be worthwhile.

The danger of a snowballing arms race developing from the Soviet ABM is apparent. We must have enough missile payload to insure penetration of an ABM system. And, if they extend that system, we may require a much larger advanced missile to provide the additional payload. The Soviets may now wonder whether we are deploying multiple warheads or new missile only to protect our deterrent by countering their ABM system, or whether we are also going for a first-strike capability against their missile silos. What is for us insurance for our deterrent could seem to the Soviets a grave threat to their deterrent. It would have been much better for all concerned to have agreed on an arms limitation to include limitation of ABM deployment.

Turning to the Soviet build-up in ICBMs, increases recently reported have been expected. However, several hundred of their missiles have high payload that could threaten our missile silos if they are able to deploy multiple warheads and increase accuracy. As a countermeasure, we have begun development of a superhard missile silo, in which we could deploy additional Minuteman missiles in a few years or a more advanced missile in a longer time.

Another means of protecting our missile sites against Soviet offensive missile improvements would be ABM defenses around our missile fields.

Properly designed active defenses are necessary for effective deterrence and should not be confused with the much more extreme and useless attempt to provide a near perfect defense.

As I mentioned earlier, war-fighting capabilities, relative damage levels, and surviving military forces are relevant in preventing strategic war. U.S. strategic defenses serve to make a coordinated surprise attack on our retaliatory capability far more difficult.

With regard to anti-ballistic missile defenses, we are preparing to deploy the Sentinel system—a thin system to counter the expected Chinese Communist threat in the mid-70s. But today a large-scale ABM system capable of reducing damage to acceptable levels against large-scale Soviet attack would not be feasible in light of current technology. The Soviets could develop and deploy means to penetrate our defense at substantially lower cost than we could build it. And since even a few penetrating missiles could do great damage, we could not expect anything approaching full protection for our population.

However, lesser levels of ABM defense, located around our missile fields, could serve to make an attack on our retaliatory force more difficult. If Soviet missiles improve, it may be desirable to deploy such defenses for our land-based missile force. But we have not reached that point yet. The superhard silo is our best first step. In a sense, the new silo will be a form of ABM defense.

We should also maintain a reasonable level of defense against aircraft. Air defenses play a critical role in complicating the enemy's attack problem and in limiting the ultimate level of damage to the United States. Unopposed enemy aircraft could make multiple attacks and deliver weapons against hardened targets much more accurately than could missiles. If U.S. air defenses were very weak, the Soviet might try to eliminate our missiles with bomber attacks. Or, they might feel free to use all their missiles against our missile silos, counting on their bomber force to destroy our cities or hold them hostage.

We therefore must have air defenses that are adequate to insure that large numbers of enemy aircraft cannot operate freely against U.S. targets. We currently plan to deploy a new combination of airborne warning and control aircraft and improvements in our F-106 interceptor force. This will free us from vulnerable ground radars and will provide a good capability against low level attack. It will also permit us to phase out many present radars and interceptors, resulting in an actual reduction in overall costs.

If the Soviets improve their bomber forces, we may want to add some new F-12 Mach 3 interceptors. But since a highly effective missile defense is not feasible, we should not put disproportionately large resources into air defenses. What we need is a moderate level of air defense that contributes to deterrence, prevents a "free ride," and has some capacity to limit damage if an attack occurs.

VII. CONCLUSION

In summary, we are working on many ways to improve our strategic forces so that they will remain the shield of freedom. We are deploying new forces as necessary to provide a high level of insurance. We are not, however, threatening the Soviets with systems designed for a surprise first-strike.

The Soviets, on their part, are testing a FOBS, and deploying an ABM system, a heavy air defense, and heavy missile payload. All of these measures taken together underline the fact that we will have to keep working quite hard to maintain our own deterrent.

We are countering Soviet advances with our over-the-horizon radars, improved bomber penetration capability, missile penetration aids, and development of superhard silos. These are aimed at retention of an assured deterrence capability. Our multiple missile warheads, which are needed to counter the Soviet ABM, will not suggest a first-strike threat, because we are not deploying a massive ABM and air defense system.

How far we must go with our options to protect our deterrent depends on how hard the Soviets work on a first-strike capability.

My view of our strategic forces is one of confidence tempered with caution. Certainly we could destroy any aggressor at the present time. Moreover, I am confident that our development programs and American productive capacity can offset any threat to our strategic forces in the future.

I continue to hope that in the long run we can reach effective agreements with the Soviets that will permit us to use our resources for more rewarding purposes than buying weapons. But Soviet actions do not yet warrant our letting this hope serve as a substitute for strength. I believe the most likely way to prompt the Soviets to accept meaningful arms control is to insure that they can never achieve strategic dominance over the United States. In this sense it is clear that carefully thought-out improvements in our strategic forces contribute to world stability and to peace.

STEELWORKERS PRESIDENT I. W. ABEL BACKS EMERGENCY JOB LEGISLATION

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. CLARK. Mr. President, the urban crisis continues unabated in our cities. It has, in fact, probably deepened and become more menacing as an increasing number of antipoverty programs throughout the country have been curtailed and thousands of former participants in such programs as the Job Corps, the Neighborhood Youth Corps, and various training projects find themselves cut loose and adrift.

The maelstroms of violence, destruction, bloodshed, fire, and pillage that roared through a score of American cities this year—and three score last year—are a horrifying omen of our present failures and future disasters if our inertia continues in the face of widespread hardcore unemployment, the accelerated decay of slums, inadequate medical care, malnutrition, hunger, and even slow starvation.

The Subcommittee on Employment, Manpower, and Poverty, of the Committee on Labor and Public Welfare, for 2 months now, has been reexploring the extent and depths of the poverty problem and the urban crises. Hearings held by the subcommittee have centered on the Emergency Employment and Training Act of 1968—S. 3063—which was introduced on February 29 by the senior Senator from Pennsylvania with the cosponsorship of 11 other Members of the Senate.

Support for this legislative proposal to create 2,400,000 jobs among the Nation's hardcore unemployed has come from a number of outstanding leaders of public opinion, and from noted officials of labor, religious and interracial organizations. These have included the top official of the National Advisory Commission on Civil Disorders, Gov. Otto Kerner, chairman; Mayor John V. Lindsay, vice chairman; and Senator FRED HARRIS of Oklahoma, and President I. W. Abel of the United Steelworkers of America, both commission members.

The testimony received by the subcommittee from President Abel on May 15 was a searching and sensitive statement exploring both the problem and its resolutions with realism and sound commonsense. Because I believe that all Members of Congress and all readers of the CONGRESSIONAL RECORD can benefit by a reading of President Abel's impressive testimony, I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I. W. ABEL BACKS EMERGENCY JOB LEGISLATION

Mr. Chairman, my name is I. W. Abel, and I am President of the United Steelworkers of America.

My purpose in appearing before you is to express the support of the Union for the principle of providing job opportunities for low-income and unemployed workers as is embodied in S-3063, introduced by you and eleven (11) other Senators.

RIOT COMMISSION

The social stirrings of the past few years have put severe strains upon our nation to meet the challenges of those who have, for far too long, been deprived of the advantages of our society.

Actually, our national determination to provide equal rights and opportunities for all is being doubted. As a member of the President's Riot Commission, I came face to face with the everyday frustrations of people who are unconvinced that the promise of America can be translated into reality for them.

As was indicated in our Report: "Disorders are not simply a problem of the racial ghetto or the city. . . . They are symptoms of social ills that have become evidenced in our society and now affect every American—black or white, businessman or factory worker, suburban commuter or slum dweller."

Whether we are, in fact, "moving toward two societies, one black, one white—separate and unequal" depends a great deal upon the ability and the willingness of Congress to respond to these problems.

In all frankness, in spite of predilections of dire consequences to constitutional rights of the privileged, Congress has moved steadily along the road of enacting civil rights legislation, culminating last month in the passage of the open-occupancy provision for nondiscrimination in housing. These have been great achievements, not only because they represent the enactment of just laws but, most important, they stand as an indication that the political system is responsive, and accomplishment of social justice is possible through the political process.

ECONOMIC JUSTICE

We are now, however, at the same crossroad that many industrial workers were before the advent of unionism. Could a social democracy have any meaning without economic democracy? In the 1930's the economic system was sorely tested because the workers were convinced that without economic justice, social rights were meaningless.

I submit, Mr. Chairman, that today our social institutions hold no meaning for many of the unemployed because the economic system is not providing them with the opportunity to be gainfully employed.

Your Committee is well aware of the statistics of long-term unemployment among the minority groups, the entrapment in poverty of the working poor or the so-called underemployed, and the tragic circumstances of the unemployables.

GOVERNMENT RESPONSIBILITY

The labor movement is an instrument for combatting poverty through the exercise of its right to collectively bargain for workers. But, it proves to be an effective instrument only because its members are already gainfully employed. It uses economic pressure to seek a better share of the wealth of the nation. However, when its members are unemployed, collective bargaining has little influence. Under that circumstance, the labor movement must apply political pressure to encourage the application of the fiscal and monetary powers of the government.

I make this comment because we are all conditioned to accept and, surely, to expect government intervention when there is massive unemployment.

No less valid, then, is the necessity of federal involvement in the tragic problems of unemployment among the hard-core disadvantaged in our vast urban centers and some rural communities. A man must have a job before he can give meaningful expression to his role as a member of his society and the head of his family.

MANPOWER TRAINING AND FISCAL POLICY

This Committee has performed a most significant role in the fight against poverty by exploring the methods of making job opportunities a reality for the poor.

By enacting the manpower training bill, one bridge from unemployment to employment was built for those who could cross over it. I say "for those who could cross over" because the assumption of the Manpower Development and Training Act is that unemployment is a personal characteristic of the jobless. The worker has become structurally ill-equipped to compete in the job market for jobs which *do exist*. Through training, he will be able to correct his deficiencies and qualify for a job.

To the extent that we have a full-employment economy, certain structural unemployment will be eradicated by effective training. However, I wish to indicate, as we indicated when the original MDTA was passed, that job training is successful only when the economic policy of the nation is geared to a tight labor market in which aggregate economic activity can absorb the low-skilled unemployed.

In 1966, I was one of the signatories of the "Freedom Budget", advocated by A. Philip Randolph. In his report, he indicated:

"While there can be no doubt that we need even better programs of training and retraining than we now have, we must reject most emphatically the proposition that the *main* reason for excessive unemployment resides in the personal characteristics of the unemployed. This fallacy rests upon failure to distinguish between the reasons why too many are unemployed and the reason why particular people are *selected* for unemployment when there are not enough jobs to go around. . . . The fact that Negroes tend to be the first fired and last hired when jobs are insufficient should not prevent us from recognizing that this phenomenon, so central to the racial problem, would not exist if there were jobs for all." (Underscore supplied)

In creating job opportunities for the disadvantaged, I think an aggressively expansionary fiscal policy is absolutely necessary. This, I realize, requires a changed public attitude or tolerance toward inflation.

As Congress moves to adopt a deep spending cut—deeper than the one advocated by the President—as a price for the tax increase, I wonder whether the price will, in reality, be heavier unemployment in our core cities.

EMERGENCY EMPLOYMENT PROGRAM

The labor movement is, therefore, committed to increased government spending in the public sector. It is within the context of this over-all economic policy, which alone can increase job opportunities, that I want to make a few comments on the emergency employment bill.

It is most significant that this Committee is deliberating upon the necessity or usefulness of this concept at a time when the Poor People's Campaign is already in Washington. Although the vast majority of the marchers are Negroes, it is essentially a protest movement of the economically deprived. In a very dramatic and, I hope, successful way, they are petitioning their elected representatives to act favorably upon this bill. To that petitioning, I join the voice of the United Steelworkers of America.

The bill attempts to seek an immediate—indeed an emergency—response to the high levels of unemployment in certain areas.

The President's Riot Commission has made a direct link between civil disorder and unemployment. The National Urban Coalition was formed upon a platform of creating job opportunities in both the public and private sector of the economy. S-3063 would provide jobs and job training in both sectors for 2,400,000 hard-core unemployed during the next four (4) years, at a cost of about 10.3 billion dollars. The first year appropriation would be for 2 billion dollars.

1. Public sector jobs

Title I of the bill is a genuine attempt at creating new jobs. The concept of "government as employer of last resort" has been growing during the last few years. The report of the National Commission on Technology, Automation and Economic Progress specifies that there are at least 5.3 million public service jobs capable of being created. These jobs are distinct from the so-called public works employment—which provide job opportunities for the more skilled craftsmen—in that it is the public service employment which is the most effective means of rapidly increasing stopgap employment for the lowly skilled.

At the same time, the performance of these services will satisfy a very definite need in our great metropolitan areas. The more affluent our society becomes, the more is the demand for services which uplift the quality of life. From both an economic and a social point of view, we are indeed fortunate that we have the coincidence of an unused manpower and unmet social needs. These public services represent a new dimension for expansion of the job market.

Howard Hallman, staff director of the Poverty Program Study of this subcommittee, identified the range of some of these jobs:

"Three examples can serve as an illustration, but the choice is by no means limited to these. They are the use of professional aides; conservation and recreation facilities; and housing rehabilitation. Each can provide socially useful work. Each can give communities across the nation a means of reaching the unemployed directly and thus to individualize a national program for employment.

"The first area for increased public service employment is as professional aides. These are positions which assist professional workers, such as schoolteachers, nurses, social workers, recreation supervisors, probation officers, and the like, by performing, under supervision, various tasks which can be learned on the job or through short-term training. In other words, a minimum of formal training is required.

"Such agencies as settlement houses have used neighborhood residents in these roles for years. The U.S. Office of Economic Opportunity (OEO) has encouraged the expansion of this field of employment, and in the spring of 1967 40,000 were working as subprofessionals under the community action program. The Scheuer amendment to the Economic Opportunity Act has added another 15,000, which apparently will be used primarily for training purposes.

"The National Commission on Technology, Automation, and Economic Progress estimated that educational institutions could absorb 1.1 million new workers and medical institutions and health services another 1.2 million.

"For instance, teacher aides could be employed by the tens of thousands, particularly in schools serving children from poor families where the school has to compensate for home deficiencies. While theoretically it might be desirable to alter the ratio of 1 teacher for a classroom of 30 pupils to 1 for 15, or even as low as 1 for 10, there are neither the teachers nor the classrooms for such an approach. But every elementary teacher in poor neighborhoods could easily use two teacher aides, not merely to take roll and help put on coats, but to help with reading, arithmetic, and spelling, and other supervised teaching tasks. After all, at one time most elementary school teachers did not have college degrees. While today we should insist that the teacher in charge should have a college education, he or she could profitably use aides who are high school graduates (and two out of five of the unemployed have a high school education).

"Hospitals could use many nurses aides and laboratory assistants. Homemaking education, which sometimes needs to be taken directly to the home, can readily be conducted by women who have had 20 years of successful experience with their own families. Home care for the elderly could absorb thousands of workers. Consumer education among the poor, a hardly scratched but badly needed field of service, can be carried out by professional aides. Schools can be kept open evenings, weekends, and summers for programs led by recreation aides. Overworked probation officers could have nonprofessional assistants. Most social agencies are understaffed in clerical positions. On and on the list could be expanded.

"A second area for job creation in public service employment is conservation and recreation area development. Again, these are neglected fields of service which can absorb large numbers of semiskilled workers.

"In National and State parks and forests, thousands of campsites and other recreation facilities should be created to serve a grow-

ing population which has more money to travel, more free time, and more need to retreat from the city to natural surroundings. Of all the facilities constructed under the accelerated public works program, this type was about the only one in which a majority of the jobs created could be filled by semiskilled or unskilled workers.

"The same concept could be applied to many of the great urban parks created since 1850. Central Park in New York City, Fairmount Park in Philadelphia, Rock Creek Park in Washington, Lincoln Park in Chicago, Swope Park in Kansas City, Golden Gate Park in San Francisco, to mention a few among many, all could benefit from improvements and restoration. Add to this the neglected playgrounds and squares, and the job potential is further increased.

"Land conservation, forest restoration, seashore preservation, and the newest thrust, highway beautification, all are tasks where labor is a high proportion of the budget, and most of the jobs can be filled with unskilled persons, who can be trained on the job or in short-term courses. A small start has been made under the Nelson amendment to the Economic Opportunity Act. Easily a million workers could be so employed.

"A third field in which many jobs could be created is housing rehabilitation. There are 8 to 10 million dwelling units in the United States which need improvement greater than what is expected for annual maintenance. Two-thirds of these units are in metropolitan areas, mostly in the inner city and occupied by low-income families. It so happens that the unemployed are concentrated in the same locations. Thus, ways should be found to combine the need for housing rehabilitation and the need for more employment opportunities.

"Professional aides, recreation facilities and conservation, and housing rehabilitation are by no means the limit of possibilities for public service employment. Each community should have the option of determining what it needs and wants most."

These are the jobs that can be done right now in many communities. It is here that the federal government could move in immediately and place people in these jobs. The Clark bill contemplated 300,000 participants in one year and 1.2 million in four (4) years.

Because of the nature of these jobs and the urgency of the situation, Congress should establish a *priority* to meeting this commitment in line with the financial resources available.

If a choice is to be made between the immediate creation of jobs in the public sector and a program to reimburse employers for training workers for entry-level jobs in the private sector, then, the priority should be expressed in favor of job creation. What we need now more than ever are new jobs for the disadvantaged.

The immediacy of these jobs, both in terms of their availability and qualification requirements for the worker, should not be taken to mean that these jobs are either temporary or deadend. As a matter of fact, legislative intent should definitely declare that those workers who are assigned to public-sector jobs should be placed in direct contact with regular public service employment opportunities. Through training and supportive service, they should be given the chance to progress in promotional sequences. A worker must have the hope of bettering his status. It would be a mistake, therefore, for these jobs to be looked upon as only stopgaps.

Testimony already given to you by the AFL–CIO urges that the language of the bill be corrected so that these jobs can be recognized just as meaningful, productive, and competitive as those in the private sector.

I concur in that recommendation. Furthermore, the Scheurer concept of new careers at the subprofessional level for certain public service jobs opens up a real possibility for meaningful work presently needed in our communities. Title I offers an opportunity to enrich the new career approach, and it ought to be designed to take advantage of the possibilities.

In order for a job to be considered meaningful, there must also be built into it the concept of upward mobility. Whether joined to a new career position or not, promotional opportunities should exist. All community-employment programs should, therefore, be expected to include training activities so that all participants will be given the education, training, and supportive services while employed to prepare them to be not only employable but competitive in order to move upward in either public or private sector jobs. We seek, therefore, to strengthen the worker's occupational mobility.

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I would also caution against considering these jobs to be low-wage ones, because we would only be shifting the hard-core unemployed from the public welfare rolls to a status of "kept" low-wage workers in public employment. There must be the opportunity for upward movement, and training opportunities will provide that ladder. Furthermore, as we open up these jobs to the unemployed, we should be very mindful that the underemployed who may already be employed in these jobs should be given the opportunity to participate in the training programs.

In summary, therefore, we endorse the concept of the "government as a last resort employer" to employ those workers who, even now, need jobs or those who, after some training, cannot find private-sector jobs. As the Automation Commission remarked: "When all that is done, there remains another possibility: to begin at the rear of the [employment] line and create employment opportunities tailored to the abilities of those with serious competitive disadvantages."

My main enthusiasm for the public sector title of this bill lies in the fact that it actually creates new job opportunities for the unemployed while, at the same time, it satisfies a need in our communities to have this work performed. Since the public sector, through the tax system, is underwriting the cost of the jobs, it is most fitting that the public sector is the *direct* beneficiary of the work performed. However, I hasten to add that the public sector always benefits when a worker is removed from public assistance.

2. Private sector jobs

Title II of the Clark bill encourages private enterprise to take an active part in combating the ravages of unemployment among the disadvantaged. The role of the business community is an essential one in the war on poverty. The *Urban Coalition* is a visible expression of the determination of businessmen to move in this area. Last January, the President issued a call for a new partnership between government and private industry to hire and train the hard-core unemployed. The JOBS (Job Opportunities in the Business Sector) was inaugurated in the Labor Department to be assisted by the National Alliance of Businessmen. The President's Riot Commission strongly urged such business involvement. The Clark bill gives a legislative base to the JOBS experiment.

The main objective of Title II is to help the hard-core to become employable. There are incentives on both sides. The worker is given an opportunity to earn money while he is achieving a skill to improve his employability so that he can become competitive in the labor market. The employer is reimbursed for the cost of training the worker so as to make him a productive employee. By hiring a worker whom he would not otherwise employ because of lack of basic qualifications, the employer will receive a cost displacement at the rate of $3,500 for each employee.

The essential ingredient in the experiment is on-the-job training at remedial levels far below occupational training. I should relate to you two experiments in which the Union and the steel industry is engaged:

1. Adult Basic Education for Employed and Unemployed Steelworkers

One involves a $1 million MDTA grant to provide remedial training for two groups of employees. One group represents those workers in the plant who are entitled to promotional opportunities but are unable to effectively exercise these rights because they lack basic literacy skills. A selected sampling from various mills are now undergoing training with the objective in mind that they will be able to exercise their seniority to achieve a higher job classification. It is indeed a tragedy to have a worker locked into a job while others with less seniority are able to advance around him.

Under this pilot program, about 1600 employed Steelworkers in the Chicago and Baltimore areas are attending adult basic education classes at their plants to improve their communications and mathematical skills. The program is a joint effort of the United Steelworkers of America, seven major steel companies and the Labor and HEW Departments.

Training is being provided by the Board for Fundamental Education, a nonprofit organization. A joint study, pursuant to the 1965 contract settlement between the Coordinating Committee of the steel companies and the Steelworkers Union, led to the development of the program.

The aim of the program is to raise the educational levels of the workers so that they might be able to qualify for training and job opportunities when available. Trainees are given six hours of classroom instructions a week for approximately 26 weeks. Classes are scheduled on the workers' own time just before or after their work shifts.

The second group represents those workers who failed to qualify for entry jobs. They also are being given special training to see whether they can be equipped to satisfy very basic entry requirements.

If the program for the employed Steelworkers is successful, more entry level jobs will become available for these unemployed persons. The pilot program, when completed, will provide educational opportunities for some 300 persons in Illinois and Indiana. The basic education courses are designed to raise them to a level of acceptability for employment in the steel industry.

2. Jobs Now Program

The second experimental program is one which was recently agreed to in a supplemental understanding with the industry. Basically, it gives option to the local union and the plant management to extend the probationary period for special employees so as to provide "greater employment opportunity for persons disadvantaged with respect to employment because of lack of sufficient basic educational qualifications. . . . Current employment can be provided on the condition that participants actively pursue a course of study designed to rectify their educational deficiencies."

(I submit a sample of such agreement for the record.)

It is too early to tell what our experience under these two programs will reveal. The latter arrangement is a response to the JOBS program and can apply to the job opportunity section in Title II of the Clark bill.

I recognize that Title II does not create any new jobs in the private sector. As I mentioned earlier, only an aggressive economic policy can accomplish that objective. However, it does increase the possibility that the "mix" of the employed will be changed.

Under the stimulation of the subsidy to industry, more of the disadvantaged will be employed—at least temporarily—than would otherwise under current hiring policies.

If training on the job is assured, their employability will be improved, thereby enhancing the permanency of their jobs. Access to a job environment and the opportunity to train, *while at the same time receiving take home pay from the paymaster at the plant* rather than a relief check from the government, may provide the added motivation needed to move the disadvantaged into a more positive job-oriented attitude.

While it does not increase the total supply of jobs, it does give, as was indicated by the Director of the Michigan Employment Security Commission, "special consideration to those who have historically been at the back of the line."

The private sector must be engaged in the effort to open up job opportunities for the disadvantaged. It will do so only so long as there are actual jobs available. I would hope that the funds made available to industry will result in an aggressive hiring policy. Your Committee should specify the legislative intent on this matter since the testimony of a previous witness, Garth Mangum, indicated that "it will be difficult to assure that those employed are significantly more disadvantaged than those who would have been employed in the absence of the program. . . . Subsidies to private employers to encourage hiring of the disadvantaged substitute for education and training to make them more attractive to employers without subsidy."

On balance, however, the twofold approach of providing jobs in both the public and the private sector is the least that this country should do for the poor. Certainly, the nation must "generate a new will" as the Riot Commission stated. But, the Congress is the vehicle for expressing that will. It can do so by enacting this bill. It is no wonder then that the Executive Board of the AFL–CIO unalterably opposed the expenditure cuts contemplated by the House-Senate tax conferees.

As was expressed in the statement of the Executive Board, "essential programs must be maintained and expanded." S–3063 is an example of a needed expansion of a social program. As Resurrection City is being erected on the Potomac Flats, as a symbol of the poor's desire for a better share in America's prosperity, I urge Congress to enact the Emergency Employment and Training Act of 1968 as a concrete expression that dreams do become reality and frustration is not a permanent way of life.

JAMESTOWN DAY, 1968

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DOWNING. Mr. Speaker, on Sunday, May 12, 1968, at Jamestown, Va., in my district a traditional ceremony was held commemorating the 361st anniversary of the landing of English colonists and the founding of the first permanent settlement.

The principal speaker for the occasion was one of the great educators of our Nation, the distinguished president of the College of William and Mary, Dr. Davis Y. Paschall. His remarks should be read by every American, and I am pleased to insert them in the Record.

Jamestown Day, 1968

If history does not actually repeat itself, there are at least occasions when the cycle of present events brings us back to points of origin. From these points we can measure the distance we have come.

This is the real purpose of our annual commemoration of the coming of our forefathers to this island more than three hundred and sixty years ago. If we recall their many hardships, we also remember their persistent dreams. If we have long outlived the particular hardships that beset them in *their* time, we must on this annual commemoration ask ourselves if we have finally attained their goals and ideals in our *own* time.

It is appropriate on Jamestown Day to compare the American problems of 1968 with those first American problems encountered here in 1607 and the Jamestown Period. Fewer than two hundred men came ashore upon this island on that day.

No one can truly assess the hardships and privations endured in those early years without feeling that surely here were men who dared "to dream the impossible dream and to reach the unreachable star." Within a century these "Englishmen born to become Americans" had settled from Massachusetts Bay to the Sea Islands of Georgia; within the next century they had created a new nation, "conceived in liberty and dedicated to the proposition that all men are created equal"—Jefferson's fundamental conviction reaffirmed by Abraham Lincoln.

Then, at the end of the third century after the landing here, these men whom Walt Whitman called the "restless breed" had crossed the continent, far from the spot where the Susan Constant and her sister ships had ended their Atlantic voyage, where a new and greater ocean in the West marked the end of one road and the opening of another. Now, more than halfway through the fourth century since that day in 1607, our band of fewer than two hundred has grown to more than two hundred million. Is it any cause for wonder that our problems, our challenges and our hopes should have proliferated in proportion?

There have been many cycles of history in this peninsula where we have gathered today. One hundred and seventy-four years, from 1607 to 1781, stretch between Jamestown and Yorktown—but only about twenty miles of distance. Next year we shall celebrate the three and a half centuries since the establishment here, in 1619, of the first legislative assembly in the New World—a memorable event that launched representative government in the New World.

This year marks another anniversary which also embodies some of the most cherished dreams of the men who overcame the primordial dangers here at Jamestown. This is the 275th anniversary of the founding of the College of William and Mary, that original dream of a seat of learning which might have died with the great massacre of 1622 had not other men of vision come after, undismayed by civil outbreaks in this colony and in the mother country, until at last a charter was granted by those same constitutional monarchs who had assented to the English Bill of Rights.

We like to think that there is a definite intellectual relationship between the guarantees of fundamental liberties set out in the English Bill of Rights, and the charter of Their Majesties' Royal College of William and Mary in Virginia in 1693. Certainly these were the "rights of Englishmen" upon which the revolutionists of 1776 insisted, and their demands were articulated by many of the men who had been educated at the College. "We hold these truths to be selfevident," wrote Jefferson at Philadelphia—and to these truths the representatives of thirteen colonies pledged their lives, their fortunes and their sacred honor. It is only to things that matter more than all else that men are willing to make such a total commitment—the seeds for such a commitment having been sown in self-sacrifice of those who had their day at Jamestown.

As a matter of historical fact, the importance of education, in the successful establishment of the Jamestown Colony was perceived from earliest times, and was taken for granted as a counterpart to established government when, with the so-called "great charter"—actually, the instructions—of 1618, providing for the calling of a legislative assembly, provision also was made for the establishment of several different forms of learning and instruction. It is this concept of education conceived at the very beginnings of this Republic that I commend to your attention on this observance.

This year marks the 350th anniversary of an idea which found expression in 1618—the idea of a school to educate the Indians in both Christian religion and basic English education. In the instructions to George Yeardley dated November 18, 1618, King James I advised that the London Company was authorized to "ratify, confirm and ordain that a convenient place be chosen and set out for the planting of a University at . . . Henrico in time to come and that in the meantime preparation be there made for the building of (a) Colledge . . ."

Within six months—even before the instructions on the calling of the first assembly were carried out—the Company had shipped to Virginia 100 "tenants for the Colledge lands," along with 130 to work the Company's own lands, 80 to work the governor's lands, and 50 to work the glebe lands of the church. You may also recall that to complete the process of civilization, there also came 90 "young maids to make wives" for at least 90 of the 260 tenants who had been "sent for publicke and other pious uses" in the colony.

By November 11, 1619, the new government of Jamestown found the enthusiasm of the London Company for shipping over tenants to work the College lands was overtaxing the economy. The council complained that the latest shipment of newcomers had brought with them only five months' supplies of food. Since the colony would have to support them for at least fourteen months before the "college plantation" would be ready, emergency plans for housing and training them were discussed.

Before the end of another year, plans for the establishment of the seat of learning at Henrico had advanced materially. Among the shipments to the colony by the Earl of Southampton in 1620 was noted "A Gift" of "certain good Bookes of Divinitie, by an unknown person," for the use of the College. The men of that day recognized, with Carlisle, that a true university is a great library of books; for in May 1622—before word had reached England of the vanishing of this first great dream—the Earl of Southampton noted two more gifts for the College—"a Library valued at 100 Marks," by the late Thomas Bargrave, a "preacher in Virginia;" and a companion gift of "divers Bookes, and an exact map of America."

Memorial gifts were not unknown in those days, either. Southampton's 1622 inventory noted that "the Gentlemen and Mariners that came in the 'Royall James' from the East Indies . . . gave towards the building of a free Schoole in Virginia, to be called the 'East Indian Schoole,' the sum of 100 pounds."

There was every reason for optimism. The previous May 15, 1621, Planter George Thorpe had written to Sir Edwyn Sandys that "the whole people have begun to plant vines" (tobacco) this year, and he himself had "planted for the Colledge near ten thousands and do intend, God Willing, every year to set more than double that number."

Church, state and education being interrelated in that era, it was a significant sign

ing population which has more money to travel, more free time, and more need to retreat from the city to natural surroundings. Of all the facilities constructed under the accelerated public works program, this type was about the only one in which a majority of the jobs created could be filled by semiskilled or unskilled workers.

"The same concept could be applied to many of the great urban parks created since 1850, Central Park in New York City, Fairmount Park in Philadelphia, Rock Creek Park in Washington, Lincoln Park in Chicago, Swope Park in Kansas City, Golden Gate Park in San Francisco, to mention a few among many, all could benefit from improvements and restoration. Add to this the neglected playgrounds and squares, and the job potential is further increased.

"Land conservation, forest restoration, seashore preservation, and the newest thrust, highway beautification, all are tasks where labor is a high proportion of the budget, and most of the jobs can be filled with unskilled persons, who can be trained on the job or in short-term courses. A small start has been made under the Nelson amendment to the Economic Opportunity Act. Easily a million workers could be so employed.

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The immediacy of these jobs, both in terms of their availability and qualification requirements for the worker, should not be taken to mean that these jobs are either temporary or deadend. As a matter of fact, legislative intent should definitely declare that those workers who are assigned to public-sector jobs should be placed in direct contact with regular public service employment opportunities. Through training and supportive service, they should be given the chance to progress in promotional sequences. A worker must have the hope of bettering his status. It would be a mistake, therefore, for these jobs to be looked upon as only stopgaps.

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Under this pilot program, about 1600 employed Steelworkers in the Chicago and Baltimore areas are attending adult basic education classes at their plants to improve their communications and mathematical skills. The program is a joint effort of the United Steelworkers of America, seven major steel companies and the Labor and HEW Departments.

Training is being provided by the Board for Fundamental Education, a nonprofit organization. A joint study, pursuant to the 1965 contract settlement between the Coordinating Committee of the steel companies and the Steelworkers Union, led to the development of the program.

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If the program for the employed Steelworkers is successful, more entry level jobs will become available for these unemployed persons. The pilot program, when completed, will provide educational opportunities for some 300 persons in Illinois and Indiana. The basic education courses are designed to raise them to a level of acceptability for employment in the steel industry.

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It is too early to tell what our experience under these two programs will reveal. The latter arrangement is a response to the JOBS program and can apply to the job opportunity section in Title II of the Clark bill.

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If training on the job is assured, their employability will be improved, thereby enhancing the permanency of their jobs. Access to a job environment and the opportunity to train, *while at the same time receiving take home pay from the paymaster at the plant* rather than a relief check from the government, may provide the added motivation needed to move the disadvantaged into a more positive job-oriented attitude.

While it does not increase the total supply of jobs, it does give, as was indicated by the Director of the Michigan Employment Security Commission, "special consideration to those who have historically been at the back of the line."

The private sector must be engaged in the effort to open up job opportunities for the disadvantaged. It will do so only so long as there are actual jobs available. I would hope that the funds made available to industry will result in an aggressive hiring policy. Your Committee should specify the legislative intent on this matter since the testimony of a previous witness, Garth Mangum, indicated that "it will be difficult to assure that those employed are significantly more disadvantaged than those who would have been employed in the absence of the program. . . . Subsidies to private employers to encourage hiring of the disadvantaged substitute for education and training to make them more attractive to employers without subsidy."

On balance, however, the twofold approach of providing jobs in both the public and the private sector is the least that this country should do for the poor. Certainly, the nation must "generate a new will" as the Riot Commission stated. But, the Congress is the vehicle for expressing that will. It can do so by enacting this bill. It is no wonder then that the Executive Board of the AFL–CIO unalterably opposed the expenditure cuts contemplated by the House-Senate tax conferees.

As was expressed in the statement of the Executive Board, "essential programs must be maintained and expanded." S–3063 is an example of a needed expansion of a social program. As Resurrection City is being erected on the Potomac Flats, as a symbol of the poor's desire for a better share in America's prosperity, I urge Congress to enact the Emergency Employment and Training Act of 1968 as a concrete expression that dreams do become reality and frustration is not a permanent way of life.

JAMESTOWN DAY, 1968

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DOWNING. Mr. Speaker, on Sunday, May 12, 1968, at Jamestown, Va., in my district a traditional ceremony was held commemorating the 361st anniversary of the landing of English colonists and the founding of the first permanent settlement.

The principal speaker for the occasion was one of the great educators of our Nation, the distinguished president of the College of William and Mary, Dr. Davis Y. Paschall. His remarks should be read by every American, and I am pleased to insert them in the Record.

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This is the real purpose of our annual commemoration of the coming of our forefathers to this island more than three hundred and sixty years ago. If we recall their many hardships, we also remember their persistent dreams. If we have long outlived the particular hardships that beset them in *their* time, we must on this annual commemoration ask ourselves if we have finally attained their goals and ideals in our *own* time.

It is appropriate on Jamestown Day to compare the American problems of 1968 with those first American problems encountered here in 1607 and the Jamestown Period. Fewer than two hundred men came ashore upon this island on that day.

No one can truly assess the hardships and privations endured in those early years without feeling that surely here were men who dared "to dream the impossible dream and to reach the unreachable star." Within a century these "Englishmen born to become Americans" had settled from Massachusetts Bay to the Sea Islands of Georgia; within the next century they had created a new nation, "conceived in liberty and dedicated to the proposition that all men are created equal"—Jefferson's fundamental conviction reaffirmed by Abraham Lincoln.

Then, at the end of the third century after the landing here, these men whom Walt Whitman called the "restless breed" had crossed the continent, far from the spot where the Susan Constant and her sister ships had ended their Atlantic voyage, where a new and greater ocean in the West marked the end of one road and the opening of another. Now, more than halfway through the fourth century since that day in 1607, our band of fewer than two hundred has grown to more than two hundred million. Is it any cause for wonder that our problems, our challenges and our hopes should have proliferated in proportion?

There have been many cycles of history in this peninsula where we have gathered today. One hundred and seventy-four years, from 1607 to 1781, stretch between Jamestown and Yorktown—but only about twenty miles of distance. Next year we shall celebrate the three and a half centuries since the establishment here, in 1619, of the first legislative assembly in the New World—a memorable event that launched representative government in the New World.

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ing population which has more money to travel, more free time, and more need to retreat from the city to natural surroundings. Of all the facilities constructed under the accelerated public works program, this type was about the only one in which a majority of the jobs created could be filled by semiskilled or unskilled workers.

"The same concept could be applied to many of the great urban parks created since 1850. Central Park in New York City, Fairmount Park in Philadelphia, Rock Creek Park in Washington, Lincoln Park in Chicago, Swope Park in Kansas City, Golden Gate Park in San Francisco, to mention a few among many, all could benefit from improvements and restoration. Add to this the neglected playgrounds and squares, and the job potential is further increased.

"Land conservation, forest restoration, seashore preservation, and the newest thrust, highway beautification, all are tasks where labor is a high proportion of the budget, and most of the jobs can be filled with unskilled persons, who can be trained on the job or in short-term courses. A small start has been made under the Nelson amendment to the Economic Opportunity Act. Easily a million workers could be so employed.

"A third field in which many jobs could be created is housing rehabilitation. There are 8 to 10 million dwelling units in the United States which need improvement greater than what is expected for annual maintenance. Two-thirds of these units are in metropolitan areas, mostly in the inner city and occupied by low-income families. It so happens that the unemployed are concentrated in the same locations. Thus, ways should be found to combine the need for housing rehabilitation and the need for more employment opportunities.

"Professional aides, recreation facilities and conservation, and housing rehabilitation are by no means the limit of possibilities for public service employment. Each community should have the option of determining what it needs and wants most."

These are the jobs that can be done right now in many communities. It is here that the federal government could move in immediately and place people in these jobs. The Clark bill contemplated 300,000 participants in one year and 1.2 million in four (4) years.

Because of the nature of these jobs and the urgency of the situation, Congress should establish a *priority* to meeting this commitment in line with the financial resources available.

If a choice is to be made between the immediate creation of jobs in the public sector and a program to reimburse employers for training workers for entry-level jobs in the private sector, then, the priority should be expressed in favor of job creation. What we need now more than ever are new jobs for the disadvantaged.

The immediacy of these jobs, both in terms of their availability and qualification requirements for the worker, should not be taken to mean that these jobs are either temporary or deadend. As a matter of fact, legislative intent should definitely declare that those workers who are assigned to public-sector jobs should be placed in direct contact with regular public service employment opportunities. Through training and supportive service, they should be given the chance to progress in promotional sequences. A worker must have the hope of bettering his status. It would be a mistake, therefore, for these jobs to be looked upon as only stopgaps.

Testimony already given to you by the AFL–CIO urges that the language of the bill be corrected so that these jobs can be recognized just as meaningful, productive, and competitive as those in the private sector.

I concur in that recommendation. Furthermore, the Scheurer concept of new careers at the subprofessional level for certain public service jobs opens up a real possibility for meaningful work presently needed in our communities. Title I offers an opportunity to enrich the new career approach, and it ought to be designed to take advantage of the possibilities.

In order for a job to be considered meaningful, there must also be built into it the concept of upward mobility. Whether joined to a new career position or not, promotional opportunities should exist. All community-employment programs should, therefore, be expected to include training activities so that all participants will be given the education, training, and supportive services while employed to prepare them to be not only employable but competitive in order to move upward in either public or private sector jobs. We seek, therefore, to strengthen the worker's occupational mobility.

Although initial placement in public service employment may serve as a holding operation, a heavy dose of basic education in basic literacy skills (half-time at work and half-time at training) will guard against considering these jobs as "dead-end" ones.

I would also caution against considering these jobs to be low-wage ones, because we would only be shifting the hard-core unemployed from the public welfare rolls to a status of "kept" low-wage workers in public employment. There must be the opportunity for upward movement, and training opportunities will provide that ladder. Furthermore, as we open up these jobs to the unemployed, we should be very mindful that the underemployed who may already be employed in these jobs should be given the opportunity to participate in the training programs.

In summary, therefore, we endorse the concept of the "government as a last resort employer" to employ those workers who, even now, need jobs or those who, after some training, cannot find private-sector jobs. As the Automation Commission remarked: "When all that is done, there remains another possibility: to begin at the rear of the [employment] line and create employment opportunities tailored to the abilities of those with serious competitive disadvantages."

My main enthusiasm for the public sector title of this bill lies in the fact that it actually creates new job opportunities for the unemployed while, at the same time, it satisfies a need in our communities to have this work performed. Since the public sector, through the tax system, is underwriting the cost of the jobs, it is most fitting that the public sector is the *direct* beneficiary of the work performed. However, I hasten to add that the public sector always benefits when a worker is removed from public assistance.

2. Private sector jobs

Title II of the Clark bill encourages private enterprise to take an active part in combating the ravages of unemployment among the disadvantaged. The role of the business community is an essential one in the war on poverty. The *Urban Coalition* is a visible expression of the determination of businessmen to move in this area. Last January, the President issued a call for a new partnership between government and private industry to hire and train the hard-core unemployed. The JOBS (Job Opportunities in the Business Sector) was inaugurated in the Labor Department to be assisted by the National Alliance of Businessmen. The President's Riot Commission strongly urged such business involvement. The Clark bill gives a legislative base to the JOBS experiment.

The main objective of Title II is to help the hard-core to become employable. There are incentives on both sides. The worker is given an opportunity to earn money while he is achieving a skill to improve his employability so that he can become competitive in the labor market. The employer is reimbursed for the cost of training the worker so as to make him a productive employee. By hiring a worker whom he would not otherwise employ because of lack of basic qualifications, the employer will receive a cost displacement at the rate of $3,500 for each employee.

The essential ingredient in the experiment is on-the-job training at remedial levels far below occupational training. I should relate to you two experiments in which the Union and the steel industry is engaged:

1. Adult Basic Education for Employed and Unemployed Steelworkers

One involves a $1 million MDTA grant to provide remedial training for two groups of employees. One group represents those workers in the plant who are entitled to promotional opportunities but are unable to effectively exercise these rights because they lack basic literacy skills. A selected sampling from various mills are now undergoing training with the objective in mind that they will be able to exercise their seniority to achieve a higher job classification. It is indeed a tragedy to have a worker locked into a job while others with less seniority are able to advance around him.

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of broadening support of the university project that, among other inventories of items sent to Jamestown. "A person unknown gave for the use of the College a Communion cup with a cover, and a plate for the Bread, of silver gilt," as well as "a crimson velvet Carpet with gold lace and fringe, and a linnen damaske Tablecloth," all valued at 30 pounds.

Then, on March 22, 1622, came the fateful Indian uprising that wiped out all of the fine plans. The doleful report to the Company in London listed seventeen "Slaine of the Colledge people, about two miles from Henrico-Cittie." With the pulling back of other exposed settlers to the safety of Jamestown itself, the Henrico dream expired.

But the capacity to rise above defeat was already manifesting itself. In concluding the report on the massacre, the survivors wrote to the Virginia Company that the apparent misfortune might "rather be beneficial to the Plantation than impair it, since now the time is most seasonable and advantageous for the reaping of those benefits which the Plantation hath long promised." Alerted to the dangers around them, the survivors proposed to clear the enemy from the whole area and plant their outposts more boldly than ever. The long march across the continent had begun.

This is the heritage of determination, of conviction in the power of learning and its service to a civilized society, that I suggest on this 275th anniversary year of the College of William and Mary we have preserved from the 350th anniversary of that "great charter" of democratic ideas—education and self-government—that we also celebrate this year and next.

For the intimate contacts between education and government in the Virginia Colony continued long thereafter. When, at a place called Middle Plantation, at last a center of "good arts and sciences" was founded by their Majesties King William III and Queen Mary II, the government of the same colony would soon thereafter follow. There in Williamsburg, on two occasions, the government actually was in residence at the College—from 1700 to 1704, and again from 1747 to 1754.

The story of the men from William and Mary who performed the great deeds in the movement for independence, then for statehood and finally for nationhood—all this is well known. But again the close and vital relationship between the studies of "good arts and sciences" and the art and science of good government was demonstrated in the new center of learning that emerged in 1779. Thomas Jefferson, then governor of the Commonwealth and a member of the William and Mary board of visitors, led the board to undertake its historic reorganization of the College curriculum—again to serve more effectively the needs of the new nation which was emerging.

Thus Jefferson led in the creating of many of the great priorities of the College of William and Mary with this end in view—in introducing the study of science, medicine, modern languages, and in establishing the first chair of law in the United States. From this fertile soil of a new nation, many more leaders were to come—John Marshall, the great Chief Justice of the United States; Spencer Roane, his great antagonist on the Virginia Supreme Court of Appeals; St. George Tucker, one of the first commentators on the Constitution and the first editor of American notes on the common law, and many others.

Yes, here upon this bank and shoal of time, we discern the traces of great events which have made America. The men of vision in 1618—350 years ago—knew the value of bringing education to the New World. The massacre of 1622 destroyed their efforts for seventy years—but their dream never died. Today, we feel at the College of William and Mary that we have struggled to keep their faith—even as we are aware that we are confronted with problems, different in kind from theirs but equal in magnitude.

There are many reminders, in this small island, of the travail through which we have passed and the moments of truth yet to be encountered. The Confederate fortifications not far from our present meeting place underline a chapter in our history which is only a century old. The major military and naval installations a few miles down the James and around the Hampton Roads complex reflect our national involvement in the major international conflicts of the present century—and the great research center represented by the facilities of the National Aeronautics and Space Administration at Langley Field and the Space Radiation Effects Laboratory with its synchrocyclotron at Oyster Point are unmistakable evidence of how completely we are committed to the age of nuclear science and space exploration.

Thus far we have come—so much farther we have to go. From the tobacco plantation of the 1800's to the urban technology of today, we have proceeded past a succession of points of no return. Nathaniel Bacon burning Jamestown, the British troops burning Norfolk, the Peninsula Campaigns destroying the ante-bellum economy of this tidewater area from which only in our own times have we seen recovery—these have been some of the milestones along the route to the present. With each age that died, the men of the following generation had to fashion new policies and new ideas to fit a new age. Each generation, as Franklin D. Roosevelt said of *his* generation thirty-five years ago, has a rendezvous with destiny. Through it all, that early seed of an appreciation for education planted at Jamestown has flourished and must be nurtured today more than ever before.

So in 1968 the people of Virginia and of the United States confront another of the series of challenges and travail which have marked our steady growth as a people. On the national scene, in the face of the racking problems that touch on every aspect of our national welfare and security—military, social and economic—we approach the most momentous presidential election in thirty or more years. The remarkable sequence of events which have attended the candidacies of men in both parties, looking toward nominating conventions unparalleled in their importance in this generation, only serve to emphasize that "the old order changeth."

For, whoever is chosen to assume the burdens of our national leadership next fall, one thing is already obvious—that within his administration we as a nation shall have had to dispose of issues upon which our national survival may well be determined. In any event, a response will have had to be made to the issue of our involvement in southeast Asia and elsewhere abroad, to the issue of an economy—both domestic and international—based upon gold or dollars or some new standard of exchange, to the riotous turmoil of teeming cities whose discontent is a pressure mounting steadily against the safety valves of our society.

These issues have their counterparts within Virginia itself, of course, demanding of the people a willingness to face the harsh realities of present needs and the fact that the past, with all its lessons, is not retrievable. The best that can be, and ought to be, done is to preserve and reapply those standards from the past which offer the best solutions to the issues in our age. Of those, one in particular demands to be considered paramount.

Of all the ideals which have persisted from the age of Jamestown to the present, education has been the most enduring. From the ashes of a dream which might have been a university at Henrico in 1622, from the ashes of the first Wren building fire in 1705, and the fires of 1859 and 1863, the ideal has persisted and risen like the Phoenix. It has reached in our time the proportions of a system of education which now seeks to bring the resources of learning to every geographic area in the Commonwealth and nation, and to all sorts and conditions of men.

America's most vital need today is a high level of informed intelligence as a basis for electoral judgment and action. Our government is representative in form, and its safest guarantee of sincere and responsible leadership lies in an informed rank and file as will enable them to:

(a) choose leaders wisely, and

(b) scrutinize their programs intelligently.

Such a need was recognized at Jamestown when representative government was instituted, and later by Jefferson when he said, "I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it away from them, but to inform their discretion by education."

This establishes a major responsibility for our educational system at all levels, and particularly in those studies that involve an understanding of the basic principles underlying our form of government and our economic way of life.

Such a responsibility recognizes that American destiny is already being moulded in the classroom. The hope or the disillusionment; the glory or the despair; the statesman or the demagogue; the patriot or the traitor; the sunshine of a republican form of government or the blackness of authoritarianism—are all there in potential.

Which of these alternatives prevail will depend on how well the student of today—the citizen of tomorrow—answers the question: What has made America great, and what are the forces that would destroy this greatness? Its full and intelligent answer in the minds and hearts of our young people will, above all else, determine the future quality of Western civilization and the destiny of the American dream. In the objective pursuit of this answer lies our greatest hope for the allegiance of the future citizen to those principles that safeguard this country, and must be protected at all costs if freedom is to endure.

Thus, in 1968, we have come to a moment of truth in the progression of events since Jamestown in 1607: For the question now is, whether we shall prove equal to the crisis confronting state and nation in *our* time, as successive generations before us have dealt with the peculiar challenges of *their* times. There is truly . . . a tide in the affairs of men which, taken at the flood, leads on to fortune; omitted, all the voyage of their life is bound in shallows and in miseries. On such a full sea are we now afloat and we must take the current when it serves, or lose our ventures.

OCEANOGRAPHY AND THE NAVY-INDUSTRY TEAM

HON. WARREN G. MAGNUSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. MAGNUSON. Mr. President, Rear Adm. O. D. Waters, Jr., oceanographer of the Navy, recently addressed a forum on oceanography sponsored by Hayden Stone, Inc. The forum, held in Washington, D.C., was attended by more than a thousand interested citizens, including many members of the armed services.

The title of Admiral Waters' address was "Oceanography and the Navy-Industry Team," and in it the oceanographer of the Navy outlined a number of the Navy's programs currently underway.

This is a subject of particular interest to the Pacific Northwest, as, in May 1969, the Navy will hold in Seattle its sixth annual symposium on military oceanography, the only annual Navy conclave devoted exclusively to military applications.

Dr. J. E. Henderson, director of the applied physics laboratory at the University of Washington, will be host to this major scientific convention, the first of its kind ever held in the Northwest, sponsored by the oceanographer of the Navy.

Not only will the progress of the programs discussed by Admiral Waters be detailed at the Seattle symposium, but many of the Navy's new endeavors in military applications will be reported.

Admiral Waters' address at the Washington forum touches on the Navy's engineering and technological goals and the important role that industry has and will have in the programs to achieve them.

Mr. President, I ask unanimous consent that Admiral Waters' presentation, entitled "Oceanography and the Navy-Industry Team," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OCEANOGRAPHY AND THE NAVY-INDUSTRY TEAM

(By Rear Adm. O. D. Waters, Jr., oceanographer of the Navy)

Mr. Chairman, gentlemen, it was almost a year ago when I had the pleasure of attending a Hayden Stone forum on oceanography at the University Club in New York City.

I opened my remarks on that occasion by saying, "I am not sure that Wall Street is ready for oceanography, or even that oceanography is entirely ready for Wall Street."

For some reason this simple declarative sentence was picked up by both the Wall Street Journal and the financial section of the New York Times. And I noted recently that it had even found its way into so austere a publication as Hayden Stone's "Special Institutional Study on Oceanography." I am looking forward to seeing it next in Bartlett's "Familiar Quotations."

I have repeated it here, not to depress the market in oceanographic stocks but just because it still has a kernel of truth in it.

For several reasons oceanography, in my opinion, is not going to be a pillar of fire blown skyward. One of the reasons is a dearth of skilled marine scientists and technicians. Another is the plain fact that the ocean, particularly the deep ocean, is the most hostile environment on earth, more hostile perhaps than the moon, and it will not yield to us easily.

But there is a brighter side. While oceanography may not be destined to make the kind of great leap forward that some might wish, it certainly is going to go forward at a steady pace. For the truth is that the well publicized riches of the continental shelf and even of the deep ocean are actually there. As our population increases and our dry land supplies of chemicals, minerals and food become increasingly scarce we are going to have to go to the inexhaustible sea to replenish them. Meanwhile we are sharpening our technology and increasing our pool of marine scientists.

Money, of course, is a factor. Private capital will come in, in direct relation to the increasing profit possibilities. Federal money is another story since oceanography must compete with other pressures on the budget. Here again I look for a slow but steady growth. If I had to make a prediction I would say that the federal oceanographic budget will increase at about the rate of the gross national product. This year the President has recommended a federal oceanography budget of 516 million dollars which includes a Navy budget of 287 million dollars. And while we are talking about the federal role in oceanography I recommend that all of you take time out to read the President's second report to the Congress on Marine Resources and Engineering Development. It can be had from the U.S. Government Printing Office for a dollar per copy and it's a bargain—even without green stamps.

You will note that the Navy gets better than one half of the national oceanographic budget. This is because as the agent for the Department of Defense the Navy is responsible for almost all oceanographic work in the national security area.

Here briefly are some of the programs we have currently underway:

ASWEPS

This is an acronym for Antisubmarine Warfare Environmental Prediction Services. It was developed by the Oceanographic Office and taken over operationally in 1966 by the Naval Weather Service. Data are collected on water temperature, sound velocity structure, surface wave actions and meteorological conditions. It provides an ASW commander with the three-dimensional environmental information he needs both for planning and for immediate tactical decisions. We are constantly working on field programs and on new instrumentation to improve ASWEPS on a global basis.

SEA SURFACE PREDICTION

Since surface conditions are much easier to study than the subsurface we have naturally moved faster in that area. Our studies of sea ice, both in the Arctic and Antarctic, enable us to forecast the ice conditions which affect navigation, with considerable reliability. Our prediction of both ocean waves and beach surf is also relatively accurate and very important to us in amphibious planning as well as general operations. One of our most successful programs in this area is our Optimum Track Ship Routing System, a method for steering ocean shipping through the most favorable seas, currents and weather. This system weighs and forecasts all measureable environmental conditions between the point of departure and destination and then recommends the safest, fastest route. It has saved us millions of dollars in our MSTS operations alone.

MARINE BIOLOGY

Another area we keep constantly working at is marine biology. Marine organisms foul ship's hulls and pier pilings and degrade sonar equipment. They also deflect sound and reflect as false targets on sonar. One of the puzzling phenomenon we are concerned with is the so-called "deep scattering layer". This horizontal band of concentrated micro-marine life is present over much of the world's oceans. It rises toward the surface at dusk and sinks with the coming of daylight. We are using deep submersibles to study these organisms, their acoustic characteristics, their geographic and seasonal distribution and their mystifying diurnal rhythms.

Our interest in everything that lives in the sea extends especially to sharks and porpoises. We expect our studies of these remarkable animals to lead us to improvements in underwater weapons, ship and sonar design. Porpoises, for instance, have a built-in sonar in the lower part of their heads which serves both as detector and range finder. They have extraordinary skill as navigators and a highly developed homing sense.

MARINE SURVEYS

The world-wide Marine Geophysical program begun in 1966 is still underway. These surveys, conducted under Navy contract with two commercial geophysical companies, will when completed, have covered 16 million square nautical miles or 15% of the total ocean. Data on conditions in deep water masses and at the water/bottom interface needed to enhance the effectiveness of newly developed sonars are being collected.

SATELLITES

Our newly developed satellite navigation system has increased the accuracy of position for ships at sea to a point that would not have been believed a few years ago. The military value is obvious and we have now made the system available to the merchant shipping community. We are also cooperating with NASA in the experimental use of satellites to gather certain types of oceanographic information. Satellites, of course, have obvious limitations as oceanographic platforms but in a field where time is often the essence it is worth reflecting that they can photograph a shifting river delta or a meandering current in less time than it takes to set the special sea details and get a survey ship underway.

Using a variety of sensors including, of course, photography and radar, they can report on sea ice, sea state, thermal conditions, atmospheric effects and other large scale phenomena on a global basis and with quick repeatability.

DEEP SUBMERGENCE

The largest effort, identifiable as a single project, is our Deep Submergence Systems Project, known as DSSP for brevity. The need for such an engineering project became apparent with the development of the deep running nuclear submarine but it took the loss of the THRESHER to generate financial backing for a comprehensive, priority program. The grand objective of DSSP is to give us the capability to operate at any depth, at any time and at any location within the ocean. Nothing so ambitious and imaginative has been undertaken since the inauguration of our space program. The picked group of Naval officers, engineers, and scientists guiding DSSP are moving ahead in the following areas:

SUBMARINE LOCATION AND RESCUE

What we are doing here is developing a small submersible which can be carried by air and piggy-back on fleet submarines and will be capable of locating a disabled submarine and rescuing its crew by mating access hatches. Fortunately we seldom have a submerged and disabled submarine in peacetime and this submersible is designed to do useful research work as well. In fact the entire DSSP program is geared to serve the *overall* needs of the Navy, particularly in the oceanographic field.

DEEP-SEA SEARCH AND SMALL OBJECT RECOVERY PROGRAM

This aims to develop a submersible capable of searching the undersea environment down to 20,000 feet, a depth that accounts for roughly 90% of the ocean floor. It will have more speed, range and endurance than any of our existing search vehicles such as Alvin or Trieste and will feature a manipulator arm capable of retrieving objects weighing several hundred pounds. Our experience in successfully recovering that unarmed nuclear bomb off Palomares, Spain, has been a help in designing this vehicle.

LARGE OBJECT SALVAGE

The goal here is to develop a salvage system involving divers, pontoons and associated surface equipment with muscle enough to raise ships or submarines up to 1000 tons dead weight.

NUCLEAR-POWERED VEHICLE (NRI)

This is a joint Navy and Atomic Energy Commission project to develop a nuclear-powered deep submersible. Its endurance will be limited only by its life supporting supplies and the stamina of its crew. It will perform many research tasks beneficial to both military and non-military programs.

MAN-IN-THE-SEA

I have been talking about machines. But machines are operated by men, men who must be able to work both inside and outside of their vehicles in an environment as hostile as the world offers. To be certain that our men are equal to the advancing sophistication of our machines we have instituted a Man-in-the-Sea program as an integral part of DSSP. This program is developing the technology, the equipment and the conditioning needed to permit our "aquanauts" to live and work on the ocean floor for long periods of time. Our biggest breakthrough in this area came with the development of a Navy doctor of "saturation diving". Using standard methods a diver, let us say, spends 30 minutes at 300 feet underwater. In returning to the surface he needs three hours of decompression. With saturation diving the aquanaut is provided with a seafloor habitat pressurized to equal the outside pressure and he is furnished a carefully balanced mixture of breathing gasses which permeate his system. Result, he lives in a dry underwater house and laboratory and can go exploring in the surrounding sea without passing through locks or requiring any decompression whatever until he returns to the surface weeks or months later.

SEALAB

The best known project in our Man-in-the-Sea effort is our series of SEALABs; combination laboratories and living quarters set right on the ocean floor hundreds of feet below the surface. This is the most ambitious effort yet to work and live in such an environment. From these well equipped headquarters teams of trained astronauts carry out tasks in oceanographic research, salvage, underwater construction and biology and tests of both human and equipment performance. Two members of a five-man aquanaut team, getting ready for their next SEALAB experiment, recently set a world record of 1,025 feet for a simulated open ocean dive. The other three team members accompanied them to a simulated depth of 825 feet.

After the record depth of 1,025 feet was reached and sustained for 13 minutes, all five remained at 825 feet for close visual and medical observation. The 48 hours spent at the 825 foot level was a second world's record—the longest time ever at such a depth. The divers wore standard neoprene "wet suits" and Mark VIII breathing apparatus employing a balanced mixture of oxygen and helium. They suffered no ill effects. SEALAB is also our principal laboratory for many phases of our growing effort in the field of biomedicine. Our study of the stresses, both physiological and psychological, put on the human body by the underwater environment is already having wider medical applications. For just one example, subjecting patients to oxygen under high pressure has been found a successful means of treating gangrene and in purging body tissues of carbon monoxide.

DEEP OCEAN TECHNOLOGY (DOT)

Our Deep Ocean Technology program now in an intensive research phase is designed to advance the long-range development of technology leading to the occupation and exploitation of the deep sea. A priority problem is the development of power sources for deep diving vehicles. We need quiet, reliable long endurance operation for highly maneuverable vehicles, and those power sources now available are too limited in capability or too expensive. Improvement in this field is a "must" for deep submergence. Also, for operations at great depth we need structural materials with a high strength to weight ratio. Believe it or not, glass is a major contender. We are working on tandem propellor propulsion to achieve high maneuverability and on sea-water hydraulic systems for improved reliability of machinery. DOT will also be concerned with all of the problems involved in the construction of a shirt-sleeve sea bottom habitat at a depth of, say, 6,000 feet to begin with. For an example of a more immediate project assigned to DOT there is the CURV, the unmanned vehicle which virtually surpassed the state of the art when, responding to remote commands, it attached the recovery line to the Palomares bomb. The CURV is now being re-engineered to increase its depth capability by nearly three fold to 7,000 feet. A 20,000 foot CURV is on the drawing board.

To carry out these programs we have a variety of platforms and facilities. Right now we have 31 research and survey ships. We have a ship that stands on end and another that lowers its instruments through the bottom of the hull. We have monster buoys and fixed towers and even a floating ice island in the polar north where our scientists live and work.

In addition to a variety of specialized laboratories we cooperate in maintaining a world Data Center and we operate an Instrumentation Center whose services are available to industry.

This means that we have a great deal of information coming in, getting processed and going out to the fleet—particularly to our antisubmarine warfare forces.

All of this uses taxpayers dollars—dollars given to us by the Congress to further the military defense of the nation. But oceanography, almost alone among military programs; has a broader significance. Not only do we rely on industry to assist us in our projects, every bit of information that we gather has a secondary value to the nation's economy—and incidentally a good 90% of our raw data is unclassified and available.

Our ASWEPS program, for instance, with its ability to predict advance oceanic environment makes it possible for fishermen to go where the fish are instead of hunting for them blindly. Joint experiments with the Bureau of Commercial Fisheries have already demonstrated that the fish catch can be doubled and sometimes quadrupled.

Our Optimum Ship Routing System promises to save millions of dollars for commercial shippers.

Our Deep Submergence program with its Man-in-the-Sea project is developing techniques that will be valuable to the offshore oil industry and, as it comes along, to the underwater mining industry. Other oceanographic studies will contribute to the extraction of new drugs from the sea and to the growth of our great maritime recreation industry.

I could go on listing the actual and potential contributions of Navy oceanographic programs to the economic welfare of the nation and the free world. We are willing and able to play our role in this expanding field and the Defense Department concurs. To do so we need the continued backing of the two other members of our traditional three man team. The academic world and the great American industrial community.

MICHIGAN WEEK HERALDED

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. VANDER JAGT. Mr. Speaker, today is the first day of Michigan Week 1968. Each year at this time we in Michigan strive with a special vigor to tell others of the uniqueness of our home State.

The effort takes on a special significance this year. Americans are being urged to discover and rediscover their own country in 1968. It is hoped that they will do so and that they will get to know better both their fellow citizens and the heritage that is theirs.

We hope that Michigan will be a part of that experience.

No other State has such a variety of year-round, natural and manmade attractions. Its land is varied, its distances are great, and the change of seasons is most dramatic. In the spring, Michigan is a cornucopia of emerging life. During the summer, endless stretches of sandy beaches, deep and clear blue lakes, green forests, towering cliffs, mountains and valleys, and picturesque isles make the State America's own Mediterranean. In the fall, Michigan is a gigantic pallet of natural color and a crystalline playground in the winter. Boating, swimming, hunting and fishing, and skiing are all available in Michigan.

But Michigan is so much more than a fantastic vacationland.

No other State offers such hospitality and cultural diversity. Our people are imaginative, friendly, and industrious. There is music, art, and theater for all tastes throughout the State. Michigan is home to some of the world's truly great universities and to the National Music Camp at Interlochen in my district.

Few States offer such varied industry and such exciting industrial opportunities. Michigan is an international port-of-call within America's heartland. Natural resources abound. The State's transportation network is without equal.

Few States are as forward-looking as Michigan in both industry and education. Numerous research facilities are maintained across the State to apply the most modern science and technology to industry and to the pursuit of a better life. A third of our citizens are either enrolled in educational programs or are employed in the fields of education.

Few States have as rich a history as does Michigan, and that historic past is skillfully preserved in museums and many restored sites so it can be continually enjoyed and can serve as a lesson for the future.

In Michigan, Nature has provided the beauty and serenity of sandy beaches and gentle waves, and the turbulent serenity of cascading waterfalls. She has provided plains and mountains, and valleys, lakes, and rivers. To Nature's endowment man has added the warmth of a small town and the excitement and opportunities of a big city. And he has done so without destroying the gift of nature. In Michigan, man and Nature together have created a wonderful place to live, work, learn, and play.

We cordially invite our friends from across this great country and from overseas to share Michigan with us. A warm welcome is waiting for all.

A TIME FOR INITIATIVE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. SCOTT. Mr. President, so that citizens deeply concerned with the preservation of our natural resources may have an opportunity to read it, I ask unanimous consent that the excellent statement entitled "A Time for Initiative," prepared for Soil Stewardship Week, which began yesterday, be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSIDER THE TIME

Across the nation, in our villages and towns as well as in our cities and suburbs, a deep-rooted change is taking place. Natural resources once taken for granted are being regarded with increasing importance. Clean water and air, along with trees and the soil, are taking on a new meaning. People are discovering these resources are not only limited and vital, but vulnerable to fouling, waste, and ruin. They are awakening to the needs for better stewardship. On all sides there is a new climate for conservation.

It is a time for initiative—for ten million actions great and small to set in motion a tide of resource care, converting desires into deeds and opportunities into accomplishments.

It is a time for courage—to examine your conscience and measure how well you are meeting your responsibilities to God for the care of His resources.

It is a time for self-examination—to identify what new or added steps you can take as a responsible citizen to protect and develop the resources around you.

It is a time to speak up for resources—because participation is the essence of democracy and the surest safeguard against dictation.

No one of us can forecast the future, but each of us can look forward to what is possible and probable.

There are clear signs of oncoming resource requirements. Widespread hunger is on the horizon for large areas of the world. At home, the demand for jobs and improved income must be met partly through resource development. Competition for the use of resources of all kinds is growing and the need for resource products is bound to increase.

It is a time for initiative—because great values are in the balance. Changes are being made in the use of resources and more are coming. What is happening is worthy of your concern and needs your attention.

It is a time to join in planning—to bring your experience and views to bear, along with those of your neighbors, on the inventory of resources, the identification of development possibilities, and the establishment of resource goals in your own community and watershed.

It is a time to become involved—because inaction is usually an evidence of fear or apathy and neither is creditable to a man of honor or a servant of God.

It is a time of leadership—because the job to be done is as large as the nation and the years for doing it are short.

Consider the time. Consider it well.

SLOVAK NATIONALISM CONTRIBUTES TO THE DOWNFALL OF STALINISM IN CZECHOSLOVAKIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. SCHWEIKER. Mr. Speaker, in the city of Pittsburgh today and tomorrow, the Slovak League of America is holding its jubilee congress. This congress commemorates the Pittsburgh Pact of May 30, 1918, an agreement between the Czech and the Slovak peoples assuring equal representation and national rights for the Slovak minority in the new state of Czechoslovakia being formed at that time.

Despite the language of the Pittsburgh Pact, and despite the hopes of the Slovak people for national autonomy within a federative framework, the Slovaks have had to struggle within Czechoslovakia for their national freedom. This struggle finally led to the secession of Slovakia from Czechoslovakia in 1939 and the formation of an independent state of Slovakia until 1945, when Slovakia returned to Czechoslovak government.

Now, as the Slovak League of America meets in Pittsburgh, for the first time in Czechoslovakia's history a Slovak is the most powerful political leader of that binational state. He is Alexander Dubcek. Not by coincidence, Dubcek's leadership is helping Czechoslovakia break away from the Stalinist authoritarian type of government that it has had in the past.

The struggle of the Slovaks for full recognition has definitely contributed to the new liberal climate of the country. In a recent article in the U.S. Information Agency's journal, Problems of Communism, the editor made this observation:

> The Slovaks have long considered themselves the disfranchised of the two major ethnic groups that comprise this small Central European country, and their struggle against the oppressive practices of the government in Prague, first inspired by specifically national grievances, has over the years become both the symbol and the substance of the overall struggle against the authoritarianism of the Novotny regime.

The editor concludes that Slovak nationalism is "a force that more than any other has contributed to the spectacular debacle of Czechoslovak Stalinism." And it is this cause, Slovak nationalism, that has brought together the jubilee congress meeting now in the city of Pittsburgh.

Mr. Speaker, I am proud to note that the Slovak League of America—with 288,000 members—has many firm ties to my home State of Pennsylvania. Its headquarters is in Middletown, Pa., where the Slovak Sisters of SS. Cyril and Methodius also have their headquarters. In the Pittsburgh and Wilkes-Barre area live sizable communities of Slovak descent, complete with their organizations and newspapers in the Slovak language. The current president of the Slovak League of America, Stephen J. Tkach, is from Wilkes-Barre.

So that all Members of Congress may learn more of the aims of the Slovak League of America, I include in the RECORD the manifesto of the league dated February 26, 1968, found in the league's most recent edition of its annual publication, "Slovakia":

MANIFESTO OF THE SLOVAK LEAGUE OF AMERICA

Americans of Slovak descent have always expressed their loyalty to the United States of America, in harmony with their traditional effort of preserving peace and order and helping to strengthen the principles for which our democracy stands. A very large segment of the Slovak nation is thankful to Almighty God for having found a home in this our free and great republic, not only because we can freely express our private views and wishes, but also because we can speak freely in behalf of a nation which has so many times looked upon the Slovaks in the United States as their only hope for freedom and salvation.

A great milestone in the life of Americans of Slovak descent was the signing of the Pittsburgh Pact on May 30, 1918 in Pittsburgh, Pennsylvania where the Slovak League of America, representing the Slovaks in the United States, met with their Czech counterparts under the leadership of Thomas G. Masaryk. The basis of the Pittsburgh Pact lies in this assertion:

"Slovakia shall have her own administration, her own assembly, and her own courts."

This was the result of the spirit of self-determination which started at the initiative of the United States. In this spirit not only American Slovaks, but the Slovaks in Slovakia demanded their right to a free nation, and sincerely desired to reach an agreement with the Czech nation, with whom, according to the Pittsburgh Pact, they were to live in a federation.

It is a historical fact that it was not the fault of the Slovaks that the spirit and letter of the Pittsburgh Pact was realized only at the end of 1938, when there was no longer any possibility of even a federation for the Slovak and Czech peoples. The European and world political forces dictated a new development, which neither the Slovaks nor Czechs could influence. The only chance presented to the Slovaks was to look for new approaches and opportunities to preserve their own Slovak entity. This salvation was found, though the Slovak nation as well as the Slovak people in the United States had hoped that this salvation would have come from the west, and especially from the United States.

After the second world war Slovaks found themselves under the domination of communism and Czechs. Again as in the case of the Pittsburgh Pact, Prague leaders did not keep their word and the principle of self-determination was not realized in Slovakia. On the contrary, this principle of self-determination was oppressed not only by the Czechs, but by the Soviets as well, who mercilessly stopped any attempt and expression for a free and democratic way of life.

Remembering with reverence and admiration our predecessors who signed this historical document in Pittsburgh, we must express our position on this occasion, the 50th Anniversary of the Pittsburgh Pact, negotiated by the Slovak League and those American-Slovak organizations who joined her in the furtherance of this Slovak objective. To the question asked here in the United States and in Slovakia, "What is the position of Americans of Slovak descent concerning Slovakia today?", the following is our response:

The principles of justice, freedom, and democracy as represented by American thinking and action are sacred and untouchable to the Slovak League of America.

"The welfare, security, and preservation of the future of the United States is our utmost objective

"No sacrifice is too large when the very foundations of American institutional life are involved, as well as the security of private ownership. The spread of the good name of the United States is word, but especially in deed, in the press and by example is primary with the Slovak League

"Bearing in mind that the Slovak nation was, is, and always will be an ally of the west, and especially the United States, giving America almost half her sons and daughters and,

"Following and closely scrutinizing the developments in Slovakia, and knowing that freedom is a gift from God, The Slavik League of America endorses the highest right of the Slovak nation, and requests for Slovakia an independent Slovak Republic, which government and judicial system will be chosen by the Slovak people in a free and democratic election."

In this behalf, so help us God!

February 26, 1968.

STEPHEN J. TKACH,
President.
DR. JOSEPH PAUCO,
Secretary.
RT. REV. THEODORE KOJIS, O.S.B.
JOHN A. SABOL,
JOSEPH PRUSA,
JOSEPH KRISTOFIK,
Executive Committee.

INVITATION TO PENNSYLVANIA MANUFACTURERS TO ATTEND FEDERAL-STATE PROCUREMENT CONFERENCE OF PENNSYLVANIA INDUSTRY EXPOSITION

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. BAKER. Mr. President, I am pleased to call attention to the invitation extended to Pennsylvania manufacturers by the distinguished Senator from Pennsylvania [Mr. SCOTT]. Government procurement has become an immense factor in today's industrial picture. In recognition of the manufacturer's need to know how to deal with Government procurement, Senator SCOTT has issued an invitation which I ask unanimous consent to have printed in the RECORD.

There being no objection, the invitation was ordered to be printed in the RECORD, as follows:

DEAR FRIEND: I have watched with great interest the progress of the Pennsylvania Industry Exposition during the past year. The show is now just a few short weeks away, and I believe it to be an industrial event of international significance which you will want to attend.

Your company may have special interest in the Federal/State Procurement Conference being held June 25 and 26 during the Expo's Trade Show Days. There are two complimentary tickets enclosed which admit you or your representative to both the Trade Show and the Procurement Conference.

The Procurement Conference will bring Pennsylvania manufacturers up-to-the-minute information on what products all government agencies are buying and how to succeed in bidding.

About 17 Federal Civilian and Defense Agencies, 12 State agencies and 30 prime contractors are to participate in the Procurement Conference. You will be able to consider Federal bid sets aggregating $50 to $100 million, and attend symposiums on research and development activities and the bid preparation process.

I sincerely encourage you to join me during Expo Week in promoting this international "Think Pennsylvania" campaign for the advantage of our Commonwealth's industrial climate.

Sincerely,

HUGH SCOTT,
U.S. Senator.

SUCCESS THROUGH HARD WORK IS OLD STORY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. KUYKENDALL. Mr. Speaker, very often we excuse the inability of some of our present-day generation to make good on the frustrations created by the war and the failure of society to provide proper opportunity. In apologizing for the failures we overlook the fact that success has always come only through work, dedication, and the will to get ahead.

Just to remind some who are sure that the only way we can now make people successful and happy is to provide for all their needs through public charity, that the road to success has never been easy, I would like to include as a part of these remarks a remarkable story which appeared in the Memphis Commercial Appeal on December 14, 1931:

POLISH YOUTH TOPS BARRIERS TO GAIN DEGREE IN 10 YEARS: IN 1921, SAMUEL ISADORE WENER ENTERED GRADE SCHOOL HERE—HE WILL RECEIVE DEGREES AT UNIVERSITY OF TENNESSEE WEDNESDAY

Ten years ago a Polish youth, 13 and bashful, walked hesitatingly into the first-grade classroom at Christine Grade School. Wednesday afternoon the same youth—slightly taller and bespectacled—will receive his doctor of medicine and bachelor of science degrees at the commencement exercises at the University of Tennessee, College of Medicine.

He is Samuel Isadore Wener, son of Mrs. Taube Wener, 255 South Parkway, East. Wener has conquered the 20-year barrier of study to his medical degree, which led from his poverty stricken cave home in Pinsk, Poland, during the World War, to Memphis, in 10 years. Not only that, but he has always been an honor student.

WORK AND SACRIFICE

"It hasn't been so hard to make it," Wener says, "but it has meant work and sacrifice."

"You see, I was so used to working hard when I lived in Poland that when I came to America I just kept on working hard and fighting to catch up with the other young men of my age. I had a 13-year handicap when I started—but I'm one up on some of them now."

Born in Pinsk in 1908, he was the first son of Mr. and Mrs. Wener. His father, an automobile salesman in Pinsk, heard of the opportunities in America and in 1910 left his two sons with his wife and came to Memphis to seek his fortune.

"My mother assisted my uncle in running a hotel in Pinsk, while my father was getting located in Memphis," Wener said. "It was in that way that she was able to support us for it took a long time for my father to get to America and get started in business.

"Everything seemed to be going along fine until 1914. I was enrolled in school. I had just started when the war broke out. Pinsk was at that time a strategic point. It changed hands as much as twice a week. Our property was confiscated and the hotel destroyed.

LIVED IN RUDE CAVE

"We were forced to live in a rude cave—first for necessity and second for safety. The town was being attacked daily and shells ripped the buildings to pieces. All during the war we lived in the cave. It was hard but we survived.

"All during the war we never heard from my father, but when the Armistice had been signed we received letters. He said that he was almost ready for us to come to America and Memphis. In 1921 we left Pinsk for Warsaw, where we stayed five months making arrangements. Then by trains to the coast and third-class passenger berths to the land of opportunity."

Young Wener started to school in Memphis at Christine Grade School. During the first few weeks he showed the teachers that he was ready for more work, despite his handicap in English. He was placed in the fifth grade and later to the sixth. He found English slightly difficult at first and would have recited his lessons in German, Polish, Russian or Hebrew if his teacher would have permitted.

He completed the eight years' work in two and one-half years, finishing third in his class. He entered South Side High School and finished the four-year course in a record time of two and one-half years. He was third again in his class. He also won a medal for being the best drilled and dressed cadet in Memphis in R.O.T.C. competition while he was at South Side.

The year 1926 found him studying at the University of Tennessee for a B.S. degree. He finished a four-year course in two years and ranked among the leaders in his class. Now Wednesday he will have completed his work for his M.D. degree in a period of three years and two months. He is again among the class leaders.

Following commencement he will serve an internship at the Lutheran Hospital at Des Moines, Iowa.

REVEREND DR. ABERNATHY EXPLAINS GOALS OF POOR IN RESURRECTION CITY

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. CLARK. Mr. President, a great many Americans are deeply bewildered about the Poor People's Campaign which is now burgeoning in Washington near the Lincoln Memorial. At least 3,000 poor people from the four corners of the Nation are expected to be living in West Potomac Park by the time the plywood encampment, known as Resurrection City, reaches its peak population toward the end of the month.

What do the marchers want, these poor people from the Mississippi Delta and the slums of New York City? What are the goals of these poverty-stricken men and women from the ghettos of Los Angeles, Chicago, Atlanta, and Memphis?

Reading their newspaper stories about the Poor People's Campaign and watching the television reports on Resurrection City, most Americans are aware that the marchers seek a great measure of social and economic justice, jobs, larger opportunities, and dignity.

But beyond that probably most Americans are vague about the intentions and the objectives of the Poor People's Campaign and the marchers.

In order to clarify the goals of the marchers, the Subcommittee on Employment, Manpower, and Poverty invited as its principal witness on April 30, 1968, the Reverend Dr. Ralph D. Abernathy. The Poor People's Campaign was conceived by the martyred Dr. Martin Luther King. The man who succeeded the Reverend Dr. King as leader of the march and as head of the Southern Christian Leadership Conference is the Reverend Dr. Abernathy. I ask unanamous consent that the Reverend Dr. Abernathy's testimony before our subcommittee be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of the Reverend Dr. Ralph David Abernathy, President of the Southern Christian Leadership Conference Before the Senate Committee on Employment, Manpower, and Poverty, April 30, 1968

Mr. Chairman and members of this Committee, we appreciate the opportunity to come before you today. We come to you as representatives of Black, Indian, Mexican-American, Puerto Rican, and White-Americans, who are the too-long forgotten hungry and jobless outcasts in this land of plenty.

We come because poor fathers and mothers want a house to live in that will protect their children against the bitter winter cold, the searing heat of summer and the rain that now too often comes in through the cracks in our roofs and walls. We have come here to say that we don't think it's too much to ask for a decent place to live in at reasonable prices in a country with a Gross National Product of 800 billion dollars. We don't think it's too radical to want to help choose the type of housing and the location. We don't think it's asking for pie in the sky to want to live in neighborhoods where our families can live and grow up with dignity, surrounded by the kind of facilities and services that other Americans take for granted. And we want to play a productive part in building those houses and facilities, and in helping to provide some of those services.

It is a cruel fact that too few of our fellow Americans know or care that existing housing programs for poor people are totally inadequate. But then maybe too few of them have seen with their own eyes the reservations, the migrant camps, the shacks and lean-tos in rural Mississippi and Alabama, the teeming ghettos and barrios of the North and West where we and our children are literally perishing. Can it really be believed that we really don't care that our children are bitten by rats, that we are packed into barren cubbyholes, plagued by roaches, our health threatened by roaches and garbage? Surely it must be understood that we must not, we cannot, we will not continue this way.

We call upon the Congress to pass legislation that will provide for the thousands of new units of low income housing so desperately needed this year, and for the thousands more that must be added in the next three or four years if all of our people are to be housed like human beings. We ask that Congress give the solid support and all the necessary funds to make the rent supplement program the stabilizing force it can be; we ask that Model City programs be expanded from neighborhoods to communities and that programs be passed which will give poor people a chance to be home-owners rather than slum-renters.

We have heard that when zoos are planned, great care is taken to make sure that an environment is created where animals can be happy and feel at home. Are the poor citizens of this land entitled to any less consideration by their government?

The unemployment rates in our rural and urban ghettos are of alarming proportions. This Commission knows better than anyone that, despite America's widely publicized affluence, hundreds of thousands of Americans daily drag out their lives in depths of an economic Depression as crippling as this country has ever known.

There are those who like to salve their consciences and confirm their prejudices by saying that most of the poor really don't want to work, that poor people really prefer the shabby and insulting handouts which represents Welfare in too many cities and counties in this country. We are here to tell you that this is not true. We are here because we want to work. But we are tired of being told that there are no jobs for which we are qualified. We want training programs. But we are tired of training programs that either screen us out by discrimination or meaningless tests, which ask our families to suffer from inadequate support while we are in training. But the most bitter mockery of all is to find that either there is no job at all waiting at the end, or that we are once again condemned to exchange our manhood for dead-end jobs which pay a boy's wages.

Existing programs for creating jobs simply are not working. The Concentrated Employment Program which the Labor Department predicted would produce 150,000 jobs by January 1968 produced only 8,000 jobs. Why? What went wrong? Can it be that we are still trying the same old approaches and the same people to try to solve the problems of the poor? We cannot answer these questions. We can only say that we need those thousands of still uncreated jobs. We need them badly. We need them now. We need to have money in our pockets, to be able to hold our heads up and make our families proud of us. We need a minimum of one million jobs in the public and private sector this year and another million jobs over the next four years. If we are serious about wanting to provide economic opportunities for the poor, then we must see to it that the welfare trap is sprung for the able-bodied, so that they can get out of poverty and stay out.

At the same time we must provide for, not punish through restrictive rules and pitiful allowances, those mothers who may choose to stay at home and raise their children as other mothers do. We must insure support at a civilized level for those who are too young, too old, or who are physically or mentally disabled. We need an immediate income maintenance program. At a bare minimum this Congress should set a fair Federal standard of need for welfare payments. And we must, in the name of God, repeal the forced work program for mothers and the freeze on AFDC mothers contained in the Social Security Act of 1967.

We have heard all our lives that there are no gains without pains. And all our lives we have had to endure the pains without gains. Is it too much to ask that this time if taxes are raised and expenditures cut, it not be done at the expense of the poor? While we regard the Clark bill now pending before Congress as only a beginning, we want it to pass. But why do those who ask, "Where will the money come from?" look always to the programs that will help those who already have least? We ask those who would wield the meat ax on appropriations to think a while this time before they wield it against the black and brown and white Americans whose children too often go to sleep without having had either meat or bread. Must we support a multi-billion dollar space program, a massive defense budget, millions for supersonic pleasure planes, tax advantages to the richest and most powerful corporations in the world—can we do all these things, and yet not provide a job that pays a living wage, a decent house, the food to make a child healthy and strong?

Pending in this Subcommittee is a bill to protect farm workers through collective bargaining. We urge its immediate enaction with maximum safeguards for the workers.

Members of this Subcommittee have held poverty hearings all over the country.

You went to Mississippi. You went to Appalachia. You heard about what hunger does and you saw some of its scars with your own eyes. And then you came back to Washington.

We have come here to see you today to tell you that the people you heard, the children you saw, are still where you left them—and they are still hungry.

There are programs to be sure. But a food stamp program doesn't feed people who don't have the money or the jobs to help them buy stamps—however low you cut the costs.

The food stamps do not even offer a bitter pill to swallow for the poor people who live in some 256 of the neediest counties of this country that are without any food program at all. We do not understand how this can be tolerated in a land as rich as ours.

The Citizens' Board of Inquiry into Hunger and Malnutrition in the United States has documented the extent of extreme hunger in this country. Many federal officials, including the officials of the Department of Agriculture, do not deny the accuracy of this report.

In the face of this overwhelming evidence, we do not understand why the Department of Agriculture hesitates. We do not understand how the Department of Agriculture could turn back to the Treasury $220 million that could be used to feed the hungry merely by declaring what everyone admits is true—that a serious emergency exists in these counties.

We do not understand why the Surgeon General has not yet begun to study the extent of hunger and malnutrition in this country as directed by this committee many months ago.

Does this country care so little for us? And if we count for so little, how can our country expect us to continue to care for it when it is so unmindful of our most basic needs to survive?

We ask your assistance.

We request that this Committee obtain information from the Department of Agriculture on the steps it has taken to alleviate conditions of hunger and malnutrition within the last twelve months. We request that you ask the Department of Agriculture what action it will take in the immediate future to bring food to the neediest counties and the neediest people of this nation.

We ask that this Committee give serious and prompt consideration to the recommendations of the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States:

A declaration that a national emergency exists;

An emergency food program in the 256 hunger counties;

Access to food programs on the basis of need, not on the basis of place of residence;

Proposal of a free Food Stamp Program keyed to income, dependents and medical expenses;

Special recognition of the dietary needs of children, pregnant women, the aged and the sick;

School lunch programs that are available to every child;

If you can do these things, you will have made a small start.

The poor and the hungry of this nation cannot understand how you can do less.

We do not believe that it should be too hard to know where the choice of a wise and just Government must lie.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, I recently testified before the Select Subcommittee on Labor in support of H.R. 14816, the Occupational Safety and Health Act of 1968, which, I believe, will aid in establishing sound standards for safe and healthy places of work.

Also testifying in behalf of the bill was Dr. Miriam Sachs, director of the New Jersey Office of Comprehensive Health Planning on the actual operation of the occupational health program in my own State. I include at this point the text of Dr. Sach's testimony before the subcommittee:

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

(Statement by Miriam Sachs, M.D., director of the Office of Comprehensive Health Planning, and E. Lynn Schall, chief of the Occupational Health Program, New Jersey State Department of Health, Roscoe P. Kandle, M.D., commissioner, before the Select Subcommittee on Labor, House Committee on Education and Labor, on H.R. 14816, February 28, 1968)

Mr. Chairman and members of the Committee, my name is Miriam Sachs and I am a physician with the New Jersey State Department of Health.

For eight years I was in charge of the Bureau of Occupational Health for the New Jersey State Health Department; I then became District State Health Officer in the Metropolitan State Health District, covering our five most urbanized and industrialized counties, and I am currently Director of the Office of Comprehensive Health Planning (the 314(a) State agency under 89–749, Partnership for Health).

I have qualified myself in some detail because I wish it quite clear that my training and background are the basis for full support and accord with the concepts of H.R. 14816.

In these days of scarce manpower, we must conserve the manpower that we have, and what is more important, increase the productivity of that manpower by maintaining their health, and providing the safest possible environment for their working hours. It is our deepest obligation to ensure as safe and healthful a work place for the industrial and agricultural workers as it is to conduct school health programs and prevention of school and playground accidents for our children.

I wish to comment on bill H.R. 14816 "Occupational Safety and Health Act of 1968."

The New Jersey State Department of Health has conducted an Occupational Health Program since the year 1942. We have served some 32,000 industries employing in excess of two million workers. Nowhere in the world will you find as great a divergence of products manufactured as in our State, often termed the "industrial crossroads of the world." We have worked diligently in an effort to prevent or control diseases in industry. We have been plagued with a lack of funds and too few personnel to adequately perform our duties. Fifty-two percent of all reported industrial diseases represent dermatitis, a condition to which we cannot give attention because requests from industrial plant management, organized labor and others, for assistance in detecting and preventing harmful conditions utilize all available time and analytical equipment. We have never had time nor facilities to devote to the important field of agricultural health.

A shortage of trained, qualified personnel exists in the field of occupational health. Many job vacancies are evident in various state and local health department programs. There is not a qualified industrial hygienist out of work in the United States today—the demand is so great and personnel so few! Postgraduate training as would be provided in H.R. 14816 is badly needed. In a small way, we in the New Jersey State Department of Health are endeavoring to provide refresher courses for industrial nurses of which there are about 800 in our State. During the past year we gave two ten-week courses, each limited to an attendance of 25 nurses. All courses have been greatly oversubscribed, and the presently planned course was filled long before announced.

The medical-engineering team approach to occupational health in New Jersey has evolved largely as an activity of the State Department of Health. A written agreement exists between the New Jersey State Commissioner of Health and the Commissioner of Labor and Industry which places major responsibility for industrial safety in the Labor Department and for occupational health in the Health Department.

Each Department assists the other when requested. We believe health matters function better in health departments and that greater progress in preventive aspects of disease has been made because health specialists have dealt with health problems.

It is with a great feeling of satisfaction that we have noted that H.R. 14816 mandates a similar working arrangement between the Secretary of Health, Education, and Welfare and the Secretary of Labor.

"A necessary ingredient in a sound safety program is a comprehensive research effort. H.R. 14816 recognizes this in its assignment of responsibilities to the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare would conduct, either directly or by grants, research in the field of occupational safety and health.

"With this research, the Secretary of Health, Education, and Welfare will develop criteria for the Secretary of Labor to use in establishing the safety and health standards. With such research and criteria, the Secretary of Labor's development of up-to-date and operative safety and health standards will be greatly facilitated."

To assess the extent of the need for industrial health and safety services, it is necessary to know the incidence and trends in industrial disability. Evidence on this subject is derived from four sources:

1. Statistics of industrial accidents
2. Statistics on the evidence of occupational diseases
3. Data on the extent of the exposure of workers to occupational hazards potentially dangerous to their health, and
4. The statistics of differential mortality and morbidity by income group and occupation.

In none of these fields do available data approximate adequacy. The studies and demonstrations authorized in H.R. 14816, and set up ultimately as standards, will, I am sure, correct these deficiencies and give us a sound foundation for planning a comprehensive health and safety program for workers.

THE GROWING PROBLEM

About thirty years ago, a survey conducted by the Division of Industrial Hygiene of the National Institute of Health, in fifteen states and covering almost 1,500,000 workers in 16,800 plants listed the important materials and products used in the industrial life of the United States.

In the intervening years, especially since the advent of the nuclear age and the laser beam, the number of chemicals and mixed exposures has increased astronomically. The problem is further complicated by the changing character of industry. Great progress has been made in protection against mechanical hazards but the shift from a mechanical to a broadly diversified chemical industry has introduced a truly kaleidoscopic array of new hazards. Each year over 500 previously unknown or unutilized chemicals are introduced into industry, usually without adequate knowledge about their potential toxicity. Especially is this the case in small industries that possess no facilities for independent study. Thus as fast as the hazards incidental to use of one chemical are recognized and suitable protective measures adopted, others of unknown potential are introduced. To a high degree this is a never-ending battle. Control agencies cannot rest on their laurels or even slacken their vigilence; on the contrary, expanded controls must be established in anticipation of even more complex problems.

An additional facet of the problem is to be found in the much neglected area of agricultural hazards. Until recent years, attention was directed almost exclusively to urban industry, with complete neglect of the needs of the farm worker. He has always been exposed to certain hazards, such as those incidental to weather and association with animals, far less easily regulated than those of a closed and supervised factory environment. Current trends toward mechanization of agriculture and increasing use of synthetic chemicals as fertilizers or as pesticides have introduced many new hazards. The character of these hazards and the extensive use of unskilled and often migratory labor have made control doubly difficult, especially since the rural areas where these hazards exist are in general served by smaller and less highly organized health services than are the cities, and many areas enjoy almost no local service.

URGENT NEED FOR RESEARCH

An inseparably associated requisite for the future, therefore, is the need for research. It is relatively easy to envision the potential effect of the many increasing hazards of the environment. It is equally obvious that just as these hazards are by-products of modern scientific progress, so must their control require complicated technological procedures. Unfortunately, however, effective and practical procedures for the removal of all current hazards are not known. Procedures that were effective in control of yesterday's relatively simple environmental hazards are not necessarily applicable today when modern chemical industry releases into the environment, in plant and out of plant, a constantly changing variety of substances, many of which are of unknown physiological significance. Nature has provided no model for their removal from water, air or food, nor can it be expected that a procedure devised tomorrow and effective against a particular chemical would be equally effective against all. The problems of protection against current or future hazards are vastly more difficult than those of yesterday, yet no one can say that they are scientifically insoluble nor economically impossible.

Quite obviously the answers will be found in research. The scientific mind that can unravel the atom, determine the chemical bases of life and inheritance, or explore the reaches of outer space can confidently be expected to find effective ways to regulate the environment to the extent necessary to eliminate or minimize its hazards. But research is both costly and time consuming. No future program of environmental control, no matter how logically structured, politically, socially, or economically, can succeed unless it provides for generous support of research. This also is beyond the bounds of small population units, whether commercial, academic or governmental. While one may confidently anticipate that industry will make major contributions in research leading to new methods of environmental control, and that the application of much of this will accrue to the financial benefit of industry, one cannot fail to recognize the ultimate responsibility of the Federal government, for the results of such research will be for the benefit of all the people.

NEED FOR TRAINED MANPOWER

Inseparably connected with the development of effective control and research programs is the problem of qualified manpower and its training. The increasing complexity of the environmental problems awaiting solution cannot be resolved by generalists with a smattering of knowledge in many diverse areas but a mastery of none. Positions of responsible leadership will demand the services of engineers with specialized knowledge, of chemists, of physicists, meteorologists, veterinarians, microbiologists, food technologists and various other professional groups, each with advanced and highly technical knowledge in a particular field.

The provision of educational training facilities is an obvious responsibility of the universities, which must develop expanded programs not only of research but also of professional education in the many faceted problems of environmental health. But the universities cannot be expected to accomplish this without the closest possible association with control agencies, for while fundamental scientific knowledge may be acquired within the academic world, its application to the community problems can usually be learned best through experience with community control programs. It is not idle theory to envision these programs, staffed with well-trained scientific personnel, serving essentially as extensions of the academic classroom and laboratory far more than is the case at present.

H.R. 14816 as presently written under Section 17 authorizes the Secretary of Labor to make grants up to ninety per centum of the states' total cost to assist in identifying their needs and responsibilities in the area of occupational safety and health and develop programs. These grants can be made until the year ending June 30, 1971. If these Federal funds are withdrawn completely at that time, state programs could not be expected to continue to function efficiently. We urge that consideration be given to continuation of support beyond 1971.

Thank you, Mr. Chairman and members of the Committee, for the opportunity of presenting our views.

AGREEMENT OF COOPERATION BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF HEALTH OF THE STATE OF NEW JERSEY

Whereas the laws of New Jersey (R.S. 34:6–48) give to the Department of Labor and Industry the authority and responsibility of administering and enforcing the requirement that every employer shall, without cost to his employees, provide reasonably effective devices, means and methods to prevent the contraction by them of any illness or disease incident to the work or process in which they are engaged; and,

Whereas the laws of New Jersey (Chapter 177 P.L. 1947) delegate authority and responsibility to the Department of Health to formulate comprehensive policies for the promotion of public health and the prevention of disease within the State, and to administer or supervise a program of industrial hygiene, encourage the establishment of medical, dental, environmental engineering and nursing services in all industrial plants in the State, and to cooperate with the Department of Labor and Industry in formulating rules and regulations concerning industrial sanitary conditions; and,

Whereas we, the Commissioners of the two Departments desire to perform our duties and responsibilities pursuant to statute in the most economical and expeditious manner.

We do hereby agree to coordinate our activities **as follows:**

A. The Department of Health in performing its health functions, including the initiation of surveys and studies of occupational health problems, will continue its practice of recommending action to industry and will send routinely to the Department of Labor and Industry data it may obtain in the course of its surveys pertinent to the functions of the Department of Labor and Industry.

B. The Department of Labor and Industry in performing its functions of plant inspection, correction and enforcement, will send routinely to the Department of Health data it may obtain in the course of its inspections pertinentt to the functions of the Department of Health.

C. Instances of occupational disease where investigation by the Department of Health is deemed necessary or desirable by the Department of Labor and Industry, the Department of Labor and Industry will request the Department of Health to conduct the survey or study. The Department of Health will complete the requested investigation as soon as feasible and will transmit its findings to the Department of Labor and Industry. The Department of Labor and Industry will forward the original report of the Department of Health with the report from the Department of Labor and Industry to the respective industrial plant involved. A copy of the complete report from the Department of Labor and Industry will be forwarded to the Department of Health. Whenever the findings of such a survey or study reveal noncompliance with established law, codes or regulations, the corrective or enforcement procedure necessary to effect compliance will remain within the jurisdiction of the Department of Labor and Industry.

D. Whenever the Department of Health is of the opinion, on the basis of plant survey, that need exists for enforcement action, it will so notify the Department of Labor and Industry of the need for such action. The Department of Labor and Industry will initiate appropriate proceedings to effect remedial action as may be necessary as soon as feasible and will report progress in this regard to the Department of Health.

E. The Department of Health and the Department of Labor and Industry will jointly develop and publish rules, regulations and informational bulletins designed to prevent or control the contraction of occupational illness by industrial employees.

F. The Department of Labor and Industry and the Department of Health will exchange occupational disease statistics and other related data pertinent to the functions of each Department. Methods and forms to be used in accomplishing this exchange will be jointly developed and instituted as quickly as feasible.

We do further agree that nothing in this Agreement is intended to alter in any way the powers, duties and responsibilities of either Department as set forth in the New Jersey Statutes.

Witnesseth:

DEPARTMENT OF LABOR AND INDUSTRY
RAYMOND MALE,
Commissioner.
DEPARTMENT OF HEALTH
ROSCOE P. KANDLE, M.D.,
Commissioner.

Dated: September 29, 1960, Trenton, New Jersey.

SPEAKER JOSEPH W. MARTIN, JR.

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. SYMINGTON. Mr. President, Speaker Joseph W. Martin, Jr., was one of the great Americans of this century.

At the time he and the late Speaker Sam Rayburn alternately directed the destinies of the House of Representatives, that legislative body was never higher in prestige.

Joe Martin was a fine, fair, and able public servant.

He was my longtime friend. The Nation misses his wisdom and advice, as do those like me who respected him and were devoted to him.

JOHNSTOWN KIWANIS CLUB

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. SAYLOR. Mr. Speaker, in these days of government paternalism that attempts to assert its influence in as many homes as possible through the age-old selling technique of gifts and promises, private charity and community service receive far less attention than they merit.

True, the average wage earner has little left to contribute to the betterment of his needy neighbor and his neighborhood after government has exacted its tribute, yet somehow Americans find it possible to salvage the wherewithal to support humanitarian organizations that are so essential to the brotherhood and health of every community.

Kiwanis International is recognized as a vibrant group of business and professional men dedicated to promoting the best interests of their localities. Often overlooked, however, are many accomplishments of service clubs and individual members directed at helping youngsters to become better citizens and to improve moral standards.

Kiwanis has designed programs to build respect for law and order, to foster safety on the highways and in the home, and to encourage national and international friendship and understanding. The mentally ill, the aged, and the socially maladjusted have also become a Kiwanis responsibility, and the organization's interest extends to preservation of the national heritage and conservation of natural resources as well as public forums and participation in civic affairs.

Next May 22 the Kiwanis Club of Johnstown Pa., will observe its 50th anniversary. My own father was a charter member of this club, so I was witness to much of its good work long before I could become a member. What has been recorded in Johnstown over the years may admittedly be small by comparison to the contributions of Kiwanis clubs in metropolitan cities, yet I question whether any group could surpass our membership in the devotion and energy that has been invested in community service. The history of Kiwanis of Johnstown can be an inspiration to citizens everywhere, and for this reason I include the following brief recording of our first 50 years in the CONGRESSIONAL RECORD:

HISTORY

The first meeting to establish a Kiwanis Club in Johnstown was held on February 5,

1918. In attendance were twelve men who volunteered to assist in starting the club. The growth was very rapid during the next few weeks and on April 15, 1918 the membership reached 100 in number. At that time permanent officers were elected. The charter was presented at a Charter Night Party held in the Chamber of Commerce rooms, Fort Stanwix Hotel, on May 22, 1918.

Many small projects were completed during the first five years of the club. The final project of this period was an industrial exposition held for the purpose of improving the business understanding of the community and surrounding area. It was a tremendous success and the club found the treasury was increased by $9000.00 With this money the club established the Tiny Tim Club, Inc. During the past 45 years the Tiny Tim Club, Inc. has rendered approximately $100,000 worth of assistance to underprivileged youth and adults of the Greater Johnstown Area. Money to carry on this work is raised through membership campaigns, pancake days, personal and estate gifts and other fund-raising projects. Every cent raised is used to rebuild a physically handicapped youth or adult who cannot finance their needs to live a normal life. All expenses required to operate the Tiny Tim Club, Inc. are borne by the Kiwanis Club.

In addition to our Tiny Tim Club activity, much has been done for the privileged youth of our area through sponsoring a AAABA baseball team, Girl Scouts, Boy Scouts, Key Clubs and a Circle K Club at the Johnstown Center of the University of Pittsburgh.

Our comradery and good fellowship over the luncheon table is all the more happier due to the knowledge that we have been building boys and girls into wholesome citizens. Our history is one of many accomplishments performed by fun-loving men who take pleasure and pride in their service in Kiwanis.

FEDERAL HIGHWAY ADMINISTRATOR LOWELL K. BRIDWELL DISCUSSES APPALACHIAN ROAD PROGRAM AT LOGAN COUNTY, W. VA., CHAMBER OF COMMERCE BANQUET

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 20, 1968

Mr. RANDOLPH. Mr. President, on Tuesday, May 7, it was my privilege to introduce Lowell K. Bridwell, Federal Highway Administrator, at the banquet of the Logan County Chamber of Commerce.

The chamber of commerce banquet is an annual highlight in Logan County, and this year's meeting was another highly successful event—with approximately 300 persons in attendance. The organization is an active and effective force for projects and programs for the betterment of Logan County and our State. The members of the chamber have an intense interest in what is being done and what is being proposed to assist our communities and our citizens.

Speaking to this public-spirited organization, Federal Highway Administrator Bridwell embraced the opportunity to stress the importance of the Appalachian highway program as an essential element in securing economic development. He cogently described the merits of this program in helping to eliminate the isolation which has lessened the ability of the Appalachian region to participate in the fullest economic progress of the Nation. I share with Mr. Bridwell the belief that these roads will improve the social and economic well-being of the people of our region and will pay substantial dividends to the rest of the Nation as a result. I commend Mr. Bridwell's remarks to all who are interested in solutions to regional economic development and I am particularly appreciative of his deep commitment to a successful Appalachian highway program.

Mr. President, I ask unanimous consent that Mr. Bridwell's speech and a Logan Banner news article describing the meeting be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF LOWELL K. BRIDWELL, FEDERAL HIGHWAY ADMINISTRATOR, AT THE LOGAN COUNTY CHAMBER OF COMMERCE ANNUAL BANQUET, LOGAN COUNTY, W. VA., MAY 7, 1968

I am happy to have this opportunity to discuss with you the Appalachian Highway Program both because of what it means to you and because it is a classic substantiation of the philosophy that underlies highway building.

To those concerned with supplying the Nation with the highway transportation facilities it needs, there is a direct link between a road improvement and the sociological and economic well-being of the United States.

The advantageous effects are first felt by those living in the immediate vicinity of the roadway. Benefits are then enjoyed by those living in the corridor traversed. And like a pebble dropped in a body of water, the ripples spread far and wide until the State and Nation reap the benefits resulting from improved accessibility and mobility.

For too many years, Appalachia has suffered from an insufficiency of highway transportation. Here is a beautiful area of our country, bountifully endowed with natural resources but with a virtually untapped potential for tourist, recreational, commercial and industrial development partially because of the lack of adequate transportation facilities.

The Appalachian Mountain range stretching in a general northeast to southwest direction has been and still is a barrier to the east-west and north-south movement of goods and people.

Much has been written about Appalachia in the past. But probably the best description I have read was in the report of the President's Appalachian Regional Commission published in 1964 which said:

"Appalachia is a region apart—geographically and statistically. It is a mountain land boldly upthrust between the prosperous eastern seaboard and the industrial Middle West—a highland region which sweeps diagonally across 11 States from northern Pennsylvania to northern Alabama. Its ridges and twisted spurs and valleys measure to 165,000 square miles—an area 10 times the size of Switzerland.

"Appalachia has natural advantages which might normally have been the base for a thriving industrial and commercial complex. Below its surface lie some of the Nation's richest mineral deposits, including the seams which have provided almost two-thirds of the Nation's coal supply. The region receives an annual rainfall substantially above the national average. More than three-fifths of the land is forested. Its mountains offer some of the most beautiful landscapes in America, readily lending themselves to tourism and recreation.

"Yet this natural endowment has benefited too few of the 15.3 million people of Appalachia."

But in 1965, through enactment of the Appalachian Regional Development Act, Congress took affirmative action aimed at opening the region to development. Among other things, the Act provided for a system of roads throughout Appalachia that would augment the Interstate and Federal-aid primary and secondary systems. During the course of committee hearings preceding the approval of the Act, it became obvious from the testimony of witnesses that what Appalachia needed above all was an adequate highway system that would penetrate the region's isolation.

This view was shared by the President's Commission which said: "The remoteness and isolation of this region lying directly adjacent to the greatest concentrations of people and wealth in the country is the very basis of the Appalachian lag." The Commission emphasized the need for highways by pointing out: "Its (Appalachia) penetration by an adequate transportation network is the first requisite of its full participation in industrial America."

As you know, the 1965 Act authorized $840 million in Federal funds for the construction of 2,350 miles of development highways and 1,000 miles of local access roads over a six-year period. States included in the program were Alabama, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. The Act was amended in 1967 and authorized an additional $175 million in Federal funds for the constructon of 350 more miles of development highways and 600 more miles of local access roads. Mississippi was added to the list of States.

The 2,700 miles of development highways will improve accessibility of the region, and reduce both the time and cost of highway transportation to and within Appalachia. We anticipate that when they are completed, they will help accelerate the overall development of the region. The reduction in cost of transportation will be reflected in the price of goods and thereby will place Appalachian industrial plants on a better competitive basis with industries elsewhere. The same will hold true for agricultural and forestry products. Within Appalachia, the worker will be able to accept desirable employment at distances from his home which now are virtually closed to him because of transportation difficulties.

The 1,600 miles of access roads will serve special recreational, residential, commercial and industrial needs, and will facilitate school consolidation programs. These roads may provide feeder links to development highways or Interstate routes. Some are local service routes to industrial parks. Some will exploit the potential of new investments in recreation.

You in West Virginia have an important stake in this program. With $1.015 billion authorized by Congress for highways within the region, $945 million is to be used for construction of the development system. The Appalachian Regional Commission has alloted $261,908,000 or 27.7 percent of the $945 million to West Virginia.

This is a sizable share of the total amount. Your State will have about 428 miles or about 15.9 percent of the 2,700 miles authorized by the Appalachian legislation.

For the construction of local access roads, West Virginia has been allocated $5,371,159 of the $70 million authorized by Congress for this type of highway.

The normal Federal share of Appalachian

funds is 70 percent, except for the development highway system where funds for construction of 4-lane highways is limited to 50 percent.

To date, $50.2 million has been made available to West Virginia for expenditure on the development highway system, and your State has obligated $34.1 million of this amount.

Local access road funds made available by Congress for immediate expenditure have been limited to $1,833,000, which includes $1,333,000 to be used toward replacing the Point Pleasant Bridge that collapsed into the Ohio River last December, taking 46 lives. The total cost of the bridge and its approaches has been estimated at $17 million. In addition to Appalachian funds, the bridge will be financed with money from the Federal Highway Trust Fund, and money from the States of Ohio and West Virginia.

Total obligations for local access roads stand at $387,030.

To you in Logan County, the development highway system should prove of incalculable importance. Your county will have 24 miles of the 84-mile-long Corridor G extending from the Kentucky line near Williamson northerly to Charleston where it will be a 4-lane divided facility with the cost of construction estimated at $133 million.

The schedule for Corridor G calls for the acquisition of right-of-way this year and next year, while construction will start in 1969 and continue into 1971.

Even though there ultimately will be 3,750 miles of the Interstate System in Appalachia, this mileage will not have a major effect on the more isolated and undeveloped areas of the region. But the Appalachian development system consisting of 21 route corridors will form a regional network of highways complementing the Interstate System. These routes, integrated with other Federal-aid highways, will provide access to areas not served by the Interstate System.

Corridor G will figuratively bring Logan County closer to the Interstate System, enabling your county to take advantage of the Interstate's many benefits. With improved transportation, there is a strong possibility that the decrease in population your county has experienced will be reversed. I understand that the population has fallen from 61,570 in 1960 to an estimated 56,425 in 1965.

I am sure many of those who left did so to seek employment elsewhere. As I mentioned earlier, a good highway will enable job seekers to cover a wider radius, and if successful they can commute from their homes. It will no longer be necessary to move away to find employment in another area.

I am sure you have heard it said that America does not have its excellent highway transportation system because we are a rich country, but that we are affluent because of our unsurpassed highway system.

This may be overstating the case somewhat, but the statement does contain much more than just a kernel of truth. I doubt that the United States could have attained its high standard of living without a highway transportation system that enables people and goods to move efficiently.

The converse certainly is true. Those areas of the United States which lack an adequate highway transportation system invariably hurt and hurt badly. In a sense they are cut off from the mainstream of American life and are unable to share in the benefits that the most affluent society in history has to offer. Economic growth is stunted because business and industry are disinterested in areas without the transportation facilities they must have. As a result, these areas suffer, even though they may have the potential for economic development.

Not only are such areas economically depressed but they are sociologically disadvantages as well. Young people impatiently look forward to the time when they will be old enough to leave for fields of lusher employment opportunities. As a result, these areas often are abandoned by the youth whose initiative, imagination and energy are so important to the welfare of an area.

What is tragic about this whole problem is that the young people frequently leave beautiful parts of the country such as you have in Appalachia for urban areas with their tensions, congestion, pollution, and high crime rates.

I don't mean to imply that improved roads alone would halt the urban gravitation that has been underway for some time. But I do feel that many would prefer remaining home if they were not so isolated, and if there were greater economic opportunities for them.

The Appalachian Highway Program should prove a boon to the 13-State region that will benefit. The new highways that are planned will eliminate some of the restraints that have socially and economically isolated sections of the region.

You may be interested in the progress of the program. As of March 31, Federal and State funds totalling $410 million were obligated for development highways and local access roads. The Federal share was $244 million.

About 464 miles were completed or under construction, an increase of 70 miles since December 31, 1967. Completed mileage totaled 87 for development highways and 58 for access roads. Engineering and right-of-way acquisition were underway on 1,145 miles.

Construction has begun on 233 miles of development highways. Preliminary engineering and right-of-way acquisition were underway on an additional 1,001 miles, and centerline locations had been approved for another 338 miles.

Of the 368 miles of local access roads approved to date, construction had begun on 86 miles, preliminary engineering and right-of-way acquisition were underway or completed on an additional 143 miles, and centerline locations had been approved on 12 miles.

In terms of engineering and construction, it is plain to see that the program in Appalachia is making progress. But you can't measure the progress here with traditional yardsticks. We really won't know how well this experiment in Appalachia has worked until it has had time to work.

When we finish a beltway around our large cities these days, we know that as soon as we cut the ribbon and jump back, the road will be aswarm with autos and trucks. We know that isn't going to happen immediately when we open up Appalachia with these splendid new highways—but we are betting that it eventually will.

Whether our bet pays off is up to the people—those of the region and those attracted to it. No one can be absolutely sure that it will happen as planned. But a trip through the majestic mountains and countryside of West Virginia leaves me with the feeling that it can't miss.

[From the Logan (W. Va.) Banner, May 8, 1968]

"If" State Bond Issue Passes—Completion of Corridor G Seen in 1971

(By Charlie Hylton)

An "iffy" assurance that Logan County's segment of Corridor G of the Appalachian Highway System will be completed in 1971 was given last night to Chamber of Commerce members and guests by Lowell K. Bridwell, federal highways administrator who was the principal speaker at the chamber's annual dinner meeting at Logan High School.

Bridwell, who was introduced by U.S. Senator Jennings Randolph, D-W. Va., said that the acquisition of rights-of-way for the 24 miles of Corridor G in Logan County will be carried out this year and next; construction planning will start this year; actual construction in 1969, with completion of the highway in 1971.

The federal roads chief added a note of caution in stating that West Virginia "is now free to go ahead as fast as it is able to go" on its federal road programs, since final decisions have been made in Washington on the whole Appalachian and interstate system in the state.

"This means action on your part to see that the State Road Commission has public support and the resources to carry its share of the federal-state partnership," Bridwell said.

"The state can not conceivably conduct a highway program unless the proposed ($350,000 bond issue is passed this fall."

Bridwell prefaced this remark with an explanation that he did not "think it proper that I come into the state and tell you what to do," but he emphasized that the state's ability to complete the Appalachian and interstate highways depends upon its ability to match federal money.

M. R. (Sy) Hamil, State Road commissioner, said at an informal meeting before the Chamber dinner that the route for Corridor G through Logan County has been established and a copy of the map will be sent to The Banner as soon as possible for publication.

Bridwell stated during his talk that West Virginia had received a larger share of the Appalachian highway money and mileage than any other state in the region because the federal planners felt the state's needs for better transportation were greater. The whole system includes 2,350 miles of highways with 1,000 miles of access roads.

Sen. Randolph, in remarks before he introduced Bridwell, said that Logan County eventually will have an airport, a goal set by the chamber of commerce. He said, however, that "the ultimate decision rests with you people" but did not expand on this statement, although the interpretation by the audience was that the county will have to raise money to match federal airport funds.

The senator also said that West Virginians must talk more "positively" about their state's resources and do more promoting of its advantages to keep it progressing economically.

Other guests at the meeting included George Samuels, assistant State Road commissioner; Richard T. Southerland, manager of area re-development, southern region, State Department of Commerce; Thomas C. Gannaway, executive director, Southern West Virginia Economic Development Corp.; Bob Hilmon, human resources specialist with the department; President Gene King of the Tug Valley Chamber of Commerce, and Mrs. King; Fielding H. Lewis, director of industrial development for the State Department of Commerce, and Mrs. Lewis; Ronald L. Williams, utilities engineer for the State Road Commission; S. F. Berger, SRC utility coordinator; R. M. Jones, SRC railway-highway coordinator, and W. C. Matthews, of Charleston, formerly of Logan, president of the American Society of Highway Engineers.

Chamber President James A. Muscia presided at the dinner and introduced the new officers, including Attorney Thomas S. Smith Jr., the new president, who introduced Sen. Randolph. Other chamber officers for the ensuing year are Cecil Davis, vice president, and Joe Eros, treasurer.

C. H. (Pat) Murphey, managing director who planned the dinner, is a patient at Logan General Hospital and was unable to attend.

Special recognition awards were made by Muscia to R. R. Elland, Logan businessman for approximately 55 years; Rex Browning, past president of the Logan County Community Chest; Circuit Judge C. C. Chambers, also a past Community Chest president and a former president of Chief Cornstalk Council, Boy Scouts of America; Mayor H. H. Cudden of Logan; Mrs. Alice Cooke, executive secretary of the Logan County Crippled Children's Society, and Howard Collin, member of the Lions Club of Logan who has worked in many civic and charitable projects.

Corridor G will be approximately 80 miles in length, running from the Kentucky border at Williamson to Charleston by way of the Logan area. Most preliminary surveys indicates that the highway will enter the county in the Holden 22 mountain area, following closely the present route of state 65 to Logan. From Logan to Chapmanville, the highway is expected to be constructed generally along state route 10, then follow the Danville Road to Madison.

U.S. FOREST SERVICE CHIEF CLAIMS TOP FEDERAL CAREER AWARD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. JOHNSON of California. Mr. Speaker, a short time ago, one of our outstanding public servants, Edward P. Cliff, who rose from junior range examiner on national forests in the State of Washington to one of the top land management jobs in the world, received a singular honor. Ed Cliff, who has been Chief of the U.S. Forest Service since 1962, received the coveted National Civil Service League's Career Service Award.

Ed Cliff was named by the nonpartisan, nonprofit citizens' group for this recognition very recently. In naming the recipients of the award, Mortimer M. Caplin, president of the league and former Commissioner of Internal Revenue, said the selections again revealed the exceptionally high caliber of leadership in the Federal service. Ed Cliff is the fourth U.S. Department of Agriculture employee and the second for the Forest Service to be honored by this noteworthy award.

His career of 38 years with the Forest Service spans more than half the history of the agency which was established in 1905 by President Theodore Roosevelt with the legendary Gifford Pinchot as its first Chief.

After working his way through Utah State Agricultural College, Mr. Cliff joined the Forest Service in a full-time role as a junior range examiner at Leavenworth, Wash., in 1931, the same year he received his college degree in forestry. During college, he had worked summers as a Forest Service administrative guard.

Showing great ability and dedication, he moved through the positions of range examiner, regional forest inspector, and forest supervisor in Oregon. He made his first appearance at the Washington, D.C., level as Assistant Chief of the Division of Range Management in April 1944. In 1946 he became assistant regional forester in Ogden, Utah; was promoted to regional forester at Denver, Colo., in 1950. He was named Assistant Chief of the Forest Service, responsible for national forest administration, in 1952.

Ed Cliff became Chief of the agency in March 1962. Since then he has been charged with operation of a vast public holding of 187 million acres in the national forest system, stretching from coast to coast and from Alaska to Puerto Rico. His responsibilities also include direction of important State and private cooperative forestry programs and a national program of forestry research.

In his role as Chief of the Forest Service, he has guided the agency during a period of unprecedented growth and change in the scope and dimensions of pressures upon forest and related lands. To meet the challenge of change, he has provided notable leadership in planning and directing expansion of recreational, watershed, timber, wildlife, and other programs. In doing so, he has shown a keen interest and skill in protecting and enhancing the esthetic values of natural resources. In addition, his agency has extended help to hundreds of foresters representing dozens of nations of the world. He personally assisted with forestry programs in South Vietnam and the Dominican Republic.

Ed Cliff also holds the Department of Agriculture's highest honor, the Distinguished Service Award, and an honorary doctorate from his alma mater, Utah State University.

To a long-time friend who has done such a magnificent job for the U.S. Forest Service, may I add my personal congratulations and "well done."

A PITIFUL IMITATION

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. ANDREWS of Alabama. Mr. Speaker, on May 16, the Alexander City, Ala., Outlook published an editorial, "A Pitiful Imitation." This editorial presents an excellent comparison of the wagon trains on which our American heritage is based and the so-called wagon trains of the Poor People's March. Our forefathers built a country out of a wilderness. Now it seems a small segment of our population wants to make a wilderness out of the Nation's Capital. For the benefit of my colleagues, I am inserting the article in the RECORD at this point:

A PITIFUL IMITATION

We are delighted that the Southern Christian Leadership Conference chose the covered wagon mule train as its mode of travel to Washington, D.C., in its latest comedy-farce, the "Poor People's March."

By using these southern-styled schooners, they only proved how ill-conceived is their dramatic peacockery, and how truly hollow are their means to whatever end they are trying to achieve.

More than a hundred fifty years ago another type of covered wagon turned its wheels across this nation. Holding the reins that guided teams of mules, oxen and horses were the hands of men and women who knew they had little in worldly goods, but who called themselves anything but poor.

What is more, they did not set out for a known destination, nor were they guided by road maps, super highways, or a spearheading state trooper car. Their only compass was the stars and their only destination a new land where they could build for themselves with the strength of their own muscle and by the sweat of their own brow. They were not looking for a promised land of hand-outs; on the contrary, they were seeking a place to find work, where they could smile at the end of a long day because they were weary from honest labor.

There were no motels or hotels along the way. They had no militia to fend off hostile Indians. If they became discouraged they could not ship home their mules and wagons and catch the next bus. Some walked, some rode, but everyone worked, everyone stood loyal, everyone did his share with magnificent pride.

Many died, but nobody yelled for medicare to bury the dead. Often the clergy led the way, but nobody screamed angry epithets of hatred and violence. Hunger prevailed, but they planted their food, killed their meats, shared their subsistence; not one rose up to demand surplus hand-outs, food stamps, relief checks.

And when they reached that unknown destination, they used their mighty schooners as homes until they could build their own, not with a low-rent subsidy from a generous government, but with materials they tore from an angry wilderness and with crude tools they had made and brought along. They worked under the power of nothing more than faith and pride, spurred on by the vision of building, not destroying. Never was there a thought of a minimum salary, work or no work, simply because they were in a rich, new land, a land just as affluent then as it is by standards today. Charity they practiced among themselves; never did they demand it.

So, let those who would go to Washington in a covered wagon to demand this or demand that, who would swell their ranks with lackeys intent on nothing more than subversion and destruction, who would class themselves as "poor" and as pioneers—let them look to the four corners of this nation and see what those who drove schooners before them accomplished.

Let them realize it was a true pioneer spirit that shaped this great nation that now allows them the unbridled freedom to run amuck, to back demands of "gimmee, gimmee, gimmee," with unadulterated acts of coercion.

Wagon train, indeed! Let it go to Washington. But let those who lead it there know that this nation sees through their gaudy pageantry and hangs its head in shame at their pitiful imitation.

WILL CASTRO SOON BE OVERTHROWN?

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. ADAIR. Mr. Speaker, recently Human Events published an article on Cuba by Mr. Paul Bethel entitled: "Will Castro Soon Be Overthrown?"

This article, by the executive director of the Citizens Committee for a Free Cuba points out the growing resistance to Castro by the little man in Cuba. Therefore, I commend this hopeful article to the attention of my colleagues and may we all live to see a free Cuba again.

The article follows:

REBELLIOUSNESS RAMPANT ON THE ISLAND: WILL CASTRO SOON BE OVERTHROWN?

(By Paul D. Bethel)

Rebellion, terror and repression. These three words sum up Cuba's internal situation. Even Fidel Castro admits it—and in terms that raise the distinct possibility that an uprising may be brewing.

Castro said on March 13 that the Central

Committee of the Communist party had carried out a quiet investigation of the attitudes of people—in Havana's bars, among street vendors and "hole in the wall" businesses. Regarding the poor street vendors, Castro thundered: "Ninety-five per cent of them are counter-revolutionaries!" As for the habitues and owners of Havana's bars, Castro said the investigation "found that 72 per cent are against our revolutionary process." A cross-section of people living in the whole of Havana Province, Castro admitted, turned up a figure of "77.7 per cent" against his regime.

The crackdown was not long in coming. On March 14 Castro announced that 955 bars and 6,452 businesses had been closed by decree, and the remaining bars, "state and private," were soon shuttered throughout the country.

In a sweeping attack on his rebellious subjects, Castro stopped the national lottery, ordered the government to intervene in 25 "art centers because those attending do not meet revolutionary norms" and banned the Cuban peasant's favorite sport, cockfighting, because "people who conduct cockfights are enemies of the revolution." Suddenly, and without explanation, the rice ration for families of military personnel was cut from 12 pounds to three a month, the national average.

Castro's problems are not new. They are deep and abiding. Even his Russian masters have expressed fear that their political base may be slipping out from under them.

Old-line Communist Anibel Escalante and members of the Soviet Embassy in Havana had for years been assessing Castro's diminishing popularity and concluded that Fidel Castro's bungling hands had to be removed from the machinery of government or the country might well collapse.

Armed Forces Minister Raul Castro uncovered this conspiracy and nipped it in the bud. He told the Central Committee of the party in January that Escalante's Russian contact Rudolph P. Shliapnikov, had warned, "In Cuba, conditions are present for a new Hungary . . . internal dissension is great," and had declared that Castro's police state apparatus was riddled with "petite bourgeoisie." Shliapnikov was Russia's top security agent in Cuba until removed last June.

A purge followed the uncovering of the conspiracy in which thousands of bureaucrats, military officers and lesser party members were accused of being "enemies of the state" and dropped from government payrolls. Hundreds of others, including the members of what Raul Castro described as a "micro-faction" of 37 top conspirators, were jailed. It was this conspiracy, plus Shliapnikov's grim warning that prompted the party to conduct its poll.

Despite the purge, moreover, Castro's most recent admissions show that the rot now permeates a major part of the Cuban population. He admitted as much in his March 13 speech when he said: "There are many protests. Yes, protests of discontent, a certain confusion and bad feeling concerning the problem of food and clothing."

From all accounts there is more than mere "discontent" in Cuba today. Refugees say that it is now common to find anti-Castro and anti-Communist slogans scribbled on the walls and buildings of Havana, in public rest rooms, cafes and even in government-run factories. The least obscene among them say: "Fidel, You Have No Mother!" "Fidel, You Are a Traitor!"

More immediately important, signs such as these have not appeared since the summer of 1963 when desperate anti-Castro resistance was snapped by a U.S. crackdown on Cuban exiles who were supplying the underground with food, money and arms.

Gilberto Gonzalez Baez was present when 70 stevedores at the Port of Havana refused to load food, powdered milk and medicines, destined for North Viet Nam, aboard a Soviet vessel. He saw two platoons of soldiers surround them, force them onto trucks and take them to dreaded LaCabana fortress. This happened in February and no word of their fate has been released. Since the Gonzalez Baez eyewitness report, four other independent sources have confirmed the story.

Senora Ortiz Garcia tells about a riot in the small town of Guines:

"My neighbor, Senora Eneida Almedia, stood in line to buy electric light bulbs. When the government store opened, there was only one light bulb to be purchased. Women began to fight over it, and then mobs gathered and an anti-government demonstration developed. Soldiers were ordered in, and my friend and another woman were arrested, taken immediately before a 'Popular Tribunal' and sentenced to two months' hard labor on a state farm."

Senora Leonardo Morales describes an ugly brawl that broke out in mid-January in the interior city of Sancti Spiritus:

"A crowd of about 100 people waited in line all night to purchase shoes which were to have been placed on sale. The government manager seemed to be afraid to open the doors, but finally did so about 2:00 p.m., and then announced that no shoes had been delivered to him to sell. People in the line exploded in anger and tore the store apart. Soliders came running and were cursed by a growing crowd. It turned into an anti-government demonstration and the soldiers were afraid to shoot. Many seemed to be in sympathy with the people. Finally, many more were ordered in and the demonstrators physically overwhelmed and taken away."

With no night club acts or bars to brighten the grim lives of Cubans, the government announced on March 27 that it would stage "swinging jazz" concerts free of charge, a departure from Havana's propaganda barrage. But the determination of the government to continue its repressive measures has risen, not abated. Castro has mounted what he calls a "revolutionary offensive" against "parasites and counter-revolutionaries." Vilma Espin de Castro (Raul's wife), head of the Federation of Cuban Women, set the tone with this March 23 declaration: "We have to crush the counter-revolution."

Milk is virtually unobtainable in Cuba and more than one ration line has erupted when none turns up for sale. As the stevedore strike indicates, many believe that Cuba's milk is being sent to North Viet Nam. Senora Castro's answer to this is: "If the milk is for Viet Nam, then they can have all of it."

The Committees for the Defense of the Revolution (CDR), nefarious packs of neighborhood informers, have been instructed "to hit in the mouth all who speak bad about the revolution" and to "maintain increased vigilance in all of the neighborhoods." Government officials have been warned that if anyone in their families turns out to be less than 100 per cent for the revolution they will feel the full force of "revolutionary justice."

Each day now, Cuba's radio stations exhort the populace: "Down with the pessimists!" Report all counter-revolutionaries!" More interesting still, Castro militants have been ordered to "shut the mouths of those who talk against the revolution in buses, ration lines and places of work." Refugees say that the order is in response to open and vociferous criticism of both Castro and communism. As one put it: "Virtually nothing else is talked about in Cuba today."

What appears to have happened is this. Cubans cannot have social gatherings in their homes without first receiving a permit from the local CDR, which then spies on their activities, often inviting themselves in. As a result, bars, carbarets and local *bodegas* (small grocery store-bar establishments) have become the meeting places where, Castro now reveals, Cubans give vent to their anti-Castro sentiments.

Apparently fearing that too much rum and too much talk might ignite a conflagration whose end he fears to contemplate, Castro reacted with the reflexes of the dictator. His repressive response to discontent and rebellion, to the point of depriving people of making even a street vendor's meager existence, is bound to increase the already spectacular anti-government percentages.

The Cuban farmers, the *campesinos* in whose name Castro's revolution was made, have refused to work for their Communist masters. They responded to attempts to herd them to work on farms by nearly burning Cuba to the ground, reducing the sugar production from 5,788,100 tons in 1958 to 3.8 million tons in 1963. Since then Castro has tended to leave them alone, permitting them to migrate to the cities where they eke out a living in one menial job or another, including street vending and running small open air bars.

It is for this reason that Castro has had to mobilize city workers, empty government offices, close down entire cities and send people to the fields to cut sugar cane, harvest beans and pick cotton. The most recent crackdown does not, as Castro tried to make the outside world believe, affect the free enterprise or remaining money class, but the very lowest economic and social strata of Cuba.

Castro's latest move is an attempt to force the *campesinos* back to the land, not as owners of small plots of land as he had promised many years ago, but as day workers on state farms. This move is pure dynamite and may well blow up in his face.

Taken together with impressive evidence of rebellion in other segments of Cuban life, the Communist regime in Cuba is now tempting the gods. The "objective conditions" (in Communist parlance) for us to get rid of Castro and communism have never been better. Were the situation reversed, our more vigorous Communist enemies would never pass up such an opportunity.

DO WE HAVE AN ATTORNEY GENERAL?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the following "Letters to the Editor" appeared in the April 26 edition of the Evening Star. They are representative of the feeling throughout the District of Columbia and environs. Is it any wonder that our law officers stand idly by and watch the looting and arson. Again I would ask Mr. Speaker, "Do we have an Attorney General?"

The letters follow:

LETTERS TO THE EDITOR

(NOTE.—Published letters are subject to condensation, and those not selected for publication will be returned only when accompanied by stamped, self-addressed envelopes. The use of pen names is limited to correspondents whose identity is known to The Star.)

POLICE OFFICER LORRAINE

SIR: After reading about Pvt. Albert C. Lorraine of the Metropolitan Police Department and his shooting of a looter during the recent disturbances, I wonder why any young man in his right mind would want to become a Washington policeman. Their guns are virtually useless, and if they do happen to shoot someone in the line of duty or to preserve their own lives, they have literally "had it" career-wise.

Of course if the shoe were on the other foot and the looter killed the policeman, the courts would bend over backward to excuse him, and all the bleeding hearts in the city would rush to his aid!

What kind of justice is this?

JAMES ENGLES.

GAITHERSBURG, MD.

SIR: How can we, of our society, justify the actions contemplated against this officer of the law, who took a life during the official performance of his duties? Have we overlooked the fact that Lorraine killed only because he knew, in a split-instant, that he must for his own safety and the safety of every other person in the immediate area of the armed hold-up; that he was a witness to a felony? I wish that the police officer could get just half of the support that the looters and arsonists have gotten so far, for this officer is charged with upholding our own laws?

DONALD D. BELCHER.

DISTRICT HEIGHTS, MD.

SIR: I suggest that Chief of Police Layton and Mayor Washington walk a beat each night, and shake a finger at the stabbings, muggings, rapes, etc. that occur every night in the District, and just say "Naughty! Naughty!"

MONTGOMERY COUNTY RESIDENT.

SIR: How are our policemen going to help stamp out crime if they are to be tried when they take a just action. Are our policemen to stand by and watch the crimes being committed?

POLICE WIFE.

SIR: When the law protects the looter and arsonist, and prosecutes the protector of the law, there is no law!

MRS. PHYLLIS HINELY.

UPPER MARLBOROUGH, MD.

SIR: A Washington policeman is brought before a coroner's jury and charged with homicide. At the same time a Negro leader proposes that businessmen in the inner city should give Negroes 51 percent of their businesses or the stores will burn again.

Both of these cases are beyond belief.

GILBERT D. BARKIN, M.D.

SIR: The charge of homicide brought against Lorraine is one more shameful chapter in the history of recent events in this city. The miracle of our times is that we have any dedicated police left to protect us; for there is surely no more thankless or dangerous job today.

MRS. R. CARPENTER.

SIR: Why should the duty of an officer to bring a criminal to justice be in question? What kind of police protection is the public going to get in the next riot?

Q. D. STEPHEN-HASSARD.

SIR: If an award were to be given for disservice to our Police Department, I believe your paper would receive it for the three-column spread on Pvt. Lorraine on April 16.

WILLIAM K. NORWOOD.

(EDITOR'S NOTE.—The Star's April 16 article was a factual news report of the proceedings during the coroner's inquest.)

SIR: The recent civil disorder experienced was not caused by Negro or white society but by the lawless element that exists in our society. The looters, particularly those looting liquor stores, became a part of this lawless element. To persecute the police, whose duty it is to combat this element, is not comprehensible to me particularly when my very existence and well-being depend on such police protection.

JOSEPH G. MARON.

SILVER SPRING, MD.

SIR: A young District policeman to be investigated by a grand jury for the supposed "murder" of a looter. Good Heavens! And people wonder why crime runs wild in the streets!

I am fully aware that the Negro poor, in fact the poor of all races, have many justified complaints and that they should promptly be taken care of. But, just because a man is poor and suffers disadvantages, this does not give him license to burn, loot and kill.

The law should, in fact must, be justly applied to everyone, be he white or black!

CONCERNED CITIZEN.

SIR: When Lorraine's commands to halt were not heeded, he was forced to make a split-second decision: Let the looter flee, or stop him in the only way he could. The patrolman must now go before a grand jury to answer for the charges placed against him, all for doing his job!

DENNIS C. ANDERSON.

SIR: The jury could have come to one of three verdicts: accidental homicide, justifiable homicide, or homicide (murder). It took only 15 minutes to reach a verdict of homicide. Do they really mean it when they call this justice? What next?

READER.

SIR: Title 4, section 175 of the D.C. Code (1967 edition) makes it a crime for any policeman or anyone else to assent to the escape of anyone committing any unlawful act.

D.C. CITIZEN.

STATEMENT OF CONGRESSMAN BOB DOLE ON VETERANS' LEGISLATION

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. MIZE. Mr. Speaker, my colleague from Kansas, Congressman BOB DOLE, is unavoidably absent because he had previously accepted an invitation to speak at commencement exercises today on our State. He has asked me to enter his views on the Veterans' legislation before the House today in the RECORD, and I am pleased to do so at this point:

Mr. DOLE. I am pleased the House is today considering four bills of great importance to the Veteran. H.R. 16025 will provide compensation and educational assistance to widows and children of Veterans, H.R. 16902 will provide care and treatment for Veterans in State Veterans' Hospitals, H.R. 7481 will provide nursing home care for certain veterans, and H.R. 14954 will improve vocational rehabilitation training for the service connected disabled veteran.

I support all these measures, I wish to emphasis three elements of special merit, deserving strong support.

THREE ASPECTS OF SPECIAL MERIT

First, I commend H.R. 16025, improving benefits to the widow. Over 22,000 veterans have given their lives in Vietnam to date. Often the widow, left without vocational skills, needs educational assistance to accept the full responsibility of becoming the breadwinner for the family. This legislation is, in part, the result of a recommendation of the U.S. Veterans' Advisory Commission—a blue ribbon panel with representatives from all the Veterans' organizations and the Veterans' Administration included as members. This legislation, showing compassion for the vocational adjustments of the Veteran's widow, is long overdue.

Second, H.R. 16025 *also* amends existing Veterans' Educational benefit laws to allow the war orphan to avail himself of an additional 12 months of educational benefits based on his own military service, after receiving 36 months of benefits under the provisions of the War Orphans Educational Assistance Act of 1956.

Many Vietnam veterans, who lost fathers in World War II, will be the beneficiaries of this provision.

Finally, I wish to emphasize those provisions allowing a disabled veteran to take part-time vocational rehabilitation assistance as provided by H.R. 14954. Some veterans are physically incapable of participating in full-time vocational rehabilitation training, due to the severe nature of their disabilities. This legislation recognizes this particularly acute problem, and moves to solve it.

URGE SPEEDY ADOPTION

In conclusion, all four bills being considered today of benefit to veterans are highly laudable. The cost is minimal. But the benefits—often going to those who have borne the brunt of battle, or their dependents—are timely and greatly needed.

I urge speedy adoption of these measures by the Congress.

THE RESEARCH COUNCIL OF THE GREAT CITIES PROGRAM FOR SCHOOL IMPROVEMENT URGES PASSAGE OF VOCATIONAL EDUCATION LEGISLATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. BRADEMAS. Mr. Speaker, under unanimous consent I insert at this point in the RECORD the text of a letter I have just received from the executive vice president of the Research Council of the Great Cities Program for School Improvement urging passage of legislation to strengthen our vocational education programs in this country.

This research council represents 16 of the largest urban school districts in the United States and because these districts are confronted with the most pressing problems in the area of vocational education, I believe that their views are worthy of the most careful consideration.

The text of the letter follows:

THE RESEARCH COUNCIL OF THE
GREAT CITIES PROGRAM FOR
SCHOOL IMPROVEMENT,
May 9, 1968.

Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: The Research Council of the Great Cities Program for School Improvement, representing sixteen of the largest urban school districts in the United States, strongly urges the passage of legislation to strengthen the vocational education program. Pending legislation represents a major step in recognizing the critical needs of urban school districts, where large concentrations of disadvantaged youth and disproportionate numbers of unemployed out-of-school youth exist. The provisions of this proposed legislation would substantially strengthen the capability of urban schools to develop continuing programs to prevent large number of drop-outs and more realistically guide youth with salable skills and knowledge of the world of work that will promote individual pride, dignity, self-reliance and productive citizenship.

New programs that will provide substantial authorizations beginning in 1969 should focus upon critical needs and should provide the necessary resources for urban schools to vigorously attack the explosive problems confronting the inner city. We particularly endorse the provisions for exemplary programs, cooperative vocational education and special vocational education for socially, economically, physically and culturally disadvantaged youth, residential vocational schools, and teacher training. Furthermore, the provision for continuation of vocational work study programs should be significant in providing support for a program that has shown great promise in reaching unmotivated and often alienated youth.

The crisis confronting urban communities requires that priorities be established to assure that a great proportion of vocational education monies are distributed to areas of high youth unemployment. It is therefore imperative that vocational education legislation be passed now.

Sincerely,

ALVA R. DITTRICK,
Executive Vice President.

ANNEXING NAVAL AIR STATION

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RUMSFELD. Mr. Speaker, many residents of Illinois and the village of Glenview have been working for over 2 years with the Department of the Navy to establish a mutually acceptable agreement to provide for the orderly annexation of the U.S. Naval Air Station at Glenview to the village of Glenview. The following Chicago's American editorial of May 15, 1968, presents a reasonable and thoughtful assessment of the case for prompt action on the part of the Navy. I would hope that this long drawn-out matter might be brought to a successful conclusion.

The editorial follows:

ANNEXING NAVY AIR STATION

Controlled, orderly development of the open spaces in Cook county is essential to the well-being of the entire Chicago area. There still are thousands of acres of raw land in the unincorporated areas of the county. All is coveted by builders.

For 10 years the village of Glenview has been trying to work out an agreement with navy officials whereby the 1,100-acre naval air station adjoining Glenview to the north may be annexed to the village.

There is very good reason for such an annexation. Illinois laws provide that a municipality may exercise control over subdivisions and land development within a mile and a half of its borders. If the navy station is annexed to Glenview, the village will be able to control the growth of thousands of acres. This means the land will be used in accordance with standards existing in the village itself.

There would be two immediate benefits. The Signode steel plant has indicated a desire to annex, but may do so only if the navy, between the plant and the village, annexes. Then Glenview would be able to annex the 80 acres of Glenbrook South High school, giving that school village police and other services.

It has taken Glenview 10 years to convince navy officials that the annexation will not affect the navy in any way. There will be no taxes, no regulations, no interference, no change. The navy has signed a pre-annexation agreement, and now is in position to petition for annexation.

The village will benefit, school children will benefit, taxpayers will benefit, and the county will benefit. The only people hurt by the annexation will be hit-and-run builders who hit the community with maximum density housing, overload the schools, and run off with their profits to hit another community.

Gov. Kerner, Sen. Percy, and Rep. Rumsfeld, who represents the district in Congress, all have pleaded the Glenview cause. The sooner the navy signs this good neighbor pact, the better.

TRUTH-IN-LENDING BILL

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. GERALD R. FORD. Mr. Speaker, last week the House and Senate conferees came to agreement on the truth-in-lending bill. A major feature of this legislation is the loan-shark amendment authorized and sponsored by House Republicans.

At this point I would place several documents in the RECORD outlining the history of this amendment and demonstrating its importance to effective law enforcement and the war on crime.

First. Policy statement and news release of House Republican task force on crime, December 11, 1967.

Second. Statement of House Republican policy committee, January 30, 1968.

Third. News release of House Republican task force on crime, February 15, 1968.

Fourth. News release of Minority Leader GERALD R. FORD, May 17, 1968.

Fifth. "Issue of the Day," National Republican congressional committee, May 20, 1968.

Sixth. P. & R. memo, planning and research committee, House Republican conference, May 20, 1968.

GOP CRIME GROUP OFFERS ANTI-LOAN-SHARK BILL

WASHINGTON, D. C.—As the first of three steps in its "comprehensive legislative attack" on the major sources of income for organized crime, the House Republican Task Force on Crime today introduced a bill specifically aimed at "loan-sharking."

Last week the GOP Crime Group announced plans for a legislative program directed at gambling, narcotics trafficking and loan-sharking, "the three major money makers of organized crime," whose "take" they estimated at "nothing less than $10 billion a year."

Calling "loan-sharking", or the lending of money at illegal rates of interest, "a source of racket income second only to gambling . . . in the *multi-billion dollar a year range*," the Task Force cited findings by the President's Crime Commission that typical loan-shark victims are marginal, small businessmen and wage earners in mass employment industries. They said that the classic rate of interest charged was "*20% a week.*" The Task Force pointed out, among other things, that "Congressional Committee reports are filled with testimony concerning small businesses which have been taken over lock, stock and barrel by the syndicate which got its first foothold through a loan shark."

Despite this and the fact that loan sharking is clearly part of organized crime on a national level, "*no federal statute exists which deals directly or effectively with it,*" the Crime Group continued. "In our view this constitutes a serious gap in the law."

The GOP bill makes it a federal crime to lend money at illegal rates of interest whenever such a loan interferes with or affects interstate commerce, or whenever any part of the loan transaction or efforts at collection cross state lines. It is based upon the loan for a charge prohibited by State law. "If there is no initial violation of State law, there is no violation of Federal law," a Task Force spokesman said.

The bill is sponsored by Rep. Richard H. Poff (R.-Va.), the Task Force Chairman, by the thirteen other members of the Task Force, and by GOP Minority Leader Gerald R. Ford (R.-Mich.), Rep. William M. McCulloch (R.-Ohio), Ranking Minority Member of the House Judiciary Committee, and Rep. William B. Widnall (R.-N.J.), Ranking Minority Member of the House Banking and Currency Committee.

Among the benefits that will result from the new law is increased jurisdiction "for federal agents to investigate loan-shark allegations," the Task Force explained. And, they added "the mere thought that they may now be involved in a federal crime might be enough to drive many loan-sharks out of business, without anything more."

HOUSE REPUBLICAN TASK FORCE ON CRIME: STATEMENT—LOAN-SHARK LEGISLATION

According to the President's Crime Commission, "loan-sharking", the lending of money at illegal interest rates, is a source of revenue for organized crime, second only to gambling. The annual "take" from loan-sharking has been estimated by many knowledgeable law enforcement officials to be in the "multi-billion dollar range."

The Commission noted that gamblers borrow to pay their losses and addicts borrow to purchase narcotics. They also found that the same men who take bets from or sell policy slips to employees in the mass employment industries, on the docks for example, lend them money to pay off the gambling debts or to meet household expenses. Small businessmen borrow from loan sharks when legitimate credit channels are closed to them and in this regard, Congressional Committee reports are filled with testimony concerning small businesses which have been taken over lock, stock and barrel by the syndicate after it got its foothold through a loan shark.

The Crime Commission determined that interest rates vary from 1 to 150 percent a week but that the classic 6 for 5, or 20 percent a week, was most common with small borrowers. They observed that the loan shark is usually more interested in perpetuating interest payments than in collecting principal and that force or threats of force of the most brutal kind are used to effect interest collection, eliminate protest when interest rates are raised and prevent the harassed borrower from reporting the activity to enforcement officials.

Despite the wealth of documentation concerning the evils of loan sharking and its clear relation to organized crime on a national level, *no federal statute exists which deals directly or effectively with it.*

Two federal statutes have been used from time to time against loan sharks, but they are applicable only where actual collection methods amount to provable extortion. These statutes are generally anti-racketeering statutes aimed at extortion, among other things. At the time they were enacted, Congress did not have loan sharking specifically in mind. In our view, this constitutes a serious gap in the law for the very practical reason that while extortionate collection may be implied in any loan shark situation, in the overwhelming majority of cases extortion simply cannot be proved.

The dock worker who borrows from the well-known neighborhood loan-shark to pay

for family sickness may not be told and does not have to be told precisely what will happen to him if he doesn't pay on time. The clothing store operator who borrows to keep up with legitimate creditors during slack seasons may not be beaten up by the polite yet menacing hoodlums who inquire as to the status of payments. He too knows what the message is. These are the typical situations—the threat merely implied but nonetheless real and effective simply because the syndicate lurking in the background is known to be involved. Under existing federal law, extortion could not be proved in either situation.

The House Republican Task Force on Crime, as the first step in its legislative program against the major sources of income for organized crime, has drafted and introduced in the House of Representatives, a bill specifically aimed at loan sharking. It is intended to expand federal jurisdiction over this activity and to make it a federal crime to lend money at illegal rates of interest, wherever such a loan affects or interferes with interstate commerce. It is thus a two-part bill which approaches loan sharking from two well-established bases of federal jurisdiction. Both parts amend the existing anti-racketeering statutes which we have previously noted.

The first part amends Section 1951 of Title 18, United States Code, which deals with robbery and extortion which interferes with or affects interstate commerce. Loan-sharking would be added as a federal crime under these circumstances, and as a result, an illegal loan to a business which ships its goods from Chicago to Detroit might be the subject of a federal prosecution.

The second part amends Section 1952 of Title 18, which deals with several racketeering activities that are federal crimes when any part of the transaction crosses state lines. Loan-sharking is added to these, and as a result, a telephone call from New York to Miami or travel from New Jersey to Pennsylvania might be the subject of federal prosecution.

Both violations are based upon the lending of money for a charge or rate of interest prohibited by the laws of the State where the loan is made. If there is no initial violation of State law there is no violation of Federal law. Subsequent threats to enforce collection of the loan need not be proved so long as the loan itself is illegal.

There is an abundance of precedent for this legislation and we feel it will go a long way toward drying up a principal source of revenue for organized crime. For one thing it will provide hitherto lacking jurisdiction, except where a potential tax evasion case is present, for federal agents to investigate loan-shark allegations. Further, federal prosecutions will inevitably result but even where they don't, evidence will be turned over to local law officers for prosecution. Finally, the mere thought that they may now be involved in a violation of federal law, might be enough to drive many loan-sharks out of the business without anything more. This, in itself, will be a significant accomplishment.

House Republican Policy Committee Statement on Consumer Credit Protection Legislation

The House Republican Policy Committee supports Consumer Credit Protection legislation.

Today, consumer credit totals more than $95 billion. Of this amount, $76 billion is represented by installment credit. Over $31 billion is in automobile paper. The Federal Reserve Board has estimated that as of September 1967, revolving credit reached $5.3 billion. The American Consumer is paying approximately $13 billion a year in interest and service charges.

The American Consumer must have the information that is required to understand and compare the vast number of credit plans that are now available. Full disclosure of credit charges, add ons, fees and service charges would permit the Consumer to compare and decide for himself the reasonableness of the overall charge and to determine the payment method best suited to his particular financial situation.

As reported from Committee, H.R. 11601 does not meet the problem of loan sharking which preys so heavily upon the poor. A Republican amendment will be offered that will make it a violation of federal law for anyone engaged in interstate commerce to lend money at rates of interest held to be illegal under the statute of the State in which the transaction takes place. This will permit federal law enforcement to assist the States in ridding our Country of loan sharking and in denying to organized crime one of its principal sources of revenue.

This amendment and the Consumer Credit Protection legislation merits the broadest possible support. We urge its adoption.

New Evidence Supports GOP Authorized Loan Shark Amendment

WASHINGTON.—Rep. Richard H. Poff (R.-Va.) Thursday said "new evidence" shows that Organized Crime is infiltrating Wall Street, and "this gives added weight to my loan-shark amendment", added to the Truth-in-Lending Bill by the House, he declared.

The Chairman of the House GOP Task Force on Crime described the "modern Wall Street Loan Shark" as shooting for high stakes by exploiting the services of borrowers who cannot meet repayment timetables. "The Loan Shark forces the borrower, typically a lower echelon clerk in a brokerage house who needs 'fast' money to invest in a 'hot' stock tip, to 'fence' stolen securities, in order to earn more time to repay the loan," Poff explained.

"The money from the 'fenced' securities and the loan all end up in Organized Crime's giant coffers," Rep. Poff told his House colleagues.

"The Wall Street Loan Shark is only one of the targets of the GOP authored amendment to the Truth-in-Lending Bill. Other techniques are employed by other loan sharks in the Organized Crime complex. Nearly all are involved in or have an impact upon interstate commerce.

"State and local governments need the investigative tools of the Federal Government," Poff noted. "The loan-shark amendment would give them those tools."

Statement of Representative Gerald R. Ford

The House-Senate Conference report on the Truth-in-Lending Bill will probably be before the House next week.

It is urgent and essential that the American public be made aware of the impending enactment of the Republican loan shark amendment to the Truth-in-Lending Bill. Because other features of the compromises reached between the Senate and House on the Truth-in-Lending Bill have received wide attention, there is a danger that those who are being victimized by loan sharks may not know about the new protection soon to be a part of Federal law. Likewise, those who further the interests of organized crime by serving as low echelon agents of loan shark operation should realize that, for the first time, extortionate extension of credit will be a Federal crime.

Republicans believe that the contribution we have made to the Truth-in-Lending Bill constitutes a major breakthrough in the war against organized crime. The breakthrough is in two parts: First, the amendment authored and supported by Republicans during the House debate and perfected in the Senate-House Conference defines the crime of loan-sharking. This will give the Federal government an investigative and enforcement jurisdiction which it has not had before. In addition, the new provisions make it possible for federal agents to assist State and local law enforcement officials in their prosecution of loan-sharks.

A second legal milestone is the witness-immunity provision incorporated in the Republican loan-shark amendment. This strikes at the Achilles' heel of organized crime. The President's Crime Commission and other proponents of criminal law reform long have recommended modernization of our antiquated and conflicting statutes on witness immunity.

The Truth-in-Lending Bill is designed to protect the typical consumer through disclosure of legal credit terms. The Republican loan-shark amendment is designed to protect the victim of a racket. Although the poor are often the prey of the loan-shark, the person who has suffered financial reverses, the person who has physical ailments, the person who has encountered setbacks in his small business, the person who has been drawn into gambling, the person who is addicted to narcotics are also ruthlessly and regularly victimized by the loan shark.

The President's Crime Commission said in February 1967 that loan-sharking is the second most lucrative activity of the multibillion dollar empire of organized crime.

But nothing was done to cure this cancerous growth until the House Republican Task Force on Crime drafted and proposed Federal loan-shark legislation. This was endorsed at the start of this session by the House Republican Policy Committee, which urged that the anti-loan-shark provision be incorporated in the pending Truth-in-Lending Bill. This was done with overwhelming support on the House Floor.

I am confident it will receive equally overwhelming approval next week.

Issue of the Day: Squeezing the Juice Racket

A Republican proposal to pull the teeth of loan sharks is on its way to approval by Congress. Rep. Gerald R. Ford (R-Mich.) described the GOP bill as "a major breakthrough against organized crime."

The loan shark business, commonly called the "juice" racket because it squeezes vast amounts of money out of hapless borrowers, is especially vicious toward the poor. It bears no semblance to legitimate business, since it openly violates the usuary laws which nearly all States have on their books. Borrowers get money at exhorbitant rates of interest. When they cannot pay, they are beaten or even killed. Many commit crimes to pay off the mob.

One women testified that her husband had borrowed $300 from the loan sharks. When he was late on payments, he was beaten up twice—so severely that he had to be hospitalized. After paying back $1,150 on the $300 loan, and still not being clear of debt, he finally killed himself. This is the tragic price society pays for the "juice extractors."

House GOP leader Ford said the GOP bill scores a breakthrough in two parts: *First*, the Republican amendment defines the crime of loan-sharking—which will give the Federal Government an investigative and enforcement jurisdiction which it has not had before. In addition, the new law will make it possible for Federal agents to assist State and local law enforcement officials in their prosecution of loan sharks.

The *second* legal milestone is the witness-immunity provision, which Ford says "strikes at the Achilles heel of organized crime." This will enable prosecutors to get information which can be used to drive the bigwigs behind the rackets out of business. The President's Crime Commission and other proponents of criminal law reform long have recommended modernization of our antiquated and conflicting statutes on witness immunity.

As an amendment to the Truth in Lending Bill, which will protect consumers by requiring disclosure of legal credit terms in buying, the loan-shark amendment protects consumers against a racket in lending.

The poor will benefit most from this bill, Ford points out, since they are frequently the victims of unscrupulous operators. Criminal authorities have estimated that loan-sharking is the second most lucrative activity of organized crime.

Republican Loan-Shark Amendment

The "Truth-in-Lending" bill, as agreed upon by the House-Senate Conferees, contains a major provision wholly authored and sponsored by House Republicans.

Title II, captioned "Extortionate Credit Transactions" and otherwise known as the "Loan Shark Amendment," is the final product of the combined efforts of the House Republican Task Force on Crime under the Chairmanship of Rep. Richard H. Poff, of the Minority Members of the House Banking and Currency Committee under Rep. William B. Widnall, and of Rep. Joseph M. McDade. The Amendment received strong support from the very beginning from the Leadership under Minority Leader Gerald R. Ford and the Policy Committee under Rep. John J. Rhodes.

Rep. Ford has called the loan-shark amendment a "major breakthrough in the war against organized crime" and has hailed the witness immunity provision as a "legal milestone" which "strikes at the Achilles heel" of the syndicate, witnesses who are able to testify against the "bigwigs behind the rackets."

Rep. Poff has noted that loan-sharking is "a multi-billion dollar a year business . . . second only to gambling as a source of revenue for organized crime" but that until now "no statute existed enabling the federal government to deal directly or effectively with it." He has also pointed to the fact that loan-sharking is frequently a major factor in "syndicate take-overs of legitimate businesses."

Rep. McDade has declared that "the victims of loan-sharking are almost always the urban poor" or "small, marginal local businessmen in the concentrated areas of the poor. When the victims cannot repay," he has said, "they are threatened with violence" and may "resort to criminal activity or permit organized crime to take over their businesses."

Rep. Widnall has termed the loan-shark amendment "an outstanding example of teamwork among House Republicans. In January the chances for passage of any legislation in this area were very slim" he said, "but the expenditure of a great deal of time, effort and cooperation by many people, from the Minority Leader on down, has resulted in an achievement of which all Republicans can be proud."

THE POOR PEOPLE'S MARCH

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. BINGHAM. Mr. Speaker, I should like to call the attention of my colleagues and other readers of the CONGRESSIONAL RECORD to an excellent commentary on the Poor People's March recently made by the distinguished commentator and former Ambassador Carl T. Rowan. Since the march is a reality, I believe we must take seriously Mr. Rowan's reference to "the fear that the march will be an exercise in futility" and must press for congressional action so that it will not be.

Mr. Rowan's commentary follows:

Westinghouse Commentary No. 21, Friday, May 3, 1968

(By Carl T. Rowan)

The Poor People's March has begun.

It started with a rag-tag procession out of Memphis, Tenn. It will reach its peak in a couple of weeks when thousands of the nation's poor converge upon Washington, D.C.

In Congress, and in the public at large, there are many who view this march with hostility—or at best, a lack of sympathy.

No one can be without some sympathy if he has seen the rat-infested hovels of the big city Negro ghettoes. If he has seen the bloated bellies and match-stick legs of hungry rural whites. If he has seen the wretchedness of human want in the Puerto Rican sections of New York. If he has seen the hopelessness of Indians isolated in the bleak wastelands of America. If he has seen the pathos of poor Mexican-Americans who are in, but not of, America.

What American of humanity and compassion can fault these poor for trying to move from the garbage room to at least the anteroom off the banquet hall?

Yet, the poor people's march does offer many reasons for uneasiness. Largest of these is the likelihood that either marchers or their critics will get out of hand and provoke another rash of urban violence.

Surely not least is the fear that the march will be an exercise in futility. There is no real prospect that Congress will respond by offering the kind of relief the poor people want. So this demonstration may end with the marchers more hopeless, more angry and more inclined to destruction than they are now.

One is compelled to ask: Is there not some more orderly, rational way to prod the Congress and the country to do what justice and decency require?

This is Carl Rowan in Washington.

PROTESTS ON CAMPUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DERWINSKI. Mr. Speaker, this weekend saw the latest victim in the deliberate destructive attacks on our educational institutions, Ohio University in Athens, Ohio.

There will be new victims of anarchy unless student use of force is immediately and effectively halted. A very timely editorial dealing with student protest was carried on May 15 by WBBM, the CBS outlet in Chicago, which I believe is a very objective and pertinent view of the situation.

The editorial follows:

Protests on Campus

Once upon a time, college students went around wearing racoon coats and straw hats. Then they decided to swallow goldfish. Some years later they engaged in panty raids. And this year's prevailing campus fad seems to be the protest demonstration. Exactly what is being protested varies from campus to campus.

At Northwestern University the protest appeared to be a demand that some students should enjoy more equality of opportunity than other students. At Roosevelt University it appeared that some students wanted to decide just who would be hired as instructors.

But under it all, it seems to use that what the students and their self-appointed leaders want most of all is to be free of responsibility for their behavior. In some cases they have used violence. In other instances they have used blackmail . . . threats . . . sit-ins and other devices. A minority of college students—and we emphasize that it *is* a minority of the students—seem to think that they have rights no one else can exercise. But they are wrong.

We think our universities have indulged disruptive students long enough. No one has a right to commit violence. There is no such thing as a right to threaten the peace and safety of others. Nor is there any right to damage property.

We *do* believe that students have a right to dissent. It is an essential right in our free society. But dissent must be balanced with responsibility. You cannot have rights without responsibilities.

We strongly believe that in almost every case where there has been a confrontation between schools and their students, there has also been a student failure to understand how advances are made. They are made by both sides meeting in an atmosphere of mutual respect. Real advances are made only when each side tries to understand the other. Students do *not* have a right to use force or blackmail.

GOVERNMENT CREATES THE PROBLEMS THAT IT IS TRYING TO SOLVE

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. BERRY. Mr. Speaker, I would urge my colleagues to read the following editorial entitled "Government Creates the Problems That It Is Trying To Solve," which recently appeared in the Daily Plainsman, Huron, S. Dak. The closure of these two reservation factories because of lowering tariff barriers and increased minimum wage requirements will idle 90 Indians and it is indeed ironic that a Government policy designed to help these people succeeds only in increased unemployment. The editorial states:

Government Creates the Problems That It Is Trying To Solve

Closure of two fishhook factories on the Pine Ridge Indian reservation is just one more example of the manner in which the federal government creates problems that it is trying to solve.

The Wright-McGill Co. which closed the plants listed lower tariff barriers and the increase of minimum wage requirements as determining factors in the decision.

While minimum wages went up, the company said, tariff barriers went down, with another 25 per cent cut set for this summer.

As a result, an official said, Japanese companies are selling a card of snelled fishhooks for as low as eight or nine cents while Wright-McGill needs to have 48 cents for the same product to break even.

It is expected that the closed plants will throw about 90 workers out of jobs and swell the reservation's unemployment, which now stands at 45 per cent.

These, we are sure, are not the only small plants that have been closed as a result of government policies which destroy their competitive position.

But with all of the emphasis being placed upon creating jobs for minority groups that lack sufficient skills or education, it is ironic that a government policy designed to help these people succeeds only in destroying their jobs.

HIGHWAYS VERSUS RESOURCES: ROADS TO NOWHERE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. OTTINGER. Mr. Speaker, in recent months I have put a number of articles into the RECORD describing various affronts to our sensibilities committed by those who, wittingly or not, are contributing substantially to a degraded environment. I would have been happy to show that there is another side to the ledger, but have been prevented by a lack of material.

It is with particular pleasure, therefore, that I noted an article in the New York Times of Saturday, May 18, indicating that Agriculture Secretary Orville Freeman has struck a blow for the good guys by rejecting a Colorado Highways Department request for a super highway through a beautiful and as yet undeveloped area in the Rocky Mountains. In so doing, Secretary Freeman is reported to have censured what he termed the "highway mentality," owned by those seeking to destroy existing natural values. He is said to have expressed to reporters his hope that his decision in the matter would set a precedent for keeping roads out of other areas that should be preserved in the public interest.

Secretary Freeman is to be congratulated for his courage and foresight. I share his hope that his action may serve as a turning point—a road sign to the highway builders that direct economic cost is not the only criterion by which the value of a highway may be judged. In my own State of New York, an equally myopic department of transportation is seeking to blacktop a portion of the shores of the Hudson, with no visible concern for the natural values such a road would permanently destroy. More power to Secretary Freeman—there should be more like him. We could use a few in New York today.

The article in the New York Times follows:

FREEMAN REJECTS ROAD THROUGH PRIMITIVE AREA

(By William M. Blair)

WASHINGTON, May 17.—Secretary of Agriculture Orville L. Freeman decided today that saving highway travelers 10.9 miles was not worth violation of a national primitive area.

He denied a request to run a segment of Interstate Highway 70 through the Gore Range-Eagle's Nest primitive area separating the Arapaho and White River National Forests in western Colorado.

Mr. Freeman blamed a "highway mentality" for seeking to destroy natural values, and expressed the hope to reporters that his decisions would set a precedent for keeping roads out of other areas that should be preserved in the public interest.

The Colorado Department of Highways had sought permission to construct the interstate segment from northwest of Dillon through a tunnel at Red Buffalo Pass on the edge of the primitive area and westward to Glenwood Springs and beyond.

The road was to be an alternative to rebuilding the existing trans-mountain Route 6, which twists over Vail Pass at an elevation of 10,603 feet.

COST ESTIMATES CITED

Mr. Freeman said it was not for him to decide on an alternative road. But he noted that private and governmental estimates of the costs of the byway of Red Buffalo Pass were about $76.3-million compared with $27.6 for upgrading the Vail Pass road.

"The proposed highway would destroy or seriously erode the wilderness resource on approximately 5,300 acres of land suitable for adding to the national wilderness system," he said. "It would isolate and destroy the wilderness value of another 4,800 acres by cutting it off from the main area.

"The public benefits of preserving this priceless wilderness far outweigh any other consideration."

Mr. Freeman ordered studies of the impact of the road on natural values after Western conservationists objected. The Forest Service, Agriculture Department analysts and the Department of the Interior's Bureau of Outdoor Recreation made separate studies. Mr. Freeman said they had reached separate conclusions against the road.

Western economic interests succeeded in 1964 in having the 7,000 acres of the primitive area excluded from the Wilderness Act for a possible road. This, however, was subject to review by the Secretary.

The act set up a national wilderness system and authorized the Secretaries of Agriculture and Interior to review primitive and other areas for inclusion. Mr. Freeman will recommend to Congress that the Gore Range area be put into wilderness status.

Mr. Freeman's decision recalled that late last year he won approval of a road through six miles of Sequoia-Kings Canyon National Park in California to make possible a private summer and winter sports resort at Mineral King, adjacent to Sequoia National Park.

Secretary of the Interior Stewart L. Udall gave in to Mr. Freeman although he and many conservation groups wanted to have Mineral King become a part of the national park. Mr. Udall has jurisdiction over national parks. Mr. Freeman is chief officer of national forests.

MISS SHERRILL RAE PETERSON

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RAILSBACK. Mr. Speaker, Recording for the Blind, Inc., is a nonprofit organization that provides recorded textbooks to blind students. Each year this corporation awards $500 to each of three blind students who are graduating from colleges and universities all across the country for distinguished academic achievement.

President Johnson recently presented these awards to this year's winners in ceremonies at the White House, and I am quite pleased that one of the recipients, Miss Sherrill Rae Peterson, is from the congressional district I represent. At this point, I insert in the RECORD a brief biographical sketch of Miss Peterson:

MISS SHERRILL RAE PETERSON

Miss Sherrill Rae Peterson, 22, is a senior at the University of Illinois at Urbana-Champaign. Sher majored in Spanish and plans to go on in graduate study and to become a college teacher of languages.

Blind since birth, Miss Peterson spent two undergraduate years at Valparaiso University. At the University of Illinois she is in the top ten per cent of her class, is a James Scholar, and has been elected to Phi Beta Kappa, national scholastic honor society, Phi Kappa Phi, scholastic honor society, and Sigma Delta Pi, Spanish honor society.

During the current school year, she has been practicing teaching in Urbana Junior High School. This summer she plans to study in Mexico, then go on to graduate study in the University of Illinois, preparing for a career as a college teacher.

She has traveled abroad a number of times and is an avid sports enthusiast. She swims, water skis, and skates.

She is the daughter of Mr. and Mrs. Paul Peterson, 849 Monroe Street, Galesburg, Illinois.

I had the privilege to meet and talk, at length, with Miss Peterson, and it is with great pleasure that I congratulate her and extend to her my best wishes for continued success.

ARITHMETIC OF ACQUIESCENCE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. BRINKLEY. Mr. Speaker, I was shocked to learn that during normal times there are an average of 875 serious crimes committed in Washington, D.C., *each week*. I am not surprised that this rate shot up to 1,034 *per week* after the April riots.

This graphic lesson cries out for attention; a policy of acquiescence, the sugar-coated definition of which is "restraint," does not save lives—it costs lives! The tragedy is heightened when the lives saved have been those of the criminal element, and those taken have been the lives of innocent victims.

The policy of "restraint" was sought to be justified by Washington officials by pointing to the minimal loss of life during the riots. Figures show that only 11 deaths occurred as a result of this policy. But now the second chapter is being written—159 additional murders, rapes, arsons, robberies, and other felonies *per week*.

During the riots we were treated to the spectacle of mass looting and burning while the police stood silently by under orders not to take human lives. This attitude continues. One of today's Washington headlines reads: "Don't Resist in Hold-up." This encourages the criminal and nurtures the idea that we are operating under the rule of the jungle rather than the rule of law.

As for me and my District, we want to get tough—shooting tough, if necessary—with lawbreakers. We do not agree with the philosophy, "Better Red than dead."

We think that people should have BACKBONE—whatever the cost.

THE LATE HONORABLE LOUIS GARY CLEMENTE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1968

Mr. DELANEY. Mr. Speaker, in a recent testimonial to the Honorable L. Gary Clemente, our distinguished former colleague, Mary Immaculate Hospital described him as "A Man for All Seasons." I think this sums up in a few words the true character of this great and gentle person, who was one of God's noblemen. His untimely passing on May 13 was a severe and sorrowful shock to those of us who knew him.

It was my privilege and good fortune to know Gary for many years, and I was honored to be numbered among his many friends. Unfailingly friendly with everyone he met, he always had a ready smile and delighted his friends and colleagues with his quick wit and sparkling humor. As a husband and the father of nine children, he naturally had many problems to worry him, yet was ever ready to listen to and console others with a few sage comments concerning the bright side of life. No matter what my day was like, I always felt better after meeting with Gary for several moments.

He was a man of exceptional talents, possessing a deeply inquisitive mind and an unusually good memory. He did everything with great zeal and intense dedication. A graduate of Georgetown University and the Georgetown Law School, he practiced law for 10 years in the District of Columbia and New York City prior to being commissioned a second lieutenant in the U.S. Army in World War II. During his wartime service he performed with honor and distinction in the military intelligence corps and rose to the rank of colonel.

Gary was a leading citizen of his community, Jamaica, Queens County, N.Y., and was held in high esteem by his friends and neighbors. As an expression of their great confidence in his wisdom and ability they elected him to represent them on the New York City Council from 1945 to 1948, and thereafter elected him to Congress to which he brought a wealth of intelligence and resourcefulness and served with distinction.

Because of his broad experience and intimate knowledge of the military, he was in a position to liberally share his insight into military problems with his colleagues on the Armed Services Committee. Chairman Vinson relied heavily on Gary's fresh viewpoint and penetrating intelligence, and valued highly his counsel and recommendations. While much of his work went unheralded, those who served with him had a deep respect for his many significant contributions to the welfare and security of our Nation.

In addition to his service in public office, Gary devoted much of his available free time to civic activities and was an outstanding layman in his church. He was a member of the Queensboro Council for Social Welfare, and a director of both the Angel Guardian Home in Brooklyn and Mary Immaculate Hospital in Jamaica. Also, he was an active member of the American Legion, Catholic War Veterans, Knights of Columbus, Catholic Lawyers Guild, and the Catholic Charities of Queens.

As an outstanding and competent member of the legal profession, he won the high regard of his peers, and served as a director of the board of managers of the Queens County Bar Association and was a member of the advisory board of the American Bar Association. He was admitted to practice in the State and Federal courts, including the U.S. Supreme Court and the U.S. Court of Military Appeals. He was vice president of the Unexcelled Chemical Corp., and served in executive capacities with a number of other companies.

As a young man he was a superb athlete, excelling in football and baseball in college. Many Members will recall his enthusiastic and outstanding performances as catcher with the Democratic team during a number of the annual congressional baseball games. He maintained a deep interest in young people and was an active member of the board of the Queens Council of Boy Scouts, and worked with the Queens Committee for Boys Town of Italy.

Gary was a very good friend and intimate companion of our late beloved President, John F. Kennedy, who appointed him as Special Ambassador to Argentina. Before his illness his name had been sent to the White House as a candidate for the judgeship of the Eastern District Court of New York, a position which has not been filled.

As a close personal friend, I join with his many other friends in expressing my deepest sympathy to his family, his wife Ruth; his five sons, Gary, Stephen, Michael, John, and Peter; his four daughters, Christina, Catherine, Barbara, and Patricia; and his sister, Mrs. Joseph Frumento. Their loss is a great one. The Nation, the community, the county of Queens, and all who knew Gary share in their sorrow. He will always be in our memory and our prayers.

TRIBUTE TO THE HONORABLE JOSEPH W. MARTIN, JR.

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. JONES of North Carolina. Mr. Speaker, I was not privileged to know the Honorable Joseph W. Martin, Jr. but for a brief period of time. But it did not take long to understand why he was held in the high esteem and respect that was accorded him by his many friends. He was a man of strong conviction and uncompromising principle. Although of a different political faith, it is easy to admire character and conviction wherever it exists. Certainly, this Nation as well as the Republican Party has lost a great American. In this time of crisis in the history of this Nation, we can ill afford to lose men of the character and stability of the Honorable Joseph W. Martin, Jr.

LAW DAY COMMENTS

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. JONES of Alabama. Mr. Speaker, the distinguished probate judge of Morgan County, Ala., the Honorable T. C. Almon, has asked that I place the remarks of the Honorable Thomas B. Hill, Jr., of Montgomery, Ala., in the CONGRESSIONAL RECORD. Judge Hill spoke before the Kiwanis Club in Decatur, Ala., in commemoration of Law Day, May 2, 1968.

As an extension of my remarks at this point, I include the letter from Judge Almon and the remarks of Judge Hill:

DECATUR, ALA.,
May 14, 1968.

Hon. R. E. (BOB) JONES,
Member of Congress, House Office Building, Washington, D.C.

DEAR BOB: On May 2, 1968, the Kiwanis Club commemorated Law Day, as they usually do each year.

The Speaker on that occasion was Honorable Thomas B. Hill, Jr., of Montgomery, Alabama.

I am sending you a copy of his address with the hope and request that you will have it placed in the Congressional Record.

Your friend,

T. C. ALMON,
Judge of Probate.

[Enclosure]

ADDRESS BY THOMAS B. HILL, JR., IN COMMEMORATION OF LAW DAY, DECATUR, ALA., KIWANIS CLUB, MAY 2, 1968

Mr. President, Fellow Kiwanians, My Colleagues of the Morgan County Bar Association, Ladies, and Gentlemen:

I deeply appreciate the kind invitation extended to me by my good friend John Caddell to visit with you today in your charming and gracious and progressive City of Decatur. I am particularly grateful for the compliment of being invited to participate with you in the celebration of Law Day, a day set aside each year to commemorate, and pay homage to, the rule of law in this good land of ours. Since the earliest days of our Republic, there has endured, and we have proudly proclaimed a shibboleth, that: "Our's is a government of laws, and not of men." This has been our boast, and for almost two centuries, it has been true.

But, in these troubled times through which we are now, and have in recent months been living, when we are threatened in our country with a complete breakdown of law and order, when we see so many instances and manifestations of a treasonable attitude on the part of so many of our people—such as the desecration of our flag, the burning of draft cards and the like, when anarchy and arson and looting and rioting are so rampant throughout the land, it gives cause for us to pause and take stock of ourselves and see just what is wrong in our beloved country. It is appropriate that we stop and reappraise once again the priceless heritage which our forebears forged for us in the fiery crucible of the American Revolution, and sought to perpetuate for us in the Constitution of the United States; that we examine ourselves closely to see if we are proving faithful to their trust; if we are worthy custodians of their legacy to us; and, if we are making sure that this precious heritage that is America will be transmitted, unsullied and undefiled, to those who are to come after us.

And, may I say in the beginning that I come before you today, not as an advocate of any particular political philosophy or group, but only as a private American citizen who loves his country, and who is proud of its history and achievements, and who resents disloyalty and subversion and treason with a passion.

It is interesting to re-examine briefly, in the light of present conditions and circumstances, the history of the formation of our National Government and the plans and concepts of those who were charged with the responsibility of laying the foundations and building the structure. It will be remembered that they were both weary and leery of tyrannical rule. They had just finished the war of the Revolution, in which they had won the right to be free of George III and his tyranny, and they set about to guarantee and perpetuate for the thirteen separate and newly independent colonies the liberty and freedom which had been so dearly bought. And, they determined that the surest and most effective way of achieving that objective would be to form a federal union of states, by a compact or agreement in which each member agreed to *subordinate* its *power* to that of a *central authority* or *government* in *common* and *foreign affairs, retaining,* however, their respective *power* and *authority* in *internal domestic affairs*.

And, there emerged from this determination what the great Gladstone described as "The greatest document ever struck off at a given time, by the brain and purpose of man—the Constitution of the United States"; the preamble of which clearly defines, in language that cannot be misunderstood, the scope and powers which the architects of our Government intended to confer upon the central or Federal Government:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States."

They specified in that sacred document the so-called *common affairs*, i.e., affairs which could best be administered by a central of Federal Government, such as the laying and collecting of taxes to pay the national debt; providing for the common defense and general welfare of the United States; regulating commerce among the several states; declaring and waging war; coining money and establishing and maintaining post offices and post roads and the like. (And, I might call to your attention that domination and control of the public schools was not so included.) And, to be doubly sure that the Federal Government should have only the powers and authority expressly delegated to it, they spelled it out in plain English, in Article X of the Bill of Rights, the Tenth Amendment to the Constitution, that:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people."

And, in that Constitution, they established three separate and distinct branches of that centralized government—the Legislative, the Executive and the Judicial. They delegated to the Legislative Branch, the Congress, the power to make laws; but, that power to make laws was definitely restricted to the subjects specified in the Constitution as being subject to Federal jurisdiction. They delegated to the Executive Branch, headed by the President, for whose election they provided, the power and the obligation to enforce the laws so made. They delegated to the Judicial Branch, the Supreme Court and such inferior courts as Congress might ordain and establish, the power to construe those laws, not to enact them.

So long as the three branches of the Federal Government thus created continued to act within the bounds thus prescribed for them, respectively, by the Constitution, ours was a sound and healthy government, a government, if you please, of laws and not of men, a government of vigor and strength, with a happy and prosperous people, a land of domestic tranquillity and peace.

Now, my friends I could consume the remainder of the time allotted me in pleasing platitudes and assurances that our Nation and our Government are properly fulfilling their destiny, that all is well and we have nothing to fear. But, I cannot be so deceitful. I wish to God it were true. But, I say to you that this Nation, which each of us loves so well, is truly in peril today. I am deeply concerned, as Senator Byrd, Democrat of West Virginia, expressed him self recently on the floor of the United States Senate, for my country. I feel that we can see ample evidence of destruction of our Nation, from within.

We have seen, particularly within the past thirty-five years, a gradual transition in our beloved country, from a government of laws to a government of men. We have seen a repeated and continuing violation by the three branches of our Government of their respective powers and functions as prescribed by the Constitution. We have seen the Congress repeatedly invade the field of internal affairs of the several states and pre-empt legal authority exclusively within state jurisdiction. The most recent example is the so-called open housing law, enacted about two weeks ago, which seizes for the Federal Government the power to come into Decatur, Alabama, and tell you to whom you must and must not rent or sell your home. We have seen the Executive Branch of the Government arrogate to itself the powers conferred upon the Legislative Branch. If you require proof, I have but to refer you to Section 8 of Article I of the Constitution, which confers upon the Congress alone the power to declare war, and to remind you that we have become involved in two wars in Asia, the Korean war and the war in Vietnam, by Presidential Proclamation and without benefit of a Declaration of War by Congress. We have seen the Judicial Branch of the Government, and I refer specifically to the Supreme Court, to whom the finger of guilt must be pointed for this aberration, assume the prerogatives of the Congress and of the state legislatures, under the guise of "interpretation," to enact infamous judicial legislation dictated by political and sociological considerations, which affect the lives and property of every individual citizen.

I refer specifically among others, to the long line of decisions, beginning with *Brown vs. Kansas*, decided in 1954, whereby the Federal Court has seized the control and now dominate the operation of the public school systems of the several states, even to the extent of arranging their athletic schedules, in order to force integration of the races in the school systems. This Court has repeatedly in the last twenty years, and in innumerable other cases, in effect amended or rewritten various provisions of the Constitution in the name of "liberalism," by reversing precedents of many years standing which have construed those provisions and which constructions and interpretations have long been recognized as the law of the land. And, by attributing such flexibility to the meaning of such constitutional provisions, the Court has not only caused us to depart from the sound philosophy and principles of good government enshrined in the Constitution by Washington, Jefferson, Hamilton and those other noble patriots, but also has in large measure diminished—if not destroyed—the reverence and respect which Americans have traditionally accorded the Constitution of the United States as the organic law of the land.

Daniel Webster said:

"Hold on, my friends, to the Constitution of the United States of America and to the Republic for which it stands. Miracles do not cluster. What has happened once in six thousand years may never happen again. Hold on to your Constitution for, if the Constitution shall fall, there will be anarchy throughout the world."

It has been said that, if we lose this way of ours, the traditional freedoms guaranteed to us by the Constitution of the United States, history will report with the greatest astonishment that those who had the most to lose, did the least to prevent it happening.

And, to those who have violated and despoiled this sacred document, let us arise in righteous indignation and in language that cannot be misunderstood, demand that they give us back the Constitution of our fathers, unsullied and undefiled by infamous judicial legislation dictated by political or sociological considerations. And, let us resolve that, when time and progress and changing conditions make necessary its amendment, as inevitably they must, then such amendment shall be accomplished by the people and through the orderly process designed by its framers, and not by judicial fiat of nine men in black and sombre robes, who would arrogate to and usurp for themselves this forbidden authority.

Let us never forget the words of wisdom spoken by President George Washington in his farewell address, when he said:

"If in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for although this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

As the result of the ever-increasing tendency toward the usurpation and consolidation of power in the Federal Government, we are travelling rapidly down the road toward totalitarianism and dictatorship, a road which has already led to the creation of a gigantic centralized government in Washington, whose tentacles are ever reaching out like a giant octopus to dominate and control, more and more, the internal operations of the several states and the lives of the citizens therein. Let us never forget that the Federal Government is a government of delegated powers only, and that any encroachment by the Federal Government upon the powers and authority not delegated to it by the states is usurpation, despotism and tyranny.

It is well to remember the words of Mr. Justice Sutherland:

"Do the people of this land—in the Providence of God, favored as they sometimes boast above all others in the plentitude of their liberties—desire to preserve those so carefully protected by the Bill of Rights? If so, let them withstand all beginnings of encroachment. For the saddest epitaph which can be carved into the memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

There are many other grave problems which confront us today and which constitute serious threats to the continuing safety and preservation of our country. Not the least of these perils is the tremendous increase in the national crime rate in our country in recent years. Did you know that the overall national crime rate, and I mean crimes of violence, has, according to an editorial in a recent edition of the Montgomery Advertiser, risen by an all but unbelievable 88% since 1960. Did you know that the total take of organized crime in the United States annually is more than forty billion dollars—more than the total after-taxes profits of all the corporations and business enterprises in the United States of America? Do you know that, according to a recent news release, in Washington, D.C., the secretaries working in the Pentagon are forbidden to go from the offices to their cars in the adjacent parking lot after dark unaccompanied by an armed guard to protect them? Did you know that the crime of rape is of such frequent occurrence in the City of Washington, our Nation's capital, that a public clinic has been set up by the governing authorities for the post-rape treatment of victims? This is tragic and frightening, but it is true. History has shown that the first indication of the decline and fall of a nation is disregard of law and order on the part of the people.

Treason, anarchy and sedition, the tools with which the Communists ply their trade, have become rampant in our country in recent months, and we see little or no action by our Government to forbid it or to punish those who openly advocate sabotage and rebellion, and even assassination of certain of our public officials. Take, for instance, the speech of H. Rap Brown, freely quoted in the public press and on television, which was made, of all places, in a Washington Episcopal Church, in which Brown is quoted as saying:

"We'll make the Viet Cong look like Sunday School teachers—violence is necessary. Get you some guns—and burn this town down."

"This town" was Washington, D.C., the capital of the United States of America. And, this they have done, as he demanded. On another occasion this same Rap Brown said in a speech:

"If America don't come around, we're going to burn America down, Brother, we're going to burn it if we don't get our share of it."

Equally venomous and threatening have been the ravings of Stokely Carmichael, and other adherents and advocates of the Communist-inspired Black Power movement, who have visited in Moscow, Hanoi, Havana and other Communist nations, at will, and though in violation of Federal laws have not been arrested or paid any penalty therefor. But, the Justice Department has been both deaf and blind insofar as their actions and conduct are concerned. After all, they are negroes advocating "civil rights" and as such can do no wrong in the eyes of the leadership in our country today.

The rioting and open defiance of law which we witnessed in so many of the larger cities of the North and East and West last summer, and within the past month, was unprecedented. Do you realize that there were more than 150 riots or outbreaks of violence in 120 cities in the United States last year? And, this record has already been exceeded this year, as a sequel to the shooting of Martin Luther King, the most notorious advocate of civil disobedience and rabble-rouser in the land, who precipitated violence wherever he went, while falsely professing to oppose violence; and, who publicly proclaimed by radio and television that he would obey those laws and court decrees of which he approved, and would contemptuously disregard and violate those of which he did not approve. And, I may say to you that it was nauseating to see the President of the United States and the others in authority in this country deify this arch traitor by declaring a day of mourning over his death and ordering the flag of our country to fly at half-mast, not only throughout the United States but on our military bases all over the world and upon our ships sailing the seas, while every potential candidate for President of the United States, save one, George Wallace, ran a footrace to Atlanta to condole with his widow.

Never before in our history has there been such a display of violence and looting and burning and wanton destruction of property, all of which went unpunished because of the apparent cowardly reluctance of the states and national leadership to interfere for fear of *depriving* the *Negro of his civil rights;* could it have been the fear of losing the Negro vote? Since when, I ask you, did rioting and burning and looting of stores and stealing of merchandise and sniping and murder become a civil right? And, we are promised by one element of the Negro leadership that we are to expect a longer and hotter summer this year, with violence the like of which we have not seen before.

But, what can we expect when the enforcement of law and order in our country is under the control of our present Attorney General, one Ramsey Clark, who, when questioned while arson and looting was at its height in Washington, D.C., and the city was aflame and the merchants were being robbed openly, as to what he was going to do about it, replied, according to the press, that he "had the matter under consideration."

And, I say to you that it is also nauseating and disgusting to hear the political leadership in those communities where rioting and arson and looting have gone unpunished, attribute the criminal tendencies of the rioters to the fact that they live in slums and ghettos. Well, they don't have to live there; there is an opporunity in this land of ours for everyone to improve his economic status if he has the will and determination to do so. And, such proclamation by the politicians create in the minds of the rioters the conviction that rioting is expected of them and is excusable because of their environment, and they are thereby encouraged to resort to rioting and violence. It has been demonstrated in some communities that they understand the meaning of force, and in those communities in which the governing authority has given warning that such violence will not be tolerated, but will be met with the necessary force to restrain and prevent, there has been no violence. I refer you to the City of Miami, whose Police Chief warned that looters and arsonists would be shot on sight; and, there has been no looting or arson there.

Another peril which confronts us, and which is equally as grave and as dangerous as the unprecedented rise of the national crime rate, is the very serious economic plight in which we find ourselves today and which is the result of the fiscal irresponsibility to which we have been subjected by our national leadership in recent years. Our leading economists tell us that we face at this time the most serious financial crisis of the century; the spiral of uncontrolled inflation has devalued the dollar; our gold reserves are depleted; we are told that, unless our taxes are increased by the imposition of a 10% surtax on income across the board and unless Government spending is curtailed, a ruinous depression is inevitable; and, yet we find such items in the Federal budget for the coming year as appropriation of $60,000 to a college in Florida to finance a study of the social life of the black bird.

I would call to your attention, and please mark this well, that, during the first 155 years of the life of our National Government, from 1791 to 1946, the Federal Government collected in taxes the aggregate sum of 179 billion dollars; and, as compared to that amount, in the twenty-year period from 1947 to 1967, the total taxes collected by the Federal Government was the astounding sum of 1,657 billion dollars. Do you realize how much one billion dollars is? If you should give your wife one billion dollars, and tell her to go out and spend it at the rate of $1,000 a day, and not come back until it's all spent, you wouldn't see her again for 2,739 years. Our state tax revenues have comparably increased.

In spite of this fantastic tax income, I would like to remind you that our National debt today exceeds the tremendous sum of 380 billion dollars, an increase of more than 352 billion in the past thirty years, i.e., since the beginning of the Franklin Roosevelt era; and, yet today, enjoying the greatest National income and burdened with what constitutes, I believe, the highest taxes in any period except when we were involved in an all-out war, we nevertheless increase every year our National debt by spending more than our National tax income—deficit spending. In the past fiscal year, the deficit was nine and seven-tenths billion dollars. Do you know that the interest which we are now paying each year on our National debt is three times the total amount of our National debt when Franklin D. Roosevelt became President of the United States? Lenin, the great prophet of Communism, wrote, in the early stages of the Bolshevik Revolution, that the way to achieve the primary Communist objective, the destruction of America, was to cause it to spend itself into bankruptcy. Are we going to vindicate his prophecy? Khrushchev once said: "I am convinced that tomorrow the Red flag will fly over the United States; but, we will not fly it; it will be the Americans themselves."

I cannot close without calling to your attention the ever-quickening trend of our Nation in recent years toward a socialist or welfare state. We have but to look at England, once the greatest and most powerful nation in the world, whose proud boast was that "the sun never sets upon the British Empire," to see the result of this pernicious national anemia. Our country is being internally seduced and gutted by this same poisonous bacteria. Our people are being brainwashed to believe that they should look to the Government for everything. The men who gave us our way of life did not subscribe to the socialistic philosophy that the Government owes everyone a living; they bequeathed to us a way of life that provides an opportunity for everyone willing to work to make the most of what he has, and to earn a livelihood for himself. This was their legacy to us. Many years ago someone asked James Russell Lowell the question: "How long will the American way of life endure?" The wise statesman and poet replied: "Only so long as the ideals and philosophy of the man who made it continue dominant in the minds and hearts of each generation."

Our forebears had no Federal subsidy, nor did they seek any. All they had was character. All they did was work. I wonder what they would think if they could return to us for a little while and were told that forty million people in America today are drawing welfare checks, or are living on Government relief, or draw subsidies of one kind or another from the Government?

And, the internal, moral decay which is becoming so manifest in our country is being accompanied by a commensurate loss of prestige and respect for our country, which has been so evident through the years in the eyes of the world at large. It was a sad day in the history of our country, but is truly indicative of the low levels to which the National prestige of the United States is now sinking among the nations of the world, when a third-rate pygmy of a nation like North Korea can seize an American ship, the Pueblo, and its crew upon the high seas and then thumb its nose at us and ask us what we are going to do about it; and, we don't do anything about it, except plead with them to return our crew. We fought a war with England in 1812 for less than that; but after all, that was 156 years ago.

All those, and many more perils of equal significance come to mind, but I have trespassed upon your patience much longer than I should have.

And now, my friends, may I say in conclusion, that our forebears built for us a Nation, erected upon a solid foundation, a Nation dedicated to human freedom, a Nation which was a haven of refuge for the oppressed and a beacon of hope for those who could not escape to our shores; a Nation where there was always compassion and abundant help for the needy, but where opportunity for self-help was held to be far more important and was made readily available in generous measure; a Nation dedicated to the rule of law and not of men; a Nation whose peoples were the proud possessors of liberties and freedoms unknown to the people of any nation in the history of the world; "a Nation," in the words of the Great Commoner, William Jennings Bryan, "in which every citizen was a sovereign, but in which no one cared or dared to wear a crown."

What have we done with this rich heritage? Our generation has squandered and dissipated its legacy. We have failed to preserve the integrity of this citadel of freedom. We have permitted its superstructure to be eroded and its foundations weakened to the point where there is grave danger of collapse. I hope we have not gone too far. I pray we have not passed the point of no return.

All of us share the blame. We are reaping where we have sown. Over the past half century we have elected to leadership in our country those who have propagated and inculcated in the minds of our people a false philosophy and a misplaced faith in the ability of the Federal Government in Washington to achieve every kind of material, economic, social and moral objective. We have elected to National leadership men who have had no hesitancy in subordinating the public interest to their own selfish political expediency and advantage. We have seen our liberties and our freedoms, of which we have always so proudly boasted, taken from us one by one. We have accepted handouts from the Federal Government to subsidize the operation of our public school systems, and in exchange therefor we have surrendered our right to operate and control the same. The farmer has accepted Federal subsidies and has in exchange therefor surrendered his right to operate his farm free of Federal intrusion and control.

The Federal Government has usurped, and we have acquiesced, the power to prescribe the eligibility and qualifications of those who would vote in our state and local elections. Hirelings of the Federal bureaucracy come into your place of business and tell you whom you must employ and how much you must pay your employees. They have seized and arrogated to themselves the power to come here into your fair city of Decatur and dictate to whom you can, and to whom you cannot, sell or rent your property.

These are but a few of the freedoms which in recent times have been stripped from us by the Federal Government. This trend must be stopped. If it is permitted by us to continue, disaster as surely follows as the night follows the day.

May I close by quoting the words of Retired Admiral Ben Moreel in a recent address, in which he said:

"We live in an era of crisis. In such times in the past, the genius of our people has been to rise above their differences and to unite their strengths to serve the common good.

"Let us face the future with determination, confidence, and above all, faith in God, and in each other. We will not fail; for we shall know the truth, and the truth shall keep us free!"

MR. CONFEDERACY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DORN. Mr. Speaker, Col. John A. May, of Mayfields, Aiken County, in my congressional district, became known throughout the Nation as "Mr. Confederacy" during the centennial commemoration of the War Between the States.

Colonel May served as chairman of the South Carolina Confederate War Centennial Commission and was honorary chairman of the Confederate States Centennial Conference. He is a past commander in chief of the Sons of Confederate Veterans, author, orator, historian, statesman, and political leader. At the present Colonel May is Director, Division of Recreation, Department of Parks, Recreation, and Tourism of the State of South Carolina and was appointed by the President of the United States as a member of the National Advisory Council on Historic Preservation and only recently was reappointed.

Mr. Speaker, it was my privilege to address the May family reunion at Good Hope Baptist Church near Saluda, S.C., on Sunday, May 5. I am proud to have been introduced on that occasion by Colonel May, an outstanding South Carolinian and a great American.

Mr. Speaker, the following brief summary of Colonel's May's career was prepared by my warm personal friend and president of the May family reunion, Dr. Dwight Smith, of Williamston:

COL. JOHN A. MAY

Was Chairman of the South Carolina Confederate War Centennial Commission 1959–1966.

Co-author of "South Carolina Secedes," a book published by the University of South Carolina Press giving for the first time a history of the Secession Convention.

Author of "Tall Pines," a book of poetry.

Past Commander-in-Chief of the Sons of Confederate Veterans 1964–1966.

Elected Honorary Associate Member of United Daughters of the Confederacy at Houston, Texas, UDC Convention, November 9, 1965 to succeed the Honorable Bernard Baruch.

Honorary Chairman of the Confederate States Centennial Conference. Member of the Executive Committee of the Southern Heritage Foundation. July 10, 1965, was awarded National Award of Distinction by United States Civil War Centennial Commission. Only individual in United States to receive this award.

Owner of "Mayfields," where he has collected many historical items, books, and records on American, Confederate, and South Carolina history. Maintains three museums on grounds with no admission charge to anyone. Has restored the Hunley, the world's first submarine. It is on display at Confederate Park, Mayfields.

Was Aiken County Representative receiving largest popular vote in history of Aiken County. Only person ever elected nine times to the House of Representatives from Aiken County.

Previous years he has served the people in many ways: Past Department Commander of American Legion of S.C.; Past Governor of Lions Clubs of S.C.; Past President of Aiken Chamber of Commerce; author of the "History of St. John's Methodist Church," now engaged in writing a complete history of Aiken County. He also teaches in St. John's Sunday School.

Educated at Bailey Military Institute, A.B. Wofford College, L..L.B. Harvard Law School and University of S.C. Law School, Graduate work in Political Science at University of Virginia, Graduate work in History at University of South Carolina.

Volunteered before Pearl Harbor in World War II, served over six years in Armed Forces. Appointed Colonel by President Franklin D. Roosevelt. Ended military career as Prosecutor of Major German War Crime Trials in Germany.

Because of his many activities in connection with the Confederate Centennial, the Sons of Confederate Veterans, and his study and interest in Confederate History, he has gained the title of "Mr. Confederacy."

As of July 1, 1966, appointed by Governor McNair as Chief of the Division of Outdoor Recreation for the State of South Carolina.

February 23, 1967, was appointed by President Lyndon B. Johnson a member of the National Advisory Council on Historic Preservation. He was reappointed by the President during February 1968 to a five year term on the Council. May is one of the ten persons in the United States to serve on this important Board.

THANT'S BIAS IS SHOWING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DERWINSKI. Mr. Speaker, the Wednesday, May 15 Chicago Daily News carried a very timely and perspective commentary on the unfortunate anti-U.S. bias of U.N. Secretary General, U Thant. This critical commentary of the performance of U Thant's decisions is carried at a time when the world is hopeful that the Paris discussions will produce peace with freedom in Southeast Asia.

The commentary follows:

THANT'S BIAS IS SHOWING

U Thant, the secretary general of the United Nations, has strong feelings about the war in Vietnam. He shares these with civilized people in most parts of the world who want to see the long agony in Southeast Asia ended.

As the highest ranking international civil servant, Thant also has had a role in bringing about the "official conversations" that began in Paris this week.

In these circumstances, it is singularly inappropriate that Thant should have been so partisanly critical of the United States within hours of the first exchanges at the conference table. Speaking in Edmonton, Alberta, Thant seemed to hold the United States exclusively responsible for the "savage conduct" of hostilities. There was not a word of censure for anyone else, no mention of the Viet Cong terror in the countryside, the indiscriminate assaults on the cities, the admitted invasion from the North, the violation of other international boundaries.

As an individual Thant would serve the cause of peace better were he to urge moderation on both sides, and some reciprocity from the North for the concessions already made by the United States. As a UN official, concerned to restore that organization's faltering prestige, Thant should stay out of anyone's corner at this stage.

Thant has said the UN secretary general should be impartial rather than neutral. No one will contest this point, although the distinction is a fine one. What most people must wish, however, is that Thant abide more closely to his own formula.

DANNY THOMAS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. HOSMER. Mr. Speaker, most men are content with one birthday.

Danny Thomas, also Amos Jacobs, and born Muzyad Yaghoob, recognizes two.

He was born January 6, 1914, and matured into a man of extraordinary faith, charity, and humanitarian instincts.

He inherited from doughty Lebanese ancestors great desire, stamina, intelligence, and a marvelous rapproachment with his fellow man. Down the years these inherited and acquired characteristics have been sublimated into a series of charitable acts for which he will long be remembered.

Most significant of these is St. Jude Children's Research Hospital, which he founded in Memphis, Tenn., and which is the fulfillment of a vow he made when he was desperately poor.

This research center, the only one of its kind in the world, is dedicated to helping grievously ill children of all faiths and races, children living and yet unborn.

Danny Thomas, the entertainer, was "born" August 12, 1940, at the 5100 Club on Chicago's northside, when he created his professional name by borrowing those of two brothers, Danny and Thomas.

Danny Thomas, the entertainer, is very well known indeed. As a standup comedian, he is probably the best of his time.

As Look magazine once said of him:

> He is . . . a comedian whose true believers cry that he is the most ridiculous fellow in the world, an obstreperous wit, a mystic and an unembarrassed sentimentalist with a compulsion to preach sermons.

That he is—and more.

There are also those who think of Danny as the greatest exponent since Charlie Chaplin of tragic comedy that exploits the miseries of the world's little men, the "fall guys."

He says:

> If there is a basic reason for the success of our TV shows down the years, it is our preoccupation with trouble. Nothing is shared by so many people.

Danny's nightclub routines contain numerous classic paeans on behalf the "working stiffs." One of the most admired is his "Stinkin' Bosses" routine in which Danny gives hilarious and uninhibited expression to the frustrations of the working staff vis-a-vis his boss—his "natural enemy."

Danny's an acknowledged master of dialect and pantomime. His nightclub stories are legend. Several, in fact, have become part of the Nation folklore

Like his "jack" story, for instance.

On this particular night, he got carried away and veered a little off the customary details of this, one of the most celebrated of his diatribes against fate.

"Mistake" cried a woman, jumping up from her table. "You changed it."

Danny, in mock hurt, bowed low and apologized, then suggested humbly, "let's rise and do this number together."

And it was done.

Thomas has exercised his great comedic talent in nightclubs, films, theaters, radio, and television, and it is the latter medium that projected him into becoming one of the most popular entertainers of his time.

Afer a sputtery start—NBC–TV's "All Star Revue" in 1950–52—he launched "Make Room for Daddy" on ABC–TV in 1953. This evolved into one of the most successful and honored family comedy shows in television history.

The series won many awards, five "Emmys" among them. After 11 seasons, and with his show still among the top 10 in ratings, Danny voluntarily ended the series.

In 1960, in partnership with Sheldon Leonard—T. & L. Production—Danny became a producer of what one newspaper columnist called a comic supermart.

Shows in this stable included the "Andy Griffith Show," "Dick Van Dyke Show," Joey Bishop Show," "Bill Dana Show," "Gomer Pyle"—Jim Nabors—and "The Tycoon"—Walter Brennan.

Earlier Danny had invested in "The Real McCoys," another long-running hit.

For the 1964–65 season, Danny signed with NBC–TV to host and headline an annual series of color specials, a contract that remains in effect.

In 1966, Thomas formed a new company to produce television programs. His partner in Thomas-Spelling Productions is Aaron Spelling, top Hollywood TV producer and writer.

The company's first TV series, a comedy western starring Tim Conway, was ABC–TV's "Rango." "The Guns of Will Sonnett," starring Walter Brennan, is a dramatic western series slated for the 1967–68 season on ABC–TV.

The company's third venture, premiering in the fall of 1967 on NBC–TV, is "The Danny Thomas Hour," a series of 22 hour-long dramas, variety shows, comedies, and musicals, all of which Danny hosts and some of which he appears in as an entertainer.

There is substantial evidence that Danny Thomas is not merely just another comedian out for laughs.

Down the years an avalanche of honors from scores of civic, religious, educational, cultural, medical, and brotherhood groups have inundated him mostly as tokens of appreciation for his countless acts of charity for worthy causes.

It is quite probable that he has received more plaques, cups, citations, and special honors than any other working actor in the history of show business.

In 1953, for example, both Catholic and Jewish organizations named him "Citizen of the Year." The following year, the University of Detroit cited him as the "American of the Year," and Pope Pius XII issued a bulla making him a Knight of Malta.

More recently Pope Paul VI presented to Danny one of the highest decorations he can bestow on a layman—Knight Commander with Star in the Equestrian Order of the Holy Sepulcher of Jerusalem.

In 1967, the American Lebanese Syrian Associated Charities—ALSAC—awarded him a "Personality of the Century" trophy.

The National Conference of Christians and Jews have selected Danny "Man of the Year" and the American Medical Association presented him with its Layman's Award, the highest it can bestow on a nonmedical man, and only the sixth such award made since 1948.

He has received two honorary degrees—a doctor of humane letters from Belmont Abbey, and a doctor of performing arts from Toledo University. Pretty good for a student who never finished his freshman year in high school:

Danny has acquired a reputation as the "President's comedian" because he has responded to "command performances" for five Chief Executives—Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson—in the Nation's Capital.

A lifelong sports fan, Danny today is a principal owner of a professional football team, the Miami Dolphins. He is also a partner in KZAZ, a television station servicing the Tucson-Nogales area in Arizona.

In regard to Danny's St. Jude Hospital project, mortgage burning ceremonies for the $6,180,000 mortgage were held October 28, 1966, in Memphis.

Most of the annual $2 million maintenance costs for the hospital are now provided by the annual Teenagers March held in many of the major cities of the United States under the auspices of ALSAC—American Lebanese Syrian Associated Charities.

Hundreds of thousands of fellow Americans of every racial, religious, and social persuasion have helped pay for the construction of the hospital, although Danny made by far the largest single contribution of time, energy, and personal treasure.

Major contributions from groups include $300,000 from the Hotel and Restaurant Employees and Bartenders International Union. One wing of the star-shaped hospital is named in honor of this union.

The Order of Moose and the Fraternal Order of Eagles also have contributed many thousands of dollars to the project.

Danny has said:

> My purpose in life is to propagate the philosophy of man's faith in man, based upon my own belief that unless man reestablished his faith in his fellow beings, he can never establish a faith in God.
>
> In order that others to follow may be inspired to do likewise. I have to leave something tangible. I'm not so unforgettable that I can do it only with words. I must leave something that men can touch, feel, and see. That is St. Jude Children's Research Hospital.

Danny was born in Deerfield, Mich., the fifth son in a family of eight boys and one girl, but spent most of his boyhood in Toledo, Ohio.

He began to pull his own weight in the family at 10 by selling newspapers, and at 11 he became a candy butcher in a burlesque theater, a job he held for 7 years.

For reasons of family expediency, Danny moved briefly to Rochester, N.Y., with an aunt and uncle, enrolled as a high school freshman, but played hooky because he was homesick. Danny never completed his high school education.

Back in Toledo, he saved enough from jobs as a busboy, punch press operator's assistant, and a lumberyard watchman to buy a couple of suits and several pairs of shoes so he could go to Detroit to look for a job in show business.

This desire seems to have stemmed from his years in the burlesque theater where he saw all the great comedians perform, from the success of a couple of school productions he and his brother Ray had staged, and from the uproarious response he received when reciting vaudeville routines for his English composition classmates.

One of his first jobs in Detroit was that of a singer on a radio show called "The Happy Hour Club." On the same program was a pretty, dark-haired Italian lass named Rosemarie Mantell, 14. Danny escorted her home on the streetcar for 3 years before he proposed. They were married January 15, 1936.

When Rosemarie was about to give birth to her first child—Margaret, later Marlo—the Thomases were leading a precarious life with Danny working mostly, to use his own description, as a "$2 a night saloon comic." Rosemarie begged him to get into some other line of work—like running a grocery store, for instance.

Desperate, Danny sought relief in prayer. He knelt before the statue of St. Jude, the patron saint of the hopeless, and begged for a sign. Should he or should he not remain in show business?

Impulsively, Danny promised to erect a shrine to St. Jude if he should succeed in the business he loved above all others.

In 1946, when Danny had achieved a substantial measure of success in nightclubs, he decided that only a hospital would be a fitting "shrine" to his patron saint, and he began a one-man campaign to raise funds, establishing the nonprofit St. Jude Hospital Foundation for the purpose.

With Detroit turning sour for him, Danny elected to move to Chicago where he started with a few radio shows and then decided with some misgivings to take a flier at the 5100 Club, a converted automobile salesroom, for $50 a week.

"This was the big hinge in my life," Danny said later.

In less than a year Danny, the comedian with the limpid eyes and big nose, was earning $500 a week, and Abe Lastfogel, head of the William Morris Agency, saw what was what and took over as his personal manager.

Abe took Danny to New York where he opened at La Martinique, eventually earning $1,250 a week.

After this, Danny returned to the Chez Paree in Chicago at $3,500 a week, went to radio with Fanny Brice and with his own CBS show—radio's "discovery" of the year for 1945—moved to Beverly Hills, Calif., made five films, and launched "Make Room for Daddy" that was to project him to maximum fame and good fortune.

There was, however, one detour up his career ladder. In World War II, Danny entertained with USO troupes in North Africa and Italy—with Marlene Dietrich—and the Philippines.

Stardom in the movies came eventually after a delay in which studio moguls pleaded with him to have his nose bobbed. Danny refused. Except for his marvelous proboscis, Danny suggests the handsomeness of a Cary Grant.

In 1947 he costarred with Margaret O'Brien in MGM's "The Unfinished Dance," and followed with "The Big City." In 20th Century Fox's "Call Me Mister," he was strictly the comedian.

In 1951 he costarred with Doris Day in Warner Brothers' "I'll See You in My Dreams," his best picture, and starred in "The Jazz Singer."

But as it turned out, television was Danny's medium. In a real sense, ABC-TV's "Make Room for Daddy"—later "The Danny Thomas Show" on CBS-TV—was the second major hinge in Danny's life.

The television series actually was based on 14 years of Danny's own life, and shows the comedian as an entertainer whose main problem is spending as much time as possible with his family.

It is paradoxical that this story plot should have been the one that finally enabled Danny to remain at home with his real-life family instead of traveling interminably across the Nation from nightclub to nightclub.

Today, Danny and Rosemarie and two of their three offspring—Theresa and Tony, the latter a student at the University of South California—live in Beverly Hills.

Marlo, their first-born, is a star of her own television series, "That Girl," on ABC-TV.

Danny says:

For years when I was struggling to get somewhere, all my prayers were "gimmie" prayers. I always needed something. Things are different now. The only thing I ask for these days is a grateful heart.

And, indeed, his own heart is grateful. So are the hearts of others where he is concerned. This year the State Legislature of California will honor Danny Thomas with a resolution of commendation. So will the county of Los Angeles and the city of Long Beach, to name but a few. Also on June 18 he will be honored by downtown Long Beach Business Associates by presentation of its cherishel DELBA award which is shared by only the most outstanding, the most loved and the most humane of Danny's professional associates.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. SCHERLE. Mr. Speaker, this is the 119th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HAWAII HOTELS SHOW THE WAY TO REHABILITATE HARD-CORE JOBLESS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. MATSUNAGA. Mr. Speaker, as we seek solutions to the problem of poverty in our Nation, a hopeful sign that solutions do indeed exist is evidenced by the pledge of the Hawaii Hotel Association to find jobs and assist in the training of 1,200 hard-core unemployed in Hawaii.

This pledge to develop an extensive on-the-job training program was revealed during the conference of the National Alliance of Businessmen—NAB—at its recent meeting in Honolulu, and has the support of the Hawaii Employers Council, the chamber of commerce, and both the ILWU and the AFL-CIO.

Dr. Hung Wo Ching, Hawaii chairman of NAM and a business and civic leader, stated that the Hawaii Hotel Association's pledge to train and employ some 1,200 jobless during the next 2 years was the first pledge received from Hawaii's business community in response to the job opportunity in the business sector JOBS program.

Thomas Rohr chairman of the Pacific Training Council stressed that the jobs for the unemployed will not merely be "entry-level" jobs such as those for housekeepers housemen, or assistant cooks, but that "the training will also be designed to provide upward mobility—designed to provide each worker with the opportunity to go as high in the organization as he wishes."

I know that my colleagues in the Congress would wish to join with me in commending the initiative and positive action of the Hawaii Hotel Association and the Hawaii business community. Hawaii has shown the way to aid the hard-core unemployed, and it may well be followed in the future by the business sector of other American communities.

I insert in the CONGRESSIONAL RECORD an article by Alf Pratte from the May 7, 1968, edition of the Honolulu Star-Bulletin, which further describes this laudable program:

[From the Honolulu Star-Bulletin, May 7, 1968]

ISLAND HOTELS TO HIRE, TRAIN 1,200 HARD-CORE JOBLESS

(By Alf Pratte)

The future for Hawaii's jobless looked brighter today following the announcement that the Hawaii Hotel Association has pledged to find jobs and assist in training 1,200 "hard-core unemployed" in Hawaii during the next two years.

The pledge, which is supported by the Hawaii Employers Council, the Chamber of Commerce and both the ILWU and AFL-CIO, was hailed as a step which will:

1. Help alleviate chances of riots or other civil disturbances in Hawaii's poverty pockets this summer.

2. Lessen the probability of the need to import large numbers of "foreign" workers for Hawaii's expanding tourist industry, and

3. Put hundreds of unemployed on payrolls instead of welfare rolls.

Hung Wo Ching, board chairman of Aloha Airlines and Hawaii chairman of the National

Alliance of Businessmen estimated that there are between 1,800 and 2,000 "hard-core unemployed" in Honolulu now.

He defined the hard-core unemployed as high school dropouts, those who are mentally disturbed, without motivation to work, or on welfare.

He said that a nationwide drive started in January by President Johnson and under the leadership of Henry Ford II is dedicated to finding jobs for thousands of high school dropouts and other hard-core unemployed.

The goal here was to find jobs for 1,000 high school dropouts and 400 fulltime jobs in September for hard-core unemployed.

But yesterday's announcement that the Hawaii Hotel Association will attempt to train and employ some 1,200 more than exceeded the Hawaii objective, Ching said. It is the first pledge received.

Simon Schmidt, representative from the Hawaii Metropolitan Office of the NAB, said that the Hawaii Hotel Association is trying to meet a May 15 deadline to the U.S. Department of Labor for financial assistance in the training of the unemployed.

Under the terms of the contract, private employers may be eligible for subsidies to assist in training unemployed. The unemployed will be trained as domestic help, bus boys and for housekeeping, food preparation and other jobs such as clerks and accountants, Schmidt said.

Thomas Rohr, chairman of the Pacific Training Council, stressed that the jobs for the unemployed will not merely be "entry-level" jobs such as those for housekeepers, housemen or assistant cooks.

"While the unemployed will be trained for entry-level jobs," Rohr said, "the training will also be designed for upward mobility. Definite 'career ladder' jobs are available.

"This means we are not just training people to be dishwashers," he said. "All training is designed to provide each worker with the opportunity to go as high in the organization as he desires."

Rohr said all the unemployed hired to work in the hotel industry will be paid the "prevailing wage in Hawaii." He said this is "far above the wage for any other hotel industry in the world."

It was also revealed yesterday that the Chamber of Commerce has agreed to encourage its members to participate in the program to alleviate unemployment on a minimum basis of each company's hiring one hard-core unemployed person.

"It is the Chamber's hope that industry participation will extend beyond the large companies and reach smaller organizations that may be in a position to hire at least one," a press release read.

At a press conference yesterday, Gov. John A. Burns said all groups working together to hire and train the unemployed deserve "a great deal of credit."

The hard-core unemployed are one of the saddest reflections on our way of life and American system of anything we have, Burns said.

"The announcement by the Hawaii Hotel Association to make those jobs available is most important," he said. "I don't know of anything more important to our community."

Also present with Gov. Burns and Ching at the press conference was Robert Rinker, executive vice president of the Hawaii Hotel Association, and Robert R. Grunsky, president of the Hawaii Employers Council.

Grunsky said the Council's board of Governors is encouraging members to hire the unemployed.

The ILWU was represented by Eddie Tangen, and the Hotel Workers Union of the AFL–CIO by Arthur A. Rutledge.

Schmidt, of the NAB, said that persons wishing to become involved in the programs should get in touch with the Hawaii Employment Service.

YOUNG MARINES URGE RENEWED PRIDE, SENSE OF RESPONSIBILITY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. CORMAN. Mr. Speaker, I would like to share with my colleagues in the House today, a letter I recently received from Vietnam. It is signed by five young Marine Corps servicemen, three of whom have completed their tour of duty and are now returned as civilians to their families in the United States.

While in Vietnam, all of these young men were radio operators in reconnaissance at the demilitarized zone and saw a good deal of action.

They are concerned young men who are troubled by many of the attitudes of American youth today, and who have expressed this concern in their letter to me.

I hope this letter will be as thought provoking for my colleagues as it was for me.

> DEAR CONGRESSMAN CORMAN: We are Marines serving in Viet Nam who are writing because of our concern with the attitudes of American civilians.
>
> It is difficult for us to understand why people are not busy trying to improve conditions instead of bitterly complaining about taxes while they expect the government to do everything for them. We read and see an abundance of negative news and criticism but rarely any constructive criticism. What has happened to patriotism? And love and pride in our great country? Why are the voices of the complainers so important while the millions of Americans who have faith in our United States are not being heard? We know that honest disagreement is healthy and normal but nowadays dissension seems to be all we ever hear.
>
> We have some suggestions that we would like to get across to the youth of America—they aren't new ideas; they are a returning to the ones of our American forefathers, brought up-to-date. Our basic thought is for each individual to work for a better world and not to wait for someone else to carry the burden. Each of us has the responsibility of being an active citizen. The energy expended now in negative activities can be put to excellent use in helping to improve conditions here and around the world. This generation of ours should be building instead of tearing down. We should put all of our efforts into proving that an American is first an American—with any adjectives coming second.
>
> While some of our generation are fighting to keep America free and to honor our commitments, the rest of us have the work to improve conditions at home and we should get on with it. Everyone of us should be willing to give two years to the cause of freedom in one way or another. We think that every young person should have the experience of accepting the challenge of working with people less fortunate. We urge young Americans not serving in the armed forces to get with it and work in Vista or the Peace Corps.
>
> What we are saying is that our generation should be known as the "positive" generation and every young American should take pride in it and be willing to work his heart out to make our generation the greatest. We urge them to get involved in community service or Vista or the Peace Corps so that our generation will make its contribution to our nation's greatness. Freedom was handed down to us by past generations and it is up to us to keep it and build on it. Freedom doesn't come free and each of us has the duty to work to keep it.
>
> Sincerely,
>
> KENNETH R. SCHLAUDRAFF.
> HARVEY, ILL.
> ROBERT E. MORROW, III.
> NORTH HOLLYWOOD, CALIF.
> NORVIN T. J. FAYARD.
> LOUIS, MISS.
> Sgt. MICHAEL SWEENEY, USMC.
> VIETNAM (hometown, Van Nuys, Calif.)
> MARVIN BROWN.
> EMPORIA, KANS.

THE GLOBAL PARTNERSHIP

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. BINGHAM. Mr. Speaker, I would like to call the attention of my colleagues and other readers of the CONGRESSIONAL RECORD to a new book which offers valuable suggestions for the improvement of our foreign aid and trade programs. The book is entitled "The Global Partnership: International Agencies and Economic Development" and has just been published by Frederick A. Praeger, Inc. It is coedited by Richard N. Gardner, former Deputy Assistant Secretary of State for International Organization Affairs, and now professor of law and international organization at Columbia University, and Max F. Millikan, director of MIT's Center for International Peace Foundation. The ideas presented in this volume are particularly timely. As Professors Gardner and Millikan write in their preface:

> In a world divided by deep national, ideological, and racial antagonisms the concept of a global partnership to abolish poverty has a decidely utopian sound. Yet such a partnership is in the making and provides one of the notable victories for international cooperation in an age marked by national conflict. The essays in this volume chart the growth of this global partnership and the work of the various international agencies through which it works.
>
> Everyone knows what international agencies have failed to do; what they have succeeded in doing is still largely unknown—and therefore needs telling. But the purpose of this volume is not to celebrate past accomplishments. It is rather to examine, in a critical and realistic way, the potentialities and the limitations of international agencies in the struggle for economic development. If the examination lends no support for unrelieved pessimism, neither does it encourage facile optimism. As these essays make clear, the efforts of rich and poor countries alike are still grossly inadequate when measured against the problem to be solved—the achievement of standards of living in the less developed countries compatible with human dignity. If the international war on poverty is to succeed, an entirely new level of effort will be needed on the part of both developed and less developed countries. How successfully international agencies can stimulate this effort and administer programs in the common interest is a vital question. The answer will do much to determine the prospects for mankind in the remaining one-third of this century.

THE QUESTION OF HIGH OVERHEAD

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RUMSFELD. Mr. Speaker, it was disclosed this week through an investigation undertaken by the Chicago Tribune and the Better Government Association that it has cost nearly $2 million in overhead expenses to distribute less than $800,000 in home improvement loans under the federally funded neighborhood service center program in the city of Chicago.

The neighborhood service center program in Chicago is the responsibility of the Department of Housing and Urban Development. Under HUD's program 312, Federal funds are made available for loans and grants for the rehabilitation of housing in keeping with Public Law 89–117, the Housing and Urban Development Act of 1965.

The Chicago Tribune and the Better Government Association have been investigating the Chicago Building Department, through which the neighborhood service center program is operated, since the first of the year. The disclosures resulting from this investigation are most alarming.

In a series of articles, the Chicago Tribune is detailing information resulting from this investigation. I offer the first three articles in the series for the RECORD.

The articles follow:

[From the Chicago (Ill.) Tribune, May 13, 1968]

NEW BUILDING DEPARTMENT SCANDAL TOLD—SPEND $2 MILLION TO LOAN $800,000

(By William Jones)

Mismanagement and massive overhead costs in a 5-million-dollar home improvement loan program run by the city building department have been uncovered by the Tribune.

The continuing investigation of the scandal-ridden building department by the Tribune and the Better Government association [B. G. A.] disclosed that nearly 2 million dollars has been spent for overhead costs to distribute less than $800,000 in home improvement loans since the neighborhood service center was funded in February, 1966. The B. G. A. investigation is under the direction of George Mahin, its executive director.

A department administrator said that most of the overhead costs have been for payrolls, which have been loaded with politically sponsored employes since the centers were organized. The nine centers operate in deteriorated sections of the city which have been designated urban renewal areas.

OWNERS RAP PROGRAM

The probe also revealed widespread criticism of the program by property owners who have received loans and grants. They complained of long delays in construction work while they were paying on the loans and criticized the quality of work. Others said service center advisers frequently sided with contractors in talking property owners out of specific rehabilitation work listed in federal loan contracts.

The bizarre mismanagement of the multi-million-dollar federal program also resulted in an elderly diabetic being jailed for building code violations soon after he applied for a home improvement loan from one of the centers. The warrant for his arrest was based on code violations recorded by a building inspector who checked the property to see what improvements would be covered by the low interest loan.

In another case, a property owner told investigators that a rehabilitation adviser solicited and received several hundred dollars for processing a loan. The money would insure that no building code violations would be found after the construction work was completed, the property owner said he was told. The home owner said he was told the shakedown funds could be taken from the loan amount by permitting the contractor to ignore certain work to be done under contract specifications.

RULE NOT EXCEPTION

"These glaring discrepancies appear to be the rule rather than the exception in the building department," said Mahin. "The investigation already has disclosed slumlords immune to prosecution of their blighted buildings while working as administrators in the department. Now it appears that the small property owner who wants to improve his home with funds made available by the federal government is being subjected to the worst kind of harassment and intimidation."

Abel Swirsky, deputy city building commissioner and director of the neighborhood service centers, defended the overhead costs of the program while admitting that the program has moved slowly.

Swirsky was appointed director of the centers in March by executive order of Mayor Daley. The centers previously operated as a separate unit under the federal grant, but the mayor's order placed it under the control of the building department.

REDTAPE A PROBLEM

"One of my direct instructions is to expedite the loans as soon as possible," said Swirsky. "The administration is very anxious to expendite the program, but one of the problems is red tape. We're not satisfied with what we've achieved, and I might say the Federal government feels the same way."

Swirsky said that in addition to providing low interest loans, and direct grants for property improvements in urban renewal areas, the service centers also advise residents. The office sites are used once a month to conduct building code compliance hearings.

Swirsky said he does not know why the Uptown service center, which has 20 employes, has made only two improvement loans since 1966.

"However, we also have an intensive code enforcement program in that area," said Swirsky. He said he did not know when the last loan was approved in the Uptown office.

When Swirsky first was questioned about the amount of loans made in relation to the high overhead costs, he said nearly 2 million dollars in loans and grants had been approved. He later said the amount was less than $800,000, however, when investigators pointed out he was lumping urban renewal loans with those approved by the service centers.

CRITICISM FROM SWANSON

The loans are made at 3 per cent interest to be paid back over periods of several years. Also available under the program are direct grants of up to $1,500 for property improvement if a home owner's annual income is less than $3,000.

The disclosure also brought strong criticism from State Sen. Arthur R. Swanson [R., Chicago], chairman of the Senate committee investigating building department operations.

"I'm not surprised at the revelations," said Swanson. "But I am appalled at the additional evidence of the total breakdown in building department operations. You can be sure this will be on the agenda of my committee."

[From the Chicago (Ill.) Tribune, May 14, 1968]

CITY BUILDING OFFICER TIED TO TWO FIRMS—ADMITS BUSINESS CONNECTIONS

(By William Jones)

A key administrator in the city building department's multi-million-dollar federal home improvement loan program has admitted having business connections with at least two construction firms doing business in the program, the Tribune learned yesterday.

He is Charles V. Harris, 8035 Crandon av., who is in charge of administering loan applications and opening construction bids in the vital West Lawndale urban renewal area.

OWNERSHIP IS DENIED

An investigation revealed that Imperial Construction company, 855 W. 79th st., has offices in the same suite where Harris said he operates the Imperial Real Estate Appraisers, a real estate firm and bowling promotion venture. The Imperial Construction company has done construction work in the program, according to city records. Harris denied owning any interest in the construction company.

"I did pay for advertising display on the side of construction equipment of Imperial and Harrell Builders," said Harris. "But the estate appraisal. It doesn't do me any good ads merely included the name of my real now, but I thought the appraisal ads might help my business if I ever leave here [the city building department]."

Harrell Builders, 6248 S. Harper ave., is listed in the building department's approved contractor's file and has done extensive work in the neighborhood service center program.

COMPLAINTS TURN UP

Tho Harris denied any other connection with the two construction firms, the investigation disclosed complaints by a real estate management firm that Harris solicited work for Imperial from the management company. Miss Frances M. Denier, owner of the James H. Martin real estate management firm, 7851 Ashland av., told investigators Harris solicited repair work while renting the 79th street office from her firm.

Miss Denier said Harris identified himself as an urban renewal administrator and suggested she give work to his company.

Investigators also found that the telephone listed for Imperial Construction was recorded in Harris' name and that he pays all rents and telephone bills in the office. Other tenants in the building identified Harris as owner of the construction company and said he occasionally was in the office during the day to conduct business.

TELLS OF COMPLAINING

"I never go to that office until after 5 p.m.," said Harris. "I know all about the construction company phone being listed in my name and I complained to the telephone company about it."

Meanwhile, Mayor Daley defended the 2-million-dollar overhead cost of the home loan program, claiming the program serves other functions beyond property improvement loans. Daley said relatively few loans have been approved because of mortgage delays and the need to train qualified personnel.

George Mahin, executive director of the Better Government association [B.G.A.], announced that his organization has contacted the entire Illinois congressional delegation, seeking an investigation of the handling of millions of dollars in federal funds thru the program.

DIRECTED BY SWIRSKY

Mahin acted after the Tribune and B. G. A. disclosed Monday that nearly 2 million dollars in federal funds have been spent in overhead costs in nine neighborhood service centers to administer less than $800,000 in home improvement loans and grants. The service centers are controlled by the building department under the direction of Abel Swirsky, deputy building commissioner, and were formed in 1966 under a $5-million-dollar federal grant.

The centers operate in deteriorated sections of the city that have been designated as urban renewal areas. The loans are made at 3 per cent interest to be paid back over several years. Also available under the program are direct grants of up to $1,500 for property improvements if a home owner's annual income is less than $3,000.

In this letter to the congressional delegation, Mahin asked for a thoro investigation of "mismanagement, corruption, overloaded payrolls, and other wastes of federal money running into millions of dollars.

"What we have found in Chicago, is, in all probability, true in other areas thruout the country," Mahin said. "In view of the critical financial condition of the federal government and of the announced intent to cut federal spending, it is obviously imperative that waste of federal funds be eliminated. It is even more imperative in this case since this involves housing, which is a critical problem, as evidenced by the Kerner commission report."

[From the Chicago (Ill.) Tribune, May 15, 1968]

City Aide Arrested in Slum Quiz—Charge That He Solicited a $210 Bribe—Set $1,000 Bail in New Probe

(By William Jones)

State attorney's police yesterday arrested Charles V. Harris, 42, a city rehabilitation supervisor in the West Lawndale urban renewal area, on charges of official misconduct and bribery.

Harris was released last night on $1,000 bond for appearance May 22 in Felony court. Meanwhile, the county grand jury opened an investigation into charges by two men that Harris solicited and received a $210 bribe to insure that construction work would pass the city's building code.

CHARGE TIE TO BUILDERS

Harris was arrested a few hours after the Tribune and Better Government association presented evidence to Sidney Smith, city building commissioner, linking Harris to the alleged $210 payoff. The information included photostats of the check the two men claim was given to Harris "to avoid any problems with city building code violations." Earlier in the day, Smith had suspended Harris after disclosures that Harris has business connections with two construction firms doing business in the program.

Smith said that Harris' activities also were under investigation by Thomas S. McInerney, city commissioner of investigations. He said, however, that McInerney's investigation began only after the Tribune had made inquiries about operations of the federal loan program.

The multi-million dollar home improvement program, financed thru a 5 million dollar federal grant, is administered by the city's building department. Harris, who lives at 8035 Crandon av., has been a key administrator in this program.

CHARGE $210 BRIBE BID

Ivory Pearson, 1828 S. Avers av., a contractor, and George Kruel, Pearson's brother-in-law, of the same address, told Tribune and B. G. A. investigators last week that Harris solicited a $210 payment by Pearson to insure that construction work on a building Kruel owns at 1830 S. Avers av. would be approved under the city building code. Two loans totaling $20,000 have been made under the federal program to improve the building.

They said Harris had tried to get more from them than the $210 but that they had refused to make any additional payment. Investigators have obtained a copy of a $210 check signed by Pearson and indorsed by Harris.

MAKES FREQUENT LOANS

Harris, who has denied any knowledge of or participation in shakedowns in the federal loan program, said he indorsed Pearson's check as a favor to another contractor. The check is made out to "Contractors and Builders." Harris said this was a firm which had done extensive work in the federally funded program.

"I frequently loan money to contractors and run errands for them, and that's probably why this check contains my indorsement," Harris said.

However, Pearson said he wrote out the check last month after receiving the first phase payment for work performed in improving his brother-in-law's property.

"Harris took us both to a bowling alley and explained that he wanted a percentage of each of the checks received from the improvement work," Kruel said.

Police records show that Harris was arrested Jan. 9, 1963 for contempt of court and last Nov. 20, on charges of being keeper of a gambling house. Harris was discharged on the last count, records show.

Harris is the ninth city employe suspended by the scandal unlocked by the evidence uncovered by the Tribune and the B. G. A. of slumlords on the city pay roll and of phony building department inspections.

TWO MARYLAND SOLDIERS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. LONG of Maryland. Mr. Speaker, Sp5 Michael L. Brewer and Sp4 Frederick A. Barclay, two fine young soldiers from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the Record:

Silver Spring, Frederick Soldiers Killed in Vietnam

Two more Maryland soldiers, a paratrooper from Silver Spring and an artilleryman from Frederick, have been killed in Vietnam, the Department of Defense reported yesterday.

STATIONED IN HUE

They were: Spec. 4 Frederick A. Barclay, 20, son of Mr. and Mrs. Charles W. Barclay, of 4511 Gridley road, Silver Spring; and Spec. 5 Michael L. Brewer, 23, husband of Mrs. Rita J. Brewer, of Trail avenue, Frederick.

Specialist Barclay, a member of the 101st Airborne Division, stationed in Hue, was killed May 5. His father said no details of his death were given.

Mr. Barclay said his son had been in Vietnam since December 8, 1967. Specialist Barclay received a shrapnel wound of the leg in January and returned to combat in March.

A graduate of Wheaton High School in Silver Spring in June, 1966, Specialist Barclay enlisted in the Army in November, 1966. He took basic training at Fort Benning, Ga., and then went to Fort Gordon before returning to Fort Benning for paratroop training.

He was first stationed with the 82d Airborne Division at Fort Bragg, but last September was transferred to the 101st at Fort Campbell.

GWENDOLYN CARTER PICTURES AFTERMATH OF STUDENT DEMONSTRATION AT NORTHWESTERN

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. O'HARA of Illinois. Mr. Speaker, Northwestern University in Evanston, Ill., recently figured in the news of manifestations of student unrest sweeping the Nation. Northwestern, while its program of African studies is among the highest ranking in the Nation and is equally acclaimed in Africa and in the United States, has a relatively low Negro student enrollment and scant Negro faculty membership.

Following the recent demonstration the university administration readily agreed to make a drive for a student body more equally divided along racial lines and a much larger faculty representation of Negro educators. It also undertook social reforms aimed at the elimination of racial discrimination and to provide a dormitory for Negro students comparable to the other dormitories on the campus, and this in some quarters raised the question of whether a dormitory exclusively for Negroes was not as much segregation as quarters exclusively for whites.

Gwendolyn M. Carter is the internationally renowned director of African studies at Northwestern University. Members of the African Subcommittee of the House Committee on Foreign Affairs count her as a personal friend and value her counsel as given at sessions of the subcommittee. What does she, eminent American educator, and recognized in all of Africa as a stout friend of that continent, think of what has happened at Northwestern, the sudden demonstration and the prompt and favorable action by the university authorities?

I am confident my colleagues will be interested in a letter I have just received from Miss Carter, and which by unanimous consent I am extending my remarks to include, as follows:

Northwestern University,
Evanston, Ill., May 15, 1968.

Hon. Barratt O'Hara,
Subcommittee on Africa, House Foreign Affairs Committee, Room 2312 House Office Building, Washington, D.C.

Dear Representative O'Hara: As one of the Friends of the African Studies Program we would like you to know that both faculty members and students enrolled in this program as well as very many outside of it feel that the agreement reached between the university administration and our black students is a constructive basis on which to develop cooperative working together. Few of us realize the indignities and indeed dangers that some of our black students were suffering at the hands of white fraternity men. These incidents, authenticated by the campus police, had not been reported to our highest authorities and came to their notice only with the demonstration that followed the lack of response to a petition filed somewhat earlier.

The atmosphere at Northwestern since the agreement was reached has been astonishingly good. I have the word of the academic vice-president that there was never any acrimony on either side in the course of the discussions between the administration and the black students. We know that the agreement is only a step on the way to making Northwestern a fairly integrated institution in which black and white together can play the most constructive roles. We in African Studies are particularly reminded of the old saying of Dr. Aggrey, a noted educationalist of the Gold Coast (now Ghana) that "You can play a tune of sorts on the white notes of the piano and a tune of sorts on the black notes but you need both for harmonies". We believe that we have a far better chance to move towards that kind of cooperative harmony in all aspects of university living than before the administration and black students sat down together to face our common problems.

While none of us like the notion of segregated housing for black any more than for white, the key to future dormitory arrangements is not, I believe, the provision in the agreement for black corridors or even a black dormitory but the attitude of the white students to their black fellow students and the black students toward their white fellow students. Some of us have the hope that the change will be made to a sufficient degree to remove the sense of isolation and, at times, danger, of the black students and thus make their self-imposed segregation unnecessary.

If you have particular questions about the implementation of the agreement or would like to meet some of the students most concerned with it—Jim Turner, the leader, was a Program of African Studies fellow and works closely with us—we would be most happy to arrange a meeting. We would always welcome your participation in any of our activities and above all greatly appreciate your interest.

Cordially yours,

GWENDOLYN M. CARTER,
Director.

THE EFFECTS OF SCHOOL LIBRARY CUTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following news release of the Catholic Library Association:

THE EFFECTS OF SCHOOL LIBRARY CUTS—AN OUNCE OF PREVENTION WORTH A POUND OF CURE THREATENS TO BECOME A DROP

Establishment and expansion of school libraries, especially those at the habit-forming, skill-building elementary school level, is being severely threatened by the proposed budget cut in the appropriation for Title II of the Elementary and Secondary Education Act for the Fiscal Year 1969, beginning July 1, 1968. The budget request is for only $46 million as compared with the authorization of $162.5 million for FY 1969 for School Library Resources, Textbooks and other Instructional Materials. This $46 million is less than half of the appropriation made for the Fiscal Year 1968, as follows:

Appropriation fiscal year 1968	$99, 234, 000
Budget recommendation, fiscal year 1969	46, 000, 000
Decrease	53, 234, 000

Such a cutback would deal a serious blow to an entire educational system that is already woefully deficient in its resources of books and other instructional materials that can provide truly individualized instruction for children of widely varied learning abilities.

Three years of appropriations under ESEA Title II have served to high-light the importance and potential of a good school library as a teaching and learning resource, even as it began to become a reality. Teachers are learning to make learning more effective when children have daily access to a wide variety of books and other materials. Improved libraries, or new ones where there were none before, have helped teachers to break out of the lock step approach to teaching, to find new ways of helping children, especially urban and disadvantaged children, to learn. Trying to spread $46 million over the 50 states, the District of Columbia, the Territories and the Indian Schools would bring the improvements in teaching and learning virtually to a halt. Because of rapidly growing enrollments, many schools, especially in slum neighborhoods, have just begun to make real headway, and some 36,000 public elementary schools still lack libraries.

The ill effects of the cuts would fall most heavily on the children who most need books and flexible tailored programs of learning—the children of the urban centers, whose schools, both public and private, had the greatest lack and the greatest amount of catching up to do.

New library and instructional materials have been made available to approximately 43 million children and 1.7 million teachers in public and non-public schools in FY 1966. Collections of materials in both newly established and expanded existing public school libraries also served 3.1 million private school pupils who received loans of materials through the improvement of existing libraries or the organization of new libraries.

Children living in cities and attending non-public schools—and an estimated 80% of the children attending all Catholic parochial schools for example, do live in *cities*—would be especially hard hit. The hard pressed and overcrowded city public school system would, realistically, with the proposed budget cut, have so few books and other library resources to loan to private school children that the lending program would be almost meaningless. For example: Ohio, with its many cities, would be cut from the estimated 1968 allocation of $5,357,489 down to $2,483,468; the allotment for Kentucky, with a mostly rural poor population, would fall from $1,505,814 down to $698,021; while the already pitiful allotment for the Indian Schools would drop from $141,807 to $63,959.

And yet, good school library resources, especially in these critical times, constitute the ounce of prevention that is worth a pound of cure: the cost of providing a good school library is far less than the cost, in both economic and human terms, of providing basic remedial training for the hordes of adult, hard-core jobless illiterates, who are increasing by the day. Here are some other reasons why, even in a year when budget cuts are required, that the level of school library resources provided by Title II of ESEA must be maintained since these materials support quality of education, which is essential for all children but urgently needed for disadvantaged children. Good readers are not apt to be rioters.

1. Reading is the key. Good reading ability, a degree of literacy adequate to the increasing demands of the job market is the result of good instruction in reading plus regular and continuing practice that deepens skills while it also exercises and enlarges intellectual capacity. Learning to read means developing the reading habit. It requires daily access to an ever-widening supply of things to read. Minimal reading skill quickly atrophies if not related to habit and need.

2. The school library in his elementary school may provide the *only* exposure to books that the slum child has in his formative years—the years in which he is receiving instruction in reading skills. Usually there are no books, magazines or newspapers in his home. There may be no one with the time or inclination to take him to the public library, even if there is an inviting one nearby.

3. Children from homes where parents are intellectually underdeveloped must depend even more than other children on motivations sparked in the classroom to begin the learning process. Such motivation can be followed up extensively only where there is a good school library accessible at all hours of the day, before and after school and at lunch period.

4. An elementary school with a really good library is apt to have a special sort of "hum", a more interesting and individualized curriculum, a sense of "everybody doing it" which is especially important to children from homes where reading is not ranked high (or at all) on the scale of useful or enjoyable activities, and where adult models often do not read easily, if at all.

5. The reading potentials, actually the *interest* potentials, of disadvantaged children are frequently underestimated by their teachers. Such children, lacking verbal facility, images, concepts, may not do well on traditional tests measuring ability but may be potentially gifted. The presence of a good school library and an empathetic school librarian gives children a chance to stretch beyond the narrow confines of the curriculum, the classroom or any one teacher's imagination. *A good school librarian can be a kind of intellectual ombudsman for the hard-pressed slum child in his over-crowded school.*

6. We believe that children of all races, economic levels and home environments will grow in their response to the unfamiliar through exposure to all kinds of books. Negro children living in ghettos need, perhaps initially, to have available to them books that reflect something of their own lives and concerns; but they must not be limited to material that is supposed to appeal to them because they are Negro and urban, or Indian and rural, or Puerto Rican. A good school library provides a ready smorgasbord.

7. The development by a ghetto child of a new image of life, perhaps of himself, through contact with a school library, can infect an entire family with the "reading bug." Younger children, even parents, may learn for the first time something of freedom, the new competence that good reading ability brings with it.

KIRKLAND, WASH., GIRL NAMED MISS U.S.A.

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. PELLY. Mr. Speaker, the State of Washington today is justly proud of one of her young people, 20-year-old Didi Anstett, who last Saturday night was named Miss U.S.A. The entire Nation watched their television screens as Didi achieved this great title, which enables her now to represent the United States in the Miss Universe contest later in the year.

Didi is the daughter of Mr. and Mrs. Francis Duane Anstett, 309 Lake Avenue West, Kirkland, Wash. She began her trip to this well-deserved fame by winning the title of Miss Kirkland which made it possible for her to represent her hometown in the Miss Washington Universe contest 2 weeks ago.

As Washington's candidate to the Miss U.S.A. pageant, Didi was poised, confident, and an outstanding representative of her home State.

It is with a great deal of pride that I call to the attention of my colleagues in the House of Representatives, the name of Miss Dorothy Anstett as Miss U.S.A. The United States can be pleased with her newly named representative.

SOLDIER, MARINE DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Larry L. Tolliver and Pfc. Michael L. Kidd, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

SOLDIER, MARINE DIE IN VIETNAM

A 24-year-old Army specialist and a 19-year-old marine were listed by the Defense Department yesterday as killed in action in South Vietnam.

They were Army Spec. 4 Larry L. Tolliver, husband of Mrs. Jane E. Tolliver, of Bel Air, and Marine Pfc. Michael L. Kidd, son of Mr. and Mrs. John E. Kidd, of Hampstead, Carroll county.

Spec. 4 Tolliver, a native of Harford county, attended Bel Air High School. He was drafted in June, 1967, and was sent to Fort Bragg, N.C.

He took advanced individual training at Fort Knox, Ky., after which he was sent to South Vietnam and assigned to the 11th Armored Cavalry as commander of a tank track.

Mrs. Tolliver said she had received word Tuesday that her husband had been killed May 8 near his Xuan Loc base about 60 miles northwest of Saigon.

In his last letter, Mrs. Tolliver said, he wrote that "he was in a lot of action" and that his outfit "was constantly on the move."

Besides his wife Specialist Tolliver is survived by his son of 6 months, Phillip Lee Tolliver and his stepfather and mother, Mr. and Mrs. Robert Mays, of Bel Air.

Private Kidd graduated from the North Carroll High School and enlisted in the Marine Corps in June, 1967. He took his basic training at Parris Island, S.C. and moved on to Camp Lejeune, N.C.

After completing advanced training at Camp Pendleton, Cal., he shipped out with a rifle platoon in the 2d Battalion, 5th Marines, 1st Marine Division.

Private Kidd arrived in South Vietnam in January, according to his mother and served at Da Nang and Hue. While on patrol at Phu Loc he received fragmentation wounds from an explosive. He died May 3.

Besides his parents, he is survived by a brother, Timothy L. Kidd, and two sisters, Patricia A. Kidd and Cathy D. Kidd.

Also surviving are Mr. and Mrs. Walter Zepp, of Rocks, Harford county, his maternal grandparents and Mrs. Howard Kidd, of Baltimore, his paternal grandmother.

Services will be held at 2 P.M. today at the Tipton-Eline funeral establishment, Hampstead. Burial will be in Mount Zion Cemetery.

DO WE HAVE AN ATTORNEY GENERAL?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. TEAGUE. Mr. Speaker, the following article appeared in the Friday, April 26, edition of the Evening Star. The article speaks for itself, but again I would ask, "Do we have an Attorney General?"

THREATS OF PAY-OR-BURN POSE PROBLEM TO POLICE

(By Donald Smith)

District police are worried that recent attempts to solicit money from white merchants, sometimes under threats of burning down their stores if the money is not paid, may be growing.

"I'm afraid that if this trend develops further we're liable to have a Mafia type of extortion operation," Inspector Thomas I. Herlihy, head of the police Intelligence Division, said today.

The division has had numerous complaints from businessmen who report being contacted in person and by telephone by solicitors.

In cases of solicitations being backed by threats of arson, Herlihy said, "Obviously there have been some who have paid off and not reported it."

STORE OWNER WAVES GUN

A store owner in the 1800 block of 7th Street, contacted by The Star, said he had waved a pistol at one such solicitor when the man demanded $50. The man ran out of the store.

The owner, who asked that he not be identified, said a well-dressed Negro entered his store at about 11 a.m. Monday and said, "Give me $50 and I'll tell them not to burn up your building." The owner then pulled out the gun and the man fled.

"I built this store myself 37 years ago," the owner said. "But I'm not going to pay somebody not to burn it down."

Numerous merchants said they had been asked by members of the Student Nonviolent Coordinating Committee to contribute smaller amounts—not, however, under threat.

"A SNCC worker came in Thursday and asked for money so they could send kids to summer camp, or something like that," said the owner of a grocery store on 7th Street NW.

"I gave him a check for $5," he added. "I would have been crazy not to."

POSTERS BEING SOLD

Many stores throughout the city display a framed poster commemorating the death of the Rev. Martin Luther King Jr., whose assassination April 4 touched off widespread arson and looting.

The posters have been sold by door-to-door solicitors for $1 each. The frame costs $3. Also being sold are Martin Luther King buttons for $1 each.

Inspector Herlihy pointed out that soliciting without a permit from the Department of Licenses and Inspection is illegal. There have been no arrests in connection with the posters and buttons, however, because of a lack of complaints.

He also pointed out that implied threats such as "I'll be back later" if a merchant refuses to pay extortion money are difficult to prosecute.

SENATE—*Tuesday, May 21, 1968*

The Senate met at 9:30 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Let us pray.

O Lord our God, Thy goodness is ever before us and Thy mercy has followed us all our days. Facing problems and difficulties that test our power to the limit, save us from being cynical or fainthearted.

As citizens of a world that carries on its sagging shoulders problems of human burdens and suffering greater than humanity has ever borne, make us such men that Thou mayest speak to us and that to this bewildered generation we may be broadcasters of Thy voice.

Give us courage and strength for the vast task of social rebuilding that needs to be dared if life for all men is to be made full and free.

We ask it in that Name which is above every name. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, May 20, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

May 17, 1968:

S. 391. An act to amend the act of March 1, 1933 (47 Stat. 1418), entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes";

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 1395. An act for the relief of Dr. Brandla Don (nee Praschnik);

S. 1406. An act for the relief of Dr. Jorge Mestas;

S. 1483. An act for the relief of Dr. Pedro Lopez Garcia;

S. 1918. An act for the relief of Dr. Gabriel Gomez del Rio;

S. 1968. An act for the relief of Dr. Jose Ernesto Garcia y Tojar;

S. 2005. An act for the relief of Dr. Anacleto C. Fernandez;

S. 2022. An act for the relief of Dr. Mario Jose Remirez DeEstenoz; and

S. 2745. An act to provide for the observance of the centennial of the signing of the 1868 treaty of peace between the Navajo Indian Tribe and the United States.

On May 18, 1968:

S. 948. An act for the relief of Seaman Eugene Sidney Markovitz, U.S. Navy;

S. 1147. An act for the relief of Mariana Mantzios;

S. 1173. An act to convey certain federally owned lands to the Cheyenne and Arapaho Tribes of Oklahoma;

S. 1180. An act for the relief of Ana Jacane;

S. 1490. An act for the relief of Yang Ok Yoo (Maria Margurita);

S. 1828. An act for the relief of Susan Elizabeth (Cho) Long;

S. 1829. An act for the relief of Lisa Marie (Kim) Long;

S. 1946. An act to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes; and

S. 2285. An act for the relief of Gordon Shih Gum Lee.

On May 20, 1968:

S. 2023. An act for the relief of Virgilio A. Arango, M.D.;

S. 2078. An act for the relief of Dr. Alberto De Jongh;

S. 2132. An act for the relief of Dr. Robert L. Cespedes;

S. 2139. An act for the relief of Dr. Angel Trejo Padron;

S. 2149. An act for the relief of Dr. Jose J. Guijarro;

S. 2176. An act for the relief of Dr. Edgar Reinaldo Nunez Baez; and

S. 2193. An act for the relief of Dr. Alfredo Jesus Gonzalez.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Brig. Gen. William M. Glasgow, Jr., U.S. Army, to be a member of the California Debris Commission, which was referred to the Committee on Public Works.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Delaware [Mr. WILLIAMS] is recognized for a half hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Delaware yield for a unanimous-consent request?

Mr. WILLIAMS of Delaware. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

Mr. HRUSKA. Mr. President, reserving the right to object—and I shall object—in the absence of the minority leader, and as a result of a discussion in which several Senators participated, I shall object to that request. We are engaged in a very important debate, and it is rather disconcerting, to say the least, to be distracted from the Senate's work here in an effort to try to avoid delinquency in attendance at committee hearings. When a Senator is in committee, he does not represent his State in the Chamber, and vice versa. So, very respectfully, and somewhat reluctantly, I object to the request.

The PRESIDING OFFICER (Mr. HANSEN in the chair). Objection is heard.

Subsequently, the following requests were made:

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations be permitted to meet during the session of the Senate today.

Mr. HRUSKA. Mr. President, reserving the right to object—and I shall not object to this one—special circumstances have arisen with respect to a hearing that is just about to commence. Recognizing the special situation that exists there, I do not object to this present request, for this morning.

Mr. BYRD of West Virginia. I thank the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations and the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works be permitted to meet during the session of the Senate today.

Mr. HRUSKA. Mr. President, reserving the right to object, and I do not object, I do this reluctantly. Last week all subcommittee and committee chairmen were put on notice that in this important debate objection would be entered to holding committee hearings during this important debate. A Senator is to choose whether he will forgo representation of his State in this Chamber or whether he will forgo representation of his State in the committee. I do not think that Senators should have to make that type choice in a matter as important as this matter.

I do not object to this request, but I reiterate there will be, by request and by this Senator's personal conviction, an assertion of the right to object to further committee meetings as the debate proceeds.

Mr. BYRD of West Virginia. The Senator has justification for the expression he has made. I thank the Senator for allowing these subcommittees to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL POLICIES

Mr. WILLIAMS of Delaware. Mr. President, Nero fiddled while Rome burned, and the Johnson administration insists on playing politics while the American dollar goes down the drain.

For 16 months the President has been giving lipservice to the need for a tax increase and spending reductions in order to bring our deficit more nearly under control and check the inflationary spiral which is threatening to undermine the American dollar. Now that the Congress has passed such a measure the administration, through its backstage maneuvers, is trying to defeat the conference report.

On Wednesday of last week the President called a meeting of the Democratic leadership at the White House, and shortly afterward an announcement was made by the House leadership that a vote on the combined tax and expenditure reduction bill would be postponed until early June.

I quote the caption of the announcement as it appeared in Thursday's Wall Street Journal, "House Democrats Delay Tax Vote Until Early June, Opposition to a $6 Billion Spending Cut Is Causing Acute Political Problems."

On the same day there appeared two other articles of equal significance, one entitled "Gold Price Hits New High Again in London, Paris," and the second relating to the war in Vietnam is entitled "562 U.S. Dead Highest of Any Week in War."

I ask unanimous consent that these articles be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of Delaware. Mr. President, this is no time for politics. American boys are dying on the battlefield, and we at home face a serious financial crisis.

Before I begin to discuss this question of reducing the projected expenditures for fiscal 1969 by $6 billion, there are two points which should be emphasized.

First, this $6 billion reduction does not mean a cutback in any existing program or service as compared to expenditures for the same programs in fiscal 1968. The President's budget for fiscal 1969 projected total expenditures—excluding Vietnam costs—of $159.8 billion. In fiscal 1968 total outlays, including both expenditures and net lending—excluding special Vietnam costs—totaled $150.6 billion. This represents a projected expenditure increase for fiscal 1969 in non-Vietnam projects of $9.2 billion. Therefore, the $6 billion mandatory expenditure reduction as embodied in the bill which passed the Senate would still leave the administration $3.2 billion more to be spent for domestic programs in fiscal 1969 than was spent for the same programs in fiscal 1968.

In other words, what the Senate in effect said or did when it passed the $6 billion mandatory expenditure reduction was to tell the administration that it could only increase its expenditures on non-Vietnam programs in fiscal 1969 by $3.2 billion rather than by $9.2 billion as it had originally planned.

To support this point I ask unanimous consent that at the conclusion of my remarks there be printed the chart which appears on page 25 of the President's 1969 budget message.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WILLIAMS of Delaware. Mr. President, there is another definite advantage to this $6 billion expenditure reduction which thus far has been overlooked.

Reducing expenditures by $6 billion in fiscal 1969 will eliminate the necessity of borrowing this additional $6 billion.

Since we are operating at a substantial deficit this money would have to be borrowed in new financing. The Government is now paying 6 percent interest. This means that by reducing expenditures by $6 billion the Government will save $360 million per year in annual interest charges, which savings would not be available if no reductions were made. This $360 million savings in interest charges will finance many of the programs about which so many crocodile tears are being shed.

Second, neither the $6 billion mandatory expenditure provided for in H.R. 15414 nor the $10 billion reduction in new obligational authority as requested in the 1969 budget necessarily delegates any authority to the President.

Not one appropriation bill for fiscal 1969 has as yet been acted upon by the Congress, and during consideration of these various bills the Congress can specify where the $6 billion spending reduction and the $10 billion reduction in new obligational authority should be made.

To the extent that Congress does not discharge its responsibility in specifying the places for these reductions, then and then only is the President directed to designate the places for the cuts.

Furthermore, even assuming that this parliamentary situation did not exist, there is ample precedent for Congress to call upon the President and the Budget Director to send a report to Congress specifying where expenditure cuts could be made in their budget.

I cite one precedent:

On March 12, 1957, during the Eisenhower administration, the House of Representatives passed the following resolution—House Resolution 190:

> Whereas the House of Representatives must, in the public interest, make substantial reductions in the President's budget for the fiscal year 1958, be it hereby
>
> *Resolved*, That the President respectfully be requested to indicate the places and amounts in his budget where he thinks substantial reductions may best be made; and be it further
>
> *Resolved*, That a copy of this resolution be transmitted to the President.

During the debate on this resolution Mr. Cannon, then the chairman of the Appropriations Committee, made the following argument:

> Mr. Cannon. In taking up this resolution let us consider first what the resolution does not do. We have had a great field day here in which imagination has run riot, and in which the principal defense seems to be charges of political maneuvering. Time and again we were told that we were trying to shift the burden of responsibility from the shoulders of Congress to the Executive. Nothing could be further from the truth. No one who reads the resolution, and it is very brief, could get that impression. . . .
>
> It delegates no powers. It abdicates no functions or prerogatives of the committee or of the House. We do not ask the President to cut the budget. All we ask of the President is counsel and advice.
>
> Section 3 of article II of the Constitution provides that the President "shall from time to time give to the Congress information of the state of the Union and shall recommend to their consideration such measures as he shall judge expedient and necessary." Surely so vital a measure as the budget, which may spell national life and death, comes within this category.
>
> No one else in the world is in a better position than the President to give this advice.

During the same debate Mr. Mahon, the present chairman of the Appropriations Committee said:

> Mr. Mahon. We have a job, and we propose to do it, because we said we must cut the budget. We have this duty to perform, but we need all the help we can get from the heads of the Government agencies and the military leaders of the country. We will make cuts when we know we can safely make them. We say to the President, "Will you not lend your prestige and your time to the project?" The Budget and Accounting Act says this:
>
> "The President shall send up a budget with estimates of spending and appropriations, as in his judgment are necessary."
>
> Well, since that budget was submitted, many things have transpired which lead me to believe that in the President's judgment this is not the budget which he feels Congress should be considering.

This resolution passed the Congress on March 12, 1957, and among those voting for it were the present Speaker of the House, Mr. McCormack; his assistant, Mr. Carl Albert; Mr. Hale Boggs, of Louisiana; Mr. King, of California; Mr. Mahon, the present chairman of the House Appropriations Committee; and Mr. Mills, the chairman of the Ways and Means Committee, together with a substantial number of other Members of the House of Representatives.

I review this record to point out that there is ample precedent for the action taken by the Senate and as later approved by the conferees.

If this one precedent is not enough I cite another.

On March 8, 1957, the late Senator from Virginia, Mr. Harry F. Byrd, Sr., as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, incorporated in the Congressional Record a copy of a letter which he had addressed to Hon. Percival F. Brundage, the Director of the Budget. I quote from that letter:

> I have noted with satisfaction your testimony before the House Appropriations Committee on March 6 that you, as Budget Director, have requested all agencies of the Government to submit to you suggestions to reduce the monstrous budget which was submitted to the Congress.
>
> There is not much reason to hope that these agencies will voluntarily recommend that their appropriations be reduced; yet this action, at least, indicates an awareness by the Budget Director of the growing discontent among the people because of the bigness of the pending budget.
>
> I am also encouraged to note that the President, in his press conference yesterday, indicated a study to delay some construction programs included in the budget.
>
> I have never contended that the executive branch must bear the sole responsibility for excessive public spending. The Congress and the people who have heretofore supported heavy spending must bear their share of the blame, but I do think the executive branch has the first responsibility, namely, under the law, to originate a budget, adhering to economy and avoiding waste, and to provide only for the essential functions of government.
>
> For the first time in my 24 years of service in the Senate, I see the people themselves, throughout the Nation aroused and demanding retrenchment in Government spending. This being a democracy, the Congress is anxious to follow the public will and vote for retrenchment, but the leadership of the executive branch is essential for full success, because it is an overwhelming task to reduce by amendments the 550 executive accounts, many of which do not even appear in appropriation bills.
>
> Such leadership, let me remind you, was given by President Eisenhower in the past. In 1953, when the President took office, he was confronted with a Truman-prepared budget of $78.6 billion. The President, with the aid of Congress, reduced the Truman budget to $67.8 billion, a reduction of over $10 billion in expenditures. What was done then can be done now, if there is the will to do it. I do think, however, and I am writing you with the utmost frankness, that you, as Budget Director, owe a justification to Congress and to the people in that you presented to the President an expenditure budget of $71.8 billion, which is $3 billion in excess of fiscal 1957, and $7 billion in excess of fiscal 1955. . . .
>
> I hopefully await the results of your investigations and word from you and the President as to how the pending budget can be reduced.

I ask unanimous consent that the full text of Senator Byrd's letter be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. WILLIAMS of Delaware. At the time that Senator Byrd incorporated this letter in the Record, wherein he requested the assistance of the Budget Director and the President to point out where a reduction in expenditures could best be made, he was complimented on his actions by none other than the majority leader of the Senate, the man who is now serving in the White House, as follows:

> Mr. Johnson of Texas. First, I wish publicly to express my great admiration and respect for the distinguished senior Senator from Virginia, the learned chairman of the Committee on Finance. Second, I express the hope that the always diligent efforts of the Senator from Virginia to bring about a reduction of nonessential Federal expenditures will meet more sympathy this year than they have in the past.

I have repeatedly pointed out that the President of the United States cannot spend any money which has not previously been approved by the Congress; therefore, the Congress cannot dodge its own responsibility by pointing the finger at the President. Nor should it sit back and expect the President to specify the places where all of the reductions can be made.

On the other hand, I place equal emphasis upon the point that the President as the Executive Officer likewise has a responsibility, and he cannot dodge that responsibility by just pointing the finger at the Congress.

The President and his Director of the Budget are in a position to make constructive suggestions as to where expenditure reductions can best be applied, and they have a responsibility to cooperate with the Congress in helping to do so and to support our efforts both publicly and privately.

Congress will not be able to make an effective reduction in expenditures so long as the executive branch keeps insisting that such reductions will destroy the necessary functions of the Government or so long as they keep promising more and more new programs and the expansion of the old ones.

All that we are asking today is that the President give to the Congress the same cooperation which he as the majority leader of the Senate several years ago demanded and expected from the man then in the White House.

Thus far we have not had that support. Why? Why are we not getting that support? Why has the administration decided to delay action on the conference report until after the first of June notwithstanding the fact that 7 weeks have transpired since this bill was approved by the Senate?

We hear rumors that one of the reasons is that the administration is quietly trying to kill this bill because it fears the political results of cutting expenditures or raising taxes on the eve of an election. Thus far it has refused to accept the proposed $6 billion expenditure reduction. In fact questions are being raised as to whether the administration really wants the tax increase to be effective before the November elections.

One argument we hear as to why action is being delayed is that certain Members of Congress want to postpone a vote on the bill until after their primaries.

Mr. President, I repeat, this is no time for political considerations to enter into the decision as to whether or not there is to be fiscal restraint in this country. We have already witnessed two crises wherein the stability of the American dollar was seriously challenged, and it is the height of folly for this administration to recklessly chance another dollar crisis. Do not forget that we are in the midst of a war even though the administration refuses to recognize it as such.

This bill, embracing a $6 billion expenditure reduction along with a 10-percent tax increase, was passed by the Senate 7 weeks ago. The conference report, which now awaits House action, also embraces the authority for the extension of excise taxes on automobiles and telephone services, both of which expired May 1, and as of today they are, in effect, being collected illegally. The monthly telephone bills will be sent out the first of June, and on these bills the companies should not be expected to collect a tax which has not been approved by the Congress.

Surely they will not let these excise taxes lapse.

Frankly, I too am beginning to wonder if the administration really wants this bill passed or whether it just wants a campaign issue.

The reason this question is being asked is that in the past few days the White House and numerous Cabinet officers in the administration have been leaking so-called unofficial reports to the press as to the dire consequences that would arise from the adoption of the $6 billion spending reduction, which is mandatory under this bill. Each time in listing the agencies and programs that will bear the brunt of the reductions they mention such popular programs as education, cancer and heart research, rural electrification, veterans programs, school lunch and welfare programs, and so forth, all of which have some special appeal. Various agencies in the States are receiving calls from Washington and being urged to contact their congressional Representatives about the threatened cuts in their particular programs.

Listening to this propaganda one would think that all welfare programs were being scuttled.

The Veterans' Administration has been warning the veteran organizations that the VA hospital program could be drastically curtailed; yet the fact is that the bill specifically exempts both veterans and social security recipients from any cutback in benefits under this bill.

To show just how far the administration has gone in spreading this propaganda, I have received several calls from congressional representatives in the area served by the TVA system to the effect that the Budget Bureau is warning the TVA officials that its operations would be seriously jeopardized by the approval of this bill. The threat is even being made that the approval of the $6 billion spending reduction proposal might even prohibit the TVA system from using its accrued revenues from its sale of power to pay the interest and amortization on its outstanding bonds. They are being told that any expansion of the TVA system—such as completing transmission lines, and so forth—would all but stop if this bill passes. This is absurd.

That is just not true any more than are some of the threats they are making in connection with the other emotion appealing programs, and to support this statement I have asked the staff of the Joint Committee on Internal Revenue Taxation to prepare a memorandum spelling out in clear and unmistakable language the manner in which the TVA system would or would not be affected under this conference report.

I ask unanimous consent that this memorandum prepared by Mr. Larry Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. WILLIAMS of Delaware. Certainly the Budget Bureau, operating under the instructions of the President, could if it so desired practically destroy any Government function and use this $6 billion cut as an excuse. The same point would be true with the $4 billion reduction, or in fact the same action could be taken even if the bill were defeated. The administration can at any time impound the funds or stop the work of any particular Federal program.

Let us face it—all of these scare reports represent backstage tactics on the part of an administration which in effect wants to defeat any plan which would curtail its right to spend the taxpayers' money with a free hand.

Apparently what the Johnson administration really wants is a $10 billion tax increase and no control over expenditures. They want to use this extra revenue not to reduce the deficit but to finance an expansion of this great society spending schemes during this presidential election year. They want to buy another election and pay for it with borrowed money.

Significantly, not one word is mentioned by the administration as to a method for cutting expenses. What about the space program? Why not eliminate or postpone the supersonic transport? Why not curtail our foreign aid program, under which last year in just one country we were financing the cost of such unnecessary items as $2,821.58 for bubble gum, $4,610.51 for outboard motors, and $12,535 for television sets, and spending $8,684.07 for a cocktail party? Do such expenditures take priority over hospital beds for veterans?

Not one word is mentioned by the administration about the possibility of canceling the excessive payments under our agriculture program, the sole purpose of which payments is to pay the corporate-type farming operations not to produce food. Just last year under this subsidy program there were five companies which were paid over $1 million each, 15 operations were paid between $500,000 and $1 million each, and 388 farming operations were each paid between $100,000 and $500,000—all cash payments not to produce crops. These are not farmers cultivating the land; these are individuals reaping a harvest from the Federal Treasury. Why does the administration not mention these programs as places where reductions can be made?

Not one word has been said by the Johnson administration to justify the recent Defense Department's action in awarding a contract for the M-16 rifles to a General Motors subsidiary at a cost of $20 million higher than the lowest responsible bidder. This $20 million unnecessary expenditure on this one contract would more than offset their threatened reduction under the school lunch program. It has been estimated that strict enforcement of the competitive bid system in the Defense Department alone would save $3 billion annually; yet the Johnson administration still insists on awarding Defense contracts on what ofttimes appears to be purely political considerations.

Not one word has been said by the administration about the possibility of canceling the program wherein the Government through grants and low-interest loans is building golf courses all over America. Do golf courses take priority over health and education?

Not one word has been said by the administration about the hundreds of millions of dollars which could be saved by reducing and recalling our troop strength in Europe. I supported NATO; but why should we be required to furnish the majority of the troops when the countries most affected will not make their contributions?

Not one word has been said by this administration about supporting the moratorium on new public works projects until such time as our budgetary conditions are brought under control or the war in Vietnam is over. Quite the contrary, the administration is still initiating new projects as though there were no war and as though our budget were in balance. During World War II and the Korean war there was a moratorium of all new public works projects that were not determined to be essential to our national welfare. Why has the Johnson administration refused to take similar action during the Vietnam war?

Not one word has been said by the administration about the possibility or the necessity of curtailing our space program. Why is it so important to reach the moon when we have more problems right here in America than we can solve?

These are but a few of the many areas where bona fide cuts and reductions in expenditures can be made, and yet not one of them has been mentioned by any official in the executive branch.

No wonder the question is being asked not only in congressional cloakrooms, but also in financial circles both at home and abroad: Does this administration really want a bill which promotes both fiscal restraint and a tax increase?

This year it is estimated that the Government will close its books with a deficit of approximately $20 billion, and the deficit for fiscal 1969 is estimated at $28 billion to $30 billion assuming no action is taken by the Congress and the administration either to increase taxes or to reduce expenditures.

As a result of the staggering deficits created under this administration during the past 5 years, the cost of living today is at an all-time high and still rising at an alarming rate. Inflation is no longer a threat in America; it is fast becoming a reality. Why does the Johnson administration display so little concern over the plight of the millions of our retired citizens living on social security or private pensions? These elderly people are being pauperized as the result of this uncontrolled inflation.

Welfare recipients, instead of being helped, are being hurt in this inflationary spiral, in that their welfare checks will buy less groceries and less clothing.

Interest rates, which today are at the highest level in the past 100 years and which will go higher unless this conference report or some similar proposal is approved, are hurting every small businessman, farmer, or consumer who is buying appliances, and so forth, on credit.

During the Eisenhower administration, when interest rates were averaging around 4 percent, many Democratic Senators were making almost daily speeches assailing what they referred to as the high-interest rates of that regime. I emphasize that interest rates then were approximately 4 percent. Why are they so strangely silent today, when the interest rates under the Johnson administration are at a 100-year high, or nearly double the top rates of the Eisenhower administration? Have they no concern over today's high-interest rates?

A recent issue of Government bonds paying 6-percent interest has sold below par within the past few days, while the price of gold in the free market has advanced above $40. I point out that it advanced above $42 yesterday. Yet, in the face of all these warnings, we find the Johnson administration and its liberal supporters in Congress still talking in terms of politics rather than in terms of what must be done for the good of our country.

For the past 5 years, both the executive branch and the Great Society liberals in Congress have been clamoring to be the first to endorse new spending programs; yet when the time comes to finance and raise the money to pay for the many spending schemes, the answer of the Democratic liberals and the executive branch is that "to vote for a tax increase and any spending cut would cause acute political problems."

Surely, an increase in taxes and cutting expenditures will hurt, and voting for such a proposal may hurt some Members of Congress politically. But is that so important, when we consider the disastrous results that could follow if the conference report were defeated? Certainly, cutting expenditures will affect some projects in my State, just as it will affect projects in other States. But do not forget that this 10-percent tax increase will likewise hurt 90 million taxpayers. Have they forgotten that we are in the midst of a war, with over a half-million men daily risking their lives? They and their families are likewise making sacrifices.

Last Thursday we were told that 562 Americans lost their lives in Vietnam during the preceding week. This represented a record weekly high for this war. At a time when a half-million American boys are displaying heroic courage while fighting on a foreign battlefield, should the political leaders, both in Congress and in the executive branch, display any less courage in the performance of their duties?

Before rejecting this conference report, let both Congress and the President consider the alternative. The alternative is more inflation with a further deterioration or threat to the stability of the American dollar. Continued uncontrolled inflation represents a direct loss to the millions of retirees who are today living on fixed incomes—pensions, social security, proceeds from life insurance policies, savings accounts, and so forth.

If no action is taken by Congress or the executive branch toward fiscal restraint or control over this inflationary threat, it will mean an increasing cost-of-living and a further reduction in the value of the paycheck of every laboring man and perhaps mean price and wage controls. Can we afford to sit idly by and let this happen?

I am getting a little impatient with some of the flaming liberals of this Great Society who today are so vocal in their denunciation of both the proposed expenditure reductions and the tax increase. Where have they been for the past 15 months? Where were they when this bill was acted upon by the Senate? If they are in favor of increasing taxes but not in favor of tying such an increase to a mandatory expenditure reduction, why have they not introduced their own bill? Not a single bill proposing to increase taxes has been introduced in either the House or the Senate except for the one which Senator SMATHERS and I cosponsored and which was passed by the Senate.

Many of these free-wheeling spenders who today are criticizing the conference report ran like a bunch of scared rabbits when it came time to raise the necessary taxes to pay for the very programs for which they had been voting.

Even today, two of our colleagues as candidates for President are running around the country denouncing both the proposed expenditure reductions and the tax increase, but they were both conspicuously absent when these measures were being voted upon in the Senate. Why were they not here to offer their solutions if they had any?

Our country today faces a staggering deficit that can no longer be ignored, and those both in Congress and in the executive branch who insist upon delay or who fail to support this conference report must stand ready to accept the full responsibility for the next financial crisis—a financial crisis which may very well follow its extended delay or outright rejection. This crisis may be much nearer than many realize.

In my opinion neither Congress nor the administration has any choice except to act and act promptly. This conference report must be acted upon by the House and the Senate without further delay. For once let both Congress and the White House forget political considerations and make a decision on what we all privately admit is in the best interest of our country.

Congress should not adjourn for the Memorial recess without having acted upon this conference report.

EXHIBIT 1

[From the Wall Street Journal, May 16, 1968]

HOUSE DEMOCRATS DELAY TAX VOTE UNTIL EARLY JUNE—OPPOSITION TO A $6 BILLION SPENDING CUT IS CAUSING ACUTE POLITICAL PROBLEMS—TIME NEEDED TO RALLY FORCES

WASHINGTON.—The House Democratic leadership postponed until at least early June a showdown vote on the bitterly controversial higher income-tax and spending-reduction legislation.

Majority Leader Albert of Oklahoma didn't give any reason for the delay as he announced the decision last night. The decision was reached after consultation by the Democratic leadership with Rep. Mills (D., Ark.), chairman of the House Ways and Means Committee.

It was apparent, however, that the main reason lay in the severe political problems confronting the legislation.

Rep. Albert said the vote would be put off until after the Memorial Day weekend. He offered no promises on exactly when it would be brought up.

Most House Democratic Liberals are firmly opposed to the $6 billion budget cut attached by a conference committee to the 10% income-tax surcharge plan. These Liberals vow to vote against the package, and apparently the only thing that may sway them is a concession by President Johnson to accept such a slash in his proposed $186 billion budget for the year beginning July 1. Mr. Johnson has bitterly opposed a $6 billion cut, saying that he would only reluctantly accept a reduction of $4 billion.

The intense opposition by many Democrats, in turn, is making it difficult to round up needed House Republican votes for the package. Though the GOP leadership has endorsed the plan, a number of rank-and-file members assert that they won't vote for it unless a majority of Democrats do.

This has led to a standoff, and a spate of rumors are abroad in the House concerning the bill's likely fate when it finally is brought to a vote. The best bet is that neither side currently has the votes in hand to win. Thus, the delay is acceptable to both sides while they attempt to rally a majority to their position.

DON'T WANT TO KILL PLAN

Most Democrats opposing the $6 billion spending reduction don't want to kill the legislation. Rather, they hope to send it back to the conference committee with instructions to return the surtax with only a $4 billion spending cut attached to it.

Their difficulty is that such a motion probably would be opposed by almost all Republicans. With Rep. Mills backing the $6 billion reduction, it may be difficult to muster enough Democratic votes to carry a "recommital" motion. If the motion did fail, the parliamentary rules would require an immediate vote to approve or reject the whole package.

There is a considerable question whether the surtax and $6 billion cut would be approved if the Democrats lost their bid for a smaller spending reduction. Some House members who are deeply involved in the maneuvering assert that the package can be passed only with open Presidential support.

Yet there is intense opposition within the Administration to the $6 billion reduction, and some officials are hinting that the President might veto the package unless the spending cuts are scaled down. Moreover, the AFL–CIO has opened a lobbying campaign against the legislation in its current form, and an intense effort by the labor federation could further weaken the bill's chances in the House.

ADVICE FOR JOHNSON

On the other hand, the President is receiving advice from some officials and Democratic lawmakers to accept the $6 billion budget cut along with the surtax. Among other things, they are advising Mr. Johnson that he could simply disregard the spending restrictions and let a new President cope with the problem next January. A White House source said President Johnson hadn't yet made up his mind how to handle the thorny issue.

The prospect of further delay and uncertainty about the fiscal package is understood to be "disturbing" monetary authorities, but it isn't clear if this fresh setback on the road to fiscal restraint would be enough to prod the Federal Reserve Board toward another increase in its bellwether discount rate. There's been some speculation outside the board that such action would be likely next week if the tax-budget plan weren't making clear headway toward enactment.

With the rate already at 5.5%, the highest since 1929, however, the authorities are apt to be hesitant to boost it again soon unless this would seem necessary to prevent loss of momentum in the general upward movement of interest rates. As of yesterday, the rise in Treasury bill yields and other sensitive short-term rates didn't signal any immediate need for another "kicker," one observer said.

Basically, the Federal Reserve is believed to have been pursuing its tight money policy since last November as if fiscal restraint weren't in prospect. Thus an abrupt further tightening wouldn't necessarily follow even clear-cut Congressional killing of the measure unless this event touched off a sudden withdrawal of capital from the U.S. by nervous foreigners.

Delay of the legislation won't affect the timing of the surtax if it's finally enacted. The legislation specifies that the tax would be retroactive to April 1 for individuals and to Jan. 1 for corporations. Individuals would pay a 7.5% surcharge this year and corporations 10%. The legislation would allow the tax increase to lapse June 30, 1969. Thus, both individuals and corporations would pay a 5% surtax in 1969 unless Congress extended the levy.

[From the Washington Evening Star, May 16, 1968]

GOLD PRICE HITS NEW HIGH AGAIN IN LONDON, PARIS

(By the Associated Press)

The price of gold shot up again today by 60 cents to a new high in London of $40.85 an ounce. But there was no suggestion of a new gold rush. Most hoarders were simply holding on and refusing to sell.

The foreign-exchange rates for the pound and the dollar remained steady while gold rose—a sure sign that speculators were not switching out of paper money into gold on a large scale as they did in the financial crisis earlier this year.

French bullion dealers attributed the continued rise in gold prices to the scarcity of the precious metal on free markets.

The Paris fixing at the equivalent of $41.40 an ounce, an increase of $1.10 from the previous level, is the highest ever except for the frantic session of March 15 when Paris was the only market operating and the price reached $44.36.

[From the Washington Evening Star, May 16, 1968]

FIVE HUNDRED AND SIXTY-TWO U.S. DEAD HIGHEST OF ANY WEEK IN WAR—REDS ATTACK NORTH OF SAIGON AND IN CENTRAL HIGHLANDS

SAIGON.—North Vietnamese troops launched strong attacks today north of Saigon and in the Central Highlands as the U.S. Command announced that more American soldiers were killed in combat last week than in any week of the Vietnam war.

U.S. Command said 562 Americans were killed; 19 more than the previous record in the week of Feb. 11–17. The U.S. Command reported 5,552 enemy killed last week, no record, while South Vietnamese headquarters said 675 government troops were killed, their third highest weekly toll of the war.

A U.S. spokesman said much of the American death toll resulted from heavy action in the northernmost provinces, where U.S. Marines fought several battles last week around Dong Ha, 11 miles south of the demilitarized zone. The week also saw hard fighting in and around Saigon as American and South Vietnamese forces crushed the second enemy offensive within four months against the capital.

EXHIBIT 2

THE BUDGET MESSAGE OF THE PRESIDENT

BUDGET OUTLAYS

[Fiscal years. In billions]

Function	1967 actual	1968 estimate	1969 estimate
EXPENDITURES			
National defense	$70.1	$76.5	$79.8
Excluding special Vietnam	(50.0)	(52.0)	(54.0)
International affairs and finance	4.1	4.3	4.5
Excluding special Vietnam	(3.7)	(3.9)	(4.0)
Space research and technology	5.4	4.8	4.6
Agriculture and agricultural resources	3.2	4.4	4.5
Natural resources	2.1	2.4	2.5
Commerce and transportation	7.3	7.7	8.0
Housing and community development	.6	.7	1.4
Health, labor, and welfare	39.5	46.4	51.9
Education	3.6	4.2	4.4
Veterans benefits and services	6.4	6.8	7.1
Interest	12.5	13.5	14.4
General government	2.5	2.6	2.8
Allowances:			
Civilian and military pay increase			1.5
Contingencies		.1	.4
Undistributed intragovernmental payments:			
Government contribution for employee retirement (−)	−1.7	−1.9	−2.0
Interest received by trust funds (−)	−2.3	−2.7	−3.0
Total expenditures	153.2	169.9	182.8
Total expenditures, excluding special Vietnam	(132.7)	(144.9)	(156.5)
NET LENDING			
International affairs and finance	.5	.7	.7
Agriculture and agricultural resources	1.2	.9	1.1
Housing and community development	1.7	3.3	1.4
All other	1.7	.9	.1
Total net lending	5.2	5.8	3.3
Total outlays	158.4	175.6	186.1
Total outlays, excluding special Vietnam	(137.9)	(150.6)	(159.8)

EXHIBIT 3

Hon. PERCIVAL F. BRUNDAGE,
The Director of the Budget,
Washington, D.C.

MY DEAR MR. BRUNDAGE: I have noted with satisfaction your testimony before the House Appropriations Committee on March 6 that you, as Budget Director, have requested all agencies of the Government to submit to you suggestions to reduce the monstrous budget which was submitted to the Congress.

There is not much reason to hope that these agencies will voluntarily recommend that their appropriations be reduced; yet this action, at least, indicates an awareness by the Budget Director of the growing discontent among the people because of the bigness of the pending budget.

I am also encouraged to note that the President, in his press conference yesterday, indicated a study to delay some construction programs included in the budget.

I have never contended that the executive branch must bear the sole responsibility for excessive public spending. The Congress and the people who have heretofore supported heavy spending must bear their share of the blame, but I do think the executive branch has the first responsibility, namely, under the law, to originate a budget, adhering to economy and avoiding waste, and to provide only for the essential functions of government.

For the first time in my 24 years of service in the Senate, I see the people themselves, throughout the Nation, aroused and demanding retrenchment in Government spending. This being a democracy, the Congress is anxious to follow the public will and vote for retrenchment, but the leadership of the executive branch is essential for full success, because it is an overwhelming task to reduce by amendments the 550 executive accounts, many of which do not even appear in appropriation bills.

Such leadership, let me remind you, was given by President Eisenhower in the past. In 1953, when the President took office, he was confronted with a Truman-prepared budget of $78.6 billion. The President, with the aid of Congress, reduced the Truman budget to $67.8 billion, a reduction of over $10 billion in expenditures. What was done then can be done now, if there is the will to do it. I do think, however, and I am writing you with the utmost frankness, that you, as Budget Director, owe a justification to Congress and to the people in that you presented to the President an expenditure budget of $71.8 billion, which is $3 billion in excess of fiscal 1957, and $7 billion in excess of fiscal 1955.

The major increase is not in defense but in domestic-civilian expenditures. What are the present conditions, either at home or abroad, that justify an increase in spending of $7 billion more than in 1955?

Again, I note that in 1954 we spent $3 billion more on defense than you recommend in the present budget. Therefore, this would indicate that the need for defense spending is not as great now as in 1954.

I ask you further to justify the 13 additional State and local grants, making 67 in all, as provided in the pending budget. All of these new State and local grants will grow and grow, and especially the appropriation for local school construction will open up a Pandora box of spending, amounting in future years to billions and billions of dollars.

Although the number of civilian employees is 2,389,792, plus 273,674 foreign nationals not on regular payrolls, your budget creates 31,500 new civilian jobs. I ask you whether a survey was made of civilian employment, which is one of the most fertile fields for retrenchment.

I note you hope that the budget for the following year will not be increased, yet this is inconsistent with your budget recommendation, authorizing nearly $2 billion in excess of expenditures for the coming fiscal year. This would certainly indicate plans for increased spending in the fiscal year thereafter.

This is a luxury budget, padded with increased spending all down the line and has been so denounced by the Secretary of the Treasury, Mr. Humphrey, in even stronger language than I have used.

Passage in its present form will certainly stimulate a new inflation which is beginning rapid growth. It will be another favor in increasing the cost of living. The budget now pending may be our last chance to reduce entrenched spending. Enactment of this expanded budget, under present conditions, will mean we are indefinitely committed to more and more spending.

When tax relief is so urgently demanded by the overburdened taxpayers, the passage of this budget at its present level will make impossible any tax reduction in the foreseeable future.

The claim that the present budget is balanced by revenue is more apt to be wrong than right. You assume that the Congress will pass the 5-cent postal-rate bill, which is estimated to bring in upward of $700 million of new revenue, and that this, together with an anticipated increase in the income-tax receipts, as reflected by an increased national prosperity above 1956, will be sufficient to balance the expenditures.

As Congress has not taken action to increase the postal rates to 5 cents, and, as there is strong evidence that business conditions are leveling off, there is no certainty that your anticipated increase in tax revenue will be realized and a Federal deficit avoided.

I have grave apprehensions that to continue much longer our present tax system will have disastrous results, but tax reduction can only come by reducing Federal expenditures. The total tax take by the Federal, State, and local governments amounts to approximately $110 billion a year, and I give below a detailed statement:

In re tax collections: Federal, State, and local

[In millions]

Federal:	
Net budget receipts, fiscal year 1958	$73,620
Employment taxes:	
Social security	6, 609
Federal disability	826
Railroad retirement	665
Total employment taxes	8, 100
Highway trust fund tax collections	2, 173
Total, Federal	88, 893
State and local:	
State (1956, latest figure)	13, 325
Local (1955, latest figure)	11, 886
Total, State and local	25, 221
Total, Federal, State, and local	109,114
State unemployment insurance tax collections deposited with Federal Government	1, 480
Total, Federal, State, and local, including State unemployment tax collections	110, 594

NOTES.—1. State and local figures exclude revenue from sources other than tax collections totaling $11 billion. 2. State and local figures are net of intragovernmental revenues. 3. Federal figures exclude certain trust funds and net receipts of business enterprise funds. They represent net budget receipts.

To complete our fiscal picture, let me point out that if the pending budget is adopted, appropriations and authorizations for expenditure would be available as of July 1, 1957, as follows:

	Billions
Direct budget appropriations in fiscal 1958	$73. 3
Appropriations to Federal road trust fund	2. 2
Unexpended balances of funds already appropriated	46. 0
Authorizations already enacted to spend from so-called debt receipts, and from other sources	24. 0
Total	145. 5

These figures do not include various trust funds such as social security, etc.

The Federal debt is $276 billion. The contingent liabilities by guaranties of various Federal borrowing programs is $260 billion.

Our national income in 1956 was $325 billion, so our various governments are collecting in taxes in cash more than one-third of the national income.

I do not believe the free enterprise system can long survive under such tax burdens. Most corporations now pay taxes, in all forms—Federal, State, and local—of more than 60 percent of their net revenue, and some individuals pay over 90 percent.

In the face of these conditions, it is foolhardy in the extreme to continue to spend on this high level.

As chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I ask you for a detailed report of the economies actually made effective by adoption of the recommendations of the Hoover Commission. President Hoover has stated that the recommendations of the Hoover Commission point the way to saving in governmental expenditures $5.5 billion annually.

I have been unable to find in the budget where any of these recommendations have been incorporated. I would like to be enlightened as to this.

I firmly believe the pending budget should be reduced by at least $5 billion, and this would leave an expenditure budget $2 billion more than 1955.

I hopefully await the results of your investigations and word from you and the President as to how the pending budget can be reduced.

Cordially yours,

HARRY F. BYRD.

EXHIBIT 4

JOINT COMMITTEE ON
INTERNAL REVENUE TAXATION,
Washington, D.C., May 16, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am replying to your telephone inquiry as to the application of the proposed expenditure reduction to an agency such as the TVA which to some extent at least generates its own revenues.

Expenditures by the TVA (on a net basis insofar as power revenues are concerned) are included in the unified budget. For that reason, expenditures by the TVA could be made subject to some portion of the $6 billion expenditure reduction. The question as to which agencies some portion of the $6 billion reduction would apply is determined by the action taken by Congress with respect to appropriations and other provision for obligational authority. To the extent the action by Congress may not fully account for a $6 billion reduction in expenditures, it would be up to the President to determine the allocation of any additional reduction necessary to achieve the $6 billion goal. He could presumably do this by reducing specific programs or on an overall basis by requiring agencies to make some percentage reduction (perhaps only with respect to controllable programs). As a result, he could, but would not be required to, allocate some of this reduction to the TVA. He could do this in a manner which would permit TVA to offset any reduction it otherwise might have to make in expenditures by any increase in power receipts which it receives. On the other hand, he could make the allocation without regard to an increase in power revenues.

The provision relating to employee reductions does, under the conference agreement, apply to the TVA. In other words, the TVA in the case of its permanent, full-time employees would be permitted to fill three vacancies out of four until such time as the level of employment generally reached the level of June 1966. In the case of temporary or part-time employees, they would be limited to the same number they had in the corresponding month in 1967. However, either in the case of permanent full-time employees or in the case of part-time or temporary employees the Director of the Bureau of Budget could reassign vacancies to be filled to the TVA from some other agency, if he found this necessary or appropriate to increase the efficient operation of the government.

To summarize, no part of the proposed $6 billion reduction in expenditures would have to be assigned to the TVA, although the President in his discretion could so assign some portion of the reduction. The employee reductions would, if no action is taken to the contrary, affect the TVA, but the Director of the Bureau of the Budget could prevent any such reduction by reassignment if he considered it necessary or appropriate to efficient government operation.

Sincerely yours,

LAURENCE N. WOODWORTH.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. Mr. President, I commend the distinguished Senator from Delaware on his remarkable presentation and his cogent and effective criticism of the present posture and status of the fiscal situation in this country.

As always, he has done a magnificent job in this analysis, and has given all of us the basis for judging the next steps in and the necessities of a dangerous situation.

I especially at this point wish to underscore briefly the fact that I understand that there have been a number of calls by administration officials to many Members of Congress—I know there has been a call to this Member of Congress pointing out that funds for the Erlanger Hospital in Chattanooga would be cut or would not be funded in fiscal 1969 until "the Congress was able to work out what it is going to do" about this expenditure reduction-tax increase thing. This is from a representative of HEW in a call to my office on Friday, May 17.

I make no criticism of the administration in this respect, except to say that the time has come, in my judgment, when the executive department must specify the cuts, in the best and the least disruptive manner, that will accomplish the purposes of this obviously needed reduction in expenditures and increase in taxation.

On one other subject, I thank the Senator from Delaware for pointing up the situation with respect to TVA. This is not a case of asking that TVA be excluded. On March 29, 1968, I introduced, and the Senate adopted, an amendment that made it abundantly clear that the internal funds of TVA, generated from power operations, the sale of power bonds and notes, were not affected, because they are not part of the administrative budget. This, I understand, has been stricken in conference.

I thank the Senator from Delaware for once again, with his letter from the staff of the Joint Economic Committee, making it abundantly clear that TVA's internal funds, power funds, revenues from the sale of bonds and power notes, are not affected by the proposed decrease in expenditures.

Mr. WILLIAMS of Delaware. They are not affected any more than they would have been under the proposed $4 billion reduction or, for that matter, under existing law except as to degree. I quote from the last paragraph of the letter just placed in the RECORD.

> To summarize, no part of the proposed $6 billion reduction in expenditures would have to be assigned to the TVA, although the President, in his discretion could so assign some portion of the reduction.

That also would be true of the $4 billion. It could be true of the existing law, if we assume that we killed the conference report and made no reductions. In approving this reduction we specifically made no exceptions but left to Congress and the executive branch an opportunity to work out the system of priorities, as to where they will apply the reductions, as the Senator knows.

The bill did spell out, however, that social security payments and veterans' benefits as provided under existing law would not be affected, but these were not considered exceptions since they were already mandatory. The bill did provide that the special costs of the Vietnam war and the interest on the national debt would not be included since they were both recognized as uncontrollable items.

I thank the Senator for his remarks, and I thank him for calling attention to the particular project in his State with respect to which he received notice that it would be canceled if we retained the $6 billion expenditure reduction. I am aware of the fact that many Members of Congress are receiving such calls. I have received some calls from agencies in our State that they are receiving notice from Washington that if expenditures are reduced by $6 billion their programs will be cut by *x* amount. This practice is nothing but an indirect attempt on the part of the administration to defeat a bill which it does not have the courage to face up to in an election year.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The BILL CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I yield 7½ minutes to the Senator from Virginia [Mr. BYRD].

Mr. TYDINGS. Mr. President, I yield a like amount of time to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I express my appreciation to the Senator from Arkansas and the Senator from Maryland for yielding to me.

Mr. President, I ask unanimous consent that I may speak on a subject which is not germane.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Virginia yield to me for 1 minute?

Mr. BYRD of Virginia. I yield 1 minute to the Senator from North Carolina.

AMENDMENT OF THE FOOD STAMP ACT OF 1964

Mr. JORDAN of North Carolina. Mr. President, on Friday, May 17, the Senate passed S. 3068. The bill was reported from the Committee on Agriculture and Forestry without amendment, and was passed by the Senate without amendment. However, there was a mistake in printing the bill, as reported, so that as printed it differed from the bill as introduced.

In order to correct the RECORD, I ask unanimous consent that the vote by which S. 3068 passed the Senate on Friday, May 17, be reconsidered, together with the third reading; that the bill be amended by striking from line 5, page 1, the figure "$255,000,000" and inserting in lieu thereof "$225,000,000"; and that the bill be read a third time and be repassed.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The bill (S. 3068), as amended, read the third time, and passed, is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of subsection (a) of section 16 of the Food Stamp Act of 1964, as amended, is amended by deleting the phrase "not in excess of $225,000,000 for the fiscal year ending June 30, 1969;" and inserting in lieu thereof the phrase "not in excess of $245,000,000 for the fiscal year ending June 30, 1969;"

EAST-WEST TRADE

Mr. BYRD of Virginia. Mr. President, a subcommittee of the Committee on Banking and Currency will begin hearings tomorrow on a Senate joint resolution relating to East-West trade. The resolution offered by the Senator from Minnesota [Mr. MONDALE] states:

Public misconceptions plague efforts to expand East-West trade.

And it resolves that the Export Control Act regulations and the Export-Import Bank finance restrictions should be modified to permit an increase in trade between the United States and the nations of Eastern Europe.

As a businessman, and as one who through the years has been an exporter, I believe strongly in the elimination of trade barriers wherever possible.

I think it important that there be trade between the nations of the world. I favor trade.

One of the businesses in which I am involved, the growing and selling of apples, tends to prosper when there are good export possibilities, and it suffers in those years when the export volume is small.

So I do not speak as one who is hostile to trade among the nations of the world. I speak as one who favors trade among the nations.

Now, the Senator from Minnesota in his address to the Senate on May 9 when he presented Senate Joint Resolution 169, made a sharp attack on legislation which I introduced last August and which the Senate approved last August, and which the House of Representatives likewise approved. He made a sharp attack, too, on legislation offered by the Senior Senator from South Dakota [Mr. MUNDT], of which I was cosponsor.

In adopting the Byrd amendment to the Export-Import Bank Act, the Senate simultaneously did two things: First, in a sharp, clearcut fight, it voted to limit the President's authority and thus asserted its own constitutional prerogative in the field of foreign affairs; and, second, it made unmistakably clear that American tax dollars shall not be used for the benefit of nations supplying our enemy.

This amendment, along with the Mundt-Byrd amendment, prevented the use of Export-Import Bank funds to build or equip a Fiat automobile plant for the Soviet Union.

Bear in mind, Mr. President, that Export-Import Bank funds are funds which come from the pockets of the taxpayers, from pockets of the wage earners of the United States.

The Byrd amendment would prohibit the use of tax funds to finance trade with nations supplying North Vietnam—so long as North Vietnam is at war with the United States.

It would automatically cease to be operative with the ending of the Vietnam conflict. Nor would the legislation enacted by the Congress apply to trade with any nation except those nations which supply an enemy at war with the United States.

This amendment does not restrict trade.

It says the American wage earner's dollar that he pays to the Government in taxes shall not be used to finance trade with those nations which are supplying the American enemy. Trade can continue, but the American taxpayer will not finance it.

The Senator from Minnesota in his Senate speech said:

> The harshest restrictions (the Byrd Amendment and the Mundt-Byrd Amendment) coming from Congress have ended Export-Import Bank assistance for exports to Communist countries.

I say again, Mr. President, why should American tax money be used to finance trade with countries—be they Communist or non-Communist—which are supplying North Vietnam?

Let us put this matter in perspective. The United States is involved in a major war in Vietnam.

The United States has 500,000 American troops fighting in Vietnam, and through May 11 our casualties totaled 165,483.

During the 2-year period 1966 and 1967, U.S. casualties totaled 106,000 or an average of 1,000 per week.

For the first 19 weeks of 1968, the United States has suffered 48,560 casualties in Vietnam, or an average of 2,500 casualties a week.

Without aid from the Soviet Union and the Communist bloc countries, North Vietnam would not be able to continue the war against the United States.

The Soviets supply almost all of North Vietnam's surface-to-air missiles, radar, rockets, mortars, fighter aircraft and antiaircraft guns and ammunition.

The basic weapon of the Vietcong, the AK-47 automatic rifle, is made in Czechoslovakia. That weapon has been judged by our own military men to be as good or better than the M-16 rifle carried by most of our own troops in Vietnam.

Among European Communist countries, Poland is second only to the Soviet Union in the number of ships carrying cargo to North Vietnam.

Why should the American taxpayer, whose sons and brothers and husbands are being wounded and killed daily in South Vietnam have their own money used to finance trade with those nations which are supplying war materials and other cargo to the North Vietnamese?

I realize that some American companies are having their profits reduced because of the Byrd amendment approved by the Congress last year.

But where American lives are involved, I am not concerned about business profits.

Another point the Senator from Minnesota makes is that the Byrd amendment eliminated the President's discretionary authority.

Most certainly it did.

I say the Congress of the United States—the Senate of the United States—has surrendered too much to the President—be he Democrat or Republican. The Senate should cease giving blank checks to the President.

I say it is time that the Senate and the Congress began to correct the imbalance which exists between the executive and the legislative branches.

The Byrd amendment was adopted by the Senate by a vote of 56 to 26. I might say that arrayed against it on that 10th day of August of last year was the full power of the White House and the State Department.

Yet the amendment was approved with 66 percent of the Democrats voting in favor of it and 72 percent of the Republicans voting favorably. It was passed by a bipartisan vote.

It was clear last August and it is clear today that powerful men in our Government—powerful businessmen with millions of dollars at stake—are opposed to the Byrd amendment and sought its defeat and now, presumably, seek its repeal.

The chairman of the Banking Committee in the House of Representatives, an opponent of the Byrd amendment, said last August in a surprisingly frank public statement that he was depending on what he called the "fat cats," presumably wealthy businessmen, to bring enough pressure to kill the Byrd amendment.

They may be able to do that.

The speech by the Senator from Minnesota is the opening gun to make it possible to use American tax dollars to finance trade with Communist nations supplying North Vietnam.

I do not underestimate the power of the administration.

I do not underestimate the power of those whom the chairman of the House Banking Committee calls "fat cats."

But I say this, that if the American people understand that the tax dollars taken out of their pay checks—withheld from their wages even before they see their wages—are being used to finance trade with a nation which is inflicting on the American people 2,500 casualties every week, then I say the American taxpayers will rise up and defeat the "fat cats."

I say again, as I said in the beginning of my speech: I favor trade. I favor the expansion of trade. I favor the nations of the world having as much commercial intercourse with one another as is possible.

The Byrd amendment does not prevent trade. It does, however, prevent the use of American tax dollars to finance trade with nations supplying our enemy.

Until the Vietnam war is concluded, I shall fight to retain this restriction.

Mr. DOMINICK. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I congratulate the distinguished Senator from Virginia on the speech he has just made. This subject has been a continuing source of concern to me, as I am sure it is to many of us, as evidenced by the support of the Senator from Virginia received on his amendment.

I believe I saw in the newspapers the other day that the Commerce Department had issued either a permit, or rules and regulations, which would authorize a permit for the United States to go ahead with the financing of the Fiat plant in the Soviet Union. Is that correct?

Mr. BYRD of Virginia. Not precisely so. I think what was done was that the Commerce Department granted an export license to permit the exporting of machine tools, but there will be no Government financing involved. I think that is the distinction, which comes about as a result of the amendment the Senate adopted, which the able Senator from Colorado himself was so helpful in having adopted. Because of that amendment, the Export-Import Bank is prevented from helping to finance the deal.

My understanding is similar to that of the Senator's, that the Commerce Department has granted an export license to the Soviet Union for the building of the Fiat automobile plant, but the American taxpayer cannot help to finance it as long as the amendment continues on the statute books.

Mr. DOMINICK. Again I congratulate the Senator from Virginia on having been able to stop the use of tax funds in connection with the construction of this plant. But I must say that, at a time when we are engaged in war in Southeast Asia, for U.S. industry to send machine tools to the Soviet Union for construction of the Fiat plant, which will be fully capable of building Fiat trucks as well as cars, it seems to me we are being awfully shortsighted; that in the desire to make more American dollars we are losing sight of our overall national interest.

I sincerely trust that the Senator from Virginia will continue his valuable efforts along these lines which I wholeheartedly support. Perhaps, over a period of time, with enough publicity given this matter, the American people will insist upon governmental action which will back up the theory behind the Senator's amendment.

Mr. BYRD of Virginia. I greatly appreciate the comments of the able Senator from Colorado. I am grateful for them. I concur wholeheartedly in what he says.

Why should any American company, when the United States is at war, and we are suffering 2,500 casualties every week, export tools and other equipment to the Communist nations which are supplying the enemy and making it possible for North Vietnam to continue to kill American soldiers in South Vietnam?

I express my deep appreciation to the Senator from Colorado. I feel that what he has said will be tremendously helpful in the fight to protect Americans in South Vietnam.

Mr. DOMINICK. Like the Senator from Virginia, I am in favor of trade among nations, particularly when trading between private investors here and private investors and individuals abroad. But, is it not a fact, in connection with Communist-controlled countries, that one does not trade in that manner, it is trade only between individuals and businesses here and the Government-controlled corporation run by the Communists in the satellite countries or in the Soviet Union where there are no private business leaders with whom we can trade?

Mr. BYRD of Virginia. The Senator is completely correct. The governments of those Communist countries control the trade. They say how it will be utilized. We know that it will be utilized to their own advantage in this case, which will mean it will be utilized to the disadvantage of the United States.

Mr. DOMINICK. I thank the Senator.

Mr. BYRD of Virginia. I appreciate the Senator's comments very much.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, I send to the desk four amendments and ask that they remain on the desk during the day until we can conclude with some voting.

The PRESIDING OFFICER. The amendments will be received.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Rolland Truman, court commissioner, Long Beach, Calif.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SUPERIOR COURT,
Long Beach, Calif., May 2, 1968.
Hon. JOHN L. McCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McCLELLAN: All of our law-abiding citizens, including innocent children, are indebted to you for your tireless efforts to swing back the pendulum of justice to at least a middle-of-the-road course so that our U.S. Supreme Court decisions will no longer be in favor of the criminals. Your two-fisted fighting leadership in this matter is greatly appreciated.

May God bless you with success in having the Senate approve the controversial Title II of the Anticrime Bill, as reported in today's issue of the Los Angeles Times.

Sincerely yours,
ROLLAND TRUMAN.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the chief justice of the Supreme Court of Pennsylvania, the Honorable John C. Bell, Jr.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF PENNSYLVANIA,
Philadelphia, Pa., April 9, 1967.
Senator JOHN L. McCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McCLELLAN: I enthusiastically endorse your attempts and your proposal to overturn recent Supreme Court decisions invalidating, on recently created technicalities made of straw, voluntary confessions which are made by brutal criminals. These technicalities which four Justices of the Supreme Court of the United States have declared to be unconstitutional, drastically weaken the protection of the law-abiding public from murderers, robbers, rapists and other dangerous criminals, and make a travesty of Justice.

Sincerely yours,
JOHN C. BELL, Jr.,
Chief Justice.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, the time to be equally divided between sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session for 2 minutes, the time to be equally divided between the two sides, to consider a nomination on the Executive Calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The clerk will state the nomination.

SECURITIES AND EXCHANGE COMMISSION

The bill clerk read the nomination of Manuel Frederick Cohen, of Maryland, for reappointment as a member of the Securities and Exchange Commission for a term of 5 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Who yields time? The time will have to be charged equally against both sides, unless someone takes it.

Mr. McCLELLAN. Mr. President, I understand the Senator from Maryland [Mr. BREWSTER] wishes 5 minutes. I yield the Senator 2½ minutes.

Mr. TYDINGS. I yield my colleague an equal amount of time.

THE CRIME PROBLEM IN WASHINGTON

Mr. BREWSTER. Mr. President, yesterday, a group of women whose husbands drive buses for the D.C. Transit Co. visited me in my office. They were upset, and justifiably so. A busdriver was killed in this city last week. On that same night, five others were held up. The women who came to see me were alarmed and frightened. They demanded that something be done to help protect their husbands on their jobs.

I have written to the president of the D.C. Transit Co., and to the Mayor of the District of Columbia, urging their prompt action on some of the improvements in law enforcement and protection that the women suggested.

The dangers that bus drivers face in this city every night are just part of the problem. Crime, in fact, is a serious and growing problem in Washington.

It is shocking and deplorable that this should be the situation in the Nation's Capital. But it is.

Despite the best efforts of the police department, crime flourishes here.

Despite comments to the contrary by some public officials who have seriously misjudged the situation, the citizens of Washington and its suburbs lack confidence in the ability of an overworked, undermanned, and underpaid police department to protect life and property here.

It was with surprise and concern that I noted a statement made last week by one of the junior members of the House District Committee, who happens to come from the State of Maryland. He said that the Washington community can feel a considerable degree of confidence that law and order will be maintained.

That statement was made last Thursday. That night, a busdriver was killed and five others were held up. That day and night, six fires of suspicious origin were reported in the city.

Mr. President, can a busdriver feel confident as he drives his route, when one of his coworkers has been slain and others are the victims of holdups almost every night?

Can a merchant feel confident behind the counter in his store when four others like him have been killed in the last month?

No citizen can feel confident in a city that is plagued day and night by shootings, holdups, assaults on women, cases of arson, and assorted other crimes that continue despite the best efforts of the police to prevent them.

This is no time for expressions of confidence. It is time for expressions of deep concern as well as concerted action.

The police department is striving valiantly to control the crime situation in this city. Its officers and men deserve the highest commendation for their efforts under extremely difficult conditions.

Clearly, the best deterrent to crime is the policeman on the street. It is essential that more policemen be put on the streets of Washington as soon as possible.

The fact remains, however, that there simply are not enough policemen in Washington. The force is seriously undermanned. The vacancies that exist on the force now must be filled. The authorized strength must be increased, and then the new positions must be filled.

This is the only way that Washington can begin to come to grips with its crime problem quickly and effectively.

The officials of this city already have taken several steps to put more men on the streets and to increase the protection on the buses. The public safety director said last week that the city is reviewing the possibility of obtaining more policemen.

It is my hope that city officials will come to a decision quickly on this matter. They should come to Congress with a request for an increase in the authorized strength of the police department. Congress should approve that request without delay.

Along with more men, Congress must

assure that the members of the police department continue to receive salaries that are equal to the duties they must perform. The Congress has approved an increase in police salaries this year. Concern for the working conditions of the policemen in Washington must be continuous.

Mr. President, the Washington Post and the Washington Star, on May 18, both contained editorials addressed to the subject I have discussed.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Needed: More Protection," published in the Washington Post of May 18, 1968, and an editorial entitled "Safety on the Buses," published in the Washington Evening Star of May 18, 1968.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
May 18, 1968]

NEEDED: MORE PROTECTION

The fear and frustration which has so suddenly gripped Washington bus drivers is shared in large measure by other segments of the Washington community. There is a widespread feeling that the city is not getting the protection it needs. Are there enough police? Is enough use being made of the right kind of protective devices in shops, buses or taxis? The feeling of a lot of people is that the answer to both questions is No. This feeling comes in part as an aftereffect of the breakdown of law and order during the riots, but it also stems from a continuously increasing rise in serious criminal activity over the years. Housebreaking, auto thefts, robberies and larcenies averaged about 900 a week earlier this year. They now average over a thousand a week.

Certainly after six holdups and the murder of a bus driver in one night, the city must provide the added protection demanded by the bus drivers. The temporary manpower available through massive extensions of overtime, announced yesterday by Deputy Mayor Fletcher, should help relieve the immediate emergency. But if the city is to serve those other segments of the community whose fears are just as real as those of the bus drivers, the police force must be enlarged, and enlarged substantially. The police acted with admirable speed and efficiency last night in apprehending three suspects. Even before yesterday's shooting, police had assigned a special task force of plainclothesmen to ride buses in the high hazard areas of the 9th, 11th and 14th precincts of the Northeast and Southeast sectors of the city. Their effort has been rewarded with several arrests. But a concomitant result has been that already inadequate police forces have been spread even thinner. And as the murder at 20th and P only serves to show, the pattern of criminal attack is far from predictable. The only relief for this uneven balance, then, is to increase police ranks. This must be an issue of priority for city and government officials.

As to the physical protection which the bus drivers seek, there are any number of devices which might help deter criminals, such as shatterproof plastic cages for drivers or two-way radios for quick communication. District buses are equipped with machines that collect fares which are inaccessible to the driver except by key. The Transit Commission might well insist that the contents of these machines be completely inaccessible, even to drivers, and that drivers on "owl" runs be prohibited from carrying money on their person, thus removing the bait for criminals. To effect this, the Commission could insist that passengers on night buses pay exact fares. Tokens might be sold at stores and restaurants to relieve the driver of the necessity of handling money.

A high proportion of robberies occur at bus terminal points. Schedules could be altered to prevent layovers, or terminals themselves might be relocated in areas where police can more easily provide protection.

Whatever the solution, the bus drivers, the merchants and the citizen who wants to walk the street deserve better protection. The rise in crime must be brought to an end. Already Mayor Washington and Safety Director Murphy have increased police protection by twenty per cent in some areas by stretching existing resources. The grim statistics suggest that this is not enough, either to curb crime or to restore the calm and confidence so essential to the welfare and well-being of the city. What it apparently comes down to is a need for more resources—more money and more manpower. The alternative is a continuing rise in the crime rate and, with this, all the debilitating effects of fear and frustration.

[From the Washington (D.C.) Evening Star,
May 18, 1968]

SAFETY ON THE BUSES

Is seems outrageous that brutal, senseless murder was required to focus the full attention of the community on the legitimate demand of Washington bus drivers for greater protection against physical violence from thugs bent on robbery.

In reality, of course, the previous neglect of this problem was nothing as simple or as clear-cut as mere negligence. For the plight of the bus drivers is not an isolated outthrust of criminality; it is part of a pattern of steadily mounting crime and violence in the streets which is affecting virtually every aspect of life in this city and which has placed unbearable strains on the normal processes of meaningful law enforcement.

At least, however, a start has been made in the case of the bus drivers. "The boys," said an official of the bus drivers' union, "have had a belly full," and the extent of their grievance is partly illustrated in the figures released yesterday by police. Total bus robberies in 1967: 326. Total during the first 4½ months of this year: 232—a rate nearly double the previous year's. These cold statistics, moreover, tell nothing of the physical harm suffered by bus drivers or of the fear and the uncertainty which surely have been constant companions of many of them.

It is fortunate that the emergency measures announced last night by Deputy Mayor Fletcher have persuaded the bus drivers to remain on the job, for bus transit is a vital public service which must be maintained. The added police patrols along bus routes and the new plan to relieve drivers of the responsibility to carry ready cash, requiring that passengers provide exact fares, are sensible first steps. Obviously, however, they are only that. More effective permanent measures of relief must be found. Perhaps the best hope rests in the installation of radio or other alarm systems in buses—possibilities which were discussed tentatively yesterday.

The ultimate solution, however, clearly lies in a more effective means of combatting the whole broad spectrum of street crime, and the imposition of penalties which mean something to those punks who can be apprehended and convicted of offenses. The old-fashioned idea of punishment as a deterrent to crime has few champions these days. It is a concept, in our opinion, which should be revived.

Mr. McCLELLAN. Mr. President, does the Senator have any of his 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. McCLELLAN. Will the Senator yield?

Mr. BREWSTER. I yield.

Mr. McCLELLAN. May I say to my distinguished friend that he will have an opportunity to help do something about the situation of which he speaks. The issues here are clearcut. We are either going to back up law enforcement officials by giving them the opportunity to perform their duty within reason, and as they did it for 100 years, or we are going to ratify, in effect, the liberal decisions of the Court which are responsible for thousands of criminals being loose in America today, and helping make our streets unsafe. Look at the chart. It tells the story. I hope my friend will join us in this fight.

Mr. BREWSTER. I know that the wives of the Transit Co. drivers who visited me yesterday, and last week the storeowners of hundreds of stores that have been established here in the District, are desperately worried, and they want Congress to do something.

Mr. TYDINGS. Mr. President, I congratulate my distinguished colleague for his remarks.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. I yield myself 5 minutes.

I might point out that the Senator's remarks, particularly regarding the urgent need for adequate pay and adequate strength of the police force, as far as I am concerned, ring the bell. The principal deterrent to crime today, as it has always been, is the policeman, the cop on the beat. Unfortunately, throughout the Nation, we expect our policemen to be veritable Solomons as far as wisdom is concerned, and Sampsons as far as strength is concerned, and yet we pay them substantially less than the average factory worker makes. We require that they use their free time to stand in court waiting for delayed cases to reach a judge. Many police officers are forced to moonlight, just to support their families in an adequate standard of living.

Mr. President, in order to be really effective in the field of reduction of crime, we have to strengthen our police forces and our law enforcement agencies. That is what title I, title III, and title IV of the pending bill would do. But I regret to disagree with the remarks of my distinguished colleague and friend, the Senator from Arkansas, in which he infers that the rise in crime has a relationship to three or four decisions of the Supreme Court which relate to the admissibility of evidence.

The fact of the matter is that there is no empirical data to support that position. It is a position that I have heard time and again, but it does not have the foundation of any facts.

It is an argument which is popular and appealing, but it is not factual. And the three studies to date on the effect of the so-called Miranda decision all, by facts, rebut the argument made by the Senator from Arkansas.

These three studies have been extensive and objective studies that have been made by unbiased law schools across the United States. One was made at Yale, one at Pittsburgh, and one at Georgetown.

The study at Yale was a study which was conducted for a period of 3 months. The members of the law review and the student body there sat in on every police interrogation of a criminal suspect or arrestee. There were 118 such cases.

During the same period of time they studied the police records. They studied the files and, as I have indicated, they actually sat in on the basic investigation and interrogation itself.

It is interesting to note that, of the cases handled by the police department of New Haven, Conn., in 87 percent of the cases, the statements were not used as evidence.

It was noted during this period of time that some of the police officers gave all of the warnings required in the Miranda case; namely, that an arrestee is entitled to be warned that he can remain silent, that anything he says can be used against him, that he is entitled to counsel, and, if he is too poor to have a lawyer, he is entitled to have appointed counsel.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **TYDINGS**. Mr. President, I yield myself another 5 minutes.

The **PRESIDING OFFICER**. The Senator from Maryland is recognized for an additional 5 minutes.

Mr. **TYDINGS**. It is interesting to note that in the group that did not have the Miranda warnings, only one-third made statements, whereas in the warned group one-half made statements.

I think the lesson to be learned from that is that if an individual wishes to make a statement—and I found this to be very true during my years of service as a U.S. attorney—the fact that he is told that he does not have to make a statement and that everything he says will be used against him and that he has a right to appointed counsel if he is too poor will not deter him from making a statement.

The reason for the Miranda warning is to protect individuals against the coerced or the false statements.

In Pittsburgh they conducted an investigation or a study in which they relied on the police files. They studied the files for the period after the Miranda decision and for a like period before the Miranda decision in an effort to determine whether the conviction rate went up or down or whether there was any significant connection between the conviction rates and the Miranda decision.

They found there that after the Miranda case, the rate of confessions was down by 17 percent. However, they found that there was no decline in the conviction rate, that the conviction rate was constant, and that of the 74 who refused to make a statement on arraignment, there was sufficient evidence to hold 73 of them.

Even more important, however, was the determination that the rate of crime clearance—that is, the report of the number of crimes committed and their solution by the police officers of Pittsburgh—was constant and did not fall.

Mr. President, it was also found in the Pittsburgh study that the actual rate of guilty pleas rose by 5 percent after the Miranda case.

In Georgetown, the 1-year study on the role of defense counsel after the Miranda case indicated that, of the 15,000 arrests made in the District of Columbia, only 7 percent requested counsel, and the rate of statements given before and after the Miranda decision was constant.

I think that anyone who has ever been a prosecutor realizes that it is rare indeed that a confession solves a crime. The statement or confession is obtained after the crime has been solved, and it is used to nail down the evidence.

When a person is ready to make a statement, the mere fact that he is warned that anything he says can be used against him, that he does not have to make a statement, and that he is entitled to counsel is not going to deter him from making a statement.

This is the same warning that has been used by the FBI for almost three decades. It is the same warning that has been used by the military courts of justice. It is the same warning that has been used by most Federal investigative agencies.

Should title II be adopted, it will injure law enforcement efforts in the United States in my judgment. It will reduce the effectiveness of police officers because law enforcement at all levels will be left in hopeless confusion. Which rule should the police follow in interrogating suspects or conducting a lineup—the Miranda and Wade rules laid down as guidelines by the Supreme Court of the United States and the Constitution, or title II which leaves the discretion open to each State court and State constitution?

Should prosecutors rely on compliance with title II or insist on compliance with Miranda until the Supreme Court acts again?

Should lower courts refuse to accept confessions and eyewitness testimony in evidence unless they meet the Miranda and Wade statements? Or should they base convictions on title II which is in conflict with the Supreme Court decisions?

If the Supreme Court declares title II unconstitutional, there is a likelihood then that convictions in cases where officials relied on title II will be reversed.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **TYDINGS**. Mr. President, I yield myself an additional 3 minutes.

The **PRESIDING OFFICER**. The Senator from Maryland is recognized for an additional 3 minutes.

Mr. **TYDINGS**. Mr. President, the confessions in those cases could be invalidated, eyewitness identifications excluded, and convictions overturned, and the ends of law enforcement would be defeated rather than advanced.

Mr. President, I yield the floor.

The **PRESIDING OFFICER** (Mr. LONG of Louisiana in the chair). Who yields time?

Mr. **BIBLE**. Mr. President, will the Senator from Arkansas yield me 10 minutes?

Mr. **McCLELLAN**. Mr. President, I yield 10 minutes to the Senator from Nevada.

The **PRESIDING OFFICER**. The Senator from Nevada is recognized for 10 minutes.

Mr. **BIBLE**. Mr. President, the proposed Omnibus Crime Control and Safe Streets Act of 1967 comes before the Senate propelled by repeated, insistent demands of citizens throughout the length and breadth of the Nation for immediate and effective action that will help stem the wave of crime and violence in our communities. The rising tide of lawlessness is without question the gravest domestic problem confronting all levels of government throughout the Nation. This alarming fact, underscored by spiraling crime statistics, is breeding fear in the hearts of law-abiding citizens across this land as they read their newspapers, listen to their radios, watch their televisions, or learn that friends or acquaintances have been victimized.

Preliminary figures released by the FBI show that during calendar year 1967, crime nationally increased 16 percent over 1966. Violent crime rose 15 percent. Murder was up 12 percent, aggravated assault 8 percent, forcible rape 9 percent, and robbery 27 percent. Crime in our large core cities rose 17 percent. Our suburban communities reported a 16 percent rise, and our rural areas a 13 percent rise.

I shall not dwell on the statistics, for we all know generally what they show. We know also that behind them lay untold personal tragedy, human misery, a deplorable erosion of the quality and serenity of our daily lives, and a gigantic economic loss.

Mr. President, the people of America are fed up. The condition we confront is outrageous.

The times are marked by a sinister permissiveness. There was a time when people felt secure in the belief that crime does not pay; that the fruits of lawlessness were quick apprehension, swift justice, and fitting punishment. Today, we are not so sure. It is alarming, but true, that there is increasing recourse to crime as the easy way out, and it is more alarming still that all too often the rewards are high and the prospects of conviction low.

I am not suggesting that the bill before the Senate today, or any single piece of legislation can cure this disease. I know of no panaceas. But it is inescapably true that poor law enforcement and unrealistic, impractical impediments to the effective administration of justice in our courts can only provide temptation and encouragement to potential hoodlums and criminals. The objectives of the bill before us—namely, to improve the law enforcement and crime prevention capability of police forces throughout the Nation, and to facilitate the administration of justice in the courts—deserve the support of every Member of the Senate. These goals must be achieved. They are basic and necessary elements of any truly effective congressional declaration of war on crime in the United States.

At this time, Mr. President, I wish to focus my remarks on one particular aspect of title II of S. 917, dealing with the admissibility of confessions in criminal prosecutions. However, before I do that, I should like to comment briefly on the statement that was made a moment ago by the distinguished junior Senator from Maryland concerning the police situation in the Nation's Capital.

We have attempted to be realistic. We have attempted to upgrade the salaries so that they will attract good men into this very dangerous occupation. Just yesterday, Congress completed its action on a bill to raise the salaries of District of Columbia police officers to $8,000 on July 1, $7,800 retroactive to October 1 of last year. This is but one step in the right direction. It is not the complete answer, obviously. It is possible that even this increase will not be sufficient to bring our police force to its authorized strength.

Actually, there is no ceiling on the number of policemen here in the District other than the appropriated amounts of money. I believe the appropriated amounts provide for approximately 3,100 policemen, and I am advised that as of today, the police force is approximately 165 short of that figure. So I am hopeful that the increased pay scale will attract more men into the force, because this is one area in which a beefing up is needed. This, of course, will go some part along the way toward helping in this particular area.

Similarly, we are presently planning hearings with respect to providing additional manpower in our court system. This also will be helpful.

None of these actions, obviously, is the complete answer, but they all are steps along the road to trying to grope with this very bad problem.

Mr. President, I now return to the discussion of title II, with respect to the admissibility of confessions in criminal prosecutions.

Section 701(a) of title II of the bill proposes to add a new section 3501(c) to the United States Code. The effect would be to provide that in any prosecution by the United States or by the District of Columbia, a voluntary confession made or given by a person while in the custody of any law enforcement officer or agency shall not be inadmissible in court solely because of delay in bringing the accused before a commissioner or other proper committing magistrate.

The design of the subsection is to overcome a serious impediment to the admission of justice in the Federal criminal courts caused by the Supreme Court decision in 1957. I do not know of any case in recent years that has become wider known and wider discussed and cussed than the case of *Mallory* v. *United States*, in 354 U.S., at 449.

I direct my remarks to this particular portion of title II, because, as chairman of the Committee on the District of Columbia, the problems raised by the Mallory decision, and efforts to overcome them through legislation have occupied a great deal of my time and energies since early in the 87th Congress.

As the Senate knows, last December the Congress overwhelmingly enacted and the President approved an omnibus crime bill for the District of Columbia—Public Law 90-226—which includes a provision specially designed to overcome the stultifying effects the Mallory rule has had on law enforcement and the administration of justice here in the Nation's Capital. Of course, the District of Columbia crime legislation was an exercise of Congress' special legislative jurisdiction over the criminal laws of the District, and its effect is limited to the District of Columbia. However, I know of no more compelling case study of crime in America today than that conducted by my committee on conditions right here in Washington—at the very doorstep of Congress.

Regrettably, the District of Columbia typifies crime in America, particularly in the major cities of the Nation.

As I reported to the Senate last December, at the time we were discussing the proposed legislation, compared with 16 cities of comparable size—and it is fair when we compare cities of comparable size—Washington ranked first in robbery, second in aggravated assault, third in murder, fourth in housebreaking, fourth in larceny of $50 and over, fifth in auto theft, and eighth in rape.

Crime in Washington reached an all-time high in 1967.

We have often heard the comment, "Well, you compare favorably with other cities of comparable size," but that is a very poor comparison, because all cities of comparable size should be ashamed of the record they have in this area. Compared with a nationwide increase of 16 percent, crime in the District rose some 34 percent, more than double the rise nationally in cities over 250,000 population.

According to preliminary figures released by the FBI in March of this year covering offenses known to the police in cities of over 100,000 people, during 1967 the District was the scene of 178 murders and non-negligent manslaughters—37 more than in 1966—172 forcible rapes—38 over 1966; 5,759 robberies—2,056 over 1966; 3,143 aggravated assaults—34 below 1966; 14,702 burglaries and breakings or enterings—4,204 over 1966; 7,124 larcenies of $50 or more—1,863 over 1966; and, 8,507 auto thefts—1,942 over 1966.

Yes, Washington has offered a prime case study of the rising crime wave. I find only one bright spot in the statistics. The Metropolitan Police Department has reported that the percentage increase in crime during March 1968 was the lowest of the previous 23 month-to-month comparisons of crime statistics.

There is no way of ascertaining what part the new District of Columbia crime bill may have played in producing this glimmer of hope. At that time, the new law had been in operation for only 3 months. But I hope, and pray, and expect that it will help reduce criminal activity as time goes by.

Mr. President, because of the Congress' exclusive legislative jurisdiction over the Nation's Capital, in the District of Columbia crime bill we were able to attack the crime problem frontally in several respects. For example, that legislation—

Enlarged the number of serious misdemeanors for which Washington police may arrest without a warrant;

It requires advance notice to the court and the prosecution of an intent to plead insanity in criminal cases;

It strengthens local law in connection with the offense of obstructing justice in the courts and obstructing criminal investigations, and increases the allowable penalty for such offenses;

The new statute provides stiffer minimum penalties for burglary and a number of crimes of violence—particularly crimes of violence committed while armed with a firearm or other dangerous weapon;

It strengthens District law regarding the dissemination of obscene matter, and deals specifically with the offense of making obscene material available to minors. The penalties for such offenses have been greatly increased.

A minimum sentence is prescribed for the offense of placing explosives with an intent to destroy property.

To facilitate police work, the new law authorizes officers to issue minor misdemeanor offenders citations for later appearance at a police precinct or in court—just as they do in traffic cases. To the extent possible, the purpose is to keep policemen on the street where they are needed, instead of devoting their duty time to transporting and processing minor offenders who can reasonably be expected to appear later in response to a citation.

And in a very timely fashion, I must say, the new District of Columbia crime bill strengthens and clarifies District law on riots and provides substantial penalties for rioting and inciting to riot.

Of course, these matters have no counterparts in the pending bill. They do illustrate, however that the Congress has already struck an effective blow against crime and in aid of law enforcement at its own front door here in the Capital.

Now, title II of the pending bill calls for legislative action in aid of law enforcement across the Nation. I commend the distinguished Senator from Arkansas for his able leadership in bringing S. 917 forth so that the Senate may work its will.

I commend him particularly for his diligent efforts—and I know they have spanned several years—to overcome unrealistic, impractical obstacles to reasonable in-custody police interrogation of criminal suspects, and the admission in evidence of voluntary statements and confessions made by accused persons.

Mr. President, I daresay that every Member of the Senate and every member of the Supreme Court and all the other courts in this Nation understand and appreciate the fact that reasonable, noncoercive police questioning of suspects and arrested persons is absolutely vital in the investigation of crime and enforcement of the law.

I know of no judicial decision that denies this fact of life, and certainly every law-abiding citizen in the land understands that to be effective, law enforcement officers must be in a position to ask questions.

But what has happened, and what is happening? Throughout the length and breadth of the Nation, our law enforcement officials complain that court-imposed restrictions on police questioning have tied their hands and tipped the scales in favor of the criminal. The hearing record underpinning title II is replete with letters from police departments throughout the country favoring action by the Congress to bring the scales of justice back into balance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIBLE. Mr. President, will the Senator yield me 5 additional minutes?

Mr. ERVIN. Mr. President, on behalf of the Senator from Arkansas, I yield 5 additional minutes to the Senator from Nevada.

Mr. BIBLE. Mr. President, in seeking to overcome the restrictive effect of the Mallory rule, I feel that section 3501(c) of title II proposes a step in the right direction. As I have said, the Congress took such a step in the District of Columbia crime bill. I am convinced it was necessary there, and feel that a clarification of the Mallory rule in title II of this bill will assist Federal law enforcement and improve the administration of justice in Federal courts throughout the Nation.

In Mallory against United States the Supreme Court interpreted and applied rule 5(a) of the Federal Rules of Criminal Procedure. Rule 5(a) applies in all criminal cases in the District of Columbia and in all Federal criminal cases throughout the country. The rule provides that an officer making an arrest shall take the arrested person without unnecessary delay before the nearest available U.S. Commissioner. In its Mallory decision, the court held that, if an arrested person is not presented without unnecessary delay but is held and interrogated by officers, any statement obtained during a period of unnecessary delay may not be received in evidence at a subsequent trial.

Mallory was a District of Columbia case. It was a case of unwitnessed forcible rape. The accused was arrested about 2:30 in the afternoon. He made his first statement of admission to the police about 9 p.m. He confessed to the crime about 10 p.m., at which time unsuccessful efforts were made to locate a U.S. Commissioner for purposes of arraignment. A formal confession was signed about midnight, and Mallory was arraigned the following morning. Some 9½ hours elapsed between the time of arrest and the formal confession. Mallory was convicted. The Supreme Court reversed his conviction on a finding that the confession was inadmissible as the product of an unnecessary delay within the meaning of rule 5(a). The indictment was later dismissed for lack of other sufficient evidence.

The Mallory rule has been frequently invoked in Washington courts. Unlike other jurisdictions across the country where the general run of felonies and crimes of violence such as homicide, rape, robbery, aggravated assaults, and others are tried before State courts, here in the District of Columbia the Federal court has jurisdiction, and rule 5(a) applies.

The public record made before the District Committee on the District of Columbia crime bill and before the Subcommittee on Criminal Laws and Procedure of the Judiciary Committee on the present bill leave little room for doubt that the Mallory rule has had serious adverse effects on law enforcement and the administration of justice.

As I have said, police interrogation is an essential law enforcement tool. It defies reason to imagine that we can call upon police agencies to prevent, investigate, and solve crime, and at the same time prohibit reasonable questioning of suspects and arrested persons. From time immemorial, the usual, most useful, most efficient, and most effective method of investigation has been by questioning people.

Indeed, many crimes of violence are unwitnessed except by the victim, and reasonable police interrogation is absolutely necessary if such crimes are to be solved.

What has been the effect of the Mallory rule? I think our experience in the District of Columbia demonstrates the need for modifying legislation.

The effect has been to exclude completely voluntary confessions from evidence, solely because of a delay between the time a person is arrested and the time he is presented before a Commissioner or magistrate for arraignment.

The effect has been to permit admitted criminals to go free—not because their confessions were coerced by the police, but merely because of a lapse of time.

The effect has been confusion and uncertainty respecting the permissible time limits of police questioning.

Let me illustrate. In Mallory, a delay of 9½ hours was deemed unreasonable. Later, court cases reduced the allowable time factor to a virtual vanishing point—without practical regard for the voluntariness of the confession. In *Spriggs* v. *United States* (335 F. 2d 283), a 1964 case, the conviction was reversed because of the admission in evidence of a voluntary confession made while the accused was being booked some 30 minutes after arrest when an officer told him three witnesss had seen him shoot another person.

In *United States* v. *James J. Jones*, a 1963 case (Criminal Case No. 366–63), the trial court excluded a confession which occurred within 15 minutes after the arrest. The trial judge viewed rule 5(a) as banning all questioning and requiring presentment forthwith.

As noted in the report on S. 917, in *Alston* v. *United States* (348 F. 2d 72), based on a 5-minute delay, the U.S. Court of Appeals, District of Columbia, reversed the conviction of a self-confessed murderer whose guilt was not in dispute.

In other cases, convictions have been overturned based on delays between arrest and presentment ranging from 2 to 4½ hours.

The impact of the Mallory rule in the Nation's Capital is dramatically demonstrated by the celebrated case of *Killough* v. *United States* (315 F. 2d 241; 336 F. 2d 929). Killough had beaten and strangled his wife to death and buried her body at the city dump. Five days later, he reported her missing, and left town without keeping a prearranged appointment with the police to give them further information. After 5 days, he returned home and the police spent a day questioning him about his missing wife. At the end of the day, he was booked and held. The next day, he confessed and led the police to the body. After that he was charged and taken before a U.S. Commissioner for a hearing under rule 5(a).

The following day, while at the District jail and not in police custody, Killough reiterated the essentials of the crime to a police officer, who had come to receive instructions from Killough as to the burial of his wife's body.

This second confession was admitted in evidence at trial as a voluntary statement made after Killough had been duly warned and advised of his rights under rule 5(a).

A divided court of appeals held in substance that the second confession—even though it was voluntary—was inadmissible under the theory that it was the fruit of the first confession and therefore was improperly admitted at the trial because the first confession was obtained during a period of "unnecessary delay" prior to presentment before the Commissioner.

Killough's conviction was reversed. The case was remanded, and a third trial was had. The principal evidence at that trial was a third voluntary confession, which Killough made not to a policeman but to a classification clerk—an employee of the District of Columbia jail—following his arraignment. The incriminating statements were made to the clerk during routine questioning by the clerk for the purpose of determining the proper care and treatment of the accused.

The case was tried again. The trial court admitted the third confession, and the court of appeals again reversed the conviction, holding that the confession made to the classification clerk must also be excluded from evidence as having flowed directly from the two earlier illegally obtained confessions.

But that was not the end of it. Killough was brought to trial a third time; this time without the benefit of any confession evidence. The Government relied on such evidence as had not been excluded by the previous decisions in the case. The defense moved for acquittal. Observing that the court of appeals had "left the U.S. Attorney's Office with no competent evidence," the trial court finally acquitted Killough of his wife's murder.

I think the words of the experienced trial judge on that occasion illustrate the agony that besets many of our hard-working, dedicated trial courts when admitted criminals must be turned free because of the Mallory rule. He explained to the jury that he was forced to order Killough acquitted because the court of appeals had excised from the case three separate confessions of the defendant that he killed his wife and threw her body on a dump. In doing so, he said, and I quote:

> I do so with a heavy heart, and in fact it makes me almost physically ill to do so.
>
> I think tonite that felons in the District of Columbia can sleep better. I think that law-abiding citizens can take new apprehension for their safety.

Mr. President, I have dwelt on the Killough case because I think it is a graphic and telling monument to the kind of miscarriage of justice that can occur when procedural rules are so enthroned that they supplant the search for truth and justice in our courts.

There was no substantial question respecting the voluntariness of Killough's several confessions.

As was pointed out in the District Committee's report on the local crime bill, as rule 5(a) of the Federal Rules of Criminal Procedure has been applied in the District, even where it can be demonstrated that the police have not acted coercively, voluntarily given statements have been excluded solely on the basis of very minimal delay.

I feel that this kind of interpretation of the law is wrong. Substantial evidence was presented before my committee indicating that the Mallory rule is not only an impediment to effective law enforcement, but may be a factor influencing the increase in the crime rate. Because of the way the rule has been applied, admitted criminals have been set free by the courts. It has become increasingly difficult to get a confession voluntarily made to policemen admitted into evidence. I understand that because of the risks of reversal on Mallory grounds, some prosecutors have, at times, foregone the use of perfectly voluntary incriminating statements.

One result of this barrier to the truth is that often—all too often, I think—criminals have been permitted to plead guilty to lesser offenses carrying lesser penalties that are completely incompatible with the seriousness of the crimes they committed.

I am completely opposed to any legal procedure that allows a confessed criminal to "cop a plea" to a lesser offense and escape the full measure of justice prescribed for his crime.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIBLE. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. ERVIN. On behalf of the Senator from Arkansas, I yield 3 additional minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 additional minutes.

Mr. BIBLE. Mr. President, the District of Columbia crime bill approved last December recognizes that reasonable police interrogation of arrested persons is absolutely essential to effective law enforcement.

Title III of that bill authorizes questioning of any person arrested in the District of Columbia during the 3 hours immediately following arrest, provided such person is accorded all of his rights under applicable law. It provides that any statement, admission, or confession made by the arrested person during this 3 hours shall not be excluded from evidence in the courts solely because of delay in presentment.

The new District of Columbia statute protects the rights of the accused and at the same time assists the police by defining a time interval during which they can conduct any questioning, in accordance with law, without fear that statements properly obtained from the accused will be arbitrarily excluded at trial under rule 5(a) merely because of a time lapse between arrest and arraignment.

Thus, title III provides necessary guidance for the police.

At the same time, it protects all of the constitutional rights of the person under arrest.

The District of Columbia crime bill has already taken the first step toward loosening the noose that the Mallory rule and subsequent court decisions placed around the neck of law enforcement here in the Nation's Capital.

Title II of the present bill proposes a further loosening of this noose not only here in the District of Columbia but throughout the Nation. I support this objective. The Mallory rule has caused confusion and uncertainty for Federal law-enforcement officers and courts not only here in the District but across the Nation. Here in the District of Columbia alone there have been nearly 150 court decisions relating to Mallory questions. Many of them conflict and have caused the release of guilty men.

Police and prosecutors are in need of clear guidance in this area of the law. In the absence of guidance, police interrogation, and the use of completely voluntary confessions and other incriminating statements has been severely curtailed.

The Nation needs a prompt statutory clarification of the Mallory rule, and the Congress is in a position to provide it.

The rule announced in Mallory is not a rule of constitutional law. It is a rule of evidence. And, as a rule of evidence, it can be changed by legislation. What the Congress approved by the language of rule 5 of the Federal Rules of Criminal Procedure, Congress can now clarify by statutory enactment, and should do so.

I cannot believe that in approving the Federal Rules of Criminal Procedure the Congress intended the results that have followed in the wake of the Mallory decision. I cannot believe that Congress in its wisdom—and in its awareness of the practical problems of law enforcement—contemplated that entirely volitional, uncoerced statements and confessions would be excluded from evidence, where an accused has been accorded all of his constitutional rights, merely because of a reasonable delay in his presentment before a Commissioner or magistrate. To think otherwise is to deify form, sacrifice substance, and be tantamount to condoning the gross miscarriages of justice that have flowed from the Mallory rule.

Mr. President, I am not unmindful that legislative efforts to clarify rule 5(a) and to modify the impact of the Mallory decision on law enforcement are opposed by some on constitutional grounds. While it is clear that in Mallory the Court did not base its decision on the Constitution, the feeling seems to be that there is a constitutional issue lurking in the wings.

In my judgment, Mr. President, Mallory established no constitutional doctrine, and the Congress is free to, and should, exercise its legislative responsibility to correct misapplications of procedural rules and to revise rules of evidence in the Federal courts.

In any case, I do not believe that Congress should sterilize itself on the premise that congressional action may not be effective because of a constitutional question mark. Day in and day out the Congress faces this question mark, and we cannot shirk our duty because of it.

It is the duty of Congress to judge, in its wisdom, what it believes to be constitutional standards and to exercise its legislative responsibility.

I believe that the public interest here makes it necessary that the Congress act—and act promptly.

I agree with the Senator from Arkansas that it will avail us nothing if we limit our action in this legislation to financial assistance to law enforcement authorities, however necessary that may be—and I deem it highly necessary.

Money is not going to prevent the release by the courts of even one self-confessed murderer, rapist, or armed robber. Money alone cannot overcome the present unrealistic restrictions against police questioning of criminal suspects and arrested persons. Money alone is not going to bring a proper balancing of the scales of justice—a balancing that will provide proper protection of individual rights and, at the same time, recognizes that society has a fundamental right to protect itself from criminal abuse.

As I have said before, it seems to me that the scales of justice have become unbalanced. Too many court decisions seem to have abandoned the traditional concept of substantial justice, and replaced it with a distressing new concept one might call technical justice. The all too frequent result is that the truth is ignored, and the admitted criminal goes free to strike again.

In all such cases, society is the victim. Every time some hoodlum escapes justice because of some strained application of procedural or evidentiary rules, disrespect for the law increases a hundredfold. In the meantime, crime flourishes and communities throughout the Nation find themselves in the perilous position of losing control of the lawlessness and violence running rampant in their streets.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. McCLELLAN. Mr. President, I yield 2 additional minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 additional minutes.

Mr. BIBLE. Mr. President, no one can read the record made before the Subcommittee on Criminal Laws and Procedures, and the extensive record on the District of Columbia crime bill, and come away with any other feeling than that the Mallory rule has been a significant contributing factor to the decreased effectiveness of law enforcement across the Nation.

In saying this, I intend no disrespect toward the court. I mean only that, in my judgment, the record demonstrates that in an effort to protect individuals accused of crime, these decisions have created grave problems for law enforcement.

One of our first duties as citizens is to uphold the law, and the decisions of our courts. However, this does not mean that there is an obligation of blind and unreserved support for all court decisions. When court decisions have the effect of undermining law enforcement in the Nation, all citizens—and particularly Senators and other legislators—have an obligation to seek corrective legislative action within the framework of our governmental system.

Mr. President, it is time for Congress to act. No Member of the Senate suggests for a moment that coerced confessions should be admitted against any accused person. At that same time, the present state of the law defies commonsense and flies in the face of reason. It is a travesty on justice to be required to reject or exclude from evidence the voluntary, freely given incriminating statements of a criminal suspect based solely on a lapse of time between his arrest and his presentment before a judicial officer.

In my opinion, section 3501(c) of title II proposes a change in the law that is vitally needed to restore balance and commonsense to the law governing the admissibility of such evidence.

REJECT ALL OF TITLE II OF THE CRIME CONTROL AND SAFE STREETS ACT

Mr. TYDINGS. Mr. President, I yield 20 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 20 minutes.

Mr. BROOKE. Mr. President, I thank the Senator from Maryland.

Mr. President, we are approaching a vote upon measures which have become, in my opinion, the most significant features of this entire crime bill. The omnibus crime control and safe streets bill is a response to serious social problems. The reality, not just the statistics, of crime, has increased. Our teeming urban centers have become subcultures of violence, where hostility and physical aggressiveness are all too frequently viewed as normal rather than irregular. And a powerful and pervasive national network of organized crime boasts resources and influence which stagger the imagination.

Much of the bill which is before the Senate is reasonably calculated to cope with the problem. Title I can be a basis for the development of techniques by which Federal funds may be made available to assist State and local law enforcement—without also adding the burden of Federal control. Title III will authorize the interception of wire or oral communications pursuant to court order, an approach to which the U.S. Supreme Court has already indicated its approval. I generally support these provisions, for I believe that they will make available a necessary and potent weapon against organized crime without disturbing fundamental civil rights and liberties. Our deliberations appear to have been completed with respect to title IV. And while I believe that far more stringent firearms regulation is essential, I feel that we have taken at least a first step toward limiting the use of weapons for criminal purposes.

Yet, even these extensive provisions are insignificant compared to what may transpire in the Senate today. We are about to discover whether fear or reason is to determine our actions. Will we recognize and provide the legitimate requirements of effective law enforcement so that police departments will be better equipped to fulfill their responsibilities? Or will we succumb to a "panic" which threatens to disrupt our deliberations, which strikes out not at crime but at the courts, which honors "order" but condemns the Constitution—and which, despite all the claims to the contrary, can have no appreciable effect upon the problem of crime in these United States?

Mr. President, as a man much of whose public life has been spent in law-enforcement capacities, I ask—let us return to reality. Some of our finest and best intentioned citizens are convinced that, had the Supreme Court not decided the Miranda case, the crime rate would not be increasing. The most accurate response to this has been provided by a law-enforcement officer, Mr. David Acheson, former U.S. attorney for the District of Columbia, who said:

> Changes in court decisions and prosecution procedures would have about the same effect upon the crime rate as an aspirin would have on a tumor of the brain.

We have practical problems which cry out for practical solutions. Let me mention a few items which we, as well as State and local governments, should be considering. We should be developing ways to improve the capacity of the police to deal with the crime situation. This means higher salaries so that better personnel will be attracted to law enforcement as a career. It means multilevel entry, as recommended by the President's Commission on Law Enforcement and the Administration of Justice, so that talented people will not be discouraged by the requirement that they begin their police careers at the lowest possible grade. There should be experimentation with the "precinct" system of assignment so that a heavy concentration of police and crime-fighting equipment can be moved into the areas with the highest crime rates. There should be greatly expanded appropriations for the purchase of the latest weapons and investigative apparatus, and police training should be reoriented to include instruction in criminal law, new law-enforcement practices, and complex scientific detection equipment. There should be a more efficient use of manpower through the device of hiring civilian personnel to fill clerical positions. And there should be far greater coordination among individual police departments, so that duplication of effort is eliminated, and limited resources are employed as effectively as possible.

We should be discussing matters which transcend the question of the ability and resources of the individual police officer. The attention of governments at all levels should be focused upon the development of systems of juvenile courts and correction facilities which can make a meaningful contribution to the treatment of the youthful offender; upon the creation of regular organized crime units; upon the application of the authority of our regulatory agencies to root out the elements of organized crime which have infiltrated legitimate businesses; upon the use of grand juries as investigative instruments, rather than limiting their operations solely to the return of indictments; and upon the passage of immunity statutes which will permit prosecutors to breach the wall of silence which so often protects organized criminal activity.

These are just a few items which I have enumerated as representative of the kind of war on crime which can be successful. We will make progress against crime by enlarging our police departments, improving their caliber, modernizing their equipment and coordinating their activities. Ultimately, we will make progress by attacking the conditions which breed crime.

But, Mr. President, we are not focusing upon these subjects. While in the Nation's Capital busdrivers fear to drive their routes without police protection, we are being sidetracked by an attack upon some of the fundamental principles upon which this country was founded. The proponents of title II of this bill would like to persuade us that their argument is with a handful of men who presently sit on the Supreme Court. In actual fact, Mr. President, their argument is with the doctrine of separation of powers; with the federal system; and with our entire structure of government.

We have tended so far to treat title II in general and somewhat vague terms. Many citizens know only that in some way the title will reverse some judicial decisions which they believe are undesirable. But can the title withstand a more searching examination of its specific provisions?

Title II seeks to do away with the standards set forth by the U.S. Supreme Court in the case of Miranda against State of Arizona as conditions to the admissibility of confessions. The Miranda opinion requires that a defendant be warned that he has a right to remain silent; that anything he says may be used to his detriment; that he has the right to the presence of counsel while being interrogated; and that counsel will be provided if he is financially unable to retain one. It is very curious to me that the Miranda case can be condemned in some quarters as being itself responsible for the rising crime rate, when it merely calls for procedures similar to those adopted voluntarily years earlier by the Federal Bureau of Investigation.

Title II attempts to undo efforts by the High Court to make the fifth amendment guarantee effective in practice as well as in theory. The Constitution cannot apply solely to those sufficiently educated to be familiar with its provisions. We are threatened with a double standard of justice: Those aware of their rights shall be entitled to them; but those not aware of their rights shall be made the victims of ignorance. Mr. President, I believe that the Constitution applies to everyone, and that the Supreme Court has taken an admirable step forward to guarantee this principle.

Furthermore, the Court has recognized what has become a fundamental proposition in our age: that an individual can be coerced as easily by psychological as by physical pressure. The atmosphere of the police station, the isolation from family and friends, the subjection to an interrogator intent upon extracting a confession, are inherently coercive, and can at times compel a response by a suspect even more easily than can traditional third-degree methods. This basic imbalance between the State and the individual defendant cannot be redressed by a subsequent jury trial, for the defendant may well have irretrievably incriminated himself prior to the commencement of formal trial proceedings. But it can be redressed by making the advice of counsel available to the defendant at this stage of the criminal process—a stage which is not only crucial, but can well be determinative.

Mr. President, there are those who assert that suspects give fewer confessions after Miranda, and that consequently effective law enforcement has been impeded. I have never claimed that Miranda will make life easier for the police, and I suspect that the claim that the police are now able to obtain fewer confessions is a true one. I submit, however, that the ease with which Government is able to secure convictions is not the primary measure, for, if it were, much of the Constitution would be irrelevant. In the long run, the decision will result not in easier, but in improved, law enforcement. Confessions which suspects have been "persuaded" to give frequently prove unreliable. Likewise, less reliance upon confessions is likely to result in more reliance upon sound investigative techinques.

Ours is an "accusatorial," not an "inquisitorial," system. Thus, conviction should ordinarily result from evidence gathered independently by the Government; its agents should not rely, to the extent that they have, upon building a case out of the mouth of the accused. Title II in no small way represents a step backward toward acceptance of inquisition, a step I profoundly hope that the Senate will reject.

Let us look briefly at the remaining provisions of title II. The title provides that confessions shall not be inadmissible in evidence in a Federal court solely because of delay between the arrest and arraignment of the defendant. No limitations are placed upon the length of time which may be permitted to elapse between arrest and arraignment, despite the holding in Mallory against United States that there must be not unreasonable delays at this point in the criminal process. This provision would invite indefinite delays before arraignment.

Title II provides that eyewitness testimony derived from a lineup shall be admissible in evidence against the accused irrespective of the presence or absence of counsel at the time that the lineup took place—a policy directly in conflict with the Supreme Court's decision in United States versus Wade.

Title II would eliminate the Supreme Court's jurisdiction to review determinations relating to the admissibility of confessions and eyewitness testimony by State courts, as well as determinations with respect to the "voluntariness" of confessions made by Federal courts. This limitation upon the appellate jurisdiction of the Supreme Court is sought despite the mandate that the Constitution "shall be the supreme law of the land, and the judges in every State shall be bound thereby," and despite the sound doctrine of a century and a half that the Supreme Court shall be the final arbiter of the meaning of the Constitution.

Title II would eliminate the use of the writ of habeas corpus as a means for review of State criminal convictions, despite the directive of the Constitution that the "privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." The sole remedy which would remain available to a defendant in a State criminal proceeding who seeks to raise a Federal issue would be that of appeal of certiorari to the U.S. Supreme Court, both of which procedures are wholly discretionary.

Each of these provisions is highly dubious from a constitutional viewpoint. Each is unnecessary from the viewpoint of effective law enforcement. Each challenges the delicate balance forged in the Constitution which has sustained liberty in the United States for close to two centuries. At the very least, before taking such drastic measures, we should examine the actual effects of the disputed decisions. Thus, I believe that Senator TYDINGS' recommendation for a study of the subject matter represents a sound compromise.

Mr. President, the total crime picture in this country today is such that nothing short of a massive expenditure of time, energy, and money will be required to alter it. The need has been clearly and unequivocally stated by the President's Crime Commission. Yet nowhere in the Commission's report, which encompasses literally hundreds of recommendations, does there appear anything resembling the provisions of title II of this bill. Nor does the title have the support of the Justice Department; in fact, both the Attorney General and the Solicitor General of the United States have condemned it. It could well be that the highly objectionable features of title II will subject the remaining laudable and essential provision of S. 917 to the jeopardy of a Presidential veto.

The Senate cannot strike a blow for law by ignoring the Constitution. Justice Louis D. Brandeis recognized this principle when he wrote, a generation ago:

> Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. . . . If the Government becomes a lawbreaker, it breeds contempt for law; it invites anarchy.

Mr. President, it is my profound hope that the vote we are about to take will reveal the Senate's respect for these principles. I hope that we will vote to strike the provisions of title II.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield 3 minutes to the Senator from Wyoming.

KEEPING THE BALANCE TRUE

Mr. HANSEN. Mr. President, I rise in support of the provisions presently included in title II of the omnibus crime control bill.

Supreme Court Justice Benjamin Cardozo once said:

> Justice, though due to the accused, is also due to the accuser. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true.

I do not pretend to predict what Justice Cardozo would have done if he had sat in judgment on such recent decisions as Mallory, Escobedo, Miranda, and Wade. But I do know what I would have done.

I fear the balance is becoming unhinged in this country. I fear that those accused of crime receive better protection today than those victims of crime. I am in favor of restructuring a balance to our criminal laws. If this means that Congress must speak, then I feel that Congress should have the courage to speak, regardless of how extraordinary such action might be.

During my service as Governor of the State of Wyoming, a case was very dramatically brought to my attention. This case goes right to the heart of the debate here today.

I have heard law school professors argue that the Miranda decision has had no real effect on law enforcement or that we have not had sufficient time to evaluate these effects. Well I can testify from practical experience that decisions such as Miranda have had a very decided effect. In the case to which I have alluded, a prime suspect of a brutal stabbing murder in Wyoming made a complete confession which from all the circumstances appeared to be totally voluntary. Nevertheless, since in the opinions of the prosecuting and defense attorneys, not all of the conditions called for in the Miranda case decision preceded the confession, and since no other sufficient evidence was available, the prosecutors felt obliged to refrain from bringing this case to trial. Thus, both the accused and the State never benefited from the full scrutiny of a public trial.

Certainly, justice was not served in this case. The suspect himself, his family, the bereaved family of the victim, and the concerned community, all suffered at the hands of a paralyzing technicality.

I do not argue here whether the Miranda decision, on its merits, was right or wrong. But I do simply point out this one case which was obviously prejudiced and frustrated in the face of commonsense and obvious justice.

I am hopeful that the Congress will adopt title II in its entirety. Let us do so unequivocally and without apologies. Such vigorous action by the Congress will provide as much food for study at our country's law schools as has been provided by the Court decisions which are being discussed here.

If Congress takes these steps, the country will be the gainer. I urge the adoption of title II.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield 35 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, I consider title II to be a dangerous affront to the Constitution of the United States. It presents a grave threat to the fundamental principles of the Nation—to our basic concepts of separation of powers, to Federal supremacy, to judicial independence—in short, to our most cherished notions of justice and the rule of law.

Each of the provisions of title II is

vulnerable to serious constitutional objections. Several of the provisions are almost certainly unconstitutional on their face, because they attempt to overrule by statute clear commands of the Constitution—particularly those limiting the appellate jurisdiction of the Federal high courts and abolishing the habeas corpus jurisdiction of all Federal courts.

I had thought it settled within our federal system that what is mandated by the Constitution may not be dismissed by legislative fiat.

CONFESSIONS—MIRANDA CASE

Moreover, the provisions of existing law that title II seeks to overturn can hardly be declared unreasonable. Under present law, prior to any questioning, a putative defendant must be warned that first, he has the right to remain silent; second, that anything he says could be used against him in a court of law; third, that he has the right to the presence of an attorney; fourth, if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires; fifth, opportunity to exercise these rights must be given him throughout the interrogation; and, sixth, after these warnings have been given and he has been afforded these opportunities, the individual may knowingly and intelligently waive these rights and agree to answer questions or to make a statement.

These points were spelled out in the landmark decision *Miranda* v. *Arizona* (384 U.S. 436 (1966)), where the Supreme Court held that a confession made after the suspect was taken into police custody could not be used in evidence unless the above sixfold warning had been given before questioning.

As the Supreme Court pointed out in that case, this has been a long-established practice in FBI experience. The Court said:

> Over the years the Federal Bureau of Investigation has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that the individual may obtain the services of an attorney of his own choice and, more recently, that he has a right to free counsel if he is unable to pay. . . . The present pattern of warnings and respect for the rights of the individual followed as a practice by the FBI is consistent with the procedure which we delineate today. 384 U.S., at 483–484.

The FBI routinely uses a form to advise suspects of the constitutional rights to which they are entitled—and this practice was instituted even before the Miranda decision was handed down.

Under section 3501(a) of the bill, voluntariness is made the sole criterion of the admissibility of a confession in a Federal court. The section does not affect the application of Miranda to trials in State courts.

The procedure to be followed under the bill is as follows:

First. A preliminary determination of the voluntariness of a confession is made by the trial judge, outside the presence of the jury—section 3501(a).

Second. In making his preliminary determination, the trial judge is required to consider all the circumstances surrounding the confession, including the following specified factors, none of which is to be conclusive on the issue of voluntariness—section 3501(b): (a) Delay between arrest and arraignment of the dendant; (b) whether the defendant knew the nature of his offense; (c) whether the defendant was aware or advised of his right to silence or that anything he said might be used against him; (d) whether the defendant was advised of his right to counsel; and (e) whether the defendant had the assistance of counsel during his interrogation and confession.

Third. If the trial judge makes a preliminary determination that a confession was voluntary, he must admit the confession in evidence—section 3501(a).

Fourth. The jury must then hear the relevant evidence on the issue of voluntariness and determine the weight to be accorded the confession—section 3501(a).

Sections 3501 (a) and (b), then, would overrule all of the Miranda standards and render them merely as guidelines to determine the admissibility and the weight to be given a confession.

It is very apparent to me that these provisions are in direct conflict with the Supreme Court's decision in the Miranda case and would most certainly be held unconstitutional. The Court made it clear that the procedural safeguards established in Miranda are in addition to the traditional voluntariness test.

Since section 3501 dispenses with these safeguards, the section is contrary to the present requirements of the Constitution.

CONFESSIONS—MALLORY CASE

In the leading case of *Mallory* v. *U.S.* (354 U.S. 449 (1957)), the Supreme Court held that if an arrested person is not taken before a magistrate or other judicial officer "without unnecessary delay," as required by rule 5(a) of the Federal Rules of Criminal Procedure, any confession obtained during the period of delay is inadmissible in evidence in a Federal court. The Mallory decision was based on the court's supervisory power over the Federal courts, rather than on the Constitution.

Section 3501(c) of the bill specifies that a confession shall not be inadmissible in evidence in a Federal court solely because of delay between arrest and arraignment of the defendant.

The Mallory decision, excluding confessions obtained during a period of unnecessary delay between arrest and arraignment, is designed to withdraw any incentive that law enforcement officers may have to delay the arraignment of a suspect.

It encourages the police to bring arrested persons promptly before a judicial officer.

The outright repeal of Mallory by section 3501(c) would leave the "without unnecessary delay" provision of rule 5(a) of the Federal Rules of Criminal Procedure as a rule without a remedy.

Even in the recently enacted District of Columbia Crime Act, Congress did not see fit to repeal Mallory completely but provided a 3-hour period for interrogation, after which a person could be released without charge and without an arrest record.

Mr. President, I strongly believe that the prompt arraignnment of arrested persons is necessary in a free society which values the fair administration of criminal justice.

Prolonged incarceration and interrogation of suspects without giving them the opportunity to consult family, friends, or counsel must be discouraged.

EYEWITNESS TESTIMONY—WADE CASE

In another leading case, *U.S.* v. *Wade* (388 U.S. 218 (1967)), the Supreme Court held that a pretrial lineup at which a defendant is exhibited to identifying witnesses is a critical stage of a criminal prosecution. As such, the defendant is constitutionally entitled to the assistance of counsel at the lineup. The requirement applies to both State and Federal courts.

Section 3503 of the bill repeals Wade and makes eyewitness testimony that a defendant participated in a crime not reviewable in any appellate Federal court.

Here, again, there is no doubt in my mind that section 3503 is unconstitutional. As it dispenses with the procedural safeguards established in Wade for police lineups, it is therefore in conflict with the requirements of the Constitution.

FEDERAL COURT JURISDICTION

Under present law, the Supreme Court has appellate jurisdiction over all cases in the lower Federal courts. The Supreme Court also has appellate jurisdiction over cases in the State courts raising a Federal question—see United States Code 1251 and the following.

Section 3502 of the bill removes the jurisdiction of the Supreme Court or any other Federal court to review or disturb a State trial court's determination that a confession was voluntary, provided the State court's determination has been upheld by the highest State court having appellate jurisdiction over the case. Thus, although State courts would be required to continue to adhere to the standards set out in the Miranda case, their applications of the Miranda standards would not be reviewable in the Federal courts.

Section 3503 of the bill removes the jurisdiction of the Supreme Court and Federal Courts of Appeals to review or disturb any ruling of a Federal or State trial court admitting eyewitness testimony in evidence. Thus, although State courts would be required to continue to apply the Wade standard, their applications of that standard are not reviewable in the Federal courts.

Sections 3502 and 3503 would curtail drastically the jurisdiction of the Supreme Court and the lower Federal courts over State and Federal court determinations involving the voluntariness of a confession or eyewitness testimony.

These provisions are particularly serious with respect to State court determinations of these issues, since no Federal review whatsoever would be available—even though a Federal claim was obviously raised.

Any attempt by Congress to accomplish these results by statute rather than by constitutional amendment raises extremely difficult constitutional questions.

Although article III, section 2 of the Constitution provides that the appellate jurisdiction of the Supreme Court is created "with such exceptions, and under such regulations as the Congress shall make," the exceptions and regulations clause does not give the Congress the power to abolish Supreme Court review in every case involving a particular subject, whether that subject be confessions or any other.

To interpret that clause otherwise would give the Congress the power to destroy the essential function of the Supreme Court in our federal system.

The supremacy clause in article VI of the Constitution states that the Constitution and laws of the United States "shall be the supreme law of the land." The Supreme Court is the only tribunal provided by the Constitution to resolve inconsistent or conflicting interpretations of Federal law by State and Federal courts and to maintain the supremacy of Federal law against conflicting State law.

To deny the power of ultimate resolution by the Supreme Court in any area is to nullify the principal instrument for implementing the supremacy clause in our constitutional system. The history of the exceptions and regulations clause is in full accord with this point.

UNWISE PUBLIC POLICY

Even if it were argued that the Congress has the constitutional power to abolish Supreme Court jurisdiction by statute, such action, in my opinion, would be extremely unwise as a matter of public policy.

Abolition of Supreme Court jurisdiction would seriously distort the delicate balance that is maintained between our three branches of Government and would greatly reduce the historic role of the High Court in our federal system. An attempt by Congress to abolish the traditional power of judicial review by the Federal courts over constitutional issues in a particular area would set an extremely bad precedent that could only have dangerous ramifications in other areas, since there would be nothing to prevent Congress from enacting similar legislation whenever the Court handed down a decision with which Congress disagreed.

Sections 3502 and 3503 are thus far more serious attacks on the Supreme Court than the ill-conceived Court-packing plan of the 1930's.

The exercise by the Congress of an ultimate power such as abolition of Supreme Court jurisdiction would precipitate a constitutional crisis of the most critical proportions.

Long experience has shown that the Federal courts, and especially the Supreme Court, perform an important and useful function in reviewing State criminal convictions in the area of confessions. A long line of confessions cases in the Supreme Court, extending back many years before the present controversy over Miranda and Wade, points up the fact that there have been numerous occasions when State courts have not effectively protected the constitutional rights of accused persons.

Moreover, by abolishing the appellate jurisdiction of the Federal courts, Congress would reduce the Constitution to a hodgepodge of inconsistent decisions by making 50 State courts and 93 Federal district courts final arbiters of the meaning of the various provisions of the Constitution.

"The mere necessity of uniformity in the interpretation of the national laws decides the question," wrote Hamilton in The Federalist. No. 80:

> Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

HABEAS CORPUS JURISDICTION

Under existing Federal law, the Supreme Court and the Federal district courts have jurisdiction to issue writs of habeas corpus where a prisoner is in State custody in violation of the Constitution or laws of the United States. (28 U.S.C. 2241.) In addition, nearly all States have laws providing collateral remedies for convicted persons.

Claims of denials of Federal rights by State prisoners must be heard on the merits and resolved. If appropriate disposition is not reached in the State courts, the Federal courts are available as an alternative forum through habeas corpus, unless the prisoner has deliberately bypassed or failed to exhaust an available State remedy.

Section 2256 of the bill would remove the habeas corpus jurisdiction of both Federal and State courts with respect to State criminal convictions. The sole Federal review of Federal claims by State prisoners would be limited to appeal or petition for certiorari to the Supreme Court from the highest State court having appellate jurisdiction over the case.

Mr. President, this provision is in square conflict with a very specific constitutional command. Article I, section 9, clause 2 authorizes suspension of the writ of habeas corpus "when in cases of rebellion or invasion the public safety may require it."

In 1867, Congress, in conformity with the Constitution, made the Federal writ of habeas corpus available to all persons, including State prisoners, restrained of their liberty in violation of the Constitution or laws of the United States. The writ cannot be withdrawn except in cases of rebellion or invasion.

TITLE II CANNOT STAND

Mr. President, the report of the Wickersham Commission which was issued back in the days of the Hoover administration should be required reading for all Members of Congress who wish to overturn the Miranda, Mallory, and Wade line of cases.

That report carefully documents a long and most unfortunate history of the shockingly prevalent use of third-degree tactics in this country to wring confessions from arrested persons.

> The use of physical brutality, or other forms of cruelty, to obtain involuntary confessions or admissions—

The Commission said—

> is widespread. Protracted questioning of prisoners is commonly employed. Threats and methods of intimidation, adjusted to the age or mentality of the victim, are frequently used.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

The **PRESIDING OFFICER**. Does the Senator from Hawaii yield to the Senator from Louisiana?

Mr. FONG. I yield.

Mr. LONG of Louisiana. Will the Senator tell me the date of that quotation?

Mr. FONG. I do not have it. I will supply it to the Senator.

Mr. LONG of Louisiana. My impression is that that is badly out of date. If it is current, I would like to know.

Mr. FONG. I will furnish it to the Senator.

Some of the third-degree tactics used were to apply a rubber hose to the victim's back or to the pit of his stomacn; kicks in the shins or beating his shins with a club; striking the side of the victim's head with a telephone book.

Three Supreme Court cases handed down after the Wickersham report strongly bolstered the findings in the report.

In 1936, in *Brown* v. *Mississippi*, 297 U.S. 278, the Court reversed the conviction of three Negroes for the killing of a white man on the ground that the Mississippi State courts, including the supreme court, had erred in ruling that their confessions were voluntary. As described by one of the State supreme court judges, the defendants "were made to strip and they were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it, and they were likewise made by the said deputy definitely to understand that the whipping would be continued unless and until they confessed, and not only confessed, but confessed in every matter of detail as demanded by those present."

That was the first case in which the U.S. Supreme Court invalidated a confession as involuntarily made under the due process clause of the Constitution.

In another case, *Ashcraft* v. *Tennessee*, 322 U.S. 143 (1944), the defendant was subjected to "one continuous stream of questions" for 36 straight hours by relays of officers. The confession, which had been deemed voluntary by Tennessee courts, was declared invalid by the U.S. Supreme Court.

In 1945, in *Malinski* v. *New York*, 324 U.S. 401, the High Court struck down a confession which had been declared voluntary by the New York courts. The suspect had been kept in a hotel room incommunicado and completely unclothed for hours in order to "let him think that he is going to get a shellacking."

It was precisely to put a stop to such practices of uncivilized brutality—such medieval third-degree savagery—that the U.S. Supreme Court has handed down a series of 22 rulings, involving 26 defendants, in the 25 years since the Brown case, setting forth minimal standards of the rights of all those accused of committing crimes.

Absent these most basic safeguards, such accused persons would be placed, once again, at almost the total mercy of those law-enforcement officers disposed to using third-degree tactics.

Passage of title II could bring back the wanton police brutality of the past. This we must prevent.

Our struggle to achieve fairness and justice in our criminal process has been long and arduous. We have come a long way from the brutality of the past. The decisions of the Supreme Court have been forward-looking and enlightened. Let us not retrogress.

Mr. President, I do not stand solitary and alone in strongly objecting to each provision of title II of the bill. An extremely broad segment of our American community of legal scholars, thinkers, and technicians believe as I do.

The criminal law section of the American Bar Association is strenuously opposed to this title.

Just yesterday, the Board of Governors of the American Bar Association, speaking for 130,000 lawyers, unanimously adopted a resolution opposing title II.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. ERVIN. I have been a dues-paying member of the American Bar Association for approximately 40 years. They are not speaking for me, and they are not speaking for thousands of other lawyers I know.

Mr. FONG. But does not the board of governors represent the 130,000 members of the American Bar Association, just as the Senate of the United States represent the the citizens of our various States? Apparently, the Senator from North Carolina is in the minority in that distinguished membership of lawyers.

Mr. ERVIN. Mr. President, they do not represent me and thousands of other lawyers, and this is not the first foolish decision they have made, either.

Mr. FONG. The Judicial Conference of the United States has expressed its disapproval of all of the component parts of title II except the provisions dealing with the Wade case, which it has not yet had time to consider, as this is a recent case.

The council of the American Law Institute just last week issued a report saying that too little is known about the impact of the Supreme Court's confessions decisions to serve as a basis for legislation. This ALI report, signed by a former director of the National Crime Commission and other legal scholars, pointed to research surveys in eight cities showing that little is known of the actual effects of Miranda on law enforcement.

The distinguished Senator from Maryland [Mr. TYDINGS] has reported that he has heard from 43 law schools from across the country—letters signed by some 212 legal scholars including 24 law school deans. These letters unanimously urge that title II not be enacted into law.

As Dean Louis H. Pollak, of the Yale Law School, said:

> Title II is, in my judgment, dangerous, retrograde legislation, which would, if enacted into law, strip American citizens of vital and hard-won procedural rights.

As a member of the Committee on the Judiciary I deplored greatly the action of the committee in approving this title.

Mr. President, existing law is designed to assure that confessions are voluntary, that lineups are fair, that arraignments are prompt, and that defendants receive a full and fair hearing of their Federal claims in a Federal court.

Unless we are to reject these principals, title II cannot stand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Out of whose time is the quorum being taken?

The PRESIDING OFFICER. The time is being taken out of the time yielded to the Senator from Hawaii [Mr. FONG] by the Senator from Maryland [Mr. TYDINGS].

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. HRUSKA and Mr. SCOTT addressed the Chair.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER (Mr. LONG of Louisiana in the Chair). The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, title II of S. 917 deals with a crucial part of our criminal justice system: the trial court. It is here that our Anglo-Saxon jurisprudence has placed the burden of determining the guilt or innocence of an accused. Only the judge and jury are in a position to verify the facts and to determine the truth or falsity of the charges.

In recent years, the appellate courts have interfered substantially with this duty. Title II seeks to return the function to the trial court. Specifically, the title provides a legislative framework within which the trier of fact can determine the voluntariness of a confession. The following elements are enumerated and must be considered by the Federal trial court in determining the voluntariness of incriminating statements: First, the time elapsing between arrest and arraignment; second, whether the defendant knew the nature of the suspected offense; third, whether the defendant knew of his right against self-incrimination and that any statement could be used against him; fourth, whether the defendant knew of his right to counsel; and, fifth, whether the defendant actually had the assistance of counsel.

It also provides that in State cases a determination of voluntariness cannot be tried de novo by an appellate court using a cold record. Eyewitness testimony is declared to be admissible in Federal cases and again the scope of review in State and Federal appellate courts is limited. The final provision attempts to insure finality to State court decisions. The U.S. Supreme Court can review criminal decisions by appeal or certiorari, but collateral attacks on facts that were under the State courts jurisdictions is forbidden.

Because of my previous interest in the subject of confessions and my participation in hearings on Miranda against Arizona, held by the constitutional amendments subcommittee in 1966 and 1967, I propose to emphasize that aspect of title II in my remarks.

Historically, voluntary statements given in response to police questioning have been a highly acceptable and respectable method of proof.

They have been considered of the highest order of evidence.

It is an established fact that normally a man will not voluntarily admit guilt for a crime he did not commit, although there have been exceptions. The veracity of voluntary confessions is difficult to question particularly when they are corroborated. Let us remember that the major purpose of a criminal trial is to ascertain the truth.

Recent decisions of the Court seem to be, in the words of Justice White, an attempt "to bar from evidence all admissions obtained from an individual suspected of crime, whether involuntarily made or not." (Dissent in *Escobedo* v. *Illinois*, 378 U.S. 478, 495.) This is a wide departure from earlier rulings of the court and from the understandings of the bar and the general public.

Justice Frankfurter, speaking in *Watts* v. *Indiana*, 338 U.S. 49 (1949) stated the general rule regarding police questioning:

> A statement to be voluntary of course need not be volunteered. But if it is the product of sustained pressure by the police it does not issue from a free choice. When a suspect speaks because he is overborne, it is immaterial whether he has been subjected to a physical or mental ordeal.

In numerous cases, this same rule has been applied. As recently as 1963 the Court said in *Townsend* v. *Sain*, 372 U.S. 293:

> If an individual's will was overborne or if his confession was not the product of a rational intellect and free will his confession is inadmissible because coerced.

Recent court decisions have turned away from consideration of voluntariness as determined by the totality of the circumstances. Notably, the case of Miranda against Arizona has erected inflexible barriers that focus attention, not on the voluntary nature of the statements, but on the procedures which were followed. The importance of procedures is emphasized by Mathias against United States, decided on last Monday. There the court, simply noted that the defendant had not been given the Miranda warnings and reversed the conviction. And this questioning occurred during a civil investigation.

As a result of these arbitrary rules guilty men are going free and the police are unnecessarily hampered in their investigations. This is what section 701 seeks to correct.

It is important to understand precisely what section 701 seeks to accomplish. The report speaks of attempts to correct the imbalance between the rights of the individual and the rights of society. Perhaps this can be misleading if it is taken to mean that we must take rights from the one and give it to the other. We do not propose in this title or this section to take rights from the criminal suspect in order to protect the rights of society. Under our system of government this is unnecessary. The true balance was struck by the Constitution itself. The fifth amendment states that no individual may be compelled to be a witness against himself. On the other hand, the Constitution does not state that he may not be questioned. Society has the legitimate right to seek all voluntary information regarding a crime. These two principles are not inconsistent; they are not mutually exclusive.

It must also be made clear that part A does not legislatively overrule the Miranda decision. It incorporates the guidelines of that decision into a statute. The main difference between title II and Miranda is that determination of the admissibility of a confession has been returned to the trial court where it belongs.

It is obvious that the four point warning devised by the court cannot realistically be applied to every situation. This would be a fiction in the fullest sense of the word. It would make law enforcement a game composed of following arbitrary rules instead of a search for justice. Senator SCOTT, in his individual views, cited the famous statement of Justice Cardozo:

> Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained until it is narrowed to a filament if we are to keep the balance true.

The Miranda safeguards can be realistic only if they are applied initially at the trial level. The judge and the jury acting independently can weigh the influence of each factor as it applies to the specific defendant. In this way the protection of the fifth amendment is insured.

In addition, it is obvious that voluntary statements, incriminating or not, are an important investigative tool. Good police work cannot be run on interrogations alone, but it is severely hampered if interrogations are not allowed. Questioning gives rise to leads, clues, and corroborative evidence. Use of questioning by the police should be allowed, subject only to the rule that no man may be compelled to make a statement.

Mr. President, for the reasons stated, I support title II and intend to vote for it.

Mr. President, the subject of this title has been thoroughly studied. The title has been deliberately processed legislatively. Proposals for further delay should be rejected in the light of the current situation of deterioration of law enforcement in America and the runaway crime statistics which are lurid, and more lurid than the tales of yesterday that rubber hoses were applied to the backs of prisoners in the brutal securing of confessions on an involuntary basis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. McCLELLAN. I yield 1 additional minute.

Mr. HRUSKA. Mr. President, the urgency of the situation should be apparent to all. This measure will help toward a fair judicial procedure in criminal prosecutions; a procedure in compliance with constitutional requirements.

Congress should not procrastinate. It should face up to its responsibility; it should act now on the substance and merits of title II.

Mr. President, if I have any time remaining, I yield it back.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I rise to give support to title II. As a preliminary to my statement I desire to point out to Senators that I was a judge for a period of 10 years. Six of those years were on the common pleas bench of Cuyahoga County, and 3 of the 6 years I spent as presiding judge in the criminal court. As presiding judge I took pleas under indictments in which the defendant pled either guilty or not guilty.

I also presided over trials for a period of 3 years, including trials of first degree murder cases, robbery, rape, burglary, larceny, and all the other crimes covered by the statutes of Ohio. Cuyahoga County at that time had a population of 1.4 million. The number of cases that came before the court were many and varied. I had the opportunity, of course, constantly to have brought before me charges that confessions were extorted by the police through brutality and other means of intimidation. It is on that basis that I make this presentation and give my practical service in this field as a background.

Mr. President, the system of jurisprudence in the United States is taken primarily from the Anglo-Saxon concept of protecting individuals charged with crimes. The framers of the Constitution of the United States, sacredly and in a hallowed way, having knowledge of the offenses and many abuses perpetrated in despotically ruled countries, saw fit to write into the Constitution protections for the accused in a criminal case.

They wrote into the Constitution the provision that no person shall be compelled to testify unless he so desired; that no person should be compelled to give testimony that might incriminate him; that no accused be denied the right to meet his accusers face to face; that a person shall be immune from cruel and unusual punishment; that a person shall be entitled to bond; and that a person shall be entitled to a trial by a jury of his peers without delay.

Those provisions were written into the Constitution to insure that no inhabitant of the United States charged with a crime shall be subjected to practices which in the end would deny him a fair trial.

The Constitution was interpreted by judges of the Supreme Court, and others, for a period of about 177 years before the Miranda decision was rendered. Never did any of the judges, during that period resulting in ultimate law, declare that the Constitution gave to an accused those rights which were given to him in the Miranda case.

In the Miranda case, the Court held that unless specific, arbitrary conditions were met, a confession, although truthful, shall not be admissible in testimony.

It was always my concept that at the trial of a case the principal objective was to learn the truth, that confessions made under circumstances indicating truthfulness, and not extracted by intimidation or brutality, were admissible in evidence. Under the law, when an accused claimed that he was forced to make a confession, the judge retired the jury and then made interrogation of the police and the accused, and the judge then determined whether the admission was voluntarily made.

He called back the jury and he said, "Ladies and gentlemen of the jury, the accused contends that a confession was extorted from him. It is your duty to determine, under all the circumstances, whether the confession was voluntarily made, or extorted from him by intimidation or brutality. If you conclude that there was intimidation or brutality, you must disregard the confession."

That law was applicable for 177 years. Along came the Supreme Court and declared that it no longer stood.

Mr. President, justice has been hindered by the Miranda case. The only way to restore protection to the innocent is to make certain that in the trial of cases the primary objective shall be the quest for truth and not the imposition of arbitrary rules which have no relationship to the truthfulness of the confession given. In the Miranda case the Supreme Court amended the Constitution in nonconformity with the procedure set forth in that sacred document specifying how amendments shall be made. In other words it usurped the powers reserved to the people, the Congress, and the separate State legislatures.

Mr. TYDINGS. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. PASTORE. Mr. President, I shall vote for the amendment to delete title II from the bill.

In doing so, I am conscious of the fact that two very important Supreme Court cases, Escobedo and Miranda—which are the genesis of the activity in this regard by committees of Congress and this particular bill—were decided by a vote of 5 to 4.

That, in a sense, is regrettable, because it can be argued by the proponents of the title that the restrictions imposed by these decisions on the prosecution of criminal cases are the result of one man's mind.

Then, of course, so far as the Mallory case is concerned, I understand it was a unanimous decision of 9 to 0.

Mr. President, if I thought for one moment that title II of the pending bill was reaching out to apprehend and assist in the conviction of gangsters and racketeers who engage in organized crime in this country, I would certainly vote for this title.

However, title II would not do this because we know that racketeers and gangsters do not make confessions, voluntary or otherwise.

The person title II hurts is that miserable wretch who is apprehended and may not be in a position to know what his constitutional rights are.

Thus, in order to guarantee his constitutional rights, the Supreme Court rendered some very important decisions which have been the subject of exhaustive discussion on the floor of the Senate. I shall not take up the time and patience of my colleagues to go through that.

The thing that disturbs me in title II is the fact that the legislative body is reaching out now, not only to overrule decisions of the Supreme Court, but also to prescribe rules of evidence contrary to the constitutional rights of the defendant.

That, of course, is a very serious thing, because I think it chips away at the very fundamental concepts of our democratic process, which is based on three separate branches and powers—the legislative, which is our function, to make the law; the executive, whose responsibility it is to enforce the law; and the judiciary, whose function is to interpret the law.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. ERVIN. I will ask the Senator from Rhode Island if it is not recognized that under the Constitution the Congress has the power to prescribe the rules of evidence for the Federal courts.

Mr. PASTORE. Yes; but the court has jurisdiction to make those rules. We have delegated that authority. That is the way the Federal rules came about. In my State, we are initiating State rules of procedure equivalent to the Federal rules. That is a delegation of power. We are not doing that here. We are not saying the Federal courts shall make such rules as in their judgment will facilitate the prosecution of criminal cases. We are telling the Federal courts, in no uncertain terms, that from now on, they cannot interpret the Federal constitutional rights of individuals, once a case has been decided by a State court.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. TYDINGS. Mr. President, will the questioner take it out of the time of the distinguished Senator from Arkansas?

Mr. ERVIN. Yes. I yield 30 seconds. Does the Senator from Rhode Island not know that the only power we have delegated to the court is the power to prescribe rules of procedure, and not rules of evidence?

Mr. PASTORE. That is right. I do not know of any legislative body that has ever enacted rules of evidence restricting the constitutional rights of the defendant, and I have been around 61 years. I prosecuted criminal cases for 5 years. I was in charge of the criminal calendar in the State of Rhode Island. I think I know something about the problems of prosecuting cases. I think I know something about the problems of law enforcement. I think I know something about the problems that prosecuting attorneys have in prosecuting cases. But this approach in title II is going away down the road. I do not think we can, for the purpose of expediency, disturb the bedrock of constitutional rights. We are trying to dictate by legislation what the constitutional rights of an individual are, and that is not our function.

I repeat that if I thought for 1 minute that we were going to eliminate gangsterism and organized crime in this country through title II, I might have second reflections on this subject, but these gangsters are pretty smart cookies when they are arrested. They know they can call for their lawyers. They remain silent and rest on the fifth amendment. They just do not talk. So, so far as organized crime is concerned, this proposal will be of no help unfortunately.

All I am saying, is, as has been stated time and time again, by the American Bar Association, that every man before a court of justice in this country is entitled to all of his constitutional rights; and the Supreme Court has interpreted what those rights are. I do not think it is the function of the legislative body to interpret the Constitution.

For those reasons I shall vote for the Tydings amendment.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Who yields time?

Mr. ERVIN. Mr. President, on behalf of the Senator from Arkansas, I yield 5 minutes to the Senator from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. President, I would like to take this opportunity to make clear my position on title II of the Omnibus Crime Control and Safe Streets Act.

I strongly favor that part of title II which will permit voluntary statements made by an accused person to be admitted into evidence at a trial where the judge determines that such statements were truly voluntary under all the circumstances. Such a procedure is a marked improvement over the recent Supreme Court decision in the Miranda case which, while aimed at preventing abuses of the accused's constitutional rights—and rightly so—seemed to overlook the right of the public to be free of abusive activities committed by criminals. This section of title II contains the necessary safeguards to enable the judge and jury to search for the truth within the bounds of constitutional guarantees and has my support.

I believe it would be in derogation of the strength and integrity of all the trial judges and courts of this country to say they could not be trusted, subject to proper rights of appeal, to exercise this judgment, as they are charged with the exercise of all other judgments, in connection with a trial.

However, after a long and careful examination of this title, I have grave reservations about the remaining provisions. This is because of the serious threat which they represent to the judiciary—an institution which has always been, since the beginning of the Republic, a strong guardian of our liberty.

Those sections curtailing the appellate jurisdiction of Federal courts—including the Supreme Court—raise a serious constitutional question because they will prevent the Federal judiciary from reviewing State court action where a Federal right has been asserted. Moreover, the Supreme Court has long been recognized as the appropriate arbiter with authority to resolve inconsistent interpretations of the Constitution by State and Federal courts and to maintain supremacy of Federal law against conflicting State laws. The abolition of Supreme Court jurisdiction encompassed in these provisions would prevent such an arbitral role and would distort the delicate balance existing in our tripartite system of government, thus encouraging the type of basic confrontation that is best not encouraged. Whatever the scope of the constitutional authority given Congress to shape the appellate jurisdiction of the Supreme Court, none should doubt that its exercise must be consistent with the important role played by the Court in our system of government.

The section abolishing the habeas corpus jurisdiction of the Federal courts with respect to State criminal convictions also presents serious constitutional difficulties. The Constitution specifically provides:

> The privilege of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public safety may require it.

For a century, the Federal courts have appropriately utilized the great writ to vindicate the basic constitutional rights of American citizens, often after shocking denials of such rights had gone uncorrected in State courts.

This section would make appeal or certiorari to the Supreme Court the sole Federal review of Federal claims by State prisoners. However, in view of the caseload and the discretionary nature of these appeal procedures in the Supreme Court, this alternative remedy appears to represent more form than substance. The effect of this section combined with other provisions limiting the appellate jurisdiction of the Federal courts could well mean that many State defendants will have no Federal review available whatsoever, no matter how meritorious their Federal constitutional claim.

Those urging the enactment of this provision say it is necessary to prevent the abuses of the Federal writ of habeas corpus by State prisoners. In 1966, the Congress amended the Federal habeas statute in a well-considered attempt to deal with admitted abuses of the writ. Those who would limit the great writ bear the burden of demonstrating that the 1966 amendment was grossly inadequate to meet the alleged evils.

Therefore, while I cannot, because of their sweeping and altogether too comprehensive nature, support the various motions to strike title II in its entirety, or to submit to a study the matter covered by that title—a matter which has already received national attention and the attention of the courts, lawyers, and judges everywhere, as well as of the legislative bodies. I can and will support motions to strike certain sections of title II limiting the power of the Supreme Court to hear appeals as that power is now preserved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. May I have 1 additional minute?

Mr. ERVIN. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. For example, I think the habeas corpus limitations ought not to be in this bill. On the other hand, I believe we should let the voluntariness of confessions be determined by the trial court, subject to the right of appeal, and subject to the full right of appeal and habeas corpus proceedings through the Supreme Court.

Therefore, when a division is asked on amendment No. 788—and, I understand there probably will be five or six votes—I expect to support retention of the proposed new section 3501 of title 18, which I believe properly serves to strike a better balance between the rights of the accused and the rights of the accuser, the State or the people, but I shall have to oppose the remaining provisions of title II which are in derogation of the Federal courts.

In closing, Mr. President, I call attention to the footnotes on pages 233 and 234 of Senate Report No. 1097, the committee report on the pending bill, which say:

> Senator Scott does not associate himself with those views in support of limiting the appellate jurisdiction of federal courts and curtailing habeas corpus proceedings.

I also call attention to my statement of individual views on the pending bill that appears on pages 209 to 219 of the committee report, especially my views on title II on pages 211 to 214.

Mr. CLARK. Mr. President, will the Senator from Maryland yield me 5 minutes?

Mr. TYDINGS. I yield 5 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, the parliamentary situation in which we find ourselves is extremely obscure, with motions to strike title II, and then motions to strike title II with amendments, and further perfecting amendments threatened, with consequent grave difficulty for an individual Senator in determining just what the particular issue will be with respect to each of the many votes we shall be called upon to make today and tomorrow.

Accordingly, I should like to make my position quite clear on the basic issue as to whether or not title II should be in this bill at all. I shall, with my vote, attempt to support all efforts to strike title II, or as much thereof as is comprised in any one of the votes we may be called upon to make.

I accordingly support the simple motion of the Senator from Maryland to strike title II; and, if that should fail, I shall support any other motion to limit the effect of title II.

That title deals, as we know, with the admissibility in evidence of confessions, the admissibility on review by Federal courts of confessions in State cases, the admissibility in evidence of eye-witness testimony, and procedures in obtaining writs of habeas corpus.

In my judgment, without getting into the technicalities of each of these quite technical subjects, the legislature would be wise indeed to leave the whole matter to the judiciary, and not to attempt to interpose our judgment in terms of reversing decisions of the Supreme Court of the United States, or, indeed, in terms of attempting to limit the jurisdiction of the Supreme Court.

I believe that a grave constitutional question is involved as to whether we have any right to reverse those decisions or to limit that jurisdiction under the Bill of Rights, or, indeed, under the 14th amendment as well. But laying aside the constitutional question, I believe the wisdom of the 100 Members of the U.S. Senate in attempting to overrule decisions of the Supreme Court is gravely to be questioned. Some of us like to pride ourselves on being great constitutional lawyers, and perhaps there are a few such in this body, although I will, I hope, be forgiven by my colleagues if I raise an eyebrow with respect to that assertion, particularly since very few of us are able to continue our practice of the law and appear before the Supreme Court, or even to make ourselves very familiar with recent decisions, in view of our very heavy legislative responsibilities and responsibilities in other areas.

Therefore, I would hesitate to impose my judgment on that of the Supreme Court of the United States in these matters of individual liberty, which have very technical aspects to them; and I would say also that I believe there is some animus against the Supreme Court in certain parts of this body, which I deplore. I believe further that there is a strong tendency in the Senate to overestimate the impact of various Supreme Court decisions on the very salutary war we are presently conducting against crime.

For example, I know that there is no reliable evidence that the rules relating to the admissability of confessions affect crime very much one way or the other. Reporting on the first systematic study ever made on the significance of confessions, Justice Sobel of the New York Supreme Court said:

> Confessions do not affect the crime rate by more than one hundredth of 1 percent, and they do not affect the solving of crime by more than 1 percent.

I, of course, like all Members of the Senate, strongly support all efforts to combat organized crime and to put a stop to ordinary crime, and crimes of violence in particular. That is one reason I supported the strong gun control bill last week. But I believe when we get into the area of tampering with decisions of the Supreme Court and its jurisdiction, we are operating in a field where we are not experts, and we had better let well enough alone.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 46 minutes remaining, and the Senator from Maryland has 28 minutes.

Mr. McCLELLAN. I yield 5 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, those who believe that the American people should be ruled by a judicial oligarchy composed of five Supreme Court Justices, rather than by the Constitution of the United States, persist in asserting that there is no evidence that these decisions have had any adverse effect upon the administration of criminal laws. They rely, as a basis for that assertion, upon three articles appearing in law reviews, composed either by theoreticians of law or by students.

Even those articles, as I pointed out yesterday, show that many crimes, in fact a very substantial percentage of crimes, cannot be solved without the interrogation of suspects.

For example, the so-called New Haven article showed that a substantial percent of the comparatively few crimes there investigated could not have been solved without interrogations. The University of Pittsburgh Law Review article showed that there were confessions in 58.6 percent of the homicide cases in Pittsburgh before Miranda, only 31.3 percent after Miranda; that there were confessions in 62.4 percent of the robberies in Pittsburgh before Miranda, and 36.7 percent after Miranda; that before Miranda, 61.2 percent of the robbery suspects in Pittsburgh confessed; 28.9 percent after; that before Miranda, 59.3 of the homicide suspects in Pittsburgh confessed and only 31.6 percent after Miranda; and that the proportion of suspects making statements after Miranda dropped about half, or from 48.5 percent to 27.1 percent, in homicide, robbery, burglary, auto theft, and rape.

In other words, the very studies which the opponents of title II invoke to show that Miranda had no adverse impact upon the enforcement of criminal law prove exactly the contrary.

But let us depart from those who deal with these matters from a theoretical standpoint, and consider what those who deal with them from a practical standpoint have to say. I invite the attention of the Senate again to the report of the hearings of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary—hearings which fill 1,205 pages and which are replete with testimony of prosecuting attorneys, judges, and other persons concerned with law enforcement, making it as clear as the noonday sun that these decisions have had a tremendous adverse impact upon law enforcement in this country.

Perhaps the most experienced prosecuting attorney now in office is Frank S. Hogan, the New York County district attorney. I read these words from his statement, as found on page 1120 of the hearings of the Subcommittee on Criminal Laws and Procedures. He says:

> A survey of the 91 homicide cases in our office awaiting trial or disposition in the fall of 1965 disclosed that 25 of the cases would have lacked legally sufficient evidence for trial without the defendant's statement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. I ask for 2 additional minutes.

Mr. McCLELLAN. I yield the Senator from North Carolina 2 additional minutes.

Mr. ERVIN. I continue to read:

> Our Homicide Bureau has kept a case by case tabulation of all suspects questioned in homicide cases since *Miranda*. From June 13, 1966 to June 13, 1967, 216 homicide suspects were questioned. Of these, 64 refused to make any sort of statement to the Assistant District Attorney after receiving a *Miranda* warning. Of those who made a statement, 75 inculpated themselves. In sum, after receiving the required warning, about 30% of the 216 homicide suspects said nothing, 35% gave exculpatory statements, and 35% chose to incriminate themselves. This represents a marked change from pre-Miranda times when it was the Homicide Bureau experience that rarely did a suspect refuse to make any kind of statement, even if it was only to protect his innocence.

He also states:

> To summarize these figures in the most tentative way, and taking account of our case-by-case experience in the investigation and prosecution of serious criminal charges, I would say that the stringent requirements of *Miranda* have significantly increased the chances that a criminal will escape judgment, where under previously prevailing fair standards he would have been convicted for his crime....

Manifestly, when suspects in custody are advised, in effect, that they should not confess, they are not going to confess. And when a lawyer is summoned to the police station to represent them, before they can be questioned, that lawyer is going to tell them not to say anything if he has any degree of intelligence above that of an idiot.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, earlier I had printed in the RECORD some letters.

I ask unanimous consent to have printed at this point in the RECORD a letter from Richard Kilbourne, district attorney of Clinton, La., a letter from Byron G. McCollough, attorney of Houston. Tex., and a copy of a letter that I have had placed on the desk of each Senator—the letter being from Dr. N. M. Camardese, past president of the Huron County Medical Society, Norwalk, Ohio.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DISTRICT ATTORNEY, 20TH
JUDICIAL DISTRICT OF LOUISIANA,
May 7, 1968.

Hon. JOHN L. McCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McCLELLAN: I read about your recent remarks in the Senate about the pending crime control bill. I thoroughly agree with your statement and I am taking the liberty of sending you a copy of a letter on the subject which I wrote to Congressman Wendall Wyatt several months ago.

With best wishes, I am
Respectfully yours,
RICHARD KILBOURNE.

LAW OFFICES OF McCOLLOUGH AND McCOLLOUGH,
Houston, Tex., May 17, 1968.

Hon. JOHN L. McCLELLAN,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR McCLELLAN: Both as attorney and as a citizen, I applaud your views on law enforcement as expressed to the Senate on May 1, 1968, and as reported in *U.S. News & World Report*, May 20, 1968, page 51.

I respectfully urge that you and your colleagues use every possible effort to obtain passage of the Crime-Control Bill now under consideration in the Senate. Congress owes the law-abiding people of the nation the duty to overturn or modify recent decisions of the Supreme Court, and to make it impossible for the Supreme Court or other Federal Courts to continue their present wholesale reversal of State Court convictions.

Thanking you for your splendid efforts in this direction, I am
Yours truly,
BYRON G. McCOLLOUGH.

NORWALK, OHIO, *May 16, 1968.*

GOD—OR THE SUPREME COURT?

DEAR SENATOR McCLELLAN: May I take the liberty of congratulating you on your recent statements in the Senate Judiciary Committee Reports on Crime (May 1, 1968).

After reading the article, "Run Away Crime; Will Congress Act?", in the *U.S. World & News Report*, May 20, 1968, might I please ask your courtesy to ponder the following with me,—please.

The disease overpowering beautiful America, is Socialism and possibly eventual Communism.

The symptoms are: progressive and increasing lack of belief in God; moral corruption and decay; abandonment of individual responsibility; and a sickly attitude of wanting rights without fulfillment of prerequisite obligations and responsibilities.

The disease carriers are the criminals—multiplying at a fantastic rate—approximately ten times the rate of the general population.

Our leaders (in the main doctors of law and many of our legislators) are committing grossly negligent malpractice. They would indeed seem to protect the "disease carrier"—(the criminal)—rather than the helpless prey—(the lawful abiding, overburdened, and exploitedly overtaxed citizen). Progression in this course will surely lead to destruction and death of our society. The history books tell us so unfailingly.

Let me enumerate more specifically:

1. In many of its recent decisions the United States Supreme Court has caused America and humanity irreparable damages.

2. Even swift congressional action to reverse same, will not ever undo the harm the Supreme Court has caused.

3. The Almighty God offers forgiveness for crime (or sin, as our religious leaders would prefer to call it).

4. Sincere confession and sincere true sorrow by the offender are the prerequisites for forgiveness.

5. Confession—defined—"admission of guilt."—(which the Supreme Court prohibits).

6. True sorrow is a resolve not to commit again crime, offense,—or the afore mentioned sin.

7. The domain of forgiveness belongs to God.

8. Too, man has God's promise for absolution.—(in Christianity—through Christ, the Redeemer, His Son.)

9. Restitution (by the Criminal) in a morally, Godly oriented society, is a prerequisite for absolution. This would mean:

(a) Direct restitution by the criminal to the one "crimed" against, if possible.

(b) Acceptance of the just punishment, by the guilty criminal,—imposed by the elected or appointed judges (and jury) of such a Godly, morally oriented society.

(c) Or, self-imposed penance (by the guilty criminal), due to his Godly smitten conscience.

Now, the Supreme Court in many of its most recent decisions has seemingly and perhaps in fact done the following:

1. Chosen to deliberately protect the criminal.

2. Ignored, transgressed—or caused to be transgressed—the God-given Rights of law abiding individuals (which it has a right, indeed, to protect).

3. Undermined the vested powers of our law enforcing agencies such as the police force, courts, etc., etc.

4. Has made a mocking travesty of Moral Law, Justice, and Order.

5. Has contributed immensely to crime and the demoralization of this—the greatest Country God gave the world—ever.

6. Has helped to make a mockery of moral teachings by Parents to their children, by:

(a) breeding contempt by children for the parents.

(b) thereby ensuring immensely larger "crops" of future criminals.

7. Has fostered contempt for authority—thereby contempt for God, since:

(a) in a Godly oriented, moral society—all proper Authority stems from God.

(b) having contempt for God, man can hardly be expected to have "love" for his 'neighbor'.

(c) and how much more contempt has it fostered in the "criminal" for his victim, or society in general?!

8. Has abrogated the powers of God:

(a) by letting (or causing to let) the criminal go free—unconditionally. Indeed this is—

1. Supra-God.
2. Illogical.
3. Unreasonable.
4. Unfair to criminal and victim alike.
5. Chaotic.

(b) by preventing the criminal from confessing freely.

1. This is unfair to the criminal.
2. It is ungodly.
3. It will have a tremendously great tendency to add to the mental illness and emotional instability of the criminal.
4. It almost prohibits or precludes the possible rehabilitation of the criminal—ever.

Sir, Honorable McClellan, I could go on with much more. But it would be unfair to encroach on your unhumanly busy schedule.

In summary—what the Supreme Court has done in many of its recent decisions has, I fear, laid the foundation—very solidly—for the destruction of this—the greatest country God gave the world—ever!

The Administration, with its reckless and fiscal irresponsibility and headlong plunge into Socialism—guided and aided by all the Socialistic Schemers—are building rapidly onto the above foundations of destruction.

The innumerable, utopian, heaven-on-earth-for-all great Society schemes—would be more appropriately labeled—'manifestos for destruction of our society'.

Of twenty-one major civilizations, nineteen have perished not from outer conquest—rather, from corruption and evaporation of belief (faith) within.

Unless we change our ways, we shall be the twentieth to perish. We are defying both God and History. We will become bankrupt and our form of representative constitutional government will be destroyed.

Strangely, too,—it would seem—that many of our presently campaigning politicians would prefer to accelerate the tempo to 'allegro' and prefer to 'fiddle as Rome (America) Burns!!

God help America!

With warmest best wishes and thanking you most deeply for your tireless efforts to restore sanity when, seemingly, schizophrenic and paranoiac suicidal insanity seems to abound.

Most respectfully yours,
N. M. CAMARDESE, M.D.,
Past President,
Huron County Medical Society.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I have received a telegram from the prosecuting attorney of Scioto County, Ohio, urging passage of title II.

Mr. McCLELLAN. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a copy of the letter that I addressed to all Senators at the time the Senate Judiciary Committee was holding hearings on title II, on the Miranda and the Mallory issue just as it is in the pending bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 20, 1967.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR: On January 25th I spoke in the Senate and introduced five bills designed to combat the growing menace of crime and to alleviate the danger caused by recent 5–4 Supreme Court decisions. My speech and the remarks of other Senators appear in the CONGRESSIONAL RECORD, volume 113, part 2, commencing on page 1582. I call your attention particularly to S. 674, a bill to amend title 18, United States Code, with respect to the admissibility in evidence of confessions, and S. 678, a bill to prohibit wiretapping by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified categories of criminal offenses, and for other purposes.

The first of a series of public hearings on these bills will be held by this Subcommittee on March 7th, 8th and 9th. If we are to secure the enactment of legislation in this area we will need the vigorous support of able members of the Senate and House of Representatives. Therefore, the Subcommittee on Criminal Laws and Procedures will welcome your comments on these proposals and will be glad if you will testify before the Subcommittee and give us the benefit of your counsel and recommendations and your views regarding any other practicable steps which you think are necessary to stem the tide of this constantly increasing peril.

If you wish to appear and testify, kindly advise the staff on Extension 3281 so that your appearance may be scheduled at your convenience.

With kind personal regards, I am
Sincerely yours,
JOHN L. MCCLELLAN,
Chairman.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Miranda Ruling Fought in Senate," written by David Lawrence, and published in today's Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIRANDA RULING FOUGHT IN SENATE

(By David Lawrence)

The United States Senate has been considering a bill which would remove some of the technicalities in law enforcement procedures that have permitted murderers and other criminals to escape punishment. Sen. John L. McClellan of Arkansas, one of the veteran members of the Senate Judiciary Committee, has issued a memorandum explaining the proposal that would permit a trial judge to decide whether a confession has been made voluntarily. It would leave it to the jury to determine how much weight shall be given to a confession.

This attempt to correct Supreme Court decisions has been denounced by other senators as an assault on the independence of the judiciary and on the Constitution itself.

But many of the critics either have not read the Constitution or have forgotten what it says about the power of Congress to limit the jurisdiction of the Supreme Court. Article III of the Constitution reads as follows:

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

Congress has rarely utilized this power, but the crime crisis in America has focused attention on the part the courts have unwittingly played in giving freedom to criminals. McClellan, in his latest memorandum, criticizes particularly three Supreme Court rulings—two of which were rendered by a 5-to-4 decision—and declares:

"These decisions have set free many dangerous criminals and are daily preventing the conviction of others who are guilty. How can the freeing of known, admitted, and confessed murderers, robbers, and rapists by the courts, not on the basis of innocence, but rather on the pretext of some alleged, minor, or dubious technicality be justified?

"Gangsters, racketeers, and habitual criminals are increasingly defying the law and flaunting duly constituted authority and getting away with it. As a consequence, public confidence in the ability of the courts to administer justice is being destroyed. Until the courts, and particularly the United States Supreme Court, become cognizant of this damaging trend and begin to administer justice with greater emphasis on truth and a deeper concern for the protection of the public, the crime rate will continue its upward spiral and the quality of justice will further deteriorate."

The most momentous opinion by the Supreme Court was handed down on June 13, 1966, in what is known as the "Miranda" decision. In that case, by a 5-to-4 ruling, the court said that no confession, even if wholly voluntary in the traditional sense, could be admitted in evidence over the objection of a defendant in a state or federal proceeding unless the prosecution could show that certain warnings were given in advance. The prosecution also was required to prove that the suspect had voluntarily and "intelligently" waived his rights. In many instances, it was not possible to furnish such proof. This is why many senators are in agreement with Justice John M. Harland, who, in a dissenting opinion, said:

"We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation."

Thus many members of the Senate are reflecting the views expressed by the minority of the Supreme Court itself. McClellan says:

"The Constitution has not changed. A misinterpretation of it by five judges has sought to change it."

When such a division of opinion appears, it is natural for Congress to raise the question of how the jurisidiction of the Supreme Court should be defined to cover a certain type of case. The purpose, of course, is to have the judge and jury decide the ultimate guilt or innocence in criminal cases, rather than to have flat rules made in advance that would paralyze the prosecuting process.

Mr. McCLELLAN. Mr. President, a situation exists in which several conferences are going on and hardly any Senator is present on the floor on either side of the aisle. It is impossible to try to legislate in such manner, especially in a matter of this importance, without an opportunity for Senators to hear something about the matter before they vote.

I agreed to a unanimous-consent request. I did not know that this situation would develop. However, I can say now that if we continue to operate in this manner, I serve fair warning that there will be no more unanimous-consent requests granted during the pendency of the pending bill.

I have tried to expedite this matter. We have a very difficult situation here. I want to propound some parliamentary inquiries. I do not have to do that on my time. I will do it at an appropriate time. However, I want it to be known now, and those staff members who are present can so advise their Senators, that if the Tydings amendment is defeated and the substitute of the Senator from Michigan [Mr. HART] is defeated, there will be votes, and I mean votes. There will be a division, and there will be votes on each issue in title II.

Those votes will take place, and Senators will have the opportunity to vote for the parts of title II they want and to oppose the parts with which they disagree. However, we will get votes one way or the other on the separate issues, I hope it can be done when the substitutes are out of the way.

If they can be defeated, then the Senate can actually work its will and take the issues one by one and vote them up or down. When that is done, we will then have a clear expression of the will of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? Time is running against both sides equally.

Mr. McCLELLAN. Let it run, Mr. President, and we will get some Senators here.

How much time remains on each side?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator from Arkansas has 34 minutes; the Senator from Maryland has 27 minutes.

Mr. McCLELLAN. I will use 7 minutes and thus equalize the time.

Mr. President, much has been said to the effect that this proposal is an attack on the Supreme Court. I have stated heretofore, that irrespective of how we may view what we are trying to do to correct the grievous errors made in certain Court decisions, it is five members of the Supreme Court who have made attacks on the Constitution and have undertaken to amend it.

Beginning in 1896—I have not gone back beyond that—it has always been taken for granted that persons accused of crime did not need lawyers to advise them before they were questioned.

I cite the cases of United States against Wilson, decided in 1896; United States against Powers, decided in 1912; Cicenia against Lagay, decided in 1958; and Haynes against Washington, decided in 1963.

In those cases and the dissenters in Miranda, 32 Justices held contrary to the Miranda majority decision, squarely on the point of whether persons accused of crime had to be advised of their rights and were entitled to have a lawyer before any questioning. Let us call the roll and see who some of the Justices were. I shall not mention all of them, but I shall name those who were among the most illustrious Judges ever to grace the Supreme Court:

Stephen Johnson Field, John Marshall Harlan, Oliver Wendell Holmes, and Charles Evans Hughes.

I am not attacking the Supreme Court; I am attacking only the erroneous decisions of the Supreme Court. I am defending the Supreme Court as it existed from the establishment of the Government down to the time of the Miranda decision. If that is an attack, let Senators make the most of it. Someone has got to do something to correct the condition.

These later decisions of the Supreme Court are not reducing the crime rate, according to the testimony given by the witnesses. Every Senator was asked to testify, if he wished to do so. No one was denied an opportunity to give the committee the benefit of his counsel, judgment, and views.

What we are considering today is a smokescreen. It is a diversionary tactic. The opponents of title II do not want to face up to the real issue. All I ask is that the roll be called and every Senator answer "Yes" or "No" to the question: Do you favor a continuation of court rulings that continue to push the spiral of crime upward and upward? To me, the latest decisions have no effect on reducing the crime rate. They are not in accordance with the views of many judges. They are not what the prosecuting attorneys want.

It is said that the condition needs more study.

While you study, while you fiddle, Rome burns. We had better quit fiddling, Mr. President. We had better quit dillydallying about this matter. We had better quit trying to find alibis and excuses as to why the law cannot be enforced and get down to enforcing it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Time is running against both sides equally.

Mr. RANDOLPH. It is fair.

The PRESIDING OFFICER. It is fair.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I spoke earlier, but my time was limited, and I did not have an opportunity to develop my thoughts.

The fact is that people throughout the entire country are in constant fear about the mighty power of the criminal. The innocent individual has been forgotten. The criminal has been edified. He has been put on a pedestal. Protections have been thrown around him never intended by the Constitution of the United States. All pronouncements have been made expanding and disregarding the constitutional provisions.

Whatever has been said by the Court has been a usurpation of power, the Court having assumed the power to amend the Constitution, without conforming to those prescriptions given by our forefathers in that document.

In George Washington's so-called Farewell Address, he pointed out that good intentions in trying to avoid the provisions of the Constitution, in supposedly promoting the rights of the individual, usually turn out disastrously. He pointed out the necessity to beware of that department of Government which, believing that it will serve the people, usurps powers not granted in the Constitution.

The Supreme Court of the United States, in my opinion, has usurped powers that do not belong to it. It has construed the Constitution to mean purposes never intended by the writers of the Constitution. The result has been a breakdown of law, the domination by criminals, and the subjugation of the innocent people to the criminals.

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 26 minutes remaining.

Mr. RANDOLPH. Mr. President, I would appreciate 3 minutes.

Mr. McCLELLAN. I yield 3 minutes to the distinguished Senator from West Virginia.

Mr. RANDOLPH. I have a question for the distinguished Senator from Ohio [Mr. LAUSCHE] who has just spoken. He has discussed, in colloquy with the Senator from Arkansas [Mr. McCLELLAN] the role of the Judges of the Supreme Court.

Mr. LAUSCHE. Yes.

Mr. RANDOLPH. It was recently reported in the press that Associate Justice William O. Douglas, in an address at the University of Vermont, attacked the U.S. Corps of Engineers, the Bureau of Public Roads, and the Bureau of Mines on the grounds that they were anticonservation. I shall not go into the allegations which were made, but I ask what, in the opinion of the Senator from Ohio, are the prerogatives, of a member of the Supreme Court in addressing himself to what he considers to be the current political problems of our country. As the Senator knows, the Bureau of Mines is concerned with the strip-mining problem, the Bureau of Public Roads, with the construction of roads; and the Corps of Engineers, with water resource development in connection with the States and their political subdivisions. The corps is primarily concerned with flood control and through it the protection of property and lives. These projects are designed as conservation projects for the purpose of improving water control and water quality and for providing increased recreational opportunities to the people of many areas of this country.

The Justice's speech was a strong indictment of these three agencies. At this time I am not interested in whether he was right or wrong for that is a matter of opinion. Does the Senator from Ohio believe that any Justice of the Supreme Court should address himself to this type of subject matter which is exclusively a legislative policy decision matter? Before I receive the response to my question, I will add that in my opinion such an aggressive attack is not in keeping with the judicial role. Such outspoken criticism lessens the effectiveness of the highest Court and its members.

Mr. LAUSCHE. In my opinion, a member of the Supreme Court should refrain in the utmost degree from participating in the discussion of questions that ultimately must be decided by a branch of the Government in the nonjudiciary.

The Justice of whom the Senator from West Virginia speaks has become warped in power. He is of the opinion that legislative functions, executive functions, and judicial functions shall best be exercised if his opinion is allowed to dominate. He has unknowingly allowed his social, economic, and political concepts to dominate his judgment on the Supreme Court, when his function was only to interpret the law.

Mr. McCLELLAN. Mr. President, will the distinguished Senator from Maryland elect to use some time now?

Mr. TYDINGS. Mr. President, I yield myself 7 minutes.

We must consider the decision in the Miranda case, which is under attack, in light of the background of those Supreme Court cases which preceded this decision. The first case which reached the Supreme Court in which the voluntariness of a confession was the issue preceded the Miranda case by some 30 years. At that time the sole issue of a confession was voluntariness.

If the proposal of the Senator from Arkansas, or title II is agreed to, the Supreme Court's rulings in effect will be reversed, or at least until the Court decides otherwise, and we will revert to the old voluntariness standard which each State could pass upon.

I think we should realize in the 30 years preceding Miranda the Supreme Court passed on some 22 "voluntary confessions" involving 26 defendants.

These confessions were ruled "voluntary" by the high courts of their States. Then, upon review of the facts in evidence only in the State court record, these 22 confessions were reversed and found not to be voluntary by the U.S. Supreme Court.

Mr. President, the first case was Brown against Mississippi. In that case Chief Justice Charles Evans Hughes of the Supreme Court took the summary of the facts directly from the dissenting opinion of the justice of the Supreme Court of Mississippi. I shall read parts of that opinion into the RECORD:

> The crime with which these defendants, all ignorant Negroes, are charged was discovered about one o'clock p.m. on Friday, March 30, 1934. On that night one Dial, a deputy sheriff, accompanied by others, came to the home of Ellington, one of the defendants, and requested him to accompany them to the house of the deceased, and there a number of white men were gathered, who began to accuse the defendant of the crime. Upon his denial they seized him, and with the participation of the deputy they hanged him by a rope to the limb of a tree, and having let him down, they hung him again, and when he was let down the second time, and he still protested his innocence, he was tied to a tree and whipped, and still declin-

> ing to accede to the demands that he confess, he was finally released and he returned with some difficulty to his home, suffering intense pain and agony. The record of the testimony shows that the signs of the rope on his neck were plainly visible during the so-called trial. A day or two thereafter the said deputy, accompanied by another, returned to the home of the said defendant and arrested him, and departed with the prisoner toward the jail in an adjoining county, but went by a route which led into the State of Alabama; and while on the way, in that State, the deputy stopped and again severely whipped the defendant, declaring that he would continue the whipping until he confessed, and the defendant then agreed to confess to such a statement as the deputy would dictate, and he did so, after which he was delivered to jail.

This was a voluntary statement so held by the highest court in Mississippi. If title II is agreed to, the Supreme Court no longer would have the right to review that decision of the Supreme Court of Mississippi.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. TYDINGS. No, I will not yield at this time.

> The other two defendants, Ed Brown and Henry Shields, were also arrested and taken to the same jail. On Sunday night, April 1, 1934, the same deputy, accompanied by a number of white men, one of whom was also an officer, and by the jailer, came to the jail, and the two last named defendants were made to strip and they were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it, and they were likewise made by the said deputy definitely to understand that the whipping would be continued unless and until they confessed, and not only confessed, but confessed in every matter of detail as demanded by those present; and in this manner the defendants confessed the crime, and as the whippings progressed and were repeated, they changed or adjusted their confession in all particulars of detail so as to conform to the demands of their torturers.

I am reading from the minority opinion of the justice of the Supreme Court of Mississippi, which was incorporated in the opinion of Chief Justice Charles Evans Hughes of the U.S. Supreme Court:

> When the confessions had been obtained in the exact form and contents as desired by the mob, they left with the parting admonition and warning that, if the defendants changed their story at any time in any respect from that last stated, the perpetrators of the outrage would administer the same or equally effective treatment.
>
> Further details of the brutal treatment to which these helpless prisoners were subjected need not be pursued. It is sufficient to say that in pertinent respects the transcript reads more like pages torn from some medieval account, than a record made within the confines of a modern civilization which aspires to an enlightened constitutional government.
>
> All this having been accomplished, on the next day, that is, on Monday, April 2, when the defendants had been given time to recuperate somewhat from the tortures to which they had been subjected, the two sheriffs, one of the county where the crime was committed, and the other of the county of the jail in which the prisoners were confined, came to the jail, accompanied by eight other persons, some of them deputies, there to hear the free and voluntary confession of these miserable and abject defendants. The sheriff of the county of the crime admitted that he had heard of the whipping, but averred that he had no personal knowledge of it. He admitted that one of the defendants, when brought before him to confess, was limping and did not sit down, and that this particular defendant then and there stated that he had been strapped so severely that he could not sit down, and as already stated, the signs of the rope on the neck of another of the defendants were plainly visible to all. Nevertheless the solemn farce of hearing the free and voluntary confessions was gone through with, and these two sheriffs and one other person then present were the three witnesses used in court to establish the so-called confessions, which were received by the court and admitted in evidence over the objections of the defendants duly entered of record as each of the said three witness delivered their alleged testimony.
>
> There was thus enough before the court when these confessions were first offered to make known to the court that they were not, beyond all reasonable doubt, free and voluntary; and the failure of the court then to exclude the confessions is sufficient to reverse the judgment, under every rule of procedure that has heretofore been prescribed, and hence it was not necessary subsequently to renew the objections by motion or otherwise.
>
> The spurious confessions having been obtained—and the farce last mentioned having been gone through with on Monday, April 2d—the court, then in session, on the following day, Tuesday, April 3, 1934, ordered the grand jury to reassemble on the succeeding day, April 4, 1934, at nine o'clock, and on the morning of the day last mentioned the grand jury returned an indictment against the defendants for murder. Late that afternoon the defendants were brought from the jail in the adjoining county and arraigned, when one or more of them offered to plead guilty, which the court declined to accept, and, upon inquiry whether they had or desired counsel, they stated that they had none, and did not suppose that counsel could be of any assistance to them. The court thereupon appointed counsel, and set the case for trial for the following morning at nine o'clock, and the defendants were returned to the jail in the adjoining county about thirty miles away.
>
> The defendants were brought to the courthouse of the county on the following morning, April 5th, and the so-called trial was opened, and was concluded on the next day, April 6, 1934, and resulted in a pretended conviction with death sentences. The evidence upon which the conviction was obtained was the so-called confessions. Without this evidence a preemptory instruction to find for the defendants would have been inescapable. The defendants were put on the stand, and by their testimony the facts and the details thereof as to the manner by which the confessions were extorted from them were fully developed, and it is further disclosed by the record that the same deputy, Dial, under whose guiding hand and active participation the tortures to coerce the confessions were administered, was actively in the performance of the supposed duties of a court deputy in the courthouse and in the presence of the prisoners during what is denominated, in complimentary terms, the trial of these defendants.

In 1942, the Supreme Court heard another case coming from the highest court of a State. In Ward against Texas, there was involved the same general pattern of long delays, travel back and forth between two or three different counties, all sorts of pressure, beatings, and finally a "voluntary confession."

The same is true in the case of Ashcraft against Tennessee, Harris against South Carolina, and Watts against Indiana.

Mr. President, to take away the right to review the voluntariness of those decisions would be to take a step backward and, in my judgment, would be contrary to our entire democratic system.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I shall not yield time for a question; the Senator may ask the question on someone else's time, and I will answer on my time.

Mr. McCLELLAN. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. For how many years following the adoption of the Constitution of the United States in 1787 were voluntary confessions, obtained without duress and intimidation, admissible in evidence? It is 180 years, practically, is that not the fact?

Mr. TYDINGS. Mr. President, that was the law, and is the law now, and was also when Brown against Mississippi was handed down, and Ashcraft against Tennessee, Ward against Texas, and Harris against South Carolina. But how do we enforce the rights of individuals if they cannot seek review from the highest Court in the land? That is what we will do under title II. We would remove the writ of habeas corpus to go to the highest court on fifth amendment problems, and we would remove the right of seeking certiorari or appeal as well.

Mr. LAUSCHE. We have the right to petition in error, always to show that a confession was obtained by duress or intimidation. But, the Senator has not yet answered my question: How many years was the law in existence where voluntary confessions were admissible.

Mr. TYDINGS. It was in existence——

Mr. LAUSCHE. Until 1966.

Mr. TYDINGS. It was in existence. It is still in existence. Mr. President, it was in existence at the time they beat the statement out of those poor men in Mississippi. It was the law at the time those confessions were beaten out of the defendants in Ward against Texas, Ashcroft against Tennessee, and all the other cases.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. McCLELLAN. Mr. President——

Mr. TYDINGS. All I am advocating is that the Supreme Court has a chance to rule.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. McCLELLAN. Mr. President, yes; it was the law of the land all during the time the Supreme Court reversed all the precedents. It was the law of the land that voluntary confessions were admissible into evidence if they were obtained without coercion or intimidation. That was the law of the land. Five members of the Supreme Court amended the Constitution. They amended it from what they had said themselves it was in 1958.

I want to make note of this: I have had an uphill fight here. I have been battling against the power structure. While the Senate has been deliberating on this matter, the Attorney General of the United States and his Department of Justice have been calling all over the country asking college professors, and heads of law institutions to back them up and get in touch with their Senators directly and put pressure on them to defeat title II of the pending bill.

Mr. President, that is all right with me. I will stand on it. I will stand against the administration, the power structure, the five members of the Supreme Court, and against all the criminal element in this country who are lined up to see title II defeated. They will be the ones to rejoice.

Yes, Mr. President; I will stand here with those who want law and order and law enforcement, if I have to fight the Justice Department, the administration, and the five Justices who changed their minds according to the whim of the moment. I will still be fighting for it when this session of Congress adjourns and thereafter. Although I have had an uphill fight, I have been encouraged and sustained by the unshakable faith that I am right in the knowledge that five members of the Supreme Court are wrong and four members of it are right.

The five members of the Supreme Court had to flout and overrule precedent established in previous decisions by 28 of their illustrious predecessors, and four of their illustrious predecessors who made their own precedents, that the action in the ruling of the five members of the Supreme Court is tantamount to amending the Constitution.

Mr. President, the Constitution of the United States has not changed. The Supreme Court has changed and has tried to change the Constitution.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 additional minutes.

Mr. McCLELLAN. Mr. President, the procedure of amending the Constitution is a usurpation of the power reserved only to the people themselves. Criminals greatly benefit and society suffers immeasurably by reason of those Court rulings. Law enforcement officers are denied the use of the most elementary—Mr. President, this is the Court's language—and effective procedure in the performance of their duties, while the criminal is provided with an arbitrary and unreasonable shield of protection. Those decisions have freed and continue still to free untold numbers of murderers, rapists, robbers, arsonists, and other felons.

Mr. President, all the felons in these three famous cases were turned loose, and every one of them went out to violate the law again.

Mallory went out and raped another woman. Escobedo went out and was convicted on a heroin charge. Miranda was convicted of another serious crime and is now serving 30 years in the penitentiary.

Those are the kind of men we are turning loose. Do not tell me that it does not affect us all when today less than 5 percent of those who commit serious crimes are ever punished. No wonder the criminal feels he can go out and violate the law, because he knows that he can get away with it.

The American people want and need protection from law violators. They want equal justice under the law, equal justice for the accused as well as the innocent.

We are not getting that now.

The people want the scales of justice brought back into balance.

Mr. President, how much time remains?

The PRESIDING OFFICER. Each side has 17 minutes remaining.

Mr. McCLELLAN. I thank the Chair.

Let us fight—let us fight. Will not the Senator from Maryland use his 17 minutes, and I will use mine. Let us get going. It is the Senator's motion.

The PRESIDING OFFICER. Time is running.

Mr. TYDINGS. Let the Senator from Arkansas lead off.

Mr. McCLELLAN. Fine. I am glad to do so.

Mr. President, for the next 5 minutes I want to read a letter. I do not know the man who wrote it. He is from Ohio and he is a doctor. I have already placed it in the RECORD.

Listen to what he says:

> DEAR SENATOR McCLELLAN: May I take the liberty of congratulating you on your recent statements in the Senate Judiciary Committee Reports on Crime (May 1, 1968).

He goes on:

> After reading the article, "Runaway Crime—Will Congress Act?", in the *U.S. World and News Report,* May 20, 1968, might I please ask your courtesy to ponder the following with me—please.
>
> The disease overpowering beautiful America, is Socialism and possibly eventual Communism.
>
> The symptoms are: progressive and increasing lack of belief in God; moral corruption and decay; abandonment of individual responsibility; and a sickly attitude of wanting rights without fulfillment of prerequisite obligations and responsibilities.
>
> The disease carriers are the criminals—multiplying at a fantastic rate—approximately ten times the rate of the general population.

Then he adds:

> Let me enumerate more specifically:
>
> 1. In many of its recent decisions the United States Supreme Court has caused America and humanity irreparable damages.
>
> 2. Even swift congressional action to reverse same, will not ever undo the harm the Supreme Court has caused.
>
> 3. The Almighty God offers forgiveness for crime (or sin, as our religious leaders would prefer to call it).

Mr. President, there is a great deal more of it. I cannot read it all. He does say this:

> Now, the Supreme Court in many of its most recent decisions has seemingly and perhaps in fact done the following:
>
> 1. Chosen to deliberately protect the criminal.
>
> 2. Ignored, transgressed—or caused to be transgressed—the God-given Rights of law abiding individuals (which it has a right, indeed, to protect.)
>
> 3. Undermined the vested powers of our law enforcing agencies such as the police force, courts, etc., etc.
>
> 4. Has made a mocking travesty of Moral Law, Justice, and Order.
>
> 5. Has contributed immensely to crime and the demoralization of this—the greatest Country God gave the world—ever.
>
> 6. Has helped to make a mockery of moral teachings by Parents to their children, by:
>
> (a) breeding contempt by children for the parents.
>
> (b) thereby ensuring immensely larger "crops" of future criminals.
>
> 7. Has fostered contempt for authority—thereby contempt for God.

Mr. President, when you read these decisions of the Supreme Court it is almost inescapable for you to come to any other conclusion but that the Court has become the enemy of all law enforcement officials in this country.

When the Court will not respect its predecessors, when it will change its mind to change the Constitution as it has been interpreted for 180 years, no wonder we have people going all over the land referring to the law, saying, "Well, I do not think it is right and I am not going to abide by it." No respect for authority. When the Supreme Court does not have respect for authority and does not respect precedents and overrules such illustrious judges as those whose names I have heretofore called, how can we respect the Court, and who feels compelled to respect the law?

Mr. President, the tone is set at the top. The Supreme Court has set a low tone in law enforcement, and we are reaping the whirlwind today. Look at that chart. Look at it and weep for your country. Crime spiraling upward and upward and upward. Apparently nobody is willing to put on the brakes. I say to my colleagues today that the Senate has the opportunity—and the hour of decision is fast approaching—to either do it or undertake to dodge it by voting for the Tydings-Hart amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Ohio.

Mr. LAUSCHE. I asked the Senator from Maryland how long the law admitting voluntary confessions had been in effect. He said it had been in effect always, and is still in effect. My understanding is that the Supreme Court has positively changed that law. I now ask the Senator from Arkansas his opinion.

Mr. McCLELLAN. Everybody knows the Court has changed the law. The Supreme Court has done it, and has provided unreasonable technicalities which the Court never said were required under the Constitution. A police officer has to ask, before any question is asked, whether the suspect voluntarily agreed to answer, and whether he did so intelligently. That is the law. That is what the Supreme Court has held.

The PRESIDING OFFICER. (Mr. CLARK in the chair). Who yields time?

Mr. McCLELLAN. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes remaining. The Senator from Maryland has 17 minutes remaining.

Who yields time?

Mr. ERVIN. Mr. President, I wonder if the Senator from Arkansas will yield me 1 minute to ask a question?

Mr. McCLELLAN. I yield 1 minute to the Senator from North Carolina.

If there are going to be any more unanimous-consent agreements, we are going to divide the time so every Senator will yield time in proportion.

Mr. ERVIN. As I understood the Senator, he said the Department of Justice was lobbying against title II.

Mr. McCLELLAN. There is no question about it. I have received calls from law colleges and law professors. They are calling at the instance of the Justice Department.

Mr. ERVIN. I will ask the Senator from Arkansas if the Justice Department does not have primary authority for enforcement of Federal laws.

Mr. McCLELLAN. Of course it has, but it is weaselly, and it does not want to come to grips with the issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. May I have 1 more minute?

Mr. McCLELLAN. I yield 1 minute. I am getting short of time.

Mr. ERVIN. I would just like to say that if the Department of Justice is lobbying against title II of the bill, the Department puts itself in the peculiar fix of demanding that it be given several hundreds of millions of dollars to be used to train police officers and then insisting that those police officers, after that training, will not be allowed to use any commonsense in enforcing the criminal laws of the States and the Nation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Maryland yield me 7 minutes?

Mr. TYDINGS. I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, each Member of Congress recites an oath upon taking office. He swears to support and defend the Constitution of the United States.

Today each of us has the chance to impart substance to that oath. In essence we are asked today to determine whether basic constitutional precepts which lie at the heart of our freedom and our democracy shall be preserved or dissolved.

We are asked to decide whether that yellowed document in the Archives, that treaty between ourselves and our forefathers, is to be adhered to or renounced. We are asked whether we have found some substitute for due process of the law, for the assistance of counsel, for the accusatory rather than inquisitory system of justice, for the great writ of habeas corpus, and, finally, for the Supreme Court as final arbiter of law and guarantor of justice.

For it is these keystones in our tradition of ordered liberty which are threatened here today. They are not threatened because they are obsolete, anachronistic, unworkable, unjustified, or unneeded. They are threatened because some Americans have panicked about crime and want scapegoats to flay and panaceas to grasp at.

They are threatened because other Americans want revenge against a constitution and a Court which denounced prejudice and discrimination in large segments of American life. They are threatened because this is a presidential year, and it is so easy to play politics with questions of law and order.

It is ironic that those who rail the loudest about obedience to law as an unshakable absolute, those who inveigh against civil disobedience in all its forms, should be in the forefront of an effort to violate the constitution, and rob the Supreme Court of its power. They are willing to promote title II despite the conclusions of hundreds of eminent law professors that title II violates the spirit and substance of the constitution.

They would have us pass a law that will invite and encourage disobedience to constitutional rulings of the Supreme Court. They ask us to alter by statute protections guaranteed by the Constitution and lawfully alterable only by constitutional amendment.

This indeed would be lawlessness—sophisticated and nonviolent lawlessness, to be sure, yet lawlessness nevertheless.

It would be a graphic illustration of a tenet held by few but criticized by many—that a person can ignore legal rules with which he disagrees. In short, it would represent in most blatant form the ideal of "do what I say, not what I do."

Yet there is even a greater potential for harm in the voting we are to perform today. We cannot survive as a society if our Government and its institutions do not have the support and understanding of the people. And we cannot expect people to support a government and a system which is not fair and just.

Especially in these times of stress and tension we must demonstrate that equality, regularity, and justice are goals and standards of our machinery of law enforcement and judicial scrutiny. We must win people to law and order not by fiat but on the merits of shared values and mutual interests.

Yet if the key to an equal stake in the law is equal treatment by the legal system, what will be the result of enacting a bill that suggests unfairness, promises unresponsiveness, and promotes the aspect of—not the substance of—inequality, injustice, and overreaching in the criminal justice system? If title II represents the best answer of the U.S. Government to the problems of crime and delinquency, then how can our Government maintain its credibility?

How can the poor feel they have a stake in a system which says that the rich may have due process, but the poor may not?

How can the uneducated have faith in a system which says that it will take advantage of them in every possible way?

How can people have hope when we tell them that they have no Federal recourse if they run afoul of the State justice system?

Mr. President, our task should be to instill more fairness and sensitivity in our law enforcement processes, not less.

Our aim should be to build the system to the point where it can be both fair and effective, firm but not feared, a force in every community which can be identified with the community's hopes and aspirations, its safety and security.

In short, our action on title II can determine whether, in many localities, the men in uniform are "them" or "us," allies or antagonists. A vote for title II will thus be a vote for confrontation and conflict, for loss of faith and of hope.

I cannot overstress the two concerns I have already expressed—the example of lawlessness that title II would set and the symbol of repression that it would constitute.

These are critical and determinative enough in themselves. Yet there is a much more immediate and pragmatic reason why title II must be deleted. Title II purports to be based on an assumption that the present standards of criminal procedure lead to the release of large numbers of guilty offenders, and that the passage of title II would stem this tide.

Exactly the opposite is true. Under such decisions as Miranda, only a few convictions, to which by accident of time, Miranda's partial retroactivity applied, had to be reversed, and in most of those, as in the Miranda case itself, the defendant landed back in court on other evidence or other crimes.

The important fact about the Miranda decision, however, is that it provided a clear, concise, and reasonable set of rules for every policeman to follow.

Thus, whereas before Miranda, a policeman could inject a critical flaw into a case out of ignorance or confusion or misunderstanding of what he was required to do, after Miranda every policeman in the Nation knew exactly what procedures to follow to fulfill his role in a responsible and constitutional manner. It is this consistency and reliability and simplicity that we would be casting away if we enacted title II. The result would be inconsistency in operations and attitudes all over the country. Every confession case would be contested and many would be reversed. Many guilty criminals would in fact go free.

The courts would be clogged with appeals and retrials.

We would set law enforcement back at least 5 years to the day when each policeman made his own rules and took his and the prosecutor's, and the defendant's and the public's chances in court.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield the Senator 2 additional minutes.

Mr. KENNEDY of Massachusetts. That was certainly no way to run a criminal justice system then, and, especially with some experience under Miranda behind us, it is a totally unacceptable way now.

Mr. President, it is the U.S. Senate which has traditionally been the repository of constitutionalism and fairness, of rights and liberties. In the 90th Congress we have certainly proved the viability of this tradition. We stood behind the court and the Constitution when they came under attack in the fight over congressional redistricting.

We extended the range of civil rights and civic responsibility when we passed the civil rights act of 1967. And now we are asked to take another stand:

Are we for or against the Constitution?

Are we for or against fairness and justice?

Will we or will we not abide by the Supreme Court's final interpretations of the law?

The answers to these questions should be self-evident, and I am sure we will meet our responsibilities in answering them.

Mr. President, I am prepared to yield back the remainder of my time, or I should be delighted to respond to the earlier questions of the Senator from North Carolina, if he wishes.

Mr. ERVIN. Mr. President, I have no time. I just wish to say that I seek to uphold the Constitution as it was written—before Miranda.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 9 minutes, and the Senator from Maryland has 8.

Mr. McCLELLAN. Mr. President, I yield myself 4 minutes.

When I addressed the Senate last Friday, May 17, I said:

> The true issue, and there is no escaping it, is the spiraling rate of crime and the erroneous decisions of the Supreme Court versus the safety of our people and the security of our country.

Mr. President, as to the Constitution, I have just as much reverence for it as any Member of this body. What I deplore is Supreme Court Justices, who are sworn to it, as it has been upheld all down through the history of our Republic, themselves joining in opinions that say it means one thing, and then, when the next case comes along, turning a complete somersault in order to amend the Constitution.

Respect? Where? It is not with five members of the Supreme Court.

The pending Hart and Tydings substitute amendments for title II serve most forcibly to accentuate and sharpen the issue. They are simply diversionary tactics—a dodge, a stall—seeking to avoid a direct confrontation vote on the real issue. They are in fact "fiddling" amendments; they are "procrastinating" amendments; they would substitute "do nothing" for the positive action the bill proposes.

They ask the Senate to postpone action "indefinitely" while some kind of a proposed "indefinite" study is being made by some unknown and un-named congressional committee. Neither of these substitute amendments even require a report to the Congress from any committee of a study, if any study is ever made.

No report, Mr. President; a complete subterfuge.

Let us look at the reality of the moment. I ask Senators to look at the two charts which have been placed here in the Chamber—one depicting "crime clocks," and the other one showing the relative rise of crime and population, percentagewise, from 1944 through 1967.

These charts show that since the Miranda decision, crime has increased 137½ percent. Tell me it had no impact. Look at the Mallory case. Look at the Escobedo case. Look at the Miranda case. The graph is still turning in a spiral upward and upward, Mr. President.

It will be noted that the crime clock shows that there are six serious crimes committed each minute; a murder is committed ever 48 minutes; a forcible rape ever 21 minutes; aggravated assault every 2 minutes; one robbery every 3½ minutes; one burglary every 23 seconds; one larceny every 35 seconds; and one auto theft every 57 seconds.

Can we, Members of the U.S. Senate, in good conscience, do what we are asked to do by these substitute amendments—fiddle, procrastinate, and wait for an indefinite study with crime so rampant in our land as it is today?

I do not think so. Are we going to fiddle while crime destroys America, or are we going to stand up, like men, and vote to do something about it? We can excuse and alibi until doomsday, but all the time we are doing it, crime is increasing.

Will we in this hour of decision and opportunity fail to measure up while the crime rate is rising now at a rate of 15 to 20 percent each year—eight to 10 times faster than the increase in population?

Look at these charts and ask yourself, what will the crime rate be 1 year from now, 2 years from now, 3 years from now, or even 5 years from now when a report of the "extensive factual investigation" these amendments propose may be available to us—if, in fact, such a study and report are ever made.

Who wants this confessions provision in title II defeated? The answer is, primarily those who will benefit from it most. Who are they? If this confessions provision is defeated, the lawbreaker will be further encouraged and reassured that he can continue a life of crime and depredations profitably with impunity and without punishment. If it is defeated, the protection of society and the safety of good people—of the innocent throughout the land, your constituents and mine—will be placed in ever-increasing peril as the crime rate continues to spiral onward and upward to intolerable heights of danger.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. I yield myself 2 more minutes.

If this effort to deal with these erroneous Court decisions is defeated, every gangster and overlord of the underworld; every syndicate chief, racketeer, captain, lieutenant, sergeant, private, punk, and hoodlum in organized crime; every murderer, rapist, robber, burglar, arsonist, thief, and con-man will have cause to rejoice and celebrate.

Whereas, if it is defeated, the safety of decent people will be placed in greater jeopardy and every innocent, law-abiding, and God-fearing citizen in this land will have cause to weep and despair.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 7 minutes.

Mr. TYDINGS. Mr. President, I served for 3 years as the principal prosecutor of the District of Maryland. I personally have not agreed with all the decisions which have been handed down by the High Court. But I should like to set the record straight on a few points.

The Miranda decision basically says that when a defendant is arrested, the arresting officer should tell that individual that he has the right to remain silent, that anything he says can be held against him, that he has a right to consult a lawyer, and if he is too poor, the court will appoint one.

I challenge the statements of the Senator from Arkansas when he says that organized crime and the hoodlums it employs will benefit from these simple rules of procedure. Mr. President, that simply is not factual. There is no professional criminal today who, when he is arrested, does not automatically realize his rights and call up his attorney. No son of a rich man, no young man who has had the benefit of a college education, none of our children or our friends' children, need these protections generally.

They already know their rights and privileges. However, when we take away the rights and privileges of the weakest and the most defenseless and the most innocent, we are taking away the rights of the whole Nation.

The rules of procedure in Miranda have not, in my judgment and in the judgment of each comprehensive survey made of the facts afterwards—and not based on pure speculation and passion—these rules have not affected law enforcement in the rate of convictions, the rate of arrests, or the rate of clearance of criminal cases.

The basic requirements in Miranda have been followed for two decades by the Federal Bureau of Investigation, the Federal investigative agencies—which I dealt with as U.S. attorney—and by the military courts of justice in this country.

Whenever a prosecutor or an investigator reaches a point in a case where a suspect wishes to make a statement, the mere fact that the suspect is advised of his constitutional rights does not deter him from making a statement.

The reason for the rule against self-incrimination and the granting of the privilege against self-incrimination is to protect the innocent.

It was the innocent who made the statements that were beaten out of them in Brown against Mississippi. It was the innocent who were tortured and had the statements beaten out of them in Ward against Texas, Ashcraft against Tennessee, Harris against South Carolina, Watts against Indiana, Turner against Pennsylvania, Lyman against Illinois, and in all of the 22 cases that went to the Supreme Court of the United States in the past 30 years.

The proponents of title II say that the Miranda case went further. Those who attacked the decision of the Supreme Court in Brown against Mississippi said: "Why, the Supreme Court has never before reviewed the voluntariness of a confession which has been passed on by the highest court of a sovereign State."

Certainly they broke new ground. However, it was done to protect the rights of the innocent. It was to vindicate the basic privilege against self-incrimination, which is the foundation of any democratic society.

Mr. President, these few rights that are involved are not needed by organized crime or by hoodlums. They have all of the lawyers they want on their payroll and all of the bondsmen they need. It is not needed by the rich, nor the powerful. However, those rights are needed to protect the innocent who do not know their rights, who are scared. Just as the cases I have indicated illustrate, if they are put under pressure for 26 or 28 hours and if they are beaten enough, they will give a confession in any manner the arresters want them to give it.

I have indicated that I do not defend all of the decisions of the Supreme Court. There are decisions in which, if I had been on the court, I would have been in dissent myself. However, our system is based on a delicate balance of power, and the Supreme Court is the top of our judicial system.

Mr. President, this is the way the drafters of our Constitution wanted it. This is the way our Republic has worked. Attacks on the Supreme Court, which is the basis of title II, are not unusual in the history of this country. One merely has to read of the attacks made on the John Marshall Supreme Court back in 1816, at the turn of the 19th century when Marshall handed down the decision in Marbury against Madison.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 1 minute remaining.

Mr. TYDINGS. Mr. President, how much time does the Senator from Arkansas have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. TYDINGS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement entered into, at 2 o'clock the question will recur on the Tydings amendment as a substitute for the Hart amendment, and that question having recurred, there will be 30 minutes to a side, the time to be equally divided between the Senator from Arkansas and the Senator from Maryland.

The hour of 2 o'clock not having arrived, there seems to be a hiatus. Perhaps we can have a quorum call.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

Mr. McCLELLAN. Mr. President, I am going to suggest the absence of a quorum, and when we get a quorum, I propose to propound some parliamentary inquiries to attempt to clarify the parliamentary situation so that everyone will understand it.

The PRESIDING OFFICER. The Parliamentarian advises me that at that time the time will be under control.

Mr. McCLELLAN. Not for a parliamentary inquiry.

The PRESIDING OFFICER. The time will then be under control for the purpose of a parliamentary inquiry also.

Mr. McCLELLAN. There will never be another unanimous-consent agreement if a Senator cannot inquire about the parliamentary situation.

The PRESIDING OFFICER. A parliamentary inquiry may be propounded by unanimous consent without the time being charged against the amendment. At any rate, the absence of a quorum has been suggested, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLELLAN. What is the pending business? I did not understand that there was any time under control. We are to vote at 2 o'clock.

The PRESIDING OFFICER. A quorum call is in progress. A Senator has no right to propound questions to the Chair during a quorum call.

Mr. McCLELLAN. Well, the Senator is going to ask the questions.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 139 Leg.]

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Hansen
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McIntyre
Metcalf
Miller
Mondale
Morse
Morton
Moss
Mundt
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], and the Senator from Wisconsin [Mr. Nelson] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Oregon [Mr. Hatfield] and the Senator from California [Mr. Kuchel] are necessarily absent.

The Senator from New York [Mr. Javits] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

The question recurs on the Tydings amendment as a substitute for the Hart amendment. Under the unanimous-consent agreement heretofore entered into, the Tydings amendment is subject to 30 minutes of debate on each side—30 minutes to be controlled by the Senator from Arkansas [Mr. McClellan] and 30 minutes to be controlled by the Senator from Maryland [Mr. Tydings].

Who yields time?

Mr. TYDINGS. I yield 3 minutes to the Senator from Ohio [Mr. Young].

Mr. YOUNG of Ohio. Mr. President, I support the amendment offered by the distinguished Senator from Maryland.

May I say at the outset that I served as chief criminal prosecuting attorney of Cuyahoga County, Ohio, in which the city of Cleveland is located, and I believe I know something about the law of this land. Before moving to Cleveland, where I was assistant prosecuting attorney and then chief criminal prosecuting attorney for 20 of the happiest years of my life, I lived in the little city of Norwalk, Ohio. It was then a city of some 7,000.

The PRESIDING OFFICER. Will the Senator suspend?

The Senate is not in order. Senators will kindly be seated and refrain from conversation, so that the Senator from Ohio may be heard.

Mr. YOUNG of Ohio. On my desk today, and I believe on the desk of each Senator, is a five-page letter written by a character in that little city—Dr. N. M. Camardese. I know him. May I tell my colleagues that for more than 20 years I lived in the city of Norwalk, the county seat of Huron County. My father was a common pleas judge of that county for many years. I love that little city. But it amazed me that today upon the desk of each Senator is a letter entitled "God—or the Supreme Court?" written by N. M. Camardese.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. I yield 3 additional minutes to the Senator from Ohio.

Mr. YOUNG of Ohio. I will make my comments brief and to the point. I know Dr. Camardese. It seems to me astonishing and an indication of weakness that anyone would rest his case in part on a 5-page letter from this man who is regarded as a nut. He is fortunate that the Probate Court of Huron County, Ohio, does not take him into custody. Any presentation made in this Chamber must be very weak indeed if it is considered that a letter written by this eccentric is considered to bolster it and add validity to it. He has no standing whatever in the community where I once lived, and I would not give any credence nor belief to his statements.

As a native of Norwalk, Ohio, I repudiate this statement of this so-called doctor, who is held in low esteem by the citizens of Norwalk, and I think his mentality, and certainly his commonsense and judgment, could be highly questioned.

Regarding this amendment, I support it in its entirety. Title II is an unconstitutional attack upon the Supreme Court, and I hope the majority of the Senate will manifest their good judgment and uphold the amendment offered by the distinguished junior Senator from Maryland [Mr. Tydings]. On May 13, I made my major speech in the Senate, setting forth in detail my reasons for opposing title II and title III of the pending bill. At that time I stated that in my view, recent decisions of the U.S. Supreme Court protecting the rights of accused individuals are important safeguards and guarantees of individual liberty and should be maintained. Existing law is designed to assure that confessions are voluntary, that police lineups are fair, that arrangements are prompt and that defendants receive a full and fair hearing.

The proposals in title II are a serious threat to the Constitution of the United States. I could not in good conscience vote for this bill unless such proposals and provisions are eliminated altogether. They present a grave threat to the basic principles on which our Nation was founded—to our basic concept of separation of powers, to Federal supremacy, to judicial independence—in short, to our most cherished ideas of justice and the rule of law. A great blow would be struck against individual freedom and liberty were they to be enacted into law.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. I do not know the doctor.

Mr. YOUNG of Ohio. I know him well.

Mr. McCLELLAN. The Senator knows him?

Mr. YOUNG of Ohio. Yes, I know him.

Mr. McCLELLAN. Does the Senator know and understand the principles he espouses? Does the Senator repudiate them?

Mr. YOUNG of Ohio. Yes; I repudiate his statements.

Mr. McCLELLAN. Does the Senator repudiate the principles he espouses? Does the Senator repudiate them?

Mr. YOUNG of Ohio. Yes, I repudiate his statement.

Mr. McCLELLAN. Does the Senator repudiate his principles?

Mr. YOUNG of Ohio. I do not think Senators should give credence to the letter written by this man who is a nuisance, a pest, and nut. [Laughter].

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 12 minutes.

Mr. TYDINGS. Mr. President, the issue before the Senate is whether or not we are going to take a step backward in those rights and individual liberties as interpreted by the Supreme Court of the United States which our Bill of Rights and our Constitution provide for every American, whether they are rich or poor, and whether they are weak or strong.

Title II, basically, is an attack on the Supreme Court. It is not a law-enforcement measure. There is no empirical data no factual survey, no study compiled in any comprehensive way which supports it as a law-enforcement measure. True, it has passionate espousals from many prosecutors and other persons, but no factual data, and no empirical evaluation.

The three studies made by the Pittsburgh Law School, the Yale Law School, and the Georgetown Law School on the results of the Miranda case all repudiate the argument that this is a law-enforcement measure. It is not a law-enforcement measure.

I take second place to no one in my espousal of law-enforcement efforts. As the distinguished Senator from Arkansas knows, I have been at his right hand in fighting on behalf of title I, title III, and title IV of the bill, and, for even stronger measures with respect to title IV, the gun control measures.

If I felt that title II was a law-enforcement measure or would help law enforcement in one iota, I would support it. However, the fact of the matter is that in all factual surveys made on the results of the Miranda case and the Mallory case not one has shown a reduction in rate of conviction or rate of clearance. There was only one instance where the number of confessions have been less. The facts show the conviction rate and clearance rate was constant and the clearance rate was greater.

I oppose title II for two reasons. First, it is an attack on our delicate constitutional system. Make no mistake about it, it is an attack on the Federal judiciary and the Supreme Court. It endangers the system of checks and balances we have in this country. Second, I oppose it because, in my judgment, it will cause massive confusion in all law-enforcement offices throughout the State. Many Senators, I think, do not realize what this title would do.

The first section, which relates to the Mallory decision and the Miranda decision, would restrict or attempt to restrict the Miranda decision insofar as it pertains to cases pending before the Federal courts. It does not, in effect, bind State court decisions.

Even if we adopt title II, theoretically, at least, State courts are still bound by Miranda, Mallory, and Wade. Yet, later on in the title, in section 3502 and in the latter part of section 3503, we restrict the reviewability of confessions and eyewitness evidence from the highest court of the State, so we would have 50 different jurisdictions, each passing its own rules and each passing its own law on what a voluntary confession is and what a voluntary confession is not, and what a framed lineup is and what a framed lineup is not.

I submit that even if title II should not be reviewed and held unconstitutional by the Supreme Court—and I feel it would be; and most constitutional scholars and constitutional lawyers feel it would be—what is now a simple and clear rule with respect to what a police officer does when he arrests a person; namely, to notify him he is under arrest, charged with a crime, that he does not have to make a statement, that if he makes a statement it may be used against him, that he has a right to a lawyer, and if he is too poor, he has the right to have a court-appointed lawyer—those clear and simple guidelines go out the window.

As a result, Mr. President, what is the ordinary police officer to use as a standard or guideline? Does he use the Miranda case? Does he use title II? What does he use? I submit that rather than assisting law enforcement, our local law enforcement will be in a great state of confusion. Even more unfortunately, this title holds out the false prospect to the people of the United States that it is a law-enforcement measure and that if it is passed the rate of crime will decrease in this country. Mr. President, that prospect is not based on any empirical study. If people feel that by agreeing to title II we are going to assist law enforcement and when the facts come home to roost, they find that it does not, they will be even more disappointed and more upset.

The Supreme Court has been under attack on more than one occasion in our history.

When John Marshall was the Chief Justice and handed down the decision in Martin against Hunter's lessee, the chief justice of the Virginia court, Justice Rone, wrote a vitriolic attack.

In response to another Supreme Court case, one State offered a bounty for the capture of any Federal marshal who attempted to cross its border to serve a court order. The Supreme Court has always been the center of storm.

The Supreme Court occupies one of the most delicate and most sensitive places in our system. Franklin Roosevelt and his Congresses in the 1930's attempted to pass new legislations and new concepts. The Supreme Court in the years 1933 through 1937 held unconstitutional a number of the key parts of the Roosevelt program.

Roosevelt then sponsored, together with the leadership of the Congress until Joe Robinson passed away, a bill to increase the size of the Supreme Court by four new men just so Roosevelt could uphold the law the way he wanted it and not the way the Supreme Court wanted it, at a time when Roosevelt had just received the greatest victory at the polls in the first half of the 20th century, in 1936.

Mr. AIKEN. Mr. President, will the Senator from Maryland yield for a question?

Mr. TYDINGS. I yield.

Mr. AIKEN. I should like to ask the Senator, if the Tydings amendment carries and title II is stricken from the bill, would it be in order, then, to offer any of the provisions of title II as an amendment to the bill?

Mr. TYDINGS. Yes. I am advised by the Parliamentarian that it would be.

Mr. AIKEN. I thank the Senator. I think that is very important to make clear.

Mr. TYDINGS. Mr. President, in 1937, my father, Walter George of Georgia, Harry Byrd of Virginia, and others, stood on the floor of the Senate and fought Mr. Roosevelt and his Supreme Court packing plan, on the very same principles I am standing in this Chamber at this moment fighting the attack on the

Supreme Court which is embodied in title II.

Mr. President, I do not agree with all the decisions the Supreme Court has made in this area. If I had been on the Court, I would have been in dissent on at least one of the decisions. But, I support the system. I support the power and authority of the Supreme Court to rule in their domain, just as I support Congress in theirs, and the President in his.

One of the sections of this bill seeks to withdraw the right of the writ of habeas corpus from the Federal courts and the Supreme Court of the United States in matters involving the fifth amendment and confessions.

Mr. President, do you know that the last time Congress did something like that was during the infamous era of Reconstruction days, when the House of Representatives had impeached Andrew Johnson and the Senate was trying his impeachment——

Mr. ERVIN. Mr. President, will the Senator from Maryland yield at that point for a question? I know that the Senator does not want to misstate——

The PRESIDING OFFICER. The Senator from Maryland refuses to yield.

Mr. TYDINGS. Mr. President, as part of Reconstruction legislation, Congress in 1867 passed a law giving the great right of the writ of habeas corpus jurisdiction to Federal courts, the purpose being to protect Federal marshals who they felt might be unlawfully taken into custody in certain States. At the same time, and ironically, the constitutionality of the reconstruction and military governments in the individual States, in time of peace, was brought before the Supreme Court legally, by petition, in a writ of habeas corpus, by one McCardle, an editor in the State of Mississippi who was opposing and challenging the Mississippi military government, put down there under Reconstruction acts by the radical Congress.

Congress, being controlled by the radicals at that time, was fearful that if the Supreme Court took jurisdiction of the McCardle case and heard his writ for habeas corpus, that they would overrule the entire military government.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 additional minutes.

Mr. TYDINGS. Mr. President, as I said, Congress, which was fearful that the Supreme Court would overrule the entire military government set up by Reconstruction Acts, passed legislation depriving the Supreme Court of jurisdiction of that case.

Now, Mr. President, I submit that that was a black day in the history of this country. When we deprive any individual of the right to the writ of habeas corpus, once given, and it has now been one century since it was given in 1867, if we deprive the right of the writ of habeas corpus to a citizen on the fifth amendment, then we can deprive him of the same on the first amendment.

The great writ of habeas corpus has been the protection of political leaders for 300 years. It was used to get John Wilkes out of the Tower of London 300 years ago. When William Penn was speaking on the streets of England, he was arrested and tried for breach of the peace for speaking to a group of Quakers. The jury refused to find him guilty, even though the judge directed the jury to find him guilty. All the jurors were thrown into jail but they were released on writ of habeas corpus.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. COOPER. The Senator is making a very interesting historical review of this subject but I should like to ask him: Am I correct in saying that the Senator's substitute would embrace all of title II?

Mr. TYDINGS. That is true.

Mr. COOPER. The substitute itself, however, goes only in its substance to the Miranda case. I have talked to the Senator about his amendment, and I have some trouble with it.

I may say that I oppose title II. If its sections are to be severed, there might be one section that I would support; but, as a whole, I oppose it, not only because the Supreme Court has passed upon constitutional issues, but also because I believe fundamentally that the reasons for protecting the rights of defendants are sound.

But the substance of the Senator's substitute is that it would postpone in order to have a statistical review of the effect of the Miranda decision upon law enforcement.

The Miranda opinion is based upon the constitutional right of a defendant not to incriminate himself under the fifth amendment.

My question follows: Assume that the study is held and the committee finds statistical evidence that Miranda has hindered law enforcement—and I think to a degree it will—I ask the Senator: What effect would it have, in the framing of new legislation, since the Miranda case was decided upon the constitutional rights of a defendant?

Mr. TYDINGS. In response to the Senator from Kentucky, let me say that it would not change the fundamental question which he brings up. However, I think to legislate in a vacuum is more dangerous than to legislate upon empirical data. All of the facts which have been compiled to date by the three studies made by Yale, Pittsburgh, and Georgetown, have all indicated that the Miranda case has not had any effect on law enforcement and that title II, therefore, cannot be argued as being a law enforcement measure, which it has been argued it is on the floor of the Senate, and many Senators will vote for it because they think it is a law enforcement measure, whereas in reality it is not. The purpose of my amendment would be to demonstrate conclusively that it is not, so that at such time as Senators have the opportunity finally to vote, they would have the facts on law enforcement as well as the constitutional point which is so vital and which the Senator from Kentucky makes.

Mr. COOPER. Although the Court employed statistics in the Miranda case in the question of police practices, the decision itself was based on the broad principles of the fifth amendment. If we were facing this as a substantive issue, that would be one thing, but your amendment troubles me, because I do not think it comes to grips with the real principle upon which the Miranda case is based. I should like to have the Senator's response. Is the reason for the Senator's substitute only delay?

Mr. TYDINGS. The reason for my substitute would be, for the moment, to defeat title II and to provide factual material or data for Congress to make a determination, so that it would not be legislative——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. McCLELLAN. I yield 30 seconds to the distinguished Senator from New Hampshire [Mr. COTTON].

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 30 seconds.

Mr. COTTON. I thank the Senator from Arkansas.

Mr. President, I had intended to make some comment at this point but on February 23, 1967—over a year ago—in a report written to my constituents, after the Senate had received the President's message on crime, I made some comments appropriate to the question now before the Senate. I ask unanimous consent, in order to save time, to have those comments printed in the RECORD as a statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> The President has sent Congress his Message on Crime. Certainly it was needed.
>
> Crime has jumped six times faster than the Nation's population. A home is robbed every 27 seconds, an assault takes place every 2½ minutes, a murder every hour. Only one-fourth of all our crimes are solved. Neither men nor women dare to venture forth alone on city streets at night.
>
> What does the President propose to do about it?
>
> He says state and local enforcement agencies must be strengthened—and he is right.
>
> To strengthen them, he calls for an elaborate program of Federal grants to local enforcement agencies to provide better trained police officers, to improve courts and correctional systems, to combat organized crime and juvenile delinquency. Federal contributions could run into the billions for they range all the way from 60 to 100 percent of each new project.
>
> Thus, in effect, the President wants to push law enforcement into the same area as health, education, and housing where Federal grants-in-aid have become accepted national policy. In those programs we have found that, though money helps, it's not the whole answer. In the field of law enforcement, this is doubly true. Here, initiative and a sense of responsibility by local authorities are even more vital. These qualities could be weakened

rather than strengthened by too great reliance upon Federal grants and Federal guidelines.

The police officer doesn't want a crutch—he wants a weapon. In the President's Message there was not a word, not a syllable, not a hint about what law enforcement officers almost universally regard as the heart of the crime problem—the need for laws to counteract Supreme Court decisions which have made it next to impossible to convict criminals. Most of the damage stems from the famous Mallory decision against "unnecessary delay" before bringing a suspect into Court. On this ground, Mallory's confession of rape was thrown out. He was freed and stayed free for 33 months—until he raped again. In his case, "unnecessary delay" meant 7½ hours. In 1962 the Courts said three hours was unreasonable, in 1964 thirty minutes, in 1965 five minutes. In that time, a guilty person could hardly tell the truth if he wanted to, and an innocent one could be subjected to the stigma of being arraigned in Court when a few simple questions might have totally exonerated him.

The impact of the Mallory decision has been devastating. In the five years preceding it, crime in Washington had been reduced 37 percent. In the nine years following it, crime more than doubled. Holdups, purse-snatchings, and assaults skyrocketed 305 percent. Speaking of the murder of eight Chicago nurses, Truman Capote, student of criminology and author of a book on multiple murder said, "It seems almost unbelievable that the police force of one of our major cities is literally frightened to death to ask the prime suspect a single question for fear their case against him might be jeopardized." Interestingly, Capote, a political liberal, adds, "While many in our society are wailing about the rights of the criminal suspect, they seem to totally ignore the rights of the victims."

No wonder police officers hesitate and law enforcement lags. A 21-year-old policeman may have to make a snap decision in a situation that the Supreme Court may take weeks to study and then decide, 5–4, that the officer did the wrong thing.

Many of us in the Senate are pushing for a law that will loosen the shackles on enforcement officers and still preserve the rights of the suspect. Senator McClellan, Chairman of the Committee on Criminal Laws and Procedures, has a well-reasoned and careful bill for this purpose. We believe that as long as these Court decisions stand, a million Federal handouts will never control crime. We feel that by refusing to meet this issue, the President is declaring only a "limited" war on crime. We agree with Mr. Justice Jackson who, at a time when the Supreme Court had only started on its binge to make good guys out of the criminals and bad guys out of the police, said:

"Unless the Court starts to temper its doctrine with logic and a little bit of common sense, you are going to turn the Bill of Rights into a suicide pact."

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, referring to the pending amendment, I feel, as do most Americans, that we should take great care to maintain the integrity of the Constitution. Frankly, as a former prosecuting attorney, I share the reservations of many about the recent Supreme Court decisions concerning various criminal cases.

Fortunately, the drafters of our Constitution provided a technique by which a majority of the United States could override Supreme Court interpretation of the Constitution. Those are the procedures which should be utilized if we are interested in reversing Supreme Court interpretation of the Constitution. When the Constitution was established, one of the major concerns was to have a superior judicial body which would be truly independent. It was for this reason that appointments to the Supreme Court were specified as lifetime appointments. To attempt legislatively to reverse actions by the Supreme Court is to contravene an essential element of our constitutional form of checks and balances.

I oppose legislative efforts to make the changes, even while I might agree with some of the changes which are contemplated by various legislative proposals. The proper way to make these changes is through a constitutional amendment. Only in that way can we preserve the integrity of our constitutional form of government. The legislature should not take action which will place it in a head-to-head confrontation with another branch of the Federal Government, and it is the duty of those of us who are Members of the legislative branch to interpret the Constitution and to act in accordance with it so that we do not pass any law which we must know is unconstitutional.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Ohio called one of his constituents a "nut" because of the letter he had written. I do not know whether he is a "nut" or not, but if he is, he is a very intelligent "nut." Read the letter. I do not know whether he is a "nut" or not, but he stands for some very basic principles. Read the RECORD and see whether you agree with his sentiments or not.

Mr. President, I have placed a copy of another letter on the desk of each Senator. Many of us know Ray Jenkins, the great trial lawyer who represented this body in the Army-McCarthy hearings, a distinguished lawyer who tried 700 murder cases in his career. This letter was written to me voluntarily. I did not solicit it. Listen to what he says. I am not going to read all of it:

> With more interest than I can possibly tell you I have read of your proposed legislation to counteract some of the decisions of the Supreme Court and which in my opinion as a criminal lawyer have resulted and will result in a traumatic effect on the administration of justice. As a criminal lawyer I would be expected to agree with some of the court's decisions because they have afforded so many loopholes for the escape of the hardened criminal from the punishment he deserves. The reverse of this is true. As I look back over an experience of 47 years in trying cases in many Courts (now around 700 murder cases) I can think of so many cases that could have been thrown out of Court by the application of the present day rules of the Supreme Court and yet in all those cases I can't think of a single one in which there was a miscarriage of justice.

This is not someone prejudiced who is talking. This is a criminal lawyer who is making a living in this profession.

He continues:

> The rigid rules now in effect and especially those pertaining to the questioning of suspects, their confessions and the publicity given such cases by the news media have made it impossible to secure convictions in many cases of obvious guilt, with the result that society stands aghast, confused and bewildered and suspicious of the integrity of the Courts, and the hardened criminals glory in the Champions of their cause, that is the Supreme Court of the United States.

And, Senators, that is not someone who is prejudiced, pleading before you today.

I am going to show Senators that in the city of Baltimore, where the distinguished Senator from Maryland practiced, his own prosecuting attorney repudiates the statement of the Senator from Maryland.

Mr. Jenkins closes his letter by saying:

> God save the United States from the Supreme Court of the United States.
>
> I glory in the stand you are taking.

Is Miranda not having any effect? Let us see what it was doing in Maryland as of last year.

I ask Senators why this diversionary tactic was not submitted to the subcommittee. Why was it not submitted to the full committee? We never heard of it. But it is submitted here as a diversionary tactic to avoid our facing the issue. That is why it is here.

Listen to what the district attorney for the city of Baltimore said. This is the statement of Charles E. Moylan, Jr., States attorney for the city of Baltimore, Md. I cannot read all of this statement, but it is in the hearings at page 619. Read his whole statement, if you will. He said, talking about the Escobedo and Miranda cases:

> The effect I see, the detrimental effect—and I might say, Senators, I believe sincerely it is a devastating effect—on local law enforcement of *Miranda* v. *Arizona*. I can speak only of my own jurisdiction. I know that several months ago I had my own staff of 33 survey the important felony cases that they had lost in the courts of Baltimore City, the criminal courts of Baltimore City, where we had a confession that clearly, under the old voluntariness standard, could have been admitted and would probably have led to conviction, but where, not being able to offer that confession into evidence, the case was lost, and the man, who we feel was guilty, walked free.

That has happened in every jurisdiction in the United States.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McCLELLAN. In a moment.

Let me continue:

> We found, in a very conservative estimate, 72 cases out of a survey of roughly 500. It is a limited number that we can survey, because we are simply speculating when we talk about the effect of *Miranda*, since the only time when we really had the police taking the confession, and suddenly we could not use it in court, was in the transition period, where the case, the interrogation started shortly before *Miranda* and the case came up for trial after *Miranda*, in June of 1966.

Mr. President, I ask unanimous consent that excerpts from the voluminous testimony about the detrimental effects of Miranda be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

S. 674—CONFESSIONS BILL

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 7, 8, AND 9, 1967, HON. JOHN STENNIS, U.S. SENATOR FROM THE STATE OF MISSISSIPPI (PP. 110–117)

Recent Supreme Court decisions dealing with police interrogation and investigative procedures have demoralized policemen, in addition to making them less effective in combatting crime. I think that the method of allowing the trial judge to determine the voluntariness of a confession before submitting the same question to the jury for their determination prior to admission of the confession in evidence is the proper procedure to follow.

The approach taken in S. 674 is fair and reasonable. The admissibility of a confession should depend on its voluntariness. The judge and jury are in the best position to determine the truthfulness of the testimony regarding the confession. The prosecution must establish to both the judge and the jury that the confession was voluntary. A change from the approach of the *Miranda* case is essential and significant in our fight against crime. The *Miranda* rule goes to the very heart of the entire investigative process and the case is having its effect right now. If *Miranda* is not challenged, its harmful impact will gain momentum due to the historical nature of our court system. Many of the lower courts will expand on *Miranda*, resulting in many new and extended interpretations of the case.

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 7, 8, AND 9, 1967, HON. ALAN BIBLE, U.S. SENATOR FROM NEVADA (PP. 126–138)

The decision in *Mallory* v. *United States*, 354 U.S. 449, was one of several factors influencing the increased crime rate in Washington, D.C. Studies and statistics in the District of Columbia indicate that serious crimes in the District have increased 72% in 16 years. Since 1950, police clearance rates for the proportion of cases solved in the serious crime area declined from 48½% to 26.3%. Despite the tremendous increase in crime in the District, the number of felony convictions have decreased markedly. The 72% increase in crime was accompanied by a 39% decrease in felony convictions. The decline in felony convictions has been accompanied by an increase in the number of guilty pleas to lesser offenses. From 1950 to 1960, these "compromise" pleas increased from 21% of the defendants to 38% of the defendants. It is my view that the *Mallory* decision contributed to these disturbing statistics. The new obsessions with uncovering new rights and safeguards for the criminal have unbalanced the scales of justice to such an extent that we are losing control of the crime and violence running rampant in our cities. Experience has taught that court decisions are too inexact to deal with post-arrest problems. Legislation, such as 674, is one way to remove that uncertainty. I suggest that a time limit be set in 674 within which a suspect must be taken before a magistrate.

ARLEN SPECTER, DISTRICT ATTORNEY, PHILADELPHIA, PA. (PP. 199–219)

Prior to Escobedo, 90% of suspects would make a statement. These statements were often not incriminating on their face, but they were valuable in investigating the crime. After Escobedo, only 80% would give statements. Then came the Second Circuit case known as the Russo Case, coming out of Penn., after which only 68% of suspects would give statements. Then came the Miranda case in June of 1966. Since Miranda, out of 5220 suspects arrested for serious crimes, 3095 refused to give a statement. This is a percentage of only 41% who would give statements, a decrease of 49% since Escobedo. These statistics are inclined to become more alarming as more criminals become more familiar with Miranda. Another serious problem is in the area of arrests made before the effective date of Miranda but not taken to trial before that date. At the time the investigations and the interrogations were made in these cases, the procedures outlawed in Miranda were considered valid and were widely used. In most of these cases, we are forced to agree to an acquittal of the case, rather than put the defendant in jeopardy and bar a future prosecution if other evidence is found. This necessitated the release of criminals that we are sure committed heinous crimes. They walk the streets today. Criminals, especially the hardened criminals, are aware of the Miranda rule to a great extent. S. 674, and the accompanying hearings make it possible to examine all the facets of human experience that must be taken into account in solving the problem of confessions. The courts, in considering only the limited facts and issues in each case do not have the opportunity to evaluate these factors. S. 674, which, on its face, applies only to Federal proceedings, could possibly be made applicable to the States by Section 5 of the 14th Amendment, which provides that Congress shall have the power to enforce by appropriate legislation the provisions of the 14th Amendment. As Miranda is applicable to the States only through the dictates of the 14th Amendments, then the States might be given the relief of S. 674 by Section 5 of that amendment. The aspect of the Miranda decision that is most detrimental to law enforcement is the requirement that a suspect be told of his immediate right to a lawyer provided by the State as this will result in no statement from the suspect. It will be almost impossible to prove waiver under the Miranda standard.

Once this bill is passed with all its legislative history—the record from the committee hearings with all the underlying social policies taken into account by Congress—we will have a better record to take before the Supreme Court. This might change the mind of one of the judges. The picture presented the Supreme Court dealing with interrogation techniques of the police—the police text books referred to throughout the opinion in Miranda and the Mutt and Jeff examples—is not a correct portrayal of what actually goes on in police stations across the country. This committee could investigate the area and find that police practices are acceptable to most people. In the face of that, the Court is not apt to cite a couple of police textbooks for the proposition that all police interrogation is bad. One the whole, the practices cited by the Court are not followed by law enforcement personnel.

Percentage of defendants confessing is down after Miranda

During the Subcommittee hearings, Arlen Specter, District Attorney of the City of Philadelphia, revealed a study on the effects of *Miranda* conducted by his office. The results indicated that prior to the *Escobedo* case, 90% of the suspects would make a statement, often not incriminating on their face, but valuable in investigating the crime. After *Escobedo*, only 80% would give statements. After the Second Circuit *Russo* case, only 68% of suspects would give statements. Then came the *Miranda* case in June of 1966. Since *Miranda*, out of 5220 suspects arrested for serious crimes, 3095 refused to give a statement. This is a percentage of only 41% who would give statements, a decrease of 49% since *Escobedo*. These statistics are inclined to become more alarming as more criminals become more familiar with *Miranda*.

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 7, 8, AND 9, 1967, HON. AARON E. KOOTA, DISTRICT ATTORNEY, KINGS COUNTY, NEW YORK (PP. 219–243)

In Brooklyn, prior to *Miranda*, approximately 10% of the suspects involved in serious crimes refused to make statements or confessions to police. After *Miranda*, 41% refused to make statements or confessions. We have had to dismiss many cases where the arrest was made before *Miranda* but the defendant was not brought to trial before the decision became effective. Specifically, between June and September of 1966, 130 out of 316 suspects refused to make any statement. In only 30 of these 130 cases did we have sufficient evidence to prosecute apart from the confession.

Another serious question was raised by the *Miranda* decision, but no solution is evident to me. We have been bombarded with questions regarding when a suspect is "in custody" within the *Miranda* rule. S. 674 should first submit the question of voluntariness to the judge and then to the jury. The jury should be allowed to decide more than the weight or sufficiency of the confession to answer the dictates of *Jackson* v. *Denno*. Confessions are helpful in seeking convictions.

Fewer confessions since Miranda

Aaron Koota, District Attorney for Kings County, New York, conducted a similar survey, indicating that prior to *Miranda*, approximately 10% of the suspects involved in serious crimes refused to make statements or confessions to police. After *Miranda*, 41% refused to make statements or confessions. Specifically, between June and September of 1966, Mr. Koota revealed that 130 of 316 suspects refused to make any statements at all. In only 30 of these 130 cases did Mr. Koota have sufficient evidence to prosecute apart from the confession. Mr. Koota was unequivocal in stating that confessions are helpful in securing convictions.

Charles E. Moylan, Jr., State's Attorney for the City of Baltimore, Maryland, reports more disturbing statistics. Mr. Moylan said, ". . . (We) used to get . . . (confessions) in 20 to 25% of our cases, and now we are getting . . . (them) in 2% of our cases. The confession as a law-enforcement instrument has been virtually eliminated." Mr. Moylan noted that the *Miranda* case has encouraged the criminal element, discouraged the police, and disappointed the public that depends on the courts for protection.

Frank S. Hogan, New York County District Attorney, reported similar findings. In the six months prior to the *Miranda* case, 49% of the non-homicide felony defendants in New York County made incriminating statements. In the six months after this decision, 15% of the defendants gave incriminating statements.

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 9, 1967, HONORABLE ALEXANDER HOLTZOFF, U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA (PP. 259–268)

The decision in *Mallory* v. *U.S.* is one of the contributing causes to the difficulty in enforcing the criminal law and the increasing rate of crime. Experienced criminals enter fewer pleas of guilty, which results in a greater caseload for the courts. The quick and efficient enforcement of the criminal law is a deterrent to crime that is being weakened by the tangential issues so prevalent in modern criminal cases. The question is often not the guilt or innocence of the defendant but the conduct of the police and prosecutors. *Miranda* and *Escobedo* discourage voluntary confessions, which is often the most reliable evidence of guilt. The privilege against self-incrimination applies only to testimony compelled in a judicial proceeding. *Miranda* will probably reduce the use of voluntary con-

fessions to a very small percentage. Most lawyers will advise the defendant to say nothing.

He believes S. 674 is constitutional.

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 9, 1967, HONORABLE HOMER L. KRIEDER, PRESIDENT JUDGE, COURT OF COMMON PLEAS, HARRISBURG, PENNSYLVANIA (PP. 268–299)

The approach to the confessions problem taken in 674 is fair and reasonable. Using the totality of the circumstances as the criteria for determining admissibility of confessions is the time-honored rule. The news is full of reports of confessed criminals released because of the decisions emphasizing the rights of the defendant. The vast majority of the prosecutors are of the opinion that the *Miranda* case has hampered law enforcement. There are those who disagree, but these are a very small majority. Under the present law, the state has no appeal from a decision of a judge excluding a confession under the *Miranda* rule. A provision granting an appeal from this ruling would not be unconstitutional as it is not a final judgment. Preliminary judgments do not place a defendant in jeopardy.

I disagree with the statements of former Attorney General Katzenbach to the effect that the Miranda decision does not contribute to the increase in crime. Criminal trials now degenerate into a maze of technicalities that overlook the basic question of guilt. Judges are forced to ignore the most credible evidence of guilt, a voluntary confession.

SUMMARY OF TESTIMONY FROM HEARINGS OF MARCH 9, 1967, QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (PP. 326–353)

The *Miranda* case will materially reduce the number of confessions obtained from defendants. Along with this will be reduced pleas of guilty. While the FBI advises the defendant of his constitutional rights, they do not tell them that a lawyer will be furnished them. While there are isolated instances of police brutality, the police interrogation practices condemned in *Miranda* are not practiced today. They might have been recommended practices 30 years ago, but they have no place in modern police techniques. It might be the Supreme Court that is overreacting, rather than some of its critics. A law enforcement officer that violates a criminal's rights should be administratively punished, but the confessed criminal should not be released back on society.

HON. FRANK S. HOGAN, NEW YORK COUNTY DISTRICT ATTORNEY (PP. 1120–1126)

In the 6 months prior to the *Miranda* case, 49% of the nonhomicide felony defendants in New York County made incriminating statements. In the 6 months after *Miranda*, 15% of the defendants gave incriminating statements. This is harmful to efforts to convict the criminals who roam our streets and assault our citizens.

CHIEF OF POLICE MORTON OF FRESNO, CALIFORNIA

Bad effect of Miranda

The number of convictions and guilty pleas have declined drastically since the pre-Escobedo days of 1963. This is in spite of the fact that felony arrests have increased 75% since 1963. The following table is included for reference.

CITY OF FRESNO, CALIF.

Year	Felony arrests	Convictions or pleas	Percent
1963	1,475	546	37
1964	1,635	539	32
1965	1,539	379	24
1966 (+72 percent)	2,042	461	22

Figures such as those shown make a travesty of the efforts of dedicated law enforcement officers. In previous years and through 1963, there had been a gradual increase in the number of felony arrests and the percentage of those arrests which terminated in a conviction or plea of guilty. This trend, which I attributed to better police methods, was drastically reversed after Escobedo and the California decision in Dorado.

MR. JUSTICE WHITE—DISSENTING IN MIRANDA

Need for use of confession

Until today, "the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence." *Brown* v. *Walker*, 161 U.S. 591; see also *Hopt* v. *Utah*, 110 U.S. 574, 584–585. Particularly when corroborated, as where the police have confirmed the accused's disclosure of the hiding place of implements or fruits of the crime, such confessions have the highest reliability and significantly contribute to the certitude with which we may believe the accused is guilty. . . there is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation. I have no desire whatsoever to share the responsibility for any such impact on the present criminal process. In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity.

JUSTICE HARLAN, DISSENTING IN MIRANDA

Harmful effect of Miranda

There can be little doubt that the Court's new code would markedly decrease the number of convictions. To warn the suspect that he may remain silent and remind him that his confession may be used in court are minor obstructions. To require also an express waiver by the suspect and an end to questioning whenever he demurs must heavily handicap questioning. And to suggest or provide counsel for the suspect simply invites the end of interrogation. How much harm this decision will inflict on law enforcement cannot fairly be predicted with accuracy. . . We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation.

Mr. McCLELLAN. Mr. President, I say to my colleagues, you can delay. You can postpone matters. You can be a party to spiraling crime if you want to. Or you can join me today and act as the representatives of the law-abiding, God-fearing people of this country, and put a stop to turning criminals loose on dubious technicalities that have nothing to do with guilt or innocence.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. TYDINGS. Mr. President, I yield myself some of my time.

For the purpose of clarification, with respect to the testimony of Mr. Moylan which was read, that testimony referred to cases in the transition period, cases in the pipeline, already pending at the time Miranda was decided, in which the arrests had been made and warnings had not been given in accordance with the Miranda statement. But what the Senator proposes to do by title II would be to repeat the problem all over again, because if title II is carried, the law-enforcement officials, in great confusion, may feel they are not required to follow the rule of the Miranda case, and if, 2 or 3 years later, the case goes to the Supreme Court and a decision is handed down affirming the Miranda ruling, then any cases in the pipeline which had not followed the constitutional procedure of Miranda would be thrown out, and the convictions would be reversed. That is one reason why I oppose title II. It deters and hinders law enforcement.

Mr. McCLELLAN. I thank the Senator for admitting that the principle of this proposal is right; that the only reason why he opposes it is that it might cause confusion to arise. Mr. President, the confusion is already there. It was caused by the Supreme Court's refusal to follow precedents and by overturning decisions made by some of the most brilliant Judges who served on that bench. It will continue until the legislative body moves in to try to rectify the mistakes the Court has made and addresses its attention to the fact that the decisions are causing devastation in this land with respect to law enforcement

I have hope—I may be wrong—but I have hope that if this body will act and stand up on this issue, we will attract the attention of the Court, not to intimidate, not to coerce, but to let them know that this body, this coequal branch of the Government, of equal dignity and of equal power, does not agree; and that while we do not like to see the jurisdiction of the Court limited, if we cannot do anything else, the day will come when we will have to do it, in order to have law enforcement in this land.

The ACTING PRESIDENT pro tempore (Mr. METCALF in the chair). The Senator's time has expired.

Mr. McCLELLAN. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 19 minutes.

Mr. McCLELLAN. Very well; I shall proceed for another minute.

Let me ask the Senate some questions. Who really wants this confessions provision defeated? This, Mr. President, is a diversionary tactic. This proposal does not even require a report back to this body. It is indefinite. Nothing is required; just a former mayor's suggestion that committees of Congress investigate. No report is required. The investigation can go on indefinitely.

What we would be voting for is to procrastinate. I ask my fellow Senators, can we, the Members of the U.S. Senate, in good conscience do what we are asked to do by these substitute amendments? Can we fiddle, procrastinate, and wait for an indefinite study, with crime as rampant and spiraling as it is in our land? Can we do that?

Look at those charts. Then I ask, who wants to have the confession provision in this title defeated? I know good men and honest men can disagree, but I say to the Senate, and no man here will dispute this, that the answer is, if this confessions provision is defeated, the lawbreaker will be the beneficiary, and he will be further encouraged and reassured that he can continue a life of crime and depredations profitably with impunity and without punishment. If it is defeated, the protection of society and the safety of good people—of the innocent throughout the land, your constituents and mine—will be placed in ever-increasing peril as the crime rate continues to spiral onward and upward to intolerable heights of danger.

Yes, Mr. President, if this effort to deal with these erroneous Court decisions is defeated, every gangster and overlord of the underworld; every syndicate chief, racketeer, captain, lieutenant, sergeant, private, punk, and hoodlum in organized crime; every murderer, rapist, robber, burglar, arsonist, thief, and conman will have cause to rejoice and celebrate.

Whereas, if it is defeated, the safety of decent people will be placed in greater jeopardy and every innocent, law-abiding, and God-fearing citizen in this land will have cause to weep and despair.

You tell me it is not a law-enforcement measure? Our Government operated under it, and the courts operated under it, from the time of the founding of this Republic to the Miranda decision. It was a law-enforcement measure then. It was used then, fairly and justly. It can be used again. It ought not to be tampered with by the Court.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator has 15 minutes remaining.

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, the Senator from Maryland does not seem to understand one of the provisions in title II. It does not deprive a man of the right to obtain a review of his Federal claim; it merely undertakes to do what the Chief Justices of the States have implored Congress to do, and that is to pass legislation which will provide an orderly procedure. The chief justices of the States say that orderly Federal procedure, under our dual system of government, should require that the judgment of a State's highest court be subject to review or reversal only by the Supreme Court of the United States.

That is what this provision would do. It says an accused can get all of his Federal rights from the Supreme Court, if it is willing to give them to him in case such rights have been denied him by the State trial court and the highest appellate court of the State having jurisdiction of his case. Here is what the district attorney of Baltimore County, Charles E. Moylan, Jr., said before the Subcommittee on Criminal Laws and Procedures. He said that—

> Before Miranda we used to get it (a confession) in 20 to 25 percent of our cases, and now we are getting it in (only) 2 percent of our cases.

Many criminals commit crimes virtually in secret and can only be convicted by confessions. Here is what the district attorney of Baltimore adds:

> The confession as a law enforcement instrument has been virtually eliminated.

That is what the district attorney of Baltimore said about Miranda. And his statement to this effect indicates that the objective ascribed to the majority of the Court by Justice White in his dissenting opinions in the Escobedo and Miranda cases, that is, to put an end to the making of confessions regardless of whether they are voluntarily made or not, is in process of being realized.

Mr. President, I would say to Senators, "If you believe that the people of the United States should be ruled by a judicial oligarchy composed of five Supreme Court Justices rather than by the Constitution of the United States, you ought to vote against title II. If you believe that self-confessed murderers, rapists, robbers, arsonists, burglars, and thieves ought to go unpunished, you ought to vote against title II. If you believe that eyewitnesses to crimes should not be permitted to look at suspects in custody for the purpose of determining whether they are the men they saw commit the crimes charged or not, then you ought to vote against title II. But if you believe, as the Senator from North Carolina believes, that enough has been done for those who murder and rape and rob, and that something ought to be done for those who do not wish to be murdered or raped or robbed, then you should vote for title II."

The only body on earth which, in and of itself, can do anything for those who do not wish to be murdered, raped, or robbed is the Congress of the United States; and it can do it by passing title II, which is constitutional unless the Constitution itself is unconstitutional, because section 2 of article III declares in plain words that Congress can regulate the appellate jurisdiction of the Supreme Court.

Mr. COOPER. Mr. President, will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. ERVIN. If I have time.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has 2 minutes remaining.

Mr. TYDINGS. I yield to the Senator from Kentucky 1 minute.

Mr. COOPER. The Senator is a great constitutional lawyer. I ask him, does he think that section 3501 of title II can overrule the holding of the Supreme Court in Miranda, when it is founded upon the Constitution, on sections of the fifth amendment and the 14th amendment?

Mr. ERVIN. If we have the authority to implement the Constitution, we have authority to prescribe rules of evidence for the Federal courts; and this proposal would restore the law as it was from June 15, 1790, until five Judges of the Supreme Court added to the Constitution things which were not in it, and subtracted from the Constitution things which are in it.

Mr. COOPER. I do not think that is an answer to my question. May I say also that some of us who expect to vote against title II do not consider we will be voting against it in the context in which the Senator from North Carolina and the Senator from Arkansas place those who vote thus.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time?

Mr. TYDINGS. Mr. President, I yield 2 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. Mr. President, on May 2, I made my major speech in the Senate in opposition to title II of the bill and set forth my reasons as to why I think much of it is unconstitutional.

I want only to make a brief comment today.

As I have followed the debate, I think that the great Chief Justice John Marshall must be revolving in his grave because, when all is said and done, this is an attack on the great case of Marbury against Madison when the great Justice established that the determination of the constitutional rights of the American people vest in the Supreme Court and nowhere else.

I understand that some of our colleagues do not like the fact that the decision of the chief justice of some State court or the decision of some local Federal courts have been found to be wanting under the doctrine of Marbury against Madison by the U.S. Supreme Court.

I think we will do great damage to our system of government, its separation-of-powers doctrine, and its three coordinate and coequal branches of Government if we do not stop playing Supreme Court Justices on the floor of the Senate.

If we believe we need to amend the Constitution because it is thought that the Supreme Court has been adding to the Constitution things that are not in it, I point out that the Constitution provides specifically for amending the Constitution. But for us to argue that we know better than the Supreme Court as to what should be done in regard to habeas corpus and in regard to protecting the rights of American people with regard to confessions and with regard to investigative arrests—because that is really what was specifically involved in the Mallory case—when all is said and done, is to do violence to our very system of government itself.

We all recognize under Marbury against Madison that the determination of many of these issues rest in that citadel which is just a stone's throw away. That is where we ought to let it remain, and we should vote to strike title II from the bill.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the Senator from Arkansas in his prior statement mentioned illustrious Justices who have ruled in conformity with the argument made on the floor by the Senator from Arkansas. Will the Senator from Arkansas identify those judges?

Mr. McCLELLAN. Mr. President, I will be glad to do so.

Thirty-two Judges of the Supreme Court have passed upon the identical question involved in the Miranda case. Four of the five had joined in previous dissents. However, starting back in 1896 when Stephen Johnson Field and John Marshall Harlan were members of the Court, as was Edward Douglas White—who later became Chief Justice—it was pointed out in the case of the United States against Wilson that the Constitution does not require what the Miranda decision required.

In 1912 Chief Justice Edward Douglas White held the same way and referred to and reaffirmed the Wilson case.

Also, Judge Oliver Wendell Holmes, Charles Evans Hughes, Joseph R. Lamar, and Willis Van Devanter—there was one vacancy on the Court—held the same way.

In another case, eight Justices of the Supreme Court reaffirmed that decision in 1958 in the case of Cecenia against Lagay. They reaffirmed the same decision.

The same thing happened in the case of Hayes against Washington as late as 1963. They reaffirmed this doctrine.

It was not until the Miranda decision that the Court dissented.

Forgetting about four of the five who had joined in previous dissents, we have 28 predecessors whom the Court overruled. For what? Who benefited from it? Law and order did not benefit from it, but who did?

The criminal that is running loose today benefited from it. We want safe streets. We will never get them until we take the criminals off the street.

Read the statements from prosecuting attorneys. Two thousand five hundred prosecuting attorneys have gone on record as saying this. It is not said merely by someone who wants to criticize the Supreme Court.

A lot of people are living in fear today and are living on the border of terror. They want some justice.

Instead of arguing these technicalities and saying that we had better not touch the Supreme Court, we should pass title II.

This would not be amending the Constitution. The Constitution was amended by the Court, or, more accurately, five members of the Supreme Court undertook to amend the Constitution.

Mr. LAUSCHE. When was that?

Mr. McCLELLAN. That was in the Miranda case in 1966.

The Constitution provides how it should be amended. Neither this body as such, nor the Supreme Court, has the right to do it.

We have to submit it to the people and they will have to assert the power which reposes in the Constitution.

Mr. LAUSCHE. Prior to 1966 was the law ever such as laid down by the Supreme Court in the Miranda case?

Mr. McCLELLAN. It never was, and the Court had repeatedly held that that was not the law.

Mr. FONG. Mr. President, will the distinguished Senator from Maryland yield me 2 minutes?

Mr. TYDINGS. Mr. President, I yield 2 minutes to the Senator from Hawaii.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized for 2 minutes.

Mr. FONG. Mr. President, the distinguished Senator from Arkansas quoted the letter of a distinguished defense attorney and also said that the prosecuting attorney of Baltimore County is in accord with the provisions of title II. The Senator also said that many judges are in accord with the provisions of title II.

The criminal law section of the American Bar Association is strenuously opposed to this title, just as is the board of governors of the American Bar Association, which has a membership of 130,000 lawyers in the United States. That board only yesterday unanimously adopted a resolution opposing title II of the bill.

The American Law Institute, an institute composed of prominent legal scholars, also states that it knows very little about the impact of the Supreme Court confession decision, so that we have very little as a basis for legislation.

The Judicial Conference of the United States is also diametrically opposed to every provision of the pending bill; but it said nothing about the provision dealing with the Wade case, which was decided only recently.

Mr. President, for more than 20 years the Federal Bureau of Investigation has followed the rule laid down in the Miranda case. When an accused is brought before the FBI, he is given the fourfold warning, as constitutionally required by the Miranda case.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FONG. Mr. President, will the Senator from Maryland yield me an additional 2 minutes?

Mr. TYDINGS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Maryland has 1 minute remaining.

Mr. TYDINGS. Mr. President, I yield my remaining minute to the Senator from Hawaii.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized for 1 additional minute.

Mr. FONG. Mr. President, the FBI has been following the rule laid down in the Miranda case. The action of the FBI in this respect has resulted in convictions. So, there is no reason why we should not follow the Miranda case. The Miranda and the Mallory decisions are reasonable decisions.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield 1 minute to the distinguished Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 1 minute.

Mrs. SMITH. Mr. President, I am not a lawyer. So, I cannot pass qualified judgment on the technical and legal aspects of this issue.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. Will the Senator from Maine suspend a moment?

Let there be order in the Chamber.

The Senator from Maine may proceed.

Mrs. SMITH. Mr. President, I am not a lawyer. So I cannot pass qualified judgment on the technical and legal aspects of this issue. But I have seen enough of the alarming disregard for law and order encouraged and incited by a lack of real law enforcement, to make it crystal clear to me that if the public is to be protected against the criminals, title II should be enacted.

Mr. McCLELLAN. Mr. President, I wish to advise my colleagues that at the conclusion of the time I shall seek the floor to ask parliamentary questions in order to thoroughly clarify the issue, so we will know on what we are voting.

It is my understanding that the first vote will occur on the Tydings substitute, which is a substitute for the Hart substitute to strike title II. Is my understanding correct?

The ACTING PRESIDENT pro tempore. Is the Senator propounding a parliamentary inquiry?

Mr. McCLELLAN. Yes.

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

Mr. McCLELLAN. If the Tydings amendment is rejected, it would simply mean do nothing; forget about it; perhaps some day in the future some congressional committee may study and report; we will do nothing. If the Tydings amendment is rejected, the vote would then recur on the Hart substitute.

The ACTING PRESIDENT pro tempore. If the Tydings amendment is rejected, the vote would immediately recur on the Hart substitute.

Mr. McCLELLAN. That would mean, then, that the Senate would be voting for the same thing again because it would do the same, in a little different language. The consequences would be the same.

If the Hart amendment is rejected and the Tydings amendment is rejected, then the motion would recur on the motion to strike the whole title. Have I stated the situation correctly?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCLELLAN. At that point, is not that title subject to division?

The ACTING PRESIDENT pro tempore. At the request of any Senator.

Mr. McCLELLAN. I will ask for the division. In my interpretation, the division will be in six or seven parts. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas or any other Senator may request the division, as the Chair has examined it, in almost as many parts as there are sentences in the title.

Mr. McCLELLAN. I would say that seven parts would get to the real issue, so that each Senator would have an opportunity to vote on the portion he favors or does not favor.

I will ask for the division now, if I am permitted to do so under the rules. May I ask for the division at this time?

The ACTING PRESIDENT pro tempore. It is not the pending business at this time. The Senator may propound that request after the vote on the Hart amendment.

Mr. McCLELLAN. I give notice that I will make that request.

Is my understanding correct that if the request is made, it is mandatory that the division be ordered?

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

Mr. McCLELLAN. It will be ordered.

On that basis, Senators may vote for any part they like and vote against any part they do not like. I understand that there will be an hour debate on each amendment to strike each section thereafter.

The ACTING PRESIDENT pro tempore. No. Under the unanimous-consent request and under the rules, there will be an hour debate on the Hart substitute if the Tydings substitute is rejected. But on the Senator's petition to divide the question to strike, the votes will recur immediately, one right after the other, without debate.

Mr. McCLELLAN. I shall ask that the vote recur first on the confessions section, and I shall ask that the vote next be on the Mallory rule, and the third vote on the two sections—one defining confessions and the other providing that a confession made to a third party will be admissible in evidence. There are three other sections in the bill. They are easily identified, and we will have separate votes on them. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCLELLAN. I ask Senators to vote these dilatory tactics out of this matter. Let us face up to the situation like men and women and vote for what we believe in, on each of these issues, yes or no.

Mr. President, there has been much talk about the Court and what the Court does. Our Founding Fathers never intended that we should have a judicial oligarchy in this country. That is what it is leading to. If we dare to do anything, if we dare to try, let us try.

It has been said that the Court will hold that what we do is unconstitutional. Maybe they will. But I do say, Mr. President, that we will have met our responsibility. We will have tried to protect the innocent people of this country. We will have tried to strengthen law enforcement.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PASTORE. When we get to the point of the divisions, will those divisions be stated at that time?

The ACTING PRESIDENT pro tempore. They will be stated seriatim at that time.

Mr. PASTORE. So that we will know what the divisions are.

The ACTING PRESIDENT pro tempore. Each time, we will know.

Mr. PASTORE. I thank the Chair.

Mr BYRD of West Virginia. Mr. President, I ask unanimous consent that before the vote occurs, the Sergeant at Arms be directed to clear the Chamber and the lobby of all unauthorized personnel.

The ACTING PRESIDENT pro tempore. The Senator need not have unanimous consent.

The Chair takes judicial notice—if we may use that term—that too many people are on the floor who are not authorized to be here. The Chair requests that the Sergeant at Arms immediately clear from the floor all but Senators and those aides who are necessary to be present for the purpose of this vote.

Mr. McCLELLAN. Mr. President, I ask for order, so that we will be able to hear the rollcall.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The gallery is available for those aides and attachés who desire to hear the rollcall.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. A vote "yea" would be in favor of the Tydings substitute, which would do what I have said; and a vote "nay" would be to get a vote on each issue.

The ACTING PRESIDENT pro tempore. The Tydings substitute inserts language in lieu of the Hart substitute.

The question is on agreeing to amendment No. 804 of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BREWSTER. On this vote I have a live pair with the junior Senator from New York [Mr. Kennedy]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Minnesota [Mr. McCarthy]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. GRIFFIN (after having voted in the negative). On this vote I have a live pair with the senior Senator from New York [Mr. Javits]. If present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. DIRKSEN (after having voted in the negative). On this vote I have a pair with the senior Senator from California [Mr. Kuchel]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], and the Senator from New Mexico [Mr. Montoya] are necessarily absent.

The Senator from Wisconsin [Mr. Nelson] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening], and the Senator from Oklahoma [Mr. Monroney] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Oregon [Mr. Hatfield] and the Senator from California [Mr. Kuchel] are necessarily absent.

The Senator from New York [Mr. Javits] is absent on official business.

If present and voting, the Senator from Oregon [Mr. Hatfield] would vote "yea."

The respective pairs of the Senator from New York [Mr. Javits] and that of the Senator from California [Mr. Kuchel] have been previously announced.

The result was announced—yeas 31, nays 51, as follows:

[No. 140 Leg.]

YEAS—31

Aiken
Bayh
Boggs
Brooke
Burdick
Case
Clark
Cooper
Fong
Hart
Hartke
Inouye
Jackson
Kennedy, Mass.
Long, Mo.
Magnuson
McIntyre
Metcalf
Mondale
Morse
Moss
Muskie
Pastore
Pell
Percy
Proxmire
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—51

Allott
Anderson
Baker
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Hansen
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller
Morton
Mundt
Murphy
Pearson
Prouty
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Brewster, against.
Dirksen, against.
Griffin, against.
Mansfield, against.

NOT VOTING—14

Bartlett
Church
Gruening
Harris
Hatfield
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Monroney
Montoya
Nelson

So Mr. Tydings' amendment No. 804 was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolutions of the Senate:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

S.J. Res. 142. A joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. A joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. A joint resolution to provide for the reappointment of Dr. William A. M. Burden, as Citizen Regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the bill (S. 2884) to amend the Federal Voting Assistance Act of 1955, so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1581) to amend the Federal Voting Assistance Act of 1955 (69 Stat. 584), with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 67) requesting the President to take action to insure the United States will derive maximum benefits from an expanded and intensified effort to increase the accuracy and extend the time range of weather predictions, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 16409) to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 859. An act for the relief of Public Utility District No. 1 of Klickitat County, Wash.;

H.R. 7481. An act to amend section 620, title 38, United States Code, to authorize payment of a higher proportion of hospital costs in establishing amounts payable for nursing home care of certain veterans;

H.R. 14074. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes;

H.R. 14954. An act to amend title 38 of the United States Code to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis;

H.R. 15387. An act to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes; and

H.R. 16902. An act to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 859. An act for the relief of Public Utility District No. 1 of Klickitat County, Wash.; to the Committee on the Judiciary.

H.R. 14074. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7481. An act to amend section 620, title 38, United States Code, to authorize payment of a higher proportion of hospital costs in establishing amounts payable for nursing home care of certain veterans;

H.R. 14954. An act to amend title 38 of the United States Code to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis; and

H.R. 16902. An act to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Labor and Public Welfare.

H.R. 15387. An act to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes; to the Committee on Post Office and Civil Service.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. HART. Mr. President, over the past few decades we have witnessed a dramatic increase in the incidence of crime. Today crime—the fact of crime and the fear of crime—touches the life of all Americans. Thousands of Americans are killed or injured each year by criminal acts. Many thousands more are unable to use the streets of our cities without fear, or to feel secure in their homes or stores. Property valued at almost $4 billion is lost through crime each year. Millions of dollars are taken from the productive economy by organized racketeers—money that should be in the pockets of the less fortunate or in the bank accounts of honest businessmen.

Instead of responding to meet this dramatic increase in crime, we have sorely neglected our system of criminal justice. Presently local law enforcement is undermanned and underpaid; correctional systems are poorly equipped to rehabilitate prisoners; courts at all levels are clogged and court procedures are often archaic; and local juvenile offender systems are understaffed and largely ineffective.

In 1965 we passed the Law Enforcement Assistance Act, a bill which I had introduced. It authorized a modest grant program geared to improve and upgrade our law-enforcement system. Under this act, the Justice Department has made grants totaling approximately $19 million to support more than 330 research and pilot projects in law enforcement.

Clearly, as was made evident by the President's Crime Commission in its February 1967 report, we must now beef up and go beyond the 1965 Law Enforcement Assistance Act if we are to meet today's challenge of crime.

Mr. President, title I of S. 917 represents a well-reasoned response to that challenge. Title I, originally known as the Safe Streets and Crime Control Act, is in the words of President Johnson "the cornerstone of the Federal anti-crime effort."

Title I rests upon the basic tenets of the President's Crime Commision report:

That crime prevention is a major national priority.

That better paid, better trained, better equipped police are urgently needed in almost every community.

That correctional and other law enforcement agencies must have better information on the causes and control of crime.

That we need substantially more—and more efficiently used—resources and personnel to provide faster action at all levels.

That the entire system of criminal justice, at every level of government, must be modernized.

At the same time, title I emphasizes flexibility and local responsibility by providing 100 percent grants for research and demonstration projects, 80 percent planning grants to State and local governments, 60 percent action grants to implement new programs, 50 percent construction grants for new facilities.

Thus, Mr. President, I wholeheartedly support title I as an effective response to our growing crime problem and an effort to catch up with the damage our neglect has caused our system of administering criminal justice.

Mr. President, as vigorously as I support title I, I oppose enactment of titles II and III of this bill.

The distinguished Senator from Maryland [Mr. TYDINGS] has detailed the constitutional and policy objections to title II which, if passed, would repeal such Supreme Court cases as *Miranda* v. *Arizona*, 384 U.S. 436 (1966); *Mallory* v. *U.S.*, 354 U.S. 449 (1957); and *U.S.* v. *Wade*, 388 U.S. 218 (1967); severely limit the appellate jurisdiction of the Supreme Court; and circumscribe the habeas corpus jurisdiction of the Federal courts.

Some 33 law schools and more than 150 legal scholars have recorded opposition to title II. One of those opposed to enactment of title II is Harvard Professor Archibald Cox, former Solicitor General of the United States. According to Professor Cox, three points are enough to demonstrate that title II is highly unsound legislation.

First, it is an exceedingly dangerous precedent for the legislative branch to overturn constitutional decisions of the Supreme Court by curtailing the Court's jurisdiction as title II would do. Today it is increasingly difficult, yet increasingly important, to maintain the rule of law. It encourages disrespect for law, however, for Congress to use political power to shut off access to normal judicial process as a method of preventing the enforcement of the Constitution.

Second, Congress has laid no foundation for such drastic action. It is not only possible but even probable that Congress could make enormously important contributions to the improvement of the law pertaining to confessions. The Miranda case should not be the last word. But, as matters stand, an insufficient time has elapsed to perceive the effects of the Miranda line of cases, and the Congress has not even conducted a thorough and systematic study of the problems of confessions in criminal cases. All title II accomplishes is to revive the old rule of voluntariness which, standing alone, has proved demonstrably inadequate to prevent the use of "the third degree" in procuring confessions from suspected criminals. To develop a new rule requires careful factual study of the consequences of the Miranda principle and the examination of alternatives. No such groundwork has been laid for the enactment of title II.

Third, proposed section 3502 of the United States Code is particularly objectionable. The power of the Supreme Court to reverse State convictions under the 14th amendment may have been employed in highly debatable cases, but it has also been necessary to prevent shocking travesties on justice. For example, in *Ashcraft* v. *Tennessee*, 322 U.S. 143, two defendants were convicted and sentenced to 99 years in the penitentiary almost entirely on the basis of confessions procured by holding them without sleep or rest, under a glaring light, for 36 hours of constant questioning, by teams of lawyers and investigators. In *Brown* v. *Mississippi*, 297 U.S. 278, the confession was obtained by twice hanging the defendant by the neck from a tree limb and then tying him to a tree and beating him until he confessed. The violence and torture in *Chambers* v. *Florida*, 309 U.S. 227, were scarcely less brutal. Ordinarily the State judges are quick to correct such travesties upon civilized justice. Unfortunately, there are exceptional cases in which the only corrective is the Supreme Court of the United States. Proposed section 3502 lumps all these cases together indiscriminately in curbing the Court's jurisdiction. The Court's effectiveness in correcting barbarities like Brown, Chambers, and Ashcraft ultimately depends upon its power to determine for itself whether fundamental rights were denied.

I doubt if the Senate was fully aware of the probable impact of title II upon cases like Brown, Chambers, and Ashcraft, that it would cut off Supreme Court review whenever a State court found that the confession was not the product of coercion.

Thus, Mr. President, I join my distinguished colleague from Maryland in opposing passage of title II. And I thank and congratulate him for the leadership he gave in the committee—where I supported his position—and now gives. At most the Senate should direct careful study of the implications and consequences of these very recent Supreme Court decisions which study Senator TYDINGS' amendment, as well as mine, authorize.

Mr. President, I also vigorously oppose passage of title III of S. 917.

CONSTITUTIONAL ISSUE

First, I have serious doubts about the constitutionality of title III. Proponents of title III cite the recent Supreme Court eavesdropping decisions in *Katz* v. *United States*, 389 U.S. 347 (1967) and *Berger* v. *New York*, 388 U.S. 41 (1967) for the proposition that Congress now has the constitutional green light to pass a court-ordered eavesdropping statute such as title III.

While mindful of the quote attributed to Chief Justice Hughes that "the Constitution is what the judges say it is," I believe a close reading of the Supreme Court's recent eavesdropping decisions in these two cases casts considerable doubt on the constitutionality of title III of S. 917.

1. BERGER *v.* NEW YORK, 368 U.S. 41 (1967)

The Supreme Court by a 6-to-3 decision reversed the conviction of Ralph Berger who had been convicted of conspiracy to bribe the chairman of the New York Liquor Authority. Evidence for conviction was obtained by eavesdropping authorized by a New York statute—New York Code Criminal Procedure 813-a—permitting law-enforcement eavesdropping for up to a 2-month period.

The Supreme Court held that the language of the New York law was too broad, resulting in a trespassory intrusion into a constitutionally protected area in violation of the fourth and 14th amendments. The Court specifically held that the provision in the New York statute authorizing eavesdropping for a 2-month period was unconstitutional. According to the Court, such eavesdropping is the equivalent of a series of intrusions, searches, and seizures pursuant to a single showing of probable cause. During such a long and continuous—24 hours a day—period, the conversations of any and all persons coming into the area covered by the eavesdropping device are seized indiscriminately and without regard to their connection with the crime under investigation (388 U.S. at 59).

2. KATZ *v.* U.S., 389 U.S. 347 (1967)

Six months after Berger against New York, the Supreme Court set aside a conviction based on evidence obtained from a bug placed by FBI agents on two public telephones that Katz habitually used.

In many ways the Katz decision represented a major victory for privacy. First, the Supreme Court finally overruled *Olmstead* v. *U.S.*, 277 U.S. 438 (1928), which had denied fourth amendment protection to eavesdropping which did not physically penerate one's premises. Katz thus brought wiretapping clearly within the fourth amendment's prohibition against "unreasonable searches and seizures"—thus impliedly requiring the exclusion from State courts of wiretapping evidence obtained in an unconstitutional manner.

Further, in Katz the Supreme Court discarded the "constitutionally protected areas" doctrine under which unlimited eavesdropping had been permitted in such places as prison visiting rooms, because such rooms had been deemed unprotected areas. Instead the Court held that the correct rule is "what a person seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

It is true that the Court in Katz stated that, had the eavesdropping been conducted pursuant to a court order, it would have been sustained (389 U.S. 347, 359). Nothing in Katz, however, supports the broad provisions of title III.

Katz involved that rare situation where electronic eavesdropping could be limited, not only with respect to time and place, but also to a specific person or persons and specific conversations. In Katz, FBI agents had established that Katz was in the habit of using certain public telephones at a certain location at a certain time to transmit wagering information. The FBI agents, therefore, installed a bug on the phone booth which was activated only when Katz entered the booth. The bug caught only Katz' end of the conversation and was turned off when he left.

In approving this kind of eavesdropping, the Court emphasized that no conversations of innocent persons were overheard. It noted that—

> On the single occasion where the statements of another person were inadvertently intercepted, the (FBI) agents refrained from listening to them (389 U.S. 347, 354).

The Supreme Court placed particular emphasis on the extremely narrow circumstances under which the surveillance in Katz was conducted:

> Accepting this account of the Government's actions as accurate, it is clear that *this surveillance was so narrowly circumscribed* that a duly authorized magistrate * * * clearly apprised of the precise intrusion could constitutionally have authorized, with appropriate safeguards, *the very limited search and seizure* that the Government asserts in fact took place (at 354). [Emphasis added.]

Katz thus permits eavesdropping in one of the rare situations where it can be carefully circumscribed—a bug activated only when the suspect uses the "bugged" premises and recording only particular conversations of the suspect. Supreme Court approval of such a narrowly circumscribed eavesdropping situation as Katz does not imply approval of a 30-day bug on a house or office—as is provided by title III—where many innocent people congregate to talk about many innocent things.

Katz is thus consistent with the language and tone of Berger, which disapproved the indiscriminate seizure of the conversations of innocent people when a bug is in continuous operation in an area during any lengthy period of time (388 U.S. at 59). Indeed, in both Berger and Katz the Court cited examples of narrowly circumscribed electronic eavesdropping which it had approved in prior decisions. As stated in Berger:

> This Court has in the past, under specific conditions and circumstances, sustained the

use of eavesdropping devices. See *Goldman v. U.S.*, supra; *On Lee v. U.S.*, supra; *Lopez v. U.S.*, supra; and *Osborn v. U.S.* supra (388 U.S. at 63).

These four eavesdropping cases cited approvingly by the Court in Berger involved, as did Katz, very circumscribed eavesdropping. In Goldman, an FBI detectaphone was installed to overhear four conversations to which an FBI informer was a party. In On Lee an informer wore a radio transmitter for his conversation with a specific suspect. In both Lopez and Osborn the Supreme Court upheld the use of an eavesdropping device wired to an informer and used to record the informer's conversations with a suspect. In each of these four cases, as in Katz, the eavesdropping the Supreme Court approved was carefully circumscribed and limited to specific conversations which the eavesdropper knew would take place.

The eavesdropping and wiretapping authorized by title III of S. 917, however, is essentially an indiscriminate dragnet. Section 2518(5) of title III authorizes wiretapping and eavesdropping orders for 30-day periods. During such 30-day authorizations, a title III bug or tap will normally be in continuous operation. Such a bug or tap will inevitably pick up all the conversations on the wire tapped or room bugged. Nothing can be done to capture only the conversations authorized in the tapping order. Thus, under title III, not only is the privacy of the telephone user invaded with respect to those calls relating to the offense for which the tap is installed, but all his other calls are overheard, no matter how irrelevant, intimate—husband-wife, doctor-patient, priest-penitent—or constitutionally privileged—attorney-client. Further, under title III, all persons who respond to the telephone user's calls also have their conversations overheard. Likewise, under a title III tap, all other persons who use a tapped telephone are overheard, whether they be family, business associates, or visitors; and all persons who call a tapped phone are also overheard.

To illustrate the indiscriminate nature of a title III tap, one need only consider the experience of a New York police agent who in the course of tapping a single telephone recorded conversations involving, at the other end, the Julliard School of Music, Brooklyn Law School, Western Union, Mercantile National Bank, several restaurants, a drugstore, Prudential Insurance Co., the Medical Bureau To Aid Spanish Democracy, dentists, brokers, engineers, and a New York police station.

Wiretapping and eavesdropping as authorized by title III thus represent a sweeping intrusion into private and often constitutionally protected conversations of many, and often innocent, persons. The effect of Berger and Katz is now to measure wiretapping and eavesdropping authorizations against the fourth amendment's requirements for a search warrant. Title III, as I see it, permits "general searches" by electronic devices, the offensive character of which was first condemned in *Entick v. Carrington*, 19 How. St. Tr. 1029 (1765), and which were then known as "general warrants."

The use of such "general warrants" was a motivating factor behind the Declaration of Independence:

> Under these "general warrants," customs officials were given blanket authority to conduct general searches for goods imported to the colonies in violation of the tax laws of the Crown. The fourth amendment's requirement that a warrant "particularly describe the place to be searched, and the persons or things to be seized" repudiated these general warrants (*Berger* at 58).

3. CONSTITUTIONAL REQUIREMENT OF PARTICULARITY

There is yet another fundamental inconsistency between title III and the requirements of the Constitution applicable to electronic surveillance, as interpreted by the Supreme Court in the Berger and Katz decisions. I believe that title III violates the requirement of these decisions that a warrant for electronic surveillance must particularly describe the conversations to be overheard.

As the Court emphasized time and again in Berger and Katz, the requirements of the fourth amendment applicable to wiretapping and eavesdropping are the same requirements applicable to conventional search warrants. Thus, it is clear that the overall purpose of Berger and Katz is to assimilate electronic surveillance to the strict requirements applicable to searches and seizures for tangible physical objects.

It has long been established that a conventional search warrant must describe with particularity the object to be seized, and that a judge authorizing the issuance of a warrant for the object must have probable cause to believe that the described object will be found on the premises to be searched.

Under rule 41(c) of the Federal Rules of Criminal Procedure, of course, the requirements applicable to nighttime searches are more stringent than for searches to be executed in daytime. Thus a warrant for a daytime search may be issued on the basis merely of a showing of probable cause for belief that the object named in the warrant will be found on the premises to be searched. A warrant may not be issued for a nighttime search, however, unless the issuing judge finds as a fact that the object will be found on the premises. Title III draws no distinction between daytime and nighttime searches, but authorizes round-the-clock surveillance for the entire 30-day period of the warrant.

It is true that section 2518(3)(b) of title III requires a finding of probable cause for belief that particular communications concerning the offense named in the warrant will be intercepted. That provision, however, pays only lipservice to the constitutional mandate. The lengthy period of surveillance authorized in title III—up to 30 days, with unlimited renewals for fresh periods of 30 days each—belies the apparent adherence of title III to the requirement of particularity.

No one would suggest that a conventional search warrant may validly be issued to authorize a law-enforcement officer to enter a private home or office and embark on a search lasting even a few days, let alone authorize the officer to move into the premises for a month.

Conventional searches lasting even a few hours have been roundly condemned in the courts as general, or "ransacking," searches. Yet, it is precisely such a ransacking search that title III authorizes. A search lasting for a period of days or months can hardly be a search for a particularly described object. Unless we are to define "particularity" in novel terms, completely divorced from the requirements long held applicable to traditional search warrants, title III cannot stand.

Fortunately, the circumstances of the Katz case offer a clear example of what the Supreme Court intended as a valid application of the particularity requirement in existing search-and-seizure law to electronic surveillance. In Katz, the Federal investigating agents obviously had probable cause to believe that the particular communications made by the suspect from the public telephone booth were themselves part of the suspect's ongoing criminal activities. An application by the agents for a warrant authorizing the surveillance could clearly have described the communications to be intercepted with precisely the sort of particularity that is required in warrants authorizing searches for tangible physical objects.

The surveillance authorized by title III, however, is vastly different. It ranges far beyond the circumstances of Katz. Instead of requiring a meaningful description of particular communications to be intercepted, it authorizes all conversations of the person named in the warrant to be intercepted over the entire period of the surveillance, with law-enforcement officers authorized to sift through the many varied conversations, innocent and otherwise, that take place during the period.

No search warrant could constitutionally authorize all of a person's future written statements to be seized for a 30-day period, in the hope that one or another of the statements would contain certain incriminating information. The constitutional protection for oral statements can be no less. I suggest that no warrant should be able to authorize all of a person's conversations to be seized for a 30-day period, in the hope that an incriminating conversation will be intercepted. Yet, this is precisely the sort of unlimited search contemplated by title III. It was not contemplated, nor is it permitted by the Constitution.

POLICY CONSIDERATIONS

Usually, one who opposes legislation in the belief it is unconstitutional opposes it also as unwise and undesirable. There is a chicken-egg question here, admittedly, and my opposition to legalizing wiretapping and eavesdropping goes beyond the constitutional doubts I have about title III.

Wiretapping and other forms of eavesdropping are recognized by even their most zealous advocates as encroachments on a man's right to privacy, characterized by Justice Brandeis as "the most comprehensive of rights and the right most valued by civilized men."

In yesteryear, a man could retire into his home or office free from the prying eye or ear. That time is now long past. Transmitting microphones the size of a sugar cube can be bought for less than $10. Other gadgets now enable a would-be snooper in New York to eavesdrop in Los Angeles merely by dialing a telephone number. This is done by attaching to the telephone in Los Angeles a beeper which converts the telephone into a transmitter without its ever leaving its cradle.

Directional microphones of the "shotgun" and parabolic mike type make it possible, by aiming the mike at a subject, to overhear conversations several hundred feet away. Laser beams permit an eavesdropper to monitor conversations in rooms up to half a mile away by aiming the beam at a thin wall or window. And the experts now tell us that in the years to come, as the methods of eavesdropping technology surge forward, the problems of protecting personal privacy will even further intensify.

Against this backdrop of diminishing individual privacy, proponents of title III now want to legitimate law enforcement wiretapping and eavesdropping. Clearly, if such an effort is successful, today's narrowing enclave of individual privacy will shrink to the vanishing point.

Personal privacy is not the only basic right wiretapping and eavesdropping circumscribe.

Private property is a basic institution in our democratic country. Without it, individualism and freedom wither and die, no matter how democratic a government purports to be. One of the major purposes of our Constitution and Bill of Rights was to safeguard private property.

One of the most important characteristics of private property is the right to possess it exclusively—to keep all strangers out. The householder may shut his door against the world.

This right of a citizen to shut the door against anyone, even the King himself, is part of our ancient heritage. One of the great ends for which men entered into society was to protect their property. Under common law, every invasion of private property, no matter how minute, was a trespass, even if no damage was done. And the King's man, entering without sanction of law, was as much a trespasser as the ordinary citizen.

Make no mistake about it: Eavesdropping and wiretapping are trespasses against the home. They are more serious trespasses than an unlawful search of the premises because they continue over long periods of time unknown to the householder. Thus to those who value the institution of private property, eavesdropping and wiretapping have always been regarded as unacceptable. That property shall not be immune from all control and entry, however, long has been accepted. Overriding claims of public health and safety needs, for example, have justified carefully defined limitations on freedom and use of private property.

Is there such an overriding claim here? Is there so great a need for wiretapping as to allow it as title III proposes, assuming it is constitutionally permitted?

Despite the clearcut invasion of privacy, there is a great clamor for wiretapping and bugging from certain of the law enforcement community. Yet there is in fact serious doubt and disagreement as to the need for such authority in dealing with crime. According to this Nation's highest ranking law enforcement officer, U.S. Attorney General Ramsey Clark:

> Public safety will not be found in wiretapping. Security is to be found in excellence in law enforcement, in courts and in corrections * * *. Nothing so mocks privacy as the wiretap and electronic surveillance. They are incompatible with a free society. *Only the most urgent need can justify wiretapping and other electronic surveillance. Proponents of authorization have failed to make a case—much less meet the heavy burden of proof our values require. Where is the evidence that this is an efficient police technique? Might not more crime be prevented and detected by other uses of the same manpower without the large scale, unfocused intrusions on personal privacy that electronic surveillance involves?* [Emphasis added.]

Ray Girardin, speaking as police commissioner of Detroit, said:

> * * * from the evidence at hand as to wiretapping, I feel that it is an outrageous tactic and that it is not necessary and has no place in law enforcement.

Nor are the Attorney General and Commissioner Girardin alone in their views. Back in the 1920's, 1930's, and 1940's, when we also had a serious crime problem, Attorneys General Harlan F. Stone and Robert H. Jackson condemned wiretapping as inefficient and unnecessary.

As Attorney General Robert H. Jackson said before World War II:

> The discredit and suspicion of the law-enforcing branch which arises from the occasional use of wiretapping *more than offsets the good which is likely to come of it.* [Emphasis added.]

It is far from clear that crime cannot be fought without wiretapping and eavesdropping. Rifling the mails and reading private correspondence, suspension of the fifth amendment's privilege against self-incrimination, and judicious use of the thumbscrew and rack would probably help the police secure more convictions. This country, however, has wisely seen fit to forbid the police from using such techniques; for the past 34 years Congress also wisely classified wiretapping as a forbidden police method because the dangers inherent in it to innocent persons far outweigh any benefit it may yield to law enforcement. As Justice Holmes said in the first eavesdropping case to confront the Supreme Court:

> For my part I think it is a less evil that some criminals should escape than that a government should play an ignoble part (dissent, *Olmstead* v. *U.S.* 277 U.S. 438).

When the Government overhears clients talking to their attorneys, husbands to their wives, ministers to their penitents, patients to their doctors, or just innocent people talking to other innocent people, it is clearly playing an "ignoble part."

THE JOHNSON ADMINISTRATION POSITION ON EAVESDROPPING

President Johnson and Attorney General Clark have recognized the clear threat to privacy wiretapping and eavesdropping pose.

In his state of the Union address in 1967, the President stated:

> We should protect what Justice Brandeis called the "right most valued by civilized men"—the right to privacy. We should outlaw all wiretapping—public and private—wherever and whenever it occurs, except when the security of the Nation itself is at stake—and only then with the strictest safeguards. We should exercise the full reach of our constitutional powers to outlaw electronic "bugging" and "snooping." [Emphasis added.]

On February 8, 1967, the President sent to Congress his Right of Privacy Act (S. 928) which outlaws electronic eavesdropping except in national security cases. Twenty-two Senators cosponsored S. 928. Although I feel S. 928's national security provisions could be tighter, I commend the President, because S. 928 represents a tremendous step forward for privacy. Under S. 928, neither the Government nor private citizens could legally use today's frightening panoply of eavesdropping devices to snoop on our citizens. Under S. 928, individual privacy and the institution of private property would once again be meaningful terms.

On February 7, 1968, in his special message on crime to Congress, the President again called for passage of the administration's Right to Privacy Act (S. 928).

Title III rejects the approach recommended by the President and supported by the Attorney General.

For nearly four decades Congress wisely has rejected numerous bills similar to title III.

In 1948, Orwell wrote a book, "1984," in which he painted a bleak prophecy of what life would be like 16 years from now:

> The telescreen received and transmitted simultaneously. Any sound that Winston made, above the level of a very low whisper, would be picked up by it; moreover, so long as he remained within the field of vision which the metal plaque commanded, he could be seen as well as heard. There was of course no way of knowing whether you were being watched at any given moment. . . . You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard and, except in darkness, every movement scrutinized.

In terms of the technological advances in the field of electronic eavesdropping, 1984 is clearly upon us. I, for one, however, do not want to see the Government given the right to use, especially when their use will have little effect in lessening crime, 1984's tools against its citizens.

Therefore, I oppose Senate passage of title III. While I was not successful in committee in this effort, I hope the Senate will reject this doubtfully constitutional and thoroughly offensive and dangerous course.

Mr. President, I support passage of title IV of S. 917.

To me it makes sense to ban interstate sales of handguns—pistols and revolvers—these are the weapons most often used in crimes, and most States regulate their sale. Buying handguns by mail order circumvents State law, and I believe it should be prohibited.

Title IV is designed to reduce access to handguns for criminals, juveniles, and fugitives by requiring that handguns must be bought in the purchaser's home State and prohibiting mail-order sales of handguns, except between licensed dealers. Also, under title IV dealers cannot sell handguns to out-of-State purchasers or minors, fugitives, or felons. These restrictions will assist States enforce whatever gun laws they enact.

Title IV does not adversely affect legitimate mail-order and over-the-counter purchases of rifles and shotguns. Few States have any restrictions on the sale of rifles; a mail-order ban would thus simply force buyers to make their purchases at a local store. It would do little to keep guns out of the hands of criminals and would prevent the honest sportsman from shopping the catalogs.

Mr. President, every hour the Senate delays passing titles I and IV prevents us from responding effectively to the challenge of crime. Passage of titles II and III, however, rather than being an effective response to the challenge of crime, would do violence to constitutional principle and basic individual rights.

Therefore, I urge swift passage of titles I and IV and prompt rejection of titles II and III.

As in past times of crisis, there are those who would defend freedom by narrowing its scope. Unless titles II and III are excised, I would consider this bill as nicking away at constitutional freedom and, as I did in committee, vote against it.

Mr. METCALF. Mr. President, the controversy which we are engaged in over title II of the crime bill, S. 917, is reminiscent of the last days of the 85th Congress when I was a Member of the other body and several bills limiting the power of the Supreme Court were still pending. The House sent to the Senate such legislation as the notorious H.R. 3, which was a broad preemption bill, a bill modifying the Supreme Court's decision in the Mallory case (*Mallory* v. *United States*, 354 U.S. 449), and a bill to limit Federal judicial review of State criminal trials by habeaus corpus.

In that year Senator Humphrey and Senator Douglas led the assault on the legislation, and when Congress adjourned a little group of Senators had defeated the congressional attack on the courts.

When the Supreme Court misjudges legislative intent, misconstrues legislative language, or points out that a statute is indefinite or obscure, then we, as legislators, have the duty and obligation to examine the decision and correct the wrong legislative interpretation, redefine the crime, or clarify the language. But title II of S. 917 does not confront us with either questions of statutory interpretation or a determination of legislative intent. What is at stake here is the inherent right of the Supreme Court to review cases which on their facts present constitutional questions.

The questions presented in the Miranda (*Miranda* v. *Arizona*, 380 U.S. 436) and Wade (*United States* v. *Wade*, 388 U.S. 218) decisions did not involve either statutory interpretation or a construction of legislative intent. The issues involved an interpretation of the Constitution. Disagreement with those decisions does not carry with it the right to reverse those cases by legislative action. Procedurally the only way a reversal can be effected is to amend our Constitution. It is clear to me that legislative action such as that contemplated here, will be held unconstitutional by the Court. This was also clear to the Attorney General of the United States last June and he so advised the Subcommittee on Criminal Laws and Procedures—hearings, pages 81–82.

No one has questioned the jurisdiction of the Court to declare title II unconstitutional. That principle was established as far back as 1803 in the historic decision of *Marbury* v. *Madison*, 1 Cranch. 137. The committee report takes note of this possibility but dismisses it quite simply:

> No one can predict with any assurance what the Supreme Court might at some future date decide if these provisions are enacted. The committee has concluded that this approach to the balancing of the rights of society and the rights of the individual served us well over the years, that it is constitutional and that Congress should adopt it. After all, the Miranda decision itself was by a bare majority of one, and with increasing frequency the Supreme Court has reversed itself. The committee feels that by the time the issue of constitutionality would reach the Supreme Court, the probability rather is that this legislation would be upheld (pg. 51).

We can predict with assurance what the Supreme Court will do if the provisions of title II are enacted. We have only to turn to the Miranda decision for our answer:

> It is also urged upon us that we withhold decision on this issue until state legislative bodies and advisory groups have had an opportunity to deal with these problems by rule making. We have already pointed out that the Constitution does not require any specific code of procedures for protecting the privilege against self-incrimination during custodial interrogation. Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described above in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. See *Hopt* v. *Utah*, 110 U.S. 574 (1884). Judicial solutions to problems of constitutional dimension have been evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." 384 U.S. 436, 490–491.

On May 6, 1967, the Court reaffirmed its Miranda decision and in doing so stated that the whole purpose of that decision was "to give meaningful protection to Fifth Amendment rights"—*Mathis* v. *U.S.*, No. 726, October term, 1967.

The Court could have waited until after we had concluded our consideration of S. 917 before acting on the Mathis case but it chose not to. This should give inkling to those who profess to have no way to predict what the Court might do if the provisions of title II are adopted.

If this statute is adopted convictions will undoubtedly be obtained under its aegis. By the time a case gets to the Court, the statute will be held unconstitutional without serious question. But what troubles me are all those cases which will subsequently be dismissed as a result of congressional action if this legislation is accepted in its present form. There will be people walking the streets only because we took the wrong procedural path by taking the decision in our hands rather than attempting to amend the Constitution. And I want to make it clear that I do not advocate a constitutional amendment. I am one of those people who rests easier as a result of the Miranda and Wade cases. What I do advocate for those who are spending sleepless nights over these decisions is to do it the right way or leave it alone. The satisfaction of insult will be far outweighed by the certain dire consequence of affirmative legislative action.

Mr. President, the Sacramento Bee made this the subject of an editorial on May 7. So that other Senators may have the benefit of the statistics contained in this editorial, I ask unanimous consent that it be included at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Truth Is Courts Do Impede Crime Wave

Some critics of this nation's outstanding judicial system have had a field day going about the land feeding the fears of the timid, contending the courts are at fault for all sorts of social ills.

Particularly they blame the courts—and more especially the United States Supreme Court—for "coddling criminals."

One of the most vociferous exponents of this distortion is Max Rafferty, a candidate for the United States Senate from California.

He contends the "great national crime wave started about the time the Supreme Court started interpreting the law the way it thought the law should have been written."

No coddler of facts, this Rafferty.

What is the truth?

California Supreme Court Justice Stanley Mosk recently stated it. In a talk before the Santa Monica Bar Association he said:

"A dispassionate study of authoritative figures demonstrates that our courts are more effective, deterring crime more vigorously and convicting more guilty defendants than ever before in our history."

Official statistics cited by Mosk show the number of persons convicted of felonies in California jumped from 10,200 in 1947 to 32,000 in 1966. Instead of dropping because of court decisions, the percentage of those persons charged with felonies who were actually convicted has jumped from 80 percent in 1947 to 87 percent in 1966.

Despite all the controversial decisions which are supposed to be handcuffing our police, Mosk said, the number of criminal defendants who have pleaded guilty has gone up from 8,190 in 1947 to 23,089 in 1966—the highest in the state's history. These increases are greater than the increase in population.

The true situation is, as Mosk stated it, firm and severe justice is being dispensed in California in spite of those who contend the courts are not alert to the rights of all citizens.

Mr. METCALF. Mr. President, that portion of title II which deals with the admissibility of confessions lists five criteria which the trial judge shall take into consideration when determining whether a confession was voluntarily given. The bill then proceeds to state:

> The presence or absence of any of the above-mentioned factors to be taken into consideration by the judge need not be conclusive on the issue of voluntariness of the confession.

This means that first, regardless of the time elapsing between arrest and arraignment; second, regardless of whether the defendant knew the nature of the offense with which he was charged or of which he was suspected; third, regardless of whether or not such defendant was advised of his fifth amendment rights; fourth, regardless of whether he had been advised of his sixth amendment rights; and fifth, regardless of whether the defendant was without the assistance of counsel when questioned and when giving a confession, the trial judge could determine that the confession given was made voluntarily and no Federal court including the Supreme Court shall have jurisdiction to review the trial judge's determination.

Mr. President, I have searched the hearing record and nowhere have I been able to find any justification for such drastic action. Aside from the constitutional argument against a legislative attempt to remove jurisdiction from the Federal courts, I could not allow the angry mood of this section of the bill to go without comment.

Mr. President, the Association of the Bar of the City of New York recently has recommended that title II be defeated as an unwise and probably unconstitutional intrusion by Congress into areas of proper Federal judicial authority. So that other Senators may have the benefit of their research on this important matter, I ask unanimous consent for their report to be printed at this point in the RECORD.

There being no objection, the report was ordered printed as follows:

[From the Association of the Bar, of the City of New York, N.Y.]

PROPOSED LEGISLATION RELATING TO FEDERAL JURISDICTION IN CONFESSION CASES

BY THE COMMITTEES ON CIVIL RIGHTS AND FEDERAL LEGISLATION

The Senate now has before it as Title II of the "Safe Streets Bill" (S. 917) (See Appendix), a proposal which would, among other provisions:

(1) overturn decisions of the Supreme Court regulating the reception into evidence in federal prosecutions of confessions obtained under certain circumstances, notably *Miranda* v. *Arizona*, 384 U.S. 436 (1966), *Mallory* v. *United States*, 354 U.S. 449 (1957) and their progeny;

(2) preclude all federal courts from reviewing the decisions of state courts of last resort sustaining trial court decisions admitting confessions as voluntary;[1]

(3) depriving the Supreme Court and other federal appellate courts of jurisdiction to review the admissibility of "eye witness" testimony in federal courts; and

(4) withdrawing from all federal courts jurisdiction to entertain applications for writs of habeas corpus challenging convictions obtained in state courts.

We deplore this proposal as exceedingly unwise and, beyond that, we believe that it raises grave constitutional issues. We most strongly urge that the Senate reject Title II.

Our opposition is based on our conclusions that: as a matter of technique, the legislation represents a blatant assault on the federal judiciary constituting a misuse of whatever power Congress may possess over its jurisdiction; that as a matter of substance it would overturn Supreme Court decisions which have usefully advanced the administration of justice; and that the proposal probably is unconstitutional as a violation of the Fifth Amendment and an unlawful suspension of the writ of habeas corpus.

I

We oppose the enactment of Title II in the first instance because we deem it a deplorable practice to attempt to overrule "unpopular" decisions of the federal courts by depriving them of jurisdiction to render such decisions. Such a process involves an intolerable assault on the independence and integrity of the judiciary and few steps could be better calculated to undermine respect for the processes of justice. When court rulings reach undesirable results, they should be corrected either by appropriate substantive legislation or, if the decisions are of constitutional dimension, by constitutional amendment, or by a process of constructive criticism which may lead the courts to reach different results in future litigation. This has been the general course of our constitutional history.

Attempts to defeat constitutional decisions by removing the jurisdiction of the courts have been made from time to time but, to the credit of Congress, such attempts have rarely been considered seriously and have been almost uniformly unsuccessful.[2]

We draw on this virtually unbroken history to urge defeat of this attack on the federal judiciary as an improvident exercise of Congressional power.

We oppose Title II on the further ground that it attempts to overrun decisions of the Supreme Court which, in our judgment, have enhanced the body of law relating to the administration of criminal justice.[3] The assumption underlying the inclusion of Title II in a bill devoted to "Safe Streets" is that attention to the requirements of procedural due process contribute to making our streets unsafe. We disagree with this rhetorical link and, further, we believe that the evidence thus far produced shows that these decisions have not resulted in any substantial diminution of the power of our courts to bring criminals to justice.

Accordingly, we oppose the enactment of Title II on the grounds that it is bad legislation both as to technique and as to substance.

II

Beyond our disagreement with the substance of the bill as a matter of legislative policy, we also oppose its enactment because we seriously doubt its constitutionality in several respects.

First, in our judgment, the attempt of the proposed legislation to overrule such decisions as *Miranda* probably violates the Fifth Amendment.

Miranda v. *Arizona*, *supra*, was plainly a decision based on constitutional grounds. The Court stated that explicitly (384 U.S. at 445):

> The *constitutional* issue we decided in each of these cases is the admissibility of statements obtained from a defendant questioned while in custody or otherwise deprived of his freedom of action in any significant way. (Emphasis supplied.)

It went on to hold that the rule it there announced was required to protect the criminal accused from intrusion on his constitutional privilege against self-incrimination under conditions it held to be "inherently" coercive. We do not believe that it lies in the power of Congress to overturn, by legislation, standards of criminal procedure declared by the Supreme Court to be of constitutional import.

When *Mallory* was decided, however, it purported to be a use of the supervisory power of the Supreme Court over the admissibility of certain evidence in federal courts. There is doubt, however, whether confessions obtained during the protracted detention of a criminal accused, without arraignment, are any longer subject to condemnation only on so narrow a basis. In the light of *Miranda*, Mallory may now well be recognized as a constitutional rule.

Secondly, there is ground for genuine doubt that Congress has the power by virtue of its statutory control over the appellate jurisdiction of the Supreme Court and the jurisdiction of inferior federal courts arbitrarily to deprive criminal defendants of a federal forum in which to test the constitutionality of procedures employed to convict them.

For one thing, the statutory power of the Congress under Article III must, we believe, be exercised consistently with the terms of the Fifth Amendment. We believe a serious constitutional issue is raised under that Amendment when Congress attempts to foreclose recourse to federal appellate courts to vindicate rights protected by that Amendment.

The section of Title II which would forbid collateral attack upon the constitutionality of state court convictions through the use of Federal habeas corpus procedures seems to be subject to the same infirmity.

Moreover, Article I, § 9, Clause 2 of the Constitution forbids the suspension of the writ of habeas corpus except in cases of invasion or rebellion. We believe that such a blanket withdrawal of the power to issue the writ may well violate the habeas corpus clause. In *Fay* v. *Noia*, 372 U.S. 391 (1963), which decision this provision of Title II is intended to overrule, the Court did not reach the constitutional question presented under the habeas corpus clause but its dictum is instructive (372 U.S. at 406):

"We need not pause to consider whether it was the Framers' understanding that congressional refusal to permit the federal courts to accord the writ its full common-law scope as we have described it might constitute an unconstitutional suspension of the privilege of the writ. There have been some intimations of support for such a proposition in decisions of this Court. Thus Mr. Justice (later Chief Justice) Stone wrote for the Court that '[t]he use of the writ . . . as an *incident of the federal judicial power* is implicitly recognized by Article I, § 9, Clause 2 of the Constitution.' *McNally* v. *Hill*, 293 U.S. 131, 135. (Italic supplied.) To the same effect are the words of Chief Justice Chase in *Ex parte Yerger*, 8 Wall. 85, 95: 'The terms of this provision [The Suspension Clause] necessarily imply judicial action. And see *United States* ex rel. *Turner* v. *Williams*, 194 U.S. 279, 295 (concurring opinion). But at all events it would appear that the Constitution invites, if it does not compel, cf *Byrd* v. *Blue Ridge Rural Elec. Cooperative*, 356 U.S. 525, 537, a generous construction of the power of the federal courts to dispense the writ conformably with common-law practice."

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[1] Legislation of similar, though not identical, import was introduced in the House of Representatives as H.R. 16106. That bill, in addition, would deprive the Supreme Court of jurisdiction to review the admissibility of confessions in federal criminal cases except to consider their "voluntary character". We address ourselves to Title II because of the apparently serious consideration now being given to it.

[2] The most recent serious effort to reverse such Supreme Court decisions was sponsored by Senator Jenner in 1958 and was defeated on the Senate floor. The principal exception to the otherwise general defeat of such measures occurred in 1868 in reaction to a challenge to military reconstruction in the Southern states. See *Ex parte McCardle*, 74 U.S. (7 Wall.) 506 (1869).

[3] Elsen and Rosett, "Protections For the Suspect under *Miranda* v. *Arizona*", 67 Col. L. Rev. 645 (April, 1967); Givens, "Reconciling the Fifth Amendment With the Need for More Effective Law Enforcement", 52 A.B.A.J. 443 (1966).

The Court went on to hold that "conformably with common-law practice" the writ would lie to challenge collaterally the constitutionality of a state court conviction obtained through the use of a coerced confession. The "intimations" discerned and collected by the Court in *Noia*, and its own extended treatment of the subject of the "Great Writ" in its opinion, strongly suggest to us that the proposed legislation would probably be held invalid as an illegal suspension of the writ.

Conclusion

We recommend that Title II of the Safe Streets Bill be defeated as an unwise and probably unconstitutional intrusion by the Congress into areas of proper federal judicial authority.

MAY 15, 1968.

Respectfully submitted,

Louis A. Craco, *Chairman;* Edward Brodsky; Milton M. Carrow; Ambrose Doskow; James F. Downey, III; Michael Seth Fawer; Patricia Garfinkel; Peter J. Gartland; R. Kent Greenawalt; Richard A. Givens; Arthur M. Handler; Conrad K. Harper; Peter H. Morrison; Judson A. Parsons, Jr.; Leon B. Polsky; Norman Redlich; Leonard B. Sand; J. Kenneth Townsend, Jr.; William J. Williams; Committee on Civil Rights.

Eastman Birkett, *Chairman*; Thomas L. Bryan; John F. Cannon; Robert L. Carter; Sheldon H. Elsen; James T. Harris; Louis Henkin; Edwin M. Jones; Geoffrey M. Kalmus; Robert M. Kaufman; Robert E. Kushner; Kenneth J. Kwit; Arthur Liman; Gerald M. Levin; Jerome M. Le Wine; Jerome Lipper; Louis Lowenstein; John Lowenthal; Edward A. Miller; Gerald M. Oscar; Alan Palwick; Myra Schubin; Jerome G. Shapiro; E. Deane Turner; Leon H. Tykulsker; Committee on Federal Legislation.

Mr. METCALF. Mr. President, in discussing the constitutionality of title II the Senate Judiciary Committee report at page 56 states:

> The leading case in this area is Ex Parte McCardle, 7 Wall. (74 U.S.) 506 (1868), in which the Court accepted a withdrawal by Congress of its appellate jurisdiction immediately affecting a case already on its docket. The Court dismissed the case, saying that "without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the case" (supra, 514).

However—

> The McCardle case said nothing about the power of Congress to limit appeals from state courts where federal rights were involved. This was not in issue since at that time the Court had full jurisdiction to hear appeals from state courts in those cases. Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816).
>
> On the basis of stare decisis, therefore, the *McCardle* case does not stand for the proposition that Congress has plenary control over the Court's appellate jurisdiction. The actual limitation imposed there was slight. If the Court is ever faced with the question of whether a withdrawal of appellate jurisdiction is such as to violate an independent constitutional provision, *McCardle* will not reasonably bar the Court from holding that it does. (Limitations on the Appellate Jurisdiction of the Supreme Court, 20 U. Pittsburgh L. Rev. 108–109 (1958).)

As an example of what we can expect to happen if title II is enacted, I want to discuss the case of *Payne* v. *State of Arkansas*, 356 U.S. 560 (1958). The evidence as to the voluntariness of the confession was undisputed. The defendant Payne was sentenced to death in the electric chair. Here are the facts:

> The undisputed evidence in this case shows that petitioner, a mentally dull 19-year old youth, (1) was arrested without a warrant, (2) was denied a hearing before a magistrate at which he could have been advised of his right to remain silent and of his right to counsel, as required by Arkansas statutes, (3) was not advised of his right to remain silent or of his right to counsel, (4) was held incommunicado for three days, without counsel, advisor or friend, and though members of his family tried to see him they were turned away, and he was refused permission to make even one telephone call, (5) was denied food for long periods, and, finally, (6) was told by the chief of police "that there would be 30 or 40 people there in a few minutes that wanted to get him," which statement created such fear in petitioner as immediately produced the "confession" (at page 567).

The Court had this to say about Federal-State jurisdiction in these matters as it reversed the conviction by a vote of 7 to 2:

> "The use in a state criminal trial of a defendant's confession obtained by coercion—whether physical or mental is forbidden by the Fourteenth Amendment. (Cases cited) Enforcement of the criminal laws of the States rests principally with the state courts, and generally their findings of fact, fairly made upon substantial and conflicting testimony as to the circumstances producing the contested confession—as distinguished from inadequately supported findings or conclusions drawn from uncontroverted happenings—are not this Court's concern; (cases cited) yet where the claim is that the prisoner's confession is the product of coercion we are bound to make our own examination of the record to determine whether the claim is meritorious. 'The performance of this duty cannot be foreclosed by the finding of a court, or the verdict of a jury, or both.'" (Cases cited) (pages 561–562).

Mr. President, under the provisions of title II, the Supreme Court would be powerless to hear the Payne case and, absent a last minute commutation from the Governor, this man under these facts would have perished in the electric chair. I can only hope that we have not regressed this far in our thinking and attitude toward the Court today.

In 1960, a three-judge Federal District Court in *Bush* v. *Orleans School Board* (D.C.La.), 188 F. Supp. 916, 924–925 (1960), affirmed 365 U.S. 569 (1961), strongly set forth the proposition of the necessity in our system or final Federal judicial review of Federal questions. The case concerned the doctrine of "interposition," but the purport of the Court's remarks is equally applicable to the present question.

> [T]he inquiry is who, under the Constitution has the final say on questions of constitutionality . . . In theory, the issue might have been resolved in several ways. But as a practical matter, under our Federal system the only solution short of anarchy was to assign the function to one supreme court. That the final decision should rest with the judiciary rather than the legislature was inherent in the concept of constitutional government in which legislative acts are subordinate to the paramount organic law, and, if only to avoid "a hydra in government from which nothing but contradiction was confusion can proceed," final authority had to be centralized in a single national court. *The Federalist*, nos. 78, 80, 81, 82. As Madison said before the adoption of the Constitution: "Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated." *The Federalist*, no. 39.
>
> And so, from the beginning it was decided that the Supreme Court of the United States must be the final arbiter on questions of constitutionality. It is of course the guardian of the Constitution against encroachments by the National Congress. *Marbury* v. *Madison*, 1 Cr. 137. But more important to our discussion is the constitutional role of the Court with regard to state acts. The original Judiciary Act of 1789 confirmed the authority of the Supreme Court to review the judgments of all state tribunals on constitutional questions, Act of September 24, 1789 Sec. 25, 1 Stat. 73, 85. See *Martin* v. *Hunter's Lessee, supra; Worcester* v. *Georgia*, 6 Pet. 515; *Cohens* v. *Virginia*, 6 Wh. 264; *Ableman* v. *Booth*, 21 How. 506. Likewise from the first, one of its functions was to pass on the constitutionality of state laws. *Fletcher* v. *Peck*, 6 Cr. 87; *McCulloch* v. *Maryland*, 4 Wh. 316 . . . The fact is that the Constitution itself established the Supreme Court of the United States as the final tribunal for constitutional adjudication.

It is clear to me that the due process clause of the fifth amendment operates as a restraint on the manner in which Congress exercises its powers derived from article III as to modification of the jurisdiction of the Federal courts. Judicial review of constitutional issues must be Federal judicial review to be consistent with the national supremacy principle (Art. VI, cl. 2). In the case of *Cooper* v. *Aaron*, 358 U.S. 1, 18 (1958), a unanimous Court had this to say:

> Article VI of the Constitution makes the Constitution the "supreme law of the Land." In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as "the fundamental and paramount law of the nation," declared in the notable case of *Marbury* v. *Madison*, 1 Cranch. 137, 177, 2 L. Ed. 60, that "It is emphatically the province and duty of the judicial department to say what the law is." This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our Constitutional system.

A further practical consideration was voiced by Charles Warren in his "Supreme Court in United States History," volume I, pages 27–28—1923, edition—and quoted with approval in the previously cited Bush decision. This consideration embraces the constitutional and legal chaos that would result from the withdrawal of final review from the Supreme Court. According to Charles Warren:

> Changes . . . restricting the appellate jurisdiction of the Court . . . would result in having final decision of vastly important na-

tional questions in the State or inferior Federal Courts, and would effect a disastrous lack of uniformity in the construction of the Constitution, so that fundamental rights might vary in different parts of the country.

However, under the provisions of title II, not even the inferior Federal Courts would have the power to review State court decisions. The fundamental rights to which Mr. Warren refers could be interpreted by 50 autonomous jurisdictions in varying ways.

Last session hearings were held on a District of Columbia crime which less than 5 months ago passed this same Congress and became law. The Mallory and Miranda decisions were considered during the course of those hearings. I fail to understand why suddenly I find myself faced with a bill that would abrogate congressional action taken in this same area last winter. As each of us votes today, I suggest we ask ourselves whether title II of this bill is more of a reaction to the recent riots than to Supreme Court decisions.

The editors of the University of Pittsburgh Law Review—V. 29 at page 65—in October examined the Wade case and the two related cases, *Gilbert* v. *California*, 388 U.S. 263 and *Stovall* v. *Denno*, 388 U.S. 293, in an article entitled "Right to Counsel at Police Identification Proceedings: A Problem in Effective Implementation of an Expanding Constitution."

In meeting the problems created by what the editors term an "expanding constitution" the article describes what the Pittsburgh police department has done to implement this series of Supreme Court decisions. I commend the entire article to my colleagues concerned by the impact of these decisions on law enforcement and ask unanimous consent that the concluding two sections of the Law Review article and appendix I and II citing revised Pittsburgh police regulations be included as a part of my remarks at this point.

There being no objection, the two sections were ordered to be printed in the RECORD, as follows:

[From the University of Pittsburgh Law Review, vol. 29:65]

V. WADE IN PITTSBURGH

The *Wade* decision has stimulated a beneficial review of lineup procedures by the Pittsburgh police in an effort to improve techniques and meet constitutional standards. Immediately following the decision, a waiver procedure was instituted and the Neighborhood Legal Services Association agreed, on an interim basis, to provide "substitute" counsel at lineups for suspects who did not execute a waiver, pending the development of a more permanent system.[1] On police initiative, a series of two meetings was held with the Chairman of the Trial Committee of the Allegheny County Bar Association and other concerned persons with the aim of establishing procedures meeting the requirements of the *Wade* ruling. Emphasis was given to the following three problem areas: police procedures at lineups, the role of counsel at lineups, and the providing of counsel at pre-arraignment lineups. At the second meeting between police and representatives of the Trial Committee, Neighborhood Legal Services Association and the Public Defender's office,[2] procedures for the conduct of lineups were agreed upon and guidelines for counsel attending lineups, together with a system providing for "substitute" counsel when necessary, were developed. Procedures established for the conduct of lineups by the Pittsburgh police, together with the writer's comments and suggestions, are listed in Appendix I. Suggested guidelines developed for the function of counsel at Pittsburgh lineups are set forth in Appendix II.

In the case of post-arraignment lineups the problem of conducting a proper identification is purely a logistical one, involving such factors as obtaining the release of the accused from detention in the county jail or otherwise arranging for his presence,[3] and setting a time for the lineup suitable and convenient for police, non-suspect participants, witnesses and counsel. No special system would seem to be required, nor, in the absence of unusual circumstances, should there be any need to conduct a post-arraignment lineup without presence of counsel.

Pre-arraignment lineups, where the suspect desires but cannot afford an attorney, or his own attorney cannot be present at the required time, present a different problem. Time available to police for investigation may be short, the need for an early identification proceeding may be pressing, and community resources may not permit formal appointment of counsel. Recognizing that the pre-arraignment lineup is an important investigative tool,[4] and, when properly conducted, equally essential to the interest of the suspect,[5] the Bar Association Trial Committee has provided Pittsburgh police with a list of twelve volunteers, all experienced defense attorneys, who have agreed to make themselves available as "substitute" counsel when their assistance is required.[6] If the suspect is identified, and the volunteer does not continue to represent him, the volunteer will transmit his observations of the lineup to the attorney later retained or appointed.[7] It is submitted that this arrangement adequately meets the requirements of the *Wade* decision.

VI. OTHER SOLUTIONS

The Pittsburgh experience is an instructive example of constitutional implementation at the community level. While it remains to be seen whether the system developed will prove adequate as a permanent arrangement, the cooperative endeavor of the Pittsburgh police and the Bar Association seems to have produced a solution which meets the constitutional requirements of the *Wade* decision, and which should lead to the end result anticipated by the Court: that of improved reliability of eyewitness identification. At the same time, any potential detrimental effect on police investigative capabilities has been minimized.

In the face of the paucity of guidance provided by the Court, it is submitted that the Pittsburgh solution correctly interprets the role of counsel at the lineup as a limited one, thus eliminating the bane of the overly aggressive counsel feared by Mr. Justice White.[8] The use of the Court's suggestion that "the presence of substitute counsel might . . . suffice where notification and presence of the suspect's own counsel would result in prejudicial delay,"[9] effectively deals with any threat to the utility of the pre-arraignment lineup.

While the Pittsburgh experience provides one method of meeting the problems posed by *Wade*, other solutions may be desirable in other types of communities. In rural areas or small towns, where the use of identification procedures are infrequent and usually involve confrontations rather than lineups, no formal procedures may be necessary. On the other hand, because the suggestion involved in the confrontation process is patent and the procedure stark, requiring only the question, "Is this the man?", a simple directive enjoining police from oral suggestion and the verbatim notation of what is said may be Constitutionally sufficient where the need for identification is pressing and counsel is not available.[10] If the community is reluctant to develop regulations in the absence of additional Court guidance, and yet finds it too difficult to provide for counsel at identifications, the use of court-appointed lawyers on a rotating basis to actually supervise and control identification proceedings, with a function analogous to a magistrate[11] rather than a defense counsel, may be considered. Such a proceeding would probably be constitutionally sufficient, provided an adequate record is kept. Another approach might involve the expansion of the Public Defender system to insure counsel's presence at lineups.[12] Probably the most practical solution for most communities, however, would be a system similar to that of Pittsburgh, endeavoring to provide counsel if at all possible, but concurrently developing rules of prevention and preservation with full record of proceedings being mandatory if counsel is not present.[13]

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[1] The current personnel and resources available to the Public Defender's office were deemed insufficient to provide for appointment of counsel for indigent suspects at pre-arraignment lineups. It was felt that any commitment to provide Public Defender counsel at lineups conducted by the Pittsburgh Police could not be undertaken without becoming equally obligated to provide counsel at pre-arraignment proceedings held in all other boroughs, municipalities and townships throughout Allegheny County. Interview with Mr. George Ross, Allegheny County Public Defender, in Pittsburgh, Sept. 12, 1967.

[2] The writer was also in attendance through the courtesy of Assistant Superintendent Eugene L. Coon, Pittsburgh Bureau of Police.

[3] If the accused is released on bail, it would seem that the police cannot compel him to appear for a lineup without an appropriate order by the court or a magistrate. Such an order should be no more difficult to obtain than one securing the release of a suspect from detention for lineup purposes. Further, most counsel would probably advise their client to appear voluntarily on police request.

[4] Potential detriment to the utility of the pre-arraignment lineup through difficulties in obtaining counsel's presence may not be as severe as anticipated. Since *Wade*, 22 out of 34 suspects in Pittsburgh Robbery Squad lineups have waived their right to the presence of counsel. It is likely, however, that many of those waiving did so because they were innocent (17 of the 22 were not identified) and thus felt no need for counsel's assistance.

[5] Of 34 suspects placed in Pittsburgh Robbery Squad lineups since *Wade*, only 10 were identified as the criminal. Nearly all of those who were not identified were immediately released, unless they were concurrently being held on charges not relevant to the lineups.

[6] Whether or not substitute counsel would meet the constitutional requirements of the *Wade* decision undoubtedly depends on the characteristics of the system by which they are provided. *See* 388 U.S. at 237.

[7] The volunteer, of course, may also be available as a witness, if required. However, if transcripts are made or the proceedings otherwise adequately recorded, this would probably be unnecessary.

[8] 388 U.S. at 256–59.

[9] 388 U.S. at 237.

[10] In *Stovall*, the Court rejected petitioner's claim that forcing him to confront the critically wounded victim in her hospital room while handcuffed to a police officer was so prejudicial and suggestive that admission of the identification testimony at trial violated due process of law. The Court, while noting that confrontation "has been widely condemned," stressed the facts that the victim's recovery was in doubt, and that a lineup was not practicable, and held that, considering the "totality of the circumstances," the exclusion of the evidence was not required. 388 U.S. at 302. The question is apparently still open whether a confrontation in the absence of exigent circumstances would be a violation of due process even if counsel were present. It is clear that the Court greatly disfavors the use of the confrontation for identification purposes. *See* 388 U.S. at 234. However, the difficulty of holding a lineup in a small town may well permit the use of confrontations without violating due process.

Peter O. Mueller.

Appendix I

(Note.—The following are Pittsburgh Police regulations, dated August 11, 1967, governing the conduct of lineups by Pittsburgh detectives. The writer's comments and suggestions appear in parentheses following the rule to which they are pertinent.)

1. The suspect (s) will be advised of the right to [have] counsel present during the standup [lineup], as prescribed by the Wade Decision. A reasonable delay pending the arrival of counsel will be afforded. The Waiver Form will be executed in the manner prescribed.

(The suspect should be further advised that if he is identified, the fact of such identification may be used against him in court, and such a warning should be incorporated in the Waiver Form. This rule should also provide that, should counsel fail to arrive within a reasonable time, a complete transcript of the proceedings *must* be made. The regular stenographic or tape recording of lineup proceedings would seem desirable even if counsel is present.)

2. The suspect (s) will not be placed in a standup unless there are a minimum of four other individuals with him. Exception will be if it is physically impossible to do so.

3. Every effort will be made to place persons of the same approximate age, height and weight in the standup.

(The phrase, "and general physical appearance," should be incorporated here to cover such qualities as complexion and racial characteristics.)

4. If persons meeting the above qualifications are not available the standup will be postponed until reasonably similar persons can be found. Exception will be if circumstances require an immediate standup.

(There would seem to be little purpose in putting a suspect in with dissimilar persons. It may, however, be slightly better than a simple confrontation by the witness, depending on the degree to which attention tends to be focused on the suspect. Thus, if police are satisfied that there is a risk that the identification evidence will be lost altogether, they may hold a lineup regardless of the fact that satisfactory nonsuspects are unavailable, while recognizing that the credibility of the identification evidence will be weakened.)

5. The suspect(s) will be provided the opportunity to select the place number which he desires for the standup. Subject's counsel, if present, should witness this choosing of the number. Counsel will then be shown to the main standup room to witness the proceedings.

(For the guidance of the officer conducting the lineup, a statement should be incorporated here to the effect that reasonable suggestions by counsel to improve the lineup are not improper. Any action to be taken on such suggestions must, of course, be left to the discretion of the officer.)

6. During the conduct of the standup, the names of the individuals will not be asked. A recitation of words used during the commission of the crime may be asked of all persons in the standup but each individual must be asked to repeat the words the same number of times. No questions should be asked which would in any way prejudice the rights of the suspect and possibly give a hint to the witness as to the identity of the suspect.

(Examples of such prejudicial questions might be whether or not the participants are employed, the extent of their education, the area of their residence, etc.)

7. When the witness has stated that the offender had an extremely distinctive voice (i.e., heavy lisp, hoarse whisper, etc.) and the suspect's voice fits this description, two standups must be held. The first standup will be held in the dark, the witness being asked to make an identification on the voice alone. During the second standup, held with the lights on, the witness will be asked to make an identification on the combination of voice and physical appearance. Participants in the second standup will be placed in a different order and given different numbers than in the first.

(This provision is a compromise resulting from the desire of the representatives of the Bar Association that voice and sight identifications be wholly separated to provide an additional check on the witness. Police objected that this would remove a material characteristic, the configuration of the suspect's features during speech, from the identification process.* It is submitted that the compromise is probably less fair than either of the original proposals, due to the suggestion created if one of the voices heard in the dark sounds familiar to the witness. Since no requirement for separate voice and sight identification is implied in *Wade*, the most reasonable solution would be simply to hold one lineup involving both voice and sight identification as is general practice elsewhere.)

8. The suspect will not be asked to wear clothing similar to that worn when the crime was committed unless he is apprehended shortly after the crime and is wearing the clothing described. Clothing seized from the suspect's home, not being worn at the time of the arrest, will not be put on the suspect for the standup.

(Suggestions as to clothing outlined in section IV *supra*, p. 8, should be here incorporated. Funds should be made available for the purchase of shirts. Sunglasses are presently kept on hand by Pittsburgh police.)

9. If clothing is removed from suspect for evidence purposes and coveralls issued, each individual in the standup must wear coveralls.

(The use of coveralls in other situations is not desirable, since it is probably detrimental to the recognition process.)

10. Suspect's counsel shall have every opportunity to view the entire proceedings but he will not be permitted to interview witnesses nor in any way interfere with the procedures herein outlined. Counsel will be treated with every courtesy and consideration in accordance with the rules and regulations of the Bureau of Police.

11. The revised standup form will be used.

12. If identification is made by witnesses, a photo of the entire standup in viewed sequence will be taken by the Photo Lab.

13. A record of questions asked during a standup is to be made, verbatim, and will be part of the files.

14. Each member of this Branch will do his utmost to insure that standups are conducted in a fair and impartial atmosphere to insure the Constitutional Rights guaranteed the suspect.

Appendix II—Guidelines Developed by the Allegheny County Bar Association and the Pittsburgh Police.

FUNCTION OF COUNSEL DURING POLICE STANDUP

1. The function of counsel during the police standup is chiefly that of an observer. The attorney will be permitted to observe all stages of the proceeding up to and including the standup. He will be permitted to position himself during the standup in such a way as to be able to ascertain whether the police officer (s) in charge of the proceedings or any other police officer (s) act to influence the witness in any way.

2. The attorney will be permitted to talk with his client either before or after the standup, if he so desires. However, the standup will not be unreasonably delayed by lengthy attorney-client conferences.

3. The attorney will be permitted to observe the taking of the photograph of the standup.

4. The attorney will not be permitted to talk to the witness at any time during the proceedings.

5. The attorney may make any reasonable suggestion to insure that the standup is conducted in the fairest way possible to his client.

6. The attorney will not interfere with the proceeding in any way. All efforts will be made to have a stenographer present during the standup to make a transcript of the proceeding and to record any objection offered by the attorney. If for some reason it is impossible to obtain a stenographer the attorney will be asked to note his own objections.

Mr. METCALF. Mr. President, it would seem that such recognition of these basic rights by police forces is a more constructive approach than abortive and ineffectual attempts to roll back the U.S. Constitution.

Mr. LONG of Missouri. Mr. President, recently I received a letter from Judge Robert Seiler, of the Missouri Supreme Court, relative to S. 917, the safe streets bill. Judge Seiler speaks in the letter as a private citizen, not as a supreme court judge. However, he speaks with experience. His comments are most relevant and persuasive.

Mr. President, I ask unanimous consent that Judge Seiler's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Supreme Court of Missouri,
Jefferson City, Mo., May 3, 1968.

Hon. Edward Long,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Long: I have been reading about the Safe Streets and Crime Control Act of 1968 which is before the Senate. What I read about the proposed restrictions on the United States Supreme Court alarms me.

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[11] The use of magistrates themselves for this function might be open to criticism, considering their close association with the police in many areas of the country.

[12] *See generally*, Note, *The Public Defender Act of* 1967—*A Proposed Pennsylvania Statute for Implementing the Sixth Amendment Right to Counsel*, 28 U. Pitt. L. Rev. 686 (1967), discussing the proposed Pennsylvania Public Defender Act and recommending its amendment to provide for the appointment of counsel in interrogation situations in response to *Escobedo* and *Miranda*. *Id*. at 691.

[13] This is the major weakness currently evident in Pittsburgh's lineup procedures. *See* app. I *infra*. If counsel is not available and police must hold a lineup, the proceedings must be fully recorded pursuant to regulations which so require, if the identifications are to escape the *Wade* exclusionary rule.

*This contention is psychologically sound. See H. Burtt, Applied Psychology 303 (1948), on the constellation principle of the memory process.

It seems to me it would be a great mistake to try to reverse by legislation, the Supreme Court decisions in the Miranda, Mallory, and Wade cases. These decisions do no more than to require the police to observe Bill of Rights safeguards in interrogating suspects and in displaying them in line-ups.

In my opinion, it's ridiculous to blame the crime rate on these decisions of the United States Supreme Court. These decisions have been in effect only the last couple of years or so, but the crime rate has been growing for years. It certainly is not due to these decisions.

For years we have had a general policy in this country of heavy punishment and severe retribution for offenders, yet the rate of recidivism has been 70% or more for a long time. I think it is obvious that the policy we have been following in this country for the last 50 years has not been a success in reducing crime or preventing its repetition.

In my opinion, the situation is not going to improve until a genuine and deep-seated respect for law and order is ingrained in people generally. I think respect for law and order suffers greatly every time the police deprive someone of his constitutional rights. Once the idea is firmly established that constitutional rights are going to be respected, then I think respect for law and order will gain thereby, and eventually we will be able to re-establish the respect for law and order, without which we cannot possibly reverse the increasing crime rate.

As an interested citizen, therefore, it is my hope that you will oppose that portion of the Act which would make voluntariness the only criteria as to admissibility of a confession and related portions of the Act attempting to abolish Supreme Court jurisdiction to review state confession cases and also attempting to abolish the authority of the federal courts to review states' criminal convictions by habeas corpus.

Also, again as a private citizen, I would urge restriction of sale of rifles and shotguns. The argument is made, as I am sure you have heard, that guns do not kill people—that it's people that kill people, but it must be admitted that at 200 yards, a rifle is a great help.

Finally, again as a private citizen, I am very skeptical of the advisability of enlarging the use of wire tapping. In theory, it is necessary in some instances, but in practice it is likely to be abused and, further, I see no way to avoid its abuse so far as the person on the other end of the line is concerned and whose private conversations are overheard just as much as the suspect's. I would, therefore, also urge you to vote against this aspect of the proposed legislation.

With best personal regards, I am,

Sincerely,

ROBERT E. SEILER.

TITLE III

Mr. LONG of Missouri. Mr. President, title III of the safe streets bill would destroy what little privacy we still are able to enjoy. Claims are made that the provisions of title III conform with the requirements set out by the Supreme Court in the Berger and Katz cases. In my opinion, this is not the case. I believe this measure would be an open invitation to law-enforcement officers to tap and bug whenever they felt like it. The controls contained in title III are mostly window-dressing.

Mr. President, radio station KMOX, St. Louis, recently broadcast an editorial calling for the defeat of title III. I ask unanimous consent that the transcript of the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RIGHT OF PRIVACY

(Broadcast May 13, 1968, 10:10 p.m.)

Senator Long of Missouri is continuing his courageous and consistent battle to preserve our right of privacy.

The Senator is urging the Senate to kill a provision of the pending crime control bill that would allow court-ordered electronic eavesdropping.

Senator Long has an uphill battle on his hands . . . but it is a battle worth fighting. In a period when crime is on the increase, there is a growing demand that law enforcement officers be given a free hand to use every tool available to trap wrong-doers.

One of these tools, of course, is electronic bugging. This weekend in Hershey, Pennsylvania, the National Association of Attorneys General approved a resolution advocating wire-tapping . . . as each state deems appropriate.

This is just the sort of action that alarms Senator Long. "Each generation," he says, "seems to believe that the dangers of crime, subversion and espionage are greater than ever. As a result, there are always those who seek to justify the abandonment or limitation of some constitutional rights. The right of privacy is a frequent target."

We agree with Senator Long.

It is unthinkable to contemplate an America in which one's home or office could be bugged . . . in which private conversations could be recorded . . . merely on the suspicion of wrong-doing.

Electronic bugging is already a problem in regard to protecting business and technical secrets. Unrestricted use of "bugging" would be an Orwellian nightmare.

We urge Senator Long to continue his battle to protect our right of individual privacy.

Mr. LONG of Missouri. Mr. President, the St. Louis Post-Dispatch recently published an outstanding series of articles on privacy, or, more accurately, on the lack of it. The series by William F. Woo clearly presented the principal issue which faces us in our consideration of title III of the safe streets bill.

The Post-Dispatch has summed up the matter in a most effective editorial in which it calls for the defeat of title III.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIFE IN A GOLDFISH BOWL

The series of articles by William F. Woo may suggest to many that privacy is dead in America. If it is not, the pending Senate anticrime bill should furnish a coup of grace.

Mr. Woo's examination shows how easy it is to snoop on others, and how prevalent snooping is. Electronic gear for wiretapping and other forms of eavesdropping is available and cheap. Add to this credit bureaus with millions of records and bursting government files on citizens, and there seems to be very little that cannot be discovered about any one.

What the individual citizens can do in the way of snooping is, of course, surpassed by what the private detective and private industry can and do, and these in turn are surpassed by law enforcement agencies where, unfortunately, the Federal Government has led the way and set the tone. Despite the clear prohibitions of the Communications Act and Supreme Court rulings, federal agents of one sort or another were long busily engaged in bugging and ear-tending.

Today, however, the Justice Department itself, originally a leading transgressor, is opposed to extending electronic eavesdropping any further, as the Senate crime bill would do. The department suggests that eavesdropping be limited to national security cases under court order. The Senate bill is so broadly worded that it would permit both federal and state agents to eavesdrop for almost any purpose, under court order, which is hardly any safeguard to those whose minds and words (rather than houses) would be searched.

Any similarity between the old-fashioned constitutional idea of a search warrant and the Senate proposal breaks down with the latter's lack of specificity. As Mr. Woo points out, the Founding Fathers wrote four Amendments to the Constitution to guarantee the right of privacy, but what they had in mind was the prevention of torture and inquisition and the search in the dark; they could not foresee the modern techniques for satisfying official and unofficial snoopers and inquisitors.

Instead of returning the nation to the philosophy of the framers of the Constitution, the Senate bill would advance it toward the ideas of a police state, and remove what little protection of privacy there is left. The Senate should kill such provisions in the crime bill. The right of privacy is in more than enough danger without them.

TITLE II

Mr. McINTYRE. Mr. President, title II of the Omnibus Crime Control and Safe Streets Act, now pending before the Senate, relates to the rights of an accused in a criminal prosecution and the appellate jurisdiction of Federal courts. There are four main sections in this title, relating to confessions, eyewitness testimony, Federal court review powers, and habeas corpus jurisdiction; each of the sections is subject to serious constitutional and policy objections.

Essentially, the four main provisions are as follows:

First. Confessions: Sections 3501 (a) and (b) make voluntariness the sole criterion of admissibility of confessions in evidence in Federal courts, whether or not the defendant was advised of his right to silence or counsel. This provision would overrule the Supreme Court's decision in *Miranda* v. *Arizona* (834 U.S. 436—1966), whereby the Court established a constitutional requirement for specific warnings to be given an accused, above and beyond the traditional test of voluntariness. Section 3501(c) also provides that a confession shall not be inadmissible in a Federal court solely because of any delay between the arrest and arraignment of the defendant, thus overruling the Supreme Court's decision in *Mallory* v. *United States* (354 U.S. 449—1957), condemning prolonged and indefinite incarceration and interrogation of suspects, without opportunity to consult with friends, family, or counsel.

Second. Eyewitness testimony: Section 3503 of title II makes eyewitness testimony that a defendant participated in a crime admissible in evidence in a Federal court, whether or not the defendant was previously identified at a lineup in the absence of counsel. This provision would overrule the Supreme Court's decision in *United States* v. *Wade*

(388 U.S. 218—1967), which held that a lineup is a critical stage of criminal prosecution during which an accused is constitutionally entitled to the assistance of counsel.

Third. Federal court review: Section 3502 abolishes the jurisdiction of the Supreme Court and other Federal courts to review a State court determination admitting a confession in evidence as voluntarily made. As noted above, section 3503 also removes the jurisdiction of the Supreme Court and other Federal courts to review either a State or a Federal court determination admitting eyewitness testimony in evidence. These provisions raise serious constitutional questions because they prohibit Federal review of decisions by State courts, even though the State court has squarely passed upon a Federal claim. Moreover, abolishing Supreme Court review would leave the 50 State courts and 94 Federal district courts as the final arbiters of the meaning of the Constitution and laws of the United States.

Fourth. Habeas corpus jurisdiction: Section 2256 of title II abolishes the habeas corpus jurisdiction of the Federal courts over State criminal convictions. It limits Federal review of Federal claims by State prisoners to appeal or certiorari. This section operates as a suspension of the "great writ," which is prohibited by the Constitution except in cases of rebellion or invasion. In view of the fact that the remedies of appeal and certiorari are almost entirely discretionary in the Supreme Court, they cannot adequately protect Federal constitutional rights; due to the very number of cases involved, many State prisoners would be denied even one full and fair hearing in a Federal court on their constitutional claims. It is certainly true that numerous cases, long before the Supreme Court's decision in the Miranda case, demonstrate that total reliance on State court judges to protect Federal constitutional rights does not always fully serve to insure these rights.

I am directly opposed to the efforts to limit Federal court review powers and to restrict habeas corpus jurisdiction. In the area of confessions, I have been alarmed by the far-reaching applications of legal criteria made by the Supreme Court in determining the admissibility of confessions as evidence in criminal cases; I believe, as do many others, that the Miranda and Mallory rules have been carried too far by the courts. I would emphasize, however, that the Miranda and Mallory rules are basically sound rules. Through them, the Supreme Court made clear its intention to assure that an accused is properly apprised of his rights, and to prevent law-enforcement officers from delaying preliminary hearings for the purpose of eliciting confessions. The problem lies not with these principles but rather with the extension of these rules by the High Court.

As a member of the Committee on the District of Columbia during the 89th Congress, I joined in the majority view of the committee report which recommended certain changes and amendments to the District of Columbia Criminal Code, including criminal procedures, to provide for more effective law enforcement in the Nation's Capital within constitutional bounds. It was apparent to the committee at that time that in a number of cases in the District of Columbia the "unnecessary delay" criterion of the Mallory rule had been interpreted and applied to such an extent as to make it virtually impossible for investigating officers to speak with arrested persons with any assurance that resultant confessions would be acceptable in the courtroom. Thus law-enforcement officers were effectively being denied the essential investigative tool of in-custody interrogation. In order to provide procedures which would at once permit reasonable police interrogation of suspects while fully protecting their constitutional rights, a 3-hour aggregate time period was recommended by the committee and eventually accepted by the Congress as the limit for questioning an arrested person during an investigation following arrest and prior to appearance of the accused before a magistrate. Thus law-enforcement officers and judges were provided a workable rule of thumb by which oppressive practices could be avoided, both as a matter of policy and within proper constitutional limits.

The standard and safeguard described above seems to track very well with the subsequent opinion of the Supreme Court in the Miranda case, wherein the Court invited legislatures to adopt effective guidelines to protect suspects in the free exercise of their constitutional rights. The Court said:

> Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described (in the Court's holding) in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it.

This invitation to legislate is no justification for the provisions now found in title II, however, which provide substantially less than the required safeguards, and which serve instead substantially to curtail Federal rights. That any safeguard which is established must be fully effective in protecting the rights of the accused was made clear by the Supreme Court in the concluding words of the Miranda opinion when the Court said:

> Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

Taking all these factors into consideration, I have concluded that title II should not be enacted into law since it raises serious constitutional questions and dangerously affect the delicate balance-of-power concept so essential to our form of government.

Last week the Senate was informed by the distinguished senior Senator from North Carolina that beginning in mid-June the Subcommittee on Separation of Powers will hold a series of hearings on the role of the Supreme Court. Extensive discussions are planned with a number of distinguished constitutional law professors, historians, and students of political science. It is my hope that the subcommittee's study of the work of the Court will provide the Senate with a good information base for consideration of possible future legislation in this area.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 126. An act for the relief of Pedro Antonio Julio Sanchez;

S. 233. An act for the relief of Chester E. Davis;

S. 1040. An act for the relief of certain employees of the Department of the Navy; and

S. 2409. An act for the relief of the estate of Josiah K. Lilly.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. Mr. President, what does the vote recur on now?

The VICE PRESIDENT. The amendment of the Senator from Michigan [Mr. HART] (No. 803) in the nature of a substitute for title II.

Mr. McCLELLAN. I thank the Chair.

Mr. HART. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Michigan will state it.

Mr. HART. What is the agreement with respect to time on the amendment that now recurs?

The VICE PRESIDENT. One hour. Thirty minutes to a side.

Mr. HART. Is the amendment now before the Senate?

The VICE PRESIDENT. That amendment is now the pending question.

Mr. HART. I thank the Chair.

Mr. President——

The VICE PRESIDENT. How much time does the Senator yield himself?

Mr. HART. Five minutes.

The VICE PRESIDENT. The Senator from Michigan is recognized for 5 minutes.

Mr. HOLLAND. Mr. President, I ask that the amendment be stated. Many Senators have not been able to be here for all the debate.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 43, beginning with line 9, strike out through the matter preceding line 3 on page 48 and insert in lieu thereof the following:

TITLE II—INVESTIGATION ON LAW ENFORCEMENT IMPACT OF COURT DECISIONS REGARDING CRIMINAL LAW PROCEDURE

The Congress finds that extensive factual investigation of the actual impact on law enforcement of the decisions of the United States Supreme Court regarding criminal law procedure is a necessary prerequisite to legislative action pertaining to such decisions. The Congress therefore directs that the appropriate committee or committees of the Congress undertake such investigation of court decisions before the Congress considers legislative action regarding them.

Mr. HART. Mr. President, it would be folly for me to suggest that the reason the vote disappointed some of us was that the point at issue had not been clarified. It would also be folly for me to suggest that in the 30 minutes which would be available to me I could persuade a sufficient number of Senators to review their position and shift it.

I do regret the action that we have just taken, of course.

Mr. STENNIS. Mr. President, a point of order. I make the point of order that the Senate is out of order. This is a highly important matter. The Senator is not only entitled to be heard, but we are also entitled to have a chance to hear him. I ask the Chair to get the Senate in order and keep it in order.

The VICE PRESIDENT. Senate attachés will please find a place in the rear of the Chamber. The Senate will come to order.

The Senator from Michigan may proceed.

Mr. HART. Mr. President, I want briefly to state again the reason the Senator from Maryland and I, and others, proposed a course which has now clearly been rejected.

Tomorrow's headlines will report our action in a certain fashion.

Historians will view it, I think, in an entirely different light. Let me place a brief note into the RECORD so that when they get around to writing history, rather than just tomorrow's reassurance to America that we are going to be tough on crime, it will become clear that the Senate made a tragic mistake today. History will tend to interpret today's Senate action in the form of a question:

Can America afford to extend the protection of the Bill of Rights to all Americans?

Mr. LAUSCHE. Mr. President, will the Senator from Michigan yield for a question? Where does the Bill of Rights give to the Supreme Court the right to take away from an individual those rights specifically and clearly set forth in the Constitution?

Mr. HART. Since I am in the process of withdrawing the amendment, I desire only to state very briefly my own point of view.

Mr. LAUSCHE. I withdraw the question.

Mr. HART. I should like to relieve everyone from the chore of being here, yet at the same time I want to make a statement for the RECORD.

Mr. LAUSCHE. I withdraw the question.

Mr. HART. The right to be told that the Constitution gives certain rights is, I think, involved here. I suspect that my children now know that if a man in blue puts an arm upon them, they do not have to say a word, that when they get to the station house they can call father and they can get a lawyer. They do not have to be cautioned about anything.

Why is that? Well, for one thing, they have had an education which includes that knowledge. They are not sensitive to the fact that their color may tend to change attitudes at the station house.

But there are many young men and women in this town, in Detroit, and elsewhere who, I suspect, have not had the benefit of either that kind of education, nor the comfort that comes with looking like almost everyone else at the station house.

It is to them, I think, that the caution the Court has told us the Constitution requires to be outlined, should be outlined.

It is, admittedly, an effort to extend rights which my children know they have to the children of parents who never took the time to explain it or were not even around to explain it to their children. I think that, in a sense, it could be said that, somehow or other, in our efforts to defend our personal freedoms, we have sort of trimmed freedom itself.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The time of the Senator from Michigan has expired.

Mr. HART. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. HART. I wish and I would hope that history's judgment will not be that today we said we cannot afford to extend the protections of the bill of rights to everyone within the framework that the Court in the recent past has suggested, in its judgment, they constitutionally are entitled to.

I know that others with deep sincerity and with very careful attention to the long debate have reached an entirely opposite conclusion.

Mr. GORE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. GORE. I voted differently from the distinguished Senator from Michigan, but I think I could concur fully with the statement he has just made.

I did not interpret the issue as the Senator's statement would seem to imply. I say, in candor, although I have not said anything on this bill yet, that as one trained in the law, I could not conscientiously vote for title II as it is. I think there are some provisions in the title for which I might be able to vote and, after some changes, I should like to vote for them. I understood that the issue would be whether we would substitute a study, really a postponement, of coming to grips with the issue of whether we proceed to deal with title II in its several parts.

I desire to proceed but, since the Senator is making a statement for the RECORD, and for history, in case historians might, perchance, be interested in what the position of one Senator was, I am unable to support title II as it is but I want to support a portion of it perhaps as modifications. Therefore, I voted against what I understood was to be essentially a postponement.

Mr. HART. I thank the Senator from Tennessee.

Mr. President, as we approach this piece-by-piece judgment of the elements that make up title II, I want to suggest that the person who says that some of these decisions have handcuffed the police in a sense is speaking the truth.

That was the purpose of the Bill of Rights. That is what the Bill of Rights is all about. The Bill of Rights was adopted in order that power of government should not overreach rights of individuals who, absent that bill, are too weak to resist.

So as we go down, point by point, I am perfectly willing to acknowledge that restraints on government are established and imposed by each of these features that the Court has given its opinions on, but that of itself means nothing except as it is understood as just one more reflection of the kind of society we sought to establish for ourselves, one where, indeed, the thing called the Bill of Rights can, if you want to use an attractive expression, put handcuffs on government. If we really believe in the Bill of Rights, let us make sure, as we go down section by section of title II, that we do not uncuff the power, resistance to which no citizen could offer, and the consequences of such chipping away at the Bill of Rights could hurt us all.

The PRESIDING OFFICER. The Senate will be in order. The Chair observes attachés talking in the rear of the Chamber. The Chair has a list of the names of attachés furnished by some Senators. Those attachés who are talking to themselves over at the Chair's right are not assisting their Senators. The Chair directs the Assistant Sergeant at Arms to clear the aisle of all attachés except those who are on the list. If the Assistant Sergeant at Arms does not accomplish this, the Chair will send for the Sergeant at Arms.

Mr. McCLELLAN. Will the Chair read the list? I have not given any list.

The PRESIDING OFFICER. The Chair will read the list.

At the request of Senator MCCLELLAN, the following are permitted in the Senate Chamber:

William Paisley, G. Robert Blakey, W. Arnold Smith, James C. Wood, Jr., and Richard W. Velde.

Also a request was made by Senator SCOTT to grant Barton Hertzbach, of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, to be granted the privilege of the floor during the further consideration of the pending bill.

Having read those six names, if there are any other attachés that Senators desire to remain in the room, they will please send the names up to the clerk, and those attachés will be permitted to remain here.

Mr. McCLELLAN. Mr. President, the reason why I asked is that staff members who were serving on the committee were ordered to get out of the Chamber. I do not mind if all the attachés get out, but I do not like to see staff members who worked on the bill summarily ordered out of the Chamber when I am presenting the bill.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Arkansas that the present Presiding Officer did not order those particular attachés out of the Chamber, but the Chair will order them out if they persist in talking in the rear of the Chamber.

Mr. McCLELLAN. They cannot talk in here when they are not in here.

The PRESIDING OFFICER. Mr. Terry Segal is granted permission.

Mr. ALLOTT. Mr. President, I ask unanimous consent that my legislative assistant, Mr. Joseph Blake, be permitted to be on the floor.

Mr. PASTORE. Mr. President, I cannot hear the Senator. The Senator always has something important to say. May we hear him?

Mr. ALLOTT. I asked unanimous consent that Mr. Joseph Blake, my legislative assistant, be allowed the privilege of the Senate floor during the consideration of the bill.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, I realize that once the attachés come in here, they have to keep quiet and maintain order, but if I want my administrative assistant to come on the floor, I do not have to ask anyone for permission.

The PRESIDING OFFICER. Of course not, but when he is on the floor the Senator ought to direct him to maintain order and quiet.

Mr. PASTORE. That is right. When he is in here, he has to keep quiet, but first he has to be here to be quiet, and I do not have to ask anybody's permission to let him come here.

The PRESIDING OFFICER. He has a right to be here, but the Chair wants every Senator to know that attachés must be in order.

Mr. PASTORE. With that statement I fully agree.

Mr. ALLOTT. Mr. President, I withdraw the request that my legislative assistant be allowed on the floor.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. President, as I understand, the Senator from Michigan plans to withdraw the pending amendment. When he withdraws the amendment, then the question before the Senate is on the motion to strike. It is my further understanding that the distinguished Senator from Arkansas [Mr. MCCLELLAN], when that motion to strike becomes the pending business, will then ask for a division.

My purpose in rising is to propound a unanimous-consent request that after the Senator from Arkansas has divided the motion to strike, 30 minutes be provided for debate on each section which he has divided, the time to be equally controlled by the Senator from Arkansas and myself. We may not need that much time.

Mr. McCLELLAN. Mr. President, reserving the right to object, I would like to ascertain what would be the parliamentary situation if a unanimous-consent request on the time was agreed to. Once this motion to strike is divided, it is subject to further amendment?

The PRESIDING OFFICER. The Chair states it is not subject to further amendment until after the motion to strike has been disposed of.

Mr. McCLELLAN. If I understand it correctly, if I agree to limited time, the issue will be voted up or down on the sections or parts of title II as it is divided, without amendment?

The PRESIDING OFFICER. That is correct. The Chair understands there will be no additional time for debate unless permission is given.

Mr. McCLELLAN. All I am trying to do is this. I am willing to enter into a unanimous-consent agreement with respect to what is now in the bill and what will be divided, subject to voting on separate parts of it. I am willing to agree to limited time on that—say 10 minutes to a side.

Mr. TYDINGS. Mr. President, I will amend my request to make it 20 minutes, 10 minutes to a side.

Mr. McCLELLAN. I would not want to agree to that and then have amendments come up that I am not familiar with and try to dispose of it in that period of time. If it is not subject to amendment, I am willing to agree to this unanimous-consent request. As I understand, however, it will be voted up or down, but thereafter amendments can be offered after this motion is finally disposed of. It will be subject to amendment.

The PRESIDING OFFICER. That is right.

Mr. McCLELLAN. But not pending to this motion.

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. And at the conclusion of this motion, when we vote on the original motion to strike, after voting these up or down, there is no further time limit; we revert back to unlimited time.

The PRESIDING OFFICER. The Chair states that is correct except as to title IV. There is an agreement of 1 hour on each amendment.

Mr. McCLELLAN. Title IV has already been disposed of. This is not title IV.

The PRESIDING OFFICER. The Chair is advised it is still open to amendment.

Mr. McCLELLAN. Very well. I am not talking about that. I am talking about title II.

Mr. President, with the parliamentary replies I have received, upon that condition, I will agree to a limitation of time, 20 minutes, 10 minutes to each side, upon the withdrawing of the Hart amendment or substitute.

Several Senators addressed the Chair.

Mr. DIRKSEN. Mr. President, reserving the right to object, first let me make inquiry of the distinguished Senator from Michigan, is he prepared now to withdraw his amendment?

Mr. HART. I intend to do that in a moment.

Mr. DIRKSEN. My second inquiry is, are we to vote on four propositions in title II?

Mr. McCLELLAN. We will vote on about six.

Mr. DIRKSEN. Six; and 10 minutes on each side? That is another 2 hours.

Mr. McCLELLAN. We may not use it all. I may not need more than 2 or 3 minutes on some of them.

Mr. DIRKSEN. Has time been exhausted on the motion to strike title II?

The PRESIDING OFFICER. The Chair is advised that when the amendment of the Senator from Michigan is withdrawn, there will be no further time unless there is an additional agreement.

Mr. DIRKSEN. Mr. President, it seems to me that this matter has been discussed pro and con for such a long time, and now we are going to spend another couple of hours on the same proposition. I see no reason why we could not vote right now.

Mr. McCLELLAN. Mr. President, I would be willing to modify the request and make it 2 minutes on each side.

Mr. DIRKSEN. Well, it requires two to make that deal.

Mr. McCLELLAN. Of course, I can only speak for one.

Mr. DIRKSEN. If the Senator wishes to do that, I suggest that he ask unanimous consent, and I am ready to agree.

Mr. TYDINGS. Mr. President, reserving the right to object, all I am interested in is that each Senator have an opportunity to know what he is voting for. I do not think 10 minutes on a side is asking too much, to assure that Senators may know what they are voting on. We are not even certain, now, of how the Senator from Arkansas intends to divide.

Mr. HART. Mr. President, how much time remains on my speech

Mr. McCLELLAN. Mr. President, let us get unanimous consent. I am willing to agree to any amount of time anybody wants.

Several Senators addressed the Chair.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that on the six propositions involved in title II, which by agreement will be divided, and contingent upon withdrawal of the Hart amendment, 5 minutes be allocated to each side on each proposition.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. The proposal of 5 minutes to the side will be applicable to the amendments pending, but not applicable to any amendments to the amendments that might be submitted?

The PRESIDING OFFICER. The Chair understands it will be applicable to each division of title II.

Mr. HART. Mr. President, reserving the right to object, I wonder if I could encourage the Senator from Arkansas to extend that to 10 minutes on each side.

Mr. McCLELLAN. I cannot extend it. The request was made by the Senator from Illinois.

Mr. HART. Ten minutes is not too long to discuss what we will do with the writ of habeas corpus.

Mr. DIRKSEN. Well, Mr. President, this debate is now in its fourth week.

Mr. HART. I know it is, but I think that 10 more minutes in the light of the difficult road that that writ has followed through history is not too much. Maybe it will not be used; but I have a sneaking suspicion that if it is not available, somewhere along the road, somebody is going to jump up and say, "Wait a minute, I did not understand what was happening."

Mr. DIRKSEN. Mr. President, I modify the request to increase the time on the so-called habeas corpus amendment to 20 minutes, 10 minutes to each side.

Mr. HART. Mr. President, I used the writ of habeas corpus as an example because it has some emotional appeal and validity; but there are some other things involved that the Supreme Court has told American citizens they have a right to. So let us spend at least 10 minutes on each of those.

Mr. DIRKSEN. The Senator can object if he wants to, but my unanimous-consent request stands.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. GORE. I object.

Mr. PASTORE. Mr. President, reserving the right to object, I understand that as it stands now, we have no time at all, so why not take a half a loaf? If we do not take 5 minutes, we get nothing. I mean we have got to be a little practical and realistic about this matter.

Mr. HART. Mr. President, may I ask if there is objection to a controlled time of 20 minutes, 10 minutes to a side, on whatever divisions are proposed? Perhaps it will not be used but is it really too much to suggest 10 minutes to a side on each of these significant issues?

The PRESIDING OFFICER. Objection was heard. Will the Senator state his request again?

Mr. HART. I heard no objection to that. It was the author's suggestion or request that to the extent that title II is divided, after the motion to strike is pending, we have a debate of 20 minutes, 10 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, I offer a substitute for the motion, to make it 15 minutes, 7½ minutes on the side.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, this is a unanimous-consent request and not subject to amendment except by the Senator proposing the request.

I voted against the Tydings amendment because I wish to consider severally the provisions of title II. I am not sure that 10 minutes is adequate. There should be some time. I do not wish to object to the Senator's request, if he thinks it is sufficient.

Mr. HART. Mr. President, this is one of these situations where, if you had it to do over again, you would not start it. It just struck me that if anybody does dig back into this RECORD, and see that we allowed ourselves only 5 minutes apiece to decide what we wanted to do with what the Court has told us the writ of habeas corpus is supposed to mean, it would look a little hasty. It was for that reason I suggested 20 minutes.

Mr. DIRKSEN. Mr. President, I still have the floor under the order of recognition.

Yielding to the gentle persuasion of my friend from Michigan, I ask unanimous consent that 20 minutes be allowed on each of the six proposals contained in title II, to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. I congratulate all the parties concerned.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. McCLELLAN. Mr. President, may I ask for the division now? Is that in order?

The PRESIDING OFFICER. It will be in order after the amendment of the Senator from Michigan is withdrawn.

Mr. HART. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The question is now on the motion to strike title II.

Mr. McCLELLAN. Mr. President, before we go into a division of time, let us have this title divided.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. May I ask whether or not there has been an order for the yeas and nays on each one of these divisions?

The PRESIDING OFFICER. The Chair advises the Senator from Iowa that there has not been such an order as yet.

Mr. McCLELLAN. We will ask for that when we get to it.

Mr. President, I ask for a division of title II, for the purposes of voting, as follows——

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored.

Mr. McCLELLAN. I ask for the yeas and nays on each section of the division.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I ask that the first division be from the beginning of title II line 9, on page 43, down to and including line 23 on page 44.

I ask that the next division begin with line 24 on page 44, subtitle (c), and extend down to subtitle (d) on page 45, which includes line 11 on that page.

I assume that the other matter will be noncontroversial. However, it will have to be voted on. I think it can be voted on yea and nay.

Another division is section (d) and (e), beginning on page 45, line 12 down to and including line 20 on page 45. That will be division No. 3.

Division No. 4 will be all of section 3502, beginning on line 21 of page 45 and extending to and including line 7 on page 46.

Division No. 5 will begin on page 46, line 8, and extend to and include line 2 on page 47.

Division No. 6 will begin with line 3 on page 47, section 702, and extend down to title III on page 48, which includes line 2 on that page.

Mr. President, are the divisions ordered?

The PRESIDING OFFICER. The divisions are ordered.

PRIVILEGE OF THE FLOOR

Mr. SCOTT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLELLAN. I yield.

Mr. SCOTT. Mr President, I ask unanimous consent that my legislative assistant Richard Murphy be granted the privilege of the floor during the remaining consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST DIVISION

The clerk will now state the first division.

The ASSISTANT LEGISLATIVE CLERK. On page 43, beginning on line 9, strike the language down to and including line 23 on page 44.

The first division is as follows:

TITLE II—ADMISSIBILITY OF CONFESSIONS, REVIEWABILITY OF ADMISSION IN EVIDENCE OF CONFESSIONS IN STATE CASES, ADMISSIBILITY IN EVIDENCE OF EYE WITNESS TESTIMONY, AND PROCEDURES IN OBTAINING WRITS OF HABEAS CORPUS

SEC. 701. (a) Chapter 223, title 18, United States Code (relating to witnesses and evidence), is amended by adding at the end thereof the following new sections:

§ 3501. Admissibility of confessions

"(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession, as defined in subsection (e) hereof, shall be admissible in evidence if it is voluntarily given. Before such confession is received in evidence, the trial judge shall, out of the presence of the jury, determine any issue as to voluntariness. If the trial judge determines that the confession was voluntarily made it shall be admitted in evidence and the trial judge shall permit the jury to hear relevant evidence on the issue of voluntariness and shall instruct the jury to give such weight to the confession as the jury feels it deserves under all the circumstances.

"(b) The trial judge in determining the issue of voluntariness shall take into consideration all the circumstances surrounding the giving of the confession, including (1) the time elapsing between arrest and arraignment of the defendant making the confession, if it was made after arrest and before arraignment, (2) whether such defendant knew the nature of the offense with which he was charged or of which he was suspected at the time of making the confession, (3) whether or not such defendant was advised or knew that he was not required to make any statement and that any such statement could be used against him, (4) whether or not such defendant had been advised prior to questioning of his right to the assistance of counsel; and (5) whether or not such defendant was without the assistance of counsel when questioned and when giving such confession.

"The presence or absence of any of the above-mentioned factors to be taken into consideration by the judge need not be conclusive on the issue of voluntariness of the confession."

The PRESIDING OFFICER. There will be 10 minutes to the side.

The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, this division has to do with the Miranda decision and says that the Miranda case shall be taken into consideration by the trial judge in determining whether a statement is voluntary and if he determines that the confession is voluntary, he then submits it to the jury and lets the jury hear the same testimony he has heard and instructs the jury to give it such weight as they think it is entitled to. He must find himself, out of the presence of the jury, that it was voluntarily made,

without coercion and without intimidation.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. Mr. President, does the Senator's statement embody what has been the law in the United States for more than 170 years?

Mr. McCLELLAN. The Senator is correct.

Mr. LAUSCHE. I refer to the fact that the judge hears the testimony, determines whether the confession is voluntary and in conformity with the Miranda pronouncements, and then also submits it to the jury to likewise make a determination as to whether it is voluntary?

Mr. McCLELLAN. The Senator is correct.

Mr. LAUSCHE. And that began in 1787?

Mr. McCLELLAN. The Senator is correct.

SEVERAL SENATORS. Vote. Vote.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, the first division, as explained by the Senator from Arkansas does relate to the Miranda decision as I understand it. The Senator will correct me if I am wrong.

Division No. 1 is the Miranda decision.

Division No. 2 is the Mallory decision.

Division No. 3 is basically the definition which relates to Nos. 1 and 2.

I think the Senate is aware, after the debate, of the ramifications of section 3501. And I am prepared to vote.

SEVERAL SENATORS. Vote. Vote.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. TYDINGS. Mr. President, as I understand it, when all time is yielded back, the question before the Senate is division No. 1 of the motion to strike title II.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. A vote of "yea" would be a vote to strike it, and a vote of "nay" would be a vote to leave it in the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to division No. 1 of the motion to strike the language beginning on line 9 of page 43, down to and including line 23 on page 44.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Minnesota [Mr. McCARTHY]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BREWSTER (when his name was called). On this vote, I have a pair with the Senator from New York [Mr. KENNEDY]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. McGEE], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from New Mexico [Mr. MONTOYA] are necessarily absent.

The Senator from Wisconsin [Mr. NELSON] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] and the Senator from Oklahoma [Mr. MONRONEY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from California [Mr. KUCHEL] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

If present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 29, nays 55, as follows:

[No. 141 Leg.]

YEAS—29

Boggs
Brooke
Burdick
Case
Clark
Cooper
Fong
Hart
Hartke
Inouye
Jackson
Kennedy, Mass.
Long, Mo.
Magnuson
McIntyre
Metcalf
Mondale
Morse
Morton
Muskie
Pastore
Pell
Percy
Proxmire
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—55

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller
Moss
Mundt
Murphy
Pearson
Prouty
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Brewster, against.
Mansfield, against.

NOT VOTING—14

Bartlett
Church
Gruening
Harris
Hatfield
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Monroney
Montoya
Nelson

So the first division of the motion to strike title II was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BAYH in the chair). The second division which has been requested starts with line 24 on page 44, to and including line 11 on page 45.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCLELLAN. Mr. President, the Senate has already voted on the Mallory rule, in the District of Columbia bill last year, a vote of approximately 2 to 1. The section now being considered reads:

> (c) In any criminal prosecution by the United States or by the District of Columbia, a confession made or given by a person who is a defendant therein, while such person was under arrest or other detention in the custody of any law-enforcement officer or law-enforcement agency, shall not be inadmissible solely because of delay in bringing such person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States or of the District of Columbia if such confession is found by the trial judge to have been made voluntarily and if the weight to be given the confession is left to the jury.

In other words, under the section that has just been adopted, it requires the trial judge to take into account whether there is an unreasonable amount of time and whether that contribtued to coercion with respect to the confession. It puts all the facts, the totality of the circumstances, back in the trial court.

The Senate approved of this once, and I hope it does so again.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. Does it not go beyond that and also put it in the jury?

Mr. McCLELLAN. It does. It puts it right in the jury, where it has always been and where it belongs.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. That is, prior to the Mallory rule, confessions made under the circumstances described by the Senator were admissible in evidence?

Mr. McCLELLAN. That is correct.

If there is any doubt about whether it has had any impact, look at the chart and see how crime has spiraled upward since that rule went into effect.

Mr. LAUSCHE. The Mallory rule was adopted in 1955 or 1956?

Mr. McCLELLAN. In 1954, as I recall.

Mr. LAUSCHE. And the Mallory rule provided that the arresting officer must immediately——

Mr. McCLELLAN. Since then, they have held that a person cannot be given even 5 minutes, that that is an unreasonable time. My position is that if you arrest somebody on suspicion, you might have every ground to arrest him on suspicion. If you have to run him straight to a magistrate, it is not even fair to the person arrested. With a little investigation, you might be able to find out that he is not guilty and you can turn him loose. It works both ways. He may be guilty, and you may take him to the magistrate, and you may not have time to inquire and get the proof.

But if they do not arrest him he may get away. What are they going to do then? Are they going to pick up somebody and take him down there without any evidence and hold him? Then, he would get an arrest record. That is what he would get. Whereas, a little investigation might turn the man loose. The law is for the protection of the accused as well as society.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. Under the proposal of the Senator from Arkansas, the arresting officer would be allowed to bring the arrested man before the court and the court would determine whether the time was unreasonable, and the jury——

Mr. McCLELLAN. It would be done at the trial. That is taken into account and it must be considered under the provisions we have already adopted.

Mr. TYDINGS. Mr. President, I wish to propound a question to the distinguished Senator from Arkansas.

As the Senator knows, the District of Columbia crime bill, which was adopted by the Senate and the House of Representatives last year, and which was enacted into law, placed a time limit on the so-called stop and frisk procedure of 3 hours.

The Senator from Pennsylvania [Mr. SCOTT] has an amendment to the entire title in which he would make the time 4 hours. His amendment would begin on line 9, on page 45, beginning with the word "is" and strike out all through the period on line 11 and insert the language: "was made or given by such person within four hours immediately following his arrest or other detention."

I wonder what the view of the Senator is with respect to that amendment.

Mr. McCLELLAN. I understand this measure is not open to amendment at this time. After final disposition of the motion to strike everything, it will be open for that kind of amendment. At that time I would be glad to consider it but I do not wish to make a commitment at this time. We will have the opportunity to vote for such a modification after this matter is disposed of.

Mr. TYDINGS. I might advise the Senate that language similar to the second division was contained in the District of Columbia crime bill a few years ago, which was vetoed by the President. It does upset a long series of cases, and not only the Mallory case, but going back to the McNabb case.

I hope the second division will be stricken from title II.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PASTORE. The Escobedo case was a split decision, by a vote of 5 to 4; is that correct?

Mr. TYDINGS. I believe that is correct.

Mr. PASTORE. The Miranda case was a 5 to 4 decision; is that correct?

Mr. TYDINGS. The Senator is correct.

Mr. PASTORE. What was the vote in the Mallory decision?

Mr. TYDINGS. In the Mallory decision the vote was 8 to 0.

Mr. PASTORE. In other words, it is a unanimous decision of the Supreme Court, and we are asked here to destroy that unanimous decision.

Mr. LAUSCHE. In the Mallory decision was not a rule of court involved?

Mr. TYDINGS. The Mallory case arose under a construction of the Federal Rules of Civil Procedure which provide that a defendant must be brought before an arraigning officer, either a U.S. commissioner or a district judge, without unnecessary delay. The Mallory decision was supporting that provision "without unnecessary delay."

Mr. LAUSCHE. Who adopted the rule?

Mr. TYDINGS. The Judicial Conference of the United States.

Mr. LAUSCHE. It was not the Congress of the United States?

Mr. TYDINGS. No. It was the Judicial Conference of the United States.

Mr. LAUSCHE. The Judicial Conference said you must immediately and without delay bring the accused before the court?

Mr. TYDINGS. That he must be brought without unnecessary delay.

Mr. McCLELLAN. The rule that the Court interpreted stated "without unnecessary delay." The Court has interpreted "unnecessary delay" to mean forthwith and it does not permit what I have suggested here. This should be a reasonable time, and that is all this provision would do. To ascertain if the proof is sufficient to hold the man. Otherwise, criminals who are apprehended are going to be permitted to escape. In addition innocent people will be taken in without a sufficient opportunity to investigate whether or not they are innocent. They might be given an arrest record. We should not let this sort of thing happen. This measure would provide a reasonable time for making that determination.

Mr. METCALF. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. METCALF. The Senator from Arkansas suggested that Congress last December changed the Mallory rule in the District of Columbia crime bill to provide for 3 hours, so that a person had to be brought before a magistrate within 3 hours.

Mr. McCLELLAN. Yes.

Mr. METCALF. The pending legislation would repeal that District of Columbia provision, would it not, and leave the matter up to the discretion of the judge, whether he is brought before it in 3 hours, 4 hours, 5 hours, or 6 hours?

Mr. McCLELLAN. I have not checked to see if this would repeal that language or not. If it does, it should be repealed and a reasonable time provided.

Mr. METCALF. Last December, after discussion and debate, we reached a compromise in connection with the Mallory case. Many people thought that compromise was going too far, but at least we provided that 3 hours would be a reasonable time to hold persons. Now, after only a few months we would repeal that provision of the District of Columbia crime bill. Is that not correct?

Mr. McCLELLAN. I do not believe this measure was meant to repeal the District of Columbia crime bill, but we can find out.

Mr. METCALF. The language makes reference to "any criminal prosecution brought by the United States or by the District of Columbia."

Mr. McCLELLAN. We tried to make it uniform.

Mr. METCALF. Does the Senator not think that the 3-hour provision might be——

Mr. McCLELLAN. I have not said 3 hours. The measure speaks for itself. If later a Senator wishes to offer an amendment, that can be done, but it cannot be done on this vote. The matter will be open for amendment.

A suggestion has been made for 6 hours. I said I would consider it, and I mean that in all good faith. There must be some modification of the rule because it is not fair now and it does an injustice.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. The Mallory rule was based on a rule of court which merely said an arresting officer would take a person without unnecessary delay.

Mr. McCLELLAN. Without unnecessary delay. As that has been interpreted it did not even mean 5 minutes, and that is wrong.

Mr. ERVIN. The Court took that rule and converted it into a rule of evidence when it was not a rule of evidence.

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. This amendment does away with such artificial things as time and provides if the confession was voluntarily made.

Mr. McCLELLAN. The Senator is correct. I hope we have not lost complete confidence in the judges throughout this land.

I would think that any trial judge would be able to take into account the circumstances and determine whether there was delay in taking a person for arraignment and whether it was unreasonable or unjust. Therefore, the judge would be able to rule accordingly. I suppose the Supreme Court could review it. This condition we have today should be corrected, and we should be uniform throughout the Nation.

Mr. LAUSCHE. When the Court ruled that a man had to be immediately and without unnecessary delay brought before the court, did that also declare a rule of law applicable to county and State courts?

Mr. McCLELLAN. Yes. They are holding that now; and that applies throughout the land, in the States, counties, and everywhere else. Anybody who is taken into custody must be immediately taken into custody without unnecessary delay. Unnecessary delay has been interpreted in the Mallory rule to be immediately and it does not mean in 5 minutes.

The present situation is simply unreasonable. Here is an innocent fellow. A crime has been committed. They go out and they see someone who may be guilty. The fellow says that he was not there, that he just left somewhere else and came back.

He might be telling the truth about it, but if he is telling the truth about it, he should not be carried down there and an arrest made of him.

Mr. TYDINGS. Mr. President, in one word, the Mallory case was a case involving a defendant before the Federal court who had been held 14 hours incommunicado. The Court found, under Federal rules of criminal procedure, that that was an unnecessary delay. The Mallory decision applies only to cases in Federal courts, to Federal rules of criminal procedure, and does not apply to cases in State courts.

I hope that the section is struck.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield to the Senator from Kentucky whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Kentucky may proceed.

Mr. COOPER. I thank the Senator from Maryland.

Mr. President, I remember in 1958, when I was serving in the Senate, that after the Mallory decision of 1957, the Senate Judiciary Committee reported amendments at that time to modify it. I remember participating in the debate. As I understand the holding of the Court, and I believe it has been correctly stated by the Senator from Maryland and the Senator from Arkansas, the Court gave it the effect of a rule and did not apply it as a constitutional principle.

In the Miranda and later cases, the Supreme Court has provided constitutional protection to an individual against self-incrimination under the fifth amendment, by prescribing that he must be warned that he does not have to make a statement, that any statement he makes may used against him, that he has the right to a lawyer, and if he does not have funds to secure one, that a lawyer will be provided.

The Court also declared in its opinion that the Mallory rule must be taken into account.

Under the Court rulings before the Mallory case, and under the amendment now proposed by the Senator from Arkansas, there would be no limit upon the time that a defendant could be detained to seek a confession before his arraignment before a magistrate. It is true that the jury, under instructions from the judge, would determine whether the length of time which he had been held affected the voluntariness of his statement. But since the Mallory case the courts have held that to hold a defendant under detention for an unreasonable length of time in itself would make his confession inadmissible, even if it were found to be voluntary. I believe that the Senator from Arkansas would agree with me, there is no prohibition in the amendment which he is offering against the detention of a defendant for any length of time when a confession is sought and obtained.

There is another fundamental principle involved in the Mallory case, even if the Court did not invoke it in its finding; it is, that in this country we do not detain an individual except under due process of law; otherwise, we would have a police state, where any officer, without arraignment or without securing a warrant, could simply say, "I have probable cause to believe that this man has committed a felony. I will take him in my possession and hold him for 3, 4, 10, or 12 hours while I attempt to obtain from him a confession or an admission."

Such a proposition goes fundamentally against the proposition that no individual in this country shall be detained against his will and until he has been taken before a magistrate and has been apprised of the offense with which he is charged. This, of course, contemplates a reasonable time to bring the accused before a magistrate, but certainly it does not mean an unlimited time.

I do not agree with the statement of my colleague, the Senator from Arkansas, that through detention it may be determined that the detained person has committed no crime, and can be turned loose. And therefore this justifies detention.

During his detention, he may have been held against his will, he may have been deprived of his liberty without due process of law.

I cannot vote for an amendment which would permit a defendant to be held an unlimited time in order to seek a confession. That is the reason I speak today.

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER. The Chair is advised that the Senator's time has expired.

Mr. McCLELLAN. Very well. Let us vote.

Mr. TYDINGS. Mr. President, I am happy to yield the 2 minutes remaining to me to the Senator from Arkansas.

Mr. McCLELLAN. I thank the Senator from Maryland.

Mr. President, what are we going to say to a policeman, if that becomes the law of the land? Is it that we will not be able to arrest anyone until we get a warrant? If that be true, then there is no hope for safe streets in America. If police officers are not to be trusted to use their own discretion as to when to take a man into custody until they can ascertain whether there is sufficient evidence to take him before a magistrate, before a reasonable time has expired, then we will never have any more safe streets in America. The policeman will not want to run the risk of being sued for false arrest if he cannot have a little leeway to exercise that kind of judgment in taking a man into custody. Especially, if he was at the scene of the crime, or when he has evidence to detain a man and then must take him down before a magistrate right away and have him bound over or the case disposed of.

It would help and protect the innocent as well as the guilty.

That is what is wrong with law enforcement in America today, we place so many shackles on law enforcement officials that they cannot do their duty. They are afraid to do so. They also do not know what to do, sometimes, because they are so confused with all of these decisions and their consequences.

["Vote!"]

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. To vote in accordance with the views of the Senator from Arkansas will be to vote no?

The PRESIDING OFFICER. The Senator is correct. A vote of nay will be a vote not to strike.

The yeas and nays have been ordered on the second division of the motion to strike title II.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, on this vote I have a pair with the Senator from Minnesota [Mr. McCARTHY]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

Mr. MORTON (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. McGEE], the Senator from South Dakota [Mr. McGOVERN], and the Senator from New Mexico [Mr. MONTOYA] are necessarily absent.

The Senator from Wisconsin [Mr. NELSON] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], and the Senator from California [Mr. KUCHEL] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

If present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

The result was announced—yeas 26, nays 58, as follows:

[No. 142 Leg.]

YEAS—26

Brooke
Burdick
Case
Clark
Cooper
Fong
Hart
Hartke
Inouye
Jackson
Kennedy, Mass.
Long, Mo.

McIntyre
Metcalf
Mondale
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—58

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Magnuson
McClellan
Miller
Mundt
Murphy
Pearson
Percy
Prouty
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Mansfield, against.
Morton, for.

NOT VOTING—14

Bartlett
Church
Dirksen
Gruening
Harris
Hatfield
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Montoya
Nelson

So the second division of the motion to strike was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the second division of the motion to strike was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I now call up the division upon including line 12 through line 20 on page 45, and I say I do not think it is necessary to ask for a rollcall vote on this division. I do not think there will be any objection to it, if the other amendment is adopted, because it simply provides that—

> Nothing contained in this section shall bar the admission in evidence of any confession made or given voluntarily by any person to any other person without interrogation by anyone, or at any time at which the person who made or gave such confession was not under arrest or other detention.

In other words, if no officer is involved—if I confess to you, for example—that would be considered voluntary. I see no objection to it.

The other part is the definition, and reads:

> As used in this section, the term "confession" means any confession of guilt of any criminal offense or any self-incriminating statement made or given orally or in writing.

I assume there is no objection to it.

Mr. President, I ask unanimous consent that the order for the yeas and nays be vacated and that the question be put on retaining lines 12 through 20 on page 45 of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on division No. 3 of the motion to strike.

The motion to strike was not agreed to, and the language, on page 45, lines 12 through 20, was retained, as follows:

> "(d) Nothing contained in this section shall bar the admission in evidence of any confession made or given voluntarily by any person to any other person without interrogation by anyone, or at any time at which the person who made or gave such confession was not under arrest or other detention.
>
> "(e) As used in this section, the term 'confession' means any confession of guilt of any criminal offense or any self-incriminating statement made or given orally or in writing.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the third division of the motion to strike title II was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I yield the floor to the distinguished Senator from North Carolina, who is the author of the other provisions in this title, and I yield to him the right to control the time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I defer to the Senator from Maryland, who I believe has the laboring oar as the author of the motion to strike.

Mr. TYDINGS. Mr. President, division No. 4, section 3502, as to the reviewability of admission in evidence of confessions in State cases, would overrule constitutional law, and overrule the right of the Supreme Court of the United States to review decisions from State courts which it has had jurisdiction to review dating back to the inception of this Republic. Section 3502, Mr. President, would overrule Marbury against Madison. It would overrule McCulloch against Maryland. It would overrule Martins against Hunter's Lessee. It would prevent the Supreme Court of the United States or any inferior court of the Federal system from reviewing, reversing, vacating, modifying or disturbing in any way any ruling of any trial court of any State in any criminal prosecution admitting in evidence as voluntarily made an admission or confession of an accused, if such ruling has been affirmed or otherwise upheld by the highest court of the State having appellate jurisdiction of the cause.

In other words, Mr. President, when the fifth amendment right and privilege against self-incrimination is involved in an involuntary confession, if this section is adopted, we take away the right of the Supreme Court of the United States to review.

If the right of the Supreme Court of the United States to review can be taken away on a fifth amendment case, it can be taken away on a first amendment case. The first amendment is the guarantee of freedom of speech.

The fifth amendment or the first amendment, either one, in my judgment, should be fundamental in a democratic society such as our Republic. I think it would be a travesty, and yielding to the passion of the time, if the Senate were to yield to emotion and take away the right of review of a fifth amendment case involving an involuntary confession at this time, because of the circumstances we all know.

I yield 5 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, this is a section of title II to which I cannot lend my support. As I read it, it would eliminate altogether the jurisdiction of a Federal court to review, consider, alter, or modify in any respect the validity of a confession as utilized in the proceedings of a State court.

I submit, Mr. President, that this is approaching the problem from the standpoint of jurisdiction. The Senator from Maryland has said that it would deny certain rights and powers to the Supreme Court. It also denies to an American citizen the right to appeal to a Federal court the question of validity of confessions as utilized in a judgment which he thinks is unjust.

One of the first cases that all of us studied in law school was Marbury against Madison. This, I submit, is fundamental in our jurisprudence.

Moreover; this provision, if enacted into law, would attempt to give to the Federal courts only the right to review a case in part, eliminating entirely from the reviewability of the Federal courts the confession and the conditions under which the confession was obtained, so long as a State court, in its final appellate jurisdiction, had affirmed the validity of such evidence.

I submit, Mr. President, that this goes too far, and I cannot support it. Therefore, I shall vote to eliminate this section.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. LAUSCHE. If the measure presented in the issue before us gave the right to go to the Supreme Court on a petition for certiorari, as distinguished from a petition for habeas corpus, would the Senator support the measure?

What I have in mind is that the bill now before us provides that you can only go to the supreme court of the State. If it provided that you could go to the Supreme Court of the United States, as a direct proceeding from the trial court, as distinguished from a petition for a writ of habeas corpus, would the Senator support the bill?

Mr. GORE. I would certainly be willing to consider it. That, however, is not before the Senate. The question before the Senate is the elimination of section 3502, and that is the question upon which I am called to vote.

Mr. LAUSCHE. That is, that the decision of the supreme court of the State shall not be final?

Mr. GORE. I do not wish to deny to the Federal courts, nor do I wish to deny to an American citizen, the reviewability by the Federal courts of a constitutional right which he thinks may have been infringed.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. LAUSCHE. Mr. President, may I have 2 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, if the Senate, after adopting the provisions of title II which have already been adopted, should vote to strike this provision, it would do a very inconsistent thing. The Senate has just adopted three provisions—that is, it has refused to strike three provisions—and it has thereby made voluntary confessions admissible in Federal courts, even though the warnings in the Miranda case are not given.

Congress has no power to prescribe procedures in State courts; and this is the only way in which the Senate can restore to the State courts the power to convict, on voluntary confessions, self-confessed murderers, self-confessed rapists, self-confessed robbers, self-confessed burglars, self-confessed arsonists, and self-confessed thieves in cases where the newly invented rule in the Miranda case was not followed by the law-enforcement officer having them in custody.

All this measure seeks to do is to deny jurisdiction to the Supreme Court in one respect, and one respect only. It gives the accused 2 days in court. It gives him a day in the trial court, where he can contest the voluntariness of his confession and it gives him a day, in the highest court of the State having jurisdiction of his case to contest a second time the voluntariness of his confession. If the Senate should strike this provision, it would do the paradoxical thing of recognizing the admissibility of voluntary confession in Federal courts, but not in State courts. That would be the strange consequence of its former vote and a vote to strike this provision.

The Senate should remember that it is the States which have the primary power and the primary duty to enforce the great bulk of the criminal laws which protect our citizens in their lives, in their limbs, and in their property and not handicap them by rules not applicable to the Federal Government. There can be no doubt of the constitutionality of this provision because article III, section 2, of the Constitution expressly provides that the Supreme Court shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as the Congress shall make.

And it has been held, in every case in which the Supreme Court has dealt with this subject which I have been able to find after the most diligent search; that it is constitutional for the Congress to regulate the appellate jurisdiction of the Supreme Court.

The language of article III, section 2, is that—

> The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make.

As the Supreme Court declared in the Francis Wright case:

> What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not.

As a matter of fact, acts of Congress now deny both the Federal district courts and the Supreme Court jurisdiction of the overwhelming majority of all civil cases arising under the Constitution, the laws, and the treaties of the United States. This is done by the Congress under the provision that the Federal courts have no jurisdiction of civil cases unless the matter in controversy involves more than $10,000, exclusive of interest and costs.

There are many cases in which Congress has denied trial jurisdiction to inferior Federal courts and appellate jurisdiction to the Supreme Court. And if the Senate wishes to protect the citizens of the United States against self-confessed criminals, it should adopt this provision. This is the only way the Congress can legislate and secure the same protection to citizens in the courts of the States we have attempted to give to citizens in Federal courts under the provisions of this bill thus far approved by the Senate.

I would say to the Senate that any Senator who thinks that those who have voluntarily confessed that they have murdered or raped or robbed ought not to be punished should vote to strike this provision; but any Senator who believes that such self-confessed criminals ought to be punished should vote against the motion to strike this provision. This provision constitutes the only way the Congress can give protection to the overwhelming majority of American citizens. This is so because most crimes are offenses against State rather than Federal laws.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. TALMADGE. Mr. President, as I read the language of the amendment of the Senator on page 46, it relates only to admitting in evidence as voluntarily made an admission on confession of an accused if such ruling has been affirmed or otherwise upheld by the highest court of the State having appellate jurisdicton of the cause.

Mr. ERVIN. The Senator is correct.

Mr. TALMADGE. It relates only to the reviewability and admissibility of evidence.

Mr. ERVIN. The Senator is correct.

Mr. TALMADGE. And the Federal courts would have the right to review for any other cause, but not in the case of a voluntary confession.

Mr. ERVIN. The Senator is correct. And it is absurd to say that this is contrary to Marbury against Madison or is doing an injustice to Chief Justice John Marshall.

As a matter of fact, this provision is an effort to make it certain in the only way Congress can make it certain that what John Marshall himself, as Chief Justice, held to be the law of the Nation remains the law of the Nation. It is the only way Congress can restore the Constitution to what it meant from the 15th day of June 1790, until the 13th day of June 1966.

If one believes in standing by the Constitution, he should vote against striking the provision. But if one believes American citizens should be ruled by a judicial oligarchy consisting of five members of the Supreme Court rather than by the Constitution belonging to 200 million Americans, then he should vote to strike.

Mr. MORSE. Mr. President, will the Senator yield me 30 seconds?

Mr. TYDINGS. Mr. President, I yield 30 seconds to the Senator from Oregon.

Mr. MORSE. Mr. President, I say to my friend the Senator from North Carolina that Chief Justice John Marshall spoke for himself in Marbury against Madison and left no room for doubt. It is for the Supreme Court and not for my good friend the Senator from North Carolina to declare what the rights are.

Mr. ERVIN. John Marshall said that voluntary confessions are admissible in evidence in this country. And this is what the Constitution meant until the 13th day of June, 1966, when an attempt was made by five Judges to change the Constitution over the opposition of the other four Judges.

If one believes that the Constitution belonging to 200 million Americans ought not to be changed by the vote of one Supreme Court Justice to mean something contrary to what it has meant for 166 years, he should vote not to strike.

Mr. MORSE. Mr. President, will the Senator from Maryland yield me another 30 seconds?

Mr. TYDINGS. Mr. President, I yield an additional 30 seconds to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for an additional 30 seconds.

Mr. MORSE. Mr. President, I say again to my dear friend the Senator from North Carolina that Chief Justice John Marshall recognized the Constitution as a living hand and not a dead hand and he made that very clear in Marbury against Madison.

It is for the Supreme Court to render their decisions from year to year and not bind itself as far as changing conditions or new knowledge is concerned in regard to the application or construction.

Mr. ERVIN. Mr. President, the Senator from North Carolina believes that the Constitution ought to be a living document. But if five Supreme Court judges can alter its plain language to conform to their personal notions, the Constitution is a dead document, whose remains are being disposed of according to the personal notions of the five Supreme Court judges acting as its executors and, I might add as its executioners.

SEVERAL SENATORS. Vote! Vote!

Mr. ERVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Carolina has 1 minute remaining, and the Senator from Maryland has 2 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. HOLLAND. Mr. President, I want to say, not speaking for Chief Justice John Marshall, but speaking for the people of the State of Florida, that after a court of Nisi Prius jurisdiction has found that a confession in a robbery case is voluntary, and after an intermediate appellate court has upheld that finding and said it was admissible in evidence and after the Supreme Court, on certiorari or appeal, as the case may be, has said the same thing, I think that the good citizens of Florida have an interest and a right to know that the case is wound up, and that I am willing to rely on the decision of one trial judge, three to five judges at the district level, and seven judges at the Supreme Court level.

Mr. ERVIN. After all, whether a confession is voluntary is a question of fact and not a question of law requiring a pronouncement by five members of the Supreme Court.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, the first three divisions we voted on in title II go to substantive law. That is, the Senator from Arkansas proposed, and we have passed, substantive law taking a different position from that of the Supreme Court in the matter of Mallory, in the matter of McNab, and in the matter of Miranda. However, the proposal now before us is not a substantive matter. This is a matter which goes to the basis of our system.

This matter denies the right of appeal. This is not substantive. In the case of Brown against Mississippi where the men were beaten and hung and beaten for 3 days, and there was a mob outside the courtroom, and they were convicted, when the trial court and the intermediate court and the high court said it was a voluntary confession, and there was no more evidence and they were sentenced to hang, the Supreme Court had a right to review the voluntariness of that confession. Even though it was a poor man, he had a right to be protected.

What this would do would be to say: "No matter how horrendous the facts in the case were, you can only review the facts in the record, in a fifth amendment confession; you have no right to appeal to the Supreme Court." The individual is just out of luck.

I might point out one other thing: In our Constitution, when our Founding Fathers provided for a Supreme Court, they did so because of the mere necessity of unanimity. Alexander Hamilton put it in Federalist No. 80. He said:

> The mere necessity of uniformity in the interpretation of the national laws, decides the question. Thirteen independent courts of the final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

If we adopt this division, we will have 50 different interpretations of what voluntariness is and what the fifth amendment means, and all to the derogation of the rights of the individual American.

Mr. President, I hope the Senate votes in favor of the motion to strike.

Mr. ERVIN. Mr. President, do I have any time remaining?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). All time has expired.

The question is on agreeing to the motion.

Mr. ERVIN. If I had time remaining, I would say that the Senator from Maryland——

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the fourth division of the motion to strike title II. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SMATHERS (after having voted in the negative). On this vote I have a pair with the distinguished junior Senator from New York [Mr. KENNEDY]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MORTON (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from New Mexico [Mr. MONTOYA] are necessarily absent.

The Senator from Wisconsin [Mr. NELSON] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] and the Senator from Minnesota [Mr. MCCARTHY] would each vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], and the Senator from California [Mr. KUCHEL] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

If present and voting, the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS], and the Senator from California [Mr. KUCHEL] would each vote "yea."

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

The result was announced—yeas 52, nays 32, as follows:

[No. 143 Leg.]

YEAS—52

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Case
Clark
Cooper
Dodd
Dominick
Fong
Fulbright
Gore
Griffin
Hart
Hartke
Inouye
Jackson
Jordan, Idaho
Kennedy, Mass.
Lausche
Long, Mo.
Magnuson
Mansfield
McIntyre
Metcalf
Miller
Mondale
Monroney
Morse
Moss
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—32

Bennett
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Long, La.
McClellan
Mundt
Murphy
Russell
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Morton, for.
Mr. Smathers, against.

NOT VOTING—14

Bartlett
Church
Dirksen
Gruening
Harris
Hatfield
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Montoya
Nelson

So the fourth division of the motion to strike title II was agreed to.

Mr. TYDINGS. Mr. President, I move to reconsider the vote by which division 4 of the motion to strike title II was agreed to.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the next division.

The assistant legislative clerk read as follows:

> On page 46, beginning at line 8, strike the language down to and including line 2, page 47.

Division 5 reads as follows:

> "§ 3503. Admissibility in evidence of eyewitness testimony
>
> "The testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is being tried shall be admissible into evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States; and neither the Supreme Court nor any inferior appellate court ordained and established by the Congress under article III of the Constitution of the United States shall have jurisdiction to review, reverse, vacate, modify, or disturb in any way a ruling of such a trial court or any trial court in any State, territory, district, commonwealth, or other possession of the United States admitting in evidence in any criminal prosecution the testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is tried."
>
> (b) The section analysis of that chapter is amended by adding at the end thereof the following new items:

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator will state it.

Mr. GRIFFIN. Mr. President, would it be in order to seek a further division of this particular section? I have an amendment, No. 787, which would have stricken out the language beginning on line 14, with the words "and neither the Supreme Court nor any inferior appellate court" and continuing through the balance of section 3503. My question, Mr. President, is whether it would be necessary to ask unanimous consent to have a division along the lines of my amendment?

The PRESIDING OFFICER. The Chair will state that except for the previous unanimous-consent agreement, that could be done. The Senator may do it by unanimous consent.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that there be a further division of the vote and that there be a vote first on the portion of section 3503 beginning on line 9, page 46, through the words "United States," on line 14, reading as follows:

> The testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is being tried shall be admissible into evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States—

The PRESIDING OFFICER. Is there objection?

Mr. CASE and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I shall not object, but if this request is granted what is the situation with respect to time?

The PRESIDING OFFICER. The Chair will state that the question of time would have to be resolved by the Senate.

Mr. CASE. If nothing were done except to grant this request, what would be the situation as to time?

The PRESIDING OFFICER. If an additional division is permitted, the Chair would have no instruction as to time, and would require instruction.

Mr. CASE. And the limitation now pending would fall?

The PRESIDING OFFICER. The Chair would have no instruction as to the division of time.

Mr. CASE. There would be no limit on either of the parts of this question?

The PRESIDING OFFICER. The Chair would have to rule there would be no time provided for one part of the division in the present parliamentary situation.

Mr. CASE. To clarify the matter for the future of this great body, the Chair means there would be no time limitation?

The PRESIDING OFFICER. No additional time would be provided.

Mr. CASE. Therefore, debate could be——

The PRESIDING OFFICER. There would be no debate for one of the divisions.

Mr. GRIFFIN. Mr. President, may I modify my unanimous-consent request to make it a request that there be the same amount of time for each part of the division as we have under the previous agreement?

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, I would like to point out that if the division could be amended I would not object to the division, but if it is divided as the Senator from Michigan suggests, we would be passing a law saying that an eyewitness in a Federal case could look at a suspect in custody for the purpose of identifying him or exonerating him as the perpetrator of a crime, but he could not do that in State courts.

It seems to me that if we have a division we should amend this statute eventually so as to add on line 14 after the words "United States" and before the semicolon, "or in any trial court established by the laws of any State." Then it would be uniform.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. TYDINGS. Mr. President, reserving the right to object, could I see that amendment in writing? Would the Senator state it again?

The PRESIDING OFFICER. The Senator from Michigan made a unanimous-consent request.

Mr. TYDINGS. So far as the unanimous-consent request of the Senator from Michigan and the time limit, I am willing to agree to it. So far as amending again the present language of S. 917, before I agree to the unanimous-consent request I would like to see what I am agreeing to.

Mr. ERVIN. I understand amendments cannot be offered at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. I would like to ask if an amendment can be offered later to make this same rule apply in State courts as in Federal courts. If so, the suggested division would not be objectionable at all.

The PRESIDING OFFICER. The Chair will state that the provision could be amended later, or would be subject to amendment later, if the motion to strike is not agreed to.

Mr. TYDINGS. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. RUSSELL. Mr. President, I do not know what the Senator proposes to amend. He did not give the page number.

The PRESIDING OFFICER. The Senator will restate the unanimous-consent request.

The Senator will suspend. The Senate will be in order.

The Senator will restate the unanimous-consent request.

Mr. GRIFFIN. On page 46, the business before the Senate is to strike all of section 3503 beginning on line 8.

It is my contention that there are two basic issues involved, and that there should be a division along the lines of my amendment, No. 787.

I propose that the Senate vote first whether to strike the language beginning on line 9 through the words "United States" on line 14; and then the Senate separately consider whether to strike the remainder of the section 3503 which limits the appellate jurisdiction of the Supreme Court as well as other Federal courts.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent request is agreed to.

Mr. TYDINGS. Mr. President, I am speaking now on my 10 minutes allotted to the first part of the division of section 3503. I think that the proposal to divide was a wise and proper one.

The issue which the entire section 3503 poses is whether we wish to change the rule handed down in the Wade and Stovall cases. The issues involved there were whether a defendant was entitled to legal counsel during a criminal lineup when an eyewitness was picking him out, and whether his deprivation of counsel at that time was a deprivation of due process of law.

The Wade and Stovall case decisions said that it was. It pointed out that in many cases and in many circumstances it is possible to frameup a lineup. They point out situations where one suspect was under the age of 20 and all the others in the lineup were over 40, that that lineup was not fair. Also the situation with one oriental and 12 Caucasians in the lineup. The ruling in the Wade and Stovall cases did not pin it down to having counsel there at a lineup, but it did say, and the language was clear, that a lineup is an important part of a criminal investigation and a defendant should have the right to counsel, and if not his own counsel at least a public defender or some other lawyer there, to protect him against an unfair or framed lineup.

Mr. President, I urge the Senate to vote to strike.

Mr. ERVIN. Mr. President, under the division of title II, the Senate is considering a provision that the testimony of an eyewitness that he saw the accused commit or participate in the commission of a crime for which the accused is being tried shall be admissible in evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States.

From the 15th day of June 1790, the Supreme Court of the United States held, and all State courts in this Nation held, that the testimony of an eyewitness that he saw the accused commit the crime charged against him was admissible in evidence. The question whether it was truthful testimony or not was a question for the jury and not for the judge.

On June 12, 1967—last year—167 years after the provisions of the Constitution relied on; that is, the right of counsel clause, had been placed in the Constitution, the Supreme Court by a majority vote of 5 to 4 held, for the first time in American history, that it was unconstitutional for an eyewitness of a crime to be permitted to look at a suspect in custody for the purpose of identifying that suspect or exonerating him as the perpetrator of the crime the eyewitness saw committed unless an attorney represent-the suspect is present.

The Supreme Court held, by its 5-to-4 majority, that where that occurred, the trial judge, either in a Federal or State court, could not admit the positive testimony of the eyewitness in a trial on the merits, that he saw the accused commit the crime and based his identification solely upon what he saw at the time the crime was being committed, unless the judge first conducted a preliminary inquiry, converted himself into a psychologist, and delved into the innermost mind of the eyewitness and found by clear and convincing evidence that the eyewitness was not influenced in any way in his conviction that he saw the accused commit the crime by the fact that he had a pretrial look at the accused in the absence of his lawyer.

Mr. President, that is manifestly an absurd decision, with all due respect to the five Judges who agreed with it.

One of the Justices said, in substance, that he agreed to this startling decision because he felt himself bound by the Miranda case, although he had dissented in the Miranda case and had declared it to be bad law. If such Justice had not entertained the curious judicial notion that he was bound by an unwise case, it seems that only four of the Justices would have concurred in what became the majority decision in the Wade case.

With all due deference to the five Supreme Court Justices who did concur in the majority ruling in the Wade case, I assert that it is contrary to commonsense as well to to the precedents of 167 years to hold it unconstitutional for an eyewitness to look at a suspect in custody for the purpose of determining whether he was or was not the man he saw committing the crime merely because no lawyer representing the suspect is present.

The lawyer could not possibly alter the physical characteristics of the suspect which enabled the eyewitness to identify him.

The writer of the majority opinion made a strange confession in the Stovall case when the question arose as to whether the ruling was to be retroactive. He held that it would not be retroactive and gave as his reason that the ruling was contrary to all practices followed by the United States and the 50 States, that it was contrary to virtually all the decisions construing the words of the Constitution relating to the right to counsel, and that no one could have anticipated until the decision was handed down, that such a decision would ever be handed down.

Mr. President, I urge the Senate to vote against the motion to strike the first part of this provision and thus recognize as a valid constitutional interpretation the meaning assigned to the right of counsel clause of the sixth amendment at all times during the 167 years following its becoming a part of the Constitution.

Mr. DOMINICK. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. DOMINICK. Is my understanding correct that the first portion we will be voting on provides that identification is admissible, but it does not say anything about the weight that will be given to the identification?

Mr. ERVIN. That will be for the jury. That is as it was for 167 years.

Mr. DOMINICK. Does it say anything about the contrary evidence that can be put in? I am referring to the propriety of opposing counsel presenting evidence as to the lighting conditions at the time of the lineup, or the general makeup of the participants in the line up.

Mr. ERVIN. No. When the Stovall case was before the Court of Appeals for the Second Circuit the circuit court pointed out that it was impossible for the suspect to be prejudiced by a pretrial look because identification depends on the suspects' physical characteristics which a lawyer cannot alter. The court also pointed out that there is nothing effective a lawyer could do by being present at the time of a pretrial inspection of the suspect by an eyewitness.

Mr. DOMINICK. What you are saying is that this is one of the factors that should be considered by the jury.

Mr. ERVIN. Yes. This provision merely provides that the jury can hear the testimony of an eyewitness that he saw the accused commit the crime, even though he had a pretrial look in the absence of an attorney representing the accused.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. PASTORE. The thing that concerns me is this: If what the Senator from North Carolina has said is true, that this has been declared unconstitutional by the Supreme Court, how do we make it constitutional? We have no authority to construe the Constitution.

Mr. ERVIN. But we have an obligation——

Mr. PASTORE. We passed this law and we said to the Court, "What you have declared to be unconstitutional we now declare to be constitutional." So the Court will say again, "It is unconstitutional," and that will be the end of it, will it not?

Mr. ERVIN. Not if the Court has enough fidelity to the Constitution to return to the sound interpretation it placed on the right to counsel clause of the sixth amendment throughout the preceding 167 years. Of course, the Court may say what the Senator from Rhode Island suggests, and in that event Congress and the States will be at liberty to amend the Constitution. After all, Congress is under the obligation to interpret the Constitution for itself when it legislates.

Of course, a decision of the Supreme Court is binding upon litigants, but it is not binding on Senators when they think it misconstrues the Constitution. Senators must construe the Constitution for themselves when they vote on legislation, and in my judgment are not bound by Supreme Court decisions which their considered intelligences and consciences tell them are wrong.

Mr. TOWER. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. TOWER. Is it not true that section 2 of article III of the Constitution defines the appellate jurisdiction of the Supreme Court as being subject to such exceptions and regulations as Congress shall make?

Mr. ERVIN. Oh, yes; but, of course, that is not involved in the first division of this question. It is in the second.

Mr. TOWER. I thank the Senator from North Carolina.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield, if I have any time left.

Mr. LAUSCHE. The Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense.

It is my understanding that through a century and a half the courts never construed that the accused would have the absolute right to counsel at the time that he was being viewed by a victim of a criminal offense.

Mr. ERVIN. As a matter of fact, the Court held exactly the opposite for approximately 167 years.

Mr. LAUSCHE. But in the recent decision the Supreme Court construed the language "in all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense" to mean that counsel shall be present at the time the victim of a crime is viewing the supposed aggressor for identification?

Mr. ERVIN. Yes. The court gave as one of the reasons for the ruling in the Wade case that a lawyer could not cross-examine eyewitnesses about pretrial identification unless he was present and saw what was transpiring. Of course, that is absurd, because the same logic would assert that he could not cross-examine about a crime unless he was with his client when the crime was committed and saw what occurred at that time.

Mr. LAUSCHE. Is it not a fact that the Supreme Court had previously held that the language "the accused shall enjoy the right to have the assistance of counsel for his defense" does not mean he shall have the right of counsel at the time he is being viewed for identification purposes?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, I wonder if I may have the attention of my colleagues for 2 minutes merely to say that this entire provision is intended to upset a ruling by the Supreme Court; and to set up the Congress as the final interpreter of what the Constitution means, contrary to Marbury against Madison and the constitutional history of our country.

This is not a law enforcement matter. All the Wade and Stovall cases said was that when there is a lineup and the so-called eyewitness is there for identification of the suspect, there should be some kind of counsel there, whether it is a public defender or his own counsel or someone else. So this is not a law-enforcement measure.

Any one of my colleagues who has been a prosecutor or defense counsel knows that eyewitnesses are notoriously shaky. It is very difficult, at the time of a crime, because of emotion, to make a good identification; but once made, we all know how it is, particularly when some prosecutors or defense counsel work with those witnesses. They become firmer and firmer, and, no matter how they were at the start, they become unshakeable.

I submit there have been examples—and they were enumerated by the Supreme Court—in which the right of counsel was shown to be necessary in a lineup. Suppose it was your son or your nephew who was involved in an automobile wreck, and the issue was whether there was a hit and run.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. I yield myself 3 minutes. He was put in the lineup and all the individuals in the lineup were over 40 except your son or your nephew. Suppose the eyewitness knew it was a young person. Your son or nephew may not have been at the scene of the accident. He may have been as innocent as the driven snow. But once the eywitness labels him, he is going to stick by it.

This is not a law-enforcement measure. It is a proposal to have the Senate overrule the Supreme Court and say what the Constitution means.

I yield now to the Senator from California, and apologize for not yielding earlier.

Mr. MURPHY. I do not believe we should write legislation based on the assumption it is my son or your son that is involved. I think we consider it from the standpoint of the general welfare.

My question is, What exactly could the presence of counsel do to change the consideration or the decision or the selection of the eyewitness?

Mr. TYDINGS. If the defendant was the only oriental in a lineup of six, as was illustrated in the Stovall case, counsel could have said it was a frameup, that it would not be a fair lineup to have one oriental and the others all Caucasians, any more than it would be fair to have only one Negro and five white men.

Mr. MURPHY. Would not that information be available to defense counsel?

Mr. TYDINGS. That is the problem. How is it going to be available?

Mr. MURPHY. The defense lawyer would find it out.

Mr. TYDINGS. The accused appears in a lineup with five or six other men, and with no defense counsel. Is he going to be able to remember all that?

Mr. MURPHY. Does my esteemed colleague suggest that the mere fact there was a rigged lineup denies the right of the eyewitness, in spite of that fact, to identify the criminal he saw commit the crime?

Mr. TYDINGS. No, it does not deny any rights of an eyewitness, but for us to approve of a rigged or a framed lineup is unconscionable.

Mr. MURPHY. I would not think of approving that.

Mr. ERVIN. It not only applies to five or six, but it applies if there is only one person in the lineup.

The PRESIDING OFFICER. Is all time yielded back? Does the Senator from Maryland yield back his time?

Mr. TYDINGS. I yield back my time.

Mr. MURPHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on part 1 of division 5 of the motion to strike title II.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from New York [Mr. KENNEDY]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Ohio [Mr. YOUNG], are necessarily absent.

The Senator from Wisconsin [Mr. NELSON] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Ohio [Mr. YOUNG], would each vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], and the Senator from California [Mr. KUCHEL] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

If present and voting, the Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL] would each vote "yea."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Oregon [Mr. HATFIELD]. If present and voting, the Senator from Illinois would vote "nay" and the Senator from Oregon would vote "yea."

The result was announced—yeas 21, nays 63, as follows:

[No. 144 Leg.]

YEAS—21

Brooke
Burdick
Case
Clark
Dodd
Fong
Hart
Hartke
Inouye
Kennedy, Mass.
Long, Mo.
McIntyre
Metcalf
Mondale
Morse
Pastore
Pell
Proxmire
Scott
Tydings
Williams, N.J.

NAYS—63

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Magnuson
McClellan
Miller
Monroney
Morton
Moss
Mundt
Murphy
Muskie
Pearson
Percy
Prouty
Randolph
Ribicoff
Russell
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Bartlett
Church
Dirksen
Gruening
Harris
Hatfield
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Montoya
Nelson
Young, Ohio

So part 1 of the fifth division of the motion to strike title II was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which part 1 of division 5 of the motion to strike title II was rejected.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next division.

The ASSISTANT LEGISLATIVE CLERK. On page 46, line 14, beginning with the word "and", strike the language down to and including line 2, page 47, as follows:

> And neither the Supreme Court nor any inferior appellate court ordained and established by the Congress under article III of the Constitution of the United States shall have jurisdiction to review, reverse, vacate, modify, or disturb in any way a ruling of such a trial court or any trial court in any State, territory, district, commonwealth, or other possession of the United States admitting in evidence any criminal prosecution the testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is tried."
>
> (b) The section analysis of that chapter is amended by adding at the end thereof the following new items:

Mr. ERVIN. Mr. President, I do not care to argue the matter at great length. I merely wish to point out that the second division of this particular subsection of title II would deprive the Supreme Court of jurisdiction to review any ruling of any trial court, State or Federal, admitting in evidence the testimony of an eyewitness that he saw the accused commit the crime with which he stands charged.

Mr. President, I ask for the yeas and nays on the matter because I want to show the people of my State and the people of the other States that I attempted to give them the best protection they could get under the Constitution against a ruling contrary to both commonsense and the word of the Constitution.

The PRESIDING OFFICER. The yeas and nays have already been ordered on all parts of the question.

Mr. ERVIN. Mr. President, I do not desire to say anything further at this time except that I have taken an oath to support the Constitution, and that oath obligates me to support the Constitution as I interpret it to be and not according to what I believe to be a judicial aberration.

Mr. TYDINGS. Mr. President, I yield such time to the Senator from Michigan as he needs.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, the Senate has spoken with a loud voice to indicate its disagreement with the Supreme Court decisions in Miranda and Mallory and Wade. I have joined with the majority in attempting to make clear what reasonable rules should be applied in the situations covered by sections 3501 and 3503 of title II.

Congress may fail in this effort when the Supreme Court reviews what we have done. Nevertheless, we are, with a clear and loud voice, giving the Supreme Court another opportunity to look at these questions—but after Congress has spoken.

However, we must face the further question which arises with respect to the question now before the Senate, as it arose with respect to section 3502—the question of whether Congress should take a much more drastic step and seek to limit the appellate jurisdiction of the U.S. Supreme Court.

I do not think it is necessary to argue whether Congress can take such a step under article III of the Constitution. I think the question is whether it would be the wise thing for Congress to do at this juncture in history.

In this respect, I believe that the following comment by Dean Frances Allen, of the University of Michigan Law School, goes to the very heart of the issue:

> Stripping the Court of jurisdiction in certain types of cases because members of Congress happen to disagree with the Court's view of the constitutional commands is a step down a road that leads to fundamental alteration in the distribution of powers of the American system. Once a first step is taken along this path, it will be difficult to avoid other steps in the future. I regard Title II as fully as ominous an assault on the Supreme Court as the court-packing proposal of the 1930's. In some respects it may be a more insidious threat, for it is less forthright and candid, and its dangers less apparent to the public at large.

Congress could increase the number of the Justices on the Supreme Court. Under the Constitution, we have the power to do that; if we disagree with a particular decision of the U.S. Supreme Court, I suppose that would be another way of registering our disagreement with the Court—and attempting to do something about it.

Mr. President, on another occasion in the 1930's the Senate wisely refused to accept a proposal for "packing the Court." And I think the Senate today has wisely refrained from asserting a power it has to upset the delicate balance which exists between the legislature and judicial branches of the Federal Government.

The question before the Senate is exactly the same as it was with respect to section 3502 and those who voted "yea" to strike out section 3502 should again vote "yea" to strike this particular provision of section 3503.

Mr. TYDINGS. Mr. President, I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 minute.

Mr. GORE. Mr. President, as the Senator from Michigan has said, the underlying principle with respect to section 3503 is identical to that of 3502—the right of the Federal court or the right of an American citizen to appeal to a Federal court on a question of admissibility of evidence.

The Senate in its selective consideration of the pending bill has today, in the view of the Senior Senator from Tennessee, done itself credit. It has viewed the problem selectively, approved some parts and disapproved other parts that have been presented.

I believe this provision goes too far, and I respectfully submit that view to the Senate.

Mr. TYDINGS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Mr. TYDINGS. Mr. President, I hope, for the reasons outlined by the distinguished Senator from Michigan and the distinguished senior Senator from Tennessee, and for the reasons I outlined in a motion to strike section 3502, that the Senate will vote to strike this part or division of section 3503.

This provision denies the right of appeal or certiorari to the Supreme Court on the issue of what constitutes proper right to counsel or other important rights. It upsets the ruling in Marbury against Madison.

I hope that the provision is struck.

Mr. ERVIN. Mr. President, I appeal to the Senate to vote against the motion to strike. This provision has no relevance to Marbury against Madison. All it would do would be to protect the people of our land against a ruling envisaged for the first time in American history by five of the nine judges on the 12th day of June 1967—a ruling which the majority opinion itself confessed, in essence, that no human being could anticipate that the Court would ever hand down such a ruling until the day it was handed down.

I ask the Senate to vote against the motion to strike so that we may give the people of our land the only protection we can give them against a rule invented by five of the nine justices contrary to the express words of the Constitution on the 12th day of June 1967—a rule which is incompatible with commonsense, the practice of Federal and State law enforcement officers, and the judicial precedents at all times during the preceding 167 years.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to strike line 14 on page 46 beginning with the word "and"; down through line 2 on page 47.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARLSON (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Illinois [Mr. Dirksen]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from New York [Mr. Kennedy]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from New Mexico [Mr. Montoya], and the Senator from Florida [Mr. Smathers] are necessarily absent.

The Senator from Wisconsin [Mr. Nelson] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening] would vote "yea."

On this vote, the Senator from Minnesota [Mr. McCarthy] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Illinois [Mr. Dirksen], the Senator from Oregon [Mr. Hatfield], and the Senator from California [Mr. Kuchel] are necessarily absent.

The Senator from New York [Mr. Javits] is absent on official business.

The Senator from Kentucky [Mr. Morton] is detained on official business.

If present and voting, the Senator from Oregon [Mr. Hatfield], the Senator from New York [Mr. Javits], the Senator from Kentucky [Mr. Morton], and the Senator from California [Mr. Kuchel] would each vote "yea."

The pair of the Senator from Illinois [Mr. Dirksen] has been previously announced.

The result was announced—yeas 51, nays 30, as follows:

[No. 145 Leg.]

YEAS—51

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Case
Clark
Cooper
Dodd
Dominick
Fong
Fulbright
Gore
Griffin
Hart
Hartke
Inouye
Jackson
Jordan, Idaho
Kennedy, Mass.
Lausche
Long, Mo.
Magnuson
McIntyre
Metcalf
Miller
Mondale
Monroney
Morse
Moss
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—30

Bennett
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Long, La.
McClellan
Mundt
Murphy
Russell
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Carlson, for.
Mansfield, against.

NOT VOTING—17

Bartlett
Church
Dirksen
Gruening
Harris
Hatfield
Hollings
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Montoya
Morton
Nelson
Smathers

So the second part of the fifth division of the motion to strike title II was agreed to.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The question is on the last division, division 6, of the motion to strike title II, beginning on line 3, page 47, extending to and including line 2, page 48.

The language is as follows:

> SEC. 702. (a) Chapter 153, title 28, United States Code (relating to habeas corpus), is amended by adding at the end thereof the following new section:
>
> "§ 2256. Procedures in obtaining writs of habeas corpus
>
> "The judgment of a court of a State upon a plea or verdict of guilty in a criminal action shall be conclusive with respect to all questions of law or fact which were determined, or which could have been determined, in that action until such judgment is reversed, vacated, or modified by a court having jurisdiction to review by appeal or certiorari such judgment; and neither the Supreme Court nor any inferior court ordained and established by Congress under article III of the Constitution of the United States shall have jurisdiction to reverse, vacate, or modify any such judgment of a State court except upon appeal from, or writ of certiorari granted to review, a determination made with respect to such judgment upon review thereof by the highest court of that State having jurisdiction to review such judgment."
>
> (b) The section analysis of that chapter is amended by adding at the end thereof the following new item:
>
> "§ 2256. Procedures in obtaining writs of habeas corpus."

Mr. TYDINGS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. TYDINGS. Mr. President, I hope the Senate strikes the pending division for the same reason it voted to strike the preceding one.

This provision would prohibit recourse through the great writ of habeas corpus to any Federal court.

The last time Congress moved in this fashion it was a black mark, I think, on the history of this country. In the McCardle case, McCardle was an editor in Mississippi who protested against a military governor sent down there under the Reconstruction Act. When his case came to the Supreme Court a radical Congress—the Senate was in the process of trying the impeachment case of Andrew Johnson—did what I feel was a reprehensive act.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. TYDINGS. Mr. President, Congress then passed a bill which deprived the Supreme Court of the right to hear the habeas corpus appeal of Mr. McCardle, the Mississippi editor, because Congress feared the Supreme Court would upset the Reconstruction statutes permitting military governors in Southern States during a time of peace. I think that was a black day in the history of Congress.

I would hope that at this time we would not tamper with the great writ of habeas corpus.

Mr. ERVIN. Mr. President, this matter does not have the faintest resemblance to the situation involved in the McCardle case. As a matter of fact, it is exactly the opposite of the McCardle case. When the McCardle case was before the Supreme Court the Congress passed the law withdrawing jurisdiction of the Supreme Court to decide the McCardle case after it had been argued.

Instead of taking jurisdiction away from the Supreme Court this provision of title II gives jurisdiction to the Supreme Court. This provision gives an accused a right to trial in a State trial court where he can raise every defense he has regardless of whether it arises under State or Federal law. It gives him the right to appeal from the State trial court to the highest appellate court of the State having jurisdiction of his case and he can assert in that appellate court every right he has under State law or under Federal law. Then, he can appeal to the Supreme Court of the United States or apply to the Supreme Court of the United States for a writ of certiorari. If the Supreme Court finds he has been deprived of any constitutional right the Supreme Court can render a judgment vindicating that right.

Mr. President, this provision does not take away from any accused any Federal right. It provides that instead of taking jurisdiction away from the Supreme Court, the Supreme Court shall have jurisdiction, and that after an accused has been tried in a State court and has been convicted by a jury, or pleaded guilty, the State judgment shall stand until his case is reversed or modified or disturbed either by the appellate court of the State or the Supreme Court of the United States.

Mr. President, a statute conforming to this provision has been requested by the chief justices of the States of this Union. They have passed a formal resolution to this effect, which I have placed in the RECORD.

Here is what the chief justices of this Union of States ask Congress to do——

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, I read from the CONGRESSIONAL RECORD of yesterday at page 14034:

> Conference of Chief Justices—1952, 25 State Government, No. 11, p. 249 (Nov. 1952):
>
> "Whereas it appears that by reason of certain principles enunciated in certain recent federal decisions, a person whose conviction in a criminal proceeding in a State Court has thereafter been affirmed by the highest court of that State, and whose petition for a review of the State Court's proceedings has been denied by the Supreme Court of the United States, may nevertheless obtain from a Federal district judge or Court, under a writ of habeas corpus, new, independent, and successive hearings based upon a petition supported only by the oath of the petitioner and containing only such statement of facts as were, or could have been, presented in the original proceedings in the State Courts;
>
> "And whereas the multiplicity of these procedures available in the inferior Federal Courts to such convicted persons, and the consequent inordinate delays in the enforcement of criminal justice as the result of said Federal decisions will tend toward the dilution of the judicial sense of responsibility, may create grave and undesirable conflicts between Federal and State laws respecting fair trial and due process, and must inevitably lead to the impairment of the public confidence in our judicial institutions;
>
> "Now therefore be it resolved that it is the considered view of the Chief Justices of the States of the Union, in conference duly assembled, that orderly Federal procedure under our dual system of government should require that a final judgment of a State's highest court be subject to review or reversal only by the Supreme Court of the United States.

Mr. President, this provision would give everybody an opportunity to be heard in a State trial court, in a State appellate court, and in the Supreme Court of the United States. It would put an end to the practice whereby the highest courts of the States are overruled by a single Federal district judge. It would put an end to the practice whereby a person convicted of a crime can wait for 20 years or 30 years after the crime was committed, when the witnesses are dead, or unavailable, or when their memories have vanished, and then apply for relief from the judgment of the highest court of a State to a Federal district judge.

As I said, the chief justices of the States of this Union have been imploring Congress for years to pass a law just like this provision of title II of this bill. Unless we do so, we will permit criminals to continue to make a mockery of justice. Instead of requiring persons convicted of crime in State courts to appeal decisions of State courts to the Supreme Court of the United States, we will continue to permit convicted criminals to wait until the witnesses whose testimony established their guilt are dead or otherwise unavailable, and then allow them to go free on the order of a district judge. Instead of being like the law in the McCardle case, this provision would give jurisdiction to the Supreme Court of the United States, just as the chief justices of the States have asked Congress to do, and require the accused to carry their pleas to that Court within the time prescribed by the law.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. LAUSCHE. Under this measure, will an accused have the right to appeal or prosecute a petition in error throughout all of the appellate courts, and the supreme court of the State, and also the Supreme Court of the United States to insure that justice has been done to him under the law?

Mr. ERVIN. Absolutely. It provides for review by the Supreme Court of the United States, if the Supreme Court of the United States finds any merit in his contention. He has to do it while the witness is still living. He has to do it by direct appeal or direct application for a writ of certiorari.

Mr. LAUSCHE. That is, he must exercise his rights under the law of appeal or under the law of petition for certiorari but he cannot wait 10 or 15 years and then file a petition for a writ of habeas corpus and procure his release.

Mr. ERVIN. He must conform to the words of the marriage ceremony: Speak now or forever hereafter hold your peace.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. PASTORE. Is there any limitation on when a convicted defendant could go to the Supreme Court?

Mr. ERVIN. Yes. The Supreme Court of the United States prescribes that limitation. It is necessary for there to be a time limit if courts are going to function. I called attention yesterday to the present practice which permitted an accused to apply to a Federal district court to review the decision of a State court 20 years after his conviction and sentence.

Mr. PASTORE. Will the Senator tell us when that was first passed by the chief justices of the States?

Mr. ERVIN. In 1952, I believe, and reiterated a number of times since then.

Mr. PASTORE. Is the Senator from North Carolina saying that a man who thinks he is unjustly convicted still has the right to a writ of habeas corpus but must go before his own State Supreme Court——

Mr. ERVIN. He has to go before the State Supreme Court first.

Mr. PASTORE. And then he still can go to the Supreme Court of the United States?

Mr. ERVIN. Yes. He still can go to the Supreme Court of the United States.

Mr. PASTORE. I thank the Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Mr. TYDINGS. Mr. President, in order to clarify the Record, the Constitution of the United States says:

> The privilege of the writ of habeas corpus shall not be suspended unless in cases of rebellion or invasion the public safety might require it.

This provision of title II clearly suspends the write of habeas corpus regarding the judgment of any court of a State in a criminal case.

The writ of habeas corpus is one of the pillars of Anglo-American civilization. It has been called the great writ. It is fundamental. It goes back to Magna Carta. It is the one writ which has been used time and time again in Anglo-American history to protect the individual who speaks out against the Crown, the Central Government, or the authority or power which exists.

It was used in 1763 when John Wilkes was sentenced to the Tower of London for criticizing the British Crown. It was used for Bushnell in 1670 in Great Britain and for William Penn who was accused of inciting to riot when he spoke to a Quaker meeting and the judge instructed the jury that they had to convict William Penn and William Bushnell, but the jury refused to find them guilty and the jury was sent to jail. They relied, of course, upon the great writ, the writ of habeas corpus, to release them.

Mr. President, as a former prosecutor, I do not like all the jailhouse appeals any more than any other prosecutor. But I believe we must not take this step, which has been taken only once before in the history of the country, during the Reconstruction period after the Civil War.

If we tamper with the great writ, one of the foundation stones of our constitutional liberty, then, Senators, I believe that we will have gone too far.

I hope that the motion to strike will carry.

Mr. BROOKE. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. BROOKE. Is it not true that the writ of habeas corpus is the only guarantee that a constitutional question raised in State proceedings in a State court will be heard by the Federal judiciary? Is that not true?

Mr. TYDINGS. Will the Senator kindly repeat his question?

Mr. BROOKE. Is it not true that the writ of habeas corpus is the only guarantee that a defendant in a State proceeding who has a constitutional question will have that question decided upon by the Federal judiciary?

Mr. TYDINGS. That is true. It is true because of the only writ of certiorari to the Supreme Court would be left for Federal review. This would put an impossible burden on the Supreme Court.

Mr. BROOKE. The writ of certiorari is discretionary with the Supreme Court, is that not true?

Mr. TYDINGS. That is correct.

Mr. BROOKE. As a practical matter, even an appeal is discretionary with the Supreme Court of the United States, is that not correct?

Mr. TYDINGS. That is correct.

Mr. BROOKE. So there remains only the writ of habeas corpus to guarantee that the constitutional question will ever get into a Federal district or a circuit court of appeals and then ultimately to the Supreme Court of the United States; is that not correct?

Mr. TYDINGS. That is correct.

Mr. BROOKE. I thank the Senator.

Mr. SCOTT. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. SCOTT. I do not seem to know what the Court would do in most circumstances, but for what it is worth, it is my sincere judgment that if Congress tampers with the great writ, it will have about as much chance of suspending——

Mr. BYRD of West Virginia. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Pennsylvania will suspend.

The Senate will please come to order. The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, it is my feeling that while I voted to keep other sections in title II, if Congress tampers with the great writ, its action would have about as much chance of being held constitutional as the celebrated celluloid dog chasing the asbestos cat through hell.

Mr. ERVIN. Mr. President, I was very much amused by the statement——

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired. All his time has now expired.

Mr. ERVIN. What? How much time do I have remaining?

The PRESIDING OFFICER. No time is left to the Senator from North Carolina. One minute remains to the Senator from Maryland.

Mr. ERVIN. Mr. President, if I had any time left, I would say that the chief justices of the States would not ask Congress to pass an unconstitutional law. But, since I have no time to say it, I shall not say it. [Laughter.]

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to division No. 6 of the motion to strike title II. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CARLSON. Mr. President, on this vote, I have a live pair with the distinguished Senator from Illinois [Mr. Dirksen]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from New York [Mr. Kennedy]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from New Mexico [Mr. Montoya], and the Senator from Florida [Mr. Smathers], are necessarily absent.

The Senator from Wisconsin [Mr. Nelson] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening] would vote "yea."

On this vote, the Senator from Minnesota [Mr. McCarthy] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Illinois [Mr. Dirksen], the Senator from Oregon [Mr. Hatfield], and the Senator from California [Mr. Kuchel] are necessarily absent.

The Senator from New York [Mr. Javits] is absent on official business.

The Senator from Kentucky [Mr. Morton] is detained on official business.

If present and voting, the Senator from Oregon [Mr. Hatfield], the Senator from New York [Mr. Javits], the Senator from Kentucky [Mr. Morton], and the Senator from California [Mr. Kuchel] would each vote "yea."

The pair of the Senator from Illinois [Mr. Dirksen] has been previously announced.

The result was announced—yeas 54, nays 27, as follows:

[No. 146 Leg.]

YEAS—54

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, W. Va.
Cannon

Case
Clark
Cooper
Cotton
Dodd
Dominick
Fong
Fulbright
Gore
Griffin
Hart
Hartke
Inouye
Jackson
Jordan, Idaho
Kennedy, Mass.
Lausche
Long, Mo.
Magnuson
McIntyre
Metcalf
Miller
Mondale
Monroney
Morse
Moss
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—27

Bennett
Byrd, Va.
Curtis
Eastland
Ellender
Ervin
Fannin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Long, La.
McClellan
Mundt
Murphy
Russell
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Carlson, for.
Mansfield, against.

NOT VOTING—17

Bartlett
Church
Dirksen
Gruening
Harris
Hatfield
Hollings
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Montoya
Morton
Nelson
Smathers

So division No. 6 of the motion to strike title II was agreed to.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the vote by which the sixth division was agreed to be reconsidered.

Mr. BROOKE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPONG. Mr. President, the Senate has today voted on amendments and motions relating to title II of the Omnibus Crime Control and Safe Streets Act of 1967. Contrary to many of my colleagues I have not viewed title II, as reported by the Judiciary Committee, as something to be opposed or supported in its entirety. Both opponents and proponents of title II have divided their arguments into several separate matters upon which the Senate is asked to work its will; namely, admissibility of voluntary confessions, reviewability of admissions in evidence of voluntary confessions, admissibility in evidence of eye witness testimony, and procedures for obtaining writs of habeas corpus.

A doctrinaire approach is never helpful, particularly when such delicate matters of constitutional law, personal liberty, and the protection of the public are involved. Nor should emotion, piqued by disagreement with court decision, lead to action that would fly into the face of our Constitution and, at best, be an irate but vain gesture.

I opposed motions that would have referred the questions posed by title II to further study. The Senate, having the questions before it, had an obligation to meet them head on. The number of serious crimes in the United States has increased 368 percent since 1944, a period during which our population has increased 48 percent. The public expects and is entitled to such statutory relief as the legislative branch of the Government might provide within the framework of our Constitution. I do not believe it has been shown to a certainty that court decisions alone have caused crime. Nevertheless, I am persuaded that these decisions have made it much more difficult to enforce law and, further, that people no longer fear the law or the judgment of our courts. Consequently, I do not believe we should delay a showing of the will of the Senate, particularly on matters which, in my judgment, will aid law enforcement without doing violence to the Constitution.

While I concur with those who believe a voluntary confession, one completely without duress, should be admissible in evidence in criminal prosecutions, I do not believe that *Miranda* v. *Arizona* can be reversed by statute. The report last year of the President's Commission on Law Enforcement and Administration of Justice did not consider the question of admissibility of voluntary confessions. Nevertheless, a sizable number of its membership indicated in a separate statement their concern for the problems caused law enforcement officials by circumstances brought about by the Miranda decision. It is significant that these Commission members recommended that consideration be given to a constitutional amendment involving voluntary confessions, not to statutory action. I concur that this is the only proper legislative approach.

There is ample statistical evidence to show the problems in criminal prosecution caused by *Mallory* v. *United States*. This case involved a rule of court and, in my judgment, no constitutional obstacle stands in the path of legislative repeal. Accordingly, I supported paragraph (c) of section 3501, as well as paragraphs (d) and (e) of the same section.

United States v. *Wade*, as the Committee report states, struck a harmful blow at the nationwide effort to control crime. Nothing in the Constitution warrants this rule of evidence that so limits the admissibility of eyewitness testimony. Accordingly, I supported that part of section 3503 that amends the law with regard to the admissibility of eyewitness testimony.

I oppose other measures, principally section 3502, part of section 3503, and that section dealing with the procedures in obtaining writs of habeas corpus because I do not believe that, in these instances, we can by statute limit the jurisdiction of the Supreme Court of the United States.

AMENDMENT NO. 812

Mr. ERVIN. Mr. President, I send to the desk an amendment and ask that it be printed and lie at the desk. This is an amendment which any Senator can vote for. It provides that when a Federal district court issues a writ of habeas corpus, the applicant must appeal and exhaust the State remedies, and that when he does not, he has not exhausted his State remedies. Second, he may have one habeas corpus proceeding.

I think that if Senators will familiarize themselves with the amendment, they will vote to adopt it.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 805

Mr. SCOTT. Mr. President, I call up my amendment No. 805, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> On page 45, line 9, beginning with the word "is", strike out all through the period on line 11 and insert in lieu thereof the following: "was made or given by such person within four hours immediately following his arrest or other detention."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I first ask unanimous consent to change the word "four" on line 4 to "six."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I believe this has been cleared—that there be a time allocation of 10 minutes on the pending amendment, the time to be equally divided between the Senator from Pennsylvania [Mr. SCOTT] and the manager of the bill, the Senator from Arkansas [Mr. MCCLELLAN].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Who yields time?

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

This is a very simple amendment. I have heard of no objection to it. I have discussed it with the various Senators interested in this matter. My amendment is an attempt to conform, as nearly as practicable, to title III of Public Law 90–226, the District of Columbia crime bill enacted last year, which provides that confessions obtained during periods of interrogation up to 3 hours shall not be excluded from evidence in the courts of the District of Columbia.

My amendment provides that the period during which confessions may be received or interrogations may continue, which may or may not result in a confession, shall in no case exceed 6 hours.

I prefer, myself, either 3 or 4 hours, but I am striving here for the art of the possible, and in trying to accommodate the views of a number of Senators, have come up with 6 hours, for the purpose of allowing time for out-of-State checks following the apprehension of the person charged with the crime.

I am told by the distinguished manager of the bill, the Senator from Arkansas [Mr. MCCLELLAN] that he has no objection to this amendment as modified, with the 6-hour provision.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. McCLELLAN. I think the Senator's amendment ought to come at the end of the paragraph, so that this other provision will be retained in it, instead of where the Senator undertakes to place it. We have got to keep in there "to be found by the trial judge"; otherwise we would be making it arbitrary. If the judge finds it was not voluntary, no matter if he was in custody for only 30 minutes, the confession should not be admitted.

Mr. SCOTT. Mr. President, if there is no objection, I will modify my amendment to read as follows:

On page 45, line 11, after the word "jury" the following: "and if such confession was made or given by such person within six hours immediately following his arrest or other detention."

I ask unanimous consent to make that modification.

The **PRESIDING OFFICER.** The Senator has the right to modify his amendment.

Mr. McCLELLAN. With that modification, I have no objection to the amendment. I say to the Senator that I want to be reasonable in this matter. I do not want an unreasonable time, but I do want an opportunity for the law enforcement officers to perform their duty. I think this is a fair adjustment of the differences of opinion about this matter.

Mr. SCOTT. I appreciate the Senator's statement.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I call to the attention of the Senate that we passed a law on this very subject last fall in connection with the amendments to the criminal code for the District of Columbia.

The committee on the District of Columbia has held extensive hearings over the past few years regarding the Mallory rule. The distinguished Senator from Nevada [Mr. Bible] and I participated in a number of meetings as conferees with the House in an effort to reach a solution in the 89th Congress. During the first session of the 90th Congress we again held hearings. Finally, last year we developed language acceptable to all, and it was signed into law. That language provides for 3 hours. I ask unanimous consent that title III of the District of Columbia crime bill be printed in the Record at this point.

There being no objection, the title III was ordered to be printed in the Record, as follows:

Title III

Sec. 301. (a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed three hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

(b) Any statement, admission, or confession made by an arrested person within three hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment.

Mr. DOMINICK. Mr. President, even under those circumstances, the distinguished Senator from Oregon [Mr. Morse] protested strongly against a 3-hour delay before arraignment.

Much as I appreciate the fact that the Senator from Pennsylvania is trying to make a time limitation on the phraseology contained in the bill before us today, I simply cannot go along with a 6-hour right of detention without an arraignment. I want to make my position known.

Certainly the proposal before us is inconsistent with the action Congress took just 6 months ago when developing a rule for the District of Columbia. I do not see how this bill can help but jeopardize, if not overrule, our earlier action.

I do not think it is right to proceed along this line.

Mr. SCOTT. I thank the distinguished Senator from Colorado. I agree 3 hours is preferable, but, in an effort to get as near total agreement as possible, I have agreed to 6 hours.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. SCOTT. I yield one-half minute.

Mr. COTTON. Does the Senator's provision apply only to the District of Columbia, or does it apply universally, throughout all the States?

Mr. SCOTT. This statement is of general application in Federal cases but it is designed to confirm as nearly as may be to the amendments to the District of Columbia code we adopted last year.

The **PRESIDING OFFICER.** The time of the Senator from Pennsylvania has expired.

Mr. TYDINGS. Mr. President, I wonder if I might address the distinguished Senator from Arkansas.

The **PRESIDING OFFICER.** Does the Senator from Arkansas yield?

Mr. McCLELLAN. I yield for that purpose.

Mr. TYDINGS. Mr. President, I concur with the remarks of the distinguished Senator from Colorado [Mr. Dominick]. I served with him on the conference, and I believe the point he has made was well taken.

The point he made was that just last year, after long debate in Congress, we finally agreed that 3 hours was a reasonable time. In that debate, as he pointed out, the Senator from Oregon argued long and hard that 3 hours was too long.

I asked the distinguished Senator from Arkansas [Mr. McClellan], in view of the need for uniformity, and the fact that we just passed that law with relation to the District of Columbia, whether or not he would agree with the thrust of the remarks of the Senator from Colorado [Mr. Dominick], if the Senator from Pennsylvania is willing, and make the period 3 hours rather than 6, in the interests of uniformity.

Mr. McCLELLAN. Mr. President, I cannot do that, because I have yielded here, in order to provide some time; so that they cannot say it is completely arbitrary. I have made adjustments in my own thinking about it and reached this agreement. The bill was reported without any limitation, and I think I am being fair.

Mr. TYDINGS. I agree that 6 hours is better than interrogation of suspects for 8 days or 8 years and then bring them up for arraignment.

Mr. McCLELLAN. No, I have made an adjustment here. I can appreciate that an officer might pick a suspect up at 12 o'clock at night, and need to check with officers in another State. That gives him only 6 hours, and he will have to wake them up before 6 o'clock the next morning.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I do not think I am in basic disagreement with the Senator from Pennsylvania, but I ask him this question: Does he not agree that the question here is a classic example of legislating for metropolitan areas and forgetting about the rest of the country? If you have, in Nevada or Colorado, in one of the outlying towns, a situation where the sheriff picks up a man under the Dyer Act, for example, on transporting a stolen vehicle across a State line illegally, usually there are only one or two law officers, at the most, in such a town, and perhaps a knifing, a killing, an armed robbery, or something of that sort, is hot on the griddle at the same time.

The **PRESIDING OFFICER.** All the time of the Senator from Pennsylvania has expired.

Mr. ALLOTT. Will the Senator from Arkansas yield me 2 minutes?

Mr. McCLELLAN. Yes, I yield whatever time I have.

Mr. ALLOTT. In that case, you do not have a U.S. commissioner within 200 miles; how do you arraign a man in 3 hours, or in 6 hours, for that matter?

Mr. McCLELLAN. That is the point. You cannot in 3 hours. But we are trying to make some concession here. There may be instances where this would not be adequate; but I did not want to be in an attitude, and never have been, and have never believed the law should permit officers to use time simply to corkscrew a confession out of an accused. I do want a reasonable time for officers to do their duty.

Mr. ALLOTT. I agree with the Senator entirely, but somebody ought to answer that question.

Mr. SCOTT. Well, if the Senator will yield to me, since my time has expired, I am trying, here, to avoid having section 3501(c), proposed in title II of the pending bill, declared unconstitutional by eliminating its open-endedness in its present form. This is a way out of this problem; but we could extend the time to a point where we endanger the likelihood of having it remain on the statute books. Therefore, the distinguished floor manager and I have agreed on a period twice as long as that which title III of Public Law 90–226 stipulated for the District of Columbia.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SCOTT. If I may do so on the time of the Senator from Arkansas.

Mr. COTTON. I feel very strongly, with the Senator from Colorado, that the way the bill stands now, the trial court can determine whether there has been a reasonable time. All kinds of things can happen, as I know as a former prosecuting attorney in a rural county. I think it is dangerous for us to try to set a limit on this matter. I shall not ask for a rollcall, but I am opposed to this amendment.

Mr. SCOTT. The way the bill stands now, there might be a 36- or a 24-hour interrogation, which would be of very doubtful validity, and the courts are left with the responsibility of trying to fix a reasonable rule.

Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania, as modified.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I have to suggest the absence of a quorum because I told other Senators that there would be no further votes this evening.

Mr. ALLOTT. Mr. President, I understand from the majority leader that many Senators have been informed that there would not be any more votes tonight.

I do not care whether we put it over until tomorrow, but I will not insist or ask for a rollcall under those circumstances.

Mr. SCOTT. Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, as modified.

The amendment was agreed to.

Mr. COTTON. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Chair had announced the vote.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the request of the distinguished Senator from Vermont be agreed to and that there be a division.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

On a division, the amendment (No. 805) of the Senator from Pennsylvania, as modified, was agreed to.

Mr. SCOTT. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. PEARSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 797

Mr. LONG of Missouri. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> At the end of the bill add a new title VIII as follows:
>
> "Section 555(b) of title 5, United States Code, is amended by adding the following sentence: 'Notwithstanding the provisions of the Uniform Military Training and Service Act, each individual shall be afforded the opportunity to appear in person, present testimony or other evidence, and be represented by counsel in any proceeding before the local selective service board having jurisdiction over him'."

Mr. LONG of Missouri. Mr. President, I ask for the yeas and nays.

Mr. McCLELLAN. Mr. President, I am not familiar with the amendment. I would like to have until tomorrow morning to become familiar with it.

Mr. LONG of Missouri. Mr. President, we will have the yeas and nays and take the amendment up tomorrow.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Missouri. I yield.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senator intends to discuss the amendment tomorrow.

Mr. LONG of Missouri. The Senator is correct.

I ask for the yeas and nays.

The yeas and nays were ordered.

METHODIST CHURCH ASSOCIATION OF COUNTIES ENDORSES GUN LAW

Mr. DODD. Mr. President, I recently received a letter from the Board of Christian Social Concerns of the United Methodist Church reaffirming its position in favor of strong Federal firearms controls.

H. Leonard Boche, director, department of social welfare, said the following in his letter:

> As you will note from the attached statement, the Methodist Board of Christian Social Concerns, meeting in Louisville, Kentucky during October 1965, advocated Congressional action on gun control measures. At that time the Board registered its support of S. 1592 which, in its mail order restrictions on sales, is very similar to S. 1, Amendment No. 90.
>
> Therefore, we would favor enactment of Title IV of S. 917 with the recommendation that rifles and shotguns be included in coverage to conform more with the bill our Board previously approved, S. 1592.

Mr. President, I ask that the full text of Mr. Boche's letter be printed in the RECORD along with the statement of policy of the United Methodist Church on the need for adoption of title IV with rifles and shotguns included, an amendment offered by Senator KENNEDY of Massachusetts.

I ask unanimous consent also to include a similar endorsement from the National Association of Counties communicated to me in a letter dated May 10, 1968, by Bernard F. Hillenbrand, the executive director.

I also ask unanimous consent to include in the RECORD at the conclusion of my remarks an analysis of "The Right To Bear Arms," by Steven H. Steinberg which appeared in the November 10, 1967, issue of the Seafarers Log, the official organ of the Seafarers International Union.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE UNITED METHODIST CHURCH,
Washington, D.C., May 13, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: In view of Title IV of the Anticrime Bill (S. 917) coming before the Senate at this time, I would like to call your attention to our Board's position on firearms control.

As you will note from the attached statement, the Methodist Board of Christian Social Concerns, meeting in Louisville, Kentucky during October 1965, advocated Congressional action on gun control measures. At that time the Board registered its support for S. 1592 which, in its mail order restrictions on sales, is very similar to S. 1, Amendment 90.

Therefore, we would favor enactment of Title IV of S. 917 with the recommendation that rifles and shotguns be included in coverage to conform more with the bill our Board previously approved, S. 1592. Thank you for your consideration of this important matter.

Yours sincerely,
H. LEONARD BOCHE,
Director, Department of Social Welfare.

FIREARMS CONTROL

(Adopted by the General Board of Christian Social Concerns of the Methodist Church at the 1965 annual meeting, Louisville, Ky., Oct. 18–20)

The General Board of Christian Social Concerns of The Methodist Church, meeting this 20th day of October 1965, goes on record in support of amendments to the National Firearms Act of 1934 and the Federal Firearms Act of 1938 which would protect human beings by prohibiting interstate shipment of arms except by dealers licensed by the Treasury, by curbing imports of surplus military weapons, and by placing stricter controls on gun sales by retail dealers. We also support legislation which would make dealers, manufacturers or importers of "destructive weapons" (bombs, grenades, rockets, bazookas, etc.) subject to the registration provisions and taxes applied to persons dealing in or making gangster-type weapons (machine guns, sawed-off shotguns, etc.).

We recognize that such legislation may work some hardship on legitimate purchasers of guns and that it would not prevent all persons from securing guns who ought not to have them. However, we believe that federal action is essential to reduce the high number of homicides along with more adequate local and state controls.

We call upon Methodists to support legislation to this end in the present session of Congress and urge support to Senate Bills 1591 and 1592 and of House Resolution 6628 and other resolutions in the House similar to the Senate Bills.

We also call upon the Congress to make it illegal for citizens to buy, use, or possess "destructive weapons" such as bombs, grenades, rockets, bazookas and machine guns.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., May 10, 1968.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: On behalf of the National Association of Counties I should like to express our support of Federal legislative action to control the sale of firearms.

The following is our Association's policy statement on the subject, adopted August 2, 1967 at our annual conference.

"The National Association of Counties endorses federal legislation and urges the adoption of similar state and local laws and ordinance which would strengthen governments' ability to control the possession and sale of firearms. Laws requiring registration of firearms and permits for those who possess or carry them, prohibiting their sale to and possession by potentially dangerous persons, and preventing transportation and sale of military weapons are needed."

Very truly yours,
BERNARD F. HILLENBRAND,
Executive Director.

[From Seafarers Log, Nov. 10, 1967]

THE RIGHT TO BEAR ARMS: PRO AND CON

While waiting quietly for President Kennedy's motorcade to come down the crowd-packed streets, Lee Harvey Oswald checked his Italian-made Mannlicher-Carcano rifle carefully. It was a fine piece of equipment—quick-firing, long-range and equipped with a sensitive telescopic sight. It wasn't long ago that Oswald had scrawled the pseudonym "A. Hidell" on a gun order form, and mailed the slip into one of numerous mail-order gun companies in this country. This was the way Oswald received his gun, quite legally, with no law existing that might have prevented that sale. In this way, Lee Harvey Oswald was able to obtain a rifle and ammunition; in this way, he was able to point the gun's muzzle out the window; and it was in this way, that Oswald's mail-order rifle murdered a President and bereaved a nation.

In most states, a person can purchase anything from a starter pistol to a submachine-gun, in person, or, if his own locality prohibits the sale of a gun to him, he can obtain one by mail-order from another locality or state.

But the prospect of limiting the accessibility of guns has provoked strong emotions on both sides of the fence. As of this writing, numerous firearms bills have been studied by Congress but not one has been passed.

Just what are the issues?

THE EXTENT OF GUN CRIME

President Johnson, who has been pressing for Congressional passage of strong gun legislation, recently re-emphasized the need for action in a letter sent on September 15 to the Speaker of the House and the presiding officer of the Senate. He told of the late 1966 incident at the University of Texas, in which a student climbed into a building-tower with a legally-purchased mail-order arsenal of weapons, and killed or maimed 44 innocent people. In the 13-month period since that day, Johnson noted, guns were involved in over 6,500 murders, 50,000 robberies, 43,500 aggravated assaults, 2,600 accidental deaths, and 10,000 suicides across the nation. How many guns are in circulation?

In 1966 alone, the President continued, 2,000,000 guns were sold in the United States. An October 1966 study by the Senate Committee on the Judiciary, noted that "Best estimates indicate that there are, within the United States, over 100 million privately owned firearms in the possession of over 20 million citizens."

Who are the users of these weapons?

"Many millions," reports the President's Commission on Law Enforcement and Administration of Justice, ". . . belong to hunters, gun collectors, and other sportsmen. . . . Many other millions of firearms . . . are owned by citizens determined to protect their families . . . and property" from criminal attack and burglary.

In a nationwide sampling conducted by the National Opinion Research Center, 37 percent of the persons interviewed said that they kept firearms in the household to protect themselves.

Of the two million guns sold last year alone, the President remarked in the September 15 letter. "Many were sold to hardened criminals, snipers, mental defectives, rapists, habitual drunkards and juveniles."

Senator Edward Kennedy cites a recent survey which found that of 4,000 people ordering guns by mail from two Chicago firearms dealers, "one-fourth—or 1,000—of them had criminal records."

Who are the victims?

With FBI Director J. Edgar Hoover reporting that the use of firearms in dangerous crimes is on the upswing, the trend of statistics suggest that well over 100,000 Americans will be the victims of gun-crimes this year.

THE PRACTICAL ISSUE

Those who favor gun legislation say that while the effect of our penal system's threat of punishment may hold crime down to a certain extent, the best means of preventing crime in the first place would be to cut off the supply of weapons from potential criminals. With FBI statistics for the first nine months of 1966 showing that about ⅔ of all willful killings in this country are being committed with guns, a huge segment of criminal activity might be severely restricted, they say, if those guns become unavailable to dangerous persons.

There are objections to this idea. Various groups argue that such limitations are unwarranted, would be unfair to the law-abiding citizen, that the wrongdoers would obtain guns illegally with ease, that the causes of crime rather than the instruments of crime must be wiped out, and that abridgment of the "right to keep and bear arms" would be unconstitutional.

The basis for most proposals to control the sale of guns is that the buyer must be licensed, and can only receive his license after having been adjudged law-abiding and showing a specific need for the weapon.

The objections that are being brought against this are the same type of objections that arose years ago concerning another deadly weapon: the automobile. Regardless of the dissent that sprang up, when cars became hazardous to life and property, it became necessary to enforce strict safety measures by requiring that drivers be licensed.

A gun-user differs from a driver in that a gun-user controls a device that was specifically designed to kill; therefore, his intentions concerning the use of it must be considered carefully before it can be sold to him.

At present, according to Senator Joseph Tydings of Maryland, "practically no effective state or federal laws exist to control gun traffic. In nearly every state in the Union, anyone, regardless of his age, criminal record, or state of mind, can buy a gun or order one by mail, using order forms conveniently provided in sporting magazines and even comic books. In almost every state in the Union it is easier to buy a gun than to register to vote. It is easier to buy a gun than to get a driver's license or a prescription cold remedy."

The balancing of rights versus the dangers of violation of rights is the prickly subject that plagued Congress when it passed the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Mutual Security Act of 1954. None of these three laws provides for a close and effective check of the sales or purchases, or the prospective purchasers' characters, in regard to concealable weapons such as pistols, which are the devices most frequently used in crimes. The same touchy issues are plaguing the national legislature right now, but the pressure for some sort of strong crime-prevention system is building.

The delicateness of the subject is illustrated in an example given by Colorado's Senator Gordon Allott. A young woman who worked in his office "owns a handgun and knows how to use it. . . . About a year ago she was awakened at five in the morning by a noise in her apartment. It subsequently turned out that there was a prowler there. The young lady lives alone and her only real means of protection against lawless elements is the gun, which she brought with her from Colorado and keeps in her apartment. . . . With that gun she was able to subdue the housebreaker and hold him until police arrived. . . . The man involved has pleaded guilty . . . but I have often wondered what I would have had to tell that girl's parents if she had not had the gun." It is suggested that if a restrictive gun law had been in force in this case, the young woman had not had a gun, while the prowler might have obtained one illegally, that she might have been law-abiding but also dead. The key to such situations, and several other Senators have pointed out, is in the very careful construction of such laws, which should only prohibit the obtaining of these instruments of death by hardened criminals, the mentally ill, drunkards, felons, etc. In this way, they explain, lawful citizens would not be hampered in obtaining firearms, but in fact would be made more safe by a law that would shrink the threat of criminal attack.

The argument that criminals would obtain guns from other sources, if they couldn't buy them legally, is only partially valid, according to statistics from the offices of Senators Thomas Dodd of Connecticut and Tydings:

In the 1962–1965 period, 57 percent of all murders in the U.S. were committed with guns. However, in the few states with their own gun laws, gun-murder rates are significantly lower than in other states. Figures for states with controls show that in Pennsylvania, 43 percent of murders were by guns; in New Jersey, 39 percent; in Massachusetts, 35 percent; in New York, 32 percent. On the other hand, states with little or no gun controls showed: Colorado, 59 percent; Louisiana, 62 percent; New Mexico, 64 percent; Arizona, 66 percent; Montana, 68 percent; Texas, 69 percent; and Nebraska, 70 percent.

A question now arises as to why a Federal gun law is needed, if states appear so capable of cutting gun-crime rates themselves. The answer is that they have no way of preventing someone from simply crossing into a state with lesser controls and buying a gun, or from ordering a gun by mail from out-of-state. According to Senator Kennedy of Massachusetts, "Unless the Federal Government regulates gun traffic between the states, even strong state laws will be easily circumvented by interstate gun traffic. In 1963 alone, for example, over a million weapons were sold by mail order. In Massachusetts, which has strong gun laws, the traffic in guns cannot be halted because guns are easily purchased out of state. . . . Eighty-seven percent of the concealable firearms used in Massachusetts crimes came from out-of-state purchases."

THE CONSTITUTIONAL ISSUE

As Senator Allott puts it, a law that goes too far in its scope and restrictions would be akin to "cutting off the head to cure the headache." While Congress is taking pains to create gun legislation that is practical, effective, and cautious, there are lobbies which immediately claim that the Federal Government has no right to invoke any type of gun-control legislation.

The most powerful and largest lobby, the 850,000-member National Rifle Association, has stated that "firearms legislation is of insufficient value in the prevention of crime to justify the inevitable restrictions which such legislation places on law-abiding citizens." Such lobbies imply that Federal firearms legislation, while ineffectually attempting to protect citizens from the armed criminal, would instead chop off a vital portion of every citizen's Constitutional rights. Not only would this be in total disregard of the document on which this nation is founded, they say, but it would also open the door to an eventual police state against which there could be no redress.

On the other hand, a long sequence of Supreme Court decisions over the years has affirmed that such legislation is in no way unconstitutional. Three Federal gun control laws (not dealing with control as closely as several currently-proposed laws purportedly would) plus several state and local gun control laws have been in effect for years; all are Constitutional.

In addition, a variety of Federal, state, and local officials and groups have declared that Federal gun legislation, properly constructed, would in fact be a great aid in crushing the growing crime rate. According to Senator

Edward Kennedy, some of these include: the President of the United States; the Attorney General; the Director of the Federal Bureau of Investigation; the International Association of Chiefs of Police; the American Bar Association; the National Crime Commission; the country's best police chiefs and prosecutors, and, "I believe, the vast majority of our citizens."

Yet objections to Federally-operated gun controls are still voiced.

At the heart of the matter is the Second Amendment to the Constitution. It states:

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The so-called "gun lobby," which includes sportsmen's associations as well as dangerously fanatic groups such as the Minutemen, claim that this Amendment clearly grants the individual an absolute right to purchase, keep, and use guns. The President's National Crime Commission, however, stated that "The U.S. Supreme Court and lower Federal courts have consistently interpreted this Amendment only as a prohibition against Federal interference with State militia and not as a guarantee of an individual's right to keep or carry firearms. The argument that the Second Amendment prohibits State or Federal regulation of citizen ownership of firearms has no validity whatsoever."

In response to such rebuttals, anti-gun-legislation groups have taken to arguing that a "militia" need not be governmentally controlled, and therefore citizens should be able to form their own "militias" and obtain guns without restriction. Proponents of controls point out the trend of history in which the need for such "citizen armies" or "vigilante groups" has vanished, now that the United States has developed permanent professional, and comprehensive law enforcement organizations—local police, state troopers, the National Guard, the FBI, etc., to provide for internal protection.

Senator Dodd, in explaining the necessity for the firearms legislation he is proposing, said that "former Secretary of the Army, Stephen Ailes, testified that armed civilians are not necessary to the maintenance of the borders' safety, and that they are not a part of any defense plan for this Nation."

Yet a number of extremist organizations, intent on "saving America" from one threat or another, have created their own underground armed forces. Much of their equipment has been legally purchased from private sources (and until recently, government sources) and includes an amazing array of deadly materiel such as machine guns, bombs, and antitank guns, in addition to a wide assortment of other implements of war. A group known as the Minutemen was allegedly involved not long ago in a fanatic plot to attack and destroy several New York, New Jersey, and Connecticut camps which it had branded as "Communist." Fortunately, before the plan could be carried out, the Queens District Attorney's office uncovered the conspiracy and impounded the group's arsenal of tons of deadly devices. If not for the District Attorney's action, many innocent people might have been slaughtered.

Regulation of firearms in this country is provided for in limited degree, by various local, state, and federal laws. At issue is the necessity for stricter and more comprehensive controls which, it is argued, can only be made effective with new Federal legislation.

EXISTING FEDERAL LAW

Three major Federal laws concerning guns have been in existence for years.

The first of the existing Federal laws is the National Firearms Act of 1934, applying to machineguns, short-barreled and sawed-off rifles, shotguns, mufflers, silencers, and concealable firearms (Oswald's rifle was long-barreled and not covered by this legislation) but not pistols. It requires that owners of these weapons register them with the Treasury Department, and imposes taxes on firearms manufacturers, importers, and dealers.

The second Federal law, the Federal Firearms Act of 1938, provides that all firearms dealers and manufacturers whose business involves interstate or foreign commerce must be licensed. They are prohibited from knowingly shipping arms by interstate commerce to any person convicted of a felony or who is a fugitive from justice. Along with more technical provisions, it stipulates that licensed manufacturers and dealers are forbidden from transporting firearms into states in violation of state laws requiring a permit to purchase firearms.

Unfortunately, this particular provision provides no effective machinery for keeping dealers and manufacturers aware of which states and localities have which type of gun-control laws or related crime prevention laws. Thus, they are unable to cope with this very complex situation.

The third major Federal law (there have been a number of minor Federal firearms laws which made slight changes in these and other lesser Federal gun laws) is the Mutual Security Act of 1954, which authorizes the President to regulate the export and import of firearms. Administration of the Act has been delegated to the State Department.

The February, 1967 report of the President's Commission on Law Enforcement and the Administration of Justice, explains that none of these laws prevent a person from simply going to another locality or state to purchase firearms. "Despite the Federal laws therefore," writes the Commission, "practically anyone—the convicted criminal, the mental incompetent, or the habitual drunkard—can purchase firearms. . . ."

EXISTING STATE AND LOCAL LAW

With the ever-present dangers of crime, many state and local governments have taken it upon themselves to correct the situation as much as possible by enacting gun legislation.

Of the numerous states with some degree of controls, New York's Sullivan law provides the most stringent. It requires that a license is required not only to purchase a pistol or revolver, but also to keep it in one's home or place of business as well as to be able to carry the weapon. Though the state has no law requiring a license for rifles or shotguns, the Sullivan Law stipulates that they cannot be carried in a car or public place when loaded.

Even this tough law apparently is not satisfactory in preventing crime. Thus, through the efforts of New York City's Mayor John Lindsay, Senator Robert Kennedy, and Councilman Theodore Weiss, the New York City Council has just passed a strict law requiring that all persons owning or buying rifles and shotguns, register them and obtain a license from a new Firearms Control Board. Applicants would be fingerprinted and would be required to state if they had any criminal record or had once been treated for mental disorder, narcotics addiction, or alcoholism. There would be a small fee for registration.

In August, 1966, a strict gun law went into effect in the state of New Jersey. It required, among other things, that applicants for gun permits and identification cards submit fingerprints for a check of any possible criminal record. According to the state Attorney General's office, the check of the 45,771 fingerprints submitted during the first year of operation revealed that 3,167 applicants had arrest records. At the same time, the number of handgun permits issued under the new law rose to 13,279, as opposed to the pre-gun-law figure for fiscal 1965–1966 of 9,000. These statistics, the Attorney General's office explains, present evidence that the new law, contrary to gun lobby objections, is beneficial, fairer to applicants—it allows no favoritism or inconsistencies in issuing licenses and permits.

Still, state and local laws, many say, are just not enough. New Jersey Attorney General Arthur Sills writes: "Certainly the devastation wreaked upon the city of Newark (in the recent riots) . . . in conclusive testimony to the ineffectiveness of our law in preventing the importation of firearms into New Jersey by persons with criminal intent. We know that many of the weapons used by snipers and rioters . . . could not have been purchased legally in New Jersey. . . . If the riot in Newark is not enough to insure an immediate exercise of Congressional responsibility, what more will it take?"

LOBBIES AND PUBLIC OPINION

The question is a good one. Congress has been hard put in debating numerous gun-control bills—the Administration bill, the Dodd bill—and many others, and as yet has been unable to pass one. While national opinion surveys show a marked desire for gun laws, these laws apparently have been held back by the so-called gun lobby, a conglomeration of sportsmen's and right-wing groups, dominated in size and strength by a group which the New York Times declared has "organized one of the most successful lobbying campaigns in recent history": the National Rifle Association.

The NRA reportedly has 850,000 members, $10,000,000 in assets, and, according to the Times, is so well organized for exerting pressure through letter-writing campaigns that it can probably get its huge membership to "hit Congress with half a million letters on 72 hours notice." The NRA's anti-gunlaw campaign has been so effective, the Times adds, that except for one significant bill in the state of New Jersey, not one of the more than 500 gun-bills considered by state legislatures has passed.

NRA's executive vice president, Franklin Orth, explained that the NRA "looks upon the vast majority of bills for firearms legislation as the misdirected efforts of social reformers, do-gooders, and/or the completely uninformed. . . ."

In submitting evidence that the NRA and allied groups are the major hindrance to the passage of gun control legislation, Senator Edward Kennedy cites a January, 1967, Gallup Poll which showed that "73 percent of those polled favored a law which would require the registration of a rifle or a shotgun. Eighty-five percent favored a law requiring the registration of pistols. Seventy-five percent favored doing away with all mail order buying of guns. Eighty-four percent felt there should be restrictions on who is allowed to buy a gun. Only 12 percent believed that anyone who wants a gun should be allowed to buy one with no questions asked."

In view of such apparently overwhelming odds in favor of legislation, the lack of a new law appears even more puzzling. Senator Tydings explains: ". . . passage of an effective Federal law has been blocked by a very small, but very vocal, minority, using invalid arguments. The reason this bill has not been passed is that the overwhelming majority of Americans who favor reasonable gun control legislation have not been mobilized to write their Congressman and Senators in favor of such legislation."

"It is indeed amazing," says Senator Kennedy of Massachusetts, ". . . that we continue to tolerate a system of laws which makes it ridiculously easy for any criminal, madman, drug addict, or child to obtain lethal firearms which can be used to rain violence and death on innocent people."

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 10 o'clock tomorrow morning.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **McCLELLAN**. Mr. President, can we ascertain what the principal business will be tomorrow? After the amendment has been disposed of, will we then work on title III? That is my understanding.

Mr. **MANSFIELD**. Mr. President, the Senator's understanding is correct. It is the majority leader's understanding that we will deal with title III following the disposition of the pending amendment.

Mr. **LONG** of Missouri. That is my understanding also.

COMMITTEE MEETING DURING THE SESSION OF THE SENATE TOMORROW

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Committee on Public Works be authorized to meet during the session of the Senate tomorrow. This request meets with the approval of the minority because a number of witnesses will be coming in from various Midwestern and Western States.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ROUTINE BUSINESS

The **PRESIDING OFFICER**. What is the will of the Senate?

Mr. **BYRD** of West Virginia. Mr. President, I ask that there be a brief period for the transaction of routine business and that statements made therein be limited to 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PETITION

The **PRESIDING OFFICER** laid before the Senate a resolution adopted by the City Council of the City of Trenton, N.J., praying for the defeat of the bill to liberalize truck size and weight limitations on interstate highways, which was referred to the Committee on Public Works.

ENROLLED BILLS SIGNED

The **PRESIDING OFFICER** announced that on today, May 21, 1968, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **ANDERSON**, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 15856. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes (Rept. No. 1136).

By Mr. **KENNEDY** of Massachusetts, from the Committee on Labor and Public Welfare, with amendments:

H.R. 5404. An act to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes (Rept. No. 1137).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. **MAGNUSON**, from the Committee on Commerce:

George Henry Hearn, of New York, to be a Federal Maritime Commissioner;

John E. Robson, of Illinois, to be Under Secretary of Transportation; and

Stanford G. Ross, of New York, to be General Counsel of the Department of Transportation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. **GORE** (for himself and Mr. Baker):

S. 3520. A bill to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and certain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. **SCOTT** (for himself, Mr. Brooke, Mr. Case, Mr. Clark, Mr. Gruening, Mr. Hatfield, Mr. Javits, and Mr. Nelson):

S. 3521. A bill to provide for the issuance of a gold medal to the widow of Rev. Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Reverend Dr. Martin Luther King, Jr., Fund; to the Committee on Banking and Currency.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. **LONG** of Louisiana:

S. 3522. A bill to modify the comprehensive plan for flood control and improvement of the lower Mississippi River; to the Committee on Public Works.

By Mr. **CARLSON**:

S. 3523. A bill for the relief of Dr. Fernando de Elejalde; to the Committee on the Judiciary.

By Mr. **ALLOTT** (for himself and Mr. Dominick):

S. 3524. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. **BREWSTER**:

S. 3525. A bill for the relief of Au Ming, and Li Chi Lik; to the Committee on the Judiciary.

By Mr. **COTTON**:

S. 3526. A bill for the relief of Marie-Louise (Mary Louise) Pierce; to the Committee on the Judiciary.

S. 3521—INTRODUCTION OF BILL TO PROVIDE FOR THE STRIKING OF REV. DR. MARTIN LUTHER KING, JR., MEDALS

Mr. **SCOTT**. Mr. President, I introduce, on behalf of Senators Brooke, Case, Clark, Gruening, Hatfield, Javits, Nelson, and myself, a bill to authorize the striking of 1,000,000 commemorative bronze medals to be sold at cost to the Reverend Martin Luther King, Jr., Fund for education at Morehouse College in Atlanta. My bill also authorizes the striking of a gold medal to be presented to Dr. King's widow by the President of the United States.

On April 22, I proposed the striking of a million commemorative half dollars for resale by the Reverend Martin Luther King, Jr., Fund, but I subsequently learned of the Treasury Department's opposition to the issuance of such a coin. However, in a letter to me, Eva Adams, Director of the Mint, stated:

> The Department has recommended that commemorative medals be struck in lieu of a coin.

The bill which I offer today carries out the Treasury Department's recommendation.

I urge its prompt enactment.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3521) to provide for the issuance of a gold medal to the widow of Rev. Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Reverend Dr. Martin Luther King, Jr., Fund introduced by Mr. Scott (for himself and others), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ADDITIONAL COSPONSOR OF BILL

Mr. **HARTKE**. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from South Carolina [Mr. Hollings] be added as a cosponsor of the bill (S. 3494) to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE RESOLUTION 291—RESOLUTION RELATING TO AUTHORIZATION OF EXPENDITURE FROM THE CONTINGENT FUND OF THE SENATE

Mr. **HAYDEN** submitted the following resolution (S. Res. 291); which was referred to the Committee on Rules and Administration:

S. Res. 291

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 137, agreed to July 17, 1967.

SENATE RESOLUTION 292—RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. **SMATHERS** submitted the following resolution (S. Res. 292); which was referred to the Committee on Rules and Administration:

S. RES. 292

Resolved, That there be printed for the use of the Senate Select Committee on Small Business one thousand, four hundred additional copies of part 5 of hearings before the committee during the 90th Congress, first and second sessions, entitled "Competitive Problems in the Drug Industry."

SENATE RESOLUTION 293—RESOLUTION RELATING TO A NEW APPROACH TOWARD ARMS CONTROL IN THE MIDDLE EAST

Mr. GRIFFIN. Mr. President, on behalf of myself and a number of colleagues, I submit, for appropriate reference, a resolution calling on the President of the United States to take all necessary measures through the United Nations to achieve a nonproliferation treaty on conventional weapons for the Middle East.

Those who have joined in cosponsoring this resolution are Senators ALLOTT, CARLSON, FONG, HANSEN, HART, HATFIELD, LONG of Missouri, MORTON, PEARSON, and PROUTY.

It is imperative, Mr. President, that some means be found to bring the Middle East arms race under control. I believe it is possible that a workable agreement can be achieved by bringing together the supplier nations—as well as the Middle East nations which purchase weapons—under the sponsorship of the United Nations. At the very least, such an effort should be undertaken.

When the nuclear nonproliferation treaty was negotiated, it was recognized that an effective agreement could be achieved only by controlling both the potential supply and the potential demand for nuclear weapons. There is reason to believe that this concept of shared responsibility could also be applied to regional, conventional arms control.

The basic political problems in the Middle East still appear insoluble, but it is possible that all the parties involved in the arms race could find mutual advantages in a treaty which effectively limits the flow of conventional weapons.

Mr. President, as I have said before, I do not underestimate the obstacles which stand in the way of reaching such an agreement. But I believe it is time for the United States to show some positive leadership in this critical area of foreign policy. Furthermore, I believe the United Nations is the logical and most suitable instrument to mobilize world opinion behind such a new approach to deescalate the Middle East arms race.

Of course, any proposal to control the arms flow into the area would have to safeguard the security interests of Israel as well as other Middle Eastern countries in order to win the agreement of those nations.

It would be necessary at the negotiating table to reach agreement upon the structure of a meaningful, stable balance of military power among all the principals—the nations supplying arms as well as the countries of the Middle East. To negotiate in such a forum would serve to remove any possible fears that a closed-door, United States-Soviet "deal" might be worked out at the expense of Israel or any other nation affected.

Following the pattern set by the nuclear nonproliferation treaty, it may be deemed appropriate for the great powers to guarantee the arms limitation agreement, or to provide a mechanism to deal with violations of the agreement and with threats of aggression in the area.

The resolution I offer today proposes a means for implementing the long-sought objective of effective arms control in the Middle East. A number of Government statements in the past have underscored the need for containing the vicious arms race but have proposed no workable procedure for getting substantive discussions underway.

The time has come to move beyond the statement of good intentions and to launch a plan of action.

Mr. President, as I advance this proposal, I wish to emphasize that arms control in the Middle East is no substitute for a firm and credible U.S. policy toward that area.

But an effort to curb the arms race is a necessary part of our Government's endeavor to reduce tension and to deter hostilities.

Mr. President, I believe that a new American initiative in this field is needed—and that a conventional nonproliferation treaty, negotiated among all the parties concerned, could succeed in limiting and controlling the contagious cycle of weapons procurement in the Middle East.

Mr. President, I ask unanimous consent that the text of the resolution being submitted today be printed at this point in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 293) was referred to the Committee on Foreign Relations, as follows:

S. RES. 293

Whereas a stable and durable peace in the Middle East is essential to the foreign policy interests of the United States and to the common interest of all nations in furthering world peace; and

Whereas the peace and security of the nations of the Middle East are endangered by the continuation of a wasteful and destructive arms race in that area: Now, therefore, be it

Resolved, That the President is hereby requested to take all necessary measures, through the United States delegation to the United Nations, to bring before the United Nations for its consideration at the earliest possible time a resolution providing for the convening of an international conference for the purpose of preparing, and reaching agreement on, a non-proliferation treaty controlling and limiting the supply of conventional military armaments, and of military assistance and services, to the nations of the Middle East.

SEC. 2. It is the sense of the Senate that all the nations of the Middle East as well as all nations furnishing or supplying military armaments or military assistance and services to the nations of the Middle East should be represented at the international conference provided for in this resolution.

Mr. GRIFFIN. In addition, Mr. President, I ask unanimous consent that a wire service story by John S. Burnett concerning the resolution be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

[United Press International, May 16, 1968]

(By John S. Burnett)

WASHINGTON.—There is a possibility the United States will propose to the United Nations the creation of an international arms conference to stop the massive military arms shipments to the Middle East, U.S. officials said today.

The proposal, which embodies the fourth principal for peace outlined by President Johnson June 19, was set forth Tuesday in a speech on the Senate floor by Robert P. Griffin, a Republican from Michigan.

Today, State Department officials said the suggestion was being "seriously considered" by high Department officials, presumably the Secretary of State.

Griffin, in his speech, said:

"I believe that effective control of the Middle East arms race can be achieved through collective responsibility, shared by the nations which supply weapons as well as the Middle East nations which receive them.

"Any effort, then, to negotiate a conventional weapons nonproliferation treaty should include participation by the supplier nations and the recipient nations."

Griffin said he would introduce a resolution in the Senate May 21 calling on President Johnson to ask the United Nations to convene "an international conference for the purpose of preparing, and reaching agreement on a nonproliferation treaty controlling and limiting the supply of conventional military armaments, and of military assistance and services, to the nations of the Middle East."

Officials here said the United States would probably wait until the Senate adopted the resolution before presenting the idea to the United Nations.

The State Department was obviously pleased at Griffin's proposal and one official noted that it was the first time any member of Congress, either Democrat or Republican, has introduced legislation implementing any of the five points for peace listed by President Johnson after last year's June Arab-Israeli war.

The earliest the Senate could complete action on the measure would be several weeks but it is doubtful that the expected approval would come so soon.

The resolution, after introduction in to the chamber, goes to the Senate Foreign Relations Committee.

"I am optimistic that the Senate will approve my proposal," Griffin told UPI, "But it may take some time."

He pointed out there were other more pressing domestic matters on the Senate's agenda that had to be cleared before action could be taken on his measure.

But he conceded that if the administration pressed for the resolution's passage, final action could come in the near future.

One official said the State Department and White House could agree to make the proposal before Senate action although such a move was unlikely.

Despite the positive reaction here, there were serious doubts that the case could get very far in the United Nations.

The proposal would be presented to Secretary General U Thant by a member of the U.S. Delegation, probably Ambassador Arthur J. Goldberg. The U.S. request would take the form of a resolution to be acted upon by the world body.

It was thought here that such a proposal in the U.N. would fare better despite the Soviet Union's anticipated objections, than have private diplomatic efforts to end the arms race in the area.

The United States has often attempted to get the Soviets to stop pouring arms into the Middle East but without success. And officials here believe that if the Griffin resolution gets out of the Senate, chances of an international conference to end the arms race still were remote.

Mr. GRIFFIN. Mr. President, I also ask unanimous consent that an article entitled "Griffin Would Stifle Middle East Arms Race," written by Tom Ochiltree, and published in the State Journal of Lansing, Mich., on May 15, 1968, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Griffin Would Stifle Middle East Arms Race

(By Tom Ochiltree)

Washington.—Sen Robert P. Griffin, R-Mich., urged the Johnson Administration today to undertake "a bold new approach" to the problem of halting the spiraling arms race in the troubled middle east.

He proposed the calling of an international conference sponsored by the United Nations to tackle the problem.

Such a conference would be attended by arms supplying nations such as the Soviet Union, the United States, Britain and France as well as by the arms receiving nations such as Israel, Egypt, Syria, Iraq and others.

The conference, under Griffin's proposal, would produce a treaty halting the further piling up of conventional arms in the Middle East in a way that the new nuclear non-proliferation treaty seeks to halt the spread in the world of nuclear weapons.

Griffin's suggested diplomatic initiative, contains these new elements: it fully involves the United Nations in this particular arms control problem. The anticipated pact would put limitations on both supplier nations and recipient nations, rather than attack the problem in isolation from just one side or the other, as has been done heretofore. Such a treaty also would put the world on notice that the two super powers—the United States and the Soviet Union—have a joint interest in keeping the Middle East arms race from ballooning any further.

UNITED STATES, REDS IN ACCORD

It was the shared interest of Washington and Moscow in halting the further spread of nuclear weapons which brought about the nuclear non-proliferation treaty. Griffin explained to newsmen that he was seeking to extend his principle to a regional area of conventional arms control.

In a speech prepared for delivery on the Senate floor, Griffin said:

"We can't afford to ignore the time bomb ticking away in that part of the world. A bold new approach is urgently needed to bring under control the escalating arms race which threatens to explode at any time into a major war . . .

"Even though the basic political issues which divide Israel from her Arab neighbors still appear insoluble, it is possible that all the parties involved could find mutual advantages in a treaty to bring the current arms race under control.

"The recently concluded nuclear non-proliferation treaty embodies concepts which could be applied regionally to limit the build-up of conventional weapons.

"A non-proliferation treaty on conventional weapons, negotiated among supplier nations as well as recipient nations, offers the best hope of containing the conflict and keeping it within manageable proportions."

He pointed out that nearly a year has passed since the six-day Arab-Israeli war and that little has been accomplished thus far in lessening tensions. The Michigan Senator described the Middle East as "a tinderbox that is potentially more dangerous to world peace than Vietnam."

BILL DISTRIBUTED

Griffin drafted a resolution encompassing his proposal and distributed it among fellow Senators giving them a chance to be cosponsors if they desired. He plans to introduce the resolution next Tuesday.

He also sent advance copies of the resolution and of his floor speech to the White House, the state department and George W. Ball, the new American ambassador to the United Nations.

If adopted the resolution would express "the sense of the Senate."

While it would not be binding on the Administration, it would represent considerable moral and political suasion.

Griffin said he felt that President Johnson, on the basis of past statements, should be interested in the idea.

Failure and frustration has followed efforts heretofore to control the Middle East arms race. In 1950 the United States, Britain and France entered into a tripartite declaration designed to preserve the status quo as between Israel and surrounding hostile Arab states and to keep down the level of arms accumulated by the two sides.

BREAKS DOWN

Even among the Western powers this arrangement did not work well, and it broke down completely with the entry of the Soviet Union into the Middle East picture beginning with the Suez crisis of 1957.

Griffin conceded to reporters that "the Russians held the key" as to whether or not his idea would work. But he suggested that the Russians, who have spent a vast amount providing arms to the Arabs, now may be as interested as the United States in seeing the Middle East armament race halted.

THE CONTINUING CRISIS IN THE MIDDLE EAST

Mr. PEARSON. Mr. President, I commend the distinguished junior Senator from Michigan for his initiative in introducng today what I consider to be a most worthwhile proposal to lessen tensions in the dangerous Middle East. I am pleased to be a cosponsor of this resolution, for I view it as the type of bold new approach to peace which must be attempted if we are to begin to move toward any lasting settlement in this critical area.

The facts of the case are all too clear; the danger signals all too evident. Slowly, but inexorably, the Arab States of the Middle East who were defeated by the Israelis last June are rearming for what they openly admit will be another attempt to destroy the State of Israel. They are being helped in this effort by the Soviet Union. In fact, it has been estimated that the Soviets have already replaced between 80 and 100 percent of the Arab weapons which were lost or destroyed in the war.

The problem is where to go from here. The United States has a firm commitment to the people of Israel that has been reaffirmed time and time again over the years. We cannot allow her security to be placed in serious jeopardy while the Soviets arm their Arab allies for war. And so we may soon have to increase our military aid to Israel and the moderate Arab States if the pace of Soviet arms shipments continues at its present rate.

Thus, Mr. President, we find ourselves in the ironic position of fueling the engine of war in our pursuit of peace. For in our effort to insure a continuing military balance of power, we will be directly contributing to a spiraling arms race that can only threaten the interests of everyone involved.

This Nation has spoken many times of our desire for peace in the Middle East and of our lasting commitment to help stimulate regional economic development. We have offered again and again, both publicly and privately, to reach an agreement with the Soviets to limit arms shipments to the area. We have even deliberately refrained from giving as much military aid to Israel and the moderate Arab States as we might in the hope that this concrete gesture of sincerity would add weight to our words. But to date we have failed.

Yet we cannot afford to accept this failure as final for surely another avenue to peace is possible. Political divisions within the Communist world no doubt make it difficult for the Soviets to openly accept our offer without appearing to be collaborating too closely with the capitalist enemy. That is why an alternative path to the same goal will likely prove more productive.

In essence, that is the purpose of the resolution introduced today. By allowing an international conference under the auspices of the United Nations to formalize a nonproliferation arrangement limiting arms shipments to the Middle East we can improve somewhat the chances of Soviet agreement. For the United Nations represents or should represent the interests of the entire world, not just one part of it and an agreement reached under its sponsorship would be less suspect by the rest of the Communist camp as a sellout to the "Western imperialists." At least the attempt must be made. Peace asks no more. Security demands no less.

Mr. President, anxious as we may be to see real peace brought to the Middle East, we nonetheless must force ourselves to face the enormity of the task we undertake. The roots of the current crisis go back through the years and a lasting solution will not be quick or easy. We must also recognize the sad fact that we have unwittingly contributed to the current impasse by a paralysis of policy that allowed the situation to deteriorate dangerously.

This paralysis of policy may be attributed at least in part to the fact that we have been distracted by our involvement in Vietnam. This preoccupation with the war, while thoroughly understandable, has nonetheless inhibited our imagination, limited our capacity for flexibility, and stifled our initiative, not only in the Middle East but also other parts of the world as well.

For example, Mr. President, we have gradually allowed ourselves to become almost the sole big power champions of Israel and thus have contributed to a polarization of the region which has turned it into a direct East-West confrontation, thus immeasurably adding to the dangers of any armed clash that might occur.

We must honor our commitment to Israel, of course. The Israelis have every right to live in the Middle East and the Arabs must eventually accept this if peace is ever to come to this troubled land. But the fact remains that, for the moment at least, many Arab extremists are so caught up in their hatred of Israel that they are blinded to the great advantages peace and regional economic development can bring them. Not surprisingly, this intense emotional reaction to Israel has affected the attitude of these Arabs toward the United States. We are now regarded with such distrust in many Arab minds that our ability to act as a peacemaker in the region has been severely limited. And the Soviets can now attract the Arabs into their camp simply by offering to help them in their struggle against Israel and her Western allies led by the United States.

Mr. President, this intense East-West flavor of the conflict is dangerous to one and all, even to the Soviets. The U.S.S.R. has a long-standing historical interest in the region and has no doubt taken and will continue to take full advantages of the opportunities offered by our lack of diplomatic initiative over the past few years. Nonetheless, they too have an interest in avoiding a direct Soviet-American confrontation.

The Soviets have shown several times a full appreciation of the dangers such a confrontation always presents. When the Arab-Israeli war was being fought last June the Soviets backed away from all-out support of their Arab allies and by use of the "hotline" and other means informed the United States that they had no desire to see the conflict escalate into a full-blown Soviet-American confrontation.

Thus, Mr. President, there is reason to hope that, given the proper mechanism, the Soviets will adhere to an agreement that will limit the potential for renewed hostilities in the Middle East with all their attendant risks.

This does not mean, however, that they will stop playing the dangerous game they have followed with such success to date—namely, to encourage their Arab allies to avoid compromise with Israel and to keep the situation fluid. This position is best suited to the Soviet aim of further penetration of the region. But the fact remains that they found themselves unable to restrain their Arab allies once before and they might find themselves unable to do so once again if they let the situation get out of control.

Thus, they face the need to keep the pot boiling, but at a lower temperature. A United Nations limitation on the arms race, hopefully coupled with indirect negotiations between the belligerents themselves, might offer the way out both superpowers are seeking.

Mr. President, while the chances for some limitation on arms shipments to the Middle East may be considered reasonable in light of the common interest possessed by both the United States and the U.S.S.R. in avoiding a renewal of hostilities, and while both superpowers can exert a certain amount of influence over their allies to bring this settlement about under the proper circumstances, we must nonetheless be prepared for a long and difficult search for peace and we must be willing to give this search the attention it deserves. No one would for a moment suggest any lessening of our effort to reach a settlement of our involvement in Vietnam, but it is high time that we displayed more interest and imagination in our quest for stability in the Middle East.

The resolution introduced today is just one of a number of proposals which the United States could bring forth. Another, for example, is the suggestion contained in Senate Resolution 155 which was introduced last year by the distinguished junior Senator from Tennessee [Mr. BAKER] and which I was pleased to cosponsor. This measure, which passed the Senate last December, called for the creation of a Middle East nuclear desalting cooperative—MEND—of truly tremendous proportions that would produce cheap electrical power and more fresh water than the combined flow of the major tributaries of the Jordan River. The economic benefits for the entire Middle East, both Arab and Israel portions, would be revolutionary.

Thus, the United States can do more than it has done to bring peace to the Middle East. It can do more to demonstrate to the belligerents the economic rewards that would be theirs once they have learned to live together. It can do more to offer the Soviet Union a politically acceptable method of reaching a mutually desirable agreement. And it can do more to develop a flexible and responsive position in concert with its Israeli and moderate Arab allies.

Mr. President, we cannot regain all the influence we have lost recently through indifference and lack of skill in countering Soviet diplomatic maneuvers. But we can regain the initiative and we can demonstrate our concern in a constructive way. Let us begin by enacting this resolution.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 21, 1968, he presented to the President of the United States the following enrolled bills:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 809

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (S. 3091) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was referred to the Committee on Foreign Relations and ordered to be printed.

EXTENSION OF TAX ON TRANSPORTATION OF PERSONS BY AIR—AMENDMENTS

AMENDMENT NO. 810

Mr. SMATHERS submitted amendments, intended to be proposed by him, to the bill (H.R. 16241) to extend the tax on the transportation of persons by air and to reduce the personal exemption from duty in the case of returning residents, which were referred to the Committee on Finance and ordered to be printed.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 811

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 16913) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NO. 812

Mr. ERVIN submitted amendments, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 813 AND 814

Mr. BYRD of West Virginia submitted two amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 815

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

WHERE WE HAVE BEEN, WHERE WE ARE, WHERE WE ARE GOING

Mr. McINTYRE. Mr. President, pessimism seems to be the order of the day. Gloom and uncertainty cloud our vision of the future. At least, this is the impression one can get by listening to some of the voices clamoring for attention.

But last night, President Johnson raised his voice in a look at where we have been, where we are, and where we are going. And his voice rang with confidence based on reality.

He said:

> This nation has not yet solved its problems. . . . But we are on the move. The age-old ills which agitate our communities can be solved. They will not be solved if we give way to crippling despair. . . . They will be solved by realism, by determination, by commitment—by hope and by self-discipline.

The President's faith in the future is based on what we have done in the past, and on the strengths we have today as a people.

For example, three decades ago the Federal investment in health and medical care was 0.2 percent of our gross national product. The percentage going into education at that time was 0.1 percent. Today, the percentages are almost nine times higher for health and 14 times higher for education.

A similar story could be told for many other areas of national concern.

Thus, the President's optimism is based on hard, incontrovertible facts and on a firm belief in this country's ability to face up to its challenges and to solve its problems.

I think it is important that we keep a sense of perspective in our minds as we survey where we have been and where we are going, and I salute President Johnson for reminding us of the great strength that lies within us as a nation.

Mr. President, I ask unanimous consent that the text of President Johnson's speech be printed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PRESIDENT JOHNSON KNOWS THAT AMERICA CAN SOLVE ITS PROBLEMS

Mr. **BREWSTER**. Mr. President, last night, President Johnson delivered a speech which was both realistic and idealistic. It listed our problems, and it cited our achievements. It diagnosed our challenges and it prescribed solutions.

At one point, the President said:

> As a people, we have never been more prosperous . . . . Yet we have never been more conscious of—or more troubled about—the poverty in our midst.

But the President is not disheartened by this contrast. He stated:

> To me, the fact that we recognize a gap—a gap between achievement and expectation—represents a sympton of health; a sign of self-renewal; a sign that our prosperous nation has not succumbed to complacency and self-indulgence.

The President's speech was a firm expression of his faith in the ability of America to solve its problems.

I join the Senator from New Hampshire [Mr. McIntyre] in asking unanimous consent that the President's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Text of the President's Remarks Before the Arthritis Foundation Dinner at the Waldorf Astoria, New York City, May 20, 1968

Nothing could give me greater pleasure than to join you in paying honor to Floyd Odlum.

Floyd Odlum's life, his career, and his civic concerns reflect a great deal, not only about the man, but about our country.

He has built a legendary record of personal and financial success.

But we who know Floyd are more impressed by the riches he has given than by the riches he has received.

His unselfish spirit tells us something about America: it reflects the truth, I believe, about a land and a people who, for all our faults, remain the most compassionate on earth.

Tonight we honor Floyd Odlum's contributions to a noble and vital cause: the Arthritis Foundation.

For a long time—and especially in the past four and a half years—I have made health and education a special interest of mine, for at least two reasons:

First of all, it puzzled and troubled me that these two vital fields were so often, and for so many years, the step-children of public policy.

Second, everything in my background and my career has led me to the conviction that we can find no solutions for our problems unless we overcome physical incapacity and ignorance—wherever they exist.

During my Administration, I have tried to show just how much government can do in these fields.

But I have known all along how little government can do—without the active and vocal support of private citizens, private organizations. You are such citizens—and the Arthritis Foundation is such an organization.

Surely no more vexing health problem can be named than the one you battle: arthritis.

It is the Nation's number one crippler.

It robs the national economy of nearly $4 billion a year in lost time, medical expenses, diminished strength and productivity.

Worse of all, it ruins lives.

Like so many problems that we face in our Nation, this one is deep-rooted, pervasive, mysterious, unyielding. Like many other problems, it is buried beneath layers of ignorance and years of indifference. Like many other problems, this one is a long way from final solution.

But like our other problems, it is within our power to solve.

A famous commentator on the social scene once wrote, "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair; we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way."

That was Charles Dickens, one of the early warriors against poverty and illness and injustice. He was describing a period nearly 200 years ago. And he saw many similarities in his own period a little over a century ago.

Many would find similarities today.

As a people, we have never been more prosperous. Our Gross National Product has risen to over $830 billion—and the median family income in America is over $8,000 per year.

In the past seven years the growth alone in our nation's wealth has been greater than our entire gross national product thirty years ago.

Yet we have never been more conscious of—or more troubled about—the poverty in our midst.

More Americans than ever before are in school today: one-third of the nation's population. More people are going to college—more to adult education classes, more to job training and all the other forms of education from post-cradle to post-graduate.

Yet never have we been more restless about the shortcomings of public education; never have we been more eager to extend the opportunity for learning to those who have been neglected.

Our nation's health standards are at an all-time high, measured by any index we can devise: life expectancy, infant mortality, incidence of disease, delivery of health services.

Yet never have we as a people been more anxious—and more eager to extend the quality and the reach of health care.

There are some desparing critics who look at this gap between achievement and expectation and claim there is a sickness in our society.

To me, the fact that we recognize a gap—between achievement and expectation—represents a symptom of health; a sign of self-renewal; a sign that our prosperous nation has not succumbed to complacency and self-indulgence.

I suppose there will be many who call me a Pollyanna for saying that; and I have been called worse. But I am no Pollyanna.

I simply refuse to accept the diagnosis of fatal sickness in our society.

I refuse to accept the diagnosis of indifference in our society—because I see millions of Americans and billions of dollars working to conquer poverty; I see an unprecedented outpouring of imagination and concern and money to cure the handicap of poverty.

I refuse to accept a diagnosis of deep racism in our society—because I see a people struggling as never before to overcome injustice; I cannot ignore the progress we have made in this decade to write equality in our books of law.

Look at these simple facts. In 30 years of struggle—from 1935 to 1964—we increased the Federal share of our gross national product going into health and medical care from .2% to .7%. Then, in 4 years time we more than doubled it—from .7% to 1.7%.

The same thing is true in the field of education. From 1935 to 1964, the Federal share of GNP for education moved from .1% to .7%. Then in 4 years time, we doubled it—from .7% to .1.4%.

These are the true measures of our progress; how much of our nation's wealth we allocate to these two areas of our greatest public concern—education and health.

In the past five years, the Federal government has enacted over thirty major health measures. It has more than doubled annual spending on health, from $6 billion to almost $14 billion.

We are beginning to see the results. The death rate in the United States is now as low as it has ever been in the nation's history. It is 3% lower than in 1963—an annual saving of fifty-four thousand American lives.

Infant deaths have declined 13% since 1963—to the lowest rate in our nation's history.

And Medicare now brings the guarantee of adequate health service to over 19 million senior Americans.

Now is no time to retreat from this progress.

This nation has not yet solved its problems. Poverty, racism, ignorance and illness still plague us.

But we are on the move. The age-old ills which agitate our communities can be solved.

They will not be solved if we give way to crippling despair.

They will not be solved if we delude ourselves with labels and slogans which are substitutes for ideas—not ideas.

They will be solved by realism, by determination, by commitment—by hope and by self-discipline.

They will be solved by the impatience of the American people—but not by pessimism.

They will be solved by the concern of individuals like Floyd Odlum, the man we honor tonight—and organizations, like the Arthritis Foundation.

We must face the future with the spirit attributed to Winston Churchill in a story which may or may not be true. It seems that the Prime Minister was visited by a delegation of Temperance ladies who came to complain about his consumption of brandy.

One little lady addressed Mr. Churchill and declared, "Why Mr. Prime Minister, if all the brandy you drank in a year was poured into this room, it would come up to here."

Mr. Churchill looked solemnly at the floor, at the ceiling, and at the little lady's hand somewhere near the midway mark. And then he muttered, "So little done; so much to do!"

DEMANDS

Mr. **BYRD** of West Virginia. Mr. President, I have been informed by my staff that, earlier this afternoon, a group of 10 to 15 persons visited my office. They indicated that they were representatives of the Poor People's Campaign and that they would like to deliver a memorandum to me. The group was told by my assistant that I was on the Senate floor, the Senate being in session, whereupon one of the individuals stated that the group would like to speak with an aide. My assistant talked with the group, and he was handed a paper to be delivered to me. The group indicated that they would "come back later."

My assistant has supplied me with the memorandum, which contains "Demands

of Poor People's Campaign to Executive Agencies."

I ask unanimous consent to insert this memorandum, addressed "Dear Senator," and carrying the names of Ralph Abernathy and Walter Fauntroy, in the RECORD.

There being no objection the memorandum was ordered to be printed in the RECORD as follows:

DEAR SENATOR: Enclosed please find copies of *demands* presented by the Poor People's Campaign to Federal Agencies visited. If you have any questions or inquiries regarding these demands, please feel free to contact Miss Marian Wright at 659–4240 or Phil Buskirk at 543–5250.

We should appreciate any support you may lend in achieving the reasonable objectives expressed in these demands.

Sincerely yours,

RALPH ABERNATHY,
President, Southern Christian Leadership Conference.

WALTER FAUNTROY,
Washington Coordinator, Southern Christian Leadership Conference.

DEMANDS OF POOR PEOPLE'S CAMPAIGN TO EXECUTIVE AGENCIES

(Prepared by the Women's International League for Peace and Freedom and Friends Committee on National Legislation, May 2, 1968)

HEALTH, EDUCATION, AND WELFARE—SCHOOLS

We demand that the Office of Education and the Department of Health, Education and Welfare reverse their priorities to give primary and massive attention to the needs of poor black, brown and white children and parents—and to the criminally deficient schools these children attend. We are asking for an end to the preferential treatment given to high salaried administrators, powerful professional organizations, universities and corporations, to antiquated and racist state departments of education, and to politicians who generally respond only to white, middle-class constituencies and the pampered schools of suburbia. You will know how quickly and how well this too-long delayed change is taking place because it will be clearly reflected in the radical changes you make in the way you hire and use your staff, the way you spend the public funds entrusted to you, and in the amount of power you give the poor to help shape and direct education programs in Washington, the states and local communities.

We demand that funding for educational programs should be granted or withheld on the basis of whether such programs permit poor black, brown and white children to express their own worth and dignity as human beings, as well as the extent to which instruction, teaching materials and the total learning process stresses the contributions and the common humanity of minority groups.

The Department must develop more effective programs which insure equality of opportunity for all students. Specifically we demand that HEW:

1. Abolish freedom of choice school desegregation plans in the South and adopt clear guidelines which would require and result in the eradication of dual school systems in the southern states by fall of 1968. In addition, a massive program to end Northern urban school segregation should be immediately implemented.

2. Establish a national structure and mechanism which provides for continuous input by poor black, brown and white people in the design, development, operation and evaluation of all Federally funded education programs.

3. Increase the accountability of local schools receiving Federal assistance by requiring that per pupil expenditures, dropout and survival rates and reading levels by school and grade be made available to the public on a regular and periodic basis, and establish a thorough and periodic review system to determine the effectiveness of Title I and II funds as presently utilized by school districts.

4. Develop a comprehensive Federally funded program designed to prepare inservice teachers for certification or recertification and upgrading skills. The Office of Education should establish standards to require that the content of these training programs adequately prepare persons to cope with the needs and problems of poor black, brown and white urban and rural youngsters.

5. HEW should require that all State Departments of Education develop recruitment and promotional policies which will utilize minority group personnel in key policy making positions.

STATE DEPARTMENT

We ask the Department of State to use its influence to enforce the provisions of the Treaty of Guadalupe-Hidalgo which guarantee the cultural and land rights of the Spanish speaking peoples of New Mexico, Colorado, etc.

In addition to this treaty matter there are several foreign policy issues which have an impact on the way this country views its black and poor people.

The continued relations with South Africa and Portugal and the impact of U.S. business interests in these countries lends support to racist practices which are totally incompatible with our expressed domestic national goals and the maintenance of these relations to facilitate the use of military bases and space tracking stations is a disgrace. As we move at home to achieve the promise of this nation we must not encumber that effort with the support in any way of racist societies abroad.

The immigration of foreign workers, seasonal or otherwise, should cease until every poor American who wishes it, has attained a decent acceptable living standard and is gainfully employed. The regular influx of Mexicans and Caribbeans are cases in point.

We ask the Department of State to use its good offices to bring about a cessation of the use of "green card" holders as strike breakers in the Southwest.

The Agency for International Development has contracted with private food companies to develop fortified foods to meet nutritional needs in underdeveloped countries which our own poor are denied. We demand that AID share its information and finding with the Department of Agriculture in developing fortified foods for the American poor.

It is recognized that these issues involve domestic weaknesses which we shall bring to the attention of the department.

OFFICE OF ECONOMIC OPPORTUNITY

We as representatives of the black, brown and white poor of America, come to the Office of Economic Opportunity with a heavy and bitter heart. We go to other departments of the federal government as spokesmen for the neglected poor of the country because our citizens who live in poverty have been forgotten or never considered by those who administer programs for big business, the large acreage farmer, the skilled worker and others who are part of America's mainstream of plenty.

But OEO was the agency supposedly created especially to serve the poor and to give them the power and the money to speak and to act for themselves. You have failed us. You were to be our spokesman within the federal government, but our needs have gone unspoken. You were to help us take our rightful places as dignified and independent citizens in our communities but our manhood and womanhood have been sold into bondage to local politicians and hostile governors.

Four years ago we had hope. We thought that an Office of Economic Opportunity would provide us a doorway into American society. But OEO became the middleman captured by the myriad of anti-poverty agencies that continued their traditional and abusive ways of dealing with poor people.

We demand that the OEO reorder its priorities so that the consumers of services be involved in the policy making, the technical assistance, and employment levels of those programs which continue to be administered by the agency.

We call on OEO:

1. To issue regulations implementing citizen participation from poverty communities. This must be done without delay to bring the voice of the poor to those chambers where public officials now control OEO programs.

2. To issue and implement a clear and simple appeals procedure that can be understood by the poor.

3. To spell out requirements that will clearly make local politicians responsible for respecting the civil and human rights of the poor. This step is essential in those cases where the local political authority refuses to participate in the CAP program or where the CAP agency is not responsive to the needs of the poor. If these problems exist, poor people must be able to operate their own programs.

4. To establish firm guidelines for the regional offices. Despite new authorities vested in the regional offices Washington officials must not abdicate all responsibility for programs.

5. To publicly support the 75 million summer jobs, the $25 million Head Start supplemental appropriation, and the general $279 million supplemental appropriation.

6. To monitor the budgets of delegate Federal agencies so funds that could be used are not returned to the Treasury. Last year $52 million from the Neighborhood Youth Corps was returned to the Treasury. This must not happen again.

7. To restructure and convene the OEO Citizen Advisory Council and to give the poor stronger and broader representation on this Council. OEO must maintain communication with representatives of the poor and with those private groups concerned with the anti-poverty programs.

We further demand of OEO:

1. That all programs delegated by OEO to other Federal agencies contain strong provisions for OEO to monitor and evaluate programs. OEO must set up procedures so that the poor are integral part of all evaluations.

2. That the agency make available a plan for its future organizational structure.

3. That the Economic Opportunity Council be activated and an executive director be appointed (as provided by law) with the concurrence of the Citizens' Advisory Council. OEO must insist that the new fragmented anti-poverty effort of a variety of Federal agencies be coordinated through itself and the EOC. OEO is the symbol of the Federal anti-poverty efforts of all Federal agencies.

4. That programs which do not meet quality standards must be defunded and the funds made available to other groups in the community. Lack of involvement of the poor must be considered prima facie evidence of lack of quality.

HOUSING AND URBAN DEVELOPMENT

Mr. Secretary, we come to you as representatives of black, brown and white Americans who are starving and are outcasts in this land of plenty.

We come to tell you that poor people want a decent place in which to live. The housing goals of poor people are no different than those of other Americans. They want a decent home at a reasonable price. They want a choice of housing type and a choice in its location. They want to live in a neighborhood where their families can live in dignity, with good schools and other good services.

We tell you about our needs and our dreams, because there is little evidence that HUD is aware of them. We ask you to listen to us, the poor, as you have listened to the builder, the banker and the bureaucrat. We think it is time that programs reflect the real needs of America's ill-housed millions. The nation pledged itself in 1949 to decent shelter for every American. This pledge has resulted in a decent home for every white middle-class American, but not for the poor of any race or group. We think it is time that the poor get more than apartments or rented houses in neighborhoods which are crowded and rundown, in places where nobody would choose to live.

Existing programs for housing poor people are totally inadequate.

Thirty years of public housing have produced only 650,000 units; most of it drab, barracks-like and segregated. Four million urban families live in substandard housing.

The urban renewal program remains a clumsy, unresponsive and brutal process. Instead of aiding poor people, it has become their enemy. Urban renewal has meant removal of the poor, removal of minorities. It has meant vacant and unused land and housing deterioration.

HUD programs for the poor push them into core city areas where land is expensive and race and class segregation is intensified, where schools are inadequate and jobs are disappearing.

HUD must remember that its mandate is to assist all Americans in their quest for decent, safe, and sanitary housing. National policies must reflect that concern. Therefore, we demand that, within its existing authorities, HUD:

1. Move aggressively to increase the rate at which localities are buying, building and leasing housing for low income families. Despite the new "turn-key" and leasing arrangements, only half as many units are being built or leased as have been authorized. HUD, in Washington and in the regional offices, must vigorously promote low income housing with local authorities and change its own procedures to help facilitate the programs.

2. Recognize that poor people be involved in the planning process of programs which are designed to help them. So far, citizen participation in planning has been a fiction, both in city-wide and neighborhood programs. Citizen groups must not be chosen by local officials but be designated by the residents of the areas involved. Citizen groups must represent the geographic, racial and economic areas affected by the programs.

Poor people also must be represented on the boards of housing and redevelopment authorities.

3. Require that poor people be employed at prevailing or minimum wages, whichever is greater, in the work to be done under the Model Cities program. In addition, we demand that HUD support the amendment to the Senate Housing bill which requires that poor people be employed in the construction and rehabilitation of low income housing to the greatest extent feasible. If enacted, HUD must design enforcement machinery that will bring poor people and contractors together in the business of supplying housing.

4. Enforce forcefully the nondiscrimination requirements that were enacted in the Civil Rights Law of 1964 and the new Fair Housing Act of 1968. Continued failure to implement Federal promises to minority groups will only intensify existing disenchantment.

5. Require that housing to relocate the displaced be available before approval of renewal programs so that renewal areas remain habitable until families are rehabilitated. The poor must not continue to bear the brunt of so-called "progress" in America's cities.

6. Press communities to use Federal excess lands for new communities, for new housing and job opportunities for the poor.

7. Undertake an aggressive recruitment program of hiring Mexican-Americans in *policy-making decisions* both in the Southwest and in Washington. A special unit should be created in HUD to recommend special housing programs for Spanish-speaking people—more realistically in line with their cultural habits and ability to pay.

8. Take affirmative action to bring Mexican-Americans knowledge of special low income housing programs. Also, more Mexican-Americans should be brought into FHA programs, such as Mortgage Brokers, Appraisers.

While HUD can make these changes *now*, there are changes which will take more time to plan, some of which will require legislative changes. We demand that HUD:

1. Draw up a Five-Year Plan for meeting the housing needs of the poor, specifying the programs, procedures, costs and timing necessary to house every poor family in standard housing.

2. Give sewer, water, planning, open space, and all other HUD grants only to communities which have a "fair share" of a metropolitan area's supply of low and moderate income housing.

3. Increase the relocation grants to families displaced by any program, Federal, state or local, by paying replacement value to homeowners and a form of compensation to renters for the inconvenience and hardships of living in a renewal area.

4. Abolish the requirement of a workable program which serves to obstruct and preclude worthwhile programs for low income and minority groups and encourage the financing of development corporations controlled by poor people to meet their specific needs.

DEPARTMENT OF JUSTICE

Despite the Civil Rights Acts of 1957, 1960, 1964, the Voting Rights Act of 1965, justice is not a reality for the black, Mexican-American, Indian, and Puerto Rican poor. Discrimination in employment, housing and education not only persists, but in many areas is rapidly increasing. So is disrespect for law because of weak enforcement. Large responsibility for this worsening crisis must rest with the Department of Justice and the lack of affirmative, vigorous enforcement of existing laws.

Specifically:

1. A token number of cases have been brought by the Department of Justice against labor unions and employers who discriminate in job training, hiring and promotions. Immediate, affirmative and massive efforts should be instituted by the Department to end discrimination in this area. Nor has this department supported private litigation against big industries where department intervention would substantially aid the outcome. We demand greater coordinated action between the Justice Department, the Equal Employment Opportunities Commission and the Office of Federal Contract Compliance to enforce Title VI and Title VII.

2. School segregation has grown rather than decreased in the last decade to further sap the hope of minority groups for equal chance and status in this country. Little, if any, attention and effort has been given by the Department of Justice to confront the deteriorating urban school crisis, north or south, and insufficient enforcement of school decrees in rural southern areas has resulted in snail-like progress in desegregation and quality education for Negroes and other minorities. We demand an affirmative and systematic litigation program against Northern and Southern urban school district segregation and that more suits seeking more affirmative relief be instituted in the rural South.

3. We demand rigorous enforcement of the housing provisions of the 1968 Civil Rights Acts. A new law without strong implementation is almost worthless and will lead to further disenchantment. A strong affirmative compliance program by the Department of Justice to implement fair housing is essential.

4. The Immigration Service should implement immediately and effectively the recent agreement to protect farm workers, particularly Mexican Americans, against green card strike-breakers. Specifically, a thorough investigation should be made of all strike-bound farm fields to determine that green card workers who have entered the country since strike-bound growers in the Delano San Joaquin Valley were certified—are not illegally employed. Moreover, we demand that Spanish speaking persons be employed in such investigations as promised.

5. The Department of Justice is charged with the responsibility of investigating and prosecuting cases of violations of Federal Civil Rights statutes by law enforcement officers.

Many instances of illegal jailings, brutal beatings and even killing of Mexican-Americans by the police have occurred in the Southwestern states. The investigations of these cases has been inadequate and there have been no prosecutions.

We demand that the Department of Justice commit a greater part of its resources to this area and prosecute those responsible for the deaths and beatings of Mexican-American farm workers in Texas and California.

The Department should also immediately investigate reported cases of police brutality on Indian Reservations, as well as initiate action to protect the hunting and fishing rights of Indians in Mississippi, Michigan, Oklahoma, Washington and Oregon.

DEPARTMENT OF AGRICULTURE

I. The existence of hunger and malnutrition in this country is an incontestable fact. The poor people who are coming to Washington are living witnesses of this fact. On April 26, 1967, the Senate Subcommittee on Manpower, Employment and Poverty, after hearings in Jackson, Mississippi, found "clear evidence of acute malnutrition and hunger among families in the Mississippi Delta"—families without discernable income and who could not afford to meet the minimum purchase requirements for food stamps. Distinguished doctors sponsored by the Field Foundation described shocking conditions of hunger and malnutrition among Mississippi black children. The Department of Agriculture's own staff admitted "evidence of malnutrition and unmet hunger." Almost a year later, April 1, 1968, the Citizens Board of Inquiry on Hunger and Malnutrition in the United States found "concrete evidence of chronic hunger and malnutrition" in every part of the United States where they held hearings and field trips.

That hunger exists is a national disgrace. That so little has been done in the past year by the Department of Agriculture to alleviate the known conditions is shocking. That approximately 300 of the 800 counties identified by the Department of Agriculture as among the *poorest*—continue without any food programs is inexcusable. We do not understand how in the face of such crying need, the Department of Agriculture could turn 220 million dollars back to the Treasury Department which by law could have been used to put food commodities in these counties where no program exists. We do not understand how the Department of Agriculture could use the $2.7 million under the Emergency Food and Health law to pay for administrative costs in counties where food stamps are in operation instead of using this money as agreed upon for food distribution in new counties. Because we know that the Department of Agriculture has the authority to use Section 32 funds to supplement a food program in food stamp counties for those who cannot meet the cost of food stamps and to provide commodities in counties with no food program as it did recently in Elmore County, Alabama, we demand that it immediately:

1. Use Section 32 funds to institute food programs in the 256 counties without food programs which the Citizens' Board of Inquiry states are "areas so distressed as to warrant a presidential declaration naming them as hunger areas."
2. Provide free food stamps for persons who cannot afford to purchase them. Alternatively, we demand that the Department of Agriculture use Section 32 funds in food stamp counties to institute a commodity distribution program to provide for persons unable to purchase food stamps.
3. In counties where commodities are distributed, provide more and better commodities, institute a stepped-up program of consumer education and employ a larger number of community aides from the poor communities.
4. Implement the remaining recommendations of the Citizens' Board of Inquiry for alleviating conditions of hunger and malnutrition in the United States.
5. Immediately provide free and reduced lunch prices for every needy school child and take specific action to implement the recommendations of the recent National School Lunch Study, *Their Daily Bread*.

II. The number of Negro farmers in rural areas has declined radically over the last decade. The Department has done almost nothing to help Negro, Mexican-American farmers, and other poor establish cooperatives so that they can survive. We demand that the Department of Agriculture take massive and immediate action to assist poor farmers in establishing farmers' cooperatives so that they may be allowed to live productively on the land and not be forced to migrate to urban areas.

III. The Civil Rights Commission Report of 1965, "Equal Opportunity in Farm Programs," pointed up wide-spread discrimination in the implementation of Federal Agricultural programs, particularly the Farmers Home Administration, the Agricultural Stabilization and Conservation Service and the Federal Extension Service. The Commission also found that discriminatory patterns existed in the employment patterns of the Department itself. Little, if any, change has occurred in these conditions over the last three years.

We demand that the Department report on specific progress made in correcting the discriminatory practices documented by the Commission almost three years ago and present a timetable for correcting the remaining discriminatory conditions described in this report.

IV. The Department of Agriculture has been allocated 2½ million dollars by OEO of Rural Special Impact funds. However, the intent of the Special Impact Program is in large part not being implemented. We demand that the Department report on the use of these funds and state how their utilization is different from traditional manpower approaches and how they will alleviate conditions of poverty.

V. We demand that the Department of Agriculture declare its national policy to be to give farm workers the rights of collective bargaining with the government and with farm employees. In support of this policy we demand that the Federal Government (Department of Agriculture in particular) withdraw all subsidies, direct and indirect, contracts and services from farm employers who employ illegals or "green card holders" during a strike.

VI. The farm placement service has never been what it was intended to be by law—an agency to pursue and guarantee the job security of farm workers. It has been, and continues to be, however, an extension of power and influence of agri-business into the bureaucracy of government.

We therefore demand the Department of Agriculture and other Federal Agencies to cooperate with farm workers so that they may organize and administer cooperative labor pools. These pools would replace the farm replacement services.

VII. It is inequitable to pay large farmers huge amounts of Federal funds to grow nothing while poor people have insufficient amounts to eat. We demand that the Department of Agriculture abolish its annual acreage diversion policy which subsidizes large farmers while ignoring the poor.

HEW: WELFARE

The welfare program is immoral and disgraceful. It provides no help for three-quarters of the poor people.

Those who try the hardest to keep their families together, who try to help themselves, not only get the least help from the welfare program, but are actually frustrated in those efforts by welfare policies.

The Aid to Families with Dependent Children Program makes no substantial provision for families with fathers or where there is any breadwinner working.

Those people who do get help under the program get only a fraction of what is called the poverty level of income.

In most States families only receive a part of what the States themselves say the families need to live on. In Mississippi, a family of four receives a sixth of what the State says a family needs.

To get even that pittance from the welfare program, mothers and children are humiliated and harassed; their lives are pried into; their homes searched. Their welfare payments are denied, reduced or stopped for all sorts of arbitrary and irrelevant reasons. If they complain about this treatment, there is little chance of their getting any redress—without the help of a lawyer whose services they cannot afford.

Mr. Secretary, this has all been known for a long time. There have been studies and reports and recommendations of all sorts but there has been no action. When the Congress did act last year it was to make the program worse—with its compulsory work program for mothers.

Frankly, we are outraged that the Administration did so little to oppose those provisions.

We are outraged that the Administration seems willing to sacrifice needy mothers and children who are without power and defenseless to get a social security bill or tax bill. We think that kind of compromise at the expense of the weakest and poorest in our society is immoral.

Our goal is a decent job for everyone who can and should work and a guaranteed minimum income for those whose job does not pay enough to support their families or who cannot or should not work.

But in the meantime we call on the Administration to act now to remedy the worst aspects of the welfare program.

1. We call upon the Administration to endorse the fight for legislation in this session of Congress that would *repeal* the freeze and compulsory work provisions of the 1967 amendments; that would compel the states to assist families with unemployed fathers; that would require that minimum levels of assistance be paid and increase the amount of earnings that are expected; and that would establish a Federal standard of need pending development of a full income maintenance program.
2. While awaiting action on that legislation, we call upon the Department of Health, Education and Welfare to issue regulations that establish in what circumstances mothers can appropriately be required to work and that make clear that no mother can be required to work if there is no day care of minimal standards available for her children; if other programs to make her fully employable, including health care, are not available; or if the job to which she is referred does not pay a minimum wage or provide for decent working conditions.
3. We call upon the Department of Health, Education, and Welfare to simplify and humanize the welfare program by:

a. Moving to require only a declaration of facts to determine eligibility for assistance or changes in status. This can be subject to spot-checking.

b. Revising personnel guidelines to encourage the employment of recipients and other poor people for jobs working directly with recipients, including periodic visits that do not require professional social workers.

c. Hiring recipients and other poor people to help check up on the way the program is being carried out by the States and localities.

d. Requiring that recipients be involved in making policy and program decisions about how the program will be carried out by the States and localities.

4. In addition, we call upon the Department of Health, Education, and Welfare to:

a. Eliminate the infamous "man in the house" rule now without waiting for court decision. A petition for this action was submitted to the Secretary of Health, Education and Welfare more than two years ago and has never been acted on.

b. Require that lawyers be paid for on appeals from welfare decisions and that payments are to be continued until the appeal is decided.

c. Police more aggressively the enforcement of civil rights requirements and particularly press State and local welfare officials for the civil and courteous treatment of applicants and recipients and the uniform use of courtesy titles in addressing them.

5. We call for immediate steps to develop experimental income maintenance programs in rural and urban areas to determine what kinds of programs are most effective in reducing poverty.

These are by no means all of the things that we are concerned about in the welfare area. There have been many recommendations made in the past, notably by the Advisory Council on Public Welfare, the White House Conference "To Fulfill These Rights," and the President's Commission on Civil Disorders. We want to know what the Department has done or proposes to do about those recommendations. And we don't mean any more studies.

DEPARTMENT OF LABOR

Mr. Secretary, we come to you as representatives of black, brown and white Americans who are starving in this land of plenty.

We come to you because people who want to work can't find jobs.

We come to you because there is no indication that jobs will be created for these starving Americans unless the government acts.

Our request is not new. Although the Riot Commission, the Automation Commission, and countless other groups have written of the need for government action to create jobs, there is no indication that anyone in the US Department of Labor is listening.

We come to you with a direct request. We ask you to eliminate programs that try to fit poor people to a system that has systematically excluded them from sharing in America's plenty. We say that the *system* must change and adjust to the needs of millions who are unemployed or under-employed.

Government must lead the way as the employer of *first* resort.

Others have told you that the jobs which could be created will serve all society. The Automation Commission estimated that there are 5.3 million jobs in public service that would meet pressing social needs of the country and would, at the same time, provide permanent employment at decent wages for those who are now idle.

We know that the creation of these jobs requires Congressional action reflecting a national decision to do more than talk about the plight of the poor.

The Clark Bill, the Conyers Bill, and other plans currently before the Congress take steps in this direction.

We say that it is the responsibility of the Labor Department to testify before the Congress to the need for such programs and to admit to the limitations of existing programs.

Too, you should encourage private businessmen to become much more involved. This means that programs must be developed that offer realistic incentives to private employers. New funds must be appropriated and programs established that focus on the real problems of the poor. So far, many programs like the JOBS program—are little more than public relations gimmicks. The talk about business and government cooperation fails to mention that the program excludes people between ages 21 and 45 and that it is really a mixture of old programs, given a new name.

We recognize that there are limitations to your authority to act. But there are changes which you can make now:

1. Involvement of the poor in decision-making about manpower training and other employment programs. Programs will continue to fail because of your problem with "recruitment." These recruitment difficulties simply reflect the failure to involve those who will participate in the programs in the planning process. The Washington Pride program establishes the validity of the suggested approach.

Large grants of funds—like those given under the Concentrated Employment Program—cannot be channelled through traditional agencies like the State Employment Service. These agencies have not done the job in the past. Why should they get more money to continue to do a bad job? Secretary Wirtz testified before the Senate Subcommittee on Poverty, Manpower, Welfare that the 22 CEP projects should produce 150,000 jobs in January 1968. We understand that only 8,000 jobs were produced. We demand that the unmet number of jobs be obtained for the poor under the CEP program and the explanation of the Department for the disparity between performance and promise.

Programs must provide an opportunity for those who need the jobs to really communicate with those who can supply the jobs. Only in this way will we avoid the pitfalls of many existing programs. Poor people must be given a chance and must be trained to do a job. Training should not be wasted on trying to fit the poor into preconceived irrelevant models of workers.

2. Vigorous enforcement of fair employment regulations. Poor people from minority groups—whether they are Negroes, Mexican-American, Indians or Puerto-Ricans—continue to be denied access to jobs and to programs financed by the government because of their race, color or national origin.

Too often the government is crying "wolf". Contracts must be cancelled because of discrimination and lack of minority participation in any and all aspects of the contract. The Federal Government must require the specific employment of numbers of the poor in the area in which the contract is performed.

3. Revision of the Manpower Development and Training program. Our criticisms of the MDTA programs are not new ones. You know as well as we do that MDTA is not training people for *real* jobs at *living* wages. You must require on the job training with an absolute guarantee of a job after training is over. And you must pay higher stipends. Present stipends are often below the welfare payment that a trainee could get if he did not agree to enroll in the program.

MDTA projects are not coordinated within a community. Some MDTA projects duplicate other training programs. A rational strategy has not been developed to meet the needs of those who require training.

Instead of following the traditional craft union apprenticeship approach, the Department of Labor should develop new job categories and training techniques within all trades. We are particularly concerned about the Model Cities Program and others involving rehabilitation of housing.

As you know, the unemployment rates released by the BLS every month do not reflect the actual job situation of the poor. We know that many Americans are working and earning good salaries. But we as a nation do not know the status of the poor. Studies by the Labor Department itself show that the Employment offices do not have meaningful statistics in urban areas. For example, in one Texas city, 50% of the unemployed interviewed had not even been inside the Employment office. When you release statistics which minimize the unemployment problem, poor people are being cheated and the public is deluded.

HEALTH

We come here as spokesmen for the many Americans whose poverty does not stop at their pockets but shows up in the state of their health.

We come in behalf of the poor in rural areas, who experience an almost total lack of health care. And we come in behalf of the poor in the cities who can't get health services even if they are supposed to be available because of confusion and disorganization of these services.

We come to tell you that babies are dying, that children are starving, that people are suffering pain and disease—all because they can't afford to buy health. It is intolerable that the maternal mortality rate among black mothers is four times as high as among whites, that the infant mortality rate is twice as high among black babies as among whites.

We come to ask why the American know-how that can move a wounded Marine from the jungles of Vietnam to the finest medical care in minutes cannot and does not do the same for a sick child in the Mississippi delta or on an Indian reservation. We come to ask why a rich nation with the most advanced medical knowledge in the world can develop artificial organs yet cannot provide innoculations against disease to many of its poorest children.

We come to tell you that there are children in this country who have never been examined by a doctor or a dentist who might have grown up without serious disease.

We come to tell you that health services do not accord the poor the same kind of dignified and humane treatment that those who can pay expect and get, and that poor patients often suffer the humiliation of serving as guinea pigs—teaching material to educate doctors and dentists who will graduate into the service of the rich.

We come to tell you that the poor live in open contract with serious health hazards—rats and vermin; accumulations of waste and vermi—garbage; sewage lines and water lines so dangerously close that their contents sometimes mingle.

We come to ask that you use your authority, your money, and your influence to assure what the President has said Americans have the right to expect: "adequate medical care for every citizen."

DEMANDS

1. We demand that the Department of Health, Education, and Welfare require that states and localities using Federal grant funds establish a priority for the poor in health programs and that special emphasis be placed on creating services in isolated rural areas.

2. We demand that action be taken to expand Medicare to cover all the medically indigent in the United States; that, in the meantime, the definition of medical need under the Medicaid program be broadened to cover the needs of the medically indigent; and that services under Medicaid be immediately strengthened and extended.

3. We demand that action be taken to assure that poor people have access to presently existing health services—either through sending medical teams or mobile health units into rural and urban areas or by providing the poor with transportation to health care.

4. We demand strong and vigorous enforcement of civil rights legislation as it applies to hospital admissions; to staff privileges.

5. We demand that all necessary steps be taken to bring health services to the poor where they live through comprehensive neighborhood health centers and that health agents be assigned to help poor people through the maze of complexity that separates them from available health service.

6. We demand that the Department of Health, Education, and Welfare require of grantees that poor people be included in planning bodies under the comprehensive health planning and medicaid programs which have provisions for citizen membership on their planning boards and that Department funds now available should be used to train people to take part in these programs.

7. We demand that the Department of Health, Education, and Welfare join with the Department of Agriculture and OEO to obtain the full authorization of $25 million provided for the Emergency Food program this year; and that when a health worker indicates that people are undernourished they should be eligible for support from a continuing food program.

8. We demand that the Department create a sanitation program to help poor communities rid themselves of rats, obtain safe and adequate sewage and a clean water supply; and that poor people be provided with employment in these programs.

9. We demand that the Department implement the authority it now has to organize centers for delivery of mother and child health services in low income areas; that special efforts be made to reach out and identify mothers and children in need of these services; and the proper nutritional services and food provisions be available through these centers.

10. We demand that the broad training authority of this Department be tapped to train poor people for jobs to improve health care among the poor and to help meet the severe shortages of professional manpower that hurt the chances of the poor to receive decent health care.

CLAIROL PROVIDES COMMUNITY LEADERSHIP

Mr. RIBICOFF. Mr. President, the problems of our cities cannot be solved by Government action alone. The genuine concerted efforts of all our citizens will be required. The corporate members of the business community have a particular opportunity and responsibility to provide the leadership which is so greatly needed.

I invite the attention of the Senate to an outstanding example of corporate leadership by a company based in my own State of Connecticut. Clairol has long proved itself a corporation with a social conscience. In 1962, it initiated a teenage leadership program working with local schools, social service agencies, and city recreation departments. It has provided grants for low-income housing. It sets an example in the hiring of employees from minority groups. It has initiated programs to encourage young men to stay in school.

Mr. President, the Clairol experience is an outstanding example of how business and Government can work together on the great problems facing America today.

I ask unanimous consent that the text of my remarks at the opening of a new Clairol facility at Stamford, Conn., on May 13, 1968, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ABRAHAM RIBICOFF OF CONNECTICUT, AT THE OPENING OF THE NEW MANUFACTURING FACILITY OF CLAIROL, INC., AT 1 BACHLEY ROAD IN STAMFORD, CONN., MAY 13, 1968

I want to talk to you today about one of the most revolutionary forces in our country: the American business community.

You probably find the label startling, to say the least. For business is generally regarded as a highly conservative institution—skeptical about large changes.

But history tells a different story. It tells us about the restless spirit of the American entrepreneur, the American businessman who insisted that we could do better—and do better faster—if only we could explore and develop the vast potential of this great land.

Businessmen went to work to build this country and they changed everything. They changed the products that we bought and used—the houses we lived in—the jobs we worked at—the transportation that expanded our horizons.

The results have been fantastic. In less than 200 years, we have developed the strongest and most rapidly expanding economy and technology the world has ever seen. We have given concrete shape to the hopes and dreams of all mankind.

As the business community built the economy, it also brought the American people to a standard of living new to the world. It is rewarding the loftiest hopes of the common man and raising the nation to new plateaus.

But somehow, in the rush forward, we either did not see—or did not want to see—the sector of our society that was left behind.

In short, society abandoned the poor. They filled the hand-me-down homes of the workers of the early part of this century and took whatever jobs were left. And now they live on depressed economic and social islands surrounded by oceans of plenty.

Their islands are erupting with unemployment, poor housing conditions, poor health—and violence.

Obviously, the poor are victims of the tyranny of these conditions. But partners in this distress are the cities and the American business community.

As the environment declines, the cost of doing business increases. In many ways—complex and subtle beyond calculation—the effects of poverty and decay are ultimately felt by every person and enterprise in our society.

Many business leaders have noted industry's unique capability to be a major contributor to urban rehabilitation.

But there are obstacles—this is not an easy task. And the problems will become more difficult the longer we wait.

Fortune magazine said in February: "The nationwide sluggishness and ineptitude in dealing with changes does not apply only to government agencies. The universities and the whole intellectual community have not been much interested in the problems of the city. American business, busily generating change, has in main stood apart from the responsibilities—and the opportunities—of coping with the community needs that arise from change."

American business would train the "untrainable" and relocate and expand its operations in the cities if doing this would be advantageous—and if it were assured it would not lose any money.

Business cannot be expected to take such a gamble. For it to lose would defeat the purpose of the commitment of the free enterprise system to the urban crisis.

Business must receive incentives and assurances and the clear understanding that Government—be it Federal, State or local—is willing to do its share and fulfill its commitment.

Business has a responsibility to its stockholders and present employes that it must meet. We cannot ask the private sector to undertake a commitment that the public sector either has not made or has made half-heartedly.

But the concept of a partnership of Government and business never gets beyond the talking stage.

We know the problems. Our rhetoric, with such phrases as "the urban crisis" and "hard-core unemployment" is a sign of our understanding of the basic issues with which we are dealing.

But too often our rhetoric becomes the cliches of crisis and the shibboleths of delay.

One of the heartening aspects of Clairol and why I am so pleased to be here today is this company's social conscience. Truly, Clairol is a leader in the corporate community in responding to the demands of the problems of the city.

Long before many of us were talking about the urban crisis—long before the first major riot called our attention to the plight of the poor—Clairol was reaching into the ghettos of the nation with a program.

In 1962, for example, this company began its Teenage Leadership Program. Working with local schools, social service agencies and city recreation departments, Clairol provided a platform of development for young girls in the inner cities.

Through a simple format of discussions about issues that are of concern to young girls, Clairol has given hundreds of girls new hope and self confidence they might not otherwise have.

Today, we see Teenage Leadership programs in 20 American cities including Stamford and soon in Hartford. And we also see, growing out of this imaginative corporate community relations program, partnerships with local government.

Through innovations such as this, business, as has Clairol, can provide some of the leadership.

We must assess what solutions business, government and the poor can bring to the problem area. Business obviously has some jobs available, but they are generally skilled jobs. The inner cities are sources of new employes but too often the individuals are unskilled or difficult to train.

But providing employment to the vast resource of labor which in turn would create a new market—new consumers—is well worth the effort and money. For programs to develop our cities are not—and should not be regarded—as holding operations. They are investments with social rewards, to be sure, and they are realistic capital investments with immediate short term and lasting returns not only to employers, but to the Government and local and national economies.

Clairol has made such an investment. Earlier this year the company gave a $22,000 grant to the New Hope Corp., which is building a 90-unit apartment cooperative for low income families in Stamford. The grant itself was channeled through the Stamford Development Corporation, an organization of banks and industries in the area which seeks to help nonprofit groups sponsor housing projects for low and middle-income families.

The grant allowed New Hope to buy the land. Ownership of the property, in turn, made a Federal Housing Administration mortgage loan of $1.6 million possible.

Here we have an example of private enterprise working with community groups and Federal Government programs to improve the city and the conditions in which people live.

Each sector of our society, therefore, has important contributions that it can make and that it must be free to make. The issue is how to organize the resources we have—and begin to do the job. Government must do what it can do best; business, what it can do best; and they must develop a working relationship.

We cannot rehabilitate our cities unless we also begin to rehabilitate people. New structures, do not make a society. Only the attitudes and the spirit and the desires of men to promote a change for their own betterment can do this. Poor people not only need skills—they want them. They want to prepare themselves for jobs so that they might be able to stand on their own feet.

Many plans have been proposed to improve the position of the poor. Some suggest a guaranteed annual income. Others advocate a negative income tax. But I am against both of these. I prefer a program of guaranteed job opportunities tied to plans to train and upgrade workers. Providing jobs increases both the income of the individual and the income of the society.

Government and business cannot fall back to finger-in-the-dike programs such as the welfare approach. Nor can we be deterred from our task by letting our view of the poor be clouded by the spector of the urban rioter.

For every hoodlum on the streets of America, there are hundreds of law-abiding persons who are unemployed or who are working at jobs beneath their capacity.

To avoid the problems today will mean more expensive and complicated programs tomorrow.

The result of Clairol's experience is testimony to what can be accomplished. The company provides a variety of programs for its 1,200 employes in Stamford. A full 25 percent of all employees are from minority groups, whis is about twice the proportion of minority group members to the total population of the city.

This is a good record—a strong record—in itself. But Clairol is not a Johnny-come-lately to providing equal opportunity employment. Clairol has had this policy long before many other companies announced they were equal opportunity employers.

Finally, Clairol, I understand, is involved in a new program, a pilot program to encourage young men to stay in school. Working in cooperation with the Stamford Education Department, Clairol hired a young man who was about to drop out of school. The company gave him a job with the condition that if he stayed in school he could keep the job. This young man has stayed in school and he will graduate in June.

The company has taken an interest, in a small way in this case, but in an important way. One boy was helped and maybe there will be more in the future. He was given a chance.

When a man has a chance to earn his own way, he has more self respect. And self respect is the basic ingredient of a healthy society.

Here we have a chance to get Government and business together.

There are actions the Government can take.

A Federal program of loans and guarantees to private borrowers and lenders could generate a movement of private industry back to the central cities. A ten-year sum of $30 million, used to reduce interest costs to private borrowers, could generate $2.5 billion of private investment.

And a capital reserve fund of $100 million in Federal funds could generate $2 billion worth of private loans. I have introduced legislation in these areas.

But the involvement of the private sector requires more than direct Federal loans, interest rate rebates and loan guarantees. As practical members of the business community, you know that all of your good intentions coupled with all the good intentions of Government will not create job opportunities if there are no trained men and women to fill these jobs.

Government can help there, too, by providing a tax credit against the direct costs of training and basic education courses conducted by private business. And this is part of my legislative program for the cities.

But the Government action can never replace private enterprise. And in the last analysis, only the initiative of business can create the cities industry market. Government can establish the proper climate. Government can be a customer.

But the actual decisions—decisions to build a plant, hire workers, develop a new product or new techniques—must be private decisions freely arrived at by American business.

Our new era requires a new partnership between government and business. But that partnership demands that business be a leader, both economically and socially, in rebuilding our cities. For as the distinguished Swedish Observer of America, Gunnar Myrdal, has said:

"Never before in the history of America has there been a greater and more complete identity between the ideals of social justice and the requirements of economic progress."

THE MARCH ON WASHINGTON

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record the following items:

An article entitled "1,000 Put Up at Coliseum; Second Campsite Sought," published in the Washington Sunday Star of May 19.

A UPI article entitled "Abernathy Starts Caravan on Way From New Mexico," published in the Washington Sunday Star of May 19.

An article entitled "Over 80 Cases of Beer Stolen at Coliseum," published in the Washington Evening Star of May 20.

An article entitled "Campaign's Leaders Map First District of Columbia Protest Rallies," published in the Washington Evening Star of May 20.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Sunday Star, May 19, 1968]

One Thousand Put Up at Coliseum—Second Campsite Sought—Midwest Unit Is Diverted in Emergency

(By Charles Conconi)

The Washington Coliseum was turned into a temporary second campsite for more than 1,000 members of the Poor People's Campaign last night as their leaders struggled with a critical housing shortage.

The campaign leaders began negotiations yesterday on the second permanent campsite, to supplement the one in West Potomac Park.

"We've still got money problems, but we're moving on," said the Rev. Andrew Young, executive vice president of the Southern Christian Leadership Campaign as he led the Midwestern leg of the campaign into the Coliseum shortly after 9 p.m.

The midwesterners, about 800 demonstrators in about 15 chartered buses, arrived at Resurrection City in West Potomac Park about 8:15 p.m., got off their buses, and then boarded them again for the trip to the Coliseum at 3rd and M streets NE.

Meanwhile, at the park site, about 1,500 marchers listened to a rock 'n' roll concert near the Reflecting Pool.

LIMITED TO 3,000

The site can handle 3,000 persons under terms of the permit granted by the U.S. Park Service. But 5,000 marchers are expected in town by the end of the week, and construction of the park housing is proceeding slowly because of a shortage of materials.

Throughout the afternoon yesterday, officials of the Southern Christian Leadership Conference met with area church leaders to set up guidelines for handling the busloads of marchers flowing in. A caravan from the South is on the way, in addition to campaigners already here.

The group moved into the Coliseum included several hundred who have been staying at churches in the District and the suburbs.

WANT TO STAY TOGETHER

One church leader said most of the churches had informed SCLC much earlier that they were unable to house demonstrators for periods longer than two days.

A large location was necessary, he explained, because most of the marchers had traveled great distances together and wanted to remain together.

The meeting with SCLC leaders was held to establish some coordination, he added. "We don't want them dispatching people unless they are cleared, know where they are going and have somebody in charge of them."

The church official said they wanted to avoid the problems created at Saints Paul & Augustine Auditorium at 1715 15th St. NW last week when a group from Chicago, including members of a militant street gang moved in.

DRINKING CITED

"We had to scrub it (the auditorium) all down," he explained, "and we did not tolerate the drinking that was going on and got rid of them all (the Blackstone Ranger, gang members and other youths)."

He said the church leaders are willing to help, but "we don't want the Blackstone Rangers."

Unclear at this time is whether SCLC will be able to come up with the necessary funds and materials to step up construction of the plywood city in time to get marchers out of homes and churches in Prince Georges, Montgomery and Fairfax Counties.

The group of church leaders met with the Rev. Walter Fauntroy, city council vice chairman and SCLC's top Washington official, on the housing problem.

After the meeting at the District Building Fauntroy said seven Prince Georges churches where the demonstrators had been staying had informed SCLC that the marchers could not spend the night in their structures because the buildings would be needed for services today.

About 900 persons were with the group when it came to the city and an estimated 200 demonstrators were moved into the campsite late yesterday afternoon.

Fauntroy said SCLC and the city and federal governments were very concerned about the immediate housing problem. The problem of continual feeding of the demonstrators was also discussed at the meeting, he added.

The church leaders refused to comment when they left the meeting, but some had expressed concern earlier about the health and sanitation problems created by demonstrators living in the churches.

CHURCH CONCERN CITED

"We are concerned about what will happen if churches have to take in so many people. The city and the federal government will have to face up to the problem," one church leader said.

Several SCLC staff workers took over a meeting room outside the city council chambers to continue working on details. Anthony Henry, the Washington campaign coordinator, was heading the group.

Mayor Walter E. Washington revealed at the District Building that he had conferred earlier in the day with Atty. Gen. Ramsey Clark on the housing problem.

He said he was trying to assess the number of campaigners that will be in Washington in relation to SCLC's ability to handle them.

The mayor would not give an appraisal of the situation but added that he and Clark felt the housing situation was under control and going well. There are no reports to the contrary "at this time," he added.

As of noon yesterday, SCLC reported, enough structures to house 946 residents had been completed at the campsite. Campaign leaders said they hoped to have facilities to house 1,800 by nightfall, perhaps under canvas.

The late afternoon population of the camp was reported at 800, and workmen continued hammering away at the plywood and plastic A-frame structures. Others were flooring the two circus-type dining tents.

CARAVANS ARRIVING

Even while the work continued and leaders from throughout the community struggled with the acute housing problem, major caravans continued to descend on the Washington area.

The Midwest caravan that arrived last night had been delayed in Pittsburgh and then again yesterday in Baltimore, but moved on late yesterday.

Coming up from Richmond today is the Southern Caravan that set off May 6 from Edwards, Miss. It was scheduled to stop in the Virginia suburbs.

In Fairfax County it was revealed that marchers might be housed in Fairfax Unitarian Church, Oakton; Mt. Vernon Unitarian Church, south of Alexandria, and St. Luke's Catholic Church, McLean.

Fairfax County officials and church leaders met Friday to discuss the problem. County Executive Carlton C. Massey said later:

"County officials anticipate no difficulties in connection with this program, are endeavoring to keep informed on all aspects of it and are prepared to do whatever may be necessary in the interests of the residents of the county and those traveling through the county."

At the campsite, an SCLC official reported that the medical units parked there had examined 387 persons and the dental unit, 38. Ten dental extraction cases were sent to Freedman's and D.C. General Hospitals.

To keep the demonstrators busy during the off hours, officials started a schedule of entertainment that began last night at a special stage constructed at the Lincoln Memorial end of the Reflecting Pool.

Last night's concert featured Muddy Waters, a Chicago blues singer, and B. B. King, a rock 'n' roll group.

Informal religious services were scheduled for this morning and more entertainment by various local singing groups in the afternoon.

NO TARGET DATE

Tom Offenberger, SCLC's press spokesman, said yesterday there was no target date for completion of the shack city, but that "work is proceeding as desired." He admitted more money and materials are needed, but was uncertain if additional aid would be coming. He emphasized SCLC would have to accommodate 5,000 demonstrators by the end of the week.

When asked if more volunteers were needed, Offenberger said there was no lack of volunteers, but a lack of skilled workers, especially carpenters.

When asked about confusion that grew out of a statement from the Rev. Bernard Lafayette, national campaign coordinator, that $3 million was needed for completion of the camp, Offenberger said the figure included such costly items as transportation, food and housing.

Lafayette also said "at least one million" marchers would participate in a massive Memorial Day demonstration May 30.

Keeping the marchers occupied as they awaited transportation from suburban churches has been a major problem.

It was particularly evident at Regina High School in Prince George County where about 150 of the demonstrators from Philadelphia spent Friday night sleeping on blankets on the gymnasium floor.

Several of the older people in the group complained of teenagers making noise and creating disciplinary problems.

ROAM SCHOOL GROUNDS

They spent yesterday roaming the spacious school grounds, playing football and baseball or just sitting around. Several of the campaigners said they hoped to spend the night in Resurrection City.

A similar situation was evident earlier this week when an unscheduled group from Chicago moved into St. Paul & Augustine Auditorium at 1715 15th St. NW.

At one point a group of grumbling youths, anxious to get to the campsite, sat on the steps of the building drinking from a pint of gin. The auditorium was in disarray with papers and spilled coffee and milk on the floor.

Youths were wandering around aimlessly asking nearly everyone looking the least bit official if he or she was from SCLC and what was happening.

The Chicago group reportedly included a number of members of the Illinois city street gang of tough militants known as the Blackstone Rangers.

The Blackstone Rangers quickly tired of waiting for SCLC staff workers to register them and made their way to the campsite on their own. By early yesterday a block of structures was taken over by Rangers.

[From the Washington (D.C.) Sunday Star, May 19, 1968]

ABERNATHY STARTS CARAVAN ON WAY FROM NEW MEXICO

ALBUQUERQUE, N. MEX.—The Rev. Ralph Abernathy said yesterday at the beginning of one segment of the Poor People's March that if the government refused to do anything about the poor's problems, the people would "rise up and change the government."

(A shortage of money for transportation threatened to end the caravan the Associated Press reported.

(Three buses needed for the trip would cost $9,000, according to a leader of the group. The Southern Christian Leadership Conference has supplied $5,000 and the group has raised $2,400, he said, adding that if the conference does not raise the remaining amount, the entire trip may be canceled.)

Abernathy, head of the Southern Christian Leadership Conference, spoke to a crowd of about 800 at Albuquerque's Old Town Plaza.

Southwest march chairman Reies Tijerina—who said the Albuquerque march had not succeeded because "we have too many enemies in the news media"—and Chief Mad Bear Anderson of the Tuscarora Indian tribe also spoke to the crowd.

The speeches climaxed a 2-hour, 4½-mile march by more than 700 persons from Albuquerque's poorer southwest section through the downtown area to Old Town—site of the original city.

There were no major incidents during the march but one television newsman said he was deliberately kicked by one of the marchers.

About 150 of the march participants arrived Friday from El Paso, Tex., and were joined by approximately 156 New Mexicans. The group left for Santa Fe after the Old Town rally and scheduled a brief rally in Santa Fe enroute to Denver.

Abernathy, dressed in blue jeans, said the white man in America was "running scared because we've got a thing going."

"The red people, white people, brown people, black people, all the poor people in this land have got Charlie (white persons) scared to death. Charlie wants us to turn to violence but we won't," Abernathy said.

He said New Mexicans pay U.S. Sens. Clinton Anderson and Joseph Montoya, both Democrats, $32,000 a year to draft legislation.

"If they don't know how to write them (bills) then we ought to get them out of the way and let people in who will. If the government won't do something about the problems of the people, the people will rise up and change the government," he said.

Among the marchers was the Most Rev. James Peter Davis, archbishop of Santa Fe, and the Most Rev. Joseph Ryan, archbishop of Anchorage, Alaska. Ryan was here for a meeting and was invited by Davis to participate.

Abernathy said as soon as he arrived in Washington, the people already at the camp-in at Resurrection City would elect a mayor and council and he pleaded for funds to help finance the Washington demonstration.

"We will stay there until something is done about the problems we face," he said. "They say if we start any civil disobedience they will put us in jail. Well, I'm not afraid of jail. I've been there many times in the cause of freedom."

[From the Washington Evening Star, May 20, 1968]

OVER 80 CASES OF BEER ARE STOLEN AT COLISEUM

More than 80 cases of beer were reported stolen and a $15,000 sound system apparently was damaged while 1,000 marchers were staying at Washington Coliseum Saturday and yesterday.

The beer was missing from one of six locked storerooms rented at the auditorium by Sportservice, Inc., a concessionaire. The other rooms, along with about 10 dressing rooms, also were broken into, but nothing was reported stolen.

During the stay by the marchers in the Poor Peoples Campaign, someone broke the lock on the control room and turned on the sound system well above normal volume, it was reported. The amount of damage had not been ascertained by early today.

Piles of trash and old food were also left strewn through the auditorium which had been donated for temporary campaign housing.

Several marchers joined Coliseum personnel in sweeping up the rubbish.

The marchers, from the Midwest contingent, spent Saturday night at the Coliseum and went to Resurrection City yesterday. The Rev. James Groppi, the militant Milwaukee Catholic priest, was with the group.

[From the Washington (D.C.) Evening Star, May 20, 1968]

CAMPAIGN'S LEADERS MAP FIRST DISTRICT OF COLUMBIA PROTEST RALLIES—BOLLING FIELD MENTIONED AS SECOND CAMPSITE

Leaders of the Poor People's Campaign met again today on plans for the first mass demonstrations by their followers, who now number about 2,500 in the Washington area.

The critical housing shortage at the Resurrection City campsite on The Mall was eased temporarily by a Sunday of feverish construction activity by volunteers. The population of the camp nearly doubled yesterday, and some 2,000 campaigners are now housed in the plywood huts.

But with an additional 3,000 demonstrators expected before the end of next week, it became clear that an additional campsite would be necessary. About 400 marchers for whom there was no room at Resurrection City are being put up at 15 nearby Virginia churches, where they will stay until Wednesday.

ANACOSTIA MENTIONED

A possible second campground that has been mentioned is Bolling Field in Anacostia, although the Rev. Ralph David Abernathy said the leaders would prefer something closer to the Capitol Hill and downtown targets of the march's lobbying efforts.

Abernathy, chairman of the Southern Christian Leadership Conference, returned to Washington yesterday from a nationwide fund raising tour. He presided at an early morning strategy meeting in the Pitts Motor Hotel in the 1400 block of Belmont Street NW.

The meeting lasted for two and a half hours. Participants would not reveal immediately what came out of the meeting except to say that "some important decisions" were made.

Involved in the discussion were: Bayard Rustin, director of the A. Philip Randolph Institute and an organizer of the march on Washington in 1963; the Rev. Wyatt Tee Walker, former Southern Christian Leadership Conference aide and now urban affairs adviser to New York Gov. Nelson A. Rockefeller; Norma Hill, a Rustin assistant; the Rev. Andrew Young, executive vice president of SCLC; Anthony Henry, a director of the campaign; the Rev. Jesse Jackson, national director of Operation Breadbasket, a selective buying adjunct of SCLC; and the Rev. James Bevel, an aide to Abernathy.

HILL ACTIVITIES PLANNED

SCLC staff members continued discussions today although Rustin and Hill were reported on their way back to New York.

Rustin was asked by SCLC leaders to organize and coordinate the one-day demonstration currently planned for May 30. He is expected to announce his decision on the SCLC request later today.

Young said that the meeting last night also dealt with the administrative structure of the tent city and integrating the SCLC staff with the poor people. He added that the meeting also focused on getting additional people into Washington.

Young said the group would begin some kind of activities on Capitol Hill this week. He said he wasn't concerned about the ban on large demonstrations at the Capitol because House Speaker John McCormack, D-Mass., "has promised to protect the demonstrators' right to petition."

"We might march to the Capitol," Young said, "and then break into smaller groups and have the demonstrators go visit their own congressmen.

"When we move, we will move," he added.

The Sunday afternoon rainstorm caused the leaders at the campsites to call off a demonstration that was planned as a parade from the Lincoln Memorial area to the Capitol and back.

FACE SEVERAL PROBLEMS

Under the permit granted by the National Park Service, only 3,000 demonstrators can stay in the campsite by the Reflecting Pool, and this number appears likely to be reached in a matter of days as construction continues and caravans roll into the city from all directions.

Housing is not the only problem faced by the SCLC leaders. But leaders voiced optimism about the financial squeeze the campaign is in, and discounted speculation that their control of the protest will be made harder by the growing number of militant youths among the latest contingents to arrive.

Volunteers worked all day Sunday and into the evening putting together the A-frame structures, which now number about 500. Buses shuttled between The Mall and the Washington Coliseum throughout the day, bringing over the 1,000 marchers of the Midwest contingent who had been housed in the sports arena Saturday night.

SPIRITS BUOYED

The arrival of Abernathy and the other "top brass" of the campaign appeared to buoy up the spirits of Resurrection City residents. "Now we'll get down to business," was the feeling expressed by more than one demonstrator.

During last week's delay and confusion as the campaign faced a financial crisis and construction lagged at the camp, several of the demonstrators were heard complaining that they came to demonstrate and not sit around in some church basement waiting for housing.

When asked about the housing problem, Young said that if people need housing and there is land available, "we will use it."

He added that he wasn't concerned about opposition from Congress if the demonstrators attempt to move into neighboring parkland because "Congress has to operate on its own logic."

Standing at the muddy campsite that had been hit by a rough rainstorm earlier in the day, Young refused to be concerned about reports that tough militant gangs from Memphis, Chicago and Milwaukee had taken over the city.

He said SCLC had brought many different people from vastly different places and backgrounds and over the next two days would begin trying to build a community.

"We have to mold the people into one disciplined, nonviolent fighting unit," he explained.

In an interview at National Airport, Abernathy also discounted reports that young militants were attempting to seize control of Resurrection City.

"The last report I received was that the Blackstone Rangers were serving as marshals and were helping keep things under control," he said.

Abernathy also discounted reports that the campaign was experiencing severe financial difficulties.

"There is no crisis," he said. "We still need funds, of course, and welcome more contributions. But I would say we have cleared up our problems."

THOUSANDS OF SIGHTSEERS

The rain, which dispelled fears that the shelters would leak or blow down, also delayed the construction and soaked piles of clothing and shoes that had come into the site from early in the day.

The storm also added to the general traffic tieup along Independence Avenue and around the Lincoln Memorial as sightseers came out by the thousands to catch a glimpse of the city.

In a brief talk with newsmen today, Rev. Jesse Jackson of SCLC, who has been named "mayor" of Resurrection City, said yesterday's rain and the resulting mud had demoralized some of the campers to a certain extent, and asked for donations of sand or gravel to "make the place for habitable."

More lumber and other building materials are also needed, Jackson said.

Asked about reports of differences among the campaigners, Jackson said there were "inevitably" certain problems, but he denied that factionalism was developing.

CULP AT CAMPSITE

Television actor Robert Culp and his wife, France Nuyen, appeared at the plywood tent city this morning and disappeared into one of the three big, circus-type tents on the grounds. Culp said he was working for Jackson, but he would not discuss details with newsmen. Of the three big tents, one is used as a mess hall and the others are used for recreation and meetings.

In various cities around the country, groups of demonstrators were poised for the move on Washington.

Three busloads scheduled to leave Buffalo, N.Y., last night were held back when the leaders were informed that there was no room for them in the capital. Revised plans call for up to 400 persons—10 busloads—to leave Buffalo May 29 for arrival in time for the Memorial Day mass demonstration.

About 500 participants in the march arrived in Kansas City late last night and early today en route to Washington.

KANSAS CITY RALLY

The marchers settled down at the American Royal building for several hours rest before a rally in Municipal Stadium.

A bus carrying 51 Indians and Mexican Americans from Oklahoma and Texas was the first to arrive. About dawn today 14 other buses arrived from Denver, Colo., bringing Indians, Negroes, whites and Mexican Americans assembled from various points including San Francisco, Los Angeles, Albuquerque, El Paso, Denver and Wichita.

From their Kansas City stop the marchers were scheduled to head for Columbia, Mo., where another rally was planned, and then on St. Louis.

A Pacific Northwest caravan reached Bismarck, N.D., yesterday in two buses. Most of the party were from Washington and Oregon cities, but they were joined by two white persons and 15 Indians at Missoula, Mont. A third busload of 15 to 20 North Dakotans joined the caravan at its departure for Washington today. Most of them were Indians from Fort Berthold, who want to press claims against the federal government.

REACTION IS MIXED

Reaction to the campaign continued to be mixed.

Senate Democratic Whip Russell Long said yesterday he would not knuckle under to "threats" by the poor people.

Referring to Abernathy, leader of the Poor People's March on the city, Long said:

"If he wants me to vote for something on threat of burning Washington down, then let him burn it down." The Louisiana Senator then said, "If the President and the federal government are not disposed to carry out the law, then maybe they ought to burn it down and move the capital to some state."

Long's remarks were made on the CBS television and radio program, Face the Nation. He emphasized he would be willing to listen to the poor people so long as they observed the law and petitioned Congress peaceably.

Long noted that Abernathy had stated that the SCLC would remain nonviolent during the campaign to persuade Congress to do more for poor people. Long also noted that Abernathy said the SCLC could not be blamed if other groups took advantage of the situation and became violent.

BAKER, BYRD SPEAK OUT

Sen. Howard H. Baker Jr., R-Tenn., in a report to his constituents, said he believes the consensus in Congress is that "there is a high degree of sensitivity and concern for the problems of the poor and disadvantaged—problems which must not be ignored—but that the Congress of the United States will not function with a pistol to its head."

In a speech to a lumbermen's convention at Boca Raton, Fla., Sen. Robert C. Byrd, D-W. Va., said leaders of the Poor People's Campaign "would have it appear that nothing has been done for the disadvantaged and the minorities in America."

But actually, he said, no government has ever done more for its citizens. "Since 1960, federal spending on programs benefiting the poor has reached the astonishing total of $138 billion," Byrd said.

Meanwhile the demonstration won the endorsement of Gov. Rockefeller of New York, who said in a television interview that he looked upon it "as a new imaginative way of creating a lobby, to bring attention to congressmen they have a problem, they want help."

The Americans for Democratic Action meeting in Washington, also endorsed the march and pledged a $1,000 contribution.

DEATH OF MORTON J. MAY

Mr. LONG of Missouri. Mr. President, the death of Morton J. May last week in St. Louis was an occasion of sorrow both in the city and throughout the country.

As a nationally known philanthropist, Mr. May was particularly active in Jewish activities. However, he gave to many others, as well. His greatest interest was in the National Jewish Hospital in Denver, Colo., which was cofounded by his father, David May.

David May, who had entered the merchandising business at Leadville, Colo., in 1876, saw the development of a chain of stores in many American cities before turning the family business over to Morton J. May in 1917. The younger Mr. May actively directed the company until 1951, when he in turn relinquished the presidency to his son, Morton D. May.

Most of Mr. May's philanthropic contributions were bestowed anonymously. For this reason it is impossible to establish the full list of charities which benefited from his activities.

Among organizations in the St. Louis area in which he was active are the Jewish Community Centers Association, the Louis D. Beaumont Foundation, the Jewish Hospital of St. Louis, the Municipal Theatre Association, and the St. Louis Symphony Society.

Morton J. May's dedication and service to his fellow man will be long remembered. I extend my deepest sympathy to his family.

Mr. President, I ask unanimous consent that editorials published in the St. Louis Globe-Democrat and the St. Louis Post-Dispatch, recognizing the contributions of Mr. May, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch,
May 19, 1968]

MORTON J. MAY

In the death of Morton J. May, honorary board chairman of the May Department Stores Co., a nationwide chain that includes the Famous-Barr Co., St. Louis has lost a distinguished citizen and renowned merchant. Beyond that, it has lost a man whose many known benefactions to the city and its institutions contributed much to the life of the community.

The full extent of Mr. May's philanthropies is not generally known, but as Edwin S. Jones, president of the Chamber of Commerce of Metropolitan St. Louis, said, "enough were made public to make him a true humanitarian." One of his chief philanthropies was the National Jewish Hospital at Denver, of which his father was a founder. He was generous to St. Louis University and Washington University, both of which conferred honors upon him. In 1959, by Papal decree, he was made a knight of the Order of St. Sylvester.

The $50,000 contribution to the St. Louis summer job and recreation program for young people made by the May company and Famous-Barr stores in memory of Mr. May is a fitting tribute to Mr. May and the ideals that motivated him. It is another contribution to human betterment, reflecting one of Mr. May's guiding principles.

[From the St. Louis Globe-Democrat, May 18, 1968]

Morton J. May

Morton J. May, in his full life well lived, received perhaps more varied honors than any St. Louisian in memory.

It can be said in truth that all were earned.

This is the ultimate tribute to a good citizen whose goal was to be helpful to his fellow man.

He was an eminently successful businessman, civic leader and philanthropist.

His greatest success was as a human being, a noble champion of mankind.

He was good. He was honest. He was charitable.

Men who achieve great wealth frequently acquire as many detractors as they have dollars.

Not Morton J. May.

There is no one in the St. Louis community who had reason or occasion to speak ill of Mr. May. He was genuinely liked and respected by associates, employees and the thousands upon thousands of St. Louisans who either benefited from his generosity or admired him for it.

The gift of $50,000 to YOUTH, made by the May Department Stores and Famous-Barr Co. in memory of Mr. May Friday, is a fitting tribute to the companies' departed leader. The money will be allocated to the Health and Welfare Council to benefit youngsters.

Mr. May could not have had a more humble beginning. He was born in the mining town of Leadville, Colo., where his father, David, started out as a small store owner. Though David May was successful, Morton began as a stock boy.

His gifts amounted to millions. His favorite charity, understandably, was the National Jewish Hospital at Denver, which was co-founded by his father. This internationally famous institution has a motto, "None may enter who can pay—none may pay who enter."

Mr. May's own motto was, "There is no greater deed that we as Jews can do than help care for our fellow man."

Because he lived his motto, Mr. May was honored in return.

Mr. May was a substantial contributor to St. Louis University and Washington University. He also gave generously to Brandeis University at Waltham, Mass., which named him a fellow, and to Fisk University, a Negro school at Nashville, Tenn.

Most of his gifts were bestowed anonymously. Those who know say it would be impossible to name a charity which is not indebted to Mr. May.

One of the recognition he enjoyed the most was being named a Knight of the Order of Pope St. Sylvester, conferred upon him by the late Pope John XXIII.

Pope John referred to Mr. May as "a man of unblemished character who promoted the interests of society."

That he was. That he did. And that is why all St. Louis mourns the passing of Morton J. May.

CRIME AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record the following news items:

An article by Jack Vitek, entitled "Will Buses Roll After Dark?" which appeared in today's Washington Daily News;

An article by Pamela Howard, which appeared in today's Washington Daily News, entitled "The Poor Plan Direct Action";

An article by Michael Bernstein from today's Washington Daily News entitled "For Busmen's Wives It's a Fearful Wait"; and

An article from today's Washington Star entitled "Poor Staging First March Here."

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Daily News, May 20, 1968]

Will Buses Roll After Dark?

(By Jack Vitek)

D.C. Transit and union officials are to meet today to try to break a deadlock over a driver safety issue that kept most buses off the streets last night and leaves the question of after-dark service tonight still in doubt.

Rush-hour service was reported normal this morning and transit and union officials said they expect it to be on par during the rush-hour late this afternoon.

After-dark service stopped last night when some 100 drivers refused to carry their "traps," money boxes for change. The "traps" usually carry from $50 to $100, money that has been tempting robbers at a furious pace this year. (There have been 233 bus robberies since Jan. 1, compared to a total of 343 last year.)

Transit officials said the 100 drivers were suspended for the refusal. The drivers said they were not going to carry "traps" under union instructions.

CALLED BAIT

The Amalgamated Transit Union asked the drivers to refuse their change-making boxes—normally $50 to $100—in an attempt to stop the ever-increasing robberies of bus drivers by removing the "money bait."

Evening rush hour service dropped 10 per cent yesterday after drivers began refusing cash boxes at about 3 p.m., company spokesmen said. They said services gradually tapered off until only 18 buses were on the streets at 11 p.m. when normally over 100 are in service.

Scores of our city's night workers found themselves stranded after long, confusing waits at bus stops for buses that never arrived.

Neither high union nor company officials would comment today on the course of the seven-hour talks that broke up shortly after 12:30 a.m., with Washington Metropolitan Area Transit Commission chairman George Avery joining in as a mediator.

But separately, both sides remained adamant in their positions. J. Godfrey Butler, senior vice president of D.C. Transit, said operating without change-making money would be the same as running a bus service for free. He said suspended drivers forfeited the night's pay.

WMATC chairman Avery, mediating the crisis in the city's interest, said altho there was no agreement last night, he hoped for one today "since at least things are not to the point where everyone is throwing up their hands and refusing to speak to each other.

Meanwhile, the Yellow Cab dispatcher reported calls from people stranded without buses had "overloaded" the company's night service, always in demand. "Everybody wants cabs," he said, "but cab drivers are like bus drivers. They don't want to work at night either."

The Poor Plan Direct Action

(By Pamela Howard)

The Poor People's Campaign will take its first "direct action" today with a pilgrimage to the grave of President John F. Kennedy, Rev. Ralph David Abernathy announced following yesterday's daylong strategy session with march leaders.

The surprise announcement came after the Southern Christian Leadership Conference chairman reported—during a strategy session break—that the mass march scheduled for Memorial Day may be postponed to mid-June.

Informed sources said Bayard Rustin, architect of the 1963 march, asked for more time to organize the kind of massive turnout envisioned—one million, according to SCLC spokesmen.

Fresh from his first night's sleep-in at Resurrection City, Rev. Abernathy today began with a series of meetings on Capitol Hill. He starts his confrontations on behalf of the Poor People's Campaign in the wake of an impassioned plea he made yesterday for non-violence.

The purpose of the campaign is not to burn Washington down, but "straighten it right," Rev. Abernathy told a huge crowd after he had taken a walk thru the muddy campsite.

"What we are going to do is sleep at night out here, but we are going to raise hell in the daytime," said Rev. Abernathy. "The enemy is not here, it is up on Capitol Hill."

Rev. Abernathy told the crowd that he is not worried about June 16 expiration of the permit for the West Potomac Park campsite.

"If they don't let us live in the Park here, we're going to the White House. If they won't let us live there, we'll move to Capitol Hill," Rev. Abernathy said.

Resurrection City dried out yesterday after Sunday's downpour. SCLC leader Rev. Jesse Jackson was named "mayor".

Actress Shelley Winters appeared at the campsite around 3 p.m. for a meeting with SCLC leader Rev. James Bevel. She expressed disappointment because neither Mrs. Abernathy or Mrs. Martin Luther King Jr. were on the site, but said she had come to wish the people well. She said she was in Washington for a luncheon.

Late in the afternoon, about 400 men, women and children from Yonkers, N.Y., led by a dozen clergymen held a prayer vigil at the Lincoln Memorial.

"We've come because we realize America is sick," Rev. Nathanial Grady told the group making a one-day pilgrimage to the site. "Prayer is the only thing that will heal her," Rev. Grady said.

For Busmen's Wives It's a Fearful Wait

(By Michael Bernstein)

The group of D.C. Transit bus drivers' wives talked about their husbands leaving for work each day as if the men were going off to fight in some distant war.

"Every time my husband goes out that door I never know if he is coming back to me," said Mrs. L. D. May of Adelphi. "My husband has been robbed three times during the daylight hours. Now he won't even tell me what happens on the bus."

For one of the other 18 wives who met with Sen. Daniel B. Brewster (D. Md.) and Rep. Hervey Machen (R., Md.) yesterday to demand more protection for the drivers, her husband talks too much.

"It's in his conversation all the time," she said. "It's terrible when that's all they have to talk about."

Lately, tho, all the drivers have been talking about the robbery-shooting of John Talley, 46, who was killed near Dupont Circle early Friday. And as a result, one wife, Mrs. John Hull of Bladensburg, organized a group of women to press for more protection.

"We want an armed guard of some type to ride on all the buses day and night for an indefinite period," she kept telling the legislators. She and the other women said the additional 320 police man hours ordered after the shooting would do little to help the drivers.

"There was an officer within ear range of Mr. Talley," she said. ". . . policemen stationed in cars can't possibly help a driver when he's shot on the bus."

When someone mentioned reports that drivers are carrying guns, Mrs. Hull replied: "A driver is not supposed to be a driver and a policeman. They are not paid to be two people." (Minutes after the meeting started D. C. Transit officials said any driver found carrying a gun could be fired).

Sen. Brewster was very sympathetic to the women's cause—as was Rep. Machen—and he said he hoped Mayor Walter E. Washington will "ask for emergency appropriations to beef up protection."

Later, Deputy Mayor Thomas W. Fletcher was equally sympathetic, but not very encouraging.

"As for putting a guard on every bus, we don't have the manpower," he said. He also said that "there is no way troops could be used unless the mayor declares an emergency."

[From the Washington (D.C.) Evening Star, May 20, 1968]

Poor Staging First March Here: Kennedy Grave Visit Prelude to Militant Rallies—Other Groups Set To Attend Hearings by Congress Panels

The Rev. Ralph David Abernathy was to lead the first march of the Poor People's Campaign to Arlington Cemetery today to honor John F. Kennedy as a prelude to demonstrations he predicted will be "more militant and more massive than have ever taken place in the history of this nation."

With an estimated 2,500 campaigners now living in Resurrection City—and more on the way—officials of the Southern Christian Leadership Conference also planned to send groups of demonstrators to Capitol Hill today to attend several committee hearings and hear a speech in the House.

Abernathy, at a "town meeting" at the campsite last night, told the campaigners, "We're not going to burn it (Washington) down—we're just going to straighten it out.

WILL HEAR WATSON

"What we are going to do is sleep at night out here, but we're going to raise hell in the daytime," the SCLC chief said.

The Rev. James Bevel, SCLC's director of nonviolent techniques, said the Capitol Hill contingent plans to listen to a scheduled address to the House by Rep. Albert Watson, R-S.C.

Watson said he will disclose Communist involvement in the Poor People's Campaign in the speech to "give the American people an opportunity to judge for themselves whether there is an actual Communist or subversive conspiracy accompanying this particular demonstration and the general unrest existing in our nation today."

Bevel retorted "This is an empty stomach-inspired movement," and urged marchers to listen to Watson "to see how ignorant congressmen can be."

MAY POSTPONE RALLY

Abernathy said yesterday SCLC may postpone the scheduled massive demonstration now set for Memorial Day at which various campaign officials have predicted a turnout of 150,000 to 1 million.

The federal permit for Resurrection City expires on June 16, but Abernathy, during an afternoon tour of the site, said, "I'm not worrying about it expiring. If they don't let us live in the park, we'll move to the White House. If we can't live in the White House, we're going over to the Capitol."

Abernathy returned here yesterday after a nationwide fund-raising swing and presided at an early morning strategy meeting at the Pitts Motor Hotel, 14th and Belmont Streets NW.

In a statement later in the day, the successor to the slain Martin Luther King Jr., recalled that two weeks ago he led advance delegations of campaigners to a number of federal agencies, presenting cabinet officers with demands.

"We will be returning in the next several days to receive responses from the federal agencies to which we presented our requests for action," he said.

VIOLENCE RULED OUT

SCLC officials have reiterated that civil disobedience will be resorted to after Congress and the administration have been given a chance to react to the demonstrators' demands.

"We're not going to have any violence whatever," Abernathy told the town meeting last night, "because this is what the forces of evil want us to do. I want to ask you to remain nonviolent."

And referring to his "raise hell" comment, Abernathy said, "The real hell in this country is poverty, sickness, children in Mississippi suffering from malnutrition—that's the hell we're speaking of."

Abernathy obliquely answered consistent reports of financial difficulty by telling Resurrection City residents that money was coming in and showing the group checks, but he did not elaborate.

Earlier in the day, however, he admitted at a press conference that SCLC did not yet have sufficient funds to complete the city.

"We have a reservoir of good will in this country and that will provide the necessary funds," he added.

"BETTER BE FRIGHTENED"

At the same press conference, Abernathy was asked whether the "raise hell" statement might frighten area residents.

"They'd better be frightened," he replied, "that this country is going to burn" if nothing is done about poverty.

Meanwhile, about 400 campaigners from one of the Southern contingents were expected to move to the campsite of the Lincoln Memorial tomorrow from churches in Northern Virginia where they have been since Sunday night.

About 700 persons in the Western segment of the march arrived in St. Louis from Kansas City last night. The group was to leave for Louisville, Ky., today, arriving here Thursday.

A group of about 100 campaigners from the Pacific Northwest rolled into Minneapolis last night after a daylong bus trip from Bismarck, N.D.

The group was made up predominately of Indians. George Yellow Wolf, who joined the march at Bismarck, told a rally, "Our purpose in this march is similar to everyone's aims. We must be given an equal share in this country's wealth."

BETTER MEALS PROMISED

Visitors to the campsite yesterday included actor Robert Culp and actress Shelley Winters. Miss Winters said, "I came to wish the people the best and to hope that Congress listens to them and deals with the problems."

During his visit to the campsite last night, Abernathy asked residents how they liked their meals and said they would be getting better and that one day they would have steak.

"We're not going to pay a penny for it," he said. "We're going to go to the food stores and make them pay for it. If they don't we're going to boycott them."

The Resurrection City residents continue to lead a spartan existence as shower and laundry facilities have not been finished, and most of the campaigners have had to use buckets for bathing and laundry. Chemical toilets are being used.

FIVE HUNDRED SHELTERS ERECTED

About 500 of the A-frame, plywood and plastic shelters have now been erected of the 600-odd originally planned. The campsite permit restricts the number of campers to 3,000, and with up to 5,000 expected here eventually by SCLC, housing will continue to be a prime problem.

Tourists and the curious continued to clog the area around the Lincoln Memorial.

"All you visitors," shouted one marshal through a megaphone at one point yesterday, "we have all these old people down here with no snuff, pipes or tobacco like they're used to. We have set up a donation box by the gate. Please help us buy snuff and tobacco for our old folks."

Bevel said workshops in nonviolent techniques will begin today for camp residents. And, Bevel added, "when you see how ignorant a congressman can be, you'll start appreciating your own ability."

A delegation from the Poor People's Campaign was expected to attend a Rayburn Building hearing by the House Education and Labor Committee on malnutrition and federal food programs and possibly a Senate committee session.

Abernathy arrived at the camp at about 8:30 p.m. and visited with people who came out to shake his hand as he walked through the dark, muddy streets on his second visit of the day.

He kept repeating, "Bless your heart, so good to see you."

WANTS TO LEAVE

One older woman, Anna Mae Ray, of Marks, Miss., said she wanted to return home to the six children she had left behind. She had two children with her. Abernathy directed her to aides who promised to take her to SCLC headquarters and find her transportation.

At one hut, Abernathy and his aide, Bernard Lee walked in to visit a family watching a television set. Reporters were not permitted near the hut while Abernathy and Lee paid their short visit.

At the meeting described as the first town meeting of Resurrection City, Lee said that two similar meetings would be held each day.

Lee and J. T. Johnson, a top SCLC field organizer, led the group of about 700 persons in several handclapping freedom songs.

The smell of burning trash and wood was heavy at the campsite, with fires in several trash barrels. At one point a parade marshal rushed to a group of youths warming themselves at a large fire on the ground in front of a tipped-over barrel. The flames were dangerously close to some of the plywood huts.

ABERNATHY SMILES

Abernathy smiled widely as Lee and Johnson led the clapping crowd in such verses as, "No more Yessah Boss Over Me," and, "If You Are for Freedom Clap Your Hands."

Lee called for the singing of a hymn, "Sweet Hour of Prayer," and then told the crowd it needed God's protection because when the marchers leave Washington, "We gonna have to return home. They know all of us. Something divine is gonna have to watch over us."

Lee introduced Abernathy, who addressed his speech to "my black brothers and sisters, my white brothers and sisters, my brown brothers and sisters and my poor brothers and sisters."

He said he had come to dedicate the new city hall and to elect a mayor of the city. He was standing on a small wooden platform in front of the large structure built from sheets of plywood that will house the camp government.

A young Negro, apparently rehearsed in his role, stood and gave a brief speech nominating Abernathy for mayor. Several seconds were shouted from the crowd, but then a white woman, also apparently precoached, came before the microphones to second the nomination.

IT'S OFFICIAL

Abernathy then shouted to the crowd, "Are you ready for the motion?" He was answered by shouts of "yes."

"All in favor say aye," Abernathy shouted. The crowd dutifully answered, "Aye." All opposed say nay," he continued. There were no nays. Abernathy announced that the ayes "have it," and then asked for a vote of acclamation, which he got.

He made his first appointment—the Rev. Jesse Jackson of Chicago, to be "city manager" and said he and Jackson would have offices in the new city hall.

Keeping with the happy, pep rally mood of the meeting, Abernathy said he was looking for a place to live in the city so he could carry Mrs. Abernathy over the threshold.

"We got to stay with you. If we go up we all go up together. If we go down, we all go down together," Abernathy said.

He said the community would elect a city council, and establish a sanitation department—"you don't want any diseases breaking out here"—a health department and a welfare department. He said the city doesn't need a sheriff or police chief and changed the name of the marshals to "peace keepers."

LODGING OFFERED

He then called on Bevel to get the people ready for the demonstrations, today. But before Bevel could speak, Abernathy pointed to a man in the crowd in front of him who apparently asked to be recognized. The man suggested that Abernathy spend the night in his hotel since he was unable to find housing.

Abernathy then turned to the crowd and asked, "Is it all right with you if I stay in a hotel tonight but come in tomorrow?" The crowd answered yes.

Jesse Jackson then took the microphone and said, "It is important that we make decisions ourselves and not let the press kill our leaders."

He said Abernathy had begged to be permitted to stay at the campsite, but that the staff was worried about the leader because "you ain't got a whole lot of Abernathys around. I don't want him around here every night. They (white folks) protect their leaders. I don't want him down with me. I want him to stand on my shoulders. . . . We have a leader and to give him pneumonia (to prove a point) is like casting pearls to the swine." The crowd shouted its approval as Abernathy stood by impassively.

DOMESTIC FOOD ASSISTANCE ACT OF 1968

Mr. MONDALE. Mr. President, on May 16, I introduced a bill called the Domestic Food Assistance Act of 1968. This bill is aimed at ending the endless cycle that now exists in this country of hunger, poverty, sickness, and death among the poor.

On May 17, I had the opportunity to visit Resurrection City and to view at first hand some of the things the citizens board of inquiry had found about "Hunger, U.S.A."

An article written by Robert C. Maynard, and published in the Outlook section of Sunday's Washington Post, adds an important dimension to our understanding of the problem. For the hunger problem is not an abstract thing. It is something more than statistics. It is people. Mr. Maynard's article well documents the devastation in terms of health, ability to work and learn, even ability to seek redress of grievance, all of which can be attributed to hunger.

Mr. President, we must and can overcome the problem of hunger in this land. I am confident that a comprehensive attack on starvation and malnutrition such as that included in my bill will help us do just that.

In the hope that vivid realization will stimulate the kind of response we need to the hunger problems before us, I ask unanimous consent that Mr. Maynard's article be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

They Are Born Hungry

(By Robert C. Maynard)

The streets of Frogtown are paved with dust. The houses are shacks that sit on silts. In Savannah, a stranger usually finds his way by noting the names of streets on stone markers, about four feet high, that stand on each corner. But they do not stand in Frogtown; they lie on their sides because the dust will not sustain their weight in an upright position.

Thus a stranger in Savannah's Southwest Negro ghetto can never be certain what streets go which way. He has to rely on the street urchins, who come up and beg, "Mister, can I have a penny?" Sometimes the urchins don't know the names of the streets either. "Who you want, Mister? You want Mama Dee? She live in house right over dere."

When strange men come to Frogtown, they are looking for "Mama Dee." Kids of 5 and 6 already know that, even if they don't know the name of the street on which they live.

A couple of hundred miles from Frogtown, on a road off Highway 80 in Demopolis, Ala., the car was making great bumping noises as it negotiated the craters in the mud road. A little boy with sores on his arms and mud caked on his brown knees watched the car from behind a tree.

The car stopped and the driver smiled at the boy. He turned and fled like a frightened deer down a small path and into a house made of tin, with planks of pine wood where the windows should have been.

DOOMED BABIES

Dr. Alan Mermann loves children, which is why he is a pediatrician. He was talking about children being asleep. "It was the first time I had seen children just walk into a classroom and fall asleep."

He was describing Negro children in Lowndes County, Ala., where he did a study and came to the conclusion that the Negro children there were doomed to incomplete lives at the moment of conception. Lack of protein in the mother's diet, lack of prenatal care and lack of proper diet after birth would prevent their brains and bodies from developing.

The U.S. Commission on Civil Rights, to which Alan Mermann gave his views on the health of the children of Lowndes County, has collected masses of numbers and facts on the condition of Negroes in the Alabama Black Belt. Dr. Mermann, a Yale pediatrician, said that life for Negroes is ten years shorter than life for whites living in the same county.

That is an abstraction, a statistic arrived at by working with charts and slide rules and vital statistics from the State Health Department. One might hear it and grasp its meaning, or one might fail to sense its importance until one met Mrs. Haynes.

A BORROWED DRESS

Mrs. Haynes wore anklets rolled around the tops of her shoes. The varicose veins in her ashy brown legs stood out like cords. The faded cotton dress had been borrowed from a neighbor for the occasion of her appearance before the Civil Rights Commission in Montgomery, 40 miles from her home in Dallas County, Ala. Her hands had a hard sheen, as though the skin were plastic.

What Alan Mermann's numbers failed to convey in meaning was inescapable in the face of Mrs. Haynes. Her elongated face is almost fleshless and her eyes are shallow in their sockets. She holds her head at an angle as she sits before the commission. The television floodlights give her skin a pallor almost corpselike.

"How old is Mrs. Haynes?" a reporter asks another sitting at the press table. He says the records show her age as 42. "Forty-two!" the first newsman says. "She looks like 60."

Mrs. Haynes is the mother of six children. She lives in a shack comprising two rooms, but the roof over one of them leaks when it rains, so in fact they live in one room, all sleeping in two beds.

There water supply and their toilet facilities are a creek or a spring 100 yards from the house. Their light is a kerosene lamp.

Mrs. Wade was sitting opposite Mrs. Haynes that morning in Montgomery, also testifying. What had she had for dinner last night? "Oh, we ate good last night. We have greens and cornbread." Some nights, after the Federal food stamps have run out, the sole meal of the day is "milk bread." That's bread soaked in milk, and perhaps it will be the diet of the Wade family for ten nights.

THE SHOCK OF BOUNTY

Eli Johnson was transfixed. He comes from a family whose circumstances are the same as Mrs. Wade's. They both live in Selma. But this particular evening, 18-year-old Eli Johnson was far from home, in Atlanta.

He was standing looking at a buffet table with hundreds of pounds of food on it, including two 30-pound roasts of beef. He looked at it for a full minute. He literally did not know what to make of it.

An Atlanta matron, one of those who had prepared the food, gave him a gentle shove. "Go on and eat," she said. "Go ahead, son."

Rich Negro Atlanta, which proudly boasts more Negro millionaires than any other city in the country, had outdone itself. The Poor People's Campaign was coming through that afternoon and they decided to do it up right in the town that gave birth to Martin Luther King Jr.

Eli Johnson was in a mild state of shock. He lifted a chicken bone off the table and started to walk away. The woman showed him back toward the white-clad chef, who was carving off huge hunks of rare red meat for the Poor guests. Eli Johnson took the meat on his plate and walked toward a chair in Archer Hall at Morehouse College.

There are statistics that say that Eli Johnson will have a lifetime income one-third of that of a white youth of the same age and the same number of years of schooling in Dallas County, Ala. Those statistics are important for what they tell us about the state of our Nation.

But there is Eli Johnson, uncertain of taking a piece of roast beef; Mrs. Wade with her milk bread for ten days; Mrs. Haynes with her gaunt, aged face at 42; Dr. Mermann's sleeply children who are protein-deficient before birth; the boy who is frightened of cars and strangers, hiding in a tin hut, and the children of Frogtown, who understand hunger and corruption before they know the name of the street on which they live.

These are the faces of black Southern poverty.

Only young Eli Johnson is on the Poor People's March. It is almost gratuitous to say so, but the rest were too poor to come. Across the South of this Nation, there are families and people who are unaware that there is any place where life is different from the hunger that they see and feel daily.

Washington is a remote place and talk about doing something to change the daily condition is dangerous talk. Demanding can be deadly.

A WATERY ABATTOIR

"Mr. Charlie is a terrible creature," said the Rev. Ralph David Abernathy in Birmingham one night a couple of weeks ago. He went on for three grisly minutes speaking of the "untold" number of black bodies yielded up every spring by the Pearl River that runs through Mississippi.

And James Bevel, a top associate of Mr. Abernathy in the Southern Christian Leadership Conference, echoes him by saying: "There is a conspiracy out to murder off black people."

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"Of course it's illegal. Whenever black people want to do anything for themselves, it's 'illegal.' "

And the Rev. Andrew Young, walking along the route of march during a Memphis demonstration, talks with a reporter friend about the Alabama Black Belt, where Selma and Lowndes County are. He says:

"The oppression has increased. They are trying to drive Negroes out by whatever means because now that they have the vote—with their overwhelming numbers—they could take control. The oppression is systematic."

None of these men is a radical black nationalist. Each, in his own way, has demonstrated what their slain leader, the Rev. Dr. Martin Luther King Jr., tried in his lifetime to make clear: The nonviolent civil rights movement is determined to seek change through tactics that do not set race against race, color against color or culture against culture. But it is safe to say now that SCLC's leaders see different handwriting on the wall.

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They always sing as they march through the towns and cities bidding the poor and the oppressed to join and come to Washington for the great confrontation with the seat of power. Usually the songs are gusty, determined anthems: "Oh, Freedom," "Ain't Gonna Let Nobody Turn Me Around," "We Shall Overcome" and "Freedom, Freedom, Freedom."

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So the hunger in the Southland, the rats in the big cities, the lack of medical care and education in both city and country—all of it has come together for SCLC as never before. It has taken on a meaning larger than accidental injustice. It has become a death knell for a people, and thus for a whole nation as well.

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The whites of Appalachia, as one observer put it, have nothing but their whiteness to set them apart. To join in such an effort would erase even that sop to ego in a Nation of white power.

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Perhaps therein lies SCLC's failure to capture the imagination of poor whites. Perhaps it is that persistence of ignorance, presided over by men with 19th century mentalities, that forces Abernathy's crusade to be for minorities rather than all poor people.

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"Another racist myth bites the dust," someone mused at dinner in Macon, Ga., one evening. Again, Negroes and whites sat eating together in what was not long ago an all-white restaurant. The waitress represented the dead myth.

The owners had once complained that if Negroes came there, the waitresses would not serve them. This particular waitress made such a point of being cordial that somebody wished aloud that her attitude could be exported to the North.

POLICE SMOOTH WAY

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Hosea Williams, in Edwards, Miss., to the local whites:

"You all are glad to see these niggers leaving Mississippi, but you ain't gonna be glad to see these niggers coming back."

And the exceptions, the challengers of even that small amount of change in attitude by local police: Detective John W. Martin Jr., of the Danville, Va., Police Department, going one day ahead of the caravan all the way from Mississippi, warning police departments that the demonstrators were armed and dangerous.

Perhaps that says most about the change. Nowhere was he taken particularly seriously; it probably helped that the FBI went behind Martin and reassured the local police.

A REFLECTED ATTITUDE

Local police, of course, are public servants of the ownership class. Unless that class in the South either changes its composition, its attitude or both, the police will continue to carry the image of oppressors. Thus Eugene Patterson is important to the issue.

Blond, self-assured and full of Southern grace, he is a member of the Civil Rights Commission. Toward the end of the commission's five days of hearings late last month in Montgomery, Hosea Williams was called to the stand.

It was one of those appearances that hush the house. Dressed in a white tuniclike shirt and a black blazer, Williams probably gave one of the longest single answers on record in commission proceedings.

Asked to describe the SCLC and its work, he began in Montgomery, describing Dr. King and the Montgomery Improvement Association, which led a bus boycott that went on for 381 days—and won. Dramatically, he described the evolution of the nonviolent movement, the Freedom Rides, the sit-ins, the search for justice in housing, jobs, education and equal justice before the law.

SCLC he said, is not opposed to "Rockefeller and Ford being millionaires. But we should nominating Abernathy for mayor. Several seconds were shouted from the crowd, but then a white woman, also apparently pre-coached, came before the microphones to second the nomination.

IT'S OFFICIAL

Abernathy then shouted to the crowd, "Are you ready for the motion?" He was answered by shouts of "yes."

"All in favor say aye," Abernathy shouted. The crowd dutifully answered, "Aye." All opposed say nay," he continued. There were no nays. Abernathy announced that the ayes "have it," and then asked for a vote of acclamation, which he got.

He made his first appointment—the Rev. Jesse Jackson of Chicago, to be "city manager" and said he and Jackson would have offices in the new city hall.

Keeping with the happy, pep rally mood of the meeting, Abernathy said he was looking for a place to live in the city so he could carry Mrs. Abernathy over the threshold.

"We got to stay with you. If we go up we all go up together. If we go down, we all go down together," Abernathy said.

He said the community would elect a city council, and establish a sanitation department—"you don't want any diseases breaking out here"—a health department and a welfare department. He said the city doesn't need a sheriff or police chief and changed the name of the marshals to "peace keepers."

LODGING OFFERED

He then called on Bevel to get the people ready for the demonstrations, today. But before Bevel could speak, Abernathy pointed to a man in the crowd in front of him who apparently asked to be recognized. The man suggested that Abernathy spend the night in his hotel since he was unable to find housing.

Abernathy then turned to the crowd and asked, "Is it all right with you if I stay in a hotel tonight but come in tomorrow?" The crowd answered yes.

Jesse Jackson then took the microphone and said, "It is important that we make decisions ourselves and not let the press kill our leaders."

He said Abernathy had begged to be permitted to stay at the campsite, but that the staff was worried about the leader because "you ain't got a whole lot of Abernathys around. I don't want him around here every night. They (white folks) protect their leaders. I don't want him down with me. I want him to stand on my shoulders. . . . We have a leader and to give him pneumonia (to prove a point) is like casting pearls to the swine." The crowd shouted its approval as Abernathy stood by impassively.

DOMESTIC FOOD ASSISTANCE ACT OF 1968

Mr. MONDALE. Mr. President, on May 16, I introduced a bill called the Domestic Food Assistance Act of 1968. This bill is aimed at ending the endless cycle that now exists in this country of hunger, poverty, sickness, and death among the poor.

On May 17, I had the opportunity to visit Resurrection City and to view at first hand some of the things the citizens board of inquiry had found about "Hunger, U.S.A."

An article written by Robert C. Maynard, and published in the Outlook section of Sunday's Washington Post, adds an important dimension to our understanding of the problem. For the hunger problem is not an abstract thing. It is something more than statistics. It is people. Mr. Maynard's article well documents the devastation in terms of health, ability to work and learn, even ability to seek redress of grievance, all of which can be attributed to hunger.

Mr. President, we must and can overcome the problem of hunger in this land. I am confident that a comprehensive attack on starvation and malnutrition such as that included in my bill will help us do just that.

In the hope that vivid realization will stimulate the kind of response we need to the hunger problems before us, I ask unanimous consent that Mr. Maynard's article be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THEY ARE BORN HUNGRY

(By Robert C. Maynard)

The streets of Frogtown are paved with dust. The houses are shacks that sit on silts. In Savannah, a stranger usually finds his way by noting the names of streets on stone markers, about four feet high, that stand on each corner. But they do not stand in Frogtown; they lie on their sides because the dust will not sustain their weight in an upright position.

Thus a stranger in Savannah's Southwest Negro ghetto can never be certain what streets go which way. He has to rely on the street urchins, who come up and beg, "Mister, can I have a penny?" Sometimes the urchins don't know the names of the streets either. "Who you want, Mister? You want Mama Dee? She live in house right over dere."

When strange men come to Frogtown, they are looking for "Mama Dee." Kids of 5 and 6 already know that, even if they don't know the name of the street on which they live.

A couple of hundred miles from Frogtown, on a road off Highway 80 in Demopolis, Ala., the car was making great bumping noises as it negotiated the craters in the mud road. A little boy with sores on his arms and mud caked on his brown knees watched the car from behind a tree.

The car stopped and the driver smiled at the boy. He turned and fled like a frightened deer down a small path and into a house made of tin, with planks of pine wood where the windows should have been.

DOOMED BABIES

Dr. Alan Mermann loves children, which is why he is a pediatrician. He was talking about children being asleep. "It was the first time I had seen children just walk into a classroom and fall asleep."

He was describing Negro children in Lowndes County, Ala., where he did a study and came to the conclusion that the Negro children there were doomed to incomplete lives at the moment of conception. Lack of protein in the mother's diet, lack of prenatal care and lack of proper diet after birth would prevent their brains and bodies from developing.

The U.S. Commission on Civil Rights, to which Alan Mermann gave his views on the health of the children of Lowndes County, has collected masses of numbers and facts on the condition of Negroes in the Alabama Black Belt. Dr. Mermann, a Yale pediatrician, said that life for Negroes is ten years shorter than life for whites living in the same county.

That is an abstraction, a statistic arrived at by working with charts and slide rules and vital statistics from the State Health Department. One might hear it and grasp its meaning, or one might fail to sense its importance until one met Mrs. Haynes.

A BORROWED DRESS

Mrs. Haynes wore anklets rolled around the tops of her shoes. The varicose veins in her ashy brown legs stood out like cords. The faded cotton dress had been borrowed from a neighbor for the occasion of her appearance before the Civil Rights Commission in Montgomery, 40 miles from her home in Dallas County, Ala. Her hands had a hard sheen, as though the skin were plastic.

What Alan Mermann's numbers failed to convey in meaning was inescapable in the face of Mrs. Haynes. Her elongated face is almost fleshless and her eyes are shallow in their sockets. She holds her head at an angle as she sits before the commission. The television floodlights give her skin a pallor almost corpselike.

"How old is Mrs. Haynes?" a reporter asks another sitting at the press table. He says the records show her age as 42. "Forty-two!" the first newsman says. "She looks like 60."

Mrs. Haynes is the mother of six children. She lives in a shack comprising two rooms, but the roof over one of them leaks when it rains, so in fact they live in one room, all sleeping in two beds.

There water supply and their toilet facilities are a creek or a spring 100 yards from the house. Their light is a kerosene lamp.

Mrs. Wade was sitting opposite Mrs. Haynes that morning in Montgomery, also testifying. What had she had for dinner last night? "Oh, we ate good last night. We have greens and cornbread." Some nights, after the Federal food stamps have run out, the sole meal of the day is "milk bread." That's bread soaked in milk, and perhaps it will be the diet of the Wade family for ten nights.

THE SHOCK OF BOUNTY

Eli Johnson was transfixed. He comes from a family whose circumstances are the same as Mrs. Wade's. They both live in Selma. But this particular evening, 18-year-old Eli Johnson was far from home, in Atlanta.

He was standing looking at a buffet table with hundreds of pounds of food on it, including two 30-pound roasts of beef. He looked at it for a full minute. He literally did not know what to make of it.

An Atlanta matron, one of those who had prepared the food, gave him a gentle shove. "Go on and eat," she said. "Go ahead, son."

Rich Negro Atlanta, which proudly boasts more Negro millionaires than any other city in the country, had outdone itself. The Poor People's Campaign was coming through that afternoon and they decided to do it up right in the town that gave birth to Martin Luther King Jr.

Eli Johnson was in a mild state of shock. He lifted a chicken bone off the table and started to walk away. The woman showed him back toward the white-clad chef, who was carving off huge hunks of rare red meat for the Poor guests. Eli Johnson took the meat on his plate and walked toward a chair in Archer Hall at Morehouse College.

There are statistics that say that Eli Johnson will have a lifetime income one-third of that of a white youth of the same age and the same number of years of schooling in Dallas County, Ala. Those statistics are important for what they tell us about the state of our Nation.

But there is Eli Johnson, uncertain of taking a piece of roast beef; Mrs. Wade with her milk bread for ten days; Mrs. Haynes with her gaunt, aged face at 42; Dr. Mermann's sleeply children who are protein-deficient before birth; the boy who is frightened of cars and strangers, hiding in a tin hut, and the children of Frogtown, who understand hunger and corruption before they know the name of the street on which they live.

These are the faces of black Southern poverty.

Only young Eli Johnson is on the Poor People's March. It is almost gratuitous to say so, but the rest were too poor to come. Across the South of this Nation, there are families and people who are unaware that there is any place where life is different from the hunger that they see and feel daily.

Washington is a remote place and talk about doing something to change the daily condition is dangerous talk. Demanding can be deadly.

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SCLC he said, is not opposed to "Rockefeller and Ford being millionaires. But we should not have to live in the Buttermilk Bottoms of Atlanta, the Wattses of Los Angeles and the Harlems of New York." Instead of spending "billions to put man on the moon, we should spend billions to put men on their feet," Williams told the commission. "This land," he nearly thundered, "is our land."

ASHAMED OF REACTION

The recreation hall of Maxwell Air Force Base was still when he finished. Then Eugene Patterson, publisher of he Atlanta Constitution, one of the South's great newspapers, spoke.

His fellow white Southerners, as well as all Americans, Patterson said, would make a "grave mistake if they did not heed what Mr. Williams is saying." He traced his own reaction to the very events Williams had described.

He was disturbed by the bus boycott, he said, because it disrupted the order of his region, but looking back, he was "ashamed at my reaction." And the same for the Freedom Rides and the sit-in movement, the voter registration drives—all of it. Finally, he said, "men do change," and, for all that the movement has done, "this Nation should be profoundly thankful."

Interracial groups being able to dine graciously in Savannah's charming restaurants is the movement's doing, just as it is the movement's doing that Macon County, Ala., has a Negro sheriff. And probably, but for the early 1960's, it would have been impossible for the Southern Caravan to be escorted through the South by helpful motorcycle policemen.

All of those advances in a region that has been retarded by the most primitive of human passions—the passion of hate out of hand and to be cruel for the sake of color—simply prove what is known: Racism need not prevail if strong men will it otherwise.

AN UNANSWERABLE QUESTION

But Mrs. Haynes is dying of starvation by inches. Mrs. Wade's children live on less protein in a month than middle-class children get in a day. Eli Johnson needs more than one good meal in Atlanta. And as for the children of Frogtown and the boy in Demopolis, they need everything.

They are the ones left behind by a movement that benefited those who were already on their way. Mrs. Haynes, in the most pathetic moment of her testimony, was asked what would make her life better. She stared in bewilderment at the very audacity of the question. She never answered. She could not conceive of an answer.

It was women like Mrs. Haynes pleading to Dr. King for relief in Marks, Miss., that brought tears to his eyes. Explaining to Mrs. Haynes what "Resurrection City" in West Potomac Park has to do with her would probably be very difficult, and for different reasons from those for which it would be difficult to explain to Sen. Eastland.

But the SCLC people think that in their effort lies the answer to the question Mrs. Haynes could not answer. And they think that time for Mrs. Haynes and for the Nation is running short.

ONE HUNDREDTH BIRTHDAY ANNIVERSARY OF GEN. JOHN L. HINES

Mr. BYRD of West Virginia. Mr. President, I think it would be appropriate for us to pay tribute today to one of the Nation's oldest living soldiers.

Retired Army Gen. John L. Hines, a native of White Sulphur Springs, W. Va., is celebrating his 100th birthday today at Walter Reed Army Hospital.

General Hines, who was affectionately nicknamed "Birdie" because of his springy gait, succeeded Gen. John J. Pershing as Army Chief of Staff in 1924. He held that distinguished post for 2 years before replacing the late Gen. Douglas MacArthur in command of the Philippines.

An article published in today's Washington Evening Star relates that after dancing with him one day in London, the late Lady Astor said General Hines was "the best thing ever to come out of West Virginia." That was quite a statement from a lady who was reared in neighboring Virginia.

Mr. President, I extend to General Hines best wishes on his 100th birthday.

I ask unanimous consent that the Star article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORMER ARMY CHIEF OF STAFF: GENERAL HINES, 100 TODAY, RECALLS DAYS OF PHIL SHERIDAN

(By Herman Schaden)

Gen. John Leonard Hines, a former Army chief of staff who remembers when Phil Sheridan held a comparable post, is celebrating his 100th birthday today.

Celebrating may not be the best word, since Gen. Hines has never been much for ostentation, but his family and intimate friends are marking the day with a little ceremony in his room at Walter Reed Hospital.

"His mind is reasonably quick and he can bring back military memories dating to the days when Sheridan was commanding general of the Army," said a friend, L. Robert Davids.

As one who had done considerable research in such matters, Davids say Gen. Hines is the first high-ranking government official to reach the century mark.

"He probably best fits that description popularized by one of his Army colleagues—that 'Old soldiers never die, they just fade away,'" said Davids, realizing that Gen. Hines has been publicly unnoticed since his retirement 36 years ago.

In his time, Gen. Hines was very much in the news. The son of Irish immigrants, he was born May 21, 1868 in White Sulphur Springs, W. Va., and managed entrance to West Point despite a one-room schoolhouse education. Called "Birdie" Hines by his Army football teammates because of his springy step, he graduated in 1891.

An Indian fighter in Montana when the Spanish-American War broke out, he insisted on getting into the Cuban action and won several decorations.

"En route he 'requisitioned' Teddy Roosevelt's plush troop train in Florida and got Col. William Wherry's troops to the disembarkation point ahead of the Rough Riders, who arrived later in a coal car, dirty and angry," Davids said Gen. Hines was fond of recalling.

Wherry must have been impressed, for later he gave his daughter, Rita, to Gen. Hines in marriage. They had two children, Mrs. Alice Cleland of 6200 Oregon Ave. NW. and Col. John L. Hines Jr. of 4438 Reservoir Road NW.

Gen. Hines' long military career closely followed that of another soldier who spent his later years at Walter Reed, Gen. John J. Pershing. They were together chasing Pancho Villa in Mexico in 1916–17.

In World War I Gen. Hines rose from lieutenant colonel to major general with the American Expeditionary Forces headed by Pershing—a record of battlefield promotion equalled only by Stonewall Jackson.

Gen. Hines was known as a dazzling horseman and, perhaps paradoxically for one of his nature, a gay blade on the dance floor. Dancing with him in London after the war, Virginia-bred Lady Astor hailed him as "the best thing ever to come out of West Virginia."

Gen. Hines drew high praise from Gen. Pershing, and it was not surprising that the former was selected to succeed Pershing to the top Army post on the latter's retirement in 1924. Hines had the tough job of keeping the bare-bones post-wartime Army in fighting trim.

One of his unhappiest duties was to order the general court martial for Gen. Billy Mitchell's denunciation of military air force policy.

"Gen. Hines was greatly disturbed by the whole affair," Davids recalled. "He had no quarrel with Mitchell's long-range forecast regarding the influence of air power and had great respect for his judgment."

After his two-year term as chief of staff, Gen. Hines replaced Gen. MacArthur in command of the Philippines Department and on his 64th birthday, retired to return to his native West Virginia.

He has been at Walter Reed almost two years. His visitors there have included a famous former Army chief of staff named Dwight D. Eisenhower and one of his former junior officers of another day, retired Gen. Charles Bolte.

Gen. Hines' son, Col. Hines, also was a West Point graduate and highly decorated soldier in World War II. He was hit by a mortar shell at Frankfurt, and lost his sight, but manages to lead an active life.

GI IS SLAIN BY SHOTGUN BLAST ON STREET HERE

Mr. DODD. Mr. President, Tuesday morning, May 21, 1968, began and ended this way for a Hyattsville soldier home on leave before being shipped to combat in Vietnam: He was shot in the face and killed by a single blast from a sawed-off shotgun as he stood on the street in front of a restaurant.

There is no more moving argument for strong Federal firearms controls that include rifles and shotguns than this tragedy.

The story was reported in today's Washington Daily News.

I ask unanimous consent the article be printed in full in the RECORD as a reminder that rifles and shotguns are used by assassins and should be controlled under any law passed by this Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 21, 1968]

GI IS SLAIN BY SHOTGUN BLAST ON STREET HERE

A Hyattsville soldier, home on leave before shipping off to Vietnam, was killed early today in front of an Irving-st restaurant with a single blast of a sawed-off shotgun, police said.

Homicide detectives said that Pvt. Michael Feathers, 19, white, of 3622 Deane Drive, was standing on the sidewalk in front of the restaurant near 14th-st when a man approached, exchanged a few words with him, and then snatched the shotgun from under his coat.

The man fired point-blank at Pvt. Feathers, the charge striking the soldier in the face.

A suspect was arrested a short time later and police identified him as Arthur Luke Marshall, 21, white, of 1315 Edgewood-st, Kensington. He was charged with homicide.

HIGH COMMISSIONER FOR HUMAN RIGHTS NEEDED

Mr. PROXMIRE. Mr. President, protection can be afforded human rights and dignity only in a world that lives in peace.

Unfortunately, and tragically, war and all its destruction continues despite the fact that conflict has been outlawed by the United Nations Charter.

The intensity of violence and the brutality of war creates greater problems for man to attempt to resolve. The inhumanity of warfare tears apart human and ethical rules and manifests itself in a countermovement of terror and brutality.

It is my view that the gravity of this situation which is becoming a global sickness and is engulfing the world must be dealt with by the United Nations, the various government's church leaders and public opinion, so that their forces may join together to halt the trend.

There is a great deal of merit in the recommendation of the Commission to Study the Organization of Peace. It urges that this country, during the 1968 International Year for Human Rights, reaffirm, by a solemn declaration, its intention to abide by the provisions of the United Nations Charter relating to human rights and by the provisions of the Universal Declaration of Human Rights which constitute an authoritative interpretation of the charter.

I am in full agreement with the Commission's further recommendation that our Government prepare and present to the U.N. a comprehensive report on the progress made in the United States since 1945 in promoting respect for human rights and fundamental freedoms specified in the declaration, through legislation, administrative measures, judicial decisions, and other means, and that the Government of the United States invite other governments to present to the U.N. similar progress reports.

I completely support the Commission's endorsement of the appointment of a High Commissioner for Human Rights and would urge that our country lend all possible aid to that Commissioner in the performance of his duties.

THE URBAN CRISIS—WHICH WAY AMERICA—ADDRESS BY SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address on the subject "The Urban Crisis: Which Way America?" which I delivered yesterday at a breakfast meeting of the National Forest Products Association at Boca Raton, Fla.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The subject on which I have been asked to speak is "The Urban Crisis—Which Way America?" I prefer, however, to think in terms today not so much of a crisis which more particularly addresses itself to the cities, but rather to a greater crisis—the *National Crisis*.

Which way *is* America heading? It is a question that deeply involves every American citizen.

Already this spring, more than a hundred U.S. cities, including the Nation's Capital, have been struck by racial violence, rioting, looting, arson and mob murder. Forty-six persons have lost their lives and 2,561 others have been injured—and the long, hot summer still lies ahead. What is the cause, and what is the answer? Why this crisis in the cities?

There have been many answers advanced by many people. Most of the answers boil down to the same hackneyed generalizations. You are familiar with the standard cliches on the causes and cures of riots. The President's Riot Commission summed them up when it blamed "white racism" as the fundamental cause and recommended billions in new Federal programs as the cure.

But I think it is time, in Adlai Stevenson's fine phrase, to talk sense to the American people about the riots. Both the Commission's finding of cause and its recommended remedy, in my judgment, are superficial. The causes of the crisis faced by our cities—and, in a larger context faced by our country—involve more significantly real factors than "white racism," and the cure most certainly must involve more than just the appropriation of additional billions of dollars by the Federal Government. There are no easy or pat answers to the problem.

The crisis our country faces is a crisis of attitudes—the attitudes of government and the attitudes of the individual. The question of governmental responsibility and of individual responsibility lies at the heart of the matter.

The basic responsibility of Government is twofold: to protect its citizens, and to provide an atmosphere in which they may enjoy equal opportunity under the law.

The concomitant responsibility of citizens is to respect and support the authority of Government and to obey its laws.

The good citizen also makes an effort, commensurate with his ability, to be a productive member of his community and to contribute his fair share to the society that protects him as he, through his own drive and initiative, strives to develop the opportunities provided.

What are the attitudes that lie back of the crisis that has developed in America?

From the standpoint of Government, they can be summed up quickly, I think, as the misguided, and mis-named, "liberalism" of those in the Congress and in the Executive Branch who seem to believe that the problems of all of our citizens can and should be solved by the Federal Government—they espouse a sort of paralyzing paternalism which holds that Government should take care of every citizen in every area of his life, economically and socially, from the womb to the tomb.

It is the twisted attitude that comes down from the Supreme Court that the rights of a convicted criminal are somehow superior to the rights of society and the innocent law-abiding citizen . . . the attitude of those in Government who counsel "restraint" in dealing with rioters and lawbreakers . . . the attitude that more and more Federal appropriations will, in some miraculous way, solve our problems or make them go away.

From the standpoint of the individual, it is the mistaken attitude that the individual has a "right" to demand that Government guarantee him a livelihood whether he works for it or not . . . that he can command Government to confer status upon him . . . that it is his "right" to violate laws with which he does not agree . . . that it is his "right" to join in mass acts of so-called "civil disobedience," and to disrupt and destroy that which he does not like.

Far too many Americans, it seems to me—in Government and out—have allowed themselves to become terribly mixed up as to the responsibility of government and the responsibility of the individual.

This is manifested by mostly disturbing Phenomena:

The rapid growth of welfarism, the belief of some that constructive individual effort is old-fashioned, the sickening increase in crime, the proliferating defiance of authority, the demonstrations, the riots, and the sinister infiltration of subversive elements that aim at nothing less than the destruction of our way of life. Let us look now in greater detail at some of these manifestations of attitudes so indicative of the misguided responsibility and, yes, the irresponsibility which threaten to destroy the Republic.

An example is the peculiar spectacle of the so-called "poor people's campaign" in Washington—conceived and organized not by those who are poor themselves; but rather by others whose motives may well be something quite unrelated to improving the lot of people less fortunate than themselves.

The march on Washington and the camp-in have raised strong feelings on my part.

I have compassion for the poor, and I have supported much legislation to improve opportunities for all of our citizens.

Yet the leaders of the poor people's campaign would have it appear that nothing has been done by government for the disadvantaged and the minorities in America.

Yet, since 1960, Federal spending on programs directly benefiting the poor has reached the astonishing total of 138 billion dollars. The total for this year is 24 billion, which will rise next year to 27 billion dollars. Included are such things as welfare, food stamps, medicaid, the anti-poverty programs, low rent housing, unemployment insurance, retraining programs, adult education and many more.

This year, 37 billion dollars is also being spent by the Federal government for direct aid to urban areas.

The truth is that no government has ever done more for its citizens. Rather than being callous and indifferent, the Federal Government is both sensitive and responsive to the needs of its citizens.

More can and should be done to help both the poor and the cities with their problems. But Government can do only so much, and it should not be done under duress or in response to the threats that the poor people's campaign leaders have made. The enactment of effective Federal programs demands a careful and accurate assessment of needs, costs, revenues, etc.

It is my observation that a great deal of what is being called poverty at this point, using arbitrary income figures as the criterion, may be more psychological than real.

And separating those who will not work—and who are shiftless and indifferent by nature—from those who deserve help is difficult. Training programs and other programs calculated to help people help themselves—these must be the aim of any governmental aid. I am afraid that most of what the poor people's campaign seeks is simply greater handouts.

I am distressed at the naive gullibility with which this march has been received, especially by some of the churches and some of the clergy, who have embraced the campaign of demonstrations and its leadership without question. But that followed naturally, I suppose, as a result of the emotional binge the country went on as it over-reacted to the assassination of Dr. Martin Luther King, Jr. King was virtually defied, compared with Jesus Christ, and the flags were flown at half staff for the man who had branded his own country "the greatest purveyor of violence in the world" as he espoused the Communist line on the war in Vietnam, who held himself to be above the law, and who counseled others to break the laws they did not like.

The leaders of this campaign have promised that, if they do not get their "demands" from Congress, they will escalate their nonviolence into planned civil disobedience, which is another name for breaking the law—and lawlessness is already rife in the Nation's Capital.

The people of the District of Columbia are still reaping the bitter fruits that have sprung from the seeds of "restraint" sown by the Federal and District Governments in their weak-kneed response to the violence during the recent riots, and I would hesitate to say whether the officials—who were so low on adrenalin—have yet found out that their low-key response was an open invitation to further lawbreaking.

Irreplaceable business has been lost, insurance policies have been cancelled or will be raised, life savings have been wiped out, business enterprises have been ruined, tax revenues have been lost, and uncounted thousands of tourists have cancelled visits to the Nation's Capital.

In fact, I am told that your own convention was a casualty of the rioting, and that it is being held here instead of in Washington because of what has occurred.

In the last week or so, disheartened merchants in the District of Columbia have taken full page ads in the newspapers appealing to the government for far sterner measures than have been used so far to deal with the lawbreakers. This is a shocking commentary on the state of law enforcement in this Nation's capital city, a shocking commentary on the sorry manner in which at least a portion of our Government is discharging its basic responsibility of protecting citizens, their lives, their properties, and their businesses.

The sickening increase in crime, of which rioting has become an integral part, is not limited, of course, to the District of Columbia by any means. The figures now being processed by the FBI are expected to show that crime has soared by 88 percent in the United States from the beginning of 1960 to the end of 1967—this while the population of the country was increasing by only 10 percent.

I must say in all fairness to the Government officials whom I have criticized here by implication that I place much of the blame, for the increase in crime in this country, on the permissiveness that has led to America's current state of moral and ethical deterioration.

As reluctant as I am to say it, some of the churches must share in the blame for this decline in ethics and morality and for the growing disobedience to authority and the rule of law. I have already cited the example of the defiance of duly constituted authority by Martin Luther King.

But even more important is the fact that activist members of the clergy, even though I believe they constitute a minority of the total clergy, have virtually deserted the religious altar for the political soapbox in their activist zeal to achieve make-believe "relevance" for the church.

And I would not omit the left-wing radical intellectuals of the campus, who have incited their own students to disobedience of authority and to virtual insurrection in many colleges and universities. Many campuses have become training grounds for violent revolution.

One of the most dismaying of all the factors that have led to the present state of lawlessness in this country is the over-protection, the coddling and the veritable slobbering over the criminal that the U.S. Supreme Court has indulged in in some of its decisions dealing with the rights of accused persons.

The Court has seemingly departed from the bed-rock principle upon which law and order must depend—that punishment must follow crime—and, as a result, we are witnessing the spectacle of hoodlums running wild, secure in the knowledge that little, if anything will be done to them, even if they are arrested.

Our citizens ought also to be worried, I think, about the cavalier manner in which the court has hamstrung virtually every effort the Congress has made to strengthen the internal security of our country. I am not one who sees a communist under every bed, but neither do I wish to adopt the ostrich attitude. I must say that some of the things I see, have an ominous look.

Agents of North Vietnam have trained some Americans in guerrilla tactics in Cuba; the Progressive Labor Party, the major Peking-oriented communist organization in the United States, his distributed literature calling for guerrilla warfare in America and spelling out how it can be carried on; and Stokely Carmichael recently stated that black nationalism in this country is "progressing toward urban guerrilla war in the United States."

And what is our country doing to combat these malignant cancers that are spreading so swiftly, eating away at our Nation's vitals?

As discouraging as it may be, the answer is: All too little!

The reason is not hard to find. Very bluntly, it is America's lack of strong, courageous, determined leadership.

In May, 1967, only a year ago, the Attorney General of the United States was quoted as saying, "The level of crime has risen a little bit, but there is no crime wave in this country."

No crime wave? What does the Attorney General think it takes to constitute a wave? When he uttered those fatuous words, crime had already soared 66 per cent in six years. Now it has spiraled to 88 per cent since 1960.

Message after message has been sent to Congress by the White House dealing with crime, urging new laws to meet its threat. But where has there been any mention of the crucial role the Supreme Court has played in bringing the present sorry situation to pass?

Congress may give the President a far more stronger and better bill than he even asked for when the crime bill now before the Senate is passed, particularly if title II, is adopted. But why have the existing laws already on the books not been enforced? What can this country do to prevent its own destruction by the forces we have discussed?

We desperately need a change of attitudes in our country, for this is the crisis we face. The crisis in our cities can never satisfactorily be dealt with until we have a return to law and order in America, a return to individual responsibility and to governmental responsibility.

I reiterate what I said in the beginning: the first responsibility of government is the protection of its citizens.

If the police of this Nation are not supported now, the law will perish and this Republic cannot endure long thereafter.

Moreover, every effort must be put forth to stamp out illiteracy and the emphasis, for every individual, should be upon education. Education for the sake of education, rather than for the sake of integration—this is the important thing.

Education will light the paths to mutual respect, cooperation, and better understanding.

Booker T. Washington, one of the greatest of American Negroes, lived as a boy in Malden, West Virginia, where he toiled in the salt works and in the mines. In later years, when he had become a great educator, he made a statement, the wisdom of which can benefit not only the Negro boy or girl, but also the white youth who is desirous of making a success in life:

"When a Negro girl learns to cook, to wash dishes, to sew, to write a book, or a Negro boy learns to groom horses, or to grow sweet potatoes, or to produce butter, or to build a house, or to be able to practice medicine, as well or better than someone else, they will be rewarded regardless of race or color."

Also, family planning is imperative, and civil rights organizations should make intensive efforts to promote such.

The high birth rate among low-income Negro families simply cannot be overlooked.

For, whatever importance may be assigned to unemployment as a factor in riots and other developments which have racial overtones, the fact is that, in this age of automation, cybernation, and advancing technology, the problem of unemployment will always be with us.

No amount of Government largess and costly poverty programs will constitute a panacea therefor as long as the birth rate is permitted to soar, unchecked and uncontrolled, among those families least prepared and least able to provide for large numbers of children who, in later years, will be unprepared candidates for jobs which no longer exist.

Additionally, the problem of illegitimacy must be dealt with. Illegitimacy is, more and more, becoming a frightening factor in this whole equation.

How the Nation can continue to close its eyes to this disturbing fact is beyond comprehension.

Something will have to be done about it, or the burden of crime, riots, and the dole will ultimately become unbearable.

Militant civil rights groups should stop blaming the white power structure for all of the ills that are visited upon the Negro community.

Negroes must themselves take the lead in doing something constructive for themselves; and they can do this by waging war upon the evils of illegitimacy as one important beginning.

This is not to say that illegitimacy is nonexistent among the white population, but the statistics show clearly where the problem is greatest, and it should there be attacked more intensely.

Finally, no amount of Government paternalism can take the place of drive and ambition when it comes to developing the substantial and upright citizen.

Hard work, perseverence, and self-accomplishment breed independence and strength, courage and resourcefulness in the man or woman.

Somehow the glory of honest toil must be restored if this Nation is going to survive the domestic dangers that confront it.

Ladies and gentlemen, I cannot hide the concern which I have for my country at this time. I cannot avoid the definite impression that a revolution is taking place in this land and, although there have been beneficent and benevolent revolutions in the history of mankind, I fear that there are sinister aspects to the current turbulence which portend events that could shake the foundations of this Republic and destroy liberty under law.

The wave of student takeovers of colleges and universities, the endless marches and demonstrations and acts of mass civil disobedience, the threatening demands by those who advocate expanded welfarism, the increasing trend toward intimidation of legislators and government officials, the rapid growth of permissiveness which is destroying spiritual and moral concepts and values, and the horrifying trend toward lawlessness and violence—all these are ominous signs that our country faces destruction from within. There must be a rebirth of respect for law, for constitutional processes, for public order, and for personal responsibility if this Nation is to survive.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 58 minutes p.m.) the Senate recessed until tomorrow, Wednesday, May 22, 1968, at 10 a.m.

NOMINATION

Executive nomination received by the Senate May 21 (legislative day of May 20), 1968:

CALIFORNIA DEBRIS COMMISSION

Brig. Gen. William M. Glasgow, Jr., U.S. Army, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Brig. Gen. John A. B. Dillard, Jr., reassigned.

CONFIRMATION

Executive nomination confirmed by the Senate May 21 (legislative day of May 20), 1968:

SECURITIES AND EXCHANGE COMMISSION

Manuel Frederick Cohen, of Maryland, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, May 21, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And thou shalt be called the prophet of the Most High to give light to those who sit in darkness and to guide our feet into the way of peace.—Luke 1: 76, 79.

Our Father, at the gate of a new day we bow in silence before Thee, praying for a renewal of our spirits as we face these times which try our souls, cause us to lose patience with each other, and make us impatient with ourselves.

That we may be at our best and do our very best for Thee and for our country, grant unto us the courage of a humble mind, the creative faith of a high hope, and the confident peace of a heart stayed on Thee.

By the power of Thy spirit may we maintain our integrity, be motivated by justice, and move resolutely in the direction of peace on earth and good will to men. Bless Thou the peacemakers and may the peace made be just and enduring and for the good of all.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes; and

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15348. An act to amend section 703 (b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2276. An act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations; and

S.J. Res. 168. Joint resolution to authorize the temporary funding of the emergency credit revolving fund.

PERMISSION FOR SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs may be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INVESTIGATION OF HEATING OIL PRICES

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I am today requesting the Antitrust Division of the Department of Justice to investigate the procedures by which home heating oil prices are established along the east coast.

I am taking this action for the following reasons:

First. On April 4 of this year the per gallon cost of home heating oil sold to distributors was reduced by $0.005 at gulf coast ports.

Second. Yet on April 17, Humble Oil Co. raised its per gallon price for distribution along the east coast by $0.003.

Third. Immediately after the Humble increase all distributors along the east coast increased their per gallon price by an identical $0.003.

Fourth. This industrywide increase, despite the drop less than 2 weeks before in the gulf coast price, has been passed on to the consumer.

Fifth. The east coast increase came in the face of the following additional points mitigating against such an increase:

First. There is a traditional drop in home heating fuel prices during the spring.

Second. Stocks of home heating oil are higher than they have been in almost a year.

Mr. Speaker, there is no logical justification for an increase in consumer costs when prices are dropping at the original source of home heating oil. Moreover the unanimity in price among east coast distributors appears to be a collusive effort.

FURTHERING FEDERAL-STATE RELATIONS IN TAXATION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, the Western Governors' Conference at its 1968 annual meeting adopted a resolution urging the House of Representatives to further Federal-State relations in taxation by defeating H.R. 2158, the Interstate Taxation Act.

The Governors also urged prompt consideration and passage by the Congress of the consent bill, H.R. 9476, for the multistate tax compact.

Among other groups which have expressed earlier opposition to the Willis bill, H.R. 2158, are the National Governors' Conference, National Legislative Conference, National Association of Attorneys General, National Association of Tax Administrators, Council of State Governments and other organizations of State and local officials.

The resolution follows:

Be it resolved, That the 1968 Annual Meeting of the Western Governors' Conference now in session urges the defeat of the Willis bill, H.R. 2158, by the United States House of Representatives and the prompt consideration and passage by the Congress of the consent bill, H.R. 9476, for the Multistate Tax Compact.

THE 1962 EXECUTIVE ORDER OF PRESIDENT KENNEDY PROTECTING THE RIGHT OF FEDERAL EMPLOYEES TO FORM, JOIN, AND ASSIST ANY EMPLOYEE ORGANIZATION OR TO REFRAIN FROM ANY SUCH ACTIVITY

Mr. BUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUSH. Mr. Speaker, I have been receiving a great deal of mail from voters in the Seventh District of Texas regarding the 1962 Executive order of President Kennedy protecting the right of Federal employees to form, join, and assist any employee organization or to refrain from any such activity.

My constituents are worried, and rightly so in my opinion, that by a new Executive order the last six words—"to refrain from any such activity"—will be deleted, opening the way for compulsory unionism among Federal employees. A Presidential Commission on Labor-Management Relations headed by the Secretary of Labor is reportedly suggesting that Federal employees be required to pay a service charge to employee organizations on the grounds that they are benefiting in agencies where unions have exclusive recognition.

In the private sector during labor-management relations, management is always protecting the interests of employees from any type of compulsory unionism. It is certainly in their best interests to do so. However, in the public sector—who is protecting this same interest of Federal employees? By the very nature of the public sector the Chief Executive is often receptive to proposals such as this. That is why I think it essential that the Congress state clearly that it is the right and privilege of Federal employees to join or refrain from joining a union. That is why I am introducing such legislation.

TAX CREDIT FOR EMPLOYERS

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, securing employment for our so-called permanently unemployed is one of the great challenges facing us today.

Finding jobs for these hard-core unemployed is not easy. Our vocational and technical schools are doing a marvelous job in training. But manpower training programs cannot create jobs. Neither can the Government create on a wide scale the jobs that are now needed.

Manpower training programs can train those who are needed to fill job vacancies already in existence. We need also to give business—private industry—the incentive to create new jobs and take the chance with these "permanently unemployed."

Mr. Speaker, I am today introducing a bill that would encourage private industry to hire these hard-core unemployed. Under this bill a determination would be made of the hard-core unemployed and they would be issued a green card. Businesses, large and small, would be encouraged to hire these unemployed persons. For the first 6 months an employer would be allowed a 75-percent credit; 50 percent for the next 6 months and 25 percent for the next year. An employer would be limited on the number of such persons he could hire and could not substitute green card employees for existing employees.

This legislation is patterned after the law that allowed tax credits for investments in new equipment by businesses. I believe this bill would be a step forward toward meeting the problem of locating jobs for our permanently unemployed and would help to make them self-supporting.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 4386) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARTHUR JEROME OLINGER, A MINOR

The Clerk called the bill (S. 155) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHESTER E. DAVIS

The Clerk called the bill (S. 233) for the relief of Chester E. Davis.

There being no objection, the Clerk read the bill, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chester E. Davis the sum of $2,000. The payment of such sum shall be in full satisfaction of all claims of the said Chester E. Davis against the United States for clothing, furniture, and household effects lost by him while serving in Cuba as an attaché of the Department of Agriculture, the said Chester E. Davis having been forced to abandon such clothing, furniture, and household effects in such country when the United States and Cuba broke diplomatic relations: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contact to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DWAYNE C. COX AND WILLIAM D. MARTIN

The Clerk called the bill (H.R. 2281) for the relief of Dwayne C. Cox and William D. Martin.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

E. L. TOWNLEY

The Clerk called the bill (H.R. 11381) for the relief of E. L. Townley.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CERTAIN EMPLOYEES OF THE DEPARTMENT OF THE NAVY

The Clerk called the bill (S.1040) for the relief of certain employees of the Department of the Navy.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOSEPH W. HARRIS

The Clerk called the resolution (H. Res. 991) to refer the bill (H.R. 14109) entitled "A bill for the relief of Joseph W. Harris," to the chief commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CERTAIN EMPLOYEES OF THE NAVAL WEAPONS CENTER, CONCORD, CALIF.

The Clerk called the bill (H.R. 2282) for the relief of certain employees of the Naval Weapons Center, Concord, Calif.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE ARMY AT FORT SAM HOUSTON, TEX.

The Clerk called the bill (H.R. 10327) for the relief of Louis J. Falardeau, Irva G. Franger, Betty Klemcke, Wineta L. Welburn, and Emma L. McNeil, all individuals employed by the Department of the Army at Fort Sam Houston, Tex.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PEDRO ANTONIO JULIO SANCHEZ

The Clerk called the bill (S. 126) for the relief of Pedro Antonio Julio Sanchez.

There being no objection, the Clerk read the bill, as follows:

S. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Pedro Antonio Julio Sanchez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 6, 1960, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICHOLAS S. CVETAN, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (S. 1052) for the relief of Nicholas S. Cvetan, U.S. Air Force (retired).

There being no objection, the Clerk read the bill, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicholas S. Cvetan, United States Air Force (retired), the sum of $2,556. The payment of such sum shall be in full satisfaction of all claims of the said Nicholas S. Cvetan against the United States for emergency cost-of-living allowances for the period May 9, 1965, through July 18, 1965, during which his dependents, pursuant to instructions of superior military authority, temporarily resided in Lima, Peru, until dependents of military personnel stationed at Santo Domingo, Dominican Republic, were authorized to return to the Dominican Republic, the said Nicholas S. Cvetan having had his dependents with him while he was on authorized leave and visiting Lima, Peru, at the time all dependents were ordered evacuated from Santo Domingo, Dominican Republic: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 8, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAURENCE BLOOM

The Clerk called the bill (H.R. 1608) for the relief of Laurence Bloom.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HENRY E. BULLOCK

The Clerk called the bill (H.R. 2263) for the relief of Henry E. Bullock.

There being no objection, the Clerk read the bill, as follows:

H.R. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry E. Bullock, regular warrant officer, United States Navy, retired, of Whitesboro, New York, is hereby relieved of all liability to repay the United States the sum of $15,508, representing salary paid him during the period from April 12, 1962, through November 30, 1964, while he was an employee of the Department of the Air Force, in violation of the Act of July 31, 1894 (28 Stat. 162).

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Henry E. Bullock, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

With the following committee amendments:

On page 1, line 5, after "United States", insert "(1)".

On page 1, line 6, strike "$15,508" and insert "$14,799.19".

On page 1, line 9, after "(28 Stat. 162)", add the following: ", and (2) the sum of $687.74, representing an overpayment of salary during the period December 1, 1964, to November 5, 1966, due to a downward adjustment of his salary rate by the Department of the Air Force arising out of the violation of the Act of July 31, 1894, during the period prior to December 1, 1964."

On page 2, after line 4, add the following:

"SEC. 3. For the purposes of all laws, rules and regulations conferring rights and benefits on Federal employees, including civil service status, retirement, and retention rights, the service performed by Henry E. Bullock from April 12, 1962, through November 30, 1964, as a civilian employee of the Department of the Air Force, shall be held and considered to be creditable Federal Service. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HORACE H. EASTERDAY

The Clerk called the bill (H.R. 2758) for the relief of Horace H. Easterday.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOSEPH H. BONDUKI

The Clerk called the bill (H.R. 4939) for the relief of Joseph H. Bonduki.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WASSON COAL MINING CORP.

The Clerk called the bill (H.R. 12539) to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of the Wasson Coal Mining Corp. against the United States.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 12894) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 15633) for the relief of Robert J. Beas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DEMETRA LANI ANGELOPOULOS

The Clerk called the bill (S. 1129) for the relief of Demetra Lani Angelopoulos.

There being no objection, the Clerk read the bill, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Demetra Lani Angelopoulos may be classified as a child within the meaning of section 101(b)(1)(F) of the said Act, upon approval of a petition filed in her behalf by Mr. Constantine Angelopoulos, a citizen of the United States, pursuant to section 204 of the said Act.

With the following committee amendment:

On page 1, line 8, at the end of the bill, change the period to a colon and add the following:

"*Provided,* That the brothers or sisters of the beneficiary shall not, by reason of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS AMALIA SERESLY

The Clerk called the bill (S. 1808) for the relief of Miss Amalia Seresly.

There being no objection, the Clerk read the bill, as follows:

S. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Miss Amalia Seresly shall be held and considered to be the natural-born alien unmarried daughter of Mr. Demosthenes Raptelis, a citizen of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, lines 7 and 8, strike out the language "no natural parent of the beneficiary by virtue of such parentage," and insert in lieu thereof the following: "the natural parents or brothers or sisters of the beneficiary, by virtue of such relationship."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RACHEL STIMPSON

The Clerk called the bill (H.R. 1527) for the relief of Rachel Stimpson.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HUBERT ASHE

The Clerk called the bill (H.R. 4404) for the relief of Hubert Ashe.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SHERMAN WEBB AND OTHERS

The Clerk called the resolution (H. Res. 1098) to refer the bill (H.R. 1624) entitled "A bill for the relief of Sherman Webb, and others" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 1098

Resolved, That the bill (H.R. 1624) entitled "A bill for the relief of Sherman Webb, and others", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DOUGLAS E. KENNEDY AND ALVIN B. BURT, JR.

The Clerk called the resolution (H. Res. 1110) to refer the bill (H.R. 9752) entitled "A bill for the relief of Douglas E. Kennedy and Alvin B. Burt, Jr." to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 1110

Resolved, That the bill (H.R. 9752) entitled "A bill for the relief of Douglas E. Kennedy and Alvin B. Burt, Junior", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: On page 1, after line 7, insert:

"In the consideration of H.R. 9752 the Chief Commissioner and the court shall consider negligence or other fault of the U.S. and/or equity and good conscience and any other matter within the court's jurisdiction."

AMENDMENT TO THE AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Speaker, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE to the amendment offered by Mr. FASCELL: Strike out the words "and the court".

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. HUNGATE].

Mr. TALCOTT. Mr. Speaker, will the gentleman yield?

Mr HUNGATE. I yield to the gentleman.

Mr. TALCOTT. Mr. Speaker, will the gentleman from Missouri explain his amendment?

Mr. HUNGATE. The amendment I have is simply to delete the words "and the court" because there would be no proper relationship to the court. It goes to the Commissioner.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. RALPH J. MESSINA, SR., AND JOHN H. FITZGERALD

The Clerk called the resolution (H. Res. 1111) to refer the bill (H.R. 1761) entitled "A bill for the relief of Mr. and Mrs. Ralph J. Messina, Sr., and John H. Fitzgerald," to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HALL].

There was no objection.

CHARLES BERNSTEIN

The Clerk called the bill (S. 321) for the relief of Charles Bernstein.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CUBAN TRUCK & EQUIPMENT CO.

The Clerk called the bill (H.R. 6321) for the relief of the Cuban Truck & Equipment Co., its heirs and assigns.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri [Mr. HALL]?

There was no objection.

REMCO INDUSTRIES, INC.

The Clerk called the bill (H.R. 10417) for the relief of Remco Industries, Inc.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LENNART GORDON LANGHORNE

The Clerk called the bill (H.R. 15462) for the relief of Lennart Gordon Langhorne.

There being no objection, the Clerk read the bill, as follows:

H.R. 15462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lennart Gordon Langhorne shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 4, 1962.

With the following committee amendment:

On page 1, line 6, strike out "February 4, 1962" and substitute in lieu thereof the date "February 1, 1962."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTINA ZUBIRI GARCIA

The Clerk called the bill (H.R. 1648) for the relief of Martina Zubiri Garcia.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ENRICO DEMONTE

The Clerk called the bill (H.R. 2046) for the relief of Enrico DeMonte.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 5959) for the relief of Amalia P. Montero.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MARY JANE ORLOSKI

The Clerk called the bill (H.R. 6655) for the relief of Mary Jane Orloski.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

TIMOTHY JOSEPH SHEA AND ELSIE ANNET SHEA

The Clerk called the bill (S. 171) for the relief of Timothy Joseph Shea and Elsie Annet Shea.

There being no objection, the Clerk read the bill, as follows:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Timothy Joseph Shea and Elsie Annet Shea, husband and wife, of Orlando, Florida, the sum of $2,000, in full satisfaction of all their respective and joint claims against the United States for compensation for personal injuries and suffering incurred by the said Elsie Annet Shea, and damages to their residence and property sustained by the Said Timothy Joseph Shea and Elsie Annet Shea, incident to an accident which occurred on October 1, 1960, when two civil aircraft collided near their residence as the result of negligent landing instructions given to the pilots of such aircraft by operators of the Federal air traffic control tower, Herndon Air Port, Orlando, Florida: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That notwithstanding the limitations of section 2401 of Title 28 of the United States Code or any other statute of limitations, jurisdiction is hereby conferred upon the United States District Court for the Middle District of Florida to hear, determine, and render judgment on the claims of Timothy Joseph Shea and Elsie Annet Shea of Orlando, Florida, against the United States for personal injuries and damages, including damages to property, suffered incident to the collision of two civil aircraft on or about October 1, 1960, allegedly the result of negligent landing instructions given the pilots of the aircraft by the operators of the Federal air traffic control tower, Herndon Air Port, Orlando, Florida. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States. The action authorized to be filed by this Act must be filed within one year of the effective date of this Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF JOSIAH K. LILLY

The Clerk called the bill (S. 2409) for the relief of the estate of Josiah K. Lilly.

There being no objection, the Clerk read the bill, as follows:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon delivery within thirty days following the enactment of this Act to the Smithsonian Institution by the Merchants National Bank and Trust Company of Indianapolis, as executor of the estate of Josiah K. Lilly, of the title to, ownership, and possession of the collection of gold coins left by the said Josiah K. Lilly and comprising approximately six thousand one hundred and twenty-five items, the said estate shall be entitled to a credit against its obligation for Federal estate tax, effective as of the date upon which the return was due to be filed, in the amount of $5,534,808.00.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN EMPLOYEES OF THE DEPARTMENT OF THE NAVY

Mr. HALL. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 349, the bill (S. 1040) for the relief of certain employees of the Department of the Navy.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

S. 1040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 2 of this Act is relieved of liability to pay to the United States the amount set forth opposite his name in such section. Such amounts represent overpayments of compensation made to such individuals as a result of administrative error while they were employed at the naval installations listed in such section. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The names of each individual referred to in the first section of this Act, the amount of overpayments made to each individual, the period during which the overpayments were made, and the naval installations employing each individual, are as follows:

(1) United States Naval Ammunition Depot, Bangor, Bremerton, Washington.

Name of employee and period of overpayment:	*Amount overpaid*
Frank Grey, Junior, from December 23, 1962, through October 10, 1964	$607.20
Carroll L. Klieves, from April 16, 1963, through April 25, 1964	452.00

Name of employee and period of overpayment:	*Amount overpaid*
Helen M. Morehouse, from April 16, 1963, through October 9, 1965	1,391.10
Jerome R. Weathermon, from February 19, 1963, through October 9, 1965	1,063.93

(2) United States Polaris Missile Facility, Pacific.

Name of employee and period of overpayment:	*Amount overpaid*
George C. Solman, from November 22, 1964, through September 11, 1965	$235.20

(3) United States Naval Torpedo Station, Keyport, Washington.

Name of employee and period of overpayment:	*Amount overpaid*
Howard K. Asher, from May 24, 1964, through September 25, 1965	$228.80
Charles A. Bary, from December 23, 1962, through October 9, 1965	668.80
James L. Dalton, from January 19, 1964, through October 9, 1965	432.00
Francis J. Hedeen, from August 2, 1964, through March 2, 1965	109.45
Richard M. Lynch, from November 29, 1964, through January 2, 1965	28.80
Douglas P. McAllister, from September 15, 1963, through September 11, 1965	459.60
Amos J. Pickrell, from January 19, 1964, through January 16, 1965	228.80
Robert B. Stewart, from February 2, 1964, through October 9, 1965	492.80
Richard L. Thompson, Senior, from July 19, 1964, through July 17, 1965	210.20

SEC. 3 The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 2 of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any of these claims, and the same shall be unlawful, regardless of any contract to the contrary. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

OLD-FASHIONED BOND BURNING CALLED FOR—$50 BILLION OF FEDERAL GOVERNMENT BONDS SHOULD BE BURNED NOW SINCE THEY HAVE BEEN PAID FOR ONCE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, a lot is being said about what is wrong with our country. Usually it is about monetary affairs, financial affairs, and interest rates. I want to say—and this can be backed up by documentation and proof—that there is nothing wrong with our country that a good old-fashioned bond burning would not cure. In the New York Federal Reserve Bank we have accumulated $50 billion—not million—$50 billion in Government bonds which have been paid for once by the use of our own money. They have been paid for once. Notwithstanding that, the taxpayers are continuing to pay interest at the rate of $2 billion on those bonds. Now, think about Members of the Congress permitting that to go on.

When you say that to any person outside of Congress, his immediate response is, "Well, I just cannot believe Congress would let that go on that way."

But it is the truth. It is going on. We are paying $2 billion a year interest on bonds that have already been paid for once, and if we do not have this bond burning, we are going to have to pay for those bonds again. If we had the bond burning, the national debt would be reduced by $50 billion. That would solve every financial problem that we have before our Nation today. It is terrible that it is not done.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 144]

Ashley
Baring
Burton, Utah
Cahill
Carter
Cowger
Culver
Diggs
Edwards, La.
Frelinghuysen
Gardner
Gilber
Green, Oreg.
Gurney
Halleck
Hanna
Hansen, Idaho
Hardy
Hébert
Holifield
Holland
Howard
Jonas
Jones, N.C.
Kelly
Long, La.
McMillan
Miller, Calif.
Morse, Mass.
Moss
O'Hara, Mich.
Olsen
O'Neill, Mass.
Resnick
Rostenkowski
Scherle
Scheuer
Selden
Skubitz
Stratton
Stubblefield
Teague, Calif.
Tenzer
Tuck
Tunney
Waggonner
Wilson, Charles H.
Wright

The **SPEAKER.** On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1969

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17354) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from South Dakota [Mr. Reifel] and myself.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The **SPEAKER.** The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17354, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the unanimous-consent agreement, the gentlewoman from Washington [Mrs. Hansen] will be recognized for 1 hour and the gentleman from South Dakota [Mr. Reifel] will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington [Mrs. Hansen].

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

First I would like to express my deep appreciation to the members of this subcommittee. Their hard work and dedication coupled with their extensive knowledge of all parts of the Nation contributed materially to the committee's evaluation of the budget estimates considered.

Mr. Chairman, today, the House Appropriations Committee is presenting for the consideration of this House the 1969 appropriation bill for the Department of Interior and 22 related agencies.

Appropriations provided in this bill are to fund the various activities of bureaus in the Department of Interior, those in the U.S. Forest Service, Indian health activities, the Smithsonian Institution, National Art Gallery, Washington area metropolitan transit, and others.

Under the chairmanship of the very comes known as the all-American bill for from Ohio [Mr. Kirwan], this bill become known as the all-American bill for it provides funding to serve not only the land and natural resources of America, but the people of America and those in the far-flung territories of the trust islands, Guam and Samoa.

Because of the fact that these islands and areas are not part of the American mainland, this bill has international implications. Other international implications of the bill come about in the field of negotiations in the commercial fish area.

As we present this measure today for your careful consideration, I would like to urge that each and every Member of this House read the information and factual material which is in the committee hearings, held for 21 full days and to which frequent reference will be made today. In these hearings is indicated the extent to which the committee discussed budget estimates in detail.

You will also find a careful analysis of the innumerable details concerning the operations of each department and bureau.

They can become for you a summary of your management of the American land for which you and I are the trustees.

As we make our recommendations, the committee is mindful of the current financial situation of our Government. We have made a strenuous effort to eliminate budget items which are not considered urgent in request, even though many of us feel that several of these are important to the growth, development, and welfare of America and Americans.

This bill, however, reflecting that concern for the budget restrictions and expenditure reductions, presents a 10-percent reduction in the budget estimate, exclusive of those items involving appropriations of receipts, which are earmarked for specific use under existing legislation.

This 10-percent reduction is approximately twice the reduction recommended in past years, in spite of the fact that the committee found the 1969 estimate presented far more stringent than any made during the past several years.

I will not attempt to go into detail at this time and give you a mass of figures indicating committee action.

However, I will insert in the RECORD at this point a tabulation of the action recommended by the committee on the various budget estimates considered.

Members of the committee are wholeheartedly in support of total efficiency and economy in the administration of our Federal interior and related operations.

However, it is important in our endeavors for economy to keep in proper perspective just what expenditures under this bill involve, and why in making expenditure reductions it is mandatory to use our fullest sense of responsibility to Americans living today and to those who will follow us and who will hold us responsible for the stewardship of this American trust—our land, resources, and people.

The total new budget—obligational—authority recommended in this bill amounts to sixty-three one hundredths of 1 percent of the total new budget—obligational—authority contained in the 1969 budget estimate for all of the Federal Government's operations. Yet the activities funded in this bill are responsible for the maintenance, protection, and administration of public domain lands comprising slightly in excess of 33 percent of the total acreage of the 50 States of our Nation.

To a large extent, activities funded in this bill are self-sustaining. That is to say, revenue generated by activities in this bill comes very close to equalling the total appropriations for the bill. I will insert at this point a table for fiscal years 1967, 1968, and 1969, indicating comparability between appropriations and receipts:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1969

Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1968 (enacted to date)[1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority, recommended in the bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1968 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1969
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR					
PUBLIC LAND MANAGEMENT					
Bureau of Land Management					
Management of lands and resources	$49,253,000	$51,750,000	$51,196,000	+$1,943,000	−$554,000
Construction and maintenance	3,900,000	4,156,000	3,156,000	−744,000	−1,000,000
Public lands development roads and trails (appropriation to liquidate contract authorization)	(2,600,000)	(4,500,000)	(3,500,000)	(+900,000)	(−1,000,000)
Oregon and California grant lands (indefinite, appropriation of receipts)	10,881,000	12,175,000	12,175,000	+1,294,000	
Range improvements (indefinite, appropriation of receipts)	1,444,000	1,500,000	1,500,000	+56,000	
Total, Bureau of Land Management	65,478,000	69,581,000	68,027,000	+2,549,000	−1,554,000
Bureau of Indian Affairs					
Education and welfare services	125,568,000	153,423,000	144,393,000	+18,825,000	−9,030,000
Education and welfare services (appropriation to liquidate contract authorization)	(910,000)	(1,300,000)	(1,300,000)	(+390,000)	
Resources management	47,179,000	53,588,000	50,776,000	+3,597,000	−2,812,000
Construction	40,770,000	32,299,000	24,921,000	−15,849,000	−7,378,000
Road construction (appropriation to liquidate contract authorization)	(18,000,000)	(20,000,000)	(18,000,000)		(−2,000,000)
Revolving fund for loans	450,000	450,000	450,000		
General administrative expenses	4,627,000	4,817,000	4,767,000	+140,000	−50,000
Total, Bureau of Indian Affairs, exclusive of tribal funds	218,594,000	244,577,000	225,307,000	+6,713,000	−19,270,000
Tribal funds (limitations on use of trust funds)	(3,000,000)	(3,000,000)	(3,000,000)		
Bureau of Outdoor Recreation					
Salaries and expenses	4,190,000	4,215,000	3,915,000	−275,000	−300,000
Land and water conservation:					
Appropriation of receipts (indefinite)	110,000,000	100,000,000	100,000,000	−10,000,000	
Appropriation (definite, repayable advance)	9,191,000	30,000,000		−9,191,000	−30,000,000
Total, Bureau of Outdoor Recreation	123,381,000	134,215,000	103,915,000	−19,466,000	−30,300,000
Office of Territories					
Administration of territories	15,613,000	16,219,000	13,747,000	−1,866,000	−2,472,000
Trust Territory of the Pacific Islands	24,000,000	34,000,000	31,606,000	+7,606,000	−2,394,000
Total, Office of Territories	39,613,000	50,219,000	45,353,000	+5,740,000	−4,866,000
Total, Public Land Management	447,066,000	498,592,000	442,602,000	−4,464,000	−55,990,000
MINERAL RESOURCES					
Geological Survey					
Surveys, investigations, and research	85,499,000	94,756,000	89,470,000	+3,971,000	−5,286,000
Bureau of Mines					
Conservation and development of mineral resources	35,821,000	39,015,000	36,886,000	+1,065,000	−2,129,000
Health and safety	10,721,000	11,449,000	11,237,000	+516,000	−212,000
Solid waste disposal	3,367,000	2,167,000	1,917,000	−1,450,000	−250,000
General administrative expenses	1,532,000	1,592,000	1,577,000	+45,000	−15,000
Helium fund (authorization to spend from public debt receipts)	16,200,000	17,600,000	16,200,000		−1,400,000
Total, Bureau of Mines	67,641,000	71,823,000	67,817,000	+176,000	−4,006,000
Office of Coal Research					
Salaries and expenses	10,980,000	13,900,000	13,350,000	+2,370,000	−550,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1969—Continued

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1968 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1969 (3)	New budget (obligational) authority, recommended in the bill (4)	Bill compared with—	
				New budget (obligational) authority, fiscal year 1968 (enacted to date) (5)	Budget estimates of new (obligational) authority, fiscal year 1969 (6)
TITLE I—DEPARTMENT OF THE INTERIOR—Continued					
MINERAL RESOURCES—Continued					
Office of Oil and Gas					
Salaries and expenses	$740,000	$868,900	$768,900	+$28,900	−$100,000
Total, Mineral Resources	164,860,000	181,347,900	171,405,900	+6,545,900	−9,942,000
FISH AND WILDLIFE AND PARKS					
Bureau of Commercial Fisheries					
Management and investigations of resources	23,809,650	27,014,000	23,997,000	+187,350	−3,017,0
Management and investigations of resources (special foreign currency program)	100,000	100,000	100,000		
Construction	1,730,000			−1,730,000	
Construction of fishing vessels	6,000,000	6,004,000	6,000,000		−4,000
Federal aid for commercial fisheries research and development	4,714,000	4,722,000	4,719,000	+5,000	−3,000
Anadromous and Great Lakes fisheries conservation	2,428,000	2,334,000	2,333,000	−95,000	−1,000
Administration of Pribilof Islands (indefinite, appropriation of receipts)	2,496,000	2,633,400	2,633,400	+137,400	
General administrative expenses	693,000	730,000	720,000	+27,000	−10,000
Limitation on administrative expenses, Fisheries loan fund	(336,000)	(347,200)	(347,200)	(+11,200)	
Total, Bureau of Commercial Fisheries	41,970,650	43,537,400	40,502,400	−1,468,250	−3,035,000
Bureau of Sport Fisheries and Wildlife					
Management and investigations of resources	44,148,800	46,354,000	45,784,000	+1,635,200	−570,000
Construction	4,475,600	1,203,000	1,203,000	−3,272,600	
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,500,000	7,500,000		
Anadromous and Great Lakes fisheries conservation	2,425,000	2,325,000	2,285,000	−140,000	−40,000
General administrative expenses	1,572,000	1,634,000	1,617,000	+45,000	−17,000
Total, Bureau of Sport Fisheries and Wildlife	60,121,400	59,016,000	58,389,000	−1,732,400	−627,000
National Park Service					
Management and protection	40,672,000	44,531,000	43,429,000	+2,757,000	−1,102,000
Maintenance and rehabilitation of physical facilities	29,821,800	32,990,000	32,125,000	+2,303,200	−865,000
Construction	11,627,000	13,889,000	4,368,000	−7,259,000	−9,521,000
Parkway and road construction (appropriation to liquidate contract authorization)	(38,000,000)	(27,000,000)	(17,000,000)	(−21,000,000)	(−10,000,000)
Preservation of historic properties	770,000	1,168,000	783,000	+13,000	−385,000
General administrative expenses	2,569,000	2,969,000	2,941,000	+372,000	−28,000
Total, National Park Service	85,459,800	95,547,000	83,646,000	−1,813,800	−11,901,000
Total, Fish and Wildlife and Parks	187,551,850	198,100,400	182,537,400	−5,014,450	−15,563,000
OFFICE OF SALINE WATER					
Saline water conversion[2]	19,800,000	27,358,000	24,556,000	+4,756,000	−2,802,000
Prototype desalting plant		3,000,000	1,000,000	+1,000,000	−2,000,000
Total, Office of Saline Water	19,800,000	30,358,000	25,556,000	+5,756,000	−4,802,000
OFFICE OF WATER RESOURCES RESEARCH					
Salaries and expenses	11,130,000	12,717,000	11,217,000	+87,000	−1,500,000
OFFICE OF THE SOLICITOR					
Salaries and expenses	5,100,000	5,530,000	5,415,000	+315,000	−115,000
OFFICE OF THE SECRETARY					
Salaries and expenses	6,881,500	8,530,000	8,301,000	+1,419,500	−229,000
Total, new budget (obligational) authority, Department of Interior	842,389,350	935,175,300	847,034,300	+4,644,950	−88,141,000
Consisting of—					
Appropriations	826,189,350	917,575,300	830,834,300	+4,644,950	−86,741,000
Definite appropriations	(701,368,350)	(801,266,900)	(714,525,900)	(+13,157,550)	(−86,741,000)
Indefinite appropriations	(124,821,000)	(116,308,400)	(116,308,400)	(−8,512,600)	
Authorization to spend from public debt receipts	16,200,000	17,600,000	16,200,000		−1,400,000
Memoranda—					
Appropriations to liquidate contract authorization	(59,510,000)	(52,800,000)	(39,800,000)	(−19,710,000)	(−13,000,000)
Appropriations, including appropriation for liquidation of contract authorization	(885,699,350)	(970,375,300)	(870,634,300)	(−15,065,050)	(−99,741,000)
Total, new budget (obligational) authority and appropriation to liquidate contract authorization	(901,899,350)	(987,975,300)	(886,834,300)	(−15,065,050)	(−101,141,000)
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest protection and utilization:					
Forest land management	185,618,000	189,175,000	185,374,000	−244,000	−3,801,000
Forest research	41,257,000	40,127,000	39,067,000	−2,190,000	−1,060,000
State and private forestry cooperation	19,751,000	19,847,000	19,833,000	+82,000	−14,000
Total, forest protection and utilization	246,626,000	249,149,000	244,274,000	−2,352,000	−4,875,000
Forest roads and trails (appropriation to liquidate contract authorization)	(110,000,000)	(91,970,000)	(91,000,000)	(−19,000,000)	(−970,000)
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	80,000	80,000	80,000		
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000		
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000		
Total, new budget (obligational) authority, Forest Service	248,406,000	250,929,000	246,054,000	−2,352,000	−4,875,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1969—Continued

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1968 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1969 (3)	New budget (obligational) authority, recommended in the bill (4)	Bill compared with— New budget (obligational) authority, fiscal year 1968 (enacted to date) (5)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1969 (6)
TITLE II—RELATED AGENCIES—Continued					
FEDERAL COAL MINE SAFETY BOARD OF REVIEW					
Salaries and expenses	$162,000	$157,000	$157,000	−$5,000	
COMMISSION OF FINE ARTS					
Salaries and expenses	115,000	115,000	115,000		
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Public Health Service					
Indian health activities	82,005,000	95,907,000	90,860,000	+8,855,000	−$5,047,000
Construction of Indian health facilities	16,848,000	16,100,000	14,100,000	−2,748,000	−2,000,000
Total, Public Health Service	98,853,000	112,007,000	104,960,000	+6,107,000	−7,047,000
Office of Education					
Arts and humanities educational activities	1,000,000	(3)		−1,000,000	
Total, Health, Education, and Welfare	99,853,000	112,007,000	104,960,000	+5,107,000	−7,047,000
INDIAN CLAIMS COMMISSION					
Salaries and expenses	500,000	619,000	619,000	+119,000	
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	995,000	1,073,000	1,017,000	+22,000	−56,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Washington Metropolitan Area Transit Authority					
Federal contribution		55,147,000	43,772,000	+43,772,000	−11,375,000
Total, Department of Housing and Urban Development		55,147,000	43,772,000	+43,772,000	−11,375,000
PUBLIC LAND LAW REVIEW COMMISSION					
Salaries and expenses	3,060,000	944,000	944,000	−2,116,000	
SMITHSONIAN INSTITUTION					
Salaries and expenses	23,913,000	27,130,000	25,748,000	+1,835,000	−1,382,000
Museum programs and related research (special foreign currency program)	2,316,000	6,000,000	3,000,000	+684,000	−3,000,000
Construction and improvements, National Zoological Park	400,000	660,000	300,000	−100,000	−360,000
Restoration and renovation of buildings	1,125,000	1,200,000	400,000	−725,000	−800,000
Construction	803,000	14,197,000	2,000,000	+1,197,000	−12,197,000
Salaries and expenses, National Gallery of Art	3,054,000	3,291,000	3,200,000	+146,000	−91,000
Total, Smithsonian Institution	31,611,000	52,478,000	34,648,000	+3,037,000	−17,830,000
EXECUTIVE OFFICE OF THE PRESIDENT					
Salaries and expenses, National Council on Marine Resources and Engineering Development, and Commission on Marine Science, Engineering, and Resources	1,300,000	1,375,000	1,300,000		−75,000
FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA					
Salaries and expenses	240,000	298,000	235,000	−5,000	−63,000
HISTORICAL AND MEMORIAL COMMISSIONS					
Lewis and Clark Trail Commission					
Salaries and expenses	25,000	25,000	25,000		
Total, new budget (obligational) authority, related agencies	386,267,000	475,167,000	433,846,000	+47,579,000	41,321,000
Consisting of—					
Appropriations	386,267,000	475,167,000	433,846,000	+47,579,000	−41,321,000
Definite appropriations	(385,487,000)	(474,387,000)	(433,066,000)	(+47,579,000)	(−41,321,000)
Indefinite appropriations	(780,000)	(780,000)	(780,000)		
Memoranda—					
Appropriations to liquidate contract authorization	(110,000,000)	(91,970,000)	(91,000,000)	(−19,000,000)	(−970,000)
Appropriations, including appropriation for liquidation of contract authorization	(496,267,000)	(567,137,000)	(524,846,000)	(+28,579,000)	(−42,291,000)
Total, new budget (obligational) authority and appropriation to liquidate contract authorization	(496,267,000)	(567,137,000)	(524,846,000)	(+28,579,000)	(−42,291,000)
RECAPITULATION					
Grand total, new budget (obligational) authority, all titles	1,228,656,350	1,410,342,300	1,280,880,300	+52,223,950	−129,462,000
Consisting of—					
1. Appropriations	1,212,456,350	1,392,742,300	1,264,680,300	+52,223,950	−128,062,000
Definite appropriations	(1,086,855,350)	(1,275,653,900)	(1,147,591,900)	(+60,736,550)	(−128,062,000)
Indefinite appropriations	(125,601,000)	(117,088,400)	(117,088,400)	(−8,512,600)	
2. Authorization to spend from public debt receipts	16,200,000	17,600,000	16,200,000		−1,400,000
Memoranda—					
1. Appropriations to liquidate contract authorization	(169,510,000)	(144,770,000)	(130,800,000)	(−38,710,000)	(−13,970,000)
2. Appropriations, including appropriation for liquidation of contract authorization	(1,381,966,350)	(1,537,512,300)	(1,395,480,300)	(+13,513,950)	(−142,032,000)
3. Grand total, new budget (obligational) authority and appropriation to liquidate contract authorization	(1,398,166,350)	(1,555,112,300)	(1,411,680,300)	(+13,513,950)	(−143,432,000)

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[1] Amounts have not been reduced to reflect reserves established pursuant to Public Law 90–218 (H.J. Res. 888).

[2] Funding for this activity previously carried under "Salaries and expenses" and "Operation and maintenance."

[3] 1969 budget estimate included in Labor-HEW appropriation bill.

Item	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
Appropriations	$1,410,729,300	$1,398,166,350	$1,411,680,300
Receipts [1]	1,213,727,000	1,471,827,000	1,509,314,000

[1] Estimated for fiscal years 1968 and 1969.

SUMMARY OF BILL

At this time I am also placing in the RECORD a summary of this bill:

Item	Budget estimates, fiscal year 1969	Recommended in bill	Comparison
Title I, Department of the Interior:			
New budget (obligational authority)	$935,175,300	$847,034,300	$88,141,000
Appropriations to liquidate contract authorization	52,800,000	39,800,000	13,000,000
Title II, related agencies:			
New budget (obligational authority)	475,167,000	433,846,000	41,321,000
Appropriations to liquidate contract authorization	91,970,000	91,000,000	970,000
Grand total	1,555,112,300	1,411,680,300	143,432,000

In brief recapitulation may I point out to you totals as follows:

Budget estimates for fiscal year 1969	$1,555,112,300
The committee has recommended	1,411,680,300
A total reduction of	143,432,000

USE OF CARRYOVER FUNDS

It is frequently contended by those advocating severe cutbacks in 1969 appropriations that there are sufficient carryover or "pipeline" funds available from prior years to enable many agencies of the Federal Government to operate during fiscal year 1969 with appropriations greatly below those enacted for the 1968 fiscal year. An analysis of the items involved in this bill indicates an unobligated carryover from fiscal year 1968 to fiscal year 1969 amounting to about $122.5 million as listed in the 1969 budget estimate. As could be expected, the majority of these carryover funds are involved in construction projects which extend over 2 years. It is for noting that about $52 million, almost one-half of the total amount, is for the land and water conservation fund. This is explained by the fact that the portion of the land and water conservation fund available to States on a grant basis remains available for use by the States for a period of 3 years. During the past 2 years many of the States have been developing recreation plans which have progressed to a point where it is to be expected that in the coming year the States will have obligated a major portion of the funds earmarked for their use.

In all instances, due consideration was given to the availability of carryover funds, especially in construction programs. It will be noted from the committee report on this bill that almost without exception reductions have been made in construction estimates on the premise of the agencies making immediate use of carryover funds.

INCREASES AND DECREASES

On page 2 of the committee report is a summary of major increases and decreases in the bill. For ready reference, the summary is listed here in the RECORD:

Major increases:	
Construction of rapid transit system	+$43,772,000
Additional education and welfare services and other assistance to the American Indian	+31,396,000
Major increases—Continued	
Saline water program	+5,756,000
Administration of Territories	+5,740,000
Management, protection, and maintenance of National Parks	+5,449,000
Geologic surveys, investigations, and research	+3,971,000
Conservation and development of natural resources	+3,772,000
Smithsonian Institution and related activities	+3,037,000
Coal research	+2,370,000
Mine health and safety	+516,000
Subtotal, major increases	+105,779,000
Major decreases:	
Construction of roads	—39,100,000
Construction of facilities	—31,602,000
Acquisition of land under the Land and Water Conservation Fund	—19,191,000
Public land law review	—2,116,000
Solid waste disposal	—1,450,000
Subtotal, major decreases	—93,459,000
Other increases and decreases (net)	+1,193,950
Net total increase over fiscal year 1968	+13,513,950

An analysis of this table will indicate major increases for the construction of the rapid transit system and additional education and welfare services to the American Indian.

The above table also reflects the major reductions in funding provided in this bill for the construction of roads and facilities.

ACTIVITY SCOPE OF BILL

I would like to call the Committee's attention to pages 3 and 4 of the report which contains a great many interesting figures relative to the U.S. involvement in areas covered by this bill.

In addition to the actual receipts funded here, the national economy is strengthened through industrial and commercial activities benefiting from services performed by these agencies.

For example, the Forest Service provides about 25 percent of the total timber cut for industrial purposes in the United States. Grazing for cattle is provided, material assistance is given to our fishing industries, of which I will speak in a moment, and extensive assistance is given to the Nation's mining industry.

There is deep economic significance, too, in our national parks and other recreation facilities. It has been estimated that 150 million visitor-days in the national forests produce an expenditure by private individuals visiting those areas of about $1.3 billion.

Lest any of you assume that recreation is a "frill," I would refer you to page 198, part II, of the hearings wherein is listed the total national expenditure for recreation activities, the major part of which is in rural areas and which represents the primary source of income in many of the areas.

In 1965, approximately $79 billion, or 11.6 percent, of the gross national product of $681 billion was spent on recreation or was recreation oriented, as follows:

	Billions
Vacation travel	$22.5
Recreation goods and services	26.3
Other personal recreation expenditures	20.1
Private domestic recreation investment	8.1
Government expenditures (Federal, State, and local)	2.0
Total recreation expenditures	79.0

In addition, in terms of a national employment of 75 million in 1965, recreation accounts for about 10 percent of total and outdoor recreation, about 7.4 percent or 5.5 million persons.

In 1966, social and recreation travel accounted for a fourth to a third of the passenger automobile vehicle miles traveled in the United States—or from 177 to 236 billion vehicle-miles.

Relating this to revenue from use of highways, it means that up to one-third of the $2.961 billion received from Federal excise taxes on motor fuel, lubricating oil, and other charges paid into the highway trust fund in 1965 was attributable to recreation use.

Mineral and oil resources contained in the outer continental shelf and the oil shale lands of Utah, Colorado, and Wyoming are estimated to be worth many billions of dollars. Agencies funded in this bill are primarily responsible for the development of these lands and the protection of the Government's interest in the administration and sale of these valuable natural resources.

There are 193,000 miles of road on the national forest system, of which 164,000 miles are maintained by the National Forest Service. This is greater than the mileage maintained by any one of the largest State highway departments. Over 6,000 miles of new forest roads are planned for construction in fiscal year 1969, of which about 85 percent will be by timber sale operators under Forest Service design standards and supervision. This mileage is more than twice the distance from New York to San Francisco.

There follows a listing of selected items which further indicates the extent of activities funded in this bill:

Management of public lands (acres):	
Bureau of Land Management	452,584,244
U.S. Forest Service	186,805,031
Bureau of Indian Affairs	55,294,080

Management of public lands (acres)—Continued	
Bureau of Sports Fisheries and Wildlife	28, 500, 000
National Park Service	27, 186, 805
Total	750, 370, 160
Road Construction (miles):	
Road Mileage Inventory, 1967 (for maintenance and reconstruction)	268, 234
Mileage to be Constructed in 1969	7, 540

[In millions]

	1967 calendar year, actual	1969 calendar year, estimated
Recreation visitations:		
National Park Service	140	173
Bureau of Sport Fisheries and Wildlife	19	23
Bureau of Land Management	21	30
U.S. Forest Service	166	200
Total	346	426

TIMBER PRODUCTION

Forest Service: An estimated harvest of 12.5 billion board feet is anticipated for 1969 with a value of $200 million. This volume represents about 25 percent of the total timber cut for industrial purposes in the United States and is equivalent to the construction of 1.3 million average sized homes. It represents the raw material base for $10 billion in gross national product, and $1.9 billion annually in revenues to the Treasury under the present tax base.

The Bureau of Land Management administers the sale of over 1.5 billion board feet of timber annually.

GRAZING

The Bureau of Land Management administers grazing of over 10 million head of livestock and 2.7 million big game animals.

The Forest Service provides grazing for 7 million head of livestock for a continued and necessary source of grazing required by about 20,000 family-size ranch units.

MINERAL RESOURCES

The Bureau of Land Management administers mining and mineral leasing on some 760 million acres in the continental United States and over 250 million acres of submerged lands of the Outer Continental Shelf with estimated receipts of $633,400,000 in 1969.

Geological Survey provides the basic scientific data concerning water, land, and mineral resources; provides financial assistance to private industry for exploration for critical minerals; and supervises the development and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $2.3 billion, with royalties of $300 million. Bonuses from lease sales to date this fiscal year exceed $600 million.

COMMERCIAL FISHERIES

Much has been written and said by members of other committees of Congress and by those interested in our commercial fisheries industry regarding the sad plight in which the industry finds itself today. If early and effective action is not taken to correct this situation, the United States will have to depend entirely on other nations for the supply of its commercial fish and fish products.

Information developed during the hearings indicated that the United States now imports 71 percent of its fishery products. Commercial fishermen of this Nation are at a great disadvantage competitively with other nations because of the superior fishing fleets and equipment now being employed by other nations, and also because of wage differentials.

In several instances, what used to be an abundant supply of various types of fish adjacent to our shores is now disappearing because of lack of adequate conservation measures, inadequate biological data on the activity and behavior of these fish, indiscriminate harvesting of these stocks by foreign countries, and ecological changes.

At the present time there is a rapid decrease in the availability of individuals who are skilled fishermen due to limited financial returns on investment of funds for equipment and also wages for labor.

In Boston, for example, in the Boston ground fishing fleet, the age of the average fisherman is about 60 years.

With the complete absence of younger men to take over this trade, even if other problems of the fishing industry are solved, this Nation will still be unable to take economic advantage of the resources of the sea.

We are finding increasing competition from the Soviets, the Japanese, Canadians, and Norwegians. It would sometimes seem in reviewing these fishing problems that the United States is solely interested in military progress while allowing its economic future in this highly competitive field to go to pieces.

It is to be hoped that in spite of the fact of other problems facing this Nation, we who are responsible for its total welfare do not continue to overlook the vast benefits that can be obtained from a greatly improved commercial fishing industry in this country.

Let us not wake up some morning moaning about Soviet fishing leadership. We ourselves will have been to blame for not taking the steps that are necessary to provide world leadership, and to provide it particularly in the fields of fishery conservation. I note in the Foreign Operations Subcommittee that we are constantly funding other nations for fishery programs, yet we have great reluctance to do anything about our own.

INDIAN EDUCATION

I do not have time this afternoon to summarize for you each of the items with increases and decreases. However, some are of such major importance that I would like to review them as briefly as possible.

The Committee will note that among the items of increase this year we have escalated funding for education and welfare services and other assistance to American Indians.

The Appropriations Committee in the past several years has not been unmindful of the problems of the Indian population. We are deeply aware of them and are constantly seeking solutions, but these are not easy. Millions of dollars have been spent, but we continue to be troubled by the dropout picture and are mindful that there is a larger rate of dropouts for Indians in the public high schools than there is in the BIA schools. What are the reasons that keep the young Indians in the eighth grade on the reservation, then the moment they go to a public school do not stay through the ninth grade school year.

Where are we failing? Where do we need to move ahead? Upon what bases can we work? Why is there an increased amount of mental illness? An increasing rate of suicides among young Indians?

There are many reasons—among them poverty, lack of education and training, et cetera. Simply stated, we have not yet brought these people into the mainstream of American life, nor yet brought the Indian educational system to full equality with the public education system in America. There are language and cultural lags which must be erased.

It is for this reason, this year that we are funding a beginning in the kindergarten field. More funds than are in this bill were requested, but it is difficult to secure personnel, and the committee felt a smaller successful beginning might give us better objectivity. We have funded one-half the kindergartens requested, both in the public and Bureau of Indian Affairs Schools.

I would like to bring to the committee's attention the following information and figures:

Indian education and welfare

Indian children in Federal day and boarding schools	59, 025
Indian children in public schools	68, 655
Indians provided with welfare guidance services	37, 000
Operation and maintenance of irrigation systems (number of systems)	300

I would ask each member of this Committee to read the committee hearings in part II, beginning on page 574, to find the extent of our Indian programs. At this time, however, I would like to point out some of the areas of success.

In the self-help housing field where Indians supply labor and we fund the materials, there has been a tremendous improvement in that basic commodity—housing.

Job training is succeeding. There is better management of their lands, although I would add that irrigation programs, particularly for the Navajos, should be stepped up. Indians are also making tremendous progress in converting some of their lands into industrial areas.

All Indian problems will not be solved by this budget, for money itself is not a complete answer.

The time is now at hand when those responsible for the administration of the Indian program must lay aside bureaucratic ideas. Serious attention needs to be given to basic policy. For example, may it not be more practical and economical to accelerate the road construction and provide education through consolidated schools with higher standard facilities? Is it really the best approach to maintain Indian children in segregated Indian schools rather than to make arrangements with local public school authorities for the integration of Indian children in public schools? Should not greater emphasis be given to helping the Indian help himself with all the assistance and cooperation private industry seems willing to offer in this connection? These are some of the long-range objectives.

Bureau officials are urged to confer to the greatest possible extent with leading educators of Federal and State education systems in order to obtain maximum benefit from the experience of these individuals in the improvement and upgrading of school systems. This would be most helpful in the development of a forward-looking curriculum and higher educational standards for Indian schools. This interchange of constructive guidance will help to provide Indian children with the same educational quality as other children, and will enable the Indian pupil to transfer from Indian to public schools with a minimum of disruption to the child. Dropouts and failures will not decline until a better transition procedure is established.

This committee will continue to be deeply interested in the progress and development of the Indian, but we can no longer condone the "business as usual" approach to this situation.

May I also recommend to the Committee the discussion of Indian health programs, beginning on page 471 of part III.

The health of the American Indian is interwoven with their successful future. Sanitation problems in hundreds of villages should be of major concern to every American.

It is not possible to maintain high levels of health for the rest of the American people and yet allow an open sore of disease to fester in the Indian world. We provide increased funds.

SALINE WATER

For the office of saline water, $24,556,000 is provided for saline water conversion. This is $2,802,000 below the budget estimate and $4,756,000 above the amount available for 1968. The amount included in this bill and the total amount authorized under Public Law 90-297, approved April 29, 1968, and is for distribution as follows:

Research and development operating expenses	$17,274,000
Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities	4,292,000
Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules	1,175,000
Administration and coordination	1,815,000

Except for "administration," any individual amount listed above may be increased by up to 10 percent if such increase is accompanied by an equal decrease in one or more of the other categories.

PROTOTYPE DESALTING PLANT

The budget request included $3,000,000 to fund the Department of Interior's participation in the design, construction, operation, and maintenance of a nuclear-powered dual-purpose electric power and desalting plant to be constructed in southern California, pursuant to the provisions of Public Law 90-18, approved May 19, 1967. The bill provides $1,000,000 for this activity, a reduction of $2,000,000 below the budget estimate.

The development of a practical and efficient desalinization process would be of material assistance in mitigating some of the water problems facing this Nation today. For the past several years, ample appropriations have been provided to fund meaningful progress in this connection. Extensive research has been performed on the pilot-plant basis, and the opinion is held by many experts in this field that the time has now come for research results to be applied to actual operations.

The proposed plan in southern California, which is a cooperative project, could be a major milestone in the progress of desalinization, and high hopes are held for its success.

In all probability, funding provided for this activity would have been at a higher level had it not been for the construction delays that have been occasioned by the escalation of construction costs. The amount provided in the bill is considered sufficient to cover the Department of Interior's share of the project cost until all the financial details are settled and actual construction of the plant is progressing on schedule. Barring unforeseen circumstance, there should be no question on the availability of funds to carry out the Federal Government's responsibilities under the agreement as this project moves along to completion. I trust that the hope of diversion will not slow this.

LAND AND WATER CONSERVATION FUND

The land acquisition program under the land and water conservation fund continues to present serious problems. The escalation of land prices is still one of the most serious threats to the establishment of national recreation areas and parks. Several proposals have been submitted to correct this situation but a cure has not yet been found. The appropriation of huge sums of money for the acquisition of this land is not in itself a solution.

Legislation is now being considered in the Congress which would provide an amplified source of funds for this program. Even with the enactment of this legislation, the escalation of land prices will still be a problem, in view of the large amount of acreage already designated for acquisition by the Federal Government.

Early action needs to be taken to expedite the payment of claims and judgments rendered by the courts in condemnation cases. In fairness to the citizens of this Nation, when the Federal Government finds it necessary to take over his land and our courts have determined the amount of adequate compensation, there is no reason why the landowner should have to wait 1, 2, or 3 years to receive the compensation due him. Not only is this unfair to the individual involved, but it results in the incurrence of additional cost to the Government because of interest accruals.

The budget estimate included $130,000,000 for the land and water conservation fund program in 1969. The bill provides $100,000,000 for this purpose. The total funding provided in the bill will be derived from receipts of the land and water conservation fund, thus obviating the need for the advance appropriation requested in the budget estimate.

In determining the amounts provided the various sections of the country for land acquisition, consideration was given to urgency of need, proximity to heavily populated areas, and "opportunity buying." The following table lists by activity the amounts provided in the bill as compared with the budget estimate:

Activity	Budget estimate	Committee bill, 1969	Change
1. Assistance to States	$65,000,000	$55,000,000	−$10,000,000
2. Federal land acquisition program:			
National Park Service: Requirements for recently acquired areas:			
Assateague Island National Seashore	5,000,000	2,500,000	−2,500,000
Delaware Water Gap National Recreation Area	5,500,000	4,000,000	−1,500,000
Fire Island National Seashore	4,264,607	4,000,807	−263,800
Fort Union Trading Post National Historic Site	15,200	15,200	
Guadalupe Mountains National Park	1,446,000		−1,446,000
Herbert Hoover National Historic Site	300,000	150,000	−150,000
Indiana Dunes National Lakeshore	10,000,000	5,000,000	−5,000,000
Ozark National Scenic Riverway	2,307,900	1,153,900	−1,154,000
Pictured Rocks National Lakeshore	2,401,293	1,201,293	−1,200,000
Point Reyes National Seashore	685,000	685,000	
Roger Williams National Memorial	105,000	105,000	
San Juan Island National Historic Park	975,000	400,000	−575,000
Whiskeytown-Shasta National Recreation Area	4,000,000	2,500,000	−1,500,000
Subtotal, new areas	37,000,000	21,711,200	−15,288,800
Inholdings	9,500,000	6,763,800	−2,736,200
Total, Park Service	46,500,000	28,475,000	−18,025,000
Forest Service:			
Wilderness areas	99,000	99,000	
Other recreation areas	11,901,000	11,901,000	
Total, Forest Service	12,000,000	12,000,000	
Bureau of Sport Fisheries and Wildlife: Endangered species	1,500,000	750,000	−750,000
Bureau of Outdoor Recreation: Emergency planning and acquisition	2,000,000	1,000,000	−1,000,000
Total, Federal program	127,000,000	97,225,000	−29,775,000
Administrative expenses	3,000,000	2,775,000	−225,000
Total, 1969	130,000,000	100,000,000	−30,000,000

OFFICE OF COAL RESEARCH

Another item of significant increase is the $13,350,000 included in the bill for the Office of Coal Research. This is an increase of $2,370,000 over the 1968 appropriation and represents a reduction of $550,000 below the budget estimate.

This program was first funded in fiscal year 1961 and is responsible for developing the full potentiality and versatility of coal to the maximum benefit of the United States. Efforts are being made to expand the use of coal through the development of new uses as well as within presently known fields of utilization. The scientific and technical aspects of the program are performed through a program of contract research.

Research conducted under this program to date, has progressed to the extent that it is now necessary to expand the research to the pilot plant level in order to make full use of research results attained thus far. The increase provided in this bill pertains to the additional cost to continue funding five pilot-plant projects which will be in various stages of operation during fiscal year 1969.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

This bill normally includes an appropriation for the National Foundation on the Arts and the Humanities. Although hearings were held on the 1969 budget estimate, the bill for consideration before the House today includes no funding for this agency. Existing legislation for this activity expires June 30, 1968. New legislation which would authorize the continuance of the activity in fiscal year 1969 has not yet been enacted into law.

In the absence of the required authorizing legislation, this item has been passed over without prejudice.

JOSEPH H. HIRSHHORN MUSEUM AND SCULPTURE GARDEN

The budget estimate included a request of $14,197,000 for construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, authorized by Public Law 89–788, approved November 7, 1966. This was in accordance with the terms of the agreement entered into by the Smithsonian Institution, which stipulated that total funding for the construction of the museum would be provided by the end of fiscal year 1969.

In a critical budget year the question could be raised by those not especially sympathetic to the arts as to why any funding should be provided for this activity.

On the other hand, we have the consideration that an art and sculpture collection valued at between $30 and $40 million is being donated to the Government if adequate facilities are provided to house the collection. One needs only to review the attendance figures at the National Gallery of Art here in Washington to say nothing of other art museums, both in this country and in various parts of the world, to realize the tremendous interest that exists today in viewing art collections. Millions of people enjoy these galleries.

In view of the urgent necessity to keep expenditures at a minimum, alternatives were explored with a view to compliance with the terms of the agreement and also to keeping 1969 expenditures to an absolute minimum.

As a result, the bill provides $2,000,000 for the first phase of construction of the museum to be accomplished in fiscal year 1969. It is understood that this arrangement has been discussed with the donor and is satisfactory with him.

In conclusion, Mr. Chairman, I urge the passage of this bill. It is for the maintenance of our American earth and our American people.

What profit have we in rebuilt cities if the citizens of those cities have no water? What military laurels won in battle can compensate a nation where there is no space for mankind to walk through a forest, park or museum, or where the earth has died from lack of care?

If our stewardship does not preclude these possibilities, the latter part of this century will be a monument to our lack of vision, and our generation can only inherit censure.

Mr. ASPINALL. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to my distinguished colleague, the chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Chairman, as chairman of the authorizing committee for which the gentlewoman and her committee have the responsibility of providing and recommending appropriations, I wish to commend the gentlewoman and the members of her subcommittee and the members of the full Appropriations Committee for the presentation which they have brought before the House at this time. I wish to say further that it has been a pleasure throughout the years to work with the Subcommittee on Interior Appropriations and a special pleasure to work with the charming and able gentlewoman as chairman of that subcommittee.

Mr. Chairman, while this bill leaves many things undone that many of us would like to see done, nevertheless under the circumstances I think the gentlewoman and her subcommittee, as well as the full Committee on Appropriations, have done the best they could in the light of the needs of the day. We must keep in mind that appropriations here provided are largely to build the United States and therefore are for purposes which increase the wealth of the United States and, with few exceptions, in the provisions herein made, these moneys return many fold the investment that the United States provides.

I am right, am I not, may I ask the gentlewoman from Washington, that most of the moneys provided herein for appropriations are moneys which are received from those areas of operation which are now under the jurisdiction of the Federal Government?

Mrs. HANSEN of Washington. In response to the question of the distinguished chairman of the Committee on Interior and Insular Affairs, the receipts generated by activities funded in this bill are derived from the management by this Nation of its resources, and they would more than cover the full funding of the bill if it were not for the Bureau of Indian Affairs, for the Trust Territory of the Pacific, Samoa, and Guam, to mention a few of the nonrevenue producing agencies.

I do not feel that this really needs to be justified when one considers that the Governor of Guam has been a leader in the South Pacific. The Trust Territory represents our image which we cast in the Orient, and American Samoa has become a showcase along that line in the South Pacific.

In further response to the question of the gentleman from Colorado, when the Indians, who were the first settlers of this land are brought into the mainstream of American economic life, I feel that all funds invested in this endeavor will be well worthwhile.

I do thank the distinguished Chairman of the Committee on Interior and Insular Affairs for his remarks. I had the great pleasure of serving on the gentleman's committee when I first came to Congress, and I will say the experience which I gained there has served me well in my other congressional responsibilities.

Mr. ASPINALL. Mr. Chairman, if the distinguished gentlewoman will yield further, may I ask the gentlewoman a few more questions?

Mrs. HANSEN of Washington. I yield further to the gentleman from Colorado.

Mr. ASPINALL. As I understand it, it is the feeling of the gentlewoman and her subcommittee and the full Committee on Appropriations that the moneys which we have provided for expenditure in the Pacific are as high as we can go at this time in this program that is now provided; is that correct?

Mrs. HANSEN of Washington. This is correct. When we reviewed the unexpended balances to be available at the end of fiscal year 1969, this was the maximum amount of funding that was actually needed, and it represented an amount which would comply with the desire and wishes of this House.

Mr. ASPINALL. Now permit me to ask the distinguished gentlewoman one more question. This has to do with the matter of decreases in the Public Land Law Review Commission operation. I notice that the amount which is carried in the bill is $2,116,000 less than what the provision was for 1968 as I understand it. I have not been able to go through this in minute detail, but will the gentlewoman from Washington please explain this a little bit further?

Mrs. HANSEN of Washington. The Public Land Law Review Commission is funded at exactly the level that was requested by the Bureau of the Budget. I agree with the gentleman from Colorado and appreciate his great interest and desire to have this work completed as soon as possible, I do not feel it is going to be possible to untangle the myriads of problems which confront the users of public lands until this study is completed.

Mr. ASPINALL. Mr. Chairman, if the gentlewoman will yield for one further question, this in no way handicaps the Commission in its operations and those operations will continue as they are being carried on now and as now projected?

Mrs. HANSEN of Washington. Not at all.

Mr. ASPINALL. I thank the distinguished gentlewoman.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman for yielding. As I read the report—and I may be wrong—and I hope the gentlewoman will correct me if I am wrong, this appropriation bill calls for appropriations of about $13.5 million more than was spent for the same general purposes last year; is that correct?

Mrs. HANSEN of Washington. Actually if one considers the 1968 supplemental recently approved by the subcommittee, the amount in this bill is $56.2 million less than the funds appropriated for 1968.

Mr. MARSH. Mr. Chairman, would the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Virginia.

Mr. MARSH. In reference to the increase referred to by the gentleman from Iowa, I think it should be noted that there is an increase of $43 million in this bill for construction of the rapid transit system in Washington. There was no funding for construction of the transit system in 1968.

Mrs. HANSEN of Washington. The gentleman from Virginia is completely right. Last year there was no constructions money in the bill for the Washington Metropolitan Area Transit Authority, and because of this the gentleman will note that the item carried this year does show an increase of $43.7 million.

Mr. GROSS. I am just dealing with the figures in this bill.

Mrs. HANSEN of Washington. And I am dealing with the facts and figures.

Mr. GROSS. But, regardless of what the purpose is, this bill, if I read it right, is $13.5 million more than for the same general purposes last year. This may be an exception, but there is spending here that would be authorized of $13.5 million more than for last year.

Only a few weeks ago we cut the agricultural bill by 24 percent here in the House, and I was in hopes that this bill would come to the House with a very substantial cut in it to conform to the austerity program that we hear so much about.

I must say to the gentlewoman from Washington that I am disappointed that, having voted for a 24-percent cut in the agricultural appropriation bill only a few days ago, to find this bill increased, for whatever purposes, by $13.5 million over last year.

Mrs. HANSEN of Washington. Let me say to the gentleman from Iowa that much of the funding in this bill is for the protection of our natural resources.

Mr. SIKES. Mr. Chairman, if the gentlewoman will yield for one comment, I believe the House would want their attention drawn to the fact that this bill is $143 million below the budget, and I would consider that a very substantial savings, for which the committee should be complimented.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield to me further at this time?

Mrs. HANSEN of Washington. I am sorry, but I cannot yield further to the gentleman from Iowa at this time.

Mr. ULLMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I want to join in commending the gentlewoman from Washington insofar as this bill is concerned, which involves the stewardship of the lands and resources of the United States of America. I believe this is one of the most important appropriation bills to come before the Congress. The gentlewoman and her committee have looked into this matter with a great deal of diligence, and they have lived up to their responsibilities. I personally would like to see a rise in expenditures. I believe the stewardship of the land and natural resources of this country require that we spend increasing sums of money in this area.

The gentlewoman from Washington well knows that in the management of our timber resources, for instance, we come back with a three-fold return many times for the expenditures we make in the field of increased productivity from our forests.

This is just one example of many, many areas where the sound expenditure policy and the sound investment of funds by our Government can repay themselves manyfold back into the Treasury.

So, Mr. Chairman, I commend the gentlewoman and her committee for doing an excellent job.

Mr. ASPINALL. Mr. Chairman, would the gentlewoman yield once more?

Mrs. HANSEN of Washington. I will be delighted to yield further to the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Chairman, I thank the gentlewoman for yielding.

I believe I understand what bothers the gentleman from Iowa [Mr. GROSS], but I would suggest that we look at the facts presented here. That is, Congress authorized the construction of a rapid transit system. The appropriation for the rapid transit system calls for $43,772,000, a newly authorized program. This proposed legislation, by the way, provides for, in the amount of $11,375,000 of what the estimate was as provided by the Bureau of the Budget.

If it were not for this item, a new item, this bill would provide for considerably less appropriations than what we have for fiscal year 1969; is that not correct?

Mrs. HANSEN of Washington. The gentleman is completely correct.

Mr. ASPINALL. I thank the gentlewoman.

The CHAIRMAN. The gentlewoman from Washington has consumed 32 minutes.

Mr. REIFEL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I shall not take very much time because our chairman of the subcommittee, the distinguished gentlewoman from Washington [Mrs. HANSEN] has done an excellent job by presenting to you the elements in this legislation. I think we ought to consider ourselves fortunate to have someone as chairman of this subcommittee whose background as a State legislator and whose full life's experience has been in the very areas that are considered by this legislation—the Forest Service, the Bureau of Land Management, the Geological Survey, the Bureau of Mines, soil and moisture conservation and, indeed, including the Indians of this country, many of whom live in the State of Washington in the gentlewoman's district.

You will note, if you look at the report on page 2 with respect to the appropriations for 1969, we recommend $1,411,680,300. The estimated receipts for this next fiscal year is slightly more than that—$1,509,314,000.

The difficulty presented to the committee with respect to the various aspects of this bill, as we considered it very thoroughly over a period of several weeks, is first that we are faced with the matter that each of these agencies in the Department of the Interior that we considered, outside of that affecting the Indians, are revenue-producing agencies.

For example, with respect to the Forest Service, in some aspects of its activity, for a dollar of investment we get somewhere in the neighborhood of $17.50 in return.

With respect, let us say, to land buying and in-holdings in the Forest Service, in prior planning if we spend one dollar now, we will save $5 to $6 in the future.

So you could go on—with the Geological Survey, the Bureau of Mines, in the area of heavy metals, which is certainly important to us in these times.

The breakthroughs that have been made possible through the funding of these important agencies such as the Bureau of Mines and the Geological Survey, have made it possible for the discoveries of heavy metals and oil and other resources that are sorely needed for a rapidly growing country. Also, for the Park Service which now has to accommodate more and more people each year in order to provide the necessary recreational services.

So our problem has been to try to keep the appropriations down so that we would not materially affect the revenue producing agencies that are in the bill and at the same time also be mindful of the budget constraints that face us.

So we come then to the reduction over the budget request of somewhere in the neighborhood of 10 percent. These are hard cuts across the appropriation bill—there is no way in which they can come back and ask for more because there is no open-ended arrangement here—as I said, there is no way in which the affected agencies could come back and ask for more as they do in the Department of Agriculture where it may be necessary to pick up more payments with respect to an increase in agricultural production and say it becomes necessary to replenish the funds that have been reduced in that regard.

This is not possible here except in the instance of fire in our timber and grazing lands or damage that might be done through acts of nature, having to do with floods. But other than that these are hard cuts across the whole gamut of all the appropriation requests.

There is one item I think I would like to emphasize that is a new one in the Indian Bureau appropriation, and that has to do with kindergarten training, something that is an innovation so far as the Education Department of the Indian Bureau is concerned. Through all these years we have had Indian children coming from homes where there is a language difficulty and a language handicap that surely would benefit from kindergarten programs. But for the first time such an item has been included in this budget. Since it is an innovation, and it is going to be difficult to get adequately prepared and qualified teachers, it was the judgment of the committee that the request be cut in half.

As you know, something over 100,000 Indian boys and girls are in the first 12 grades. Over half of those are in public schools for whom the Federal Government assumes some responsibility, and the less-than-half are in Federal schools. This is an effort to see what can be done in this regard, since it has been so well demonstrated through Headstart programs throughout the Nation that an early start with Indian children may make the difference between their succeeding in the educational program and going into adulthood properly prepared to meet the demands of our society.

In closing, I wish to pay tribute to the many employees throughout the country, and these are in every State in our Union, plus Puerto Rico, employees who are dedicated and qualified. As I visit them in the various agencies across the Nation, I find them dedicated to their job and prepared to carry on with a spirit that is necessary in these times, even though we make these budget cuts and make their operation still more difficult.

So to them throughout the Nation—and I know the Committee joins me in this—we extend to them our heartiest commendation and hope that they will continue to give of themselves, as they have in the past, in order that we might keep this group of agencies which they serve continuing to provide the kind of service and leadership necessary in order that we will be able to preserve the resources of our Nation, and not only to preserve them, but even to strengthen and enlarge upon this great valuable asset which is ours in the country.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I am delighted to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I merely wish to thank the gentleman for what he has just said regarding the personnel and the spirit of the personnel in the Department of the Interior, and particularly in the Bureau of Indian Affairs. It has seemed to me that some people lately have been making a popular sport out of attacking the Bureau of Indian Affairs and throwing all kinds of rocks at its personnel. Without any doubt there are in any agency some men who do not measure up to the standard that we would like to see for them, just as there is in any legislative body a likelihood that you will find some who do not come up to the standard that the public would like to see in effect for that body. But my own observation has been that the Bureau of Indian Affairs today, under the very able leadership of Commissioner Bob Bennett, is as highly motivated and as dedicated an organization as any I have ever run across in government, and I think we have on the area director level in our own State, particularly on the eastern side of Oklahoma, as fine a spirit of service to the Indian—and am talking about 24-hour, around-the-clock type of service—prevailing at this time as we have had in the period of my service in government. I think the gentleman certainly has spoken in a timely way today about the caliber of personnel that we have today in this Bureau and about the job that is being done by them.

I thank the gentleman for yielding.

Mr. REIFEL. Mr. Chairman, I thank my friend from Oklahoma. I wholeheartedly agree with his comments with respect to the employees of this specific bureau which the gentleman mentioned.

It may be of interest to some to know that I am a product of the Indian Bureau. I was born and reared on an Indian reservation, and I never would have finished school had it not been for those dedicated Federal employees who, 50 years ago, encouraged me to continue, after half a dozen dropouts, and finally I find myself here a Member of the U.S. Congress.

This is the result, I believe very largely, of the influence and encouragement coming from the very employees my good friend, the gentleman from Oklahoma, has mentioned.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I take this time simply to commend my colleague, the ranking Republican member of this subcommittee, for the wonderful statement he has made, and to commend him as well for the dedication he has shown as we went through the hearings on this bill.

Every bill that has been reported out bears in large significance the imprint and influence and dedication and intelligence and industry of the gentleman in the well who has just spoken. He serves as an inspiration for all of us in being willing to bare his own personal experiences during his childhood in surmounting difficult obstacles and in achieving a status which we hope today still holds some esteem with the American public.

I take this opportunity to express my thanks for the leadership he has shown on this subcommittee.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I want to echo the sentiments expressed about the gentleman from South Dakota about the wonderful leadership we have had from the chairman of our subcommittee, the gentlewoman from Washington [Mrs. Hansen].

I express also my agreement with the member of the other party who mentioned how impressed we are all daily by the contributions of the gentleman from South Dakota. I have never seen a person who approaches things in a less partisan way. It seems to me his guiding interest is always the interest of his district and the Nation.

I know Leo Durocher once said, "Nice guys finish last," but I believe the gentleman in the well has disproved that. Nice guys still finish first. We are proud to see somebody who really exemplifies the true meaning of the word "gentleman." It has been a pleasure to serve with the gentleman.

Mr. REIFEL. I thank the gentleman from New Jersey.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, usually we reserve these thing for wakes and retirements. I am glad that is not the case, because I believe in flowers for the living.

I join my colleagues in saying I do not know anybody in the House of Representatives who deserves more richly the nice things that are now being said about the gentleman in the well. I fully concur in all of them.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. Mr. Chairman, I just want to say this, if I may, to my colleague from South Dakota: I had the very great pleasure, as the gentleman remembers, of traveling with the gentleman and seeing him in action with a number of kinds of people. I think I have never been with anyone who had a broader view, a more sensitive reaction to what is going on around him.

I feel that somehow I would like to commend the people that the gentleman has mentioned as having been of value to the gentleman in his life. I am glad to know they are there.

I had the pleasure—and it was not all pleasure—when I first came to the House, of serving on the Indian Affairs Committee. I have been serving with the Public Health nurses in a very tragic study of what we were not doing on the reservations. So I am particlularly glad to find myself with the gentleman in this Congress, and I am so very proud to be one of his colleagues.

Mr. REIFEL. Mr. Chairman, I thank my very dear friend, the gentlewoman from Ohio. She has been a real source of encouragement to me ever since I first came to Congress 8 years ago.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to my friend from Iowa.

Mr. KYL. My dear friend in the well knows of the esteem I hold for him and for many other individuals who are in the Bureau of Indian Affairs at the present time and who have served in the past. He knows, too, of my deep interest in the Indian people.

I guess I cast myself in the role of a "party pooper" at this time by saying that after 150 years and billions of dollars of expenditures we have done some very monumental things in detail in the treatment of our Indians but our policy in toto for this 150-year period has been the most dismal failure.

When 65 percent of the people of a large tribe in the United States cannot speak English, when there is the death rate there is among the infants, when there is a lack of education and a lack of sanitation and poor health, and there exist all the things which are not good, I still cannot point with pride to the white man's efforts to take care of the Indian problems which exist in this country.

I believe we are going to have to have a complete change in policy somewhere, some rededication or some redirection of purpose, if we are going to right a lot of wrongs that have been committed.

I thank the gentleman for yielding.

Mr. REIFEL. I thank my friend from Iowa.

I should like to add, since the gentleman mentioned the billions that have been spent, it would be interesting for all of us to go back and check, to learn that from 1900 to 1950, a period of 50 years, just a little more than $1 billion was spent on behalf of the Indians for welfare and health and educational programs.

Only now are we making a beginning, in the last 4 or 5 years, particularly since we have had the interest of a former chairman of this committee, the gentleman from Ohio, Mr. MIKE KIRWAN. We have had, I believe, relatively speaking, monumental increases in the attack on disease and in solving health and education problems among the Indians.

Today the death rate from tuberculosis alone has been reduced phenomenally. If we can go forward with this kind of a program, made possible by this committee and this Congress, in the years ahead, and even in larger form, as we are in this instance bringing in kindergarten training for the first time, we will see some tremendous improvements from here on out.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Virginia.

Mr. SCOTT. I thank the gentleman for yielding.

Inasmuch as we are discussing appropriations for the Department of the Interior, I wonder if the gentleman or the gentlewoman who is the chairman of the committee could tell me what funds, if any, are being spent from the Department of the Interior appropriations, or from other Government funds, for the poor people who are camped down near the Lincoln Memorial. I have been down there and visited this encampment, and I have noticed water and sewer and electricity and telephones going in. Is Government money being spent to house and to feed these people, and to provide utilities at this camp-in?

Mr. REIFEL. In answer to the gentleman's question, all I know in regard to expenditures there is what I have read in the papers, which say that the people who are with the Poor People's March have had to put up a bond, to the extent of $5,000, and that they are to take care of the equipment that is brought in there and whatever is necessary in connection with the sewer systems and so on, that were unused after they moved the buildings out. The supervision is what would be provided by the Park Service for any visitors who come into park areas.

Personally I am not aware of any funds being used for that purpose, but I shall be glad to yield, Mr. Chairman, to the gentlewoman from Washington, the chairman of our subcommittee, for any further answer she may want to provide.

Mrs. HANSEN of Washington. Mr. Chairman, this morning we contacted the Department of the Interior to obtain current information on this. Mr. Nash Castro, of the Department of the Interior, stated that only $7,000 had been spent for Park Police overtime, and $178 for engineering design.

Mr. Chairman, I will place at this point in the RECORD a memorandum of the agreement with the Department of the Interior pertaining to the permit so that you may all have it for your information:

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION,
Washington, D.C., May 10, 1968.

Rev. BERNARD LAFAYETTE, Jr.,
National Coordinator, Washington Poor People's Campaign, Washington, D.C.

DEAR REV. LAFAYETTE: Pursuant to the provisions of 36 CFR 50.19, permission is granted the Southern Christian Leadership Conference ("Permittee"), 334 Auburn Avenue, N.E., Atlanta, Georgia:

(a) for the purpose of setting up and maintaining tents and appurtenant temporary structures designated by Permittee as "Resurrection City, U.S.A.," for the use of not more than 3,000 persons, to use that portion of park land in the District of Columbia which is an area west of 17th Street, N.W. and north of westbound Independence Avenue to be agreed upon by the staffs of Permittee and the National Park Service and marked by stakes placed in advance by the National Park Service, said area being referred to herein as "Area A";

(b) for the purpose of holding meetings, to use the paved platform on the west terminus of the Reflecting Pool and the steps leading down to said platform daily from 7:00 p.m. until 12:00 Midnight, said area being referred to herein as "Area B";

(c) for the purpose of installing a display, consisting of not to exceed six (6) facilities such as a rural type dwelling and appurtenances and used trailers or buses, which facilities shall be maintained solely for display and shall not be occupied as living quarters, to use an area adjacent to the Smithsonian Institution to be agreed upon the staffs of Permittee, the Smithsonian Institution and the National Park Service, said area being referred to herein as "Area C."

This permit is granted in response to Permittee's application of May 10, 1968, for certain purposes of the demonstration designated by Permittee as the "Poor People's Campaign." This permit covers the areas designated and the activities described herein and is issued subject to all of the conditions enumerated herein.

1. This permit shall take effect as of 8:00 a.m., on Saturday, May 11, 1968, and shall remain in effect until 8:00 p.m. on Sunday, June 16, 1968.

2. Permittee shall provide in advance a general layout and construction plan for Area A for review by the National Park Service for adequate compliance with health and safety standards and shall proceed in accordance with said plan as approved by the National Park Service. Permittee shall install the structures in Area A in a neat and orderly plan beginning at the westernmost edge of Area A and moving eastward in a reasonably compact pattern. Permittee shall maintain the premises in accordance with applicable health and safety standards and shall facilitate periodic inspection of structures and facilities by appropriate health, safety and fire authorities of the National Park Service and of the District of Columbia to insure maintenance of such standards.

3. Permittee shall provide toilet, bathing and washing facilities and shall provide for the disposal of sewage from such facilities by making connection with available sewage lines. Permittee may connect into available water, communication and electric facilities. All utility connections shall be at the expense of Permittee. Permittee shall comply with the requirements of the National Park Service and of the District of Columbia regarding the construction and maintenance of such connections. Permittee shall arrange for the installation of necessary utility meters at its expense. Payment to suppliers for utility services shall be the responsibility of Permittee.

4. Permittee shall hold the United States and the District of Columbia harmless in the event of the death of or injury to any person or the destruction of or damage to any property, not arising out of acts of the Indemnitees' employees or agents.

5. Ingress to and egress from Area A by vehicles necessary to serve said area and the parking of such vehicles shall be at locations designated by the National Park Service.

6. Permittee may install fences within and around Areas A and C. The design of exterior fencing shall be subject to the approval of the National Park Service.

7. No firearms, weapons, explosives, or incendiary materials, and no fossil-fueled lanterns or open fires shall be permitted in the designated areas.

8. Upon cessation of the use of the designated areas under this permit, Permittee shall remove all facilities installed by or for it and shall restore the areas to their prior condition, reasonable wear and tear of the turf excepted. To guarantee compliance with this requirement, Permittee shall deposit $5,000 in cash with the National Park Service or shall execute an undertaking in the amount of $5,000 with two sufficient sureties satisfactory to the National Park Service or to furnish a contractual commitment therefore satisfactory to the National Park Service.

9. Permittee shall provide sufficient medical personnel and facilities to insure first aid and the maintenance of adequate medical care.

10. Permittee shall provide marshals, appropriately identified, in sufficient numbers to maintain good order, but this shall not limit, impair, or otherwise interfere with the authority of law enforcement agencies in the exercise of their responsibilities.

11. Permittee shall cause garbage and refuse of all kinds to be stored in covered, fly- and vermin-proof receptacles to be provided by Permittee, and Permittee shall be responsible for daily removal thereof, at its expense.

12. In the event Permittee desires to use other park areas during the term of this permit or to request an extension thereof, the issuance of permits will be considered in good faith upon the receipt of specific requests therefor. However, Permittee may make use of areas for appropriate forms of recreation in sites designated by the National Park Service for that purpose.

13. Any loud-speaking equipment used will be so adjusted as to be audible only to those people in the immediate area.

14. Permittee shall keep the designated areas in a reasonably neat and clean condition, taking into account the purposes for which they are assigned. Permittee may plant flowers and shrubs in Area A for the enjoyment of the participants. No existing trees and shrubs may be disturbed.

15. No livestock may be stabled or kept in the designated areas.

16. This permit does not authorize any activity or conduct by Permittee or participants in violation of applicable laws or regulations. The National Park Service reserves the right to revoke this permit at any time in the interest of public safety and the general welfare.

17. The rules and regulations set out in 36 CFR Part 50, a copy of which is attached hereto as Exhibit "A" shall be applicable to Permittee and participants to the extent not inconsistent with the express provisions of this permit.

Upon the acceptance of the conditions contained in this letter, indicated by the signature of Permittee in the space provided and the return of the carbon copy properly executed to this office, this letter becomes a permit for the purposes described.

Sincerely yours,

Nash Castro,
Regional Director.

Accepted And Agreed To This 10th day of May, 1968, by the Southern Christian Leadership Conference.

Bernard LaFayette, Jr.
National Coordinator of Washington Poor People's Campaign.
Walter E. Fauntroy,
Director, Washington Bureau, Southern Christian Leadership Conference.

NAACP Legal Defense Educational Fund, Inc., Legal Services Committee, Poor Peoples Campaign,
Washington, D.C., May 10, 1968.

Re Application for permit.

Mr. Nash Castro,
Regional Director, National Capital Region, National Park Service, Department of the Interior, Washington, D.C.

Dear Mr. Castro: The undersigned of the NAACP Legal Defense and Educational Fund, Inc., as counsel for the Southern Christian Leadership Conference, hereby applies for a permit for use in connection with the Poor Peoples Campaign and the establishment of and maintenance of "Resurrection City, U.S.A." pursuant to 36 C.F.R. 50.19 of Code of Federal Regulations, as follows:

Name of applicant: Southern Christian Leadership Conference.

Time: 8 a.m. on Saturday May 11, 1968, until 8 p.m. on Sunday, June 16

Place of proposed event: An area west of 17th Street, N.W. and north of westbound Independence Avenue to be agreed upon by the staffs of the applicant and the National Park Service.

Estimate of number of persons expected to attend: 2,000–3,000.

Statement of equipment and facilities to be installed by applicant for use in connection therewith: Pre-fabricated shelters; sanitary facilities; water; electricity; telephone; connection to existing sewers for waste disposal; etc.

We shall be available to furnish such additional information as you may require in the processing of this application.

Very truly yours,

Frank D. Reeves,
Chairman, Legal Services Committee.
Leroy D. Clark,
NAACP Legal Defense and Educational Fund, Inc., as Chief Counsel for the Poor People's Campaign of the Southern Christian Leadership Conference.

Mr. SCOTT. Mr. Chairman, if the gentlewoman will yield further, would the gentlewoman, the chairman of the subcommittee, since this is an appropriation bill and I feel that they are knowledgeable in this field, know whether any other Government agency is providing the money necessary for these utilities going into tent city in our Capital?

Mr. REIFEL. I yield to the gentlewoman from Washington for a reply.

Mrs. HANSEN of Washington. May I say that it is not in my province as chairman of my subcommittee to monitor the activities of other agencies. I speak only for the agencies in my bill. For your information, I will read some excerpts from the agreement:

> Permittee shall provide toilet, bathing and washing facilities and shall provide for the disposal of sewage from such facilities by making connection with available sewage lines.
>
> Permittee may connect into available water, communication and electric facilities. All utility connections shall be at the expense of Permittee.
>
> Permittee shall comply with the requirements of the National Park Service and of the District of Columbia regarding the construction and maintenance of such connections.
>
> Permittee shall arrange for the installation of necessary utility meters at his expense. Payment of suppliers for utility services shall be the responsibility of Permittee.

Mr. SCOTT. Mr. Chairman, if the gentlewoman will yield further?

Mr. REIFEL. I yield to the gentleman.

Mr. SCOTT. Will the gentlewoman tell me who issued this permit? All of the Members from Virginia joined in introducing a bill that would have prohibited this permit from being issued, and I am just interested in knowing who issued the permit.

Mrs. HANSEN of Washington. If the gentleman will yield further, it was signed by Mr. Nash Castro, the regional director of the National Park Service, as representative of the Department of the Interior.

Mr. SCOTT. I thank the gentlewoman for yielding.

Mr. REIFEL. Mr. Chairman, I now yield to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. What has the $7,000 been spent for? Does the gentleman know? And where did the National Park Service or the Department of the Interior get the $7,000 that has been expended?

Mr. REIFEL. Mr. Chairman, I yield to the gentlewoman from Washington for a reply.

Mrs. HANSEN of Washington. This $7,000 was expended for Park Police overtime which is a protection to any person in that area. It involved the use of funds appropriated for maintenance of police protection by the National Park Police.

Mr. GROSS. There are certain other lesser expenses I believe the gentlewoman mentioned.

Mrs. HANSEN of Washington. There was $178 expended for engineering and design involved in laying out this city to Park Service specifications.

Mr. GROSS. Are there any contingency funds in this bill from which the moneys could be used?

Mrs. HANSEN of Washington. There are none.

Mr. GROSS. I just want to be sure that in the future there is no money they can tap for purposes of this kind.

I happen to have here a copy of the permit that was issued. Who provided the fence? Did these so-called poor marchers provide their own fence to set up the enclosure in which they hold forth?

Mrs. HANSEN of Washington. They borrowed the fence.

Mr. GROSS. They borrowed it?

Mrs. HANSEN of Washington. Yes, from the Park Service.

Mr. GROSS. From the Park Service?

Mrs. HANSEN of Washington. Yes, and they erected the fence themselves. May I say to the gentleman from Iowa that in the 1969 fiscal year budget which we are presenting to the House today, there are no funds provided for situations of this kind, nor have there been any items presented to the committee with reference to reprograming with which to finance any part of this installation.

Mr. GROSS. Well, Mr. Chairman, if the distinguished gentleman will yield further, here is a tract of land which is Federal property, administered by the Federal Park Service that is now enclosed. As I understand it, if an individual citizen went to this enclosure and tried to get in, he would be barred and would not even have the protection of the Park Police in trying to use such Federal property. What is this all about? When and how did this Federal property become property to be dominated exclusively by a bunch of people who have marched upon Washington? Has the committee not gone into this situation at all in order to determine who is administering that Federal property?

Mr. REIFEL. Mr. Chairman, in answer to the gentleman's question, which I think is a very valid one, that is under the jurisdiction of one of the authorizing committees of this Congress, as to just where and when and how this situation is going to be met. In other words, this question does not come within the purview of the Committee on Appropriations.

In my opinion, the gentleman can check on it with the committee of this Congress which has jurisdiction over these matters.

Mr. GROSS. I am told that the people who are there today have sole control of this tract of land within that enclosure, of this Federal property, and this is very hard to believe.

Mr. REIFEL. I would say to the gentleman from Iowa that it is covered under the conditions of control as outlined in the document to which he referred with respect to the agreement which has been reached under which the marchers worked out this arrangement with the Federal Government.

Mr. HALL. Mr. Chairman, will the distinguished gentlewoman yield to me at this point?

Mrs. HANSEN of Washington. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I have one question which I would like to ask the gentlewoman.

It is a matter of record that the National Park Service has many impoundments and reservoirs which have obviously been available throughout this free land of ours for people to use, predicated upon the fact that they had paid for the construction of the dams, acquisition of land, and the ingress and egress roads, and so forth. Now, by an Executive order issued by the President upon the recommendations of the Secretary of the Department of the Interior; a fee is required to be paid by our citizens, whether they are senior citizens over 65 years of age or other. This has been dubbed as the golden eagle fee which has to be paid for entrance into a national park on a yearly basis.

Are these people who are camped on National Park property in the Federal City being charged on a daily fee or golden eagle pass basis?

Mr. REIFEL. I cannot answer the gentleman's question because I do not know whether some have the golden eagle stamp or whether some do not. However, I would be glad to yield at this time to the very able chairman of the Committee on Interior and Insular Affairs to respond to the gentleman's question.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Colorado.

Mr. ASPINALL. I can well understand what is bothering our distinguished friend, the gentleman from Missouri [Mr. HALL]. I am not one of those who wishes to take any personal exception to what has created this situation. But I do want it understood that the golden eagle passport as such, or a fee as such, is not called for, is not demanded for most of the facilities which are under the National Park Service and the National Park Police in Washington, D.C., as these facilities are used in Washington, D.C.

If they were, we would be paying a fee to travel on the Rock Creek Parkway; if they were, we would be paying a fee to travel on the Baltimore Parkway; if they were, we would be charged a fee to travel the Washington Memorial Parkway; if they were, we would be charged to use the Mall, or any other of the National Park facilities.

Now, it just so happens that no fees are charged or have been charged any time, as far as I know, in the history of our Nation for these particular facilities.

Now, going on to the other side of the coin—and I do feel a little bit about this matter myself—if it is fair to charge fees for the use of the Rocky Mountain National Park in Colorado, or for the Yellowstone National Park, all of which are provided for by the Federal Government, then of course there is some equity. But as far as the present users of the Mall are concerned, they are under no more obligation to pay down there for what they are doing than anybody else.

I do object, and it is my understanding that others have been denied the use of these areas heretofore, but that is not the question Dr. HALL asked. What Dr. HALL was asking was why, if we charge fees, why do we not charge fees down there? We have never charged fees for using these facilities in Washington, D.C.

Mr. HALL. I appreciate the statement made by the distinguished chairman of the Committee on Interior and Insular Affairs, when he states that we would have to pay a fee, which some of us have already paid, to enable us to travel back and forth between Baltimore and Washington on Project 66 in the national park system here; but what I do wonder is that should the Boy Scouts of America, for example, wish to hold a jamboree or a camp on this site, or on the polo grounds on the south side of Ohio Drive, or some other place in the District, that all such groups and citizens will have an equal and a just, petitionable, and equitable opportunity to so camp without the posting of bond, or any necessity for producing a "Golden Eagle," or paying an admission fee. I would believe that one would follow the other.

Mr. ASPINALL. I would not be in position to answer the question of the gentleman from Missouri, and I am sure that if that situation should arise it would have to be handled at that time.

As it has been suggested by the gentleman from Missouri, however, I do not know if this has to establish a precedent. Certainly it does not have anything to do with the appropriation bill that is before us, but as far as the authorizing bill, it does.

What has bothered me in this whole matter, I might say to my personal friend and colleague from South Dakota, now in the well, is that the bill that provided for what is going on down in the Mall did not come to the Committee on Interior and Insular Affairs; it went to the Committee on Public Works, because there is a dual jurisdiction in this whole matter, and the decision was made—although there was some request made of the Department of the Interior—the decision was made purely as an administrative decision. I hope that it does not establish a precedent. But if some group like the Boy Scouts or the Girl Scouts had no other place to go—and I am not so sure but that there were other places rather than this particular place—that the present petitioners in Washington could have used—but I believe that as American citizens I think they have the right to look back to see what others have been given, and then to say that they would like to receive the same treatment.

Mr. REIFEL. I appreciate the gentleman from Colorado establishing some legislative history in this regard.

Mr. GROSS. If the gentleman will yield further, it would be interesting to see what would happen to a camper from Colorado, South Dakota, or from Iowa who would pull in this evening down on the Mall with his camper, or pitch a tent on the Mall. It would be interesting to see how long he would be permitted to stay. I was about to suggest that the chairman of the Committee on Interior and Insular Affairs and the gentleman from Iowa, who is presently speaking, should get together and pitch a tent down there tonight, and see how long we would last.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman.

Mr. JOELSON. I suppose that in the interest of justice, if rich people want to march and set up shanties to petition their Government, they should have the same privilege as the poor.

A great French author wrote, "The law in its equal justice prohibits the rich and poor alike from sleeping under bridges."

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman.

Mr. KYL. This is a good time again to point out the problem that faces the Interior Department appropriation committee and the authorizing committee of the House and those here who seek to be conservationists.

In the report there is a table indicating how much money is being appropriated to buy land which has been authorized for purchase by the Federal Government for recreation and for conservation purposes and parks and so on.

One can see from that table that we have a problem—and the actual problem is much bigger than that—because we have $350 to $400 million worth of land to purchase and we are not being granted the money in this bill and will not be for a long time in other bills to purchase this land.

The Committee on Appropriations has sought to acquire these lands from the conservation fund. Basically, these are earmarked funds for the purpose of acquiring land. Yet, if the Federal Government's portion of that fund is not expended over a 2-year period, those funds revert to the General Treasury so it is not completely an earmarked fund.

There is not enough money in that fund presently to fulfill the promise that the Congress has made to the American people so far as acquiring park lands is concerned.

Unless we are to become half conservationists, we authorize the purchase but do not appropriate the land to actually consummate the purchase.

Later this week, or certainly within a matter of a short time we will have before this House a bill, a revised water and conservation fund. There has been some disagreement with that bill. But if a Member is prone to disagree with the contents of that bill—if he does tend to oppose it, I think he should have it incumbent upon himself also to try to find some other solution.

This is the best solution that the legislative committee could come up with. It is the only way that I know of at this time that we will be able to fulfill the obligations of our authorizing legislation. If we do not get that bill passed, would the gentleman in the well agree with me that we will fall farther and farther behind in acquiring the lands authorized for purchase; and, second, that these lands will be continually escalating in price until we probably will have to pay double the present value? Is that a true statement?

Mr. REIFEL. I agree with the gentleman from Iowa. Unless we do find some means to begin buying up these lands, in holdings and other areas where land prices are escalating 4 and 5 and 6 and even more percent per year, we just are not going to have the money to preserve America to the extent that we should.

I am entirely in agreement with the gentleman and I hope that when the bill eventually comes before this body we are going to be able to act upon it favorably.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman.

Mr. TAFT. Mr. Chairman, I would like to ask the gentleman or anyone serving on the subcommittee for a further explanation of the increase in authorized salaries for the Office of the Secretary of the Interior, an increase of $1,419,000.

When we look to the language of the report on pages 31 and 32, there is a discussion of the decreases from the budget items which come to only $229,000. But there is no indication as to the justification for the increase in salaries involved.

I would call to the attention of the gentleman that the increases provided are very considerably in excess of what will be required merely to cover pay increases. This must be an increase in personnel. I wonder at this time in facing the budgetary crisis in which we now find ourselves whether in the opinion of the committee such an increase would be justified?

Mr. REIFEL. You mean the increase in the Office of the Secretary?

Mr. TAFT. Yes.

Mr. REIFEL. Which amounts to $1,419,500. It is on page 31 of the report.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Of the increase, $674,200 is for the transfer of the departmental library. This cost was previously distributed among the bureaus. In 1969, the library and its costs were transferred to the Office of the Secretary as should have been done long ago.

Mr. TAFT. Could the gentlewoman indicate what the total cost of the library would be?

Mrs. HANSEN of Washington. It is $674,200. There were corresponding reductions in the funding of the various bureaus. Formerly they were each assigned a certain assessment for library costs.

Mr. TAFT. I might say to the gentlewoman that with a total budget of $600,000 and some, the increase I suppose would be in the 3- or 4-percent category in salary increases in the library. This certainly, to me, would not explain the sort of increase under salaries for the Office of Secretary that we observe. Are there additional positions authorized in the Office of Secretary under this increased authorization?

Mrs. HANSEN of Washington. Yes; the bill provides two additional positions for Urban Affairs, two additional positions for Marine Resources, and one additional position for administration.

May I very frankly say to the gentleman, I would be glad to provide more funds in the managerial field if they could achieve some of the better management features which our committee is constantly advocating. I might further suggest to the distinguished gentleman from Ohio, if he would read the record of our hearings, he would find that the committee has consistently tried to improve the management activities in all agencies in this bill,

The testimony will reflect the areas where this committee has endeavored to upgrade the management process. As a comparison, you could eliminate the president or the vice president of Ford Motor Co., if you decided you did not want to sell cars. I do not know whether you want to apply this policy to the agencies in this bill or not. I strongly recommend against it.

Mr. TAFT. I thank the gentlewoman for her comments. I certainly share with her a concern about the management of our various departments, particularly in the Office of the Secretary; but I wonder whether the five additional personnel would likely result in as much improvement as a reduction in the personnel.

I thank the gentleman for yielding.

Mr. REIFEL. Mr. Chairman, I wholeheartedly recommend this appropriation bill to the Committee and urge its unanimous passage this afternoon.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Virginia [Mr. MARSH], a member of the committee.

Mr. MARSH. Mr. Chairman, I thank the gentlewoman for this time. It is a pleasure always to come to the floor on a bill that the gentlewoman from Washington [Mrs. HANSEN] has worked up.

I would say to the Committee the gentlewoman's work is no exception to the very fine work she gave to this bill last year. I simply remind the Members that the gentlewoman from Washington is the first woman in the history of the Republic to chair a Committee on Appropriations. I can tell the Members that although she is a lady and gracious in every way, nevertheless she has steel in her backbone and can have fire in her eye.

I would say to members of the subcommittee on the minority side as well as those who serve on the majority side, I think they have done a very fine job and I was much impressed by the statement of the gentleman from South Dakota as he mentioned some of the great problems we face in this particular bill.

Really, this bill is a keystone. It is a keystone bill from the standpoint of the Nation's economy, and it is our linchpin to the future from the standpoint of America's resources. I think it is also significant to note this bill this year is only $450,000 more than in fiscal year 1967. It is 10 percent below the budget request.

The Interior Department is charged with the responsibility for managing the entire resources of the Nation. This bill in its budget request represents six-tenths of 1 percent of the total new obligational authority for the entire Federal budget. It has to do with America's streams, and with its maintenance, with its wildlife, with its water resources, with its minerals and metals, and with its offshore resources. It has to do with the quality of our life. It has to do with the quality of the air we breathe. It has to do with the quality of the water we drink.

There is a real danger that in this particular piece of legislation we can be pennywise and pound foolish, because this is the seed money for the Nation's economy. This bill generates revenues. For example, in the National Park Service alone, in the National Forest Service alone, there are 150 million visitor days to visitor centers, which generated to those areas $1.3 billion for their own economy—and it was spent in their own economy, and it was spent to a great extent in the rural areas of this country.

We spend for recreational development in the National Park Service about $4.5 million in this bill and $36.1 million in the National Park Service. That is about $40 million. Europe spends $43 million in tourist promotion alone. We spend approximately $40 million in recreational development of our national parks and our national forests.

To those Members who have not observed it, I think it is significant to note that in recent years there has been the multiple-use concept of our public lands—multiple use from the standpoint of resources, timber cutting, and mining, multiple use in recreational purposes such as camping and fishing, and now to a great extent water sports, and more recently winter sports.

It is this area that provides America with low-cost recreation. Yet it is in this area we have a tremendous number of problems. I could not help noting the problems recently referred to in the comment on the floor with reference to the assemblage down near the Mall. I for one do not favor this sort of thing. I introduced a resolution that would have prohibited it. But it is not the only problem that is confronting us and that is being considered in this particular piece of legislation.

In our public land resources and the demands being made on them by the American public, we are witnessing problems that relate to health and sanitation, to the maintenance of campsites, construction of facilities, supervision of the areas from the standpoint of fire and police protection and also from the standpoint of water accidents. There is a denial of these areas to many people who come thousands of miles to visit them, simply because the areas are inadequate to accommodate them and the facilities are inadequate to accommodate them.

The crime rate in the national park system is running ahead of the national crime rate. The crime rate in serious crimes is running in the national parks well ahead of the national average.

Every time these new areas are opened up, it creates problems of supervision and management. Indeed, the Director of the National Park Service has pointed out that if we have to cut down further on manpower and supervision and management, we may be faced with the possibility of closing some of our national parks because of the demand that is being made on their use.

Not only are there complaints from the using public, but also the National Park Service reports complaints from Members of Congress who relay to the National Park Service complaints of their constituents.

In addition to this overuse of these facilities, we see the Park Service and the Forest Service caught between a hammer and an anvil. With an effort made to stem the outflow of gold in this country there is a program to visit America, not only for American tourists but also for the foreigners. This increased tourism to the national parks and the national forests will further generate problems as to the use of public land spaces in this Nation.

In talking about the recreational resources of this bill, and the multiple-use concept of America's parks and forests, we should not overlook other very serious areas of national concern which are funded in this bill. As an example, look at the Bureau of Commercial Fisheries.

For those Members who come from inland areas—and I do not live on the coast—they may be surprised to know America's fishing fleet is badly depleted, very antiquated, in need of modernization, and in need of research in order to preserve America's fishing industry.

The Russian fleet is highly modern. It fishes all over the world. The Russian fishing fleet uses new techniques in catching, processing, and packing fish, and has literally fished out huge schools of fish and denied those fish to the American fishermen.

The American fishing industry needs research. Our fishermen in certain key fishing industries are idle because of the inadequacies of our fishing resources program.

This is an area we seek to do something about in this bill.

Also, the Members should familiarize themselves with what happened under the General Agreement on Tariffs and Trade, in the Kennedy round negotiations at Geneva lately, as it affects fishing. The fishing industry has been adversely affected by this, and in the next few years we will see further demands and drains on America's ability to compete in the fishing markets of the world.

This bill seeks to come to grips with those problems.

I have mentioned only a few of the broad areas of national resources this bill touches. These are serious problems. These are serious problems requiring funding. These are serious problems requiring research and study. These are problems we can meet. They are problems we must meet in order to provide for America's future.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. MARSH. I yield to the gentleman from Washington.

Mr. HICKS. The gentleman spoke earlier and gave an accolade to my leader, the gentlewoman from Washington who is the chairman of the subcommittee. I join him in those remarks.

I would say to the Members of the House that the gentlewoman from Washington [Mrs. HANSEN] for years was chairman of the roads and bridges committee of the State Legislature of the State of Washington. She had steel in her backbone and fire in her eyes then and has not gotten any different from then on.

Mr. MARSH. I thank the gentleman.

I would say to her colleagues, she has the interest of the Nation at heart, and not that of any particular State or congressional district.

Mr. REIFEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio, the ranking minority member of the Appropriations Committee.

Mr. BOW. Mr. Chairman, early in the session I advised the House that I would offer spending limitation amendments to each one of the appropriation bills as they came on the floor.

This I have done. In several cases they have carried. One that I recall, quite recently, failed.

I still feel that spending limitation is necessary to the economy of the country. We are in a fiscal crisis which is most serious. The integrity of the dollar must be preserved.

However, since the last appropriation bill was on the floor, there has been an agreement in a conference committee between the two bodies, the House and the Senate, which would put a spending limitation of $6 billion on the proposed expenditures for 1969.

Members of the House will have an opportunity, I hope, to vote on that spending limitation within a short time, and if that spending limitation is adopted, it will take care of each one of these appropriation bills. Therefore, Mr. Chairman, I am not going to offer a spending limitation on the bill now presented by the gentlewoman from Washington [Mrs. HANSEN], nor on the other bills that come before the House. However, I will support, with all the energy that I can muster, the $6 billion reduction in spending for 1969. It seems to me futile, however, since that bill will be before the House and Members will have an opportunity then to vote on it, to offer these amendments on each separate bill. So I say to my delightful friend, the gentlewoman from Washington, that so far as I am concerned, I shall not offer the amendment for a spending limitation on this bill nor will I use it as a motion to recommit. However, I say again that I sincerely hope when the question comes before the House to preserve the integrity of our dollar and to bring about fiscal responsibility, that then will be the day that we can stand up and be counted as to whether we believe in the things we say we do or not. I shall support the $6 billion reduction in spending for 1969. I think that is the day when we will find out whether we believe in fiscal responsibility.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be delighted to yield to the gentlewoman.

Mrs. HANSEN of Washington. I thank the gentleman for yielding.

As the gentleman will recall, last year when we were discussing expenditure cuts, my subcommittee was the only subcommittee that had a rescissions hearing to reduce spending. We were prepared to bring this rescission bill to the floor. I may say that our subcommittee has been deeply concerned with fiscal responsibility. It is in this context that we have tried to reduce spending in areas that were on the fringe of necessity.

I thank the gentleman.

Mr. BOW. I thank the gentlewoman for her statement.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. BOW. Yes. I yield to the gentleman from New Jersey.

Mr. JOELSON. As I understand the gentleman's position today, he is in favor of spending cuts, but he is going to keep it a secret as to where he thinks the cuts shall be made.

Mr. BOW. Now, the gentleman from New Jersey always tries to throw a little bit of stuff into this and it hits the fan and nobody seems to pay much attention to it, you know. No, I don't try to say where these cuts are going to be. I can tell you and I will sit down with you sometime and tell you where I think the cuts can be made, and I believe they can be made. Your President says $4 billion can be cut. I have not heard him say yet where he is going to take that $4 billion from. You go down and ask your President who has advocated $4 billion in cuts where he is going to make them, and then I will show you where you can make $2 billion more. You get him to tell you first, because, after all, he has the great Bureau of the Budget down there with hundreds and hundreds of employees. He has a big staff with many more employees than we have. I can give you $6 billion in cuts now, but I would be very interested to find out, if you can get your President and my President, who says $4 billion in cuts can be made, to tell us where that $4 billion is coming from, and then, my friend from New Jersey, I will tell you where you can get another $2 billion that is not going to hurt the services of this country.

Mr. REIFEL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from New Jersey.

Mr. JOELSON. I thank the gentleman for yielding.

I would also like to know if the President is going to cut and where he is going to cut.

Mr. BOW. Has the gentleman asked him where the cuts will come?

Mr. JOELSON. Yes; I wrote him a letter the other day with reference to this matter and I received a call back from the Director of the Bureau of the Budget today in which I received a very evasive answer.

Mr. BOW. That is just another example as to where we get into the credibility gap again. I cannot tell the gentleman where the $4 billion is coming from. It is my opinion that it is the responsibility of your side of the aisle to find items which are contained in the budget from where that $4 billion will come.

Mr. JOELSON. Mr. Chairman, if the gentleman will yield further, I would think it is the responsibility of this House of Representatives to do this. If we are going to cut we ought to do it here in the Congress of the United

States and not go to the White House and say, "Big Daddy, you do it for us; we do not have the courage to do it ourselves."

Mr. BOW. The gentleman from New Jersey has been here for some years. How many times has the gentleman voted to cut, as the gentleman from New Jersey says he has done? How many times has the gentleman voted for cuts?

Mr. JOELSON. If the gentleman will yield further, I am glad the gentleman has asked that question. In the last month or two——

Mr. BOW. You have been here longer than that, and the gentleman from New Jersey knows I know that fact.

Mr. JOELSON. I have voted against appropriations in this House for space, for public works, and for agriculture, for instance.

Mr. BOW. Yes; but has the gentleman voted to cut any of the programs which have been proposed for the cities?

Mr. JOELSON. I have voted for them. I do not feel that we do enough for the cities.

Mr. BOW. The gentleman has voted against agriculture and that is true. I have the gentleman's record and I have gone over it very carefully. It is very amazing to me to hear the gentleman undertaking to be an advocate of economy when the gentleman's record is to the contrary.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. Joelson].

Mr. JOELSON. Mr. Chairman, I had not intended to get into this colloquy but since the gentleman from Ohio has raised it, I think it is important to stress the fact that we are now concerned about where the cuts should be made. The gentleman from Ohio thinks they should be made in the programs for the cities. I think they should be made in other areas. But the issue is that it is the responsibility of the Congress to appropriate money.

Yet through the years we have heard voices here which have been howling about the usurpation of the powers of the legislative branch by the executive branch of the Government who in this instance urges that it lies within the jurisdiction of the executive branch to make the decision.

I now hear voices saying that we will do it and, therefore, we will ask the executive branch to do our work and take over our responsibilities which the voters elected us to assume.

I question very strongly if this is not an attack upon the separation of powers, and I am very concerned and I would be very interested to hear the views of the gentleman from Ohio as to whether or not he is willing to let the President take over?

Mr. BOW. I might say that the Democrat majority of the Congress has for many years been delegating many of the powers of the Congress to the executive branch of the Government.

I am a strong advocate of the separation of powers. But I will say to the gentleman that if we can get the Members of the House to stand up for cuts, we will make those cuts here in the Congress. But it is a question of who is willing to stand up and be counted on this matter. The gentleman said he did not want to take the money from the cities. Last year $37 billion went into the cities.

Mr. JOELSON. I question that figure, but I know that over $70 billion went into the military.

Mr. BOW. Does the gentleman from New Jersey want to take the money away from the military? Does the gentleman want to leave the men in Vietnam without supplies?

Does the gentleman want to take away their guns, and give the butter to somebody else, or is the gentleman willing to leave the men there? Is the gentleman talking about cutting down on the men who are fighting to preserve freedom in the world?

Mr. JOELSON. No, I am talking about the unconscionable profits of the defense contractors. That is what I am talking about, and I resent——

Mr. BOW. That, of course, is another story.

Mr. JOELSON. I do not have any further time to yield to the gentleman from Ohio.

I resent the attempt, whenever anybody talks about cutting defense spending, to have his patriotism impugned. I have never turned my back on our men in Vietnam, and the gentleman knows that.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. REIFEL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, I just want to say to the gentleman from New Jersey on his question about defense spending of $70 billion, and the unconscionable profits to war contractors, that it is his administration, it is his Secretary of Defense, it is his executive department on his side of the aisle that have been making these decisions. Do not charge us with such policies.

Mr. JOELSON. Is it not strange, then, that I am the one on this side of the aisle who wants to do something about it, whereas the gentleman from Ohio is playing politics, as usual?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. Gray].

Mr. GRAY. Mr. Chairman, I wish to thank the distinguished gentlewoman for yielding me this time, and I want to commend the gentlewoman and her entire subcommittee, including the gentleman from South Dakota [Mr. Reifel], and all the other Members on the minority side, for working so closely with the majority in bringing out what I consider to be a very, very fine bill.

I believe it provides for the orderly development of our national resources at a time when we are watching very carefully the tight budgetary situation.

If I could have the attention of the gentlewoman from Washington, the chairman of the subcommittee, I have read the report of the committee very carefully, but I have been unable to find the provision for a request I made of the committee for an amount of $50,000 in planning funds for the George Rogers Clark Scenic Highway in southern Illinois, and I would appreciate it if the gentlewoman from Washington would reply as to whether or not there is in the bill before us any provision for taking care of this very important project?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am delighted to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I might say to the gentleman that I had anticipated his question because the gentleman personally appeared before our committee and did an excellent job in presenting his case for our favorable consideration of providing planning funds for the George Rogers Clark Scenic Highway.

I might say to the gentleman from Illinois that, while there is no specific mention of the project in the report, it is the intent of the committee to recommend that $50,000 of the funds to be made available to the Forest Service be earmarked for the planning of this project.

I am sure the gentleman from Illinois realizes that, with the hundreds of individual projects in the bill, it is a difficult matter to mention each and every specific item in the report concerning these items on which the committee is favorably disposed.

This is one of those infrequent occurrences, and I want to assure the gentleman that, should the project be given consideration in the conference on this bill, I will give it my unlimited support, solely on the basis of the very able presentation made by the gentleman from Illinois in behalf of this project.

Mr. GRAY. I thank the distinguished chairman of the subcommittee, and the members of the subcommittee, for their very kind consideration, and appreciation of the importance of this project to the whole Nation.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. Haley].

Mr. HALEY. Mr. Chairman, I have asked for this time for the purpose of considering a very small item concerning assistance to non-Federal schools, the request for $1.8 million to start a kindergarten program, and on which the committee has allowed only $900,000.

This, I believe, is a very important program as far as the Indians are concerned, and I wonder if the gentlewoman from Washington, or the members of the committee, did not have in mind the fact that it would be rather difficult to staff these schools in starting a new program?

Mrs. HANSEN of Washington. In reply to the inquiry of the gentleman from Florida, I would say yes, it would be difficult, and I would like to say further to the distinguished gentleman that the committee was enthusiastic in its support of the kindergarten program. We regret we could not fund the program at a higher level.

However, may I say, as the gentleman is well aware, that kindergarten teachers are among the most difficult in the entire teaching profession to obtain.

We hope there will be a training program which will enable them to develop some type of system in this field. We do want to see this program begin at a small experimental level and we want to see it continue and grow to become a vital part of the Indian educational structure.

The gentleman from Florida, who is a friend of the Indian people in United States, knows, one of the greatest insufficiencies is in the Indian child's ability to adapt to the regimentation of the American school system.

I have seen this in other programs such as Headstart and the nursery programs where early transitional assistance has made the difference between a child who goes to school with self-confidence and one who becomes a school dropout.

I am delighted to have the gentleman's enthusiastic support.

Mr. HALEY. I hope that the gentlewoman and her committee will follow this program because I think it is a very vital program and I hope that they will follow through on it and see that it does work because I think this will do a great deal to advance the Indians economically and in many other ways.

Mr. REIFEL. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. McDADE], a member of the committee.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 17354, a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending June 30, 1969.

The bill before you contains a recommended cut of 10 percent in new obligational authority. In dollar amounts, this means that your committee has cut this bill by $142,432,000. This is a substantial amount of savings, and in this time of stress will contribute an element of stability to our difficult fiscal crisis. It also means that expenditure reductions totaling $83 million will occur during the life of this bill.

And note this. At no time did your committee permit the budget estimate to be exceeded. Not once. In fact, the bill before you today for your approval, and I hope you do approve it, totals $6.4 billion, and that is $56 million below the amounts thus recommended by your subcommittee during fiscal 1968.

So this is a tight bill. But please do not get the impression that the cuts have been made in a cavalier fashion.

At all times your committee has been fully aware of the basic worth of the activities funded by this bill. We have tried to treat it with prudence, bearing in mind and trying to balance out the needs of the Nation, both from a fiscal viewpoint and remembering the needs of the Nation.

In that regard, I should like to point out an area that is of intense interest to me.

From the earliest days of mining in the anthracite region, there was deposited on the surface of the land a quantity of refuse which was removed from the mines. It was composed partially of coal, but contained such a high percentage of slate or other forms of stone, that the marketing of this refuse was impracticable. It is known as culm.

Over the course of the years, the culm banks in the anthracite area have reached formidable proportions, and in doing so they occupy land which might have great value if the banks were removed. The sheer physical presence of these culm banks has meant the loss of land sorely needed for industrial development and for the construction of residences.

The loss of such land alone should be sufficient justification for us to look upon this problem with concern. But a greater problem has arisen. Over the course of time, some of these culm banks have caught fire, and the very virtues of anthracite have mitigated against the area. Anthracite burns slowly. The culm banks have burned slowly also. Some of them have been burning for over 50 years. Left untouched, they might burn for another 50.

Out of these culm banks has come a serious problem of air pollution. Out of them also has come a serious problem of water pollution. These banks must be removed if the anthracite area is to achieve its full potential. This bill will be a giant step toward that achievement. I hope I may review the steps which led up to this bill.

In 1965, just after I came to the Interior Subcommittee, recognition was given to the problem we face in this area, and in the budget for 1966, there was placed a substantial amount of money to investigate the "economic feasibility of converting coal refuse dumps for direct use in the construction of roads, building materials, or the manufacture of concrete."

The committee noted at the it time its great concern at the "lack of research being conducted by the office—of coal research—to develop new uses for anthracite coal and its byproducts and believes this project exemplifies the type of research that should be implemented if practical results are to be achieved.

The project financed under that appropriation was terminated later when it was determined that the end product of the experiment was unsuitable for commercial development. A start, however, had been made.

In 1966 the committee again looked at the problem of the culm bank in the anthracite region, particularly the burning culm bank. The amount of $300,000 which I requested was designated for research into the development of a practical means of extinguishing smoldering fires in culm dumps in the State of Pennsylvania.

Here, for the first time, the committee took note of the seriousness of the problem, and of the absolute necessity to mount a fight against it.

> These fires—

The committee said—

> constitute a serious threat to the health of individuals in the vicinity, and are causing considerable property damage. In the opinion of the Committee, it is imperative that a practical and feasible way to extinguish these fires be developed at the earliest possible moment.

In 1967, again at my request, the committee continued the funding of research into "determining characteristics, economic value, utilization and disposal of current and in situ refuse." That research is even now being carried on. And coincident with this research, there was the continuing program of work on the extinguishing of the fires of the burning culm banks.

That brings us up to today.

Today we know that we can extinguish the fires. We know also that, with the extinguishment of these burning culm banks, we can reclaim the land on which they have rested for long years. It is precisely this which is proposed in this bill. The committee has recommended the expenditure of $1,050,000 for the purpose of a major attack on the problem of the burning culm banks. It is made contingent on the Commonwealth of Pennsylvania's contribution of a matching sum in the amount of $250,000. I can assure my colleagues that Pennsylvania will certainly contribute that amount willingly to fight this serious problem.

I would also point out the language of the committee in making this recommendation.

> If it were not for our critical budget situation—

States the report—

> the committee would have been inclined to fund this activity at a higher level.

The report continues:

> The undesirable situation which has been created by these culm dump fires has existed for many years at great expense to both health and property of those individuals residing and conducting commercial activities in this area. Therefore the committee strongly urges that this project be given urgent priority and that work on extinguishing these fires be accelerated to the fullest possible extent within available funds.

In this recommendation, I heartily concur. In so doing, I would point out one further fact of significance. Under the law of the Commonwealth of Pennsylvania, any owner of property on which a burning culm dump stands, may be directed by the Commonwealth to extinguish the fire forthwith. If he fails to do so, the Commonwealth may then enter upon his property and proceed itself to put out the burning material constituting, as it does, a public nuisance. This bill will enable the Commonwealth to do such a job in cooperation with the U.S. Bureau of Mines. In doing so, however, the Commonwealth places a lien against the property, so that any increase in value which might come about would pay back the money invested in extinguishing the burning culm bank. In no sense, then, can anyone profiteer from the action of this bill.

For all of the reasons I have cited and which the committee has cited, I urgently request the passage of this bill. It is a good bill. It is an investment in the future growth of this Nation.

Mr. REIFEL. Mr. Chairman, I yield such time as he may require to the gentleman from Oregon [Mr. DELLENBACK].

Mr. DELLENBACK. Mr. Chairman, I have examined carefully the report of the Committee on Appropriations in connection with H.R. 17354. There are cuts from budgetary amounts therein that I regret very much to see—most particularly in the areas of forest land management, forest research, and forest roads and trails, all part of the appropriations for the Forest Service. It is my own strong feeling that we should be spending more, not less, in these fields, and I regret that we are not.

But I recognize the fact that the subcommittee and the full committee which had the responsibility of bringing this bill through the hearing process to the floor were deeply concerned about the economic crisis in which this Nation now finds itself. They used their very best efforts and best judgment to bring forth a bill which they consider well balanced, and I regretfully must defer to their judgment on the above points.

I earnestly hope and expect that, as soon as our Nation's financial crisis is past, the Appropriation Committee and this House will increase our appropriations in these critically important areas of forest management, research, development, and utilization.

Mr. REIFEL. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. Reinecke].

Mr. REINECKE. Mr. Chairman, I like to address a question to the gentlewoman from Washington concerning the allocations to the Bureau of Commercial Fisheries.

The report indicates that a slowness in the development of the fish protein concentrate plant has resulted in an additional $1 million being allocated for this particular function.

Also the report indicates that since there is no commercially feasible process, the additional development money is required, I wonder if the gentlewoman is aware of the fact that the Food and Drug Administration has approved a commercially feasible process and that within the last month there was a contract for almost a million dollars which was let for fish protein concentrate for human consumption?

The reason I ask the question, if I may just sum it up, is that I am not sure it is necessary for us to continue to fund the research and development on this program inasmuch as there is a commercially available process that has been accepted by the Food and Drug Administration for human consumption.

Mrs. HANSEN of Washington. May I say to the gentleman that the contract he is referring to is a contract let for foreign aid for fish protein concentrate. I believe the price was a sizable one and, in fact, I intend to ask questions about this in the foreign operations subcommittee.

They are seeking technical ways of doing more productive operations in the field of fish protein concentrate to reduce the cost of production.

There is no end to the research that can be done. As the gentleman knows, we have cut the funding for this activity by $1,370,000, and there is available $2,129,000.

I would be the last one to oppose funding of the fish protein concentrate process which may be one of the most useful means to alleviate starvation and hunger not only in other nations of the world but among some of the low nutrition areas of our own Nation.

Mr. REINECKE. I am delighted to know that you are as aware of the details of this particular contract as you are. We are all aware that the price was higher than anticipated, but we feel that this will be a large step in the right direction to accomplish the results. I thank the gentlewoman.

Mr. REIFEL. Mr. Chairman, I have no further requests for time.

Mrs. HANSEN of Washington. Mr. Chairman, I yield to the gentleman from Indiana [Mr. Madden] such time as he desires.

Mr. MADDEN. Mr. Chairman, I wish to commend the gentlewoman from the State of Washington, Mrs. Julia Hansen, and the ranking minority member, the gentleman from South Dakota [Mr. Reifel], and all our colleagues on the subcommittee for the outstanding work they have done on this bill.

The passage of this legislation, including the $5 million appropriation for the Dunes National Park, permanently guarantees the eventual construction of this great dunes recreation area on the south shore of Lake Michigan. Approximately 10 million people in the Calumet region, Chicagoland, northern Indiana, and southern Michigan are within an hour and 30 minutes' automobile drive and in the near future can enjoy a natural park facility which, as the years pass, will develop into the finest in the Nation.

The area set aside for this park will not in any way interfere with the expansion of industry. It will be but a few years, with the scientific progress being made on methods to eliminate water and air pollution, until this lakeshore and natural park will become a haven for millions in northern Indiana for present and future generations.

The legislative work and the problem of creating public opinion and support for this great recreation and conservation project has met with considerable opposition by powerful organizations and lobbies. The passage of today's legislation has assured the public of the park's completion by the Federal Government.

It has been 10 years since I joined with the small group on original plans to establish a Federal national park in the Indiana dunes. Great credit must be given to Congressman Edward Roush of the Fifth Indiana Congressional District for his untiring work on this legislation. Mrs. Dorothy R. Buell, president of the Save the Dunes Council, Inc., Mrs. Sylvia Troy of Munster, Ind., Mrs. L. W. Bieker of Munster, Ind., and many others devoted many months and years of work to bring to pass this ultimate victory for the installation of a great conservation and recreation park which will be utilized by millions in years to come.

Mr. LLOYD. Mr. Chairman, I intend to vòte against the motion to recommit with its instructions for further cuts under the committee recommendation. As this vote represents a departure from the vote I cast last year in the affirmative for a similar motion I should like to note that in addition to the fact that this year's bill represents a much sharper cut under requests than contained in most other appropriations bills brought before us, there is the additional probability that in the near future we will vote on a proposal to cut all nondefense flexible spending from $4 to $6 billion under the presently proposed budget.

I intend to vote for that spending reduction and I believe that a further reduction today in this bill coupled with the probable additional reduction under the proposal soon to come before us would be adverse to the national interest. I will therefore vote in the negative today on the motion to recommit and in the affirmative on final passage.

Mr. GUDE. Mr. Chairman, the House today can give tangible evidence of its commitment to ease the Washington area transportation problems by its support of the Department of Interior and Related Agencies Appropriations Act, H.R. 17354. Favorable action will provide the initial construction funds for the Washington metropolitan area rapid rail transit system.

While the Appropriations Committee in its judgment reduced the transit request by 20 percent, the Washington Metropolitan Area Transit Authority General Manager Jackson Graham states that they will still be aiming for the October 1, 1968, groundbreaking. This is good news for all of the metropolitan Washington area jurisdictions. I am particularly pleased with this evidence of congressional support since my own Montgomery County, Md., in the Eighth District has recently seen fit to put its own commitment on the line toward its future share of transit costs.

Mr. Chairman, I commend to my colleague's attention the following editorial from the Sunday Star of May 19, 1968:

Rail Transit Advances

The House Appropriations Committee's curtailment of about $13 million in federal funding requests for Washington's rail rapid transit system is disappointing. But it is hardly surprising in view of the current economy wave in Congress.

The other and brighter side of the coin is that the committee's approval of a substantial $43.8 million in federal dollars for the next fiscal year would constitute, if this money becomes available, a very significant commitment by the federal government to the cause of rapid transit in the Nation's Capital. In its encouraging aspect, this action parallels that of Montgomery County the other day in voting to set aside a specific percentage of its property tax revenues toward the county's own future share of the transit costs.

The House curtailment in federal funds presumably would require some modification in present expenditure plans. There is every likelihood, however, that it would allow construction of the system to get under way as proposed this fall.

Indeed, the real problem facing the program at the moment is not at all financial in nature, but political. For the federal dollars, under the House committee action, would become available only if Congress also permits the District of Columbia to contribute half the federal amount as the city's share. And Representative Natcher, who is handling the District budget, reportedly has threatened to hold up the local subway money unless an agreement is reached on the city's freeway impasse.

We hope there is no occasion for Natcher to follow through on this threat. The Kentuckian is entirely right in fighting for the freeway program, which is an essential complement to transit. Congress, moreover, has an obligation to see that the freeway program proceeds. This can be accomplished, however, through separate legislation which the House Public Works Committee should push along without further delay.

Mr. ROTH. Mr. Chairman, I am highly pleased that the Department of the Interior and related Agencies Appropriation Act for fiscal year 1969 includes moneys needed for the establishment of a cooperative fishery unit to be located at Delaware State College. This will be money well spent in an effort to increase fishery science in the Middle Atlantic region.

While, at present, there are 23 cooperative fishery units operating in as many States across the Nation, the establishment of the unit at Delaware State College will fill an existing void in the Middle Atlantic region. Delaware, centrally located in that region, offers an ideal site for this cooperative fishery unit because of its proximity to the Delaware River-Bay and Chesapeake Bay estuaries, the Atlantic Ocean and to the population and education centers of the east coast.

Delaware State College has in recent years embarked upon an ambitious and far-reaching program of growth and expansion to better serve the educational needs not only of Delaware, but surrounding States, as well. Facilities for administrative offices and laboratories of the Delaware Cooperative Fishery Unit professional staff, instructors, and students are available now in the modern Center for Agricultural and Natural Resources at the college. In addition, the fishery unit will add an undergraduate dimension and contribute feeder services to existing graduate programs at the University of Delaware and other universities, providing unparalleled opportunity for minority-group students in fishery science.

I am by no means completely familiar with the workings of units in other States, but the Delaware unit would, I believe, most effectively utilize the considerable capabilities of the State and its institutions of higher learning. The combined curricula of Delaware State College and the University of Delaware would offer a broad spectrum of courses and disciplines to interested students, and bring them into contact with specialists from both schools. Through extension courses and services, students from other colleges in the State, scientists, and engineers from local industries, conservationists, fisherymen, and the general public could also be reached.

Serving on the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries, I have been struck with the enormous potential of aquatic sciences to benefit our country and, indeed, the world. But, there exists a great need to produce trained personnel in the field to enable us to progress as rapidly as we must. Although the resources of the sea seem limitless, we have already recognized the need to protect and conserve them to insure that they will continue to supply man his needs in the future. Training of fishery biologists through the cooperative fishery unit program will help overcome the shortage of men and women specializing in this field.

Because of our location on a peninsula, the people of Delmarva have long been accustomed to working together on problems of common interest. Research findings by unit staff and students would provide much-needed knowledge on fishery resources and management in the area to State agencies of Delaware and neighboring States and to the Federal Government.

Delaware and the Delmarva Peninsula have for many years provided areas of recreation for the great urban centers of the Middle Atlantic region. Philadelphia, Baltimore, and Washington, three of the largest metropolitan areas on the east coast, lie within 125 miles of the central part of the peninsula. Delaware, itself, has, according to the special census taken last September, registered a population increase of 18 percent since 1960, making it one of the fastest growing States in the Nation. It is important that Delaware begin now to provide for the future.

As I noted at the beginning of my statement, this appropriation request includes $41,000 to be used for salaries for two fishery biologists who will serve as leader and assistant leader of the Delaware Cooperative Fishery Unit, to support student research projects, and for equipment and supplies associated with the program.

The application of Delaware State College for a cooperative fishery unit was supported by the Governor of the State of Delaware, Charles L. Terry, Jr., the Delaware Game and Fish Commission, and the congressional delegation of our State.

Mr. SCHWENGEL. Mr. Chairman, the funds requested for fiscal 1969 should complete the development program outlined in 1965. As you know, the Herbert Hoover National Historic Site at West Branch is the location of the birthplace of the late President Hoover and, also, is the location of the final resting place for him and his wife. The Herbert Hoover Presidential Library, containing the Hoover Presidential papers and memorabilia which illustrate his outstanding national and international career as a dedicated public servant, is also located on the historic site. Work on the site has progressed in an orderly manner, but it is time to complete it. The work to develop an adequate and deserving memorial to President Hoover goes back many years. I have long had a keen interest in the project. While in the Iowa Legislature I was involved in the original planning. My interest has continued as a Member of Congress.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops, $145,693,000.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time merely to ask the question and to make sure that there is no provision in this bill for funds for the arts and humanities.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I made it very plain in my statement on the floor of the House that there are no funds in this bill for the arts and humanities. The authorizing legislation has not yet been enacted into law.

Mr. GROSS. I notice that the committee did hold hearings on that request.

Mrs. HANSEN of Washington. Of course we did. We hold hearings on all items contained in the President's budgetary request. Authorizing legislation could have been enacted prior to our bringing this bill to the floor.

Mr. GROSS. So that if funds are made available to the so-called arts and humanities, it will have to be through a supplemental appropriation bill at a later date?

Mrs. HANSEN of Washington. Not necessarily. There is another body of Congress.

Mr. GROSS. Another body of Congress?

Mrs. HANSEN of Washington. Or do you wish to call it the other half of the Congress?

Mr. GROSS. Yes; they would be able to put money into a bill.

Mrs. HANSEN of Washington. I cannot peer into their minds, but the ability is theirs if authorizing legislation is enacted into law prior to their taking action on this appropriation bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND AND WATER CONSERVATION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), including $2,775,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interests therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act, and to remain available until expended, not to exceed $100,000,000 of which (1) not to exceed $55,000,000 shall be available for payments to the States to be matched by the individual States with an equal amount; (2) not to exceed $28,475,000 shall be available to the National Park Service; (3) not to exceed $12,000,000 shall be available to the Forest Service; (4) not to exceed $750,000 shall be available to the Bureau of Sport Fisheries and Wildlife; and (5) not to exceed $1,000,000 shall be available to the Bureau of Outdoor Recreation for supplemental allocations to the above agencies: *Provided*, That in the event the receipts available in the Land and Water Conservation Fund are insufficient to provide the full amounts specified herein, the amounts available under clauses (1) through (4) shall be reduced proportionately.

AMENDMENT OFFERED BY MR. WILLIS

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WILLIS: On page 11, after line 2 insert the following: "As an advance appropriation to the Land and Water Conservation Fund under the provisions of subsection (b) of section 4 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 900; 16 U.S.C. 460l-7(b)), $100,000,000."

Mr. WILLIS. Mr. Chairman, my amendment is straightforward and simple. It would simply appropriate $100 million for the land and water conservation fund. Such an appropriation is expressly authorized by section 4(b) of the Land and Water Conservation Fund Act.

Later on this week this House is scheduled to debate another bill, H.R. 8578, which was reported out of the Committee on Interior and Insular Affairs. That bill would provide essentially the same amount of money as my amendment for the purpose of the land and water conservation fund. However, that bill is, in my opinion, objectionable because it contains unnecessary earmarking provisions which would establish an undesirable connection by the land and water conservation fund and the many controversial problems that exist with respect to Federal revenues derived from the Outer Continental Shelf.

I have consistently made it clear that I, for one, strongly favor the land and water conservation fund, but that I am opposed to the earmarking of Outer Continental Shelf receipts for the purposes of that fund. In offering my amendment to today's appropriation bill, I hope to demonstrate to the Committee on Interior and Insular Affairs my complete willingness—indeed my strong desire—to support our Nation's park programs. In addition, I would like also to urge all of my colleagues who are in favor of the Nation's park programs to support my amendment as a means of assuring that this program will receive adequate moneys during the next fiscal year.

Mrs. HANSEN of Washington. Mr. Chairman, when someone wants to appropriate $100 million out of an advance appropriation for the land and water conservation fund, I am sure it could be well used, but I think it would be fiscal irresponsibility to take this action at this time.

Mr. WILLIS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, I have in my hand a copy of the Land and Water Conservation Fund Act of 1964. It provides expressly for an advance appropriation for a period of 8 years. We have now come to the third year. So actually, if I may disagree with the gentlewoman, it would be in order to appropriate at this time, not $100 million, but $480 million. The act which I hold in my hand states that these advance appropriations should not average over $60 million for 8 years. So we could appropriate $480 million and still be within that act.

LAND AND WATER CONSERVATION FUND ACT OF 1965—PUBLIC LAW 88-578—SEPTEMBER 3, 1964

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

> SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.
>
> (b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will recall, we appropriated an advance of $9,191,000 last year. We did not pursue this action this year in view of the critical budget situation and in view of the expenditure problems, so regretfully I must oppose the gentleman's amendment.

Mr. WILLIS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, I want to tell the gentlewoman I sympathize with her position. I understand it thoroughly, but I want to assure the gentlewoman that she knows that later this week there will come another bill from the Interior which will provide for $100 million per year for 5 years. However, the money would come from the Outer Continental Shelf Act receipts, to which I object.

Mrs. HANSEN of Washington. Mr. Chairman, may I say that bill is pending before the authorizing committee, the Interior and Insular Affairs Committee, and that is not before our committee.

Mr. WILLIS. Mr. Chairman, I regret it. This is the Appropriations Committee. But again I say, it is the committee which has charge of the authorization of this funding. A bill will be before this House this week from the Interior and Insular Affairs Committee to appropriate $100 million for 5 years. However, they would rob Peter to pay Paul. They would want to grab the $100 million per year, but from where? They want to grab it from the Outer Continental Shelf Act fund.

Mrs. HANSEN of Washington. Mr. Chairman, I still must persist in opposition to the amendment because it would be sheer fiscal irresponsibility to put another $100 million of Treasury funds in this program at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was rejected.

Mr. BATTIN. Mr. Chairman, I move to strike the requisite number of words.

I take this time to try to clarify something in the report which I read and find really very beneficial.

If I may, I should like to have the attention of the gentlewoman from Washington.

On page 16 of the report, under the National Park Service, the committee states that while the committee recommended a certain specified sum of money for the acquisition of in-holdings in park lands this does not give the Park Service carte blanche authority to acquire in-holdings indiscriminately. Then the report goes on to say, in clarifying that language:

> On the contrary, the committee directs that no obligation shall be incurred for the acquisition of in-holdings until the prior approval in writing for the acquisition is obtained from this committee.

This would be literally interpreted, I hope.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. This is to be literally interpreted.

May I say to the distinguished gentleman from Montana, as he is well aware, in some of the large States of the West some problems of in-holdings exist. The Park Service probably has the most aggravated problem, because many in-holdings of the National Forest Service have a better management pattern in that trades are made and the land exchange program provides a better pattern.

In order to keep the park management efficient, the committee would like the privilege of reviewing all of these in-holding items.

Mr. BATTIN. I will say to the gentlewoman in the case of Glacier National Park in Montana the Organic Act creating that particular park recognized the in-holdings and the right of the individual to those in-holdings and to pass them on in-fee. In recent years there has been an attempt, based on a case coming out of the State of Alaska, where the Park Service evidently feels it can go in and condemn and buy up these holdings without any prior approval by the Congress.

I interpret the language in the report to say they must first come to the committee. This is a limitation upon their action to acquire the inholdings, is that correct?

Mrs. HANSEN of Washington. The acquisition of all inholdings funded by this appropriation must be approved by the Appropriations Committee.

Mr. BATTIN. I thank the gentlewoman very much.

I also should like to ask the ranking minority member of the subcommittee, the gentleman from South Dakota [Mr. REIFEL], having heard the colloquy, is this the gentleman's understanding of the language in the report?

Mr. REIFEL. That is my understanding.

Mr. BATTIN. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 302. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: On page 42, immediately after line 2, insert the following:

"SEC. 303. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned."

Mr. BROYHILL of Virginia. Mr. Chairman, the amendment I offer today is identical in wording to those adopted during our consideration of the two most recent appropriations measures.

It states that no part of the funds appropriated by this act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

I am pleased to note that the intent of Congress is indeed being made clear with regard to the participation of Federal employees in acts of violence. Our colleagues in the House Post Office and Civil Service Committee are preparing to report a measure for consideration in the near future which will make conviction of these acts grounds for immediate dismissal from Federal employment, and will further bar such employees from reemployment for several years and deny would-be employees consideration for Federal employment for the same period. In the other body, action is also being taken along these lines in the Senate consideration of the omnibus crime bill.

Yet we are faced with the threat of violence at almost any moment, not only in Washington, D.C., but in cities throughout our Nation. We must continue to incorporate this amendment into appropriations measures until Congress has finally passed, and the President has signed, legislation which will effectively deal with all Federal employees who are in any way connected with the insurrection rampart in our land.

Mr. Chairman, I urge adoption of this amendment.

Mrs. HANSEN of Washington. Mr. Chairman, frankly, I see no objection to the gentleman's amendment, and we are willing to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BROYHILL].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. RUMSFELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inform the members of the Committee that it is my intention to offer a motion to recommit, if recognized for that purpose.

Mr. Chairman, the motion to recommit will add a new section which will state that money appropriated in this act shall be available for expenditure in the fiscal year ending June 30, 1969, only to the extent that expenditure thereof shall not result in the aggregate expenditure of Federal funds by all agencies provided for herein beyond $1,383,432,068.

I shall take a moment to explain that figure and what the motion to recommit would accomplish if adopted by the House. It would impose a ceiling upon expenditures for fiscal year 1969 for the agencies dealt with in this bill that will be at exactly the figure that is the lower amount for each relevant item in the 1968 fiscal year or in the 1969 fiscal year expenditures as shown in the January budget, increased by the amount of all mandatory increases which result from action taken by the Congress such as the annualization of salaries, postal rate increases, and mandatory salary increases. Thus, the ceiling will be the lower figure for fiscal year 1968 for the fiscal year 1969, plus an amount necessary for the mandatory increases.

Essentially, Mr. Chairman, this will represent an additional cut of approximately $101 million from the bill as reported by the committee.

Most of us are receiving mail from throughout our respective congressional districts as well as from elsewhere in the country. We are well aware that there is a need to hold spending down. Further, we are also aware that this is an important bill and the funds that this bill will appropriate will be for needed items. There is no question about it.

However, it is my view that it would be perfectly responsible for this body to hold spending down to the lower of the spending levels for 1968 in 1969, while at the same time providing for the more urgently needed items contained in this bill. Certainly some of the items in the committee bill can be postponed to another year.

It is, of course, difficult to cut, I know this. But we also know that we have to start some place. We have made some attempts in previous bills, and it is my hope that the Members will look into the future and recognize that we are faced with possible tax increase legislation within a matter of a few weeks. This is not a meat-ax approach. This provides for the mandatory increases which we are all aware have to be provided for because they are the result of previous actions by the House of Representatives and by the U.S. Senate.

So, when the motion is voted on, and we will attempt to get a record vote on it, I would hope the Members will support the motion to recommit.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from South Dakota.

Mr. REIFEL. I thank the gentleman for yielding, and I would like to ask the gentleman if he believes a limitation such as this would prevent, or what effect this would have on, say, the costs of fire protection that must be met at the end of the year, or at some time later, because we may have fires that could be as damaging as last year?

Floods are also a source that call for additional expenditures. How would the gentleman meet those situations?

Mr. RUMSFELD. My response to the inquiry of the gentleman from South Dakota would be fourfold. First of all, in most agencies there is the capability of reprograming.

Second, the President does have a contingency fund to handle serious unexpected situations and disasters, such as the Alaskan disaster. Third, the Members of the Congress have always been quite quick to respond with special legislation or appropriations, to deal with serious emergency situations when necessary.

Fourth, there is no question but that we are going to be seeing a supplemental later on in the year, so that if such a situation should arise, some act of God that would require prompt attention, the gentleman can be absolutely sure that this Member will be here on the floor supporting such legislation as may prove to be necessary, just as the Congress always has when the need arises.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I am sure the gentleman is well aware of the fact that this bill is $13.5 million more than for the same general purposes of last year, although it has been mentioned previously that it is some $100 million, or whatever the figure, lower than the budget.

Anyone who has spent any time in the House of Representatives knows that budget figures are ordinarily inflated and ballooned till out of shape. That argument was used earlier this afternoon in an attempt to make it appear this bill had been cut. I simply want to say that anyone who depends upon budget figures as a true indicator of economy is subject to delusions.

Mr. RUMSFELD. Do I understand the gentleman will support the motion to recommit which will attempt to put a ceiling on expenditures?

Mr. **GROSS**. I certainly will support the gentleman's motion, and I commend him for offering it.

Mr. RUMSFELD. I thank the gentleman, and I yield back the balance of my time.

Mrs. HANSEN of Washington. Mr. Chairman, I rise in opposition to the motion to recommit.

Mr. Chairman, I would like to explain the various categories of spending that the gentleman is attempting to cut. Ordinarily, a bill involves just one department, but that is not true with this bill. We have the Department of the Interior, and 22 related agencies.

If the gentleman really wants to be a fine economizer, I would suggest that instead of this expenditure limitation he designate exactly the activities to be cut.

Does the gentleman want to cut the Bureau of Indian Affairs?

Does the gentleman want to see many, many youngsters who cannot go to school?

Does the gentleman want to cut the Federal forest roads program?

Does he want to arrange it so that the individuals who are bidding on timber will be only the people with a great deal of capital investment who can finance the necessary road construction?

Does the gentleman want to say that we should cut the fishing industry below what the committee has done?

Does the gentleman want to eliminate the Metropolitan Rapid Transit? Perhaps the gentleman does.

That is the prerogative of the House of Representatives, of course.

But, speaking very frankly as a member of this subcommittee who has struggled with these items, I am going to say that I believe the judgment of the House Committee on Appropriations is as good or better than that of the Budget Bureau. I do not intend to abdicate my responsibility as a Member of Congress to the Bureau of the Budget.

There are three branches of the Government, and I was elected to the legislative branch.

You get into very deep water when you take a bill that deals with 23 agencies and say to the Bureau of the Budget, "You go ahead and make these reductions."

Are the reductions going to be assigned against the Forest Service or the Park Service?

Read the testimony taken in the hearings.

If you want to cut the National Park Service any deeper, why do you not close some of the national parks instead of ruining the ecology and making them unsafe for people to use? If you want to do that, then take down the signs at the entrances that say, "Welcome to America, Come and Visit Here," and put up instead, "Closed for the Duration."

Ladies and gentlemen of this House, I certainly hope that we will not recommit a bill that deals with 750 million acres of American land—one-third of this Nation.

May I say to the gentleman that other committees provide funds to be spent abroad with far greater abandon than we have approved funding for our own natural resources. I would hesitate to cut 1 cent more when it could mean lack of education, lack of food, and lack of training for the Bureau of Indian Affairs in their administration of the Indian people of this Nation.

Mr. McDADE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time, and I will not use all the time, to speak in opposition to the motion to recommit that the gentleman from Illinois said he will offer.

While one can sympathize with his overall efforts to try to bring about some effort at fiscal sanity in the Government, I suggest to you that this is hardly the way to do it.

Everyone in this Chamber has seen this amendment or one similar to it offered on previous occasions. It is interesting to ask the question, Who offered it on those occasions? It was offered by the ranking Republican member of the Committee on Appropriations. He has not offered such an amendment today.

The gentleman who offers this amendment does not sit on the Committee on Appropriations. I defy anybody to look through the hearings that were conducted by the Committee on Appropriations for months in an effort to try to bring this bill to the floor in a fashion that will represent a balance between what we have to do with our Nation's resources and what we must do with relation to our fiscal problems, as I say, I defy anybody to look through those hearings and find one recommendation from the gentleman who now offers this motion to recommit.

Let me refresh your recollection by pointing out that this bill represents a cut of 10 percent in new obligational authority for the fiscal year 1969.

Let me point out to you that in not one instance did your committee exceed the budget requests that were submitted to us.

Further, let me point out that this bill unlike so many others that Members of this body vote on is a revenue-producing bill.

This bill is estimated to bring in to the Federal Treasury $1.5 billion in the same year that we are being asked to appropriate $1.4 billion to run the operation through fiscal year 1969.

I want to point out as well that there have been additional items added to this bill that very substantially increase the efforts we have had to make. One of them is the Washington metropolitan area transit authority.

I think the way to approach this bill is the way the members of this subcommittee have. After months of labor and numerous witnesses we presented it to the full Committee on Appropriations with our recommendations. And there I would remind all in this House, it was approved in the full Committee on Appropriations without one dissenting vote.

Now at the 11th hour from a quarter unexpected, from an individual, a colleague of mine whom I respect, we find an amendment offered that has no relationship whatsoever to the bill and where we cannot find his recommendations at all included in the hearings in testimony conducted over a period of several months in an effort to bring you a meaningful bill.

Mr. Chairman, I hope that the motion to recommit will be resoundingly defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the fact that the gentleman from Illinois [Mr. RUMSFELD] did not appear before the Appropriations Committee is not unusual in the conduct of the affairs of the House, and I know of no reason why that should in any way be construed by anyone here, including the gentleman from Pennsylvania, as disqualifying him from offering a motion to recommit.

I yield to the gentleman from Illinois.

Mr. RUMSFELD. I thank the gentleman from Iowa for yielding.

I appreciate the comments of the gentleman from Iowa. It seems that it is possibly a sign of the absence of any valid arguments that the gentlewoman from Washington and the gentleman from Pennsylvania seem to be arguing their case on that point. The gentleman from Illinois is not a member of the Appropriations Committee. With all respect to that committee—and I recognize the difficulty of the task they face—I personally feel that each of the 435 Members of this body has an obligation to review the work of all committees and subcommittees of the Congress.

I have no hesitancy or reluctance whatsoever to support enthusiastically those actions which I happen to approve, and to oppose just as vigorously those things with which I happen to disagree. I believe it is time that this country established some reasonable priorities in spending.

Mr. GROSS. And the gentleman from Illinois does not have to be a member of the Appropriations Committee to know that this country is in deep financial trouble, does he?

Mr. RUMSFELD. Indeed, one does not. And I might also say that one of the reasons the country is in this serious trouble is the fact that each committee of the Congress, including the Appropriations Committee, possibly has not found enough places that we could defer, delay, or postpone spending. We are faced with a $20 billion deficit. We are faced with a request for a tax increase. We will soon be facing that right here in this Chamber.

I know that at least my constituents in the 13th Congressional District of Illinois are anxious to see the Congress of the United States act in a responsible way. I believe that that means we must start trimming these appropriation bills wherever we can. I know it hurts. I do not like to do it any more than anyone else. But I am willing to do it. I thank the gentleman for yielding this time.

Mr. REIFEL. Mr. Chairman, I move to strike the requisite number of words.

I merely wish to join in the remarks just made by my colleague and member of the committee, the gentleman from Pennsylvania [Mr. McDADE], and those of the chairman of the subcommittee, the gentlewoman from Washington [Mrs. HANSEN].

We have gone over this budget request with a fine-tooth comb. As was pointed out on several occasions this afternoon, this legislation covers agencies that are revenue-producing, and it is very likely that we have cut too deeply in some instances.

I would just like to say in closing that if this body of the House is going to act responsibly, it will vote down the motion to recommit and pass the bill unanimously when it finally comes to the floor.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17354) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill and on the amendment thereto to final passage.

The previous question was ordered.

The **SPEAKER**. The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RUMSFELD. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. RUMSFELD. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RUMSFELD moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 42 following line 2, insert a new section as follows:

"SEC. 303. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1969 only to the extent that expenditure thereof shall not result in the aggregate expenditure of Federal funds by all agencies provided for herein beyond $1,383,432,068."

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. RUMSFELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 207, not voting 52, as follows:

[Roll No. 145]

YEAS—174

Abbitt
Abernethy
Adair
Anderson, Ill.
Arends
Ashbrook
Ashmore
Ayres
Bates
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Bolton
Bow
Bray
Brock
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Bush
Button
Byrnes, Wis.
Cederberg
Chamberlain
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Cramer
Cunningham
Curtis
Davis, Wis.
Delaney
Dellenback
Denney
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fino
Fisher
Ford, Gerald R.
Fountain
Galifianakis
Gathings
Goodell
Goodling
Griffin
Gross
Grover
Haley
Hall
Halpern
Hammerschmidt
Harsha
Harvey
Heckler, Mass.
Horton
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keith
King, N.Y.
Kleppe
Kuykendall
Laird
Langen
Latta
Lipscomb
Lukens
McClory
McCulloch
McDonald, Mich.
McEwen
MacGregor
Mailliard
Mathias, Md.
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Montgomery
Morton
Mosher
Myers
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Ottinger
Pelly
Pirnie
Poff
Pollock
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Riegle
Robison
Rogers, Fla.
Roth
Roudebush
Rumsfeld
Sandman
Satterfield
Schadeberg
Schneebeli
Scott
Shriver
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steiger, Wis.
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Vander Jagt
Vigorito
Wampler
Watkins
Watson
Whalen
Whalley
Whitener
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—207

Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Barrett
Battin
Bell
Berry
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Calif.
Burke, Mass.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Carey
Casey
Celler
Clark
Clausen, Don H.
Cohelan
Conyers
Corman
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Dent
Dingell
Donohue
Dow
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Flood
Flynt
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Pa.
Griffiths
Gubser
Gude
Hagan
Hamilton
Hanley
Hansen, Wash.
Harrison
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hull
Hungate
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
King, Calif.
Kirwan
Kluczynski
Kornegay
Kupferman
Kyl
Kyros
Landrum
Leggett
Lennon
Lloyd
Long, Md.
McCarthy
McCloskey
McClure
McDade
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Marsh
Mathias, Calif.
Matsunaga
Meeds
Mills
Minish
Mink
Mize
Monagan
Moore
Moorhead
Morgan
Morris, N. Mex.
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Pool
Price, Ill.
Pryor
Pucinski
Purcell
Rees
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Saylor
Schwengel
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Steiger, Ariz.
Stephens
Stuckey
Sullivan
Taylor
Teague, Tex.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Walker
Watts
White
Whitten
Willis
Wyatt
Yates
Young
Zablocki

NOT VOTING—52

Ashley
Baring
Blatnik
Cahill
Carter
Clancy
Cowger
Culver
Diggs
Edwards, La.
Frelinghuysen
Gardner
Gilbert
Green, Oreg.
Gurney
Halleck
Hanna
Hansen, Idaho
Hardy
Hébert
Herlong
Holifield
Holland
Howard
Jones, Mo.
Karsten
Kelly
Long, La.
McMillan
Martin
Miller, Calif.
Morse, Mass.
Moss
O'Hara, Mich.
Olsen
O'Neill, Mass.
Resnick
Rivers
Rostenkowski
Scherle
Scheuer
Schweiker
Selden
Skubitz
Stratton
Stubblefield
Tenzer
Thompson, N.J.
Tunney
Waggonner
Wilson, Charles H.
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Halleck.

Mr. Hardy with Mr. Frelinghuysen.

Mr. Rostenkowski with Mr. Cahill.

Mr. O'Neill of Massachusetts with Mr. Morse of Massachusetts.

Mr. Baring with Mr. Carter.

Mr. Rivers with Mr. Martin.

Mrs. Kelly with Mr. Clancy.

Mr. Holifield with Mr. Skubitz.

Mr. Tunney with Mr. Cowger.

Mr. Waggonner with Mr. Scherle.

Mr. Moss with Mr. Schweiker.

Mr. Howard with Mr. Gardner.

Mr. Miller of California with Mr. Hansen of Idaho.

Mr. Diggs with Mr. Resnick.

Mr. Blatnik with Mr. Ashley.

Mr. Edwards of Louisiana with Mr. Gilbert.

Mrs. Green of Oregon with Mr. Culver.

Mr. Hanna with Mr. Karsten.

Mr. Thompson of New Jersey with Mr. Charles H. Wilson.

Mr. Wright with Mr. Tenzer.

Mr. Long of Louisiana with Mr. McMillan.

Mr. O'Hara of Michigan with Mr. Scheuer.

Mr. Selden with Mr. Olsen.

Mr. Stratton with Mr. Herlong.

Mr. Stubblefield with Mr. Holland.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on passage of the bill.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 364, nays 14, not voting 55, as follows:

[Roll No. 146]

YEAS—364

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Casey
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Cramer
Cunningham
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King, Calif.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Leggett
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Pool
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—14

Ashbrook
Brock
Buchanan
Curtis
Davis, Wis.
Derwinski
Devine
Dickinson
Eshleman
Gross
Hall
Latta
Rumsfeld
Schneebeli

NOT VOTING—55

Ashley
Baring
Blatnik
Cahill
Carter
Clancy
Cowger
Culver
Diggs
Edwards, La.
Frelinghuysen
Gardner
Gilbert
Green, Oreg.
Grover
Gurney
Halleck
Hanna
Hansen, Idaho
Hardy
Hébert
Herlong
Holifield
Holland
Howard
Jones, Mo.
Karsten
Kelly
King, N.Y.
Long, La.
McMillan
Martin
Miller, Calif.
Morse, Mass.
Moss
O'Hara, Mich.
Olsen
O'Neill, Mass.
Passman
Resnick
Rivers
Rostenkowski
Scherle
Scheuer
Schweiker
Selden
Skubitz
Stratton
Stubblefield
Tenzer
Thompson, N.J.
Tunney
Waggonner
Wilson, Charles H.
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Miller of California with Mr. Halleck.

Mrs. Kelly with Mr. Cahill.

Mr. Blatnik with Mr. Frelinghuysen.

Mrs. Green of Oregon with Mr. Morse of Massachusetts.

Mr. Baring with Mr. Carter.

Mr. Rostenkowski with Mr. Martin.

Mr. Culver with Mr. King of New York.

Mr. O'Neill of Massachusetts with Mr. Clancy.

Mr. Hébert with Mr. Skubitz.

Mr. Stubblefield with Mr. Cowger.

Mr. Charles H. Wilson with Mr. Scherle.

Mr. Hanna with Mr. Gurney.

Mr. Thompson of New Jersey with Mr. Schweiker.

Mr. Edwards of Louisiana with Mr. Gardner.

Mr. Ashley with Mr. Hansen of Idaho.

Mr. Gilbert with Mr. Grover.

Mr. Diggs with Mr. O'Hara of Michigan.

Mr. Resnick with Mr. Holifield.

Mr. Tenzer with Mr. Waggonner.

Mr. Howard with Mr. Wright.

Mr. Long of Louisiana with Mr. McMillan.

Mr. Scheuer with Mr. Moss.

Mr. Tunney with Mr. Passman.

Mr. Holland with Mr. Hardy.

Mr. Karsten with Mr. Selden.

Mr. Stratton with Mr. Rivers.

Mr. Olsen with Mr. Herlong.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS BY MIDNIGHT TONIGHT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PRESIDENT JOHNSON PLACES A PROPER PERSPECTIVE ON THE NATION'S PROBLEMS AND OPPORTUNITIES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address by the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, in a speech last night to the Arthritis Foundation in New York, President Johnson placed a proper perspective on the Nation's problems and opportunities. The President said:

> To me, the fact that we recognize a gap—a gap between achievement and expectation—represents a symptom of health; a sign of self-renewal; a sign that our prosperous Nation has not succumbed to complacency and self-indulgence.

I agree. And I commend the President for saying what has needed to be said to counter those who are continually downgrading America and uttering prophecies of doom.

The President rightfully rejected the idea that America is plagued by indifference and neglect. He cited the billions of dollars now working to try to conquer poverty, illiteracy, and disease. Perhaps America could do even more—but we, as a people and a Nation, can never be accused of ignoring human want and need.

I earnestly commend the President's speech to my colleagues. For as the President said, our problems "will not be solved if we give way to crippling despair."

I include this inspiring address in the RECORD:

TEXT OF THE PRESIDENT'S REMARKS BEFORE THE ARTHRITIS FOUNDATION DINNER AT THE WALDORF ASTORIA, NEW YORK CITY, MAY 20, 1968

Nothing could give me greater pleasure than to join you in paying honor to Floyd Odlum.

Floyd Odlum's life, his career, and his civic concerns reflect a great deal, not only about the man, but about our country.

He has built a legendary record of personal and financial success.

But we who know Floyd are more impressed by the riches he has given than by the riches he has received.

His unselfish spirit tells us something about America: it reflects the truth, I believe, about a land and a people who, for all our faults, remain the most compassionate on earth.

Tonight we honor Floyd Odlum's contributions to a noble and vital cause: the Arthritis Foundation.

For a long time—and especially in the past four and a half years—I have made health and education a special interest of mine, for at least two reasons:

First of all, it puzzled and troubled me that these two vital fields were so often, and for so many years, the step-children of public policy.

Second, everything in my background and my career has led me to the conviction that we can find no solutions for our problems unless we overcome physical incapacity and ignorance—wherever they exist.

During my Administration, I have tried to show just how much government can do in these fields.

But I have known all along how little government can do—without the active and vocal support of private citizens, private organizations. You are such citizens—and the Arthritis Foundation is such an organization.

Surely no more vexing health problem can be named than the one you battle: arthritis.

It is the Nation's number one crippler.

It robs the national economy of nearly $4 billion a year in lost time, medical expenses, diminished strength and productivity.

Worst of all, it ruins lives.

Like so many problems that we face in our Nation, this one is deep-rooted, pervasive, mysterious, unyielding. Like many other problems, it is buried beneath layers of ignorance and years of indifference. Like many other problems, this one is a long way from final solution.

But like our other problems, it is within our power to solve.

A famous commentator on the social scene once wrote, "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair; we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way."

That was Charles Dickens, one of the early warriors against poverty and illness and injustice. He was describing a period nearly 200 years ago. And he saw many similarities in his own period a little over a century ago.

Many would find similarities today.

As a people, we have never been more prosperous. Our Gross National Product has risen to over $830 billion—and the median family income in America is over $8,000 per year.

In the past seven years the growth alone in our nation's wealth has been greater than our entire gross national product thirty years ago.

Yet we have never been more conscious of—or more troubled about—the poverty in our midst.

More Americans than ever before are in school today: one-third of the nation's population. More people are going to college—more to adult education classes, more to job training and all the other forms of education from post-cradle to post-graduate.

Yet never have we been more restless about the shortcomings of public education; never have we been more eager to extend the opportunity for learning to those who have been neglected.

Our nation's health standards are at an all-time high, measured by any index we can devise: life expectancy, infant mortality, incidence of disease, delivery of health services.

Yet never have we as a people been more anxious—and more eager to extend the quality and the reach of health care.

There are some despairing critics who look at this gap between achievement and expectation and claim there is a sickness in our society.

To me, the fact that we recognize a gap—a gap between achievement and expectation—represents a symptom of health; a sign of self-renewal; a sign that our prosperous nation has not succumbed to complacency and self-indulgence.

I suppose there will be many who call me a Pollyanna for saying that; and I have been called worse. But I am no Pollyanna.

I simply refuse to accept the diagnosis of fatal sickness in our society.

I refuse to accept the diagnosis of indifference in our society—because I see millions of Americans and billions of dollars working to conquer poverty; I see an unprecedented outpouring of imagination and concern and money to cure the handicap of poverty.

I refuse to accept a diagnosis of deep racism in our society—because I see a people struggling as never before to overcome injustice; I cannot ignore the progress we have made in this decade to write equality in our books of law.

Look at these simple facts. In 30 years of struggle—from 1935 to 1964—we increased the Federal share of our gross national product going into health and medical care from .2% to .7%. Then, in 4 years time we more than doubled it—from .7% to 1.7%.

The same thing is true in the field of education. From 1935 to 1964, the Federal share of GNP for education moved from .1% to .7%. Then in 4 years time, we doubled it—from .7% to 1.4%.

These are the true measures of our progress; how much of our nation's wealth we allocate to these two areas of our greatest public concern—education and health.

In the past five years, the Federal government has enacted over thirty major health measures. It has more than doubled annual spending on health, from $6 billion to almost $14 billion.

We are beginning to see the results. The death rate in the United States is now as low as it has ever been in the nation's history. It is 3% lower than in 1963—an annual saving of fifty-four thousand American lives.

Infant deaths have declined 13% since 1963—to the lowest rate in our nation's history.

And Medicare now brings the guarantee of adequate health service to over 19 million senior Americans.

Now is no time to retreat from this progress.

This nation has not yet solved its problems. Poverty, racism, ignorance and illness still plague us.

But we are on the move. The age-old ills which agitate our communities can be solved.

They will not be solved if we give way to crippling despair.

They will not be solved if we delude ourselves with labels and slogans which are substitutes for ideas—not ideas.

They will be solved by realism, by determination, by commitment—by hope and by self-discipline.

They will be solved by the impatience of the American people—but not by pessimism.

They will be solved by the concern of individuals like Floyd Odlum, the man we honor tonight—and organizations, like the Arthritis Foundation.

We must face the future with the spirit attributed to Winston Churchill in a story which may or may not be true. It seems that the Prime Minister was visited by a delegation of Temperance ladies who came to complain about his consumption of brandy.

One little lady addressed Mr. Churchill and declared, "Why Mr. Prime Minister, if all the brandy you drank in a year was poured into this room, it would come up to here."

Mr. Churchill looked solemnly at the floor, at the ceiling, and at the little lady's hand somewhere near the midway mark. And then he muttered, "So little done; so much to do!"

LEGISLATIVE PROGRAM

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **ALBERT**. Mr. Speaker, I am glad to see that the distinguished minority leader is on the floor, and I take this time for the purpose of advising the House that we will go ahead with the program as scheduled tomorrow, but before going into the interstate taxation bill we will take up the conference report on the truth-in-lending bill.

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman yield?

Mr. **ALBERT**. I yield to the distinguished minority leader.

Mr. **GERALD R. FORD**. Mr. Speaker, I thank the gentleman for yielding.

As I understand it, Mr. Speaker, after the consideration of the conference report on the truth-in-lending bill, we will then proceed down the whip's notice in order?

Mr. **ALBERT**. That is the plan now, and we will certainly go on with the interstate taxation bill, and the resolution. That is the present schedule.

PERSONAL EXPLANATION

Mr. **GROVER**. Mr. Speaker, on the last preceding rollcall I was in the cloakroom, and did not hear my name called. Had I been present I would have voted affirmatively.

ANTI-SEMITISM IN POLAND

Mr. **HICKS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **HICKS**. Mr. Speaker, it seems almost incomprehensible that today's Communist leaders of Poland should find it expedient to institute the kind of anti-Semitism and persecution which led to Hitler's program of genocide as a "final solution" to a problem that existed only in his demented mind and in the hysteria of the society.

As early as 1939, the Germans began to organize walled ghettos for European

Jews, particularly in Poland. Because Warsaw was a leading center of European Jewry, thousands of Jews fled to Warsaw to evade Hitler's brutal deportation program. At one time, nearly 500,000 Jews were concentrated in the ghetto of Warsaw. However, between the autumn of 1941 and autumn of 1943 nearly the whole population was deported to Hitler's death camps and exterminated. It was in the face of this hideous program of deportation that the last 40,000 Jews staged their desperately heroic uprising against their Nazis oppressors during April and May of 1943. The magnificent heroism shown by these Jews in their daring attempt to attain liberty is truly an inspiration to freedom loving people around the world. Almost unarmed and against overwhelming odds these courageous souls resisted the German deportation order, and for nearly a month held out against the brutal onslaught of regular Nazis troops armed with flame throwers, artillery, armored cars, and tanks.

After the war the full horror of the German program of genocide was documented and all civilized men were shaken by the details of this atrocious crime against humanity. Yet today, Mr. Speaker, at a time when we are commemorating the 25th anniversary of the Warsaw ghetto uprising, the Communist government of Poland is conducting a virulent, anti-Semitic campaign of intimidation and abuse.

Mr. Speaker, all free people must heartily condemn this latest display of anti-Semitism in Poland, and make known to the Polish Government their concern for the fate of Jews presently residing in Poland who are being subjected to this scurrilous campaign that is as hateful to all men of good will as it is unwarranted.

A NATIONAL RIGHT TO WORK LAW FOR U.S. GOVERNMENT EMPLOYEES

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BLACKBURN. Mr. Speaker, I am pleased to report that support for the Federal Employees Freedom of Choice Act of 1968, introduced in the Senate by the distinguished gentleman from Utah, Senator WALLACE F. BENNETT, and by myself in the House of Representatives, is pouring in from all points of the political spectrum.

These indeed are true bipartisan bills designed to protect by law some 3 million Federal employees' right to join or not to join a union. At present this right is protected only by an Executive order issued by President Kennedy in 1962.

We feel that this basic right is too important to be left to the sole discretion of the President, no matter who holds that office, and therefore I am asking President Johnson to endorse the bills and seek a speedy passage.

An editorial that appeared in our Nation's largest daily newspaper yesterday, the New York Daily News, I feel truly reflects the attitude of the American people. The News states:

> A VERY JUICY PLUM
>
> —will be snatched from the eager hands of the labor bosses if Congress gives its approval to a bill introduced last week by Sen. Wallace Bennett (R.-Utah) and 14 colleagues.
>
> The bill will write into law the language used by the late President John F. Kennedy in 1962 when he spelled out the rights of federal employees to join—or refrain from joining—unions.
>
> It is the right to refrain from such affiliations that is in peril.
>
> STUDY GROUP REPORT DUE
>
> Since last September, a commission created by President L. B. Johnson has been studying government policy in its own labor relations. Its report is due shortly, and the word is that the commission will recommend that the "right to refrain" be quietly dumped.
>
> It would be a windfall to big labor's treasury. There are about 3 million federal workers. Under a policy of compulsory unionism, those who did not sign up to join a union would be forced to fork over "agency fees" equivalent to membership dues.
>
> Union chiefs have been quietly but persistently pressuring the administration to grant them this bountiful bonanza for some time. It may be that LBJ is tempted to go along as a show of gratitude for solid labor backing during the past few stormy months.
>
> The Bennett bill would end any such temptation by taking the problem out of the President's hands. It should be passed—and quickly.

Mr. Speaker, when I refer to these as bipartisan bills, I point out that among Senator BENNETT's cosponsors are Senators of such various political persuasions as the Honorable EVERETT DIRKSEN, of Illinois; MARK O. HATFIELD, of Oregon; and SPESSARD L. HOLLAND, of Florida.

In the House I have been joined by distinguished Representatives from both sides of the aisle, including Representatives ALTON B. LENNON, of North Carolina; LEO FARBSTEIN, of New York; JOHN N. ERLENBORN, of Illinois; and JAMES UTT, of California, to mention a few.

A brief check shows that 300 letters a day urging support of the bills are pouring into appropriate Federal agencies such as the Civil Service Commission, appropriate congressional committees, and the offices of Members of Congress.

I have received editorials from leading newspapers from New Hampshire to California, and from Florida to Iowa, urging passage of the Federal Employee Freedom of Choice Act of 1968.

The Professional Engineers in Government, a coalition of city, county, State, and Federal professional employees, is just one example of government workers who oppose any form of agency shop requirement for Federal employees.

In their widely circulated newsletter the engineers point out that serious concern has been generated over reports that Federal employees represented by exclusive union contracts may be forced to pay a service charge equal to the amount the union can show it costs to represent them.

The engineers and all Federal employees have ample cause for alarm, particularly in view of the White House's sudden reluctance to reveal contents of the Labor-Management Review Committee's secret report and in view of recent events indicating an attack on President Kennedy's "right to refrain" clause.

Let me review briefly the course of events:

On January 17, 1962 President Kennedy issued Executive Order 10988 stating:

> Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from such activity.

This was followed 3 days later by then Secretary of Labor Arthur Goldberg, who told members of the American Federation of Government Employees:

> I know you will agree with me that the union shop and the closed shop are inappropriate to the Federal Government. And because of this, there is a larger responsibility for enlightenment on the part of the government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wishes, your own wisdom, your own responsibility and your own achievements. And let me say to you from my experience representing the trade union movement that this is not a handicap necessarily . . . Very often even the union that has won the union shop will frankly admit that people who come in through that route do not always participate in the same knowing way as people who come in through the method of education and voluntarism. So you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization.

In September 1966, speaking on the growing trend toward compulsory unionism of some 11 million public employees, Federal, State, county, and municipal, Jerry Wurf, president of the AFL–CIO American Federation of State, County, and Municipal Employees told U.S. News & World Report:

> In a number of very important instances, like Michigan State University, we even got a union shop . . . . It's happening in Michigan, Wisconsin, Delaware, Connecticut, Massachusetts—a whole flock of states.

There are now more than 125 unionized police departments across the Nation. By a recent count more than 10,000 policemen are members of the AFL–CIO and according to Mr. Wurf, the organizing drive is just beginning.

The wisdom of police membership in any private organization with disciplinary power has always been a matter of serious question. But of particular concern to today's civic-minded citizen is the growing number, not only of policemen, but of all categories of public employees, who have no choice about joining a union. They either join or lose their jobs.

Now in the face of this trend toward compulsory unionism of government workers, President Johnson on September 8, 1967, appointed a Labor-Management Review Committee to review experience under President Kennedy's right-to-refrain Executive order and to recommend "any adjustments needed now to ensure its continued vitality in the public interest."

The Presidential choice to head the Committee is Labor Secretary W. Willard Wirtz, one of the country's most avid proponents of compulsory unionism. Secretary Wirtz' views, already well known, were put on the record previously when he testified before a House subcommittee in hearings concerning the ill-fated attempt to repeal section 14(b) of the Labor Management Relations Act as follows:

> I hold strongly the views I represent. The argument that union shop agreements violate the freedom of individual employees has no substantial basis. There is no violation of freedom in a minority's having to accept a majority's fair judgment fairly arrived at. There is no "right" of a minority to endanger the freedom of a majority of the employees to protect the security of the bargaining representative that gives them a voice in the shaping of their wages, hours, and conditions of employment . . . The view of a few who oppose belonging to a union or to any other organization as a matter of conscience or religious principle must be accommodated to the obligations of living together.

One of the first witnesses to appear before Secretary Wirtz' committee was AFL–CIO President George Meany who testified on October 23, 1967:

> We recommend that the Executive Order be amended to state explicitly that the federal government accepts the principle that unions and management in federal service should have the right to negotiate union security agreements.

Another expression of compulsory union's confidence in the Labor-Management Review Committee came from B. A. Gritta, president of the AFL–CIO Metal Trades Department. Mr. Gritta told a convention of the Operating Engineers at Bal Harbour, Fla., just last month:

> I am confident that within the very near future that we will be able to negotiate union security provisions in our contracts with the government, or at least have an agency checkoff . . . and this would mean everybody would have to pay your organization.

But Dr. Nathan Volkimir, president of the National Federation of Federal Employees, one of the oldest and most respected unions representing more than 30,000 U.S. Government workers on a completely voluntary basis, was not happy about the drive for forced unionism of government workers.

He told the Wirtz committee that organization of Federal workers by international unions will, and I quote, "Handicap the legitimate and proper organizing activities of many independent unions of Federal employees which are not plagued by the quarrels which so afflict the affiliated unions. He further said:

> The introduction into the Federal service of various bare-knuckle type organizing methods, taken from private sector unionism, has had widespread adverse effects.

He told of beatings, distribution of scurrilous literature and name calling, all of this new to Government employee unionism.

Meanwhile as the veil of secrecy was more tightly gathered around the Wirtz-White House Committee's deliberations, concerned Members of Congress had to be content with gleanings from the public prints.

For instance respected author Joe Young of the "Federal Spotlight" reported in the Washington Star, March 12:

> The question of union security in the Federal Government is being considered by the President's cabinet level review committee on the government labor management problem. The committee is near a decision on whether it would be proper and feasible in the federal service to require some sort of participation where unions have exclusive bargaining rights.

Authoritative columnist Jerry Kluttz wrote in his Federal Diary in the Washington Post on April 21:

> A limited form of union security has also been considered by the panel but the legality of any such proposal was questioned. This one issue could be changed by either the Review Committee or the President.

We have many other causes for alarm over this drive for compulsory unionism for Federal employees.

The Wall Street Journal, on May 7, quotes an official of the American Federation of State, County, and Municipal Employees, AFL–CIO, complaining about the competition from organizers of industrial unions, as stating:

> The public employee field is wide open and everybody wants a piece of the action.

The St. Louis Globe-Democrat, in an editorial just last week, states:

> Upset by failure to increase its membership in the ranks of non-government employees, organized labor is now mobilizing for a drive to compel some 11.2 million federal, state, and local governments to join a union.

Now let us pause just a moment and look at these figures. Eleven million public employees. If each one was forced to contribute just $5 per month in compulsory union dues, the take would amount to $700 million a year. The stakes are enormous and the compulsory union bosses are at work.

Let me quote from the newsletter published last month by the Engineers in Government I mentioned previously:

> While many legal experts feel the Executive Branch does not have the authority to require Federal employees to pay money to unions as a condition of continued employment, legal opinion is by no means unanimous, and some believe that the Administration could well go ahead with such a plan if it is not vigorously opposed in advance.
>
> In addition, regardless of the legality of the matter, the Administration might well believe it stands to gain more than it loses even if such an order were subsequently overturned either by the courts or Congress. In either case, the Administration would have demonstrated its friendship for the union cause in an election year when such support may be most important. Once in effect, the unions might well block repeal even by a Republican congress, and if overturned by the courts several years later, it would be of scant concern to either the present or succeeding administrations.
>
> *Only if sufficient opposition is generated beforehand, it is reasoned, will the Administration feel it has more to lose than gain by establishing an agency shop for Federal employees.* Because of this, all concerned engineers are urged to write or wire the President and their congressmen expressing their views on any proposal to require Federal employees to pay dues or the equivalent to exclusively recognized unions.

I say to my distinguished colleagues, if you believe with me and thousands of other Americans that there is no room for "bare knuckle" organizing methods among Federal employees;

If you believe that no citizen should be forced to donate part of his salary, salary paid by the dollars of hard-pressed American taxpayers, to compulsory international union bosses in order to work for the U.S. Government;

If you believe as did President Kennedy and former Secretary of Labor Arthur Goldberg that voluntary, not compulsory unionism, is fitted to the American way of life;

If you believe as Senator Bennett said in introducing his bill that good unions "do not need compulsory unionism and bad unions don't deserve it";

If you believe with me, that the right of Federal employees to join or not to join a union is too valuable to be subject to the whims of whomever might occupy the White House;

Then I ask you to join with my distinguished cosponsors on the House side, with Senator Bennett and his illustrious co-sponsors on the Senate side to remove the problem from the President's hands forever and seek a speedy passage of the Federal Employee Freedom of Choice Act of 1968.

THE MORAL CASE AGAINST RACISM

Mr. JACOBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Speaker, on April 9, 1968 the mayor of Indianapolis stated the moral case against racism as it has seldom been said before. He did so with clarity and without political equivocation.

As I read his words I see not the calculated utterances of a fellow officeholder from another political party. Here are the utterances of a fellow American, speaking from the heart.

Mayor Lugar and I have each specifically opposed the other in election contest. But this is a good time to take time out from politics and recognize that the tragedy of racism in America involves not partisan politics, but human morality. His statement follows:

Mayor Richard G. Lugar's Report to the People, April 9, 1968

My friends, on April 4, 1968, Dr. Martin Luther King spoke his last words from the second floor balcony of a motel in Memphis, Tennessee. He turned to his Musical Director and said, "My man, be sure to sing 'Precious Lord' tonight, and sing it well."

And the words that Dr. King would have heard are these:

"Precious Lord, take my hand,
Lead me on, help me stand,
I am tired, I am weak,
I am worn. Through the storm
Through the night—lead me on to the light.
Take my hand, Precious Lord, lead me home."

Tonight, many of us have that same feeling. There is a void left in our hearts and consciousness following the events of this day and the past few days. It is important that we understand the meaning of this man, Dr. Martin Luther King. He was a prophet in our time, the Reverend Mays has reminded us in the funeral service, just as Amos was a prophet in the times of the Old Testament and Our Lord Jesus Christ in the times of the New Testament. He worked within the context of American democracy and fundamental Christian theology and this was a difficult context in which to work. And herein, of course, lies the importance of what we have witnessed during the past few years of the life of this man.

It is difficult to be a prophet within the context of a system. Dr. King, who had every reason to doubt the word of the system, instead accepted at face value the words of the system and said, let us make it better. Let us do the job we need to do for the equality of all men, through the law and through non-violence, and this he continued to preach to the last.

His act of public ministry began December 1, 1955, when a Negro seamstress in Montgomery, Alabama, by the name of Rosa Parks, refused to give up her seat to a white man on a bus. After 382 days of boycott and turmoil in the history of Montgomery, and in America, we saw the first traumatic victory, the most successful Negro boycott ever held and the beginning of a long and active ministry by Dr. King. His words at that particular time are appropriate in the context of our sorrow tonight. He asked then for non-violence in Montgomery: "If you will protest courageously, and yet with dignity and Christian love, when the history books are written in future generations, the historians will have to pause and say, 'there lived a great people, a black people, who injected new meaning and dignity into the veins of civilization. This is our challenge and our overwhelming responsibility.' "

Many of us remember on August 28, 1963, when Dr. King injected new meaning into American life with his speech "I Have a Dream" in front of the Lincoln Memorial. Our legislators in this case acted well ahead of the hearts and consciences of the American people and they passed laws of a federal, state, and local nature which have never really been enforced to date. And this of course is both the irony and the dilemma of our times and certainly of the last days of Dr. King—that we could live in a country in which through the legislative process so much has been promised, so much has been fulfilled and yet so much has not been enjoyed. A country in which there were many calls for law and order and for enforcement of laws dealing with property, but much less vigor for enforcement of laws dealing with civil and human rights. And this was one of the great hypocracies and great dilemmas that Dr. King faced. It is still with us tonight.

There are many in this country who still do not realize the peril of the dilemma that we are in. *The choice, ladies and gentlemen, was not between Dr. Martin Luther King and tranquility and peace. It was between a man who fought for solutions to our dilemmas inside the American context and those who say Dr. King fought within the system, but look what happened to Dr. King.*

And those same voices would counsel others tonight that the system is no good, that the possibilities have run out, that the time for change really calls for a different order.

But there are many of us—I hope a very great majority of us tonight—who say that Dr. King was right. Non-violence is the way within the system of Christian theology and American democracy and we who have often been indifferent, can be so no more, and will not be indifferent.

Indifference has taken many forms in our community and yet we are most grateful tonight for the very great leadership given in our community during the past few days by those who are not indifferent. Many were clergymen and many were black. Many said that the way to celebrate the life of Dr. Martin Luther King was in churches and many thousands of our citizens, black and white, went to church today to pray for the future of our country and to celebrate the life of a great man.

Many really do not realize to date why we enjoy peace and tranquility in our community today. It came because there was active leadership which asked that we have reverence for a great life committed to non-violence, committed to the highest aspirations of democracy.

And yet, every day we, in our various ways, have insulted people in our community—some white, some black. We talk tonight about many cases in which our staff members, members of local government, whom I know well, have testified to me in their sorrow, in their agony today, of case after case, such as the one staff member whose wife was about to be delivered of child. When a local doctor found that she was Negro and the child would be Negro, he refused service.

Another board member prominent in our local government, on the day of Dr. King's assassination, heard one of his employees tell of harassment by a local police officer who was astounded to find that a Negro worked in a particular office building along North Meridian Street, further astounded to find that a Negro public relations agency in fact leased the whole floor, and thought that the Negro thus found must surely be out of place. Another board member's wife was followed by police officers recently with lights out and was forced to the curb, forced to emerge from the car, and asked why she should be out and about in the normal pursuit of her life. When she identified herself, the police officers asked embarrassingly, "Have we harassed you?" These are prominent, local, negro officials. This is the type situation that many of us, who drove steadily by on North or South Meridian or West or East on U.S. 40, without the feeling of Good Samaritans, miss. We have looked neither to the right nor to the left. It is not so much that we have condoned hypocrisy or cruelty or harassment. We have been indifferent to it. We have known about it and have cared even less. In so many ways, an insensitive community has compounded its difficulty.

And this is the case from which we try to unravel and extricate ourselves at present. Because Dr. King preached non-violence, he said that the workings of American democracy would overcome these failings. And many believed him.

Many who have returned recently from Vietnam, who are black who are fully capable of using other means than those that Dr. King preached. And yet he said to them, "The American dream for which you fought is one in which everyone will have power to buy that which his money can buy. Freedom to move, freedom to exercise all of the liberties of our society."

This freedom does not exist in our society presently. Some of us have not gotten used to that fact, some of us have never believed it, but it is time we recognize that this is so. And it is time we recognize that it must be remedied. And it is time that we talked specifically about some of the areas in which we are going to have to make progress—and make it very rapidly. One of these areas we have talked about at an earlier meeting—that of employment. We have asked 2,000 of our citizens to step forward—and to come forward immediately—each to work in a man man relationship with a person who is unemployed, black or white. We have not yet found the 2,000 volunteers. They have not yet stepped forward. We have 400 persons in our community who had faith in the system, who signed up and asked to be helped and have not yet found a partner, a single individual, who would help them. We need to match up our employment situation tonight.

We need to work in the area of housing, low cost housing for those who have been displaced by public projects which have benefitted the rest of us. Too many of us, in our haste to go to and from work, have said build the highways, build them anywhere, build them any way, on skyhooks if necessary, but get the job done. And we have moved expeditiously in the last few months to get the job done. But let us never forget that we have displaced and dislocated in the past few years in our community, hundreds of families. Some 450 of these families tonight need relocation within the next six months. As many of 400 need relocation within six months after that. These families are black and white, but let us remember that the black families involved bore the brunt of the attack earliest, and this is the major burden in our community presently and one which we must solve this year, because the houses will be torn down and the families will need shelter.

This is to say nothing about the other and most complex problem of the freedom of choice of housing. It is extremely important that in this community we deliver ourselves from the hypocrisy that every man may live wherever he wishes. Presently this is just not so. It is time that it was so. It is a problem not only for realtors, for those who deal in real estate for a living as apartment owners or as managers, it is also a problem of conscience for us all.

It is a problem that is very difficult for most of us to face as we see our returning Vietnam war veterans who say to us, "I went over there at a sacrifice. Not everyone has been called to this war." It is an interesting fact that 16% of the Staff Sergeants in the United States Army presently in Vietnam are Negroes, a very disproportionately high number. The sacrifice has fallen disproportionately high and American democracy has been defended against communism by young men who come back to our community and are saying, "You know it really cannot be this way." It cannot stay this way and we must say to them tonight, it will not stay this way.

We are committed to change. It can and will occur within the system and the fabric of democracy we enjoy here. In the field of education we have continually committed ourselves to equality of opportunity, but the fact is that we have rarely produced it.

Once again, we have not been the good Samaritans of biblical testimony. We have looked neither to the left nor to the right and have ignored the fact that many children come to our schools ill clad, or do not come at all in the winter because they lack coats and sometimes shoes. By only a vote of four to three, two or three years back, we determined that 8,000 children in our community, coming from families with incomes of $2,000 or less, would be given at least one meal at school—breakfast—every day. And still there are those in the community who would argue that this debilitates the responsibility of parents. Where have we been in noticing that in some cases within the black community there are no parents in the home, no one to take up the load and the children are shifted back and forth as a responsibility that no one wants?

Now some of us are going to have to take up the load. Some of us are going to have to take the responsibility for an educational system in the United States of America which, in part, we inherit, as those who have been deprived come to Indianapolis. Ours is a system in which children in many all-Negro schools are achieving two to three grade levels behind, on the average, the composite mean of our city's educational level. That is they are reading two grade levels behind at the eighth grade level, three grade levels behind as they get into high school, and this is not good enough. It will call for expenditures of money. It will call for sensitive teaching. It will call for at least a school administration that recognizes the need for integrated teaching faculties even if we cannot obtain integrated school populations.

This is something that will also call for teachers who are willing to accept reassignment, who are willing to commit themselves to the fact that an integrated society is better than a segregated one. Because, ladies and gentlemen, we find a very strange and perverse match-up between those in the white community who continually, in racist terms, espouse white supremacy in all of its subtle and not-so-subtle forms and those in the black community who are not only proud of their blackness, but now espouse its supremacy. Both of these exclusive societies have something very perverse and something very akin to each other, but this is not America, this is not Indianapolis, and we are committed to an integrated society in which color does not make a difference in terms of the enjoyment of life.

As the proverb says, "The beginning of wisdom is the fear of the Lord." Some of us have not been very much afraid, certainly not afraid of the Lord. Up to this time, not very much afraid of our own situation. But the fact is that we are responsible for what we do and the responsibility lies very heavily in terms of the education of our youth.

And finally I would say that a very heavy responsibility lies in the area of city government, one which I believe that all of us in city government are willing to bear in the area of police-community relationships. It is important that every police officer knows my stand and that of the City Council and of all those who are responsible for this Government who say that we are not going to condone harassment and that we are asking for sensitive, intelligent, compassionate leadership in the area of police enforcement. We want firm control in terms of law enforcement but we have an equal craving for justice. And it is extremely important that we get this point across, and that we enact it and that we do it promptly, and that everyone in this community has faith that this is going to occur.

I would say, furthermore, that we had better begin to admit that there are legitimate causes for doubt about our sincerity, and that there are any number of reasons why persons looking at the record, as some persons in the black community might look at the record tonight, to doubt that we are going to be successful. But I would say simply that Dr. King would not have been among them. To the very last, and in the march that was contemplated for yesterday, Dr. King clung to the position that a march could be held that was non-violent. He was distressed and dismayed by the march which led to violence in Memphis and led to a local injunction against a march planned for April 8, but he was determined to say that the American system of non-violence still works and he was determined to prove that this is so.

Now in my judgment, some of us who are white, who are presumably free to act and to choose and to do what we wish to do in this society, have not really been truly free to act. We have watched with dismay and with embarrassment billboards on our highways that said Dr. Martin Luther King was a communist, and this sheer rubbish has stood day after day and intimidated many of us because we were afraid to become involved. We were afraid of what our families would say. Of what our friends would say, of what our neighbors would say—we were afraid of isolation and, in fact, we were not truly very free at all. We were never free to act out what our consciences and our hearts stated was right and this today is the great victory of Dr. Martin Luther King.

In a very real sense not only did he have something to say to the black community, and he said it frequently and he said it well, but in my judgment he also had something equally as important and vital to say to the white community. He said it is time to act as free men, free of prejudice, free of intimidation by one's friends and neighbors free because God has made us free.

God has given us a certain finite number of years to work out that freedom and we have a very great responsibility to do so, and to get about it rapidly. For Dr. King—his span was but for 39 years. His speech at the Lincoln Memorial was made at the age of 34 and his Montgomery boycott at the age of 26. He was a brilliant student who skipped grades, who obtained a Ph. D. at an abnormally young age. He was a man who lived a very full life in a very short time. He was a witness to the truth. He was a prophet in our time.

Last Sunday at Broadway Methodist Church I was asked to say the first words of tribute to Dr. King. It was a very difficult task because Dr. King had spoken the final words of the Battle Hymn of the Republic just before his death, and the assembled choir of 300 singing to a multitude of 2,000 gathered there at Broadway Methodist, sang the Battle Hymn of the Republic. I replied in response to that great hymn, and to that occasion, that Dr. Martin Luther King's death is one of those points in each of our lives in which each one of us will always be able to remember exactly what we were doing when it occurred. It was an essential turning point which some of us may now realize and which all of us will see in the life of our nation and in the life of our city. Word of it came to me as I attended a banquet for the Shortridge High School Basketball team—runnersup in the state of Indiana—and I had an opportunity to say a word about that death on that occasion. I chose not to. I knew that the meaning of the moment to those young men, who had done so well for their school, was more important if expressed in affirmative terms. I reminded them that just three weeks ago last Sunday we rode in the sunshine on a fire engine down North Meridian Street. My children and I were on the engine and so were the co-captains of the team and all the team members. Thousands of persons, black and white, stopped, some in dismay, most in joy, but all with love in their hearts, and they waved and they showed their gratitude and the great reservoir of love which is in our community.

Ladies and Gentlemen, there are easier ways to make a living than being Mayor of Indianapolis. But, so long as I am Mayor, we are going to prove that the Constitution of the United States and the Judeo-Christian tradition offer a context in which we can live and progress and in which we shall prove that Indianapolis is a model city for the world to emulate. We are going to improve human relations, and we are going to prove that human rights come first. We have many powers to do so. We are going to exercise them and we are going to say to all who will hear, to all who have despair in their hearts tonight, to all who feel that a gap has not been filled, that the life and witness and example of Dr. King have filled a great void in our consciousness and in our spirit, that we are stronger because he lived; that we believed him; that we are going to witness our belief.

Finally each of us, in his own way, whether it be as Mayor, as City Council Member, as policeman, as civic servant, as a booster for Indianapolis, as a person with love and compassion in his heart, will do all he can to reach out in the next few days and in the next few months to make certain that we have a vigorous and dynamic change of attitude.

There is great love in this City. There is love for democracy, there is love for every man, there is love for all that we have ahead of us. I pray that we will remember the words of Dr. Martin Luther King and that his example will truly have made all of us free at last!

Thank you, and goodnight.

PROPOSED CENSUS REFORM

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. BETTS] is recognized for 60 minutes.

Mr. BETTS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, I might say at the outset I have no intention of taking very much time myself. I secured this special order because a number of Members who had introduced census reform bills, so to speak, similar or identical to the one I introduced had indicated that they would desire an opportunity to express themselves on the floor of the House.

Just for the record and before some of these Members do express their views on this subject, I would like to say that the bill, H.R. 10952, which I introduced in June of 1967 was introduced for two reasons.

In the first place, in my opinion there is only really one constitutional reason for a census and that is to secure a head count of people for the purposes of congressional reapportionment—in other words, to determine congressional districting.

In the second place, it appears over the years that the operations of the Census Bureau have expanded to the extent that in 1970 we are probably faced with the matter of getting answers to around 120 questions and in back of it all is a statute which provides that in the case any person fails to respond or answer to any of those questions, he is subject to a fine of $100 and imprisonment for 60 days.

Frankly, those are the two reasons that motivated my introduction of the bill—plus the fact that some of my constituents had indicated to me that there was the element of harassment to a certain extent.

Since the bill was introduced it appears that the issues have expanded beyond what was my original intention to deal with. In other words, in the development of the subject before the committee and in various publications throughout the country, it has been indicated that there is also a constitutional question—the right to privacy which it involves.

There is also the question of the data bank and various other aspects—whether or not private enterprise could do some of this much better than a government bureau, the Census Bureau can do it.

It goes back in a sense to the distinction that I made in the bill, H.R. 10952, between compulsory and voluntary answering of questions. In other words, under the bill that I introduced, I selected seven questions which I thought were directly within the constitutional intention of the census, and that is the head count—and the existing penalty of $100 and 60 days in prison would apply so far as those seven questions are concerned.

In other words, these seven questions would remain compulsory and subject to the present penalty.

The rest of the questions—however many there are—100 or 120 questions—would be asked by the Census Bureau on a voluntary basis.

I am going to be frank about this. This opens up the question of whether or not the information which the Census Bureau desires could be secured on a voluntary basis rather than compulsory. The research that I have put into this in my office, indicates that certainly you could get as high a percentage of coverage and accuracy through voluntary solicitation of questions as you could through compulsory solicitation of questions.

These are some of the issues which originally arose and some of the collateral matters.

Mr. Speaker, my reasons for introducing H.R. 10952 and urging census reform today are discussed in detail in two statements I wish to include at this point. The first is the full text of my testimony before the Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service on October 24, 1967, when H.R. 10952 and related bills designed to remove the mandatory provision from all but seven essential population questions. The second is a summary of some of the findings I have made on a major pretest of the 1970 decennial census taken in New Haven, Conn., last year. These two statements illustrate the real need for congressional action before the adjournment of the 90th Congress. They follow:

Statement of Congressman Jackson E. Betts of Ohio Before Subcommittee on Census and Statistics, Committee on Post Office and Civil Service, U.S. House of Representatives, Tuesday, October 24, 1967

Mr. Chairman: When I appeared before this distinguished committee in June, I presented several reasons for urging a change in 1970 census plans. I hold the view that the constitutional intent of the census—that of counting the people to determine congressional districting—is not being followed, particularly with the extensive, mandatory questions now included on census forms. Because many of the questions asked in a decennial census are of a very personal nature, I contend this violates the privacy of our citizens and in most instances for no public purpose. I believe Congress should take an active role in determining what types of personal information will be sought from the American people. For that reason I introduced H.R. 10952 as a means to focus attention on this important subject.

Let me also on this occasion make clear several possible misconceptions as to my interest in the census. First, I am not against providing adequate information for the federal government. I do not oppose the Bureau of the Census or plans to conduct a mid-decade census for I respect the competence of the Census Bureau and voted for establishing a mid-decade census. Finally, I am not fighting to weaken census plans and procedures; on the contrary, I want to streamline the 1970 census forms so the maximum number of persons will participate in providing accurate data on themselves and their households.

The crux of the issue we consider today is embodied in H.R. 10952. My bill will keep the mandatory provision under which the census has been conducted for many years. However, citizens would be required to answer questions on only seven subjects: Name and address; relationship to head of household; sex; date of birth; race or color; marital status; and visitors in home at the time of census.

H.R. 10952 removes the penalty provision for any additional questions the Director of the Census wishes to present on a second voluntary portion of the questionnaire. This is a simple, workable approach, it seems to me.

I have submitted to the committee a statement on the feasibility of this mandatory-voluntary plan. This statement shows that the Census Bureau itself already receives a high level of cooperation from citizens in its many periodic surveys and samplings which are voluntary. A study of the fifty State statistical gathering programs revealed that in only two States was population information sought under penalty of fine or imprisonment for non-compliance. The States engage in considerable data collection and have found no need for compulsion to secure satisfactory results. Inquiries were mailed to major private market research organizations in the United States. Private companies, of course, must rely on the voluntary cooperation of the public for the success of their survey work. Presidents of these commercial organizations were nearly unanimous in their support for the voluntary approach to securing information from the public.

As we ponder the problems the Census Bureau will face in conducting the 1970 census of 205 million Americans, I would advance three additional reasons for limiting the mandatory questions and designating any other inquiries as important but not subject to punishment if not completed.

1. In 1970 some 60–65% of the people will receive their census forms by mail. *The Toledo Blade* of Toledo, Ohio, in an editorial on October 13, 1967, made this pertinent analysis:

"Of course, Americans have been accustomed to mandatory questions in the past federal censuses. But an important difference in the 1970 one is that it will be conducted mostly by mail. Without the subtle pressure of the personal interview by the door-to-door census-taker of the past, many citizens may indeed just fail to send the 1970 form back to the census bureau daring it to come find them and haul them into court.

"Chances are that it will get more cooperation—and therefore more reliable information on all those personal matters if, for a change, it asks rather than tells people to answer the questions."

Mr. Chairman, public cooperation will play an exceedingly important part in the success of this mail-out census. I can see every advantage to *asking* rather than *demanding* people to answer the questions.

2. The element of distortion becomes more vivid when people complete the census questionnaire without an enumerator present and return it to census officials by mail. Some market research experts caution against compulsion for all questions as a negative reaction may result in considerable false or erroneous information being provided by citizens.

3. The necessity for a complete count and Congress' interest in keeping census costs to a reasonable level is another reason for adopting the type of census questionnaire I propose. A short, simple form will get maximum results completely and promptly. This will require a limited number of interviewers to make household visitations or telephone for further details.

These are some of the reasons for my requesting favorable consideration of H.R. 10952 by this committee. I want to underscore the point that this is simply a vehicle for examining other possible approaches which might solve the objections to present 1970 census plans as I see them. In the four months since I met with you, the interest in the census, its questions and mandatory features has far exceeded my expectations. Let me reflect on the areas of major concern which have been brought to my attention from people in nearly every state in the Nation.

1. You are familiar with the privacy issue. Questions like these taken from the New Haven pretest are of most concern:

(If a woman) How many babies has she ever had, not counting stillbirths?

Have you been married more than once?

Did your first marriage end because of death of wife or husband?

Where did you live in April, 1962?

What was your major activity in April, 1962?

Place of birth of parents?

What is the value of this (your) property?

What is your rent?

Last year, 1966, what did sales of crops, livestock and farm products amount to?

Did you work at any time last week?

These and other proposed subjects are private matters and should not be part of a survey, particularly a national census.

2. The threat of a $100 fine and 60 days in jail is considered both an insult and an intimidation by many Americans. Since this penalty is more of an harassment than a method of actual enforcement, I see no reason for maintaining it for the entire census questionnaire.

3. We all recognize that the first requirement of a census is to find every person. The long, complex form, many non-essential questions and several very personal inquiries will discourage maximum cooperation. The mail-out method is new and can have some operational problems without being burdened with confusion and hostility by many citizens. The success of the 1970 census depends on early and accurate returns. Why gamble that success to get facts on some extraneous questions?

Mr. Chairman: There is little doubt in my mind that if present 1970 census plans are executed, the results can be chaotic. I do not make this assertion without having made a careful analysis of reports on the 1960 census and proposals advanced by the Census Bureau for 1970. Let me compare these two national censuses.

In 1960 the census of population and housing was conducted completely by interview which required the hiring of 160,000 enumerators to visit the households of 179 million residents of the United States. According to official reports of the Census Bureau, the 1960 census failed to count 5,702,000 persons, or 3.1% of the population. This compares with 5,675,000 population undercount in 1950, or a 3.6% understatement. An official of the Census Bureau, Jacob S. Siegel, has reached these conclusions regarding the 1960 census:

"The 1960 census failed to count a substantial portion of the nonwhite population in the United States. It is clear that a disproportionate share of the omissions occurred in large cities. A highly conjectural inference may be made that the enumeration of Puerto Ricans and other population groups concentrated in the deteriorated sections of our large cities was also rather defective.

"It is quite probable that serious distortion does occur in the figures for many smaller geographic units within the country, particularly units in cities (such as census tracts, congressional districts, and enumeration districts) where Negroes, Puerto Ricans and other relatively poor minority groups are concentrated."

Let us look now to 1970 census plans. The Census Bureau has concluded that a mail-out, mail-back procedure will be used in the major metropolitan areas, which include 60 to 65% of the total population of the United States. The use of the postal system to deliver census forms will result in cutting the number of enumerators from the 160,000 in 1960 to 125,000 in 1970, even though the number of people to be counted will rise from approximately 180 million to 205 million. The use of data processing equipment has resulted in some changes in the form in that respondents are filling in dotted lines to expedite automatic tabulation. The number of questions in the 100% census has increased from 17 to 21 subjects; the 20% sample questionnaire affecting some 16 million households, now has as many as 67 subjects rather than 56 subjects in 1960. The 1970 questionnaires are all to be delivered in a one or two-day period, maximizing promotional efforts, but will spread thin the personal attention which can be given city dwellers receiving the mail type questionnaire.

What conclusions do these facts lead to? It certainly requires a basic education for inner-city families to successfully complete the census without the help of an enumerator. I asked the Education and Welfare Division of the Library of Congress what educational level they would estimate necessary to complete the long-form questionnaire used in both New Haven and North Philadelphia. Mr. Francis Crowley of the Legislative Reference Service, after consulting an expert in the field, reported to me that few people with less than a tenth grade education could complete the form. Mr. Ellsworth Tompkins, Executive Secretary of the National Association of Secondary School Principals, responding to the same question indicated that at least an eighth grade education would be needed to understand most parts of the questionnaire. There were an estimated 17 million adults over age 25 in 1960 with only an eighth grade education. How are the inner-city poor, Negroes and Puerto Ricans going to be counted if they can't fill out and return the census form?

I think the length and complexity of the 1970 form for the 20% sample questionnaire is self-evident to anyone who has tried to complete it. No one who has attempted this task has been able to fill out the form completely in under thirty minutes. Thirty minutes of interest and concentration is a lot for many people, especially those who have difficulty with reading. Add sensitive, personal questions or inquiries which will take research such as the value of your property or amounts of income, and you further jeopardize maximum participation.

Mr. Chairman, if millions of citizens are uncounted in 1970, think what effect this will have on congressional districting, state legislative apportionment, allotments of billions of dollars in federal grant-in-aid programs to states and cities and the power minority groups are calling for today. The dubious validity of the count will be minor compared with the tremendous impact it will have politically and economically.

Mr. Chairman, I appreciate the opportunity to meet with this committee again today. My study of the census, the public concern for the questions to be included in 1970 and the real possibility of a major undercount leads me to ask your consideration for receiving additional information on limiting mandatory census questions at a later date. When the committee conducts a further hearing on the actual questions for 1970, I think you will find great interest and concern over many of these items. After your deliberations, I hope you will consider the responsibilities of every member of the House to decide the important issues of the day. The census which affects every citizen is such an issue. The 1970 census questions, framed in the form of H.R. 10952 or by adopting another approach, should be brought to the full House where debate and a vote will establish our national census policy.

COMPLETENESS OF COVERAGE OF THE NONWHITE POPULATION IN THE 1960 CENSUS AND CURRENT ESTIMATES, AND SOME IMPLICATIONS

(By Jacob S. Siegel, U.S. Bureau of the Census)

COMPLETENESS OF THE 1960 CENSUS COUNTS FOR NONWHITES

Principal findings

I turn now to consideration of our principal findings relating to coverage of the nonwhite population in the 1960 Census and, to a more limited degree, in the 1950 Census. By comparison with coverage for whites, coverage of nonwhites in these censuses was particularly deficient. Our studies suggest that the 1960 Census counted about 98 percent of the resident white population but only about 90½ percent of the resident nonwhite population (table 1). (See tables 1–13, p. 149.) In 1950 the general picture was about the same, but a small gain in coverage between 1950 and 1960 is implied: 97½ percent of the white population and 88½ percent of the nonwhite population were enumerated then. Of the estimated total net underenumeration of 5.7 million persons in the 1960 Census, 2.1 million or 38 percent was nonwhite. The amount of underenumeration was about the same in the 1950 Census: an estimated total net underenumeration of 5.7 million of which 2.1 million was nonwhite.

Very substantial improvement was achieved in the enumeration of nonwhite children between 1950 and 1960 (table 2). The undercount rate for children under 5 dropped from 9.5 percent in 1950 to 7.1 percent in 1960; the rate in 1940 was 15.2 percent. The rate for children 5–14 dropped from 8.4 percent in 1950 to 5.0 percent in 1960, and the rate for teenagers 15–19 declined from 13.0 percent to 11.3 percent. Improvement in coverage did not appear to characterize young adults 20 to 39 years. In 1960 this group had an estimated net undercount of about 12.5 percent, whereas in 1950 the estimate for this group was 10.8 percent.

Our studies indicate a substantially greater underenumeration of males than of females among nonwhites. The figures show an 11 percent underenumeration rate for males and an 8 percent underenumeration rate for females in 1960. Four males were missed for every three females. In 1950 also, the rate of underenumeration for males was substantially higher than for females (13 percent and 10 percent, respectively). The net undercount of young adult males 20 to 39 years of age was especially high in 1960; about 17 percent, or 1 out of every 6 men, in this age range was omitted. The corresponding rate for women was less than half as great; 7.6 percent, or 1 out of every 13 women in this range was omitted. There appears to be an irregular decline in the undercount rate of men, and an irregular rise in the undercount rate of women, above age 40. As a result, from age group 50–54, the rate for women exceeds that of men. The rates are subject to greater and greater error as one goes up the age scale, however, so that little credence can be placed in the level of the estimates for the group 65 and over.

An analysis in terms of sex ratios (males per 100 females) is independent of the absolute level of the percents of net undercount. A comparison of estimated "actual" sex ratios calculated independently of the census, and the "enumerated" ratios, for 1960 indicates that the "enumerated" ratios are lower than expected at all ages below 50 for nonwhites, especially at ages 20 to 49 (table 3). At ages above 55 the "enumerated" ratios are higher than expected. The comparison of sex ratios suggests an overall omission of 3 men for every 100 women enumerated. These findings indicate that whatever the extent of omission of nonwhite women may be, there is little question that nonwhite men are missed in relatively greater numbers.

There is evidence from the reinterview studies of 1960 of poorer enumeration of housing units in very large cities and in rural areas than in small and moderate-size cities and in suburbs. No specific evidence from these studies is available by race relating to city-size variations in coverage, whether of housing units or of persons in enumerated housing units; so we cannot say definitely whether the Negroes in the very large cities are more or less completely counted than Negroes in small or moderate-size cities or rural areas. There is a basis for suggesting that Negroes are counted most poorly in the very large cities in the fact that in 1960 enumeration in urban slums was more difficult and took longer than in other urban segments and in rural areas. The Pritzker-Rothwell paper offers some valuable conjectures regarding the locus of underenumeration.

CONCLUSION

The 1960 Census failed to count a substantial portion of the nonwhite population in the United States. It is clear that a disproportionate share of the omissions consisted of young adult males, and it is probable that a disproportionate share occurred in large cities. A highly conjectural inference may be made that the enumeration of Puerto Ricans and other population groups concentrated in the deteriorated sections of our large cities was also rather defective. The failure of the census to count the population more completely has a pervasive effect on the statistical programs of government and industry. Current estimates and many types of derived data and measures are affected. It has been shown that in many respects the counts and estimates of national population, by age, sex, and color, do not seriously distort the picture of the demographic situation in the United States as a whole. It is quite probable, however, that serious distortion does occur in the figures for many smaller geographic units within the country, particularly units in cities (such as census tracts, congressional districts, and enumeration districts) where Negroes, Puerto Ricans, and other relatively poor minority groups are concentrated.

[Numbers in thousands. Figures for 1967 include Armed Forces overseas; figures for 1960 and 1950 relate to the total resident population. Base of percents is corrected population]

Color, sex, and year	Current estimates or census counts	Corrected population	Net understatement	
			Amount	Percent
1967				
All classes	198,467	204,169	5,702	2.8
Nonwhite, total	23,913	26,055	2,142	8.2
Male	(11,618)	(12,834)	(1,216)	9.5
Female	(12,295)	(13,221)	(926)	7.0
White, total	174,554	178,114	3,560	2.0
Male	(86,016)	(88,289)	(2,273)	2.6
Female	(88,538)	(89,825)	(1,287)	1.4
1960				
All classes	179,323	185,025	5,720	3.1

[Numbers in thousands. Figures for 1967 include Armed Forces overseas; figures for 1960 and 1950 relate to the total resident population. Base of percents is corrected population]—Cont.

Color, sex, and year	Current estimates or census counts	Corrected population	Net understatement	
			Amount	Percent
1960				
Nonwhite, total	20, 491	22, 633	2, 142	9. 5
Male	(9, 964)	(11, 180)	(1, 216)	[1] 10. 9
Female	(10, 527)	(11, 453)	(926)	8. 1
White, total	158, 832	162, 392	3, 560	2. 2
Male	(78, 367)	(80, 640)	(2, 273)	2. 8
Female	(80, 465)	(81, 752)	(1, 287)	1. 6
1950 [2]				
All classes	151, 327	157, 001	5, 675	3. 6
Nonwhite, total	16, 177	18, 274	2, 097	11. 5
Male	(7, 932)	(9, 122)	(1, 190)	[1] 13. 0
Female	(8, 245)	(9, 152)	(907)	9. 9
White, total	135, 150	138, 728	3, 578	2. 6
Male	(67, 255)	(69, 407)	(2, 152)	3. 1
Female	(67, 895)	(69, 321)	(1, 426)	2. 1

[1] The figures for 1960 and 1950 based on the total population including Armed Forces overseas are 10.8 and 12.8 percent, respectively.

[2] Figures relate to 50 States.

CENSUS PRETEST IN NEW HAVEN, 1970

(Statement by JACKSON E. BETTS, Eighth District of Ohio)

In the growing discussion over a proper 1970 census policy, particularly as to whether the questions meet public acceptance and will result in a successful count of each person in the United States, I believe a sample of the reaction from the New Haven, Connecticut, pretest will be a useful indicator. The Census Bureau conducted a test of mailing techniques to be used in the decennial census in the New Haven area in April, 1967. This pretest was similar to those in other cities but illustrated a gradual decline in response to the long-form (120 item) questionnaire. Before referring to letters I have received from New Haven residents about the complicated form containing many overly personal questions, let me review the actual per cent return of this long-form in pretest cities:

	Percent
1964: Louisville	84
1965: Cleveland	75
1967: New Haven	72
1967: North Philadelphia (approximate)	[1] 40

[1] According to a figure presented at a Hearing, House Subcommittee on Census and Statistics, October 24, 1967.

Here is the New Haven experience. This is a letter written by an attorney—who is irate:

"I have just spent one hour and fifteen minutes filling out the above-captioned special census form consisting of 20 pages. I resent losing the amount of time it required me to fill out this form as I place a high value on my time. In checking with my (legal) colleagues, it seems that the amount of time it took me to fill out the form is average.

"I also do not like the personal nature of many of the questions contained in this form and consider it an invasion of privacy. I don't think it is any of the Census Bureau's business how much income I grossed in 1966, how much I netted and the amount of income that I received from interest on savings accounts and stock dividends. This is the Internal Revenue Service's business. There are many other personal questions on the form which I object to but will not go into due to the length of time it would require me to record them.

"I realize the value to our government of a Federal census every ten years, and I am wholeheartedly in favor of a census being taken every ten years and have always cooperated in filling out the census form. It would seem to me that the only questions that the Census Bureau would need to have on a form would be the name, address and birthdate of occupants of a residence and possibly color or race and marital status.

"If you have not had the opportunity to check this special census form, I request that you do so. I feel certain that you will agree that many of the questions are of a highly personal nature and that most of the questions are not related to a census and are only going to be fed into some computer so the government may tell the nation how many homes have baths and piped water, how many radios and automobiles, etc., the American people own.

"I think Congress ought to take steps to stop this government prying into the lives of citizens of this country."

The compulsory nature of the decennial census ($100 fine or 60 days in jail, or both, for not answering *all* questions) irritates many persons. In several cases I have found if requested and not threatened with penalties for non-compliance, persons would volunteer such information. This response explains many people's viewpoint:

"If all American citizens were criminals, their intimate affairs should be recorded and made public."

"But, since we live in a free society, our personal affairs, if made public, would lead to many abuses such as exploitation and even criminal abuse."

"This is nothing new to your studies, but is a protest against a census which would lead to no privacy."

Taken another way, the necessity for each question and length of the form can be most bothersome and harassing. There are 17 million Americans over 25 years of age without an eighth grade education, the minimum needed to complete the census form as now prepared. One person summarizes his opposition to the present census as follows:

1. Invasion of privacy of the individual. I do not mind filling out a form and giving NECESSARY information for the taking of a census, but I most certainly do feel that the information required on the new long form goes way beyond census-taking. In this day and age when the internal revenue service has all kinds of information on file concerning the individual's income and dependency information, it certainly is redundant to ask this same information on a census form. Many of the other questions I also consider to be too personal and out of place on this type of questionnaire.

2. The time it takes to prepare this form for return to the census people. At our house this form was worked on during three evenings. Some information had to be looked up in our records, some questions had to be thought about in order to arrive at the correct answer, and it just plain took a lot of time to go through the whole form. I suppose I am particularly against the filling out of so many government forms due to the multitude of business tax forms we are required to fill out and for which I am personally responsible. I doubt that a good many people in this country, who may have a limited education, or who may have a language barrier, could even fill out such a form, at least in a way in which the data would be meaningful.

The New Haven Chamber of Commerce has carefully studied this issue and advised me on April 3, 1968, their Board of Directors formally adopted this resolution:

"The right to privacy of individuals and business groups is endangered by the form and content of census questionnaires which require answers to many personal questions not necessary for the function of government.

"We believe census answers required under penalty of law should be limited to essential information such as: name, address, relationship to head of household, sex, date of birth, race, marital status, and visitors in home at time of census.

"The answering of other census questions should be on a voluntary basis and should not be correlated with social security numbers or similar personal identification factors."

Faculty members at Yale University, housewives, businessmen and others have advised me of their displeasure with the New Haven pretest. I had hoped this would have bestirred the Census Bureau to re-evaluate plans for 1970. Regrettably, this has not been the case.

I have raised many objections to these census plans myself and 23 of my colleagues in the House are co-sponsors of H.R. 10952. Senators Lausche, Scott and Thurmond have introduced similar legislation in the United States Senate. My bill removes the penalty provision for all but seven essential questions about population. It is a realistic solution to what is now a dilemma in public policy but by April, 1970, if not altered, spells chaos. Let me conclude with the sincere position of one New Haven housewife:

"I did not answer these questions in the sample survey carried out in New Haven earlier this year, for I considered the questions a complete invasion of my privacy. However, there is no way I will be able to refuse if the bill which is supported by the Bureau of the Census is passed and a fine levied on citizens refusing to answer.

"Please do all you can to restrict the questions put on the form. The census started out as a means for reapportioning the House. That is how I would like to have it in the future. I don't want any information about me filed in a computer store somewhere to be used as some census bureau official might want."

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I promised to yield to the gentleman from Montana first, and I now yield to him.

Mr. BATTIN. I thank the gentleman for yielding. I wish to take this opportunity to congratulate him on his efforts in bringing this matter to the attention of the House.

Mr. BETTS. I thank the gentleman.

Mr. BATTIN. Based upon the work he has done, and as a result of that and the emphasis that has gone into other fields, I became interested not only in the general census but also in the one pertaining to agriculture, the agricultural census.

THE CENSUS: THE DOOR IS OPEN

Mr. Speaker, in February, I brought to the attention of the House a "farm problem" which has important implications for every individual in the United States though he may never have left the confines of an urban neighborhood.

The problem is a growing invasion of individual freedom by governmental snoopers—primarily in the name of the census. At that time I warned that while the invasion has gone the farthest in agriculture, the principles being violated are fundamental to the freedom of every individual in the Nation. Today I renew the warning with increased emphasis and, with an increased sense of urgency, I call upon my fellow Members of Congress to join with those of us who are already working on the problem to act now to save individual freedom from being buried under the shifting sands of a bureaucracy that knows all and controls all.

There are presently over 2,900,000,000 records in dusty Government cabinets filed by individual name. At the moment, there is some protection from those who would improperly use this information against the individual due to the sheer bulk of the information. With modern computer techniques, however, this protection is quickly becoming a thing of the past. The use of a common linkage unit such as an individual's social security number would make possible a yearly surveillance of a citizen's every move, his occupation, his income, his residence, his voting behavior, his religious preference—literally his every thought, word, and deed.

"Big Brother" will begin his surveillance not in 1984 but on January 1, 1975. Unless we act now, for the Nation's farmers and ranchers, "Big Brother" will begin to watch in January 1970. However, before I take up the future, let us consider what is happening right now.

Right now, throughout the country, businessmen are burdened with the extra bookkeeping, the extra accounting, the extra paperwork it takes to complete the required forms of the census of business or the economic census as it is sometimes known. There is not just one general form. There are approximately 150 forms each tailor-made for an individual type of business. The forms are long, tedious, and burdensome. The information asked is not always readily accessible and sometimes is confidential. Many corporations have had to put off annual stockholder meetings from January until March simply because of governmental paperwork. Listen to the comments of some of my constituents:

From Rex F. Hibbs, Billings, Mont.:

> I have just completed the preparation of the peculiar 1967 economic census form which is prepared for answering by most offices. Our accountant tells us that equally insane and foolish forms have been submitted to other businesses which he represents.
>
> These forms and their answers can serve no useful purpose. They provide a vehicle for the employment of a lot of no-good help that can't possibly make a living any other way. They enable the bureaucrats to pry into the affairs of the private citizen, whom the bureaucrats obviously deeply envy, and whose courage in facing world affairs the bureaucrats cannot emulate.
>
> You will remember, Jim, that the Government has made assurances that income tax returns were confidential. Nothing could be further from the truth. There is no report made to the Government that is not available to some other department of Government. Assurances made to the citizenry have no bearing on the question of availability. The only question is whether or not there is an exigency which is of sufficient importance to abandon the promises made to the citizen. Again, some impractical bureaucrat is to decide that fact.
>
> I have a ranch client. His neighbor wants to buy his ranch. The neighbor's wife is a census taker. The fact they most want to know is the indebtedness against his ranch. If he doesn't answer, he goes to jail. If he does answer, he loses his ranch.

From Harold Brosz, a contractor:

> We hope you will continue to oppose the overwhelming paper blizzard our government and others are piling on us employers.
>
> Enclosed is an example of an annual report which required two full days of an employee to prepare. We believe the details are far too much to expect us to continue furnishing these reports gratuitously.
>
> If the details requested were always in the form that our records are kept it would not be so severe, but to breakdown and analyze a total year's transactions in order to obtain the required detail is just too much for us to bear.

From Verlon Cox, an equipment wholesaler:

> The time required to search out or guess at some of the seemingly unneeded, irrelevant information is just another needless burden on the American Businessman.
>
> The pertinent information for such a census is already available through the Department of Internal Revenue from tax returns, and I am sure the costs of obtaining it would be only a fraction of the cost of the present methods and I would venture, much more accurate.

From Jerome Anderson, a lawyer:

> If the U.S. Government continues to plague the legal fraternity with the amount, number and kinds of reports, etc. that we are required to make every year, we are simply going to have to hire one secretary for the sole purpose of answering governmental inquiries.

From Ben Hurlbut, an engineer:

> This appears to be a new activity of the Bureau of the Census and I feel that some of the information requested is personal and in my opinion does not fall within the activities of the Bureau.

To Mr. Hibbs, Mr. Brosz, Mr. Cox, Mr. Anderson, Mr. Hurlbut, and the hundreds of thousands of people similarly situated—I am sorry to report, this is just the beginning.

The census of population and housing, of course, is going to affect everyone. If all goes as planned, by the Bureau, more questions than ever will be asked. Among the proposed subjects are questions relating to residential movements, occupation and employer, education, marital status, income, fertility, and nationality of origin. Action by Members of Congress has been for the present resultant in withdrawal of a question on religious preference and the use of the social security number in this census, but unnecessary and personal questions still remain. Here again, to the hundreds of people who have expressed their concern to me, to the thousands that have become aware of the danger, to the entire Nation that is threatened, I can only say—this is just the beginning.

Now let us look at the present state of the census of agriculture. The final form for the 1969 Census will be established about March next year. They will go to the printer in July or August. The forms are expected to be just about the same as they were in 1964. There are some changes in procedure. A mail-out form will be used despite the fact Dr. Eckler testified in hearings May of 1967 that mail-out procedures were not practical for rural areas. A letter on March 26 of this year informed me that the smaller farms would not have long forms to fill out but that it had not been decided what small farms were. Well, by the next day, March 27, someone had decided a small farm included 1.3 million or 42 percent of the farmers. Actually the decision was made last fall that a small farm was one with gross value of sales of less than $2,500. That is less than 4 percent of the Nation's farms. Now I do not know what they are calling a small farm, and I do not think they do either.

So let us look at what they are actually asking the Nation's farmers. There will be numerous questions on land ownership and rentals. For instance, if land is rented, the landlord's name and address is asked, how many acres are rented, how much is paid, if the farmer or rancher is a sharecropper, what share of the crops or livestock he gets. If land is rented to someone, his name and address is asked and how many acres are rented him. For each type of crop raised, there will be questions on how much was harvested, how many acres were fertilized, how many tons of liquid fertilizer were used and how many tons of dry fertilizer were used.

The farmer-rancher is asked how he uses his other land: How much is pasture; how much for building; how much for woodland; how much is idle; and how much cropland was there on which crops failed. He is asked what forest products he might have.

There will be questions on livestock and whether it is used for breeding or is for sale. One of the most insidious questions asks whether he has any contract, agreement or understanding with a processor or cooperative to produce any farm products. The answer cannot be confined to yes or no. The census will also ask which products are involved, the name and address of persons with whom the farmer has the agreement and even how much money will be received under the agreement.

One question asks what machines are on the place. It is followed by one asking the value of all machinery and equipment usually kept on the farm and used for farm business. There are more questions on how much is spent for chemicals, how much hired workers did farmwork, and how much was spent for farm labor.

The finances of the farmer-rancher are investigated: What were his expenses? How much of that was for livestock; for feed; for fertilizer; for seed; for gas and oil; for labor and for machine hire and custom work? How much did he receive for all his agricultural products? How much did the farmer-rancher receive: From the Government; for custom work and other agricultural services; for recreational services?

One very interesting question proposed—remember the letter I read from Rex Hibbs? Wait until he sees this—

"About how much would the land and buildings sell for?"

Finally, there are six questions about the person who makes the day-to-day decisions about work on the farm; how long he operated the farm; who he is and his relationship to the owner; does he live on the farm; how old is he; what is his race; and how many days did he work on the farm?

Mr. Speaker, I would like to suggest that the Members of Congress look at form ATF–4B which is a pretest used by the Bureau of the Census this January. This is an example of the general form which up to 96 percent of the Nation's farmers and ranchers will have to fill out.

This 1969 Census of Agriculture will embody the same faults of the economic census businessmen are presently filling out and the proposed census of the population. The faults in the farm census, however, are magnified. They are not just the problem of today's agriculture census. They show what the business and population cenuses will be like.

The first problem is the length of the questions and the detail they ask. To answer all these questions accurately and within the letter of the law would take an accountant and a land surveyor.

I would like to share with you the actual answers of one harried rancher out in the "Big Sky Country" where ranches are large and the work is demanding even without the breath of the Government down a man's back. These are the actual answers to questions asked on the 1964 Census of Agriculture. They are the answers of a man who was honest, but did not like what the Government was asking and could not afford to hire a surveyor and bookkeeper to do it any other way.

> Question No. 3: How many acres do you own?
>
> Answer: This question cannot be answered correctly. Supposedly I own somewhere in the general area of 1300 acres. Most of this land has never been properly surveyed and subdivided into quarter sections. Some of it lies on steep hillsides and therefore has probably more land in a section that was surveyed by section. I am not absolutely sure that I do own this land because I have been told by the ASC office workers that I merely own the right to live upon and use the land.
>
> Question No. 44: How many acres and tons of silage crops were harvested and how much was to be sold?
>
> Answer: I have never measured this acreage and I have never figured the tons but I had enough hay to feed my cows.
>
> Question No. 233: How many acres were in house lots, barn lots, lands, roads, ditches and wastelands?
>
> Answer: Even the county surveyors have not been able to answer this.
>
> Question No. 234: Of the total land in this place (reported in question No. 233), how many acres were irrigated this year?
>
> Answer: Last year I had very good water and I normally can irrigate about three acres a day. I started irrigating May 15th and continued until mid-June, however, at the latter part of the irrigating season the water went down and I probably did not get more than one-half acre a day.
>
> Question No. 266: The number of sheep and facts about them.

By this time, this rancher's patience was wearing thin but he still had his sense of humor:

> Answer: There may not be any sheep on this place. I have neighbor who runs several bands of sheep, and they have trespassed on me many times. The last band of sheep trespassing on my property was approximately 800 head. I told the owner that if he ever trespassed again I would impound the sheep and let the law take its due course. It is possible that sheep are out there now for I have been too busy making this report to go and see. Normally I raise no sheep.
>
> Question No. 333 parts 9 and 10 asked the amount of welfare payments, veteran's payments, unemployment compensation, social security payments, etc. being paid to the residents of the farm.
>
> Answer: I do not consider this anyone's business whatsoever nor can I see how it can help anyone.
>
> Question No. 353: About how much would the land and buildings sell for?
>
> Answer: The only way one could get an accurate evaluation of my land and buildings would be to see our County tax assessor.

This rancher had no debts and so did not have to answer question 354:

> Are there any debts represented by real estate mortgages, deeds of trust, land purchase contracts on land and buildings owned by you, your wife or partners? If "Yes," for b (borrowed from other than Federal government), how much is the total unpaid principal now owed on these debts?

Now, I would not recommend that farmers and ranchers answer these questions in this manner, but it is not surprising that great errors are made in farm forecasting when the predictions are based on questions that cannot be answered accurately.

The problem is not just the length. May 23, 1967, in a statement submitted to the Subcommittee on Census and Statistics, it was admitted the Bureau would not dare ask individuals how much welfare they were receiving. I submit, they are asking this and other questions now of the farmers and ranchers and they will be asking everyone these questions and more by 1975 if the mid-decade census which passed the House last August—which, I might add, I voted for—is passed this year by the Senate. Surely, these personal and invasive questions will be on the 1980 census. But it is not just the ever-increasing number of questions being asked. It is the possibility of greater use of information so gained to curb freedom that is the ultimate danger to us all.

You will recall, I said that Dr. Eckler had testified in 1967 that it was not practical to take a mail-out, mail-back census in rural areas. Well, it is practical now. Why? Because the farmers and ranchers are going to be asked their social security numbers. Dr. Eckler wrote me this spring, discussing the new methods of the Bureau of the Census, and said,

> The lists of farmers to whom questionnaires will be mailed is to be taken largely from the records of the Internal Revenue Service and the Social Security Administration. In addition, to assure complete coverage, lists will be taken from the Agricultural Stabilization and Conservation Service and from the 1964 Census of Agriculture. Except for the last source, these lists already include the Social Security numbers of the farmers. The lists of large employers of farm labor include the Employer's Identification number (EI). To avoid sending two or more questionnaries to any farmer, it is necessary to eliminate duplicates from the list, and this is done by searching the combined lists for duplicate Social Security numbers or EI numbers. To make sure that all large farms included in the 1964 Census are included also in 1969, we plan to ask them for their Social Security or EI numbers in advance of the census, and then to see to it that each such farm receives only one questionnaire.

This motive, to remove duplicates, is a valid one. Indeed, I am sure Dr. Eckler is an honest, sincere, and dedicated public servant. He has written me:

> Our use of the number is therefore a limited one strictly for avoiding duplicate inquiries and unnecessary burden on the farm respondents.

I believe also, however, that Dr. Eckler and all those who would accept his decision without question, without investigation, fail to realize that what might be a proper use today can easily be subverted into an improper use tomorrow.

A Bill Smith used to know that when he filed a form, the fact that there were countless other Bill Smiths kept the Government from comparing that form with others. Why, opening the telephone book purely at random the other day, it was found that there are 17 Frank Halls in this area. But for each individual in the United States, there is only one social security number. Thus each time a form is filed, the information or even merely the location of the form in the filing system can be fed into a computer. And someday, all some obscure little man will have to do is feed a number, 999–99–9999, into the Federal computer, and out will come the entire life history of citizen John Q. Public, who thought he was free.

As I have said, the first use of this universal linkage will be in 1970 for the farmer and rancher, but it is just around the corner for everyone else. May 23, 1967, the Bureau of the Census was considering having everyone give his social security number on the census of population and housing. The reaction was so great when it was tried on a 25-percent pretest in New Haven, that the Bureau announced on June 20 that maybe just a 5-percent subsample would make use of the social security number.

Dr. Eckler testified:

> It would be possible therefore, for a small group of the population, to get a more complete set of characteristics; to relate, conceivably, something from Social Security or something from the Internal Revenue Service which might supplement in a useful way what is collected in the census.

The chairman and other members of the Subcommittee on Census and Statistics and other Members of Congress quite correctly recognized at that time that the 5-percent subsample would merely be a foot in the door. Thus, for the moment the citizens of the United States will not be asked for this vital link.

I believe the question will be on the next census, whether it be 1975 or not until 1980. The desire among the statisticians is too great. Their very existence is justified by the amount of information they can collect. As testified, with the use of a connecting link, a computer can take records from the census and combine them with records of the Internal Revenue Service, with the Social Security Administration, or any file containing connecting factors. A computer could compare not only present records, but also records filed in the past. Daniel O. Price, of the University of Texas, in a written statement for the subcommittee told what could be done with the use of the social security number as a linking factor. This would make possible a survey of geographic mobility.

> Even more important than geographic mobility—

Says Price—

> however, would be information on occupation ten years earlier.

Next, he notes it would be possible to put together information on education. Changes in income could be examined. Also, marital status and its changes as one changes in other ways could be observed. Changes in employment by company would be available. After all, he points out, one could change his employment without changing his residence or occupation so for the professional snooper this information is important. He happily points out that questions on fertility are already being designed. Because social security numbers are not accurate and prevalent in poverty areas, he suggests that questions should be asked regarding the amount of assistance or training one receives from welfare or poverty programs. He notes:

> There is opposition to such a question because of the established position that the receipt of public assistance is not to be public information.

I wonder if he knows that the question is already asked on the census of agriculture. He obviously accepts the so-called confidentiality of the census as enough protection. Mr. Price points out that in properly understanding a population, it would be valuable to have information on the aspirations and values of the people. Therefore he suggests a "simple question" is the question on religious preference. "Experience indicates that less than 1 percent" he says, "objects to answering such a question." He would like a record of voting behavior. He would like also to have "information on some measure of political knowledge," but doubts if it would be "feasible to suggest collecting information in this area." Mr. Price points out that it would be useful if information on crime and delinquency were available along with other census data, but says he is realistic enough to know this is impossible unless "record linkage by social security number could be made."

The motives of all those who would record our every move are good. Such information would be especially valuable for minority groups whose social mobility could thereby be more closely watched and the effectiveness of Government programs measured. But on the other hand, despite their good motives, the people who see protection in a strict law prohibiting anyone but select Government officials from seeing the individual files are blind to the realities of life. They are blind because their good intentions have built ivory towers in which they hide secure from the realities which make Hitlers and Stalins possible. Think what Hitler or Stalin would have done if they could have pushed a button and had a complete history of any man or group they sought to persecute. Those who would know so much about individuals in order to help mankind, those who would pass laws to prevent unauthorized use of data from the machines, those who refuse to act now to define adequate safeguards, I ask—who is going to help when the man who is authorized to use the data decides that to save his concept of society your independent thinking must be eliminated?

There is only one way to provide adequate protection now. In the census of housing and population, limit the number of mandatory questions. Prohibit the use of the social security number to produce individual dossiers. In the areas of agriculture and business, begin an intensive investigation to determine exactly what information is needed and the best possible methods of obtaining it using maximum voluntary response.

A dangerous tradition of blindly accepting the decisions of bureaucrats who are totally unresponsive to the greatest restraint of a democracy, the power of the vote, must be avoided. In this country, I am thankful to say, while calling upon experts for advice, we have not surrendered to a dictatorship of the bureaucracy. True progress is best achieved by freemen. Here are some legal questions that should be answered.

In *United States* v. *Mitchell*, 58 F. 993 (1893) the following questions were raised but not answered. They have not been answered by any court test of the penalty clause:

First. "Inasmuch as the direct and declared object of a census," as authorized by article 1, section 2, clause 3; article 1, section 9, clause 4; and amendment 14, section 2 of the Constitution, "is to furnish a standard by which representatives and direct taxes may be apportioned among the several States which may be included in this Union," the accomplishment of this constitutional end renders it wholly unnecessary" to inquire as to property, or wealth, or business"—citing *Loughborough* v. *Blake*, 5 Wheat. 317, 320–321 (1820).

Second. Since Congress "has only such legislative powers as are expressly conferred it cannot be claimed that a power to take an enumeration for the purposes above declared, confers, by implication, a power to ascertain the value of property or the methods of using it."

Third. Legislation compelling an answer to inquires about business and property, is violative of the guarantee against unreasonable searches and seizures contained in amendment 4. Inasmuch as a demand by a special agent of the Census Bureau that a business man turn over his books and papers for a search and extraction of information therefrom would be violative of that amendment, a statutory requirement compelling the business man to furnish such information at his own expense, upon penalty of fine or imprisonment for failure to do so, also would be violative of that amendment. In either case the books and papers of the citizen are searched and seized.

Fourth. A requirement that a businessman, at his own expense, collect and surrender information pertaining to his business establishment also offends amendment 5 providing that private property shall not be taken for public use without compensation. It is not infrequent that answers to certain questions propounded in schedules, if fully and properly prepared, entail the collection and compilation of facts that require the labor or a large force of clerks for days and weeks, at great expense and embarrassment to the ordinary business of the citizen. It is questionable whether it is within the power of Congress to make such answers compulsory, and require the citizen to prepare this information at a great personal expense, without proper compensation.

Also, if a citizen, by his long experience in a special line of business, and by his superior organizing and administrative ability, has so systematized it that he can carry it on at a much less expense and with greater facility than others, it seems highly improper to compel him to disclose the information so acquired, and thereby open to his rivals in trade the methods by which he has been able to outstrip them in the sharp competition for business. The system so established and the knowledge so acquired is a property right as much as the land and shop in which he conducts his business, and he should not be compelled to part with the former without just compensation. The zeal with which such information is sometimes solicited to maintain favorite theories of public officials, or to afford the basis for discussing economical questions, often leads to excesses, and imposes upon the citizen duties for which no compensation is afforded, either in money, or in his proportion of the reward of the good results to follow to the public.

No Federal court has commented on these questions, but generally have assumed that such legislative requirements are valid.

Mr. BETTS. I thank the gentleman from Montana. I am sure he has made a contribution to this question.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman from Texas.

Mr. FISHER. I also desire to commend the gentleman for the contribution that he has made to a better understanding of this problem which is related to the bill he has introduced, and I also wish to associate myself with the position he has taken on the census questions. I have taken occasion, since the gentleman raised the issue some months ago, to look into it to some extent. In my judgment, there is simply no justification for applying criminal penalties to these questions that are not essential for the purpose of the census. Certainly the vast number of those to which the gentleman referred cannot be considered essential. With respect to the nonessential questions, certainly people who voluntarily wish to contribute information that is one thing, but so far as punishing them if they do not answer where the question actually does not contribute to the enlightenment that is sought by legitimate questions—and I think the 7 questions to which the gentleman has referred constitute proper and legitimate questions—then certainly there should be no penalty attached except to those for failure to respond to the essential questions. Again I commend the gentleman.

I would like to ask the gentleman if he has had any response from the Bureau of the Census or any indication as to whether they might be in a mood to review the situation and perhaps come up with something that is more acceptable.

Mr. BETTS. I thank the gentleman for his kind remarks. His statement brings up a point I would like to mention. I have had various discussions with the Director of the Bureau of the Census. I wish to say that this is not particularly a fight against the Census Bureau. They are dedicated public servants. They are doing the work they are permitted to do under present law. I think our whole attention should be directed to Congress. There should be a congressional review of the method of enumeration. In the last analysis, the Census Bureau does not have much to say about the final results. I know they can modify questions. I believe they have made some changes since I introduced the bill and since other Members have done so also. The Director has been very kind in discussing this question with me. I do not think the issue is one particularly to be joined with the Census Bureau, but it is an issue that I believe is the responsibility of the Congress. They are operating under present law and, so far as I know, that law has not been reviewed in 100 years. It has just been allowed to grow.

Frankly, that was one of my purposes in introducing the bill.

Mr. FISHER. Mr. Speaker, I understand the gentleman's position—and I know he has given this more thought and study than perhaps any other Member of the House—is that the proper way to correct the thing, and the only really effective way, is through the passage of legislation.

Mr. BETTS. I am convinced of that.

Mr. Speaker, I yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding, and I also thank the gentleman for his leadership in his effort to bring to the attention of the Congress the problems with respect to the upcoming census.

My principal interest has been in connection with the business census forms that have been sent out to all large and small businessmen throughout the country. You will see from the samples I brought with me that the questions are very detailed.

In my particular congressional district, the 36th Congressional District of New York, the burdensome nature of these census forms was brought to the attention of the news media. As a result, I received a great deal of correspondence from large and small businessmen alike who are very much concerned about the extent and detail of the questionnaire. As a matter of fact, I also received copies of bills that some businessmen sent along from their accountants and others who prepared the information for them so they were able to comply with all the questions contained in the forms.

I might add that there is a penalty for failure to report. Today I am introducing a bill similar to one introduced by the gentleman from Ohio, because I believe that this penalty should be removed.

I do want to bring again to the attention of some of my colleagues the problems regarding these business census forms, so that we might have a review of this entire matter—by the Census Bureau and appropriate Members and committees of the House—in order that a less detailed questionnaire can be prepared, and less burdensome information can be required of the small businessmen throughout the country.

The gentleman from Ohio [Mr. BETTS], and the gentleman from Montana [Mr. BATTIN] have shown a high caliber of leadership in bringing this serious problem before us for review and consideration. I am proud to join them in expressing alarm about certain policies and practices in the Bureau of the Census.

Despite repeated assurances and "safeguards" designed to protect the privacy and limit the inconvenience caused by census requirements, it is evident the Census Bureau is rapidly becoming a clearinghouse of information on many subjects irrelevant to government, garnered from private citizens and businesses under threat of punishment for failure to complete census forms.

Every Member of Congress recognizes the importance of having accurate and sufficient statistics on the American society and economy, in order to properly plan and carry out programs designed to improve and assist the Nation and its people. But, the term "accurate and sufficient statistics" does not encompass the intricate degree of detailed information that is called for on today's business census forms.

Asking businessmen to enumerate the dollar and cents amounts of their yearly sales of many detailed categories of merchandise, asking homeowners to relate the number of bathrooms in their homes, or their bathing habits, etc., asking restaurant owners whether or not they offer curb service—none of these inquiries seem essential to the functions of the census.

I am particularly concerned with the 1967 economic census. On April 30, small and large businesses throughout the Nation were required to submit completed forms designed specifically to gain information about individual categories of businesses. There are almost 200 different categories of forms for various businesses, each one requiring the businessman to supply over 100 separate items of information about his business. Countless merchants, manufacturers, lawyers, and small businessmen in my district have expressed their concern to me about the inconvenience and expense they have undergone in obtaining and supplying the information called for in these forms. Some were forced to spend close to $100 in order to comply with the law.

Two months ago, I spoke to my colleagues in the House about the abuses of the business census, and I included in the RECORD five typical forms to demonstrate the extent of the burden which is placed on these businesses.

Today, I join with several other colleagues whose constituents have also expressed concern over the business census and other census surveys, including the coming Decennial Census of 1970. After carefully studying many of the census forms, I am convinced that the Congress can no longer place all of the Census Bureau's inquiries under the protection of penalties for noncompliance and for refusal or failure to supply the information called for.

Thus, I felt it necessary to introduce legislation that would strictly limit the categories of information in census surveys which citizens will be required to provide under penalty of law.

These categories will not invade the privacy of citizens, or unnecessarily inconvenience them. They include: First, name and address; second, relationship to head of household; third, sex; fourth, date of birth; fifth, race or color; sixth, marital status; and seventh, visitors in home at the time of census.

I want to emphasize that this bill does not prohibit the Census Bureau from asking questions outside of these categories, it merely removes the threat of penalties from those who do not for any reason supply information requested which does not fall into these seven categories.

I am pleased that so many colleagues have joined in this discussion of the census and its encroachments on our constituents.

Mr. BETTS. Mr. Speaker, I thank the gentleman from New York [Mr. HORTON] because I am sure the angle he is pursuing is making a definite contribution.

Mr. Speaker, at this time I yield to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I commend the gentleman in the well, and join my colleagues in commending him for bringing this to the attention of the House.

I believe this is important, and I share with the gentleman his concern about the problems that small business has all over this country, as well as those in agriculture.

It is an almost impossible task for these businesses to continually fill out form after form, because someone here in the Census Bureau has thought up a lot of questions that someone would like to have some answer to.

The questions border almost on absurdity when they want to find out how much money the son has, and the aunt has, and the uncle has. It is just unbelievable, when we look at some of the questions that are asked. I believe it is high time that the Congress look into this whole problem, not only for the census itself, but for these yearly forms which are imposed upon the businesses of this country. So I commend and support very vigorously the action in the House with respect to this problem.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BETTS. Mr. Speaker, I thank the gentleman from Florida for his contribution.

Mr. Speaker, at this time I yield to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker, I appreciate the gentleman yielding.

As a cosponsor of the bill, I commend the gentleman from Ohio for having taken the leadership in moving in the direction of having the census serve the original purpose for which the system was established. I do not believe it was ever the intent for the Census Bureau to write family biographies, which is what the procedure is developing into.

I had occasion to look at a census form from 30 and 40 years ago, which I secured. One must do this, and look at the proposed form, to understand the direction in which the census system is traveling.

I hope the Congress, recognizing this, will take some action to bring the whole system back into its proper perspective.

Mr. BETTS. Mr. Speaker, I thank the gentleman from Illinois.

Mr. Speaker, at this time I yield to the gentleman from California [Mr. Van Deerlin].

Mr. VAN DEERLIN. Mr. Speaker, the gentleman from Ohio [Mr. Betts] is to be commended for reserving this time today to discuss the "super census" proposed for 1970.

I personally find it difficult to understand why any of our citizens should be required to answer as many as 120 questions in the regular decennial population count.

And this formidable form with which the Census Bureau is currently experimenting is but one aspect of a problem that should concern all Americans: The gratuitous intrusion of government into the everyday lives of its citizens.

Just as regrettable as the proposed 1970 Census of Population is the Census of Manufacturers now being circulated among many of our small businessmen.

Earlier this month I received an appeal from the publisher of a weekly newspaper in my district to "please save us little guys from undue paper work such as this." Attached to his letter was a Census of Publishers form asking for more 100 separate items of information. My publisher friend tried to provide the required data himself, finally gave up in disgust and sent the six-page form to me.

He said that to comply with instructions on the form would cost his firm about $100 in auditing and research expenses. So the Government, in effect, was charging him money to invade his privacy.

Many of the questions on these forms are necessary if the Government is to have the information it must have to chart the course of our economy and the growth of our population. But I can see no earthly reason why Washington needs to know how many volts of electricity a weekly editor consumes, or whether a head of household shares his shower.

Unfortunately, respondents are required to answer all the queries, or face penalties that could include jail. Congressman Betts and others have introduced legislation to make some of the answers voluntary, thus removing some of the coercive quality that now pervades these forms.

Although the punishments authorized are rarely invoked against anyone in defiance of the census, it is obvious that Census Bureau employees have gone far beyond the intent of Congress, and far beyond what any sensible administrator would permit, in preparing many of these questionnaires.

The troubles of my publisher friend, as well as the revelations by Cornelius Gallagher, Jack Betts, and other colleagues about the Government's propensity for snooping, lead me to wonder about certain unsettling trends both in and out of Government.

There is, in fact, something almost Orwellian about the new technology which can reduce a human life to markings on a tape to be fed to a computer.

What can—or should—we hide from Big Brother and his sophisticated data-processing equipment?

The citizen is fast becoming a soulless cipher in a bureaucratic jungle. He is observed and recorded at birth, at school, and at the time he gets his first job, his numerous licenses and his selective service and social security numbers.

But how do we evaluate the information that is provided by the computers? Is it always fair—and accurate? I have reviewed some of the expert testimony taken by Mr. Gallagher's Special Subcommittee on the Invasion of Privacy, and the answers to these questions are inescapable: Rather than being foolproof, the computers can be both misleading and a menace to our personal liberty.

The computers, after all, have to rely on people to provide the data which they consume with such devastating efficiency, and people are subject to human error. A teacher or employer can be out of sorts when he gives a bad rating that will be computerized forever into the record of the victim. Or a man can successfully appeal an adverse court judgment; but a computer, possessing incomplete data, recalls only the original conviction.

There is even something basically wrong with that most useful of exercises in factfinding, the decennial census. How else do we explain the fact that nearly 6 million Americans were not counted in the 1960 census?

In view of the obvious shortcomings in our present systems for collecting and correlating data, Congress must be especially alert to the proposed National Data Bank, which would centralize information collected by some 20 Federal agencies. Congressman Gallagher's subcommittee has performed yeoman service in persuading the executive branch to postpone the submission of this plan to Congress. The implications of the data bank are frankly frightening. I cannot think of a more powerful weapon to place in the hands of a Government that might seek dictatorial powers over its people. We should look long and hard at this proposal before approving it, when it finally is formally presented to Congress.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Ohio.

Mr. AYRES. I, too, wish to commend my colleague from Ohio for the leadership he has shown in this particular field. Those of us who have known Jackson Betts for some 25 years, even back to the days when he was Speaker of the House of Representatives of Ohio, realize the thoroughness with which he goes into an issue. I am quite certain the fact that he has exposed this ridiculous operation which is being proposed will certainly be appreciated by the American people, because they have gone far beyond, as Congressman Betts has pointed out, what was originally intended for a census to provide.

I commend the gentleman.

Mr. BETTS. I thank my colleague from Ohio.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from California, a member of the Census Subcommittee.

Mr. WALDIE. Mr. Speaker, I join with my other colleagues in extending commendations to the gentleman.

My first exposure to this problem was as a member of the subcommittee before whom the gentleman appeared. His testimony was so persuasive and his ideas and criticisms of the existing system so impressive to me that I became considerably interested in the problem he brought to our attention.

Not only do I concur in the gentleman's representation of the extent of that problem, but I believe perhaps it goes even deeper.

It occurs to me there is a penchant in America in increasing degree to obtain as much information in as great detail as the Government can possibly get hold of concerning every individual citizen in the country. I believe there is a corelation between freedom and the extent of information possessed by the Government about individual citizens within a country. So far as I am concerned, there is greater individual freedom to the extent that there is less information available to the Government about individuals.

The gentleman has performed a great service in calling to the attention of this Congress the possibility that exists that the Government, through the census device coupled with the social security number, added to the concept of the National Data Bank, is intruding into the realm of individual privacy far more than any circumstances warrant.

I congratulate the gentleman for bringing this matter before the House.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to my friend from Alabama.

Mr. BUCHANAN. Mr. Speaker, I want to join in the general accolade to the gentleman in the well [Mr. Betts]. The gentleman from Ohio has rendered a service to the country and, in my judgment, has struck a blow for the individual rights of American citizens with his concern for this matter, and through the legislation that has grown out of it.

As a former member of the Census Statistics Subcommittee, I have long shared in this concern, and I join with him in this and congratulate him for this service to the people which I believe to be a very important one.

Mr. Speaker, revision is needed in the 1970 census of population, housing, and unemployment. The extent to which the Census Bureau may lawfully probe into the personal affairs of citizens is circumscribed by article I, section 3, clause 4 of the U.S. Constitution which commands that:

> Census or enumeration of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter.

The original intent was that of enumeration, and a census is necessary to reapportionment. But the census of 1960 and that proposed for 1970, if the special census forms used in North Philadelphia last September and New Haven in April 1967 serve as any indication, would go far beyond the category of enumeration. According to the Bureau of the Census, 67 subject items are currently proposed for inclusion in the 1970 decennial census of population and housing. These 67 subjects, however, are translated into many more particular questions when they actually appear on the official questionnaire. The sample form used in New Haven contained 120 items and the North Philadelphia form contained 94 inquiries. Who knows what the final count may be when in 1970 one-fourth of this country's population is required to complete the "long form" questionnaire which already fills some 20 pages?

The American citizen has a right to be anxious over his right of privacy in view of what he may be required to answer on the 1970 census questionnaire. For example, the mail coming into my office now—2 years prior to the census—indicates that my constituents are concerned about the personal nature of the proposed questions contained in the 1970 census, and about the penalty to which the citizen is liable if he does not complete his questionnaire. They are apprehensive lest individual privacy be lost in the name of technological efficiency, and about the possibility that the individual may become nothing more than a dossier in a data bank controlled by an impersonal bureaucracy.

In this 1970 census many personal questions, unnecessary for the functions of government, are being asked. Supreme Court Justice Louis Brandeis once said:

> Every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

Americans do have a right to their privacy. Indeed, individual privacy is a prerequisite of human dignity and freedom. Alan Barth, author of "The Price of Liberty," once wrote:

> A respect for privacy. It is in this as much as in any other single characteristic that the free society differs from the totalitarian state.

Questions such as What were you doing in April, 1962? What is the value of your property? Do you share your shower? What is your income? How do you enter your residence? How much is your rent? proposed for the 1970 census could well be in violation of the constitutional intent of the census. As you know, consideration has even been given for the inclusion of such items as social security number, religious and political affiliation, which could involve far more serious implications, and I am pleased that these inquiries have been deleted from consideration.

The American people have, up to now, been more than willing to cooperate with the Federal Government in providing essential information to meet constitutional requirements on population. But the nature of the questions asked and the extensiveness of the questionnaire itself could destroy the accuracy of the 1970 census. There have been reports that some 5 million people were uncounted in the 1960 census by avoiding the census taker. Since the 1970 census is to be handled solely by mail the final tabulation may leave millions more uncounted because of the refusal of the independent American to divulge the intimate facts of his private life to anyone.

The mandatory features of the census are germane at this point. Section 221, title 13, United States Code, provides a $100 fine and up to 60 days in jail for noncompliance with various censuses, including the decennial census of population and housing. For willful misrepresentation of fact the penalty is greater—$500 fine and up to 1 year in jail. There is little disagreement that certain basic questions should carry penalties for noncompliance. But Congress ought have grave reservations about penalties attached to questions which serve no constitutional purpose. What kind of society would propose to send someone to jail for refusing to say if he voted, or whether his children are retarded, or whether he shares his shower?

Known Communists, members of the Cosa Nostra, and practicing Ku Klux Klanners have appeared before our legislative committees and, in order to preserve their privacy and lest they incriminate themselves, have invoked the fifth amendment. What was their fine and imprisonment? Has it become more of a crime to fail to answer personal census questions of doubtful constitutionality than to conspire to overthrow the U.S. Government or engage in syndicated crime? The penalty imposed upon the American citizen for failure to answer such extraneous questions is a serious impingement upon the traditional rights of free American citizens.

For this reason I have joined the gentleman from Ohio [Mr. BETTS] in proposing legislation which would limit the mandatory questions which would be subject to penalty to seven in the 1970 census: Name and address; relationship to head of household; sex; date of birth; race or color; marital status; and visitors in the home at the time of census. If the Census Bureau wants to sell data to other governmental agencies and private businesses the extraneous material can be obtained on a separate form marked, "voluntary." Questions not essential to the basic enumeration of population as provided in the Constitution to determine congressional districting but deemed useful to governmental agencies and private businesses could be included in this separate voluntary form.

Mr. BETTS reported to the House on October 10, 1967, that in fiscal 1967 the Census Bureau expected to sell $19,021 million in data to Federal agencies and $4,995 million of such data to non-Federal or private organizations. As I understand it, this includes all types of statistical information, not just population and housing reports. This constitutes a tremendous pool of market research data for business.

The Wall Street Journal on January 7, 1963, reported that the Ruben H. Donnelley Corp. buys "tracks" from the Census Bureau which list geographic areas containing 4,000 to 7,000 persons with similar education and income. "The 'tracts,'" said the Wall Street Journal, "help Donnelley spot appropriate neighborhoods for the 700,000,000 pieces of direct mail it sends out for its clients annually."

It would seem that we gather for private industry at the possible jailing and fining of the American citizen what private industry should be willing and able to do through private, voluntary market research. Data can be gathered well enough for their purposes through sample surveys relying on voluntary cooperation rather than through the Bureau's broad power of compulsion.

With the advance of modern technology and scientific research the privacy of the individual seems on the decline. Governmental involvement into the many facets of the lives of our citizens in the name of efficiency may have produced a statistician's dream and conversely, the citizen's nightmare. The fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual. Presently, the information about individuals is usually fed into the computers to serve a socially useful or economically or politically attractive purpose. But will it always be? We are becoming exposed more and more to the tyranny of the statistic.

As I see it, our task is, in part, to see to it that technology remains subject to human values. Vance Packard, sociologist-author of "The Naked Society," has said:

> My own hunch is that Big Brother, if he ever comes to the United States, may turn out to be not a greedy power-seeker but rather a relentless bureaucrat obsessed with efficiency.

Vice Adm. H. G. Rickover, speaking at a meeting of the Royal National Federation in Athens, Greece, in June 1966, offered good advice when he said:

> What seems to me of utmost importance is that we never for a moment forget that a free society centers on Man. It gives paramount consideration to human rights, interests, and needs. Society ceases to be free if a pattern of life develops where technology, not man, becomes central to its purpose. We must not permit this to happen, lest the human liberties for which mankind has fought, at so great a cost of effort and sacrifice, will be extinguished.

The American Government, as we know it, was made for man; not man for the Government.

Added to the controversy of the 1970 census and the intrusion of technology into individual privacy is the proposal to create a Federal data center. Presently, the proposal seems to have been delayed. But with the 1970 census asking so many personal questions one wonders if the census is not a foot-in-the-door proposition. The report of the Task Force on the Storage of and Access to Government Statistics in October, 1966, recommended creation of a single statistical agency into which information from 21 governmental agencies would be collected, stored, analyzed, tabulated, and published by the data center. One protection of the individual's privacy, up to now, has been the decentralization of information which the Government has on record concerning him. The New York Times on March 15, 1967, reported that:

> The names of American citizens already appear 2.8 billion times in government files: Social Security, 1.5 billion; police records, 264.5 million; medical history, 342 million; psychiatric history, 279 million; court actions, 19 million; security reports, 17.6 million; and others, including personnel and employment questionnaires.

When 21 agencies pool their information, individual dossiers would be immediately available. The dossiers composed of tax returns, census responses, social security data, military records, security files, fingerprints, mortgage guarantees, school records, property holdings, bank and credit references would be available at the push of a button.

How will the individual's privacy be protected under such an arrangement? Could it ever be protected? No less an expert than Paul Bryan, an executive of the Rand Corp., testifying before the Subcommittee on Invasion of Privacy of the Committee on Government Operations during hearings held in July 1966 on the computer and invasion of privacy stated:

> These systems are wide-open to tampering by anyone sufficiently intelligent and motivated enough to take advantage of their weak spots.

In my judgment too much power would exist behind the Federal official who would have the authority to push the button of the data bank. We need nothing which would place individual citizens any more completely at the mercy of the great bureaucracy, or which might subject them any further to bureacratic tyranny.

Such an exhaustive dossier would tend to deny a fundamental aspect of American justice, the guarantee to the accused to face his accuser. This would be virtually impossible once the individual finds himself in chains of plastic tape. Is it any wonder that the American citizen is overcome with a sense of insecurity and distrust of his Government once he becomes aware of the possibility that he may be on file in the computer from the cradle to the grave?

By limiting the mandatory questions in the 1970 census, by providing for voluntary participation in the other material sought by the Census Bureau, and by restricting certain areas of inquiry as in violation of the constitutional intent of enumeration, Congress can well serve the Nation and the people.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I want to add my praise to the gentleman in the well for the fine work and leadership he has shown in this area. I would also like to add that I think he makes an excellent point that there need be no conflict between the Bureau of the Census and the Congress if the job is outlined clearly as to what we want done and what we do not want done.

I share the concern expressed by the gentleman over the criminal penalty. I also share the concern expressed by the gentleman from California about the expense and the burden that this places on small business. In fact, let me say, in my district, if a man has 9 employees, he is a large business. This places a great burden on commerce in this area.

I am also concerned with the fact that facts frequently determine the law. In many of our allocations of Government funds, this is done on the basis of information and facts which are obtained from the Bureau of the Census. If you live in an area of over 2,500 people, you are in an urban area. If it is lower than that, it is a rural area. Now, this is interesting to people who travel from a town of 2,600 to a town of 2,400 and do not realize they have gone from a city back to the country. This whole area needs to be reexamined. We need to realize that we have places and we need places as small as 2,500 people and less.

Mr. Speaker, I thank the gentleman for the work he has done and commend him for it and wish him good luck with respect to this legislation.

We all recognize the need for a population count to meet constitutional requirements for congressional districting. Many Members of Congress think that a short, simple, and direct questionnaire can satisfy this requirement. We think that it is unnecessary to burden our people with a 20-page form which includes questions in 67 subject areas.

The American people are concerned about "big brother" peering over their shoulder. Many of them view the proposed mail-out, mail-back multiquestion form as an invasion of their privacy. As one of my constituents wrote:

> Thanks for making it your business to see that Uncle Sam doesn't make a farce of the sworn statements of the census. Your efforts to protect the citizen's privacy are thoroughly supported by my husband and me.

I am concerned with more than the issue of invasion of privacy. We face the possibility that this lengthy questionnaire will result in error—either through carelessness or outright deception. There will be the person who doesn't want to be bothered, the one who resents the time it takes to complete the form and the one who willfully distorts the answers.

Others have expressed opposition to the unnecessary questions, such as Mr. and Mrs. Wilbern Hardcastle of Center, Mo., who wrote:

> We are behind you 100 percent concerning the foolish questions that they are trying to put in. It most certainly invades the citizen's privacy and we think it most unfair. To our way of thinking all that needs to be answered are the ones pertaining to the numbers of people in each house as that is supposed to be the reason for taking the census.

I have introduced legislation to limit the mandatory questions to seven. If the Bureau of the Census deems it necessary to ask other questions about personal habits and business practices of the American people these questions should be put to the individual with a clear statement that responses are voluntary.

We must remember that the decennial census is vital in determining Federal grant funds to States and local communities and in formulating the size and shape of congressional districts. Accuracy is essential. We know that more than 5 million were missed in the 1960 census, a census taken by enumerators. If the 1970 census—a census by mail—yields substantial errors the needs of the people will be misrepresented.

I urge Members of Congress to give thoughtful consideration to the pitfalls of such a detailed census, one that invokes the ire of the American people.

Mr. BETTS. I want to thank the gentleman from Missouri for the interest he has shown and the support he has given to this matter.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield to me?

Mr. BETTS. I am glad to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I want to commend my colleague from Ohio, the Honorable JACKSON BETTS, for bringing to the attention of this body the bold encroachment upon our private lives that lies within the pages of the proposed 1970 census, and for affording us the opportunity to debate the issue.

Mr. Speaker, the principle involved here is much more important than the actual questions which are to be asked according to the census form. Indeed, Mr. Speaker, it is just one more evidence of the growing "big brother" image of our ever-increasing and ever-encroaching Federal Government.

As has been pointed out, when this information is elicited, there is no way of knowing the ultimate and, aims or objectives for this information, and how it is to be utilized. With the ever-increasing ability of computers and data banks we are indeed reaching a point where no one has any substantial privacy from the Federal Government.

At the rate we are advancing and in the direction we are traveling, it is inevitable that within a very few years certain people or agencies within the Federal Government—possibly without the Federal Government—will be able with only a social security number, to find out all vital statistics concerning an individual, such as; voter preference, party affiliation, credit rating, and a great deal about their sociological, religious, and other background information.

Pointing to only two of the many impertinent questions contained in the questionnaire, why should a woman under threat of a $100 fine or a 60-day jail sentence be compelled to answer the question: "How many babies have you had?" Or why should any head of the household be forced under penalty of law to answer the question: "Do you share your shower?"

Mr. Speaker, what possible legitimate reason could the Federal Government have in compelling American citizens to answer these and other similar questions? What business is it of the Federal Government how many times a person has been married or when they were married for the first time?

Not only is this a trend of the Federal Government, but it is reaching down into various agencies and arms of the State and local governments, now that the Federal Government is leading the way?

Just recently my children brought home a questionnaire from their school which was supposed to be a school census and which again clearly violated the privacy of the family.

Mr. Speaker, this is an important matter and speaking for the people of the Second District of Alabama, it is a highly emotional matter. I commend my good friend, our colleague from Ohio, on his endeavor in the premise and wish to pledge him my wholehearted cooperation and support for his bill limiting the types and numbers of questions which may be contained in the next census.

Mr. BETTS. I thank the gentleman from Alabama for those kind comments.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I, too, wish to compliment the gentleman from Ohio now in the well of the House for taking the leadership to limit not only the kinds but the number of census questions.

May I ask a question? I understand this bill has been referred to the Committee on Post Office and Civil Service. Have there been any hearings or when will hearings be held?

Mr. BETTS. In response to that question, let me say to the gentleman from Missouri that the chairman of the subcommittee dealing with this, the gentleman from Pennsylvania [Mr. GREEN], was very kind enough to give me hearings on it last fall. I appeared before the committee at that time and had some witnesses present. Unfortunately, we had to adjourn before it was completed. I had hoped we might have a continuation of the hearings this year, but apparently the committee has been kept from doing so by the press of other business. But I will say that the chairman was kind enough to give me a hearing on it last fall.

Mr. RANDALL. I think we should all recognize that this is not an effort to array the executive branch against the legislative branch of the Government. Rather it is simply a bill to limit the categories of questions required to be answered under penalty of law.

Some remarks were made a few moments ago about the 200 different categories of forms, involved in the census of business now in progress. Some of us remember the complaints we received at the time of the last census. I can easily remember the bitterness of some of the complaints that came in at that time. I am sure that unless we pass this bill there will be a repetition during the next census. There was an article, I think, in the Nation's Business or one of the other business publications recently on this very subject. I commend this article to the membership, because it was along the lines of the thoughts expressed by the gentleman from New York [Mr. HORTON] concerning the cost placed on small business because of all the forms that have to be completed.

Today we hear a lot about each individual being computerized. That means "Big Brother" must look over the shoulders of each of us to get the data to feed into these computers.

Mr. Speaker, it seems to me we have a means here to put the harness on "Big Brother" and to restrain him through the enactment of a bill such as the one which has been offered by the gentleman from Ohio [Mr. BETTS], or some similar bill.

Mr. Speaker, it is time to limit the number and kinds of census questions. Unless this Congress moves to bring some reason to the function of the 1970 census, Americans will be required to answer more than 120 questions or risk fines and jail terms.

I see no justification for demanding, in a population census, that all citizens be forced to provide such information as:

First. Income, dollar by dollar, from all sources, including alimony, public assistance, pensions, investments, and so on;

Second. The value of property or the amount of rent paid;

Third. Educational, marital, employment, and military history in detail;

Fourth. The names of people with whom bathroom and kitchen facilities are shared;

Fifth. A listing of television and radio sets, dishwashers, and other household items; and

Sixth. The place of birth of the parents of the citizens.

The constitutional purpose of the census is to count people and to provide a basis for congressional redistricting. In what manner do the above questions, or answers thereto, assist in congressional districting or determining how many people are within our environs?

The 1970 census form should be limited to seven questions, as follows: First, name and address; second, relationship to head of household; third, sex; fourth, date of birth; fifth, race or color; six, marital status; and seventh, visitors in home at time of census.

It might even be possible to take one or two of these questions off. But the addition of any further inquiries would, in my opinion, constitute an unwarranted invasion of the people's privacy, and would most certainly violate the purpose for which the decennial census is prescribed.

It is encouraging to observe there has been participation in this special order on the limitation of census questions by both sides of the aisle. This should prove that while the effort to reform the census to avoid the invasion of privacy is not a controversy between the legislative branch and the executive branch, neither is it a partisan matter.

Mr. Speaker, I compliment the distinguished gentleman from Ohio for his studious and forceful efforts in this field.

Mr. BETTS. I thank the distinguished gentleman for his contribution. The gentleman raises a point that I, too, have mentioned several times and for which I am very grateful. This, obviously, is not a partisan matter. This is a bipartisan matter. Not only have I had expressions from others on our side of the aisle but have also had such expressions from Members on the other side of the aisle who have asserted that something ought to be done. I am very happy that the gentleman has raised this point.

Mr. SCOTT. Mr. Speaker, will the gentleman yield to me at this point?

Mr. BETTS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, as the gentleman in the well knows I have introduced a bill somewhat similar to the one which he has introduced. My approach is different in that it would limit the questionnaire to 10 basic questions, with the right of the Director of the Bureau of the Census to ask any additional questions upon obtaining approval from the two committees of the Congress which have jurisdiction over this matter.

Mr. Speaker, I have urged the chairman of the Subcommittee on Census and Statistics on numerous occasions to hold hearings on this bill, as well as the bill which has been introduced by the gentleman from Ohio. His response has been to the effect that there is not sufficient interest on the part of the membership of this House in these matters to hold further hearings.

By the luck of the draw I am the ranking minority member on this Subcommittee on Census and Statistics, three rookie Members having been assigned to the subcommittee.

Mr. Speaker, let me add my compliments to the gentleman from Ohio for the stand he has taken and for what he has done today. I say this because various Members who have responded to this special order have indicated that there is an interest in further hearings and I am publicly calling upon the chairman of the Subcommittee on Census and Statistics to hold hearings. Certainly the response today indicates clearly that there is sufficient interest in this body to hold hearings. There is a demand for it. My mail indicates that people are concerned about these numerous questions, about this invasion of privacy and about the "data bank" that has been suggested by some sources. This is something about which the people have concern and who have expressed their feelings to both the Members of the House of Representatives and the Members of the other body.

Mr. Speaker, if there is any limitation to be placed upon the questions to be asked during the taking of the census, that limitation ought to come from the Representatives in the Congress of the United States. I say this because I do not believe the Bureau of the Census is going to limit the questions. They have certain pressures exerted upon them by various business groups which want more and more questions. It is our responsibility to limit it.

Mr. Speaker, I do hope that we shall be able to hold hearings upon this legislation.

Mr. BETTS. I thank the distinguished gentleman for his contribution. The gentleman has been of very great help and has made an outstanding contribution toward the achievement of this goal.

I certainly wish to share with the gentleman the hope that the chairman of the committee does permit further hearings to be held on this bill in the very near future.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I thank the gentleman from Ohio for yielding and I wish to join with the many other colleagues in praise for your courage and foresight in bringing this matter to the attention of the Members of the House, this attempt by "big brother Government" to illegally extend the constitutional authority for census to interfere in our individual lives.

Mr. Speaker, I have coauthored similar legislation. I certainly feel based upon some of the mail I have received from the congressional district which it is my honor to represent that our people as soon as they are fully awakened to this problem are going to rise up and likewise regard this as an infringement upon their constitutional liberties. Therefore I take this opportunity to address myself briefly to a matter of vital importance to every Member of Congress and to every citizen of our Nation as well—namely, the current plans for the 1970 census.

As it stands now the 1970 census will be considerably more extensive and complicated than it was in 1960. According to latest plans, the number of questions in the 100-percent census will be increased from 17 to 21 subjects. The 20-percent sample questionnaire, which will be addressed to some 16 million American households, will be composed of 67 subjects rather than 56 subjects as in the 1960 decennial census. And based on estimates, the 67 subject questionnaire for example, will contain over 120 questions which must be answered by those 16 million American households surveyed by the census taker in the 20-percent sample.

The authority for a decennial census goes back to the Constitution itself. Upon its adoption in 1787, the Constitution provided:

> Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, . . . The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every ten years, such manner as they shall by law direct.

Over the years we have seen the census evolve from a simple population count to become a comprehensive national survey involving a wide range of questions relating not only to characteristics of population but to matters involving housing, education, and employment as well.

When we consider the fact that 20 percent of the population, based on current plans, are to be compelled by law to answer over 120 questions about themselves and their circumstances, it seems to me that the Nation, and in particular the Congress, should pause for a moment and make a determination as to what kind of a monster we have turned loose? Is the census, as currently structured, an undue burden among the American people? Are all of the questions asked in the census absolutely necessary? And, does the 1970 census in many respects involve an invasion of privacy? Is the far-reaching search of the census constitutional?

Until these questions have been fully debated and resolved by the membership of Congress, I deem it imperative that the Congress refrain from making an explicit or implicit endorsement of the proposed 1970 census.

As matters stand now, the Census Bureau, under the authority of the Secretary of Commerce, has been delegated more or less blanket authority to make the sole determination concerning the number and types of questions being asked in the decennial census. Of course, the Census Bureau in its advance planning consults a wide range of interests in our Nation in order to get their views on what questions should be incorporated in the final questionnaire. Members of Congress, including myself, and in particular Congressman BETTS, have voiced strong opposition to the Census Bureau including one's social security number and his statement of religious preference and other personal data in the forthcoming census. In this case strong opposition by Members of Congress and other interested Americans has resulted in the elimination of these two questions, which in my mind not only constituted a serious invasion of privacy but have no particular relevance to census of population, housing, education, and employment. Aside from our success in this area the Census Bureau has held steadfastly to its plans to ask of our citizens many other questions which clearly are either too personal or unnecessary.

In light of these circumstances, I think that we have reached a stage where Congress in its wisdom and fairness must enact legislation which would set certain reasonable limitations upon the scope and content of the decennial census. On February 15 of this year I introduced legislation which would, in effect, place a reasonable limitation on categories of information required to be divulged under penalty of law in certain censuses. Specifically my bill—H.R. 15365—would provide that any census conducted under section 141 of title 13 of the United States Code be allowed to include information on matters relating only to the following categories:

First, name and address;

Second, relationship to head of household;

Third, date of birth;

Fourth, race or color;

Fifth, marital status; and

Sixth, visitors in home at the time of the census.

Aside from the categories just cited, my bill would no longer make it mandatory for Americans to answer questions on such matters as: do you share your shower? where did you live in October 1962? income earned last year; place of work; marital history; whether you rent or own your home; and so forth. In short, such legislation would no longer threaten Americans to a 60-day jail sentence or $100 fine for not responding to questions which clearly have nothing to do with the essential facts about our population.

Mr. Speaker, I will have more to say on this matter at a later date, but I do hope that the Congress, without any further delay, will devote serious attention to this matter so that all Americans can be assured of fair and equitable treatment from the Nation's census taker.

Mr. BETTS. Mr. Speaker, I thank the gentleman for his comments.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I will be glad to yield to my colleague from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding, and I too wish to commend the gentleman for uncovering what he has. Many people will be answering questions about their personal lives that it may or may not be necessary to uncover. I am sure that business could use the answers to even more questions than are in the questionnaire, but it certainly is not the responsibility of the Federal Government to gather this information.

Many organizations would like to have that information, and I believe it is their responsibility to gather that information.

Mr. Speaker, I would like to commend my colleagues for their efforts in working for a sensible 1970 decennial census of population and housing.

It has been my privilege to cosponsor a bill, H.R. 16101, which would limit the mandatory census questions to seven: name and address; relationship to head of household; sex; date of birth; race or color; marital status; and visitors in home at time of census.

The aforementioned questions are the ones essential to the basic enumeration of population as provided in the Constitution to determine congressional districting. Any other questions, which are deemed useful to Government agencies, should be asked on a voluntary basis.

At the present time, the Bureau of the Census has proposed 67 subjects for inclusion in the 1970 questionnaire. These recommended subjects amount to a violation of personal privacy and harassment to the public.

Furthermore, the proposed Bureau of Census questionnaire will require higher Federal appropriations and may cause incomplete reports which distort essential statistics.

As it has been pointed out previously, the overall questionnaire should be evaluated as to the likelihood of maximum response, the cost benefit ratio of questions asked, priorities of Federal information needs, and the possible extension of Federal authority into citizen rights of privacy.

The legislation that we are discussing today places the proper emphasis on the questions that our citizens must answer and only the information that the Government needs under the Constitution.

I strongly urge that the Members of this House join with us in exercising proper congressional control over the questions asked in the 1970 decennial census.

Mr. BETTS. I thank the gentleman from Ohio for his comments.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I will be glad to yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

I would like to say, Mr. Speaker, that the gentleman from Ohio has performed a real service to the country in not only introducing this bill, but in doing the research and the work necessary in support of the bill.

I do not recall any piece of legislation in many months that has created as much correspondence from my own district as has the bill introduced by the gentleman from Ohio, and I want to say that 100 percent of the correspondence is in support of the bill.

Mr. Speaker, there is a great feeling in this country—throughout the whole country—that the Government is moving more and more into the daily lives and the existence of all of the people. Certainly this unwarranted invasion of privacy is evidenced by the length and scope of the Census Bureau's questionnaires, and this is a good indication of that.

One has the feeling that there is a little bureaucrat who is just sitting around throwing Gem clips into a waste basket and dreaming up more questions that might be added on to the census questionnaires with no rhyme or reason.

Mr. Speaker, I would certainly hope that the gentleman is successful, and I support and endorse what he is doing. I hope that soon the committee will report the bill to the floor of the House so that the House can give the bill an overwhelming favorable vote.

Mr. BETTS. I thank the gentleman from Alabama for his comments.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I thank the gentleman for yielding, and I want to commend the gentleman from Ohio for bringing this matter to the attention of the House.

I would also ask the gentleman in the well, since this is the era of civil disobedience, when so many people are deciding for themselves as to what law they will obey or disobey, what would be the penalty if a citizen were to decide that he would disobey the law by refusing to fill out the census information questionnaires that are submitted to him.

Mr. BETTS. Is the gentleman from Missouri asking what the penalty now is in the law?

Mr. ICHORD. That is correct.

Mr. BETTS. There is a $100 fine, and 60 days' imprisonment.

Does that answer the question of the gentleman from Missouri?

Mr. ICHORD. It does. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, just how big must the Government's role be in gathering census information of private individuals? And how open ended must fact gathering of people's private lives become before it is considered complete? No one, it seems to me, has answered these questions to the general satisfaction of the people.

Census taking can constitute an undue invasion of the people's privacy. I seriously question the depth to which the Census Bureau may inquire into a private life under penalty of law. Under a proposal brought to my attention, some 120 questions would be involved. Such a huge inquisition really would overstep the constitutional requirement of Congress to take a census.

A compilation of facts on an individual's age, sex, race, marital status, education, and occupation appears to be adequate for a census which would provide the information for equitable redistricting of the House of Representatives.

There must be a limit somewhere. Excessive questions also are made on business, industry, and agriculture. Great demands are made on their time and resources for answers which are often of a highly questionable use. So matters of invading privacy through census procedure pertains not only to individuals but to all strata of activity. Perhaps additional questions, of value to those who rely heavily on census data, could be made optional. But a reassessment is in order.

It is essential, however, that the public good and private life both be served in the taking of the census—and that only basic questions may be required to receive answers.

Mr. BUSH. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Texas.

Mr. BUSH. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. BETTS] for his dedication to providing the American people with an uncomplicated census form.

In 1960 the Bureau of the Census reported the total population of the United States to be 179 million. On this report the apportionment of the seats of the House of Representatives was determined. Five years later the Census Bureau estimated that it had not counted 5.7 million people or 3 percent of our population. This amounted to an 11-seat error in the House. It is imperative for the effective representation of all of the people that the census figures be accurate and immediately available.

But we can have an accurate census immediately available when the form is 123 questions long? It has been estimated that the form takes 35 minutes and an eighth-grade education to complete. Of the 5.7 million uncounted in 1960, 2.1 million were nonwhite. Will they be counted in 1970? Are they to remain unrepresented and uncounted because their educational level frustrates them and prevents them from completing the form? Are they to remain unrepresented because their non-English speaking background prevents them from completing the form?

Yet these are the same people to whom so many of our welfare and human programs are directed. How can we possibly estimate how many people are going to be eligible for payments over 72 years of age if the undercount rate in this age group gives the census figures little credence? With a $30 billion deficit can this Congress afford to legislate programs such as social security with this inaccurate count?

The statistic givers—the American people—have no role in determining the questions asked. This is decided by the statistics users. The Bureau of the Census uses three committees in preparing the census form. Membership to these committees is based upon the individual's expertise in his respective field and his experience in using different types of census data. There is no balance—every step is staffed with those who have a vested interest in the decennial census providing them with statistical data. Who is going to protect the privacy of the public? Who is going to insure that every possible American is counted? It is clearly up to this Congress to take this task—I think it imperative that we accept this responsibility.

Mr. LUKENS. Mr. Speaker, I am deeply disturbed over the plans that are being made in the Federal Government for the taking of the 1970 U.S. census. I am disturbed, Mr. Speaker, because I believe these plans are faulty to the point of being ridiculous; and I think unless they are corrected, 1970 might become the year of the most inaccurate census this country has ever taken.

To begin with, Mr. Speaker, as I understand it, this year the plan is to mail questionnaires to approximately 60 percent of the population. The remainder will be canvassed by enumerators. This would require 60 percent of the population to willingly fill in the questionnaires and mail them back to the Government.

I can tell you that the nature of the questions on some of these questionnaires is so personal that it would surprise me if any large percentage of recipients will fill them out accurately and return them.

Mr. Speaker, according to the present plan, in 1970 some residents of our 50 States will be asked to answer over 100 questions covering 67 subjects. For example, the Census Bureau will want to know the answers to such questions as: "Do you share your bathtub or shower?" "What is your telephone number?" "How much rent do you pay?" "How many hours did your husband work least year?" "Do you walk to work or take a taxi?" "How much money did you make last year?"

Some of the forms run eight pages long, but not every citizen would be asked the same questions. For example, one household in four would receive the long form; 5 percent of those who receive the long form would get an additional list of detailed questions. Nevertheless, all those who refuse to answer for any reason could be penalized.

Mr. Speaker, I do not know where the bureaucrats in the Federal Government came up with the idea that the American people should be compelled to answer such questions. It certainly was not from the Constitution, for the Constitution has only one sentence on this subject and it says:

> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

Originally, of course the census was to be used primarily for the purpose of reapportioning the Congress. Later it was expanded to include statistics on housing and unemployment. However, nothing in the Constitution or the laws justified making mandatory the answers to the kind of questions I have just mentioned.

For those who do not know it, the Federal law requires every citizen to answer all the census questions or face 60 days in jail or a $100 fine. It is my belief that privacy is invaded and violated when a Government bureau can make questions it arbitrarily decides upon mandatory upon American citizens.

Certainly nothing in recent congressional intent was meant to justify such invasion of privacy because not since 1940—not in 28 years—has Congress considered legislation affecting the taking of the Decennial Census.

I believe the proper approach to this problem is the one devised by my friend and colleague, Congressman JACKSON BETTS, Republican of Ohio, who has made a long and detailed study of the census problem. His approach, with which I would like to associate myself at this time, is incorporated in H.R. 10952.

This bill contains a largely voluntary approach on the taking of the census except for several questions which are essential to the constitutional purpose of the canvass. These few, pertinent questions should be mandatory on all citizens, and would be under H.R. 10952. But all other questions that the Bureau might want to put into its questionnaire would be regarded as voluntary and the American people could answer them or not as they see fit.

This I believe, Mr. Speaker, is the true way to fulfill the requirements of the U.S. Census Bureau and still preserve the privacy which the American people hold dear.

Mr. ADAIR. Mr. Speaker, I rise in support of my colleague from Ohio. This proposed monstrosity, the 1970 census form, must be corrected now.

There is a great deal of talk across the land about cutting down on "big government" and here is one instance where the Congress can act to do just that. The average citizen, as all of us here well know, is overburdened with the filling out of Government forms today to an extent that is almost intolerable. He does not need another burden of this nature.

There is also a great deal of talk about the "invasion of privacy" by our Government. If the proposed 1970 census form does not represent just that I would like to know what does.

Furthermore, we are in a time of financial crisis in our great Nation. The use of the 1970 proposed form will add an extra $20 to $25 million to our Government expenses in 1970. This is not necessary just in order that the Government be in a position to answer more marketing research questions, in my view.

We always hear that such and such a record is confidential and would never be given to unauthorized persons. But, how many times a year is information from someone's personnel files leaked to a friendly newsman for one reason or another. You and I know that it happens more times than we like to think about.

Therefore, I support my colleague from Ohio in this matter and would hope that our census forms can be kept simple and limited to proper questions.

Mr. KLEPPE. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. BETTS] for obtaining a special order this afternoon to draw attention to a matter that will soon affect the entire population of this country—the U.S. census.

The proposed census form that all Americans will come face to face with in 1970 is long. It is detailed. It is complex. It is all encompassing. Worst of all, answering is mandatory.

My feelings on the matter became quite apparent on the afternoon that I sat down with the latest informational copy of the U.S. census. The further I waded through the forms, the more I bristled. If I am merely to give my name and address and other vital information such as sex and date of birth—I do not mind in the least. But when I am told in a national census that I am forced, under threat of fine and imprisonment, to answer with whom I share my shower—that, Mr. Speaker, dampens my whole outlook.

When the census form, which to my way of thinking is basically a survey of the American home and its occupants, takes on the gargantuan proportions of an epistle requiring a great deal of time to go through, I think the emphasis has become misdirected. The American people are not going to have the interest or patience to answer the numerous and complex questions asked. I do not think either the type of questions asked on the census form, or their number, justifies making nonanswering a crime subject to fine and imprisonment. Questions relating to the value of the property, the equipment in the home and the appliances, do nothing but clutter the important and vital questions a census is supposed to answer.

I am in favor of limiting the questions that will appear on the official 1970 census to seven simple and direct questions as proposed by H.R. 10952 and other bills. These questions are as follows: Name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in home at time of census. These questions should be made mandatory. If other questions are going to be asked, such as with whom I share my shower, how I enter my home, and where I lived in October of 1962, they should appear on a separate form and should be voluntary. If the Government, research organizations, and the academicians want a complete sociological survey done, let it be done at the convenience of the American dweller and not under force of law requiring a mandatory answer.

Mr. Speaker, the general census that is going to the American public in 1970 is not the only census form that will hit the people in my district. The North Dakota farmers will be hit as will farmers across the Nation in 1969 with the agricultural census, which is required by law every 5 years. Here, too, I ask the question, "How much of the information asked is really needed?"

Farmers next year will have to give the precise figures on the amount of fertilizer and irrigation water used. They will have to give an account of their production practices. They will have to give their crop yields. They will have to disclose how much money they owe. They will have to show how their operation is financed. I say "have to," Mr. Speaker, because the farmer must answer under the threat of fine and imprisonment.

I think the Government has crossed the line that until this time marked the limits of a person's privacy. And this invasion of the farmer's privacy is especially repugnant because agriculture is the foundation of this country's economic growth. It is not my intent to stop the Government from having a legitimate and appropriate access to farm records. But let us remember one fact. No farmer—or other businessman for that matter—is likely to want to divulge his secrets of operation to the Government or anybody else.

The Department of Agriculture obtains numerous periodic reports from farmers already. Here, too, I hesitate because the inaccuracy of many of the Department's estimates of production in the past have had disastrous effects on market prices. I have no intention of putting the farmers in my district, already in a financial crisis because of high production costs and low selling prices, at the further mercy of speculators and competitors because of the Government's desire to get all the information it can.

Mr. Speaker, there is another frightening aspect to the agricultural census. That relates to the tremendous amount of time and effort required to answer. The farmer of today must have a recordkeeping system of some kind. But the questions asked the farmers will go beyond the farmer's expertise in many cases and require him to hire an accountant, lawyer, land surveyor, and statistician. This is a burden that should not be placed on the farmer. It is a clear case of the Government getting carried away with its own census system.

There are a number of bills in Congress designed to limit the questions that may be asked in the 1969 agricultural census. I am in favor of bills like this, for example H.R. 15418 introduced by our colleague, the gentleman from Montana [Mr. BATTIN], because it brings the issue into sharp focus. Hearings on those bills will answer the questions that have arisen on the propriety of the Government's inquiry into the affairs of the American farmer. Let us put the burden on the Government to show this Congress just why it needs the answers to the numerous and detailed questions on its 1969 agricultural census.

Mr. SCHADEBERG. Mr. Speaker, I am proud to associate myself with the distinguished gentleman from Ohio in bringing to the attention of this body the questionnaire proposed to be used in the 1970 census of population, housing, and employment.

My own attention has been directed to this subject by many of my constituents who have become aware of the Federal Government's growing interest in various personal aspects of their lives. A cursory glance at the questionnaire which 16 million American families will be required to answer, under penalty of $100 fine or 60 days' imprisonment, gives substance to their alarm. It is incumbent upon us in this Congress to know exactly what this Government is asking of its citizens and to take the steps necessary to protect the interest of these citizens.

The concept of Government questionnaires rankles me and many of my constituents. Where does the information go? Who sees it? Is it melded with income tax return data to form a complete picture of me and my family? Do my answers to this questionnaire jibe completely with answers to similar questions on other studies? Will these results be put into a computer bank to be the basis of a dossier which will be updated and enlarged as more information is gathered?

Let us note that this census inquiry is but one of many Federal Government surveys being conducted among private citizens and private businesses. Not only are these surveys time-consuming to complete, they are often offensive in their intrusion into confidential personal or business affairs. At times, they are so complex that the services of a professional specialist—an accountant or an attorney—are required, at the expense of the citizen. Some of these surveys are mandatory, some are voluntary—but a man receiving an official form from the U.S. Government, requesting specific facts and statistics and demanding that it be returned within a time certain, is not always aware that he has a right, in some instances, to ignore it.

Attached to my comments is a list of Census Bureau surveys of businessmen. these surveys number 113. And this list does not include surveys of private citizens, of which the decennial census is but one example. Nor does it include surveys and studies under the jurisdiction of other Federal agencies and departments, such as the Federal Trade Commission, the Securities and Exchange Commission, the Department of Agriculture, the Department of Labor, and countless others too numerous to mention.

There is a very fundamental question here of possible invasion of privacy, a question with far-reaching implications. I urge its serious and immediate consideration by every Member of this body.

The list follows:

LIST OF CENSUS BUREAU SURVEYS DEPENDENT UPON RESPONSES FROM BUSINESSMEN COVERING THE FISCAL YEAR 1965

Title	Frequency	Voluntary (V) or mandatory (M)
Agriculture (cotton ginning):		
Cotton Ginned by States	Semimonthly, 12 times during season.	M
Cotton Ginned by Counties	Monthly, 6 times during season.	M
Business:		
Weekly Sales of Retail Stores	Weekly	V
Monthly Retail Trade Report	Monthly	V
Retail Trade Annual Report	Annual	M
Monthly Wholesale Trade Report	Monthly	V
Canned Food Report	5 times year	V
Green Coffee Inventories and Roastings	Quarterly	V
Selected Service Trades Survey	Monthly	V
County Business Patterns	Annual	M
Construction:		
Construction Reports—Housing Starts	Monthly	V
Construction Reports—Housing Sales	do	V
Construction Reports—Building Permits	do	V
Value of New Construction Put in Place	do	V
Industry:		
Manufactures' Shipments, Inventories, and Orders (M-3)	Monthly	V
Manufactures' Export Sales and Orders of Durable Goods (M-4A).	do	V
Annual Survey of Manufactures (MA-100)	Annual	M
Flour Milling Products (M20A)	Monthly	V
Confectionery, including Chocolate Products (M20C)	do	V
Poultry and Livestock Feed Production (M20E)	Annual	M
Salad Dressing, Mayonnaise, and Related Products (M20F)	do	M
Fats and Oils (M20J)	Monthly	M
Fats and Oils (M20K)	do	M
Woven Fabrics (M22A)	do	V
Consumption on Woolen and Worsted Systems (M22D)	do	V
Woolen and Worsted Machinery Activity (M22E)	Annual	M
Spun Yarn for Sale (M22F)	Monthly	V
Narrow Fabrics (M22G)	Annual	M
Knit Cloth for Sale (M22K)	do	M
Tufted Textile Products (M22L)	Semiannual	V
Stocks of Wool and Related Fibers (M22M)	Annual	M
Cotton, Man-Made Fiber Staple, and Linters (M22P)	Monthly	M
Rugs, Carpets, and Carpeting (M22Q)	Annual	M
Cotton, Silk and Man-Made Fiber Woven Goods Finished (M22S)	do	M
Cotton Broad-Woven Goods (M22T)	Quarterly	V
Man-Made Fiber Broad-Woven Goods (M22T.2)	do	V
Woolen and Worsted Woven Goods (M22T.3)	do	V
Tire Cord and Tire Cord Fabric (M22T.4)	do	V
Bonded Fiber Fabrics (M22T.5)	Annual	M
Felts, Except Woven Felts and Hats (M22T.6)	Quarterly	V
Apparel (M23A)	Annual	M
Men's Apparel (M23B)	Monthly	V
Knit Underwear and Nightwear (M23C)	Quarterly	V
Gloves and Mittens (M23D)	Annual	M
Women's, Misses', and Juniors' Apparel (M23H)	Monthly	V
Brassieres, Corsets, and Allied Garments (M23J)	Annual	M
Sheets, Pillowcases, and Towels (M23X)	do	M
Red Cedar Shingles (M24C)	do	M
Hardwood Plywood: Production and Shipments (M24F)	do	M
Softwood Plywood (M24H)	do	M
Lumber Production and Mill Stocks (M24T)	do	M
Mattresses and Bedsprings (M25E)	Monthly	V
Manufacturers' Shipments of Office Furniture (M25F)	Annual	M
Pulp, Paper, and Board (M26A)	Monthly	V
Converted Flexible Packaging Products (M26F)	do	V
Industry—Continued		
Inorganic Chemicals and Gases (M28A)	do	M
Superphosphate and Other Phosphatic Fertilizer Materials (M28D).	do	V
Paint, Varnish and Lacquer (M28F)	do	V
Shipments of Pharmaceutical Preparations, Except Biologicals (M28G).	Annual	M
Asphalt and Tar Roofing and Siding Products (M29A)	Monthly	V
Sales of Lubricating Oils and Greases (M29G)	Annual	V
Rubber Supply and Distribution for the United States (M30A)	Monthly	M
Shipments of Selected Plastics Products (M30D)	Annual	M
Plastics Bottles (M30E)	Monthly	V
Shoes and Slippers (M31A)	do	V
Luggage, Briefcases, and Personal Leather Goods (M31E)	do	V
Refractories (M32C)	Quarterly	V
Clay Construction Products (M32D)	Monthly	V
Pressed and Blown Glassware (Except Glass Containers) (M32E)	Annual	M
Glass Containers (M32G)	Monthly	V
Fibrous Glass (M32J)	Annual	M
Iron and Steel Foundries (M33A)	Monthly	M
Steel Mill Products (MA33B)	Annual	M
Commercial Steel Forgings (M33C)	Monthly	V
Nonferrous Castings (M33E)	do	V
Magnesium Mill Products (M33G)	do	M
Steel Mill Shapes and Forms (M33H)	do	V
Metal Cans (M34D)	do	V
Plumbing Fixtures (M34E)	Quarterly	V
Steel Power Boilers (MA34G)	Annual	M
Closures for Containers (M34H)	Monthly	V
Steel Shipping Barrels, Drums and Pails (M34K)	do	V
Heating and Cooking Equipment (M34N)	do	V
Converted Aluminum Foil (MA34P)	Annual	M
Farm Machinery and Equipment (M35A)	Quarterly	V
Typewriters (M35C)	Monthly	V
Construction Machinery (M35D)	Quarterly	V
Mining Machinery (MA35F)	Annual	M
Farm Pumps (M35G)	Monthly	V
Fans, Blowers, and Unit Heaters (M35H)	Quarterly	V
Internal Combustion Engines (MA35L)	Annual	M
Air Conditioning and Refrigeration Equipment (MA35M)	do	M
Pumps and Compressors (MA35P)	do	M
Office and Computing and Accounting Machines (MA35R)	do	M
Tractors and Farm Equipment (M35S)	Monthly	V
Coin-operated Vending Machines (MA35U)	Annual	M
Metalworking Machinery (M35W)	Quarterly	M
Switchgear and Switchboard Apparatus, Relays and Controls (MA36A).	Annual	M
Electric Lamps (M36B)	Quarterly	V
Fluorescent Lamp Ballasts (M36C)	do	V
Electric Lamps (M36D)	Monthly	V
Electric Housewares and Fans (MA36E)	Annual	M
Motors and Generators (MA36H)	do	M
Wiring Devices and Supplies (MA36K)	do	M
Lighting Fixtures (MA36L)	do	M
Radios, Television, Record Players (MA36M)	do	M
Selected Electronic and Associated Products (MA36N)	do	M
Backlog of Orders: Aircraft (M37D)	Quarterly	V
Complete Propellers (M37E)	Semiannual	V
Complete Aircraft (M37G)	Monthly	V
Truck Trailers (M37L)	do	M
Selected Instruments and Related Products (MA38B)	Annual	M
Atomic Energy Products and Services (MA38Q)	do	M

Mr. PELLY. Mr. Speaker, the procedure and questionnaire proposed for the 1970 census are complicated, time-consuming, and lengthy to a point of being ineffective.

The Bureau of the Census plan for a mailout, mailback procedure in the major metropolitan areas, which includes 60 to 65 percent of the total population in the United States, of a form of more than 120 items for citizens to check or fill in, renders the necessity of a census useless.

The Library of Congress has figured that it required at least a 10th-grade education to complete the test forms proposed for use in 1970, and when this is placed in the light of the fact that an estimated 17 million adults over age 25 in the United States have only an eighth-grade education, it renders the purpose of the census useless. I ask how you can question the heavily populated inner city population, where census figures are the most needed, with a census form too complicated for their use.

Plus, Mr. Speaker, these people face prosecution for failing to complete and return the completed questionnaire.

The purpose of the new, lengthy, and often personal census form appears to be to cut costs, which is always desirable, but if the result is that an inadequate or incomplete census is obtained, then not hiring enumerators would appear false economy indeed.

Mr. Speaker, I urge a complete revision of the plans and questionnaires for use in the 1970 census so that the Government might obtain a dollar's worth for every dollar spent.

Mr. ZION. Mr. Speaker, a recent examination of my mailbox indicates that a great many people in southern Indiana are concerned about their "snoopy" Government in Washington. Once upon a time, in our distant early history, the word "census" denoted a decennial event which was utilized mainly to determine the proper apportionment of Representatives in the Congress. Although, from these early times, citizens were required by the law to answer the limited questions contained in this census, the brevity and intent of the questionnaire caused Americans to cooperate in answering it.

Now we are besieged by censuses on every hand. It is not enough that every citizen be subjected to the old decennial item, now encompassing 67 subjects contained in 120 questions. John Q. Householder may, in addition, be confronted with a business census or a veterans census or an agricultural census—all in the name of efficient Government. Efficient for whom? Certainly not the small businessman who must, in many cases, retain outside help at a considerable fee to assist him in preparing the mountainous form that pries into every aspect of his operation. Certainly not the average householder who is confronted with a complex and involved set of inquiries into all facets of his personal life over a period of years.

It has been pointed out that, in response to the 1960 census, some 5.7 million of our citizens did not report. These, for the most part, were apparently disadvantaged and uneducated persons living in the deteriorated portions of urban America. These people simply were not equipped to handle a form of such complexity. Under the mailout plan for the 1970 census, an even more complicated document by some 11 subject areas, it may be anticipated that an even greater number will fail to complete the form. Without a census enumerator to assist them, the entire purpose of obtaining accurate census results will be defeated. A great deal of money and preparation may have just as well been poured down the drain. I submit that a simpler mandatory questionnaire is the answer to this and therefore I intend to support fully the legislation introduced by my colleague, the gentleman from Ohio, JACKSON BETTS, to limit the number of mandatory questions in the decennial census to those dealing with name, address, age, sex, race, head of household, and visitors in the home at the time of the census. All other inquiries should be voluntary in nature.

Ours is not and should not be a big brother society. Individuals have the right to retain their privacy and Government has an obligation to respect this right.

Mr. CLEVELAND. Mr. Speaker, I first want to commend the gentleman from Ohio [Mr. BETTS], for leading this discussion on needed reforms in the 1970 Census on Population, Housing and Unemployment. The issue of reform has been before us for several years, and now the time for the censustaking is less than 2 years away.

A little over a year ago I proposed a bill, H.R. 5247, which would include a category on the physically handicapped in the 1970 census. Present statistics on the number of people handicapped in the United States, and the degree to which they are incapacitated, are hopelessly inadequate.

The hodge-podge of data and estimates with which we must work today are the result of many scattered surveys of often casual or biased interpretations. Figures quoted on the number of handicapped Americans vary considerably. Some estimates run as high as 20 million. The confusion is partly the result of the lack of any clear definition of what constitutes being handicapped. Many of the definitions represent only medical determinations, not activity limitations.

This suggests the difficulties that may be encountered in developing services to meet the needs of the handicapped. The national health surveys presently provide regional and national statistics based on sample studies. What is needed are statistics on a local or State basis.

The United States has been regrettably slow in realizing that given an opportunity, many physically handicapped persons can lead normal, productive lives. These people constitute a hidden asset in our society, one that we have long overlooked and are today only beginning to utilize. Most Americans are not fully aware of how many people are handicapped. This is in part due to the fact that some handicapped tend to remain out of sight. Lacking confidence in their own abilities and perhaps afraid that they are a burden on society, they withdraw. At the same time, industry and business, uncertain of what these people are capable, do not generally seek them out.

A lack of awareness on the part of society in general has in some cases led to discrimination against the physically handicapped. For example, most Federal buildings have not in the past been constructed in a way that would make them easily accessible to the handicapped. This was not due to any conscious effort on the part of the architects, but the result has been that the Government has been losing the services of a whole sector of society. Had we been aware, the problem might have been easily resolved. I think that precise statistics, of the kind we get in the decennial census, would help bring about such an awareness.

Each year some $20 to $25 billion are spent by volunteer and public agencies for benefits and services to the handicapped. With a statistically sound base, these organizations could better coordinate their present programs. We need to know exactly how many persons are handicapped, and to what degree. We need to have more raw information on the causes of these handicaps. We need to know not only how many are employable, but also how many are employed and at what kind of work. We need to know how much money is needed to provide income replacement, medical care, rehabilitation, and training.

An accurate, objective enumeration of the handicapped can at this time assist us to resolve problems of the manpower shortage. It can enable us to facilitate for many their entry or return to the labor force through rehabilitation, job promotion, and other services.

Many persons around the country have complained about the extreme personal and even irrelevant nature of many of the questions planned for inclusion in the 1970 census, ones that are of questionable use to the Government. If these are to be even considered, a proposal as useful as a census of the handicapped should clearly and emphatically be included, or even better used to replace some of the unnecessary questions.

We need to provide for a more efficient use of the enormous sum spent yearly for benefits and services to the handicapped. We need to turn what, in some cases, are national liabilities into assets by facilitating their reentry into the labor force. I would call to my colleagues' attention the necessity to coordinate these efforts by a first step in that direction: the inclusion of a census of the handicapped in the 1970 census.

Mr. PRICE of Texas. Mr. Speaker, I join my colleague, the gentleman from Ohio [Mr. BETTS] in support of his objections to the mandatory requirements of the 1970 census.

I have read recently of admissions by the Bureau of the Census that some 5 million citizens over the Nation were missed in the last census. Certainly the requirement that something like 120 items be answered will not encourage those who may be reluctant to be counted anyway to sit down and divulge the innermost secrets of his or her household.

There has already been enough smoke over the possibility of the establishment of a National Data Center to remove any doubt that the Bureau of the Census, and other Government agencies are really cooking up a plan to consolidate and centralize personal factsheets on every American. The threat of a $100 fine or 60 days in jail should they decline to reveal some very personal information smacks more of the tactics of a totalitarian society than a democracy such as ours.

I do not believe all this information is necessary for the purpose of a census of the population and housing.

Some of this information could better be left to private polling or research organizations and certainly should not be obtained under duress or the threat of fine or imprisonment. The census questionnaire has grown from a simple five questions to 50, far beyond the number necessary for the constitutional requirements of enumeration for congressional redistricting.

The Congress has allowed this number to increase over the years and I think that it is time to draw a line between the permissible and the mandatory. Should the Bureau feel that it does need additional information, they may ask for it on a voluntary basis; but the individual should not be penalized by law for refusing to allow his privacy to be invaded.

Mr. TEAGUE of California. Mr. Speaker, I am in complete agreement with the gentleman from Ohio [Mr. BETTS] when he points up the need for reforms in the 1970 Census of Population, Housing, and Unemployment.

A great many of the questions proposed for inclusion in this census constitute, in my opinion, gross invasions of the privacy of individuals. For the most part, they are none of "Big Brother's" business.

If the "dry run" questions employed by the Census Bureau in the 1967 census of New Haven, Conn., are any criteria, here are some samples of questions the people of the Nation as a whole may expect in 1970:

"How do you enter your living quarters? Directly from the outside? Through a common or public hall? Through someone else's living quarters?"

And, "Do you have a flush toilet?" One of three suggested answers: "Yes, but shared with another household."

If the party to be questioned is a woman: "How many babies have you ever had, not counting stillbirths? Do not count stepchildren or adopted children."

And, "How did you get to work last week? Were you looking for work, or on layoff from a job?"

If some of this information is really needed, which is doubtful, the questions should be subject to voluntary response and not subject to the penalties of law for failure to answer. The mandatory questions pertinent to a population count should be limited to about six: name and address, relationship to head of household, sex, race or color, date and place of birth, and marital status.

Congress must not permit our nosey "Big Brothers" of the executive branch to demand information of a private nature from free Americans—information that would be mighty useful to a government bent or exercising ever more control over the lives and activities of those free Americans.

Mr. HARRISON. Mr. Speaker, I am very concerned about the attitude of the Federal Government concerning the proposed 1970 decennial census of population and housing.

The mandatory approach suggested by the Census Bureau leaves a vast area of doubt in my mind as to their primary function in enumerating the growing populace of these United States.

I contend that the abundance of questions, dealing with personal, private topics constitutes an invasion of privacy on the American public. The questions involved are self-serving to a multitude of groups, businesses and organizations that would gain considerably in having access to such information, while the basic concept of the census is merely the tool utilized in order to gather such information.

The crushing blow is of course the mandatory nature of the questionnaire and the strict penalties allowed for punishing those citizens who feel that the answers demanded are of no business or concern to the Government in establishing the official population count.

I am concerned about the lengthy and complicated form planned for the 1970 census.

An estimate shows it would take a literate person more than 30 minutes to complete the form.

The frightening thing about this is the fact that there are about 17 million Americans over the age of 25 who lack the eighth-grade education required to complete the proposed form.

I am not suggesting that the census procedures be weakened. I do suggest as I have indicated in my bill H.R. 13703, that the census forms be held to the seven basic questions that has been required over the years: Name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in the home at the time of census.

My bill would also remove the penalty provision for any additional questions the Director of the Census wishes to present on a second voluntary portion of the questionnaire.

I feel it is the duty of Congress to carefully examine the questions to be asked the public in the 1970 census so as to protect them from invasion of privacy and governmental harassment.

Mr. McDADE. Mr. Speaker, I am delighted to join my colleagues here today in a discussion of the problems which we appear to be facing in the census of 1970. That we will face problems is very clear, unless the Congress makes clear to the Census Bureau that it is mandating a sensible approach to the census, within the framework of the purpose of the census, and going beyond that framework only on a clearly defined optional basis.

The basic information which must be gathered by the census is clear.

We must know the name, address, age, sex, and race of the inhabitants of the United States. To secure such information, it is necessary to know who is visiting the household at the time of the census, so that that person will not be missed in the count. It seems altogether proper to secure the name of the head of the household.

Upon this information are based many items of American life—not the least of which is the determination of representation in this House of Representatives. The information is clearly vital to all of us.

But what we are concerned with here is not this list of vital information. We are concerned with a veritable ocean of extra information which the Census Bureau wishes to gather at the same time it is gathering the vital statistics needed by the Nation.

I want to make it perfectly clear that I do not object to the gathering of superfluous information by the Census Bureau. I am well aware of the fact that many private industries turn to the Federal Government in determining policies, to secure information needed in formulating those policies. I am equally aware that scholars turn to the Federal Government for statistical information gathered by the Census Bureau, and I am certain that the fact that this information is available is a significant contribution not only to scholarship, but to a great deal of long-range planning here in America.

To repeat, I am vigorously in favor of the gathering of information by the Census Bureau, however irrelevant that information may be to the basic purpose of the census.

I am not, however, in any sense in favor of giving the Census Bureau the right to gather that information under the threat of fine and imprisonment.

Our Nation was founded on certain basic rights. Certainly one of those basic rights is the right to privacy. I have the right to open my front door to invite my friends in. I have an equal right to close my front door to keep my friends out. Similarly, I have a right to divulge any amount of personal information to an individual or to the public at large. I have an equal right to divulge no personal information to an individual or to the public at large.

It seems inconceivable to me, therefore, that the Census Bureau should designate a vast number of areas of inquiry as part of the 1970 census, and to compel American citizens to answer questions concerning these very personal areas under threat of fine and imprisonment.

I have been informed that the Census Bureau proposes to send a detailed questionnaire to 20 or 25 percent of all Americans in 1970. If the answering of the questions were made optional, I am certain this would still give the Census Bureau an utterly fantastic sampling of America today.

I have been informed by experts in the field that a valid sampling of America may be obtained from as few as 1,500 people. I feel certain that the optional answering of personal questions would give the Census Bureau hundreds of thousands of answers, and probably even millions of answers. By any measure, therefore, the sample obtained would be overwhelmingly sufficient for any valid purpose determined by the Census Bureau.

I, therefore, urge my colleagues to take note of this vital right to privacy, which must be protected for every American. I would urge them to join all of us here on the floor today in prohibiting the Census Bureau from making mandatory what should be voluntary. This is an important matter of principle which we are discussing today. I hope it is a matter in which all of my colleagues will join.

Mrs. BOLTON. Mr. Speaker, the points raised by our distinguished colleague, the gentleman from Ohio [Mr. BETTS], concerning needed reforms in the 1970 census are well taken and worthy of close study. May I take this opportunity to thank him for bringing this before the House?

The U.S. Constitution provides that a census of the population shall be taken every 10 years for the purpose of determining the apportionment of the House of Representatives. Apparently the Census Bureau is attempting to convert this simple headcount into a nationwide snooping operation into the personal affairs of the people of this country. Such questions as, "Do you share your bathtub or shower?" "How much rent do you pay?" "How do you enter your home?" are a violation of personal privacy and they have nothing to do with essential facts about population.

Furthermore, the planned mail-out, mail-back procedure for taking the 1970 census, together with the complex questions, may result in missing more people than was the case in 1960 when more than 5 million Americans, mostly in the inner cities, were not found by interviewers.

In order to be effective the census form should be as simple as possible, with only those questions needed for a true population count, such as: Name and address, relationship to head of household, sex, date of birth, marital status, and visitors in home at time of census, required to be answered.

Perhaps, although I am not enthusiastic about the idea, a second form, marked "voluntary," could accompany the required census questionnaire for citizens to complete. Questions not essential to the basic enumeration of population as provided in the Constitution to determine congressional districting, but deemed useful to Government agencies, could be included in this second form. However, this should not take on the nature of a family "confession" nor of an inquisition.

Congressman BETTS deserves the appreciation of all of us for bringing this matter to the attention of the Congress. I hope that this initiative will result in great reforms in the proposed 1970 census.

Mr. HUTCHINSON. Mr. Speaker, our Decennial Census was provided by the Constitution to accomplish two purposes. First, because membership in the House of Representatives was to be apportioned among the several States according to their respective numbers, a periodic enumeration of the people was required. Second, the Constitution also provided that any direct taxes imposed upon the people should be apportioned among the several States according to their respective populations. The only direct tax levied by the Congress on the people today is an income tax which was specifically exempted by the 16th amendment from the requirement of apportionment according to population. So there remains only one constitutional reason for a census, and that is the enumeration of the people for purposes of apportioning representation in this House.

The Congress has directed a Decennial Census not only to population but of unemployment and housing and has vested in the Secretary of Commerce the power to determine the inquiries to be made. The Bureau of the Census has developed over 120 questions to be asked on 67 subjects in 1970. Most of the inquiries reach far beyond the stark requirements of enumerating the people, but are based, I suppose, on the congressional directive that there must be a census of housing and unemployment as well. To accomplish those objectives many of the inquiries proposed to be asked constitute an outright invasion of privacy and some of them seem almost irrelevant.

For example, they ask not only if there is a telephone on which people who live at the location can be called, but they go on and demand the telephone number. For what reason? Is there to be a national telephone directory?

Then there is the question about how one enters his living quarters, whether it be directly from the outside or through a common hall, or through someone else's living quarters. It seems to me that statistics on housing would be sufficiently meaningful if the fact were ascertained whether a person lived in a single family dwelling or in a building with multiple family units. As a matter of fact, the census people propose to elicit that information in addition.

The statute's instruction that the Census Bureau count unemployment in its decennial enumeration does not require a disclosure of income by those who are employed. As has been repeatedly pointed out, that information is already in the hands of the Federal Government. The income tax people have it. Is it intended that some Government computers might compare the information obtained by Census Bureau with that obtained by Internal Revenue? As a matter of statistics if the Census Bureau totaled up a national income considerably at odds with that obtained through the Internal Revenue Service, which would be the more accurate?

The gentleman from Ohio [Mr. BETTS] is to be commended for his interest and determination to protect the privacy of the people against the demands of the Census Bureau whose basic function remains that of enumerating the people, to find out where they live for congressional apportionment purposes. The gentleman from Ohio has spoken from the well of this House on numerous occasions about this matter and now is the time, Mr. Speaker, for the Congress to review the breadth of scope which the bureaucracy has been able to include under three statutory words—"population," "unemployment" and "housing"—coupled with the statutory power vested in the Secretary to "determine the inquiries."

Mr. DEL CLAWSON. Mr. Speaker, "Killed With Kindness by an Overzealous, Paternalistic Federal Bureaucracy" may be the epitaph of personal liberty in this country if present trends continue. At what point does the American citizen draw the line on Federal intrusion? A logical place would seem to be his own front door. But a Federal Government which has just acquired the right to intrude into the disposition of his domicile now wants to find out all about his dwelling and his own personal habits, with a list of 120 questions which he must complete or face a $100 fine or 60 days in jail. In the offing are other plans to permit Federal electronic monitoring of his home under selected circumstances and to centralize the information gathered on each citizen in a Federal data bank. If a citizen of this wonderful complex society wants to get away from it all, there is no point in attempting to escape to the moon. In fact, the multitudinous data collected on the astronauts may be what the Federal Government has in store for all Americans if Congress does not call a halt and pass the legislation which I join my esteemed colleague, the gentleman from Ohio, JACKSON BETTS, in sponsoring to limit the census questions asked under penalty of fine and imprisonment to seven essential population questions.

Under a simple constitutional requirement for a census of the population every 10 years for the purpose of apportioning the House of Representatives, the list of census questions has lengthened from seven in 1790 to a proposed 120 for 1970. It is understandably difficult for the average American to comprehend why his Government in Washington requires information about his whereabouts in October 1962, or whether he has a clothes drier or if he shares his shower. But he may feel it is adding insult to injury to use his own taxes to force this information, especially if a survey of data marketing firms indicates that most experts believe information obtained voluntarily is more likely to be accurate and that conversely, compulsory studies may actually encourage falsification and consequent distortion of data.

Congressman BETTS has provided me with a letter from the vice president of Young and Rubicam, Inc., Mr. William T. Moran, who has spent the bulk of his career in market research. This gentleman makes the interesting suggestion that censuses be eliminated and replaced by a number of more frequent sampling studies. He observes that:

> With small scientific samples on various subjects there would be less opportunity to compile a complete dossier on every aspect of an individual citizen's life.

He also points out that:

> Smaller more infrequent sampling would make more frequent data updating economically feasible.

If the Federal Government actually needs selected specialized information, would it not make more sense to obtain it in the most efficient and least expensive way? Certainly, this suggestion is worth considering before the Census Bureau embarks on a costly compulsory study which in the opinion of experts is foredoomed to encourage false information and which will be out of date long before the next census is taken.

But the overriding concern of the Congress must first be the protection of the privacy of the individual. He must be assured that a legitimate Government need for each mandatory question is strong enough to justify the intrusion involved.

Mr. GOODLING. Mr. Speaker, the personnel in the Bureau of the Census apparently are lying awake nights thinking up the questions that are to be asked in the 1970 census. I object to many of these questions because they impose a heavy burden on the American citizen and make an outright invasion of his privacy.

I understand the form being seriously considered by the Bureau of the Census runs to eight pages in length, a burdensome piece of work for the citizen. Not every citizen will be asked the same questions. One household in four would receive the long form, while 5 percent of those who receive the long form would get an additional list of detailed questions.

The time required to fill out such an extensive form is not the only factor, for undoubtedly many individuals would have to seek the advice of others in handling some of the technical-type questions. And the irony of it all is this—anyone who refuses to answer the questions for any reason could be fined $100 and face a jail term of up to 60 days.

Some of the questions proposed by the Bureau of the Census invade the privacy of the individual and could easily cause him embarrassment. For instance, here a few of the questions that could be asked of the individual 2 years from now in this census:

"Do you share your bathtub or shower?"

"How many babies has your wife had?"

"How much money did you make last year?"

"What is your telephone number?"

While many people might think these questions are too personal, it is reported that the Bureau of the Census has been considering some other questions that could not properly be listed in the public media.

Mr. Speaker, all of this raises the question as to the origin and purpose of the census. The U.S. Constitution authorizes the cenusu, determining that it shall be used for the purpose of apportioning the U.S. House of Representatives, and the Constitution says:

> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

The information sought through these many questions might be useful for some economic purposes; however, much of such information is already available through regular Government reports. Furthermore, many private enterprises currently are conducting research projects for public commerce and obtaining considerable commercial information accordingly.

Mr. Speaker, I would have no objection if some extra questions were placed on the census form, leaving the citizen to answer them at his option. No compulsion would be involved, and if the individual felt a question invaded his privacy, he could ignore it.

As things set up, the census has grown far beyond the purpose for which it was originally intended—it has developed from what was a "headcount" into a "head probe."

The census procedure should be limited to a few simple questions, such as contained in legislation introduced by Congressman JACKSON E. BETTS, of Ohio. These questions would provide the Government with the information it needs and would, at the same time, preserve both the disposition and dignity of the American citizen.

Mr. BARING. Mr. Speaker, it is time that Congress step in and bring to a screeching halt the Federal Government overstepping its bounds and invading the privacy of the American citizen. The questions proposed for the 1970 census are a blatant invasion of privacy.

Not only is the proposed 1970 census an invasion of a citizen's privacy, it is being used as a weapon, surely as if you held a gun on a person. If the citizen refuses to answer all the questions, he, or she, could be fined or jailed.

There is no justification for asking some of the questions in the census—I cite just one for example:

> Is there a telephone which people who live here can be called? If the answer is yes, what is the number?

If the Federal Government is that interested in knowing, then I suggest it turn to the phone book and look it up.

There is a good reason for a census as long as it deals with the population of the United States. But when it deals with matters other than population, then the Federal Government is going too far.

Heaven knows, Mr. Speaker, we have enough questionnaires and surveys going on throughout the breadth of this land conducted by the Federal Government to find out how John Q. Public lives. At least with these questionnaires and surveys, the American citizen has the right to make a voluntary reply if he so desires.

But this is not so with the census taking. Either you answer or else.

Congress should put to an end these threats and limit the census questions, through law, to the population of the United States.

Mr. McDONALD of Michigan. Mr. Speaker, I, too, am concerned about the serious constitutional ramifications that may arise by using the proposed 1970 census questionnaire. Under the present law, every household would be required to answer the myriad of questions contained therein under the threat of 60 days in jail or a $100 fine or both. The content of the questions poignantly emphasizes the pronounced drift in census taking away from the basic idea of the decennial count. In addition, this form of governmental blackmail to secure personal information constitutes a serious threat to the privacy of every American.

I feel that I can speak with some authority on this subject because in 1960 I served as a census supervisor in Wayne County. My area, which encompassed two congressional districts, was perhaps the largest one in the country. Due to the size of the districts and diversity of the inhabitants, I was pleasantly surprised by the reactions of most people to our enumerators. In that year we distributed to one out of every four homes a much more detailed form than the standard questionnaire. It was interesting to note that these recipients were generally quite willing to answer the additional questions. Moreover, it was felt that the statistics acquired in this manner provided a more than adequate sampling of the population. For these reasons, I believe the Bureau of Census could acquire the data it seeks if each household were given the opportunity to voluntarily answer, in addition to seven mandatory questions, a plainly identified separate form. By employing this procedure, the Bureau should be able to achieve its goals without coercing every citizen into relinquishing his or her right to privacy by threats of legal reprisal. I will grant the fact that special efforts may be needed to encourage meaningful participation in some of our inner cities. However, I do not believe the entire census program should be set up to cope with this specific problem.

While I am not opposed to the Government seeking access to the information in the 1970 census questionnaire, I do vehemently object to the means proposed to achieve this end. For this reason, I hope Congress will take prompt and favorable action on the legislation which has been introduced to assure the privacy of our citizens during the 1970 census.

Mr. DOLE. Mr. Speaker, when the 1960 Decennial Census was taken, an estimated five million Americans were missed. These citizens were on the fringes of society, quite often they "slipped through the cracks" of society's floor. Many of the benchmarks used to measure life in America—a permanent residence, an auto tag, a social security number, an income tax file—just do not exist for these millions. It is in the interest of all Americans to properly document the diversification and true demographic profile of the people. As the 1970 Decennial Census approaches, Congress and the administration must insure that this census is properly conducted and the constitutional requirements are fulfilled.

It is clear the extent and nature of the problems of minorities in America was underestimated at the beginning of this decade, due in part to the inaccurate statistics generated by the Bureau of the Census.

THE DIVERSIFIED PROBLEMS OF THE 1970 CENSUS

My immediate reaction to such gross inadequacy as we have witnessed is to call for a full review of census procedures by the Committee on Post Office and Civil Service. We cannot afford to repeat the mistakes made in 1960.

But now, as I review the proposed Census of Population, Housing, and Unemployment for 1970—I am convinced this proposed form involves questions entirely irrelevant to the purpose and nature of a census report. This additional problem area reinforces my desire to see congressional review of census procedures.

I hope the Committee on Post Office and Civil Service will review the desirability of asking the general population the following questions:

"How many bathrooms do you have?"

"Do you have air conditioning? If so, do you have one or two individual room units or a central air-conditioning system?"

And other questions of similar nature.

The absurdity of this procedure is brought home when one considers the penalty for "failure to comply" and answer these consumer-industry oriented questions is $100 fine or 60 days in jail. Any marketing survey for any consumer industry should, generally, not involve the taxpayers' money.

The emotional suggestion of "Big-Brother is watching you" is always a danger. The Congress has the proper duty of protecting the general population from harassing questions, unnecessarily personal questions, questions impossible to answer, and questions causing such resentment as to encourage the citizen to reject the entire form as objectionable, and thus undeserving of his effort to complete and return.

Mr. Speaker, our colleague, Congressman JACKSON BETTS, has introduced legislation calling for a statutory limitation on the nature and number of questions allowed in a decennial census. I support this effort and hope hearings can be held to determine the motivation and advisability of certain questions posed by the Census Bureau in the 1970 Census of Population, Housing, and Unemployment.

AGRICULTURAL AND BUSINESS CENSUS FORMS HARASSING

Mr. Speaker, I have introduced legislation which would limit the 1969 Agricultural Census. My bill, H.R. 15671, would place statutory limitations on the questions posed in the agricultural census. Certain questions on this form are duplications of information gathered by other Government agencies, and thus wasteful of taxpayers' money; some are confusing and harass the farmer needlessly; and some are entirely too prying into his decisionmaking process and his professional approach to farming. Such questions as "What were your expenditures for spray dusts, etc., used to control insects on livestock and poultry?" require recordkeeping considered unessential by most family farmers, and therefore harassing when demanded—under penalty—by the Federal Government.

The businessmen—the small businessmen—face the same harassment. The business census calls for information not normally kept by the small businessman, and thus is de facto harassment when the questions are complemented by mandatory answering requirements—under penalty of fine and jail.

VOLUNTARY REPORTS URGED

I urge the Congress to consider "voluntary forms" to be completed and returned, for other than essential, minimum information. Certainly enough farmers, businessmen, and householders will answer the voluntary queries to provide accurate statistics. Thus, we avoid the overburden of heavy-handed governmental demands for seldom-kept information.

I urge congressional action on my bill limiting the agricultural census, and Congressman BETTS' bill restricting the Census of Population, Housing, and Unemployment.

Mr. McCLOSKEY. Mr. Speaker, as set out in article I, section 2 of the Constitution, the primary purpose of the census every 10 years is the enumeration of the citizenry so that seats in the House of Representatives may be properly apportioned among the States. The census figures have subsequently become valuable to various agencies of the executive branch in determining the formula for grants in aid to the States.

The Constitution and our laws, however, have traditionally protected the individual against invasion of his privacy by the Government. We follow the simple principle that governmental intrusion and requirements on the people be strictly limited to those areas where public benefit is not only clear, but where a public danger results unless intrusion or regulation is imposed.

While it is true that many valid governmental programs might benefit by complete statistics on each person from the cradle to the grave, our history and customs steadfastly oppose only the most necessary questioning of individuals by the Government.

Particularly at this time in our history, where grave public suspicion exists as to the credibility and efficiency of our complex Government, is it important that the individual citizen not look upon his Government as an inquisitor. Similarly, the concept of imposing criminal sanctions on individuals for refusing to answer questions unrelated to the national security is not only distasteful but wholly unwarranted.

Against this background, consider the 67 questions proposed to be included in the forthcoming 1970 census. Some of these will pry into the most personal parts of a person's life. Do you share your shower? Why does the Government have to know how many times and when a person was married? Why must they know who has air conditioners? Why do they ask what country a person's parents came from? Other questions ask about veteran's status, level of education completed, income and bathroom facilities. Failure to answer any of these questions would make a person liable to a fine of $100 or 60 days in jail.

The threat that these questions pose to the individual's right of privacy is obvious, but the inclusion of the 67 questions recommended by the Census Bureau poses other problems. Experts estimate that with the relatively simple forms used in 1960, the Bureau failed to count 5.7 million people. Part of the reason may have been the difficulty many undereducated people had with the questions. With the more complex questions planned for 1970, this error is bound to increase. The forms used for the 1967 business census were so complex that many businessmen in my district had difficulty with them, sometimes taking as long as 2 full days to complete them. Thus not only would the new questions abridge our right to privacy, but they would also inhibit the primary purpose of the census, which is to count the people.

I therefore urge the passage of the bill I have introduced today, identical to Congressman BETTS' proposal. It limits the criminal penalty for failure to answer census questions to the seven most important categories: name, address, age, sex, race, head of household, and visitors in home at the time of the census. Other questions which are placed in the form at the request of other Government agencies, or which may be of use to private industry as market research, will still be on the form, but failure to answer them will not be punishable by law, and answers will thus be voluntary.

In these troublesome times, a great deal depends upon our ability in Congress to restore public respect for law and government. A system of law which threatens criminal prosecution for failure to answer unnecessary personal questions deserves sharp criticism.

Let us, therefore, do away with this particular aspect of paternalism in government by limiting the Census Bureau's power.

Mr. MESKILL. Mr. Speaker, I rise to congratulate my colleague the gentleman from Ohio [Mr. BETTS] and to associate myself with his efforts to obtain sensible revisions in the census questionnaire proposed for use in the 1970 census. The Congress must act this year if the desired changes are to be made in time to have millions of forms printed.

The proposed questionnaire is an intolerable attempt to probe into the individual and personal lives of Americans.

The 20-page document carries questions on 67 different subjects. Citizens would be required to answer all of them under threat of a 60-day jail sentence or a $100 fine.

On the questionnaire form are such questions as these: "Do you share your shower?" "How do you enter your home?" "Where did you live in October 1962?" "How many babies have you ever had?"

The questions on housing go into greater detail than ever before. They are far removed from the simple survey of dwellings and occupants which is all that the Government needs to know. Questions seek to discover the value of your property, the amount of your rent, and extensive detail concerning the contents of your house.

I doubt that the Government would get very accurate answers, anyway. It is likely that a great many persons would not have the patience, even if they had the desire, to fill out these forms. Many are likely to give inadequate or inaccurate information.

In any event, these are matters which are simply none of the Government's business and the Congress should forestall the administrations plans to get into them.

To do this, the gentleman from Ohio [Mr. BETTS] has introduced H.R. 10952, which I support. It would limit the official census to simple, direct questions which would meet the constitutional requirements for congressional redistricting. There would be only a few mandatory questions. All other questions which the Bureau of the Census wished to include would be marked as voluntary questions. The mandatory questions would include name and address, relationship to head of household, date of birth, sex, marital status, and other basic information. All information would be kept in the strictest confidence and used solely for statistical purposes.

This legislation would permit the Government to meet its constitutional duty of taking the census while protecting the individual's right of privacy.

I strongly urge its adoption.

Mr. HALPERN. Mr. Speaker, I have tried very hard to comprehend what overriding public purpose will be served by my answering a knock on the door—and having to tell the complete stranger who is standing there—how much rent I pay, whether I have a flush toilet, and where my mother was born.

My initial reaction to such questions would be to say, "That's none of your business." However, if I were to say that, I might wind up spending 60 days in jail, thinking about what else I could have done with that $100 I had to pay, in addition, as a fine.

These questions—and others equally ridiculous, prying and offensive—are going to be asked of every American householder in the 1970 census. As I say, I've tried to figure out why. And the more I think about it, the less I see any proper purpose for this kind of interrogation.

Now I am sure the Census people want to know how many children I have ever had, or how many times my wife and I have been married, or how my home is heated, or whether I share my kitchen, or what language other than English was spoken at home when I was a child. I do not doubt that they want to know everything. But that does not give them the right. And I resolutely believe in my right to close the door on this kind of snooping.

I fail to appreciate that the Government is serving any substantial public purpose in collecting this kind of information. What difference does it make how many television sets a person owns, or how his last marriage ended? Why should anyone have to account to the Government for these things?

And what is going to be changed by the answers? There is no suggestion that any legitimate governmental activity is being hampered by a failure to know—exactly how many people live in homes that have basements.

One gets the impression that this is a classic example of Parkinson's law: the Census Bureau is finding more and more things to ask, merely to give itself something to do and enhance its own importance. Yet, the danger is very real that our Government may become an informational pack rat, collecting a vast store of data on every citizen, without any conceivable application appropriate to a society cherishing freedom from Orwellian intrusion.

It is for this reason, that I have introduced H.R. 13536, which is identical to H.R. 10952, sponsored by my distinguished colleague from Ohio, JACKSON BETTS. This bill would limit the questions a citizen can be compelled to answer to seven: name, address, age, sex, race, head of household, and visitors in the home at the time of census. Other questions could still be asked, but they would be answered on a purely voluntary basis.

The present situation is intolerable in a free society. It is repugnant to me that the citizen can be forced to lay bare his present and his past, and to reveal many intimate details of his life—or be punished like a common criminal if he refuses. The right of privacy is traditional and sacred, and should not be compromised by the Government unless there is some strong and demonstrably important public interest to be served. For example, the Internal Revenue Service may inquire into the details of one's income, because there is a compelling public interest in the collection of taxes. But what compelling interest is served by these questions?

I am not satisfied by the typical justifications for collecting this trivia. It is so marvelously easy to explain in vague generalities: We should record how much rent each person pays because this has "something to do" with the Nation's housing; we should know how many toilets are shared because this has "something to do" with the Nation's sanitation. There is no end to this sort of reasoning. Everything has "something to do" with something else. The same rationale would justify forcing people to compute for the census taker the number of times per day each toilet is used.

It is that "something to do with" that I object to. I want to know exactly what this has to do with, and whether this information is really necessary to the national well-being or is just a lot of pernicious nosiness.

We are told that it would be "convenient" for the Government to have this information in order to better perform its services. But some people seem to have forgotten that Government, in this country at least, exists as much to protect individual liberty as to perform services. Freedom cannot survive in a society where the details of the ordinary citizen's daily life become a matter of Government record. There is nothing quite so characteristic of a totalitarian regime as the notion that one's private affairs are the concern of the state. How long will it be before people feel constrained to give the census taker the "right," the "correct" answers?

Before we permit the Census Bureau to encroach any further upon our private lives, I want to know who is going to use this information, and for what purpose. We have at stake here our individual dignity and self-respect, and until I get some good answers to my questions, I for one am going to insist that the Census Bureau limit theirs to items essential to the basic purpose of a census, that is, counting heads.

Mr. CONYERS. Mr. Speaker, I would like to thank my distinguished colleague, the gentleman from Ohio [Mr. BETTS], for taking this special order to allow us to discuss the vital issue of reform in the methodology of census taking. I would like to discuss one particular reform that I feel is needed both in taking the census and in compiling the data.

The problem is that of racial designation on the forms used in taking the census. No one will deny the need for such information in compiling statistics about the citizens of the United States; the point I would like to make is that previous census questionnaires have designated Americans of African ancestry as "Negroes." The word "Negro" is not a proper designation of the background of these Americans, who should be termed "Afro-Americans." The term "Afro-American" provides both the racial identification and the cultural heritage of the largest minority group in America. I feel that the majority of the black people in the United States would prefer "Afro-American" to the term "Negro" because the etymology of the word has offensive connotations to many.

In recent years, Afro-Americans have begun to feel increased pride in our race and heritage, both in our African ancestry and in our contribution to this country. It is only fitting that all America, including the Federal Government, give black people the recognition due them by making this substitution in terminology whenever a racial or cultural designation is necessary for statistical purposes.

We must also avoid the unfortunate oversight in the 1960 census. Several million Afro-Americans were not accounted for in the last census because they were not in the places where the census takers went for data. The very existence of these Afro-Americans was thus denied by not including them in population statistics, unemployment statistics, or appropriations, estimates, or any other place where it is necessary to have accurate information with which to work. I am aware that steps are being taken to prevent a recurrence of an incomplete census, but I wanted to bring to your attention that America has seemingly passed from the era of Ralph Ellison's "Invisible Man" to a decade of the nonexistent black man.

Mr. GALLAGHER. Mr. Speaker, I am delighted to join my distinguished colleague from the Eighth District of Ohio in discussing today the need for reforms in the 1970 Census of Population and Housing. There is certainly no more important or pressing issue facing our country.

As chairman of the Special Subcommittee on the Invasion of Privacy, I am particularly sensitive to the increasing need for continuous congressional scrutiny of all Federal programs to insure the traditional right to privacy of all American citizens. I am deeply concerned with the preservation of this right in the face of the instantaneous innovations in information-gathering procedures of both the public and private sectors. The gathering of personal data for the census deserves an especially close investigation because the stakes in terms of individual privacy are high.

The Bureau of the Census has decided to utilize a "mail out, mail back" system as the basic data collection procedure. Questionnaires will be sent to householders with the request that they fill them in and return them to the Census Bureau by mail. The new mail-out system will be supplemented by enumerator followup where necessary. I feel that this system, by reducing the number of persons who will handle the census information, gives an additional note of confidentiality. I commend the Census Bureau for this innovation and I feel that it reflects a concern for the issues of privacy that I have raised in recent years.

Mr. Speaker, the Census Bureau initially proposed to include in its 1970 questionnaire inquiries relating to voting habits, religious preferences and the social security number. At hearings before the Subcommittee on Census and Statistics of the Post Office and Civil Service Committee, chaired by our distinguished colleague, Congressman ROBERT NIX, I raised objections to these proposed questions on the ground that no matter how useful such information might be, whether to the Federal Government or private organizations, official recording of such information would pose grave potential dangers from a privacy standpoint. Subsequent to these hearings, the Bureau of the Census deleted those questions from the 1970 census.

The proposed requirement of the social security number particularly distressed me. The use of computers for storing and compilation of census data, combined with the addition of the social security number would enable the Census Bureau to correlate new census data with other past collections. The Census Bureau felt that the state of computer technology would permit protection of personal privacy to be built into such a system. On the contrary, testimony before my special subcommittee by the most knowledgable experts in the field discloses that no such protection is available at this time. There could be no discrimination between interested parties, be they benevolent or nonbenevolent. As Paul Baran, a computer technology expert for the Rand Corp. recently said:

> The safeguards built into the present generation of time-shared systems all suffer the defect of requiring the assumption of complete integrity of too many persons connected with the computer installation.

I am particularly concerned with the relation between the computer and census data, because the computerization of such data will give an easily adaptable base and beginning to a national data bank. Data bank supporters have exhibited a great interest in linking the data held by the Census Bureau with information in the files of the Internal Revenue Service. Such a compilation and collation of information would be a significant first step in the establishment of an unprotected National Data Center.

Mr. Speaker, officials of the Bureau of the Budget recently informed me that the National Data Center proposal has been put off indefinitely, at least until technical and legal safeguards can be developed to protect individual privacy. I think we have to keep in mind that the beginning of this National Data Center can be initiated by other agencies of the Federal Government and combination of census and IRS information would, as I have said, constitute a very real beginning and start a dangerous precedent.

The more sophisticated our technological tools become, the more susceptible our country becomes to a form of dictatorial rule. In the past, this statement was always highly hypothetical. The state of the art of computers brings us daily nearer to reality. The hated "Fragebogen" of Germany in the early 1930's only gives a small indication of the danger that centralized data holds for the people of a nation.

I am in the process of drafting legislation which would require the Bureau of the Census to submit its final list of questions to the Congress for review and approval. Under this plan, both the House and Senate would have an opportunity to instruct the Census Bureau to delete any question which unduly infringes on personal privacy or for which there is not adequate need for the information.

Mr. Speaker, the census has been collected and compiled for almost two centuries. From the first inaccurate and sketchy reports, the census has developed into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on this flow of data. It would be difficult to find an aspect of public or private life not touched or somehow shaped by census information. In the complex life of the second half of the 20th century the Federal Government needs, in order to carry out its constitutional functions, a vast and varied array of statistical information about the people of this country. The importance of this statistical information precludes mere polls or samplings. The most fundamental and serious question is: What questions may be properly asked by the Government, both from a standpoint of necessity of the information and from the standpoint of privacy. The Congress of the United States seems to me the agency of the people best suited to judge these considerations.

Mr. Speaker, privacy in America stands today at a crossroad. Technology has reduced the time span of judgment. We can no longer stand still and hope that answers to our dilemmas and protections for basic liberties will come with the due course of events. If such is our attitude, then we are surely doomed to be overtaken by the rapid events of technological progress. We must act now to provide, within our own system, the safeguards to insure that an ample measure of personal freedom and individual privacy remains. It will only be through a sensitivity to and recognition of privacy that this vanishing species of liberty can be saved.

Mr. SCHWENGEL. Mr. Speaker, the criticism voiced against present policies of the Census Bureau in the conduct of the population, business, and agriculture censuses are justified and should not be taken lightly. As the techniques of information gathering are improved and more extensive questions presented, a balance between proper inquiry and technological progress should be maintained. It is the necessity for restoring of this balance which I believe underlies the census debate today.

Letters from my constituents and reports from colleagues indicate a rising resentment over mandatory census questions. The number and personal nature of inquiries, beyond normal needs, understandably bothers many people. This is also the case among businessmen and farmers, especially where detailed questions require extensive research to supply information. The threat of a National Data Center which would use census reports as a basis for a dossier file on every American is of deep concern to me. I think the values and sentiments expressed by citizens and businessmen should be weighed carefully and contrasted with the needs of the Federal Government.

Although the Census Bureau receives the recommendations of many organizations in the preparation of its major censuses as to the questions most needed, these are principally statistical users calling for more extensive interrogation of society. The statistical givers, the John Does of America, are not represented on any Census Advisory Committee. Furthermore, it is troubling that Congress has not voted on decennial census policy since 1940. The oversight hearings periodically held with committees of Congress and the scattered public and journalistic outcries against census activities are inadequate to the reestablishment of a balanced census policy for the 1970's.

Back in 1954 an intensive review committee, appointed by the Secretary of Commerce, made an appraisal of census programs. This committee studied the gamut of census activities and presented recommendations to the Secretary for implementation. An intensive review of census operations, with particular emphasis on the four major censuses—Government, population, business, and agriculture—would be most useful today. I believe any such group should include spokesmen for citizen groups, such as religious, patriotic, business, farmer, and consumer organizations. Those concerned with the proper operation of the Federal Government in the context of constitutional protections against invasion of privacy should be participants in a revue panel of census programs. Several Members of Congress would add an important legislative dimension and anchor to public views if they were official participants in this task force.

Mr. Speaker, what I see then as necessary to untangle the many issues surrounding present census policy, is a special ad hoc committee appointed by the President or Secretary of Commerce, to undertake this responsibility. This is too important a function of government to drift without a coherent, balanced program with broad public support. I fear that public cooperation with the Census Bureau will continue to decline if action such as I propose is not followed:

Mr. DERWINSKI. Mr. Speaker, our distinguished colleague, the gentleman from Ohio [JACKSON BETTS], has very effectively dramatized the concern that Members are expressing on behalf of their constituents over the propriety and details that will be demanded in the 1970 census.

It has been noted that close to 6 million people were probably missed in the 1960 census and it certainly should be the first order for the Census Bureau to obtain an accurate count of our citizens before delving into questions which constitute an invasion of privacy. The census should concentrate on obtaining a valid count rather than concentrating on nonessential questions.

May I point out to the Members that the Internal Revenue Service has been under constant admonition to streamline their reporting forms so that citizens can properly and effectively file an income tax return. Despite this Internal Revenue Service forms for individuals as well as businesses grow more complicated annually. Obviously, the Census Bureau follows this bureaucratic pattern in that the 1970 forms to be used for 25 percent of the households are more complicated and difficult than those used in 1960.

There are needed reforms that could be made before the 1970 census of population, housing and employment is taken. It is my opinion that there will be a substantial interest exhibited by Members of Congress under the leadership of the gentleman from Ohio [Mr. Betts], and that the Census Bureau will adopt a fundamental simplification which would certainly be in the public interest.

GENERAL LEAVE

Mr. BETTS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mr. CLARK). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, I ask unanimous consent that the balance of my time may be allotted to the gentleman from South Carolina [Mr. WATSON].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

COMMUNISTS INFILTRATE POOR PEOPLE'S MARCH

The SPEAKER pro tempore. Pursuant to the order of the House, the gentleman from South Carolina [Mr. WATSON] is recognized for 58 minutes.

Mr. WATSON. Mr. Speaker, let me say initially that I appreciate the indulgence. The hour is late. I certainly do not propose to detain you any longer than is absolutely necessary.

I would say at this point that a number of the Members of the House wanted to participate in this special order but because of other commitments they had to leave. They have asked me, Mr. Speaker, to request at this time unanimous consent that all Members might have 5 legislative days to extend their remarks on this particular special order.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WATSON. Mr. Speaker, obviously yesterday I struck a nerve when I announced to the House and in turn to the American people that we were going to discuss the Communist involvement in the Poor People's Campaign now being conducted in the Nation's Capital, because only this morning I received telephone calls among which was a cowardly call—all anonymous—that I am a marked man and that I had better not say anything about this matter.

Well, I say in response to the man who made that call and to any others that if they think they can intimidate or harass me or any other Member of this House into not speaking his convictions on any matter, then they have another thought coming. Because down my way when you threaten a person—and I am sure that this applies North, South, East, and West—it is just like saying "sic 'em" to a bulldog.

I think some things need to be said. We have had statements from leaders here in reference to the Poor People's Campaign from down in "Resurrection City." I hope the good Lord will pardon those who use that expression. One of the young members down there more properly described it as "Insurrection City" because it is an explosive situation if ever you have seen one.

There are upward of 5,000 people to be involved very soon. They seem to have no direct program or definitive plans. According to the old adage, the idle brain is the devil's workshop, I tell you it will be miraculous even if the Communists were not involved, for this Nation not to experience some tragic days in the weeks ahead.

I think, Mr. Speaker, that Americans throughout this country are asking the question, What is wrong up here? Is the Congress powerless to do anything about this situation?

The people are asking, Are we helpless? Have we turned everything over to those who resort to anarchy and who would say, "I do not care what the Congress does or what the Executive does or what anybody does, I am going to do exactly what I wish"?

I believe your people are asking that question. Certainly my people are. Are we going to sit back and say nothing?

This situation, in my judgment, has reached an alarming state. People can get up and make the statement, as did the leader of this campaign yesterday, and I quote him.

He said on Monday that demonstrations "more militant and more massive than have ever taken place in the history of the Nation" will begin in a few days.

His name is Ralph Abernathy and he goes further to say, before a cheering mob in "Resurrection City, U.S.A." that "We are going to raise hell."

Well, I happen to have a twin brother who is a minister and I am sure most of you are not familiar with that kind of language coming from a man who purportedly is a member of the clergy. But it appears that so many of these people, automatically, in order to qualify for a leadership position in this particular movement acquire a clerical robe in order to make them appear sanctimonious. This places them beyond the law and beyond criticism.

Let me say, Mr. Speaker, that just recently a leading spokesman for the Poor People's Campaign predicted that on Memorial Day approximately 1 million people will be in the city of Washington for a demonstration of some sort. This seems to be a rather ambitious pronouncement, especially in the light of the difficulties being encountered by the march leaders even to obtain sufficient food and shelter for the some 3,000 or so poor people expected to reside in the tent city.

In my judgment this statement is only another example of how leaders of the Southern Christian Leadership Conference and other coordinating groups for this march are not only misleading District and Federal officials but, in addition, are misleading their own people.

In fact, it seems to me that a gigantic credibility gap is being created more and more every day by this entire spectacle here in the Nation's Capital. Possibly it had its beginning last year when the late Dr. Martin Luther King first announced a campaign for the poor. It apparently reached a semiclimax just recently when the House Public Works Committee publicly withheld reporting a bill or asking a rule for a bill denying access to public parks or areas for a camp-in until the march leaders, with Federal and District officials, could work out an agreement for alternate sites.

Let me say this parenthetically at this time: Are you aware of the fact that just a short time ago the Department of the Interior, a Mr. Fitch, denied a permit for a Baptist group which has never been identified with any violence in any shape, form, or description, to parade in the Nation's Capital. They wanted to march to the Capitol Building for a centennial observance on October 10th to the 13th and applied for a permit some months in advance, and the reason for the denial of that permit was because of the tense and explosive situation existing in the Nation's Capital? Oh, you talk about double standards and discrimination.

What is happening in this Nation of ours? Are we going to be blackmailed into succumbing to the wishes, the whims, and the desires of people who consider themselves above the law? I submit that I do not believe the Members of this Congress will acquiesce to such demands. I believe the Members of this Congress are going to stand up and be counted and tell the Executive that we still have law and order in this country and the law must be enforced regardless of the political consequences.

Mr. Speaker, today I must report to the Congress and the American people another episode in the apparent "lie technique" which has characterized the so-called Poor People's March or Campaign. In doing this I fully realize that certain segments of society will brand me as a racist, as a witch hunter, or some other equally derogatory name, which is always, if you will, used to describe anyone with whom they happen to disagree. However, let the chips fall where they may. I am not in the habit of backing down from a fight. I call the shots as I see them.

The people of my congressional district have placed their faith in me, just as yours have placed their faith in you, and I believe it is our responsibility to respond to that confidence and to be honest in relating the facts as we see them. To do less, Mr. Speaker and my colleagues, would be a dereliction of our duty as a Member of this august body.

Therefore, Mr. Speaker, I must report today a serious matter which a number of my colleagues have alluded to before—that of active Communist involvement in the Poor People's Campaign. I know some Members would automatically say, "The Communists are supporting this campaign. Anyone knows that." Certainly, the Communist Party in its last convention in New York announced that henceforth there would be two main thrusts in its operation. The first was to move into youth areas. No doubt, I am sure, we could rightly conclude that some of the disorders and agitation on the college campuses of America today have come about as a result of this particular thrust of the Communist Party. The second thrust, of course, is in the so-called civil rights field.

I am sure we could perhaps even rely upon a secret memorandum which was sent out on May 1 by one William L. Patterson, a longtime Communist Party functionary, which was sent to all Communist cells throughout America and those who cooperate with them, calling for full support of what he called the new revolution in America.

I am certain some of us have seen this memorandum. I did not see it myself, but it has been called to my attention. Even Gus Hall announced recently in a public TV program that Communists were giving their full support to this particular movement.

Let me say at this juncture that I am not in any way accusing the leaders of this campaign of Communist Party affiliation. I am not one who sees a Communist behind every tree and a Communist behind every bush.

I am not suggesting that the Communists are in total control of this particular campaign, but I am going to inform the House of a highly secretive meeting which took place last month in Atlanta, Ga., that definitely links prominent members of the Communist Party with the Southern Christian Leadership Conference leaders. This 2-day meeting was originally scheduled for 3 days. It took place on April 25 and 26 at the Interdenominational Theological Center, 671 Beckworth Street, Southwest, in Atlanta, Ga. Actually it had been scheduled for the 27th, but they concluded their business the night of the 26th.

Mr. Speaker, this meeting supposedly was a routine meeting of the board of directors of the Southern Conference Education Fund, Inc., which usually meets in November and April.

May I say parenthetically at this time to some of my liberal friends, if you are in doubt as to what prominent liberals think about the Southern Conference Education Fund, there are statements to be included in the RECORD made by the late Eleanor Roosevelt when she disavowed any affiliation with this group because of its Communist activity.

In addition, Ralph McGill denounced this particular group.

This group has been cited as a Communist-front group since 1956 by the Senate Internal Security Subcommittee. SCEF claims among its ruling hierarchy no less than five members who have been previously identified as Communists.

In that connection, I will return later to the activities of this group which are well known as a result of various investigations.

This meeting of SCEF was somewhat unusual in that its principal topic of discussion was the so-called Poor People's March on Washington. In attendance at this meeting were Carl Braden and his wife, Anne, whose Communist identities are certainly well known to any reasonably knowledgeable American. Included in the 20 or so others in attendance were Rev. Fred L. Shuttlesworth, one of the original founders of the Southern Christian Leadership Conference now sponsoring this march, and Rev. C. Kenzie Steele, who presently serves as a first vice president of the SCLC.

Of course, there were other prominent Negro civil rights workers or supporters at the meeting in addition to these names I have mentioned. We shall point to them later.

Actually, it was not unusual for this group to gather, since everyone there has been involved in the affairs of SCEF for many years. In fact, this group's activities have been watched over by the FBI as well as the Senate Internal Security Subcommittee and also the House Committee on Un-American Activities.

In the first place, the meeting was controlled by hard-core Communists who, by the way, are white. Carl and Anne Braden are white people who are deluding, deceiving, and exploiting these poor people even at this very moment. And it is tragic that the leaders of the Southern Christian Leadership Conference would become the stooges and the dupes of such people as Carl and Anne Braden, whose involvement in Communist-front groups dates back to 1950, according to the available records.

At this particular meeting they chided Shuttlesworth and Steele for not giving them, or SCEF and the other Communist organizations, greater recognition for their role in promoting the Poor People's Campaign. Carl Braden went so far as to say that he had just returned from Washington and while there had succeeded in gaining financial support as well as personal commitments to assist in this campaign, and further contended that he was instrumental in drawing up the final plans for the march while he was in Washington. Apparently Shuttlesworth and Steele accepted the Braden story. They had no reason not to accept it.

Let me inject at this point that there is no wonder, and should come as no surprise, that Braden the Communist and others are helping Abernathy, because Abernathy was the first man to sign a petition asking for executive clemency or the release of Carl Braden when he was convicted of sedition in the State of Kentucky and sentenced to 15 years in prison and a $5,000 fine. Incidentally, Braden has frequent correspondence with the Communist Robert Williams, the man in exile in Cuba and Communist China. He is the one who is sending all of these inflammatory pamphlets and leaflets into America telling Americans how to construct a Molotov cocktail and how to paralyze the various cities of America.

These are the people with whom we are dealing.

Both Steele and Shuttlesworth have served with Braden in SCEF for years and they know him to be a tireless worker in their movement, which allegedly is used to further civil rights causes. No one really challenged Braden's right to infuse his energy into the Poor People's Campaign despite the fact that he and other Communists had a notorious record of un-American activities.

At this meeting Shuttlesworth proposed that SCEF formally adopt a resolution of support, both monetary and in terms of personnel for the campaign here in Washington. But in that resolution they proposed the inclusion of the term "nonviolent."

We have all heard that term. It is standard so far as the vocabulary of the leadership of the SCLC is concerned. But, you know, I cannot quite understand a man who would go out and say, "We are going to turn this place upside down, we are going to have more militant and massive demonstrations than we have ever seen in history," "We are going to raise hell," and yet at the same time say it is going to be "nonviolent." I do not believe he would even be able to get the poor people to believe such "poppycock" as that.

Braden was opposed to the use of nonviolence because he said it was outmoded and archaic and that the campaigners have to be more militant. This is why he suggested that this term be stricken, and it was done. In lieu thereof a resolution was adopted calling for massive militant civil disobedience, whatever that is. That is the idea which became the theme of the final resolution that was passed by SCEF on April 25 and 26. It is interesting to note that Braden apparently appeased Shuttlesworth and Steele by pledging his support to Steele as the next president of the Southern Christian Leadership Conference in the event of the death of Rev. Ralph Abernathy. Steele, who is now serving as the first vice president of SCLC, was one of the original founders of this organization. Many observers feel that he should have succeeded the late Dr. Martin Luther King. However, Braden also indicated that he holds the Reverend Jesse Jackson in high esteem, and he feels that Jackson would make a good successor to Abernathy. Jackson has been recognized as the unofficial "mayor" of Resurrection City, although I understand that Abernathy was accorded that title last evening. Apparently, Braden's influence upon naming the leadership of SCLC is very substantial.

Of course, the birth of SCLC grew out of bus boycotts in several southern cities in 1955–56. Four leaders, including Steele, called a founding meeting of what was to become the Southern Christian Leadership Conference in Atlanta on January 10–11, 1957. The call to the conference was jointly issued by Steele of Tallahassee, Dr. Martin Luther King, Jr., of Montgomery, the Reverend T. J. Jemison of Baton Rouge, and the Reverend Fred L. Shuttlesworth of Birmingham.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. WATSON. Yes, sir. I will be glad to yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I thank the gentleman from South Carolina for yielding to me.

Inasmuch as we are discussing the role of the Southern Conference Educational Fund in connection with the billionaires' promoted Poor People's March here in our Nation's Capital, I would apprise the gentleman from South Carolina that Carl and Ann Braden and their front, the Southern Conference Educational Fund, have arranged on this Saturday coming for a meeting at Charleston, W. Va., apparently to include writers and workers from the States of West Virginia, Kentucky, Tennessee, Virginia, and North Carolina. The main announced speaker in their propaganda is one Rev. Andrew Young, who, according to the Evening Star paper of last night, is identified as the vice president of the SCLC. According to their format the meeting will be at John Adams Junior High School, at Dickerson and Lewis Streets in Charleston, W. Va. The announcement states:

> This will be in preparation for the May 30 demonstration of the Poor Peoples' Campaign in Washington.

Movies are to be shown at 9 a.m., and the program will start at 11 o'clock. In the afternoon there are to be work sessions on welfare, taxes, elections, education, roads and bridges, co-ops, and youth.

I raise the question "why" Carl and Ann Braden, convicted Communists from the State of Kentucky, would be interested in roads and bridges unless they are completing their sinister plans to block the traffic in our Nation's Capital, to block the roads and bridges through our Nation's Capital City in conjunction with the announced Memorial Day, May 30, demonstration? But certainly this meeting and top level planning with identified Communists is clear evidence of Communist leadership in the so-called Poor Peoples' March.

I thank the gentleman from South Carolina for yielding to me. I did want to bring him up to date on this latest development.

Mr. WATSON. I appreciate the gentleman's comment.

So far as what their plans might be, I, for one, would not put anything beyond them.

Mr. RARICK. Will the gentleman yield further?

Mr. WATSON. Yes.

Mr. RARICK. I might add that the Braden invitation just referred to ends up naming telephone numbers and individual names and reads:

> Also, if you plan to come and do not have funds, please contact so and so. He is on the steering committee of the PPC.

Which I assume would be the Poor People's Campaign here in Washington, D.C., which for some obvious reason has tentacles that go right back to the Bradens in Charleston, W. Va. In other words there may be poor dupes in the march but the Bradens are well enough fixed to finance the poor—provided they can use them.

I thank the gentleman from South Carolina again for yielding.

Mr. WATSON. I thank the gentleman for his contribution.

Now, Mr. Speaker, we want to talk about others who attended this meeting and the discussions. Of course, the record of Carl Braden as an agent of the Soviet Union is practically endless. He has been prominently identified with no less than 15 Communist front organizations. He was indicted by a grand jury in Louisville, Ky., on October 1, 1954, on a State law against sedition, criminal syndicatism, and advocacy of forceful change of the Government. On December 13, 1954, he was convicted of advocating sedition and sentenced to 15 years and a $5,000 fine. In 1956, while his appeal was pending in the Kentucky Court of Appeals, the Supreme Court decision in the Nelson case, ruling that State sedition laws have been replaced by Federal law, was handed down, and Braden's conviction was nullified.

Mr. Speaker, House Report No. 1278, 87th Congress, first session, entitled "The Truth About the Film Operation Abolition," contains an explanation of the specific charge against Braden and others, and at this point I would like to include it as a part of my remarks.

The report follows:

THE TRUTH ABOUT VERNON BOWN

CLAIM

(*a*) The film says that Vernon Bown is a Communist although the committee's own hearings in San Francisco indicated that he is not a member of the Communist Party.

(*b*) The film also says that Bown was one of the "Louisville Seven" charged in 1954 with "sedition, destruction of property, conspiracy to destroy property to achieve a political end, and contempt of court," but does not point out that Bown was acquitted of these charges.

FACT

(*a*) During the morning session, Friday, May 13, the committee introduced certain documents in the San Francisco hearings—including some written by Bown himself—which revealed that, as a result of a policy disagreement with higher officials in the Northern California District of the Communist Party, Bown in 1959 was unwillingly ousted as the organizer of a Communist Party section embracing members of unions traditionally in the A.F.L. and was finally expelled from the party itself.

These documents indicated that Bown was expelled from the party despite the fact that he had the support of other Communists in his club and section in his dispute; that he was never informed of the charges made against him by higher party officials; and that neither he nor any of the Communists who supported him were allowed to attend his "trial."

During the San Francisco hearings, Bown and three identified Communist Party members who had supported him in the dispute with the leadership invoked the fifth amendment in response to questions about this controversy and Bown's expulsion.

Bown, during the San Francisco hearings, invoked the fifth amendment on *current* party membership.

In his report on the San Francisco riots, J. Edgar Hoover reveals that on May 6—about a week before the hearings—Mickey Lima, chairman of the Northern California District of the Communist Party, informed other party members that he had already met with Bown to insure that Bown would be a hostile witness at the hearings. This indicates either that Bown was again in the party and under its discipline—a willing supporter of, and collaborator with, the party despite his expulsion from it—or else in fear of the party and, therefore, obedient to Lima's orders though not a member.

The fact that on May 13, Bown, his wife, and stepdaughter were all arrested as rioters would indicate that it was not fear, but rather obedience to orders as a party member or eagerness to work with the party while technically outside it, that guided his conduct.

The committee does not claim to know if Bown is today—or was on May 13, 1960—technically a member of the Communist Party. It may be that he has been restored to membership since his 1959 expulsion. Inasmuch, however, as he has given absolutely no evidence that he has broken with communism—though he may still be technically outside party ranks—the film's description of him as a "Communist"—(not as a "party member") is accurate. A person can be a Communist, a believer in the Marxist-Leninist philosophy, and an active collaborator with a national Communist Party and the world Communist movement, without being a formal member of a Communist Party.

(*b*) Bown was never "acquitted" of the charges made against him.

On September 24, 1954, a Louisville, Ky., grand jury indicted Vernon Bown for contempt of court and for placing explosives under a house. In October 1954, the same grand jury indicted him for sedition. In November, a new grand jury indicted Bown for sedition, on the charge of damaging property to achieve a political end. Other persons indicted with him on this charge included Carl Braden and his wife, Anne Braden; I. O. Ford; and Louis Lubka.

The above indictments and an earlier indictment of Carl Braden on charges of sedition grew out of a dynamite explosion under a house in a Louisville suburb. The explosion took place at about 12:30 a.m., on Sunday, June 27, 1954. The house at the time was owned and occupied by a man named Andrew Wade IV, a Negro, and his family.

An organization called the Wade Defense Committee immediately demanded a grand jury investigation of the explosion. One followed.

The grand jury took over 1,000 pages of testimony from 53 witnesses. The indictments of Bown, the Bradens, and others grew out of its proceedings. In the course of its investigation and the sedition trial of Carl Braden which followed its indictment of him, the following information was developed.

On May 10, 1954, Carl and Anne Braden, both members of the Communist Party, at Wade's request and with his money, had bought the house in which he was living at the time of the explosion, informing the seller of the house that they intended using it for their own residence. On the following day, the Wades began moving into the house, and on May 13 the Bradens gave Wade the deed to the house. The Bradens had known the Wades for 8 to 10 years and, on two previous occasions, had tried unsuccessfully to buy a home for them in a white neighborhood.

The Wade Defense Committee was set up shortly after the Bradens bought the house. Bown, the Bradens, and all others indicted as a result of the grand jury investigation, as well as other persons with pro-Communist records, were members of this committee.

The committee adopted various measures to publicize the fact that the Wades had moved into a white neighborhood and to develop this into an inflammatory issue.

Anne Braden called the police, ministers, and a priest to protest threats allegedly made against the Wades. Letters of a similar nature were sent to churches in the area, both white and Negro. A radio script prepared by the committee claimed that bankers, real estate men, and hoodlums were attempting to drive the Wades out of their home. Carl Braden prepared a press statement for Wade in which the latter said: "We intend to live here or die here."

A police guard for the Wade home was requested—and provided. The Wade Defense Committee also provided "guards" for the Wades. Bown "volunteered" and, when he took up full-time residence in the house before the explosion, brought a rifle and shotgun with him. (Eighteen or more firearms—high-power rifles, ".22's," shotguns, and pistols—were found in the Wade home after the explosion.) In addition, although the Wades had a combination radio-TV set and a clock radio in their home, Bown bought a new portable radio, of the combination battery-electric current type, before moving into the house. He gave up his guard duty and moved out of the house immediately after the explosion.

The Wade home had a crawl space beneath it. The only entrance to this space was a small, window-size opening off the driveway. No fuse or wire was found running outside the house after the explosion. For this reason and because of the presence of the guards on the outside and around the house, the grand jury found that it would have been "impossible" for the explosive to be placed under the house by an outsider and that it had to be an "inside job," done by "someone having easy and ready access" to the house.

Bown's portable radio was found under the house in a damaged condition after the explosion. It was set to work on batteries rather than on current. Its speaker was missing. The set was suspended by wire from a nail that had been driven into a joist of the house. A piece of wire with its insulation scraped off was also found beneath the house. A terminal out of Bown's radio battery appeared to have been the point for connecting the explosive.

Melvin Edwards, another "guard" on duty with Bown at the time of the explosion, was familiar with the use of explosives—and Bown himself had knowledge of electricity and radio repair.

A radio expert testified that Bown's radio could have been used to detonate the dynamite that caused the explosion. Wade admitted in his testimony that he thought Bown's radio might have been used to set off the explosion.

At the time of the explosion, the Wades and their guards were outside the house or on the porch on the side opposite from where the dynamite had been placed beneath it. None, therefore, were injured by the explosion. The Wade child had been left with the grandparents for the night.

The residence which Bown had shared with I. O. Ford before moving into the Wade house was searched. In addition to large quantities of Communist literature, a letter was found which had been written to Ford by a California Communist. This letter, dated after the explosion in the Wade house, congratulated Ford on the good job he was doing in Louisville, referred to damage that had been done to the home of a Negro in California, and commented on the agitation that had developed there because of it.

A letter was also found in Braden's possession which had apparently been written to him by Giles Cooper, a Communist Party organizer of Lexington, Ky. It contained a newspaper clipping, datelined Manchester, Ky., which told of the dynamiting of a store owned by a Negro in that city on July 5, 1953. A note from Cooper to Braden, written on the margin of this clipping, requested that resolutions and letters on the bombing be called to the attention of Negro and labor organizations. Cooper also wrote "I was maybe 20 miles away"—meaning, apparently, 20 miles from the scene of the explosion at the time it occurred.

Bown invoked the fifth amendment when asked if he owned the radio found under the Wade house; if he had ever taken a radio under the house, and if he was a member of the Communist Party.

When asked if Bown had ever been under the House, Wade testified:

I can only say that he did look under the house, and I don't know that, but my wife told me he had mentioned looking under there just for curiosity.

Bits of Bown's radio were found scattered about in the crawl space under the house. Bown testified he did not believe his radio was used in the explosion and that it had probably been damaged upstairs and part of it had then fallen through the hole in the floor made by the explosion. This, however, was impossible for two reasons:

(1) Bown's radio, as previously mentioned, was found suspended from a joist *under* the house, and

(2) parts of it were found under *undamaged* portions of the floor.

Bown testified that he had attended a radio school for a short time. He refused to say if he owned books and pamphlets on electrical work and the repair of radios and other appliances—but such pamphlets and books were found in his room, plus the kind of wire used for electrical connections.

Bown also testified that he had left the Wade house after work on Friday (a little more than 24 hours before the explosion); had gone to Milwaukee and Racine, Wisconsin; and then returned to Louisville Sunday afternoon, after the explosion.

If, as the Communists claimed, white racists were trying to drive the Wades out of their home, guards were needed more urgently after the explosion—because there was no telling what these people might do next. Despite this, Bown, the volunteer guard, moved out of the house. The morning after the explosion and his return to Louisville, he rented a room in a boarding house owned by a member of the Wade Defense Committee.

The grand jury found that all the evidence in the case seemed "to cause a reasonable person to believe beyond a reasonable doubt that Bown set off the explosion."

Braden was tried and convicted of sedition, received a 15-year prison sentence, and was fined $5,000.

Bown and the others were scheduled to be tried in November of 1956. Shortly before this, however, the Supreme Court handed down its decision in the Nelson case, which invalidated all State sedition laws. This meant that Braden, who was then in jail pending an appeal of his conviction, was freed and that Bown and the others could not be tried. The Kentucky law under which they had been indicted had been invalidated.

Contrary to the claim of those who attack the film, Bown was not "acquitted" of the charges made against him—and, although he escaped trial, the evidence against him accumulated in the grand jury proceedings and in the trial of Carl Braden has never been refuted.

Mr. Speaker, Carl Braden was also indicted on sedition charges by a Pike County, Ky., grand jury, September 11, 1967. However, he and four other defendants were freed when the sedition statute was ruled unconstitutional by a U.S. district court. At this point I would like to include an article from the Advertiser, a Lafayette, La., newspaper of September 13, 1967, describing the nature of the charges against him:

Braden Is Indicted for Sedition

An identified Communist who has been in the news in Lafayette and other Louisiana cities in connection with Un-American Activities hearings of a state legislative committee has been indicted for sedition in Kentucky, according to the Associated Press.

She is Ann Braden, a leader in the Southern Conference Education Fund (SCEF) and editor of The Southern Patriot.

The Braden woman and her husband, Carl, who has also been identified as a Communist were indicted Monday with three Pike County, Ky., poverty workers on sedition charges by the Pike County Grand Jury.

Named in the indictment were Ann and Carl Braden of Louisville, leaders of SCEF, Mr. and Mrs. Alan McSurely, field workers for SCEF in Pike County and Joseph Mulloy, Appalachian Volunteer staff member in the county.

POVERTY WORKERS COLLABORATE

The latter three were arrested Aug. 11–12 following raids on their homes, which, according to Pike County Commonwealth's Atty. Thomas Ratiff, produced a "truckload of seditious material." The Associated Press reported that the indictment charged that a "well organized and well financed effort is being made to promote and spread the Communist theory to overthrow the government of Pike County." The jury report said Communist organizers have been sent to Pike County by "racial organizations which have paid and supported them.

"Some employees of the Appalachian Volunteers and other federally-financed antipoverty programs have collaborated and cooperated with known Communist organizers," the AP account said. The jury added that "local officials of the Appalachian Volunteers have cooperated with known Communist organizers."

When the Louisiana Joint Legislative Committee on Un-American Activities exposed a Communist on the War on Poverty payroll, an undercover agent identified the Braden woman as the one who introduced the person who tried to recruit him into the Spartacist League, a Communist organization.

The legislative committee identified the recruiter as Virginia Y. Collins, who once earned $4200 a year in the antipoverty program and who also worked for the director of SCEF in New Orleans. SCEF has been identified by congressional and legislative committees as a Communist transmission belt. The Southern Patriot is the house organ of SCEF and a representative of the paper attended the Lafayette hearing.

Braden was convicted of sedition in 1954, but the state court of appeals overturned the decision on the ground that the federal government has jurisdiction in the field of sedition. Braden once served a year in jail for contempt of Congress.

Mr. Speaker, Carl Braden was also convicted of contempt of the House on January 30, 1959, and was sentenced to 1 year in jail. On March 16, 1959, his motion for a new trial was denied by the U.S. District Court in Atlanta, and on February 27, 1961, the Supreme Court affirmed the contempt conviction. He surrendered on May 1, 1961, to begin serving his 1-year prison term.

In turning to his wife, Anne, we find a record of subversive work which almost parallels that of Carl.

In 1954, during the sedition trial of Carl Braden before the grand jury in Louisville, Mrs. Alberta Ahearn, a rebuttal witness, testified that she had been doing undercover work for the FBI in a Communist cell of which Carl and Anne

Braden were members. Again, in 1957, Mrs. Ahearn appeared before the Senate Internal Security Subcommittee and testified that Carl Braden and his wife, Anne, recruited her into the Communist Party, and that both were members of most of her Communist Party cells. Actually, Anne Braden's Communist activities indicate that she has been involved in more front groups than Carl.

In addition to the Bradens, the names of other very interesting persons turned up at the SCEF meeting last month. They include one, Alan McSurely, a white male, who together with the Bradens was indicted for the sedition charges in Pike County, Kentucky. It is also interesting to note that the reason for the indictment stemmed from a confiscation from McSurely's home of Communist propaganda used allegedly during his tenure as an antipoverty worker.

Another interesting participant in the 2-day meeting was the Reverend Jack Richard McMichael, a white male, who has long been associated with various Communist causes. McMichael testified before the House Committee on Un-American Activities denying earlier sworn testimony by four witnesses that he was a member of the Communist Party. In view of the direct conflict between his testimony and that of other witnesses, the committee voted to transmit the matter to the Department of Justice for consideration of possible perjury prosecution. However, you guessed it, the Justice Department failed to prosecute.

May I say this at this point. We are dealing here with people who are extremely smart. We are dealing with the question of the intelligence and shrewdness of these particular individuals, people who are able to manipulate others who are not aware of the facts of life.

Mr. Speaker, at this point I would like to submit for the Record an abstract from the committee's annual report for the year 1953, which summarizes testimony by and about McMichael:

Jack Richard McMichael

As has been reflected in other parts of this report, the House Committee on Un-American Activities is charged by the Congress with the investigation of subversive activities wherever they may be found.

In the hearings held in New York City in July 1953, the committee heard the testimony of Manning Johnson and Leonard Patterson, both of whom had been members of the Communist Party in the United States. Both Johnson and Patterson had testified for the Government in the prosecution of Communist leaders in the Smith Act cases, as well as before the Subversive Activities Control Board. The efforts of defense counsel in these cases to shake the testimony of these witnesses failed and their testimony has been unimpeached.

In the course of his testimony, Manning Johnson, on July 8, 1953, testified as follows:

"Mr. Scherer. Mr. Johnson, do you know of any other person who was an officer of the Methodist Federation [for Social Action] at any time who was a member of the Communist Party?

"Mr. Johnson. Yes; the Reverend Jack McMichael was a member of the Methodist Federation.

"Mr. Scherer. What was his connection with the Methodist Federation?

"Mr. Johnson. He was executive secretary of the Methodist Federation for Social Action up until 1953.

* * * * *

"Mr. Scherer. How did you know that Reverend McMichael was a Communist?

"Mr. Johnson. Well, during the period that I was member of the Communist Party, during the thirties, Jack McMichael was a member of the national committee of the Young Communist League, and he was also a member of the Communist Party, and from time to time he met with the now fugitive Communist, Gilbert Green, who was head of the Young Communist League at that time, and he attended occasionally meetings of the national committee of the Communist Party with Gilbert Green.

"Mr. Scherer. Was Reverend McMichael still a member of the Communist Party when you left the party?

"Mr. Johnson. Yes; he was."

During the same New York hearings, Leonard Patterson furnished the committee with the following testimony:

"Mr. Kunzig. When you were in the Young Communist League, did you ever know one Jack McMichael?

"Mr. Patterson. Yes.

"Mr. Kunzig. What position did he hold in the Young Communist League?

"Mr. Patterson. He was a member of the New York District of the Young Communist League and was a member of the top faction of the Young Communist League and the Communist Party in the American League Against War and Fascism. Also he was a member of the top faction of the American Youth Congress that was organized around 1934.

"Mr. Kunzig. You knew him then as one of the leading members of the Young Communist League?

"Mr. Patterson. Yes.

"Mr. Kunzig. I hand you a document marked 'Patterson Exhibit No. 1' for identification. I am very carefully holding my hand over any names mentioned and in passing you this document marked 'Exhibit No. 1' for identification. I show you a picture and ask you if you recognize that person?

"Mr. Patterson. Yes.

"Mr. Kunzig. Who is that?

"Mr. Patterson. That is the McMichael as I recognized in the Young Communist League together with me from 1931 until I went out in 1935.

"Mr. Kunzig. Let the record show, Mr. Chairman, that the witness has identified a document which is a photostatic copy of an article from the New York World Telegram, September 15, 1951, headlined 'Controversial Federation Retains Methodist in Name.'

" 'Body Reelects Reverend McMichael,' and then there is a picture under which appears the name of Reverend McMichael."

On the basis of this testimony, the committee called the Reverend Jack Richard McMichael, who is presently pastor of the Methodist Church at Upper Lake, Calif. The Reverend McMichael denied that he had ever been a member of the Communist Party. During the course of the hearing, the witness was confronted by Manning Johnson and the witness denied knowledge of him.

The committee also received the testimony of John and Martha Edmiston who stated they had met with the Reverend McMichael during May or June 1940 at the Southern Hotel in Columbus, Ohio, the occasion being a meeting of the Ohio Youth Congress.

The Reverend McMichael contended that his diary indicated that he was not in Columbus, Ohio, during the period of May or June 1940, and he denied that he knew Martha or John Edmiston.

In view of the conflict in testimony, the committee voted that the testimony of Manning Johnson, Leonard Patterson, Martha and John Edmiston, and the Reverend Jack R. McMichael be transmitted to the Department of Justice for consideration of possible perjury prosecution.

Mr. Speaker, there are other names of those who attended the meeting whose identification with Communist fronts appears endless. Included among these is Miriam Nicholas, who is a close associate of the Bradens, and Mrs. Clarice T. Campbell, a white female, who was a principal participant in a conference called in 1962 by Carl Braden entitled "Ways and Means to Integration in the Deep South." Braden was highly successful in being able to use this conference to infuse Communist Party objectives into the civil rights movement in a manner acceptable to the majority of the attenders who apparently were unsuspecting and unaware of this Communist influence.

As I pointed out earlier, most of those attending the meeting who possessed questionable loyalty to the country were white. They have managed to identify themselves with humanistic causes and as a consequence have managed to convince unsuspecting loyal Americans black and white of their desire to eliminate poverty and other social ills, whereas in fact and in full truth they are only using that as an excuse to reach their ultimate objective, and that is the overthrow of our form of government.

It is alarming and indeed tragic, but the Bradens have tremendous influence and that influence has manifested itself in the Poor People's Campaign taking place in Washington at this moment. The Atlanta meeting of which I speak is an excellent example of how Communist rhetoric carefully wrapped up in the blanket of humanism conceals their real objective—to further the ends of international communism. An example of their ability to incite violence and project themselves as the true support of civil rights causes was clearly evident in Newark. No less a Negro militant than playwright LeRoi Jones has pointed this out in a dialog which took place on WCBS radio.

Mr. Speaker, I would like to include at this point as a part of my remarks a news account from the Daily Journal, Elizabeth, N.J., on April 13, 1968, describing this interview with LeRoi Jones, when he cited the activities of the Communists, and their agitators, in the riots that were held in the city of Newark:

Newark Blacks, Whites Cite Agitation by Reds

Newark.—Negro poet-playwright LeRoi Jones joined white militant and police captain Friday in charging that leftists had attempted to foment trouble among area Negroes following the death of Dr. Martin Luther King.

Jones, who is free on bail while appealing a weapons charge stemming from last summer's riots, said: "We found that a lot of the turmoil and a lot of the kind of riotous situation has been caused by instigators, people with no interest in the community except to cause riotous conditions. . ."

RADICAL GROUPS

"There are white-led so-called radical groups, leftists groups that are exploiting the people's desire for power . . . exploiting it and actually using the black people as a kind of shock troop to further their own designs . . ."

Jones was referring to unrest in the predominantly Negro Central Ward of this city following the recent death of Dr. King.

Some rock-throwing, looting and fire bombing incidents were reported but major trouble did not erupt.

Jones' statements were made in an interview over WCBS radio.

Also interviewed was Anthony Imperiale, president of a militant all-white North Ward Citizens Committee.

He declared: "We believed that the Communists and Trotskyites—persons who have no interest in the City of Newark except to cause destruction—on behalf of possibly Moscow or Peking—came in here and helped these riots."

POLICEMAN AGREES

Newark Detective Captain Charles Kinney added that leftwingers were responsible for much of Newark's racial woes.

"I have prepared a full report and I am accusing the New Left," Kinney said.

"This group has come to our city and it has been operating for some four years, and has been active in fomenting the trouble that we've had in the City of Newark."

Jones and Imperiale, who represent widely different viewpoints, were among the black and white militants invited to a conference by Newark Police Director Dominick A. Spina shortly after the death of Dr. King.

The 33-year-old Jones, an avowed black nationalist, was convicted in 1967, along with Charles McCray, 33, and Barry Wynn, 23, of illegal possession of weapons during the July riots which cost 26 lives.

He is free under $25,000 bond pending an appeal of his 2½ to 3 year sentence.

Mr. Speaker, the Southern Conference Education Fund, which is certainly aiding and abetting the Communist conspiracy, has been exposed on a number of occasions. However, it continues to operate under the guise of a legitimate civil rights organization in order to further its goal of racial revolution in the United States, and the Communist conspiracy in this land. It has been repudiated, as stated earlier, by no less American liberals than the newspaper editor, Ralph McGill, of the Atlanta Constitution, and the late Mrs. Eleanor Roosevelt.

At this point, Mr. Speaker, in order that the Members might read these documents for themselves, I ask unanimous consent to insert copies of these records from Mrs. Eleanor Roosevelt, and others in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The material referred to follows:

THE ATLANTA JOURNAL,
THE ATLANTA CONSTITUTION,
Altanta, Ga., December 10, 1953.

Hon. AUBREY WILLIAMS,
Publisher, Southern Farmer,
Montgomery, Ala.

DEAR AUBREY: First off, it seems to me your letter is a little vulnerable. Obviously, if Dombrowski wanted to make advertising use of one of my columns, I haven't gone over to the mob. Therefore, I can't quite follow your long lament and your suggestion that I have succumbed to fear. If you are willing to spend money to advertise the fact that I had acted courageously in one breath, I don't quite see how you can in the next one mourn my fear.

At any rate, I put next in evidence my frequent, and I believe, strong condemnation of McCarthy and McCarthyism as further exhibit that I have not at all gone over to the mob to which you refer.

Thirdly, now let me say just as firmly as I can that I do not have any idea of denying you. I will always admire you and respect you, but with Jim Dombrowski it is different. I never have accepted him, and I, therefore, don't have to deny him. I am awfully sorry to say so, but I have no confidence in Jim Dombrowski. The Southern Conference for Human Welfare did degenerate into a Communist front outfit, and as far as I am concerned, Dombrowski is one of those chiefly responsible for allowing it to do so. He and Clark Foreman, in my opinion, betrayed Mark Ethridge and Barry Bingham by an ardent bit of fellow traveling with the Communists who were in it.

I have no idea whether Dombrowski is a Communist, but I have no slight doubt but for at least 25 years he has, in my opinion, been running with that pack. You say you have been hissed off the stage by Communists on at least two occasions. You will never find where Dombrowski was hissed off any stage by any Communist.

So as far as I am concerned, the Southern Conference Education Fund was set up after the Southern Conference for Human Welfare died and, as usual, a number of sincere people were pulled into it. If this disappoints you I am sorry. I am going right on opposing McCarthyism, and I hope I will go on writing columns which the Southern Conference Education Fund might like to run as paid advertisements. But I am also going right along believing that the Southern Conference Education Fund is, as far as Dombrowski can make it, a fellow traveling outfit, and I repeat again, I want no association with it, however indirect or remote. If this hurts you, Aubrey, I am sorry, but that is the way I feel about Dombrowski.

I must add that I wouldn't know him if he walked in the room. It seems to me that I did meet him a good many years ago, but I do not recall what he looks like, nor do I know a single one of his associates, friends or relatives; therefore, I can say very emphatically that I bear him no personal ill will, nor do I have any malice in my heart for him. I simply do not trust him, nor do I have any confidence in his political integrity.

Cordially yours,
RALPH MCGILL.

ATLANTA, GA.,
December 8, 1953.

JAMES A. DOMBROWSKI,
Director, Southern Conference Educational Fund, Inc.:

I am having a notarized copy of this wire made. I regret it. But it is necessary for me to emphatically refuse permission to reproduce in any manner whatever in any of your publications the column to which you refer. I also must emphatically refuse permission to use it as an advertisement. I also notify you in advance that I will take legal action if any such use is made of it by your organization which I consider to be a fellow travelling outfit with which I wish no association whatever however indirect or remote.

RALPH MCGILL,
Editor, Atlanta Constitution.

NEW YORK CITY, N.Y.,
April 18, 1960.

DEAR MR. DOMBROWSKI: Thank you very much for your letter.

I will not make any public announcement of my decision and I would hope that none need be made. Just drop my name from your literature.

When you come to New York, I will always be glad to see you, but don't make a special trip.

With every good wish,
Very sincerely yours,
ELEANOR ROOSEVELT.

VAL-KILL COTTAGE,
Hyde Park, Dutchess Co., N.Y., May 11, 1947

MY DEAR MR. DOMBROWSKI: In answer to your letter of April 23rd, I feel I should write you quite frankly as to my feelings.

I think the idea of the Southern Conference for Human Welfare is basically sound, and provides a method by which Southerners can speak out.

I think recently that some of your associations have given your enemies a chance to label you communist and it seems to me that you should have avoided giving your enemies the basis for such a charge.

In the case of the Columbia, Tenn. episode, I understand that Mrs. Durr refused to serve with the NAACP unless the communist party was represented on the Committee. Under other conditions, that might have been a good thing, but the situation there was difficult enough without giving the opposition additional ammunition.

I have heard from many people that the Conference, perhaps because of necessity, was devoting itself to the raising of funds instead of concentrating on the real job.

I tried working with American communists, as you know, and have long since given up trying. I cannot work with any one who is not completely honest and American communists are not honest. I know that often they work for the same objectives, and do good work, but that does not alter my opinion.

Very sincerely yours,
ELEANOR ROOSEVELT.

Mr. WATSON. It is unfortunate, Mr. Speaker, that this group claims among its most active members some who are also leaders in the Southern Christian Leadership Conference. But this is the case. I am not saying that SCEF controls SCLC, or vice versa. But, the two organizations are completely woven together through their mutual membership and leadership, and I believe the objective of SCEF is to promote the Communist conspiracy. Its president is the Reverend Fred L. Schuttlesworth, one of the original founders of the SCLC. On the board of directors are people like the Reverend C. K. Steele, the Reverend James A. Zellner, and Ruby Berkley, all of whom are prominent in the civil rights movement. And, of course, Shuttlesworth and Steele are equally as influential in the SCLC, which has been the main organization responsible for the Poor People's Campaign here.

I am convinced, Mr. Speaker, that substantial Communist planning and actual implementation of the Poor People's Campaign is a fact, and is beyond speculation. Campaign leaders have made the mistake of playing ball with people like Carl Braden and his fellow travelers, and this can only result in disaster for them, and for the American people. They are being duped by these Communists and, knowingly or unknowingly, I believe, are falling into a carefully prepared trap. Just as Carl Braden and other white Communists purposely helped a Negro move into an all-white neighborhood in Louisville, and then with cold, deadly calculation blew up his home for the purpose of stirring up racial trouble, so are they capable of doing the same thing, or maybe something even more drastic, such as setting fire to the tents in Resurrection City, and blaming it on other people.

In conclusion, Mr. Speaker, my views of the Poor People's Campaign have been made clear. I testified both before the distinguished Committee on Public Works of this House and the distinguished Committee on the District of Columbia.

Frankly, I am not going to indulge in any further discussion so far as this particular matter is concerned. But suffice it to say, I believe it was a serious mistake initially to grant them a permit, in view of the admitted potentially explosive situation that exists here.

Mr. Speaker, I have revealed the details of this secret meeting, controlled by known Communists, with a profound influence upon the campaign.

We all know how tense this city is. We do not know what the campaign leaders really want other than their announced objective which is "to disrupt and to dislocate the Government of the United States".

Mr. Speaker, I think most Americans suspect that Communists are supporting this campaign. But I have pointed out they are not only supporting this movement, but are actually working with the leaders of the Southern Conference Leadership campaign.

Additionally, the question must be asked, Where is the money coming from? The SCLC leaders contend that they have serious money problems. But they must have already received vast amounts of money to get this far. Certainly the poor people would not be able to finance any effort of this magnitude. Thus far the only announced contribution of any size has been a $25,000 anonymous contribution.

Mr. Speaker, reason with me. If this goal is so altruistic—if this objective is so praiseworthy—if this is for the best interests of the American people—why would any contributor not want to be publicly identified as making a $25,000 contribution?

The American people can draw their own conclusions. But it might help you in drawing yours, if I would recall some of the testimony that was given under oath a few weeks ago before the House Committee on Un-American Activities when a prominent member of the Newark Police Department told us about three or four of these professional agitators who absolutely were dead broke and suddenly they made a trip to Prague, Czechoslovakia. When they came back, money was no particular problem.

This is sworn testimony by a man who was directly involved in the investigation of the riots in the city of Newark.

Mr. Speaker, regardless of the consequences, I have been fair with the American people and my colleagues in the House. I think something should be done to let the campaign participants know about the Communists who are involved. They must be apprised of this, and then let them denounce these Communists, if they really do not want to work with them.

Most importantly I think it is incumbent upon us to let the American people know what is happening here in order that not only might we say, "God save America," but that we as Congressmen might have a little part in helping the Almighty save this great country of ours.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER. That may be done with the consent of the Member having a special order at this time.

Mr. FISHER. Mr. Speaker, I have a special order at this time and I ask unanimous consent that 5 minutes of my time may be allotted to the gentleman from South Carolina [Mr. WATSON].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from South Carolina [Mr. WATSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I yield to the gentleman.

Mr. DICKINSON. Mr. Speaker, I would just like to pay my compliments to the gentleman now in the well. I think he has performed a much needed and valuable service here in bringing out some of the facts known to some of us but not known to a majority of the people.

Those of us who have been closely associated with civil disturbances in the past, I am sure, are not too surprised at the evidence that has been presented here.

As a matter of fact, 3 years ago I pointed out from the very spot in which the gentleman now stands that the so-called civil rights march on Montgomery was led by what seemed like a "Who's Who of the Communist Party" in the United States.

I think the gentleman has been most circumspect in his presentation here. I do want to commend him and associate myself with his remarks, and simply add one additional comment. I think the gentleman has very purposely avoided mentioning one fact that is glaring, and that is that the predecessor of Reverend Abernathy, Martin Luther King, was even more prevalent in his associations with the Communist Party than is Reverend Abernathy, if that is possible. I thank the gentleman for yielding.

Mr. WATSON. I thank the gentleman from Alabama.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Texas.

Mr. FISHER. I also commend the gentleman for the very excellent address that he has delivered, which I believe is very timely, quite appropriate, and very much in the public interest.

Mr. Speaker, everyone sympathizes with the plight of poor people. There is reason to believe, however, that many of the 3,000 said to be encamped in the city of Washington at this time are victims of misleading representations as to what they can expect to accomplish by coming here.

The gentleman from South Carolina [Mr. WATSON] has provided documented evidence pointing to possible Communist connection with the march. Only recently a map charting the course of the "March of the Poor" was published in the Communist publication, The Worker. It traces the routes of the marchers from Jackson and Marks, Miss., Memphis, Chicago, and Boston. This may be called a coincidence, but it serves to confirm the active interest the Communist Party, U.S.A., has in this invasion.

Mr. WATSON. I thank the gentleman from Texas.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Louisiana.

Mr. RARICK. I certainly commend the gentleman from South Carolina for his courage, foresight, and wisdom in speaking out on the facts to get the truth to the American people so that they may be honestly apprised of the nature of the time bomb in our backyard.

Of course, we all love poor people. The Lord must love them—that is why he made so many of us. But we certainly cannot sit idly by and in silence watch poor people being exploited into what we have every reason to conclude will eventually turn into an attempt to link the civil rights movement and poor people with agitation involving our sons in Vietnam, or to thwart our peace talks in Paris. Yet, according to a wire to the local SCLC's leaders from the Vietcong leader, Ho Thu, the campaign here operated with the Braden's guidance was praised by the North Vietnamese Communists as "an offensive against the ruling circles" in America and would put "more weight behind the demand for an end to the war in Vietnam."

I again thank the gentleman for yielding and praise his contribution to enable our people to learn the truth.

Mr. WATSON. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I would also like to thank the gentleman for bringing this most timely matter and subject to the attention of the Congress and the people of this country.

Mr. Speaker, there is no question in my mind that the Poor People's March is being partially sponsored and directed by the Communist Party.

The gentleman from South Carolina [Mr. WATSON], has given you the names, dates, and places where known Communists have met with leaders of the Southern Christian Leadership Conference in planning the Poor People's March to Washington.

The Congress of the United States and the American people will have to recognize and believe that the Communist front organizations in the United States are giving funds and leadership to the occupants of Resurrection City.

The Communist pattern is to stay in the background as much as possible, but the poor people's camp is a place for them to openly exploit.

They are taking this opportunity, by directing this group, to attempt to bring the mechanism of this Government to a complete stop, causing confusion and chaos in the Nation's Capital.

Mr. NICHOLS. Mr. Speaker, we appreciate the gentleman from South Carolina pointing out to the House and to the country the evidence he has presented today. It is important that all sides of this so-called Poor People's

March be made known to the American taxpayers who will eventually spend several million dollars to protect the demonstrators and clean up after them. I have seen some estimates that if the camp-in continues through the summer as it is expected to, the total cost to the taxpayers will be some $15 to $20 million.

I do not have any direct evidence that there is any massive Communist infiltration of this demonstration. But in the past, Communist sympathizers have been attracted to such demonstrations, and always manage to make their presence felt. This was true in the Selma to Montgomery march, in the recent peace demonstrations at the Pentagon, and other peace demonstrations and civil rights demonstrations across the country.

In a recent article written by Washington Reporter Paul Scott, it was pointed out that student militants were being recruited in New York by Robert Collier, a disciple of the Cuban Communist revolutionary Che Guevara. Collier was convicted of a plot to blow up the Statue of Liberty, the Washington Monument, and the Liberty Bell. He has been working closely with officials of the Southern Christian Leadership Conference in planning this march. FBI Director J. Edgar Hoover has said that there is evidence the recent student uprisings on many of our Nation's college campuses are Communist oriented. Now many of those leaders are planning to come here to join the camp-in in Washington.

Many of those who participate in the demonstrations such as we are witnessing here are probably not Communist sympathizers. But they unknowingly help the cause of the Communists by their actions. Although the leaders of this demonstration at times claim to be nonviolent, they nevertheless encourage violence by their statements. Just this afternoon in the Evening Star, Reverend Abernathy, the SCLC leader, was quoted as saying that the demonstrations here would be, "more militant and more massive than have ever taken place in the history of this Nation." He went on to say that—

> We're not going to burn it down, we're just going to straighten it out. What we are going to do is sleep at night out here, but we're going to raise hell in the daytime.

Statements like these certainly do not lend themselves to keeping the demonstrations peaceful.

Even without the explosive nature and the threatening attitude of these demonstrators, the camp-in would still be a sad and tragic venture. There is a fight on among the various civil rights organizations for leadership in this field. The poor people who have been brought here by promises of a new life are being used by those involved in the leadership fight. The leaders do not care so much about the poor people as they do advancing their own selfish causes. I believe Congress should make it explicitly clear that it does not intend to be threatened into passing massive welfare programs, and that no action will be taken until this monstrous demonstration ends.

The **SPEAKER**. The time of the gentleman from South Carolina has expired.

THE PUBLIC INTEREST REQUIRES RETENTION OF PRESENT PERCENTAGE DEPLETION FORMULA FOR INCOME TAX PURPOSES

The **SPEAKER**. Under previous order of the House, the gentleman from Texas, [Mr. FISHER] is recognized for 15 minutes.

Mr. **FISHER**. Mr. Speaker, recently there has been a most disturbing recurrence of demands for reduction or elimination of percentage depletion for income tax purposes, as applied to the production of oil and gas.

Such a development would be contrary to the public interest, as I shall undertake to demonstrate during the time allotted to me today.

It is understandable that many people are not aware of the harm that would result not alone to the industry but also to rank-and-file consumers throughout the land and those other industries which rely upon oil and gas as a source of energy.

Only recently a U.S. Senator, now a candidate for President, raised the issue by lumping percentage depletion with other alleged "loopholes" in our income tax laws. A number of ultraliberal organizations have joined the parade, along with Playboy and other magazines. In addition, it has become a popular pastime for certain columnists, more interested in selling script than in being factual, who find this a popular topic to belabor. And there are some who mean well but are simply uninformed.

It is apparent that most of these people either do not know or do not care about the reason and justification for this method of treating income taxes by those engaged in the oil and gas industry.

The fact is that even under present policies this industry is beset with many major difficulties today, and I am referring in particular to independent producers who do much of the prospecting for the industry. They would do more of it if they could afford to. Even though we are supposed to have a strict limitation on excessive competitive imports, the Government now permits the limitation to be exceeded by 390,000 barrels daily. This serves to undermine the program's objective of assuring adequate oil supplies for the American market.

Already there has been a 12-year slump in drilling operations. Many operators have been forced out of business. In 1957 there were 14,700 exploratory wells drilled; in 1967 only 8,620 were attempted—a 40-percent drop.

Despite this dilemma, the attack on percentage depletion has gained many converts, particularly among the gullible, the demagogs, and those who are always looking for a whipping boy. Let us examine the facts relating to percentage depletion in the oil and gas industry for a moment.

It is an easy matter to determine depletion or depreciation for an investment in a business property. A shoe factory, for example, which costs $100,000, can be depreciated at the annual rate of 5 percent for 20 years because it represents a capital investment.

But in the case of an oil-producing property there is not the value of a plant to be recovered. Yet there is the capital investment. Recognizing that the discovery and development of minerals is unique, different minerals are accorded different depletion rates, depending upon the investments, the risks, and the cost of production. In the case of oil and gas, the producer is permitted to recover, taxwise, the value of the underground oil in productive wells. He would then be enabled to reinvest the recovery in another search for new wells.

While the operator can deduct up to 27½ percent of the gross revenue from each producing property, there is a limitation of 50 percent of net income derived from the property.

This concept of percentage depletion became law in 1926, applied to about 100 different minerals. It took the place of depletion based upon "discovery value," which had been adopted 8 years earlier as an incentive for new oil discoveries to fill a pressing need. The latter created an administrative nightmare because of the bickering over values. Hence the percentage depletion formula adopted in 1926.

WHY THE 27.5-PERCENT DEDUCTION?

Now, why the figure of 27½ percent as applied to oil and gas? The Treasury Department, after an exhaustive study, recommended more than 30 percent as a proper figure. And the compromise was 27½ percent.

It has been this percentage depletion which has enabled the oil and gas industry to meet the Nation's mounting peacetime requirements and the extraordinary demands in time of war.

It must be kept in mind that we are dealing with a wasting asset which cannot be planted, grown, and harvested. Nor can it be produced in a shoe factory. It is produced in uncertain quantities only after exhaustive search, fraught with uncertainty. Unlike other enterprises, its production is subject to the principle of diminishing returns and increasing costs because no producing well is inexhaustible. Indeed entire oilfields are gradually depleted and exhausted. As one saying has it:

> When you find oil you start going out of business.

Thus, unlike the manufacturer who can measure his investment in terms of economic value, the oil producer has little or no way of assuring success commensurate with investment. He knows that when he pours a hundred thousand dollars into a well that the venture is fraught with risk. He can only hope for profits. He may get nothing.

Even with modern technological developments in this area—geophysical tools such as the gravity meter, the magnetometer, and the seismograph—there is simply no degree of certainty regarding discoveries. The only known way to find out is to spend and drill—and hope.

It is recorded that of every 100 wells drilled in unproven areas, an average of only three find enough oil or gas to recover the costs incurred.

Thus we can see the difference there is in discovering and developing a paying petroleum operation and the investment that is made in an ordinary business venture.

We have behind us four decades of success in the application of this depletion formula for meeting our ever increasing demands. Oil and gas furnish nearly three-fourths of our Nation's energy. Today the United States consumes almost as much petroleum as the rest of the free world combined. And it is only by retaining this depletion concept that we can have any assurance of an abundant supply of energy for the future needs of our expanding industrial complex.

Under these circumstances it would indeed be a reckless gamble with our future for the percentage depletion, which has stood us in such good stead in the past, to be tampered with. It is a risk we can ill afford to take.

PERCENTAGE DEPLETION HAS PROVEN ITS WORTH

Mr. Speaker, we do not need to speculate on the worth of the present system. It has worked. The entire Nation has reaped the benefits of this phenomenal record of discovery and development of new oil and gas fields. Without them where would we be today? It has enabled prices to consumers to be held at a very reasonable level. It has enabled fuel costs to be reduced to a small portion of the cost of manufactured goods. Such costs to consumers are generally far below such costs in most countries of the world.

And the indisputable record reveals that the profits of the oil and gas industry has been in line with those of industry generally.

A 1962 report prepared by the National Fuels and Energy Study Group was made for the Senate Committee on Interior and Insular Affairs. It contained the following:

> The economy of the United States rests upon a small base of energy. National income originating in the energy industries is only about 4 per cent of the total national income.
>
> Consumers, manufacturers, and government spend but a small proportion of their incomes in the purchases of energy—household consumers about 5½ per cent, manufacturers 1½ per cent, and government possibly 3 per cent. Despite the expanding use of energy these proportions have remained fairly constant.

It follows that the American consumers have a tremendous stake in maintaining a thriving oil and gas industry. As their troubles mount, the consumer's prices must go up.

Moreover, the degree of stability in this industry is directly interlinked with hundreds of thousands of good-paying jobs. There are 300 refineries, 30,000 distributors, and 200,000 service station operators to think about—to say nothing of those who drill and maintain the wells, the pipelines, and allied suppliers and processors.

NATIONAL SECURITY IS DIRECTLY INVOLVED

As we consider this subject let us not overlook its relationship to national defense. We must think in terms of what is needed to maintain a powerful and adequate defense posture in a world of mounting dangers. It is from this source that fuel is provided for planes, tanks, and ships. And petroleum gives us the basic ingredient of conventional explosives. We must never allow ourselves to forget the vital, if not decisive, role of oil in both major wars. It will be recalled that shortage of fuel grounded much of the German Air Force during those crucial periods of World War II, and served to curtail Hitler's ground forces. We cannot and must not assume that any part of future wartime requirements can be met by imports.

FUEL SHORTAGES CAN HAPPEN HERE

It should be remembered, too, that at the end of World War I there was widespread fear among knowledgeable people that future supplies of petroleum were alarmingly uncertain and precarious. Indeed in 1920 the U.S. Geological Survey predicted that at the then current rate of discoveries and consumption the United States would run out of oil by 1938. And a Senate committee report in 1923 warned that the price of gasoline to the consumer would likely soon reach $1 per gallon.

But soon the Congress reacted, and by percentage depletion a favorable climate was created for more risks, more discoveries, more production to meet the urgent needs of the people and of industry.

WE MUST BE SELF-SUFFICIENT

Suppose that at some period in our immediate future we should find ourselves dependent upon the importation of oil from the Middle East fields, particularly during a national emergency. Already that source of supply is becoming increasingly uncertain. We got a taste of that only recently. More and more, the Arab countries are today playing footsie with the Soviets. Iraq and Russia recently signed an oil pact, giving the Russians their first foothold in the Persian Gulf.

This development adds to the importance of continuing to find and develop new oil reserves here in our own country. And the demands for domestic consumption are increasing every day. Energy demands by 1980 will be 50 percent higher than they are now. The Secretary of the Interior recently predicted that this country will consume 78 billion barrels of oil and 283 trillion cubic feet of gas during the next 14 years. This represents more oil and gas than was consumed in the previous 107 years of the petroleum industry's existence. And the population explosion will give us 300 million people by the turn of the century.

Our experts claim this oil and gas can be found. But that must be based upon the assumption that the present incentives to explore will be retained in our laws.

Mr. Speaker, percentage depletion as applied to mineral production is not a "loophole," as some contend. It is a carefully devised formula for applying simple equity to industries in that category. Now, of all times, it is imperative that for the sake of national security, in the interest of consumers and the labor force, and the enormous demands of a fuel-demanding industry, that we retain our present formula for treating the income for the most risky business in which one can engage—the exploration for oil and gas.

STATEMENT ON PUBLIC OPINION POLLS—LEGISLATION TO REQUIRE DISCLOSURE

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. NEDZI], is recognized for 30 minutes.

Mr. NEDZI. Mr. Speaker, it is entirely coincidental that my remarks should come on the same day of the remarks of the gentleman from Ohio pertaining to the census, because I am going to speak on a different kind of a census, which is the public opinion poll, which I believe all of us now recognize as a major factor in American politics.

Public opinion polls are important because voters and public officials and newspapers and magazines have made them important.

Of course, polls are subject to use, and abuse, for political advantage. Of course, the expenditure of millions of dollars of campaign money rides on the pollster's tea leaves. This year, we even saw an announced candidate for President, a man from my own State, bow out of the race before the bell sounded for round 1. The polls did it.

Louis Harris once referred to election polling as "the glamour girl of social research." It certainly is. For better or for worse, election polling and polls on political issues seem destined to prosper and grow.

Who checks the accuracy of these polls? To some extent, the pollster himself does, for he has an obvious interest in establishing a reputation for accuracy. But does anyone else? I think not.

Polls are obviously capable of abuse by the pollster and by publications and by candidates.

The intelligent citizen who wants to know whether the polls do accurately reveal public opinion is quite helpless in the face of a lack of either verification or background information.

There is no way for the Congress or the voters to determine the accuracy or inaccuracy of polls.

I believe it is time to shed a little sunlight on pollsters and their polls.

I am not arguing against the existence of polls. I am arguing in favor of considering some safeguards against possible abuses.

In my opinion, polls are almost inevitably opinion forming as well as fact-finding.

I believe an impartial, low-key, objective congressional hearing on the methods and techniques of pollsters, their influence, their good and their bad, is needed.

Congressional hearings may well enhance the reputation of pollsters rather than diminish it.

Therefore, I am introducing legislation this week which would require public opinion pollsters to make certain disclosures as a safeguard against misrepresentations and misunderstanding.

My bill, named the Truth-in-Polling bill, would apply only to polls relating to elections, political candidates, and political issues which are published in newspapers or magazines of general circulation. I am not including polls on such things as church attendance, clothing fashions, and the like.

The disclosure called for includes the name of the person who commissioned the poll, the method used in compiling the sample, the number of people in the sample, dates within which the polling was done, question content, the method by which the pollee was interviewed, whether by telephone, person to person, or by mail, completion rate, and numerical results of the poll.

Most people are fascinated by polls while retaining a nagging doubt about them. On the one hand, one's personal experience supports the belief that getting interviewed by a pollster is almost as rare as being struck by lightning. On the other hand, we are an impatient people who like to know in advance. We are baseball box-score addicts, and stock market watchers and public opinion poll readers.

The sampling of public opinion by privately conducted polls is a phenomenon that is largely American in origin and development. As political people, we Members of Congress know that such polls have become a fixture in our public life. They seem to satisfy the yen of the public, and of the politician, for "the inside dope."

I believe this is a legitimate area for congressional inquiry, with our attention focused on these questions: First. Are public opinion polls trustworthy? Second. Do public opinion polls guide opinion as well as measure it? Third. Is some public disclosure necessary as a safeguard against misrepresentation or misunderstanding?

Polls are obviously subject to use and abuse for political advantage. Does anyone doubt, for example, that political candidates circulate the results of favorable polls to convention delegates?

Political figures can be damaged by adverse polls for a "bandwagon" psychology may develop against them and campaign funds may dry up. Of course, counterarguments can be made to this proposition.

I know of no previous congressional investigation on polls. I am suggesting, therefore, that Congress collectively, in its investigative function, be at once a historian, a statistician, and a psychologist and build a bank of knowledge on the subject.

Hearings could determine to what extent polling is a science, or an art, or merely a rough measure of political gossip.

I realize that both political parties have at one time or another attacked the pollsters. Usually, the party figuring itself damaged makes the attack.

I hope that pollsters, academicians, and politicians will have a desire to testify at hearings. Pollsters, for one, have a vested interest in keeping their polls free from all possible cause for legitimate criticism.

Would "trade secrets" be jeopardized? I doubt that the practices, methods, and techniques are that secret. I would be surprised if pollsters would decline to tell Congress with complete candor, the methods by which they analyze and report public opinion.

Personally, I look forward to hearing from these gentlemen. We know census-takers have some difficulty in obtaining complete cooperation from citizens. Yet the pollsters' staffers, often part-time housewives and students, seem able to secure the most sacred opinions of people who allegedly form a cross section of the public. I look forward to learning how this miniature electorate is formed and how its opinions are extracted.

Politicians do not like to "fly blind." Historically they have sought to "feel the pulse" of their constituents by personal contacts arising out of regular trips back to their districts. Few can afford frequent polls of an extensive statistical nature. But all of us like to know what is going on in the minds of our constituents.

Of course, you cannot run a government if you have to take a poll every time you have to make a major decision. Nor do we. But polls do play a role from time to time.

Congress, and the people we represent have a right to know. I hope my colleagues and the pollsters will agree.

OUR MERCHANT FLEET

The **SPEAKER**. Under a previous order of the House, the gentleman from New York [Mr. ADDABBO], is recognized for 20 minutes.

Mr. **ADDABBO**. Mr. Speaker, if ever the action of this House was proved justified I believe the passage by the House last year of H.R. 159 to establish an independent Federal Maritime Administration and its prior action of preventing the Maritime Administration from becoming a part of the Department of Transportation was thoroughly proven correct by Secretary of Transportation Alan Boyd's statement of May 20, 1968, before the Senate Subcommittee on Merchant Marine and Fisheries.

We who supported H.R. 159 and opposed the takeover of the Maritime Administration stated at that time that such takeover would destroy our merchant marine and that it could only be preserved and properly expanded for the good of our Nation, if it were given its own spokesman.

Secretary Boyd's statement of May 20, setting forth the so-called new maritime policy proves the objectives to destroy our American shipping and make us reliant on foreign shipbuilding and supply.

When we are seeking to create a better balance of payments, how can we justify greater foreign shipbuilding?

History has proven the primary need for a strong merchant fleet and facilities for repairing and building. The new policy would not only further destroy our merchant fleet but would completely destroy our building facilities which, as proven by the destruction of the Brooklyn Navy Yard, can never be replaced in facilities as well as trained personnel. This not only directly affects our economy but would also directly affect our national defense.

Mr. Speaker, it is imperative now, before any further deterioration of our merchant fleet, that H.R. 159 become law and that H.R. 13940, setting forth a true, meaningful maritime policy, be reported out and passed and we continue to oppose any takeover by the Department of Transportation of the Maritime Administration as this would indeed be the death knell of our merchant fleet.

PROVIDING SAFETY REGULATIONS FOR CHILDREN'S SUMMER CAMPS

Mr. **DANIELS**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **DANIELS**. Mr. Speaker, soon 6 million American children will be leaving their homes for summer camp.

Perhaps many Members of this House are unaware that the old discredited rule of caveat emptor, let the buyer beware, prevails when you send your child to summer camp. For as a practical matter there are in too many States, no regulations governing safety qualifications of camp personnel or sanitation.

In order to correct this situation, I have introduced a bill in this House identical with one introduced in the other body by the able junior Senator from Connecticut [Mr. RIBICOFF]. My bill, H.R. 17131, provides for the establishment of minimum safety standards and grants to the States to effectuate these standards.

In order that each Member may know what, if anything, his State is doing in the area, I have asked the American Law Division of the Library of Congress, to prepare a summary of State legislation governing summer camps.

Mr. Speaker, under unanimous consent I include this report in the RECORD:

[From the Library of Congress, American Law Division]

STATE STATUTES PROVIDING SAFETY REGULATIONS FOR CHILDREN'S SUMMER CAMPS

The following information is supplied in response to your request for a summary of any specific legislation enacted in the fifty states regarding safety regulations for summer camps for children. Due to the varied indexing systems employed in the State codes, it is possible that there exists legislation on this subject in some States not listed below. Likewise, since most 1968 session laws have not yet been made available for consultation, any recent enactments or amendments would not be included here. In those instances in which such legislation was located, the provisions were usually coupled with those relating to health regulations. Although it can be stated generally that there is of course some relationship between health and safety, only those sections, or parts of sections, of such laws concerning actual safety standards, or if the health requirement is so closely associated with a safety factor as to be nearly synonymous, are summarized. In addition, there are provisions in various States which could apply to children's camps, e.g., in *Colorado* (C.R.S. § 66–22–4) certain safety standards are prescribed for swimming areas, and in *Washington* there is a statute (RCWA 48.48.040) calling for minimum standards for buildings, for the prevention of fire and the protection of life and property. However, since no specific reference to camps is made therein, such enactments are not included here. Also, mere State enactments calling for the registration or licensing of any camp for children is not included, e.g., *Pennsylvania*—35 P.S. §§ 3001 to 3004, and *Rhode Island*—R.I. Gen. Laws Ann. §§ 23-21-2, 23-21-2.

This survey was made only with regard to State legislation. It is possible that such regulations exist on a local level, i.e., county, school district, city or town, and in some States such local authorities are given specific authority to adopt health and safety codes, e.g., *Mississippi* (Miss. Code, § 3374-80) provides that any municipality within the State can adopt, in its discretion, any code dealing with public health, safety or welfare or a combination of same. Also, safety standards may be regulated to some degree on a voluntary basis. Many private camping associations seem to provide certain safety standards which must be met by their members.

ARIZONA

(A.R.S. §§ 8-551 to 8-567)

§ 8-554: Every children's camp shall be located on well-drained ground near an adequate safe water supply.

§ 8-555: The general layout of a children's camp shall be planned to lessen fire, accident and disease hazards.

Other provisions deal primarily with health rather than safety, e.g., toilets and disposal systems (§ 8-557), food storage and preparation (§ 8-558), and garbage (§ 8-559).

CALIFORNIA

(West's Ann. Health & Safety Code § 18897 to 18897.7)

§ 18897.2: The State Director of Public Health shall adopt and enforce such rules and regulations for establishing minimum standards and for regulating the operation of "organized camps" as he determines are necessary to protect the health and safety of the campers. The Resident Camp Standards of the American Camping Association are to be considered.

§ 18897.3: The State Fire Marshall shall adopt minimum fire safety regulations for "organized camps".

§ 18897.7: Violation of any such adopted rule or regulation is a misdemeanor.

CONNECTICUT

(C.G.S.A. § 52-557c)

§ 52-557c: Standard of care applicable to owners and operators of any school bus or any motor vehicle registered as a service bus transporting children to and from private or public camps or any other activities concerning the transportation of groups of children shall be the same as applicable to common carriers of passengers for hire.

ILLINOIS

(S.H.A. ch. 95½, § 239.11)

§ 239.11: Overloading of vehicles used in transportation of children, including in connection with day camps or summer camps; violation is a misdemeanor. Minimum personal injury liability insurance to be carried is prescribed.

MASSACHUSETTS

(M.G.L.A. c. 140 §§ 32A to 32E)

Among other types of similar businesses, overnight camps must be licensed by the board of health of the city or town in which it is situated. Although section (§ 32B) speaks only in terms of a sanitary water supply and disposition of sewage, and rules and regulations may be adopted to enforce section, a case annotation appearing thereunder states that "Power of town board of health to adopt rules to regulate trailers is not limited to health regulations. *Cliff* v. *Board of Health of Amesbury* (1961), 175 N.E.2d 489, 343 Mass. 58."

MICHIGAN

(M.C.L.A. §§ 325.601 to 325.620)

§ 325.602: Public swimming pools for parks, schools, motels, camps, etc.—"The department of health shall review the design and supervise the construction and operation of public swimming pools in order to protect the public health, prevent the spread of disease and prevent accidents or premature deaths."

§ 325.619: Violation of any provision or any rule or regulation promulgated under this act is a misdemeanor.

MINNESOTA

(M.S.A. §§ 144.71 to 144.76)

§ 144.71, subd. 1: The purpose of this Act is to protect the health and safety of children in attendance at children's camps.

§ 144.72: Permits are required for the operation of children's camps.

§144.74: "The state board of health is authorized to adopt and enforce such reasonable regulations and standards as it determines necessary to protect the health and safety of children in attendance at children's camps." What areas may be included for such regulations and standards are set forth.

§ 144.76: Violation of any provision of the Act or the regulations or standards promulgated thereunder is a misdemeanor.

NEW YORK

(The State Sanitary Code, as amended to April 30, 1954, ch. 7. Camps)

Although this Chapter concerns health aspects of camps, certain parts thereof could be deemed as safety factors as well, e.g., Regulation 6(f) provides that any permanent buildings in which persons are housed shall be provided with ready exit in case of fire; Regulation 7(d) provides that walls, floors, and ceilings of kitchens and dining room shall be kept clean and in good repair; and Regulation 16 states that "No bathing at swimming pools and bathing beaches by children under eighteen years of age shall be permitted unless under the supervision of an operator or competent attendant trained in life saving procedure."

SOUTH CAROLINA

(Rules and Regulations, Organized Camps, pp. 167-169)

Section 2: No person shall operate or maintain any "organized camp", i.e., a camp for group living, unless he is the holder of an unrevoked permit from the State Board of Health.

Section 3: Among other things, the camp site shall be free of unnecessary hazards.

Section 6: All toilet and bath facilities shall be kept in a clean condition, in good repair, well lighted and ventilated.

Section 7: (a) All buildings used for sleeping quarters shall be constructed and maintained in a safe condition.

(b) All articles of bedding and furniture shall be kept in good repair.

(c) "Beds shall be spaced so as to meet the standards recommended by the American Camping Association."

Section 8: The floors, walls and ceilings of dining halls shall be maintained in good repair. Artificial illumination shall be adequate and evenly distributed. Badly chipped, broken or cracked dishes and glassware shall not be used.

Section 9: The floors of kitchens and walls up to splash line shall be kept in good repair. Adequate lighting and ventilation shall be maintained.

Section 11: The floors, walls and ceiling of all storage rooms shall be maintained in good repair. All food and drink shall be stored, handled and served in accordance with standard safety practices.

Section 12: (b) Swimming pools shall conform with rules and regulations of the State Board of Health.

(e) Bath houses shall be kept in good repair.

Section 13: "All natural hazards should be eliminated or reduced to a minimum before the camp is occupied.

The person in charge of the water front shall have a current instructor's certificate from the American Red Cross or other organization of equivalent standards. Practices and equipment for waterfront and boating should comply with Red Cross standards or those of other organizations with equivalent standards.

Fire arms and archery equipment must be used and stored under qualified supervision. Containers for gasoline and explosives must be plainly marked and stored in a locked building not occupied by campers or staff, and at a safe distance from program buildings and sleeping quarters. An adequate number of fire extinguishers of a type approved by the National Board of Fire Underwriters, kept in good working order and in an easily accessible location, shall be provided for each camp."

Section 15: The premises and immediate surroundings of camps shall be kept neat and orderly at all times.

TENNESSEE

(Tenn. Code Ann. §§ 53-3801 to 53-3806)

§ 53-3802: It shall be the duty of the commissioner of the Tennessee department of public health to adopt rules and regulations deemed necessary for the protection of the health of persons using "organized camps" or living adjacent thereto.

§ 53-3803: Valid permit required to establish or maintain an organized camp.

§ 53-3804: "The commissioner or public health officer is hereby authorized and directed to make inspections to determine the conditions of organized camps in order that he may perform his duty of safeguarding the health and safety of occupants of organized camps and of the general public. . . ."

§ 53-3806: Any person who violates any provision, rule or regulation, shall be fined not less than $10 nor more than $50 for each offense, each day of continued violation after conviction shall constitute a separate offense.

VIRGINIA

(Code of Virginia, §§ 35-43 to 35-53)

§ 35-44: Permit required for operation of summer camp.

§ 35-46: Upon an application for such permit, the State Health Commissioner shall cause an investigation of, among other things, the bathing and swimming facilities, and as to the general cleanliness of the buildings, grounds, and equipment.

§ 35-53: Violation hereof is a misdemeanor.

IN SUPPORT OF HOUSE OF REPRESENTATIVES BILLS 7481, 14954, 16025, AND 16902; EXPANSION OF COMPENSATION AND MEDICAL AND EDUCATIONAL ASSISTANCE TO VETERANS AND THEIR FAMILIES

Mr. REINECKE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REINECKE. Mr. Speaker, I rise to speak in support of four bills which will adjust Federal veterans assistance in three major areas so that we may more adequately provide for the changing needs of veterans. These areas are: compensation for injuries incurred during service, medical aid and education assistance.

H.R. 7481 will provide for more complete veterans' nursing home care. Section 620, of title 38, United States Code provides that the Veterans' Administration will, under certain circumstances, pay for a veteran's care in a nursing home if such care does not exceed one-third the cost of care furnished by a veterans hospital. Because of rising living costs, I believe that the one-third fraction of hospital costs today will not adequately meet sharply rising nursing home expenses.

H.R. 16902 would increase the amount which the Veterans' Administration pays States for hospitalization and nursing care received by veterans through State facilities or services. The Administration pays the States such amounts because the veterans in question are eligible for Federal assistance and would be cared for by the Veterans' Administration if they were not in State hospitals. The rates paid the States are presently $2.50 per day for veterans receiving hospitalization or domiciliary care, and $3.50 for those receiving care in nursing homes. Congress intended to defray 50 percent of the cost to the States when it established these rates. Needless to say, if the rates ever amounted to half the cost, they certainly do not today. H.R. 16902 would increase the rate for daily care of veterans receiving hospital domiciliary care to $3.50, and the rate for nursing home care to $5.

H.R. 14954 would spare disabled veterans the dilemma of having to choose between gainful employment and vocational rehabilitation. Under existing law, we provide between $110 and $175 monthly, depending on the number of dependents, to veterans disabled in service who undergo training for restoration of their vocational ability. Surely our Nation owes to veterans wounded and disabled in service the duty of helping to restore the earning capacity which their wounds impair. Yet many disabled veterans must forego restorative training because only full-time schedules are possible under current law. Therefore, the training is incompatible with concurrent employment. A disabled veteran may receive the allowance only if he trains full time. H.R. 14954 would provide allowances of lower rates for part-time trainees, so that veterans may both receive instruction and pursue employment at the same time. This is consistent with our provision of part-time veteran's educational allowances, a system which has been entirely successful. I submit that we have reason to expect the same success from provision of part-time training for vocational rehabilitation.

H.R. 16025 responds to the needs of student veterans and veterans' survivors. First, the bill would ameliorate the harsh rule which terminates a widow's benefits, such as pension or compensation, upon her remarriage. Under the present law, even if her remarriage ends by death or by divorce in which she is not at fault, the benefits she previously received by virtue of being a veteran's widow, are not restored. H.R. 16025 provides that upon termination of the remarriage, the widow will again receive the survivors benefits which she would have continuously received had she not remarried after her veteran-husband's death.

Second, the bill provides, under certain circumstances, hospitalization care for veterans' widows and children who cannot defray the expense. The Veterans' Administration presently provides hospitalization for veterans who cannot bear the expense if space and facilities are available after admission of veterans who have been injured in service. H.R. 16025 would extend the same possibility of treatment to veterans' widows and surviving children who cannot afford the expense.

Third, H.R. 16025 increases from 36 to 48 months the possible duration of training or education assistance provided a veteran, or veteran's orphan if his father was killed or severely disabled in service. Entitlement to veterans' educational assistance accrues at the rate of 1 month per month of service. However, because of the 36-month limitation, a veteran who has served 4 years presently does not receive education entitlement for his last year of service. I see no reason why we should limit a veteran's college career to 3 years if he has served longer. It is only logical that we give veterans their full educational entitlement up to at least 4 years.

Finally, H.R. 16025 would very wisely extend the aforementioned orphan's educational assistance to widows of veterans who have died from a service-connected injury and wives of veterans who are severely disabled from the same cause. The reason which obligates us to assist veterans to readjust to civilian life by assisting with their educational careers, obligates us to likewise help provide for the adjustment of widows of soldiers who do not return. The widow's need for vocational training certainly is no less than that of returning veterans.

I most strongly recommend that we better insure that veterans' assistance be adjusted to their changing needs by enactment of the proposals here set forth.

GUERRILLA WARFARE IN THE UNITED STATES

Mr. **EDWARDS** of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The **SPEAKER**. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. **EDWARDS** of Alabama. Mr. Speaker, we do not have to call it guerrilla warfare. We do not even have to call it Communist. But no matter what we call it, there is an organized, terroristic, and skillful effort underway to destroy human freedom in the Western World, and let us not kid ourselves about it.

Too many Americans, including some in Washington, have been closing their eyes to this for years. Today this pretending is inexcusable, and downright dangerous.

If a wild man with a gun is rampaging through your house threatening your family you cannot simply ignore him and hope he will go away.

The guerrilla warriors cannot start their revolution by themselves. But they can prepare themselves to move in when trouble begins, and take it over. And this is what they are doing.

This is exactly what the Russian Communists did in 1917 when they took Moscow, even when Lenin thought his real revolution was still years away. And it is also what the Chinese Communists and Fidel Castro did.

When 30,000 students and teachers massed in Paris last week trying to disrupt the peace negotiations and the city itself, they were organized and directed by hard-core Communists.

The French authorities, for all their faults otherwise, were honest in this case when they said publicly, "We are faced with what is certainly a subversive operation."

The rioters in Paris, as well as elsewhere, do not really want the Vietnam war to end because then they would be deprived of their main issue which is agitation against what they refer to as the American "imperialists."

Students who organized the Columbia University takeover, and many of the college demonstrations around the country recently, are members of the Students for a Democratic Society who gathered at the University of Maryland last summer to plan their tactics.

When so-called students resort to physical destruction of university facilities, and when their insane violence only becomes greater when the university agrees to their demands, then clearly something is very, very wrong.

One thing wrong is that too many officials cannot get it through their heads that enemies of human freedom are working hard in this country under the protective cover of what is called "dissent and nonviolence."

A committee in the House of Representatives recently confirmed that leaders of five or six groups in this country are openly advocating guerrilla operations that "pose a serious threat to law and order and the security of the United States."

These people are either Communists or near-Communists following the teachings of Mao Tse-tung, Fidel Castro, and Che Guevara. They seek to build armed insurrection amidst hate, rumors, and a breakdown of normal community functions such as police protection, transportation, and communication.

Among their tactics are plans for setting fires and then blocking the efforts of firemen to reach the blazes, and creating diversionary riots to distract attention from their major objectives.

These tactics, and others, have been carefully rehearsed already in Detroit, Watts, Cleveland, Harlem, Washington, Chicago, and elsewhere.

One riot leader is quoted as saying, 2 hours before the destruction in one city started:

> We will not be free until we smash this state completely and totally. Destroy and set up a new state of our own choosing and our own liking.

Mr. Speaker, if that is not revolution, then what is it?

How long can top Government officials pretend this is not happening? How long will decent Americans stand by helplessly and watch while chaos and insanity take control?

Americans are getting tired of seeing high officials make endless excuses for the professional agitators and roughnecks. The only sensible answers are to arrest the lawbreakers, expel students who only want to destroy their schools, and expose the revolutionaries for what they are.

AMERICANS FOR DISRUPTIVE ADVICE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, as early as 1961 I labeled the ADA and its followers with what I believe is a more appropriate rendering of their initials, that is, "Americans for Disruptive Advice." The results of their recent convention indicate that they are going from bad to worse.

The Washington Star succinctly titled their story of the convention: "ADA for Pot, Sex, Abortion," and added a kicker to the effect that there were few voices of opposition—barely a murmur, they said—to the radical recommendations that were adopted.

Author Robert Walters suggests in the lead paragraph that ADA, "has suddenly turned into something of a swinging organization." I would suggest that they were swinging for the far, far left-field fence and have succeeded in clearing it.

Among other things, ADA-approved resolutions said that unlicensed sale of marijuana should be no more than a misdemeanor but even so, "personal use and possession should not be a crime; and that, abortion should be legalized; and that, the sexual activity of consenting adults when conducted in private is not an appropriate matter for criminal or other governmental sanctions."

The article states that "the theme for the day's activities may have been sounded by" John J. Gilligan, the labor leader's choice for the Senate from Ohio. He said:

> The people of this nation are beginning to question their faith in the free institutions of this country, in our ability to govern ourselves and solve our own problems.

I do not think so. The people of the Nation are certain they can conduct their own affairs, but then they seem to have an edge on the ADA: their edge being a firm grounding in morality which appears to be lacking within the ranks of ADA. I grant, however, that it would be easier for the "people of this Nation" to conduct their business and the business of their government if they were not so frequently interrupted by the rantings of such as the ADA.

One can only wonder where ADA will go next. It really does not make any difference, though, the Constitution and laws of this land on which the rest of us base our actions will continue to allow ADA to resolve whatever they choose.

The Sunday Star article follows:

NO DISSENT, EITHER—ADA FOR POT, SEX, ABORTION

(By Robert Walters)

Americans for Democratic Action, that bastion of "establishment liberals," has suddenly turned into something of a swinging organization.

After regaling one another for years with detailed—and often boring—analyses of virtually every possible danger faced by mankind, the ADA members this year celebrated their 21st birthday by joining hands with youthful advocates of the "new politics."

With barely a murmur of dissent, the more than 500 delegates opened their ADA convention session yesterday by quickly approving a trio of resolutions which:

Said that the personal use and possession of marijuana should not be a crime and the unlicensed sale of "pot" should be no more than a misdemeanor.

Called for legalized abortion, stating that any woman has the right to such an operation as part of her sex's new-found emancipation.

Said, with no further comment: "The sexual activity of consenting adults when conducted in private is not an appropriate matter for criminal or other governmental sanctions."

The theme for the day's activities may have been sounded by a guest speaker, former Rep. John J. Gilligan, who recently scored an upset victory over Sen. Frank Lausche in Ohio's Democratic senatorial primary.

"The people of this nation are beginning to question their faith in the free institutions of this country, in our ability to govern ourselves and solve our own problems," Gilligan said.

"This is a time when all of us either get into the act or become part of the problem that the rest of the people of this country will have to try to solve. The times call for a new and unprecedented effort at every level of our society."

GUARANTEED INCOME PUSHED

Following that address, the delegates plunged into consideration of a far-reaching "income distribution" resolution, drafted by several of the organization's younger and more radical members.

The resolution, approved by an overwhelming show of hands, proposed to end virtually all poverty in the country through these steps:

1—"Our government should make a firm commitment to reduce our unemployment rate to 3 percent before the end of 1968, to 2 percent before the end of 1969 and never again permit it to rise above the 2 percent level."

2—Further, the government should assure employment opportunities in the chronically unemployed and under-employed through job creation and special programs and should raise the federal minimum wage "as soon as possible to at least $2.50 per hour."

3—"The federal government should provide a guaranteed annual wage to workers now seasonally or intermittently unemployed," and should abolish the current welfare system, replacing it with automatic federal payments in the form of child allowances and a negative income tax.

The delegates then took a brief recess from their policy-making to hear a succession of Negro and white students from Ohio State University describe their takeover of the college's administration building several weeks ago. One girl said university officials had no cause for complaint "because we warned them ahead of time that we were going to take over the building at 1 p.m."

A CHANGE

Delegates and observers who have attended past ADA conventions agreed that the organization was considered quite radical in the post-World War II years following its founding, but in recent years has tended to rely on traditional concepts rather than breaking new ground.

Many of the ADA members believe the change displayed during the current three-day convention can be traced back to the organization's endorsement last February of Sen. Eugene J. McCarthy, thus breaking a two-decade-long tradition of standing behind an incumbent Democratic president.

After that vote, a number of ADA's older and more tradition bound members angrily resigned from the organization, opening the way of younger members who have sought to reshape the organization in recent years.

One sign of that change came late yesterday when ADA's nominating committee submitted a proposed list of board members to serve during the current year. Included on the list were several younger Negro leaders, who will sit beside the white middle class suburbanites who long have dominated the ADA leadership.

Among those additions are Rep. John Conyers, Jr., D-Mich.; A. June Franklin, a member of the Iowa state legislature; Clarence Mitchell III, a Maryland state legislator from Baltimore, and Marian Wright, a young civil rights attorney.

EXCERPTS FROM TESTIMONY OF DIRECTOR J. EDGAR HOOVER BEFORE HOUSE SUBCOMMITTEE ON APPROPRIATIONS

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, in the past I have at various times referred to the annual statement by Director J. Edgar Hoover of the FBI before the House Appropriations Subcommittee which reviews the appropriations requests of the Departments of State, Justice, and Commerce, the judiciary and related agencies. This testimony by the Director is especially important because it is the most authoritative and comprehensive treatment on the general area of crime and subversion made public each year. Reviewed are the principal objectives and responsibilities upon the basis of which FBI funds will be used. These classifications include domestic intelligence, coordination, and dissemination of security data, specialized security programs, identification functions, scientific crime detection, uniform crime reporting, and the National Crime Information Center.

It must be remembered that the wealth of information which the Bureau collects in its 58 field offices is supplied to the Justice Department and is not available to Congress. Therefore, it is quite evident that statements by the Director as the head of the most qualified agency on crime and subversion are of especial interest and value.

Again this year, on February 23, Mr. Hoover made public through the subcommittee's hearing much valuable information which should be digested thoroughly by all citizens concerned about this Nation's security from both a domestic and foreign standpoint. The following are various topics of general interest which were treated by Mr. Hoover, with his comments on technical aspects of the FBI operation being omitted due to space considerations:

EXCERPTS FROM HEARINGS ON CRIME

CRIMES SOLVED

Reports from the Nation's law enforcement agencies during the calendar year 1966 show that the police were able to solve 89 percent of the murders, 62 percent of the forcible rapes, 72 percent of the aggravated assaults and 32 percent of the robberies.

In crimes against property, where the victim is generally not confronted by the offender, solutions are usually lower. On the average, police nationally solved 22 percent of the burglaries, 19 percent of the larceny thefts, and 23 percent of the auto thefts.

When considering all types of serious crime, the solution rate on an overall basis averaged out to 24 percent during 1966, a substantial drop of 8 percent when compared to the overall rate in 1965. There are a number of factors which may be contributing to the reduced solution of crime, such as a rising volume of crime itself, increasing demands for police services, both criminal and noncriminal, citizen apathy, restrictions on police investigative and enforcement practices by courts, and other authorities and the increasing mobility of the criminal offender.

YOUNG PERSONS ARRESTED

Arrests of persons under 18 years of age made up 23 percent of the total police arrests throughout the Nation in 1966. Young people were involved in 33 percent of the arrests in suburban communities, in 23 percent of those in the cities and in 20 percent of the arrests in the rural areas.

We find the arrests of persons under 18 years of age increased 59 percent during the period 1960 to 1966. This figure takes on added significance when it is considered that the population in the 10- to 17-year age group has risen but 19 percent during this same 7-year period.

With police arrests of persons under 18 years of age rising three times as fast as the population growth of this age group, we have a factor which is significantly influencing the progressive rise of crime in this country. Out of this emerges the grave prospect of a multiplying number of full-time adult criminals in the years immediately ahead.

POLICE OFFICERS KILLED

There were 57 law enforcement officers killed by criminals in 1966, bringing the number of such tragic deaths since 1960 to 335. Firearms, as usual, continued to be involved in nearly all police murders; 55 of the 57 killed during 1966 died of gunshot wounds, handguns being the instrument of death in 75 percent of the cases. Since 1960, 77 percent of all police officers killed were victims of offenders using a handgun.

It is a sad commentary on our times that there were 14 individuals under 18 years of age who were arrested during 1966 for murdering a police officer, almost equaling the previous 6-year total for this particular age group.

The increasing tendency toward public disregard for law and order is also reflected in the fact that 12 out of every 100 officers were victims of attacks in 1966. Some will be incapacitated for life.

CRIMINAL REPEATERS

The program we began in 1963 to follow on the criminal and prosecutive histories of a group of known offenders through their fingerprint records is swiftly documenting the fact that a hard-core group of repeaters is contributing heavily to our crime counts year after year.

Of nearly 18,000 Federal offenders released to the street in 1963, some 55 percent were arrested for new crimes within 30 months. This ranged from 65 percent for youths under 20, to 34 percent for those 50 and over.

As to mobility, of those released in 1963, 52 percent were rearrested in some other State within this 30-month period, including 74 percent of the auto theft repeaters, 48 percent of the robbers, 46 percent of the burglars and 45 percent of the forgery repeaters.

A total of 194,000 individual records had been entered in the continuing Careers in Crime program study by the close of the calendar year 1967. An analysis of 41,733 offenders arrested in 1966 shows that over one-half of these repeaters had been the recipients of leniency in the form of parole, probation, suspended sentence, or conditional release on one or more occasions in their criminal careers.

Mr. Rooney. This becomes highly interesting.

Mr. Hoover. There are some very flagrant cases in that group that are shocking as to the repeater-type criminal.

Mr. Rooney. Of 41,733 offenders arrested in 1966, over one-half of these repeaters had been recipients of leniency in the form of parole, probation, suspended sentence, or conditional release on one or more occasions in their criminal careers?

Mr. Hoover. That is supported by documentary proof.

Mr. Rooney. I wish I had had this data when we had that California gentleman who appeared for the parole board.

Mr. Hoover. I think it clearly shows the fallacy of the contention that you should be soft and easy in handling criminals, when so many, more than half of them, are repeaters.

Mr. Rooney. What are we going to do when we have a chairman of the Parole Board more concerned with getting them out of prison faster? A gentleman who says that his predecessor, whom I thought was one of the finest and ablest persons I knew. Mr. Richard Chappel, that he did not know what he was doing when he was chairman of the Parole Board.

Mr. Hoover. I have always said there are three factors I believe that will put a brake on crime: First, prompt apprehension; second, prompt trials and elimination of delays such as postponements and plea bargaining; and third, substantial sentences commensurate with the type of crime committed. I feel that within these crimes, there are many that are very vicious, yet the subjects have been released on parole or probation.

There is before the American Bar Association a recommendation of one of its committees that the sentences for most criminal violations be reduced and that criminals not be sent to the penitentiary for as long as they have been in the past. Instead they contend that we should use the probation and parole systems more.

It has been proven that probation and parole just do not work in many cases. Maybe they do not have competent or enough people in the system, I have always contended I believe in the principles of parole and probation provided the system does not turn loose on the streets of this country the type of criminals that commit crimes over and over again. There are some cases of individuals who are released on probation or parole who commit the same identical crime they were incarcerated for in the first instance.

In contrast, I think Congressman Bow will recall that in Miami, Fla., this last December there was a series of robberies and murders in the three districts where the Negroes live. The chief of police there ordered that they develop a hard policy of carrying shotguns and utilizing police dogs.

Statistics released by the Miami Police Department show that 71 robberies were committed in the Negro districts in January 1968, compared with 188 in December 1967, a drop of 62 percent in 1 month.

It also showed that for January 1968, the first full month the policy was in effect, robberies throughout the entire city declined by 45 percent from 299 in December to 163 in January. It is also interesting to note the same article reporting the statistics mentioned the fact that many of the Negroes in the Negro section of Miami are heartily in favor of the tough policy. Their lives and their businesses are safer as a result of this policy.

I submit that as proof of the fact that a strict policy in the enforcement of laws works, whereas some of the theoretical sociological policies that are advanced and urged just do not work.

Mr. Bow. Mr. Chairman, may I interrupt?

At the time Chief Headley announced that hard policy down there, all the do-gooders were screaming and having hearings and trying to get rid of Headley because he was going to get tough.

Mr. Hoover. He had a regular storm break on him.

Mr. Rooney. It turned out that the bulk of the people all over the country were overwhelmingly in support of the position he took.

Mr. Hoover. This article states that Chief Headley reported that he received about 8,000 letters and telegrams from people all over the country, and only 22 opposed his stand.

PAROLE, PROBATION, AND CLEMENCY ABUSES

Even without considering statistics such as I have just cited, no alert and thinking citizen is unaware of the crucial battle for survival currently raging in the streets and communities of our Nation. One need but refer to the daily news reports to learn of yet another vicious criminal depredation by that brutal minority of our population that spreads terror among the great bulk of America's law-abiding citizenry.

As the crime rate surges ahead incessantly, becoming an ever-more dangerous threat in not only urban centers but in suburban and rural areas as well, it is absolutely essential that sound procedures for handling criminal repeaters are followed. Realistic parole and probation policies must be impartially employed in all sections of our country and among all segments of our society if we ever hope to stem the onrushing waves of lawlessness. Unwarranted leniency, which demeans justice and rewards evasion of legal responsibility, poses a deadly threat to the very heart of our Nation. Undue consideration for the rights of repeating offenders and overindulgence in legal technicalities and evasions, of benefit only to the lawbreaker, degrade the very ideal of equal justice for all citizens. The rights of the law-abiding majority must be afforded at least equal respect and consideration if the future of America is to be as glorious as our past.

It is, therefore, not difficult to understand why rational-minded, law-abiding citizens are gravely concerned when they ponder some typical recent cases.

In 1963, a 17-year-old Washington, D.C., hoodlum with a long and awesome history of arrests for crimes of violence since the age of 13, viciously assaulted and robbed the wife of a former U.S. Congressman while burglarizing the couple's residence. The thug, who threatened to kill his victim with a pair of scissors and did break her wrist, was subsequently sentenced to an 8-year jail term as a youthful offender.

In August, 1966, shortly after being released from serving part of his 8-year sentence, this individual was arrested for the vicious knife-point rape and robbery of a 42-year-old woman. At the time of this attack he was also being sought for an additional assault committed on a young mother a month before and as a suspect in other recent rape cases in the same area.

Through a series of technical delays and legal maneuvers, this man had still not been tried for all of these offenses, well over a year after the latest charges against him. The oft-quoted maximum that "justice too long delayed is justice denied" would appear to be appropriate in this instance, relative to the rights of the law-abiding public.

Many citizens were even more perplexed in June, 1967, to read of the violent death of a 24-year-old parolee, killed by gunshots as he fled from an armed robbery at a Washington, D.C., store. Particularly significant in this case was the report that the slain bandit was then on parole for auto theft, was additionally free on bond on a November, 1966, robbery charge, was also still on probation for housebreaking, and, furthermore, had been set free on $2,500 bond the day before his death on a charge of shooting a high school student who tried to eject the hoodlum and others from a school when the gang barged in and shouted obscenities at girl students. So bewildering was this criminal's unincarcerated status that one Washington paper posed editorially the frightening question of how many more such individuals are loose on the city's streets.

In Tennessee, in 1967, a Kentucky prison parolee, released after serving only 9 years of a life sentence for armed robbery, was tried for the savage rape and attempted murder of a young mother he had accosted in a shopping center parking lot and forced to drive to a remote woods. After the vicious attack, committed 6 weeks after his parole, the assailant strangled his victim into unconsciousness and left her for dead.

During the month and a half between his release and the Tennessee assault, the parole was dischargd from two jobs for making obscene remarks to female employees and had reportedly assaulted two other women. His record while incarcerated was equally sordid, with some 140 prison rule infractions credited to him. It is thus again difficult to understand what qualified this hardened criminal for favorable consideration as a worthwhile candidate for parole.

Another Washington case merits attention, as it illustrates the extent to which individuals charged with crimes are afforded solicitous consideration for their legal rights. Washington, D.C., police arrested a 19-year-old alleged housebreaker in May 1967. A review of his record reflected he was then free on bond in six unrelated criminal cases which had occurred during the previous 10 months. The first of these, resulting in convictions for attempting housebreaking, petty larcency, and destroying property, netted him a 1-year jail sentence but also saw his release on $500 appeal bond. An attempted housebreaking and petty larceny the following month, for which he was subsequently convicted, resulted in a 6-month sentence, upon conviction, but ultimately featured his release on $1,000 bond, pending appeal. During the same month he was indicted for housebreaking but released on personal bond.

Five months thereafter he was charged with committing an armed robbery, was indicted and released on $5,000 bond. Three months later he was charged with a housebreaking but after arraignment was released on $2,000 bond. Another arrest, during the same month, on charges of larceny from the mails and attempted housebreaking, saw him released on $2,000 bond pending trial. Upon his arrest on the seventh charge, a $10,000 bond was set and he was ultimately jailed with an indeterminate sentence as a youthful offender.

In California, in August 1966, a 67-year-old widow was beaten, robbed, and murdered by a convicted rapist who was free on bond awaiting trial on another rape charge. Despite a history of vicious assaults and sex crimes, initiated in 1960 with the rape of a 16-year-old mentally retarded girl, and notwithstanding the conclusion of a psychiatrist that he was a sexual psychopath, this individual, who was briefly confined in a mental institution, was repeatedly given lenient sentences or was released on parole or probation. He was thus unrestrained by any meaningful legal restrictions on the night of the elderly widow's murder, a crime for which he has been sentenced to death.

Two examples of recent paroles in Washington, D.C., illustrate a deplorable apparent tendency to release repeating offenders just to "get rid of them," even though efforts to rehabilitate these individuals have obviously failed. One 42-year-old man paroled in 1967 was serving a sentence of 4 to 14 years on two counts of robbery with a gun. This man also has a record of auto larceny and larceny. He was paroled in July 1960, but this was revoked in August 1961, after he had violated the terms. Again paroled in March 1963, he again violated his parole and was returned to confinement 2 months later. Once more, in October 1965, he was paroled and was again returned to prison in March 1966, after he again violated parole terms. Despite his long record of parole violations he was again set free on parole.

In a second Washington, D.C., parole case, a man who had served 4 years of a 4- to 12-year sentence for assault with intent to kill was granted a parole despite a record of assault with a dangerous weapon and carrying dangerous weapons and five previous jail terms at the same penal institution.

It could well be a logical conclusion by a rational-minded person that if some authorities responsible for the incarceration of repeating offenders are unable or unwilling to make the proper decisions to keep such predatory creatures under adequate control, the same officials have at least an unavoidable obligation to alert the public to the risks and dangers represented by these individuals who stalk our streets today.

It was an encouraging sign, therefore, to note the comment of a Maryland judge (Robert B. Mathias, Prince Georges circuit court) as he levied a 30-year prison sentence on a 20-year-old man who pleaded guilty to participation in the murder of a 67-year-old taxi driver. "Folks like you must be removed from society," the judge remarked and, when a defense attorney pleaded for leniency on the grounds that his client had been in correctional institutions much of his youth, the judge told the defendant, "Some judge didn't give you a long enough incarceration."

More such forthright handling of criminal repeaters is sorely needed today if our citizens are to feel secure in their homes and safe in our streets. Clemency policies and procedures that are firm but fair, as well as impartially applied, are absolute necessities.

Only with fervent adherence to law and order can our communities return to their traditional law-abiding character and thus avert a tragic submersion to a state of crime and chaos.

There is no question but that the crime problem facing the Nation today is greater than at any time in the past. As a result, the law enforcement profession is sorely pressed and is in need of all possible support and assistance to return our communities to their traditional law-abiding character. This requires an all-out effort on many fronts. No conscientious citizen denies the need for long-range programs to alleviate and correct conditions which breed crime. Improved law enforcement equipment, facilities, training, techniques, and the like also play a part. The assigning of an adequate force to meet crime where it is occurring is also a matter of good police administration.

But the need for the safety of the man, woman, and child on the street today is the thing that is of immediate concern to our citizens, and strict impartial law enforcement coupled with the elimination of crime's huge profits and soft justice most certainly are immediate factors which I and many others believe can lead to a reduction in our spiraling volume of crime. And by justice I mean that type of justice which keeps the balance true and affords the law-abiding public an even break. We need justice that moves quickly, surely, and convincingly. This means, as I have often pointed out, quick arrest, prompt prosecution, and substantial punishment for the guilty lawbreaker.

COMMUNIST PARTY-U.S.A.

Mr. Hoover. I will now turn to the Communist Party-U.S.A. and other subversive groups which are so active throughout the Nation today.

The Communist attack comes from a number of directions. First, there is the Communist Party-U.S.A. along with its front groups, such as its youth organization, the W. E. B. DuBois Clubs of America. This is the pro-Moscow faction. Then there are the Socialist Workers Party and its youth affiliate, the Young Socialist Alliance, the Trotskyite wing of communism. In addition, there are the pro-Chinese Communists, the Progressive Labor Party. While the factions may differ as to theory, the achieving of a communized America is most certainly a common objective.

The 18th National Convention of the Communist Party-U.S.A. in June, 1966, marked that party's emergence into more open activity in an attempt to widen its influence on the American scene and to undermine our way of life in this country. While there has been an increase in the tempo of party activities, its objectives have remained the same—to destroy faith in the American system, to shake confidence in its leadership, and to subvert the ideals of its younger generation.

FOREIGN POLICY

Winding as a thread through the whole fabric of the party's program is its unswerving opposition to the war in Vietnam. It has interjected the Vietnam war into almost all issues with which it has come to grips and from this position it has taken a stance which attacks practically all phases of our economic, social, and political life. At the same time, the party has devoted much effort to promote a united front of opposition.

The party's position was clearly outlined by party leader Gus Hall before a meeting of his national committee in June 1967, when he outlined the party's contribution to the peace struggle in these five points:

1. The primary ideological task is to expose the "imperialistic character" of the war in Vietnam.

2. The interrelation between the war and domestic problems in the United States must be stressed.

3. The party must convince the partisans of peace that there can be victory in the struggle for peace if they see this relationship and the necessity to broaden their scope to include struggles for civil rights, against higher taxes, higher rents and prices, and the overall struggle for democracy.

4. The party must take steps to organize a mass movement in defense of youth who have refused or will refuse to be drafted.

5. The party must take all action which will insure the broad mobilization of all forces of protest.

Hall stated the party's position even more clearly during his visit to Russia in November 1967, where he led the Communist Party-U.S.A. delegation to the celebration of the 50th anniversary of the great October revolution held in Moscow on November 7, 1967. While there, he made speeches lavishing praise upon his hosts and criticizing the United States. During one speech, he said that the Communist Party-U.S.A. will continue to regard the struggle against U.S. imperialism as its primary task until every last U.S. warship, tank, plane, soldier, and corporation have been removed from foreign soil.

PARTY LINE

The policies of the party in this country are, as always, a determined effort to follow a party line as dictated by its Soviet masters. The rigidity with which the Communist Party-U.S.A. follows the Moscow line was well demonstrated in the position taken by the party after the Middle East crisis in the summer of 1967. Despite the hue and cry of many of its members with Jewish backgrounds, the Communist Party-U.S.A. faithfully followed the Moscow line in branding Israel as the aggressor and the tool of "American imperialism." So enraged were some of its members with Jewish backgrounds that despite party discipline, they collected funds and even donated blood for the Israeli Government.

POLITICAL ACTIVITY

In carrying out its program of mobilizing the forces of protest, the party has been increasing the pressure on its membership to develop a movement for an independent presidential ticket in 1968. The party realizes that it will require a great deal of effort to bring about an effective independent ticket. In a resolution submitted to the membership by the national committee in June 1967, the party asserted that the realization of the goal of an independent ticket in 1968 would require the full and irrevocable commitment of the whole party.

CIVIL RIGHTS

It was inevitable that the Communists would act to link civil rights protests with antiwar protests. This is something which the party has advocated for several years, but the move definitely came to the forefront during 1967. If it can be effectively accomplished it will enable the Communists to create one massive movement which they hope will ultimately change our Government's policies, both foreign and domestic.

Actually, the party can point to some progress as the past year has witnessed more civil rights leaders issuing the same call for joining the two issues in that these leaders have begun to advise Negroes to refuse to fight in Vietnam and to choose prison instead.

The emergence of the black power concept in the civil rights movement has placed the Communist Party-U.S.A. in a quandary. On the one hand, it cannot wholeheartedly embrace the concept of black power for to do so would alienate it from conservative Negro groups. On the other hand, there is a strong pro-black current in the lower echelon rank and file of the party and it can be said that the Negro composition of the party leans toward the black power prophets. As a result, party leaders are forced to walk a "tactical tight rope" concerning black power.

In October 1967 Gus Hall, the party's general secretary, publicly stated in a press interview, "The party still believes in integration and supports black power only as a means of improving the Negroes' lot." This is indicative of the Communist Party leadership attempting to "ride two horses" in an effort to please both sides. Despite this quandary, however, the party continues to attempt to accrue political gain from racial unrest and speak out against law and order.

Along this line, Herbert Aptheker, a frequent public speaker for the party, delivered a speech before an audience of 500 persons in a Los Angeles church in March 1967. During this speech, he called for a mass uprising and revolt by Negroes to achieve the social revolution he deemed necessary for the Negroes to achieve complete equality. Aptheker maintained that the riot in the Watts area of Los Angeles in August 1965 was a step in the right direction, but it was not nearly enough.

At its mid-June 1967 meeting, the Communist Party National Committee approved "An Open Letter to President Johnson and an Appeal to the American People, Black and White." It printed 50,000 copies of this communication in the form of a full-page spread in the party publication, "The Worker," and distributed it to all of its districts with the instructions that it be given the widest possible circulation, particularly to opinionmakers in every city and State. This communication asserted that "nothing less than the ending of the war in Vietnam and using the billions wasted in destruction and death for life and construction will make possible meaningful solutions of the critical problems of the Negro people, particularly those living in the ghettos."

YOUTH

During the past year, the party has continued its drive to win the younger generation. As far as garnering new youthful members is concerned, the party has not been too successful though actual membership has never been a real measure of party influence. If, on the other hand, its insidious propaganda can gain the attention of the young people, the party will have achieved its objective.

Believing that one of the most important issues facing youth today is the draft, the party has focused particular interest upon this issue. It realizes that the draft is a particularly sensitive issue to young men of draft age as well as to their parents. The party feels that here it can capitalize on the frustrations of the young by supporting and encouraging a defeat-the-draft movement. In this way, two ends will be served. On the one hand, the party will garner youthful support, while on the other, by discouraging enlistments and hampering the draft, it will be detracting from the Vietnam effort.

In the hope of merging this antidraft program with its anti-Vietnam drive, the party published a directive to its membership in which it specifically pointed out a continuation of the struggle to end the draft would be a great contribution toward the struggle to end the war in Vietnam. The directive went on to state that a mobilization of the masses of youth opposing the draft, even if they were not yet consciously against the war, was obviously a pressure for peace.

PARTY SPEAKERS ON COLLEGE CAMPUSES

The party has continued its program of having Communists travel the length and breadth of the land to fulfill speaking engagements on college campuses. During the academic year 1966-67, 54 such appearances were made by leading Communist representatives.

I submit a list showing the public appearances of party leaders on college campuses during the school year 1966-67.

Mr. ROONEY. Without objection, we shall insert at this point in the record this exhibit regarding the public appearances of Communist Party leaders on college campuses during the school year 1966-67.

(The exhibit follows:)

PUBLIC APPEARANCES OF PARTY LEADERS ON COLLEGE CAMPUSES, SCHOOL YEAR 1966-67

School	Speaker	Date
College of Marin, Kentfield, Calif	Bettina Aptheker Kurzweil	Sept. 27, 1966
Beloit College, Beloit, Wis	Fred Bassett Blair	Sept. 29, 1966
St. Vincent College, Latrobe, Pa	Herbert Aptheker	Oct. 4, 1966
California Western University, San Diego, Calif	Dorothy Healey	Do.
Brooklyn College, Brooklyn, N.Y	Herbert Aptheker	Oct. 10, 1966
City College of New York, New York, N.Y	do	Oct. 20, 1966
DePaul University, Chicago, Ill	Louis Diskin	Oct. 25, 1966
Chicago Teachers College—North, Chicago, Ill	do	Oct. 27, 1966
Pitzer College, Claremont, Calif	Dorothy Healey	Nov. 14, 1966
City College of New York, New York, N.Y	Arnold Johnson	Dec. 1, 1966
University of Minnesota, Minneapolis, Minn	Art Shields	Do.
Clark University, Worcester, Mass	Herbert Aptheker	Dec. 5, 1966
Long Island University, Brooklyn, N.Y	do	Dec. 16, 1966
Rice University, Houston, Tex	Mortimer Daniel Rubin	Jan. 8, 1967
St. Edward's University, Austin, Tex	do	Jan. 9, 1967
Lawrence University, Appleton, Wis	Herbert Aptheker	Jan. 10, 1967
University of Texas, Austin, Tex	Mortimer Daniel Rubin	Do.
Franconia College, Franconia, N.H.[1]	Herbert Aptheker	Jan. 24, 1967
Do.[1]	do	Do.
University of Western Ontario, London, Canada[1]	do	Feb. 17, 1967
Do.[1]	do	Do.
University of Illinois, Circle Campus, Chicago, Ill.[2]	do	Feb. 27, 1967
State University of New York, Buffalo, N.Y	do	Mar. 1, 1967
University of Bridgeport, Bridgeport, Conn	Arnold Johnson	Mar. 3, 1967
Oberlin College, Oberlin, Ohio	Herbert Aptheker	Mar. 5, 1967
Everett Junior College, Everett, Wash	Milford Adolf Sutherland	Mar. 7, 1967
University of Wisconsin, Waukesha Center, Waukesha, Wis	Fred Bassett Blair	Mar. 14, 1967
Gettysburg College, Gettysburg, Pa	Henry Winston	Mar. 15, 1967
San Francisco State College, San Francisco, Calif	Herbert Aptheker	Do.
Gettysburg College, Gettysburg, Pa	Robert Heisler	Mar. 16, 1967
University of Wisconsin, Madison, Wis	Michael Zagarell	Mar. 21, 1967
University of Illinois, Urbana, Ill	Louis Diskin	Mar. 23, 1967
California State College at Long Beach, Long Beach, Calif	Dorothy Healey	Mar. 27, 1967
Trinity College, Hartford, Conn	Herbert Aptheker	Apr. 4, 1967
University of California, Los Angeles, Calif	Bettina Aptheker Kurzweil	Do.
Marquette University, Milwaukee, Wis	James Kennedy	Apr. 5, 1967
Santa Monica City College, Santa Monica, Calif	Bettina Aptheker Kurzweil	Do.
University of Illinois, Circle Campus, Chicago, Ill	Louis Diskin	Apr. 6, 1967
University of Redlands, Redlands, Calif	Bettina Aptheker Kurzweil	Do.
University of Nebraska, Lincoln, Nebr	Louis Diskin	Do.
Pasadena City College, Pasadena, Calif	Bettina Aptheker Kurzweil	Do.
Pomona College, Claremont, Calif	do	Do.
Bucknell University, Lewisburg, Pa	James Jackson	Apr. 7, 1967
California State College at Long Beach, Long Beach, Calif	Bettina Aptheker Kurzweil	Do.
California State College at Los Angeles, Los Angeles, Calif	do	Do.
University of California, Riverside, Calif	do	Apr. 11, 1967
State University College at Geneseo, Geneseo, N.Y	Herbert Aptheker	Apr. 13, 1967
Ohio University, Athens, Ohio	Gus Hall	Apr. 19, 1967
Lehigh University, Bethlehem, Pa	Arnold Johnson	May 9, 1967
College of Wooster, Wooster, Ohio	Herbert Aptheker	May 11, 1967
Loyola University, Los Angeles, Calif	do	May 15, 1967
University of Notre Dame, South Bend, Ind	do	May 16, 1967
Vanderbilt University, Nashville, Tenn	Michael Zagarell	May 17, 1967
Portland State College, Portland, Oreg	Donald Hamerquist	May 24, 1967

[1] 2 separate appearances on same day.

[2] Outdoor lecture center; stopped when threatened by Clabaugh Act.

Mr. HOOVER. Among other things, the party hopes to capitalize on the radicalism of the so-called new left movement. The basic purpose, however, behind the speaking campaign, which has been pursued with vigor since the early 1960's, is to gain recognition for and acceptance of the Communist Party-U.S.A. as a legitimate political party on the American scene. The party considers that college campuses offer an excellent opportunity to reach the youth who will be the leaders of tomorrow. The Communists also know there is a certain amount of prestige attached to a speaking engagement at educational institutions and that the party gains just by reason of the appearance of the Communist speaker on the campus.

These speakers make much of the fact that freedom of speech and related freedoms in this country give them the right to deliver the Communist message. However, the speakers do not tell the true story of communism, what it is really like in the Soviet Union and other Communist nations, of the Communist ambitions for world domination, and the like. Since the true Communist aims are concealed, the Communist speakers make no significant contributions within the academic community to the pursuit of truth through the acquistion of knowledge. When considering the Communist appearances on the campuses of numerous colleges on balance, the academic community has gained less in the knowledge of communism than the Communist Party has in notoriety and propaganda.

MEMBERSHIP

As to party membership, Gus Hall in October 1967 estimated that there were 13,000 actual party members and he has previously estimated that there were another 100,000 "state of mind" members, meaning those individuals who, although not actual members, are in sympathy with the programs and objectives of the party and assist it in any way they can.

FINANCES

The party can look forward to additional financing as a result of a campaign they began several years ago. I have pointed out in the past that for some years the Communist Party-U.S.A. has encouraged and solicited bequests to the party from its members and sympathizers. It now appears that the campaign has begun to pay off handsomely.

In December 1966, Harry Herman Kaplan, a wealthy retired Brooklyn builder, died leaving an estate valued in excess of $2,600,000. His will provided that half of the estate should go to his widow while the remaining half would go to three "friends" who were named as executors. The three "friends" were Herbert Aptheker, Lement Harris, and Philip Foner. All three are trusted members of the Communist Party. They are expected to realize in excess of $700,000 after taxes and expenses which will be turned over to the Communist Party-U.S.A.

Other bequests have been received by the party in the past year.

PARTY PUBLICATIONS

One new undertaking of the party which will require a substantial amount of money is the reestablishment of a daily Communist newspaper. A new printing press along with auxiliary printing equipment has been purchased.

Every effort is being made to steer away from the dull, propagandistic type of organ that the now defunct "Daily Worker" published. The party's goal is a fresh, revitalized paper, plagiarizing the format of the daily publication by the Communist Party of Great Britain, the "Morning Star." That paper was renovated when formed as a daily and this greatly increased its circulation.

If the party is successful in launching a daily propaganda organ, it will attempt to surround its teachings with articles concerning sports, women's features, labor, youth, and comics. In this manner, the party is hopeful of obtaining a wider circulation and thus secretly influence the masses in the Nation. The successful attainment of such a goal is priceless to the international Communist movement.

TROTSKYITE ORGANIZATIONS AND COMMUNISTS SPLINTER GROUPS

Earlier I mentioned that other subversive groups active in the country today include such groups as the Socialist Workers Party of the Trotskyite wing of communism, and the Progressive Labor Party.

Briefly, Trotskyite organizations are militant revolutionary groups based on the theories of Marx Engels, and Lenin as interpreted by Leon Trotsky rather than Joseph Stalin. Like the Communists, the Trotskyites call for the revolutionary overthrow of "capitalism" and the establishment of socialism. Splinter groups are those which have broken away from the mainstream of the Communist Party-U.S.A., usually over the interpretation or implementation of basic Communist ideology. While the teachings of Marx, Engels, and Lenin form the base for the programs of these groups, they vary as to the interpretation of these teachings and in the manner in which their objectives are to be reached.

Socialist Workers Party: The Socialist Workers Party was the first major group to oppose the Communist Party-U.S.A. for the right to lead an American Communist revolution. It is the largest Trotskyite organization in the United States, and has been designated pursuant to Executive Order 10450 and is a basic revolutionary group.

The youth affiliate of the Socialist Workers Party is the Young Socialist Alliance which was created in 1957 and became a national organization in April 1960. This organization has established chapters throughout the United States and through this group the Socialist Workers Party has taken advantage of every opportunity to expand its influence on the campus and among the youth of the Nation.

Factionalism in the Socialist Workers Party has been responsible for the formation of other subversive groups which follow the teachings of Trotsky but differ over the means by which the goal of worldwide communism is to be attained. Among the offshoots of the Socialist Workers Party are the Johnson-Forest Group, the Workers World Party, the Workers League formerly known as the American Committee for the Fourth International, and the Revolutionary Committee of the Fourth International, also known as Spartacist League.

Progressive Labor Party: One of the most militant of the Communist splinter groups in existence today is the Progressive Labor Party, a pro-Chinese Communist group. This organization was formed in 1962 by a group of individuals who had been expelled from the Communist Party-U.S.A. because of their pro-Chinese sympathies.

Recognizing the tremendous potential for agitation inherent in the current racial discontent, the Progressive Labor Party has established a Black Liberation Commission headed by William Epton, militant Negro vice president of the Progressive Labor Party. Epton's activities in connection with the 1964 Harlem rioting resulted in his arrest by New York authorities and he was subsequently found guilty of conspiracy to riot, advocacy of criminal anarchy, and conspiracy to advocate criminal anarchy.

The Progressive Labor Party, through its official publications and pamphlets distributed by the Black Liberation Commission, constantly exhorts the Negro to revolt and carry on a "ceaseless struggle" against the U.S. ruling class.

DEMONSTRATIONS PROTESTING U.S. INTERVENTION IN VIETNAM

There has been no abatement in the wave of demonstrations protesting U.S. policy toward Vietnam, which began in August 1964, when American aircraft attacked selected targets in North Vietnam following torpedo-boat assaults against American destroyers in the Gulf of Tonkin. Since the outsets, the Communist Party-U.S.A. and other subversive groups have actively supported and participated in the demonstrations.

During the early part of 1967 the party's "peace movement" focused on massive demonstrations at New York City and San Francisco, Calif., on April 15, 1967. A group now known as the National Mobilization Committee to End the War in Vietnam and another group, the Student Mobilization Committee, joined in sponsoring the demonstrations. Both groups include members of the Communist Party and Socialist Workers Party.

The two groups held separate conferences in Washington, D.C., and in Chicago, Ill., in May 1967, to discuss strategy and, among other things, mapped plans for a march on Washington, D.C., for the fall of 1967.

Over 700 individuals registered for the conference of the National Mobilization Committee in Washington. Over 300 were members of the Communist Party, the Socialist Workers Party, the Young Socialist Alliance, the W. E. B. Du Bois Clubs of America, or Youth Against War and Fascism. Numerous pacifist groups were also represented.

Among the series of workshops formed during the conference was the fundraising workshop. It was led by Hunter Pitts O'Dell, an inactive member of the Communist Party-U.S.A. National Committee. The strategy and tactics, of nonviolence workshop was led by the Reverend Mr. James Bevel, national director of the National Mobilization Committee and an official of the Southern Christian Leadership Conference. Officials of the Communist Party and the Socialist Workers Party participated in the series of workshops.

Some 500 individuals attended the Student Mobilization Committee conference in Chicago, including representatives from the Communist Party, the Socialist Workers Party, the Young Socialist Alliance, the W. E. B. DuBois Clubs of America and Students for a Democratic Society.

The National Mobilization Committee to End the War in Vietnam sponsored its previously announced demonstration at Washington, D.C., on October 20–22, 1967. The primary goal of the demonstration was to confront the "warmakers" and to "shut down the Pentagon."

On October 20, 1967, approximately 400 individuals marched to the Department of Justice Building where they had previously announced they would turn in hundreds of draft cards to the Attorney General. The demonstrators carried signs urging resistance to the draft. Eleven of them, including Dr. Benjamin Spock, who has been an outspoken critic of the War in Vietnam; the Reverend William Sloane Coffin, chaplain, Yale University; and Gary Rader, leader of the Chicago Area Draft Resisters, met with a representative of the Department of Justice. They attempted to leave with the Justice Department representative a brief case which they claimed was filled with draft cards; however, he refused to accept it. The delegation left it in the building.

When the contents were subsequently examined, a total of 357 Selective Service documents made up of 185 registration certificates and 172 notices of classification were found. Since some concerned the same individual, the total persons involved numbered 256. Also included in the material were such things as facsimiles and copies of selective service cards as well as some antidraft cards and protest letters. I will go into detail later regarding the turned-in draft card problem when I discuss our growing volume of Selective Service work.

Several individuals, including Ron Young, a member of The Resistance, an antidraft organization; Sidney Lens, a former official of the Revolutionary Workers League, which has been designated as subversive pursuant to Executive Order 10450; and Jane Spock, the wife of Dr. Benjamin Spock, spoke to the demonstrators. All the speakers urged an end to the war and called for opposition to the draft. Draft resisters were described as "courageous individuals."

On October 21, 1967, demonstrators from throughout the United States gathered in the vicinity of the Lincoln Memorial for a rally prior to their march to the Pentagon. Speakers included David Dellinger, national chairman of the committee; Clive Jenkins, a representative of the British Labor Party; Dr. Benjamin Spock; the Reverend Mr. Coffin; Dagmar Wilson, a leader of Women Strike for Peace, a pacifist group; and Fred Davis, a representative of Students for a Democratic Society. Dellinger is the editor of the "Liberation" magazine, a pacifist publication. He has described himself as a Communist, although not of the Soviet variety.

Dellinger in October 1940 refused to register for Selective Service claiming to be a conscientious objector. He was indicted in the southern district of New York in November 1940 and after a plea of guilty was sentenced to serve a year and 1 day for violation of the Selective Service Act. Upon his release from prison he registered for Selective Service. In June 1943 he was charged with failure to report for a physical examination and upon a plea of guilty was sentenced on August 30, 1943, to serve 2 years in a Federal prison.

All of the speakers were highly critical of the war in Vietnam and demanded an end to the draft. The United States was described as an aggressor. Communist publications were distributed during the demonstration.

Negroes present at the demonstration were urged to break off and hold their own rally. As a result, approximately 300 Negroes broke off from this demonstration and attended a rally in another section of Washington. Speakers at this rally included officials of the Student Nonviolent Coordinating Committee, a militant civil rights group; the Mau Maus, a militant black nationalist group; and the Revolutionary Action Movement, a militant pro-Chinese Marxist group. Speakers denounced the war in Vietnam and condemned the white man. Negroes were urged to refuse to be inducted into the armed services.

At approximately 2 p.m., October 21, 1967, participants in the demonstration at the Lincoln Memorial began their march to the Pentagon. Committee spokesmen estimated the crowd to be over 200,000; however, observers from various law enforcement agencies estimated it to number between 30,000 and 60,000. At the Pentagon groups of the demonstrators attempted to force their way into the Pentagon and one small group succeeded in entering one door; however, they were promptly removed from the building.

Numerous members of the Communist Party, the Socialist Workers Party, the Young Socialist Alliance, the Progressive Labor Party, the W. E. B. DuBois Clubs of America, and Youth Against War and Fascism were observed among the demonstrators at the Lincoln Memorial and the Pentagon. These included such individuals as Arnold Johnson, chairman of the Peace Commission, Communist Party–U.S.A.; Michael Zagarell, chairman of the party's National Youth Commission; and James Jackson, chairman of the International Affairs Commission of the Party. These individuals were included in the approximately 125 members of the Communist Party who participated in the demonstration.

The Socialist Workers Party was represented by over 75 members which included George Novak, the national chairman, and Paul Boutelle, the party's vice-presidential candidate. In addition, over 25 young people were there as representatives of the Young Socialist Alliance, the Socialist Workers Party youth group.

Approximately 200 persons marched under the W. E. DuBois Clubs of America banner. Also marching under its own banner were about 25 members of the Veterans of the Abraham Lincoln Brigade, an organization designated as subversive by the Attorney General. Other groups having representatives at the demonstration were the Spartacist League, a splinter group of the Socialist Workers Party, and the Trade Unionists for Peace, an organization in the trade union movement set up by the Communist Party.

A large group of young people representing college campus chapters of the Students for a Democratic Society, which party leader Gus Hall describes as an organization that the party has "going for us," was also present.

At 7 p.m. the demonstrators began leaving the area of the Pentagon to return to their homes; however, a few hundred remained in the vicinity of the Pentagon during the night, continuing a demonstration marked by a scandalous display of obscenity and immoral behavior. On October 22, 1967, approximately 400 individuals continued to demonstrate. Shortly after midnight authorities cleared the area. They were forced to arrest over 200 demonstrators who refused to move, bringing the total arrests during the Pentagon demonstration to more than 600.

During a press conference in the afternoon of October 22, 1967, committee officials described the demonstration as a tremendous victory. David Dellinger said that the demonstration marked the birth of a "new movement" which will be more militant, more persistent, and more insistent.

Sympathy demonstrations were held throughout the United States and in many foreign countries on October 21, 1967.

PLANNED DEMONSTRATIONS AT THE NATIONAL DEMOCRATIC CONVENTION, 1968

Recently, various new left groups, militant civil rights activists, and subversive organizations have formulated plans to stage a massive demonstration in August 1968 at the National Democratic Convention in Chicago, Ill. Dr. Benjamin Spock, the noted pediatrician and anti-Vietnam war critic, has said that the aim of the demonstration will be to gather 100,000 adults and 100,000 teenagers outside the International Amphitheater during the convention who will "descend upon the National Democratic Convention in Chicago as a final reminder to the delegates of the strength of the opposition."

During the early part of February 1968, representatives of the Students for a Democratic Society, the National Conference for New Politics, and the Communist Party-U.S.A., met in Chicago to make plans for coordinating both black and white groups into united activity at the National Democratic Convention. This group discussed plans to set up an office in Chicago, with full-time personnel, and to include representatives who will travel across the Nation to make the mobilization at the convention successful.

Communist Party officials have indicated that they are willing to supply funds toward the establishment of this office and will furnish funds to Negro representatives to allow them to travel to Chicago for the purpose of attending planning meetings.

The National Conference for New Politics was formed in June 1966 for the reported purpose of enabling those who work for peace, civil rights, and an end to poverty to register the greatest impact by concentrating money and manpower on direct political action. In 1967 its national council contained former members of the Communist Party and the Revolutionary Workers League, which has been cited as subversive by the Attorney General pursuant to Executive Order 10450.

STUDENTS FOR A DEMOCRATIC SOCIETY

The new left student movement in this country has so captured the attention of the Nation in the past several years as to merit hundreds of articles in the news media and to initiate a broad range of speculation about its future role in our country.

It is many-sided. It is political theory, sociology, and bitter protest. It is linked with civil rights, the fight against poverty, the American war in Vietnam. It involves students, faculty members, writers, intellectuals, beatniks, most of them being quite young. The mood of this movement, which is best typified by its primary spokesman, the Students for a Democratic Society, is a mood of disillusionment, pessimism, and alienation. At the center of the movement is an almost passionate desire to destroy, to annihilate, to tear down. If anything definite can be said about the Students for a Democratic Society, it is that it can be called anarchistic.

A national leader of the Students for a Democratic Society during the summer of 1967 claimed a membership of 30,000 for the organization. "New Left Notes." a weekly publication of Students for a Democratic Society, in its issue dated June 26, 1967, stated there was a recorded membership of 6,371 with a total of nearly 250 chapters, mostly on college campuses. Of the 6,371 members, only 875 had paid dues since January 1, 1967. The organization is infiltrated by Communist Party members and Party Leader Gus Hall has described the organization as part of the "responsible left" which the party has "going for us."

In late June 1967, the Students for a Democratic Society held its national convention on the campus of the University of Michigan, Ann Arbor, Mich. In continuance of past programs, the organization called for acts of civil disobedience when necessary. It called for continued demonstrations against U.S. policy in Vietnam, radicalizing the student power movement by connecting it with radical off-campus issues, and the taking over of the colleges and universities by the students.

The Students for a Democratic Society is opposed to conscription in any form and if it has any one program at this time, it is draft resistance. It called for the formation of antidraft unions and the utilization of such tactics as disrupting the Selective Service System apparatus by demonstrations and civil disobedience. It advocated agitation by those men in uniform and urged members of the armed services to desert and go "underground."

In keeping with its past course of action and to put into practice its programs that were outlined at the 1967 national convention, the Students for a Democratic Society has seized upon every opportunity to foment discord among the youth of this country.

Student dissent and behavior are not what really concern perceptive citizens today. Student unrest and dissatisfaction have been erupting through the centuries and dissent is an integral part of our American way of life. What is of concern in the new left movement is its alienation from our democratic thought, processes, and ideals; the open hostility of these students to law and order, to civilized behavior and the concept of liberty under law.

The new left identifies itself with the problems of American society, such as civil rights, poverty, disease, and slums. With its anarchistic bent, however, it refuses to cooperate sincerely with other groups interested in eradicating these same problems, and despite the new leftist's protestations of sincerity, he is not legitimately interested in bringing about a better nation. On the contrary, he is dedicated—in his bizarre and unpredictable ways—to cut the taproots of American society.

The new left should not be arbitrarily equated with the traditional old-line left. Although they become prey to the superior organizational ability and talents of the old-line subversive organizations, such as the Communist Party-U.S.A., the Socialist Workers Party, and the like, to simply identify them as Moscow or Peking Communists would be missing the point. To put it bluntly, they are a new type of subversive and their danger is great. In a population which is becoming increasingly youthful, the new left can be expected to find wider fields of endeavor and to try to do all that it can to infect the rising generation with its anti-American prattle.

W. E. B. DUBOIS CLUBS OF AMERICA

Since it was organized in June 1964, the W. E. B. DuBois Clubs of America has been the Communist Party's main spokesman to the youth of our Nation. This Communist front continues to receive practically all of its financial support from the Communist Party. Many of the organization's members have "gone up" to membership in the party; however, they still work closely with the DuBois Clubs to carry out programs and activities which are initiated by the party.

The DuBois Clubs, because it is made up of young Communists, has been utilized by the Communist Party to work with the new left movement, particularly on the campus, and influence it toward its line of thinking. This organization, hand in hand with the primary spokesman of the new left, the Students for a Democratic Society, has encouraged youth to resist the draft and subject the Selective Service System to harassment and agitation.

WHITE HATE GROUPS

There are a number of small hate-type groups having a total estimated membership of about 350 whose membership is confined exclusively to the white race. These groups parade under the guise of patriotism, anti-communism, concern for the destiny of the country, and peaceful change in our form of government. Under this mantle, however, is an ever-increasing hatred for Negroes, members of the Catholic and Jewish faiths, and our Government leaders. We have penetrated these organizations and keep the local and Federal agencies appropriately advised, including the Secret Service.

One such organization is the American Nazi Party, now known as the National Socialist White People's Party, whose self-styled leader, George Lincoln Rockwell, was assassinated in August 1967. The group at that time numbered about 100 members. It is presently being led by Matthias Koehl, Jr., who was second in command under Rockwell.

Formed by Rockwell in 1956 as a "national socialist" movement and based on the German Nazi Party headed by Adolf Hitler, the American Nazi Party espoused a line of hatred against the Jews and Negroes. Rockwell hoped to attain power through the votes of the millions of people he believed he could convert.

In this regard, Rockwell had been invited to and spoke at various colleges and universities throughout the country. He received upwards of $100 for each speech. This, coupled with small contributions, dues payments, and income received from the sale of publications, allowed him to spread his venom throughout the country. I mention this to illustrate that although an organization may be small in actual members, through publicity and propaganda it can often achieve influence that is entirely out of proportion to its membership.

Another group is the National States Rights Party. Based in Savannah, Ga., with an estimated membership of 125, it is led by Dr. Edward R. Fields, who serves as its information director and editor of its publication, "The Thunderbolt." This group is composed of former members of Klan-type organizations as well as notorious anti-Semites. Its activities consist of meetings, speeches by Fields and the vice president, J. B. Stoner, and demonstrations by members urging segregation and white power.

KLAN-TYPE ORGANIZATIONS

Currently, there are 14 Klan-type organizations in the United States with an estimated total membership of 14,000 hard-core Klansmen. There are thousands of sympathizers. The Klans have their largest representation in the States of North and South Carolina and to a lesser degree in Virginia. There has been a decrease in Klan membership in the previously hard-core areas of Klan violence, such as Mississippi, Louisiana, and Alabama.

The FBI's intelligence operation, which includes penetration of Klan organizations with informants, not only assists the Bureau in the investigations of violation of laws within the FBI's jurisdiction, but also enables us to disseminate information regarding Klan activities to interested Federal agencies.

The FBI regularly furnishes to State and local authorities information regarding violations over which they have primary jurisdiction and, working closely with local authorities, the Bureau is able to advise of activities such as rallies and demonstrations which could lead to violence and other civil disturbances.

A vital part of our Klan program includes a constant development of racial informants in an effort to thoroughly infiltrate the Klan at all levels, giving us a constant flow of current intelligence data regarding Klan strength, organizational efforts, and Klan-terrorist activities.

MINUTEMEN

We continue to follow the activities of the Minutemen organization and keep other agencies, including the Secret Service, advised of the results of our investigation of the organization and its individual members. This is the outfit which claims its primary purpose is to prepare its members to overthrow the Government of the United States when and in the event the Government is taken over by the Communists.

Although boasting of thousands of members, there are actually less than 500 persons in the group, and recent information indicates that there are less than 50 persons upon whom Minutemen leaders can call for overt action. The headquarters remains at Norborne, Mo., and despite Robert DePugh's release of information last year that he was turning the operation of the organization over to an alleged secret "executive council," he still is its self-proclaimed leader and spokesman.

DePugh has stated that the Minutemen as an organization does not buy and store arms but that individual members maintain whatever arms and ammunition they purchase with their own funds. On the other hand, DePugh furnishes plans for the manufacture and assembly of a machinegun to any of his subscribers who donate $20 or more to his so-called "defense fund." Further, early in the summer of 1967, DePugh advised his members to hide their weapons in secret caches as he believed they would be subject to many raids later in the year.

Thus there is a penchant for weapons permeating the entire organization and our investigations have shown this obsession extends to all types of armament, including machineguns, rifles, handguns, explosives, and the like.

In January 1967, DePugh himself was sentenced in Federal Court to 4 years' imprisonment following his conviction for violating the National Firearms Act. He is presently free on bail awaiting an appeal of this conviction.

In April 1966, DePugh formed the Patriotic Party. This group was to be known as the political arm of the Minutemen and was to push conservative causes. Although still in existence, members of this group have expressed dissatisfaction with the lack of accomplishment of the party and have described it as merely a source of revenue for DePugh.

MILITANT BLACK NATIONALIST GROUPS

The activities of certain militant black nationalist groups have been undergoing a change and have added materially to our work. Some so-called civil rights organizations preaching hatred of the white race, demanding immunity from laws and advocating violence constitute a serious threat to our country's internal security. Violence is advocated by these militant black nationalist groups to further the concept of "black power." These groups are made up of militant all-Negro hate-type organizations.

Nation of Islam (NOI)

The largest of these black nationalist groups is the Nation of Islam (NOI) with a highly disciplined membership of approximately 5,500. The NOI is headed by Elijah Muhammad, self-styled "Messenger of Allah," and has its headquarters in Chicago, Ill. It is a semireligious organization which teaches violent hatred of the white race and nonallegiance to the United States. Members of the white race are "devils" in the eyes of the NOI and the group advocates the separation of the white from the black race.

Revolutionary Action Movement (RAM)

Organized in 1963 at Detroit, Mich., the Revolutionary Action Movement follows the teachings of Robert F. Williams, a fugitive from justice who fled to Cuba and then to Communist China. Now also active in New York City and Philadelphia, Pa., its present leader is Maxwell Stanford of Philadelphia.

The group has approximately 50 members the majority of whom are in New York City. RAM is dedicated to the overthrow of the capitalistic system, by violence if necessary, and to its replacement by a socialistic system oriented toward the Chinese Communist interpretation of Marxism-Leninism.

Members of the group have been involved in a number of activities. Among other things, it formed a front organization for rifle training, the Jamaica Rifle and Pistol Club, Inc. Subsequently, several members of this club were arrested in New York City on June 21, 1967, by local authorities for conspiracy to advocate anarchy. They are awaiting trial.

In September 1967, Philadelphia authorities arrested four members of the RAM organization on charges stemming from information reported by an individual that he had been approached by a RAM member to join in an alleged plot to place poison in the coffee urns used by the local police. He turned over to the FBI a bottle reportedly left at his house by RAM. The bottle, upon examination, was found to contain a large quantity of deadly cyanide. The arrested individuals are awaiting trial.

Three other Philadelphia RAM members are awaiting prosecutive action on charges that they conspired to assassinate the mayor and police commissioner of Philadelphia, President Johnson, and myself.

A Peking-published pamphlet introduced into the United States during 1967 is an example of the interest the Chinese Communists take in adding to the racial strife in this country. Interestingly, this particular pamphlet is signed by Robert F. Williams, the China-based fugitive whose teachings are followed by RAM. The pamphlet gives tips on how to cause problems for the authorities by such acts as plugging sewer lines, starting fires and paralyzing traffic.

Along the same line, the official Chinese Communist news organization, the New China News Agency, has bombarded the Negro newspapers in this country with daily releases, many of which extol the efforts of racist extremists and indicate a strong support of Negroes in their "rebellion against racial oppression."

Student Nonviolent Coordinating Committee (SNCC)

The Student Nonviolent Coordinating Committee, formerly headed by Stokely Carmichael and now by H. Rap Brown, is the most publicized of the groups advocating Negro rights through violence. Formed in 1960 in Atlanta, Ga., as a civil rights organization, the group switched to advocacy of black power in 1966.

To Carmichael, black power signifies "bringing this country to its knees" and "using any force necessary" to obtain Negro goals. He maintains that "violence is inevitable in the struggle for Negro liberation," and he urges Negroes in this country to "prepare for a bloody revolution."

Carmichael couples his black power advocacy to the war in Vietnam. He refers to the war as a "white man's war" being "fought for racist reasons." On July 25, 1967, Carmichael arrived in Cuba for a conference of revolutionary forces before proceeding to Hanoi and other foreign countries. Upon his return to the United States in December 1967, his passport was confiscated by the State Department.

Carmichael was succeeded by H. Rap Brown as national chairman of SNCC in May 1967. Brown has traveled this country calling for "rebellion by any means."

Black nationalist groups that preach this kind of violence and revolution are increasing and their teachings become more violent each day.

FOREIGN INFLUENCES IN BLACK NATIONALIST MOVEMENT

Although at this time no evidence has been developed which would show that the black nationalist movement in the United States is either under foreign control or direction, it must be recognized that real opportunities for foreign exploitation have and do exist and present a definite threat to our internal security. In fact, as evidenced by the following, data has been developed indicating varying degrees of foreign participation, influence and/or involvement among black nationalist groups and individual militants.

Student Nonviolent Coordinating Committee (SNCC)

The actual as well as the potential extent of foreign involvement and participation in the black nationalist movement is highlighted by the recent foreign travels of Stokely Carmichael, former chairman of SNCC. In addition, numerous other SNCC members have traveled abroad seeking support for their cause. In 1967 they visited such far-flung countries as Cuba, England, France, Sweden, Norway, Cambodia, North Vietnam, Tanzania, Czechoslovakia, and the Soviet Union. John Tillman represented SNCC at an anti-Vietnam conference held in Bratislava, Czechoslovakia, in September 1967, which was attended by representatives of North Vietnam and the National Liberation Front of South Vietnam. Five SNCC members traveled to Cuba on January 1, 1968, reportedly to attend a "cultural" conference in Havana to be held January 4–11, 1968.

Indications are quite clear that SNCC is attempting to obtain international recognition. It has appointed a director of international relations, James Forman, who is stationed in New York City.

Revolutionary Action Movement (RAM)

There is evidence of an existing line of communication outside the normal channels of communication between Robert F. Williams, the leader in exile of RAM who now resides in Red China, and RAM members in the United States. There are also allegations of Red Chinese financial support of RAM, although these have not been substantiated.

Communist Party (U.S.A.)

The Communist Party-U.S.A., has always had strong international ties with other Communist parties throughout the world. Moreover, it has actively supported the black nationalist movement in the United States and solicited funds for SNCC.

In October 1967, the party formulated a new position paper which included the following statement: "We as Marxists have always affirmed that oppressed people have the right to forcibly overthrow an oppressive regime when the channels for democratic change are closed to them. This right is affirmed in the Declaration of Independence. Therefore, there can be no question of the right of black people in the United States to use violence to achieve change."

COVERAGE OF MILITANT BLACK NATIONALIST GROUPS

The revolutionary stand taken by many members of militant black nationalist organizations such as those listed above represents a distinct threat to the internal security of the Nation. This situation has made it necessary for the FBI to intensify its intelligence operation in this field through penetration of these groups with informants and sources in order to be kept aware of their plans and objectives. This penetration has been made at all levels, including the top echelon of these extremist groups.

As a result of our efforts, a large volume of intelligence data is developed and disseminated on a daily basis to interested agencies of the Federal Government, as well as to local authorities. This information is also of assistance to the Bureau in the investigation of violations of law within the FBI's jurisdiction.

We have developed numerous sources in ghetto areas of our major cities where we are receiving vigorous support from law-abiding citizens in these areas. This has put us in a position to pinpoint areas of potential trouble and identify issues that could lead to violence. Such information is disseminated to State and local authorities to assist them in their handling of their responsibilities in this field.

Stockpiling of weapons by Black Nationalists

Reports of the stockpiling of firearms and other weapons by black nationalist groups for use against the white man are of great concern. Such stockpiling is, of course, a distinct possibility in view of the ease with which firearms can be obtained in this country and in the light of the inflammatory urgings of such agitators as Stokely Carmichael, H. Rap Brown, and James Forman of the Student Nonviolent Coordinating Committee. As recently as last weekend at a public meeting in Los Angeles, Calif., Forman told the audience that every Negro should be armed for the eventual revolution of the black people; Brown made the statement that power comes from the barrel of the gun and Negroes must obtain power and guns; and Carmichael exclaimed that all blacks must unite militarily.

Our reports on investigations of black nationalist extremists are replete with allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to obtain weapons. They have distributed newspapers and leaflets describing methods of making firebombs for use in riots. The "Inner City Voice," a newspaper in Detroit, Mich., with a claimed circulation of 10,000 and aimed at the ghetto reader, contains such information.

In a number of instances black nationalists involved in arrests have been found in possession of weapons. Fifteen members of the Jamaica Rifle and Pistol Club of New York City, an affiliate of the Revolutionary Action Movement which is a black nationalist extremist group oriented toward the Chinese Communists, are presently under indictment on charges of criminal anarchy and possession of dangerous weapons which included six handguns and 35 rifles, shotguns, and carbines. These individuals who were arrested on June 21, 1967, allegedly were plotting the murder of Roy Wilkins and Whitney Young, prominent civil rights leaders.

On May 2, 1967, 24 members of the Black Panther Party for Self-Defense, an organization which advocates the use of guns and guerrilla tactics to end the oppression of the black race and the drafting of Negroes to fight in Vietnam, invaded the Assembly of the State of California which was in session. The invaders were armed with rifles, shotguns, and pistols and they were there to protest a gun registration law. A leader of this organization is presently under indictment for murder in connection with the killing of an Oakland, Calif., police officer in October 1967, during a routine traffic arrest incident.

On Wednesday of this week, approximately 600 Negroes who were attending a memorial program for Malcolm X, deceased black nationalist leader, which was held at a public school in East Harlem, New York City, were urged by black nationalist extremist Herman B. Ferguson to obtain weapons to arm themselves for "self defense" against the whites.

With respect to H. Rap Brown's appearance in California over the weekend of February 17, 1968, it is noted that he was possibly in violation of bail restrictions placed on him by a U.S. district judge in the eastern district of Virginia and by a U.S. district judge in the eastern district of Louisiana which placed limitations on Brown's travels. U.S. District Judge Robert R. Merhige, Jr., of Virginia has ordered Brown to appear before his court to show cause why his bail should not be revoked. This bail of $10,000 was set in connection with an appeal of an extradition order from Virginia to the State of Maryland where he is charged with inciting to riot and inciting to commit arson. The Louisiana bail of $15,000 was in connection with Brown's arrest for violation of the Federal firearms statute in that while under indictment for a felony, he illegally transported a firearm in interstate commerce. Federal Judge Lansing L. Mitchell of the eastern district of Louisiana on February 19, 1968, preliminarily revoked his bail and issued a warrant for his arrest.

Brown was arrested in New York City on February 20, 1968, by a U.S. marshal assisted by local police and agents of the Alcohol, Tobacco, and Tax Unit of the Treasury Department; however, at a hearing on the same date, he was released to the custody of his attorney with the provision that he would appear in Federal court in Richmond, Va., and New Orleans, La., on the dates to be set by the courts.

Brown was ordered to appear in Federal court at New Orleans on February 21, 1968. At the conclusion of the hearing $5,000 of the $15,000 bond was ordered forfeited. Bond was reset at $50,000 which he did not make and he was held in custody. The court also ordered Brown removed to Richmond, Va., to appear there on February 23, 1968, in connection with the order of the Virginia court to appear and show cause why his bail should not be revoked.

During the recess of the Louisiana hearing on February 21, 1968, Brown threatened a Negro special agent of the FBI who was present as a witness for the hearing. Brown was arrested at the conclusion of the hearing then in progress on charges of violating the assaulting of a Federal officer statute. He was arraigned on this latter charge on February 22, another bond of $50,000 was set and he was remanded to the custody of the U.S. marshal.

RACIAL DISTURBANCES

The summer of 1967 witnessed the most violent rioting in the history of our Nation, rioting which was marked by murder, arson, looting, and wanton destruction. These disorders which have broken out in the many cities during the past several summers are grim evidence that in any urban area mob violence can suddenly and explosively erupt.

I want to make clear the FBI's responsibility in civil disorder matters, Basically, it is confined to the development and dissemination of intelligence information to the Attorney General, being alert, of course, to any violations of Federal law over which we have jurisdiction. Appropriate State and local authorities are also kept informed of pertinent developments.

The FBI does not have jurisdiction for the protection of persons and property nor does it have responsibility for the policing or controlling of riotous conditions. This is a matter for the local authorities.

While we scrupulously avoid encroaching on the authority of local and State agencies, we do provide continuing cooperative services and assistance, such as courses of training relating to the behavior of mobs and their control.

Since the fall of 1964, the FBI has, at the direction of the President, made riot control training available to law enforcement agencies. Thus far (February 1, 1968), we have extended such training assistance in 2,105 local schools attended by 81,351 people.

Along this same line, we published a training booklet entitled "Prevention and Control of Mobs and Riots." Thus far we have distributed nearly 60,000 copies to persons and agencies having a direct responsibility for prevention and control of riots.

The riots during the summer of 1967, as did those of other summers, almost invariably began in a similar way: the reaction to a minor incident involving police action in a depressed Negro area; the gathering of a crowd; hostility toward and interference with the police; the fanning of the now already troubled situation by troublemakers, extremists, and subversives; overt hostile action toward the police, accompanied by wild charges of "police brutality"; and suddenly the tension and excitement boils over and explodes into blind, irrational mob fury and action with resulting street fighting, vandalism, arson, looting, and sniping.

This familiar pattern was evident, for example, in the riot at Newark which was triggered by the arrest of a Negro taxi driver for a traffic violation.

The summer of 1967, however, brought a new development in that tense situations have been further aggravated with the crowd taking violent action following the exhortations of extremists, such as black power advocates Stokely Carmichael and H. Rap Brown. I have previously commented on some of their activities and statements.

Another problem in connection with many of the disturbances has been the involvement of criminal elements as the disorders grew and spread. Young Negro hoodlums have also been an increasing source of trouble and concern during the course of the disorders.

The heavy involvement of the criminal element is clearly evident from a statistical analysis of the fingerprint cards forwarded to our Identification Division by the local authorities as a result of arrests made during the course of the riots. Of 1,089 fingerprint submissions from Newark, 708, or 65 percent, white and Negro individuals were found to have prior records on file. About one-half of the overall fingerprint cards were of individuals in the 18- to 25-year-old age group.

As to the 1,060 fingerprint cards submitted by the Detroit authorities, 464, or 44 percent, of the white and Negro individuals arrested had prior criminal records, and the 1,060 prints received, 509 were of individuals in the 18- to 25-year-old group.

Mr. Rooney. Were the riots of 1967 characterized by any particular pattern or cause?

Mr. Hoover. Although the riots of 1967, as in prior summers, were characterized by spontaneous outbreaks of violence and no evidence has been developed to indicate the disturbances were part of any overall conspiracy, we should never overlook the activities of the Communists and other subversive groups who attempt to inject themselves into the turmoil once it is started, as well as the effect of such demagogues as Stokely Carmichael and H. Rap Brown who made so many inflammatory and vitriolic statements during the past summer.

Just as there is no single cause for the outbreaks we experienced during the recent summer, there is also no panacea which will bring them to a halt. However, it is my belief that lawlessness and violence must be met head-on by prompt detection of those violating the law, followed by prompt trial and realistic punishment.

Penetration of subversive organizations

Although there are a large number of individuals and numerous organizations involved, we have been able to follow closely and report on the activities of the Communist Party-U.S.A. and other subversive organizations such as the white hate groups. The assistance of our security informants has been invaluable in this regard. Through their use we have been able to penetrate the organizations at high levels, both locally and nationally. Also, these men and women in their informant capacity have enabled us to deeply penetrate the intelligence operations being conducted in this country by representatives of the Communst bloc, Cuba, and Red China.

ESPIONAGE AND COUNTERINTELLIGENCE OPERATIONS

The tempo of this multipronged espionage attack against this Nation continues to increase. The concerted drive is evidenced not only in increased activity from the Soviets, their satellites, and other communist-bloc countries, but also in significantly stepped-up drives from Castro's Cuba and from Red China.

We must provide wide coverage of all these sources of espionage since all possible avenues available to them are being utilized in their efforts to penetrate the national defense interests of the United States. Spies on intelligence missions for their governments enter this country under every conceivable cover. They are found among the official diplomatic representatives of their countries. They enter as students, tourists, commercial representatives, and members of cultural exchange groups. They infiltrate with refugees and emigres.

Espionage against the United States may be directed from official establishments within this country or from countries outside our borders. The intelligence agent may be in this country on an official basis, as in the case of many of the representatives assigned to official establishments, such as the embassies, the missions to the United Nations and the commercial concerns; on the other hand, he may be the deep-cover spy with no apparent connection with any foreign government.

The main thrust of the attack, particularly from the Soviet bloc, continues to be through the personnel assigned to their official establishments in this country. Soviet policy as to world espionage has remained essentially unchanged throughout the history of the Soviet Union. Although the names of the Soviet intelligence services differ today from what they were 20 years ago when Joseph Stalin was Premier, the objective of world conquest by communism has never wavered. The change over the years has been not a change in objective but a steady intensification of the effort to reach that objective, the destruction of a capitalistic country.

Without question there has been an expansion of the Soviet effort. Over the years the number of official personnel assigned to this country has increased regularly. The great bulk of these individuals actually have intelligence assignments and these people, spies for the Soviet Union, are involved in more intelligence operations than ever before.

The number of official personnel of the Soviet bloc here on January 1, 1968, totaled 928. As I have indicated in the past, a Soviet defector has stated that approximately 70 to 80 percent of all personnel assigned to a Soviet diplomatic establishment are in the intelligence field. The 928 Soviet-bloc official personnel were accompanied by 1,260 dependents, some of whom also have intelligence assignments.

Mr. Chairman, I hand you a chart showing the total Soviet-bloc official personnel in the United States from July 1, 1962, through January 1, 1968. This chart does not include 1,514 other Soviet-bloc officials and dependents who were here temporarily, such as couriers and members of special delegations.

(Chart not printed in Record.)

Mr. Hoover. The expanding intelligence activities of Cuba have required that we augment our coverage in this country.

Under the guise of Cuban United Nations officials, Cuban intelligence personnel are carrying out sophisticated operations in the United States with full diplomatic immunity. Experienced operatives utilizing Soviet tactics are actively engaged in a continuing program of recruiting Cuban agents in this country. The methodical, persistent, and highly specialized approach being used bears the indelible stamp of Soviet cunning and is geared to provide Cuba's intelligence service with the large pool of agents needed to fulfill its increasing demands.

The stepped-up Cuban espionage program has been able to draw from the large reservoir of Cuban refugees who between December 1965 and December 1967 have entered the United States at the rate of over 3,700 a month. Although the vast majority of refugees are disillusioned and disgusted with Castro's communism, the Cuban regime has redoubled its efforts to utilize this humanitarian refugee channel as a means of infiltrating trained agents into this country.

On a broader scale, Latin America continues to be a priority target for extensive Communist subversion directed primarily from Cuba, but also from the Soviet Union and Communist China. In carrying out Castro's stated objective of eliminating U.S. influence in Latin America through revolutionary violence, nationals from all Latin-American countries as well as Puerto Rico have received training in Cuba in the rudiments of guerrilla warfare. In addition, Cuba has served as the logistical base for arms and equipment needed for the support of clandestine guerrilla operations which are threatening the stability of this highly important area.

In its efforts to subvert existing governments in Latin America, Cuba has actively infiltrated guerrilla forces, arms, and equipment into various South American countries. Most significant was the sending of former Cuban Minister of Industries Ernesto "Che" Guevara to lead Bolivian Communist guerrillas. Guevara's death in the unfriendly surroundings of a Bolivian jungle resulted from mistrust and disillusionment within the rag-tag group of malcontents he was trying to lead.

Despite the circumstances of Guevara's death, Castro's propaganda machine has been presented with a situation which will be used as a rallying point for saboteurs and other subversives all over Latin America. A mystery during his warped and depraved lifetime, Guevara will be more so in death as the idol for those who ruthlessly subvert constitutional governments.

As another example of Cuba's infiltration efforts, during 1967 a Cuban fishing vessel was used in an abortive attempt to land a guerrilla force in Venezuela. In this regard, within the past 2 years the Cuban fishing fleet has increased at an accelerated pace and has operated on a wide scale in the Atlantic Ocean as well as in the Pacific. While no evidence has been uncovered indicating that the Cuban fishing fleet has been operated against this country in the landing of subversives and the like, we must be alert to any such effort in view of the attitude of Cuba toward the United States.

The fact that Communists are continuing efforts throughout the Western Hemisphere to foment disorder and violence has recently come to light. It has been learned that just prior to the 15th Congress of the Communist Party of Mexico, held from June 18 to June 22, 1967, at Mexico City, members of the party in that country arrived at the conclusion that a people's revolution would be necessary south of our border although the political climate was not then favorable to the success of an armed revolt. Nevertheless, clandestine plans were made to gather and store weapons and ammunition and to designate concentration areas for revolutionary elements in the event the people's revolution materialized. It is significant to note that one such concentration area was less than 150 miles from Laredo, Tex., and it is of further interest to note that the Communist Party of the United States was well represented at the Mexican Communist Party Congress in mid-June 1967.

Communist China

The intelligence activities of Red China have also brought about an increase in our work in carrying out our responsibilities in this area and the work can be expected to continue to mount.

The vociferous statements of the leaders of Communist China make it abundantly clear that the United States is considered that country's No. 1 enemy. In one such statement, which serves as an outline of aggression, it was predicted that the defeat of the Western countries, and particularly the United States, would come about by first gaining control of surrounding smaller countries. This cannot be dismissed as just an idle threat when it is considered that in July 1967 the Mexican Government reported the arrest of several Mexican citizens who were conspiring to rebel against the Mexican Government with the financial aid of Communist China. Chinese Communist influence has also been evident in other Central and South American countries.

In the North, the New China News Agency, an agency of Communist China, maintains an office in Canada. Although posing as a legitimate newsgathering office, in every country in which it is established, its real function is to serve as a base for Chinese Communist propaganda activities.

In this country, Communist Chinese agents have mounted a concerted effort to obtain highly sensitive data for their homeland. This material goes to Red China by various means. For example, two individuals have been forwarding electronic components, which could be used in a multitude of military equipment, to Communist China through an intermediary in Hong Kong. Other Chinese in the United States have been furnishing strategic information to Communist China through individuals in European countries.

Another tax on our investigative resources stems from the amendment to the Immigration and Nationality Act in the fall of 1965 permitting up to 20,000 Chinese to enter this country each year. Some 17,210 did enter during 1966 and while the vast majority presents no problem, it is well known that in this group lies the potential for Communist China to introduce Chinese Communist agents into the United States.

SELECTIVE SERVICE

There continued to be an increase in the volume of Selective Service Act violations referred to us during the fiscal year 1967, a total of 29,228 violations being received. This represented an average influx of more than 2,400 a month as contrasted to approximately 1,775 a month in 1965.

Convictions have also risen substantially, these having jumped from 243 in 1965 to 763 in 1967, resulting in an increase of 116 percent in 1967 over 1966 alone.

We have also had to undertake a great deal of added work because of a growing number of instances where draft cards were turned in or destroyed, and the like. Immediate investigation is made of all such instances.

As to the destruction or mutilation of draft cards, this was made a violation by legislation approved August 30, 1965. Since that time we have received 300 reports alleging draft card destruction or mutilation. Investigation confirmed the acts in 163 instances. To date, prosecution has been authorized by the Attorney General in 25 of these cases. Convictions were obtained as to 14 individuals, seven others are awaiting trial, and indictments on the remaining four have been dismissed.

The turning in of draft cards is a more recent development and reached a peak during the so-called "stop the draft week" in October 1967, which was a part of the concerted antiwar protest schemes being carried on over the country at the time.

While many of the youths noisily and brazenly advocated the burning and turning in of draft cards to demonstrate their claimed abhorrence of the Vietnam War, many just went through the motions with "phony" cards. For example, on October 16, 1967, a group of youths in New York City conducted a demonstration and tried to leave draft cards with the U.S. attorney, but they were not accepted. The group then mailed the cards to the Attorney General. Of the 630 cards received, 433 were not actual draft cards. Although similar in size and appearance, they bore the caption "Selective Service System Anti-Draft Certificate."

This chart shows one of these cards. For comparison purposes, an official Selective Service card is also depicted.

Participants in "stop the draft week" activity in Washington, D.C., left 992 cards at the Department of Justice. There turned out to be less than 360 actual draft notices representing 256 individuals located in 38 States, the remaining material consisting of such things as facsimiles and copies of Selective Service documents and antidraft cards. We have located and interviewed all but a very few of the 256 individuals. The others, including those that have no permanent addresses as well as some youths whose whereabouts are unknown even to their parents, are being sought. Some are known to be out of the United States.

Included among donees of the aforementioned material are Daniel Thomas Fallon and Jeremy Hardin Mott who are members of Chicago Area Draft Resisters, an extremely active antidraft organization. A U.S. district judge in Chicago recently sentenced each of them to 5 years in Federal custody after conviction in separate trials for Selective Service violations. Fallon was found guilty of refusing to report for induction while Mott was convicted for leaving alternative civilian employment in a hospital to which he had been assigned after being classified a conscientious objector.

Cards have been turned in all over the country. As a result, considering the country as a whole, we have had to look into the circumstances concerning approximately 1,500 turned-in selective service documents. This, of course, adds greatly to our work. Also, draft calls during the fiscal year 1967 averaged 24,075 a month. The announced draft call of 39,000 for March 1968 is the largest monthly call since 1966, and indicates there will be no letup in the violations we can expect to receive.

Information developed during our investigations has been turned over to the Department which is following a policy of bringing the information to the attention of State directors of Selective Service, Federal prosecutive action being deferred pending completion of any administrative action by the Selective Service System.

Immediate investigation is conducted concerning those individuals who are involved in counseling others to take action in violation of the Selective Service Act. Upon completion of the investigation, the facts are promptly furnished to the Department of Justice for possible prosecutive action.

Our investigation resulted in evidence being presented to a Federal grand jury in Boston, Mass., and five individuals, including the nationally known pediatrician, Dr. Benjamin M. Spock, and Yale University Chaplain William Sloane Coffin, Jr., were indicted on January 5, 1968, for counseling noncompliance with the draft law. All five subjects pleaded not guilty upon their arraignment in U.S. district court at Boston on January 29, 1968. All were released on bond without surety. No trial date has been set.

CIVIL RIGHTS INVESTIGATIONS

A sustained upward trend in civil rights work continued to be evident through the fiscal year 1967 when an alltime high of 5,366 cases were handled. This represented an increase of 157 percent in the 5-year period since 1962, in which year there were 2,085 cases handled.

I offer to the committee a chart showing the volume of civil rights cases handled during the fiscal years 1962–67 and another showing a breakdown by States of the 5,366 cases in 1967.

Mr. ROONEY. We shall at this point in the record insert the table entitled "Civil Rights Cases Handled 1962–1967":

Civil rights cases handled, 1962–67

Fiscal years:	
1962	2,085
1963	2,692
1964	3,340
1965	4,389
1966	5,181
1967	[1] 5,366

[1] All-time high.

Mr. HOOVER. In addition to the individual civil rights cases, we have been called upon to investigate over 5,000 cases dealing with discrimination in places of public accommodation, public facility, public education, and employment under the provisions of the Civil Rights Act of 1964, a total of 1,653 being in the fiscal year 1967.

Voting and election matters are closely related to basic civil rights, and possible violations of Federal statutes dealing with this area are investigated by the FBI upon specific authorization of the Department of Justice. The 226 cases handled during 1967 under the provisions of the Voting Rights Act of 1965 have brought to more than 700 the total volume so far handled under this recent legislation. An additional 109 alleged violations of the Federal election laws were also reported to the FBI in 1967.

All investigations of civil rights allegations and racial disturbances require immediate handling and place tremendous demands on our manpower, often requiring that we divert personnel from other important work. This is illustrated by the fact that during January 1968, it was necessary that a total of 1,310 special agents devote some of their time to this type of work so that we might keep abreast of the responsibilities in the civil rights field. During the summer of 1967 this assignment at times ranged upward to nearly 1,500.

Accomplishments

The Bureau's civil rights investigations have again yielded many positive results. Noteworthy are the following:

In June 1964 three civil rights workers were murdered near Philadelphia, Miss., and the FBI launched one of the most comprehensive and intensive investigations in its history. Total investigative costs exceeded an estimated $815,000 and 258 special agents were assigned to this case at the height of the investigation.

On October 20, 1967, a jury in U.S. District Court, Meridian, Miss., convicted seven men of conspiring to violate the victims' constitutional rights. Those convicted included Cecil Price, a deputy sheriff in Neshoba County, Miss., and Sam Holloway Bowers, Jr., Imperial Wizard of the White Knights of the Ku Klux Klan of Mississippi. On December 29, 1967, Cecil Price was sentenced to serve 6 years; Sam Holloway Bowers, Jr., was sentenced to serve 10 years; and the other five who were convicted received sentences ranging from 3 to 10 years' imprisonment. All seven are free on bond pending appeal. The case against James Edward Jordan, an additional defendant who testified for the Government, was handled by the U.S. District Court, Atlanta, Ga., where Jordan entered a plea of guilty on October 27, 1967. He was sentenced to 4 years' imprisonment on January 12, 1968.

The verdict returned in Mississippi and the sentences imposed by the Court serve notice on the Klan and others of similar ilk in that area that they can no longer expect the community to look the other way when racial violence occurs. Only a few years ago, many responsible persons would have considered the possibility of obtaining such a conviction to be highly improbable. Today, however, it is in keeping with the results achieved in other similar cases investigated by the FBI in the recent past.

For example, three men were convicted of Federal civil rights charges at Montgomery, Ala., and on December 3, 1965, each was sentenced to 10 years' imprisonment in connection with the March 1965 murder of Viola Liuzzo, a civil rights worker; in July 1966 two men were convicted on Federal civil rights charges at Athens, Ga., and each was sentenced to 10 years' imprisonment in connection with the shotgun murder of Lt. Col. Lemuel A. Penn on July 11, 1964.

Sam Holloway Bowers, Jr., the Klan leader who was convicted on Federal civil rights charges in connection with the murder of three civil rights workers, is also one of 12 members of the White Knights of the Ku Klux Klan of Mississippi awaiting trial on Federal civil rights charges at Hattiesburg, Miss., in connection with the shooting into and burning of the home of Vernon Ferdinand Dahmer, Sr., on January 10, 1966. Mr. Dahmer, who died the same afternoon, was a past president of the National Association for the Advancement of Colored People in Forrest County, Miss. The Federal charges against the Klansmen are based upon the results of comprehensive investigation by the FBI.

With the approval of the Civil Rights Division of the Department of Justice, the results of this Bureau's investigation were furnished to the local authorities and on January 24, 1968, a Forrest County, Miss., grand jury returned indictments against eight Klansmen charging them with murder and arson and also returned indictments against five other Klansmen charging them with arson in connection with the Dahmer incident. Trial is scheduled for the March 1968 term of court.

As a result of investigation being conducted concerning the shooting into and burning of the home of Mr. Dahmer, information was developed concerning the kidnaping of one Jack Watkins within the State of Mississippi. This information was provided to local authorities and as a result of this information, indictments were returned by the Jackson County, Miss., grand jury against Sam Holloway Bowers, Jr., and five other individuals. One of these, Billy Roy Pitts, a Klansman, entered a plea of guilty in State court to charges returned by the grand jury and on February 5, 1968, he received a sentence of 5 years. Another individual involved in the kidnaping, Travis Buckley, a Klan attorney, on February 7, 1968, was convicted in State court on charges returned by the grand jury.

In another pending matter the FBI conducted widescale investigation into various acts of racial violence in Rowan and Cabarrus Counties, N.C. These incidents, which were directed against both whites and Negroes, included shooting into homes, dynamiting business establishments, burning churches and residences, and making threatening telephone calls. On July 18, 1967, FBI agents arrested 12 men indicted on civil rights charges by a Federal grand jury. All 12 were then or formerly affiliated with the United Klans of America, Inc., Knights of the Ku Klux Klan. One of those indicted entered a plea of guilty in U.S. District Court, Greensboro, N.C., on August 30, 1967.

Trial commenced January 8, 1968, in U.S. District Court, Salisbury, N.C. One defendant died during the trial, the court acquitted another defendant, and on January 19, 1968, the jury acquitted eight defendants. The jury was unable to reach a verdict concerning the 12th defendant and no date has been set for the retrial of this individual.

Intensive investigation was instituted by the FBI on June 7, 1966, when nine shots were fired into the home of a Negro family in Minden, La. The family had been active in civil rights matters and a son was the first Negro to graduate from the local high school.

On June 19, 1966, shots were again fired into the house and FBI agents obtained signed confessions from seven persons, including two juveniles. The Department of Justice deferred Federal prosecution in favor of local action. All seven were thereafter convicted in juvenile or local court on charges connected with these shootings. Final court action was taken in March 1967. Four received jail sentences and the other three received probationary or suspended sentences.

The FBI conducted extensive investigation in March 1966, when a Negro Army captain, en route to Vietnam from Germany, was shot and wounded while using a public telephone in a Bogalusa, La., service station. It was determined that the shot had been fired by Thomas Bennett, who is white. The Department of Justice concluded that the facts did not warrant Federal prosecution and further action was deferred in favor of prosecution by local authorities. Thomas Bennett was convicted of attempted murder on February 8, 1968, by a local jury at Franklinton, La., and on February 23, 1968, he was sentenced to 10 years at hard labor. Two FBI agents testified at the local trial. This is only one of many instances in which we have cooperated with local authorities to assist in the ends of justice.

It is significant to note that members of the Ku Klux Klan have been involved in several of the convictions which I have discussed. These convictions certainly are evidence of the extensive informant infiltration and extensive coverage of the various Klan organizations which we have been able to achieve.

THREAT OF COMMUNISM

Mr. LIPSCOMB. Mr. Director, again you made a very serious presentation on the threat of the Soviet Communist effort being done in our country through cultural exchanges, trade missions, and other groups. Every year, it seems to me, that the people of our country get more of a feeling it is not important any more, A kind of a euphoria exists in our country.

Mr. HOOVER. That is true.

Mr. LIPSCOMB. When people try to warn or inform our people that there is still this danger, that communism has not changed, that the threat is still there, it is frowned at.

Is there any way that information such as you have presented to this committee can get to the people and make them aware of it? It seems our Government policy is, that we do not talk about it and so people just put it out of their minds.

Mr. HOOVER. I think your conclusion as to apathy and lack of knowledge is certainly justified. There is a growing apathetic attitude toward communism, its danger to this country and also toward the activities of the Soviet Government. This is not a question of supposition but it is a fact. We know the people who are threats to our country, what they are doing in this country and what their goals are.

Every now and then someone will be declared persona non grata by the State Department. He will go back to his country and be replaced by someone else to engage in the same kind of activity. There is not very much publicity given to persona non grata actions when they occur in our country. In contrast when anything occurs in Russia, when they find some American they claim engaged in espionage, a big public trial takes place and it is given great publicity throughout the entire world. For some reason what we do abroad is down-graded by certain segments in this country and those of us who speak out in support of our position are viewed as alarmists who are seeing things which are not true.

The FBI on a very limited basis has representatives of the Bureau speak to student bodies at colleges and universities giving the true facts about communism. On the other hand, during 1966–67 top-level officials of the Communist Party made 54 appearances as speakers on campuses of colleges and universities throughout the country.

These top-level Communist officials were invited by the schools or by groups on the campuses. I do not feel this should be permitted as I do not think the students should be confronted by individuals who are liars. These Communist speakers always try to portray that communism is nothing but a political philosophy, such as the Republican or Democratic parties. That is a falsehood.

We know what Communist instructions are and where their dedication lies. I have put in the record a list of where they appeared and the names of the speakers. You may want to look at that list.

Mr. ROONEY. We had this last year, did we not?

Mr. HOOVER. Yes, but this is a new list. The list reflects the wide variety of colleges and universities where these Communist speakers have appeared.

With our limited staff it is only possible to have an FBI representative appear and speak on the subject of what communism really is at only a small number of colleges and universities. We are proud of the fact that we have been able to have a representative appear regularly at West Point, at Annapolis, at the Air Force Academy and at the Army and Navy War College in Washington, D.C. During these appearances our representative presents the topic of subversion in its true light.

The great need today is for the right kind of speakers at the local level to present communism in its true light. Unfortunately, into the anti-Communist ranks have filtered some individuals who are emotionally unstable or regarded as extremists.

COMBATING CRIME AND SUBVERSION

Congressman Lipscomb, in your district, the city of Monrovia, Calif., has created a crime prevention commission. This commission is directly concerned with alleviating the crime problem, but it could well be used to expose communism for what it is. Such an effort could go a long way in enlightening the citizens at the local level.

There has been great apathy about subversion and crime in this country and nothing will be done about it until we get most of the citizens of this country to realize it affects them. It is all right to have official commissions formed and various statements made by authorities at the Federal and State levels, but you must deal at the local level to get our citizens interested in combating crime and subversion by the exposure of it.

I regret what is going on in the high schools by inviting such people as H. Rap Brown and Stokely Carmichael to speak to young students. Carmichael appeared at a school in Washington, D.C., just a few days ago. The idea of inviting him to a public school paid for by the taxpayers of this country, a man who has gone the length and breadth of the world damning the United States, saying its Government should be overthrown, saying people should get guns to use against "whities"; that is inexcusable. They invite an individual of that kind to talk before a public high school composed of youth not at the age yet to properly evaluate what he has to say. He is enough of a rabble-rouser in the so-called ghettoes of the country where there are militant Negro elements that like to hear him expound but to have him spew his venom in the schoolrooms is wrong, I think.

Mr. LIPSCOMB. I want to thank you for recognizing the city of Monrovia. It is a fine city.

Mr. HOOVER. If more communities would do what they did, Mr. Lipscomb, there would be an awakening as to what crime is doing to this country. The commission there intends to know what is going on, what the police department is doing, and what can be done to help the law enforcement officer.

Mr. LIPSCOMB. They are dedicated in this effort. Mr. Hoover, again, this year I want to commend you and your associates for all that you are doing. I wish that more people had the occasion to have this kind of information and testimony presented to them. It is factual, it is clear, concise. You are doing a great service for our country and always have. It is a privilege to be here and to be a member of this subcommittee.

Mr. Hoover. Thank you very much indeed.

Mr. Cederberg. Mr. Director, you have commented regarding our internal security problems as being affected by those from outside our country who are dedicated to the destruction of our country. I am concerned about another threat that I believe is a genuine threat, and that is the question of organized crime. It threatens the lives and security of our individuals, it upsets our domestic tranquility, and yet I see a hampering by courts in denying you the tools to effectively deal with organized crime by denying the use of devices essential to deal with organized crime. I rather imagine this requires an additional amount of personnel on these cases when these devices are denied you in combating the criminal. We all want these things used judiciously and sensibly and under the right kind of surveillance, but do you find a problem here now?

Mr. Hoover. We have a very definite problem, Mr. Congressman, in that regard. As I said in replying to Congressman Lipscomb's query, there has been great apathy upon the part of the civilian population of the country. They are not sufficiently interested in combating crime and they rarely go to the help of a police officer if he is attacked or maligned. The decisions by the courts have no doubt in some instances handicapped effective law enforcement, particularly at the local level where they are dealing with the type of crime that does not permit a long and complicated investigation, but where they have a need for immediate information in order to be able to solve their cases on the street.

It is true that at the Federal level in our jurisdiction we have to use more personnel to handle our cases because of certain restrictions on us in regard to the use of electronic devices. We want to apprehend the violators of the law but it cannot be done unless we obtain the evidence. If we cannot get the evidence by legal electronic devices, then we have to utilize a larger staff of special agents to make the investigations.

A recent opinion by the Supreme Court surprised me. They ruled a microphone we had installed on the outside of a public telephone booth in Los Angeles was illegal. We had the microphone not inside the telephone booth, not on the telephone itself, but on the outside of the booth. We were able to hear only one end of the conversation.

We knew a prominent gambler went to this phone booth to get and place bets throughout the country in violation of a Federal statute. The Court held that the use of the microphone was illegal and that the evidence so obtained could not be used.

The Court added a statement that under proper circumstances if we had sought court authority to put the microphone on it might have been an entirely legal procedure, which gives at least an indication that if Congress sees fit to pass a statute authorizing the use of electronic devices under proper controls, the Supreme Court might approve their use.

(Discussed off the record.)

HERBERT APTHEKER

Mr. Bow. Will you insert in the record something on the background of Herbert Aptheker, who spoke at the College of Wooster, Wooster, Ohio?

Mr. Hoover. Yes. And his daughter is just as much of a Communist as he is.

(The information follows:)

"HERBERT EUGENE APTHEKER

"Herbert Eugene Aptheker was born in July, 1915, at Brooklyn, New York. He attended Columbia University in New York City where he received a Bachelor of Science degree in 1936, a Master of Arts in 1941 and a Doctor of Philosophy in 1943. He received a Guggenheim Fellowship for history for the period 1946–47.

"Aptheker served in the United States Army from February, 1942, until April, 1946. He was discharged as a Captain and his position in the Army was Staff Intelligence Officer.

"Aptheker is married and maintains his residence at 32 Ludlam Place, Brooklyn, New York.

"At the trial of the eleven members of the National Committee of the Communist Party, USA, in August, 1949. Aptheker appeared as a defense witness. At that time he stated he knew all the defendants and that he had been a member of the Communist Party for approximately ten years. He admitted teaching in Communist Party schools during 1940, 1941, 1946 and 1947.

"Aptheker has served as the Editor of 'Political Affairs,' which is the monthly theoretical organ of the Communist Party, USA. He is currently the Director of the American Institute for Marxist Studies, 20 East 30th Street, New York City. Aptheker organized the American Institute for Marxist Studies in 1963, which he said would eventually legalize the Communist Party, USA. The stated purpose of this organization is to promote the studies of Marxism on college campuses in the United States. Aptheker has stated that the American Institute for Marxist Studies was formed to operate in such a manner so that it could legally bring Marxist material and opinions to the attention of American scholars and the general public.

"Aptheker is currently a member of the National Committee of the Communist Party, USA, and has made numerous person appearances as a spokesman for the Communist Party in the United States and Canada. Most of these appearances have been on college campuses. He has also traveled extensively in foreign countries. During these travels, he has made speeches which were very critical of the United States policy in Vietnam.

"Aptheker was a candidate for the United States Congress from the 12th Congressional District in Brooklyn, New York, in the 1966 elections but was defeated.

"On February 6, 1966, Aptheker and his daughter, Bettina Aptheker Kurzweil who is also a member of the Communist Party, USA, appeared on a television program in Los Angeles, California. During this program Aptheker stated that if the United States were to bomb Communist China and become involved in a war with Communist China, he would do his best to oppose it. During this appearance, Aptheker stated, 'I am a Communist and have been for 26 years.' "

Mr. Rooney. We thank you, Mr. Director, for a highly interesting and informative session. It was at some length, but every minute of it was worth while and indicates the great work that you and your associates of the Bureau are doing.

Mr. Hoover. Thank you, Mr. Chairman.

CUBAN INDEPENDENCE DAY, 1968

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, 66 years ago today Gen. Leonard Wood, the U.S. Military Governor of Cuba, transferred the authority of the Cuban Government to Tomá's Estrada Palma, the first duly elected President of a free Cuba, and the sovereign and independent Republic of Cuba came into being. The raising of the single-star flag over the island nation was the culmination of more than 75 years of struggle by her people to free themselves from four centuries of Spanish colonial domination.

The history of Cuban independence is a history of a people's heroic and often bloody struggle and infinite self-sacrifice against an alien rule, as they sought to establish their rightful place among the world community of nations. In the early 1800's, when a revolutionary wave swept all of Spain's new world colonies, the Cuban people also felt the desire to establish themselves as a sovereign nation. Emissaries were sent to Simón Bolívar, the great liberator of Latin America, to request his aid in freeing Cuba. But Cuba's insular position and the presence of strong Spanish garrisons prevented Bolívar's forces from intervening.

The first revolt was planned in 1823, when Spanish colonial rigors became insufferable, but the leaders were discovered and exiled before they were able to initiate the revolt. Between 1848 and 1851, a series of uprisings were planned at the initiation of Narciso López, a native Venezuelan who had settled in Cuba and embraced the revolutionary cause. After his first plot was discovered, Lopez fled to the United States from where he organized three invasive expeditions before he was overwhelmed and executed by the Spanish forces in Cuba. Although his efforts to foster a full-scale Cuban revolution failed, López's exemplary courage, determination and inspired loyalty to the cause of a free Cuba provided a renewed impetus to the Cuban people and promoted the revolutionary spirit to flare with renewed vigor.

Some 20 years later, the first military effort was inaugurated, resulting in the 10 years war. The war began on October 10, 1868, when a group of lawyers and wealthy planters met at Yara Plantation and drafted a declaration of Cuban independence. The force that began a war which was to endure in bitter struggle for 10 years consisted of 147 officers and men armed with less than one gun apiece and relying principally upon their machetes for weapons. By the end of that year, the handful of men had grown to 26,000 men under arms from all walks of Cuban life. The 10 years war was one of the longest, bloodiest and most destructive in the history of the Americas, involving a loss of 200,000 lives and hundreds of millions of dollars in property damage. It ended in 1878 in a recognition of exhaustion on both sides; but for the Cuban people, who now had totally committed themselves to the cause of independence, the resultant treaty was only a temporary truce.

The final effort of the Cuban people, the Revolution of 1895, was initiated by José Martí, called the Apostle of Cuban Independence by his adoring people, who won the respect of the entire world as a master journalist, translator, literary and art critic, orator, and Cuban patriot dedicated to the freedom of his people. We in the United States feel a special closeness to José Martí, for it was in New York City that he lived and labored for 14 years, organizing the final revolutionary movement and rallying his people both at home and in exile. Martí's beliefs in the dignity and equality of man parallel those of all citizens of the United States and the free world today, and we share with Martí his often voiced precept that "the general happiness of a people rests on individual independence."

Martí gathered together the veteran heroes of the 10 years war and struck the final blow for Cuban independence early in 1895. Soon after his landing in Cuba, he was killed in a skirmish with a Spanish patrol, but his cause had been served. Of Martí's death, a Cuban historian wrote, "José Martí died, but a people was born." The loss of their beloved leader fused the Cuban people into an adamant struggle for their freedom.

Throughout the Cubans' struggle for independence, the people of the United States had exhibited much sympathy for the Cuban cause, and popular opinion on behalf of aiding the Cuban people had swelled. However, it was not until the U.S. battleship *Maine* was mysteriously sunk in Havana Harbor that the U.S. Government suspended its neutral policies and international obligations to Spain, and embarked in the Spanish-American War. The war ended after 4 months, and resulted in U.S. possession of Cuba in a protectorate status until such time as the government and control of the island could be left to its people. During the following 3½ years of U.S. military occupation, the Cuban people worked fervently to restore and rehabilitate their war-torn land. On May 20, 1902, they inherited control of their beloved country under a constitution and government which they had labored to create. The dawning of their independence day was ushered in with fireworks and wild rejoicing as the village and city streets were filled with jubilant Cubans awaiting the fulfillment of a long-cherished dream.

It is easy to understand why freedom and independence meant so much to the Cuban patriots. It is easy to understand why the Cuban people endured three-quarters of a century of hardship and struggle to win their sovereignty, and why so many thousands of Cuban people gave their lives that their descendants might live in freedom and with dignity. It is not so easy to understand why Fidel Castro, pledging his loyalty to a free Cuba, has been able to establish a dictatorial state which perpetuates its power by a reign of terror. Fidel Castro has betrayed his people and the very spirit of liberty and individual dignity which won for the Cubans their independence 66 years ago.

On this anniversary of Cuban independence, we of the United States rededicate ourselves to the principles for which the Cuban patriots fought and died, and it is our deepest hope that the spirit of independence and the will to freedom which dwells deep within the hearts of the Cuban people will inspire them to triumph over the tyranny which binds them.

CLEAN AIR

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I would like to call your attention to the fact that the State of California is still getting along with the same old automotive air pollution regulations it had back in 1966. It has not changed them one bit.

You may recall—I know I certainly do—that last fall, when this House debated 1967 amendments to the Clean Air Act of 1965, I was denounced from one end of California to the other as a villain who wanted to poison the air, kill off babies and old people, and prevent the residents of California from enjoying clear sunshine and invigorating, unspoiled breezes.

Friends, who know my lifelong love of the great outdoors and my constant efforts in this body in behalf of clean waters, pure air, waste disposal, and conserving nature's wonders for the enjoyment of all Americans, were astonished at the attack.

It came about because I espoused an amendment to the clean air bill of 1967 which differed from a provision in the bill as it came from the other body. The Senate bill provided that the State of California could propose regulations to control automotive air pollution in California and, if the Secretary of Health, Education, and Welfare approved them, could enforce the regulations. Elsewhere in this land regulations promulgated by the Federal Government would apply.

My amendment proposed that the State of California could propose California regulations and, if the Secretary of Health, Education, and Welfare approved them, the Federal Government would carry them out.

That is all the difference there was—State administration or Federal administration. The automobile industry was willing to have special regulations apply in California because the smog there is perhaps thicker than anywhere else, because Californians had taken the lead in demanding controls, and because the State of California is big enough to prove out improvements in controlling automotive emissions. Improvements which succeeded in California could then be extended everywhere, especially if they had been administered in a manner compatible with nationwide application. Controls which did not work could be dropped.

In the end the House went along with the State enforcement plan. What happened next is what I want to talk about today. The story would be comic if it were not, really, rather tragic. Promptly after the Congress passed the 1967 measure, and before it was signed by the President, the executive officer of the California Motor Vehicle Pollution Control Board applied to the Secretary of Health, Education, and Welfare for a waiver of Federal controls in favor of California control and enforcement.

HEW called a hearing on California's proposals for January 15. However, effective November 8, 1967, the California Air Resources Board, which had been created by the State legislature in August, replaced the old motor vehicle pollution control board.

There was delay in assembling the new board. Gov. Ronald Reagan did not appoint the new chairman and members until early in January, and it was February 8 before any public meeting of the new board took place.

HEW, naturally, wanted to know what authority the new air resources board had to propose controls and enforce them. The record at the waiver hearing left grave doubts whether the board possessed the necessary authority to qualify for the waiver.

This caused a good deal of confusion, naturally, and the California spokesman asked for a 90-day delay. Finally, at the request of the attorney general, the California Legislature passed an enabling act in order to clarify the situation. Governor Reagan signed it into law during the last week in April. On May 1, the California Air Resources Board, armed with its new authority, submitted to the Secretary of Health, Education, and Welfare a revised waiver request. That occurred 6 months after the former motor vehicle pollution control board had filed the original request.

So there was 6 months wasted. Had the amendment which I proposed in this House last fall been adopted and had it become law, none of this delay need have happened. The Federal Government would have had authority to accept California's proposals and enforce them in California for the benefit of the people who live in California.

I do not want to be sarcastic, Mr. Speaker, but it does seem to me that I am entitled to say something in the nature of "I told you so" considering how things have worked out. I told the House that keeping administration in the hands of the Federal Government would be the better way, and I think I was right. And I think events have shown that I was right.

The May 1 proposals of the California Air Resources Board present no novel problems to the Department of Health, Education, and Welfare. California proposes, first, to apply to 1969 models of heavy trucks in California the same standards of pollution control which HEW plans to apply generally to the 1970 models of heavy trucks. This would be an application of the testing ground principle which the automotive industry has long accepted. It would be a good thing, perhaps, to try out the truck regulations in California and if something proves wrong it can be changed.

California proposes, secondly, to apply to 1970 model passenger cars the evaporation emission controls which HEW contemplates requiring on all 1971 model cars. Originally HEW planned these controls for 1970 model cars, but it has been persuaded that makers of automobiles in West Germany, France, England, Japan, and elsewhere abroad cannot supply them before the 1971 model run. To insist on them too soon would, in effect, close the American market temporarily to certain foreign makers. HEW will reconvene the continued hearing in Los Angeles on June 5.

Perhaps it might be helpful to explain at this point what evaporation emission controls are. When automobiles are parked in hot sun some gasoline evaporates into the air from the carburetor and the fuel tank. This evaporation in bright sunshine is one of the causes of smog. If a can of charcoal is placed under the hood, and if suitable pipes and valves are arranged, the vapor will collect in the charcoal, condense, and drain back into the fuel system. The "plumbing" is pretty involved, however, and getting ready to install it takes time.

Seventeen percent of the cars purchased in California are of foreign make, and HEW will have to decide whether it is reasonable to require foreign makers to supply evaporation emission controls on 1970 model cars sold in California.

The California Air Resources Board proposes, thirdly, to apply the Federal passenger car standards for 1969 models, with the proviso that all test models submitted must pass. So there will be practically no difference in that respect between 1969 California standards and 1969 Federal standards.

One thing California might attempt, is to require smog controls on the 7 million pre-1966 model cars now in use there. Installing these would cost about $200 per car, according to current California Legislature proposals, and I predict the move would prove politically very unpopular. But most automotive smog in California today comes from these old cars and not from the newer models. Twenty percent of all automotive vapors come from crankcases, a source 100-percent controlled in today's new cars. Sixty percent comes from exhausts, a source now 70-percent controlled. The evaporation emission controls will do away with 90 percent of the vapors from that source. Seven out of 10 cars in use in California are of pre-1966 vintage and do not have the exhaust and evaporation emission control improvements, and it is they which cause most of the automotive smog there.

Another way to control the evaporation emissions from olders cars would be to control fuel composition. To my knowledge, this has not yet been considered by the California Legislature.

LARRY S. YAEGER, WINNER OF ESSAY CONTEST ON "WORLD TRADE—AN INSTRUMENT OF PEACE"

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I am pleased to note that today, in observance of World Trade Week proclaimed by President Johnson, Secretary of Commerce C. R. Smith awarded his Department's certificate of appreciation to Larry S. Yaeger, 18, a senior at Hialeah, Fla., High School, which I have the honor of representing, for his first-place achievement in an essay contest on "World Trade—An Instrument of Peace."

The contest among social study students in Dade County-Miami high schools was sponsored by the South Florida Regional Export Expansion Council in cooperation with the Miami Field Office of the U.S. Department of Commerce. The council staged the essay competition to stimulate interest among high school students in international business.

Secretary Smith, during a ceremony in his office cited Larry Yaeger for showing "a mature appreciation and comprehension of the many advantages and opportunities available to nations as well as to individuals in the peaceful pursuit of international trade."

In his prize-winning essay Yaeger wrote:

> Because of trade, there is more intermingling of the peoples of the various countries involved, or their representatives, which results in a better understanding between the participating countries of each other's basic customs and beliefs. People from the various nations taking part in trade meet and learn more from each other about other countries' cultures, leading to a more informed and understanding populace and, therefore, a less prejudiced one. Once more, trade can be seen to have a favorable effect upon world peace.

First prize in the contest consisted of an expense-paid trip to Washington for Larry and his social studies teacher, Paul Tripp. In the Nation's Capital, special tours were arranged for them to visit the White House, the Capitol, the FBI, and other places of particular interest.

Also here for the presentation ceremony were R. Leslie Cizek, Jr., chairman of the South Florida Regional Export Expansion Council and vice president of Parker & Co. of Florida, Inc., Coral Gables, and Adm. Rafael Benitez, assistant dean of the Law Center of the University of Miami, representing the four-member panel of contest judges.

In his presentation remarks Secretary Smith commented:

> I am delighted with the initiative taken by the South Florida Regional Export Expansion Council in sponsoring a high school essay contest on the theme "World Trade—An Instrument of Peace". The council is to be commended for its long range efforts to promote U.S. trade with our partners abroad and particularly for undertaking to develop an active interest in this vital area among today's high school students.
>
> It is gratifying and typical of your sincere personal interest that you—Chairman Cizek—and you—Admiral Benitez—have come to Washington to join with us in this World Trade Week ceremony. I am sure it is also a proud occasion for you—Mr. Tripp—to participate as Larry's teacher in today's event.

Larry Yaeger in accepting the award from the Secretary gracefully expressed his appreciation and said that he hoped that international trade would receive increased emphasis in high school curriculums everywhere.

Larry is the son of Mr. and Mrs. Arthur Yaeger, Jr., 669 West 63 Drive, Hialeah, Fla., and will be graduated in June among top-ranking seniors. He will be class salutatorian. He is a member of the National Honor Society, was a National Merit Scholarship finalist, received a $6,000 scholarship, and participated in the accelerated mathematics program at the University of Miami, sponsored by the National Science Foundation, upon the recommendation of his high school.

The essay contest, in which four other student winners shared $200 in U.S. savings bonds, was the first sponsored by an export expansion council. The South Florida Council is one of 42 such voluntary groups of local businessmen throughout the United States who work closely with the Department of Commerce in promoting U.S. export trade. Some 1,400-member businessmen comprise the groups nationally.

Mr. Speaker, I now would like to insert at this point in the RECORD Larry's essay on "World Trade—An Instrument for Peace." I urge all my colleagues to read this with keen interest:

WORLD TRADE—AN INSTRUMENT FOR PEACE

(By Larry S. Yaeger)

> ". . . what we and other industrialized countries do in the world economic arena during 1964 may go far to determine the mature and extent of the political and military crises of later years."[1]
>
> G. Griffith Jones, Assistant Secretary for Economic Affairs, made the above statement early in 1964, yet, in essence, it holds as true today as it did when it was first stated. A strong and free system of international economic intercourse could be an important and effective factor contributing towards world peace.
>
> An economic system in which free international trade was practiced, and where countries manufactured those goods in which they had a comparative advantage, would be a strong deterrent to war. In such an economy, the possibility of war would be not nearly as high as in another economic system, involving regulated trade, through tariffs and quotas, or one in which international trade was not practiced. A system involving world trade, especially free trade, tends to make the involved nations more dependent upon one another, while a system without trade, or with heavily restricted trade, tends to make these countries independent of each other. A country which must depend upon other countries for many of its goods would be much more reluctant to go to war than would a country that was completely independent, economically, from other nations. Since trade tends to make each and every country involved dependent upon other nations, at least partially, it can be seen that trade may act as an inhibitant towards war.
>
> It is a known fact, and therefore unnecessary to argue, that international trade will lead to better economic conditions in the various participating countries. Trade, in this way, has a desirable effect upon the world situation, and can help in the fight for world peace in different ways.
>
> Firstly, it has been shown throughout history, that the "have-not" nations, those with poor economic conditions, have been some of the major instigators of war in the past. Since each country's economic conditions may be improved through international trade, it follows that trade is an aid to the installation of a lasting world peace.
>
> Secondly, frustrated citizens, not well off, economically, can be lead, through standard propaganda methods, into false beliefs much more easily than could a populace consisting of fairly "well-to-do" citizens, who were satisfied with the existing economic system. So, since trade can help to produce favorable economic conditions, beneficent towards each individual, again, it follows that trade can be an effective instrument for peace. From *A*

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[1] Johnson, G. Griffith; "A Perspective on the United Nations Conference on Trade and Development"; *Dept. of State Bulletin;* March 16, 1964.

Study of War, by Quincy Wright, comes the following quote concerning one of the various causes of war:

". . . the influence of depression of the masses as a war-engendering factor has increased with the progress of democracy and the expectation of continuing economic improvement. Motives of escape from domestic depression, coupled with dubious theories concerning the economic value of protectionism and of the political control of markets and sources of raw materials, have created demands for Lebensraum, colonies, and conquest."[2]

Such demands, together with rising barriers to international economic intercourse, become an important factor when considering the causes of war. This particular motive for war can be partially avoided by a strong system of international trade, to better economic conditions in each country.

Economic cooperation leads to military and political cooperation. Business, or trade, is flexible, and is not necessarily rendered immobile by conflicting political views. J. Paul Austin, President of the Coca-Cola Company, an organization of international scope, made the following statement:

"Business has proved itself able to meet new and changing conditions—It has not been frozen by the complexities of political differences or economic protectionism. . . . I believe, also, that the ability of business (trade) to innovate can forward the cause of peace."[3]

Because of trade, there is more intermingling of the peoples of the various countries involved, or their representatives, which results in a better understanding between the participating countries of each other's basic customs and beliefs. People from the various nations taking part in trade meet, and learn more from each other about other countries' cultures' leading to a more informed and understanding populace, and therefore, a less prejudiced one. Once more, trade can be seen to have a favorable effect upon world peace.

Recently, great strides have been taken in economic cooperation between the East and the West. Combined efforts towards a stronger trade link between these two world powers are desirable for various reasons. Here, from an article entitled, "The Changing World Economy," in *Current* magazine, is a statement concerning these new steps in trade cooperation:

"In the first place, it has so enormously increased the potential output of goods and services through the normal processes of economic activity, that it makes any possible gains from the use of force seem trivial by comparison. . . ."[4]

Here, from an economic point of view, at least, trade has helped, and will continue to help, decrease the possibility of war and strengthen the foundations of peace. This same article also points out, that through this new trade arrangement, the political systems of each country, as well as the economic systems of each, are being brought closer together, creating, at least, a weak bond between the nations involved. With diminishing political differences, the bond is strengthened, and another step has been taken towards international peace.

It has been shown, that trade affects the world peace situation in various manners, and in each instance, the effect has been one which contributes to the establishment of a lasting world peace. It becomes obvious, that more attention needs to be paid to the world's economic situation, and its influences upon all of society. Used with care and diligence, international trade can be a strong and effective force for world peace.

EFFECTS OF H.R. 2158 ON STATE REVENUES

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Speaker, since it was announced that H.R. 2158, the proposed Interstate Taxation Act, is to be debated this week, I have received a number of inquiries from various Members concerning the specific effects of this measure on the revenues of the individual States.

In this regard our subcommittee has conducted a 5-year study analyzing the tax structures of all of the States, the revenue effects of various proposals, and the actual compliance and enforcement practices. The study occupies four full volumes and, is, of necessity, replete with details.

To further supplement the study and provide a simplified source of information concerning the effect on each State, we have compiled the following summary of revenue effects which I introduce into the RECORD at this point:

EFFECTS OF H.R. 2158 ON STATE REVENUES

Following is a summary of the estimated effects of H.R. 2158 on the relevant taxes of each of the states. The estimate for each tax is described as a percentage of gain or loss of the state's total revenues from all of its taxes. The estimates are based on an evaluation of: data on revenue described in Chapters 16, 19, 29, 32 and 36 of the four-volume study published by the Committee; data on compliance and enforcement described in Chapters 10, 24, 31 and 36; hearings held in 1961, 1962, and 1966; on subsequent correspondence with officials in some states, and on the most recent publications of the Bureau of the Census.

In the Income Tax area it is assumed that each state will apply the formula in Title II of H.R. 2158 to all of the corporations covered by that title.

In the Sales and Use Tax area a number of states will realize insignificant losses. However, for purpose of comparison and evaluation, 0.23% of sales and use tax revenues is considered to be the maximum loss possible. This figure is based on a study conducted by California's tax officials, and on their anticipated loss for the first year under current business practices. Since California has the most extensive administrative facilities, and maintains large audit staffs in other states, the relative loss to California would obviously be greater by far than that of the other states—most of which currently maintain no auditing staffs beyond their own borders, and do not have a vigorous enforcement program comparable to that of California.

In evaluating the "losses" set forth in the following estimates, it should be kept in mind that no consideration has been given to the increases in revenues realized as a result of the economic growth which will be stimulated by the removal of the trade barriers currently impeding interstate commerce. Likewise, no consideration is given to increases in state revenues realized as a result of the greater ease of enforcement and compliance which will be obtained under the uniform standards established by H.R. 2158.

ALABAMA

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

ALASKA

Corporate income tax: 0.12% loss.

Gross receipts tax: No significant loss.

ARIZONA

Corporate income tax: 0.07% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

ARKANSAS

Corporate income tax: 0.06%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

CALIFORNIA

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: 0.07% loss.

COLORADO

Corporate income tax: 0.07% gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

CONNECTICUT

Corporate income tax: 0.13% gain.

Sales and use tax: No significant loss.

DELAWARE

Corporate income tax: 0.3% gain.

Gross receipts tax: No significant loss.

FLORIDA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

GEORGIA

Corporate income tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

HAWAII

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

Gross receipts tax: No significant loss.

IDAHO

Corporate income tax: No effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

ILLINOIS

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

INDIANA

Corporate income tax: 0.08% gain.

Sales and use tax: No significant loss.

Gross receipts tax: No significant loss.

IOWA

Corporate income tax: 0.18% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

KANSAS

Corporate income tax: 0.02% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

KENTUCKY

Corporate income tax: Insignificant loss of substantially less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

LOUISIANA

Corporate income tax: Insignificant gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

Gross receipts tax: No significant effect.

MAINE

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MARYLAND

Corporate income tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

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[2] Wright, Quincy; *A Study of War;* Chicago, Ill.; 1965; P. 284.

[3] Austin, J. Paul; "A New Force For Peace"; *Vital Speeches of the Day;* July 15, 1964; P. 605.

[4] Benoit, Emile; "The Changing World Economy"; *Current;* June, 1966; P. 22.

MASSACHUSETTS

Corporate income tax: 0.04% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.04%.

MICHIGAN

Corporate income: No significant loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

MINNESOTA

Corporate income tax: 0.08% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

MISSISSIPPI

Corporate income tax: 0.02% loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MISSOURI

Corporate income tax: 0.05% loss.

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

MONTANA

Corporate income tax: 0.16% loss.

NEBRASKA

Corporate income tax: No significant loss.

Sales and use tax: No significant loss.

NEVADA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

NEW HAMPSHIRE

This State does not impose any of the taxes covered by H.R. 2158.

NEW JERSEY

Corporate income tax: 0.06% gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

NEW MEXICO

Corporate income tax: 0.01% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

NEW YORK

Corporate income tax: 0.1% loss.

Sales and use tax: No significant loss.

NORTH CAROLINA

Corporate income tax: Loss of substantially less than 0.01%.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

NORTH DAKOTA

Corporate income tax: 0.04% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

OHIO

Capital stock tax: Insignificant gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

OKLAHOMA

Corporate income tax: Loss of substantially less than 0.01%.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

OREGON

Corporate income tax: 0.1% loss.

PENNSYLVANIA

Corporate income tax: Insignificant gain of less than 0.01%.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

RHODE ISLAND

Corporate income tax: 0.03% loss.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

SOUTH CAROLINA

Corporate income tax: Insignificant gain.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

SOUTH DAKOTA

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.08%.

TENNESSEE

Corporate income tax: 0.02% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.09%.

TEXAS

Capital stock tax: 0.25% gain.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

UTAH

Corporate income tax: Insignificant gain of less than 0.01%.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

VERMONT

Corporate income tax: 0.06% gain.

VIRGINIA

Corporate income tax: 0.01% loss.

Capital stock tax: No significant effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.06%.

WASHINGTON

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.1%.

Gross receipts tax: No significant loss.

WEST VIRGINIA

Corporate income tax: No effect.

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.05%.

Gross receipts tax: No significant loss.

WISCONSIN

Corporate income tax: No significant effect.

Sales and use tax: No loss.

WYOMING

Sales and use tax: No significant loss; maximum possible loss cannot exceed 0.07%.

WAKE UP, INTERSTATE COMMERCE COMMISSION

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, apparently the only time the Interstate Commerce Commission stirs slightly in its somnolence is to sanction the discontinuance of more passenger trains. I have been greatly encouraged that the outcry of the public against this cynical policy of railroad management is now rising to a new crescendo. The roar of protest is now so loud that the Interstate Commerce Commission may even be forced to give up its apparent intention to beat Rip Van Winkle's record of 20 years of uninterrupted slumber.

Today I wish to call particular attention to a cogent editorial from the pen of William D. (Bill) Evans, editor of the Fairmont (W. Va.) Times. Editor Evans eloquently expresses a wish many of us hold—that something must be done to shake the Interstate Commerce Commission out of its apparent belief that it was created to serve the freight-hauling portion of railroad activity. The editorial follows:

THE ICC DOES IT AGAIN

While most people were preoccupied with yesterday's primary election, the Interstate Commerce Commission quietly permitted the removal of three more crack railroad passenger trains. The Santa Fe will discontinue its "Chief" between Chicago and Los Angeles while the Chesapeake & Ohio was given authority to drop the "Fast Flyin Virginian" and the "Sportsman" on the Washington-Cincinnati run.

In the C&O case, the only commissioner to dissent from the majority opinion was Mrs. Virginia Mae Brown of West Virginia, the first woman member of the ICC and now its vice chairman. In her separate opinion, she rather aptly declared that "the passengers didn't leave the trains—the trains left the passengers."

Chairman Paul J. Tierney rather typifies the attitude of the ICC, a body of 11 members with a constantly changing makeup and chairman and with few fixed policies save that of protecting the railroads. It is regarded as the sleepiest and most ineffectual regulatory body in the vast Washington bureaucracy.

Tierney recently described passenger train service as "already outmoded" and "chronically ill." Because Rep. Ken Hechler felt that the chairman, by his statements, had revealed his closed mind and had prejudged the case, he asked Tierney to disqualify himself. Tierney not only declined, but led all but one of his colleagues into concurring with him.

The C&O, which owns and runs the Baltimore & Ohio through this part of West Virginia, now provides one passenger train a day through that part of the state between White Sulphur Springs and Huntington. West Virginia's state capitol has a single train each way, one of them passing through Charleston at an ungodly early hour of the morning.

But the C&O is still big business. It can haul West Virginia coal and freight to its heart's content, reap a rich reward from this service, and tell the passengers to go to hell.

Several weeks ago, a courageous ICC examiner named John S. Messer had the gall to fling down the gauntlet before the 11 commissioners. In a remarkable set of recommendations, he told the ICC that it has the power to arrest the disintegration of passenger service and he has suggested several ways in which it ought to exercise that power.

Declaring that there is a future for railroads in passenger traffic beyond commuter service, Messer added that human traffic has about reached rock bottom. "With the facilities and service what they are today," he told the ICC, "it is reasonable to conclude that the level of patronage on the nation's railroads has reached bedrock. Only the desperate and obstinate remain. Further decline in passengers can only be brought about by further train discontinuance. There are many expatrons who would joyally return to efficient passenger service."

Such a conclusion, of course, is at variance with the ICC attitude. The railroads see utterly no future in passenger traffic except for commuter trains and the long-awaited high speed operations in the northeast corridor between Washington and Boston via New York.

To reverse the downward spiral of fewer passengers, lower-quality service, fewer passenger, still lesser service, Messer has recommended that the ICC assert jurisdiction to establish minimum standards for passenger trains. Such standards would include things like meal service, sleeping-cars, speed, air-conditioning, and cleanliness. To pay for this, he suggested that the railroads be authorized to sell their stations to cities or counties, who would operate them and lease back ticket office space; if a city or county did not agree to this, he would authorize the railroad to cancel its stop there. Beyond this, Messer recommended that states reexamine their taxing policies towards railroads (which are generally assessed at a percentage far higher than that applied to other property), that the railway labor unions reexamine their contracts (which, in the case before him, meant that a fireman and an engineer got a day and a half's pay for a run scheduled at 3 hours and 16 minutes), that federal tax relief be given to railroads that, under better bookkeeping operations, still incur losses in passenger services, and that the ICC get into the business of creating a National Rail Passenger System.

The scope of this challenge should have been sufficient to arouse the ICC from its long comatose slumber. It must be met if the passenger train is not to follow the stagecoach into oblivion.

But instead of awakening to the realistic approach suggested by its courageous examiner, the ICC (with the exception of Mrs. Brown) made its customary bow in the direction of the petitioning railroads, approved further passenger service abandonment and then turned over and went back to sleep.

A fellow who could promise, as President, to do something to shake the ICC out of its belief that it was created exclusively for the benefit of freight-hauling railroads would find a ready ear here as he sought our vote.

DON'T YELL AT US, WE DIDN'T DO IT!

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, the Congress has been whiplashed by the President and the people regarding the proposed tax increase now in conference.

One of the most succinct editorials written on the sensitive topic appeared in the Iron Age on May 9, 1968. Mr. Kurt H. Schiffleger, president of Walworth Industries, Inc., of Elkhorn, Wis., brought the article to my attention, and I must say that editor in chief Gene Beaudet of the Iron Age has placed the problem in its proper perspective. I include it in the RECORD at this point so that I might share it with my colleagues:

DON'T YELL AT US, WE DIDN'T DO IT!

The way the American people are being scolded, threatened and bullied because they are not exactly wild about putting their necks on the Internal Revenue chopping block is really something.

Some examples:

Arthur Okun, the President's economic adviser, likens the current state of the economy to a "fat woman munching candy." The implication is he means us.

Now, not only is this offensive to anyone who has put on five or more pounds since getting his Social Security card, it just isn't true.

Only in recent weeks has the American consumer shown any sign of spending near his ability to spend. Rather, as any savings bank will tell you, the consumer has been salting away his money at a hefty rate.

On this basis, it's hard to picture the American people gorging themselves on all sorts of durable and nondurable goodies.

Next, we have Mr. Martin of the Federal Reserve Board. He says unless something is done about taxes the country faces "the worst financial crisis since 1931."

Not only is this far from so, but it is pressure and intimidation of the worst kind.

It raises all sorts of fears dredged from a 37-year past when most people thought beef meant hamburger meat. It stops all those who were over six in 1931 right in their tracks. It relates now to then—when the two periods are nowhere comparable.

And just last week President Johnson chided Congressmen for not standing up like men and giving him a tax increase. They have stood up like men. But not the way he wanted.

Messrs. Johnson, Okun and Martin have as much right to mount their hustings in search for a tax increase as we have to disagree with them.

But we do resent all the talk from tax-hike advocates that the average citizen and business must pay for their "transgressions." even if only to show those abroad we are serious about tackling our country's financial problems.

But in all the scolding:

Not much is said about government spending policies and its free and easy attitude toward money supply that are the real base of our present problem.

Not much is said about the copper strike which went on and on to bring our trade balance to a sad unbalanced conclusion in the first quarter.

Not much is said to critics abroad who lecture us on financial responsibility and at the same time do an Oliver Twist in asking for more.

Not much is said about restrictive government policies which have hampered the real growth of the American economy by uneven, unfair and unsound attitudes toward the growth of American business and the economy.

Not much is said about the top economists who believe a tax boost could be another overkill on the part of government.

This much can be said, though.

Before the government starts bawling out and scaring the American people for munching too many Almond Joys, it should look at its own follies and excesses.

Despite all the yelling in the world, it can't hide the fact that this is where the problem lies.

IN THE MATTER OF GOLD

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, for the benefit of Members of the House and others who are interested in international monetary affairs, I am placing in the RECORD a story by Edwin L. Dale, Jr., from the May 20 edition of the New York Times.

I am also enclosing extracts from a statement by Dr. N. Diederichs, Minister of Finance, of the Republic of South Africa.

After a careful reading of Dr. Diederichs' statement of April 8, 1968, before the House of Assembly of the Republic of South Africa, I think one can quickly realize the importance I attached to receiving the assurances on the two-tier gold arrangements referred to in Mr. Dale's New York Times story. Obviously, they key to the March 17 agreement is the clear understanding by those former gold pool members who participated that there is no longer any need for central bank purchases of newly mined gold.

Although the price of gold on private gold markets in recent days has reached a new high. I am still confident that the nonmonetary price will fall when newly mined gold is sold to the private markets. In this connection, I am also placing in the RECORD an article that appeared in the May 11, London Economist.

The material follows:

[From the New York Times, May 20, 1968]

WEST SHUNS NEWLY MINED GOLD—TAX DELAY AVERTS CASH CRUNCH—CENTRAL BANKS IN ACCORD

(By Edwin L. Dale Jr.)

WASHINGTON, May 19.—The leading central banks of Western Europe are standing by an agreement, never formally announced, to buy no newly-mined gold from South Africa.

According to unimpeachable sources here, this state of affairs has been confirmed by two recent developments.

First, the Under Secretary of the Treasury for Monetary Affairs, Frederick L. Deming, after talking in Europe earlier this month to most of the central bank chiefs in the former London gold pool, told Representative William B. Widnall, Republican of New Jersey, that no newly-minded gold would be bought.

This occurred May 10. Mr. Widnall, in a House debate on the new special drawing rights of "paper gold" plan that same day, said:

"I am pleased to state that I have been informed today by top officials of the Treasury Department that as a result of recent consultations with those who participated in the March 17 meeting [in Washington of the gold pool countries], there is absolutely no reason to expect the resumption of newly-mined gold purchased by the central banks of former gold pool members."

Second, the central bank members of the Bank for International Settlements met last week in Amsterdam and reportedly confirmed the agreement.

No public announcement has been made mainly because the central banks are inclined to let their actions speak for them. They are normally averse to issuing communiques or public statements.

The gold pool members are the United States, Britain, West Germany, Italy, Belgium, the Netherlands and Switzerland. Many other central banks are also cooperating in the new policy, but the exact number is not known.

The Washington communique of March 17 said only that the seven central banks no longer found it necessary to purchase gold in the open market.

The issue of newly-mined gold was left fuzzy, though participants in the meeting said it was the universal understanding that this was covered as well.

The issue is crucial to the future of the free market price of gold. If there is no central bank demand for newly-mined gold, South African supplies must be sold on the free market. When such sales begin, they will have a depressing effect on the price.

It is widely assumed that at some point South Africa must resume selling gold because some 40 per cent of her imports are paid for with the earnings from sales of gold.

Subsequent to the Washington meeting, Canada, Australia, Japan, and the United States have taken steps to push their own newly-mined gold into the free market.

GOLD

(Extracts from a statement by Dr. N. Diederichs, Minister of Finance, before the House Assembly of the Republic of South Africa, on Monday April 8, 1968)

If ever there was a time when the monetary authorities of the world and we as the greatest gold producer of the world had to act sensibly and responsibly, it is now, for it does not concern the well-being of individual and single countries, but the interests of the world as a whole, for the present and for future generations.

South Africa as the greatest gold producer of the world is intensely affected by decisions taken in the past, particularly in the most recent past, concerning gold and by developments in the monetary field which may follow in the future. Though we, South Africa, were not consulted in these decisions, we are prepared to approach this matter with the greatest measure of responsibility and with a will to co-operate, well knowing that our well-being is most closely connected with the well-being of the world as a whole.

I realize that wrong handling of the question of gold and of international liquidity could lead to a world disaster in the monetary field, and because we with our open economy shall not be able to escape the consequences of chaos and disorder in the monetary field, it is in our interest as well as in the world interest that this question be approached in a responsible manner in order to find a satisfactory solution. I know that there are those who accuse us in South Africa of being irresponsible because we constantly maintain our advocacy for an increased official gold price. But we can today state here in all honesty that our pursuit of a higher official gold price is not born only of a desire for national advantage, but that South Africa is sincerely convinced that an increased official gold price will also be in the world interest. It is regrettable that political considerations apparently are beginning to play a part also in this purely monetary financial matter. There are now international political considerations partly because South Africa and partly because Russia are the greatest gold producing countries. But internal political considerations also play a part in some countries in this connection. If ever there was a time when such political considerations should be set aside to save the world from monetary danger, then it is now.

Under the present circumstances, the gold price question is most closely tied in with the problem of retaining the dollar and sterling as two important international reserve currencies. On our side and according to our views we should gladly assist to preserve the strength of these currencies in relation to the other currencies because if one or both of them collapse and if uncertainty and crisis conditions arise as a result in the international payments system, it could be disastrous for the whole world and also for ourselves. Our aim in South Africa is not to gain a sudden benefit to ourselves which could come as a result of a forced raising of the gold price, possibly accompanied by monetary disorder. Such an event could be disastrous for the whole world and therefore also for ourselves. South Africa has always endeavoured to attain her goal in an orderly manner and in a form that would be of benefit to the world economy as a whole.

To me it seems rather inexplicable that certain countries appropriate the right for themselves alone to decide on these questions, particularly the question of gold, with the exclusion of other countries who have as much interest in it and who are also competent to make a contribution. South Africa, though not one of the ten richest countries in the world, is still one of the dozen or so most important countries in the field of international trade, and for this reason the question of the world's currencies is of the utmost interest to us. We are not one of those countries who contributed to the gold pool, but we are nevertheless the greatest gold producing country in the world. I stand convinced that South Africa is able to make a valuable contribution to these discussions.

In an effort to find a solution to the world's monetary problems, and especially the problem of the pressure which was exerted on the dollar and the pound sterling, it was recently decided in Washington to set up the so-called two-tier market system, the two-price system for gold. As is known, there will now be two markets for gold, first an official market where gold will be traded between monetary authorities and institutions at an officially determined price of 35 dollars per fine ounce and, secondly, an open, free market for gold at fluctuating prices where the price will be determined by the forces of demand and supply.

The intention of this arrangement is to prevent monetary gold from flowing, as the case has been in the past, out of official reserves into private ownership where it is held for industrial, hoarding or speculative purposes. Gold flows in this direction, from monetary gold to private gold, because the price in the free market is higher than the official price. Where measures are now being taken to prevent monetary gold from seeping to the private, free markets, it is hoped that the total volume of monetary gold will be maintained at the existing level, though the distribution of that gold between countries may vary from time to time. If the balance-of-payments deficits of the United States of America persist, their gold assets will decline and those of the surplus countries will increase, but the total volume of monetary gold should remain the same. Naturally, quantities of new gold could always be absorbed into monetary reserves. But underlying this scheme there may also be the idea of allowing gold on the free market to find its own price level, in order to find a criterion or an indication of what the actual price of gold should be. Also, there may be an endeavour to use the free market as a means of forcing down the price of gold to 35 dollars or lower, in order to knock the bottom out of reasons for a higher gold price.

Whatever the express or implied intention of the scheme may be, one fact remains certain. We do not believe, and I accept that most of its founders also do not believe, that it is an enduring solution to the world's monetary problems. It is but a temporary palliative, a "gimmick" as it is today called in high financial quarters in Europe and America. It does not solve any basic problems. Practically it will be extremely difficult in the long run to prevent a leakage of gold from the official market to the private market, particularly if the price in the latter is higher. A system of two prices for one commodity has never succeeded in the long run. It may perhaps temporarily assist in subduing speculation against the dollar, but that in itself cannot save the dollar or the pound sterling.

Both in the United States of America and the United Kingdom, measures have been announced and partially implemented to redress the disequilibrium in their balances of payments. The world is waiting in suspense to see whether they are going to succeed. The world is no longer satisfied with words and promises; it now wants to see deeds and results. The coming months are decisive in this connection, and in many quarters doubt prevails as to whether, for example, the United States will be able to bring its house in order. If the United States does not succeed in reaching this goal, the artificial nature of this two-price system will be very clearly evident.

The only real value of this system is, first, that it gains time. It may gain time to create an opportunity for seeking after new and more enduring solutions. Secondly, that it is a recognition of the fact that the fixing of all gold for such a long period at one price has been wrong. Thirdly, that it is a step in the right direction, in the direction of a general revaluation of gold in relation to other currencies.

Another question now arises. Supposing that the United States does succeed in bringing its balance of payments into equilibrium, the following problem would again threaten. To the extent that the United States brings its balance of payments into equilibrium, to the same extent would dollars be withheld from the rest of the world, and to the same extent would the dollar source of international liquidity run dry, and that again might lead to a worsening of the condition of international means of payments.

Our answer to this problem as South Africans is that an increase in the official gold price presents this solution, that it will supply the needed replenishment of international reserves. Other nations, particularly the United States of America, will not hear of this and because of this the International Monetary Fund recently proceeded to decide on a new artificial creation to replenish international reserves, by means of this creation called "Facilities for Special Drawing Rights".

I do not propose today to go into the details of this new facility. I only wish to say that, though the system may bring temporary relief, it also can present no enduring solution to the world's basic monetary problems. It particularly presents no solution to the problems of the United Kingdom and the United States, unless it is created in such quantities again as to cause world inflation, inflation which will be far worse than may accompany an increased gold price. For the "Facilities for Special Drawing Rights"—the S.D.R.'s—are but a form of creating credit without the underlying discipline of gold. As long as the United States and the United Kingdom cannot solve their balance of payments problems, the S.D.R. system will bring no escape. It further seems to me that this system will place a premium on countries who cannot control their international financial obligations, at the expense of those countries who do succeed in putting their houses in order.

The success of any international means of payment is based on the confidence which the world reposes in it and this confidence depends, I believe, on the extent to which it is coupled with gold. At the moment, world confidence in paper money is particularly low. It is practically nil in a time of comparative peace. In times of international unrest and war even this measure of confidence will wholly disappear and the world will take its refuge away from S.D.R.'s again to gold.

If one wishes to test the value of this system of Special Drawing Rights, one can but pose the question: If I had to choose between two countries, one country having all her reserves in S.D.R.'s and the other country having all reserves in gold, which country would I choose?

It is alleged that the United States of America might proceed wholly to demonetise gold, that is to say, wholly to detach the dollar from gold, or wholly to detach gold from the dollar. It is suggested that such a thing, if it were to occur, would pose a mighty threat to gold. I cannot imagine that the United States would ever take such a thoughtless measure, because it could in fact cause international disruption and wholly destroy confidence in paper money. One of the reasons why the United States is against an increased gold price, is because it believes that it would mean a devaluation of the dollar and that it would shock confidence in the dollar and would be a breach of faith. What about those countries possessing large dollar balances and who took these up because they believed that these dollars would always be convertible into gold? Do you believe that those countries would passively accept such a system and that they would continue holding dollars if they expected such a thing?

When the U.S.A. had much gold, it could have considered something like this, but since its gold has been decreasing and since the gold assets of other countries are increasing more and more, it would be a great shock to international confidence. Something like this would lead to two monetary blocs in the world, on the one hand those countries in the world ranged on the side of gold, monetary units coupled with gold, and those countries ranged on the side of the United States of America with their monetary units coupled to the dollar.

The dollar would then have a floating value which would have to be established daily, which again would lead to uncertainty in the exchange rates and to an impairment of world trade. I cannot believe that something like that could ever happen. For how long have efforts been made to demonetise gold? They were not successful. Gold did quantitatively lose its relative share in international reserves due to the low price of gold, but gold cannot be supplanted as a measure of value. Qualitatively gold is not to be demonetised.

I must state that I find it inconceivable that the United States of America could ever proceed to a demonetisation of gold, but if it were to happen, if the inconceivable should occur, what then?

Gold would perhaps, just as now, decrease quantitatively in the total volume of monetary reserves, but as for its qualitative significance as a measure of value for the world's currencies—I cannot foresee how that could ever be abandoned. Gold still remains the best means of mutually determining the relative value of currencies. I cannot imagine that under present circumstances another currency, for instance the dollar, could become the criterion of the world's monetary units. This would subject the world to the economic vagaries and the political decisions of one particular country. It is not impossible that the demonetisation of gold, if it came, could cause a distinct shock to the free gold market, thus causing the price of gold temporarily to decline. But in the long run I believe that gold will maintain its value and that its price will have to increase nonetheless. That will be a result of the intrinsic qualities of gold. There will always be those who have an indestructible faith in gold, apart from its monetary significance. As prices rise and as paper money without gold cover increases, there will always be those who seek the security of their future in gold.

In other words, whatever may happen in the monetary field, I have no fear for the long-term future of gold. It is on this basis that South Africa must determine her practical policy for the future. First, we are indeed fortunate that we find ourselves financially in a very favorable position today. We are economically strong. Our balance of payments is sound. Great quantities of money flow into the country. Our gold and foreign currency reserves have attained record heights and are increasing steadily. Our foreign debt is minimal. It is not necessary for us to sell gold. We now also do not sell any gold. We shall also not be obliged in the foreseeable future to sell gold. Our foreign exchange assets are presently adequate to meet our foreign commitments. We are therefore in the happy position that we are not obliged to take any forced measures which may be to the future disadvantage of our economy and of our gold mining industry. Because our position is strong and because we have confidence in the future, we are prepared to forego any profit which may be of a temporary nature if we can thereby assure our long-term future as a gold producing country. I am glad to state that the Government and the Chamber of Mines are at one in this connection.

If the free market price of gold at present is not much higher than the official gold price it does not disturb me. In the artificial conditions existing today the two-tier system does not lend itself to determining the true price of gold. It is further known, and this is important, that a great volume of speculative gold is today being bought and sold on the free market. It may even be the case that there is today 2,000 tons of gold bought for speculative purposes and which may have to be sold now or in the near future on the free market. It is self-evident that this gold must have a depressing effect on the free gold price. This factor apart, I also believe that there are certain unseen powers using other means to press down the price of gold. It must be expected that the free market price for gold will have to remain low for a while. How long this period may be would be difficult to foretell. We must assume that the market will one day absorb this speculative gold. Immediately this happens, the price of gold should again rise.

I have already mentioned that all means of payment can only be good if they repose on confidence. Confidence is the basis of all money, nationally and internationally. The task of the monetary authorities of today is to find international means of payment in which humanity has confidence, otherwise they will not succeed in their endeavours. But we now find the disturbing and absolutely incomprehensible fact that leading countries of the world are today engaged in weakening and eliminating also that part of the international means of payment which still enjoys universal confidence.

Of all the international means of payment gold today still comprises the greatest share. Gold today still commands the greatest confidence. Not sterling or the dollar, but gold. Gold is the anchor to which humanity through the ages, in the most uncertain times, tied and still ties its hope and confidence. For this very reason it is incomprehensible that responsible authorities should endeavor to cut the ties with this anchor of confidence, namely gold. Humanity would rather have expected, in this time of uncertainty and of a striving for international stability, that the financial leaders of the world would above all hold fast to that which gives rise to enduring confidence, an element of confidence which is already there. One would have expected that they would make it their point of departure and further build on it. Now we see the startling and incomprehensible development that responsible authorities are doing exactly the opposite. They are endeavouring to destroy the confidence which still exists—confidence which is itself a part of our international payments system.

[From the London Economist, May 11, 1968]

PRESSURE ON PRETORIA

It is becoming slowly clear that a growing number of central banks are co-operating in an increasingly determined effort to try to make the two-tier gold price stick. South Africa is therefore coming under more pressure to off-load gold on to the heavily-stocked private markets, where new supplies would threaten to depress the price. Latest developments have to be seen against the background of what went before. First, in their communiqué of March 17th, the seven central banks of the former gold pool announced in Washington that "the existing stock of monetary gold is sufficient . . . (and) they no longer feel it necessary to buy gold from the market." They added also that they "would not sell gold to (other) monetary authorities to replace gold sold in private markets."

The second step came with testimony given last month by Mr Deming, the under-secretary of the American Treasury, to the international finance sub-committee of the House of Representatives' Banking Committee. In this testimony, made public only at the end of April, Mr Deming went a step further by implying, without actually saying so with absolute clarity, that (a) the central banks were actually refusing to buy newly-mined gold and (b) that some 60 central banks had joined in this policy.

Our latest information is that what Mr Deming merely implied (even though he did imply it strongly) has actually come to pass. That is to say, a number of central banks have now actually informed the South African Reserve Bank not just that they do not need to buy any more newly-mined gold, but that they will not buy any as a matter of policy.

This means that South Africa's big marketing option has been very largely pulled from under its feet. Ideally, South Africa would have liked to sell any gold it could not hang onto to central banks rather than increase still further the supplies on the currently very heavily stocked private markets. But with a large number of central banks positively refusing to buy any more newly mined output, for the time being anyway, and with South Africa's reserves rising at a rate that threatens to create another inflationary domestic spiral, South Africa cannot afford to hang onto its growing gold reserves indefinitely.

As yet, however, South Africa still seems to be holding its hand; so far as is known, newly-mined gold from South Africa has not yet started to flow direct to the private markets. Obviously it stands to gain from waiting: crises can blow up overnight, as is known only too well. But it could be a mere question of time, and there have been reports from Paris of discussions with the South African authorities for free market sales there. Meanwhile, in the past week, the price of gold reached a new peak since the reopening of the London free market on April 1st, rising to $39.70 on Thursday, despite a small fall on Tuesday after news of the progress of the American tax bill. But dealers do not attribute too much significance to this on a relatively modest average daily turnover this week of around three to four tons in London and a shade more in Zurich.

ADDRESS BY HON. SOL M. LINOWITZ, U.S. REPRESENTATIVE TO THE ORGANIZATION OF THE AMERICAN STATES, BEFORE THE MASSACHUSETTS STATE LEGISLATURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the Honorable Sol. M. Linowitz, U.S. representative to the Organization of American States, was recently invited to address a joint meeting of the members of the General Court of Massachusetts—Massachusetts State Legislature—on May 15, 1968. Ambassador Linowitz delivered a very informative and eloquent address on that occasion, which address I am pleased to include in my remarks.

As the U.S. representative of the Organization of American States, Ambassador Linowitz is rendering outstanding service. In view of his choice as the Ambassador of our country to the Organization of American States, the views of Ambassador Linowitz are worthy of deep consideration.

The address follows:

ADDRESS BY AMBASSADOR SOL M. LINOWITZ, U.S. REPRESENTATIVE, ORGANIZATION OF AMERICAN STATES, BEFORE A JOINT CONVENTION OF THE MASSACHUSETTS STATE LEGISLATURE, BOSTON, MASS., MAY 15, 1968

I am deeply honored to be here today, and to pay my respect to a great State which has done so much to make all Americans proud.

Your prime concern is, of course, the business of the Commonwealth of Massachusetts.

But I know you also have a concern that extends far beyond the borders of your State, one that encompasses the state of our nation and the state of our world.

For you recognize that the future of all of us is inextricably involved with the wider community of mankind; and that you cannot, with wisdom and circumspection, plan for the future of this State without taking into account the fundamental question of whether the nation is to live in a world at war or at peace.

So I am grateful for your invitation, and pleased to have this opportunity to report about United States policy in Latin America. I do so at a time when the foreign affairs spotlight is focused not on this hemisphere, but on events in Southeast Asia and, of course, the talks relating to them that are now underway in Paris. But it is my *deep conviction* that our stake in Latin America is vital to our future, and that what happens there is direcly related to the overriding challenge of our day—the attainment of a lasting peace with justice everywhere.

Today Latin America literally stands at the crossroads. Either it will yield its poverty and underdevelopment to the constructive forces of peaceful revolution and change or they will ignite the violent revolution and chaos that are their inevitable successors. This is the great truism of our hemisphere—a hemisphere in which more people go to bed hungry every night than those properly nourished; in which more people rise to meet a hopeless dawn than those with opportunity, no matter how small.

There was a period not too long ago when Latin American policy was a makeshift affair, when our chief foreign policy interests focused on virtually every area of the world except the one closest to us geographically, historically and traditionally. Today, in facing up to harsh reality, our policy is no longer a stop-gap action, a hurried response to an explosive situation, but a policy that has taken its place among this nation's most vital commitments. For we know that by helping Latin America to modernize and become economically stable and viable, we help ourselves and the entire cause of freedom and democracy. Latin America is our testing ground not for tomorrow but today, and it is my conviction that we are now in the right place, at the right time, and with the right program.

But precisely what is our policy in Latin America? I can think of no better answer to that question than to read to you the Charter of the Organization of American States. Its goals, its hopes for the present, its aspirations for the future express fully all we strive for today in the Americas—a hemisphere in which all people respect their neighbors and share in the blessing of plenty that is the heritage of the New World.

Obviously the OAS will not, in and of itself, guarantee such a future for the hemisphere. But it does point the way. And because it does, the United States' commitment to it is deep and irrevocable. It is a commitment consistent with our over-all international aim, one that bespeaks our belief in peaceful cooperation and change among all men and nations, no matter what their hemisphere.

The OAS is the instrument of this international aim in the Western Hemisphere; and as such, our membership in it well serves our national interest regionally even as our membership in the United Nations serves our national interest universally.

In a few days—on May 18th—a distinguished international statesman and civil servant, Dr. Galo Plaza Lasso, a former President of Ecuador, will be sworn in as the new Secretary General of the OAS. He brings to one of the most important posts in all international organization a staunchly independent spirit and belief in the future of the Americas.

He takes office at a time when the OAS stands on the threshold of its greatest opportunity to serve the Americas. For only recently the President, with the consent of the Senate, signed the United States ratification of several amendments that streamline and strengthen the OAS Charter, thereby giving the OAS great new impetus for the tasks and challenges ahead.

The work of the OAS does not stop with the defense of the Americas and the efforts to strengthen the peace. It is work that also advances the economic and social well-being of its members—work that runs the gamut from industrial planning to farming, from education to public health, from child welfare to Indian affairs, from culture to human rights, from science and technology to jurisprudence.

Twenty-two members of the OAS are today cooperating to build a better hemisphere. One country is not. We cannot ignore that one country; its threat is too real. But neither can we permit it to divert us from the basic job at hand—the work of peace and social justice that will be remembered long after Castro has been forgotten.

Even Castro must realize by now that extremism is not the way of the future for the rest of the hemisphere. So it would be a grave mistake for us to focus on the Cuban problem to the exclusion of all others in Latin America—or to equate the main challenge of Latin America with that of stopping Castro. Our main job in Latin America is to stop poverty, to stop inequality, to stop hunger, to stop disease, to stop illiteracy—to stop all conditions that create a climate of despair in which a Castro or a Batista can flourish.

Our main job in Latin America—indeed, our policy in Latin America—is a constructive one, a job of building, a job of hope, one that does not believe in the force of arms but in the force of mutual cooperation. The Alliance for Progress gives voice and form to that policy. It is not aimed against any people or regime, but it reaches out to all the pople of the Americas. It seeks not to dominate, but to share; and the willingness to share is its only qualification.

And we hope the Cuban people will someday share in it too. The progress of the hemisphere is a vast program in which every nation has its own part to play, the Cuban nation along with all the others. For it is progress that will meet the just yearnings of the great mass of people in Latin America.

It is in these yearnings for economic and social justice that the Alliance for Progress has its roots; and in the final analysis our policy in Latin America will be judged by how closely and successfully we identify ourselves with them. These are the yearnings of democracy—of a people yearning to live in freedom and in dignity—yearnings so well understood by President Kennedy when he launched the Alliance for Progress in 1961 as a bold new effort to confront history with reaffirmations and not despairs.

As both President Kennedy and President Johnson have made clear, we do not want Latin America to become a carbon copy of the United States. The fact remains, however, that there is a distinct parallel to some of the problems facing both of us—problems we can see clearly enough here in America merely by looking at our cities. The problems faced by Boston, New York, Chicago and Los Angeles differ perhaps in degree only from those confronting the large cities of Latin America in housing, public services, educational facilities—to mention a few of the more obvious. And many of our associated crises depend for their solutions upon what we can learn from each other.

The United States, for example, has reached a high level of industrialization, and there is much we have learned over the years in this area that will be of value to the countries of Latin America in their effort to build a firm and diversified industrial base. At the same time, we in the United States can learn much about race relations from our neighbors in Latin America. What I am saying, in short, is that the welfare of this continent is a continental problem in which we all have equal responsibilities and none a claim to superiority.

But the cry of John Donne, "Send not to ask for whom the bell tolls," echoes even deeper into our consciousness when we see in our own cities those desperate citizens who have bypassed the democratic process as they seek other avenues to bring their plight to public attention and action.

The great lesson for us all is that time is not on our side—that desperate acts demand a firm response in upholding the law, but they demand equally firm measures to correct the causative ills. For if we want to see democracy fulfill its destiny, then we have a responsibility to see to it that conditions are created that will allow it to flower.

Viewed in this framework, the struggle of our neighbors in Latin America to bring about social justice and create viable democratic regimes sensitive to the needs of the people is readily understandable. Even as all too many of our citizens live outside the mainstream of our society, masses of Latin American people are really not part of their nations' lives, and, therefore, they play no part in the democratic process.

In assessing the progress made by the Alliance, we must, therefore, understand that the average citizen—the man who will ultimately decide the future of the Alliance and of the continent—will not become an ardent supporter of democracy because of any statistics of monthly car loadings or rising figures on a graph. What he wants to see is improvement in his life and in his neighborhood.

The great question, of course, is whether he is seeing this improvement.

It is certainly true that Latin America is not yet reaching the Alliance goal of a 2.5 percent increase in per capita gross national product each year. The available data indicates the figure was 1.8 percent for last year.

The real point, however, is that gross national product statistics in themselves are a poor measure of development. Figures in this area are mere abstractions which do not reflect whether the mass of people is better or worse off than before. In the United States, for example, our per capita gross national product increase last year was 1.3 percent.

What *is* the measure of such improvement in Latin America? To me it is the extent to which Latin American nations are helping themselves in creating a viable climate for development. Take government revenues. Since the start of the Alliance, nearly every government of Latin America has reformed and strengthened its tax structure. With only three exceptions, government income is substantially above pre-Punta del Este levels. In some cases, the increases are above the increases in gross national product.

Furthermore, investments in social services, the human sector, of course, do not produce the spectacular results infrastructure investments do. Nor are they reflected in present gross national product growth figures. But they are the surest guarantee of continued development in the years to come. And they do reinforce the deeply significant fact that the development of Latin America is greater than its growth.

There is another measure I should mention—the participation by the countries of Latin America themselves. In the past seven years the gross investment in Alliance programs has totalled $115 billion. Of this amount, 88 percent has been invested by the Latin Americans, while the United States' share has come to 6.7 percent—with the rest coming from other sources.

The self-help feature of the Alliance is stronger than any program of assistance anywhere in the world; and it is designed to bring about sweeping changes in the basic institutions of Latin society.

There is no question that the Alliance has a long way to go before it accomplishes its goals. Potential for violent revolution still exists in the sordid slums in Latin America, in the backward villages where the heritage of centuries of neglect remains greater than the effort to overcome it. It is this effort that the Alliance must now inspire with increasing urgency.

It is an effort that demands searching social and economic changes—changes that may create temporary dislocations. We must learn not only to live with this kind of change—peaceful change—but to encourage it to its fullest expression. Only as its tempo increases will the potential for violence decrease.

The future of the Alliance will depend not on the politicians or government officials from North or South America. It will depend on the little man, particularly the young man and the young woman. Three-fifths of the people of Latin America are under 24 years of age, and their numbers keep growing. They are intensely proud of their countries and they do not need to be told how important it is for them to build democratic societies that insure their people the greatest degree of freedom, individual dignity and opportunity. They are determined to do so—with or without us—for these are the people who are searching to express themselves in a revolution for social justice. The Alliance must take root in their hearts and in their minds. It must become their personal revolution. It must become the Alliance of the People. Then, and only then, will it succeed. We owe it to the future to help them achieve this goal.

All in all, I believe that the progress made this past year by the Republics of the American Hemisphere since President Johnson's meeting with the other American Presidents at Punta del Este bodes well for the future. We know more about each other and understand each other's inter-continental problems far better than we ever did before—a knowledge and an understanding we gained by working together to advance the Alliance and to find common solutions to our common problems.

The Western Hemisphere is now in the midst of an exciting and far-reaching experiment in the effective application of multilateral diplomacy. A Common Market . . . road and harbor and telecommunications projects . . . regional programs in education, science and technology . . . a Latin American educational television network . . . new approaches to old population problems . . . pioneering agricultural programs . . . all these and more are now the manifestation of multilateralism in hemisphere affairs—a development that is certainly one of the most promising in the whole area of internationalism since the establishment of the United Nations. It can chart the way to the future.

The Charter of the Alliance for Progress states that it is established "on the basic principle that free men working through the institution of representative democracy can best satisfy man's aspirations." It is not going too far to say that the future of the Alliance will, to a large extent, therefore, depend on the capacity of progressive democratic governments and their leaders to realize the full potential of this development in multilateral cooperation.

The road ahead remains difficult. How successfully we negotiate it will depend entirely upon the ability of all the Americans—North and South—to overlook the petty grievances and keep our eyes focused on the goal that must be our mutual hope—a hemisphere in which economic and political freedom is not a promise of the future but a reality of the present.

President Kennedy was reported as having said that the struggle for democracy and freedom "is going to be won or lost right here in Latin America."

What he meant, I think, is that if we cannot, through the Alliance for Progress, win the battle for men's hearts and minds in the countries of this hemisphere where we share common ties of history, geography and tradition, then it is unlikely that democracy can fare better in other parts of the world.

But all indications are that we can win, and that we will win. If we reject the recipes offered by the cynics and do-nothings—and the know-nothings—if our actions are guided by our faith in democracy and in the power of international cooperation—then I am confident that we can move forward toward a brighter tomorrow in a hemisphere and in a world free from war and free from want.

CONSTITUTIONAL FORM OF GOVERNMENT THREATENED BY EXCESSIVE RESTRAINT IN DEALING WITH RIOTERS

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, the controversy that has sprung up as the result of orders to the police to exercise "restraint" with looters and arsonists has centered around the spurious issue of which is most sacred, life or property. Posed in such a manner, the options presented miss wide the mark.

The real issue, and the one that has been completely ignored, is which is most important, preserving the physical safety of a law violator or the preservation of our form of government.

Those that take the simplistic view, as does Attorney General Ramsey Clark and most civil- and not-so-civil-rights leaders, argue that the physical safety—even of a lawbreaker—is more sacred than a $50 suit and that when faced with such a choice, the police must refrain from taking firm action if the life or physical safety of the looter is threatened by such action. Few can seriously disagree that a human life is more sacred than a suit of clothes or a television set or even a whole building. But is this really the issue?

Since the formation of our Republic, thousands of American soldiers have given their lives or suffered injury in vivid attestation to the fact that life is patriotically sacrificed when the preservation of our freedoms and of our form of government is challenged. For our form of government, with all its respect for human life, places the highest premium on safeguarding itself and thus the individual freedoms of all of its citizens.

Thus, whenever our freedoms have been threatened, men have even gone to war to protect them.

We often talk about the importance of freedom of the press, freedom of speech, freedom of religion, and yes, freedom to peaceably assemble. And properly we should for these are basic freedoms which our men have fought and died for in war after war. But these are not the exclusive freedoms enjoyed by Americans, protected by our Constitution and laws, and for which Americans have given their lives and fortunes.

There is also the freedom to own and enjoy private property, a freedom many would have us forget.

Economically, the legally protected right to own private property is largely responsible for the type and quality of life we enjoy. Indeed, it is largely the knowledge that we can own both real and personal property and thus improve the lives of ourselves and our families that encourages us to expend our time and labor. And it is this drive, this initiative to work hard, that has produced for all citizens the highest standard of living the world has ever known. Generated by the expectation of gain, this notion has been able to produce the goods and services which allow us to successfully compete in the world's markets, feed a generous portion of a hungry world, maintain our own economy, assist less fortunate nations, help the sick and elderly in America and elsewhere, and maintain our own high standard of living—and to emerge as the leading Nation of the free nations of the world.

Even the Soviet Union, aware that private ownership produces the greatest dividends, has begun to permit certain of its citizens the right to own limited means of production and retain some of the fruits of labor spent.

The desire to possess is a basic human trait as was crassly attested to by the mere observance of looters in action, with arms, cars, and even trucks loaded down with ill-gotten goods.

To allow the fruits of one's labor to go unguarded and unprotected as was the case in Washington, D.C., and other cities during the most recent outbreak of riots, and to add insult to injury by requiring the owners of the remains of this property to clean up and remove the debris under penalty of law as is being required in Washington, has the self-defeating effect of encouraging further looting and discouraging the further expenditure of private capital for business enterprises. While the immediate effect of this means fewer payrolls and more public welfare, the ultimate result can produce a system too risky to invest private capital—private enterprise system devoid of willing, noncoerced private enterprise.

The Attorney General has argued that police action which endangers the lives of the looters and arsonists will cause an escalation of the riot itself. The facts clearly disprove this contention. In Washington, the looters were given free reign for 15 hours. Police were ordered to stand by while looting went on under their noses highly publicized through television news coverage thereby encouraging further looting in its truest escalatory sense. Not until Federal troops were brought in and the police eventually given the authority to make arrests were the fires brought under control and order restored. Had this action been taken immediately, I am convinced that fewer than the 14 lives would have been lost and significantly less injury than the $30 million to property and persons and the loss of over $40 million in decreased business during the 5-week period following the riots would have resulted.

There is in America today a dangerous, and—in this administration, particularly—prevailing philosophy which has the effect of condoning rioter's holidays in the name of the goal being sought—economic and property betterment. The philosophy appears to embrace the disturbing suggestion that a civil riot to acquire more property is a civil right and that those engaged in the riot—regardless of the harm they are causing—are themselves entitled to nonarrest even while they are engaged in the riot and the stealing of other peoples' property. The obvious danger inherent in this permissive crime philosophy is that it gives encouragement to individuals to riot and loot and burn whenever they get the inclination or, as appears to have been the case in Washington, receive the encouragement and the instructions to do so from rabble rousers such as Stokley Carmichael.

Once the fear of physical injury and/or jail is eliminated, there is nothing left to deter such activities. The less obvious danger is to diminish, if not entirely eliminate, the sanctity of the right to ownership of private property if demands on our free enterprise and individual initiative system is to continue.

In the final analysis, civil disorders accompanied by looting and arson pose a direct threat—not only to the persons whose property is being ravaged—but to every American who is concerned about preserving our system of government. For it is our system of government that is being challenged today and the soldiers of disorder who are bringing battle, anarchy and rebellion to the streets of America must be prepared to accept the consequences of their action. Swift and forceful action by those vested with the authority to maintain law and order—the police—should be the expected consequence of law violation, particularly when such violation poses an obvious danger to persons and property.

Certainly this view would prevail among the thousands of families mercilessly burned out and the survivors of the cremated innocent persons whose most precious right—to life itself—was snuffed out by the rebellious rioters. Is not the right to police protection to preserve one's person and property from harm a civil right?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'HARA of Michigan (at the request of Mr. ALBERT), for today, on account of death in the family.

Mr. NELSEN (at the request of Mr. GERALD R. FORD), for May 22, 1968, and the balance of the week, on account of a death in the immediate family.

Mr. HANNA (at the request of Mr. ALBERT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FISHER, for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. NEDZI, for 30 minutes, today.

(The following Members (at the request of Mr. MESKILL) to revise and extend their remarks, and include extraneous matter:)

Mr. BUCHANAN, for 30 minutes, today.

Mr. RIEGLE, for 15 minutes, May 22.

(The following Members (at the request of Mr. NICHOLS) to revise and extend their remarks, and include extraneous matter:)

Mr. ADDABBO, for 20 minutes, today.

Mr. DINGELL, for 30 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. DORN and to include extraneous matter.

Mr. DULSKI in four instances and in one instance to include remarks made by the Postmaster General.

Mr. MCCORMACK (at the request of Mr. ALBERT) and to include extraneous material.

Mr. SCHWENGEL to revise and extend his remarks made earlier today to be placed in a special order granted to Mr. BETTS of Ohio.

(The following Members (at the request of Mr. MESKILL) and to include extraneous matter:)

Mr. CEDERBERG.

Mr. RAILSBACK.

Mr. PETTIS.

Mr. ASHBROOK in two instances.

Mr. REINECKE in two instances.

Mr. WATKINS.

Mr. JOHNSON of Pennsylvania in two instances.

Mr. SCHERLE.

Mr. BATES.

Mr. MCCLORY.

Mr. CHAMBERLAIN in two instances.

Mr. HUNT in two instances.

Mr. BROYHILL of Virginia in three instances.

Mr. RUMSFELD.

Mr. DERWINSKI in four instances.

Mr. ESCH.

Mr. BERRY.

Mr. BUCHANAN in two instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. WYATT.

Mr. SCHWENGEL.

(The following Members (at the request of Mr. NICHOLS) and to include extraneous matter:)

Mr. OTTINGER.

Mr. RODINO.

Mr. JACOBS.

Mr. LONG of Maryland in two instances.

Mr. PEPPER in two instances.

Mr. ASHLEY in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. HOLLAND.

Mr. MCMILLAN.

Mr. FASCELL in two instances.

Mr. DADDARIO in three instances.

Mr. PODELL in three instances.

Mr. LEGGETT in two instances.

Mr. PICKLE.

Mr. ST GERMAIN.

Mr. VANIK.

Mr. RARICK in six instances.

Mr. RESNICK in two instances.

Mr. GONZALEZ in three instances.

Mr. IRWIN in three instances.

Mr. ADDABBO.

Mr. HELSTOSKI in two instances.

Mr. WHITENER in two instances.

Mr. CELLER.

Mr. ADAMS in two instances.

Mr. MATSUNAGA.

Mr. DELANEY.

Mr. SHIPLEY.

Mr. BOLAND in three instances.

Mr. DANIELS.

Mr. BRADEMAS in six instances.

Mr. BINGHAM in two instances.

Mr. VAN DEERLIN.

Mr. ABBITT in two instances.

Mr. HAGAN in three instances.

Mr. ROGERS of Florida in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2276. An act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes;

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes;

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department; and

H.R. 16409. An act to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. NICHOLS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 22, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1864. A communication from the President of the United States, transmitting a proposal for a supplemental appropriation for fiscal year 1968 to support our military operations in Southeast Asia (H. Doc. 315); to the Committee on Appropriations and ordered to be printed.

1865. A communication from the President of the United States, transmitting a proposal for supplemental appropriations for civilian and military pay increases in the Federal Government for fiscal year 1968 (H. Doc. No. 316); to the Committee on Appropriations and ordered to be printed.

1866. A letter from the Assistant Secretary for Congressional Relations of the Department of State, transmitting a draft of proposed legislation to provide for the immunity from taxation in the District of Columbia in the case of a communications satellite system; to the Committee on the District of Columbia.

1867. A letter from the Comptroller General of the United States, transmitting a report on the need to improve the management of aeronautical repair parts manufactured at naval air stations of the Department of the Navy; to the Committee on Government Operations.

1868. A letter from the Secretary of the Interior, transmitting proposals for 32 projects selected for funding under section 200(a) of the Water Resources Research Act of 1964, pursuant to section 200(b) of the act; to the Committee on Interior and Insular Affairs.

1869. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; to the Committee on Merchant Marine and Fisheries.

1870. A letter from the Chairman of the U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government; to the Committee on Post Office and Civil Service.

1871. A letter from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to define the terms "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes; to the Committee on Veterans' Affairs.

1872. A letter from the Secretary of Commerce, transmitting the Annual Report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1967, pursuant to the provisions of section 16 of the Foreign-Trade Zones Act of June 18, 1934, as amended by Public Law 81-566; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13366. A bill to exempt certain vessels engaged in the fishing industry from the requirements of certain laws; with amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16127. A bill to increase the limitation on the number of officers for the Coast Guard (Rept. No. 1400). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 17024. A bill to repeal section 1727 of title 18, United States Code, so as to permit prosecution of postal employees for failure to remit postage due collections, under the postal embezzlement statute, section 1711 of title 18, United States Code (Rept. No. 1401). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H.R. 8953. A bill to amend the act of November 21, 1941 (55 Stat. 773), providing or the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; with amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 1178. Resolution providing for the consideration of H.R. 14907, a bill to amend the Federal Credit Union Act (Rept. No. 1403). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1179. Resolution providing for the consideration of S. 2349, an act to provide for the appointment of additional circuit judges (Rept. No. 1404). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORN:

H.R. 17401. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and foreign origin; to the Committee on Ways and Means.

H.R. 17402. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 17403. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Illinois:

H.R. 17404. A bill to provide for the establishment of a Commission on the Establishment of an African Institute for Cultural and Technical Interchange; to the Committee on Foreign Affairs.

By Mr. PASSMAN:

H.R. 17405. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 17406. A bill to repeal Public Law 90-203, approved December 15, 1967, which prohibits certain banks and savings and loan associations from fostering or participating in gambling activities; to the Committee on Banking and Currency.

By Mr. RARICK:

H.R. 17407. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 17408. A bill to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception, and advertisements with respect to such articles; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 17409. A bill to amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BERRY:

H.R. 17410. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. Burton of Utah, Mr. Lennon, Mr. Cowger, Mr. Fisher, Mr. Erlenborn, Mr. Denney, Mr. Bush, Mr. Farbstein, Mr. Cramer, Mr. Utt, and Mr. Latta):

H.R. 17411. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 17412. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Ullman, Mrs. Hansen of Washington, Mrs. May, Mr. Olsen, Mr. Wyatt, Mr. Adams, Mr. Dellenback, Mr. McClure, and Mr. Meeds):

H.R. 17413. A bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUDE (for himself, Mr. Adams, Mr. Horton, Mr. Jacobs, Mr. Mathias, of Maryland, Mr. Nelsen, Mr. Sisk, Mr. Springer, Mr. Steiger of Arizona, and Mr. Winn):

H.R. 17414. A bill to provide for the prevention and control of air pollution in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HELSTOSKI:

H.R. 17415. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 17416. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (for himself and Mr. Whitener):

H.R. 17417. A bill to prohibit extortion, or the transmission of threats to persons or property, by means of telephone, telegraph, radio, oral, or written communications, or otherwise, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. **STAGGERS** (by request):

H.R. 17418. A bill to authorize the Secretary of Transportation to plan and provide financial assistance for airport development, and other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **WYMAN**:

H.R. 17419. A bill to amend the act of January 12, 1895, to provide for the distinctive printing in the CONGRESSIONAL RECORD of remarks actually spoken during proceedings and debates on the floor of the House of Representatives; to the Committee on House Administration.

By Mr. **EILBERG**:

H.J. Res. 1278. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

By Mr. **BROOMFIELD**:

H. Res. 1180. Resolution to initiate negotiations toward a nonproliferation treaty on conventional weapons for the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. **BARRETT**:

H.R. 17420. A bill for the relief of Henricus Bierens; to the Committee on the Judiciary.

By Mr. **BOLLING**:

H.R. 17421. A bill for the relief of Bernard L. Coulter; to the Committee on the Judiciary.

By Mr. **CAHILL**:

H.R. 17422. A bill for the relief of Carlo DeMarco; to the Committee on the Judiciary.

By Mr. **HAGAN**:

H.R. 17423. A bill for the relief of Salvatore Frisella; to the Committee on the Judiciary.

H.R. 17424. A bill for the relief of Varvara Loizou; to the Committee on the Judiciary.

By Mr. **HALPERN**:

H.R. 17425. A bill for the relief of Juan Peral; to the Committee on the Judiciary.

By Mr. **HAYS**:

H.R. 17426. A bill for the relief of Antonia Curiel; to the Committee on the Judiciary.

By Mr. **IRWIN**:

H.R. 17427. A bill for the relief of Michelangelo Morelli; to the Committee on the Judiciary.

By Mr. **LEGGETT**:

H.R. 17428. A bill for the relief of Irene Ivy Shaw; to the Committee on the Judiciary.

By Mr. **MINSHALL**:

H.R. 17429. A bill for the relief of Dr. James S. K. Tsai; to the Committee on the Judiciary.

By Mr. **MURPHY** of Illinois:

H.R. 17430. A bill for the relief of John Hachem; to the Committee on the Judiciary.

By Mr. **O'NEILL** of Massachusetts:

H.R. 17431. A bill for the relief of Carmelo Genna; to the Committee on the Judiciary.

H.R. 17432. A bill for the relief of Girolamo Lentini; to the Committee on the Judiciary.

H.R. 17433. A bill for the relief of Chi Len Yong; to the Committee on the Judiciary.

By Mr. **REES**:

H.R. 17434. A bill for the relief of Mr. and Mrs. Chung Jin Kim; to the Committee on the Judiciary.

H.R. 17435. A bill for the relief of Mr. Sang In Kim; to the Committee on the Judiciary.

By Mr. **ROYBAL**:

H.R. 17436. A bill for the relief of Johng Ook Lee; to the Committee on the Judiciary.

By Mr. **RYAN**:

H.R. 17437. A bill for the relief of Yoshua Eyal; to the Committee on the Judiciary.

By Mr. **YATES**:

H.R. 17438. A bill for the relief of Dr. Kaloo Chandiram Thadhani and his wife, Rekha Thadhani; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

320. By the **SPEAKER**: Petition of the Municipal Council of the Township of Woodbridge, N.J., relative to legislation dealing with truck size and weight limits on interstate highways; to the Committee on Public Works.

321. Also, petition of Gushikawa-Son Municipal Assembly Nakagami-Gun, Okinawa, Ryukyu Islands, relative to B–52 strategic bombers based on Okinawa; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. **BYRNES** of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

MEMO

POOR PEOPLE'S MARCH . . . Some 2,000 people are camped near the Lincoln Memorial in Washington and will demonstrate here in support of their demands for legislation to "eliminate poverty". It would be nice if it were possible to end poverty with federal legislation. The following broadcast by David Brinkley, NBC News, suggests that the Poor People's March has come to the wrong place.

"What is called the Poor People's March on Washington is here—the first stages—and the rest comes later. Its purpose is to dramatize the unhappiness of the poor people, white, black, plus some Indians, and to demand the Federal Government appropriate tax money to help them.

"As one who has observed the government of the U.S. in action for about 25 years, I would say, with some reluctance, I believe they're coming to the wrong place. I do not believe the answer to their problems lies in Washington at all.

"Daniel Patrick Moynihan, one of the more provocative of American thinkers and critics of our social scene, said in a speech some time ago it was time liberals stopped believing the government had an unlimited capacity for doing good. I believe he was right and that it's past the time when, for anyone with a problem or a need or a want, the best place to turn was the Federal Government. It is not. The instrument of national government simply is not tuned finely enough to deal with a private individual problem of thousands of people who are unable to cope with a modern society.

"Obviously, the government is able to collect huge sums of money from the taxpayers—to collect them in a grossly unfair way. And then to spend it in a grossly political way when it enters heavy footedly into a delicate social situation, it often only makes it worse. There are several reasons: one is, in some respects, it has too much power. It had the power to get us into a war without the consent of the public, directly or indirectly, but it has no power to enforce its will or its attitudes on any individual. All it can do is make him pay his taxes and obey the written, statutory law, at least in public. It does not have the power to force anyone to be a decent human being.

"Except in the most public and overt forms, it does not have the power to bridle, restrict or control the various human appetites, good or bad; it cannot control even its own bureaucracy—those who are on its own payroll.

"Obviously, the government can give money to the poor. Indeed, it gives money to the poor now in the various forms of welfare, but several of those who are in charge of welfare programs say the total program is a total failure. If there are, say 100,000 people who are poor, then there are 100,000 different reasons. But when the Federal Government comes to deal with their poverty, we can expect it will try to deal with all of them in pretty much the same way, for administrative reasons—because otherwise, they will not all fit into a computer.

"It would be nice to believe the Federal Government had the means to end poverty in America. But I don't."

CONGRESS: The Senate is considering the Safe Streets and Crime Control Act. The House last week passed the Colorado River Basin bill and takes up a long list of miscellaneous bills this week. These bills, among others, are being considered in various House and Senate committees: Proposing an amendment to the Constitution to lower voting age from 21 to 18; to allow counsel to assist clients in local draft board proceedings; to provide a new maritime program; to facilitate entry of foreign tourists, and to authorize noise abatement regulations.

GREEN BAY OIL POLLUTION: I announced last week that Coast units in the area have been directed to be on the alert for tankers dumping oil in Green Bay. After receiving reports of such discharges, I took the matter up with the Corps of Engineers and the Coast Guard and both these agencies promised that the law prohibiting oil deposits would be vigorously enforced.

REPORT TO THE 22D CONGRESSIONAL DISTRICT OF NEW YORK

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. GILBERT. Mr. Speaker, since my election to Congress, I have made periodic reports to the residents of my district on major legislation and my activities in Congress. I believe it is the responsibility of every Member to inform his constituents of his position on various issues and his efforts in their behalf. I submit for the RECORD and for the benefit of my colleagues my May 1968 Newsletter to the residents of the 22d District of New York:

May 1968.

Dear Friend: In some Congressional sessions, it is the members of Congress themselves who generate the force and momentum that one feels on Capitol Hill. After the 1964 election, for example, the new liberal majority knew what it wanted and proceeded, in rapid and systematic fashion, to enact such legislation as Medicare, Federal aid to education and the Model Cities Program. But this year, events in the country have set the tone on Capitol Hill. A conservative majority, elected in 1966, has been reluctant to pass the reforms that the nation requires. But a popular ferment has kept the Congress alert. The source of this ferment has been the war in Vietnam, the crisis of the dollar and the tragic assassination of the Rev. Martin Luther King Jr. The result has scarcely been a legislative program equal to the national needs. The Republican-Dixiecrat coalition sees to it that we remain behind the times.

Before going on to legislation, however, let me say a word about Vietnam, because it has so profoundly influenced the course of our national life in recent years. Like every reader of this letter, I am thrilled at the convening of the Vietnam peace conference in Paris. Thus far, the indications are that both sides genuinely want to end the fighting. My own position on the Vietnam war has never been in doubt. Though I have not questioned the good faith of the President, I considered it extremely unwise for our country to get involved in a bitter Asian land war, especially one in which the issues were so confused. As far back as January, 1966, I wrote to the President that "I regard the Vietnam war as wasteful to American lives and resources. . .". More recently, I joined with colleagues to appeal to the President to halt the bombing of the North, for "the risks are catastrophic involvement with Communist China and the Soviet Union and possible nuclear war." I am happy that our government has come to the conclusion that the war must be brought to an end and I want to thank you, my constituents, for supporting me in my appeals to our President, I believe that peace—and the chance to pursue our goals at home—is the only prudent course for the United States.

While I am on the subject of foreign policy, let me say a word about Israel. I have asked the President to furnish modern aircraft to Israel and to offer to the world a forthright guarantee of Israel's security. I have urged this in the interests of peace, not war, for the Soviet Union is arming the Arab states at a rate that can only mean a further attack on Israel is being planned. It is not inconsistent for me to urge withdrawal in Vietnam and a strong stand in the Middle East. By letting the Soviet Union, and its Arab satellites, know that we will not tolerate another attack on Israel, a sovereign state, we are contributing to stability in that region of the world. That is why I believe our country must make very clear that we stand with Israel in its determination to survive and make for itself the kind of land its people desire.

It is a sad testimony to the temper of our times that so much of this letter must deal with violent behavior—war in Vietnam and the Middle East, riots and crime in our own society. We like to think of a man becoming more civilized, yet violence continues to be our daily fare. Last month, I attended the funeral of Dr. Martin Luther King, a man who preached non-violence but who died by a bullet. His death shocked Congress into passing an open housing law, very much like the one New York has had for some years, and a series of riot controls, of which Dr. King would also have approved. I deeply hope that we need no more martyrs for the just causes of our society.

To meet the escalating costs of the war in Vietnam, the President proposed some time ago that Congress approve a plan to increase taxes by 10 percent. As a member of the Ways and Means Committee, I had the responsibility for considering that proposal. Some months ago, I told you that I opposed the tax. Recently, a coalition of Dixiecrats and Conservative Republicans told the President they would not accept such a tax unless domestic programs were reduced by $6 billion. I have fought too long to get these programs underway and to keep them operative. I will not now consent to their being dismantled. I am therefore more opposed than ever to the tax increase and I will not play the reactionaries' game.

The programs threatened by the tax bill are the long-range weapons against violence and crime. To deal with the threat in the short-term, I have strongly backed both gun control and anti-crime legislation in the current session. I think it is outrageous that powerful interest groups continue to block Federal controls on the transportation and sale of firearms. We continue to count the great Americans, to say nothing of the thousands of less eminent citizens, who are killed because a lunatic gets his hand—quite legally—on a gun. As for the anti-crime legislation, I am particularly favorable to the provisions for strengthening local police forces. We need Federal aid to train, equip and otherwise bolster the men who keep peace on our streets. Nothing is more important to a civilized society than being able to walk the streets safely and with a feeling of security.

Recently, I introduced a bill known as the More Effective Schools Act, modeled after the educational program of New York's own United Federation of Teachers. In introducing the bill, I stated that "no long-range cause has contributed more to the grievous condition of the American poor, than appalling deficiencies in our educational system." The program spelled out in the bill would reduce teacher-student ratios, support special training for teaching the poor, develop new curriculum and educational methods and provide funds for new construction. The bill will be expensive, but for too long we in this country have tried to do a major job—educate our young people—without being willing to pay the price. I congratulate New York's teachers on their thoughtful planning and on the conscientious efforts they are making to meet the needs of young people in today's urban society.

The needs of contemporary urban society are felt nowhere more deeeply than in our own Congressional district. That is why I give so much attention to the programs that are directed toward our cities. I was deeply angered, for instance, by the cuts Congress made in anti-poverty appropriations and I introduced a bill in March to restore the funds that were eliminated. I consider such economies as this to be absurd; we pay later in broken lives for the petty savings we make today. I also proposed repeal of the inequities in the Social Security program enacted in last year's bill, inequities that have cost our citizens thousands in medicaid assistance and benefits under the Aid to Dependent Children (ADC) Program. I have also introduced a bill to provide more low and middle income housing for our cities. Of course, I supported the appropriations for Model Cities, which had a promising start last year as an experimental program. On my recommendation, one of the pilot projects for the Model Cities Program is in our own Congressional District. The entire country will be looking to it for lessons.

Congress, of course, does not have all the answers for our troubled times. That is why my staff and I welcome your viewpoints—and, furthermore, stand ready to assist you in any problems you may have with the Federal government. Please call at my office in the Bronx at 1004 East 163rd Street or write to me here in Washington.

Sincerely yours,

Jacob H. Gilbert,
Member of Congress,
22d Congressional District.

ISRAEL BEGINS 21ST YEAR OF STATEHOOD

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RODINO. Mr. Speaker, 20 years ago the Jews of the world at long last found a homeland they could call their own. On May 15, 1948, the British mandate in Palestine ended and Israel was proclaimed a free and independent state.

Significantly, the United States was the first nation to recognize the newly established state, and in the ensuing years we have witnessed in Israel a dynamism and a will to survive and prosper that mirror the pioneer days of our own great history.

Survival for Israel has certainly not been easy, and has, in fact, been possible only because of a gallantry and determination born of thousands of years of unspeakable persecution. Yet despite continued harassment, she boasts today a technology, an educational system, and an economy rivaling that of any nation in the world of comparable size. Most importantly, she represents a bastion of freedom in an all too volatile Middle East.

Mr. Speaker, let us hope and pray that Israel will not again have to demonstrate her ability to repel those who would threaten her well-being or even deny her right to existence. Our country must continue to extend aid and friendship to Israel, and we must join hands with all peace-loving nations of the world to assure her right to continue her magnificent quest as outlined in the Declaration of the Establishment of the State of Israel:

> We declare that, with effects from the moment of the termination of the mandate, being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May 1948), until the establishment of the elected, regular authorities of the state in accordance with the constitution which shall be adopted by elected constituent assembly not later than the 1st October 1948, the people's council shall act as a provisional council of state, and its executive organ, the people's administration, shall be the provisional government of the Jewish State, to be called "Israel."
>
> The State of Israel will be open for Jewish immigration and for the ingathering of the exiles; it will foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice, and peace as envisaged by the prophets of Israel; it will insure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the holy places of all religions; and it will be faithful to the principles of the Charter of the United Nations.
>
> The State of Israel is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.
>
> We appeal to the United Nations to assist the Jewish people in the building up of its State and to receive the State of Israel into the comity of nations.
>
> We appeal—in the very midst of the onslaught launched against us now for months—to the Arab inhabitants of the State

of Israel to preserve peace and participate in upbuilding of the state on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

We extend our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in common effort for the advancement of the entire Middle East.

We appeal to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream—the redemption of Israel.

Placing our trust in the Almighty, we affix our signatures to this proclamation at this session of the provisional council of state, on the soil of the homeland, in the city of Tel-Aviv, on this Sabbath eve, the 5th day of Iyar, 5708 (14th May 1948).

FEED GRAINS AND WHEAT PROGRAMS SHOULD BE ENDED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. FINDLEY. Mr. Speaker, standing on the floor of this Chamber to discuss farm programs is very much like trying to use new language in swapping baseball stories.

Nonetheless, the farm mess—to use a trite expression—is very much with us.

The triteness only serves to emphasize my belief—and I believe the convictions of many commercial farmers—that the Government should get out of the business of trying to legislate prosperity on the farm by means of commodity programs. The reason—it simply has not worked.

Government indeed does have a place in the farm spectrum. It should help with research, act as an umpire in the areas of regulation, foster agricultural education, help to meet credit problems, and—through land retirement—ease the adjustment to marketplace disciplines.

But, the mess with which we now live, and have lived for nearly 40 years, is a tangle of Government bureaucracy, bungling, and misinformation.

In some mysterious way in this highly urbanized Nation of ours we have come to the juncture at which many politicians—especially those who know very little about the subject—have come to equate farm commodity programs with motherhood. Very few subjects have been treated with more emotion and less dependence upon fact.

In the full realization that facts are not as interesting as emotional outbursts, I will, nevertheless, try to present a few simple and basic ones.

The first is that since 1933, this Government has spent $51 billion—that is billion—on farm subsidies and controls.

The second point tied closely to the first—is that after all these years and all that money, the farm parity index is at 73, which on an annual basis is at the same low point that index was in 1933—in the depth of the depression.

Now, I have no illusions about that word "parity," and I know the pitfalls inherent in using it, but it still represents a general guideline on how well or poorly farmers are doing in relationship to other segments of the economy.

I know, too, the specious arguments of the advocates of Government farm programs who cry, "Oh, but just think how low farm prices would have been," had it not been for all these expensive, restrictive, and in some instance, idiotic farm programs.

My answer to these parrots of the never-never land is that they simply do not know where farm prices would have been without commodity programs. They may make claim to conclusions which are dressed up to appear scholarly, they may ponder their own navels month upon month, and they may even, in fact, talk to each other. But the grim truth is that they do not know. The situation reminds me a bit of the woman who wins big at the race track on her first day ever there while the professional form students go home broke.

That is the trouble with the gloomsayers who lack confidence in the competitive economic system—they almost never get people into their forecasts, and people will upset them just about every time.

I do not suppose I need remind my colleagues that farmers are people, most of them well-educated, experienced, able businessmen.

A third salient point should be made.

Over all of these years during which this Congress has been concerned about commodity control programs, more than 60 percent of America's farm produce has been going to market without Washington's benevolent controls.

And how have these farmers been doing?

Very well, thank you.

These are the producers of crops like beef, pork, vegetables, and fruits, and they have demonstrated an ability to forecast and compete that rivals the best business judgment of other parts of the economy.

It often occurs to me that in trying to foist Government programs onto farmers, members of that sect—and it includes almost all of the hierarchy in the U.S. Department of Agriculture—actually are demeaning the American farmers. Of course, they do not make cruel jokes. They are more subtle than that.

But, the net effect of all their plans and programs is to tell the American farmer that he is economically and mentally impotent, and that if only the American farmer will have the good sense to leave it all to "Big Brother" in Washington, everything will be fine.

The catch is that everything is anything but fine—the best laid plans——

Over the years I have wondered often and hard why the bureaucrats of Washington and some of us here in this Chamber insist on treating the farmer as a poor country cousin.

When we act like that, do we really appreciate that the American farmer is the most efficient producer of food and fiber the world has ever known? Do we?

Do we really appreciate that he has absorbed and put into practice some of the most advanced technology of our age?

Do we really appreciate that our people are paying much less, on an hourly wage basis, for food, than years past?

Do we really appreciate not only the quantity, but the quality and the great numbers of food products we now can buy the entire year around?

Do we really appreciate that the modern American farmer is an outstanding businessman and worker whose capital investment is larger than that of many businessmen in other fields.

If we do appreciate those facts of the life and work of the American farmer, I wonder why we continue to insist he should be put on the dole of Government payments, placed in the ludicrous position of taking controls on what he should plant from the hands of deskbound bureaucrats.

The district I represent in Illinois includes some of the very best farmland of this Nation. I know there are farmers in my district who take Government payments, who plan according to the dictates of bureaucracy.

I am not opposed to Government payments and controls because I begrudge them. I am opposed for the very simple reason that I know the able farmers of my district, and able farmers everywhere, will do better economically without the fetters of Government controls.

My great fear is that even the best farmer in the United States slowly can become addicted to Government payments. And, let my colleagues be aware that bureaucrats know this, too.

They know—as I fear—that the best intentions and judgment can be subverted and ruined by the constancy of a Government payment. When that happens, the bureaucrat has the farmer exactly where he wants him—thumbscrewed.

I have wondered too, with all this talk of a guaranteed annual wage for some of our citizens, how different that proposal is than Government payments to farmers. Is it really different?

I have not liked to think that farmers are on a guaranteed annual wage, but I have come to acknowledge to myself that here I would not be completely objective and accurate if I made such an appraisal.

What do I propose we do about all this?

Supported by several other Members of this Congress, including a Democratic Senator, I am advocating legislation to end controls and subsidies on two of the six supported crops—wheat and feed grains.

Our proposal would take the Government out of the business of buying, selling, storing, pricing, and otherwise controlling the production of these grains.

It would provide credit guarantees so that farmers could borrow against their harvested crops. That, in turn, would enable them to supplant the bureaucrats in deciding when to move their produce onto the open market.

The four remaining controlled crops—tobacco, peanuts, cotton, and rice—also can be similarly freed through carefully operated transitions.

This is not only in the interests of saving billions of dollars of Government money—as important as that is—but it is vital to our vast population—consumers.

For, make no mistake, Government commodity programs encourage inefficient production patterns. And, any time food is produced less efficiently than it can be, it will be more expensive than it need be.

Most important of all, ending commodity programs is absolutely essential to the vitality and advancement of those who till the fields—the farmers themselves.

Herewith is the text of my proposal—H.R. 8001—to end existing programs for feed grains and wheat and to replace them with a program under which farmers will be able to compete for expanding markets without the encumbrance of Government interference and dictation.

The text of the bill follows:

H.R. 8001

A bill to repeal the authority for the current wheat and feed grain programs and to auhorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wheat and Feed Grains Act of 1967".

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. The Government-held surpluses of wheat and feed grains of years past have been largely eliminated. This improved situation is due to a combination of factors including rapidly expanding domestic use of grains, greatly increased commercial exports, and United States food aid shipments to meet emergencies and foster economic progress in undeveloped nations of the world.

There is evidence that the Nation and a hungry world need increased production and use of wheat and feed grains. This objective is inconsistent with programs which pay farmers to restrict their plantings. Increased needs at home and abroad require the discontinuance of outmoded programs.

It is hereby declared to be the policy of the Congress and the purpose of this Act to repeal all authority for acreage allotments, marketing quotas, marketing certificates, diversion payments, and price-support payments on wheat, and base acreages, diversion payments, and price-support payments on feed grains. It is further intended that the current stocks of wheat and feed grains in Commodity Credit Corporation inventory, along with those coming into Commodity Credit Corporation inventory from the 1967 crops, shall not be disposed of in a manner which disrupts the market price. It is also declared to be the policy of Congress that Government insurance shall be made available for recourse loans to producers of wheat and feed grains. Such insured recourse loans shall be made available through banks and other private financial institutions. These actions will permit the market to operate and enable producers of wheat and feed grains to get their income in the marketplace.

TITLE I—TERMINATION OF EXISTING WHEAT AND FEED GRAIN PROGRAMS

SEC. 101. Notwithstanding any other provision of law, effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum—

(a) sections 321 through 339 of parts II and III of subtitle B and section 379(a) through 379 (j) of subtitle D of title III of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U.S.C. et seq.), are repealed; parts IV, V, and VI of subtitle B are redesignated as parts II, III, and IV, respectively, and subtitle F is redesignated as subtitle D; and

(b) subsection (1) of section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p), as amended, is repealed.

SEC. 102. Effective with the 1968 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 103. Effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum, section 327 and 328 of the Food and Agriculture Act of 1962 (Public Law 87-703 Eighty-seventh Congress) are repealed.

SEC. 104. Effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum, the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note), is amended—

(a) by changing section 105 to read as follows:

"SEC. 105. Notwithstanding any other provision of law, beginning with the 1968 crops, price supports shall not be made available to producers for any crop of wheat, corn, oats, rye, barley, and grain sorghum."

(b) by repealing section 107.

TITLE II— RESTRICTIONS ON SALES BY THE COMMODITY CREDIT CORPORATION

SEC. 201. Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), is amended—

(a) by changing the period at the end of the fourth sentence to a colon and adding the following: "*Provided,* That notwithstanding any other provision of law, beginning July 1, 1967, the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases, but including sales made in redemption of payment-in-kind obligations of the Commodity Credit Corporation under its programs) of its stocks held or acquired from crops prior to the 1968 crops of wheat, corn, oats, rye, barley, or grain sorghum, at less than—

"(1) 125 per centum of the 1967 loan rate for such commodity, plus reasonable carrying charges,

"(2) 85 per centum of parity for such commodity, or

"(3) the market price for such commodity at the time of sale,

whichever is highest."

(b) by deleting the seventh sentence.

TITLE III—COMMODITY LOAN INSURANCE FOR WHEAT AND FEED GRAINS

SEC. 301. (a) The Secretary of Agriculture is authorized and directed, upon such terms and conditions as he may prescribe, to insure banks and other financial institutions which are qualified by experience or facilities, against losses which they may sustain as a result of loans, advances of credit, and purchases of such obligations, made to producers on the 1968 and subsequent crops of wheat, corn, oats, rye, barley, and grain sorghum.

(b) Loans, advances of credit, and purchases of such obligations to be eligible for insurance under this section shall not exceed 90 per centum of the estimated season average market price for such commodity, adjusted for grade and location, for each marketing year as determined and announced by the Secretary of Agriculture prior to the beginning of each marketing year.

(c) Insurance shall not be granted by the Secretary of Agriculture under this section to any financial institution on loans, advances of credit, and purchases of such obligations made by such financial institutions in excess of 75 per centum of the total amount of such loans, advances of credit, and purchases: *Provided,* That the amount of any claim for loss on any such individual loan, advance of credit, or purchase of such obligations paid by the Secretary under the provisions of this section to a financial institution shall not exceed 90 per centum of such loss.

(d) No insurance shall be granted under this section to any financial institution with respect to any obligation representing any such loan, advance of credit, or purchase if such obligation has a maturity in excess of eighteen months.

(e) The Secretary shall fix a premium charge for the insurance granted under this section which shall not exceed an amount equivalent to 1 per centum per annum of the net proceeds to the financial institution of such loan, advance of credit, or purchase. Such premium charge shall be payable in advance by the financial institution.

(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title. The Secretary of Agriculture is authorized to utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation in discharging his function and responsibilities under this title.

SEC. 302. Effective with the 1968 crops of wheat, corn, oats, rye, barley, and grain sorghum, section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c), as amended, is amended by changing the period at the end of paragraph (a) to a colon and adding the following: "*Provided,* That notwithstanding any other provision of law, the Corporation's powers with respect to wheat, corn, oats, rye, barley, and grain sorghum shall be limited to insuring loans, advances of credit, and purchases of such obligations made by banks and other financial institutions to producers of such commodities."

EUGENE J. McCARTHY—POET LAUREATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. PODELL. Mr. Speaker, thanks to Shana Alexander and Life magazine, the people of America have been given an opportunity to read and enjoy the poetry of our distinguished colleague in the Senate, EUGENE J. MCCARTHY. I am taking the liberty, Mr. Speaker, to append to my remarks Senator MCCARTHY's ode, entitled "Three Bad Signs."

Based on this sample alone, EUGENE MCCARTHY, in my judgment, belongs in the front ranks of American lyric poets. His lines are lean and taut and flow with the dancing, velvety cadences of moonbeams on the Wabash, while his words glow like a sparkling lavaliere.

Structured like a fugue, the recurrent theme of loneliness caresses each movement of the poem. The first movement deals with the loneliness of xenophobia, the fear of strange and exotic people or things, reflected in a local ordinance against peddlers. The second movement deals with the tawdry emptiness of the monochromatic way of life, relieved only by the variegated colors of cocktails. The third movement deals with a loneliness so empty that God Himself seems scarce there to be—the mortician who, for a fee, weeps and mourns in all faiths for the soul of the departed and for the solace of his survivors.

Indeed, as a whole, the tone of the poem reflects the loneliness of the campaign trail, the burden carried by messiahs, through all generations of man, speaking to multitudes who will not hear, and if listening will not see.

Senator MCCARTHY employs with gentle grace the pastoral imagery which adorns the Biblical exegesis. His verse embraces the peace and transquillity with the tender affection that Walt Whitman's lines embrace the frenetic movement of Brooklyn's piers and wharves.

Fate's store for the Senator I cannot surmise, but a Pulitzer he deserves as consolation prize.

"Three Bad Signs," by EUGENE J. MCCARTHY, follows:

THREE BAD SIGNS

The first Bad Sign is this:
"Green River Ordinance Enforced Here.
Peddlers Not Allowed."
This is a clean, safe town.
No one can just come round
With ribbons and bright thread
Or new books to be read.
This is an established place.
We have accepted patterns in lace,
And ban itinerant vendors of new forms and whirls,
All things that turn the heads of girls.
We are not narrow, but we live with care.
Gypsies, hawkers and minstrels are right for a fair.
But transient peddlers, nuisances, we say
From Green River must be kept away.
Traveling preachers, actors with a play,
Can pass through, but may not stay.
Phoenicians, Jews, men of Venice—
Know that this is the home of Kiwanis.
All you who have been round the world to find
Beauty in small things: read our sign
And move on.

The second Bad Sign is this:
"Mixed Drinks."

"Mixed Drinks."
What mystery blinks
As in the thin blood of the neon sign
The uncertain hearts of the customers
Are tested there in the window.
Embolism after embolism, repeating.
Mixed drinks between the art movie
And the Reasonable Rates Hotel.
Mixed drinks are class,
Each requires a different glass.
Mixed drink is manhattan red
Between the adult movie and the unmade bed
Mixed drink is daiquiri green
Between the gospel mission and the sheen
Of hair oil on the rose planted paper.
Mixed drink is remembrance between unshaded
Forty-watt bulbs hung from the ceiling.
Between the light a man cannot live by,
And the better darkness.
Mixed drink is the sign of contradiction.

The third Bad Sign is this:
"We Serve All Faiths."

We serve all faiths:
We the morticians.
Tobias is out, he has had it.
We do not bury the dead.
Not, He died, was buried and after three days arose.
But he died, was revived, and after three days was buried alive.
This is our scripture.
Do not disturb the established practitioner.
Do not disturb the traditional mortician:
Giving fans to the church, for hot days,
Dropping a calendar at the nursing home,
A pamphlet in the hospital waiting room,
An ad in the testimonial brochure at the retirement banquet.
Promising the right music, the artificial grass.
We bury faith of all kinds.
Foreverness does not come easily.
The rates should be higher.

SPEAKER JOSEPH W. MARTIN, JR.

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. GUBSER. Mr. Speaker, Joe Martin was Speaker of the House when I began my congressional career in January of 1953. I can never forget the kindness, the humility, and the greatness of a man who was an institution in the Congress and truly "Mr. Republican."

Joe Martin saw to it that each new Member of Congress was given the benefit of his long experience. Such thoughtfulness was typical of everything he did throughout his long career of public service and it will be the quality which, among many others, will cause us to always revere the name and memory of Speaker Joseph W. Martin, Jr.

THE RELIABILITY OF SEMANTICS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RUMSFELD. Mr. Speaker, a most interesting column concerning the use of language as applied to public officials and candidates for public office has been written by Mr. William H. Rentschler, whose weekly column "Viewpoint From Mid-America" is published by a number of newspapers in Illinois.

Mr. Rentschler discusses specifically the use of the words "moderate" and "dove" and "hawk" to describe public and political figures. His thesis is that these words are sometimes erroneously applied and that the reader should be wary of them.

I submit Mr. Rentschler's column for the RECORD as follows:

VIEWPOINT FROM MID-AMERICA

(By William H. Rentschler)

Semantics, says the ever-reliable Mr. Webster, is the "science of meanings."

In the realm of politics and journalism, sly semanticists abound, those who bend words to their own peculiar and sometimes nefarious use.

One such word, positively exquisite in its subtle impact and endless ramifications, is "moderate."

A moderate, as this choice word is defined, is at worst a good and noble man, often bordering on the saintly. He may in fact be dull as dishwater or even something of a rogue, but he is billed as restrained and temperate, witty and wise, brilliant and compassionate, uniquely able to resist all temptation and solve all problems, a veritable prince of a fellow. As it is used today, the word "moderate" wraps up all the virtues of St. Francis, Lassie, Lancelot, Steve Canyon, and Jacqueline Kennedy before the fuss about that awful book.

The opposite of moderate, of course, is immoderate. Anyone who is immoderate is extreme—horrid word—which means he is rash, dogmatic, irritable, gauche, crass, not to be trusted and usually reactionary. Thus almost anyone deprived of the moderate label by the handicapper is likely to come off smelling like a combination of Lucifer, Benito Mussolini, Lee Harvey Oswald, and the wicked witch of the West.

In their special wisdom, the overlords of the mass media have ordained that Nelson Rockefeller is the moderate candidate for the Republican Presidential nomination. The golden governor is, therefore, their tiger, God bless him. To show broad-mindedness, which is essential, these savants have bestowed on New York Mayor John Lindsay and Sen. Charles Percy (R., Ill.) the title of Moderate, Junior Grade, which is something to be coveted and which means these fellows are being watched by the king-makers.

All this consigns to "non-moderate" status good ole Rocky's only serious competitor, Richard Nixon, who is miles ahead, and Ronald Reagan, hovering hopefully just offstage.

It's a beautiful gimmick, this matter of attempted elevation and/or assassination by semantics.

Our candidate is moderate, purr the Rocky buffs. Yours is—well, he, er, uh, well, he certainly isn't moderate—so draw your own conclusions, fellow citizens.

Some adult Americans, believe it or not, are actually sucked in by this sort of stuff. Honest.

Then there is the matter of ornithological semantics, which is strictly for the birds—in this case "doves" and "hawks."

Is there anyone on this earth more arrogantly presumptuous than the Vietnam dove who loftily proclaims himself a—in fact *the*—"peace" candidate?

This leaves the "hawk" in the distinctly undesirable posture of "war" candidate, which, of course, is the whole purpose of this particular exercise in semantics.

In the sneaky lexicon of Vietnam, dove means peace and hawk means war. Dove means good and hawk means bad, even evil.

Indeed the typical hawk is convinced a course of firmness, even at the negotiating table, is more likely to secure a just and durable peace than a pull-out, run-for-home, peace-at-any-price posture.

Yet every so-called hawk I have encountered—with precious few rash exceptions—devoutly wishes for peace, seeks an end to the war via negotiations, and thinks in terms of realistic compromise to achieve this objective.

History is on the side of the hawks. A scrutiny of mankind's turbulent past proves that dovishness—there are countless examples other than Neville Chamberlain—rarely begets peace but often eggs on the war-makers.

Yet "hawk" remains a hot, inflammatory, aggressive sort of word, and "dove" connotes tranquility, reason, and—ah, yes—peace.

Do you suppose that's why some canny semanticist applied those misleading bird-words to Vietnam policy in the first place?

Could be.

So be wary, my friends, wary of words and the beguiling wordsmiths who have proved long since they can fool most of the people some of the time.

DO WE HAVE AN ATTORNEY GENERAL?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, if we have an Attorney General, perhaps he would understand better how the people in the country feel about the situation if he would read the following letter from one of my constituents. I long for the good old days.

The letter follows:

CORSICANA, TEX.,
April 30, 1968.

Congressman OLIN TEAGUE,
Washington, D.C.

DEAR SIR: Do you remember "way back when—"—

1. The government of the United States was For the people, By the people, and Of the people?

2. The Constitution of the U.S. was not just a piece of paper to be ignored?

3. Criminals were treated as such? (Regardless of how poor they were as children)

4. The supreme court upheld law and order and had a purpose other than forcing unconstitutional laws down law abiding citizens' throats?

5. Treason was treason, regardless of what else it may be called?

6. The U.S. government would never consider paying blackmail fees, or be so spineless as to pay off rioters, looters and murderers so it will not happen again.

7. The majority of schools began their days with a prayer to God for a nation that stood strong and that our nation would always be in the right. But the love for our nation was so strong that it was "Our Nation, right or wrong"

8. As the flag passed by, our hearts nearly burst with pride and it was so very hard to keep a dry eye?

Mr. Teague, do you ever long for those "good old days"? I do.

Sincerely,

Mrs. D. L. SIMMONS.

ATTEMPTS TO IMPOSE CONTROLS ON CONDUCT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DADDARIO. Mr. Speaker, the Hartford Courant recently published an editorial dealing with actions of the Senate and the House in adding amendments to bills under consideration. The Courant warns its readers that in its opinion—

> The possibility of interference is present when the Government supports any activity—whether in the theater, broadcasting, literature or painting. Those who think that the Government will support these activities without letting politicians interfere with them are being excessively idealistic.

I offer the editorial for the RECORD:

> ATTEMPTS TO IMPOSE CONTROLS ON CONDUCT
>
> The ban on federal employment for convicted rioters that was voted 61 to 9 by the Senate is not likely to do much to force ghetto dwellers to behave in a more quiet manner. It expresses the emotional attitude of those proposing it, and probably of a large part of the nation's voters. But the important question here is whether such coercion is the right way to go about ending disturbances caused by deep discontent.
>
> Civil-rights demonstrators are likely to pay no attention to it even if it passed as an amendment to the crime-control bill. This proposal further distorts the purpose of the bill, originally designed and passed by the House last year to provide federal grants to improve local law enforcement.
>
> Other amendments would sanction wiretapping and electronic bugging under loose supervision, remove Supreme Court restrictions on treatment of the accused and ban interstate mail-order sales of handguns. If these amendments cause defeat of the bill because it has become what Senator Young of Ohio called an "abominable legislative proposal," then they may have served their purpose.
>
> The reminder by the House that those who receive student grants and loans may be subject to control in their actions is another move in the same direction. The House has threatened to punish student rebels by withdrawing Government money that helps support some of them. Those who conform would continue to be favored.
>
> Under the Education Act of 1965, aid goes to students in the form of loans, scholarships, fellowships, and work grants. More than 500,000 students are expected to receive $500 million this year in various programs, not counting servicemen returning from Vietnam. Since Congress is financing their education, some of its members may be tempted to try to tell them what they can think, write and do.
>
> It would be an interference with academic freedom. Those with power and money are understandably alarmed when this freedom is seen in the light of riots and social irresponsibility. The possibility of interference is present when the Government supports any activity—whether in the theater, broadcasting, literature or painting. Those who think that the Government will support these activities without letting politicians interfere with them are being excessively idealistic. The threat to civil-rights activists and university demonstrators, as well as to scholarship students, illustrates the danger.

CAMPUS OR BATTLEGROUND

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. ASHBROOK. Mr. Speaker, on February 23 of this year, the Director of the FBI, Mr. J. Edgar Hoover, appeared before a House Appropriations Subcommittee concerning the Bureau's fiscal year 1969 appropriation. As he does annually, Mr. Hoover commented on various radical and subversive groups which operate in this country. Concerning one such extremist organization, Students for a Democratic Society, Mr. Hoover had this to say:

> STUDENTS FOR A DEMOCRATIC SOCIETY
>
> The new left student movement in this country has so captured the attention of the Nation in the past several years as to merit hundreds of articles in the news media and to initiate a broad range of speculation about its future role in our country.
>
> It is many-sided. It is political theory, sociology, and bitter protest. It is linked with civil rights, the fight against poverty, the American war in Vietnam. It involves students, faculty members, writers, intellectuals, beatniks, most of them being quite young. The mood of this movement, which is best typified by its primary spokesman, the Students for a Democratic Society, is a mood of disillusionment, pessimism, and alienation. At the center of the movement is an almost passionate desire to destroy, to annihilate, to tear down. If anything definite can be said about the Students for a Democratic Society, it is that it can be called anarchistic.
>
> A national leader of the Students for a Democratic Society during the summer of 1967 claimed a membership of 30,000 for the organization. "New Left Notes," a weekly publication of Students for a Democratic Society, in its issue dated June 26, 1967, stated there was a recorded membership of 6,371 with a total of nearly 250 chapters, mostly on college campuses. Of the 6,371 members, only 875 had paid dues since January 1, 1967. The organization is infiltrated by Communist Party members and Party Leader Gus Hall has described the organization as part of the "responsible left" which the party has "going for us."
>
> In late June 1967, the Students for a Democratic Society held its national convention on the campus of the University of Michigan, Ann Arbor, Mich. In continuance of past programs, the organization called for acts of civil disobedience when necessary. It called for continued demonstrations against U.S. policy in Vietnam, radicalizing the student power movement by connecting it with radical off-campus issues, and the taking over of the colleges and universities by the students.
>
> The Students for a Democratic Society is opposed to conscription in any form and if it has any one program at this time, it is draft resistance. It called for the formation of antidraft unions and the utilization of such tactics as disrupting the Selective Service System apparatus by demonstrations and civil disobedience. It advocated agitation by those men in uniform and urged members of the armed services to desert and go "underground."
>
> In keeping with its past course of action and to put into practice its programs that were outlined at the 1967 national convention, the Students for a Democratic Society has seized upon every opportunity to foment discord among the youth of this country.
>
> Student dissent and behavior are not what really concern perceptive citizens today. Student unrest and dissatisfaction have been erupting through the centuries and dissent is an integral part of our American way of life. What is of concern in the new left movement is its alienation from our democratic thought, processes, and ideals; the open hostility of these students to law and order, to civilized behavior and the concept of liberty under law.
>
> The new left identifies itself with the problems of American society, such as civil rights, poverty, disease, and slums. With its anarchistic bent, however, it refuses to cooperate sincerely with other groups interested in eradicating these same problems, and despite the new leftist's protestations of sincerity, he is not legitimately interested in bringing about a better nation. On the contrary, he is dedicated—in his bizarre and unpredictable ways—to cut the taproots of American society.
>
> The new left should not be arbitrarily equated with the traditional old-line left. Although they become prey to the superior organizational ability and talents of the old-line subversive organizations, such as the Communist Party-U.S.A., the Socialist Workers Party, and the like, to simply identify them as Moscow or Peking Communists would be missing the point. To put it bluntly, they are a new type of subversive and their danger is great. In a population which is becoming increasingly youthful, the new left can be expected to find wider fields of endeavor and to try to do all that it can to infect the rising generation with its anti-American prattle.

The above statement by the Director of the FBI is especially interesting because of recent events at Columbia University. What the national convention of SDS called for in June 1967; namely, acts of civil disobedience and the taking over of the colleges and universities by the students was put into effect less than a year later at Columbia. Barron's, the national business and financial weekly, in its May 20 issue, features a revealing article on the Columbia affair by Robert Hessen, a young instructor in Columbia University's Graduate School of Business and a candidate for a doctorate in the Department of History. He outlines how SDS forces carried to fruition the directives of the 1967 SDS national convention and disrupted the operation of a major center of education. As the press had recently carried accounts of other student forays against school administrators, Mr. Hessen's recommendations are of national significance:

Now is the time for intelligent counteraction. One means is to withhold financial support from colleges which condone or compromise with student terror tactics. A second is to write to the president and trustees of colleges urging that they endorse the following position: that their institution offers no sanctuary to any group which advocates the initiation of physical force, and that they will act immediately and without hesitation to expel and criminally prosecute any student guilty of such tactics.

The radical tenets of progressive education are today reaping the whirlwind and Johnny is expressing himself in accordance with the permissive schools of thought. Of course, the number of disruptive students involved is but a small minority of the student body, but numbers are no realistic criterion as was evidenced by the episode at Columbia. Perhaps now the age-old doctrine of discipline will again be reestablished either by the administrators or by the alumni—through their judicious review of future contributions.

I place the article, "Campus or Battleground?" by Robert Hessen, appearing in the May 20, 1968, issue of Barron's in the Record at this point:

Campus or Battleground?—Columbia Is a Warning to All American Universities

(Note.—The accompanying article was written by Robert Hessen, a young instructor in Columbia University's Graduate School of Business, and candidate for a doctorate in the Department of History.)

A larger-than-life portrait of Karl Marx dominated the entrance of a classroom building; a red flag flew from its rooftop. Chains barred the doors of other buildings, and chanting mobs roamed across the campus. The scene might have been the University of Havana or Peking. It wasn't. It took place just a few express stops from Wall Street, at Columbia University, where, from April 23–30, student leftists seized and occupied five university buildings.

The siege tactics which disrupted Columbia and brought its normal activities to a halt represent the latest assault by a revolutionary movement which aims to seize first the universities and then the industries of America. The rebels are members of Students for a Democratic Society (SDS), a nationwide organization with chapters on over 250 campuses (Barron's, November 15, 1965, and March 11, 1968).

Originally, when SDS began as an outgrowth of the socialist League for Industrial Democracy, it repudiated communism as an authoritarian system and excluded communists from its membership. However, in 1964–65, SDS sought to broaden its power base by forming a united front with communist youth groups. Although SDS continued to describe its objectives in such murky phrases as "participatory democracy," the real tenor of its philosophy can best be seen in its intellectual heroes, Marx and Mao; in its action hero, Che Guevara; and in its slogans scrawled across the embattled Columbia campus—"Lenin won, Castro won, and we will win, too!"

SDS' hard-core membership at Columbia is fewer than 200 out of 17,800 students. But after it seized campus buildings, barred faculty and students from their offices and classrooms, and held a dean as hostage, its ranks were swelled by several hundred sympathizers, including many outsiders. SDS launched its assault on Columbia after failing peacefully to attain two of its political objectives on campus:

(1) The severing of Columbia's connection with the Institute for Defense Analyses, a government-sponsored consortium which performs research and analysis relating to national defense and domestic riot control. SDS complained that Columbia's affiliation was aiding America's "imperialist aggression" in Vietnam, while at home I.D.A.'s studies in riot control were designed to suppress demonstrations by anti-war groups.

(2) A halt to the construction of a new gymnasium in Morningside Park, which adjoins Harlem, on land leased to Columbia by the City of New York.

SDS claimed that Columbia was guilty of "institutional racism," that the university was poaching upon the territory of the adjacent Negro community, and that the separate entrance for the part of the gym set aside for use by the neighborhood children constituted "Gym Crow."

In fact, the Columbia gymnasium had been warmly endorsed by over 40 Harlem community groups when it was announced eight years ago. It would occupy only two of the 30 acres in Morningside Park. Its presence would create an atmosphere of safety in an area which is now the territory of muggers and addicts. Separate entrances would be necessary because Columbia students would enter from the Heights on which the university is located, while Harlem residents would more conveniently reach the gym through the park which lies some 200 feet below. The issue is not one of bigotry but of geography.

SDS spokesmen claimed, truthfully, that they had sought to arouse the Columbia community into opposing the gym and the I.D.A. links. They admit that their campaign was a failure, which they ascribe to student and faculty apathy, and to the administration's refusal to hear and to heed their policy recommendations.

SDS rebels then resorted to their ultimate political weapon: the initiation of physical force, believing that they had a moral right to do so because they were "acting in a good cause." In the past, they had released many trial balloons to test this technique: they had obstructed N.R.O.T.C. graduation ceremonies; they had staged sit-ins in the offices of university administrators; and they had prevented recruiters for business firms and the C.I.A. from interviewing on campus. In each case, the consequence had been a polite rap on the knuckles, a verbal reprimand devoid of significant penalties such as expulsion or criminal prosecution.

On April 23, after trying to block construction at the gym site, SDS demonstrators and their militant Negro allies, members of the Student Afro-American Society, returned to campus. At the urging of their leaders, they marched on Hamilton Hall, the main classroom building of Columbia College. They were determined to barricade themselves in until the university met their demands. An unexpected fissure occurred within the ranks of the rebels who claimed to be united in their opposition to racism: the Negro militants ordered the whites to get out, and SDS complied. SDS then proceeded to capture a base of operation of its own. The rebels first seized the administrative offices of President Grayson Kirk in Low Library, and later three more classroom buildings.

Most students reacted with bewilderment and outrage. They demanded to know why the campus police had not been called in, and why the rebels were allowed to receive reinforcements of manpower and food. They witnessed caravans of litter-bearers marching across campus with cartons of supplies, as if their destination were a country picnic. Many students also wondered why the administration had not ordered the cutting off of electricity, water and telephones inside the buildings held by the rebels, since it was known that they were making Xerox copies of President Kirk's letter files and formulating strategy with outside allies by phone.

The administration's failure to take prompt action evidently sprang from a number of motives: fear of bad publicity; uncertainty about the morality of using the police to uphold law and order; reluctance to make a decision which might prove unpopular with some of the faculty, students or alumni; anxiety that members of the Harlem community might march on Columbia if police were used to clear the buildings; and the delusion that if they took no punitive action, the rebels would rcognize them as men of good will. An SDS leader later admitted that if President Kirk had responded within the first hour, or even the first day, by sending in the university's own security police, the rebels would have "folded like a house of cards." By its inaction, the administration gave the rebels time to organize their resistance, bolster their morale and mobilize sympathizers and supplies from the outside.

Members of the senior faculty attempted to mediate between the administration and the rebels. But their efforts were futile, since they were faced with an impossible assignment: to devise a peace formula ambiguous enough to satisfy both sides—which meant that the terms of settlement had to both promise and refuse amnesty for the rebels. The faculty mediators labored under the belief that the rebels would be willing to negotiate for a peaceful solution to the mounting crisis. What they discovered, however, was that every concession made by the administration only produced escalated rebel demands. SDS' ultimate demand was that they be granted total amnesty as a pre-condition for negotiation.

It grew increasingly obvious that the rebels would not withdraw from the buildings until forced out by the police. They wanted blood to be shed, so that they could raise the cry of "police brutality," acquire the aura of martyrdom, and thereby win the majority of students and faculty to their side. Regrettably, President Kirk played right into their hands, by waiting until the sixth day of siege before calling in the police. The only other alternative open to him at that point would have been total capitulation, a final act of appeasement which would have served as an engraved invitation to renewed rebel demands in the future. The proper time to have acted against the rebels was at the outset of the siege, when a few dozen campus security officers could have achieved what it later took nearly 1,000 city police to do, at a price of over 100 injured rebels, spectators and policemen.

The aftermath of calling in the police was an upsurge of sympathy for the rebels. Their allies on campus called for a general strike by students and faculty to protest the use of police and to demand the ouster of President Kirk for having called them in. One mark of the effectiveness of this strike is that Columbia College, the undergraduate division of the university, voted to end all classes for the rest of the semester, which was scheduled to run another month. The strikers also won support from those who disapproved of both the tactics and objectives of SDS, but who wished to take advantage of the strike to bring about what is cryptically described as "restructuring of the university."

Even those most sympathetic to SDS, however, do not deny that the issues of I.D.A. and the gym were merely pretexts to justify the resort to force. SDS' short-range objective is to achieve "student power," which means total control over the university. They seek student veto power over appointment and tenure of faculty, admission of new students, courses offered by the university, degree requirements and the disposition of university funds. They propose to "radicalize the faculty," which means to purge it of conservatives and of law-and-order liberals who oppose the initiation of force to achieve political ends. As befits socialists, they regard the university as just another natural resource awaiting their expropriation.

But the long-range objective of SDS is even more sinister. As a sympathetic article in The New Republic (May 11, 1968) states: "The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well-organized group of students, then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The rebels have no patience for any slow process of change. They are tired of "just talk"—they want "action now." They will tolerate no opposition. They are indifferent to the fact that their tactics will destroy Columbia University by driving out the best minds, just as Nazi terror tactics drove the Jewish intellectuals out of the universities of Germany. But there is a crucial difference now. While men like Einstein could escape to England or America during the "Thirties, SDS will try to close all avenues of escape. The use of intimidation and force will spread until there will be no sanctuary for men of reason within the academic world, or, ultimately, within the nation. One need only consider the fate of conservatives and liberals alike in countries which have been overrun by SDS's intellectual mentors: Mao's China and Castro's Cuba.

Since SDS tactics have succeeded in crippling a great university, the next targets can be City Hall, the State Capitol, or even the White House. If this prediction seems alarmist, consider the fact that SDS sympathizers known as "Yippies" already have announced plans to intimidate and disrupt the Democratic National Convention in Chicago this summer, in order to extract concessions on platform and candidates.

Whatever the final outcome of the Columbia strike, one thing is certain: the methods used at Columbia will be embraced by other student leftists on campuses throughout the country. Those who resort to force will justify their tactics by the same arguments advanced by the Columbia rebels and their apologists. If this national menace is to be checked, it is imperative that one know how to answer them.

(1) Some rebels claim that none of their tactics involved the use of force. This was true only in the narrow sense that they did not shed blood. But force was inextricably involved in every act that they perpetrated. They held the Associate Dean as hostage against his will—that was force. They barricaded faculty and students from their offices and classrooms—that was force. They seized property which was not rightfully theirs and refused to release it until their demands were met—that was force. Each of these is punished as an act of force under the civil laws of our society. They are the crimes known as false imprisonment, criminal trespass and extortion.

If these acts were perpetrated by a lone individual, their criminal character would be obvious. If a single felon had held the dean hostage, or seized the office of President Kirk, rifled his desk and copied his files, no one would have confused him with an idealistic, "committed" crusader. On an individual basis, if someone demands that you grant him wealth or power that he has not earned and which he can only obtain by threats of violence, one does not doubt for a moment that he is an extortionist. The act of a lone thug does not become legitimatized when he teams up with other hoodlums. As Ayn Rand noted in "Capitalism: the Unknown Ideal," no individual can acquire rights by joining a gang. "Rights are not a matter of numbers—and there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob."

(2) Other rebels admit that they used force, but claim that force is justified when peaceful tactics fail. The fundamental political principle that all men must respect is that no individual or group may initiate the use of force for any purpose whatsoever. To accept SDS' alternative amounts to carte blanche for violence, and invites the complete breakdown of the rule of law.

To understand the grotesque irrationality of SDS' argument, consider the following. Imagine that there were a student chapter at Columbia of the Ku Klux Klan, which was protesting the proposed use of the new gym by Negroes. They tried, through campus rallies and petitions, to arouse the students, faculty and administration to support their demands, but their peaceful tactics failed. If this group then proceeded to seize university buildings and hold members of the administration as hostages, would anyone have condoned their use of force, or have called for negotiations and compromise? The principle is the same: the initiation of force to achieve one's political objectives is both immoral and illegal, regardless of whether the initials of the aggressors are KKK or SDS.

(3) The rebels claim they were justified in using force because the administration had refused to give them a hearing on their demands for change. A university, like a well-run business, should be interested in knowing whether it is satisfying its customers. If it provides students with incompetent faculty, or poor laboratories or libraries, or supports political policies which they oppose, it is in the university's self-interest to maintain open channels of communication so that grievances can be expressed and remedial actions considered. Students who are dissatisfied with any aspect of a university's policies have a right to peacefully protest and petition, and even, in extreme situations, to boycott classes or organize a student strike. But they have no right to compel anyone to listen to their demands, nor a right to force other people to go on strike with them by prohibiting access to classes or by creating a general climate of terror to intimidate those who would oppose them.

(4) The rebels claim that since force is justified when peaceful tactics fail, they should be granted full amnesty. The single best answer to this argument is provided by Professor Leonard Peikoff in his forthcoming book, "Nazism and Contemporary America: the Ominous Parallels," who says: "The demand for amnesty on principle is the demand for the abdication on principle of legal authority; it is a demand for the formal sanction in advance of all future acts of force and violence, for the promise that such acts may be perpetrated hereafter with impunity. It is a demand to institutionalize the appeasement of brute force as a principle of civil policy in this county."

(5) The rebels claim that police represent violence, and therefore should not be used on a college campus which is a citadel of reason and persuasion. Here the rebels evade the fact that they were the ones who first resorted to violence. They obliterate the distinction between criminals who initiate the use of force and the police whose function it is to retaliate with force to restore peace and to protect the rights of the victims.

(6) The rebels claim that their quarrel with the administration was purely an internal dispute, hence the introduction of police represents meddlesome interference by outsiders. By the same reasoning, one could just as well conclude that if workers seize a factory, customers seize a store, or tenants seize an apartment building, these, too, are internal matters and do not justify calling in the police. In reason there can be no such concept as an "internal dispute" which allows someone to be victimized and prevented from calling the police. Those who violate property rights are scarcely in a position to claim that their conquered territory is "private property" upon which police may not enter.

(7) Rebels should not be criminally prosecuted. After all, they are students, not criminals. One need only remember that it was Nazi students who set fire to university libraries and terrorized professors. Being a student does not grant one an exemption from the laws which prohibit attacks on human life and property. The rebels acted like criminals and should be punished as such.

(8) It is impractical to suspend or expel the student rebels because there are so many of them. This amounts to saying that if a sufficiently large mob breaks the law or violates individual right, it will be immune from punishment. If this principle is accepted, then every lawbreaker will be safe from prosecution if he can find enough members for his gang. This will provide the leader with an absolutely irresistible recruitment device, and invite the outbreak of a reign of terror.

(9) Admittedly the rebels violated property rights, but calling in the police could result in injury or loss of life, which is more important than loss of property. This argument amounts to saying that the lives of aggressors are more important than the property of victims. In action, this would mean that the police should not restrain rioting mobs from looting stores, or interfere with the KKK when it uses firebombs on Negro churches. On this principle, any victim of theft or expropriation would be advised to surrender his property—his wallet or warehouse—without resistance, lest the thief be hurt in the struggle. Acceptance of this principle would make every individual the defenseless target for any vandal or socialist.

The Columbia crisis vitally affects the life of every American. No one's life or property can be secure in a society which tolerates the use of force by any group to achieve its goals. And no one will be safe as long as college and civil authorities persist in their policy of answering aggression with appeasement.

Now is the time for intelligent counteraction. One means is to withhold financial support from colleges which condone or compromise with student terror tactics. A second is to write to the president and trustees of colleges urging that they endorse the following position: that their institution offers no sanctuary to any group which advocates the initiation of physical force, and that they will act immediately and without hesitation to expel and criminally prosecute any student guilty of such tactics.

Men need to live by the guidance of rational principles and to resolve their disagreements peacefully. It is both immoral and impractical to abandon principles in a time of crisis, and then hope to survive on the basis of pragmatic expendiency and cowardly compromise. Each time that a violation of individual rights is tolerated, it serves as an invitation for future violations. A free society cannot survive unless men of reason rally to its defense.

"AP reports that a month before the SDS-led rebellion at Columbia, that is, on March 27, SDS leaders Mark Rudd and Ted Gold 'were among six students who staged a sit-in at Low Memorial Library.' Since Columbia has a rule against indoor demonstrations, Mark Rudd and Ted Gold were placed on disciplinary probation. A student on such probation is subject to instant expulsion if he violates it by taking part in disruptive or illegal activity. Why didn't Columbia expel Rudd and Gold the moment they violated their probation at the start of the student rebellion? No one could have questioned the legitimacy of such administrative disciplinary action."—*Alice Widener.*

ADDRESS BY MILT BRYAN, U.S. FOREST SERVICE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DORN. Mr. Speaker, our friend, the Honorable Milt Bryan, of the U.S. Forest Service, is respected and admired by those of us in the Congress who work with him. He delivered an excellent and very timely address at the cooperative field forestry program sponsored by the Seaboard Coast Line Railroad Co. on May 2 in my home county of Greenwood in South Carolina.

Mr. Speaker, the U.S. Forest Service and its dedicated personnel contributed greatly to transforming my area of the country, in 30 short years, from a land of erosion to one of pine trees, conservation, and opportunity. The U.S. Forest Service set the example of fire control, planting of pines, thinning and proper care of our forest resources.

Mr. Speaker, I commend Mr. Bryan's great address to my colleagues in the Congress and to the people of our country:

> Working forests are producing forests that affect our economy and touch the lives of us all. From them comes much of the raw material on which many of the industries represented here today depend. They also provide a great variety of other products and services for our Nation.
>
> Woodlands in industrial holdings, National and State Forests, and the small private forests so prevalent in eastern United States are all working forests.
>
> More than 70 percent of all timber producing lands is in private ownership. The ownership pattern of these private woodlands is consistently changing. Farm forest acreage in the South Carolina Piedmont has been reduced 50 percent since 1958. The new owners are business and professional people, many from urban areas who are not dependent on forests for a livelihood, and who are not knowledgeable in forest management. The Seaboard Coast Line Railroad Company's forestry field days and sustained efforts to promote multiple use of woodlands are thus a most appropriate and significant contribution.
>
> In the next two hours you will see some exciting examples of wise use and productive management of forest resources in presentations by skilled foresters. But, as we consider the tremendous importance of commercial uses of the forest, let us be sure also to keep in mind the great pressures of an expanding population to use the lands for other purposes than the production of forest products.
>
> Many well-intentioned and articulate individuals are demanding that certain forests in which they are interested be set aside for special uses—such as to serve recreational opportunities or maintain scenic values. I believe we need to be concerned about the fact that the term "conservation", which really means a wise and balanced use of resources, is often interpreted in the narrower sense of "preservation" which excludes timber cutting, wildlife harvest, managed watersheds and forage for livestock. While there is a recognized place for these restrictions on general use, conservation can and should go hand-in-hand with the multiple uses that make a forest a more profitable and productive resource for all concerned.
>
> The Secretary of Agriculture has repeatedly stressed that the forested areas of our country, which coincide to a major degree with the economically depressed areas, possesses a great latent potential for development and use. In these resources we have an unusual opportunity to protect and improve the economic strength of the Nation so that poverty in localized areas can be alleviated and the production of raw materials needed by industry can be sustained. A built-in-bonus in utilizing this potential is the opportunity to enhance natural beauty and to expand recreational activities.
>
> This broad concept of conservation is practical. As you will see here today, it is being accomplished in South Carolina. In this State, an outstanding State Forestry organization is receiving solid support from the Governor, an informed legislature, a progressive wood-using industry, and many forest land owners.
>
> As leaders in industry, you can do much personally to promote effective management and use of the forest resources in your home States. For example, many State Foresters cannot attract or hold the top flight personnel they must have—simply because of an inadequate salary structure.
>
> Look into the situation when you return home. Find out if your State Forester and his organization are receiving the general support they need to do the job that you know must be done. See if the term "conservation" is being presented to your people in a way that makes sense and that will really generate public support for wise use of resources.
>
> Look into the changing land ownership pattern and make suggestions to your State Forester as to how the new urban type owners can be motivated toward sound forest management practices.
>
> Effective action now is the key to building a sustained supply of the benefits and products of the forest which are needed in larger amounts each year by the people of your State and the Nation.
>
> These are significant challenges for all of us.

DESIGNATION OF PELICAN ISLAND, INDIAN RIVER COUNTY, FLA., AS A WILDERNESS AREA

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation which would establish the Pelican Island National Wildlife Refuge, Indian River County, Fla., as a unit of the national wilderness preservation system.

In accordance with the requirements of the Wilderness Act of September 3, 1964—78 Stat. 890—a public notice was issued on January 23, 1967, of the proposed Pelican Island Wilderness, and a public hearing was held in Vero Beach, Fla., on April 5, 1967. Thirty-two statements were presented at the public hearing and 65 letters were received.

Testimony at the public hearing was unanimously in favor of the wilderness proposal. Local support from public officials, civic groups and residents of Indian River County was particularly strong. In conjunction with statements presented orally or read into the hearing record, a number of petitions and resolutions supporting the wilderness proposal were turned into the hearing officer. These represented 34 different organizations and were signed by over 1,260 individuals.

The primary reasons given for supporting the wilderness proposal include: Protection of colonial birds and their nesting and feeding habitat; protection of estuarine and fisheries resources; long-range preservation of natural areas for scenic, esthetic, and ecological values; preservation vital to long-range social and economic interests of citizens of Indian River County; and preservation of Pelican Island Refuge because of its historical value as the Nation's first national wildlife refuge.

Mr. Speaker, this proposed wilderness area is also supported by the city of Vero Beach, Fla., the city council of Sebastian, Fla.; the board of commissioners, Indian River County, Fla.; Indian River County public schools, and the Indian River County Chamber of Commerce.

The support of the residents of the area is strong. I hope that the Congress will recognize this, and also support this legislation.

OCCUPATIONAL SAFETY AND HEALTH ACT

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. HOWARD. Mr. Speaker, a cogent case has been made before the Select Subcommittee on Labor of the need to enact the Occupational Safety and Health Act of 1968, H.R. 14816.

The Occupational Safety and Health Act will serve three main purposes:

First. Assign responsibility for a comprehensive research effort in the field to the Secretary of Health, Education, and Welfare. The research findings will assist the Secretary of Labor in establishing up-to-date and operative safety and health standards for America's workplaces.

Second. Provide for interagency cooperation between those two Departments and other agencies of Government, to carry out the intent of the Congress.

Third. Recognize the advent of many new toxic and dangerous materials and procedures in modern industry, so that workers may enjoy fuller lives, without being exposed to danger.

Why is H.R. 14816 needed?

Mr. Speaker, possibly the best answer is contained in an opening paragraph of the testimony of Dr. Miriam Sachs, director of the New Jersey Office of Comprehensive Health Planning, on February 28, 1968. Dr. Sachs told the subcommittee:

> In these days of scarce manpower, we must conserve the manpower that we have, and what is more important, increase the productivity of that manpower by maintaining their health, and providing the safest possible environment for their working hours. It is our deepest obligation to ensure as safe and healthful a workplace for the industrial and agricultural workers as it is to conduct school health programs and prevention of

school and playground accidents for our children.

Mr. Speaker, I am pleased to lend my support to H.R. 14816, and seriously hope that the Congress will enact it speedily.

THE GRADUATE SCHOOL DILEMMA AND THE DRAFT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. MOORHEAD. Mr. Speaker, our current draft laws are unust to many graduate students who receive their induction notices in the midst of an academic year. Many of these students are forced to abandon their studies under conditions that make it impossible to obtain credit for tuition fees paid or courses partially completed.

Inequities in our current draft laws are also causing disruptions in our graduate schools which will be felt in the years to come by all users of graduate-level manpower—industry, educational institutions, and government.

Therefore, I am introducing today a bill providing the statutory authority to defer for the remainder of an academic year any graduate student satisfactorily pursuing a course of study who receives an induction notice during that academic year.

As it now stands, the draft laws—calling for drafting the oldest first, and ending deferments for first- or second-year graduate students, except for those in medicine, dentistry, veterinary medicine, osteopathy, and divinity—will cause a 70 percent drop in entering male enrollment in full-time graduate schools, according to a recent survey prepared by the Scientific Manpower Commission and the Council of Graduate Schools in the United States.

As a specific example of the impact current draft laws will have on campuses around the Nation, I quote the dean of Carnegie-Mellon University in my congressional district:

> Our plan to establish a Graduate School of Public and Urban Affairs will be handicapped in its objective to develop specialists to tackle urban problems which have reached crisis proportions.

Mr. Speaker, there is no reason why we cannot have a system that will tap all sectors of our society for national service in a manner making the most of their potential contributions.

Last March I was pleased to cosponsor the Selective Service Act of 1968, which would have entailed a comprehensive reform of the entire Selective Service Act.

This month I introduced a miniversion of this measure, the key features of which would provide for conscripting 19-year-old's first—as recommended by the Marshall Commission and the Advisory Panel on Military Manpower—creating a prime selection group that would supply the bulk of the armed services needs—19-year-old's, registrants whose deferments had expired, and registrants not yet drafted—insuring that draftees would not remain in the prime group for more than 1 year; and striking out the present provision in the law that prohibits the establishment of a lottery.

Mr. Speaker, I still favor these reforms. Our draft laws are not really fair to the armed services or the young men of our country who are called to serve, but we are already well into the second session of this Congress, with no action forthcoming from the Armed Services Committee.

Graduate enrollment is expected to fall off in the 1970's because of the wartime decline in births in the 1940's. The problem is further compounded by present draft laws which will cause the future production of persons with graduate degrees to fall far below the needs of government, industry, education, and the total social structure.

Mr. Speaker, we need to correct this dilemma. I am hopeful that there will be prompt action to revise the inequities in our draft laws to provide for a fair selection of young men in a manner that will cause a minimum of disruption and uncertainty in their lives.

At the very least, I am hopeful that those already enrolled in a course of study will be permitted to conclude that academic year.

THE ARNHEITER AFFAIR

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. RESNICK. Mr. Speaker, the main point of the case of Lt. Comdr. Marcus A. Arnheiter is not whether or not Lieutenant Commander Arnheiter is fit to command a ship. The main point is this: Can a group of dissident subordinate officers get rid of a commanding officer they do not like by writing unofficial letters about him behind his back? Thus far, the Navy's answer in the Arnheiter case is "Yes."

The Washington Evening Star, in an editorial which appeared on May 16, 1968, asked the same question. I include the Star's editorial in the RECORD at this point:

THE ARNHEITER AFFAIR

> Under the pressure of unofficial congressional hearings, the Navy has now opened its files on the case of Lieutenant Commander Marcus A. Arnheiter. The idea, it appears, is to show that the top brass was fully justified in yanking Arnheiter off the bridge of his destroyer and putting him in command of a desk in San Francisco.
>
> The trouble with the Navy's case is that it misses the point. The argument is not whether Arnheiter is fit to command a Navy ship. It's whether the Navy prompted by the complaints of junior officers aboard Arnheiter's ship, acted contrary to its own prescribed procedures in handling the case.
>
> Arnheiter has repeatedly requested a board of inquiry or a court-martial, at which he could call witnesses on his behalf. The Navy has steadfastly refused this request, limiting its formal investigation to a hearing in which only anti-Arnheiter witnesses were called. And now, following the ad hoc committee hearing held by Representative Joseph Y. Resnick of New York, the full scope of the charges has been delivered to the press—still with no opportunity offered to Arnheiter to answer his accusers directly.
>
> If the charges are true, they certainly add up to just cause for removing Arnheiter from command. But that's a pretty big "if" under any reasonable definition of justice. And the Navy's entire handling of the case leaves the impression that there has been less interest in justice than in public image.
>
> The chief motivation of the Navy would appear to be a desperate attempt to conceal the fact that a graduate of Annapolis, a career officer, was unfit—according to the Navy's own belated assessment—to command a ship. And as is generally true of attempts to sweep dirt under a carpet everyone involved has wound up looking rather dingy.

LAST CALL FOR THE "DELTA QUEEN" RIVER CRUISE—UNLESS CONGRESS COMES TO THE RESCUE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mrs. SULLIVAN. Mr. Speaker, yesterday's New York Times carried an excellent article by Bernadine Bailey describing a delightful 19-day river cruise aboard the *Delta Queen*, "the only authentic, steam-powered, sternwheel riverboat still in overnight service in the United States."

As the writer pointed out, however, legislation must be passed by the House of Representatives to enable the *Delta Queen* to operate until November 1, 1970, when a replacement vessel can be built to comply with the safety-at-sea law enacted in the last Congress.

Earlier in this Congress, we passed a law to provide, at no cost to the taxpayers, special mortgage insurance financing assistance to the owners of the *Delta Queen* so that it would be economically feasible to construct a new vessel complying with the rigid safety requirements of a law applying primarily to ocean shipping. However, the new vessel cannot be ready by November 1968, when the *Delta Queen's* present exemption for the law expires.

The article in yesterday's resort section of the New York Times gives an excellent first-person account of a pleasant, throttled-down trip on America's great inland waterways system from Cincinnati to New Orleans by way of Louisville, Paducah, Memphis, Vicksburg, Natchez, and other points of interest. The *Delta Queen* also schedules trips at various times to Nashville, St. Louis, Chattanooga, Pittsburgh, Reelfoot Lake in Tennessee, and also to St. Paul.

I am sure all of the Members will be interested in reading this article which bears directly on a piece of legislation which should shortly be coming before the House, and I am happy to submit the article as part of my remarks, as follows:

LAST CALL FOR THE "DELTA QUEEN" RIVER CRUISE

(By Bernadine Bailey)

> CINCINNATI.—Unless Congress comes to the rescue, this will be the last year travelers can book passage on the Delta Queen, the only authentic steam-powered, sternwheel riverboat still in overnight service in the United States.

As a result of the Safety-at-Sea Law—it was adopted following the Yarmouth Castle disaster of Nov. 13, 1965, in which 89 persons died when the cruise ship caught fire off Nassau in the Bahamas—all United States vessels carrying overnight passengers are now required to have steel superstructures. The Delta Queen has a wooden superstructure on a steel hull.

She has been exempted from the new law until Nov. 1. A bill to extend the exemption to Nov. 1, 1970, is pending in the House of Representatives. A similar bill was passed by the Senate earlier this year.

ARGUE FOR TIME

Greene Line Steamers, Inc., of Cincinnati, owner of the Delta Queen, says she has 40 more years of service left and argues that, unlike oceangoing vessels, she is always close enough to shore to reach land in an emergency. The line would like to operate the Queen indefinitely, but the extension to 1970 would at least give it time to build a replacement.

If the extension is granted, the present Delta Queen will continue her leisurely pace on the Ohio, the Mississippi, the Tennessee and the Cumberland Rivers for at least two additional seasons, and a successor, probably with similar looks but quite a different power plant, will be commissioned. If, on the other hand, the extension is not granted, the Greene Line says it will be forced to disband operations and go out of business.

Classed as a steamer or steamboat and not a steamship (river vessels are boats, not ships), the Delta Queen and a companion craft, the Delta King, were built on the River Clyde in Scotland. The boats were then dismantled and sent by ship to Stockton, Calif., where, in 1926, final construction took place.

The wheel shafts and cranks were forged at the Krupp plant in Germany, and the total cost of the Delta Queen was $865,000, said to be the most ever invested in a river sternwheeler. Until World War II, she operated the year around on the Sacramento River between San Francisco and Sacramento. During the war, the Delta Queen and the Delta King were appropriated by the Navy, painted gray and used to convey troops to ocean vessels in San Francisco Bay.

MOVED TO CINCINNATI

After the war, Capt. Tom R. Greene, then president of the Greene Line, acquired the Delta Queen for a bid of $46,250. However, he had to spend considerably more than that to recondition the boat and to tow her 5,261 miles down the coast of California, through the Panama Canal and across the Gulf of Mexico to New Orleans. From there she proceeded under her own power to Cincinnati, and on June 30, 1948, she was ready for her first passenger cruise on the Mississippi.

On the river, the vessel is every inch a queen, but her statistics are not as impressive as those of ocean-going ships. The Delta Queen is 250 feet long (add 35 feet for the paddle wheel) and 58 feet wide. Her tonnage is rated at 1,837 gross, and she can accommodate about 200 passengers.

FARFLUNG PASSENGERS

On a Cincinnati-New Orleans cruise that I recently completed, 40 passengers came from seven Eastern states, 62 from the Midwest, 60 from the West Coast, four from Canada, and two from South Africa.

The boat carried no freight, and she has a draft of only seven and one-half feet. This permits her to travel in shallow water. She also has a single, truncated stack, which enables her to go under low bridges.

Boarding, for passengers and crew alike, is accomplished by means of a single landing stage (never called a gangplank); it leads onto the Main Dock, which is only a foot or two higher than the riverbank. The Main Deck accommodates the boilers, the kitchen, a Mark Twain bar and the large Orleans Room, which is used for dining and recreation. The room extends from port to starboard and has windows on both sides, thus allowing passengers to watch the passing scene while they eat.

Above the Main Deck is the Cabin Deck. It contains the main lounge (with an assortment of Tiffany lampshades and window fanlights), the purser's office, a gift shop, a writing room, some officers' quarters and cabins of different classes.

TEXAS AND SUNDECKS

The Texas Deck, just above the Cabin Deck, houses only cabins, except for a lounge and a bar in the bow. The top deck, called the Sun Deck, has larger cabins and more officers' quarters. All but the Main Deck offer ample space for walking and for sitting in deck chairs. No elevators are provided.

Cabins are small but adequate. The categories are AA, A, B, tourist and minimum. I paid $680 for an A-class cabin, which I shared with a friend on a 19-day round trip. A-class cabins are outfitted with bunks.

AA cabins, which cost $110 more, have single beds. Tourist cabins for the round trip between Cincinnati and New Orleans start at $399.

The furnishings are practically the same in all cabins; a straight chair and a three-drawer dresser. The chief inconvenience is a lack of closet space.

Unlike those on ocean liners, the rooms have full-size windows instead of port holes, and the doors open out onto a deck instead of a corridor.

SOUTHERN SPECIALTIES

Breakfast offers ordinary choices, but lunch and dinner are hearty affairs, occasionally accompanied by such Southern specialties as shrimp creole, catfish, beaten biscuits and pecan pie.

Dinner music is played on a Hammond organ that once belonged to Jesse Crawford. Most passengers change their clothes for dinner, but black tie and cocktail dress are neither required nor customary.

The atmosphere is informal and friendly. On our first night out, we were treated to champagne before a steak dinner. When we left New Orleans we had Cornish hen.

The bars on the Delta Queen are said to make the best mint juleps in the Mississippi Valley. Certainly, their mint is the freshest, for it is grown in two boxes on the fantail.

GALA SAILING

Our 3 P.M. sailing from Cincinnati was surprisingly gala, with a band playing "Beautiful Ohio" and the passengers throwing streamers and waiving to friends. Porters in red-and-white striped jackets carried the luggage aboard, and, after we had pushed off from shore, leaving the band behind, a calliope took over.

The Delta Queen has one of five calliopes still in existence in the United States; later in the cruise, passengers were allowed to try their hand at the piano-like steam-driven instrument.

One of my cherished souvenirs is a certificate, signed by the captain, according me the right to play a calliope on any vessel in the inland waterways, provided I never play "Marching Through Georgia."

KENTUCKY STOPS

Our first port of call was Louisville, where we made a four-hour stop early the next morning. On the second day out, we stopped for two hours in Paducah, Ky., in the heart of the Bluegrass Country. It was good to go ashore and stretch our legs on land.

We seldom tied up at a wharf; instead, we simply found a place where ropes could be secured; sometimes, it was at the town dump or in a private citizen's riverfront yard.

Two days later, we reached Memphis, where nearly all passengers took a three-hour drive around the city. About 4 o'clock the next afternoon, we tied up in Vicksburg, Miss. We were almost five hours late as a result of fog the night before, but we had time to visit McRaven, an antebellum home, and to drive through Vicksburg National Military Park.

FOG HAZARD

The chief hazard of river travel is fog, and, when it reaches the consistency of split-pea soup, the captain ties up on shore and waits until the fog rolls away. Because of such uncertainties as weather, fog and the current, a riverboat does not follow an exact schedule.

We reached Natchez, Miss., a short distance from Vicksburg, early the next morning and went ashore to see more antebellum homes.

The next day, we stopped for an hour and one-half at Oak Allee, an old plantation near New Orleans. The long driveway is lined with 28 towering interlacing oak trees.

Finally, on the afternoon of the seventh day, we entered the harbor of New Orleans and passed huge warehouses and industrial plants. We tied up at the Toulouse Street wharf, which gave us access to the French Quarter. So much of the old French and Spanish flavor of New Orleans was present that we could easily imagine we had docked at a foreign port.

Incidentally, the absence of Customs, passports, visas, vaccination, certificates, port taxes, landing cards and other formalities of international travel is one of the distinct advantages of a river cruise.

Another advantage is being able to pick up mail at various ports of call.

SHORE ATTRACTIONS

The nearness of the shore also adds to the enjoyment of a river cruise. While passengers sit and watch the world go by, an officer calls attention to points of interest and offers bits of history and legend over the loudspeaker.

The average speed of the Delta Queen is 10 miles an hour. (It is miles and not knots on the river.) It takes a couple of days for people used to the jet age to throttle down.

In the course of a day, the Delta Queen passes dozens of barges, tankers and freighters. Towboats push, rather than pull, strings of barges extending 1,000 to 1,500 feet, and both foreign and domestic shipping is drawn to the oil refineries and grain elevators along the river.

The lack of rolling and pitching reduces the likelihood of seasickness. There is almost no vibration or engine noise, and the boat glides as smoothly as a canoe.

For the most part, passengers provide their own entertainment. There are two cruise directors, a man and a woman, and the evenings are devoted to bingo, movies, dances, filmed horseracing, costume parties and contests.

SUMMER TRIPS

The summer schedule of the Delta Queen offers trips of varying length to Nashville, St. Louis, Chattanooga, Pittsburgh and Reelfoot Lake, Tenn.

In early September, there will be a cruise up the Mississippi to St. Paul, and short voyages are scheduled over Memorial Day and Labor Day. Bookings are always heavy, especially to New Orleans, but space is reported available on most other trips.

DO WE HAVE AN ATTORNEY GENERAL?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, in the following editorial by the Messrs. Novak and Evans, it seems that these eminent columnists also wonder "Do we have an Attorney General?"

FBI Grumbles—Attorney General Aggravated Bureau by Glowing Report on King Case

(By Rowland Evans and Robert Novak)

The deep-seated unhappiness of J. Edgar Hoover's Federal Bureau of Investigation with its boss, Attorney General Ramsey Clark, was aggravated by Clark's misleading public optimism about a quick solution of the murder of the Rev. Dr. Martin Luther King, Jr.

FBI agents working on the King case grumbled privately that Clark's repeated statements hinting at imminent capture of the assassin were not justified by the actual progress of the investigation. On the contrary, some agents complained that what legitimate information the Attorney General did let drop risked drying up the killer's trail.

In Justice Department conferences, Clark justified his contribution to the credibility gap on the grounds that optimistic talk about closing the case "would help morale"—that is, calm down Negro anger in the turbulent days immediately following the murder.

Simultaneously, there is considerable skepticism inside the Justice Department and FBI that the present renewed investigation of Black Power extremist Stokely Carmichael will result in any action.

FBI agents are making detailed probes into Carmichael's role in fomenting the Washington, D.C., riots of April 4–6 following Dr. King's death, but many feel Clark will never push for a Carmichael prosecution. The Justice Department staff overwhelmingly recommended a year ago that the Government seek an indictment of Carmichael but the Attorney General vetoed the advice on grounds that it would only make him a martyr.

LIKE OLYMPICS, RED PROS, U.S. AMATEURS SQUARE OFF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. DERWINSKI. Mr. Speaker, a very timely, penetrating analysis of the current United States-Communist peace talks and an interesting analogy to the Olympics contests was presented in a column by Michael Ward, carried in the Thursday, May 16, Suburban Life, of Southern Cook County, Ill. I believe this precise, yet penetrating article, merits deep evaluation.

The article follows:

Your World and Mine: Like Olympics, Red Pros, U.S. Amateurs Square Off

(By Michael Ward)

The U.S. and Communist North Vietnamese officials are gathered in Paris to discuss peace negotiations but the Reds are already trying to create the impression that they are the "good guys in white hats."

Before the two countries even began talks, North Vietnamese propagandists were informing the world that America is the "aggressor" and the Vietnamese people should be permitted to work out "their own destiny."

Of course no one focuses on the fact that this means North Vietnam's destiny must also be South Vietnam's destiny regardless of the fact that the majority of South Vietnamese do indeed feel otherwise.

Sorry to say, from this distant vantagepoint it appears that we have sent amateurs against a team of tough professionals highly skilled in diplomatic negotiations and psychological warfare.

This is no reflection on the character or competency of the U.S. team; I think its members are able, sincere men ready to negotiate in good faith.

But, if past experience is any barometer, the Americans will view the "peace" table as a peace table, while the Communists will consider it another battlefield on which to attain specific military and political objectives.

Some tactics being applied by the North Vietnamese Communists were used in Korea prior to the negotiations.

It is not unlikely that some of the most intensive fighting in Vietnam will take place while negotiations continue in Paris.

It is also not unlikely that "peace demonstrations" will erupt in this country as well as in Europe calling for the U.S to capitulate and meet the "reasonable" demands of North Vietnam.

The actual battle strategy in Paris will not come from North Vietnam, but from the Soviet Union and to some extent Communist China. But with Communist Russia supplying more than 80 per cent of the war material to the North, we can be sure that she will do most of the directing behind the scenes.

I think it is unrealistic to believe that these negotiations will result in a true peace. For the word peace to the Communists does not have the same meaning it does for the West.

Certainly the Korean truce talks are an excellent example of the futility of negotiating with the Reds. They still believe in war, and they are confident that guerrilla war is the way to achieve their aims.

Free Asia will be watching to see whether the U.S. sells her out either deliberately or through weakness and indecision. If we fail, all of free Asia will turn her back on us.

OURSELVES, OUR NATION, AND OUR COOPERATIVES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. NELSEN. Mr. Speaker, Mr. Bob Voosen, of St. James, Minn., has called to my attention an address made by J. K. Stern, president of the American Institute of Cooperation, Washington, D.C. Mr. Stern spoke at the annual meeting of the Central Live Stock Association of St. Paul, Minn., and his thoughtful address touches on many subjects the citizens of our country would do well to examine more carefully. I, therefore, include for the Record a reprint of the speech which appeared in Producers Live Stock News, published March 28, 1968, in Omaha, Nebr.:

(Note.—The following remarks were made by J. K. Stern, President of the American Institute of Cooperation, Washington, D.C. The title of his address was "A Look at Ourselves, Our Nation and Our Cooperatives.")

Bernard Shaw once said—"America is the greatest nation of half-baked people on the face of the earth."

Someone else said "I would rather be able to appreciate the things I cannot have, than to have things I cannot appreciate."

Each of these statements, deserves serious thought today.

We have the highest employment ever in the U.S.—75 million—with the highest wages ever—yet the whole emphasis today seems to be on the few percent who are unemployed, most of whom don't want to work anyway.

We have a poverty program to help the unskilled, the untrained, the uneducated—then we raise minimum wages, set maximum hours, specify working conditions in such a manner that you can't afford to hire the ones who most need your help.

We don't allow children to work—so we have a delinquent generation—we made it so.

At Davis Memorial Goodwill Industries in Washington, D.C., a recent increase in the minimum wage has led to the layoff of 38 handicapped workers. Even a charitable outfit, if it wants to stay alive to help anyone, has to keep its outgo in line with income.

We have a boom—the greatest period of prosperity ever—except for farmers, but we're spending money at the national level to prime the pump. We insist on having some inflation—fooling people into thinking they are prosperous, destroying the equities of the elderly who saved for their old days. Inflation is the curse of all the developing nations we are trying to help. Yet we insist on it here. Let me read you a quote and I dare you to tell me who said it. "If the nation is living within its income its credit is good. If in some crisis it lives beyond its income for a year or two it can usually borrow temporarily on reasonable terms. But if, like the spendthrift, it throws discretion to the winds, is willing to make no sacrifice at all in spending, extends its taxing up to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy." That statement was made by Franklin Delano Roosevelt. Today the White House approves of wage increases but frowns on increases in costs of products made by higher wages.

We tolerate strikes that tie up our national economy as bad as any Communist effort could.

Each year we get new TV shows for the season after a super buildup. Most now not only have sight and sound but they smell. Very few are wholesome and inspiring—many are violent, vulgar, immoral, emphasizing the worst of human nature.

In 1903—Teddy Roosevelt—in a Labor Day Address said—"No man needs sympathy because he has to work. Far and away the best prize that life offers is the chance to work hard at work worth doing." What is the Government attitude toward work today? Turn on your TV and you hear:

Did you get your unemployment check?

Are your Social Security checks reaching you?

Are you receiving Medicare benefits you are entitled to?

Now I am not opposed to any of these programs, but I am concerned about the emphasis they receive.

Just once I'd like to hear the President of the United States say on a nation-wide telecast that hard work, thrift, sacrifice, discipline, respect for others, and a belief in our Creator, helped make this nation great.

We're so concerned about rights today—and not much about responsibilities.

It used to be that when you wanted something, you worked to earn it. Now you stage a riot to get it given to you at someone else's expense.

If your father or grandfather lost his job, he took whatever work he could get, and he went (probably walked miles) to where there was work—any honest work—being done. Now hordes of relief 'clients' refuse a job unless it is to their liking, and they demand the job be brought to them in their community.

This nation was built by immigrants (beginning in the 1600's and earlier) who struggled here for opportunity, and would have scorned the false idea of "something for nothing." Now it seems to be an almost universal (and all-too-often the only) ambition. It used to take a lifetime of grueling work and scrimping for a family or a country to earn a little surplus, a taste of security. Now mobs of stupid "students" and whole 'emerging nations' demand they be given it, out of your earnings and with no effort on their part.

We change our laws to protect the criminal. We handicap our law enforcement people. When an officer shoots a thief robbing a store—we howl about the shooting instead of praising the officer for doing his duty.

We tolerate hate mongers who would destroy the one nation on earth that is trying to help all the others find peace and prosperity.

We permit the same anti-Americans to destroy property worth millions of dollars and tax the good citizens to repair the damages.

Unruly students and a revolt against discipline are making it difficult to hire school teachers.

This nation is great because it has hybrid vigor—it is made up of minorities who worked and saved to pull themselves up the economic and social ladder.

There is no free lunch and it is time our leaders said so.

It is time we stopped paying bonuses for illegitimate children, close our college doors to the hippies and LSD travelers, enforce our laws and punish the guilty.

Of course, we haven't treated everyone fairly, what nation has?

But we came nearer to it during the last half century than any other nation on earth.

Forty years ago I was Acting County Agent in a Pennsylvania county. I have never worked with happier, more contented people in my life. They hunted and fished, they went to ball games, they enjoyed community fairs, they farmed—they didn't handle much money but they were happier than most people today with many times their incomes. They lived a good life—what's wrong with that?

Your college specialists emphasize efficiency. What has the fantastic efficiency of broiler production brought the broiler grower? I'm not belittling efficiency; but if an effective marketing program doesn't parallel it, the producer ends up with bigger investments, bigger risks, smaller profits and many now who have survived are merely hired men working for someone else.

Farmers are a minority—you don't have many people in Congress today who understand your problems and you'll have fewer tomorrow.

For the first time since the Federal Reserve Board was established—there is no agricultural representative on it.

The President of the United States only a year ago told consumers that food prices were too high—suggested to consumers that they buy cheaper cuts of meat, and ordered part of the armed services to use filled milk and oleo instead of whole milk and butter. This in spite of the fact that consumers spend a smaller proportion of their income for food than ever before in history.

Nearly all of the ice cream made by the large companies during the past year was made from imported fat—it didn't come from U.S. dairy herds.

It's long past time when we should close ranks, stop competing with each other, agree on where we want to go—and all pull in the same direction.

American Agriculture is the envy of the world. It is a product of the educational and research efforts of our land-grant colleges, the county agent, the ag teacher, the state and federal departments of agriculture, our self-help cooperatives, and our farm organizations.

This combination package, which has produced results here, is what we are trying to export to the developing nations.

But too many of today's generation have forgotten what cooperatives and farm organizations have done for them and for the nation.

Furthermore some of our leaders confuse us by stating that all Government programs are bad—that farmers must solve all their problems without Government help. I don't believe that nor do I believe that Government can solve all of your problems, some can be solved best together.

We need to count our blessings once in a while—recognize the progress we have made . . .

Too many people want success today without making the necessary obligation and accepting responsibility to achieve it. Being loyal to their own organizations which have proven themselves in the past.

Too many of today's Christians want Christ without the cross.

Too many of us lack the courage of the pioneers who built our cooperatives and our farm organizations.

Charles Kettering of General Motors fame said—"No one would ever have crossed the ocean in a sailing ship if he could have gotten off it during a storm."

We take our liberty for granted—but others died that we might have it. Those who climb the Berlin Wall know what it means—our sons in Viet Nam know what it means. And what must they think of our Government and our Congress that supports England and Russia in a boycott of Rhodesia, while permitting them to deliver war supplies to Hanoi?

Yet we tolerate draft card burning, so-called religious leaders who are saying you don't have to obey the laws of the land, screwballs who urge their followers to burn, kill, and destroy. . . .

What can we do as cooperatives to improve our situation? Have we been guilty of doing things for people instead of with them?

Only now our foreign aid program is finding this out.

If you and I passed a beggar on the street and each day you gave him a dollar, I never gave him anything. One day we pass and you don't give him the dollar he expects. Whom would he be angry with—you or me?

Agriculture is a growth industry—it has to be to feed an ever expanding population. It is the biggest industry in this nation—farmers spend $100 million a day—every day of the year.

Yet some politicians and educators today refer to it as a dying occupation. It is a dynamic growing, expanding one. While there will be fewer and bigger farms in the future—as there are fewer and bigger passenger airplanes—but the backup crews, all the related agribusiness occupations will continue to employ more than ⅓ of the total work force in this nation.

In our work with educators, with youth organizations, and, with other organizations, we continually remind our friends of this. You have done a great job—but you must do better tomorrow.

Will there be a tomorrow? For your co-ops? Your State Co-op Council? Your A.I.C.? Your farm organization? Your college? Your country?

The Historian Arnold Toynbee said: "Of the twenty-two civilizations that appear in history, nineteen of them collapsed when they reached the moral state the United States is in now."

"The average of the world's great civilizations has been 200 years. All nations have progressed through this sequence:

From Bondage to Spiritual Faith
From Spiritual Faith to Great Courage
From Courage to Liberty
From Liberty to Abundance
From Abundance to Selfishness
From Selfishness to Complacency
From Complacency to Apathy
From Apathy to Dependency
From Dependency back again into Bondage."

WHAT HAS HAPPENED TO THE WORD "RESPECT"?

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. QUILLEN. Mr. Speaker, as I have often said, one of the greatest dangers in America is the flagrant violation of law and order so prevalent today.

I ran across an article in the Tennessee Farm Bureau News, published in Columbia, Tenn., with Clyde M. York, president and Murray T. Miles, Jr., editor, which so clearly points out "What Has Happened to the Word 'Respect'?"

We must have respect for law and order and for the basic principles which made this country great. I proudly make this editorial, which appeared in the Thursday, May 2, 1968, edition, available to the readers of the RECORD. Also, my congratulations to Mr. York and Mr. Miles for so realistically pinpointing this important issue.

WHAT HAS HAPPENED TO THE WORD "RESPECT"?

Respect.

Webster's Dictionary defines it as "to consider worthy of esteem; hence to refrain from obtruding upon, as a person's privacy."

As you read of events in city streets, on University campuses, and on private property, you wonder whatever happened to this good word "respect."

Once upon a time when the term "respect for law and order" was heard, you knew it meant business. But last month in the nation's capital, it meant nothing. According to U.S. News and World Report, a regular Washington policeman said, "I think we could have stopped this thing if they hadn't put us under wraps so. Looters would break a window, then stand aside to watch our reaction. When we did nothing, the mob would move in and ransack the place. We just had to stand there."

How can there be respect for law and order when law officials themselves prevent the laws from being obeyed?

In more recent days, the old Historic Columbia University of New York City was besieged by students who wrecked the President's office and camped out in the buildings until finally the police moved in several days too late.

Were there no parents that taught respect of private property when these young hoodlums were growing up? These are not poverty-ridden youngsters. They couldn't be and afford to be attending Columbia University.

Before we begin to feel smug, and say that such a thing would not happen among the rural and small town folks where we live, may we point up the violence that accompanied a milk situation about a year ago in middle Tennessee. There was little respect for private property then too as trucks were dynamited, bulk tanks shot, and farmers and their families threatened.

Somewhere along the line, there has been failure. Whether it is in the home, the school, or the church, we are not prepared to say. But someone had better wake up soon and find out. There are those who say we should never look back, and that the "good old days" are gone forever. It is true that some parts of the good old days are just as well gone forever, but the basic truths of honesty, respect and so forth always remain the same no matter how the modernists try to twist them around or make excuses.

There must be a turning back to these old moral codes. These things must be taught in the home. The Church must spend more time on them and less time in defending the rioters, marchers, and draft card burners. And where these have failed, then the law must step in. This country cannot long afford the type of justice that lawbreakers have been getting lately. How can anyone justify giving a thief a year in the workhouse for stealing a $20 country ham, but do nothing to a looter that carts off a $500 color TV set? Our hats are off to the policemen and the fine work that they have done, but we turn thumbs down on the politicians and their political appointees who will not let the policemen do their duty.

Respect must return to the land. Respect for parents, respect for property rights, respect for privacy, and respect for law and order. It must be taught in the home, in the schools, and in the Church. If these three places fail in their job, then it will have to be taught by the end of a billy club.

On the same page as the very forceful editorial on respect, there is also an article entitled "Something To Think About," and I quote:

SOMETHING TO THINK ABOUT

"Society cannot leap into Communism from Capitalism without going through a Socialist stage of development."

"I am convinced that tomorrow the Red Flag will fly over the U.S. But we will not fly the flag. It will be the American people themselves."

Nikita Khrushchev said it. The first statement was made at the 21st Communist Party Congress in 1959. The second statement in Bucharest, Rumania on June 19, 1962.

NATIONAL LEADERSHIP NEEDED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. ASHBROOK. Mr. Speaker, is it any wonder that citizens throughout the land are becoming increasingly concerned when they consider the rising cost of living, the series of destructive riots in our cities, the leniency of our courts in law enforcement, our no-win policy in Vietnam, and the depressing *Pueblo* affair. These are but a few of the major issues which are increasingly worsening as ineffective leadership stands passively by.

Consequently, it is reassuring when national figures take strong and forthright positions of compelling issues of the day. The New York Times of today, May 16, reports on a speech made by former Vice President Nixon in Pendleton, Oreg., in which he recommends fast, firm action to cope with the student revolt at Columbia University. I place this item by Donald Janson from the New York Times in the RECORD at this point:

NIXON BIDS COLUMBIA OUST ANARCHIC STUDENTS—SAYS ONLY FAST, FIRM ACTION WILL AVERT NEW CRISES—CANDIDATE APPLAUDED OFTEN IN OREGON TALK TO 1,000

(By Donald Janson)

PENDLETON, OREG., May 15.—Former Vice President Richard M. Nixon called on Columbia University today to "rid the campus now" of any student groups that was involved in or supported the recent disruptions that closed the school.

He called the Columbia disorders "the first major skirmish in a revolutionary struggle to seize the universities of this country and transform them into sanctuaries for radicals and vehicles for revolutionary political and social goals."

Mr. Nixon made his comments in a campaign appearance here in the high, rolling, wheat-growing northeast corner of Oregon. An overflow crowd of 1,000 in the Vert Memorial Auditorium applauded frequently.

The New Yorker is the only active Republican candidate in the state's Presidential primary May 28. It will be Mr. Nixon's last and most difficult primary because a strong drive for votes has been mounted for Gov. Ronald Reagan of California, who is also on the ballot. There is also the threat of a write-in effort for Governor Rockefeller of New York.

Unless Columbia acts swiftly and uncompromisingly, Mr. Nixon said, it will be assuring new crisis on its campus and encouraging student revolts at other colleges.

The place to begin a national drive against the use of force and coercion on the campus, be asserted, "is with the anarchic students at Columbia."

"The eyes of every potential revolutionary or anarchist on an American campus are focused on Morningside Heights to see how the administration at Columbia deals with a naked attempt to subvert and discredit its authority and to seize its power," Mr. Nixon declared.

"If that student violence is either rewarded or goes unpunished, then the administration of Columbia University will have guaranteed a new crisis on its own campus and invited student coups on other campuses all over this country."

He said that neither academic freedom nor peaceful dissent was not involved.

"A university is a community of scholars seeking truth," he said. "It is a place where reason reigns and the right of dissent is safeguarded and cherished. Force and coercion are wholly alien to that community and those who employ it have no place there."

He said that academic freedom required a university to be receptive to new ideas and open to heretics and their views.

"But academic freedom also dictates that the rationally committed stand up and resist the dictates of emotionally committed," he asserted.

"And academic freedom dictates that those engaged in the pursuit of knowledge and truth resist the encroachments of hotheads who assume they know all truth."

Several days ago, on May 9, Mr. Nixon made public his views on another issue which is foremost in the minds of concerned citizens; namely, the crime situation in the United States. The Washington Star in its lead editorial of May 14 refers to this statement and concludes that:

This Nixon statement strikes us as a forthright, clear and courageous description of the nature of the crime problem as he sees it, and of the measures needed to deal with it. We hope, political year or not, that Messrs. Kennedy, McCarthy, Humphrey and Rockefeller will be no less specific as they continue to stake out their own political claims.

To give American citizens an opportunity to read and evaluate these responsible recommendations, I place the May 9 speech of former Vice President Richard Nixon, entitled "Toward Freedom From Fear," in the RECORD at this point, along with the Washington Star editorial of May 14 entitled "Nixon on Crime:"

[From the Washington (D.C.) Evening Star, May 14, 1968]

NIXON ON CRIME

Richard Nixon's recent statement of his position on crime in this country has been criticized by some as having a political coloration. There is some basis for this. But how could it be otherwise in a presidential election year?

The Nixon statement also sets forth facts pertaining to the dismaying upsurge in crime and is specific in spelling out some of the things he would do to combat crime. These are the sections on which serious attention should be focused.

In the last seven years, Nixon said, crime in this country has increased by a staggering 88 percent although the rise in population has been only 10 percent. Projecting his estimates, the Republican presidential hopeful said that if the present crime rate continues the number of major crimes will double by the end of 1972—less than five years in the future. Certainly the former vice president was not exaggerating when he said that this is a prospect which America cannot accept, and which, if it should be accepted, will convert the metaphorical "city jungle" into a "barbaric reality."

What does Nixon think should be done at a time when crime is increasing almost nine times as rapidly as the population? He does not take the view that there is any one simple answer. But he does come down squarely and firmly in support of the crime bill now being debated in the Senate, and he specifically included in his statement of support two of the bill's most controversial sections. These would authorize the use of wiretaps and electronic devices under appropriate court safeguards in certain serious crimes, and, second, would modify the Supreme Court's Miranda decision relating to the use of confessions.

Those who equate the use of wiretaps and electronic bugs with a police state in full flower argue that, in any event, these devices would be of no help in curbing the ordinary crimes of violence—robberies, murders, burglaries and the like. Perhaps these things would be helpful in dealing with organized crime, they say, but it is not organized crime which makes people afraid to walk the streets at night.

Nixon's answer to that is this: Organized crime is also directly and deeply involved in street crime. One estimate is that some 50 percent of the street crime in some of our major cities is the work of addicts trying to support their habit—and traffic in illegal narcotics is a major enterprise of organized crime." In the face of this it is almost incredible that the President and Attorney General Clark, who favor use of wiretaps and bugs without any court supervision in national security cases," would outlaw them in all other kinds of investigations.

The proposed modification of the Miranda decision, if anything, is more offensive than the possible use of wiretaps to the critics of the Senate bill. To listen to them, one would think that the sponsors of this provision are wicked men, bent not only upon subverting the Supreme Court but also upon turning back the clock of justice to the star chamber days. This is so childishly absurd that it does not merit serious debate.

There are two points worth noting, however. One is this comment by Supreme Court Justice White, speaking for himself and Justices Harlan and Stewart: "I continue to believe that the decision in Miranda was an extravagant and unwise interpretation of the Fifth Amendment, and I would prefer that Miranda be abandoned. . . ." Are these justices to be condemned as subverters of the court?

The other point is that it may not be possible for Congress to alter the impact of Miranda through enactment of a statute, which the court could declare unconstitutional. Nixon, though supporting the provision, recognizes this. If it should be impossible to pass legislation which would satisfy the court, he says, then consideration should be given to amending the Constitution.

This Nixon statement strikes us as a forthright, clear and courageous description of the nature of the crime problem as he sees it, and of the measures needed to deal with it. We hope, political year or not, that Messrs. Kennedy, McCarthy, Humphrey and Rockefeller will be no less specific as they continue to stake out their own political claims.

Toward Freedom From Fear

(By Richard M. Nixon)

In the last seven years while the population of this country was rising some ten per cent, crime in the United States rose a staggering 88 per cent. If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States today will double—by the end of 1972.

That is a prospect America cannot accept. If we allow it to happen, then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs. This nation will then *be* what it is fast becoming—an armed camp of two hundred million Americans living in fear.

But, to stop the rising crime rate and to reduce the incidence of crime in America, we must first speak with a new candor about its causes and cures.

POVERTY NOT THE CAUSE

We cannot explain away crime in the country by charging it off to poverty—and we would not rid ourselves of the crime problem even if we succeeded overnight in lifting everyone above the poverty level. The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated—and the incumbent Administration beats major responsibility for perpetuation of the myth.

On October 16, 1964, the President said that, "The war on poverty which I started—is a war against crime and a war against disorder." If the President genuinely accepted that proposition, the near 50 per cent increase in crime rate since 1964 would be adequate proof of the utter failure of the government's war on poverty.

But the war on poverty is not a war on crime; and it is no substitute for a war on crime. It is certainly true that rising prosperity will gradually reduce the number of those below the poverty level, and eliminate many of the conditions in which crime is likely to flourish.

But poverty cannot begin to explain the explosion of crime in America. In recent years, this nation has grown wealthier and, its riches have been more widely distributed than in any other country in the world. And yet crime has been going up about three times as rapidly as the GNP.

And poverty tells us nothing about the enormous increases in juvenile crime and drug abuse by teenagers in the affluent suburbs of America.

TOO OFTEN, CRIME DOES PAY

The success of criminals in this country plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes results in conviction and punishment.

If the conviction rate were doubled in this country, it would do more to eliminate crime in the future, than a quadrupling of the funds for any governmental war on poverty.

In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals.

There is another attitude that must be discarded if we are to wage an effective national war against this enemy within. That attitude is the socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women.

JUSTICE FOR THE GUILTY, TOO

One of the operative principles of a free society is that men are accountable for what they do. No criminal can justify his crimes on the basis of some real or imagined grievance against his society. And our sympathy for the plight or the past of a criminal cannot justify turning him loose to prey again upon innocent people.

In the preamble of the Constitution of the United States, this country set it as a goal to "establish justice" in these states. Just as justice dictates that innocent men go free, it also means that guilty men pay the penalty for their crimes. It is that second part of justice to which the nation must begin to address itself in earnest.

In the course of presenting these proposals for dealing with the crime problem in America, I have not dealt at all with the urban disorders that have become commonplace in our great cities. Riots are a special problem, a problem apart from the crisis of daily crime in America.

In terms of dollars and cents the toll of the riots is next to nothing compared to the toll of street crime or even the take of organized crime.

But, riots offer their own challenge to the future existence of our society, and that challenge is different than the menace represented in the 88 per cent increase in crime in seven years. Consequently, I have dealt with the riots as a separate problem in other statements.

NO SENSE OF URGENCY

The primary responsibility for dealing with that 88 per cent figure continues to rest—as it should—with the local and state government. We want no centralized Federal police force in this country. But crime has become a first priority domestic crisis, a distinct threat to the social order, and it should be a matter of the highest Federal urgency. That urgency has not been reflected in this Administration's actions or recommendations.

Crime today is increasing almost nine times as rapidly as the population.

The Administration in Washington seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country.

The statistics and evidence are there for all to see.

The last five years have been the halcyon days of organized crime. Gross earnings from illicit gambling, prostitution, narcotics and loan-sharking, have grown prodigiously. One reliable authority places the figure in the neighborhood of $50 billion annually.

As for street crime, for every two major crimes committed in the United States when President Johnson took office in 1963—there are three committed today—and if the present trend continues, there will be six committed by the end of 1972.

These are the dimensions and the elements, the hard facts and the stark realities of the crime crisis to which this Administration's response has been lame and ineffectual.

ORGANIZED CRIME

Organized crime is the tapeworm of the American society. In recent years it has prospered as never before and broadened its influence in government and legitimate business and unions. The absence of an adequate response at the national level—to this national threat—is a glaring failure of the present Administration.

One of the most effective groups of men within government combating this kind of criminal activity over the years has been the Organized Crime Section of the Department of Justice. Yet, when President Johnson took office, the number of man days spent in field investigating by members of the OCS, the number of man days spent testifying before grand juries, and the number of man days spent in court all suddenly decreased between 50 and 75 per cent.

This wholesale de-escalation of the Justice Department's war against organized crime has not to this day been adequately explained.

Equally puzzling is the Administration's adamant opposition to the use—against organized crime—of the same wiretap and electronic surveillance the government employs to safeguard the national security. Not only does the Administration oppose the use of these weapons against crime, it has asked Congress to forbid that use by law. Such legislation would be a tragic mistake.

GIVE US THE TOOLS

Organized crime is a secret society. By denying to State and Federal law enforcement agencies the tools to penetrate that secrecy, the President and the Attorney General are unwittingly guaranteeing the leaders of organized crime a privileged sanctuary from which to proceed with the systematic corruption of American life.

New York County District Attorney Frank Hogan, who has probably convicted more racketeers than any other man in America, has said that wiretapping is: "the single most valuable weapon in law enforcement's fight against organized crime . . . Without it, my own office could not have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scalise, Frank Erickson, John "Dio" Dioguardi, and Frank Carbo."

An overwhelming majority of the President's own blue ribbon crime commission recommended enabling legislation for the use of wiretap. The Judicial Conference, consisting of ranking Federal Judges from across the nation, and headed by Chief Justice Earl Warren, has approved such legislation. And the Supreme Court has left the door open to a carefully drawn wiretap measure with proper safeguards.

SAFEGUARDS AGAINST ABUSE

The Senate is currently considering such a proposal—drawn to conform meticulously to the Supreme Court decisions. That proposal would authorize the use of electronic surveillance on a court order, in the nature of a search warrant, showing probable cause. The court order would be limited to major crime cases, and specified cases involving the national security.

It would be limited as to time, persons and place. Any extraneous evidence gathered by the eavesdrop device would be inadmissible in court and would have to be held in confidence under pain of both civil and criminal penalties. Special precautions would be taken to safeguard those communications regarded by the law as privileged, such as those between husband and wife, doctor and patient, lawyer and client, and priest and penitent. In addition, the bill would outlaw all electronic surveillance by private citizens.

Yet, despite these carefully drawn precautions, the President defends his opposition to wiretapping in major crime cases with the astonishing assertion that "the principle that a man's home is his castle is under new attack."

"Nonsense in its purest form" was the retort by the *Washington Star* which continued:

"This is a comment which shakes our faith in (1) whether the President knows what he is talking about in his anti-crime speeches, or (2) whether he will ever support the measures—wiretaps and the like—that are essential investigative tools if we are ever going to wipe out crime—especially organized crime."

FIVE IMMEDIATE STEPS

There are other steps which Congress can take independently to strengthen the peace forces in our society against the forces of organized crime. Some of these recommendations have been endorsed by the President's Commission on Crime.

(1) *Infiltration of honest business:* Congress should enact legislation making it a Federal crime to invest in legitimate business either money which has been gathered from illegal racket activities or money that has not been reported for income tax purposes. Such measures would focus the tax enforcement machinery on the problem of organized crime.

(2) *Anti-smuggling:* Congress should authorize substantial increase in the number of Customs Bureau officials. In the last decade while the number of customs officials has risen 4 per cent, the number of people entering the country has risen 50 per cent and the number of aircraft 100 per cent. These would be an effective deterrent to the import of narcotics, a multi-million dollar annual item in the income statement of organized crime.

(3) *Permanent watchdog:* Congress should establish a permanent Joint Congressional Committee on Organized Crime.

(4) *More lawmen:* Congress should authorize whatever Federal personnel are necessary to carry out the new responsibilities under these pieces of recommended legislation.

(5) *Immunity power:* Congress should enact the Republican-proposed organized crime immunity statute. Once granted immunity from prosecution based on his testimony, a witness would be required to testify before a grand jury or at trial, or face jail for criminal contempt. This would be another and an effective legal tool with which to cut through the curtain of secrecy that envelops organized crime. Witness immunity would make it possible to get to the higher echelons of the crime syndicate.

These are a few of the steps that can and should be taken if we are to make realistic rather than rhetorical progress in uprooting the infrastructure of organized crime. Yet, both the President and his Attorney General, Mr. Clark, who have the principal responsibility for leading the war on organized crime are either indifferent to or in active opposition to a majority of these measures.

That attitude has made of the President's proposal to the Congress the kind of compromise legislation that organized crime can live with. It has called into question the seriousness of the President's designation of Mr. Clark to be his "Mr. Big" in the war against national crime.

ALERTING THE PEOPLE

There is also a need at the national level to awaken and educate the American people to the extent of the threat within that comes from organized crime. The average American—as well as the Attorney General of the United States—seems tragically unaware of the magnitude and immense impact of organized crime upon his society.

This menace which Mr. Clark astonishingly termed a "tiny part" of the crime picture in the United States was more accurately described by his predecessor, Mr. Katzenbach, as constituting "nothing less than a guerrilla war against society."

How is the average American affected?

The businessman pays higher insurance rates because of the arson committted under the instructions of organized crime; he loses millions in bad debts annually because of fraudulent bankruptcies. Union workers are cheated out of their just wages when the proxies of organized crime take over and corrupt their unions, arrange sweetheart contracts, exploit mammoth pension funds and intimidate the membership. Organized crime cheats the consumer by its corruption of the free enterprise system. With its gigantic earning power it is able to take over individual businesses, influence prices, and act as unfair competition for honest business and honest labor.

According to Congressman Richard Poff of Virginia, one of the most knowledgeable men in the Congress on the subject, organized crime controls a "reservoir of wealth unmatched by any financial institution in the country."

CRIME'S WAR ON THE POVERTY-STRICKEN

At the same time that the President has asked for a $2 billion appropriation to fund the War on Poverty for one year, organized crime earns an estimated $3.5 million annually from the numbers racket—a racket that exploits, not the affluent, but the urban poor. Organized crime is taking three dollars in gambling revenues from the urban poor for every two that is put into the poverty program by the nation's taxpayers.

Last year, while the Small Business Administration made some $50 million in loans, the take from loan-sharking amounted to many times that sum. The narcotics traffic in this country, much of it in the urban centers of poverty, netted an estimated $350 million for organized crime last year—the precise sum spent for the Head Start Program.

Organized crime is also directly and deeply involved in street crime. One estimate is that some 50 per cent of the street crime in some of our major cities is the work of addicts attempting to support their habit—and traffic in illegal narcotics is a major enterprise of organized crime.

STREET CRIME

But organized crime, though a multi-billion dollar enterprise and a major contributing factor to street crime, cannot alone explain the 88 per cent increase in muggings, robberies, rapes and assaults over the past seven years. Another contributing cause of this staggering increase is that street crime is a more lucrative and less risky occupation than it has ever been in the past. Only one of eight major crimes committed now results in arrest, prosecution, conviction and punishment—and a twelve per cent chance of punishment is not adequate to deter a man bent on a career in crime. Among the contributing factors to the small figure are the decisions of a majority of one of the United States Supreme Court.

The Miranda and Escobedo decisions of the high court have had the effect of seriously hamstringing the peace forces in our society and strengthening the criminal forces.

From the point of view of the peace forces, the cumulative impact on these decisions has been to very nearly rule out the "confession" as an effective and major tool in prosecution and law enforcement.

Justice White, in his dissent in the 5-4 Miranda decision, identified judicial prejudice against the use of confession as the bedrock upon which the majority decision was erected.

"The obvious underpinning of the Court's decision is a deep-seated distrust of all confession . . . the results adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not. This is the not so subtle overtone of the opinion—that it is inherently wrong for the police to gather evidence from the accused himself."

From the point of view of the criminal forces, the cumulative impact of these decisions has been to set free patently guilty individuals on the basis of legal technicalities.

The tragic lesson of guilty men walking free from hundreds of courtrooms across this country has not been lost on the criminal community.

STRIKING THE BALANCE

The balance must be shifted back toward the peace forces in our society and a requisite step is to redress the imbalance created by these specific court decisions. I would thus urge Congress to enact proposed legislation that—dealing with both Miranda and Escobedo—would leave it to the judge and the jury to determine both the voluntariness and the validity of any confession. If judges and juries can determine guilt or innocence, they can certainly determine whether a confession is voluntary and valid. The rule of reason and justice should replace the Dickensian legalisms that have been obtained as a result of recent Supreme Court decisions.

(In Title III of the omnibus crime bill now pending in the Senate, there is a proposal to correect the imbalance resulting from these decisions; that proposal deserves passage despite the vigorous opposition of the Attorney General.)

The barbed wire of legalisms that a majority of one of the Supreme Court has erected to protect a suspect from invasion of his rights has effectively shielded hundreds of criminals from punishment as provided in the prior laws.

If it should become impossible to draw such legislation to the satisfaction of the High Court, then consideration should be given to amending the Constitution. Involved here is the first civil right of every American, the right to be protected in his home, business and person from domestic violence, and it is being traduced with accelerating frequency in every community in America.

LEANING TOO FAR BACKWARD

Wade and *Gilbert* are two other decisions of the Supreme Court, the extension of which have added to the problems of effective law enforcement. *Wade* and *Gilbert*, for the first time, ruled that in a line-up confrontation between witness and accused, the absence of a lawyer for the accused could, of itself, render the identification inadmissible in court.

My own view coincides with that of the dissenting minority, who expressed incredulity at the notion that a lawyer's presence at a line-up can somehow be helpful to the quality of the witness' identification. But *Wade* and *Gilbert* were carried to an almost ridiculous, if logical, extreme in *U.S.* versus *Beasley*.

In the latter case, even an accidental, on-the-street confrontation between, in this case, victim and accused, made identification of the accused inadmissible—because of the absence of a lawyer.

(In the Beasley case, police observed three men beating and robbing an elderly man on the streets of Washington, D.C. When they approached, the assailants fled leaving their victim behind. Police gave chase and apprehended one man, and returned with him to the scene to aid the victim and radio for help. There was thus an inevitable confrontation between the suspect and the victim, and the former was positively identified by the latter as one of his assailants. The identification made on the spot was ruled as inadmissible evidence because the alleged assailant did not have an attorney present when he confronted the victim on the street, immediately following the crime.)

It is decisions such as this, suppressing evidence prior to trial, that underscore the merit of the proposal of Congressman Railsback of Illinois, now before Congress.

Currently, a defendant can appeal his conviction to a higher court, if the case can be made that illegal evidence has been used against him. The prosecution, however, except in limited cases, has no similar right to appeal a decision to prohibit the introduction of certain evidence at a trial.

Congressman Railsback's proposal would remedy this situation; it would give government the same right to appeal these rulings now guaranteed the accused. The President's Crime Commission has endorsed this proposal; it would make for more effective prosecution; it would reduce the number of guilty men walking out of courtrooms on technicalities; it deserves passage in this session.

These decisions by a majority of one of the Supreme Court have had a far-reaching impact in this country. They have been the subject of controversy; they were the focus of vigorous dissent on the part of the minority. And I think they point up a genuine need—a need for future Presidents to include in their appointments to the United States Supreme Court men who are thoroughly experienced and versed in the criminal laws of the land.

STRENGTHENING THE PEACE FORCES

A second major deficiency of the "peace forces" in this country is in the number and quality of the men who man the first line of defense—the police.

Today, two-thirds of the community police forces in the country are undermanned. This year there will be 50,000 vacancies for police officers in the United States. To improve the caliber and increase the number of men who volunteer to fill those vacancies, the Federal and State as well as the municipal governments have a role to play.

The primary reason why there are not more and better police officers in our great cities today is quite simply that the rewards—economic and personal—of being a police officer have diminished sharply in the last two decades.

For many years, these men have been in effect increasingly subsidizing the communities which they serve—by accepting a wage rate that gradually fell behind other professions. From 1939 to 1966 while the real income of manufacturing employes in New York increased on the average of 100 per cent, that of a New York City patrolman increased by 20 per cent.

You cannot attract first-class men to do the difficult and complex and dangerous job of police work—if you simply give them a gun and $100 a week—which is the median beginning salary for patrolmen in our greater cities.

The responsibility for rectifying this situation rests largely with the municipalities and the people who live in them. They must be willing to pay the salaries to attract the kind of men they want standing between their property and family and the rising crime rate.

THE BLUE "PRESENCE"

There is a considerable body of evidence to show that a dramatic rise in the number of patrolmen is followed by an equally dramatic drop in the rate of crime. The New York Subway system is a case in point—where the presence of a patrolman on every train at night brought a reduction of 60% in the epidemic of juvenile terrorism in the first three months they were there. The lesson could be applied to dozens of other cities and communities across the country.

(Along these same lines, a judicious re-allocation of existing police manpower can often have the same impact on crime as a numerical increase in the force. Systems Analysis can be used to reassign patrolmen from beats and areas where they are not needed to trouble spots. This is one way modern science has been and should be put at the service of justice.)

It would be difficult to exaggerate the urgency of the need for greater police presence—or the danger to the social order if we do not get it. To those who speak and write about that startling 88 percent increase in crime, the figure is an ominous portent to our society.

HARDEST HIT: THE POOR

But it is among the urban poor, the silent victims of most of the reported crime and almost all of the unreported crime that these statistics have already been translated into a brutal society. According to the President's own Commission on Civil Disorders, there are cities in this country where the crimes of violence run 35 times as high in the areas of poverty as they do in the areas of affluence. Last fall, a Harlem Pastor spoke out in anguish.

"Crime is at its worst; the citizens fear to venture out after dark. Church members are afraid to go out to their meetings at night. The law seems to be in the hands of the muggers and robbers. There's panic among the people."

It would be a dangerous delusion to think that we can either "establish justice" in this country or re-establish peace in the central city, until those who are not the victims of this crime crisis are as indignant as those who are.

We are trifling with social dynamite if we believe that the young people who emerge from these brutal societies in the central cities will come out as satisfied and productive citizens. It is too often the case that "those to whom evil is done do evil in return."

STATE HELP

The State can assist the local community in improving the quality of its law enforcement agencies in a variety of ways. One of the most effective would be to use incentives to accelerate the trend toward larger and more efficient police units.

Today, there are more than 420,000 people involved in police work employed by 40,000 separate agencies. Many of these 40,000 agencies are tiny and inefficient municipal departments wholly inadequate to the tasks assigned them. Consolidation of many of these departments and their merger into city-wide or metropolitan-wide forces would give the peace forces a jurisdictional range and a level of strength more commensurate with the criminal forces—which ignore state lines, let alone the lines that divide tiny municipalities.

FEDERAL HELP

The Federal Government can play a leading role as well in furthering this objective of consolidating and reducing the number while improving the quality of law enforcement agencies in this country.

To do so, however, it will have to shift its emphasis from direct grants to local governments, to block grants to the states. The former approach puts the Federal Government squarely into what must and should remain a local function—law enforcement. Direct grants for local police departments could bring domination and control and the door could be opened to the possibility of a Federal police force—a prospect we should avoid. Secondly, the block grant approach to the states will enable them to determine the priorities in the allocation of resources; and that, too, is as it should be. Third, this approach would strengthen the statewide police forces which are, by and large, efficient and professional organizations.

It would also enable the state to strengthen its own investigative and crime laboratory facilities, its intelligence, and records centers —which could be put at the disposal of local police. By providing the assistance to the states, we would strengthen law enforcement at a level at which it could deal more effectively with a criminal community that possesses a mobility and strength undreamed of a few years ago.

The shift in emphasis from direct grants to local departments to blocks grants to the States was written into the Law Enforcement Assistance and Criminal Justice Act of 1967 on the Floor of the House largely through the efforts of the Republican leadership there.

In the upper house, Senator Roman Hruska of Nebraska, one of the most knowledgeable and effective sponsors of anti-crime legislation on the Hill, along with the Minority Leader Senator Dirksen, has worked to have this block grant approach written into the final version of the bill—as it should be.

SETTING AN EXAMPLE

There is another area where the Federal Government can not only play a leading role—but where it has the opportunity to make a dramatic demonstration of its concern with the problem of crime, its commitment to new solutions and the efficacy of its proposals. That is in Washington, D.C.—the nation's capital where the authority of the Federal Government is great and its prerogatives many.

Today, Washington, D.C., should be a model city as far as law enforcement is concerned—a national laboratory in which the latest in crime prevention and detection can be tested and the results reported to a waiting nation. The record, however, is otherwise.

If across America the peace forces in city after city and state after state have been gradually giving up ground to the criminal forces—in Washington, D.C., the forces of peace are in disorganized retreat. Since 1960 crime in the Nation's capital has increased by 100 per cent.

Again, however, the Administration has been slow to recognize the developing threat. It was only after severe criticism and intense public pressure that the D.C. crime bill was finally signed into law by the President in 1967.

THE PRISON PROBLEM

No national program for turning back the rising tide of crime can succeed if we continue to ignore a primary headwater—the prisons of America. No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

A recent FBI study of some 18,000 convicts released in 1963 revealed that fully 55 per cent had been re-arrested for new offenses by June 30 of 1966. Of those persons arrested on a new charge within 30 months, 67 per cent had been given a mandatory release by a penal institution.

In short—whether one believes that the purpose of a prison is to punish the criminal or to deter him from future crime or to rehabilitate him and guide him away from a career in crime—by either standard our prison system is a failure.

The American prison system needs to undergo a major overhaul—to be changed from a primary cause of the crime problem in this country into a partial cure. Stated simply and directly, the criminal rate in the United States would be a good deal lower if convicted felons were properly trained and equipped for reassimilation by the outside world.

Both Federal and State Governments share equally in the responsibility for changing our prisons into something other than an ever-normal pool of replacements for the criminal community.

Since, however, the Federal prison system houses only 10 per cent of the penitentiary population of about 200,000 its role will primarily be one of example, of assistance to the states, and of clearing legislative roadblocks to effective prison reform.

RECOGNIZING A MISTAKE

During the depression years of the 1930's, with millions of Americans jobless, many pieces of Federal legislation were enacted calling for discrimination against prison-made goods. It was assumed that conscripted labor inside a prison could produce goods at a far cheaper rate and thus enjoy an unfair competitive advantage over both free labor and free enterprise.

This legislation was always questionable, and one certain effect has been to deny to thousand of convicted men the type of work experience that might have given them the essential opportunity to find a job when they left prison. It is time that these existing legal barriers against providing convicts with the type of training and work that will give them a viable employment when they leave—should be removed. According to the President's own Crime Commission, prison labor is no threat to free labor today.

Secondly, of the 120,000 people employed in correction today, five of six are employed in custodial or administrative work, leaving only some 24,000 in treatment activities to handle a combined jail and prison population of 400,000 and a total of some 1.3 million who pass through our system each year. That 24,000 figure includes all the psychiatrists, teachers, psychologists and social workers—and if we are serious about changing the results of prison life—then we have to be serious about increasing that number.

MORE PRISON REFORMS

The necessity of other major reforms is equally obvious. A study of the prison population reveals that 50 per cent of it has only a grammar school education or less. Except for New York and California, prison education is provided by inmates—a majority of whom lack college degrees and many of whom are themselves without a high school diploma.

The number of parole officers dealing with that great segment of convict population that has been returned to society is also inadequate to its job. We are thousands of men away from achieving what is considered the desirable ratio of one parole officer to every 37 parolees.

To effect these reforms, to provide the personnel in terms of teachers, to change the psychiatrists, social workers, to change the American prison system from a pool of replacements for the criminal community into a system of effective correction and rehabilitation will take money. It will require millions of dollars—whether those dollars are taken out at the State or Federal level.

It will take not only more dedicated people, but new ideas and new resources and new tools if we are going to rebuild these broken careers and re-equip these men and women for useful lives.

It will require further the cooperation of both State and Federal Government, for the unreconstructed criminal who walks out of a Missouri or Illinois prison, becomes a threat to the community he visits, wherever he goes in the United States.

These are not all of the steps that should be taken. But here, in these proposals, I believe a beginning can be made toward removing from this nation the stigma of a lawless society.

RIGHT TO A SPEEDY TRIAL

There are other areas as well where major reform is needed. The judiciary is one of them. In community after community in this country there are great backlogs of criminal cases. Not only does this delay in prosecuting serve as an injustice to the innocent, it does a grave injustice to society by delaying too long the imposition of penalties which are major deterrents to crime.

There is a need for vastly increased resources in crime research. Today, one-half of one per cent of the law enforcement budgets of the State and Federal government—a paltry $20 million—is being spent on crime research.

The potential for law enforcement research is enormous.

Space age tools are available to deal with modern crime. Today, we are still working with the forensic toxicology and forensic medicine of thirty years ago. There are promising areas such as olfactronics waiting to be explored, and tools such as the "voice print" waiting to be exploited.

END OF A LAWLESS SOCIETY

As this brief statement indicates, there is no shortage of ideas or programs or tools or potential laws to deal with crime in this country. The only shortage is a shortage of leadership that will place this problem in the first priority of American business.

If the American people are willing to commit themselves to pay the necessary price to restore peace to the society, it can be done. If they are willing to commit themselves to the proposition that any man who disobeys the law pays the penalty the law exacts, then we can begin to turn this crime wave back.

We can put an end to an urban situation where the infirm, the old and the women refuse to visit their parks or enjoy the entertainment and good life a city can offer because they are afraid. We can reduce crime by making it a more hazardous and less rewarding occupation.

In connection with the President's Crime Commission Report, a poll was taken of average Americans. It found that of those polled 43 per cent were afraid to be on the streets at night; 35 per cent would not speak to strangers, and 21 per cent used cars and taxis at night to avoid mass transit.

Those are not the statistics of a Great Society; they are the statistics of a lawless society—they are statistics we must and will change.

NEW YORK, May 8, 1968.

DISCRIMINATION IN THE UNITED STATES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. PODELL. Mr. Speaker, I had the opportunity to speak last Thursday, May 16, 1968, at the Congregation B'nai Israel of Midwood at a dinner sponsored by the Charles L. Schreiber Lodge of B'nai B'rith in behalf of the United Jewish Appeal, and I should like to call the attention of our colleagues to my remarks on that occasion, the text of which follows:

I feel deeply honored and privileged to join with the members and friends of the Charles L. Schreiber Lodge on this occasion. I particularly welcome this opportunity to add my words of tribute to Charles L. Schreiber, a prominent businessman in our community, whose deep concern for the welfare of his fellow men is reflected in the energy and time he devotes to help those in need. All of us are enriched for knowing Charles L. Schreiber as are those who benefit from his generosity and compassion.

We are gathered here this evening to reaffirm our resolve to move forward with the traditional program of B'nai B'rith to banish discrimination from our land. We are gathered also to demonstrate, offer, and give our support to the State of Israel, in the critical days, weeks, and months that lie ahead.

Despite the vast progress made over the course of years, the fight against anti-Semitism remains a pressing one. Anti-Semitic virulence continues to burden the Jewish community in the Soviet Union. Anti-Zionism, within the past several months, has become the official policy of Communist dictators in Poland, as a scapegoat in their efforts to stifle demands of Polish students for a greater measure of freedom. In Germany, the Neo-Nazis show increasing strength.

Here in the United States, we have seen the Black Power movement embrace the anti-Semitic tint. In our own Borough, we are witnessing today high-handed, gestapo tactics in our public school system, involving the arbitrary dismissal of teachers and supervisors, without notice, without charges, and without hearing. The tragic consequences of this kind of vigilant action is already reflected in the closing of schools in that strife torn area, making the children the principal victims of prejudice and bigotry.

The Anti-Defamation League of B'Nai B'rith deserves our sincerest congratulations for its alertness, in making known its views and demanding restoration of laws and order in that school district.

The cost of discrimination and bigotry is a burden which takes its toll of all society and not just their victims. For example, in a study entitled "The Ethnics of Executive Selection" by Professor Lewis B. Ward of the Harvard University Graduate School of Business Administration, dealing with a critical national shortage of trained business executives, Dr. Ward found that a major difficulty in providing managerial talent is the exclusion of members of various special groups in our society from careers in management.

"The gap between the ideal of equal opportunity and the practice of prejudice is hardly an unknown phenomenon," Professor Ward says. In the case of Jews, Professor Ward found that in many different industries Jews are under-represented. He reports them conspicuously absent in the management teams of banks, public utilities, insurance companies and certain large companies in heavy industry. Professor Ward's study deserves the deepest consideration of the Anti-Defamation League and other agencies dedicated to the elimination of barriers to equal opportunity.

While vestiges of discrimination remain to be uprooted, we must nonetheless observe with satisfaction the progress achieved over the years. For example, three weeks ago, I introduced a bill in Congress to sell to Israel Phantom Supersonic Jet Fighters. The essential purpose of the bill is to maintain peace in the Middle East by preserving in that critical area that balance of military power essential as a deterrent to war. This bill is intended to bring Israel's military strength in balance with the increasing military power of the Arab states, supplied by the Soviet Union.

Initially Israel had purchased 50 Mirage Fighters for 60 million dollars from France. Unfortunately, the French have taken the 60 million and now refuse to deliver the planes. Under De Gaulle, French diplomacy has taken on the morality of the common thief.

When I first introduced the bill to sell Phantom Jets to Israel, 24 Congressmen joined with me as sponsors. The following week 21 additional Congressmen joined the cause. Since then, additional Congressmen have called me offering support for the bill, with the result that next week, I will again introduce the bill, with an additional group of Congressional sponsors. I am certain that our State Department will get the message and before too long will agree to make these planes available to Israel.

Your support for Israel demonstrated by your presence this evening, your generous contributions to Israel in this moment of crisis is significant not only because of your practical and moral aid to Israel, but also because you are contributing to the maintenance of international peace and security in the Middle East.

THE PROBLEMS AND NEEDS OF RURAL AMERICA

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. TALMADGE. Mr. President, Mr. Howard Bertsch, the Administrator of the Farmers Home Administration, spoke last Friday in DeKalb County, Ga., on the advantages and attributes, as well as the needs, of rural America.

In his address, Mr. Bertsch underscored the fact that the problems and needs of rural America go hand in hand with those in our crowded urban areas, and that our farms and small towns must have the same measure of attention as that now being given our cities. I concur wholeheartedly with this point of view and feel that if we are ever to curb the massive migration to cities, our rural areas must be revitalized, principally in providing more gainful employment both on and off the farm.

I ask unanimous consent that Mr. Bertsch's address be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HOWARD BERTSCH, ADMINISTRATOR, FARMERS HOME ADMINISTRATION, AT DEDICATION OF COUNTY LINE HOUSING PROJECT, DE KALB COUNTY, GA., MAY 17, 1968

The humorist, Peter Dooley once said: "Progress is when you ain't standing still".

Someone else has said that progress is the effort and inspiration which occurs between a dream and its fulfillment.

However you want to define it, what we see and dedicate here today is "progress" in the very best sense of the word.

You have a right to be proud of this fine housing project.

The Farmers Home Administration can share your pride in having been able to assist its financing.

Both the major credit and the thanks of this community belong to Mr. Lincoln Jones who had a dream, and with your help, made it come true.

Just before I left Washington, your distinguished Senator, Herman Talmadge, called me to make sure I would extend to all of you his warmest personal greetings and to express his regret and deep disappointment that he was unable to share this day with you.

While I know you, too, are disappointed he could not come today because of previous engagements—his inability to be here has afforded me an honor and an opportunity I probably would not otherwise have had.

I think I am in something of the same position of the traveling salesman who stopped at a hotel one evening to get a room for the night.

The clerk kept telling him there were absolutely no rooms available.

Finally the salesman said to the clerk: "Look, if the President of the United States came in, you'd find a room for him, wouldn't you?"

The clerk admitted that this would be true.

"Well then," said the salesman, "let me have his room. I happen to know he's not coming."

So, here I am, in the place of the Senator—and I thank you.

I thank you also for showing me what is so very right and so very good about America—particularly rural America.

I get a little weary of the massed choir of the disenchanted, the disaffected and disoriented who sing the chorus of despair and gloom and spend their time telling us what is wrong with America.

I get weary of reading and listening to the various obituaries which announce that rural America is dead.

For more than a decade there has been a rising chorus of voices throughout the land which said that the future of rural America was hopeless.

Write off rural America, they said. Let the towns dry up. Let a few big operators run our vast agricultural plant. The farm problem is insoluble. There is no use investing money to build new homes, community water systems, or new schools or health facilities. In a few years, they keep saying, there will be no one around to use them.

These gloomy Jeremiah's were dead wrong. As Mark Twain said: "The news of my death was premature and slightly exaggerated."

Rural America is very much alive. It is thriving. It has the greatest potential for opportunity and wonderful living of any region in this nation.

Rural America is undergoing a great revolution.

It's a quiet revolution—not one that tears down the fabric of our society but a revolution that builds it up.

Rural people and rural communities in partnership with their local, State and Federal governments are changing the face and the fabric of the countryside.

New homes are going up.

Communities are being revitalized with the installation of new water and sewer systems and new outdoor recreation areas.

New business and new industry are locating in rural communities.

The migration of rural people to the cities is being slowed down and in some areas is actually being reversed.

The ratio of employment in rural areas is rising faster than in our cities.

Education standards are going up in rural areas and adequate health facilities and services are increasing.

Improved farm programs and expanded farm credit programs have strengthened the family farmer and farm income is nearly double what it was seven years ago.

Practically all this progress has taken place since 1961. It's been accomplished by the people who had faith in rural America—by an Administration that was concerned with the problems of rural people—and by a Congress that was responsive to your needs.

And now—and this is ironic—we have a growing list of people who suddenly have discovered that there is such a place in our country *called rural America.*

They are discovering for the first time that it's a pretty nice place—free of congestion, free of pollution, where crime and violence is the unusual, not the commonplace. They have discovered that the rural countryside is beautiful, and healthful and relaxing. They find it intriguing that people can actually have names and faces and neighbors.

In recent months there have been a rash of newspaper stories, editorials and magazine articles all based on the discovery or rediscovery of rural America.

All proclaim that the countryside offers a pleasant, profitable and exciting alternative to the frustrations, the congestion, the violence and the deadening melaise of the cities. Even business magazines are singing the new chorus of "rural America, the beautiful".

And all of this, of course, is good.

It's good for rural America—it's good for the whole nation.

It's good for the nation because our cities—where some 70 percent of the population resides—face a serious crisis.

This crisis of impaction, of gilded ghettos and incredible tax burdens can easily get worse unless rural America is used as a viable alternative for living and for business.

This is true because by the year 2000—just 32 years from now—we shall have double the population we had when the last census was taken in 1960.

If we continue the trend of crowding people into cities as we have been doing for the past fifty years, then the whole eastern seaboard from Boston down to Miami will be engulfed by one single megalopolis. The same will be true on the west coast and around the Great Lakes.

But if we continue to build the kind of rural America we set out to do in 1961—then we can easily provide the practical, livable and pleasant alternative for the additional millions of people we shall have in this country a generation from now.

But if this is to be accomplished, much more must be done in Town and Country USA.

No one understands this better than President Johnson and men like Senator Talmadge.

In his special Farm and Rural America message, President Johnson recommended legislation that will accelerate the progress and opportunity expansion in rural America.

Let me just cite a few of these proposals he gave to Congress and which proves, to me, this Administration's constant faith and confidence in rural people:

He recommended increased funds to assist small farmers to begin new farm and nonfarm enterprises;

Additional credit for the establishment and expansion of rural cooperatives;

Continued advancement of rural electrification and rural telephone systems;

Expanded credit and incentives for firms seeking to locate new plants in rural areas;

Increased Federal programs with loans and grants to assist rural communities to build and expand basic facilities like water, sewer and recreation facilities plus increased grants for comprehensive rural planning.

And in the area of rural housing the President has asked Congress to reduce interest rates for low and moderate income families; generally broaden the eligibility for housing credit, provide rent supplement payments, and provide housing at rural manpower training centers which will enable low income rural residents to prepare for improved employment opportunities.

This is only a partial list of programs recommended by the President and I am glad to report that the members of Congress who really care have introduced bills embodying all these recommendations. Hearings have been held on many of them and in the case of the legislation on rural housing it has already been favorably reported out of committee.

Democracy moves at its own pace—sometimes not as fast as we like—but it does move—it does respond to the wants and needs of people.

The future for rural America is one of hope—not of disappointment and despair.

And rural America is no longer a second-class area in a first class nation.

This is what is so very right and so very good with communities such as yours—and what makes it that way, are people like you.

Thank you.

CONGRESSMAN DOMINICK V. DANIELS HAILS ACADEMY OF THE SACRED HEART, HOBOKEN, N.J.—100 YEARS OF SERVICE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DANIELS. Mr. Speaker, one of the great educational institutions in the State of New Jersey is the Academy of the Sacred Heart in the city of Hoboken. On May 25, 1968, a great celebration will be held in observance of the 100th anniversary of the founding of this fine school.

Sister Mary Richard, the principal of the Academy of the Sacred Heart, is a very fine educator and occupies a unique distinction. Sister is, to my knowledge, the only nun ever to serve as a member of a congressional staff. Many Members will recall Sister Mary Richard as a capable assistant in my office here in Washington. Those Members who were fortunate enough to have made the acquaintance of this dedicated woman know how fortunate I was to have her services, even for a summer.

Sister has prepared a brief history of the Academy of the Sacred Heart which I insert in the CONGRESSIONAL RECORD following my remarks.

Mr. Speaker, I know that I speak for every person in the 14th District of New Jersey when I express my own personal "well done" to the sisters of charity who have done so much to keep this school in the forefront during the last century. It has been 100 years of service to the community and I am sure that the next 100 years will see even greater progress.

The history follows:

HISTORY OF ACADEMY OF THE SACRED HEART, HOBOKEN, N.J.

The Academy of the Sacred Heart, founded in 1868, is Hoboken's only Catholic High School. It is the second oldest Academy to be established by the Congregation of the Sisters of Charity in New Jersey. Within ten years after the Convent and Academy of St. Elizabeth was founded by them at the Motherhouse in Convent Station, St. Aloysius Academy in Jersey City and the Academy of the Sacred Heart in Hoboken were begun as private institutions.

In 1868 classes were held in a small building located centrally on the main street. The school was in general a day school for boys and girls; but for awhile New York students were permitted to board, never more than ten at one time because of limitation of space. Within a short time the small frame structure was replaced by a larger brick building on the same site. This building is the one which stands today at 713 Washington Street. In a short time an extension was added to the rear of the building to accommodate the increasing number of students. These additions were made during the superiorship of Sister Mary Geraldine.

The Academy had the first girl's basketball team in Hoboken. Games were played in the Armory in the old City Hall where Mr. Ward Brennan coached the Academy girls. Today the Academy basketball team is still among the leaders in this sport.

During World War I students of the Academy served as Red Cross Aides and assisted in the cooking, sewing and caring for the wounded soldiers in Admiral Benson Hall. The Academy has trained many men and women in the role of responsible citizenship. One among the many who became publicly successful was Daniel S. Kealy, Class of 1906, who became the Superintendent of Schools in Hoboken, and later the Vice-President of the National Educational Association. Lawrence Fagan, one of the earliest graduates of the elementary division became the Mayor of Hoboken. His son, Arthur, also a graduate, became co-owner of the Jersey Observer. Mr. Donald Kersey, a high level associate in Anaconda Copper, donated the Chapel. Harold Mintern became a County Judge; Edward Coyle, a County Clerk. Many others obtained important positions on school boards and teaching staffs. Practically all the young ladies who graduated from the high school entered the Newark Normal School of Teacher Training. One alumna, Frances Foley Ganon, became the Deputy Market Commissioner of the City of New York. Miss Hazel Bishop, owner of Hazel Bishop Industry was another graduate who succeeded in the business world. Mr. William Heilleger, the writer of boys' books was also a graduate of the Academy. Miss Mabel Coyle of the Class of 1902 organized the Junior High School in the Public School System of Hoboken years before surrounding municipalities introduced it.

In recent years the building has been modernized and made fireproof. The curriculum offerings have been expanded to meet the needs of the student and the requirements of the State Department of Education.

POOR PEOPLE'S CAMP-IN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. THURMOND. Mr. President, the Columbia (S.C.) Record has published an editorial and an article on the subject of the poor people's camp here in Washington. The editorial is entitled "Fear in Washington"; the article is entitled "Capital Camp-in Presents Massive Health Problem."

The editorial points out that many residents of the Metropolitan Washington area are storing up large reserve supplies of food and that other preparations are being made in the event that the poor people's campaign gets out of hand.

The editorial quotes a high Government official as saying that the only way to get action on anything is "to raise hell." This system has been used by civil rights, students and various other pressure groups. In many cases the college administrations and some Congressmen have reacted with fear and almost hysterical expediency.

In my opinion it is a sad commentary upon the national character of the United States that this tactic should prove successful at all.

The article concerning the health problems of the camp presents a very significant problem. Dr. Murray Grant, Public Health Chief of the District of Columbia, has cited the ease with which disease can spread within a camp like Resurrection City. He cited tuberculosis, meningitis, infectious hepatitis, and dysentery as examples of the kinds of diseases that spread quickly under camp conditions.

Mr. President, I urge the District authorities and the authorities of the present administration who granted permission for the establishment of this tent city to take all precautions necessary to make certain that the fruits of their leniency are not manifested by an epidemic in the greater Washington area. In my opinion, it is their responsibility to arrange for proper sanitation and frequent inspections to see that this potential danger does not become a reality.

Mr. President, I ask unanimous consent that the editorial and the article be printed in the Extensions of Remarks.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

FEAR IN WASHINGTON

Battle-scarred Washington nervously awaits the encampment of a Poor People's Army formed of converging marchers to put pressure on Congress for additional benefits.

Building of a 15-acre slum city has begun in West Potomac Park between the Washington monument and the Lincoln Memorial.

Problems of sanitation, utility services and feeding for the 3,000 that will be permitted in the temporary plywood development have not been solved. Emergency federal funds will be used, but there are conflicting reports on how public welfare funds for individual compensation will be applied.

Washington does not know how many marchers will come. Estimates have run as high as 150,000. Churches have been trying to get rooms in private homes to accommodate the overflow from the park.

The principal fear is that militants will use the demonstration to start a new wave of violence and looting in the nation's capital.

Resident families are stocking up with large reserve supplies of food. Some of the stores are reducing inventories and have removed window displays. Business generally has been hurt.

At this time of year the city is usually swarming with delegations of school children, but few are making the annual spring visit. Hotels and motels have many vacancies.

Special preparations are being made to maintain order. Intelligence agencies are reportedly shadowing advance elements, keeping a special eye on militants who want to turn the march into mob violence.

Ten thousand troops at nearby bases are said to be on alert. The District of Columbia National Guard has changed its summer training program so that at least one company of 180 officers and men is on duty at all times. The Guard has acquired 50 communications cars so that forces can be quickly assembled at any trouble spot that develops.

A high government official said recently that the only way to get action on anything was "to raise hell." The system has been used by civil rights, student and various other pressure groups. Congressional, university administration and other authorities usually have reacted with fear and hysterical expediency. The Congress is expected to respond to the Poor People's March in like manner.

If President Johnson were running for reelection, he would be the main target of blame if the present demonstration gets out of hand and becomes violent, but the finger of accusation points instead to Attorney General Ramsey Clark.

Clark's general philosophy is to sympathize with the causes of crime rather than to combat crime itself, so if trouble breaks out on a major scale, his official head may roll before the Democrats go into the November presidential election.

CAPITAL CAMP-IN PRESENTS MASSIVE HEALTH PROBLEM

(By Vera Glaser)

WASHINGTON.—The shanty town to be built by thousands of the nation's poor and to which Rev. Ralph D. Abernathy, leader of the March on Washington, has promised to bring our "lice and roaches" for an indefinite camp-in, poses a massive public health hazard for the District of Columbia.

The most frightening possibility, according to Dr. Murray Grant, D.C. public health chief, is the rapidity with which disease can spread in a tent within the camp, and into the surrounding community.

Of equal danger to the community is the drain on medical facilities which could be brought about should violence occur.

"We will have to screen individuals daily if they are going to live in tents," Grant predicted, adding that officials have "endeavored to get this across to the March leaders, but I don't know whether they all know it."

Grant considers it necessary that every camper be tuberculin tested, with chest x-rays for those showing a positive reaction. He cited tuberculosis, meningitis, infections hepatitis, parasitic infections and dysentaries as diseases which could spread quickly under camp conditions.

"We will be doing a considerable amount of laboratory testing. It will be desirable to take at least one stool specimen on each individual and throat specimen on each individual and throat specimens in selected cases. We think it necessary to immunize all children against diphtheria, lockjaw, smallpox, polio, measles and whooping cough," he said.

Planned sanitation facilities include water for drinking, washing and bathing, toilets, and arrangements for preparation for storage, transportation and refrigeration of food.

Trailers will be used to house such facilities and medical personnel who will work in shifts around the clock.

When an incipient communicable disease is discovered, the camper will be isolated immediately at D.C. General Hospital, where emergency medical and surgical care also will be provided. The U.S. Public Health Service has offered its stand-by assistance.

Working closely with Grant is the Medical Committee for Human Rights, a group of physicians and nurses who volunteer their services to the civil rights movement.

Mrs. Mary Holman, public health nurse and coordinator for the committee, reported 300 physicians and 75 nurses have volunteered to work at least one eight-hour shift in the encampment and said Federal authorities will provide an emergency dental clinic.

Drug shipments are arriving daily at physicians' homes, according to Mrs. Holman, who estimated that about 20 major drug firms have contributed an average of $500 each in supplies.

"We figure we have enough drugs on hand to service 3,000 people for a month in the encampment. If we run longer, we'll need more," she said.

BUSINESS RESPONDS TO SOCIAL OBLIGATIONS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RAILSBACK. Mr. Speaker, the economic system of our country rests on a partnership between government and private industry. Recently, business has begun to recognize and accept certain social responsibilities, particularly with respect to the problems facing our cities and urban ghettos. Many businesses, acting on their own, have accepted this responsibility for some time now and have been setting up shop in the slums and ghettos, and providing jobs and training.

In March 11, 1968, issue of the Chicago Tribune, Mr. Louis Dombrowski wrote a column in which he discusses this situation and commends those firms for their activities in this area. I hereby insert in the RECORD this column, entitled "Business Responds to Social Obligations":

WASHINGTON FINANCE: BUSINESS RESPONDS TO SOCIAL OBLIGATIONS

(By Louis Dombrowski)

WASHINGTON, March 10.—Some business men do not have to be prodded by President Johnson to involve themselves and their companies in the problems of the urban ghettos. Long before the President inaugurated big government-business partnerships, American business began devoting time, money, and effort to its social responsibilities.

Such corporate giants as American Oil company, United States Gypsum corporation, Aerojet-General corporation, Control Data corporation, Avco corporation, and Eastman Kodak company among many others have been setting up shop in the slums and ghettos and providing jobs and training.

"This responsibility to our social environment is intimately intertwined with our economic responsibility to our stockholders."

PART OF REPORT

The preceding statement was contained in the annual report of the Chase Manhattan bank, the nation's second largest commercial bank. The letter to stockholders, signed by George Champion, chairman, and David Rockefeller, president, went on:

"We cannot, we believe, justify your faith in us simply by earning a profit today. We must also be certain that we are securing a place for tomorrow."

Chase Manhattan is not alone in recognizing that as standards of living are raised throughout society, businesses and their stockholders benefit and prosper.

"Business and industry, in the normal conduct of their affairs, have long occupied a prominent role in the achievement of social progress," L. W. Moore, president of American Oil, said recently. "Our economic system, in fact, has created the abundance that has made social progress possible and also has enabled us to assume the political and economic leadership of the world.

"But business, in turn has benefited from the progress that has been made, and some of its own progress has been based on technological advances that are contributing to the problems that society faces today.

"IT'S GOOD BUSINESS

"It seems eminently sensible to me—and completely responsible—to suggest that we need to sustain and enlarge the nation's economic progress, and our own, by involving ourselves with society and its problems in new and imaginative ways."

But business men, pragmatists that they are, are not accepting this social responsibility because of a sense of altruism and conscience. On the contrary, it is just good business.

"Business is involved right up to the neckline in hundreds of public problems, and the public—that is to say, our customers, our neighbors, our employees, and our stockholders—expect us to accept the responsibility of helping to solve those problems," said John D. Harper, president of Aluminum Company of America. "And in so doing, we protect the very system that permits us all to prosper."

PROPOSED ENLARGEMENT OF NATIONAL AIRPORT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a resolution adopted by the City Council of Alexandria on May 14, 1968, regarding the proposed enlargement of National Airport.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the National Airport is presently being utilized to a point which could be dangerous, and

Whereas, proposals are being suggested to enlarge the runways to accommodate larger planes for greater passenger and freight service, and

Whereas, in order to enlarge the runways it would require further usurpation of the Potomac River which in turn would tend to cause greater flooding potential to all the area below the National Airport, especially the City of Alexandria, Virginia, and

Whereas, the National Airport does contribute economically to the immediate surrounding area, provided it is properly regulated, and

Whereas, we do have within a short traveling distance the Dulles Airport, which was constructed at great cost, to take care of the mammoth planes which are being constructed and which are now being proposed for flights in and out of National Airport, and

Whereas, the enlarged airport, larger planes, the increased air pollution, the increased area of the flight patterns, would so compound the problem now existing at the National Airport and in the area surrounding this Airport,

Now, therefore, be it resolved that the City Council of the City of Alexandria, of the Commonwealth of Virginia, feels that

(1) That National Airport must not be enlarged; but its present use reasonably restricted.

(2) That if planes are being constructed of such capacities that National is unable to accommodate them, these planes should be routed to Dulles Airport, which Airport was built for this purpose.

(3) That copies of this Resolution be forwarded immediately to Governor Mills Godwin, to our United States Senators and Congressmen, the Arlington County Board, the Fairfax Board of Supervisors, to the C.A.B., the F.A.A., and the Army Corps of Engineers, and

With the request that every proper effort be utilized by them in preventing this potentially horrendous situation in our immediate area.

Proposed by Nicholas A. Colasanto, Councilman, Alexandria, Virginia.

CHARLES E. BLATLEY, Jr.,
Mayor, City of Alexandria.

ARE WE GOING TO CHANGE IN TIME?

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. CHAMBERLAIN. Mr. Speaker, the question of greatest urgency and importance to the American people next to, perhaps, an early, just peace in Vietnam, is the preservation of law and order here in our own country. An editorial appearing in the Wednesday, May 15, 1968, issue of the Ingham County News, of Lansing, Mich., asks a very straight-forward question, "Are We Going To Change in Time?" and I commend it to the attention of my colleagues:

ARE WE GOING TO CHANGE IN TIME?

Justice, swift and sure, handed out under the rule of law is a must if the United States is to survive the mushrooming anarchy rapidly gaining a foothold.

Anarchy takes many forms. It can refer to a country without any rules or laws. It can mean terroristic resistance to all present government and social regulations. It can mean disrespect for laws, violation of laws without society exacting a reprimand. It can mean selectively accepting some laws but ignoring those with which a person or group does not agree. Anarchy is even a philosophy that recognizes no law.

As someone once said, "Laws are the glue that hold our democracy together."

It is evident that we are becoming unstuck.

It is unthinkable that the looters, the rioters, the snipers, the assassins, the arsonists and the law defiers whom our permissive courts, politicians, others in authority have allowed to spawn into a dangerous festering ugly sore, will be able to bring this country to its knees.

The vast mass of law abiding Americans are going to insist that law and order be restored. The mood of America—the America standing for law and order instead of chaos and anarchy—is swinging toward control of lawlessness.

The critical question is whether the legislators, the courts and the politicians are going to recognize this mood in time.

The people are sick and tired of seeing this country torn up and even sicker of seeing those who are in authority being afraid to crack down and enforce the law.

AMERICA, A LAND FOR ALL MEN—THE GREATEST

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. BAKER. Mr. President, in these days of racial strife, when many would explain away our problems by attributing them to a sickness in America, it is extremely gratifying to hear a voice raised in defense of our land. It is especially gratifying when the voice is raised by a highly respected member of the Negro race who has risen to great prominence on his own merit.

Such a voice was raised recently by Al Bell, executive vice president of Stax Record Co., of Memphis. Mr. Bell is the first member of his race to reach such a position with a major American recording company.

Following the death of Dr. Martin Luther King and the violence and looting which it precipitated, Mr. Bell penned the words to a song which eloquently express the longing of persons of good will of all races.

Contrary to those who would say that America is eaten up with sickness, Mr. Bell says America is "a land for all men—the greatest." And he is the living proof that it is.

I ask unanimous consent that an interview with Mr. Bell, written by James Cortese, and published in the Memphis Commercial Appeal, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Memphis (Tenn.), Apr. 14, 1968]

THERE'S A LOT BEHIND THIS RECORD

(By James Cortese)

"This is how I feel and what I believe," said Al Bell, executive vice president at Stax Record Co., as he put the latest tape cut at Stax on a recorder.

He flipped a switch and the solid, throaty voice of Shirley Walton filled the air of the conference room at Stax:

"Last time I saw peace and harmony
They were headed down your way.
Won't you please turn them around
And send them straight back to me."

"I'm not concerned about the sale of this record," Al said. "I just want everybody to hear this message."

Shirley sang:

"Winding, winding road
Send peace and harmony home."

"I've had the idea for this song in my mind for several weeks. It didn't take me long to get the words down after the trouble began in Memphis," Al said.

"There's a lot behind this record that made me want to produce it. I went through the integration thing at Central High in Little Rock . . . I was an announcer at KOKY in Little Rock then.

"There's been great changes in the South in the last 10 years . . . the story as told in the Northern press makes me sick. The South is a good place to live, and eventually Mississippi will be the best place of all because we know each other."

On the tape, Shirley, backed by Booker T. and the MGs, lamented:

"Tell me what did we do wrong
Seems like all the love is gone
Please help man to see the light
Send them back, make things all right."

"Only a few actually took part in the riots . . . one should not say 'All the Negroes rioted' anymore than one should say 'all the white people shot Martin Luther King.' This is our land, our nation . . . the greatest!"

The voice of Shirley continued:

"Winding, winding road
Send peace and happiness home
Winding, winding road
Oh yes, they've been gone too long."

Al Bell is a tall, serious-minded young man of 29 whose real name is Isbel. "That's a Jewish name," he said with a grin, "and my wife's name was Purifoy, which is French. That's America . . . a land for all men . . . the greatest!"

The new record, Al said, is now being pressed and should be released not later than Wednesday. It is on Stax's new Enterprise label. Basically it's a folk number, with music written by Eddie "Wood Chopper" Floyd and Booker T. Jones.

"I just hope," said Al as the last note echoed, "that every American will listen to the message . . . and send peace and harmony home to our land . . . the greatest!"

IMPROVED VETERANS' BENEFITS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. HUNT. Mr. Speaker, on May 20, 1968, the House passed three veterans' benefits bills in which I have had particular interest and should like to take a moment to note briefly.

H.R. 16902, similar to my own bill H.R. 7086, is designed to promote the care and treatment of eligible veterans in State veterans' homes by increasing the maximum per diem rates of the Federal payments for hospital or domiciliary care from $2.50 to $3.50 and for nursing home care from $3.50 to $5. In addition, this legislation extends the authorization for appropriations at the present level of $5 million annually through the fiscal year ending June 30, 1974 to assist States in the construction of State home facilities for furnishing nursing home care to war veterans. The maximum Federal participation would remain at 50 percent of the estimated cost of construction. I am pleased to note that under the construction grant provisions of existing law, two construction projects have already been tentatively approved in the State of New Jersey and construction applications are under review for a second unit at each location.

H.R. 14954 seeks to improve vocational rehabilitation training for service-connected disabled veterans by extending the authorization of subsistence allowances to include part-time training, now limited to those disabled veterans who are pursuing training only on a full-time basis. Allowances are provided for on a sliding scale for three-quarters-time and half-time institutional training, such amounts also taking into consideration the number of the veteran's dependents. There would be no change in allowances paid veterans pursuing full-time training under existing law.

H.R. 7481 proposes to increase the amount which the Veterans' Administration is authorized to pay to private or public nursing home care facilities for care of eligible veteran patients from one-third the cost of care in VA general hospitals, as at present, to 40 percent of such costs. The period of such care for which the VA may pay in connection with any one transfer remains unchanged at generally 6 months. The increase in the statutory limit will considerably broaden the scope and number of nursing homes with which the VA could contract as the demand for adequate and quality care in such facilities continues to increase.

Mr. Speaker, these measures are only a few of the several which have come before this Congress in an effort to improve the well-deserved benefits to veterans of all wartime eras, and especially those for the disabled veterans. I have wholeheartedly supported this legislation and trust the other body will see fit to act promptly to insure the enactment of these needed proposals without delay.

RESERVATION COMMUNITY DEVELOPMENT

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. HANSEN. Mr. President, on Wednesday, May 15, I attended a hearing before the Committee on Interior and Insular Affairs on S. 1816, a bill to provide for the economic development and management of the resources of individual Indians and Indian tribes.

In the light of the objectives set forth in the proposed legislation, and because of the discussion which took place at the hearing, interesting insight is provided by an article which was published in the Riverton, Wyo., Ranger regarding a meeting held last month at Fort Washakie, Wyo.

The meeting, attended by about 60 men and women from throughout Fremont County, concerned methods by which community development could be accomplished on the Wyoming Indian reservation.

At one point the article, entitled, "Reservation Community Development Is

Talked," referred to several comments made by Wind River Reservation Superintendent Clyde Hobbs:

> He pointed out that any action will start with a need which comes directly from the people on the Reservation. Financing, if money is needed, will be arranged after the needs are determined. He pointed out, however, that many of the needs do not need financing but rather require a fresh attitude within the community and surrounding area.

It is my hope, Mr. President, that in any discussion of legislation aimed at raising the status of the American Indian, we may always maintain "a fresh attitude."

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reservation Community Development Is Talked

Methods by which community development can be accomplished on the Wind River Indian Reservation were discussed at a meeting yesterday at Fort Washakie involving some 60 men and women from throughout Fremont County.

Yesterday's meeting was an outgrowth of a meeting held in Norman, Oklahoma, last fall at which time all Reservation Superintendents attended a week-long workshop on community development. Preparatory to the local meeting, the same subject was discussed at a Wyoming and Montana reservation officials meeting last month in Bozeman, Montana.

Wind River Reservation Superintendent Clyde Hobbs termed the meeting a "groundswell need within the community." He pointed out that any action will start with a need which comes directly from the people on the Reservation. Financing, if money is needed, will be arranged after the needs are determined. He pointed out, however, that many of the needs do not need financing but rather require a fresh attitude within the community and surrounding area.

Among the subjects discussed at yesterday's meeting was the need for improvement of driveways into Reservation homes from the main roads. It was noted that school children are often kept out of school when weather makes the driveways impassable. Methods of reducing the number of school dropouts was also discussed yesterday. This is the type of problem which will be dealt with through the community development program, Hobbs said.

It was agreed at yesterday's meeting that needs need to be determined within individual communities. The Joint Business Council of the Shoshone and Arapahoe tribes will be presented with this finding and committees within the communities of Arapahoe, Fort Washakie, and Crowheart are expected to be appointed to meet directly with the residents and discuss their problems. A tribal member attending yesterday's meeting, noted that a committee should be well acquainted with needs of the Indians in order to be able to discuss problems and solutions sympathetically.

Participating in yesterday's meeting at Fort Washakie were program heads at the Wind River Agency, representatives from the United States Public Health Service, the county extension service, the Chambers of Commerce from Riverton and Lander, the Reservation Overall Economic Development Committee, the Joint Business Council, and the Mill Creek and Fort Washakie public schools.

Superintendent Hobbs presided at the meeting and noted that through the informal session discussion on attitudes and philosophies of what is necessary for Reservation community development could be exchanged.

James Canan of the Bureau of Indian Affairs in Billings was scheduled to attend the meeting but was unable to arrive due to inclement flying weather. He plans to meet with the Joint Business Council next Tuesday on the community development question.

BATTLE OF WASHINGTON, D.C.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RARICK. Mr. Speaker, the battle of the good people against the criminal element continues in our Nation's Capital.

The taxpayers and law-abiding citizens have become so desperate they publicly ask for restoration of peace—law and order—by escalating the war against robbers, arsonists, and murderers.

But Pat Murphy still is overly concerned about the constitutional rights of criminals in a free society to understand that there also must be constitutional rights for the majority—the victims and those who live in fear of what will surely follow unless firm decisive leadership is taken?

As for lip service suggesting citizens give up their guns—someone is senile. Ineffective leadership rendering police ineffective has forced the public to realize they must arm to defend themselves in an orderless society. Do not blame the people—blame those who want to take the guns. They are the ones who caused the effects we now suffer.

Mr. Speaker, I ask that advertisements from the Evening Star for May 16 and 17, and the Washington Pravda for May 18 follow. The Post still holds out for more money, they still think you can buy law and order.

The items referred to follow:

[From the Washington Evening Star, May 16, 1968]

An Open Letter to the President of the United States and the Mayor of Washington

It can happen here. The District of Columbia has become a disaster area and a battleground. The field of combat is clearly defined. It is in the minds of the lawbreakers—and those who are tempted to break the law. Our most powerful weapon must be knowledge that the law will be enforced—fairly and firmly.

The ultimate restraint for the lawless is not jail. It is the possibility of jail. When that possibility is diminished by lax law enforcement, crime becomes a way of life. When lawlessness is blinked at, we're eyeball to eyeball with anarchy; "window shoppers" are encouraged—to break the window. Give a potential criminal an inch and he'll take everything he can get, along with human life.

There are those who think that to deplore the increase in the spiral of crime brands one a reactionary. We are not reactionaries but if we did not react to the growing lawlessness in our city with alarm and protest, we would be irresponsible citizens.

We respectfully urge you, Mr. President and Mr. Mayor, while you seek from Congress the needed legislation for the disadvantaged, to seek also laws which will protect all citizens from irresponsible elements in the community—and to seek the means, if in your opinion you do not have them, to enforce those laws. We ask you to enforce and reinforce the law's presence—to alter the present climate which keeps salesmen of national manufacturers from visiting our stores in the Washington area because of danger on the streets, and prevents the law-abiding from going about their lawful pursuits. Escalate the war against robbers, arsonists and murderers—to achieve safety in our city and peace at home.

Greater Washington Division of
Maryland-Delaware-District of
Columbia Jewelers' Association,
Affiliate of Retail Jewelers of America.

[From the Washington Evening Star, May 17, 1968]

An Open Letter

To The President of the United States.
The Congress of the United States.
The Mayor and Officials of the District of Columbia:

All citizens of the United States have a right to visit their national capital, and this right should be denied to none. All citizens have a concomitant right to do so with reasonable assurance of personal safety. This dream of every American from childhood, this privileged pilgrimage to the shrine of liberty, is now denied to the vast majority of the people by the actions of a few. The majority of the people are afraid to visit Washington, and many of its own citizens are leaving the city. The effect on business, property values, and tax income can not escape even the casual observer, nor can the effect on the support needed by the people's representatives.

The economic advancement, or even survival, of the entire community of Washington depends largely on the existence and growth of commerce within the city. If all commerce ceased, the community would cease. The daily needs of the people, rich and poor alike, for food, clothing, shelter, transportation, services, health, recreation, and many other aspects of life are provided by the business community. In many areas of this metropolis the innocent citizens are now denied convenient access to these requirements because businesses have been destroyed or driven out by arson, looting, and ever increasing harassment, violence, and open crime.

These same businesses provide the opportunity for tens of thousands to support themselves and their families, but many are now denied the means of livelihood by the destruction or dispersal of the businesses for which they had worked. Why do the many innocent have to continue to suffer while the few guilty run rampant through the streets?

The taxes of the business community provide a large part of the support of the social, welfare, police, fire and other public functions of this city. Taxes have been increasing, and are expected to increase more, but protection has been decreasing, and if the recent past is any indication, it is expected to decrease more.

As businessmen and as private citizens we want to live within the law, but we want others also to live within the law. We want the protection and justice of the law for all. We want to respect the rights of others, but we want them to respect our rights.

Men have given into the hands of society their own defense and the defense of their families in order to attain order and the general welfare through law. Not fear or intimidation, but love of civilization has been the genesis of the self-control and the reluctance to react with force against force on the part of threatened communities during recent disorders. There may well be a dangerous misunderstanding of this point on the part of a militant few. If people are pressed too far, or if their families, communities, or means of livelihood are threatened beyond endurance or beyond the ability or willingness of society to provide adequate protection they will retake into their own hands the inalienable right to self-defense and survival.

This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spontaneous. An aura of uncertainty, and personal insecurity, a growing smog of fear, hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching. Continued order and justice under a common law depends on the outcome. If the Government is incapable of assuring the security of the capital and the personal protection of less than a million citizens, you may fully expect that the lesson will not be lost on two hundred million.

Our national policy has been to assure national security wherever possible through the existence of sufficient force to be an overwhelming deterrent to aggression rather than through the use of that force to punish aggression. Will the Government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? Or will they allow an apparent danger to become a real disaster? Will they bear the guilt of driving each State, each city, and even each citizen to provide his own protection? Will their example teach each individual that in order to survive he must meet the threat of force with force, action with reaction, and counterreaction with escalation until the fabric of our society and our civilization is rent asunder?

We of the business community feel that we have some guilt for not having pressed for greater protection in the past, for having allowed ourselves to be intimidated by the potential and at times real threat inherent in sticking one's neck out. But it is time to stop worrying about sticking our necks out, about not getting involved. We are involved, and we intend to defend the commercial and economic interests of this city and its people. We ask for the protection to which we have a right, for our lives and property and for the lives and property of the entire community. It will be achieved, but we prefer that it be achieved through the law.

We ask for a deterrent to destruction, not only a promise of control after it has started. A curfew is an effective emergency weapon to curb destruction, but it penalizes the innocent far more than the guilty. Use of a curfew for long periods in itself could destroy large segments of commerce. If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson, and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the Commander-in-Chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterwards.

It is obvious to all that the existing number of police does not allow adequate protection, especially when their effectiveness is reduced drastically by imprudent restraints. We, therefore, ask that troops be placed on duty to supplement the police forces prior to and during the impending demonstrations, that they be made clearly visible in sufficient numbers to provide an overwhelming show of force, and that the President of the United States and Government of the District of Columbia make a public statement of policy that the police and the troops will be authorized and directed to use all force necessary to assure the peace and order of the community.

You have taken the oaths of the highest offices of this land that you will to the best of your abilities preserve, protect, and defend the Constitution of the United States. That Constitution guarantees the rights of the citizens to live in peace and free from fear. We citizens now call upon the executive, legislative, and judicial officers of the United States and of the District of Columbia to fulfill their oaths of office.

Very truly yours,

PARK AND SHOP, INC.

This letter is sent at the unanimous request of the Executive Board of Park and Shop, Inc., which represents over 200 member merchants and professional firms and over 95% of all commercial parking facilities in the District of Columbia.

[From the Washington Post, May 18, 1968]

POLICE ADD PATROLS AFTER BUS SLAYING—ACTION ENDS THREAT OF DRIVERS' STRIKE

(By Carl Bernstein and Martin Weil)

Reacting swiftly to the fatal shooting early yesterday of a D.C. Transit bus driver, Deputy Mayor Thomas W. Fletcher announced that police will devote an additional 320 man hours a day to protecting transit operators.

Coupled with a plan by the Amalgamated Transit Union under which night-shift drivers will carry no change-making cash on their routes, Fletcher's announcement was apparently sufficient to head off a threatened wildcat strike by D.C. Transit drivers.

Many buses due on the streets at 6 a.m. yesterday were delayed when some operators refused to report for work after the fatal shooting of driver John Earl Talley.

Police have arrested four juveniles in the shooting, which occurred during one of seven bus robberies Thursday night and early Friday.

Talley was the fifth person to be killed during robbery attempts in the Washington area in less than three weeks. Arrests have been made in all the slayings. Four of them occurred in the District, the fifth in Oxon Hill, Md.

D.C. Transit officials said Talley was believed to be the first company bus driver to be killed here in a holdup.

EXACT FARE NEEDED

The Union, whose president said early yesterday that "there will be no more buses until we get some protection," instructed its drivers last night not to accept the $100 change-making "bank" supplied by the company to drivers as they begin working their shifts.

The order, George Apperson, president of Capital Local 689, said, will be in effect from 6:30 p.m. until 4 a.m. daily.

Passengers will have to provide exact fare or tokens, but if a passenger cannot do so "we'll be courteous and let him ride," Apperson said.

D.C. Transit officials, who joined the Union yesterday in demanding more protection from the police, indicated that the Union's plan is acceptable to the company, at least on a temporary basis.

J. Godfrey Butler, a D.C. Transit vice president, said the matter of passengers lacking exact fare would be "up to the individual driver tonight."

O. Roy Chalk, the company's president, said he "would not order any man to drive a bus after 10 o'clock at night and that he would take no action against drivers who refused to report for work last night.

[From the Washington Evening Star, May 17, 1968]

DISTRICT OF COLUMBIA CITES RISING THREATS, ASKS STIFF EXTORTION LAW

District government officials said today the problem of threats against business properties is assuming serious proportions in the wake of last month's riot.

The officials asked a House District subcommittee for a stiff new law with penalties of up to $5,000 and 20 years imprisonment for transmitting any threat to persons or their property.

"A considerable number of persons whose business properties were damaged or destroyed in the recent civil disorders have received threats to the effect that if they should replace or repair their properties and continue their businesses, the properties will again be damaged or destroyed," the statement said.

The statement was prepared by Deputy Mayor Thomas W. Fletcher and presented by Assistant Corporation Counsel Robert Kneipp.

The proposed bill would prohibit extortion by means of telephone, telegraph, radio, oral or written message.

Present extortion law, Kneipp said, requires that police show that a payoff has been made.

[From the Washington Evening Star, May 15, 1968]

SILVER SPRING CHAMBER URGES GUARD IN STORES

The Silver Spring Chamber of Commerce has advised merchants to be prepared for future emergencies by arranging for guards armed with shotguns in large stores in the event of civil disorders.

A memorandum to chamber members included the suggestion for a shotgun loaded with birdshot among a number of precautionary actions advised by Montgomery County Police Supt. James S. McAuliffe.

Also included on McAuliffe's list of proposals:

Send a detail of two or more men to cruise in a specific business area to notify police of any suspicious actions. The superintendent warned that they should not challenge groups found wandering in the area, but should notify police and keep them informed of locations and descriptions.

Store guards should be equipped to extinguish Molotov cocktails and should have emergency telephone numbers for both the police and fire departments.

CITES "DECOY" FIRES

Men on watch, either on patrol or inside a store, should not leave their posts to observe fires or activities in other areas.

"Experience has taugth us that the pattern used by arsonists is to start a fire in one area to draw attention, while they set fires and loot in other unprotected areas."

Store owners "must notify the commander of the local police station" when a guard is to be left in the building or when patrols are cruising. "This should be a quiet program; otherwise, it may entice defiance, thereby creating problems," the police chief warned.

Tape or boards should be provided so that the materials will be handy.

Remove inflammables from stores, or rearrange them so they are not in the direct line of fire.

Remove valuables from showcases, such as expensive clothes, jewelry and television sets.

Remove all firearms from showcases and secure them against theft.

Have stores and parking lots well lighted.

Have available a dry chemical extinguisher, a regular fire extinguisher, garden hose or buckets of sand, as most fires caused by Molotov cocktails can be extinguished with a minimum of effort after the first fire flash subsides.

Whenever threatening telephone calls are received by merchants, similar to those placed during the April riots which threatened bodily harm or destruction of property unless business places closed, the police should be notified immediately.

IF DANGER IS IMMINENT

McAuliffe's suggestions concluded: In general, you have a right to protect your property from invasion or destruction by all reasonable means at your command. However, extreme measures may be employed only if the danger is imminent and other means have failed or are not practical. If time permits, let the police do it, as they are equipped and trained and just a few minutes away."

The Chamber of Commerce bulletin, which members received through the mail yesterday, urged all Silver Spring businessmen to attend a general information meeting at 10 a.m. May 29 at the Montgomery Hills Fire Station on Seminary Road near Georgia Avenue for a discussion of the basics of fire protection.

The Silver Spring Volunteer Fire Department also will offer a series of smaller, more detailed training courses after the general meeting, the notice said.

County police officials also are being invited to attend the May 29 meeting, which will be open to questions from the floor, the bulletin added.

[From the Washington Evening Star, May 15, 1968]

Riot-Hit Merchant Insistent on Reopening Is Shot Dead

(By Fred Barnes)

In the days following the rioting last month, Bert C. Walker's wife and son repeatedly urged him to sell his looted hardware and paint store at 3213 Georgia Ave. NW.

"But he had been there so long—33 years—that he just wouldn't listen," his son, Bert Jr., 22, said.

Yesterday, Walker's tenacity cost him his life. He was found slumped on the floor behind the counter of his store with at least two gunshot wounds in his head, the victim of an aborted holdup.

The 62-year-old Walker, who lived at 6518 8th Ave. in Hyattsville, was the fourth store owner or employe slain by holdup men in the Washington area in the past two weeks.

John Bethea, 69, a porter at Georgia Avenue Liquors across the street, found Walker lying in a pool of blood about 2 p.m. when he came by to deliver some beer. Walker had been working alone in the store, police said.

The slaying occurred between about 1:30 and 2 p.m., Police Capt. Eugene D. Gooding said. There were no suspects.

Police said the store's cash register was jammed, apparently by someone who had punched at the keys in an attempt to open it.

But the register was never opened and Walker's wallet, which contained a small amount of money, was left untouched in his pocket, Gooding said.

The police captain said he found gunpowder burns on Walker's head, indicating that the shots were fired at close range.

Dr. Richard Whelton, District coroner, pronounced Walker dead at 2:45 p.m. His body was taken to the District Morgue where an autopsy was scheduled for today.

Walker's wife, Maude, arrived at the store while police were investigating, after she reportedly heard a radio report about an unidentified Georgia Avenue storeowner who had been shot.

The store's windows had been broken and the merchandise heavily looted on April 5, causing $1,800 worth of damage, said the son, a student at Maryland Institute of Art in Baltimore. The store had not been burned.

Son Bert said he had come home on weekends to help his father repair the store. Plywood boards had replaced the broken glass.

Walker "couldn't see the change, the different attitude of the people," his son said.

Benjamin Brown, 58, was shot to death in his Service Liquor Store at 1100 9th St. NW on April 30 by a man who barged in with a crowd of about 15 youths. A suspect was arrested.

Three days later, Emory Wade, 41, manager of the A&P at 821 Southern Ave. in Oxon Hill, was shot to death during a robbery that netted holdup men $4,000. Three persons have been arrested in that case.

Charles Sweitzer, 58, a clerk at Brinfield's Rexall Drug at 3939 S. Capitol St. was slain when he tried to help his boss who was being kidnaped by holdup men. Four persons face charges in the case.

[From the Washington Post, May 18, 1968]

Mayor Calls for Action—District Plea to Hill: Aid Harassed Firms

(By Leonard Downie Jr. and Peter Milius)

The District government said yesterday that "the problem of threats against business properties is assuming serious proportions" in areas of the city hit by last month's rioting.

In a letter to House District Committee Chairman John L. McMillan (D-S.C.), Mayor Walter E. Washington asked Congress for legislation that would make it a felony to threaten businessmen or their property. He asked that such threats be punishable by five years in prison.

The letter was delivered as businessmen who suffered riot losses testified before a House District subcommittee that police protection "was totally lacking" both during the riot and now in inner-city business areas.

They echoed complaints from businessmen up and down 14th and 7th Streets nw. and H Street ne. that arson, burglary, threats and harassment continue to plague them more than a month after the riot.

City officials and business leaders also said yesterday that these complaints, reinforced by a spate of unfounded rumors, have spread a fear of post-riot crime across the city.

Mayor Washington is known to feel that this "hysteria" is unjustified in the present circumstances. But he acknowledged privately yesterday that "hysteria" and "panic" have gripped parts of the population.

He believes that a disproportionate number of those spreading these fears are residents of the suburbs who have not understood what has been happening in the city for years. He had told Congress earlier this week that what he felt were exaggerated complaints about public safety in the city only aggravated the situation.

But Sen. Robert C. Byrd (D-W.Va.) told the Senate yesterday that despite what the Mayor said, Washington is "a city gripped by fear."

He called the city "a veritable jungle where decent citizens must cower behind drawn blinds at night in fear that they may be robbed, maimed, raped or murdered."

[From the Sunday Star, Washington, D.C. May 12, 1968]

Shots Fired Into Two District of Columbia Firehouses

Shots have been fired into two District firehouses since the civil disorders here last month, but nobody was hurt in either incident, fire officials, reported.

An officer of Engine Company No. 12, at North Capitol Street and Florida Avenue, said a single shot was fired into the firehouse about 9 p.m. Thursday while the company was out on a call.

The shot passed through the firehouse door, dented the cowl of a hose truck parked inside, and ricocheted into a wall, the officer said. He said police investigating the incident estimated that the bullet came from a .25-caliber or larger weapon. He said the station has received several threatening phone calls.

An officer of Engine Company No. 30, 49th Street and Central Avenue NE., said a shot was fired into that firehouse about 1:30 a.m. Sunday April 18.

The bullet passed through a window and into a wall, he said. The officer said his company received no threats either before or since the incident.

[From the Evening Star, Washington, D.C., May 15, 1969]

Firms in Riot Area Report Insurance Policies Canceled

More than 100 businesses in areas of the city damaged in the recent rioting have complained that their insurance policies have been canceled, according to the District superintendent of insurance, Albert F. Jordan.

Jordan said the insurance situation in Washington is "very serious" and added that unless a bill pending before Congress is passed to give federal monetary backing to insurance companies hit with riot claims it could get worse.

He said his office is writing seven insurance companies asking them to detail why they have canceled policies. The companies he named are:

Hartford Mutual Co. of Belair, Md.; Home Insurance Co. of New York; Phoenix Assurance Co. of New York; Zurich Insurance Co. of Chicago; Northwestern National Insurance Co. of Milwaukee; Grain Dealers Mutual Insurance Co. of Indiana, and Firemen's Insurance Co. of Washington, D.C.

[From the Evening Star, Washington, D.C., May 17, 1968]

U.S. Workers on Leave Aiding March of Poor

A substantial number of government employes, particularly those in the federal welfare and social agencies, are joining the Poor People's Campaign here.

The employes are offering their services in fund raising, building of shelters, medical aid, and the program of educating the people here to the objectives of the campaign.

Also, a scattering of federal employes in other parts of the country have arrived in the various caravans.

An equal number of white and Negro employes appear to be involved in the campaign.

Workers in some cases are using their annual leave to participate. In other cases they are using off-hours.

Employe participation seems particularly heavy in such agencies as Public Health Service, the Peace Corps, the Office of Economic Opportunity and the Department of Health, Education and Welfare.

There also is participation among some workers of the Department of Housing and Urban Development.

About 200 doctors from the National Institutes of Health have volunteered in force.

A spokesman for the Health Service said, "Many of the doctors are 'desk doctors' who have practiced very little medicine and they look on the campaign as a chance to do something directly for the poor."

At the Peace Corps, Allen Rothberg, special services director, said that about 300 of the 700-member Washington staff are engaged in volunteer work, although not all of them are connected directly with the Poor People's Campaign.

Many of those participating have recently returned from assignments overseas, Rothberg said.

Government agency officials say they are approving requests for annual leave wherever possible to enable employes to participate.

[From the Washington Evening Star, May 18, 1968]

MAN SHOT TWICE, VISITOR CHARGED

A District man who was shot in the 2500 block of 14th Street NW yesterday remained in satisfactory condition at Freedmen's Hospital.

Gillette M. Lee Jr., 30, of the 1400 block of Chapin Street NW, was shot once in the stomach and once in the leg.

Police charged Clarence P. Burton, 26, of Minneapolis, Minn., with the shooting several hours afterward when Burton tried to enter Resurrection City, local point of the Poor People's Campaign.

[From the Washington Evening Star, May 16, 1968]

FIRST "TOWN MEETING"—BEVEL VISUALIZES A UTOPIAN CAMP

(By Michael Adams)

Resurrection City will be a utopia of goodness, beauty and intelligence if the Rev. James Bevel has his say.

Bevel is a top aide to the Rev. Ralph D. Abernathy. Last night he was a principal speaker at Resurrection City's first "town meeting."

"We're going to have a great city," he said. "We're going to have a great time. We're all going to go away from here wiser than when we came.

"What we are going to do is get the record straight on this continent so human beings can live here," he said.

"We are the creators and the lovers."

A GIANT PIECE OF DRAMA

Bevel told the more than 800 persons gathered in a large dining tent that the whole Poor People's Campaign and its interaction with official Washington is, in fact, a giant piece of drama, "the most important drama on earth."

"Some of the policemen are going to come over here and feel they have to exercise their authority," he said, "but don't get upset with them. That's part of the play.

"We're not here because we just want to raise hell," he said. "We are here because unless the black people and the white people turn this economy around, the black people are going to be the victims of genocide."

When the town meeting was originally scheduled, it was assumed by many that the session would be used to institute a form of government for the new community near the Reflecting Pool.

Bevel said that community leadership decisions would be made after all those journeying to the city have arrived.

The town meeting started off with the air of an old-time revival meeting or a civil rights gathering in the earlier days of the movement.

A sense of exuberance was evident in the crowd as the Rev. Frederick Douglas Kirkpatrick strummed his guitar and led the predominantly young gathering in singing 'Oh Freedom" and other civil rights songs.

The emotional temper reached an even higher level later when the Rev. Albert Sampson of the Southern Christian Leadership Conference staff extolled, preached and exhorted the crowd for more than an hour.

"Just to set the record straight," he said, "we are not here to stay. We're here to do business. We understand how whites work. We've lived with you for 300 years."

GOD'S UNIVERSE

Repeatedly he returned to the theme that "this is God's Universe," and that the white man is breaking God's law by claiming to own most of it.

"You put the Indians on the reservations and called them savages," he said. "You put the Negro on the plantations and called him nigger; you put the Vietnamese in the ocean and called them communists.

"God knew," said Sampson, "that sometime in history, the people would have to go to Washington . . . there is a famine in the land. We say, (President) Johnson, here's malnutrition in Cabin Number 9; here's deprivation in Number 11."

Sampson said: "We ain't going back to Marks, Miss., without a written contract in our hands (that things in America will change.)

"We ain't what we ought to be. We ain't what we were yesterday. Thank God, we're going to make white people what they ought to be."

Bevel said that all persons living in the camp would have to work to make his concept of Resurrection City come true. He talked of establishing departments of sanitation, education and other municipal functions.

"But we won't have any violent relationships here," he said. "In our city, we recognize that each individual is sacred and is a student. We must all learn, no matter how old."

[From the Washington Evening Star, May 18, 1968]

BLACK VIOLENCE ADVOCATES IMPERIL UNITED STATES, HOOVER SAYS

Black nationalist groups that preach violence and revolution are increasing and their teachings become more violent each day, J. Edgar Hoover, Federal Bureau of Investigation director, said in recent congressional testimony made public today.

Hoover said the revolutionary stand represents a distinct threat to the internal security of the nation.

His testimony was given on Feb. 23 at a closed session of the House Appropriations subcommittee on the FBI's $207 million budget request for fiscal 1969.

He said the FBI has intensified its intelligence watch on militant black organizations and has penetrated these extremist groups with informants at all levels.

Hoover said there was no evidence to indicate the riots of 1967 were part of any overall conspiracy but pointed out that crowds took violent action following the "exhortations of extremists such as black power advocates Stokely Carmichael and H. Rap Brown."

"To Carmichael, black power signifies 'bringing this country to its knees' and 'using any force necessary' to obtain Negro goals," Hoover continued.

"He maintains that 'violence is inevitable in the struggle for Negro liberation' and he urges Negroes in this country to 'prepare for a bloody revolution.' Brown has traveled this country calling for 'rebellion by any means,' " Hoover said.

The FBI director said he viewed with great concern reports of stockpiling of firearms and other weapons by black nationalist groups.

"I regret what is going on in high schools by inviting such people as Brown and Carmichael to speak to young students," Hoover said.

"Carmichael appeared at a school in Washington just a few days ago. The idea of inviting him to a public school paid for by the taxpayers of this country, a man who has gone the length and breadth of the world damning the United States, saying its government should be overthrown, saying people should get guns to use against 'whities'; that is inexcusable."

MUCH KLAN SYMPATHY

Hoover said there are 14 Klan-type organizations in the United States with an estimated 14,000 hard-core members, but thousands of sympathizers. The Klans, he added, have their largest representation in North Carolina, South Carolina and Virginia.

The crime problem confronting the nation today is more intense than at any time in its history, Hoover said.

In the last seven years, he said, crime has increased 88 percent while the population has increased only 10 percent.

Hoover said he believed in the principles of parole and probation, provided the system does not set repeaters loose on the streets. But of nearly 42,000 offenders arrested in 1966, more than half had received leniency in the form of parole, probation, suspended sentence or conditional release, he said.

[From the Washington Evening Star, May 20, 1968]

WASHINGTON'S "REIGN OF TERROR"

(By David Lawrence)

A reign of terror prevails in the capital of the United States. Drivers of buses are afraid to work at night because one of their number was killed a few days ago by robbers. Attempts to steal the money collected from passenger fares have produced 234 incidents thus far this year.

The police force is inadequate. Businessmen are dismayed. Tourists are reluctant to come to the national capital. Residents of the city are scared to go out on the streets at night. Theaters and movies have smaller audiences. Owners of parking lots are particularly apprehensive. Two hundred members of "the park and shop" organization unanimously signed a letter to the President and Congress which was published in a page advertisement in the newspapers Friday. It said in part:

"This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spontaneous. An aura of uncertainty and personal insecurity, a growing smog of fear hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching.

"Will the government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? . . .

"We ask for a deterrent to destruction, not only a promise of control after it has started. . . .

"If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the commander-in-chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterward."

The police in Washington are so busy watching the encampments where 3,000 "demonstrators" are to spend 30 days that there are not enough patrolmen to protect people on the streets and prevent the wave of looting and arson which has been going on.

Although the population of this city is more than 800,000, the police number only 3,000. Troops can help temporarily, but a larger force is really necessary. It cost the federal government $5,375,400 to deploy troops across the nation after the assassination of Dr. Martin Luther King Jr. brought on "demonstrations" which gave criminals a chance to start fires and rob stores. Property losses in Washington alone were $13 million and amounted to much more across the country.

When bus drivers are fearful about operating at night, and the transit company has to require passengers to carry the exact change so that the cash box can be kept locked, it certainly indicates that the governing authorities are lax and that not enough policemen have been utilized to deter acts of crime.

During such periods of disorder, "demonstrations" of any kind should not be permitted. There are enough halls and auditoriums for free speech to be exercised fully.

"Demonstrations" and mass gatherings could be forbidden by city ordinances everywhere until such time as an adequate force of troops has been provided to afford protection. It's an expensive way to assure respect for law and order, but it would cost far less in lives and property damage than bringing in soldiers after the riots and vandalism have occurred.

Disorder, meanwhile, is sweeping the nation. Members of college faculties and students who should know better are joining in the deliberate creation of conditions of disorder. All this is happening because federal, state and city governments are afraid of the so-called "liberal'" vote and the possibility that Negro voters will be likely to misconstrue the mobilization of police power as somehow related to the controversies over racial discrimination.

The American people, however, have again and again in a national election held the party in power responsible for unfavorable conditions.

[From the Washington Post, May 18, 1968]

NEEDED: MORE PROTECTION

The fear and frustration which have so suddenly gripped Washington bus drivers are shared in large measure by other segments of the Washington community. There is a widespread feeling that the city is not getting the protection it needs. Are there enough police? Is enough use being made of the right kind of protective devices in shops, buses or taxis? The feeling of a lot of people is that the answer to both questions is No. This feeling comes in part as an aftereffect of the breakdown of law and order during the riots, but it also stems from a continuously increasing rise in serious criminal activity over the years. Housebreaking, auto thefts, robberies and larcenies averaged about 900 a week earlier this year. They now average over a thousand a week.

Certainly after six holdups and the murder of a bus driver in one night, the city must provide the added protection demanded by the bus drivers. The temporary manpower available through massive extensions of overtime, announced yesterday by Deputy Mayor Fletcher, should help relieve the immediate emergency. But if the city is to serve those other segments of the community whose fears are just as real as those of the bus drivers, the police force must be enlarged, and enlarged substantially. The police acted with admirable speed and efficiency last night in apprehending three suspects. Even before yesterday's shooting, police had assigned a special task force of plainsclothesmen to ride buses in the high hazard areas of the 9th, 11th and 14th precincts of the Northeast and Southeast sectors of the city. There effort has been rewarded with several arrests. But a concomitant result has been that already inadequate police forces have been spread even thinner. And as the murder at 20th and P only serves to show, the pattern of criminal attack is far from predictable. The only relief for this uneven balance, then, is to increase police ranks. This must be an issue of priority for city and government officials.

As to the physical protection which the bus drivers seek, there are any number of devices which might help deter criminals, such as shatterproof plastic cages for drivers or two-way radios for quick communication. District buses are equipped with machines that collect fares which are inaccessible to the driver except by key. The Transit Commission might well insist that the contents of these machines be completely inaccessible, even to drivers, and that drivers on "owl" runs be prohibited from carrying money on their person, thus removing the bait for criminals. To effect this, the Commission could insist that passengers on night buses pay exact fares. Tokens might be sold at stores and restaurants to relieve the driver of the necessity of handling money.

A high proportion of robberies occur at bus terminal points. Schedules could be altered to prevent layovers, or terminals themselves might be relocated in areas where police can more easily provide protection.

Whatever the solution, the bus drivers, the merchants and the citizen who wants to walk the street deserve better protection. The rise in crime must be brought to an end. Already Mayor Washington and Safety Director Murphy have increased police protection by twenty per cent in some areas by stretching existing resources. The grim statistics suggest that this is not enough, either to curb crime or to restore the calm and confidence so essential to the welfare and wellbeing of the city. What it apparently comes down to is a need for more resources—more money and more manpower. The alternative is a continuing rise in the crime rate and, with this, all the debilitating effects of fear and frustration.

FAILURE OF THE McNAMARA WALL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. THURMOND. Mr. President, the Greenville (S.C.), Piedmont of May 16, 1968, contains an interesting editorial entitled "McNamara Wall Is Held Failure in Vietnam Battle." The editorial refers to an obstacle system below the demilitarized zone in South Vietnam which was developed at the instigation of former Secretary of Defense McNamara. The wall consists of a series of frontline strongpoints linked with barbed wire, mine fields, and seismic devices that sound an alarm when vehicles move through the area.

This McNamara "Maginot line" is apparently as much a failure as its French predecessor. It is estimated that approximately 80,000 to 100,000 North Vietnamese troops infiltrated into South Vietnam this year. If that is true, the millions of dollars spent on the McNamara wall are as much a waste of Government funds as the billions spent on the F–111B—the ill-fated fighter bomber that proved to be such a costly failure.

The editor points out that "a failure is a failure." He further urges that if the McNamara wall is the failure that the evidence would have us believe, Congress and the people should be so informed.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

McNAMARA WALL IS HELD FAILURE IN VIET BATTLE

All the experts are busy explaining why the North Vietnamese and the Viet Cong are continuing their attacks upon Saigon. Another question seems to be ignored—how?

How are the North Vietnamese moving new troops into South Vietnam despite the touted "McNamara Wall"?

This is no wall, of course, but the obstacle system below the demilitarized zone. It was the brainchild of the former secretary of defense, Robert S. McNamara.

It includes a series of front line strongpoints, linked with strips of barbed wire, mine fields and air-sown seismic devices that sound an alarm when troops or vehicles move into the area. It is a warning system.

Military officials never were keen on the idea of the obstacle system, which is named—in Pentagonese—the Dye Market-Muscle Shoals project.

Apparently here the generals were right again, as they were in their lack of enthusiasm for McNamara's F–111 bomber. But they very carefullly aren't saying, "I told you so."

In fact, nobody is saying anything about the "wall," which seems strange considering that it is guessed Americans are paying perhaps a billion dollars for the system.

Cost figures are kept top secret, but Sen. Stuart Symington, of the Senate Armed Services Committee, is privy to top secrets, and he has referred publicly to the system as a "billion-dollar Maginot Line."

And just like the French Maginot Line, apparently McNamara's Wall is a sad failure At least it is estimated that North Vietnam has been able to infiltrate 80,000 to 100,000 troops into South Vietnam this year.

A failure is a failure. And if that's what this thing is, Congress and the public ought to know. That's the only way pressure can be brought to make the Pentagon call a halt.

It's time the Pentagon came out in the open about this obstacle system. If it really is the failure it seems and if it really is costing a billion dollars (or anywhere near that figure), then the military ought to be discontinuing the project.

As it is, there are indications that the system is being extended clear into Laos.

KNIGHTS OF COLUMBUS, POPE JOHN XXIII ASSEMBLY, COMMUNION BREAKFAST

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. HELSTOSKI. Mr. Speaker, April 28, 1968, marked the second annual communion breakfast for the Pope John XXIII Assembly of the fourth degree Knights of Columbus of Cliffside Park, N.J.

After the 8 o'clock communion mass which was held at the Epiphany Church, Cliffside Park, breakfast was served at the Benedict Council Hall and was attended by the assembly members and their wives.

The arrangements for this communion breakfast were ably handled by Sir Knight Pat Conlon and members of his committee. The toastmaster chores were assigned to Sir Knight James A. Foy, who performed his task in a very able manner.

It was a great honor for me to be the guest speaker at this communion breakfast as well as to listen to Faithful Friar Father DeLuca give a most interesting talk on the rewards of being a good Catholic gentlemen and representatives of Jesus Christ. Father DeLuca also mentioned the fact that members of the Knights of Columbus should set the example, in their communities and everyday surroundings, of Christian living.

Mr. Speaker, with your permission, I insert into the RECORD at this point the text of my remarks made to the Pope John XXIII, Assembly of the Cliffside Park, N.J., Knights of Columbus.

The remarks follow:

KNIGHTS OF COLUMBUS—POPE JOHN XXIII ASSEMBLY

I am most pleased to be with you this morning and share in the Annual Communion Breakfast of the Pope John XXIII Assembly of the Knights of Columbus, and to speak to you for a few moments.

This is not the occasion to speak of politics nor of events which are so very controversial in nature that we are faced with a multitude of opinions. Such topics I shall take up during the regular political campaign time.

At the outset, I feel obligated to mention the fact that membership in the Knights of Columbus is a rewarding experience of a man's life. It is more than belonging to a social club. It means a dedication to high principles and an association with men who take seriously the obligations of their Catholic faith and their citizenship in this great Nation.

You, as members of the Pope John XXIII Assembly can take justifiable pride for your contributions to this community and to the Church in New Jersey. Looking back over the years, we can also thank God that a new feeling of good will has come into the hearts and minds of so many that the old ethnic and group prejudices are passing away. Looking to the future, we can have confidence that the Columbian spirit will continue its good work among us.

As Catholics and as Americans we have always found inspiration in the name of Columbus. That great explorer and navigator is for each one of us Knights an outstanding example of the kind of Christian courage needed in the world today. Standing on his tiny ship, sustained by faith in God, he faced the enormous, unknown dangers of the ocean that lay before him. More than that, he did not even have the consolation of loyal shipmates. Faced with discouragement and mutiny in his crew, he continued to believe in his cause and in the ability of the human mind to master the problems and the mysteries of nature. The spirit of Columbus was bigger than all of the power of the Atlantic Ocean, which he conquered. The faith of Columbus was stronger than all the ignorance and fear of those who surrounded him with doubts and discouragement. The manhood of Columbus was equal to the size of the job he had set himself to do. Above his head, painted on the spread mainsail of his ship, was the conquering Sign of the Cross. And by that Sign he conquered the obstacles on his ocean voyage. He was worthy of his name—Christopher, the Christbearer. For he brought not only the light of civilization, but also the light of Christian faith to the new world of America.

Like Columbus, we live in a time of discovery and exploration—a time that is filled with all the excitement, the anxiety, the danger, and the promise of the world of science. In our own country we face enormous new possibilities of hope and progress in overcoming the ancient problems of poverty, ignorance, and prejudice. In the life of the Church, too, we see that this is an era when men of faith are exploring how they may break down the barriers of misunderstanding, so that all who follow the teachings of Christ may be united.

So too, we see that this is a time when both clergy and laity are exploring new ways in which they may cooperate for the purpose of advancing the kingdom of God among all men of good will. Inspired by the great example of your patron, Pope John XIII, and guided by his outstanding insights into the social and religious problems of the 20th century, we are called upon to explore our own responsibilities as Catholic laymen in general and as Knights of Columbus in particular.

A single day does not go by without the news of some advance in our exploration of outer space or in our discovery of the cause and cure of disease. The vast universe which was first opened up to our knowledge by the telescope is quite as much the realm of the modern scientific explorer as is the world of tiny organisms revealed to us through the microscope. And in the field of mental health, we continue to penetrate into the deep world of the mind and of man's inner life. We are approaching important breakthroughs in the conquest of such diseases as cancer as scientists pursue viruslike particles with atomic equipment that was once used only for military purposes.

There is no doubt that the exploring and adventurous spirit symbolized by Columbus is very much alive in our world today. In scientific work we see the most spectacular examples of what this spirit can accomplish. But as Pope Pius XII pointed out in one of his memorable Christmas messages, there is a depressing contradiction in the modern world between what we have been able to do in conquering the problems of our physical environment and what we have not been able to do in dealing with the problems of society and international peace. As our beloved late President Kennedy so often and so forcefully stated, it is clearly wrong that in a land of great wealth, there are so many who live in great poverty. And it is equally wrong that in an age of such great medical knowledge, there should be so many sick who do not benefit from it. When we think of the educational resources of this great country and realize how many of our youth do not now receive the kind of education they need to make their way in the modern world, we must also recognize a challenge that is quite as important as any offered to us by outer space. In fact, if we do not solve the problem of giving equal educational opportunities to all our youth we will fall behind in the exploration of space and be unable to meet most of the great issues which confront us in our times.

As Catholics and as Americans, the Knights of Columbus have always been very much interested in the progress of education. The work of the Knights which made possible the microfilming of the priceless treasures of the Vatican Library for St. Louis University is an outstanding example of this very interest. This action is one of the many monuments built by the Knights of Columbus—just as the use of correspondence courses in the Catholic religion that have been sponsored by the generosity of the Knights of Columbus all over America. Indeed, we may justly claim that the decline of religious prejudice in this country has been in no small measure the result of this very important educational activity.

I personally believe that the key to the solution of most of the great social problems of our time lies with education. This belief is an essential part of the Catholic religion as I understand it, for Christ himself said: "And you shall know the truth; and the truth shall make you free." Education means learning the truth about ourselves and our world. Without such knowledge we cannot be free men and women. Just take the problem of automation in industry. Workers who have not learned the skills required cannot hope to find or to fill jobs in modern industry. Labor that requires no skills is fast becoming a thing of the past. And with automation, there is more leisure time. Those who have not learned how to use their leisure time in personally satisfying and constructive ways will be more and more lost in the world of tomorrow. Furthermore, both the problem of poverty and the problem of various prejudices which afflict this Nation may be said to have their deepest roots in ignorance. Consequently, the all-out war on poverty, the struggle for equal opportunity, and other issues, like the fight against juvenile delinquency, cannot be won unless our educational problems are solved.

In the past, the efforts of the Federal Government to do its part in improving the educational opportunities of all our people have been frustrated partly because of confusions arising from debates about relations between church and state. Now I believe that we are beginning to see a new consensus of American opinion which views our schools not as agents of the State or agents of the church, but as agents of our free and democratic society.

In this free society we live as one people under God, but we express our religious values in various ways, exercising our democratic rights to freedom of our consciences. This is as it should be, and American Catholics would not have it otherwise, as the action of our American bishops at the last session of the Vatican Council made it plain to see. We believe in the validity of religious freedom as a human right of men today. And our schools, as the agents of American society, should reflect in their diversity those religious values which are expressed in the free life of our American society. None of our people should be subjected to the injustices of competing with their own tax money in order to make this possible.

The educational aid proposals offer hope that we have finally found a way to give Federal aid to all our varied schools without becoming embroiled in arguments about church and state. For many years, I have felt that such aid should be made available to families and to individual students.

Now that we see aid to education as a part of the war on poverty, now that poverty impacted areas are seen as special areas in need of improved services, there is hope that educational materials can become available on an equitable basis to children in public and non-public schools. This help should, as I see it, at least become available to all children in the areas of greatest need, that is the economically deprived areas.

Several years ago, Msgr. Frederick G. Hochwalt of the National Catholic Welfare Conference said that the President was calling for cooperation between the Nation's public and parochial schools. This is the principle that the Knights of Columbus should support and promote.

If the Federal Government is a minor partner in American education, it should recognize and carry out its responsibilities in this area in the most efficient manner possible. It has been proposed that we should have a Federal Department of Education headed by a Secretary of Education with Cabinet rank. The future of our young people is too important for anything less. Let's show the world that we in America value education for its true importance by giving it a voice of authority in the top echelon of the executive branch of our Government. Let's stop making education look like a second-rate concern by relegating it to a second-rate status in our governmental structure.

I earnestly believe that in this matter of education, as in everything that touches the public welfare, the Catholic layman has an opportunity to respond to the call of the church for an active laity. The mission of the church concerns the welfare of all. It is for every person who lives in the community whether Catholic, Protestant, Jew, or member of no religion. And the mission of the church is to every human activity. It is in our worldly responsibilities—in our jobs and in our family life—that we of the laity can best participate in the mission of Christianity. We must study and heed the teaching of the great social encyclicals. We must be guided by those wise words of Pope Pius XII to the Second World Congress of the Lay Apostolate: "Today more than ever, laymen must cooperate in all forms of the apostolate, especially by making the Christian spirit penetrate all family, social, economic, and political life."

And what is the Christian spirit if it is not the spirit of redemptive charity, the spirit which, like that of Columbus, dares the unknown and ventures courageously to widen the horizons of life for all mankind? Living in that spirit we will be true Knights of Columbus, true Catholics, and men whom posterity will remember as true Christophers—true bearers of Christ. Such men are the greatest need of the world today.

Pope John in his famous encyclical, Mater et Magistra, stated: 'The solidarity which binds all men and makes them members of the same family requires political communities enjoying an abundance of material goods not to remain indifferent to those political communities whose citizens suffer from poverty, misery and hungry and who lack even the elementary rights of the human person.

"This is particularly true since, giving the growing interdependence among the peoples of the earth, it is not possible to preserve lasting peace if glaring economic and social inequality among them persists."

"The lasting peace which I have in mind is not the peace of the battlefield, although this is equally desired. The peace I speak of is that of the quiet within our communities. This can be acquired through education, which in turn provides the needed capacity for an individual to acquire a higher economic level and become a prominent segment of our society.

While we cannot force anyone to become educated, we can afford them this opportunity, and we hope that these undereducated people will take advantage of it.

Because of the possibility that these disadvantaged will accept our desire to help them, I feel certain that our local communities will be faced with the problem of meeting their obligations in this field, and I feel sure that our Federal Government will make every effort to alleviate any hardship condition what may confront any community desiring to do its part in such a program.

Thank you for the privilege of being with you this morning and permitting me to speak to you.

INDIAN EDUCATION—WHERE THE ACTION IS

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. HANSEN. Mr. President, the subject of education for our American Indian children is getting attention these days to which it is not accustomed. The President proposed new and expanded educational efforts in his message to Congress on Indian affairs. One active presidential candidate, at least, has become identified with Indian education.

But, of course, while the issue may be new in widespread public discussion, the problems are very old ones indeed. And there are many, many people, unheralded but very dedicated, who have been grappling to provide adequate education for Indian students for a long time. Most of these dedicated people are scattered in the remotest parts of the country. They are teachers, counselors, school administrators, and school board members living and working on or near Indian reservations. They serve Bureau of Indian Affairs schools, public schools, and parochial schools. They have been—and still are—where the real action is in Indian education.

We in Wyoming have some experience with Indian education, for the Wind River Reservation, shared by the Arapahoe and Shoshone tribes, places some 1,300 children in school each year. There are no Bureau of Indian Affairs schools on the Wind River Reservation now, and the public schools carry the heavy load.

I discovered, both from my tenure as Governor of Wyoming and before, that Wyoming's schools serving Indian children on the Wind River Reservation were making significant strides.

Recently, I took advantage of the services of an American Political Science Association congressional fellow in my office, aided by funds from the association, to bring myself up to date on grassroots education for Wyoming's Indian children.

My APSA fellow, Mr. Max Power, of Denver, visited the Wind River Reservation, toured schools there and attended a Fremont County School Administrator's Association meeting devoted to Indian education.

The field report which emerged from his visit emphasizes four points where recent improvements in Indian education can be accelerated. Two deal specifically with those local schools having a high proportion of Indian students; two others deal more generally with the question of Federal aid to education.

I have long felt that the crucial element in Indian education is the teacher's understanding of Indian culture and Indian values. A move is on to establish inservice training institutes for teachers in central Wyoming who deal with Indian students, and I cannot commend this kind of effort too highly.

Indian adults must become more closely involved with the process of education. Too often, it is unfamiliar or alien to them; yet it is the adults who usually generate the will and incentive for Indian children to attend school and to be successful.

The reports coming back show me that Federal aid for education—which plays a prominent part in educating Indian students—must be placed on an advance funding basis. There is a great deal of wastefulness in a system which does not allow for advance planning and long-range obligation of funds.

I have spoken out on this matter as a positive step forward. At the present time, there is a great waste of time, money, and energy when the legislative process, especially the appropriations process, is so delayed that it impedes advance planning. The slowdown causes educational grants to the school districts to be made well after the start of the school year, resulting in unnecessary confusion and disjointed programs.

I am pleased that funds for education for the 1969 fiscal year, which starts July 1, 1968, and fiscal year 1970, will seek to incorporate advance funding. This means that if Congress has not formally rejected extension of the authorization for a particular program, it will be automatically extended for 1 year to permit advance appropriations.

Adequate quality education for all our children, one of our prime responsibilities, requires well-laid plans. Under this new concept of advance funding, local and State authorities can help assure the best possible schools. That is why such a plan makes such very good sense.

On the other hand, those States whose public schools serve Indian pupils need more flexibility in allocating Federal aid funds. If Wyoming's State Department of Public Instruction could channel its Federal aid with greater discretion and less bureaucratic shuttling, I am convinced that it could make a greater contribution to the peculiar needs of education on the Wind River Reservation.

Mr. President, I ask unanimous consent that the memorandum and field report submitted to me by my APSA congressional fellow, Mr. Max Power, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM ON EDUCATION ON THE WIND RIVER RESERVATION—SUMMARY

To: Senator HANSEN.
From: Max Power.
Date: March 13, 1968.

There are four steps for improving education on the Wind River Reservation to which you can most usefully give attention and support. Two relate specifically to Indian Education, and two relate more generally to federal aid to elementary and secondary education.

The two items specific to the Wind River Reservation are:

1. The establishment of teacher workshops for all teachers who have Indian children in their classes. The first such workshop will be held in Fremont County, October 10 and 11, 1968. I believe this workshop program can be expanded in the future.

2. The establishment of advisory councils of Indian parents to meet on a continuing basis with the administrators of the several school districts involved. These groups of Indian parents would serve as representatives of their tribes to the school districts, and also as intermediaries to get school's concerns and views across to Indian parents.

The other two, more general items which ought to be pushed are:

1. Advanced funding of federally aided education programs.

2. Federal aid to education funds ought to be granted to the states with fewer strings attached. If Wyoming's State Department of Education were able to use federal funds available to it more flexibly and with less paper shuffling back and forth between Cheyenne and Washington, the Department would be better able to assist the local school districts which serve a significant number of Indian students.

Generally, there are two overriding impressions which I brought back from my visit to the Reservation. First, there is no urgent need for a proliferation of federal programs to aid Indian education. We need to do more with the resources presently available. Secondly, a good deal of progress has been made in the past ten or fifteen years, and the progress is continuing.

Over all, the school boards and school administrators in Fremont County, and the State Department of Education, are alive to the problems of Indian education and are doing something about them.

Field Report on Trip to the Wind River Reservation on March 11, 1968

To: Senator HANSEN.
From: Max Power.
Date: March 13, 1968.

The centerpiece of my Indian Education tour was a meeting of the Fremont County School Administrators Association at Riverton. Most superintendents of the Fremont County district were there, as were high school officials from Riverton and Lander, Clyde Hobbs, Superintendent of the Wind River Agency, Leslie Milan, the Wind River Agency's Adult Educator, Bill Braddock representing the Shoshone Business Council, Herman Moss representing the Arapaho Council, Harry Roberts and Sid Werner of the State Department of Education, and the Superiors of St. Stephen's Mission and St. Margaret's School, Riverton.

The discussion of Indian education, which lasted nearly two hours, centered on high schools. The elementary school people took a relatively small part.

Some figures may put the problem in perspective:

In 1966–67, there were about 1,300 Indians from the Wind River Reservation in all schools. Of these about 50 graduated. This indicated, very roughly, a 50 percent dropout rate.

The highest dropout occurs at grades nine and ten.

Fremont County Vocational High School at Lander has 138 Indian students; the Riverton High Schools has 53 Indians out of 700 students.

The dropout rate at Riverton appears to be rather higher; 13 out of 53 Indian students dropped out last year at Riverton. The rate at Lander appears to be rather less.

Of 31 Indians entering Fremont County Vocational High School in 1963–64, 21 graduated on time (i.e. June, 1967). Three more graduated after summer school; and most of the remaining completed their high school education elsewhere or are still in school.

However, the dropout problem by itself is a relatively small part of the story. These high schools also have dropout problems with white students. The administrators present at the Riverton meeting were more concerned, I think, with achievement.

Eugene Patch, Assistant Principal at F.C.V.H.S., painted an interesting and instructive picture. What follows is a summary of his comments.

The social strides made for integrating the Indians in the Fremont County Vocational High School in the last five years have been significant. There is more involvement, with more Indians in band, athletics, distributive education, and extracurricular activities. A recently formed Indian Club at the High School has been highly successful.

There is a high proportion of those who fail in the high school, both Indians and others, who will not do the work. It is not so much a matter that they cannot do the work. These students need time and space at the school to do their school work. They are unable or unwilling to do their work at home. I gather Fremont County Vocational High School is going over to a modular scheduling system which will provide more time for students to do their work.

The recurring problem is the Indians' inability to stay put in school. Those who start in public high schools often decide they are unhappy there, and transfer to Indian boarding schools. Apparently they drop out of these in even greater numbers. Those who do this and then attempt to return to the public high schools are, of course, way behind. The disadvantage caused by school switching increases the Indians' frustration, leading to a vicious circle of failure or dropout.

A related problem is poor attendance. Students may not drop out in school, but they may not attend regularly. I gather many Indian students do not turn up for school until several weeks after the fall term has begun. This creates problems of frustration and leads again to a vicious circle.

At the root of all this, according to those attending the Riverton meeting, is the problem of parental attitudes. Herman Moss of the Arapahoe Council is rather blunt about it: If parents make a point that their children ought to attend school, they will likely attend. Otherwise not. And it appears that there is not much push in Indian culture for regular attendance. On a related theme Leslie Milan from the Agency indicated that the problem of boarding schools lies—as one might suspect—with the mothers. He is apparently trying to get mothers, writing to their children away at school, to encourage the children to stay there.

There is no question but what a minority of teachers in both the high schools serving the Wind River Reservation create problems. The principals report that Indian students feel these teachers do not understand their problems—it seems to be stated more often in those terms rather than in terms of unfairness or discrimination.

What is being done? What can be done? First, it appears that a great deal is being done. Both Lander and Riverton high schools have, within the resources available, remedial and core courses, counselors, and other means to help Indian students. Silas Lyman, Superintendent of Mill Creek School, made a speech saying that great progress has been made in the past 11 years, and we can expect a great deal more if we are but patient. I believe he is correct, though there are a number of ways to help things along a bit.

One of these is a proposed workshop for all the teachers in Fremont County who deal with Indian students. Dr. Palmberg of Central Wyoming College has pushed this proposal under the auspices of Fremont County Administrator's Association, and it has now been scheduled for October 10 and 11, 1968. Harry Roberts suggested that this program could be expanded into summer institutes of longer duration, or continuing inservice training. (I am happy to say that this suggestion comes from the institutes held in Idaho, which produced the book "There is an Indian in Your Classroom," both of which this office brought to Harry Roberts' attention.) Harry believed that there would be some funds available under the Elementary and Secondary Education Act, and later Clyde Hobbs suggested that Johnson-O'Malley money from the Bureau of Indian Affairs might be made available for continuing teacher orientation.

I believe the administrators are receptive to this idea, and may wish to carry it forward, after their experience with their October workshop. This office may be able to assist them in the future on the workshop proposals. If the program is expanded, all the administrators made it clear that they want it centered in Fremont County.

A second suggestion came from Clyde Hobbs. He wanted to work on the establishment of unofficial groups of parents representing the Tribal Councils, to meet on a continuing basis with the school officials in several districts. These Indians, it was felt, would represent the tribes to the schools, and also represent the schools to Indian parents. Interested parents serving on these advisory councils would be able to reinforce the interest on the part of other Indian parents. They might also be able to serve as intermediaries in particular cases in which school officials were having difficulties in reaching Indian students.

Nearly all the administrators seem to feel that this approach would be useful, but I detected a general sense that finding Indian parents who would have a continuing interest in the school would be a very difficult task.

Harry Roberts picked up this line and suggested the usefulness of Indian aides in the schools. A number of the school Superintendents said that they had had some success using Indian aides. But Hobbs felt that this missed his point, in that aides being hirelings of the schools, are suspect among the Indians. In other words, what Hobbs is looking for are groups of Indians representing the tribes, not the schools, who could nonetheless be of great help to the schools.

Everyone, of course, is concerned about 874 funding. We suggested that there was a chance that they would receive their full entitlement. Harry Roberts also suggested the possibility that they deserve additional money under the School Foundation program, on the basis of the Virginia case.

Harry Roberts, Sid Werner, and I made visits to three schools and to a Datel vocational class. Very brief accounts might be in order.

The first visit was to the Fort Washakie school. Leon Lanoy, the Superintendent, has held his position a short time. But he appeared to feel that he was getting on top of things. He conducted us around the school. The physical facilities appeared to be adequate and clean. The education, at least in the lower grades, seemed to be quite competent—but I was hardly in a position to make a very sound judgment.

One thing I did notice was a lack of Indian-related displays and materials in the classrooms. I asked Lanoy about this, and he said it was just coincidence—at certain times of the year Indian themes are used extensively. He said he knew of no special readers or other instructional material, however, directed especially toward Indian children. The library of the school, however, like those at Mill Creek and Arapahoe, did contain a number of books about Indians and Indian culture.

Our second visit was to the Mill Creek school. There is no question that Silas Lyman, the Superintendent, runs a tight ship. He has made the advantageous use of all sources of funds available to him, and he has a fine physical plant. He has emphasized cleanliness and health—and both the children and the building show good results. From very brief observation, I was quite impressed with the level of instruction at Mill Creek. In some ways, I believe it might serve as a model.

The Arapahoe school is a different matter. Its physical facilities are less adequate. It uses the old Arapahoe Trading Post as a lunch room and for one classroom; it also uses two housetrailers for classes. We visited after school, and so I was not able to watch school instruction.

The important matter at Arapahoe is that of the need for additional PL 815 funds for construction. We do know that no funds will be available before 1970. When at the school Sid Werner worked rather hard at trying to determine what basis he could find for a sound, legitimate application for PL 815 aid to the Araphoe school. I believe they will be able to work out a sound application.

The Datel visit was quite instructive. We were met by Mr. Gene Dunbar, of Datel, who showed us the second institutional class. The first four week institutional class had already been completed. The first class was recruited on the Reservation. Approximately 50 percent of its participants went on to on-the-job training at Datel. The class we saw was drawn mainly from Riverton, and included only two or three Indians out of about 30 students. Dunbar said they expected the success rate for this group to run at about 95 percent. Datel is apparently quite pleased, so far, with the response and caliber of students in their program.

Generally, in conversation with Harry Roberts and Sid Werner, and in listening to Harry give a couple of speeches, I came away with the impression that we really do need more flexibility in the allocation of federal aid funds. Too often the State Department of Education finds itself with too many funds available for a narrowly prescribed program, while short of funds for basic needs. It also finds that it must spend too much time and effort shuttling applications and interpretations back and forth from the local district to Washington. On a broad front, we could assist Indian education and education generally by pushing for more block grants, or grants made within broad rather than narrow boundaries.

One other observation—there aren't enough Indians serving on school boards which control predominantly Indian schools. There are a few, but nothing like in proportion to the numbers of Indian students. It is a point which ought to be kept in mind.

Mr. HANSEN. Mr. President, the majority of Indian high school students enrolled locally on the Wind River Reservation attend the Fremont County Vocational High School at Lander, Wyo. The assistant principal of that high school, Mr. Gene G. Patch, is a young, perceptive, and dedicated worker in the education field—especially in dealing with the problems of Indian education. In the meeting at Riverton, reported on in Mr. Power's field report above, Mr. Patch emphasized the need for improved school work environment, more positive parental attitudes toward education and more understanding on the part of school teachers. We asked Mr. Patch to elaborate on his wealth of experience and insight, and he did so in a letter to me.

Mr. President, I ask unanimous consent that Mr. Patch's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FREMONT COUNTY
VOCATIONAL HIGH SCHOOL,
Lander, Wyo., March 22, 1968.

Senator CLIFFORD P. HANSEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HANSEN: Please allow me to express my most humble gratitude for your interest in what comments I might have concerning problems surrounding the education of Indian children. I hope I can be of some value in this matter. I will limit my comments for the most part to those areas which Mr. Max Power indicated you would be particularly interested in.

First of all, what progress has been made with the Indian children? I feel that a great deal of progress has been made. In the past eleven years the Indian students have progressed from extremely shy, non-mixing, terribly withdrawn, and totally clanish students to rather verbal, extroverted youngsters typical of many of our non-Indian students in many cases. Athletics used to be the only outlet they would allow themselves. However, for the past six or more years many Indian students have become steady members of the band and various clubs and organizations. They have joined other students in decorating for dances, parades, etc. They have organized an all Indian Club and have already sponsored a very successful dance with the music being furnished by an all Indian band. This year we had one of our Shoshone girls elected to the position of a cheerleader for the basketball team and she made a great hit with fans all over the state.

Two Indian girls, one a junior and one a senior, are now and have been since they have attended Fremont County Vocational High School the outstanding English students in their respective classes. Several years ago you would never see an Indian student at a dance, but now it is a common sight. Also, dating between Indian and non-Indian is quite common and even dating between boys and girls of different tribes, Shoshone and Arapahoe in particular, is becoming more common. This is real progress! !

It wasn't too long ago that the only Indians who graduated from high school were the athletes because athletics kept them in school. This is no longer the rule. Indian students who don't participate in anything are among our graduates each year. However, the percentage of graduates is higher among those who are participators.

Several of our Indian graduates have gone on to post-high school institutions and have done very well. Some have not done very well, but I feel there is progress here. I could cite many more isolated instances, but I am sure you see the point. If it ever becomes necessary, I could give names and instances.

The second point of concern is the need for proper surroundings at home to instill the desire for an education and to offer a desirable environment for study. This, I feel, is the most serious deterrent to the Indian child. A small house, poorly lighted, with several brothers and sisters of all ages, plus parents, and relatives in many cases, living in this small house and the Indian child comes home with reading and writing assignments. These conditions, plus the absence of reference materials of any kind, are the plight of these children. The fact that they must catch the bus and leave town removes them from the resource centers that are available. Add the presence of liquor in the home, many times in very excessive amounts, consumed by parents, friends, relatives, and sometimes the high school children themselves, and you have a situation intolerable at the best. What I have described here is not the exception in the least. In fact, for many of our Indian children the scene I have just depicted is a common occurrence, especially just after the Government allotment check for the family has arrived.

We here at Fremont County Vocational High School feel we will be meeting more of the needs of Indian students, and slower non-Indian students, next year by virtue of our new flexible modular scheduling. Briefly, this will allow for enough free time during the school day for these children so that any one of them who has the initiative to do so will be able to complete practically all of his or her homework at school and also have the availability of all the resource material we will have. This should help a great deal. We all know that some of the students will use their time wisely and many of them will not. Those who will not are the very ones who are not performing very well now. Some of those are Indian students, but we cannot force them to do the work. There must be a desire, an incentive to do it. I feel this incentive must come from the home first, then be generated throughout the Indian community, the reservation, and finally the individual's problems will be taken care of because of incentive. I know this sounds very idealistic, but this is where I am sure the crux of the problem lies. It is with Indian people as it is with many non-Indian people these days—the children are having a hard time bringing up their parents.

The third problem—developing a sustained motivation among Indian students and others to attend on a regular basis. A tough one! This matter is closely tied in with my comments in the last paragraph. Again let me reiterate, the most effective way to sustain motivation for education is to make education an important factor within the home. This is a difficult task at best. Let's examine the Indian family tree a bit. The average age of an Indian high school senior student's parents is probably forty to forty-five years old. These people went to school at a Bureau of Indian Affairs school where the educational standards were below par at the best. Teachers very often were not totally qualified—at least not in comparison with today's teacher qualifications. The parents of these parents, the grandparents, were born about the time of Custer's last stand and their parents were among those Indians who roamed and ruled the West for a time. . . .

With this discussion of motivation I must add that I feel time will certainly prove to be stronger "medicine" than most of the remedies we can come up with. I do, however, feel the time factor can be tempered with two ingredients that would be of considerable value in this matter. They are: (1) An adult education program for Indian parents taught by teachers of Indian descent and other educated Indians. This to instill in Indian parents the growing need for education for their young people in order to perpetuate their own on or off the reservation. (2) Schools, ours included, must do a better job of indoctrinating teachers, new ones in the system, about the personality make-up, psychology, sociology, and other factors of the Indian youngster. This to make it possible for teachers to be able to temper their attitudes toward those Indian children who seem to reflect a lackadaisical attitude toward education. Most teachers do this already, but I am sure some do not.

Please forgive me for this lengthy harangue, but this matter takes some time and space to discuss. It is not a simple matter. To summarize, I do feel that good progress is being made in educating the Indian child, at least in our school this is true. I also feel that more could be done, but not much more can be done until the Indian child receives more encouragement at home. Not only encouragement but basic incentives from his or her parents and the whole Indian community. Also, school people must realize more and more that many Indian children do exist under the most extraneous conditions many times.

I do not advocate a double set of standards in such things as grading, etc. This would not be fair to underprivileged non-Indian children. Rather, a new approach by teachers new to school systems and a reassessment of thoughts by older teachers in these systems would help a lot, too.

There are many more facets of this total problem that could be discussed, but I feel I have lingered long enough. I know you are a busy man. However, if you feel that you would like to hear more about this from me, I would be very pleased to continue this discussion some other time. I have many more of what I like to think of as reasons for the Indian children's plight, but I don't have too many answers.

Senator Hansen, once again I would like to thank you for allowing someone like me to take up a bit of your time with some of my thoughts. I sincerely appreciate your concern about this problem and I thank you for hearing me out. If I can ever be of service to you or any of your colleagues in any way, shape, or form, please do not hesitate to call on me.

Sincerely,

GENE G. PATCH,
Assistant Principal.

FACTS ON "STARVING AMERICANS"—REPORTS FROM BACK HOME

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ABBITT. Mr. Speaker, on April 22 an organization by the name of "The Citizens Board of Inquiry Into Hunger and Malnutrition in the United States" issued a report entitled "Hunger—U.S.A." The board was created under the aegis of Walter Reuther of the United Auto Workers Union.

The report listed 256 counties in 20 States as "hunger counties." There was widespread dissemination by the news media of the report, which criticized the Department of Agriculture for the manner in which it has handled free food distribution. The report also criticized congressional committees handling authorizations and appropriations for these programs.

As a result of this publicity a number of Members of this House received complaints from officials of some of these so-called hunger counties, from officials who not only denied that such conditions exist in their areas, but noting also that jobs were available for all able to work, and welfare benefits were available to those not physically or mentally capable of earning a living.

When these complaints reached the chairman of the House Committee on Agriculture, the Honorable W. R. Poage, of Texas, he decided that the true facts should be ascertained. The Agriculture Committee, on which I also have the honor to serve, is concerned equally for the welfare of all the people of this country—not just those of some particular economic strata, race, or color.

Consequently, Chairman Poage mailed letters to the county health officers inquiring into the situation. As of today he has received responses from 131 counties. The replies unquestionably comprise the most authoritative, comprehensive, and up-to-date picture possible of the hunger problem which exists in this country today.

Mr. Speaker, those replies have disclosed what appears outright deception embodied in that original hunger report, certainly insofar as many of the counties named in it are concerned.

In the meantime, an article has been published in the current issue of the U.S. News & World Report setting forth excerpts from some of the responses received by Chairman Poage.

I insert the article, written by Grant A. Salisbury, in the Record at this point:

Facts on "Starving Americans"—Reports From Back Home

(Note.—Is it really possible that people are starving in affluent America? That is being asked after a citizens' group reported that 256 U.S. counties are plagued by hunger. An answer comes from the counties themselves—from health officials who are in day-to-day contact with the nation's poor people. In letters to the chairman of a congressional committee, they give a forthright appraisal of actual conditions in their own localities.)

A wave of concern over hunger and starvation has swept across the U.S. in recent weeks, touched off by news stories and editorials that followed the release April 22 of a report entitled, "Hunger, U.S.A."

This report stated that at least 10 million Americans are suffering from chronic hunger or malnutrition. It listed 256 counties in 20 States as "hunger areas" involving "desperate situations."

Findings were based on a study by a private group known at the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, with headquarters in Washington, D.C.

A sequel is being written to "Hunger, U.S.A." It is found in letters from health officials in nearly half the 256 counties that were cited as "hunger areas." Most of these officials are physicians or registered nurses.

Their letters were sent in response to a request from Representative W. R. Poage (Dem.), of Texas, who is chairman of the House Committee on Agriculture.

On April 27, Representative Poage wrote to health officers of each of the 256 counties, asking two questions:

1. Do you have any personal knowledge of any actual starvation in your county?

2. Do you have any personal knowledge of any serious hunger in your county occasioned by inability of the individual either to buy food or to receive public assistance?

As of midmonth, replies from 125 of the 256 counties had been received in Mr. Poage's office. In these letters, local officials who see the underprivileged people of America at first hand, tell their side of the story about hunger, malnutrition and starvation in the U.S. Excerpts from many of the letters follow.

Mississippi—Yazoo and Humphreys counties. Dr. John V. James, director of the county health departments:

"Approximately a year ago . . . a citizens' group visiting areas of our State that include the two counties of which I am health director . . . gave a very distressing picture of poverty and especially hunger and malnutrition among the children of this area.

"By autumn of last year, our State Medical Association became so concerned that they sent teams of doctors from the University of Mississippi to these areas to investigate. Their report showed very little malnutrition and no hunger.

"This same citizens' group . . . disputed this finding. . . . The U.S. Public Health Service sent a team from an Ohio medical school down in January of this year to do physical examinations and laboratory work on these so-called malnourished children. A report of each child examined was left in the health department.

"These reports showed every child to have a hemoglobin reading [an indicator of anemia stemming from malnutrition] within normal limits, but most all showed some form of intestinal parasites. . . .

"I do not have any knowledge of any actual starvation in my two counties. . . . I do not have any knowledge of any serious hunger occasioned by inability of individuals either to buy foods or to receive public assistance."

Florida—Washington County. Dr. W. G. Simpson, county health officer:

"I have no personal knowledge of any actual starvation in this county. My two public-health nurses of long years' experience in the county also have no knowledge of such conditions existing.

"The few malnourished individuals I see in the health department occur usually from ignorance of proper foods rather than inability to obtain them, such as an 11-month-old infant seen today that was severely anemic and malnourished—the first child of a mother who has not been taking proper care of the baby—practically all-milk diet, deficient in iron, etc."

Kentucky—Powell County. Dr. Linda S. Fagan, health officer:

"No! I know of no serious hunger in Powell County occasioned by inability of the individual either to buy food or to receive public assistance. Those persons who have no means of support or are unable to work do receive public assistance in the form of money and food. . . . I have not found a case of a person who was truly disabled with no means of support who was unable to qualify for public assistance."

Montana—Wibaux County. Dr. Clarence A. Bush, county health officer:

"I will pay $100 to any selected charity, if anyone will find in Wibaux County, Mont., or any adjacent county in Montana or North Dakota, one individual who has suffered for lack of food, or any other necessity of clothing or shelter, medical or hospital care and attention for any reason other than misuse, or failure to notify this correspondent or any other person in authority. I do not believe one can be found who has so suffered, even from these reasons of misuse or failure.

"For 25 years, I have known almost every resident of this and adjacent communities, and I say no such condition exists or has existed in that time. On many occasions of fire, storm, or other disaster, the citizens have responded with cash gifts of $1,000 or more to help those families so affected, and in not one instance has the welfare board ever refused any request that I have ever made for medical assistance, no matter how expensive it turned out to be."

Texas—Frio County. Dr. Emmett N. Wilson, health officer:

"I do not know of any family in Frio County that is suffering from hunger or malnutrition. There are no doubt, borderline cases where persons are not eating a proper diet, but this is usually due to their own choice of foods. . . .

"Any family, if in need, is eligible for welfare aid and surplus commodities [from the U.S. Department of Agriculture distributed through county offices]. Even aliens are given aid in obtaining groceries by the county. Where anyone could have obtained any information listing this area as one of the 'hunger counties' I do not know."

Georgia—Greene, Morgan and Oconee counties. Dr. G. B. Creagh, district health director:

"There are no instances of actual starvation in any of these counties to my knowledge, nor any county in which serious hunger exists. . . . It is of interest to note the almost total absence of the deficiency diseases in the South today. Pellagra, beriberi, scurvy and rickets are examples of deficiency diseases that we would expect to find in an area where major undernutrition exists. . . .

"We are all sensitive to the possibility of a child's going hungry and this of course does happen. However, there have been several group studies on children and child development in this area in past years, and none . . . has reflected a major problem relative to undernutrition in children."

Virginia—Accomack County. Dr. Belle D. Fears, director, county health department:

"Having been born in Accomack County and having been a general practitioner for 15 years . . . I was well aware that much of the local employment depends on agriculture and is therefore seasonal, and that the average per capita income is well below the national average. However, I was not aware of widespread hunger and malnutrition. . . .

"There is only one situation that I have found recently and think can be improved. In some schools in the poorer communities there are not always enough free lunches to go around. . . . I believe that local officials can get together and reapportion the surplus food, ask for more, or make other adjustments. . . .

"I have two questions to which I would like to find an answer. How did the 'Citizens' Board' make its inquiry? In my recent investigation into the hunger problem, I find that no one in the health department or welfare department has been interviewed, no one has asked the school nurse any questions about hunger, and no one has seen any strangers inquiring about hunger. I would like to know how the 'Citizens' Board' arrived at its conclusions about hunger and malnutrition here and elsewhere in the United States."

Alabama—Randolph County. Dr. John G. Baxter, county health officer:

"I have, as county health officer, examined a great number of children each year who are entering the elementary schools for the first time.

"I can truthfully say I have never seen a hungry, malnourished child regardless of race, color, creed, or religion. The other members of the County Medical Society will attest to that statement."

Colorado—Conejos. Mrs. Dixie Moulton, registered nurse, county public-health nurse:

"In many cases I am inclined to agree with your statement [Representative Poage's] that there is a problem of education and decision. I see innumerable children who are participating in the lunch program who wastefully dispose of most of the food served them. I feel that hungry children would eat. . . .

"We feel that there are many needy who do not participate in the food-stamp program . . . because of the inflexibility of the program.

"The possibility of hunger does exist, but I do not have knowledge of specific cases that couldn't be cared for. My contact with the population is limited because I am the only nurse in the county. Improvement of the flexibility of the food-stamp program would make it more beneficial to many."

Arkansas—Mississippi County. Dr. J. E. Beasley, medical director, county public-health department:

"It is my opinion that our county is not in great distress from a starvation standpoint. Neither do I feel that there is any gross presence of malnutrition. I arrive at this opinion from personal observation in contact with the low-income and indigent group and also from close questioning of my public-health nurses who have a greater and closer contact with these groups than I do.

"The abundance of payroll checks and food stamps being disbursed by the welfare department, the hot-lunch programs in our school systems, the ready assistance available at our county mission, and the many efforts made by voluntary agencies to distribute food and clothing to the needy, makes a profound difference in the availability of food to needy unemployed and indigent families."

Mississippi—Tunica County. Dr. Cecil C. McKlemurry, director, county health department:

"I have no personal knowledge of a death in Tunica County due to outright starvation from lack of food [although] there are instances where death has occurred with malnutrition as an underlying cause.

"There are also a large number of children living in the county that suffer from malnutrition. Most of these children live in homes that have no family social structure. Eighty per cent of the population of this county is Negro-American with wide acceptance of birth out of wedlock as a normal way of life.

"Children born into such a home are deprived in many ways. They have no father to support them and their mother cannot work while having a new baby almost every year. . . . More jobs, better education, instruction of job skills, giving away food are measures that can help, but they overlook the No. 1 cause of malnutrition in these children—absence of family structure. . . . Some measures need to be taken to make it worthwhile for adults to become married to raise their families. As it stands now, this promiscuous relationship is actually being financed and subsidized by welfare and giveaway food programs. . . . The churches and religious leaders could do more for the people by instruction. . . . Unless a new approach is taken, I remain very pessimistic toward the future as far as eliminating malnutrition is concerned."

Illinois—Alexander and Pulaski counties. Margaret Cotton, registered nurse, acting health officer:

"I feel that I can say with truthfulness and confidence that to my knowledge there is no one in Alexander or Pulaski County starving to death. To verify this, I called on the two public-aid departments and the physicians in this area and they, too, agree that to their knowledge no one is starving. In regard to the clinics this health department serves, the clinicians assure me that none of these patients is undernourished. Even though we are in a low economic area, I'm happy to say that with the help of the various welfare agencies we are able to help our [poor] people with their health and welfare problems."

HOW HUNGER STUDY WAS MADE

From the "Hunger, U.S.A." report, issued by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, a private group headed by Walter Reuther, president of the United Auto Workers Union:

". . . We have held hearings in Hazard, Ky. (covering mountain counties of eastern Kentucky, southern West Virginia and southwestern Virginia); San Antonio, Tex. (covering also counties of the Texas Rio Grande Valley); Columbia, S.C. (covering counties of Georgia as well as South Carolina), and Birmingham, Ala. (covering also counties of Georgia as well as rural Alabama). We made one field trip each into east Kentucky, the San Antonio area; two into Mississippi; one to the Navajo reservation of Arizona and one to the Indian country of South Dakota; two into the migrant-labor camps of south Florida, and one each into the slums of Boston, Washington, and New York City. . . . The field visits were made by a Board team, including a physician and/or nutritionist. . . .

"The Board also solicited co-operation and material from State and federal agencies, food industries, physicians and appropriate private agencies in a broad attempt to gather all available information. . . ."

THIRTY-SIX MILLION AMERICANS GET SOME FREE FOOD NOW

About 36 million Americans—mostly children—share in the Federal Government's food programs. Cost of the food will be 906 million dollars in the year ending June 30. As to who get it:

12.5 million children get free lunches at schools.

6.5 million children get lunches at less than cost, with the aid of surplus food from federal stocks.

10 million children get free milk at some point during a school day.

6 million people get surplus-food packages, or help through the food-stamp plan.

1.3 million people benefit from donations of food to charitable institutions and summer camps for needy children.

160,000 children in low-income areas get free meals from a new breakfast program at schools.

Source: U.S. Dept. of Agriculture.

REVOLUTIONISTS SEEK TO OVERTHROW SOCIETY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 21, 1968

Mr. THURMOND. Mr. President, the Spartanburg, S.C., Herald contains an interesting article entitled "Revolutionists Seeking To Overthrow Society."

Mr. Hubert Hendrix, the capable editor of the paper, invites our attention to the distressing spectacle of student revolutionaries taking over campuses of colleges and universities.

He cites the recent uprising at Columbia University as one case of authorities' retreat from responsibility. At the same time, he gives the example of the University of Denver where 40 students who seized the registrar's office were dismissed on the spot.

Mr. President, I invite the attention of Senators to this illuminating article and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVOLUTIONISTS SEEKING TO OVERTHROW SOCIETY

Americans have been witnessing of late the deeply distressing spectacle of student revolutionaries taking over the campuses of colleges and universities.

These are not simple spring-time outbursts of young passion.

They are plotted, carefully implemented insurrections.

It would be too easy to call them Communist inspired. It's too pat to refer to "civil rights" or "militants" of whatever hue.

These people are revolutionists in the true sense of the word. Their objective is not correction and improvement; it is chaos and disruption. They seek to overthrow society.

Columbia University is the most prominent recent victim.

The leader of that rebellion Mark Rudd, drew up a detailed plan last October. He is president of the Students for a Democratic Society, a radical left-wing organization.

The Associated Press reported the final paragraph in Rudd's blueprint "Phase V—Mass action, April. A sit-in at Low Library which, after one day, turns into a general student strike. University capitulates."

Rudd claims that the plan never was adopted and it was purely coincidental that events worked out so much that way.

That's unimportant. The significance is that the Columbia U. uprising was not a spontaneous protest aimed at specific objections. It was planned from the beginning as an undermining of authority and discipline, and anarchic revolution.

A better example of how to handle such an occurrence comes from the University of Denver, where about 40 students seized the registrar's office. They were dismissed on the spot and arrested for loitering and obstruction when they refused to leave.

Chancellor Maurice B. Mitchell explained the University's attitude:

"In the simplest language in which I can put it, the time has come for society to take back control of its function and its destiny. . . There is the assumption on the part of some disaffected students . . . that it is immoral for them to tolerate conditions not of their liking and that they have some sort of moral obligation to engage in acts of defiance and violence.

"There is no way to prevent this, but there is every reason to hold those who engage in such practices fully responsible for the consequences of their acts.

". . . The decision to engage in such activities carries with it the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause."

If society is to take back control of its functions, the trumpet must sound as clear from all levels of authority and responsibility.

COMMUNITY SELF-IMPROVEMENT

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ST GERMAIN. Mr. Speaker, it has frequently and wisely been said that real progress must come from within—that if a community or individual is to improve, such improvement must basically come from within that group or individual.

Money, we are rapidly finding out, is not the answer to our social problems. It is a means toward progress in certain areas of society but the true substance of improvement lies within the individual or the community.

Material welfare is not enough to solve the social problems of our time. This has been well manifested in Sweden, which boasts perhaps, the greatest welfare state yet still is plagued by numerous crucial social problems.

Too often, in our mad rush toward social improvement, we overlook the contribution that can be realized from those with whom we are concerned.

It is quite apparent that we can best help those who are willing to help themselves.

If a group manifests its desire to help themselves, then great progress can be realized through outside help.

It is indeed sad that in this day and age of social consciousness that greater effort is not made by those so able to help themselves.

I was delighted to read of an account of a very spirited group of citizens that have taken it upon themselves to improve their community. The group is known as the Bourdon Boulevard Improvement Committee and consists of the residents of a housing project in Woonsocket, R.I.

The eloquent account of their activities toward self-improvement appeared in the May 17 edition of the Woonsocket Call. It is written by a very able journalist and friend, Miss Louise Lind, and is indeed worthy of note by the Members of this body.

Therefore, Mr. Speaker, under unanimous consent I place this article, entitled "Housing Project Residents Improve Their Lot," in the RECORD at this point:

HOUSING PROJECT RESIDENTS IMPROVE THEIR LOT

(By Louise J. Lind)

The winds of change have been blowing through Bourdon Boulevard these past few months.

It all started last summer when four young women, volunteers from the Inner City Apostolate of Providence, breezed into the Fairmount housing project and pointed out to the tenants that they themselves possessed means for improving their lot.

There was no denying it: Bourdon Boulevard had a poor image.

"Just apply for credit somewhere and see the merchant's face change when he sees you write your address," says one resident.

"Just go to a hospital and see the nurses freeze when they find out you're from Bourdon Boulevard," says another. "You can tell they're thinking, 'oh, another one of those!' "

Not only that, but many tenants were dissatisfied with what they felt was inadequate street lighting, speeding cars, and poor service from the city as far as police protection and snow removal were concerned.

So, after attending a few of the volunteers' coffee hours last summer, a handful of couples scheduled a meeting Aug. 22 in Mr. and Mrs. John K. Sullivan's apartment at 175 Bourdon Blvd. So many people showed up, the assembly was moved outside.

That is where and when the Bourdon Boulevard Improvement Committee was born.

Things have been moving ever since.

First, BBIC leaders obtained the use of the housing project's garage for meetings from Alfred R. Rotatori, executive director of the Woonsocket Housing Authority. A few weeks later, Rotatori assigned them a vacant five-room apartment at 286 Bourdon Blvd. as a community center.

In his next request for funds from the U.S. Department of Housing and Urban Development, Rotatori has included $100,000 for a real community center like the one at Morin Heights.

Attendance at BBIC's biweekly business sessions has never been less than 20 and at times reaches 80, Chairman Sullivan reports. It has 94 members and is currently conducting a membership drive among the residents of the 315 apartments in what is officially named Veterans Memorial Housing Project.

Sullivan, an assembler for Nelmor Steel Corp. of North Uxbridge, is chairman of the BBIC and his wife is editor of the BBIC "Gazette." Ronald Boulris was the original vice chairman, but he is attending electronic school nights in Providence, so he has been named first trustee instead.

Albert Atstupenas is vice chairman. Walter A. Tessier is director of youth activities and Mrs. Tessier is treasurer. Mrs. Lee A. Williams is secretary. Mrs. Bennie Andrews is an alternate to the executive committee and Mrs. Theresa Kenyon is an organizer.

Quickly acting on gripes submitted by their neighbors on a questionnaire sent out early in BBIC history, the committee's officers went to see Public Safety Director John A. Reilly, Director of Public Works Robert B. Russ, members of the School Committee and the City Council.

As one city official said, "They told us things we should have known already, but didn't."

Things began to happen on Bourdon Boulevard.

The very next day, Russ sent men to inspect pot holes and loose manholes on the boulevard and he promised they would be repaired as soon as possible. Mrs. Williams assured him she would call him every day until they were. It took about three days for the "first aid" repairs to be made. And BBIC has been assured the entire boulevard will be repaved this summer.

A great improvement in snow plowing and sanding service was noted this winter, Chairman Sullivan reports.

"The year before, it was sometimes 2 o'clock in the afternoon before we were able to get our cars out of the project to go to work."

BBIC does not get everything it wants, of course.

Its members were too late with their request for bus transportation for the 78 junior and senior high school students who live in the project. The budget for the school department had already been adopted.

However, association leaders learned a great deal from this experience, and you can just bet they will be present at the public hearing when the 1968–69 budget is being drawn up. Edward J. Condon, superintendent of schools, has assured them they will be notified in writing ahead of time.

The BBIC's relationship with the Woonsocket Housing Authority has been a happy one from the beginning.

"They're improving the image of the project and the attitudes of the tenants," says Rotatori. "It's worked out very well. I go to their meetings from time to time and explain what they can ask for and ask them, in return, to help us."

One woman was heard, significantly, to remark, "And our image of you improved, Mr. Rotatori, since we got to know you better."

"He's tough, but he's fair," seems to be the tenants' general opinion of their landlord.

In addition to Rotatori, BBIC leaders have called in all kinds of experts to counsel them.

They have discussed their plans and problems at their meetings with Albert Butler of the YMCA, Miss Louise Allen and Miss Naomi Sawyer of the YWCA, the Rev. Donald V. Walker of St. James Baptist Church, Mrs. Rita Reed, John J. O'Day and Charles F. Gould of the Woonsocket school attendance office, Charles R. Peloquin of SPAC and with City Councilman John A. Cummings, who lives on nearby Third Ave.

Members have attended some of Cummings' public "gripe sessions" in City Hall. They have traveled to Morin Heights to confer with residents of the housing project there on their rights and how they can work toward making a better cummunity. Two representatives went to the State House April 23 for a meeting with Governor Chafee, welfare and legislative leaders and members of the Rhode Island Fair Welfare Organization.

BBIC arranged a talk April 24 in Globe Park Elementary School during which the Rev. Henry Shelton and Dal Nichols, both of the Fair Welfare group, spoke on the rights of welfare recipients.

Some members on welfare took part in the sit-in recently at the Front St. welfare office.

Armand Beausoliel, SPAC's consumer education expert, will address BBIC later this spring. SPAC's consumer education expert, will address BBIC later this spring.

On April 1, more than 25 BBIC members attended a City Council hearing in support of the re-designation of SPAC as Woonsocket's anti-poverty agency. While remaining independent of SPAC, the BBIC cooperates with and benefits from the services of the anti-poverty organization. Mrs. Margaret Symynkiewicz, SPAC neighborhood worker, regularly attends the meetings at 286 Bourdon Blvd.

Essentially, however, BBIC is for Bourdon Boulevard people who want to solve Bourdon Boulevard problems with their own initiative.

Justifiably or not, some members feel that "Fairmount people don't want us. So we'll work things out by ourselves."

Christmastime gave BBIC its first opportunity to flex its muscles.

With less than $50 in the treasury, the tenants' organization decided to provide gifts and entertainment for all the young children of the housing project, many of whom belong to welfare families. It took four separate parties, because the apartment-community center is so small. But it got done!

The first step Sullivan took was to name a "scrounge committee." Its members were Mrs. Tessier, Mrs. Bennie Andrews, Mrs. Atstupenas and Mrs. Sullivan.

"They visited merchants everywhere—Woonsocket, Pawtucket, Cumberland. If you want names of people who helped us, we've got them," reports Mrs. Williams, pulling out her secretary's notebook.

"We had the best Christmas of anyone," recalls Atstupenas. "We all got hoarse singing."

Mrs. Cleora Coleman recited Christmas poetry and her daughter, Mrs. Andrews, played the piano for caroling. There were refreshments and Tessier delighted the children by playing the role of Santa Claus.

On Jan. 12, still imbued with holiday spirit, BBIC members served a "Thank You" buffet supper in their community center for all the people from the Woonsocket Housing Authority, the City Council, the School Department, the two "Y's" and SPAC who had helped them launch their flourishing organization.

The list of activities in the BBIC center at 286 Bourdon Blvd. leaves one breathless.

The adults hold their business meetings there on the second and fourth Monday of each month and conduct whist parties on alternate Mondays. Money raised at the card parties will be used to pay for trips for the youngsters this summer.

On Tuesdays, Tessier and Atstupenas teach arts and crafts to 15- to 19-year-old boys. The teenagers have held a few "dress up" parties, and numerous informal pizza parties and record hops.

Recently they threw a double birthday party for Tessier and Atstupenas.

"The more responsibility we give the kids, the better they behave," Mrs. Williams remarks.

Teenagers pay 15 cents a week dues and have conducted a few cake sales at Warwick Shoppers World. "They wouldn't let us help, either," says Tessier. "They're saving for a trip, too."

On Wednesday nights, Mrs. Tessier teaches girls how to knit and Mrs. Williams has a class in cooking for boys. Dennis Dubois teaches another group of boys how to assemble model cars.

Thursdays are for the 12- to 14-year-olds. Tessier directs a business meeting; they play games; they dance. Gilbert Dubois is teaching carpentry to some of them.

On Saturday, the younger children gather at the center for games and crafts. Mrs. Charles Andrews is teaching little girls how to knit. Sometimes, men of the BBIC take the youngsters to visit such places as Archway Cookies, No. 2 Fire Station or the Police Station.

On Easter Sunday, more than 150 of the very youngest tots engaged in a grand Easter egg hunt on the grounds behind the community center.

Friday seems to be the only night of the week on which there is no regularly scheduled event at the center.

Free use of the center for private parties is one of the privileges of membership in the BBIC. When reminded that there were not many opportunities to enjoy this advantage, Mrs. Williams boasted. "BBIC can do anything. If necessary, we'll arrange an eight-day week!"

Several months ago, BBIC was instrumental in setting up a corps of "walkers."

The "walkers" are older school children, members of the Junior Police Patrol, who were assigned by Officer O'Day to accompany primary grade pupils walking between the project and Second Ave. School. This was done after BBIC complained to school authorities that three or four youngsters had been accosted by a man in the neighborhood.

Membership in the BBIC costs a dollar a year. Among its benefits are a car pool for residents who want to go marketing, transportation to the hospital in emergencies and "jumping" batteries or going for parts when cars won't start on cold winter mornings.

Summer is coming and there are more than $300 in the BBIC treasury. Mrs. Kenyon has obtained bids from bus companies for trips to Rhode Island beaches, parks and other points of interest. The men are planning to take the boys on an overnight camping trip and on some fishing excursions. They plan to attend a Red Sox game and to visit Quonset Naval Air Station.

One indication that BBIC is earning recognition as an influential community organization is the appointment by Mayor Lussier of BBIC's chairman, Sullivan, to the Citizens Advisory Board on April 23.

If those four girls from the Inner City Apostolate could only see how the seeds they planted last summer have grown!

Sullivan recalls with a touch of wonder in his voice, "You know, one of those girls, Lucille from Providence, was losing her eyesight. She wanted to do something worthwhile before she became blind."

PERMANENT SHOW BY INDUSTRY MAPPED IN NEARBY VIRGINIA

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. CEDERBERG. Mr. Speaker, I was interested to learn that an exhibit designed as a showcase of the free enterprise system is being planned for the Washington area. A group of prominent industrialists are working out plans for this permanent exhibition of American industry. I understand the group in charge has under consideration three sites in nearby Virginia. Senator Charles Potter, who served in both Houses of Congress, is president of the group.

In a recent issue of the Washington Star, Donald B. Hadley, the paper's financial editor, outlined plans of the group for this exhibition. I believe my colleagues will be interested in what is being planned and I submit Mr. Hadley's article for your consideration:

PERMANENT SHOW BY INDUSTRY MAPPED IN NEARBY VIRGINIA

(By Donald B. Hadley)

Prominent industrialists across the country have joined in planning a permanent exhibition of American industry, which is to occupy a tract of around 1,000 acres in nearby Virginia.

They have contributed around $85,000 for preliminary planning and organized a development corporation, the United States Exhibition of Science and Industry, Inc., which is negotiating with eight national foundations to provide $300,000 for drafting a master plan.

Plans for the big project were disclosed here yesterday by John J. Stack Jr., former banker and industrial consultant, who is serving as executive vice president of the new corporation.

Sen. Charles Potter, R-Mich., is president and Clark Thompson, former Democratic representative from Texas, is board chairman. Maj. Gen. Arthur Trudeau, USA retired, president of Gulf Research Corp. in Pittsburgh, is vice chairman of the board. Trudeau is a former Chief of Army Intelligence and Army Research.

WINS STRONG SUPPORT

The proposal has been gathering a lot of steam without any publicity for the last year and has been endorsed in individual letters from President Johnson, Gov. Godwin of Virginia and 91 members of the Senate.

More than 700 major industrial and business firms have been canvassed, including banks, insurance companies and trade associations and the response has been enthusiastic. In 50 personal interviews with the heads of large industries, the project received unanimous endorsement.

The organization has studied 22 possible sites in nearby Virginia and these have been narrowed to three. Efforts are being made to locate it as close to Washington as possible.

Sen. Potter said the exhibition will be designed as a showcase of the free enterprise system which in particular would be aimed at the hundreds of thousands of school children who come to Washington to view the halls of government.

"It will provide a peek into the future of the accomplishments and plans of American industry, capital, labor and government," he said.

PRIVATE FINANCING SEEN

Financed entirely by private business and industry, the huge exhibition would provide a center where corporations could maintain exhibits of their products, their job opportunities and for marketing of products, for foreign purchasing missions for investors and many other purposes.

An exhibitor would be required to man each exhibit and change the displays constantly so that it would not become simply a museum. Unlike the Smithsonian with its emphasis on the past, the new exhibition would place the emphasis on the future and the ways in which America has attained the highest standards of living through cooperation of government, capital and labor.

The National Education Association is supporting plans for informing young people about possible careers in private business and opportunities to get financial assistance by enrolling in educational programs of various corporations.

A leading Washington banker who is on the board of the development corporation said he felt the educational opportunities and nationwide importance of the project could hardly be overemphasized. He predicted the exhibition will become one of the top tourist attractions of the nation.

Stack said that Gov. Godwin of Virginia has met twice with exhibition planners and given assurance that as soon as a site is selected, the state will move promptly to keep the section clear of undesirable developments as was done at Williamsburg.

Negotiations for the $300,000 master plan financing have been conducted so far with two foundations, but conferences have been scheduled with six others.

The master plan would include a model of the project and would require the work of architects, planning firms, and feasibility studies.

It would answer two major questions: How many people can be expected to visit the exhibition; and how much would exhibitors be required to pay per square foot.

Russia has had a similar permanent exhibition of state industries and products in Moscow for a number of years and is planning to replace it with a much larger one, Stack said.

The Russian exhibition covers 511 acres and its 87 buildings were visited by more than 16 million people in 1966, he said. More than 135,000 pieces of equipment are on display and visitors are told of the benefits of the Soviet system.

A new tract of 1,250 acres now is being developed to replace the present exhibition.

THE NEW APPROACH IN CHESTER, PA.

HON. G. ROBERT WATKINS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. WATKINS. Mr. Speaker, I want to report today on a new, but extremely effective approach to the housing blight causing decay in our cities, which has been started in the city of Chester, Pa.

A group of dedicated citizens in my home district have organized the Housing Development Corp. of Chester—HDCC—and within 2 months plan to start construction on the first of 300 units of low-cost housing there.

It is being done with a minimal amount of Goverment financial aid or redtape, since three banks—Delaware County National Bank, the Fidelity Bank, and the Philadelphia National Bank—have agreed to commit $1 million each to this undertaking.

This $3 million will be used to construct homes in the $6,000 to $9,000 range under Federal Housing Administration 6-percent mortgages.

In addition, the Department of Housing and Urban Development has agreed to underwrite 30 low-cost units under its 221-H program, allowing persons meeting Federal poverty standards to buy a home at 3-percent interest with no downpayment.

Mr. William J. Coopersmith, a Chester businessman who was among those instrumental in bringing about this new approach, has promised that no time will be lost in producing concrete results. Rather than turning to more studies, Mr. Coopersmith has pledged that the first 20 units to be built or rehabilitated will be underway shortly and that they in turn would be used for interim housing for other persons whose present homes will then be renovated.

Interestingly enough, he has quoted FHA officials as saying the proposal "is terrific, because it's so simple," but then warning that "because it's simple, it will probably bug all the planners."

Perhaps this is the real crux of the many problems facing our Nation today—ignoring the simple, direct approaches to solving our problems and becoming so mired in bureaucratic redtape that little is ever accomplished to help our people.

Personally, I am impressed with this new, direct approach, which relies for success on private enterprise and doing what must be done. I commend this program and this approach to every city of our Nation.

SPEAKER MARTIN

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. VAN DEERLIN. Mr. Speaker, the death of Joe Martin was a loss to us all, on both sides of the aisle. This great citizen of Massachusetts and the United States earned both his titles, "Mr. Speaker" and "Mr. Republican." He wore both of them well.

His record of service was nearly unprecedented. During his 42 years in this body, he was the leader of his party for 20 years and Speaker for four. He presided over five national conventions.

Although the dominant figure in his party for many years, Joe Martin was never a narrow partisan. He worked closely with a great Democratic Speaker, Sam Rayburn, to help guide our country through some of the truly momentous periods of her history. The United States and the free world are far stronger today because of the type of leadership provided by Mr. Martin and Mr. Rayburn.

When I came to Congress is 1963, Mr. Martin had already been here 38 years. Because of his towering reputation, he was of course well known to me before I actually met him. The fact that he was unfailing in the consideration and courtesy which he showed younger Members only increased the high regard in which I held him.

Speaker Martin was a patriot in the finest sense of the word; he was also a gracious and kindly human being.

REGISTER AND VOTE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DULSKI. Mr. Speaker, in this presidential election year the Post Office Department is leading the way in calling the attention of all citizens to the vital importance for everyone to register and vote.

This morning, I had the privilege of being on hand as Postmaster General W. Marvin Watson unveiled the design of the "Register and Vote" postage stamp which is to be issued on June 27.

The 6-cent stamp will provide important and frequent reminder for the continuing efforts of the American Heritage Foundation and other groups seeking to obtain increased voter participation in election throughout the Nation.

The Postmaster General said that the message on the stamp is "aimed directly at every citizen who truly cares for his country and who wishes to keep the faith with past generations of Americans who made it possible for us to register and vote."

Recalling the closeness of the presidential election in 1960, Postmaster General Watson said the decision on the basis of less of 113,000 votes clearly proves that "your vote does count."

"Let your voice be heard," the Postmaster General added.

Mr. Speaker, following are the very appropriate remarks by the Postmaster General:

REMARKS BY POSTMASTER GENERAL W. MARVIN WATSON AT THE UNVEILING OF THE REGISTER AND VOTE STAMP, MAY 21, 1968

"Register and Vote" is the message of the stamp being unveiled today. It is a message of fundamental importance to every thinking American. It is a message aimed directly at every citizen who *truly cares* for his country and who wishes to keep faith with past generations of Americans who made it possible for us to register and vote.

Perhaps that message was best summed up by President Johnson when he witnessed the certification of the 24th amendment to the Constitution, the amendment that abolished the poll tax.

On that occasion, the President said, "There can now be no one too poor to vote. There is no longer a tax on his rights. The only enemy to voting that we face today is indifference. Too many of our citizens treat casually what other people in other lands are ready to die for."

Americans are willing to fight to protect the weak . . . willing to share with the underprivileged . . . willing to contribute in every way to assure that peoples of other countries have the right to decide for *themselves* how they shall be governed. And by whom.

It is almost ironic that we Americans are ready to die for this privilege of voting for *others*. Ironic because *these* are the statistics on voting in this country: In 1960, there were 180 million Americans, 60 per cent or 108 million were eligible to vote, but only 69 million or 38 per cent actually voted. This means that about 19 per cent of the qualified voters of this country actually determined the 1960 elections. This is minority rule, pure and simple, *with the consent of the people.*

Compare this record with that of recent elections in South Vietnam where 80.8 per cent of the registered voters cast their ballots on September 11, 1966.

The 1960 election was the most direct and vivid demonstration of the power of the individual vote. It was decided by less than 113,000 votes. To anyone who knows this figure, the message comes through loud and clear. *Your vote counts!*

The postage stamp which will be unveiled here today will serve, I trust, as a reminder to every American that voting is his precious privilege and his highest duty.

We fought a great world war to make the world safe for Democracy.

We fought a second world war against the forces of tyranny.

We are engaged in a conflict today against those who would deny this privilege to millions of people.

Despite these terrible sacrifices, a callous unconcern for our own rights at home continues to be displayed.

Through this "Register and Vote" stamp, we join the American Heritage Foundation and other concerned citizens in repeating that message. Register and vote. Let *your* voice be heard.

DETERRENTS TO ASSAULTS ON POSTAL EMPLOYEES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. HUNT. Mr. Speaker, with alarming increases in crime rates throughout the country, it is indeed imperative that measures be taken to improve law enforcement techniques and criminal justice. More than this, however, penalties commensurate with the crime must be prescribed and the tools made available to assure effective enforcement. In a word, it is the potential criminal who must be deterred rather than the law enforcement authority.

A step in this direction was taken on May 20, 1968, when the House overwhelmingly passed H.R. 15387, a measure which I fully endorse. In consideration of the increasing frequency of assaults on postal employees, who are afforded less protection of the law than the mail itself, H.R. 15387, as passed, will provide two additional deterrents to assaults against postal field service employees while they are engaged in the performance of their official duties by first, "providing specific statutory authority for the Postmaster General to take appropriate disciplinary action against any postal field service employee who assaults another postal employee engaged in, or on account of, the performance of his official duties"; and, second, "by adding postmasters and all other employees in the postal field service to the class of postal employees, which now includes only post office inspectors, who are covered under the provisions of Federal law which fix Federal criminal penalties for any person who assaults or kills certain Federal employees while engaged in the performance of official duties."

Although recommendations to include other groups of Federal employees within the provisions of Federal criminal laws were considered not to be substantiated by sufficient evidence, I am encouraged that the strong interest shown on behalf of this legislation by the Members of the House will spur prompt action on two measures of which I am a cosponsor. H.R. 13030 and H.R. 13031 would make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President. The increasing use of Federal troops, and in some instances federalized National Guardsmen, to assist the civilian law enforcement authorities in the restoration and maintenance of law and order during riots or other major civil disturbances is, I believe, clear and compelling evidence that such members of the armed services are entitled to the full protection of the Federal criminal laws.

HON. JOE MARTIN

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. McMILLAN. Mr. Speaker, we were all saddened when we learned of the passing of the late Speaker Joe Martin. I do not know of any man that ever served as a Member of the House of Representatives that had more real friends than the late Speaker Martin.

My office, when I came to Washington, was almost directly across the hall from Speaker Martin's office and I leaned heavily on him for advice. I never approached a Speaker of the House that had more consideration for a freshman Congressman than Speaker Martin. He always had time to discuss any and all problems with both Democrats and Republicans. Speaker Martin contributed so much to the well-being of our country during his service as a Member of the House and especially during the time he was serving as Speaker. I considered him one of the best personal friends I have had during my lifetime. We have had some great men serve as Members of the House of Representatives, but I do not know of anyone during my lifetime that possessed the common touch of all the Members as did the late Speaker Joe Martin.

I know that he made a desperate effort to preserve the dignity and the prestige of the Congress at all times and we can use more Members of this great body of Joe Martin's type during these confused times we are experiencing.

I know that this country is a better place to live because Joe Martin became a Member of the House of Representatives. His great contribution to this country and especially to the Congress of the United States will never be forgotten.

A TIMELY WARNING

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BUCHANAN. Mr. Speaker, many Americans are rightfully concerned over the dramatic increase in crime in the United States in recent years, coupled with the spreading scourge of rioting and civil disorder in our Nation's cities. In such a context, Mr. Henry J. Taylor recently gave a timely warning to our country in outlining a 16-point program "for the destruction of the United States." The United States is the greatest free Republic this world has ever known, and a land of hope and opportunity for all its people. It is, however, at present threatened by the violent actions of a criminal, extremist, and subversive minority, coupled with an attitude of permissiveness and even encouragement of civil disobedience on the part of political and religious leaders. Since the rights and freedoms of every American can only be protected within the framework of law, it is high time people in high places and low became aroused to the dangers of anarchy and lawlessness and determined to set our house in order while it still stands. To this end I commend to my colleagues the reading of Mr. Taylor's article included herewith:

[From the Birmingham Post-Herald, May 7, 1968]

FOR THE UNITED STATES THE ROAD TO DESTRUCTION HAS 16 MARKERS

(By Henry J. Taylor)

A 16-point program for the destruction of the United States:

(1) Pound home the preachment of individual rights instead of individual responsibility. Preach the sick sentimentality that condones criminality as society's fault and dismisses the individual from responsibility.

(2) Go easy on anarchy.

(3) Glorify cowardice as intellectualism and appeasement as enlightenment. Steal the liberal label and falsify the contents of the bottle.

(4) Sneer at patriotism. Teach the youth to shun the battlefield. "Be a lover—not a fighter." And if the enemy is a fighter, not a lover? The Rev. Dr. Martin Luther King, Jr. repeatedly stated: "The Vietnam War must be stopped and one way is to have 'peace rallies' like we have 'freedom rallies'." But would Ho Chi Minh allow those parades in the place that is holding up the peace—Hanoi?

(5) Claim the aggressor can be bought off. The Carthaginians gave their sons and daughters to the Roman aggressor to prove and guarantee Carthage's nonaggressive intent. History means nothing?

(6) Do not require the study of American history. Two-thirds of our institutions of higher learning fail to require—require—students to study American history. One out of four of our teachers' colleges do not require any course in it, more than half do not require any preliminary knowledge of it. Yet good citizenship and progress in American ideals are admittedly impossible without an appreciation of our unique American heritage and the great sacrifices it took to establish and preserve them.

(7) Breed distrust of the military; belittle the men who have advanced in this responsible career. Make them seem ignoble and to lie about their democratic purposes long enough, and the military establishment on which a nation's security must depend becomes only a hollow shell, incompetent for a country's defense.

(8) Be patient with hippies who disrupt the universities and other established institutions. Let their protests take the form of sit-ins, lie-ins, flag-burnings, draft-card burnings and mayhem along with missiles and stink bombs. The first business of good government is to provide safety for its citizens. Destroy this.

(9) Pound home to the population that discrimination and lack of opportunity account for all who are "underprivileged." Ignore individual capability and personal application entirely. The IQ of the American population varies from about 50 to 180. The national dropout rate for college students, reflecting both incapacity and failure to apply one's self, exceeds 50 per cent.

(10) Teach all "underprivileged" that somebody else owes them a living. Preach this long enough and it is sure to create a "march of the poor" on the nation's capital, government by city-burning, government by blackmail. It is also sure to create a great many loafers who wouldn't do a day's real work under any conditions whatever. In just New York City, during history's biggest boom, 816,699 people (as of February, 1968) are drawing relief, some for the second and third generations.

(11) Emphasize the "curing" of poverty as the cure for civil disorders. The report of the President's National Advisory Commission on Civil Disorders found that the average rioter did hold a job, was not unemployed and was better educated than his nonrioting neighbors. It completely demolished many of the usual contentions regarding the "causes" of the looting and disorders.

(12) Sponsor unlimited government spending. Said Lenin: "The surest way to destruction is to debauch the currency."

(13) Preach "permissiveness." If "anything goes" then, of course everything goes. Every internal and external enemy knows the advantages of destroying a nation's standards. The rewards are as old as the Trojan horse. See that the TV, drama and movie critics, book reviewers, etc., accept the immoral as moral, the abnormal as normal, the obscene as valuable. Countries that praise the pigs in the pasture don't last very long.

(14) Infiltrate or confuse the teaching-talking-writing intelligentsia, especially those who work behind a prominent man as ghost writers.

(15) Draw the churches into politics. See that the churches gradually liquidate their influence as a spiritual power, and thus as a stabilizing force, having ministers and church leaders make the historic mistake of using the church itself as a political lever.

(16) Manipulate the news.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ADAMS. Mr. Speaker, the 90th Congress has been studying numerous bills of major import, such as the tax surcharge, the Safe Streets Act, and improvement of health and education programs.

There is one major bill that I wish to commend to my colleagues, today, legislation which will help upgrade working conditions of the nearly 80 million employed persons.

I refer to the Occupational Safety and Health Act of 1968, H.R. 14816, introduced by the gentleman from Michigan [Mr. O'HARA] and others.

The Occupational Safety and Health Act will help develop a strong partnership of Federal, State, and local agencies, together with industry, labor, and science. All of these must join together to formulate a program for controlling the health threats and other hazards that accompany earning a living.

The legislation sets up the framework for identifying health hazards, so they can be prevented or controlled, and for setting standards and enforcement procedures.

Mr. Speaker, there is a great need to do something about occupational health and safety. There are many statistics on productivity and lives lost due to occupationally caused illnesses and injuries. One authoritative estimate places the number of such cases at 336,000 per year in the United States.

Many workers are exposed daily or often to the hazards of toxic chemicals, physiological stress, and psychological pressure.

The present system of State standards finds a widely diverse pattern of allowed tolerance levels and enforcement. In all of the United States last year, there were only some 500 persons assigned full or part time to occupational health duties by State and local governments.

Mr. Speaker, under leave to revise and extend my remarks, I include the text of remarks made by Dr. Philip R. Lee, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare on April 17, 1968:

REMARKS OF PHILIP R. LEE, M.D., ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Occupational Safety and Health Act of 1968 represents a major and vital link in the chain of health and health-related legislation of the last four years. The Congress has enacted more than 30 laws since 1963 aimed at making good health, decent health care, and a livable environment realities for all Americans. I need only mention Medicare, Medicaid, maternal and child health care, air pollution control, the partnership for health, and the neighborhood health centers program to suggest the tremendous forward movement that is the record of the present Administration in improving the health of the Nation.

But the great strides that have been made only make more clear the distance we have yet to go.

This is a Nation of workers—nearly eighty million of them. On the vitality and productivity of the Nation's work-force depends the strength not just of our economy, but of our society. Yet the health of American workers is being increasingly threatened by the very surroundings in which they toil, by the tools they use, the fumes they breathe, the deafening and nerve-shattering noises that are the normal state of affairs in all too many workplaces in this country. And to these occupational hazards must be added the thousands of subtle and insidious threats posed by radiation, lasers, and a steadily growing host of chemical agents whose effects on health are all but unknown.

Frankly, I don't think anyone knows the full extent of the occupational safety and health problem in this country. But some of the things we do know paint the outlines of a bad and worsening picture.

Eighty percent of the employed persons in the United States do not have access to health protection where they work.

The combined expenditures for occupational health in 42 States, 32 local jurisdictions, the District of Columbia, and Puerto Rico amount to only about five cents per worker per year, a sum that is ludicrously small in the face of the occupational health problem.

In my home State of California, where occupational illnesses are reported and tabulated, 27,000 cases were uncovered in 1965 alone. If this California experience were applied to the whole Nation, we could assume that there were at least 336,000 cases of occupational disease that year. But the fact is, we don't know how extensive occupational illness is, because we don't have the national system for detecting and preventing this intolerable health problem.

This is one reason why passage of the Occupational Safety and Health Act of 1968 is of such critical importance. We need to develop a partnership of Federal, State, and local agencies, of industry, labor, the scientific community—indeed of all those who can and must join forces to bring under control the health threats that accompany earning a living.

This important legislation sets up a strong working relationship between the Departments of Labor and of Health, Education, and Welfare under which we would greatly intensify our efforts to identify occupational health hazards so that they can be prevented or controlled, so that this Nation can gain and keep the upper hand in the struggle to make employment safe and healthful, rather than a poorly calculated risk to life and limb.

STEPS TO HELP THE UNEMPLOYED

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, last week I was pleased to call to the attention of the House an effort being made by 25 private firms in my home city of Trenton to rehabilitate housing in the rundown areas of the city. I did so to illustrate the ways in which private industry can help solve the problems of our center cities.

I am pleased, therefore, to bring to the attention of the House another example of how private industry in my home county of Mercer is working to bring job opportunities to the hard-core unemployed. This effort is set forth in a story by Miss Donna Standen which appeared in the May 19 edition of the Sunday Times Advertiser:

ALLIANCE OF BUSINESSMEN TAKES STEPS TO HELP UNEMPLOYED

(By Donna Standen)

Wanted:

People who care.

Corporations that care.

Human being willing to extend a hand to those who need it.

And human beings on a quest for self-respect and self-esteem.

These people—and businesses—are wanted by the Mercer County Alliance of Businessmen to find jobs for hard-core unemployables.

This same alliance wants to find the men and women to fill those jobs.

The Mercer County Alliance of Businessmen (MCAB) is a fledgling organization started by 40 concerned civic-minded businessmen and women who want to find both permanent and temporary jobs for the unemployed and underemployed.

MOST ACTIVE UNIT

The MCAB is a chapter of the New Jersey Alliance of Businessmen. To date it is the most active chapter.

In the 10 days since its inception the Mercer chapter has received pledges for 50 permanent positions and 86 summer jobs. The goal is 1,200 to 1,500 summer jobs and 600 full time permanent positions.

"There is no limit to man and his ability," says Philip Hofmann, chairman of the board of Johnson & Johnson, New Brunswick. Gov. Richard J. Hughes appointed Hofmann chairman of the New Jersey Alliance.

The state alliance is closely related to the National Alliance of Businessmen, whose chairman is Henry Ford 2d. The National Alliance reaches 50 metropolitan centers in the country, including Newark and Camden. The state alliance is geared to serve the rest of New Jersey.

Mercer's chairman is dynamic Barry Shepard, executive vice president of The Acme-Hamilton Manufacturing Corp.

USES COMPUTER

Shepard is using a computer to outline all businesses in Mercer County. His machine is programming an account number and industry class with each firm in the county, plus the number of employes and possible additions to the employment rolls.

His list of firms in Mercer has come from every conceivable source.

"There is an immense duplication in the area of job development and human development," says Shepard. "Everyone's talking about the problem. No one's doing anything."

But the 40 concerned people in Mercer County, he says, have started acting. Each of the 40 has been given a list of names to contact for pledges of job opportunities for the disadvantaged.

Shepard realizes it isn't an easy job to find employers willing to take on untrained men. "But it's an important one, trying to sell a better way of life and a better community.

"Industry has both the money and the talent," he adds. MCAB plans to put both to work.

Neither the state nor the Mercer alliance is funded. Time, space, materials and talent are being donated. "But the more I see it," he adds, "it is a base, a starting point."

And MCAB, according to philosophical Shepard, will go to anti-poverty organizations, churches and even saloon-keepers in order to find the hard-core unemployed and give them job opportunities.

"The history of America is the story of job opportunity," Shepard says softly as he pauses to reflect his words. "What more are we talking about than perpetuating that heritage and making it stronger?"

The CF&I Steel Corp. on South Broad Street, has made office space available to the alliance, and a "Job Fair" is planned for June 1 to 15 at the Civic Center, when businessmen will be able to interview prospective job applicants.

Shepard is both optimistic and realistic. "We know there are problems involved in hiring unskilled and even illiterate people. And we know most of them have no working habits, or poor ones, to begin with."

But the MCAB will face these problems head-on, Shepard told members of the New Jersey Alliance the Mercer group is trying to have unions waive requirements for summer employes and that they are asking potential employers to drop educational requirements for its employes and to relax standards of physical requirements.

But MCAB plans something more than just turning into a gigantic employment service. Follow-up attention is planned for those who are placed in jobs.

"IN THE STREAM"

"The disadvantaged person already has entered the stream of our conscience," says Shepard as he pauses in reflection. "Now let him enter the stream of our economy."

"This program has been presented to superimpose over many agencies who work with a common purpose in mind."

WAUKEGAN NEWS-SUN SUPPORTS HUMAN RENEWAL PROGRAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. McCLORY. Mr. Speaker, the need for doing something constructive in behalf of the impoverished and disadvantaged citizens of our Nation is critical indeed. The Poor People's March dramatizes the plight of some 30 million Americans who have not succeeded in benefiting from our society of affluence.

The Congress cannot and should not indulge in endless welfare programs. Our disadvantaged citizens want opportunities, not handouts. It is incumbent upon us to point the way toward greater opportunity through increased job training, educational advantages, and encouraging individual initiative and motivation.

The Republican sponsored human renewal fund is designed primarily to meet these needs. Arguments in behalf of the Republican program were expressed convincingly in the Tuesday, May 16 issue of the Waukegan News-Sun—Lake County's only daily newspaper—and a leading journal circulating in the 12th Congressional District of Illinois.

I am inserting this editorial at the conclusion of these remarks for the benefit of my colleagues in the Congress as well as for the information of all citizens of the Nation:

HUMAN RENEWAL EXCELLENT WAY TO FIGHT POVERTY PROBLEMS

A proposal to really do something about relieving the distress of the poor and unemployed is now before the House of Representatives.

Aptly named the "Human Renewal Fund," the program is backed by a group of 70 Republican members of the House. What makes it such an attractive idea is that it would be funded through cuts elsewhere in the national budget.

Proposed is a budget reduction of $6.6 billion, with $2.5 billion to be plowed back into the Human Renewal Fund. The net reduction would be $4.1 billion, and the gain in human resource would be incalculable.

The GOP plan is predicated on the premise that much of the federal spending is for low priority projects that, during wartime, can well be postponed or eliminated.

To put the savings to work the Republicans propose to institute a Human Renewal Fund. The fund would be aimed at promoting jobs, housing, education and agricultural revitalization. It would also fight crime, air and water pollution and help stop the urban decay in Washington.

To be postponed or eliminated are the huge funds allocated to public works, public buildings, non-military research, highway beautification, supersonic transport, and government public relations efforts.

Other low priority spending would be reduced or eliminated to improve the nation's financial situation and prevent the great waste in human beings among the poor, and still provide ample funds to carry on the war.

Such a realistic approach to government spending is long past due. Under the Human Renewal Fund the crisis in the cities would get immediate attention, with jobs and vocational training taking precedence over the politically motivated war on poverty and other such schemes which have been complete failures.

The Republican program calls for a three per cent cut in federal civilian employes to halt the ever-increasing number working for the government. It would suspend for the time of crisis the construction of new government buildings in Washington and the renovation of others which are not necessary. It would eliminate for the time being the government's subsidy of the Arts and Humanities foundation and many additional spending schemes that are not essential.

Jobs and job training would absorb $750 million of the Human Renewal Fund, with housing and rent subsidies taking another $500 million.

The need for priorities in government spending has long been argued by those who recognize the serious financial slump into which the nation has sunk. Now Congress has before it a priorities list that takes into consideration the needs of the distressed people of the country.

The Human Renewal Fund program should be adopted quickly. It will go a long way toward saving the value of the dollar and at the same time provide hope for those people who are without hope.

THE "DOC" ABERNATHY AFFAIR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RARICK. Mr. Speaker, the widespread interest in the deflation in the savior image of "Doc" Ralph D. Abernathy of SCLC and his clandestine sex dramatizing with poor little Vivian McCoy Davis continues with new exposures. After her denouncing ole "Doc," Vivian Davis was made the victim of vicious attacks by a periodical called Jet magazine—possibly trying to rescue "Doc" Abernathy from his role as the great destroyer. Her husband, Edward Davis, in defense of his spouse sued the owners of Jet for libel.

I ask that the clerk's certificate showing the court judgment for Davis against Jet magazine, a Johnson Publishing Co. enterprise, follow:

[In the Circuit Court of Montgomery County, No. 24800]

EDWARD DAVIS, PLAINTIFF *v.* JOHNSON PUBLISHING COMPANY, ET AL., DEFENDANT

STATE OF ALABAMA,
Montgomery County

I, John R. Matthews, Clerk of the Circuit Court of Montgomery County hereby certify that in the above case there was a Jury and Verdict for the Plaintiff in said Court in the sum of $67,500.00, said judgment being rendered against Johnson Publishing Company on the 8th day of May, 1960.

I further certify that said case was appealed to the Supreme Court of Alabama, and the Supreme Court of Alabama reduced the judgment to the sum of $45,000.00, and that on the 29th day of December, 1960, said judgment was marked "satisfied and discharged of record" by the attorneys representing the Plaintiff, Edward Davis.

WITNESS my hand and the seal of said Circuit Court is hereto affixed this the 14th day of May, 1968.

JOHN R. MATTHEWS,
Clerk, Circuit Court, Montgomery County.

WRONG PEOPLE MARCHING

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following editorial which appeared in the May 16, 1968, issue of the Bradford Era, Bradford, Pa.:

THE WRONG PEOPLE ARE MARCHING

It is impossible not to feel sorry for those individuals gathering this week in Washington under the banner of the Poor People's March. We feel sorry for them because the great mass is being used and abused by certain individuals who are neither poor nor genuinely concerned with the poor, but are concerned only with either anarchy or a grab for power.

The similarity between this march and the legendary Coxey's Army of the 19th Century and the later, Communist-inspired and led Bonus March, is clear in some respects. But in neither case was the object of bludgeoning Congress into passing welfare legislation quite so obvious.

Coxey's Army fell apart over a number of issues, and the Bonus Marchers were finally routed out of their shantytown by forthright action led by Gen. Douglas MacArthur and Col. Dwight D. Eisenhower.

The judgment of those who urged the so-called poor people to march on Washington at this juncture must be questioned. One does not light matches in a powder magazine, and as the riots which followed the assassination of Martin Luther King clearly demonstrated, our nation's capital can be looked upon as nothing less.

Sen. Carl Mundt has warned his constituents to stay away from Washington this summer and if they must come, to leave their families at home. Others have noted that SNCC and other black power organizations have been appealing to students to spend this summer whipping up sentiment among the poor folks in order to keep the pressure on Congress.

One cannot question the right of people to petition for redress of grievances, but at the same time that petitioning must be carried out in an orderly manner. In a tone of voice which barely conceals their anger, many leaders of the march have made it clear that their purpose is anything but peaceful.

As for the demands themselves, they need close scrutiny. There have been proposals for a guaranteed annual wage, rather than a welfare system. This, it is said, will guarantee every man in the nation a minimum salary, whether he works or not. The absurdity of this is breath-taking.

But just as the poor people who have been dragooned into coming to Washington are the pawns in a larger game, so is the real object of the pressure. For it is not Congress the march leaders seek to destroy, but the American middle class, already hard-pressed by taxes; taxes which are often poured down the rathole of welfare and dubious "social service" projects.

It is the middle class which the leaders seek to destroy—and it should be noted here that destruction of the middle class is the first object of the Revolution, as outlined by both Marx and Lenin. It is the middle class which stands in the way of the workers' paradise—how blind people can be—and it is the middle class which stands in the way of a Leftist takeover.

The United States has long been a nation of opportunity. Our guarantee to every man who came to these shores, was the right to seek his own level; to make his own bed and lie down on it. That some of those beds are lumpy is not the fault of the rest of us. When real misfortune strikes, of course we are willing to help, and we have helped, both through voluntary organizations and through tax-supported projects. But beyond that, we have no obligation to people who will not seize fortune by the forelock and make a decent life for themselves.

We say the wrong people are marching on Washington. It's the middle class that should be there—demanding that Congress stop giving away our money with both hands to buy bandaids for social ills that are largely overstated. If the middle class did march, then Congress would really get an ear full!

MRS. ROSA HAGAN, OF INDIANAPOLIS, CELEBRATES 100TH BIRTHDAY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BRAY. Mr. Speaker, on May 28, 1968, Mrs. Rosa Hagan, of Indianapolis, will celebrate her 100th birthday. Those who live far past the Biblical "three score and ten" deserve special recognition from their friends and acquaintances, to be sure, but I believe we should consider something else: the very real, living link that these extraordinary people give the era of the 1960's with the past.

Mrs. Hagan was born in Germany on May 28, 1868. She came to the United States from Germany in 1939, and from 1939 to 1965 traveled about her adopted country living with her children. The United States is a great country because of the contributions made to it by persons who, like Mrs. Hagan, came to our shores seeking freedom. Who can say or who can measure what this woman and her descendants have given us all?

Let us consider one fact: If Mrs. Hagan had been in the Western United States when she was born, her eyes could have seen Indian warsmoke on the hills and her ears might have heard the thunder of Indian tribal drums, preparing for war against the advancing settlers. Today, however, her eyes see another kind of smoke: the contrails of jet airplanes that fly 6 miles above the earth; and her ears hear another kind of thunder: the sonic boom, as these planes break the sound barrier and attain speeds not even dreamed of when she was a girl.

Her life has spanned the 100-year period that saw this transition in civilization and technology.

In her own native country of Germany, when she was born, the "Iron Chancellor," Prince Otto von Bismarck, had completed his consolidation of the German nation and was negotiating to put a member of the German royal house of Hohenzollern on the Spanish throne.

In Russia, czarist expansionist tendencies had moved into central Asia, for the eventual conquest of Kokand, Bokhara, and Khive. This eventually led to much friction between England and Russia. England thought, correctly, that Russia was pushing toward India.

The Suez Canal was almost finished—it opened in 1869—and the Turkish Ottoman Empire had granted concessions to build a railroad to connect Constantinople with Hungarian rail lines.

In the field of technology and exploration, the first Sholes typewriter was being put to commercial use, and a Norwegian explorer had penetrated the pack ice north of Spitzbergen, helping open the route to the North Pole.

In the United States, 2 days before Mrs. Hagen was born in Germany, President Andrew Johnson's impeachment trial had ended in the U.S. Senate; by one vote, he was acquitted.

Two days after she was born, the first Memorial Day was officially observed, on proclamation of Gen. John A. Logan, commander of the Grand Army of the Republic.

The second session of the 40th U.S. Congress was sitting in Washington. Oliver Morton, Indiana's great Civil War Governor, was an Indiana Senator. Charles Sumner, of Massachusetts, fiery New England statesman, was also in the Senate.

In the House, Benjamin Butler, the controversial Civil War general, was a Representative along with Thaddeus Stevens, of Pennsylvania, the uncompromising and bitterly antisouthern radical. This Congress had eight territories represented, not yet States: Arizona, Colorado, Dakota, Idaho, Montana, New Mexico, Utah, and Washington.

In the South, reconstruction was at its height. There were five military districts in this part of our country, each ruled over by a military governor. Confederate veterans organizations, parades, and even historical societies were banned. Thousands of local officials, along with the Governors of six Southern States, were removed from office that year. The civil courts were superseded by military tribunals. The Legislatures of Georgia, Alabama, and Louisiana were purged; State laws were set aside or changed. A 20,000-strong Union army of occupation was still in the South. In the summer of the year of Mrs. Hagan's birth, eight Southern States received "reconstructed" governments. The hideous, bleeding scar of the Civil War was still upon our country. In 1868, President Andrew Johnson pardoned 13,500 Confederates, and by Christmas of that year, only 300 were left unpardoned and ineligible to vote.

What incredibly interesting years of history Mrs. Hagan's life spans. Will someone born in 1968 be able to say as much, if they live until the year 2068? Will the next 100 years show so much progress, change, and, sadly, bloodshed and war? We hope, devoutly, the next 100 years will not see the terrible conflict and bitterness, but we hope equally that mankind's progress will not only equal but surpass that of the last century.

So let us pay special tribute, and give special recognition to these outstanding citizens like Mrs. Hagan who serve as a living reminder and link with the past. I wish Mrs. Hagan many more years of health, happiness, and—many more birthdays.

QUESTIONNAIRE RESULTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BINGHAM. Mr. Speaker, I recently distributed a questionnaire among the residents of the 23d District. I received more than 15,000 replies which were tabulated. Results are as follows:

1. Problems, ranked in order of importance were: Vietnam; crime; race relations; inflation; high taxes; urban decay; older people's needs; housing shortage; public transportation.

[Results in percent]

2. Voting age: Do you favor reducing the voting age to 18?

Yes	37
No	57
Undecided	6

3. Police: There seems to be general agreement throughout our area that added police protection is needed. Do you think the Federal Government should assume part of the added cost?

Yes	60
No	32
Undecided	8

4. Drugs: Do you think use or possession (as distinct from sale) of the following drugs should be a criminal offense?

LSD:	
Yes	71
No	22
Undecided	7
Marihuana:	
Yes	60
No	31
Undecided	9

5. Transit: The Federal Government continues to help highway construction at a rate twenty times as high as that provided for mass transit (such as subways and buses). I favor permitting use of some of the highway aid for mass transit. Do you agree?

Yes	80
No	15
Undecided	5

6. Immigration: The 1965 immigration law made many good changes but it has worked a hardship on citizens of some countries by instituting stiff standards for the first time. I favor easing these requirements temporarily for those countries that were not previously covered. Do you agree?

Yes	52
No	30
Undecided	18

7. Travel: The President has proposed a tax on travel to reduce our international balance of payments deficit. Do you favor such a tax?

Yes	43
No	52
Undecided	5

8. Middle East: If the Soviet arms aid to the Arab States continues, should the U.S. make needed weapons available to Israel?

Yes	70
No	22
Undecided	8

9. Vietnam:

(a) Do you believe the Vietnam conflict can and should be brought to a conclusion by—

Military victory	27
Negotiated settlement	54
Withdrawal by the U.S. forces	19

(b) If you had to decide, would you accept a negotiated settlement in South Vietnam which provides—

Internationally supervised elections in South Vietnam in which all parties, including the National Liberation Front, would be free to participate	67
A coalition government in which the NLF would be included but would not have control	33

10. The draft: Last year the President proposed a lottery system with 19 year olds being taken first. Would you favor this over the present system?

Yes	39
No	42
Undecided	19

11. Medicare: There are a number of suggestions for additions to this program. Please mark the two you think are most desirable.

In order of marking, they were: Include cost of prescription drugs as part of basic coverage; increase the number of days of hospitalization permitted; extend coverage to persons under 65 who are receiving Social Security benefits; eliminate requirement that senior citizen pay the first $40 of the hospital bill; eliminate requirement that senior citizen pay $4 per month for the medical insurance (hospital; insurance is free).

EXTENSION OF THE AGRICULTURAL ADJUSTMENT ACT

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BERRY. Mr. Speaker, there is no question that a new and aggressive farm program is needed, but the extension of the Agricultural Adjustment Act is necessary to fill the gap until such legislation is passed.

We should note that the purchasing power of farm products, when adjusted to today's values, is only 40 cents on the dollar, very little more than even in 1934 when farm parity stood at 71 percent rather than 73 percent as it is today.

Farms are disappearing, not because the farmer has not been working hard and efficiently. His productivity exceeds that of any other individual. Farm output per man-hour has climbed 61 percent since 1959, but while he is producing more and better food, he is continually being asked to produce it at lower and lower wages.

Agriculture needs a more sympathetic ear from the news media of the Nation. It needs a stronger voice in the operation of the Department of Agriculture. It needs an understanding on the part of the consumer that if the farmer is put out of business food prices will be increased many times.

Because of this, it seems rather senseless for our Government to open wide the import gates for subsidized foreign agricultural products, such as billions of pounds of milk and dairy products, meat and meat products, sugar, and even grain and grain products while our cash exports of these commodities are constantly being reduced.

For years now the slogan has been, "Save the American family farm." Unless action is taken soon; the slogan of the future may be, "Save the American farm."

SAFE STREETS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. CELLER. Mr. Speaker, we cannot permit a condition to exist where our citizens walk in the shadow of fear. A breakdown of law and order means a paralysis of society and will not be tolerated. Lawlessness has been shown by the President's Commission on Law Enforcement and Administration of Justice to be a national phenomenon that reaches into every section of the country, but we know, too, that crime is essentially a local problem that must be dealt with by State and local governments.

There are few who will not agree that we do not want a national police force, but we can all agree that there must be a national strategy against crime. The prevalence of crime has convinced me that whatever can be done on the Federal level must be done.

Every person must be protected. Property must be protected. As chairman of the Committee on the Judiciary, which is the committee charged with the responsibility of enacting criminal laws, I want you to know that I have assumed, and will assume, the grave challenges that face all of us in coming to grips with the intolerable consequences of the present wave of criminal activity.

Criminal behavior pervades a much greater segment of American society than previously has been comprehended generally. In the United States today, the Crime Commission reports, one boy in six is referred to the juvenile court. In 1965, more than 2 million Americans were received in prisons or juvenile training schools, or placed on probation. One Crime Commission study indicates that about 40 percent of all male children now living in the United States will be arrested for a nontraffic offense during their lives. A survey of 1,700 persons found that 91 percent of the sample admitted they had committed acts for which they might have received jail or prison sentences.

Thus, with assistance from the Federal Government, the cities could, for example, flood communities with light, put into use noncrippling chemical deterrents, special photographic equipment for identification of criminals, increased patrol activity, better detective devices. Law enforcement agencies could develop techniques in riot prevention such as "slick streets," tear gas, and nonlethal weapons. There should be police callboxes, which should be left open and brightly marked, installed on as many streets as possible.

Congress has not been silent. For a number of years, the Committee on the Judiciary, of which I am chairman, has worked intensively on crime legislation. Because I could see the growing menace, I secured passage of significant acts, now law of the land, dealing with this evil in our society. I cite for your information a number of them:

Public Law 87–216, to amend the United States Code with respect to the transmission of bets, wagers, and related information.

Public Law 87–218, to prohibit interstate transportation of wagering paraphernalia.

Public Law 87–228, to prohibit travel or transportation in aid of racketeering enterprises.

Public Law 87–368, to strengthen the Fugitive Felon Act.

Public Law 87–849, bribery, graft, conflict of interest.

Public Law 87–338, imparting or conveying of false information.

Public Law 88–251, with respect to escape or attempted escape of juvenile delinquents.

Public Law 88–316, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes.

Public Law 89–68, prohibiting travel in aid of arson.

Public Law 89–141, providing penalties for the assassination of the President or Vice President.

Public Law 89–196, authorizing funds for the Commission on Law Enforcement and Administration of Justice and the District of Columbia Commission on Crime and Law Enforcement.

Public Law 89–197, training State and local law-enforcement officers and improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime.

Public Law 89–218, authorizing Secret Service agents to make arrests without warrants for offenses committed in their presence.

Public Law 89–801, establishing a National Commission on Reform of Federal Criminal Laws.

Public Law 90–123, prohibiting obstruction of criminal investigations of the United States.

Pending before the Congress at this time is the "Safe Streets" Act, which I introduced; also the bill for better control of interstate traffic in firearms; the bill creating the U.S. Correction Service; the bill establishing a Federal Judicial Center; and the bill prohibiting wire interception and eavesdropping, all of which I introduced. As your Representative in Congress, I could do no less.

Thus, there is an indisputable need for national assistance to support and encourage greater effort by State and local governments to find new answers to the threats presented by criminal activity.

It is for this reason that I sponsored the Safe Streets Act, to assist State and local governments, which provides for financial and other assistance in—

First. Specialized training, education, and recruitment programs, including intense training in such critical areas as organized crime and police-community relations, and the development of police tactical squads.

Second. Modernization of equipment, including portable two-way radios for patrol officers, new alarm systems, and improved laboratory instrumentation for applying advanced techniques in identification.

Third. Programs for the reorganization of personnel structures and the coordination and consolidation of overlapping law enforcement and criminal justice agencies.

Fourth. Advanced techniques for rehabilitating offenders, including the establishment of vocational prerelease guidance in jails, work-release programs, and community-based corrections facilities.

Fifth. High-speed systems for collecting and transmitting information to police, prosecutors, courts and corrections agencies.

Sixth. Crime prevention programs in schools, colleges, welfare agencies, and other institutions.

Every examination of crime discloses these two facts: First, that most crimes are committed by boys and young men; and, second, that most crimes are committed in cities. Thus, a conclusion has been reached that most crime-prone groups in the population are males between the ages of 15 and 24, and that the 15-to-24 age group has been the fastest growing group in the population because of the increase in births that took place after the Second World War. It becomes clear then that programs not only of prevention and detection are urgently needed, but also programs of rehabilitation.

Certainly, ways must be found to reduce the opportunity to commit crime. In auto thefts, for example, we find that the key had been left in the ignition or the ignition left unlocked in 42 percent of all stolen car cases. Auto theft could be greatly reduced by installing an ignition system that automatically ejects the key when the engine is turned off. We need stricter gun controls. And we need an increase in the number of juvenile probation officers as well as an increase in probation officers working with adult felons.

The existence of crime is as old as the world is old: yet we are only in this 20th century beginning to look at its cause and prevention with any degree of depth. Through the Law Enforcement Assistance Act, which became law in September of 1965, we have already begun a comprehensive study of the application of science and technology to criminal justice as well as a study on pooling police services, a survey of unreported crimes, correctional agencies and how they work, and police-community relations.

The annual report to the President and Congress on the activities under the Law Enforcement Assistance Act of 1965 reveals that—

The Department of Justice has, in 30 months, granted some $19 million for 330 criminal justice projects in 50 States, the District of Columbia, the Virgin Islands, Guam, and Puerto Rico.

Comprehensive law enforcement assistance—LEA—programs have motivated State and local governments toward significant actions, strengthening the fabric of our criminal justice system:

Twenty-seven grants have financed State crime evaluation and planning commissions. None existed before this program. Each provides a major opportunity to implement the recommendations of President Johnson's Crime Commission and to effect other important improvements. Each State has been urged for more than 2 years to form such a commission. Each State needs one.

Thirty-four grants to police departments have financed police-community relations programs addressed directly to law enforcement's most pressing problem.

Twenty-seven grants have been awarded for police-science courses in colleges and universities, nearly doubling the number of States with schools offering such study. These courses provide a major opportunity for professionalization of police.

More than 650 police departments, with Federal support, are using filmed and printed training materials carefully developed by experts under the supervision of the International Association of Chiefs of Police.

Twenty-one States have received grants to develop comprehensive training programs for correctional officers in prison, probation and parole work. Only six States had such programs previously. These programs can have a profound long-range impact on the recidivist who commits most controllable crime.

Twenty States have received grants to develop or improve State police standards and training activities. These grants can begin statewide improvement of law enforcement.

One hundred and twenty police departments have participated in riot prevention and control seminars sponsored by the International Association of Chiefs of Police and the Department of Justice.

The war on crime must be pursued with unrelenting determination. It is a war with many battlefronts. The apprehension and the incarceration of the criminal is only one front; prevention is another; elimination of the conditions which breed crime is yet another; the cultivation of discipline and standards within the home and the school is still another. It is a disease like cancer that cannot be eradicated by any one single method of treatment, but we can attack it, we will attack it, and we will succeed.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. SCHERLE. Mr. Speaker, this is the 120th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

PIPELINE SAFETY LEGISLATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. HELSTOSKI. Mr. Speaker, the action of the House Interstate and Foreign Commerce Committee on pipeline safety regulations has stirred up a great concern among many segments of our society, either directly or indirectly affected by this proposed legislation.

Among others who are deeply concerned about this most serious problem of safety and adequate controls over pipeline installations and inspection is the International Union of Operating Engineers. In a letter sent to me by Mr. Peter Weber, president-business manager of the several locals organized in New Jersey, he expressed his alarm at the action taken by the House Commerce Committee in not conducting open hearings on this vital safety legislation. His position on this matter has been affirmed by the 10,000 members of the International Union of Operating Engineers, as responsible citizens of the State of New Jersey, desiring every safety precaution to be taken in the control of pipelines and pipeline installations.

In expressing his concern over the methods used by the House Commerce Committee on this legislation, Mr. Weber included a clipping from the May 13, 1968, Newark Star Ledger, written by Drew Pearson and Jack Anderson on this proposed legislation and on the behind the scenes actions of the committee.

Mr. Speaker, I include with my remarks the clipping sent me by Mr. Weber on this matter.

The item follows:

Merry-Go-Round

(By Drew Pearson and Jack Anderson)

Washington.—The families who had their homes blown up in the latest gas pipeline explosion in San Jose, California, will be interested in the closed-door debate in which certain congressmen gutted the pipeline safety bill.

So will the citizens of Queens, New York, who lost twelve blocks of homes, and the citizens of Natchitoches, Louisiana, where seventeen people were killed by another pipeline explosion, and all the others who lost loved ones and property in pipeline explosions in the last couple of years.

They and the rest of the public will not be able to read the debate which affects their own safety, because it was held behind the closed doors of the House Commerce Committee. However, we can report that at least five congressmen were so angry at the way their colleagues buckled under to the lobbyists that they announced they would make a fight on the House floor to restore the stronger provisions of a Senate bill which guarantees tough federal inspection of 800,000 miles of underground pipeline.

The five protestors who voted against the weak House bill were: Reps. John Moss, D-Calif., John Dingell, D-Mich., Daniel Ronan, D-Ill., Brock Adams, D-Wash., and Richard Ottinger, D-N.Y.

Rep. Torbert Macdonald, D-Mass., also said he would support amendments on the floor.

"I must say I am disenchanted with the bill as approved by this committee," he declared. "Most of all, I do not like the provision which enables states to exempt themselves from federal regulation by simply certifying that they are satisfying federal standards in pipeline safety."

"This bill guts the Senate bill by exempting pipes already in the ground from meeting construction standards for new pipelines; that is, unless the Secretary of Transportation disagrees," protested Moss of California.

He said that the secretary would have to make separate findings of hazards "in each section" of a pipeline in order to compel replacements.

"This is ridiculous," complained Moss. "There might be 100 sections of an old pipeline that are hazardous. The secretary would have to make 100 findings to put it in shape to meet safety standards. It is a weak, badly drawn piece of legislation all around."

"One reason it's a bad bill is that it is written largely by lobbyists," declared Adams of Washington. "In at least five of six cases that I know about, the committee has adopted the precise language the lobbyists wanted in the bill."

The congressmen who have yielded to the lobbyists behind closed doors were: Horace Kornegay, N.C., Democrat; plus Republicans James Broyhill, N.C., James Harvey, Mich., Donald Brotzman, Colo., and Clarence Brown, Ohio.

They weakened the bill so drastically that civil penalties were reduced from the Senate figure of $400,000 to $100,000 for total damages to any person injured by a gas explosion. A maximum liability of $100,000 is peanuts compared with the several million dollars of damages in the Queens fire.

Two of the lobbyists who fought hardest to weaken the pipeline inspection bill were Hal Connor and John A. Vance of Pacific Gas and Electric, the very same company whose pipeline exploded in San Jose last week. They wanted state instead of federal inspection. Connor and Vance called on Representative Moss and his administrative aide, John Billett, four times in one day, trying to weaken the pipeline bill. They called on Representative Van Deerlin eight times. Both congressmen stood firm.

The Senate leaders for a tough pipeline bill were Warren Magnuson, D-Wash., chairman of the Senate Commerce Committee, and Vance Hartke, chairman of the subcommittee. They were successful until their efforts were undermined by lobbyists in the House.

Note: Pacific Gas and Electric has been much more community-minded of late. When PG&E undertook to build a nuclear reactor, it consulted the Sierra Club in advance to get its approval of the best place to locate the reactor, However, PG&E lobbyists did their best to persuade the House Commerce Committee to adopt an amendment to transfer pipeline inspection from the federal government to the states where utility commissions are notoriously weaker.

SET THE RECORD STRAIGHT

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, my attention has been drawn to an editorial from the Wellington Daily News edition of April 19, 1968, which was placed in the CONGRESSIONAL RECORD on April 29. The thrust of the editorial was that the $600 a year allowance permitted the taxpayer for each of his minor children is insufficient to cover the actual cost.

Mr. Speaker, I have no quarrel whatever with that proposition. Six hundred dollars is, indeed, an inadequate sum under today's price structure. However, in making his point, the writer, to emphasize the inadequacy of the figure contrasts it with sums which the Government purportedly spends for other purposes. One of the statements made is that the VISTA program spent $15,000 a year to train each of its trainees in the last fiscal year.

Mr. Speaker, that figure is totally erroneous. Last fiscal year VISTA spent $3.7 million to train 3,700 VISTA volunteers. The cost per trainee, therefore, was about $1,000 per trainee. I am pleased to advise that VISTA training costs in 1968 have dropped to an average of $694. I am sure that you and my colleagues are aware of the very fine services performed throughout the country by these dedicated volunteers. I am pleased to have this opportunity to set the record straight.

A COMMUNITY SERVANT—OUTSTANDING AMERICAN: HAROLD T. GRAY, 1894–1968

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I include in the RECORD the following article and editorial from the Courier-Express, DuBois, Pa., on the passing of Harold T. Gray, president of the Courier-Express Publishing Co., and publisher of the newspaper. The articles were written by George Waylonis, associate editor of the Courier-Express:

[From the DuBois (Pa.) Courier-Express, Mar. 27, 1968]

COMMUNITY SERVANT—OUTSTANDING AMERICAN: HAROLD T. GRAY, 1894–1968

(By George Waylonis)

Harold T. Gray, as the eldest son, learned the raw rudiments of printing at the side of his father in a small print shop in DuBois more than a half a century ago.

And then responsibility was thrust upon him on an autumn day in 1923 while he was still in young manhood.

In the years that followed, Harold T. Gray sculpted a communications media complex equal with the best in Small Town, America. This covered newspapers, radio stations and distinctive quality printing.

This achievement became a legacy this morning (March 27) at 1:45 o'clock when Harold Thomas Gray succumbed at his residence, 239 E. Logan Ave., after an extended illness.

He was 73.

He was president of the Courier-Express Publishing Co., publisher of this newspaper. He was president of the Tri-County Broadcasting Co., operators of Radio Stations WCED–AM–FM. He was president of the Gray Printing Co., a commercial printing firm; and two holding companies.

These organizations were not founded during times of affluence but, rather, during days of the Depression when frugality and struggle were the ingredients for progress. And they were founded because DuBois was emerging as the metropolitan center for a vast section of mountain country in north-central Pennsylvania.

While pioneering the newspaper and radio media, Harold T. Gray also became known statewide, and in some instances nationally-known, for his civic labors in the fields of education, charity, religion, fine arts, and patriotism. He pioneered many of these efforts in the DuBois area, and remained actively associated with these civic movements until he was hospitalized in January when he underwent surgery at Mercy Hospital, Pittsburgh.

Harold T. Gray was a prime mover in the establishment of Bucktail Council, Boy Scouts of America . . . was an early booster of what today is the DuBois Campus, Pennsylvania State University . . . a charter director of the Civic Arts Society that initially stimulated the Fine Arts in this area . . . a supporter and a director for the Salvation Army for many decades, participating in its works of charity.

A deeply religious man, he was the driving force and held various posts of responsibility in the Presbyterian Church.

A deeply patriotic man, he was the driving force in the Tri-County Reserve Officers Association more than 40 years ago that gave an unprepared America trained men from this area when World War II was thrust upon this nation. He saw service in the two world wars; and he was the second charter member of Montgomery Post, No. 17, American Legion.

Tantamount with these major milestones are his decades of service in the business and industrial life of the area, the promotion of the common weal and being the confidant to hundreds of area persons, many of them young people in whom he took sincere interest.

As publisher of the Courier-Express, he directed and urged his editors to stimulate and promote the progress of the DuBois area and to give all-out support to civic enterprises.

HIS FATHER

This flaming interest in his community stemmed from his boyhood when he heard told and retold, from the lips of his father, the struggle that faced DuBois to re-build after the Great Fire of 1888. This was the gigantic effort of the pioneers, moving shoulder-to-shoulder, re-building the City into a progressive and prosperous one in the coal and timber region of Pennsylvania.

This was the impetus given to Harold T. Gray in his boyhood by his father. For he knew the struggles of his father—a "printer's devil" at the age of 14 in the rugged mountain country of Caledonia, Pa., and how he started his own small printshop in Driftwood, Pa., but only to lose all in a fire there 13 years later.

EARLY DAYS

Busted by this fire, the father, Edwin Willis Gray, came to DuBois in 1884 and became associated with the Morning Courier. Newspapering was raucous and raw in those days—full of financial insolvency, labor disputes, cut-throat competition, and political chicanery.

Fire again plagued the father of Harold T. Gray. This time it was the Great DuBois Fire of 1888. This devastated the Morning Courier. But, quickly, the newspaper returned to life and it eventually became the only newspaper in the community because it was best representing the community.

This was the philosophy, this was the training, and this was the heritage that came to Harold T. Gray when on September 26, 1923, his father was killed in an automobile accident near Clarion.

Thrust on his young shoulders was the task of directing the Morning Courier and a small job printing plant.

THE START

This is where he started. As the eldest son, he was to be the twain between the pioneer settlers and the new generation of developers of DuBois. As the new generation, he was to link this past with the new image of DuBois that was emerging in these days of the Roaring Twenties. His, too, was a generation returned from War, ready and prepared to take an active role in the community.

The philosophy of Harold T. Gray fashioned quickly. The heritage of the past, its hopes and aspirations, were fused with the pragmatism then developing in America, and in DuBois.

He formally entered the business in 1921, as a result of a shift in the top management of the company.

He had two years working beside his father before the fatal highway crash that would propel him into the leadership seat. During this time, he heard of his father's plans to expand the business. These plans included moving to larger quarters and the eventual merger of the Morning Courier and the Evening Express. The untimely death of his father postponed those plans for a number of years.

But the eldest son of Edwin Willis Gray remembered the aspirations of his father. And he vowed to realize them. This he did.

Within two years—June 1925—the Morning Courier was moved from the Hight building (Pugh Brothers) into the then Lowe building, W. Long Ave., and High St., the present location of the newspaper.

Two years later—May 16, 1927—the merger of the Morning Courier and Evening Express was consummated. The newspapers continued to be published separately, with distinct staffs, but were owned by the Gray Printing Co.

This continued for 17 years, until World War II, when the two newspapers were consolidated into one—the Courier-Express, which became an evening newspaper.

Trained and experienced personnel was plentiful at the merged newspapers in the late Twenties and Thirties. There were men like A. E. Hasbrook, W. B. Ross, Lloyd F. Mohney and Frank I. Gillung; and J. S. Gray, the other son of E. W. Gray. So J. S. Gray became editor of the Daily Express in 1928.

Because there were sufficient executives directing the newspapers, Harold T. Gray began concentrating in another phase of communications—that of printing. Although he continued to help fashion the editorial policies of the two newspapers, he focused primarily on needed growth of the commercial job printing department of the Gray Printing Co.

"JOB PLANT"

This was a mere "hole-in-the-wall" department when he assumed presidency of the company. This consisted of a small section in the mechanical department of the newspapers, called the "job shop." The big production orders in those days were printing circulars for newspaper advertisers, or turning out year-books for the many small high schools that dotted the district at that time.

But the aspirations of his father were remembered. Harold T. Gray mapped plans for the future. He could find no suitable building in DuBois for installing heavy printing equipment. So the "job plant" was moved to Falls Creek, to a factory building near the B&O Station. The most recent occupant of this building was the "Bargain Spot." However, the building was demolished in 1967 to make room for a new access highway to the Keystone Shortway.

The move was made in 1928, at a time when America was on a binge, enjoying a false prosperity.

The Stock Market Crash came a year later. However, the pioneering spirit of frugality and perseverance embedded in the "Gray Brothers" by their father, were strong against the hopelessness of the times.

DEPRESSION

In fact, in 1932, during the heart of the Depression, the Gray Printing Co. was looking ahead to its next major expansion. This came because the quality and distinctive styling of its printing was recognized in the graphic arts industry as among the finest being produced in the United States.

There was a vacant glass plant building in Falls Creek. This was purchased in 1932. This was an extensive building at that time, with a brick warehouse that could be fashioned into a printing plant building; and there was a railroad siding.

The old printing equipment was moved into the new quarters during the summer of 1932. The room practically was empty.

But it filled quickly.

EXPANSION

During the next 25 years, the original room was filled. Three additions have since been built. Today the plant is an integral part of the industrial life of Falls Creek, with more than 20,000 square feet of floor space.

During that period, sales increased ten fold, composing equipment more than doubled. All machinery was made automatic, and personnel grew to more than 50 full-time persons.

This came about under the direction of Harold T. Gray, and his sister, Mrs. Rosanna Shields.

Ever alert to changes in the graphic arts industry, the Company was the first in this general area of Pennsylvania to install offset printing, and today this method rapidly is becoming the main printing style.

The Falls Creek plant now prints several monthly publications, taxtbooks for Pennsylvania State University; multi-colored catalogs and brochures for major industries in the nation.

INTO RADIO

About this time—another vista was looming on the horizon. This was capturing the curiosity of communications men. This was radio broadcasting.

Up to this time, radio broadcasting was confined to metropolitan centers. Several feeble attempts had been made by amateur radio (ham) operates to start a station in Dubois. But after a few weeks, they lost breath. This had whetted the appetite of the Du Bois area.

Officers of the Gray Printing Co. decided to form the Tri-County Broadcasting Co.

This was in 1939. Arrangements were made to create a fully professional station, one that would be permitted to broadcast around-the-clock.

Radio was new to the area, so the founders had to go out-of-town to obtain experienced talent. On February 14, 1941, at high-noon, the "Star Spangled Banner" was rendered and Station WCED was born. This was the first radio station in this area—a pioneer voice. DuBois, again, was a forerunner in progress.

And again it was displayed that DuBois was in step with the times. Back in 1941 only the larger cities in Western Pennsylvania had radio stations. They were Pittsburgh, Erie, Williamsport, Oil City, Altoona, Greensburg, Sharon. But this small third-class city joined this group with a 250-watt station, which a few years ago, was boosted to 5000 watts. And WCED was the first station in this immediate area to affiliate with a network—the Columbia Broadcasting System.

The creation of a radio station was a result of the continuing credo of the Gray Family, first promulgated by "Father Ed," to keep abreast "with the times," to give the community it served the finest in communications—its chosen field of activity.

Native talent was uncovered and given an opportunity to learn the profession. This has been the continuing policy of the directors—H. T. and J. S. Gray—to give local persons the opportunity to develop their professional talents in newspapering and radio.

After World War II, such stations mushroomed throughout the area—but WCED continues to be the pioneer voice of the area.

When Frequency Modulation—FM—sidled into the radio industry after World War II, the Tri-County Broadcasting Co. was among the first in the nation to adopt this high fidelity system. The sister station was established in a new building at Luthersburg, and went on the air in 1948 with 9500 watts of power.

When the Courier and the Express consolidated into a single newspaper during World War II, J. S. Gray, who had been editing the Express, also took on full duties as the chief executive of the radio station.

These—newspaper, printing plant, and radio—were the keystones of a life-time of enterprise for Harold T. Gray, who, as the president of each company, shared policy-making with his brother.

Plans for progress during the Sixties were made after the Gray Family assumed full control of the companies in 1956.

The Hotel DuBois was closed, so this adjacent building was acquired. This permitted future expansion of the newspaper facilities. This is continuing as the DuBois Area unfolds a New Era which looms with the opening of the Keystone Shortway and the modernization of Route 219. The hotel rooms were converted into apartments for housing is needed in DuBois today.

DORMITORY

And most recently, a dormitory was erected near the DuBois Campus of Pennsylvania State University. There was a dire need of dormitory housing for students and none were available. So the Gray Family formed the Penn-Haned Corp., to fill another need.

Interwoven in this personal business and industrial life has been a life of public service by Harold T. Gray—notably in scouting, education, and patriotism.

"The Army Reserve Training Center (Armory) is a monument to Harold Gray's persistent efforts in behalf of the citizen-soldier and his contribution to our national security."

These words were voiced today by former Congressman James E. Van Zandt, who now is Governor Raymond Shafer's personal representative for the Commonwealth in Washington, D.C.

The dedication of this federal military facility in October, 1959 climaxed practically a one-man crusade by Harold T. Gray. True, everyone wanted an "armory" here, but getting one demanded dogged persistence in Washington, D.C.

He was determined to achieve this for DuBois because he had come home from War a second time, and was again convinced that Reserve Units were needed to keep a potential military might available for future emergencies.

During World War II, he served as a colonel on the staff of the Adjutant General in the Philippines, China, and India, and was flying "The Hump" frequently. Earlier he had been on missions to Africa, and had made a round-the-world flight. And after the War, he had traveled extensively in Europe.

THE ARMORY

He was convinced DuBois needed an armory whereby this area could produce the citizen-soldiers this nation would need in the future, to carry on the cause of Freedom in a world facing the Communist threat.

This coming home from War was reminiscent of another day—when he came home from that first Great War. He, then, was a rarity for he came home a First Lieutenant. Commissioned officers were few in the DuBois area in those days.

Here is what former Congressman Van Zandt had to say:

"Harold's concern for his country was always paramount and well do I remember our many discussions which conveyed to me his deep interest and great knowledge of the national and international affairs. His interest and knowledge of the nation's military needs were of great help to me during my Congressional career."

This knowledge was born in military service in two wars, upon realizing that the United

States had emerged as a world power and that isolationism was anachronistic in this new era.

RESERVES

In his strong way, in the small community of DuBois, Harold T. Gray, 1st Lt. (Reserves) was the driving force in the organization of the Tri-County Chapter of the Reserve Officers Association. He was aided in this undertaking by William Hyde, of Ridgway. Early in the Twenties, the reserve officers chapter was formed with men from DuBois, Clearfield, Brookville, Summerville, Ridgway, St. Marys and Punxsutawney.

The beginnings of this military unit were humble. Qualified men were recruited. One evening in 1925, Harold T. Gray headed a trio of examiners, quizzing applicants. Among those interviewed was a Russell R. Love, of DuBois. He had been in France, a first sergeant in the Signal Corps (Regular Army). He quickly was accepted by Harold T. Gray for officer training.

Significantly, it was Russ Love who later became commanding officer of the local reserves, when they were switched from the horse cavalry to the field artillery and the units mobilized into active duty January, 1941, almost a year before Pearl Harbor. Mr. Love made a career of the military, retiring several years ago as a lieutenant colonel.

This was the rank held by Harold T. Gray when he went on active duty after Pearl Harbor.

He had gone on active duty many times before, for short periods, to help train youth in the Citizens Military Training Command (CMTC). These were the years, 1929–1930 and later. He, too, attended infantry weapons training and staff duties during those early years when the military was a rarity.

At least three times he was president of the Tri-County Reserve Officers. He continued active in the Reserves until his retirement October 1, 1953. But he remained in an advisory position. By then, the Dubois reserve had come of age, well-organized and commanded. This he had developed from a humble beginning.

AMERICAN LEGION

His further patriotism was shown by his interest in the American Legion. He was a charter member of Montgomery Post No. 17. In the Late Twenties he was a delegate to the Legion convention in Paris, France.

Former Congressman Van Zandt had this further to say:

"Harold's military service to his country demonstrated his deep patriotism and love for this Great Republic. His exemplary conduct as a military officer and a citizen will never be forgotten by those privileged to have known such an outstanding American."

When he retired as a reserve officer on October, 1953, his tenure of duty had covered 33 years and two months with the military.

This began when he enlisted in the infantry at Allentown, Pa., on October 12, 1917, and was a sergeant at Camp Gordon, Ga., when he was discharged June 4, 1918 as an enlisted man. A day later, June 5, 1918, he was presented a commission as a second lieutenant in the infantry.

He was promoted to first lieutenant before he was discharged on December 12, 1918. His reserve officer career started May 9, 1919, and on March 29, 1924 he was promoted to captain, and then to major on October 26, 1939.

During these years he went on active duty eight times for short periods, primarily to receive advance training or to help train civilian-soldiers. He was on active duty in 1925–28–30–32–35–37–39.

On October 19, 1940, he was elevated to Lieutenant-colonel, the rank he held when he went on active duty in World War II on March 9, 1943, and reported to Munitions Bldg., Washington, D.C. He immediately became a chief of a major department in the Adjutant-General's Department. He directed the procurement of all published material for which the Adjutant General is responsible. For 19 months during World War II he had staff supervision of all Army field printing plants and duplicating units both in the continental United States and overseas.

Harold T. Gray was promoted to full colonel on January 3, 1946 and was discharged March 26, 1949, and was placed on reserve status.

During World War II, he received the Asiatic Pacific campaign medal and the American campaign medal.

His military service was utilized when on March 3, 1940, he was named chairman of the Clearfield County Job Mobilization Committee.

On April 6, 1946, he was appointed to the Army Advisory Committee for the Second United States Army headquartered at Fort George G. Meade, Md. He completed two courses in the Field Economic Mobilization Course presented by the Industrial College of the Armed Forces, Washington, D.C., in March 1949, and again in 1952–53.

As younger men took command of the military reserves here, Harold T. Gray turned more of his community interest to education and the task of developing the DuBois Campus of Pennsylvania State University. He assumed the presidency of the DuBois Education Foundation in 1962 and directed this guiding arm of the DuBois Campus through its most prodigious expansion program in its history. He ended his last term as president this year. Only the late P. J. Swift, who was the founding president, in 1945, of the Foundation, had held that office longer, from 1945 to 1957.

DUBOIS CAMPUS

But during the terms of Harold T. Gray, funds were raised and an actual campus started. Buildings erected during that period have a value of 1.5 million dollars. The Swift Building, opened in 1964, was financed entirely by local area funds—$560,000—contributed by industry and civic leaders in this immediate area. This won statewide recognition for the DuBois Campus for no other Penn State Campus had such a building constructed entirely with funds donated locally. A second building, a multiple-purpose building, was completed last year, built with government funds.

During these years, Harold T. Gray conferred frequently with Penn State President Eric Walker, and persuaded him to develop the DuBois Campus into the major education facility it is today.

As enrollment swelled, there came a need for immediate housing of students. That was why the Gray Family decided to erect the Penn-Rose dormitory—to fill an urgent need.

These contributions were formally recognized when a plaque was presented in February 6, 1967 to Harold T. Gray "in appreciation for outstanding service as President, DuBois Educational Foundation, 1962–1968."

Scholarship, too, was tantamount to Harold T. Gray's civic interests. He conceived the idea of the Scholarship Dinner, sponsored annually by the Gray Associated Industries. This was to honor the valedictorians and salutatorians from 13 area high schools. This is a unique event. Awards were given the honor students. Impressive programs presented. And only the most interesting of speakers addressed these gatherings—men like Harold Stassen, former governor of Minnesota and former president of University of Pennsylvania; and Harold Bradshaw, noted foreign correspondent.

The intent of this event was to give recognition to scholarship as booster clubs in most communities fete their athletes. The honor students come from schools in Elk, Jefferson and Clearfield counties. This displayed the interest of the Gray Family for the entire area it served.

FINE ARTS

Fine arts, too, won the support and activity of Harold T. Gray. He was a part of the Civic Arts Society, founded here in the Late Thirties that stimulated interest in culture that continues to exist today. In the beginning there was DuBois' own symphony orchestra, and amateur acting groups. After World War II, these were fused into the Community Concert Association, on which both Mr. and Mrs. Harold T. Gray have served as board directors until the present day. This early stimulation to the fine arts has resulted in a myraid of cultural activities in DuBois, making this city a focal point of fine music and the theatre.

Dearest to his heart, of all of his interests, probably was his work with the Boy Scouts. For this meant working with and for youth.

He was a prime-mover in the establishment of Bucktail Council, Boy Scouts of America. This was founded in 1931, in the dark days of the Depression.

Countless hours were spent in the years since then, building this Council into one of the finest in the United States. He interested business executives and industrialists in the Scouting Movement.

Name a position in Bucktail Council and Harold T. Gray at one time or another filled that position. From 1930 until 1963, he served as a member of Troop 25, sponsored by the Courier-Express.

His other offices read like a litany . . . DuBois District Commissioner, Council Scout Commissioner, Council Vice President, Training Committee Chairman, District Chairman of Seneca District. He was Council President 1957–58, a member of the Region III Executive Committee and representative to the National Council.

EARLY SILVER BEAVER

For his service to Scouting, in Bucktail Council, Harold T. Gray was awarded the Silver Beaver in 1939, one of the first men in this area to receive this high honor. The apex came October 8, 1965 when, for his service to Scouting in Region III, he was awarded the coveted and rare Silver Antelope during ceremonies at Chalfonte-Hadden Hall, Atlantic City, N.J. This Antelope award is made for noteworthy service of exceptional character to boyhood by registered Scouters in a wide region. Similar awards have gone to former Governor James Duff and the great Pennsylvania conservationist, Ross L. Leffler.

The development and improvement of Camp Mountain Run practically is complete and this Camp for the Boy Scouts is a monument to those pioneers of the Scouting Movement in this wide area.

Through Scouting, Harold T. Gray was to come into contact with hundreds of youths. He extended helping hands to many of them in later years, as they sought higher education, a place in the military, or in being placed in a business position.

MASONIC ORDERS

His membership in the Masonic orders was recognized on January 25, 1968 when he was presented with a 50 year Masonic pin, in recognition of his membership in that organization. He had become a member in Buffalo, N.Y., in January, 1918 and seldom missed the Maundy Thursday observance.

DuBois, although a small-town, was one of the first communities in the United States to establish an American Legion post after World War I. Montgomery Post 17 was founded here.

Harold T. Gray was a primer in this founding. His name is the second one to be signed on the original charter. The first is that of Alvin Hutchinson, who died February 23, 1968.

And when the first officers of the post were elected, Harold T. Gray was named the first Adjutant of the Post. For his contributions to the local Legion, he later was granted Life Membership.

CHARITY

Charity was another community endeaver in which Harold T. Gray labored. Back decades ago, before government became the vehicle which aided the needy, the Salvation Army was the principal instrument in assisting the unemployed.

Harold T. Gray has served as a member of the Board of Directors of the Salvation Army for more than 30 years, serving a term as its president.

He guided many fund drives for the Army, in order that it meet its responsibilities. And only last year, 1967, he played a big part in the capital fund drive for a new Citadel.

Since he joined the First United Presbyterian Church on March 13, 1907, Harold T. Gray had been a faithful and active member, participating in a multitude of church activities.

He served on the Board of Trustees and was president of the board for a number of years. He served for a number of years as a Parish Zone Leader and headed a discussion group.

Fund raising was his forte. He was chairman of the Every Member Canvas for several years; and was Chairman of the 50-thousand Dollar fund that the denomination was raising for its missions.

Aiding health funds was another interest of Harold T. Gray. Among the oldest of these in this area is the Clearfield County—Philipsburg Tuberculosis Society. He had served on this board of directors for a number of years.

THE CHAMBER

Always vitally interested in the activities of the Chamber of Commerce, of which he has been a member his entire business life, he served as a director on the board from 1957 to 1964; and has always supported its projects, particularly to the Airport and to flood control.

His business interests were not always confined to DuBois and area. After World War II, he joined with several of his friends in establishing radio station WILK in Wilkes-Barre, Pa., and later established a television station there. He sold his interest in these facilities a few years ago.

GIRL SCOUTS

While Harold T. Gray was active in the Boy Scout Movement, his wife, Nina Bentley Gray, concentrated much of her community interest in the DuBois Area Girl Scout Council, of which she at one time was president. And when this council was merged with others to establish the Keystone Tall Tree Council, Mrs. Gray served as Neighborhood Chairman, an important post in the orderly transition of the new organization.

"Harold Gray was a tremendous help to us," recalls Mrs. Lillian Lowe who was a pioneer mover in the Girl Scout Movement here. "He gave us great support, both financially as well as advisory and we gained from his experience with the Boy Scouts."

A certificate of appreciation from the Girl Scouts to Harold T. Gray was presented January 23, 1958.

He was raised in Masonry in Occidental Lodge, Buffalo, N.Y. in 1918. Attending his initiation and participating in it was his father, Edwin Willis Gray, who was then Past Master of Garfield Lodge, DuBois. For this third degree installation in Buffalo, Harold T. Gray took a leave of absence from his Army assignment in Georgia.

His other affiliations with Masonry beside Occidental include Kosair Temple, A.A.D.N.-M.S. in Louisville, Kentucky; Commandry in DuBois; Council in Ridgway and the Consistory in New Castle, Pa.

So this was the saga chronicled during his lifetime.

EDITORIAL: OUR LEGACY FROM H. T. GRAY

"Harold's military service to his country demonstrated his deep patriotism and love for this great Republic. His exemplary conduct as a military officer and a citizen will never be forgotten by those privileged to have known such an outstanding American."

These are the words of former Congressman James E. Van Zandt upon learning of the passing of Harold T. Gray, president and a publisher of the Courier-Express; and associated companies.

In those words, Mr. Van Zandt places the life and times of Harold T. Gray into succinct perspective. The impact of these words are important to us because Mr. Van Zandt should know, having been associating with outstanding Americans for many, many years; persons well-known on the national and international scenes.

We in DuBois, normally, are parochial. We have been too close to Harold T. Gray to fully comprehend his contribution. He had been matter-of-fact to us the past 40 years contributing to the community in the things that are really important to any community, large or small. Youth . . . education . . . patriotism . . . religion . . . charity, and the economy.

These facets are the pillars of any community—large or small. Harold T. Gray was a pillar in our community.

Mr. Van Zandt terms Harold T. Gray "an outstanding American." He was that.

This is something that crashes into our ken now that his life and times jell into rhythmic continuity. His is another fascinating chapter in Americana.

Review his life and times and the secret power of our democratic nation is revealed—why the United States is a paradox on this planet. How can a nation with a polyglot from all over the globe emerge as such a mighty nation in such a short time, as history goes? A heterogeneous people with a solid character.

Review the life of the urbane Harold T. Gray and you are nearer an answer. Every few generations communities across the nation are blessed with such unique men as was Harold T. Gray. They are strong men. They have strong opinions. They fight for what they want, and for what they believe. They build industrial or business empires, or become perceiving and pioneering professional men or become statesmen with vision.

But—and this is the secret. They keep the common touch. They stay young—intellectually. They are ever alive with vigorous ideas. They accept challenge at every period in their lives. They are more intellectually alive in their Fifties and Sixties than most are in their Thirties.

Some become nationally famous. But the majority remain in the small cities, making their contributions. In Early America, it was the frontier. At the beginning of this century, it was the rural area. In mid-century, it was the small city. This is where the strength of the national character lies. This is the strong backbone of America.

This is possible because the credo of America is and will continue to be Opportunity and Freedom. And respect for the dignity of man.

This is how the material and spiritual wealth of America was amassed. In villages and cities across Our Land, such men have lived. They have left their imprint on the face of America for all time. They produced the humane Grand National Product that makes America the envy of the world.

The hallmark of Harold T. Gray is on the DuBois landscape. His credentials to the community are carved in the granite of our history.

Harold T. Gray was constantly aware of the responsibility that goes with the communications media. He used these tools delicately. There was always restraint and courtesy.

Back in May, 1916, the great Kansas editor, William Allen White wrote: "The newspaper is more than the voice of the country town spirit. The newspaper is a measure of the will of the town and the town character is displayed with realism in the town's newspaper. A newspaper is as honest as its town, is as intelligent as its town, as kind as its town, as brave as its town."

Harold T. Gray never said it that way, but he lived it that way. His life, influence and character were strong in shaping the destiny of DuBois.

He considered himself a conservative. He was not. He was an individualist, always receptive to change and to new ideas. He was everlastingly young. He was prepared and equipped for new ideas when he took over the presidency of this company in 1925, and he was still welcoming and accepting new ideas in 1968! This is not the typical matrix of a small-town publisher. But this was the font in DuBois!

Harold T. Gray was for God, for Country, for Community, for his Family. There is no greater echelon by which to carry on a life of living.

A newspaper, if it is worth its salt, develops a soul through its years of service. Though a great publisher. A fearless editor. A crusading reporter. Their contributions make its personality. The id.

This reflects the city it serves. This is the face of the town.

We at the Courier-Express would like to believe our newspaper has a soul. We believe this because we know we had a great publisher (George Waylonis, associate editor).

"To lose the earth you know, for greater knowing; to lose the life you have, for greater life; to leave the friends you loved, for greater loving; to find a land more kind than home more large that earth . . . "Whereon the pillars of this earth are founded, toward which the conscience of the world is tending—a wind is rising, and the rivers flow."

THE HONORABLE JOSEPH W. MARTIN

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DELANEY. Mr. Speaker, an American institution sadly passed from the scene when our former colleague, Joe Martin, died.

For his 42 distinguished years in Congress he was a living example of the American legend which has so inspired and excited the imagination of the world—he was a poor boy who made good. A blacksmith's son, who had little time for formal schooling, he rose to become one of the Nation's great political leaders and achieved the singular honor of being elected by his colleagues as Speaker of the House, a position which placed him only a heartbeat away from the Presidency.

Joe knew and understood Congress well, and through this knowledge and the force of his warm personality he made bipartisanship work effectively. A dedicated advocate of the Republican Party philosophy, he was a genial and gracious person who had a legion of friends on both sides of the aisle. While one might disagree with his position on some issues, he was always respected as a man of the highest principles who placed duty to his country ahead of any personal or party considerations.

It was my privilege to share his friendship, and I join with his many friends in mourning his passing. I extend my deepest sympathy to his family.

WILBUR J. COHEN: "SOCIALIST ARCHITECT"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RARICK. Mr. Speaker, the "backroom" ultra-Socialist schemer against the midstream of the American people has made his debut in public life.

His political reward has been appointment to command HEW.

Past denied rumors are confirmed in the announcement. Many wonder why Wilbur wants to hurt low-income people.

I place the Evening Star announcement of May 17, Frank Capell's Herald of Freedom for April 19, and a résumé of Mr. Okun's remarks in the Record at this point:

[From the Washington (D.C.) Evening Star, May 17, 1968[

Cohen Hailed on Becoming HEW Chief

Wilbur J. Cohen has been sworn in as Secretary of Health, Education and Welfare and has promised to fight for social justice.

He pledged yesterday to continue the campaign "to eradicate ignorance and disease, eliminate squalor, poverty and discrimination" and work for "a sound and progressive system of Social Security in an expanding economy for all of our people."

His White House oath was administered by Vice President Hubert H. Humphrey and presided over by President Johnson.

Cohen, 54, a short, balding folksy advocate of social welfare, was hailed by Johnson as the planner, architect, builder and "repair man on every major piece of social legislation in the last 35 years."

Johnson said Social Security and medical care, "two landmark laws," are monuments "to the compassion and the enlightenment of the American nation and each bears the indelible mark of one man—Wilbur Cohen."

Cohen, 54, a Milwaukee native and a former professor, was named March 22 to the Cabinet post to replace John W. Gardner, who resigned to head the Urban Coalition.

[From the Herald of Freedom, Apr. 19, 1968]

Wilbur J. Cohen: Salami Slicer

While the take-over from below (Negro Revolution) is proceeding according to plan, the faceless architects of the take-over from above are becoming bolder and moving their people into the spotlight. The appointment of Wilbur J. Cohen as the new Secretary of Health, Education and Welfare brings into position one of the prime movers behind the Welfare State which has progressed from the Fair Deal, New Deal, New Frontier and finally to the Great Society.

The Communist goals which are part of their strategy for conquest of the United States were set forth in the book, "The Naked Communist," written by W. Cleon Skousen who served sixteen years with the FBI and also has been a university professor, attorney-at-law and Chief of Police.

One of the goals is "Support any Socialist movement to give centralized control over any part of the culture, education, social agencies welfare programs and mental health clinics." Another is "Create the impression that violence and insurrection are legitimate aspects of the American tradition; that students and special interest groups should rise up and use 'united force' to solve economic, political and social problems."

Beginning with the New Deal in 1933 there has been a steady but sure collectivization of America through social legislation until at present government regulations, controls, laws, directives, etc. etc. reach into all phases of industry, agriculture, business and even our private lives. As is always the case, there has to be a "social planner" and one of the most important of these "planners" is Wilbur J. Cohen who has been operating quietly but consistently since 1934. He has just been given his reward, the goal toward which he has been striving in his journey up the (unelected) bureaucratic ladder—the Cabinet post of Secretary of Health, Education and Welfare.

The liberal Time magazine of April 5, 1968 stated: "In 1934, when Lyndon Johnson was a lowly aide to a lowly Texas Congressman, Wilbur Cohen was busy helping to draft the law that established Social Security, a keystone for both the New Deal and the Great Society. Down the years, Cohen co-authored many other major social measures, from the 1946 act that put federal money into the financing of new hospitals to Medicare in 1965. But even after he became Under Secretary of Health, Education and Welfare three years ago, *he remained a back-room man.*" (Emphasis ours, Ed.)

The Time article describes Cohen's modus operandi. "With an eye on the generation ahead, he has always been willing, if necessary, to sacrifice cherished legislative objectives so long as he gets at least a small piece of what he wants. This morsel, Cohen believes, can be fattened a little year by year until eventually the legislation resembles what he wanted in the first place. An aide calls his technique 'salami slicing.' One slice does not amount to much, but eventually there is enough for a sandwich."

This strategy of the Fabian Socialist-Communist plan has been referred to as the "salami technique" many times before. Through this technique Cohen has been responsible for much social legislation which, though introduced by others for passage into law, was actually his own project or his consolidation of the project of others more brilliant but less crafty.

The N.Y. Times in a "profile" on Cohen published March 25, 1968 stated: "He has been so identified with the architecture of public welfare since the mid-thirties that it is difficult to imagine what the structure would have looked like without him.

"When President Kennedy brought him back to Washington in 1961 as Assistant Secretary of H.E.W., after four years as a professor, conservative elements in the medical-hospital-pharmaceutical field began to attack him. They rightly saw him as the architect of the medical care program for the aged that they had resisted as 'socialized medicine.' "

"When Cohen went before the Senate Finance Committee," according to the Times article, ... "Mr. Kerr's (the late Sen. Robert F.) protective questions shielded Mr. Cohen from innuendoes that he was a Socialist at best and a Communist at worst." Mr. Cohen's explanation of the reason for this was that "Not many people know it, but I wrote the Kerr-Mills bill . . . . . , so today he helped me."

Wilbur Joseph Cohen was born in Milwaukee, Wisconsin, June 10, 1913, the son of Aaron Cohen (a grocer) and the former Bessie Rubenstein. He graduated from the University of Wisconsin in 1934 with a B.A., majoring in Economics, and has had no postgraduate education. On April 8, 1938 he married Miss Eloise Bittel of Ingram, Texas. They have three sons: Christopher, age 25, who is employed by the legal services program of the Office of Economic Opportunity in Chicago; Bruce, age 23, who is with the Peace Corps in Bolivia; and Stuart, age 21.

Cohen started to work for the U.S. Government in 1934, fresh out of college, as a staff researcher in the Commission on Economic Security. In 1935 he became a technical advisor to the U.S. Social Security Administration and by 1954 was Director of the Research Statistics Division. From 1956 to 1961 he was professor of Public Welfare Administration at the University of Michigan. While there he was also Chairman of the Michigan Public Health Advisory Committee and a member of the Michigan Board of Health. During part of 1957 he was a visiting professor at the University of California at Los Angeles and a consultant (1956–7) on aging at the United Nations.

Human events wrote as follows about Cohen July 2, 1966 (page 6), " 'Great Society' Concept—A top administration official has predicted a 'revolution' in government policy toward the poor in the next 20 years. Wilbur Cohen, Under Secretary of Health, Education, and Welfare, endorsed a guaranteed annual wage for all Americans. 'The concept of a "Great Society" has emerged as one of the great social and political thrusts of our nation's history.' he said."

The program of a "guaranteed annual wage" is the same program promoted by the revolutionary "Black Power" advocates and by the Marxists. The result of such a program would be to raise taxes to new heights, financing illegitimate children and lazy shiftless people, destroying family life and a sense of responsibility.

In the Congressional Record of March 27, 1968 is recorded a speech of Sen. Abraham Ribicoff of Connecticut, who stated:

"I have known and worked with Wilbur Cohen for over 7 years. In fact, President Kennedy and I drafted him in 1961 to be Assistant Secretary for Legislation when I was named Secretary of that Department.

"While he is well known as an architect of medicare, and deservedly so, many are not familiar with the leading role he has played in the development of important legislation in the field of mental health and mental retardation . . ."

Sen. Ribicoff also pointed out that Mr. Cohen is currently a member of the President's Commission on Income Maintenance Programs. Other Senators joined in the praise of the new Cabinet Member. Senator Hart stated on the same day:

"Mr. Cohen—happily for the Nation, I think—has been active in the shaping of domestic programs for a great many years." Sen. Hart placed into the Record an editorial from the Washington Post of March 24, 1968 which stated:

"He was among the recruits to government gathered in by President Kennedy's remarkable talent hunt in 1961—a part of that class of distinguished governmental servants which included Robert McNamara, Dean Rusk, Willard Wirtz, Walt W. Rostow, McGeorge Bundy." (We can afford to be truly frightened if Cohen is in a class with such as these!)

Sen. Proxmire told the Senate on March 25, 1968: "Wilbur Cohen has been described as one of the most cooly efficient, pragmatic, and persistent innovators Washington has ever seen. . . . He is still the crusader who back in the first days of the New Deal helped put together the Social Security Act of 1935."

That Cohen has been the architect or planner of much of our "Welfare State" legislation is readily admitted by most people but the leftist background of this master "innovator" has not been publicized. In the Executive Hearings of the Special Committee on Un-American Activities, Volume 5, page 2383, there is the testimony of Ben Mandel, one-time important member of the Communist Party, U.S.A., and later a consultant for the Dies Committee and, until recently, Research Director for the Senate Internal Security Sub-committee. This record, again documented in the Special Committee on Un-American Activities 78th Congress, 2nd Section (Appendix IX), page 1685, shows the membership of Wilbur Cohen in three Communist and subversive organizations.

Wilbur Cohen has been identified as having been a member of the Washington Bookshop, also known as the Washington Co-operative Bookshop and the Washington Bookshop Association. They promoted the writings of Marx, Engels, Lenin and many Communist writers. Identified Communists such as Anna Louise Strong, Dr. Harry F. Ward and Corliss Lamont were used as lecturers. U.S. Attorney General Tom Clark cited the Washington Bookshop Association as "subversive and Communist." Attorney General Francis Biddle's citation reads: "The Washington Cooperative Book Shop, under the name 'The Book Shop Association,' was incorporated in the District of Columbia in 1938. . . . It maintains a book shop and art gallery at 916 Seventeenth Street N.W., Washington, D.C., where literature is sold and meetings and lectures held. Evidence of Communist penetration or control is reflected in the following: Among its stock the establishment has offered prominently for sale books and literature identified with the Communist Party and certain of its affiliates and front organizations . . . certain of the officers and employees of the book shop, including its manager and executive secretary, have been in close contact with local officials of the Communist Party of the District of Columbia." (Cong. Record 9/24/42, p. 7688)

It has been documented that Wilbur Cohen was a member of the Washington Committee for Democratic Action. This organization has the following citations in the Congressional Guide to Subversive Organizations: (1) "Cited as subversive and Communist." (Attorney General Tom Clark, letters to Loyalty Review Board released December 4, 1947 and September 21, 1948; (2) An "affiliate" or "local chapter" of the National Federation for Constitutional Liberties. "The program of the Washington committee followed that of the national federation. National Communist leaders have addressed its meetings, and conferences sponsored by it have been attended by representatives of prominent Communist-front organizations." Many of its members were active in the American Peace Mobilization. (Attorney General Francis Biddle, Congressional Record, Sept. 24, 1942, pp. 7688 and 7689); (3) "When the American League for Peace and Democracy was dissolved in February 1940 its successor in Washington was called the Washington Committee for Democratic Action." The latter was affiliated with the National Federation for Constitutional Liberties (Special Committee on Un-American Activities, Annual Report, House Report, House Report 2277, June 24, 1942, p. 22). This Communist organization was located at 1410 H St., N.W., Washington, D.C. in Room 312. Among its sponsors were Ralph Bunche (now of the U.N.), William H. Hastie (now a federal judge), Doxie Wilkerson (identified Communist, now a professor at Yeshiva University in New York), Dr. Susan B. Anthony (now Dean of a Catholic college in Florida).

On April 20–21, 1940, in the Hall of Nations of the Washington Hotel in Washington, D.C., this organization held a conference on civil rights. At 10 A.M. on Sunday, April 21, Elizabeth Gurley Flynn, a member of the National Committee of the Communist Party, was a featured speaker on the issues of cultural freedom and war hysteria, right of asylum, anti-Semitism, alien and sedition laws, political minorities and freedom of the radio, press and assembly.

Wilbur Cohen, then living at New Cut Road, Rural Free Delivery No. 3, Bethesda, Md., and an employee of the Social Security Board, was a member of the Washington Committee for Aid to China, which organization has been officially cited as a Communist front. From the Report of the Special Committee on Un-American Activities (1944) Sixth Section: "The Washington Committee for Aid to China was affiliated with the China Aid Council" . . . "it will be noted that Frederick V. Field was one of the featured speakers of the Washington Committee for Aid to China." (The aid, of course, was for the Communists to help in the take-over which was later accomplished.). . . . "The China Aid News, a monhtly bulletin published by the Washington Committee for Aid to China, carried on energetic propaganda for the communists in China.

"On August 7, 1941, a subcommittee of the Special Committee on Un-American Activities took extensive testimony on the Communist control of the Washington Committee for Aid to China. It was for example, established by original documents that the Washington Committee for Aid to China had entered into a typical Communist maneuver with the National Negro Congress in a concert given by Paul Robeson at the Uline Arena in Washington, D.C. April 25, 1941." It was shown that the Communist fronts, Washington Committee for Aid to China and the National Negro Congress, shared the proceeds of the concert 50–50. Paul Robeson, while a noted singer, was also identified as an important Communist.

Working closely with Wilbur Cohen on Welfare State programs over a period of years has been Robert Meyers Ball. Evidence has been set forth to show that Mr. Cohen actually arranged for this to take place by his usual devious methods. Ball was born in New York City, March 28, 1914, the son of Archey Decatur Ball and the former Laura Elizabeth Crump. His father was a Methodist minister with a record of numerous affiliations with Communist fronts, according to the records of Congressional Investigating and other Committees. These included the Methodist Federation for Social Action, the National Federation for Constitutional Liberties, an Open Letter protesting deportation orders against Harry Bridges (identified Communist) and others.

Robert Meyers Ball, after working in the Social Security Administration for years, became Commissioner of Social Security in 1962. He has been a committee member of the International Labor Organization, a staff project director for the National Planning Association and the recipient of a Rockefeller award. Ball, who was raised under strong leftist home influences, is a dedicated Welfare State planner and worked on the same projects as Wilbur Cohen. Together they planned and helped draft the legislation for Medicare.

In her book, "Wilbur J. Cohen: The Pursuant of Power," (Shearon Legislative Service, 8801 Jones Mill Road, Chevy Chase, Md. 20015. Price $4.50 Paper, $5.50 Cloth) Marjorie Shearon, Ph.D., has this to say about Ball:

"On the same day Cohen wrote to Solomon Barkin at the Textile Workers Union in New York, sending him a copy of the letter he had written to (Nelson) Cruikshank, a copy of background information on Robert Ball, and the additional information that Ball has been Assistant Editor of the People's Press in East Orange, N.J.

"To elaborate on the People's Press would carry us far afield. It was a leftist labor paper of which Harvey O'Connor was managing editor and Viola W. Bernard was part owner. O'Connor had many Communist citations. . . . And if the People's Press, of which Harvey O'Connor was Managing Editor, were the same as the one of which Robert Ball was Assistant Editor, how did it happen that Wilbur J. Cohen mentioned Mr. Ball's connection with the People's Press almost as though it was a recommendation in his favor?"

Dr. Shearon gives us a glimpse of the inner workings of the Washington bureaucracy with which she is very familiar having worked with Cohen, his predecessors and co-planners. She knows them all well and has this to say of Cohen:

"To gain his ends, Cohen has deceived five Presidents regarding Social Security legislation. He has deceived Congress. Pushing, manipulating, and scheming, he finally, in 1965, steered through Congress the bill known as Medicare, designed to nationalize medicine for ten percent of the population. Labor's Boy had fulfilled Labor's demands without regard for the damage it would do to the health of the elderly."

Concerning the Welfare State, largely the product of Cohen's efforts, Dr. Shearon states:

"The Welfare State, with the Social Security Empire at its center, has arrived. . . . In the three decades since 1935 welfare has become big business. . . . Cohen & Co., building on the concept of a 'floor of protection,' have created a high-rise of welfare affluence with wall-to-wall carpeting. Public welfare, once regarded as shameful, is now presented as socially acceptable."

A headline in The Star-Ledger (Newark, N.J.) on March 24, 1968 stated: HEW Chief Foresees Some Form of Guaranteed Income. The article presented "some highlights of his vision for 1975." It stated:

"Perhaps the most controversial of Cohen's prophecies involved the guaranteed income. Here's how he stated it then:

" 'By new and ingenius (sic) provisions in our private enterprise, Social Security and tax systems, the private and public sectors will be able to assure a minimum income to all who work, and to all who are too sick or disabled or too old or too young to work.' "

It looks as though Wilbur is going to grab the whole salami this time with no one to stop him.

In Virginia, Friday, Arthur M. Okun, Chairman of the President's Council of Economic Advisers, speaking before the Business Council at Hot Springs, Va., Mr. Okum asserted that the Federal Government has been "the major cause" of the recent inflation because it has poured so much more money into the economy than it has taken out. This policy, Mr. Okun said, was "inappropriate" to the economic conditions that existed.

What Mr. Okun was saying in a roundabout way is that the Federal Government is spending too much money.

I agree.

I agree with Mr. Okun, too, that this policy is "inappropriate" to the economic conditions that have existed.

Mr. Okun was a little more frank than I had anticipated. Of course, his assertion was coupled with a renewed demand for an increase in taxes. But even if the taxes are increased to the extent the President recommends, the new fiscal year will end with a deficit of approximately $15 billion—unless there is a sharp reduction in Government spending. The current fiscal year will end with a $20 billion deficit.

So I agree with Mr. Okun that the major cause of the recent inflation has been Government spending. Even if taxes are increased the inflation will continue because the deficit will continue.

Another factor I want to emphasize today is this:

If the Federal Government were to levy a 100 percent tax—yes, 100 percent tax—on all income over $10,000—$20,000 on a joint return—the revenue gained would be only $13.2 billion—not enough to pay the interest on the national debt.

To me this dramatizes not only the seriousness of the financial crisis which our Nation is facing, but it dramatizes, too, that the bulk of the Federal Government's revenues come from the middle income and lower income groups. That is a fact the liberal spenders should bear in mind.

FAILURE OF RED AGRICULTURE ADDS TO WORLD FOOD SHORTAGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DERWINSKI. Mr. Speaker, there is an obvious wave of self-criticism sweeping the country and while this is commendable in the proper form, nevertheless, it makes us blind to defects, even monstrous failures, in other parts of the globe.

One of the most penetrating observers of the national scene is Dumitru Danielopol, of the Copley News Service, whose commentary on the failure of Red agriculture carried on the May 6 Aurora Beacon-News has, I believe, special significance.

The article follows:

DUMITRU DANIELOPOL COMMENTS: FAILURE OF RED AGRICULTURE ADDS TO WORLD FOOD SHORTAGE

WASHINGTON.—One of the key factors in the world food shortage is the abysmal failure of Communist agriculture.

At a recent State Department briefing, William Gaud, administrator of the Agency of International Development, painted a grim picture of the world food situation.

Production is lagging while the world population has increased in leaps and bounds.

Some experts, Gaud said, believe that the race has already been lost and that the world faces a calamitous famine.

He is more optimistic and thinks the race can still be won by drastic measure on a world-wide scale.

But any such program must include a complete overhaul of the Marxist theories that have turned some of the most fertile regions in the world—Russia and Eastern Europe—into food importing areas.

The facts have been known for years, but for some reason the West has been reluctant to face the truth.

By destroying the independent farmer the Communist regimes killed the goose that was laying the golden eggs found in Eastern Europe. Salaried hands proved poor substitutes for hard-working, land-owning farmers.

Even more shattering, longer lasting and possibly irremediable is the fact they destroyed the peasant love of land that was necessary for successful farming.

Even the Russians are beginning to realize the mistake.

Moscow's Literary Gazette in a recent article candidly recalled the times of "the peasant landowner," when agriculture was flourishing in Russia.

". . . Yes it was the landowner," it acknowledged. "Today there are no landowners . . . Thank Heaven (sic). But the trouble is that in eradicating the feeling of ownership, we have unwittingly eradicated our . . . love of the land. The baby is being thrown out with the bathwater."

Some admission for a Communist.

What happens now?

Are the Communists going to change radically their policies?

Not if they want to remain in power. Restoring the free enterprise system on the farms would be tantamount to the end of their rule.

Ideology overrules the flexibility of good sense in Communist lands.

Can we afford to allow some of the most fertile land in the world to be ruined because of rigid ideologies, while hundreds of millions go hungry?

Isn't it about time that the United Nations, which is so actively interfering in the affairs of South Africa, Rhodesia, Portugal and other countries take up the question of Communist agriculture?

FOR MORE EFFECTIVE SCHOOLS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. PODELL. Mr. Speaker, enactment of H.R. 16357, a bill to assist local educational agencies to develop programs for more effective schools, offers a realistic promise for a sustained assault on illiteracy and ignorance and the prospect for ultimate victory in the war against poverty, through educational programs which will prepare our children not only for employment in our technological society but also for a more creative community life.

As a former member of the New York State Legislature who has worked closely in New York City with Local No. 20 of the American Federation of Teachers, I have had the opportunity to observe intimately the constructive impact of the more effective schools program in our ghetto areas, in stimulating pupil interest and in improving pupil performance. Consequently, I was proud to join with a group of my colleagues in the House of Representatives as a cosponsor of H.R. 16357.

There is no mystery for the success of a more effective schools program. It involves a reduction in the usual pattern of ratio between teachers and pupils. It seeks enrichment of the pedagogical staff with trained parapedagogical assistance—teacher aides, psychologists, social workers, and in other related disciplines. It proposes to improve teacher performance through special teacher training programs and through curriculum enrichment. It looks toward improving the school physical plant and the employment of modern aural and visual teaching aids.

These, in short, are the objectives of H.R. 16357. To achieve those objectives, this bill appropriates $1 billion for the fiscal year beginning July 1, 1968, and provides for a half-billion-dollar increase annually in Federal appropriations until they level off at $5 billion annually.

From an administrative point of view, this bill departs from the normal practice of categorical grants to State education departments. Instead, Federal grants will be made directly to local boards of education, thereby eliminating supervening administrative layers which tend to dilute responsibility. Under the new program, by making funds directly available to boards of education, more effective school programs can be worked out in cooperation with school administrators, teachers, and parents, who most intimately know the education needs of the community.

The Nation owes a debt of gratitude to the American Federation of Teachers for its leadership in working out this constructive legislative program. The next step is to arouse strong public support to assure its enactment by Congress. This will not be an easy task. Pressures on Congress for economy are heavy, and the most likely victims of economy are the most vulnerable segments of our society. And children are vulnerable. It becomes urgent, therefore, for all of us to mobilize our resources to push this bill through Congress. Not only is the future of our children at stake, but also the future of our Nation.

HIGH OVERHEAD EXPOSÉ CONTINUES

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RUMSFELD. Mr. Speaker, it has been disclosed by the Chicago Tribune and the Better Government Association of Chicago that nearly $2 million in overhead expenses have been incurred in order to distribute less than $800,000 in home improvement loans in Chicago under the federally funded Neighborhood Service Center program.

The disclosures of the Tribune-BGA investigation of the Chicago Building Department should be of concern to the Congress.

The Neighborhood Service Center program is funded by the Department of Housing and Urban Development. The purpose of the program is to provide loans and grants for the rehabilitation of housing in urban renewal areas.

In the RECORD of Monday, May 20, 1968, I offered the first three articles in the Chicago Tribune series on this matter. I offer the fourth and fifth articles, as follows:

[From the Chicago Tribune, May 16, 1968]

HOME PROGRAM DISCLOSED IN NEW SCANDAL—BUILDER ALLOWED TO ESCAPE PENALTY

(By William Jones)

An official of the city building department's 5-million-dollar home improvement loan program said yesterday he permitted a contractor to rewrite his own construction contract to avoid paying more than $1,000 in penalty fees.

William Burke, an assistant director in the building department's neighborhood service center program, said the contractor rewrote the contract in pencil in the living room of the loan recipient at 5316 Hyde Park blvd.

Burke said the contract was rewritten with his approval after the property owner, a University of Chicago professor complained of long delays and insisted the contractor pay a $25-a-day penalty for running nearly three months behind in the work.

WORK IS STILL DELAYED

Mrs. Muhsin Mahdi, wife of the professor, told the Tribune that she and her husband signed the pencil-written contract after Burke promised that more than $14,000 in home improvements would be completed with no further delays. Mrs. Mahdi said the work still has not been completed even tho the new contract terms specified a completion date of April 19.

The state's attorney's office continued its investigation into the activities of Charles V. Harris, 43, a city rehabilitation supervisor charged Tuesday with official misconduct and bribery. Harris, who has been suspended from his job as administrator of improvement loans in the program's West Lawndale area, has been accused of soliciting and receiving a $210 bribe from a contractor working in the program.

VACATE FOR 2 MONTHS

Mrs. Mahdi said that under the original contract, she and her husband signed to have more than $14,000 in improvement work performed on their condominium, all work was to have been completed by Jan. 15.

"We even moved out of the place from Oct. 15 to Dec. 15, to permit the contractors to do the work," Mrs. Mahdi said. "When we returned, the place still was torn up and I had to bring water from the bathroom to wash my dishes." She said that repeated complaints to the contractors, Alexander-Cook, and the service center brought few results.

Mrs. Mahdi said she and her husband then insisted the contractor pay a $25 a day penalty fee, included in the contract, for failing to finish the work by Jan. 15. She said that representatives of the firm and Burke went to the home April 1, and Burke approved a suggestion by the contractor that the contract be rewritten to include a completion date of April 19.

Mrs. Mahdi said Burke also told her on several occasions that construction work to be performed under the terms of the original contract was not necessary. She said this included electrical work and the removal and repair of 22 window frames.

TELLS HIS POSITION

"I did approve the rewritten contract, but I did so only after the Mahdis agreed to the suggestion," said Burke. "Mr. Mahdi is a professor and I felt he could handle his own interests in the matter. I also questioned the need for certain electrical work because the original contract was ambiguous. There was an inference in the contract that all electrical wiring was to be replaced, but it wasn't clear."

Burke said he did advise against removing the windows for repairs because it would have involved additional repainting after that phase of the project had been completed.

Abel Swirksy, deputy city building commissioner and director of the federally financed program, said:

"I'm just beginning to take over this program and I can't answer whether that should be an accepted procedure," said Swirsky.

Fred Lindstrom, director of rehabilitation in the program, said some funds are being withheld from the contractor until all work is satisfactorily completed.

[From the Chicago Tribune, Friday, May 17, 1968]

PROBE ORDERED OF ALL PACTS IN HOME PLAN

(By William Jones)

A full investigation of all construction contracts in the city building department's 5-million-dollar federal home improvement loan program was ordered yesterday by Sidney D. Smith, city building commissioner.

Smith acted after recent disclosures by The Tribune, and the Better Government association of large overhead costs and a key administrator's connections with three construction firms involved in the program.

Smith declined to say how many inspectors and investigators eventually will be assigned to study the operations of nine federally-funded neighborhood service centers. However, he said four two-man teams began investigating construction contracts yesterday.

WANTS CONTRACTS STUDIED

"I don't know how long the investigation will take," said Smith, "but I have ordered a thorough examination of all contracts, the circumstances under which they were awarded, and whether work performed has been in accordance with city building codes."

Tribune and B. G. A. investigators have gotten many complaints about the quality of construction work and long delays after loans were approved. The service centers were organized in 1966 under a federal grant to provide property improvement loans to persons living in urban renewal areas throughout the city.

Robert Boyle, deputy chief of the criminal division of the state's attorney's office, said additional information in the case of a suspended program administrator will be presented to the county grand jury next week.

ARRESTED ON WARRANT

Charles V. Harris, 42, of 8035 Crandon av., the suspended supervisor, was arrested Tuesday by state's attorney's police on a warrant charging him with bribery and official misconduct. Harris is accused of soliciting and receiving a $210 bribe from a contractor to insure that project work would pass city building codes.

Boyle said that his office is attempting to obtain a copy of the check signed by the contractor and admittedly indorsed by Harris.

Harris is one of 10 employes who has been suspended or has resigned from the scandal-ridden building department during the continuing investigation. The disclosures also include the presence of slumlords on the department's payroll and phony building inspection reports.

COMMENTARY BY JIM CLARKE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, all Americans are concerned today about the crisis with which this Nation is faced, with the breakdown of law and order in all segments of our society.

All of us are seeking solutions to the crisis, and though we disagree with regard to the solutions, we know they must be found.

It seems to me that the following commentary by Jim Clarke of WMAL News in Washington, during his newscast last Sunday evening, clearly articulates the crisis and the solutions needed. I commend it to all who read this RECORD for thoughtful consideration:

> As the traditions, the institutions and the officials of this nation are subjected to increased abuse, it becomes abundantly clear the nation is on the brink of dangerous public disorder.
>
> The problem is national and it would be difficult to exaggerate it. It has infected virtually every facet of American life.
>
> It ranges from legitimate grievances over poverty and discrimination to imaginary and sometimes fabricated beefs about the most trivial and outlandish things.
>
> But its cumulative effect has been to bring about the virtual paralysis of the machinery that grinds out the increasingly complex and difficult public business.
>
> At a time when the nation must deal with the enormous problems presented by trying to end the war in Vietnam, to curb the outflow of dollars and harness a growing financial problem, it is forced to gear up once again for the summer riots.
>
> Responsible public officials are saying that unless the Congress responds we can expect America's major cities to be burned.
>
> Universities are seized and closed by fat, affluent kids who—it seems—are unable to communicate with both their parents and their teachers.
>
> Every major local, state or Federal government project is hamstrung by the customary red tape and the new extraordinary citizen protests.
>
> The right of petition is, it seems, now being translated as the right to Pound, and pressure and force.
>
> Added to all this is a far more serious thing than the problems that stem from decaying cities, large-scale unemployment and all their attendant ills.
>
> It is an almost universal lack of respect for duly constituted authority and, from that, a genuine and growing fear among the citizens of this land.
>
> The latter is especially dangerous because those who would exploit this fear are almost certain to underestimate its results if it turns violent.
>
> It seems several things are needed and they are needed now:
>
> The first ought to be that any fair objective analysis of the problems this nation faces at home should indicate the problem is being caused by a decided minority.
>
> For example, blue-ribbon panels have indicated that a hard-core of criminal repeaters are largely responsible for the street crime in this city and in the nation.
>
> The first order of business with crime, then, ought to be to separate these hardened criminals from the rest of society.
>
> Secondly, as regards the now recurring problem of annual riots and arson, two things are necessary: an unmistakable warning that persons engaging in either are risking their freedom, if not their life.
>
> And, since this is occurring generally in neighborhoods populated predominantly by Negroes, the decent citizens there have got to decide that this is going to stop. And they must not protect by silence the criminals and the anarchists whose destruction will hurt them the most of all.
>
> And, finally, those who have been entrusted with the authority to maintain order must renew a respect for authority. Of all the other things, that is the single most important thing that must be done.
>
> This is Jim Clarke, WMAL News.

TEACHER RECOGNITION DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ADDABBO. Mr. Speaker, today, May 21, 1968, is Teacher Recognition Day in the State of New York. As a parent of school-age children, I wish to join in paying tribute to the fine teachers of our State and Nation who labor long and hard and often without the recognition and appreciation they need and deserve.

The teachers of our Nation literally hold our future in their hands. As parents, we give training in the amenities of life to our children and, by example, we largely lay down the pattern they will follow. But, few of us are equipped to give our children the basic education in the "three R's" and certainly not in the many fields of endeavor that the school children follow today. These dedicated people must constantly study and keep up with the rapidly expanding and changing fields of science, mathematics, and so forth, and they do so without great monetary reward.

So, on this particular day, I take pleasure in joining in this day which is set aside to recognize the classroom teachers and the great contribution they are making to our society.

TRIBUTES TO FORMER SPEAKER JOE MARTIN

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BATES. Mr. Speaker, among the many tributes to former Speaker Joseph W. Martin, Jr., were some which heretofore have not been brought to the attention of the Congress and, through it, to the general public. I wish, therefore, at this time to present some of these as part of "The Joe Martin Story."

Two distinguished former U.S. Senators from Massachusetts expressed their sympathy in letters to Mr. Martin's family, which has made them available for inclusion here.

Said Leverett Saltonstall:

(Joe) was a patriotic American citizen in the best sense of the word, but he never forgot his friends and relatives at home.

I shall never forget Joe's remarks to me about the people in your district or state are those who make it possible for you to carry on your services in our National government in Washington. As you well know, he toured his district every year. I tried to follow his example in this state as Governor and Senator.

We were friends over many years, and like many others I shall miss his kind smile and advice on practical political affairs in the years to come.

Ambassador Henry Cabot Lodge wrote:

(Joe) was an old friend, going back so many years—to the time when he managed my grandfather's campaign for reelection in 1922. I always enjoyed my many contacts with him. You and yours can indeed be proud of his life, so full of service and friendship.

Mrs. Elizabeth P. Farrington, who before Hawaii attained its statehood completed the unexpired term of her husband, the late Delegate Joseph Farrington, and was then elected to a full 2-year term as Hawaii delegate, told the Martin family:

Speaker spent so many years in the House of Representatives and was always recognized as so fair with all Members on both sides of the aisle. . . .

From the time my husband took a seat in Congress, there was no time when we needed a sympathetic ear for Hawaii that we couldn't go to Speaker Martin. Congressmen are always so busy, but Mr. Martin always saw us.

Hawaii has lost a great friend and the nation has lost one of the most beloved and sincere Members of Congress in my generation.

Former Postmaster General James A. Farley stated:

During the years when I was part of the Washington scene I saw a great deal of him, and in the years which have followed I saw considerable of him at different gatherings and functions. I had great admiration for Joe because he was a man of honor and his word was his bond. He had the esteem and warm liking of all who came within range of his influence, and he will be long remembered by his friends and acquaintances.

J. Edgar Hoover, Director of the Federal Bureau of Investigtion, said of Joe Martin:

He dedicated his life to the service of his fellowman and his contribution to our American way of life will be a lasting memorial to him. I am proud to be counted among his friends.

Lt. Gen. Lewis B. Hershey, Director of Selective Service, wrote:

Mr. Martin's passing has left the Nation with a deep sense of loss—

And he continued:

His career in public office was distinguished by an adherence to principles and a philosophy grounded in the traditions of his State and the Federal government. He earned the admiration and respect of his colleagues in the Congress and the public to a degree seldom equaled.

The contributions he made to the land he loved and defended with an intense and unfailing loyalty will long stand as a monumental inspiration to the generations which follow.

NEWSPAPER EDITORIALS

Editorial eulogies to former Speaker Joe Martin appeared in newspapers in all parts of the country. Typical of these are the following:

[From the Providence (R.I.) Journal]

The qualities displayed by Joseph W. Martin Jr. were not the qualities usually associated with a successful politician. He was no back-slapping gladhander, nor was he ever noted for his oratorical ability or his sartorial excellence.

Yet, Joe Martin was a remarkably successful politician. For 40 years, he was considered unbeatable in his congressional district, even though he was a Republican and the district often was strongly Democratic. For 20 years, he led the House Republican forces, twice serving as speaker, and on five occasions he was chosen by his party to be chairman of the GOP National Conventions.

He accomplished all this because he was an amiable man, a generous man, and a man who earned respect for his integrity and his political shrewdness. Perhaps part of his charm was that he didn't look the part. A stranger would hardly identify this burly man in the rumpled suit as one of the influential leaders of a national party. But it may have been precisely this lack of affectation, this quality of being "plain as an old shoe," that made Joe Martin so well liked among his constituents and colleagues.

It is a tribute to the man and to our system that a young Joe Martin could start from scratch, work up the hard way, reach a position of great influence, and spin out a long and useful career in the service of his people, his party and his nation.

[From the Burlington (Vt.) Free Press]

Very few human beings become legends in their own time, Joseph W. Martin Jr., who died this week, was one of the very few.

For three decades, from the 30's through the 50's, Joe Martin of Massachusetts was one of the most influential men in America. Except for the strange twists of fate, he would have been President of the United States.

He was "Mr. Republican" to two generations of Americans before and after that title was given to Senator Robert Taft. Martin served as chairman of five straight Republican National Conventions, he was the Republican leader of the U.S. House of Representatives for 20 years, and he was the only Republican since the Coolidge-Hoover era to be Speaker of the House.

Martin and Sam Rayburn held a monopoly on the Speakership from 1940 until Rayburn's death in 1961. Martin was Speaker in 1947-49 and 1953-55.

President F. D. Roosevelt campaigned for his third term in 1940 urging the nation to defeat the combination of "Martin, Barton and Fish." It became one of the most famous of all American political slogans.

Joe Martin finally wrote a book a few years ago. Entitled "My First 50 Years in Politics," it is one of the most fascinating political biographies we've ever read.

Here was a man who truly "moved the nation," not for a few months or years but for half a century. Joe Martin always will be remembered as one of America's greatest political leaders, a legend in his own time, and probably the last of his kind in a nation which is noted for its fluctuations of leadership.

[From the New Haven (Conn.) Register]

Joseph W. Martin Jr. is dead at 83. This man served his native state of Massachusetts in the U.S. House of Representatives from 1924 to 1966. His fame as a political power in his state dated back to 1911. It might be said that he had outlived his time. But it should be said that his service offered a model for his time—and for time yet to come.

Sharing, or deserving to share, the title of Mr. Republican with the late Sen. Robert A. Taft, Joe Martin had a well earned, and much revered, national reputation. He was, first, last and all the time, a politician—but in the truest and best sense of that word. He was unswervingly loyal to his party. But his first loyalty was to his country and to those whom he was elected to serve.

Thus, as another of the old guard dies, he leaves behind a life and a career of public service which could serve as a model for all who come after him. Were "public servants" to serve in the "Martin" manner, the nation and its people would be the distinct beneficiaries—and the image of the politician would be less tarnished and far more polished than it is in this day of the credibility gap.

[From the Nashville (Tenn.) Banner]

Former Representative Joseph W. Martin's circle of friendship was not limited by political boundary lines, nor is the area of regret at his passing. He was held in respect and affection on both sides of the party aisle in Congress—a Massachusetts lawmaker of stature, whose 42-year tenure had the added distinction of two decades as Republican House Leader; and House Speaker in years of the party's congressional majority.

He served well, with no taint of partisanship where matters of national interest were concerned. As a parliamentarian he was a stickler for the rules of legislative order. In party affairs, as in his capacity repeatedly of chairman of national nominating conventions, he presided with dignity and firmness.

The nation knew him as a man of strong convictions, whether occupying a seat on the floor—the representative of his constituents—or serving as presiding officer of the House. It esteems his memory.

REPORT FROM WEST POINT, N.Y.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DERWINSKI. Mr. Speaker, the young men that I have appointed to our military academies have always been a great source of pride and satisfaction to me.

Therefore, I was very interested and pleased to note a column in this morning's Chicago Tribune by that paper's New York area columnist, William Fulton, commenting on cadets at West Point. The column follows:

REPORT FROM WEST POINT, N.Y.

(By William Fulton)

WEST POINT, N.Y., May 20.—It is like a breath of fresh air to come out of New York City to find an institution of higher learning where patriotism and loyalty are regarded as virtues, there are no hippie long-haired youth or draft card burners and respect for the faculty supplants rebellion and anarchy on the campus. This is the United States Military academy.

The heights above the Hudson river where Gen. Benedict Arnold once walked and brooded over treason that would have surrendered the strategic fortress to the British have come alive with flowering dogwood, blazing azalea, and green rhododendron.

"Flirtation walk," the romantic wooded stretch where the cadet strolls with his sweetheart on a moonlight night and officers never tread, is all bowered over with the leaves of spring.

Founded on March 16, 1802, the academy—more familiarly known as West Point—has been a prime source of supply for some of the nation's most illustrious and heroic leaders of the armed forces. West Point belongs to the nation. It is by accident of birth only that the establishment is located in New York state.

Character, knowledge, and leadership are the goals at West Point today as they were in the early 1800s when Col. Sylvanus Thayer, "father of the military academy," as superintendent, set the pattern for the school that has endured and flowered.

STAR-STUDDED ROSTER OF GRADUATES

Among the academy's star-studded roster of more than 27,000 graduates have been Douglas MacArthur, Dwight D. Eisenhower, John J. Pershing, Ulysses S. Grant, and Robert E. Lee. Each spring the academy graduates about 700 new officers dedicated to the service of their country.

Today's full corps numbers 3,400. Congress has authorized expansion up to 4,417. Increases gradually are undertaken.

Three cadets from Chicago explained to a recent visitor what the academy means to them.

Nick Skertich, 19, of 13306 Mackinaw st., said the school had given him maturity.

"It has shown me what I can do," he asserted. "I have found how far I can be pushed, and here there is more opportunity to demonstrate capabilities."

Skertich, a sky-diver and scuba-diver when he gets any spare time, is a "yearling" or sophomore. He is a graduate of St. Francis De Sales High School.

A SENSE OF SELF-DISCIPLINE

Jim Bachta, 20, of 2733 W. Gregory st., agreed with his colleague, "Yes, the school has given me a sense of self-discipline," he said. "I now know my capacities on the physical and academic sides."

Two years brigade boxing champion, Bachta is a second classman [junior]. He is a product of St. George High school, Evanston.

Jim Reid, 22, of 145 Mayfield st., was graduated from Oak Park High school.

"Basically, West Point has given me a sense of responsibility, a realization of a greater mission in life than just living for myself," he said. "It has rounded me out as a person."

Cadet Reid, a first classman [senior], plays football on the 150-pound team and has been having a go at rugby this spring. Reid took the visitor to a class in "managerial psychology."

The visitor had a fuzzy notion of what it was all about until cadets started juggling "X," "Y," and "Z" on the blackboard to explain human behavior and then became completely befogged. The class instructor, Maj. Quay Snyder, a veteran of the 82d airborne, is shortly going to Viet Nam as a helicopter pilot with the first cavalry.

Bob Hope, also a visitor, had a few pertinent words for the corps about the different academic life on the outside.

"I've been very busy these past couple of weeks entertaining our fighting men at different universities around the country," he remarked. "I had an offer to speak at Columbia. Well, it was more of a dare. My insurance company canceled it."

Hope was given the Sylvanus Thayer award for outstanding service to the nation, the first comedian to be so honored.

LAND AND WATER CONSERVATION FUND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. FASCELL. Mr. Speaker, we are scheduled to consider this week H.R. 8578, legislation to amend the land and water conservation fund which was established in 1964 to provide funds to Federal and State governments for acquisition and development of park and outdoor recreation land.

The fund was designed to eliminate the time lapse between authorization of national parks and monuments and the actual acquisition of the lands. We have found, however, that the original authorization was not sufficient to meet the needs of acquiring all lands. The Department of Interior, therefore, has recommended that an additional authorization be made, and funds from the receipts from leasing of the outer continental shelf oil lands be made available to the land and water conservation fund.

The New York Times strongly endorsed the approval of the bill reported by the House Interior and Insular Affairs Committee in an editorial on Sunday, May 19, 1968. I share the Times strong support for this measure which I have cosponsored, and hope that the House of Representatives will act this week to approve H.R. 8578. The Times article follows:

THE CONSERVATION FUND

The Land and Water Conservation Fund, established by Congress four years ago, has failed to keep pace with the nation's needs for more national parks, protected seashores and recreational areas. Revenue from visitors to existing parks and facilities has fallen below estimated levels, and land prices have skyrocketed.

Since Congress does not make money available immediately after it authorizes a new park or seashore, the Government frequently finds that between the time of authorization and the time of actual acquisition, the price of land has doubled or quadrupled.

To meet this problem, a bipartisan bill was unanimously approved in the Senate Interior Committee. It empowered the National Park Service to acquire options on land and make contract commitments to a limit of $30 million a year as soon as a park or seashore is authorized. The bill also augmented the Land and Water Conservation Fund by assigning it a share of the oil royalties from the federally owned Continental shelf. These royalties are now part of the general revenue of the Treasury.

When the bill came to the floor of the Senate last month, Senators Ellender and Long of Louisiana led a successful fight to deny any oil royalties to the fund. They put forward the specious argument that Congress ought not tie its hands in this fashion since other national needs in the future might deserve higher priority. But Senator Jackson, chairman of the Interior Committee, made plain the hidden basis for their opposition:

"The real question at issue here is not the ear-marking of funds for Land and Water Conservation Act purposes for a limited period. It is whether in the long term the states that happen to abut the outer Continental shelf are to be given, in the future, certain special preferential rights to money that may be earned from the outer Continental shelf."

In other words, Louisiana, Texas, and California, having obtained in 1953 a monopoly of the revenue from the tidelands oil, now hope to cut themselves in on a sizable share of the revenue from the outer Continental shelf which lies beyond the tidelands. This would be unconscionable. As Senator Jackson pointed out, the outer Continental shelf belongs to the nation, and all fifty states should share in it.

Since the House Interior Committee has reported a measure similar to that which the Senate gutted, Congress will soon be taking a second look at the Ellender amendment. House approval of a larger Land and Water Conservation Fund is imperative.

It is false economy to put off this essential reform. Everyone knows that a growing nation needs additional parkland and recreational space. If not acquired with planning and foresight, the land will have to be purchased later at exorbitant prices. Congress cannot permit parochial greeds and irresponsible land speculators to frustrate the public interest.

NIGHTTIME IN THE CAPITAL OF OUR NATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ASHBROOK. Mr. Speaker, Edith Kermit Roosevelt, syndicated columnist, has written an excellent article on what citizens of the District of Columbia are living through in terms of crime and general lawlessness. Included in this piece are her comments—discouraging at best—on what has happened to forces of the law. As usual, blame for the failure of law enforcement is not to be placed on the rank and file policeman but on the policymakers the leaders within law enforcement.

I include the column at this point:

NIGHTTIME IN CAPITAL OF NATION HIDES SCENES OF CRIME, VIOLENCE

WASHINGTON.—Each night an elderly colored woman I know turns off the lights in her living room so that passersby cannot spot her as she looks out of her window at the scenes of violence and destruction that have become commonplace on dozens of streets in the nation's capital.

This woman, who lives only a few blocks from me in a predominantly Negro section, described to me what she saw last Friday.

"It was about 7 or 8 p.m. I saw some teenager pouring gasoline from a tin bucket on top of rags and papers they'd piled up in the middle of the street. They struck a match and it caught fire. I called the police and a fire truck came. After the police left, they came back. This time, they brought a plastic ash can filled with garbage and burned that. The police came a second time but I know one night they won't come. Maybe it will be my house that will burn down or my neighbor's."

The pages of Washington's newspapers these days have become almost statistical when they describe arson, theft and violence. Every night throughout this city, a number of fires are set, stores and homes are looted and citizens are beaten, robbed, raped and shot. A protection racket has emerged all over the city with storekeepers paying so-called protection money.

My woman informant significantly declared: "Somebody's behind these gangs of teenagers. Grown people are behind it."

Indeed, this writer was told there is a correlation between the riots and toleration for crime and political "change" adherents in and out of government. The word "change" in this political context means abolition of the private enterprise society and its replacement by the Reds. John Immer, president of the Federation of Citizens Associations of the District of Columbia, told me:

"This is part of a plan to make basic changes in our form of government. The revolutionary elements want to destroy the economic base of the Negro communities and wipe out the middle class."

Immer charged that certain administration figures had brought in Patrick V. Murphy as director of public safety over the head of the District's police chief "in order to wreck law enforcement in the District."

Murphy is a charter member of the International Association of Chiefs of Police, and as such, is a believer in its sociological approach to law enforcement which is fostered by our Supreme Court. Veteran police officers have told this columnist that this association, headed by Quinn Tamm, has been collaborating with the Justice Department to see to it that local police units conform to special criteria laid down in Washington. Politically sophisticated police officers are aware that this must eventually lead to a national police force run by the attorney general, a move which is vehemently opposed by FBI Director J. Edgar Hoover as destructive to liberty.

A recent survey by the International Association of Chiefs of Police published in the Appendix to the Report of the President's Commission on Crime in the District of Columbia constitutes an attack on the authority of local police units. The survey cites a study describing "successful police officers" as "more conservative, more dogmatic, had less creative ability, tended to be more aggressive and suspicious, and tended to rely on one another more than their less successful colleagues."

The association urges that "everything in the selection process should be designed to screen out applicants" for police departments who lack such qualities as "the desire and ability to adapt his thinking to technological and sociological changes." This works out in practice to an extension of the "one voice in government" principle to local police departments.

The International Association of Chiefs of Police urged in its survey that patrolmen in the D.C. police system get 40 hours of training in "human relations." The art of self defense is no longer taught in the 12-week course given to rookie policemen in Washington, D.C. Instead, for a whole week, they are taught theories concerning "the nature of contemporary social change" and "the consequences of social change in terms of human behavior." Morale in the District's police department is at a dangerous low because they are compelled to listen to indoctrination by Black and Red power militants from the same government-financed poverty organizations that they know helped to instigate the riots.

THE BUSINESS OF AMERICA IS BUSINESS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. CHAMBERLAIN. Mr. Speaker, the editorial appearing in the spring 1968 issue of Ward's Quarterly, an authoritative journal on automotive matters, offers some salient comments concerning the current state of government-relations. Among other things it should recall to the reader's mind President Johnson's 1966 state of the Union promise:

> I intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

Congress and the Nation are still waiting.

I commend the editorial to the attention of my colleagues:

THE BUSINESS OF AMERICA IS BUSINESS

(By Robert B. Powers, editor and publisher)

Calvin Coolidge, whom TV wits and some columnists are reviving for musty jokes in this presidential election year has a thought for the America of today.

To begin with "Silent Cal" of the '20s was catapulted into the national scene when as mayor of Boston he forthwith settled a crippling policeman's strike.

In answer to overseas criticism that America was "too commercial", as president of our Republic he crisply replied:

"The business of America is business."

Isn't it still? Wasn't it always? Where does all the money come from for the city, state and federal governments? For the ever-increasing mountains of money demanded for all sorts of programs and nostrums here and around the world? Where else but from the men who create new products and services, the men and women who invest in business, the men who manage it, the men and women earning their livelihood from it?

Eliot Janeway, our favorite economist and contributing editor, recently interviewed a powerful U.S. Senator on the rapport between business and the federal government. It was agreed that in general it was pretty bad. Businessmen troop to Washington in droves shy as second-class citizens, was the Senator's summation.

Isn't it past time for business to speak up? After all, if the wheels of industry stop the whole nation stops, and government has no money to spend.

Never has our nation been so plagued with such costly strikes—copper, autos, newspapers, tires, airlines, subways, nursing, education, even garbage collection! They've all had their share in contributing to the nation's loss of billions of dollars and to untold inconvenience and misery to the citizenry.

There is a current wave of interest in the origin of man, African Genesis started it, The Naked Ape finished it, we hope.

The cruelty and indifference of men of power to their fellow man is excused by the psycho-zoologists in terms of ape behavior hundreds of millions of years ago.

This may satisfy the intellectually inclined, but how about those injured?

Isn't there a better way to establish sanity in the human jungle than for men or cliques of power to lord it over their defenseless brothers?

In the noble effort of our age to uplift all mankind, surely there is a better way.

The Stalworth brothers Studebaker who built the Conestoga wagons that were the key in opening up the West and whose automobiles and trucks helped pave the way to create modern America had a simple but very useful philosophy. It was this—Give more than you promise. It would be well to heed this homily today—the age that may be remembered as one of false hopes and ignoble deeds, if we do not soon change our spendthrift and deceitful ways.
the line of authority and responsibility

For a future issue of the Quarterly, we had planned a symposium on labor. We have had two in past issues on other subjects. We have reason to believe they were rather useful and enlightening.

On this subject, we invited to participate the government's top spokesman on labor, labor's own garrulous statesman, an educational authority on the subject and a prominent spokesman from industry.

Our question was: In view of the endless succession of costly strikes and work stoppages that periodically upset the economy of the nation and the tranquility of our people, isn't there a better way to resolve labor disputes than by strikes?

Industry was ready with a program. Labor never acknowledged our question. Education was too timid to reply. And the federal government, through an intermediary far down lamely responded for his chief with:

The Secretary regrets that the heavy press of his schedule will prevent him from preparing such an article.

He would like you to know, however, that he feels free and responsible collective bargaining is the best means of settling labor-management differences that our industrial democracy has yet devised.

A lot of answers given out these days are not only not good enough for our poor and our underprivileged but they are not good enough either for business—for the creators of a nation's prosperous economy.

Business should not forget its rightful voice in the conduct of the affairs of our country as seemingly it has.

"The business of America is business."

A government that depends on the business money-tree for its own comfort, privileges and survival will get the meaning if that meaning is effectively spelled out. But not like our Senator infers by businessmen who meekly consider themselves as second-class citizens when they come or are called to Washington.

LAKE ERIE POLLUTION

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ASHLEY. Mr. Speaker, I have received statistical data that underscores the seriousness of the fight to save Lake Erie and that reveals that the Federal Government continues to be a major polluter of our lake waters.

In calendar year 1967, according to

the Office of the Chief of Engineers, Government dredging projects at 14 Lake Erie harbors produced a total of 7,671,000 cubic yards of polluted material. Of this total, 5,438,000 cubic yards were dumped at "authorized" lake disposal areas, while 2,233,000 cubic yards—of which Toledo, Ohio, accounted for 2,130,000 cubic yards—were consigned to diked area disposal. Also during 1967, permit dredging accounted for 185,000 cubic yards of dredged material, all of which was polluted and all of which was dumped in "authorized" lake disposal areas.

For 1968, according to the same source, Government dredging at these same harbors is expected to produce 7,015,000 cubic yards of material, virtually all of it polluted. Of this total 5,302,000 cubic yards are planned for lake disposal while 1,713,000 cubic yards will be consigned to diked area disposal. In addition, applications have been approved for permit dredging of 348,000 cubic yards of polluted material for lake disposal and for 60,000 cubic yards that will be diked.

The above figures reveal that of total Government dredging in 1967, amounting to 7,671,000 cubic yards of polluted material, 70.9 percent was dumped in Lake Erie. Of the 7,015,000 cubic yards of Government dredging predicted for 1968, by contrast, 75.5 percent will be consigned to open lake disposal areas. I find it shocking that the Government intends to dike approximately 500,000 cubic yards less in 1968 than in 1967—1.7 million cubic yards in 1968 versus 2.2 million cubic yards in 1967. This is hardly persuasive evidence that the Government is assuming forceful leadership in the fight to combat water pollution.

One must also note with alarm that permit dredging for open lake disposal in Lake Erie has already doubled from 185,000 cubic yards in 1967 to 348,000 cubic yards as of May 1, 1968. This, of course, does not include a large number of applications pending or expected for permit dredging which the Corps of Engineers understandably finds impossible to estimate.

In response to a letter recently directed to the Secretary of the Army, I received a reply assuring me that the Department of the Army and the Corps of Engineers share my concern with pollution abatement and water quality improvement. I was also advised that since 1960, more than 2 million cubic yards of dredged spoil from the Rouge River have been deposited within the diked disposal area known as Grassey Island. The letter went on to say that because remaining capacity is limited, it seems impossible to permit—as I had suggested—the concurrent use of this disposal area by private contractors.

This sounds persuasive until it is remembered that since 1960 the Government has dredged some 40 million cubic yards of polluted materials from widely separated rivers and harbors and deposited this spoil in "authorized" disposal areas along the entire U.S. shoreline of Lake Erie.

One must also wonder why the Army on one hand consigns about 300,000 cubic yards annually of Government-dredged polluted material from the Rouge River to the diked Grassey Island area while at the same time recommending approval of permit dredging of equally contaminated material from the same river for open lake disposal.

Mr. Speaker, I believe there must be a prompt clarification of Federal policy if we expect the confidence, support, and commitment of our citizenry in fighting pollution and achieving our national goal of clean water. We can hardly expect credibility or cooperation as long as the Federal establishment says one thing and does the opposite.

THE ARNHEITER-ALEXANDER CASE

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RESNICK. Mr. Speaker, the case involving Lt. Comdr. Marcus A. Arnheiter and Capt. Richard G. Alexander is exceedingly complex. It goes back approximately 2 years and involves a large number of naval personnel, some of whom are no longer in the U.S. Navy.

In order that as many people as possible may be fully apprised of a matter which has already cost the Navy two brilliant young officers, and its integrity in the eyes of the American public, I insert in the RECORD at this point, a chronological order of events in the Arnheiter-Alexander case:

THE ARNHEITER-ALEXANDER CASE: CHRONOLOGICAL ORDER OF EVENTS

December 22, 1965: Lt. Commander Marcus A. Arnheiter assumed command of the USS *Vance*.

December 28, 1965: USS *Vance* left Pearl Harbor for Vietnam.

January 16, 1966: In direct violation of Navy Regulations Article 1243, Lt. Ray S. Hardy, Jr., USS *Vance* Executive Officer, advised Generous to "seek outside help anonymously" in Generous' efforts to undercut Arnheiter.

January 23, 1966: Lt. William T. Generous, Operations Officer aboard the USS *Vance*, sends letter to Chaplain Richard Osterman critizing Arnheiter's character guidance program (in plain violation of Articles 1212 and 1243 of Navy Regulations).

March 22, 1966: Chaplain George Dando filed report of low morale on ship to Rear Admirals T. S. King, Jr. and D. G. Irvine via Commander D. F. Milligan (in violation of Articles 1212 and 1243 of Navy Regulations). The failure of King, Irvine, and Milligan to inform Arnheiter of this report violated Article 1404.1 of *Navy Regulations*.

March 31, 1966: Arnheiter received orders from the Bureau of Personnel, detaching him from command—before any hearing was held and before Arnheiter was even informed of the charges against him. This summary relief violates Article 7801 C, paragraphs 4 (b), (c), (d) and (f) of the BuPers Manual. On same day Milligan came aboard, assumed command and placed Arnheiter under guard.

April 4, 1966: Arnheiter informed of some of the unsubstantiated allegations against him. Given less than 24 hours to prepare defense.

April 5, 1966: Arnheiter "hearing" commenced at Subic Bay. Presiding officer was Captain Ward Witter.

April 11, 1966: "Hearing" ended. Witter's findings sent to convening authority RADM King who forwarded them to Rear Admiral Walter Baumberger, Commander of Cruisers and Destoyers in the Pacific, and the duly constituted reviewing authority.

August 30, 1966: Baumberger, after personal review, recommended "that no disciplinary action be taken against Lt. Commander Arnheiter" and "that, in view of his evident high potential . . . he be reassigned to command in a DE (destroyer escort) in this force" and forwarded his opinion to Vice Admiral B. J. Semmes, Chief of Naval Personnel.

September 9, 1966: Semmes covertly "approved" Arnheiter's "detachment for cause" by memorandum sent to the President of Arnheiter's Selection Board (despite the fact that on the same day, Semmes also sent an official endorsement on an Arnheiter letter to the Selection Board saying he was "withholding endorsement on the report of the (Subic Bay) investigation"). By "approving" of Arnheiter's detachment despite Baumberger's recommendations to the contrary, and by failing to inform Arnheiter of this endorsement to the Selection Board, Semmes violated Navy regulations and BuPers Manual.

Vice Admiral L. P. Ramage, Deputy Commander in Chief Pacific Fleet, sent Baumberger a letter requesting re-analysis of his original recommendations.

November 1, 1966: Baumberger, throwing out all but three of the 41 alleged Arnheiter violations, and branding Witter's hearing as lacking in objectivity, resubmitted his earlier recommendations that no disciplinary action be taken against Arnheiter, that Arnheiter be given another command and that the relief of command from USS *Vance* not be "for cause".

November 24, 1966: Generous submitted letter of resignation to the Secretary of the Navy, via Semmes, saying the Navy isn't "big enough" for him and Arnheiter. Semmes failed to provide Arnheiter with copy of this critical letter, thereby violating Article 1404.1 of *Navy Regulations*. Semmes argued that this letter of resignation is only available to Members of Congress, relying on opinion of Navy JAG.

January 20, 1967: Admiral Roy L. Johnson, Commander in Chief, Pacific Fleet, defended Witter's conduct, yet upheld Baumberger's critical review of Witter's findings, and then reversed Baumberger's recommendation for a new command for Arnheiter and recommended sustaining relief for cause.

February 2, 1967: Semmes signed orders assigning Arnheiter to permanent shore duty.

February 5, 1967: Semmes asked VADM T.G.W. Settle, USN, Ret. to review entire record of the case at Navy Department and to make recommendations.

February 10, 1967: After viewing entire record, Settle recommended that Arnheiter be promoted to the rank of Commander, that he be given command of an Atlantic Fleet ship, and that his relief for cause be *not sustained*.

May 11, 1967: Arnheiter wrote Secretary of the Navy accusing VADM B. J. Semmes Jr. of extreme prejudice, and requested redress and court of inquiry.

June 29, 1967: In a letter to the Secretary of the Navy, Semmes wrote "no memorandum on LCDR Arnheiter was sent to the selection board at any time while it was in session". As indicated above, however, on September 9, 1966 Semmes himself sent such a memo to the Selection Board.

November 7, 1967: Captain Richard G. Alexander, prospective commander of the battleship *USS NEW JERSEY*, and intimately familiar with the details of the Arnheiter case, delivered a 26-page statement to Secretary of the Navy Ignatius, highly critical of the Navy's handling of the Arnheiter case.

December 28, 1967: Alexander relieved of command of the *NEW JERSEY* and transferred to a desk job in the Boston Navy Yard.

January 17, 1968: Ignatius stated that there is no connection between Alexander's transfer and his outspoken views on the Arnheiter case. Navy later retracted this.

May 8, 1968: Despite Semme's response to Arnheiter after Generous' letter of resignation, (See Nov. 24, 1966), Congressman Joseph Y. Resnick was denied access to the letter.

SAVE THE WETLANDS COMMITTEE TRYING TO PRESERVE CONNECTICUT'S TIDAL MARSHES

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. IRWIN. Mr. Speaker, Save the Wetlands Committee, a private conservation group, is actively involved in preserving Connecticut's tidal marshes. I think their efforts to acquire this land are to be commended and I am sure a better knowledge of the value of the wetlands will be of interest to my colleagues. Therefore I enter an article written by Stan Simon from the April 7, 1968, Hartford Courant:

CIVILIZATION BURIES BIRTHPLACE OF LIFE, THREATENS FUTURE

(By Stan Simon)

Cement highways, asphalt parking lots and buildings are burying the birthplace of life itself.

This insidious movement of civilization eventually could choke off life in the oceans and dry up diminishing water supplies. Ironically, it could also cause flooding.

Few people seem to care.

The areas in danger have been the most fertile on the planet since land masses lifted out of the sea and have produced more plant and animal life than either land or sea.

Scientists believe the threatened areas are where life itself began, where animal life first stepped on to land and where the most marine life now gets its sustenance.

The endangered areas are tidal marshes, where the tide mixes fresh water and elements from the land with the mineral-rich salt water of the sea.

Organic products of decay are constantly stirred together in a sheltered environment. The result is a kind of broth which spawns microscopic plants and animal life that feed higher forms.

Thus, a chain of life is created. Experts say at least two-thirds of the ocean's fish and shell fish depend on tidal marshes during part of their lives.

Tidal marshes produce an average of twice as much as the best mid-western farmland and 20 times as much as most of the sea itself.

The delicate natural balance of tidal marshes can be easily upset, however, and, once changed, is impossible to restore.

Nearly half of Connecticut's tidal marshes have been destroyed in the past 50 years. The state's 26,500 acres of tidal marshes have dwindled to 14,839 and are disappearing at a rate of about 200 acres a year. And yet Connecticut is better off than most East Coast states.

To most, the marsh is a menace, a wasteland which should be reclaimed for more taxable income by dredging and filling for roads, parking lots, housing developments, factory sites and marinas.

The results are not only detrimental, but often dangerous.

Filling marshes and swamps significantly restricts the potential water supply. "Swamps, lakes and porous earth are Nature's only reservoir wherein the rainfall is stored to be fed . . . into our streams," according to Prof. Thurlow C. Nelson, Ph.D., of Rutgers State University in New Jersey.

In addition, marshes, with their long mud flats, grasses and natural canals, act as barriers to hurricanes, absorbing water like a sponge, preventing flooding and breaking down heavy waves.

"Every time an onshore storm hits hard, you hear of homes on the coast that have to be evacuated. It's more than likely they were built on filled marshes. Watch what happens if we get a real bad hurricane like '38," says Theodore B. Bampton, director of the State Board of Fisheries and Game.

The destruction of tidal marshes could destroy certain species of birds such as the clapper rail, sandpipers, plovers and some sparrows, according to James S. Bishop and Ruth Billard, game management technicians for the State Board of Fisheries and Game. They say ducks, geese, herons and gulls are dependent upon the marshes during limited periods of their lives.

Oysters and other shellfish depend on tidal marshes. In Connecticut, once the world's largest producer of "seed oysters," production has dropped from three million bushels in 1910 to about 250,000 last year—that's a drop from $40 million to $3 million at the market.

Fishermen know of the gradual disappearance of weakfish and blue crabs. More than 60 species of fish use Connecticut tidal marshes as a spawning ground and nursery, including flounder, shad, smelt, bass, bluefish and tom cod.

Preserving Connecticut's tidal marshes has become the number one conservation priority of the State Fish and Game Department and the sole purpose of a group called Save the Wetlands Committee, a private conservation group formed in 1966.

Fish and Game Director Bampton says the state now owns 4,200 acres of tidal marshes and plans to purchase another 1,300 acres in the next two years and another 5,500 by 1973—if it has the money. He says the remaining 3,500 acres are scattered and would best be preserved by municipalities or conservation groups.

The 1967 General Assembly gave the state the right of eminent domain to take privately owned wetlands. Bampton says the state now has the legal tools to acquire tidal marshes—if it gets the funds.

But Freeborn G. Jewett of Lyme, president of the Save the Wetlands Committee, wants tighter control over individuals who want to dredge and fill tidal marshes—now the responsibility of the State Water Resources Commission. Jewett's committee, which includes some 30 persons, has hired a New London law firm and a group of Yale and University of Connecticut students to research the legal problems.

But law and legal language cannot restore what already is gone.

A whole generation of shoreline residents and summer tourists can remember walking through the ankle-deep warm marsh waters, feeling the hard shells of quahogs under the soft carpet of mud, watching small baitfish jump ahead of the splashes, and seeing small softshell crabs scurry across the sometimes clear water. But they can only remember.

THE WALT DISNEY MEDAL

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. REINECKE. Mr. Speaker, I would like to express my intense satisfaction over the passage of House Joint Resolution 1234, providing for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

In company with most Americans, I have come to regard the work of Walt Disney as one of the truly remarkable artistic developments of our time. We seldom have an opportunity to watch the flowering and fulfillment of genius but surely that was our experience during the lifetime of Walt Disney.

From a small garage-studio the Disney enterprise grew into one of the most modern movie studios in the world, producing short and feature-length cartoon programs and full-length programs featuring live actors. Success greeted Walt Disney's efforts for the first time in 1928, when the public acclaimed the presentation of Mickey Mouse, and from that point forward until the close of Mr. Disney's life, one success followed another, to an extraordinary extent.

Where any other Hollywood producer would have been happy to receive one Academy Award—the highest honor in American movies—Mr. Disney broke all records by receiving 27 such awards.

Repeatedly, he saw fit to blaze new trails, against the warnings of friends and fellow moviemakers. Although distributors doubted the selling value of Mickey Mouse, the public felt differently, and Mr. Disney's faith in Mickey was handsomely rewarded. When Mr. Disney proposed the production of the first full-length cartoon, "Snow White and the Seven Dwarfs," he was told that nobody would sit still that long just to watch cartoons. Again, the critics were wrong and he was right. Mr. Disney was the first major producer to make films for television, and he was told that nothing could be expected to come of this endeavor except financial reverses. Once more, the critics were mistaken.

Such shows as "Disneyland," "The Mickey Mouse Club," "Zorro," "Davy Crockett," and "The Wonderful World of Color," have captured the hearts of millions of television viewers all over the land.

Mr. Disney's imagination drove him on to pursuits outside the movie world. One of his creations—Disneyland, a 300-acre tract of amusement rides, fantasy spectacles, and recreated Americana—has become, since it was established only 10 years ago, one of the leading tourist attractions in the country. By last year it had been visited by some 50 million people. In the final year of his life, Mr. Disney was forging ahead with a similar project, near Orlando, Fla., to be called Disney World. He was also in the process of developing a giant $35 million summer-winter resort in California's Sequoia National Forest.

In all his undertakings, Walt Disney emphasized the best in the America way of life, and for that he was revered by millions. Congress has acted wisely, I believe, in providing for the issuance of the Walt Disney Medal, in honor of a man who made the world a happier place for millions and millions of his fellow men, all over the world.

A SPACE DISCUSSION

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. SHIPLEY. Mr. Speaker, under leave to extend my remarks, I include a space discussion by Dr. Edward C. Welsh, executive secretary, National Aeronautics and Space Council, in which he lists a few controversial questions which are frequently asked, followed by his answers:

SOVIET SPACE PROGRAM

The initial question is: *What is the status of the Soviet space program?*

Of course there are many specifics about their space program we do not know but there are also many significant things we do know. First of all, they appear to have placed a higher funding priority on space exploration than we have. They see clearly the practicalities of space as a builder of national prestige and as a supplier of useful technology. This is evidenced by the fact that they are devoting at least twice the percentage of their gross national product to space activities compared with us.

Second, the Soviets have been accelerating the tempo of their space investment and their space performance. For example, on the performance side they had nine successful launches—all Earth orbiters—in a twelve day period just last month. This was the most active twelve days in the space history of any nation. So far this year they are surpassing last year's payload successes numerically and, what is also significant, they are surpassing substantially the number of successful payloads launched this year by the United States. While our activity curve is moving down compared to 1967, theirs is headed up.

Third, they have made and are continuing to make major investments in space resources—particularly in manpower and facilities. There is almost a technology cult which has developed in the U.S.S.R. these days and much of its attention is focused on aerospace projects.

In generalized summary on this question I would say that the U.S.S.R. has an orderly, persistent, and well planned space program, including a vigorous project for a manned landing on the lunar surface. They do not seem to be handicapped by fluctuations in their budgetary thermometer, as we sometimes are. We can all be certain that, regardless of the speed with which the U.S. pursues its space goals, the U.S.S.C. will continue to expand its space effort.

SPACE COMPETITION

The next question which frequently follows is: *Who is ahead in the space race?*

We could get into a lot of semantics just trying to figure out what being "ahead" means or even what a "space race" is. So let's skip that for the moment and look at the picture statistically. An examination of the overall space activity of the U.S. and the U.S.S.R. shows that we to date have put about 560 payloads into Earth orbit or on escape missions compared with about 310 by the U.S.S.R.

As for manned space flight alone, the record shows: 1994 man hours in space for the U.S. compared with 533 for the U.S.S.R.; 16 manned flights for the U.S. compared with 9 for the U.S.S.R.; 12 hours of EVA for the U.S. compared with 20 minutes for the U.S.S.R.; and 10 rendezvous and 9 dockings of manned spacecraft, with the U.S.S.R. not having made any attempts in these regards as yet. The Soviets have, however, rendezvoused and docked unmanned space vehicles on two occasions.

In communications, navigation, and meteorology, the United States has developed an operational lead but the Soviets are now showing considerable activity in these fields, also.

In unmanned lunar and planetary performance, the U.S. has been generally more successful—although that is a subjective judgment—but the U.S.S.R. has certainly been more active with many more attempts and many more failures than the U.S. The Soviets pursue deep space exploration with a persistence that reveals clearly the high priority they place upon trying to be first in knowing the most about the planets.

Although we have placed the largest weight into orbit on a single launch by the world's most powerful rocket in use, it is estimated that the Soviets over the years have orbited a greater total weight than we have. We also can be confident that they will continue to increase the thrust and the capability of their launch vehicles.

In general, this brief review of our technological competition with the Soviets in space can be summarized by saying that we were behind them once but no longer are. However, their determination and their currently accelerated activity leave no room for complacency on our part and, if we value technological leadership, a continually growing economy, and world respect, we must maintain a vigorous pace in our national space program.

SPACE COOPERATION

The third question is: *Why do we not save money in planning our space program by cooperating more with the U.S.S.R.?*

As you all know, it is this nation's policy—frequently stated by the President and the Vice President—to cooperate whenever such action would be of mutual advantage. We have seen opportunities which would seem to offer mutual benefits if accomplished through international cooperation and we have made numerous proposals to that end. New ideas for international cooperation on a broad scale should continue to come forth. For example, what about a joint manned lunar surface laboratory? It does, however, take at least two to cooperate and the Soviets have been reluctant. Just why they have been, I don't know, unless they are convinced that because they can get so much more information from us through our free press than we can from their closed society, the existing situation is more to their advantage.

I think such reasoning is unfortunate, if it is in fact the way they think. Actually, not much of the space program of either nation depends upon the guarding of technological secrets. Rather, both nations are engaged in a constant drive to solve problems—and certainly both could solve more problems more rapidly if there were more cooperation and less duplication in individual projects.

The argument that such international cooperation would save large sums of money is, however, a relatively hollow reed to lean on. Neither country would want to fall behind the other as producers of hardware or as innovators. However, through effective cooperation in vigorous programs both countries could get more accomplished for the same total investment of resources. This does not suggest that we should for a moment slack off on our efforts, or that they would on theirs. If we are wise, we will keep in the forefront of our thinking that a country which vigorously advances space technology gains much from new inventions and new managerial methods, as well as from increased employment and an increased Gross National Product. In a sense, to cut back sharply would mean a decline in the chances for international cooperation and, even more, a real possibility of losing our place as the world's leader in technology.

SPACE VERSUS POVERTY

The next question is: *Why not postpone spending on space and concentrate on solving such problems as poverty?*

This may be the most frequently asked question of all, coming particularly from those who do not understand the nature and the impact of the space program. The answer can be either lengthy or brief but it still comes out the same. It is almost too obvious to point out that funds spent on the space program are spent right here in this country, rather than out in space, and that the technology born through such efforts remains here to further private enterprise in many, many fields. It is probably not so obvious but just as true that there would be more poverty and more unemployment, almost automatically, if the space program were severely curtailed. I suggest to those who oppose our space effort that they give some additional thought to that very point.

We should all know that the U.S. is stronger and wealthier because of its space program and we also should know that such strength and such wealth makes us better able to handle the other problems which confront us. As I have just said, space activity increases income, increases products, increases jobs, and creates new sources of employment through advances in technology.

There are those, of course, who are trapped by the illogical proposition that if the money involved were not spent on space and if the talents of the manpower employed were available for use elsewhere, such resources would automatically flow into projects of health, housing, crime, air or water pollution, education, and other problems of our complex society. Hence, they suggest that it would be better if we invested our resources in those areas instead of in space technology and space exploration. I do not agree. It is not an "either/or" situation. I have great confidence in the capabilities of this country to handle a number of high priority projects at the same time; and I believe that the problems of poverty and its related ills deserve high priority—and I also believe that the space program likewise merits high priority. I never have been able to understand those who favor solving problems with the wasteful approach of "let's wait and maybe do it later."

Moreover, the methods for solving the many complex problems of our cities for example can and should be borrowed from the management techniques developed in the aerospace industry. I refer to what is frequently called "systems analysis"—the managerial approach which enables one to handle many related variables simultaneously and effectively. For emphasis, and to show the penetrating insight of the Vice President, who is also Chairman of the National Aeronautics and Space Council, let me quote briefly from one of his recent statements on this subject:

"The systems analysis approach—so highly developed in the space program—contributes importantly to community planning; municipal police and fire-fighting; improvement in our educational system; control of crime and delinquency; as well as the modernization of urban, regional and national transportation systems. It is also applicable to projects for the elimination of water, air and soil pollution; more effective use of our natural resources, etc. These are vital fields for bettering man's life, and as such, provide some of the most compelling reasons for a dynamic space program."

RESEARCH AND DEVELOPMENT

The next question is: *Should we always have a specific mission, a specific requirement, before we undertake research and development?*

The answer to that question is so obvious that I will take little of your time in stating it. It is "no"! Yet, as obvious as the answer is there still seem to be a few people who miss it. I know that some of you have previously heard me say that we never would have invented the wheel, let alone the automobile, the steam engine, electric lights, the telephone, or the airplane—if we had waited to draw up the precise mission to be accomplished by the research or if we had insisted upon determining ahead of time whether the end result was going to be practical or profitable. The truth is that frequently the end product of research is unknown until the research has been accomplished and also that we frequently obtain a number of useful but unanticipated results from the same research investment. Should ignorance deter us from pursuing answers? No, we must engage in research vigorously, and since resources are not unlimited, we should be selective to a degree in pursuing development. Such selectivity, however, should be applied only to make it as certain as possible that we invest most of our resources in areas where the potential of accomplishment appear greatest.

DUPLICATION

The final question which I plan to take up in this discussion is: *Do the Manned Orbiting Laboratory and the Apollo Applications Program duplicate each other, and are they not therefore wasteful?*

The answer is that they are neither duplicatory nor wasteful. Of course we all recognize that there has been a substantial investment in both programs, and that to curtail or protract either one of them would add to the total costs in the long run. So, if our concern is over the possibility of waste in these two very important projects, examination might well reveal that the major risk of loss would come from attempting to curtail the flow of funds and thus delay the payoffs from our investments.

The Manned Orbiting Laboratory has military experiments on board and its mission is to find out if manned spacecraft can carry out these functions better than if the spacecraft were unmanned. We must learn this in order to get the maximum defense in the most efficient way and we cannot identify the way unless we try these experiments. You can be certain that if the results show that the missions can be carried out as effectively and as efficiently without men on board that is the route we will follow, but we do not plan to base our defense plans on guesswork or solely on the figures of budget analysts.

When we look at the Apollo Applications Program we find that it has 87 experiments scheduled, all of which call for different equipment, different orbits, and different timing than the MOL. To combine these two projects would be a little like joining two major departments of government together because both have to do with people. To combine these projects would be more expensive, not less, and less efficient, not more.

CONCLUSION

I have made a number of references throughout these remarks to the adverse effects which would come from serious curtailment of our space program. That does not mean that the whole program would be ruined if there were to be some postponement or slow-down of some projects. But, I hasten to add that it would be far better if we were able to increase our space effort, instead. However, as one faces the political realities of the day it appears that curtailment is much more likely than is any increase. I hope we are wise enough to assign the cuts where they will do the nation the least harm.

This country's leadership continues to support the space program vigorously. Some people seem not to realize that just this January President Johnson asked the Congress for more money for space for the fiscal year 1969 than was appropriated by the Congress for space in fiscal year 1968. That was done in the face of many other high priority demands for this country's resources and seems to me to be convincing evidence of his strong belief in the essentiality of the National Space Program.

Just last week, the Vice President stated: "Our space program is a splendid challenge and a noble mission—one whose practical benefits for today are exceeded only by its promise for tomorrow. I urge every American to support the future development of our space program, and I, for one, shall do so with pride and vigor."

If over the coming years we continue to have that type of leadership, I believe we can and will maintain a world pre-eminent position in space.

EARN RIGHTS BY PERFORMING DUTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DERWINSKI. Mr. Speaker, the Southwest Messenger Press, a chain of newspapers serving dozens of communities in southern Cook County, has an editorial policy which continuously reflects strong civic interest and a keen insight into public affairs. The Thursday, May 16, edition carried a very timely and forceful editorial on methods of building a better Nation. I am pleased to submit this comprehensive commentary for the RECORD, as follows:

EARN RIGHTS BY PERFORMING DUTY

"Only a lawful society can build a better society" was the theme for Law Day U.S.A., celebrated on May 1 at patriotic observances throughout the United States. The Taxpayers' Federation of Illinois commends the importance of Law Day, because the ideals of equality and justice can never be attained without a deep respect for law, without putting forth individual effort to sustain our rights and freedoms, and without learning the basic fact that the rule of law is always superior to the rule of force.

As a citizen each one of us has certain rights, such as:

The right to equal protection of laws and equal justice in the courts.

The right to be free from arbitrary search or arrest.

The right to equal educational and economic opportunity.

The right to choose public officers in free elections.

The right to own property.

The right of free speech, press, and assembly.

The right to attend the church of your choice.

The right to have legal counsel of your choice and a prompt trial if accused of crime.

As a citizen each one of us also has certain duties, such as:

The duty to obey the laws.

The duty to respect the right of others.

The duty to inform yourself on issues of government and community welfare.

The duty to vote in elections.

The duty to serve on juries if called.

The duty to serve and defend your country.

The duty to assist agencies of law enforcement.

The duty to practice and teach the principles of good citizenship in your own home.

As a citizen of our great country and as enumerated above, each of us has rights and duties, but such rights and duties must have an active place in our daily lives. Law Day must not just occur once a year; it must occur every day. Then we will make progress toward the goals given to us by our Founding Fathers. Otherwise, the advocates of force will prevail with the rights and duties of citizens in jeopardy and a huge tax bill to pay for other than our cherished freedoms.

GARY, IND.: A CITY WITHOUT HOPE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RARICK. Mr. Speaker, the attempt of the social mechanics to force, by law, social justices against the will and wants of our people have and will continue to create monstrous problems. Drawing board solutions and statistics in human behavior just are not constants.

Syndicated columnist, John J. Synon, has detailed a factual report of the frightening death of a midwestern city—Gary, Ind.

It should be studied by all our colleagues as evidence that government cannot force men to do what men will not do themselves—free men, that is.

GARY: A CITY WITHOUT HOPE—I

(By John J. Synon)

If a person were to choose, carefully, the thought to properly describe Gary, Indiana, it is likely the most accurate would be this: Gary is criminally malicious. It is a city without civic pride, without hope. It is the only city in the nation that is intellectually and spiritually dead, almost totally devoid of the graces normal to a civilized community. The word a visitor hears most often to describe Gary is "jungle".

Gary is a city where merchants overtly wear six-guns strapped to their hip.

Gary is a city where retail business is done behind bolted doors; each customer is examined—a la speakeasy—before being admitted.

Gary is a city hag ridden by racketeers.

Gary is a city with more than 3,000 criminal cases backlogged in courts that sit, on an average, of but two hours a day.

Gary is a city without a middle-class citizen. As a result, there is no discernible effort being made to alleviate its debased nature.

Gary is 65 per cent black. On November 7, 1967, Gary elected a Negro as its mayor. Since then, the degree of lawlessness in always-lawless Gary has worsened to a point that boggles the mind. There simply is no way, today, to catalogue or to analyze its debauched nature.

Gary, withal, has had no race riots and none are foreseen.

This monster, a city of about 180,000 people, sits amid swirling dirt just south of Chicago. It was created in 1906 by U.S. Steel as a site for its blast furnaces. Elbert Gary, then Big Steel's board chairman and whose brain child the town is, worked better than he knew. Whether the furnaces of Gary are up or down, the city blasts away. That it is beyond redemption, few dispute. None, not even its lone daily newspaper, make any pretense at uplift.

Gary is a thriving, money-worshipping cesspool of crime and corruption, with human life one of its cheapest commodities.

"We are not interested in red-white-and-blue", a cynical real-estate appraiser said, "only green".

How it happened, how Gary became the jungle it is makes a fascinating study.

For 40 years after Elbert Gary put fire to the town's first furnace, the mills of Gary were manned by waves of immigrant Poles, Italians, Croatians, and Slav—Middle Europeans. They were brawlers, these people, among the roughest, most physical ever grounded in this nation. They were, in addition, herculean workers, brawny. But their women, by contrast, were gentle and deeply religious: 90 per cent Catholic. While the men worked by day and fought by night, the women of Gary sought—as women always seek—to make their new home both moral and habitable. It wasn't easy. For, tugging at the paychecks of their ham-fisted husbands, as leeches, were hordes of prostitutes, pimps, crimps, flick-fingered gamblers and hawkers of narcotics.

Despite these problems of the "new world", the women of Gary made progress. Their decency became apparent.

Thus, during the first four decades of its life, Gary knew a double life: The physical—with a criminal element always in the political saddle—and the spiritual, the nature of its immigrant women. Gary, for 40 years, then, was no different in essence—only in degree—than any other American city.

Perhaps Gary would have worked out its problems; other towns have. But no one will ever know, for the war—World War II—with its insatiable demand for steel, brought the Negroes. Mothlike, they flocked to the hearth flames of Gary and high wages. They came in thousands upon multiple thousands. Thus concentrated, the Negroes of Gary became perfect foils for politicians without honor or conscience. The Negroes were lied to by succeeding national administrations, made to believe they were a cut above the law. The result was inescapable: This combination—naive, ignorant Negroes and coldly-evil politicians—ended whatever chance Gary had of evolving into a decent community.

Gary: A City Without Hope—II

(By John J. Synon)

On November 7, 1967, Richard Hatcher, a law-trained, 34-year-old Negro was elected Gary's first Negro mayor. His election proved to be calamatous for the brawling steel town that sits just south of Chicago.

By common acknowledgement, Mayor Hatcher is an honest man; money honest. But that his election doomed Gary is equally true. Gary is now a city without hope, locked in a vise of terror and crime from which it sets no escape.

Richard Hatcher, the evidence indicates, is either incapable of competent service as mayor of this roiling town of 180,000 people, or is only superficially interested in its welfare. Critics say he is in residence about one day a week. When inquiry is made as to the reason for his peripetetic travels, word comes back that "the mayor is improving his national image"—speaking somewhere. His choice of topic, generally, is a hymn of praise to (1) Richard Hatcher, or (2) Bobby Kennedy, his political godfather.

This is an understandable combination. From the point of view of both, it is a politically profitable arrangement; they wash each other's shirt: Kennedy has the money; Hatcher has the votes. An executive of the town's bland daily newspaper says, "the Bobby Kennedy Foundation is sending in money to upgrade the mayor's staff". No one can fault that; if money can upgrade, even by a cubit, the motley, mostly-Negro entourage now cavorting at Gary's city hall, it will be money well spent. Gary's municipal government, since Hatcher's inauguration, has become a circus. The staff's ludicrous inefficiency is attributed by some to inexperience, to their being amateurs. A not-so-friendly voice calls it "a Kingfish operation".

"Nobody in his right mind", the voice said, "would ask the City Attorney" (a Hatcher-appointed Negro) "for a legal opinion".

Stories of the staff's hilarious incompetence abound. A stringer for a great Chicago daily has said he once waited two hours for an answer to a routine question. "They couldn't find the answer." Another tells of a secretary who snatched back a posed, dignified photograph of the mayor with the silly comment, "Nobody is supposed to see that".

A favorite tale deals with the clever method Hatcher designed to discourage black office seekers. Shortly after his election, amid a clamor for jobs, the new mayor pompously announced it would be the policy of his administration to hire only the best, that is, Ph. D. holders, preferably, but college graduates, certainly; none other need apply. That took care of that.

Gary's tax rate is becoming a macabre sort of joke and its public schools have become custodial institutions: Of 47 practise teachers who trained last year in Gary, only two would consider contracts; no assurance could be given they would not be assigned to Negro schools. "We never get Big Ten graduates any more", the father of a teenage student said. "They all come from unknown places. You should see them in action. If they are teachers, I'm Kenyatta".

Gary, to use a trite phrase, has had it. Its situation is hopeless.

Why wouldn't it be? The two opposing forces—the black Ins and the white Outs—that today make up Gary's public life, apparently are controlled by evil. There are no pro-bono-publico spirits in this absentee-landlord town, none in sufficient number to make a difference. A group of concerned private citizens—shop owners, mostly—some months ago did form themselves into a Committee For A Safer Gary; they hoped to slow the robbery rate, the assaults and the murders. Unfortunately, they proved ineffectual. The group is now withering into a nothingness.

Roving gangs of black criminals hold the town in thrall. Apparently they are untouchable. Even The Syndicates, the world's hitherto toughest, avoid crossing lances with this new breed of cut-throats and Mayor Hatcher seems unwilling to vigorously prosecute the murderous acts of the apes. It may be he has in mind his "national image" as Gary's first Negro mayor and the politics of "civil rights". Whatever the reason, the national news media will not touch the story, either. As a result, every decent person in Gary—black and white, alike—lives in a self-spun cocoon, withdrawn from civic problems as though the land were ruled by these phantom terrorists, as indeed, for all practical purposes, it is. A venturesome opera star, Roberta Peters, last fall, sang in Gary to "row upon row of empty seats". It isn't likely she will return.

The police—those of them who are not involved, themselves—are almost helpless. The Chief of Police, a Hatcher appointee, keeps them hooded. Thus, the town is stultified. There is no hope.

Gary: A City Without Hope—III

(By John J. Synon)

If any city in this nation should be able to integrate successfully, it should be Gary, Indiana. And yet, except for "tokenism" and except for forced public-school integration, Gary is as segregated as any Southern city—more segregated than many.

Theoretically, though, social integration in Gary should pose no problem. This is why:

Gary was created from a wasteland only 62 years ago. It has never known a middle class, and the upper class, the town's owners, live elsewhere. Its workers, with rare exception were, as they remain, muscled immigrants—now the sons of immigrants—who make steel. Until World War II, its citizenry had seen Negroes, a few even lived in Gary, but "race" as we know it today was not among the problems besetting the town built by U.S. Steel. There was no overt "prejudice"; there were not enough Negroes in residence to form an opinion.

Since 1940 or thereabouts, and the coming of the war, the unprecedented demand for the output of the mills has maintained an extraordinarily high demand for labor—any strong back will do, white or black. Today, the lowest paid receives about $3.00 per hour, $25.00 a day, and many such jobs go begging.

Because of this high hourly rate, servants are practically unknown in Gary. Every man is his opposite's economic equal, if he has what it takes. If not, there is an abundance of Federal "relief" money—no stigma attached—for those who find both millwork and domestic employment not to their liking. Moreover, with the Negroes now in complete political command, with a Federal government anxious to spend whatever is needed to make the town's Negro mayor (and thus, its own policy) look good, there is no cause for riot—nor have there been any riots.

Gary, then, is a near-perfect hotbed for the theories of the integrationists.

But there is no social integration in Gary, nor any sign of it.

Instead, the "native" population, pushed off balance by the black newcomers, eyes them warily and goes its own way. Where integration is forced, however, as in the public schools, racial troubles do exist. They are vicious, unceasing and unreported. There is little on-the-job trouble because the white workers of Gary, as elsewhere, are not really in competition with the Negroes since the whites hold the straw-boss and supervisory positions while the Negroes seem unable to rise above the lowest—the $3.00—rung. There are exceptions.

Thus, while there is no integration, in the sense sought by the Federal government, neither is there any threat of grand-scale racial troubles. Times are too good for that.

But if the employment situation changes, if hard times come to Gary, if job competition develops, a holocaust seems inevitable. It will be Raw Power vs. Black Power in that case and there is little question as to who would win such an imbroglio as that. If Gary's Poles and Slovaks, its Croatians and its Italians, those who go to make up the town's indigenous population, if such as these begin to move, they will clean Gary's sinkholes like rotor-rooters, the good and the bad, alike. Physical violence is the stuff they are made of.

A number of knowledgeable Garyites were questioned as to the upcoming November election. They were in near-unanimous agreement: Against Nixon, and anybody else but Bobby Kennedy, George Wallace would carry Gary (Lake County). But if Bobby Kennedy is the Democratic nominee, they were not so sure of a Wallace victory. "Wallace would have a fight on his hands." Their reasoning turned on the voting practises of Gary's Catholic women. In their opinion, the white women of Gary would thoughlessly abide by what the church urged them to do, vote for Kennedy. Their votes could spell the difference.

They would do so, it is believed, despite their resentment of the preferential treatment being given Negroes. They would do so despite these facts:

Public housing—mostly Negro occupied—is being erected in Gary at a cost of $16,000 to $18,000 per unit, and is eligible to people making to $9,000 per year.

Public schools have degenerated to such a point some Negroes, now, are refusing to allow their children to attend.

Lawlessness is universal. In a Gary area known as Tolleston, Negroes have armed patrols to protect themselves from other Negroes.

Gary's present is black. Its future is blacker.

"It is inevitable," a resident said, "Gary will be totally black, one day. And the blacker it gets, the worse it gets. It is hopeless; just hopeless".

That's Gary, Indiana, a city without hope.

GARY: A CITY WITHOUT HOPE—IV

(By John J. Synon)

A friend had told me I could not get a meaningful impression of Gary, Indiana, without talking to one of the merchants "on the firing line".

I asked if he had any suggestions. He named several possibilities. I asked which was the closest. He said, of the four, Lake County Furniture Company.

Lake County Furniture Company is located at 2172 Broadway, Gary. It is owned by a friendly, middle-aged man named Richard Burke. Mr. Burke proved to be the only person in Gary I found who would allow himself to be quoted.

It was early afternoon when I arrived. Even so, the door of the store was bolted. But a rattle brought the owner and I expressed surprise at his closing at that time of day.

"We aren't closed", he said, as he replaced the one-inch steel rod that locked the door. "This is the way we do business—and so is that", he added, pointing to a neat, round hole in his plateglass window. "Bullet", was his laconic explanation.

"And so is this", he said, patting the six-gun that swung from his hip.

My eyes must have bugged.

"Sit down", he grinned, "What would you like to know?"

I told Mr. Burke I was trying to get a line on Gary; the sort of town it is.

"You came to the right place; how many holes can you count in the ceiling?"

I looked, and tallied four.

"See that hole in the lamp shade; see the one in the stove—all bullet holes I have undergone 12 unsuccessful attempts to rob me; I have been actually robbed three times, and I have had three shoot outs."

"Shoots outs?"

"Shoot outs. After I got tired of turning over my receipts to the black criminals that scourge this town, I prepared for them. They got to me one day, shortly afterwards, took my money and made me lie face down on the floor. Then they took a can of gasoline, sprinkled it all over the place and set it afire—then they ran."

"Did you catch them."

"Catch 'em? I dropped them as they went through the door."

I asked if his case was unique, isolated.

"Oh, no. I'm about average. Some places have been held up twice a day. You should see Midtown Market, at 16th and Jackson. That place looks like a fortress. It should; it's been held up 40 times in 37 months.

"Or Comays; they are the biggest jewelers in town. Everybody on the floor, there, wears a six gun in plain view. That's something to see; swankiest jeweler in town".

I asked what kept him at such a business, in such a town. He answered: "I've got accounts receivable". And when I made no response to so shallow an answer, he added:

"I came to Gary 20 years ago with nothing. I'm not going to leave with nothing. I've worked hard. These blacks have this place bulldogged; people are afraid to come into the city; my daughters in college, for instance. They are afraid to come home. Even my wife won't come into the store".

As we talked, the door rattled. Mr. Burke eyed the newcomer, then beckoned his clerk to permit entrance.

"That fellow comes as my friend", he said, sotto voce, "but he isn't. He is a stooly for city hall. Just keep your voice down".

After chatting with the clerk a moment, the newcomer left. The door was again bolted.

"What did he want?" Mr. Burke asked his employee.

"He wanted to know who your visitor is. I told him a salesman".

"Good".

It was time to go and I asked Mr. Burke if he would call a cab. He said cabs were not available. I offered to walk; it was about 14 blocks to my mid-town hotel—straight down Broadway, the town's main street.

"Oh, no, don't do that—that's a pretty good suit you have on I'll drive you".

It was a memorable drive. Mr. Burke knows all the merchants, those still in business and those who have fled. He pointed to their places as we passed—some are boarded up now — recounting the times their owners had been robbed, beaten or murdered—"poor Mr. Rosenberg".

"See that place", he said, as we neared my hotel, I nodded.

"Two years ago it was offered to me at $200 a month. Today, it houses Youth Opportunity, or something like that. The government pays $975 a month rent to a trust".

"Who owns the trust?" I asked. And Mr. Burke's answer told me all I needed to know about Gary.

"That's anybody's guess".

In 30 minutes I was out of town.

LT. ROBERT C. McKELLIP, USMC, KILLED IN VIETNAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. OTTINGER. Mr. Speaker, it is my sad duty to report that one of my constituents, 1st Lt. Robert C. McKellip, USMC, of Bronxville, N.Y. died in Vietnam earlier this month.

I wish to commend the courage of this young man, and to honor his memory, by inserting herewith, for inclusion in the RECORD, the following article:

[From the White Plains (N.Y.) Reporter Dispatch]

LIEUTENANT McKELLIP KILLED BY MORTAR FIRE

BRONXVILLE.—Marine Lt. Robert C. McKellip Jr., son of Mr. and Mrs. Robert C. McKellip of 3 Bacon Court, was killed in action in Vietnam last Wednesday.

Lt. McKellip, a platoon commander, was leading his men in a search-and-destroy mission when he was struck by enemy mortar fire. He had been in Vietnam for two and a half months.

Lt. McKellip, 23, was graduated from Bronxville High School in 1963 with honors in mathematics and placed third highest in scholastic standing.

He received varsity letters in football and tennis and was a member of the Bronxville Field Club tennis team.

He was a 1967 graduate of Columbia University with cum laude honors and at his commencement exercises, he was chosen to carry the Pierson Flag as the one who did most for the college that year.

He received his commission as second lieutenant in the U.S. Marine Corps in a separate ceremony the same day as commencement.

Lt. McKellip received his basic training at Quantico, Va., in January, 1968, and received a citation for fine performance and leadership for military skills and academic achievement, placing seventh in a class of 237.

He also won the Col. Leney Award for achieving the highest academic average during training.

Surviving, in addition to his parents, are a sister, Elizabeth; a brother, Peter, both of Bronxville; his maternal grandmother from St. Louis, Mo., and his paternal grandfather from Palo Alto, Calif.

THE RENEGOTIATION BILL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. VANIK. Mr. Speaker, at the beginning of the year, I introduced legislation to strengthen the powers of the Renegotiation Board, to give it more power to deal with war profiteering. As a result of my efforts and those of others with similar views, the bill which has been reported by the Ways and Means Committee strengthens the Renegotiation Board's powers to deal with excessive profits. This strengthening occurred in three areas.

First, the bill continues the life of the Board for longer than has been the case in prior extensions. In the past Congress usually has continued the life of the Board for 2 years or even less. I strongly supported making the Board a permanent agency because excessive profits on Government defense work are going to continue for a long time. This bill, although it does not make the Renegotiation Board permanent, does extend the life of the Board for longer than has been the rule in the past. I am happy that the Committee on Ways and Means agreed that the Renegotiation Board should be continued until the end of the fiscal year 1971.

Second, this bill cuts down the area of application of a major exemption from renegotiation. Since the Renegotiation Board was established in 1951, the powers of the Board have been successively weakened over the years. My legislation was designed to reverse this trend, to give the Board more power to deal with profiteering on defense business. One of the most important exemptions from the Renegotiation Act is the standard commercial articles exemption. Under this exemption billions of dollars of Government sales escape renegotiation each year. This bill reverses the trend of prior years and tightens up this provision. The bill amends the exemption in a number of ways to insure that only truly commercial articles qualify for it. For instance, in determining whether an item is of a commercial nature, existing law allows sales to foreign governments, to State governments, and to many Federal Government agencies to be counted as commercial sales. This bill corrects the erroneous idea that these types of sales are commercial sales.

Presently, an item can qualify for the standard commercial articles exemption even though only 35 percent of the sales of the item are made commercially. The bill tightens this provision by raising the required percentage of commercial sales to 50 percent.

This bill also requires that for the standard commercial articles exemption to be available, the price at which an item is sold to the Government must be the same or less than the commercial price of the item. This will prevent items on which the Government is being overcharged from escaping the renegotiation process by means of this exemption.

These amendments represent a substantial step toward returning to the Renegotiation Board the powers it needs to prevent Government contractors from reaping excessive profits on defense business at the expense of the American taxpayer.

The third area in which there has been at least a start in tightening involves the $1 million floor. Under the present law, a contractor who has less than $1 million of sales covered by the Renegotiation Act in a year is exempt from renegotiation. This exemption constitutes an avenue for profiteering particularly because of the Government policy in recent years of providing a preference to small contractors. My legislation would have substantially lowered the amount of this exemption so that the many small contractors now participating in defense business would not escape from renegotiation. In committee I fought to lower the amount of this exemption to at least $500,000, and I supported another effort to lower the exemption to $750,000. The majority of the members of the committee, however, did not accept either my, or the other, motion to lower the exemption.

Nevertheless, the committee did adopt a reporting requirement which will enable the Renegotiation Board to check up on contractors whose renegotiable sales are less than $1 million because of the exemption for standard commercial articles. These contractors, who do not have to file statements with the Renegotiation Board at present, will be required to report to the Board if their sales in the absence of the standard commercial articles exemption would exceed $1 million.

Although this bill does not strengthen the powers of the Renegotiation Board as much as I wanted, it is a step in the right direction. The legislation in past years has almost always weakened the ability of the Renegotiation Board to eliminate excessive profits. I introduced legislation to reverse this trend. I fought in committee to change this pattern—to add to the Renegotiation Board's powers, not to take away from them. This bill is the turning point. It does reverse the trend. It adds to the powers of the Renegotiation Board rather than weakening those powers.

When this legislation is before the House of Representatives, I expect to propose or support an amendment to lower the floor to include contractors whose sales to the Government exceed $500,000 per year.

PAUL WESTMORELAND

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. LEGGETT. Mr. Speaker, Mr. Paul Westmoreland, the composer of the song "Detour" resides in Sacramento, Calif. "Detour" was written more than 20 years ago and since that time it has been recorded by a variety of artists ranging from those in the country and western field to the sophisticated Patti Page.

"Detour" has been a tremendous hit throughout the 20-odd years of its existence. In recognition of Paul Westmoreland's contribution Assemblyman Leroy Greene of Sacramento introduced a resolution commending him in the California State Assembly. The resolution was passed on February 26, 1968. I am pleased to share it with my colleagues:

RESOLUTION RELATIVE TO COMMENDING PAUL WESTMORELAND

(By Honorable Leroy F. Greene of the Third District)

Whereas, Paul Westmoreland has been engaged both in the fields of broadcasting and in the writing of popular music; and

Whereas, He has been asosciated with radio station KRAK in Sacramento for the past five and one-half years; and

Whereas, He has lived in the State of California for twenty-five years, residing in Sacramento for the past twenty; and

Whereas, It was during Mr. Westmoreland's residence in California that he wrote and had published the nationally acclaimed popular song, "Detour"; and

Whereas, It was first recorded more than twenty years ago by twenty-two artists in the country and western field; and

Whereas, It then moved into another area of popular music, being recorded by, among others, Duane Eddy, Patti Page, and Dean Martin, and with sales mounting into the millions; and

Whereas, He has been presented with a "Citation of Achievement presented by Broadcast Music Incorporated to Paul Westmoreland in recognition of the great national popularity attained by 'Detour' "; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members commend Paul Westmoreland for his contributions to the field of music, thereby enriching our music heritage, and extend to him their sincere best wishes for success in all future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Paul Westmoreland.

House Resolution No. 105 adopted unanimously February 26, 1968.

JESSE M. UNRUH,
Speaker of the Assembly.

[Attest:]

JAMES D. DRISCOLL,
Chief Clerk of the Assembly.

FREDERICK COUNTY YOUTH DIES NEAR SAIGON

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. Charles W. Harbert, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his bravery and honor his memory by including the following article in the RECORD:

FREDERICK COUNTY YOUTH DIES NEAR SAIGON

A 20-year-old Frederick county paratrooper has been listed as killed in action in Vietnam, the Defense Department reported yesterday.

He is Pfc. Charles W. Harbert, son of Mrs. Audrey I. Harbert and the late Floyd H. Harbert, of Brunswick.

A graduate of Brunswick High School, Private Harbert enlisted in the Army January 10, 1967, and took his basic training at Fort Bragg, N.C.

Subsequently, he decided to become a paratrooper and was transferred to Fort Benning, Ga. After a period of training he left with the 101st Airborne Infantry for South Vietnam.

WOUNDED NEAR SAIGON

Early in April of this year he was hospitalized with an arm wound received in the fighting in the Saigon area, but he recovered and returned to his outfit.

He was reported killed by small arms fire in the Saigon area May 2.

The soldier's mother said yesterday she received a letter last Saturday in which he wrote that "things were not too good" and that on the last patrol he was "the point" (leading the squad).

She added that he complained in the letter that his arm "was a little stiff" from the wound.

DID WELL IN SCHOOL

Mrs. Harbert said her son did well in school and that during this last year he completed an agricultural course at Fort Detrick, Md. He was a member of a Little League baseball team in Brunswick.

Besides his mother he is survived by two brothers, Floyd H. Harbert, Jr., and James W. Harbert, both of Brunswick.

MIRACLE RICE DEVELOPED IN HAWAII OFFERS HOPE FOR ASIA'S HUNGRY MILLIONS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. MATSUNAGA. Mr. Speaker, the first plot of a new "miracle" rice that may take Asia out of the shadow of starvation has just been harvested in Hawaii. This encouraging news comes from the Tropical Rice Production Training Center, located in the old Wailua Valley on my own home Island of Kauai.

The extraordinary new dwarf variety of rice, called IR–8, was developed by the University of Hawaii's International Rice Research Institute and, according to field director John Tompkins, it promises to produce three crops a year with a yield of 8,000 pounds of rice per acre.

This new variety of rice could well provide the answer to some of the world food problems, especially in Asia where rice is the staple diet for millions.

A report on Hawaii's contribution in the war on hunger is discussed in an informative article by Harold Ching from the May 16, 1968, edition of the Honolulu Star-Bulletin. I commend the article, "New Miracle Rice Harvested on Kauai" to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD:

NEW "MIRACLE" RICE HARVESTED ON KAUAI

(By Harold Ching)

WAILUA, KAUAI.—IR–8 is a newly developed "miracle" that could prove the brightest hope for Asia's hungry millions.

IR–8 is an unimpressive looking, but very productive dwarf variety of rice, developed by the University of Hawaii's International Rice Research Institute.

Test site for the new plant is the Tropical Rice Production Training Center's farm in old Wailua Valley.

Rice specialist John Tompkins, the center's field officer, said today the first plot of the variety has been harvested and promises to yield 8,000 pounds per acre.

DOUBLE PRODUCTION

This is almost twice the rice produced by other plants used in a comparison test, Tompkins said.

The Joljutla variety, obtained in Indonesia, is a lush plant which towers higher than six-footer Tompkins—but it produces only about 1,800 pounds of rice an acre.

A more normal field is the Calusa variety from California, considered a "normal" type rice to those in local rice farming. This produces about 5,000 pounds of rice per acre.

IR–8 is a runty plant and certainly no "miracle" in appearance.

"But it produces three crops a year, where you can get one or maybe one and a half per year with the other two," Tompkins said.

GROWTH CYCLE

Its growth cycle doesn't seem so markedly different, either.

But Tompkins said his records show the IR–8 crop ran about two weeks past the four-month growing cycle. He blamed it on the "cold and rainy" spring weather experienced some of the time during the experiment crop period.

The crop period is supposed to be 120 days. Tompkins said the weather also caused other comparison varieties tested in Wailua to take a little extra time, too.

BIRDS DON'T LIKE IT

To an old-time rice planter, the feature of IR–8 which makes the most sense is its resistance to the voracious rice birds.

Other varieties showed a high percentage of empty husks, squeezed dry by the birds when the grains were still in the milky stage.

But the "miracle rice" was almost untouched by the birds.

HEARN WINS HIGHEST HONOR

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. WHITENER. Mr. Speaker, the Farmers Home Administration in North Carolina is rendering outstanding service. The success of this fine agency of the Department of Agriculture in North Carolina is due to a great extent to the devoted service of the men and women who are FHA employees.

The FHA in North Carolina is under the able direction of Melvin H. Hearn. Mr. Hearn has been North Carolina State director of the FHA since 1961. In recognition of the excellent service that the FHA is rendering in North Carolina under his leadership Melvin Hearn was awarded the Distinguished Service Award last week by the Secretary of Agriculture.

An article appearing in the May 15, 1968, edition of the Statesville, N.C., Record and Landmark, describes Melvin Hearn's career with the FHA. I insert the article in the Record at this point:

HEARN WINS HIGHEST HONOR

Melvin H. Hearn, State Director for the Farmers Home Administration, yesterday received the U.S. Department of Agriculture's highest honor, the Distinguished Service Award, from Secretary of Agriculture Orville L. Freeman during ceremonies in Washington.

Hearn, a native North Carolinian, has headed USDA's rural credit agency in North Carolina since April, 1961. In those seven years, the FHA loan volume has increased 534 per cent, from $12.87 million to $68.44 million, and families aided jumped from 7,000 in 1960 to 51,000 in 1967, a seven-fold increase.

The award cited Hearn's "noteworthy achievement in furthering rural areas development and community relations in North Carolina through effective administration of USDA credit, technical assistance and outreach programs."

Substantial expansion of Farmers Home administration service to Negro and American Indian minority groups has taken place under Hearn's leadership, and employment opportunities in his agency have been extended on a basis of equality for all, the award nomination noted.

Hearn also is chairman of the North Carolina Technical Action Panel, which coordinates the efforts of USDA and other agencies to meet the needs of rural North Carolina most effectively. As chairman of the TAP since its inception, he also helped organize county-level TAPS and Rural Areas Development groups in each of the state's 100 counties. These groups have developed more than 80,000 projects to benefit rural citizens.

The award winner is a graduate of North Carolina State and an Army veteran of World War II. He held executive positions with the Melville Dairy at Burlington and the Catawba Dairy at Hickory before taking his present post seven years ago.

Hearn was named "Tar Heel of the Week" by the Raleigh News and Observer in 1964 and was the Hickory Exchange Club's "Man of the Year" in 1960.

A CONSTRUCTIVE SCHOOL PROGRAM

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. PODELL. Mr. Speaker, I know that many of our colleagues, reading reports of disruption of schools in the Brownsville-Ocean Hill area of Brooklyn, must necessarily wonder about what is happening to and in the school system of the city of New York. To those concerned about the New York City school situation, I have words of comfort.

The widespread publicity attracted by events in the Brownsville-Ocean Hill School District falls squarely within the man-bites-dog concept of news. The simple truth is that, despite many shortcomings, the people of our city have many reasons to be proud of our school system. Our graduates do well in the Nation's colleges and universities and they win more than their fair share of awards and scholarships in stiff, national competition.

We are proud of a dedicated staff of teachers, who, through their membership in the United Federation of Teachers, play a vital role in plans and programs to improve our school system. Our supervisors are trained and experienced and provide the creative leadership essential to a vast, urban school system. Through the United Parents Association, the parents of our city participate actively in the formulation of school policies.

Just 2 weeks ago, I was privileged to attend the annual field day at Manhattan Beach Park of Public School 225, located at 1075 Ocean Avenue, Brooklyn, in my congressional district. This is an integrated school with more than 200 children bused in daily from Bedford-Stuyvesant, East New York, and Coney Island.

Field day is the nearest thing to a country picnic that most of the pupils will ever experience, for many of them have been raised in typical apartment houses in our city.

The day's festivities began with opening exercises conducted by the sixth grade band, followed by competitive track and field events for both boys and girls of the fourth, fifth, and sixth grades.

Prizes were awarded by community leaders, acting as judges: Herman Field, president of the Brooklyn Civic Council, Paul McGuirk, vice-president of the Lincoln Savings Bank, and Daniel Shwam, president of Atlantic Lodge B'nai B'rith.

Picnic lunches were prepared over open barbecue pits and eaten on the beach. Pupils were free to select their own form of activity—softball, handball, swings, seesaws, slides, checker tables, and shuffleboard. The highlight event was a volleyball game between the faculty and students.

Mr. Louis Samet, principal of PS 225, maintained discipline throughout the entire park area by riding a bicycle and using a walkie-talkie, assisted by a corps of student marshals who also rode bicycles. A loudspeaker address system carried general instructions to the entire school assemblage. Informal singing and dancing by various groups of pupils throughout the day added to the joyous spirit. Parents who come to assist at the barbecues stay to marvel at the wonderful time these city-bred youngsters have in the wide-open spaces, even though they have to observe specific rules of behavior.

In addition to the field day exercises, Public School 225 has underway active plans for an outdoor dance festival on June 5, and an outdoor art show on June 14, in which students, faculty, parents, and the community all participate.

It is indeed a tribute to the dedicated leadership of Dolores Chitraro, district school superintendent, Louis Samet, the school principal, and Sally G. Ehrlich, assistant principal, the teachers at the school, the pupils, and their parents that such creative plans are formulated and successfully executed. This is an outstanding example of what can be accomplished in an urban, integrated school.

These programs may not consume as much newsprint as events in the Brownsville-Ocean Hill School District. Yet they are more typical and more characteristic of the schools in our city.

SENIOR CITIZENS MONTH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. SCHWENGEL. Mr. Speaker, the month of May is Senior Citizens Month. It is fitting and proper that we recognize and pay tribute to our senior citizens.

We owe them so much for what we now have. They have been pioneers and have been responsible for the growth of our Nation. Iowa is especially aware of the senior citizens since the percentage of its population over 65 is the greatest of any State in the Union. Our Nation has taken its responsibility to its elders seriously. Last year a 13-percent across-the-board increase in social security benefits to 24 million older Americans became law and this year in March the effort of this increase was first felt. While the passage of this legislation was helpful, it could have been even more constructive and progressive. Increases in social security benefits have been made necessary primarily because of inflation. Along with many other Members of Congress I called for a change in the social security law to provide for automatic increase in social security benefits when the cost of living rises. Our senior citizens deserve this protection against irresponsible fiscal policies which result in inflation. Another area where corrective action has not been taken is in the area of tax deductions for medical expenses and cost of drugs for people over 65. This right of deduction was taken away last year as provided in the Social Security Act of 1965. The loss of this deduction places an unnecessary burden on our retired citizens. The reasoning that medicare eliminates the need for this deduction is faulty. Medicare's payment of drug costs and other medical expenses is limited. This leaves a gap in the overall medical cost picture. Many elderly persons and couples are now being penalized because the deduction has been eliminated. A deduction for medical expenses and drug costs above medicare should be reinstated as soon as possible. Last year the Older American Act was also extended. This has increased educational, recreational and health services for senior citizens. In addition 1967 saw the passage of long-overdue legislation to prohibit discrimination because of age in employment. Yes, there has been an increasing awareness of the problems of our retired citizens. Significant steps have been taken to meet those problems. But always one is impressed by the fact that a stable economy and dollar is the single most important thing to a retired person living on a fixed income. The challenge here has not yet been met. We must dedicate ourselves to this task.

PRAISE OF THE SALVATION ARMY IN WASHINGTON, D.C., DURING THE RECENT RIOTING DISORDERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, during the civil disorder in Washington the Salvation Army was on duty around the clock for 7 days with its canteens bringing food and beverages to policemen, firemen, lawyers, district workers, fire victims, prisoners, news media, and military personnel. In that amount of time over a quarter million cups of coffee were served along with a thousand gallons of soup, 51,000 sandwiches, 775 dozen doughnuts, and a variety of fruit, cakes, and soft drinks. As many as 14 different units were on the streets of Washington with food and hot coffee for displaced persons, as well as the men on duty and unable to leave their posts.

Winnie's Chuck Wagon caterers through the cooperation of Mrs. Winfield Kelly and the Automatic Retailers of America assisted the Salvation Army in preparing, delivering, and distributing sandwiches and coffee. Thirteen Winnies Chuck Wagons were decorated with Salvation Army Emergency Services banners and cruised throughout the city distributing free coffee and food. Mr. Kelly is a member of the Salvation Army Advisory Board and through a previous arrangement made his trucks available for the emergency. Twenty-four of his employees including some supervisors volunteered their time and a total of 278 man-hours were given without reimbursement. Winnie's entire warehouse stock was put at the disposal of the Salvation Army.

Civil servants and military personnel continually praise the Salvation Army for its valiant and unselfish effort.

In addition to the canteen service the Salvation Army operated seven clothing and furniture centers. Financial assistance was also given to distressed families by Salvation Army caseworkers. Brig. W. R. H. Goodier, Divisional Commander for the National Capital Division stated:

> As displaced families were able to be relocated into new homes there was an increased need for usable furniture, beds, tables, sofas and chairs. As citizens called to donate these items Salvation Army trucks manned by volunteers were dispatched to pick them up and take them to the distribution points.

The Salvation Army was designated as official collection-distribution agency for clothing and furniture under the Mayor's Urban Coalition.

The Salvation Army centers were able to distribute over 13,000 usable articles such as dozens of diapers, pairs of shoes, blankets and clothing.

Eight hundred items of furniture such as beds, dressers, tables and chairs were given to victims of the disorder—others were given assistance in finding housing, and some even received their rent from Salvation Army caseworkers. Two centers offered emergency shelter to burned out persons.

Similar services were offered in other cities in the United States where disorder broke out.

In Washington, D.C., the Salvation Army is a member agency of the Health and Welfare Council sharing in the United Givers Funds.

Although this has heavily taxed the Salvation Army's local budget there has been no appeal made for funds to offset the expense. The Salvation Army with 102 years of experience again in traditional manner met the need at the time of need.

JUSTICE AND PEACE IN THE MIDDLE EAST

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. BINGHAM. Mr. Speaker, last June, those of us who have an emotional commitment to the State of Israel rejoiced when the word came in of the incredible Israeli successes in the 6-day war, successes which resulted in a whole new set of frontiers, far more defensible than the old. Today, in spite of those more defensible frontiers, Israel faces grave dangers, not only from the determination of the Arab States to destroy her, but from the ambitions of the Soviet Union in the Middle East.

Last Sunday night, May 19, I had the honor of addressing a dinner of the Jewish National Fund, League of Men's Organizations in Philadelphia, and I outlined what I felt should be our country's short-range and long-range policies insofar as Israel is concerned. I should at this time like to share these thoughts with my colleagues in the House of Representatives, considering first the immediate future and then taking a longer range view.

First. We should stop trying to pretend that we are neutral as between Israel and the Arab States. If both sides wanted peace, we might have reason to adopt a policy of neutrality. But as long as only Israel wants peace and as long as the Arab States avowedly want the destruction of Israel, there is no reason, and there is no excuse, for trying to equate our attitudes toward the two sides. Sometimes our Government seems to forget this basic difference between the two sides in the Middle East. Particularly at the United Nations, the underlying facts tend to be obscured—literally covered over—by the torrent of passionate Arab speeches.

Second. We should fully support the Israeli insistence that they not be expected to give up any of the territory they won in the June war except as a result of negotiations leading to a permanent peace settlement. The Arab insistence to the contrary that Israel should return to her former frontiers, and then negotiate, not only flies in the face of reality, but totally overlooks the fact that the Arabs lost these territories in a war which they started by attempting illegally to close the Gulf of Aqaba and other warlike acts. Here again, the fact that the Israelis were for years willing—indeed eager—to make permanent peace on the basis of the old frontiers must be always kept in mind. But no one could reasonably expect that, after the Arab aggression of last year and the costly conflict that ensued, Israel could still accept those old frontiers.

Third. We must stand ready to make arms available to Israel to the extent needed by Israel to offset the vast shipments of arms to the Arab States by the Soviet Union. This is particularly necessary now that France, under the leadership of the faithless De Gaulle, has not only abandoned her former role of principal arms supplier to Israel but is refusing to ship planes that have actually been paid for. We should make these arms available to Israel on such terms as she can afford to meet.

Fourth. In addition to the sale of conventional weapons, I suggest that we should consider a massive program of assistance to Israel to establish an effective system of border controls to prevent the incursions of terrorists. Now that King Hussein is no longer politically strong enough even to attempt to prevent terrorist raids upon Israel from being launched from the lands of Jordan, these constant attacks have become almost intolerable for Israel. For understandable reasons, mainly arising from problems of domestic morale, the Israelis feel compelled from time to time to launch retaliatory attacks on Jordan. Yet it seems, on balance, that these attacks are counterproductive. Instead of deterring the terrorist attacks from Jordan, they give such attacks a color of respectability. The temptation may mount for Israel to launch even more extensive attacks, but these would serve no good purpose either and might result in general renewed hostilities in the area. For us to assist in the construction of physical barriers to infiltration along the Jordan River, even if they were expensive, would thus make a substantial contribution to peace in the area.

Fifth. We should also stand ready to assist in the difficult problem of relocation and resettlement of the Arab refugees. Here again, over the years, the Arabs have been intransigent in their opposition to resettlement programs, preferring to retain the refugee camps as centers of political unrest. If Arab-Israel negotiations were to take place, they might well lead to a final resolution of the refugee problem as well as of the frontier questions. Obviously, Israel is now in a stronger position on that score than before.

Sixth. We should make more definite than ever before our commitment that we will not permit Israel to be driven into the sea. Ever since 1952, I have felt that the Arab States were living in a dream that some day U.S. policy might change and we might let Israel be destroyed. Many American residents in the Arab world have contributed to such dreams and hopes. And surely it did not help when the President last December emphasized that we had a treaty commitment to South Vietnam, but none to Israel. For the United States now to make crystal clear our determination not to let Israel be destroyed would greatly contribute to peace in the area. For it would tend to strengthen the hand of those Arabs—and friends of Arabs—who recognize that Arab belligerency toward Israel has been a tragically mistaken and costly policy and who want to see the Arab States concentrate instead on solving their own problems of poverty and illiteracy and disease. There is an organization called the Union of Free Arabs, about which I know very little, which is trying to achieve this change in the Arab point of view. In a recent brochure, this organization of Arabs said:

> We have sold the fifteen past years to our militarist leaders, who wasted our scarce resources upon adventurous militarism. Now they are selling our future, at the rate of $4,000,000 per day. This is the sum we are paying daily to maintain our military leadership and their armies in power. This is the sum by which we are set backwards daily in education, science and research. How much longer must this last? How much longer shall we lack the courage to face the future? For all thinking Arabs and for all honest friends of the Arabs this is still the fateful hour of choice.

Seventh. In pursuing these policies, we should rely on the United Nations only to supply machinery to carry out decisions that are agreed upon by ourselves and Israel on one hand and by the Soviet Union and the Arab States on the other. In a situation such as we confront in the Middle East, it is impossible for the United Nations to impose solutions or even greatly to influence the decisions of the embattled parties. This is partly because of the structure of the United Nations, which permits the Soviet Union to veto any Security Council decision it does not like. But it is, more importantly, because the United Nations as an institution reflects the attitudes of its members. In the case of the Israel-Arab dispute, unfortunately, too many of the members are so influenced by the Arab point of view that they apply a double standard to events in the area. In consequence, organs of the United Nations themselves sometimes apply such a double standard.

The latest example of this was the unanimous Security Council vote calling upon Israel not to hold an anniversary parade in Jerusalem on the ground that to do so would be "provocative," while ignoring the fact that on almost the same day Nasser was once again calling for "a total mobilization" of Arab resources for "the decisive battle" against Israel. Could anyone reasonably deny that this speech was more "provocative" than Israel's parade? Yet not even the United States proposed a resolution criticizing Nasser's rantings. In other words, the members of the Security Council expect and demand that Israel act in a superrestrained way. They have no such expectation of the Arabs, and make no such demands.

Turning now to the longer range aspects of the problem, I would like to say first that, in my view, the really dangerous element in the situation is the apparent ambition of the Soviet Union to become the dominant power in the Middle East. I have no fear that, with a reasonable amount of help from us and from other friends, Israel can take care of herself insofar as the Arabs are concerned. But to face a ring of hostile Arab States, backed to the hilt by an aggressive Soviet Union, is quite another matter.

I do not believe that the Soviets want another war in the Middle East. But they seem to be playing a very dangerous game in continually stirring up trouble in the area and in encouraging the Arab States to remain intransigent. It is a kind of brinkmanship which could lead to disaster, and yet it is a policy that is not easily countered by the United States or anyone else. In this situation, I think we must proceed with a combination of firmness, insofar as our commitment to Israel is concerned, and of flexibility insofar as our attitude toward the Soviet Union's legitimate objectives in the area is concerned.

With these considerations in mind, I would suggest that we should pursue two separate, but related, long-range objectives:

First, we should explore the possibilities of a treaty under which the signatories would agree to guarantee such frontiers as might be agreed upon through negotiation. Such a treaty commitment would initially run in favor of Israel, but it could be made clear from the start that the protection of such a treaty would also be available to any of the Arab States whenever they chose to join the treaty organization. In other words, we would be saying to the Arab States that as soon as they are willing to make a permanent peace, we will underwrite that peace, so that they may feel secure from Israeli attack—and indeed from each other—just as much as Israel would be secure from attack by the Arabs.

Second, as soon as the time seems propitious, we should invite the Soviets to a conference with regard to the Middle East. At such a conference, we should first of all attempt to ascertain what the true Soviet objectives in the eastern Mediterranean and the Middle East are and to what extent those objectives might be acceptable to us. For example, are the Soviets concerned about access to a warm-water port—historically a Russian objective—or about the availability of the Suez Canal? Surely it would be in our interest, and in the interest of peace in the area, for us to give reasonable assurances on these points. Similarly, we might ask to what extent the Soviets are concerned about having hostile governments on their southern borders. This too would be a legitimate concern, and should be the more easy to meet in view of recent changes in the foreign policy of Iran and Turkey in the direction of friendship and accommodation with the Soviets.

Another question would have to be: To what extent are the Soviet ambitions in the Middle East aimed at the control of the area's oil resources, or at least at the denial of those resources to the Western Powers? This of course would be an objective that the Western World could not concede, but there is no clear evidence that the Soviets are actually pursuing such an end.

While the present might not seem to be a propitious time for such discussions with the Soviet Union, we have found it possible to carry on negotiations with the Soviets, even during the Vietnam war, on matters of common interest, such as the Nuclear Proliferation Treaty and the Consular Treaty which was recently ratified by the Soviets. In order not to have the Arabs insist on being present, we would not be able to invite the Israelis to participate in such talks, but we could of course keep them fully informed, and my guess is that the Israelis are realistic enough, and are worried enough about the ultimate results of current Soviet policies in the Middle East, so that the Israel Government would welcome any effort on our part to find out what the Soviet aims in that area really are and whether they are compatible with our interests and with those of Israel.

No one can be sure what the result of such discussions would be. If it should turn out that Soviet objectives are in fact objectives that neither we nor the Israelis can accept, the sooner we find out the unpleasant facts, the better we can plan for the future.

If, on the other hand, the discussions were to prove fruitful, the way would be opened for a peaceful settlement that the Arabs would find it hard to resist. And this, in turn, could mean a new, bright day for the peoples of the entire area.

UNCUTTABLE FEDERAL BUDGET?

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. WYATT. Mr. Speaker, the Capital Journal of Salem, Oreg., carried an editorial on May 16 concerning our Federal budget. I commend this excellent editorial to all who are interested in fiscal responsibility:

UNCUTTABLE FEDERAL BUDGET?

The public must be wondering if this merry-go-round over a tax increase in Washington will ever stop.

For two years Congress and the President have been fighting over who'll cut what, and how. At one point Lyndon Johnson said he'd agree to a spending cut equal to estimated revenue from a tax increase, just to stop inflation.

Now he says no. Now that Congress is within shouting distance of a tax bill-spending cut package LBJ is yelling foul. He'll take a $4 billion cut, he says, but any more isn't in the national interest.

Well, adding at least $8 billion to the giant federal deficit this year isn't in the country's best interests. That's for sure. That's what will happen without added revenue.

And few persons could believe that the government will go to pieces with $6 billion in cuts, as Congress is proposing now.

Just a quick scanning of the budget shows these vulnerable programs:

Space programs, $4.1 billion.

Highways, $4.1 billion.

Farm price supports, $3 billion.

Development of a supersonic airplane, $230 million.

Soil Conservation Service projects—$710 million.

"Pork barrel" public works, about $1 billion.

Surely many of these products could be reduced, and partially delayed, without damaging the country's long-range interests.

Indeed there are good arguments for phrasing out some of the more unsuccessful efforts, such as the farm subsidies. Others, like the supersonic ailrliner, are questionable to begin with.

At any rate the budget has to be cut or no practical amount of taxing will accomplish the goal intended. Even the $6 billion figure is full of loopholes. Vietnam war expenditures can increase, for example, if war costs go up. Interest on the debt also can increase. And both categories surely will rise, above estimates. They always have.

Tax increases in the past have nearly always produced just more federal spending, not merely debt reduction. Unless that spending is cut heavily Congress won't be meeting its responsibility.

PRIVATE PROGRAM SHOWS UNCLE SAM THE WAY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. ESCH. Mr. Speaker, a recent article in the May 1968 Nation's Business highlighted the ability of the private sector to successfully tackle and carry out major programs to meet public needs.

The article describes the highly successful program of the United Student Aid Funds, Inc. and the work in providing student financial assistance to young people throughout the Nation.

The Congress should be proud of the excellent record which this organization established and I want to take this opportunity to bring the article to your attention.

The article follows:

PRIVATE PROGRAM SHOWS UNCLE SAM THE WAY—COLLEGE LOAN PLAN STARTED BY BUSINESSMEN SETS CRITERIA FOR HELPING WORTHY STUDENTS

Timothy Glidden, ex-1st Lieutenant, Army, had a wife, no job, no prospect of one for three long years, no credit record and no collateral.

So he applied for a $1,000 loan.

And he got it.

Is this any way to run a loan business?

You bet it is, United Student Aid Funds, Inc., says. And it has the statistics to prove it. In five years, it has grown from a small one-horse operation serving 17 colleges in a single Midwestern state to a nationwide organization.

It now operates in all 50 states, and has endorsed more than $185 million worth of loans for 300,000 students.

It persuaded more than 9,000 commercial banks, savings and loan companies and other lenders to extend credit to college students on a nonprofit basis—backed up with no more than a promise to pay.

More than 900 colleges and universities, plus some 100 vocational schools, steer students who need help to USA Funds.

It all started with a simple idea, pursued by men who were determined to prove that the federal government hasn't a monopoly on brains—or on desire to solve social problems.

Founders included John Burkhart, Indianapolis life insurance executive, and Richard C. Cornuelle, then staff head of the Foundation for Voluntary Welfare. As the founders saw it, the problem was real, but a practical solution was possible.

College costs were going up, and more and more people were sending their youngsters to college. But many had a hard time paying the bill. Long-term loans seemed a foolproof answer. Since a college education adds about $200,000 to a student's lifetime earning power, it makes sense for him to borrow to obtain this increase. And investigation proved that college students are good credit risks if:

The loan is formal. And the repayment plan systematic and reasonably prompt.

Then USA Funds came up with a gimmick that greatly multiplied the amount available for loans. It was modelled on a successful plan tried locally in Massachusetts.

In the past, colleges had loaned students money out of school funds. But to make a $1,000 loan, the college needed $1,000 in gifts or other funds.

MAKES $1 DO WORK OF $25

USA Funds made that $1,000 do the work of $25,000.

It told colleges that for every $1,000 they put in its reserves, USA Funds would put in another $1,000 it raised by grants from businessmen and foundations. It then persuaded banks to sign a contract to lend $12,500 at a nonprofit rate for every $1,000 USA Funds held in its reserve, security fund.

Thus, $1,000 of a college's cash became $25,000 in loan capacity.

It permitted undergraduates (freshmen temporarily excepted) up to $1,000 a year, graduate students up to $2,000, to an overall total of $4,000.

The student began to repay the loan four months after graduation, and got three to four years to wipe out the debt.

USA Funds President, ex-General Dynamics Vice President Allen D. Marshall, puts it this way:

"We were founded in the belief that an educated citizenry is the greatest asset of any nation."

USA FUNDS ALUMNI

Timothy Glidden, ex-1st Lieutenant, Army, is now legislative assistant to Sen. Clinton P. Anderson of New Mexico. He is one of the thousands of bright, young men USA Funds helped put through college.

"It was a lifesaver for me," he says.

"After pre-law in Middlebury College in Vermont, I went into the Army for two years. I got out in February, 1964, and enrolled in New Mexico University Law School in the fall of the same year.

"I had saved $1,500 while in uniform. That was all I had to continue my education. At the time, there was no GI bill that applied to veterans like me. It lapsed after the Korean War, and we didn't get a new one until I was a senior in law school.

"The money I had saved was gone in the first year of law school. Also, I had married. I was faced with this dilemma—find the money to go to school full time, or take a job and become a part-time student. The school encouraged me to continue full time.

"I got two USA Fund loans. The first for $650, then $1,000 a year later. Thanks to them, I was able to get my law degree in three years instead of four.

"Now I'm paying $22.48 a month on my $650 loan. Later I'll pay off the $1,000 debt. It's the best investment I'll ever make."

SKEPTICS DOUBTED

When USA Funds started out, some credit men said the idea was folly. "College kids aren't good risks," they argued. But the businessmen who started it on a shoestring, and a deep faith in American youth, didn't buy the risk argument. Their faith was not misplaced.

In a study of USA Funds loans guaranteed from February, 1961, to January, 1967, only three per cent were delinquent. Half of these will eventually be paid. Thus, the loss rate is well below two per cent.

Last year, USA funds helped 77,826 students by guaranteeing loans for them worth $58 million. This year more than 100,000 students will obtain loans totaling almost $100 million.

Some 20 states have set up similar programs and have loaned more than $350 million in the past seven years.

PUBLIC SUPPORT FOR H.R. 14816

HON. ELMER J. HOLLAND

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. HOLLAND. Mr. Speaker, when you sponsor a bill which is designed to improve working conditions, you have to brace yourself for a lot of criticism. The history of H.R. 14816, the Occupational Health and Safety Act, has been no exception to this general rule. I have received, as have many Members of this House, a large number of letters, ranging from the merely outraged to the downright abusive, in opposition to this legislation.

But now, as it does in the history of most legislation, the support has begun to appear in the mail as it did in the hearings.

Under unanimous consent I place some of the mail I have recently received in support of this needed legislation at this point in the RECORD:

NATIONAL CONSUMERS LEAGUE,
Washington, D.C., May 10, 1968.

Hon. ELMER J. HOLLAND,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HOLLAND: The National Consumers League has been campaigning for decent safe working conditions for all workers since 1899. We are, therefore, extremely pleased that your committee is considering the Occupational Health and Safety Act of 1968 and urge that you give it prompt and favorable action. The rising number of deaths and disabling accidents which the states have obviously not been able to check require Federal action without delay.

Enclosed is the League statement on H.R. 14816.

Sincerely yours,

SARAH H. NEWMAN,
General Secretary.

STATEMENT OF THE NATIONAL CONSUMERS LEAGUE ON H.R. 14816, THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1968, MAY 1968

The National Consumers League, which was established in 1899 to use the power of consumers to obtain improved working and living conditions for all Americans, strongly endorses the Occupational Health and Safety Act of 1968—H.R. 14816. Our organization speaks for the consumers who are concerned with the conditions under which goods are produced and services performed. Our members feel that the assurance of safe and healthful working conditions is the right of every worker, and of utmost concern to every one of us. The waste of human life and capacity resulting from occupational accidents and diseases should no longer be tolerated.

The problems which H.R. 14816 would seek to attack have grown tremendously in recent years. Back in 1925 when the National Consumers League spearheaded a campaign to provide protection for the women working with radium on watch dials in New Jersey, the whole nation was aroused by the shocking stories. Now, more than 40 years later we find that the revolution in science and technology has produced occupational health and safety hazards never before dreamed of, and increasing almost day by day. Not only are the numbers of disabled rising because of our growing work force, but the percentage disabled is on the increase.

Secretary of Labor Willard Wirtz pointed out in his testimony that although the rate of disabling injuries per million man hours was at the high point of 10.8 in 1958, they rose to a record high of 13.2 in the first half of 1966. The National Safety Council, reporting the statistics differently, found that there was an increase from 13,300 deaths and 1.8 million injuries in 1958 to 14,500 deaths and 2.2 million injuries in 1966. These figures show a discouragingly rapid rate of increase, and we feel that this legislation is the first hope offered to workers which can help put an end to such spiraling fatalities.

Some other statistics, shocking to contemplate, show 55 dead, 8,500 disabled and 27,000 injured daily. In only one year there are between 14,000 and 15,000 deaths reported from industrial accidents and diseases. It is too easy to think of these figures as simple statistics, and to forget that each of the 15,000 probably represents an anguished family, suddenly stricken down financially and emotionally. Even these high numbers don't reflect the entire picture. It is agreed among the experts that the reporting system is inadequate and many deaths and illnesses are not always recognized nor recorded as having an occupational origin.

This great loss to our society should not be measured in human terms alone, although that is certainly the area of greatest tragedy. These same statistics also represent a great economic loss to our country. In 1966 the loss in production was more than five billion dollars. The increase in benefits paid out in Workmen's Compensation has continued to rise in the past 10 years until it is now over two billion dollars a year. This represents an increase of 130% during that ten-year period. And yet, three out of every eight workmen involved in accidents were not even covered by Workmen's Compensation. Surely, the prevention of many of these fatalities by this legislation, which it is estimated would cost only $2 per worker, is the more economical, and even more important, the more humane way out of this dreadful situation.

Technology is advancing so rapidly and the introduction of new chemicals into industry grows so constantly that it has been necessary to set recommended exposure levels for many of them. So far levels for only 400 of the 6000 chemicals now in use have been established. Also, the list of occupational diseases is adding a whole new dimension to our life, let alone our vocabulary, as we learn of illnesses like pneumonoconiosis, asbestosis, silicosis and lung cancer from uranium. These result from occupational hazards ranging from simple dust and roofing materials to uranium dust.

The one bright side of this dismal picture is that an effective safety program *can* reduce these deaths and disabilities. Secretary Wirtz pointed out that under the 1960 safety and health regulation promulgated under the Longshoremen's and Harbor Workers Compensation Act a 44% reduction in injuries in shipyards and a 38% reduction in injuries in longshoring activities was effected over a 7-year period. In this same period over 22,000 injuries were prevented in shipyards at a total saving of over $33 million, which resulted in millions of dollars in insurance rebates to employers.

It is obvious that the states cannot be depended upon to protect the workers in our economy today without substantial federal assistance. Some state programs have been very effective. But in many states the lack of protection is unbelievably shocking. In New York where there is a fine safety program there were 17 deaths per 100,000 industrial workers, while in Texas where the program is weak, the incidence is over four times as high—74 deaths for the same number of workers. State programs vary greatly with their expenditures ranging from a high of $2.11 per year to a low of 2¢ per worker. The number of safety inspectors varies also from 3 in one state up to 255 in another, or, stated differently, from less than one inspector per 100,000 workers to a high of 12.6 inspectors per 100,000 workers.

These facts make us realize the program provided for in H.R. 14816 is long overdue. Even with prompt enactment of this bill it will take at least one year to set standards and 5 years to achieve any substantial improvements. The bill provides a way to start correcting a very bad situation. At the same time it provides for maximum cooperation between the States and the Federal Government. Hopefully, its enactment would also prod the states into coverage of the small intrastate establishments where such a large percentage of our workers earn their daily bread.

We would, however, suggest that the bill be amended to give the Secretary of Labor the power to call back the authority delegated to any state which has demonstrated that its program is compatible with the purposes of this Act, whenever such state falls below the standards originally adopted.

The research provided for under this bill should do much to provide information about the new industrial hazards and help reduce or eliminate the old ones. The provisions to conduct educational programs and to provide training for safety personnel are absolute prerequisites to insure proper inspection programs, and full funding for these programs must be made available. Adequate inspection and enforcement provisions will assure progress in achieving the objectives of this legislation.

We know that a dollar price cannot be placed on an eye, a limb, or a life. This bill is not only an economic necessity, it is a moral necessity as well. The cost of this legislation must not be used as an argument to prevent the savings in lives and well being, as well as in dollars which it could produce. Each single day of delay means another 55 Americans will leave homes and families wreathed in sorrow and despair. The National Consumers League urges prompt approval by your Committee of the Occupational Safety and Health Act of 1968.

TRANSPORT WORKERS UNION OF AMERICA, A.F.L.–C.I.O., RAILROAD DIVISION, PITTSBURGH LOCAL No. 2044,
Pittsburgh, Pa., May 13, 1968.

Hon. ELMER J. HOLLAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOLLAND: I am writing to you in behalf of myself and the members of Local 2044, Transport Workers Union of America, AFL–CIO, Railroad Division, urging your support in the enactment of HR 14816.

Your support in this matter would be greatly appreciated.

Sincerely,

M. C. LOCOCO,
President, Local 2044.

THE FALL RIVER DIOCESAN COUNCIL OF CATHOLIC NURSES,
May 13, 1968.

Hon. ELMER HOLLAND,
Chairman, House Select Labor Committee,
House of Representatives,
Washington, D.C.

DEAR SIR: The Fall River Diocesan Council of Catholic Nurses calls for an end to needless on-the-job slaughter, injury and health hazards. It calls for establishing uniform standards of occupational health and safety through federal action. It calls upon the Congress of the United States to enact the Occupational Safety and Health Act of 1968 to end competition at the expense of life and limb on-the-job, to protect the fair employer who wants safe and productive working conditions, and to provide for more than

50 million working Americans in interstate commerce the protection they so richly deserve.

Respectfully,

ANNE V. FLEMING, R.N.,
Secretary.

ARCHDIOCESAN COUNCIL OF CATHOLIC NURSES,
Washington, D.C., May 7, 1968.

Hon. ELMER HOLLAND,
Chairman, House Select Labor Subcommittee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN HOLLAND: Although American industry is the most productive in the world, its record is blemished by an apalling number of injuries and illnesses resulting from safety and health hazards at work.

More than seven million workers suffer on-the-job injuries every year; more than two million workers are disabled by on-the-job accidents; between 14,000 and 15,000 are killed while at work. Hardly a day goes by in any major community without a serious on-the-job accident.

Occupational health hazards leading to illnesses are a matter of serious national concern. A new compound is introduced into industry every 20 minutes, often with toxic impact. Workers today are needlessly exposed to radio-active substances, excessive industrial dust, hazardous gases and other harmful substances. More than half a million workers annually suffer from job-connected illnesses.

Occupationally connected injuries and accidents too often reduce families to poverty, and sometimes force them to turn to public assistance for survival. Accidents and illnesses are prevalent at all levels of skill, but disproportionately claim as their victims the unskilled and the low-paid who lack resources for adequate care and economic survival.

This horrible and often needless waste of precious human resources robs all Americans of production and wealth that could result in higher personal living standards, more and better private and public services, and better lives. It costs the worker and his employer $3,090 for every accident on-the-job. Accidents alone—lost wages, medical costs, insurance claims, lost production and other losses—cost the nation $6.8 billion every year.

While all on-the-job accidents and health hazards cannot be entirely eliminated, the majority can be prevented through observance of adequate health and safety standards. A California study of the electrical industry, for example, has shown that three in four on-the-job accidents in 1964 involved unsafe conditions.

State safety standards vary greatly and few provide the kinds of protection that American working people merit. Under present conditions, the states compete with each other at the expense of the health and safety of productive Americans.

The Washington, D.C. Council of Catholic Nurses, therefore, calls for an end to needless on-the-job slaughter, injury and health hazards. It calls for establishing uniform standards of occupational health and safety through federal action. It calls upon the Congress of the United States to enact the Occupational Safety and Health Act of 1968 to end competition at the expense of life and limb on-the-job, to protect the fair employer who wants safe and productive working conditions, and to provide for more than 50 million working Americans in interstate commerce the protection they so richly deserve.

Sincerely yours,

DOROTHY N. KELLY,
President, Archdiocesan Council of Catholic Nurses.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., May 9, 1968.

Hon. ELMER J. HOLLAND,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HOLLAND: The Occupational Safety and Health Act of 1968, as proposed in HR 14816, is a matter of proper concern to all citizens, including those who are members of the teaching profession. The high rate of occupational accidents, especially among the unskilled, is deplorable, not only in the terms of human misery, but also in the matter of dollars and cents.

Teachers are vividy aware of the tragic results that occupational accidents create for the children of the victims. We are also concerned for the future safety of the majority of our students who will enter the world of work upon high school graduation. We feel strongly that these young people deserve a safe working environment as well as an adequate wage as they enter adult life.

We urge the enactment of HR 14816 or basically similar legislation by the the 90th Congress.

Sincerely,

JOHN M. LUMLEY,
Assistant Executive Secretary for Legislation and Federal Relations.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION No. 5,
Pittsburgh, Pa., May 8, 1968.

Hon. ELMER J. HOLLAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOLLAND: The proposed Occupational Safety and Health Act of 1968 (S. 2864) and (H.R. 14816) is a most important piece of legislation in an area that has been too long neglected.

In protecting the health and safety of 50 million workers engaged in interstate commerce, the Act will produce untold benefits to the entire community.

We urge you to support this legislation as vigorously as possible.

Yours very truly,

WILLIAM G. SHORD,
Business Manager.

WEST VIRGINIA NURSES ASSOCIATION, INC.
Charleston, W. Va., May 8, 1968.

Representative ELMER HOLLAND,
Chairman, House Select Labor Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. HOLLAND: The West Virginia Nurses Association, composed of approximately 2,300 registered nurses members, want to wholeheartedly endorse the American Nurses' Association's Statement on H.R. 14816. Occupational Safety and Health Act of 1968, to the House of Representatives Committee on Education and Labor.

Being from a small state geographically, but one with a great deal of industry for its size, we are ever cognizant of the need for an improved Occupational Health and Safety Act.

We urge passage of this legislation.

Sincerely yours,

JULIANN RITTER, R.N.,
Executive Director.

VERMONT STATE NURSES ASSOCIATION, INC.,
Burlington, Vt., May 9, 1968.

Hon. ELMER HOLLAND,
House of Representatives,
Washington, D.C.

DEAR MR. HOLLAND: The Vermont State Nurses Association urges your support of H.R. 14816, the proposed Occupational Health and Safety Act.

We support the position of the American Nurses Association, which calls for an end to needless on-the-job slaughter, injury, and health hazards. It calls for establishing uniform standards of occupational health and safety through federal action. It calls upon the Congress of the United States to enact the Occupational Safety and Health Act of 1968 to end competition at the expense of life and limb-on-the-job, to protect the fair employer who wants safe and productive working conditions, and to provide for more than 50 million working Americans in interstate commerce the protection they deserve.

Sincerely yours,

ROSALIE M. LOMBARD,
Chairman, Committee on Legislation.

INTERNATIONAL UNION OF OPERATING ENGINEERS,
Newark, N.J., May 9, 1968.

Hon. ELMER HOLLAND,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOLLAND: It is my understanding the Bill H.R. 14816, known as the "Occupational Safety and Health Act of 1968' is presently before the Education and Labor Committee, of which you are a member.

The passage of this bill is heartily endorsed by this Local Union and its 10,000 members residing in the State of New Jersey and five Counties of the State of New York. This is legislation that is sorely needed. Safety, too often is given lip service only. Now is the time to show sincerity of intentions by making law a strong bill to protect the safety and health of millions of American workmen.

Statistics show that 14,500 workers are killed at their jobs each year. If the passage of this bill can reduce that total just one, you will have served humanity well.

Respectfully,

PETER W. WEBER,
President-Business Manager.

MARYLAND NURSES ASSOCIATION, INC.,
Baltimore, Md., May 9, 1968.

Re H.R. 14816, Proposed Occupational Safety and Health Act.

Hon. ELMER HOLLAND,
Chairman, House Select Labor Subcommittee, House Office Building, Washington, D.C.

DEAR MR. HOLLAND: The Maryland Nurses Association wishes to let you know of its support of the position taken by the American Nurses' Association, urging passage of H.R. 14816.

This Bill, "to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist the States to participate in efforts to assure such working conditions: to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes" should have a far reaching impact in improving the health and well being of working people, including those employed in hospitals and nursing homes. It should also promote opportunities for obtaining the knowledge and skills needed by all concerned with health and safety. This includes occupational health nurses.

Sincerely yours,

(Mrs.) GENEVIEVE M. JORDAN, R.N.,
President.

FLORIDA NURSES ASSOCIATION,
Orlando, Fla., May 9, 1968.

Hon. ELMER HOLLAND,
Chairman, House Select Labor Subcommittee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HOLLAND: The more than 6,000 members of the Florida Nurses Association support the proposed Occupational Safety and Health Act, H.R. 14816.

The statement submitted by the American Nurses' Association on April 1, 1968, to the Select Labor Subcommittee clearly shows the need for early passage of this bill.

Your prompt consideration within the Subcommittee and favorable report to the House of Representatives at an early date will be sincerely appreciated.

Cordially yours,

HELEN F. VOSS, R.N.,
President.

THE SOUTH CAROLINA DIOCESAN
COUNCIL OF CATHOLIC NURSES,
GREENVILLE CHAPTER,
May 10, 1968.

Hon. ELMER HOLLAND,
House of Representatives,
Washington, D.C.

DEAR MR. HOLLAND: The Catholic Nurses Association, Greenville Chapter, Greenville, S.C., would like to go on record as being in support of the Occupational Safety and Health Act.

Sincerely,

S. M. ———, S.F.P.,
President.

ST. RITA'S HOSPITAL
SCHOOL OF NURSING,
Lima, Ohio.

DEAR SIR: Although American industry is the most productive in the world, its record is blemished by an appalling number of injuries and illnesses resulting from safety and health hazards at work.

More than seven million workers suffer on-the-job accidents; between 14,000 and 15,000 are killed while at work. Hardly a day goes by in any major community without a serious on-the-job accident.

Occupational health hazards leading to illnesses are a matter of serious national concern. A new compound is introduced into industry every 20 minutes, often with toxic impact. Workers today are needlessly exposed to radio-active substances, excessive industrial dust, hazardous gases and other harmful substances. More than half a million workers annually suffer from job-connected illnesses.

Occupationally connected injuries and accidents too often reduce families to poverty, and sometimes force them to turn to public assistance for survival. Accidents and illnesses are prevalent at all levels of skill, but disproportionately claim as their victims the unskilled and the low-paid who lack resources for adequate care and economic survival.

This horrible and often needless waste of precious human resources robs all Americans of production and wealth that could result in higher personal living standards, more and better private and public services, and better lives. It costs the worker and his employer $3,090 for every accident on-the-job. Accidents alone—lost wages, medical costs, insurance claims, lost production and other losses—cost the nation $6.8 billion every year.

While all on-the-job accidents and health hazards cannot be entirely eliminated the majority can be prevented through observance of adequate health and safety standards. A California study of the electrical industry, for example, has shown that three in four on-the-job accidents in 1964 involved unsafe conditions.

State safety standards vary greatly and few provide the kinds of protection that American working people merit. Under present conditions, the states compete with each other at the expense of the health and safety of productive Americans.

The *Lima Ohio, Chapter of Catholic Nurses* therefore, calls for an end to needless on-the-job slaughter, injury and health hazards. It calls for establishing uniform standards of occupational health and safety through federal action. It calls upon the Congress of the United States to enact the Occupational Safety and Health Act of 1968 to end competition at the expense of life and limb on-the-job, to protect the fair employer who wants safe and productive working conditions, and to provide for more than 50 million working Americans in interstate commerce the protection they so richly deserve.

Sincerely,

MRS. DON CUNNINGHAM.

LETTER TO MAYOR OF INDIANAPOLIS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. JACOBS. Mr. Speaker, I would like to insert at this point in the CONGRESSIONAL RECORD, a letter from a member of my staff to the Honorable Richard G. Lugar, mayor of Indianapolis. The letter's eloquence and beauty sum up concisely the simple truth about the American dream of equal justice under law:

Hon. RICHARD G. LUGAR,
Mayor, City of Indianapolis,
Indianapolis, Ind.

DEAR MAYOR LUGAR: I watched with great interest and general approval your talk on TV last Tuesday evening.

As a lawyer, I have been concerned over the years with harassment arrests of our citizens. Therefore, I was hoping you would spell out more definitely the changes you intend to initiate. However, I recognize the limitations of time imposed on your presentation.

The fact is that by cessation of harassment arrests, police would be required to do only what every other good citizen is required to do: Obey the law.

The law of arrest contemplates generally four instances in which a valid detention of the person can be made:

(1) Where a person is arrested on a warrant issued after a proper affidavit or indictment fixed against him;

(2) Without a warrant where a police officer has reasonable grounds to believe the person about to be arrested has committed a felony;

(3) Without a warrant where the person about to be arrested has committed a misdemeanor in the presence of such officer;

(4) Where such arrest is made pursuant to a proper search prior to which a valid search warrant has been issued. Some other exceptions exist by statute, but they are not relevant here.

We hear it said that the above rules are all right for you and me, but we cannot treat others that way. By others, the speaker usually means "known" gamblers, dope addicts, prostitutes, alcoholics and other disreputable elements. It has been thought quite within the bounds of good police practice to lean on these groups, vulnerable as they are, especially when their constitutional rights are violated with impunity.

The script goes like this:

(1) A *citizen* fitting one of the above categories is "known" by a police officer and put under arrest for exercising the right to walk on a public sidewalk. (Parenthetically, if such person is known well enough, this ends the script.)

(2) Lacking such intimacy, the subject is placed in jail overnight or until bond can be posted.

(3) Comes now the police court charade. A well-known criminal lawyer recites the time honored concepts of personal liberty outlined above. And the victim, by now somewhat lighter in the pocket, is turned loose presumably to sin more carefully.

This script, I'm sorry to say, is enacted thousands of times yearly. And by far the preponderance of victims just happen to be Negro. "No man is above the law and no man is below it." This was the theme of Law Day last year and it is the promise implicit in the Constitution. But in actual practice it is more like Orwell's "Animal Farm": "Everyone is equal except some are more equal than others."

Two centuries old at least is the principle that only an overt act can be criminal, and at least that old are its abuses. The landmark case in England held that since "the devil himself knows not the thought of man," an arrest was valid only where an overt act was or had been committed.

I believe a strict adherence to the law of arrest will accomplish three immediate and tangible objectives:

(1) It will curtail a policeman's right to pick and choose whom to arrest. (The effect on bribery is obvious.)

(2) It will increase respect for departmental methods and result in better police work. (See enclosed clipping from *Time's* latest issue.)

(3) It will alleviate overcrowding in our courts and result in proportionately higher conviction rates.

The intangible results are, in the long run, much more important. We have, at the very least, the duty to preserve and pass along to posterity our Constitutional rights, still vital and unimpaired.

Sincerely yours,

JUDSON F. HAGGERTY.

REMARKS OF JUDGE MARVIN JONES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. PICKLE. Mr. Speaker, few Americans of our times have served in public office with greater distinction than Judge Marvin Jones, senior judge of the U.S. Court of Claims.

In the 1930's, he served as U.S. Representative from the Panhandle of Texas and his leadership during these depression years was magnificient.

It was through his efforts that many of the landmark measures of agriculture were passed. These laws helped bring agriculture up to par with other sectors of industry and played a vital role in healing the national sores that accompanied the depression.

During his years on the bench, he has added luster and distinction to an already outstanding career.

Judge Jones is a great personal friend of mine and many Members of this body.

Recently, he spoke at the national observance of the 35th anniversary of the signing of the Agriculture Adjustment Act of 1933 and I feel his remarks are timely and meaningful.

I respectfully insert them to be reprinted at this point in the RECORD:

REMARKS OF JUDGE MARVIN JONES

This is no ordinary occasion. It is crowded with wonderful memories for all the honored guests gathered here today.

The Secretary has painted with a master's touch a picture of the dark days of depression that followed the collapse of 1929. During the eight months prior to the crash, the papers were headlining the great bull market. Stocks had doubled in price in those few months. People thought they could live off the stock market. It had an hectic flush and seemed healthy.

But in one day many people lost their life savings. It is difficult for anyone who did not live in that period to appreciate the conditions that prevailed in late 1932 and early 1933. Banks were breaking on every side. Farms were being foreclosed by the thousands. Millions of hungry people were shuffling in the breadlines, helpless, hopeless and despairing. Our country was nearer to the crumbling brink than it had ever been before.

It is a special privilege to be asked to respond on behalf of those still living who played a vital part in the process of healing the broken body of our national life; and also to pay tribute to the many brave spirits no longer living who had a part in the rebuilding process. In view of the great work they so courageously performed, I am sure they walked into the shadows head up and unafraid.

It is only possible to mention a few of the highlights in connection with the tremendous amount of basic farm legislation in the eventful years following the Inauguration of 1933. Eleven major bills were reported by the Committee on Agriculture and passed by the Congress. In practically all these measures Clifford Hope and the other members of the Committee joined me in getting the job done. All three major farm groups, the American Farm Bureau, the National Grange and the National Farmers Union not only helped in drafting and in securing the passage of needed legislation, but materially aided those who had the responsibility of administering the programs.

Some great men and women appeared on the scene in that crisis. Darkness brings out the stars, and it takes the north wind to produce a Viking. Somehow the new President seemed to fit the occasion like a garment. The colorful inauguration, the fireside chats, and the very atmosphere seemed to dispel the encircling gloom and to inspire confidence.

Even before the inauguration, Mr. Roosevelt got in touch with the Chairmen of the different Committees and gave them assignments.

Two or three days before the inauguration Honorable Henry Morgenthau walked into my office and said, "The Governor (FDR) wants you and Bill Myers (William I. Myers of Cornell University) to write an Executive Order pulling out of the different Departments of Government the various divisions that have been lending money to farmers, placing all of them in a single agency and naming the agency."

I said, "Mr. Morgenthau, I have never written an Executive Order."

Mr. Morganthau said, "That is the order of the new boss and you'd better do it." He then turned on his heels and walked out. Anyway, we prepared the order, but I must admit that most of the credit is due to my friend Dr. Myers, since I was busy with other farm legislation.

We named the agency, The Farm Credit Administration. The President signed the Executive Order a few days later. Dr. Myers was a technician and an administrator of great skill and we worked together on many problems thereafter; in fact so long as Cornell University permitted him to remain on leave.

Much has been written about the "First Hundred Days" of the Roosevelt Administration. It so happens that I had the privilege of handling more major bills in their passage through the House during those hundred days than any other Member of the Congress. These included the Agricultural Adjustment Act, the Act for Refinancing of Farm Mortgages, the Farm Credit Administration Act, the measure reducing the gold content of the dollar, as well as two other rather important measures. I was greatly assisted by the members of the very loyal and hard-working Agriculture Committee, in which there was practically no partisanship. The condition was entirely too serious and the emergency too great.

It is altogether fitting that we should memorialize the enactment of this early legislation. Food and raiment are magic words in any language. Food is as essential as the air we breathe. Life cannot be sustained without it.

According to the story as told in Genesis, the first living things that were created were grass, herbs, and fruit trees—food—and the first living creatures mentioned to walk upon the earth were cattle—prime sources of food. Man was created last, and was given dominion over every living thing that moves upon the earth. Sometimes I wonder how well we are running the show. Perhaps we all need to pray a little more.

So today, not only do we mark the beginnings of national farm policies but I think we recognize also the continuing forces that link land, man, food and country.

The land and its people—the soil and the farmer—simply must have the mechanism and the means to be protected and to provide substance for this Nation to survive. It was the genesis of such programs that emerged 35 years ago.

In the long, long span of history, it is an incontrovertible fact that no Nation has survived—and no Nation has progressed to any level of achievement for long—that did not have a strong agricultural plant.

Food is an absolute essential to the national welfare. The producers of that food are pivotal factors in our economic, social and political institutions.

And a vigorous agriculture—balanced within and in balance with other segments of our society—is the fulcrum point of American democracy.

I believe that if the time ever comes when we are forced to go beyond our own land, our own farms and our own people for the substance to live, then we start on the downhill road to disaster.

The years, and the passing of a generation, have softened or blotted out the experiences of those dire and chilling Depression years that began with the market crash in 1929.

The passage of time has dulled the impact of an era when discontent, uneasiness and fear swept across the land. Those of us here today, though, can well remember. And may we never see it happen again.

It was said then, and it is known now, that the legislation of the Thirties, and the programs that were authorized, saved American agriculture. I do not know of any time in our history that this Nation was closer to catastrophy.

The legislation of 1933 was directed to immediate farm relief. It was new, an untrod path. There were changes and there were modifications in the legislation that followed. But that legislation, and the other major acts of the Thirties, molded theory into action and judgment into practice.

And I think, without any doubt, that all of our efforts including the humanity and the magic of Franklin Roosevelt and the acumen and brilliance of Henry Wallace and his people—were rooted in the unshakable conviction that the national interest demanded protection of our food supply and its producers.

The legislation of the Thirties was directed to correcting an imbalance between agriculture and the rest of the economy. Adjustment was a key word—adjustment in income, adjustment in credit, adjustment in production and adjustment in land use.

I would like to dwell on land use for a moment. There are only a few inches of soil between us and deprivation. Not only is the land close to my heart, but protection of the land was a basic objective of the Triple-A legislation.

I did a little checking recently on this facet of the farm program. I am happy to report that figures supplied me indicate that, since the Agricultural Conservation Program began in 1936, cost-sharing by farmers in soil and water protection practices alone have resulted today in:

Enough terraces to make five round trips to the moon;

Enough tree planting to produce a forest 10 miles wide that would reach from this auditorium to Chicago:

Enough forest land improved to equal all the farm woodland in New England;

Enough diversion ditches to encircle the earth six times; and

Enough irrigation ditches to match the stripes of all the zebras in the world.

Where I come from, this is considered a pretty good record. And remember, these conservation practices also benefit the cities and urban areas—particularly water supply. You know, a lot of people tend to forget that there are two wings to farm legislation. One wing is directed to the farmer—but the other wing is to assure the rest of us that a productive land is around to give us a continual supply of food.

Those were tremendous days—those days of the Thirties and of Triple-A. The farm problem was a common problem. Up on the Hill, both sides of the asile joined to solve what before had been an insolvable matter.

The farm and trade organizations threw their full support into ironing out program provisions and getting the message out to the land. And any knowledgeable person was liable to be grabbed out of hand and turned to the task for pulling the farmer out of his economic quagmire.

The hopes and the dreams . . . the programs and the solutions . . . weren't confined to the '33 Act. Triple-A was really an era that went through 1939—until the clouds of war began to darken our horizons.

There was sugar legislation in 1934, the Section 32 amendment in 1935, the Soil Conservation and Domestic Allotment Act of 1936, and the Agricultural Adjustment Act of 1938.

I would like to mention Section 32 . . . I had quite a time with that, particularly with Henry Morgenthau—as some of you may remember. We were good friends, but he really raised Cain over that one. And when he got angry, he got angry clear through.

I penciled out Section 32 at my desk and included it in a legislative bill with many other provisions. Then we had to go to conference with the Senate, where Senator John Bankhead headed up the Senate conferees. He was primarily interested in extending a bill that I didn't like much anyway.

Well, we came to my Section 32 provision and John said to let it go over—it was a controversial thing—and for us to take up his act. I said I didn't think I wanted to do that. I wasn't too sure I was for an extension of his act. I said let's take up Section 32 first.

John looked at me and said "You don't have any compromise in your make-up—you want everything just like you want it!"

So I said, "I will make you a proposition. If you let me write Section 32 like I want it, and agree to that, then I'll agree to extend your Bankhead provision when we get it."

And he got up and walked back and forth by the table and pulled his hair. I said "What is the matter, John? Don't you have any compromise in your makeup?"

And he wheeled around and said, "All right, I'll agree to that."

So I sat down there and I struck out "there shall be authorized to be appropriated" and wrote "there is hereby appropriated", and I made it a permanent piece of law.

I took it back to the House and I said, "Mr. Speaker, I offer the Conference Report and I ask that all points of order be waived."

Well, Bert Snell got up and said, "What is the idea of waiving all points of order?"

I stated all the steps we had been through, pointed out it was a unanimous report of the Conference Committee, and told him "All you can do is to delay this. I'll have to get a rule. We want to pass this bill."

He said, "Did Clifford Hope sign this?"

I said, "Yes, he signed it all and recently and both sides, unanimously."

Bert Snell said "All right," so they waived the point of order.

Well, when it was passed, Henry Morgenthau discovered it, and he hit the ceiling. He called me up.

I told him "You used to be a pretty good farmer, but you got over there as Secretary of Treasury and got hardening of the financial arteries." It wasn't funny to him, though.

He told me he was going to have the President veto it. I told him to go ahead and ask the President. I told Henry, however, he'd better point out to the President that he couldn't veto Section 32 without veteoing the whole bill—and we had more things in there that the President wanted than anybody would dream about.

That did it. Henry said, "Well, then, take the whole blankety-blank Treasury."

But Morgenthau wasn't one to give up—and he got the President to recommend its repeal in the next budget message. You know, Henry had a lot to do with writing those.

Well, Congressman Buchanan, who was Chairman of the Appropriations Committee, came to me. He said, "Look, the President has recommended against this. You call it up when I am out of the House." So I called it up when he was away.

A short time after that I had a date with the President and he said, "What sort of a provision is this that you have cooked up there?"

I said, "Well, Mr. President, I want to tell you about that."

I told him the farmers had been paying the burdens of the tariff for a hundred years without any corresponding benefits, and this provision wasn't giving them a substitute, this was simply making restitution.

I quoted Alexander Hamilton (I don't believe in Alexander Hamilton's philosophy, but in this instance he was on the right track) who put in his original report of the Treasury in 1791 the first recommended tariff.

I told the President that Hamilton said the tariff would not benefit the farmer and there should be a bonus, either paid on the exportation, or on his production at home, to bring things into balance.

I said, "Mr. President, now I don't believe in the philosophy of Alexander Hamilton, but he was intellectually honest. And it was his report that gave me this idea."

President Roosevelt said, "That is not a bad idea, is it?" I said, "No, it is a good idea."

And he became as enthusiastic as anybody else—and then the critics didn't have a chance. They never were able to touch it.

Anyway, I'm a little proud of getting that Section 32 provision for agriculture. And from all reports, it has served its purpose wonderfully.

There are a lot of stories, Mr. Secretary, from those days—and some more from the Twenties—but perhaps it's best to keep them for another time.

I want especially to mention Clifford Hope, a truly great man, possessed of great ability and a wealth of courage. He has a becoming modesty, but intellectually he's as tall as any man. I love every member of the Committee with whom I served. I see many here who had a big part in the administrative field. Chester Davis, who is unable to be here, was one of the most skilled administrators I have ever known. There are a host of others here—the list is too long to call here—all were dedicated people.

In the administration of these activities, Henry Wallace had to bear the criticism and abuse that always accompanies a series of vast projects that plow new fields of activity that vitally affect the entire Nation. But he never flinched or waivered. Some members even suggested that he should be impeached. I often defended him on the floor of the House.

He was accused of being a dreamer, but I don't think anyone ever questioned his integrity or his devotion to the cause. In all the storm of criticism, like the Hebrew children of old, a spirit must have walked with him and preserved his garments from e'en the smell of the flames.

I do still miss that gold watch, though.

FOUR STATE GI'S KILLED IN WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. LONG of Maryland. Mr. Speaker, Sgt. George H. Schroeder, Sp4c. Reginald A. Bowman, Pfc. Paul E. Watson, and Pfc. James N. Davis, four fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

FOUR STATE GI'S DIE IN VIETNAM—THREE LIVED IN CITY, OTHER WAS FROM PRINCE GEORGES

The Defense Department announced yesterday the names of four Maryland men killed in action with the Army in Vietnam.

Reported killed were:

Sgt. George H. Schroeder, Jr., husband of Mrs. Martha Triplett Schroeder, 4815 Truesdale Avenue, Baltimore.

Sp4c. Reginald A. Bowman, ward of Mrs. Mamie E. Evans, 1916 Pennsylvania Avenue, Baltimore.

Pfc. Paul E. Watson, husband of Mrs. Helen A. Watson, 924 North Stricker Street, Baltimore.

Pfc. James N. Davis, son of Mr. and Mrs. Ralps T. Davis, Sr. of 6305 Forty-eighth place, Riverdale.

SECOND TOUR

Sergeant Schroeder, 25, had served in Japan and Korea and was on the twenty-fifth day of his second tour of duty in Vietnam when he was wounded by a booby trap April 25 near Saigon, his wife said last night.

She said the Defense Department told her he died May 16 in a Saigon hospital.

Sergeant Schroeder, she said, was a member of C Company, Sixth Battalion, of the Ninth Infantry Division's 35th Infantry.

He was serving with a mortar crew at the time of his injury, Mrs. Schroeder said, but was a paratrooper on his first tour from which he was sent home after contracting malaria.

His wife said the Army, which he had planned to make a career "was his whole life."

"Anytime he had to give his life for his country he was willing," Mrs. Schroeder said.

Sergeant Schroeder was born in Baltimore, and was the son of Mr. and Mrs. George H. Schroeder, Sr. He is also survived by an infant son, George H. Schroeder 3d. a brother, James R. Schroeder, and a sister, Mrs. Donna M. Hoffman.

JOINED IN OCTOBER

Specialist Bowman who was 18 years old, joined the Army last October, and had been in Vietnam for three months, Mrs. Evans said.

Private Watson, 25 years old, was reported shot May 16, his wife said today.

Mrs. Watson, who said she had not yet received a promised Defense Department confirmation of her husband's death, said he is also survived by one child.

Private Davis, a 20 year-old mail carrier in Riverdale when he volunteered for the draft last October, was killed by small arms fire May 17 while on the perimeter of Saigon, his father said yesterday.

"AWFUL PLACE"

"He said it was an awful place," in frequent letters home, Mr. Davis said. "It was dirty and filthy, and he didn't know who the enemy was. He disliked it very much."

Private Davis was assigned as a grenade launcher with the 25th Infantry, his father said, and had been in Vietnam for two months.

Besides his parents he is survived by two sisters, Mrs. Linda Lou Bloom and Miss Sharon Lee Davis, and a brother, Ralph T. Davis, Jr.

PRESIDENT ANDREW JOHNSON

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. QUILLEN. Mr. Speaker, the 17th President of the United States, Andrew Johnson, is going down in history as one of our greatest Presidents.

He, at one time, represented the congressional district in the House of Representatives I now have the honor of representing.

Rather than review the history of his achievements, which were many, the article in the Greeneville Sun, Greeneville, Tenn., on Thursday, May 16, 1968, is a reminder of one of the crises in his life. It was just 100 years ago that President Andrew Johnson was tried in the Senate after being impeached by the House.

Senator Edwin G. Ross, Senator from Kansas, played an important role in this trial by casting the deciding vote for acquittal of President Johnson.

Bobbie Barrett, Greeneville Sun staff writer, is to be commended for such a fine article, and I am inserting it in the RECORD for the benefit of the readers:

EDMUND G. ROSS, 100 YEARS AGO TODAY, HAD STARRING ROLE IN IMPEACHMENT COURT

(NOTE.—Edmund G. Ross—100 years ago he was the senator from Kansas and played an important role in the impeachment trial of President Andrew Johnson . . . who was acquitted by one vote! "Personally I was no admirer of Johnson and politically we were enemies. . . . I saw only one right thing to do and I intended doing that at all hazards." These were his thoughts . . . his vote was "Not guilty.")

(By Bobbie Barrett)

It was noon. The hands of the clock pointed to exactly twelve o'clock as the Chief Justice in his silk robes entered the Senate Chamber and took his seat as presiding officer of the court.

The court is a court of impeachment . . . President Andrew Johnson, former Greeneville tailor, is being tried . . . the date is May 16, 1868.

It was just 100 years ago today that the roll call vote began on Article XI of the impeachment and one of the starring roles is played by Edmund G. Ross, senator from Kansas.

The gallery is packed with an overflowing crowd of spectators numbering 1500. Admission is by ticket only and like some hit play, the tickets have been so much in demand that people would go to any lengths to get whole of one. There is even talk that there are counterfeit tickets in circulation.

It has been an emotion packed trial since it began back in March. Threats of violence have been received by those Senators whom it was felt might vote against impeachment.

Charges of "Judas" and "Benedict Arnold" . . . burnings in effigy, suggestions that he commit suicide, and threats of murder have been heaped upon Senator Ross.

A statement from Senator Ross years later contained these thoughts on the perilous position he was in during the trial, "Being a radical Republican state, I believed then and believe now that had it been supposed I would have voted for the acquittal of President Johnson I would have been assassinated. I was informed by a colleague that the police had been instructed to keep close watch of me for fear of violence."

As he continues you can see a small portion of the conflict he was suffering, "In my own mind was the question that in the existing condition of affairs had I the courage to vote for acquittal if I should deem that the proper course?"

A two-thirds majority is needed to find Johnson guilty . . . there are 54 members of the jury (Senate) . . . 36 votes are needed for conviction.

On the other hand, with 12 votes already on his side, Johnson needs only seven more votes for acquittal.

These seven votes could come from the seven radical Republicans later to be called the "Seven Tall Men," but there is no way to know for sure how these men will vote. The pressures from their home states to vote guilty are heavy.

The vote is being taken on the eleventh article, an obscure conglomeration that tries to incorporate all of the previous articles . . . eight of which have to do with the violation of the Tenure of Office Act (a measure forbidding the President to dismiss any appointee, including his cabinet members, without consent of the Senate).

There is no longer time to talk about it or even to think about it . . . the time of decision is here.

To each Senator is now put the question, "How say you, is the respondent, Andrew Johnson, President of the United States guilty or not guilty of a high misdemeanor as charged in this article of impeachment?"

As the name of each of the Senators is called you can feel the tension increase . . . the crowded gallery is so still it's as though they were holding their breath and when they hear a "not guilty" they release the breath in one tremendous gasp.

There are many moments of drama . . . Senator James Wilson Grimes of Iowa is helped to an aisle seat just before the roll call. Senator Grimes collapsed a few weeks ago with a stroke. His vote is important, he is one of the "Seven Tall Men."

Other members of this group are William Pitt Fessenden of Maine, Lyman Trumbull of Illinois. John B. Henderson of Missouri, Joseph O. Fowler of Tennessee, Peter G. VanWinkle of West Virginia and Edmund G. Ross of Kansas.

Of all of these men it is Ross's vote that is most in doubt. He's a newcomer to the Senate and up to the very minute that he's asked, "How say you . . .?" he has not committed himself as to how he will vote.

When the clerk finishes reading the question, Ross replies, "Not guilty."

By one vote . . . President Andrew Johnson is found not guilty . . . the vote is 19 to 35.

While Ross's vote is not the 19th, with his vote the outcome is known because his is the one remaining vote that neither side has been able to count on.

The accepted date of acquittal is May 26, 1868, but the deciding vote was 10 days before . . . and it was 100 years ago today on May 16, 1868, that the deciding "not guilty" vote rang through the Senate Chambers.

Of the seven Republican senators who voted for acquittal not one of them ever held political office under the Republican administration after they left the senate . . . they were hounded to their political graves.

The courage and vision of these men not only saved Andrew Johnson from conviction of his impeachment, but according to many historians saved the checks and balances built into the constitution regarding the judicial, legislative and executive branches of government.

ANARCHY ON CAMPUS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. WYMAN. Mr. Speaker, deterioration of administrative control over some portions of the student body in far too many established institutions of higher education in the United States is the result of years of apathy and laissez-faire. It is also the result of the failure of school administrators to require minimum standards of dress and conduct as the price of attendance at that institution. A substantial measure of responsibility for the scourge of disrespect and nihilism that is upon us rests with the teaching profession as well.

Those close to the scene are in a particularly strong position to write intelligently on the anarchy now in vogue with such organizations as the so-called Students for a Democratic Society. Such an article is that written in Barron's Weekly, issue of May 20, 1968, by Robert Hessen, an instructor in Columbia University's Graduate School of Business. It is must reading for those who seek to understand and help meet this latest and most unnecessary challenge to the structure of our society.

The article follows:

Campus or Battleground?—Columbia Is a Warning to All American Universities

(Note.—The accompanying article was written by Robert Hessen, a young instructor in Columbia University's Graduate School of Business, and candidate for a doctorate in the Department of History.)

A larger-than-life portrait of Karl Marx dominated the entrance of a classroom building; a red flag flew from its rooftop. Chains barred the doors of other buildings, and chanting mobs roamed across the campus. The scene might have been the University of Havana or Peking. It wasn't. It took place just a few express stops from Wall Street, at Columbia University, where, from April 23–30, student leftists seized and occupied five university buildings.

The siege tactics which disrupted Columbia and brought its normal activities to a halt represent the latest assault by a revolutionary movement which aims to seize first the universities and then the industries of America. The rebels are members of Students for a Democratic Society (SDS), a nationwide organization with chapters on over 250 campuses (Barron's, November 15, 1965, and March 11, 1968).

Originally, when SDS began as an outgrowth of the socialist League for Industrial Democracy, it repudiated communism as an authoritarian system and excluded communists from its membership. However, in 1964–65, SDS sought to broaden its power base by forming a united front with communist youth groups. Although SDS continued to describe its objectives in such murky phrases as "participatory democracy," the real tenor of its philosophy can best be seen in its intellectual heroes, Marx and Mao; in its action hero, Che Guevara; and in its slogans scrawled across the embattled Columbia campus—"Lenin won, Castro won, and we will win, too!"

SDS' hard-core membership at Columbia is fewer than 200 out of 17,800 students. But after it seized campus buildings, barred faculty and students from their offices and classrooms, and held a dean as hostage, its ranks were swelled by several hundred sympathizers, including many outsiders. SDS launched its assault on Columbia after failing peacefully to attain two of its political objectives on campus:

1) The severing of Columbia's connection with the Institute for Defense Analyses, a government-sponsored consortium which performs research and analysis relating to national defense and domestic riot control. SDS complained that Columbia's affiliation was aiding America's "imperialist aggression" in Vietnam, while at home I.D.A.'s studies in riot control were designed to suppress demonstrations by antiwar groups.

2) A halt to the construction of a new gymnasium in Morningside Park, which adjoins Harlem, on land leased to Columbia by the City of New York.

SDS claimed that Columbia was guilty of "institutional racism," that the university was poaching upon the territory of the adjacent Negro community, and that the separate entrance for the part of the gym set aside for use by the neighborhood children constituted "Gym Crow."

In fact, the Columbia gymnasium had been warmly endorsed by over 40 Harlem community groups when it was announced eight years ago. It would occupy only two of the 30 acres in Morningside Park. Its presence would create an atmosphere of safety in an area which is now the territory of muggers and addicts. Separate entrances would be necessary because Columbia students would enter from the Heights on which the university is located, while Harlem residents would more conveniently reach the gym through the park which lies some 200 feet below. The issue is not one of bigotry but of geography.

SDS spokesmen claimed, truthfully, that they had sought to arouse the Columbia community into opposing the gym and the I.D.A. links. They admit that their campaign was a failure, which they ascribe to student and faculty apathy, and to the administration's refusal to hear and to heed their policy recommendations.

SDS rebels then resorted to their ultimate political weapon: the initiation of physical force, believing that they had a moral right to do so because they were "acting in a good cause." In the past, they had released many trial balloons to test this technique: they had obstructed N.R.O.T.C. graduation ceremonies; they had staged sit-ins in the offices of university administrators; and they had prevented recruiters for business firms and the C.I.A. from interviewing on campus. In each case, the consequence had been a polite rap on the knuckles, a verbal reprimand devoid of significant penalties such as expulsion or criminal prosecution.

On April 23, after trying to block construction at the gym site, SDS demonstrators and their militant Negro allies, members of the Student Afro-American Society, returned to campus. At the urging of their leaders, they marched on Hamilton Hall, the main classroom building of Columbia College. They were determined to barricade themselves in until the university met their demands. An unexpected fissure occurred within the ranks of the rebels who claimed to be united in their opposition to racism: the Negro militants ordered the whites to get out, and SDS complied, SDS then proceeded to capture a base of operation of its own. The rebels first seized the administrative offices of President Grayson Kirk in Low Library, and later three more classroom buildings.

Most students reacted with bewilderment and outrage. They demanded to know why the campus police had not been called in, and why the rebels were allowed to receive reinforcements of manpower and food. They witnessed caravans of litter-bearers marching across campus with cartons of supplies, as if their destination were a country picnic. Many students also wondered why the administration had not ordered the cutting off of electricity, water and telephones inside the buildings held by the rebels, since it was known that they were making Xerox copies of President Kirk's letter files and formulating strategy with outside allies by phone.

The administration's failure to take prompt action evidently sprang from a number of motives: fear of bad publicity; uncertainty about the morality of using the police to uphold law and order; reluctance to make a decision which might prove unpopular with some of the faculty, students or alumni; anxiety that members of the Harlem community might march on Columbia if police were used to clear the buildings; and the delusion that if they took no punitive action, the rebels would recognize them as men of good will. An SDS leader later admitted that if President Kirk had responded within the first hour, or even the first day, by sending in the university's own security police, the rebels would have "folded like a house of cards." By its inaction, the administration gave the rebels time to organize their resistance, bolster their morale and mobilize sympathizers and supplies from the outside.

Members of the senior faculty attempted to mediate between the administration and the rebels. But their efforts were futile, since they were faced with an impossible assignment: to devise a peace formula ambiguous enough to satisfy both sides—which meant that the terms of settlement had to both promise and refuse amnesty for the rebels. The faculty mediators labored under the belief that the rebels would be willing to negotiate for a peaceful solution to the mounting crisis. What they discovered, however, was that every concession made by the administration only produced escalated rebel demands. SDS' ultimate demand was that they be granted total amnesty as a precondition for negotiation.

It grew increasingly obvious that the rebels would not withdraw from the building until forced out by the police. They wanted blood to be shed, so that they could raise the cry of "police brutality," acquire the aura of martyrdom, and thereby win the majority of students and faculty to their side. Regrettably, President Kirk played right into their hands, by waiting until the sixth day of seige before calling in the police. The only other alternative open to him at that point would have been total capitulation, a final act of appeasement which would have served as an engraved invitation to renewed rebel demands in the future. The proper time to have acted against the rebels was at the outset of the siege, when a few dozen campus security officers could have achieved what it later took nearly 1,000 city police to do, at a price of over 100 injured rebels, spectators and policemen.

The aftermath of calling in the police was an upsurge of sympathy for the rebels. Their allies on campus called for a general strike by students and faculty to protest the use of police and to demand the ouster of President Kirk for having called them in. One mark of the effectiveness of this strike is that Columbia College, the undergraduate division of the university, voted to end all classes for the rest of the semester, which was scheduled to run another month. The strikers also won support from those who disapproved of both the tactics and objectives of SDS, but who wished to take advantage of the strike to bring about what is cryptically described as "restructuring of the university."

Even those most sympathetic to SDS, however, do not deny that the issues of I.D.A. and the gym were merely pretexts to justify the resort to force. SDS' short-range objective is to achieve "student power," which means total control over the university. They seek student veto power over appointment and tenure of faculty, admission of new students, courses offered by the university, degree requirements and the disposition of university funds. They propose to "radicalize the faculty," which means to purge it of conservatives and of law-and-order liberals who oppose the initiation of force to achieve political ends. As befits socialists, they regard the university as just another natural resource awaiting their expropriation.

But the long-range objective of SDS is even more sinister. As a sympathetic article in The New Republic (May 11, 1968) states: "The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well-organized group of students, then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The rebels have no patience for any slow process of change. They are tired of "just talk"—they want "action now." They will tolerate no opposition. They are indifferent to the fact that their tactics will destroy Columbia University by driving out the best minds, just as Nazi terror tactics drove the Jewish intellectuals out of the universities of Germany. But there is a crucial difference now. While men like Einstein could escape to England or America during the 'Thirties, SDS will try to close all avenues of escape. The use of intimidation and force will spread until there will be no sanctuary for men of reason within the academic world, or, ultimately, within the nation. One need only consider the fate of conservatives and liberals alike in countries which have been overrun by SDS' intellectual mentors: Mao's China and Castro's Cuba.

Since SDS tactics have succeeded in crippling a great university, the next targets can be City Hall, the State Capitol, or even the White House. If this prediction seems alarmist, consider the fact that SDS sympathizers known as "Yippies" already have announced plans to intimidate and disrupt the Democratic National Convention in Chicago this summer, in order to extract concessions on platform and candidates.

Whatever the final outcome of the Columbia strike, one thing is certain: the methods used at Columbia will be embraced by other student leftists on campuses throughout the country. Those who resort to force will justify their tactics by the same arguments advanced by the Columbia rebels and their apologists. If this national menace is to be checked, it is imperative that one know how to answer them.

1) Some rebels claim that none of their tactics involved the use of force. This was true only in the narrow sense that they did not shed blood. But force was inextricably involved in every act that they perpetrated. They held the Associate Dean as hostage against his will—that was force. They barricaded faculty and student from their offices and classrooms—that was force. They seized property which was not rightfully theirs and refused to release it until their demands were met—that was force. Each of these is punished as an act of force under the civil laws of our society. They are crimes known as false imprisonment, criminal trespass and extortion.

If these acts were perpetrated by a lone individual, their criminal character would be obvious. If a single felon had held the dean hostage, or seized the office of President Kirk, rifled his desk and copied his files, no one would have confused him with an idealistic, "committed" crusader. On an individual basis, if someone demands that you grant him wealth or power that he has not earned and which he can only obtain by threats of violence, one does not doubt for a moment that he is an extortionist. The act of a lone thug does not become legitimatized when he teams up with other hoodlums. As Ayn Rand noted in "Capitalism: the Unknown Ideal," no individual can acquire rights by joining a gang. "Rights are not a matter of numbers—and there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob."

2) Other rebels admit that they used force, but claim that force is justified when peaceful tactics fail. The fundamental political principal that all men must respect is that no individual or group may initiate the use of force for any purpose whatever. To accept SDS' alternative amounts to carte blanche for violence, and invites the complete breakdown of the rule of law.

To understand the grotesque irrationality of SDS' argument, consider the following. Imagine that there were a student chapter at Columbia of the Ku Klux Klan, which was protesting the proposed use of the new gym by Negroes. They tried, through campus rallies and petitions, to arouse the students, faculty and administration to support their demands, but their peaceful tactics failed. If this group then proceeded to seize university buildings and hold members of the administration as hostages, would anyone have condoned their use of force, or have called for negotiations and compromise? The principle is the same; the initiation of force to achieve one's political objectives is both immoral and illegal, regardless of whether the initials of the aggressors are KKK or SDS.

3) The rebels claim they were justified in using force because the administration had refused to give them a hearing on their demands for change. A university, like a well-run business should be interested in knowing whether it is satisfying its customers. If it provides students with incompetent faculty, or poor laboratories or libraries, or supports political policies which they oppose, it is in the university's self-interest to maintain open channels of communication so that grievances can be expressed and remedial actions considered. Students who are dissatisfied with any aspect of a university's policies have a right to peacefully protest and petition, and even, in extreme situations, to boycott classes or organize a student strike. But they have no right to compel anyone to listen to their demands, nor a right to force other people to go on strike with them by prohibiting access to classes or by creating a general climate of terror to intimidate those who would oppose them.

4) The rebels claim that since force is justified when peaceful tactics fail, they should be granted full amnesty. The single best answer to this argument is provided by Professor Leonard Peikoff in his forthcoming book, "Nazism and Contemporary America: the Ominous Parallels," who says: "The demand for amnesty on principle is the demand for the abdication on principle of legal authority; it is a demand for the formal sanction in advance of all future acts of force and violence, for the promise that such acts may be perpetrated hereafter with impunity. It is a demand to institutionalize the appeasement of brute force as a principle of civil policy in this county."

5) The rebels claim that police represent

violence, and therefore should not be used on a college campus which is a citadel of reason and persuasion. Here the rebels evade the fact that they were the ones who first resorted to violence. They obliterate the distinction between criminals who initiate the use of force and the police whose function it is to retaliate with force to restore peace and to protect the rights of the victims.

6) The rebels claim that their quarrel with the administration was purely an internal dispute, hence the introduction of police represents meddlesome interference by outsiders. By the same reasoning, one could just as well conclude that if workers seize a factory, customers seize a store, or tenants seize an apartment building, these, too, are internal matters and do not justify calling in the police. In reason there can be no such concept as an "internal dispute" which allows someone to be victimized and prevented from calling the police. Those who violate property rights are scarcely in a position to claim that their conquered territory is "private property" upon which police may not enter.

7) Rebels should not be criminally prosecuted. After all, they are students, not criminals. One need only remember that it was Nazi students who set fire to university libraries and terrorized professors. Being a student does not grant one an exemption from the laws which prohibit attacks on human life and property. The rebels acted like criminals and should be punished as such.

8) It is impractical to suspend or expel the student rebels because there are so many of them. This amounts to saying that if a sufficiently large mob breaks the law or violates individual right, it will be immune from punishment. If this principle is accepted, then every lawbreaker will be safe from prosecution if he can find enough members for his gang. This will provide the leader with an absolutely irresistible recruitment device, and invite the outbreak of a reign of terror.

9) Admittedly the rebels violated property rights, but calling in the police could result in injury or loss of life, which is more important than loss of property. This argument amounts to saying that the lives of aggressors are more important than the property of victims. In action, this would mean that the police should not restrain rioting mobs from looting stores, or interfere with the KKK when it uses firebombs on Negro churches. On this principle, any victim of theft or expropriation would be advised to surrender his property—his wallet or warehouse—without resistance, lest the thief be hurt in the struggle. Acceptance of this principle would make every individual the defenseless target for any vandal or socialist.

The Columbia crisis vitally affects the life of every American. No one's life or property can be secure in a society which tolerates the use of force by any group to achieve its goals. And no one will be safe as long as college and civil authorities persist in their policy of answering aggression with appeasement.

Now is the time for intelligent counteraction. One means is to withhold financial support from colleges which condone or compromise with student terror tactics. A second is to write to the president and trustees of colleges urging that they endorse the following position: that their institution offers no sanctuary to any group which advocates the initiation of physical force, and that they will act immediately and without hesitation to expel and criminally prosecute any student guilty of such tactics.

Men need to live by the guidance of rational principles and to resolve their disagreements peacefully. It is both immoral and impractical to abandon principles in a time of crisis, and then hope to survive on the basis of pragmatic expediency and cowardly compromise. Each time that a violation of individual rights is tolerated, it serves as an invitation for future violations. A free society cannot survive unless men of reason rally to its defense.

PROSPERITY AND OUR NATIONAL PARKS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. GUDE. Mr. Speaker, in an age of ever-increasing technological advancement and unparalleled prosperity, we are under constant pressure to yield our valuable open spaces in the name of so-called progress. Admittedly, we are more aware of the need for acquiring open spaces for natural preservation, but we are only beginning to recognize the many problems which arise as we use these areas. Clearly, we have to achieve a proper balance between the various recreational and other uses to which we put our public lands.

In the February issue of Natural History, Associate Editor Jack Hope grimly describes how we are presently utilizing our national parks. I would like to commend to my colleagues Mr. Hope's excellent article, "Prosperity and the National Parks," which follows:

About 90 Feet and Nearer My God to Thee: Prosperity and the National Parks

(By Jack Hope)

Driving into the valley, you can see the falls. As the rushing water leaves the gray granite cliff to leap into space, it is whipped into frothy whiteness; and continuing its wild fall, the stream of white widens quickly, then hits the rocks below. The impact shoots the flying droplets upward and outward, but they fall again and instantly gather to slide and pound in a furious rush down the mountainside, pausing here and there to eddy and curl among unmoving boulders. At the lower falls, the white water holds together, and is driven deep into the valley floor before it glides away from the base of the 2,400-foot cliff.

For many millenniums, the view of the cliff, the valley, and Yosemite Falls changed only slowly. And, until recently, the landscape remained much the same as it was at the time of the last glacial retreat. But during the last century, the minds and words of men have given the region the status of first a state park, then a national park; and within this time, the soft green valley at the foot of the waterfall has undergone more changes than at any time in the last ten thousand years.

Today the valley contains two asphalt roads, three hotels, hundreds of cabins, an outdoor amphitheater, two grocery stores, a hospital, seven souvenir stands, a laundry, three auto service stations—and not much grass. On any given weekend between June and September, row upon row of tents butt up against one another, suburban fashion, and upwards of 40,000 visitors swarm over the landscape. At several locations, parking lots sparkle as the sun plays on the skins of several thousand of Detroit's latest creations. Lines of automobile traffic clog the access roads, while hundreds of other motorists impatiently scout the park for a vacant parking space.

In the evening, a haze hangs over Yosemite; not the fragrant mist of a wilderness valley, but a heavy layer of campfire smoke and exhaust fumes. Many of the daytime visitors depart, and the sound of human voices lessens somewhat; but the clatter of pots and pans, the snarl of a motorcycle, and the cacophony of transistor radios rise to take its place. Along toward morning, after campers have gone to bed, the wind through the evergreens and the age-old roar of the waterfall again become audible.

When you first drive into the park, you wonder how the valley used to look. And if, by chance, you happen to know that the act of Congress which established the National Park Service in 1916 states that the environment of the parks is to be preserved "unimpaired for the enjoyment of future generations," it occurs to you how futile this legislative idealism has become in only fifty years. But no wonder, for the language of the act incorporates a basic contradiction—the incompatability between the concept of "unimpaired," and the swelling ranks of the "future generations," which have now arrived in full force. And while the Department of the Interior is fully aware of its schizoid mandate, no one, from Park Service Director George Hartzog to Secretary of the Interior Stewart L. Udall, has yet decided how to direct the conflicting policies it engenders.

Probably the language of the organic legislation didn't strike anyone as being contradictory in 1916, when the Park Service first opened its doors to the public. But the population of the United States in those days was only 100 million, and of that number, only 356,000 found their way into the national parks.

For a number of reasons, park visitation increased slowly during the System's first thirty years. Few people owned automobiles and fewer still had the time (or courage) to drive them to the western states, where many of the national parks are located. Most of the population lived in a rural setting, and even life in the big cities wasn't particularly stifling. Air pollution was in its infancy, and the traffic jam hadn't yet come into its own. There was abundant open space. Woodlands surrounding metropolitan areas hadn't been leveled for shoebox developments or sliced with highways, and except in urban areas, few industries had shoved their ways to the riverbanks and lakeshores as a means of solving their waste disposal problems. If you wanted a swim in a cool mountain brook, a hike through an evergreen forest, or just a few days of solitude, you could find them relatively nearby, if not in your own backyard. The need for park space did not seem urgent, and in 1940 only 17 million people visited the National Park System.

But coincident with the unprecedented increases in population, and the mobility and affluence of the postwar years, the flow of traffic into the parks underwent a sudden upturn, from 33 million in 1950 to 79 million in 1960 and finally to the current figure of about 145 million man-days spent in the national parks each year. And if park visitation continues its geometric rate of increase throughout the remainder of the century, then during every day of the four summer vacation months of the year 2000, there may be an average of something like ten people on each acre of the National Park System. So, if you're planning to spend some of your retirement years camping in the national parks—even if you plan to camp in what is today called the "back country"—perhaps you'd better make your reservations now.

When dealing with magnitudes like these, when facing up to the pressures created by a wealthy and rapidly expanding society, you suddenly realize that it becomes entirely legitimate to ask whether the National Park System can survive prosperity.

Today, a typical visitor to the national parks has at least a two-week vacation and a total of almost four months of "off" time every year. He, along with 80 million others, owns an automobile, which in a matter of a few days can carry him over a series of superhighways to Yellowstone, Shenandoah, or any other park within the continental United States. He's probably saved enough to treat himself, his wife, and their 1.6 children to a trip of 2,000 miles, which may include several of the national parks. The cost of motel rooms may present something of a barrier, but if he owns a camp trailer or tent, he can cut expenses by staying overnight in a national park—provided he can find a vacant campsite.

If he is on vacation, trying, as many park visitors do, to see as many of the national parks as possible in a minimal period of time, his stay in each will be a short one—somewhere in the neighborhood of 36 hours. Of course, he can't get to see much of the park that way, nor can he get much of a feeling for the outdoors, other than what can be absorbed through the windshield of an automobile. But that's probably not the reason he came to the park in the first place, and so, like other visitors, he'll most likely spend 95 per cent of his time on less than 5 per cent of the total parkland—on the roadways and in the heavily developed and highly convenient areas surrounding the "visitor centers."

If you belong to this group of "windshield visitors," as Director Hartzog dubs them, your conception of the much talked about "park experience" might be typified by the remark of the well-dressed lady in Yellowstone's Old Faithful Inn who announced, as she sipped her gin and tonic, that she and her husband were "anxious to do the Tetons" before returning home to the East. "Do" in this case didn't include anything as rigorous as overnight camping, but then, most of the larger parks have hotel or motel accommodations, so probably her way of using the parks continued undisturbed.

Small wonder that those interested in the function of the parks worry over the nature of the benefits derived from a visit to the National Park System, for observation and statistics indicate that the park experience has taken on many of the characteristics of a circus sideshow. A three-minute look at Old Faithful ("watch it steam and spout!") or a quick jaunt on a boardwalk above the Everglades alligators ("living monsters from another era!") and the hurrying visitor is off to see another "freak" of nature in a different park.

On the other hand, the tourists who never stray far from the visitor centers are indirectly performing a service for which many Park Service employees are grateful. For, by confining their activities to a small portion of the park, these visitors greatly simplify the task of safeguarding the true wilderness areas where relatively few people venture. But perhaps this situation engenders a false optimism, for as park visitation increases, even wilderness areas will be subjected to destructive pressures.

Although the park experience has not been officially defined, a notion of what it might ideally consist of can be derived from a speech given by Director Hartzog in which he expressed the opinion that the "single and abiding purpose" of the National Park System should be "to bring man and his environment into closer harmony." The Director described the parks as "places of highest inspiration," having "scientific, cultural, esthetic" and "educational" values. Yet, the lady "doing" the parks through the window of the cocktail lounge, the overnight camper seeking to escape the cost of a motel room, and the weekending teen-ager who comes looking for age-mates and excitement somehow don't fit into this mold. They use the parks for reasons unrelated or only vaguely related to the richness of the natural environment enclosed within their boundaries; and the activities they pursue are largely those that could be performed elsewhere, with little loss to the pursuit, and with great benefit to the task of the National Park Service.

Which brings up the question, if you happen to be concerned over the welfare of the large natural parks, of the proper use of a park and if somehow the "improper" uses couldn't be screened out, without going so far as to administer lie-detector tests to incoming visitors. But then you recall that the National Park Service is a public-serving, self-perpetuating agency that depends, as all agencies do, on congressional appropriations. And appropriations, by and large, are dependent upon numbers—numbers of visitors, buildings, highways—easily counted physical numbers. Remembering this, it's easy to imagine that each year when the Director brings his case before the Bureau of the Budget, he must be somewhat grateful that he has not guarded his gates too closely and that park visitation has risen over the preceding year. The National Park Service is already a low man on the totem pole of budgetary priorities. Would it enhance their competitive position against such pork-barreling giants as the Army Corps of Engineers to greet Congress with the message that: "Through the exclusion of visitors whose recreation could easily have been obtained outside the natural areas of the parks, and by our refusal to destroy any more parkland for construction of parking lots and access roads, we have reduced visits to the National Park System by 2 per cent"? Probably not.

Furthermore, the National Park Service is wedded to the philosophy that a visit to one of the country's areas of outstanding natural beauty is a right and not a privilege. Anyone who happens to have a $7 Golden Eagle pass can visit any park, any place, and can pursue almost any type of recreation; the Superintendent doesn't ask if you are going on a nature hike or whether you are going to play poker somewhere among the canvas and metal shelters of the public campground.

And so, while the Park Service may on the one hand be rightly concerned because the park experience may not foster an appreciation, or even an understanding, of the natural environment, their actions might at times lead you to believe otherwise. Their policy to date has been one of accommodation; accommodation of rapidly increasing numbers of visitors, of automobiles, camp trailers, and other gadgets that the modern outdoorsman demands for "roughing it."

The meaning of *roughing it*, quite naturally, varies from park to park, just as it differs among people. At Isle Royale, a roadless half-million-acre island in Lake Superior, visited by only 13,000 persons per year, the practice probably embodies pretty much of what George Hartzog would describe as the "challenges and . . . rewards" of the wilderness. Here, the challenge might be summed up as survival in an environment that has not been hand tailored to minimize the reality of the struggle for existence. The reward, in addition to the sounds, sights, and smells of wilderness, might amount to the development of a greater appreciation of the forces that have been shaping man for the last 100,000 years, and perhaps a heightened awareness of the shaping that he, in turn, has performed during the last few centuries. Then, too, there is the thought that we most appreciate those things for which we work hardest. And this may well be the case at Isle Royale, where the park experience is now provided along the guidelines mentioned by the Director.

At any rate, a considerable number of people feel that as many as possible of the natural areas within the system can be managed so as to achieve the "single and abiding purpose" of building an awareness of the natural environment—even in such heavily visited natural areas as Yosemite and Yellowstone. They suspect that the appropriate aim of the National Park Service should be to make the parks as *different* from the urban environment as possible, rather than to provide the outdoors with "hot and cold running," and are skeptical of the real value of the night club entertainment, the $30 hotel rooms, and the souvenir stands made available in the parks. And, looking forward to the day when population has doubled or trebled 1968 levels, they somehow feel that the largest item in the Park Service's budget should not be "Construction, and Parkway and Road Construction" ($49.6 mililon in fiscal '68) but "Management and Protection" ($40.7 million).

It may still be difficult to appreciate just how prosperity—that condition to which we ascribe magical qualities—may have any sort of negative consequences or how it may have brought about deterioration of the park experience. For it is, in fact, the economic affluence of American society that has provided the time, money, and mobility to make your visit to the parks possible. In essence, prosperity has been a great source of freedom, and more than likely, you are grateful for your two-week vacation, and for your high-speed automobile and the multilaned highways, which contribute to it.

But after a number of vacation visits to any of the more popular national parks, the realization is thrust upon you that the workings of the same set of social forces have simultaneously removed an equally large amount of freedom and that the evidence of deterioration is abundant. In Yosemite Valley you find, not a pleasant outdoor experience, but a transplantation of suburbia, with all the accompanying ills of smog, noise, crowding, and juvenile delinquency. At the Grand Tetons you are unable to find a free site in which to park your lovely new camp trailer. Throughout the million acres of Everglades National Park, you discover the flora and fauna dying as a result of nearby drainage canals built to accommodate agricultural and real estate development. And on a drive over the Blue Ridge Parkway, connecting Shenandoah and Great Smokies national parks, you are caught in a two-hour traffic jam that is no more enjoyable than one you could have experienced back home on the Long Island Expressway.

Delving into these few manifestations of deterioration leads to the unfortunate conclusion that most of the problems of the National Park Service have their origins outside the boundaries of the park system. And although the problems may be alleviated (or compounded) by actions of the Service, the fact remains that they are equipped to deal only with symptoms and not with basic causes.

If this were not the case, if the Park Service were ordered by Congress to deal directly with the causes of their current headaches, then probably they could begin by dispensing birth control pills at the main gates of each of the national parks. But short of that, and lacking a popular appreciation of the consequences of overpopulation, the National Park Service must direct its attention to the other end of the problem and hope that it can continue to acquire land in adequate amounts to keep pace with the demands of the spiraling number of park visitors.

For this purpose, Congress in 1964 established the Land and Water Conservation Fund, which, it was hoped, would provide the primary source of funds from which new parklands could be purchased. Money flowing into this fund is derived in part from fees paid by the public for the privilege of using the recreation lands administered by the federal government. These lands include not only national parks but reservoir projects administered by the TVA, Army Corps of Engineers, Bureau of Reclamation, and three other agencies. The only problem with the fund is that it is inadequate. A recent study conducted by the Bureau of Outdoor Recreation concluded that in the next ten years the fund will fall $2.7 billion short of the financial requirements for needed land. And other facts complicate the issue. At this writing, for instance, there is before Congress a bill that would relieve the Army Corps of Engineers of the responsibility of collecting user fees on the reservoir lands it administers.

Meantime, the price of land still available for inclusion within the National Park System continues to rise at something like 5 to 10 per cent per year. Since it takes Congress years to appropriate money for a park once a site has been recommended, land prices have a strange way of doubling and tripling in the time period prior to purchase. And, while Congress hesitates to purchase land that has undergone what President Johnson calls "artificial price spirals," the prices continue to rise and the region's suitability for national park status continues to decline as local interests hasten to make maximum use of the area's resources before the government finally takes possession.

With circumstances like these, it seems clear that potential parkland is now as inexpensive and pristine as it will ever be. But this fact has no apparent effect on the urgency with which Congress views the situation. The proposed Redwoods Park in California and Cascades Park in Washington, for instance, were suggested as national parks 50 years ago and 30 years ago, respectively, but have been ignored until recently when the aggressive campaigns of conservation groups brought the issues to the forefront.

At times, if you follow the disputes over establishment of new national parks, you wonder if perhaps the poor bargaining position of the National Park Service isn't a manifestation of something larger than price disputes. In the case of the Redwoods Park, for example, the Park Service in 1964 gave top priority to the Redwood Creek site after conducting a survey of possible park locations. Sometime later, however, after lumbermen had voiced opposition to the preservation of this area, Secretary Udall suddenly announced that he had decided instead to champion a park in the Mill Creek region, which had already been heavily cut over. In his explanation for the change of heart, Udall noted that he "wanted to pick a park, not a fight," which might make you wonder if the intention of the National Park Service to set aside the finest scenery for the benefit of the American people was being accorded a lower priority than the economic interests of West Coast lumber firms.

Udall's dislike of fighting apparently is not shared by either conservationists or lumber companies who now employ full-page newspaper ads to voice their opposing points of view in the bitter struggle over the redwoods. But while they battle to maintain a favorable public image, timber firms are still using their saws on the redwoods, pending a congressional decision on the boundaries of the proposed park.

There is an important instance of the Secretary changing his mind in an opposite direction. In 1965, the U.S. Government Printing Office (whose expenses are borne by taxpayers) published thirty pages of glossy finished color photos and text advocating construction of two hydropower dams on the Colorado River. Marble Canyon and Bridge Canyon dams would be built by the Bureau of Reclamation as a money-making project, and would, as the book implied, provide the least expensive source of power for southwestern states. Among the points listed in favor of the dams was that the man-made lakes thus created would somehow "bring man a little closer to God."

For some reason, the book skimmed over the violent public opposition to inundation of 150 miles of the 10-million-year-old Colorado gorge and to impingement by one of the lakes on both Grand Canyon National Park and Grand Canyon National Monument. Alternative means of providing the power—nuclear or coal-driven plants—were regarded as "confused concepts." Written contributions to this unsubtle document were made by the Commissioner of the Bureau of Reclamation and by Secretary Udall.

After a prolonged and colorful battle, one seasoned group of conservationists proved, to the apparent satisfaction of the administration, that one of the confused concepts—coal-powered plants—could supply the needed power at less cost than could the hydro plants. Early in 1967, Secretary Udall agreed that perhaps the dams were not really necessary after all. The proposal was laid aside, to the relief of those who suspected right along that the man-made lakes might not, in fact, bring the nation any closer to God. (In all fairness, and using the common conception of God's geographical location, it should be admitted that a few waterskiers stood a chance of being brought closer to Him by about ninety feet—the distance by which the dam advocates wished to raise the level of the Colorado River.) In any event, if you are inclined to worry over the money we wasted in printing the hydropower propaganda, your concern in probably unfounded—the booklets will most likely be used when the proposal comes up again.

In this instance, a spectacular display of some of the world's oldest geology, including portions of two units of the National Park System, escaped destruction by a hairbreadth, largely on the basis of that most potent of criteria—money. It makes you wonder if all irreplaceable resources will eventually be subjected to the test of the marketplace, as if they were refrigerators or automobiles. You may even question the claim to sophistication of a society that embraces materialism as the hallmark of the good life.

And perhaps you ponder the fate of the whole of the National Park System. How "inviolate" will be the boundaries of Rocky Mountain National Park if a rich oil-shale deposit is revealed to a nation of 400 million persons owning 300 million automobiles? To 600 million owning 450 million automobiles? Who will question commercial intrusion, providing a "need" for the oil can be established?

"Need" is a concept often employed in disputes over the national parks. You are told, for instance, that the 35,000 annual visitors to Mount McKinley in Alaska need a wider, straighter road to provide easy access to the park. (Director Hartzog has even advocated helicopters and "motor nature trails" as a means of access to the wilder areas of some parks.) The present road into the park, with minor modifications, is more than adequate to handle visitors, but is being widened regardless.

In ten years, when visitation at McKinley has expanded, largely as a *result* of the road, the statistical increase will be quoted to justify construction of new parking lots and mass camping facilities needed by the new visitors. And in twenty years, increased visitor density at the original visitor center and resulting damage to the landscape will dictate the need for a new road into another part of the park so that the camping pressure can be disposed. And on and on, the "need process" repeats, not only within the parks but, to a much greater extent, in areas adjoining their boundaries.

Statistical "proof of need," for new highways, dams, power lines, mineral leases, grazing lands, parking lots, residential space, and farm land, is easy to come by. Each year the chambers of legislative committees are inundated with the "evidence" in attempts to obtain authorization for a variety of park-related projects that involve substitution of man-made, mass-produced devices for portions of irreplaceable natural environment. But each of these projects is underlain by a value system, a set of assumptions seldom explored with the same painstaking care with which congressmen scrutinize statistics. It might be worth restating the "need" involved in some of the more troublesome proposals that have faced the National Park System, in an attempt to provide a rough framework for consideration of such projects as will arise with increasing frequency in the future, and to strip away some of the superficiality that mere statistics sometimes imply. If you were to undertake this project for one or two representative situations, your prospectus might read as follows:

We feel the need for a drainage canal close to the boundary of Everglades Park, under the assumptions that (1) the residences to be located on the land thereby reclaimed could not be situated elsewhere (as they can), (2) the speculative profits derived by local real estate firms outweigh the loss to the country as a whole of the consequent destruction of portions of the park, (3) the lives of any creatures thus destroyed are singularly unimportant, and (4) the ecology of regions surrounding national parks can be disregarded insofar as protection of the park is concerned; or, in a more general sense: We propose that cutting of timber be permitted in Olympic National Park, based upon the beliefs (1) that the proliferation of material objects thus created is of greater value to the American civilization than are any of the esthetic and non-material contributions of the natural environment, (2) that the mere fact that the country is endowed with a rich environment dictates that resources shall be exploited to the fullest, and (3) that derived economic gains shall be transformed into additional population growth, which in turn will justify further exploitation.

Somehow it sounds different this way.

REPORT FROM PARIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. DERWINSKI. Mr. Speaker, Walter Trohan, chief of the Chicago Tribune's Washington bureau, ranks among the greatest journalists of the 20th century. He is presently covering the United States-North Vietnamese Communist conference in Paris. His column in yesterday's Chicago Tribune featured a very profound, penetrating historical analysis which I feel is especially appropriate.

The column follows:

REPORT FROM PARIS: STUDENT UNREST ADDS TO POLICYMAKING TROUBLE

(By Walter Trohan)

PARIS, May 19.—Student unrest, which is at its most violent in Paris but serious enough in the United States, serves to emphasize the difficulty of formulating international and domestic policies in the last third of the 20th century.

Policy is old hat in the eyes of the young even as it is being formulated. Peace talks, if one can call the propaganda waltz in Paris a step toward peace are viewed with suspicion by the young.

In the last century British statesmen were able to forge a domestic policy, with foreign applications that lasted for more than a half century. Under this policy, Britain operated on the thesis that what was best for Britain was best for whatever corner of the world where the British flag was flying.

Through a mixture of pride and patriotism and under the administration of dedicated pro-consuls around the world, the policy was so successful at home and abroad that it gave the name of Queen Victoria to an age.

In the Victorian age Britain was the most powerful nation on earth. Bled white of the flower of its manhood in two wars, Britain lost its reservoir of pro-consuls. Under pressures of its young people, Britain dropped the torch of world leadership.

U.S. GRASPS TORCH, NOT THE THESIS

The United States grasped the falling torch, but not the thesis that what was best for the United States would be best for nations with which we shared our resources. In a sense, American policymakers are the last of the Victorians, believing in the Victorian virtues—integrity, morality, and legality.

American influence has been further complicated by the fact that it had to share or compete for world leadership with Russia. Only a decade ago, the United States and the Soviet Union were riding high, with the world divided between communist and noncommunist blocs, altho there were some purported neutrals. Some were neutral for communism and some neutral against communism.

In recent years both Russia and the United States have been losing influence and position. Not only has the communist world suffered a sharp split into Moscow and Peking rivalries, but relaxation has grown on communist rule in Russia and in the so-called captive nations.

And the United States is confronted by political and economic crises which are changing its stance around the world from the war in Viet Nam to reduction of foreign aid and cutting back bases and troop commitments.

In both countries pressure for change has come from the young. Even if the policy is good, the young don't seem to want it, or even if it is good, they don't want to implement it. The young seem to glory in deviation from the Victorian virtues.

YOUNG WANT AN INSTANT TOMORROW

The young are impatient with policy, even before it is formulated in peace or in war. They are impatient for change in society, the business world, the campus, and in government.

What the young apparently want is an instant tomorrow which they probably wouldn't like if they could get it. Meanwhile, appeals to love of flag or country, love of home and mother, or love of honor and virtue go largely unheeded.

A generation ago many were predicting that a brave new world would come out of World War II. The new world is emerging but it is a world of the young, who are weary of tradition and dedicated to change.

The old idols are being discarded and new images are revered, chiefly because they are new. The world was made for young and old. If few know how to be old, it is also true that fewer know how to be young, for one day they will be old and discover their policies are old hat.

HOUSE OF REPRESENTATIVES—*Wednesday, May 22, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Cast all your cares upon God, for He cares for you.—1 Peter 5: 7.

O God, our Father, whose grace is sufficient for every need and whose spirit makes us adequate for every worthy endeavor, we take this time to lift the windows of faith, to open the doors of hope, and to part the curtains of love that the of Thy way may be made known to us. In Thy light may we see the way clearly greatness of Thy truth and the wisdom and by Thee be given courage to walk in it this day and all our days.

Bless our men and women over the world who live and fight and work for freedom. As free men and as good men may we make our Nation Thy channel for the light of liberty to shine upon the people on this planet.

"Unite us in the sacred love
Of knowledge, truth and Thee;
And let our hills and valleys shout
The songs of liberty.

"Lord of the nations thus to Thee
Our country we commend;
Be Thou her refuge and her trust,
Her everlasting friend."

Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3068. An act to amend the Food Stamp Act of 1964, as amended.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FLAG DAY CEREMONIES—AUTHORITY FOR SPEAKER TO DECLARE RECESS ON JUNE 14

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the 191st anniversary of Flag Day will be celebrated on Friday, June 14, 1968. It was on Saturday, June 14, 1777—the very day on which the Continental Congress commissioned Capt. John Paul Jones to command the ship *Ranger*—that the Continental Congress adopted a resolution providing:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white: That the Union be thirteen stars, white in a blue field, representing a new constellation.

During the ensuing 190 years, 37 stars have been added to that blue field, and the American flag has continually stood as a true symbol of liberty.

In 1917, during the First World War, President Wilson issued the first Presidential proclamation calling upon the entire Nation to hold appropriate ceremonies on June 14 to honor our flag. Last year the House of Representatives, under the able leadership of Representatives Brooks, Nichols, Roudebush, and Hall, reinstituted dignified and appropriate Flag Day ceremonies in this Chamber which had for many years been inspired by our now deceased colleague Louis C. Rabaut.

Mr. Speaker, because I believe it important that the House of Representatives continue this tradition to again give honor to our Stars and Stripes and to the principles which our flag symbolizes, I ask unanimous consent that it may be in order at any time on Friday, June 14, 1968, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate and proper.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DESIGNATION OF MEMBERS TO COMMITTEE ON FLAG DAY CEREMONIES

The SPEAKER. The Chair may state for the information of the Members of the House that after consultation with the distinguished minority leader the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate exercises in accordance with the unanimous-consent agreement just adopted:

The gentleman from Texas, Mr. Brooks; the gentleman from Alabama, Mr. Nichols; the gentleman from Indiana, Mr. Roudebush; and the gentleman from Missouri, Mr. Hall.

RESURRECTION CITY VISITS

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, in fulfillment of a commitment to a constituent, I paid a visit to Resurrection City this morning and was courteously but firmly denied access to the campgrounds. I was first informed that visitors were not permitted there until after services. I waited until after the services which were then in progress and was informed at the conclusion of the services that no visitors except the press would then be admitted. Now, since the evident purpose of the march is to present the case of these folks to the Congress, it seems strange to me that a Member of Congress would not be permitted to visit them and try to get the facts. Second, it would seem passing strange to me that any American citizen should be denied access to public property, even down to and including Members of Congress.

ESTABLISHMENT OF NATIONAL SEVERE STORM SERVICE

Mr. WINN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WINN. Mr. Speaker, I wish to direct the attention of my colleagues to H.R. 16767, which is a bill that I have introduced for the purpose of conducting a comprehensive study of tornadoes, squall lines, and other severe storms, and to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storm Service.

The importance of this legislation is demonstrated by the destructive onslaught of tornadoes which swept the Midwest on May 15 and 16, leaving approximately 70 persons dead and property damage reaching into the millions of dollars. The tornadoes covered a nine-State region and was one of the most extensive outbreaks of severe storms on record. Wapella, Ill., a small central Illinois community of 500, was 90 percent in ruins. Every building in the community except the high school was damaged or destroyed, and four people were killed. The heaviest death toll, however, occurred at Jonesboro, Ark., where 33 people were left dead by the storm.

The Weather Bureau said that this rash of tornadoes was caused by a mass of cold air flowing southward which collided with warm, humid air from the Gulf of Mexico. I submit that more intensive research of these storms is necessary to permit earlier forecasting and detection of violent storms. If the forces which combine to produce severe storms are better understood, then the detection of the presence of potentially dangerous conditions will permit earlier forecasting and thus reduce the loss of life resulting from such storms.

This is the goal of my bill, and I strongly solicit the support of my colleagues in obtaining its passage.

CONSUMER CREDIT PROTECTION ACT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1397)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"§ 1. Short title of entire Act

"This Act may be cited as the Consumer Credit Protection Act.

"TITLE I—CONSUMER CREDIT COST DISCLOSURE

"*Chapter*	*Section*
"1. GENERAL PROVISIONS	101
"2. CREDIT TRANSACTIONS	121
"3. CREDIT ADVERTISING	141

"CHAPTER 1—GENERAL PROVISIONS

"*Sec.*
"101. Short title.
"102. Findings and declaration of purpose.
"103. Definitions and rules of construction.
"104. Exempted transactions.
"105. Regulations.
"106. Determination of finance charge.
"107. Determination of annual percentage rate.
"108. Administrative enforcement.
"109. Views of other agencies.
"110. Advisory committee.
"111. Effect on other laws.
"112. Criminal liability for willful and knowing violation.
"113. Penalties inapplicable to governmental agencies.
"114. Reports by Board and Attorney General.

"§ 101. Short title

"This title may be cited as the Truth in Lending Act.

"§ 102. Findings and declaration of purpose

"The Congress finds that economic stabilization would be enhanced and the competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit. The informed use of credit results from an awareness of the cost thereof by consumers. It is the purpose of this title to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit.

"§ 103. Definitions and rules of construction

"(a) The definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'Board' refers to the Board of Governors of the Federal Reserve System.

"(c) The term 'organization' means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

"(d) The term 'person' means a natural person or an organization.

"(e) The term 'credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

"(f) The term 'creditor' refers only to creditors who regularly extend, or arrange for the extension of, credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services, or otherwise. The provisions of this title apply to any such creditor, irrespective of his or its status as a natural person or any type of organization.

"(g) The term 'credit sale' refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(h) The adjective 'consumer', used with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, household, or agricultural purposes.

"(i) The term 'open end credit plan' refers to a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

"(j) The term 'State' refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

"(k) Any reference to any requirement imposed under this title or any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

"(l) The disclosure of an amount or percentage which is greater than the amount or percentage required to be disclosed under this title does not in itself constitute a violation of this title.

"§ 104. Exempted transactions

"This title does not apply to the following:

"(1) Credit transactions involving extentions of credit for business or commercial purposes, or to governments or governmental agencies or instrumentalities, or to organizations.

"(2) Transactions in securities or commodities accounts by a broker-dealer registered with the Securities and Exchange Commission.

"(3) Credit transactions, other than real property transactions, in which the total amount to be financed exceeds $25,000.

"(4) Transactions under public utility tariffs, if the Board determines that a State regulatory body regulates the charges for the public utility services involved, the charges for delayed payment, and any discount allowed for early payment.

"§ 105. Regulations

"The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"§ 106. Determination of finance charge

"(a) Except as otherwise provided in this section, the amount of the finance charge in connecton with any consumer credit transaction shall be determined as the sum of all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit, including any of the following types of charges which are applicable:

"(1) Interest, time price differential, and any amount payable under a point, discount, or other system of additional charges.

"(2) Service or carrying charge.

"(3) Loan fee, finder's fee, or similar charge.

"(4) Fee for an investigation or credit report.

"(5) Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss.

"(b) Charges or premiums for credit life, accident, or health insurance written in connection with any consumer credit transaction shall be included in the finance charge unless

"(1) the coverage of the debtor by the insurance is not a factor in the approval by the creditor of the extension of credit, and this fact is clearly disclosed in writing to the person applying for or obtaining the extension of credit; and

"(2) in order to obtain the insurance in connection with the extension of credit, the person to whom the credit is extended must give specific affirmative written indication of his desire to do so after written disclosure to him of the cost thereof.

"(c) Charges or premiums for insurance, written in connection with any consumer credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property, shall be included in the finance charge unless a clear and specific statement in writing is furnished by the creditor to the person to whom the credit is extended, setting forth the cost of the insurance if obtained from or through the creditor, and stating that the person to whom the credit is extended may choose the person through which the insurance is to be obtained.

"(d) If any of the following items is itemized and disclosed in accordance with the regulations of the Board in connection with any transaction, then the creditor need not include that item in the computation of the finance charge with respect to that transaction:

"(1) Fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to the credit transaction.

"(2) The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the creditor in connection with the transaction, if the premium does not exceed the fees and charges described in paragraph (1) which would otherwise be payable.

"(3) Taxes.

"(4) Any other type of charge which is not for credit and the exclusion of which from the finance charge is approved by the Board by regulation.

"(e) The following items, when charged in connection with any extension of credit secured by an interest in real property, shall not be included in the computation of the finance charge with respect to that transaction:

"(1) Fees or premiums for title examination, title insurance, or similar purposes.

"(2) Fees for preparation of a deed, settlement statement, or other documents.

"(3) Escrows for future payments of taxes and insurance.

"(4) Fees for notarizing deeds and other documents.

"(5) Appraisal fees.

"(6) Credit reports.

"§ 107. Determination of annual percentage rate

"(a) The annual percentage rate applicable to any extension of consumer credit shall be determined, in accordance with the regulations of the Board,

"(1) in the case of any extension of credit other than under an open end credit plan, as

"(A) that nominal annual percentage rate which will yield a sum equal to the amount of the finance charge when it is applied to the unpaid balances of the amount financed, calculated according to the actuarial method of allocating payments made on a debt between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed; or

"(B) the rate determined by any method prescribed by the Board as a method which materially simplifies computation while retaining reasonable accuracy as compared with the rate determined under subparagraph (A).

"(2) in the case of any extension of credit under an open end credit plan, as the quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year.

"(b) Where a creditor imposes the same finance charge for balances within a specified range, the annual percentage rate shall be computed on the median balance within the range, except that if the Board determines that a rate so computed would not be meaningful, or would be materially misleading, the annual percentage rate shall be computed on such other basis as the Board may by regulation require.

"(c) The annual percentage rate may be rounded to the nearest quarter of 1 per centum for credit transactions payable in substantially equal installments when a creditor determines the total finance charge on the basis of a single add-on, discount, periodic, or other rate, and the rate is converted into an annual percentage rate under procedures prescribed by the Board.

"(d) The Board may authorize the use of rate tables or charts which may provide for the disclosure of annual percentage rates which vary from the rate determined in accordance with subsection (a)(1)(A) by not more than such tolerances as the Board may allow. The Board may not allow a tolerance greater than 8 per centum of that rate except to simplify compliance where irregular payments are involved.

"(e) In the cast of creditors determining the annual percentage rate in a manner other than as described in subsection (c) or (d), the Board may authorize other reasonable tolerances.

"(f) Prior to January 1, 1971, any rate required under this title to be disclosed as a percentage rate may, at the option of the creditor, be expressed in the form of the corresponding ratio of dollars per hundred dollars.

"§ 108. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under

"(1) section 8 of the Federal Deposit Insurance Act, in the case of

"(A) national banks, by the Comptroller of the Currency.

"(B) member banks of the Federal Reserve System (other than national banks), by the Board.

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions.

"(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union.

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts.

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act.

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act, by the Secretary of Agriculture with respect to any activities subject to that Act.

"(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

"(c) Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

"(d) The authority of the Board to issue regulations under this title does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this title.

"§ 109. Views of other agencies

"In the exercise of its functions under this title, the Board may obtain upon request the views of any other Federal agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of creditors subject to this title.

"§ 110. Advisory committee

"The Board shall establish an advisory committee to advise and consult with it in the exercise of its functions under this title. In appointing the members of the committee, the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. The committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem.

"§ 111. Effect on other laws

"(a) This title does not annul, alter, or affect, or exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent that those laws are inconsistent with the provisions of this title or regulations thereunder, and then only to the extent of the inconsistency.

"(b) This title does not otherwise annul, alter or affect in any manner the meaning, scope or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of charges, or any element or elements of charges, permissible under such laws in connection with the extension or use of credit, nor does this title extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

"(c) In any action or proceeding in any

court involving a consumer credit sale, the disclosure of the annual percentage rate as required under this title in connection with that sale may not be received as evidence that the sale was a loan or any type of transaction other than a credit sale.

"(d) Except as specified in sections 125 and 130, this title and the regulations issued thereunder do not affect the validity or enforceability of any contract or obligation under State or Federal law.

"§ 112. Criminal liability for willful and knowing violation

"Whoever willfully and knowingly

"(1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this title or any regulation issued thereunder,

"(2) uses any chart or table authorized by the Board under section 107 in such a manner as to consistently understate the annual percentage rate determined under section 107(a)(1)(A), or

"(3) otherwise fails to comply with any requirement imposed under this title,

shall be fined not more than $5,000 or imprisoned not more than a year, or both.

"131. Written acknowledgment as proof of tal agencies

"No civil or criminal penalty provided under this title for any violation thereof may be imposed upon the United States or any agency thereof, or upon any State or political subdivision thereof, or any agency of any State or political subdivision.

"§ 114. Reports by Board and Attorney General

"Not later than January 3 of each year after 1969, the Board and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Board shall include its assessment of the extent to which compliance with the requirements imposed under this title is being achieved.

"CHAPTER 2—CREDIT TRANSACTIONS

"Sec.
"121. General requirement of disclosure.
"122. Form of disclosure; additional information.
"123. Exemption for State-regulated transactions.
"124. Effect of subsequent occurrence.
"125. Right of rescission as to certain transactions.
"126. Content of periodic statements.
"127. Open end consumer credit plans.
"128. Sales not under open end credit plans.
"129. Consumer loans not under open end credit plans.
"130. Civil liability.
"131. Written acknowledgment as proof of receipt.

"§ 121. General requirement of disclosure

"(a) Each creditor shall disclose clearly and conspicuously, in accordance with the regulations of the Board, to each person to whom consumer credit is extended and upon whom a finance charge is or may be imposed, the information required under this chapter.

"(b) If there is more than one obligor, a creditor need not furnish a statement of information required under this chapter to more than one of them.

"§ 122. Form of disclosure; additional information

"(a) Regulations of the Board need not require that disclosures pursuant to this chapter be made in the order set forth in this chapter, and may permit the use of terminology different from that employed in this chapter if it conveys substantially the same meaning.

"(b) Any creditor may supply additional information or explanations with any disclosures required under this chapter.

"§ 123. Exemption for State-regulated transactions

"The Board shall by regulation exempt from the requirements of this chapter any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed under this chapter, and that there is adequate provision for enforcement.

"§ 124. Effect of subsequent occurrence

"If information disclosed in accordance with this chapter is subsequently rendered inaccurate as the result of any act, occurrence, or agreement subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom does not constitute a violation of this chapter.

"§ 125. Right of rescission as to certain transactions

"(a) Except as otherwise provided in this section, in the case of any consumer credit transaction in which a security interest is retained or acquired in any real property which is used or is expected to be used as the residence of the person to whom credit is extended, the obligor shall have the right to rescind the transaction until midnight of the third business day following the consummation of the transaction or the delivery of the disclosures required under this section and all other material disclosures required under this chapter, whichever is later, by notifying the creditor in accordance with regulations of the Board, of his intention to do so. The creditor shall clearly and conspicuously disclose, in accordance with regulations of the Board, to any obligor in a transaction subject to this section the rights of the obligor under this section. The creditor shall also provide, in accordance with regulations of the Board, an adequate opportunity to the obligor to exercise his right to rescind any transaction subject to this section.

"(b) When an obligor exercises his right to rescind under subsection (a), he is not liable for any finance or other charge, and any security interest given by the obligor becomes void upon such a rescission. Within 10 days after receipt of a notice of rescission, the creditor shall return to the obligor any money or property given as earnest money, downpayment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered any property to the obligor, the obligor may retain possession of it. Upon the performance of the creditor's obligations under this section, the obligor shall tender the property to the creditor, except that if return of the property in kind would be impracticable or inequitable, the obligor shall tender its reasonable value. Tender shall be made at the location of the property or at the residence of the obligor, at the option of the obligor. If the creditor does not take possession of the property within ten days after tender by the obligor, ownership of the property vests in the obligor without obligation on his part to pay for it.

"(c) Notwithstanding any rule of evidence, written acknowledgment of receipt of any disclosures required under this title by a person to whom a statement is required to be given pursuant to this section does no more than create a rebuttable presumption of delivery thereof.

"(d) The Board may, if it finds that such action is necessary in order to permit homeowners to meet bona fide personal financial emergencies, prescribe regulations authorizing the modification or waiver of any rights created under this section to the extent and under the circumstances set forth in those regulations.

"(e) This section does not apply to the creation or retention of a first lien against a dwelling to finance the acquisition of that dwelling.

"§ 126. Content of periodic statements

"If a creditor transmits periodic statements in connection with any extension of consumer credit other than under an open end consumer credit plan, then each of those statements shall be set forth each of the following items:

"(1) The annual percentage rate of the total finance charge.

"(2) The date by which, or the period (if any) within which, payment must be made in order to avoid additional finance charges or other charges.

"(3) Such of the items set forth in section 127(b) as the Board may by regulation require as appropriate to the terms and conditions under which the extension of credit in question is made.

"§ 127. Open end consumer credit plans

"(a) Before opening any account under an open end consumer credit plan, the creditor shall disclose to the person to whom credit is to be extended each of the following items, to the extent applicable:

"(1) The conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge.

"(2) The method of determining the balance upon which a finance charge will be imposed.

"(3) The method of determining the amount of the finance charge, including any minimum fixed amount imposed as a finance charge.

"(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding nominal annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

"(5) If the creditor so elects,

"(A) the average effective annual percentage rate of return received from accounts under the plan for a representative period of time; or

"(B) whenever circumstances are such that the computation of a rate under subparagraph (A) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from accounts under the plan.

The Board shall prescribe regulations, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph.

"(6) The conditions under which any other charges may be imposed, and the method by which they will be determined.

"(7) The conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended under the plan, and a description of the interest or interests which may be so retained or acquired.

"(b) The creditor of any account under an open end consumer credit plan shall transmit to the obligor, for each billing cycle at the end of which there is an outstanding balance in that account or with respect to which a finance charge is imposed, a statement setting forth each of the following items to the extent applicable:

"(1) The outstanding balance in the account at the beginning of the statement period.

"(2) The amount and date of each extension of credit during the period, and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased.

"(3) The total amount credited to the account during the period.

"(4) The amount of any finance charge

added to the account during the period, itemized to show the amounts, if any, due to the application of percentage rates and the amount, if any, imposed as a minimum or fixed charge.

"(5) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and, unless the annual percentage rate (determined under section 107 (a)(2)) is required to be disclosed pursuant to paragraph (6), the corresponding nominal annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

"(6) Where the total finance charge exceeds 50 cents for a monthly or longer billing cycle, or the pro rata part of 50 cents for a billing cycle shorter than monthly, the total finance charge expressed as an annual percentage rate (determined under section 107 (a)(2)), except that if the finance charge is the sum of two or more products of a rate times a portion of the balance, the creditor may, in lieu of disclosing a single rate for the total charge, disclose each such rate expressed as an annual percentage rate, and the part of the balance to which it is applicable.

"(7) At the election of the creditor, the average effective annual percentage rate of return (or the projected rate) under the plan as prescribed in subsection (a)(5).

"(8) The balance on which the finance charge was computed and a statement of how the balance was determined. If the balance is determined without first deducting all credits during the period, that fact and the amount of such payments shall also be disclosed.

"(9) The outstanding balance in the account at the end of the period.

"(10) The date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

"(c) In the case of any open end consumer credit plan in existence on the effective date of this subsection, the items described in subsection (a), to the extent applicable, shall be disclosed in a notice mailed or delivered to the obligor not later than thirty days after that date.

"§ 128. Sales not under open end credit plans

"(a) In connection with each consumer credit sale not under an open end credit plan, the creditor shall disclose each of the following items which is applicable:

"(1) The cash price of the property or service purchased.

"(2) The sum of any amounts credited as downpayment (including any trade-in).

"(3) The difference between the amount referred to in paragraph (1) and the amount referred to in paragraph (2).

"(4) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

"(5) The total amount to be financed (the sum of the amount described in paragraph (3) plus the amount described in paragraph (4)).

"(6) Except in the case of a sale of a dwelling, the amount of the finance charge, which may in whole or in part be designated as a time-price differential or any similar term to the extent applicable.

"(7) The finance charge expressed as an annual percentage rate except in the case of a finance charge.

"(A) which does not exceed $5 and is applicable to an amount financed not exceeding $75, or

"(B) which does not exceed $7.50 and is applicable to an amount financed exceeding $75.

A creditor may not divide a consumer credit sale into two or more sales to avoid the disclosure of an annual percentage rate pursuant to this paragraph.

"(8) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness.

"(9) The default, delinquency, or similar charges payable in the event of late payments.

"(10) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

"(b) Except as otherwise provided in this chapter, the disclosures required under subsection (a) shall be made before the credit is extended, and may be made by disclosing the information in the contract or other evidence of indebtedness to be signed by the purchaser.

"(c) If a creditor receives a purchase order by mail or telephone without personal solicitation, and the cash price and the deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the creditor's catalog or other printed material distributed to the public, then the disclosures required under subsection (a) may be made at any time not later than the date the first payment is due.

"(d) If a consumer credit sale is one of a series of consumer credit sales transactions made pursuant to an agreement providing for the addition of the deferred payment price of that sale to an existing outstanding balance, and the person to whom the credit is extended has approved in writing both the annual percentage rate or rates and the method of computing the finance charge or charges, and the creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sales price including any finance charges attributable thereto, then the disclosure required under subsection (a) for the particular sale may be made at any time not later than the date the first payment for that sale is due. For the purposes of this subsection, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

"§ 129. Consumer loans not under open end credit plans

"(a) Any creditor making a consumer loan or otherwise extending consumer credit in a transaction which is neither a consumer credit sale nor under an open end consumer credit plan shall disclose each of the following items, to the extent applicable:

"(1) The amount of credit of which the obligor will have the actual use, or which is or will be paid to him or for his account or to another person on his behalf.

"(2) All charges, individually itemized, which are included in the amount of credit extended but which are not part of the finance charge.

"(3) The total amount to be financed (the sum of the amounts referred to in paragraph (1) plus the amounts referred to in paragraph (2)).

"(4) Except in the case of a loan secured by a first lien on a dwelling and made to finance the purchase of that dwelling, the amount of the finance charge.

"(5) The finance charge expressed as an annual percentage rate except in the case of a finance charge.

"(A) which does not exceed $5 and is applicable to an extension of consumer credit not exceeding $75, or

"(B) which does not exceed $7.50 and is applicable to an extension of consumer credit exceeding $75.

A creditor may not divide an extension of credit into two or more transactions to avoid the disclosure of an annual percentage rate pursuant to this paragraph.

"(6) The number, amount, and the due dates or periods of payments scheduled to repay the indebtedness.

"(7) The default, delinquency, or similar charges payable in the event of late payments.

"(8) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

"(b) Except as otherwise provided in this chapter, the disclosures required by subsection (a) shall be made before the credit is extended, and may be made by disclosing the information in the note or other evidence of indebtedness to be signed by the obligor.

"(c) If a creditor receives a request for an extension of credit by mail or telephone without personal solicitation and the terms of financing, including the annual percentage rate for representative amounts of credit, are set forth in the creditor's printed material distributed to the public, or in the contract of loan or other printed material delivered to the obligor, then the disclosures required under subsection (a) may be made at any time not later than the date the first payment is due.

"§ 130. Civil liability

"(a) Except as otherwise provided in this section, any creditor who fails in connection with any consumer credit transaction to disclose to any person any information required under this chapter to be disclosed to that person is liable to that person in an amount equal to the sum of

"(1) twice the amount of the finance charge in connection with the transaction, except that the liability under this paragraph shall not be less than $100 nor greater than $1,000; and

"(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

"(b) A creditor has no liability under this section if within fifteen days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account are necessary to insure that the person will not be required to pay a finance charge in excess of the amount or percentage rate actually disclosed.

"(c) A creditor may not be held liable in any action brought under this section for a violation of this chapter if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

"(d) Any action which may be brought under this section against the original creditor in any credit transaction involving a security interest in real property may be maintained against any subsequent assignee of the original creditor where the assignee, its subsidiaries, or affiliates were in a continuing business relationship with the original creditor either at the time the credit was extended or at the time of the assignment, unless the assignment was involuntary, or the assignee shows by a preponderance of evidence that it did not have reasonable grounds to believe that the original creditor was engaged in violations of this chapter, and that it maintained procedures reasonably adapted to apprise it of the existence of any such violations.

"(e) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

"§ 131. Written acknowledgment as proof of receipt

"Except as provided in section 125(c) and except in the case of actions brought under section 130(d), in any action or proceeding by or against any subsequent assignee of the original creditor without knowledge to the contrary by the assignee when he acquires the obligation, written acknowledgment of receipt by a person to whom a statement is required to be given pursuant to this title shall be conclusive proof of the delivery thereof and, unless the violation is apparent on the face of the statement, of compliance with this chapter. This section does not affect the rights of the obligor in any action against the original creditor.

"CHAPTER 3—CREDIT ADVERTISING

"Sec.
"141. Catalogs and multiple-page advertisements.
"142. Advertising of downpayments and installments.
"143. Advertising of open end credit plans.
"144. Advertising of credit other than open end plans.
"145. Nonliability of media.

"§ 141. Catalogs and multiple-page advertisements

"For the purposes of this chapter, a catalog or other multiple-page advertisement shall be considered a single advertisement if it clearly and conspicuously displays a credit terms table on which the information required to be stated under this chapter is clearly set forth.

"§ 142. Advertising of downpayments and installments

"No advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit may state

"(1) that a specific periodic consumer credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount.

"(2) that a specified downpayment is required in connection with any extension of consumer credit, unless the creditor usually and customarily arranges downpayments in that amount.

"§ 143. Advertising of open end credit plans

"No advertisement to aid, promote, or assist directly or indirectly the extension of consumer credit under an open end credit plan may set forth any of the specific terms of that plan or the appropriate rate determined under section 127(a)(5) unless it also clearly and conspicuously sets forth all of the following items:

"(1) The time period, if any, within which any credit extended may be repaid without incurring a finance charge.

"(2) The method of determining the balance upon which a finance charge will be imposed.

"(3) The method of determining the amount of the finance charge, including any minimum or fixed amount imposed as a finance charge.

"(4) Where periodic rates may be used to compute the finance charge, the periodic rates expressed as annual percentage rates.

"(5) Such other or additional information for the advertising of open end credit plans as the Board may by regulation require to provide for adequate comparison of credit costs as between different types of open end credit plans.

"§ 144. Advertising of credit other than open end plans

"(a) Except as provided in subsection (b), this section applies to any advertisement to aid, promote, or assist directly or indirectly any consumer credit sale, loan, or other extension of credit subject to the provisions of this title, other than an open end credit plan.

"(b) The provisions of this section do not apply to advertisements of residential real estate except to the extent that the Board may by regulation require.

"(c) If any advertisement to which this section applies states the rate of a finance charge, the advertisement shall state the rate of that charge expressed as an annual percentage rate.

"(d) If any advertisement to which this section applies states the amount of the downpayment, if any, the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment, then the advertisement shall state all of the following items:

"(1) The cash price or the amount of the loan as applicable.

"(2) The downpayment, if any.

"(3) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

"(4) The rate of the finance charge expressed as an annual percentage rate.

"§ 145. Nonliability of media

"There is no liability under this chapter on the part of any owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

"TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

"Sec.
"201. Findings and purpose.
"202. Amendments to title 18, United States Code.
"203. Reports by Attorney General.

"§ 201. Findings and purpose

"(a) The Congress makes the following findings:

"(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

"(2) Extortionate credit transactions are characterized by the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

"(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce.

"(4) Extortionate credit transactions directly impair the effectiveness and frustrate the purposes of the laws enacted by the Congress on the subject of bankruptcies.

"(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of chapter 42 of title 18 of the United States Code are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of bankruptcy.

"§ 202. Amendments to title 18, United States Code

"(a) Title 18 of the United States Code is amended by inserting the following new chapter immediately after chapter 41 thereof:

"'CHAPTER 42—EXTORTIONATE CREDIT TRANSACTIONS

"'Sec.
"'891. Definitions and rules of construction.
"'892. Making extortionate extensions of credit.
"'893. Financing extortionate extensions of credit.
"'894. Collection of extensions of credit by extortionate means.
"'895. Immunity of witnesses.
"'896. Effect on State laws.

"'§ 891. Definitions and rules of construction

"'For the purposes of this chapter:

"'(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

"'(2) The term "creditor", with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

"'(3) The term "debtor", with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

"'(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

"'(5) To collect an extension of credit means to induce in any way any person to make repayment thereof.

"'(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"'(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"'(8) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States.

"'(9) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This paragraph does not impair any authority which any court would otherwise have to take judicial notice of any matter of State law.

"'§ 892. Making extortionate extensions of credit

"'(a) Whoever makes any extortionate extension of credit, or conspires, to do so, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"'(b) In any prosecution under this section, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a):

"'(1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor.

"'(A) in the jurisdiction within which the debtor, if a natural person, resided or

"'(B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was made.

"'(2) The extension of credit was made at a rate of interest in excess of an annual rate of 45 per centum calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

" '(3) At the time the extension of credit was made, the debtor reasonably believed that either

" '(A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or

" '(B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

" '(4) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded $100.

" '(c) In any prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (b)(1) or (b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

" '§ 893. Financing extortionate extensions of credit

" 'Whoever willfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be fined not more than $10,000 or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be imprisoned not more than 20 years, or both.

" '§ 894 Collection of extensions of credit by extortionate means

" '(a) Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means

" '(1) to collect or attempt to collect any extension of credit, or

" '(2) to punish any person for the nonrepayment thereof,

shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

" '(b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

" '(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b)(1), or the circumstances described in section 892(b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

" '§ 895. Immunity of witnesses

" 'Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this chapter is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

" '§ 896. Effect on State laws

" 'This chapter does not preempt any field of law with respect to which State legislation would be permissible in the absence of this chapter. No law of any State which would be valid in the absence of this chapter may be held invalid or inapplicable by virtue of the existence of this chapter, and no officer, agency, or instrumentality of any State may be deprived by virtue of this chapter of any jurisdiction over any offense over which it would have jurisdiction in the absence of this chapter.'

"(b) The table of chapters captioned 'Part I—Crimes' at the beginning of part I of title 18 of the United States Code is amended by inserting

" '42. Extortionate credit transactions.. 891' immediately above

" '43. False personation................ 911'.

"§ 203. Reports by Attorney General

"The Attorney General shall make an annual report to Congress of the activities of the Department of Justice in the enforcement of chapter 42 of title 18 of the United States Code.

"TITLE III—RESTRICTION ON GARNISHMENT

"Sec.
"301. Findings and purpose.
"302. Definitions.
"303. Restriction on garnishment.
"304. Restriction on discharge from employment by reason of garnishment.
"305. Exemption for State-regulated garnishments.
"306. Enforcement by Secretary of Labor.
"307. Effect on State laws.

"§ 301. Findings and purpose

"(a) The Congress finds:

"(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

"(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

"(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.

"(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of this title are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

"§ 302. Definitions

"For the purposes of this title:

"(a) The term 'earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

"(b) The term 'disposable earnings' means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

"(3) The term 'garnishment' means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

"§ 303. Restrictions on garnishment

"(a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

"(1) 25 per centum of his disposable earnings for that week, or

"(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable.

whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

"(b) The restrictions of subsection (a) do not apply in the case of

"(1) any order of any court for the support of any person.

"(2) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.

"(3) any debt due for any State or Federal tax.

"(c) No court of the United States or any State may make, execute, or enforce any order or process in violation of this section.

"§ 304. Restriction on discharge from employment by reason of garnishment

"(a) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

"(b) Whoever willfully violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

"§ 305. Exemption for State-regulated garnishments

"The Secretary of Labor may by regulation exempt from the provisions of section 303(a) garnishments issued under the laws of any State if he determines that the laws of that State provide restrictions on garnishment which are substantially similar to those provided in section 303(a).

"§ 306. Enforcement by Secretary of Labor

"The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this title.

"§ 307. Effect on State laws

"This title does not annul, alter, or affect, or exempt any person from complying with, the laws of any State

"(1) prohibiting garnishments or providing for more limited garnishments than are allowed under this title, or

"(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness.

"TITLE IV—NATIONAL COMMISSION ON CONSUMER FINANCE

"Sec.
"401. Establishment.
"402. Membership of the Commission.
"403. Compensation of members.
"404. Duties of the Commission.
"405. Powers of the Commission.
"406. Administrative arrangements.
"407. Authorization of appropriations.

"§ 401. Establishment

"There is established a bipartisan National Commission on Consumer Finance, referred to in this title as the 'Commission'.

"§ 402. Membership of the Commission

"(a) The Commission shall be composed of nine members, of whom

"(1) three are Members of the Senate appointed by the President of the Senate;

"(2) three are Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

"(3) three are persons not employed in a full-time capacity by the United States appointed by the President, one of whom he shall designate as Chairman.

"(b) A vacancy in the Commission does not affect its powers and may be filled in the same manner as the original appointment.

"(c) Five members of the Commission constitute a quorum.

"§ 403. Compensation of members

"(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

"(b) Each member of the Commission who is appointed by the President may receive compensation at a rate of $100 for each day he is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"§ 404. Duties of the Commission

"(a) The Commission shall study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally. The Commission, in its report and recommendations to the Congress, shall include treatment of the following topics:

"(1) The adequacy of existing arrangements to provide consumer credit at reasonable rates.

"(2) The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit.

"(3) The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

"(b) The Commission may make interim reports and shall make a final report of its findings, recommendations, and conclusions to the President and to the Congress by January 1, 1971.

"§ 405. Powers of the Commission

"(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to the study. In connection therewith the Commission is authorized by majority vote

"(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine.

"(2) to administer oaths.

"(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties.

"(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order.

"(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above.

"(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

"(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) The Commission may require directly from the head of any Federal executive departments and independent agencies of the information which the Commission deems useful in the discharge of its duties. All departments and independent agencies of the Government shall cooperate with the Commission and furnished all information requested by the Commission to the extent permitted by law.

"(d) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it may publish the information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff. The Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying those documents as need may arise.

"(f) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this title.

§ 406. Administrative arrangements

"(a) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an executive director. The executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

"(b) The executive director, with the approval of the Commission, may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed $100 per diem.

"(c) The head of any executive department or independent agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

"(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

"(e) Ninety days after submission of its final report, as provided in section 404(b), the Commission shall cease to exist.

"§ 407. Authorization of appropriations

"There are authorized to be appropriated such sums not in excess of $1,500,000 as may be necessary to carry out the provisions of this title. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by section 406(e).

"TITLE V—GENERAL PROVISIONS

"Sec.
"501. Severability.
"502. Captions and catchlines for reference only.
"503. Grammatical usages.
"504. Effective dates.

"§ 501. Severability

"If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

"§ 502. Captions and catchlines for reference only

"Captions and catchlines are intended solely as aids to convenient reference, and no inference as to the legislative intent with respect to any provision enacted by this Act may be drawn from them.

"§ 503. Grammatical usages

"In this Act:

"(1) The word 'may' is used to indicate that an action either is authorized or is permitted.

"(2) The word 'shall' is used to indicate that an action is both authorized and required.

"(3) The phrase 'may not' is used to indicate that an action is both unauthorized and forbidden.

"(4) Rules of law are stated in the indicative mood.

"§ 504. Effective dates

"(a) Except as otherwise specified, the provisions of this Act take effect upon enactment.

"(b) Chapters 2 and 3 of title I take effect on July 1, 1969.

"(c) Title III takes effect on July 1, 1970."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

Wright Patman,
William A. Barrett,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
William S. Moorhead,
William B. Widnall,
Paul A. Fino,
Florence P. Dwyer,
Managers on the Part of the House.
John Sparkman,
William Proxmire,
Edmund S. Muskie,
Wallace F. Bennett,
Bourke B. Hickenlooper,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This conference report represents the culmination of a long and arduous struggle. The House Committee on Banking and Currency, on December 13, 1967, reported favorably on the Sullivan bill, H.R. 11601, which passed the House overwhelmingly on February 1, 1968. The House then took up S. 5, struck all after the enacting clause, inserted the text of the House bill, and returned it to the Senate, which asked for a conference.

GENERAL STATEMENT

All of the major provisions of the House bill are retained in the accompanying conference report. In addition to the requirement of disclosure of credit costs in individual transactions, which was all the Senate bill dealt with, the House bill contained provisions relating to credit advertising, loansharking, and garnishment. The House bill also provided for administrative enforcement by the Federal Trade Commission as to businesses generally, and by the specialized regulatory agencies with respect to those under their respective jurisdictions. The House bill created a study commission on consumer credit generally with full investigative powers, and directed it to report its recommendations for further legislation in this area. Not only does the conference substitute retain all these major affirmative provisions: it also omits or substantially modifies the Senate exemption for first mortgages and the Senate exemptions from annual rate disclosure. In sum, your conferees were able substantially to sustain the position of the House.

SHORT TITLES

Section 1 of the conference substitute retains the "Consumer Credit Protection Act" as the short title for the entire Act, as contained in the House bill. Title I of the conference substitute, dealing entirely with the subject matter of S. 5 as it passed the Senate, with the additional disclosure requirements recommended by the House, is designated as the "Truth in Lending Act" under section 101 of the conference substitute.

TITLE I—CONSUMER CREDIT COST DISCLOSURE

First mortgages

Section 8(4) of the Senate bill exempted first mortgages on real estate from all of the provisions of the act. There was no corresponding provision in the House bill. In the conference substitute, the total finance charge over the life of the mortgage is not required to be disclosed in connection with a purchase money first mortgage. Such mortgages are also exempted from the requirement that the creditor afford a 3-day right of rescission where a lien is placed on the obligor's dwelling. First mortgages are subject to all other requirements imposed under this title, and there are no exemptions for other types of mortgages.

Property and liability insurance

Under section 202(d) of the House-passed bill, all mandatory charges imposed by a creditor in connection with an extension of credit were required to be included in the finance charge. The language left in some doubt the treatment to be accorded charges such as those for various types of insurance as well as other items which, although not charges for credit, were included in a financing package and were not specifically excluded from the finance charge by other provisions of that section. Under section 3(d) (2) (C) of the Senate bill, premiums for property and liability insurance would be excluded from the finance charge if itemized and disclosed by the creditor. Under section 106(c) of the conference substitute, such an exclusion is permitted, but only if the debtor is clearly informed of his right to choose where to buy such insurance.

Credit life and accident and health insurance

Section 3(d) (2) (D) of the Senate bill also provided an exclusion for credit life, accident, and health insurance premiums if itemized and disclosed. Under the conference substitute, such charges may not be excluded unless the coverage of the debtor by the insurance is not a factor in the approval by the creditor of the extension of credit, and this is clearly disclosed to the debtor. The creditor must also disclose to the prospective debtor the cost of such insurance, and may not include it in the financing package unless the debtor gives specific affirmative written indication of his desire to have it. If credit life, accident or health insurance is written in connection with any consumer credit transaction without complying with all of the foregoing requirements, then its cost must be included in the finance charge under section 106(b) of the conference substitute.

Other charges

Section 106(d) (4) of the conference substitute permits the Board to approve by regulation the exclusion of any other type of charge which is not essentially for credit. It is not intended that the Board should exercise this authority except in the case of charges which are reasonable in relation to the benefits conferred on the obligor, and where their inclusion in the package makes economic sense from the standpoint of the obligor, apart from the creditor's merchandising convenience.

Prepayments

The conferees were agreed that the Federal Reserve Board and other regulatory agencies should provide for the disclosure to the obligor at the time of the completion of a consumer credit transaction of any prepayment penalties in connection with real estate mortgages or the policy to be followed by the creditor in granting partial refund, if any, of the finance charges in case of substantial prepayment of an installment contract in terms of amount and time.

Administrative enforcement

Section 108 of the conference substitute clarifies the legislative intention that the vesting of sole rulemaking power under title I in the Board of Governors of the Federal Reserve System does not impair the authority of the other agencies having administrative enforcement responsibilities to make rules respecting their own procedures in enforcing compliance. It also makes clear that, except for the exclusions specifically stated in the section, the jurisdiction of the Federal Trade Commission is plenary and attaches to any creditor subject to the title, irrespective of whether the creditor meets any jurisdictional test in the Federal Trade Commission Act.

Right of rescission

Section 203(e) of the House-passed bill required that the disclosures required under the bill would have to be made at least 3 days before the consummation of any transaction in connection with which a security interest was to be retained or acquired in the obligor's residence. The corresponding provisions in the conference substitute are found in section 125, with substantial modifications. Purchase money first mortgages are exempted altogether from the provisions of section 125. As to other transactions, the obligor is given a right of rescission which runs until midnight of the third business day following consummation of the transaction, or delivery of all material disclosures (including disclosure of the right to rescind without liability), whichever is later. Upon exercise of this right, any security interests created under the transaction are voided, the creditor must refund any advances, and the obligor must tender back any property, or its reasonable value, which he has received from the creditor.

Content of periodic statements

Section 126 of the conference substitute sets forth the requirements with respect to the content of periodic statements in connection with extensions of credit other than those under open end credit plans. The simplest type of statement would be a reminder of payment due on a straight installment contract; that is, a contract which did not provide for any additional purchases to be made under it and where the amounts and the dates of the obligor's obligations were entirely fixed at the time the contract was entered into. In that situation, it is not expected that the Board would require the statement to contain any information other than that provided for in paragraphs (1) and (2); that is, the annual rate and the late payment penalties, if any. If, however, the installment contract were more complex, perhaps providing for the purchase of additional items without entering into a new contract, or containing other terms and conditions which might tend to make it more like revolving credit, then it is expected that under paragraph (3), the Board would require appropriate additional disclosures to obligors.

Disclosure of creditor's rate of return

The House bill did not mention disclosure of the creditor's rate of return. Section 127 (a) (5) specifically authorizes any creditor under an open end consumer credit plan to disclose his average effective annual percentage rate of return or, where that would not be feasible or practical or would be misleading or meaningless, to disclose a projected rate of return. Calculation of both actual and projected rates would be subject to regulations of the Board consistent with commonly accepted standards for accounting or statistical procedures.

Minimum charge exemptions

The House bill contained no exemptions from the annual rate disclosure requirement, either as to open end accounts or other transactions. The Senate bill did not require rate disclosure with respect to monthly minimum or fixed charges in connection with open end plans, and also provided an absolute exemption from rate disclosure for finance charges less than $10 in connection with transactions not under open end plans.

Under section 127(b) (6) of the conference substitute, the actual rate need not be disclosed in the periodic statement with respect to an account under an open end plan if the total finance charge does not exceed 50 cents for a billing period of a month or more. In any statement of an account under an open end plan under which a rate may be used to compute the finance charge (even though, for the particular month, the rate may yield a charge below the minimum and thus be inapplicable) the creditor must state the periodic rate and the "nominal" annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

Under sections 128(a) (7) and 129(a) (5), where the amount financed does not exceed $75, the percentage rate applicable to a finance charge not exceeding $5 need not be disclosed, and where the amount financed exceeds $75, the rate applicable to a finance charge not exceeding $7.50 need not be disclosed. Section 128(a) (7) applies to sales, and section 129(a) (5) to loans, and both prohibit creditors from artificially dividing transactions to avoid the rate disclosure requirement. It is expected that the Board will by regulation deal with the loan renewal problem, as section 129(a) (5) is not intended as a loophole through which creditors may escape rate disclosure by making short-term loans with multiple renewals.

Credit advertising

In general, the substance of the provisions of the House passed bill with respect to advertising were retained, the only changes in conference being to make entirely clear that where any specific credit terms on any type of credit are advertised, all of the material terms must be set forth. The House had provided authority to the Federal Reserve Board to exempt residential real estate advertisements from the advertising requirements of title I. This authority is retained in the conference substitute.

TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

Title II of the conference substitute is aimed directly at the activities of organized crime. This title, which passed the House as section 102 of the House's amendment to S. 5, makes it a Federal offense to make extortionate extensions of credit, to finance the making of extortionate extensions of credit, or to collect any extensions of credit by extortionate means.

An extortionate extension of credit is defined as any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

Similarly, an extortionate means is defined as any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

Constitutional basis

Article I, section 8, of the Constitution expressly empowers Congress to make "uniform laws on the subject of bankruptcies." In the exercise of this power, Congress has enacted the Bankruptcy Act, which confers on any debtor the statutory right, with certain qualifications, to be discharged of his debts by applying substantially all of his property toward their repayment. It is obvious, however, that obligations as to which there is an understanding that they may be collected by extortionate means, or which are actually so collected, are not susceptible of being "discharged" in bankruptcy in any meaningful sense. Such transactions thus deprive the debtor of a Federal statutory right, and at the same time defeat one of the principal purposes of the Bankruptcy Act, which is to afford insolvent persons the opportunity to make a fresh start. Thus, it seems clearly within the power of the Congress to protect the Federal statutory right, and to assure that the bankruptcy laws will be carried into execution, by enacting legislation to prohibit extortionate credit transactions. In addition, there is ample evidence that such transactions are being carried on on a large scale and that they have a substantial impact on interstate commerce. Section 201 of the conference substitute is an explicit statement of the foregoing rationale.

Technical structure

Section 202 adds to title 18 of the United States Code a new chapter 42 consisting of sections numbered 891 through 896. Section 891 sets forth definitions and rules of construction, the most important of which are the definitions of extortionate extensions of credit and extortionate means, which are quoted above.

Extortionate extension of credit

Section 892(a) provides—

"Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

The major difficulty which confronts the prosecution of offenses of this type is the reluctance of the victims to testify. That is, if they are in genuine fear of the consequences of nonpayment, they are apt to be equally or even more in fear of the consequences of testifying as a complaining witness.

Prima facie case

Section 892(b) provides that if certain factors are present in connection with an extension of credit, there is prima facie evidence that the extension of credit is extortionate. These factors are (1) the inability of the creditor to obtain a personal judgment against the debtor for the full obligation; (2) a rate of interest in excess of 45 percent per annum; (3) a reasonable belief on the part of the debtor that the creditor either had used extortionate means in the collection of one or more other extensions of credit, or that he had a reputation for the use of such means; and (4) that the total amount involved between the debtor and the creditor was more than $100.

In the light of common experience, the inference of the use of extortionate means from the foregoing factors seems strong enough to make it constitutionally permissible to put the burden on the defendant to come forward with evidence to show the innocent nature of the transaction, if such was the case. In arms length transactions, people simply do not lend sums of money at exorbitant rates of interest under circumstances where they cannot enforce the obligation to repay. Where the prosecution has shown the absence of legal means to enforce the obligation, it is a reasonable inference, in the absence of evidence to the contrary, that illegal means were contemplated. Any debtor who deals with a creditor under these circumstances, knowing or reasonably believing that the creditor has used extortionate means in the past, may be fairly surmised to know what he is getting into.

The debtor, of course, may be unavailable or, for reasons already discussed, unwilling to testify. Section 892(c) permits the court, in its discretion, where evidence has already been introduced tending to show either uncollectability or a rate of interest in excess of 45 percent, to allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension of credit. The trial court is in the best possible position to appraise the probative value of such evidence and to weigh that against its possible prejudicial effects. The ban on reputation evidence as part of the prosecution's case in chief has never been absolute, and where, as here, it is directly relevant to the state of mind of the parties in entering into the transaction, there will undoubtedly arise cases where it should very properly be before the trier of facts.

Finally, it is intended that the inference created by the presence of the factors set forth in section 892(b) may be weighed by the jury as evidence. It is not a mere rebuttable presumption, and it is not to be treated under the rule adopted in some jurisdictions with respect to such presumptions, which are said to be wholly dispelled by the introduction of any direct evidence.

Nonexclusiveness of section 892(b)

It should be emphasized, however, that the offense under section 892, and the only offense, is the making of an extension of credit with the understanding that criminal means may be used to enforce repayment, or conspiracy to make such an extension. Where this offense can be proved by direct evidence, it may be unnecessary for the prosecution to make use of sections 892(b) and 892(c).

Section 892 is in no sense a Federal usury law. The charging of a rate in excess of 45 percent per annum is merely one of a set of factors which, where there is inadequate evidence to explain them, are deemed sufficiently indicative of the existence of criminal means of collection to justify a statutory inference that such means were, in fact, contemplated by the parties.

Financing extortionate extensions of credit

In organized crime, loan sharking is normally carried out as a multi-level operation. It is the purpose of section 893 to make possible the prosecution of the upper levels of the criminal hierarchy. It should not be suppposed that the enactment of this legislation will suddenly do away with the immense pratical difficulties which attend any effort to prosecute the top levels of organized crime. Nevertheless, in those instances where legally admissible evidence can be gathered to trace the flow of funds from the upper levels, the legal capability to prosecute the organizers and financiers of the underworld, as well as loan sharks at the operating level, would appear to be a worthwhile weapon to add to the Government's arsenal.

Section 893 has been carefully drawn to preclude the possibility of creating difficulties for legitimate lenders or those who furnish financing to them. It should be noted that no case is made out where it is shown that funds were advanced to a lender who subsequently collected an indebtedness by criminal means. To come within the prohibition of section 893, the financier must have had reasonable grounds to believe that it was the *intention* of the lender to use the funds for extortionate extensions of credit; that is, extensions of credit whose extortionate character is known to both the borrower and the lender at their inception.

Extortionate collection

Not everyone who falls into the clutches of a loan shark is necessarily aware at the outset of the nature of the transaction into which he has entered. Moreover, cases will arise where the use of extortionate means of collection can be demonstrated even though it cannot be shown that a bilateral understanding that such would be the case existed at the outset. Section 894(a) covers these situations by making it a criminal offense to collect an indebtedness by extortionate means, regardless of how the indebtedness arose. Section 894(b) merely codifies a principle of evidence which already appears to be recognized in the case law, but whose importance in this area is sufficiently great to make it desirable to leave no doubt whatever as to its applicability. It allows evidence as to other criminal acts by the defendant to be introduced for the purpose of showing the victim's state of mind. Section 894(c) is similar to section 892(c), discussed above, and was included in the basis of the same considerations.

Compulsory testimony

Section 895 authorizes the Government, in any case or proceeding before any grand jury or court involving a violation of this chapter, to compel the testimony of witnesses claiming the fifth amendment privilege against self-incrimination. This may be done, however, only when, in the judgment of the U.S. attorney, the testimony or evidence involved is necessary to the public interest, and then only by order of the court on the application of the U.S. attorney with the approval of the Attorney General or his designated representative. Any witness so compelled to testify or produce evidence is, of course, granted immunity from prosecution on account of the matters as to which he has been compelled to give evidence.

No preemption of State laws

Section 896 makes clear the congressional intention not to preempt any field in which State law would be valid in the absence of this chapter.

General applicability

The full utility of chapter 42 as a weapon in the war on organized crime obviously cannot be assessed until it has been tested in battle. Some general observations, however, appear to be in order at this point. As noted above, it is not, and is not intended to be, a Federal usury law, nor does it have anything to do with interest rates as such. It is, rather, a deliberate legislative attack on the economic foundations of organized crime. Most of the business of the underworld, whether in loan sharking, gambling, drugs, "protection," or other activities, involves extensions of credit as defined in section 891 at one or more stages. The methods used in the enforcement of such obligations are notorious. Thus, a very large proportion of underworld financial transactions fall within the ban of one or more of the provisions of chapter 42. It may very well develop that this chapter will find as much usefulness in the investigation and prosecution of transactions entirely within the world of organized crime as it does in connection with transactions between those within that world and those who are otherwise outside it. Be that as it may, the conferees wish to leave no doubt of the congressional intention that chapter 42 is a weapon to be used with vigor and imagination against every activity of organized crime that falls within its terms.

Reports by Attorney General

Because of the far-reaching potentials of chapter 42, the conferees have added a final section to title II requiring the Attorney General to make an annual report to Congress on the activities of the Justice Department in the enforcement of its provisions.

TITLE III—RESTRICTION ON GARNISHMENT

Section 202(a) of the House-passed bill restricted garnishment to an amount not exceeding 10 percent of gross earnings in excess of $30 per week, and contained no provision for the exemption of any State from the applicability of this rule. The restrictions in section 303(a) of the conference substitute are related to "disposable earnings," defined as earnings remaining after the deduction of any amounts required by law to be withheld. No garnishment is allowed which would exceed either 25 percent of disposable earnings, or the amount by which the weekly disposable earnings exceed 30 times the Federal minimum hourly wage, whichever is less.

Section 305 authorizes the Secretary of Labor to exempt from the limitation just described any State whose laws provide substantially similar restrictions on garnishment. The remaining provisions of title III of the conference substitute are unchanged, in terms of intended substantive effect, from the provisions of title II of the House bill.

TITLE IV—NATIONAL COMMISSION ON CONSUMER FINANCE

There were no changes of substance in this title, except that the date for the final report of the Commission was changed from December 31, 1969, to January 1, 1971. In the process of evolving the provisions of the conference substitute relating to the exemptions from annual rate disclosure for certain minimum charges (secs. 127(b)(6), 128(a)(7), and 129(a)(5)), the conferees agreed that the Commission should consider whether these exemptions are desirable in the public interest, taking into consideration their impact, if any, on the availability of credit and their relationship to the objectives of the act.

TITLE V—GENERAL PROVISIONS

Effective dates

Under the bill as passed by the House, the disclosure provisions were to take effect on the first day of the ninth calendar month beginning after enactment, and all other provisions were to take effect on enactment. The Senate bill's effective date was July 1, 1969.

The conference substitute provides that the disclosure provisions become effective July 1, 1969, the garnishment provisions become effective July 1, 1970, and all other provisions become effective on enactment.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
WILLIAM B. WIDNALL,
PAUL A. FINO,
FLORENCE P. DWYER,
Managers on the Part of the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the presentation of this conference report on the Consumer Credit Protection Act, the truth-in-lending bill, represents the culmination of nearly 8 years of hard work. In my opinion, no statement on this subject and legislation can begin or end without paying tribute to that great former Senator from Illinois, Senator Paul H. Douglas, for the time and effort he spent on this subject. Nor in my opinion can anyone discuss this legislation without paying tribute to that great lady from Missouri, the Honorable LEONOR K. SULLIVAN, whose commitment to principle and tenacity on all consumer legislation stands her second to none in this Congress.

Mr. Speaker, the conference meetings on this legislation were, in my opinion, as arduous and hard-fought as any conference in which I have had the honor to participate as a representative of this great body.

In my opinion, it is fair to say that in all major instances the House view on this legislation prevailed. In summary, the conference report on the major issues contained in the House bill provides as follows:

TITLE I, SECTION 106: DETERMINATION OF FINANCE-CHARGE

The House bill originally provided that all mandatory credit charges be included in the determination of the finance charge except for certain legal fees prescribed by law and closing costs in real estate transactions.

The conference report limits the broad House definition and excludes charges for credit life and accident and health insurance if they are not a factor in the approval of the credit and, in the case of other kinds of insurance, if no opportunity is given to the debtor to purchase the insurance elsewhere.

The conference report also excludes the total cost of credit from the determination of the finance charge with respect to real estate transactions. With these limitations, the House bill prevails on this point.

SECTION 125: RIGHTS OF RESCISSION ON CERTAIN TRANSACTIONS

This section, passed by the House, deals primarily with mortgage transactions where unwanted home improvements are sold to homeowners by sharp or fraudulent operators. The section remains substantially the same in the conference report, except that the 3-day notice before such contracts are executed has been changed to a 3-day right of rescission after the contract is executed. The manner of rescission is left to regulation by the Federal Reserve Board.

SECTION 127: OPEN-END CONSUMER CREDIT PLANS

The Senate bill exempted revolving credit plans from annual rate disclosure. The conference report requires that the annual percentage rate of charge be disclosed on these accounts. If there is a minimum charge of 50 cents or less, such a charge need not be included in the determination of the annual rate. In addition, the conference report permits the creditor, if he so desires, to state an effective annual rate of return received from accounts under his plan or representative period of time, subject to Federal Reserve Board regulation. Thus, we have maintained our basic position of annual rate disclosure on revolving charge accounts.

SECTIONS 128 AND 129: INSTALLMENT SALES AND CONSUMER LOANS

Both the House and Senate bills provided that the finance charges on all installment and loan transactions be expressed as annual percentage rates, but, the Senate bill exempted finance charges of $10 or less from the computation. This matter was compromised substantially in favor of the House version so that if the finance charges not exceeding $5 on a sale up to $75, or $7.50 on a sale or loan over $75, then the finance charge need not be expressed as an annual percentage rate.

CHAPTER 3: CREDIT ADVERTISING

The House bill's strong section regulating the many and varied credit advertising abuses remains substantially the same. In essence, our bill required that if any specific credit terms are expressed in an ad, then the complete picture, all of the credit terms, must be set forth in the same ad. The Senate bill had no provisions whatever on this subject. We are pleased to report that the substance of the House bill was retained after one or two minor amendments.

TITLE II: EXTORTIONATE CREDIT TRANSACTIONS

Our bill sought to control, in some degree, the vicious billion dollar a year loansharking racket by making extortionate extensions of credit subject to a fine of not more than $10,000, imprisonment of not more than 20 years, or both. Extortionate credit is defined as an extension of credit where failure or delay in repayment could result in the use of violence or other criminal means against the debtor.

There was no similar Senate provision. The conferees accepted the House proposal. Although the bill will not eliminate completely this horrible practice, it will serve as a useful first step for stronger legislation in the future.

TITLE III: RESTRICTION ON GARNISHMENT

The Senate bill did not consider garnishment. Our bill provided the first Federal limitation on the amount of an employee's wages that could be subjected to garnishment. We did so because of the overwhelming number of cases where credit is extended on the strength of a States garnishment laws rather than on the ability to pay. This has resulted in an alarming increase in the rate of personal bankruptcies, unwanted bookkeeping burdens on employers, and, in some cases, the discharge of employees. The House bill limited garnishment to 10 percent of an employee's earnings over $30 per week and prohibited discharge for the first garnishment. In addition, we exempted State laws which call for more limited garnishments.

The conferees agreed to a compromise exempting 25 percent of an employee's earnings with an amount equal to 30 times the Federal minimum wage—at present $48—as the minimum exemption. The House provision on discharges remains intact. The Secretary of Labor can exempt States which have exemptions substantially similar to the Federal law. We feel that this compromise was reasonable and affords the wage earner at least some relief from burdensome garnishments.

I want to point out that the Federal minimum wage rate referred to in section 303(a)(2) is always the top rate. That section contains a specific cross-reference to section 6(a)(1) of the Fair Labor Standards Act of 1938 because we did not want to pick up any of the exceptions to that rate. Also, it should be clearly understood that the garnishment exemption applies to any debtor, regardless of whether his earnings are subject to the Fair Labor Standards Act.

TITLE IV. NATIONAL COMMISSION ON CONSUMER FINANCE

The House provision for this national Commission was agreed to without change by the Senate. It may well be the greatest accomplishment in the bill. The Commission will undertake detailed studies and analyses of all phases of consumer credit practices. This will be the first time that such a study will have been made and the recommendations flowing therefrom may well result in a much-needed revamping of consumer credit practices in this country.

In conclusion, Mr. Speaker, I wish to again pay tribute to former Senator Douglas; the Honorable LEONOR K. SULLIVAN; the chairman of the Senate Banking and Currency Committee, Senator SPARKMAN; Senator WILLIAM E. PROXMIRE, who sponsored S. 5 in the Senate; and all of the conferees for presenting the Congress a consumer protection bill for which we can all be justifiably proud.

Mr. WIDNALL. Mr. Speaker, I yield myself 5 minutes.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. WIDNALL. Mr. Speaker, I think it is most unfortunate that we have been involved in the colloquies that have taken place. I had just felt coming into the House Chamber today that it was a real proud day for the House to have this conference report called up, as there is much credit for the success of the conference to be attributed to the unified position of all of the House conferees in support of the House-passed provisions.

Mr. Speaker, this a proud day for the House. Seldom in my memory can I recall the position of the House being so well maintained in conference with the Senate as was the case with the truth-in lending bill. Of the numerous and far-reaching provisions in dispute, the House position prevailed on virtually all. I think much of the credit for our success in conference can be attributed to the unified position of all of the House conferees in support of the House-passed provisions.

Mr. Speaker, I think it is unfortunate that most of the controversy and virtually all of the newspaper, television and radio discussions of truth-in-lending concentrated on the issue involving revolving credit and the manner in which finance charges would be disclosed—either periodic or annual. It is unfortunate because, while revolving credit is a rapidly growing form of consumer credit, it still only represents a very small percentage of the total consumer credit outstanding in the United States today. Moreover, we should be reminded of the fact that revolving credit is essentially a form of credit used by good credit risks, namely, middle and upper-middle-income families shopping at established and generally large retail stores. The vast majority of consumer credit is of the installment variety, and with regard to the finance charges of installment credit there never was any real controversy over the manner in which finance charges would be disclosed. Nevertheless, I was extremely pleased that the conference accepted my amendment which will insure that disclosures of finance charges on installment credit will be treated very similar to the manner in which charges on revolving credit is revealed.

I would like to make a few predictions on the impact that this legislation will have. First, the provisions governing credit advertising may prove to be the most important provisions of the truth-in-lending legislation. To a very large extent, fraudulent and misleading credit advertising will be prohibited with a resultant effect that those who advertise will more than likely concentrate on the product, the price of that product and the reputation and service of the store seeking to generate sales through such advertisements.

Second, the garnishment section of the bill, while very controversial, goes to the heart of one of the most vexing problems facing our Nation today. As revealed by recent Federal Trade Commission studies, there is little or no price competition among retailers within the low-income sections of our cities. Often, retail prices for consumer durables are two and three times those charged for the same product a few blocks away at established stores. The reason such prices can be charged is that the ghetto retailers offer so-called easy credit terms for high-risk customers. It is the feeling of many that much of this high-risk easy credit for exorbitantly priced goods will be more controlled with a Federal limitation on the amount that can be garnished from a debtor. Without that protection, these merchants will have to make a better effort to determine credit risk, and to the extent that this occurs, more business will flow to those stores who charge much lower prices for higher quality goods.

Title II, generally called the loan-sharking provision, for the first time makes the extortionate extension of credit a Federal crime. It cannot be said too often that Federal disclosure legislation has little or no effect on loan-shark operations, in that loan sharks never advertise, never send out bills or written contracts, and only maintain records that are available to the hierarchy of organized crime itself.

Senate hearings currently being held point out that loan shark interest rates of 100 to 1,000 percent annually can be charged and collected only because the threat of violence to person, property, or the reputation of the debtor is implicit in virtually all loan shark arrangements. While all income levels suffer from the multibillion-dollar loan shark racket, there can be no question that title II will provide immediate and beneficial relief to those low-income persons who often resort to the loan shark because they have either not established credit at a bank, store, or credit union, or they are reluctant to even make the first approach.

Mr. Speaker, I feel safe in predicting that the net effect of this bill will be to generate unimagined new business to established and reputable retailers and credit institutions. This eventually will take hundreds of millions—if not billions—of dollars worth of business annually from those who have charged exorbitant rates of interest and finance charges through the ignorance of the public or through deceptive and misleading advertisements, contracts, and billing statements.

At the same time, let us not for a moment feel that we have finished the task. The Federal Trade Commission report on ghetto merchants reveals that easy credit for high-risk customers is for the most part hidden in exorbitant prices and low quality merchandise. Nothing in this bill requires the disclosure of credit charges hidden in price—in short, what I have come to call the "price loophole mechanism." This bill represents only the first step toward providing credit at reasonable rates for all Americans. Hopefully, it will renew the interest of retailers, banks, savings and loans, and credit unions in attempting to find ways in which credit can be extended to those who have traditionally resorted to the highest cost credit and retail establishments, where outright fraud and deception and exorbitant prices are the rule rather than the exception. In this regard, I think the conference report failed in only one respect. The compromise on the so-called $10 exemption may force banks, and someday perhaps, savings and loan institutions, out of the accommodation loan business. The compromise on the $10 exemption provides little or no relief and I do fear that much of the several hundred million dollars of loans a year—small accommodation loan business—provided by banks will be diverted to small loan companies where credit charges are much higher.

It is my hope that the Commission established by this bill will study this situation very carefully and advise Congress accordingly.

Mr. Speaker, the 90th Congress has been called the Consumer Congress because we have taken such an interest in consumer oriented legislation. Clearly, the initiative for this legislation originated with the legislative branch and not the executive. I need not add to what others have said as to the role of my very dear friend, former Senator Paul Douglas. Moreover, on the House side it is only appropriate that a lady, Mrs. Sullivan, took the lead and provided the inspiration for many new provisions which upon their introduction were thought to have little chance of enactment. On the minority side the leadership provided by the distinguished minority leader, Mr. Gerald R. Ford, as well as Congressmen Poff, McDade, and Cahill, provided for us floor victories on provisions affecting loan sharking and the home improvement scandals that few anticipated.

It is with a deep sense of personal satisfaction that I wholeheartedly support the adoption of this conference report.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Missouri [Mrs. Sullivan].

Mrs. SULLIVAN. Mr. Speaker, before I say anything at all about the landmark legislation we are now about to pass in final form in the House of Representatives, I want to express my deep appreciation—my personal gratitude and the gratitude of all consumers in the United States—to the chairman and the ranking minority member of the House Committee on Banking and Currency, Congressman Wright Patman, of Texas, and Congressman William Widnall, of New Jersey, for the leadership and the great skill which they demonstrated in the conference between the House and Senate on the Consumer Credit Protection Act.

HOUSE CONFEREES STOOD TOGETHER

All of the House conferees, Representatives Barrett, Reuss, Ashley, Moorhead, Fino, and Dwyer, played a significant role in the hard battle which we had to wage over a period of 6 long weeks and many, many hours of discussion and debate with our Senate colleagues, to win acceptance of all of the basic principles contained in H.R. 11601 as it passed the House on February 1.

The conferees from the Senate side are all experienced legislators with great parliamentary skill and strong convictions. During most of the 6 weeks of our conferences, we were in a virtual state of stalemate on the major issues. There was always the danger that the conference would end in a deadlock with the possibility that no legislation at all would be passed or that the limited coverage of the Senate bill would be all we could agree on. It was in this situation that Chairman Patman's splendid leadership was invaluable in holding the House conferees together while at the same time constantly evidencing a willingness to negotiate every point in disagreement.

SENATOR PAUL H. DOUGLAS PIONEERED THE WAY

And, of course, when we talk about the credit for this historic legislation, all thoughts invariably turn to the role played by former Senator Paul H. Douglas of Illinois whose concept of "truth in lending" is now solidly incorporated into the Consumer Credit Protection Act as its title I and the name of that title is the Truth in Lending Act.

The Senators were indeed hard bargainers and they won important concessions from the House on the scope of many of the consumer protections in the bill. In return, they finally agreed to all of the major provisions of the House bill which had not been included in the Senate-passed bill. Thus, there is a solid foundation in the bill as it now stands for future improvements based on experience under the legislation and also based on the recommendations which we will eventually receive from the proposed National Commission on Consumer Finance created by title IV of the act. So we have made more than just a start on the problem of protecting the consumer in the use of credit, and encouraging the intelligent use of credit; we have made, I am happy to say, a very important and far-ranging beginning in this field.

The bill which passed the Senate last July 11 was milestone legislation in that it was the first time that either House had ever passed legislation guaranteeing to the consumer the right to a full itemized accounting in dollars-and-cents terms of the cost of credit in any consumer credit transaction other than a first mortgage. In addition, and again except for first mortgages, and also consumer credit transactions where the interest or finance charges amounted to less than $10, the Senate bill required that the lender or the seller give to the borrower or to the buyer an equivalent or nominal percentage rate of the finance charge on an annual basis. However, in the case of department store revolving credit, only the monthly percentage rate would have had to be revealed.

HOUSE SUBCOMMITTEE WAS READY TO ACT

As the principal sponsor on the House side of Senator Douglas' bill during the period when his legislation was being held up in the Senate Banking and Currency Committees, I had discussed with Senator Douglas the timing of House hearings on truth in lending. It was our combined judgment that unless and until he could get the bill out of his committee in the Senate, no legislative purpose would be served by conducting hearings in the House. But with his encouragement, my Subcommittee on Consumer Affairs began collecting information and data of all kinds on the misuse and abuse of credit and the consequences of such practices as they revealed themselves in the small claims courts, in garnishment actions, and in the alarming increase in personal bankruptcies. When S. 5 passed the Senate last July, therefore, we were ready to begin immediately to schedule hearings and to begin working on legislation on the House side.

But by that time I had become completely convinced that mere disclosure of the credit costs was not sufficient protection for the consumer in the use of credit, and the result was the introduction on July 20—9 days after Senate passage of S. 5—of H.R. 11601, the Consumer Credit Protection Act. Five members of the subcommittee joined me in cosponsoring this historic piece of legislation: Representatives Gonzalez, Minish, Annunzio, Bingham, and Halpern—a bipartisan group which demonstrated, I believe, real courage in lending their names to what many Members of Congress assumed was a hopeless cause.

HOUSE HEARINGS DOCUMENTED NEED FOR ALL PROVISIONS OF FINAL BILL

Our 2 weeks of hearings, mornings and afternoons, in early August brought out, I believe, overwhelming documentation for the inclusion in this legislation of every one of its provisions as the bill now stands. Nevertheless, as the Members know, we divided in the subcommittee 6 to 6 as between the Senate-passed bill, and the much more comprehensive H.R. 11601. Subsequently, H.R. 11601 was called before the full committee, and although approved there, it was amended 17 to 14 to include the revolving credit exemption voted by the Senate and by a vote of 18 to 12 to exempt from rate disclosure all consumer credit transactions where the finance charge was $10 or less, as also contained in the Senate bill.

On January 31 and February 1, when the bill was before the House, we succeeded in removing those exemptions and also in strengthening the bill in several very important respects, including the Cahill amendments on second mortgages, and the Poff amendment on organized criminal loan-sharking activities. And this was the package we took to conference and, with some modifications, this is the package which is now before the House for final passage.

But, as I said, we did have to make some important concessions reducing, somewhat, the consumer protections in the bill.

THE REVOLVING CREDIT PROVISIONS

On revolving credit, for instance, in order to retain the basic requirement of the House bill that the monthly charges for credit must be annualized on a nominal annual percentage rate basis—in other words a 1½ percent service charge must be translated also into terms of a nominal annual rate of 18 percent, which it is—we had to agree to exempt from the rate computation any minimum charge made by the stores up to 50 cents a month. Under the Senate bill a minimum charge was exempted from rate computation regardless of its amount. The stores had been seeking an exemption of up to $1 a month for revolving credit accounts. In some States they have imposed 70 cent minimum charges on all revolving credit accounts. So if your monthly unpaid balance is only $10 and the service charge is the 70-cent minimum instead of the 15-cent charge which would be the result of applying the 1½-percent rate, the store would actually be charging at the annual rate of 84 percent for its revolving credit. I am just using that as an illustration—an example. Seventy cents a month is the minimum generally charged in Pennsylvania, I believe, and was the minimum charged in Massachusetts also until the State lowered it to 50 cents.

A 50-cent minimum monthly charge represents a 1½-percent assessment on a $33 balance. So under the conference bill, if your unpaid balance is less than $33, and the store charges a 50-cent minimum service charge, you would actually be paying at a rate of more than 1½ percent a month and more than 18 percent a year, but the store would not have to reveal the actual rate.

MINIMUM CHARGES NOT REQUIRED BY BILL

Now I want to make clear that there is nothing in this bill which forces a store to charge any minimum or any maximum rate for credit. We do not regulate rates. All the bill does with its 50-cent exemption is to make it possible for the stores to impose a minimum charge on smaller balances without having to reveal the actual rate of that monthly charge. I stress that because there is always the possibility that many stores which do not now have minimum charges will proceed to put them into effect and indicate or imply that there is something in the Federal law which requires them to charge the customer 50 cents a month minimum on revolving credit accounts.

On the other hand, if their service charge exceeds 50 cents a month—say it is $1—then the service charge would have to be translated into an annual rate; a $1 service charge on a $10 balance would annualize to a rate of 120 percent. And that rate would have to be revealed under this legislation. The rate would vary, of course, depending upon the amount of the service charge and the amount of the unpaid balance on which the charge is assessed.

One other provision of the compromise agreement on revolving credit should also be mentioned: We specify in the bill that the seller must give the monthly rate and the annual rate of its revolving credit charges unless they are 50 cents or less. So typically, a department store would notify the customer that it charged 1½ percent on the unpaid balance or at a nominal annual rate of 18 percent a year. But then the store would have an option to add to that information a third percentage figure—that is, the store's average annual yield on its revolving credit accounts.

FEDERAL RESERVE TO SET CRITERIA

The Board of Governors of the Federal Reserve System will be required to issue the criteria for determining that percentage rate on yield from revolving credit accounts, and I imagine that most of the stores which offer revolving credit will be able to develop a figure from their accounts which would be less than 18 percent actual interest on revolving credit. That is because many customers pay their bills each month without incurring a credit charge except in rare instances, while others pay off the account in a few months. When you consider the 30-day or longer grace period, or "free ride" most stores offer the customer on revolving credit accounts, it can be readily seen that the rate of return to the store on revolving credit would be generally less than 18 percent, although I can think of instances where it would be substantially more, particularly if minimum charges are widely utilized.

It was always the position of the House on this legislation that the stores offering revolving credit could explain to their customers the difference between the actual yield to the store on revolving credit accounts and the nominal annual rate it charges for revolving credit. So this third proviso is in no sense a reduction in consumer protection; in fact, by requiring the Federal Reserve to issue regulations specifying how the effective yield is to be determined from the store's accounting system, the consumer will have assurance that the yield rates which are claimed are reliable and accurate.

But we did give in, as I said, on this question of minimum charges, although we were able to hold that level to a moderate 50 cents a month.

THE $10 EXEMPTION ISSUE

The bill, as it now stands, exempts from rate disclosure—but not from dollars-and-cents disclosure—the charges made for loans or installment credit of $75 or more if the credit charge is $7.50 or less. On loans or installment purchases amounting to less than $75, a credit charge of $5 or less can be imposed without the necessity to translate that into an annual percentage rate. This is a compromise between the no-rate-exemption position of the House and the $10 exemption provision passed by the Senate and is somewhere midway between the two positions.

Incidentally I might say that the proposed National Commission on Consumer Finance has been given a high priority assignment by the conferees to investigate this whole subject of minimum charges on installment credit or on revolving credit and to make recommendations to the Congress for possible changes in these sections of the law. The conferees felt that there was no clear-cut and reliable information available to us at this time on the actual costs to credit vendors of these credit plans in relation to their value to the stores in promoting the sale of merchandise. The claim had been made that it costs a department store about 90 cents a month to finance the bookkeeping costs of a revolving credit account. Well, of course, it costs them the same amount to cover the cost of a 30-day charge account, on which there is no service charge, and so the House conferees felt, and the Senate conferees agreed, that this whole area of credit costs in relation to the use of credit as a sales tool should be studied for our future guidance.

ADVERTISING OF CREDIT; CREDIT LIFE INSURANCE

The Senate bill did not apply to the advertisement of credit. The House bill required that when certain specific credit terms were specified in an advertisement, all of the relevant information on credit terms would have to be given in the same advertisement. The conference bill incorporates the House position.

The House bill considered mandatory credit life insurance as a part of the finance charge on which the percentage rate must be revealed. The Senate bill exempted credit life insurance from this requirement. In the final bill, credit life insurance is included in the finance charge if the consumer does not have a free opportunity to decide whether he wants the coverage, or if the insurance is a factor in the extension of credit. So the House position prevails. It prevails also in the treatment of other forms of insurance in connection with consumer credit transactions, such as liability or casualty insurance, but with language changes to make the intent of this provision more specific than the House bill did. It is the tie-in deal on casualty insurance, where you have to take the policy from a particular seller, that we were most concerned about covering in the finance charge.

ADMINISTRATIVE ENFORCEMENT

On administrative enforcement of the disclosure requirements, the House provision prevails. The Senate had passed what was, in effect, a self-enforcement measure under which the aggrieved consumer would have had to file his own law suit in order to recover damages for not having been given the facts he was entitled to have. Our bill assigns enforcement responsibilities to existing governmental agencies, with the Federal Reserve having overall responsibility for issuing all regulations on the disclosure requirements. The conference bill contains the same criminal penalties as were in both the House and Senate bills.

UTILITY BILLS

Both bills were silent on the question of charges for late payment of utility bills. But if these extra charges are a penalty add-on to the utility tariffs, they would have had to be stated on an annual percentage rate basis under the House bill; however, if the utility offers a discount for prompt payment, it would have been exempt from this requirement. The conference substitute expressly exempts any utility late-payment charges regulated under State utility laws, but the conferees were agreed that this exemption applied only to extra charges on utility services and not to finance charges for appliances or things of that kind bought on the utility bill.

DOLLARS PER HUNDRED ON THE UNPAID BALANCE

On a very technical point, on which the bankers had made quite a point in letters to Members of the House, the House conferees gave in to the Senate position with a modification. This was on the use of the euphemism "dollars per hundred per year on the unpaid balance" instead of the annual percentage rate we require to be stated on loans or installment sales under the bill. The two figures come out exactly the same—an 11-percent annual rate on an automobile financing transaction would translate into $11 per $100 on the unpaid balance. The bankers had called for this mild deception in terminology out of fear that some court in some State might hold that the annual percentage rate revealed under this act was actually an annual interest rate, and that it exceeded the State's usury ceiling. We had always made clear that the percentage rate of the finance charge revealed under the bill was not to be considered an interest rate—it usually includes other fees and charges in addition to interest, and should not be held to be a violation of a State usury ceiling.

The Senate had permitted the use of the dollars-per-hundred term until January 1, 1972, in order to give the States time to change their usury laws, if that appeared necessary to avoid conflict between Federal and State statutes on this point. We agreed to this with an amendment cutting the deadline back to January 1, 1971. This will perhaps make for some confusion on the part of consumers in trying to understand these percentage rates and equivalent terms, so we will all have to start educating the public that "dollars per hundred" as used under this law is supposed to mean the same as the annual percentage rate.

On the effective date of title I on disclosure, we yielded to the Senate. I had said on the House floor on January 31 that I would be glad to yield on that in conference if the Senate yielded on the things we wanted.

FIRST MORTGAGES

The conference substitute applies to first mortgages—which were exempted entirely from the Senate bill—nearly all of the disclosure requirements applying to other forms of consumer credit. The main exception is the total amount of the dollar cost of the finance charge over the life of the mortgage. This exemption or exception applies, however, only to purchase-money first mortgages, not to refinancing. There is also an exemption in the conference substitute for purchase-money first mortgages from the 3-day cancellation privilege accorded to debtors on all other mortgages on residential real estate. Furthermore, the House, as passed on February 1, had exempted residential real estate from some of the specific terms of the advertising disclosure requirements of the bill, and that exemption also remains.

On the whole, the first mortgage coverage in the conference substitute should protect consumers without causing further problems for the depressed home building and real estate industries, which had feared that if the prospective purchaser had to be told the full cost of the interest and credit charges over the life of the long-term mortgage, he would be shocked at the total and run away from the deal. I don't think that would happen. I think a family buying a home, particularly for the first time, should be given this information on total interest cost so as to be able to decide more intelligently on how long to have the mortgage run, and what monthly payments to make in order to reduce the total of interest payments. Nevertheless, as long as we did not exempt all first mortgages without regard to the nature of the mortgage, as the Senate bill had done, I was willing to agree to this modification in our position on purchase-money first mortgages.

In return, the Senate conferees let us apply all the disclosure requirements without exception to all other mortgages, including the so-called racket second mortgages which sometimes end up as first mortgages on the homes of elderly couples or widows.

GARNISHMENT

By far, the biggest controversy in the whole bill—even larger than the controversy over revolving credit—involved the subject of garnishment. In H.R. 11601 as originally introduced, we proposed the complete abolishment of this modern-day form of debtors' prison. I think all of the original sponsors of H.R. 11601 agreed with me then, and still do, that this cruel device should be outlawed, as has been done in Pennsylvania and Texas, and virtually so in Florida, North Carolina, and some other States.

But we were willing to listen to the weight of the testimony that restriction of this practice would solve many of the worst abuses, while abolishment might go too far in protecting the career deadbeat. So, based on a modification of the generally successful New York State law, the gentleman from New York [Mr. HALPERN], a sponsor of the bill, drafted a good substitute proposal which we approved in the full committee and which won the approval also of the House.

It provided that the first $30 of any worker's weekly paycheck would be exempt from garnishment, and 90 percent of the remainder. The Senate conferees would not accept it. Finally, they agreed to a substantial modification of the proposal, which would exempt only 75 percent of a worker's pay, after required deductions for taxes or any other deductions required by law, with a guaranteed floor on garnishment of 30 times the hourly minimum wage—$48 a week at the present minimum wage level of $1.60 per hour. So a man making less than $64 after taxes would have less than 25 percent of his pay garnishable—while those making over that amount would have no more than 25 percent taken in garnishment to satisfy debts. As was true in the bill which passed the House, garnishments for taxes and support orders would not be affected. Also as the House bill required, no worker could be fired by reason of having his pay garnished for a single indebtedness. This last provision should go far to cut down on the alarmingly high rate of personal bankruptcies filed by workers who fear automatic dismissal from employment if their pay is garnished even once.

Unfortunately, we had to agree to delay the effectiveness of the garnishment title for more than 2 years—to July 1, 1970. This delay is intended to give the States time to modernize their generally obsolete and extremely harsh garnishment laws, since there is provision permitting the Secretary of Labor, who administers this title, to exempt from the Federal statute any State whose law on the subject is substantially similar to the Federal law.

FEDERAL AND STATE PROVISIONS

For the lowest income workers, most State garnishment laws are now less protective than the provisions of the conference bill prohibiting garnishment of any part of a worker's aftertax, take-home pay of $48 a week or less. On the other hand, many of the States have laws which exempt more than 75 percent of pay, and it is our specific intent that where the State law is more protective in a particular situation, the worker should receive the benefit of the better of the two laws, Federal or State, in that instance.

Title III of the bill may very well turn out to be the most important of all of the provisions of this legislation, not only for what it does to help consumers directly, but also in the reforms it stimulates in State garnishment laws and in credit-granting practices. Garnishment generally—not always, but generally—is the principal factor behind predatory extensions of credit by gyp outfits. As long as they know they can squeeze unconscionable interest and credit fees out of a worker by garnisheeing his pay, these outfits have no hesitation to overextend credit to poor and uneducated people who have no idea what financial quicksand they are getting into.

THE SECOND MORTGAGE RACKETS

In that connection, another provision of the bill is also vitally important. That is the Cahill amendment, or rather a series of amendments in the House, to strike at home improvement racketeers who trick homeowners, particularly the poor, into signing contracts at exorbitant rates, which turn out to be liens on the family residences. Any credit transaction which involves a security interest in property must be clearly explained to the consumer as involving a mortgage or lien; any such transaction involving the consumer's residence—other than in a purchase-money first mortgage for the acquisition of the home—carries a 3-day cancellation right. As passed originally by the House, this provision required a 3-day waiting period before the contract could be signed. But the Senate objected to that and proposed instead the 3-day period of cancellation, with stated safeguards for both seller or lender, on one hand, or the buyer or borrower, on the other.

I do want to emphasize that the rights given to the buyer or borrower under the conference substitute have real teeth. When the debtor gives notice of intention to rescind, that voids the mortgage absolutely and unconditionally, regardless of whether either the debtor or the creditor does any of the things that section 125 requires be done subsequent to the giving of notice of intention to rescind. This would be true even where the original creditor had meanwhile negotiated the paper to some third party.

In this connection, I might point out that a lender who disburses funds, or a contractor who performs under his contract, would ordinarily be taking a risk if he did so before the contract and all the required information had been in the hands of the debtor for three full business days. That is why section 125(d) was included. Section 125(d) permits the board by regulation to deal with an emergency situation where the debtor really needs to have the money or performance right away.

EXTORTIONATE EXTENSIONS OF CREDIT

The loansharking provision in the final bill is completely different from the Poff amendment passed by the House and, we believe, is far more workable. It was drafted with great care and unanimously agreed to by the House conferees before we submitted it to the Senate conferees, and was unanimously agreed to by the Senate conferees.

WHOLE BILL WAS REDRAFTED

In fact, Mr. Speaker, the entire bill was redrafted from beginning to end by the House conferees before we went into conference. The wording of the conference substitute, except for modifications demanded by the Senate, represents largely a rephrasing and reorganization of the House-passed H.R. 11601 in structure and in language, but not in substance. While it is always possible that the courts someday might find inconsistencies or other faults in this legislation, I can assure the Members that more care was taken with the final drafting of this bill than of any legislation with which I have been associated in 16 years.

Much of the credit for that belongs to Mr. Grasty Crews II of the Office of the House Legislative Counsel, aided by staff members of both the House and Senate Banking and Currency Committees and of the Office of Senate Legislative Counsel.

The original concept and most of the provisions of the Consumer Credit Protection Act as far more than a disclosure statute grew out of the work of Charles B. Holstein, professional staff member of House committee assigned to the Subcommittee on Consumer Affairs, who has worked continuously on this issue for 5 years, and Mr. Norman Holmes, counsel of the House Banking Committee until the bill was reported last December, and now on the staff of Vice President HUMPHREY. They organized the hearings, lined up the witnesses, and helped us get a good bill out of committee. The clerk and staff director, Dr. Paul Nelson, and staff attorneys Benet D. Gellman and James F. Doherty, and minority staff members Orman Fink and Richard Cook devoted endless hours to this legislation along with Mr. Holstein as it went through the House and then through conference.

These are the people whose work is so essential to any legislative achievement, but whose names seldom appear in the record. There were uncounted others from government and from the private sector—from consumer groups, labor unions, women's organizations, newspapers, magazines, radio and TV stations and networks, and also from private business who played enormously important roles in the development of this bill, from way back in the days when Senator Douglas first proposed truth in lending, and I hope I am able to find ways to pay full credit to all of them.

The Republicans in the House are understandably proud of their association with the extortionate credit title of the bill, title II. There is more than enough credit to go around. This has been a bipartisan bill from the beginning, through Mr. HALPERN's work on it and sponsorship of it, and I appreciate the help the minority gave on many of the substantive issues.

I am sure no one will think me overly partisan if I say that without the solid support of all of the senior Democrats of the House committee, and of other Democrats in the committee and in the House, too, this bill would never have been more than a thin shadow of what it is now.

So we can all claim our respective parts of it with pride. The important thing is that when the chips were down in conference, and it was a high-stakes confrontation, the House conferees, Democratic and Republican both, all stood together. I am proud of them.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. First of all, I thank the gentleman for yielding.

Second, I would comment that it is regrettable in my judgment that an honest mistake was not permitted to be corrected, by the action of the gentleman from Missouri [Mr HUNGATE].

I hope the legislative history that is established in this dialog will, however, even though inadequate, be a substitute for the discussion we should have had.

I would like to say that in my judgment the conferees in relation to this bill, like they do in a great many other bills, have really become the third branch of the legislature. We now have the House of Representatives, the Senate and the conferees. Mr. Speaker one provision at least in this conference report is completely different than that which was contained in the House bill; this provision was not in the Senate bill at all.

One of the amendments I presented and which was adopted unanimously by the House, required that a lender not only disclose to a borrower that a mortgage was being placed against his property but wherever a mortgage was used as collateral security for a loan, the borrower had to be notified 3 days before the settlement took place of the charges to be made by the lender. The obvious reason for that provision was to give the borrower an opportunity to refuse to go through with the transaction—not to get involved in purchasing something where he knew he just could not afford to pay the exorbitant rates that would be asked.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. PATMAN. I am very much in sympathy with what the gentleman says; the House was for the gentleman's viewpoint—and we held the line. But in conference, as you know, somebody has to take as well as to give. It is a matter of compromise—it is always a matter of compromise. That is the way laws are made. It is just impossible for us to hold out for everything—we held 99 percent of the House bill, I believe. But as to that particular part, I was very much in sympathy with the gentleman and the other House conferees were. We did our very best, but we just could not keep everything. Of course, we wanted to bring and did bring a good bill back.

Mr. CAHILL. I will say this to the chairman, it is my understanding and I do not know whether it is correct or not, but it is my understanding that in conference this particular provision was adopted while a quorum call was in process in the House and while the Republican members were absent from the conference.

Mr. PATMAN. That is not correct. We had several long days of these conferences. This conference was about the hardest I ever was in in my life. I believe the other conferees will tell you the same thing. We tried our best but we could not get everything.

Mr. CAHILL. I will just say that I do not understand how it can be argued—and I will say I understand there has to be a compromise and I understand and I will accept the chairman's version that all of the House conferees were for the retention of the provision as it was originally drafted—but I will say I do not understand how it can be argued now that this is an adequate substitute because what we are really doing is—if a person borrows money and signs a mortgage—he has 3 days to rescind it. Obviously, the reason why he went through with the transaction and the reason why he borrowed the money was to make payment for something that he had purchased. It seems to me to say that 3 days after the fact is just as good as 3 days before the fact is just not good sense.

Now I would also like to ask the gentlewoman from Missouri some questions to establish some legislative history.

Does section 125(c) make written acknowledgment of receipt of information required under the Truth in Lending Act only presumptive evidence of delivery thereof, in any transaction involving a security interest, other than a purchase money first mortgage, in the debtor's residence?

Mrs. SULLIVAN. Yes, that is the intent.

Mr. CAHILL. So it is not conclusive; it is presumptive, is that correct?

Mrs. SULLIVAN. That is correct.

Mr. CAHILL. Would this apply regardless of whether the question arose in a suit for damages under section 130, an action to enforce the section 125 right of rescission, or otherwise?

Mrs. SULLIVAN. Yes. Section 125(c) is intended to establish a statutory rule of evidence that would apply in any action or proceeding whatever.

Mr. CAHILL. My last question is this: Is there any provision in section 125 or section 131 or any other provision in this legislation which makes written acknowledgement of receipt of information and disclosures conclusive proof of delivery thereof or compliance with the disclosure requirements in any action brought against an original lender?

Mrs. SULLIVAN. The answer is, "No."

Mr. CAHILL. So that it would not matter whether it was in respect to a mortgage or a nonmortgage transaction? The receipt is presumptive evidence. It is rebuttable and it is not conclusive.

Mrs. SULLIVAN. That is the intent.

Mr. CAHILL. I thank the gentlewoman.

Mr. WIDNALL. Mr. Speaker, I would just like to say for the RECORD that at the time of the conference, when the amendment of the gentleman from New Jersey was being considered, some of us were outside the conference room at the time. I would like to emphasize, however, that in our absence the gentlewoman from Missouri [Mrs. SULLIVAN] fought very hard for the section that you are keenly interested in, and it was not because of any fault, really, on the part of the House conferees that that provision was not included.

Mr. CAHILL. I thank the gentleman. I understand that that is the fact. I would personally like to pay my personal respects and tribute to the gentlewoman from Missouri for her leadership. I know from talking with her that she, too, favored the position as I had submitted it and as it was accepted by the House.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I thoroughly agreed, from the very beginning when you offered your amendment in the House, that that provision was needed and was highly desirable. We were familiar with the events which occurred in New Jersey and elsewhere which made this provision so important. In conference, we tried our best to keep it unchanged and when we were unable to do that we insisted it be as strong as we could make it. The Senate even asked to require the buyer to notify the seller by registered letter before he could get it out of such a contract. We refused. We threw that out. I think we have succeeded in keeping a strong, workable provision in here.

Mr. CAHILL. My only question is why the Senate conferees did not recognize the need and the merit of this particular amendment as it was written.

Mrs. SULLIVAN. May I say to the gentleman that if he had sat with us in those tough conferences as the nine of us did and saw the 6-week-long opposition of the Senate conferees to almost everything in the House bill, I think you would refrain from asking that question, because we had to fight every inch of the way to save what we did. Why did the Senate conferees insist on changes and modifications in other excellent provisions of the House bill?

Mr. CAHILL. I thank the gentlewoman.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. Poff].

Mr. Speaker, will the gentleman yield to me?

Mr. POFF. I am happy to yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. I just take this time to pay a well-deserved compliment to the gentlewoman from Missouri, who did such a tremendous job in connection with this entire, overall program, and worked so hard with the other conferees on the part of the House in order to get through the bill which we did, which is certainly a much stronger bill than the one which passed the Senate.

Mr. POFF. Mr. Speaker, first, by way of preface, let me join in the tribute just paid to the distinguished gentlewoman from Missouri and say more definitively that I agree with her that the modification made by the conference committee of the amendment which I offered is an improvement upon the amendment I offered. It strengthens it admirably, and in that spirit I endorse it.

Mr. Speaker, my purpose here is to write a little legislative history, if it is possible to do so.

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Virginia [Mr. Marsh].

Mr. MARSH. Mr. Speaker, in our consideration of the truth-in-lending bill, I think it is most significant to note that there is included in the conference report the amendment which the House adopted and is popularly referred to as the loan-shark amendment.

It is my feeling that this is a significant part of this legislation which will have remedial effects of a long-range nature that will do much to protect the borrowing public.

Special tribute is due Representative Richard Poff, the Congressman from the Sixth Congressional District of Virginia for his continued efforts on behalf of this proposal and for his leadership in adding it as an amendment to the original truth-in-lending bill when it was considered in the House. I think the citizens of our Commonwealth join with me in this legislative tribute to our colleague, architect of this amendment, for his careful draftsmanship and parliamentary efforts which contributed to the passing of this landmark provision.

Mr. POFF. Mr. Speaker, my colleague is most generous indeed, and although his tribute may not be altogether deserved, I assure the gentleman it is altogether appreciated.

Mr. Speaker, the truth-in-lending bill contains no provision which is more important or protects the consumer better than the loan-shark amendment.

The amendment adopted by the House has been modified by the conference committee. I regard the modification as an improvement.

Heretofore, the only statutory foundation for Federal involvement in loan-shark control has been the antiracketeering statutes. These statutes have been so narrowly drawn as to make investigation and prosecution extremely difficult if not altogether impossible. The new statute created in this bill represents a major breakthrough in the war against organized crime. It attacks not only the loan shark himself, who typically is a minor member of the Cosa Nostra family structure, it strikes also at the Cosa Nostra superstructure. The boss and the underboss are not loan sharks. They are financiers. They make available to the loan shark the funds necessary to finance the illegal operation.

In its definition of the new Federal crime, the amendment includes not only the making and collecting of extortionate extensions of credit, but the financing thereof.

In yet another way the new statute strikes at the higher echelons of the criminal syndicate. Frequently, the best prosecution witness is a minor member of the Cosa Nostra family who himself is involved, either as a principal, an accomplice or a conspirator, in the very crime for which the boss is indicted or in some related crime. When called to testify, in allegiance to the strict code of the Cosa Nostra, he pleads the fifth amendment against self-incrimination, not so much because he fears he will incriminate himself but because his Cosa Nostra oath compels him to protect the family boss. Under the witness immunity clause of the loan-shark amendment, the court can take appropriate safeguards, require the witness to testify or surrender documentary evidence under a guarantee that nothing he confesses in his testimony can later be used in a prosecution against him. If not withstanding that guarantee, he refuses to testify, he may be prosecuted for contempt of court. If he agrees to testify but testifies falsely, he can be prosecuted for perjury.

This witness immunity clause will do much to unravel the blanket of immunity with which the Nation's top racketeers cloak themselves today.

While the annals of crime are replete with the story of the vicious venality of the loan shark and the human misery he causes, several cases disclosed by the recent hearings of the Senate Select Committee on Small Business serve to illustrate the enormity of the crime which present Federal statutes fail properly to reach. A witness testifying under a hood reported that loan sharks had required him to pay $14,000 in interest on a $1,900 loan. Only last week in the State of New York, the grand jury returned seven counts of criminal usury against one Bonfondeo. These included a case in which the victim paid $100,000 in interest on a $30,000 loan; another case in which the victim paid 104 percent interest on a $5,000 loan; another case in which the victim paid 260 percent in interest on a $3,000 loan; another case in which $5,000 in interest was paid on a $5,000 loan without curtailing any of the principal. The head of the Organized Crime and Racketeering Section of the Department of Justice, Mr. Henry Peterson, told the Senate committee that the Justice Department has identified at least 120 members of the Cosa Nostra who are involved in loan-shark racketeering in the metropolitan area of New York City alone.

It is important to know what the loan-shark amendment does. It is no less important to know what it does not do. It does not preempt the State laws. It does not jeopardize any legitimate, licensed, regulated lending institution. It does not constitute a Federal criminal usury statute. On this last point, there seems to be some public confusion. Undoubtedly, this arises from mention in the amendment of a 45-percent interest rate. Let me explain the function of the interest rate factor.

The statute punishes extortionate extensions of credit. An extortionate extension of credit is defined as a loan which involves the use or threat of use of violence or other criminal means to harm the person, property or reputation of any person. Parenthetically, the phrase "any person" is intended to include members of the borrower's family who are the natural subjects of intimidation by the loan shark.

When direct evidence of violence or other criminal means is readily available, such evidence is all that is required to prove the crime. When it is not available, extortion will be presumed if the prosecution is able to prove all of the four following factors:

First, that the loan was in excess of $100;

Second, that the interest rate was in excess of 45 percent per annum;

Third, that the loan violates State law to the extent that the lender is unable to obtain a complete collection judgment under State laws against the borrower; and

Fourth, that the lender has reputation for extortion in the community of which the borrower is a member.

Thus, it will be seen that the loan-shark amendment does not fix a Federal criminal usury interest figure. The 45 percent figure is only one of four factors which, if all are proved, create a prima facie case of extortion. The interest rate may be less than 45 percent and the loan may still constitute an extortionate extension of credit if it can be proved that violence or other criminal means were used in making, collecting or financing of the loan.

I believe it is important to explain something of the constitutional foundation for this amendment. It is twofold. It consists in one part of the interstate commerce clause and in the other part of the bankruptcy clause. The purpose of the bankruptcy clause is primarily humanitarian; namely, to give an insolvent debtor a fresh start by dividing his assets, remaining after essential family exemptions, among his creditors and discharging his liabilities to them. If a particular loan involves extortion and violates other criminal laws, it is not susceptible of being discharged. Indeed, its very existence probably will never come to light in the bankruptcy proceedings because the victim is in fear of his very life or the bodily safety of himself and his family. It is anomalous that all of the lawful obligations of the debtor can be discharged at the expense of honest creditors while an unlawful obligation survives the bankruptcy proceedings and remains alive for the benefit of the dishonest creditor. In summary, the loan-shark operation frustrates and defeats the function and purpose of the bankruptcy law with respect to which the Constitution gives the Congress exclusive jurisdiction.

Mr. Speaker, I want to pause to pay tribute to a number of my distinguished colleagues, including specifically the gentleman from Pennsylvania [Mr. McDade], who have made notable contributions to the perfecting of the final version of the loan-shark amendment. All those on both sides of the political aisle in both Houses of Congress who participated and all those on the staff of the committee and in the Department of Justice who cooperated can take genuine pride in the product that has been fashioned.

Mr. WIDNALL. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. McDade].

Mr. McDADE. Mr. Speaker, it is a singular pleasure for me to support the conference report on the truth-in-lending bill and in particular to support that section which concerns itself with the vicious racket of loan sharking.

Some 2 years ago a group of my colleagues here in the House joined me in a profound study of organized crime, its ramifications and its implications. I wish to pay tribute to those colleagues today. They are Congressmen Charles McC. Mathias, Jr., Charles A. Mosher, Howard W. Robison, Robert Taft, Jr., Mark Andrews, Alphonzo Bell, William T. Cahill, John R. Dellenback, Marvin L. Esch, Paul Findley, Peter H. B. Frelinghuysen, James Harvey, Frank Horton, F. Bradford Morse, Ogden R. Reid, Herman T. Schneebeli, Richard S. Schweiker, Fred Schwengel, Garner E. Shriver, Robert T. Stafford, J. William Stanton, and Charles W. Whalen, Jr.

Out of this study came a significant paper entitled "Study of Organized Crime and the Urban Poor." It may be found in the Congressional Record of August 29, 1967.

Loan sharking was selected in that paper for special emphasis as one of the most vicious rackets of organized crime. I pointed out then that the victim of loan sharking is the poor person desperately in need of money, without credit at a local bank, who borrows from the loan shark at exhorbitant interest rates, sometimes as high as 20 percent per week. I pointed out that the small, marginal, local businessman in the concentrated area of the urban poor is another major victim of organized crime. I pointed out, finally, the ironic contrast whereby the Small Business Administration would lend $50 million in fiscal 1967 under the antipoverty program of the Economic Opportunity Act of 1964, while loan sharks would extract $350 million from the pockets of the poor during that same period.

Out of this study came an anti-loan-sharking bill which I wrote and which I put before the Congress when the truth-in-lending bill came to the floor. I am delighted that my bill with modifications by the gentleman from Virginia and by other members on the conference committee has been accepted as the final version of this section of this bill. I am particularly delighted to see that the section of my bill granting immunity for the purpose of securing vital testimony before a grand jury has been accepted by the conference committee practically verbatim. This immunity statute I think to be vitally important, and I am delighted that I am joined in this feeling by the members of the President's Task Force on Crime who recommended such an immunity statute.

I look forward to the final passage of this bill by the Senate and to its being signed into law by the President. More than that, I look forward to a new and significant effort against organized crime by our Department of Justice.

Today slightly over one one-hundreth of 1 percent of the Federal budget is devoted to combating organized crime. In the Department of Justice 2½ percent of its budget is spent in the fight on organized crime. Clearly, this is not enough.

With the passage of this bill I look forward to a new and broader and more thorough effort against organized crime by the Department of Justice. We have indeed turned a milestone today and I am proud to have played a part in what we are doing here in the Congress.

A final word for purposes of legislative history.

I want to make it clear that the term "other criminal means" as used in this statute is intended by its authors to have a liberal construction in order that we can take care of the situations which involve forcing other people to do criminal activity under threat of collection of debt. The use of force, express or implied, is not the sole test of an extortionate extension of credit. This is an important part of the statute.

Mr. Speaker, I urge the adoption of this conference report.

The **SPEAKER** pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Halpern].

Mr. HALPERN. Mr. Speaker, I want to heartily congratulate the gentlewoman from Missouri for her outstanding work in developing this legislation and for her leadership in bridging the gaps between the Senate and House bills.

As a long-time advocate of truth-in-lending legislation and as a House sponsor of the original Douglas bill, I am particularly pleased with the bill as it now comes before us.

And, as a minority member of the Consumer Affairs Subcommittee I want to say how privileged I was to work with the able chairlady and to join her in the sponsorship of H.R. 11601.

Mr. Speaker, I am pleased that the garnishment provision was retained although modified in form from the House version. I am pleased with the results of the conference agreement. I heartily congratulate the conferees and particularly I wish to compliment the chairwoman of the subcommittee for her outstanding leadership in the achievement of this legislation.

Truth in lending has faced a long and arduous struggle. This bill, as it emerged from conference, is not as strong or as tight as I and many of my colleagues would have liked. After all, this is legislation aimed at guarding the innocent consumer from a great many abuses, and giving him the information he needs to make intelligent choices about credit. I think he deserves all the help he can get.

Nevertheless, considering the fact that it took all these years to push a truth-in-lending bill through both Houses, I consider this bill to be a remarkable achievement and a real legislative milestone, of which Congress can be justly proud.

I was deeply gratified that our conferees were able to retain the substance of all the major provisions of the House version. For this they are entitled to our profound thanks. The conference bill not only requires credit cost disclosure in terms of annual rates for individual transactions, but—as well—it upholds the House position by including provisions dealing with credit advertising, loansharking, administrative regulation by the Federal Trade Commission and other agencies, and—as I have said—on garnishment.

Fortunately, revolving credit and small transactions are still included in the bill, although there are certain exemptions which the Senate insisted on that I think were unwise.

Most important is the exemption from rate disclosure on transaction in which the credit charge is less than $5 if the amount loaned is less than $75, and on credit charges up to $7.50 if the loaned amount exceeds $75. This is a bit better than the $10 exemption proposed by the Senate, but I say now, as I did when this proposal was broached in the House, that this exemption takes a bite out of this bill right where some solid muscle is most needed.

If a person is going to be charged $4.95 in interest on a $35 radio, I fail to see why he should not be told in plain language how much interest he is paying.

There is also an exemption of up to a 50-cent fixed monthly charge on open accounts which I am not terribly happy with, and which may set off a rash of stores imposing fixed charges on credit accounts to get around disclosing part of their interest rates.

Notwithstanding these criticisms, I am still mindful of the fact that this bill is a momentous step forward toward protecting the American consumer from confusing and sometimes deliberately complex credit practices. When viewed in perspective all the benefits that this legislation would bring, I am willing to live with these shortcomings, at least for the present.

I had feared that the garnishment provision in the bill might be weakened, but my fears fortunately were unfounded. The agreement reached by the conferees actually strengthens my amendment. As passed by the House, the bill provided that garnishment could not exceed 10 percent of gross earnings over $30 a week. The bill approved in conference does not permit garnishment of more than 25 percent of disposable income, or of more than the amount by which weekly disposable income exceeds 30 times the Federal minimum hourly wage, whichever is less. In other words, the effect is to restrict garnishment to make sure that after a worker pays all deductions required by law, tax, and social security, a garnishment cannot leave him less than $48 to live on.

The original truth-in-lending bill prohibited garnishment entirely, but it seemed to me that this unnecessarily curtailed the proper rights of creditors. This provision protects both.

This section also retains my proposal to prevent an employer from discharging a worker for the first garnishment of his wages, thereby ending a vicious cycle whereby a man not only loses his salary to pay his debts, but loses his job as well, and thereafter can't get himself out of debt to end the garnishment.

In conclusion, I want to say that this bill is something many of us have awaited for a long time and I trust the conference report will have the overwhelming approval of this House.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALPERN. I am delighted to yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, recently the American consumer has enjoyed many fine hours here in the Congress and more particularly here in the House of Representatives. I feel confident, however, that today marks the consumer's finest hour.

I am proud of the role that the minority played throughout the committee hearings, the floor debate and the long, arduous House-Senate conference sessions. But it is not my purpose today to extol the virtues of the minority's contributions to the truth-in-lending bill, for throughout the years of debate on this legislation, partisan divisions have rarely, if ever, occurred.

Although much of the controversy and most of the headlines have centered around the conflict of periodic versus annual disclosure on open-end credit, in my opinion, the contributions of House Members of both parties in adding many entirely new features to the Senate-passed bill far outweigh the importance of the final compromise on revolving credit. The House added and was able to retain in conference strong, effective and equitable language on administrative enforcement, credit advertising, loan-sharking, first mortgages, garnishment, as well as provisions dealing with abuses primarily related to extensions of credit for home improvements.

During the House floor debate on the truth-in-lending bill, the nonrecord votes on revolving credit and the so-called $10 exemption were overwhelming in support of the position taken by a majority of the Committee on Banking and Currency. I have been advised that the House conferees were united throughout the conference sessions with the Senate on these two points, and I was delighted that the House conferees were equally united in support of retaining several amendments offered by Republicans when the bill was debated here on the floor of the House.

Mr. Speaker, I became personally involved with the Republican loan-shark amendment and I want to commend the chairman of the House Committee on Banking and Currency, Mr. PATMAN, the Congresswoman from Missouri, Mrs. SULLIVAN, and the ranking minority member, Mr. WIDNALL, for their success in coming back to the House with a very effective title dealing with extortionate extensions of credit. In this connection, the contributions of the House Republican Task Force on Crime, as well as Congressmen POFF and McDADE, cannot be exaggerated.

Recent testimony has indicated that loan-sharking is the second most important source of revenue to organized crime. Annual revenue to organized crime has been estimated to be at least $20 billion. By amending title 18 of the United States Code so as to define and make a Federal offense the extortionate extension and financing of credit, finally we are recognizing both the seriousness and the vast extent of this criminal activity. Moreover, the language providing immunity to witnesses will send tremors through the high councils of organized crime when their highly paid legal counsels advise them of the direction taken by Congress.

Mr. Speaker, I consider the conference report on the Consumer Credit Protection Act one of the most important achievements of the 90th Congress. The vast protection it affords all citizens—especially low-income families and individuals—should provide ample evidence that the Congress has and will continue to act on its own initiative in matters involving human equity.

Mr. PATMAN. Mr. Speaker, may I inquire if the minority are finished with their time?

The SPEAKER pro tempore. All time has expired on the minority side. The gentleman from Texas has 6 minutes remaining.

Mr. PATMAN. Briefly, Mr. Speaker, I believe that the House is as near unanimous on this conference report as it is possible for the House of Representatives to be. It will be recalled that the vote on the final passage of this bill, I believe, was 382 for to 4 against. That is as good a majority, I believe, as the House of Representatives gives on any legislation. I do not know of any Member who voted for the bill when it passed this House who is now opposed to this conference report. If there is one within the sound of my voice, I wish he would make his presence known. I do not believe there is. We can consider that this conference report really is passing unanimously. Nobody is against it and they should not be against it. It is a good bill. As the gentlewoman from Missouri has said, it is a bipartisan bill. We all worked together on it. Significant parts of this bill is represented by amendments from the minority, and they are good amendments. I believe that this expression of the House here today on the passage of this conference report represents the unanimous action of the House of Representatives. I think it should be considered that way when it goes back to the Senate for their approval.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Is it my understanding and is it the correct understanding that this debate in the RECORD will precede the vote taken some time ago?

Mr. PATMAN. Yes, sir. That is the understanding. I have checked it with the Parliamentarian, and I am told that is true.

The SPEAKER pro tempore. The time requested by the gentleman from Oklahoma has expired.

Mr. MONTGOMERY. Mr. Speaker, I talked to the chairman of the distinguished Committee on Banking and Currency with reference to one particular item about which I desired some clarification.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. PATMAN. I did not know that the conference report was going to be so quickly agreed to. However, I had previously agreed to yield to the gentleman from Mississippi for the purpose of his asking questions with reference to a garnishment matter.

Mr. MONTGOMERY. Mr. Speaker, I would like to ask the gentleman a question. What is the difference in the garnishment situation that was in the original bill, and is now in the conference report? I believe the Congress is entitled to know.

I am sorry that the parliamentary procedure moved so swiftly here, and I was unable to ask the question prior to the adoption of the conference report.

Mr. PATMAN. I will defer to the gentlewoman from Missouri to answer the gentleman's question.

Mrs. SULLIVAN. Mr. Speaker, if the gentleman will yield, in reply to the inquiry of the gentleman from Mississippi, let me say first that I am prepared to put into the RECORD all of the differences and explain as clearly and concisely as possible the provisions, and this will be put into the RECORD.

But as far as the garnishment title is concerned, we adopted a garnishment provisions that is much weaker than we had in the House bill. What we actually adopted, in effect, was the law of the State of Alabama and of the State of Mississippi, too, on garnishments, except that we do have a floor of $48. In other words, the first $48 of the weekly salary, after taxes or other deductions required by law, cannot be garnisheed.

Mr. MONTGOMERY. Are the Federal Government and the States exempted from the garnishment section in the conference report insofar as coming under this section of $48? As the gentlewoman knows, the Federal Government is the largest establishment that undertakes garnishment proceedings now. I ask the gentlewoman from Missouri, will they come under this conference report or not?

Mrs. SULLIVAN. In answer to the gentleman, I will say no, the Federal and State Governments are not covered by the restriction on garnishment. We exempted them in the House bill, too.

One cannot garnishee the Federal Government or the State governments.

Mr. MONTGOMERY. But the Federal Government can garnishee people who have a tax debt that they owe to the Federal Government, or to the States?

Mrs. SULLIVAN. Yes, the Federal Government retains the right to garnishee for taxes, and so do the States. Whether the States exercise that right is up to them. That is up to the States.

Mr. MONTGOMERY. That is up to the States?

But my point is, I will say to the gentlewoman from Missouri [Mrs. SULLIVAN], that the conference report has exempted the States and the Federal Governments, which are the largest users of garnishment, yet private individuals will have to come under the Federal law.

The conference report has already been adopted as of now, but I certainly feel as though this is another encroachment on States' rights. The individual States in the last few years have kept up on their garnishment laws. Our State of Mississippi only 2 years ago upgraded the garnishment section of our laws. Now, this supercedes the State laws, is that correct.

Mrs. SULLIVAN. Yes, but only to the extent that it is inconsistent with the Federal law. And it does not take effect for 2 years. At that time, the Secretary of Labor can exempt from the restrictions of section 303(a) any State which has a substantially similar law on the amount which can be garnisheed. May I say to the gentleman that in the bill as originally introduced last July, there was no exemption for the Federal or State Governments in collecting debts due for taxes, but this was taken out in the committee before the bill was reported to the House last December.

Mr. MONTGOMERY. Oh, it is taken out?

Mrs. SULLIVAN. Yes. The Federal Government and the State governments are not affected in this garnishment procedure at all as to garnishing the wages for taxes.

Mr. MONTGOMERY. I am sorry, but I do not believe the gentlewoman understands my question. What the gentlewoman is telling me now is that the Federal Government can only garnishee up to $25 of the first $100 out of a salary. So that what the gentlewoman is telling me is that if a person owes the Federal Government, say, $300 in taxes, the Government can take only $25 out of a man's salary of $100 per week until it has been repaid?

Mrs. SULLIVAN. No. This does not touch the garnishment of wages by the Federal Government for any taxes, or by the State governments either.

Mr. MONTGOMERY. In other words, the Federal Government is not to come under this bill, yet we are putting private enterprise under it, but the largest garnishment group is not even under the bill, that is my point.

Mrs. SULLIVAN. That is correct. We had no exemption for the Federal Government in the House bill originally but we changed that in committee last December.

Mr. MONTGOMERY. Mr. Speaker, the garnishment title should not even be in this truth-in-lending bill. The garnishment section supercedes all State laws on garnishment and is just another step by the Federal Government to further take over States' rights. I yield back the balance of my time.

Mr. BARRETT. Mr. Speaker, as one of the House conferees on the Consumer Credit Protection Act, I am indeed proud to support this legislation and to urge its overwhelming passage by the House in the form in which it has been reported from the conference committee. I have always favored the enactment of truth-in-lending legislation such as recommended for so many years by former Senator PAUL H. DOUGLAS, of Illinois; the remarkable thing is that after years of failure to get the Douglas bill through the Senate, we are now about to pass a bill which goes far beyond the old Douglas bill.

S. 5, as amended by the House and agreed to in conference, incorporates all of the provisions in the old Douglas truth-in-lending bill and adds many things to it to make it far more effective than the Douglas bill would have been in protecting the consumer.

This is certainly not meant to disparage Senator Douglas or his valiant efforts on behalf of this legislation. We are all grateful to him for his leadership and his imagination in launching the campaign for truth in lending and waging it so well during the last 6 years of his Senate service. The fact that we are passing a much broader and more comprehensive bill than the Douglas bill is a tribute to the remarkable perseverance and effective legislative skill of the gentlewoman from Missouri [Mrs. SULLIVAN], chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, who is ranking member also of my Subcommittee on Housing and an invaluable ally of mine on progressive housing legislation.

All of us on the Committee of Banking and Currency were impressed by her handling in the subcommittee and the full committee of this bill which was so controversial at the time she introduced it, but which passed the House on February 1 by an overwhelming vote of 382 to 4. I am proud to have been a cosponsor of the Consumer Credit Protection Act and I am also proud of the fact that when some were counseling Mrs. SULLIVAN to give up her great fight for a strong bill last November and accept the Senate bill instead, I urged her to continue the battle for the kind of legislation we are now about to pass. She knew that she had my full support for this legislation despite the heavy odds against her—first when her subcommittee divided 6 to 6 on the bill and then later when a majority of the members of the full committee voted to add loophole amendments over her strong and vigorous objections. The House voted overwhelmingly early this year to reject those committee amendments and Mrs. SULLIVAN was vindicated.

After a long series of conferences with the Senate on this bill, House conferees stood fast for a strong bill and generally we achieved our purposes.

No piece of legislation is perfect and meets every test of effectiveness. Undoubtedly this bill will have to be strengthened and improved in various ways after it becomes effective and we have developed some experience under it. But we know that we have a good bill and one which will give the little income consumer in this country a fair break in the use of credit and eliminate practices which have too long been allowed to victimize the poor.

As a Representative in the Congress of the United States of the great city of Philadelphia in the Commonwealth of Pennsylvania, I am particularly pleased that the conference bill on which we are now acting follows the lead of the Commonwealth of Pennsylvania in trying to do something about the harsh practices of garnishment. In Pennsylvania we prohibit garnishment entirely. The Consumer Credit Protection Act as originally introduced, and which I cosponsored, would have eliminated garnishment entirely throughout the country. The bill we reported from committee was not that strong, limiting garnishment only to 10 percent of the worker's pay over $30 a week. The bill we are now voting on is less effective in combating garnishment abuses but will nevertheless provide far more protection for the low-income workers in most States than is now available to them under State law. So this is a great forward step.

In my opinion, the Consumer Credit Protection Act, is one of the most important consumer laws the Members of Congress of the United States have ever had an opportunity to vote for. It establishes a new set of standards for consumer protection in a field which the Federal Government has not previously been involved. We are taking nothing from the States in this respect; instead, through this legislation, we are encouraging the States to raise their own standards of consumer credit protection, and if they do not do so, then we will make sure that the American people living in those States will nevertheless be protected against further deliberate misrepresentations of the cost of using credit.

In future years, all of us can take deep satisfaction for having voted for the first Federal truth-in-lending law, for the first Federal garnishment law, for the first Federal truth-in-credit advertising law, for the first Federal extortionate credit law, and for the creation of the National Commission on Consumer Finance. All of these great pioneering Federal achievements in consumer credit protection are included in the bill now before us. I urge my colleagues in the House to vote "aye" on this historic legislation. The Sullivan Consumer Protection Act is a great monument to an outstanding and gracious Congresswoman just as title I of this legislation, the truth-in-lending title, is a legislative monument to former Senator Paul H. Douglas.

While it is Mrs. SULLIVAN's bill, I am sure she agrees with me that its enactment would have been impossible without the legislative skills of the chairman of the Committee on Banking and Currency, the Honorable WRIGHT PATMAN, of Texas, who has proved once again that the bigger the odds against him and against the average citizen in legislative battle, the harder he fights and in this instance, as in so many others, he has fought to win for the public interest. He has been doing that all of his long career in the Congress of the United States.

Mrs. DWYER. Mr. Speaker, the conference report on the bill, S. 5, better known as the truth-in-lending bill, represents a notable achievement. It is far broader, more comprehensive, and potentially more effective than almost any of us believed was possible when action on this legislation began last year.

Many of our colleagues deserve great credit for this accomplishment, and I would mention in particular the chairman of the Subcommittee on Consumer Affairs, the distinguished gentlewoman from Missouri [Mrs. SULLIVAN].

In almost every major respect, Mr. Speaker, the conferees substantially upheld the stronger provisions of the House-passed bill. In the one area which could be considered an exception, open end or revolving credit disclosure requirements, the compromise reached by the conferees represents in my judgment a net improvement over both the House and Senate versions.

The Senate bill generally exempted revolving credit from annual rate disclosure requirements and the House bill established a much too rigid requirement which, in effect, would have forced all revolving credit merchants to state a single arbitrary annual rate despite differences in the actual cost of the credit. The conference report resolves this dilemma by permitting merchants to use an optional means of disclosing revolving credit charges, that is to disclose the average effective rate of return on an annual basis. This compromise should do two important things: First, remove the strong temptation to raise all revolving credit charges to a level which would provide an effective return of 18 percent; and, second, encourage the continuation of competition in the area of interest charges.

Every consumer in America, Mr. Speaker, should benefit from this bill. It will enable consumers to shop more intelligently for credit, to protect themselves from credit abuses, to resist more effectively such brutal rackets as loan-sharking and second-mortgage abuses, to temper the unnecessarily punitive effects of unrestricted garnishment of wages, and in general to deal more knowledgeably in the increasingly complex marketplace.

This bill is not perfect, Mr. Speaker. It brakes so much new ground that we must monitor developments very closely to determine that we are making real progress. Much, therefore, depends on the regulations and enforcement procedures adopted by those agencies responsible for administration of the legislation, especially the Federal Reserve Board and the Federal Trade Commission. Consequently, I would hope that our committee will act accordingly and devise a means of systematically reviewing the administration of the new law. We have made a good start, I believe, but we must remember that it is only a beginning.

Mr. ANNUNZIO. Mr. Speaker, I rise today to applaud the members of the conference committee that have brought to this body the conferees substitute for S. 5, the truth-in-lending bill.

I particularly salute the efforts of the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN], who performed such an outstanding job of guiding the House conferees through the legislative tangles of the legislation. Chairman PATMAN deserves the praise of every Member of this body and from all consumers for making certain that a strong, workable and effective piece of legislation was reported from the conference committee. And, I am happy to note that because of Chairman PATMAN's guidance, most of the House provisions of the legislation were adopted by the conferees. When the truth-in-lending bill was introduced in the House in July of 1967, I was happy and proud to join with my colleagues on the Consumer Affairs Subcommittee, Representatives SULLIVAN, GONZALEZ, MINISH, BINGHAM, and HALPERN as a coauthor of the legislation and I vividly recall the 6 weeks that the subcommittee spent in putting together a strong bill. It is obvious that the conferees did not forsake our efforts.

I am particularly pleased that the conferees maintained the House provision calling for garnishment controls. As a former Director of Labor for the State of Illinois on the cabinet of Gov. Adlai Stevenson, I well recall the affects that garnishments have not only on employee but on employers. For too long, garnishments have been used as a sword to collect payments for shoddy merchandise, or usurious interest charges.

Mr. Speaker, the truth-in-lending bill being discussed here today is a bill that the honest and reputable merchant can live with and benefit from. It will, however, serve as a deterrent to loan sharks, sharp practice operators and others who would cheat the consumer.

In closing Mr. Speaker, let me say that the truth-in-lending bill is the beginning—not the ending. It is not enough to say we have completed our task in this area and then completely overlook the consumer's plight in the coming years. There are still hundreds of areas that need to be explored and perhaps regulated. We need a review of the operations and the laws that govern the Federal Trade Commission with an eye toward putting more teeth in that Agency's operation. We need to make our judicial system more aware that the age old philosophy of "let the buyer beware" has no place in the 20th century. President Johnson, in his consumer message, rejected the philosophy of "Let the buyer beware" and instead said, "Let the seller make full disclosure."

The 90th Congress has been labeled by some as the consumer's Congress. I think this is a label that we can wear proudly but I hope that future Congresses will strive to also gain that label. Mr. Speaker, I urge the unanimous adoption of the conference report on S. 5.

Mr. MINISH. Mr. Speaker, this is indeed a great moment for those of us who serve on the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency and who had a part in shaping this great piece of legislation. I am proud to have been one of the original cosponsors with the gentlewoman from Missouri [Mrs. SULLIVAN] of H.R. 11601—the most comprehensive consumer credit bill ever introduced in the Congress.

More important than the form in which it was introduced is the form in which we are now about to pass this legislation and send it to the White House. There are provisions in this bill in its final form which no one ever gave us any hope of getting through the Congress. One of those provisions deals with garnishment.

During our hearings on this legislation last August, under the chairmanship of the lady from Missouri, we established a clear case for the abolishment of garnishment. Perhaps someday we will be able to outlaw this form of debtor's prison.

But for the time being, in passing this bill today, we will be striking a blow for the freedom of the oppressed poor people in this country who are victimized by credit outfits not interested in whether the customer can pay for the goods but only interested in how they can force the customer to pay even if it means making his family go without food.

I remember an advertisement a long time ago for a home instruction course in playing the piano. The catch line in that ad was "They laughed when I sat down at the piano." And then the ad went on to explain that after he played the piano they were just amazed at how well he could perform. Well, Mr. Speaker, they laughed when we introduced H.R. 11601 on July 20—a lot of people laughed at a lot of things that were in that bill. But now we are writing them into the law of the United States and I am proud to have a part in that accomplishment.

This legislation will enable the consumer to know what he is paying for credit. It does not regulate credit. It just makes the firms in the credit industry let the customer know what any transaction is going to cost him in terms of dollars and cents and also in terms of the equivalent interest rate.

Again I want to say that as a member of the Subcommittee on Consumer Affairs and one of the cosponsors of this legislation, I urge the House to accept this conference report. It is the strongest piece of consumer legislation to be passed by Congress in many years.

Mr. SMITH of New York. Mr. Speaker, another provision of this bill is the witness immunity section. From the very beginning Federal law enforcement has been handicapped in its prosecution of racketeers by the Cosa Nostra "Omerta" or code of silence.

Regardless of whether an individual is directly implicated in criminal activities, he may be afraid to testify against racketeers. The witness immunity provision deals directly with this problem. Now, by offering a potential witness immunity from prosecution he will no longer have a valid claim of the fifth amendment and will have to testify. I think, as a result of this, we are going to see quite a few more organized crime prosecutions in the years to come.

Mr. KING of New York. Mr. Speaker, according to a newspaper article not too long ago, which was based on an interview with New York County Assistant District Attorney Michael Metzger, "crime in the street—Wall Street—may prove to be organized crime's most sophisticated effort yet in infiltrating big business."

In less sophisticated times, the loan shark's only goal was the "vigorish," the trade name for interest on the loan. Typically, this was "6 for 5," or a $6 payment for a week's loan of $5. Today, the goal is different; the stakes are higher. The modern Wall Street loan shark loans money in order to exploit the services of the borrower who finds that he cannot repay principal and interest timely.

The technique is simple and effective. The Cosa Nostra acts as a "fence" for stolen securities acquired at bargain prices from petty thieves who stole them from private homes, from messengers on the street or from brokerage houses. The loan shark approaches a Wall Street clerk who needs "fast money" to invest in a "hot tip" he has picked up in the performance of his duties. The tip goes sour. He is unable to pay the interest. Graciously, the loan shark grants a grace period. The price of his generosity is the clerk's agreement to arrange a sale of the stolen securities. The loan shark pockets the profit. The clerk is still in default on his loan.

The added sophistication of this increasingly lucrative illegal activity makes the need for passage of the truth-in-lending bill and the loan-shark amendment contained therein, even more obvious.

Mr. ERLENBORN. I would also like to say something about the syndicate infiltration of legitimate business. Unquestionably, loan sharking is a source of money—yes, but it is also a source of power—unlimited power over individuals and unlimited power over businesses—and therein lies the greater evil and the greater danger.

It is no secret that organized crime has made a wholesale invasion of the private business community. And when the racketeers move in they bring all their corrupt methods with them. A business run by a racketeer will cheat the customer and rob the supplier just as surely as the racketeer himself will.

No one knows for sure just how many racketeer owned and controlled businesses became such only after the original owner became indebted to a loan shark and was ultimately squeezed out by him and his associates. There is every indication, however, that the number is substantial.

It is my opinion that one sure way to stop that number from increasing, and to eventually control this practice is through the passage of the truth-in-lending bill before us today.

Mr. WYLIE. Mr. Speaker, the insidious nature of organized crime, while present with us for many years is being recognized with increasing concern by all citizens as well as law enforcement authorities throughout the country. One of the most alarming features of syndicate crime is the ease with which it has been infiltrating legitimate business establishments, even the Wall Street stock market.

One method used to accomplish this is the practice of making loans available at excessive rates to certain businessmen and then muscling into the business after having placed this foot in the door.

I believe that the provision in the truth-in-lending bill which strikes at such loan sharking will greatly reduce the opportunity of organized criminals to enter legitimate business in this way.

Mr. CRAMER. Mr. Speaker, if there were nothing else to commend the loan-shark amendment which I support, I would welcome it because of the witness immunity provision.

Witness immunity statutes are nothing new. There are in excess of 40 of them on the books in the Federal code but the problem is that most are directed at crimes which are not ordinarily the modus operandi of organized crime.

It is difficult to imagine San Giancana being legitimately investigated for violating a soybean allotment, for example, so the AAA immunity provisions are useless as to him. And so on.

Ever since 1958, we have been trying to get an immunity statute similar to the bills I have introduced since the date of more meaningful application in the organized crime area. Attorney General Rogers asked for one—so did KENNEDY and Katzenbach—even Ramsey Clark and no less than President Johnson have asked this Congress for more immunity powers.

I think, when we pass this truth-in-lending bill, we will have given it to them so far as it relates to this bill.

Because loan-sharking is part and parcel of organized crime—because it is organized crime—I cannot conceive of the racketeer or member of Cosa Nostra who cannot be legitimately investigated under this statute and against whom the witness immunity provisions cannot be used.

Mr. Speaker, today, I think, this Congress will have cracked the underworld code of "Omerta"—silence—and that is doing something.

Mr. MACGREGOR. Mr. Speaker, Mr. Henry Peterson, head of the Justice Department's Organized Crime Section, asked just a week ago for legislation against loan-sharking so that the Federal Government would "have additional weapons to use before greater inroads into the legitimate business community are made by Cosa Nostra and allied syndicates."

The loan-shark amendment to the truth-in-lending bill would open these additional avenues of prosecution. Loan-sharking simply cannot withstand the persistent efforts of effective law enforcement together with growing opposition from an indignant public. This amendment, which would make it a Federal crime for any unlicensed lender to violate any State law limiting the charges on consumer credit transactions, would allow the Federal machinery to enter the fight against the unscrupulous and shocking practices of loan sharks. I strongly urge the passage of this vital legislation so that the relentless fight against loan sharking will make it a crime that literally does not pay.

Mr. TAFT. Mr. Speaker, loan-sharking is an ugly crime. It preys upon the needs of not only the urban poor but businessmen from the ghettos of America through the high-rise buildings of Wall Street. In December 1967 the House Republican task force on crime reported that loan-sharking was organized crime's second largest source of revenue. The truth-in-lending conference report, which contains the loan shark amendment, marks a major step in the battle against crime. The amendment gives Federal law enforcement officers a major weapon. It is the first step of what the House Republican task force on crime hopes will be many.

Mr. DEVINE. Mr. Speaker, one of the significant features of the loan shark amendment is the fact that it expands Federal investigative jurisdiction into loan sharking activities.

Presumably the Federal Bureau of Investigation will be involved in most of the investigations under this new statute. Up until now, they have been able to investigate loan sharking only infrequently and under another statute, the Hobbs Act, which is, in fact, an extortion statute.

Doubtless the Federal Government will not be able to prosecute every violation the FBI investigates. However, in those instances they will be able to turn over the fruits of their investigations to state and local prosecutors who will be able to prosecute.

Mr. WYMAN. Mr. Speaker, I am today voting for the truth-in-lending conference report. It is a step that has been too long delayed. It is a bill that will go down in history as the first major effort on the part of the Congress to protect American consumers. At the same time it contains a proposal that would make loan sharking, the practice of lending money at exorbitant rates of interest, illegal. The amendment which was added in the House by Republican Congressmen, gives Federal law enforcement officers a major tool in combating organized crime in America. I would hope that other measures aimed at organized crime's many other sources of revenue follow.

Mr. PIRNIE. Mr. Speaker, the House today has an opportunity to take a major step in combating organized crime. The truth-in-lending conference report contains the Republican-sponsored loan shark amendment which would arm Federal law enforcement officers with the power to step into what has been called organized crime's second largest moneymaker. The proposal could also be used as a model by State legislatures.

We are all aware of the multibillion-dollar organized crime network that has, until this time, operated almost unhindered in America. I hope this marks only the first step in crushing this vicious disease.

Mr. RAILSBACK. Mr. Speaker, the role of poverty in the cause of aggravation in America is seriously being investigated and debated, not only in Congress, but throughout the Nation. One uncontestable relationship between poverty and crime is the way in which operatives in the crime syndicate frequently force the poor to join them. Many individuals who need money can frequently borrow it only at exorbitant rates of 20 percent a week or even more. When the victim of such loan-sharking practices cannot repay, the lives and safety of them and their families are threatened unless they cooperate with the organized criminal in their nefarious activities.

The provision against loan sharking and the bill before us will go a long way toward stopping this practice, thereby denying to organized crime this source of recruits, of financial resources, and of entrance into legitimate businesses which they can use as covers for other illegal activties.

I strongly urge support and passage of the legislation before us today.

Mr. CONABLE. Mr. Speaker, in a year that is characterized by a growing awareness of the problem of crime, as well as the need for protection of consumers in business transactions, one of the most significant actions to take place in Congress has been, in my opinion, the enactment into the truth-in-lending bill of the provision against loan-sharking.

The practice of charging those least able to afford it, extortionate and illegal interest rates is an insidious activity that saps what little financial strength many of our urban poor possess. I believe that when final enactment of this very meaningful legislation is effected, this provision will provide Federal law enforcement officers with the much needed tools in this fight.

Mr. MATHIAS of Maryland. Mr. Speaker, in attacking the problem of crime in America one approach has been to increase the number of law enforcement officials, their training and their operations. But without a corresponding, well-developed set of procedural tools to enforce these laws, the authorities can also find themselves helpless in the face of spiraling crime.

Such is the case with organized crime in which we see through the use of loan-sharking methods the poor being driven to criminal activity to repay loans as well as the entry of organized crime into legitimate businesses.

The provision in the truth-in-lending bill striking at the loan-sharking practices, I believe, will give our law enforcement authorities one of these badly needed legal tools to combat this scourge on our society.

Mr. RODINO. Mr. Speaker, this is indeed a landmark day in the long struggle to provide protection for the American consumer. For with adoption of the conference report on S. 5 we have taken a most significant step in safeguarding consumers from the abuses and injustices of many credit and lending practices and in preventing excessive or deceptive credit charges.

Americans live in a largely credit economy, and a good credit rating is certainly highly desirable and, indeed, often a necessity. Today most Americans rely on credit to some degree and the practice is increasing. Outstanding consumer credit today totals $95 billion; $75 billion takes the form of installment credit, while interest costs on consumer credit alone amounted to nearly $13 billion in 1966.

The magnitude of this business makes it imperative that the borrower know the cost of this important part of his budget, just as he knows the price of the loaf of bread or bottle of milk he buys.

S. 5 will assure a meaningful disclosure of credit terms, including the House provision requiring disclosure of the annual interest rate on revolving charge accounts. Consumers will thus be able to compare the cost of borrowing money and of installment purchases and can avoid the uninformed use of credit. It should also encourage a healthy competition among lending institutions.

This far-reaching measure also includes a long overdue restriction on the garnishment of wages. It is not as strict as the House-approved version, but nevertheless represents a signal breakthrough in this important area. As approved by the conferees, 75 percent of a worker's take-home pay after all legally required deductions—or $48 a week, whichever is greater—will be exempt from garnishment. And employers will no longer be able to fire an employee by reason of a single garnishment of the employee's wages.

Another important feature of the measure is establishment of a Commission on Consumer Finance to study and appraise the functioning of the consumer finance industry with respect to the adequacy of existing arrangements to provide credit at reasonable rates and the mechanisms to protect the public from unfair credit practices. Its findings are to be reported to Congress by January 1971.

Mr. Speaker, as a cosponsor of the House version of the truth-in-lending bill, I am proud and pleased to have had a part in bringing this most essential and effective consumer protection legislation closer to enactment. I anticipate early Senate approval of the conference report and Presidential signature into law.

Mr. COHELAN. Mr. Speaker, I am pleased that we are today considering the final step in the passage of the truth-in-lending bill.

This bill as it was passed by the House made mammoth strides in credit cost disclosure. After 10 years of congressional effort this measure has come to this final vote.

While the measure reported out by the conference committee is not as stringent in some regards as the one we enacted in the House, I believe that it can safely be said that this is the most significant item of consumer legislation to be passed by the Congress in this decade.

This measure will require disclosure of almost all retail credit costs whether in bank loans, installment credit sales, or department store revolving credit plans. Further this disclosure will be in a form which will be easily comparable and thus consumers will be able to shop for credit as they do now for other consumer products.

This bill too will require disclosure of credit costs in the advertising of credit—a substantial advance.

In addition this measure will, in 2 years, provide protection for workers from the garnishment of most of their wages, removing one of the serious worries of many workers.

In short this is a landmark measure—one which will extend honest competition to the consumer credit market and which will offer all of us protection from transactions formerly too susceptible to misrepresentation.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include pertinent extraneous matter on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 147]

Ashley
Bates
Blatnik
Brock
Brown, Calif.
Burton, Utah
Carter
Corman
Cowger
Edwards, La.
Ford, William D.
Fraser
Gardner
Garmatz
Gilbert
Green, Oreg.
Griffiths
Halleck
Hanna
Hansen, Idaho
Hardy
Hébert
Holland
Jones, Mo.
Kluczynski
Kuykendall
McMillan
Miller, Calif.
Nelsen
Olsen
O'Neill, Mass.
Poage
Pool
Resnick
Roybal

Saylor
Scheuer
Selden
Stratton
Stubblefield
Teague, Tex.
Tenzer
Tunney
Waggonner
Wilson,
Charles H.

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1969, UNTIL MIDNIGHT FRIDAY, MAY 24

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, May 24, 1968, to file a report on the State, Justice, Commerce, the judiciary, and related agencies appropriation bill for fiscal year 1969.

Mr. LIPSCOMB reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TRUTH-IN-LENDING CONFERENCE REPORT

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, it may come to you as it did to me as a great surprise to learn that the conference report on the very important truth-in-lending bill has passed the House.

It came as a surprise to me because I had been assured that I would be given at least 5 minutes during which to address my remarks to some of the very vital changes that were made between the time the bill passed the House of Representatives and the time it came back in the form of a conference report.

Mr. Speaker, in my judgment the truth-in-lending bill is not nearly as strong or as helpful to the consumers of this country as it was when it passed the House of Representatives.

I had hoped to bring to the attention of the Members of the House, as I am sure several other Members on my side of the aisle hoped to bring to the attention of the Members of the House, some of these changes.

I do not understand why the chairman of the committee, whom we understand was on the floor, did not ask for such time as was indicated so that it could be fully explained.

I am sure the Members of the House will recall that there were three amendments that I presented and which were accepted unanimously by the chairman and by the House. The amendments had to do with certain mortgages.

One of the really great abuses that is going on in this country today, prompted one of the amendments which was accepted. It required that the lender give 3 days' notice to anyone who is using his real property as collateral security for a loan so that the individual borrower would know exactly what the charges were.

Well, that has all been changed now. The bill now provides that if this information is not supplied, the borrower can have 3 days after the fact to rescind. So I want the Members to know that the truth-in-lending bill is not the great bill that it was when it left the House of Representatives. I hope that I will be given the opportunity to point out to the Members of the House some of the important changes that have been made and to develop necessary legislative history.

CONFERENCE REPORT ON TRUTH-IN-LENDING BILL

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, one of the essential components of the legislative process often is the writing of legislative history. Courts which undertake to interpret congressional intent in future years will find a want of true legislative history when they read the CONGRESSIONAL RECORD for today.

I believe it is regrettable that the procedure which was followed left no Member an opportunity to express what he conceived to be the purpose and effect of the new language which was written into the truth-in-lending bill by the committee on conference.

The only opportunity we now have to supply this information is to avail ourselves of the unanimous-consent request which was granted to revise and extend our remarks.

Mr. Speaker, I shall certainly avail myself of that opportunity, and I hope that every Member of the House who has some individual meaningful viewpoint on any element of the bill will do likewise.

CONFERENCE REPORT ON TRUTH-IN-LENDING BILL

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I share the views of the gentleman from Virginia. It was fully expected, as far as I know, that there would be a discussion of the conference report on this very important legislation.

I know that the ranking Member on our side, the gentleman from New Jersey [Mr. WIDNALL] was here at the time, and it was known to the chairman of the committee that the gentleman from New Jersey [Mr. WIDNALL] and others on our side wanted time. I have good reason to believe that Members on the other side of the aisle had also expressed their requests to the chairman to be allocated time during the anticipated debate on this important legislation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I will advise the distinguished minority leader that I did not know Members were desirous of speaking on the bill, but I do know that the gentleman from Mississippi raised a point, and that the gentlewoman from Missouri [Mrs. SULLIVAN] did say that she would put a full explanation of the bill in the RECORD, and that the gentleman from Texas received permission, if I am not mistaken, for all Members to extend their remarks.

I believe that there was no effort on the part of anyone to cut off time, or to cut off anybody. I believe it just happened quickly, and there were very few Members on the floor.

Mr. GERALD R. FORD. May I say that I was here before the session started, and I was on the floor up until just seconds before this matter came up. When I left the floor to go into the Speaker's lobby on business concerning my State of Michigan, the gentleman from New Jersey was here, and the gentleman from Illinois [Mr. ARENDS] was here.

It is my understanding from what I have heard from others that the chairman of the committee, the gentleman from Texas, did not ask for time at the time he brought the matter to the floor of the House, and it is our feeling that by his failure to ask for time—and he is the only one who can officially ask for such time—that Members on our side, and I suspect others, were deprived of an opportunity to discuss in person the very important legislation which went through the House in a matter of seconds. I regret that this unfortunately took place.

CONFERENCE REPORT ON TRUTH-IN-LENDING BILL

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I would like to say that all of us on this side, and I also consulted with the gentleman from New Jersey [Mr. WIDNALL], the ranking minority member of the Committee on Banking and Currency, expected that we would have an hour on the conference report and that we would split the time, each side taking one half-hour, expecting this discussion to go on.

But when the question was put on passage, everyone accepted it.

Now I do not know—I have been taught by Speakers Rayburn and MCCORMACK that when you are winning on a bill here, you do not object to its passage; you sit down before you lose.

But may I say that no one had any intent or purpose of cutting off debate or cutting off explanations.

I want to assure the gentleman from New Jersey [Mr. CAHILL] that the substance of his amendments is in this conference bill. We had to fight hard and long and bitterly to keep them in the bill.

So far as the provision of the House bill for 3 days' notice before an agreement could be consummated with the door-to-door salesman, for instance, or anyone else, on a contract involving a residential mortgage, the amendment of the gentleman from New Jersey meant that a salesman would have had to come back in 3 days to nail down the order.

The final version of it now is that the buyer has three days grace in which to look over what he had signed, after he was told that he was signing a mortgage. Then if he decided that he did not want to go through with it, he could rescind it.

But another thing was put into this section in conference which strengthened the amendment of the gentleman from New Jersey [Mr. CAHILL]. If the seller leaves the item at the house of the buyer and the buyer decides after 3 days that he does not want it, and he rescinds the mortgage agreement, if the seller does not come back to pick up this item after a 10-day period, the buyer can keep this item and he does not even have to pay for it, because the burden is put on the seller when a mortgage on the buyer's residence is involved in one of these sales transactions.

Mr. CAHILL. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman.

Mr. CAHILL. The gentlewoman has, I think, dramatically illustrated the need for a colloquy so that, as the gentleman from Virginia pointed out, we could establish some legislative history.

I do not read the amendment as the gentlewoman from Missouri reads it. I think there are serious questions as to interpretation.

I would also say in my judgment one very serious question goes to section 203(5)(e) where, as I read it, the acknowledgement of a receipt is conclusive proof and its is not a rebuttable presumption and this may very well deprive a suitor in court from establishing a claim for damages.

My only point, I will say to the gentlewoman, is that it seems to me, and I am sure she will agree, that this certainly was one bill, with the multitude of changes that were made in it, that deserved the establishment of a legislative history.

Mrs. SULLIVAN. May I just answer the distinguished gentleman and say that I am not a lawyer but counsel tells me that the gentleman is absolutely wrong in his assumption on this particular matter.

Mr. CAHILL. Mr. Speaker, if the gentlewoman will yield further?

Mrs. SULLIVAN. I yield to the gentleman.

Mr. CAHILL. I had a colloquy with counsel—and in my judgment counsel is absolutely wrong.

Mrs. SULLIVAN. Perhaps there was a misunderstanding between counsel and the gentleman. Earlier in the colloquy, the gentleman referred to a provision in section 203, which I assume is a reference to the House-passed bill. Now, I do not think we need get into a discussion now of what construction a court might have put on that language, had it been enacted into law. I can say that we never intended it to have the effect that the gentleman has suggested. However, section 125(c) of this bill very flatly states that where a real property security interest is involved, written acknowledgment creates only a rebuttable presumption of delivery.

Section 125(c) means just what it says. Section 131 has been very carefully drawn so that it has no applicability to any action involving a real property security interest subject to section 125—regardless of whether against the original creditor or against any assignee—and no applicability to any action against the original creditor, regardless of whether a real property security interest is involved.

May I say, Mr. Speaker, we had a very, very difficult time in conference in keeping a strong bill. We had to give on many details because we went in with 10 provisions in our bill that were not in the Senate bill. May I say we came back with those 10 provisions. But we did have to modify most of them in some way some—but we have not lost the real intent of the consumer credit protection act that the House passed on February 1.

I think we can all be proud of the bill that the conferees did turn out. Furthermore, there will be a whole year to work out the regulations before this goes into effect. The Board of Governors of the Federal Reserve must come up with these regulations within that time, and there will be full opportunity to review all of them for effectiveness in carrying out our intent.

And do not forget that the new Commission set up under this bill can also be going into this problem.

PARLIAMENTARY INQUIRY

Mr. CAHILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. CAHILL. Mr. Speaker, would it be in order for a Member to move to rescind the action heretofore taken by the House?

The SPEAKER. A motion would not be in order. But it would be in order for a unanimous-consent request to be made.

Mr. CAHILL. I thank the Speaker.

Mr. Speaker, may I be recognized for that purpose.

The SPEAKER. The Chair will entertain such a request, but prior to that the Chair recognizes the gentleman from Mississippi [Mr. COLMER], who is seeking recognition.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I would like to announce my position on a vote which I missed Monday, May 20, due to my presence in Ohio.

I would have voted in favor of H.R. 15387, regarding assaults on postal employees.

CONFERENCE REPORT ON THE TRUTH-IN-LENDING BILL

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I read the RECORD this morning, and there I saw that the first order of business today was going to be a conference report on truth in lending, so-called. I have listened with some interest to the colloquy that has been going on for some time on the matter. Frankly, I did not see the truth-in-lending conference report agreed to, but I certainly knew that it was scheduled.

INTERSTATE TAXATION ACT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 814 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 814

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 8798 as an amendment to the bill. At the conclusion of the consideration of H.R. 2158 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from Tennessee will be recognized for 1 hour.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California. [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 814 provides an open rule with 3 hours of general debate for consideration of H.R. 2158 to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. The resolution further provides that it shall be in order to consider, without the intervention of a point of order, H.R. 8798 as an amendment to the bill. H.R. 8798 would provide a system for the taxation of money earned outside a State.

H.R. 2158 deals with liabilities for State and local corporate net income taxes, capital stock taxes, and sales, use, and gross receipts taxes with respect to the sale of tangible personal property. This bill results from 5 years of extensive study, spearheaded by the able and distinguished chairman of the Subcommittee on State Taxation of Interstate Commerce, the gentleman from Louisiana [Mr. WILLIS].

No Federal administration or supervision is provided and there is minimal interference with State taxing discretion and revenue. The guidelines in the bill are essentially procedural—permitting State and local governments to pursue their tax policies with respect to interstate companies in a manner consistent with the realities of a multistate or nationwide business.

To accomplish these objectives the bill: first, provides a uniform jurisdictional rule based on the maintenance of a "business location" for the imposition of corporate net income, capital stock, and sales use and gross receipts taxes with respect to the sale of tangible personal property; second, provides an optional two-factor—property and payroll—apportionment formula for smaller companies for the division of net income or capital; third, in the sales and use tax area provides rules for locating sales for tax purposes in the State of destination, credits for prior sales or use taxes paid, exemption for household goods of new residents, uniform treatment of freight charges, accounting for local sales taxes, conclusiveness of resale and exemption certificates, and encouragement of direct payment of sales or use tax by business buyers; fourth, prohibits charges for out-of-State audits; fifth, provides a remedy for geographical discrimination by the States in the sales tax and gross receipts tax area; and sixth, provides for continuing evaluation by Congress of State progress in resolving problems not solved by the bill.

Mr. Speaker, I urge adoption of House Resolution 814 in order that H.R. 2158 may be considered.

Mr. **HALL**. Mr. Speaker, will the gentleman yield?

Mr. **ANDERSON** of Tennessee. I yield to the gentleman from Missouri.

Mr. **HALL**. Mr. Speaker, I am sure the distinguished gentleman from the Committee on Rules knows that it has been repeatedly stated here, that where we have a resolution making another bill in order, the Committee on Rules in its wisdom plans to develop for all the Members concerned the "criteria" as to why points of order are waived. I realize House Resolution 814 is dated July 25, 1967. It is an old rule which has been often delayed for reasons unknown to me but I presume it is controversial. I wonder if the gentleman would advise us why there is a bar to intervention of any point of order, on line 12 on the first page of House Resolution 814 and continuing on line 1, page 2 thereof. This precludes any point of order being offered to the text of the bill H.R. 8798—which no Member has available—as an amendment to the bill.

Obviously, it is the intention to make such an introduction in the form of an amendment under the 5-minute rule, which is allowable, but this is more strange than usual. Why in the wisdom of the Committee on Rules was preclusion of points of order allowed, and who so recommended?

Mr. **ANDERSON** of Tennessee. Mr. Speaker, this was an action on the part of the Rules Committee. The committee felt that almost certainly H.R. 8798 as an amendment would be in order, and it was felt it was such an important matter that there should be a positive action on the part of the Rules Committee to insure that.

H.R. 8798 relates to a separate area of taxation. However, it addresses itself to a problem which has many similarities to H.R. 2158, and the Rules Committee felt that the House should have the opportunity to consider the area of personal taxes, which is covered by H.R. 8798, a measure designed to prevent double taxation on a personal basis, just as H.R. 2158 addresses itself to double taxation on a corporate or business basis.

Mr. **HALL**. Mr. Speaker, if the gentleman will yield further, does he mean to imply that H.R. 8798 simply prevents or precludes double taxation of outside-of-State personal income that comes within the so-called interstate purview?

Mr. **ANDERSON** of Tennessee. That is not the understanding of the intent of H.R. 8798. Our understanding does not necessarily relate to dividends, but it does relate to earned personal income, and it is designed to cut double taxation in that area.

Mr. **HALL**. Mr. Speaker, was the Committee on Rules advised on what point H.R. 8798—which since this colloquy has begun has been handed to me—will be entered into H.R. 2158?

Mr. **ANDERSON** of Tennessee. I believe the plan will be that it will be introduced as title VI to the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. **SMITH** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 814 will provide an open rule, with 3 hours of debate, for consideration of the Interstate Taxation Act, H.R. 2158. It will make H.R. 8798 in order as an amendment.

It is my understanding that this particular rule does not waive points of order as against H.R. 8798. It can be amended in any way. We are taking one bill which has to do with one subject and placing it into another bill, and in order to make it germane this language "without the intervention of any point of order" has been introduced, as on every rule. There is no intention to waive points of order, as we have been discussing over recent months. This has to be to get the bill in a position so that it can be before the House.

H.R. 8798 has to do with imposing taxes on individuals. The main statement or explanation of it is that no State or political subdivision shall impose for any taxable year an income tax on the income of any individual which was earned or derived during any period while the individual was not a resident of the State except to the extent the income was earned or derived from sources within the State.

We felt this was a good place to consider that question, in the Interstate Taxation Act.

This particular rule on H.R. 2158 was adopted by the committee more than a year ago.

As Members know, this is somewhat of a controversial bill. Some States are for it. Some are against it. Some businesses in one State are for it and some of the same businesses in another State are opposed to it.

I do not know of any particular objection to the rule itself. I should like to try to explain my understanding of this bill.

The purpose of the bill is to establish Federal criteria to be followed by the States in their taxing policies with respect to out-of-State businesses.

Until 1959 such businesses had few problems with the States. If they were not physically in a State with a "business location"—a sales force and a stock of goods—they were as a general rule not taxed because they were an interstate corporation and State taxation was considered to be an encumbrance on interstate commerce. In 1954 the Supreme Court held that a corporation was taxable on the portion of its income earned within the taxing State even if it were not engaged in intrastate business there. In 1960 the Court held that a State could require sellers in interstate commerce to collect its sales and use taxes. This second decision, more than the first, spurred Congress to action in the 86th Congress and now in the 90th. H.R. 2158 is an attempt to define what "contacts" a business must have within a State to come within its jurisdiction for tax purposes.

Three taxes, net income, capital stock, and a gross receipts tax are covered by title I. Under the bill, no firm doing less than $1,000,000 Federal net taxable income will have a tax obligation to any State unless it has a "business location" within the State. Three tests are provided, any one of which will give the firm a "business location" for tax purposes: First, owned or leased property within the State; second, a full-time employee whose duties are more than taking orders; or third, maintaining a stock of goods for sale.

Businesses earning more than $1,000,000 will get no help under this bill. They will be subject to the same taxing situations they currently find themselves facing.

Under title II, if a firm is liable for State income taxes, it has an option of determining how much of its income is subject to taxation. Current State formulas use three factors: Payroll, property, and sales within the State. The Federal formula does not include sales, only the first two. This has caused some concern among a number of States.

Title III cover sales and use taxes and their collection by out-of-State sellers. Here no $1,000,000 limitation applies; all interstate companies selling in a State can be required to collect and remit such taxes if they meet the jurisdictional tests provided by the bill. An interstate sale must have its "destination" in a State in order for that State to impose a sales tax or require the seller to collect it. The three tests of title I are carried over—owned or leased property, full-time employee, and an inventory of goods—and a fourth test is added; jurisdiction is found if the company regularly makes household deliveries in the State. As in title I only one test needs to be met to subject the company to taxation.

Mr. HUTCHINSON has filed separate views, making several points. He finds the two-factor Federal formula for computing tax liability imposed under title II to be bad public policy, a Federal infringement upon a State's right to tax its taxpayers under its own laws. Title II provides, in effect, a Federal formula for paying State taxes.

He notes that the States have generally requested that the bill either be defeated or that, if passed, it be amended to include further tests which if met would make a company subject to State taxation for a broader range of action within a State than the bill now provides. He correctly points out that to do so would be the same as killing the bill from a practical standpoint as the States want to add tests which amount to permitting them to continue under the bill what they are doing today.

I am not aware of any objection to the rule, and I urge its adoption.

Mr. WHITENER. Mr. Speaker, the objectives of this bill are essentially simple and sound. As was stated in the committee report accompanying H.R. 2158, it is our purpose to preserve, reaffirm, and revitalize the basic principle of free trade between the various States and subdivisions of the United States.

I doubt whether there is any schoolboy—any scholar—any economist in our land—who will dispute the importance of this basic principle. I also doubt that any Member of Congress will argue that it would strengthen our States and stimulate our economy to permit trade barriers to exist along State lines. Yet, simple as our objectives may be, some of the opponents of the present measure have attempted to cloud our efforts with confusion and make our purposes obscure.

Our program is first and foremost a program to protect the many small businessmen all over the country who are rapidly losing the ability to compete in the Nation's marketplaces. The findings of our subcommittee have made it conclusively clear that the small companies which have traditionally provided the backbone of our economy simply cannot cope with the present chaotic system for taxing interstate commerce. Indeed, most small companies are not even aware of all the laws which threaten them; and those which are aware simply cannot afford the recordkeeping facilities necessary to comply.

As a result of the plight of the small businessman, the basic economy of every State is threatened. Although the types of companies involved may vary from State to State, and district to district, essentially the problem is the same all over the country. To understand this problem, I would suggest that each Member of Congress consider the economy of his own local area.

In each corner of the Nation you will find large numbers of small businessmen who are handling locally made products—products which have a distinct regional flavor, and of which the local business community is justifiably proud. You understand better than I the economic importance of the products that flow into the national market from your own congressional district.

For example, I need not remind the gentlemen from Maine of the importance both to Maine, and the entire Nation, of the lobster and sardine industry. The gentlemen from Florida, more than I, know of the economic importance of the oranges, the grapefruit, the outstanding hotels and resorts which are to be found in the Sunshine State and which the citizens of the entire Nation enjoy. Indeed, if the gentlemen from Florida can be matched in their eloquence on these matters, it is only by the eloquence of many of the distinguished gentlemen from California who, likewise, are very articulate on the subject of citrus fruits, as well as on the subject of wine, and a wide variety of other products which originate in their great State of California.

We all appreciate the fine cheeses of Wisconsin, the wheat products of Minnesota, pickles packed in Michigan, meat products distributed from Chicago, maple sirup from Vermont, and hams and peaches from Georgia. All of us have received pleasure from films made in California, and phonograph records made in New York. We enjoy textiles and furniture from North Carolina, glassware from West Virginia, and costume jewelry from New Mexico and Arizona. Every area of the Nation makes its own major contributions to our common good.

For many months our subcommittee heard testimony from businessmen representing every sector of our economy, each seriously threatened by the present chaotic system. To give just a few examples: we heard from suppliers of automobile parts and precision tools from Michigan and Indiana—from shippers of fruit in Florida—from lumber dealers in the Far West—from garment manufacturers in New York and in the South. We heard from nurserymen who grow roses in Texas—and others who grow tulips in Oregon—from distributors of chemical products from West Virginia, Delaware, and Louisiana—from the publishers of small magazines in the Midwest, and a publisher of southern recipes from Alabama. Although many of these companies are small family businesses, their products may find their way into every village and hamlet in the United States. Any semblance of compliance with the present system is literally impossible for these companies.

I believe that if each of you were to consider the local products which flow from your congressional district into our national common market you will understand why this legislation will benefit every congressional district, and every State. The bill before us simply reaffirms the principle that the small local businessman who handles these local products ought to have access to the national market without being crippled by complex and chaotic regulatory requirements. If the present bill is viewed in this context, then its benefits cannot be disputed, and the responsibility of Congress is clear.

Unfortunately, the simplicity of our proposals has been made obscure by the one group in the United States which stands most to benefit from chaos and confusion—the professional tax administrators. Under the present chaotic system the tax collectors have broad administrative discretion. It is an uncontroverted fact that the States simply cannot enforce their laws against all of the out-of-State companies that are theoretically liable for a tax. As a result, the administrators merely "skim the cream," as they themselves put it. Since the small businessman who ships goods into the national market likewise cannot possibly comply with the laws of all 50 States, and thousands of localities in which he may be theoretically liable for a tax, the broad discretionary powers of the tax administrators hangs over his head like a sword of Damocles. It is not surprising that the tax administrators are reluctant to accept any limitations on their present broad powers and that they oppose the establishment of uniform jurisdictional rules.

Since some Members of Congress may raise the same objections to this bill that have been raised by some of the tax collectors, I would like to anticipate these objections, and to evaluate them in the light of the extensive findings of our committee.

One of the most common objections made by the tax collectors to our program is based on the false claim that the program has been hastily conceived, and has failed to take into account the experience and practice of the tax administrators generally. This issue ought finally to be laid to rest.

Many of you will no doubt recall that our program was initiated more than 8 years ago in the 86th Congress when this body enacted Public Law 86-272. In the years that have passed since the 86th Congress, the Judiciary Committee has, in fact, conducted one of the most extensive investigations ever conducted in the entire history of the Congress.

Starting in 1959, we established an advisory committee of distinguished experts from the business community, the academic community, and from State governments. We also assembled what the New York Times referred to as a "blue ribbon" staff to conduct our own investigations of the interstate tax problem. We held lengthy hearings in 1961, and again in 1962. We devoted 5 years to extensive study, communicating with every State tax administrator in the United States, officials of numerous cities and counties, and literally tens of thousands of businessmen all over the country.

The relevant tax laws of every one of the States were analyzed in great detail, as were the decisions of the U.S. Supreme Court, and decisions of State courts. These studies were then augmented by an exhaustive investigation of the actual compliance and enforcement patterns of thousands of companies in all of the States. At the same time, using all of the most modern data-gathering techniques, we compiled detailed estimates of the revenue effects on all of the States of various alternative proposals. Finally, in 1966 we again held extensive hearings of more than 3 months duration, and invited tax administrators from every State in the United States to testify. Altogether our committee has published eight full volumes of material on this subject, and our study has become the definitive work in the field. There can be little doubt that we have done our homework.

This brings me to a second claim which has been made by some of the tax administrators concerning our program.

During the past year some of the tax administrators have informed various congressional delegations that the present bill would have serious effects on State revenues. These claims have not been documented by verifiable statistical studies. They are based solely on unfounded conjecture, and totally disregard all of the data collected by us. As a member of the subcommittee, I have given the most scrupulous attention to the problem of revenue effects, and feel confident that we have developed the true facts, and accurate figures. With your indulgence, I would like to review these facts and figures for you.

In the CONGRESSIONAL RECORD of May 21, 1968, at page 14291, there appears a complete tabulation of the revenue effects of H.R. 2158 on each of the 50 States. This tabulation presents in summary fashion a condensation and evaluation of all of the data and information accumulated by our committee over an 8-year period. I urge you to consider this material with the utmost care, if you have not already done so. Each Member of Congress will find that our program will cause no significant gain or loss in revenue to his State.

Since the material is already available to you, it would serve no useful purpose for me to review the effects on each State in detail. Instead, I would like, frankly, to give you the benefit of the experience which we on the committee have had in evaluating the revenue aspects of the proposals embodied in H.R. 2158.

When we were studying the interstate tax problem and had not yet made any recommendations, the Council of State Governments had already published a study indicating that a resolution of the corporate income tax problem alone would be well worth the price if no State were to lose much more than 1 percent of its total revenue. Now I want to emphasize that this criterion of the Council of State Governments applied to only one type of tax—the corporate income tax. In other words, it was assumed that a loss of 1 percent of a State's total revenues—not corporate income tax revenues, but total tax revenues from all tax sources—would be a loss which would be well worth the price in view of the long-term beneficial effects on the State's tax system of resolving the corporate income tax dilemma.

In recommending H.R. 2158, I am extremely pleased to be able to assure my colleagues that our committee has been so devoted to its task, and scrupulous in its attention to the revenue needs of the States, that the criterion established in the study of the Council of State Governments has been more than met by H.R. 2158. If 1 percent of a State's total revenues is a moderate price to be paid for a resolution of the corporate income tax problem alone, then certainly a bill which covers four major types of taxes, and has a combined effect of much less than 1 percent on the revenues of any single State, is a bill which warrants the wholehearted support of all of us.

I can assure you that most States would have an immediate gain or loss of less than two-tenths of 1 percent of their total revenues. We have more than accomplished our goal. Indeed, the simple fact about this bill—based on an honest evaluation of every bit of information and data made available with the full resources of the Congress—is that two-tenths of 1 percent of total revenues represents the maximum possible gain or loss to any single State in the United States.

Before leaving this extremely important matter of revenue, let me make one point absolutely clear. It is obvious that a loss of two-tenths of 1 percent of a State's revenue is not going to be significant to that State—indeed no State can predict its anticipated revenue yield for next year within that close a margin. However, the fact that we have predicted a "loss" for some States does not mean that any State will, in the long run, lose revenues. Any "loss" predicted by us simply represents our evaluation of the effect of the bill in an immediate sense on current practices. In a larger sense, each State clearly stands to have its revenues substantially increased as a result of this measure.

These inevitable increases in State revenues will obviously result from two basic aspects of the Interstate Taxation Act. First, the removal by the act of the present trade barriers will foster and stimulate the growth of local industry in every State; the growth of local industry will likewise be reflected in increased local revenues. Second, under uniform standards, it will be easier for tax administrators to enforce their laws, and easier for taxpayers to comply—likewise resulting in greater revenue yields for all of the States.

I believe we all should remember that the simplest and most obvious way to increase State revenues is to strengthen the economies of the States. The present bill will do just that. The other simple way to increase revenues is to reduce governmental administrative costs. The present bill will do that. What is also significant is that these goals are accomplished without the expenditure of one dollar of Federal funds, and without the use of any Federal agency. Under these circumstances the enactment of this program will surely be commended as one of the outstanding legislative achievements of the 90th Congress.

This leads me then to anticipate still another objection which many of the tax administrators are raising to the present measure—an objection which is perhaps the most farfetched of all. Because of the efforts of our committee to provide an orderly system for State taxation of interstate commerce, the cause of States rights has suddenly acquired a host of new adherents. The tax administrators, en masse, have attempted to persuade many Governors and many Members of Congress that this program—which was initiated 8 years ago by such able legislators as the late Senator Harry Byrd, of Virginia, and Francis Walter, of Pennsylvania, as well as ED WILLIS, of Louisiana—is a program designed to undermine the autonomy of State and local governments.

During our hearings last year we heard a number of tax administrators argue that for Congress to legislate in this area would abridge the inherent powers of the States. Indeed, the official position of the National Association of Tax Administrators is that Congress ought to discontinue all consideration of the interstate tax problem, and leave it entirely to the tax officials to find their own solutions. Although I do not doubt the deep sincerity of this view, I frankly feel that there is a false premise to the political philosophy of many of the tax collectors. As a Member of Congress who has consistently opposed any form of Federal encroachment on genuine State powers, I can assure you that far from detracting from the powers of State governments, the present measure will, in fact, preserve and strengthen the power of the States.

The most cursory study of American history teaches us that trade barriers between the States weaken all of the States, and that the greatest single source of economic strength for each State has been in the freedom of its local business community to enjoy the fruits of a single national market. From my own studies of American history, I can recall only two times in the past when the notion was seriously advanced that each State could better thrive economically if it were given the power to shift its tax burdens on to businesses located beyond its own borders.

The first time this notion was seriously advanced was when the great debates took place over the ratification of our Constitution. Fortunately, for all of us—and for the whole world—the concept of trade barriers between our States was rejected by the States themselves in favor of a single economic Union.

The second time the notion was seriously advanced was immediately prior to the outbreak of the great War Between the States. At that critical period there were some who seriously argued that by withdrawing from the Union some States would be able to benefit from having unlimited taxing powers over companies beyond their borders. Perhaps the fallacy of this notion has been best described in the inaugural address of President James Buchanan, who immediately preceded Lincoln. President Buchanan admonished the Nation with the following words:

> We at present enjoy a free trade throughout our extensive and expanding country such as the world has never witnessed . . . Annihilate this trade, arrest its free progress by the geographical lines of jealous and hostile States, and you destroy the prosperity and onward march of the whole and every part and involve all in on common ruin.

Although the War Between the States left unresolved many of the major problems of that period, the issue of whether each State should have unbridled taxing power over interstate commerce was indeed laid to rest for a second time by the resolution of the war. From then, until now, I know of no national debate in the Congress in which the power of States to tax out-of-State companies has been advanced as being essentially for the preservation of the economic well-being of each separate State. I submit that the issue ought properly to be resolved in but one way—that we in Congress ought to exercise the responsibility entrusted to us by the original framers of our Constitution. This is the responsibility to protect genuine interstate commerce from undue burdens, and to assure that every small businessman in every corner of the Nation be able to share in the national market. For many years we in Congress have neglected this responsibility. We have allowed the interstate tax problem to fester to such an extent that it is now easier for companies in foreign countries to market foreign products in the United States, than it is for our small local companies to ship domestic goods across State lines. Clearly the commerce clause of the Constitution gives us the duty to act.

Time and again I have heard the commerce clause cited in this House as a justification for every conceivable type of Federal program. On the table in Mrs. Murphy's boardinghouse, we have been told, there stands a saltshaker containing salt sold in interstate commerce. Therefore, we have been told Congress has a responsibility to regulate purely local matters. Yet now that we are confronted with the issue of State taxation of interstate commerce—the very issue which gave birth to the Congress itself—we are told by some that the tax collectors of 50 States, and hundreds of thousands of localities, are better able to protect the national interest than are the U.S. House of Representatives and the U.S. Senate.

Far from weakening the States the present bill would clearly strengthen each State. In my own State of North Carolina, for example, this measure will mean that a local businessman can maintain all of his assets and all of his employees in North Carolina, and still sell into the national market without being burdened by taxes imposed by States in which he has no business location and no political representation. This is a measure which can mean the difference between failure and survival for a small manufacturer, wholesaler, or retailer—who may have 50 employees, but who plays a vital role in the economy of his local community.

My own State, and my own congressional district, are certainly not unique. Fortunately for all of us, our entire country is made up of countless numbers of small businessmen who feel a strong sense of identification with their own local communities. The defeat of this measure will mean that only those very large corporations that are equipped with expensive computers and staffs of accountants, and are advised by high-priced tax specialists, will be able to compete successfully in the national market. I am convinced that if the day comes when the small businessman is denied access to the national market it will mean that State and local governments will, themselves, have become obsolete. I urge you, therefore, to consider this bill as one of the most important ways in which the Congress can strengthen the States.

Finally, in closing, there is still another feature of the program initiated by the late Senator Byrd, and carried on so admirably under the chairmanship of ED WILLIS, which I commend for your consideration.

Unlike most of the legislative programs which are presented to this body, the present bill has been aptly described by Congressman CELLER as "a child of the Congress." All of the research, all of the care, all of the consideration which has gone into the fashioning of this program over an 8-year period has been under the direct auspices of a special subcommittee which the Congress itself created. I, for one, feel extremely proud to have participated in the formulation of this program, and strongly hope that more and more the Congress will rely on its own resources to fashion its own legislative solutions.

I believe that the passage of this bill will stand as a monument to the ability of the Congress to deal with a complex problem in a well-planned and highly objective way. Eight years ago when we first began our task ED WILLIS imparted to each of us a deep awareness of the importance to every corner of the Nation of preserving the basic economic truth of our history. As chairman of our subcommittee he has offered the Congress a bill which is so sound as to be a monument both to him and to us. Our chairman and our committee has met its responsibilities. I urge you to meet yours by voting favorably for the Interstate Taxation Act.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONSUMER CREDIT PROTECTION ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HUNGATE. Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VACATING PROCEEDINGS OF THE HOUSE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I think it is most unfortunate that the gentleman from Missouri has objected. I do not excuse anyone for not being here and protecting his individual rights. But I think this is very important legislation and, as the distinguished gentleman from Virginia explained a few moments ago, this is legislation that ought to have a full and ample discussion so that the courts of the land, State and Federal, will have some legislative history to go by. I think it would be helpful if the record were full and complete for the benefit of those individuals who have to interpret what the Congress intended in some of these very difficult areas. I would strongly hope that the gentleman from Missouri would reconsider and not object to the move by the gentleman from Texas to vacate the proceedings so that we can start afresh.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to yield to the gentleman from New Jersey.

Mr. CAHILL. I would like to say to the gentleman from Missouri [Mr. HUNGATE] that I had intended to be here at 12 o'clock noon. But I was detained at the White House at a bill-signing ceremony that was scheduled for 11:30 a.m. but which did not begin until 11:50. Had that ceremony been on time, I would have been able to be back here on time. So I, too, join with the distinguished minority leader in asking that the gentleman from Missouri reconsider his objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that we have a special order of 40 minutes on this matter.

The SPEAKER. The Chair will state to the gentleman from Texas that the Chair will not entertain that particular unanimous-consent request for such special order.

Mr. PATMAN. Mr. Speaker, I withdraw the unanimous-consent for the special order, but ask unanimous consent that I may proceed for 40 minutes in a discussion of the conference report and yield one-half of the time for debate purposes to the minority side.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I appreciate the effort on the part of the distinguished chairman to seek some measure of relief—I just do not understand the attitude of the Member who has objected. I think—for the benefit of the legislative history and the record as a whole—that although this is a substitute, it is not the way in which it ought to be done. I deeply regret that necessity requires that this be the procedure.

Mr. PATMAN. Mr. Speaker, will the distinguished minority leader yield for a comment?

Mr. GERALD R. FORD. Of course, I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, no one was taken advantage of. I had talked to the gentleman from New Jersey [Mr. WIDNALL] before the conference report came up and told him that I would yield for debate purposes 30 minutes of the time to him, which I fully intended to do.

Mr. GERALD R. FORD. May I interject this: I do not allege that anyone was taken advantage of. I say that a series of unfortunate events transpired that multiplied into a mistake which can and should be remedied.

Mr. PATMAN. Everyone had put his or her statement on the bill in the RECORD immediately and all of the Members I saw were satisfied; that is, everyone I talked to.

Mr. GROSS asked if he should make a motion to reconsider and I advised him not to do so until after I had had an opportunity to talk with others about it. But I came back and told him that I did not think it would be the right thing, and he did not make the motion to reconsider.

I was prepared to make my speech on the conference report. The Speaker reminded me that the conference report was adopted.

So, we were all right here and anyone of us could have objected at the right time. It was not done. That is all. But after it was done, we put our speeches in the RECORD and they are all there and it will show the legislative intent.

Since no one was taken advantage of, and certainly no unfair method was used, we do not have too much to question in my opinion. I snare the views of the gentleman. I would like to have had it that way.

Mr. GERALD R. FORD. I am sure that the chairman, the gentleman from Texas [Mr. PATMAN], with all his vast experience over a long period of time, well knows that we do not write the legislative history after the legislation is approved. The legislative history is written before the legislation is finally approved. I realize that the gentleman wishes to be helpful, but it does not come at the right time and place and, in my opinion, it is a very unfortunate development.

Mr. MONTGOMERY. Mr. Speaker, would the gentleman from Texas yield?

Mr. PATMAN. The gentleman from Michigan has control of the time.

Mr. GERALD R. FORD. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I would like to point out to the gentleman from Texas, our distinguished chairman of the committee, that I also asked him if I could have 5 minutes to discuss a title section in the bill pertaining to garnishment, and the chairman told me that I could not have 5 minutes. I said, "Can I have 30 seconds?" He said, "What you can do is, when the gentlewoman from Missouri [Mrs. SULLIVAN] makes her remarks, you can ask her questions." So I assumed that the chairman would actually ask for the time. I was alert and waiting here, Mr. Speaker, and, as I said, the parliamentary procedure moved very swiftly, but I want the RECORD to show that I did ask the chairman for time, and he informed me that I should ask questions of the gentlewoman from Missouri.

Mr. PATMAN. But, Mr. Speaker, if the gentleman will yield further, may I say the parliamentary procedure did not move any more swiftly than it sometimes does here. The questions were put by the Speaker of the House, and any Member could have objected, or if he wanted to contest it or protest it, he had a right to do it, we were all right here.

I agree with the gentleman from Michigan, the distinguished minority leader, that we expected to debate it, but it did not come about that way.

Mr. GERALD R. FORD. The gentleman from Texas controlled the time, and he did not ask for the time.

Mr. PATMAN. Oh, I had the time coming to me, but the report was adopted, and the same way on the side of the gentleman from Michigan, the minority Member was sitting right there, and he did not object.

Mr. GERALD R. FORD. The gentleman from Texas will agree that nobody on our side has the right to get time. Nobody can get time but the gentleman from Texas, because he is chairman of the committee, or head of the conference. He has to ask for time, and then controls it.

Mr. PATMAN. You only get the time——

Mr. GERALD R. FORD. When you have asked for it, and it has been given.

Mr. PATMAN. No, before the report is adopted; you do not get the time after you adopt it.

Mr. GERALD R. FORD. I know that, but it is the responsibility of a person in the position of the gentleman from Texas on behalf of the people on both sides of the aisle who have asked for time to see that time is available. But time was not asked for.

Mr. PATMAN. I was sincerely trying to carry out the discussion of the bill, as we do normally, and in pursuance of that I had agreed with the ranking majority Member that half the time would be yielded to him, and fully expected to. I had told the gentleman from Mississippi that Mrs. SULLIVAN would be discussing that particular matter in which he was interested, and Mrs. SULLIVAN would yield to him, and Mrs. SULLIVAN said she would. So we really fully expected to do so.

Mr. GERALD R. FORD. Did the gentleman ask for time?

Mr. PATMAN. You do not ask for time, you take time.

Mr. GERALD R. FORD. But did you take time?

Mr. PATMAN. No, I was standing up, of course, and was expected to open the debate myself. I had my manuscript before me.

Mr. GERALD R. FORD. Did you read from the manuscript?

Mr. PATMAN. Not until after. I attempted to do so, but of course could not do so because the conference report had been adopted.

Mr. GERALD R. FORD. So that there are no words from you prior to voting on the conference report.

Mr. PATMAN. Not asking for a vote, no; except it is automatic.

Mr. GERALD R. FORD. Automatic? I did not know we had automatic rollcalls here. It did not appear on the RECORD.

Mr. PATMAN. No. There is no rollcall. It is automatic so far as the questions being put by the Speaker. It has been done that way thousands of times, of course. There is nothing abnormal about it.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I believe we are entitled to know who moved the adoption of the conference report. That has got to be in the RECORD somewhere, and I do not believe there is any record anywhere that indicates that anybody moved the adoption of the conference report.

Mr. PATMAN. I called it up for adoption, as chairman I had the privilege of calling up the report for adoption on S. 5.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield further to the gentleman from New Jersey.

Mr. WIDNALL. It was my understanding as this bill came up that the chairman of the committee would utilize the hour that is available for discussion of the conference report, and that half of the time that would be available would be allocated to the minority for their utilization in the discussion of the conference report. And I am very much amazed that at this point there seems to be an understanding that there be no discussion at all. This was not the understanding at all.

Mr. GERALD R. FORD. Mr. Speaker, so that the record is crystal clear, I request that the notes of the reporter be reread to the Members.

The SPEAKER. The Chair will state that has never been done before so far as the knowledge of the Chair is concerned.

Mr. GERALD R. FORD. Mr. Speaker, I am not sure that a circumstance like this has ever happened before, either. Inasmuch as it is important to know whether the gentleman from Texas moved—or just what transpired—I think it would be very helpful to all of us if we could have the reporter's notes reread at this time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. PATMAN. Let us have this understanding. We were all sitting here. The Speaker was putting the question. The gentleman from New Jersey [Mr. WIDNALL] and the distinguished minority whip were sitting together. When all this happened, either one could have objected—protested and stopped this thing at the right time. I was busily engaged with the members of the committee. I do not think anybody should undertake to accuse the Speaker of any wrongdoing. No one had any intention of taking any advantage of anyone.

The SPEAKER. The Chair will suggest that the Members can carry on their colloquy but the position of the Chair is clear—the gentleman from Texas called up the conference report and had asked that the statement of the managers on the part of the House be read and after the Clerk had proceeded to read the statement, the gentleman from Texas asked unanimous consent that the further reading of the statement of the managers on the part of House be dispensed with and that it be placed in the RECORD.

The gentleman from Texas was standing and the Chair rose and said—"The question is on agreeing to the conference report." The Chair did it deliberately—and the report was agreed to. The Chair acted most deliberately.

Mr. GERALD R. FORD. Mr. Speaker, under no circumstances am I challenging the procedure that was used by the Speaker. But I am a bit confused by what I gather transpired so far as the chairman, the gentleman from Texas, is concerned. As I understood it, he has started to read from his prepared statement and then something happened while he was reading. Is that not what the gentleman from Texas said?

Mr. PATMAN. If the gentleman will yield, let me put the record straight on that. I did not intend to read my entire statement at the time. I intended to read a portion, and then state that I wanted to yield 30 minutes of the time to the gentleman from New Jersey [Mr. WIDNALL] for purposes of debate. But Mr. Speaker reminded me that the conference report had already been adopted and, therefore, there was nothing for me to do except to ask unanimous consent that all Members might have 5 legislative days in which to extend their remarks in the RECORD on the conference report that was just passed. But nothing happened after I attempted to read my speech.

Mr. GERALD R. FORD. But a lot has happened since then.

Mr. PATMAN. I beg the gentleman's pardon.

Mr. GERALD R. FORD. But a lot has happened since then.

Mr. PATMAN. Well, there was no demand for any reconsideration immediately after that from your side, I will say that.

Mr. GERALD R. FORD. In the first place, we were stunned by the failure of the gentleman to provide the protection which we deserve, expected, and which was not accorded to us.

The gentleman from Texas knows very well that there was a demand on the part of certain people—a request—that by all sense of justice and comity that is normally given—and the gentleman from Texas did not see that they received that consideration.

Mr. PATMAN. The gentleman said he was so stunned—but it took you a long time to get unstunned.

There was a long time before there was any attempt to obtain reconsideration.

Mr. GERALD R. FORD. In the meantime, we were talking to various people, including the gentleman from Texas, the Speaker, and others. We were trying to find out whether, in all justice, consideration would be given.

Mr. PATMAN. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. It must be remembered that when the distinguished Minority Leader is not present, the Minority Whip must be in control; is that correct, and that he would pass upon policies for the minority?

Mr. GERALD R. FORD. Yes.

Mr. PATMAN. I asked the Minority Whip if he wanted the report considered, and he said, "No, let it go."

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ARENDS. Will the gentleman from Texas make that statement over again, because I feel he is putting words in my mouth.

Mr. PATMAN. Yes; I will make it more specific. The distinguished Minority Whip and the minority ranking member of the Banking and Currency Committee were sitting together. I said, "Mr. GROSS has suggested that he move to reconsider and I asked him to hold it up a minute. I wanted to ask you gentlemen what you thought of it," and you said it is my distinct recollection, "Let it go. It is all right." And Mr. WIDNALL sat with you.

Mr. ARENDS. Let me say to you, Mr. PATMAN, I remember no such statement being made to me.

Mr. PATMAN. That is the way I understood it.

Mr. ARENDS. Possibly that is the way you understood it, but please do not put words in my mouth, although I remember distinctly your coming over here to our side.

Mr. PATMAN. Then I said to Mr. GROSS, "There is no demand for any reconsideration," and I understood that you did not want the matter reconsidered.

Mr. ARENDS. I am not going to take you off the hook, Mr. Chairman.

Mr. PATMAN. I am sorry this matter came up that way. I regret very much I was compelled to tell the truth about it, because I know it is unpleasant to the gentleman. I meant no discourtesy. I have great respect and high regard for the leaders on the minority side.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I would like to address an inquiry to you. Is there some possible way in which, parliamentarywise, we could get back to consideration of the conference report?

The SPEAKER. By unanimous consent.

Mr. ARENDS. And, of course, such a request has been objected to. Might I once more make that unanimous-consent request because of the discussion and the interest of Members on both sides of the aisle to further discuss the conference report?

The SPEAKER. If the gentleman from Texas [Mr. PATMAN] desires to make that unanimous-consent request again, the Chair will recognize him for that purpose. The Chair does not mean that he would preclude recognition of another Member.

Mr. PATMAN. Mr. Speaker, to be perfectly fair with the gentleman, I ask unanimous consent that the proceedings by which the conference report on the bill S. 5 was adopted be vacated.

The SPEAKER. Does the gentleman temporarily withdraw his previous unanimous-consent request to which the gentleman from Michigan and the gentleman from New Jersey reserved the right to object.

Mr. PATMAN. Mr. Speaker, I withdraw that request.

The SPEAKER. The request is withdrawn. The Chair recognizes the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House of Representatives today by which the conference report on the Consumer Credit Protection Act, S. 5, was adopted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HUNGATE. Mr. Speaker, reserving the right to object, I think we would all regret if someone had not had an opportunity to make his position clear on this legislation, which, as I understand, has been pending some 8 years. On the Consent and Private Calendars each month we seem to have no difficulty in making objections, sometimes by the page.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Does the gentleman from Texas now renew his previous unanimous-consent request?

Mr. PATMAN. Mr. Speaker, I renew the request. I ask unanimous consent to address the House for 40 minutes with the understanding that the remarks will be related only to the Consumer Protection Act conference report, and with the understanding that 20 minutes of the time will be used by the minority.

Mr. CAHILL. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from New Jersey reserves the right to object.

Mr. PATMAN. Mr. Speaker, we have the time.

Mr. CAHILL. Mr. Speaker, I have the time. I would like to make this statement and ask the chairman of the committee whether this is correct. It is my understanding that this bill was passed by the Congress to protect the consumers of America, that one of the ways the consumers are to be protected is by a right to go into court and to assert their rights and have the court pass upon them.

As I understand it, if a court is called upon to pass upon this legislation, the only legislative history that it can consider in interpreting what the Congress really meant is that which preceded the adoption of the conference report, because it is presumed that the Congress adopted it based upon the dialog and the discussion and the legislative history; and, regardless of how much we might discuss this under the gentleman's motion, it seems to me it will serve no useful purpose for a court.

Therefore, we will be merely filling up the Congressional Record with speeches that will be meaningless.

I cannot understand this, because it seems to me there has been an honest mistake made here.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. When I finish this, I will be happy to yield. I think there is objection to what the gentleman is saying.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. Not at the moment.

Mr. ALBERT. Mr. Speaker, then I object.

Mr. CAHILL. Mr. Speaker, I demand regular order.

The **SPEAKER.** Regular order is demanded.

Mr. ASHBROOK. Mr. Speaker, I object to the request.

Mr. ALBERT. Mr. Speaker, may I make a unanimous-consent request?

The **SPEAKER.** Just a minute. Regular order has been demanded, and on the unanimous-consent request made by the gentleman from Texas for debate for a period of 40 minutes in connection with the conference report, has the gentleman objected to that?

Mr. ASHBROOK. Mr. Speaker, I object.

The **SPEAKER.** The Chair recognizes the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from Texas and the gentleman from New Jersey, and that it appear in the Record prior to the adoption of the conference report.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

The Chair will always preserve the dignity of the proceedings of the House in protecting the rights of the Members.

The question now is: Is there objection to the request of the gentleman from Oklahoma.

Mr. POFF. Mr. Speaker, I reserve the right to object.

The **SPEAKER.** The gentleman from Virginia reserves the right to object.

Mr. POFF. Mr. Speaker, I reserve the right to object in order to propound a question to the distinguished majority leader. In the event the House agrees to the request of the gentleman, would the minority maintain the right under the rules of the House to offer motions to recommit if it were so disposed?

The **SPEAKER.** The gentleman ought to address his question to the Chair. That question should be addressed to the Chair, and, assuming that the gentleman did address the Chair, the Chair will state that point has gone by, and a motion to recommit under those circumstances would not be in order.

Mr. POFF. Mr. Speaker, still reserving the right to object, I do not mean to imply—indeed I do not, and I support the conference report—but I do want to make the point, Mr. Speaker, just now that the minority will not be enjoying the same privilege as it would have enjoyed had the regular procedure been pursued.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The **SPEAKER.** The gentleman from Texas [Mr. Patman] is recognized for 20 minutes and the gentleman from New Jersey [Mr. Widnall] will be recognized for 20 minutes.

Mr. MONTGOMERY. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore (Mr. Carey). The gentleman will state his parliamentary inquiry.

Mr. MONTGOMERY. I participated in the debate and was given a minute, by unanimous consent, to state my remarks about the garnishment section of the bill. Will that still appear in the Record, or do I now have to participate in this part of the debate?

The **SPEAKER** pro tempore. The Chair will state that if the gentleman is yielded to and given time, all matters during that period will appear in the Record, as well as the remarks the gentleman made previously on the subject.

Mr. MONTGOMERY. I made my remarks after the conference report had been adopted.

The **SPEAKER** pro tempore. The gentleman may ask unanimous consent to have his preceeding remarks printed.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that my remarks made after the conference report was adopted be included in the printing of remarks made in the 40 minutes now allotted.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INTERSTATE TAXATION ACT

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2158, with Carey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from Louisiana [Mr. Willis] will be recognized for 1½ hours, and the gentleman from Ohio [Mr. McCulloch] will be recognized for 1½ hours.

Mr. McCULLOCH. Mr. Chairman, I should like to have recognition to make the statement that our colleague, the distinguished gentleman from West Virginia [Mr. Moore], will have charge of the time on this side of the aisle, as the gentleman from Louisiana [Mr. Willis] will have charge of the time on the majority side.

The **CHAIRMAN.** The gentleman from West Virginia [Mr. Moore] will be recognized for 1½ hours.

Mr. WILLIS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler].

Mr. CELLER. Mr. Chairman and my colleagues, the bill before us today, H.R. 2158, the proposed "Interstate Taxation Act," represents a vitally needed reaffirmation of one of our most cherished economic principles. Students of American history have been unanimous in pointing out that it was the need for a single market common to all geographical regions of the country that bound our States into a Nation. When the great debates took place concerning the adoption of the Constitution, John Marshall, one of our early Chief Justices, vigorously asserted that merchants who are located in one State should be protected from burdensome regulation in neighboring States where they had little or no political representation. Indeed, in describing the ratification of the Constitution by the Commonwealth of Virginia, the Chief Justice emphasized the critical importance to the merchants of Virginia of having unfettered access to markets in such States as Pennsylvania, Connecticut, North Carolina, and New York. H.R. 2158 is designed to implement this same traditional principle.

In 1959, problems arising from State taxation of interstate commerce reached critical proportions in the celebrated Northwestern Portland Cement Co. case. The Supreme Court made it clear that only Congress can appropriately deal with the vexing problems that arise from a plethora of conflicting State and local tax laws. Since then, both the Court, as well as the business community, have looked to us for guidance.

When the special subcommittee, under Chairman Willis, a most dedicated Member, began its study 6 years ago, it was apparent that interstate business was being seriously burdened. In the ensuing years, the situation has grown progressively worse, and there has been a greater and greater outcry for relief. H.R. 2158 is the considered judgment of the Judiciary Committee as to what action should be taken to provide that relief.

The provisions of the bill basically establish jurisdictional standards with respect to the imposition on interstate commerce of State and local corporate net income, capital stock, sales and gross receipts taxes as they affect interstate companies. They are effective, acceptable solutions which will have no untoward revenue effects. They are solutions which are in accord with the practical realities of our modern economy, but which at the same time give renewed vitality to one of our Nation's oldest traditions. The prompt passage of H.R. 2158 will be of immense benefit to the business community, to the integrity of our federal system, to the vitality of our States, and to the efficient functioning of our courts. It is indeed a measure which is sorely needed.

In conclusion, there is a further aspect of H.R. 2158 which I would like to commend to your attention. Of late, political commentators are fond of noting that over the years Congress has given up more and more of its responsibility for initiating legislation. Yet the proposed bill is very much a child of the Congress. It is the final product of a mandate which was given to us 7 years ago under Public Law 86-272. The comprehensive study which was conducted by the Judiciary Committee and occupies a total of eight full volumes, has become the definitive work on this subject. I believe that the study and the bill now before you demonstrate that Congress does have the ability to find facts, and to frame objective solutions for even the most complex problems. Mr. WILLIS and his subcommittee have labored long and hard to fashion a program of which we in Congress can indeed be proud. I urge the passage of this vitally needed legislation.

Of course, this bill is not a complete answer to everything. No bill is without flaws, and probably the future may indicate some of those situations that need even greater attention on this very momentous subject.

As the Members know, all bills—bills that try to reach solutions——

Mr. WILLIS. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I thank the gentleman for yielding.

Mr. Chairman, I wish to point out that there is a provision in this bill, and I am sure this will be of interest to the gentleman and to the rest of the Members, that says that the committee retains jurisdiction of the subject matter for 4 years to consider future problems.

Mr. CELLER. Which is indeed an excellent provision, and which betokens the foresight of the chairman, the gentleman from Louisiana [Mr. WILLIS].

But, Mr. Chairman, as I was saying, all of our bills do not always hit exactly on the target. We are successful sometimes, and sometimes we are not. I am reminded, Mr. Chairman, of the story they tell about Sir James Barry, the famous author of "Peter Pan." He was asked once whether his plays were always successful, and he said, "Some of my plays are successful, and some are not," and he said, "some of my plays peter out, and some of them pan out."

So, Mr. Chairman, I want to say that this bill in general, as far as the answer to the vexatious problems of the taxpayers are concerned, mostly will pan out, and not peter out.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I rise in support of H.R. 2158, the interstate taxation bill.

My colleagues, today, in many ways, could be one of our finest hours. There are many who criticize the Congress as the fallen branch of our tripartite Government. It is said that Congress only reacts to Executive proposals but does not imaginatively and creatively seek solutions to problems.

To those doubters, I proffer H.R. 2158, so ably looked after for well over 6 years on the majority side by that able constitutional lawyer, the gentleman from Louisiana, ED WILLIS, and on the minority side by the gentleman from West Virginia, ARCH MOORE, who has done so much in the last decade in this very difficult, trying field of legislation.

So this legislation is, indeed, the child of the Congress.

Congress perceived the need.

Congress initiated the study.

Congress drafted the bill.

We have spent 6½ years in labor studying this bill—four volumes of hearings and four volumes of exhaustive and thorough analysis of the problem.

The bill accurately reflects those tireless efforts. It sets a standard of excellence for the legislative process. Thus, with pride, I lend my name in support of this bill.

The problem of multiple State taxation of businesses operating in interstate commerce is not a simple one. The issues are many and complex.

But ultimately, the search has been for some golden mean, some rule to balance the competing interests of State revenues and of free commerce. The bill achieves a golden mean. It is fair.

There are those who would argue that a State should be allowed to tax a business even though it is in no way located in the State.

There are those who would argue that a State should be allowed to require a business to police the collection of the State's sales and use tax even though it is in no way located in the State.

I can well appreciate how these arguments would appeal to State and local tax collectors. Their task is to raise revenue and to do so as painlessly as possible.

Certainly, it is advantageous for State and local tax collectors to deflect the impact of their taxes onto those without political representation in the State.

But is that fair? Is that good for the country?

Indeed not. But since "the love of money is the root of all evil," as St. Paul wrote—1 Timothy VI: 10—fairness is not warmly received.

Consequently, American business is burdened with conflicting, chaotic, and multiple taxation by the States. It is time for Congress to act.

Congress has invoked the commerce clause of the Constitution to enact laws in the areas of crime, welfare, and civil rights. Now it invokes the commerce clause to foster the interstate flow of goods.

For we are once again confronted with the problem that led to the calling of the Constitutional Convention of 1787, the imposition of State taxes on out-of-State businesses. Our forefathers recognized how mischievous this problem could be. They realized that a national common market was the necessary predicate of national prosperity.

I stand before this House today to reaffirm the constitutional principle of the American common market. That principle has served us well. We are the richest Nation on this earth. That principle merits the continued support of every Member of this House.

No one can deny that State taxation of interstate commerce is a definite problem. No one can deny the right and the duty of Congress to remedy this problem. Yet the States have voiced two practical objections to this legislation.

The first is loss of revenue. This objection is without merit. The record shows that the States, at present, are not collecting taxes from businesses which are not located in the taxing State. The Special Subcommittee on Interstate Taxation found that there was 97.5 percent noncompliance in the income tax area and 93.5 percent noncompliance in the sales and use tax area—volume 1 at 303, and volume 3 at 729.

That is a despicable situation. Impossible laws breed disrespect for law at a time when respect for law is essential to our national well-being. Impossible laws allow tax commissioners to exercise wide discretion to discriminate and to harass businesses with impunity. Impossible laws jeopardize the very existence of small businesses. For in most States, there is no statute of limitations on tax liability. Thus every year, the small businesses—many of whom do not realize that they are liable—get deeper and deeper in debt.

The second objection is that the bill favors interstate business over local business. This is not true. There are no tax havens in this country, and none are created by this legislation. The bill operates not to favor interstate business by making it tax free but rather to promote uniformity and efficiency in the collection of State taxes.

To those who worry about their local industry, let me say again that the out-of-State competition is not complying with the local tax laws because, realistically, they are impossible to enforce. Thus, by establishing that interstate business need no longer do the impossible, the bill does not tip the balance against local industry.

Moreover, there is a provision in the

bill—often overlooked—that would extend State sales-and-use-tax jurisdiction to areas now off limits to tax collectors.

In *Miller Bros. Co.* v. *Maryland*, 347 U.S. 340 (1954), the Supreme Court ruled that a State could not require an out-of-State business to collect sales and use taxes for the State even if the business regularly delivered products in its own vehicles across State lines to consumers within the State.

Section 101(2) of the bill changes that result. A State would be permitted to require the out-of-State business to collect the sales and use tax if it "regularly makes household deliveries in the State." This would not only fill State coffers but would also protect local retailers who now suffer from unencumbered competition from across-the-border businessmen.

Local businessmen in border areas have been seriously disadvantaged by the Miller Bros. rule. We change that. H.R. 2158 would permit businessmen on both sides of a border to compete according to the same rules.

Hence, it is evident that the two objections are groundless. The bill does not rob States of their revenue, nor does it discriminate against local business.

In summary, the bill lays down a golden rule. It strikes a balance by invoking commonsense in an area of confusing, chaotic, and complex tax laws.

But beyond that, on a higher level, this bill says much for the integrity of the lawmaking process. In the 13th century, the philosopher Thomas Aquinas, discussing the nature of law, wrote that a law that is impossible to obey is not really a law at all.

Certainly, the maze of State tax laws are impossible to obey. There are thousands of small businesses that employ fewer than five people yet market their products nationally.

How is it possible for such a business to comply with the 38 corporate income tax laws, the 38 sales and use tax laws, the 37 capital stock tax laws, and the eight gross receipts tax laws, all imposed by the States?

Moreover, how is it possible for such a business to comply with over 2,300 sales and use tax laws, over 1,000 gross receipts tax laws, and over 100 corporate income tax laws which are imposed at the local level?

Certainly, in exercising our constitutional duty to promote the free flow of interstate commerce, we as lawmakers must fashion a rule that is possible to obey, a rule that will command the respect of the business community, a rule that will preserve the integrity and the obligation of law.

H.R. 2158 is such a rule.

I urge its passage, and I ask you to support it.

Mr. WILLIS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, some Members may be asking themselves why should this interstate tax bill study have been referred to the Judiciary Committee instead of to the Ways and Means Committee. The answer is very simple: Congress in 1960 passed a bill signed by the President directing this study to be made and ordering it to be made. That bill was referred to the Ways and Means Committee. I just talked to the gentleman from Arkansas, Mr. WILBUR MILLS, a while ago, and he reminded me that after it had been referred to his committee, he had it referred to the Judiciary Committee. It was the gentleman from Arkansas who asked the Judiciary Committee to make this study and for me to act as chairman.

In making this study, the furthest thing from our minds was to have anything to do with increasing or decreasing taxes. That is none of our business. However, it was our considered judgment, based upon a serious study for 6 years that in the long run this bill by restoring the American concept of a common market will be generating more trade and removing obstacles to interstate commerce presently existing along State lines. We will be crumbling these barriers, and by doing that business will flourish and interstate commerce will flourish.

What does that mean? It means more business, it means more tax collection, and that is why it is our considered judgment that in the long run this bill will result in collection of more taxes by every State of the Union.

I know people have been hearing from Governors, and I know whom the Governors have been hearing from. They have been hearing from tax collectors. Mark my words, gentlemen, there are still a few diehard tax collectors against this bill. But who is for it? Business is for it. On the one hand, we have the tax collectors against, but on the other hand, we have taxpayers for the bill.

Now, what did we do for these tax collectors? They should be here today begging for Congress to adopt this bill.

First they objected to what? They first objected to the imposition of a Federal administrator to supervise and to oversee and to umpire disputes which might arise under this bill. They hollered "States rights" and said they did not want to have Federal intervention. So what do we do in this bill? In this bill we concede that. There is no provision in this bill now for Federal intervention. Everything is left up to the States as the matter stands.

Second, the tax collectors told us: "Hold on. When a concern"—let us say from Louisiana—"has an inventory of goods in Georgia from which goods are drawn in the regular course of business, Georgia ought to have the right to tax that business." I said, "All right, we will let you have it." We conceded that.

Then there was a third objection to the bill. I am talking about at the beginning. In this my own State took the lead.

Our fine young Governor in Louisiana has the ambition of every incumbent, which is to attract new business to Louisiana. The Legislature of Louisiana passed an act to grant out-of-State concerns tax incentives.

Our bill, pursuant to the importunities of tax collectors and my own Governor, made just exactly that concession to them.

As I said, today they should be the first ones here to sponsor this bill.

Mark my words. For 50 years the tax administrators have sponsored at their annual meetings a program to have uniform rules in this delicate field of State taxation of interstate commerce. What do we have now? We have 50 States, each requiring multiple-State companies to file. They are all over the lot. One does not have to be a very big company to do business in every State of the Union. Now the multi-State companies must file 50 income tax returns, one with each State as well as with the Federal Government.

And what about the counties? Right now there are more than 3,000 counties and cities, like New York, imposing an income tax on out-of-State concerns.

So we bring light out of all this chaos. As I said, they have been begging for uniform rules. This bill does provide uniformity.

There was another objection. They forgot all about their initial objections, and now they are saying they will lose money. What does that mean?

Yesterday I put some information in the RECORD. It is at the desks. Pick up the RECORD and look at page 14291, which gives an analysis of the tax effect of this bill on revenues from each one of the States. Look at page 14291.

The Members will see that no State, not a single State, immediately will lose more than two-tenths of 1 percent. In the long run, as I said, they will gain revenue.

I do not know what some of the tax administrators are telling the Members, as to how much money they would lose. I do not know what they use. We used every sentence of this bill in arriving at those conclusions. Please read them.

Instead, by removing these barriers, they will actually gain revenue.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I certainly do.

Mr. McCULLOCH. I am of the opinion, Mr. WILLIS, that it would serve a useful purpose if you would state for the RECORD the Senate committee and the House committee that waived jurisdiction to you.

Mr. WILLIS. Let me tell you how this bill originated. Do you know the author of the bill, who directed the making of this study? It was no less than Harry Byrd, Sr. Do you think that he believed in States' rights? Before retiring he was working with me on this. At first it was contemplated that we should have a joint committee. Harry Byrd called me and said, "ED, you do it. I am getting old. This is not a tax problem. You have a good mind." Maybe he was pulling my leg, but he said, "You have a good legal mind. What you want to do is have guideposts to tell people under what circumstances they may or may not be taxed."

Now let me tell you this, and I am finished. This will not take but 2 minutes.

Under what circumstances may a firm from your State be taxed by a tax collector from another State? What is the rule? We planted guideposts as solid as the stakes of a surveyor, down deep into this bill. If, for example, the business is located in your State and if the personnel and inventory and employees and the plant itself are located in your State, then only your State may tax. However, there are four possibilities for being taxed elsewhere.

No. 1 is if you own real estate in another State. No. 2 is if you lease real estate. No. 3 is if you maintain in a warehouse a stock of merchandise from which you are selling in the other State. No. 4 is if you are maintaining employees in the other State. Then and then only may you be taxed by another State.

Oh, let me tell you two more things and I am done.

The tax administrator of Georgia, Mr. Cox, probably the most reliable tax administrator in the Nation, came to see me about this legislation. I said to him "Well, now, Mr. Cox, why do you not consult my subcommittee counsel and let him go into the new programs and let him figure with you how much you can get. With reference to certain programs you know how much is going to be involved. After they got together and listened to the explanation of the proposed system and our calculations, Mr. Cox now admits they will lose only one-eighth of 1 percent.

Mr. Chairman, a second State that was causing trouble, the State of Vermont—and they used all kinds of figures. However, they got together and came to the conclusion that they will lose only $241, instead of millions of dollars.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes, I yield to the gentleman from Utah.

Mr. LLOYD. I am very interested in what the gentleman from Louisiana is saying with reference to the $400 tax figure which the gentleman used for Lafayette, La.

Mr. WILLIS. We ran these figures on all of them and they will not lose one thing.

Mr. LLOYD. Mr. Chairman, if the gentleman will yield further, the same figure has been used by tax collectors in various communities throughout the Nation as has been used by my own home State of Utah.

How does the gentleman feel that they will lose this small amount as has been referred to by the gentleman from Louisiana, when they state that they will lose a great deal more? Is it because they have misfigured their estimates?

Mr. WILLIS. I do not know. I can only say, however, that they must have the wrong figures. I am saying that they have not fully read and that they do not fully understand everything provided for in the bill. However, I am confident that our figures are correct for every State of the Union, and those figures were put in the RECORD at page 14291 where the gentleman will find the figures for the various States.

Mr. LLOYD. I thank the gentleman for yielding.

Mr. MOORE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this legislation, H.R. 2158, is generally referred to as the Willis-Moore bill touching the field of interstate taxation.

More than 7 years ago the Congress recognized the disastrous effect that the present system for State taxation of interstate commerce is having on the Nation's small business community. At that time the need for relief of the small businessman was already apparent. Yet we in the Congress properly insisted that, before we enacted a legislative program, appropriate committees would have to conduct an exhaustive study, and to present a comprehensive evaluation of the true facts—so that we could be certain that any relief measure would neither damage nor unduly benefit any particular State or any particular industry.

For the past 7 years I have been the ranking minority member of the special subcommittee which has studied the interstate tax problem. I can assure every Member of this House that the subcommittee has left no stone unturned—that the facts and figures which we have presened to the Congress are accurate and reliable. I can also assure you that H.R. 2158 will benefit all of the States as well as the entire small business community.

Before discussing the bill itself, let me briefly review some of the salient facts—facts, which in the long legislative history of this program, remain uncontroverted.

The most obvious fact is that the present system simply does not work—cannot work—and cannot be remedied by State action alone. We are now faced with a situation in which the tax administrators of each State, and countless numbers of local governments, all assert that they have the power to reach across their own borders for the purpose of regulating every company which markets its goods across State lines. In effect, each jurisdiction is attempting to impose its own nationwide tax system.

Frankly—with all due respect to the efficiency of the tax administrators—it is an uncontroverted fact that nonenforcement of the present jurisdictional assertions is the rule and not the exception. Conversely, noncompliance on the part of taxpayers is also the rule and not the exception. In short, the States do not have the administrative facilities necessary to enforce their present rules in an evenhanded day. At the same time, if the rules were enforced then the small business community would probably be destroyed, since the small businessman cannot afford the complex accounting facilities necessary to comply with the present chaotic rules.

These facts are clearly documented in the four-volume study published by our subcommittee. Based on the experience of the thousands of companies we learned, for example, that in more than 97 percent of the cases companies are not filing income tax returns with jurisdictions in which they are theoretically liable for tax, but in which they do not actually maintain a business location. Not one shred of evidence controverting our finding of 97 percent nonenforcement was offered during the three months of hearings held last year.

The fact that the present laws can neither be enforced by the States, nor complied with by the small business community, is a clear indication that practical and workable standards must be created.

Obviously, the chaos and confusion which characterizes the whole area of State taxation of interstate commerce stems primarily from the absence of meaningful jurisdictional standards. As each individual tax collector reaches further and further beyond his own borders, more and more taxpayers are exposed to compliance problems that stagger the imagination. As a result, any legislative solution must address itself to the basic question of the circumstances in which a company located in one State can be called on to pay taxes to another State. Unless we face this basic jurisdictional issue, we in the Congress will avoid our responsibility to all of the States, and to the entire small business community.

In analyzing the details of H.R. 2158, I would suggest that each Member of Congress consider the insurmountable problems which are now facing small companies in his own State. A typical small company might well have less than 100 employees—in fact, most of them have less than 50 employees. Nevertheless, such a small company in your State will often sell its products into other States—States in which it owns no property, and has no local employees. As a result, many such companies are exposed to liabilities in all 50 States, as well as in thousands of local jurisdictions. It is preposterous to assume that such a company can comply with the tax requirements of all of these jurisdictions. By laying down simple and practical jurisdictional standards, title I of H.R. 2158 will give the small companies the type of protection that is obviously needed.

Title I provides that the small company in your State cannot be taxable by another State unless it maintains what is referred to as a "business location" in the other State. Now the term "business location" is a word of art which is used throughout the entire bill, and defined in section 511 to include: First, the owning or leasing of real estate; second, the maintenance of a stock of goods for sale in the regular course of business; or third, the presence of a local employee whose activities consist of more than the mere solicitation of orders.

I recognize that some of the tax administrators oppose these jurisdictional standards, and have created the impression that the only effect of title I is to impose limitations on present State taxing powers over interstate commerce. Let me point out to you that this is not the case, for there is a basic exception to title I which actually extends the jurisdictional reach of the States beyond the limits already established by the U.S. Supreme Court.

This exception appears in section 101 (2) which allows the States to impose sales tax collection requirements on all out-of-State sellers who regularly make deliveries to households in the State. This provision reverses the Supreme Court's decision in Miller Bros. against Maryland. The reversal of the rule in this case has long been advocated by the tax administrators themselves, and has also been recommended by the Advisory Commission on Intergovernmental Relations. It is regarded by the Judiciary Committee as an important means of strengthening State taxing powers in an area where local retailers clearly need protection from out-of-State competitors.

When all of the jurisdictional standards in title I are considered in their entirety, and in the light of the 6-year study conducted by our subcommittee, it becomes clear that under these standards the States generally will be able to continue to impose their business taxes on most of the companies which are currently complying with State laws, and will, in the sales tax area, be able to reach an even larger number of companies than they now reach. At the same time, the typical small company located in your State will be relieved of the responsibility of having to comply with a completely unworkable system of multi-State taxation.

Although title I provides the basic relief which is essential for all of the small companies, further measures designed to reduce compliance problems also appear in title II, and title III.

Under title II, if a small company in your State is taxable on its income or capital in another State it may determine its liability under an extremely simple and practical formula. Under that formula no State will be able to tax a greater percentage of income or capital than the percentage arrived at by computing the proportion of tangible assets in the State and wages paid to employees in the State. This simple formula has several features which will not only reduce the compliance problems of small companies, but will also greatly increase the administrative efficiency of the State tax collectors.

First of all, since the formula does not contain a sales factor, it will not be necessary for the small company to keep detailed records of each interstate shipment. Second, since all of the company's income is subjected to the same simple formula, no disputes can arise with respect to the allocation of a wide variety of specialized items such as dividends, capital gains, rents, patent royalties, interest on bonds, and so forth.

These features of the formula in title II will so simplify the administration of corporate income tax laws that all of the States which impose income taxes will benefit. In this regard, I am pleased to be able to tell you that one major State, Massachusetts—after evaluating the recommendations of the Judiciary Committee—recently changed its tax laws so as to apply a single formula to all income. As a result, compliance problems in Massachusetts have been substantially reduced, and the State has realized significant increases in its revenues. We can be confident that the Judiciary Committee's recommendations will also prove to be beneficial in the administration of the income tax laws of the other States as well.

Title III of H.R. 2158 will likewise increase the efficiency of compliance and enforcement in the sales and use tax area. For example, section 301(a) of title III applies a uniform rule for locating sales—a practical rule which conforms to the present practice of most of the States. Section 301(b) also provides a uniform standard for the imposition of use taxes so that such a tax cannot be imposed on a company that does not have a business location in the State, and on an individual who does not have a dwelling place in the taxing State.

Section 301(c) of title III provides for a system of reciprocal credits so that each State will be required to give a credit for prior sales or use taxes imposed by other States. This system of reciprocal credits is one with which all of the State tax administrators are in agreement. However, there are, in fact, still some States which do not grant such credits. As a result, section 301(c) will complete the task of providing a nationwide uniform system of reciprocity.

Section 302 of title III provides that a use tax may not be imposed on the household goods or motor vehicles of a person who acquired those goods or motor vehicles before establishing residence in the taxing State. This is a provision which will remove one of the most serious problems now facing consumers who change their States of residence.

Section 303 of title III provides a uniform rule for the treatment of freight charges with respect to interstate sales. This rule simply accords with the present practice of a majority of the States, and has the advantage of providing interstate shippers with a uniform billing practice.

Section 304 of title III provides that if an interstate sale is made to a business within the taxing State, and the business-purchaser is himself registered with that State for sales tax purposes, the seller need not collect the tax. Let me give you a simple example of how this provision would work. If a seller in your State ships goods to a purchaser in my State of West Virginia, and the purchaser in West Virginia is himself registered with the State of West Virginia, then the seller in your State need not collect the West Virginia tax. Since the sales tax in such a case is in fact imposed on the purchaser in West Virginia, and the purchaser is himself filing sales tax returns in West Virginia, the purchaser simply remits his own tax directly to West Virginia. As a result of the uniform application of this principle throughout the entire country, each State tax administrator will be able to concentrate his auditing activities on businesses which are located within his own State's borders.

The last section of title III is section 305, which provides a standard for the taxation of interstate sales by local governments. Because of the wide spread proliferation of local sales and use taxes this provision will protect small companies all over the United States from being completely overwhelmed by the jurisdictional assertions of more than 3,000 political subdivisions, each of which is currently taxing interstate commerce according to its own peculiar rules. Clearly, the compliance problems under this intolerable situation are so enormous, that this provision in itself will spare thousands of small companies countless weeks and months of labor in filling out tax forms which are often more costly than the actual amounts of tax involved.

Now the three titles which I have reviewed contain the major substantive provisions of H.R. 2158. Each provision is based on a sound and logical principle, and has been formulated so as to both reduce the compliance problems of the small companies and to increase the efficiency of States tax administration. At the same time there is no single provision which is designed to protect any special interest, or to prejudice the interest of any State.

The bill, in its entirety, deals with an extraordinarily complex situation, yet the bill itself is not a complex one. Instead, it is a measure which will substitute logic and order, for chaos and confusion. It will protect the small businessman from being overwhelmed by compliance problems—while enabling each tax collector to enforce his own tax laws in accordance with practical and workable standards. As a result, it is a measure which warrants the warm endorsement of the entire House.

In urging support for H.R. 2158, let me also make it clear that as a ranking minority member of the subcommittee which studied this problem, I concur completely with the statement which has been made concerning the effects of H.R. 2158 on State revenues. The study conducted by us was objective and thorough, and the revenue figures compiled by us are accurate. All of these figures demonstrate conclusively that the passage of H.R. 2158 will, in the long run, result in increased revenues for the States.

Under these circumstances the responsibility of the Congress is unequivocal. The need of the small business community for this legislation is overwhelming, and the benefits of the legislation to all of the States are enormous.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I would like to ask the gentleman to discuss briefly, if he would, with his knowledge of the bill and of the background, the constitutional aspects which are involved in passing legislation of this sort. In other words, I understand the power which the Congress is asserting under this bill is under the commerce power of the Constitution. If that is true, I would like to ask the gentleman in his discussion of the point to comment on the limits, if any, once we embark upon this course, upon the use of the commerce power to regulate, in fact even prohibit, certain areas of State taxation in the future.

Knowing the brilliant future which we believe the gentleman to be headed for, we feel perhaps in the future State executives may come to worry about the precedents which we have set under this piece of legislation, and the further regulation of the right of States, indeed, to tax may well be involved. Particularly the opening language on page 3 starts out and says:

> No State or political subdivision thereof shall have power—
>
> (1) to impose a net income tax——

And so on. Why does not the power which is exercised in this legislation, if it is a valid constitutional power, go on and say in effect that the Federal Government can regulate the mode of State taxation in the future in any way it may wish to?

Mr. MOORE. May I say to the gentleman, I think the question is an appropriate concern of his, and it should be of the committe. As I can well appreciate, it may very well be a more difficult concern of mine in the future.

The fact is, what we are trying to do here, more than anything else, is to take a necessary first step. We feel we are constitutionally at the appropriate place to utilize the commerce clause to go out and seek merely to establish the rules by which States themselves shall levy the tax.

May I point out to the gentleman from Ohio [Mr. TAFT] that in the Bellas Hess case the U.S. Supreme Court held that a State could not require an out-of-State business to collect a use tax where the only nexus with the taxing State was a mail-order solicitation for a sale. Thus the Supreme Court has already declared that the commerce clause limits the power of States to tax.

However, the Court can only operate case by case—a tortuous route. We in the Congress can speak with greater certainty and clarity. We have set down clear guideposts. The real choice, ultimately, is who will implement the commerce clause—the courts or Congress?

I, for one, do not find congressional responsibility a dangerous precedent. If we fail to act, that will set a dangerous precedent.

The doctrine of federalism must, indeed, receive its fundamental support from the Congress. But what is responsible federalism?

The very cause which led to the calling of the Constitutional Convention was State harassment of out-of-State business. Thus, Congress was given power to regulate interstate commerce. We, thus, have a constitutional duty to free the paths of commerce. We do that today.

The balance between Federal and State power is a matter of congressional concern. But we do not interfere in any significant way with the States' revenue-raising power. Page 14291 of the CONGRESSIONAL RECORD for May 21, 1968, shows quite clearly that that is true. And I do not believe that ED WILLIS, BASIL WHITENER, or myself would champion a bill that would encroach upon the rights of the States, particularly with regard to their revenue problems.

Perhaps, in theory, an interstate compact of 50 States would be best. But that cause has been ineffective. The compact which is presently being circulated among the States has no jurisdictional standards at all and it disdains uniformity among the States in taxing businesses. This is no answer.

Under the present circumstances, this bill is the only answer. When and if a tax bill is presented which goes too far in interfering with the revenue-raising right of the States, the gentleman can be assured that I will be in the vanguard of the opposition.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. MOORE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS of Maryland. Mr. Chairman, we have heard lots of times in this House words about redtape—redtape in Government, redtape binding the hands of free enterprise and private business. We hear a lot about the weight and the burden of bureaucracy on business. We hear a lot about the effect of the paperwork jungle on American business and the expense the paperwork jungle imposes on American business.

I believe these are points well taken. But this is a day we cannot only talk about it but we can do something about it. It is extremely important to do something about it, because the weight merely of the tax forms which are being projected by various State and local tax offices has become a major item of expense for American business.

During the studies which preceded the drafting of this bill there were in effect on a State level 38 different sets of corporate income tax laws, 39 sales and use tax systems, 37 capital stock tax laws, and eight different sets of State gross receipts tax laws.

On the local level the picture was even more staggering, with more than 2,300 cities, counties, parishes, towns, and villages imposing sales and use taxes on interstate commerce.

I emphasize the words "on interstate commerce," for the gentleman from Ohio, who just raised a question as to the constitutional right of the Congress to review this question.

And there were more than 1,000 local governments imposing gross receipts taxes, and more than 100 local governments imposing full-fledged corporate income taxes.

The fact of the matter is that this is a burden on business. Perhaps General Motors or Westinghouse or General Electric can sustain it, but the small businessman, that you and I represent, just cannot afford the clerks, accountants, computers and lawyers to fill out all these forms.

What do they do with these forms? I have asked them. They put them in a file drawer, and they hope that is the last they hear about it. There those forms wait until someday a tax lien may be imposed on them. That file drawer is just like a box or parcel holding a time bomb. That time bomb can go off and damage a small businessman at any moment. That is the position and the jeopardy in which the small businessmen find themselves today.

Let me suggest there is a broader and more dangerous aspect to this situation from a national point of view. The thing which has made American business grow is the width and the breadth and the depth of the market and of economic opportunity. If one has a better mousetrap one can become a millionaire, because there is the opportunity to manufacture and to sell it so broadly.

This is the great American common market. I believe it is a tragedy that at a time when the Europeans are trying to emulate our system, in trying to broaden the European Common Market until it provides an economic opportunity comparable with our own, in fact what we are doing is gradually, step by step, strangling our market by the imposition of State customs barriers and State tax borders. The quickest way, but certainly not the best way, to close the technological gap with Europe would be to dissolve the union. Conversely, the way to stay strong economically is to perfect our economic union. I therefore urge passage of this bill.

Mr. WILLIS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I support H.R. 2158 out of a conviction that this measure embodies principles which are basically sound and will be fair both to the States and to the business community.

In my own view the issues raised by this bill are essentially "political." However, they are not "political" in a partisan sense since the program has strong support on both sides of the aisle. Instead, the issues are political in that they raise a fundamental question of the extent to which a businessman ought to be taxable in a jurisdiction in which he has little or no political representation.

On the one hand the tax administrators of many States, including the tax administrator of my own State of New Jersey, argue that Congress ought not to impose limitations on the States in their efforts to raise revenues from out-of-State companies, and I can understand and, in fact, I am not unsympathetic to this point of view. Perhaps New Jersey might, in one sense, benefit by including on its tax rolls large numbers of businessmen who are located beyond New Jersey's borders, and who have no voice in the New Jersey Legislature. Yet in my own deliberations I have become convinced that the pursuit of such a policy would be unwise for New Jersey and for all of the other States.

Already large numbers of local New Jersey businessmen—people who properly ought to pay taxes only to New Jersey—are being swamped with demands that they file tax returns with States, cities, counties, and school districts beyond New Jersey's borders. As a result it has become clear that there is a need for some sort of "rule of reason" for the taxation of interstate commerce.

What we in the Congress must do is to strike a fair and proper balance, so that no State will reach too far beyond its own borders, and no businessman will be called upon to pay a tax to a jurisdiction in which he has neither property nor an employee.

I believe that the lengthy study conducted by the Judiciary Committee establishes conclusively that H.R. 2158 indeed strikes such a balance. In simple terms, H.R. 2158 represents a compromise between the legitimate needs of the States for revenue on the one hand, and the need, on the other hand, for interstate commerce to be free of crippling burdens.

During the course of the Judiciary Committee's consideration of these problems this spirit of compromise was ever present. The present bill embodies a number of features and amendments which were suggested by the tax administrators themselves. As a result the balance has become so refined that no State stands to gain or lose more than two-tenths of 1 percent of its revenues. At the same time the business community is protected from chaotic and unworkable tax requirements. Therefore, I believe we have arrived at an equitable and realistic solution to a problem that, left unresolved, threatens to seriously harm the Nation's business and industry.

Since H.R. 2158 will operate fairly for all of the States and still protect the Nation's commercial life, we in the Congress—who have a responsibility both to our States and to the national economy—should give this measure our strong support. I urge it's approval.

Mr. WILLIS. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, since 1961 it has been my privilege and duty to work as a member of the Special Subcommittee on State Taxation of Interstate Transactions. No committee in the history of Congress has ever given greater attention to the contentions of interested parties than was given by this subcommittee to those who had philosophies and ideas about State taxation of interstate commerce.

Mr. Chairman, we come today to a situation where we have a bill which has universal support except from the tax gatherers. The business people in practically every phase of business activity in our Nation have expressed a desire to see this legislation enacted into law. I think it would ill behoove the tax gatherers to suggest that the business community over this Nation is not interested in the revenue picture within every State in the Union. I think it would ill become them to continue the tactics that they have followed of trying to stir up opposition because of language in the bill which was placed there in a spirit of compromise with those same tax administrators. Some of you have had wires, for example, from your State tax administrator in which he raised the point that provision for excluding corporations was in some way a sinister thing and that if this bill is good for small business, they say it should be good for the larger businesses. Well, they know, those who may read this debate or hear it know, that this subcommittee made the change and limited the application to the corporations having less than $1 million in annual taxable income, because the tax administrators insisted that our bill originally was one designed to help the giant corporations.

Then we have this other rather unusual contention which some of them have generated in your State and in mine that for some reason this legislation will retard the State in the attraction of outside industry. Well, suppose it did do that. And we do not admit that it would. In fact, we are certain it would not. Even if it would do that, I still think these State officials have some obligations to existing businesses already in their State who have built up the State.

Mr. WILLIS. Mr. Chairman, will the gentleman yield at this point for one sentence?

Mr. WHITENER. I yield to the chairman.

Mr. WILLIS. I say to the gentleman, as he well knows, that the bill contains this specific provision permitting tax incentives.

Mr. WHITENER. Of course it does.

Now, my friends, I shall not take a great deal of time. This bill has been carefully considered. It has been written by individuals who believe in States rights and who have just as fine credentials for upholding the Constitution as anyone in this Congress.

And, it was also written by men who had carefully studied this problem and had the assistance of the outstanding experts in the Nation, impartial and unprejudiced experts, and as a result thereof, have come up with this legislation. We have done this because we believe it to be in the best interest of our Nation.

We do not believe that it will do damage to any State in the Union, but, rather, it will be a blessing to all of them.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. Of course I yield to the gentleman from North Carolina.

Mr. JONAS. I was interested in what the gentleman had to say about the accommodation of the committee to one of the arguments of the tax administrators, in excluding corporations with taxable incomes in excess of $1 million.

Mr. WHITENER. This was just one of many concessions.

Mr. JONAS. I understand why that was felt by the subcommittee to be necessary, in order to remove one of the objections. However, I wish the gentleman from North Carolina would discuss the merits of this discrimination.

Mr. WHITENER. All right; I shall be glad to do so. It is my feeling, and I believe the feeling of the other members of the committee, that this bill would be properly applied to corporations regardless of their size. We think it would bring about a better situation between corporations involved in interstate tax and local tax authorities being involved, but as a practical consideration, the six or eight volumes of hearings that are available here will show to the gentleman that the small business people who are not equipped with computers and with information counsel and information tax authorities, are not equipped to meet the requirements which are so burdensome where they do a multi-State business.

To give the gentleman some examples, I see the distinguished gentleman from Washington present in the Chamber. His apple people, perhaps a small operator, when you compare them, to a big business, but who ships apples at Christmastime and there are various cities and States in which he finds himself sometimes as some of the testimony showed with a taxing jurisdiction from out of his State, coming back at him with a jeopardy assessment totally unrealistic in amount, years after he had destroyed all of his records for that period of time. We found the same situation to exist in Wisconsin with reference to certain cheese manufacturers and we had the situation which exists with reference to Florida citrus fruit growers who have had to spend unusual effort to report $50 worth of business done in that particular jurisdiction and ordered to provide an executed tax form for some remote jurisdiction where the tax liability was, say, only $2.

I am sure that the gentleman is familiar with the infamous practice, one which has been infamous for many years in some of these tax jurisdictions, to notify the small businessman that he has made a sale in their State and that he is going to have to have an assessment of x number of dollars against him unless he sends to that State or to that jurisdiction all of his records or a photostatic copy of them. Or, in lieu of that, they say we will send an auditor to your State if you will send us your check for so many hundreds of dollars and then agree to pay this auditor's keep and salary for whatever period of time it takes.

There are so many things that this subcommittee has found in its exhaustive study that need correcting that within the time we had allocated to us we just could not begin to cover all of them.

Mr. JONAS. Mr. Chairman, will the gentleman yield again?

Mr. WHITENER. I yield further to the gentleman from North Carolina.

Mr. JONAS. The reason I raise the question is because I have detected a trend here in Congress in recent years toward what I call class legislation.

There seems to be a disposition on the part of some Members of the House occasionally to say, "Well, this is all right, because it only applies to the little man. We will exclude its application to those whose incomes are above so and so."

I am just fundamentally opposed to class legislation. If legislation is good for the company with $900,000 of net income, then I have some difficulty rationalizing excluding the one who has $1,100,000 of income.

Mr. WHITENER. I understand the concern of the gentleman, and I will say to him that under title IV of the bill there is provision made for a continuing study by the Congress of this problem. I know that some of the same folks have talked to me who have talked to my friend about the excluded corporation provision, and I am not in disagreement with his view. I am just saying that we must try to do that which we can do.

Mr. JONAS. This might help.

Mr. WHITENER. And I do not believe that we would be able to get as overwhelming a majority of votes for this bill as I anticipate we will be able to get with this provision in it.

Mr. JONAS. Would I be safe in assuming, and this may help me over this little hurdle, in assuming you will see how this will work with respect to small business concerns, and there is always the possibility that with experience and growing out of that experience, there may come a time when the committee might extend this?

Mr. WHITENER. Not only as to the subject matter that the gentleman mentions, but the total impact of this legislation, and a study of other practices and patterns which need to be revised.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Chairman, I have asked the gentleman from North Carolina to yield to me in order that I might ask questions which have arisen as a result of conferences with State revenue officials.

During certain discussions with revenue officials there have been times during those discussions when I have wondered whether these revenue officials and the members of the House Committee on the Judiciary are talking about the same bill.

I want to say at this point that I intend to support this bill. I have studied it, and the conclusion at which I have arrived is that it may accomplish the purposes which are set out in the committee report. And this brings me to my first principal question:

Would the gentleman tell me, in as succinct language as possible, the purpose of this legislation?

Mr. WHITENER. The purpose of this legislation is to eliminate existing inequities in the administration of a multiplicity of tax laws, and to bring about a condition of equity, doing as little violence as possible to the revenue picture of any State.

As a matter of fact, I believe the gentleman—and I am sure any reasonable person, would have to agree that this legislation could not possibly bring about the result that the tax administrators say that it does, because it could not lower revenue in all the States of the Union, somebody is going to get an advantage of some sort, I would assume, notwithstanding all our careful efforts to maintain balance.

Mr. FLYNT. Now I would like to ask the gentleman from North Carolina if it is correct that one purpose that the committee has in mind in reporting this legislation to the House is to effectively deter punitive taxation levied by State taxing authorities against out-of-State businesses?

Mr. WHITENER. Of course, that is one of the purposes we seek to accomplish. But I think it is only fair to say that an equally important aspect of this is to eliminate the undue burden on certain of our multi-State businesses where you cannot really say that there is a punitive enforcement procedure. Just the operation of the law, without any element of imposing a penalty or unfairly overreaching constitutes an insurmountable problem to many small businesses in the country.

Mr. FLYNT. Would one of those insurmountable problems be in the nature of out-of-State audits, to which the gentleman from North Carolina referred in his colloquy with the gentleman from North Carolina [Mr. JONAS]?

Mr. WHITENER. That certainly would be one.

Mr. FLYNT. Another question was raised by the gentleman from North Carolina [Mr. JONAS], is that if this legislation is good for some companies it might be good for all.

Did I understand the gentleman from North Carolina [Mr. WHITENER] to respond to that, that very question is one of the reasons that committee of the Congress retained this subject matter for specified period of 4 years to determine if the provisions of this legislation should be applicable to all corporations regardless of size?

Mr. WHITENER. The gentleman is correct.

I would further say, expressing a personal opinion, that I would have preferred that the bill not limit its application to these smaller corporations. I think it would be good legislation if it applies all across the board. But, as the gentleman knows, in legislating you sometimes try to reach a compromise which will enhance the chances of a principle being established.

Mr. FLYNT. I thank the gentleman for responding to my questions. I recognize that some parts of this bill might properly be modified and in future legislation I hope that it may be improved. Recognizing certain imperfections in the bill as reported, I believe the purposes of the bill to be good and I believe them to be accurately stated in the committee report. Believing that the bill will correct more inequities than it will create, I intend to vote for the bill H.R. 2158.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. ICHORD. I agree with the gentleman that we do have problems here which need to be solved. But I seriously question whether this is the proper method of solving them.

Mr. WHITENER. My answer to the gentleman would be that after studying this carefully and having 21 of the leading tax people in America on a panel studying it along with us every step of the way, this is the conclusion that we reached. If we are wrong, it is based on a rather careful and extended study and I personally do not think we are wrong.

Mr. ICHORD. Let me say to the gentleman from North Carolina, there is no man in this House I have greater respect for than the gentleman from Louisiana, the author of this bill who is also chairman of one of my committees. But the respect that I have for him, and the respect I have for the gentleman from North Carolina does not dictate that I must agree with either one of the two gentlemen.

Now I am not impressed by the argument that this bill is supported by all of the taxpayers and opposed by all of the tax gatherers because if this bill has the effect in all the States that I am informed it will have, in the State of Missouri it will reduce Missouri's intake of sales and use taxes $50 million per year and naturally the taxpayers would support this piece of legislation.

Mr. WHITENER. Well, of course, I do not know where the gentleman gets his information. But based upon the careful study by the committee staff and these outside experts, they say the maximum possible loss would be nine one-hundredths of 1 percent.

Mr. ICHORD. My estimate comes from a distinguished member of the Missouri Senate whom I have known for several years.

Mr. WHITENER. I wonder if the gentleman knows what the total income tax take is in Missouri.

Mr. ICHORD. No; at this point I cannot give it to the gentleman. I am not talking about income tax; I am talking about sales use tax.

Mr. WHITENER. Sales tax. I would say that if the State of Missouri is getting $50 million a year in sales tax from out-of-State businesses, they must get one whopping amount from their in-State people.

Mr. ICHORD. I would say to the gentleman from North Carolina that when I was a member of the Missouri Legislature, we updated our sales use tax laws in order to get proper revenues from such sales covered by the laws.

Mr. WHITENER. This figure would indicate that your State is getting in the neighborhood of 15 to 25 percent more sales tax revenue from out-of-State businesses than the State of California is getting, and I would rather doubt your State senator's figure if he says $50 million.

It comes as a surprise to me that this bill could cause your State to lose $50 million in State sales use tax when, according to the tax administrator in California, he himself estimates at the most that State could lose only $3 million. It may be that your activities are much greater than California's. I am not aware of that. I believe California is a much larger State, and I would assume that if they, at the top estimate, say they could lose only $3 million from the sales use tax as a result of this bill, Missouri could not possibly lose $50 million.

Mr. ICHORD. I have not studied the question in detail, but I would read to the gentleman from North Carolina an editorial from the St. Louis Globe-Democrat, as follows:

> Not only would this proposal stick the Federal nose deeper into State affairs, it could cost the State of Missouri an estimated $25 million to $50 million annually in use taxes, income taxes, or other imposts.

The estimate does include income taxes and other taxes.

The whole of the editorial reads as follows:

No U.S. Control of State Taxes

The steady march of Washington government to usurp states' rights—this time state and local power of taxation—will advance another long stride if the Willis bill, to control taxes on corporations doing a multistate business, is passed by Congress.

This measure is expected to come to a vote in the House on Wednesday. Not only would this proposal stick the federal nose deeper into state affairs, it could cost the State of Missouri an estimated $25 million to $50 million annually in use taxes, income taxes or other imposts.

The Willis bill, whose architect is Congressman Edwin E. Willis of Louisiana, chairman of the House Judiciary Subcommittee, would divorce control of tax collecting methods from states and turn it over to the federal government.

While jurisdiction over rates would remain with states or local units, Big Brother in Washington could tell states and subdivisions how they could tax and what they could tax. This could give the growing fed-

> eral colossus a stranglehold over a great percentage of state taxation.
>
> The Willis legislation evolved out of United States Supreme Court decisions of 1958 and 1961, which held that states and local jurisdictions had the right to levy taxes on products of corporations even though the company's property was not physically within the taxing district.
>
> The usual method of such taxation is the use tax, a form of sales tax. If the Willis measure were enacted, federal government could bar Missouri from applying the use tax to multi-state businesses. It might rule out almost any type of taxation on interstate corporations—for instance income taxes.
>
> Senator Albert M. Spradling of Cape Girardeau, formerly chairman of the board of the Council of State Governments and still a member of the board, has been an active, long-time opponent of the Willis plan—as has the council.
>
> Mr. Spradling is not negative in approach to the problem of taxing multistate business operations. Admittedly there is a problem.
>
> Corporations such as big mail order houses have a justified complaint. Presently states determine how much of a concern's interstate business is done in their respective states. For example, Missouri might decide 45 per cent of a company's business is done here; New York might consider 35 per cent was transacted there; Pennsylvania could figure 25 per cent done in its state.
>
> Thus the corporation would be paying use, possibly income taxes, on 105 per cent of its business in these three states alone.
>
> These concerns sought federal intervention to remedy such inequity and establish a uniform system of taxation. After six years or more of study, the House subcommittee came up with the Willis bill.
>
> But meanwhile, Senator Spradling and Council of State Governments spokesmen have come up with an alternate plan we consider infinitely preferable—a Multistate Tax Compact. This would be a mutual establishment by states to regulate state taxes, provide uniformity of state levies and insure no taxpaying firm is assessed on more than 100 per cent of its income. It could be assessed on less.
>
> Missouri joined this pact through a bill adopted by the Legislature last year, a measure sponsored by Senator Spradling (Democrat) and Senator A. Clifford Jones, a Republican. The pact already embraces 15 states. It is anticipated 20 more states will join within the next year or two.
>
> Congress should hold off the Willis legislation. It would be far better to let the states handle this problem, which they show every purpose of doing fairly.
>
> Under the compact, which creates a Multi-State Tax Commission, the problem can be solved without loss of revenue to states. Because of the tremendous bite Uncle takes out of the overall tax revenues, states are bitterly hard pressed for essential support.
>
> If this state were to lose multi-millions a year from present income, there would have to be new, oppressive taxes. We could not otherwise operate Missouri government if Washington gigs $25 million to $50 million from annual revenues.

Mr. WHITENER. I might say to the gentleman that in the tax year 1967 the gentleman's State had a total sales and gross receipts tax revenue of $408,274,000. I do not know the State senator who wrote to you, your tax administrator, or whoever did, but I would say that it would be a most bizarre result if this bill would have an effect of depriving your State of $50 million.

Mr. ICHORD. May I say to the gentleman that I do not mean to be parochial, but I am sure you are acquainted with the multi-State compact that 15 State legislatures have passed since this bill was reported out of committee, are you not?

Mr. WHITENER. I am familiar with that. We heard a great deal of testimony about the compact. But you know there has not been any impediment in the adoption of a compact at any time in the history of our country. When we asked these tax administrators when they thought they could consummate the compact approach, they were about as evasive and unconvincing as is humanly possible. In fact, the compact argument is a red herring developed by the National Association of Tax Administrators.

Mr. MOORE. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, H.R. 2158 writes into statute law some jurisdictional tests which a State must meet in order to tax any part of the income of a corporation doing business in more than one State, or before it can require a seller of tangible personal property to collect its sales and use taxes for it.

Those who favor the enactment of H.R. 2158 laud it as a strengthener of the great American common market which the Constitution created. The Constitution is very explicit when it says that no State shall without the consent of Congress lay any imposts or duties on imports or exports except as may be absolutely necessary for executing its inspection laws. So from the very outset no State has been able to build tariff walls for the protection of its own industry as against the industry of other States.

But in recent years as more and more business, big and small, has expanded into multi-State sales, the business community has become burdened with what it considers a different kind of obstacle against the free flow of commerce among the several States. That obstacle has been some State tax policies as they affect interstate commerce.

H.R. 2158 would set down broad jurisdictional tests by which both the States and multi-State businesses may know whether a particular State may tax a particular business enterprise. The question is whether a particular enterprise is located within the State. If it is located there the State may tax its income and require it to collect State sales and use taxes. If it is not located there, then that business is beyond the reach of that State.

Those who oppose H.R. 2158 cite it as still another incursion by the Central Government against the States hitting them at the very roots of the federal system. Nothing is more vital to the continuance of government than its ability to raise the revenues needed to perform its function. If the General Government in Washington is accorded power to define in any degree the taxing power of the States, may it not eventually control their taxing powers completely? When that time comes, the States would indeed be nothing more than administrative subdivisions of a unitary governmental system.

Alexander Hamilton who is certainly no defender of the States in our federal system and who was a strong believer that the General Government should replace them wrote in No. 32 of the Federalist Papers:

> The individual States should possess an independent and uncontrollable authority to raise their own revenues for the supply of their own wants.

He assured his readers that—

> The States would, under the plan of the Constitutional Convention, retain that authority in the most absolute and unqualified sense; and an attempt on the part of the National Government to abridge them in the exercise of it would be a violent assumption of power, unwarranted by any article or clause of its Constitution.

Today, when the Supreme Court of the United States no longer stands as the protector of the States against Federal encroachment, the Congress must come to the defense of our federal system if it is to be preserved. The Congress should be as cooperative with the States as possible in an effort to preserve and maintain them. Congress should be cautious that it does not preempt the taxing power of the States or narrow their legitimate taxing authority. Congress should be concerned lest it force the States even further into revenue dependency upon a Central Government.

The basic question in controversy before the House right now is whether H.R. 2158 does invade the internal power of the States to lay and collect taxes.

We are primarily concerned with corporate income taxation and sales tax collection.

Turning first to the income tax question, when a corporation located in your State does all of its business there, manufacturing and distributing its products and selling them wholly within your State, clearly no problem arises. Your State can impose a tax on the entire income of that corporation.

But as the business grows management seeks additional markets and before long the business is making sales in other States. To better promote its products in those out-of-State markets, it may engage sales agents in them. Next, in order to better serve its customers, the business may establish a warehouse in an out-of-State market and maintain a stock of goods there staffed by its own employees; and at length, it may build plants in those States. The question is at what point in the transition from a single State to a multi-State business does another State acquire jurisdiction to tax a share of the corporate income?

Before 1959 it was court-made law that in order to tax any part of the income of a business entity a State must find that company doing some local business within its borders. But in 1959 the Supreme Court changed the law, something it has been doing a great deal of in recent years. The Court then held that a business corporation is present within a State for State income tax purposes if its only activity within that State is sales solicitation.

The effect of the 1959 decisions was to broaden the tax jurisdiction of the States and they were agreeably pleased with the result. However, at the same time, the Supreme Court, observing that it had been called upon to settle some 300 cases involving State taxing power, invited Congress to regulate State taxation of interstate commerce.

The Court's suggestion to Congress that it legislate in the field, together with the alarm with which the business community quite understandably received the 1959 decisions, was sufficient to mobilize the 86th Congress, then in session, and Public Law 86–272 was promptly written into the statute book.

Public Law 86–272, which H.R. 2158 will not amend or supersede, negated the Court's 1959 decisions. The purpose of the act was to put the law back in the same stance it had before the decisions were handed down. The essence of Public Law 86–272 is that a State does not acquire jurisdiction to tax the income of a business enterprise if the only activity of that enterprise it can find within its borders is the mere solicitation of sales of tangible personal property when the orders are sent outside the State for approval or rejection, to be filled by shipment into the State from a place outside.

H.R. 2158 goes further than Public Law 86–272. It provides some positive jurisdictional tests. Before a State can tax any part of the income of a corporation, it must, under H.R. 2158, find within its borders either, first, some real estate owned by or leased to the corporation; or second, an employee of the corporation based in the State and doing something more than merely soliciting orders; or third, a stock of goods held for sale in the ordinary course of business. And if a State cannot find any of these three criteria within its borders, it can tax the income of a corporation only if it finds that the average annual income of that corporation is more than $1 million.

During the time that I sat as a member of the Judiciary Subcommittee on State Taxation of Interstate Commerce considering the testimony adduced in the lengthy hearings and even when I wrote minority views on the bill which was reported in the 89th Congress, I was deeply concerned about whether this legislation in setting down jurisdictional standards, intrudes upon the legitimate taxing power of our States. Initially I thought it did. Upon reflection I have concluded statutory jurisdictional standards are appropriate. It is evident that the courts in the future as in the past will be called upon to decide disputes between the States and those they claim owe them taxes. It is better public policy, in my opinion, that the elected Representatives of the people—the Congress—provide jurisdictional guidelines than through our inaction to leave the matter to the Federal courts. I am persuaded that the jurisdiction of States to tax will be defined by Federal action one way or another. If Congress provides no guideline, then the Federal judiciary will define that jurisdiction. If we do act, then the Federal Legislature defines that jurisdiction. Congress has all too often been guilty of abdicating to the courts. I am, therefore, prepared to say that if H.R. 2158 did nothing more than to set down jurisdictional tests I could support it in principle.

In one major respect the bill as it stands does intrude upon the legitimate taxing power of the States. Title 2 of the bill goes beyond defining jurisdictional standards. Title 2 should be stricken and when the bill is read for amendment under the 5-minute rule, I will offer an amendment to strike that title. I moved to strike it in the full Judiciary Committee 14 months ago, but the amendment lost by a tie vote. I shall offer it again with the hope that this time it will be accepted.

Title II is an unwarranted intrusion into the internal tax policy of the States. Further, it will prove burdensome to those it intends to benefit, and it is poor public policy.

When a corporation does business in many States, each of those States may lay claim to tax a portion of the corporation's income. The formula for apportioning income among the taxing States has evolved into three factors—property, payroll, and sales. Title II would afford to corporations with average annual incomes of $1 million or less the option to pay a State its income tax computed in accordance with that State's laws or in accordance with a two-factor formula as the corporation might choose. Those two factors are property and payroll. The third factor, sales, would be disregarded if the corporation chose the two-factor formula.

So, title II affords to corporations with average annual incomes of $1 million or less the option to pay income taxes to a State in accordance with its laws or according to the two-factor formula in title I. Each year such a corporation would have to decide whether to comply with the State law or to pay taxes to that State under the Federal formula—a formula foreign to that State and possibly inimical to its laws.

Why should Federal law vest in a corporation the power to choose whether to comply with a State's tax law, when the corporation admits that it is subject to the jurisdiction of that State. Other taxpayers have no such choice.

It is argued that small enterprises making sales in many States do not have the resources to employ the tax and legal staff needed to deal with the complexities of varying State tax laws. That is true. But the protection of those companies against that burden is to be found in title I rather than in title II of the bill. Under title I a small corporation simply will not be required to account to any State unless it has a business location there. If a business is located in a State it ought to comply with that State's laws including its tax laws just as other persons must.

With title II in the bill these small corporations will be put to a greater burden than the one they now endure because under title II the corporation which is taxable in more than one State must master not only the State apportionment formula in which it has a business location, it must master a Federal apportionment formula as well. In order for any business enterprise to choose in its own interest between paying taxes to a State in accordance with its laws or in accordance with a Federal formula in title II the business must be familiar with both. Anything less may cost it money. In short, it behooves each corporation to compute its liability in each taxing State in two different ways in order to ascertain whether the Federal formula or the State's own formula generates the lower tax. So title II in no way solves the compliance problems of the small companies but serves to compound them. Title II will add to the burdens of those it intends to relieve. Title II should be eliminated in its entirety.

On the other hand, if title II is stricken every corporation regardless of its size which is located in a State will be subject to that State's tax laws. There will be no Federal formula to master, neither will the business be subject to tax liability in those States in which it is not located. These protections against the asserted income tax power of a State in which a smaller corporation does nothing but makes sales are to be found in title I—not in title II.

If a State has jurisdiction to tax the income of a corporation under title I there is nothing inequitable or burdensome in the three-factor formula. A business with an actual business location ought to be able to account for its sales in a State as well as for its property and its payroll. There is definitely nothing unjust in the use of a sales factor in an income apportionment formula. The sales factor is established in the formulas of almost all the States.

H.R. 2158 says, with regards a corporation with less than $1 million of average annual income, that a State cannot tax its income if the only factor the State can find within its borders is sales by that corporation. In order to base a corporate income tax the State must find either one of the other two factors present, either property or payroll. But if it can find either property or payroll then certainly it ought to have the right to apply its entire three-factor tax formula. Most States have constitutional rules of tax uniformity. Once tax jurisdiction is established the uniform rules of State internal taxation should be respected by Federal law.

A sales tax and its complementary use tax is a tax imposed upon the purchaser of tangible personal property. Because of administrative necessity, a duty is imposed upon the seller to collect the tax and remit his receipts to the taxing authority. In 1960 the U.S. Supreme Court held that in order for a State to require sellers who are located outside its borders to act as its tax collectors the only nexus required is the regular acceptance of orders for delivery in the taxing State. This was a stunning extraterritorial extension of a State's sales tax reach. Every business selling tangible personal property in the ordinary course of trade found itself a use tax collector for every State and municipality in which it made sales. Were it not for the Court's sales tax decision in the Scripto case back in 1960, it is unlikely H.R. 2158 would be before us. Congress had successfully brought the Court's income tax decision under control through enactment of Public Law 86–272, but Congress has taken no action to bound the reach of the 1960 Scripto decision. The power of the States to require out-of-State businesses to act as use tax collectors remains unresolved. Recently in the Bellas-Hess case the Court determined that mail solicitation for orders to be shipped into a State did not provide a sufficient business presence there to permit the State to require the seller to collect its sales tax for it.

In order for a State or political subdivision to require a business to collect its sales and use taxes, H.R. 2158 directs the taxing State to find within its borders one of the following: First, real property owned by or leased to the business; second, an employee located within the State; third, a stock of tangible personal property held for sale in the ordinary course of business; or fourth, regular household deliveries. If a State finds one or more of these jurisdictional facts, it is enabled to require that business to collect its tax; otherwise not.

The jurisdictional standards upon which a State may base its power to require a seller to collect its sales and use taxes apply to business entities without regard to their size. The jurisdictional standards for corporate income taxes, on the other hand, apply only if the average annual income of the corporation is above a million dollars.

The States are opposed to the limitation of these jurisdictional standards. They point out that under them they will be unable to effectively impose a sales tax on orders taken by itinerant door-to-door salesmen and mail orders from some small businesses which are not located within the State. They argue the inequitable competitive advantage this gives to out-of-State businesses who compete with home town merchants.

This bill has been 9 years in the making. The States, increasingly aware of the problems which the subcommittees studies and hearings brought into focus, sought time in which to work out their own solutions. They suggested a delay of two bienniums during the hearings in early 1966. Since then one biennium has passed and but 16 States have agreed to a proposed interstate compact. This showing in only about one-third of the States suggests either that the legislatures are unaware of the interstate problems involved or that they are unconcerned in the prospect of Federal legislation in still another field traditionally left to State action.

Mr. WILLIS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I rise in support of H.R. 2158.

I wholeheartedly agree with the conclusion of the gentleman from Louisiana, the gentleman from North Carolina, and the gentleman from West Virginia that this bill will strengthen the economy of each State by protecting the commerce that is so vital to all of the States.

It is my understanding, Mr. Chairman, that there are over 110,000 political subdivisions within the United States that have the power to levy taxes of one sort or another on nonresident businesses. They range all the way from counties, cities, and school districts to police jurisdictions, sanitary districts, and irrigation ditch districts. Not all of them, of course, now levy and try to collect taxes from nonresident businesses but thousands of them do.

Take Alabama, for example, and I hasten to point out to my good friends from the State of Alabama that I chose their State merely because it is the first State in the alphabetical list.

I will address my remarks only to the Alabama sales and use tax situation. The Alabama State Department of Revenue administers the collection and division of sales and use taxes collected for 158 political subdivisions as of last year. They are based on three classes of sales, first, a general rate, second, an automotive rate, and third, a machine rate.

In 14 counties and one school district the applicable rates of tax range from one-sixteenth of 1 percent to 1 percent. In one county there is only a general rate, automotive and machine sales are exempt. In six counties there is no machine rate, these sales are exempt. Fifty-three counties in Alabama have no sales or use tax administered by the State department of revenue.

Seventy-eight cities in Alabama have sales and use tax general rate levies ranging from one-fourth of 1 percent to 2 percent which are administered by the State department of revenue. These same 78 cities have automotive rates ranging from one-eighth of 1 percent to one-half of 1 percent and 77 of them—all except Haleyville—have machine rates ranging from one-eighth of 1 percent to 1 percent.

Sixty-five police jurisdictions have sales and use tax automotive rate levies ranging from one-half of the city automotive rate of one-eighth of 1 percent to one-half of 1 percent. These are, therefore, effective rates of one-sixteenth of 1 percent to one-fourth of 1 percent. Two of those 65 police jurisdictions levy a general rate of one-half of 1 percent, one levies a general rate of one-fourth of 1 percent and one a general rate of one-eighth of 1 percent. Three of these latter four police jurisdictions levy a machine rate of one-eighth of 1 percent and the other one levies a machine rate of one-sixteenth of 1 percent.

Now, Mr. Chairman, I would say that if this myriad list of Alabama local subdivision taxes were levied in this intricate manner and payable to the State department of revenue in one lump sum on an annual basis it just could be contended that compliance was a physical possibility for out-of-State businesses. But, Mr. Chairman, let me read to you from the instructions from the State department of revenue:

> The (counties and) cities shown on the attached schedule (and this includes also the police jurisdictions) have adopted ordinances levying privilege license or gross receipts taxes identical to the State Sales Tax Law except for the rates of tax. By special acts of the legislature the Department of Revenue has been made the collecting agency for the cities (and counties and police jurisdictions). If you have a place of business in any of these cities you will be required to file a monthly report for each and pay the tax to this office.

I am sure, Mr. Chairman, that we would all agree with that requirement for those businesses that have a place of business there. But I read on:

> In addition, if you have salesmen who solicit orders in any of these cities (counties or police jurisdictions) and, as a result of the orders, merchandise is delivered F.O.B. destination by common carrier or if the merchandise is delivered by seller's equipment, you will be required to file the return and pay the tax.
>
> The reports are due on or before the twentieth of the month following the month in which the tax accrues. One remittance in payment of all local taxes may be made; *however a separate report is required for each tax.*

The Director of the Alabama Department of Revenue then goes on to advise that if the businessman will advise the counties, cities, school districts, and police jurisdictions in which the businessman expects to make sales, he will forward the necessary forms.

To comply with these regulations for only 1 year, a businessman selling into these cities, counties, school districts and police jurisdictions would have to file 12 monthly forms for each jurisdiction. That would be 12 times 158 forms or 1,896 forms—in 1 year, Mr. Chairman.

The effective rates are mostly under one-half of 1 percent, mostly one-eighth of 1 percent or one-fourth of 1 percent—let us assume they averaged one-fourth of 1 percent for every dollar of sales. Let us assume also, that the businessman is not too small, that his sales in Alabama are $100,000 during the year in these 158 tax levying jurisdictions. One-fourth of 1 percent of $100,000 is $250, Mr. Chairman—$250 tax liability, payable in 12 checks, one each month for around $20 the average monthly tax liability, which must be accompanied by 158 tax forms.

I hope I have helped some of the Members of the House understand what the businessmen mean who are writing me saying the cost of compliance is much greater than the tax. The cost of just making out the 1,896 forms would be 10 to 20 times the amount of the tax. But to fill out the forms the businessman has to keep track of all those sales into each jurisdiction and apply the proper rate of tax to each sale and cumulate it for the month for each jurisdiction.

Is it any wonder, Mr. Chairman, that the special Subcommittee on State Taxation of Interstate Commerce came to the conclusion that interstate business operators are being unduly burdened by the jungle of State and local tax laws applying to interstate transactions?

Is it any wonder, Mr. Chairman, that the study by this special subcommittee reveals that 90 to 98 percent of the businesses, especially small businesses in the Nation, are not complying with the laws as they are written today? The fact is, Mr. Chairman, that they cannot possibly comply nor can the State tax administrators enforce the laws. It would take more tax collectors than there are taxpayers to get 100 percent enforcement. The Congress must do something to clear up this maze of laws and bring order out of chaos if interstate business is to continue to grow and our economy is to continue to expand.

Mr. Chairman, I would like to turn for a moment to the problems faced by businessmen in my own State of California—a State second to no other State in the efficiency and conscientiousness of its tax administrators. A number of years ago California's tax officials undertook a vigorous program to compel out-of-State companies to file California tax returns. It was clear that if this were to be done on an equitable basis California would have to maintain staffs of auditors in other States. As interstate commerce has grown, so too has California's out-of-State administrative machinery. Today, California maintains four separate offices in other States—and each office is staffed by at least 40 full-time auditors. Following California's example, other States have likewise expanded their own administrative machinery either by opening out-of-State offices of their own or by pursuing out-of-State companies through the mail.

What we are now faced with is a rapidly developing trend for each State to impose its own nationwide tax system, and to export tax collectors into its sister States.

Under the circumstances, it is not surprising that small companies from Vermont, North Carolina, Virginia—from all over the United States—are unable to cope with the combined effect of the diverse regulations promulgated by tax officials from California, Oregon, Illinois, Washington, Florida, and all of the other States which are attempting to exercise surveillance over companies which are located beyond their own borders.

Since the California tax administrators have pioneered the development of the present system, and now maintain the largest and most vigorous enforcement machinery of any State, we ought to ask ourselves just what type of harvest California can expect to reap from its present practice of exporting tax collectors into other States.

First of all, the question arises as to the amount of revenue that California might stand to gain or lose by altering its present practice to comply with the standards of H.R. 2158. In this regard, Governor Reagan informed me last year that the immediate loss would have been approximately $4.5 million. This would have amounted to less than one-tenth of 1 percent of California's total revenues—which were in the vicinity of $5 billion. Frankly, as a member of the subcommittee that looked into these matters, I was comforted by the $4.5 million figure, which had been provided by California State tax officials. This figure represented the actual loss determined by the tax officials. Later on these same officials began to talk of additional losses, which were based on their hypothetical assumption that under H.R. 2158, businesses would move out of California.

However, everything that our subcommittee learned about the interstate tax problem during the last 6 years makes it clear that the present bill will not bring about any significant relocation of industry. Our studies also make it clear that any loss whatsoever to the State of California will be more than offset by increases in California's revenues that can be anticipated under the Interstate Taxation Act.

As the gentleman from North Carolina [Mr. WHITENER] has pointed out, all of the States can anticipate increases in their revenues as a result of the elimination of the trade barriers that currently impede interstate commerce, and also as a result of the increased administrative efficiency which will be established under uniform rules that apply equally to all of the States. Certainly my own State of California will be no exception and will benefit enormously by the passage of this bill. Conversely, the defeat of this measure will do considerable damage to the many small companies in California which simply must have access to the national market if our local industries are to continue to expand.

I urge this House to give the Interstate Taxation Act its complete support, and to vote favorably for this sorely needed legislation.

Mr. WILLIS. Mr. Chairman, I have no further requests for time.

Mr. MOORE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I rise in opposition to H.R. 2158—the Interstate Taxation Act.

In this connection, at the outset, let me cite the conclusion of our colleague from Michigan [Mr. HUTCHINSON] contained in his separate views in the report accompanying this bill.

Mr. HUTCHINSON in his conclusion says:

> The States do not favor this bill. Most State tax administrators, many State governors and Attorneys General oppose it. They raise constitutional objection as well as questions of public policy. This bill remains extremely controversial.

Mr. HUTCHINSON states further:

> Congress should be cautious that it does not preempt the taxing power of the States or narrow their legitimate taxing authority. Congress should be concerned lest it force the States even further into the role of revenue dependency upon a central government, denying them the means even to carry out their proper local functions.

As to the opposition of most States to this bill, as the separate views of Mr. HUTCHINSON indicate, a resolution adopted at the 1968 annual meeting of the Western Governor's Conference urged the defeat of H.R. 2158.

Instead the Western State Governors urged prompt consideration and passage by Congress of H.R. 9476 consenting to a multistate tax compact.

As the Council of State Governments points out in a letter to Members of the House dated May 14, 1968, the Western Governors' resolution in opposition to this bill was in line with earlier expressions of the National Governors' Conference, the National Legislative Conference, the National Association of Attorneys General, the National Association of Tax Administrators, and other oranizations of State and local affairs.

As pointed out by witnesses for 46 States at the hearings on the original Willis bill, H.R. 11798, this legislative approach could cost State dearly in revenue, shift the burden of taxation among taxpayers and impede their administration of their own tax laws.

Mr. Chairman, let me point out that since the hearings of this measure and since the Committee on the Judiciary reported H.R. 2158, the States have made extraordinary efforts to put their own houses in order. Since then 15 States have passed the multistate tax compact, the provisions of which meet substantially the significant problems of multistate business taxation. Indeed virtually all States, by enactment of the compact, by enactment of other legislation or by administrative action, have eliminated audit reimbursement requirements, extended credit for sales taxes paid to other jurisdictions, simplified reporting for small taxpayers, adopted the Internal Revenue Service definition of taxable income as the starting point for determining State tax liability and have taken other actions in good faith to meet the problems which H.R. 2158 seeks to solve.

The separate views in the committee report takes particular exception to title II which affords the corporations with average annual incomes of $1 million or less optional power to choose whether to comply with a State's tax law.

I understand an amendment to eliminate this title II may be made. However, if such a floor amendment is made and succeeds in order to make the bill more acceptable I still will oppose the bill and my information is that such an amendment would not help the State of Washington. I cannot speak for other States. Actually revenue losses to my State stem from other provisions of the bill, primarily those allowing huge avoidance of sales and use taxes.

I would hope, Mr. Chairman, my colleagues would evaluate the effect of this bill on the revenues of their respective States. In my own State of Washington the estimate made for Gov. Dan Evans is that it would cost in revenues as much as $66.7 million a biennium.

Mr. Chairman, I hope this bill will be defeated, and instead consent legislation in the form of H.R. 9476 for the multistate compact will be adopted at a later date. Unfortunately this latter alternate plan is not germain to H.R. 2158 so the only way is to defeat this bill today.

I urge my colleagues to consider the matter of States rights and vote this bill down.

Mr. WILLIS. Mr. Chairman, will the gentleman yield to me?

Mr. PELLY. I am glad to yield to the gentleman.

Mr. WILLIS. I want to make the record clear that this bill specifically contains a provision preserving the power of the States to enter into compacts.

Mr. PELLY. Yes; I wish it did that and I respect the gentleman. However, under this legislation does not the long arm of the Federal Government reach down to the States and make certain demands upon them which cause the loss of revenue, in spite of the operation of any compacts?

Mr. MOORE. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, I join my colleague from the State of Washington and a very few others who have risen in opposition to this bill.

Mr. Chairman, it concerns me that at a time when our State and local governments are in dire need of strengthening, we are being asked to approve a bill which, in my opinion, will further weaken State and local governments. It will do this by seriously affecting the tax revenues of most of the States and many local municipalities. This is certainly true in the State of Washington. The Honorable Daniel J. Evans, able Governor of my State, estimates the bill before us, if adopted, could cost the State of Washington upwards of $50 million a year in tax revenue.

Mr. Chairman, I submit that the revenue loss to the State of Washington, and to other States, as estimated by the staff of the Special Subcommittee on State Taxation of Interstate Commerce, are both unreliable and grossly understated.

As an example, there is a table on page 1109 of volume 3 of the Willis report which refers to an estimated tax base of $12 billion in the State of Washington. This is table No. 36–10.

Tax authorities in my State have pointed out that this figure is in the neighborhood of 11½ to 15 percent too low. In other words, it is some $2 billion off.

I submit for the Record at this time some data which I believe proves that the subcommittee's choice of a formula to measure revenue loss is internally inconsistent and the method selected is devised to give the impression of minimal tax impact:

Revenue Loss Estimates by Willis and His Staff Are Unreliable and Grossly Understated

The primary reasons for this are:

1. The subcommittee's choice of a formula to measure revenue loss is internally inconsistent and the method selected is obviously devised to give the impression of minimal tax impact.

Volume 1 of the Report itself states (p. 43):

"A sample was desired which represented corporations of all sizes in all the manufacturing and mercantile industries. At its best, a sample so designed may provide the basis for conclusions concerning the proportion of all corporations exhibiting a particular characteristic. *It cannot provide a basis for estimating the impact of that characteristic on the economy or on the revenues of the States.*" (Emphasis ours.)

And at p. 45:

"Retail corporations were sharply underrepresented on the mailing list. Manufacturers and wholesalers were correspondingly overrepresented.

The staff study (Business Questionnaire II) was based on usable responses from 1907 companies (only) engaged in interstate commerce. A proper basis for determining the revenue loss would therefore have been to compare the taxes paid by the firms in the sample under present conditions with taxes which would be paid by the same firms under the provisions of the Willis Bill. Further, it would be essential to take into consideration probable decreased tax payment by those firms in the sample which could alter their business practices to fit the special tax havens provided by the Willis Bill.

As Professor Jerome R. Hellerstein of New York University stated in testimony submitted to the Willis subcommittee:

"To judge the revenue impact of varying apportionment methods under state corporate income taxes as applied to interstate manufacturers and methods by the effects of total collections by the state from all its taxes is to distort and water the results . . . to give meaningful perspective to revenue significance the impact of alternative methods of apportioning the income of interstate manufacturers and merchants under state corporate income taxes ought to be judged by the effects on collections from the same taxpayers under the tax contracts." (Hearings, Volume 2, p. 1073)

2. As noted above, the Willis Committee has entirely ignored revenue loss which would occur because of simple changes in business practices.

This was pointed up in the statement of the state of California, (Hearings, Volume 2, Appendix III, at p. 1528):

"The technical and artificial definitions, however, grant foreign corporations carte blanche authority to operate in California and exploit its rich markets with the benefit of a tax exemption unless they negligently overstep the technical standards. This means tax avoidance would not present a difficult problem to sophisticated corporate tax advisers. The touchstone for tax avoidance clearly appears to involve the observance of the following rules:

"(a) Do not own or lease real property in your own name;

"(b) Have your salesmen operate out of their own homes; and

"(c) Require all of them to cover more than one state.

"Thus, under the Bill's weird jurisdictional standards tax avoidance is as simple as A, B, C."

3. The revenue loss findings of the subcommittee are not, and do not purport to be, based on actual, factual data.

Referring again to the testimony of Professor Hellerstein (ibid.), he says:

"Moreover, the findings of the report as to revenue losses that would be suffered by the promulgation of a two-factor formula, as compared with the widely used three-factor formula employing the destination test of sales, are admittedly estimates. We have little actual experience on the basis of which to compare the revenue effects of various formulas considered; the findings had to be built up by a series of estimates, based on assumptions and inferences drawn from indirect data. My own study of the report leaves me with serious misgivings as to whether the statistical underpinnings for the revenue loss data are sufficiently firm to justify so basic a departure from present state practices, on the theory that revenues will not be significantly affected."

4. In the area of sales and use tax the Willis report is both self-contradictory and naive.

It is self-contradictory in stating that "most of this revenue [total sales and use tax collections] is derived from local, over the counter type transactions" (Report, Volume 3, p. 616), "interstate retail transactions continue to constitute only a fringe area of an essentially local tax structure, and the tax derived from these transactions is not a primary source of state financing." (p. 620, ibid.); in Volume 1 of the Report (p. 87) it is stated that "a very major share of corporate manufacturing and mercantile activity in the United States is carried on by a small group of very large corporations, almost all of which can physically be assumed to be engaged in interstate commerce. The importance of these very large corporations in the economy must inevitably be reflected in the revenue systems of the states." While the report concedes that "interstate corporations are the source of the largest part of corporation income tax revenue", (p. 89), the assumption is made that "the vast bulk of this [sales and use tax] revenue is not derived from taxation of shipments which cross state lines." (p. 89). Herein lies the contradiction: either these few very large multistate operators are called upon to collect substantial amounts of sales and use tax in many jurisdictions and therefore the revenues involved are substantial, or sales and use tax collection by such firms is merely a minor "fringe area" in state tax revenues and there is no need for the Willis Bill.

The Report findings are naive because implicit in all of the proposals and versions of the Willis Bill is the assumption that excusing a multistate business from the obligation to collect sales tax will not really cause any revenue loss since the destination state can assert use tax and collect it from its buyers. Thus, under Section 304 of H.R. 2158, the mere fact that a buyer is registered with a state taxing authority automatically excuses the seller from sales tax collection, irrespective of the character of the goods sold, the nature of the purchaser's business, or the fact that the goods will not be resold by the purchaser. It is, of course, elementary that successful administration and collection of sales tax—to make it an economically feasible tax system—hinges on the state's collection of the tax from a relatively few sellers, instead of a vast number of buyers. The revenue loss which would fall upon the states through exempting certain favored sellers from collecting tax on retail sales has been entirely ignored by the subcommittee, to say nothing of its brushing away of the additional costs to the states if they were to attempt to effectively recoup the tax by enforcing collection from the buyers.

Mr. Chairman, the worst features of the bill are contained in titles I and II. Title I sets up certain jurisdictional standards under which an interstate business can escape any obligation to pay various types of State taxes. In my own State, for example, this would have the greatest impact in the field of sales and use taxes. In fact, these jurisdictional tests would assure that selected multi-State retailing businesses will be allowed to sell their products free of sales or use tax. No State will be able, in effect, to collect a tax on these sales.

What this amounts to is twofold discrimination against local businesses. It allows an interstate business a great competitive advantage by allowing it to make tax-free sales, while a local business must collect the tax. Second, by providing such a haven for interstate business, it will place a greater tax burden upon local businesses; for revenue loss in one area must inevitably be made up elsewhere.

Title II opens up serious loopholes in the field of State net income taxes. It virtually assures that for a great number of interstate businesses a substantial part of their net income will not be taxable by any State at all. Section 201 of the bill allows these businesses to completely disregard the usual "three-factor formula" in apportionment of net income when it is to their financial advantage to do so in any particular State.

In short, title II gives the interstate taxpayer the best of both worlds. He can use for any particular State either that State's own apportionment formula or the apportionment formula contained in title II, whichever one will allow him to pay the least tax.

And, Mr. Chairman, as has been previously pointed out, most of the States have recently taken great and commendable steps to bring greater uniformity into their taxing systems—all since this legislation was originally conceived.

Just a few facts will demonstrate the extent of the States' efforts in attaining uniformity.

A majority of States have, within the past 2 years or so, adopted specific legislation to provide the uniformity which the Judiciary Subcommittee had recommended.

Last year 14 State legislatures adopted the multistate tax compact, which was drafted to promote uniformity, facilitate taxpayer convenience, and avoid duplicative taxation.

Twenty-six States are active participants in the work of the Multistate Tax Commission, which was formed in Washington, D.C. last October. This Commission held its second meeting in January and is to meet again next month.

This, I submit, is an outstanding record on the part of the States in a very short period of time. Their action dramatically demonstrates States recognition of their own problems and a vigorous and affirmative program to correct such inequities as exist. These actions by State and local governments are to be commended and encouraged, certainly not discouraged and declared useless, as this Federal legislation, at this time, would do.

If the States had not moved to correct these problems, Mr. Chairman, that would be one thing. But they have and they are moving, and their actions render this legislation unnecessary, and indeed, undesirable.

Mr. MOORE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, I rise in support of H.R. 2158 and commend the distinguished Committee on the Judiciary for bringing this bill to the floor of the House, fully believing, Mr. Chairman, that the present chaotic system of complex laws in the 50 States and thousands of local governments is unworkable. This is a meritorious attempt to improve the flow of commerce and will, in my judgment, work to the benefit and not to the detriment of the several States.

Mr. Chairman, I rise, however, because among the various types of industry which are seriously threatened by the present system for taxing interstate commerce, there is perhaps no single type of business which has more complex problems and companies which move household goods for persons who change their residences.

Although I know that the representatives of moving industries testified before the Committee on the Judiciary, and established a clear-cut need for relief, I am deeply concerned about the failure of the present bill to provide a solution to the very serious problems that confront this industry.

Mr. Chairman, H.R. 2158 is fine as far as it goes, but I wonder if the distinguished chairman, or one of the members of the committee, could enlighten me as to what the sponsors of the bill contemplate with respect to the problems of the moving industry?

Mr. MOORE. Mr. Chairman, if the gentleman will yield, what we had planned in this area is that we have reserved jurisdiction on this matter, and in every sense of the word in the public hearings it was made evident the necessity for further consideration of this matter, and we intend to consider the matter the gentleman brings to our attention. We feel that it merits consideration, and perhaps inclusion in the legislation.

Mr. BUCHANAN. I thank the gentleman from West Virginia for this assurance.

I believe the report of the committee itself made mention of this.

Mr. MOORE. The gentleman is correct. On page 5 of the committee report there is this specific indication of a desire to do exactly as I have indicated by my answer to the gentleman in response to his query.

Mr. BUCHANAN. I thank the distinguished gentleman, and I would impress further upon the committee the urgent need for action in this area of the moving industry.

Mr. Chairman, in support of H.R. 2158, the proposed Interstate Taxation Act, I would point out that the 6 years of comprehensive study of interstate tax problems by the Subcommittee on State Taxation of Interstate Commerce should not be taken lightly, and the fruit of their labors is worthy of support.

The present chaotic system of complex laws imposed by 50 States and thousands of local governments could be described as one which calls upon the taxpayer to comply with the uncompliable, and the tax administrator to enforce the unenforceable. Consequently, the present system is a serious impediment to the free flow of commerce among all the States.

It may well be that H.R. 2158 will restore free trade to our national economy, and encourage the development of local industry in every State. The revenues of all the States may, as a result, be increased by the passage of this measure. H.R. 2158 will substantially remove the trade barriers currently impeding interstate commerce. In my judgment, H.R. 2158 will benefit the business community as well as the States.

We are faced on the one hand with the competing demands of the States for revenue and, on the other, with the national need for a free flow of commerce. The Supreme Court has been unable to deal with the problem due to its inherent limitations since it can deal only with individual cases and is handicapped by its inability to explore fully the national import of a conglomeration of taxes imposed on interstate companies by all 50 States and their local governments. Hence, it must be the prerogative of Congress to deal with the matter.

Interestingly enough, it was a Supreme Court case involving one of my constituents which graphically portrayed the need for Federal legislation. In 1959, in the case of Williams against Stockham Valves & Fittings, Inc., of Birmingham, Ala., the Supreme Court decided that in the absence of Federal legislation a company could be required to pay a State income tax, even though it was engaged exclusively in interstate commerce in the taxing State. Prior to this decision the view had been widely held by the business community that a company could not be taxed by a State unless it engaged at least to some extent in intrastate commerce within the taxing State.

The reaction to this decision was one of dismay in the business community and one of confusion in the area of State government. One tax administrator, following the decision in the Stockham Valves case, stated:

> Prior to those court decisions, we "knew" that we could not constitutionally tax carriers operating solely in interstate commerce. Accordingly, we only had to make a finding that a particular carrier had no purely intrastate operations in order to automatically exclude that carrier from our prospective taxpayers list. So with the advent of those history-making decisions we again thought our problems were about over, but on the contrary we found that we still had problems.
>
> Before the referred-to decisions, the big question was, "whom *can* we tax?" Following the decisions, the big question was and still is to some extent "whom *shall* we tax?" We knew our legal rights, but what was to be our administrative policy and practice? Were we to go hog-wild and tax every carrier that entered or crossed the state, or should we designate some particular type or degree of operations in the state as a criterion for determining liability?

As a direct result of this case, Public Law 86–272 came into being which precluded a State or a subdivision from imposing an income tax in situations in which the company's only activities in the State were limited to the solicitations of orders by salesmen or the making of sales through independent contractors.

In a further step the 87th Congress initiated a study to scrutinize all matters pertaining to the taxation of interstate commerce.

The core of that study is found in title I of H.R. 2158 which establishes uniform jurisdictional standards for each of the four types of taxes which were included in the congressional study: corporate income taxes, capital stock taxes, sales and use taxes, and gross receipt taxes. Basically, these standards prohibit a company from being subject to the jurisdiction of any State in which it does not maintain a "business location"; that is, the owning or leasing of real estate, the maintenance of a stock of tangible personal property for sale in the ordinary course of business.

H.R. 2158 is a monumental bill as far as it goes, but I wish to reiterate that it does not go quite far enough, since transportation industry in general and the moving industry in particular as represented by the irregular common carriers are not covered under this bill with respect to ad valorem taxes imposed by some of the States. Fortunately, title IV of this legislation provides for continued congressional scrutiny of the problems left unresolved by the bill.

I would suggest that clear need has been established and present action is clearly in order in the field of the moving industry and their irregular common carriers of household goods. One of my constituents was assessed by a neighboring State for more than $2,000 in ad valorem taxes within a year. Yet, this mover had no terminal or property within the particular State. He was, in effect, a victim of double taxation since he was already paying ad valorem taxes in Alabama. Since he was not a resident of the other State and owned no tangible or intangible property there, he was a victim of taxation without representation. Such policies could well contribute to the demise of a most serviceable industry.

The mover's service is a call-and-demand service, on irregular routes and over extensive distances, for families whose origins and destinations are as varied as their possessions. It is a business with wide fluctuations between short and peak volume periods during the first and last weeks of each summer month and the low volume valleys during the remainder of the year.

In order to provide their essential service, movers must take great risks, and they are more exposed than others to the multiplicity of State taxes and their inconsistent requirements. The mover's inability to know at any time the extent of his tax liability is a great burden to him individually and to the industry collectively. In the vast and intricate body of State tax laws, changes are always in process. As a result, the mover can never know from day to day what the latest requirements may be of all the taxing jurisdictions.

My constituent, as well as countless others like him, has had vehicles and shipments detained, drivers arrested and fined, although there was no intention to violate the law—only human inability to keep up with the law. The very complexity of the system invites harassment and abuse. Audits made years after a particular tax year may result in large penalties as the outgrowth of a good-faith dispute over uncertain procedures of one of a multitude of taxing bodies.

It is my sincere opinion that movers are not trying to escape taxation. It is simply that they believe that a fair system of taxation must be rational, and rules are needed to simplify the tax systems and to prevent double and more than double taxation. Without such rules, the inequities, the uncertainties, and the complexities which now exist will continue to multiply with the result that the net revenue from these taxes will decrease, while the cost of compliance increases.

I strongly request, therefore, that the House not only pass this meritorious legislation, but also grant like relief to interstate and/or common carriers of household goods, and I invite the Senate in its consideration of this bill to consider the abuse of this important segment of our economy.

It is puzzling to understand why the Supreme Court in 1966 refused review of the case in which the State argued that the very nature of an interstate household mover's business is to make itself available to move anyone anywhere at any time, and, therefore, it is continuously in all localities of all States, and it is habitually and continually present in any given city or county, and is amenable to assessment. Ad valorem taxes imposed elsewhere than a carrier's home State invariably result in double taxation of value, since full tax is imposed in the home State either as an ad valorem tax or property tax included in license fees.

Relief for the interstate movers is in order if the future of such an important industry is to be made secure.

Mr. MOORE. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, I have several questions I would like to address to the gentleman from North Carolina [Mr. WHITENER], or the gentleman from West Virginia [Mr. MOORE], or whoever can answer them.

First I would like to ask about the mail-order houses. A mail-order house that has no establishment in a State and conducts business within that State, can the State tax them under this legislation?

Mr. WHITENER. If the gentleman will yield, I believe the gentleman will find his answer in the decision of the Supreme Court of May 8, 1967, in the case of National Bellas Hess, Inc., against Department of Revenue of the State of Illinois.

There, National Bellas Hess, Inc., had no office, distribution house, or other place of business in Illinois, merely took orders by mail and delivered by mail, and the Court said, among other things:

> The very purpose of the Commerce Clause was to ensure a national economy free from such unjustifiable local entanglements. Under the Constitution, this is a domain where Congress alone has the power of regulation and control.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. POLLOCK. Mr. Chairman, I am asking these questions to establish a legislative history on this.

I have another question.

From my reading of the definition of "business location" under section 511(c); location of property under section 512 (c) and (d); and employee under section 513, would indicate that Alaska probably could not tax a foreign corporation that uses the facilities of Alaska to conduct their fishing or other business because they live in another State of the country.

Am I correct in that interpretation?

Mr. WHITENER. I think the gentleman might want to read section 513(c) in reference in "Employee's Base of Operations." That seems to answer the gentleman's question.

Mr. POLLOCK. I have read this and I am not sure that you have answered my question.

My specific question is this:

Suppose someone is out in international waters and catches fish and then they go into Alaska and sell the fish and they do not have a place of business there. Can the State tax that person on the sale of those fish?

Mr. WHITENER. Then I will read it here. Section 513(c) reads as follows:

> (c) EMPLOYEE'S BASE OF OPERATIONS.—The term "base of operations", with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

I do not know how you can make the language any more clear.

Mr. POLLOCK. Does the gentleman from North Carolina assure Alaska that it can impose a tax in this kind of situation?

Mr. WHITENER. I do not think that we can undertake to answer every hypothetical case that might be stated here. You would have to have a lot of facts. You would have to know what the wharfage arrangement was, among other things.

Mr. POLLOCK. I ask the specific question whether Alaska could tax people who catch fish in international waters and sell them in Alaska and they do not have facilities there.

Mr. WILLIS. Does that concern lease docks or own docks in a port in Alaska?

Mr. POLLOCK. No; they go and sell the fish that they caught on the high seas.

Mr. WILLIS. How do they tie up at the docks?

Mr. POLLOCK. Is the gentleman asking how the vessel ties up to the dock?

Mr. WILLIS. How do they unload?

Mr. POLLOCK. They may rent some facilities from someone to load off or not—I do not know.

Mr. WILLIS. Let me answer the gentleman's question. If that concern owns real estate——

Mr. POLLOCK. They do not.

Mr. WILLIS. Or if that concern leases real estate. Did the gentleman say that they do not?

Mr. POLLOCK. They only go there to sell the fish.

Mr. WILLIS. Do they have permanent employees in Alaska?

Mr. POLLOCK. No.

Mr. WILLIS. Then they cannot be taxed because there has to be one of these four conditions—and please listen.

The conditions are as follows: First, ownership of real estate; second, lease of real estate; third, maintaining an inventory; and fourth, or having permanent employees.

If those criteria are not present, the answer is: No; they could not be taxed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONAGAN. Mr. Chairman, I support H.R. 2158, the Interstate Taxation Act. This legislation embodies many of the principles of a bill I introduced in the 88th Congress, and it represents a solution to a complex national problem that has for many years engaged the attention of the Congress.

It has long been apparent that some measure of relief must be accorded to companies confronted by the often conflicting overlapping tax demands of the States and localities into which business activity may extend. Sometimes predicated upon the most tenuous contacts with the taxing authority, the very existence of these demands, the administrative burdens they generate, the uncertainty of obligation they foster, all contribute to a slowing down of the stream of interstate commercial activity which adversely affects the entire Nation.

The exemption from the provisions of the act for companies with an average annual income of more than $1 million, recognizes that the burden of multiple tax obligations falls most heavily upon small and medium-sized firms. It is because I recognize the problems confronting these firms—most of them industrial and many of them located in the highly industrial Connecticut area I represent, that I have so actively initiated, followed and supported this form of legislation.

Congressional concern in this area, beginning with Public Law 86-272, resulted in a mandate to the Special Subcommittee on State Taxation of Interstate Commerce to conduct a thorough study of this subject, and the measure we consider today is the product of years of effort by the subcommittee, aided by the work of a special advisory group of experts, and by the comments of interested members of the public.

The bill establishes firm bases of jurisdiction for the imposition and collection of corporate net income, capital stock, gross receipts, and sales and use taxes by the States. In addition, the companies covered by the act are protected by a prescribed formula, fixing the maximum amount of the income and capital which may be taxed.

Understandably, many State officials have voiced fears that enactment of this legislation would result in a serious diminution of their revenues. But as the results of the subcommittee study, introduced into the Record by the distinguished chairman, the gentleman from Louisiana [Mr. Willis], indicate, any loss of revenue to the States will be minimal. Some States, indeed, may expect to gain, and certainly, all taxing authorities will benefit from the stimulation to commerce that this legislation is expected to produce.

I therefore hope, Mr. Chairman, that the House will act favorably on this most important measure.

Mr. SCHWENGEL. Mr. Chairman, ever since I have been in public life dating back to the time I served in the Iowa Legislature I have been keenly aware of the inequities of the tax structure and their administration especially as it relates to business. It is for this reason, that I am glad that finally we are beginning to resolve some of the great problems of business.

So, I am proud now to add my support to H.R. 2158, the Interstate Taxation Act. This bill, after intensive deliberation and consideration for many years, appears now at last to near the stage of enactment. At long last the Congress is facing up to its responsibility for legislating uniform standards to be observed by the States in imposing taxes on income derived within the State from the conduct of exclusively interstate business activities. The diversity of existing State legislation and a number of court decisions have made it imperative for the Congress to act.

Another reason Mr. Chairman, that I am in favor of this legislation, is because it enhances and encourages what I call the fifth great freedom—the freedom of movement and men and goods. Without this, this grand idea we call free enterprise or private enterprise could not function to serve our people as well as it does. Another reason I support this is because it clearly will benefit the average businessman and business and industry throughout the Nation.

At the present time the average businessman is faced with a costly and bewildering maze of different laws and regulations in each State in which he does business. At present the various State tax laws covering interstate commerce are so diverse and so complex as to create widespread inequities. This complexity leads to confusion for auditors and administrators as well as taxpayers.

The defects are not limited to a particular form of tax or to particular States. Jurisdictional statements are often unclear, and guidelines for determining the amount of the tax due are vague or ambiguous. Inevitable byproducts are the widespread rejection of all tax obligations in States where companies have no business locations and inaccuracy in tax computations where reporting does occur.

This bill, H.R. 2158, will do a great deal to rectify a bad and unfair situation. Businessmen throughout the Nation will welcome a general solution which substitutes order and realism for the presently existing uncertainty and confusion. It will provide the certainty, uniformity, evenhandedness and simplicity which businessmen everywhere need. Interstate companies will be relieved of the red tape and uncertainties now incident to their tax payments, and will be assured that their competitors are paying their fair share. At the same time administration will be greatly aided by adoption of a set of rules that will assure a far higher level of compliance than now exists. It will enable every businessman, wherever he may have his home base of operations, to determine without difficulty the tax liability he will incur in each State in which he sells his wares.

Companies doing interstate business will be relieved of the likelihood of overtaxation. Uniform rules for the assignment of the tax base will protect the seller in interstate commerce from multiple taxation.

Most small businesses will have the decided advantage of having the prospect of having to pay business taxes only in the single State where they have an actual business location, even though their sales may be made in other States. In the case where small businesses do have business locations in one or more other States, the uniform and simplified report requirements called for in this bill will make possible far more accurate compliance with the taxes of those States from records which are easily maintained.

As an aid to a better understanding, let us look at how various kinds of businessmen and businesses would be more specifically affected by H.R. 2158. Manufacturers would have most of their tax liability limited to their own home State. Wherever feasible, the out-of-State manufacturer would be relieved of liability to collect a tax on sales to wholesalers or other middlemen. The interstate wholesaler who has an office and a warehouse in one State and supplies customers in adjoining States will be relieved of income and capital stock taxes levied by States other than his home State. Similarly as to retail sales taxes, businesses making all sales at wholesale will generally be freed of all out-of-State liability if they obtain registration numbers from their customers. Finally the retailer with stores in a number of States will find his compliance work significantly simplified. Mail-order retailers will not be required to collect sales taxes outside their "home State."

Let me assure those who fear that their own States might be in danger of losing revenues by this measure that available evidence does not bear out any justification for this fear. No tax is recommended for imposition or repeal. No change in any States tax rate is required. No businesses have been freed from State taxation. No businesses would be exposed to harmful tax-free competition from outside the State. And, perhaps most significant of all, the loss in revenue theoretically available from out-of-State companies will in almost all cases approximately be offset by a gain in revenue from companies located in the taxing State. The measure will work a change in taxpayers among the States, but the net effect of this exchange of revenue will be small.

Thus the simplification and more orderly collection procedures for taxation of interstate commerce will be, in the first instance, of great benefit to small businesses everywhere, but will also represent a great step forward in more equitable and more efficient collection of State and local taxes.

The arguments here presented along with the testimony and the excellent debate so far on the House floor dictates the immediate passage of this legislation and so I urge its favorable consideration by every Member of the House.

Mr. DADDARIO. Mr. Chairman, I would like to express my strong support for this bill, H.R. 2158, and at the same time compliment our distinguished colleague, the gentleman from Louisiana [Mr. Willis], and his subcommittee for the meticulous research which has gone into the development of this legislation.

H.R. 2158 deals with those problems of interstate taxation which have been found after prolonged study to be the most severe threats to the great common market existing among our 50 States. The bill offers sensible guidelines for determining liabilities for State and local corporate net income taxes, capital stock taxes, and sales, use, and gross receipt taxes with respect to sales of tangible personal property.

Deep concern for the eventual economic unity of this country prompted me, as far back as 1960, to introduce legislation directly related to the State use tax procedures covered in H.R. 2158. I also was grateful for the opportunity to testify as a witness before Mr. Willis' Subcommittee on State Taxation of Interstate Commerce, and I am now happy to see the results of their long exploration of this entire complex area of interstate taxation.

As background for this legislation, the Subcommittee on State Taxation of Interstate Commerce, with the advice of an outstanding group of legal scholars, has conducted a truly comprehensive study of interstate tax problems. Major aspects of the tax structures of all 50 States and several hundred local governments have been carefully scrutinized. The published findings are now a definitive work in this field, not only for the Congress but for all students of local and State fiscal problems.

I am convinced that the subcommittee's investigation has been both intense and impartial. The findings clearly demonstrate the need to bring some order to an extremely complex situation facing thousands upon thousands of businessmen throughout the Nation. My own personal correspondence from business firms backs up these findings conclusively.

Perhaps some idea of the tax complexities confronting the interstate businessman can be gained from the simple fact that a set of State tax laws along with regulations and supplementary material, as published by a major tax service, is some 80 volumes thick and 22 feet in height. Add on the potential problems involved in dealing with literally thousands of local jurisdictions and it is small wonder that the present situation has been described as calling upon the taxpayer to comply with the uncompliable, and the tax administrator to enforce the unenforceable.

At the time that the subcommittee conducted its study, there were some 120,000 mercantile and manufacturing companies engaged in interstate commerce in the United States. Obviously this number is much larger today. About half of these companies have fewer than 20 employees, a substantial number have fewer than 10 employees, and a significant minority have fewer than five employees. Yet these companies, typically market their products on a multistate basis, and a considerable number of even the smallest firms face the tax complexities involved in nationwide marketing.

H.R. 2158 provides the guidelines and relief from onerous complexities that thousands of small- and medium-sized companies need to continue to grow and penetrate new markets. It does this without substituting Federal administration or supervision, and with minimal interference with State taxing discretion and revenue.

In supporting this bill, I also want to make it clear that as a former municipal official, I am well aware of, and sympathetic to, the pressing financial needs of our State and local governments. My own State of Connecticut is a sales and use-tax State. We also have a tax on corporation business and unincorporated business. Connecticut therefore, has a strong interest in this area of interstate taxation, as do all States.

But I also recognize that Connecticut ships its fine products to every other State in the Union and, in turn, every day we receive products from other States. So the well-being of the people I represent rests upon a healthy economy across this entire Nation, as well as within my district and State. This is true for all parts of our country.

When State and local governments raise artificial barriers that interfere with the free flow of commerce, it is not only the people engaged in interstate commerce who suffer. As consumers denied access to competitive products by those barriers, all of us suffer. In the final analysis, State and local governments themselves suffer as tax barriers result in reprisals, a stagnating economy, and reduced tax revenues.

H.R. 2158 offers a sensible solution to pressing problems affecting interstate commerce, clearly an area of congressional responsibility. I am convinced that this measure in the long run can only help local tax revenues by encouraging development of industry in every State. I urge speedy enactment of this bill.

Mr. VAN DEERLIN. Mr. Chairman, H.R. 2158 would be a bad bill for California, and I therefore will vote against it.

I have been advised by Richard Nevins, chairman of the California State Board of Equalization, that enactment of this legislation would result in a first-year loss of revenue to our State of about $12.5 million through tax avoidance and the resulting higher cost of tax administration. This loss could be expected to increase as out-of-State companies took full advantage of the jurisdictional limitations imposed by H.R. 2158.

The bill would also place local California businesses at a distinct disadvantage to their out-of-State competitors, who could employ as many full-time salesmen as they wished to solicit orders in California without incurring sales tax liability or being required to collect the California use tax.

The use tax could be imposed only if the owner of the property in question had a business location or dwelling place in California, or regularly made deliveries to households in the State. The use tax would no longer turn, as is logical, on actual use of the property; for the first time it would be based instead on the status of the seller or buyer.

Our entire local tax program would also be jeopardized by a provision in the legislation limiting the allocation of sales and use taxes to the 58 counties and 399 cities of California. Local governments in California now raise about $375 million a year through State-administered sales and use taxes, and reduction of these revenues would be a damaging blow to them.

In short, the bill appears to infringe on the historic right of State and local governments to manage their own fiscal affairs within the framework of the Constitution. As a Californian, I cannot support this legislation.

Mr. BOLAND. Mr. Chairman, small businesses seeking markets beyond their own State borders must grope through a dense thicket of taxes that has grown up so rapidly over the years that it now engulfs States, counties, cities, and towns throughout the country.

The bill we are now considering—H.R. 2158—is the tool that the Special Subcommittee on State Taxation has developed for trimming this thicket down to manageable dimensions.

Aimed at simplifying and streamlining the country's State tax systems, the bill would stimulate the free flow of commerce among the States and the growth of business within the States. The need for this bill, Mr. Chairman, is pressing. Interstate commerce is now ensnarled in a tangle of tax laws imposed by the 50 States and thousands of local jurisdictions—tax laws that are often unworkable, unenforceable or simply unjust. H.R. 2158 would make order out of this chaos. And, in doing so, it would not jeopardize the States' taxing powers.

The bill does not call for the repeal of any existing tax, nor does it call for the imposition of any new tax. No change in any State tax rate is required under the bill's provisions. No businesses would be immunized from State taxation. No businesses would be made vulnerable to tax-free competition from outside State borders.

What H.R. 2158 would do—and what makes the bill so commendable—is establish a new set of jurisdictional rules for the imposition of State taxes on small businesses that make sales within a State without maintaining branch offices there. When this bill becomes law, small companies selling products in several States will be freed from a morass of laws and regulations now thwarting interstate trade.

H.R. 2158 has not been hastily conceived. Six years of sedulous and conscientious study have led to this bill. The Special Subcommittee on State Taxation of Interstate Commerce, under the able leadership of Congressman Edwin E. Willis, of Louisiana, has been exceptionally thorough in examining various drafts of the bill. Congressman Willis, aware of the bill's highly controversial nature, has made a valiant effort to accommodate all reasonable objections to H.R. 2158. Many of the most strident objections stem from fears that the bill might threaten the States' sources of revenue. These fears, I feel, are groundless. Any loss in State revenue would be offset—indeed, more than offset—by gains in revenue from new business stimulated by the bill's provisions. By restoring free trade to the national economy and encouraging the development of local industry in every State, H.R. 2158 would spur major increases in State revenue over the next few years alone. Major increases would also stem from the greater ease of tax law enforcement and compliance under the uniform standards called for in the bill. State revenue, in any case, could not possibly drop more than a tiny fraction of 1 percent as an immediate result of H.R. 2158.

Business and industrial leaders throughout the country, Mr. Chairman, have pointed out that this bill would clear away the barriers now impeding interstate commerce. Letters and telegrams I have received from businesses in Massachusetts' Second Congressional District—the district I represent here in Washington—make clear the business community's vigorous support for H.R. 2158. Here is a representative sample of these letters and telegrams:

North Wilbraham, Mass.,
May 21, 1968.

Hon. Edward P. Boland,
Rayburn Building,
Washington, D.C.:

I honestly hope that you will support H.R. 2158 the Interstate Taxation Act. Thanks very much.

C. L. Blake,
President, Friendly Ice Cream Corp.

Boston, Mass.,
May 15, 1968.

Hon. Edward P. Boland,
Washington, D.C.:

Understand that H.R. 2158 Interstate Taxation Act scheduled for House vote this week. A.I.M. strongly supports this bill because it would establish long-needed jurisdictional standards, defining States' authority to tax interstate business while respecting independence of States over internal policies. This bill will be particularly helpful to small and medium-size companies in Massachusetts. Urge your favorable vote.

Robert A. Chadbourne,
Executive Vice President, Associated Industries of Massachusetts.

EASTHAMPTON, MASS.,
May 16, 1968.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.:

Respectfully request your vote in favor of H.R. 2158. Sincerely feel this is one of the most significant issues affecting industry in the present Congress.

J. HARDY,
United Elastic Corp.

GREATER CHICOPEE
CHAMBER OF COMMERCE,
March 27, 1968.

Hon. EDWARD P. BOLAND,
House of Representatives,
Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN BOLAND: The Greater Chicopee Chamber of Commerce is vitally interested in House Bill H.R. 2158, referred to as the Interstate Taxation Bill. This bill with its aim of providing a more uniform interstate taxation procedure, would be of great assistance to our Chicopee industrial business community.

Many members of our State & National Legislative Committee, who do business with the neighboring states of Connecticut and New York, realize the service that the passage of this bill will provide. They refer to the present system as "Taxation Without Representation" and feel this system puts an unnecessary burden on industry looking for a national market.

We would appreciate your assistance, on behalf of our Chicopee businesses, in seeing that this bill is promptly brought up for a vote and passed.

Sincerely,

LEO MANIATTY,
Chairman, State and National Legislative Committee.

SMALLER BUSINESS ASSOCIATION OF
NEW ENGLAND, INC.,
Boston, Mass., March 14, 1968.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: Our Association considers H.R. 2158, The Interstate Taxation Act, as one of the most important pieces of small business legislation to come before the Congress in the last few years. The bill has been reported out of the Rules Committee and is awaiting calendar action by the Speaker of the House.

We are very concerned that unless there is more expression of support for this measure to the House Leadership, then this bill will never be enacted.

We would very much want your support on this important legislation and ask whether or not you would support this measure when it is brought before the House of Representatives for a vote?

We would appreciate receiving your reply as to whether or not you favor H.R. 2158.

Very sincerely,

LEWIS A. SHATTUCK,
Executive Director.

UNITED SERVICE EQUIPMENT CO., INC.,
Palmer, Mass., March 12, 1968.

Congressman EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: It is my understanding that H.R. 2158, known as the Interstate Taxation Act, cleared the House Judiciary Committee a year ago and cleared the House Rules Committee last July, but that it has not yet been brought out before the full House for debate and vote.

You have in your constituency a multitude of small businesses, such as ours, who would welcome most fervently a uniform taxing standard which each state would have to follow with respect to out-of-state companies doing business within their borders.

May I thus respectfully urge your best efforts to the end that H.R. 2158 be brought to the floor of the House for enactment.

Yours very truly,

STEVEN SCUDDER.

TAMPAX, INC.,
Palmer, Mass., March 11, 1968.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BOLAND: As a Corporation involved in Interstate commerce, we are very interested in the proposed Interstate Taxation Act H.R. 2158. We understand this has cleared the House Judiciary Committee and the House Rules Committee and is now awaiting action of the full House.

We would appreciate any effort on your part to bring this to the floor of the House for action.

Thank you.

E.R. SPRAGUE,
Vice President.

RUSSELL HARRINGTON CUTLERY CO.,
Southbridge, Mass., March 8, 1968.

Rep. EDWARD P. BOLAND,
Springfield, Mass.

DEAR REPRESENTATIVE BOLAND: I am writing to you to express my interest in H.R. 2158 the Interstate Taxation Act which cleared the House Rules Committee last July.

This bill would bring reason and stabilization to a situation of concern to small companies selling country wide through area salesmen who work out of their homes rather than through company established area offices. The present set up where we are subject to 49 other state taxes as though we were 50 different countries is a tremendous burden of paper work and expense.

Please do what you can to expedite this bill. Any effort on your part will be appreciated by me and all the other manufacturers in Southbridge.

Very truly yours,

JOSEPH D. GALLERY,
President.

GENERAL FIBRE BOX CO.,
DIVISION OF LONGVIEW FIBRE CO.,
Springfield, Mass., April 11, 1967.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

MY DEAR MR. BOLAND: Congressman Edwin E. Willis and his Special Subcommittee on State Taxation of Interstate Commerce has presented bill H.R. 2158 to the House of Representatives. The important part of this bill is that in order for it to be necessary to collect sales and use taxes on states that require it, this bill will require a company to have a business office, a warehouse or some other definite business connection in that state.

Anyone doing business across state lines, and what business does not do so these days, will be adversely affected if this proposed legislation is not passed. The cost of collecting these taxes in other states would be prohibitive and I am sure would cause certain companies to cease their operations.

I urge your support for passage of H.R. 2158.

Very truly yours,

J. A. ROBINSON, *Vice President-Sales.*

OPTOVAC, INC.,
North Brookfield, Mass., March 24, 1967.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR SIR: Without knowing your particular views on the matter I am writing to give my viewpoint in favor of the Willis Bill concerning the state taxation of interstate commerce (H.R. 2158). My company is a small company in North Brookfield, Massachusetts engaged in selling optical materials in interstate commerce and abroad. We do not have sales offices outside of Massachusetts but do solicit by advertising and direct mail. With the limited clerical help and legal facilities of a small company it would be a tremendous burden to be saddled with the legal obligation to collect sales taxes for the various states which so require. There are a great many procedures and regulations which businesses must necessarily comply with, but the collection of out of state taxes seems to me to be a great unnecessary burden which is particularly difficult for small businesses.

I will appreciate it very much if you will try to see if you can favor this particular viewpoint when H.R. 2158 comes up before you.

Very truly yours,

OPTOVAC, INC.,
WALTER A. HARGREAVES,
President.

NEW ENGLAND METAL CULVERT CO.,
Palmer, Mass., March 24, 1967.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing to ask your active support leading to the enactment of H.R. 2158 which has to do with state taxation of interstate commerce. Too long have businesses such as ours who are interstate material suppliers been plagued with the necessity of reporting to various states with respect to business done and particularly being involved in the responsibility for state sales taxes, which almost invariably are handled differently in different states.

I believe that H.R. 2158 is a fair bill and approaches this overall subject in an equitable manner. Hopefully you will see fit to work for its passage.

Yours very truly,

EVERETT D. LANDEN.

JULY 6, 1967.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: I wish to call your attention to the proposed Interstate Taxation Pact HR2158 also known as the Willis Bill. We seek your favorable action on this legislation.

We firmly believe that action to the contrary would cause severe and unjust economic hardships on our friends in the mail order business.

Kindest personal regards.

Sincerely,

GORDON D. SHINNERS.

UNITED STATES ENVELOPE,
Springfield, Mass., April 20, 1967.

Hon. EDWARD P. BOLAND,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE BOLAND: I am writing to express the support of this company for the proposed Interstate Taxation Act, H.R. 2158.

This company does a considerable amount of business, as you know, throughout the United States and we are finding it increasingly difficult to do business in some of the states, due to the wide variety of tax laws that we are forced to comply wtih. We are forced to collect sales tax, for example, in many states, even though we do not have a place of business or any inventory within the state. We are most interested in the passage of this bill because it would simplify for us considerably the administrative work that we have to do. In many instances, it costs us more to collect the tax and prepare the return than the amount of the tax that we must remit to the taxing authorities.

I would appreicate knowing what your stand happens to be on this particular bill.

Sincerely yours,

STANTON F. BENSON,
Treasurer.

HYDE MANUFACTURING CO.,
Southbridge, Mass., February 16, 1967.
Re: H.R. 2158 Interstate Taxation Act.
Hon. EDWARD P. BOLAND,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: The above bill has been introduced by Congressman Edwin E. Willis to free businesses of paying or collecting sales and use taxes or income taxes to states in which they maintain no place of business or have no full time employees.

Our company has headquarters in Southbridge, Massachusetts, which is in your new district. We sell our products to all of the fifty states as well as other countries.

You can appreciate what a nuisance this can be and if it goes it will cause a lot of unnecessary work and trouble. I hope that you will favor the passage of this bill.

Sincerely yours,
HYDE MANUFACTURING CO.,
R. U. CLEMENCE, *President.*

Basically this bill would help small businesses throughout the Nation in their interstate transactions. It would provide in the area of taxation of goods from out-of-State suppliers a greatly needed measure of uniformity, simplicity, certainty, and fairness. Businessmen would have firm guidelines that they could rely upon in computing their tax liabilities. They would be assured that they are being treated fairly and that their competitors are not receiving any benefits they do not share in. Administration would be greatly simplified—a great boon not only to the small businessman, but to State tax collectors, auditors, and others.

For each of the State taxes under consideration a uniform jurisdictional rule is set forth in this bill, together with uniform rules for attributing the tax base. Through such an approach a substantial reduction in compliance problems of companies doing interstate business can be confidently expected.

This bill marks a distinct step forward toward a more rational and efficient system of State taxation, and toward genuine fair play in taxation for small businessmen throughout the Nation.

I urge the swift passage of H.R. 2158.

Mr. DONOHUE. Mr. Chairman, as one of the original sponsors and advocators of interstate taxation legislation, I most earnestly hope that this House will speedily and overwhelmingly approve this measure, H.R. 2158, designed to bring a real measure of good sense and good order into the presently tangled and confused economic area and ramifications of State taxes imposed on interstate commerce.

The House Judiciary Committee, of which I am a member, together with the designated subcommittee of the distinguished Member from Louisiana and his dedicated associates, has devoted more than 6 years to a comprehensive study, by both majority and minority members, of the existing confusion surrounding interstate tax problems.

The study clearly revealed that the present system is chaotic, completely unworkable, almost impossible of compliance, defiant of enforcement, and a serious impediment to the free flow of commerce among all of the States.

The purpose of this bill before us is to carry out the special duty of the Congress to keep the paths of interstate commerce free and clear and grant reasonable protection and guidance to business enterprise from the burdening harassments of conflicting and chaotic multiple-State taxation.

It is by no means pretended here that this bill is perfect in every detail or that it will cure every ill of interstate taxation. But it is a wholesome, forward step in the right direction; it has great bipartisan support in the Congress and it has the endorsement of the great majority of business and tax authorities and associations throughout the country.

It is unquestionably in the great public interest and, as a pioneering effort, in a challenging field, subject to further impovement whenever experience may demonstrate the need, I hope this House will resoundingly approve it now without extended delay.

Mr. WILLIS. Mr. Chairman, I have no further requests for time.

Mr. MOORE. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Taxation Act".

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL TWO-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

(1) property which is included in inventory,

(2) property which has been permanently retired from use, and

(3) tangible personal property rented out by the corporation to another person for a term of one year or more.

(c) EXCLUSION OF PERSONALTY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) Owned property.—Property owned by the corporation shall be valued at its original cost.

(2) Lease property.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

(e) Averaging of Property Values.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semi-annual quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

Sec. 203. Payroll Factor.

(a) In General.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

(b) Payroll Included.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) Employees Not Located in Any State.—If an employee is not located in any State, the wages paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

(d) Definition of Wages.—The term "wages" means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

Sec. 204. Zero Denominators.

If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

Sec. 205. Capital Account Taxes on Domestic Corporations.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

Sec. 206. Local Taxes.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 202(c) and 203(c), as a reference to location in the political subdivision.

TITLE III—SALES AND USE TAXES

Sec. 301. Reduction of Multiple Taxation.

(a) Location of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) Imposition of Use Tax.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

(c) Credit for Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

(d) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) Motor Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

Sec. 302. Exemption for Household Goods, Including Motor Vehicles, in the Case of Persons Who Establish Residence.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

Sec. 303. Treatment of Freight Charges With Respect to Interstate Sales.

Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

Sec. 304. Liabilities of Sellers on Sales to Business Buyers.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

Sec. 305. Local Sales Taxes.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE IV—EVALUATION OF STATE PROGRESS

Sec. 401. Congressional Committees.

The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittee thereof, shall for four years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions

Sec. 501. Net Income Tax.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

Sec. 502. Capital Stock Tax; Capital Account Tax.

(a) Capital Stock Tax.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) Capital Account Tax.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

Sec. 503. Sales Tax.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

Sec. 504. Use Tax.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

Sec. 505. Gross Receipts Tax.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

Sec. 506. Excluded Corporation.

(a) In General.—An "excluded corporation" is any corporation—

(1) more than 50 percent of the ordinary gross income of which for the taxable year—

(A) is derived from regularly carrying on any one or more of the following business activities:

(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

(ii) the furnishing of—

(I) telephone service or public telegraph service, or

(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

(iii) the sale of electrical energy, gas, or water;

(iv) the issuing of insurance or annuity contracts or reinsurance; or

(v) banking, the lending of money, or the extending of credit;

(B) is received in the form of one or more of the following:

(i) dividends;

(ii) interest; or

(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a)(5)(B) of the Internal Revenue Code of 1954); or

(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

(2) which is a "personal holding company" as defined in section 542 of the Internal Revenue Code of 1954 or a "foreign personal holding company" as defined in section 552 of such Code; or

(3) which has an average annual income in excess of $1,000,000.

(b) ORDINARY GROSS INCOME.—The term "ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

(c) AVERAGE ANNUAL INCOME.—A corporation's "average annual income" with respect to any taxable year (in this subsection referred to as the "computation year") shall be determined as follows:

(1) The period to be used in making the determination (in this subsection referred to as the "averaging period") shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purpose of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

(d) AFFILIATED CORPORATIONS.—For purposes of subsection (c), two or more corporations are "affiliated" if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" shall not be taken into account in determining whether two or more other corporations are "affiliated".

SEC. 507. SALE; SALES PRICE.

The terms "sale" and "sales price" shall be deemed to include leases and rental payments under leases.

SEC. 508. INTERSTATE SALE.

An "interstate sale" is a sale with either its origin or its destination in a State, but not both in the same State.

SEC. 509. ORIGIN.

The origin of a sale is—

(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

SEC. 510. DESTINATION.

The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

SEC. 511. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State, or

(2) has one or more employees located in the State.

(b) EXCEPTION.—If a corporation's only activities within a State consists of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 101, to own or lease real property within that State for purposes of section 202, or to have an employee located in the State for purposes of section 203.

(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State (or in a case described in the last sentence of section 204), that person shall be considered to have a business location only—

(1) in the State in which the principal place from which its trade or business is conducted is located, or

(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

SEC. 512. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) RENTED-OUT PERSONALTY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

(d) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) Base of operations.—The term "base of operations", with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

(A) in the case of rented-out property, it is not in the possession of a lessee, or

(B) in the case of moving property which is not rented out, it is not in operation.

regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

Sec. 513. Location of Employee.

(a) General Rule.—An employee shall be considered to be located in a State if—

(1) the employee's service is localized in that State, or

(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

(b) Localization of Employee's Service.—Service of any employee shall be considered to be localized in a State if—

(1) the service is performed entirely within that State, or

(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

(c) Employee's Base of Operations.—The term "base of operations", with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

(d) Continuation of Minimum Jurisdictional Standard.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

(e) Employees of Contractors and Extractors.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

(f) The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

Sec. 514. Household Deliveries.

A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchases located in that State or subdivision.

Sec. 515. State.

The term "State" means the several States of the United States and the District of Columbia.

Sec. 516. State Law.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

Sec. 517. Taxable Year.

A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

Sec. 518. Valuation Date.

The "valuation date", with respect to a capital stock tax, is the date as of which capital is measured.

Part B—Miscellaneous provisions

Sec. 521. Permissible Franchise Taxes.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

Sec. 522. Prohibition Against Geographical Discrimination.

(a) In General.—No provision of State law shall make any person liable for a greater amount of corporate net income tax, capital stock tax, sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 523). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) Computation of Tax Liability Under Discriminatory Laws.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

Sec. 523. Applicability of Act to Excluded Corporations.

Nothing in this Act shall affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation.

Sec. 524. Prohibition Against Out-of-State Audit Charges,

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income or capital stock tax imposed on an excluded corporation.

Sec. 525. Liability With Respect to Unassessed Taxes.

(a) Periods Ending Prior to Enactment Date.—No State or political subdivision thereof shall have the power after the date of the enactment of this Act, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

(b) Certain Prior Assessments and Collections.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

Sec. 526. Effective Dates.

(a) Corporate Net Income Taxes and Capital Stock Taxes.—Title II of this Act, and the provisions of section 101 and this title (except section 525) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this Act, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this Act. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this Act, effective for the first taxable year to which title II applies.

(b) Other Provisions.—The remaining provisions of this Act shall take effect on the date of the enactment of this Act

Mr. ADAMS (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Washington will state it.

Mr. ADAMS. Is the Clerk reading by title? I did not hear the announcement of the Chair. Or is the bill to be read word for word?

The CHAIRMAN. In answer to the gentleman's inquiry, the bill is being read by section. The Clerk will continue to read.

The Clerk proceeded to read the bill.

Mr. WILLIS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 3, in the fourth line of the table of contents, strike out "to excluded corporations".

Page 5, strike out line 11.

Page 5, line 12, strike out "(2)" and insert "(1)".

Page 5, line 14, strike out "(3)" and insert "(2)".

Page 21, line 12, strike out "or".

Page 21, line 13, strike out the period and insert ", or".

Page 21, after line 13, insert the following:

"(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller."

Page 21, line 23, after "State", insert "or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business."

Page 28, lines 8 and 9, strike out "corporate net income tax, capital stock tax,"

Page 29, strike out lines 1 through 5 and insert the following:

"Sec. 523. Applicability of Act.

"Nothing in section 101 or in any other provision of this Act shall be considered—

"(1) to repeal Public Law 86-272 with respect to any person;

"(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

"(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act."

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hutchinson: Strike out title II (beginning on page 4, line 6, and ending on page 8, line 15); and renumber the succeeding titles and sections accordingly.

Mr. HUTCHINSON. Mr. Chairman, I offer also some conforming amendments and ask unanimous consent that they be read and the amendments be considered en bloc.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Hutchinson: On page 2, in the table of contents, strike out the matter relating to title II; and on pages 2 and 3 renumber references to succeeding titles and sections accordingly.

On page 22, strike out the comma in line 5 and all that follows down through "203" in line 7.

On page 22, lines 12 and 13, strike out "(or in a case described in the last sentence of section 204)".

On page 22, strike out line 20 and all that follows down through page 24, line 23, and renumber the succeeding six sections (and amend the table of contents of the bill) accordingly.

On page 29, line 3, strike out "523" and insert "423".

On page 31, lines 20 and 21, strike out "Title II of this Act, and the provisions of section 101 and this title (except section 525)" and insert "The provisions of section 101 and this title (except section 425),".

On page 32, line 6, strike out "title II" and insert "section 101".

Mr. HUTCHINSON. Mr. Chairman, this amendment and the other amendments that conform it to the bill would strike out title II. Title II offers to a corporation which has an average annual income of $1 million or less—that is to say, the small corporation—an option in how they shall compute the base upon which a State may impose its income tax upon their income.

As the State income tax systems throughout the country have evolved, almost every State uses what is called a three-factor formula. They apply the total value of property owned by a corporation in their State to the total property of that corporation owned everywhere; and then they take the payroll of that corporation in their State as a numerator and the denominator is the total amount of the payroll everywhere; and the third factor is sales, in which they take the amount of sales in that State as a numerator and the denominator is the total amount of sales everywhere; then they average the three factors and the result is the percent of that total corporate income which is taxable by the particular State.

This bill in title II would say to a corporation, "You can forget all about sales. All you need to do is figure the payroll and the property and forget all about the sales." It seems to me that is an unnecessary intrusion into the internal tax policies of States. It seems to me if a corporation, regardless of its size, is admittedly subject to the jurisdiction of a State to pay it some income tax, the corporation ought to be required to pay the income tax figures on the same base as other taxpayers in that State who have to pay income tax.

That is why I think title II is a mistake in this bill. I feel quite strongly about it. I think the bill would be immeasurably improved if we could strike title II from it.

The gentleman from West Virginia [Mr. Moore] in discussing this matter earlier in the day, referred to some compliance problems the smaller companies have. The gentleman says—and I think it is true—that the ordinary small company does not have the staff, either lawyers or accountants, to keep up with all the various tax laws of all of the several States. So they say, well, let us give them this option and they can forget about the sales. But really this argument does not answer the problem at all. If we have a small corporation, and we are troubled with the compliance problems, if we leave title II in this bill, that small corporation has to keep up with not only all the State laws in all the States in which it is located, but also with the Federal formula as well. Every year it has to compute its taxes in each of those States in two different ways. I say it has to—of course, it does not have to, but it certainly would—because the average businessman is interested in paying the least amount of taxes he can possibly pay, so it would be to his advantage every year to compute this tax according to both the State law and the Federal formula.

But, of course, he will not have to do it in every State in the Union. He would have to do it only in those States in which, under title I of this act, he is liable to pay a tax. In other words, I say title I is the protection of the small corporation in this bill, not title II. Title I protects the small corporation.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Hutchinson amendment was presented for consideration in the committee. We considered the very persuasive arguments of the gentleman from Michigan, and the amendment was defeated because we felt title II was certainly supplemental to title I of the bill and was necessary. If we were to make the great mistake today of eliminating title II, all of the small business companies engaged in interstate commerce would continue to be exposed to this mass of various jurisdictional disputes presently torturing small business.

The real answer to the suggestion by the gentleman from Michigan [Mr. Hutchinson] is that today the small businessman is not presently paying the tax. He is living in the shadow of the prospects that some future day State taxing authorities will determine what his past and present liability is thought to be and then dump the whole load on him unexpectedly.

If we took title II out of the bill we would continue to compound the chaos which exists in the minds of small businessmen of the community and in reality does exist when they seek to determine what their actual tax exposure is in any jurisdiction.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Louisiana.

Mr. WILLIS. I should like to ask the gentleman, much as I sympathize with the purpose of my good colleague [Mr. Hutchinson], is it not a fact that this amendment was defeated both in the subcommittee and in the full committee?

Mr. MOORE. I thought I had made that clear in my observation. It was turned down by the subcommittee and by the full committee.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Michigan.

Mr. HUTCHINSON. Might I point out that the record vote, or at least the show of hands, was 14 to 14. It was a tie. I will admit I did not win it, but on a tie I do not believe I lost it, either.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

I wish to express my support for the position of the gentleman from Michigan [Mr. Hutchinson]. The vote in the committee stated is as I recall it also.

It is estimated that in its first 2 years this act would cost the State of Missouri $50,000,000 in lost tax revenues. Tax revenues lost because nonresidents would be permitted to earn income from the Missouri business community but would escape responsibility borne by local citizens.

Local intrastate businessmen support their community; roads and schools, police and fire departments, hospitals and libraries through payment of taxes to the State and community in which they live.

Interstate firms have, should have, and will continue to have the privilege of competing with these local businessmen, but if this bill passes they may escape paying their fair share of the taxes in the community in which they do business.

In addition, churches, service clubs, and veterans organizations are supported by voluntary contributions of the businessman residing in local communities and States, thus, this bill may strike a hidden blow adversely affecting local communities throughout the land.

As pointed out by the Council of State Governments, the States have been almost unanimous in their opposition to H.R. 2158 and its predecessor Willis bills. The major objections of the States were that such a measure: First, would impair the independence of State and local governments within the Federal system; second, would have a serious adverse effect on State and local revenues, especially on "market" States; third, would be particularly untimely in that any revenue loss would have to be made up somehow to meet current and prospective demands for State and local services; fourth, would give preferential treatment to certain taxpayers, in some cases exempting them from State and local taxation; fifth, represented a legislative "overkill" since in the Willis subcommittee's report it found that income tax compliance costs were not burdensome and the "prevailing system" for collecting sales taxes does not appear to be costly; sixth, would represent a radical departure from current practices and procedures; and seventh, was unwarranted in that most of the specific deficiencies alleged had already been or were capable of and working toward an interstate compact to deal with what problems remained or might appear in the future.

All these objections remain valid, but only the last will be enlarged upon here.

Presently, 41 States, including the District of Columbia, have corporation income taxes. In 19 of these States, a corporate income taxpayer is taxed under the provisions of the Uniform Division of Income for Tax Purposes Act. Fourteen enactments of the Uniform Act have occurred in the past 2 years.

Thirty-nine of the 45 States with sales taxes provide for credit for sales taxes paid elsewhere. The others are expected to add credit provisions in the near future.

Earlier this year, in the *National Bellas Hess, Inc.* v. *Illinois Department of Revenue* (87 S.Ct. 1389), the Supreme Court declared that a State cannot require collection of use taxes on purely interstate mail-order transactions, where the seller has no other connection with the taxing jurisdiction. In so doing, the Court destroyed a major argument put forth by Willis bill proponents—that only Congress can provide a remedy in jurisdictional disputes.

Also, 15 States have adopted the multistate tax compact, and several are actively considering it. Briefly stated, the compact: First, gives a taxpayer an option to be taxed under the Uniform Division of Income for Tax Purposes Act or other State laws which may be in effect; second, permits a small corporate taxpayer to use a short form in lieu of a detailed computation of tax liability; third, establishes an arbitration procedure available at the taxpayer's option only; fourth, contains a sales and use tax credit provision; fifth, provides for cooperative, multistate audits; and, sixth, sets up a multistate tax commission to study all aspects of multistate tax matters and to issue recommendatory rules and regulations for States with uniform or similar tax laws.

In view of the record, it is submitted that enactment of H.R. 2158 is unwise at this time.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words.

I rise only to indicate my support for the amendment of the gentleman from Michigan. I believe it is quite important to the Members at least on this side, because it recognizes that once a State may tax another corporation from out of State, the manner of computing the tax is essentially a State responsibility.

The Federal Government is involved and should be involved in the question of whether or not the out-of-State corporation is subject to tax at all. Once that decision is arrived at by the imposition of jurisdictional standards in title I, then the manner of computing the tax should be left up to the individual State.

I believe that is the thrust of the amendment offered by my friend from Michigan, and I would hope that the Members on the Republican side could support it wholeheartedly. I support the amendment.

Mr. WHITENER. Mr. Chairman, I move to strike the requisite number of words.

I merely rise to say that I oppose the amendment. If title II of H.R. 2158 were eliminated, all of the small companies in interstate commerce would continue to be exposed to the chaos which comes from the present lack of uniformity of State apportionment formulas. A study conducted by our subcommittee indicates that the diversity among the various State formulas is so great as to make the entire present enforcement system unworkable.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. HUTCHINSON) there were—ayes 18, noes 43.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 32 after line 9, add the following:

"TITLE VI—TAXATION OF INDIVIDUALS

"SEC. 601. (a) no State or political subdivision thereof shall have the power to impose for any taxable year ending after the date of the enactment of this Act an income tax on the income of any individual—

"(1) which was earned or derived during any period while the individual was not domiciled in the State except to the extent the income was earned from sources within the State, or

"(2) which was earned or derived from sources without the State during any period while the individual was domiciled in the State except to the extent the tax exceeds any income tax paid on such income to the State (or political subdivision) in which the income was earned or derived.

"(b) For purposes of this Act—

"(1) the term 'State' shall include the District of Columbia, and

"(2) 'earned' means to acquire by labor, service, or performance and does not include the mere receipt of interest or dividend payments which are merely a return upon an investment and are not paid as a result of labor, service, or performance rendered."

Mr. WILLIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Incidentally, this is the amendment that was made in order by the rule.

Mr. SMITH of Iowa. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, I was very much impressed by the arguments for the need for this bill to protect corporations against punitive actions by various State, but this amendment would give the individual the same kind of protection that the corporation receives under this bill. In fact, the individual needs the protection for additional reasons. They not only have the problems that a corporation has, but they may move during the year more often than corporations do and find that in that year they owe an income tax in two different States for their entire income for that year. In addition to that, many people have a summer home and they find at the end of the year that due to the definition an individual State is permitted to give "residence for tax purposes," they owe income tax on their entire income in the State where the summer home is located as well as in the State of their domicile.

In addition to that, there are a number of problems of businessmen, for example, who have a room in Washington, D.C., or some other city to which they commute and they may find keeping that room there for business purposes occasionally for business purposes and that may subject them to an income tax on their entire income in both the State of their domicile and the State where they maintain the room or another place of abode.

What this amendment would do would be to prevent that kind of punitive action and prevent an individual from having his income taxed but once—in one State or the other. Of course, the preference would be given to the State of his domicile, but any income earned from sources in another State could be taxed in the State where it is earned if they choose to tax it.

Mr. Chairman, I believe everyone should be for this amendment whether they are for the bill or not, and I do hope the committee will approve it.

Mr. WHITENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think all of us understand the splendid motives of the gentleman from Iowa in presenting this amendment. I believe it would be inaccurate if I did not say that his amendment appeals to me.

But under the provisions of this bill we have a specific proviso to the effect that the Congress should continue to study the matter of State taxation. Every 4 years under title IV there shall be an evaluation of the progress which the several States and their political subdivisions are making.

Mr. Chairman, while I would not disparage the gentleman's intentions or the quality of his amendment, I do not believe it would be consistent with the attitude of our subcommittee to adopt his amendment. I say this because we have tried to study all of the facts, evaluate the revenue impact upon the several States, and to ascertain just where we are going before we made a single legislative recommendation.

Now, the gentleman, I am sure, will appreciate the fact that he does put us in a rather difficult position because his thoughts do appeal to us. But, honestly, we do not feel that we have enough information of record dealing therewith to accept the gentleman's amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I would like to respond to what the gentleman from North Carolina has said with regard to what the impact may be taxwise in the various jurisdictions. I do not care what it is because any tax collected now that would be prohibited under this amendment should not be collected and is unfair. I do not believe we need to study it for a period of years, because I do not care what it amounts to anyway.

Mr. WHITENER. What the gentleman is saying supports the position which the committee has taken on other tax matters which require that this bill shall be enacted. I am impressed by the gentleman's amendment. However, we are hopeful that we can get a half loaf, if not the whole loaf, and we believe that this bill can be passed in the House as well as in the other body if we do not load it down.

I would say to the gentleman from Iowa as I have said twice before, I, personally expressing my own opinion about the merits of the amendment, see merit in it. The amendment does appeal to me. However, the committee has not had an opportunity to make a thorough study of it.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of the amendment.

Mr. THOMPSON of Georgia. I wonder if I could ask the author of the amendment if he would answer a question for me, please—the gentleman from Iowa?

Mr. SMITH of Iowa. Yes.

Mr. THOMPSON of Georgia. I am familiar with the decision in the State of Wisconsin affecting the airline pilots who fly over that State, but that decision could just as well be applied to truck drivers where the courts have held that the airline pilots may be taxed in the State of Wisconsin for that portion of their salary while flying over the State of Wisconsin.

I know that as a group the pilots are very concerned over this because they are concerned that they may not only have to pay this tax but pay the tax in the State in which they are domiciled.

Mr. SMITH of Iowa. In response to the question propounded by the gentleman from Georgia, I would say that whether or not they are airline pilots or truck drivers, they should not have to pay income tax in more than one State.

Mr. THOMPSON of Georgia. This procedure certainly should be limited to the State where he has his residence or where he is domiciled and then the States could argue over it if they wanted to.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield further, he would not actually be relieved of any taxation under my proposed amendment. However, he would pay it to the State where he feels he should pay it and where he is domiciled. Then, if some other State feels it has a claim on his salary from the standpoint of taxation, that could be worked out between the States involved.

Mr. THOMPSON of Georgia. That would certainly be correct.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, it is my opinion that the gentleman has brought out a very important point. Those of us who followed State and local taxation practices are very well familiar with the fact of the tax problems involved when a person moves from one State to the other.

I believe this is one of the reasons why we are all for this bill, because the same inclination is there as far as taxing business is concerned, and I believe the gentleman from Iowa has presented a very fine amendment, and I believe it is our obligation to protect those people who may be picked on because they do not happen to vote in the State.

Mr. THOMPSON of Georgia. I thank the gentleman for his comments.

Mr. Chairman, I urge the support of the Members of the House for the amendment presented by the gentleman from Iowa.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have asked for this time in order to ask the gentleman from Iowa if he believes the bill as now presented to the House would allow the District of Columbia, for instance, to pass an income tax on the Members of Congress, and their employees who live in various States, and that under these circumstances they would have to pay an income tax in the District of Columbia, or in Virginia, or in Maryland, if they happen to be domiciled there temporarily due to their jobs?

Mr. SMITH of Iowa. I would say to the gentleman that everybody like that but Congressmen and their top staff employees now are subjected to double taxation in the District of Columbia now, because the District of Columbia has a definition which includes having a place of abode in the District of Columbia for a portion of the year and only Congressmen and their top staff members are exempt.

Mr. HOLIFIELD. And I would say to the gentleman that I am paying a very heavy State income tax, and it has been doubled in the last year in California. I happen to live in an apartment in Virginia about 10 months out of the year.

Mr. SMITH of Iowa. In Virginia the gentleman would be subject to double taxation. In the District of Columbia, Congressmen are specifically exempt by the code, but businessmen who happen to have apartments or a residence here, or even a hotel room, may find that they are subjected to taxation on their entire income in both the District of Columbia and in their home State. In many cases they may not know this for 3 or 4 years.

Mr. HOLIFIELD. Mr. Chairman, I want to get this down very specifically, so that I understand it.

I happen to live in an apartment which I rent by the year in Virginia. The gentleman is telling me that unless his amendment is passed I could be assessed on my State income tax in Virginia, as well as in California?

Mr. SMITH of Iowa. The gentleman is at the mercy of the Virginia Commissioner of Taxation claiming he owes the tax in Virginia also.

Mr. WHITENER. Mr. Chairman, would the gentleman from California yield?

Mr. HOLIFIELD. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure the gentleman does not want to imply, although his words may be construed that way, that because of this legislation this would come about. This legislation would not create the opportunity for double taxation.

Mr. HOLIFIELD. But is it not true that the amendment offered by the gentleman from Iowa would prohibit that from occurring?

Mr. WHITENER. As I understand the amendment offered by the gentleman from Iowa, that is the purpose of it.

Mr. HOLIFIELD. The purpose of the amendment is to prevent double taxation?

Mr. WHITENER. As I understand it, yes.

Mr. SMITH of Iowa. On individual income.

Mr. HOLIFIELD. From two different States?

Mr. SMITH of Iowa. Or it can be three States.

Mr. HOLIFIELD. It can be three States, or four States, whatever it might be. If I live in Virginia, for instance, and I work in the District of Columbia, I might be charged my full State income tax in Virginia, and also in California unless the amendment offered by the gentleman from Iowa is agreed to?

Mr. SMITH of Iowa. That is correct.

Mr. HOLIFIELD. That is quite revealing, I believe.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment. I know this committee for some 5 years has been very careful in attempting to examine in detail the impact of the bill, but we have never sacrificed equity to the businessman because of a loss of revenue to the States, and insofar as the individual taxpayer is concerned, it is very simple; the individual taxpayer should not be taxed by two States on the same income. We do not need to worry about a complicated formula to figure out what that is.

The States, I am sure, are going to be turning more and more to progressive income taxes to finance their budgets, and that is as it should be.

I am not satisfied with a law which just exempts the Congressmen. I believe we owe it to the Amercan taxpayer as an individual, just as we owe it to taxpayers as businessmen, to protect them from this double taxation.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman.

Mr. HOLIFIELD. I am glad that the gentleman is supporting the Smith amendment because up until this good day I have never known of two States charging a State income tax on the same income.

The fact that the Members of Congress have to live either in the District of Columbia or nearby certainly does not mean, and if they are paying a heavy income tax in their State of residence where they must keep a domicile in order to be Members of Congress—I see no reason why the door should be opened for another State to tax them whatever amount they want to tax on State income tax.

I think this is a precautionary amendment that all of us should support.

Mr. CORMAN. The gentleman is precisely correct. We all know that from every State in the Union we have highly qualified people coming to work in the District of Columbia to work for the Government and they do not want to lose their residency in the States that they come from where they pay taxes. Unless we do adopt this amendment, then they are probably going to be taxed double or be forced to surrender their residency and voting rights in their home States.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman.

Mr. PELLY. Those of us who live on the Pacific coast know that there are certain fishermen who reside in California or Oregon and so forth and go to Alaska during the season and earn their livelihood there. The State of Alaska, as I understand it, taxes their income there. I think that perhaps the Smith amendment would cure that and I am going to support it.

Mr. CORMAN. Mr. Chairman, I urge the adoption of the Smith amendment.

AMENDMENT OFFERED BY MR. CLEVELAND TO AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND to the amendment offered by Mr. SMITH of Iowa: After "income" in line 6 of the amendment, insert the following: "or to establish the rate of taxation on the income".

The CHAIRMAN. The gentleman from New Hampshire is recognized in support of his amendment.

Mr. CLEVELAND. Mr. Chairman, this is a very minor amendment and I have discussed it with the author of the major amendment and I believe it clarifies the amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. SMITH of Iowa. I think this further clarifies the amendment and it is acceptable to me.

Mr. HICKS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and thirty Members are present, a quorum.

The Chair recognizes the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I would respond to the gentleman by saying that the amendment was intended to include this. I think it does clarify it and I would like to accept the amendment.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take all of the 5 minutes because I know the House does want to move along in the consideration of this bill.

I would like to point out, on this bill, in addition to the remarks made on the income tax, that some of us testified before the Committee on Rules and we also testified before the committee that was hearing this bill, that when you have not had an analysis here of the effect—and what will happen on the movement of businesses, from income tax States to avoid the gross receipts tax and also the sales and use taxes—and the definition of employee here and the definition of what constitutes household deliveries, it means for example that the General Motors Co. which only 3 years ago we were able to bring into the area of State taxation, now moves its location into Oregon and excludes them from income in the State of Oregon and income from sales in the State of Washington and we cannot reach them with a business occupation tax and we cannot reach them with a sales tax and we cannot reach them with a use tax.

All of its activity is directed from the State of Washington and we will lose revenue just on that one business alone.

We were hopeful that there would be a chance for some discussion of this bill and that it would not be put through this evening. We have opposed it in the past. We are hopeful that some of these amendments can be put in and that we can make this bill so that the States can have an alternative system of taxation other than the income tax. I disagree with one of the gentlemen who said that all of the States will go to the income tax. Progressive thinking in State taxation now provides that there be a combination of the sales tax and the income tax because the Federal Government—and if we raise taxes in the next few weeks it will be even more so—is preempting the income tax field as far as the States are concerned.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, I rise in support of the Smith amendment and I rise in support of the bill.

Mr. GRAY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 2158. I had not intended to speak on the measure. I think it is a very important bill.

There are many misconceptions about H.R. 2158, the Willis bill on State taxation of interstate commerce. Here are some quick facts which I hope will clear up some of those misconceptions:

First. H.R. 2158 is not a tax bill. It will impose no taxes of any kind, Federal, State, or local.

Second. H.R. 2158 is purely bipartisan. Laboring hard for more than 6 years, dedicated members of both major parties amicably worked together to produce and perfect the bill now before us.

Third. H.R. 2158 will not deprive any State of any significant revenues it is now receiving, and if enacted, would insure all the States greatly increased revenues through continued expansion of the mutually beneficial interstate commerce which has made this Nation the richest in the world.

There are so many thousands of taxing bodies in the United States today that it is utterly impossible for small interstate sellers to keep up with their constantly changing tax rates, coverages, and exemptions. Yet thousands of interstate sellers today are vulnerable to sudden liability not only for current taxes, but for far-reaching back-years taxes, plus stiff penalties and interest—not only to one State or a few States, but to all 50 States, and literally thousands of local governments.

This is a dangerous and explosive situation that needs the immediate attention of Congress. For only Congress can possibly bring order out of the present chaos.

H.R. 2158 is the work of many dedicated minds. It has been hammered out over more than 6 years of labor. It has been perfected after full and complete study of every aspect of the problem. It is a sound, workable and brilliant answer to a crying need of our national economy, and should receive the support of every Member of this body.

Mr. Chairman, on a personal basis this bill affects several hundred jobs in my congressional district. The Smyler Bros. Manufacturing Co. plant in Herrin, Ill., makes and sells ladies' dresses to out-of-State mail-order houses. If taxes are forced on the out-of-State buyers, they will merely go elsewhere for their merchandise. This would jeopardize these hundreds of jobs in my district. I am sure this situation exists in many other districts throughout the country. I strongly urge approval of this bill. Thank you.

Mr. TAFT. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. Chairman, I rise in opposition to this bill. I believe it will set a very dangerous precedent of Congress moving into the area of regulating State taxation. The bill itself, I believe, has some severe constitutional questions. I do not question the constitutional right to regulate interstate commerce, upon which the bill is based. But the powers go far beyond that.

Let me cite to you just one example of what I consider to be very doubtful draftsmanship in connection with the bill. Line 16, on page 3, and lines 3 through 5, on page 4, apparently give to States which under their own constitutions may not have power to levy income taxes the power to levy income taxes. There are some such States. There are other limitations of that sort.

By passing this legislation you will let the bars down. You are moving into a new field. The States and the local governments, it seems to me, have enough problems today without getting into this area.

I am familiar with the problems that are attempted to be handled by this bill. Indeed, I acted as attorney in a number of cases of this sort, attempting to solve problems of this sort. This bill will not solve the problems. It will also open the floodgates of litigation, because there are hosts of decisions under the State laws which will be thrown out and will have to be reinterpreted in the light of this bill. This bill is a lawyer's dream. It may be perfectly good law. It may even be constitutional. But it certainly is not good practice.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Washington is recognized for 5 minutes.

Mr. HICKS. Mr. Chairman, I thank the gentleman for yielding.

I want to associate myself with his remarks, with the remarks of the gentleman from Ohio [Mr. TAFT], and the remarks of the gentlewoman from Washington [Mrs. MAY], as well as the remarks of the gentleman from Washington [Mr. FOLEY], previously delivered in the House.

I rise in opposition to H.R. 2158.

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS of New Mexico. Mr. Chairman, H.R. 2158 is a revision of several previously introduced bills that were drafted by the Special Subcommittee on State Taxation of Interstate Commerce of the House Judiciary Committee. I opposed those earlier versions of the bill, and I oppose the current version contained in H.R. 2158.

The bill that is before us is a poor effort on the part of the Federal Government to mitigate some existing problems in the State taxation of interstate commerce. It deals with corporate net income, capital stock, gross receipts, and sales and use taxes. Actually, it tells the States what they can or cannot do. It even purports to tell them what is good for them.

In spite of the assertions of the supporters of the proposed legislation, enactment of the bill would have an adverse effect on the revenues of many of the States. Restrictions on the taxing authority of the State governments must necessarily reduce revenues because the limitations on the taxing jurisdiction will eliminate certain taxpayers completely from taxation and others from part of their tax liability. Under the income tax provisions, for example, unless the multistate corporation is deemed to have a business location, as defined by the bill, the State may not tax the company even though according to all commercial concepts the company would be transacting business in the State. In other words, the bill, through arbitrary and unrealistic definitions, allows companies to avoid taxation through certain manipulations. Some of the distorting operations include location of warehouse facilities just beyond the State's jurisdictional line, and use of independent contractors instead of company employees in order to avoid having a business location in the State for purposes of the bill. These procedures will result in confusion and complexity rather than simplification in the taxation of interstate income.

The avoidance of tax or reduction in the tax liabilities by certain multistate corporations will not only reduce the taxes payable by these corporations to the States but also result in a greater tax burden on the locally based businesses within the States. This fact has been brought out time and again during the discussions and hearings on H.R. 2158 and its predecessor bills.

I am opposed to this undue interference of the Federal Government in the affairs of the States for several reasons. First, the States understand their particular needs and are in a far better position than the Federal Government to provide appropriate solutions. Particularly since the congressional subcommittee has begun its study of taxation of interstate commerce, the States have come a long way in enacting legislation to overcome or lessen many of the interstate tax problems. For example, new Mexico and many other States have adopted uniform tax legislation dealing with allocation formulas and definition of income for tax purposes. The most recent action has been the adoption of a proposed interstate tax compact by an increasing number of States. Thus, it is not necessary for the Federal Government to tell the State governments how to put their house in order—they are already doing it. And I might add, they are doing a remarkably better job at it than any Federal legislation, such as proposed by H.R. 2158, could accomplish.

Although H.R. 2158 exempts corporations with incomes in excess of $1 million net income from the benefits of the provisions limiting the authority of States and their political subdivisions to impose income and capital stock taxes, the exemption does not apply to sales and use taxes or gross receipts taxes. New Mexico derives a substantial portion of its revenue from taxation on sales. Under the provisions of the bill, the State of New Mexico would be unable to collect tax on many transactions that are now taxable. Many companies could avoid their liability of tax under the New Mexico law by not establishing a business location in accordance with the definition contained in the bill. As in the case of the income tax, the tax that should rightfully be borne by multistate corporations will have to be borne by locally established businesses.

In conclusion, I am opposed to H.R. 2158 because it would attempt to fix or limit the taxing authority of the States. In New Mexico—as well as in most other States—it would have a detrimental effect on its revenues and distribution of tax burden among businesses operating within the State. Many States, including New Mexico, have made considerable progress in the last few years in cooperatively solving problems in taxation of interstate commerce. The States should be encouraged to continue to carry out their fiscal responsibilities in this commendable way. Enactment of H.R. 2158 will be a drastic and unfortunate setback in the progress States have already made in accepting and discharging their fiscal responsibilities. Thus, H.R. 2158 must be overwhelmingly defeated.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not intend to take the 5 minutes. I merely seek to ask the committee members a question about the bill, if any Member wishes to answer this question: Did the gentlemen hear the remarks of the gentleman from Ohio [Mr. TAFT] about this bill giving authority to States to impose income taxes?

Mr. WILLIS. Mr. Chairman, if the gentleman will yield, I am not sure I understood the question.

Mr. GIBBONS. Mr. Chairman, as I understood the remarks of the gentleman from Ohio [Mr. TAFT] he remarked this bill would give to the States powers to levy income taxes.

Mr. WILLIS. Mr. Chairman, every State of the Union already has the power to levy income tax.

Mr. GIBBONS. Mr. Chairman, I beg to correct the gentleman's impression. There are some States that do not have it.

Mr. WILLIS. Some States may not have exercised it, but they have the power to levy it.

Mr. GIBBONS. Mr. Chairman, is it the intention of the drafter of this bill to grant to a State legislature the power to levy an income tax where that State legislature now does not have it?

Mr. WILLIS. We have no such provision. Each of the States has the power already.

Mr. GIBBONS. I am asking a direct question about the intention of the drafter of this legislation. In the State of Florida, the State legislature does not have the power to impose an income tax.

Mr. WILLIS. This would not give them that power.

Mr. GIBBONS. This would not give them that power?

Mr. WILLIS. Definitely not.

Mr. GIBBONS. That is the intention of the gentleman as the drafter, as the sponsor of this legislation?

Mr. WILLIS. Yes.

Mr. ICHORD. Mr. Chairman, with great reluctance I arise to oppose the chairman of one of the committees of which I am a member, the Honorable Ed Willis, a gentleman for whom I have the greatest respect and admiration. However, I must oppose H.R. 2158 which I believe is an unwarranted intrusion of the Federal Government into a field traditionally reserved for the States. In addition this measure will have the effect of reducing tax revenues of several States. The measure is quite complicated and its effect is difficult to measure but it has been estimated that the receipts of my home State of Missouri will be reduced by as much as $50 million. The argument that this measure is supported by all taxpayers and opposed only by the tax gatherers. This is an argument which is not impressive to me. Of course, all taxpayers are in favor of lower taxes but someone must pay the taxes to support our State governments. If they don't obtain the revenues from the people who will have their taxes reduced by this bill they will have to obtain the taxes from other sources. So I am not impressed by that argument one iota.

Granted, the committee in reporting out this legislation is attacking a problem which needs to be solved but let us not solve the problem by sacrificing principles of State rights and the extension of further control of the Federal Government over State governments. This legislation does tell State governments what they can tax and how they can tax.

I submit to the Members that a better solution preserving State rights is the multi-State tax compact approach that has been recently adopted by 15 States including my own State of Missouri. I feel that we should at least wait to see if the problem can be solved by the use of the compact concept.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. Cleveland] to the amendment offered by the gentleman from Iowa [Mr. Smith].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. Smith], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Carey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, pursuant to House Resolution 814, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HUTCHINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HUTCHINSON. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Hutchinson moves to recommit the bill H.R. 2158 to the Committee on the Judiciary with instructions to that committee to report the bill back forthwith with the following amendments:
>
> Strike out title II (beginning on page 4, line 6, and ending on page 8, line 15); and renumber the succeeding titles and sections accordingly.
>
> On page 2, in the table of contents, strike out the matter relating to title II; and on pages 2 and 3 renumber references to succeeding titles and sections accordingly.
>
> On page 22, strike out the comma in line 5 and all that follows down through "203" in line 7.
>
> On page 22, lines 12 and 13, strike out "(or in a case described in the last sentence of section 204)".
>
> On page 22, strike out line 20 and all that follows down through page 24, line 23, and renumber the succeeding six sections (and amend the table of contents of the bill) accordingly.
>
> On page 29, line 3, strike out "523" and insert "423".
>
> On page 31, lines 20 and 21, strike out "Title II of this Act, and the provisions of section 101 and this title (except section 525)" and insert "The provisions of section 101 and this title (except section 425),".
>
> On page 32, line 6, strike out "title II" and insert "section 101".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit is rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUTCHINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 286, nays 89, not voting 58, as follows:

[Roll No. 148]

YEAS—286

Abbitt
Abernethy
Adair
Addabbo
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Berry
Betts
Bevill
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Cederberg
Celler
Chamberlain
Clancy
Clark
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Delaney
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fino
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gathings
Gettys
Giaimo
Gibbons
Goodell
Goodling
Gray
Green, Pa.
Griffin
Gross
Grover
Gubser
Hagan
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Holifield
Horton
Howard
Hunt
Irwin
Jacobs
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Keith
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
MacGregor
Madden
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
Mayne
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Monagan
Moore
Moorhead
Morse, Mass.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roush
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Sullivan
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Udall
Vander Jagt
Vanik
Vigorito
Wampler
Watkins
Watson
Watts
Whalen
Whalley
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—89

Adams
Albert
Annunzio
Aspinall
Bennett
Biester
Brotzman
Burton, Calif.
Bush
Casey
Clausen, Don H.
Clawson, Del
Conyers
Cramer
Dawson
de la Garza
Dellenback
Denney
Dingell
Eckhardt
Edmondson
Evans, Colo.
Fascell
Foley
Fuqua
Gardner

Gonzalez
Gude
Gurney
Haley
Hansen, Wash.
Harrison
Hicks
Hosmer
Hull
Hungate
Hutchinson
Ichord
Johnson, Calif.
Jones, Ala.
Kazen
Kee
Lennon
Lipscomb
Long, La.
McClure
McFall
Macdonald, Mass.
Machen
Mahon
Martin
May
Meeds
Morgan
Morris, N. Mex.
Morton
Murphy, Ill.
O'Hara, Ill.
Pelly
Pickle
Poage
Pollock
Purcell
Randall
Rarick
Roberts
Rogers, Colo.
Rogers, Fla.
Ronan
Rostenkowski
Roybal
Shipley
Sikes
Sisk
Slack
Staggers
Taft
Talcott
Taylor
Teague, Tex.
Ullman
Utt
Van Deerlin
Waldie
Walker
White
Wilson, Bob
Wright
Yates

NOT VOTING—58

Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Blatnik
Bolton
Brock
Brown, Calif.
Burleson
Burton, Utah
Button
Carter
Cowger
Dole
Dowdy
Edwards, La.
Ford, William D.
Garmatz
Gilbert
Green, Oreg.
Griffiths
Halleck
Hanna
Hansen, Idaho
Hardy
Hawkins
Hébert
Herlong
Holland
Jones, Mo.
Karsten
Kelly
King, Calif.
Kyl
Leggett
McMillan
Miller, Calif.
Minshall
Mize
Montgomery
Nelsen
Olsen
O'Neill, Mass.
Pool
Pryor
Pucinski
Resnick
Rivers
Saylor
Scheuer
Selden
Stratton
Stubblefield
Tenzer
Tunney
Waggonner
Wilson, Charles H.
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Ashley for, with Mr. Burleson against.

Mr. Garmatz for, with Mr. Herlong against.

Mr. Montgomery for, with Mr. Pucinski against.

Mr. Stratton for, with Mr. Hébert against.

Until further notice:

Mrs. Green of Oregon with Mrs. Bolton.

Mr. Hardy with Mr. Halleck.

Mr. Young with Mr. Minshall.

Mr. Rivers with Mr. Kyl.

Mr. Karsten with Mr. Mize.

Mr. McMillan with Mr. Nelsen.

Mr. O'Neill of Massachusetts with Mr. Anderson of Illinois.

Mr. Anderson of Tennessee with Mr. Brock.

Mr. Pool with Mr. Hansen of Idaho.

Mrs. Kelly with Mr. Saylor.

Mr. Tunney with Mr. Button.

Mr. Selden with Mr. Carter.

Mr. Charles H. Wilson with Mr. Dole.

Mr. Stubblefield with Mr. Cowger.

Mr. Hanna with Mr. Burton of Utah.

Mr. Blatnik with Mrs. Griffiths.

Mr. Dowdy with Mr. Edwards, of Louisiana.

Mr. Gilbert with Mr. Miller of California.

Mr. Hawkins with Mr. Brown of California.

Mr. William D. Ford with Mr. Leggett.

Mr. Olsen with Mr. Pryor.

Mr. Scheuer with Mr. Tenzer.

Mr. Waggonner with Mr. Holland.

Mr. PATTEN and Mr. GRAY changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **WILLIS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GRANTING SPECIAL 30-DAY LEAVE FOR MEMBERS OF UNIFORMED SERVICES WHO VOLUNTARILY EXTEND THEIR TOURS OF DUTY IN HOSTILE FIRE AREAS

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15348) to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 1, line 4, strike out "the last sentence." and insert "'June 30, 1968', and inserting in lieu thereof 'June 30, 1970'."

Amend the title so as to read: "An act to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas."

Mr. PRICE of Illinois. Mr. Speaker, this bill passed the House unanimously in the form of permanent legislation. The Senate amended the bill by inserting a termination date of June 30, 1970, or a 2-year extension of the present law which authorizes the granting of a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas by a period of at least 6 months.

The Senate also amended the title accordingly to reflect the 2-year extension.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HALL. Mr. Speaker, reserving the right to object, this is the bill and the amendment that the gentleman from Illinois made available to the Members of the minority previously. All it does, in fact, is amend the House bill to make a limit certain of 2 years. Is that correct?

Mr. PRICE of Illinois. Mr. Speaker, the gentleman is correct.

Mr. HALL. Mr. Speaker, there are no other Senate amendments thereto?

Mr. PRICE of Illinois. That is correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HOUR OF MEETING TOMORROW

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT OF MOTION TO INSTRUCT MANAGERS ON PART OF THE HOUSE ON H.R. 15414, THE TAX BILL, TO INSIST ON EXPENDITURE REDUCTION OF $4 BILLION

Mr. **BURKE** of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. **BURKE** of Massachusetts. Mr. Speaker, I have taken this time to advise the House that on next Wednesday, May 29, I propose to offer a motion to instruct the managers on the part of the House at the conference on the bill, H.R. 15414, the tax bill, to insist on an expenditure reduction for fiscal year 1969 of $4 billion, instead of a $6 billion cut.

"HUNGER IN AMERICA"

Mr. **BENNETT**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **BENNETT**. Mr. Speaker, I was deeply shocked and distressed to learn for the first time from the CBS program on hunger last night that some people do in fact die of hunger in our affluent and beloved country. There is simply no excuse for this. It happens despite the expenditure of many billions of dollars each year for the relief of poverty.

It must be because of redtape and lack of concentration on the areas of greatest need, for we all know that not everyone on relief in our country lives on anywhere near such a distressing level of existence.

So, I have just now introduced a simple bill designed to put the responsibility of meeting this challenge specifically on the shoulders of the Secretary of Health, Education, and Welfare, with great flexibility and discretion in his hands so that this horrible situation can be eliminated. The bill reads as follows:

H.R. 17439

A bill to eliminate hunger in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the War on Hunger Act.

SEC. 2. The Secretary of the Department of Health, Education, and Welfare, hereafter referred to as the Secretary, shall under such regulations as he may direct, utilize personnel in his department to ascertain all persons seriously suffering from hunger in the United States, its possessions, and its trust dependencies and in Puerto Rico and to provide them with the food necessary for their welfare.

SEC. 3. The Secretary shall create a Commission on Hunger in said department to be composed of ten staff members from that department to advise and assist the Secretary in carrying out the purposes of this Act. Said Secretary is authorized to utilize wherever possible, the facilities and staffs of the Departments of Health of the various States and the facilities and staffs of the various State Welfare agencies to carry out his duties under this Act.

SEC. 4. The Secretary shall provide the information and facilities required by persons in families of low income to assist in meeting the problems of overpopulation.

SEC. 5. Said Secretary shall have available to him for the purposes of this Act all unused agricultural commodities and all unexpended funds provided for said Department and for the Department of Agriculture, and for the Commodity Credit Corporation, and for the foreign aid programs of the United States and under Public Law 83–480, as amended, together with such other funds as Congress may provide specifically for the purposes of this Act.

MY SON ANSWERS DREW PEARSON

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I hope the Members of the House will take the time to read the following letter from my son, Alan, in answer to Drew Pearson's article which appeared in the June issue of True magazine:

MAY 17, 1968.

DEAR PA: I'll attempt to point out some of Drew Pearson's errors (most of which you already know) and then I'll mention some of our employment conditions and benefits.

Obviously your family does not own Limoneira. There are approximately 180 stockholders. The following shows how our family fits into the picture:

MMT	400
Alfreda	75
Maiya	115
Lorea	100
Andrea	130
CMT (3.07%)	768
Alan	89
Judy	88
ATC (ABC Trust Co.)	390
Kathleen	88
Winifred	88
MCK. Corp.	2, 827
Shares out of a total of 25,000, or 20.63%	5, 158

Limoneira is not the world's largest Lemon producer. It doesn't even approach that magnitude.

Yes, we employed Braceros. However, since the program's termination we have met every Federal regulation. To the best of our knowledge we have not hired any illegal aliens. (The latter was not mentioned by Pearson. I thought you'd like to know it anyway).

Pearson mentions you are " . . . a fearless champion of thrift, diligence, hard work, and free enterprise." What, may I ask, is wrong with that?

Patrols were never "organized to roam the fields and housing areas," for the purposes of ridding the area of what "looked like a union organizer." Also, it amazes me that Pearson says "ministers were captured, stripped off their clothes and held prisoners by the patrols." Absurd!

You were not born on a farm. You are not a rancher. If you were, maybe Betsy would be driving a Cadillac instead of a Volkswagen and I'd be telling these things to you in person instead of writing it out in longhand.

There are quite a few benefits available to our workers which you should know about.

C.P.S. (California Physicians Service, a group hospitalization and medical insurance program) is for the benefit of all employees. The company pays the employee's premium. If the employee wants his family covered he must pay that cost. However, that in itself is far cheaper than what a regular, non-group policy would cost.

Unemployment insurance covers all employees. It is completely paid for by the company.

We have a relatively liberal vacation policy. When 1,500 hours of work have been attained the employee is entitled to one vacation hour for every twenty-four hours worked. Of course this is paid vacation. In other words if an individual works for 40 hours a week for approximately nine months he gets 62 working hours of paid vacation. The situation improves the longer the worker stays on the payroll. Another example: a harvest worker accumulates X working hours, then leaves for several months, then returns again. He still gets credit for the X hours.

The company has a credit union completely managed by the employees. The company furnishes all materials and facilities. On savings, a 5% interest rate is paid. Loans are made at 1% per month on the unpaid balance. This has been averaging 6.3% so far. This program encourages the employee to save. Also, he knows he can borrow money much less expensively through the credit union than anywhere else. The company derives no income from this project.

Education classes are conducted on the ranch for all interested employees. Classes range from supervision courses to language instruction. Employees who go to night school are furnished transportation. If a tuition fee is involved and the individual completes the course, the company will pay that cost.

On the ranch there is a boys' club and a girls' club. Ranch personnel supply all the voluntary work. The ranch furnishes supplies and facilities.

The newly renovated company store provides grocery items and other necessities to its employees at prices comparative to any other independent store, incidentally, the store continues to operate at a loss.

In harvesting labor last year we had the least amount of turnover of any association in our district. I am enclosing a list of statistics relative to harvester's earnings. Most men were far above the $2,042 average. Women and children, of course, bring the average down. Also, children are not taken out of school to work in the fields. I mention that because someone might ask you.

Our housing, as you know, has been completely renovated. We meet county code requirements and we believe housing facilities on the ranch, though not the most luxurious, are certainly superior to the average farm labor housing.

I think one of the best indications that we are not taking advantage of the so-called downtrodden farm work is a recent effort made by the Ventura County Headstart program. After talking with the Headstart executive director it was mutually agreed that it would be nice to have a Headstart program at the ranch. Later we found out this would not be possible. The workers' earnings exceed the poverty line criteria.

In conclusion, I would gladly compare our facilities and overall working conditions with any other farming, processing organization. Certainly, there is area for improvement. Unfortunately, our efforts are seldom recognized. Often we are recipients of criticism which should have been directed elsewhere. If we had the ability to pass increased costs on to the consumer there are many improvements we could make. We are not Government subsidized nor are we structured as an industrial concern who can attach fixed unit prices. I'm sure we would gladly pay greatly increased wages if someone will devise a marketing system which will give us the necessary increase in revenue. Wouldn't it be nice to go to a Government commission and apply for a price increase on a product? They would audit us and state that "No, you're not getting your 5% or 6% return." And "Therefore, we decree that all top grade lemons will increase $1.25 per carton and oranges, $1.50 per carton."

Farm labor unionization is well on its way. Soon the small farm will dissolve. Also, some means of increased revenues to the growers will become a reality. The consumer will end up paying a great deal more for food.

Drew Pearson is a typical example of a negativist. He's a skeptic who simply can't accept fact. He does a lot of complaining, feels he's performing a service, and yet he's really offering no leadership and certainly no direction.

I'd like to own Limoneira. In that we get credit for ownership, it's a shame we don't reap more of the benefits.

If you have any questions, please let me know.

Sincerely,

ALAN.

PASSAGE OF H.R. 8176 TO AMEND THE FEDERAL VOTING ASSISTANCE ACT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, the right to vote is basic to a free society. On May 20, 1968, the House approved an important measure, H.R. 8176, designed to help guarantee this right for American citizens living abroad.

Mr. Speaker, H.R. 8176 takes the form of an amendment to the Federal Voting Assistance Act of 1955. This earlier legislation recommended to the States that they provide a simple, uniform procedure for absentee registration and voting by military personnel, the merchant marine, and civilians employed abroad by the Federal Government and their families.

Since the passage of the Federal Voting Assistance Act, almost every State has enacted liberalized absentee voting legislation in accordance with the bill's recommendations.

However, in 1955, when the Federal Voting Assistance Act passed, the great expansion of American business, cultural, and other interests abroad had just begun. The act, therefore, did not recommend that the States extend absentee registration and voting procedures to private citizens residing abroad. With a dozen years of hindsight, this appears to be a serious omission.

Today, Mr. Speaker, the number of private citizens temporarily living overseas has multiplied to the point where estimates range from a low of 750,000 to a high of 3 million.

Many of these citizens are effectively disenfranchised by distance. Twenty-three States and the District of Columbia require in-person registration. Moreover, other States which do not maintain such a requirement, nevertheless employ such cumbersome and restrictive absentee registration and voting procedures that their citizens residing abroad, as a practical matter, are prevented from exercising their right to vote.

Accordingly, Mr. Speaker, I am very pleased that the House has passed by unanimous consent H.R. 8176 to encourage the full enfranchisement of American citizens who are temporarily residing abroad. Specifically, H.R. 8176 recommends to the States—and I stress the word "recommend," Mr. Speaker—that they accord to such citizens the right to register and vote absentee by the simple, uniform Federal post card application procedure which has proved over 13 years of experience to be highly efficient and virtually fraudproof.

Mr. Speaker, I am proud to have been the author of H.R. 8176, and I am gratified for its cosponsorship by 12 of my distinguished colleagues in the House. I greatly appreciate its sponsorship in the other body by the distinguished chairman of the Subcommittee on Privileges and Elections, the Honorable HOWARD W. CANNON, of Nevada, and I am particularly grateful for the courteous consideration given to this proposal by the distinguished chairman of the House Elections Subcommittee, the gentleman from South Carolina [Mr. ASHMORE], and by the distinguished chairman of the House Administration Committee, the gentleman from Texas [Mr. BURLESON].

We have taken a long stride toward fulfilling the most fundamental obligation of our democracy—extending the right to vote to all of our fellow citizens.

THE NEED FOR SAFETY PRECAUTIONS IN THE DISTRICT OF COLUMBIA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There mas no objection.

Mr. ROGERS of Florida. Mr. Speaker, I believe the Congress had better check into who is actually in charge of setting regulations, issuing permits, and insuring safety precautions as to fire and other matters in the "city" that has been built within Washington.

I notice in the afternoon Evening Star there is a picture of an open fire.

I checked with the Department of the Interior, which evidently issued the permit for this construction of plywood and plastic huts. I asked if there had been any regulations requiring fireproofing of this construction material or any other building or sanitation codes, and was told "Well, it is a District of Columbia matter." When we checked with the District of Columbia it was stated, "No, it is a Department of the Interior matter."

I am concerned that a great tragedy could occur there, if fire breaks out in that plywood "city," and the responsibility will be directly upon the Department of the Interior for allowing construction in this park area of this nature. That is particularly emphasized because I asked the question, "Would you allow construction of this type in any other national park?" And Mr. Nash Castro, the Regional Director of the National Capital Park Service, said, "No, I feel sure this would not be allowed because of its flammable makeup."

I hope that the Department of Interior will get together immediately with the District of Columbia. They had better take precautions, because if a fire broke out in that area there is no telling what might happen, and any injuries or deaths would undoubtedly be blamed on the Congress of the United States.

BEWITCHED, BOTHERED, AND BEWILDERED

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAILLIARD. Mr. Speaker, by Proclamation 3847, President Johnson set aside today—May 22—as National Maritime Day, 1968 "to remind Americans of the importance of the merchant fleet to our national life." Events of this week clearly indicate that it is not the general public but rather the administration which needs to be reminded of the essentiality of a strong and viable American merchant marine.

Quite frankly, Mr. Speaker, to use the title of a once popular song, I am "Bewitched, Bothered, and Bewildered" over the words of this administration when compared to its deeds affecting the American maritime industry.

You will recall that on January 4, 1965, in his state of the Union message, President Johnson said that he would recommend a new policy for our merchant marine. Almost three and a half years later—on Monday, May 20, 1968—Secretary of Transportation Boyd presented an administration maritime legislative program—not a "new" policy—before a subcommittee of the Senate Committee on Commerce. This administration program contains provisions similar in concept and, yes, even in language, to those contained in the completely discredited Interagency Maritime Task Force, chaired by the Honorable Alan S. Boyd, when Under Secretary of Commerce for Transportation, which contained much of the philosophy of the then controversial Maritime Administrator, Mr. Nicholas Johnson, and which served as the focal point for a prolonged acrimonious and nonproductive debate, clouding the best congressional efforts to revitalize the American merchant marine.

In other words, Mr. Speaker, much to the chagrin of a concerned Congress, a concerned public, and most particularly, a concerned maritime industry, it would seem that this administration simply has been spinning its wheels over the past several years. We appear to be still laboring under what I refer to as the "Nick Johnson syndrome"—stating preconceived conclusions and then attempting to justify them rather than the more rational approach of having conclusions flow from reliable and well documented data.

One need only compare the following excerpts from the Interagency Maritime Task Force report of October 1965, and the testimony of Secretary of Transportation Boyd just this past Monday, to appreciate the basis for my skepticism:

First, ship construction subsidies:

Task force report:

> The Secretary of Defense and Commerce will jointly determine on an annual basis the level of private ship-building capacity required to meet national security needs which include military and civilian emergency requirements.

Secretary Boyd:

> The proposed legislation would authorize the Secretaries of Defense and Transportation to recommend jointly to the President the level and character of ship construction subsidies.

Second, foreign ship construction:

Task force report:

> After the level of shipbuilding to support national security needs has been met, ship purchasers would be free to build or repair ships abroad without subsidy support and without limitation as to the number of ships. These ships would be eligible for all privileges of U.S. registry including domestic privileges.

Secretary Boyd:

> After the necessary level of ship construction in U.S. shipyards has been reasonably assured, American ship operators will be permitted to purchase their vessels in the world shipbuilding market, and these ships would be accorded the same treatment as ships built in American yards.

Mr. Speaker, I hasten to remind this body that it was the Honorable Alan S. Boyd who, during Senate confirmation hearings held on January 11, 1967 on his nomination to the Cabinet post of Secretary of Transportation, was questioned as to the whereabouts of the controversial Interagency Maritime Task Force report and who stated:

> In the ash can, where it went immediately after it was published.

It would seem that Secretary Boyd has made a fast retrieval from the ash can into which he said he threw the report and has dusted it off for presentation to what he considers a naive Congress as a matter of expediency.

This is the same Secretary of Transportation who on Monday last when appearing before a Subcommittee of the Senate Committee on Commerce, categorically opposed S. 2650 and its companion bill, H.R. 13940, and others, notwithstanding the fact that subject to two excepted provisions, the legislation was the result of negotiations concluded about 6 months ago between Democratic congressional leaders and the President's representative, who was none other than the Honorable Alan S. Boyd. To quote the distinguished Senator from Alaska, Senator BARTLETT, concerning the origin of this legislation:

> In all other respects, complete agreement was reached, and *in fact the bulk of the technical drafting is the work product of*

technical assistance provided by Secretary Boyd's staff.

Perhaps the final and most telling insult to this Congress, however, occurred only yesterday—May 21—when, after the Secretary of Commerce declined, the Acting Maritime Administrator and the General Counsel of the Maritime Administration appeared before our Committee on Merchant Marine. Both of the witnesses refused to respond to questions from committee members either as to the maritime program legislation then pending before it, or the substitute proposal offered by Secretary Boyd before a subcommittee in the other body.

As a matter of fact, when responding to a question from the gentleman from Virginia, Congressman DOWNING, the General Counsel of the Maritime Administration stated "All of a sudden I have got a mental block." One might say, Mr. Speaker, that this entire administration has a "mental block" when it comes to the American merchant marine. However, the incident does clearly point up one need—early action by the Senate on the House-passed bill, H.R. 159, calling for the establishment of an Independent Federal Maritime Administration, which I am pleased to see the distinguished Senator from Alaska, Senator BARTLETT, has ordered to be scheduled for hearings on a date after the Memorial Day recess of the Congress.

I hope the Senate will act promptly and favorably on this bill and, if necessary, that both the Senate and House will override a Presidential veto. Time is running out and the administration has left us no alternative.

USE OF NATIONAL PARKS BY THE PEOPLE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include correspondence.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Speaker, I seek the advice of my senior colleagues in answering some of my constituent mail.

A few days ago I received the following letter from my constituent, Mr. John Hicks:

JEFFERSONTOWN, KY.

Hon. M. GENE SNYDER,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: I am considering making a trip to Washington to bring my family for a vacation and tour of the Capitol. I am thinking of bringing a trailer but in checking on camp sites I learn they are all out pretty far from the city.

I understand that you have a camp site near the Washington Monument with necessary sanitary facilities and utilities. This would be real convenient for me and my family. I would like to know what is necessary to get a reservation for the area and what rate if any I would have to pay. There would be me, my wife, my three sons and our dog.

Please let me hear from you soon as we want to make this trip right away.

Yours truly,
JOHN G. HICKS.

Mr. Speaker, I know that Mr. Hicks is a lawyer and I could not admit that the administration was likely to discriminate against him in the use of Federal property. In a "stalling move" I replied as follows:

MAY 20, 1968.

Mr. JOHN G. HICKS,
Jeffersontown, Ky.

DEAR MR. HICKS: I have your letter of recent date desiring to set up camp on the Mall. I believe there must be some mistake in view of the fact that on April 18, 1968, Secretary Udall said:

"I would think that our National Parks area . . . are parks for the use of all the people, and that we should follow the policies we always have. We have marches in parks and we have different kinds of activities in parks. But I think we are not—it would not be proper to turn park lands over to any group of people for permanent or temporary use for any kind of human shelter of any kind."

However, in an effort to get a direct answer to your inquiry, I have sent your letter to the Secretary of the Interior for a response.

Sincerely yours,
M. GENE SNYDER.

Today, I received the following letter from another constituent, A. A. Robinson:

ANCHORAGE, KY.,
May 17, 1968.

Congressman GENE SNYDER,
Jeffersontown, Ky.

DEAR MR. SNYDER: My family and I expect to arrive in Washington about August 1 on our vacation. I assume there will be a space available on the Mall for us to put up our tent. Since the Mall has been allocated as a place for campers, we think it will be much easier to get to the capitol, rather than have to commute from the present facilities outside Washington.

To assist you in your efforts to get us the necessary permit, our qualifications are as follows:

I have worked all my life and feel that now we have finally been able to put enough money aside, after taxes, to be able to attempt a trip to Washington. In fact, we feel that we own at least a small piece of this property.

We had not planned on any marches or demonstrations, even though we have to work to live, but if this is one of the qualifications we will have to ask to get us a parade permit, also.

One thing more I would like to know. Will there still be sanitary facilities and police protection while we are there, as there are in other national park camp sites?

The only other thing that might eliminate us is that we are white, we don't belong to any gangs of hoodlums, have never been arrested or filed bankruptcy. We have never looted any stores, engaged in a riot, or walked in any so-called peace marches, so you may have some difficulty, but anything you can do to get us a permit will be appreciated.

Your Constituent.
A. A. ROBINSON.

I plan to send him a similar "stalling letter" like I sent lawyer Hicks—but I know I cannot stall forever.

In anticipation of such mail, I wrote Secretary Udall on May 14, 1968, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 14, 1968.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: Each of the three summers that I have served in the Congress, I have had six or eight requests for information concerning public and private camp sites within the Washington area from my constituents. These requests came from camping enthusiasts—most of whom are, for financial reasons, campers so they can take vacations with a minimum of cost. Their economic station in life is, in many instances, such that they could not afford hotels and motels.

In the past it has been necessary for me to refer them to private establishments some fifteen or twenty miles away from the Nation's Capital which they are visiting. In view of the fact that you have established a public camping ground on the Mall, I would like you to furnish me information which I can supply to my constituent campers in response to their requests for camp site locations. Such a centrally located camp site will be most attractive to them and, as I understand it, these facilities are available free of charge.

In your response, would you please let me know what services and facilities are going to be available at this site for my constituents, what the camp-site charges, if any, will be, and all other pertinent information which professional campers would normally expect to receive.

Mr. Secretary, I do not anticipate any special consideration for my campers. I do not want you to think, because of this Congressional inquiry, that I expect any special services, facilities or any special consideration above those which are anticipated to be furnished in the coming days to the campers who are presently locating on the Mall.

In the same fashion, Mr. Secretary, I do not anticipate that this Administration which is pledged to eliminate discrimination will, in this instance, engage in any discrimination in the use of this public property in the way of availability, protection and services to others than those who are now being provided these services.

May I have your prompt response?

Respectfully yours,
M. GENE SNYDER.

Mr. Speaker, I have only been here for two terms, but a few of my seniors tell me I will not get a satisfactory answer to these requests. I believe I recall that the 1964 Civil Rights Act prohibits distribution of Federal funds to governmental units that discriminate, and I would hate for lawyer Hicks or constituent Robinson to file an injunction suit prohibiting the Interior Department from receiving any further Federal funds.

I would appreciate some advice from my senior colleagues as to how to cope with this problem.

COLUMBIA LAW SCHOOL FACULTY TALKS SENSE ON THE CAMPUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KUPFERMAN] is recognized for 15 minutes.

Mr. KUPFERMAN. Mr. Speaker, the many lawyers among our colleagues know that the right of dissent is one for persuasion and not for destruction or disorder.

Whatever the cause or the possible provocation, the shocking events of the last few weeks on the Columbia University campus have demonstrated the need for an understanding of the proper limits on demonstrations and protest.

The faculty of Columbia Law School, my alma mater, has stated the case very well, and I am pleased to bring to the attention of my colleagues their "declaration of confidence," as printed in

the New York Times, of Friday, May 17, 1968.

TEXT OF "DECLARATION OF CONFIDENCE" MADE BY 35 AT COLUMBIA LAW SCHOOL

(NOTE.—Following is the text of "A Declaration of Confidence in Columbia's Future" signed by 35 teachers and administrators of the Columbia Law School:)

Like the rest of Columbia University, the Faculty of Law has suffered grave disruption during the past several weeks. We believe that the suffering was needless. Because disorderliness threatens to become respectable among some students, we who are teachers or administrators in Columbia Law School join now in declaring our confidence in the orderly processes of change in American universities as well as in the larger society of which universities are a part.

THE ALLOWABLE LIMITS OF "CIVIL DISOBEDIENCE"

Organized protest is an eminently allowable activity, protected by the Constitution itself against interference by public agencies. Within independent universities like Columbia it is sanctioned by long practice and deep intellectual conviction of its worth. The permissible means of expressing disagreement with existing laws or policies are not, however, limitless. The limits are overstepped when protesters seize buildings or physically restrain the freedom of personal movement, in order to manifest dissatisfaction.

We do not assert that every act of "civil disobedience" is reprehensible. One way to challenge the validity of a statute is to ignore its commands, undergo arrest and prosecution, and then argue that the law is unconstitutional.

We recognize, too, that in rare instances persons whose voices might otherwise not be heard at all may engage in concerted violation of an admittedly constitutional law in order to proclaim their disapproval of it. In that situation, the violators are prepared to pay the penalty for their disobedience, hoping thus to dramatize opposition to the operative policies. Having in mind the difficulties sometimes experienced in drawing attention to public issues and to dissenting views, we cannot condemn this form of civil disobedience in every conceivable circumstance.

The Columbia episodes at the outset did not involve civil disobedience, but an effort to impose opinions by force. Without ascertaining whether other students shared their thoughts about academic and social issues, a relatively small group of students sought to immobilize the University until their conceptions of sound policy were adopted. Tactics like these have nothing in common with principled opposition or with democratic processes. They represented attempted intimidation.

The force of reason rather than the force of massed bodies must be the reliance of those who wish to influence a community guided by intelligence, as is Columbia. Disrupting institutional proceedings is an impermissible substitute for rational persuasion. Using muscles instead of minds to express dissent has no place in the academic setting.

We are confident that American students will themselves recognize the unwisdom of attempting to gain goals by illegal force. Violence begets violence. It beclouds rather than illumines issues. No problem that confronts Columbia or other American universities is beyond the capabilities of men who use the tools education has given them.

THE ISSUE OF PRIVACY

One action of the trespassers who occupied the office of the president of the university deserves special attention because it reveals with singular clarity the extent to which historic ideals have been flouted. The president's correspondence files were examined, and letters removed from them have been publicized.

The Fourth Amendment to the United States Constitution declares: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated. . . ." The provision of our Bill of Rights reflects the revulsion felt by Americans, no less now than in 1791, against unwarranted invasions of personal privacy. Modern law upholds the right of privacy against destructive intrusions by private individuals as well as public officials.

But apart from any question of criminal law violation—and apart from the merits of the substantive issues, or the motivations of the persons involved—ransacking and publicizing the president's files must be condemned as a violation of basic decency.

We are confident that responsible students feel no sympathy with those who have so grossly misbehaved.

THE ISSUE OF POLICE ACTION

On April 30, Columbia students were forcibly removed from the buildings and offices in which they were resolute trespassers. The university requested the aid of the New York police only after the trespassers had repeatedly refused to depart. The trespassers insistently demanded capitulation to their demands and an unqualified "amnesty."

In the light of the facts as they are known to us at this time, we believe that the university did not act unreasonably when, at long last, it called for the help of law enforcement officers so that the work of this academic institution could resume for the benefit of its thousands of students, the innocent bystanders in this controversy.

During and after the removal operation various policemen apparently committed acts of needless violence. We deplore those acts and strongly support vigorous investigation into their occurrence, not only with a view to disciplining malefactors among the police, but also with a view to strengthening police administration in the future.

To our knowledge the university's request and instructions—which were apparently reflected in the instructions given by high police officials—were directly aimed at forestalling the violence that later occurred. The deeds that have aroused campus indignation—an indignation we fully share—were those of policemen who ignored their orders.

A broader question has been raised about the propriety of summoning the police at all. As to that, we hold the view that students are not a privileged class, free to break laws that rest upon the community at large. When internal efforts to terminate lawlessness have proved unavailing, an educational institution should not flinch from the necessity of summoning others to its assistance.

We are confident that excessive force used by individual policemen is not condoned by either Columbia University or the City of New York. Its altogether deplorable occurrence should be investigated fully—without forgetting, however, that the possibility of police brutality was created in the first instance not by Columbia, but by unyieldingly lawless intruders into the university's structures.

THE ISSUE OF "STUDENT POWER"

Underlying many distrubances on American campuses, is the issue of "student power."

The appropriate role of students in formulating and administering academic policies deserves re-examination. We welcome an inquiry into the adequacy of existing mechanisms for expressing and considering relevant student views.

We remark, however, that some advocates of "student power" apparently seek the role of sole decider rather than adviser or even participant. Their opinions, they seem to think, must be adopted regardless of the weight of other opinions.

Without foreclosing further examination, we note now that students are markedly diverse in motivation, experience, and outlook. No tested means exists for ascertaining the true sentiment of students in a large university composed of many loosely federated divisions and faculties. Moreover, a student's career within a university is brief. Decisions that may seemingly meet some interest or need of the immediate moment may often be hurtful in the long term.

We strongly endorse the view that student opinions, whatever may be their tenor, should be known and properly considered. The efficacy of available means of assuring that consideration is now under intensive study.

We are confident that Columbia can and will find ways of strengthening decisional processes without converting them into perpetual mass meetings in which the loudest, not necessarily the wisest, counsels may prevail.

THE ISSUE OF DUE PROCESS

Much has been made recently of the University's alleged deficient practices in disciplinary matters affecting students. Committed as we are to law and order, we unqualifiedly support the principles that underlie the concept of due process. Fair procedure and reasoned judgment are its operative elements. We unhesitatingly assert that the university should always accord its students due process. Reinforcing existing safeguards against mistaken decisions is highly desirable, and we pledge ourselves to help in their perfection. We remark, however, that abusiveness seems not to have been characteristic of past disciplinary actions despite the absence of elaborate procedures.

We are confident that all elements of Columbia share the desire for disciplinary methods whose fairness is beyond challenge. The creation of impeccable procedures is a task well within the university's competence.

Charles D. Breitel, Earl V. Brown, William L. Cary, Henry P. de Vries, E. Allan Farnsworth, Wolfgang G. Friedmann, Nina M. Galston, Richard N. Gardner, Walter Gellhorn, Milton Handler, John N. Hazard, Alfred Hill, Carlos Israels, Harry W. Jones, Arthur O. Kimball, Oliver J. Lissitzyn, Louis Lusky, John G. Palfrey, Monrad G. Paulsen, Ellis L. Phillips, Jr., Richard Pugh, Willis L. M. Reese, Maurice Rosenberg, Albert J. Rosenthal, A. Arthur Schiller, Edwin G. Schuck, Willis E. Schug, Hans Smit, Joseph H. Smith, Malcolm L. Stein, Charles Szladits, Frank K. Walwer, William C. Warren, Herbert Wechsler, William F. Young, Jr.

Professors Robert Hellawell, Louis Henkin, William K. Jones and Michael Sovern, being involved in committee work for the university related to these recent events, have taken no position on the above statement.

MAYOR LINDSAY DISCUSSES PROPOSALS TO DEAL WITH UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. QUIE] is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, on Monday the Select Subcommittee on Labor of the Education and Labor Committee was honored to hear the testimony of the very outstanding mayor of New York, the Honorable John V. Lindsay.

Mayor Lindsay came before the subcommittee to discuss both Republican and Democratic proposals to deal with unemployment. Those proposals, on the Republican side, embrace private employers by way of a tax credit proposal—see H.R. 16303, 16304, and 16305—as well as public and private nonprofit employers through a proposed public service employment program—see H.R. 16623 and 16625. On the Democratic side there is a bill, H.R. 12280, to establish a public service employment program.

As mayor, John Lindsay has pioneered in efforts to decentralize city administration so as to involve city residents more actively in betterment of themselves, their city and its institutions.

He remains acutely aware of the need to harmonize and improve the many Federal, State, and local antipoverty efforts now underway, including various job training and employment programs, in order to focus these programs where most needed and avoid costly overlapping and duplication.

As one of 11 members of the President's Commission on Civil Disorders, Mayor Lindsay participated in the most comprehensive study to date of the urban-racial crisis, and is deeply committed to the implementation of the various Commission recommendations for action now at all levels of government and within the private sector, as well, to resolve the crisis. Indeed, since the report of the Commission has been published, he has been one of its most forceful and articulate champions.

The subcommittee and all concerned citizens were most interested in the mayor's remarks, because, as he himself stated, the principal proposal in the Commission's report was a call for millions of new jobs in the immediate years ahead—both private and public. As he points out:

> Ten weeks have passed since the Commission reported to the Nation. In the interim, a great Civil Rights leader has been killed. One hundred and ten cities have been convulsed by new disorders and an army of poor people is marching on Washington. Yet the Administration and the Congress have shown small enthusiasm for the positive, strong programs the Commission proposed.

Mr. Speaker, I offer for inclusion in the the RECORD, Mayor Lindsay's statement, in the hope that every Member will thus be enabled and encouraged to read and reflect upon his testimony. We are, Mr. Speaker, gripped by a massive paralysis of national spirit in the face of the most graphic demonstrations of need and neglect. As Members of the Congress, it is our responsibility to determine an appropriate response to such need, and to overcome the neglect. I am confident that the place to begin is with jobs, and so, I might add, is Mayor Lindsay, who appreciates fully the gravity of the present situation.

I include Mayor Lindsay's testimony at this point:

TESTIMONY OF THE HONORABLE JOHN V. LINDSAY

Chairman Holland, Members of the Subcommittee:

I have been asked to testify this morning on behalf of the United States Conference of Mayors and the Urban Coalition. As a member of the Executive Committee of both organizations, I want to express our deep disappointment because of the Federal government's failure to respond effectively to the recommendations of the Presidential Commission on Civil Disorders. The principal proposal in the Commission's report, as you know, was a call for millions of new jobs—private and public.

The President appointed the Commission to probe beneath the fire and anger of Detroit, Newark, and some fifty other cities that erupted in violence last summer. The Commission found no easy answers. We found no immediate resolution of the urban and human decay that finally resulted in civil disorder. But we defined the problem, and, like others before us, we called for action—"compassionate, massive and sustained."

We called for action without delay to meet a problem of the gravest national urgency.

Many agreed with our assessment of the problem and with our recommendations, but there were others who said that the time was wrong, that money was needed elsewhere and that the problem was too large.

We had hoped that our report would end this debate.

We had hoped that the choice we defined for the Nation had left only one acceptable alternative and we had hoped that the response would be decisive and significant.

Ten weeks have passed since the Commission reported to the Nation. In the interim, a great Civil Rights leader has been killed. One hundred and ten cities have been convulsed by new disorders and an Army of poor people is marching on Washington. Yet the Administration and the Congress have shown small enthusiasm for the positive, strong programs the Commission proposed.

Now, another summer is upon us and we have not convinced the people in the slums that our government truly wants to help them. We have not yet adopted an effective national policy of interest, concern, and, most important, action. The $75 million summer jobs supplemental appropriation is blocked in conference, and Administration support for the program has not been visibly energetic.

The Urban Coalition and the Conference of Mayors have endorsed the Commission's recommendations across the board, in employment, education, welfare and housing. But this morning I want to concentrate on the need that my experience—on the Commission and on the streets of New York City—has convinced me comes first: More and better jobs.

Unemployment and underemployment led the list of the Commission's priorities. We agreed that nothing else affected other social needs as much and that no other need was as important to the future of the cities.

Approximately 2 million Americans are unemployed in our country today. Another 3½ million people are working part time who ought to be working full time. Nationally, much of our poverty can be accounted for by the substandard wages received by 6½ million people who work *full time* and yet do not earn enough to climb out of poverty.

These problems are most intense among Negroes. Unemployment rates for Negroes generally are 2½ to 3 times that for whites. The subemployment rate—covering both unemployment and underemployment—in central city ghettos in 1966 was 32.7 per cent.

We have begun to realize recently that about one hundred of our major urban areas have been going through what amounts to a "secret depression" for the past fifteen years. Prosperity in most of the Nation's 4500 urban communities has obscured the hidden and growing pockets of despair and neglect that have been collecting in most of our central cities. The critical significance of employment, especially for those in the ghetto, is clear. The ability to have and hold a "good job" is, the Commission found, "the fundamental test of participation in American society." Yet the ghetto resident is confronted with fewer possibilities to obtain meaningful work and possesses eroded or underdeveloped skills with which to handle any job he does obtain. The result is that those who do find and hold jobs are concentrated in the lowest skilled and lowest paying positions.

The system is unconscionable to an individual, and it is manifestly wasteful in our society. Millions of Americans, more Whites than Negroes, live frustrated, useless, unproductive lives at a time when the demand for skilled labor is ever increasing. At the same time, as a result of the ghetto resident's low or nonexistent earning—and buying—power, our central cities deteriorate while the surrounding areas flourish.

It should not be surprising, then, that there is increasing frustration, alienation and hostility against society in the black communities of our cities. In the Commission's words: "The pervasive effect of these conditions on the racial ghetto is inextricably linked to the problems of civil disorder."

According to Commission data, most of the rioters last summer were Negro males between the ages of fifteen and twenty-five. Almost all of the rioters who had jobs were underemployed—in short-term, low-paying, menial positions which they regarded as beneath their education, their capacity and their dignity. Twenty per cent of those arrested had no jobs.

In the cities where violence broke out, Negroes were twice as likely as whites to hold unskilled jobs—part-time, seasonal and "dead end." Negroes earned less than whites in all the surveyed cities, averaging barely seventy per cent of the average white income. They were more than twice as likely to be living in poverty.

The Commission reviewed our current efforts—Federal, state and local—to meet these problems. We particularly studied programs in cities that have a reputation for receiving substantial Federal funding, but which experienced serious disorders last summer.

In Detroit, to use but one illustration, Federal contributions to employment and manpower training programs totaled $19.6 million in the first three quarters of 1967. Although the dollar figure is impressive, the money, it seems clear, did not accomplish enough: Detroit sponsored twenty-two Federally-financed manpower programs, such as the Neighborhood Youth Corps. Almost fourteen thousand trainees were enrolled. Yet the unemployment rate at the time of the riot in Detroit was 2.7 per cent for whites and 9.6 per cent for Negroes. The fourteen thousand job training slots barely matched the number of jobless whites, but more than sixty per cent of all the unemployed were nonwhite.

The figures exemplify the limited reach of our existing manpower programs. They don't include enough people, and they don't lead to enough good jobs.

In New York City, the resources available are inadequate, dwarfed by the magnitude of the need. We devote $1.4 billion a year to welfare, merely keeping people alive, but only $64 million to manpower training. Every month, fourteen thousand new people go on the welfare rolls, yet only a fraction of that number can be drawn into job training. Clearly, we are losing the struggle against dependency.

During the first two months of this year our neighborhood manpower centers recruited eighteen thousand people who were ready to enter a job training program or begin work on a job. There were only sufficient job openings or openings in training programs for four thousand of these individuals, which meant that fourteen thousand employables had to be returned to the streets with no jobs and no optimistic prospect of finding one.

In response to the panoply of problems faced, the Commission called on Congress for action governed by three principles:

That programs be mounted on a scale equal to the dimension of the problem;

That programs aim for high impact in the immediate future;

And that programs be undertaken with the initiative and the imagination that can change the failure and frustration that now dominate the racial ghetto and weaken our entire society.

Specifically applying these principles to the critical area of manpower programs, the Commission recommended a massive, unified manpower program to pull together the fragmented efforts now underway; to concentrate on the programs with a demonstrated capacity to create meaningful employment opportunities; and to add new programs where they show real promise of success. The Commission proposed the creation of 2 million jobs in 3 years, one million in the public sector and one million in the private sector.

The Commission recommended massive national action in this area only after noting that the financial resources of the cities are virtually exhausted. For example, the city's share of the tax dollar has declined from 50 cents in 1930 to 15 cents today, while the Federal share has doubled—from 33 cents in 1930 to 67 cents today. The state and local government payroll has jumped from 4 million workers in 1940 to over 8 million today to provide public services, while the number of Federal employees has gone from a million in 1940 to only 2½ million today. Half of our local increase has been in the field of public education alone. And we are still unable to meet the need.

Municipal government has reached its limit. If we are going to undertake a large scale job creation program, it will have to be a national effort.

The bills pending before this subcommittee advance in the directions recommended by the Commission. I would like to analyze some of these recommendations in greater detail with you.

Representative O'Hara's bill, H.R. 12280, provides for one million new public service jobs. In H.R. 16623, Congressmen Goodell, Quie and others have a more modest first-year proposal for 80 thousand public service jobs, in addition to the 220 thousand jobs they provide in the private sector under the bill presently before the Ways and Means Committee.

I cannot stress strongly enough the need to move forward. The 70 thousand new jobs requested by the Administration's JOBS program are plainly inadequate. On the basis of the Commission's findings, 300 thousand new jobs this year is the minimum acceptable response.

Public service employment must provide meaningful jobs—not dead end, make-work projects. The employment experience should add to the capabilities and broaden the opportunities of the employees to become productive members of the permanent work force. Our experience in New York has shown us the futility of providing jobs that have neither future nor meaning to an employee.

To create socially useful jobs, a public service jobs program should concentrate on the huge backlog of employment needs in parks, streets, slums, libraries and hospitals.

The job program should utilize the strengths of our Federal system so that much of the responsibility for solving the national employment problem will actually be given to local communities, where the unemployed reside and will work.

With our existing tax structure, Federal funds should be the major source of financial support for public service employment, but the actual employer should be state and local governments, nonprofit organizations, and private firms under contract.

The operation of the program should be keyed to specific, local unemployment problems and focused initially on those areas where the need is most apparent. This means that the program should have considerable flexibility, encouraging local initiative and easy adaptability to varied communities. In a city with a tight labor market and many unfilled industrial jobs, a public service employment program might concentrate upon those occupations where workers could gain the experience which would rapidly qualify them for those existing jobs.

Basic education, training, and counseling must, of course, be an integral part of any job training program.

Can we effectively train and employ the numbers of people w are asking be hired?

I would suggest that the answer lies in a close examinaiton of our recent experience.

First, public service employment has been expanding dramatically in the past two decades. State and local government alone have employed four million additional workers. Half of the public increase was in education. A large share of any future revenue growth from local taxes will be committed to these services on a permanent basis.

Second, we have been creating a network of manpower processing and developing agencies at the local level under five Federally-funded, locally-operated programs: OEO, MDTA, Vocational Education, Work Experience and New Careers. As a result, vast experience has been gained and a cadre of professional manpower personnel has been trained. The trained staff would be a ready-made resource for immediate national action when the funding becomes available.

Third, to find out how many socially useful jobs could be made available immediately, the Urban Coalition asked Dr. Harold Sheppard of the Upjohn Institute to survey a sample of major cities. Based upon a preliminary analysis of this survey, Dr. Sheppard has concluded that at least 141 thousand persons could be employed almost overnight in the 130 cities with population over 100 thousand. These would be jobs in regular city departments where supervisors are already available and work tasks are clearly defined. The Coalition estimates that if this sample were expanded to small cities, to county and state governments, and to jobs with private nonprofit organizations, it is likely that enough jobs could be found to put 500 thousand persons to work within six months.

In Dr. Sheppard's survey, the greatest number of jobs which could be filled immediately by unskilled and semi-skilled persons were in education, followed by police and fire protection, health and hospitals, social welfare, and parks and recreation.

A viable long-term solution to the problem of unemployment is not possible without the participation of private employers. As the Commission's Advisory Panel on Private Enterprise stated:

"We conclude that maximum utilization of the tremendous capability of the American free enterprise system is a crucial element in any program for improving conditions, in both our urban centers and our rural povety areas, which have brought us to the present crisis."

We stressed in the Commission Report the need to increase the amounts available to an employer under the OJT program to cover the expenses of participating in the program, including expenses for critically needed supportive services. We also recommended the use of tax incentives—with specific guidelines to ensure compliance—to increase the number of companies directly providing employment opportunities and training.

Direct grants for on-the-job training programs would be provided by increased appropriations under the MDTA, and tax incentives are being considered by the Ways and Means Committee. Senator Javits and Congressmen Goodell and Quie have introduced legislation in those areas that parallels in most respects the Commission's recommendations. I commend their bills to you.

The President's Commission called for a national corporation to be chartered to serve as the Federal government's primary instrument for job development in the private sector. This has been provided by H.R. 16623. The business community would play a major role in the corporation. The corporation would give employers a form of clearing house for personnel recruitment. With job development under the guidance of men from the private sector, familiar with its needs, job-seekers would stand a better chance of securing meaningful employment.

Both the O'Hara bill and the Goodell-Quie bill pending before you provide education and training programs to prepare those in public service employment for movement into the private sector. This was specifically recommended by the Commission and I urge that this provision be adopted.

The Commission also strongly recommended that special emphasis be given to the problem of motivating the hard-core unemployed. H.R. 16623 imaginatively provides that preference be given to local service companies owned by employees themselves. Thus, not only will these employees receive jobs, they will be jobs for their own corporations.

The Commission made a number of important recommendations that apply to both public and private sector employment and are adopted by HR 16623:

LOCAL COORDINATION

No matter how manpower programs are organized at the Federal or state levels, most of them must be brought together in the cities. Effective manpower programming requires interrelated services, including recruitment, counseling, placement, work experience, education, supportive training, follow-through and upgrading. Without a comprehensive system, the progress of an individual from unemployment to employment and on to better employment can never be assured.

This point is clearly recognized in Title One of the Economic Opportunity Amendments of 1967, which calls for Federal funding agencies to recognize in each community a "prime sponsor" with the capability for "planning, administering, coordinating and evaluating a comprehensive work and training program."

The Goodell-Quie bill wisely recognizes the value of this concept by providing that funds under the bill are to be channeled through "prime sponsors" under the Economic Opportunity Act wherever they exist. This is a rare example of the kind of coordination between different pieces of legislation and different Federal agencies which will enable cities to unify their programs.

LOCAL TAKEOVER

The Commission stressed that the termination of a project and Federal funding must not be allowed to mean the end of employment. We suggested, instead, that Federal assistance be gradually phased out rather than cut off suddenly. In this way local governments, state and city, may be able to absorb part or all of the programs. This is accomplished by H.R. 16623.

SUPPORTIVE SERVICES

Unlike some people who come to industry lacking only the knowledge of a specific training or trade, the hard-core unemployed often have severe health problems, cannot afford the transportation costs from home to job, have no experience in the management of their money, and have dependents or children who need constant supervision. The average applicant has only a fifth grade literacy level. Even more discouraging, to potential employers, especially, is the fact that almost half of the men reporting have criminal records.

H.R. 16623 provides or reimbursement of the full range of supporting services to cope with these factors. It explicitly recognizes that these services are to be treated as an integral part of the process of providing employment opportunities.

RECOMMENDATIONS FOR ADDITIONAL LEGISLATION

Most important, in both the public and private sector, is the development of programs to increase the upward mobility of minority groups once they obtain jobs. The Commission found that the percentage of Negroes in two of the lowest paying job categories, clericals and unskilled workers, is almost three times the percentage of whites employed in each of these areas. At the other end of the spectrum, the percentage of whites in the highest job levels, as managers and professionals, is three times the percentage of Negroes so employed.

In the words of Commission report: "This concentration of Negroes in the lowest paying, lowest skilled positions, is the single most important source of poverty among Negroes. It is even more important than unemployment."

In support of this argument, the Commission provided the following hypothetical calculation: If the percentage of Negroes unemployed was reduced to that of whites unemployed, 3.3 per cent, the income gain for nonwhites would total about $1.5 billion a year. However, if the nonwhite men currently employed were upgraded so that they had the same occupational distribution and incomes as all men in the labor force considered together, it would produce about $4.8 billion in additional earnings for the Negro community.

A job advancement program will be difficult to write. It will require sophisticated, innovative mechanisms to deal with such factors as discrimination in promotion policies. Because of the complexity of the task involved, employers, both public and private, should be brought into the legislative process to render advice and give guidance. They might consider, with this subcommittee, such policies as:

Federal subsidies for training workers on the job for higher positions; training supervisors to help subordinates move up; and provision of funds to hire counsellors to advise employees on the most effective ways of advancing their careers. Another important program would be to insure that we fully utilize the talents of returning Vietnam veterans, many of whom are not only employable, but capable of handling middle-management responsibilities as a result of their military experience.

Stepping back from the details of specific programs, several things are clear:

Unemployment is a serious problem for the country generally, but especially for residents of our central-city areas. At the same time, our cities face increasing demands for services which basically can be met only with increased manpower. But local government, for a variety of reasons, cannot fund such expanded services, leaving us with willing employers facing potential employees across a widening fiscal gap. Only the Congress has the means and the capability to join the two.

We also know that there is increasing unrest among the unemployed and underemployed. They have learned that poverty and arbitrary barriers to personal improvement are no longer inevitable. This unrest has been translated into action, but I do not agree with those who equate activity with destruction. The marchers on Washington come not to pillage but to petition. The bonds of our society are still intact. The issue facing us today is not how to deal with a fragmented society but what we are doing to hold our society together.

Exhortations, promises and rhetoric are irrelevant; what is imperative is performance.

You have before you bills that, when passed, will demonstrate our intention to meet the needs of the present before they become the tragedies of the past. As the Commission noted, we need to seek not so much the solution to our problems as the will to solve them.

Thank you.

NEW SECTION 236 MORTGAGE INTEREST SUBSIDY FOR NEW YORK'S MITCHELL-LAMA HOUSING PROGRAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the administration's housing bills, H.R. 15624 and S. 3029, contains a new section 236 of the National Housing Act which provides a mortgage interest subsidy program for middle-income housing where the mortgage is insured by FHA and the requirements of section 221(d)(3) are satisfied. This substitutes a direct subsidy of private market rate loans for FNMA takeouts. I discussed this provision when I testified on April 3 before the Housing Subcommittee of the House Committee on Banking and Currency on the administration's housing bill and the various housing bills which I have introduced.

Since I testified, New York City authorized 15-percent rent increases in 40 middle-income housing projects.

The New York State Mitchell-Lama middle-income housing program has become endangered by rising costs and by the credit squeeze to such an extent that an amendment to H.R. 15624 is in order to help rescue that program and similar programs in other States.

I have recommended to the chairman of the House Banking and Currency Committee, the chairman of the Subcommittee on Housing, and the Secretary of Housing and Urban Development that the administration's bill include in the new interest subsidy program loans made by a State or municipality, or an instrumentality thereof.

Under the Mitchell-Lama middle-income housing program, New York State floats bonds, the proceeds of which may be loaned to private sponsors of middle-income housing who agree to limit their rate of return. In most cases local real estate tax abatement also helps to keep down rentals.

New York City has a similar program. Under this program, attractive urban housing was formerly available at less than $30 per room per month. Families with incomes in the $7,000 to $12,000 range could not find comparable unsubsidized housing. The average cost per room per month has risen steadily from $17 in 1953 to $26 in 1961 to $38 in 1968. New housing is now coming in at a cost as high as $42 per room per month.

As a result of the credit squeeze, the cost of money to the State and city has increased to 4¾ percent, and a loan under the city Mitchell-Lama program now costs a private developer 5¼ percent interest. Rising construction and maintenance costs have added to the squeeze. Apartment rent for a family of four at $170 per month prices these apartments out of the range of families earning less than $10,000 a year.

The New York City Housing and Development Administration recently authorized rent inceases of up to 15 percent on 40 Mitchell-Lama projects.

Therefore, I have proposed that the new mortgage interest subsidy program proposed as new section 236 of the National Housing Act in the administration's housing bills, H.R. 15624 and S. 3029, be made applicable to State and municipally financed housing as well as housing financed with private loans by amending new section 236(b) as follows:

> On page 31, line 15 of H.R. 15624 delete the period and add the following: "*Provided*, That interest reduction payments may be made with respect to a rental or cooperative housing project owned by a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or cooperative housing corporation, which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section."

In the long run this proposal will be less expensive to the Federal Government. Under the proposed section 236, as it now stands, the Government will subsidize the equivalent of 5¾ percent interest on the outstanding principal of a privately financed 6¾ percent market loan to reduce it to 1 percent. But to reduce a 5¼ percent Mitchell-Lama loan to 1 percent will cost substantially less—only 4¼ percent. This is not a "double subsidy," since the State or municipality does not subsidize the interest rate; it simply offers a below-market interest rate based on the rate it pays to holders of its bonds.

Since the creation of the Federal rent supplement program, I have introduced legislation to extend it to Mitchell-Lama type housing. In the 90th Congress my bill, H.R. 1234, would amend the rent supplement program to permit State or municipality financed housing to have rent supplement tenants. I am pleased that the Senate Subcommittee on Housing has amended S. 3029 so that Mitchell-Lama housing and similar housing built through direct loan programs in five States in addition to New York may be eligible for rent supplements. This is a welcome addition. However, if such housing is made eligible for rent supplements without being eligible for the mortgage interest subsidy, there will be the anomalous situation of bringing this housing within the range of low-income families, but pricing it too high for middle-income families.

A natural complement to the Senate committee action would be to make publicly financed, privately built housing eligible for the new mortgage interest subsidy program. Otherwise, many urban middle-income families will no longer be able to afford decent middle-income housing. With conventional financing a two-bedroom apartment in New York City costs at least $275 per month. Therefore, some form of subsidy is required to construct any housing renting for less.

This amendment would be of benefit in Connecticut, Illinois, Massachusetts, Michigan, and New Jersey, which have direct loan programs similar to the New York Mitchell-Lama program.

When the House Subcommittee on Housing marks up the administration bill, I hope that it will adopt my amend-

ment, which is urgently needed if housing is to be built for middle-income families.

DISTORTION IN THE NEWS MEDIA

The SPEAKER pro tempore (Mr. Cabell). Under previous order of the House, the gentleman from Alabama [Mr. Nichols] is recognized for 5 minutes.

Mr. NICHOLS. Mr. Speaker, last night, CBS presented an hour long documentary entitled "Hunger in America." This program was another good example of how the news media can distort reporting by omitting a part of the story. In my State of Alabama, they chose to show the worst case they could possibly find. A woman who had 10 children and was expecting another was interviewed. She told a pitiful story, although I doubt seriously that she is unable to get any help whatsoever as she intimated. I am sure they could have found a similar situation right here in Washington or any other big city.

What they failed to report was what my State is doing to help those people who are truly unable to help themselves. As of today, every one of Alabama's 67 counties, with the exception of one, either has a commodity program or the food stamp program in operation, or has an application pending for one of the programs. The one county which has no program has made plans to submit an application shortly.

During the month of April, commodities totaling $1.4 million and food stamps totaling $386,000 were distributed free to a total of 258,000 people in my State. This, of course, does not include the seven counties which will soon begin a food stamp program. Last year, more than $20 million dollars worth of free food or stamps was distributed.

Alabama is making every effort to eliminate all hunger and malnutrition, and this should be the story CBS reports. Our State commissioner of pensions and securities says he was not contacted in any way by CBS in an effort to find out what Alabama was doing. We are concerned about the health of our poor people, and we want to help, and are helping those who are unable to help themselves.

Mr. Speaker, much has been said about the starving people in America recently. Much has been written and many statistics have been produced to show that hunger and malnutrition is widespread across our land. The chairman of the House Agriculture Committee, Chairman Poage, has polled county medical officers in the so-called poorest counties of the Nation to get their comments. A portion of those comments are included in an article in this week's U.S. News & World Report, and I think it reveals some facts and figures CBS overlooked. I would like to insert this article at this point in the Record:

Facts on "Starving Americans"—Reports From Back Home

(Note.—Is it really possible that people are starving in affluent America? That is being asked after a citizens' group reported that 256 U.S. counties are plagued by hunger. An answer comes from the counties themselves—from health officials who are in day-to-day contact with the nation's poor people. In letters to the chairman of a congressional committee, they give a forthright appraisal of actual conditions in their own localities.)

A wave of concern over hunger and starvation has swept across the U.S. in recent weeks, touched off by news stories and editorials that followed the release April 22 of a report entitled, "Hunger, U.S.A."

This report stated that at least 10 million Americans are suffering from chronic hunger or malnutrition. It listed 256 counties in 20 States as "hunger areas" involving "desperate situations."

Findings were based on a study by a private group known as the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, with headquarters in Washington, D.C.

A sequel is being written to "Hunger, U.S.A." It is found in letters from health officials in nearly half the 256 counties that were cited as "hunger areas." Most of these officials are physicians or registered nurses.

Their letters were sent in response to a request from Representative W. R. Poage (Dem.), of Texas, who is chairman of the House Committee on Agriculture.

On April 27, Representative Poage wrote to health officers of each of the 256 counties, asking two questions:

1. Do you have any personal knowledge of any actual starvation in your county?

2. Do you have any personal knowledge of any serious hunger in your county occasioned by inability of the individual either to buy food or to receive public assistance?

As of midmonth, replies from 125 of the 256 counties had been received in Mr. Poage's office. In these letters, local officials who see the underprivileged people of America at first hand, tell their side of the story about hunger, malnutrition and starvation in the U.S. Excerpts from many of the letters follow.

Mississippi—Yazoo and Humphreys Counties. Dr. John V. James, director of the county health departments:

"Approximately a year ago . . . a citizens' group visiting areas of our State that include the two counties of which I am health director . . . gave a very distressing picture of poverty and especially hunger and malnutrition among the children of this area.

"By autumn of last year, our State Medical Association became so concerned that they sent teams of doctors from the University of Mississippi to these areas to investigate. Their report showed very little malnutrition and no hunger.

"This same citizens' group . . . disputed this finding. . . . The U.S. Public Health Service sent a team from an Ohic medical school down in January of this year to do physical examination and laboratory work on these so-called malnourished children. A report of each child examined was left in the health department.

"These reports showed every child to have a hemoglobin reading [an indicator of anemia stemming from malnutrition] within normal limits, but most all showed some form of intestinal parasites. . . .

"I do not have any knowledge of any actual starvation in my two counties. . . . I do not have any knowledge of any serious hunger occasioned by inability of individuals either to buy foods or to receive public assistance."

Florida—Washington County. Dr. W. G. Simpson, county health officer:

"I have no personal knowledge of any actual starvation in this county. My two public-health nurses of long years' experience in the county also have no knowledge of such conditions existing.

"The few malnourished individuals I see in the health department occur usually from ignorance of proper foods rather than inability to obtain them, such as an 11-month-old infant seen today that was severely anemic and malnourished—the first child of a mother who has not been taking proper care of the baby—practically all-milk diet, deficient in iron, etc."

Kentucky—Powell County. Dr. Linda S. Fagan, health officer:

"No! I know of no serious hunger in Powell County occasioned by inability of the individual either to buy food or to receive public assistance. Those persons who have no means of support or are unable to work do receive public assistance in the form of money and food. . . . I have not found a case of a person who was truly disabled with no means of support who was unable to qualify for public assistance."

Montana—Wibaux County. Dr. Clarence A. Bush, county health officer:

"I will pay $100 to any selected charity, if anyone will find in Wibaux County, Mont., or any adjacent county in Montana or North Dakota, one individual who has suffered for lack of food, or any other necessity of clothing or shelter, medical or hospital care and attention for any reason other than misuse, or failure to notify this correspondent or any other person in authority. I do not believe one can be found who has so suffered, even from these reasons of misuse or failure.

"For 25 years, I have known almost every resident of this and adjacent communities, and I say no such condition exists or has existed in that time. On many occasions of fire, storm, or other disaster, the citizens have responded with cash gifts of $1,000 or more to help those families so affected, and in not one instance has the welfare board ever refused any request that I have ever made for medical assistance, no matter how expensive it turned out to be."

Texas—Frio County. Dr. Emmett N. Wilson, health officer:

"I do not know of any family in Frio County that is suffering from hunger or malnutrition. There are no doubt borderline cases where persons are not eating a proper diet, but this is usually due to their own choice of foods. . . .

"Any family, if in need, is eligible for welfare aid and surplus commodities (from the U.S. Department of Agriculture, distributed through county offices). Even aliens are given aid in obtaining groceries by the county. Where anyone could have obtained any information listing this area as one of the 'hunger counties' I do not know."

Georgia—Greene, Morgan and Oconee counties. Dr. G. B. Creagh, district health director:

"There are no instances of actual starvation in any of these counties to my knowledge, nor any county in which serious hunger exists. . . . It is of interest to note the almost total absence of the deficiency diseases in the South today. Pellagra, beriberi, scurvy and rickets are examples of deficiency diseases that we would expect to find in an area where major undernutrition exists. . . .

"We are all sensitive to the possibility of a child's going hungry and this of course does happen. However, there have been several group studies on children and child development in this area in past years, and none . . . has reflected a major problem relative to undernutrition in children."

Virginia—Accomack County. Dr. Belle D. Fears, director, county health department:

"Having been born in Accomack County and having been a general practitioner for 15 years . . . I was well aware that much of the local employment depends on agriculture and is therefore seasonal, and that the average per capita income is well below the national average. However, I was not aware of widespread hunger and malnutrition. . . .

"There is only one situation that I have found recently and think can be improved. In some schools in the poorer communities there are not always enough free lunches to go around. . . . I believe that local officials can get together and reapportion the surplus food, ask for more, or make other adjustments. . . .

"I have two questions to which I would like to find an answer. How did the 'Citizens' Board' make its inquiry? In my recent investigation into the hunger problem, I find that no one in the health department or welfare department has been interviewed, no one has asked the school nurse any questions about hunger, and no one has seen any strangers inquiring about hunger. I would like to know how the 'Citizens' Board' arrived at its conclusions about hunger and malnutrition here and elsewhere in the United States."

Alabama—Randolph County. Dr. John G. Baxter, county health officer:

"I have, as county health officer, examined a great number of children each year who are entering the elementary schools for the first time.

"I can truthfully say I have never seen a hungry, malnourished child regardless of race, color, creed, or religion. The other members of the County Medical Society will attest to that statement."

Colorado—Conejos County. Mrs. Dixie Moulton, registered nurse, county public-health nurse:

"In many cases I am inclined to agree with your statement [Representative Poage's] that there is a problem of education and decision. I see innumerable children who are participating in the lunch program who wastefully dispose of most of the food served them. I feel that hungry children would eat. . . .

"We feel that there are many needy who do not participate in the food-stamp program . . . because of the inflexibility of the program.

"The possibility of hunger does exist, but I do not have knowledge of specific cases that couldn't be cared for. My contact with the population is limited because I am the only nurse in the county. Improvement of the flexibility of the food-stamp program would make it more beneficial to many."

Arkansas—Mississippi County. Dr. J. E. Beasley, medical director, county public-health department:

"It is my opinion that our county is not in great distress from a starvation standpoint. Neither do I feel that there is any gross presence of malnutrition. I arrive at this opinion from personal observation in contact with the low-income and indigent group and also from close questioning of my public health nurses who have a greater and closer contact with these groups than I do.

"The abundance of payroll checks and food stamps being disbursed by the welfare department, the hot-lunch programs in our school systems, the ready assistance available at our county mission, and the many efforts made by voluntary agencies to distribute food and clothing to the needy, makes a profound difference in the availability of food to needy unemployed and indigent families."

Mississippi—Tunica County. Dr. Cecil C. McKlemurry, director, county health department:

"I have no personal knowledge of a death in Tunica County due to outright starvation from lack of food [although] there are instances where death has occurred with malnutrition as an underlying cause.

"There are also a large number of children living in the county that suffer from malnutrition. Most of these children live in homes that have no family social structure. Eighty per cent of the population of this county is Negro-American with wide acceptance of birth out of wedlock as a normal way of life.

"Children born into such a home are deprived in many ways. They have no father to support them and their mother cannot work while having a new baby almost every year. . . . More jobs, better education, instruction of job skills, giving away food are measures that can help, but they overlook the No. 1 cause of malnutrition in these children—absence of family structure. . . . Some measures need to be taken to make it worthwhile for adults to become married to raise their families. As it stands now, this promiscuous relationship is actually being financed and subsidized by welfare and giveaway food programs. . . . The churches and religious leaders could do more for the people by instruction. . . . Unless a new approach is taken, I remain very pessimistic toward the future as far as eliminating malnutrition is concerned."

Illinois—Alexander and Pulaski counties. Margaret Cotton, registered nurse, acting health officer:

"I feel that I can say with truthfulness and confidence that to my knowledge there is no one in Alexander or Pulaski County starving to death. To verify this, I called on the two public-aid departments and the physicians in this area and they, too, agree that to their knowledge no one is starving. In regard to the clinics this health department serves, the clinicians assure me that none of these patients is undernourished. Even though we are in a low economic area, I'm happy to say that with the help of the various welfare agencies we are able to help our [poor] people with their health and welfare problems."

THIRTY-SIX MILLION AMERICANS GET SOME FREE FOOD NOW

About 36 million Americans—mostly children—share in the Federal Government's food programs. Cost of the food will be 906 million dollars in the year ending June 30. As to who gets it:

12.5 million children get free lunches at schools.

6.5 million children get lunches at less than cost, with the aid of surplus food from federal stocks.

10 million children get free milk at some point during a school day.

6 million people get surplus-food packages, or help through the food-stamp plan.

1.3 million people benefit from donations of food to charitable institutions and summer camps for needy children.

160,000 children in low-income areas get free meals from a new breakfast program at schools. (Source: U.S. Dept. of Agriculture.)

HOW HUNGER STUDY WAS MADE

From the "Hunger, U.S.A." report, issued by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, a private group headed by Walter Reuther, president of the United Auto Workers Union:

". . . We have held hearings in Hazard, Ky. (covering mountain counties of eastern Kentucky, southern West Virginia and southwestern Virginia); San Antonio, Tex. (covering also counties of the Texas Rio Grande Valley); Columbia, S.C. (covering counties of Georgia as well as South Carolina), and Birmingham, Ala. (covering also counties of Georgia, as well as rural Alabama). We made one field trip each into east Kentucky, the San Antonio area; two into Mississippi; one to the Navajo reservation of Arizona and one to the Indian country of South Dakota; two into the migrant-labor camps of south Florida, and one each into the slums of Boston, Washington, and New York City. . . . The field visits were made by a Board team, including a physician and/or nutritionist. . . .

"The Board also solicited co-operation and material from State and federal agencies, food industries, physicians and appropriate private agencies in a broad attempt to gather all available information. . . ."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MESKILL) and to revise and extend their remarks and include extraneous matter:)

Mr. HOSMER, for 5 minutes, on May 23.
Mr. KUPFERMAN, for 15 minutes, today.
Mr. QUIE, for 15 minutes, today.

Mr. NICHOLS (at the request of Mr. SMITH of Iowa), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WHITENER to extend his remarks during consideration of House Resolution 814 and include extraneous matter.

(The following Members (at the request of Mr. MESKILL) and to include extraneous matter:)

Mr. RHODES of Arizona.
Mr. GUBSER.
Mr. MINSHALL.
Mr. ASHBROOK in two instances.
Mr. WYATT.
Mr. WYMAN in three instances.
Mr. REINECKE.
Mr. MICHEL.
Mr. RAILSBACK.
Mr. WAMPLER.
Mr. BROTZMAN.
Mr. SCHERLE.
Mr. ROUDEBUSH.
Mr. POLLOCK in two instances.
Mr. GURNEY in two instances.
Mr. BURTON of Utah in 10 instances.
Mr. DOLE in two instances.
Mr. KLEPPE in two instances.
Mr. BROOMFIELD.
Mr. DERWINSKI in two instances.
Mr. KING of New York in two instances.
Mr. RUMSFELD in two instances.
Mr. LUKENS.
Mr. STEIGER of Arizona.
Mr. WYLIE.
Mr. BOB WILSON in two instances.
Mr. WATSON.

(The following Members (at the request of Mr. SMITH of Iowa) and to include extraneous matter:)

Mr. OTTINGER.
Mr. BARING.
Mr. RESNICK.
Mr. BROOKS.
Mr. HANNA in two instances.
Mr. RARICK in five instances.
Mr. CELLER.
Mr. DOW in two instances.
Mr. FOUNTAIN in two instances.
Mr. MATSUNAGA.
Mr. RODINO.
Mr. TENZER in five instances.
Mr. MACDONALD of Massachusetts.
Mr. DINGELL.
Mr. FALLON.
Mr. HAWKINS.
Mr. EVINS of Tennessee in three instances.
Mr. HUNGATE.
Mr. KYROS in two instances.
Mr. BOLAND in two instances.
Mr. MURPHY of New York.
Mr. PICKLE.
Mr. GATHINGS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3068. An act to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 126. An act for the relief of Pedro Antonio Julio Sanchez;

S. 233. An act for the relief of Chester E. Davis;

S. 1040 An act for the relief of certain employees of the Department of the Navy; and

S. 2409. An act for the relief of the estate of Josiah K. Lilly.

ADJOURNMENT

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 23, 1968, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1873. A communication from the President of the United States, transmitting proposed supplemental appropriation requests for fiscal year 1968 for certain agencies to carry out programs authorized or to meet unanticipated requirements (H. Doc. No. 317); to the Committee on Appropriations and ordered to be printed.

1874. A communication from the President of the United States, transmitting proposed amendments to the 1969 budget for certain programs and activities (H. Doc. No. 318); to the Committee on Appropriations and ordered to be printed.

1875. A letter from the Secretary of Commerce, transmitting the 83d quarterly report for the first quarter 1968, pursuant to the Export Control Act of 1949; to the Committee on Banking and Currency.

1876. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 54th annual report of the Board for the year 1967; to the Committee on Banking and Currency.

1877. A letter from the Acting Comptroller General of the United States, transmitting a report on the need to improve contractors' compliance with contract specifications in the construction of hospital buildings, Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELANEY: Committee on Rules. House Resolution 1181. Resolution providing for the consideration of H.R. 17324, a bill to extend and amend the Renegotiation Act of 1951. (Rept. No. 1414). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1182. Resolution providing for the consideration of S. 1028, an act to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes. (Rept. No. 1415). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14796. A bill to change the provision with respect to the maximum rate of interest permitted on loans and mortgages insured under title XI of the Merchant Marine Act, 1936; with amendment (Rept. No. 1416). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 2452. An act to provide for the adjustment of the legislative jurisdiction exercised by the United States over lands within the Crab Orchard National Wildlife Refuge in Illinois (Rept. No. 1417). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 7735. A bill to make permanent the existing suspensions of duty on aluminum oxide when imported for use in producing aluminum, on calcined bauxite, and on bauxite ore; with amendment (Rept. No. 1418). Referred to the Committee of the Whole House on the State of the Union.

Mr. HERLONG: Committee on Ways and Means. H.R. 15798. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk; with amendment (Rept. No. 1419). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 16654. A bill to continue until the close of June 30, 1970, the existing suspension of duties on certain forms of copper (Rept. No. 1420). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON of Tennessee: Committee on Ways and Means. H.R. 17104. A bill to extend until July 15, 1970, the suspension of duty on electrodes for use in producing aluminum; with amendment (Rept. No. 1421). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 16451. A bill to authorize the Secretary of Agriculture to cooperate with the several governments of Central America in the prevention, control, and eradication of foot-and-mouth disease or rinderpest (Rept. No. 1422). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 17002. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938; with amendment (Rept. No. 1423). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 322. An act to restrict the disposition of lands acquired as part of the national wildlife refuge system; with amendment (Rept. No. 1424). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2478. A bill for the relief of Josefina Policar Abutan Fuliar (Rept. No. 1405). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 5029. A bill for the relief of Maria Baluardo Frasca; with amendment (Rept. No. 1406). Referred to the Committee of the Whole House.

Mr. MacGREGOR: Committee on the Judiciary. H.R. 6673. A bill for the relief of Lee Ok Ja; with admendment (Rept. No. 1407). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 11322. A bill for the relief of Ricardo Siguancia Rosario; with amendment (Rept. No. 1408). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 12071. A bill for the relief of Sung Nan Lee; with amendment (Rept. No. 1409). Referred to the Committee of the Whole House.

Mr. DONAHUE: Committee on the Judiciary. H.R. 12378. A bill for the relief of Demetroula Georgiades; with amendment (Rept. No. 1410). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 12850. A bill for the relief of Ku Eun Yong (Rept. No. 1411). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 13863. A bill for the relief of Choi Sung Joo (Rept. No. 1412). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 13912. A bill for the relief of Angeliki Giannakou; with amendment (Rept. No. 14–13). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 17439. A bill to eliminate hunger in the United States; to the Committee on Agriculture.

By Mr. BOGGS:

H.R. 17440. A bill to create a marine resources conservation and development fund, to provide for the distribution of revenues from Outer Continental Shelf lands, and for Judiciary.

By Mr. CRAMER:

H.R. 17441. A bill to amend title 28 of the United States Code, "Judiciary and Judicial Procedure," and incorporate therein provisions relating to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 17442. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $1,500 of the annual income of a retired veteran; to the Committee on Ways and Means.

By Mr. DOLE:

H.R. 17443. A bill to provide for an investigation and study of future water needs of the Missouri River Basin; to the Committee on Public Works.

By Mr. McDADE:

H.R. 17444. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 17445. A bill to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped; to the Committee on Public Works.

By Mr. PODELL:

H.R. 17446. A bill to authorize preschool and early education programs for handicapped children; to the Committee on Education and Labor.

By Mr. PURCELL:

H.R. 17447. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 17448. A bill to amend the National Housing Act to provide for a national program to improve the availability of necessary insurance protection for residential and business properties against fire, crime, and other perils, through the cooperative efforts of the Federal and State Governments and the private property insurance industry, to provide rehabilitation assistance for low-income property owners whose properties do not meet reasonable underwriting standards, to authorize Federal reinsurance with appropriate loss sharing by the States against insurance losses resulting from riots and other civil commotion, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHADEBERG:

H.R. 17449. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for each dependent of the taxpayer who is permanently handicapped; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 17450. A bill to provide support for public elementary and secondary education in the United States; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 17451. A bill to amend title 5, United States Code, to provide certain services for Government employees in order to assist them in preparing for retirement; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 17452. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 17453. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 17454. A bill to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. QUILLEN (for himself and Mr. RIVERS):

H.R. 17455. A bill to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient; to the Committee on Armed Services.

By Mr. EDWARDS of Alabama:

H.J. Res. 1279. Joint resolution proposing an amendment to the Constitution of the United States to provide for the popular election of the judges of the Supreme Court, the circuit court of appeals and the Federal district courts; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.J. Res. 1280. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

By Mr. BARRETT:

H. Res. 1183. Resolution to authorize the printing, as a House document, of the committee proceedings honoring the start of the 40th year in Congress of Hon. WRIGHT PATMAN; to the Committee on House Administration.

By Mr. RUPPE:

H. Res. 1184. Resolution the Middle East nonproliferation treaty on conventional weapons; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17456. A bill for the relief of Letizia and Saverio Genna; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 17457. A bill for the relief of Roberto V. Castaneda; to the Committee on the Judiciary.

H.R. 17458. A bill for the relief of Manlio DeGrandis; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 17459. A bill for the relief of Gianfranco Sandri, and his wife, Fiorella Borgatti Sandri; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 17460. A bill for the relief of Armando B. Figueroa, M.D.; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 17461. A bill for the relief of Alfredo Augusto Maciel; to the Committee on the Judiciary.

H.R. 17462. A bill for the relief of Mrs. Maria Elvira Maciel; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 17463. A bill for the relief of Barba Francesco; to the Committee on the Judiciary.

H.R. 17464. A bill for the relief of Degennaro Sabato; to the Committee on the Judiciary.

H.R. 17465. A bill for the relief of Antonio Trinchese; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 17466. A bill for the relief of Graziella and Liboria Spinnato; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 17467. A bill for the relief of Slavko Firman; to the Committee on the Judiciary.

H.R. 17468. A bill for the relief of Edmund Kaminski; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 17469. A bill for the relief of Mr. Morris Moshe Chachmany; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17470. A bill for the relief of Thomas Dowling; to the Committee on the Judiciary.

H.R. 17471. A bill for the relief of Jose Costa Marques and Almerinda de Matos Sao Marcos Bom and their minor child; to the Committee on the Judiciary.

H.R. 17472. A bill for the relief of Amalia Placidi; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17473. A bill for the relief of Patria M. Cordero; to the Committee on the Judiciary.

By Mr. POLLOCK (by request):

H.R. 17474. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases; to the Committee on Interior and Insular Affairs.

By Mr. RESNICK:

H.R. 17475. A bill for the relief of Phillipp G. Leclercq; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 17476. A bill for the relief of Mohammed Mehdi Saghafi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

322. The SPEAKER presented a petition of the City Council of the city of Trenton, N.J., relative to truck size and weight limitation on interstate highways; to the Committee on Public Works.

SENATE—*Wednesday, May 22, 1968*

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God our Father, our spirits are restless until they find the rest of Thy presence; our hearts are empty, our lives barren, our plans futile, until Thou dost possess our very souls.

At this high altar in the temple of public service, maintain, we beseech Thee, in those who here represent the people, the fidelity of those to whom much has been given and from whom much will be required.

In our hearts, we cherish the golden heritage that has been given us through the virtue and valor of those whose records within these legislative halls have helped to make the greatness of our free land.

In the midst of all that saddens and perplexes in this difficult, yet splendid day, give us an inner radiance, not knowing that our faces shine, but humbly glad that in a world that lieth in darkness we are the children of the light.

In the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 21, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OBJECTION TO COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. CARLSON. Mr. President, I am somewhat embarrassed to object this morning, but I shall have to do so, at the request of the minority leadership. I say it is embarrassing for this reason: It has been my hope that the ad hoc committee of the Committee on Foreign Relations could meet this morning to discuss and hopefully recommend to the full committee that the International Grains Agreement of 1967 be approved.

This is an important treaty on which I had hoped we could get early action. It is important to the wheat producers of this Nation, and I believe it is important in another aspect. The International Wheat Agreement has in the past prevented a world wheat price war and has stabilized wheat prices worldwide. The new program, which is known as the International Wheat Agreement, in my opinion, would prevent a world wheat price war in the future, as it has in the past.

This important treaty offers two key advantages for the United States—better world prices for our wheat than without the arrangement, and a start on worldwide sharing of food aid.

It is with sincere regret that, at the request of the minority leadership, I must object to the meeting of all committees this morning. So I object.

Mr. MANSFIELD. Mr. President, I agree with what the distinguished acting minority leader, the Senator from Kansas [Mr. Carlson], has just said. It is an important agreement, and I hope it will be forthcoming shortly.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF TRANSPORTATION

The bill clerk proceeded to read sundry nominations in the Department of Transportation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FEDERAL MARITIME COMMISSION

The bill clerk read the nomination of George Henry Hearn, of New York, to be a Federal Maritime Commissioner.

The **PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

AN EXAMPLE OF THE POWER OF MONEY IN THE ELECTION OF A PRESIDENT

Mr. LONG of Louisiana. Mr. President, an interesting article entitled "Flood of Kennedy Money May Sway California Primary in Blitz," written by two of this Nation's ablest columnists, Rowland Evans and Robert Novak, was published in the Washington Post of Wednesday, May 22, 1968.

This article involves a problem that is very much the concern of the Senator from Louisiana. It is virtually impossible for a man of modest means to seek the Presidency of the United States with any hope of winning it, unless he is either the darling of certain vested interests, on the one hand, or, on the other hand, he is the Vice President of the United States, seeking to succeed the man who is the President.

This article is very enlightening, and it reminds me of a parallel situation that occurred some years ago, when the present Vice President of the United States, Mr. Hubert Humphrey, made an effort in West Virginia to win the primary election there. A very touching account of what happened there appears in the book "The Making of the President," by Theodore White; and I shall ask unanimous consent later that an excerpt from the book be printed in the Record.

The article also discusses the situation of an able U.S. Senator seeking to make his case to the American people when confronted with the enormous power that his opponent's money can achieve in a primary election. It is interesting to read the two stories in context.

I have no criticism at all of rich people who spend their money in an effort to achieve public office, or whose associates join in helping them provide the money. I merely say that it should be possible for those of modest means to compete and to make their case to the people.

This is a real problem, and I will undertake to provide some additional articles on this subject that appear in various highly regarded publications in the country, which help to emphasize the problem.

In my judgment, we in Congress owe it to the American people to provide a better answer than that which exists today to the problem of good men failing to have their case adequately heard or considered simply because they lack the means to make the case. I believe that Congress cannot continue to ignore this problem. I believe we have a duty to act.

I ask unanimous consent that the article by Evans and Novak and an excerpt from the book "The Making of the President" be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

FLOOD OF KENNEDY MONEY MAY SWAY CALIFORNIA PRIMARY IN BLITZ

(By Rowland Evans and Robert Novak)

LOS ANGELES.—The David-vs.-Goliath quality of the California presidential primary contest between Sens. Robert F. Kennedy and Eugene McCarthy is vividly reflected in a visit paid two weeks ago to a major Los Angeles radio station by a man from an advertising agency representing Kennedy.

The Kennedy operative blandly asked to buy *all* the station's available air time between May 20 and Primary day, June 4. Amazed, the station made the deal. The incident was by no means isolate. The Kennedy campaign, at an immense cost, has pre-empted much of the available time on both television and radio in the Los Angeles area in a media blitz that began on Monday, May 20.

Actually, if McCarthy could scrape together enough money, the stations would be forced, under Federal regulations, to make time available to him, but the point is that McCarthy cannot begin to compete with Kennedy in terms of money, staff personnel, or campaign expertise and for that reason cannot hope to win this climactic primary.

The contrast in terms of money is particularly sharp. The unannounced Kennedy advertising budget for all media in California is $2 million. That means total Kennedy spending here could reach $4 million, unprecedented for a primary election campaign even in this State accustomed to uninhibited political spending.

With Vice President Hubert Humphrey's well-heeled supporters here having made a calculated decision against subsidizing McCarthy, his campaign is grossly underfinanced. McCarthy may be able to buy $300,000 in radio-TV time here only because of an eleventh hour infusion of money from last week's McCarthy rally in New York.

The McCarthy war chest is so empty that a McCarthy staffer from New York, Joe De Cola, is here in a desperate last-minute search for money from conservative Republican fat cats who might be willing to help McCarthy to stop Kennedy.

Kennedy's advantage here is nearly as great in terms of staff. Fully 55 Kennedy staffers from the East, many of them battle-scarred veterans of past Kennedy campaigns, are here for the duration of the campaign and living fulltime at the Ambassador Hotel.

In addition, Assembly Speaker Jesse Unruh, Kennedy's California Chairman, has set up an elaborate organization to get out the vote—particularly the overwhelmingly pro-Kennedy Negro and Mexican-American vote—on June 4.

McCarthy's staff organization is adequate in Northern California, but his operation in Southern California has been an exercise in sheer chaos—and Southern California is where the votes are.

For that reason, McCarthy has personally assigned Curtis Gans, his abrasive but effective Chief of National Political Operations, to take charge of the Los Angeles operation.

More serious than the disorganization in Los Angeles has been the lack of a rational plan for California devised by McCarthy's national campaign planners. His California supporters have been furious over a schedule that has put McCarthy in Florida for days while ignoring their pleas that he harvest conservative California votes in the Agricultural San Joaquin Valley. To their despair, McCarthy's national schedulers have not put him in the Valley until the campaign's last week.

Kennedy's campaign here has by no means been free of severe internal stresses. Consider the behind-the-scenes tensions surrounding Kennedy's campaign visit last week to the University of California campus at Davis.

Unruh privately complained that Kennedy is wasting his time on college campuses and ought to be wooing anti-Kennedy Southern Californians in the middle-income suburban tracts. Kennedy's national strategists reply that Unruh does not understand the "new politics."

There are private recriminations between Unruh lieutenants and two Californians on Kennedy's national staff—Frederick G. Dutton and Frank Mankiewicz.

But there are signs Unruh is making his point. Kennedy himself could not understand the rationality of his visit to the Davis campus. Moreover, Unruh has a good relationship with Kennedy brother-in-law Steve Smith, who, as Supreme Commander of the California campaign, has ordered subordinates to stop leaking anti-Unruh material to the press.

The outcome of such tactical disputes may determine whether Kennedy's win here is big enough to give him momentum for the nomination. But it is certain he will run ahead of McCarthy. Unbiased professional politicians here believe McCarthy might have made a battle of it could he approach Bobby's juggernaut in terms of money and staff, but now that will never be known.

EXCERPTS FROM "THE MAKING OF THE PRESIDENT"

Already heavily in debt for his Wisconsin campaign ($17,000 of unpaid debts hung over his head as he entered West Virginia), Humphrey had exhausted every resource and friendship he knew to raise money for this new campaign. He had been deserted now by all the old labor leaders for whom he had battled so heartfully for so many years in Washington; they wanted him out after the Wisconsin primary; they would give him no help here. And where desertion was not voluntary, the ever-efficient Kennedy organization, knowing its own fate to hang in the balance, moved to chop off the flow of support. In New York, from which so much Stevenson money had originally come to Humphrey's coffers, Governor Abraham Ribicoff,[1] acting on Kennedy's instructions, warned all Stevensonians that if they continued to finance the hopeless campaign of Hubert Humphrey, Adlai Stevenson would not even be *considered* for Secretary of State. Where necessary, Kennedy lieutenants were even rougher; in Connecticut, Boss John Bailey informed former Connecticut Senator William Benton, publisher of the *Encyclopaedia Britannica*, that if he continued to finance Humphrey (Benton had already given Humphrey $5,000 earlier in the spring), he would never hold another elective or appointive job in Connecticut as long as he, Bailey, had any say in Connecticut politics—which is a statement equivalent to permanent political exile in the Nutmeg State.

Strangled for lack of money (Humphrey's expenditures in West Virginia were to total only $25,000—nothing, in the scale of American politics), knowing himself in debt, aware of the nature, depth and resources of this final Kennedy drive, as the final week end approached Humphrey became a figure of pathos. He needed advertising, he needed workers, above all he needed TV to show himself across the state.

I remember the final Saturday morning, shortly after it was revealed that Kennedy's TV expenditures alone across the state had mounted to $34,000. Humphrey had had but four hours' sleep that morning and was up at seven, prepared to barnstorm north from Charleston in his bus on a rainy morning; at that point one of his assistants informed him that the TV stations that had booked him for a Sunday night half hour were threatening to cancel unless they were paid that day, cash in advance, for the time.

It was one of the few times I have seen the temper of that genial man snap.

"Pay it!" snarled Humphrey. "Pay it! I don't care how, don't come to me with that kind of story!" Then, realizing that his crestfallen aide was, like himself, destitute, Hubert pulled out his checkbook at the breakfast table and said, "All right, I'll pay for it myself," and scribbled a personal check of his own.

Mrs. Humphrey watched him do so, with dark, sad eyes, and one had the feeling that the check was money from the family grocery fund—or the money earmarked to pay for the wedding of their daughter who was to be married the week following the primary.

My memory tells me that the sum of that check was $750—not a particularly large sum for a statewide hookup of half an hour. But such a grocery-money check buys time only—it does not buy the production, the preparation, the care a major television manipulation of the public requires.

What happens when a man goes on cold on TV in politics with such a grocery-money investment was grotesquely shown by Humphrey's final appeal to the voters of West Virginia on that day before the election. From somewhere he had raised another $750 for another half hour of TV time, and now (like Richard Nixon much later in the year) he was prepared to save all with a telethon. A telethon is a political gimmick in which a candidate, theoretically but not actually, throws himself open to any and all questions from any voter who cares to call the broadcasting station. A good telethon requires good staff in order to screen questions and artfully sequence them so they give the illusion of spontaneity yet feed the candidate those pretexts on which he can masterfully develop his themes. It is commonly one of the most spurious and obnoxious devices of modern political gimmickry.

What happens when such a telethon is authentic—not spurious—Humphrey demonstrated with his modest $750 investment on that Monday. For when authentic, unscreened questions are fed to the candidate the effect is comic. Except that, watching Hubert Humphrey fight his last national battle with family grocery money, the effect was more sad than comic.

The telethon opened with Humphrey sitting alone at a desk; before him was a manual telephone with switch buttons for two lines, which he was supposed to punch alternately as questioners telephoned in. The viewing audience was to hear both unscreened question and answer over the TV set.

The first question was a normal mechanical question: "What makes you think you're qualified to be President, Senator Humphrey?" So was the second question: "Can you be nominated, Mr. Humphrey?"

Then came a rasping voice over the telephone, the whining scratch of an elderly lady somewhere high in the hills, and one could see Humphrey flinch (as the viewers flinched); and the rasp said, "You git out! You git out of West Virginia, Mr. Humphrey!" Humphrey attempted to fluster a reply and the voice overrode him, "You git out, you hear! You can't stand the Republicans gitting ahead of you! Why don't you git out?"

Humphrey had barely recovered from the blast before the next call came: what would he do about small-arms licensing for people who like to hunt? Then, what would he do about social security? None of the questions were hitting anywhere near the target area of Humphrey's campaign program, and then a sweet womanly voice began to drawl on the open switch, "How about those poor little neglected children, Mr. Humphrey, I mean how can we lower taxes like you say and take care of all those little children who need more schools and more hospitals, and more everything . . ." On and on she went, sweetly, as Humphrey (his precious, costly minutes oozing by) attempted to break in and say that he, too, was for the poor little neglected children.

By now the telethon was becoming quite a family affair, and the next voice was a fine mountain voice, easy, slow, gentle with West Virginia courtesy, and it said, "Senator Humphrey, I just want you to know that I want to apologize for that lady who told you to git out. We don't feel like that down here in West Virginia, Senator Humphrey, and I'm very sorry that she said that. . . ." He would have rambled on and on, but Humphrey, desperate, expressed quick thanks and pressed the other button.

He had barely begun to answer the question when a clipped voice interrupted on the party line of the caller, "Clear the wires, please, clear the wires, this is an emergency!" Humphrey attempted to explain that they were on the air, they were answering questions to a TV audience. "Clear the wires, clear the wire at once, this is an emergency," repeated the operator on the party line that straggled down some unknown West Virginia hill on which, perhaps, someone was trying to summon a doctor; and Humphrey his face blank and bedazzled, hung up, shaken, to press the button for another call (a gruff voice, with a thick accent, asking what he and Kennedy were going to do for the coal operators, they'd only been talking about the miners up to now, not the operators). From that point on the telethon lost all cohesion—proving nothing except that TV is no medium for a poor man.

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[1] Now Secretary of Health, Education and Welfare.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

The BILL CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LONG of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Missouri. Is my amendment No. 797 the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. LONG of Missouri. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. LONG of Missouri. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will be a live quorum.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 147 Leg.]

Aiken
Baker
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Clark
Cotton
Dirksen
Gore
Hansen
Hatfield
Hayden
Hickenlooper
Holland
Hruska
Inouye
Jordan, N.C.
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McIntyre
Metcalf
Monroney
Mundt
Muskie
Pearson
Percy
Proxmire
Ribicoff
Russell
Smith
Sparkman
Spong
Stennis
Talmadge
Tydings
Young, N. Dak.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from New York [Mr. JAVITS] is absent on official business.

The Senator from California [Mr. KUCHEL] is necessarily absent.

The **PRESIDING OFFICER.** A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The **PRESIDING OFFICER.** The Sergeant at Arms is instructed to execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Bayh
Bennett
Brewster
Brooke
Burdick
Cannon
Case
Cooper
Curtis
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hart
Hartke
Hill
Jackson
Jordan, Idaho
Kennedy, Mass.
Magnuson
Miller
Morton
Moss
Murphy
Nelson
Pastore
Pell
Prouty
Scott
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

The question is on agreeing to the amendment of the Senator from Missouri.

The Senator from Missouri is recognized.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. LONG of Missouri. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The **PRESIDING OFFICER** (Mr. BYRD of Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The **PRESIDING OFFICER.** The Senator from Missouri is recognized.

Mr. LONG of Missouri. Mr. President, I rise today in support of amendment No. 797 which is designed to create a new title 8 to the Omnibus Crime Control and Streets Act of 1967. The crime bill we have been discussing these many weeks in so many ways touches upon the rights of individuals. The amendment I support today also touches on the rights of individuals, and for this reason, I believe it is relevant and germane to the omnibus crime bill. This new title would simply allow young men to have the right of counsel when they appear before their local selective service draft board.

Some of my colleagues might ask: "Senator, this is a basic constitutional right; the right of counsel is spelled out in the Constitution of the United States." Now, many of us might believe this, but on May 16, 1968, before a hearing my Senate Subcommittee on Administrative Practice and Procedure held on S. 3303, Selective Service Director Gen. Lewis Hershey informed the Congress of the United States that the right of counsel does not exist in the Selective Service System.

To my knowledge, the Selective Service System is the only agency of the Federal Government that specifically prohibits such right. The cynic or the opponent of this measure might say that this bill is designed merely to help the legal profession. But when one begins to analyze this draft situation, one begins to realize that the draft laws are second in complexity only to the income tax laws—and even the Internal Revenue Service permits lawyers to represent clients. Yet, the millions of American boys who reach 18 years of age are denied this right. As I stated on the floor of the Senate when I introduced S. 3303:

> When the young man has been called before his draft board, there is perhaps no greater time when he might need the assistance of counsel. Yet, at that very moment, the regulations of the System itself specifically prohibit such counsel.

Recently, I received a letter from a lawyer in California who wanted to represent his 18-year-old son before the local draft board. But, because the father happened to be an attorney, he was denied the right to accompany his son. The neighborhood children, whose fathers were doctors, scientists, mechanics, and so forth, could accompany their sons into the draft board. I suppose that even the nonlawyers here in the Senate would be permitted to accompany their sons into the draft board, while the lawyers among us would be prohibited. This distinction makes no sense. As the lawyer from California wrote me:

> The chilling effect which the attitude of the Selective Service System has upon a Registrant's consultation with his own attorney is working a severe hardship on our young men and on our country. Clearly a part of the lawless attitude, which is developing among our young people, stems from their justifiable belief that they are being dealt with unfairly by the Selective Service System. When a young man is being torn from his home against his will for whatever reason, it is supremely important that he be given every opportunity to feel that he has been dealt with fairly and that he has been permitted to take advantage of his legal rights.

As this lawyer so correctly stated:

> If we do seek a rule of law in this country, then we must permit our citizens effectively to exercise their legal rights. Otherwise—

This lawyer suggested—

> what is there left but physical demonstration?

I am not so naive to say that by allowing the right of counsel to young men, the physical demonstrations that have been taking place at draft boards around the country would cease. But it would be a step in the right direction.

Mr. President, if the Selective Service System did allow some form of legal counsel, perhaps I would not be so concerned about the enactment of this amendment. The Selective Service System sends a registration certificate to each registrant. In the certificate is a statement entitled "This Is Your Selective Service System." Permit me to read a portion of this card:

> Your local board is composed of citizens of the community in which you live. Each local board has a Government Appeal Agent who is ready and willing to offer any legal counsel on Selective Service matters of which you may be in need.

Permit me to repeat the statement that the local board has a Government Appeal Agent ready to offer legal counsel on selective service matters. But General Hershey told us at our hearing that legal counsel does not mean legal counsel. According to the general:

> People are using the words "legal counsel" in two different senses. I—

Said General Hershey—

> am using it as a reservoir of legal information and not as an indication of counsel to the registrant.

Clearly, from the record of my subcommittee's hearing, not only does not the right of counsel exist in the Selective Service System, but also the Director of the Selective Service System is unwilling to provide such counsel where the young man is desirous of being represented.

The amendment before the Senate today is not designed to assist either the "doves" or the "hawks." Congress has created the Selective Service System and with it the obligation on the part of all young men to serve their country. I do not quarrel or challenge this obligation. But Congress has created exemptions; Congress has created deferments. All my amendment would do would be to allow the law to be implemented. If, as General Hershey suggests, the enactment of this amendment would be a detriment to our national security, then Congress must change the draft law. It need not worry about the lawyer. But if we are to exist under our present draft law, the law is to be enforced as it was promulgated.

I am pleased to point out that even some Government appeal agents agree with me. Recently, I received a letter from a Mr. Ronald A. May, a lawyer from Little Rock, Ark., and a Government appeal agent for Local Board No. 60. Mr. May has consented to my using his letter in any way; and at this time I wish to read his entire letter into the RECORD.

The letter follows:

APRIL 30, 1968.

Re S. 3303.

DEAR SENATOR LONG: I noted today in the American Bar Association Washington Letter that your Subcommittee is considering the above described bill to extend the right of counsel to registrants appearing before their local Selective Service Boards. I am Government Appeal Agent for Local Board No. 60 in Little Rock. Having some familiarity with the Selective Service Law and its administration, I would like to recommend very strongly the passage of this legislation.

As a matter of fact, I think that it does not go far enough. At the present time the Selective Service Law is monstrously weighted against a registrant who seeks a classification other than I–A. His case is set for a hearing before the Board where he is not entitled to counsel. When he is then classified the law hypocritically informs him that he may seek the counsel of a Government Appeal Agent. Unfortunately, at that time there is damned little the Government Appeal Agent can do for the registrant. Any appeal he takes is on the basis of the record which was made before the local Board. He is not entitled to be heard by the Appeal Board. If, as usually happens, the Appeal Board turns him down, he does not even have an appeal of right to the President, but can only appeal in certain quite limited circumstances.

There are no provisions for a Court review, and the only way a registrant can test the legality of his classification is to take a chance on going to prison. Certainly the manpower requirements of the Government do not require procedures as ill-conceived as these.

The very notion of a Government Appeal Agent is a mocking one. The Agents are untrained and unpaid. I am not seeking compensation for this job and would, in fact, resign if compensation became available. It seems obvious, however, that a paid attorney is going to do a better job than an unpaid one. I object very much to the casual way in which agents are appointed and the almost complete failure on the part of the Government to inform the agents about this rather technical area of the law. As a matter of fact, one of the few communications I have ever received from the Director of the Selective Service was the insulting suggestion that agents (who are supposed to be lawyers) should inform on their clients.

It has been suggested frequently that Government Appeal Agents cannot be trusted because they, in effect, represent the Government. Personally, I resent such criticism, and I have always done my best to advise and represent the registrants who have consulted me. I must admit, however, that there some ambiguity in the regulations which require the agents "to be equally diligent in protecting the interests of the Government and the rights of the registrant in all matters."

I feel compelled to conclude this letter by stating as strongly as I can that my criticism of the law is not directed at the administration of the law by the Local Board with which I am associated. That Board is composed of extremely fine individuals who have done a splendid job at considerable personal sacrifice. They have never hesitated to reopen cases at my request and to accommodate me on hearings. The same can be said for all the employees of the Selective Service System with whom I have associated. It is clear to me, however, that they have performed well in spite of the law's gross inadequacy. I will look forward with great interest to the outcome of your Subcommittee's hearings.

Respectfully yours,

RONALD A. MAY.

Mr. President, I have but one final point in support of the proposed legislation. General Hershey and others who have opposed this bill have used the argument that it is a mockery of justice to create a legal right which some sectors of our country—namely, the poor—would be unable to take advantage of. Neighborhood Legal Services, an arm of the war on poverty, testified before my subcommittee that if they had the right to represent the poor young man before the local draft board, they would do so. The American Bar Association and others concerned with extension of legal services have assured me that if the right exists, it will be implemented. All that this amendment is designed to accomplish is to create this legal right—to reenforce in the minds and hearts of young men throughout this Nation that law exists to help and not to punish. It will be a mockery of justice if this law is not enacted without delay. Therefore, I urge every Senator to vote for the pending amendment.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senate Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. Mr. President, reserving the right to object——

Mr. JACKSON. Mr. President, I wish to point out that we have witnesses present from Newark, N.J. We are holding hearings in connection with the riots of last year. It is very important. They have been waiting here for 2 days now. I only wish to make that very important point.

It is my understanding that a similar situation exists with respect to Senator MUSKIE's subcommittee, and the Senate has granted permission in that case.

Mr. ANDERSON. The same story applies all the way through. We had to knock some off. I do not object. I believe it is a bad situation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes;

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes;

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department;

H.R. 16409. An act to amend the District of Columbia Teachers Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime. To increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. HART. Mr. President, I wish to thank the able Senator from Missouri [Mr. LONG] for raising the point which is now pending. The Senator made reference to hearings that were conducted by his subcommittee a few days ago when the Director of the Selective Service System, General Hershey, gave the committee his views as to the wisdom of the proposal. General Hershey opposed strongly the introduction of a lawyer at the selective service office when a young man questions his classification.

Having listened to the testimony at the hearings, I am convinced that the presence and the availability of a lawyer for a young man is desirable. I would hope very much that the Senate, given this opportunity, will insure to the young American who is called upon to defend his Nation that he may have the assurance that he is properly classified. In some situations the only way the young man can have complete assurance is to insure that there is available to him the advice of counsel at that very first step.

Clearly, this amendment is not aimed at any Supreme Court decision. As far as I know, the Supreme Court has not spoken to this point. It is, however, aimed to insure that rights which we instinctively think are available to each of us are made available to the young man whom the selective service system proposes to put in the uniform of his country.

As the Senator from Missouri reminded us, there has been a gesture made in this direction in the form of the appeal agent. The appeal agent is a lawyer with two clients. He is hired by both sides, or in any event, he plays the unhappy role of representing both sides. He is advertised to the young man as the person to whom the young man can go for advice and counsel. At the same time, as General Hershey confirmed, that lawyer is expected to tell the Government anything he learns about the young man which might indicate that the young man is in violation of the law or that he seeks to avoid service.

I think that even the nonlawyers among us would recognize the sort of schizophrenic situation in which a conscientious lawyer finds himself. The letter which the Senator from Missouri just read from the member of the Missouri bar makes very clear this dilemma.

We are told also that under the selective service law, the young man, if he feels he has been improperly classified, could take an appeal. It is an appeal made from a record that must be prepared, as a result of the selective service meeting, which the young man is given the opportunity to attend, but not with counsel present.

Mr. President, is it not straining just a little to suggest that an 18-year-old boy can go to a selective service office, be denied the right to have counsel accompany him, but there make a record which will be adequate on review to sustain his claim of improper classification because, even on the review, counsel is not permitted to argue the case?

Mr. LONG of Missouri. The Senator is correct.

Mr. HART. Mr. President, does not that strain our imagination a little even though we have in mind the most brilliant 18-year-old in the land, and a good many of those young men called to the Selective Service System are not likely candidates for selection as the most brilliant young 18-year-olds.

It is not only the young 18-year-old, lacking experience, who has a problem. This situation was brought to my attention very dramatically in a letter I received in January of this year which makes reference to a more mature man, a rather successful businessman, who had a problem that was created because we do not have on the books the measure that the Senator from Missouri now gives us an opportunity to put on the books.

I know the lawyer who wrote the letter. He is an able member of the Michigan bar.

Mr. President, perhaps the most persuasive way to present this matter is to merely read the letter. The letter reads as follows:

> JANUARY 24, 1968.
>
> Hon. PHILIP A. HART,
> *U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR HART: The other day, in representing and advising a client in a matter involving a Federal Agency, I had an experience which shocked me and which I feel should be brought to your attention. Briefly, this is what happened:
>
> I have a client who is a businessman (by no means is he a "protester"); he had recently been classified 1-A and he sought my advice concerning a change in his Selective Service Classification. I felt he had grounds for a classification other than 1-A, and wrote for him a letter to his local board requesting a personal appearance before the Board. Further, he was advised concerning the necessary and proper documentary evidence to be obtained for conclusion in Selective Service file, and so that he could support his claim for a re-classification.
>
> On the day appointed for his appearance before his Selective Service Board, I accompanied him. His name was called and as we were about to enter the Board room, he was asked if I was his "witness." He replied "No, he is my attorney." We were both then advised that I could not attend the hearing: that the Board's regulations specifically prohibited lawyers from advising registrants. I was stunned (and embarrassed)! I was barely able to put the accumulated documentary material in his hand when my client was urged into the hearing room. I sought a few minutes private counsel with my client before his appearance to brief him on what I had intended to say on his behalf. This was denied, and the door slammed in my face.
>
> The Clerk of the Board then referred me to a form letter earlier sent to the registrant (my client). It says, in part:
>
> "Each local board has available a Government Appeal Agent to aid you with a personal appearance, an appeal, or any other procedural right. The Appeal Agent or his representative will give you legal counsel on Selective Service matters at no charge." (SSS Form 217. Rev. 5-11-67.)
>
> And the Clerk further directed me to Selective Service Regulation 1624.1. This regulation recites that every registrant has an opportunity to appear in person before his local board, and the Board has the discretion to permit a witness, an advisor, or another to appear with him. But the regulation concludes:
>
> "*Provided further*, That no registrant may be represented before the Local Board by anyone acting as attorney or legal counsel."
>
> I immediately protested to the Clerk and told her that this could only mean that as an attorney I could not appear *in stead* of the registrant, but certainly, I could appear *with* him. I was again refused.
>
> At this point, my client re-appeared, his interview with the Board was over. I estimate that the total elapsed time was 4 minutes, or less. We left the premises.
>
> My client advised me that he had a short conversation with the Board; that the Board *refused* to accept all of his documentary material (e.g., The registrant had certain letters, stating facts, and requesting his deferment. The Board counted the number of letters, but refused to read or receive them.) He was advised by the Board that if he disagreed with their forthcoming decision, he could appeal to the Appeal Board within 30 days.
>
> I have attempted to present the foregoing as factually as possible and without argument, although I am still incensed. Not only do I protest the degradation of the legal profession, but I am particularly upset because of the failure to accord this man the protection that the law allows. A Selective Service Appeal Board considers only material in a registrant's file. This man was refused the opportunity to present material. (I mailed the material to the Board, the next day. However, we have subsequently been advised that his classification was continued. This was before the material had a chance to reach the Board.)
>
> But, it seems to me, that this man has been treated unfairly and arbitrarily.

I interject parenthetically to say, would not most of us agree?

The letter continues:

> And if this was an isolated incident, I would feel less upset. Upon communicating with attorneys who have had more of the recent dealings with draft boards than I have, it comes to light that this is common. It is standard practice to refuse private counsel to a draft registrant. Apparently the Selective Service System feels that it adequately protects young America by having its own set of Advisors for them.
>
> I have subsequently been made aware of decided cases which generally hold that, since this is not an adversary proceeding there is no requirement for an attorney to cross-examine witnesses. His counsel is thus not needed. However, the problem is other than that. An attorney advises as well as examines. And he advises particularly to the case at hand. It seems to me to be improper to permit by regulation, an advisor or counsellor provided that he is *not* an attorney. It further seems to me improper (through the combination of the letter, quoted above, and the refusal to permit access to the hearing) to infer to a registrant that *only* the government appeal agent can advise on the legalities and procedures of the Selective Service law. You will forgive the comparison, but this appears to be akin to a system which allows only the public prosecutor to give advice and counsel to a person charged with crime!
>
> I repeat again, my client, this registrant, is by no means a "protester", he has no political motives, nor is he championing a cause. He simply has a position to put fairly, honestly and accurately before the Board. Since the system, through its regulations and interpretations thereof, effectively bar this to any but the most sophisticated of persons, the System should be corrected.

Mr. President, should it not be corrected? If this occurs in this land, are we really protecting that young American to whom the call goes out to serve his country, to defend our basic freedoms, in order to insure that our traditions, which, incidentally, include the fullest opportunity for every American to make his case, shall be secure?

Here is a lawyer who had the door slammed in his face at a draft board when he sought to accompany a businessman who wanted to make a record on which the board could make a judgment as to his classification.

To me, it just does not add up.

As I understand it, the only way we can correct it is to insure that an American does have the right to have a lawyer accompany him when the record is made on which a judgment shall be rendered on who shall be sent to fight and die.

I have listened in committees and on the floor of the Senate to many voices expressing grave concern that some rather substantial business operation does not have the fullest opportunity for complete and adequate hearing before some regulation is established which may affect or impinge upon that business operation. There is no lack of sensitivity about that.

What about John Jones, 18 years old? Does he, too, not have the right to the same kind of careful, prudent development of the record on which a judgment shall be made that does impinge on John Jones?

If there is that kind of sensitivity about insuring that trade unions shall have full and fair opportunity to be heard and adequately represented by counsel at every step, if there is that kind of sensitivity and concern that large business firms shall not have administrative agencies establishing regulations or making judgments with respect to them except as they are given every opportunity at every step, including the first, to be represented by counsel, then what about John Jones?

I would hope very much that this safeguard is accorded him and that the Senate will adopt the amendment.

Mr. LONG of Missouri. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. LONG of Missouri. Is not the Senator aware of the fact that the Selective Service Act is a very complicated and legal document, and that additional lengthy regulations have been promulgated by the Service to implement it?

Mr. HART. That is my understanding.

Mr. LONG of Missouri. Does not the Senator know that one of the many problems we have is the technical problem of deferments, such as problems of education and business connections? One needs technical training to determine whether those rights are being protected. Specifically, could an 18-year-old decide all that for himself?

Mr. HART. I happen to be the father of four boys, one of whom has run through this mill. He is a smart kid. So far as that goes, he is the smartest one of the eight children I have. I certainly would not expect him to march into that selective service office and make a record on which an appeal could be taken.

Mr. LONG of Missouri. Does not the Senator know that one cannot take counsel in with him to represent him when he goes before a draft board?

Mr. HART. I do not know whether they do. I am a lawyer. I am his father.

Mr. LONG of Missouri. They have ruled that a father, if he happens to be a lawyer, cannot come in.

Mr. HART. It would have to be a pretty solid door to keep a parent out, if he felt his boy had a valid claim to reclassification.

Mr. LONG of Missouri. I think the Senator is right. But there have been some cases where the father was a lawyer and he could not come before the board, although other individuals, otherwise trained, could represent them.

Mr. HART. If I have personalized or emotionalized this thing, let me desist at once and put it in its barest, skeleton form. The Selective Service System is established under laws which, as the Senator from Missouri points out, are very complex, which seek to assure fair selection. A key step is when the young man questions his reclassification before a local board. Why can we not let a lawyer go with him?

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. HART. I yield.

Mr. LAUSCHE. I would like to have either of the proponents who have spoken on this measure inform me whether in the history of our country there ever was written into the law the proposal that in the selective service a selectee shall have the right to have counsel in the hearing.

Mr. HART. I would assume not. I do not know. I would assume a great many people in this country, just as did the member of the Michigan bar who wrote me, assume that a young man has a right to counsel when the question of his classification is being established. Now we know that he is denied that right. On notice, what do we propose to do about it?

The fact that it did not happen in the Revolutionary War or the Civil War I think is irrelevant. I think this lawyer represents a good many lawyers in this country who just assume—who just by instinct assume—that when they have a corporate client who seeks an application to be chartered in the State or to be given a franchise to operate something, why, of course, the lawyer can go with him at the very first step. They assume that when a young man is called and the question is, "How shall we classify this fellow?" a lawyer may accompany him. But he may not. And I argue that, in the long run, everyone of us would be stronger if we got rid of this thing which, when it comes to notice generally, I think shocks people.

Mr. LONG of Missouri. Mr. President, will the Senator yield to me so that I may answer the Senator?

Mr. HART. I yield.

Mr. LONG of Missouri. As I understand, this prohibition is not written into the law. The prohibition against a lawyer going in with the draftee is an arbitrary ruling issued by the Selective Service Director. Congress has not spoken on it. What we are trying to do is have Congress speak to give such a boy that right and overrule the arbitrary ruling.

Mr. HART. That makes the point sharper. This is not a proposal to change the law. The Administrator has said, "No lawyer." Congress now is faced with the question, Is that the way we want our agent to operate?

Mr. LONG of Missouri. It is the only agency of the Federal Government, to my knowledge, which prohibits a lawyer from representing a client before a Federal agency.

Mr. HART. I do not know whether it is the only agency, but I would be rather confident in my guess that, if trade unionists or business leaders found that any agency had slammed the door in the face of their lawyer, we would have heard about it. So my guess is that the Senator from Missouri probably is right. This is probably the only Federal agency that stops a person from coming before it with a lawyer.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. HART. I yield.

Mr. LAUSCHE. Having in mind the draft-card burners, the Browns, Carmichaels, and others, if at this time we introduce this innovation, will it not be lending strength to those individuals that I have identified, in their efforts to stop our Government from utilizing its strength in the fullest degree in the war with which we are faced?

Mr. HART. Each Member of the Senate would have to answer that question for himself. I think one could make a fairly good argument that Stokely Carmichael could add a paragraph to his standard speech if Congress refused to permit young Americans to have lawyers at the board. But, as the Senator from Ohio says, possibly it would encourage somebody to burn another card. I do not know. In my own book, I would be a lot more comfortable debating Stokely Carmichael if I knew I did not have to explain why a young American was not allowed a lawyer.

Mr. LAUSCHE. If I may comment on that, my distress lies in the fact that we have the draft-card burners, and I do not recall, at least in my lifetime, a time when our Government was confronted with that situation. My fear is that action by the Congress now will act as a stimulant and an inducement to those who do not want to respond to the call of their country.

I can see very well that there is strength in what the Senator from Michigan said just a moment ago in his comment upon my question.

Mr. HART. Mr. President, I hope we adopt the amendment.

Mr. McCLELLAN. Mr. President, without arguing the merits of the proposed amendment, which I shall not do, because I think it is unnecessary, the amendment is irrelevant to the pending bill. What we have before us is a law enforcement bill that was duly processed, under the rules of procedure of this body, by the Senate Judiciary Committee. The subject matter now before us, presented by this amendment, is a matter that, in my judgment, is under the jurisdiction primarily of the Armed Services Committee of this body, the committee having jurisdiction over the Selective Service Act.

According to my information, the Armed Services Committee has not considered the amendment. A similar amendment was presented to this body a year ago, and the Senate rejected it on May 11 of last year by, I believe, a vote of 55 to 17. So the Senate has rejected it.

It seems to me if we are going to preserve the propriety and order of jurisdiction in the handling of the business of the Senate, the amendment should be referred to the standing committee of the Senate that has jurisdiction of the subject and the act that the amendment undertakes to amend.

The distinguished chairman of the Armed Services Committee [Mr. RUSSELL] is present, and he probably will have something to say about it. In the meantime, I ask unanimous consent to have printed in the RECORD at this point a copy of a letter I received this morning from General Hershey, the Director of the Selective Service System.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL HEADQUARTERS,
SELECTIVE SERVICE SYSTEM,
Washington, D.C., May 22, 1968.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request for my views on the amend-

ment to S. 917, offered by Senator Long of Missouri, and which is identical with S. 3303 concerning which I testified before Senator Long's Subcommittee on Administrative Practice and Procedure on May 16, 1968.

The enactment of this amendment would seriously jeopardize the ability of the Nation to maintain adequate armed forces in my judgment.

The nature of the function of any compulsory system to mobilize the manpower of the Nation in times of crisis is such that a prompt and unhesitating obedience to orders issued in that process is indispensable to the attainment of national defense.

This is equally true as it applies to those persons who are members of the military service, those who are in the Reserve or the National Guard and subject to call-up to active duty as well as those who, under the law, are members of the national militia and upon whom the Congress, in military service compulsory legislation, has placed a current and continuing obligation to serve. The overriding consideration in all such legislation has been to insure the accomplishment of this objective without interference and to this end the Congress has carefully provided against any type of unnecessary delay in making an individual immediately available for miltiary service. At the same time the Congress realized the importance of maintaining the national interest to the maximum extent possible in relation to the needs of the armed services and to this end made provisions and established machinery to permit temporary delay of military service in cases where it was clearly demonstrated that immediate withdrawal of an individual from the national economy would at that time adversely affect the national interest.

There is no more basis for applying the provisions of the amendment to the determinations of the local boards of the Selective Service System concerning the national interest than there is to boards that have been set up to make like determinations with respect to recall, both voluntary and involuntary, to active duty of persons with Reserve obligations.

Every registrant, of course, may use legal assistance or counsel in the preparation or documentation of information to be submitted to the local boards for their consideration in classifying or reclassifying individuals with respect to claims for induction delays in the national interest. As a matter of fact, since 1940 there has been in each local board area an appeal agent, normally a lawyer, available to assist every registrant and who has the authority to take appeals at the request of the registrant or on his own initiative when he deems the national interest requires such action. Other volunteers serve as advisors to registrants to assist registrants in presenting their cases.

The requirement of the amendment that every registrant be afforded an opportunity for personal representation and to present testimony and other evidence in all of the proceedings in the local board process, combined with the steps necessarily implied to make this representation effective would result in the very type of delay that would be fatal to the accomplishment of the purpose of the law, for local boards annually perform many millions of such proceedings.

Sincerely yours,

LEWIS B. HERSHEY,
Director.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. The Senator has just mentioned the 17 to 55 vote which was taken a year ago. What was the issue in that vote?

Mr. McCLELLAN. As I recall, it was the same issue. I believe I have it here. It will be found in the CONGRESSIONAL RECORD, volume 113, part 9, pages 12502–12504. It is substantially the same amendment and was voted down by a vote of 17 to 55 just a year ago.

Mr. President, I ask unanimous consent to insert those pages at this point in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, May 11, 1967]

Mr. MORSE. Mr. President, I send to the desk an amendment and ask that it be stated. It will not take me 5 minutes on this amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 5, between lines 17 and 18, insert the following:

"(5) Paragraph (3) of section 10(b) (50 App. U.S.C. 460(b)(3)) is amended by inserting after the sixth complete sentence of such paragraph a new sentence as follows: 'Each individual shall be afforded the opportunity to appear in person and be represented by counsel before the local board having jurisdiction over him for the purpose of objecting to the classification assigned to him by such board, and to present testimony or other evidence to the local board regarding the classification assigned to him.'

"On page 5, line 18, strike out '(5)' and insert in lieu thereof '(6)'."

Mr. MORSE Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, earlier in my major speech in which I covered all of these amendments, I pointed out the absence of the right to counsel in the case of these draft board appeals.

RIGHT TO COUNSEL

I shall repeat what I said earlier on this subject. One of the vagaries of the present law is that persons appealing their classification to their local boards are not allowed representation of a lawyer. A number of legal authorities have pointed out that Selective Service boards are more than administrative bodies—they are indeed quasi-judicial ones and in fact in one sense they have life and death power over individuals coming before them. It is argued that in no other segment of our legal structure is a person called before a tribunal where he does not have the right to counsel guaranteed to him by the fifth, sixth, and 14th amendments to the Constitution.

The Selective Service's answer to this is that the local board's appeal agent, who is in most cases an attorney, is also charged with upholding the rights of the registrants.

I do not believe any attorney can serve two masters. Either he works for the board, or he does not. Again in no other area of our legal structure is the defendant forced to have the prosecutor as his attorney.

I think that the appellants are entitled to be represented by counsel before the local draft boards. That is the purport of the amendment. I submit it.

Mr. RUSSELL. Mr. President, I do not have any deep feeling on this amendment.

I am glad to give the benefit of my experience with the matter over the period of time since the first Draft Act of 1940.

The statement just made is true—a lawyer is not permitted to go before the local board and plead the case of the registrant.

The reason for that is that it is an administrative procedure, and is not a strictly legal procedure.

Their decisions are based on matters other than the law. They are based on matters of judgment. Each person under the law is considered for selection on the basis of his own individual status. The board's proceedings are more administrative than legal.

The registrants do have a representative. There is an appeals agent provided by law. The pending bill contains an amendment pertaining to this matter. For some reason there have been rulings that Reserve officers cannot serve as appeals agents.

We amended the law to provide that Reserve officers can serve as appeals agents.

There is one other aspect which goes to the sociological aspect of the matter. This is that if we are going to give a lawyer the right to go into the appeal board and plead the case, this would give some advantage to the very wealthy registrant who is able to employ a lawyer to argue his case, while the appeals agent is now available under the existing law to every registrant.

I understand the appeal of having a lawyer represent you.

This is more in the nature of an administrative matter within the draft board. There is an appeals agent available to represent the man.

To me, the main argument against the pending amendment is that the wealthier registrants will have an unquestionable advantage over the poorer ones who are not able to get what some might call a high-powered lawyer to go in and plead his case before the draft board.

For that reason, I shall vote against the amendment.

Mr. MORSE. Mr. President, of course the appeals officer does not represent the registrant. He represents the board. As I stated in my main remarks, we cannot justify having a prosecutor serve also as an attorney for the defendant.

Furthermore, as to the argument that this is an administrative process, a great many of our rights are determined under administrative processes.

It is a novel argument to argue that because part of the proceeding is administrative, one is not entitled to be represented by counsel.

There is not, in my judgment, the slightest basis for the argument that if one has a case in his local community, he will not be able to get a lawyer in that community to handle the case for him.

We will find that most of them would be on a charity basis in the case of the poor registrant to whom the Senator from Georgia referred.

We are dealing here with very precious rights.

The fact is that in spite of our confidence in most boards, there are some very difficult community problems arising in the administration of the draft law through the local draft boards.

A good many communities from time to time will find themselves deeply concerned over allegations as to miscarriages of justice in the handling of these cases.

That is why we have this system of government by law. Certainly one who feels he needs the counsel of a lawyer in whom he has confidence ought to have counsel to represent him in a hearing if he thinks that situation warrants such advice.

Mr. RUSSELL. Mr. President, I do not know whether I correctly understood the Senator from Oregon. I understood him to say that it would be the same person in both cases. That is not so. The appeals agent does not represent both the board and the registrant in the same proceeding.

There is a counsel for the registrant, and the appeals board has an appeals agent in addition. They are not one and the same person.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Mr. President, does the same procedure which operated throughout World War II still prevail, that there is always an appeal to an appeals board and that if the appeals board decision goes against you there is always an appeal to the Selective Service head in the State, and if that goes against you, there is still the right of an appeal to Washington?

Mr. RUSSELL. If a man gets one vote in his favor on the State board, he can appeal to Washington. An appeal can be had. This is just a question of whether the lawyer should be permitted to go into the local Selective Service board when they are making their classifications.

Mr. HOLLAND. Mr. President, it seems to me, if the Senator will let me say so, that to initiate this precedent would mean that we would make the board subject to court arguments before there were decisions from the local boards and the appeal board, which would make it more difficult to get the outstanding citizens who customarily serve on both of those boards to serve.

Mr. MORSE. Mr. President, of course, the representative of the draft board is not considered the representative of the litiagnt who is dissatisfied. He does not want to have anything to do at that stage with any representative through the draft board. He wants his own counsel. We lawyers know that particularly in the administrative law process, once you get an administrative ruling against you, the presumption is going to follow that ruling on up the ladder. You should guarantee or give the assurance to the individual citizen involved that he has the right of counsel at the very beginning of the process. I believe that is basic to guaranteeing a fair administration of justice in this country.

Mr. RUSSELL. I understand that the Committee on the Judiciary, in revising the Administrative Procedure Act, considered this matter carefully and did not provide for an attorney to appear before local boards when they are classifying registrants or hearing appeals.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to preface my question by stating that I believe in the right of counsel in all circumstances. However, is this not the present system, and the system which this bill would continue, on this aspect of the matter: A registrant can procure the services of a lawyer to draw any kind of affidavits to be presented by him, in his behalf, before the board? They just do not let him make an oral argument?

Mr. RUSSELL. He can get the assistance of counsel to prepare any kind of documents to sustain his position and to prepare affidavits and anything else to show his position in writing to the board.

On page 614, General Hershey discusses this matter in his testimony, and he indicates that appeals are very easy to come by. If a man does not get what he thinks he should from the board, all he does is say, "I do not like it," and it has to be transferred automatically to the State board. If one member of the State board agrees with him, it goes to the national board. This is about the simplest appeals procedure known to our law—this matter of appealing the decisons of Selective Service.

Mr. ERVIN. The only restriction on his right of assistance of counsel is that he cannot have counsel to make an oral argument before the board?

Mr. RUSSELL. The Senator is correct.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. BROOKE. Do I correctly understand that the answer of the Senator from Georgia to the question previously asked was that a lawyer can go before the appeal board?

Mr. RUSSELL. No.

Mr. BROOKE. Can sit beside his client, or the registrant?

Mr. RUSSELL. No.

Mr. BROOKE. But he just cannot make oral argument?

Mr. RUSSELL. No. I understand the Senator from North Carolina to say that the lawyer can help him prepare his case or file a brief, give the registrant a brief. I did not mean to say that the lawyer could go before the board and sit by the registrant, because the existing procedure does not permit an attorney to go in with the registrant and sit beside him.

Mr. BROOKE. An oral argument is not the only limitation. A lawyer cannot go in with the registrant.

Mr. RUSSELL. The Senator is correct.

Mr. BROOKE. He can do things outside the board, but he cannot go in.

Mr. RUSSELL. The Senator is correct.

Mr. MORSE. It is this place where he should have the right of the oral representation of his counsel. The local draft boards have lawyers on them; and this registrant says, "I want my lawyer to come in and present my case for me." Does anyone think that is going to put the draft board at a disadvantage? But it would give an equal opportunity for justice of the registrant, to see that all his rights are presented by a lawyer competent to present his view. Keep in mind who some of these registrants are. Many of them do not possess much ability and are not capable of adequately representing themselves before the board. That is where the registrant needs the representation of his counsel.

I am at a loss to understand why there should be any question about the presence of his lawyer at that stage. Certainly, the board would not be at a disadvantage, if the board is sound in its policies. But that young American should be represented at that point by his counsel, if he wishes.

The PRESIDING OFFICER. The question on agreeing to the amendment of the Senator from Oregon [Mr. MORSE]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from New York [Mr. KENNEDY], the Senator from Montana [Mr. MANSFIELD], the Senator from Montana [Mr. METCALF], the Senator from Virginia [Mr. SPONG], the Senator from Mississippi [Mr. STENNIS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Hawaii [Mr. INOUYE] are absent because of illness.

I further announce that the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Virginia [Mr. SPONG], and the Senator from Mississippi [Mr. STENNIS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. GRIFFIN], and the Senator from Idaho [Mr. JORDAN] are absent on official business to attend the 10th Canada-United States Interparliamentary Conference.

The Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from California [Mr. MURPHY] is absent on official committee business.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Hawaii [Mr. FONG], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] would each vote "nay."

The result was announced—yeas 17, nays 55, as follows:

[No. 116 Leg.]

Yeas, 17: Baker; Bartlett; Brooke; Burdick; Church; Cooper; Gruening; Hart; Hatfield; McCarthy; Mondale; Morse; Moss; Nelson; Prouty; Yarborough; Young, Ohio.

Nays, 55: Allott; Anderson; Bayh; Bennett; Bible; Boggs; Brewster; Byrd, Va.; Byrd, W. Va.; Cannon; Cotton; Curtis; Dirksen; Dominick; Ellender; Ervin; Fannin; Gore; Hansen; Harris; Holland; Hollings; Hruska; Jackson; Jordan, N.C.; Kuchel; Lausche; Long, Mo.; Long, La.; Magnuson; McClellan; McGee; McGovern; McIntyre; Miller; Monroney; Montoya; Morton; Mundt; Muskie; Pastore; Pearson; Pell; Proxmire; Randolph; Ribicoff; Russell; Scott; Smith; Symington; Talmadge; Thurmond; Tower; Williams, Del.; Young, N. Dak.

Not voting, 28: Aiken; Carlson; Case; Clark; Dodd; Eastland; Fong; Fulbright; Griffin; Hartke; Hayden; Hickenlooper; Hill; Inouye; Javits; Jordan, Idaho; Kennedy, Mass.; Kennedy, N.Y.; Mansfield; Metcalf; Murphy; Percy; Smathers; Sparkman; Spong; Stennis; Tydings; Williams, N.J.

So Mr. MORSE's amendment was rejected.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Missouri [Mr. LONG], in support of his motion, read a letter from an attorney from my State who is serving as legal agent to the selective service board at Little Rock. I have read this letter with some interest. I note that it does not cite a single instance in which any claimed wrong has been done. I note that he concludes his letter by saying:

> I feel compelled to conclude this letter by stating as strongly as I can that my criticism of the law is not directed at the administration of the law by the Local Board with which I am associated. That Board is composed of extremely fine individuals who have done a splendid job at considerable personal sacrifice. They have never hesitated to reopen cases at my request and to accommodate me on hearings. The same can be said for all the employees of the Selective Service System with whom I have associated. It is clear to me, however, that they have performed well in spite of the law's gross inadequacy. I will look forward with great interest to the outcome of your Subcommittee's hearings.

Mr. President, if it is working well in that board of which this attorney writes, we could, of course, have the law amended and provide for lawyers for each selectee, and we could pay for their services at Government expense; but here is an attorney who makes a complaint about the law, and then says it is working, apparently, beautifully so far as its administration in the area where he is associated.

I simply think that this matter is something that should not be an issue in the consideration of this anticrime bill.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HART. On the last point, as to

the appropriateness of the amendment on the bill, I would not question the Senator's position. The Senate can decide that point. But the Senator was making the point that the Arkansas lawyer was assuring us that no unfairness, as far as he knew, had developed in the operation of that board.

Mr. McCLELLAN. I just read what he said in his letter. It speaks for itself.

Mr. HART. A moment ago I read a letter from a Michigan lawyer, who described the problem he had with his businessman client. Would the Senator from Arkansas agree that there was unfairness in that case?

Mr. McCLELLAN. I do not recall the case. I could not answer that. I do not think we could say there was unfairness unless we knew the facts.

Mr. HART. I thought the Senator heard me read the letter.

Mr. McCLELLAN. We all know that administering the Selective Service Act is one of the most difficult and thankless jobs our Government has. The question is, at the moment, is the Senate simply going to take over the functioning of its regular standing committee, which has the jurisdiction and the responsibility to take evidence on an amendment or a bill of this nature and come before the Senate with a recommendation as to the character of legislation that may be needed to correct any inequities or injustices that now prevail?

I do not wish to shut off debate, but I hope that at an opportune time the distinguished chairman of the Armed Services Committee will have something to say about it. I am sure he will, and will express his views regarding the bypassing of the jurisdiction of his committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. YARBOROUGH. Mr. President, as a result of my experience as a practicing lawyer for more than 20 years, and as a judge for more than 5 years, I have had some experience in hearing the various rights of people urged. Of course, 25 years does not allow enough time to know all of the rights, nor the possible deprivations of rights under the American system. But based on my total experience in life, I think that one of the most basic denial of rights under our governmental system is the denial to a registrant under the Selective Service System of the right to counsel before a draft board. There are more than 4,000 draft boards in the United States. Are we to say they have some divine powers always to render justice, higher than those of the educated and experienced judges who preside over our courts? I think the question answers itself.

Mr. President, I shall not speak at length on this subject, because I spoke on it last Monday. My remarks are in the May 20, 1968, RECORD at pages 13983 and 13984, and I shall not repeat them today.

I support this amendment by Senator LONG of Missouri. I think it is necessary, if we are going to have even basic justice for the millions of young men called to military service by their draft boards. Those who want the American people to have confidence in the draft boards had better wake up and recognize this fundamental right. There is a growing erosion of the confidence of the people in their draft boards.

This denial of counsel is not in any law of Congress. Congress has not passed any law saying that a draftee has no right to counsel. One arbitrary director of the Selective Service System, in section 1624.1(b) of the Selective Service Regulations, issued that order, which states:

> No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its descretion, permit any person to appear before it with or on behalf of the registrant: *Provided* . . . That no registrant may be represented before the local board by anyone acting as attorney or legal counsel.

Anybody else in the United States might appear before a draft board except the quarter of a million lawyers in this country. Mr. President, I think it is a disgrace that the Director of the Selective Service should thus show that he is afraid to have legal justice and fairness apply. He shows his distrust of lawyers, the courts, and justice. He says, in effect, "You can bring anybody with you, the whole town if you like, but not a lawyer."

I think this administrative order should be wiped off the governmental books of America. It is going to take an act of Congress to do it, though, because I do not think that the persons who wrote that denial of rights into their regulations will remove it voluntarily. I hope that no legislative body in this country will ever write such a thing into the law, and that no court will ever give it the dignity of its approval. Mr. President, Congress ought never to put its stamp of approval on what, I think, is an infamous regulation. Indeed, we should take action now, while the opportunity is before us, to eliminate this regulation altogether.

From listening to the people who came and talked with me when I was a practicing lawyer and a judge in Texas no one ever suggested that the members of the draft boards have a superior intellect, or a superior sense of justice or fairness over the Supreme Court of the United States, the Federal courts, the State courts, the quarter of a million lawyers in this country, and all the other people.

Draft board members are just human beings like the rest of us. They have no divine insight that would make them, by some mystic blessing, more capable of rendering justice than the rest of the people. They are not skilled in the law, and they might easily—though unintentionally—violate the legal rights of the registrant. An 18-year-old boy, who is not even allowed to vote, cannot be expected to even know his rights, much less protect them. Clearly the registrant needs and has a right to legal counsel.

If a man is threatened with a jail sentence of 6 months, he has a right to counsel; but if a young man is threatened, as here, with what may be a death sentence, he is denied that basic right. That is a prospect which every young man of 18 in this country must face.

There is an old saying among lawyers, and every lawyer knows that it is true, that any lawyer who tries to represent himself in a case has a fool for a client. Lawyers know that if they get into a case themselves, they become emotionally involved, and are incapable of that wise judgment necessary to properly prosecute a case for a plaintiff or to defend it in behalf of a defendant. I have seen a few lawyers try that, in my 5 years on the Bench, Mr. President, and they did not come out very well, trying to be both the witness on the stand and the lawyer at the counsel table. It is impossible.

Yet we place on the shoulders of this 18-year-old boy the burden of being his own counsel. We ask him to try to interpret the many complicated regulations of the Selective Service System for himself. We do not give this boy the right to know, with the assistance of people who are skilled and trained enough to advise him what his rights are.

I think what Selective Service has here seen fit to put into its regulations is a degradation of the bar of America and a derogation of every American's basic right to counsel. I do not know of any other place in the law or regulations of this country where there is such a bald refusal even to consider an individual's legal rights.

That has been promulgated here in Washington, and sent to all the draft boards throughout the country: "Don't let that man be represented by counsel. Let him bring in the whole town, if he wants to, but don't let a lawyer be among them." The local draft boards did not promulgate this denial of basic rights; Washington bureaucracy promulgated it.

Mr. President, even the Internal Revenue Service, when it calls in a citizen to investigate and render a decision on his tax bill, allows the citizen to bring legal counsel with him. We let huge corporations bring their entire legal departments with them when they appeal a tax ruling of the IRS, but we make an 18-year-old boy stand alone, without legal aid, when he appeals an administrative classification that may cost him his life.

Why do they say, "Do not let a lawyer in"? Mr. President, it is a psychological revelation that the man who promulgated the regulation wants no legal eye focused on the proceedings within the closed doors of the local draft boards. Oh, he gave himself away, as any psychologist will tell you, when he wrote a regulation like that.

Do not tell me that it was designed to get fairness in all cases. The regulation itself denies that. Fairness and justice were not the motive for writing that into the regulation.

Mr. President, I hope that the Senate will approve the Long amendment, and thus say that we will not support that glaring injustice any longer; that we will not support that insult to the judicial system, the courts, and the lawyers of America any longer; and that we will not make that 18-year-old boy be his own counsel, without training, any longer.

For the Selective Service System to work, it must have the support of people. As long as we have a draft system, we must have public support. We will not procedure which operated throughout World War II still prevail, that there is always an appeal to an appeals board and that if the appeals board decision goes against you there is always an appeal to the Selective Service head in the State, and if that goes against you, there is still the right of an appeal to Washington?

Mr. RUSSELL. If a man gets one vote in his favor on the State board, he can appeal to Washington. An appeal can be had. This is just a question of whether the lawyer should be permitted to go into the local Selective Service board when they are making their classifications.

Mr. HOLLAND. Mr. President, it seems to me, if the Senator will let me say so, that to initiate this precedent would mean that we would make the board subject to court arguments before there were decisions from the local boards and the appeal board, which would make it more difficult to get the outstanding citizens who customarily serve on both of those boards to serve.

Mr. MORSE. Mr. President, of course, the representative of the draft board is not considered the representative of the litiagnt who is dissatisfied. He does not want to have anything to do at that stage with any representative through the draft board. He wants his own counsel. We lawyers know that particularly in the administrative law process, once you get an administrative ruling against you, the presumption is going to follow that ruling on up the ladder. You should guarantee or give the assurance to the individual citizen involved that he has the right of counsel at the very beginning of the process. I believe that is basic to guaranteeing a fair administration of justice in this country.

Mr. RUSSELL. I understand that the Committee on the Judiciary, in revising the Administrative Procedure Act, considered this matter carefully and did not provide for an attorney to appear before local boards when they are classifying registrants or hearing appeals.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to preface my question by stating that I believe in the right of counsel in all circumstances. However, is this not the present system, and the system which this bill would continue, on this aspect of the matter: A registrant can procure the services of a lawyer to draw any kind of affidavits to be presented by him, in his behalf, before the board? They just do not let him make an oral argument?

Mr. RUSSELL. He can get the assistance of counsel to prepare any kind of documents to sustain his position and to prepare affidavits and anything else to show his position in writing to the board.

On page 614, General Hershey discusses this matter in his testimony, and he indicates that appeals are very easy to come by. If a man does not get what he thinks he should from the board, all he does is say, "I do not like it," and it has to be transferred automatically to the State board. If one member of the State board agrees with him, it goes to the national board. This is about the simplest appeals procedure known to our law—this matter of appealing the decisons of Selective Service.

Mr. ERVIN. The only restriction on his right of assistance of counsel is that he cannot have counsel to make an oral argument before the board?

Mr. RUSSELL. The Senator is correct.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. BROOKE. Do I correctly understand that the answer of the Senator from Georgia to the question previously asked was that a lawyer can go before the appeal board?

Mr. RUSSELL. No.

Mr. BROOKE. Can sit beside his client, or the registrant?

Mr. RUSSELL. No.

Mr. BROOKE. But he just cannot make oral argument?

Mr. RUSSELL. No. I understand the Senator from North Carolina to say that the lawyer can help him prepare his case or file a brief, give the registrant a brief. I did not mean to say that the lawyer could go before the board and sit by the registrant, because the existing procedure does not permit an attorney to go in with the registrant and sit beside him.

Mr. BROOKE. An oral argument is not the only limitation. A lawyer cannot go in with the registrant.

Mr. RUSSELL. The Senator is correct.

Mr. BROOKE. He can do things outside the board, but he cannot go in.

Mr. RUSSELL. The Senator is correct.

Mr. MORSE. It is this place where he should have the right of the oral representation of his counsel. The local draft boards have lawyers on them; and this registrant says, "I want my lawyer to come in and present my case for me." Does anyone think that is going to put the draft board at a disadvantage? But it would give an equal opportunity for justice of the registrant, to see that all his rights are presented by a lawyer competent to present his view. Keep in mind who some of these registrants are. Many of them do not possess much ability and are not capable of adequately representing themselves before the board. That is where the registrant needs the representation of his counsel.

I am at a loss to understand why there should be any question about the presence of his lawyer at that stage. Certainly, the board would not be at a disadvantage, if the board is sound in its policies. But that young American should be represented at that point by his counsel, if he wishes.

The PRESIDING OFFICER. The question on agreeing to the amendment of the Senator from Oregon [Mr. MORSE]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from New York [Mr. KENNEDY], the Senator from Montana [Mr. MANSFIELD], the Senator from Montana [Mr. METCALF], the Senator from Virginia [Mr. SPONG], the Senator from Mississippi [Mr. STENNIS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Hawaii [Mr. INOUYE] are absent because of illness.

I further announce that the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Virginia [Mr. SPONG], and the Senator from Mississippi [Mr. STENNIS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. GRIFFIN], and the Senator from Idaho [Mr. JORDAN] are absent on official business to attend the 10th Canada-United States Interparliamentary Conference.

The Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from California [Mr. MURPHY] is absent on official committee business.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Hawaii [Mr. FONG], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] would each vote "nay."

The result was announced—yeas 17, nays 55, as follows:

[No. 116 Leg.]

Yeas, 17: Baker; Bartlett; Brooke; Burdick; Church; Cooper; Gruening; Hart; Hatfield; McCarthy; Mondale; Morse; Moss; Nelson; Prouty; Yarborough; Young, Ohio.

Nays, 55: Allott; Anderson; Bayh; Bennett; Bible; Boggs; Brewster; Byrd, Va.; Byrd, W. Va.; Cannon; Cotton; Curtis; Dirksen; Dominick; Ellender; Ervin; Fannin; Gore; Hansen; Harris; Holland; Hollings; Hruska; Jackson; Jordan, N.C.; Kuchel; Lausche; Long, Mo.; Long, La.; Magnuson; McClellan; McGee; McGovern; McIntyre; Miller; Monroney; Montoya; Morton; Mundt; Muskie; Pastore; Pearson; Pell; Proxmire; Randolph; Ribicoff; Russell; Scott; Smith; Symington; Talmadge; Thurmond; Tower; Williams, Del.; Young, N. Dak.

Not voting, 28: Aiken; Carlson; Case; Clark; Dodd; Eastland; Fong; Fulbright; Griffin; Hartke; Hayden; Hickenlooper; Hill; Inouye; Javits; Jordan, Idaho; Kennedy, Mass.; Kennedy, N.Y.; Mansfield; Metcalf; Murphy; Percy; Smathers; Sparkman; Spong; Stennis; Tydings; Williams, N.J.

So Mr. MORSE's amendment was rejected.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Missouri [Mr. LONG], in support of his motion, read a letter from an attorney from my State who is serving as legal agent to the selective service board at Little Rock. I have read this letter with some interest. I note that it does not cite a single instance in which any claimed wrong has been done. I note that he concludes his letter by saying:

> I feel compelled to conclude this letter by stating as strongly as I can that my criticism of the law is not directed at the administration of the law by the Local Board with which I am associated. That Board is composed of extremely fine individuals who have done a splendid job at considerable personal sacrifice. They have never hesitated to reopen cases at my request and to accommodate me on hearings. The same can be said for all the employees of the Selective Service System with whom I have associated. It is clear to me, however, that they have performed well in spite of the law's gross inadequacy. I will look forward with great interest to the outcome of your Subcommittee's hearings.

Mr. President, if it is working well in that board of which this attorney writes, we could, of course, have the law amended and provide for lawyers for each selectee, and we could pay for their services at Government expense; but here is an attorney who makes a complaint about the law, and then says it is working, apparently, beautifully so far as its administration in the area where he is associated.

I simply think that this matter is something that should not be an issue in the consideration of this anticrime bill.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HART. On the last point, as to

the appropriateness of the amendment on the bill, I would not question the Senator's position. The Senate can decide that point. But the Senator was making the point that the Arkansas lawyer was assuring us that no unfairness, as far as he knew, had developed in the operation of that board.

Mr. McCLELLAN. I just read what he said in his letter. It speaks for itself.

Mr. HART. A moment ago I read a letter from a Michigan lawyer, who described the problem he had with his businessman client. Would the Senator from Arkansas agree that there was unfairness in that case?

Mr. McCLELLAN. I do not recall the case. I could not answer that. I do not think we could say there was unfairness unless we knew the facts.

Mr. HART. I thought the Senator heard me read the letter.

Mr. McCLELLAN. We all know that administering the Selective Service Act is one of the most difficult and thankless jobs our Government has. The question is, at the moment, is the Senate simply going to take over the functioning of its regular standing committee, which has the jurisdiction and the responsibility to take evidence on an amendment or a bill of this nature and come before the Senate with a recommendation as to the character of legislation that may be needed to correct any inequities or injustices that now prevail?

I do not wish to shut off debate, but I hope that at an opportune time the distinguished chairman of the Armed Services Committee will have something to say about it. I am sure he will, and will express his views regarding the bypassing of the jurisdiction of his committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. YARBOROUGH. Mr. President, as a result of my experience as a practicing lawyer for more than 20 years, and as a judge for more than 5 years, I have had some experience in hearing the various rights of people urged. Of course, 25 years does not allow enough time to know all of the rights, nor the possible deprivations of rights under the American system. But based on my total experience in life, I think that one of the most basic denial of rights under our governmental system is the denial to a registrant under the Selective Service System of the right to counsel before a draft board. There are more than 4,000 draft boards in the United States. Are we to say they have some divine powers always to render justice, higher than those of the educated and experienced judges who preside over our courts? I think the question answers itself.

Mr. President, I shall not speak at length on this subject, because I spoke on it last Monday. My remarks are in the May 20, 1968, RECORD at pages 13983 and 13984, and I shall not repeat them today.

I support this amendment by Senator LONG of Missouri. I think it is necessary, if we are going to have even basic justice for the millions of young men called to military service by their draft boards. Those who want the American people to have confidence in the draft boards had better wake up and recognize this fundamental right. There is a growing erosion of the confidence of the people in their draft boards.

This denial of counsel is not in any law of Congress. Congress has not passed any law saying that a draftee has no right to counsel. One arbitrary director of the Selective Service System, in section 1624.1(b) of the Selective Service Regulations, issued that order, which states:

> No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its descretion, permit any person to appear before it with or on behalf of the registrant: *Provided* . . . That no registrant may be represented before the local board by anyone acting as attorney or legal counsel.

Anybody else in the United States might appear before a draft board except the quarter of a million lawyers in this country. Mr. President, I think it is a disgrace that the Director of the Selective Service should thus show that he is afraid to have legal justice and fairness apply. He shows his distrust of lawyers, the courts, and justice. He says, in effect, "You can bring anybody with you, the whole town if you like, but not a lawyer."

I think this administrative order should be wiped off the governmental books of America. It is going to take an act of Congress to do it, though, because I do not think that the persons who wrote that denial of rights into their regulations will remove it voluntarily. I hope that no legislative body in this country will ever write such a thing into the law, and that no court will ever give it the dignity of its approval. Mr. President, Congress ought never to put its stamp of approval on what, I think, is an infamous regulation. Indeed, we should take action now, while the opportunity is before us, to eliminate this regulation altogether.

From listening to the people who came and talked with me when I was a practicing lawyer and a judge in Texas no one ever suggested that the members of the draft boards have a superior intellect, or a superior sense of justice or fairness over the Supreme Court of the United States, the Federal courts, the State courts, the quarter of a million lawyers in this country, and all the other people.

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If a man is threatened with a jail sentence of 6 months, he has a right to counsel; but if a young man is threatened, as here, with what may be a death sentence, he is denied that basic right. That is a prospect which every young man of 18 in this country must face.

There is an old saying among lawyers, and every lawyer knows that it is true, that any lawyer who tries to represent himself in a case has a fool for a client. Lawyers know that if they get into a case themselves, they become emotionally involved, and are incapable of that wise judgment necessary to properly prosecute a case for a plaintiff or to defend it in behalf of a defendant. I have seen a few lawyers try that, in my 5 years on the Bench, Mr. President, and they did not come out very well, trying to be both the witness on the stand and the lawyer at the counsel table. It is impossible.

Yet we place on the shoulders of this 18-year-old boy the burden of being his own counsel. We ask him to try to interpret the many complicated regulations of the Selective Service System for himself. We do not give this boy the right to know, with the assistance of people who are skilled and trained enough to advise him what his rights are.

I think what Selective Service has here seen fit to put into its regulations is a degradation of the bar of America and a derogation of every American's basic right to counsel. I do not know of any other place in the law or regulations of this country where there is such a bald refusal even to consider an individual's legal rights.

That has been promulgated here in Washington, and sent to all the draft boards throughout the country: "Don't let that man be represented by counsel. Let him bring in the whole town, if he wants to, but don't let a lawyer be among them." The local draft boards did not promulgate this denial of basic rights; Washington bureaucracy promulgated it.

Mr. President, even the Internal Revenue Service, when it calls in a citizen to investigate and render a decision on his tax bill, allows the citizen to bring legal counsel with him. We let huge corporations bring their entire legal departments with them when they appeal a tax ruling of the IRS, but we make an 18-year-old boy stand alone, without legal aid, when he appeals an administrative classification that may cost him his life.

Why do they say, "Do not let a lawyer in"? Mr. President, it is a psychological revelation that the man who promulgated the regulation wants no legal eye focused on the proceedings within the closed doors of the local draft boards. Oh, he gave himself away, as any psychologist will tell you, when he wrote a regulation like that.

Do not tell me that it was designed to get fairness in all cases. The regulation itself denies that. Fairness and justice were not the motive for writing that into the regulation.

Mr. President, I hope that the Senate will approve the Long amendment, and thus say that we will not support that glaring injustice any longer; that we will not support that insult to the judicial system, the courts, and the lawyers of America any longer; and that we will not make that 18-year-old boy be his own counsel, without training, any longer.

For the Selective Service System to work, it must have the support of people. As long as we have a draft system, we must have public support. We will not increase that support, we will not increase the people's confidence, we will not increase the people's belief in the justice of the system, as long as we permit such unjust regulations to continue.

I hope that the Long amendment will be agreed to.

Mr. TYDINGS. Mr. President, I yield to no one in my admiration for the distinguished Senator from Texas and the distinguished Senator from Michigan. I think the amendment and the debate call the attention of the Congress and especially that of the Armed Services Committee to the widespread feeling in our country that the Selective Service System can be improved.

I voted last year against the conference report because it adopted the House version rather than the Senate version of Selective Service reform. However, I agree with the distinguished Senator from Arkansas [Mr. McCLELLAN] that the pending measure does not belong in S. 917. It is not a law-enforcement provision by any stretch of the imagination.

Unquestionably, some of the points made by the Senator from Michigan and the Senator from Texas are valid. They deserve the deep concern and consideration of the Senator from Missouri, the Senator from Mississippi, the Senator from Georgia, and others. But I do not think that this is the appropriate vehicle or the appropriate manner in which to introduce a complete change in our Selective Service System.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I would prefer not to yield until I finish my statement.

Mr. LONG of Missouri. Very well.

Mr. TYDINGS. Mr. President, I think that our Selective Service System needs changes. I think it needs the reforms which the Senate passed last year. I think it needs close scrutiny.

There is no question that some draft boards have put themselves in the unconscionable position of acting as judges and attempting to punish young men for their political views. I think that is indefensible.

I do not think we can continue to permit this, but I also do not think that at this time we can, in a law enforcement measure, agree to an amendment, the repercussions of which could be to break down the Selective Service System.

It may be that there will come a time when we decide we do not want the Selective Service System. It may be that we should not have one. However, I cannot vote for the pending amendment at this time under these circumstances because none of us can predict its consequences.

I do not think this is the appropriate method and, therefore, I intend to vote against the amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I now yield to the Senator from Missouri.

Mr. LONG of Missouri. Mr. President, the Senator suggested that the pending amendment would break down the Selective Service System. Could he be a little more specific and tell us how that could happen?

Mr. TYDINGS. Mr. President, I will be more specific. I am concerned that if each Selective Service Board in the Nation acts as a judicial body with lawyers, counsel, strict rules of procedure, guidelines, it might be possible to disrupt completely the activitives of the Selective Service System.

I think that if a step like this is taken, it should be taken only after exhaustive hearings and only on the basis of empirical data and definitive guidelines.

We should know what we are doing, what we are getting into, and what the results will be. We do not know what results will occur if we agree to the pending amendment. We do not know what it will mean in manpower or hours. We do not know what it would mean in delay.

I think that it could conceivably break down the operations of large draft boards in metropolitan areas. I do not think this is the way to operate. I do not think that this is the way to reform.

Mr. LONG of Missouri. Mr. President, we have a situation existing now in which a lawyer—the Government appeal agent—is involved in the picture, except that he is working both sides of the street. However, that practice has not broken down the Selective Service System.

Mr. TYDINGS. The Senator has not asked a question. If he has a legitimate question to ask, I will be glad to answer it.

Mr. LONG of Missouri. Mr. President, I assumed that was a legitimate question. I wanted to know the Senator's judgment.

Mr. TYDINGS. I have given the Senator my judgment.

Mr. LONG of Missouri. I do not want to argue with the Senator. However, with a lawyer working both sides of the street now, so to speak, that practice has not broken down the Selective Service System.

Mr. TYDINGS. Mr. President, I do not know to whom the Senator is referring. What is his derogatory reference to the lawyer working both sides of the street?

I have tried to explain why I oppose the amendment.

Mr. LONG of Missouri. The Senator has suggested that the pending amendment is not the proper vehicle.

Mr. TYDINGS. That is correct.

Mr. LONG of Missouri. Mr. President, I was entirely in accord with the crime-in-the-streets bill as originally proposed. However, quite a few suggestions and amendments have been incorporated in the bill both in and out of committee that, as a matter of fact, have no place in the measure. Wiretapping, for example, has been incorporated into the bill.

Mr. TYDINGS. Mr. President, I support S. 917. I do not support all the provisions of title II. I argued against them yesterday. However, S. 917, except for a few provisions with which I disagree, is a law enforcement measure.

The measure was argued long and hard in committee. At one point, we even tracked down the Senator from Missouri when in Missouri to get him to vote by telephone because he could not attend the markup session.

We had many long sessions in committee. However, at no time did we ever discuss reorganization of the Selective Service System, and at no time was it suggested that this should be in the safe streets bill.

I fail to see at this time—and perhaps further argument will enlighten me—that the pending amendment belongs in the Safe Streets Act.

Mr. LONG of Missouri. Mr. President, does the Senator feel that a young man 18 years of age who is called by the selective board and is eager to serve his country, but wants to be sure of his legal rights, is protected when he cannot have counsel?

Does the Senator not think this situation had great influence in the creation of riots and crimes and perhaps in the burning of draft cards by boys, and that it might not have happened if these boys had felt their rights had been protected before the selective service board?

Mr. TYDINGS. No, Mr. President, I do not think that had any influence. I think that the problems of so-called draft card burning relates directly to the position of the United States in the Vietnamese conflict.

I agree that many of us criticize the Selective Service System; but to say that the operation of the Selective Service System is alone, the basis of the draft card burnings or disorders on campuses is, I think, a specious argument.

Mr. ERVIN. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I am happy to yield.

Mr. ERVIN. The distinguished Senator from Missouri spoke about a boy who was eager to serve his country. Does the Senator from Maryland believe that a boy who is eager to serve his country would need to have a lawyer to appear in his behalf before a draft board?

Mr. TYDINGS. It is hard for me to see why he would.

Mr. LONG of Missouri. It might be that the boy was eager to serve his country legally——

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. TYDINGS. Does the Senator from Missouri wish to propound a question to me? If not, I yield the floor.

Mr. RUSSELL. Mr. President, I wish, first, to advert briefly to the jurisdiction involved in the amendment. The Senate has no rule of germaneness. I have never advocated one, and do not now. However, we have had rather an understanding among the various committees of the Senate that one committee would not invade the jurisdiction of another committee without giving that committee at least the opportunity to consider the proposed change and to determine the impact it would have upon the system affected by the bill or amendment.

This amendment is in the jurisdiction of the Committee on Armed Services. Unfortunately, I cannot move to refer the amendment to that committee. But when the Senators who wish to discuss the amendment have done so, I shall certainly move to lay the amendment on the table. If a bill is introduced on this subject, it should be considered by the Committee on Armed Services.

Mr. President, this discussion has generated a great deal of emotion. I am always impressed by the distinguished Senator from Michigan [Mr. HART]. He can stir my lachrymal ducts more easily than can almost any other Senator. I was deeply touched by his argument as he led an 18-year-old youth around—John Smith, or whatever his name was—and told how he had been rebuffed or knocked down or stomped on. The truth of the matter is that not any 18-year-olds have been drafted up to this time; and under the law, they cannot be until they have reached 18½. The average age of draftees is about 20.

Mr. HART. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HART. I wish to make an explanation. About 3 weeks ago, my son attained the age of 18, and a few days later came back and told me he had been at the draft board. I assumed that that was routine.

Mr. RUSSELL. Young men must register at 18.

Under this amendment, a young man would be entitled to have a lawyer go with him when he went to register and the board would have to meet and have a hearing before they could even register the man.

Oh, I am aware, Mr. President, of the instinctive feeling in the breast of every American citizen about the right to counsel. We all have it. I was a lawyer of sorts for years. I made a living at it for 12 years before I was elected Governor of my State, and I do not want to do anything to hurt the lawyers.

But this amendment, while it provides a basis for making a strong emotional appeal, opens an avenue to indict every draft board in this country. I must say that I have been amazed by the attacks that have been made on these draft board members, who serve without any compensation whatever, out of a pure sense of duty to their country. I am amazed that they are so harshly criticized and that it is said that "draft boards are not better than anybody else, that they are not entitled to have any rights that are greater than anybody else's."

I do not know of anybody who has ever volunteered for service on a draft board. I am astounded by the speeches that have been made here today to impeach the integrity and the sense of fairness of these men. I resent this, because I have watched these boards through the years, and there are not any more patriotic people in this country than those who have served upon the local selective service boards.

They are not Federal officials, as was charged, I believe, by the Senator from Michigan. They are appointed on the recommendations of the Governors of the several States. It is true they are part of a Federal system of administration. But they are selected by the Governors of the several States.

Mr. President, if there is a thankless job under the canopy of God's heaven, it is serving on a local selective service board. And here they have been demeaned in the Senate of the United States.

Maybe a good argument can be made for changing the whole Selective Service System, but it ought to rise above the level of indicting, impeaching, and attacking the selective service boards of this country.

Mr. President, this amendment, I think, goes somewhat further than its sponsors anticipated. The charge was made that the door was slammed on a lawyer when he sought to argue before the selective service board, and it undoubtedly was, because lawyers are not permitted to accompany registrants. But they are allowed to prepare the affidavits or arguments or statements. They are allowed to prepare the case. An attorney could resort to the simple expedient of handing to the tentative inductee all this material he wanted to get before the board. Then the material the lawyer prepared would have gotten before the selective service board and would have been and could have been considered. It would have been a part of the record in the case, and would have followed all the appeals that were made.

The system has its weaknesses. I do not know of any system of administration that has ever been devised by man that does not have weaknesses. Human beings have never achieved perfection, and there is very little in the history of the human family to lead us to believe that it ever will.

Oh, yes, you can cite a case in which there has been an error. You can bring out a case where there has been injustice. There undoubtedly have been many injustices in processing and dealing with the nearly 2 million new registrants in this country every year.

But what has the Senate been discussing for days? We have been discussing the courts, questions that have been decided in the courts, and whether these decisions have resulted in injustice. Some of the advocates of this amendment said every lawyer knew that there were injustices in processing registrants. I know that there have been injustices perpetrated in every court of this land, and nobody is proposing to, in effect, abolish the courts or to change and get some other kind of system of administration of justice.

If the Congress wishes to change the Selective Service System, put it under the Federal courts and let them try all of these classifications and let the lawyers come in and give registrants all the rights there and the rights of appeal that a man has in a criminal prosecution, that is one thing. But it is another to propose something that would hobble our present system and make it impractical and incapable of operating satisfactorily. And that is what this amendment would do. It would require the draft board to permit every one of the 2 million registrants to come in and bring in an army of attorneys to testify.

Local draft board members have to make a living for their families. They are not paid anything by the Government of the United States. They could not begin to have time, if they devoted 18 hours a day to it, to hear tendentious arguments by lawyers on behalf of every registrant. As a humble member of the bar—not an outstanding member, as my brethren are, but as a humble member of the bar—who managed to make a living at the law for 12 years and tried some hundreds of cases, I know that there are tendentious and contentious lawyers. This amendment could encourage them to approach registrants in some cases, just as some chase ambulances. I predict there would soon be many specialists in trials before draft boards. The word would get out that Lawyer So-and-So is a specialist before draft boards.

If the system is to be changed, it should be changed in an orderly, regular way after thorough hearings by the committee having jurisdiction over Selective Service. I am not in favor of giving any committee a runaround, and I do not like to see the Armed Services Committee given the runaround.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LONG of Missouri. I wish to respond after the Senator has finished, but I am concerned about the Senator's remark about giving the committee the runaround.

I believe the Senator will recall that Senate bill 3303 was referred to the Committee on the Judiciary, was referred to the Subcommittee on Administrative Practice and Procedure, public announcements were made, public hearings were held; and the Senator will recall that I visited with him at the rear door of the Senate Chamber and told him that these hearings were going on. It was not my intention in any way to go around him or his committee.

Mr. RUSSELL. There have been any number of subcommittees or other committees that have held hearings on some aspect of the Selective Service Act. This is the first time I know that one has brought forth an amendment that would strike down the system.

Mr. LONG of Missouri. The right to counsel is a legal matter, a judiciary matter; the Judiciary Committee is concerned about it.

Mr. RUSSELL. The Senator is wholly incorrect about that.

I submit a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. If this matter were submitted as a bill amending the selective service law, or saying notwithstanding the provisions of the selective service law that was shaped in the Armed Services Committee, should not that bill be properly referred to the Senate Committee on Armed Services?

The PRESIDING OFFICER. After consultation with the Parliamentarian——

Mr. LONG of Missouri. Mr. President——

Mr. RUSSELL. It is unquestionably true under rule XXV.

Mr. SYMINGTON. Mr. President, may we have order so that we may hear the decision of the Presiding Officer.

The PRESIDING OFFICER. After consultation with the Parliamentarian, the Chair would assert to the Senate that such a proposal, such a bill, would be referred to the Committee on Armed Services.

Mr. RUSSELL. Of course it would. This law has been handled by the Committee on Armed Services since its inception and the draft has been renewed every 4 years.

Mr. LONG of Missouri. The bill was here and it was referred to the Committee on the Judiciary.

Mr. RUSSELL. It was improperly referred to the Committee on the Judiciary. That the Senator from Missouri introduced it, that he is a member of the Committee on the Judiciary, and that the title does not indicate it would change the Selective Service Act, but only refers to administration procedures, undoubtedly caused an error at the desk. But if the title had disclosed the real effect of the bill, there is no doubt in my mind that it would have been properly referred. Even the able employees we have in the Senate are capable of error.

Mr. LONG of Missouri. No one in the Senate has more respect than I do for the Senator from Georgia. I am concerned about his statement with respect to an attempt to give the runaround to his committee, because I discussed this matter with the Senator.

Mr. RUSSELL. The Senator mentioned it to me, as I recall, day before yesterday.

Mr. LONG of Missouri. It was before that. It was last week.

Mr. RUSSELL. As I have said, it is nothing new for other committees to have hearings on some part of the Selective Service Act. I do not charge the Senator with bad faith.

Mr. LONG of Missouri. That is what I wanted to be sure of.

Mr. RUSSELL. Indeed not. The Senator proceeded under the reference ruling of the Chair.

I do not charge the Senator with bad faith. He went out of his way to tell me he was holding hearings on a bill affecting the Committee on Armed Services.

I do not want to leave any impression that the Senator acted in bad faith, and I want to clear it up if I did.

But this bill, with the potential it has for handicapping the present Selective Service System, should be supported by more than perhaps casual complaints by lawyers who could not get before draft boards.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. Have the selective service procedures and the hearings that were had before local draft boards ever been considered as adversary proceedings, or have they been considered as the U.S. Government operating with its youth in a period of war in determining that both shall be treated justly? In other words, is it an adversary proceeding?

Mr. RUSSELL. No; it is not an adversary proceeding. It is an administrative procedure.

The system has its shortcomings. That I admit as quickly as anyone, because I have dealt with it closely day after day since the original act was enacted. But for simplicity it can hardly be exceeded.

If the registrant is not satisfied with his classification or any other step of the proceeding, all he has to do is walk into the draft board and say, "I want to appeal this." He does not have to have a lawyer. He can walk in and tell them he wants to appeal it.

Under this amendment the wealthy youth of this country, some of whom formerly could be deferred while staying in college for one degree after another until they either had accumulated a family or reached a ripe age where the Army does not want them, could have still another advantage.

The wealthy boys could hire better lawyers, and they could come in and find reasons to cause an interminable series of hearings. They could have a presentation in piecemeal of any information that they had gathered. The poor boys might not have a good lawyer. That would provide more grounds for charges that poor boys are inducted and that wealthy boys can escape service in the Armed Forces. We have had too much of that. Last year, changes in the Selective Service law permitted a young man to stay in college for a bachelor's degree but then he reverts to the group from which inductees are then being selected. I defend that position because otherwise those who have the wealth and want to stay in college indefinitely could avoid service altogether. Now, we say, "You can get your degree, but then be subject to the draft like anyone else." That feature is not directly involved here but it is indirectly involved.

It is impossible to determine just what effect this amendment would have on the entire system of Selective Service without full and adequate hearings. The Committee on Armed Services is the proper place to have those hearings. This is not a task I would welcome, but I do not shirk any responsibility that comes my way through my service in the Senate. It has not been pleasant for me to handle the other Selective Service bills. I am aware of the impact of this legislation and the criticism that follows in many of these cases, but I have felt it necessary to have Selective Service for the defense of our country and to assure that we would be able to turn back any aggressor that might attack us.

Under this amendment, the registrant would be entitled to have a lawyer at any proceeding. He would be entitled to unlimited hearings on his classification. He could say, "I am a conscientious objector." If that were overruled, he could say, "I am studying medicine." If that were overruled, he could say, "I am studying for the ministry," which would exempt him. There is hardly a limit to what a resourceful lawyer—and the more wealthy the boy is, the more resourceful the lawyer he would get—could urge as a means of avoiding or delaying induction of his client.

Not only that, but when the registrant is ordered to report for a physical examination he would be entitled, under this amendment, to take his lawyer along with him when he is physically examined, to see if any issue could be raised and to enable him to appeal to the State board and on up to the national board. The same thing would happen over and over again. When he finally got his order to report for induction he could start all over. The lawyer would have to be there when he was inducted. That is part of the procedure under this amendment. The lawyer would go down to see if he were properly inducted.

The truth is, while there are mistakes and errors, in the last analysis, the legality of an induction can be tested in the Federal courts. The Senator from Maryland properly referred to the fact that it was improper to have a man's classification changed merely because of his political views. I could not agree more strongly with any statement ever made on the floor of the Senate than I do with that statement.

But, Mr. President, in cases of that kind, a man has his recourse in the U.S. courts, the courts that those who brought this amendment here have been saying in recent days are the last word in perfection of fairness. After exhausting administrative remedies, the draftee can get in court if there is any abuse of the system. He can get in the Federal court. This amendment would drive everyone on the draft board from such service. No matter how patriotic a man is, he cannot afford to devote all of his time to sitting there listening to lawyers, and bringing in witnesses to testify as to whether a man is essential to the community. A resourceful lawyer for a wealthy man could get many witnesses.

The amendment should not be adopted on the purely emotional ground that a draft board picked on some imaginary 18-year-old.

Mr. President, there are plenty of 18-year-olds fighting—and some have been dying—in Vietnam. But they did it voluntarily. They did not go out and get a lawyer. They went down to the local enlistment office, or they presented themselves for induction. They did not cry, "Where is my lawyer?" They undertook their obligation willingly to defend their country, the country that had given them life and sustained them until they had reached their 18th year, in order that future generations might enjoy whatever opportunity they had missed.

Mr. President, the pending amendment is a destructive amendment. It offers nothing whatever of a constructive nature to improve the selective service laws.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. The Senator from Georgia stated that the local board members are appointed by the Governors of the several States.

Mr. RUSSELL. That is correct.

Mr. LAUSCHE. What about the members of the State boards of appeal? By whom are they appointed or recommended?

Mr. RUSSELL. It is my recollection that they, likewise, are recommended by the Governors of the States. The National Appeals Board in Washington, D.C., is appointed by the President, as well as the Appeals Boards. The Selective Service System runs the whole gamut. It is similar to the structure of Federal courts, where there are district courts, courts of appeal, and an appeal to the Supreme Court of the United States. Let me say that, technically, the President appoints these boards but it is all done on recommendation by the Governors of the States. I do not know of a single instance in which a member who was not recommended by the Governor of a State was appointed.

Mr. LAUSCHE. One further question. Is the Senator able to answer whether members of State appeals boards are also on a voluntary, unpaid basis?

Mr. RUSSELL. They are. They receive no compensation. I believe they do receive travel expenses.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, it may be that at one time I was in the category of the lawyer described by the distinguished Senator from Missouri [Mr. LONG], as one who works both sides of the street. I was a Government appeal agent for a local draft board during the Second World War, and I became familiar with the operation of the draft.

To be sure, there will always be complaints about draft laws until they are supplanted by a system which requires everyone to render the same service to his country under the same circumstances. But it is not fair and not in accordance with the facts to say that those who are called upon to report to the draft board for registration or consideration of their claim for exemption or for deferment are denied the right to the services of a lawyer except to the extent that the lawyer cannot come before a draft board while it is sitting and present and examine witnesses in behalf of a registrant who claims he is entitled to an exemption or deferment.

As a matter of fact, before anyone is drafted, he answers a questionnaire. In preparing his questionnaire, he can consult a lawyer and have the lawyer advise him as to the law and regulations concerning exemptions and deferments and other matters and assist him in preparing answers for the questionnaire. Besides, he can have a lawyer prepare and obtain affidavits or other evidence tending to support any claim he may wish to make concerning any matter within the jurisdiction of the draft board.

Mr. President, I must confess that I was not overworked when I was a Government appeal agent for the local draft board in Burke County, N.C., because—thank God—the overwhelming majority of North Carolina boys consider it an honor to serve in the Armed Forces of their country. They would not go along with the argument that the fate of a soldier, even though he is a draftee, who dies for his country upon the field of battle, should be likened to the fate of a man who is electrocuted for a capital crime.

As the Senator from Georgia has so well pointed out, in addition to the local draft boards, the Selective Service System provides for the establishment and functioning of State boards of appeals and ultimately for a National Board of Appeals in Washington, D.C. Those boards of appeals receive any documentary evidence prepared by an attorney, or anyone else, bearing upon the question as to whether a particular registrant should or should not be inducted into military service.

The proposed amendment would allow those who are wealthy enough to retain lawyers to have their lawyers go before a local draft board and appear in all its proceedings, including its executive sessions, where the members make the decision as to who shall be inducted of the registrants who are registered with the board.

If we are going to be fair and just, then we would have to provide attorneys for the remainder of the young men required to register with the 3,000 draft boards in this country. The registrants number approximately 2 million young men each year. The amendment does not undertake to furnish lawyers for young men unable to pay counsel fees.

It has been suggested by my good friend from Missouri that perhaps poverty program lawyers could represent the poor boys.

It is doubtful that would be just simply because many poverty program lawyers are said to be somewhat poverty-stricken when it comes to legal knowledge and legal capacity. So that course would not solve the problem which the amendment raises for those not wealthy enough to obtain adequate legal services for themselves.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. That is, if the situation should develop that the rich boy could hire a lawyer, and have that lawyer continue through all the proceedings that are now provided by law—and the argument is made that the poor boy was not in a position to hire a lawyer—if the thinking that seems to dominate this amendment is carried to its logical conclusion, is it not justifiable to expect that someone, at a later date, would say that the local board had to provide lawyers for everyone who came before it?

Mr. ERVIN. Absolutely, in fairness and in justice that would have to be done. The amendment puts no limitation on what evidence the lawyer could produce. While lawyers are presenting unlimited evidence before the boards, the enemy could come in and take over the country and there would then be no necessity to draft anybody. The Senator from Georgia has pointed out very effectively how the proceedings could be dragged out until the last lingering echo of Gabriel's horn trembled into ultimate silence, and until the registrant represented by the lawyer had gotten too old to perform any military service.

The amendment could bring about a situation which Bill, an old mountaineer, described as the way the Superior Court of Watauga County, N.C., functioned on one occasion. After he had served on the jury the first day of court, Bill went to the neighborhood grocery store. One of his friends said, "Well, Bill, I understand you have been up to Boone"—the county seat—"serving on the jury today. What did the court do?" Bill replied: "Nothing. The judge was sitting up there on the bench and we were sitting there in the jury box. Some of the lawyers were objecting and the others were excepting, and the costs were piling up."

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG of Missouri. The Senator is making a very strong appeal to deny these young men the right to have counsel before the board. I remember that the Senator's subcommittee, of which I am a member, has been very active in seeing to it that Federal employees had the right to have counsel before the various boards and the various agencies. I am sure the Senator wants to be consistent. I am sure the Senator does not see any difference between the right of Federal employees to have counsel before boards and agencies and the right of 18-year-old boys to have lawyers before the draft board. What is the difference?

Mr. ERVIN. The difference is about as wide as the gulf between Lazarus in Abraham's Bosom and Dives in Hell. The subcommittee's bill relating to Federal employees undertakes to provide that a Federal employee charged with conduct which might result in disciplinary action would have the right to be accompanied by a lawyer or a friend of his selection to the supervisor interrogating him in order that he might not be unjustly subjected to discharge or other disciplinary action. But neither the lawyer nor the friend of the Federal employee is to be authorized to call witnesses and present oral testimony to the supervisor. In this respect, the subcommittee bill is quite unlike the proposed amendment which would authorize the registrant's lawyer to do these things. In my opinion, that is a very wide distinction.

Mr. LONG of Missouri. I do not know how wide the distinction is, but the things the Senator mentioned do not seem very wide to me. This measure does not provide for a lawyer to prevent him from giving service. The law sets up certain exemptions. If we do not want the 18-year-old boy to avail himself of those exemptions, should not Congress take the exemptions out of the law?

Mr. ERVIN. No; this man can go to a thousand lawyers, if he wants to get them, to write documents showing he is entitled to an exemption or deferment.

Mr. LONG of Missouri. He does not want 1,000; he wants one lawyer.

Mr. ERVIN. The registrant can have one and he can have that lawyer write out anything he wants showing he should have an exemption or deferment, and then the members of the board could read it, instead of having to spend unlimited and undefined time hearing the lawyer presenting oral testimony before them.

Mr. LONG of Missouri. We do not know whether the board members would read it or not, but the lawyer for the Federal employee would have that same right.

Mr. ERVIN. Fundamentally, registrants who want an amendment of this nature are not anxious to serve our country.

If they are, they can file a questionnaire, just as my son did, at the age of 18, in the Second World War, in which he wrote his name, age, and address in his questionnaire, and then added, "When my country needs me, I am ready."

Mr. LONG of Missouri. That is just the Senator's conclusion.

Mr. ERVIN. That is a fact.

Mr. LONG of Missouri. What the Senator's son did may be a fact, but the Senator is saying that a boy is not entitled to use the exemptions and still be protected in serving his country——

Mr. ERVIN. The registrant can get lawyers and have them prepare and file with the draft board any data relative to his contentions. I have never heard of a draft board in North Carolina—there may be some in Michigan—that would not consider such data.

Mr. LONG of Missouri. The Senator says there is a great difference. To my mind there is not. The Federal employee has that right, but the Senator wants to prevent a lawyer for the 18-year-old boy from going before that board with a lawyer.

Mr. ERVIN. The difference is that the Federal employee is being interrogated by a supervisor upon an allegation charging him with misconduct which could result in his discharge or other disciplinary action. He can be accompanied to the interrogation by either a lawyer or a friend. But, unlike the pending amendment, neither the lawyer nor the friend can call witnesses and have them testify orally during the course of the interrogation. The Federal employee is merely subject to interrogation by his supervisor.

Mr. LONG of Missouri. So is the 18-year-old.

Mr. ERVIN. The Federal employee is required to come in and be subjected to cross-examination by his supervisor.

Mr. LONG of Missouri. Is not the 18-year-old boy required to come before the board?

Mr. ERVIN. Yes. If the 18-year-old is given all the procedural rights which are given to the criminal, as has been suggested by some, his service will be held in abeyance until the country is overrun and conquered by an enemy—provided there are enough boys who want to escape performing service for their country under a provision like this. I hope there are not that many.

Mr. LONG of Missouri. The Senator does not think this would create a great number of appeals and clog up the system; does he?

Mr. ERVIN. If we are going to be fair and give them the same rights that are given to a criminal, as has been suggested here, his claim would go ultimately to the Supreme Court of the United States——

Mr. LONG of Missouri. We have never said that. We just want to give them the right to counsel, the same right the Senator wants to give to Federal employees before agencies and bureaus of the Government.

Mr. ERVIN. If they were given the right to counsel, there would be no end to the proceedings.

Mr. LONG of Missouri. In what way?

Mr. ERVIN. Because the lawyer would be entitled to be there during the proceedings.

Mr. LONG of Missouri. No; the bill does not say that. This is just before the board.

Mr. ERVIN. He can keep it there forever. He can claim an exemption. He can claim exemptions like a fellow in my county did in the First World War. He filled out the questionnaire by saying, "I want an exemption." He said, "First, I claim an exemption on account of dependents." He said, "It is true that my wife has done run off with Bill Jones, but she will come back before long and I will have to support her."

He said, "That is the first exemption I claim. Then, the second exemption I claim is that I am a minister of the gospel. The third exemption I claim is that I have been in the penitentiary three or four times and on the chain gang a dozen times, and I am no fit character to be in the U.S. Army."

A registrant's lawyer could keep that up for a long, long time, until the financial resources of the registrant and his family had been exhausted.

Mr. LONG of Missouri. The lawyer could do nothing more than the boy could do for himself if he were properly trained, and the board could grant or dismiss the exemption after 10 minutes.

Mr. ERVIN. Under the proposal of the Senator from Missouri, the board could not even meet privately for the purpose of deciding the claim, without the lawyer being present.

Mr. LONG of Missouri. The Senator is reading that in the bill. It is not in there.

Mr. ERVIN. Well, let us see. Reading lines 6 and 7:

> . . . be represented by counsel in any proceeding before the local selective service board having jurisdiction over him.

It would certainly be a proceeding before the local board when the members of the board meet together to make a decision. The lawyer would be entitled to be there, and presumably argue the matter.

Mr. LONG of Missouri. I am sure the Senator must be facetious, because the Senator, as a lawyer, knows, as well as I do, that there is a public hearing. That would be before the board. Then, when the board met in private chambers to discuss it and make a decision, this amendment would not provide for a lawyer at that time.

Mr. ERVIN. Would it not be a proceeding before the local board when they met to make a decision?

Mr. LONG of Missouri. No, it would not.

Mr. ERVIN. Is that not a proceeding?

Mr. LONG of Missouri. No.

Mr. ERVIN. The lawyer would be allowed to be there.

Mr. LONG of Missouri. Does the Senator feel this could create a lot of appeals and clog the system, as suggested by the distinguished Senator from Georgia?

Mr. ERVIN. Oh, yes. The lawyer would have the right to call witnesses without number and present oral testimony without limit through them.

Mr. LONG of Missouri. And it would create a lot more hearings?

Mr. ERVIN. It would mean that many American boys who seek exemption from service to their country would be able to do this if their families had enough money to employ lawyers.

Mr. LONG of Missouri. Judge Gwiazda, who is Chairman of the Federal Appeal Board—the Supreme Court, you might say, of the draft system—made a statement on this question. I asked him:

> You would not think, would you, Judge, that the number of appeals would be greatly increased because of counsel representing the registrants, that counsel would not advise them to appeal unless they had some meritorious right?

This is the answer from as experienced a man in this field as anyone in this country:

> Judge GWIAZDA. I do not think so, frankly; because an analysis of the Korean situation on which the board took a survey, it is peculiar to note that despite all of the publicity as to the registrant's rights and, actually, inciting to block the system, that you all are conversant with, we find that there were more appeals reaching the Presidential Board during the Korean conflict than there are at the present time.

In other words, now with all this publicity about the right to appeal, and so on, there are fewer appeals than during the time of the Korean war.

Mr. ERVIN. Mr. President, I would say to the Senator from Missouri that at the time of the Korean conflict we did not have draft card burners; we did not have a multitude of students on the campuses of this country who resisted being drafted; we did not have multitudes of other citizens demonstrating to obstruct the operation of the draft and the carrying on of the war in South Vietnam.

Conditions have changed. I think these things indicate that we would have a multitude of appeals.

Mr. LONG of Missouri. But in spite of all that, there are fewer appeals than there were during the Korean conflict.

Mr. ERVIN. Well, I rejoice to learn that.

Mr. LONG of Missouri. I agree with the Senator.

Mr. ERVIN. I rejoice to learn that we can hope there are not many boys who want to employ a lawyer to assist them to avoid serving their country.

Mr. LONG of Missouri. I agree with the Senator entirely on that point.

Mrs. SMITH. Mr. President, the distinguished chairman of the Committee on Armed Services stated the argument against this proposed amendment to the pending bill so clearly that I hesitate to try to add anything to the debate.

In my opinion, however, this amendment violates orderly legislative process and simple commonsense. This is a matter on which there should be hearings. It is not a matter to be acted and voted upon on the basis of a few minutes debate.

It is a matter that comes under the jurisdiction of the Armed Services Committee. This amendment would bypass the committee. If we are to adopt this amendment then we will be setting a precedent that could lead to making the committee system of this legislative body a shambles.

I do not contend that there is never a case for justifying the offering of an amendment on a subject on which the cognizant committee has not held hearings or deliberations. Of course, there have been cases in past histories where committees have bottled up legislation and it has become necessary to counter such blocking and stalling tactics on the part of a committee by trying to bypass the committee with the offering of an amendment on the floor.

But that is not the case in this instance. The Armed Services Committee has not been guilty of blocking such legislation—for the simple reason that no such legislation has been referred to the committee.

This is not merely a matter of committee pride. It is a matter of orderly legislating. Adopt this amendment and you pave the way to this sort of shortcut manner of subverting every cognizant committee of this legislative body. I trust the amendment will be soundly defeated.

Mr. THURMOND. Mr. President, I support the motion that will be made by the distinguished Senator from Georgia to table the pending amendment. I shall vote to table for two reasons.

The first reason is that we are now considering a very important and essential piece of legislation, which means much to the public good of this country—a safe streets and crime control bill—and I do not feel that it should be cluttered up with other matters that are not germane to it.

The second reason is that this is a matter for the Committee on Armed Services. The distinguished Senator from Missouri introduced S. 3303 on April 10, and has been holding hearings on that legislation. The title of that bill is "To Amend the Provisions of Chapter 5 of Title 5 of the United States Code, Relating to Administrative Procedures."

If that bill, S. 3303, had stated in its title that it was to amend the National Selective Service Act, I am sure it would have been referred to the Committee on Armed Services, and the hearings would not have been held in a subcommittee of the Committee on the Judiciary. That bill ought to be sent to the Committee on Armed Services.

The amendment offered by the Senator from Missouri today is identical, I believe, with the bill, S. 3303, and it, too, should be considered by the Committee on Armed Services.

Mr. President, on May 11, 1967, the Senate rejected an identical amendment, almost word for word, offered by the distinguished Senator from Oregon [Mr. Morse], by a vote of 55 to 17. That does not mean that the Senate would necessarily reject a similar amendment today. That does not necessarily mean that the Committee on Armed Services would not consider favorably a similar amendment today. But I do feel that this is a matter that deserves great consideration. It should not be acted upon hastily. There are many people who have strong feelings both ways. There is sizable sentiment for the views expressed in the amendment of the distinguished Senator from Missouri, but there are also strong and logical views on the other side; and it seems to me that the Committee on Armed Services should have the opportunity to hold full hearings, and, after full hearings, make its recommendation to the Senate.

The Committee on Armed Services has not held such hearings on this particular bill; and I feel that, before action is taken by the Senate, the Senate should receive the benefit of the consideration, the views, and the recommendations of that committee.

No law that is passed is likely to please everybody. If the amendment of the Senator from Missouri is agreed to today, it will not please everybody. The present law does not please everyone. Under the present law, all males register at 18. All qualified males are obligated at 18½ years for a 2-year period. None are called before the 19th birthday. The Selective Service Board in the registrant's county classifies the registrant, and the registrant is notified of his classification.

Then, if he is in class IA, and objects to being in that class, he has the right to a personal appearance before the Selective Service Board in the county, within a 30-day period after such notification, and the board again reviews the classification and notifies the registrant.

If he is not pleased then, he can apply for an appointment with a Government appeals agent for advice. The Government appeals agent will appeal his case, or will assist him with it, and give him counsel and advice without charge. If he chooses to go to the State appeals board, he can do that, and he has 30 days more in which to appeal to the State appeals board. They review the case, and they notify the registrant of the result.

If the State appeals board has one or more members who dissent from the county board's recommendation, then the registrant can appeal to the National Selective Service Appeals Board. Even if the State board is unanimous in its opinion, the State director of Selective Service or the national Director of Selective Service can appeal on behalf of the registrant.

So, Mr. President, the registrant is afforded every opportunity to have his case heard through proper channels. However, there may be some points that the Committee on Armed Services has overlooked, or would wish to hear, and I would certainly keep an open mind, if the bill comes before the Committee on Armed Services. I do feel it would be a mistake for the Senate to agree to this amendment today.

Mr. President, I hope the Senate will see fit to table the amendment and let testimony on the amendment be heard by the Committee on Armed Services.

Mr. President, I ask unanimous consent to have printed at this point in the Record a letter written by me under date of May 21, 1968, to Lt. Gen. Lewis B. Hershey, Director of the Selective Service System, and his reply to me under date of May 22, 1968.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Armed Services,
Washington, D.C., May 21, 1968.
Lt. Gen. Lewis B. Hershey,
Director, Selective Service System,
Washington, D.C.

Dear General Hershey: During the course of your appearance before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, under the Chairmanship of Senator Long of Missouri, Senator Kennedy of Massachusetts raised a question concerning the relationship of the Government Appeal Agent for each of the local boards with the registrants who seek his advice concerning selective service procedures.

Due to circumstances beyond my control, I was unable to be present at this meeting. I would be very much interested in knowing the exact function which the Government Appeal Agent performs under the regulations with respect to local board registrants.

I appreciate very much your advising me on this point, and with kind regards and best wishes.

Sincerely,
Strom Thurmond.

National Headquarters,
Selective Service System,
Washington, D.C., May 22, 1968.
Hon. Strom Thurmond,
U.S. Senate.

Dear Senator Thurmond: I have your letter of May 21, 1968, concerning the functions of the Government Appeal Agent.

No attorney client relationship exists between the Government Appeal Agent and a registrant nor between the Government Appeal Agent and the local board.

The Government Appeal Agent is an unpaid government official whose duties are to assure, in cases coming to his attention, that procedures are followed, and that classifications reflect the national interest. To discharge these responsibilities he may recommend that the local board reopen and reconsider a classification, or he can appeal a classification made by his local board any time before the induction order is issued. (The registrant, his dependent, or employer may appeal only during the 30 day period following classification. The State Director or Director of Selective Service may appeal at any time.)

With respect to his authority to appeal, the Government Appeal Agent is the balance wheel for the community, as is the State Director for the State and the National Director for the System nationally. The lessons of history demonstrate conclusively that the success of a Selective Service System depends on the degree of its decentralization and the representation in the community of all of the elements necessary to insure local operational autonomy.

The role of these patriotic unpaid officials is the same now as it has been ever since 1940. In these nearly three decades past, many thousands of citizens, mostly attorneys, have served as Government Appeal Agents. The American Bar Association and State and local Bar Associations have performed a vital service to the Nation over the years by cooperating with the Selective Service System in keeping these offices filled with competent and dedicated men.

I trust this information will be of assistance to you.

Sincerely yours,
Lewis B. Hershey,
Director.

Mr. STENNIS. Mr. President, I shall not detain the Senate for more than a few moments. This subject has been fully covered. It was covered last year when the Senate debated and voted on almost the identical provision.

I think that if the pending amendment should be agreed to and should become law, it would have two effects on many of the boys who are called.

Members of draft boards serve without pay. They are selected, or at least are nominated, by the Governors of their respective States. If a situation arose in which every registrant had the right to appear with an attorney on every point, some registrants would soon be having almost continuous sessions before the board. There would then be wholesale resignations from the boards. This amendment could not lead to anything else. The board could not afford to go through continuous semijudicial proceedings in a great many cases, and it would not be possible to replace these men with other men of the same type.

Furthermore, we would witness the hiring of the most influential lawyers to represent registrants. Those lawyers would be men who not only were skilled in their profession but would also possess tremendous influence, sometimes crushing influence, in their cities or communities.

There would be a tug of war between both sides, and tremendous pressure would be applied on the board members. The board members should not be required to contend with such a procedure. They do not have the time. Their really high purposes and motives in serving gratuitously from a sense of duty would be crushed.

I think that to agree to the pending amendment and enact this provision would have a very bad influence on the Selective Service System.

I do not attack the good intentions of anyone. I know that the Senator from Missouri [Mr. LONG] has good intentions. However, it is shocking to me to think that our system would permit the adoption of such an important amendment on such a tender subject without our having the benefit of full hearings. Some hearings were held, but who knows who the witnesses were?

We have no record of hearings before us on this amendment? I do not know what witnesses testified. I do not know what questions they were asked. We do not know what the real substance of the testimony was, and we do not know the qualifications of the witnesses who may have testified.

No hearing record has been presented to the Senate, that I know of. There has been no sense of the committee presented to the Senate by those who held hearings.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. Mr. President, one thing that disturbs me is that in proceedings before Federal agencies somebody is present to represent the Government. But under this amendment nobody would represent the Government. As the Senator well says, men of wealth would employ lawyers of great standing and influence in their communities. However, the Government would have no counsel at all.

Mr. STENNIS. The Senator from Georgia has well stated the matter. There could be a debacle. There could be unjustifiable delays and great difficulties in securing competent and impartial board members.

Mr. President, I submit, for my part, to the judgment of the Senate.

Mr. President, I yield the floor.

Mr. LAUSCHE. Mr. President, I have listened to the arguments made on this subject. I cannot dismiss from my mind my deep impression that the hearings that have been under discussion would not be adverse in nature. The parties to the hearings could be said to be in conflict. The U.S. Government is calling upon youth to serve the Nation in a period of war. The young men appearing before the boards are a part of that government. They are one and the same thing. Each is intent upon preserving the life of the Nation.

In an examination of the structure of these proceedings, it is thoroughly apparent that never has it been considered that there is a conflict in judgment and purpose between the Government of the United States and the young man who appears before the draft board in response to the notice that he has reached the age at which he must give service to his country.

The bill before the Senate, to which the amendment has been offered, deals with crime. Statements have been made repeatedly on the floor of the Senate that the bill is primarily intended to reach the criminal. I find it difficult to understand the justification of attaching to the bill an amendment that deals not with crime but with the necessity of young men to serve their Nation.

We have discussed Supreme Court decisions which deal with the right of an individual to counsel. I again read the Sixth Amendment to the Constitution; as it applies to the bill that has been under discussion for the last 3 or 4 weeks:

> In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense.

The bill deals with the constitutional right of a man charged with crime to have counsel. This is an adversary proceeding. In that instance, of course, the Supreme Court has said that for the purpose of defending himself, an individual charged with crime shall be provided with the counsel at the Government's expense. Now, by a tenuous process of reasoning, it is proposed to attach to a bill dealing with crime, an amendment to provide for the supposed right of a registrant for the military service to have counsel to defend him. Defend him against what? The Government of the United States says to him, "Young man, we are at war. Our Nation must be preserved. Under the law, you are required to serve."

He, however, says "I want a lawyer"—a lawyer, I suppose, to stop him from responding to the call of the Government.

Mr. President, God help the United States if we reach the stage where the calling of youth for military service will be construed to be an adversary proceeding, falling into the category of a charge by the Government of criminal conduct on the part of the young man to be called.

I served in World War I. I have no qualms about my service. I have only one deep feeling at this time, and that is the helpless state in which our Government finds itself through the widespread propagation of the principle that one does not have to serve his Nation. I cannot feel other than distressed when I read in the newspapers the articles about card-burning draftees and about the formation of organizations which seek to induce draftees not to respond.

Today, somewhere in Maryland, four men are on trial, charged with inducing young men of the United States not to answer the call of the Government, but to burn their draft cards and stand by. That is a sorry state of affairs.

I subscribe to the statements of the Senator from Georgia [Mr. RUSSELL] and other Senators that if there is a weakness in the draft law or in the Selective Service System, that weakness should be remedied by a compliance with the prescribed procedures of Congress. If prospective draftees are to be allowed to have lawyers—those who are reached—and if there are to be procedures for lawyers to present the cause of the draftees, let the procedures be set out in a bill that will be fully considered by the proper committee of the Senate.

I would go one step further. If a lawyer is essential for a draftee, he should be essential for all draftees, not only for the rich, but also for the poor. If the poor are to have lawyers and do not have the funds with which to hire them, the Government should provide the lawyers for the draftees to argue that they should not serve their government.

That last statement sounds absurd. But if it sounds absurd, the absurdity is a consequence of the absurdity of the proposal made in the bill. It is not my ridiculousness; it is not my absurdity. It is the absurdity of an entity of the U.S. Government, an integral part of that Government, and youth, not in conflict with each other, not standing in an adversary position, but both wanting to reach an objective that will help the country.

The selective service boards all over the Nation, none of them paid, are appointed solely to serve the Nation and to make certain that no partiality or prejudice dominates the selection of the draftees. They are not judges. They are not lawyers. They are not paid. They render their services gratuitously, and the structure has been adopted to indicate a nonadversary aspect of the whole operation.

I concur in the arguments that if the right to hire lawyers before local draft boards is stimulated, the members of the boards will quit. They are nonlawyers. Lawyers arguing for the purposes of procrastination will drive the members from the board.

Mr. President, this matter is of far graver consequence than is generally recognized by us here today. It goes to the very structure of our Government.

Memorial Day will be with us shortly. In Granville, Ohio, about a decade and a half ago, a professor of history at Denison University walked through a cemetery. There he beheld weather-beaten tombstones, some ornamented with pictures of the bodies that lay within the ground beneath the tombstones. On others were simple American flags indicating that the ones lying in the lonely cells had served their country.

That historian of Denison University wrote a piece about it. He said:

> As I walked through the cemetery and stopped at the grave of X, I felt that I heard a voice speaking to me, saying: "Do not accept the argument that patriotism is old-

> fashioned. I was young. I did not want to serve in war. My country called me and I responded. Reject the argument that patriotism is old-fashioned."

I believe that those views expressed by that man are applicable today generally throughout the Nation.

This amendment should not be adopted. I recognize the sincerity of the purposes of the Senator from Missouri and the Senator from Michigan. They want to reach the goal of justice. But I respectfully say to them that justice will not be attained through the adoption of this amendment.

I will support the motion to table the amendment, when the motion is made.

Mr. HART. Mr. President, I am satisfied that the subject matter has been thoroughly debated, and I am grateful to the Senator from Georgia for being as patient as he has.

I rise only in the event that in the discussion earlier I left the impression that I lacked respect for the patriotism or the sincerity of the many men in this country who serve on draft boards. Indeed, it may be that as I read the letter describing the events in that one draft board, that impression was created. I want very clearly to correct that impression, if I did create it.

Patriotism and wisdom are different things. We would all of us be wise and patriotic, and we hope that the patriotic are wise.

Mr. LONG of Missouri. Mr. President, I wish to join in what the Senator from Michigan has just said. I want it clearly understood that I have great respect for members of our draft boards. They serve in a very difficult position. They render service without pay and perform an outstanding service. It is a job in which many citizens of the community would not want to serve. They do a fine and a patriotic job.

In my judgment, the amendment in no way reflects on them. If anything, it would make their task easier. The draft board has its lawyer, and the registrant could have his lawyer. I do not think it would do any harm to the Selective Service System. I would not want to do that. Those of us who favor this proposal are interested only in seeing that the rights of young men are protected. I do not think it would create the great problems that has been suggested.

This matter has been before Congress for a year or more. The Senator from Georgia has suggested that he felt it was the prerogative of the Committee on Armed Services to hold hearings. Certainly my committee and those who serve on it have no thought of running around that committee's jurisdiction.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LONG of Missouri. I yield.

Mr. RUSSELL. I used an unfortunate term. I think the jurisdiction of the Committee on Armed Services was short-circuited, but I did not attribute it to the Senator from Missouri.

Mr. LONG of Missouri. I am sure of that. According to the RECORD of May 11, 1967, the Senator from Georgia commented about the Committee on the Judiciary being interested in handling the bill providing counsel, and rewriting the Administrative Procedure Act. Although we considered the problem, we did not come out with recommendations at that time.

Be that as it may, we know this matter was considered by the Senate a year ago, and still no hearings have been held by the Committee on Armed Services.

I wish to inquire of the Senator from Georgia if he could tell us about the possibility of hearings being held before his committee on this problem.

Mr. RUSSELL. I say frankly to the Senator from Missouri that I have no intentions of having any hearings in this area this year unless the majority of the committee decides to have hearings. That is partly predicated on the fact that the House Committee on Armed Services has already announced that they would not have hearings this year, and I do not think it would serve any useful purpose for us to have hearings.

The selective service law was considered in 1967, about a year ago, and this same issue was presented. Members of the Senate are interested in many subjects covered by the Selective Service Act. There have been a number of requests for hearings.

I am not going to plant my feet in concrete and say we are not going to have hearings, when several bills are presently pending.

I will say categorically that if we adjourn in August it will not be possible for the Committee on Armed Services to add this tremendously important matter to the agenda because, in my opinion, providing counsel could lead to a rewriting of the Selective Service Act. I would be opposed to having hearings on it this year. I do not know what the future might present.

Mr. LONG of Missouri. I recognize that problem. What is the Senator's thought about hearings early in the 1969 session?

Mr. RUSSELL. As the Senator knows, the first bill we have to consider is the authorization bill for the procurement of hardware for the Armed Forces of the United States. That is not a small matter. This year it involves an authorization for spending $22 billion principally for tanks, missiles, ships, and aircraft to arm our several services. We would have to complete that bill before I could consider hearing anything else because we cannot approve appropriations for the Department of Defense until after the authorization bill is passed.

I regret that I cannot pledge the Senator any hearings. If there is any strong desire within the committee for committee hearings, I will, of course, have hearings. But as of today, I could not make a commitment to the Senator from Missouri that I would have hearings on this problem.

Mr. LONG of Missouri. I would not expect a firm commitment today, but I am trying to determine the possibility of hearings after the authorization bill.

Mr. RUSSELL. It is difficult to foresee what the possibility would be. Nobody knows what the situation will be. If we ever get rid of the tragic situation in Vietnam, I do not think it will make as much difference whether we have hearings or not, because the draft calls would be so small they would not have so strong an impact on our people.

There are so many imponderables that I hesitate to make a commitment.

Mr. LONG of Missouri. Since there is some question about it—apparently the Committee on Armed Services will not have sufficient time to hear it—it seems more important than ever to me that this committee should have hearings this year on matters as vital as this.

Mr. RUSSELL. The Senator's committee apparently limited hearings considerably, because it must not have pursued the effect of the amendment on the operations of the Selective Service System. It just bit off one edge without tasting the whole dish, whether it be bitter or sweet.

This amendment would have a much greater impact on the Selective Service System than the able Senator from Missouri recognizes.

It would create a situation, in my judgment, that would require either the complete abandonment of the Selective Service System or the complete revision of the Selective Service Act. In my judgment, the eventual effect of such a change could be to confer jurisdiction on the U.S. district courts to hear classification matters, and to let the tentative draftee bring his petition into court, the same as any other litigant, to establish that he is entitled to a certain classification.

But so many angles are involved that I hesitate to make any commitment. I know how interested and sincere the Senator is in pressing this matter.

As I say, if we can ever bring this war to a conclusion this issue would seem less significant because the draft calls would be much lower.

Mr. LONG of Missouri. In the meantime, it is important to these boys now.

Mr. RUSSELL. Yes, it is important, but I doubt very much if 5 percent of them are strongly interested in getting a lawyer to pursue their classification. Most of them know their classifications. In some cases, an employer might have a man he thinks is vital to his community that he wants to keep from being drafted, and he might want to get a lawyer to try to have him classified as something other than 1A. But under the situation as it exists, and considering the position the House of Representatives has taken on this matter, I am not in a position to make a definite commitment. I want to be honest and frank. It would be easy to say that we will have some kind of hearings to disarm the Senator, but I do not do business that way.

Mr. LONG of Missouri. The Senator said 5 percent. I think the figures would be less. I do not think it would be more than 1 percent.

I am ready to vote.

Mr. KENNEDY of Massachusetts. Mr. President, for more than 2 years now we have heard endless criticism indicating wide dissatisfaction with the structures, operation, and procedures of the Selective Service System.

I personally have been one of those who consider the existing law and its implementation blatantly unfair and anachronistic. A year ago, Congress had before it a unique opportunity to rectify this situation.

It chose not to, and in so doing, rejected the findings and recommendations by the President's National Advisory Council on Selective Service, commonly referred to as the Marshall Commission, by two Senate committees and subcommittees, and by an enlightened Senate which passed a constructive draft bill.

Instead of reforms, modernization, and necessary improvement, the 1967 House-drafted law enacted by Congress was filled with punitive and restrictive measures as well as increased arbitrariness.

Where many of us, including a vast majority of Americans directly affected by the draft, had expected a new law reflecting equity, certainty, and flexibility, we confronted a harsh, piecemeal, regressive one.

As a response to the numerous defects of the 1967 amendments, I introduced this February a bill, S. 3052, directed toward comprehensively restructuring the Selective Service System. This 18-point bill was aimed at replacing uncertainty, unfairness, and discrimination under a patchwork law, with certitude, equity, predictability, and uniformity.

I called for a fair and random system of selecting persons for induction into military service, for the equal application of deferment policies, the prohibition of using the draft as a punitive measure, the repeal of the 1967 amendment denying judicial review of draft classifications, and the reorganization of the Selective Service System along the lines proposed by the Marshall Commission.

I have been extremely gratified by the favorable response received on this proposed bill from the business, academic, and religious communities.

It is their feeling—and I concur—that the enactment of this legislation would go a long way toward rectifying the inequities and injustices in the draft system.

For the past 2 months I have been exploring the possibility of conducting hearings on this bill. I have approached several colleagues advocating that we reopen this issue. These efforts have not produced the results which I and the vast majority of the American people would like to see—much needed and long overdue draft reform.

Therefore, Mr. President, I am most grateful for the opportunity to raise once again today one issue among the many gross injustices found throughout the draft system—the denial of the right of the registrant to be represented by legal counsel before local selective service boards.

The absence of counsel from draft board proceedings epitomizes legal inequities pervading draft administration.

There is perhaps no legal principle so venerated under our laws than a person's right to legal counsel. The sound of the Gideon decision incorporating the right to legal counsel as guaranteed under the Bill of Rights to citizens of all States has fallen on deaf ears in our system of administering selective service laws. The extension of legal counsel to the poor, illiterate, and ignorant under OEO's neighborhood legal services represents a significant extension of our legal system to those who have been denied access to it.

Our entire history, tradition, and regard for civil liberties has harbored the concept that every man is entitled to be heard—and heard by counsel.

Is not a certain hypocrisy involved in a system that will take delicate concern that counsel is extended to all segments and groups, and yet leaves unprotected the nearly 2 million young men each year registering before local draft boards? Are there not certain injustices prevalent in a system that will draft 45,000 men this month—many of whom may be called upon to give their life for their country—but will not permit them to adequately present their case before a local draft board?

Nowhere are the defects in the implementation of our draft laws more glaring than in the present interpretation of these laws.

The 1967 amendments built into the draft law two highly controversial and repressive measures.

First, they eliminated judicial review of draft classification and processing action, except where the registrant is a defendant in criminal action.

This law has the practical effect of insulating the decisions of the Selective Service System from the jurisdictional scope of Federal court review.

It means that review of administrative decisions can come only as a result of a criminal proceeding.

In other words, the administrative process permits possible redress of grievances only where the registrant has been charged with a criminal violation of the draft law. In blocking the civil appellate channels, the amendment has the result of requiring the registrant to break the draft law in order to vindicate what he believes to be his rights.

I cannot conceive of a more absurd system of administrative procedure. Surely some inspirational truth must have guided Daniel Moynihan to write:

> If the selective service system did not exist, it would be impossible to invent it.

Second, the 1967 amendments further closed the channels of redress of grievance by eliminating the then existing requirement for a hearing by the Department of Justice whenever an appeal is filed against a local board's denial of conscientious objection status.

This provision terminated the procedure, in effect since 1940, whereby conscientious objection appeals are referred to the Department of Justice for FBI screening and investigation, or hearing by a volunteer lawyer hearing officer, and a written recommendation by the Department to the Selective Service Appeal Board.

The intended purpose of eliminating this procedural step was a reduction in prosecuting conscientious objection appeals.

The result has had severe consequences to our entire system of justice and equity under law.

In effect, each appeal board has been given authority and discretion to set its own rules, without the guidance or consistency or expertise of the Justice Department procedures.

Furthermore, the greatest inequity presently manifested in the selective service operation stems from General Hershey's October 26, 1967, directive to appeal agents of local boards.

Under this directive, the local or volunteer appeal agent assigned to each board is required to report to the local board any information which might lead to a prosecution of any registrant under the selective service law.

Clearly, no more blatant hypocrisy and conflict of interests can be found anywhere in our legal system. On the one hand, a registrant is informed on his draft registration certificate that the Government appeal agent is available at each board "who is ready and willing to offer any legal counsel on selective service matters."

Yet, on the other hand, this same appeal agent, who is "legally trained" wherever possible, is required to divulge information given to him in confidence by the registrant.

These contrary—if not totally incompatible—regulations require a Government appeal agent to protect both the interests of the Government and the rights of an individual—a de facto case of conflict of interests.

If by "legal counsel," General Hershey means a lawyer-client relationship, then the divulgence of information given under the pretense of legal assistance is clearly unethical.

The American Bar Association's Committee on Professional Ethics has handed down an informal opinion on this very matter:

> If law and regulations are construed to create an attorney-client relationship between agent and registrant, or if in fact such a relationship is created in a given case, it would be *unethical* for a lawyer not to preserve the confidences of the client, and it would be improper for him to act as an informer to the board of information disclosed by the registrant to his lawyer in confidence as an attorney.

If Mr. Hershey has some other meaning by "legal counsel"—one not compatible with our common legal vernacular—then I think each registrant should be informed as to what this phrase means.

This entire semantic difference inclusive of legal and administrative laws, regulations, and directives substantiates the registrant's need for legal counsel.

I hope the adoption of this amendment will serve as a catalyst in reopening the whole draft issue. Not only do we find that the system is fragmented, disjointed, and uncoordinated, but in its operations common standards of justice and fairness are further diluted by highly questionable administrative practices and procedures.

I would expect the inclusion of the right to counsel before local draft boards to be the first of many changes necessary to infuse uniformity, equity, and reason into the operations of our Selective Service System.

Mr. RUSSELL. Mr. President, I move to lay the amendment on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Georgia to table the amendment of the Senator from Missouri.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD** (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. **BYRD** of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from West Virginia [Mr. Randolph], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening], the Senator from New York [Mr. Kennedy], and the Senator from Minnesota [Mr. McCarthy] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from Alaska [Mr. Bartlett], If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from West Virginia [Mr. Randolph] is paired with the Senator from Minnesota [Mr. Mondale]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. **DIRKSEN**. I announce that the Senator from New York [Mr. Javits] is absent on official business.

The Senator from California [Mr. Kuchel] is necessarily absent.

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from California [Mr. Kuchel]. If present and voting, the Senator from New York would vote "nay," and the Senator from California would vote "yea."

The result was announced—yeas 63, nays 18, as follows:

[No. 148 Leg.]

YEAS—63

Aiken
Allott
Anderson
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Griffin
Hansen
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
McIntyre
Metcalf
Miller
Monroney
Morton
Mundt
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—18

Baker
Bayh
Brooke
Burdick
Case
Dodd
Fong
Hart
Hartke
Hatfield
Kennedy, Mass.
Long, Mo.
Magnuson
Moss
Nelson
Ribicoff
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—18

Bartlett
Church
Fulbright
Gruening
Harris
Hayden
Hollings
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Mondale
Montoya
Morse
Randolph
Smathers

So Mr. Russell's motion to lay on the table the amendment of the Senator from Missouri [Mr. Long] was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 21, 1968, the President had approved and signed the following acts:

S. 2256. An act for the relief of Dr. Margarita Lorigados;

S. 2301. An act for the relief of Dr. Francisco Guillermo Gomez-Inguanzo;

S. 2381. An act for the relief of Dr. Jesus Adalberto Quevedo-Avila;

S. 2403. An act for the relief of Dr. Teobaldo Cuervo-Castillo;

S. 2404. An act for the relief of Dr. Heriberto Jose Hernandez-Suarez; and

S. 2489. An act for the relief of Dr. Jesus Jose Eduardo Garcia.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The **PRESIDING OFFICER** laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ADMINISTRATION EFFORTS TO DEFEAT CONFERENCE REPORT ON H.R. 15414

Mr. **WILLIAMS** of Delaware. Mr. President, yesterday I discussed the manner in which the Johnson administration is deliberately trying to defeat the conference report on H.R. 15414.

Today I call attention to a specific case of the most arrogant backstage lobbying by a Government agency that I have noted in the past 20 years.

The Secretary of Health, Education, and Welfare has set up a special task force of five employees in the Comptroller's Office under the jurisdiction of Mr. James F. Kelly, Comptroller, and Mr. John P. Leonard, Jr., his executive assistant.

For the past week this task force has been assigned the sole duty of calling Members of Congress, the presidents of universities, superintendents of schools, managers of hospitals and nursing homes, and those interested in other similar types of projects, telling them that their projects will be adversely affected by the proposed reduction. Around 700 telephone calls scattered throughout the 50 States have been made by this special task force.

The Members of Congress and the other individuals back in the States are being told that the reason for the call is that they had just received orders from the President instructing all agencies not to authorize the spending of any money on their project for fiscal 1969 until Congress was able to work out what it is going to do about the combined tax increase and spending reduction.

They are being told that if the $6 billion reduction were retained it would be necessary for the Federal Government to renege on its commitment for the specific project in which they are interested.

They are also being told that pending the settlement of the dispute between the executive and legislative branches over the amount of spending cuts HEW would not be authorizing the release of any bids on any projects for fiscal 1969. To Members of Congress they volunteered the additional thought that their constituents were going to be greatly disappointed if this project were canceled.

Mr. President, I am not blaming the five men operating this task force for this indefensible act of backstage lobbying; they are acting under orders from the Secretary of Health, Education, and Welfare, Wilbur J. Cohen, and it is reasonable to assume that Mr. Cohen is acting under orders from the White House.

This is an indefensible situation where the administration is trying to defeat a bill to which for 15 months it has been giving lip-service support.

I need not remind the Senate or the administration that the American dollar has recently survived two major crises, and if the Johnson administration persists in its present method of backstage lobbying to defeat this bill it may very well precipitate a third crisis of the American dollar. President Johnson and his administration should be ready to assume the full responsibility for the chaotic situation which they are inviting.

Once again I point out that the approval of the $6 billion mandatory spending reduction along with the tax increase will still leave the Johnson administration $3¼ million more to spend on the domestic programs than was spent on the same programs during the current fiscal year.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **WILLIAMS** of Delaware. I yield.

Mr. **MANSFIELD**. Mr. President, it is news to me that a "task force" is campaigning, through telephonic communication and other means, to spread to Members of Congress and other citizens the possibility that projects in various districts or States would not be forthcoming if the tax increase bill passed by the Senate and agreed to in conference is not defeated.

To the best of my knowledge, the administration has never threatened, nor used coercion of any nature in an effort to bring about acceptance of a bill which, if enacted, will represent something less than that passed by the Senate, or agreed to in conference.

I think I can say that the administration is clearly not trying to defeat the bill agreed to in conference, but rather that the President is hopeful that Congress, in its wisdom—and particularly in this instance the House of Representatives—will face up to its responsibility, as the Senate already has, and that a tax bill will be forthcoming.

The President faces very little in the way of choice. He needs a tax bill. He needs it if the underpinning which maintains the dollar is not to be weakened further. He needs it because at the present time people are paying 7 and 8 percent on mortgage money, and, if something is not done, will very soon be paying 10 percent. He needs it because we have the highest rate of inflation that we have had in a number of years, averaging, as of this month, about 4 percent a year. He needs it because the Nation faces a possible $23 billion deficit this year, and if nothing is done, a deficit of $28 billion or more next year. We just cannot operate on that basis.

I think the conferees have done a good job. The measure calls for a $10 billion reduction under the budget estimates that the administration presented to Congress last January; it calls for a $6 billion reduction in expenditures; and it calls for a 10-percent surcharge on income taxes paid by those earning $5,000 a year or more.

The President, of course, has made his position clear. He would like to have a measure providing a $4 billion reduction in expenditures. What he will do with a requirement for a $6 billion reduction in expenditures I do not know. But I can say, I think unequivocally, that the President feels strongly that it is up to Congress to face up to that responsibility. And if Congress will send him a tax bill, even the one which was agreed to in conference, I am absolutely certain that he will give the proposal which the conferees have agreed to every possible consideration.

I am happy to note that, to the best of my knowledge, no threats have been used. I am sorry to note the allegation made by the distinguished Senator from Delaware, because I must admit that it is news to me.

Mr. WILLIAMS of Delaware. I thank the Senator, and I appreciate his statement. I wish to say that I, too, questioned this information when it was first called to my attention. I checked with various individuals who had received the calls, and then, not being fully satisfied, I checked with the gentleman I named here who is in charge of this telephone company, and it was confirmed. So I am not stating an allegation loosely. I checked it and am stating it as a fact. One of them said there was a minimum of 500 calls and maybe 700, and the other said around 700 calls and that they are operating with five of them making these calls. If there is any denial of it I will ask that the member of this team that confirmed it to me report to a congressional committee.

I want to make it clear—my informant was not from this team, but it was fully confirmed. They did not deny it, and it can be checked by anybody who wants to check it.

I think it is indefensible that they would be singling out particular projects in the State of Montana, the State of Delaware, and any of the other 48 States—and my information is that these calls are going all over the country—and, for example, telling the presidents of the universities, "Your research grants, your approval for a construction grant under Hill-Burton, or other similar projects in which you are interested will be vitally affected if this measure goes through."

There is no reason for it in my book, and I think it should be stopped immediately. As I have stated, I do not criticize the five men. They said they are doing it under orders of the Secretary, and I am sure they are. But, on the other hand, I assume—and I have said I assume—that the Secretary is operating under directions or with the approval of the President. But if he is not, then let the President put a stop to this backdoor lobbying which is going on by the executive agencies now, because I think it will take all of us in the executive branch and in Congress, on the Democratic side of the aisle and on the Republican side of the aisle, working together, if we are to solve this financial problem which is confronting our country, one which, in my opinion and I am sure in the opinion of the majority leader, must be solved if we are to discharge our responsibilities.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, if this practice is in fact going on, I would join with the Senator from Delaware, and request—and if I could, I would demand—that the practice be stopped, because such a practice is certainly no way to achieve the objective which the President and Congress both desire.

I am certain, in my own mind, that this is not being done under the orders of the President of the United States. I do agree with the Senator, however, that this is a matter which we cannot delay action upon much longer. The economic situation now confronting this country is a grave one indeed, and the longer we delay action, and the further we delay facing up to our responsibilities, the more it is going to cost this country, in the long run; and it will cost us a great deal more than just dollars and cents.

Mr. WILLIAMS of Delaware. I agree completely with the Senator from Montana.

Mr. MUNDT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. I know that what the Senator from Delaware is saying is correct, because in the last week or so, I have twice been called by people in communities back home who have been on the receiving end of this propaganda from the White House. I do not know, the majority leader does not know, and the Senator from Delaware does not know whether this is being done under direct orders from President Johnson, but we all know that he could stop it before 5 o'clock this afternoon by an order to cease and desist.

Mr. MANSFIELD. I think I can say with assurance it is not being done on orders.

Mr. WILLIAMS of Delaware. I accept that; but I think, in line with what the Senator from South Dakota has said, the President can stop it. These five men were operating under the orders of the Secretary.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. Aside from the fact that such a thing is very unwise and very inappropriate, can the Senator advise me whether or not it is not also illegal for the executive branch to expend unappropriated funds for lobbying?

Mr. WILLIAMS of Delaware. I think it is. I shall check that with the Comptroller General. In addition to that, who is going to pay for these 700 telephone calls to the various States? As a Senator, I resent very much such a procedure having been undertaken by the executive branch. If the administration is not trying to defeat this conference report, then it has a poor way of showing its support.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from Delaware for the information he has brought to the Senate. I hope that this information will get to the President, if he does not already know it, and that he will take some action.

CONSTRUCTION OF PLYWOOD HOUSES IN WASHINGTON PARKS BY MEMBERS OF POOR PEOPLE'S CAMPAIGN

Mr. THURMOND. Mr. President, a grave mistake has been made in permitting the Poor People's Campaign to build a shantytown in West Potomac Park near the heart of the Nation's Capital.

Furthermore, there is absolutely no doubt that this shantytown will be as difficult to remove as the Berlin wall; for, once it is in place, it will not easily come down.

This fact is amply demonstrated by an article on the front page of the Wednesday, May 15, 1968, issue of the Washington Post, in which a top official of the Southern Christian Leadership Conference stated:

> We may be here for 2 or 3 years.

This official, the Reverend James Bevel, was joined in his remarks by the Reverend Bernard Lafayette, Jr., a national coordinator of the Poor People's Campaign, who added:

> The permit may run out, but we will not be run out. We got our permission to stay here from the American Indians.

Mr. President, will this administration have more courage to remove the shantytown than it did the Berlin wall? The answer is a plain and simple "No." These people came to Washington to stay, and they will stay until their demands are met—unless firm action is exercised.

We have heard much about the right to petition one's government; but the purpose of this group is not to petition the Government. The leaders of the Poor People's Campaign have already been received by the President's Cabinet, congressional committees and large numbers of the Congress. If their purpose was to petition the Government, this has been accomplished. On the contrary, these people are here to coerce and intimidate the Government. This is to be accomplished by methods which will result in the disruption of the city: blocking traffic, blocking bridges, preventing Congressmen and Senators from going to their offices.

Their leaders have said that such tactics would be used as a last resort if other methods do not persuade Congress to acquiesce to their demands. In other words, they threaten, "Do what we say or we will turn the city upside down and right side out." If this is not intimidation, I do not know what is.

Some involved in the march have indicated that even these methods are too "moderate," that efforts will be made to instigate violence—including looting and burning.

Mr. President, they are not talking about the right of petition. They are talking about coming to Washington to stay until their "demands" are met. This is not petition. This is intimidation. This is coercion.

In allowing this group a carte blanche approval of their demands, this Government has in effect created circumstances which serve to deny other groups their legitimate right to petition the Government, to conduct marches, and to use the public parks for rallies and other purposes which have been traditional down through the years.

This situation is demonstrated by the recently publicized refusal of the National Park Service of the Department of the Interior to approve rally and march permits for the use of public grounds in Washington by the Baptist Continental Congress of the Crusade of the Americas.

This group, which is affiliated with the Southern Baptist Convention and includes congregations from throughout this country and Canada, asked to use the Sylvan Theater near the Washington Monument for a rally in October. This request for a permit has been temporarily denied because it is unknown how long the Poor People's Campaign will hold forth, although the permit to them expires in June, nearly 4 months before the Baptists wish to congregate.

This situation is placed in an even clearer perspective when it is realized that the Congress fully expects to adjourn by early September, in view of the approaching presidential election.

In other words, when the Interior Department, or more correctly, this present administration, issued the Poor People's Campaign a permit which expires in June, this arbitrary date misleads the public.

Judging from the refusal of the Interior Department to issue a permit to a group in October, it appears they are prepared to extend the period of encampment indefinitely, even months beyond the second session of the 90th Congress which the Poor People's Campaign and shantytown are supposedly here to influence. The political pressure of this group may well be aimed at the presidential election in November and could even disrupt the inauguration of our next President in January of 1969.

Mr. President, grave mistakes have been made by our National Government in handling this entire matter. The people of our Nation's Capital are terrified to walk on their own streets; homeowners even in the suburbs of neighboring States are arming themselves; the District of Columbia crimewave is accelerating at an alarming pace in the areas of murder, rape, robberies, and arson; and Washington has become not the home of the free but the home of the frightened.

The people of this Nation are alarmed as evidenced by mail to Members of Congress, election results in various States, and reaction to statements being made by various militants throughout the land.

It is not too late to bring order out of the approaching chaos, but unless law and order is maintained and the rights of all our people protected, then the freedoms and hopes of the minorities will be demolished along with those of the rest of us.

The unwise issuance of this permit has also served to discourage other citizens wishing not only to counsel with their representatives, but to visit their Nation's Capital. Cancellation of planned visits by school and other groups have been massive, and the fear of just being in the city is best demonstrated by the fact that hundreds of merchants burned out or robbed in the April riots have not reopened. Their stores remain in rubble or are boarded up and plastered with "for sale" and "for rent" signs.

The Government should be taking actions and following policies to restore an atmosphere of peace and tranquility in the Nation's Capital, not yielding to unreasonable demands which merely serve to increase tensions. It is my belief such a policy is strongly supported by those who suffered most in the April disorders—the minority groups trying to live normal lives in Washington.

This situation is illustrated by a letter received in my office May 6 from Mrs. J. D. Head, a housewife and mother from Greenville, S.C., who stated:

> Tonight I learned that our school boy safety patrol will not pay its annual visit to the Capitol in May. I have a twelve-year-old son who has awakened at 7 a.m. all year to be on his post in rain, snow, or any inclement weather. Stop and think about this for a moment—American children not allowed to visit our own Capitol for fear of their lives.

Mr. President, I think all of us should stop and think about this mother's statement.

Mr. President, an article entitled "Abernathy: We Will Raise Hell Here," published in the Charlotte Observer on May 22, 1968, emanating from the UPI in Washington reads as follows:

Abernathy: We'll Raise Hell Here

Washington.—Rev. Ralph D. Abernathy told the 2,500 impatient citizens of "Resurrection City, USA" Monday that the time was near when "we're going to raise hell in the daytime" to drive home their demands.

He cautioned the young city toughs who have been won over to nonviolence and permitted to participate in the Poor People's march against squabbling among themselves. "The enemy is not here. It is up on Capitol Hill," he said.

Referring to Washington and his frequent statement that he intends to "turn it upside down and put it rightside up again," the chairman of the Southern Christian Leadership Conference said:

"We're not going to burn it (Washington) down, we're just going to "straighten it out."

Abernathy assembled his top aides for daylong strategy sessions on urgent problems facing the march—chiefly finding the money and the place to house hundreds of additional protesters headed for Washington and expected to arrive before the week is over.

Mr. President, I think it is clear what these people are here for. They are not here merely to petition the Government. They are here to coerce and intimidate the Government. And the leaders of this Government might as well recognize it. The President of the United States might as well recognize it, and the Congress might as well recognize it.

Mr. President, I ask unanimous consent that the following articles be printed in the Record: The Washington Post, May 15, 1968, "Marchers Move In, Hint Long Stay"; the Baptist Courier, Baptist Press, May 2, 1968, "Baptists Denied Permit for Washington March"; and a letter to Mr. Stuart Gizzard of the Baptist Crusade of the Americans from Mr. Monte E. Fitch, National Park Service, dated April 11, 1968.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, May 15, 1968]

Marchers Move In, Hint A Long Stay

(By Willard Clopton, Jr.)

"Resurrection City USA" acquired its first settlers and a zip code yesterday, as hints were given that the poor people's shantytown by the Reflecting Pool could become a semipermanent encampment.

"We may be here two or three years," the Rev. James Bevel, a top official of the Southern Christian Leadership Conference, said at an afternoon press briefing.

The Rev. Bernard Lafayette, Jr., national coordinator of the Poor People's Campaign, told newsmen that the protesters are prepared to ignore the June 16 expiration date for the permit that allows them to camp on West Potomac Park.

"The permit may run out, but we will not be run out," he said and added: "We got our permission to stay here from the American Indians."

About 600 camp-in participants, most of them from Mississippi, are in Washington now.

At the camp site, the banging of hammers competed with the overhead roar of jetliners, and by nightfall more than 100 plywood-and-plastic shanties had been erected.

A Campaign spokesman said that at least 200 persons would be living in the structures by last night.

One postal official said the settlement had been tentatively assigned the zip code of

20013. But another said the matter of mail delivery was still being worked out.

A wooden barricade went up at the camp entrance yesterday and Campaign marshals politely shooed away reporters and other outsiders.

Several explanations were given.

"We are not animals in a zoo, but people trying to establish a nonviolent community," said the Rev. A. E. Sampson, an SCLC field director. Mr. Bevel said it was to keep the work crews from being distracted, while Mr. Lafayette said it was to prevent injuries to visitors.

One nonparticipant admitted was Stokely Carmichael, former chairman of the Student Nonviolent Coordinating Committee, who made a smiling, hand-shaking visit to the scene during the afternoon.

Mr. Bevel later described Carmichael as "a friend and brother . . . one of the very important and outstanding black leaders in the country."

Early in the day, Sen. Charles H. Percy (R.-Ill.) dropped by to don a carpenter's apron and pound a nail into a shelter.

He again endorsed the Campaign and said that as long as it is kept nonviolent and reasonable, "We must be receptive, we must listen and we must learn."

At the press briefing, Mr. Lafayette restated the SCLC aim of maintaining order. The campground, he said "will be a nonviolent city—the first we know of in the United States."

Mr. Bevel said the protesters will practice "political psychiatry" on the Nation's leaders and "educate" them on the need to eliminate poverty now.

In another action, the National Capital Area Child Day Care Association said it would continue its day-care program for the marchers' preschool children at Sacred Heart Church, 16th Street and Park Road nw.—until the families can move into the camp site.

Meanwhile, representatives of the National Welfare Rights Organization met with officials of the Department of Health, Education and Welfare to discuss pending welfare amendments to the Social Security Act, to which they object.

Dr. George A. Wiley, head of the Organization, said later he would call for protest demonstrations throughout the country when the amendments take effect July 1.

At Resurrection City, the first arrivals were busy getting acquainted with their new surroundings.

One Mississippi woman ran her hand across the plywood walls and commented: "This is okey. It's better than what we have at home."

The youngsters darted here and there and scampered across piles of lumber. One woman started to cuff her unruly son but was restrained by another mother, who said, "Uh-uh, no violence now."

U.S. Department of the Interior,
National Park Service,
Washington, D.C., April 11, 1968.

Mr. R. Stuart Grizzard,
Cochairman, Rally Committee, the Crusade of the Americas, Continental Congress on Evangelism, Alexandria, Va.

Dear Mr. Grizzard: We wish to acknowledge your request of March 29, 1968 requesting its meeting of the Congress on Evangelism on Sunday, October 13, 1968 between ing its meeting of the Congress on Evangelism on Sunday, October 13, 1968 between 4:30 and 5:30 p.m.

Because of the civil strife that is taking place in Washington, we are not making any commitments or issuing permits for large gatherings in our public parks.

If, at a later date this problem ends and we foresee no future difficulties, we will be glad to consider the possibility of your group holding this event as requested.

We will be glad to keep in touch with you on this matter.

Sincerely yours,

Monte E. Fitch,
Superintendent.

Baptists Denied Permit for Washington March

Washington.—A permit for a public march and rally by Baptists here during the Continental Congress of the Crusade of the Americas, October 10–13, has been denied because of recent and possible future civil disorders.

William J. Cumbie, executive director of the Washington area committee for the Crusade of the Americas, however, assured Baptists that they should feel free and safe to come to the Continental Congress in large numbers.

He pointed out that only a limited area in the inner city in the ghetto area was burned and that the remainder of the city is functioning normally.

Likewise, Cumbie continued, the failure to obtain a permit for a march and rally for the Baptists in no way affects other plans for the Continental Congress. It only means that the plans for the march and rally are being held in abeyance, he said.

Plans had earlier been made by the North American Committee for the Crusade of the Americas for a Baptist march from the U.S. Capitol to a rally at the Washington Monument.

Cumbie's reassurance came after he received a notice about the proposed march and rally from Monte E. Fitch, superintendent of Ceneral National Capital Parks, National Park Service, Department of the Interior.

The letter from Fitch said: "Because of the civil strife that is taking place in Washington, we are not making any commitments or issuing permits for large gatherings in our public parks."

The notice indicated that the possibility of a march and a rally are not a closed matter. "If, at a later date this problem ends and we foresee no further difficulties, we will be glad to consider the possibility of your group holding this event as requested," it said.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 171. An act for the relief of Timothy Joseph Shea and Elsie Annet Shea; and

S. 1052. An act for the relief of Nicholas S. Cvetan, U.S. Air Force (retired).

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2263. An act for the relief of Henry E. Bullock;

H.R. 15462. An act for the relief of Lennart Gordon Langhorne;

H.R. 16025. An act to amend title 38 of the United States Code with respect to eligibility for, and the period of limitation on, educational assistance available under part III of such title, and for other purposes; and

H.R. 17354. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 2263. An act for the relief of Henry E. Bullock; and

H.R. 15462. An act for the relief of Lennart Gordon Langhorne; to the Committee on the Judiciary.

H.R. 16025. An act to amend title 38 of the United States Code with respect for eligibility for, and the period of limitation on, educational assistance available under part III of such title, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 17354. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes; to the Committee on Appropriations.

COST OF AIRPORT AND AIRLINE MODERNIZATION

Mr. PROXMIRE. Mr. President, I rise to support the Johnson administration's plan to pass the cost of airport and airline modernization on to those who use the airlines.

It seems eminently fair to me that the individuals and the companies using airlines and airport facilities should pay for the cost of modernizing air service. After all, the great bulk of our air travel in this country is a tax-deductible cost of doing business as managerial personnel and executives wing their way between the major cities of the United States for their companies.

It is regressive in the extreme to tax the nine out of 10 Americans who use the airlines little or not at all for the benefit of the more affluent people who use the airlines heavily.

Secretary of Transportation Boyd has shown a great deal of courage in proposing this approach, knowing full well that it would provoke protests from the airlines lobby. I hope that Members of Congress will demonstrate similar strength in approving the users' fee proposal quickly and decisively.

Most important of all, this is a very timely proposal. This is one way, and a good way, to ease the burden on the budget, to reduce spending from general revenue, and to reduce the inflationary impact of Federal fiscal policy.

Mr. President, I yield the floor.

"RESURRECTION CITY, U.S.A."

Mr. BYRD of West Virginia. Mr. President, on May 10 the Secretary of the Interior issued a news release with reference to the much-discussed and highly unusual permit issued to the Southern Christian Leadership Conference for construction of the so-called Resurrection City, U.S.A. adjacent to the Mall in the vicinity of the Lincoln Memorial.

I ask unanimous consent that the letter of application for this permit and the letter from the National Park Service granting it, together with the Department of the Interior's news release of May 10, 1968, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Department of the Interior, Office of the Secretary, May 10, 1968]

National Park Service Permit Granted National Christian Leadership Conference

The National Park Service today issued a permit to the Southern Christian Leadership

Conference allowing the installation of tents, which will accommodate a maximum of 3,000 persons.

The area covered by the permit is approximately 15 acres between 17th Street, the Lincoln Memorial, Independence Avenue and the Reflecting Pool.

Permission also was granted the SCLC to hold meetings between 7 p.m. and midnight on the paved platform on the west terminus of the Reflecting Pool. The location is across the street from the Lincoln Memorial.

The permit also provides for the installation of an exhibit in the vicinity of the Smithsonian Institution. The exhibit will be developed by the staff of the Poor People's Campaign with the technical assistance of the Smithsonian staff. The exhibit is intended to portray living accommodations typical to those occupied by the campaign participants, in their home areas. The exhibit area will not be used for living quarters.

This permit will be in effect from 8 a.m. Saturday, May 11, until 8 p.m. Sunday, June 16.

The normal traffic flow on Independence Avenue and 17th Street will not be affected.

The permit specifies the SCLC will make arrangements for and will provide at its own expense toilet, bathing and washing facilities and disposal of wastes by making connections with existing lines. Similar connections will be made by the SCLC for electric power and telephones again at its own expense.

The permit calls for SCLC to provide security or a contractual commitment satisfactory to the National Park Service to guarantee cleanup of the area upon the permit's expiration.

The SCLC also committed itself to maintain good order through a system of marshals with the understanding, however, that the authority of law enforcement agencies in the exercise of their responsibilities would not be affected.

It is also specified that the permit does not authorize any activity or conduct by the permittee or participants in violation of applicable laws and regulations.

The terms of the permit were developed by the Department of the Interior in collaboration with the Department of Justice, General Services Administration, and the District Government. Representatives of the SCLC and their attorneys from the NAACP Legal Defense and Educational Fund, Inc. presented the application.

Copies of the permit and application are attached.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION,
Washington, D.C., May 10, 1968.

Rev. BERNARD LAFAYETTE, Jr.,
National Coordinator,
Washington Poor People's Campaign,
Washington, D.C.

DEAR REV. LAFAYETTE: Pursuant to the provisions of 36 CFR 50.19, permission is granted the Southern Christian Leadership Conference ("Permittee"), 334 Auburn Avenue, N.E., Atlanta, Georgia:

(a) for the purpose of setting up and maintaining tents and appurtenant temporary structures designed by Permittee as "Resurrection City, U.S.A.", for the use of not more than 3,000 persons, to use that portion of park land in the District of Columbia which is an area west of 17th Street, N.W. and north of westbound Independence Avenue to be agreed upon by the staffs of Permittee and the National Park Service and marked by stakes placed in advance by the National Park Service, said area being referred to herein as "Area A";

(b) for the purpose of holding meetings, to use the paved platform on the west terminus of the Reflecting Pool and the steps leading down to said platform daily from 7:00 p.m. until 12:00 Midnight, said area being referred to herein as "Area B";

(c) for the purpose of installing a display, consisting of not to exceed six (6) facilities such as a rural type dwelling and appurtenances and used trailers or buses, which facilities shall be maintained solely for display and shall not be occupied as living quarters, to use an area adjacent to the Smithsonian Institution to be agreed upon by the staffs of Permittee, the Smithsonian Institution and the National Park Service, said area being referred to herein "Area C."

This permit is granted in response to Permittee's application of May 10, 1968, for certain purposes of the demonstration designated by Permittee as the "Poor People's Campaign." This permit covers the areas designated and the activities described herein and is issued subject to all of the conditions enumerated herein.

1. This permit shall take effect as of 8:00 a.m., on Saturday, May 11, 1968, and shall remain in effect until 8:00 p.m. on Sunday, June 16, 1968.

2. Permittee shall provide in advance a general layout and construction plan for Area A for review by the National Park Service for adequate compliance with health and safety standards and shall proceed in accordance with said plan as approved by the National Park Service. Permittee shall install the structures in Area A in a neat and orderly plan beginning at the westernmost edge of Area A and moving eastward in a reasonably compact pattern. Permittee shall maintain the premises in accordance with applicable health and safety standards and shall facilitate periodic inspection of structures and facilities by appropriate health, safety and fire authorities of the National Park Service and of the District of Columbia to insure maintenance of such standards.

3. Permittee shall provide toilet, bathing and washing facilities and shall provide for the disposal of sewage from such facilities by making connection with available sewage lines. Permittee may connect into available water, communication and electric facilities. All utility connections shall be at the expense of Permittee. Permittee shall comply with the requirements of the National Park Service and of the District of Columbia regarding the construction and maintenance of such connections. Permittee shall arrange for the installation of necessary utility meters at its expense. Payment to suppliers for utility services shall be the responsibility of Permittee.

4. Permittee shall hold the United States and the District of Columbia harmless in the event of the death of or injury to any person or the destruction of or damage to any property, not arising out of acts of the Indemnitees' employees or agents.

5. Ingress to and egress from Area A by vehicles necessary to serve said area and the parking of such vehicles shall be at locations designated by the National Park Service.

6. Permittee may install fences within and around Areas A and C. The design of exterior fencing shall be subject to the approval of the National Park Service.

7. No firearms, weapons, explosives, or incendiary materials, and no fossil-fueled lanterns or open fires shall be permitted in the designated areas.

8. Upon cessation of the use of the designated areas under this permit, Permittee shall remove all facilities installed by or for it and shall restore the areas to their prior condition, reasonable wear and tear of the turf excepted. To guarantee compliance with this requirement, Permittee shall deposit $5,000 in cash with the National Park Service or shall execute an undertaking in the amount of $5,000 with two sufficient sureties satisfactory to the National Park Service or to furnish a contractual commitment therefor satisfactory to the National Park Service.

9. Permittee shall provide sufficient medical personnel and facilities to insure first aid and the maintenance of adequate medical care.

10. Permittee shall provide marshals, appropriately identified, in sufficient numbers to maintain good order, but this shall not limit, impair, or otherwise interfere with the authority of law enforcement agencies in the exercise of their responsibilities.

11. Permittee shall cause garbage and refuse of all kinds to be stored in covered, fly- and vermin-proof receptables to be provided by Permittee, and Permittee shall be responsible for daily removal thereof, at its expense.

12. In the event Permittee desires to use other park areas during the term of this permit or to request an extension thereof, the issuance of permits will be considered in good faith upon the receipt of specific requests therefor. However, Permittee may make use of areas for appropriate forms of recreation in sites designated by the National Park Service for that purpose.

13. Any loud-speaking equipment used will be so adjusted as to be audible only to those people in the immediate area.

14. Permittee shall keep the designated areas in a reasonably neat and clean condition, taking into account the purposes for which they are assigned. Permittee may plant flowers and shrubs in Area A for the enjoyment of the participants. No existing trees and shrubs may be disturbed.

15. No livestock may be stabled or kept in the designated areas.

16. This permit does not authorize any activity or conduct by Permittee or participants in violation of applicable laws or regulations. The National Park Service reserves the right to revoke this permit at any time in the interest of public safety and the general welfare.

17. The rules and regulations set out in 36 CFR Part 50, a copy of which is attached hereto as Exhibit "A" shall be applicable to Permittee and participants to the extent not inconsistent with the express provisions of this permit.

Upon the acceptance of the conditions contained in this letter, indicated by the signature of Permittee in the space provided and the return of the carbon copy properly executed to this office, this letter becomes a permit for the purposes described.

Sincerely yours,

NASH CASTRO,
Regional Director.

Accepted and agreed to this 10th day of May, 1968:

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE,
BERNARD LAFAYETTE, Jr.,
National Coordinator of Washington Poor People's Campaign.
WALTER E. FAUNTROY,
Director, Washington Bureau, Southern Christian Leadership Conference.

NAACP LEGAL DEFENSE EDUCATIONAL FUND, INC., LEGAL SERVICES COMMITTEE, POOR PEOPLES CAMPAIGN
Washington, D.C., May 10, 1968.

Re Application for permit.

Mr. NASH CASTRO,
Regional Director, National Capital Region, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. CASTRO: The undersigned of the NAACP Legal Defense and Educational Fund, Inc., as counsel for the Southern Christian Leadership Conference, hereby applies for a permit for use in connection with the Poor Peoples Campaign and the establishment of and maintenance of "Resurrection City, U.S.A." pursuant to 36 C.F.R. 50.19 of Code of Federal Regulations, as follows:

Name of applicant: Southern Christian Leadership Conference

Time: 8 a.m. on Saturday May 11, 1968, until 8 p.m. on Sunday, June 16

Place of proposed event: An area west of 17th Street, N.W. and north of westbound Independence Avenue to be agreed upon by the staffs of the applicant and the National Park Service.

Estimate of number of persons expected to attend: 2,000-3,000.

Statement of equipment and facilities to be installed by applicant for use in connection therewith: Pre-fabricated shelters; sanitary facilities; water; electricity; telephone; connection to existing sewers for waste disposal; etc.

We shall be available to furnish such additional information as you may require in the processing of this application.

Very truly yours,

FRANK D. REEVES,
Chairman, Legal Services Committee.
LEROY D. CLARK,
NAACP Legal Defense and Educational Fund, Inc., as Chief Counsel for the Poor People's Campaign of the Southern Christian Leadership Conference.

Mr. BYRD of West Virginia. On April 17, 1968, in a press conference, the following statement was attributed to the Secretary of the Interior when questioned as to the possibility of using National Park Service property for the construction of dwellings of this type:

Question: Well, now, when your people conferred with these leaders, and the time is very short—I understand they are keeping secret just exactly where they expect to put the shacks. So maybe they have not made definite proposals. But your people are conferring with them. Are you prepared to give them permission to put the shacks in these parks?

Secretary UDALL. I have no proposal that has been presented to me for the erection of shacks anywhere.

Question: Will you do it? Will you give your permission for that when the proposal comes? Surely you are ready for the question.

Secretary UDALL. Well, I would think that our National Parks area—we have the local park system here, are parks for the use of all the people, and that we should follow the policies that we always have. We have marches in parks, and we have different kinds of activities in parks. But I think we are not—it would not be proper to turn parklands over to any group of people for permanent or temporary use for any kind of human shelter of any kind. And I just—this has been our attitude towards the problem in the past. We have all kinds of requests for park use. And it is the reason that I think many of the stories that I have seen are imagination of people, rather than actual plans or proposals—because there is no proposal of any kind that I know of for such use of the parks at this time.

I, of course, understand the conditions prevailing at the time Secretary Udall made these comments, and do not believe that he can be held personally accountable for subsequent developments. In fact, I rather expect that if the matter had been left entirely in his hands, the request for this particular permit would have been handled exactly as similar requests have been in the past.

Perhaps there is no room left for surprise in connection with the Federal Government's handling of this matter; however, I must confess my amazement to learn that the embarrassingly modest guarantees for protection and restoration of this property were not received before construction began.

I had an opportunity to inquire of the National Park Service yesterday as to whether or not the guarantee requested by section 8 of the permit had been received, and I ask unanimous consent that my inquiry and a copy of the reply received be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 21, 1968.

Mr. NASH CASTRO,
Regional Director, National Capital Region, National Park Service, Washington, D.C.:

Will appreciate your immediate advice as to whether or not guarantee required by section 8 of permit issued by you as Regional Director, National Capital Parks, to the Southern Christian Leadership Conference on May 10, 1968 has been received and if so in what form. In view of present intensive usage will also thank you to advise me as to the sufficiency of this bond to "remove all facilities installed by or for it and shall restore the areas to their prior condition.

ROBERT C. BYRD,
U.S. Senator, Chairman, D.C. Subcommittee, Senate Appropriations Committee.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The bond required by Section 8 of the permit issued on May 10 to the Southern Christian Leadership Conference has not been received; however, we are assured by SCLC's attorneys that they are working on it and that we should receive it at any time. We have been led to believe that, in lieu of a bond, SCLC will deposit a certified check with us.

We shall keep you posted on our progress to fulfill this requirement of the permit.

With all best wishes,

Sincerely yours,

RUSSELL E. DICKENSON,
Associate Regional Director.

Mr. BYRD of West Virginia. As we all know, construction began on this site well over a week ago; and from photographs of the area which have appeared in the newspapers, some question might be raised as to the sufficiency of the original guarantee to return the property to its former state.

Mr. President, I shall read the reply which was received from the Associated Regional Director this morning to my inquiry as to whether or not the money, in the amount of $5,000, which was to represent the bond, has been received. The reply is as follows:

DEAR SENATOR BYRD: The bond required by Section 8 of the permit issued on May 10 to the Southern Christian Leadership Conference has not been received; however, we are assured by SCLC's attorneys that they are working on it and that we should receive it at any time. We have been led to believe that, in lieu of a bond, SCLC will deposit a certified check with us.

We shall keep you posted on our progress to fulfill this requirement of the permit.

With all best wishes,

Sincerely yours,

RUSSELLL E. DICKENSON,
Associate Regional Director.

Certainly, there can be no excuse for the specified guarantee not being in hand before construction began, and I call upon the Secretary of the Interior to fully protect the Government's interests in this matter.

PROPOSED LOWERING OF THE VOTING AGE

Mr. HOLLAND. Mr. President, several days ago I had the honor to appear before the Senate Subcommittee on Constitutional Amendments of the Committee on the Judiciary, which is headed by the distinguished Senator from Indiana [Mr. BAYH], as chairman. I appeared in opposition to a pending Federal constitutional amendment to provide for the age of 18 as a qualification for voters in all Federal elections.

I am strongly opposed to that approach, not only because I am opposed to the Federal Government's taking over jurisdiction in this field, which, ever since the beginning of our Nation, has been a field reserved to the States, but also for additional good reasons which I attempted to state in my appearance.

Among other things, I called attention to the fact that since 1954, the time of adoption of the Kentucky amendment reducing the age limit in that State to 18, there have been five separate occasions on which such proposed constitutional amendments have been submitted in our States, all of which have resulted in defeats by the electorate of those States. The five occasions are as follows:

In the State of Oklahoma, the voters rejected such an amendment.

In the State of Idaho, such an amendment met the same fate.

In the State of Michigan, such an amendment met the same fate.

In the State of South Dakota, it was twice submitted to the good people of that State and was twice rejected. Incidentally, the second time, the good people of South Dakota rejected it a good deal more strongly than they did on the first occasion.

In my appearance before the subcommittee, I also called attention to the fact that there have been two instances in which proposed new constitutions have been submitted to the people of great States and have been rejected, and in both instances those proposed constitutions included provisions for reduction of the voting age. Those two States were the States of New York and Maryland. In the State of New York, the constitution as proposed was rejected by a vote of 3-to-1 as I recall. In the State of Maryland, the proposed constitution was rejected only a few days ago, as Senators will recall, by a sizable vote.

Mr. President, I did not pretend to say to that subcommittee that the inclusion of proposals to reduce the voting age had any fixed connection with the fact that these constitutions had been rejected by their people; but I stated the belief that such might have been a contributing cause.

In today's Washington Star is a collection of letters from citizens of Maryland stating their attitudes with reference to rejection by the people of Maryland of the proposed constitution about a week ago. Two of those letters bear upon the point I have been discussing, and I shall read them into the RECORD. The first letter reads as follows:

SIR: The proposal to let 19-year-olds vote may be the prime reason for the defeat of the new constitution. The youth of this country have not in the past few years distinguished themselves by acts of responsibility or consideration. It may be that the revolting taxpayers of Maryland have decided that those who contribute little as a group to the economy of the state should have little right to determine how other people's money and institutions should be controlled.

The "all or nothing" proposal has reaped its reward.

William I. Brooks.

Wheaton, Md.

The other letter reads as follows:

Sir: As a Maryland voter and one of those who voted against the new constitution, I would like to express my opinion as to why the proposed constitution was defeated. There were only two sections of the proposed constitution of which I disapproved: Those pertaining to the changing of the status of the office of controller and permitting 19-year-olds to vote.

Luther Skaggs Jr.

Churchton, Md.

Mr. President, it is very apparent that those who are seeking to change the voting age to 18 throughout our Nation by Federal amendment are swimming up stream because the stream of popular expression since 1954 has been so fully and clearly against the reduction of the voting age.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. McCLELLAN. Mr. President, before proceeding to the amendments to title III, I should like to give a brief history of this legislation and a short statement of what it intends to accomplish.

Title III is essentially a combination of S. 675, the Federal Wire Interception Act, which I introduced on January 25, 1967, and S. 2050, the Electronic Surveillance Control Act of 1967, introduced by Senator Hruska on June 29, 1967.

Subsequent to the introduction of S. 675, the U.S. Supreme Court, on June 12, 1967, handed down the decision in *Berger* v. *New York*, 388 U.S. 41, which declared unconstitutional the New York State statute authorizing electronic eavesdropping, bugging, by law-enforcement officers in investigating certain types of crimes. The Court held that the New York statute, on its face, failed to meet certain constitutional standards. In the course of the opinion, the Court delineated the constitutional criteria that electronic surveillance legislation should contain. Title III was drafted to meet these standards and to conform with *Katz* v. *United States*, 389 U.S. 347 (1967).

Title III has as its dual purpose, first, protecting the privacy of wire and oral communications; and second, delineating on a uniform basis the circumstances and conditions under which the interception of wire and oral communications may be authorized. To assure the privacy of oral and wire communications, title III prohibits all wiretapping and electronic surveillance by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified types of serious crimes, and only after authorization of a court order obtained after a showing and finding of probable cause. The only exceptions to the above prohibition are, first, the power of the President to obtain information by such means as he may deem necessary to protect the Nation from attack or hostile acts of a foreign power, to obtain intelligence information essential to the Nation's security, and to protect the internal security of the United States from those who advocate its overthrow by force or other unlawful means; second, employees of the Federal Communications Commission may, in the normal course of employment, intercept and disclose wire communications in the discharge of the monitoring responsibilities discharged by the Commission in the enforcement of chapter 5 of title 47 of the United States Code; and third, employees of a communication common carrier may intercept and disclose wire communications in the normal course of their employment while engaged in any activity necessary to the rendition of service, or protection of the rights or property of the carrier of such communication.

Mr. President, in drafting this legislation, we have been most careful to include every possible constitutional safeguard for the rights of individual privacy while, at the same time, drafting a bill under which law-enforcement officers could use electronic surveillance techniques to effectively combat organized crime.

Legislation containing the safeguards and meeting the constitutional standards set out in title III, which grants to law enforcement officers authority to use electronic surveillance techniques in the investigation of major crimes and upon obtaining a court order has been endorsed by the following groups and organizations:

The President's Commission on Law Enforcement and Administration of Justice.

The Judicial Conference of the United States.

National Association of Attorneys General.

National District Attorneys Association.

Association of Federal Investigators.

The National Council on Crime and Delinquency.

Mr. President, it has also been endorsed by many others. I shall not take the time to list all of them, but by way of emphasis I may say that this character of legislation has been recommended by every Attorney General since 1931, excepting the present Attorney General.

Mr. President, I simply want to add that the Federal Government, through its Department of Justice, takes the position that this character of evidence and this method of attaining evidence of crime is necessary, that it is essential, and that it is indispensable with respect to maintaining our national security. This bill grants the President the right to wiretap and to use electronic surveillances without obtaining an order of court.

Now, Mr. President, if such techniques and procedures are necessary to protect our Government from any danger that threatens from without, from another country, surely it is also justified in the protection of our country in the proper use against the crime wave that is sweeping this Nation today, which is, with all of its force and potentials, a great danger to our internal security.

The greatest danger to America today is not from without; the greatest danger to America at this hour is the lawlessness, the violence, and the organized syndicated crime that prevails within.

This title of the bill seeks to give to our law enforcement agencies a weapon that is essential, that is necessary, and the use of which against organized crime is becoming more imperative as each day passes. If we have this weapon we can wage a successful war against crime—particularly organized crime.

Mr. LAUSCHE. Mr. President, will the Senator from Arkansas yield for a question.

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. Does the bill as now written give absolute, unconditional power to stop searches or tapping, or to authorize tapping?

Mr. McCLELLAN. No. We have to go first to the Attorney General in the case of the Federal Government, and to the chief law enforcement officers of a State, and the State government must authorize the request for a petition to a court for an order, and that order must be supported by evidence showing probable cause, and the court has the jurisdiction in the matter to direct specifically where, how, and the time that it shall be performed, and requires a report to be made to the court. It is very similar to our traditional search and seizure warrants. I may say that every safeguard, in keeping with what the Supreme Court has said in the most recent cases, would be required. Every constitutional safeguard has been placed in the bill.

Mr. LAUSCHE. There is, then, a prohibition against tapping unless the application is filed with the chief law enforcement official. He approves it and then the application is filed with the court, is that not correct?

Mr. McCLELLAN. The chief law enforcement officer, like the Attorney General of the United States, must authorize the application, and then the district attorney or whoever proposes the application must go to court and make a showing of probable cause before the court can issue the order. A prosecuting attorney or a U.S. district attorney cannot, on his own motion, do it. He has to get the authority from the Attorney General of the United States first to submit the application to the court.

Mr. LAUSCHE. What courts will have jurisdiction under that grant?

Mr. McCLELLAN. U.S. District Courts and Circuit Courts will have the jurisdiction, as they have in the case of search warrants.

Mr. LAUSCHE. What about State courts?

Mr. McCLELLAN. The States will have to pass a statute which conforms with the law. They cannot pass one contrary to it.

Mr. LAUSCHE. Is the bill as now written by the committee predicated upon the same principle as that contained in support of the provisions of the Constitution of the United States, which holds that the home of an individual shall be inviolate against search except when there is issued such authority by a competent court to make a search built upon evidence supporting the issuance of that authority?

Mr. McCLELLAN. Completely so, let me say to my friend. Completely so, and it is even more restrictive. We have gone to every length which is proper, we think, to protect people's privacy. Today individual privacy is being promiscuously invaded all over the country. The law is weak. The people who are against this title will talk about invasion of privacy but, privacy is being invaded today all the time. Now they are going a bit further. Today snoopers get hired to install tapes and electronic surveillance devices, and they are getting by with it because we cannot convict now under the present law; because we have to prove not only interception, but use. That absolutely prohibits anyone——

Mr. LAUSCHE. Subject to penalty.

Mr. McCLELLAN. Yes, subject to penalty; 5 years or $10,000 fine. This tightens the law on the invasion of privacy. That is the very first thing it does. That is one of its objectives, to correct present law, and at the same time not deny but permit, under the strictest regulation, court ordered supervision, and utilization of this technique for the investigation of crime.

Mr. LAUSCHE. I thank the Senator very much.

AMENDMENT NO. 734

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 734 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Subparagraph 8(d) of section 2518, title III, is amended as follows:

Strike lines 13, 14, and 15 on page 73.

The language is as follows:

"On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed."

Mr. LONG of Missouri. Mr. President, let me say, first, that I join the distinguished Senator from Arkansas in his desire to see that the criminal laws of this Nation are enforced. In all the years I have served in the Senate, I have actively supported, either in committee or on the floor of the Senate, each and every bill which would aid attorneys general in that which they requested to help law enforcement—with one exception, and that was the wiretapping bill of some years ago.

I, too, have served as a prosecutor in my home State, and I am as devoted to the proposition that our criminal laws shall be enforced as any other Member of this body. But, Mr. President, I feel that the law can be adequately enforced without invading the privacy of our citizens and denying them their constitutional rights. That is the only difference that the Senator from Arkansas and I have, so that our efforts will be joined to bring the bill into conformity with that view and certainly not with any intention of not fully enforcing the law but enforcing it so that our citizens will have their rights protected.

It would be unfortunate to enforce the criminal law on one hand and, at the same time, have our citizens lose their right to privacy. That would be the first step toward a police state.

It is to those points that Senators who are opposed to this particular title will direct their efforts during the next few hours.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield for a moment without losing his right to the floor so that I may suggest the absence of a quorum?

Mr. LONG of Missouri. I yield, under those conditions.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Missouri. Mr. President, while the Senate has been wrestling with the nitty problem of electronic eavesdropping, a very distinguished group of New York legal experts, headed by the Honorable Sheldon Elsen, has been wrestling with the same problem with more apparent success.

Mr. Elsen is chairman of a Joint Subcommittee on Wiretapping and Eavesdropping Legislation of the Association of the Bar of the City of New York. Members of the subcommittee come from the Committee on Federal legislation and the Committee on Civil Rights.

It is my understanding that the final report of the subcommittee is at the printers now and will probably not be available to us for purposes of the present debate. This is most unfortunate because a tremendous amount of effective work has been done by the subcommittee.

However, a copy of the next-to-last draft has been made available to me for use in consideration of title III of S. 917. One substantive change has been made in the final draft and I shall emphasize this at the proper place in the text. Additionally, minor perfecting changes will be incorporated in the printed version.

With the understanding that the members of the New York bar's subcommittee shall not be held accountable and with thanks to them for making this material available, I wish to discuss the report in some detail as it is the best analysis that I have seen to show that the Senate is far from ready to pass final judgment on the myriad of complicated issues involved in legislation dealing with electronic eavesdropping.

Mr. President, I shall read the report and intersperse appropriate comments as I proceed:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, COMMITTEE ON FEDERAL LEGISLATION, COMMITTEE ON CIVIL RIGHTS

PROPOSED LEGISLATION ON WIRETAPPING AND EAVESDROPPING AFTER BERGER *v.* NEW YORK AND KATZ *v.* UNITED STATES

INTRODUCTION

The vexing subject of wiretapping and eavesdropping has been under review by Congress for years and has been the subject of numerous and conflicting reports and studies by many groups, including Committees of this Association. The serious consideration currently being given by the Congress to various legislative proposals, together with the new constitutional guidelines laid down in the recent United States Supreme Court decisions in *Berger* v. *New York,* 388 U.S. 41 (1967) and *Katz* v. *United States,* ——— U.S. ——— (1967), require a fresh appraisal both of the problem and of possible solutions.

The difficulty of the issues presented by wiretapping and eavesdropping is illustrated by the sharp divisions of opinion which have frequently separated even those who have given the matter thoughtful attention. For example, in 1962, when an Administration bill that provided for limited wiretapping was before Congress, two committees of this Association issued reports, one approving and the other disapproving the bill, because of a difference of opinion as to whether any wiretapping by law enforcement officials should be permitted. (See Reports of Committees of the Association of the Bar concerned with Federal Legislation, Vol. I, Bulletin No. 3, July 1962, pp. 93 and 126.) There was also a division of opinion in the recent landmark report by the President's Commission on Law Enforcement and the Administration of Justice (the "President's Commission"), which said:

"A majority of the members of the Commission believe that legislation should be enacted granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in Berger v. New York, and, further, that the availability of such specific authority would significantly reduce the incentive for, and the incidence of, improper electronic surveillance.

"The other members of the Commission have serious doubts about the desirability of such authority and believe that without the kind of searching inquiry that would result from further congressional consideration of electronic surveillance, particularly of the problems of bugging, there is insufficient basis to strike this balance against the interest of privacy."

In view of the variety of legislative options which have been proposed in recent months, and the new constitutional climate in which these choices must now be considered, the Committees on Federal Legislation and Civil Rights have deemed it appropriate to mount a joint effort to consider these problems, in which they have a common interest. Accordingly a joint subcommittee was created and charged with the task of detailed study. The subcommittee, whose members, like those of the full Committees, came from widely differing professional backgrounds and many of them initially held widely divergent views, ultimately reached agreement on many issues. Similarly, the two full Committees, after extensive and vigorous discussion, have themselves achieved substantial consensus.

Three basic areas of agreement have emerged:

1. All of us agree that wiretapping and eavesdropping are highly dangerous practices presenting an extraordinary threat to individual liberties.

2. All of us agree that the chaotic conditions presently existing in this field serve neither the interests of individual liberty nor the legitimate needs of law enforcement,

and can no longer be tolerated. These conditions include: a wiretap law which, although on its face strictly prohibitive, is unenforced and unenforceable; wholesale violations of existing law by individuals and law enforcement agencies throughout the country; virtual absence of any regulation of eavesdropping, despite its increasing prevalence and the exploding technology in the area; and a confusing hodgepodge of standards under existing state laws.

3. Most of us agree that, in the light of the foregoing, new legislation is required under which wiretapping and eavesdropping would be narrowly confined and strictly controlled, under uniform standards and precisely defined circumstances.[1]

Let me interpose the suggestion that, although all sides seem to agree that some new legislation is called for, we must be extremely careful in adopting new legislation that we are not swapping the devil for the witch.

Agreed, the present state of the law is unsatisfactory. Yet, if title III of S. 917 passes in its present form, the state of society may be infinitely worse.

True, we can clarify the law, and it undoubtedly needs clarification, but by clarifying it, let us not completely open the door to big brother. He neither needs nor deserves our help.

The report of the subcommittee continues:

Starting from these premises, we have examined three principal measures[2] currently pending before Congress, embodying substantially differing approaches to the problem, and have also considered certain proposals advanced by Committee members and others. Not one of the three bills has been found fully satisfactory. Each, however, contains elements which, when combined with certain other provisions discussed below, we believe could provide a constructive and viable basis for new federal legislation, on an experimental basis.

Summary and recommendations

Part I of this Report deals with the Constitutional requirements under the Fourth and Fourteenth Amendments which have been laid down by recent Supreme Court decisions. Part II describes the three legislative proposals which were considered by our Committees. Part III proceeds to analyze the issues presented by the Blakey bill out of which evolve many of the recommendations of this Report. In Part IV the Report deals with the problem of consent wiretapping and eavesdropping. Part V discusses federal power under the Constitution to control wiretapping and eavesdropping and the manufacture and distribution of devices for such use. Part IV considers prohibitions on the manufacture and distribution of eavesdropping devices.

Our principal recommendations are as follows:

1. All private third party wiretapping and eavesdropping should be prohibited and private eavesdropping with consent of one of the parties should be sharply curtailed.

2. Wiretapping and eavesdropping by governmental officials, both federal and state, should in general be prohibited except for (a) cases involving murder, kidnapping or espionage, and the foreign intelligence activities of the United States government and (b) a very small quota, nationally administered, of taps and bugs to obtain evidence of all other crimes.

3. In addition, all permitted wiretapping and eavesdropping, whether federal or state, should require specific authorization by prior federal court order, except that in certain narrowly defined exigencies, the validating order could be sought promptly thereafter.

4. The legislation should prescribe a carefully drawn system of limitations as to the circumstances in which such orders may be granted, including the requirement that moving papers specify with particularity the probable cause, the conversations sought and the necessity for use of the requested means of interception, as well as restrictions and prohibitions relating to permitted times and places of interception and the nature of the conversations which may be intercepted.

5. Disclosure of taps and bugs should be made within a reasonable time after expiration of the authorizing order to persons who are the subject of wiretapping and eavesdropping orders.

6. The manufacture and distribution of devices for wiretapping and eavesdropping should be regulated, preferably by an administrative body with broad authority to prohibit or license.

7. In addition to the exclusionary rule, criminal and tort remedies, including liquidated damages, should be provided for persons subjected to unauthorized taps or bugs.

It must be emphasized that the foregoing recommendations are the principal features of a single legislative package of interrelated controls which should be defined in any bill with great particularity. The integrity of this suggested system is indispensable to the approval by these Committees of any permissive legislation in the field; indeed, were any major element to be omitted, most of us would oppose enactment of the remainder.

Let us see how many of the "major elements" are provided in title III of S. 917.

First. As to recommendation No. 1: The pending bill would prohibit all private third party wiretapping: it would not sharply curtail private eavesdropping with consent of one of the parties.

Second. As to recommendation No. 2: The pending bill would not strictly limit the crimes for which court orders could be obtained; conversely, it would permit eavesdropping in case of a suspicion of almost any felony; further, there is no national quota system whatever.

Third. As to recommendation No. 3: The pending bill would not limit court orders to Federal court orders but would permit State and local judges to issue wiretap orders.

Fourth. As to recommendation No. 4: The pending bill would require reasonably specific orders.

Fifth. As to recommendation No. 5: The pending bill would not require disclosure except as the ordering judge might require it; disclosure can be delayed indefinitely.

Sixth. As to recommendation No. 6: There is provision for the regulation of electronic devices.

Seventh. As to recommendation No. 7: There are civil and criminal remedies for persons subjected to unauthorized taps or bugs.

Toting up the box score, S. 917 contains at best three and one-half of the seven recommendations of the New York City Bar. As the bar's report states:

> The integrity of this suggested system is indispensable to the approval by these Committees of any permissive legislation in the field; indeed, were any major element to be omitted, most of us would oppose enactment of the remainder.

Thus, I conclude that the legal experts of the New York City Bar would flatly oppose the enactment of title III of S. 917. And so do I.

Now to continue with the report:

PART I. THE BERGER AND KATZ CASES

Minimum constitutional requirements for wire interception and eavesdropping

In two recent decisions, *Berger* v. *New York* and *Katz* v. *United States*, the Supreme Court laid down constitutional principles relating to wiretapping and eavesdropping which fundamentally altered the requirements which had hitherto been thought applicable. In *Katz*, the Supreme Court explicitly overruled *Olmstead* v. *United States*, 277 U.S. 438 (1928), which held wiretapping to be outside the ambit of the Fourth Amendment, and *Goldman* v. *United States*, 216 U.S. 129 (1942), which held that the Constitution does not protect against electronic eavesdropping unless it is accomplished by a trespass. While *Berger* and *Katz* make it clear that wiretapping and eavesdropping are permitted by the Constitution (at least when engaged in pursuant to court orders under carefully drawn statutes) they make it equally clear that at least most law enforcement use of electronic devices that does not meet the standards set out will be impermissible, and that evidence obtained by unconstitutional use will be excluded. Though much is settled by the opinions, some important constitutional questions are left open.

In *Berger*, law enforcement authorities in New York County had obtained a court order under New York's eavesdropping statute, as a result of which eavesdropping equipment was installed in two private offices in New York City. The evidence obtained was admitted to be essential to Berger's conviction. The court, in reversing 5–4, said that the New York statute failed to assure adequate protection for Fourth and Fourteenth Amendment rights. Protection of these rights requires that "a neutral and detached authority be interposed between the police and the public," that orders be issued only upon probable cause, and that they describe with particularity the offense that has been or is being committed, the place at which the electronic device is to be used, and the conversations expected to be overheard. The court stated that New York's statute satisfied the first criterion, the neutral authority. It found it unnecessary to determine whether in fact the probable cause standard had been complied with because the statute was deficient on its face when measured against the requirement of particularization. In describing the inadequacies of the statute, the court said:

"First, as we have mentioned, eavesdropping is authorized without requiring belief that any particular offense has been or is being committed; nor that the property sought, the conversations, be particularly described. The purpose of the probable cause requirement of the Fourth Amendment to keep the state out of constitutionally protected areas until it has reason to believe that a specific crime has been or is being committed is thereby wholly aborted. Likewise the statute's failure to describe with particularity the conversations sought gives the officer a roving commission to seize any and all conversations. It is true that the statute requires the naming of "the person or persons whose communications, conversations or discussions are to be overheard or recorded. . . ." But this does no more than identify the person whose constitutionally protected area is to be invaded rather than 'particularly describing' the communications, conversations, or discussions to be seized. As with general warrants, this leaves too much to the discretion of the officer executing the order. Secondly, authorization of eavesdropping for a two-month period is the equivalent of a series of intrusions, searches, and seizures pursuant to a single showing of probable cause. Prompt execution is also avoided. During such a long and continuous (24 hours a day) period the conversations of any and all persons coming into the area covered by the device will be seized indiscriminately and without regard to their connection to the crime under investigation. Moreover, the statute permits, as was done here, extensions of the original two-month period—presumedly for two months each—on a mere showing that such extension is 'in the public interest'. Apparently the original grounds on which the eavesdrop order was initially issued also form the basis of the renewal. This we believe insufficient without a showing of present probable cause for the continuance of the eavesdrop. Third, the statute places no termination date on the eavesdrop once the conversation sought is seized. This is left entirely in the discretion of the officer. Finally, the statute's procedure, necessarily because its success depends on secrecy, has no requirement for notice as to conventional warrants, nor does it overcome this defect by requiring some showing of special facts. On the contrary, it permits uncontested entry without any showing of exigent circumstances. Such a showing of exigency, in order to avoid notice, would appear more important in eavesdropping, with its inherent dangers, than that required when conventional procedures of search and seizure are utilized. Nor does the statute provide for a return on the warrant thereby leaving full discretion in the officer as to the use of seized conversations of innocent as well as guilty parties. In short, the statutes blanket grant of permission to eavesdrop is without adequate judicial supervision or protective procedures."

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[1] Some members of each Committee feel that wiretapping and eavesdropping is totally repugnant to personal liberties and would prefer no permissive legislation whatsoever.

[2] [S 675, introduced by Sen. McClellan (the McClellan Bill); S 928, introduced by Sen. Edward V. Long in the last session of Congress and supported by the Administration (the Long Bill); and H.R. 13482, drafted by Professor Blakey of Notre Dame Law School at the request of the President's Commission, introduced in the last session of Congress by Rep. McCulloch and the current session by Rep. McDade (the Blakey Bill).]

Although the demise of *Olmstead* and *Goldman* was intimated in *Berger*, that case involved a physical trespass and the court did not reach the question of whether the standards it laid down were also applicable to non-trespassing electronic invasions. In *Katz,* F.B.I. agents had used electronic equipment on the outside of a public telephone booth to overhear what petitioner had said inside the booth. In an opinion which seven members of the court joined, Justice Marshall not sitting and Justice Black dissenting, the court extended the principles of *Berger* to cover the facts in *Katz*. It emphasized the importance "of advance authorization by a magistrate upon a showing of probable cause". By overruling *Olmstead, Katz* vitiates to a large extent the significance of the traditional Justice Department interpretation of Section 605 of the Federal Communications Act. The Department has maintained that interception of telephone conversations without divulgence is allowed by the statute. Under *Katz,* such interception, if unsanctioned by court order, would be unconstitutional. Apart from confirming the broad implications of *Berger, Katz* is important in at least two respects. Relying in part on the reasoning of *Warden* v. *Hayden,* 387 U.S. 294, which discarded the "mere evidence" rule, the court stressed that the purpose of the Fourth Amendment is the protection of privacy, and held that whether or not the Amendment applies does not turn on whether the site of the intrusion is a "constitutionally protected area." What a person "seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected . . . No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment". *Katz* is also significant because it appears to eliminate a point of confusion generated by *Berger*. *Berger* suggested that eavesdropping without notice could be justified only in "exigent circumstances", but left it uncertain what "exigent circumstances" means in this context. The plain implication in a footnote to Justice Stewart's majority opinion in *Katz* is that whenever the other constitutional requirements are met, an electronic search can be engaged in without prior notice, since such notice would destroy the usefulness of the search.

Although the broad outlines of an acceptable court order system are laid out in *Berger* and *Katz,* the answers to a number of specific questions await further decisions.

Incidentally, Mr. President, the Supreme Court agreed on Monday, April 22, to consider the constitutionality of New York's statute that permits policemen to use wiretapping with court approval—No. 1451, *Kaiser* v. *New York*. Whereas Berger declared New York's eavesdrop—bugging—statute unconstitutional, the Court will consider the separate New York wiretap statute in Kaiser. Maybe Congress should await the Court's views on the special problems connected with wiretapping before proceeding with a bill that the Court may well find unconstitutional.

Mr. President, I continue to read from the report:

Some, but by no means all, of the most important [specific questions] are raised here.

A. Is an Authorizing Statute Required?

In *Berger,* the court invalidated the eavesdropping in that case because of the defective statute without deciding whether the actual orders issued complied with constitutional requirements. If acceptable orders issued under an unacceptable statute are invalid, so, it might be argued, must be acceptable orders issued without any specific statutory authorization. In *Katz,* however, although the point is not specifically considered, the implication is that valid orders can be sought and issued without express authorization. In both *Berger* and *Katz,* the court relied heavily on *Osborn* v. *United States,* 385 U.S. 323 (1966), a case sustaining use of a recorder by a participant in a conversation, in which the court order was not authorized by statute. Whether or not a statute is required is, as a consequence, now unclear, though the desirability of a carefully drawn statutory system is plain.

B. When, If Ever, Are Exceptions to the Prior Court Order Justified?

It has been argued that the requirement of a prior court order is unjustified either in certain classes of cases or when there is a pressing need for immediate use of electronic devices. The first contention is most persuasively advanced in regard to national security cases. It is said that in matters demanding the utmost secrecy a court order system is unworkable. Whatever the merits of this contention, the court gives no indication in *Berger* or *Katz* that these cases fall into a special class. If scrutiny by a "neutral" authority is deemed required, it is conceivable that the court would accept authorization by an executive officer in some cases, but there is no suggestion of this in the opinions. In regard to the "pressing use" argument, the court does state in *Katz* that "it is difficult to imagine how any of these exceptions [for searches conducted outside the judicial process] could ever apply to the sort of search and seizure involved in the case". But it may well be that the court would reconsider this dictum if presented with an appealing fact situation in which the emergency use of electronic devices was followed closely by a submission of the grounds for use to a neutral magistrate.

It should be noted that in title III of S. 917, exceptions to prior court orders can be had in all classes of cases; furthermore, there is no court order, prior or otherwise, in taps and bugs in "national security" cases.

Mr. President, I continue to read from the report:

C. Are Court Orders Required When One Party Consents to Use of a Device?

Until recently, the court has considered situations in which a party to a conversation records or transmits what the other party says differently from situations in which a third person overhears a conversation. In *Lopez* v. *United States,* 373 U.S. 427 (1963), the court held that a revenue agent could, in the absence of a court order, surreptitiously record the incriminating words of someone attempting to bribe him. In *Osborne* v. *United States,* 385 U.S. 323 (1966), a recording was made of incriminating words with prior judicial approval. The court found it unnecessary to re-examine the holding in *Lopez* because in the case before it the circumstances met the "'requirement of particularity', which the dissenting opinion in *Lopez* found necessary". In both *Berger* and *Katz, Osborn* is cited as the exemplar of a proper authorization for electronic devices, with no suggestion that consent situations are to be treated differently from third party overhearing. The apparent implication in the language of the majority opinions is that *Osborn* would have come out differently had it not been for the prior court approval. On the other hand, both opinions were joined by Justices who also were in the *Lopez* majority and Justice White in his concurring opinion in *Katz* indicates that surreptitious use of electronic devices by parties to a conversation is constitutional whether or not a court order has been issued. It is probably fair to conclude that *Osborn* was used in *Berger* and *Katz* to make the point that seemed important in those cases, and that the court has not resolved the question of the continued viability of *Lopez* and of another pre-*Osborn* decision, *On Lee* v. *United States,* 343 U.S. 747 (1952). If the court should extend the court order requirement to consent situations, it is unclear whether it would hold statutory authorization to be a constitutional prerequisite. Such a conclusion would fly in the face of the result in *Osborn*.

PART II. THE LEGISLATIVE PROPOSALS

As noted above we have reviewed three bills currently before Congress:

1. *The McClellan bill*

The 1962 Department of Justice Bill has been expanded and reintroduced by Senator McClellan as S. 675. The expansions are material. They provide for wiretap orders in state courts with respect to *any* crime as to which wiretaps are authorized by *state* law, whereas the Department of Justice bill had enumerated the crimes, both State and Federal, with respect to which wiretaps could be authorized. Thus the Bill undermined the uniform federal standards which its own legislative findings had called for and which we believe to be essential. Principally for this reason the McClellan Bill was disapproved by the Federal Legislation Committee in its 1966 report, "Proposed Legislation on Control of Organized Crime," Reports of Committees of the Association of the Bar concerned with Federal Legislation, Vol. 5, Bulletin No. 2, June 1966, pp. 31, 35–37. Since that time, the Bill has been approved by the Judicial Conference of the United States. In deference to the expertise of that latter body we have again reviewed the Bill. We have concluded, however, that we should adhere to the position taken in the 1966 report, for the reasons there stated. In addition, we find the Blakey Bill, as modified by the recommendations below, to be significantly preferable to the scheme embodied in the McClellan Bill.

For these reasons, the McClellan Bill will not be discussed further in this Report.

2. *The Long bill (administration bill)*

The Administration has supported S. 928, which was introduced by Senator Edward V. Long in the last session of Congress. (H.R. 5386 was an identical version.) That Bill would ban all wiretapping and eavesdropping except for purposes of national security, or where it is done with the consent of one of the parties to the communication. The Long Bill also would bar the manufacture and interstate shipment of wire interception and eavesdropping devices, a provision which is also contained in Professor Blakey's Bill.

The Administration has taken a restrictive position since at least June 30, 1965, when the President issued a directive to the entire federal establishment confining the use of listening devices to intelligence affecting the national security. In all other cases specific authorization by the Attornery General was required. This was followed in July of 1967 by a similar memorandum from Attorney General Ramsey Clark to the Department of Justice.

The issues raised by the Long Bill are discussed in Parts IV–VI of the report. Part IV deals with wiretapping and eavesdropping by private persons, which we believe should be banned. In that Part, we have also opened discussion of "consent" to taps and bugs. We find "consent" unsatisfactory as an organizing concept, and we recommend that Congress not draw the line on this basis, as the Long Bill would have it do. Other problems of "consent" may perhaps be better dealt with in the courts. Part V deals with the relatively novel question of constitutional power to regulate private electronic eavesdropping. We have concluded that it is proper and desirable that Congress should do so.

As to the exemption for national security, we reiterate our pervious position that such interceptions should be subject to judicial control. We believe that federal judges as well as executive officials can be trusted with the nation's security.

3. *The Blakey bill*

The President's Commission had commissioned Professor Robert Blakey of Notre Dame Law School to draft a report on legislative problems in this area and also to prepare a draft statute.

I note that Professor Blakey is in the Chamber and is conferring with the Senator from Arkansas [Mr. McCLELLAN].

Professor Blakey's report and Bill provided for limited and controlled wiretapping and bugging by law enforcement officials, to aid in the fight against organized crime. This Bill (hereinafter referred to as "the Blakey Bill") was introduced in the last session of Congress by Rep. McCulloch and in the current session by Rep. McDade. Its most recent designation is H.R. 13482. The Blakey Bill contains many novel provisions. It also deals somewhat systematically with important aspects of the problem which had not been treated by previous studies or proposed bills. Because of the foregoing and because the Blakey Bill appears to be under serious consideration in the current session, it will be considered intensively in Part III below. In general, we accept the Bill's statement of the problems but we sharply disagree with many of its legislative solutions. In Part III we have set forth what we believe is sound in the Bill, together with the alternative solutions which we recommend.

PART III. THE ISSUES RAISED BY THE BLAKEY BILL

A. Background and underlying philosophy

The President's Commission, in the section of its report relating to organized crime, stated as follows the case for some wiretapping and eavesdropping by law enforcement officials:

"The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques . . .

"Members of the underworld, who have legitimate reason to fear that their meetings might be bugged or their telephones tapped, have continued to meet and to make relatively free use of the telephone—for communication is essential to the operation of any business enterprise. In legitimate business this is accomplished with written and oral exchanges. In organized crime enterprises, however, the possibility of loss or seizure of an incriminating document demands a minimum of written communication. Because of the varied character of organized criminal enterprises, the large numbers of persons employed in them, and frequently the distances separating elements of the organization, the telephone remains an essential vehicle for communication. While discussions of business matters are held on a face-to-face basis whenever possible, they are never conducted in the presence of strangers. Thus, the content of these conversations, including the planning of new illegal activity, and transmission of policy decisions or operating instructions for existing enterprises, cannot be detected. The extreme scrutiny to which potential members are subjected and the necessity for them to engage in criminal activity have precluded law enforcement infiltration of organized crime groups."

President's Commission, "The Challenge of Crime in a Free Society" (1967), p. 201; see also "Task Force Report: Organized Crime", pp. 17–19.

The Commission went on to say, however:

"In a democratic society privacy of communication is essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas . . .

". . . It is presently impossible to estimate with any accuracy the volume of electronic surveillance conducted today. The Commission is impressed, however, with the opinions of knowledgeable persons that the incidence of electronic surveillance is already substantial and increasing at a rapid rate."

"*Id*., at p. 202. See also Westin, "Science, Privacy and Freedom: Issues and Proposals for the 1970's", 66 Col. L. Rev. 1003 (1966).

It concluded:

"All members of the Commission believe that if authority to employ these techniques is granted, it must be granted only with stringent limitations. One form of detailed regulatory statute that has been suggested to the Commission is outlined in the appendix to the Commission's organized crime task force volume [the Blakey Bill]. All private use of electronic surveillance should be placed under rigid control, or it should be outlawed."

Id., at p. 203.

The detailed regulatory statute referred to by the Commission is the Blakey Bill.[3] The Commission did not adopt it but treated it as a useful example which might be discussed. We also find it useful for this purpose, perhaps the most useful bill to date as a springboard for discussion, but as noted above we accept only parts of the bill and suggest many revisions and additions.

B. Procedures for judicial control

Central to *Berger* and *Katz* is the concept, derived from Fourth Amendment cases relating to searches and seizures, that wiretapping and eavesdropping should be under the control of a judge or magistrate. The Blakey Bill, as it must, sets forth procedures for such judicial control. No less fundamental, in our view, are the principles that judicial approval should be governed by uniform standards, and that in this new and untested area we should proceed with great caution, resolving doubts generally in favor of restriction and privacy unless a strong case is made to the contrary. The Blakey Bill makes much less satisfactory provision for these latter principles.

Which Court

Under the Blakey Bill, Federal law enforcement officials may apply to a Federal court for an order permitting wiretapping or eavesdropping, and State officials may apply to a State court. The bill provides that where the order is obtained from a Federal court it shall be obtained from the Chief Judge of the United States District Court or such judge as the Chief Judge shall designate and from a limited number of other judges.[4] This presumably is to restrict judge-shopping, on the sound theory that one applying for an order would otherwise go to the judge most sympathetic to granting such orders. As to the State court, however, the bill provides that a judge of any court of general criminal jurisdiction in the State who is authorized by a statute of that State to grant such orders may do so.

We recommend that not only Federal but also State officials should be required to go through Federal courts, which should have exclusive jurisdiction to issue wiretapping and eavesdropping orders. Reliance on over 50 judicial systems militates against uniform standards for the granting of orders. It makes virtually impossible a workable system of quantitative controls on orders. It promotes judge-shopping and makes impossible central designation of judges, which the Bill provides only for Federal courts. State jurisdiction has little to commend it. The federalist concept of using States as laboratories would seem to have little application here, where the aim is uniform and tightly restricted control. We see no constitutional barrier to exclusive federal jurisdiction and no substantial arguments for concurrent jurisdiction.

Here is a major area of disagreement between the New York Bar Committee and the proponents of title III of S. 917. Not only does the bill provide for court orders by State judges, but also, judges with strictly local jurisdiction. We have not 51 jurisdictions but, very probably, several thousand.

Under S. 917, wiretapping and eavesdropping will run rampant, under a thin veil of legality.

Who May Apply

The Blakey Bill provides that applications for wiretapping or eavesdropping orders may be made by only a limited number of persons. At the Federal level these are the Attorney General of the United States or an Assistant Attorney General and at the State level they are the State Attorney General or the principal prosecuting attorney of a political subdivision (such as a county or city District Attorney).

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[3] References hereafter to the Blakey Bill are to its designation, H.R. 13482, introduced by Rep. McDade.

[4] The Chief Judge of a United States Court of Appeals or such judge as he shall designate or the Chief Justice of the United States or such justice or judge as he shall designate.

We agree that responsibility should be focused on those public officials who will be principally accountable to the courts and the public for their actions. Police and investigative agencies should not have the power to make such applications on their own. On the other hand, it seems anomalous to permit only very high Federal officials to apply, excluding such officials as United States Attorneys for entire States or Districts like the Southern District of New York, while permitting county district attorneys with substantially less responsibility to make applications. It appears essential, nevertheless, to permit county district attorneys to initiate applications with respect to matters which are their constitutional responsibility, and though this could lead to some abuses the answer is not to deny the power to initiate. This point underscores, however, the need for centralized and uniform judicial control, that is, exclusive federal jurisdiction.

We also would seek to reduce the anomaly referred to above by providing that the Attorney General may delegate to United States Attorneys the power to initiate applications.

At this point, Mr. President, I shall omit a section of the report entitled "Emergency Taps or Bugs Without Orders," as I understand that the final printed version of the report varies in substance from the last draft.

Taps and Bugs for Gathering Intelligence Only

The Blakey Bill states that none of its provisions shall be deemed to limit the power of the President to "obtain information by such means as he deems necessary to protect the United States from actual or potential attack by, or other hostile acts of a foreign power or to protect military, or other national security information against foreign intelligence activities." This provision exists independently of those providing for court orders to obtain evidence of such crimes as espionage. As stated above, and as stated by us in the past, we believe that all taps and bugs in the United States, including those of the C.I.A., should be brought under judicial control.

The suggestion has been made that taps and bugs without court order should be permitted for surveillance in the national security area and possibly also in the organized crime area, on the condition that the fruits may not be used in court. Most of us believe that such an argument misconceives the purpose behind the exclusionary rule, which is directed principally at providing a sanction against government overreaching and only secondarily at purifying court procedures, and would disapprove such a provision. Some of us believe however that such evidence should be excluded but there should be no other consequences.

Title III of S. 917 provides not only for court-free tapping and bugging in some cases—primarily "national security"—but also for the use of the "fruits" of the tap or bug if the tapping or bugging was "reasonable." This provides a truck-size loophole.

The Papers for the Application

The final aspect of this procedural discussion relates to the showing which the applying official must make in order to obtain an order. The Blakey Bill's requirements state only very general requirements. For example, the affidavit must contain "a full and complete statement of the facts and circumstances relied upon by the applicant".

In *Berger*, the Supreme Court referred to the failure of the New York statute which was there in issue to require that the papers "describe with particularity the conversations sought". 35 U.S.L.W. 4653 at 4654. The Court said that this failure "gives the officer a roving commission to seize any and all conversation . . . As with general warrants this leaves too much to the discretion of the officer executing the order". *Ibid*. The proposed bill should be modified accordingly.

The Bill further requires a showing that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous". We agree with the thought underlying this requirement, that is, that wiretapping and eavesdropping should not be used unless absolutely necessary. The Bill should not, however, leave open the possibility of satisfying this requirement by a boiler plate recital of the statutory language. It should provide for a description with particulars of the efforts that have been made to obtain evidence without wiretapping or eavesdropping and a reasoned justification of the need for using wiretapping and eavesdropping methods. The Bill should, on the other hand, contain a provision authorizing the district judge who is granting the wiretapping or eavesdropping order to seal so much of the supporting papers as makes disclosures that would endanger the lives of witnesses or seriously prejudice law enforcement. The seal would remain even through trial, so long as this situation remains, subject to in camera review of this portion of the papers by an appellate court.

C. Limitations on the amount of wiretapping and eavesdropping

No less fundamental to all discussions in this area is the notion that a balance must be struck which will minimize invasions of privacy and obtain maximum value for law enforcement from those limited invasions. Difficulties in striking that balance seem to have dominated debate. We are not satisfied with the methods which have been suggested for this purpose, nor with the new test suggested by Professor Blakey. We do believe, however, that a workable system can be devised, which is a compound of two proposed methods: lists of serious crimes and quantitative controls.

Lists of Crimes

Since at least the 1962 Department of Justice bill, draftsmen of wiretapping legislation have attempted principally to limit the frequency of wiretapping and eavesdropping interceptions by proscribing them except when used to obtain evidence of serious crimes, which are listed in the statute. The list contained in the 1962 bill included cases involving certain felonies affecting the national security—espionage, sabotage, treason, sedition, subversive activities and unauthorized disclosure of Atomic Energy information—and also cases of murder, kidnapping, extortion, bribery, transmission of gambling information, travel or transportation in aid of racketeering enterprises, any federal narcotic offenses, and conspiracy to commit any of the enumerated crimes. A similar list, plus counterfeiting, is contained in the McClellan Bill, and a similar list, plus several additions, such as bankruptcy fraud and obstruction of justice, is contained in the Blakey Bill.

A list of crimes, however, necessarily overgeneralizes, that is, not all instances of a given kind of crime are of equal seriousness. Indeed, the same rubric may cover events of major public concern and events which are relatively trivial. A case can be made, for example, that tapping should be permitted to obtain evidence of gambling, since the funds from gambling may be the life-blood of organized crime. It does not follow that tapping should be permitted for all gambling, including the corner bookie. Organized crime is increasingly involved in fraudulent bankruptcies, yet suspicion that a marginal businessman may be secreting assets would not impress most of us as creating an occasion which is sufficiently serious to warrant wiretapping or eavesdropping. The same excessive breadth applies to such crimes as obstruction of justice and counterfeiting, which are on the list in the Blakey Bill.

Blakey's New Test—Status of the Subject

Professor Blakey has attempted to define another test which is more explicitly directed at organized crime. This test can be described roughly as an attempt to define a person engaged in organized crime. A showing of such status would be enough to justify the issuance of a court order for wiretapping or bugging against that subject.

The proposed definition includes a showing that the subject is engaged in one of the crimes on a list like that of the 1962 Department of Justice Bill, as part of a continuing criminal activity, and has two or more close associates who are doing the same thing. In an earlier draft of the Bill, Professor Blakey also required a showing that the subject had been convicted of a felony involving moral turpitude. This latter has now been dropped. For orders based on proof of such a status the Bill also provides for a quota system, which would limit the number of orders against such persons and facilities used by them, though the number of orders allowed under Professor Blakey's quotas would be substantial.

The Blakey Bill also contains as an alternative, in which no quota is involved, a list of crimes, like the 1962 Department of Justice Bill. An order may issue on a showing that there is probable cause to believe that the subject is committing, has committed or is about to commit such a crime. The papers under either alternative must also make the showing previously referred to.

The most obvious problem posed by this scheme is that so long as an order can issue under the alternative method, on a showing that the subject is involved in a listed crime, few law enforcement officials will try to invoke a definition which includes this showing in its entirety plus a lot more.

In addition, the notion of guilt by association is repugnant, as is the notion that one should suffer special disabilities because of a prior conviction. Reliance on defining status, moreover, is a questionable method of law enforcement, even if a satisfactory definition could be drafted. We believe that law enforcement should be directed against unlawful acts, not against classes of persons. The quota system, finally, must be much more restrictive if it is to strike an appropriate balance.

Recommendation—The compound of a list and quantitative controls

The germ of a genuine alternative lies in Professor Blakey's suggestion of quotas for the number of official wire taps or bugs which can be outstanding at any one time. In the context of the Blakey Bill this provision seems to be of minimal assistance in restricting the number of orders, partly because it is to be applicable only as part of what we have called a redundant provision, and therefore not likely to be invoked, and partly because the quotas suggested seem to be too large.

We proposed, however, the following twofold system. For certain very serious crimes, murder, kidnapping and espionage, and for the foreign intelligence activities of our government described in the Blakey Bill, an unlimited number of taps and bugs would be permitted, subject to judicial review and the other safeguards under the bill.

We regard it as imperative, in this connection, that the list be limited to a few activities of very serious importance. Otherwise we believe a long "laundry list" of crimes would inevitably develop which would be so broad as to permit wholesale tapping and bugging. This we regard as simply incompatible with individual rights.

In order to afford law enforcement officers the flexibility to deal, in particular instances, with crimes other than those enumerated above, we recommend that, in addition, a very small quota[5] of taps and bugs would be permitted, on a national basis, and under control of the Attorney General, for use in obtaining evidence of any other crime. The number of such interception orders permitted to be outstanding at any one time should be so small as to be confined to use for selected and highly important cases. Selection of the occasions would then be up to the Attorney General and his advisers who are familiar with the legitimate needs of law enforcement, subject to judicial review. Local authorities would have to obtain the agreement of the Attorney General in order to make application for a tap or bug in this second category. A certificate from the Attorney General showing compliance with this provision should be required as part of the papers in any application for an authorizing order. Thus a nationwide system of priorities could be established by the professionals, and interceptions for a minor cause would tend to be ruled out by the greater needs of organized crime cases.

The proposed system is concededly experimental but it appeals to us as a more direct method of striking the desired balance than any which has been suggested by the bills under review. In any event, we think the experimental nature of the legislation requires that it be subject to prescribed periodic review in its entirety and should have a specified term.[6]

Title III of S. 917 provides not only an open-ended "laundry list" for Federal, State and local police; it also has nothing in the way of a quantitative limitation.

The sky is the limit, and hail big brother.

D. Privileged communications

The Blakey Bill for the first time confronts the problem of privileged communications which are intercepted by legal wiretapping or eavesdropping. Here the invasion of privacy, between attorney and client, physician and patient, priest and penitent, carries with it the potential for serious disruption of professional relationships. The uncertainty created by the possibility of unknown interceptions could be far-reaching.

The Blakey Bill bars orders where the subject is a lawyer, physician or a priest. This protection is more apparent than real, however, for it permits taps and bugs directed against confidential professional communications where the subject named is not the professional person, but his client or patient. The Bill also provides that taps or bugs may be granted for use in a lawyer's office, a physician's office or a confessional, on the theory, according to Professor Blakey, that such places should not be permitted to become sanctuaries for criminal activity. The evidence that professional offices pose genuine threats as potential headquarters for mobsters is however less than compelling.

The Bill does provide that in situations where a professional office is to be bugged or tapped a showing of "special need" must be made to the judge and that interceptions must be conducted so as to "minimize or eliminate" the interception of privileged communications. The Bill fails to define "special need", however, or to specify sanctions for failure to "minimize or eliminate" such interference with privileged communications. Given such ambiguity these protections appear to lack substance.

It must be emphasized that sound professional relationships, such as those between attorneys and clients, require a widespread public belief that confidences will be kept secret. Once the risk grows that secrets may be intercepted by outsiders this public belief in confidentiality may well become attenuated. As a result, communications could become guarded; professional persons could be seriously hampered in analyzing clients' problems and the damage to professional institutions could be considerable. The social price of such disruption is too high. This new legislation is experimental. We believe, therefore, that unless and until experience is gained which would substantiate the conclusions assumed by Professor Blakey as to professional sanctuaries, no tapping or bugging of professional offices should be allowed. Even if such proof is shown there may be other and preferable ways to deal with the problem as, for example, by professional discipline. We strongly disapprove any legislation which would permit interception of privileged communications.

Where applications for orders indicate that privileged communications may be intercepted, the court should direct the agents not to make such interceptions, when at all possible; in other cases provision should be made to erase those portions of any tapes which contain interceptions of privileged communications. Orders should not be granted for use in a lawyer's or doctor's office, or on their telephones, or for a confessional. On the other hand, we see no reason to bar orders with respect to premises listed in, say, a lawyer's name, where the court can be shown that it is not a place used as a professional office.

E. Other limitations on time and place

Time

In *Berger* the Supreme Court emphasized the necessity of limiting the time during which an order for electronic surveillance (and renewals thereof) would be valid. The Court analogized an order valid for long periods of time to the constitutionally proscribed general warrant, under which an unlimited search and seizure could be made.

In *Berger* the statute which was condemned had permitted orders valid for two months, which would be renewable, presumably for periods of two months each. This time period was held to be too long. The Blakey Bill provides for 30 day orders, renewable for periods of 30 days. The limitations on time must be viewed together with the provisions for limiting interceptions to those communications which can be described with particularity. The Blakey Bill's provision would still seem to be too long under *Berger*, possibly unconstitutional, and in any event undesirable. The initial period of validity should be quite short, perhaps a week at most. Extensions, of similar duration, should be granted only upon a renewed showing of probable cause, on new motion papers. It would also seem that papers for a renewal order should set forth some evidence beyond that contained in the original papers, particularly since the anticipated conversations to be intercepted should be described with particularity. On the other hand, giving the practical exigencies in obtaining renewal orders from busy judges, and the problem that is presented in the necessity to remove a bug or tap when the order has not been renewed, we would not object to renewals on oral application, within the court's discretion, to be followed within 48 hours by the filing of proper supporting papers. The Blakey Bill does not limit the number of extension orders which may be obtained. We would favor some limitation as to the maximum duration of a single court approved tap or bug.

The Home

The Blakey Bill draws no distinction between homes and other places, so far as wiretapping and bugging are concerned. We do not agree. There is of course a possibility that homes will be used for illegal activities, such as gambling activities, and it may be noted that the famous Apalachin meeting took place in a home. We are prepared to accept the idea of wiretaps on home telephones. Bugs in homes go too far, however. There must be some sanctuary where one can think and speak without fear. We would ban all electronic bugging in homes.

Public Telephones

Taps and bugs on public phones, as in the *Katz* case, are permitted under the Blakey Bill provided that agents avoid unnecessary overhearing of other parties' conversations and show a "special need". The latter concept, as indicated above, appears to be meaningless and we would prefer instead to rely on the requirement that orders be limited precisely to conversations of named persons and only to those. Thus automatic monitoring equipment would seem to be ruled out for public phones. Beyond this, public phones would not seem to be different from other public places.

F. Disclosure

A large part of the problem involves the question of defining the extent of permissible disclosure of the intercepted communication, to whom, under what circumstances and for what purpose. The issues may be discussed in three parts:

1. The inventory, or disclosure to subjects that wiretapping or eavesdropping has taken place.
2. Disclosure within the government.
3. Disclosure to the defense before trial.

1. *The Inventory, or Disclosure to Subjects that Wiretapping or Eavesdropping Has Taken Place:* The Blakey Bill provides that within ninety days after termination of the wiretapping or eavesdropping order the subject must be told that such an order has been entered, the times it was in effect, and whether or not any communications were intercepted. This is referred to in the Bill as service of the inventory. The Bill further provides that such service may be postponed by the judge on a showing of good cause.

This provision, though unique in this area, may be derived from an analogous procedure in the area of searches and seizures, where the inventory functions as a receipt for what was taken. The principal significance of the inventory in this area, however, is that it lifts the secrecy from the tap or bug. Presumably the intention is thus to reduce the uncertainty which one might have as to whether or not he has been subjected to electronic surveillance.

We approve of this provision, and believe it should be a part of the legislative scheme recommended by this Report, except in the case of foreign intelligence activities of our government where the need for continued secrecy seems overriding.

The Bill stops short of requiring service on the subject of the underlying papers which supported the application for an order. Under another provision of the Bill these papers are to be sealed, and thus the subject would seem to be left without access to them, unless they are to be used against him in a criminal proceeding.

The Bill provides elsewhere substantial civil remedies for persons who are subjected wrongfully to wiretapping or electronic eavesdropping, though good faith reliance on an order is a defense. It is hard to see how these remedies can be invoked in the generality of cases when the subject cannot see the papers relied on for the order. The papers might contain false affidavits, for example, yet the subject would have no way of testing this. While perhaps he could obtain the papers by starting a lawsuit and moving for discovery of the papers submitted

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[5] The specification of an exact number poses great difficulty and would require consideration as to specific law enforcement needs and privacy problems; the range which most of us have in mind, however, is 100 or fewer taps or bugs to be outstanding at any one time throughout the nation. Any number, of course, must to some extent be arbitrary.

[6] *E.g.*, the Blakey Bill provides for an independent study of its operations within one year prior to its termination, and for automatic prospective termination of the bill's provisions eight years after enactment.

to the court, it seems undesirable to compel subjects to start perhaps groundless suits for this purpose. At the same time it is hard to see how the subjects lawyer could counsel him to take on faith the correctness of the papers submitted to the court.

If the underlying papers are disclosed to subjects within 90 days, nevertheless, such disclosure may destroy an entire investigation prematurely, since the papers may expose too much too soon, such as the identity and activities of informants, the extent of official information, surveillance activities and the like. While service of the inventory, as proposed, might tend to have the same effect, there the disclosure would reveal fewer particulars.

We believe that the compromise struck by the Blakey Bill serves the needs neither of privacy nor of law enforcement. We would prefer an explicit provision that: (a) the underlying papers should be served with the inventory except (b) upon a showing by law enforcement officials that service of either the inventory or the underlying papers will prematurely terminate an investigation the court may postpone service of either, the inventory for a period not to exceed six months and the underlying papers for a period not to exceed one year. Some of us are of the opinion that the tapes or transcripts of intercepted communications should also be served with the inventory.

Another problem with the proposed bill is that the inventory is to be served only on persons who are subjects of the order. If A, under an order, talks with B, only A is told about the interception. B's rights may have been violated but he lacks redress. B should probably also be served with the inventory. On the other hand, if for example, A, a businessman, talks with his customers, and the latter are served with papers showing that A is being bugged, the damage to confidence in A and to A's reputation in general may damage A unjustly. In this case it would seem that the customers should not be served with the inventory.

No solution seems wholly satisfactory, but we believe that the courts should have discretion to require service of the inventory on persons other than the subject of the initial order. Determinations as to who should be served would be best made on a case by case basis.

2. *Disclosure within the Government*: Broad disclosure of intercepted communications within the government runs against the policy of keeping the invasion of privacy to a minimum and also against the policy of using such interceptions for highly important purposes. Despite these basic considerations, the Blakey Bill permits such broad disclosure. We strongly disapprove these provisions of the Bill.

Professor Blakey, in his original paper for the President's Commission, stated that intercepted material should not be disclosed in Congressional hearings. His original draft further limited disclosure within the government by providing that the intercepting official "may disclose such contents *to another investigative or law enforcement officer* to the extent that such disclosure is appropriate to the proper performance of the official duties of the officers *making and receiving the disclosure*". (Emphasis added.)

The present draft opens very large holes in this formula and makes it possible to broadcast widely the results of bugs or taps. It permits disclosure *"to any person* to the extent that such disclosure is appropriate to the proper performance of the official duties of the officers *making such disclosure*". (Emphasis added.) The change introduced by the italicized sections turns a restrictive policy, perhaps itself too loose, into an open door. We strongly disapprove this change.

Some find the original formula also unsatisfactory. They believe that disclosure should be confined to persons officially engaged in investigating the offense for which the original order was issued and, where relevant, as part of judicial proceedings, with perhaps an exception for official need upon explicit judicial approval on a new application.

3. *Disclosure Before Trial:* The Bill provides that the contents of a communication intercepted by a court approved wiretap or bug may not be used in evidence at a trial unless, at a time not less than ten days before the trial, the defendant receives a copy of the court order and the underlying papers. He can then move to suppress. We are generally in agreement with this procedure.

Perhaps a defendant can also move to discover the contents of the intercepted communications, under Rule 16 of the Federal Rules of Criminal Procedure. This Rule gives the courts discretion to disclose to a defendant his statements which are in the possession of the government. Tapped or bugged statements may be within the purview of this Rule. Some of us would make disclosure of tapper or bugged statements mandatory if such legislation as that discussed above is enacted. In view of the possible applicability of Rule 16 or some equivalent disclosing the interception only 10 days before trial would seem to leave the defendant too little time to move thereunder and use the results of his motion. In general the defendant should have time to make motions other than suppression motions resulting from disclosure, and he should also have time to check out the facts and use the results of discovery to prepare properly for trial.

G. Certain other provisions of the Blakey bill

Other provisions of this Bill raises general problems of constitutional power and the like which will be discussed in detail below. Certain others, including relatively novel ones, require less extensive treatment.

Thus, we are in agreement with the Bill's provision for civil remedies, including liquidated damages, punitive damages and counsel fees, in favor of persons whose communications are intercepted, disclosed or used in violation of the Bill's requirements. The Bill provides that good faith reliance on a court order shall be a complete defense and this we also approve, to the end that law enforcement officials should not be harassed or intimidated.

If an intercepted communication is suppressed, the Bill gives the Government the right to appeal at that time. This would seem necessary to avoid destruction of proper prosecutions by an error in law at the trial court level, and it is not likely to interfere significantly with countervailing policies against interlocutory appeals.

The Bill provides furthermore that immunity may be given to witnesses who are to give evidence of violations of the laws relating to electronic eavesdropping and wiretapping. Such offenses are serious and we approve this provision, which would expedite enforcement of the criminal penalties under the Bill.

PART IV. WIRETAPPING AND EAVESDROPPING BY PRIVATE PERSONS AND WITH THE CONSENT OF A PARTY

Consent taps and bugs by law enforcement officials

Under both the Blakey Bill and the Long Bill, no bar is placed on wiretapping or eavesdropping when one party to the communications consents.[7] This is true whether the consenting party be a law enforcement official or a private party.

We recommend, however, that consent eavesdropping and wiretapping by law enforcement officials should be brought within the framework of the court order system, with certain exceptions. We have proposed above that official interceptions, where consent is absent, be permitted in unlimited number in connection with certain very serious crimes as well as in the foreign intelligence activities of the United States Government and in very limited number for use in obtaining evidence of any other crime, with the express approval of the Attorney General. We propose that, where law enforcement officials seek court approval to wiretap or eavesdrop with the consent of a party there be no limitation as to the nature of the crime being investigated or the number of such orders which may issue. Some of us also think that no limitations should be imposed on the place of consent interceptions. The only requirement would be the authorization of the appropriate Federal or State law enforcement official and the issuance of a Federal court order.

In addition, some of us think that if consent interceptions are brought within the framework of the court order system, provision should be made for the emergency where consent is present but the exigencies of the situation are such that delay in seeking a court order would make the interception useless. In such an "emergency" situation they would not object to the consent interception so long as within 48 hours thereafter a court order is obtained approving the interception as if it had been applied for in the normal manner. Finally, some of us also think that in the consent situation service of the inventory upon the subject of the order be eliminated. However, should a trial ensue, the pretrial disclosure provisions would be applicable.

This proposal recognizes that an individual's privacy is invaded even when the party to whom he speaks has consented to the recording, and it sanctions such an interception only when a neutral magistrate determines that the invasion is necessary. It tends to eliminate the constitutional uncertainties surrounding the consent interceptions area, which have been discussed above without sacrificing the effectiveness of this legitimate investigative tool for law enforcement.

Tapping and bugging by private parties

The Blakey Bill, as well as the Long Bill, imposes a blanket ban on all wiretapping and eavesdropping by private parties except those interceptions made with the consent of one of the parties to the communication. Violations are punishable by criminal sanctions. If, as we suggest, it is proper to include official wiretapping and eavesdropping upon consent under the court order system, then there is little to be said for a statute which permits unrestricted consent interceptions in the private sector. There the social need is attenuated and the potential invasion of privacy great.

The usual justification for recording of conversations by a private party is that each party takes the risk that the other will repeat what has been said and hence should also take the risk that the other party will possess the means to repeat it accurately, either in court or to another private person. The contrary position is that the essence of privacy is the power to limit the extent of one's communications and that the risk of recording or transmittal is not one we should ask persons to bear in a free society. The first theory treats the risk of party monitoring like the risks that are inherent in any non-privileged conversation; the latter theory treats that risk like the risk of monitoring by outsiders.

The argument against consent eavesdropping has been put persuasively by Professor Westin, who assumes for this argument that eavesdropping would otherwise be limited to obtaining evidence of serious offenses on authorization from the courts.

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[7] The term "intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any intercepting device or by any person other than the sender or receiver of such communication or a person given prior authority by the sender or receiver to intercept such communication.

"This (exception) has been the basic charter for private detective taps and bugs, for 'owner' eavesdropping on facilities that are used by members of the public, and for much free-lance police eavesdropping. Allowing eavesdropping with the consent of one party would destroy the statutory plan of limiting the offenses for which eavesdropping by device can be used and insisting upon a court order process. And as technology enables every man to carry his microminiaturized recorder everywhere he goes and allows every room to be monitored surreptitiously by built-in equipment permitting eavesdropping with the consent of one party would be to sanction a means of reproducing conversation that could choke off much vital social exchange." Westin, *Science, Privacy and Freedom: Issues and Proposals for the 1970's*, 66 Col. L. Rev. 1205, 1226 (November 1966). See also, Greenawalt, Col. L. Rev.

It is significant that the Federal Communications Commission has rejected the consent exception for its rule banning eavesdropping by use of radio devices The F.C.C. reversed its original position after receiving a memorandum from the Special Committee on Science and Law of the New York City Bar Association. The Commission said:

"9. Objection was made by the Association to that provision of the proposed rules which would make the prohibition against eavesdropping inapplicable where the use of the device is authorized by one or more of the parties engaging in the conversation. It was contended that this approach fails to recognize a distinction between the risk that a party to a conversation may divulge what he remembers from the conversation and may be believed by others, and the risk that a party to a conversation will use a radio device to overhear and record the conversation verbatim, or authorize another to so overhear or record it. Doubt was expressed as to whether most persons assume, or should assume, the risk that their conversations are being overheard or recorded by the use of such devices. The Association also expressed the view that the real significance of this provision of the proposed rules would be to enlarge the area of permitted eavesdropping beyond that likely to be condoned by the public or by the courts.

"10. Our proposal was based upon the tentative view, set forth in paragraph 6 of the Notice of Proposed Rule Making, that anyone who engages in conversation with others must assume the risk that anything he says may be divulged without his knowledge by any other party to the conversation. However, upon further consideration we have decided that the objections to this view are well founded and that we should not sanction the unannounced use of listening or recording devices merely because one party to any otherwise private conversation is aware that the conversation is in fact no longer private.

"11. The right of privacy is precious and should not be sacrificed to the eavesdropper's needs without compelling reason. We cannot find such reason here, subject to the single exception made in paragraph 13, *infra*, for law enforcement officers operating under lawful authority. *We agree that the ordinary risk of being overheard is converted into another risk entirely when the electronic device is made the instrument of the intruder. Coupled to a recording device, this new eavesdropping tool puts upon the speaker a risk he has not deliberately assumed, and goes far toward making private conversation impossible. We do not believe the assumption of such a risk should be made the basis of our rules.* We are commanded by the Communications Act to 'encourage the larger and more effective use of radio in the public interest,' Section 303(g). Upon reflection, we do not believe it to be consistent with the public interest to permit this new product of man's ingenuity to destroy our traditional right to privacy.'" (Emphasis added.)

For these cogent reasons, we disapprove the blanket consent exception in the private sector. We see no social justification for consent wiretapping by private parties. However, we do recognize that there is a question whether there may not be some classes of conversation which one of the parties should be permitted to record secretly, and there is also a question as to the sanctions which are appropriate in this area. One thinks of the businessman who tells his secretary to listen to his conversation on an extension phone in order to have a witness to what is said. One also thinks of the situation of a criminal defendant faced with a shakedown attempt by one he knows to be a prospective witness against him, who requires self-protection. Though a full discussion of this area is beyond the scope of this report, a number of factors may be relevant in specifying more limited exceptions. These would include (1) the social importance of the recording or eavesdropping, (2) the relationship between the parties, (3) the circumstances under which the recording or eavesdropping is to take place, and (4) the collateral problems arising from prohibition of the kind of eavesdropping in question. See *Greenawalt*, Col. L. Rev. Our suggestion is that the sanction against private consent recording or eavesdropping be confined to tort remedies and exclusion of the use of information so obtained in any judicial proceeding by the procurer of the recording. The statutory standard could then be rather generally phrased so as to permit development by the courts on a case-by-case basis.

We fully approve as a general principle the provisions in both the Blakey Bill and the Long Bill that preclude all third-party wiretapping and eavesdropping in the private sector. Its all too common use as a means of gathering evidence in divorce proceedings and in obtaining information in competitive commercial situations should be condemned. While we believe that the procurer of such an interception should be subject to the criminal as well as the civil sanctions proposed in the Blakey Bill, we hesitate to treat as severely a person who "uses" information knowing it to have been obtained by means of an illegal interception. As against the knowing user, we would suggest that the aggrieved party be confined to a tort remedy. There may be some few instances in which third party interceptions serve a socially useful purpose, such as in the case of a social scientist seeking empirical data, but we do not think it is feasible to carve out an exception to cover these limited situations. Finally, no information obtained as a result of a third-party interception should be admitted in evidence in any court proceeding except in the case of a prosecution or civil suit based upon a violation of the laws relating to wiretapping and eavesdropping.

PART V. FEDERAL POWER TO CONTROL WIRETAPPING EAVESDROPPING AND DEVICES FOR SUCH USE

Though Congress undoubtedly has power to control wiretapping under the commerce power, the extent of Federal power over eavesdropping is less settled. *Berger* and *Katz*, dealing as they do with the requirements of the Fourteeenth Amendment, have nothing to say directly about this question.

There has not been doubt that legislative power to control exists in the area of wiretapping, under the commerce clause. Indeed, it is hard to see how there could be an intrastate wire communication which in no way "affected commerce". See *Weiss* v. *United States* (Cite). As to eavesdropping, the Blakey Bill forbids interception of oral communication without regard to whether they are commerce-related. Possession of devices primarily useful for interception (see Part —, infra) is forbidden, however, only if the devices or components have travelled in commerce, and manufacture and distribution are also reached only when there is a commerce connection.

Both the commerce power and the enforcement clause of the Fourteenth Amendment as intercepted by the Supreme Court indicate that Congress may reach "local" manufacturing, sale, and use. Given the easy transportability of most wiretapping and eavesdropping devices and the impossibility of preventing someone from carrying them across state lines, a prohibition on transportation across state lines would be greatly enhanced by a prohibition of manufacturing and sale for local purposes. Insofar as use is concerned, both convenience of enforcement against commerce-connected uses and equal treatment of persons engaging in virtually identical activities would be promoted by reaching local use. Perhaps even more important, any general local use of devices might affect the ways in which persons carry on interstate business, since both those overheard and those doing the overhearing may have difficulty grasping the subtle distinctions between covered and uncovered uses.

The Supreme Court has been remarkably permissive in the last thirty years in sustaining Congressional exercises of power claimed to rest on the commerce clause. Among the more relevant cases are *Wickard* v. *Filburn*, 317 U.S. 111 (1942) and *Katzenbach* v. *McClung*, 379 U.S. 294 (1964). They establish that the particular action reached need not itself affect commerce so long as the cumulative impact of that and similar actions would produce an effect on commerce. It is true that the suggested exercise of the commerce power with regard to eavesdropping is analytically distinguishable, since it rests upon the need to achieve effective enforcement in regard to admittedly commerce-related situations and/or upon effects on commerce that are more speculative than those involved in *Wickard* and *McClung*, but it is difficult to believe that these differences would lead to a contrary result. Given the Supreme Court's general hesitancy to strike down any Congressional legislation on grounds of Federalism, the obvious national interest in meaningful eavesdropping rules, and the recognized desirability of legislative action (deriving both from the Court's difficulty in drawing appropriate constitutional lines and the patent inadequacy of the exclusionary rule as a deterrent of private activity), it is almost certain that any congressional attempt to deal comprehensively with the eavesdropping problem would be sustained against a claim that the limits of federal power had been exceeded.

Analysis of the Supreme Court's interpretation of Section 5 of the Fourteenth Amendment suggests the same conclusion under that Constitutional provision.

The Voting Rights Act of 1965 prohibited states from requiring literacy in English, as a condition for voting, of persons educated in an American flag school. *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), sustained that exercise of Congressional power. It did so without reaching the question whether the New York English literacy requirement violated the equal protection clause of the Fourteenth Amendment. The opinion conceded considerable discretion to Congress to determine the bounds of the equal protection clause. Congress might have determined that the New York constitutional provision resulted largely from prejudice or that the state interest asserted to support its existence did not justify denial of a right as precious as the right to vote. The Court's role was merely to "perceive a basis upon which Congress might predicate a judgment" that the

New York requirement was "an invidious discrimination in violation of the equal protection clause." In an alternative rationale, the Court held that Congress could forbid a perfectly constitutional state requirement (English literacy for voting) if it determined that this requirement led to other constitutional violations (inequality of government services for residents not speaking English). In *United States* v. *Guest*, 383 U.S. 745 (1966), six members of the Court make clear their willingness to sustain federal statutes reaching private action that interferes with Fourteenth Amendment rights.

Morgan's relevance to eavesdropping is that reasonable men could conclude that Congressional action is needed to protect against instances of bugging that violate the Fourth Amendment. The Court can "perceive a basis" on which Congress might make that judgment and thus would sustain a prohibition of eavesdropping by law enforcement officers. The notion that the Court would strike down a law against eavesdropping by State law enforcement officers as an impermissible extension of Federal power is highly implausible.

The argument that the Fourteenth Amendment supports prohibition of local private use is less obvious. No one is prevented from using a State facility on an equal basis or enjoying other benefits from the State. A theory can be advanced that Congress has the power to legislate against private interference with freedom of expression or a "right to privacy". The prohibition may also be supportable as a Congressional exercise of power, under Section 5 of the Fourteenth Amendment, to give particular content to the national citizenship conferred by the first sentence of that Amendment.[8]

In any event, it seems clear, however, that local manufacture and sale to private persons and private use make more likely prohibited law enforcement use. If devices are generally available and used, police officers will be more likely to use them. The police may also, in ways not easily discerned, arrange for private detectives and others to spy for them, thus avoiding the mandate against police use. Thus, as an aspect of effective enforcement of the general prohibition on official use under the Fourteenth Amendment, Congress can reach actions with regard to eavesdropping devices that do not involve State authorities.

If, as has been suggested, Congress has the power to pass comprehensive legislation in regard to eavesdropping, and need not limit itself to "commerce-related" situations, it would follow that it can decide to permit eavesdropping only upon the issuance of a federal court order.

In my view, Congress not only has the legal right to deny eavesdropping to state and local officials but the duty, as a matter of sound public policy, to so restrict electronic eavesdropping. This is one of the main thrusts of S. 928, the administration's bill.

PART VI. PROHIBITIONS ON MANUFACTURE AND DISTRIBUTION OF EAVESDROPPING DEVICES

Both the Blakey Bill and the Long Bill prohibit persons from sending or carrying in interstate or foreign commerce or sending in the mail "any electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of wire interception or eavesdropping". It also forbids manufacturing or assembling such devices if they or their components "ha(ve) or will be" sent through the mails or in commerce. A similar prohibition is placed on advertisements to be sent in commerce of such devices, as well as on advertisements of other devices designed to promote their use for wire interception or eavesdropping.

There are several problems with these provisions. The standard of "primarily useful" is too vague for a criminal statute. The inherent vagueness of the phrase is intensified by the fact that discovery of new uses for existing devices may shift them in or out of that category. This vagueness is not cured by the requirements that the sender "know or have reason to know" the nature of the device; "having reason to know" is itself a rather vague criterion.

It is doubtful, moreover, if "primarily useful" is even a standard that sensibly balances competing social demands. The object is, of course, to preserve the availability of devices with legitimate uses and to restrict the availability of those used for antisocial purposes. But to make a sensible judgment, one needs to know how easily the legitimate uses can be filled by other devices. Contrast the following two hypothetical devices: Device A is useful primarily for eavesdropping; it has one legitimate but limited use of great social value that cannot be filled by any other device. Device B is primarily useful for legitimate uses but can also be used for eavesdropping; other devices at the same price can perform all B's socially useful functions, but cannot be used for eavesdropping. Society has a greater interest in preserving the availability of Device A than Device B, although Device A is useful primarily for eavesdropping and Device B is not. Plainly, no devices are likely to fit such simple analysis, but this example does indicate that the social judgment involved is more complicated than that implied by the "primarily useful" formula.

Added to this is the fact that these prohibitions on manufacture work at cross purposes with the proposed consent and national security exceptions. If some eavesdropping is to be permitted, it makes little sense to compel intrastate manufacture and distribution of the necessary devices.

We do not believe a shorthand formula that adequately balances competing social interests can be framed in the context of a criminal statute. Certainly the bill as written does not contain one. One alternative would be to drop restrictions on manufacture, sale and advertising and attack only improper use. If improper uses were easy to detect and one could be sanguine about vigorous law enforcement in this area, that solution would make sense; but we fear that improper use is an inevitable consequence of widespread availability of eavesdropping devices. Some regulation on manufacture and sale is called for as a supplement to use prohibitions.

An administrative body, such as the F.C.C. or the F.T.C., would be far better suited than Congress to catalogue existing devices and assess the extent to which they fill legitimate social needs. It would be flexible enough to reexamine devices as new uses are discovered and to assess new devices as they are developed. Without meaning to prejudge the determinations of such a body, we would suggest that devices would fall into three broad categories. Some would be almost solely of use for wire interception or eavesdropping; the manufacture and sale of these would be prohibited except under arrangement with law enforcement agencies authorized to use devices for that purpose, if any agencies are so authorized. Some would be so commonly used for legitimate purposes that they would be generally available; only improper advertising and use would be proscribed. Some would be highly useful for eavesdropping and of limited but significant usefulness for legitimate purposes. These could be manufactured and distributed to private persons under some sort of licensing scheme and upon a showing of need for the device.

CONCLUSION

Difficult as are the problems in reaching agreement on legislation, legislation must now be enacted. Experimental laws controlling wiretapping and eavesdropping, however imperfect, are preferable to the present situation. Such legislation should direct itself to the complexities of the subject and should avoid overly simple formulas. We disapprove the Long Bill as a legislative proposal which does not meet these requirements.

The draft statute prepared by Professor Blakey for the President's Commission, which after revision has been introduced in the current session of Congress by Rep. McDade as H.R. 13482, raises the issues better than other proposals now before Congress. Many of its solutions are unacceptable to us, but with the modifications which we have suggested above we believe that Professor Blakey's basic format can be used for a bill that would be workable. We have outlined above our recommendations as to the major features of such a Bill, stressing the necessity of regarding these recommendations as integral parts of a single legislative scheme. We urge the enactment of such a Bill.

Mr. President, that is the end of the report of the New York City Bar Association. If it proves one thing, it is that we are not ready to enact legislation on this important subject.

The report suggests flaws in S. 928, my bill.

It suggests flaws in the Blakey bill.

The provisions of title III of S. 917 come even further from meeting its requirements.

What is needed is to have this proposed legislation recommitted to the Committee on the Judiciary and for that committee to establish an ad hoc subcommittee for the sole purpose of reaching a workable solution to the many unsolved problems encompassed by this legislation.

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[8] "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const., amend. XIV, § 1. As noted by the Court in the *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 72–73 (1873), this declaration of citizenship was intended specifically to overturn the *Dred Scott* decision, which had held that a person of African descent, whether or not a slave, was not a citizen of a state or of the United States, as well to reverse the view, theretofore widely adhered to, that United States citizenship arose, if at all, only by reason of state citizenship.

"It seems not to have been questioned that, whatever the incidents of national citizenship may be, they are a proper subject of legislation under Section 5, whether directed against private individuals or states." See *United States* v. *Cruikshank*, 92 U.S. 542, 552–53 (1876) (dictum that right to discuss public affairs or petition for redress of grievances is incident of national citizenship which Congress can protect against private interference). A restrictive view was taken by the Court of the privileges and immunities of national citizenship in the *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1872), but more recent decisions, notably *Colgate* v. *Harvey*, 296 U.S. 404 (1935), and the concurring opinions of Justices Douglas and Jackson (representing the views of four members of the Court) in *Edwards* v. *California*, 314 U.S. 160, 177, 181 (1941), suggest a somewhat broader view of the content of national citizenship. See *United States* v. *Guest*, 383 U.S. 745, 757–59 (1966); see also the Department of Justice Memorandum submitted to Congress in 1967 suggesting this approach as one of the bases of Fourteenth Amendment support for open housing legislation: ". . . it is arguable that the right to be free of racial discrimination in the purchase and rental of residential property—partially grounded as it is in the Thirteenth Amendment—is one of those privileges of national citizenship which Congress may protect against wholly private action." See *Slaughter-House Cases, supra,* 16 Wall. at 80; *Civil Rights Cases, supra,* 109 U.S. at 20, 23; *Clyatt* v. *United States*, 197 U.S. 207, 216–218. CONGRESSIONAL RECORD, vol. 112, pt. 12, p. 16073.

I urge the proponents of S. 917 to consider this possible solution.

Mr. President, to speak more specifically to the amendment now pending, No. 734, as presently drafted, section 2518, paragraph (d), of S. 917, provides that within a reasonable time but not later than 90 days after the filing of an application for a wiretap or eavesdrop order, the issuing judge must provide the persons named in the order, or the application for an order, an "inventory." This inventory is to include the following information: First, the fact of the entry of the order or the application; second, the date of the entry and the period of authorized, approved, or disapproved interception, or the denial of the application; and, third, the fact that during the period wire or oral communications were or were not intercepted.

Paragraph (d) further provides that—

> On an *ex parte* showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed.

Amendment No. 734 would delete this language, which appears on lines 13, 14, and 15 on page 73 of the bill.

The effect of this deletion would be that the subjects of a wiretap or eavesdrop would be to give notice within a period of 90 days after the filing of the application for the wiretap.

Let me point out that amendment No. 732, which may be offered later, would lower the time to 30 days.

The committee report accompanying S. 917, at page 105, cites examples of where the service of inventory may be postponed. According to the report, postponement would be justified where, for example, the interception is discontinued at one location because the subject moves, but is later reestablished at the subject's new location. Another case where postponement of service would be justified would occur where the investigation itself is still in progress, even though interception is terminated at any one place. The inventory due at the first location could be postponed until the investigation is completed, according to the Committee Report.

Section 2518(d), as presently drafted, gives judges an almost unlimited power. The report states that through this provision for notice all authorized interception must eventually become known to the subject of the interception. I think it is quite impossible to say this when the bill in actuality provides that judges may postpone the notification indefinitely.

Apparently the drafters of this bill meant to provide for a procedure somewhat similar to the receipt that is given to a person whose goods are seized pursuant to a search warrant. If we are going to use that analogy, I suggest that we make our procedures conform more closely to it.

Rule 41(d) of the Federal Rules of Criminal Procedure provide that any officer taking property from a person pursuant to a warrant must give the person a copy of the warrant and a receipt for the property taken. This receipt is given when the property is taken. If the person whose property is seized is not present the copy of the warrant and receipt are left at the place. In any event, it is obvious that the procedures provide that the receipt is received by the person at the same time as the seizure is made.

I do not think it wise that we depart radically from this time-honored procedure. As you know, I am opposed in principle to the establishment of a court-order system of wiretapping and eavesdropping. However, if we are going to adopt such a system I think we should make it conform to the traditional search and seizure procedures.

Those procedures call for a speedy notice to the person whose goods are seized, telling him in detail what goods have been taken. I think the person whose conversations have been intercepted, whose privacy has been invaded, should be promptly apprised of that fact. It seems unjust to me to postpone indefinitely the service of an inventory on that person.

It should be noted that this amendment would not affect wiretaps and eavesdrops which fall within the national security area. Surveillance in this area falls within section 2511 of the bill, and it is not governed by the court-order provisions. It is reasonable to refrain from giving notice of a wiretap to the subject of that tap in the case of foreign intelligence activities. Here the need for continued secrecy seems overriding.

But in all other cases, it seems to me to be unreasonable to postpone indefinitely the service of notice to the party who is the subject of the wiretap. In an area so fraught with dangers to our liberties, especially our right of privacy, I think we must hold our police officers and judges to a strict observance of a 30-day rule. It is a 90-day rule at the present time.

Thus, Mr. President, it seems to me that this is one of the sections of the bill that provides a loophole to permit officers to wiretap wherever they wanted a court order, and if they did find something or did not, a person whose right of privacy was perhaps being violated, or whose conversation was being overheard, would have no knowledge of it.

As I point out, we make it a definite rule in search and seizure. We have been careful, over the years, that they must know definitely what was seized, but here we give them 90 days to permit a judge to permit it indefinitely, which is a complete and improper change and at variance with the court procedures we have set up over the years.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and would suggest to aides and attachés that they get in touch with their Senators and get them into the Chamber for a yea-and-nay vote.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I have listened to the hour-long argument for this amendment. I have several comments to make. First, the distinguished Senator from Missouri relies heavily on the report of the Association of the Bar of the City of New York. I would like to make it very clear that this report deals primarily with another bill, the Blakey bill introduced in the House. During the redrafting of title III of the bill, following the Katz decision, the committee staff was in touch with and conferred with members of the New York Bar Association Committee. We adopted a number of recommendations the committee was considering and incorporated them in title III. Some of the recommendations we rejected and, I might add, for good reason.

Second, it is a strange argument to me that while in national security cases under the Senator's so-called Right of Privacy Act no warrant at all is needed, or any probable cause required, but the President is permitted merely to order a surveillance. It is not even necessary to get a renewal order, and the investigators can go from place to place. And no notice or inventory must be filed. But in the case of organized crime under title III—Murder, Inc., a dope ring importing dope into this country, polluting the stream of youth and other victims with the poison and affliction of becoming a dope addict—we have to protect the man at the top, the crook, the man who is profiteering off human misery. We have to give him every protection and not let law enforcement officers secure a postponement of the filing of the inventory.

Mr. President, in the bill we provide requirements for a postponing, on a showing of good cause. This is an adequate standard. It has commended itself to others. New York has had more experience with wiretapping law than has any other State of the Union. The legislature of the State of New York are familiar with the Bar Association's recommendations. Yet, in the last few days the General Assembly of New York passed a bill to amend the code of criminal procedure, the penal law, and the civil practice and rules, in relation to eavesdropping warrants. In the bill, which has now passed and which is on the desk of the Governor for signature, I find this language with respect to postponement:

> On a showing of exigent circumstances to the issuing justice, the serving of the notice required by this section may be postponed by order of the justice for a reasonable period of time. Renewals of an order of postponement may be obtained on a new showing of exigent circumstances.

The New York bill defines "exigent circumstances" to mean "conditions requiring the preservation of secrecy, and whereby there is a reasonable likelihood that a continuing investigation would be thwarted by alerting any of the persons subject to surveillance to the fact that such surveillance had occurred." This is the standard of title III.

For example, here is the head of a dope

ring operating in Washington or New York. We locate one source of outlet of that dope ring. We get a wiretap on him. From that source, we get information as to a part of those engaged in the conspiracy, but we do not have enough yet about the headman. Mr. President, they are pretty smart. They are in this location this month, and next month they move to another location. When we disconnect the wiretap, if this amendment were adopted, we would have to file an inventory. If we have to give them this information in a situation when they move to a new location, we would thwart the whole purpose of the surveillance and defeat the whole investigation. Criminals are pretty smart. This amendment will help nobody but those engaged in crime. I ask that it be defeated.

Mr. LONG of Missouri. Mr. President, it is hard for me to see why the distinguished Senator from Arkansas would make statements that this provision is only for the benefit of a criminal. I am sure the Senator does not mean to tell the Senator from Missouri that the use of wiretapping by an overzealous Government agent is only for a criminal. This matter affects the Senator from North Carolina and me. There may be a criminal involved in the investigation somewhere, but allowing wiretapping of a citizen, who may be a high, outstanding man in his community, and to permit his conversations to be heard may be damaging to him. Yet if the judge wanted to follow the recommendation of the agent, he could say, "Well, we will postpone the giving of that information indefinitely."

We are all interested in getting at the criminal, but in our enthusiasm to advance that cause, we do not want to overlook the right of private citizens, who are in much greater numbers than criminals.

I have just today received a telegram sent to me by the Association of the Bar of the City of New York. The telegram reads:

> New York, N.Y.,
> *May 14, 1968.*
>
> Hon. Edward V. Long,
> *Senate Office Building,*
> *Washington, D.C.:*
>
> Urgent you recommit to committee title III of safe streets bill S. 917 on wire-tapping and eavesdropping. This section dangerous, badly drafted, probably unconstitutional. We believe upshot of its very complicated provisions would be to legitimize most pervasive invasion of privacy yet seriously proposed. Believe more committee study could produce bill commanding widespread support. See our report dated April 24, 1968, previously sent your office and New York Times editorial of May 3, 1968, endorsing same.
>
> The Association of the Bar
> of the City of New York,
> Eastman Birkett,
> *Chairman, Committee on Federal Legislation.*
> Louis A. Craco,
> *Chairman, Committee on Civil Rights.*
> Sheldonn H. Elsen,
> *Chairman, Committee on Wiretapping and Eavesdropping.*

Mr. President, it is very difficult for me to understand how the Senator from Arkansas could leave the impression that the committee approved the present bill.

Mr. McCLELLAN. Mr. President, we submitted title III to the Justice Department, and asked the Department to help us draft it, so that it would work. It did. The Department made no request that this provision be deleted. It did not agree with the policy behind the bill, but it helped us draft it.

I say that we have had the best experts we could find to write this legislation. I know it is going to be picked at and picked at by those who do not want wiretapping and do not want electronic surveillance as an instrumentality to help catch the crooks and criminals of this country.

We have done the best that can be done, and we have conformed with what the courts have held to be constitutional.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LONG of Missouri. Does not the Senator know that the Justice Department sent up to the Hill precisely the bill which I introduced, dealing with wiretapping?

Mr. McCLELLAN. Yes; I know the Justice Department is against everything in this bill, except for the President to have a right to do everything he wants. I know the Department of Justice is against it; but I have submitted the bill to them, and they reviewed it, and they did not suggest at any time that this provision be stricken from it.

Mr. LONG of Missouri. Mr. President, here is what the Justice Department said about it:

> The amendment would delete the provisions authorizing the judge to postpone the service of notice of electronic surveillance. The present version of Title III authorizes such notice to be postponed indefinitely. The amendment should be accepted, but should probably be amended to permit notice to be postponed for a period up to 6 months, where the judge determines that prior notice would substantially interfere with the pending investigation.

That is what the Department of Justice says, and in that connection, speaking about this bill being a bill to fight crime, the Attorney General, who is the head of that Department, testified before the committee on hearings involving S. 928 that in 1966 the Justice Department had secured more indictments under the organized crime drive than had ever been secured in the history of the organized crime drive, and not one of those indictments was secured by the use of electronic eavesdropping or wiretapping; and they did not think it was necessary to have that to properly enforce the law.

Mr. McCLELLAN. I am not so sure about that. They are being called up before the Supreme Court on practically every case that comes up there about whether there are any telephone wiretaps or eavesdropping involved in them.

Mr. LONG of Missouri. Those cases were prior to that time.

Mr. McCLELLAN. Mr. President, I do not know what suggestions the Department of Justice has sent over to those who are trying to pick at this bill now; but I do know that in conversations and conferences in my office, over and over again, they never suggested that this provision be taken out of it.

Mr. TYDINGS. Mr. President, I rise to speak in opposition to amendment No. 734, offered by the Senator from Missouri.

This amendment would deprive a judge, on showing of good cause, of the power to postpone the filing of an inventory.

There are very obvious, commonsense reasons why the filing of an inventory giving the specifics on an electronic interception might be postponed. You might be in the midst of an investigation of a major Cosa Nostra family. You might have a tap on a phone, which was giving you tremendously important information to build a case. It could be a narcotics investigation. It could be on an espionage ring. It could be any one of a number of things. To permit a judge to retain the authority, on a good showing, to postpone the filing of an inventory, is just good commonsense.

The amendment proposed by the Senator from Missouri would delete that authority. It would mean that, regardless of the circumstances—even if it meant the disruption and complete failure of the investigation after months of work—all would go out the window.

That simply does not make sense. If we are going to have a good title III—and I hope we insist on a good title III to make headway in our fight against organized crime—it should be in the form in which we have drafted it, in which the committee has reported it, and whose constitutionality the Department of Justice has approved.

I think it would be a major error to adopt amendment No. 734. Let me, for a moment, emphasize one point in contradiction to those who oppose title III.

The argument is made time and time again that the title as drafted invites indiscriminate use, that private citizens' telephones will be tapped, that the right of privacy will be destroyed.

Mr. President, as the law stands today, we have the worst of both sides. All of our private eyes, our economic detectives, our snoopers, can tap with impunity anybody's wire, on any action from a domestic relations case to a real estate operator or a major manufacturing concern, while the police cannot. The police do not know what they may do, and as a result, those who should not be using wiretaps are using them, and those who need them for law enforcement are prohibited, because of the intolerable lack of uniformity, lack of laws, and lack of continuity.

Title III corrects this situation. It makes illegal the indiscriminate tapping of wires and the electronic surveillance now going on throughout this nation. It provides guidelines, within the constitutional limits laid down by the Berger and Katz cases whereby courts may approve, for specific purposes in specific criminal investigations, specific taps or interceptions.

I point out, Mr. President, that in New York County the district attorney's office has vigorously used electronic surveillance for almost 30 years. Between 1940 and 1959, almost two decades, when the district attorney's office handled 343,745 criminal investigations, electronic surveillance was used in 219 investigations out of the 343,745. Orders, including renewal were obtained in 727 cases. Mr. President, out of the 343,745.

Since 1958, the district attorney, Mr. Frank Hogan, has stated that he has averaged 75 orders for wiretaps and 19 for bugs annually. This is in a population of 8 million people, with 5 million telephones in service.

To make use of electronic surveillance is not an easy thing, Mr. President. It is not a lazy way to conduct an investigation. Highly specialized teams of men are required, not only to install the electronic equipment, but to maintain it and to maintain the surveillance. In addition, actual physical surveillance is required to know where and when to install your electronic wiretap. Physical surveillance is also required to man the tapes, evaluate the information, decipher, and prevent the commission of crimes.

Finally, most of the effective information we do have now on the Cosa Nostra, which we have compiled in the last 7 years, has come from use of electronic surveillance. I shall have more to say on this subject as other amendments arise, but I hope the Senate will reject amendment No. 734.

Mr. HRUSKA. Mr. President, my remarks will be brief. In my opinion, the objections to the pending amendment have been well stated by the Senator from Arkansas and the Senator from Maryland. The amendment would have the effect, really, of wrecking the administration of the bill upon its enactment. It is my hope that the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment—No. 734—of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Georgia [Mr. Russell], and the Senator from Florida [Mr. Smathers], are necessarily absent.

On this vote, the Senator from Oregon [Mr. Morse] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Oregon would vote "yea", and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening], the Senator from New York [Mr. Kennedy], the Senator from Pennsylvania [Mr. Clark], and the Senator from Alaska [Mr. Bartlett], would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] is absent on official business.

The Senator from California [Mr. Kuchel] is necessarily absent.

If present and voting, the Senator from California [Mr. Kuchel] would vote "nay."

The result was announced—yeas 21, nays 61, as follows:

[No. 149 Leg.]

YEAS—21

Brewster
Brooke
Burdick
Cannon
Case
Cooper
Dodd
Fong
Hart
Hartke
Hatfield
Kennedy, Mass.
Long, Mo.
Long, La.
Metcalf
Nelson
Proxmire
Ribicoff
Williams, N.J.
Yarborough
Young, Ohio

NAYS—61

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Magnuson
Mansfield
McClellan
McIntyre
Miller
Monroney
Morton
Moss
Mundt
Murphy
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Bartlett
Church
Clark
Gruening
Harris
Hollings
Javits
Kennedy, N.Y.
Kuchel
McCarthy
McGee
McGovern
Mondale
Montoya
Morse
Muskie
Russell
Smathers

So the amendment of Mr. Long of Missouri (No. 734) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER (Mr. Pell in the chair). The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that no other amendments to title III there be a time limitation of 1 hour on each amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill, and that there be no time limitation if a substitute or a motion to recommit is offered.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I modify my request, that on the amendment to be offered by the distinguished Senator from Missouri [Mr. Long] there be a time limitation of 1 hour, the time to be equally divided between the manager of the bill and the Senator from Missouri.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 728.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

(a) Subparagraph (1)(b) of section 2518, title III, is amended as follows: Delete the comma after the word "been" on line 19 on page 66 and to insert in lieu thereof the word "or" and to strike all of the language on line 20 on page 66 preceding subparagraph (ii).

(b) Subparagraph (3)(a) of section 2518, title III, is amended as follows: Delete the comma after the word "committing" on line 10 on page 68 and insert in lieu thereof the word "or" and to strike all of the language on lines 10 and 11 on page 68 following the word "committed" on line 10 on page 68 and immediately preceding the article "a" on line 11 on page 68.

(c) Subparagraph (3)(d) of section 2519, title III, is amended as follows: Strike the comma after the word "used" on line 21 on page 68 and to strike all of the language on lines 21 and 22 on page 68 following the word "used" on line 21 on page 68 to and inclusive of the word "used" on line 22 on page 68 including the comma following the deleted word "used" on line 22 of page 68.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

How much time does the Senator yield himself?

Mr. LONG of Missouri. Ten minutes.

Mr. President, I ask unanimous consent to modify the amendment. On page 1, line 5, the word "subparagraph" should be omitted. It is a technical error.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. LONG of Missouri. Yes.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. It is modified accordingly.

Mr. LONG of Missouri. Mr. President, the proposed legislation would authorize wiretapping and eavesdropping under the following circumstances: First, where a crime has been committed; second, where a crime is being committed; or, third, where a crime is about to be committed. The proposed amendment would strike from the legislation any possible authorization to wiretap or eavesdrop on the speculative basis that a crime is about to be committed. To invade the privacy of any citizen of this country on the speculative basis that a crime is about to be committed is to sanction endless "fishing" expeditions for incriminating information.

Mr. PASTORE. Mr. President, I believe we are entitled to have order. We should be able to hear the speaker.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. We keep getting after attachés. I hope Senators will abide by decorum, also.

Mr. LONG of Missouri. Mr. President, in order to fully understand the true import of this effort to permit wiretapping and eavesdropping where crimes are about to be committed, let us first examine the other two proposed circumstances where wiretapping and eavesdropping would be authorized—the circumstances where crimes have been or are being committed. To do this it is necessary to briefly examine the organization and operation of a typical police department.

The instant legislation masquerades as the "Omnibus Crime Control and Safe Streets Act of 1968." Title I is essentially a program which would assist local police departments to cope with the rising crime rate. What crimes constitute this rising crime rate? Are they not crimes of violence against persons and property—crimes such as murder, mugging, armed robbery, arson, rape, and so forth? The hearings of the Subcommittee on Administrative Practice and Procedure over some 3 years have furnished ample evidence as to the organization and operations of police departments—particularly how these departments utilize and rely upon modern electronic devices in law enforcement.

All police departments, large or small, follow substantially the same organizational plan: each is divided into, first, the uniform services; second, the detective division; and third, a number of small bureaus concerned with administrative and related matters. The "uniform division" is what its name suggests—in it are the officers in uniform who walk the beats, man the patrol cars, direct traffic, and so on. This is usually the largest division within the department.

The detective division comes next in size and it is subdivided into the homicide squad, the rackets squad, the vice squad, and so forth. It is the detective division, together with the uniform services which, day-in-and-day-out is actively and directly engaged in the "war against crime." What are their weapons? Good old fashioned brains and experience, persistence and diligence, and, above all, just plain shoe leather. The last weapons they have repeatedly stated that they need in this day-to-day struggle is a tape recorder, a headset, or a miniature microphone.

Who is it then that needs these weapons of "modern law enforcement"? In every metropolitan police department, in almost all of the larger State police departments, and in an alarming number of Federal law enforcement agencies there is a small cadre of men designated the "criminal intelligence" activity. This activity has no specific responsibility for any single crime which has been or is being committed. Its primary fascination is with crimes that are about to be committed. In the pursuit of this fixation millions of scraps of information—quite frequently gossip—are swept up, evaluated, and stored for some future use. Theoretically all of this information should tend to furnish some patterns of active criminality. In fact, this activity picks up a lot of embarrassing information on almost everybody in town.

Now, notwithstanding the fact that wiretapping is and has been illegal and that eavesdropping has at least been questionable, this type of organization has relied heavily upon wiretapping and eavesdropping in the collection of its "criminal intelligence." It is the men who are engaged in this activity that are the proponents of title III. Why? Because, according to them, they are all that stand between we citizens and the total victory of "organized crime." If they cannot continue to wiretap and eavesdrop then they, and we, will lose the fight against "organized crime." These are the professional warriors of whom Justice Holmes once observed "so frequently destroy the very institutions they set out to defend."

Their arguments do not square with the facts. In June of 1965 the President prohibited all forms of wiretapping and eavesdropping in the general field of criminal law enforcement. Subsequently the Attorney General of the United States, who is responsible for all Federal criminal prosecutions, issued regulations for all Federal agencies to implement the President's instructions. The Federal Bureau of Investigation has recently released statistics clearly showing that the rate of prosecutions and convictions has increased in the last 2 years. In the hearings before the Subcommittee on Administrative Practice and Procedure, the Attorney General of the United States testified that the Department of Justice's drive against "organized crime" had prospered notwithstanding the prohibition on wiretapping and eavesdropping. This success has been attributed, in part, to an increased emphasis on the good old fashioned police and investigative methods.

Almost the singular argument in favor of wiretapping and eavesdropping is that "these tools would certainly be a big help." It is not original of me to point out that similar arguments have been made for the rack, thumb-screw, rubber hose, and dozens of other mechanical devices.

The proposed legislation refers to wiretapping and eavesdropping as "authorized interceptions of wire or oral communications" but eavesdropping is still eavesdropping and peeping tomisim is still peeping tomism. Both are repugnant activities and hence the desire to cloak them in secrecy even though they would be court sanctioned under the proposed legislation. All of modern history's dictators have employed these tools in their greater effectiveness—as psychological weapons. It is somewhat embarrassing to note, at this point, that within the last 2 weeks wiretapping and eavesdropping have been outlawed in Czechoslovakia.

Let us consider the psychological use of these weapons. We can all remember the days when the presence of the uniformed police officer on the block contributed to a lawful community. In time this police officer moved behind the steering wheel of a conspiculously decorated police cruiser and covered a much greater area on his "beat." Let us speculate as to the increased effectiveness of a police department that has a closed circuit television camera and a microphone on every street corner and a tap on every telephone—all of this easily monitored back at the police station. Several metropolitan cities already use television to observe and direct the flow of traffic from the central police headquarters. The hearings held by the Subcommittee on Administrative Practice and Procedure have revealed the convenient practice of wiring microphones miles across a city to a central bank of automatic tape recorders that can be monitored and supervised by a single clerk. Any security officer in any department store will tell you that the bigger the cameras and the more conspicuous the "bug" the more effective they are in deterring shoplifting. The impressive thing they have to say about this equipment is that if their presence is known they need not be in working condition. In fact, several department stores which the subcommittee staff investigated used dummy cameras.

I have been suspicious of the radar as I went through some towns that were supposedly monitored by radar. My guess is that in many instances dummy radar equipment is used.

It would be totally unjust and unfair to suggest or attribute any sinister motives to the proponents of "legalized" wiretapping and eavesdropping and no such implication is intended. It would be equally as unjust and unfair for the proponents of wiretapping and eavesdropping to attribute to our opposition any effort to aid and abet criminals because we place as high a regard on the "privacy of the individual" as they place upon the utilization of every law enforcement weapon invented by man. The Subcommittee on Administrative Practice and Procedure has been frequently and publicly accused of aiding and abetting criminals by certain zealots in law enforcement. This unfair and unjust abuse has been accepted along with similar abuse heaped upon the Supreme Court and others who steadfastly defend the Bill of Rights.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Missouri. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. LONG of Missouri. Mr. President, I cannot ignore the potential consequences of placing "legalized" wiretapping and eavesdropping in the hands of any Government agency. These are weapons which can be so easily corrupted—if for no other reason than they are so effective in controlling public behavior. Spying on its own citizens has always been one of the most effective tools of a totalitarian government—the object of their use being the destruction of privacy. I shall quote briefly from the writings of a member of the Medical Corps, U.S. Army, based on his studies of the Communist techniques used against soldiers in the North Korean prison camps:

> The System conquers by dividing, aiming at the individual man and his immediate friends and companions. It requires informing, self-criticism, and *loss of all privacy* in order to destroy, utterly, those highly personal, individual feelings of love, and trust, and loyalty which can develop between two human beings, and upon which our strength as a people, our heartaches, but also our greatest victories and rewards depend.

The collection of criminal intelligence is a military concept adapted to civilian law enforcment use. As a practical matter this adaptation has been so thorough that in one instance the Subcommittee on Administrative Practice and Procedure found the Food and Drug Administration using eavesdropping equipment which was the envy of our most covert military intelligence agency. In this instance the food and drug investigators had under surveillance the dairy products section of a neighborhood supermarket. As a result, they apprehended two schoolteachers moonlighting as sales clerks selling a milk substitute. The subsequent prosecution resulted in an acquittal and the Food and Drug Administration came off with a very red face for having played such an ignoble part in the service of a democracy.

I remember that the agent who testified before my committee, when charged that he had committed perjury, stated that he would commit perjury again if it was possible to send two girls of that kind to the penitentiary.

The techniques of military intelligence have played a vital role in many of warfare's most brilliant successes. It has existed as an acceptable practice against one's enemies since at least the days of Moses when he selected men from each of the 12 tribes and sent them into Canaan with these instructions:

> See the land, what it is; and the people that dwelleth therein, whether they be strong or weak, few or many; And what the land is that they dwell in, whether it be good or bad; and what cities they be that they dwell in, whether in tents, or in strongholds; And what the land is, whether it be fat or lean, whether there be wood therein or not.

We, as Americans, need only recall some of our victories during World War II which were the results of having broken the Japanese military codes. I am also clearly mindful that many great nations have been destroyed from within—some of them by subversive elements and others by the very institutions which they approved and encouraged for their own security. I cannot accept the proposition that our many other scientific advances in law enforcement are so inadequate or limited in their use in the war on organized crime that our Government should authorize and direct the tools of espionage towards our own citizens—that we should do so under the guise of a broad and secret surveillance for crimes about to be committed—all at the expense of individual privacy. Neither can I accept the proponents rationale that the only way to fight fire is with fire. Not while there is a single alternative available. To do so would be to accept the proposition that we should burn down the barn to roast the pig.

The legislation before us, S. 917, treats primarily with a grave national problem—crime in the streets. This is a problem which affects our wives, children, and friends—that daily involves the safety of their persons and property. Title III treats primarily with organized crime—that nationwide criminal conspiracy which transcends State and national boundaries. A subcommittee of the Senate will soon begin hearings on one of the activities of this conspiracy; namely, "loan sharking." These hearings may well lead to legislation which will destroy this conspiracy's illegal earnings at their source. Title III, on the other hand, prescribes a remedy which might be as fatal as the disease. For that reason alone it deserves a much more serious examination by every Member of this body than this brief debate allows.

The proposed amendment No. 728 would at least reduce the "dose" by limiting the administration of the remedy to circumstances where the disease existed. It would restrict wiretapping and eavesdropping to those crimes which had been or were being committed, and not with some overzealous Federal agent or law-enforcement official making legislation needed in the future.

Mr. COOPER. Mr. President, will the Senator from Missouri yield?

Mr. LONG of Missouri. I yield.

Mr. COOPER. As I understand the purpose of the Senator's amendment, it is to strike from section 2518 in several places the words which would authorize an application to be filed for the interception of a wire or oral communication, when the belief is stated that a crime is about to be committed. As I read the section, it would authorize it, with all of the other provisions, when it is stated that a particular offense has been committed or is being committed. The words of this section include also, "or is about to be committed."

Am I correct in saying that the purpose of the amendment is to strike out those words which would permit an application to be approved when it is alleged that a crime for an offense is about to be committed?

Mr. LONG of Missouri. That is correct. I feel that that would lend itself to great fishing expeditions.

Mr. COOPER. I want to ask the Senator this question, and ask the Senator from Arkansas [Mr. MCCLELLAN] also to respond. My law practice was a long time ago, but other than that, in securing a warrant or a search warrant, or perhaps a motion for a peace bond, against an individual or individuals, is there any authority that we have, either in our common law or in the statute laws of the States, or in the Federal Government, which would authorize the issuance of a warrant or a search warrant upon the ground that a crime is about to be committed other than in the case of an alleged conspiracy? I should like some Senator who is an authority upon that subject to respond.

Mr. TYDINGS. If I understand the question of the Senator from Kentucky correctly, his question is——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. LONG of Missouri. Yes, but let me answer that. The Senator was asking me the question. As far as I know, search warrants are issued on probable cause that a crime has been or is being committed—period.

Further, let me read the opinion of the Justice Department on this proposition:

> The amendment would prohibit the use of electronic surveillance in connection with offenses about to be committed. The present version of title III authorizes a warrant to be issued in connection with an offense that has been, is being, or is about to be committed.
>
> The conception of an offense that is about to be committed is extremely vague and is likely to be abused in the issuance of a warrant. The amendment should be accepted.

Mr. COOPER. Then the amendment would strike the words "about to be committed"?

Mr. LONG of Missouri. That is correct.

Mr. COOPER. My question is, all of this procedure, of course, as I understand it, for an application, is based upon the law applying to a search warrant. That is the foundation of the section, is it not? What I am asking the Senator from Missouri, the Senator from Arkansas, or the Senator from Maryland is——

Mr. LONG of Missouri. There is considerable difference there.

Mr. COOPER (continuing). Are there any precedents in the common law, in the statute law of the States, or in Federal law, which would permit the issuance of a warrant——

Mr. LONG of Missouri. A peace bond is a warrant.

Mr. COOPER (continuing). Upon the ground that a crime is about to be committed other than when a conspiracy is alleged?

Mr. LONG of Missouri. My answer would be no.

Mr. TYDINGS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. TYDINGS. The Senator from Kentucky said "except when a conspiracy is involved." As the Senator well knows, in most criminal prosecutions or investigations, when no more than one person is involved, the Government or the prosecution generally includes a conspiracy count. But, basically, search warrants have been issued, and are being issued by the same guidelines provided for in title III as now drafted. This will be changed by amendment No. 728, which I hope will be defeated.

Let me suggest the example of a warrant issued to search a house because there is probable cause to believe that weapons have been brought into the State, which may be used to incite riots. I think almost any judge would issue a warrant if there were probable cause to believe that Molotov cocktails were being stored, even if they had not yet been used.

The entire concept of title III, as drafted, parallels the common law and statutory procedure for the issuance of search warrants. To adopt amendment

728 of the Senator from Missouri would seriously weaken the search warrant concept, with respect to oral communications. I can give an example from when I was a U.S. attorney. In my district we were not able to use electronic surveillance. An IRS agent was brought in from another State to work under cover in a gambling operation. We did not learn until the 12th hour that two "torpedoes" were being brought from Detroit. They did not know that this undercover man was an agent. They believed he was a "stoolie." They were brought in to "remove" him.

Had we been able to use electronic surveillance, had this been law, we would have been able to have a court order, perhaps to tap a telephone line, on probable cause that gambling was going on. Particularly, once the information came about the men coming in from Detroit, we would have the right to tap the telephone to prevent a murder from being committed.

I think it would be a grave mistake to adopt amendment 728. If the Senator will search his recollection, I am sure he will recall instances where search warrants were issued in which a crime had not yet been committed, but which was being planned.

Mr. COOPER. Mr. President, I do not want to take all the time, but with respect to a search warrant against property, the property must be particularly described in the pleading, under the Constitution. This provision is directed against interception of communication between persons.

Mr. TYDINGS. A search warrant is directed against persons, too.

Mr. COOPER. Yes. Other than a search warrant for an object, I ask if there is any precedent for securing a warrant against an individual upon the ground that he may commit a crime, unless it is alleged there is a conspiracy.

Mr. TYDINGS. I can give the Senator the answer. If the Senator had information that Mr. X was coming into the District of Columbia, for example, and the Senator had reason to believe, in view of Mr. X's past and other information, that he might be carrying a weapon, the Senator could get a search warrant to make sure he did not come here to shoot somebody in high office, for example. If the Senator went before a judge and had reasonable cause to believe that Mr. X was a dangerous man carrying a dangerous weapon, he would get a search warrant, and he would be able to search him when he came into town.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CANNON. Assuming what the Senator has stated as being the facts, the Senator is assuming he has committed a crime right then. He would not be getting a search warrant on the possibility that the man might commit a crime. He is carrying a concealed weapon and actually has committed a crime.

Mr. TYDINGS. It depends on the forum. He might be in a forum where it was not illegal to carry a weapon.

Mr. CANNON. I was using the Senator's own example, the District of Columbia.

Mr. TYDINGS. The Senator is getting technical.

Mr. LONG of Missouri. Mr. President, I would like to answer the Senator from Kentucky. There is no precedent at all for that type of wiretapping or warrant. The Senator from Maryland knows, as well as I do, that when two men get together to violate the law it is a conspiracy and it is already a crime. I know of no jurisdiction in which, unless one has violated the law, or there is reason to believe that he is violating the law, one has a right to get a search warrant to search that person.

This is still America.

We are trying to protect the private individual from this type of search warrant. If one is carrying a concealed gun, or there is reasonable cause for believing that he is, then there is a right to issue a warrant in any jurisdiction; but here the crime has been or is being committed; but one cannot go on a fishing expedition. And, further, one should not be able to have warrants issued for wiretapping for crimes "about to be committed."

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, this amendment seeks to weaken the bill, to prohibit the procurement of an order when there is reason to believe that a crime is about to be committed. The Supreme Court made a decision on the issue before us in the Katz case. The legal authority for this provision is patterned after that case. In the Katz case the FBI knew Katz was making long-distance calls each day, during a certain time. They also knew he was a gambler. From that information it was possible to predict, with a high degree of probability, that on the following day another call would be made and that it, too, would deal with gambling. As the case showed, that is precisely what happened. He did make the call the next day. The Supreme Court recognized the legitimacy of that sort of judgment.

I am reading directly from the case:

> Accepting this account of the government's actions as accurate, it is clear that this surveillance was so narrowly circumscribed that a duly authorized magistrate properly notified of the need for such investigation, specifically informed of the basis on which it was to proceed, and clearly apprised of the precise intrusion it would entail, could constitutionally have authorized, with appropriate safeguards, the very limited search and seizure that the government asserts in fact took place.

Mr. COOPER. Is the Senator reading from the decision?

Mr. McCLELLAN. I am reading from the decision, right out of the book.

Mr. COOPER. I am glad the Senator has done that.

Let me ask this question. I know that case was reversed, but not on that ground.

Mr. McCLELLAN. Not on that ground. This is what they could have done legally.

Mr. COOPER. Assuming the proposition as the Senator has been reading it from the decision is correct, the Senator would say it would be necessary for the applicant to recite all the details upon which to base the application?

Mr. McCLELLAN. Yes; we require that in the bill now.

Mr. COOPER. But it would not be sufficient just to say, "I believe a crime is going to be committed"?

Mr. McCLELLAN. No. The proper showing must be made.

Mr. COOPER. A showing must be made to secure a search warrant in any case.

Mr. McCLELLAN. And that is what we do here. This is the last expression of the Supreme Court on the subject.

Mr. President, I do not think there is any question of the legality of the procedure in issue. Senators may oppose it. They may not want law enforcement authorities to have that right. They may want to deny law enforcement authorities that tool. That is one thing. But if they are willing to allow use of this instrumentality within the Constitution, and within what the Court says is legal, then we should vote down the proposed amendment.

Many arguments are being made here. Let us be candid about this. If there are any flaws in this proposal, we want to find them. We do not want anything unconstitutional. We tried to pattern this legislation after what the Supreme Court said in the Berger and Katz decisions. I think we have, but if in any particular we have not, we want to find it as much as anybody else.

The fact that Senators may be against the whole concept is one thing. To them I say, "All right, be against it". But let us not weaken the bill so that it cannot be effective. Let us give it what strength we can give it within the Constitution, if we favor this concept of law enforcement.

And, Mr. President, in arguing against it, let us remember that the President's Commission on Law Enforcement and the Administration of Justice said this:

> The American system of law enforcement was not designed with Cosa Nostra criminal organizations in mind, and it has been notably unsuccessful, to date, in preventing such organizations from preying on society.

The Commission concluded, too, that—

> Only in New York have law enforcement officials achieved some level of continuous success in bringing prosecutions against organized crime.

The success was attributed primarily to a combination of dedicated and competent personnel and adequate legal tools, which they defined to include electronic surveillance techniques.

Mr. President, I have mentioned the fact that all of the attorneys general since 1931, excepting the incumbent, have recommended legislation similar to title III. Former Attorney General, now Senator ROBERT F. KENNEDY, stated in 1963 in testimony before my subcommittee, that organized crime has "grown immeasurably since the days of the Kefauver investigation," and that "now we are treading water, but to start to make major inroads, new weapons, including wiretapping, would have to be obtained," and that until then, "the job would not get done."

We are supported here by the Supreme Court, who say it is legal. We have tried to come within every constitutional limitation that we know of, and we have here a good bill. If Senators can find any real defects in it, that is all right. If Senators wish to be against the bill, that is all right. But let us not weaken it. Let us give our law-enforcement officials all the effective legal tools that we can give them under the Constitution, to try to wage a successful war against crime.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is time yielded back?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. LONG of Missouri. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 728), as modified, of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Georgia [Mr. Russell], and the Senator from Florida [Mr. Smathers] are necessarily absent.

On this vote, the Senator from New York [Mr. Kennedy], is paired with the Senator from Ohio [Mr. Lausche]. If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vot "nay."

On this vote, the Senator from Alaska [Mr. Bartlett] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Pennsylvania [Mr. Clark]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] is absent on official business.

The Senator from California [Mr. Kuchel] is necessarily absent.

If present and voting, the Senator from California [Mr. Kuchel] would vote "nay."

The result was announced—yeas 18, nays 60, as follows:

[No. 150 Leg.]

YEAS—18

Brewster
Burdick
Cannon
Case
Cooper
Dodd
Fong
Hart
Hartke
Kennedy, Mass.
Long, Mo.
Metcalf
Nelson
Proxmire
Ribicoff
Williams, N.J.
Yarborough
Young, Ohio

NAYS—60

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Griffin
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long, La.
Magnuson
McClellan
McIntyre
Miller
Monroney
Morton
Moss
Mundt
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—21

Bartlett
Bayh
Church
Clark
Fulbright
Gruening
Harris
Hayden
Hollings
Javits
Kennedy, N.Y.
Kuchel
Lausche
McCarthy
McGee
McGovern
Mondale
Montoya
Morse
Russell
Smathers

So the amendment (No. 728), as modified, of Mr. Long of Missouri, was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, it is my understanding that the senior Senator from Michigan [Mr. Hart] is about to offer an amendment. However, I would like to make an overall unanimous-consent request.

Mr. President, I ask unanimous consent that, with one exception, which I will come to later, there be a time limitation of 30 minutes on all of the amendments to title III from now on, the time to be equally divided between the manager of the bill and the sponsor of the amendment. The single exception is an amendment to be offered by the distinguished Senator from Hawaii [Mr. Fong], for which I would like to ask 1 hour, the time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Reserving the right to object, may I ask a question? Are we talking now just about this title or about all amendments?

Mr. MANSFIELD. All amendments to this title.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. I have no objection, with this reservation: If a substitute is offered for the entire title or if a motion to recommit is offered, then I would want more time, and I would want that reservation.

Mr. MANSFIELD. I accept that reservation.

Mr. HRUSKA. And leave that open for the time being, as to those contingencies.

Mr. McCLELLAN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of title III of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, debate on all amendments thereto shall be limited to 30 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill [Mr. McClellan], except one amendment, to be offered by the Senator from Hawaii [Mr. Fong], which shall be limited to one hour, to be equally divided.

Ordered further, That this agreement will not be applicable to any substitute amendment for title III or any motion to recommit the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 754

Mr. HART. Mr. President, I call up amendment No. 754, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

Page 73, line 4, after "application," insert "and such other parties to intercepted communications as the judge may determine in his discretion and the interest of justice,".

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 2 minutes.

Mr. President, this is an amendment which would not be labeled far reaching, but it is important. The Senator from Arkansas has given much thought to this amendment and has had it, I know, under consideration himself.

Mr. CASE. Mr. President, may we have order? I know the Senator desires to be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. The Senator from New Jersey is very kind.

I would hope that with a very brief explanation, we might agree that this modification is desirable.

This title requires notice of wiretapping or eavesdropping to be served only on the persons named in the court order. The communications of many other persons, innocent or otherwise, may also be intercepted. The amendment would give the judge who issued the order discretion to require notice to be served on other parties to intercepted communications, even though such parties are not specifically named in the court order. The Berger and Katz decisions established that notice of surveillance is a constitutional requirement of any surveillance statute. It may be that the required notice must be served on all parties to intercepted communications. Since legitimate interests of privacy may make such notice to all parties undesirable, the

728 of the Senator from Missouri would seriously weaken the search warrant concept, with respect to oral communications. I can give an example from when I was a U.S. attorney. In my district we were not able to use electronic surveillance. An IRS agent was brought in from another State to work under cover in a gambling operation. We did not learn until the 12th hour that two "torpedoes" were being brought from Detroit. They did not know that this undercover man was an agent. They believed he was a "stoolie." They were brought in to "remove" him.

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Mr. TYDINGS. I yield.

Mr. CANNON. Assuming what the Senator has stated as being the facts, the Senator is assuming he has committed a crime right then. He would not be getting a search warrant on the possibility that the man might commit a crime. He is carrying a concealed weapon and actually has committed a crime.

Mr. TYDINGS. It depends on the forum. He might be in a forum where it was not illegal to carry a weapon.

Mr. CANNON. I was using the Senator's own example, the District of Columbia.

Mr. TYDINGS. The Senator is getting technical.

Mr. LONG of Missouri. Mr. President, I would like to answer the Senator from Kentucky. There is no precedent at all for that type of wiretapping or warrant. The Senator from Maryland knows, as well as I do, that when two men get together to violate the law it is a conspiracy and it is already a crime. I know of no jurisdiction in which, unless one has violated the law, or there is reason to believe that he is violating the law, one has a right to get a search warrant to search that person.

This is still America.

We are trying to protect the private individual from this type of search warrant. If one is carrying a concealed gun, or there is reasonable cause for believing that he is, then there is a right to issue a warrant in any jurisdiction; but here the crime has been or is being committed; but one cannot go on a fishing expedition. And, further, one should not be able to have warrants issued for wiretapping for crimes "about to be committed."

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, this amendment seeks to weaken the bill, to prohibit the procurement of an order when there is reason to believe that a crime is about to be committed. The Supreme Court made a decision on the issue before us in the Katz case. The legal authority for this provision is patterned after that case. In the Katz case the FBI knew Katz was making long-distance calls each day, during a certain time. They also knew he was a gambler. From that information it was possible to predict, with a high degree of probability, that on the following day another call would be made and that it, too, would deal with gambling. As the case showed, that is precisely what happened. He did make the call the next day. The Supreme Court recognized the legitimacy of that sort of judgment.

I am reading directly from the case:

> Accepting this account of the government's actions as accurate, it is clear that this surveillance was so narrowly circumscribed that a duly authorized magistrate properly notified of the need for such investigation, specifically informed of the basis on which it was to proceed, and clearly apprised of the precise intrusion it would entail, could constitutionally have authorized, with appropriate safeguards, the very limited search and seizure that the government asserts in fact took place.

Mr. COOPER. Is the Senator reading from the decision?

Mr. McCLELLAN. I am reading from the decision, right out of the book.

Mr. COOPER. I am glad the Senator has done that.

Let me ask this question. I know that case was reversed, but not on that ground.

Mr. McCLELLAN. Not on that ground. This is what they could have done legally.

Mr. COOPER. Assuming the proposition as the Senator has been reading it from the decision is correct, the Senator would say it would be necessary for the applicant to recite all the details upon which to base the application?

Mr. McCLELLAN. Yes; we require that in the bill now.

Mr. COOPER. But it would not be sufficient just to say, "I believe a crime is going to be committed"?

Mr. McCLELLAN. No. The proper showing must be made.

Mr. COOPER. A showing must be made to secure a search warrant in any case.

Mr. McCLELLAN. And that is what we do here. This is the last expression of the Supreme Court on the subject.

Mr. President, I do not think there is any question of the legality of the procedure in issue. Senators may oppose it. They may not want law enforcement authorities to have that right. They may want to deny law enforcement authorities that tool. That is one thing. But if they are willing to allow use of this instrumentality within the Constitution, and within what the Court says is legal, then we should vote down the proposed amendment.

Many arguments are being made here. Let us be candid about this. If there are any flaws in this proposal, we want to find them. We do not want anything unconstitutional. We tried to pattern this legislation after what the Supreme Court said in the Berger and Katz decisions. I think we have, but if in any particular we have not, we want to find it as much as anybody else.

The fact that Senators may be against the whole concept is one thing. To them I say, "All right, be against it". But let us not weaken the bill so that it cannot be effective. Let us give it what strength we can give it within the Constitution, if we favor this concept of law enforcement.

And, Mr. President, in arguing against it, let us remember that the President's Commission on Law Enforcement and the Administration of Justice said this:

> The American system of law enforcement was not designed with Cosa Nostra criminal organizations in mind, and it has been notably unsuccessful, to date, in preventing such organizations from preying on society.

The Commission concluded, too, that—

> Only in New York have law enforcement officials achieved some level of continuous success in bringing prosecutions against organized crime.

The success was attributed primarily to a combination of dedicated and competent personnel and adequate legal tools, which they defined to include electronic surveillance techniques.

Mr. President, I have mentioned the fact that all of the attorneys general since 1931, excepting the incumbent, have recommended legislation similar to title III. Former Attorney General, now Senator ROBERT F. KENNEDY, stated in 1963 in testimony before my subcommittee, that organized crime has "grown immeasurably since the days of the Kefauver investigation," and that "now we are treading water, but to start to make major inroads, new weapons, including wiretapping, would have to be obtained," and that until then, "the job would not get done."

We are supported here by the Supreme Court, who say it is legal. We have tried to come within every constitutional limitation that we know of, and we have here a good bill. If Senators can find any real defects in it, that is all right. If Senators wish to be against the bill, that is all right. But let us not weaken it. Let us give our law-enforcement officials all the effective legal tools that we can give them under the Constitution, to try to wage a successful war against crime.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is time yielded back?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. LONG of Missouri. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 728), as modified, of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Georgia [Mr. Russell], and the Senator from Florida [Mr. Smathers] are necessarily absent.

On this vote, the Senator from New York [Mr. Kennedy], is paired with the Senator from Ohio [Mr. Lausche]. If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vot "nay."

On this vote, the Senator from Alaska [Mr. Bartlett] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Pennsylvania [Mr. Clark]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] is absent on official business.

The Senator from California [Mr. Kuchel] is necessarily absent.

If present and voting, the Senator from California [Mr. Kuchel] would vote "nay."

The result was announced—yeas 18, nays 60, as follows:

[No. 150 Leg.]

YEAS—18

Brewster
Burdick
Cannon
Case
Cooper
Dodd
Fong
Hart
Hartke
Kennedy, Mass.
Long, Mo.
Metcalf
Nelson
Proxmire
Ribicoff
Williams, N.J.
Yarborough
Young, Ohio

NAYS—60

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Griffin
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long, La.
Magnuson
McClellan
McIntyre
Miller
Monroney
Morton
Moss
Mundt
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—21

Bartlett
Bayh
Church
Clark
Fulbright
Gruening
Harris
Hayden
Hollings
Javits
Kennedy, N.Y.
Kuchel
Lausche
McCarthy
McGee
McGovern
Mondale
Montoya
Morse
Russell
Smathers

So the amendment (No. 728), as modified, of Mr. Long of Missouri, was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, it is my understanding that the senior Senator from Michigan [Mr. Hart] is about to offer an amendment. However, I would like to make an overall unanimous-consent request.

Mr. President, I ask unanimous consent that, with one exception, which I will come to later, there be a time limitation of 30 minutes on all of the amendments to title III from now on, the time to be equally divided between the manager of the bill and the sponsor of the amendment. The single exception is an amendment to be offered by the distinguished Senator from Hawaii [Mr. Fong], for which I would like to ask 1 hour, the time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Reserving the right to object, may I ask a question? Are we talking now just about this title or about all amendments?

Mr. MANSFIELD. All amendments to this title.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. I have no objection, with this reservation: If a substitute is offered for the entire title or if a motion to recommit is offered, then I would want more time, and I would want that reservation.

Mr. MANSFIELD. I accept that reservation.

Mr. HRUSKA. And leave that open for the time being, as to those contingencies.

Mr. McCLELLAN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of title III of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, debate on all amendments thereto shall be limited to 30 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill [Mr. McClellan], except one amendment, to be offered by the Senator from Hawaii [Mr. Fong], which shall be limited to one hour, to be equally divided.

Ordered further, That this agreement will not be applicable to any substitute amendment for title III or any motion to recommit the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 754

Mr. HART. Mr. President, I call up amendment No. 754, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

Page 73, line 4, after "application," insert "and such other parties to intercepted communications as the judge may determine in his discretion and the interest of justice,".

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 2 minutes.

Mr. President, this is an amendment which would not be labeled far reaching, but it is important. The Senator from Arkansas has given much thought to this amendment and has had it, I know, under consideration himself.

Mr. CASE. Mr. President, may we have order? I know the Senator desires to be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. The Senator from New Jersey is very kind.

I would hope that with a very brief explanation, we might agree that this modification is desirable.

This title requires notice of wiretapping or eavesdropping to be served only on the persons named in the court order. The communications of many other persons, innocent or otherwise, may also be intercepted. The amendment would give the judge who issued the order discretion to require notice to be served on other parties to intercepted communications, even though such parties are not specifically named in the court order. The Berger and Katz decisions established that notice of surveillance is a constitutional requirement of any surveillance statute. It may be that the required notice must be served on all parties to intercepted communications. Since legitimate interests of privacy may make such notice to all parties undesirable, the amendment leaves the final determination to the judge.

It seems to me that this is a prudent way to respond to what is the underlying concern that has been shared by all of us on the committee.

Mr. COTTON. Is this amendment No. 754?

Mr. HART. This is amendment No. 754.

The PRESIDING OFFICER. The time of the Senator has expired. Does the Senator yield himself additional time?

Mr. HART. I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I suggest to the distinguished Senator that I believe this modification would be proper, and I believe this is what he means: In the amendment, after the word "discretion" in line 3, strike out "and" and insert "that is in".

Mr. HART. I thank the Senator from Arkansas. I should like to modify the amendment in that manner.

Mr. McCLELLAN. Then it will read: "such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice,".

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment, and I urge that it be adopted.

I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 754), as modified, of the Senator from Michigan.

The amendment, as modified, was agreed to.

AMENDMENT NO. 766

Mr. HART. Mr. President, I call up amendment No. 766, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> (f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 3 minutes.

Here again, Mr. President, we are in an area which has relatively narrow application but nonetheless could be of critical importance to an individual. This title leaves open the possibility that extensions of a surveillance warrant may be obtained merely on the basis of the original showing of probable cause. The amendment requires an applicant for an extension of an order to make a fresh and timely showing of probable cause in order to obtain the extension. If a prior surveillance has been unproductive, a judge should not grant an extension of the order unless a reasonable explanation is given for the failure to obtain results under the original order, even though the original showing of probable cause remains valid.

Mr. President, it seems to me that this would, indeed, be of assistance to a judge who wanted conscientiously to apply this statute, and I hope very much that the amendment will be agreed to.

Mr. McCLELLAN. Mr. President, as I interpret the amendment, I believe it is a constructive amendment and one we can readily accept, and I am glad to accept it.

Mr. HART. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 766) of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 755

Mr. HART. Mr. President, I call up amendment No. 755.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> Page 73, line 15, at the end of paragraph (d), add the following sentence: "The judge may, in his discretion and the interest of justice, require that the contents of intercepted wire or oral communications shall be disclosed to the parties to the communications.".

Mr. MANSFIELD. Mr. President, if the Senator from Michigan will yield, I express the hope that he would consider not debating this amendment tonight, that it could be the pending business, and that it could be taken up immediately after the prayer and disposition of the Journal in the morning.

Mr. HART. Indeed, yes. And I am grateful to the leadership and to the Senator from Arkansas for their cooperation.

Mr. MANSFIELD. Mr. President, the order has been entered that the Senate stand in recess, after the completion of business today, until 10 o'clock tomorrow morning. There will be no morning hour. The time will start running immediately after the prayer and the disposition of the Journal.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, there will be no further votes tonight. However, it is the intention, I understand, of the distinguished chairman of the Committee on Banking and Currency, and the chairman of the subcommittee, the Senator from Wisconsin [Mr. PROXMIRE], and the ranking minority member [Mr. BENNETT] to bring up the conference report on the truth-in-lending bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Time will have to be yielded to the Senator.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the remainder of the day time control be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, after clearing with the other side and interested parties, I ask unanimous consent that two particular committees be permitted to meet during the session of the Senate tomorrow:

The Committee on Public Works and the Permanent Subcommittee on Investigations of the Committee on Government Operations.

Mr. HRUSKA. Mr. President, I wish to ask the Senator if that request is on the basis that out-of-town witnesses will be present for those hearings and that it is only on that basis that the request is made?

Mr. MANSFIELD. The Senator is correct. The witnesses will come from far away and otherwise would be very much inconvenienced.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER CREDIT PROTECTION ACT—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today, pages 14375–14384.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPARKMAN. Mr. President, the chairman of the subcommittee that handled this matter, the Senator from Wisconsin [Mr. PROXMIRE] was very active in the conference. I ask that he now present this matter.

Mr. PROXMIRE. Mr. President, it is with great pleasure that I present to the Senate today the truth-in-lending bill, S. 5. Since the truth-in-lending bill was first introduced by former Senator Douglas in 1960, over 8 years ago, it has aroused much controversy and debate. However, the bill which we have recommended to the Senate is a fair bill, a workable bill, and above all a bill which provides the consumer with the protection they need in today's economy.

The enactment of truth in lending will be a great tribute to the original sponsor of the bill and our beloved former colleague, Senator Paul Douglas, of Illinois. It was only through his determined leadership and perseverance that the bill is now before us today. He continued the struggle where men of lesser stature would have long given up. I know that all of us in the Senate will join with me in wishing our former colleague well in his present work with the President's Commission on Urban Problems.

Mr. President, the truth-in-lending bill now before us was first introduced by me on January 11, 1967. After hearings before the Banking and Currency Committee, the Senate enacted the bill on July 11 by a vote of 92 to 0. The House of Representatives passed a strengthened and considerably more comprehensive measure on February 1, 1968. After six meetings a conference committee appointed to resolve the differences between the House bill and the Senate bill reached final agreement on Tuesday, May 14.

Before explaining the detailed differences between the House bill and the Senate bill and the resulting decisions of the conference committee, I believe a few words would be in order concerning the basic aproach of the Senate bill and the House bill. Ever since former Senator Douglas introduced the bill in 1960, the basic thrust of truth in lending was disclosure. The bill was not a regulatory bill; it did not attempt to regulate interest rates or other credit practices. It did not attempt to alter or amend the pattern of legal rights and remedies afforded consumers and creditors under State law. The simple aim of the bill was to disclose to consumers the full cost of credit both in dollars and cents and in the terms of an annual percentage rate.

The disclosure of the annual percentage rate has been the central point of the 8-year controversy on truth in lending. Senator Douglas could have gotten a truth-in-lending bill much earlier had he been willing to discard the requirement to disclose the annual percentage rate. On this issue he rightfully would not and did not compromise. Although it is important for consumers to know the total dollar cost of credit, it is also extremely important to know the annual percentage rate being charged for the credit. The annual rate provides consumers with a simple yardstick for comparing the cost of credit plans from many different sources. It permits consumers to measure the relative cost of each plan and to shop effectively for the best credit buy. By focusing attention on the rate being charged, the bill also promotes price competition among creditors and will hopefully lead to lower interest charges. Rate disclosure will also make the average consumer more aware of the true cost of credit and will encourage a more judicious use of credit.

The bill passed by the Senate last July required annual rate disclosure for at least 95 percent of the consumer credit industry. It is true that we were not able to extend this principle to conventional, short-term revolving credit plans. However, safeguards were included in the Senate bill which would have prevented creditors converting from installment type credit to revolving type credit merely to escape the annual rate disclosure requirement. Nonetheless, I think it is fair to say that the compromise reached by the Senate Banking and Currency Committee satisfied no one. Many of us felt that all revolving credit plans should be required to disclose the annual percentage rate. This principle was reflected in the original bill which I introduced on January 11 of 1967. Others felt that all revolving credit plans should be exempt from disclosing the annual rate regardless of whether they offered long-term or short-term credit. In fact many in the committee felt the requirement to disclose an annual rate was inherently unworkable and should not be required of any creditor.

Considering the strong differences of opinion which existed on the Senate Banking Committee, I believe we passed the strongest possible disclosure measure. And, as I indicated, it did require the annual rate disclosure requirement to upward of 95 percent of the credit industry. It was this very issue which had delayed progress on the bill for 7 long years. Thus, the Senate bill embodied the essential principle of the original Douglas bill concerning the importance of annual rate disclosure. Senator Douglas himself indicated in testifying on the bill before the House Banking and Currency Committee:

> I am, of course, tremendously pleased that the Senate passed a relatively good Truth-in-Lending bill on July 11, 1967 by the surprising vote of 92 to 0. It may have marked the beginning of the end of a long, long struggle and it was a great victory for Senator Proxmire and its supporters.

The House was able to build upon the achievements of the Senate bill. The strong and prolonged opposition to annual rate disclosure, at least for 95 percent of the credit industry, had virtually collapsed by the time of the House hearings. Moreover, virtually the entire credit industry united to oppose the revolving credit exemption from annual rate disclosure.

As a result of these factors, the House was able to pass a strong disclosure measure and remove some of the exemptions contained in the Senate bill which were necessary to produce agreement on the Senate Banking and Currency Committee. Most of these strengthened measures were agreed to by the conference committee. Thus, in the final analysis the disclosure aspects of the truth-in-lending bill are quite similar to the requirements included in the original bill which I introduced on January 11, 1967.

In addition to strengthening the disclosure provisions, however, the House bill went considerably beyond disclosure. For example, the House bill covers credit advertising, wage garnishments, legal remedies concerning second mortgages and restrictions on loan sharking. In addition, the House bill establishes a National Commission on Consumer Finance to determine whether additional Federal legislation in the consumer area is desirable. All these provisions were also agreed to by the conference committee, with certain modifications.

Since the House bill went beyond the disclosure provisions of the Senate bill, the conference committee agreed to change the short title of the entire bill to the Consumer Credit Protection Act. However, title I of the bill, dealing with disclosure would be known as the Truth in Lending Act.

In referring to the bill today, I shall continue to use the title "Truth in Lending" to apply to the entire bill since that has been its popular title over the last 8 years and has long been associated with its originator, Paul Douglas.

Mr. President, I would now like to outline in some detail the principle differences between the House bill and the Senate bill and the recommendations of the conference committee.

REVOLVING CREDIT

The Senate bill required that on most forms of revolving credit, creditors would disclose the periodic or monthly rate of interest. However, in order to prevent potential abuse the Senate bill included a requirement that revolving credit plans would disclose the annual rate if they approached the characteristics of installment type credit. Installment open end credit plans were defined as credit plans on which any one of the following three characteristics were present:

First. Less than 60 percent of the indebtedness was payable in 1 year; or

Second. The creditor maintained a security interest in the merchandise sold on credit; or

Third. Advance payments reduced the amount of future payments.

The House bill eliminated the distinction between ordinary open end credit plans and installment open end credit plans and required that all open end credit plans disclose the annual percentage rate. This decision was arrived at in an amendment introduced on the floor of the House during consideration of the bill. The bill reported out of the House Banking and Currency Committee included a similar exemption contained in the Senate bill.

The conference committee has recommended that both the periodic or monthly rate and the annual percentage rate be disclosed. Under this approach, creditors with revolving credit plans would disclose to their customers that in the typical case they are charging for credit at the rate of 1½ percent a month or 18 percent per year.

In addition to the annual percentage rate, creditors are given specific permission—at their option—to disclose and advertise the effective yield which they earn on all of their accounts for a representative period of time. Since the effective yield would measure the amount of credit extended from the time of each purchase, it would, in effect, count the customary 30 to 60 days free-ride which most customers receive on revolving credit plans. In many cases, this can result in effective yields of less than 18 percent per year.

The legislation also requires that the Federal Reserve Board issue rules and regulations concerning the computation and disclosure and advertisement of the effective yield. This is to insure that customers have a clear idea of the differences in the two rates which are disclosed by the creditor. The creditor would be required to include a definition of the effective yield and the assumptions upon which it is based.

I believe the report of the conference

committee represents an effective and realistic solution to the knotty problem of revolving credit. It recognizes the importance of annual rate disclosure on all forms of revolving credit plans. In so doing, no single segment of the credit industry would gain an undue competitive advantage over other segments of the industry. At the same time, it permits creditors to disclose the effective yield which they earn on their accounts. This option should be of particular benefit to those creditors using an adjusted balance method billing system which results in a lower dollar charge to consumers. Stores using the adjusted balance method base their charges on the opening balance less any payments received during the month. Stores using the opening balance system base their charge on the opening balance and do not give credit for partial payments made during the month. Thus, even though both stores charge 1½ percent a month or 18 percent a year the dollar cost of the service charge can be substantially higher for the opening balance system. To some extent these differences can be reflected by comparing the effective yield earned by creditors on their revolving credit accounts. The stores using the adjusted balance method will be able to quote and disclose a lower effective yield. Should this be done, I am hopeful that the forces of the marketplace will induce the opening balance system creditors to convert to the adjusted balance method. This could save the American consumer millions of dollars a year in lower service charges.

I believe the recommended compromise is an improvement both over the Senate bill and the House bill. It provides the consumer with more accurate and timely information. It is fair to all segments of the credit industry and it could lead to substantially lower service charges by promoting effective competition between the various billing systems. Thus, the compromise reached was not a compromise between more consumer protection and less consumer protection. Instead it was a solution which improves upon the work of both Houses.

WAGE GARNISHMENT

The second most controversial issue between the two bills was the subject of wage garnishment. Since the Senate bill followed the disclosure approach, it did not include provisions restricting wage garnishments. The House bill on the other hand contained a provision which prevented creditors from garnishing more than 10 percent of a person's weekly salary in excess of $30. These provisions were patterned after the law of the State of New York.

The wage garnishment provisions raised new and substantially different issues. The Senate truth-in-lending bill was limited to disclosure and included disclosure requirements which simply did not exist under most State laws, although a few States within the last year or two have passed truth-in-lending legislation patterned after the Douglas bill. However, all 50 States had some restrictions on wage garnishment, although in many the restrictions are woefully inadequate.

In any event, a serious doubt existed in the minds of some of the Senate conferees concerning the desirability of Federal legislation in this area. Federal restrictions on wage garnishments would preempt the laws of many States. It is also true, however, that many States have failed to provide consumers with the protection needed in today's complex credit economy. For example, hearings recently held by my subcommittee of the Senate Banking Committee on credit practices in the District of Columbia have clearly shown that the easy credit merchants who prey upon the poor are abusing the garnishment system. The ability to garnish a person's wages is an open invitation to the easy credit merchant. It makes it possible for him to deliberately overextend credit to low-income consumers who cannot really afford to go deeper into debt. However, as long as these easy credit merchants can rely upon the garnishment laws to get their money back, they will have a continuing incentive to overextend credit. In effect, the courts are acting as a legalized collection agency on behalf of the easy credit merchants, the cost of which is automatically paid by the poor who are least able to afford it. For these reasons, I favored the House provisions restricting wage garnishment despite the legitimate and sincere arguments raised against these provisions in favor of State responsibility.

As a compromise, the conference committee has agreed upon a provision which would restrict wage garnishments to not more than 25 percent of a person's net salary after taxes. In all cases, however, a sum equal to 30 times the Federal minimum wage, or $48, would be completely exempt from wage garnishment. This would insure that the lowest income consumers would not be subject to wage garnishment. Since the $48 floor would be tied to the Federal minimum wage, it would gradually increase over time as the minimum wage was increased. In this respect the recommended compromise is more liberal than the House bill for the lowest income consumers. Under the House bill anyone earning more than $30 would be subject to wage garnishment. Under the conference committee compromise, wage earners with an after tax income of $48 or a before tax income of approximately $54 would be free from garnishment. Thus, the floor below which garnishment is prohibited was nearly doubled compared to the House bill.

The conference committee report also included a provision which permits the Secretary of Labor, who would administer the garnishment provisions, to exempt any State from the Federal garnishment provisions if the State enacts substantially similar restrictions on wage garnishments. In addition, the effective date of the garnishment provisions was delayed to July 1 of 1970. The purpose of these provisions, recommended by the Senate Conferees, was to give every State an adequate opportunity to avoid Federal regulation by enacting substantially similar legislation.

In effect the Federal Government has set minimum standards. The provision has not automatically preempted the State's authority to legislate on the subject. I believe the compromise is in the best traditions of American federalism and will lead to more effective Federal-State relationships.

SECOND MORTGAGES

Congressman CAHILL, of New Jersey, had a floor amendment to the House bill which included aditional safeguards in the second mortgage area. The amendment included the following provisions:

First. The disclosure requirements would be extended to those who arrange for credit such as mortgage brokers;

Second. A creditor would be required to describe any security interest in real property—such as a second mortgage—arising from the credit transaction;

Third. Consumers legal rights would be strengthened with respect to third parties purchasing residential mortgages;

Fourth. Disclosures pursuant to mortgage transactions would have to be made 3 days prior to consummating the transaction.

The conference bill approves this amendment with the exception that the 3-day waiting period was converted into a 3-day recision period. Disclosure could be made on the same day the transaction was completed; however, consumers would have the right to rescind the contract within a 3-day period following the close of the credit transaction. In addition, the 3-day provisions would not apply on ordinary home purchase transactions, but would cover loans or credit secured by mortgages on property already owned.

FIRST MORTGAGES

The Senate bill exempted all first mortgage transactions from the disclosure requirements of the bill. This was done on the grounds that very few abuses existed in the field of first mortgages and that most lenders extending first mortgage credit already disclosed the true annual rate of interest charged for such credit. The House bill eliminated the exemption for first mortgages and extended the same disclosure requirements to first mortgage lenders as were required of all other creditors. The compromise reached by the conference committee was to include first mortgages under the bill, but to exempt such creditors from listing the total dollar cost of interest payments over the life of the mortgage. Since virtually all mortgage lenders already disclose the annual percentage rate, the truth-in-lending provision should have minimal effect on the mortgage industry. The bill would, however, require that points or discounts would have to be counted in computing the annual percentage rate. The annual rate disclosed would in some cases be higher than the contract rate of interest included on the face of the mortgage. This is because the definition of finance charge under both bills is substantially more comprehensive than the traditional definition and includes all charges incident to the extension of credit, including interest.

EXEMPTION FOR SMALL CREDIT TRANSACTIONS

The Senate bill exempted creditors from disclosing the annual percentage rate whenever the finance charge is less than $10. This provision was included primarily to alleviate the computation burden which would be placed on small business creditors engaged in small scale credit transactions. The House bill eliminated this exemption and required annual rate disclosure on all credit transactions regardless of size. Under the agreement reached by the conference committee, creditors would be exempt from disclosing the annual percentage rate if, first, the total amount of credit is less than $75 and the total finance charges less than $5; or, second, the total amount of credit is more than $75 and the total finance charges less than $7.50.

In recommending this limited exemption, it is expected that the Commission on Consumer Finance, established by this legislation, would conduct a study to determine the precise impact of this provision and to report their findings to Congress.

MINIMUM CHARGES ON REVOLVING CREDIT

The House bill required creditors to annualize minimum or fixed charges on revolving credit plans and to disclose such a rate on the monthly bill. For example, if a creditor charged 1½ percent a month on the opening balance, subject to a minimum charge of $1; and if the opening balance were $50, the minimum service would apply since 1½ percent times $50 would be less than the minimum. In such cases, the creditor would be required to disclose an annual rate equal to $1 divided by $50, or 2 percent a month, or 24 percent a year.

The conference bill permits a creditor to disclose a nominal annual rate equal to 12 times the creditor's normal monthly rate, provided the total finance charge for that month does not exceed 50 cents. If the finance charge exceeds 50 cents, the creditor would be required to compute the annual rate by dividing the finance charge by the credit balance and expressing such rate as an annual rate.

The effect of the conference provision is to permit creditors to disclose a nominal annual percentage rate equal to 12 times the monthly rate on all monthly statements, as long as minimum or fixed charges authorized by State law did not exceed 50 cents. If State law permitted minimum charges in excess of 50 cents and if the creditor applied such minimum charges, he would be required to annualize such charges and to disclose the resulting rate on each monthly statement. In these cases, the annual rate would vary from statement to statement and could be substantially in excess of the normal rate of 18 percent per year.

In recommending this provision it should be made abundantly clear that the intent of the conference committee is not to authorize or otherwise approve or lend support to the establishment of minimum or fixed charges on revolving credit plans. Nothing in the legislation should be construed to authorize the charging of minimum or fixed charges where such charges are not otherwise authorized by law. Nor should it be inferred that Federal policy supports or approves the establishment of minimum charges.

INSURANCE

The Senate bill specifically exempted premiums for credit life, casualty and liability insurance from being counted in computing the annual percentage rate. This provision was deleted by the House bill, which required that all mandatory charges be counted in computing the annual rate. The conference bill requires that, first, premiums for credit life insurance be included in the rate unless the creditor clearly discloses that such insurance is optional and is not required to obtain the credit; and, second, premiums for property and liability insurance would not be counted in computing the annual rate unless the creditor required that such insurance be purchased from him either directly or indirectly.

DOLLARS PER HUNDRED OPTION

The Senate bill permitted until January 1, 1972, that creditors could express the annual percentage rate in terms of dollars per hundred per year on the declining balance of the obligation. This option was not included in the House bill. The conference bill retains the option until January 1, 1971. To give an example of how this provision would work, let us assume a creditor loaned a person $100 and required that $106 be repaid in 12 equal monthly installments. Under the computations procedures described in the bill, the annual percentage rate would come to 10.90 percent. The creditor would have the option of disclosing this as 10.90 percent or $10.90 per hundred per year. In other words, the same number would be expressed in slightly different form. However, this option would expire on January 1, 1971, after which the percentage form of disclosure would be mandatory in all cases.

The purpose of this option is to avoid possible litigation in those States where the disclosure in percentage form might cause a legal problem. By 1971, however, it was felt that all States would have had an opportunity to correct any legal problems which may exist.

MONTHLY DISCLOSURE ON INSTALLMENT CONTRACTS

The House bill required creditors using monthly statements on installment credit plans to disclose the same information on these statements as is required of revolving credit plans. This information includes the opening and closing balance, the finance charge, and the annual percentage rate.

The bill reported by the conference committee retains this provision in modified form. Instead of requiring creditors with installment type credit plans to disclose on a monthly basis all of the information required of revolving credit plans, the conference report would require the annual percentage rate to be disclosed and the date by which or the period within which payments must be made to avoid an additional finance charge. In addition, the Federal Reserve Board is given the authority to prescribe additional disclosure requirements for those types of installment credit plans approximating the characteristics of revolving credit. The purpose of this is to remove any inducements for creditors to convert from revolving credit to installment credit to escape the monthly disclosures required under revolving credit.

SALES UNDER ADD-ON INSTALLMENT CONTRACTS

The House bill permits creditors selling under add-on installment sales plans to disclose the required information on the first monthly statement rather than at the time of the transaction provided that, first, the creditor does not maintain a security interest; and second, the customer has agreed to the annual percentage rate to be charged in advance. This provision was included in the conference report.

CREDIT ADVERTISING

The House bill included a provision requiring full disclosure on credit advertising. Under the Senate bill disclosure was limited to the time of the credit transaction.

The House provision required that if a creditor advertises certain terms, he must advertise all the relevant terms of his credit plan. For example, if an installment creditor advertises the amount of the downpayment or the amount of any installment payment or the dollar amount of any finance charge or the number of installment payments, he must also advertise the total cash price of the merchandise or amount of the loan, the downpayment, the number of payments, and the amount of each payment and the total finance charge. If any rate is advertised, it must be the annual percentage rate as defined in the bill.

Bait and switch-type advertising would also be prevented. Creditors could not advertise specific credit terms unless they usually and customarily arranged for such credit under the terms advertised.

The provisions for credit advertising were based on the bill originally introduced by Senator Magnuson, who has been an outstanding champion of consumer protection legislation in the Senate. I am delighted that the Senate conferees have accepted virtually intact the credit advertising provisions recommended by the House. These provisions will not only protect consumers, they will also give protection to the honest businessmen against unscrupulous or unfair competition based upon deceptive or tricky advertising.

ADMINISTRATIVE ENFORCEMENT

Under the terms of the Senate bill, enforcement would have been brought about by the courts through provisions for civil penalties. Creditors violating the act would be subject to a penalty equal to twice the amount of the finance charge with a minimum of $100 and a maximum of $1,000. These provisions were agreed to by the House of Representatives. In addition, the House added a system of administrative enforcement. Under the House provisions, the Federal Reserve Board would promulgate rules and regulations applicable to all segments of the credit industry. However, specific enforcement responsibility of the requirements imposed by law and by the Federal Reserve Board's regulations would be allocated to those Federal agencies with specific supervisory responsibilities over separate segments of the credit industry. For example, compliance by national banks would be enforced by the Comptroller of the Currency, or State nonmember banks by the Federal Deposit Insurance Corporation and State member banks by the Federal Reserve Board. The Federal Home Loan Bank Board would enforce compliance on the part of savings and loan associations. The Federal Trade Commission would have re-committee represents an effective and realistic solution to the knotty problem of revolving credit. It recognizes the importance of annual rate disclosure on all forms of revolving credit plans. In so doing, no single segment of the credit industry would gain an undue competitive advantage over other segments of the industry. At the same time, it permits creditors to disclose the effective yield which they earn on their accounts. This option should be of particular benefit to those creditors using an adjusted balance method billing system which results in a lower dollar charge to consumers. Stores using the adjusted balance method base their charges on the opening balance less any payments received during the month. Stores using the opening balance system base their charge on the opening balance and do not give credit for partial payments made during the month. Thus, even though both stores charge 1½ percent a month or 18 percent a year the dollar cost of the service charge can be substantially higher for the opening balance system. To some extent these differences can be reflected by comparing the effective yield earned by creditors on their revolving credit accounts. The stores using the adjusted balance method will be able to quote and disclose a lower effective yield. Should this be done, I am hopeful that the forces of the marketplace will induce the opening balance system creditors to convert to the adjusted balance method. This could save the American consumer millions of dollars a year in lower service charges.

I believe the recommended compromise is an improvement both over the Senate bill and the House bill. It provides the consumer with more accurate and timely information. It is fair to all segments of the credit industry and it could lead to substantially lower service charges by promoting effective competition between the various billing systems. Thus, the compromise reached was not a compromise between more consumer protection and less consumer protection. Instead it was a solution which improves upon the work of both Houses.

WAGE GARNISHMENT

The second most controversal issue between the two bills was the subject of wage garnishment. Since the Senate bill followed the disclosure approach, it did not include provisions restricting wage garnishments. The House bill on the other hand contained a provision which prevented creditors from garnishing more than 10 percent of a person's weekly salary in excess of $30. These provisions were patterned after the law of the State of New York.

The wage garnishment provisions raised new and substantially different issues. The Senate truth-in-lending bill was limited to disclosure and included disclosure requirements which simply did not exist under most State laws, although a few States within the last year or two have passed truth-in-lending legislation patterned after the Douglas bill. However, all 50 States had some restrictions on wage garnishment, although in many the restrictions are woefully inadequate.

In any event, a serious doubt existed in the minds of some of the Senate conferees concerning the desirability of Federal legislation in this area. Federal restrictions on wage garnishments would preempt the laws of many States. It is also true, however, that many States have failed to provide consumers with the protection needed in today's complex credit economy. For example, hearings recently held by my subcommittee of the Senate Banking Committee on credit practices in the District of Columbia have clearly shown that the easy credit merchants who prey upon the poor are abusing the garnishment system. The ability to garnish a person's wages is an open invitation to the easy credit merchant. It makes it possible for him to deliberately overextend credit to low-income consumers who cannot really afford to go deeper into debt. However, as long as these easy credit merchants can rely upon the garnishment laws to get their money back, they will have a continuing incentive to overextend credit. In effect, the courts are acting as a legalized collection agency on behalf of the easy credit merchants, the cost of which is automatically paid by the poor who are least able to afford it. For these reasons, I favored the House provisions restricting wage garnishment despite the legitimate and sincere arguments raised against these provisions in favor of State responsibility.

As a compromise, the conference committee has agreed upon a provision which would restrict wage garnishments to not more than 25 percent of a person's net salary after taxes. In all cases, however, a sum equal to 30 times the Federal minimum wage, or $48, would be completely exempt from wage garnishment. This would insure that the lowest income consumers would not be subject to wage garnishment. Since the $48 floor would be tied to the Federal minimum wage, it would gradually increase over time as the minimum wage was increased. In this respect the recommended compromise is more liberal than the House bill for the lowest income consumers. Under the House bill anyone earning more than $30 would be subject to wage garnishment. Under the conference committee compromise, wage earners with an after tax income of $48 or a before tax income of approximately $54 would be free from garnishment. Thus, the floor below which garnishment is prohibited was nearly doubled compared to the House bill.

The conference committee report also included a provision which permits the Secretary of Labor, who would administer the garnishment provisions, to exempt any State from the Federal garnishment provisions if the State enacts substantially similar restrictions on wage garnishments. In addition, the effective date of the garnishment provisions was delayed to July 1 of 1970. The purpose of these provisions, recommended by the Senate Conferees, was to give every State an adequate opportunity to avoid Federal regulation by enacting substantially similar legislation.

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CREDIT ADVERTISING

The House bill included a provision requiring full disclosure on credit advertising. Under the Senate bill disclosure was limited to the time of the credit transaction.

The House provision required that if a creditor advertises certain terms, he must advertise all the relevant terms of his credit plan. For example, if an installment creditor advertises the amount of the downpayment or the amount of any installment payment or the dollar amount of any finance charge or the number of installment payments, he must also advertise the total cash price of the merchandise or amount of the loan, the downpayment, the number of payments, and the amount of each payment and the total finance charge. If any rate is advertised, it must be the annual percentage rate as defined in the bill.

Bait and switch-type advertising would also be prevented. Creditors could not advertise specific credit terms unless they usually and customarily arranged for such credit under the terms advertised.

The provisions for credit advertising were based on the bill originally introduced by Senator Magnuson, who has been an outstanding champion of consumer protection legislation in the Senate. I am delighted that the Senate conferees have accepted virtually intact the credit advertising provisions recommended by the House. These provisions will not only protect consumers, they will also give protection to the honest businessmen against unscrupulous or unfair competition based upon deceptive or tricky advertising.

ADMINISTRATIVE ENFORCEMENT

Under the terms of the Senate bill, enforcement would have been brought about by the courts through provisions for civil penalties. Creditors violating the act would be subject to a penalty equal to twice the amount of the finance charge with a minimum of $100 and a maximum of $1,000. These provisions were agreed to by the House of Representatives. In addition, the House added a system of administrative enforcement. Under the House provisions, the Federal Reserve Board would promulgate rules and regulations applicable to all segments of the credit industry. However, specific enforcement responsibility of the requirements imposed by law and by the Federal Reserve Board's regulations would be allocated to those Federal agencies with specific supervisory responsibilities over separate segments of the credit industry. For example, compliance by national banks would be enforced by the Comptroller of the Currency, or State nonmember banks by the Federal Deposit Insurance Corporation and State member banks by the Federal Reserve Board. The Federal Home Loan Bank Board would enforce compliance on the part of savings and loan associations. The Federal Trade Commission would have re-

sidual jurisdiction over all other segments of the credit industry not specifically enumerated in the enforcement provisions.

These provisions were adopted in the conference report.

COMMISSION ON CONSUMER FINANCE

The House bill established a nine-member commission to study the structure and workings of the consumer finance industry and to determine if additional Federal regulation is needed, including the desirability of Federal charters for consumer finance companies. This provision was agreed to by the conference committee. The life of the commission was extended from March 31, 1970 to March 31, 1971.

LOAN SHARKING

The House bill was amended on the floor of the House to include a provision dealing with loan sharking. This provision would make it a Federal felony to extend credit with the understanding that criminal means would be used to enforce the obligation to repay. The penalty for entering into an extortionate extension of credit includes a fine of $10,000 or a prison term of 20 years or both. An extortionate extension of credit is defined as one in which it is the understanding of the creditor and the debtor that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to collect the debt.

In order to provide the Department of Justice with the means for enforcing this provision, the House provision set up a prima facie rule of evidence that any extension of credit is extortionate if all of the following factors are present:

First. The debt is legally uncollectable under State law;

Second. The annual rate charged for the debt exceeds 45 percent per year;

Third. The debt exceeds $100;

Fourth. The debtor reasonably believed that either, first, the creditor resorted to extortionate methods on one or more occasions, or second, the creditor had a general reputation for using extortionate methods to enforce repayments.

Once again these provisions raised serious questions of Federal-State responsibilities. Nonetheless, because of the importance of the problem, the Senate conferees agreed to the House provision. Organized crime operates on a national scale. One of the principal sources of revenue of organized crime comes from loan sharking. If we are to win the battle against organized crime we must strike at their source of revenue and give the Justice Department additional tools to deal with the problem. The problem simply cannot be solved by the States alone. We must bring into play the full resources of the Federal Government.

EFFECTIVE DATE

The disclosure provisions of the Senate bill were effective on July 1, 1969. Under the House bill, the disclosure and advertising provisions were effective in 9 months following enactment. All other provisions were effective immediately. Under the conference bill, the disclosure provisions are effective on July 1, 1969, the garnishment provisions are effective on July 1, 1970, and all other provisions effective immediately.

Mr. President, it has taken 8 long years to get this legislation through the Congress. Like all worthwhile reform measures it takes a number of years to mobilize support. However, in enacting the truth-in-lending bill I believe we have achieved a victory not only for the consumer but for the average businessman as well. The bill permits consumers to shop effectively for the best credit buy; it also protects businessmen against unfair and deceptive competition.

It is somewhat hazardous to list all of those who have played an important part in passing this important legislation. So many people have made an important contribution that to list them all would run to many pages of the CONGRESSIONAL RECORD. Nonetheless, I believe a few outstanding names must be mentioned.

First of all, Mrs. LEONOR SULLIVAN, of Missouri, must be given a tremendous amount of credit for her leadership on the House side. Many of the additional provisions in the bill, including those on credit advertising and wage garnishments were included in the bill introduced by Mrs. SULLIVAN. In addition she led the fight to improve and strengthen the disclosure provisions of the Senate bill. More than any other person, she is responsible for the strong and effective bill which emerged from the House of Representatives.

Much of the credit for passing a strong truth-in-lending bill must also be given to Congressman WRIGHT PATMAN, the chairman of the House Banking and Currency Committee. Throughout the years, Congressman PATMAN has proven that he is a champion of consumer causes. He continued to demonstrate his concern for consumers by working along with Mrs. SULLIVAN for an effective measure.

We must also recognize the constructive and able role played by Senator JOHN SPARKMAN, the chairman of the Senate Banking and Currency Committee and Senator WALLACE BENNETT, the ranking Republican member from the State of Utah. Senator BENNETT has always endorsed the main principle of truth in lending and has worked diligently to insure that the final bill is both workable and fair. Senator BENNETT did a marvelous job in committee on the floor and in the conference committee. I might add that it was only through Senator SPARKMAN's skillful leadership that we were able to reconcile the diverse and sometimes conflicting viewpoints and to develop an effective and workable bill. Other Senators, of course, played a most important role. The Senator from Maine [Mr. MUSKIE] demonstrated his great brilliance, grasp, and understanding of this most complicated revolving credit issue and was most helpful in permitting us to resolve our differences.

During the 8 long years of struggle, many groups have helped to develop support for truth in lending. I want to express my particular gratitude to the Credit Union movement which from the beginning championed the truth-in-lending bill. The same is true of the National Association of Mutual Savings Banks. Through the years the AFL–CIO has given much time and effort to the cause. I hope I will not offend any of my friends in the labor movement by expressing my particular admiration and gratitude to the International Ladies Garment Workers Union and its indefatigable legislative representative, Evelyn DuBrow. Another persistent and tireless worker for the cause was Mrs. Sarah H. Newman, general secretary, National Consumers League.

A number of members of the academic community also made outstanding contributions. The earliest and most consistent support throughout the years has been from Richard L. D. Morris of Kansas State University. Dick Morris was making speeches on truth in lending even before Senator DOUGLAS introduced the first truth-in-lending bill. Through the years he supplied the sponsors of truth in lending with a continuing stream of material and encouragement.

Another outstanding contribution came from Father Robert J. McEwen, chairman of the Department of Economics, Boston College. Father McEwen has long been a champion of consumer causes and was most instrumental in securing the enactment of the Massachusetts truth-in-lending law which was a forerunner to the Federal bill.

As is the case with much reform legislation, truth in lending was initially opposed by the industry affected, that is the credit industry. To take one historical example, the chairman of the New York Stock Exchange solemnly predicted that as a result of the Securities Exchange Act of 1933 the securities industry would collapse and that grass would grow on Wall Street. Just the opposite has occurred. The Securities Act has maintained and increased public confidence in the securities industry and has made it much stronger as a result.

I believe the same will hold true of the truth-in-lending legislation. The State of Massachusetts has demonstrated that the full disclosure of credit charges is both reasonable and workable. Testimony from Massachusetts businessmen before both the Senate and the House banking committees clearly demonstrates that the Massachusetts truth-in-lending law has been an outstanding success. I believe the same will hold true for the Federal truth-in-lending bill.

In the final analysis the bill was based upon the fundamental premise that consumers have a right to know the facts. It is only through free and full disclosure that our competitive free enterprise system can be made to function effectively. The truth-in-lending bill should not be thought of as proconsumer or antibusiness. Instead, it is profree enterprise. By informing consumers, it increases public confidence, enhances competition, and improves credit practices.

I hope that the entire Senate will agree with me that in taking the final step in the legislative process to enact the truth-in-lending bill, we will bring to reality the long-held dream of Paul H. Douglas.

Mr. BENNETT. Mr. President, as the

minority Member who has been working on the bill for 8 years, may I express a sense of relief that the Senate and Congress has come to the point that it can at least put out a bill which will make a start on this problem.

The bill is a compromise. I think it is still full of rather serious problems, because many of the ideas it contains are theoretical rather than practical. We will not know until after we have gone through the experience of trying to live with the bill, whether any additional changes will be needed.

We have passed on to the Federal Reserve Board the responsibility for writing regulations. The bill does not go into effect for another year, so that they will have time to study it.

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I think there may be some other things in the bill that are similarly difficult so that I believe before we get what we would consider to be a practical bill, there must be some further amendments to it.

I also feel that I should say to the Senate that the bill is not going to solve the credit problems of the poor. Their problems grow out of their lack of understanding of credit, and because of that, their misuse or by misusing it, they occasionally give men in business an opportunity to exploit them. The bill will not wipe out all of those opportunities. But, we have made a start. That is important.

We have built a framework and as we try to live with it, we may discover that we have made some mistakes.

So, from that point of view, as I say, I am happy that the bill has been passed. I do not agree with all of the decisions made by the conference, but I signed it because I felt that to do otherwise would tag me as being opposed to supplying information to creditors about the cost of their credit.

I certainly recommend to the Senate that it approve the conference report, for the same reasons that I approved it; but I am sure there may be some in the group who have the same reservations.

I appreciate the kind things that the Senator from Wisconsin [Mr. PROXMIRE] said about my contribution to the bill over the years. I think his own contribution should not go unnoticed.

When Senator Douglas left this body, Senator PROXMIRE picked up his responsibilities, and through the last 2 years I have been working with Senator PROXMIRE as chairman of the subcommittee. That relationship has been a very happy one for me. We have not always agreed on what we thought the bill should contain, but we have respected each other's point of view and we have been able peaceably to work together in bringing this bill into being. He certainly shares whatever credit there may be, and deserves a great share, because he provided the leadership which finally, after nearly 8 years, brought a piece of legislation which, as I say, I think represents a start.

I again repeat, I hope the Senate will approve the report.

Mr. PERCY. Mr. President, I would be remiss if I did not also comment on the contribution to this bill of my predecessor, former Senator Paul Douglas, of Illinois. I stated when I came to the U.S. Senate that I would feel obligated to work on behalf of all those things which he was working on with which I agreed. That was a conditional commitment to myself, but I did find several areas in which I concurred in the work he was doing here.

It was, therefore, with a great sense of gratification that I took a place on the Committee on Banking and Currency of the Senate. One of the earliest pieces of legislation we worked on was truth in lending. I had there an opportunity to see a tremendously complicated concept unraveled by understanding compromises by our able and distinguished chairman of the committee, the Senator from Alabama [Mr. SPARKMAN].

I also saw, with a good deal of satisfaction, the minority side of the committee, under the leadership of the Senator from Utah [Mr. BENNETT] ably work toward a compromise which was acceptable and which carried unanimously not only through the committee but the Senate itself.

I have been particularly impressed with the tenacity of the distinguished Senator from Wisconsin [Mr. PROXMIRE], who worked uphill most of the time. Jogging uphill as well as downhill is his avocation, and he carries on against the most difficult odds at times. I developed a tremendous appreciation for what he did in this field.

Also, I wish to mention a very valiant lady in the other body, Congresswoman LEONOR SULLIVAN, whom I have gotten to know through her interest in the concept of homeownership for low-income families. I have watched with admiration her fight to strengthen what I considered to be ready a strong truth-in-lending bill. I think we have as a result a piece of legislation that the Senate can accept with great confidence. The House has already, of course, approved it earlier this afternoon.

I would like to comment particularly on the section that the Senator from Wisconsin [Mr. PROXMIRE] earlier mentioned.

Title II of the conference report contains a very important and new provision of law to assist in the war on organized crime. It is entitled "Extortionate Credit Transactions," and it addresses itself to the growing business of organized crime known as loan sharking, or the "juice" racket.

The provision was proposed on the floor of the House by Congressman RICHARD POFF, of Virginia, an extremely able and distinguished minority member of the House Judiciary Committee. Congressman POFF is also chairman of the House Republican task force on crime, vice chairman of the Commission To Revise and Reform the Federal Criminal Laws, and a widely recognized expert on law enforcement and criminal administration. His ability and leadership are amply demonstrated in the perception and craftsmanship that have produced this excellent amendment to the truth-in-lending bill, and that have allowed the Congress to swiftly respond to a rapidly growing activity of the organized crime syndicates. The members of the task force are to be commended for this contribution to the achievements of the Congress in the fight against organized crime.

Mr. President, this is the first comprehensive attack on the interstate aspects of the insidious criminal activity. At an appropriate time, I will propose an amendment to include the crimes enumerated under title II of the conference report in the crimes for the detection of which an electronic surveillance order may be issued under title III of the omnibus crime control bill, now under consideration in this body. I would hope the President would sign this bill into law with all dispatch so that this provision to fully implement the new law may be made.

As the ranking minority member of the Subcommittee on Small Business of the Banking and Currency Committee, I have followed with great interest the hearings recently conducted by the Senate Select Committee on Small Business on the impact of loan sharking on small business. I was pleased to introduce the executive director of our Illinois Crime Commission, Mr. Charles Siragusa, to that committee last week. The testimony he and his associates gave was on the victimization of the poor and less privileged inner-city residents by the loan shark racketeers. The distinguished chairman of that committee, the Senator from Florida [Mr. SMATHERS], is to be commended for his bringing this situation to the attention of the Senate and the public.

Mr. President, I hope that the pending conference report will be agreed to.

Mr. SPARKMAN. Mr. President, let me say I am grateful to all Senators who have made comments on this conference report and to all who have worked on it, and that includes the entire Senate Banking and Currency Committee.

I call attention to the fact that the bill was reported by the committee without a single dissenting vote, that it passed the House on a rollcall by unanimous vote, and now, in a few minutes, I hope, we shall be bringing it to a final conclusion by unanimous vote in the Senate. I think that is a remarkable record for a piece of highly controversial legislation as this started out to be.

I give great credit to the chairman of the subcommittee, Senator PROXMIRE, and to the ranking Republican member, Senator BENNETT, who worked so closely with us in trying to work out this bill. I also give credit to the Senator from Maine [Mr. MUSKIE], who was one of the early sponsors of this legislation and who proved himself to be quite constructive both in committee and in the conference.

I give credit to every single member of the Banking and Currency Committee sidual jurisdiction over all other segments of the credit industry not specifically enumerated in the enforcement provisions.

These provisions were adopted in the conference report.

COMMISSION ON CONSUMER FINANCE

The House bill established a nine-member commission to study the structure and workings of the consumer finance industry and to determine if additional Federal regulation is needed, including the desirability of Federal charters for consumer finance companies. This provision was agreed to by the conference committee. The life of the commission was extended from March 31, 1970 to March 31, 1971.

LOAN SHARKING

The House bill was amended on the floor of the House to include a provision dealing with loan sharking. This provision would make it a Federal felony to extend credit with the understanding that criminal means would be used to enforce the obligation to repay. The penalty for entering into an extortionate extension of credit includes a fine of $10,000 or a prison term of 20 years or both. An extortionate extension of credit is defined as one in which it is the understanding of the creditor and the debtor that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to collect the debt.

In order to provide the Department of Justice with the means for enforcing this provision, the House provision set up a prima facie rule of evidence that any extension of credit is extortionate if all of the following factors are present:

First. The debt is legally uncollectable under State law;

Second. The annual rate charged for the debt exceeds 45 percent per year;

Third. The debt exceeds $100;

Fourth. The debtor reasonably believed that either, first, the creditor resorted to extortionate methods on one or more occasions, or second, the creditor had a general reputation for using extortionate methods to enforce repayments.

Once again these provisions raised serious questions of Federal-State responsibilities. Nonetheless, because of the importance of the problem, the Senate conferees agreed to the House provision. Organized crime operates on a national scale. One of the principal sources of revenue of organized crime comes from loan sharking. If we are to win the battle against organized crime we must strike at their source of revenue and give the Justice Department additional tools to deal with the problem. The problem simply cannot be solved by the States alone. We must bring into play the full resources of the Federal Government.

EFFECTIVE DATE

The disclosure provisions of the Senate bill were effective on July 1, 1969. Under the House bill, the disclosure and advertising provisions were effective in 9 months following enactment. All other provisions were effective immediately. Under the conference bill, the disclosure provisions are effective on July 1, 1969, the garnishment provisions are effective on July 1, 1970, and all other provisions effective immediately.

Mr. President, it has taken 8 long years to get this legislation through the Congress. Like all worthwhile reform measures it takes a number of years to mobilize support. However, in enacting the truth-in-lending bill I believe we have achieved a victory not only for the consumer but for the average businessman as well. The bill permits consumers to shop effectively for the best credit buy; it also protects businessmen against unfair and deceptive competition.

It is somewhat hazardous to list all of those who have played an important part in passing this important legislation. So many people have made an important contribution that to list them all would run to many pages of the Congressional Record. Nonetheless, I believe a few outstanding names must be mentioned.

First of all, Mrs. Leonor Sullivan, of Missouri, must be given a tremendous amount of credit for her leadership on the House side. Many of the additional provisions in the bill, including those on credit advertising and wage garnishments were included in the bill introduced by Mrs. Sullivan. In addition she led the fight to improve and strengthen the disclosure provisions of the Senate bill. More than any other person, she is responsible for the strong and effective bill which emerged from the House of Representatives.

Much of the credit for passing a strong truth-in-lending bill must also be given to Congressman Wright Patman, the chairman of the House Banking and Currency Committee. Throughout the years, Congressman Patman has proven that he is a champion of consumer causes. He continued to demonstrate his concern for consumers by working along with Mrs. Sullivan for an effective measure.

We must also recognize the constructive and able role played by Senator John Sparkman, the chairman of the Senate Banking and Currency Committee and Senator Wallace Bennett, the ranking Republican member from the State of Utah. Senator Bennett has always endorsed the main principle of truth in lending and has worked diligently to insure that the final bill is both workable and fair. Senator Bennett did a marvelous job in committee on the floor and in the conference committee. I might add that it was only through Senator Sparkman's skillful leadership that we were able to reconcile the diverse and sometimes conflicting viewpoints and to develop an effective and workable bill. Other Senators, of course, played a most important role. The Senator from Maine [Mr. Muskie] demonstrated his great brilliance, grasp, and understanding of this most complicated revolving credit issue and was most helpful in permitting us to resolve our differences.

During the 8 long years of struggle, many groups have helped to develop support for truth in lending. I want to express my particular gratitude to the Credit Union movement which from the beginning championed the truth-in-lending bill. The same is true of the National Association of Mutual Savings Banks. Through the years the AFL–CIO has given much time and effort to the cause. I hope I will not offend any of my friends in the labor movement by expressing my particular admiration and gratitude to the International Ladies Garment Workers Union and its indefatigable legislative representative, Evelyn DuBrow. Another persistent and tireless worker for the cause was Mrs. Sarah H. Newman, general secretary, National Consumers League.

A number of members of the academic community also made outstanding contributions. The earliest and most consistent support throughout the years has been from Richard L. D. Morris of Kansas State University. Dick Morris was making speeches on truth in lending even before Senator Douglas introduced the first truth-in-lending bill. Through the years he supplied the sponsors of truth in lending with a continuing stream of material and encouragement.

Another outstanding contribution came from Father Robert J. McEwen, chairman of the Department of Economics, Boston College. Father McEwen has long been a champion of consumer causes and was most instrumental in securing the enactment of the Massachusetts truth-in-lending law which was a forerunner to the Federal bill.

As is the case with much reform legislation, truth in lending was initially opposed by the industry affected, that is the credit industry. To take one historical example, the chairman of the New York Stock Exchange solemnly predicted that as a result of the Securities Exchange Act of 1933 the securities industry would collapse and that grass would grow on Wall Street. Just the opposite has occurred. The Securities Act has maintained and increased public confidence in the securities industry and has made it much stronger as a result.

I believe the same will hold true of the truth-in-lending legislation. The State of Massachusetts has demonstrated that the full disclosure of credit charges is both reasonable and workable. Testimony from Massachusetts businessmen before both the Senate and the House banking committees clearly demonstrates that the Massachusetts truth-in-lending law has been an outstanding success. I believe the same will hold true for the Federal truth-in-lending bill.

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Mr. SPARKMAN. Mr. President, let me say I am grateful to all Senators who have made comments on this conference report and to all who have worked on it, and that includes the entire Senate Banking and Currency Committee.

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I give credit to every single member of the Banking and Currency Committee for a wonderful job on a most difficult piece of legislation.

Mrs. LEONOR SULLIVAN and Congressman WRIGHT PATMAN of the House Banking and Currency Committee, are also to be given credit for championing the effective and comprehensive bill that passed the House of Representatives.

I am hopeful that, in the final analysis, the bill will prove to be of benefit to consumers and workable to the average businessman.

Mr. President, I am pleased to see at long last what may be final action on S. 5, the truth-in-lending bill, originally introduced by Senator PROXMIRE on January 11, 1967, which is now before us. The bill represents more than a year of work and hearings concerning credit cost disclosure. I refer only to this bill, to say nothing of the predecessor bill, which ran over a period of 6 years. While the bill does not satisfy all of the wishes of those who have played a part in the legislation, on balance I believe it represents a fair and workable bill that will provide consumers with substantially more information.

Different approaches were suggested regarding many problem areas covered by the bill. However, effective compromises were developed. An example is that of credit insurance. Many suggested that credit insurance premiums should be included as a part of the finance charge and in the calculations to determine the annual percentage rate. Others argued that the premiums were not part of the finance charge since the insurance was for the benefit of the consumer. The committee agreed to a provision that is workable and fair.

When the creditor makes the required disclosures as to credit insurance and the prospective debtor acknowledges in writing that he is not required to purchase credit insurance, then the insurance premium is not part of the finance charge. However, if the debtor is required to purchase the insurance as a condition to the extension of credit, then the premium is to be included in computing the annual percentage rate.

Mr. President, mention has been made of the fact that the effective date of the bill is a little more than a year away, July 1, 1969. That date was selected purposely in the hope that by that time the States will have had an opportunity to act upon the recommendations for a uniform consumer credit code which is being developed by the Commission on Uniform State Laws. I believe the State legislatures should have an opportunity to give further study to this perplexing and distressing problem throughout the country, and to adopt their own laws. Should the States enact legislation substantially similar to the Federal bill, they can become exempt from the Federal law.

The garnishment measure does not become effective until July 1, 1970. Again, that is for the purpose of allowing States to restudy, if they desire to do so, their own garnishment laws to make sure that they are fair to the consumer as well as to the creditor.

I believe both those provisions are good.

I wish to say just a word about credit insurance. Credit insurance, which is treated in this conference report, can be beneficial to the consumer when the cost is fair and economical. Accordingly, it can be expected that many consumers will take advantage of credit insurance on this basis. While creditors must make it clear that credit insurance is not required, the fact that a given percentage of prospective debtors normally request credit life and accident and health insurance should not be construed to mean that such insurance is a factor in the approval or extension of credit. This must be determined on the basis of the facts in each individual case.

I believe that is the meaning of the conference report, and I think it should be clear. In other words, we are trying to protect the consumer from being forced to buy insurance, but at the same time we are trying to preserve to him the right to take it if he wants it, as a protection to his own position.

Mr. HART. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HART. Mr. President, these rituals are sometimes suspect, because committee members who have labored long over difficult problems thus acknowledge to each other that the job is a good one.

I lingered here tonight because I would like to speak to the members of the committee for those who are not on the committee. While we do not know, in full detail, the agonies that went into what the committee now presents before the Senate, most of us who have been sponsoring these bills over the years realize the enormity of the problem and the intensity of the pressures, and I am satisfied that what the committee has brought from the conference represents a magnificent achievement in consumer protection.

So I lingered tonight to thank all the members of the committee for what I think will be noted as one of the truly historic achievements of this and many Congresses.

Mr. SPARKMAN. Mr. President, those are most generous remarks of the distinguished Senator from Michigan, and I thank him on behalf of the entire committee.

TRUTH IN LENDING AND MORE

Mr. NELSON. Mr. President, many problems confront the consumer today. Everyone is exposed to unethical practice and high pressure selling; rising prices and escalating credit charges; inferior product quality and recurrent repair difficulties. And it is no doubt true, we all are concerned with being able to pay our bills and staying out of debt. Nevertheless, in our credit oriented economic system, few buyers can pay cash for everything they buy; not even the very wealthy. In fact, last year the consumer debt was about $86 billion.

It is also true that for the wary and well to do, as well as the unsophisticated and economically despairing, present-day practices have made it difficult to make intelligent decisions about credit. Former Senator Paul Douglas was among the first to perceive the need for legislation to protect consumers from deceptive and misleading practices of lending institutions, merchants and others who extend credit. After careful investigation the Congress is now acting on this important matter. Senator WILLIAM PROXMIRE should be applauded for guiding this measure through the Senate and for his outstanding achievement in regard to this vital legislation. The Senate-House conference committee has reported a measure that deserves both acceptance and applause. This proposal will go a long way toward curbing the abuses of consumer credit while imposing no hardship upon legitimate merchants.

The truth-in-lending bill does several things. It requires that lenders and retail creditors disclose the cost of credit offered to the customer. In this way the consumer can compare how much it will cost to do business with lending institution A as opposed to B.

Second, this bill requires the full disclosure of interest rates on all revolving charge accounts on both an annual and monthly basis. This means that the buyer will know the rate being charged by the store for a deferred payment plan.

In addition, this bill restricts the amount of money that can be garnished from a man's wages as well as imposing regulations upon credit life insurance and credit advertising. The truth-in-lending bill also makes it a Federal crime to extend credit with the understanding that criminal means will be used to enforce the obligation to repay. This provision is aimed at the loan shark business, which is infiltrated with criminals. "Juice money" as it is called in the Midwest, has become a source of tremendous revenue for syndicated gangsters and this proposal is the first step toward cracking down on this racket.

While the truth-in-lending bill is a giant step forward, it is only the beginning. New imaginative programs must be initiated to further protect the consumer. To illustrate why I say this, let me give you some examples of consumer exploitation brought to my attention:

A housewife was contacted by a magazine subscription company. The saleslady led her to believe that by purchasing one magazine at a low weekly rate, she would receive three others at no extra cost. While there was no extra charge, the initial subscription price had been jacked up so that the cost of the supposed free magazines was hidden in the weekly charge. While you might say, let the buyer beware, I say the time has come to remove deception from the marketplace.

Another shocking example recently involved a women on welfare payments. She had hardly enough money to pay the food bill let alone the extravagance of a stereo television console. In any event, the store sold her a television console on the following terms:

1. Cash sale price	$711.60
2. No down payment	0
3. Balance (1 minus 2)	711.60
4. Credit service charge	198.78

5.	Principal balance (3 plus 4)	910.38
6.	Charges for credit life insurance	16.61
	(If selected) F.F	2.00
7.	Charges for credit accident and sickness insurance	35.87
8.	Time balance (5 plus 6 plus 7)	964.86
9.	Previous time balance time sales price (2 plus 8)	964.86

Payable in 48 equal installments of $27 and one final installment of $9.86 starting on—and monthly thereafter.

The total price, as you can easily determine, was over $1,300. It was not long before this imprudent purchase could not be paid for. The store quickly repossessed the TV, pocketing the money already paid and taking the set back to resell it again. You might feel gyped if this had happened to you, but if you were an uneducated, frustrated, poor woman, what would you do?

These are not isolated examples. Whether it is a TV set or a refrigerator, magazine subscriptions, or aluminum siding, fast-talking, dishonest, and deceptive sales practices are bilking the American consumer.

But if your reaction is like so many I hear—that could not happen to me—let us explore another area which I think you will be able to appreciate a little.

I submit that warranties on consumer goods are becoming meaningless to the shopper, because many manufacturers are making promises that are not being honored. Some are even making pledges that cannot be fulfilled. In fact, you cannot mention this subject to anyone anywhere, without somebody saying, "Let me tell you what happened to me. That warranty wasn't worth the paper it was printed on."

Many of the complaints I have heard have involved the failure of the product itself. But there are other problems, too: excessive labor costs; delay in service; and annoying trips back and forth for repeated repairs of the same product.

Thus one man told me about the power steering problem on his new car. He said, the steering worked fine until he tried to get into a tight parking spot.

He added:

> You should have heard the screeching and squeaking.

Another complained that his power brakes worked well during the summer, but when it got below freezing, they did not work properly. Both these people brought their cars in to be fixed and after considerable aggravation, got them repaired. However, in both cases the warrantee did not cover the costs. Both complained that their warrantee was useless, although they were led to believe upon buying the car that it would protect them against just such circumstances.

Another case, was that of the lawnmower. It did a great job of cutting down the dandelions, but could not cleanly cut a blade of grass.

Similarly, there was the snowplow, that only performed when there was no more than 2 inches of snow. Again upon returning these items, to the proper service dealer, they were eventually fixed. But there was one hitch; the snowplow was returned just in time for the first April shower and the lawnmower came back in tiptop shape to be stored for the winter.

Still another case involved a toaster, that had a mind of its own, popping up different degrees of burnt toast. It was fixed, and pleased everyone in the family; but within 6 weeks it was ready to be repaired again. Rather than go through the same amount of trouble and with the same possible results, they bought another toaster.

Isolated examples? Just think back a little; was it your refrigerator that would not defrost; your television set that could not pickup UHF stations clearly; your hot water heater that worked only when you did not want to take a bath; or was it your new steam-dry iron that always burnt that new synthetic fabric? Whatever your experience, do you remember trying to get the product fixed, at no extra cost, as your warrantee seemed to suggest? Do you recall that you had to pay the mailing cost and the redelivery fee; or if you did not have to mail the product back to the manufacturer but had to bring it to an authorized service dealer, the trouble and inconvenience you experienced in trying to find the proper serviceman? And what about the time you brought the broken item to the wrong service dealer only to find out that your warrantee was then worthless.

These are some of the problems that consumers have to face when they try to take advantage of their warrantee. What can be done to eliminate these and the other difficulties I have mentioned which confront the consumer?

Certainly legislation such as the truth-in-packaging law, enacted last year, and the present truth-in-lending bill now pending will go a long way toward curing some of the evils which I have already described. Hopefully, because of these new initiatives, chicanery and deception will disappear from the marketplace. But I am certain that this lofty principle will not be easily translated into reality. For consumer protection legislation to be effective, cooperation from the business community is necessary. Of course, consumers must do their part also.

In conclusion, I want to commend the joint House and Senate committee for their excellent work and achievement. I warmly endorse the truth-in-lending bill and feel confident that it will help a great deal.

However, I need not remind you that we can ill afford to become complacent in this area. These new laws are just the cornerstones—much work still remains to be done. This is a responsibility that I am sure we will not shirk, but rather will welcome.

Mr. SPARKMAN. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

NEW FDA COMMISSIONER MUST BE DEDICATED TO SERVING THE PUBLIC INTEREST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished junior Senator from New Mexico [Mr. MONTOYA], who is unavoidably absent, and, accompanying his statement, an article entitled "The Tragedy of Thalidomide Babies: Preview of a New German Horror Trial," written by Leonard Gross, and published in Look magazine for May 28, 1968.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MONTOYA

An article which appeared in the May 28, 1968, issue of Look magazine entitled, "The Tragedy of Thalidomide Babies: Preview of a New German Horror Trial," tells the story of the criminal case which will begin in Germany on May 27 against nine employees of the firm which discovered and promoted the drug Thalidomide.

The charges against these men are: intent to do bodily harm; involuntary manslaughter.

These nine men were so eager to market Thalidomide, a sleep-inducing drug, that they failed to test it properly. They sold this drug in Germany and to licensees in 45 other countries with assurances that it was safe, though no such assurances existed. Thousands of people who took this drug suffered serious adverse effects to their nervous system. But these nine men made light of such reports, lied to doctors, and to public health authorities. When the reports became too numerous to ignore, the defendants did everything they could to suppress them, and used money to encourage the production of favorable reports.

This drug, advertised as safe even for pregnant women, "did finally cause the birth of 7,000 monster babies throughout the world, some of whom died, some of whom were killed and most of whom now live maimed lives."

Such a tragedy could happen again, and perhaps the next time the United States will not be spared. A key means of averting such mass suffering and waste of human lives is to have as Food and Drug Commissioner a man dedicated to serving the public interest, dedicated to the enforcement of the Food and Drug laws, dedicated to insuring that the drugs which reach our citizens are safe and effective.

Dr. James Goddard is such a man, and I read with regret in this morning's press of his resignation. It is essential that his successor in this highly sensitive position be a similarly outstanding individual who will carry on in the tradition of Dr. Goddard to protect the public against such occurrences as the Thalidomide tragedy. Dr. Herbert L. Ley, Director of FDA's Bureau of Medicine is such a man and has been recommended by Dr. Goddard as his successor. Winton Rankin, Deputy Commissioner of FDA is also of such caliber.

It is to be hoped that one of these two men—both with fine records of public service and concern—will be selected by the President for the leadership role at FDA.

Certainly, the new Commissioner should be understanding and appreciative of the role of drug manufacturers. But his primary obligation is to the people of the United States. In other words, we come first.

THE TRAGEDY OF THALIDOMIDE BABIES: PREVIEW OF A NEW GERMAN HORROR TRIAL

(By Leonard Goss)

Men forgive a blunder. They try to understand the crime of passion. But they judge remorselessly—perhaps to warn themselves—when one man's greed becomes another's poison. A monumental story with this as theme is about to be told the world.

It will require one, perhaps two years in the telling. It will summon 352 prosecution witnesses alone. and 14 judges to hear them. The lines of its plot radiate from a small German town to the United States, Canada, England, Italy, Australia, Brazil, Japan—23 countries in all. Now, 11 years after these lines fanned out, they have doubled back upon this small town and enveloped nine men whose acts, say accusers everywhere, were responsible for their despair. When Josef Havertz, the mournful-eyed prosecutor, reads out his indictment on May 27 to 600 participants and press gathered in a rented casino near Aachen, on the western edge of Germany, he will be voicing the rage of thousands of people whose lives, they say, were laid waste by a pill. This is what he will charge:

That these nine men were so eager to market a sleep-inducing drug of their discovery that they failed to test it properly.

That they sold this drug in Germany and to licensees throughout the world with assurances that it was safe when no such assurances existed.

That this drug caused thousands of its users to prickle, perspire, tremble, vomit, become giddy and, in some cases, lose feeling in their extremities so completely that they would topple to the ground.

That these men first disregarded or made light of such reports; that they lied to doctors who questioned them; that when the reports became too numerous to ignore, the defendants did everything they could to suppress them and—with money—encourage the production of other reports that were favorable.

That this drug, called thalidomide, advertised as safe even for pregnant women, did finally cause the birth of 7,000 monster babies throughout the world, some of whom died, some of whom were killed and most of whom now live maimed lives.

The nine defendants—the owner, six present and two past employees of Chemie Grünenthal of Stolberg, Germany—will deny these charges. They will contend that they acted promptly and responsibly when the side effects of their drug first appeared. And they will challenge outright an assumption shared almost universally since those frantic, explosive weeks in November, 1961, when the epidemic of deformities around the world was traced to their firm—that thalidomide caused these deformities at all.

German law requires the prosecutor to guard the rights of the accused as well as their accusers. Should the arguments of the accused have merit, he must modify his charge. Prosecutor Havertz has studied these arguments but held to his charge. Since 1962, he has been gathering evidence whose dimensions befit the trial's scope: 70,000 pages of testimony from 1,200 witnesses, bound now into 259 volumes that line a long office wall. For two years, Havertz worked alone; since then, he has been helped by two assistant prosecutors, seven detectives and, wherever possible, by attorneys representing damaged and deformed victims from all over the world, whose own legal proceedings turn ultimately on the innocence or guilt of the Germans. The funnel for much of this assistance has been a combative Stockholm attorney named Henning Sjöström, who represents the parents of deformed Swedish children.

Much of the prosecution's case rests on the company's private records, which Havertz says were volunteered, but the company says were seized. Pieced together, they reveal, in the accused's own words, what the prosecution calls a crime.

Stolberg is a town of 40,000 set in open, rolling country, where forests are small and scattered, and, from any hilltop, you can count the factory chimneys—the biggest of which belongs to Dalli-Werke Mäurer & Wirtz, a manufacturer of soaps, detergents and beauty preparations. In 1946, the company formed a subsidiary, Chemie Grünenthal, and headquartered it in a dream of an Old World building, an abandoned copper foundry built by Reformation Protestants. The big fieldstones had been cleaned, and the rooftops blackened, and the windows trimmed in white. Ivy climbed the walls, and laurel and rhododendron grew thick in the court. If Chemie Grünenthal was physically an attractive place to work, for key performers, it was financially attractive too. Their earnings were tied directly to revenues; a small annual salary could soar if the company had a good year.

At first, Chemie Grüenthal produced antibiotics almost exclusively, and nothing eventful occurred. But in 1954, two laboratory doctors discovered a hypnotic they called thalidomide.

No one could figure out why, but thalidomide possessed one enormously appealing characteristic: it could not kill. Experiments with animals failed to isolate the killing dose, not even when doses were massive. Nor, as it would later develop, would an overdose kill a human.

Following its test on animals, Grünenthal offered samples for doctors' use. Most doctors' initial reports were highly favorable. The drug produced prolonged and comfortable sleep.

There were qualifications, however. Doctors who praised the drug had not offered substantiating evidence. Then, too, many of the tests had been made on outpatients—a poor sample for testing. On November 13, 1956, Klaus Winandi, a former prisoner of war and now works manager of Chemie Grünenthal, noted these weak points in a memorandum to the company's products-department director, Heinrich Mückter.

There was a third cautionary note. Not all the doctors had praised the drug. One of them had given Contergan—the marketing name for thalidomide—to 100 patients; a number of the patients had experienced giddiness; constipation, drops in temperature, noises in their ears, trembling of the limbs. Another doctor had received similar reports, as well as complaints of agitation and habituation; this doctor recommended that the drug be passed to the head of his clinic for a long period of testing.

But Grünenthal did not follow that suggestion. All drugs produce side effects of one kind or another in a certain number of users. The tolerable percentage depends on the value of the drug; a miracle drug that bothers ten percent of its users but cures the other 90 percent is considered tolerable. A hypnotic that produced comfortable sleep in 99 percent of users and side effects in less than one percent seemed tolerable to the men at Grünenthal.

Dr. Mückter was eager to market thalidomide. Management had given him a one percent commission on sales of his laboratory's products. Between 1952 and 1962, Mückter's salary remained at $3,500 a year. But his commission for 1956 was $33,000. A "safe" sleeping pill might appreciably enlarge even that—which, in fact, it did. Thanks to Contergan, Mückter's 1961 commission would total $81,000.

Late in June, 1957, Dr. Mückter and works manager Winandi agreed that when the product was sold, they should "make a special point of the excellent way the body tolerated the substance." A general memorandum of Septembr 26, 1957, established the key phrase to be used: "Sure to work . . . harmless . . . completely nonpoisonous."

Of these assertions, the prosecutor says now:

"This sales talk ignored the fact—universally recognized in pharmacology—that as it is only possible within very narrow limitations to apply to human beings findings obtained in animal experimentation, that no amount of experiments conducted on any number of animals of different kinds, conducted with precision over a long space of time and with positive results, can entitle a manufacturer to speak of 'guaranteed non-toxicity' and 'harmlessness' for human beings; that in the pharmacological experiments carried out up to then with K 17 [the code name for thalidomide], not all the possibilities of animal experimentation were carried out; that Contergan represented a new substance of which not only the effective mechanism was unknown but in connection with which a number of other questions still awaited clarification; that the not particularly extensive, not particularly convincing, clinical trials, although they had been in general satisfactory, still left many questions unanswered and had also given rise to misgivings as to toleration; that the history of chemistry and pharmacy contains a trace of substances which were originally regarded as harmless and free from appreciable secondary effects but which were later found to be harmful after they had been on the market for a considerable time."

Contergan went on sale in Germany on October 1, 1957. Eventually, it would be sold by licensees in 11 European, 7 African, 17 Asiatic and 11 Western Hemisphere countries.

Grünenthal's publicity campaign for Contergan in 1958 was massive: 50 advertisements in medical journals; 200,000 letters to doctors; three "therapeutic circulars," each sent to more than 50,000 doctors and chemists. What caught everyone's eye—and disturbed many doctors—were the phrases "completely harmless" and "absolutely noninjurious." One doctor protested vigorously to the company:

"Thalidomide cannot be assessed by hypothesis."

The public was not so skeptical. A "safe" sleeping pill? This, indeed, was news. It could encourage users to drop their old sleeping potions in favor of this new drug they could take without fear—and this, in fact, is what slowly began to happen.

But reports of problems continued. On August 2, 1958, Grünenthal's sales representative in Frankfurt sent a note to Winandi: "I have been asked to report side effects of Contergan," he wrote. "One doctor has already stopped prescribing it." Not long thereafter, another doctor wrote directly to complain that older patients to whom he had given Contergan had suffered giddiness and a slight disturbance of balance. This time, Dr. Günther Sievers, an expansive young physician hired by Grünenthal in 1955 to deal with doctors and pharmacists, replied: "We must say that this is the first time that such side effects have been reported to us, if, as far as we can understand, it is the fault of Contergan."

Grünenthal, meanwhile, had been developing some positive material for its drug. Pregnant women are often poor sleepers and potentially heavy users of sleep-inducers. A gynecologist hired by Grünenthal, Dr. Augustin Blasiu of Munich, had tried Contergan on 370 patients. They had slept well. There had been no side effects. Early in 1958, Dr. Blasiu had published his findings in a medical journal. Now, Grünenthal mailed excerpts of the article to 40,000 doctors and added a covering letter of its own.

"Dear Doctors," it began. "In pregnancy and during birth, the feminine organism is under great strain. Sleeplessness, unrest and tension are constant complaints. The prescription of a sedative and hypnotic that will hurt neither mother nor child is therefore often necessary. Blasiu has given many patients in his gynecological department and in his obstetrical practice Contergan and Contergan Forte. . . ."

Grünenthal's covering letter had one dreadful flaw: its critical portions weren't true. In a statement to authorities on June 5, 1954, Blasiu testified:

"I want to emphasize that the patients took Contergan for the most eight to ten days. Never was this drug prescribed for pregnant women. It is my absolute principle never to give sleeping pills or tranquilizers to mothers-to-be. It is an old fact in medicine that, basically, no barbiturates, opiates, sedatives or hypnotics should be given to mothers-to-be because these drugs can affect the fetus. . . . In my publication of May 2, 1958, I say only that I gave Contergan to nursing mothers and operation cases. There is no word of my giving this medicament to pregnant women."

But the problem of the moment was not Contergan and pregnancy; it was Contergan and side effects. In a confidential report to its medical-detail men, February 1, 1959, the firm acknowledged that 100-milligram tablets had given hangovers to middle-aged users. "Diplomacy is in place here, so that we say nothing negative about our own product," the memo noted. The Grünenthal men agreed to recommend smaller doses according to age.

Soon, little qualifiers began to slip into company literature. Normal doses produced no side effects. Individual doses could not produce side effects in middle-aged patients. Even high doses would not damage the kidney or liver.

But the new director of clinical tests for Grünenthal, a Dr. Michael, was not so sure. In his monthly report for February, 1959, he wrote: "The important question of the influence of K 17 on the function of the liver has unfortunately not yet been worked on." The firm was then already putting several thalidomide products on the market, but the following month, Dr. Michael noted unhappily: "It is not possible to use Contergan as a basis for a number of combinations without being able to say enough about the substance itself. Therefore, I am of the opinion that Contergan has not been clinically tested enough."

Each month brought fresh reports of side effects. The medical superintendent of a Cologne hospital said he had taken Contergan Forte daily for seven months and had developed symptoms in the hands and feet that another doctor had diagnosed as "probably polyneuritis." Had the firm any knowledge of nerve damage after prolonged use of Contergan?

Grünenthal replied: ". . . we can state . . . that no reports of this kind have hitherto been received by us, although Contergan has been used in constantly increasing quantities for several years past."

Late in August, the Basel firm of Pharmakolor AG, which was associated with Grünenthal, sent Grünenthal a disquieting letter: "We have about 20 well-known doctors who have told our representatives that either they themselves or their patients, having taken one whole tablet of Softenon Forte [the trade name in Switzerland], the next morning suffered from considerable sickness, involuntary tremors, etc. Professor Ludwig, head of the second medical department at Burgers Hospital, Basel, told me he gave his wife one tablet. He said, 'Once and never again. This is a terrible drug.' "

On October 3, a neurologist named Ralf Voss informed Grünenthal that he had observed a case of nervous paralysis in an elderly patient who had taken thalidomide. Could thalidomide possibly lead to damage of the peripheral nervous system?

Grünenthal replied, "Happily, we can say to you that such results have never come to our notice. . . ."

In November, Grünenthal sent a letter to 55,934 doctors; it stressed the "excellent tolerability of thalidomide, particularly in the elderly."

That month, Dr. Voss told Grünenthal's representative he had now diagnosed polyneuritis in three of his patients, all of whom had been taking Contergan regularly for a year. Dr. Sievers replied by letter: "We have to inform you that your patients represent cases 4–6 of which we have so far heard, although in the case of the three previous patients, the precise reason could not be ascertained."

At year's end, one of the company's medical representatives reported that a doctor she had visited had diagnosed paresthesia, a mild form of nervous disorder, after Contergan. Dr. Gotthold Werner, who headed Grünenthal's medical-scientific department, and Dr. Sievers replied jointly: "We consider any cause or relationship between the reported symptoms and Contergan as improbable, also since we have never heard or seen anything of this kind hitherto."

During 1960, Contergan and Contergan Forte took over leadership in Chemie Grünenthal's over-the-counter sales. Parents were even using the drug as a "baby-sitter." One fear began to grip the men of Grünenthal—the possibility that Contergan might be put on prescription, and sales thereby diminished. In its report for April, 1960, the sales department noted: "Unfortunately, we are now receiving increasingly strong reports on the side effects of this preparation, as well as letters from doctors and chemists who want to put this on prescription. From our side, everything must be done to avoid putting it on prescription, since already a substantial amount of our turnover comes from over-the-counter sales."

Meanwhile, Grünenthal representatives were trying to obtain positive medical testimony for their product. On March 30, one representative reported that initial attempts with a doctor in Iran had been unsuccessful. "However, since the Iranian doctor is very materialistic in his outlook, concrete results should be forthcoming soon." A report from Spain noted that a doctor closely connected to the firm's outlet there "was prepared to write a short concise report on Noctosediv [the brand name in Spain] and would leave it to us to revise the final draft." It was understood that "it need not necessarily be a highly qualified piece of scientific work, but primarily a few chance statistics printed along with a suitable summary. . . ."

Grünenthal stressed this point again in a later letter to its licensee in Madrid. "We want to find a second tester for Noctosediv," the firm wrote—and spelled out what was needed to secure registration: "A quick publication . . . even if the content presents no great revelations, rather than works of high scientific content that would take months or even years."

In April, 1960, Grünenthal received its third complaint from Dr. Voss. He now had five patients who had taken Contergan or Contergan Forte for more than a year and wound up with grave side effects; he intended to make his views known at a postgraduate meeting of neurologists on April 30.

By September, a note of anxiety had crept into company records. Dr. Michael's monthly report noted that Contergan polyneuritis was being talked about freely in medical circles. "Sooner or later, we will not be able to stop publication on the side effects of Contergan. We are therefore anxious to get as many positive pieces of work as possible."

By October, the prophecy seemed about to be fulfilled. A Frankfurt physician named Horst Frenkel had first complained to the firm in 1959 that the drug produced side effects, and had been gathering evidence since. Now, he intended to publish. On October 29, Drs. Sievers and Heinz Kelling, the company's liaison chief, paid him a visit. Frenkel brought in his medical superintendent. The men from Chemie Grünenthal asked the two neurologists to collaborate with their firm and to withdraw the article Dr. Frenkel had sent to *Medizinische Welt* (*Medical World*). Frenkel declined. He had already observed 20 cases of nerve damage in which Contergan had been the cause, he said, and such cases should not be hidden.

Now, Grüenthal officially decided to recognize the problem. It incorporated a new qualifying paragraph in the directions for use: "As with almost all drugs, patients with special dispositions may become hypersensitive after longer or shorter periods of use. Trembling and irritation of the hands and feet may occur suddenly, but as soon as use is discontinued, such allergic reactions will subside."

The amended directions for use bore a coded printer's mark, "0960," meaning the order to print had been given in September, 1960. Dr. Sievers made a point of this in a letter written December 23 to a doctor he had visited in November:

"Since I unfortunately did get somewhat the impression that you were not quite sure whether we were genuine in our efforts to explain the side effects scientifically, I am sending you enclosed a pack leaflet on Contergan which we have been inserting since the end of September in all our packs."

Investigators would learn later that the order had actually gone to the printers on November 2.

By this time, moreover, it was evident that the Grünenthal men themselves, though publicly attributing the reactions to allergies, had some private uncertainties. "Whether the hypotheses we have put forward in this connection are correct, only the future will show," Dr. Sievers wrote to his colleagues on December 6, 1960.

The search for positive publications went on. One woman doctor who had done work for Chemie Grünenthal published a favorable article in *Medizinische Welt*, edited by Dr. Paul Matis. "The particular advantages of Contergan reside in its atoxicity and in the lack of side effects even after long use," she noted. The critical article by Dr. Frenkel, submitted months earlier to the same magazine, had not yet been scheduled. In his annual report, Dr. Kelling gratefully noted why: "The friendly connection to Dr. Matis has positively contributed to a delay in the treatment of the submitted manuscript."

At year's end, the sales office, reporting that rivals had started "to exploit the tiny number of side effects and to exaggerate them," assured management that "everything is being done to protect this apple of our eye." The firm's representative in Bonn also wrote optimistically about his visits to pharmacists: ". . . apparently my happy laughter and appropriate references to the completely harmless properties of this preparation were successful in putting the often-worried pharmacists' hearts at rest."

Sales and complaints mounted together. Volume in January of 1961 was $400,000. But by February, there were 400 reports of nerve damage from more than 100 doctors and chemists.

In February, Grüenthal had good news from Paracelsia, its Portuguese licensee. The application to market the drug had finally gone before the Portuguese health authorities, and the authorities had provisionally approved. The Portuguese firm was particularly jubilant, ". . . since it was not at all easy to sprinkle sufficient science on the preparation to make the dish tasty."

Late in February, Dr. Hans Werner von Schrader-Beielstein, a young physician who had joined the firm in 1957 but whose authority on thalidomide questions was now substantial, admitted in a letter to Dr. Franz Wirtz, a nephew of the owner, that the company knew of 150 cases "in which polyneuritis allegedly occurred after the use of Contergan"; that careful investigations by Dr. Sievers had left "no other explanation" than Contergan as a cause; and that while complaints fade away, "in the case of some patients, it would appear that this takes quite a considerable time." He added: "We have already heard of these cases during the course of last year, and therefore, we are by no means unusually put out by the present situation."

Von Schrader-Beielstein informed Wirtz that Grünenthal's English distributor, Distillers Company (Biochemicals) Ltd., had reported suspicions that Contergan affected the spinal cord. "But we consider this very implausible," he noted.

On February 15, 1961, Grünenthal's constant critic, Dr. Voss, stepped before his fellow neurologists at the Medical Academy in Düsseldorf: "I have come to tell you about a new illness that I first came across in October, 1959," he began. "I have since found out that some of you have come across it too. It is about a picture of toxic polyneuritis after the long use of Contergan. I have diagnosed 14 cases in my practice. The illness begins with a numbness in the toes that usually is not noticed by the patient. This numbness spreads to the ball of the foot, then to the ankles and finally to the calves, maximally up to the knee. Many months later, hardly ever at the same time, numbness begins in the tips of the fingers."

To date, Dr. Voss noted, there was not a single case of recovery after the drug had been stopped.

Voss's lecture split the staff. The firm's commercial chief, Dr. Günter Nowel, was a meticulous man who recorded all his encounters and complaints—including a protest against a ban on coffee-making in the office—on a set of filing cards. "Everyone here lost their heads," he wrote this time. "Winandi wanted immediately to put it on prescription. There was no uniform policy any more. I wanted to wait and see. One minute, they were making light of the side effects . . . the next, exaggeration!"

On February 21, the firm's representative in Cologne, Dr. Johann Goeden, visited a nerve clinic there. On February 23, he reported:

"I took the opportunity of explaining our standpoint in regard to the problem of polyneuritis in connection with Contergan, and I did my best to foster confusion on this subject." Goeden's remark was in character. A few months earlier, he had suggested in a letter to management that Contergan be used in connection with other sedatives: ". . . if it proves impossible to keep things dark or to ward off attacks, any alleged side effects could then be attributed to the other preparations used. But heaven help us should this expediency turn into a boomerang!"

Later in February, the National Drug Company (a division of Richardson-Merrell, Inc., the U.S. licensee) sent a query to Grünenthal: Had the Germans investigated the use of Contergan during pregnancy? Von Schrader-Beielstein replied: "On the question of Contergan and pregnancy, particularly passing of the placenta, we do not possess our own experiences. So far, our experiences in gynecology are in Blasiu's work, and in the coming year, will be added to in a second work. Animal experiments on the question of influence of Contergan on the fetus are perhaps very necessary, although, after all that we know so far from our animal experiments, we would not like to say that it comes to a disturbance of the fetus."

In March, another 90 doctors and pharmacists reported side effects after thalidomide. By now, Grünenthal had 200 complaints from doctors and 600 reported cases of nerve damage. On March 6, Drs. Werner and Sievers wrote to a doctor in Bonn: "All our investigations to date make any comparison with toxic nerve damage appear impossible."

In its monthly report for April, the firm stated: "We will have to reckon with more intensive problems as those unfavorable publications already known to us, and some still to come, are published. Measures to control the situation have been taken. Preparations for the application to put Contergan under prescription were made. . . . It is necessary to employ several first-class doctors in customer relations. Steps toward this have been taken under the motto: 'It must succeed, whatever the cost.'"

One of these controlling measures was an ever-more-intensive effort to secure favorable publications. A major work came now from an old friend of Dr. Sievers, Franz-Josef Michael Winzenried, a professor at the psychiatric clinic of Hamburg University. Early in 1961, Professor Winzenried had agreed to attend a doctors convention in Montreal, where he would discuss his successful use of Contergan. On the strength of this, Grünenthal had obtained $1,000 from its American licensee to help defray Winzenried's "financial assistance" of $2,500. Now, Winzenried's views on Contergan were published in the June 16, 1961, issue of *Medizinische Klinik* (*Medical Clinic*).

Winzenried made much of the preparation's "atoxicity," proved, he said, by the case of a 40-year-old woman who had attempted suicide by taking 140 Contergan tablets. "The patient slept deeply for ten hours," he wrote, "and then remained for a further six hours in a state of light somnolence. There were no disturbances to respiration or to the circulation." Actually, doctors had pumped her stomach and administered stimulants. The figure of 140 tablets was her own and went unchecked.

Winzenried said that the Contergan compounds had been used during a three-year period with excellent results. Two hundred patients had been given Contergan nightly for more than a year. Alergic symptoms had been noted in 11 patients; not one of the 200 had suffered neurological disturbances. But one of Winzenried's colleagues told authorities at this time that the clinic had interrupted the Contergan doses every four to six weeks. However, it was Winzenried himself, testifying under oath to investigators, who provided the poignant note. They asked him if he himself had ever taken Contergan. He had, once, he replied, while writing the article in question. But the following morning, his skin itched, and he was constipated, and so he never again took Contergan. Its use in his clinic was henceforth reserved for cases of severe sleeplessness.

The day following publication, Professor Winzenried told the authorities, he observed his first case of "Contergan polyneuritis." By the end of August, 1961, he had seen several, and so reported to Grünenthal—which continued, nonetheless, to circulate reprints of his article.

The problem of side effects dogged the firm in ever more varied ways.

Dr. Wirtz, the owner's nephew, reported to the home office in May that Richardson-Merrell, Inc. was upset. Not only was the firm's application for approval being held up in Washington; the United States Food and Drug Administration had learned by itself, rather than from Richardson-Merrell, about reports from England of side effects. "It would appear that during the last visit of the people from Merrell, you were very successful in convincing them about the lack of danger in connection with this product," Wirtz wrote Von Schrader-Beielstein. Assurances, Wirtz proposed, should be renewed: "Naturally, any information sent to Merrell should be put in such a way as if, during the very last weeks, you have virtually been working day and night in order to obtain these results."

Dr. Von Schrader-Beielstein replied: "Our situation, over and against Merrell toward the beginning of the year, was determined by the fact that no official letters should be sent . . . in which any reference was made to any, in any form whatsoever, polyneuritic or any other sensitive side effects. This is fully in accordance with your letter of the beginning of February, in which you stated at the time that the FDA authorization was expected any day, and that you would not recommend, at this time, to go more deeply into the question of side effects."

From 1959 on, the firm had received mounting reports of nerve damage to children who had either taken Contergan inadvertently or been given it by their parents. In its replies to inquiries, however, the company maintained such reports did not exist. To the chief physician of a children's clinic in Bad Dürrheim, it wrote on June 2, 1961: "For children and youths, there is so far no known case of reaction."

Grünenthal's management had already been advised by its insurance agents, the Gerling Company, that it faced the possibility of lawsuits. A second discussion was held in June. A confidential report of the meeting noted:

"With our consent, Dr. Huber [of Gerling] had gone on June 9 to see Professor Scheid, who has long been one of Gerling's expert advisers. Professor Scheid's opinion was: 'Cases of damage by thalidomide occur regularly. The damage is irreversible. The directions for use sent out with thalidomide are absolutely inadequate. They explain too little and make no mention of the degree of severity of the damage that can be caused.' According to Professor Scheid's opinion, thalidomide should in no event be taken for longer than three weeks. This should be stated in the direction for use."

By the end of May, the number of complaints of polyneuritis attributed to Contergan from doctors and chemists had risen to 1,300. The company continued to blame "other causes." Meanwhile, its sales in that month had dropped to $340,000.

During the month, one of the company's medical salesmen estimated to headquarters that the introduction of compulsory prescription would cause a drop of at least 50 percent in Contergan's turnover. "For me, as a businessman, such as I always remain besides my medical activity, this is sufficient reason for selling Contergan . . . as much as possible. In my opinion, the Central Office should allow a further discount of 10–15 percent for large orders of Contergan. In such cases, I always make sure that the chemist will remain absolutely silent. If the matter is handled carefully, this can be fixed. It is only in such cases that I will then take orders."

But other empoyees were deeply troubled. Grünenthal's clinical-research director, Dr. Michael, bared his heart to management on May 10:

"I personally maintain the point of view that there is now no longer any doubt that, under certain circumstances, which I am unable at the present moment to understand or explain, Contergan can cause the nervous injuries described. I am convinced that all those who are in the firm with us must also subscribe to this view. . . . I consider it to be simply impossible that the firm should officially adopt the standpoint that these reports are exclusively a matter of unqualified polemics. . . ."

A few months earlier, the firm's representatives, Dr. Nowel, among them, had visited the health department of the state Ministry of the Interior in Düsseldorf. To Dr. Hans Tombergs, the Privy Councilor, they had explained that they might like to see Contergan put on prescription, lest sales of the drug get out of hand. Dr. Tombergs had been cordial and receptive. Now, on June 8, Dr. Nowel called on Dr. Tombergs again. This time, Nowel could feel the chill. Grünenthal had withheld information from him, Dr. Tombergs said. The company had been informed in December, 1959, by Dr. Voss that thalidomide produced side effects, but had never informed him. Furthermore, the company's circulars were in direct contradiction to the reports of doctors.

For an hour, Nowel tried to soothe Tombergs. He steered the talk to other matters some of them even private. Finally, gingerly, he returned to the subject. Grünenthal, he assured Tombergs, had received no correspondence from Dr. Voss until autumn, 1960.

Nowell was badly upset by the conversation. He returned to Grünenthal and made a surreptitious inspection of the records. Then, shaken, he sat down and wrote an angry letter to his superiors: "Regrettable result! Really, correspondence regarding thalidomide has taken place during October-December, 1959. In this first letter of Dr. Voss, he has pointed out that nerve damages have been observed in patients after the use of thalidomide during a longer period. Result: Such an incomplete direction to coworkers who are responsible for the negotiations with the ministry lead not only to the undermining of the good name of the firm but also the co-workers."

Nowell was so aroused he also complained directly to his superior, Dr. Hermann Leufgens. Said Leufgens: "This is not a question of a representative's good name. It is a question solely of the firm."

Finally, Nowell made an entry on his filing cards: "We are more than to blame."

Now, in quick succession, came several seemingly innocuous events that, in later years, would haunt the company.

A doctor in Heilbronn asked whether Contergan could be used safely in preparation for a Caesarean. Werner and Sievers replied:

"On the grounds of our discoveries so far, we would like to say that there is no evidence that Contergan reaches the fetus through the placenta."

Earlier in 1961, a letter had arrived from Singapore. A Dr. Davin Chou informed the company that he had used thalidomide with success on pregnant women. There were no other details. On this sparse basis, Dr. Werner now posted a circular letter to Grünenthal co-workers throughout the world. It said: "In a private clinic in Singapore, Softenon was given to pregnant women who tolerated the preparation extremely well and in whom the desired effect was quick and sure. He added, "We suppose that this brief report about Dr. Chou will be of great interest at least to you, as it emphasizes again the splendid tolerability of our preparation. We would be grateful for similar brief reports, and you can be assured that we will read any news from you most thoroughly."

Another inquiry about Contergan and pregnancy came now from Finland—this one from the company's representative there, who informed headquarters that she had been asked three questions by a Finnish doctor:

1. When thalidomide is given to women patients, does it pass to the placenta?

2. Can the preparation have a harmful effect on the child in the event of it getting to the embryo via the placenta?

3. In what part of the organism is thalidomide broken down?

Dr. Mückter answered underneath each question:

1. Not known.
2. Unlikely.
3. Probably in the liver.

A few weeks later, Dr. Werner wrote a note to Von Schrader-Beielstein on a copy of the same letter:

"Is there any research going on into the above questions on the part of our licensed partners?"

Von Schrader-Beielstein answered: "No."

The questions regarding possible effect on the fetus prompted several members of the Grünenthal staff to wonder whether they shouldn't initiate some research—particularly since the firm would soon be hiring a man highly qualified in this field. A few months later, the staff recommended a project to the board of directors. But the board turned them down.

Bad news continued. The legal department sent a long and gloomy memo to company officials:

"We must reckon that sympathy will not be with a huge firm with a turnover of millions, but, rather, with a relatively helpless, harmed patient."

The department recalled that, following Dr. Voss's first lecture in April, 1960, it had distributed a circular to sales people and scientific colleagues in which the problem of side effects had been considered, and in which it was urged that the company advise against continual medication on medical grounds. ("A clever way of saying this must be chosen to prevent 'the baby being let out with the bath water,' " the circular had stated.) Said the lawyers:

"This will hardly explain why we did not undertake to alter the directions for use. The directions for use said then and until September, 1960: sure to work, taste-free and unpoisonous. It is clear that we are responsible because of the omission of any warning in the directions for use if a patient, in the time from May to September, 1960, took Contergan and developed polyneuritis. . . . At the latest, after Dr. Voss's paper and the congress of doctors in Wiesbaden, we should have taken up the clear evidence from the numbers of doctors who thought that polyneuritis resulted after the long use of Contergan."

The legal department then recommended that Grünenthal attempt to settle all claims out of court.

A mood of defeatism now seized Dr. Mückter. On July 14, 1961, he startled his colleagues with a dire warning: "If I was a physician, I would not prescribe thalidomide now. Gentlemen, I warn you. I won't repeat what has already been said beforehand. I see a very great danger."

Others at Grünenthal remained convinced that salvation lay in the acquisition of professional endorsements. On August 1, Dr. Michael tried to obtain one from Dr. Max Engelmeier, a lecturer on nervous disorders at the University of Münster. Dr. Engelmeier refused. He'd already had experience with Contergan polyneuritis, he said. Discouraged, Michael reported to his superior: "It's obvious that money alone will get us nowhere."

August 16—another doleful legal memo:

"According to German law, it is the manufacturer who is responsible for the product, not the authorities who have to put it on prescription. If a product that openly damages health is not for any reason put onto prescription, then the manufacturer takes full responsibility and is liable for damages. . . . Therefore, one cannot warn too emphatically anyone in 'the house' who has contributed to the situation that he must be regarded as the perpetrator of, or accessory to, potential physical hurt. . . . It must be regretted that we have come to this situation. If we had taken the advice given both orally and in writing and put it on prescription and altered the directions for use earlier, we would not be in such a dangerous and, for the renown of our firm, unpleasant situation."

Toward the end of summer, Contergan was put on prescription by health authorities in a number of German provinces. Salesmen reported a positive reaction by doctors to this step. As fall began, a feeling grew at Chemie Grünenthal that perhaps the worst had passed.

November brought the nightmare.

On November 15, the chief doctor at the University Clinic for Children in Hamburg, Dr. Widukind Lenz, telephoned Dr. Mückter at Grünenthal. The company, he said, must withdraw Contergan from sale at once. His investigations had convinced him that thalidomide had been responsible for the birth of many deformed German babies.

Dr. Mückter said he had never heard such a suggestion before. He told Dr. Lenz he would send someone to see him in a few days. Dr. Lenz told Dr. Mückter he found his lack of concern astonishing.

The next day, "to relieve myself of responsibility," Lenz set down his facts in a letter to the firm:

"Since about 1957, a certain type of deformity has occurred in Western Germany with increasing frequency. It is a matter, in the first place, of serious defects in the limbs, especially the arms, which are usually mere stumps with two to four fingers, or none at all. These malformations of the arms are in part combined with serious leg defects; also, with absence of the outer ear, closure of the auditory passages, heart trouble and blocking of the esophagus. . . .

"Deformities of this kind, there have always been—but their incidence has been certainly less than one in 50,000, probably less than one in 100,000. During 1959, 1960 and 1961, the increase in the number of deformities of the type described has been so marked that it has been noticed in numerous places. . . . Last year, one or two out of every 1,000 infants born in Hamburg were deformed in this way. . . . A very intensive search in Hamburg for any factor that could possibly be associated with the occurrence of these deformities has led to the discovery of one single factor regularly present in these cases. In each of 14 cases of which I have had a reliable account, with a complete statement of medicines prescribed, thalidomide has been taken during the early months of pregnancy. . . ."

On the morning of November 20, Drs. Michael, Von Schrader-Beielstein, and a third Grünenthal man called on Lenz. Since they had not informed Lenz exactly when they would arrive, he had not arranged for a witness. He was afraid to talk alone. Lenz suggested that the Grünenthal representatives join him that afternoon at a meeting with health authorities in Hamburg. They agreed.

The meeting began at 2:30 p.m. Dr. Lenz showed his documentation to everyone present. One of the government officials expressed his surprise at the "aggressive" manner in which the Grünenthal representatives questioned Lenz. They told the doctor, according to his later testimony, that an unjustified attack on their firm could provoke legal action. On several occasions, they referred to "behavior damaging to our business" and "murder of a preparation by rumor." As the meeting ended at 6 p.m., the health authorities asked the Grünenthal representatives if they intended to remove Contergan from the market. They answered no.

That day, Chemie Grünenthal put 66,957 copies of a circular dated November 14 into the mail. "Contergan is a safe medicine . . . ." it stated. Its "relatively rare side effects . . . should be outweighted by the advantages of the product."

Another meeting of the disputants was scheduled for November 24 at the Ministry of the Interior. The Grünenthal representatives, Dr. Nowel and Dr. Von Schrader-Beielstein, arrived first. The health authorities, Dr. Tombergs included, urged them to withdraw Contergan from the market. They refused.

Then Dr. Lenz arrived. With him was an attorney named Karl-Hermann Schulte-Hillen. Von Schrader-Beielstein asked if he was there to represent the doctor, No, Schulte-Hillen replied, he was representing himself. He had a deformed child. Von Schrader-Beielstein demanded that he leave the meeting. The health authorities acceded. Overcome, Schulte-Hillen bolted from the room. Dr. Tombergs rushed after him; outside the conference room, he calmed the attorney, then explained that they must proceed cautiously because Chemie Grünenthal was threatening everyone with lawsuits.

Tombergs returned. Once more, Dr. Lenz went through his evidence, and once more, the Grünenthal representatives refused to withdraw the drug. Instead, they attacked the quality of Lenz's proofs. The talk was hard, cutting.

Later, privately, the Grünenthal men conferred with the home office. When the meeting resumed after lunch, they asked Lenz to leave the room so that they might discuss a company proposal with the officials. Lenz acceded reluctantly. Then they explained the proposal: Grünenthal would attach stickers to all Contergan packets, warning that the drug should not be taken by pregnant women. Doctors and pharmacists would be warned directly. That was as far as they were prepared to go, Von Schrader-Beielstein declared, and, his own voice rising, returned to his attack on Lenz. Lenz, raging, burst into the room. He had heard every word, he shouted. He would not permit his evidence to be discussed without him.

For the last time, the ministry officials told the Grünenthal men that withdrawal of Contergan from the market was the "best solution." For the last time, the Grünenthal men refused—adding that they would hold the Ministry of the Interior responsible for any damages that might occur.

That day, a letter reached Grünenthal from Distillers, the English distributors. An Australian doctor had informed them of six cases of deformed births—with thalidomide as the one common factor.

The next day, Von Schrader-Beielstein reported to the firm. Reluctantly, he said, he thought they should withdraw the drug. Dr. Mückter disagreed—in spite of the report from England, about which he now informed the others. When they protested, Dr. Mückter said he would take the responsibility.

On Sunday, November 26, 1961, a German newspaper published reports of Dr. Lenz's suspicions. That day, the company's directors met hastily and agreed to withdraw the pill. Publicity, they said, had removed "the basic of scientific discussion."

On Monday, May 27, 1968, the prosecutor will state: "The damage caused by thalidomide could have been largely avoided if the defendants had not advocated the use of the preparation unsupported by test findings, if they had drawn the necessary conclusions from the evidence that later came to light regarding the unreliability of the preparation, and if, finally, they had listened to the warning voices of third parties." The charges: Intent to commit bodily harm. Involuntary manslaughter.

THE GREEN FINGERS PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the distinguished senior Senator from Oregon [Mr. MORSE], to have printed in the RECORD a statement by Senator MORSE in connection with a parade and groundbreaking ceremony relative to the green fingers program, and, in connection therewith, a brief article entitled "Prospectus," published by the Rainmakers, of Portland, Oreg.

There being no objection, the statement and attachment were ordered to be printed in the RECORD, as follows:

Statement of Senator Morse

On May 18, 1968, I had the pleasure of participating in a parade and groundbreaking ceremonies in connection with the Green Fingers program.

The Green Fingers program is a community project in Portland, Oregon, which has been initiated by the following area organizations: Garden Clubs, 4-H Clubs, Key Club of Jefferson High School, Albina Taxpayers and Civic Association and YMCA—North Branch.

This program is specifically directed towards low income residents and juveniles in the Albina area. It provides for the growing of vegetables during the coming summer on vacant lots in the Albina area. This will supplement the high starch diet of the low income families in the area. Current welfare food supplement allowance is based on 1953 food prices. Considering the price of green vegetables, this program will fulfill a need not currently covered by any City, State or Federal program or service.

Over 250 juveniles and adults have signed up for this program. Arrangements are being concluded with the State Highway Department for the use of approximately 200,000 square feet of land which was obtained for the Fremont Bridge and Minnesota Freeway approaches and connections. This property has been made available in the interim prior to commencement of construction, probably in 1969. Such utilization of this property will result in savings to the Highway Department and to the State by eliminating weed control and grass cutting this summer.

Support of this project has been unanimous with every group or individual contacted. Editorial support from both Portland newspapers has been assured.

This is a self-help program. It is a constructive program of activity for the younger people who are not able to secure jobs and is a deterrent against juvenile delinquency, crime and riot. The economic and social aspects of the program will produce positive tangible results.

The slogan of the project is "Help Each Other to Help Ourselves."

Heavy equipment and personnel from the Oregon National Guard have cleared the site, and the Lilly Seed Company has agreed to provide the seed and plants necessary for the project.

An organization known as the Portland Rainmakers have agreed to underwrite the cost of the water for this project, and to help raise the money to pay for the water, the Rainmakers have offered "stock" at the price of one cent per share for a minimum of one hundred shares.

[From Rainmakers, Portland, Oreg.]

Prospectus

Have you ever bought any worthless stock? Or, have you ever contributed to a worthy cause? Well now the Portland Rainmakers offer the opportunity to do both at one time. The Rainmakers are going to underwrite the entire cost of the water for project "Green-Fingers". This is a self help program to enable approximately 250 families to grow gardens in the Albina area. This program is sponsored entirely by private groups without any government funds. To supplement the rain we produce each year, the Rainmakers need to buy a considerable amount of water. To raise this money we are offering for sale worthless stock entitling the bearer to absolutely nothing. Because this stock is not worth anything the price is very reasonable; only one cent per share for 100 share minimums. Worthless stock will retain its value. Use it for many worthless situations. Remember this stock is guaranteed by the Portland Rainmakers to be absolutely worthless (except for the good feeling you get when you help someone to help himself).

AUTHORITY FOR VICE PRESIDENT TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Vice President be authorized to sign duly enrolled bills and joint resolutions during the recess following the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be at this time a period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of National Aeronautics and Space Administration

A letter from the Deputy Director, National Aeronautics and Space Administration, transmitting, pursuant to law, a report listing certain information on new contracts negotiated (with an accompanying report); to the Committee on Aeronautics and Space Administration.

Financial Assistance for Airport Development

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to plan and provide financial assistance for airport development, and other purposes (with accompanying papers); to the Committee on Commerce.

New Maritime Program

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program (with accompanying papers); to the Committee on Commerce.

Proposed Tax Exemption in the District of Columbia for International Telecommunications Satellite Consortium

A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to provide for the immunity from taxation in the District of Columbia in the case of a communications satellite system (with accompanying papers); to the Committee on the District of Columbia.

Airway User Act of 1968

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to provide for the imposition of additional airway user charges and for other purposes (with accompanying papers); to the Committee on Finance.

Definitions of Widow, Widower, Child and Parent for Servicemen's Group Life Insurance Purposes

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to define the terms "widow, widower, child and parent," for servicemen's group life insurance purposes, (with an accompanying paper); to the Committee on Finance.

Reports of the Foreign-Trades Zones Board

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1967, together with the reports covering the activities during the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, and 9, located respectively at New York, New Orleans, San Francisco, Seattle, Mayaguez, Toledo, and Honolulu (with accompanying reports); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to improve the management of aeronautical repair parts manufactured at Naval Air Stations, Department of the Navy, dated May 21, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of a review of the community action program in Chicago, Ill., Office of Economic Opportunity, dated May 20, 1968 (with an accompanying report); to the Committee on Government Operations.

Projects Selected for Funding Under Water Research Act of 1964, as Amended

A letter from the Secretary, Department of the Interior, transmitting, pursuant to law, 32 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions and with private firms (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Visiting Scientist and Scholar Program

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish a visiting scientists and scholar program in the Federal Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution 11

"Joint resolution relative to development of Trinidad Harbor

"Whereas, Feasibility studies concerning the construction of harbor facilities and development of the Trinidad Harbor as a harbor of refuge in Humboldt County are currently being conducted by the United States Army Corps of Engineers and by the Department of Harbors and Watercraft of the State of California; and

"Whereas, The Department of Harbors and Watercraft is urging action by the Corps of Engineers and has indicated that it will fully cooperate with the Corps of Engineers in the development of Trinidad Harbor; and

"Whereas, Trinidad Harbor serves a vital need for both the commercial fishing industry and for sport fishing enthusiasts; and

"Whereas, Development of Trinidad Harbor would not only greatly enhance its value for both the commercial fishing industry and sportsmen, it would afford a place of safe refuge for all members of the boating public who travel along the coast of northern California; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take whatever action is necessary to enable the development of Trinidad Harbor as a harbor of refuge at the earliest practicable date; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Army of the United States."

A resolution adopted by the Haebaru Village Assembly, Haebaru, Okinawa, praying for the return of Okinawa to Japan; to the Committee on Foreign Relations.

PETITIONS RELATING TO COMMUNIST ENEMIES

Mr. BENNETT presented petitions signed by sundry citizens of the United States, to have this administration stop, promptly and completely, giving aid in any form, directly or indirectly, to our Communist enemies, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (by request):

S. 3527. A bill to prohibit extortion, or the transmission of threats to persons or property, by means of telephone, telegraph, radio, oral, or written communications, or otherwise, in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 3528. A bill for the relief of George Nicolaides; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3529. A bill to amend the Foreign Service Act of 1946, as amended, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 3530. A bill to provide for the establishment of a Commission on the Establishment of an African Institute for Cultural and Technical Interchange; to the Committee on Foreign Relations.

By Mr. BAKER (for himself and Mr. Gore):

S. 3531. A bill to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the city of Memphis; to the Committee on Banking and Currency.

By Mr. BYRD of West Virginia (for Mr. Morse):

S. 3532. A bill to incorporate the American Ex-Prisoners of War; to the Committee on the Judiciary.

By Mr. McCLELLAN:

S.J. Res. 172. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. FULBRIGHT:

S.J. Res. 173. Joint resolution to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the U.S. Information Agency; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above joint resolution, which appear under a separate heading.)

S. 3527—INTRODUCTION OF BILL RELATING TO PROHIBITION OF THREATS IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to prohibit extortion by means of telephone, telegraph, radio, or written message, or otherwise in the District of Columbia.

The bill in effect provides that it shall be a felony to transmit in the District of Columbia a communication intended to intimidate any person into giving up anything of value. The Chief of Police reports that during the past year there have been several attempts to intimidate owners of business establishments into leaving money at specified locations, to be picked up by the intimidator. In these cases, the owners were told that unless they followed instructions, their families, supposedly being held as hostages, would be injured.

The bill also deals with the problem of the transmission of threats by means of various communications media. It has come to my attention that a considerable number of persons whose business properties were damaged or destroyed in the course of the recent civil disorders here in the District have received threats to the effect that if they should replace or repair their properties and continue their businesses, the properties will again be damaged or destroyed.

A review of existing law in the District of Columbia indicates that in this type of offense, if the money is actually obtained by the person who made the threat, prosecution may be had for the offense of grand larceny. However, if no money is actually obtained, the offense would be that of threats to do bodily harm, or attempted larceny in violation of the District of Columbia Code, both of which are misdemeanors.

Recent weeks have, I understand, been marked by more and more outrageous attempts by the hoodlum element to intimidate businessmen and others.

I am told the problem of threats against business properties here in Washington is assuming serious proportions.

This bill will provide the authorities an effective weapon for dealing with this deplorable situation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3527) to prohibit extortion, or the transmission of threats to persons or property, by means of telephone, telegraph, radio, oral, or written communications, or otherwise, in the District of Columbia, introduced by Mr. Bible, by request, was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 3529—INTRODUCTION OF BILL TO AMEND THE FOREIGN SERVICE ACT OF 1946

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Foreign Service Act of 1946, as amended, and for other purposes.

The proposed bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated May 14, 1968, and the explanation of the bill itself and the costs and savings estimate table.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, explanation, and costs and savings estimate table will be printed in the RECORD.

The bill (S. 3529) to amend the Foreign Service Act of 1946, as amended, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following new heading and section be added immediately following section 1112 of title XI of the Foreign Service Act of 1946, as amended:

"RETIREMENT INCENTIVE

"SEC. 1113. Any participant who is retired under section 636 after enactment of this section and prior to April 1, 1969, who is not subject to mandatory separation under the provisions of section 631, 632, or 633 by such date, shall receive a special incentive payment equivalent to one week's salary at his then current salary rate for each year of creditable service and proportionately for a fraction of a year payable from the appropriation from which his salary is paid in such manner as the Secretary may by regulation prescribe: *Provided,* That such participant who is reemployed in a position under the United States or the District of Columbia Government shall not, thereafter, be entitled to further payments under this section."

The letter, explanation, and costs and savings estimate table, presented by Mr. FULBRIGHT, are as follows:

MAY 14, 1968.

Hon. HUBERT H. HUMPHREY,
U. S. Senate.

DEAR MR. VICE PRESIDENT: I am pleased to send you herewith a draft bill which would temporarily provide senior Foreign Service personnel with an added incentive for retirement.

The Department of State finds it advisable to encourage the retirement of between 250 and 300 of its Foreign Service personnel by approximately April 1, 1969. The reduction of United States overseas personnel, made necessary by the balance of payments situation, has given the problem a degree of urgency which warrants one-time consideration by the Congress. While our existing selection-out authority provides an effective tool for controlling the size of the Service under normal conditions, it does not, standing alone, lend itself to reduction-in-force procedures on a crash basis. However, given the additional inducement contemplated by the draft legislation submitted herewith we are confident that the desired level of senior officer attrition can be achieved on a timely basis and without undue disruption of essential functions. We are equally confident that we can properly regulate the size of the Service at all levels thereafter without further assistance.

The Department now has at its disposal the management tools necessary to ensure that the senior ranks of the Service will not again become blocked by an excess of senior officers and that the on-board personnel strength at all levels will at all times bear a direct relationship to the then-current operational requirements. We refer, in particular, to a recently installed position control program, which promises to provide us with a currently up-dated service-wide inventory of positions by both class level and required functional specialization of occupant and to a revised personnel policy which is designed to force a direct correlation beween position by class level and functional requirement of occupant and the on-board personnel strength by class level and area of primary functional specialization. Comparisons on this basis between positions and on-board personnel strength will provide the essential data necessary on which to base management decisions concerning levels of recruitment, need for lateral entry, if any, promotion rates within class and within areas of functional specialization and programed attrition. The Department has already moved to reduce junior officer recruitment to not more than 30 new officers during the coming fiscal year, to restrict promotion rates and to accelerate selection out.

If this legislation is to have a maximum impact, it should be in force between July 1, 1968 and April 1, 1969. For this reason the Department respectfully requests that it be given early consideration by the Senate.

The Bureau of the Budget informs us that it has no objection to the presentation of this legislation to the Congress for its consideration.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

Enclosures: Tab A, draft bill; Tab B, explanation; Tab C, cost and savings estimate.

EXPLANATION OF A TEMPORARY RETIREMENT INCENTIVE BILL

This bill is intended as a one-time emergency measure to induce between 250 and 300 voluntary retirements from the Foreign Service by approximately April 1, 1969.

If enacted the measure would entitle an officer or employee of the Service who is a participant in the Foreign Service Retirement and Disability System to a special incentive payment if he retires voluntarily any time after enactment and before April 1, 1969 provided he is not subject to mandatory retirement for age or to selection out by such date. The incentive payment would be equivalent to the participant's final weekly salary rate multiplied by his years of Federal service. The payment would be made from the appropriation from which his salary was paid.

The legislation would authorize the Secretary to prescribe by regulation the method of payment. It is contemplated that the Secretary would authorize payments to be made in three annual installments in order to reduce income tax liability. The Secretary could retain the right to make payment in one lump sum in special circumstances. Any participant who received payment in one lump sum who was reemployed within two years by the Federal or District of Columbia Government would be required to refund a proportionate share of the incentive payment. Any participant who received his incentive payment under the installment method would lose any entitlement to further payments at such time as he was reemployed by the Federal or District of Columbia Government.

The measure is designed so that no benefit will accrue to any officer or employee who dies in Service or who is retired because of disability, for age or because of selection out. The measure will benefit only those who could remain in Service but who choose to retire voluntarily before April 1, 1969.

It is estimated that the typical participant electing to retire under this proposal will have a final annual salary rate of $21,500. If he elected to retire on December 31, 1968, he would be entitled to a $10,750 incentive payment under this proposal. His annual retirement annuity would be $9,150. By remaining in Service until June 30, 1970 such a participant could increase his annuity to $11,000 annually purely on the basis of projected salary increases already enacted. In that event, of course, he would not be entitled to any benefit under this bill.

COST AND SAVINGS ESTIMATE—SALARY

Number retiring under incentive plan between July 1, 1968, and Apr. 1, 1969, and estimated year this group would retire without incentive		Estimated salary savings resulting from early retirement
Fiscal year	Number	
1969	50	0
1970	100	$2,100,000
1971	75	3,500,000
1972	50	3,500,000
1973	25	2,300,000
Total	300	11,400,000
Retirement fund savings: Savings to the Foreign Service retirement and disability fund because of early retirement of 250 participants at lower annuities than they otherwise would earn (50 that would retire anyway during fiscal year 1969 not counted)		2,500,000
Terminal leave cost: Additional terminal leave payments accruing during fiscal year 1969 for 250 retirees (50 retiring anyway in fiscal year 1969 not included)		2,250,000
Incentive payment cost: Cost of special retirement incentive payment to 300 retirees		3,200,000

SENATE JOINT RESOLUTION 172—INTRODUCTION OF JOINT RESOLUTION RELATING TO COPYRIGHT EXTENSION

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1969, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87-668, Public Law 89-442, or Public Law 90-141. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal term of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the length of the copyright term.

The subcommittee has conducted 17 days of hearings on copyright revision legislation. Although these hearings have been concluded, it is now apparent that final action cannot be taken on this legislation during the current Congress.

I believe that considerable progress has been made in resolving certain issues, most notably the copyright implications of information storage and retrieval systems. However, new issues have also arisen. Earlier this year the American Library Association suggested certain important and highly controversial amendments relating to the photocopying of copyrighted works. The National Music Publishers Association and the American Guild of Authors and Composers have proposed a new formula for the determination of the mechanical royalty rate. In recent weeks members of the subcommittee and other Senators have received hundreds of letters expressing opposition to the pending legislation on the grounds that it would allegedly interfere with the use of copyrighted materials by our blind citizens and would subject individuals to lawsuits for copyright infringement because of the personal use of tape recorders. Several Senators have requested that the subcommittee should explore these objections before reporting a bill. I have recently been assured by the Copyright Office, which drafted the pending bill, that these fears are unwarranted, and that the passage of the bill would not be harmful either to the blind or those who use tape recorders for their personal enjoyment.

One of the most difficult questions remaining to be resolved is the copyright liability of cable television systems. In an effort to do everything possible to permit action on the copyright revision bill during this session of Congress, the subcommittee, on January 25, requested all interested parties to submit, not later than March 15, a current statement of their position and recommended statutory language. In view of the litigation pending before the Supreme Court and the private discussions between the parties which are currently in progress, there was an understandable reluctance to comply with the subcommittee request.

In the months ahead, as efforts to achieve a satisfactory resolution of the CATV issue continue, I trust that all parties will refrain from any action that would disrupt the current situation or interfere with the public's reception of television programs. I received on May 15 a letter from Mr. Louis Nizer on behalf of the owners of most of the copyrighted television film programs. Mr. Nizer informed the subcommittee that his clients are agreeable to the continuation under certain circumstances of their voluntary agreement to refrain from the institution of legal action against CATV systems. I understand that the music performing societies have made similar statements. I hope that the broadcasting networks will also signify their intent to cooperate with Congress by refraining from the institution of lawsuits. Meanwhile, the subcommittee expects the National Cable Television Association to observe its commitment to make every effort to achieve a reasonable solution to this complex issue.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 172) extending the duration of copyright protection in certain cases, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 173—INTRODUCTION OF JOINT RESOLUTION RELATING TO CONDUCTING FOREIGN RELATIONS IN THE 1970'S

Mr. **FULBRIGHT**. Mr. President——

> Foreign policy will be dynamic or inert, steadfast or aimless, in proportion to the character and unity of those who serve it.

So began the report of the Secretary of State's Public Committee on Personnel published in June 1954. The report, entitled "Toward a Stronger Foreign Service"[1] but known popularly as the Wriston report, after the name of the chairman of the committee, continued by saying several paragraphs later:

> The internal morale of a Government institution and public confidence in that institution are inseparable parts of an organic process. The one replenishes or depletes the other.

How is the internal morale and unity of those who serve our foreign policy today—14 years after the Wriston report, 22 years after the Foreign Service Act of 1946, which revised and modernized the Foreign Service, and 44 years after the Rogers Act of 1924, which first established a permanent career Foreign Service? Is the Foreign Service vigorous, inventive, and unified, willing and able to produce a dynamic and steadfast foreign policy? Do the men and women in the Department of State meet the formula of Lord Strang, former Permanent Under Secretary of State in the British Foreign Office, for Foreign Office effectiveness which is to be "on their toes and happy to be on their toes"?[2] And what of those in the other Government agencies who also serve our foreign policy?

From everything I have heard and read and seen, I have regretfully concluded that the internal morale in the Foreign Service and the Department of State, as well as in the Agency for International Development and in the U.S. Information Agency, is poor. As the Wriston report has pointed out, it follows that there is, or will soon be, less public confidence in these institutions. For a country as rich in human resources as the United States, facing the enormous problems in the field of foreign relations that this country faces, I suggest that this is not only an undesirable but an intolerable state of affairs.

On what do I base my contention that morale is low and that the effectiveness of the institutions involved is therefore impaired? Proof is readily available not only in what the members of the institutions themselves say privately but also in what they say publicly. For example, the February issue of the Foreign Service Journal contained an article entitled "Is the Foreign Service Losing Its Best Young Officers?" Summarizing the results of a survey of recently resigned junior officers, the article observed that the typical resignee:

> . . . leaves the service primarily because he feels that his work has not been sufficiently challenging and he has seen little to reassure him regarding his future prospects . . he feels that his present job provides him with greater challenge than he would have had had he remained in the Foreign Service.

A tabulation in the article, showing the reasons these officers left the Foreign Service, indicates that the principal factors were dissatisfaction with the personnel system, a lack of anticipated challenge, dim prospects for responsibility and general frustration with the bureaucracy. The least important reasons, mentioned in only a few cases and never as a primary reason, were low pay, dissatisfaction with supervisors and a slow rate of promotion.

Undoubtedly this is the sort of feeling that led a Foreign Service association "spokesman" to tell a New York Times reporter last September that the election of a write-in ticket to control of the association "reflected a general mood of grievance and concern, a sense of frustration and malaise about the state of morale at the State Department and among career officers at the Agency for International Development and the U.S. Information Agency."[3] Even Under Secretary of State Katzenbach, whose interest in the problems of the Foreign Service has been commendable and whose influence has been salutary, has referred, in a public speech, to some of the concern and frustration in the Foreign Service, the kind of acknowledgment of personnel problems that rarely comes from the higher reaches of any Government department. In addressing the Foreign Service Day Conference at the Department of State on November 2, 1967, Mr. Katzenbach said that able younger men in the Foreign Service "complain that their talents are underutilized," and the Under Secretary went on to admit that, while such complaints might be exaggerated "the underutilization of a talented body of men is paradoxical, harmful, and even tragic."

One of the most distinguished alumni of the Foreign Service, when asked recently on a national television program whether he would advise a young man to go into the Foreign Service today, replied:

> If he was ambitious, if he wanted to get ahead and if it was going to cause him pain if anyone got promoted ahead of him, I would tell him not to go into it. If he wants to live abroad, keep his eyes open and broaden his horizons intellectually then I would say go right ahead.

That distinguished alumnus was Ambassador George F. Kennan who was saying,[4] it seemed to me, that a young man might serve his own limited short-range interests in the Foreign Service but that his prospects for making a useful contribution, as the institution is now organized, were dim.

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[1] "Toward a Stronger Foreign Service," Department of State Publication 5458, released June, 1954.

[2] Lord Strang, *The Diplomatic Career* (London, Andre Deutsch, 1962).

[3] "Diplomats' Group Elects Activists," *New York Times*, September 29, 1967.

[4] On "Meet the Press," November 5, 1967.

Ambassador Kennan is not alone in his views. In a recent letter to the editor of the Foreign Service Journal, another distinguished Foreign Service alumnus, Ambassador Charles W. Yost, wrote that his own experience with many promising young officers who had either resigned or "dispiritedly accommodated themselves" confirmed that these young officers in the Foreign Service often felt that they faced a lack of challenge and an unsatisfactory personnel system.[5] Ambassador Yost added that there was no reason why a personnel system "should be, or should seem, bureaucratic, unresponsive, and unimaginative." Ambassador Yost concluded his letter by saying:

> It would be a very great tragedy if the Foreign Service, just when the country needs it most and when it offers in fact the most brilliant opportunities, should be eroded at the base through failure to take advantage of the zeal, ambition and expectations of its best qualified and best trained young officers.

I am reasonably confident that these comments could be made just as aptly for young officers in the Agency for International Development and the U.S. Information Agency.

Bureaucracies have a tendency to grow, as we all know. In fact, a recent program in the Foreign Service to reduce the size of embassies that had grown unreasonably large was nicknamed "Operation Topsy," a name that strikes me as whimsically accurate. Someone brought to my attention a recent article in the London Daily Telegraph magazine by the renowned C. Northcote Parkinson pointing out that in the period from 1914 to 1967, while the total number of vessels in commission in the British navy fell from 542 to 114, and the number of officers and men in the Royal Navy from 125,000 to 84,000, the number of Admiralty officials and clerical staff rose from 4,366 to 33,574.[6] And while Britain's colonies almost disappeared between 1935 and 1954, in that period the Colonial Office grew from 372 to 1,661 employees.

I suspect, again on the basis of what I have heard from those in the Department of State as well as what I have read, that administrative proliferation has also reached a rather acute stage in our foreign affairs agencies and that too many people are kept busy reading unnecessary reports written by too many other people who have nothing else to do. If this were not so, the recent decision to reduce the size of all embassies overseas in order to reduce our balance-of-payments deficits would not have been made. Surely, we could not afford to cut any essential activities abroad any more than we could not afford not to cut unessential activities.

In "Farewell to Foggy Bottom," Ambassador Ellis Briggs wrote in 1964:

> Foreign Affairs would prosper if the 1960s could become known as the decade in which the American Foreign Service was not reorganized.[7]

Ambassador Briggs has had his wish in some ways and has not had it in others because the Foreign Service has been reorganized—not on a grand scale but piecemeal—with the results that those observers and participants I have quoted have described. And these piecemeal reorganizations have also taken place in the Agency for International Development and in the U.S. Information Agency. But the 1960's are almost over. The question now is what should the Foreign Service, and the other foreign affairs agencies, be like in the 1970's?

I believe that the time has come for a thorough, realistic, and objective examination of the operation in the United States and abroad of the Foreign Service, the Department of State, the Agency for International Development and the U.S. Information Agency—the principal agencies which conduct this Nation's foreign relations at home and abroad. In October 1966 I wrote the President and suggested the appointment of a blue-ribbon Presidential Commission to perform this function and to suggest reforms that should be made, a commission to be composed of people who have had broad, relevant experience and whose only interest would be in seeing that the United States has the best possible organization to conduct its foreign relations. The executive branch, while not denying my assertions that fundamental and far-reaching changes were needed in the Department of State and other agencies with important responsibilities in the field of foreign affairs, indicated a belief that the needed reforms could be instituted more effectively without outside assistance by the top noncareer level of the Department of State. Two years have now passed and, despite the best efforts of the top noncareer level of the State Department, I do not think that the situation has improved.

It has been argued that such commissions as the one I proposed have been appointed several times in the past and that there is thus no need to repeat the experience. I would disagree. The Hoover Commission examined the entire organization of the Government, including the Department of State, but this examination was conducted over 20 years ago and is now out of date. The so-called Wriston Committee, chaired by President Wriston of Brown University, was appointed by the Secretary of State in 1954. Its deliberations took only 2 months, and its members did not inspect operations in the field. It issued a relatively brief report whose principal recommendation was to consolidate the Department of State and Foreign Service personnel systems—a consolidation which has been gradually unraveling ever since.

The most recent attempt in this field was by a Committee on Foreign Affairs Personnel established late in 1961 under the auspices of the Carnegie Endowment for International Peace and headed by former Secretary of State Christian Herter. Its deliberations appeared to be thorough. It devoted a year to its task, its members visited 32 posts abroad, and it took formal evidence from 18 witnesses. It issued a report with 43 recommendations.[8]

Many of the Herter Committee's recommendations were, however, so general that they were almost truisms. For example, one recommendation was that the Department's leadership capabilities should be strengthened, which is certainly a more desirable goal than weakened leadership. Another was that the State Department, USIA, and AID should "tap more systematically the most promising sources of highly qualified candidates," which, again, is certainly preferable to the unsystematic recruitment of less well qualified candidates. Other recommendations of the Herter Committee were ignored. The committee's second recommendation, for example, was that a position of Executive Under Secretary of State be established. Still other recommendations were contradicted subsequently by Departmental decisions—the fate, for example, of the committee's recommendation 27 that "selection out for time in class should be eliminated"—or have had to be abandoned because the Congress, for one reason or another, has not been willing to pass the necessary legislation.

The United States is, of course, not alone in facing the problem of how best to organize the conduct of foreign relations. Six years ago, the British Government decided to conduct a thorough review of the purpose, structure, and operation of its foreign affairs establishment.

I am impressed by the British Government's approach in this case. The Prime Minister appointed a distinguished "Committee on Representational Services Overseas" headed by Lord Plowden. I should emphasize that the committee was appointed by the Prime Minister, not by the Secretary of State, as was the Wriston Committee, or under the auspices of a private foundation, as was the Herter Committee. The members of the committee included two members of the House of Commons, one Labour Party member and one Conservative, in contrast to the Wriston Committee and the Herter Committee, neither of which included members of the Congress. The Plowden Committee spent a year and a half in its task, visited 42 posts abroad, took formal evidence from 75 witnesses and issued a 176-page report with 52 recommendations.[9]

How has the Plowden Committee report of 1964 fared compared to the Herter Committee of 1962? According to John E. Harr, a Department of State official who, incidentally, had served on the staff of the Herter Committee, while there has been "very slow progress" in implementing the Herter report, the

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[5] *Foreign Service Journal*, April, 1968.

[6] "Is the Civil Service Swallowing Britain?", *The Daily Telegraph Magazine*, December 8, 1967.

[7] Ellis Briggs, *Farewell to Foggy Bottom*, (New York: David McKay Company, Inc., 1964).

[8] "Personnel for the New Diplomacy," *Report of the Committee on Foreign Affairs Personnel*, Carnegie Endowment for International Peace, December, 1962.

[9] "Report of the Committee on Representational Services Over-Seas Appointed by the Prime Minister Under the Chairmanship of Lord Plowden 1962–63," published by Her Majesty's Stationery Office, London, 1964.

Plowden report was "implemented almost in its entirety, and needed action was taken swiftly and decisively." [10] Mr. Harr termed the report an "overall success" and said that, in the opinion of those in the Foreign Office whom he had interviewed, the amalgamation of the Foreign Service, Commonwealth Relations Service and Trade Commission Service into one diplomatic service, as recommended in the Plowden report, "has indeed given British overseas representation a much needed shot in the arm." He concluded that the British appear to be "moving ahead very progressively'" with their Diplomatic Service's administrative problems.

I have felt for several years that while the British do not have the answer to every problem, they may well have the answer to the one I am discussing today. I am convinced that the executive branch departments and agencies concerned—either the top noncareer level of these departments and agencies or the administrative specialists with vested interests in the results to whom such a task ends up being delegated—cannot alone institute the needed reforms. A view from the outside is also needed—a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve.

The United States has many distinguished citizens who have served in high positions in the Government, here and abroad, and in the private sector as well. We should put the best available minds among them to work on this problem. To suggest just one example of such a man, I would point to the distinguished career of Douglas Dillon who has served in both Republican and Democratic administrations, in the State Department and in an embassy abroad, in the Treasury Department and in the private sector as well. There are many other men whose experience, while perhaps not as broad, would enable them to bring knowledge and perspective to the work of such a commission which could draw its staff not only from various Government departments and agencies but from foundations and universities, and also from corporations, banks and management consulting firms with large foreign operations of their own.

I am therefore submitting today a joint congressional resolution providing for the establishment of such commission to be composed of 12 members—two from the Senate, two from the House of Representatives and eight to be appointed by the President. The joint resolution stipulates that the members appointed by the President should not, at the time of their appointment, be serving in any governmental position other than in an advisory capacity.

I do not intend to press this joint resolution to a vote at this time because I do not believe that the appointment of such a commission should be one of the last acts of a retiring administration. But I do believe that the appointment of such a commission should be one of the first acts of a new administration. I am introducing the joint resolution today so that the candidates for the office of the Presidency, and Members of the House and the Senate, will have time to think about it. I will introduce the joint resolution again at the beginning of the next Congress and I will then do my utmost to achieve its adoption.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 173) to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development and the U.S. Information Agency, introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Foreign Relations.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENTS NOS. 816 AND 817

Mr. TYDINGS submitted two amendments, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 818 AND 819

Mr. HRUSKA (for himself and Mr. THURMOND) submitted two amendments, intended to be proposed by them, jointly, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 820

Mr. LONG of Louisiana submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

RIOTS AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD the following news items:

An article entitled "Mass Rally Is Delayed Until June 19," written by Bernadette Carey, and published in today's Washington Post.

An article entitled "Night Bus Runs Cut Sharply—Full Halt Possibly Thursday," written by Martin Weil and Robert F. Levey, and published in today's Washington Post.

An article entitled "Any Scraps Not Enough, Hill Unit Told," written by Richard L. Lyons and published in today's Washington Post.

An article entitled "Reporter Roughed Up in Resurrection City," written by John Russell, and published in today's Washington Daily News.

An article entitled "Schools Mull Handling of 'Resurrection' Visits," written by Pamela Howard, and published in today's Washington Daily News.

An open letter to the President of the United States, Congress, and the Mayor and officials of the District of Columbia, apparently a paid advertisement by Park & Shop, Inc., published in today's Washington Daily News.

An article entitled "Southern Unit Marches into District Today," published in today's Washington Evening Star.

An article entitled "Tent City Losing 500—Many for Unruliness," published in today's Washington Evening Star.

An article entitled "Sweet Willy's Group Invades Ballou High," published in today's Washington Evening Star.

An article entitled "Principal Rebuffs Marchers," written by Willard Clopton, Jr., and published in today's Washington Post.

An article entitled "Colleges Deny Facilities to Poor March Classes," published in today's Washington Evening Star.

There being no objection, the articles and advertisement were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 22, 1968]

MASS RALLY IS DELAYED UNTIL JUNE 19

(By Bernadette Carey)

The Rev. Ralph David Abernathy, leader of the Poor People's Campaign, announced yesterday that the Campaign's National Day of Support had been rescheduled for June 19.

Abernathy said that the planned massive demonstration would bring thousands of participants to Washington and would be coordinated by Bayard Rustin, director of the A. Philip Randolph Institute in New York and architect of the 1963 March on Washington.

In Washington yesterday, some participants in the campaign, made two trips to Capitol Hill to press their demands on the Congress, but a planned march to the Kennedy grave was abandoned when the organizers ran into "discipline" problems.

The Rev. Andrew Young, executive vice president of the Southern Christian Leadership Conference, revealed yesterday that last week he had sent home 39 members of a Chicago gang called the "Blackstone Rangers." He said they had violated regulations of the camp on the Mall.

Mr. Young said 17 youths from Cincinnati who had "made some trouble" Monday night were sent home yesterday morning.

Through most of the day yesterday, the mood of Resurrection City was one of muffled anger, with surly young participants in the Campaign snapping at each other and at Campaign officials and at reporters.

About 200 of the demonstrators, upset by the actions of some of the younger, more revolutionary participants, demanded that the Campaign leaders send them home.

By 2:30 p.m. chartered buses started arriving at the camp to take the 200 back to cities in the Midwest.

Mr. Young told a reporter that there had not been adequate screening of all participants in some communities across the country, and that by Friday, about 500 of the demonstrators would be screened out here and sent home.

He said that some of the recruiters were more interested in numbers than in getting the kind of dedicated nonviolent advocates that SCLC had wanted to bring to the Capital.

TWENTY-SIX HUNDRED AT CITY

About 2,600 participants now are housed at Resurrection City, with about 400 more from the Southern caravan still being housed in churches in Fairfax County. Campaign leaders earlier had hoped to have them move into the plywood and plastic shanty town yesterday.

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[10] "Some Observations on H. M. Diplomatic Service," John E. Harr, Foreign Service Journal, August, 1967.

The first visit to Capitol Hill yesterday was led by the Rev. Walter E. Fauntroy, vice chairman of Washington's City Council and the SCLC's Washington representative, and Marian Wright, a civil rights lawyer.

About three groups of 65 persons each were allowed to go onto the Capitol grounds. Some listened to hearings at the Capitol and eight testified at one.

The second trip was led by the shanty town's elected "city manager," the Rev. Jesse Jackson, from Chicago.

MARCH TO CAPITOL

About 350 poor people followed Mr. Jackson to the foot of Capitol Hill from the encampment near the Lincoln Memorial. As the group crossed streets, police halted traffic to let them pass, holding up commuter traffic headed to Virginia suburbs.

At the foot of Capitol Hill, Capitol Police Chief James M. Powell met the demonstrators and, after a 15-minute discussion, allowed them to go up to the Capitol in small groups of about 20 each. Mass demonstrations on the Capitol grounds are against the law. Chief Powell told them they could not enter the House or Senate galleries without passes.

As the group walked silently onto the grounds, aides from the offices of Reps. Benjamin S. Rosenthal (D-N.Y.) and Philip Burton (D-Calif.) met them and distributed 30 or 40 House gallery passes. They said the Justice Department had asked them to supply the passes.

Rep. John Conyers (D-Mich.) also met the groups and presented Mr. Jackson a letter welcoming the group as his into the building.

The groups filed quietly into the Capitol through the east entrance, and those holding passes were admitted to the gallery at 5:37 p.m. Officials said the Conyers letter could not authorize entrance for the entire crowd, and those without passes waited in a corridor until Congress adjourned at 5:43 p.m.

As Mr. Jackson emerged from the gallery, the group chanted "Soul Power, Soul Power."

Mr. Jackson said the Conyers letter had "not been respected." The crowd left the building and waited outside while Mr. Jackson met with Conyers and House Speaker John W. McCormack (D-Mass.)

Afterward, McCormack would say only that "it was just a social visit."

Just as a motion was made to adjourn the House session, a man in the rear of the Poor People's delegation in the gallery shouted there would be no adjournment "until June 27."

Guards quickly quieted the man, who Campaign officials said was not a member of their group, and took him away.

Police charged Peter J. Calino, 25, of Valhalla, N.Y., with being disorderly after the incident. He was being held last night in lieu of $300 bond.

About 150 men from the Capitol Police force's day shift were held over when their tour of duty was up at 4 p.m. The 4-to-midnight shift, about 90 men, was also on hand.

Policemen put wooden barricades across steps leading from the second to the third floors on the House side of the Capitol, and there were extra policemen guarding all entrances. The Metropolitan Police Department had 40 men standing by in the Rayburn House Office Building, and Assistant Chief Jerry V. Wilson was on the scene.

Mr. Jackson and his followers got into the gallery just after Rep. Albert W. Watson (R-S.C.) finished a speech on the almost-empty floor, charging that the Poor People's Campaign was Communist-influenced.

Mr. Jackson said later, "The fact is this Campaign is not Communist-inspired. It is hunger-inspired." He then led the group back to the camp.

One arrest was made at the camp yesterday. Arthur L. Copeland, 18, a refuse worker from Atlanta, was arrested by Park Police and FBI agents at 6:40 p.m. and charged with carrying a deadly weapon.

Police said Copeland was standing alone on the Mall at 12th Street, repeatedly drawing and holstering a loaded .32-caliber pistol.

Mr. Abernathy held a press conference at the camp late in the afternoon and announced the postponement of the large demonstration from Memorial Day to June 19.

He did not specify exactly what the demonstration would entail.

Rustin, reached by telephone in New York, said the demonstration had been postponed to allow him more time to organize it correctly, and because it was impossible to get chartered transportation for Memorial Day when so much of the Nation's transportation facilities would be tied up with normal holiday traffic.

Rustin said an organization called Mobilization in Support of the Poor People's Campaign had set up headquarters at 217 W. 125th st., in New York, for the June 19 demonstration.

He said June 19 had been chosen "because that was the date on which the Texas slaves were freed."

"The date is very important to Southern Negroes who celebrate June 'Teenth' Day as though it were the Fourth of July," he said.

Rustin said that about $100,000 would be needed to finance the June 19 demonstration.

Mr. Abernathy did not comment on the trouble within the encampment. He said that "one way or another," he'd move into Resurrection City "before the day is out."

Some of the poor people at the camp had chided him and other SCLC leaders for living comparatively luxuriously at a motel, and said they should have been at the camp with their followers.

One fear of the campaign organizers is that people at the camp might become bored, and thus restless.

This, they feel, may have touched off some incidents yesterday.

In one, Chicago youths, identifying themselves as "friends of the Blackstone Rangers," pushed, shoved and struck several reporters and cameramen who were covering the scene.

One white youth—who later refused to give his name to a reporter—was hit over the head with a club, but suffered only scalp lacerations and bruises.

One group of young men left the camp and went to several city schools.

The California and Texas contingents of the Western caravan heading toward Washington is expected to join up in St. Louis on Monday.

A group of 800 Negroes, Mexican-Americans and Indians, also in the Western caravan, moved into Louisville yesterday and are expected to arrive here Thursday.

MULE TRAIN DELAYED

The Southern mule train, with about 95 campaigners, was scheduled to leave Grenada, Miss., yesterday, but the town's police commissioners expressed doubt that the group, now only 60 miles from its starting point and more than a week behind schedule, would leave as planned.

An American Indian delegation, however, is faring better on its trek, and had left Minneapolis for Madison, Wis., yesterday.

The fruits of Mr. Abernathy's visit to California last week began to pay off yesterday in pledges of financial support to the campaign from celebrities.

Actor Jack Lemmon announced yesterday in California that he had pledged 50 per cent of his salary from his next movie to the Campaign through the Southern Christian Leadership Conference.

Lemmon had attended last week's SCLC gathering at the home of producer Edward Lewis in Bel Air, Calif. Also present were Mrs. Martin Luther King, Mr. Abernathy and Mr. Young, and such stars as Marlon Brando, Carl Reiner, James Garner, Shelley Berman, Barbara Streisand, Eartha Kitt and many others.

Funds were raised there to send three busloads of poor people to Resurrection City.

One visitor at the West Potomac Park campsite yesterday was entertainer Sammy Davis Jr. He arrived in a chauffeur-driven limousine and got out and walked into Resurrection City, where he was engulfed by people.

When Mr. Abernathy arrived there, he and Davis embraced. Davis gave SCLC a check for $17,800, the proceeds of a benefit performance given in Chicago last night of the musical "Golden Boy" in which Davis stars.

Mr. Abernathy, who also was chauffeur-driven, had with him several labor leaders and actors Sidney Poitier and Robert Culp.

One SCLC worker said that celebrities have been volunteering to come here to entertain the participants and raise funds to pay for the Campaign. A schedule is being arranged to have four or five entertainers come here each week, starting immediately.

[From the Washington (D.C.) Post, May 22, 1968]

NIGHT BUS RUNS CUT SHARPLY—FULL HALT POSSIBLE THURSDAY

(By Martin Weil and Robert F. Levey)

Washington bus drivers voted at a union meeting last night to refuse to accept company money on both the day and night shifts starting Thursday night if the current dispute over driver protection is not settled to their satisfaction by then.

The move by Local 689 of the Amalgamated Transit Union would, in effect, amount to a strike under the current D.C. Transit policy that prohibits drivers from working if they do not carry money for selling tokens and making change.

At midnight last night, with the union ordering its men not to accept money and the company refusing to let them drive without it, only 20 of a scheduled 196 buses were operating in the District. None of the Washington, Virginia & Maryland Coach Company's fleet, linking Washington to Northern Virginia, was on the streets.

But company and Union officials said early today that all rush-hour service and regular daytime service is expected to be normal or near-normal through Thursday.

With a Thursday deadline facing them, union and company officials went into conference at 9 p.m. yesterday. Washington Metropolitan Area Transit Commission Chairman George A. Avery was the mediator. The marathon meeting broke up without a settlement at 1:15 a.m. today, but officials on all sides agreed to resume talks this afternoon.

Before the Union met to set the Thursday deadline, Avery had offered a compromise that called for drivers to carry a "drastically reduced" amount of money and promised hearings on the Union suggestion of plastic shields around drivers.

But John E. Elliott, international president of the Union, called Avery's proposal unacceptable.

A severe curtailment of bus service on the lines of D.C. Transit and its subsidiary, Washington, Virginia & Maryland Coach Co., came late Monday and early Tuesday as drivers began to follow a union order to carry no cash on night runs.

The company refused to permit drivers to operate their buses if they did not carry the cash needed to make change and to sell tokens. As a result, 161 D.C. Transit drivers were not allowed to operate Monday night, the union said.

The union's no-cash orders came in the wake of a rash of bus robberies here, followed by Friday's holdup-slaying of driver John Earl Talley.

Avery met with union and management in a nine-hour negotiating session Monday night and Tuesday morning. In his order yesterday he recognized the drivers' concern for their safety, but he said that refusing to carry any cash at all is not reasonable.

Union officials said the proposal for the hearing did not assure that protection would be provided.

The union also objected that the order did not specify the amount of cash to be carried. It said the amount would probably remain too high.

[From the Washington (D.C.) Post, May 22, 1968]

“Any Scraps” Not Enough, Hill Unit Told

(By Richard L. Lyons)

“We're asking and we're not taking any scraps,” said Lela Mae Brooks of Sunflower County, Miss., as the Poor Peoples' Campaign moved onto the Capitol and made their presence felt.

They marched up the Mall twice during the day in groups of more than 100 to testify in the Senate, listen at a House hearing on hunger, call on members and visit the House about three minutes before it adjourned.

Mrs. Brooks was one of half a dozen invited to tell their needs to a Senate Government Operations subcommittee headed by Sen. Edmund S. Muskie (D-Maine) investigating housing problems of people evicted by urban renewal.

“We're tired of waiting for decent homes and jobs,” said Mrs. Brooks. “The places maintained by Eastland (Sen. James O. Eastland, D-Miss., who has large farm holdings) are not fit for dogs to live in. The people in Mississippi are not going to wait another 100 years. We're asking and we're not taking scraps.”

Barbara Arsenault of Berkely, Mich., a white mother raising five children on welfare, said: “I don't work. I don't intend to work. I have five children to raise. If they are properly raised they will repay the cost.” She called life in Resurrection City by the Reflecting Pool “a beautiful experience in brotherhood.”

Vincent Negron, a Puerto Rican from the Brownsville area of Brooklyn where he said 85 per cent of the residents are on welfare, complained of relocating urban renewal residents from one slum to another. The housing in Resurrection City is better than anything in Brownsville, he said.

Marian Wright, member of the NAACP's Legal Defense Fund and liaison with Congress for the Poor Peoples' Campaign, told Muskie “the sad fact is that four years after passage of the (1964) Civil Rights Act the Federal Government still is the largest single supporter of segregation in this country” because of lax enforcement of new laws and older programs such as urban renewal which perpetuate segregation.

About 40 marchers attended a House Education and Labor Committee hearing and heard reports that 2 out of 3 of the Nation's poorest children fail to share in the Federal school lunch program. Florence Robin and Jean Fairfax, who made a study for private women's groups, said 4 million children of parents earning less than $2000 a year fail to get free or reduced-price lunches because of lack of coordination in Administration.

The Committee has begun a lengthy investigation of hunger in this country. Congressmen from both parties said programs to feed people should be exempt from spending cuts.

Secretary of Agriculture Orville Freeman told the American Freedom from Hunger Foundation last night that the school lunch program is serving 405 million lunches this year, compared to 286 million four years ago.

The Rev. James Bevel, a leader of the Poor Peoples' Campaign, met with aides to Republican Congressmen yesterday. When asked specifically what the poor wanted, he reportedly replied that it was the poor people's role to “create psychic dynamics so that Congress will act.” The burden of what should be done lies with white America, he was said to have told the closed meeting.

Late in the afternoon, a group of the poor marched to the Capitol and arrived in the House gallery just too late to hear Rep. Albert Watson (R-S.C.) make a speech alleging “Communist involvement” in the preparation of the march.

Watson said he did not suggest that the march leaders are Communists or that Communists control the campaign. His speech dealt almost entirely with a meeting of the Southern Conference Education Fund that he said was held in Atlanta last month. He said this meeting, “controlled by hardcore Communists,” adopted a resolution supporting the march and purposely omitting the word “nonviolent”. He said that resolution “has apparently become the directive for Ralph Abernathy (march leader) and his followers.”

Contacted at Louisville, Carl Braden, head of the Fund's board of directors, categorically denied Watson's charges and said, “Everybody knows that Rep. Watson has always been against freedom and equality and justice for the poor people of this country, so his comments are no surprise to us.”

[From the Washington (D.C.) Daily News, May 22, 1968]

Reporter Roughed Up at “Resurrection City”

(By John Russell)

Resurrection City, which is being financed largely by contributions, today is two bucks richer, thanks to my “donation”—given the hard way.

The “gift” was forked over to a group of stick-carrying teen-agers who thru taunts and jeers made it clear that without a “donation” I would have a difficult time getting out of the sprawling tent city unharmed.

Maurice Johnson, a United Press International photographer and I were on assignment to report on Ohioans living in the Poor People's Campaign encampment along the Reflecting Pool.

We had finished talking to a group of protesters from Cleveland and were walking down the city's main thorofare to photograph the Cincinnati shanty compound.

As we passed a group of Chicago shacks, a group of six to eight teen-agers, wearing no identifying protest group affiliation but carrying four-foot long sticks, began surrounding us, chanting, “We don't want no pictures taken around here.”

SHOVING MATCH

The youths started pushing up against Mr. Johnson and I, continuing their rhythmic taunts until someone in the crowd yelled, “They have already taken pictures.”

One youth, wearing a black baseball batter's helmet, started grabbing at the three cameras strapped around the photographer's neck, saying. “These are our cameras now.”

Another youth grabbed the notebook from my hand and then complained that I had written down the names of some of the protesters.

“We don't want names in the newspapers,” he sneered.

I tried to explain that I had been interviewing some of the marchers from Cincinnati, but I could see that any of my answers would be unacceptable.

“I want a cigaret,” said one youth grabbing at my shirt pocket.

“We want a donation,” another youth yelled.

“Yeah, give us a donation,” chimed in another.

I reached in my pocket and pulled out a dollar bill which was snatched out of my hand.

A tall youth wearing a green turtleneck sweater grabbed my arm and started pushing me out of the growing crowd.

“You better get out of here in a hurry . . . there may be some trouble . . . I'll try to help you,” he whispered.

EXTRA DOLLAR

I fished out another dollar and handed it to him, asking him if he could help Mr. Johnson who was now desperately trying to hang onto his cameras.

The youth broke back into the crowd and pushed Mr. Johnson out of the melee.

Two other youths then offered to escort us to safety in return “for another donation.”

Mr. Johnson said he would give them money when we reached the gate. I only had three bus tokens left in my pocket.

ESCORT BY MARSHAL

On the way to the gate we met one of the Southern Christian Leadership Conference marshal staff, who escorted us thru the camp without trouble.

During the scuffle, Mr. Johnson lost his photo bag containing three camera lenses. The cameras, however, were still intact.

One marshal later explained that a group of the youths, mostly teen-agers from Chicago, were being sent home because they could not adapt to the camp's discipline.

He said many of those being banished from the camp came to Washington directly from Chicago without going thru any disciplinary training and non-violent orientation.

[From the Washington (D.C.) Daily News, May 22, 1968]

Ballou High Disrupted: Schools Mull Handling of ‘Resurrection’ Visits

(By Pamela Howard)

Prompted by yesterday's lunchtime disturbance at Ballou High School, District school officials were meeting today to discuss ground rules for handling requests by Resurrection City residents for assemblies to tell students what the Poor People's Campaign is all about.

Participating in the meeting are senior high school principals and George Rhodes, assistant superintendent for secondary schools.

Yesterday, Memphis gang member Lance (Sweet Willie) Watkins and about 10 of his Resurrection City colleagues showed up at Ballou, Eastern and Cardozo High Schools and asked principals to hold assemblies. Tho they were refused at all three schools, only at Ballou was there any trouble.

FIRE ALARM YANKED

There, according to Principal Joseph Carlo, the group was repeatedly asked to leave after their request was denied, but they continued on into the building where somebody set off a fire alarm. A few Ballou students, including Phil Young, a Black Student Union activist, joined the Resurrection City group which started wandering thru the corridors.

Mr. Carlo called the police. When an officer arrived and asked Sweet Willie and his boys to leave, they did and police said on that basis no arrests were made.

“This was definitely an act of violence,” said Mr. Carlo. “There was total disruption of the school.” He said the group came and left within the lunch hour and only stayed for about 40 minutes.

Mr. Carlo said the group should have gone thru the school administration if they had wanted an assembly.

ON TO EASTERN

After Ballou, the group went on to Eastern where acting principal Shirley O. Brown refused an assembly request, but allowed the residents to enter the cafeteria where they talked to about 70 students for the remainder of the lunch hour. “They stayed for about 10 or 15 minutes and talked about supporting the campaign in a nonviolent way,” said Mr. Brown.

The group's final stop was at Cardozo where they were told to come back today, said assistant principal Herman Clifford. The whole school and most of the administrators were attending a cadet corps drill competion, Mr. Clifford explained.

To date, the School Board has been waiting for the District Corporation Counsel's word on whether the students residing in Resurrection City have to attend District schools. The Board has allowed information about the Campaign to be posted on school blackboards and has officially stated that teachers may house residents.

The City's five universities announced yesterday that they could not space dormitories or classrooms for use by the Poor People's University, a three-week program for college students slated to begin May 29. The program appeared to have been all set to go.

[From the Washington (D.C.) Daily News, May 22, 1968]

An Open Letter to: the President of the United States; the Congress of the United States; the Mayor and Officials of the District of Columbia

Note.—This letter is sent at the unanimous request of the Executive Board of Park and Shop, Inc., which represents over 200 member merchants and professional firms and over 95% of all commercial parking facilities in the District of Columbia.

All citizens of the United States have a right to visit their national capital, and this right should be denied to none. All citizens have a concomitant right to do so with reasonable assurance of personal safety. This dream of every American from childhood, this privileged pilgrimage to the shrine of liberty, is now denied to the vast majority of the people by the actions of a few. The majority of the people are afraid to visit Washington, and many of its own citizens are leaving the city. The effect on business, property values, and tax income can not escape even the casual observer, nor can the effect on the support needed by the people's representatives.

The economic advancement, or even survival, of the entire community of Washington depends largely on the existence and growth of commerce within the city. If all commerce ceased, the community would cease. The daily needs of the people, rich and poor alike, for food, clothing, shelter, transportation, services, health, recreation, and many other aspects of life are provided by the business community. In many areas of this metropolis the innocent citizens are now denied convenient access to these requirements because businesses have been destroyed or driven out by arson, looting, and ever increasing harassment, violence, and open crime.

These same businesses provide the opportunity for tens of thousands to support themselves and their families, but many are now denied the means of livelihood by the destruction or dispersal of the businesses for which they had worked. Why do the many innocent have to continue to suffer while the few guilty run rampant through the streets?

The taxes of the business community provide a large part of the support of the social welfare, police, fire and other public functions of this city. Taxes have been increasing, and are expected to increase more, but protection has been decreasing, and if the recent past is any indication, it is expected to decrease more.

As businessmen and as private citizens we want to live within the law, but we want others also to live within the law. We want the protection and justice of the law for all. We want to respect the rights of others, but we want them to respect our rights.

Men have given into the hands of society their own defense and the defense of their families in order to attain order and the general welfare through law. Not fear or intimidation, but love of civilization has been the genesis of the self-control and the reluctance to react with force against force on the part of threatened communities during recent disorders. There may well be a dangerous misunderstanding of this point on the part of a militant few. If people are pressed too far, or if their families, communities, or means of livelihood are threatened beyond endurance or beyond the ability or willingness of society to provide adequate protection they will retake into their own hands their inalienable right to self-defense and survival.

This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spantaneous. An aura of uncertainty and personal insecurity, a growing smog of fear, hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching. Continued order and justice under a common law depends on the outcome. If the Government is incapable of assuring the security of the capital and the personal protection of less than a million citizens, you may fully expect that the lesson will not be lost on two hundred million.

Our national policy has been to assure national security wherever possible through the existence of sufficient force to be an overwhelming deterrent to aggression rather than through the use of that force to punish aggression. Will the Government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? Or will they allow an apparent danger to become a real disaster? Will they bear the guilt of driving each State, each city, and even each citizen to provide his own protection? Will their example teach each individual that in order to survive he must meet the threat of force with force, action with reaction, and counter-reaction with escalation until the fabric of our society and our civilization is rent asunder?

We of the business community feel that we have some guilt for not having impressed for greater protection in the past, for having allowed ourselves to be intimidated by the potential and at times real threat inherent in sticking one's neck out.

But it is time to stop worrying about sticking our necks out, about not getting involved. We are involved, and we intend to defend the commercial and economic interests of this city and its people. We ask for the protection to which we have a right, for our lives and property and for the lives and property of the entire community. It will be achieved, but we prefer that it be achieved through the law.

We ask for a deterrent to destruction, not only a promise of control after it has started. A curfew is an effective emergency weapon to curb destruction, but it penalizes the innocent far more than the guilty. Use of a curfew for long periods in itself could destroy large segments of commerce. If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson, and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the Commander-in-Chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterwards.

It is obvious to all that the existing number of police does not allow adequate protection, especially when their effectiveness is reduced drastically by imprudent restraints. We, therefore, ask that troops be placed on duty to supplement the police forces prior to and during the impending demonstrations, that they be made clearly visible in sufficient numbers to provide an overwhelming show of force, and that the President of the United States and Government of the District of Columbia make a public statement of policy that the police and the troops will be authorized and directed to use all force necessary to assure the peace and order of the community, and that the courts will support them.

You have taken the oaths of the highest offices of this land that you will to the best of your abilities preserve, protect, and defend the Constitution of the United States. That Constitution guarantees the rights of the citizens to live in peace and free from fear. We citizens now call upon the executive, legislative, and judicial officers of the United States and of the District of Columbia to fulfill their oaths of office.

Very truly yours,

Park and Shop, Inc.

[From the Washington (D.C.) Evening Star, May 22, 1968]

Southern Unit Marches Into District Today: 1,000 Are Expected for Parade Across Memorial Bridge

Members of the Poor People's Campaign were to return to Congress today as a follow-up to two marches and a two-hour sit-in outside the House gallery yesterday.

Some 400 campaigners from the Southern contingent, who have been staying in nearby Virginia churches, were to march across Memorial Bridge today to take up residence in Resurrection City, where problems of housing, discipline and logistics continue.

Although there are only some 400 members to the Southern contingent, Southern Christian Leadership Conference officials said they hope to have "at least" 1,000 for the Memorial Bridge march. White suburbanites had been urged to join in support.

TOURS WITH STARS

The Rev. Ralph David Abernathy, president of SCLC, said late yesterday that the marchers would go back to Congress and to the agencies of government.

Abernathy made the statement after spending more than four hours walking through Resurrection City eating dinner in the camp mess tent and examining the Sylvan Theater grounds and the steps at the Lincoln Memorial end of the Reflecting Pool as a possible entertainment site.

He made the later tour with Hollywood personalities Sidney Poitier and Robert Culp and the latter's wife, Frances. They discussed using the outdoor theater near the Washington Monument for theatrical events for the residents of Resurrection City. A group of 200 Hollywood stars has promised to offer free entertainment for the group while it is in the city.

Earlier in the afternoon Abernathy made a major change in plans when he announced that a massive march scheduled for Memorial Day would instead be held June 19.

"On this occasion we are calling upon all citizens of this nation who are morally outraged at the existence of poverty in the midst of America's wealth and prosperity to join us," he said.

The first Washington marches of the campaign also took place yesterday when the Rev. Jesse Jackson, city manager of the camp site lead two marches to the Capitol.

A march scheduled from the tent city to the John F. Kennedy grave in Arlington Cemetery was canceled.

Early in the day three contingents of campaigners, each 50 to 75 strong, marched to the Hill to sit in on committee hearings.

SILENCE PREVAILS

Then at 3:30 p.m. Jackson led a slow-moving group of 250 marchers up The Mall to the Capitol. Complete silence prevailed—even the blue-jacketed marshals passed their instructions in hand signals or whispers. Marching to the fore, setting the slow pace, were a 3-year-old boy and a mother with babe in arms.

Finally, after many interruptions caused by discussions with police, the first of the poor people were admitted to the visitors gallery of the House—five minutes after Rep. Albert Watson, R-S.C., attempted to link the campaign with "known Communists."

Another five minutes elapsed, and with only 36 of the marchers seated in the gallery the House adjourned.

Just as Speaker John McCormack called for the adjournment vote, a young dark-haired white man in coveralls leaped to his feet in the back of the visitors' gallery and shouted: "You've got till June 27th."

"Throw him out" cried a voice from the Democratic side of the House, and doorkeepers converged on the young man and hustled him out of the gallery.

The rest of the marchers sat where they were in the emptying gallery, until Rev. Jackson appeared and beckoned them outside. After a brief sit-in, the marchers left at 6:20 p.m. under heavy police escort. The last contingent of 23 demonstrators was accompanied by 26 Capitol Police officers.

"SECRETIVE MEETING"

In his speech Watson charged that the Communists had been close to but not a part of the Poor People's Campaign.

Watson made a careful distinction: "I am not in any way accusing the leaders of this campaign of Communist party affiliation, nor am I suggesting that Communist elements are in control of the campaign.

"But I am going to inform the House of a highly secretive meeting which took place last month in Atlanta, Ga., that definitely links prominent members of the Communist party with Southern Christian Leadership Conference leaders."

Watson proceeded to recount details of the meeting April 25 and 26 of the board of directors of the Southern Conference Education Fund.

The SCEF, Watson said, has been cited as a Communist front by the Senate Internal Security Subcommittee and shares some members with SCLC, organizers of the campaign.

"I am not saying the SCEF controls the SCLC or vice versa" Watson said. "But the two organizations have been inextricably woven together through mutual membership." He said campaign leaders are falling into a carefully-prepared Communist trap.

CONFER WITH JACKSON

Outside the Capitol following the House adjournment the campaigners waited while McCormack and Rep. John Conyers, D-Mich., conferred from 6 to 6:15 p.m. with Jackson.

Later Conyers and Jackson had no comment on what the discussion was about but McCormack described it as "just a social visit."

However, he added that "we talked about civil rights legislation but only as a moral issue which it is." He indicated there was no discussion of specific legislation.

Apparently in answer to the Watson charges, Jackson said:

"We are not Communist inspired. We are hunger-inspired. Our representatives in Congress have misrepresented us just as Watson did in the House today. They haven't fought our fight."

Many of the marchers raised clenched fists as they turned to walk down The Mall to Resurrection City.

Retracing their route to Resurrection City, the procession lacked the dozens of reporters and television cameramen who had recorded the trip to the Capitol earlier. Spectators from the office buildings were not white collar workers this time, but cleaning women.

At Seventh Street, reached at 7 p.m., the procession leaders broke the silence of the demonstration with a spirited, hand-clapping civil rights song: "Ain't Gonna Let Nobody Turn Me Around."

[From the Washington (D.C.) Evening Star, May 22, 1968]

Tent City Losing 500—Many for Unruliness—Some Are Homesick, Buses Take 100, Including Members of Blackstone Gang

As many as 500 Poor People's Campaigners will have left or will have been sent home by Friday—most for disciplinary reasons.

At least 100 left yesterday in chartered buses. Most had come from Chicago and Philadelphia, others from Pittsburgh, Cleveland and Cincinnati. They included members of the Blackstone gang from Chicago. Saturday night, about 39 from Chicago were sent home.

The Rev. Andrew Young, executive vice president of the Southern Christian Leadership Conference said some of the demonstrators left for reasons of discipline, health or homesickness.

CRITICAL OF DEPARTURE

The departures were among the most discussed topics among the campers in West Potomac Park last night.

"Man, seeing them leave just made me sick," said one young man. "Just one little thing happened and these people are going home." (He referred to a fight that reportedly took place Monday night in Resurrection City.)

"They should have got themselves together and worked out their problems . . . not just go home for one little thing."

An old woman standing outside the city's main gate commented on several fights which have broken out in or outside the camp. She said:

"When they is fighting, they is hurting the city. I think they should have been sent home." She was referring to the Chicago youngsters who were asked to leave.

A Puerto Rican girl from New York City observed, "SCLC has given us a chance to do all these things we've been talking about for a long time, and now all those people are leaving. It is not right."

Buses waited yesterday for their passengers to Chicago and other large cities, and for Marks, Miss., and Selma, Ala. They were to carry the old, the young, and the obstreperous city gang members who have not succeeded as camp marshals.

GANGS GET ON FIRST

The gangs, particularly those from Chicago, got on the buses first, leaving old people, women and children outside while they sat more than an hour waiting for departure.

A white Catholic priest, born in Ireland and serving in Chicago, said sadly, "That's the way it always is—the strong in the bus, the weak outside."

A woman who said she has 11 children back in Chicago said of the campaign, "It's all a mess of confusion. There's something wrong with it."

Another woman wondered over the departures: "I had no idea so many people were leaving. At this rate there won't be nobody left by Friday."

A white man from Chicago complained that "a woman in our area was attacked by one of the marshals last night. She got a black eye." He said, "I thought I was coming up here for a good cause. . . ."

"You've got to have unity before you can do anything," said one young woman, who considers that the campers were divided by sectionalism.

"I done had it," she said. If no more buses came, she declared, "We'll walk. I walked out a pair of shoes before."

Controlling gang youths from big cities appears to have become a tough problem for the rural-oriented SCLC and its campaign.

Yesterday, five members of a Detroit street gang with sticks and clubs in their hands threatened to beat up a news magazine photographer for taking their picture near the campsite.

The photographer and a news magazine reporter were about 20 feet away when one of the youths shouted an objection. The newsmen turned and began walking toward the campsite when the youth, followed by four other members of the gang, ran toward them, waving their clubs, swearing.

GRABS AT CAMERA

One grabbed at the camera around the photographer's neck and told him he was going to take the camera and break it because "you can't take pictures here."

The youths continued shouting obscenities and threatening the photographer as he walked toward the drive near the Lincoln Memorial end of the campsite. As the group neared watching police, members of the gang began arguing with officers who told them to return to the corner where they had been standing, waiting for a bus to take them back to Detroit.

The newsmen said the same group earlier had been seen beating up a white construction worker who had been running a digging machine at the campsite and had taken some pictures.

Mr. Young, arriving at the site and informed of the incident, said, "That's the ones who are going. That's why we're sending them back."

[From the Washington (D.C.) Evening Star, May 22, 1968]

Sweet Willy's Group Invades Ballou High

Lance (Sweet Willy) Watson and a dozen members of his Memphis "Invaders" gang walked into Ballou High School in Anacostia yesterday and told the principal they wanted to have an assembly.

The principal told the group from Resurrection City that they could not have an assembly, that all assemblies for the year had been planned and asked them to leave the school without disrupting classes.

The group, however, stayed at the school, arguing with teachers and roamed the halls for about an hour during which time firecrackers were discharged and the fire alarm was set off twice.

The students followed, shouted and giggled, but went to their classes when told to.

Sweet Willy said the visit to Ballou was on the invitation from students.

Sweet Willy and his boys (some of his group were accused of starting the violence in the Memphis garbage collectors strike) went to the school's auditorium during the lunch break in an apparent effort to hold an assembly. Only about 35 students showed up.

The group then returned to the office of Principal Joseph P. Carlo and repeated the demand for an assembly.

Carlo said the schedule was full, and told them to contact the D.C. School Board to make arrangements.

While the group was in the school, the fire alarm was pulled twice, and five or six firecrackers were set off outside.

When a policeman from the 11th Precinct arrived in the school's office and asked the group to leave, they did so. A paddy wagon called to the school was not needed.

"This was not nonviolent," Carlo said. "It disrupted the education of 1,400 students. . . ."

As the group left, Sweet Willy said, "Okay—Eastern High now."

After leaving Ballou High School, the two carloads of youths drove to Eastern High School, where they spoke briefly in the cafeteria. Their presence seemed to have little effect on the students there and the cadets in the armory across the hall continued preparation for afternoon drill.

Principal Rebuffs Marchers

(By Willard Clopton Jr.)

A dozen youngsters from Memphis, who are serving as marshals at Resurrection City, paid a noon visit to Ballou High School in Anacostia yesterday where they sought unsuccessfully to hold a special assembly to explain the goals of the Poor People's Campaign to the students.

The group, members of a street gang known as "The Invaders," was led by a tall, thin former Memphis disc jockey who gave his name as Sweet Willie Wine.

Wine had a tense meeting with Ballou's principal, Joseph P. Carlo, who refused to allow the assembly on grounds that it would be "disruptive" to school routine.

"What's the matter—are you scared of what your students are going to hear?" Wine asked.

Carlo replied that "Whatever is done in the schools regarding for the Poor People's Campaign should go through the Board of Education."

Wine said, "We want a peaceful assembly, Sir. We're going to be nonviolent. When Stokely and Rap Brown go on campuses and tell students to burn, do you think they go through the school board?"

Carlo answered: "I have confidence that the young people of this school know right from wrong."

Carlo, who is white, appeared irked by Wine's allegations that the school discriminates against "black people."

"You seem to be hung up on that," Carlo said. "I don't see people as black or white. They are all people."

After asking the group several times to leave, Carlo phoned police. A policeman arrived and placed a call for a patrol wagon, but Wine and his followers left before it came.

As they left, Carlo remarked, "This is not nonviolence. Their rights and privileges end when they disturb the rights and privileges of others, and somebody had better make them realize it."

Outside, Wine attracted a group of about 50 students, whom he told: "We are not trying to take over the Nation . . . We are trying to de-brainwash the white man, who doesn't know what it means to see a baby bloated from malnutrition."

The group then drove to Eastern High School, where they talked briefly with several students in the cafeteria.

Colleges Deny Facilities to Poor March Classes

Washington's five universities have denied the use of their classrooms and dormitories for a planned Poor People's University in connection with the Poor People's Campaign.

A joint statement issued through the Consortium of Universities said: "Sympathetic as the five universities are to the expressed goals and aspirations of the Poor People's University, they have the important obligation to insure the normal operations of their educational institutions and they will be unable to provide either dormitory or on-campus classroom facilities for out-of-town college students."

Southern Christian Leadership Conference staff members planning the three-week Poor People's University to begin May 29 had asked for use of the facilities two weeks ago.

"This will create a lot of difficulties," Bill Treanor, SCLC staff worker who met with the university president earlier, said yesterday.

"It means we will have to hold a lot of classes outside in the Mall area. We would rather do it in a more orderly fashion."

Treanor said he doesn't know where the visiting college students, whose number SCLC estimates from 5000 to 15,000, will sleep. "This is a problem the universities and the District Building evidently are unwilling to face," he said.

The Consortium statement did not elaborate on reasons for turning down the SCLC request. Sources within the University officials, however, cited several reasons: Time is needed to renovate dormitories before summer sessions begin; some space has been previously committed to other groups, and SCLC did not supply specific information on the facilities needed.

A lengthy list of actions related to problems of race and poverty planned or being carried out by each school was attached to the Consortium statement. Many faculty members and local students are participating in the Campaign as individuals.

The five universities are American, Catholic, Georgetown, George Washington and Howard.

POST OFFICE DEPARTMENT AWARD TO SENATOR MONRONEY

Mr. BREWSTER. Mr. President, the distinguished senior Senator from Oklahoma was the recipient of a most well-deserved award from the Post Office Department a few days ago. In connection with the 50th anniversary of airmail, he was given an award for "his outstanding contributions to the American people in recognizing the importance of air transportation to the movement of priority mail."

Senator Monroney has been one of the Nation's most articulate and effective advocates of air transportation. He has made a lasting contribution to the aviation industry and the postal service. He was instrumental in the development of the program of airlifting first-class mail.

The award to Senator Monroney was made by Postmaster General Marvin Watson at the issuance of the stamp commemorating airmail's golden anniversary. I ask consent that the Postmaster General's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Air Mail 50th Anniversary Commemorative Stamp Dedication

I feel privileged that my initial first day ceremony as Postmaster General concerns such an important stamp.

I know the President shares my view, for when I told him of this ceremony, he asked me to give you a a personal message. He said, "This Air Mail Fiftieth Anniversary issue reminds all of us of one basic fact of American life.

"Though man's reach may always exceed his grasp, when he has the courage to reach, here in this great land of ours, his grasp has always exceeded his hopes."

I think that expression reflects much of the meaning of America.

This is a land of opportunity and of achievement.

It is a land in which those who search out and seek out opportunity have not only an excellent chance to achieve, but time and again have achieved far more than they expected.

Certainly this stamp illustrates that point.

A few men had a vision of mail delivered by regular air service. Most thought it the wildest of dreams.

But men with the dream succeeded in transforming that vision into hard fact and brilliant success.

I am proud to note that the Congressional father of air mail, Representative Morris Sheppard, was a Texan.

Congressman Sheppard was familiar with frontiers and difficulties. He knew the nation deserved to have the power of flight fully exploited for the public benefit. His determination and enthusiasm enrolled the support of fellow Members of Congress, many of whom had to convince colleagues about the practicality of a form of transportation some of them had never seen. For in those days the airplane was a form of unidentified flying object.

This tradition of Congressional leadership and initiative has served the Post Office Department well in the past.

It is serving equally well today. Senator Monroney and others in the Congress have consistently fought for progress in the nation's mail service. Senator Monroney, in fact, is to the air mail service of today what Congressman Sheppard was to yesterday.

For that reason, Senator, we have a surprise for you here today.

Yesterday, it was my privilege to present to the air mail pioneers a special flight certificate in honor of their achievements. These awards are the only ones of their kind.

At the same time, the Post Office Department also prepared one other award, also one of a kind.

It is for leadership and support in the highest tradition of the men who first dreamed of air mail.

The Citation reads: "United States Post Office Department hereby recognizes Senator A. S. (Mike) Monroney on this, the 50th Anniversary of the Air Mail Service, for his outstanding contributions to the American people in recognizing the importance of air transportation to the movement of priority mail. Faster and more effective postal service has resulted from programs promulgated at his behest to encourage and accelerate development of the aviation industry."

Senator, on behalf of all of us, it is an honor to make this presentation to you.

It is an honor, as well, to have with us here today so many of those pioneers who first brought the air mail through. These were men whose beacon was a thin line of courage.

Through their example, and that of other air pioneers, the nation began to accept the reality of air transportation. From that small beginning . . . from that first realization of what once seemed the impossible dream . . . our nation's aircraft industry grew.

Now we are far from the day when air mail was a matter of faith and valor alone. Now we are truly entering an era which is even beyond the dreams of those men of 50 years ago.

Today, air mail is the most commonly accepted and preferred means. Virtually all first class mail which can be effectively airlifted is now so moved and almost 80 per cent of all letter mail now travels by air. We are rapidly approaching the time when air mail and first class will be merged into a single priority service.

This progress is in the very finest tradition of our nation and in the very finest tradition of those men whose courage and vision made it possible.

Today we commemorate not only an event, but we reaffirm the power of man to harness the laws of nature for the good of all.

Today, we have an aviation industry that is the finest in the world.

Today, we have an air mail service second to none, a service that refuses to rest satisfied with past success but which insists on improving and expanding building from excellence to greater excellence.

And today I am proud to salute all those who have contributed to this great reflection of a dynamic America. They have followed a star. They have fulfilled a dream. They have added a vital chapter to the story of American success.

PRESIDENT OF BELOIT COLLEGE SPEAKS FOR THE UPPERDOG

Mr. NELSON. Mr. President, President Miller Upton, of Beloit College, Beloit, Wis., wrote an interesting article for the March issue of Social Service Outlook in which he commented upon our present day social issues.

Mr. Upton said:

> It is enough at this stage of our development to aspire to create a decent society. And to do so our first task is to help each individual be decent to himself and in his relationship with other individuals.

In his treatise, in which he says that the upperdog is being unfair in his own self-appraisal, he states:

> In the final analysis our compassion should be expressed for people—whether they be white, black or yellow; rich, poor or middle class; genius, average or moron—any who suffer a poverty of spirit.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

If This Be Heresy

(By Miller Upton)

I have just about reached the end of my tolerance for the way our society at the present time seems to have sympathetic concern only for the misfit, the pervert, the drug addict, the drifter, the ne'er-do-well, the maladjusted, the chronic criminal, the underachiever, the loser—in general, the underdog. It seems to me we have lost touch with reality and become warped in our attachments, if not in fact psychotic.

In short, I feel it is time for someone like me to stand up and say, "I'm for the upperdog!" I'm for the achiever—the one who sets out to do something and does it; the one who recognizes the problems and opportunities at hand and endeavors to deal with them; the one who is successful at his immediate task because he is not worrying about someone else's failings; the one who doesn't consider it "square" to be constantly looking for more to do, who isn't always rationalizing why he shouldn't be doing what he is doing; the one, in short, who carries the work of his part of the world squarely on his shoulders. Not the wealthy, necessarily, not the ones in authority, necessarily, not the gifted, necessarily—just the doer, the achiever—regardless of his status, his opulence, his native endowment.

We are not born equal; we are born unequal. And the talented are no more responsible for their talents than the underprivileged for their plight. The measure of each should be by what he does with his inherited position. No one should be damned by the environmental condition of his life—whether it be privileged or underprivileged.

It is a dying fashion to pay respect to those who achieve—who really "have it"—to use the vernacular. This is the day when the fashion is to be for the underdog. The attitude is being developed that if you really want people to care for you (and who doesn't?), don't be successful, be a misfit, a loser, a victim of one's environment.

I'm not entirely sure of the reason for what appears to me to be a general social psychological aberration, but I suspect it springs from a massive social guilt. Each of us individually is so aware of our personal limitations that we have developed a form of masochistic reaction to problems of the day. Instead of attempting to deal with the problems in a forthright way, we berate ourselves, we martyr ourselves, we pillory ourselves. Or if the problems seem too much for us to handle, we mitigate our sense of guilt by heaping all blame on convenient scapegoats or by concerning ourselves with the problems of others at a conveniently remote distance.

Let me illustrate my point by specific reference. I have become increasingly bored and resentful of the ridicule and snide references made of the WASPS (the white, Anglo-Saxon, Protestant suburbanites). I wouldn't feel the point so strongly were the criticisms leveled by those outside of the circle. Such could be looked upon as healthy social criticism and competition. But when it mainly comes from those who are part of the circle—WASPS stinging themselves—it assumes the nature of sick self-immolation.

Our society's treatment of the Negro over the years is deplorable. In fact, that's too mild a term for it. The word "sinful" in its full theological sense is more accurate. But this fact does not justify us in our sense of guilt condemning a particular segment of society which in many ways constitutes the backbone of American social existence. If damning by association is wrong, as I would maintain strongly it is, then how horribly wrong it is to level our guns of hostility, envy, and ridicule in this fashion on the successful white man who more often than not struggled financially to get a college education, who more often than not works at his job more than 60 hours a week, who buys a comfortable home in the suburbs with the welfare of his family in mind, who is active in his church and community affairs, who gives his time to service on boards of education and social welfare agencies, and in some cases is shortening his life span through overwork and anxiety resulting from the basic social responsibilities he must carry.

These are among the chief doers and achievers of today. And where would our society be without them? For one thing, we could not afford to have a major portion of the population going to school for 12 to 20 years. Nor would we enjoy the leisure time recreational activities, and cultural advantages which are a direct product of our material welfare. However, there would be one by-product advantage: We would have to be so concerned individually with eking out our own meager existence that there would be no time to be wasted on such irrelevant and dishonest name-calling and buck-passing.

Or, just as we point an accusing finger at those who succeed within our economic system, so we accuse the system itself of faults which are not of its creation. In short, we tend to blame the economic system for the faults of individuals who operate within it. It is important to recognize that the quality of any society is directly related to the quality of the individuals who make it up. Therefore, let us stop referring naively to creating a "great" society. It is enough at this stage of our development to aspire to create a decent society. And to do so our first task is to help each individual to be decent unto himself and in his relationship with other individuals. A decent society cannot be created out of a vacuum and imposed. It can only evolve out of the lives of constituent members. In this regard, our economic system has become the scapegoat for the failures of our educational, religious, and family institutions to develop decent and responsible individuals.

Whenever one blames another or group of individuals for one or more of the ills of mankind—beware! He is expressing personal hostility and offering no solution. There is no single scapegoat for the world's ills, unless it be our own personal limitations as finite beings.

TODAY'S MORALISM

Also, the Puritan ethic and religious morality in general have come in for some heavy-handed humor and disdain. I can support that criticism which focuses on arbitrary value judgments. But we seem to be in the process of developing a much more perverse kind of moralism—a moralism which says that since love is the one absolute virtue of man, the one way we will solve the problems of poverty, crime, racial discrimination, and the like is by forcing everyone to love everybody else—we must love the white man because he is white, or the black man because he is black, or the poor because he is poor, or the enemy because he is the enemy, or the perverse because he is perverse, or the afflicted because he is afflicted! Rather than because he is a human being, any human being who just happens to be white or black; poor or rich; enemy or friend.

This is a hideous abuse of the notion of love that avoids the hard fact that love is a uniquely personal experience. If it is idle to attempt to legislate individual morality, it is even more idle, and even arrogant, to attempt to force individual love. There can be no love unless it is genuine and authentic. To love, or go through the pretense of loving, without truly feeling that way is one of the lowest forms of hypocrisy. It is dishonesty at its worst. And the fruits of such dishonesty, as with all forms of dishonesty, is distrust, degradation, chaos. We should respect all people so much that we would not dare demean one by pretending to love him when we don't.

Here is the evil I see about us so much at the present time: Love is expressed in a masochistic way—as a duty to be performed rather than a blessing to be received. The notion is current that to love is to sacrifice, that the Good Samaritan was good because he put himself out. We should sacrifice ourselves for the poor because we feel sorry for them, we should sacrifice ourselves for the dispossessed because we feel sorry for them, we should sacrifice ourselves for the retarded because we feel sorry for them, and so forth.

What a tragic confusion of motives! This is not love; this is a sick desire to be loved. It is a perverse and futile attempt to escape the pain of guilt. If you would put my claim to a test, just make a date sometime with a woman who doesn't go out very often and then tell her you did it because you felt sorry for her.

We need to start being honest with ourselves in more ways than one. It is too bad that we have failed to heed the charge that Polonius made to his son: "This above all, to thine own self be true." For were we to do so we would have to admit honestly and joyously that love in its very essence is selfish. Were it not so, there would be none—not real love, only a martyred imitation.

Our loving should not be restricted to the poor and dispossessed but should be offered to all. It is in the act of loving that we are redeemed—not in loving the poor alone. And it is in the personal redemption of each individual that the hope of the world exists, not in the changing of the other person.

To love is to give. But it is in giving that the giver receives his reward—his sense of belonging, of being accepted, of being needed. To give because you think you are expected to or because you hope for something in return is not true giving—it is hope for receiving, and therefore frustrating.

THE POOR—IN SPIRIT

The only people I feel sorry for are those who feel sorry for themselves. And this state of mind has nothing to do with wealth or poverty, intelligence or ignorance, prestige or ignominy. I am impressed with the large number of well-to-do people who commit suicide each year, probably a higher proportion than among any other group. This act to me is the ultimate evidence of poverty of spirit, and this is the basic poverty we should be concerned about. In the final analysis our compassion should be expressed for people—whether they be white, black or yellow; rich, poor or middle class; genius, average or moron—any who suffer a poverty of spirit.

And to be authentic, this compassion must spring from real contact with a situation which our love can affect and not with a figment of our imagination. How dare we be so insolent as to speak of creating a great society when we aren't even capable individually of creating a healthy home environment?

The hardest task in the world is to love the person at hand—your roommate, your brother or sister, your wife or husband, your parent, the man across the counter, or the desk. It is so much easier to love in your imagination the Saigon waif than it is actually to pick up in your arms and hold firmly and lovingly the emaciated, sore-covered body of the unwanted child that can be found in any American city or town.

THE WAY TO PROBLEM-SOLVING

This kind of ersatz compassion is not humanitarianism; it is escapism. It is the mental process by which we try to kid ourselves into thinking we are better than we really are. It is the psychological process by which man hides from the realities of the here and now by caressing his ego through *imagined* concern for the there and later. It takes no personal courage or sacrifice to bleed and die in one's mind for the remote victim of oppression, poverty or disease. But it requires supreme courage and compassion and understanding—true love—to turn to your neighbor, extend your hand, look him in the eye and tell him why you like him or don't, as the case may be.

We have serious problems and issues facing our society at the present time. Let there be no doubt about it. But they can be solved over time if we will attack them directly and honestly; that is, if we will be willing to pay the price in time and persistent personal effort. They will never be subject to instant solution—to wishing it so. Nor will they be solved by blaming others for their existence, or by making certain segments of society the scapegoat for the general ills of society. Nor will they be solved by running away from them by concerning ourselves with remote situations rather than those at hand. Nor will they be solved by application of the perverse notion that to love means only to sacrifice one's self.

The one most certain point is that they will be solved by doers, not people with good intentions but individuals with good deeds. Not those who talk a good game but those who play a good game—the achievers. We will never create a good society, much less a great one, until individual excellence and achievement are not only respected but encouraged. That is why I'm for the upperdog—the achiever—the succeeder: I'm for building an ever better society and this will only be done by those who take seriously their responsibility for achievement, for making the most of their native ability, for getting done the job at hand.

VIETNAM PEACE NEGOTIATIONS

Mr. PEARSON. Mr. President, the Paris peace talks, or the "official conversations" as they are formally called, fill us all with a mixture of hope and frustration.

The term of the negotiations will be long and, of course, difficult. For example, the talks to date have not even resulted in an agreement that both parties seek the same general and broadly worded goals.

Both sides, perhaps the United States as a necessary response, have adopted a "fight and talk" strategy so that each, supposedly, may negotiate from a position of strength. But the danger is that such a strategy will be rewarding only if there is an overwhelming military accomplishment on either side.

Thus, the peace talks are leading to a war larger in scope and greater in intensity. This draws us further away from the purposes of the Paris talks. The incidents of the accelerated day-by-day fighting cloud each and every talking point, the fighting hamstrings the allies of each side, it hinders the efforts of good faith third parties. And it is, in the destruction of life, a mounting obstacle to a just and fair peace.

In the week before last, 562 American men died, and 2,225 were wounded; 675 South Vietnamese died. The Communists, we are told, paid a greater price as it is alleged they lost 5,500 men, which would bring their total dead this year to 92,390.

Mr. President, it would seem that if there is any priority in this critical period, it is that our Government move quickly and at the earliest time to achieve a cease-fire. A cease-fire would save lives and would promote the cause of peace. If a cease-fire cannot be totally achieved, we should make a renewed effort to find some means of deescalating the war.

We should present to the North Vietnamese representatives in Paris a specific cease-fire plan, or at the very least a detailed plan for deescalating hostilities. To some extent this has been done in relation to the DMZ.

They may not accept it. But if they do, surely we and certainly the Vietnamese people will be the better off if the strategy of "fighting while talking" is replaced by a cessation or a reduction of hostilities while the negotiators in Paris probe for the outlines of a permanent settlement.

If they reject the offer, we will not have been hurt. Indeed, the presentation of a direct and reasonable proposal by the United States should strengthen our status in the eyes of the world community. The rejection of such an offer would surely erode the credibility of the North Vietnamese position.

The North Vietnamese may have no intention of abandoning a fight and talk strategy. But if they are determined to try to write the rules of negotiation in blood we should be equally determined to offer a sane and sound alternative. We are in a position to take a renewed intiative for peace. We should act upon it.

CANADIANS PROVE RAIL MASS TRANSIT SYSTEMS WILL ATTRACT RIDERS

Mr. WILLIAMS of New Jersey. Mr. President, recently I had the privilege to preside as chairman of hearings before the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency on railroad mergers and mass transportation. During these hearings, the subcommittee was presented with convincing testimony that efficient, well-advertised, and frequent rail service will attract commuter passengers.

Convincing evidence of this fact has recently been provided by our Canadian neighbors. Faced with the growing need for modern commutation services in the greater Toronto metropolitan area, the Province of Ontario has developed a modern, rapid, rail transit service. The total capital outlay for this system was $15 million. This contrasts with the estimated cost for a six-lane expressway in the Toronto area of between $3.5 million and $4 million per mile.

During the first 4 months of operation, the Toronto service, called Go Transit, carried a million passengers, and it has been reported that ridership is steadily increasing.

It is my hope that city planners in the United States will take notice of this convincing example of the fact that mass transportation provides an efficient and much less costly alternative to solving this most pressing problem than highways.

Mr. President, the Toronto Mass Transit System was recently described in an article entitled "Riders Flock to GO Transit," published in the April issue of Modern Railways. I ask unanimous consent that this informative article be printed in the Record, so that all Members of Congress may read for themselves all of the facts concerning this most noteworthy achievement.

There being no objection, the article was ordered to be printed in the Record, as follows:

Riders Flock to GO Transit—Toronto's New Commuter System, Subsidized by Government of Ontario, Carries More Than 16,000 Riders Daily

(By George E. Toles)

In its first four months of operation, GO Transit in Toronto, a government-subsidized railroad commuter service, carried one million satisfied passengers. GO Transit may well serve as a model commuter line for numerous urban areas wrestling with transportation problems.

GO Transit, short for "Government of Ontario Transit," which was inaugurated in May, 1967, to rush commuters directly into downtown Toronto, has taken about 3000 automobiles off the highways daily and reduced the drivers' transportation expenses.

The insatiable demand of the automobile for more running room put the Ontario government into the commuter railroad business. Actually, Canadian National operates GO Transit over its main line tracks along Lake Ontario under a service contract with the Province of Ontario. The government provides a subsidy of $2 million a year to meet operating costs above fare-box receipts.

Because of the high cost of highways in both land and dollars, the provincial government decided to embark on the project to determine whether a rail commuter service could reduce the need for building expensive freeways in highly populated areas. The capital outlay to start GO Transit was $15 million—$7.8 million for trains, the rest for stations, track, and signals. In contrast to this modest expenditure, the current cost of a six-lane expressway in the Toronto area is $3.5- to $4-million per mile. Elevated expressways cost about $16-million per mile. In view of planning problems and the soaring cost of land in downtown cores, almost no place remains for highways but in the air.

Thus for about the same cost as one mile of elevated expressway, the province established the GO Transit line covering 60 miles from Hamilton on the west, some 40 miles from the U.S. border, to Pickering east of Toronto. Authorities estimate GO will carry over four million riders in its first year.

Service began with 17 trains daily. Now the complete Monday-Friday service consists of 51 daily trains, operating between 6 a.m. and midnight and running every 20 minutes during weekday rush hours and hourly at other times. On weekends and holidays, 36 trains are in service. GO officials had set a winter goal of 15,000 rides, but ridership reached 14,000 in September and quickly climbed to 16,800. Since this is close to the capacity of the operation, promotion and advertising were stopped. GO, thereupon, placed an order for 14 more coaches which permit filling peak-period trains out to 10 cars, the maximum. In bad weather, ridership has hit 18,000 daily.

GO Transit's fares have been deliberately set to capture the automobile commuter but not set so low as to compete with other forms of public transportation which must remain viable. With the multiple-ride fare set at 3.5 cents a mile, GO authorities say that automobile commuters can save at least 60 cents to $1.40 per day traveling by rail between any station and Union Station. This reasoning considers out-of-the-pocket car operating cost of four cents per mile with one dollar added for a minimum daily downtown parking fee. Parking is free at GO stations.

Ticket books are sold for $5, $10, $15, and $20, with the number of tickets contained in each book depending on the distance between stations. Single-ride tickets cost 25 percent more than the multiple-ride fare, with a minimum price of 50 cents. Children less than 56 in. tall can ride to any station for 25 cents. The minimum fare by purchasing books of tickets is 42 cents for stations within a 12-mile limit. The maximum is $2 for a 60-mile ride between Hamilton and Pickering, the two outer stations. The Ontario Government recently announced fare reductions for students, who had been complaining about the cost.

In a survey of rider reaction taken in July, 87 percent of the passengers either commented favorably about the service or offered no criticism. Of the remainder, 10 percent wanted more trains.

All equipment for GO Transit is new and especially designed for this service. Both locomotive-powered trains and trains of self-powered cars are used in this service. All 49 cars were built by the Canadian Car Division, Hawker Siddeley Canada Ltd. Nine of these cars are self-powered, each being fitted with a 330-hp, Rolls-Royce diesel engine. The eight 3000-hp locomotives are manufactured by General Motors Diesel Ltd.

In designing this equipment, engineers have taken advantage of the great strides made in recent years in the development of aluminum sheets and extrusions. The coaches weigh 68,000 lbs., and the self-propelled cars, 88,000 lbs. These weights represent a savings of 40 percent on the coaches and 20 percent on the self-propelled cars over any similar equipment operating in North America, say GO officials.

These weight savings—achieved without sacrificing capacity or the strength required for railroad service—reduce operating costs and maintenance required on both the track and the cars themselves. The design involved a high degree of standardization and interchangeability of components to facilitate conversion of the coaches to self-propelled equipment if operations require it at a later date.

GO CARS HAVE BRIGHT INTERIORS

Since the service is designed to compete with transportation by private automobile, a great deal of consideration was given to the decor and interior appointments. The result is a bright, attractive appearance coupled with easy cleaning and maintenance. To the patron, comfortable seating is paramount; hence, two-and-two seating is employed in each car, with 94 individual bucket-type seats, specially designed for shorthaul commuting. Seat shells are made of fiberglass-reinforcement plastic, softly cushioned with air-foam rubber and upholstered with a durable vinyl.

Seventy-two of the seats are in a fixed arrangement offering a selection of four facing positions. These are upholstered in black vinyl. The remaining 22 seats, finished in sand brown, are located in threes and fours longitudinally against the side walls at the exit bulkheads and at the center walk-through bulkhead which divides the 85-ft car into two compartments. One of the compartments seats 40, the other, 54. Aisle seats provide hand-holds for 22 standing passengers.

Each car is carried on two, four-wheel DOFASCO rapid transit trucks supplied by the Dominion Foundries and Steel Ltd. Wheels are 30-in. Coil springs, each located inside an air spring, carry the basic car load. The variable passenger load is supported by the air springs which in turn are controlled by a leveling valve, thus keeping the floor level regardless of the passenger load. Movement is dampened by hydraulic shock absorbers.

Each supporting member of the car frame has been specially treated to eliminate squeaks and rattles where it comes in contact with the interior lining of Arborite paneling. Eleven scenic windows, measuring 31½ x 51 in., are spaced along each wall. Toughened safety glass, specially treated to reduce glare and heat penetration while providing maximum visibility, is used throughout. The unusual ceilings consist of milk-white translucent plastic panelling illuminated by concealed fluorescent lighting.

To insure comfort under extreme weather conditions, each car is equipped with a complete thermostatically controlled air conditioning, heating, and ventilating system, known as the Vapor Injectair system. Refrigeration components are by Trane Co.

Since GO trains operate from low-level platforms, the entrances consist of extra-wide folding doors at both ends with steps leading to the vestibules. Electrically controlled from central points in the train, the doors are operated electrically by Vapor Dor-Trol door operators and permit double-stream passenger loading through their 54-in. width. Should high-level platforms be adopted in the future, the doors can easily be raised, and the step-wells removed to provide a straight walk-on entrance.

Eight of the coaches are equipped with a complete set of controls located adjacent to the forward righthand stairwell. These particular cars are spotted at the opposite end of a train from the diesel locomotive. The controls are train-lined for remote control push-pull operations. Thus, trains do not require turning at the terminals. When not in use, the controls are locked out; the floor swings up and the folding cab door closes over them, thus allowing use of both halves of the double-stream entrance for loading passengers.

In off-hours, one car, self-propelled trains may be operated. At other times, all nine of these cars may be coupled together. Each car is driven by a 330-hp Rolls-Royce diesel which is coupled to both axles of the nearest truck through a three-stage torque converter and a reverser gear box. These cars are identical to the locomotive-drawn coaches. They are capable of a maximum speed of 80 mph and carry fuel (350 Imperial gal.) sufficient for a normal day's operation. Auxiliary electrical power for heating, lighting, and air conditioning is provided by a 60-cycle, 550-v diesel generator mounted under the car. Seven of the cars are equipped with operating controls at one end only for use in multiple consists. Two cars have double-end controls for operating singly.

DIESEL LOCOMOTIVES PROVIDE POWER FOR ELECTRIC HEATING

Propulsion for the locomotive-powered trains is provided by eight Model GP-40TC General Motors diesel-electric locomotives. The TC in the model number stands for "Toronto Commuter" and indicates a modification of the standard GP-40 for this service. The main engine is a turbo-charged 16-cylinder, two-cycle model rated at 3000 hp. It provides power for a top speed of 83 mph and can accelerate a seat-loaded 10-car train from 0 to 60 mph in 2.3 min. in a distance of one and a half miles.

Fuel capacity is 1000 Imperial gallons, sufficient for seven hours of operation at full-rated capacity. A Canadian General Electric alternator driven by a 12-cylinder, 790 hp, V-149 Detroit diesel two-cycle engine is located behind the main engine and provides 470 kw 60-cycle, a.c. to power the heating, cooling, lighting, and ventilating equipment in the cars. The locomotive cab is equipped with two-way radio linked to the centralized traffic control operator. Train crew intercommunicating equipment is also provided. Dead man control is achieved by a Vapor Alertor. A Speed-Log adds to safety features. Locomotive weight is 259,000 lb loaded, giving an axle loading of 66,000 lb.

EARLY OPERATION AN EXPERIMENT

In speaking of GO Transit, Ontario's Premier John Robarts had this to say: "This rail commuter service was introduced as part of an over-all transportation study of the Metro Toronto region. It was planned that the early part of the operation—a period of about two years—would be devoted to experimentation on the best means of operating such a service to meet the needs of this area, and possibly other areas in the province."

The Hamilton-Toronto-Pickering lakeshore corridor had a 1964 population of 568,000 persons. The survey found that out of 90,000 who travel to work daily in an east-west direction, about 38,000 traveled into Toronto by auto. From responses to survey questions, it was estimated that some 15,000 of these auto commuters could be converted to rail commuting—if the services offered convenience, comfort, reliability, and economy. These were the degrees of priority established from thousands of answers tabulated.

In giving the green light to proceed with the project, Premier Robarts said: "This service is looked upon as something of a pioneering project insofar as it is the first time that any government in Canada has undertaken this kind of an operation to provide frequent and fast (suburban) mass transportation."

The Toronto-Hamilton line of the CN was the busiest in Canada even before the introduction of GO Transit. Now, with 51 additional trains, the 40-mile run is becoming a "super-line." In addition, 32 conventional passenger trains, 14 freight trains, and various switching moves use the line.

The job of fitting trains into time slots available and integrating commuter, conventional passenger, and freight services was a painstaking undertaking filled with complications. "We had to throw out eight or ten timetables—complete timetables—before we got one that would work," said Wilf Sergeant, who heads up commuter services for CN in Toronto.

A multi-direction approach was finally taken to clear enough track time to make GO Transit possible. To accomplish this, a third set of tracks was laid along portions of the busy existing double track. All three tracks were signaled for two-way operation. At 17 locations, trains can be crossed over from one track to another, permitting a fast train to skirt around a slower train. While the commuter trains run at fast speeds, their average speed is relatively low because of the large number of stops which they make. Hence, the operation of the line has been centralized in one large room in Canadian National's administration building. Here four operators route trains from a 36-ft centralized traffic control (CTC) panel supplied by WABCO's Signal & Communications Division.

MULTIPLE-ASPECT SYSTEM

As each train passes through a signal block, the light for that block on the track diagram flashes an appropriate color to indicate a particular type of train in that block—red for commuter, flashing red for conventional passenger trains, white for other trains, and green for indicating the route through the trackage. To permit operating trains closer together, a multiple-aspect signal system was adopted in place of the red-yellow-green indications of the conventional automatic

block signal system previously in use on this trackage. With the new system permitting flexible control, overtake situations are handled readily and slowdowns are minimized.

OUTSTANDING YOUNG BUSINESS LEADERS

Mr. BREWSTER. Mr. President, the May 1968 issue of Nation's Business magazine contains an article entitled "Today's Horatio Alger Heroes." It tells about some of the outstanding young men of today who will be the country's outstanding business leaders in the future.

It is with pleasure that I noted that the article particularly cites two young men from Baltimore who are well on their way to a fine business career while still in their early twenties.

One of them is Patrick M. Fahey, whom I met last year when he came to interview me for the highly successful magazine that he publishes. The other is Fred Cuomo.

Mr. President, these two young men, as the article points out, are typical of others across the country who are determined that they will "strive and succeed." I ask unanimous consent that the article be printed in the RECORD.

There be no objection, the article was ordered to be printed in the RECORD, as follows:

TODAY'S HORATIO ALGER HEROES

(By Wilbur Martin)

Horatio Alger's heroes were young men with burning ambition to "strive and succeed," poor boys who overcame poverty and disadvantaged backgrounds in the best American tradition.

Those countless thousands who thrilled to Ned the Newsboy and Alger's other young knights have all grown up, many to become today's business and industrial leaders. And, in nostalgia, they may ponder: Where are the candy butchers of old No. 9, the shoeshine boy and the waif on the corner with his financial extra?

Alger's fictional characters have their real-life counterparts, just as they always have. You can find them in the garment district of New York City, pushing dress racks along Seventh Avenue and dreaming of one day owning a manufacturing house of their own. Or ushering at NBC, ABC or CBS, striving to break into television, just as did hundreds of youngsters who clerked in the drugstores near Hollywood and Vine in Hollywood's heyday.

You can find them on college campuses. There are more of this type among the ivy than the mop-haired, bearded, beaded, sockless vocal searchers who flit from cause to cause.

Every businessman can look back on his own school days and remember "Working Willie," the boy who had a dozen odd-jobs to pay his way through school and finance Saturday night's date.

Today's counterpart to Alger's Ned the Newsboy is far more sophisticated, but his aim is the same: to succeed. A good example of the type of enterprise you can find on almost any campus is Patrick M. Fahey, 24, of Baltimore, president of Paladin Advertising Co. His vice president is Fred Cuomo, 21.

Fahey tells it like this:

"I was 21, going to the University of Baltimore and I wanted to pay my own way. I also know that when you go to get a job, businessmen ask you, 'What have you done,' even if you've just graduated."

Paladin Advertising Co. (from a character out of the time of Charlemagne but best remembered as a TV western Robin Hood type) was born with $75 and a printer willing to carry it on the cuff.

Its stock in trade is a sports directory that also lists every graduating student each year from the University of Baltimore (and grew to editions for 12 other Maryland colleges).

It also handles place mats for fraternity functions (courtesy of participating merchants), ads on the back of dance and raffle tickets.

Fahey tells his score of full-time campus employees that companies are looking for people who realize they must have something else beside a college diploma—some solid work experiences and a background of accomplishment.

To add a little more incentive than the 40 per cent commission, he had a contest and the top salesmen ended up with company titles: vice president, secretary, treasurer. Other good producers got a $3 gas allowance.

Along the four-year road, Fahey became the youngest member ever taken into the Baltimore Chamber of Commerce and the Advertising Club.

He also moved his company offices from his basement to an office of its own, a $10-a-month garage (no heat, but a rug on the concrete floor). And his mother, as Cuomo's still is the telephone answering service.

"The company's been fun," says Fahey, graduated now and 1-A in the draft.

"It has paid my way through college and given me something that I think I can either build on or give me terrific experience if I go to work for somebody else. It has also given me the down payment on some property."

Cuomo, who won an athletic scholarship to Baltimore as a soccer player, will be able to keep Paladin operating if Fahey goes into service—for a while. He's a senior himself.

Fahey unabashedly believes "opportunities are unlimited if you're willing to work" and "you can still make something out of nothing."

"Maybe it's corny to think like this. But you look at the people who made this country great. They thought like this and they did a pretty good job of it.

"What's wrong if you think you can still become a millionaire?" he grins.

THE NEIGHBORHOOD PHARMACY IS HERE TO STAY

Mr. NELSON. Mr. President, in the past several months I have heard some talk that our corner drugstores would soon be a thing of the past.

There are professionals in the medical field who feel that the pharmacy, as we know it now, will be supplanted by a team of therapeutic advisers, and that no reason would exist for the continuation of the corner druggist.

There may be some merit to the idea of a need to strengthen the medical team with a therapeutic adviser who would be a pharmacist, and that the profession of pharmacy would be upgraded thereby. This is certainly a premise which should be examined closely. Perhaps it will evolve by itself, as the need for this kind of skill becomes more apparent, as so many specialties and technical roles sometimes do.

But I doubt whether this role will ever prove to be the downfall of the neighborhood druggist. His role as a small businessman, as an adviser on a host of health matters, as a leader of his community, as a supplier of the essentials and the necessities of life, is a part of the comfortable fabric of this country.

I am certain that the neighborhood pharmacy is here to stay.

An article which dramatizes the importance of these businessmen-professionals was published in the Chicago Tribune of April 7.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEIGHBORHOOD DRUG STORE: EVERYTHING BUT BANANA SPLITS

(NOTE.—Not long ago, Dr. James Goddard of the food and drug administration called corner drug stores old fashioned and said they should be eliminated. Our author, who is a free lance writer and school teacher, found them modernized, thriving, and their customers happy that they were. Someone at the FDA must have taken another look, too—anyway, the government agency later reassured everybody that there would always be a place for the small pharmacist.)

(By Viola Anderson)

"Sure, I know which couples are planning their families and, of course, the information is top secret, as sacred as motherhood." Pharmacist Eric, meticulously neat in white duck jacket, was speaking while counting capsules spread on the prescription counter.

"A young wife, a steady customer, came in with a pre-natal prescription and asked me to keep mum because she hadn't told her husband yet. . . . O, I don't know why. Perhaps she wanted to make a big deal out of breaking the news. A cozy dinner with candles and wine maybe.

"The eternal female. We love her. She comes in here with her dainty pillbox studded with fake pearls and rubies. After we fill it, she buys an armload of merchandise."

The platinum blonde cashier up front in this Broadway avenue store expressed her view on the neighborhood drug store, why it has withstood the depression, changing areas, and the onslaught of chain stores.

"The neighborhood pharmacist is father confessor, confidant, and personal friend, rolled up in one. Our customers tell Eric their private matters, stuff they wouldn't confide in doctors or closest friends."

A loafer-wearing, relaxed customer studying the brands at the cigar counter said that a trip to the corner drug store was part of his daily routine. "Many of us have a bit of the small town in us. With its hodgepodge of sunglasses, records, candy, magazines, postage stamp machine, baby foods, toothpaste, rubber gloves, fountain pens, lipstick, this store maintains a small town atmosphere. You can buy almost anything except a car here."

Manager Eric cut in: "If I had room, I would sell cars, too. Anything sells where there is traffic, and traffic is what we have plenty of in this store."

As he bit off the end of his cigar, the customer went on: "Instead of buying a 5 pack, I walk over every night for one after-dinner cigar because it's fun. Some of the neighbors are sure to be here, and Eric will call out, 'Hi, how are you?'

"The personnel seldom changes. Seeing the same sales people day after day develops friendships. They remember my favorite brands and save a copy of the Wall Street Journal for me."

Pharmacist Fred, in a drug store in Devon avenue, thought that the ethnic atmosphere some neighborhood drug stores create accounts partly for their success.

"Anyone feels more comfortable in familiar surroundings. Here we carry Christmas cards and holly-covered gift wrappings. But Sol, manager of a drug store near the lake, features bar mitzvah and Yom Kippur cards.

"Priests from the rectory down the street walk over, ostensibly to buy a newspaper or the season's card, a St. Patrick's day greeting in March, but actually they come to pass the time of day. After all, they can't go to a bar, and usually a bit of malarky is going on around here."

A 30-ish man rushed in, picked up a magazine, waved it over his head, and walked out.

"O, that happens often," Fred explained. "Don't distract me until I charge Fortune, $1.50, to his account."

But did Fred know his name?

"O, sure. A neighborhood druggist knows the name and street address of most of his charge customers, in our case 75 per cent of our trade.

"Some charge accounts run $200. A newly widowed customer left a $96 order for us to ship to her daughter who is away at school. Jazz recordings, cosmetics, hair dryer, film, stationery. Because it was a tragic time for the widow, we wrapped and mailed the package."

What about the sign painted outside over the entrance? The foot-high letters "Cosmetics" overshadowed Prescriptions.

"Right now, the fashion dictators are on our side. We have allotted a third of the floor space to the cosmetic department. Customers ask for eyelash grower, shampoos that take the color out, shampoos that put it in, home permanents guaranteed not to wave their hair, wrinkle cream. We recently hired a cosmetic clerk who wears enough eye make-up to stop a watch. But, bless her, she does sell a lot of goo.

"The 8th-grade girls from the grammar school across the street are great cologne testers. We go along with them. On days that their class visits the Art Institute or the Museum of Science and Industry, they stop here first to buy pocket loads of candy, more than enough to pay for the whiffs of perfume. Some kids spend 70 cents on candy."

In a drug store in an area of bungalows a freckled-face boy carrying a 1st-grade reader under his arm, clutched a note in one hand and a $1 bill openly in the other. The clerk who took the note from him said: "The mothers send their kids here, trusting us to fill out their orders. I think our elderly customers might be frightened by a larger, strange store. Here we help them find what they want.

"The corner pharmacist in a modest income area such as ours must be knowledgeable. The customers rely upon him for many remedies, to avoid the doctor's fee. They balk at consulting a doctor about a sore throat or a nasty cut when a paring knife slips."

In an affluent suburban district, Pharmacist Al's customers also are reluctant to call their doctors for minor ailments, but for a different reason. A trim brunette wife with a Sassoon haircut volunteered: "If I bothered our pediatrician for every little ailment our kids have, he would think me balmy. He's a busy man.

"Sometimes, even for serious matters, doctors are not always available. For instance, on Wednesday or Sunday. Recently our 3-year-old daughter, Ann, had a reaction to a prescription, causing trembling, chills, and fever. Because our doctor plays golf on Wednesday, we couldn't reach him or the three others that we called. Though we know that pharmacists are bachelors of science, not M.D.'s, we phoned Al. He suggested that we, frantic by then, wrap Ann in a blanket and rush her to the emergency room of the nearest hospital. After some medication and a two-hour rest for her in the hospital, we three drove home, with Ann sitting between us, smiling and licking a lollipop the nurse had given her. Well, you know how we feel about Al now."

A father and his three sons, all pharmacists, manage a drug store just off North Sheridan road. "The trend in the past 20 years has been to discontinue the fountain and lunch counter in the neighborhood drug store," the older son said. "A fountain involves too much work, and hiring help is almost impossible.

"Instead of sipping sodas at the fountain, today's kids rearrange the packaged cones and ice cream in the drug store freezer, looking for a frozen chocolate sundae buried at the bottom.

"We installed an extensive photo department in the space where we used to have a fountain. Cameras are more profitable than banana splits anyway. A customer came in with 500 exposures he had taken on a European trip. He buys all his film, bulbs, and cameras here.

"Because we are near a college, we stock the magazines and paperbacks the students prefer. On Friday nights, the girls who don't have dates come in and study the cosmetics department, altho they are not heavy users.

"We had the public phone removed. The kids stayed in the booth too long, to the annoyance of customers with important business."

What was this? A quart of milk on the prescription counter in a drug store in Peterson avenue?

"I have learned more and more not to be surprised at unusual requests with the phone orders," the manager said. "A customer asked me to pick up a quart of milk at the delicatessen next door and deliver it with her prescription. She has a cold and can't get out.

"Later today, I am going to take this carton of cigarettes to the corner grocer, who doesn't carry another lady's brand. We collect from him and he delivers it with her groceries.

"Take a look at this order: two prescription numbers, hair spray, a pack of 3 by 5 envelopes, Vogue, six bars of soap, pink. The lady is under the dryer in the beauty parlor across the street and phoned us to have the order ready because she is in a hurry.

"It's all in a day's work."

Young Bob, a delivery boy in a Pulaski avenue store, thinks the neighborhood drug store is a great place because of the great guy at the head. "My first day here Max told me to drop the prescription in the mailbox if the lady wasn't home. Well, she wasn't.

"Two days later, she phoned Max to ask why he had mailed her prescription with 10 cents postage due when she lived half a block away. Instead of blowing his top, Max laughed so hard you could hear him all the way to the magazine rack when I told him that I thought he meant the United States postoffice box in front of the store.

"Max said that was one for the postmaster general because the prescription pills in a plastic bottle, was in a flimsy paper sack, stapled shut. Besides, the address was scribbled in pharmacy school method.

"When Max phoned the lady to explain, she asked him to send me over with a carton of cigarettes. No one could stay mad at Max."

LADY OF CHEER

Mr. WILLIAMS of New Jersey. Mr. President, Atlantic City is known around the world for its boardwalks, the Miss America Beauty Pageant, salt water taffy, and as a good convention city; but to wounded Vietnam veterans in nearby hospitals, Atlantic City means people who care and, most especially, it means Mrs. Lois Braymes.

Mrs. Braymes is carrying on the work of her husband, the late Col. Mark Braymes, who started the idea of a voluntary cheer program about 3 years ago. Under her direction it has expanded from caring for our wounded veterans in two hospitals to five, including Walter Reed Army Hospital, Washington, D.C., and the U.S. Naval Hospital, Bethesda, Md.

Through the generosity of the business, labor, and civic communities, 1,980 wounded veterans have been guests of the resort city. When veterans are unable to travel, residents visit them—taking gifts, friendly talk and a sincere personal interest.

I salute Mrs. Braymes and her fellow workers from Atlantic City. I ask unanimous consent that an article about this wonderful lady and her friends, published in the Atlantic City Press, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIFT LOADS LEAVE RESORT TODAY FOR ARMY-NAVY HOSPITAL VETS

(By Bernard Izes)

Two station wagons loaded with gifts for wounded Vietnam veterans will leave the resort today for Walter Reed Army Hospital, Washington, D.C.

At the same time, a truckload of cakes will be traveling to the U.S. Naval Hospital at Bethesda, Md.

Both trips are part of a voluntary cheer program that has been going on almost three years in the resort, supported by the generosity of the city's business, labor and civic communities. To date it has brought 1,980 wounded vets on visits here.

The following examples of the warmhearted response Atlantic City is showing to the needs of our injured men:

Hotels and restaurants voluntarily give meals and lodging to groups of 36 servicemen who are ambulatory and who come to the resort for three-day trips during the winter months.

The George Hamids host groups of 36 at Steel Pier during one-day trips in summer.

Paul Steinberg, food concessionaire at Steel Pier, sets one stand aside for the servicemen and gives them a choice of anything on the menu for supper.

Two Atlantic City policemen volunteer their services without pay to stay with the wounded vets for the run of their three-day and one-day visits.

Major Martin Wolf of Longport greets the boys and remains with them for the entire visit.

Long distance operators of the local Bell Telephone exchange have made available a committee of women headed by Mrs. Connie Johnson to travel thousands of miles to servicemen's hospitals laden with truckloads of games, books and food donated by the people of Atlantic City.

Local 508, Hotel and Restaurant Employes Union, has also supplied a group to make delivery trips.

Irving Snyder Foundation 98, Knights of Pythias, has allocated $300 for picnic lunches for the wounded men.

"It is unbelievable how cooperative and generous the people of Atlantic City are," says Mrs. Lois Braymes, the motivating force behind the program.

Mrs. Braymes has expanded this work, which was started by her husband, the late Col. Mark Braymes. At the time of his death, Col. Braymes was bringing these services to two hospitals. Since then, Mrs. Braymes has extended the trips to five hospitals. They are: U.S. Naval Hospital in Philadelphia, Valley Forge Army Hospital in Phoenixville, Pa., U.S. Naval Hospital in St. Albans, N.Y., Walter Reed Army Hospital in Washington, D.C., and the U.S. Naval Hospital in Bethesda, Md.

"Our program takes care of both the men who travel and those who cannot leave their beds," says Mrs. Braymes. "The wounded men love to see our volunteers arrive and they hate to see them leave."

BAKE GOODS

The Tastykake Baking Co. has been sending truckloads of cakes to the veterans regularly since Mrs. Braymes asked for its contributions.

According to Mrs. Braymes, her ultimate aim is to bring a veterans hospital and veterans counseling and information center to the resort area. She feels there are many benefits due to wounded and other veterans. She would like to see a place in the resort where a veteran can go to receive advice about problems of adjustment to civilian life.

Several organizations including Local 370 of the National Letter Carriers and the Atlantic City and Ventnor-Margate Lions Clubs have sent resolutions to Congressman Charles W. Sandman supporting Mrs. Braymes' drive for a veterans hospital.

"I may go into politics myself if it will mean more help for the wounded boys," says Mrs. Braymes. "Sometimes I get up against legalities and find I can't move. If getting into politics will make things happen a little faster, I will do it."

WILBUR J. COHEN ATTAINS HIGHEST OFFICE IN HIS DEPARTMENT

Mr. NELSON. Mr. President, President Johnson exercised splendid judgment in nominating Wilbur J. Cohen to be Secretary of Health, Education, and Welfare. Certainly the praise that has already emanated from this appointment attests to the fine qualities of the man chosen to head this important Department.

Wilbur J. Cohen, a native of Milwaukee, Wis., educated at the University of Wisconsin, has coupled his ability with an enthusiasm that resulted in remarkable strides toward social progress.

Early in his career, he served as an assistant to the Committee on Economic Security, contributing greatly to the Social Security Act of 1935. Thereafter, Mr. Cohen worked with and helped expand the Social Security Administration, distinguishing his governmental agency and in turn leaving his imprint on American life.

In 1961, in recognition of Wilbur Cohen's talents, President Kennedy induced him to leave the University of Michigan where he had been serving as a professor of public welfare administration for 5 years. Upon returning to Washington as Special Secretary for Legislation in Health, Education, and Welfare, he played a valuable role in major legislation involving child welfare, aid to education, consumer protection and an expansion of social security.

We all know about Secretary Cohen's contribution to medical care for the aged.

Wilbur Cohen will, I am sure, provide the aggressive leadership and imaginative guidance to his Department of Health, Education, and Welfare.

TRIBUTE TO JOSEPH MARTIN, JR.

Mr. TOWER. Mr. President, the death of Joseph Martin, Jr., ends the career of one of America's great political figures as well as one of our Nation's most devoted public servants and courageous Republicans. Though he was twice Speaker of the House of Representatives in the 80th and 83d Congresses, this grand old man of the Grand Old Party was always most devoted to the problems and people of his home constituency in southeastern Massachusetts. Though he rose to the ranks of next in line to the Presidency, Joseph Martin was a gentleman who never lost the common touch. No constituent problem was to be overlooked by the 21-term veteran Representative from Massachusetts' 14th Congressional District.

Joseph Martin rose to his position of leadership from extremely humble beginnings. The eldest son of a blacksmith, Joe Martin, Jr., as a small lad helped his family survive by holding a job as a newspaper carrier. Declining a scholarship to college in order to continue his early career as a journalist, young Martin worked and sent his two younger brothers to college instead. At the age of 24, he became perhaps the youngest publisher of a daily newspaper in the country when he and his fellow townsmen raised money to purchase the North Attleboro Chronicle.

Never one to rest on his laurels or shy away from greater service, Joseph Martin interrupted his journalism career with service in the Massachusetts House of Representatives and State senate. His brief retirement from politics in 1917 ended with his election to the U.S. House in 1925. From then on his ability as a party campaign chairman, which resulted in 80 new Republicans in 1938, won him a devotion from his colleagues that resulted in his selection as minority leader. From 1939 on, he was the Republican leader of the House for over two decades, permanent chairman of five GOP National Conventions, twice Speaker of the House, and in 1947 he was first in line of succession to President Harry Truman.

But, beyond all the heights he achieved as a politician and American statesman, I most admire Joseph Martin, Jr., for his simple faith in the people as the backbone of our democracy and democratic structures. When defeated for a 22d term in the House, Congressman Martin so nobly replied:

> I've always done the best I know how. If the people want me, fine. If they don't, I ain't going to get upset.

His own remarks in 1966 remain as a fitting tribute to a man whose era has passed but who will be remembered and admired for decades to come.

PUBLIC MOOD DEMANDS BETTER FIREARMS LAWS

Mr. DODD. Mr. President, in the Senate debate on the need for effective Federal firearms laws I have repeatedly heard comments from the opposition to strong laws that rifles and shotguns are not a necessary part of any law written by this Congress.

The argument goes, that the inclusion of rifles and shotguns in a strict Federal law to disarm criminals, juveniles, and the demented would be an "inconvenience" to legitimate hunters and sportsmen.

This, of course, is not true. It is the propaganda spread over the years by the firearms lobby. The reasoning is somehow expected to equate a minor inconvenience for a skeet shooter with public safety for thousands.

Mr. President, I say the public does not buy this argument.

The public will not be fooled by this self-interest argument of the gun lobby designed to confuse public demand for effective firearms laws.

Is there a need for a strong Federal firearms law?

Should that law include restrictions on the mail-order sale of rifles and shotguns?

Is it the mood of the public that it is the Federal Government's responsibility to control the interstate sale of all these deadly weapons so that State and local police will be better able to enforce local laws?

I think it is the public mood, and for good reason.

One of the best expressions of the mood of the public came in the May 9, 1968, edition of the Press-Scimitar of Memphis, Tenn.

The Press-Scimitar, in the town where Dr. Martin Luther King, Jr., was assassinated with a rifle in the hands of a man believed to be a criminal, had this to say about a Federal gun law that does not include long arms:

> Madmen of the kind who shot President Kennedy and Dr. King and sniped at police during urban riots would find in this bill no impediment to mail ordering rifles.
>
> Before passage the Senate could put more teeth in this provision and still leave legitimate sportsmen no room for complaint.

"Who Wants Gun Controls?" asks the May 2, 1968, editorial in the Lowell, Mass., Sun.

My answer is that most people do.

Through the CONGRESSIONAL RECORD I have made available to my colleagues the views of hundreds of newspapers, magazines, radio and television broadcasters, and one of the most impressive lists of endorsements of law enforcement agencies, church and labor groups, and individuals ever given a piece of legislation before the Senate.

Almost universally they endorse the adoption of title IV of the Safe Streets Act, S. 917. Most of them demand that long arms be included in the final bill.

Mr. President, I ask unanimous consent that the views of an additional group of newspapers be printed in the RECORD at this point.

They are from such distant points as Santa Barbara, Calif., and Union City, N.J.

They are from such places as Bloomington, Ill., North Adams, Mass., Ashland, Ky., and a host of other towns.

I believe they make it sufficiently clear that the mood of the public is for stronger firearms laws, workable firearms laws, and a Federal firearms law that controls the sale of rifles and shotguns as well as pistols and revolvers to criminals and others who should not have them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lowell (Mass.) Sun, May 2, 1968]

WHO WANTS GUN CONTROLS?

In the four years and a half between the rifle shots that killed President Kennedy and the closely similar assassination of Martin Luther King, no federal legislation has been enacted to control the sale or distribution of guns.

Meanwhile, Americans by the thousands have been murdered or have committed suicide or have been accidentally killed by bullets from pistols and rifles.

Now it appears that Congress is going to pass a watered-down gun control law—the first time in 30 years that gun-control legislation has cleared committee and reached the floor of the Senate.

A Senate Judiciary Committee's gun bill would provide limited controls on gun sales and in other ways strengthen the hand of law enforcement agencies in fighting crime. However, the measure is no guarantee against the kind of irresponsible gun peddling that enabled Lee Harvey Oswald to buy a mail-order rifle.

The committee's bill would prohibit interstate mail-order sales of handguns to individuals, but not of rifles and shotguns. It would also ban over-the-counter sales of handguns to nonresidents of a State and to those under 21. Additional curbs would be placed on imports and sale of surplus firearms, antitank guns, bazookas and similar weapons.

Here are some interesting editorial comments on the controversial gun legislation:

Inquirer, Philadelphia, Pa.—"Unrestricted distribution of lethal weapons to anyone with the money to pay goes far beyond the intention of the Nation's basic concepts of individual liberty. There are many persons who for one reason or another should not be permitted to possess handguns, rifles or more lethal firearms, if it can be prevented. Children, those with criminal records and the mentally ill are obvious examples."

Post, Washington, D.C.—"If Congress lets the National Rifle Association and its greedy collection of backers hoodwink it once more into thwarting effective firearms control, it ought to have its heads examined—by the electorate. The latest Harris poll on the subject shows that the American people favor the passage of Federal laws which would put tight controls over the sale of guns by a margin of 71 to 23 per cent. It's time to give that majority some attention."

Beacon Journal, Akron, O.—"A few hours before Dr. King's murder, a gun control amendment to the administration's anticrime bill had failed in the Senate Judiciary Committee on a 6-6 tie. The next day the amendment was recommended for passage by a 9–7 vote.

"Whether or not the tragic event was responsible for mustering the additional three votes, it is a forward step that this legislation is at last going to be submitted to the full Senate. This is the first time since 1938 that firearms legislation has been approved by a congressional committee."

Journal, Atlanta, Ga.—"The two most luminous and symbolically important figures in American public life in the past five years—President Kennedy and Dr. Martin Luther King—have been killed by fools with rifles. Far too many people are arming themselves for this summer, and thereby increasing the chances that they will themselves be shot."

Daily News, Chicago—"For a lobby (the National Rifle Association) that represents at most the views of 23 per cent of the people, the gun clique wields a disproportionately big clout in Congress. We hope the Senate as a whole will have the courage to fulfill its responsibility to the overwhelming majority by restoring the deleted gun-control provisions to the anticrime bill. This would force a showdown with the House, and possibly clear the way for the effective gun-control measures."

[From the Ashland (Ky.) Independent, May 2, 1968]

The Public Wants It

Gun sales are booming again. This reflects widespread personal anxiety, but it cannot be interpreted to mean that Americans in general oppose effective gun control laws. The polls consistently show quite the opposite—that a large majority of the people in this country, despite all the contrary efforts of the National Rifle Association, favor enactment of such law by Congress.

Congress has been far more responsive to NRA lobbying pressures, however, than to public sentiment. This was newly demonstrated when the Senate Judiciary Committee, on the very day after Dr. King's death, labored and brought forth a legislative mouse. The bill it approved would apply feeble restrictions to handguns only. Both Dr. King and President Kennedy, be it noted, fell to rifle bullets.

This is not a case of Congress being reluctant to act in the conscientious belief that public sentiment runs counter to wiser opinion. On the contrary, the widespread support of better gun control laws echoes the views of Attorney General Clark, FBI Director J. Edgar Hoover, many police chiefs and others well informed in law enforcement problems. The gun lobby thinks differently. Congress should start paying less attention to the lobby and more to a public and its leaders who want to make it harder for criminals to get their hands on murderous weapons.

[From the Lexington (Ky.) Leader, May 1, 1968]

Toward A Sane Policy With Firearms

For the first time in 30 years, the United States Senate will discuss a significant gun control law. The debate, which is scheduled to start this week, will be over one of President Johnson's anticrime measures and specifically will include provisions to:

Prohibit the sale of interstate mail order handguns—revolvers and pistols—to individual citizens.

Halt the over-the-counter sale of hand-weapons to persons under 21 years of age and nonresidents of the state.

Ban the importation of surplus military weapons and ban the widespread sale of antitank guns, bazookas, mortars, grenades and other highly destructive weapons.

These provisions should be passed during this session of Congress, since to delay them would be to encourage even greater violence this summer and to allow many of the hoodlums to arm themselves without much trouble.

In fact, we are of the opinion that the gun control bill which cleared the Senate Judiciary Committee last week should be even broader and should ban the sale of rifles and shotguns from mail orders. Too many people who should not have the guns wind up with them.

Quite properly, the senators proposing this bill have correctly noted that it will in no way interfere with the rights of police departments, or organized and supervised gun clubs, or even responsible citizens from arming themselves.

However, it will make it far harder for juveniles, drug addicts, mental patients and convicted felons from getting guns. That is not saying that this law will prevent them from obtaining weapons, but only that such a law will make it harder for them and easier for the government workers to arrest and prosecute such dangerous characters.

Connecticut Sen. Thomas Dodd was absolutely correct when he stated the other day:

"People are buying guns like mad. We're really going to be in trouble if this doesn't stop. Here we pretend to be advanced and we're the most backward country in the world when it comes to guns. We're still living in the Wild Indian days."

Even before the death of Dr. Martin Luther King touched off a rash of gun sales, a Louis Harris survey showed more than 54 per cent of the homes in the U.S. have guns.

We hope Congress will pass these important measures. Maybe then, we can get back on the road toward a sane policy of firearms in the home.

[From the North Adams (Mass.) Transcript, May 2, 1968]

Gun Law More Important Than Ever

The chances of a national gun law being enacted by this session of Congress are growing slimmer and slimmer—and for a not very pleasant reason.

The various bills, including the so-called Dodd bill, aimed at making it more difficult for unauthorized persons to obtain firearms, have been allowed to lie dormant in Congress, and the only action thus far has been a committee report favoring a watered-down measure so weak as to be useless.

And now with something uncomfortably like anarchy simmering in the land, more and more people are acquiring guns in the belief that they will be needed for the defense of their lives and property and for the safety on the streets.

Not a very pleasant condition in the United States of America, and one that is not necessary, because, in spite of the vigorous lobbying by the National Rifle Assn., the proposed gun laws would have been no hardship to sportsmen and would have placed no intolerable obstacles in the way of guns being obtained by law-abiding citizens.

A favorite argument of opponents has been that the law would not prevent criminal elements from obtaining guns, and that the assassins of John F. Kennedy and Dr. Martin Luther King would have been able to commit their crimes, regardless. According to that logic, there is no point in placing valuables in safes because determined safecrackers can get at them, anyway.

All that has been proposed in a uniformity of laws throughout the states, and measures to make it easy for the lawless to obtain lethal weapons. Surely a little inconvenience is a small price to pay for some measure of protection.

[From the Decatur (Ill.) Review, May 6, 1968]

Guns Not Necessary

News of the continuing controversy over gun control must bring puzzled smiles to many British faces.

For in Britain, guns are for war, not civilians. The police are issued firearms only for specific purposes, such as a manhunt of armed suspects.

Guards on armored trucks handle millions of dollars a day, armed only with long truncheons.

However, it is possible for the average British subject to obtain a license to own a firearm for an antique collection or hunting. But the sale of ammunition even to licensed persons is controlled.

There are not many antique gun collectors, and sport shooting is not widely available. The businessman or homeowner who is fearful of robbery cannot obtain licenses.

Thus, there are very few firearms in circulation, despite the influx of guns into Britain during World War II when there were fears the country would be invaded.

Of the 8 million residents of London, only 15,584—or two-tenths of one per cent—have licenses for lethal weapons.

Some of the few, unregistered guns collecting dust in attics or desk drawers have been brought to police stations in the past three months under an amnesty program. Police have accepted more than 2,000 weapons and 74,000 rounds of ammunition with no questions asked and no penalties.

Normally, the penalty for keeping an illegal weapon is a fine of $480 or six months in jail, or both.

The British do not seem to mind not having firearms, possibly because they do not miss what they have not had.

For recreation in the great outdoors they picnic by the seashore or hike in the mountains of Wales. Golf and lawn bowling are popular male sports for those too old to play soccer or rugby.

Perhaps America is still too young and immature to give up the frontier notion that guns are necessary, or that the woods and fields would not be worth visiting without the thrill of ambushing an unwary deer with a high-powered rifle or shotgun.

Millions of hunters, bolstered by the powerful National Rifle Association and firearms manufacturers, put constant pressure on legislators to ignore the problems of widespread gun ownership.

But other groups have a legitimate interest in—or little objection to—regulating the sale and ownership of firearms.

These groups include law enforcement agencies, naturalists who would like to view wildlife which has not been frightened by hunters, bow and arrow enthusiasts who feel this method of hunting is more sporting than firearms, and even camera bugs who feel that hunting with a camera is slightly more civilized than blowing holes in animals with rifles.

Once the American "frontiersmen" acknowledge that the frontier is gone, perhaps restrictions will not prove unbearable.

[From the Haverhill (Mass.) Gazette, May 4, 1968]

GUN CONTROL

Passage of a sensible gun control law by Congress is long overdue. Even that most avid of freedom-for-guns organizations, the National Rifle Association, is willing to grant there is a need for reasonable laws in regard to gun traffic and sales.

Members of both Congress and the NRA have been guilty of obscuring the basic intent of the gun control law.

Some Congressmen have tried to tie the gun bill in with many other things, including anti-crime legislation in general and attacks on recent Supreme Court rulings.

Gun fanciers, on the other hand, have been invoking everything from interpretations of the Constitution to the possibility of Communist invasion or takeover of government, in an attempt to block any legislation whatsoever.

Meanwhile, nothing is being done to keep guns of all types out of the hands of children, insane persons and others who are incompetent to handle them.

Common sense demands that there be some safeguards in the law to protect the vast majority of citizens from those twisted minds in which guns become symbols of power and authority, giving them the mistaken idea they can control the destiny of the world with the weapon in their hands.

No one wants to ban the use of guns for hunting, target practice, self-defense and other legitimate purposes. What is sought is control over the indiscriminate distribution of guns to persons who are not qualified to use them.

Debate has started in Congress on the latest in a long line of gun control legislation. It is our hope, and the hope of many concerned Americans, that some effective laws will come out of the current discussions.

[From the San Jose (Calif.) News, May 1, 1968]

GUN BILL A SOP

The Senate is considering a gun control bill that in reality is only a sop, not a solution to one of America's most pressing problems. While it would cover pistols and revolvers, the bill would not regulate the mail-order sales of shotguns and rifles. The Senate should substitute a tougher bill that governs all firearms and helps insure that few or none can get into the hands of criminals or the mentally ill.—Newsday (New York)

[From the Bloomington (Ill.) Pantagraph, May 5, 1968]

GUN LOBBYISTS TWIST RIGHT TO BEAR ARMS

Far be it from us to shoot holes in the second amendment to the Constitution of the United States, but one thing is basic:

Opponents of federal-state gun legislation should at least recite the full amendment before waving the document under the noses of those who believe the purchase and possession of firearms require greater controls.

The amendment reads:

"A well-regulated milita being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Those who have stalled sensible gun-control legislation often cite the second clause of the amendment, but rarely the first.

There is deliberate deception involved in such practices. When one reads beyond the level of The National Rifleman and Guns and Ammo magazines, the deception becomes clear.

Concern for a citizen-soldiery (the militia) was uppermost in the minds of those who drafted the Constitution. The fear of a large standing army, especially in peacetime, was present in most of them. Some feared that the Constitution (Art. 1, Section 8) gave Congress too free a hand in the organization, discipline and training of the militia.

The Second Amendment was the result.

Reference to the individual's right to bear arms was absent from almost all the debates at state ratifying conventions. And the final language of the amendment employs the phrase "the people" rather than "individual" or "every person" or "freeholder."

Those who have written extensively on the Second Amendment agree almost to a man that "the people" should be interpreted as a collective approach, not an individual approach.

In an article in the Northwestern University Law Review, "The Second Amendment, A Second Look," lawyers Peter B. Feller and Karl L. Gotting, write:

"There appears to have been no thought or mention of a personal right to carry firearms during that period (pre-Constitution)."

Both state and federal court decisions, the authors maintain, show beyond much question that the Second Amendment is aimed at militia rights and collective rights to bear arms, not individual rights.

After tracing in detail the commentary on the Second Amendment, the authors conclude:

". . . There should be no mistake as to what the Second Amendment does in fact embody. It guarantees that the Congress shall not infringe upon the right of a state to maintain its militia and should not so disarm a citizen as to prevent him from functioning as a militiaman in the organized state militia."

Even the right given to militiamen to bear arms is archaic, but, at the very least, the constitutional argument put forward by the gun lobbies misfires badly.

[From the Union City (N.J.) Hudson Dispatch, Apr. 29, 1968]

SENATE'S DUTY ON GUN CONTROLS

The U.S. Senate should have an accurate assessment of the tensions that exist in the country. And in addition, guided by the voluminous reports of apprehension over racial disturbances, it should have no doubts as to its duty and how to handle gun control legislation currently before the Congress.

The senate this week can, if it acts with wisdom and prudence, propose the proper controls in mail order arms sales. Any further dilution of an amendment to President Johnson's anticrime bill would be a disservice to the country and its people.

The judiciary committee of the upper house of the national legislature last week after much debate and by a bare majority approved a modest version of Mr. Johnson's gun control proposals. It might have been hailed as the most significant gun control legislation approved by a congressional committee in three decades, but it doesn't go far enough. The deficiency can be rectified by the senate this week or whenever it takes up the controversial measure again. The National Rifle Assn. lobby has been vigorously opposing it.

Last week the senate voted to prohibit the interstate mail order sales of hand guns, pistols and revolvers. But it failed to include a ban on rifles and shotguns. If it will sincerely reevaluate its action, the senators can only conclude that Mr. Johnson was acting judiciously in his recommendations and that the least they can do is lend their support to the betterment of the citizenry.

The senate must not lose sight of the fact that the sale of the long guns it would presently permit is the same sort of weapon that was used in the assassination of President John F. Kennedy in 1963 and in the cold-blooded murder of Dr. Martin Luther King Jr., three weeks ago.

It must also bear in mind that if guns are less accessible there is less of a chance of their use—especially in crimes of high emotions.

[From the Santa Barbara (Calif.) News-Press, Apr. 25, 1968]

GUN CONTROL LAW NEEDED NOW

Congress has a decision to make on effective gun control legislation. It must decide—and soon—whether the views of large majorities of Americans, as reflected in recurring polls, are to prevail over the lobbying of the National Rifle Assn. and related interests.

The latest Louis Harris Survey, for example, finds that Americans by 71 to 23 per cent, support the passage of federal laws which place tight controls over the sale of guns. This marks a five-point rise in favor of controls since last August.

Still nothing has been done effectively to curtail the deadly spread of weapons in a society which has proven vulnerable to the use of violence in the face of critical challenges. The gun lobby continues to be singularly successful in raising false fears about legislation denying hunters and law-abiding citizens the right to own guns. Such provisions are not at issue in bills under serious consideration.

On the day of the murder of Dr. Martin Luther King Jr., the Senate Judiciary Committee rejected a minimal piece of legislation prohibiting the mail-order sale of rifles, shotguns and handguns. The following day, pressed by tragedy, it voted to restrict interstate shipment of handguns or their direct sale to out-of-State purchases. Past experience would give even this measure little chance of ultimate enactment.

In the face of Congress' curious reluctance to act on this issue, some subsidiary findings in the latest Harris poll strike a disquieting note. The number of homes in which occupants say they have guns has now risen to a 51 per cent majority. The number of gun owners who say they would use their weapons to shoot other people in case of riots has risen from 29 to 51 per cent since last August. Some 48 per cent of all adult Americans were found to be personally more uneasy on the streets as a result of a fear of racial violence.

The message should be loud and clear to Congress. In the absence of proper gun control legislation, more people are leaning to weapons as a measure of self protection in one of the most serious periods of our history.

With the deaths of thousands of Americans annually attributable to firearm murders, suicides and accidental shootings, Congress has an obligation to legislate the rational controls the public wants.

[From the Asheville (N.C.) Citizen and Citizen-Times, Apr. 19, 1968]

DO PEOPLE REALLY WANT A GUN IN EVERY HAND?

Like religion and politics, the control of firearms is one of the controversial topics that has become a permanent issue in America.

By and large, people are either for it or against it, with no middle ground for compromise.

Yet the unrestricted sale of firearms, through the mail or across the counter, to irresponsible users, contributes to an annual death toll that is unnecessary and lamentable.

The Senate judiciary committee has come up with a half-a-loaf bill that would prohibit the mail-order sale of pistols (but not rifles and shotguns).

It isn't, in truth, much of a limitation. But we favor it as a beginning move toward regulation that has been delayed for many years, and we recently asked our readers to write their Senators and Representatives, urging their support of the bill.

Some of our readers did. But most of those we've heard from asked their Congressmen to kill the measure rather than endorse it.

The reaction is not surprising; it's that kind of issue. In today's Backtalk, Mr. Robert A. Harroc aptly summarizes the stand of the National Rifle Association against the proposed legislation. (Similar letters have been received from C. W. Rothrock of Asheville, James A. Rickert of Asheville, and Roland P. Chauffe of Brevard.)

We could drop the subject without further comment. But Mr. Harroc and the NRA contend that Americans are *constitutionally* entitled to own and use firearms. The belief is based on the Second Article of the Bill of Rights, which reads:

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Clearly, that implies the constitutional right extends only to members of "a well-regulated militia." It was not intended to apply to criminals, mental incompetents, or racist agitators.

Mr. Harroff also writes: "In a lengthy document on the 1967 rioting, the President's National Advisory Committee on Civil Disorders barely mentioned firearms. Most reported sniping incidents were demonstrated to be gunfire either by police or National Guardsmen."

We have a copy of that "lengthy document." And, on Page 289, the Commission says in part:

"The fact that firearms can readily be acquired is an obviously dangerous factor in dealing with civil disorders. It makes it easier for a serious incident to spark a riot and may increase the level of violence during disorders.

"We recommended that all state and local governments should enact gun control legislation.

"We also believe that Federal legislation is essential in order to make state and local laws fully effective and to regulate areas beyond the reach of state government. We therefore support the President's call for gun-control legislation and urge its prompt enactment."

Despite our frequent appeals for stronger regulations, we are not fanatic on the subject. We own guns and have owned them since we were old enough to use them safely. Nothing now proposed or contemplated in Federal law will interfere with the ability of responsible citizens to acquire whatever weapons they wish and to use them for lawful purposes.

But, for lack of a law, mail-order firearms are flowing unrestricted to thugs, delinquents, hate-groups or anybody who has the price.

Again, we ask our readers to endorse the mild regulation now proposed by the Senate Committee and to let their Congressmen know they oppose this unregulated traffic in lethal weapons. As Mr. Harroff concludes: "Reason may yet prevail."

DO CHEMICALS SOW SEEDS OF GENETIC CHANGE?

Mr. NELSON. Mr. President, a potential threat to the health of future generations has been revealed by the noted medical scholar, Dr. James F. Crow, a University of Wisconsin product and chief of the National Institutes of Health, Genetics Study Section.

Dr. Crow and other leading geneticists believe that exposure of large numbers of people to chemicals which can change genes could cause a genetic disaster by permanently damaging the fiber of the human framework. In a study conducted at the Jackson Laboratory in Bar Harbor, Maine, under the supervision of Dr. Crow, a number of chemicals were found to induce genetic damage in various organisms. The chemicals that were of the greatest concern included such widely used products as chemosterilants and other pesticides, food additives, cosmetics, air pollutants, herbicides, industrial chemicals, vaccines, contraceptives, and drugs.

While the experts differ among themselves in assessing how much already has been proved and how much is yet to be established about chemical mutagenecity, there is agreement that work must begin to explore this problem further.

One drug company has initiated just this type of research. At Hoffman-La Roche, Dr. John J. Burns is deeply engrossed in mutagenesis research.

An FDA official says that, the "threat of genetic damage is our No. 1 health problem."

An article published in the Medical World News discusses this important problem. I recommend its reading; and to that end I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DO CHEMICALS SOW SEEDS OF GENETIC CHANGE?—MUTATION-INDUCING COMPOUNDS EXPERTS FEAR, MAY PARALLEL OR EXCEED X-RAY DANGER

Oak Ridge National Laboratory is worldfamous for its studies on the genetic consequences of exposure to radiation. This week, Oak Ridge's biology division plays host to a quiet caucus of several of the nation's leading mutation researchers, who are gathering to decide what steps should be taken to explore what they believe may be an analogous, and perhaps more severe, threat to man's health.

What concerns these scientists is the possibility that future generations may suffer from genetic aberrations caused by mutation-producing substances that we innocently expose ourselves to today. There is no direct evidence, in man, that this damage will occur, but the available indirect evidence has led to strong scientific interest, and in some instances outright personal anguish, among geneticists familiar with the problem who have been interviewed by MWN.

Participating in the caucus are the two deans of population genetics in the U.S., Dr. James F. Crow of the University of Wisconsin, who is chief of the NIH genetics study section; and Dr. James V. Neel of the University of Michigan, who has been acclaimed for his genetic studies of the offspring of atom bomb survivors in Japan. Oak Ridge's biology chief, Dr. Richard A. Kimball, is host.

Dr. Kimball says: "This is a matter that could be a very serious problem for our country and the world in the future. We have not yet undertaken a study of the magnitude that would be necessary to estimate the seriousness of the problem."

Dr. Crow and other geneticists believe that exposure of large numbers of people to a chemical mutagen could cause a "genetic emergency"—or even a "genetic disaster"—manifest as widespread human suffering for many generations and irrevocable damage to the human race. Unlike teratogens, which damage an already-conceived infant and afflict only a single generation, mutations occur in the germ plasm before conception and might lie dormant for several generations, then damage many generations thereafter. The first warning of such an event might be an increase in the number, incidence, or severity of genetic illnesses; a marked change in the birth ratio of men to women; or an almost imperceptible loss of vigor and vitality, progressing from generation to generation.

Why are eminently sober scientists concerned about a threat to the future for which present-day evidence is so sparse? The reasons were set forth almost two years ago at a special closed session of the NIH genetics study section. This precursor of the Oak Ridge caucus was held at the Jackson Laboratory in Bar Harbor, Me. Dr. Crow was chairman.

His report of the group's deliberations asserts that potentially irrevocable damage might be done without immediate warning by some of the more than 10,000 natural and synthetic chemical agents now produced commercially or by the million or more additional agents that have been isolated or synthesized by man, most in recent decades. Fewer than 200 of these suspected mutagens have been systematically assayed. None has been definitively implicated—or cleared—as a direct threat to the future of man.

The unpublished Bar Harbor report, prepared at the request of NIH, makes these points:

"A number of chemicals—some with widespread use—are known to induce genetic damage" in various organisms.

"Identity of the genetic material in all organisms implies that a chemical that is mutagenic to one species is likely to be in others and must be viewed with suspicion."

Some compounds are "highly mutagenic in experimental organisms in concentrations that are not toxic and that have no direct effect on fertility," so that no natural barrier prevents mutations from being passed on to future generations.

"Perhaps most insidious are compounds that induce point mutations without chromosome breakage," and thus cannot be monitored microscopically.

Compared with radiation hazards, chemical mutagens "may be the submerged part of the iceberg."

The report has been circulated among genetic experts inside and outside government, but has been carefully guarded from the press and the public. Some participants in the meeting were told that it would be submitted for publication in *Science* last year. They subsequently learned that publication had been held up in the NIH, on grounds that the government wanted to prepare an action-oriented plan to accompany the document when it was made public. No such plan has yet been formulated, although the National Institute of General Medical Sciences has been asked to develop some feasible courses of action based on the report.

Dr. Crow's report lists two ways a mutagenic chemical could affect exposed populations. The more likely is a mild increase in the mutation rate through exposure of a few individuals to a powerful agent, or of many to a weak one. Especially threatening in this type of slow contamination of the gene pool would be the introduction of a mildly mutagenic substance, such as an additive into a food or beverage that is mass-produced for wide consumption. Such a silent increase in man's quotient of bad seed could not be detected in any way.

More dramatic, and "unlikely but not impossible," these experts say, is a "genetic emergency" in which large numbers of persons might be exposed to a "presumably innocuous though in fact highly mutagenic substance." Even such a major catastrophe, however, might be detected and tracked to its source only if it produced a huge increase—say tenfold or greater—in the natural mutation rate.

The chemicals that most concern the Bar Harbor conferees as potential mutagens include chemosterilants and other pesticides, food additives, cosmetics, air pollutants, herbicides, known carcinogens, industrial chemicals, drugs, vaccines, and contraceptives. Their report recommends that "an up-to-date register of mutagenic chemicals be established and the information be made generally available," and that "tests for mutagenicity be made a routine part—as toxicity tests now are—of the testing of chemicals that are used for food or drugs or to which large numbers of people may be exposed for other reasons."

The report also emphasizes the need for "research to develop more-sensitive and cheaper tests of mutagenicity and chromosome breakage," including assays on organisms closely related to man. And it suggests that scientists "explore the feasibility of genetic monitoring of the human population for chromosome breakage and increased genetic damage."

These recommendations reflect the thinking of the 15 genetics experts who belong to the study section and of the half-dozen outside specialists in the field who came to Bar Harbor as invited guests. In attempting to obtain a broad evaluation of these recommendations, MWN has consulted two dozen other genetics experts. All shared the Bar Harbor group's concern about mutagenic chemicals as either a proved or at least a potential menace to human health.

These experts differ among themselves in assessing how much already has been proved and how much is yet to be established about chemical mutagenicity, and they differ on how much would—or should—have to be known about a chemical's ability to cause mutations before action to restrict its use might be taken. Most believe that direct evidence of a chemical's deleterious effect on man could be difficult or impossible to obtain—and incalculable damage could already have been done before it became apparent.

But they differ sharply on what kind of indirect evidence, and how much of it, should be required before modification, regulation, or restriction of a chemical agent would be appropriate. The one area in which there is unanimous agreement with the Bar Harbor recommendations among all scientists consulted by MWN is that there is pressing need to develop and use new mutagen detection methods.

"The mechanism of chromosome damage is unknown," asserts geneticist Kurt Hirschhorn of Mount Sinai School of Medicine in New York City, who last year participated in studies leading to the identification of LSD as a chromosome breaker and potential mutagen in man. "The most pressing problem," he adds, "is whether these changes are potentially dangerous to the individual taking the drug or his progeny. At this early stage of the investigation, there are no answers."

A basic researcher disagrees. Molecular biologist Ernst Freese, who is chief of the Laboratory of Molecular Biology at the National Institute of Neurological Diseases and Blindness, points out that DNA, the genetic stuff of which chromosomes are made, is structurally identical in man, mice, and microbes. Chemicals that damage or destroy DNA of one species invariably will act detrimentally to DNA of other species. Dr. Freese adds, unequivocally: "It is a general rule—which no geneticist doubts—that agents which definitely produce chromosome breaks in germ tissue will produce hereditary anomalies in the offspring."

The research chief of a major drug company, Dr. George H. Hitchings of Burroughs Wellcome, has begun to run chromosome studies of new drugs along with standard toxicity tests. But he disagrees strongly with Dr. Freese's estimate of what can be assumed from test findings in subhuman models. "The chief problem may arise from extrapolations by people who may overinterpret," Dr. Hitching says. "It's a big step from finding chromosome changes in animals to believing you've found something that will influence future generations of man."

Dr. John J. Burns, vice president for research at Hoffmann-La Roche, is probably the drug industry scientist most deeply engrossed in mutagenesis research. He agrees with Dr. Freese that in the test tube, microbial DNA is most likely the equivalent of mouse or human DNA, and a chemical that affects one probably will affect the others. But, he adds, the key question is as yet totally unanswered, because it is being asked only now for the first time: What happens to a chemical mutagen after it enters the body? Only if it gets into the gonads can it act on reproductive cell DNA, thereby influencing heredity. To answer the question, he says, genetics research must be supplemented by pharmacotoxicologic studies that assess an agent's metabolism in the body, its excretion rate, and concentration in the reproductive tissue.

Dr. Burns is trying to stimulate interest in development and use of pharmacologically sound protocols for mutagen testing. Roche has become the first pharmaceutical company to hire a full-time cytogeneticist and plans a major research program in mutagenic assay.

While scientists in mutagenesis research all concur with Dr. Burns in the need for better tests, some take sharp issue with him as to whether the existing assays are accurate enough to begin the task of testing suspect compounds. In one of the first warnings from the scientific community on the mutagenesis menace, Harvard biologist Matthew Meselson six years ago wrote to the President's special assistant for science and technology, Dr. Donald F. Hornig, to say that "our present understanding of chemical mutagenesis and of human genetics is adequate to set up some safety guidelines and monitoring procedures." Nobelist Hermann J. Muller had delivered a similar warning to the FDA.

At the FDA, the chief U.S. regulatory agency investigator working on mutagenesis is biochemical geneticist Marvin Legator. He says flatly: "The threat of genetic damage is our No. 1 health problem." Dr. Legator is also an associate professor of genetics at George Washington University. His colleague and co-investigator there, obstetrician-cytogeneticist Cecil B. Jacobson, adds: "Damage sown in the germ plasm is far more dangerous to the human race than immediate clinical complications like cancer or thalidomide, which cripple or kill a single person but are not reproduced."

URGE ACTION BY FOREIGN RELATIONS COMMITTEE

Mr. PROXMIRE. Mr. President, at the close of the drafting of the United Nations Charter in June 1945, President Truman looked to the future with these words:

> The Charter is dedicated to the achievement and observance of human rights and freedoms, and unless we can attain these objectives for all men and women everywhere—with regard to race, language, or religion—we cannot have permanent peace and security.

Three years later, the United Nations laid the foundations for "peace and security"—the Universal Declaration of Human Rights. His Holiness Pope John XXIII, in his famous encyclical, "Pacem in Terris," expressed his belief in the declaration:

> An act of the highest importance performed by the United Nations Organization was the Universal Declaration of Human Rights, approved in the General Assembly of December 10, 1948.

Today, 20 years later, those foundations established by the United Nations are deserted by the Senate. The human rights conventions, with which we can build on those foundations, are left idle. I urge the Foreign Relations Committee to report these conventions providing for the political rights of women and the abolition of forced labor. By ratification of these treaties, the Senate can begin the long-awaited construction of "peace and security"; can still attain those "objectives" of President Truman.

JUSTICE BLACK ON THE FIRST AMENDMENT

Mr. DODD. Mr. President, on March 20, 21, and 23, Hugo L. Black, Associate Justice of the Supreme Court of the United States, delivered a series of three lectures—the so-called Carpentier Lectures—at Columbia University Law School. The third of these lectures was devoted to the first amendment. I wish to call this lecture to my colleagues' attention because, whether one agrees with them or disagrees with them, the lecture contains some highly provocative thoughts.

Justice Black has for many years been considered one of the most liberal members of the Supreme Court. His liberalism, indeed, has on occasion made him highly controversial. I, myself, have never been able to go along with his argument that any law seeking to suppress obscene materials constitutes a system of censorship in violation of the first amendment. Nor, though he quotes Thomas Jefferson, can I accept his argument that the first amendment compels the striking down of all libel laws.

In the light of the exceedingly liberal interpretations he has in past placed on the first amendment, it is therefore all the more noteworthy when Justice Black now argues that the freedoms conferred by the first amendment are sometimes too broadly construed.

Some of the points which Justice Black made in his lecture, I am disposed to agree with; others I have serious doubts about. But the lecture is so thought provoking and the subject matter of such immediate interest that I would urge all of my colleagues to read it.

After making it clear that he considers the freedoms guaranteed by the first amendment "indispensable safeguards to our country's freedom and prosperity," Justice Black goes on to say:

> I am vigorously opposed to efforts to extend the First Amendment's freedom of speech beyond speech, freedom of press beyond press, and freedom of religion beyond religious beliefs. Thus the provisions of the Amendment that make speech, press and religion free from governmental interference do not immunize other conduct in addition to these three particularized freedoms. Likewise the provision granting the right of "peaceable assembly" should not be extended to a guarantee that people will be supplied by government or by private parties with a place to assemble even though their assembly is peaceful.

Justice Black went on to say that he has "always been careful to draw a line between speech and conduct." He quoted approvingly from the dissenting opinion handed down by Justice Douglas in Roth against the United States:

> Freedom of expression can be suppressed if and to the extent it is so closely brigaded with illegal action as to be an inseparable part of it.

Justice Black expresses what many of his liberal followers would consider an extremely conservative view when he says:

> I do not believe that the First Amendment grants a constitutional right to engage in the conduct of picketing or demonstrating, whether on publicly-owned streets or on privately-owned property.

He goes on to say that—

> No matter how urgently a person may wish to exercise his First Amendment guarantees to speak freely, he has no constitutional right to appropriate someone else's property to do so.

He quotes from Mr. Justice Goldberg's opinion in Cox against Louisiana:

> Nothing we have said here . . . is to be interpreted as sanctioning riotous conduct in any form or demonstrations, however peaceful their conduct or commendable their motives, which conflict with properly drawn statutes and ordinances designed to promote law and order, protect the community against disorder, regulate traffic, safeguard legitimate interests in private and public property, or protect the administration of justice and other essential governmental functions.

Justice Black also offers the observation that—

> Use of the streets for propaganda purposes can at certain times and places not only discommode travelers, but actually paralyze all use of the streets for their primary purpose, which is traveling. In these situations government must be able to regulate the offensive conduct, and I see no constitutional barrier to its doing so.

Most of us will find things to agree with and things to disagree with in Justice Black's remarks. But all of us will find food for thought in them.

I ask unanimous consent to have the full text of Justice Black's lectures printed in the RECORD.

There being no objection, the lectures were ordered to be printed in the RECORD, as follows:

CARPENTIER LECTURES—THIRD LECTURE: THE FIRST AMENDMENT

(Delivered by Hugo L. Black, Associate Justice, Supreme Court of the United States at Columbia University Law School, New York City, on March 20, 21, and 23, 1968)

The right to think, speak and write freely without governmental censorship or interference is the most precious privilege of citizens vested with power to select public policies and public officials. To secure this privilege for the people of the United States, the First Amendment to our Federal Constitution forbids Congress (and the States through the Fourteenth Amendment) to make any law respecting or concerning the establishment of religion, prohibiting the free exercise of religion, abridging freedom of speech or of the press, or of the right of the people peaceably to assemble and petition the government for a redress of grievances. It is because I so strongly believe that the First Amendment freedoms are indispensable safeguards to our country's safety and prosperity that I yielded to an irresistible urge to make that amendment the third and last subject of my three Carpentier Lectures. The First Amendment covers too big a field for me to discuss it exhaustively in one lecture. Thus I will devote this lecture principally to my belief in freedom of speech and press. But let me make it completely clear here that I stand squarely on the following statement I made, speaking for the Court, in *Everson* v. *Board of Education*, 330 U.S. 1, concerning the First Amendment's guarantee of religious freedom:

"Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State'." 330 U.S. at 15–16.

Since the basic theme of this whole series of lectures has been my constitutional faith, I want to explain to you my belief that the First Amendment's guarantees of freedom of speech, press and religion are the paramount protections against despotic government afforded Americans by their Bill of Rights and that courts must never allow this protection to be diluted or weakened in any way. On the other hand, I want to emphasize in this lecture that in harmony with my general views of faithful interpretation of the Constitution as written, which views I hope I have made clear in the preceding two lectures, I am vigorously opposed to efforts to extend the First Amendment's freedom of speech beyond speech, freedom of press beyond press and freedom of religion beyond religious beliefs. Thus the provisions of the Amendment that make speech, press and religion free from governmental interference do not immunize other conduct in addition to these three particularized freedoms. Likewise the provisions granting the right of "peaceable assembly" should not be extended to a guarantee that people will be supplied by government or by private parties with a place to assemble even though their assembly is peaceful. With these very significant distinctions clearly in mind, I want to begin this lecture by telling you what the First Amendment's guarantee of free speech means to me.

My view is, without deviation, without exception, without any ifs, buts, or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech or of the press." These words follow Madison's admonition that there are some powers the people did not mean the Federal Government to have at all. As I have said innumerable times before I simply believe that "Congress shall make no law" means Congress shall make no law. Obviously the way to communicate ideas is through words, and I believe that when our Founding Fathers, with their wisdom and patriotism, wrote this Amendment, they knew what they were talking about. They knew what history was behind them; they were familiar with the sad and useless tragedies of countless people who had had their tongues plucked out, their ears cut off or their hands chopped off, or even worse things done to them, because they dared to speak or write their opinions. They wanted to ordain in this country that the new central government should not tell the people what they should believe or say or publish. James Madison, in explaining the sweep of the First Amendment's limitation on the Federal Government when he offered the Bill of Rights to Congress in 1789, is reported as having said: "The right of freedom of speech is secured; the liberty of the press is expressly declared to be *beyond the reach of this government* . . . ."(Emphasis added.) 1 Annals of Congress 738. Thus we have the absolute command of the First Amendment that no law shall be passed by Congress abridging freedom of speech or the press. And with the passage of the Fourteenth Amendment the Supreme Court has properly recognized that this command is now as applicable against the States as it is against the Federal Government.

There is nothing in the language of the First Amendment to indicate that it protects only *political* speech, although to provide such protection was no doubt a strong reason for the Amendment's passage. Since the language of the Amendment contains no exceptions, I have continuously voted to strike down all laws dealing with so-called obscene materials since I believe such laws act to establish a system of censorship in violation of the First Amendment. See *Roth* v. *United States*, 354 U.S. 476, 508 (1957); *Kingsley Pictures Corp.* v. *Regents*, 360 U.S. 684, 690 (1959); *Smith* v. *California*, 361 U.S. 147, 155 (1959); *Ginzburg* v. *United States*, 383 U.S. 463, 476 (1966). It is not difficult for ingenious minds to think up and contrive ways to escape even the plain prohibitions of the First Amendment. This same kind of ingenuity existed in the days of Rome. For example, it is said that Augustus punished people for criticizing the Emperor by the simple device of calling such criticism obscene. See Tacitus, The Annals, Book I, p. 72. So far as I am concerned, I do not believe there is any halfway ground for protecting freedom of speech and press. If you say it is half free, you can rest assured that it will not remain as much as half free.

Censorship, even under the guise of protecting people from books or plays or motion pictures that other people think are obscene, shows a fear that people cannot judge for themselves. As Justice Douglas said in a dissenting opinion which I joined in *Roth* v. *United States*, 354 U.S. 476, "I have the same confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics, or any other field." 354 U.S., at 514. And I cannot help pointing out here, in light of what seems to be happening today, that I think the Supreme Court is about the most inappropriate Supreme Board of Censors that could be found (see my dissenting opinion in *Kingsley Pictures Corp.* v. *Regents*, 360 U.S. 684, 690). And we should never forget that the plain language of the Constitution recognizes that censorship is the deadly enemy of freedom and progress and forbids it.

Just as with obscenity laws, I believe the First Amendment compels the striking down of all libel laws. Thomas Jefferson indicated as much when in 1798 he made the following statement:

"[The First Amendment] thereby guard[s] in the same sentence, and under the same words, the freedom of religion, of speech, and of the press: insomuch, that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals." 8 Jefferson, Writings (Ford ed. 1904), 464–465.

Since the First Amendment has been made applicable to the States by the Fourteenth, I do not hesitate to expound the constitutional doctrine that just as it was not intended to authorize damage suits for mere words as distinguished from conduct as far as the federal government is concerned, the same rule should apply to the States. I believe with Jefferson that it is time enough for government to step in to regulate people when they *do* something, not when they *say* something. I had occasion to enunciate this view in my concurring opinion in *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 293, where I voted to reverse the libel judgment "exclusively on the ground that the *Times* and individual defendants had an absolute, unconditional constitutional right to publish in the *Times'* advertisement their criticisms of the Montgomery (Ala.) agencies and officials." 376 U.S., at 293. It seems to me that under the First and Fourteenth Amendments a State has no power to use a civil libel law or any other law to impose damages for merely discussing public affairs and criticizing public officials. As I said in the *Times* case, "We would, I think, more faithfully interpret the First Amendment by holding that at the very least it leaves the people and the press free to criticize officials and discuss public affairs with impunity." 376 U.S., at 296. I am aware, of course, that some writers and commentators have challenged the historical accuracy of my reading of the broad sweep of the First Amendment. But a careful review of all the evidence convinces me that my interpretation of the Amendment is accurate.

Free speech plays its most important role in the political discussions and arguments which are the life-blood of any representative democracy. The lesson of history is crystal clear that the decline of really free political debate is one of the first signs of deterioration in an otherwise free state. Our Founding Fathers recognized this and established a system of government with its written Constitution and Bill of Rights which they believed insured absolute freedom to any citizen to say anything and believe anything, even if that belief was contrary to our most sacred principles of government and society. Jefferson expressed it this way on the occasion of his first inauguration as President of the United States:

"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." Thomas Jefferson, First Inaugural Address, March 4, 1801 (this address is reprinted in Jones, Primer of Intellectual Freedom 142, 143 (Harvard University Press, 1949)).

Unfortunately, however, the Supreme Court has refused to grant absolute protection to speech under the First Amendment, as he advocated, and instead has adopted various judicial tests which are applied on a case-by-case basis to determine if the speech in question is entitled to protection. Of these the most dangerous I believe is the so-called balancing test. The Court's balancing test in effect says that the First Amendment should be read to say "Congress shall pass no law abridging freedom of speech, press, assembly and petition, unless Congress and the Supreme Court reach the joint conclusion that on balance the interest of the government in stifling these freedoms is greater than the interest of the people in having them exercised." This is closely akin to the notion that neither the First Amendment nor any other provision of the Bill of Rights should be enforced unless the Court believes it is *reasonable* to do so. This balancing test has been used to justify, among other things, the requirement that a college teacher answer questions to the House Un-American Activities Committee about alleged past Communist affiliation, *Barenblatt* v. *United States*, 360 U.S. 109; the refusal to certify an attorney for admission to a state bar when he would not answer questions about his suspected association with Communists 20 years before, *Konigsberg* v. *State Bar*, 366 U.S. 36; and the conviction for a crime of a defendant charged with mere membership in the Communist Party. *Scales* v. *United States*, 367 U.S. 203.

Because of a fear of Communists these people, and others, were allowed to be punished for their political beliefs and peaceable associations. Punishment for an overt, illegal act is one thing, but punishment of a person because he says something, believes something or associates with others who believe the same thing is forbidden by the express language of the First Amendment. Yet in these cases, and too many others, people's rights are balanced away with the excuse that this country must be able to protect and preserve itself. I believe that the best way to protect and preserve the country is to keep speech and press free. No one owes his country and its form of government more than I do, and I want to see both preserved. But I believe they can be preserved only by leaving people with the utmost freedom to think and to hope and to talk and to dream if they want to dream. I do not think this Government must look to force, stifling the minds and aspirations of the people. For as I said in *Barenblatt*, "no number of laws against communism can have as much effect as the personal conviction which comes from having heard its arguments and rejected them, or from having once accepted its tenets and later recognized their worthlessness." 360 U.S., at 144. Even if I did not think this, however, I could not uphold laws punishing belief in communism or in anything else because as I read the First Amendment it absolutely forbids government from outlawing membership in a political party or similar association merely because one of the philosophical tenets of that group is that the existing government should be overthrown by force at some time in the future when circumstances permit.

Not only, it seems to me, does the balancing test ignore the language of the First Amendment, but as usually applied it has an unlimited breadth which is highly dangerous. For under the balancing test the question in every case where a First Amendment right is asserted is not whether there has been an abridgment of that right, not whether the abridgment of that right was intentional on the part of the government, and not whether there was any other way in which the government could have accomplished its aim without an abridgment. Rather the question simply is whether the government has an interest in abridging the right involved and, if so, whether that interest is of sufficient importance, *in the opinion of a majority of the Supreme Court*, to justify the government's action in doing so. Such a doctrine can be used to justify almost any government suppression of First Amendment freedoms. As I have said many times before I cannot subscribe to this doctrine because I believe that the First Amendment's unequivocal command that there shall be no abridgment of the rights of free speech shows that the men who drafted our Bill of Rights did all the "balancing" that was to be done in this field.

In addition to balancing, the other major judicial test that has been used in the First Amendment field is that of clear and present danger. The problem with this test is that it can be used to justify the punishment of advocacy. Thus in *Yates* v. *United States*, 354 U.S. 298, a majority of the Supreme Court said that persons could be punished for advocating action to overthrow the government by force and violence where those to whom the advocacy was addressed were urged to *do* something rather than merely *believe* in something. My objection to this approach is that under it people can still be convicted just for talking as distinguished from acting. As I said in *Yates*, "I believe that the First Amendment forbids Congress to punish people for talking about public affairs, whether or not such discussion incites to action, legal or illegal." 354 U.S., at 340. I agree wholeheartedly with the "Statute for Religious Liberty" written by Thomas Jefferson and passed by the Virginia Assembly in 1785 wherein it is stated that "it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order . . ." 12 Hening's Stat. (Virginia 1823), c. 34, p. 85.

I think I have made clear my belief that the Constitution guarantees absolute freedom of speech, and I have not flinched in applying the First Amendment to protect ideas I abhor. I have also continuously voted within the Court to strike down all obscenity and libel laws as unconstitutional. In giving absolute protection to free speech, however, I have always been careful to draw a line between speech and conduct. Thus at the very beginning of my dissent in *Beauharnais* v. *Illinois*, 343 U.S. 250, decided in 1952, I pointed out that "The conviction rests on the leaflet's contents, not on the time, manner or place of distribution." 343 U.S., at 267. This distinction, to which I want to devote the rest of this lecture, has been described very well by Justice Douglas in his dissenting opinion in *Roth* v. *United States*, 354 U.S. 476, where he stated: "Freedom of expression can be suppressed if, and to the extent that, it is so closely brigaded with illegal action as to be an inseparable part of it." 354 U.S., at 514.

The First and Fourteenth Amendments take away from government, state and federal, all power to restrict freedom of speech, press and peaceful assembly where people have a right to be for such purposes. That much is clear and to me indisputable. But recently many loose words have been spoken and written about an alleged First Amendment right to picket, demonstrate, or march, usually accompanied by singing, shouting or loud praying, along the public streets, in or around government-owned buildings, or in and around other people's property, even including their homes, without their owner's consent. I say these have been loose words because I do not believe that the First Amendment grants a constitutional right to engage in the conduct of picketing or demonstrating, whether on publicly-owned streets or on privately-owned property. The Constitution certainly does not require people on the streets, in their homes or anywhere else to listen against their will to speakers they do not want to hear. Marching back and forth, though utilized to communicate ideas, is not speech and therefore is not protected by the First Amendment.

In order that I make myself perfectly clear on this issue, let me go into a little more detail. Picketing, demonstrating and similar activity usually consists in walking or marching around a building or place carrying signs or placards protesting against something that has been or is being done by the person picketed. Thus a person engaged in such activities is not only communicating ideas—that is exercising freedom of speech or press—but is pursuing a course of conduct in addition to constitutionally protected speech and press. Picketing then, as Justice Douglas pointed out in a concurring opinion which I joined in *Bakery Drivers Local* v. *Wohl*, 315 U.S. 769, 775, decided in 1942, "is more than free speech, since it involves patrol of a particular locality and since the very presence of a picket line may induce action of one kind or another, quite irrespective of the nature of the ideas which are being disseminated." 315 U.S., at 776. This is not a new idea either with me or the Supreme Court since it has long been accepted constitutional doctrine that the First Amendment presents no bar to the passage of laws regulating, controlling or entirely suppressing such a course of marching conduct even though speaking and writing accompany it. See *Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490. As picketing is made up of speech and press plus other conduct, so are what are popularly called demonstrations and street marches. And the conduct of demonstrators and street marchers, like that of pickets, can be regulated by government without violating the First Amendment.

It is not difficult to understand why the Founders believed that the peace and tranquility of society absolutely compel the foregoing distinction between constitutionally protected freedom of religion, speech and press, and non-constitutionally protected conduct like picketing and street marching. It marks the difference between arguing for changes in the governing rules of society and in engaging in conduct designed to break and defy valid regulatory laws. The cases coming before the Supreme Court involving the Mormons graphically illustrate these differences. See, *e.g.*, *Reynolds* v. *United States*, 98 U.S. 145. An important tenet of the Mormon faith is a belief in plural marriages for men. Our society, however, and most religions treat polygamy as a sinful and evil practice, one that is by common consent made a crime perhaps in every State of the Union. Congress made polygamy a crime in the Territory of Utah before it became a State. When prosecuted under that law the Mormons defended on the ground that since their religious faith approved the practice, the territorial law making it a crime violated the First Amendment. The Supreme Court rejected this contention, pointing out that the First Amendment only protects the right to be a Mormon, to believe in and advocate its faith, but that a church cannot by giving conduct a religious approval bar government from making such conduct a crime. Thus the line was clearly drawn between freedom to believe in and advocate a doctrine and freedom to engage in conduct violative of law.

I had occasion to draw this same line between the constitutional right to speak and write and the nonconstitutional right to engage in the conduct of picketing in my opinion for the Court in *Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490, decided in 1949. In that case Missouri had an anti-trust, anti-boycott law against combinations in restraint of trade. A union composed of milk wagon drivers who delivered milk to homes was violently opposed to a competitive group of drivers who delivered milk to retail stores for subsequent sale to their customers. The home milk deliverers unsuccessfully tried to persuade dairies to refuse to sell milk to wagon drivers who sold to stores. The dairies could not enter into agreement to boycott the drivers who supplied the stores without violating the State's anti-trust law. The home milk drivers set up pickets to march back and forth on streets adjacent to the dairies. The pickets carried placards and signs advertising the facts of their dispute with the dairies. These placards and signs were the kind of speech and press we held in *Thornhill* v. *Alabama*, 310 U.S. 88, were protected by the First Amendment. The action of the pickets in walking back and forth, however, was neither speech nor press, but conduct carried on to accomplish a boycott squarely in violation of the Missouri state law. Under these circumstances, we held that the protected speech and press did not immunize the workers' conduct in marching back and forth as pickets. In my opinion for the Court I made the following declaration: "It rarely has been suggested that the constitutional freedom of speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now." 336 U.S., at 498. The opinion went on to explain that *Thornhill* v. *Alabama*, 310 U.S. 88, held the Alabama law against picketing unconstitutional not as a violation of the First Amendment, but denied enforcement because of its over-broadness and vagueness. And since *Thornhill* the Supreme Court has not even indicated that the marching element of picketing may be constitutionally protected from regulation as is speech and press.

The regulation of picketing and marching is essential since this conduct by its very nature tends to infringe the rights of others. For example, no matter how urgently a person may wish to exercise his First Amendment guarantees to speak freely, he has no constitutional right to appropriate someone else's property to do so. Our Constitution recognizes and supports the concept of private ownership of property and in the Fifth Amendment provides that "no person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation." The long and short of this problem is that while the First Amendment does guarantee freedom to speak and write, it does not at the same time provide for a speaker or writer to use other people's private property to do so. This means that there is no First Amendment right for people to picket on the private premises of another to try to convert the owner or others to the views of the pickets.

The next question is whether the First Amendment, or any other constitutional provision, compels government, either federal or state, to provide a place for people to speak, write or assemble on government-owned streets, highways, buildings and other publicly-owned places. Certainly the language of the First Amendment provides no support for this contention. That language deals, not with supplying people a place to speak, write or assemble, but only with the right to speak, write and assemble. It is true that the Amendment does provide that there should be no abridgement of the right to petition the government for redress of grievances. This language would unquestionably appear to require the *government* to have a place to receive petitions about grievances, but it should be noted that the petition is to be made to "government" not to the public in general. Propagandizing on the streets can hardly be the same as presenting a petition to "government" to redress grievances. Nor does a grant to the people of the right to assemble, to speak or to write carry any inference that the government must provide streets, buildings or places to do the speaking, writing or assembling.

This view that I am now expressing is not a new one with me, but one I have held for a long time. I have never doubted the power of government over its streets and public places. For example, in 1941, after I had been on the Supreme Court only a few years, I wrote a dissent in the case of *Milk Wagon Drivers Union* v. *Meadowmoor Dairies*, 312 U.S. 287, where, although I thought the injunction against picketing was invalid because it was too broad, I nevertheless pointed out that States certainly had the power to regulate such picketing: "Furthermore," I said, "this is true because a state has the power to adopt laws of general application to provide that the streets shall be used for the purpose for which they primarily exist [travel], and because the preservation of peace and order is one of the first duties of government." 312 U.S. at 317. It is absolutely critical, however, that state regulatory laws in this area be applied to all groups alike, and these laws must never be used as a guise to suppress particular views which the government dislikes. A good example of what I mean here is the following excerpt from my concurring opinion in *Cox* v. *Louisiana*, 379 U.S. 559, 575:

"In the case before us Louisiana has by a broad, vague statute given policemen an unlimited power to order people off the streets, not to enforce a specific, nondiscriminatory state statute forbidding patrolling and picketing, but rather whenever a policeman makes a decision on his own personal judgment that views being expressed on the streets are provoking or might provoke a breach of the peace. Such a statute does not provide for government by clearly defined laws, but rather for government by the moment-to-moment opinions of a policeman on his beat . . . . This kind of a statute provides a perfect device to arrest people whose views do not suit the policeman or his superiors, while leaving free to talk anyone with whose views the police agree." 379 U.S., at 579.

I think there can be no doubt that the First Amendment forbids laws that open up streets, highways and buildings for some groups with some views, while denying their use for other groups to advocate different views. This was an additional consideration which I pointed out in the *Cox* case where Louisiana allowed labor union assembly, picketing and public advocacy, while denying that opportunity to groups protesting against racial discrimination. Obviously Louisana could not be allowed "to pick and choose among the views it is willing to have discussed on its streets." 379 U.S., at 581. This, however, is not to take away from government its necessary power to control its property, but only forbids it to do so in a way that amounts to aiding some views, beliefs and causes over others, which amounts to precisely the kind of governmental censorship the First Amendment was written to proscribe.

In addition to protecting against discriminatory regulatory laws, the First Amendment prohibits a State or municipality from regulating conduct in such a way as to affect speech indirectly where other means are available to accomplish the desired result without burdening speech or where the need to control the conduct in question is insufficient even to justify an indirect effect on speech. Thus, as I said in *Barenblatt* v. *United States*, 360 U.S. 109, "even . . . laws governing conduct . . . must be tested, though only by a balancing process, if they indirectly affect ideas." 360 U.S., at 142. A good example of what I am talking about here is the case of *Schneider* v. *Irvington*, 308 U.S. 147, which involved ordinances prohibiting the distribution of handbills in order to prevent littering. The Supreme Court forbade application of such ordinances when they affected the distribution of literature designed to spread ideas. There were other ways, we said, to protect the city from littering which would not sacrifice the right of the people to be informed. But let me make absolutely clear that this kind of balancing should be used only where a law is aimed at conduct and indirectly affects speech; a law directly aimed at curtailing speech and political persuasion can, in my opinion, never be saved through a balancing process. I should also add here that the Constitution does not require a government, either federal or state, to devote its streets, buildings and other public places to the advocacy of causes through proscribed conduct where that government desires such facilities *uniformly* to be used only for their dedicated purposes. Of course, if a person is lawfully on the street, he carries with him his constitutional right to talk and under these circumstances his advocacy of causes may not be abridged.

From what I have said I hope it is clear to you that my belief is while the First Amendment guarantees freedom to write and speak, it does not guarantee that people can, wholly regardless of the rights of others, go where they please and when they please to argue for their views. Such conduct can be regulated. The streets and highways, for example, are basically dedicated to the use of travelers who wish to go from one place to another. Anything that interferes with this basic purpose interferes to a greater or lesser extent with the basic purpose of highways. Most States and municipalities, however, out of their own experience and for their own purposes, adopt on their own initiative policies that permit streets to be used on occasions for parades and marches by various groups frequently to advocate different causes. So long as this is done without discrimination against particular views such permits usually are regarded everywhere as wise procedure and as clearly within the power of a State or municipality. Mr. Justice Goldberg said as much when, in his opinion for the Court in *Cox* v. *Louisiana*, he stated:

"Nothing we have said here . . . is to be interpreted as sanctioning riotous conduct in any form or demonstrations, however peaceful their conduct or commendable their motives, which conflict with properly drawn statutes and ordinances designed to promote law and order, protect the community against disorder, regulate traffic, safeguard legitimate interests in private and public property, or protect the administration of justice and other essential governmental function." 379 U.S., at 574.

Plainly, use of the streets for propaganda purposes can at certain times and places not only discommode travelers, but actually paralyze all use of the streets for their primary purpose, which is traveling. In these situations government must be able to regulate the offensive conduct, and I see no constitutional barrier to its doing so.

Our government envisions a system under which its policies are the result of reasoned decisions made by public officials chosen in the way the laws provide. Those laws do not provide that elected officials, counselmen, mayors, judges, governors, sheriffs or legislators, will act in response to preemptory demands of the leaders of tramping, singing, shouting, angry groups controlled by men who, among their virtues, have the ordinary amount of competing ambitions common to mankind. A control of this kind by such particularized groups is directly antagonistic to a control by the people's representatives chosen by them to manage public affairs. In other words, government by clamorous and demanding groups is very far removed from government by the people's choice at the ballot box. What we have in this country is a government of laws, designed to achieve justice to all, in the most orderly fashion possible, and without leaving behind a deluge of hate-breeding divisions and dangerous riots.

The First Amendment, as I have frequently said, is the heart of our Bill of Rights, our Constitution and our Nation. Where rights of communication, assembly and protest are made secure, which is what our First Amendment is intended to do, people develop a sturdy and self-reliant character which is best for them and best for their government. This Amendment was designed and planned to give the people so great an influence over the government's affairs that our society could abandon the age-old device of settling controversies through strife which leads inevitably to hatreds and bloodshed, and substitute for strife settlements by and through the peaceful agencies of government and law. Only in this way will we as a country fulfill the promise of our Constitution to "establish Justice, insure domestic Tranquility, provide for the Common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity . . ."

What I have just said completes my third and last Carpentier Lecture delivered upon invitation of Dean William Warren, of the Columbia University Law School whose unfailing courtesy and cooperation I greatly appreciate. Although the lectures have touched only the high spots of my legal and constitutional views, I have rather loosely referred to them as a confession of my articles of constitutional faith. And perhaps they are, since I have talked about some of the legal and constitutional problems around which have revolved many of the most controversial, and, too frequently, acrimonious discussions of the past few years. I have tried to find and read these discussions, particularly those challenging my own positions. Some who oppose my view have been satisfied with efforts to destroy them by pure logic and reason; others have added rhetoric and emotion; still others have expressed a sort of sympathy and sorrow because of the naivety or ignorance which alone in their judgment could account for views with which they so violently disagree. I accept all of such comments, however written, as honest efforts to bring about a better administration of justice under law. What I have said will, I trust, help in achieving the same purpose.

I cannot bring these lectures to an end without saying a few words to express my deep respect and boundless admiration and love for our Constitution and the men who drafted it. These men met in convention at Philadelphia with instruction to do no more than amend the original Articles of Confederation. They disobeyed those instructions and came out of their convention with a document designed to unite the 13 jealous, independent colonies into one powerful nation. By this remarkable achievement they transformed that which had been the dream of a few into a living reality. They created a government strong enough and with power enough to protect itself against its enemies, both foreign and domestic, while leaving its control to the selected representatives of free citizens themselves. I am a typical example of this highly successful experiment in government. Born in a frontier farm home in the hills of Alabama in the troublesome times of Reconstruction, after the Civil War and my early life was spent in plain, country surroundings. There I became acquainted with the "short and simple annals of the poor," among plain folks who learned most of their law and sound philosophies from the country schools and churches. In due course the people of Alabama chose me to be their United States Senator. I served in the Senate until appointed Associate Justice of the United States Supreme Court in which position I have now served for more than 30 years. It is a long journey from a frontier farm house in the hills of Clay County, Alabama to the United States Supreme Court, a fact which no one knows better than I. But this Nation, created by our Constitution, offers countless examples just like mine. My experience with and for our government have filled my heart with gratitude and devotion to the Constitution which made my public life possible. That Constitution is my legal Bible; its plan of our government is my plan and its destiny my destiny. I cherish every word of it, from the first to the last, and I personally deplore even the slightest deviation from its least important commands. I have thoroughly enjoyed my small part in trying to preserve our Constitution with the earnest desire that it may meet the fondest hope of its creators, which was to keep this Nation strong and great through countless ages.

THE PROPOSED COMMISSION ON HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, in previous remarks concerning the proposed Commission on Health Science and Society, I have stressed the mounting interest in the social, ethical, and legal questions raised by recent heart transplant operations. I also have stressed how urgent some of these issues are today, particularly certain legal and financial questions.

An article by Howard A. Rusk, M.D., published in the New York Times, reviews well the current status of discussion of the legal issues involved in heart transplant operations. Particular stress is given to the question of the definition of death. As I have pointed out previously, this question is one that physicians and lawyers stressed the Commission ought to study in hearings on Senate Joint Resolution 145.

Mr. President, the social, ethical, legal, and public policy issues raised by heart transplants and other biomedical breakthroughs are numerous and urgent. I am confident that Congress will respond positively to the challenge of medicine and biomedical research and will create the Commission on Health Science and Society.

I ask unanimous consent that Dr. Rusk's illuminating article be printed in the RECORD.

There being no objection, the memorandum and report were ordered to be printed in the RECORD, as follows:

DEFINITION OF DEATH: HEART TRANSPLANT OPERATIONS RAISE SCIENTIFIC, LEGAL AND ETHICAL QUESTIONS

(By Howard A. Rusk, M.D.)

No sooner had Dr. Christian N. Barnard completed the world's first heart transplantation at the Groote Schuur Hospital in Capetown, South Africa, when physicians, theologians, philosophers and lawyers began raising scientific, ethical and legal questions.

The simplest and most basic of these questions "What is death?"

In most states death legally occurs when the individual is declared dead by a licensed physician, the basic criteria being no pulse and no heart sounds.

Even the old mirror test is used as a criterion by many lay people when death occurs in the absence of a physician. If the mirror is held over the mouth and no moisture gathers, the individual is presumed to be dead.

RARE REPORTS CITED

These simple basic criteria are not always accurate, as evidenced by rare reports of individuals pronounced dead but later found to be alive in the morgue or on the autopsy table.

In an issue of The Journal of the American Medical Association earlier this month, Drs. M. Martin Halley and William F. Harvey of the Washburn University School of Law, Topeka, Kan., proposed the following general definition of human death:

"Death is irreversible cessation of all of the following. (1) Total cerebral function, (2) spontaneous function of the respiratory system, (3) spontaneous function of the circulatory system.

"Special circumstances may, however, justify the pronouncement of death when consultations consistent with established professional standards have been obtained and when valid consent to withhold or stop resuscitative measures have been given by appropriate relatives or legal guardian."

The authors noted that components of commonly accepted unofficial medical definitions of death are: insensibility, cessation of respiration, cessation of circulation, and irreversibility.

They list an evolving but unofficial legal definition of death as: cessation of "vital functions," cessation of respiration, cessation of circulation and impossibility of resuscitation.

SUGGESTED DEFINITION

In his book "Courtroom Medicine," published last year, Marshall Houts, a lawyer gave the following suggested legal definition of death:

"Death is the final and irreversible cessation of perceptible heart beat and respiration. Conversely, as long as any heart beat or respiration can be perceived, either with or without mechanical or electrical aids, and regardless of how the heart beat and respiration were maintained, death has not occurred."

A definition by Pope Pius XII in 1957 stated:

"Human life continues for as long as its vital functions, distinguished from the simple life of the organs, manifest themselves without the help of artificial process."

The development of the artificial kidney machine and the heart-lung machine have caused many physicians to develop a concept of "functional death" when the brain and nervous system are permanently destroyed, even though many important organ systems are kept functioning artificially.

These questions took an unusual turn recently when physicians at St. Luke's Episcopal Hospital in Houston, Tex., transplanted the Heart of Clarence A. Nicks, 36 years old into J. M. Stuckwish, 62.

Mr. Nicks had died as the result of a beating he received in a Houston bar.

The county medical examiner, Dr. Joseph Jachimczyk, has now raised the legal question that when the assailants, who have since been arrested, are brought to trial, the defense may contend that Mr. Nicks died as the result of the removal of his heart for the transplant. He also raises the question as to whether the transplant was a technical violation of the law and noted that the autopsy required in the case of violent death cannot be considered complete when a vital organ is missing.

PROPOSALS FOR LAW

Dr. E. Blyth Stason, professor of law at Vanderbilt University, has been working for the last three years with a group of experts to draw up proposals for a uniform law governing the donation of various organs. He reports that 31 states have some type of law on this subject but they are widely divergent and inconsistent.

His group study with its recommendations should be ready some time this year.

In the meantime, the American Heart Association recently announced that it would make a thorough investigation into the scientific, legal and ethical problems resulting from human heart transplantation. The objectives of the study will be:

Establishment of criteria for death and the rights of the heart donor.

Formulation of criteria for selection of a heart recipient.

Development of technical guidelines for institutions and surgical teams planning human heart transplantation.

Identification of potential donors and the establishment of organ registries.

Development of appropriate legal safeguards to protect the donor, recipient and physician, and determination as to whether legislation is required, and if so, whether state or Federal legislation would be more appropriate.

Analysis of development and treatment costs of artificial heart as well as heart transplant programs and recommendations for national financial commitments in future years.

Guidelines for continuous education of the public in interpreting the limitations as well as the potential of heart transplantation.

The task to which the American Heart Association has assigned itself is complex and difficult. The study panel includes the leading cardiologists of the country, who are especially well qualified to undertake this formidable task.

Unless there is clarification of the definition, the scientific ethical and legal problems will be compounded to the point of insolubility.

PMA CRITICIZES MONOPOLY SUBCOMMITTEE STUDYING DRUGS

Mr. NELSON. Mr. President, on April 1, 1968, Mr. Joseph Stetler, president of the Pharmaceutical Manufacturers Association, addressed the annual meeting of his organization. His state of the industry address contained references primarily in the form of criticism of the hearings which the Senate Monopoly Subcommittee has been holding on competitive problems in the pharmaceutical industry.

Mr. Stetler does not regard as the main challenge to the drug industry the need for advances in the search for better drugs to treat and cure diseases, nor the problems of medical costs, but rather the attention which the industry has recently received from congressional committees and Federal agencies.

Constructive explorations about the industry have been pictured by Mr. Stetler as plainly "designed to inflame public opinion against pharmaceutical manufacturers and to create serious doubts in the public mind over the prescribing habits of physicians."

Let me make it clear that our hearings have in no way been an attempt to create ill will toward this great industry. We are simply studying the operations of the industry and its problems in the belief that important matters of public interest are at stake: the health and the pocketbook of the American public.

Yet, Mr. Stetler has charged, time after time, that our hearings have been biased against the industry. As a matter of fact, Mr. Stetler's disapproval of the hearings was voiced 4 months before the hearings even began. On January 21, 1967, at a meeting of the Texas Medical Association in Austin, Mr. Stetler said:

> We are facing a hydra-headed threat from two directions. Senator Gaylord Nelson of Wisconsin, Chairman of the Senate Monopoly Subcommittee of the Small Business Committee, has announced he is going to hold drug hearings during the next couple of months. This will undoubtedly mean side trips into the field of prices, profits—as well as industry marketing and promotion. It sounds like an inquisition in the classic mold, which will test our capacity for taking verbal punishment, our ability to absorb ill-founded accusations and bounce back with reason and truth, and our willingness to stay on our feet fighting for what we believe is right and best for the Nation's health care.

He had thus categorized the study long before its initiation. And he has continued to accuse the committee of presenting a one-sided case against the industry. On November 1, 1967, he told the National Association of Retail Druggists:

> I cannot emphasize too strongly the significance of the Nelson hearings as they stand today, not only to drug manufacturers but to the health professions and the public as well. If, as is now the case, the final record of the Nelson hearings is filled with distorted and biased material, it could eventually become the foundation for ill-conceived legislation such as I have just described. The record should and must be straight in the public interest.

Mr. Stetler seems to have forgotten that 1 week before our hearings began, he and a PMA attorney discussed the hearings with me in my office. I told them at that time that the PMA would have all the time they wanted to be heard, and that any individual firm who so desired would be welcome to appear before the committee.

The PMA has been given 3 full days in which to present their case, and they have asked for another day which they soon will have. Of the 140 members of the PMA, only four firms have volunteered to appear and all four were heard promptly. One, in fact, on only a few days notice.

Of the 116 witnesses who have appeared so far, over half have been medical doctors, pharmacologists, drug company officials and economists, who certainly could not be accused of having antidrug industry views.

I have said on innumerable occasions that all viewpoints will be heard. I stated publicly several times during the first few weeks of hearings that any company which wanted to be heard should contact me. Only three did. As more witnesses can be scheduled, they will be heard.

The PMA has at its command a staff of over 50 people in its Washington office, as well as all the resources of all 140 drug firms with all their expertise and hundreds of thousands of dollars to hire public relations firms, consultants such as the Arthur D. Little Co., and knowledgeable legal advice. They are spending over $1 million in Reader's Digest advertisements alone to publicize their views. Millions of these Reader's Digest reprints are being sent all over the country. The PMA also has the command of their own newsletter, dozens of trade magazines, and scores of writers.

I have a staff of two professionals—one economist and one research assistant.

While the PMA can pay a total of $40,000 for the services of six economists to testify, the committee pays only a $16-a-day fee for expenses plus transportation to witnesses it invites.

In his speech, the PMA president does not answer the issues that have been raised over the past year as regards the apparently quixotic pricing structure of the industry, or the misleading advertising with which many firms have been charged by the FDA. He does not answer the problems of maintaining consistent high quality in drug production. He does not offer constructive approaches to modernizing some of our antiquated drug laws. He does not speak to the problem of bad drugs being manufactured by drug firms—large and small.

He prefers to attack the integrity of the committee rather than airing the issues. He does not discuss the price revelations the committee has revealed. Why did Schering, for instance, sell its brand of prednisone for $17.90, and Parke-Davis its prednisone for $17.88, when Merck was charging $2.20 for the same product and Wolins Pharmacal, a small drug house, charged the druggist only 59 cents?

Nor does Mr. Stetler discuss the fact that both Schering and Parke-Davis reduced the price of prednisone by 40 and 80 percent after the hearings discussed that raise.

Nor does Mr. Stetler discuss the fact that as a result of the hearings on chloramphenicol the Food and Drug Administration tightened up on the drug's labeling and warnings and that 306,000 of the Nation's doctors were warned against its misuse—each by a personal letter from FDA.

Mr. Stetler obviously would prefer not to answer these facts, but rather would use a specious argument to cloud the issues.

I ask unanimous consent that Mr. Stetler's speech be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of the PMA President, 1968

(Presented by C. Joseph Stetler, president, Pharmaceutical Manufacturers Association, PMA annual meeting, Boca Raton, Fla., April 1, 1968)

Mr. Chairman, Ladies and Gentlemen, I welcome this opportunity to report to you on some of the events of the past year which have been as strenuous, as they have been total, in their impact on all of us.

Two years ago when I stood here for the first time as president of the PMA, I spoke of my pride in the pharmaceutical industry and my faith in its ability to continue to make a significant contribution to the health of people throughout the world.

Today my pride and my faith are greater than ever. The response of our member firms, individually and collectively, to the last 12 months of legislative and regulatory attack has been heartening. We can all take pride in it as a demonstration of the industry's resolve to overcome the difficulties which have beset us for too many years.

I want to express my deepest gratitude for the wise direction and encouragement of the Board, our officers and our member firms during this turbulent period. Members of the PMA staff, too, have worked long and effectively, and I would like to salute their efforts on this occasion.

I wish that I had the time today to review with you the details of the "close call" we had last December involving the national formulary, generic prescribing legislation sponsored by Senator Russell Long, Chairman of the Senate Finance Committee. Suffice it to say that thanks to some effective, combined resistance and some responsible leadership in Congress, the measure did not pass. Instead, an amendment sponsored by Senator Hartke of Indiana was adopted which mandated the Department of Health, Education and Welfare to conduct a study of the Long Bill (S. 2299) and a similar measure introduced by Senator Montoya (S. 17) and to report back to the Congress by January 1, 1969.

What I am going to discuss today is the President's Health Message, the legislation introduced or planned to implement his drug proposals and the Nelson hearings—to bring you up to date on where we are in these areas and what I believe the future holds.

In doing so, I feel like the commentator who was giving a year-end news wrap-up and said, "Ladies and Gentlemen, the world has so many headaches that if Moses came down from Mount Sinai today, the only tablets he'd carry would be aspirin." To us in the drug industry, that is an uncomfortably accurate thought for we certainly know something about headaches.

I am sure there are many who regard current drug events as much too serious for jokes. However, I can't overcome the temptation to point out that, according to the ancient and honorable tradition of the Chinese, this is the "Year of the Monkey." Viewing various developments around us, I think we might reasonably ask: "Only in China?"

Indeed, there is a great deal of monkey business in the air in this corner of the world, and a lot of it is aimed at us. Next year, incidentally, is the "Year of the Chicken" in the Chinese calendar. I won't comment on that except to express the sincere hope that this bit of Oriental lore will not lend itself to any analogies insofar as we are concerned in the time of testing that lies ahead.

And we need have no illusions. We face renewed challenges in the coming year every bit as serious and intense as those we have come through in the past. Again, we are to be called on to fight to prove that our industry is an institution of service to mankind; that we are dedicated to producing the best, the purest, the most effective drugs in the world; and that we cannot fulfill this aim if our operations and our progress are to be stifled by excesses of government control.

In his health message of a few weeks ago, the President called for government action to slow down or reverse the upward trend of medical care costs of the last decade. The pharmaceutical industry has been and continues to be fully in agreement with the President's objectives in that area.

Yet, we quite properly cannot see why drugs were singled out for such specific and hypercritical attention when actually prescription drug prices have been the only moderating influence in the steady rise in illness costs. As you all know, drug prices have declined 10% in less than 10 years, according to the Bureau of Labor Statistics Consumer Price Index. Moreover, drugs now take only 9.8 cents of the health care dollar—compared to 11.7 cents in 1957. Clearly, the industry's products are already succeeding in holding down the cost of medical care.

It was also interesting to note that of all the increases in the cost of health care between 1965 and 1975 projected by the President, the predicted rise in payments for drugs was by far the smallest—65%. But let's look further at the prophecy regarding drugs. The choice of words here is important. Note the reference was to arise in "payments" for drugs—that is overall expenditures for drugs, not their prices—a vastly different matter.

With a burgeoning population, a mounting level of medical care and the probability of new drugs that will find wider uses, payments for drugs in the aggregate doubtless will rise. The price picture is entirely different, however. As I have noted, the portion of the medical care dollar devoted to prescription drugs has been declining for years and we predict that it will continue to decline. Even using the President's own figures, drug payments in 1975 will be a substantial 27% *smaller* portion of the medical care dollar than they are today.

To support his call for legislative and administrative actions, the President cited the report submitted last November by the National Advisory Commission on Health Manpower, which listed three major deficiencies in present practices which contribute to unacceptable increases in medical costs.

There was *no* reference in that report to drugs or drug costs. Yet the President's message spoke of the need to avoid "exhorbitant" prescription charges which would result in "robbery of private citizens with public approval."

This is curiously harsh language to apply when discussing that increment of health care which represents the smallest fraction of the whole and which, according to the government's own figures, is becoming markedly smaller with the passage of time.

In his message, the President asked that the Secretary of HEW be authorized to control the price of drugs for beneficiaries of several government health programs by establishing a "reasonable" cost range for drug products. This schedule apparently is intended to specify the maximum amount of federal reimbursement for medications prescribed for government beneficiaries. The physician could prescribe a more expensive drug if he chooses but the federal payment would be limited to the Secretary's price range.

As yet, the Administration's "price control" bill has not been introduced and consequently any in-depth consideration must be delayed. You will well remember, however, that the Senators Long and Montoya bills have and do include "price control" sections. Those provisions, which we fought successfully last year, could be the blueprint for the current effort.

While urging that other courses be adopted, it should nevertheless be noted that the Long-Montoya bills would provide for a supplier's price list to be issued by the Department of Health, Education, and Welfare with Federal reimbursement also based on a "reasonable cost range" of prices for the generally less expensive generic products, plus a fixed dispensing fee for pharmacists.

The measures would impose Federal price controls on drugs for patients under government financed programs, favoring—not the best products—but the cheapest, with quality relegated to secondary consideration. And they would write into law the requirement that drugs of unidentified source be recognized as the equals of the best on the market—an approach which is unique in all the free world. Nowhere outside of communist states is the physician's and the pharmacist's knowledge and experience ignored as this would ignore them. Not even in Western nations, where medicine is socialized, is this kind of pharmaceutical dictatorship practiced.

A deeper consequence of the measures would be their effect on the industry's growth and the future course of its scientific research which has carried our health care system to be unrivaled heights of achievement in the last 30 years, while creating new and greater markets for its products all over the world.

As we weigh all the factors before us, there is one basic point which we must bear in mind. Whatever system is worked out for assuring reasonable charges to the government on drug purchases will not be, nor can it be confined solely to the government financed share of the market. It is inevitable that whatever measures the government takes will have a prompt and determinative impact on the entire market.

Moreover, the present tide of events forces us to the assumption that Medicare itself will embrace increasingly larger segments of the population in the years ahead.

Turning now to the methods which might be adopted to assure reasonable charges for government financed drug purchases, there seem to be two very clear-cut choices:

One—a system in which maximum charges at the manufacturing or retail level, or both, are established by government direction (as proposed in the Health Message) or

A system in which the government's efforts are aimed at making price competition work more effectively in the various drug markets, with the level of reimbursable charges being the level established by competitive forces.

Surely, there can be no question over the course we would want to see adopted. The history of these times has taught us that the quickest answer by government planners when they encounter a new problem is more and more controls. Of all industries, we know something about controls of various kinds and their stultifying effects on progress. It requires no extraordinary imagination to picture the potential added injury that government-administered prices would inflict on the drug industry and its effect on competition.

Despite comments by some to the contrary, we live in a highly competitive market. We know how to survive and grow in the healthy climate of competition. Rivalry for success among responsible pharmaceutical manufacturers remains the strongest safeguard for the health of future generations who are dependent upon the development and vital city of a progressive and successful drug industry.

We should have no hesitancy, however, in stating that certain barriers to perfect competition do exist because of the unique nature of the industry itself. The point is to bring those barriers into the open and suggest what can be done to overcome them within the framework of a free marketing system.

One of the foremost among them is the fact that, unlike other consumer markets, the choice of product is made by the doctor who does not pay for the commodity, rather than by the consumer, who does. As a result, some doctors have probably been less sensitive over the years to price differences between competing products than is desirable. Actually, as you know, progress has been made in correcting this condition. Doctors today are being strongly urged by their medical organizations to take prices into consideration along with medical judgment and quality when prescribing drugs for their patients.

A second factor is the level of price competition at retail.

What steps could appropriately be taken to eliminate these rigidities in the drug market, thus providing for more effective competition? How can the government assure reimbursement for drugs at reasonable price levels, commensurate with good quality and good service? The key to better competition, in my opinion, at both the manufacturer and retail level is *more price information.*

Ways can undoubtedly be found to more effectively communicate to the doctor, and to the patient and his family information on drug prices and the relative quality of products from which informed competitive choices can be made.

It cannot be argued that there are not wide differences in the price of drugs, the same as there are wide differences in drug quality. But it has been accepted in the order of things that the public regularly balances quality against price and is often willing to pay a higher sum for compensating differences in quality and services. Product differentiation and price variations are hallmarks of our economy

The prime consideration is that the price of prescription drugs shall not, as has been proposed, be forced into some narrow, restrictive band based on relatively low-cost products offered by firms not known for their quality standards, for national distribution, nor for creative research activities.

If price alone becomes the major factor in the prescribing, dispensing or purchasing of drugs for any segment of our population, the quality of the products provided cannot be assured. The recipients of federal aid under a short-sighted price control program will perforce become second-class medical citizens.

It would be a national tragedy if the government's attempts to solve the price problem unwittingly promoted general acceptance of the myth of generic equivalency, forced doctors to prescribe products which do not satisfy their professional judgment, and at the same time undercut the principle of manufacturer identification as a trusted measure of drug quality. It would be equally disastrous if the eventual effect of price-control action would be the drying up of resources on which future drug discoveries depend.

We have an obligation to fight bad legislation and an equal obligation to assist in a constructive search for ways to demonstrate that the government's goal can be reached without clamping new and unwise controls on this industry. Admittedly, there are practical difficulties involved. But clearly these can be resolved without disrupting our industry or the professional prerogatives of physicians and pharmacists. We ask only that those who consider the subject let isolated examples of alleged abuse be treated for what they are and that they look instead at the total implications of various courses of action which are being, and unquestionably will be, proposed.

Let me make one more point about the President's message. This program included a call for the publication of a drug compendium by the Secretary of HEW at the expense of the pharmaceutical industry. The industry believes it desirable that the matter be thoroughly explored by the appropriate committees of Congress. The PMA has been meeting frequently with the Food and Drug Administration and with medical and scientific groups to study the need for such a complex and comprehensive work. Among other things, we have found that the greatest need is to find out what physicians, the actual users, really need and want.

To fill this rather significant knowledge gap, the PMA has contracted with the Opinion Research Corporation of Princeton, New Jersey, to make a national survey to determine the views of the medical profession with respect to existing compendia, the need for a new "official" compendium, and if so, what it should contain and under whose auspices it should be published. Until these questions are answered, it is idle to assume that a new compendium is needed or what its format should be. When hearings are held on the Administration's compendium bill, we expect to be able to provide Congress with substantive information on the preferences of physicians.

The final, major item I would like to discuss is the centerpiece of the challenge we have faced and are currently facing in Washington. This is the interminable series of hearings being conducted by the Monopoly Subcommittee of the Senate Small Business Committee.

Incidentally, if I tend to lean forward a little when I talk, it's because I've been in a "full Nelson" for the last nine months and unlike professional wrestlers, I can assure you that neither the Senator nor I have been faking.

Since their inception last May 15, these hearings have plainly been designed to inflame public opinion against pharmaceutical manufacturers, and to create serious doubts in the public mind over the prescribing habits of physicians.

The theme on which the investigation has played from the first day is that all drugs with the same generic name, which meet USP or NF standards, are chemically and therapeutically equivalent regardless of their source and therefore can all be administered with equal expectations of effectiveness. The scientific community, the medical profession, the drug industry and the Food and Drug Administration all know this is not true. But the false premise, nonetheless, is being planted in the public mind.

The obvious purpose of this campaign is to convince members of Congress and the public that generic prescribing is not only medically safe, and a reasonable way for the government to hold down the cost of the health care it finances, but also is justified by the alleged "high prices" and "unwarranted profits" of the drug industry.

Our purpose has been to do everything in our power to inject some scientific truth and objective reason into the proceedings. It hasn't been a goal readily achieved in the face of the manner in which adverse testimony has been arrayed against us while other witnesses who do have something to offer the Subcommittee in knowledge and experience have been foreclosed from testifying.

We know, for example, of at least 25 reputable and distinguished individuals and organizations in the health and scientific professions outside the industry who have asked in writing to be heard. Not one has been scheduled. Innumerable written statements have also been submitted for the hearing record in opposition to the thesis Senator Nelson has been trying to establish. With very few exceptions, this material has been withheld from the public and to date apparently from the record.

Parenthetically, I might point out that the Subcommittee is somewhat less modest when it comes to publicizing allegations which fit the viewpoint of the Chairman and the staff. On the days when our witnesses are scheduled to testify, we may be sure that the session will be opened by a highly-colored, self-serving press release. Our supposed opportunities to present statements have been monopolized by the Committee staff and the Chairman with our testimony being relegated to incidental status in the proceedings.

In any review of the Subcommittee's attitude toward the drug industry, its treatment of Parke, Davis must rank as Exhibit A. Last November 29, in testimony before the Subcommittee, evidence provided by Parke, Davis dealt a heavy blow to the theory of therapeutic equivalency on which the case for generic prescribing will stand or fall. The firm has been required, as you are aware, to pay dearly for this effort.

Its sin was placing in the record results of clinical trials of various makes of chloramphenicol compared with Parke, Davis' own Chloromycetin, on which its patent expired in 1966. The tests verified by the FDA showed that the other products did not measure up to Chloromycetin's performance.

For the first time, there was concrete evidence in the hearings record regarding drugs from various sources containing the same active ingredient, meeting the accepted standards, and in this case, because they are antibiotics, bearing an FDA certification. Yet they showed wide variations in clinical effect when put to the scientific test.

Far from deserving the treatment it has received, Parke, Davis & Co. should be accorded the gratitude of the public and members of Congress for shedding light on a question of paramount importance in the current debate on new drug legislation. And it merits the warmest commendation of the drug industry for its enterprise and fortitude in coming forward with the facts. Having spent several hours as an industry witness raised over the past year as regards the apparently quixotic pricing structure of the industry, or the misleading advertising with which many firms have been charged by the FDA. He does not answer the problems of maintaining consistent high quality in drug production. He does not offer constructive approaches to modernizing some of our antiquated drug laws. He does not speak to the problem of bad drugs being manufactured by drug firms—large and small.

He prefers to attack the integrity of the committee rather than airing the issues. He does not discuss the price revelations the committee has revealed. Why did Schering, for instance, sell its brand of prednisone for $17.90, and Parke-Davis its prednisone for $17.88, when Merck was charging $2.20 for the same product and Wolins Pharmacal, a small drug house, charged the druggist only 59 cents?

Nor does Mr. Stetler discuss the fact that both Schering and Parke-Davis reduced the price of prednisone by 40 and 80 percent after the hearings discussed that raise.

Nor does Mr. Stetler discuss the fact that as a result of the hearings on chloramphenicol the Food and Drug Administration tightened up on the drug's labeling and warnings and that 306,000 of the Nation's doctors were warned against its misuse—each by a personal letter from FDA.

Mr. Stetler obviously would prefer not to answer these facts, but rather would use a specious argument to cloud the issues.

I ask unanimous consent that Mr. Stetler's speech be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE PMA PRESIDENT, 1968

(Presented by C. Joseph Stetler, president, Pharmaceutical Manufacturers Association, PMA annual meeting, Boca Raton, Fla., April 1, 1968)

Mr. Chairman, Ladies and Gentlemen, I welcome this opportunity to report to you on some of the events of the past year which have been as strenuous, as they have been total, in their impact on all of us.

Two years ago when I stood here for the first time as president of the PMA, I spoke of my pride in the pharmaceutical industry and my faith in its ability to continue to make a significant contribution to the health of people throughout the world.

Today my pride and my faith are greater than ever. The response of our member firms, individually and collectively, to the last 12 months of legislative and regulatory attack has been heartening. We can all take pride in it as a demonstration of the industry's resolve to overcome the difficulties which have beset us for too many years.

I want to express my deepest gratitude for the wise direction and encouragement of the Board, our officers and our member firms during this turbulent period. Members of the PMA staff, too, have worked long and effectively, and I would like to salute their efforts on this occasion.

I wish that I had the time today to review with you the details of the "close call" we had last December involving the national formulary, generic prescribing legislation sponsored by Senator Russell Long, Chairman of the Senate Finance Committee. Suffice it to say that thanks to some effective, combined resistance and some responsible leadership in Congress, the measure did not pass. Instead, an amendment sponsored by Senator Hartke of Indiana was adopted which mandated the Department of Health, Education and Welfare to conduct a study of the Long Bill (S. 2299) and a similar measure introduced by Senator Montoya (S. 17) and to report back to the Congress by January 1, 1969.

What I am going to discuss today is the President's Health Message, the legislation introduced or planned to implement his drug proposals and the Nelson hearings—to bring you up to date on where we are in these areas and what I believe the future holds.

In doing so, I feel like the commentator who was giving a year-end news wrap-up and said, "Ladies and Gentlemen, the world has so many headaches that if Moses came down from Mount Sinai today, the only tablets he'd carry would be aspirin." To us in the drug industry, that is an uncomfortably accurate thought for we certainly know something about headaches.

I am sure there are many who regard current drug events as much too serious for jokes. However, I can't overcome the temptation to point out that, according to the ancient and honorable tradition of the Chinese, this is the "Year of the Monkey." Viewing various developments around us, I think we might reasonably ask: "Only in China?"

Indeed, there is a great deal of monkey business in the air in this corner of the world, and a lot of it is aimed at us. Next year, incidentally, is the "Year of the Chicken" in the Chinese calendar. I won't comment on that except to express the sincere hope that this bit of Oriental lore will not lend itself to any analogies insofar as we are concerned in the time of testing that lies ahead.

And we need have no illusions. We face renewed challenges in the coming year every bit as serious and intense as those we have come through in the past. Again, we are to be called on to fight to prove that our industry is an institution of service to mankind; that we are dedicated to producing the best, the purest, the most effective drugs in the world; and that we cannot fulfill this aim if our operations and our progress are to be stifled by excesses of government control.

In his health message of a few weeks ago, the President called for government action to slow down or reverse the upward trend of medical care costs of the last decade. The pharmaceutical industry has been and continues to be fully in agreement with the President's objectives in that area.

Yet, we quite properly cannot see why drugs were singled out for such specific and hypercritical attention when actually prescription drug prices have been the only moderating influence in the steady rise in illness costs. As you all know, drug prices have declined 10% in less than 10 years, according to the Bureau of Labor Statistics Consumer Price Index. Moreover, drugs now take only 9.8 cents of the health care dollar—compared to 11.7 cents in 1957. Clearly, the industry's products are already succeeding in holding down the cost of medical care.

It was also interesting to note that of all the increases in the cost of health care between 1965 and 1975 projected by the President, the predicted rise in payments for drugs was by far the smallest—65%. But let's look further at the prophecy regarding drugs. The choice of words here is important. Note the reference was to arise in "payments" for drugs—that is overall expenditures for drugs, not their prices—a vastly different matter.

With a burgeoning population, a mounting level of medical care and the probability of new drugs that will find wider uses, payments for drugs in the aggregate doubtless will rise. The price picture is entirely different, however. As I have noted, the portion of the medical care dollar devoted to prescription drugs has been declining for years and we predict that it will continue to decline. Even using the President's own figures, drug payments in 1975 will be a substantial 27% *smaller* portion of the medical care dollar than they are today.

To support his call for legislative and administrative actions, the President cited the report submitted last November by the National Advisory Commission on Health Manpower, which listed three major deficiencies in present practices which contribute to unacceptable increases in medical costs.

There was *no* reference in that report to drugs or drug costs. Yet the President's message spoke of the need to avoid "exhorbitant" prescription charges which would result in "robbery of private citizens with public approval."

This is curiously harsh language to apply when discussing that increment of health care which represents the smallest fraction of the whole and which, according to the government's own figures, is becoming markedly smaller with the passage of time.

In his message, the President asked that the Secretary of HEW be authorized to control the price of drugs for beneficiaries of several government health programs by establishing a "reasonable" cost range for drug products. This schedule apparently is intended to specify the maximum amount of federal reimbursement for medications prescribed for government beneficiaries. The physician could prescribe a more expensive drug if he chooses but the federal payment would be limited to the Secretary's price range.

As yet, the Administration's "price control" bill has not been introduced and consequently any in-depth consideration must be delayed. You will well remember, however, that the Senators Long and Montoya bills have and do include "price control" sections. Those provisions, which we fought successfully last year, could be the blueprint for the current effort.

While urging that other courses be adopted, it should nevertheless be noted that the Long-Montoya bills would provide for a supplier's price list to be issued by the Department of Health, Education, and Welfare with Federal reimbursement also based on a "reasonable cost range" of prices for the generally less expensive generic products, plus a fixed dispensing fee for pharmacists.

The measures would impose Federal price controls on drugs for patients under government financed programs, favoring—not the best products—but the cheapest, with quality relegated to secondary consideration. And they would write into law the requirement that drugs of unidentified source be recognized as the equals of the best on the market—an approach which is unique in all the free world. Nowhere outside of communist states is the physician's and the pharmacist's knowledge and experience ignored as this would ignore them. Not even in Western nations, where medicine is socialized, is this kind of pharmaceutical dictatorship practiced.

A deeper consequence of the measures would be their effect on the industry's growth and the future course of its scientific research which has carried our health care system to be unrivaled heights of achievement in the last 30 years, while creating new and greater markets for its products all over the world.

As we weigh all the factors before us, there is one basic point which we must bear in mind. Whatever system is worked out for assuring reasonable charges to the government on drug purchases will not be, nor can it be confined solely to the government financed share of the market. It is inevitable that whatever measures the government takes will have a prompt and determinative impact on the entire market.

Moreover, the present tide of events forces us to the assumption that Medicare itself will embrace increasingly larger segments of the population in the years ahead.

Turning now to the methods which might be adopted to assure reasonable charges for government financed drug purchases, there seem to be two very clear-cut choices:

One—a system in which maximum charges at the manufacturing or retail level, or both, are established by government direction (as proposed in the Health Message) or

A system in which the government's efforts are aimed at making price competition work more effectively in the various drug markets, with the level of reimbursable charges being the level established by competitive forces.

Surely, there can be no question over the course we would want to see adopted. The history of these times has taught us that the quickest answer by government planners when they encounter a new problem is more and more controls. Of all industries, we know something about controls of various kinds and their stultifying effects on progress. It requires no extraordinary imagination to picture the potential added injury that government-administered prices would inflict on the drug industry and its effect on competition.

Despite comments by some to the contrary, we live in a highly competitive market. We know how to survive and grow in the healthy climate of competition. Rivalry for success among responsible pharmaceutical manufacturers remains the strongest safeguard for the health of future generations who are dependent upon the development and vital city of a progressive and successful drug industry.

We should have no hesitancy, however, in stating that certain barriers to perfect competition do exist because of the unique nature of the industry itself. The point is to bring those barriers into the open and suggest what can be done to overcome them within the framework of a free marketing system.

One of the foremost among them is the fact that, unlike other consumer markets, the choice of product is made by the doctor who does not pay for the commodity, rather than by the consumer, who does. As a result, some doctors have probably been less sensitive over the years to price differences between competing products than is desirable. Actually, as you know, progress has been made in correcting this condition. Doctors today are being strongly urged by their medical organizations to take prices into consideration along with medical judgment and quality when prescribing drugs for their patients.

A second factor is the level of price competition at retail.

What steps could appropriately be taken to eliminate these rigidities in the drug market, thus providing for more effective competition? How can the government assure reimbursement for drugs at reasonable price levels, commensurate with good quality and good service? The key to better competition, in my opinion, at both the manufacturer and retail level is *more price information.*

Ways can undoubtedly be found to more effectively communicate to the doctor, and to the patient and his family information on drug prices and the relative quality of products from which informed competitive choices can be made.

It cannot be argued that there are not wide differences in the price of drugs, the same as there are wide differences in drug quality. But it has been accepted in the order of things that the public regularly balances quality against price and is often willing to pay a higher sum for compensating differences in quality and services. Product differentiation and price variations are hallmarks of our economy

The prime consideration is that the price of prescription drugs shall not, as has been proposed, be forced into some narrow, restrictive band based on relatively low-cost products offered by firms not known for their quality standards, for national distribution, nor for creative research activities.

If price alone becomes the major factor in the prescribing, dispensing or purchasing of drugs for any segment of our population, the quality of the products provided cannot be assured. The recipients of federal aid under a short-sighted price control program will perforce become second-class medical citizens.

It would be a national tragedy if the government's attempts to solve the price problem unwittingly promoted general acceptance of the myth of generic equivalency, forced doctors to prescribe products which do not satisfy their professional judgment, and at the same time undercut the principle of manufacturer identification as a trusted measure of drug quality. It would be equally disastrous if the eventual effect of price-control action would be the drying up of resources on which future drug discoveries depend.

We have an obligation to fight bad legislation and an equal obligation to assist in a constructive search for ways to demonstrate that the government's goal can be reached without clamping new and unwise controls on this industry. Admittedly, there are practical difficulties involved. But clearly these can be resolved without disrupting our industry or the professional prerogatives of physicians and pharmacists. We ask only that those who consider the subject let isolated examples of alleged abuse be treated for what they are and that they look instead at the total implications of various courses of action which are being, and unquestionably will be, proposed.

Let me make one more point about the President's message. This program included a call for the publication of a drug compendium by the Secretary of HEW at the expense of the pharmaceutical industry. The industry believes it desirable that the matter be thoroughly explored by the appropriate committees of Congress. The PMA has been meeting frequently with the Food and Drug Administration and with medical and scientific groups to study the need for such a complex and comprehensive work. Among other things, we have found that the greatest need is to find out what physicians, the actual users, really need and want.

To fill this rather significant knowledge gap, the PMA has contracted with the Opinion Research Corporation of Princeton, New Jersey, to make a national survey to determine the views of the medical profession with respect to existing compendia, the need for a new "official" compendium, and if so, what it should contain and under whose auspices it should be published. Until these questions are answered, it is idle to assume that a new compendium is needed or what its format should be. When hearings are held on the Administration's compendium bill, we expect to be able to provide Congress with substantive information on the preferences of physicians.

The final, major item I would like to discuss is the centerpiece of the challenge we have faced and are currently facing in Washington. This is the interminable series of hearings being conducted by the Monopoly Subcommittee of the Senate Small Business Committee.

Incidentally, if I tend to lean forward a little when I talk, it's because I've been in a "full Nelson" for the last nine months and unlike professional wrestlers, I can assure you that neither the Senator nor I have been faking.

Since their inception last May 15, these hearings have plainly been designed to inflame public opinion against pharmaceutical manufacturers, and to create serious doubts in the public mind over the prescribing habits of physicians.

The theme on which the investigation has played from the first day is that all drugs with the same generic name, which meet USP or NF standards, are chemically and therapeutically equivalent regardless of their source and therefore can all be administered with equal expectations of effectiveness. The scientific community, the medical profession, the drug industry and the Food and Drug Administration all know this is not true. But the false premise, nonetheless, is being planted in the public mind.

The obvious purpose of this campaign is to convince members of Congress and the public that generic prescribing is not only medically safe, and a reasonable way for the government to hold down the cost of the health care it finances, but also is justified by the alleged "high prices" and "unwarranted profits" of the drug industry.

Our purpose has been to do everything in our power to inject some scientific truth and objective reason into the proceedings. It hasn't been a goal readily achieved in the face of the manner in which adverse testimony has been arrayed against us while other witnesses who do have something to offer the Subcommittee in knowledge and experience have been foreclosed from testifying.

We know, for example, of at least 25 reputable and distinguished individuals and organizations in the health and scientific professions outside the industry who have asked in writing to be heard. Not one has been scheduled. Innumerable written statements have also been submitted for the hearing record in opposition to the thesis Senator Nelson has been trying to establish. With very few exceptions, this material has been withheld from the public and to date apparently from the record.

Parenthetically, I might point out that the Subcommittee is somewhat less modest when it comes to publicizing allegations which fit the viewpoint of the Chairman and the staff. On the days when our witnesses are scheduled to testify, we may be sure that the session will be opened by a highly-colored, self-serving press release. Our supposed opportunities to present statements have been monopolized by the Committee staff and the Chairman with our testimony being relegated to incidental status in the proceedings.

In any review of the Subcommittee's attitude toward the drug industry, its treatment of Parke, Davis must rank as Exhibit A. Last November 29, in testimony before the Subcommittee, evidence provided by Parke, Davis dealt a heavy blow to the theory of therapeutic equivalency on which the case for generic prescribing will stand or fall. The firm has been required, as you are aware, to pay dearly for this effort.

Its sin was placing in the record results of clinical trials of various makes of chloramphenicol compared with Parke, Davis' own Chloromycetin, on which its patent expired in 1966. The tests verified by the FDA showed that the other products did not measure up to Chloromycetin's performance.

For the first time, there was concrete evidence in the hearings record regarding drugs from various sources containing the same active ingredient, meeting the accepted standards, and in this case, because they are antibiotics, bearing an FDA certification. Yet they showed wide variations in clinical effect when put to the scientific test.

Far from deserving the treatment it has received, Parke, Davis & Co. should be accorded the gratitude of the public and members of Congress for shedding light on a question of paramount importance in the current debate on new drug legislation. And it merits the warmest commendation of the drug industry for its enterprise and fortitude in coming forward with the facts. Having spent several hours as an industry witness before the Nelson Committee, I can tell you that the chloramphenicol data helped greatly in sustaining our position on the drug equivalency issue.

In acknowledging the part played by various firms and individuals in the industry's presentation before Senator Nelson to date, I would like to express appreciation to our panel of scientific witnesses for their testimony on November 29. Included were Leslie M. Lueck, Vice President for Quality Control and Regulatory Affairs, Parke, Davis & Company; Dr. A. E. Slesser, Associate Director of Quality Control, Smith Kline & French Laboratories; Dr. Leonard A. Scheele, President of Warner-Lambert Research Institute; Dr. Hart E. Van Riper, Vice President of Geigy Pharmaceuticals, and Leland W. Blazey, Vice President, Manufacturing and Engineering, McNeil Laboratories, Inc. These men spent a great amount of time preparing and testifying and they deserve our combined thanks, as do their companies which made them available.

Any discussion of the hearings should also include an accolade for the representatives of the five individual companies who appeared very effectively before the Subcommittee—Schering, Parke Davis, Lilly, Squibb, and Ciba. These men did a fine job under some very trying circumstances.

Let me conclude by saying simply that as we look ahead we know we are going to have our hands full, facing problems from many directions, administrative, legislative and regulatory. It is an extension of our long fight to safeguard for the people themselves a progressive and dynamic pharmaceutical system without equal anywhere on earth.

And it should not be forgotten, in addition, that 1968 is an important election year when thousands of men and women are competing for 435 seats in the House of Representatives, 34 in the Senate, 21 Governorships and the Presidency and Vice-Presidency. Bipartisan White House and State House politics are affecting every decision, hovering over every hearing and coloring every important statement made.

You have, as I noted at the outset of these remarks, always responded admirably when called upon in past periods of stress. I know you will again, and working closely and effectively together I am sure we will discharge our obligations to our industry and the nation it serves.

GUN LOBBY EARNS PUBLIC CRITICISM

Mr. DODD. Mr. President, the principal stumbling block to effective firearms legislation in this Congress, and in every Congress back to 1938 and before—by its own admission—has been the National Rifle Association and its satellite organizations that parrot its unreasoned opposition to 20th century firearms laws.

The NRA, its willing gun industry partners, and those innocent organizations of sportsmen, misinformed and thus misled by this cabal of the firearms industry, has as its sole objective opposition to any meaningful Federal laws that would conform to the needs of our time. Unrelenting opposition to laws that would keep firearms out of the hands of the irresponsibles, criminals, juveniles, and the demented has been fostered and financed by this combine.

It is encouraging, however, to find that the public has caught onto the gun lobby propaganda for the first time in a generation. The distortions of fact the gun lobby expects the public to believe are hard for reasonable men to accept.

The NRA and its cohorts oversold their flimsy arguments, with the result that they have insulted the intelligence of a large part of the public, rather than gained its sympathy and allegiance.

Consider the sentiments expressed in the opening paragraph of an editorial in the Green Bay, Wis., Press-Gazette on January 8, 1968. It said:

> Some of the public positions being taken by the National Rifle Association are so infantile that there must be a question as to whether they are being taken in seriousness or whether they are being taken only in an attempt to whip up the membership against what the NRA views as the forces of evil.

And the editorial then concludes:

> The National Rifle Association has been swinging wildly in its opposition to a simple law to try to regulate the mail order sales of deadly weapons. It has reached a low in trying to tell the American people its sons are not trained properly for duty in Vietnam because the Camp Perry Marksmanship contests were ended.

The Seattle, Wash., Post-Intelligencer on April 29, 1968, said this of the position taken by the gun lobby's opposition to the first Federal gun law to reach the floor of the Senate in 30 years:

> Thanks to the powerful National Rifle Association lobby, the most desperately needed section of the bill was again killed in Committee.

The section to which the Post-Intelligencer was referring, of course, was the inclusion of rifles and shotguns in title IV of the omnibus crime bill, S. 917.

Following the defeat of strong firearms laws in the New York State Legislature this year by an NRA-led lobby, the New York Post on May 15, 1968, had this to say about the machinations of the gun lobby on Congress:

> A serious effort is under way in the Senate to substitute genuine controls for the artificial amendments to the Safe Streets Act reported out by the Judiciary Committee. The NRA-led campaign of innuendo and intimidation is many times as fierce as any it waged in Albany. The best hope for legislation lies with Senators who refuse to be cowed by either.

And on April 26, 1968, the Yonkers, N.Y., Herald Statesman again cited the National Rifle Association for its outrageous opposition to laws to disarm the criminal. It said in part:

> Whenever the issue of gun control has arisen, the National Rifle Association has fired volleys of outrageous propaganda that, in turn, have resulted in blizzards of anti-control letters that have invariably had the desired effect on legislators.
>
> But if most gun owners, along with most non-owners favor controls to curb the disgracefully unfettered traffic in firearms, the Congress has been watching the wrong barometer.

In Charleston, W. Va., the Gazette on April 28, 1968, began its editorial this way:

> The National Rifle Association, which for some unaccountable reason is permitted to lobby Congress at taxpayer expense, has long argued that gun registration laws and laws forbidding the unrestricted sale of lethal arms merely aid the criminal at the expense of the law-abiding in American Society.
>
> The facts shatter such nonsense.

Mr. President, there is an almost endless parade of such public opinion on the posture of the gun lobby generated by the misrepresentation and distortions of the firearms problem and its legal remedies under law.

And almost without exception, the picture they paint is one of a weak Congress knuckling under to a strong gun lobby.

Consider these excerpts from the April 10, 1968, editorial of the News in Florence, S.C.:

> . . . Why then does the Congress become paralyzed when it comes to legislating gun control laws . . . Probably the main source of the paralysis is the powerful gun lobby of which the National Rifle Association is the most articulate spokesman.
>
> The NRA misuses the Second Amendment to the Constitution in its effort to prevent constructive action.
>
> The gun lobby seems to have been calling the tune during the last five years—since the assassination of President Kennedy—which featured a lot of talk about gun control but no action.

After years of experience with the gun lobby in its incessant battle to upset New York State gun laws, the editors of the Binghamton, N.Y., Sun-Bulletin have a special insight into the workings of the gun lobby. On April 26, 1968, they described it this way:

> The gun lobby consists generally of persons and firms who make money from the millions of Americans who like to own and use firearms.
>
> The lobby's natural interest lies in blocking any and all inhibitions on the gun traffic.
>
> Its method is simplicity itself. By misrepresentation, distortion and outright lies, the lobby frightens its customers—the people who buy its arms, ammunition and publications and who pay dues to its organizations—into believing that they are going to be disarmed.
>
> The frightened customers get their wind up, take pen in hand and let their legislators know exactly how they feel about the alleged conspiracy that is designed to leave them helpless in a troubled world. The letters arrive in Washington by the truckload.
>
> The letter writers have been exploited, of course, by the gun lobby, duped.

Mr. President, I have here a number of other editorials expressing similar views of the gun lobby, and of the effect the gun lobby has had on Congress in keeping the Senate from voting any strengthening provisions to the Federal firearms laws for the last 30 years.

I ask unanimous consent that the articles I have quoted from here, along with others from Auburn, N.Y.; Milwaukee, Wis.; and Perth Amboy, N.J., be printed in full in the RECORD at this point, Mr. President.

It might be of some help to my colleagues in assessing the pressures that are being brought to bear on them as they consider the firearms section, title IV of the Safe Street Act, S. 917.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Auburn (N.Y.) Citizen-Advertiser, Apr. 25, 1968]

STRICTER GUN CONTROL WOULDN'T HURT HUNTERS

Stricter control of the sale of firearms of all kinds is not going to prevent political assassination; at best it would make it a little more difficult.

Yet federal control is amply justified and should be enacted into law as recommended by the President. But, as in the past, the gun lobby, headed by the National Rifle Association, has been at work in the halls and offices of Congress to prevent the enactment of such legislation.

No one wants to prevent any reputable citizen from owning firearms. All that is being suggested is that there should be an official record of who owns them and where they come from. In the case of the murder of Dr. Martin Luther King, Jr., the rifle which was apparently used was dropped in a nearby doorway; but so far it has been impossible to trace its ownership and origin.

A firearms control law would cost sportsmen and householders and others with legitimate reasons for possession a small amount in license fees. Why shouldn't they pay for the privilege?

America is no longer a pioneer, frontier country with Indians roaming the nearby woods or Redcoats in sight down the lane. It has become a highly urbanized society in which it is only sensible and reasonable to have some check on the whereabouts of lethal weapons.

[From the Milwaukee (Wis.) Journal, Mar. 13, 1968]

A CHILD WITH GUNS

If anything else was needed to dramatize the lethally casual attitude of Americans toward firearms, Monday's episode of an 11 year old Milwaukee boy and a home arsenal should do it.

The boy, who had received psychiatric treatment, terrorized his family with a loaded pistol, police said, fired a shot at his mother (it missed) and threatened the lives of both parents before police talked him into surrendering. He had loaded the family car with two rifles, two shotguns, three pistols and ammunition for all seven firearms. Police found eight loaded rifles in the basement.

Why anybody would keep such an arsenal in any home is a mystery to begin with. Why anybody would be so careless as to leave it available in a home full of children is even more incredible. The miracle was that no lives were lost.

The firearms lobby is fond of saying: "Guns don't kill—people do." True. But does this tired truism justify the leaving of a quantity of guns and ammunition in the path of a troubled child?

[From the Perth Amboy (N.J.) News, Feb. 24, 1968]

IT HAPPENED IN PERTH AMBOY

The pressing need for adequate federal legislation to control the sale of firearms through mail-order firms was demonstrated last week in Perth Amboy.

In an assault and battery case involving a store owner, an intruder brandished a tear gas gun which he fired in the face of the manager.

Perth Amboy Police Chief Paul J. Jankovich said a suspect arrested in the case told detectives that he obtained the tear gas gun by mail order.

The menace to public safety represented by the indiscriminate sale of weapons through the mail is demonstrated nearly every day in some part of the United States.

Meanwhile, Congress continues to delay action on a strong federal gun-control law to keep indiscriminately-sold weapons out of interstate shipment except to authorized dealers. Federal legislation could prevent the current easy purchase of guns by juveniles, mental defectives and ex-convicts.

New Jersey has a gun-control law but it is not applicable where interstate commerce is involved.

The public should make its views clear to the legislators in Congress.

[From the Binghamton (N.Y.) Sun-Bulletin Apr. 26, 1968]

GREATEST OF THE LOBBIES

For the first time in 30 years a piece of gun legislation of some significance is going to reach the Senate floor and be voted on.

This rare occurrence may come about next week. At least debate will be opened.

The gun control proposals are very limited and are part of an overall anticrime bill

As a result of long and depressing experience, the sponsors are not overconfident about the chances of passage.

They have learned that the fate of such legislation very likely rests in the hands of a remarkably effective group that can be described as the gun lobby.

It is the gun lobby, in fact, that is primarily responsible for successfully keeping scores of earlier gun control bills from getting as far as a floor vote, despite wishes to the contrary of a firm majority of Americans.

The gun lobby consists generally of persons and firms who make money from the millions of Americans who like to own and use firearms.

The lobby's natural interest lies in blocking any and all inhibitions on the gun traffic.

Its method is simplicity itself. By misrepresentation, distortion and outright lies the lobby frightens its customers—the people who buy its arms, ammunition and publications and who pay dues into its organizations—into believing that they are going to be disarmed.

The frightened customers get their wind up, take pen in hand and let their legislators know exactly how they feel about the alleged conspiracy that is designed to leave them helpless in a troubled world. The letters arrive in Washington by the truckload.

The letter writers have been exploited of course, by the gun lobby, duped. But that isn't a critical factor in the mind of a member of Congress. The point is that they are angry. Thousands of angry voters, duped or not, represent a threat.

Claims of the gun lobby to the contrary, there has not been a piece of national gun control legislation with any serious chance of passage that would separate any mature, law-abiding reasonably stable gun owner from his firearms, or, for that matter, keep him from adding to them.

The simple aim of most of the gun legislation, as a matter of record, has been to make it somewhat harder for felons and idiots to arm themselves.

It is necessary to say somewhat harder, because, as a result of the pervasive influence of the gun lobby, it would be unrealistic to shoot for control as firm, say, as those in most states that apply to ownership of an automobile.

At any rate, the bill that will be debated in the Senate next week is of a most-limited character, so much so, in fact, that it just might be ignored by the gun lobby, in the hopes that it will settle the issue for a time.

The bill would only:

Prohibit interstate mail order sales of handguns—pistols and revolvers—to individuals.

Ban over-the-counter sales of handguns to nonresidents of a state and to persons under 21 years of age.

Curb the imports of surplus military weapons and other firearms and place tighter controls on sales of antitank guns, hazookas, mortars, grenades and other highly destructive weapons.

That is pretty mild stuff in a nation where, since the turn of the century, 750,000 people have been killed by privately owned guns, a third again as many as have been killed in all our wars.

[From the Charleston (W. Va.) Gazette]

SULLIVAN LAW GOOD LAW DESPITE RAVINGS OF NRA

The National Rifle Assn., which for some unaccountable reason is permitted to lobby Congress at taxpayer expense, has long argued that gun registration laws and laws forbidding the unrestricted sale of lethal arms merely aid the criminal at the expense of the law-abiding American society.

The facts shatter such nonsense.

In 1965, a study conducted by the Massachusetts Department of Public Safety revealed that only six weapons out of 4,506 retrieved from criminals in the state over the previous eight years had been stolen. More than 4,000 had been purchased outside the state in over-the-counter sales in Maine, New Hampshire and Vermont, none of which has on statute books the strict legislation prohibiting sales that Massachusetts has.

Surveys in Newark show that 80 per cent of the guns taken away from criminals were bought beyond New Jersey borders.

The NRA additionally delights in castigating New York State's Sullivan Law, stiffest in the nation. This law stipulates residents can't buy or possess a handgun in the absence of a police permit, and the law is sufficiently well enforced within New York City that out of a total population of 8 million only 17,000 permits are held.

At the congressional hearings of 1964, an NRA director asserted: "New York's so-called Sullivan Law is the most restrictive gun legislation on the statute books. Yet it is a complete failure, not only in keeping guns out of the hands of the criminal element but also at reducing the crime rate."

Again the facts are quite different, and, indeed, if the nation had a Sullivan Law, New York State and City would greatly benefit, because residents wouldn't be able to acquire guns through mail orders or by traveling to areas where they are easily acquired.

The rate of murder by gun in New York City, for example, is 25 per cent, in Dallas the rate is 72 per cent and 65.9 per cent in Phoenix, two cities having virtually no law regulating firearms sales. In comparison with the nation's largest cities, New York has the fifth lowest assault rate, the third lowest murder rate, and the lowest robbery rate.

If this is "complete failure," as contended by the NRA director, police departments of most U.S. metropolises would undoubtedly welcome a similar "sorry" record.

Current gun control legislation before the U.S. Senate needs to be strengthened drastically. What the nation should have is prohibition of mail order sales to the private citizen and registration of all guns, so law enforcement authorities across the nation know who owns a gun.

It is absurd to talk about curbing crime and lowering murder rates until Congress moves against merchants of murder selling weapons of murder indiscriminately.

The Sullivan Law is a good law, and despite the deliberate lies concerning the law promulgated by the NRA, it is a law that does what it was designed to do—curtailing gun ownership among criminals and the mentally unstable. The law works, and it's high time Congress adopted it for all 50 states.

[From the New York (N.Y.) Post, May 15. 1968]

STICK-UP BY THE GUN LOBBY

There was no roll-call vote in the State Assembly on gun-control legislation. Instead, the issue was decided on a show of hands. With the gun lobby at their backs, scores of legislators threw their hands up and the bill was beaten hands down.

The Legislature's familar reluctance to deal with anything controversial in an election year also partially accounts for this disgrace. It remains a fact that the dispute was almost entirely manufactured by the National Rifle Assn. and its allies.

Defeat of gun-control for another year in Albany immediately underscores the urgency of the current campaign for it in Washington. There would be substantial compensation for the lack of state legislation in enactment of a comprehensive federal law requiring such basic controls as a ban on mail-order shipments of long guns—provided that the states are not given the power to overrule Washington.

A serious effort is under way in the Senate to substitute genuine controls for the artificial amendments to the Safe Streets Act reported out by the Judiciary Committee. The NRA-led campaign of innuendo and intimidation is many times as fierce as any it waged in Albany. The best hope for responsible legislation lies with Senators who refuse to be cowed by either. A great majority of Americans and, in fact, a majority of gun owners, support gun-control, as recent public surveys have shown. Their votes, rather than the threats and misrepresentations of the NRA, may count most in November.

[From the Seattle (Wash.) Post-Intelligencer, Apr. 29, 1968]

PROGRESS—SORT OF

For the first time in 30 years a bill which would impose any kind of significant new controls on gun sales has reached the Senate floor for debate. It is a limited but still remarkable victory for aroused public opinion.

The victory is limited because the bill would place curbs only on the sales of handguns and such highly destructive weapons as bazookas and mortars. Thanks to the powerful National Rifle Association lobby, the most desperately needed section of the bill was again killed in committee.

That section would have placed a ban on mail order shipments of rifles and shotguns, and it was this which was the keystone of the gun control legislation sought by the Johnson administration. Although a floor flight to restore the section is promised, its chance of success is minimal if not nonexistent.

Even though the real teeth of the proposed gun legislation thus have been pulled, the fact that any kind of significant new controls could get past the NRA watchdogs is a near miracle. It is a breakthrough in the right direction, however slight.

[From the Green Bay (Wis.) Press-Gazette, Jan. 8, 1968]

RIFLE CONTESTS AND COMBAT TRAINING

Some of the public positions being taken by the National Rifle Association are so infantile that there must be a question as to whether they are being taken in seriousness or whether they are being taken only in an attempt to whip up the membership against what the NRA views as the forces of evil.

In a January editorial, the NRA quotes an Army company commander in Vietnam as saying members of his unit were so poorly trained in rifle marksmanship that he had to order target firing at empty C-ration boxes during lulls in combat in Vietnam. If this is true, the NRA ought to be raising the dickens with the amount of training the Army is providing before sending men into combat.

But the NRA sees the whole problem as dating from the Defense Department's overdue decision to end the annual marksmanship matches at Camp Perry, Ohio, which were staged through the co-sponsorship of the Army and NRA. The annual sporting event had reached the point where $1.1 million of the taxpayers' money was to have been used last year.

If only the government would continue the matches, the NRA says, soldiers would be better suited for combat and lives would be saved. This is a Cynical argument at a time when young men are being asked to accept the call for military duty and put their lives on the line in Vietnam.

Anyone who has ever served in the Army can testify that few of his comrades arrived with the experience of target firing from competition sponsored by the NRA. In fact, very few men had ever heard of it. To make its case, the NRA had better furnish statistics of those from the Camp Perry matches who enlisted to give the nation the benefit of the federally-financed rifle competition.

The fact was that the matches were held through the use of federal money and federal facilities because the NRA had enough political clout in the Congress and in the military establishment to make this possible. The Pentagon withdrew sponsorship because of the protests of public opinion.

Sen. Edward Kennedy provided the best description of what was going on. He said it was comparable to government financing of other sports events or a national bridge tournament.

The National Rifle Association has been swinging wildly in its opposition to a simple law to try to regulate the mail order sales of deadly weapons. It has reached a low in trying to tell the American people its sons are not trained properly for duty in Vietnam because the Camp Perry marksmanship contests were ended.

[From the Florence, (S.C.) News, Apr. 10, 1968]

GUN ATTITUDE INCONCEIVABLE

There is probably no aspect of the American system which baffles foreign observers more than the virtually unrestricted sale of firearms.

Simply send your money through the mails. And no matter who you are, you can receive in an early mail a high-powered rifle or some other deadly weapon. No federal law prevents it.

A panel of British commentators appearing on National Educational Television a few nights ago found the permissive American attitude toward guns inconceivable. Another foreigner has called the free sale of firearms "a disastrous shortcoming of America law."

Just last week, a gun control bill which would have set minimum restrictions on the sale of firearms was blocked by a nine-to-four vote in the Senate Judiciary Committee. Yet, the Gallup Poll has shown that the public overwhelmingly favors stronger gun control laws.

Why then does the Congress become paralyzed when it comes to legislating gun control laws.

Probably the main source of the paralysis is the powerful gun lobby of which the National Rifle Association is the most articulate spokesman.

The NRA misuses the Second Amendment to the Constitution in its effort to prevent constructive action. Proposed legislation would not infringe on the right of the people to keep and bear arms, but would only regulate that right in the interest of public safety and public welfare.

The gun lobby seems to have been calling the tune during the past five years—since the assassination of President Kennedy—which featured a lot of talk about gun control, but no real action.

The bitter fruits of inaction continue to mount. Criminals and individuals with unstable minds have no difficulty in acquiring deadly firearms. And there are disturbing reports of an arms race among ordinary citizens who are disturbed by the mounting crime rates and street violence.

Events of the past week should be sufficient to help Congress summon up the courage to overcome its paralysis and enact gun control legislation.

[From the Yonkers (N.Y.) Herald Statesman, Apr. 26, 1968]

MOST AMERICANS FAVOR GUN CONTROL

While senators wrangle anew over the control of firearms sales in President Johnson's anticrime bill, the perennial sidetrackers of gun control legislation might cast a glance at the results of a Louis Harris poll on the subject.

Mr. Harris reports that his sampling of public sentiment shows 71 per cent of Americans favor passage of federal laws that would impose tight controls on the sale of guns in this country.

What's more, the survey found that a majority of gun owners—65 per cent—favor such controls.

The foregoing becomes even more significant in view of the Harris finding that there are guns in 51 per cent of American homes.

These findings contrast sharply with lawmakers' previous readings of public sentiment. Whenever the issue of gun control has arisen, the National Rifle Association has fired volleys of outraged propaganda that, in turn, have resulted in blizzards of anticontrol letters that have invariably had the desired effect on legislators.

But if most gun owners along with most non-owners, favor controls to curb the disgracefully unfettered traffic in firearms, then Congress has been watching the wrong barometer.

Unfortunately, however, this would not be the only case in which legislators have mistaken an organized pressure campaign for the voice of the people.

For further instruction, watch what becomes of the Johnson gun-control legislation in the latest Washington go-round.

If history is any guide, the prospects are bleak—unless, for a novelty, Congress chooses to heed majority sentiment among the constituents.

THE ECONOMIC BASIS OF A JUST SOCIETY

Mr. SCOTT. Mr. President, Gov. Nelson Rockefeller is speaking today to the Economic Club of Detroit. I believe that the speech should be brought to the attention of all Members of Congress. Governor Rockefeller clearly defines some of the many problems which beset our great Nation today, and he makes some very sound recommendations for the near and long-term solutions to these problems. I commend the speech to my colleagues' attention.

I ask unanimous consent that the text of Governor Rockefeller's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ECONOMIC BASIS OF A JUST SOCIETY

(Text of Gov. Nelson Rockefeller's address before Economic Club of Detroit, May 22, 1968)

We are living through a time of decision as profound and as serious—and as strange—as any period in all America's history.

For it is at once a time of plaguing crisis and of rousing challenge. It is a time of doubt and division in our people. Yet it is also a time for hope and creativity. For us as a nation, it is an age of unmatched abundance and wealth. Yet for tens of millions among us, it is an age of unbearable poverty and need. And I doubt if any period in all our past has been taunted by such historic paradoxes.

The signs of crisis are real, of course, all around us.

We see the sickening decay of our great cities.

We see the widening gap that divides our comfortable and our poor.

We find the same gap in riches and resources dividing the globe itself.

We find our own economy—like all our national life—heavily troubled by the burden of the tragic war in Vietnam.

We find inflation unleashed and the dollar itself weakened and threatened as the basic currency of the free world.

From all this, there inevitably follow doubt, anxiety, and questioning of our future. And I have heard this questioning all over America.

Are our problems too huge—and the solutions too expensive? Are the ills so deep they can be cured only by surgery more drastic than the disease? Is the dollar being asked to do more and mean more at home and abroad than it possibly can? Is there any way to stop the inflationary spiral in which we now find ourselves?

These are realistic and understandable questions. But there are also realistic answers to them to be found in certain basic facts of American life.

It is a fact that we are by far the strongest nation on earth. It is a fact that our federal system of government on three levels—national, state and local—gives us a unique capacity and flexibility to meet our challenges. And it is a fact that our private enterprise system has immensely greater growth potential which, properly handled, can solve our problems in good order.

Order, however, is the key word. For the crucial truth is that we have allowed our society and our economy to go out of balance. And it is not possible to correct the *one* without correcting the *other*.

It is therefore vital to our whole national life that we restore balance to our fiscal affairs. It is necessary to discipline ourselves to set clear priorities and to make hard choices. And these choices will demand rare political courage. For they will determine what things we shall immediately *do* and what things we shall—reluctantly but responsibly—*defer*.

This is not to give higher place or fuller attention to the crisis of our *dollar* than to the crisis of our *society*. Rather it is to say that only a sound, healthy, dynamic economy will permit us to mobilize the vast and expanding resources we need to rebuild our cities, to erase poverty, and to heal our society.

To those people who live in poverty, the crisis of the dollar, which grows from inflation, is the cruelest stroke of all. It cripples the buying power of those who have the least money and the least leverage to get more money. And it ultimately threatens the darkest day of reckoning: a recession that will take jobs and wages from the citizens most in need of them.

The weight of inflation, in short, bears down most heavily on the poor. Because this is true, we may well have done more damage to the well being of lower income families, through the inflation of the past 2½ years, than we have done good for them through all the so-called Great Society programs.

It is a strange paradox, as I have said, that we find ourselves in financial crisis in the midst of financial plenty.

We stand, in fact, at a kind of perilous peak of prosperity. Our gross national product reached an annual rate, in the first quarter of this year, of $827 billion—seven percent above the previous year. The unemployment rate is 3.5 per cent, the lowest in 15 years.

Average earnings in manufacturing are nearly $3 an hour, up nearly 50 per cent in a decade. And corporate profits are at record levels.

All this—and yet, we are in serious trouble. We are in trouble because of inflation. And because our dollar is in trouble, so is our economy.

We threaten to resemble the old steam engine that went faster and faster and faster—until it blew up. Consider the course of our inflation . . .

Price inflation is not only increasing: its rate is accelerating. Three years ago, the increase was a tolerable 1.2 per cent per year. Two years ago, it jumped to more than three per cent. Now, it exceeds four per cent.

Racing along to keep pace with this inflation, wage increases this year have exceeded six per cent. In such a period, prices work on wages and wages on prices. And the spiral goes up and up.

The tragic result is that the *real* purchasing power of the average wage and salary worker has actually *declined* in the past three years. In contrast, during the successful 1960–1965 period, the average worker's real purchasing power rose more than ten per cent.

Nor does the spiral of inflation affect only our national scene. It may be even more dangerous in international affairs. The dollar is an essential medium of international exchange, and the free world has come to depend on the dollar as the foundation of its economy. Now its faith in the dollar is uneasy—as other countries doubt not so much our *capacity* to keep our dollar strong as our *will* and determination to do so.

This poses perhaps the most serious single financial threat that the United States faces today. The erosion of confidence in the American dollar could precipitate a worldwide financial crisis. At the least, the growth in world trade that is fundamental to world prosperity would be destroyed. At the worst, such a crisis quite possibly could turn us back on the dread road to the depression, the stagnation, and the mass unemployment of the 1930s.

The price of our failure to run our affairs properly thus becomes starkly plain. It would not afflict us alone. It would shadow the lives of all peoples in the world, including those whom we are striving most to help.

And so we face the full paradox: our highest prosperity—at a time of clear and present danger of economic failure.

The root causes of our trouble are not mysterious.

We are overspending. And we are undertaxing.

By the refusal so far to control expenditures and to raise taxes—and the consequent creation of huge deficits—the national government has been pumping money into the economy faster than the economy can absorb it.

We have been mounting a full-scale war overseas. At the same time, we have been pressing multiple attacks on poverty at home. On *neither* of these two fronts can we see or pretend great success. And on *both* of these fronts, we have not been willing to face up to the bill.

Whenever the national economy idles along at something less than its full capacity to produce, it is appropriate for the federal government to stimulate it with easy money and increased spending. As money is added, the people's capacity to buy increases, and the demand for goods and services goes up. This sparks the economy—and the rising output, keeping pace with the additional demand, gradually raises the economy toward its full capacity without pushing up prices.

This is essentially what happened in the 1960–64 period. And this accounts for the fact that the average inflation rate remained at a manageable 1.2 per cent per year, while the real purchasing power of the average worker was climbing steadily.

But in 1965, our national government chose to ignore one of the most fundamental facts of economics: any major war immediately moves the economy to its full capacity—and beyond—if civilian buying power is not curtailed by a tax increase.

Then, the whole economic picture changes. Then, if heavy deficit spending continues, demand goes on rising, but output cannot rise fast enough to meet it. Because output does not keep pace, demand bids up the price of goods and services, and therefore the dollar buys less. Thus grow the pressures of inflation—sped by the quickening wage-price spiral, and certain to get worse and worse unless firmly checked.

All this we have failed—or refused—to recognize.

In 1965, the escalation of the war in Vietnam moved the economy almost immediately into full output. In that same year, the Administration launched its war on poverty. Expenditures on the war in Vietnam have gone toward *$30* billion a year. Expenditures on the war on poverty have gone to nearly *$28* billion—about triple the figure for 1960.

The natural increases in national income financed part of this extraordinary rise of expenditures. But the rest of it has been paid for by deficit financing—at the staggering sum of more than $20 billion this year.

There was an immediate, obvious, and imperative need for a tax increase to cover this new spending and prevent inflation.

The Administration ignored this need for two years. Belatedly—long after the problem had become critical—it did move for a tax increase. But it has not yet been able to put it into law.

Both times, the Administration was at fault. Both times mark grave failures of leadership.

The final result is the inflation now endangering the economic gains and hopes of our people—and the world-wide financial structure.

The perils of inflation thus strike out in all directions and affect all endeavors. Specifically, they invade the four great areas of economic concern before us today. These are:

How to meet the urgent needs of our poor and our cities.

How to end our deficits in international payments and maintain a stable international financial system.

How to assure the strength of our national defenses and meet essential political and military obligations overseas.

How to maintain national prosperity without letting inflation race out of control.

The answers, of course, are not too difficult to define. They are somewhat harder, however, to accomplish.

Certainly the most essential measures are: to set hard priorities on our spending, to stick firmly to them, and to increase income taxes by at least the 10 percent proposed by the Administration.

This should have been passed two years ago. It should be passed now. Without it, we will be running a deficit even larger than this year's record $20 billion deficit.

We *can* do everything that we must do and much of what we want to do. But we cannot necessarily do it all at once.

This is true at home and in the world.

There is no doubt that we *can* sensibly and fully meet the demands of world leadership.

We *can* meet our political commitments in the world and our social needs within the nation.

We *can* stimulate in other areas of the world the economic growth so necessary to ease human suffering and lead toward a life of freedom and hope, stability and dignity.

Yet to *do* these things, we have to *be* certain things.

We have to be purposeful and compassionate. We have to *care* about the lives of our poor and the rebuilding of our cities. And we have to care *enough* to make the sacrifices that alone can bring an end to the despair and division, the want and need, that we see all around us.

We have to be responsible and disciplined and courageous—at the same time—in all the political and economic decisions we make. We cannot at *every* instant give *every* group *every* thing it wants. For this could only mean, in economic terms, a spell of uncontrolled boom—to be followed by a shattering break-down. And it cannot be said too often or too bluntly that the way to meet our fiscal and social problems at home will determine our ability to fill the role of leadership in the free world.

The stress and strain of these international problems follow—directly and fatefully—from inflation at home. This inflation reduces our exports—by making our goods more expensive and less competitive with goods made elsewhere. At the same time, it encourages imports. The result is a shrinking balance of trade.

A less favorable balance of trade inevitably lessens our ability to finance what we are trying to do around the world. This includes: economic aid, military assistance, and private investment.

We still have a trade surplus. But it does not cover all that we must do overseas. And the result is a balance-of-payments deficit that becomes increasingly ominous.

As this threat grows, there inexorably follows a loss of confidence in the stability of the dollar. As all those overseas who own dollars see their buying power fall off, they sell these dollars for gold. And the result is obvious: our gold stock today is less than half what it was when this trend began.

We urgently need a program of action that can restore confidence in our dollar and check our inflation. This program means action on five broad fronts.

1. We can and must halt the habitual rise in public spending—with a rigorous review of the priorities controlling federal programs, eliminating the obsolete and the overlapping. There is no such thing as a budget of $186 billion dollars that does not permit cutbacks or deferrals in certain non-essential areas. The holding back or actual reduction of programs of lower priorities—such obvious spheres as deferrable public works—can make possible new action to meet the problems of poverty and the cities. And within government, this control and this direction must start from the White House.

2. We must enact a temporary increase in income taxes at least as large as the 10% across-the-board surcharge suggested by the Administration. This—combined with restraint on spending—could cut the deficit from $20 billion plus to a manageable $5 billion to $8 billion.

3. We must review U.S. commitments around the world. We can find ways to afford what we must do. But the record of our balance of payments deficits shows that we cannot do all we might like. Here, too, we must set firm priorities.

4. We must avoid further controls and restrictions, both domestically and internationally, and work to get rid of the "temporary" controls we have now. These direct controls deal only with surface manifestations of basic problems. And there is genuine danger that additional direct controls on our part would bring retaliation from other nations and a downward spiral of trade and investment.

5. We can and we must provide incentives and conditions to attract private capital into such areas as urban redevelopment, where public capital alone cannot possibly carry the burden. For the potential power outside our governmental structure—whether to raise capital or to provide jobs—is many times greater than this capacity within government.

Our resolute action along all these lines will do much more than strengthen the dollar. It will strengthen America . . . the hope of our people . . . and our role in the world.

Once we begin to act with this purpose and understanding and courage, we can bring to bear on the problems before us our tremendous potential for economic growth.

The natural growth of the American economy under present conditions—expanding real output by 4.5% each year—is such that the same rate of taxation produces each year at least $10 billion more than the previous year. It does not take long for this fiscal dividend or "growth bonus" to begin to make extraordinary achievements possible. So the matter of responsible leadership, clearly assigning priorities, really is a matter of how to *use* the growth bonus most effectively to meet our needs and to spur more growth. And our current troubles—as we confront the combined demands of foreign war and domestic poverty—follow from our spending all of this growth bonus and a great deal more besides.

Yet creative leadership and responsible management can encourage an even greater growth rate. For we may be standing, in fact, on the threshhold of a time of tremendous new growth. If properly channeled and used, this new growth could solve our problems on a scale now beyond imagination.

We have the potential to increase our total production by 25% in just the next five years and by 55% within a decade. By 1972 our gross national product in terms of current dollars will be over one trillion, and over 1.5 trillion by a decade from now. With such a rate over this coming decade, more than 7 out of every 10 families will have annual incomes with a real purchasing power of at least $6,000, and one-half of all American families—as distinguished from only one quarter of them today—would have incomes exceeding $10,000 per year.

Our huge investment in education, now running about $50 billion a year, is beginning to pay great rewards. Spending on research and development stands at $25 billion this year—four times the 1955 total—and it is constantly producing new ideas and products. Our economy generates huge savings for investment: this year we shall invest some $120 billion—a sum greater than the gross national product of the United Kingdom or West Germany or Japan.

If we add this potential thrust to the already predictable growth in government revenues—on top of our temporary use of a tax increase—we would have a true capacity to meet all great matters before us in an orderly and creative way. And if we act in this way—and keep our priorities firm—we could be able, in the relatively near future, to rescind the income tax surcharge.

It is important to note, at the same time, that the possibility of ending the fighting in Vietnam makes even more urgent the rational re-ordering of our financial affairs. For this most longed-for day of peace will also signal the start of a period of important economic adjustment, as the nation moves away from the extremes of war production.

This coming transition will be the time for us to give the lie to the false Communist fantasy that our free economy requires a war-basis for its prospering. To prove the contrary—and to show the resourcefulness of free enterprise—we must begin orderly planning now. We must plan ahead *now* for the conversion of our industrial production and the release of our great economic potentials to meet the vast needs of our society. We must take all steps to guard against any sudden surge in unemployment. And we must assure that our veterans return to an economy already geared to give them the jobs and the opportunity that are their right.

We face, then, a special time of both decision and opportunity. It could be lost in only two ways. It could be wasted through economic ignorance. Or it could be wrecked by political cowardice.

If we avoid both these snares, we shall avoid all the follies that could follow from them.

I believe it is folly to imagine that so great a nation can *not* solve its problems *and* secure its defenses *and* pay its bills. We must not be snared into trying to make some false choice between *fiscal* stability *or social* stability. There is no such choice. To fail to achieve *either* is to invite catastrophe. Our free society demands *both*. And our national leadership must assure both.

It is folly to argue that the rebuilding of our cities, at a cost of many billions of dollars of private and public capital, is merely a false hope. It is quite the contrary: it is a true necessity and an urgent demand and a realizable goal. And to *stand aside* from this great task—by mourning its impossibility—is to stand aside from the future of America.

It is folly, too, to imagine that such a massive task can be met by blind increases in deficit spending. For this could only speed the inflation that would cancel every gain we reach for.

And it is—above all—folly to fear that the American people are incapable of the effort and the sacrifice that may be required of them.

They *will* accept sacrifices, demands, and taxes—*if* they have the clear assurances that they have a right to expect.

They have a right to know that the fiscal affairs of the nation are being run with responsibility and discipline.

They have a right to know that the taxes they pay are helping to build the American *city*—and not the American *bureaucracy*—of the future.

They have a right to know, in short, that whatever they give is truly helping to make of America a just society.

This is the historic business on our agenda—today.

And we must get it bravely and wisely done.

MOUNT CARBON DAM

Mr. DOMINICK. Mr. President, this morning I appeared before the Subcommittee on Flood Control—Rivers and Harbors, of the Committee on Public Works, to testify on behalf of S. 2169, the bill I introduced last year to authorize the Mount Carbon Dam.

I ask unanimous consent that the text of my remarks and the materials to which I referred be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MOUNT CARBON DAM

(Statement of Senator PETER H. DOMINICK before the Subcommittee on Flood Control—Rivers and Harbors, Senate Committee on Public Works, May 22, 1968)

Mr. Chairman and Members of the Subcommittee, I am delighted to appear before the Subcommittee to testify on behalf of S. 2169, the bill which I introduced on July 25, 1967, to authorize the Mount Carbon Project for Colorado. It is my purpose this morning to outline some of the major considerations involved in this Project, and to bring to your attention the rationale underlying Colorado's decision to seek its authorization this year despite the present fiscal situation.

If authorized and constructed, Mount Carbon Dam would be located on Bear Creek, a tributary of the South Platte River, having its confluence with the South Platte in southwest Metropolitan Denver.

Another upstream tributary of the South Platte River, Plum Creek, was the prime source of huge quantities of water plowing through upstream communities, across the middle of Denver, and on into some of our rural areas in the disastrous flood of June, 1965. Thirteen Coloradoans died and property damage exceeded $500 million. As you know, plans for Chatfield dam were subsequently reactivated and that Project is underway at the confluence of Plum Creek and the South Platte River just south of Denver.

Cherry Creek Dam, constructed years ago

on a third tributary of the South Platte near the southeastern edge of Denver at a cost of $14.8 million, was credited with preventing over $130 million in additional damage during the 1965 flood.

What I want to emphasize this morning, however, is that even with the addition of Chatfield Dam over 30% of the drainage area above the downstream limits of Metropolitan Denver continues to be uncontrolled, and what may well prove to be one of the most treacherous and destructive waterways in the country remains unchecked.

Bear Creek is so unusually unique in its geographic characteristics coupled with its proximity to such a heavily populated area that I suspect it is unlike any tributary previously considered by this Subcommittee.

Ninety per cent of the tributary basin lies in the rugged mountainous terrain of the Rocky Mountain range. Bear Creek has its headwaters at Summit Lake on Mount Evans at an elevation of 14,260 feet above sea level. In the 34 miles the water travels to the point where it leaves the mountains outside Metropolitan Denver, it drops 8,520 feet. Some portions of the streambed are so steep the water plummets 500 feet in a single mile.

In my judgment Bear Creek can be accurately described as a funnel tilted on edge and aimed directly at the people of Metropolitan Denver sitting at the bottom. Its steep terrain makes it particularly susceptible to flash flooding with rapid collection and concentration of water. The resultant high velocity produces a wild torrent of water and debris hurling down the canyon.

Once out of the mountains, Bear Creek heads for its meeting with the South Platte-River inside Metropolitan Denver. In doing so it passes within steps of homes, schools, several public facilities, and a shopping center. Its confluence with the South Platte is only a matter of a few hundred yards from one of the largest, newest, and most modern shopping centers in the West. These lower reaches of the Bear Creek basin have been characterized by rapid residential and commercial development. Population in this vicinity is projected to increase more than five-fold in the next three decades, while with the attendant influx of capital investment, the Corps of Engineers calculates the average annual flood damages to multiple by four over the same period.

Mr. Chairman, Bear Creek has a tragic history of flooding which entailed both the loss of life and heavy property damage. For the years records are available, there have been 22 floods in the lower Bear Creek Valley. Forty-five people lost their life as a result. The largest and most destructive of these floods occurred in 1938 when six people were killed. More recently, flooding has taken place in 1957, 1958, and 1965.

Quite understandably, the citizens of our state are genuinely alarmed about the continued existence of such dangerous conditions. I had the good fortune to be able to participate in the first public meeting with residents of the Bear Valley regarding Mount Carbon Dam. Voluntary citizens groups such as "Tame the Bear—Build Mount Carbon" and the "South Platte Area Redevelopment Council" have been formed and have made significant contributions in alerting the people to the remaining river hazards and what might be expected once these hazards are overcome. In a continuous effort to bring their proposals to fruition, I have met several times with representatives of the Corps of Engineers in Denver. To date I have not received any objections to the Project from those living in the vicinity.

It is with this background that we in Colorado are working together in a united effort to expedite the recommendations of the Corps of Engineers to meet the threat of Bear Creek.

Some measure of the seriousness with which we view the situation may be taken from the recent resolution of the General Assembly of the State of Colorado. Our state legislature strongly recommends approval of the Mount Carbon Project in this session of Congress as well as an initial appropriation in the 1968 Omnibus Bill. I would like to present House Joint Resolution No. 1019 to the Subcommittee and respectfully request that it be printed in the record at the close of my remarks.

Englewood, Colorado, is situated along the eastern bank of the South Platte River at the point in south suburban Denver where Bear Creek dumps into the South Platte. On April 1 of this year the City Council of Englewood adopted a resolution endorsing and encouraging the construction of Mount Carbon Dam. I ask that it also be included in the Record at the close of my remarks.

Bear Creek runs through the city of Sheridan, a suburban community on the western bank of the South Platte River directly across from Englewood. Several weeks ago I received a letter from Jan Rosenbach, Mayor of Sheridan, in which she stated:

"Any delay in this project might well be too late. The people in this community are just beginning to come back after the flood of 1965. At this time there were many homes flooded out and bridges were lost. The city hall of Sheridan was flooded out and the contents damaged beyond repair. We still remember the mud we scraped, many of our records are mud and water damaged and stand on our file shelves as a reminder of the miserable conditions that exist after a flood. Many of our elder citizens have not been able to come back. It would take pages to tell of the horror of floods. We urge the passage of the bill for Mount Carbon Dam."

The proposed location of Bear Creek Dam is approximately eight miles upstream from its confluence with the South Platte in metropolitan Denver. The recommendations of the Corps last year on which S. 2169 is based have been modifid somewhat to provide for some suggestions which have subsequently been made. As modified, the Chief of Engineers has recommended a multiple-purpose dam which would have a storage capacity of 74,750 acre-feet and an estimated first cost of $32,617,000. The federal share would be $30,706,000 while the non-federal share would be $1,911,000. The benefit-cost ratio is 2.3, a figure which reflects the estimated annual benefits of about $3,277,000, including $2,412,000 for flood control and $815,000 for recreation and fish and wildlife enhancement. I would like to stress, however, that the first cost of Mount Carbon may be considerably less since the $32.6 million estimate contains a large contingency item. At the suggestion of the Division Engineer, contingent funds were added in recognition of the possibility that more advanced planning studies and detailed subsurface explorations might reveal that foundation conditions would be unsuitable to the presently contemplated design. If so, some spillway modification and additional foundation treatment may be necessary. Unless such conditions are found, however, perhaps as much as $7.8 million may be deleted from the estimated first cost. The recommended project, as a result, is based on the maximum structure anticipated should adverse foundation conditions arise.

Mr. Chairman, Mount Carbon Dam is an essential element in a balanced flood control plan for this area of my state. Without it, Metropolitan Denverites remain in real peril. Extensive redevelopment plans for the South Platte River Valley can go forward only under a dark cloud of probable destruction by crushing waters.

These are the factors which have brought about such a unanimity and dedication among our congressional delegation to seek authorization this year of the Mount Carbon Project. I understand the recommendations of the Chief of the Corps of Engineers are now pending before the Bureau of the Budget. I urge this Subcommittee to seek early approval by the Bureau of the Budget and act favorably on the Corps recommendations in order that more advanced site investigation and design can get underway.

HOUSE JOINT RESOLUTION 1019

Whereas, The United States Army Corps of Engineers has recommended the construction of a flood control project at the Mount Carbon site on Bear Creek, east of the Town of Morrison, in the County of Jefferson, and the State of Colorado; and

Whereas, There have been twenty-two floods on Bear Creek between the Town of Morrison and the South Platte River in the Denver Metropolitan area since 1900, the most recent of which have been in 1957, 1958, and 1965; and

Whereas, Said floods have caused forty-five deaths and massive destruction to property; and

Whereas, Every heavy snowfall and heavy rain causes great anxiety to many thousands of residents and businessmen in the Bear Creek flood plain; and

Whereas, a comprehensive plan of flood control on the South Platte River would require the construction of the Mount Carbon project to complement the existing Cherry Creek Reservoir and the current construction of the Chatfield Reservoir, for the protection of the Metropolitan Denver area and downstream; now, therefore,

Be It Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

That this General Assembly, on behalf of the people of this state, strongly recommends the construction of the Mount Carbon flood control project in Jefferson County, east of Morrison, Colorado, and requests immediate approval of this project in this session of Congress and an initial appropriation in the 1868 Omnibus Bill.

Be It Further Resolved, That copies of this Resolution be sent to each of the Board of Engineers for Rivers and Harbors, Washington, D.C., and to the members of Congress from the State of Colorado.

JOHN D. VANDERHOOF,
Speaker of the House of Representatives.
HENRY C. KIMBROUGH,
Chief Clerk of the House of Representatives.
MARK A. HOGAN,
President of the Senate.
COMFORT W. SHAW,
Secretary of the Senate.

RESOLUTION 17, SERIES OF 1968

Resolution endorsing in principle the Mount Carbon dam

Whereas, a flood problem of serious proportions exists in the metropolitan reaches of the Bear Creek Valley, and that the effects of Bear Creek floods on the South Platte River through metropolitan Denver and the rural areas downstream from Denver represent a serious flood threat to the South Platte River Valley, and

Whereas, current metropolitan growth trends and projected levels and patterns of future growth indicated substantial increases in future flood hazard and economic damage potentials, and

Whereas, the existing flood threat is a serious deterrent to the economic stability and orderly growth of the metropolitan community and prevents fulfillment of plans to arrest deterioration and promote redevelopment of the South Platte River Valley in metropolitan Denver, and

Whereas, the City of Englewood stands to lose considerable in the event of a flood arising from the Bear Creek Valley,

Now, therefore, be it resolved that the City Council of the City of Englewood, Colorado, does hereby endorse and encourage the construction of the Mount Carbon Dam and Reservoir on Bear Creek, a tributary of the South

Platte River in Colorado, for flood control, general recreation, and fish and wildlife recreation generally in accordance with the plans of the District Engineer, and with such modification thereof as in the discretion of the Chief of Engineers may be advisable.

Adopted and approved this 1st day of April, 1968.

ELMER E. SCHWAB,
Mayor.

Attest:

STEPHEN A. LYON,
City Clerk-Treasurer.

POLITICAL AWARENESS AND INDEPENDENCE OF YOUNGER AMERICANS

Mr. BAYH. Mr. President, a very interesting survey conducted recently by George Gallup, Jr., disclosed that younger Americans in their twenties are characterized by considerable political awareness and independence. The results of this poll indicated that some 40 percent of this group of potential voters, which numbers around 24 million, considered themselves to be independent, and about half said they would not follow their parents political leanings in casting their votes.

Unfortunately, the poll also confirmed that the percentage of this group who are registered is lower than other age groups. While this may be explained in part by the greater mobility of persons in their twenties and by voting difficulties encountered, by college students and others who have temporary residences away from home, under present absentee registration and voting laws, I think it also reflects the fact that denial of the ballot to most persons under 21 may also discourage or hinder some young men and women from beginning active political participation at the time they complete secondary school. Evidence presented to the Subcommittee on Constitutional Amendments during its recent hearings on Senate Joint Resolution 8, Senator MANSFIELD's proposed amendment to extend the right to vote to citizens 18 years of age or older, seems to indicate that the political activity of those in their twenties would be increased if this amendment were adopted.

Mr. President, I ask unanimous consent that the article which appeared in the Washington Post on May 19 analyzing the results of this recent Gallup poll be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICANS IN THEIR TWENTIES PROVE TO BE POLITICALLY HIP

(Richard L. Lyons)

A special Gallup Poll shows that Americans in their 20's are politically interested and independent, "more hip than hippie," a rich prize to be fought over by presidential candidates.

The survey shows that among potential voters who came of age since 1960 Sen. Eugene J. McCarthy has the edge over both Republican hopefuls, Richard M. Nixon and Nelson A. Rockefeller. And both Nixon and Rockefeller are favored by young people over the other Democratic candidates, Sen. Robert F. Kennedy and Vice President Humphrey. The polling was completed the first week of May—before the Indiana or Nebraska primaries.

Gallup found that 40 per cent of Americans in their 20s consider themselves independents, a much higher rate than among older voters. Those who declared themselves were a little more than 3 to 2 Democratic. Nearly half said they planned to vote differently from their parents.

Although this group consists of 24 million potential voters, they vote less than their elders. In 1964, 53 per cent of them voted, compared to 65 per cent for older voters. Only 48 per cent are now registered, in part because of their mobility and the barrier of voter registration laws. This suggests the value of major registration drives among these groups.

George Gallup Jr. said this group in its 20s "is a crucial battleground for both parties" and that it "behooves a candidate to win their support."

They are less interested in party labels than their elders, said Gallup, and can be wooed by either party.

Gallup found the under-30s have a genuine interest in politics, take a constructive (rather than alienated or passive) approach to problems and are in the "mainstream of political opinion. Talk of a maverick generation must be considered as nonsense."

PRESENTATION OF EMMA C. McKINNEY MEMORIAL AWARD TO MRS. NORA LAWRENCE SMITH, ASHBURN, GA.

Mr. RUSSELL. Mr. President, last Saturday, the National Newspaper Association, at its annual convention in Los Angeles, recognized one of Georgia's most distinguished weekly publishers, Mrs. Nora Lawrence Smith, of Ashburn.

She was presented with the Emma C. McKinney Memorial Award, which is given each year to an active working newspaper woman associated with a nonmetropolitan weekly or daily, in recognition of distinguished service or contributions to her community and profession.

Georgians have recognized the outstanding public service of "Miss Nora," as she is known throughout the State, for many years, and we take particular pride in the knowledge that she has been accorded this national tribute. As the editor and publisher of the Wiregrass Farmer, she has worked tirelessly in the interest of our beloved State and of her community, as well. As her friend for more than 50 years, I extend to her my warmest congratulations for this well-deserved honor.

I would add, Mr. President, that five Georgia newspapers received first place awards in the National Better Newspaper Contest at this convention, and a number of others were recognized with second- and third-place honors, as well as honorable mention. Most of these newspapers were community weeklies and small dailies, and no other State having a population comparable to Georgia's had as many newspapers recognized. These awards are, indeed, a fine testimony to the outstanding quality of the profession of community journalism in the State of Georgia.

Mr. President, I ask unanimous consent that the release announcing the selection of Mrs. Nora Lawrence Smith as the recipient of the Emma C. McKinney Award be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

LOS ANGELES.—Mrs. Nora Lawrence Smith, 82-year-old publisher of the weekly Ashburn (Ga.) Wiregrass Farmer and Stockman, has received the Emma C. McKinney Award "in tribute to a newspaper publisher who has selflessly served her community and her state and who has exemplified the highest ideals of the newspaper industry."

The presentation was made during the National Newspaper Association's 83rd annual convention here.

The award was established in 1966 by the McKinney family and the Hillsboro (Ore.) Argus in memory of the late Mrs. Emma C. McKinney who was associated with the newspaper for 70 years.

Mrs. Smith, known as "Miss Nora" to fellow publishers in Georgia, has been active as a newspaper publisher for more than 50 years.

The first trophy ever presented by the Georgia Press Association, the Sutlive Trophy, went to Miss Nora for her promotion of a livestock program started in 1920.

Miss Nora is credited with starting the first highway beautification program in the state of Georgia and with getting the first highway in the state paved.

An active supporter of education and community improvement programs, Miss Nora recently contributed $10,000 to the Georgia Press Educational Foundation.

The award was presented by Walter V. McKinney, grandson of Mrs. McKinney and general manager of the Argus.

COLUMNIST SEES SICK MINDS BEHIND GUNS

Mr. DODD. Mr. President, there is a wide variety of opinion on just what a firearm is, what it is for, and the need for it in our society.

I believe it is a healthy thing, this difference of opinion. It is a part of our way of life that there should be differences, that everyone should not agree on everything.

A firearm is symbolic of different things to different people. Some see in it sport, others home protection, others war, and still others a heritage that has come down to us from frontier times.

Mary McGrath, a columnist for the Miami, Fla., Herald, has still another way to view a firearm. In the May 9, 1968, edition of the Herald she put it this way:

> However, unlike the artist's brush or the pen, its use can never be creative, only destructive.

Even a cursory glance at the current literature in the gun magazines tends to confirm, at least in part, Miss McGrath's reaction to firearms. All, or nearly all, of the articles in "hunting" magazines have to do with violence, the killing, or smashing power of this gun versus that "plinking" English sparrows out of cottonwood trees, killing varmints, and so forth.

Miss McGrath's point of view, which I am certain is shared by many other Americans, is worth sharing.

I commend it to the attention of my colleagues and ask unanimous consent, Mr. President, that it be printed in full in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SICK MINDS BEHIND THE GUNS—MISUSE A THREAT TO OUR SOCIETY

(By Mary McGrath)

No matter what the National Rifle Association may say, understanding a weapon is no proof against the misuse of that weapon.

If there is one thing sure about those who have perpetrated the most dastardly assassinations of our time it is that they had complete mastery over their guns. It was their minds that were out of control.

Even the NRA does not maintain that it can read the minds of every man, woman and child who professes to want to possess, for sport, what is without argument a weapon of death.

According to those who speak for the NRA, true sportsmen, knowing the dangers of a gun, are totally opposed to the use of weapons for other than sportslike reasons.

If this is true, and they carry their thesis to a logical conclusion, why is not the National Rifle Association in the forefront of those fighting to outlaw the use of weapons in war as an accepted method of defending a principle or settling a difference?

Why are they so gung-ho for the gun as a weapon of self-defense, when the admitted purpose of the weapon is not truly to defend but to wrest the offensive away from the offender?

While it may be true that there is some illusion of sport in an activity that pits a hidden, disguised, and armed hunter against an unsuspecting, unoffending and unprotected animal, it is hard to see what this defense of an alleged sport has to do with the open and general sale of firearms to persons who cannot prove what is in their minds by what they put on their applications for permits.

Perhaps the right answer lies not in the licensing of guns to their owners but the licensing of gunmakers in their sales, so that they ultimately control to whom they sell.

In this way the man who makes the weapon of murder fun and profit could be held liable for his own careless judgment, just as the bartender can in some states be held at least partially liable for the activities of the drunk to whom he sells that last drink over and above his obvious capacity.

A gun, like a pen or an artist's brush, has no intrinsic value of itself. Untended, it can do nothing. It is merely a tool in the hand directed by the mind in its ultimate expression.

However, unlike the artist's brush or the pen, its use can never be creative, but only destructive.

It is specious to argue that man would be allowed to destroy what nature will ultimately destroy. The National Rifle Association may think of this only in connection with rabbits, deer and squirrels.

Some of our most deadly marksmen have used it for people!

WHO AND WHEN IS A CANDIDATE?

Mr. METCALF. Mr. President, I am not running for reelection this year. So, as far as I am concerned, I am not a candidate for public office. But one Federal agency thinks I am. It is the Internal Revenue Service, which defines a "political candidate" as "any political figure who receives or has received political funds, whether or not he has announced his candidacy for nomination or election or reelection to any elective public office"—IRS Bulletin No. 1968–17, April 22, 1968.

I am not silly enough to think that anyone is going to be trotting around offering campaign contributions in a year when I am not seeking reelection. I have enough trouble getting campaign funds when I am. But the point is that the IRS has its eye on campaign money. It could not care less whether or when or how I "declare" myself a candidate for office.

While I am not a candidate for office this year, others are. They must wonder who—perhaps when—is a candidate. It is not easy to find out. I have been looking through statutes and the statements of various Federal agencies for an answer, and I can report that there is less than complete agreement on the point over in the executive branch.

In the Federal Corrupt Practices Act, a congressional "candidate" is somebody whose name turns up—apparently including write-ins—on the ballot on election day. Specifically, he is "an individual whose name is presented at an election for election as Senator or Representative in, or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected"—2 U.S.C. section 241. But the legal duties of the "candidate" extend far back into the past. He must report all contributions and expenditures "in aid or support of his candidacy for election," even if they were made 50 years ago—2 U.S.C. section 246. Under the Corrupt Practices Act, it is absolutely irrelevant whether or when somebody "declares himself" a candidate for office.

For the Federal Communications Commission, on the other hand, a "candidate" is someone who calls himself a candidate. A "declaration of candidacy" makes all the difference. The FCC has ruled that the term "legally qualified candidate," as used in section 315 of the Communications Act, means a "person who has publicly announced that he is a candidate for nomination"—FCC 68–79, 11165, January 24, 1968. The result of this ruling is that "equal time" requirements, governing radio and television time, are enforced only in situations where there are publicly declared candidates for office. In this year of the "noncandidate" the ruling is obviously unfair.

In the past year the Civil Service Commission has weighed in with its own interpretation of what it means to be a candidate. At pages 5882–5887 of the March 8, 1968, CONGRESSIONAL RECORD, I discussed an exchange of correspondence with the CSC on the case of a Montana highway official who had, from all the evidence, violated the Hatch Act by engaging in illegal political activity. In a letter dated June 19, 1967, Chairman Macy stated his conclusion that there had been no violation of the law. He went on to say that "the case had to be developed on the theory of taking part in a political campaign," and he assigned importance to the fact that the activity in question had taken place before Representative BATTIN and I had filed as candidates for re-election in 1966. The fact is that the Congressman and I, as incumbents, were "candidates" by the IRS definition, and that we were bound by all the legal requirements of the Corrupt Practices Act even though we had not yet filed. The Civil Service Commission has chosen to search for "declarations of candidacy" to find out when candidates are really candidates. Apparently the prohibitions of the Hatch Act apply less stringently, or do not apply at all, at times when there exist no publicly declared candidates for office.

Mr. President, I have been in Washington too long to expect that governmental administration can proceed according to neat canons of logic. But I think that we could use a little more logic on this matter of "candidates" and "declarations of candidacy." Maybe a bureaucratic round-table discussion, with all the different agencies represented, could generate a little more order. At the least, it is worth asking whether the CSC, given its rigid mandate to prohibit political activity by civil servants, shouldn't take lessons from IRS and the Corrupt Practices Act rather than from the FCC.

SUSPENSION OF SECTION 315(A) OF COMMUNICATIONS ACT OF 1934

Mr. HARTKE. Mr. President, Dr. Frank Stanton, president of the Columbia Broadcasting System, is widely known for his compassion and desire to serve the American viewing public with all the tools and electronic devices which are at his disposal. However, because Congress thus far has not sought to repeal, or at least temporarily suspend, section 315(a) of the Communications Act of 1934. Dr. Stanton, and his counterparts at NBC and ABC are unable to bring to the more than 100 million persons, who will be eligible to vote in the fall, the candidates seeking the two most important public offices in the land.

Recently, Dr. Stanton addressed the general conference of CBS Television Affiliates in Hollywood, Calif., on the restrictive handicaps created by section 315 and the need for its repeal. I wish to associate myself with those remarks. I am extremely hopeful that Congress, after much delay, will see the necessity of repealing, or at least suspending, section 315(a) for the duration of the 1968 presidential and vice-presidential campaign.

I ask unanimous consent that Dr. Stanton's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE GENERAL CONFERENCE OF CBS TELEVISION NETWORK AFFILIATES

(Remarks of Frank Stanton, President, Columbia Broadcasting System, Inc., CBS Studio Center, North Hollywood, Calif., May 14, 1968)

It is always a pleasure to be in the company of friends. We have come a long way together, you and I, and few things are as good for the spirit as the comradeship of those who have stood with you in hard times and good times. But mindful as I am of the past we have shared together, my concern is with tomorrow.

We have come a long way, too, in broadcast journalism. Not all of us were there for the start, but we have been in on the important beginnings. We must never forget that Americans rely more on television than on any other medium for what they know of the world around them. Our offices and our reception rooms are studded with testimonials to what we have accomplished. One might be forgiven a certain immodesty in thinking that the broadcast media while in our charge have come to a maturity crowned not only with the plaudits of their peers but also with the favor of their beholders. One might be tempted, indeed, to rest on both his laurels and his oars.

I hope we will not. For while we have come a long way, we have still a long way to go. Increasingly, for the broadcast journalist, I fear it will be uphill. I feel a tightening of the ring around our already proscribed broadcast freedoms, and I think it is time to take their measure.

I believe the broadcasters of this country must declare themselves once and for all time the legitimate inheritors of the First Amendment. I believe we must move with both vigor and dispatch to strike from our shields the one bar sinister we have borne from the beginning, and to reject the other restrictions of second-class citizenship that many would seek to impose upon us. Let me name but a few:

In the state of Oklahoma broadcasters are being called to account for their programming performance by a self-appointed two-man task force from the Federal Communications Commission.

In Chicago the concept of investigative reporting has been put under challenge by a Committee of the Congress.

The so-called Fairness Doctrine—its own legitimacy a matter of dispute—is used against us on both the editorial and commercial sides of our medium.

In certain areas of the country even our right to affiliate—the first and basic step in program choice made in the network-affiliate relationship—has come under question.

On one hand we find those who would tell us what to say about the world, and on the other those who would have us stand mute. It has been but two years since I felt compelled to make public defense of CBS News coverage of the Vietnam war. I said at the time that "the living room is no less involved in this conflict because of its distance from the combat area." The issue today turns not so much on Vietnam as on the crises in our cities. The distance from the living room has been greatly foreshortened, and the intensity of the outcry has risen in proportion. But what I said then is still valid today: "We see it as our duty to bring the face of this war . . . to all the people so that they can witness it and understand it."

There is growing concern, even beyond broadcasting, that the First Amendment itself could ill withstand the "reluctance to know" that we witness today. Indeed, there are many who feel that the nine other tenets of the Bill of Rights might not survive a vote tomorrow. We who would seek its protection must rally to preserve its freedoms—freedoms, ironically, to which we ourselves do not yet have clear title.

We must begin with Section 315, the law that holds that any candidate for public office, no matter how obscure and no matter how frivolous, has equal claim with all other candidates to broadcast time in political campaigns. Section 315 has been with us in one incarnation or another since 1927. It has been under challenge for just that long, and has yielded only twice: in 1959, when broadcasters secured relief for *bona fide* newscasts, news interviews, news events and certain news documentaries, and in 1960, when we were permitted to present what came to be called the Great Debates.

I need not recount for this assembly the reasons why Section 315 should be set aside; we have been over the ground before. I spoke of 315 at your First General Conference 13 years ago, again the next year at your Second General Conference, again at your Fifth in 1959, and again at your Eighth in 1962. Our arguments have been valid, but often they have been voiced in vain.

I think we all recognize that the gut issue involved is whether the broadcaster is to be entitled to exercise the same journalistic judgment that has from the founding of the republic been not only the privilege but the duty of our ink-stained colleagues. The answer which has come back again and again is that we are not ready. To which I say, if we are not now, we shall never be. I fear that if we do not win now, we may never win. And if we lose, so will America.

We who care about the political process in this country stand now at a unique confluence of need and opportunity. As I wrote the chairmen of the House and Senate Commerce Committees on April 1, the decision of President Johnson not to seek nor to accept the nomination of his party has given "a new urgency to the need for prompt suspension of Section 315 [in order that] the views of leading contenders for the nominations of the major parties be placed fully before the public during the primary campaigns, and that such parties' nominees have the fullest opportunity to present their views during the general election campaign."

That was six weeks ago. We have no suspension. We will have none in time for the primaries. There is still hope that suspension could come in time for debates during the pre-convention period, but any optimism I hold on that score is based more on the arithmetic of time than a conviction of our chances. It *could* happen. I hope it *will* happen. But I shall not hold my breath, nor do I recommend that you do.

Then what, realistically, are the chances that Congress will act at all? The House, including and especially the Interstate and Foreign Commerce Committee, is where our deepest concern lies. Some hold the view that new hearings will be necessary before that committee—although others, myself among them, believe that the record compiled in March by Chairman Staggers' Special Investigations Subcommittee provides a sufficient base for legislation without further hearings. In any event—and to put it mildly—there appears to be no great enthusiasm for action in the House. And without action on our part, I fear their lethargy will continue.

The Senate is a brighter side. Senator Pastore—who, you will recall, introduced and championed the joint resolution for suspension in 1960—has told us that he is optimistic about early legislation there, provided this is "the will" of the Commerce Committee. My own view is that with a little encouragement the Senate will take positive action.

The President is no longer a candidate and my guess is that he will neither resist nor encourage a suspension; I believe he will leave the matter up to Congress. The Vice President, on the other hand, I believe will be more than willing to engage in debates if he gets his party's nomination. Indeed, Mr. Humphrey went on record with Senator Pastore last week as saying, " . . . in 1960 I supported and voted for a suspension of Section 315 for the Presidential and Vice Presidential candidates. I would favor the passage of similar legislation this year."

And what about the other candidates whose fates and fortunes are on the line? I invite you to see and hear for yourself where they stand. CBS newsmen* asked Senators Kennedy and McCarthy, Mr. Nixon, Governors Reagan and Rockefeller, and Mr. Wallace whether they would be willing to participate in broadcast confrontations with their opponents:

INTERVIEW WITH RICHARD NIXON

"Plante. Mr. Nixon, what is your position on the possible suspension of the equal time provision of the Communications Act?

"Nixon. Well, I favored the suspension of the equal time provision in 1960, when that action by the Congress made possible the Kennedy-Nixon debates, and I favor the suspension of the equal time provision in 1968, so that the nominees of the two major parties may again participate in debates of the great issues."

INTERVIEW WITH SENATOR M'CARTHY

"Schoumacher. Senator, would you say that you would favor or feel it important that the 315 section, equal-time section, be suspended to permit primary debates between——

"McCarthy. Oh, I think they—they ought just to repeal it. I've never—in the years I've been in Congress, they used to ask me about equal time and I never knew what they meant because I'd had no experience with it. And I think that it—it's one of those provisions that's impossible to administer and as a general rule when you get something that's—that's an administrative monstrosity it's best to repeal it. If not, of course, you suspend it at the time when it might come into effect."

INTERVIEW WITH GEORGE WALLACE

"Cleveland. Governor, what is your position on the possible suspension of the equal time provision of the Communications Act?

"Wallace. Well, if they're talking about suspending the rule for the purpose of allowing the two national parties to debate and to eliminate a movement such as mine, of course I'd be against it. I look with very much concern about any suspension of a rule that gives equal time. Now I'm sure that the networks do not have to give equal time to some candidate throughout the nation who's qualified, say, in one or two states, and we do have some minor parties who have ballot position in one state and no more; two states and no more. They probably should have time in those states. But a movement such as mine, which is going to be on most all the ballots of the country, should be given equal time. So I'm against any movement that would make it possible to eliminate this movement. And I don't know what the purpose of it is. If they're trying to eliminate this third party movement from equal time, then I'm certainly against it."

INTERVIEW WITH GOVERNOR REAGAN

"Simmons. I've got three or four written questions here with regard to the FCC Section 315 regarding equal time for political candidates on television. I wonder if in your view Section 315 perhaps ought to be suspended during the remaining primaries in order to permit face-to-face debates between the major announced candidates.

"Reagan. I wouldn't see anything wrong with that. I don't know all the technicalities involved, but I think that an overhaul, and a review preceding the overhaul, in the whole area of equal time and the rules pertaining to it could well be had. I remember my own experience with having to find substitutes for 'Death Valley Days' before I was even a declared candidate, while at the same time there was no restriction on my opponent continuing to have weekly press conferences. In one ruling they issued that it was part of his job, but it wasn't part of my job to continue on 'Death Valley Days.' I think that there've been—there are a great many things at fault in the interpretation of the equal-time rule.

"Simmons. In general terms do you think that 315 is a good idea, in that it gives exposure to minor candidates such as the Vegetarians' or Socialist-Labor party's nominees for President?

"Reagan. Well, I'd want to—I'd want to see again the results of a review and some thinking applied to this. I can see that there has to be some protection for television and for the television viewer in that area because there's nothing to prevent a lot of people from becoming candidates who we know are not meaningful candidates and are not going to acquire any audience and could clutter things up pretty well. But I think, as I say, that there should be quite a review—part of the people in industry, part of the people in public life, government itself, as to what would be a proper answer."

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* CBS News correspondent Bill Plante; CBS News correspondent David Schoumacher; Paul Cleveland, assistant to the bureau manager, CBS News, Atlanta, and Robert Simmons, staff correspondent, KNXT Los Angeles.

INTERVIEW WITH SENATORS M'CARTHY AND KENNEDY

"SCHOUMACHER. Walter and Roger Mudd, this is David Schoumacher with Eugene McCarthy just up the block from you. There's been a difficulty, of course, in staging any kind of a debate. I wonder if, this time, if we could ask both men if they're willing to meet in the Nebraska Primary and hold a confrontation of some sort—a joint appearance.

"MCCARTHY. I don't know. Are you talking to me?

"SCHOUMACHER. Right, sir, we'll ask you first.

"MCCARTHY. Well, I don't know if you ought to raise that question here tonight. I, of course, have said that I was willing even in Indiana and I said I would in Nebraska, but . . . you know . . . we haven't even quite finished adding things up for tonight. I'm willing. Yes.

"SCHOUMACHER. Senator Kennedy . . .

"KENNEDY. Yes, I've always said I've been willing. I think that Vice President Humphrey is a candidate and I would hope that he would enter this effort as well. As Senator McCarthy knows, Vice President Humphrey has made statements and his backers and supporters have made statements that he's the frontrunner. Senator McCarthy feels that he's the frontrunner. I'm not making any predictions about where I am because I think that the only way I can do well is, obviously, take my candidacy to the people and do well in the campaign with people. But I think it would be very helpful for Vice President Humphrey to become actively involved in taking his campaign to the people themselves, because . . . so that the people can pass on it. I think this is something more than just political leaders and politicians. I think this has to have the support of the people themselves and I think that's what at least we're trying to do."

There you have it. Except for Governor Rockefeller—who says "Frankly, I have not had enough time to study it"—the candidates are willing.

But there is also some opposition to suspending 315. In all fairness there is another side, and its spokesman should be given an opportunity to be heard.

DR. GODDARD RESIGNS

Mr. NELSON. Mr. President, I read with deep regret in this morning's press that Dr. James Goddard has found it necessary, for personal reasons, to resign as Commissioner of the Food and Drug Administration. Since 1966 when Dr. Goddard was appointed as Commissioner he has worked with unfailing dedication toward the goal of insuring that every drug on the market be safe and effective. Keenly aware of the direct impact of the FDA on the health and safety of the American people, Dr. Goddard has turned FDA into an aggressive agency actively executing its regulatory functions.

The Food and Drug Commissioner is in a sensitive position. Charged with protecting the public interest, he is constantly exposed to the powerful pressures of an industry with an important stake in the decisions he makes. Which drugs will be marketed and what types of advertising will be permitted are delicate matters he deals with daily.

The Food and Drug Commissioner must be able to resist the pressures of the industry to allow the marketing of drugs before their safety and efficacy have been documented by substantial evidence. He must work diligently to insure that information disseminated to physicians be complete and truthful so that patients will not be exposed unnecessarily to risks of suffering or death because of premature or overuse of a drug.

Dr. Goddard has done an outstanding job in his 2 years as Commissioner. He was willing to take positions which brought upon him the criticism of the industry when he believed that his stands were in the public interest. Firms which violated provisions of the Food and Drug Act were prosecuted. Drugs which were shown to be dangerous were withdrawn from the market. The marketing of new drugs was postponed, often in the face of great industry pressure, if there were insufficient assurances of safety and efficacy.

We all know about the tragedy around the world caused by thalidomide. We know of the many needless deaths in our own country resulting from the drug chloramphenicol because it was overpromoted.

We can prevent such tragedies from recurring only if the new Commissioner shows the same willingness to do whatever is necessary to protect our consumers.

He must be a man who will continue the programs Dr. Goddard has initiated and who will follow the same policy of vigorous enforcement of the food and drug laws. He should thus be an individual who is familiar with FDA programs and operations.

I commend Dr. Goddard's recommendations that Dr. Herbert Ley, now Chief of the FDA's Bureau of Medicine be appointed to succeed him.

Dr. Ley has made a distinguished name for himself as head of this all-important section of the FDA. He is thoroughly conversant with and sympathetic to the fine programs begun by Dr. Goddard.

Already the screams of anguish over this recommendation have come from the drug industry. I am certain they would like to have the agency revert back to the sleepy days of pre-Goddard when it was difficult to distinguish between the regulator and the regulated.

Judging alone by the drug lobby opposition to Dr. Ley, I presume he would be an excellent choice as Administrator.

The appointment of a lesser man would be a tragedy. I hope the pressures will be withstood.

The public's health must remain paramount in the performance of the Administrator's duties. The American people deserve the best health care possible. They will receive it only if the drugs they get are safe, effective and used properly. And it is the FDA Commissioner, who, by his expertise and dedication to the public interest, can see to it that they do.

I trust the administration will not retreat from its responsibilities and relegate the FDA to the dangers of second-class status.

SELLS MAIL-ORDER GUNS ON STREETS OF CHICAGO

Mr. DODD. Mr. President, in the course of debate on title IV, the firearms section of S. 917, the Omnibus Crime Control and Safe Streets Act, those opposing the strong Federal law sought by virtually all of law enforcement in the Nation have repeatedly suggested that the existing law, if enforced, would be all that is necessary to keep mail-order guns out of the hands of criminals.

Such a suggestion, of course, is without foundation in fact.

The argument has no redeeming merit whatsoever.

There has been no known conviction under the mail order provisions of the Federal Firearms Act of 1938 since it was signed into law because the criminal can easily evade the requirements of law by simply falsifying his name.

It is because the weak requirements in the existing law, demanded at the time of its passage by the NRA-led gun lobby, that it is necessary to toughen the law today.

As the law now operates, just about anyone and everyone can be a gunrunner, set up his own shop and traffic in the entire military surplus small arms of World War II, and indeed in some cases, a good deal of the surplus small arms of World War I.

It has been done and it is now being done.

The Secretary of the Treasury has told Congress that a minimum of 25,000 of the 100,000 plus Federal firearms licenses in existence are not in the hands of bonafide firearms dealers.

They have been issued to the fringe element of the firearms industry who use the license to get discount rates on shooting equipment, to drifters without permanent addresses, to itinerant gun dealers who frequent county fairs, and to instant geniuses who set up street corner firearms businesses to reap huge profits.

Each of these is an open door to an arsenal. History, the uniform crime reports of the FBI, and the daily newspaper are adequate proof that this door is used all too frequently by the assassin, the criminal, and the demented.

I would like to call one such case to the attention of my colleagues. It is not a unique case. It has happened many times before.

If there is something unique about this case, Mr. President, it is perhaps that in this case the culprit was caught and prosecuted.

And I want to emphasize that the prosecution was for engaging in interstate shipments of firearms without a dealer's license. He did not bother to secure a license, he ignored the existing law.

The case involves 23-year-old Willie E. Engram, of Chicago, who was inspired by the ease with which Lee Harvey Oswald, President Kennedy's assassin, bought a high-powered mail-order rifle through the mails.

Details of that purchase by Oswald, and the similar mail-order purchase of a pistol which he used to kill Officer Tippet the same day in Dallas, dramatically brought out the weaknesses of Federal laws on the interstate sale of firearms.

Chicago police and Federal Treasury agents estimate that the street corner gun business yielded Engram about $500 a week in profits and put approximately 1,500 guns in the hands of criminals from the time he quit regular work a few days following the assassination of President Kennedy, and the time he was apprehended in mid-July of 1964.

All the while Engram engaged in his gun racket he was under the supervision of the courts for possession of narcotics. He had previously been convicted as a thief.

It was a simple scheme Engram hit upon.

Federal agents said he bought about 60 guns a week from a Texas mail-order house for $9.65 apiece and sold them for about $16 apiece, or whatever the traffic would bear.

Most of the weapons were the cheap foreign-made .22-caliber pistols that glut the teenage and petty criminal market.

A number of such weapons were traced to crimes in Chicago, and Engram himself said he would sell to any one of any age, according to Treasury agents.

The Engram story is best told by Don Sullivan in the Tuesday, July 21, 1964, edition of the Chicago American.

The headline says: "Peddles 1,500 Guns Here—Murder, Assaults Result."

Mr. President, I ask unanimous consent that the entire article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Peddles 1,500 Guns Here—Murder, Assaults Result

(By Don Sullivan)

Chicago intelligence division detectives, aided by United States treasury agents, have cracked a pistol-selling racket here which gained the schemer $500 a week and put an estimated 1,500 unlicensed guns into criminals' hands.

Charged with selling interstate shipments of firearms without a dealer's license is Willie E. Engram, 23, of 1425 S. Tripp av.

Treasury agents said Engram got the gun-selling idea from the assassination of President Kennedy on Nov. 22.

MAIL-ORDER RIFLE

In the furor that followed the assassination in Dallas, it was brought out that the accused assassin, Lee Harvey Oswald, had bought the high-powered rifle that killed the President from a mail order sporting goods firm in Chicago.

Details of the purchase brought out dramatically the weakness of federal laws involving interstate sale of firearms.

Agents say they believe, altho Engram will not admit it, that Engram read the news on gun sales carefully, and determined to try selling guns himself—for a profit.

Police said that guns sold by Engram were involved in a murder, in a pistol-whipping by a 13-year old boy, in an aggravated assault, and in the shooting of a woman. A convicted narcotics addict was found with one of Engram's guns in her possession.

QUIT REGULAR JOB

So successful was Engram's racket that months ago he quit his $135-a-week job as an aluminium sheet handler in McCook to sell guns exclusively. He has been operating since November.

Engram was to be arraigned Tuesday before United States Commissioner C. S. Bentley Pike. He is held under $1,500 cash bond in the federal tier of the Cook county jail.

Engram is a convicted thief under one year's court supervision for possession of narcotics.

Engram's scheme was simple. He bought cheap, foreign-made .22 caliber six-shot revolvers from a Fort Worth mail order house for $9.65 apiece and sold them here for $16 or as much as he could wheedle out of the buyer, agents said.

Federal agents said be bought about 60 guns a week. He would sell to anyone of any age, treasury agents said.

RECOVER 55 PISTOLS

Detectives have found 55 of these peculiar weapons. Police confiscated them in investigating crimes.

Most of the guns Engram bought from Fort Worth were made in West Germany. The weapons have 1-inch barrels, weigh 13 ounces, and are extremely difficult to find in a person's clothing, even for an experienced searcher.

They were sold by Buddie Arms company, 226 E. Lancaster st., Fort Worth, as "Senoritas, the world's fastest-selling snubby. Order these by the dozen at this low price, .22 caliber with free holster. Regular quantity prices for 100 guns. Free holster with each gun."

The advertisement was directed to "dealers," who are permitted to buy guns legally thru interstate mails. Bonnie Williams, assistant manager of the Fort Worth firm, admitted his firm did not check on whether purchasers were licensed dealers.

RECEIVES CUT RATES

Williams said Engram bought so many guns that the firm gave him a cut price. Engram used the pseudonyms "John Johnson," and "Billy Williams," and ordered guns by phone, according to Williams.

He said Engram phoned once to say he was selling the guns so fast he wanted them shipped by air express.

Treasury agents seized the sales invoices involving Engram-Johnson-Williams on Monday, and Assistant United States Atty. Richard T. Sikes has begun preparing the case for presentation to a federal grand jury next week.

On Dec. 14, James Arline, 34, of 3933 Drexel blvd., a cab driver, was shot to death in his cab at 44th street and Calumet avenue.

Thomas Scott, 21, of 4320 Drexel blvd., was charged with the murder, and on June 1, Judge F. Emmett Morrissey in Criminal court found Scott guilty of murder and sentenced him to 25 to 50 years in prison.

The murder weapon was one of the peculiar .22 caliber guns.

On Jan. 1, Killis Hill, 26, of 1943 Lake st., leaned out his apartment window and fired a .22 caliber pistol to celebrate the new year.

His shot struck a 37-year old neighbor woman. Hill was charged with aggravated battery. The charge was reduced in Boys court to reckless conduct by Judge Saul A. Epton, who placed Hill under one year of court supervision on Feb. 5.

On March 28, three Negro boys beat two white boys behind the Museum of Science and Industry at 57th street and South Shore drive.

One of three youths charged with aggravated battery was Otis Jones, 13, of 6019 S. Harper av.

GUN FOUND IN FLAT

The victim told police Jones struck him below the left eye with a hard object he did not see. Youth division police confiscated a .22 revolver from Jones' apartment. He was turned over to juvenile authorities.

Engram was questioned by intelligence division detectives on Sunday, the day of his arrest, and he conceded in a written statement, "I might have sold some [guns] to guys with police records." He denied selling guns to minors.

The Fort Worth firm also shows records of Engram, under his aliases, having bought 20 .38 caliber Iver Johnson revolvers and 10 .32 caliber Iver Johnson revolvers at $24.75 each, and 10 .25 caliber Galesi automatic pistols at $19.95 each.

Mr. DODD. Mr. President, 2 days later, July 23, 1964, the Chicago Sun-Times had some editorial thoughts on the subject. In an editorial entitled "Restrict Gun Sales," the editors began this way:

> The Federal law governing the sale of firearms by mail-order is, as we have noted in the past, a weak flabby law. Under the Federal Firearms Act, which regulates the sale of firearms in interstate commerce, the seller of firearms must be free of a criminal record, he must pay $1 for a Federal license and he cannot knowingly sell a firearm to a man with a criminal record.
>
> Under those loose regulations anyone can buy a deadly weapon by mail order. The gun used to assassinate President Kennedy was purchased in this manner. . .

Mr. President, I ask unanimous consent to insert the entire editorial in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Restrict Gun Sales

The federal law governing the sale of firearms by mail order is, as we have noted in the past, a weak and flabby law. Under the Federal Firearms Act, which regulates the sale of firearms in interstate commerce, the seller of firearms must be free of a criminal record, he must pay $1 for a federal license and he cannot knowingly sell a firearm to a man with a criminal record.

Under these loose regulations anyone can buy a deadly weapon by mail order. The gun used to assassinate President John F. Kennedy was purchased in this manner.

This week a Chicagoan with a criminal record for possession of narcotics was arrested for selling guns. In the past eight months he has purchased at least 1,500 guns from mail order houses. He concealed the fact that he had a criminal record from the dealers. He resold the guns to anyone who had his price and he has admitted that some of the guns he sold might have gone to known criminals.

Many legitimate gun dealers try to protect themselves and the public by requesting that a buyer submit an affidavit testifying that the buyer does not have a criminal record and is over 21. This request is easily evaded by using a false name, as did the Chicagoan arrested this week.

We have made a suggestion in other editorials and we repeat it now for the benefit of Illinois members of Congress.

The federal laws regulating the sale of firearms should contain a restriction limiting the sale of firearms from any legitimate source to those who have obtained a permit to buy from their local police department. Such a restriction would not hamper sportsmen or gun fanciers. It would sharply curtail, if not eliminate, the sale of guns to criminals, the mentally deficient and minors.

Mr. DODD. Mr. President, this was a classic example of a criminal using the free enterprise system to illegally supply other criminals with firearms. He was reasonably sure of some success and profit for his enterprise after reading how an assassin had no trouble in circumventing the Federal law using a similar subterfuge.

It was 4 years ago since that incident. The Subcommittee on Juvenile Delinquency, while investigating the firearms problem, used Chicago as a basis for one of its own studies.

The sales receipts for some 4,000 handguns delivered to Chicago residents by two California firearms dealers were examined by the Chicago police at subcommittee request.

The finding was distressing, and pointed up the same deficiency in Federal law that made a small fortune for Engram.

Of the 4,000 guns delivered via mail order—common carrier—to Chicago for the period of about 1 year, more than 25 percent of them, according to Chicago police records, went to known criminals.

And actually, the distribution of the firearms within the city followed the pattern for the distribution of mail-order firearms the subcommittee has found across the country.

And that is that the bulk of the guns went to the high crime areas of the city. In the high crime areas of the city, the percentage of guns that went to known criminals was much higher.

For example, in Washington, D.C., a similar study was conducted by the Juvenile Delinquency Subcommittee in 1962. It was found that some 25 percent of the mail-order firearms here were delivered to known criminals—persons who would not be eligible to purchase them under the law of the District of Columbia.

However, in the year used as a base for the subcommittee study, the high crime precinct was the Second Precinct, and more than 80 percent of the mail-order firearms delivered in that precinct went to known criminals.

Mr. President, things have not changed much since that time, in either Washington, D.C., or Chicago.

In the Nation's Capital, right now, bus drivers refuse to drive at night because they fear being held up and murdered. Many of them have been.

Firearms are abundant here. The Federal Government has not yet tightened up the law, has not taken even a minimal step to keep deadly weapons out of the hands of those who have already demonstrated themselves to be deadly people.

The high crime rate and the proliferation of firearms are on the public mind, and they want something done about it.

The dire situation in Chicago, for example, has caught the attention of the editors of the Racine, Wis., Journal-Times.

In the April 26, 1968, edition of the Journal-Times, in an editorial entitled "Just a Plain Case of Too Many Guns," the editors point out that 4 days earlier in Chicago, during approximately 26 hours, three persons were killed and 12 were injured, all by gunshots.

The editors then commented:

> This was not a riot. The incidents had no apparent connection. Nor were the victims gangsters, lawbreakers or apparently involved any kind of crime war or gang fight. Most of them were just shot in the street or in the yards of their homes for no apparent reason.
>
> This was just one day's "bag" in a large American city . . .

In conclusion, the Racine paper dotes briefly on Congress, where much of the blame seems to reside. The editorial continued:

> . . . And what happened in Chicago in one 26-hour period merely dramatizes what can happen in a society that is drenched in firearms, and in violence.
>
> Yet no gun control law has yet to come out of Congress . . .

Mr. President, I ask unanimous consent that this editorial be printed in full in the RECORD.

I believe it strikes close to the heart of what is being discussed and debated here in the Senate in the consideration of title IV of the Omnibus Crime Control and Safe Streets Act, S. 917.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUST A PLAIN CASE OF TOO MANY GUNS

On Wednesday, the Chicago Sun-Times carried a chronological chart of the hours between 5:15 p.m. Monday and 7:30 p.m. Tuesday, a period of approximately 26 hours. It listed by time 10 separate incidents, in scattered sections of Chicago, in which three persons were killed and 12 injured.

Every one of the 15 persons was shot.

This was not a riot. The incidents had no apparent connection. Nor were the victims gangsters, lawbreakers or apparently involved in any kind of a crime war or gang fight. Most of them were just shot in the street or in the yards of their homes for no apparent reason.

This was just one day's "bag" in a large American city, admittedly not typical, but illustrative.

In an editorial in that same edition, the Sun-Times points to the fact that in 1966 (the last year for which figures are available) there were 6,400 murders, 10,000 suicides, 100,000 injuries and 2,600 accidental deaths—all by gunshot. Guns were used in 43,000 assaults and 50,000 robberies. The Sun-Times says that 10,000 guns reach private hands each day.

That's too many guns. That's too many lives taken by guns, too many injured, assaulted and robbed. And what happened in Chicago in one 26-hour period merely dramatizes what can happen in a society that is drenched in firearms, and in violence.

Yet no gun-control law has yet to come out of Congress. A weak bill has been reported out of a congressional committee, with only a small chance of adoption and no chance of effecting genuine control.

RESIGNATION OF DR. JAMES GODDARD AS COMMISSIONER OF FOOD AND DRUG ADMINISTRATION

Mr. KENNEDY of Massachusetts. Mr. President, I read with regret in this morning's press of the resignation of Dr. James Goddard as Commissioner of the Food and Drug Administration. Since 1966, when Dr. Goddard became Commissioner, he has displayed his unfailing dedication to the protection of the consumer against the marketing of unsafe and ineffective drugs. We all remember the thalidomide tragedy, which resulted in the birth of 7,000 seriously deformed children throughout the world. We have read more recently of the deaths of children caused by the drug chloromycetin, because the drug is being promoted and thus prescribed for uses which are not indicated.

The drugs which are being marketed today are increasingly powerful chemical agents which must be tested properly before marketing and used with the greatest caution. The only way we can be certain that the drugs which our citizens receive are as safe as possible and that physicians are given accurate and truthful information about the drugs they prescribe, is to insure that the food and drug laws are vigorously enforced.

The man who heads this agency must have the tenacity and dedication to seek the enforcement of these laws. He must be able to resist those pressures which may endanger the safety and well-being of the American people. He must insure that adequate and reliable information on all drugs is distributed to the medical profession. And he must be a man who is willing to act upon his convictions, alerting Government, industry, the medical profession, and the consumer whereever laws are violated.

Dr. Goddard has performed these functions well in his 2 years as FDA Commissioner. He has been willing to take stands which drew upon him the criticism of the drug industry when he felt that his position was in the public interest. He has called for the prosecution of firms which have violated provisions of the Food and Drug Act. He has had drugs removed from the market whenever the evidence indicated that their dangers outweighed their possible benefits. He has held up the marketing of drugs, often in the face of great industry pressure, when assurances of safety and efficacy did not exist.

Dr. Goddard is to be highly commended for his performance as FDA Commissioner, and it is to be hoped that a successor will be appointed who will continue the vigorous enforcement of the food and drug laws, so that the health of the American public will be protected and enhanced.

ARMS CONTROL AND DISARMAMENT AGENCY RESEARCH CONTRACTS

Mr. FULBRIGHT. Mr. President, during the debate on H.R. 14940, I placed in the RECORD several excerpts from, and descriptions of, particular external research contracts that had raised questions in my mind as to the value of these exercises.

The Arms Control and Disarmament Agency—ACDA—has now undertaken to justify these particular contracts as is entirely appropriate. I am happy to accede to the request to make the justifications public and ask unanimous consent that they be printed in the RECORD at the end of my remarks.

I hope that all those interested will read them to judge for themselves. For my own part I do not find them particularly convincing but it may be that the Committee on Foreign Relations is not in a position to appreciate the finer points of all this research.

Nevertheless, I hope that the ACDA will carefully reexamine its contract research program. Perhaps it would be helpful if an objective analysis of these studies could be made by someone for some group like the ACDA General Advisory Committee so that critics are not immediately branded as anti-intellectuals if they question the expenditure of public funds for this type of research.

There being no objection, the justifications were ordered to be printed in the RECORD, as follows:

ANSWERS TO QUESTIONS RAISED BY SENATOR FULBRIGHT ON APRIL 22, 1968, WITH REFERENCE TO CERTAIN ACDA RESEARCH CONTRACTS

[ACDA/WEC–98]

ARMS CONTROL AND LIMITED WAR (DESIGN STUDY)

Massachusetts Institute of Technology

Senator FULBRIGHT. The summary paragraph indicates what it dealt with and how significant the conclusions were, it reads:

"In the final analysis, policy will still operate in the gray area, unable for sound reasons to occupy either black or white. Freedom and justice remains the highest values of political ethics. But they sometimes become confused with power and prestige. In our judgment, both world peace and deepest American values will be served by a strategy of conflict control that vigorously seeks to support freedom and justice in ways that purposefully minimize violence."

This cost $232,500.

The study came up with a generality which, in my humble judgment, I fail to appreciate, and I do not think the study is justified.

ACDA Answer: The paragraph chosen for quotation does not purport to be a summary of the entire report, or even of the conclusions of the study. It refers to one general finding of the study as to the need for a purposeful U.S. strategy of conflict control and does not purport to cover a number of other important findings of the study presented elsewhere in the Summary volume.

The study applies a local conflict control model to a number of cases of post World War II conflict to identify phases of conflict, factors tending to create and intensify hostilities and possible control measures. A major portion of these findings concern the role of weapons in local conflicts.

ACDA believes that this study was very useful and well worth the amount. Through the refinement and further development of the findings in the study, ACDA hopes to be able to identify evolving conflict situations in the developing areas and to show how they might be influenced.

[ACDA/GC–83]

LEGAL ASPECTS OF VERIFICATION IN THE SOVIET UNION

University of Wisconsin

FULBRIGHT (memorandum). This is the final conclusion of the summary report of a University of Wisconsin Law School study on "legal aspects of verification in the Soviet Union."

Hard information about Soviet law and practice is unavailable in many areas relating to the verification of an arms control agreement. For this reason, many questions relevant to the legal aspects of verification cannot be fully answered. The problems that would arise in the negotiation of an arms control agreement would be mainly administrative. Since the political underpinnings will determine the overall acceptability of a verification arrangement, political monitoring would be necessary on a continuing basis. And because the practical administration of the vertification arrangement will determine the ultimate success of an arms control agreement, a single Soviet agency that could centralize and therefore support and facilitate the work of an arms inspectorate would be desirable.

It cost ACDA $45,000 to be told this.

ACDA Answer: The paragraph chosen for quotation does not purport to be a summary of the report.

The University of Wisconsin has examined in great detail the many legal questions that would arise under Soviet laws and administrative regulations when foreign nationals conduct an arms control inspection in the Soviet Union. Besides focusing on the laws governing such issues as privileges and immunities of inspectors and the movement of supplies and equipment within the Soviet Union, the study considers the effect on an arms control inspection of Soviet secrecy laws, use of monitoring devices, overflight photography, and access to sensitive areas.

Among the arms control proposals the U.S. has advanced are the comprehensive test ban, the cut-off in the production of fissionable materials for use in weapons, and the freeze on strategic delivery vehicles, all of which we have said require verification by inspectors on Soviet territory. The study expressly analyzes these legal issues in the three contexts of a comprehensive test ban, a cut-off and a freeze and considers the variations in these problems that could arise from the form of inspectorate chosen. If the U.S. is to propose the above measures, it is certainly necessary to examine problems posed by inspections in the Soviet Union. For this task comprehensive information and analysis of the legal problems likely to arise during inspection on Soviet territory is essential.

ACDA regards this study as very useful and well worth the money. In addition, Volume 4 of the *Journal of the National Classification Management Society* has been given permission by the University of Wisconsin and the Arms Control and Disarmament Agency to publish the sections of the study dealing with Soviet classification laws. It is worthy to note that within the Executive Branch of Government where original security classification authority exists, this portion of the study has received very wide attention and comment. Those entities in the Executive Branch of Government charged with the original classification policy decisions have stated that they have never seen an informative article on the Soviet classification laws prior to the publishing of the ACDA contract GC–83.

[ACDA/IR–53]

ARMS CONTROL ARRANGEMENTS FOR THE FAR EAST

Hoover Institution at Stanford University

Fulbright (memorandum). This is a summary of a summary report on "Arms Control Arrangements for the Far East" by Stanford University:

"We do not wish to advocate either for ourselves or for others a position in which we have 'peace' simply because we cannot defend ourselves and must accept the declarations or fiat of others if we wish to survive. Therefore, we cannot advocate a reduction of arms where the threat to the whole region is such that no regional state is completely free from fear. On the other hand, we do not advocate an increase in arms; instead we advocate an increased sense of regional security. The preceding proposals are designed to promote this end and to effect a breakthrough in realistic arms control. In our view, these proposals will best serve the long-term interest of the United States as well as that of the region."

ACDA answer: The statement quoted in Senator Fulbright's memorandum on ACDA external research is *not* a summary of the Hoover study. The quoted statement was mislabelled as a summary of one chapter of the 21-page Summary report, which is in turn a condensed version of a 190-page report. The quoted statement is not even an accurate summary of the one chapter it purports to summarize. Certainly the entire cost of the study cannot be allocated to the quoted or any other single statement, whether or not it is called a "summary" or a "conclusion."

In his message to the ENDC on January 2, 1966, the President suggested that "countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige." This study by Hoover Institution examines sixteen countries in the Far East to determine the possibilities and limitations of arms control and disarmament arrangements for the region of the Far East.

The study focused in detail on those aspects of Far Eastern politics relevant to arms control, including foreign and domestic policies, internal and external sources of possible conflict affecting arms control attitudes, and national positions on specific arms control proposals. The analysis considered attitudes and interests affecting regional agreement or adherence to general measures such as the test ban, arms reductions, nuclear free zones, and non-proliferation. The Report recommended six major categories of proposals deemed feasible in the region and discussed the negotiability of each.

[ACDA/WEC–119]

COMPUTER SERVICES FOR U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Control Data Corp.

FULBRIGHT (memorandum). "Question: Why is ACDA involved in war simulation activities?"

ACDA Answer: In order to execute its mission ACDA requires accurate and timely information on the sizes, capabilities and limitations of present and planned armaments. War simulation activities are essential to an adequate understanding of the capabilities of forces and the potential value and hazards to U.S. security of arms control and disarmament measures. To the extent that they are applicable and available to the Agency, war simulation studies of other agencies are used, but it is rarely possible to gain the required insight from a written or oral report by an external study group. The Agency's internal study group not only makes special studies in a timely manner, but also has highlighted potential difficulties in negotiation. Since studies of the negotiability of proposed arms control agreements require analysis of the Soviet viewpoints as well as those of the U.S., ACDA studies have a dimension not often present in other war simulations.

In addition, the capability to conduct simulation studies permits ACDA to explore many ideas and sort out those which maintain U.S. security and appear to be negotiable. Of the many arms control suggestions originating in ACDA or coming to our attention, only those found to be promising are advanced for further evaluation and criticism by other government agencies.

[ACDA/ST–137]

FURTHER INVESTIGATION OF SCEPTRON AUDIO FREQUENCY TECHNIQUES

Sperry Gyroscope Corp.

FULBRIGHT (memorandum). . . . and visit missile manufacturers to see whether any unique process is associated with missile production.

"Question: What Agency purpose is served by Sperry visits to other manufacturers for such an indefinite reason?"

ACDA Answer: The quoted task was the smallest of four tasks assigned under this contract at a total cost for the four tasks of $39,776. The purpose of the task was to ascertain whether any process uniquely associated with rocket or missile manufacture produced a unique acoustic signal for which a special monitoring device, SCEPTRON, could be programmed so that using the SCEPTRON technique such manufacture could be detected and identified at some distance. If such a unique acoustic signal were found to exist, the technique would provide a relatively unobtrusive method to assist in verifying an arms control measure to limit the production of strategic delivery vehicles.

The work is directly applicable to the U.S. proposal to freeze the numbers and characteristics of offensive and defensive strategic delivery vehicles.

[ACDA/E–113]

ANALYSIS OF DEFENSE WORKER REEMPLOYMENT

University of Colorado

Fulbright (memorandum). This study will coordinate, compare, and evaluate the data developed in the mobility of defense workers from the following three studies sponsored wholly or in part by ACDA: ACDA/E/RA–13: Dyna-Soar Contract Cancellation (Boeing Co.); ACDA/E–67: Martin Company layoff; and ACDA/E–69: Republic Aviation Corporation layoff.

"Question: ACDA paid more than $92,587 for the three studies cited above. Why is it necessary to spend another $65,000 to find out their worth to ACDA? Isn't the 'coordination, comparison, evaluation' role within ACDA's in-house capability?"

ACDA Answer: The three studies (Boeing, Martin and Republic) were contracted for as the layoffs occurred and with those in the best position to conduct surveys of the released workers and to tabulate the results. The results were not presented uniformly by the three contractors and the amount of analysis also varied. The resources and time of the three contractors were limited. Thus it was not possible for them to subject the results to the various statistical techniques necessary to draw proper conclusions as to the effects on reemployment experience of the numerous possible single factors or combinations of factors nor were they able to take proper account of each of the other studies.

The contractor for the fourth study has been asked to arrange the results from the three studies in a single framework and to subject the results to intensive and sophisticated statistical analysis. This has required a very considerable number of computer runs. The ACDA staff available for domestic economic impact analysis has been only two or three people. This staff could have undertaken the integrated analysis of the three studies only if it concentrated all its time and energies on this task for a period exceeding two years, to the exclusion of monitoring other existing and planned research and of coordination with other government agencies and others doing research.

[ACDA/WEC–126]

ARMS CONTROL SPECIAL STUDIES PROGRAM

University of California, Los Angeles

Fulbright (memorandum). "Question: Doesn't this [$120,230] seem a bit expensive for new ideas?"

ACDA Answer: In our view this contract is not unduly expensive as a means of generating new ideas and concepts in the arms control field. Under a cost-reimbursable agreement, we will obtain up to seven man-years of faculty and graduate student effort over a period of 15 months at a maximum cost of $120,230. These researchers are paid at standard university salary scales, which are considered reasonable.

In selecting U.C.L.A. for this program, we have sought to take advantage of a strong interdiscplinary capability already in being in the University's Security Studies Program. The purpose of this contract is to direct this capability toward a consideration of arms control problems and to stimulate fresh thinking on these problems. A total of 10 separate lines of inquiry are under way on a variety of arms control issues, including arms transfer publicity arrangements, nuclear-free zones, and strategic force controls. We have every reason to expect that this research will result in new ideas and approaches which the Agency can use to develop arms control and disarmament proposals.

[ACDA/E–104]

SOCIAL AND PSYCHOLOGICAL ASPECTS OF VERIFICATION, INSPECTION, AND INTERNATIONAL ASSURANCE

Purdue University

Fulbright (memorandum): "Question: What's the direct connection with arms control and disarmament?"

ACDA Answer: This was the first important contract for obtaining "the essential * * * psychological * * * information upon which realistic arms control and disarmament policy must be based" as provided in the last paragraph of Section 2 of the Arms Control and Disarmament Act, as amended.

The purpose of the study is to shed light on the attitudes, in the Soviet Union and in the United States, toward verification of arms control measures. It is well known that some actions, documents and behavior are interpreted very differently in the west and in the Soviet Union and some other communist countries.

The study will include case studies of certain crises in the Kennedy-Khrushchev era, including the Vienna Summit meeting, the Berlin episodes of 1961–1963 and the Cuban missile crisis. It will examine the successful resolution of the limited test ban treaty discussions and the negotiations in 1962 for East-West exchange programs.

Special attention will be paid to conditions during inspection which might tend either to assure or to arouse suspicion. If feasible, at least a crude model for giving assurance will be constructed.

[ACDA/ST/RA–34]

TASK ORDERS TO THE C & GC/ESSA (DEPARTMENT OF COMMERCE FOR THE SUPPORT OF SEISMOLOGICAL RESEARCH)

Department of Commerce/ESSA

Fulbright (memorandum). "Question: Doesn't this subject fall more precisely into the Atomic Energy Commission's area? What relationship does it have to arms control and disarmament?"

ACDA Answer: The best method of detecting and identifying underground nuclear explosions from remote locations is through the collection and analysis of seismic data. In general, ACDA depends upon DOD/ARPA (not the AEC) for the development of seismic detection techniques, and works in close coordination with DOD in this area. However, ACDA has sponsored some rather small independent efforts (of which RA–34 is one) to examine seismic problems peculiar to arms control which are not being covered by ongoing research elsewhere in the government. The purpose of RA–34 was to analyze seismic data obtained at distant stations in connection with nuclear tests at the Nevada Test Site, for the purpose of determining the relationship between seismic signal amplitude and the size of the nuclear explosion which produced the signal. Knowledge of this relationship is fundamental to the analysis of the effectiveness of seismic verification techniques for the development of a US position on the comprehensive test ban. This project was coordinated with the DOD to assure that it did not duplicate work being done by them and they endorsed our carrying it out.

[ACDA/ST–127, ACDA/ST–64, and ACDA/ST–94]

A MODEL STUDY OF THE ESCALATION AND DE-ESCALATION OF CONFLICT

University of Pennsylvania

Fulbright (memorandum). "Question: For more than $300,000 what relevance do these studies have on the current crises confronting the US? And how do they apply to the arms control and disarmament negotiations?"

ACDA Answer: This project is primarily basic research, and is not intended and expected to provide concrete answers on current crises confronting the U.S. This research is directed to the systematic examination of the fundamental factors associated with escalation and to the development of techniques for solving future conflict problems through arms control negotiations. Our experience with the problems of escalation in current conflicts should demonstrate the desirability of determining the importance of various factors contributing to it in order to be in a better position to handle future problems. This control was discussed at some length in the hearings before the Foreign Relations Committee on H.R. 14940, see pp. 16–19.

[ACDA/WEC–135]

ARMS CONTROL AND LOCAL CONFLICT

Massachusetts Institute of Technology

Fulbright (memorandum). "Question: Isn't this project similar to the Escalation-De-escalation study (ACDA/ST–127)? What practical value do gaming techniques have for spotting, alleviating, or ending conflicts?"

ACDA Answer: The gaming techniques in the MIT study represent a different approach from that utilized in the Escalation-De-escalation study at the University of Pennsylvania (ACDA/ST–127). The MIT study uses people to assume the role of decision-makers. The Escalation-De-escalation study emphasizes the development of basic mathematical gaming techniques for potential application to arms control decision-making. The basic difference between these approaches is that the MIT effort utilizes human responses, whereas the Pennsylvania research is primarily a development of mathematical logic. The two efforts, although differently oriented, are coordinated within ACDA and by direct communication between the contractors.

In testing arms control measures, we need to obtain insights into the probable effects of specific arms control actions. Manual political-military gaming, which has been used extensively within the U.S. Government, offers one technique for obtaining these insights. This technique calls for a simulation of the decision-making process of various nations by the use of teams of Government officials and private experts. Through the interaction of these teams in hypothetical local conflict situations, we are able to test the feasibility and effectiveness of various types of conflict control measures, in particular those measures identified in the MIT contracts.

COMMENDATION OF DR. EDWARD WENK'S KEYNOTE ADDRESS AT THE UNDERSEA MEDICAL SOCIETY MEETING

Mr. PELL. Mr. President, Dr. Edward Wenk, Jr., the wise and able executive secretary of the National Council on Marine Resources and Engineering Development, recently addressed a meeting of the Undersea Medical Society in Miami, Fla.

Dr. Wenk's speech on this occasion included an excellent summary of the progress this country has made in its marine sciences program and some interesting suggestions for the future, particularly in the field of undersea medicine.

In order that all Senators may have an opportunity to read this fine statement, I ask unanimous consent that Dr. Wenk's address, "Man and the Decade of Ocean Exploration," be printed in the Record.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MAN AND THE DECADE OF OCEAN EXPLORATION

(By Edward Wenk, Jr., executive secretary, National Council on Marine Resources and Engineering Development)

(NOTE.—Keynote address, first scientific meeting of the Undersea Medical Society in conjunction with the Aerospace Medical Association, Miami, Fla., May 9, 1968.)

It is a very great honor—and a very great pleasure—to be here today on this auspicious occasion of this first scientific meeting of the Undersea Medical Society.

The purposes of your organization—the vision of its founders—the contributions of its members from industry, from the academic community, and from Government—have an enormous potential for contributing to man and to mankind. For as this Nation renews its involvement in the sea and extracts its benefits, it will be necessary for man to confront a hostile and strenuous environment, just as he was challenged by advanced civilian and military aviation; lunar and space exploration; and military and commercial submarine and diving operations. With the aid of modern science and technology, man conquered these hurdles.

Your quest extends that conquest. You are interested in "man the undersea explorer."

I should like to focus this keynote address from the vantage point of the President's Office on the undersea frontiers which in the decade ahead man will begin to explore.

America's involvement with the sea began with maritime exploration. The bold and the adventurous from Europe discovered and settled this new land. The seaboard colonies and the national leaders they spawned recognized both the importance of the seas and the necessity for expanding maritime commerce. We developed a fishing industry and a whaling fleet. Our clipper ships outsailed all competition. Our knowledge of wind and waves 100 years ago made us a leader in oceanography. But that interest was not sustained.

Only recently have we sought a transition from random exploration and exploitation of the seas to systematic use and management of the marine resources—to win treasures from the sea that will help us fulfill our broadest goals and aspirations.

We are witnessing in the United States a maritime Renaissance a national return to the seas. It is prompted by three influences: by a legislative mandate of the Marine Sciences Act of 1966; by an emerging interest throughout the world to utilize resources that are beyond national sovereignty; and by a revolution in technology that can make these desires a reality.

That technology includes the presence of man—to observe, to measure, and to work in the sea, either as a free swimmer or from underwater vehicles.

All three of these considerations converge, incidentally, in the proposal made recently by President Johnson that the United States take the initiative in launching an International Decade of Ocean Exploration for the 1970's.

A NEW NATIONAL POLICY AND PROGRAM

The Marine Resources and Engineering Development Act of 1966 made it the policy of the U.S. "to develop, encourage, and maintain a coordinated, comprehensive, and long-range program in marine science for the benefit of mankind." This milestone in our history is the product of several individual members of Congress who took a special intest in oceanography and had key roles in subsequent developments: Senators Warren G. Magnuson, Claiborne Pell, and Bob Barlett; and Congressmen Alton Lennon, John Dingell, and Charles Mosher. I am proud to recall Congressmen Paul Rogers and Dante Fascell from Florida as among those who foresaw the potential of the sea and the need for National leadership if this promise of the sea were to be converted to reality.

The Marine Sciences Act reaffirmed the leadership of the President to provide essential momentum and direction to our ocean endeavors. It provided two new instruments to assist the President: a policy planning Council at the Cabinet level, chaired by Vice President Humphrey, and a public advisory Commission of distinguished citizens to develop long-range recommendations.

What has the Administration done during the past twenty months to respond to the legislative mandate? The Council has met 11 times with the Vice President personally chairing all but one. It has functioned in an activist, creative role to identify opportunities and to recommend explicit goals and programs to the President, incorporated in two annual reports to the Congress. It has sought to apply science and technology in the ocean to strengthen our economy by identifying new sources of food, fuel, and minerals; enhance the quality of urban living by arresting pollution, by limiting water front development, and by providing new opportunities for recreation; further world understanding and security through international cooperative marine endeavors, legal arrangements to avoid conflict, and an unexcelled naval capability to deter aggression.

To foster this Nation's leadership in the sea, the President has undertaken this year to inaugurate expanded programs of international ocean exploration; intensify use of food from the sea in the War on Hunger; promote optimal use of the coastal zone with new emphasis on cooperation between the Federal Government and State and local interests; initiate steps leading to improvements of our harbor and port systems; institute new measures to insure safety of life and property at sea; extend reconnaissance mapping of the Continental Shelf; increase investments in manpower and research; improve our capabilities to work in the deep ocean; and foster marine applications of new technologies.

In every case we have attempted to identify an unmet need of priority concern to our society. Then we have developed a program to mobilize the ideas, the capital, and the participation of interested parties—public and private—in utilizing the sea more effectively to respond to this need.

The challenges of the decades ahead are known—and they are real. And the seas can help us respond. There is first the problem of an imbalance between population and food supply. It took 1,500 years, from the birth of Christ to the time of Columbus, for the world's population to reach 500 million. And it took another 350 years for it to reach 1 billion. But then it took only 75 years to reach 2 billion; 37 years (up to 1962) to reach 3 billion. It will take only 13 years—to 1975—to reach 4 billion; and 7 years more—to 1982—to reach 5 billion.

Authorities on food agree that the world's rising population faces hunger and starvation. The President's Science Advisory Committee Panel on the World Food Supply concluded a year ago that "The scale, severity, and duration of the world food problem are so great that a massive, long-range, innovative effort unprecedented in human history will be required."

Food from the sea is one of the untapped sources this Nation is examining to improve the world food problem. The goal of our Fish Protein Concentrate program, for example, is to meet the animal-protein needs—10 grams per person per day—of 200 million by 1980. Coupled with other food programs that should save millions of lives.

People must have places to live and play. Today 75 per cent of the U.S. population lives in coastal states. More than 45 per cent of our urban population lives along the coasts. All of the megalopoli projected for the year 2000 are in the Coastal Zone. The problems that could arise from disposal of waste from such a concentration of people—at the very sea shore we seek to preserve for rest and recreation—require the steps that must be taken to manage the resources of the Coastal Zone prudently.

Another challenge is that of requirements for minerals and fuel. By 1980, U.S. consumption of non-fuel minerals is expected to double, and consumption of petroleum is expected to increase by about 50 percent. Projections show an increasing percentage must come from the Continental Shelves. Offshore production in Louisiana, for example is growing four times as fast as onshore production.

The oceans always have been highways to transport and trade, and they probably always will be. Ocean commerce doubles every 20 years. Foreign trade was 300 million tons in 1963. It will be 1,200 million by the year 2000.

AN INTERNATIONAL DECADE OF OCEAN EXPLORATION

Our increasing uses of the sea are clear. And to use the sea, man must first explore it—just as he has explored every geographical region on his planet. Moreover, the task is so great, every nation must share in this endeavor.

On March 8, 1968, the President proposed that the United States take the initiative in launching "an historic and unprecedented adventure—an International Decade of Ocean Exploration for the 1970's."

The President has invited and encouraged the efforts of other nations in developing the promise of the sea, for, as he stated, such activities could "expand cooperative efforts by scientists from many nations to probe the mysteries of the sea; increase our knowledge of food resources, to assist in meeting world-wide threats of malnutrition and disease; bring closer the day when the people of the world can exploit new sources of minerals and fossil fuels."

The Decade is envisioned as a period of intensified planning and execution of national and international programs of resource exploration and oceanic research.

It will be a broadly based international cooperative program with all nations encouraged to participate in and benefit from the Decade. The Marine Science Council has the responsibility for planning and coordinating our contributions to this international endeavor. The scientific and industrial communities will continue to participate in this planning activity particularly through the National Academy of Sciences and National Academy of Engineering.

Each nation can contribute its particular expertise and capabilities, assume its fair share of responsibility for the program, and disseminate to others the results of its scientific discoveries.

THE ROLE OF MAN IN THE SEA

Notwithstanding the sophisticated instruments and systems now available for oceanographic science and technology, it is man *in situ* who is best able to observe with all his senses and to make decisions. Just man must go into outer space—not remain content with pictures, specimens, and data returned from remote probes—so man will be compelled to venture into the sea.

Man is in the sea and increasingly is using seafloor habitats for studies and living and non-living resources and for physiological studies of man in the undersea environment. SCUBA breathing apparatus, Saturated Diving techniques, and other technology enables man to operate to almost 1,000 foot depths.

There are, however, thousands of square miles of ocean bottom deeper than 1,000 feet. At greater depths, man is unable to work except with the aid of a vehicle to protect him against pressure and to provide endurance, mobility, and a source of power, light, and instruments.

I well remember the skepticism some 13 years ago that greeted my proposals of going beneath the thin layer of ocean then accessible to our military submarines. The arguments against deeper operations ran like this: greater depths required a stronger hull for the vehicle, and a stronger hull was considered inevitably heavier. If more weight were committed to the pressure hull, other performance characteristics would have to be sacrificed. Thus, at a time when the genie of nuclear power was unshackling the submarine from frequent surface refreshment, the opportunity to operate through the entire oceanic medium was deferred because the design obstacles seemed insurmountable.

The feasibility of going deeper was demonstrated by the transfer of very simple lessons from aircraft practice—to utilize structural materials with a higher ratio of strength to density, and to design with such high precision that a low factor of safety can be tolerated.

An active family of research submarines has been spawned on those principles. The first of these was Aluminaut designed in 1958—now operating and based here in Miami. The importance of these vehicles is dramatically revealed by the increased number of dives. In 1965, the first year such vehicles came into use, about 29 research dives were recorded. Since then more than 1,000 dives have been made by such submersibles for research and exploration. Contributing significantly to this enterprise are John Perry and Edwin Link in their imaginative development of "Deep River" that not only provides a vehicle but incorporates a "lock-out" capability to carry human divers to undersea work sites.

The first scoutings have been made, but the ocean depths today largely remain a mystery. Beyond the twilight zone of the Continental Shelf lies an unknown world—with its unfamiliar terrain and tremendous pressures—a world vastly more hostile than any other early westerners could have imagined. But in this new environment to which man is now called, what new opportunities these deep vehicles will provide!

In their journal, Lewis and Clark wrote, "In passing from the falls of the Missouri, across the Rocky Mountains, to navigable waters of the Columbia, you have two hundred miles of good road, steep, rugged mountains, sixty miles of which is covered with two to eight feet deep with snow of last June."

What we wouldn't give to have such descriptions of the ocean depths!

MAN AND HIS NEWEST DISCIPLINE: UNDERSEA MEDICINE

The Decade of Ocean Exploration is a new era for man and his relationship to the sea. This will be true in his exploration of the deep ocean in submarines—and of the Continental Shelf in and out of vehicles. A new scientific discipline has accordingly emerged—undersea medicine. This is why you have formed this exciting new society—appropriately as an adjunct to the Aerospace Medical Association.

Both private industry and the Navy are developing the equipment and techniques by which divers can work in the sea longer, at greater depths, with better tools and more safety. This man-in-the-sea capability should have commercial applications as oil, gas, and mineral extraction move into deeper water on the Shelf and operations are conducted submerged.

Complementing the Navy program for undersea search, rescue, recovery, and man-in-the-sea is a Deep Submergence Biomedical Program to improve decompression schedules for deep diving, diver nutrition, and study of physiological and psychological factors affecting divers. A swimmer-support program is closely integrated with these efforts.

Last week the Navy, the National Aeronautics and Space Administration, and the Department of the Interior announced plans for Operation Tektite, expected to begin next February. Four American scientists will spend 60 consecutive days on the ocean floor, the longest continuous undersea stay by any divers to date. By performing studies of marine geology, underwater mapping, and fish life, some of the divers will be collecting useful marine observations and data. But then some other undersea scientists will be studying the first group of undersea scientists in the types of activity for which the Undersea Medical Society was established. They will be collecting and analyzing human behavioral data to learn how men hold up on long-duration missions. These missions happen to be under the sea, but the human reactions will foretell human reactions on long-duration space flights, too.

INSPIRATIONS, INSTITUTIONS, AND IDEAS

I said in beginning my remarks that we are witnessing in the United States a new Renaissance: a national return to the sea, prompted by the legislative mandate of the Marine Sciences Act of 1966. That is the inspiration which impels us to examine our national policy and program in the light both of the needs of our society and the opportunities of the science and technology of today.

The Federal Government has a leadership role—but it is a role shared with other institutions. Man's use of the sea and shoreline is clearly multi-institutional as well as multi-purpose.

American private enterprise invests substantial sums in development of coastal areas, in transportation, the exploration and extraction of off-shore oil and gas, and in fishing. The States have rights and responsibilities as to in-shore water and off-shore activities. The universities and private research laboratories are key sources of basic knowledge and manpower needed by all participants in the national marine sciences programs.

Yet inspiration and institutions are not enough for the marine science challenges that lie ahead. There must be new ideas, as well.

Let me pose some challenges to which undersea medical personnel should direct their energies if we are to make a viable contribution to mankind's progress. These are some suggestions for your consideration individually and as a society.

1. Drugs from the sea

Who knew, at the end of World War II, that common dirt would hold the key to therapeutic advances which could control many of mankind's greatest scourges? The seas cover more than 70% of the earth surface. Can't we assume that the seas might hold as much potential for antibiotics as does the land?

The future value of marine sources of medicine is almost entirely unknown; research is just beginning. We know, however, that certain antiviral, antimicrobial and an array of pharmacological effects are to be found in toxins and chemicals recovered from marine plants and animals.

During 1967 an *ad hoc* Committee on Marine Pharmacology and Toxicology was established by the Marine Sciences Council as a basis for stimulating the development of a more broadly based marine pharmacology program. This is a very small first step, but an important one in this neglected area.

Progress in this area will result only from a greatly augmented effort involving Government and its health research agencies, the pharmaceutical and chemical industries, perhaps offshore mining and petroleum, the universities, and interested investigators such as may be in this audience.

2. A national man-in-the-sea facility

One of the characteristics of Federal Government programs is that they are mission-oriented, and funded by the Congress with appropriations to each given agency earmarked expressly for that agency's mission. Hence the man-in-the-sea programs I have mentioned are primarily oriented—and properly so—towards the objectives of the Navy. Yet there are many useful purposes which might be served by a man-in-the-sea facility available to civilian Government agencies, and to universities or research institutes, for contract studies with objectives different from those of the present programs. I would, therefore, suggest that eventually there should be—perhaps at one of our coastal universities—a National Man-in-the-Sea Facility. It might be operated on contract by one university or a consortium. I would like to see the scientific community take the initiative in planning and establishing it.

3. Safety on the Continental Shelf

Unquestionably, the uses of the Continental Shelf will continue to expand. These include extraction of oil and gas, mineral mining, fishing, transportation, pollution control, recreational boating and bathing, and scientific and industrial exploration. Saline water plants are being built offshore, and we may eventually see large floating airports, floating harbors and mobile breakwaters. Such construction will involve drilling, coring, pile driving, tunnelling, pipe laying, dredging, island building, and waste disposal. All such activities have inherent problems of safety for man, the researchers and workers building and using these facilities and people who live in the communities nearby on the shore or move through the area.

The Marine Sciences Council has adopted a Continental Shelf Safety initiative for FY 1969. This proposal recognizes today's intensified coastal traffic and includes steps for the control of oil pollution; improved ship navigation systems; safety standards for offshore structures and designation of sealanes; and establishment of safe procedures and rescue services for civilian submersibles and underwater activities.

We now need studies on safety for man in the sea.

4. Transfer of technology

The Nation is in the kindergarten stages of the process known as technology transfer. Several Government programs are attempting to improve their performance in this area, and several technical societies are pathfinders in various disciplines or industries.

Yet some areas of specialty are inadequately covered, and here again is valuable service which a technical society which has no precedents or prejudices might provide to its members and the public. What about the enormous reservoir of undersea technology with medical implications which the Navy and the other government agencies have collected, and how can this technology be collated, annotated, and disseminated to industry? Yours or some other technical society might decide to establish a data bank, technology switching center, or undersea medicine information service.

Those suggestions as well as the issues now being faced by the Marine Sciences Council and the Commission bring to mind my concluding thought. That is, that the energy and vitality to assure benefits from the seas must continue to be generated by scientific exploration by marine technology, and by evolving associated institutions, both public and private.

Basic to the success of this undertaking is a spirit of man—the spirit of exploration, of excitement, of achievement, and of satisfaction in a well-done job. The men who climb Everest, those who participate in our space program, and those who explore the oceans—all demonstrate once again the ageless quality that what man can do, he will do. What man will do, he can find a way to do. And, I'd like to add, to do well.

Vice President Humphrey best characterized the marine sciences program when he said, "This program is dedicated to the pursuit of excellence. It is proving how the power of science, transformed through our various institutions and the democratic process to a technology, may serve our Nation's diverse interests."

I commend these watchwords to the Undersea Medical Society as it begins, grows, and matures to serve the profession and the Nation.

I wish you every success. You can be assured of every assistance from my office.

DATE FOR NEW WORLD MAN

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Date for New World Man," which was published in the May 1968, issue of Science News.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DATE FOR NEW WORLD MAN—BONES FROM WASHINGTON STATE COULD SETTLE A LONG ARCHAEOLOGICAL CONTROVERSY—DAM IS A THREAT TO SITE

For most of the 20th century controversy has raged over the antiquity of man in the New World. The pendulum of opinion has swung widely, unstabilized by very much tangible evidence.

Many people believe that man is quite young on this continent. They theorize that migration from Asia over a Bering land bridge that might have existed was blocked by glaciers. These pushed right to the sea along the coast of Alaska and Canada.

As the ice sheet withdrew, a corridor opened up down the coast. The date of opening of this corridor is one of the more hotly debated subjects among geologists. Many believe it occurred about 20,000 years ago. They don't look for traces of man any older; more recent is probable, since it took a while for enough migration to occur to provide a fossil record.

Other students of the subject, among them Dr. L. S. B. Leakey, think man got here sooner. Tools have been found near Pueblo, Mexico, that some dating procedures place between 22,000 and 24,000 years old. Even older bits of carbon that may have been associated with man or may have been struck off a tree by lightning have been found.

Opponents of this thinking doubt dating methods. Often dating procedures can be applied only to material associated with a find, not to the find itself. Often the association of the material and the object is open to serious question.

Now, at the confluence of the Snake and Palouse Rivers in Washington State, an archaeological team is racing against a man-made flood in an effort to uncover the rest of a skeleton—already the oldest positively dated human remains found in the New World—and perhaps settle the question. They have until December, possibly a little longer, to uncover the skeleton and what may be the 12,000-year-old home camp of his enemies.

After that, a lake created by the Lower Monumental Dam on the Snake River will inundate the site.

Announcement of the discovery of the bones was made last week in Washington, D.C., in the office of Senator Warren G. Magnuson (D-Wash.). Magnuson sponsored a 1960 law allowing Federal aid in excavating archaeological sites threatened by man-made flooding.

It is not so much the fact that these bones are the oldest yet found as it is that their age is closely known that will prove invaluable to researchers.

So far the study of early man in this continent has been hampered by the lack of any solid dates. Thus the Washington find will provide the first good time base to which dating existing finds and future discoveries may be pegged.

Already uncovered by Drs. Roald Fryxell and Richard T. Daugherty of Washington State University are most of the parietal bones of the skull, a few pieces of rib, fragments of some long bones, vertebrae and wrist bone. Found with these remains are fragments of the bone fore-shaft of a spear, similar to weapons of so-called Clovis Man of New Mexico and Arizona. The latter were mammoth hunters.

The first of the fragments were uncovered nearly three years ago. Drs. Fryxell and Daugherty had been making archaeological and geological studies at a small eroded cave in the canyon wall on the ranch of Roland J. Marmes. The site was a rich one, with a record of man going back 8,000 years.

In order to establish continuity of strata between the shelter and the nearby river, Dr. Fryxell called in a bulldozer to cut a trench from the shelter toward the river. The trench was over 12 feet deep and some 150 feet long when the dozer hit the first bone.

The machine was halted immediately and manual excavation began. By last year, enough pieces had been gathered and fitted together so that the skeleton could be proven human. Radiocarbon dating and other tests since then have determined the age.

The age has been fixed at between 11,000 and 13,000 years. Mussel shells in the layer overlying the bones are between 10,000 and 11,000 years old. A lake occupied the site until 12,000 or 13,000 years ago.

It is hoped that further excavation of the site will uncover charcoal from a man-made fire. This would allow even more precise radiocarbon dating, with a possible inaccuracy of as little as 200 to 300 years.

The bones were discovered undisturbed in what appears to be a kitchen midden of an ancient campsite. The camp had been made on the silt plain of the Palouse River.

It is entirely possible that the makers of the camp made dinner out of what is being called Marmes Man. Found in the midden with the human bones were bones of elk, deer and possibly antelope, all food animals. All the bones bore signs of charring as if they might have been cooked. And the leg bones of both humans and animals had been cracked lengthwise as if to extract the edible marrow they contained.

Even without positive radiocarbon dating, there is no way the bones could have gotten into the undisturbed midden without predating overlying strata.

Drs. Fryxell and Daugherty think the existence of the midden and the bone spear piece indicate that they have found a living site.

What complicates the study of early man is the fact that he was a hunter. He traveled in small bands keeping up with the game, rarely staying put long enough to accumulate much trash.

Therefore his remains are scattered around in places that an archaeologist might never look, because they appear to be unlikely campsites. The Marmes site is an exception to this. If it is a living site, it is hoped, enough artifacts might turn up along with the rest of the skeleton and possibly other skeletons, to see living patterns.

Dr. H. Marie Wormington of the Denver Museum of Natural History, president-elect of the Society for American Archaeology, says the oldest date for man in America previously obtained is about 11,200 years ago. This is the date attached to the mammoth spears and other tools of Clovis Man—of which no bones have been found.

Bones from this period are extremely scarce, in fact, even though the Clovis tools are quite plentiful, Dr. T. Dale Stewart, retired director of the Smithsonian Institution's Museum of Natural History, lists only three skeletal finds of any credibility.

One is the Melbourne skeleton from Florida, found in 1925. It has been estimated from its association with extinct animal remains, to be no more than 10,000 years old, though this can't be proven. Dr. Wormington says she tends to doubt that this find is of anywhere near this period.

Another is the Tepexpan skeleton from Mexico, discovered in an ancient lake bed in 1947, and unfortunately pulled out of its burial place with little attention to exact location in the strata. Later radiocarbon dating has set the date at approximately 11,000 years, but this too is considered to be a very unreliable figure.

The third find is the very fragmentary Midland bones from Texas, uncovered by the wind in 1953 and associated with weapons typical of Folsom Man. Uranium dating methods gave a wide range of age, from 10,000 to 20,000 years. Dr. Stewart says the figure should be closer to 10,000.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate took a recess until 10 a.m. tomorrow, Thursday, May 23, 1968.

NOMINATIONS

Executive nominations received by the Senate May 22 (legislative day of May 20), 1968:

DEPARTMENT OF DEFENSE

Ernest Louis Massad, of Oklahoma, to be Deputy Assistant Secretary of Defense for Reserve Affairs (new position).

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

In the grade of general

Gen. Gabriel P. Disosway, FR654 (major general, Regular Air Force) U.S. Air Force.

Gen. Maurice A. Preston, FR1337 (major general, Regular Air Force) U.S. Air Force.

In the grade of lieutenant general

Lt. Gen. Harold C. Donnelly, FR647 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Leighton I. Davis, FR1111 (major general, Regular Air Force) U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10 of the United States Code:

In the grade of general

Lt. Gen. Horace M. Wade, FR1872 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. George S. Brown, FR4090 (major general, Regular Air Force) U.S. Air Force.

In the grade of lieutenant general

Maj. Gen. Francis C. Gideon, FR1993, Regular Air Force.

Maj. Gen. Robert N. Smith, FR3783, Regular Air Force.

Maj. Gen. Alvan C. Gillem, II, FR2025, Regular Air Force.

Maj. Gen. John B. McPherson, FR2068, Regular Air Force.

Maj. Gen. Samuel C. Phillips, FR8981, Regular Air Force.

Maj. Gen. Thomas K. McGehee, FR3809, Regular Air Force.

Maj. Gen. John D. Lavelle, FR4359, Regular Air Force.

Maj. Gen. Lucius D. Clay, Jr., FR8956, Regular Air Force.

Lt. Gen. Joseph R. Holzapple, FR1897 (major general, Regular Air Force) U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10 of the United States Code.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Rollin B. Moore, Jr., FV397579, Air Force Reserve.

To be brigadier general

Col. Robert F. Long, FR18142, Regular Air Force.

Col. James U. Cross, FR24719 (major, Regular Air Force) U.S. Air Force.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be majors (Chaplain)

Dymmel, Elmer J., FV2251827.
Hadlock, Charles E., FV3059206.
Hafermann, Henry H., FV2251190.
Hayes, Joseph F., FV2255165.
Mattimore, William F., Jr., FV305958.
Metsy, Norman G., FV2253075.
Reese, Charles T., FV3059673.

To be captains (Chaplain)

Braun, Serran R., FV3060851.
Brooks, James A., FV3062486.
Browning, Robert L., FV3142369.
Collins, John A., FV3061268.
Daley, Neil F., FV3061820.
Diaz, Edward A., FV3061175.
Downing, Don, FV3061436.
Fahey, Kevin C., FV3061449.
Harder, Jon G., FV3199601.
McCarter, Calvin W., FV3098998.
Merrell, Robert E., FV3059878.
Metzler, Rodney A., FV3066959.

To be first lieutenants (Chaplain)

Baum, Denis B., FV3063020.
Beeson, Gilbert W., Jr., FV3062847.
Bonath, Harold D., FV3063014.
Burt, Gene E., FV3063046.
Bush, Thomas R., FV3062671.
Dabrowski, George I., FV3062753.
Deblieux, Earl V., FV3062736.
Dickey, Richard J., FV3062903.
Dwyer, Dennis M., FV3073545.
Dwyer, John F., FV3062682.
Falcone, Emilio, FV3061696.
Foxworthy, Paul D., FV3063009.
Fuemmeler, James R., FV3062659.
Gervais, Guy J., FV3062904.
Greene, James F., FV3062798.
Harlin, Donald J., FV3063062.
Kinsey, Hugh R., FV5319813.
Labone, Kenneth R., FV3105458.
Mann, John L., FV3062711.
McIntosh, Gene K., FV3062936.
Morgan, Hugh H., FV5217249.
Morgan, Rex J., FV3062718.
Ofsdahl, Donald C., FV3063051.
Reilly, F. Joseph, FV3063034.
Rhoads, William L., FV3062586.
Somma, James E., Jr., FV3062631.
Way, Joseph C., FV3062691.
Wilson, Donald L., FV3139801.
Wisniewski, Edward E., FV3139680.

To be captains (Judge Advocate)

Bush, Frederick A., FV3136785.
Deruyter, Mark, FV3086388.
Green, Henry G., FV3121758.
Hintzke, Edward S., FV3116335.
Langdell, Samuel F., Jr., FV3102252.
Lauricella, Joseph V., FV3121879.
Miller, Grant, FV3102676.
Mills, Philip C., FV3096451.
Roberts, Eldon D., FV3121080.
Smith, Roy L., FV3082321.
Swain, Robert W., Jr., FV3099479.

To be first lieutenants (Judge Advocate)

Bourassa, Clarence E., FV3180295.
Brothers, Charles A., FV3180267.
Buck, David P., FV3180291.
Chadwell, Claude C., FV3139260.
Cline, Francis C., Jr., FV3163303.
Collette, Chester A., III, FV3152915.
Craige, Fitzgerald F., FV3132251.
Culver, Thomas S., FV3180251.
Davidson, Glen H., FV3180263.
Dugmore, Kent C., FV3152902.
Eliasen, Gary R., FV3107362.
Entz, Stewart L., FV3180254.
Erbey, John R., FV3132221.
Ferguson, William W., III, FV3180283.
Freman, Lawrence A., FV3139252.
Fries, Ralph R., FV3180279.
Goldman, Donald I., FV3180257.
Graham, Jeffrey M., FV3180286.
Harris, Theophilus I., III, FV3180294.
Hecht, Harold M., FV3152923.
Herlihy, Barry H., FV3107040.
Heron, Julian B., Jr., FV3130561.
Humphreys, Richard H., Jr., FV3139232.
Indence, Anthony J., Jr., FV3180274.
Kemp, Alson R., Jr., FV3180265.
Kidder, Bradley F., FV3131219.
Losey, Franklin W., FV3131943.
Luna, Franklin A., FV3180275.
Melvin, John M., FV3120010.
Norris, Richard N., FV3130465.
Penater, Robert F., FV3118419.
Petzold, Frederick J., FV3130529.
Pierce, Clyde M., FV3133329.
Polis, Gerald D., FV3180259.
Porter, William L., FV3131671.
Pritchard, Clyde B., FV3152907.
Rodamaker, Ralph J., FV3139270.
Santora, Thomas S., FV3107482.
Schmitt, Joseph F., FV3180256.
Scott, Jerry, FV3180288.
Sheeran, Patrick D., FV3180255.
Stevenson, David L., FV3120266.
Stuart, Haral L., FV3180276.
Tate, Guinn D., FV3153547.
Warren, Alexander M., Jr., FV3130581.
Wasserman, Benjamin P., FV3107298.
Weir, Donald E., FV3180290.
Wesson, Frank S., FV3180282.
White, John P., FV3180292.
Willis, Glynn R., FV3150731.

To be majors (Medical)

Mahon, Charles H., FV3078992.
Olson, Robert M., FV3092066.
Pluggf, Frederick W., IV, FV3061088.
Po, Robert, FV3112393.

To be captains (Medical)

Aclin, Richard R., FV3168159.
Acostamelendez, Antonio E., FV3184359.
Adams, John P., FV3167784.
Alexander, Clyde W., Jr., FV3141310.
Ashby, Kenny, FV3125875.
Benson, Bennett N., FV3141353.
Bishop, John E., FV3126010.
Booth, Donald J., FV3141042.
Bornfleth, Leslie R., FV3141322.
Brath, William F., FV3184916.
Breschi, Louis C., FV3114540.
Callahan, William E., FV3127231.
Caton, Charles A., FV3166656.
Caudill, Robert G., FV3141164.
Cohn, Jerome R., FV3141187.
Cole, Toby P., FV3165297.
Conklin, Thomas R., FV3141056.
Cox, Aris W., FV3164870.
Cram, David L., FV3089068.
Delemos, Robert A., FV3140489.
Ebert, Charles D., FV3185273.
Echevarria, John, FV3088978.
Edwards, David A. Jr., FV3167909.
Eisenhart, George V., FV3165448.
Ellenbogen, Charles, FV3141664.
Erickson, Larry R., FV3167552.
Faries, James L., FV2227379.
Fascenelli, Fred W., FV2227983.
Flood, John A., FV3143224.
Fontenelle, Larry J., FV3114456.
Fox, Raymond M. Jr., FV3184736.
Frank, Sanders T., FV3166648.
Gabel, Joseph C., FV3142042.
Gigax, John H., FV3167409.
Gohman, James D., FV3168720.
Goldman, Gilbert C., FV3166473.
Good, Glenn E., FV3126909.
Guber, Michael D., FV3188416.
Hagen, William M., FV3167953.
Hargis, Robert J., FV3126047.
Harper, Douglas M., FV3143228.
Haydon, John R. Jr., FV3143549.
Jackson, Arnold J., FV3142043.
Jennings, James F., F3125843.
Johnson, Joseph M., FV3167111.
Johnson, Randall E., FV3126250.
Kaplan, Martin L., FV3168197.
Keenan, James D., FV3143442.
Kimbel, Bruce K., FV2083741.
Kirby, Robert R., FV3141138.
Kirk, Clifford C. Jr., FV3166183.
Kish, Leslie S., FV3141158.
Lochridge, Gordon K., FV3167410.
Longnecker, Morton F. Jr., FV3085690.
Lopata, Howard I., FV3111243.
Margolis, Irwin, FV3164899.
Martin, Benjamin G. Jr., FV3141146.
Maurice, Robert H., FV3164248.
May, Robert D., FV3142818.
McKeever, Clark D., FV3187382.
Michaels, David L., FV3143163.
Mueller, Adolph R. Jr., FV3092261.
Munsell, William P., FV3126647.
Murphy, Thomas E., FV3141982.
Neimanis, Andris, FV3139919.
Ormsby, Robert B., FV3123880.
Parkins, Charles W., FV3126031.
Paull, Robert M., FV3143449.
Plager, Stephan D., FV3164630.
Pohl, Donald R., FV3140655.
Ransom, Richard W., FV3165052.
Ring, Robert J. Jr., FV3166736.
Ringler, Harold L. Jr., FV3114432.
Riveracorrea, Hector P., FV3164676.
Roberts, David B., FV3141141.
Rosenthal, David S., FV3126435.
Sanders, Gerald E., FV3165143.
Seifert, Charles L., FV3124743.
Shankle, Nelson E., FV3164991.
Shapiro, Allen, FV3142027.
Sheridan, Edward J., FV3127285.
Simonaitis, John J. Jr., FV3114335.
Solomon, James W., FV3110295.
Sonntag, Richard W. Jr., FV3184557.
Stetten, Maynard L., FV3187231.
Stieg, Richard L., FV3126011.
Suckow, Lowell C., FV3164905.
Taylor, William M., FV3141150.
Tobias, Thurman E., FV3126045.
Trapp, James T., FV3199587.
Verwest, Hadley M. Jr., FV3166397.
Vondrell, John J., FV3126129.
Walker, Ronald E., FV3167413.
Weinman, Tay J. FV3143148.
Wells, David E., FV3140653.
Williams, David V., FV3166509.
Willis, Marshall R., FV3164333.
Wright, Ballard D., FV3141154.
Wunder, James F., FV3141692.
Young, John J., FV3141152.
Zavacki, John, FV3114374.
Zimmerman, Raymond E., FV3165547.

To be first lieutenants (Medical)

Albright, Jerold D., FV3164734.
Allen, Billy R., FV2255790.
Arisco, Martin J., FV3185310.

Aston, James K., FV3164581.
Bailey, Edward J., FV3164944.
Barry, John M., FV3188107.
Battaglia, Carl J., FV3165678.
Bergstrom, Terry J., FV3027628.
Bitseff, Edward L., FV3164475.
Blackwood, Robert E., FV3199366.
Blattman, John E., FV5519198.
Bovie, Warren W., FV3188630.
Boydstun, James A., FV3164803.
Brada, Donald R., FV3165993.
Brazil, Harold H., FV3166247.
Bristow, John W., FV3184033.
Britt, Darryl B., FV3184034.
Brown, Mike J., Jr., FV3164656.
Buelow, Robert G., FV3201892.
Burgert, Paul H., FV3204058.
Calico, Forrest W., FV3164590.
Callen, Kenneth E., FV3167660.
Carpenter, Warren L., FV3170475.
Carroll, Herma G., Jr., FV3168056.
Chester, Earl C., Jr., FV3199495.
Clark, Carl M., FV3141172.
Corbett, James E., FV3200167.
Couey, Ira L., FV3166232.
Cronin, Terrence A., FV3167749.
Crow, Joe W., FV3184602.
Davis, Charles M., FV3165996.
Dean, David F., FV3166403.
Debessonet, David A., FV3166241.
Deford, James W., FV3185880.
Dehart, Rufus M., Jr., FV3064406.
Dinenberg, Stephen, FV3184558.
Diorio, David A., FV3188790.
Dorr, Maurice M., FV3187331.
Doupe, David W., FV3185805.
Duggar, Perry N., FV3164476.
Dupont, Frank S., FV3217628.
Dyer, William M., Jr., FV3165090.
Eady, John L., FV3164593.
Ehlmann, Larry J., FV3200597.
Fetzek, Joseph P., FV3188484.
Fielding, Steven L., FV3166657.
Fiure, Joseph P., FV3166246.
Fogel, Lawrence J., FV3184912.
Fong, William, FV3167120.
Friedman, Gerald S., FV3184635.
Fuerst, Donald E., FV3166219.
Garvish, John F., FV3166739.
Giacorazzi, Peter F., FV3167223.
Gibson, Gordon L. M., FV3200627.
Giffin, Edward L., FV3027436.
Graham, James F., Jr., FV3165984.
Gregg, Paul T., FV3187332.
Grinsell, Patrick J., FV3186912.
Grode, Michael J., FV3184621.
Groover, Ray, Jr., FV3184039.
Hansen, Paul T., FV3167180.
Heffron, John P., FV3184860.
Hemming, Val G., FV3164595.
Henges, David F., FV3165983.
Hinzman, Gary W., FV3202154.
Houston, Robert A., FV3166242.
Jack, Bernard R., FV2207766.
Jecha, Larry D., FV3165477.
Jenkins, Donald W., FV3166916.
Johnson, Albert, Jr., FV3164753.
Jones, Kenneth B., Jr., FV3202083.
Jurado, Rodrigo, FV3188903.
Kantack, Paul W., FV3143563.
Kellum, Donald L., FV3164696.
Kimble, Edward T., III, FV3166993.
Krege, John W., FV3164658.
Krelstein, Murray, FV3164600.
Kub, Thomas J., FV3164659.
Kutnick, Joel, FV3164480.
Landsman, Gordon S., FV3164942.
Larmee, Donald E., FV3166244.
Lewis, James A., FV3165982.
Lieberman, Stuart, FV3184622.
Lovelace, Raymond E., FV3184044.
Maier, Robert C., FV3166227.
Martindale, Richard E., Jr., FV3080206.
May, Gerald G., FV3166230.
McCray, David S., FV3200217.
McGee, James W., IV, FV3166222.
McGowen, John H., III, FV3186106.
McIntyre, Leonard J., FV3164672.
Michaelson, Edward D., FV3188791.
Mielke, Donald J., FV3166461.
Miller, James B., FV3166234.
Miller, Warren C., FV3188207.
Milner, Gilbert C., III, FV3166401.
Moon, Elliott C., FV3165979.
Moore, William J., FV3167029.
Morris, William D., Jr., FV3166738.
Moseley, John C., FV3166848.
Mosman, John O., FV3166235.
Murray, Arthur J., FV3200459.
Norenberg, Michael D., FV3200679.
Ogorman, Thomas M., Jr., FV3142940.
Orlet, Hermann K., FV3185346.
Pala, Stanley J., FV3185494.
Parris, Fred N., FV3202614.
Pearce, Ronald G., FV3166240.
Petersen, Richard J., FV3166221.
Peterson, Francis K. D., Jr., FV3199367.
Pike, Benjamin F., FV3165047.
Powell, Jerry R., FV3200587.
Rather, Edwin P., FV3184759.
Ray, John W. C., FV3164482.
Reed, Robert G., FV3165992.
Robinson, William A., Jr., FV3184667.
Roby, Milton L., FV3166914.
Schecter, Lawrence M., FV3165977.
Schimke, Thomas H., FV3164756.
Schultz, Arthur F., FV3165994.
Shiesl, Jon A., FV3164483.
Simerville, James J., FV3166847.
Simpson, Thomas J., FV3166220.
Singal, Sheldon, FV3184046.
Smith, Lane F., FV3166678.
Smith, Melvin D., FV3166225.
Staker, Lynn L., FV3166407.
Sutton, George S., FV3167075.
Tarleton, Harold L., FV3164604.
Tomasovic, Jerry J., FV3142151.
Totard, Ralph J., FV3184864.
Towler, Henry H., Jr., FV3188792.
Trabalsantos, Jose F., FV3164797.
Truell, John E., FV3184605.
Waller, John A., FV3141473.
Ware, Robert E., FV3164611.
Watters, John A., Jr., FV3184952.
Webb, John R., FV3202129.
Wesche, David H., FV3164612.
Whelchel, John D., Jr., FV5316542.
Wilder, Thomas C., Jr., FV3184978.
Willard, James E., FV3167221.
Williams, Larry R., FV3166402.
Williams, Richard P., Jr., FV3164484.
Zielnski, John J., FV3185833.

To be captains (*Dental*)

Andrews, Sidney D., FV3142705.
Frederickson, Daniel, FV3142424.
Large, David C., FV3165105.
Meyer, Asher M., FV3165209.
Plies, Stanley M., FV3142556.
Rhea, Joseph C., FV3124842.
Riley, Guy L., FV3142645.
Sellers, William R., FV3141472.
Zizza, Paul F., FV3165167.

To be first lieutenants (*Dental*)

Bellanca, Paul M., FV3142471.
Blasetti, Angelo B., FV3021667.
Brigleb, Richard C., FV3142351.
Brooks, Keith A., FV3188559.
Couture, Paul P., FV3166252.
Donahue, Robert L., FV3187967.
Duncan, Walter J., FV3164444.
Fazio, Louis J., FV3143138.
Ferland, Norman G., FV3142641.
French, Davy A., FV3142749.
Herbold, Edward T., FV3141599.
Kelley, Charles D., FV3142902.
Kleinstub, Paul H., FV3188689.
Knowles, Kenneth I., FV3165331.
Koutnik, Alfred W., FV3143086.
Matranga, Luke F., Jr., FV3188190.
Maxwell, Terrence J., FV3142673.
Meade, Thomas E., FV3142479.
Moskowicz, Donald G., FV3168411.
Murrin, David E., FV3142264.
Nied, Lawrence F., FV3142664.
Schmidt, Frederick J., FV3164842.
Strohaver, Robert A., FV3142270.
Studt, Kurt H., FV3142198.
Tanaka, Marvin M., FV3142766.
Thouvenot, Ronald G., FV3142734.
Tinkler, Michael R., FV3142205.
Walsh, William F., Jr., FV3141633.
Weinman, Morris L., FV3141590.

To be captains (*Nurse*)

Abbott, Doris, M., FV3112733.
Baumgartner, Julie A., FV3112847.
Bois, Charles J., FV3091966.
Connor, Willie J., FV3112666.
Dove, Haven L., FV3112837.
Driver, Lola A., FV3112777.
Lynch, Sally S., FV3112438.
Michelena, Betty K., FV3112628.
Nelms, Patricia M., FV3112852.
Samsel, Gloria A., FV3112668.
Six, Sarah M., FV3113189.
Tankersley, Mary A., FV3112532.
Vierra, Rettie J., FV3112502.
Wright, Marion M., FV3112661.

To be first lieutenants (*Nurse*)

Allen, Carlton R., FV3127439.
Auvil, Mary L., FV3164923.
Baggett, Margaret D., FV3187189.
Barclay, Helen R., FV3091936.
Beahan, Alice L., FV3143271.
Bennett, Bettye J., FV3200536.
Bernard, Carolyn F., FV3200547.
Bishop, Mary E., FV3185458.
Blouch, Sandra K., FV3164677.
Blumette, Mary A., FV3167719.
Bradley, Eileen C., FV3185964.
Brinson, Phyllis A., FV3184418.
Brossett, Collin K., FV3199478.
Bullard, Willis G., FV3199450.
Busch, Jerilyn A., FV3184681.
Byrk, James C., FV3122948.
Campbell, Gertrude M., FV3167903.
Cantabene, Elaine R., FV3167834.
Carner, Antoinette, FV3167103.
Case, Paula A., FV3142607.
Casey, Kathleen F., FV3143121.
Castleberry, Mary B., FV3188881.
Chabot, Michelle M. J., FV3168148.
Chenoweth, Theresa E., FV3061953.
Chisholm, Margaret M., FV3167839.
Cogburn, Bobby E., FV3188103.
Collier, Lynda R., FV3200370.
Conley, Shirley M., FV3140630.
Corrado, Vivien P., FV3167130.
Cox, Roberta C., FV3200931.
Daly, Patricia M., FV3168703.
Darrell, Chester A., Jr., FV3188380.
Deem, Cynthia M., FV3164548.
Dixon, Abby J., FV3185386.
Donahue, Joanne T., FV3167076.
Doyle, Ruth M., FV3184901.
Dunham, Gail R., FV3185790.
Edwards, Robert A., FV3114106.
Fadusko, Jeanne A., FV3187043.
Fegan, Geraldine E., FV3167685.
Fletcher, Mary K., FV3200362.
Forsyth, Joan E., FV3199377.
Foss, Robert E., FV3185341.
Fritts, Mary C., FV3142531.
Gartside, Leona G., FV3144681.
Geberl, Helen H., FV3166381.
Gilboy, Mary E., FV3167560.
Giuliani, Anita M., FV3114124.
Goulden, Bonnie E., FV3185073.
Grundberg, Helen I., FV3092357.
Haluska, Lois A., FV3184401.
Harrison, Connie E., FV3167930.
Harrison, Laquita A., FV3167001.
Haughey, Susan R., FV3200840.
Henrikson, Geraldine A., FV3185484.
Herron, Mary E., FV3167837.
Hildebrand, Anne C., FV3114295.
Hinze, Elizabeth A., FV3185284.
Hodges, Jacquelin B., FV3167902.
Hohman, Frances C., FV3167730.
Hoskin, Diane J., FV3167504.
Hudson, Tommie J., FV3167606.
Jason, Marie E., FV3184985.
Jewell, Jean A., FV3200611.
Jones, Frances P., FV3200111.
Jones, Russell T., FV3114278.
Keebler Margaret M., FV3184227.
Kefurt, Patricia A., FV3184903.
Kiszonak, Loraine E., FV3167142.
Kovacs, Marie C., FV3166353.
Kramer, Mary A., FV3200662.
Kucinkas, Chris M., FV3188625.
Kuroly, Barbara E., FV3166383.
Lagasse, Linda M., FV3185185.

Lambert, Margaret A., FV3166775.
Laorange, Brenda I., FV3143783.
Latham, Bessie W., FV3111950.
Laws, Juanita M., FV3166671.
Lazo, Joan A., FV3164560.
Leffel, Mary S., FV3141324.
Leune, Sandra, FV3200235.
Lichtenwalner, Ann D., FV3199437.
Luttman, Phyllis A., FV3112222.
Maier, Janet T., FV3186951.
Maley, Helen A., FV3126721.
Maley, Mary F., FV3126747.
Manucy, Judith M., FV3166574.
Marino, Mary L., FV3168065.
Martinez, Hilario D., FV3167316.
Matas, Irene M., FV3168417.
Matt, Lois A., FV3142681.
McCauley, Helen M., FV3188830.
McShea, Irene I., FV3184883.
Miller, Linda B., FV3184020.
Mulligan, Patricia G., FV3123010.
Mullin, Barbara A., FV3168151.
Nolan, James P., Jr., FV3126590.
O'Donnell, Madge M., FV3143617.
O'Neill, Kathleen E., FV3200144.
Osha, Patricia J., FV3168320.
Pantel, Anna M., FV3113346.
Parker, Mary F., FV3113883.
Patry, Monita A., FV3123023.
Peake, Ruth A., FV3126574.
Pearce, Hilda G., FV3187681.
Pegg, Rosalie E., FV3186220.
Perry, Juanita, FV3168530.
Piccone, Joseph Salvatore, FV3188303.
Porter, Patricia A., FV3167481.
Prather, Joan J., FV3167684.
Rasmussen, Nola J., FV3114019.
Reed, Mary E., FV3185405.
Reich, Ila R., FV3141945.
Reichenbach, Georgianna, FV3184673.
Riggs, Carolyn K., FV3142484.
Roarty, Sara R., FV3185170.
Rogers, Bonnie P., FV3184218.
Roginski, Barbara A., FV3184131.
Roller, James F., Jr., FV3114236.
Rosenbery, Nancy J., FV3167683.
Roth, Sandra K., FV3166510.
Ruddy, Mary L., FV3123081.
Salmons, Freddie E., FV3188783.
Scharver, Joyce M., FV3169039.
Schneider, Carolyn A., FV3114627.
Schneider, Sharon J., FV3199542.
Scorsone, Peter G., FV3188056.
Segall, Shirley J., FV3111800.
Shaver, Barbara Ann, FV3186085.
Shelor, Janice L., FV3168747.
Shelton, Sandra S., FV3188159.
Smith, Janice E., FV3113545.
Sparacino, Maria S., FV3123004.
Splawn, Eunice E., FV3113571.
Steffes, Barbara D., FV3113079.
Stillwell, Patricia J., FV3168227.
Stratton, Maureen, FV3143742.
Strauss, Nancye E., FV3184871.
Stubbs, Linnie M., FV3113187.
Suzuki, Hana J., FV3164566.
Swearingen, James L., FV3140159.
Swetman, Margaret L., FV3114022.
Tank, Catherine A., FV3199405.
Taylor, Leah L., FV3184487.
Terpstra, Carol J., FV3200768.
Tindall, Nancy R., FV3164919.
Todd, Dorothy D., FV3123131.
Treffinger, Mary E., FV3167842.
Turner, Sue E., FV3168106.
Ungerbuehler, Marie E., FV3184910.
Vanpelt, Roberta J., FV3187907.
Voigt, Paula A., FV3114080.
Wahl, Marilyn J., FV3143775.
Walsh, Mary C., FV3166779.
Watkins, Sylvia A., FV3166918.
Weaver, Pamela S., FV3185084.
Wegmann, Diane A., FV3167008.
Wells, Elinor J., FV3184129.
Wenzel, Sandra, FV3199185.
Whitcomb, Elizabeth J., FV3199209.
Whitley, Rita J., FV3113743.
Wildner, Judy M., FV3168573.
Williams, Josie R., FV3165384.
Williford, Janice M., FV3186226.
Wolf, Carol A., FV3167325.
Wood, Florence E., FV3188479.
Yanno, Richard G., FV3186480.
Zumbrun, Sara A., FV3167425.
Zygula, Barbara A., FV3200846.

To be second lieutenants (Nurse)

Rinne, Michael S., FV3201019.

To be captains (Veterinarian)

Bradbury, Richard P., FV3113962.
Brown, Richard J., FV2205190.
Buckhold, Delwin K., FV3114396.
Eason, Robert L., FV3125245.
McKinney, Hubert E., FV3078697.

To be first lieutenants (Veterinarian)

Burns, Lonnie J., FV3166827.
Butts, Donald W., FV3166278.
Clark, Keith A., FV3166263.
Cordts, Robert E., FV3187943.
David, Tony D., FV3184793.
Doherty, John J., FV3017821.
Griffin, Ralph E., Jr., FV3141584.
Irving, George W., III, FV3185558.
Kirk, John H., FV3184856.
Marshall, George R., FV3188225.
May, James O., FV3164535.
Moore, Frank L., FV3167203.
Rogers, James E., FV3185579.
Rumph, Paul F., FV3188443.
Siemons, Richard D., FV3184859.
Smith, Harold M., Jr., FV3199178.
Thalken, Charles E., FV3167404.
Thomas, Manuel A., Jr., FV3141896.
Toft, John D., II, FV3184330.
Watters, John W., FV3185122.
Wiesenfeld, David S., FV3141598.

To be captains (Medical Service)

Collom, James D., FV3030969.
Corum, B. H., FV3052489.
Dey, Doyle D., FV3079545.
Fletcher, Kenneth E., FV3101222.
Garron, Leonard J., FV3032565.
Harman, George W., FV3008695.
Harrington, Patrick C., FV3101091.
Hentz, David E., FV3056402.
Holley, Robert C., FV3078779.
Kaplan, Burton, FV3032776.
King, James M., FV4070775.
Lund, Richard A., FV3043291.
Morgan, Josephine A. L., FV3001891.
Morton, James I., FV3091804
Powell, George F., Jr., FV3091535.
Rosenbaum, Samuel F., FV2239043.
Small, Arthur H., FV3042545.
Stewart, Charlie E., Sr., FV3079129.
Vervena, Anthony H., FV3113165.

To be first lieutenants (Medical Service)

Basa Elpedio, FV3141458.
Baver, Henry W., FV3156201.
Beaty, John R., FV3167576.
Bishop, Willard V., Jr., FV3108584.
Blalock, Franklyn T., III, FV3118938.
Boune, Donald G., FV3129425.
Bryan, Ralph J., FV3140792.
Carota, Richard J., FV3154707.
Dotson, Terrence J., FV3166983.
Erwin, Bobby D., FV5413020.
Fincher, James C., Jr., FV3167367.
Giovale, Joseph J., FV3114561.
Griffin, Richard W., FV3142111.
Herndon, David H., FV3090028.
Hummer, Robert J., FV3142821.
Johnston, Hubert L., FV3078430.
King, James L., FV3127035.
Krewson, Charles F., III, FV3167124.
Lembke, Russell W., FV3157846.
Leslie, James D., III, FV3156208.
Leuthold, Peter P., FV3166139.
Madory, James R., FV3162548.
Milkevitch, Joseph J., FV3145314.
Morrison, Charles W. B., FV3104751.
Nelson, Steven P., FV3166500.
Noidurft, Norman E., FV3156016.
O'Connor, Daniel W., FV3141296.
Olmo, Herbert, FV3167714.
Palazzo, Eugene A., FV3107239.
Parimucha, Joseph P., FV3112682.
Poston, Thomas D., FV3167537.
Prather, Robert J., FV3167516.
Renn, Benjamin C., FV3184298.
Rheinscheld, John H., FV3164810.
Richey, Wayne L., FV3141725.
Slepicka, James H., FV3126406.
Snyder, Morris K., FV3156983.
Solesbee, Billy R., FV3162012.
Upton, Charles R., FV3144646.
Wilson, Edward W., FV3126623.

To be second lieutenants (Medical Service)

Ashkenase, Donald L., FV3174510.
Bateman, Val J., FV3176834.
Bates, Thomas G., FV3170981.
Bloomquist, Carroll R., FV3172653.
Bristow, Charles L., FV3161347.
Brown, Charles W., III, FV3199417.
Buchholz, Roger J., FV3200411.
Chappelle, Ray J., Jr., FV3176425.
Christiana, Ronald W., FV3183714.
Collins, Ben A., FV3185051.
Copeland, Billy M., FV3184811.
Dick, William W., FV3177117.
Dikes, James E., FV3172982.
Driver, David C., FV3161358.
Drummond, Robert D., FV3153308.
Elliott, David J., FV3185344.
Fisher, Richard L., FV3164615.
Forister, Thomas C., FV3177324.
Garcia, Joe, FV3199508.
Gherardini, Michael M., FV3157732.
Granat, Pete M., FV3188652.
Gurewitz, Barton I., FV3187751.
Harrison, James T., FV3175830.
Kaigler, James S., FV3173714.
Knauss, Albert C., FV3185234.
Knight, Jimmy M., FV3199524.
Leyba, Guillermo, FV3185713.
Lindsey, Garold D., FV3172900.
McCausland, Orrin J., FV3173595.
McMullen, Malcolm, FV3200361.
Moore, Michael D., FV3199588.
Nash, George W., FV3172684.
Petermann, Mark H., FV3176964.
Phill, Charles Michael, FV3186958.
Raynor, Richard R., FV3200529.
Wilson, Ira D., FV3181043.
Winfree, Robert G., FV3175707.
Zagelow, Stephen P., FV3186905.
Zahradka, James F., FV3177284.

To be first lieutenants (Biomedical Science)

Cassella, Michelina C., FV3200996.
Chambers, Mildred J., FV3168060.
Davidson, Donald A., FV3168152.
Hammond, John M., FV3166864.
Kaylin, Bernice M., FV3185192.
Maclean, Douglas M., FV3186838.
Malloney, Ronald H., FV3168443.
Marshall, Ann M., FV3186952.
McConnell, Ann W., FV3200279.
Meyer, Barbara A., FV3184721.

To be second lieutenants (Biomedical Science)

Adams, Ernest D., Jr., FV3170531.
Aumueller, Robert J., FV3174522.
Brannon, Larry D., FV3185711.
Campbell, James W., FV3183709.
Cardosa, Albert J., FV3183710.
Clegern, Robert W., FV3171480.
Cobb, Russell W., III, FV3190490.
Dreis, James A., FV3154868.
Hinchman, Max F., FV3172376.
Hughes, Robert O., FV3183817.
Jones, Gerald W., FV3169003.
Kamm, Steven D., FV3171183.
Kilian, John P., FV3172804.
Loper, Daniel C., FV3130433.
McLean, Jerry A., FV3185048.
Miller, Stephen A., FV3155831.
Nedrow, James L., FV3185049.
Ricker, Philip Redding, FV3187992.
Tykocki, David M., FV3185164.

The following distinguished graduates of the Air Force Officer Training School for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abts, Bruce M., FV3206546.
Allocca, Richard, FV3206079.
Arnold, Robert C., FV3208777.
Bergman, Donald J., FV3221315.

Bergstedt, Robert C., FV3208029.
Bergstrom, Larry J., FV3222763.
Blake, John A., FV3222937.
Bliss, John S., FV3222058.
Braasch, Gary B., FV3207698.
Brendler, Charles B., FV3222124.
Brogan, Dennis M., FV3209394.
Brown, Frank B., Jr., FV3207166.
Cullen, Frederic M., FV3222457.
Cuplin, Dean P., FV3205614.
Dalton, James D., FV3222401.
Ellett, Jack B., FV3221183.
Elmore, Robert W., FV3222197.
Falla, William S., Jr., FV3206268.
Gerson, Stuart M., FV3180037.
Heidlage, Richard C., FV3207957.
Hobart, Harold M., Jr., FV3205805.
Hough, Richard F., FV3208102.
Hunt, Alan G., FV3208228.
Krieger, Lawrence S., FV3220834.
Lage, Jerry L., FV3221004.
Littler, Gregory A., FV3221792.
Logan, Fred A., FV3208226.
Lomax, Harvard L., FV3222015.
Marks, Mary A., FV3205995.
McConaghy, Lee J., FV3207393.
McKellar, Milton L., FV3208603.
Patterson, Brian L., FV3207245.
Power, Donald R., FV3221895.
Seyler, Martin L., FV3206564.
Snay, Nicholas J., FV3206803.
Snyder, Thomas J., FV3221769.
Stark, Thomas M., FV3207927.
Swanson, Robert J., FV3221677.
Vouri, Francis A., FV3207943.
Walker, John P., FV3205569.
Walling, Ronald E., FV3180700.
Watson, Frederick E., FV3209261.
Wheeler, Wayne K., Jr., FV3221567.
Woodsmall, Richard A., FV3207333.

IN THE ARMY

The following-named Medical Corps officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. Glenn Jesse Collins, O22687, Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier generals, Medical Corps

Col. Spurgeon Hart Neel, Jr., O58688, Army of the United States (lieutenant colonel, Medical Corps, U.S. Army).

Col. William David Tigertt, O26412, Medical Corps, U.S. Army.

Col. Hal Bruce Jennings, Jr., O26995, Medical Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier generals, Medical Corps

Brig. Gen. Glenn Jesse Collins, O22687, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Kenneth Dew Orr, 031042, Army of the United States (colonel, Medical Corps, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Gagarine, Alexis M., O24153.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States code, sections 3284 and 3299:

To be lieutenant colonels

Crowder, Thomas H., O62178.
Irwin, Kenneth G., O66165.
Marshall, David S., O63288.

To be majors

Amaki, Satoru, O81367.
Atwood, James P., O88556.
Beaube, George P., O74635.
Gone, Eugene B., O71331.
Hattaway, William E., OF110271.
Hobbs, Donald I., O73101.
Willis, William J., OF110477.

To be captains

Castleman, Robert J., OF102155.
Hawkins, Joseph W., OF110272.
Hunt, James P., OF103541.

IN THE ARMY

The following-named officer for appointment as Director of Admissions and Registrar, U.S. Military Academy, under the provisions of title 10, United States Code, sections 3075, 3205, and 4333:

Rogers, Manley E., O62333.

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captains

Kennedy, Bruce, O77503.
Rose, Walter C., OF108285.

To be first lieutenant

Lobingier, John H., O99907.

The following-named persons for appointment in the Regular Army or the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294, and 3311:

To be majors

Cross, Howard T., O2264525.
Hoffman, Harry C., III, O191917.
Rowan, Joseph C., O995958.
Tuggle, Lewis M., O4031188.
Webb, Robert, Jr., O2264627.
Zion, Robert B., O4013962.

To be captains

Ackermann, Henry F., O2309316.
Alutius, Joseph F., Jr., O2311457.
Andrews, Joel E., O5306888.
Baeza-Muniz, Carlo, O5826811.
Baird, Norval E., O5206886.
Banning, Raymond D., O5312092.
Bischoff, Robert C., O5235569.
Blecher, Kenneth W., O2313122.
Blumer, Robert B., O5330326.
Boyce, David G., O968427.
Boyle, Rodger W., O4074363.
Brice, Donald A. L., O5310972.
Broering, Leo F., O5238676.
Burbank, David M., O5235279.
Chamlian, Dikran L., O5711916.
Clark, William E., Jr., O5344929.
Condon, John L., Jr., O5328655.
Cowden, John W., O2316882.
Cox, Charles H., O2304728.
Cremer, Jerry L., O5400709.
Dillon, Alfred M., O1889705.
Dixon, William L., O2313144.
Dwyer, William J., Jr., O5311585.
Easley, Howard A., O5306569.
Evert, Gerd O., O5315083.
Fox, Lonald J., O5540009.
Gamino, John M., O5409794.
Grenz, Clinton E., O5501560.
Hall, Glenn P., O2277551.
Hill, Washington C., O5217243.
Hudson, Thomas J., O2312602.
Hutchens, James M., O5407551.
Johnson, Robert L., O5303642.
Kahle, Richard E., O5219144.
Kandul, Thomas S. Jr., O5330639.
Keutzer, Walter J., O2317332.
Keys, David N., O5230900.
Kraak, Peter J., O5203609.
Lord, Billy R., O5408759.
Marchbanks, Joseph A., O1885864.
McGlockton, William, O5302187.
Mears, Douglas T., O217138.
Miles, Philip A., O5024605.
Miller, Thomas L., O2317429.
Misetich, Dorothy A., N902227.
Murphy, Charles E., O5304709.
Nicholson, Allison L., O2028349.
O'Brien, Charles A., O5005406.
Orms, Robert J., 05307512.
Peak, Benson W., O2321395.
Prater, George F., O5301551.
Rowe, Martin A., O4049631.
Sandlin, Johnny G., O5875215.
Saunders, Robert E., O5301488.
Schecter, Arnold J., O5255689.
Selph, Justus P., O2309098.
Smith, William T., O5319668.
Speicher, Vernon L., O4018430.
Sturgis, Ralph M., O4071394.
Taylor, Robert D., O5213797.
Turnbull, Gottlieb L., O5518146.
Turner, Trevor D., O1891451.
Van Lith, Rita W., N5217193.
Wildoner, Bernard E., MN805782.
Woodbery, Jerry M., O2313296.
Yrjanson, Robert E., O5513314.

To be first lieutenants

Andersen, Arne, O5312235.
Beal, Richard H., O5413578.
Berard, Nancy V., L2321531.
Berry, John M., O5221574.
Bickel, Arthur S., O2325867.
Bolling, David R., Jr., O5417715.
Bowes, Steven G., O5418858.
Brady, Noel P., O5011008.
Brinkley, Jimmie T., O5411865.
Burger, James A., O5023855.
Caldwell, Milton L., O5322869.
Caruso, James R., O5215568.
Cavanaugh, Michael A., O5423090.
Chandler, Rual M., Jr., 02314510.
Christopher, Edwin A., 05225401.
Christy, William B., 05532548.
Coakley, Stephen, 05320438.
Collins, John T., 05319121.
Crisanti, Lawrence I., 05228879.
Cuprill, Charles A., 05826706.
D'Angelo, Joseph S., 05325075.
Danese, Richard, 05023148.
Daniel, Ajalon E., III, 05332859.
Davis, Carl E., MR2309112.
Davis, James A., 05312020.
Davis, Montague E., Jr., 05535822.
Davis, William J., 05229182.
Felder, Jerry W., 05416849.
Fleisch, James G., 05241616.
Fleming, Harry S., 05532934.
Foley, James D., O5024177.
Fowler, Orville E., Jr., 05412258.
Gill, Howard A., Jr., 05415282.
Gisia, John F., 05713322.
Giuntini, Peter A., 05022842.
Goldberg, Norman L., 05229464.
Grines, Joseph M., 05228645.
Gronski, Henry W., 05712024.
Handelsman, Lawrence, O5021231.
Hayes, Robert P., O5012257.
Herbert, Clarke E., O5713364.
Hilliard, Donald M., O5414870.
Huddleston, Helen A., N5701649.
Jablonski, Robert C., O2332040.
Johnson, Richard S., MN2309302.
Kallunki, John T., O5318515.
Kane, Philip C., O5706889.
Karlson, Henry C., O5536081.
Kauffman, Richard W., O5418890.
Kennedy, John P., O5012120.
King, Delbert G., O2299308.
Kinney, Charles E., O2302453.
Knoll, David D., O5232022.
Kristl, Timothy O., O5536064.
Lane, John F., O5531986.
Larson, Stuart A., O5514518.
Leavens, Frank A., O5325576.
Lenhart, Michael E., O5222634.
Leonard, Lawrence C., MN5422201.
Lovisone, Richard E., O5019603.
Lukas, John F., O5017218.
McClintock, Kenneth, O5535331.
McConnell, John J., O5010898.
McDowell, Robert M., O5218180.
Milne, William J., O5021367.
Mitchell, Wayne H., O5330571.
Mize, William F., Jr., O5219560.

Murdoch, James W., O5022869.
Murphy, William J., Jr., O5315393.
Myrland, Eric H., O5225542.
Newkirk, Louis T., Jr., O5321313.
Oliver, Council W., O5323062.
Olson, Roger B., O5702079.
Parkinson, Thomas D., O5254976.
Parry, William H.
Prescott, Daniel J., O5010230.
Piram, Joseph A., O5414257.
Price, Martin L., O5419225.
Pritikin, Frederick, O5406688.
Proctor, Robert C., Jr., O5313537.
Rackovan, John Jr., O5329564.
Rego, Anson O., O5711214.
Roberts, Marvin B., MN2312618.
Rowe, David H., O5220365.
Schrader, Stanley A., O5013569.
Scott, Charles R., O5532341.
Seaborn, Donald J., O5316965.
Selzer, Robert A., O5021017.
Silva, Guillermo R., O5826690.
Silva, Manuel J., O2321122.
Smith, Edgar A. P., Jr., O5234267.
Smith, Walter A., III, O5228675.
Smullen, Frederick W., O5013571.
Snuffer, Garner D., O5312479.
Southard, Ralph C., O5320083.
Sprague, Michael D., O5517162.
Staiti, Peter F., O5023297.
Stevens, Winfred A., O5002763.
Stillman, Jon C., O5514459.
Stull, Joseph E., O5417007.
Sullivan, Robert B., O5535659.
Thomas, Trent N., O5710663.
Tredennick, Steven, O5418401.
Wagner, Anita A., N5417259.
Wascom, Charles L., O5412918.
Webb, Dois D., O5416765.
Weitzel, Kenneth P., O5315175.
Welch, James C., O5328026.
Wert, Robert C., O5230926.
Willard, William B., O5211878.
Williams, Reeve N., O5419006.
Willis, Phillip L., O5516475.
Winn, Burke S., O5225658.
Winton, Edward L., O5317566.
Yaus, William S., O5235498.

To be second lieutenants

Barker, Franklin T., O2325361.
Bell, Clyde H., Jr., MJ2328803.
Busch, Robert J., O5328056.
Conroy, Bruce, O5337224.
Conroy, Richard A., O5336118.
Damato, James J., O5020264.
Dicey, Bruce B., O5519732.
Donaghe, Robert E., O5418665.
Donovan, Jack R., Jr., O5336628.
Eastman, Robert J., O5537069.
Edgerton, Thomas J., O5241761.
Fagersten, James R., O5331732.
Gill, Robert L., O5421418.
Haney, Richard J. II, O5535037.
Hull, Richard E., Jr., O5012147.
Imes, James D., O5327715.
Jenkins, James G., O5230278.
Lyons, Joseph F., O2325955.
Maurice, Timothy P., O5229716.
McCloskey, Robert E., O5419644.
McWherter, Michael, O5421348.
Murphy, James R., O5419983.
Pettera, Mary L., N2323927.
Rondiak, Peter F., O5230053.
Shook, John R., O5327121.
Stafford, Fenley D., O5340790.
Starr, Melvin T., O5331524.
Throckmorton, Edward, O5329444.
Whittle, Claude N.,O5240925.
Willoughby, Lonny R., O5337340.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Ahders, Arnold W.
Alba, Abelardo J.
Alberston, Bernard G.
Bagby, Buford R.
Baker, Sidney F., Jr.
Benedetto, Anthony R.
Bennis, William J.
Black, Jerry W.
Bongiorni, Dominic R.
Braun, Gerald J.
Brewer, John A.
Brown, Roger F.
Chase, Michael S.
Chasler, Charles D.
Claxton, James D.
Clemens, Roger L.
Clements, Willis L.
Coley, Thomas E., Jr.
Conn, James D.
Cooch, Robert L., Jr.
Dantone, Joseph D., III
Davis, Mark W.
Dess, William J.
Elfner, Alan G.
Erickson, Kenneth L.
Farmer, Emmett R., Jr.
Fletcher, John E.
George, Gary B.
Gibbons, Robert H.
Glendon, John W.
Griffin, James K.
Gwinn, Richard A.
Harvey, William M.
Hawley, Richard F.
Hill, John E.
Hinton, James F.
Hooks, Narmon D.
Hyatt, Scott W.
Jansen, Donald R.
Kraft, Kenneth M., Jr.
Krull, Erwin J.
Kuhn, Donald L.
Kyser, Perry L.
Lampkin, Edgar T., Jr.
Lehtinen, Dexter W.
Linn, Charles M.
Mazurka, Steven J.
Melsek, Rodney R.
Monk, John T.
Nickoley, Loren D.
Olds, Bowman M.
Pfannerstill, Charle
Price, Steven M.
Rossow, Michael J.
Sawyer, David L.
Scherer, Ronald D.
Smith, Michael C.
Stees, Ray R.
Stewart, Peter H.
Stowers, Dan W.
Stulgaitis, Paul F.
Swearengin, Don A.
Terry, Ronald R.
Tewalt, Ronald J.
Tolliver, Edmund R. Jr.
Voyles, Wilford, C., Jr.
Vybiral, Thomas J.
Whitacre, Charles J.
Williams, Henry N.
Withrow, John A.
Wood, Leslie G.
Wylly, Robert L., III

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Gregg, David F.
Napoliello, David A.

IN THE NAVY

The following-named officers for appointment on the retired list to the grades indicated in accordance with the provisions of title 10, United States Code, section 5233:

Admiral

Adm. Alfred G. Ward, U.S. Navy.

Vice admiral

Vice Adm. William E. Ellis, U.S. Navy.

Vice Adm. Alexander S. Heyward, Jr., U.S. Navy.

IN THE MARINE CORPS

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, the following-named officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of lieutenant general while so serving:

Frank C. Tharin.
Lewis J. Fields.

The following-named women officers of the Marine Corps for appointment to the grade of colonel, subject to qualification therefor as provided by law:

Barbara J. Bishop.
Jeanette I. Sustad.

IN THE MARINE CORPS

The following named (U.S. Naval Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, Joseph T.
Beard, David C.
Bolden, Charles F., Jr.
Brosee, Michael O.
Brown, Jack P.
Burkhart, Michael W.
Cadman, Conrad H.
Carlock, Reid O.
Carter, Roy L.
Cimaglia, Louis E.
Collins, William T.
Cummings, Michael J.
Dalton, John F.
Danaher, Stephen J.
Degnan, Peter M.
Denson, David K.
Dittmar, Charles A., Jr.
Donaldson, William I., Jr.
Donofrio, Charles R.
Dugan, Dennis E.
Ellis, Patrick N.
Farmer, Paul C.
Floom, Marvin H., Jr.
Glantz, Richard E.
Golich, John X.
Gregson, Wallace C., Jr.
Hagee, Michael W.
Hammer, Richard D.
Hammons, Stuart D.
Harper, Thomas F.
Harris, George K.
Hickinbotham, Robert T.
Holly, John J.
Jones, James D.
Kalashian, Michael A.
Klimp, Jack W.
Larsh, Ivan G.
Lohman, Charles M.
Lohr, David M.
Malmgren, Ronald A.
Marien, Richard J.
Marlin, Jeffrey A.
McDaniel, Scott E.
McKay, John C.
Medley, Anthony R.
Morschauser, Michael C.
Mrozak, Leonard J.
Murray, Curtis W., Jr.
Murray, Terrence P.
Nacrelli, Martin J.
Nelson, Garry D.
Noel, Thomas E.
North, Oliver L.
O'Banks, Christopher C.
O'Connor, Bryan D.
Ogilvie, Malcolm L., Jr.
O'Neil, John F.
Palmer, William M., Jr.
Pease, George M.
Pelletier, Charles A.
Petersen, Thomas H.
Rauchle, Arthur J., Jr.
Reston, Victor F.
Roach, James H.
Roberts, Ray "A"
Robinson, Joe D.
Smith, Lawrence W., III
Splain, Mark S.
St. John, George F., III
Strouse, Robert D.
Sulick, Tom E., Jr.
Tardy, Thomas K.
Taylor, William M.
Treadwell, James N.
Treanor, Mark C.
Tucker, George E.
Valdez, Edwin R.
Vivilacqua, Theodore R.
Waniata, Roger P.
Ward, Buddy A.
Webb, James H., Jr.
Westcott, Charles T., Jr.
Wilson, Paul "E"
Woods, Thomas G.
Young, Fred J., Jr.

The following named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Alexander, Charles B., III
Baldwin, George H., Jr.
Gonzales, Ronald J.
Graham, William J.
Ham, Roger C.
Jacobs, Roger A.
Marapoti, James A.
Phillips, Roy F.
Raderer, Norman D.
Sevi, Eugene A.

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Baumhover, Michael J.
Below, Jack W.
Jackson, Albert P.
Tigue, Michael J.

The following named (meritorious noncommissoned officers) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Hooper, John W.
Jones, Robert D.

The following named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Howland, John C.
Warren, William D.

The following named (U.S. Military Academy graduate) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Patrow, Michael L.

The following named (staff noncommissioned officer) for permanent appointment to the grade of first lieutenant as assistant director of the Marine Corps band, subject to the qualifications therefor as provided by law:

Kline, Jack T.

POSTMASTER

The following-named persons to be postmasters:

ALABAMA

Hoyt W. Self, Trafford, Ala., in place of A. E. Gray, deceased.

ARKANSAS

Allen H. Wilkerson, Cave City, Ark., in place of W. E. Carpenter, retired.

FLORIDA

Genevieve C. Kerrick, Islamorada, Fla., in place of J. C. Russell, retired.

INDIANA

Ralph E. Bowland, Amboy, Ind., in place of V. L. Stepler, retired.

Elmer R. Tekulve, Columbus, Ind., in place of C. E. Hull, retired.

IOWA

Raymond D. Showalter, Bettendorf, Iowa, in place of G. R. Helble, retired.

KANSAS

Roger C. Hastert, Garnett, Kans., in place of J. C. Bowman, deceased.

Francis W. Escher, Herndon, Kans., in place of K. M. Malone, transferred.

KENTUCKY

Roger B. Proffitt, Cave City, Ky., in place of E. P. Terry, retired.

James C. Walker, Water Valley, Ky., in place of Earl Bard, retired.

LOUISIANA

Edith H. Isgett, Gilbert, La., in place of Louise Townsend, retired.

MARYLAND

Woodward W. Abrahams, Jr., Port Deposit, Md., in place of S. S. Sentman, deceased.

E. Pierre Brehm, West Friendship, Md., in place of C. H. Thompson, retired.

MICHIGAN

Bole P. Centala, Posen, Mich., in place of Victoria Jesionowski, retired.

Arthur S. C. Waterman, Roseville, Mich., in place of N. C. Reindel, retired.

Edward R. Vaughan, South Haven, Mich., in place of R. E. Keithly, retired.

MINNESOTA

Oscar H. Krenzke, Lewiston, Minn., in place of H. H. Krenzke, retired.

Richard D. Culhane, Saint Charles, Minn., in place of V. R. Flint, deceased.

MISSISSIPPI

Gwendola Camp, Mantachie, Miss., in place of R. E. Pearce, retired.

Hubert L. Presley, Nesbit, Miss., in place of H. D. Wooten, retired.

MISSOURI

Smiley C. Herrin, Jr., Columbia, Mo., in place of O. W. Buescher, retired.

MONTANA

Ervin A. Powell, Polson, Mont., in place of J. R. Cramer, deceased.

NEW JERSEY

Thelma C. Folkner, Buttzville, N.J., in place of F. J. Folkner, deceased.

Joseph V. O'Mahoney, Summit, N.J., in place of R. M. Dunsmore, resigned.

Frank H. McNally, Jr., Wayne, N.J., in place of W. N. Clegg, deceased.

NEW YORK

Martha E. Butler, Montezuma, N.Y, in place of F. M. Jones, retired.

Woodrow F. DeVine, Pawling, N.Y., in place of Lachlan Thomson, resigned.

Lewis G. McMahon, Rifton, N.Y., in place of Lester McMahon, deceased.

Bernadt S. Oolie, Spring Valley, N.Y., in place of E. E. Wallace, deceased.

NORTH CAROLINA

Heyward W. Taylor, Hamlet, N.C., in place of E. B. Gunter, retired.

Jackson B. Jones, Madison, N.C., in place of J. B. Joyce, retired.

Joseph W. Phillips, Morganton, N.C., in place of C. C. Denton, retired.

NORTH DAKOTA

Albert A. Olson, Sentinel Butte, N. Dak., in place of P. G. Wagner, retired.

OKLAHOMA

Ual J. McMichael, Chandler, Okla., in place of E. E. Curry, retired.

Calvin Moore, Lindsay, Okla., in place of J. R. Henderson, resigned.

PENNSYLVANIA

Mary R. O'Connor, Heckscherville, Pa., in place of V. J. O'Connor, deceased.

Ferry E. Dysinger, Mifflintown, Pa., in place of J. R. Mingle, retired.

Michael J. Noone, Jr., Moscow, Pa., in place of J. M. Langan, retired.

Richard A. Pfeifer, Portersville, Pa., in place of A. E. Brenneman, retired.

George R. Tomko, Sharon, Pa., in place of J. L. O'Toole, transferred.

TEXAS

Frank T. Higgins III, Brackettville, Tex., in place of V. J. Couture, retired.

Maxwell Barkley, Hearne, Tex., in place of L. W. Martin, retired.

VIRGINIA

Edward F. Riggins, Hampton, Va., in place of H. H. Kimberly, Jr., retired.

WASHINGTON

Laura H. Harris, Connell, Wash., in place of A. C. Gehres, retired.

WISCONSIN

Jerome J. Zodrow, Princeton, Wis., in place of J. E. Wyse, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22 (legislative day of May 20), 1968:

DEPARTMENT OF TRANSPORTATION

John E. Robson, of Illinois, to be Under Secretary of Transportation.

Stanford G. Ross, of New York, to be General Counsel of the Department of Transportation.

FEDERAL MARITIME COMMISSION

George Henry Hearn of New York, to be a Federal Maritime Commissioner for the term expiring June 30, 1973.

EXTENSIONS OF REMARKS

RESULTS OF THE 1968 PUBLIC OPINION POLL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. HUNGATE. Mr. Speaker, nearly 27,000 persons in the Ninth District of Missouri recently expressed their views on major issues that we are considering in this Congress.

In completing my fourth annual questionnaire, 26,391 indicated they approve of their Congressman conducting a public opinion poll. I find such an enthusiastic response greatly encouraging at a time when the public opinion polls seem to have created their own "credibility gap." The questionnaire is a means of measuring opinion at a given time or, as Pollster Louis Harris said, "single snapshots at one point in time of a constantly moving picture." While the poll is not a scientific study of public opinion, it is an effective way of learning the thinking of some of the residents of the large and diverse ninth district.

I welcome all opportunities to communicate with the people I represent, through visits in my district and in Washington and through letters from citizens who wish to express their views on congressional matters.

The percentages are based on 26,523 replies. The results follow:

	Yes	No	No opinion
1. Do you favor increased Federal aid to local law enforcement agencies to combat crime?	66. 6	29. 9	3. 2
2. Do you favor President Johnson's proposed 10 percent surtax?	20. 8	74. 3	4. 5
3. Should restrictions be placed on foreign travel until our balance of payments position improves?	60. 4	35. 4	4. 9
4. Do you favor open housing?	31. 8	60. 0	8. 2
5. Do you favor Federal legislation to ban interstage mail order shipments and foreign imports of guns (but not require gun registration)?	54. 8	40. 3	4. 9
6. Do you favor fixing Washington's Birthday, Memorial Day, Independence Day, and Veterans Day on Mondays so each can be observed over a 3-day weekend?	53. 9	43. 5	2. 6

7. Do you approve of your Congressman conducting a poll such as this?

Of the 26,523, only 132 answered "No."

8. Insofar as our Vietnamese policy is concerned would you consider yourself: Hawk: 36.5; dove: 12.4; neither: 27.1; undecided: 24.0.

9. Where would you favor cutting spending to reduce pressure on the budget?*

Vietnam	24. 3
Space and moon program	49. 1
Aid to education	8. 6
Foreign aid	88. 9
Public works: Highways, waterways, and dams	11. 4
Agriculture programs	25. 6
Aid to cities	29. 0
Antipoverty program	50. 6
Beautification	65. 9

*These figures total more than 100 percent because persons could indicate cuts in more than 1 area.

TECHNOLOGY AS A WAY OF LIFE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. SCOTT. Mr. President, I invite the attention of the Senate to the excellent May issue of the Royal Bank of Canada Monthly Letter. It is an essay on the need for social adjustment to the rapid changes taking place as a result of technological development.

The essay is particularly relevant to the need of Congress to equip itself with the knowledge necessary properly to assess the consequences of breathtaking scientific and technological developments so that we can assure that they will be beneficial. A step in this direction would be the creation of a Select Senate Committee on Technology and the Human Environment, which has been proposed by Senate Resolution 68, introduced last year by the distinguished Senator from Maine [Mr. MUSKIE] and cosponsored by several other Senators, including myself.

I ask unanimous consent that the Royal Bank of Canada's Monthly Letter for May be printed in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

TECHNOLOGY AS A WAY OF LIFE

Technology has become the common mode of human living, and is invading every institution and activity. It has not only a physical effect in changing man's material way of life but it brings with it mental upheaval as well.

The sudden growth of technology has created social problems of the first magnitude. Old customs have crumbled; the relationships between parents and children, teachers and pupils, employers and workers, kings and commoners: all these have been changed.

Some people have expressed the fear that the products of technology will impoverish the quality of human life, taking away the very features which make humanity unique, robbing it of opportunities for individual creativeness.

This can, indeed, happen if we allow technological skill to continue to outstrip social understanding.

WHAT IS PROGRESS?

Is technological complexity a sign of progress? When mankind was in the simian stage, men may have had an attractive dream of the future. In it, they saw their native forest transformed into a paradise where the trees were all laden with fruit and the sun always shone with gentle warmth. But there were conditions attached to making the dream come true. Men had to give up their lovely fur, dispense with their decorative and useful tails, and offer their food to the fire-devil before eating it. They had to adapt.

We are still debating whether this was really what we wanted. It is true that practically everybody in an advanced country can have as much of material goods as is necessary to happiness, without excessive hours of labour, and with the opportunity for developing mental culture to fill leisure time. But the improvement has been in methods and things, not in purposes and ambitions.

It is impossible to turn back the clock. You cannot buy peace of mind or continued existence by imposing ignorance on yourself. No business man dare leave all innovation to his competitors: he may find it impossible to catch up if a competitor takes the risk of the first step and keeps going.

Change is imperative. Our standard of living has been advancing, on the whole, ever since we came down out of the trees. In our industrial society, health has been improved, life is longer, and working hours are shorter. The commoner of today enjoys comforts that were not imagined by the kings and barons of three hundred years ago.

A speaker said wittily during the Duke of Edinburgh's Study Conference that whereas men used to worry about whether their children would die of hunger, their worry today is about whether they can keep up their payments on the television set.

The changes brought about in the lives of men and women in the past hundred years have been almost entirely due to the work of scientists and technologists. The fullness of life now within the reach of advanced nations could not exist without the complex paraphernalia which science and industry have provided. There has been an increase in human dignity because muscle has been replaced by inanimate sources of energy. Slavery has declined and mass democracy has arisen.

All these advances have raised people's expectations to the level of fantasy. Many have allowed their essential human qualities to wither because they look only for things that technology makes available to them and are willing to become its passive beneficiaries.

SOCIETY HAS PROBLEMS

In changing the patterns of physical living, technology has altered our social pattern in a major way, but it would be naive to suppose that all our social and economic troubles have been caused by technical changes. There were great social troubles long before we had machines or knew anything about chemical reaction or physics.

While it is true that our efficiency in technology demands revised political and social ideas, it is just in this area that we are hindered by our age-old social laziness and our resistance to change. We have high expectations of happines, but we are reluctant to make the individual and social adjustments that would make them real.

We may take it for granted that the characteristic product of scientific research is neither good nor bad.

Men of good will dream of the benefits inherent in the products of science and technology: men of evil design will not be deterred by such dreams from attempting to employ the forces of science for selfish and destructive purposes. What is needed is to breathe life into the social sciences so as to synchronize the purpose of our lives with the purpose of machines, and to assure beneficial use of the products of the physical sciences.

As a result of the scientists' discoveries, we have powerful instruments in our hands by which we can set all the world free from drudgery, fear, hunger, and pestilence, or we can obliterate life itself. The choice is ours.

What is of social importance is not the invention or development of a new machine, a new chemical or a new vaccine, but what service it will provide that is good for the human race. Technology and civilization should march in step.

CHANGE DEMANDS ADJUSTMENT

Technology changes society by changing our physical environment, and we must adjust ourselves to the changed surroundings. Our dilemma arises from the ever-widening disparity in terms of accomplishment and of magnitude of consequences between man's physical inventions and his social adaptation to the new conditions which the inventions create.

Some of the responsibility rests with science, which has the ethical duty of being concerned with the consequences of its revelations.

Every human invention and discovery can be used for good or for evil. Science does not prescribe our purposes or dictate our morals. Kepler discovered the planetary movements, but he placed a spirit in each planet to guide it in its course. How beneficial it would be if today's scientists, developing their powerful new things, could provide each of them with a spirit to ensure proper use!

The harnessing of nuclear energy is an easier task than is controlling human conduct in the use of this elemental force. Dr. P. W. Bridgman, who was awarded the Nobel Prize for physics in 1946, disposed of the scientists' responsibility for the atomic bomb in these words: "If society had not wanted to construct an atomic bomb it need not have signed the cheque for the two billion dollars which alone made it possible." Speaking about radium in 1905, Pierre Curie said: "I am among those who think, with Nobel, that humanity will obtain more good than evil from the new discoveries."

These opinions cast responsibility for humane use of discoveries and inventions upon the common people. But because the scientist and the technologist are highly educated persons, they should naturally expect that society will ask more of them in the way of judgment than it would of the general body of the people.

There is a special advantage to society when technically trained men and women take an active interest in social matters. Their thoughts and acts in their professional duties are characterized by definiteness, decisiveness, and promptness. These are virtues greatly needed in the organization, planning, and administration of society.

All the problems of men cannot be solved by making calculations and assessing chemical reactions and noting physical changes. The danger of technology to the technologist is this: the specialist may become like a man who lives in his own house and never leaves it. There he is perfectly familiar with everything, every corner of it, much as Quasimodo in Victor Hugo's *Notre Dame de Paris* knew the cathedral; but outside it things are strange and unknown and not of his concern. Yet the technologist trips over the principles of his art if he fails to take into account the over-all performance of society while devoting all his attention and skill and energy to perfecting one mechanism in it.

C. R. Young wrote to this effect in *Engineering and Society* (University of Toronto Press, 1946). As Dean of the Faculty of Applied Science and Engineering he said, "Young engineers in training should realize that it will be their high duty to utilize their technology in such a manner as not to endanger social stability. Both sound understanding and professional courage are called for in these situations."

WE HAVE NOT KEPT UP

Expo '67 prompted us to ask whether Man and his technological world is in the same orbit as Man and his social world.

Dr. Halbert L. Dunn says in *Your World and Mine* (A Banner Book, 1956): "The power of science, unleashed for less than four hundred years, has transformed the physical world for mankind. Yet man's social, economic, and religious institutions have not progressed to match the pace set by science."

How is the lag to be eliminated? The social institutions of government, business and labour need to become as flexible as the institutions of science. Science is dynamic; no abstract ideologies stand in its way: social institutions remain rigid, resisting change, respecting sacred cows. The application of the scientific mode of thinking to social life has hardly begun.

The problem is very, very difficult. Social change is not easy to subject to scientific-type study. Every example of change occurs only once in exactly similar circumstances.

We cannot, however, await the assurance of success before moving toward a social adjustment to technology, but must take positive action based upon the mere hope of success. There is no alternative road. As Prince Philip said in an address to the British Association for the Advancement of Science: "Of what use is science if man does not survive?"

We need to cease taking our humanity for granted as something assured, and realize that we have to protect and develop it. It is virtually impossible to think of a single scientific discovery or technological innovation the social consequences of which were studied systematically and planned for in advance. Here is the place where the physical and social sciences should come together to apply the principles of truth-seeking to social problems.

The implications of science are now so great for all of us that scientists can no longer afford the special luxury of communicating only with their fellows. Dr. Hans Selye declared in his book *From Dream to Discovery:* "Whether he likes it or not, the scientist must occasionally find time to leave the isolation of his laboratory and try to stimulate public understanding of what he is doing, for he is the only one who can do this."

In our democratically organized nation, social organization and adjustment to change must be preceded by public discussion of the basic issues. Unless people are kept informed, mistakes are bound to occur.

Technology has given us facilities for collecting and transmitting facts, so that we have — if we choose to use it — a hitherto unparalleled opportunity to base our judgement and our decisions upon evidence collected from all over our country and from all the world.

There are satellite relays which will make available vast new bands of the radio spectrum, providing space for at least a million simultaneous television channels, or a million million radio circuits. Have we anything to say? Are we willing to listen?

Many organizations with good intentions accumulate batteries of steel files filled with statistical non-explanations of our dilemma. There is an opportunity clamouring at the doors of all research bodies in universities and social service: to set up research in the very practical field of helping human beings to survive in a technological society.

Those who write doctoral theses would profit mankind by directing their attention toward solution of the problems of living in a world governed by technology, thereby showing their capacity to assess what has occurred, their ability to contemplate what is happening now, and their intelligence in suggesting what man must do if he is to accommodate to the new conditions.

GOVERNMENTS HAVE RESPONSIBILITIES

All of the obligation for bringing mankind into line with the new world order does not rest upon the scientists and technologists.

Up until recent years men were willing to accept themselves and their environment as the unwitting outcome of preceding conditions. But now science has opened Pandora's Box of ideas and stimulated thought in every part of Canada and in every corner of the world.

The planet is inhabited by human beings who have grasped something new; they see themselves as factors in the evolutionary process, able in a measure to guide and further it. Government, technology and social science are obligated to help them to express their urge in an educated and wise way.

The most appropriate way to deal with the problems arising from technology is to create an appropriate society, worldwide and national. This demands socially literate governments which have studied the needs of their people in the light of present environment and developing trends, and are diligently engaged in action that will meet those needs.

The technological attitude of mind can contribute to the social life of the world. Every technologist knows what every politician and every business man needs to learn: there is a time to stop tinkering with the nuts and bolts and think of the whole machine. Governments must develop farsightedness, looking beyond the next election and the next invention to the continuing good of the people and taking the measures necessary to assure it. This is far from the plane of fragmented, compartmentalized decision-making, failing to take account of the interconnection of things and their results.

Technology cannot control itself. It cannot be controlled by the technicians. It cannot be successfully controlled by any limited or special group. Its effects must, therefore, be controlled by the whole community through its representative agencies. The highest aim of technology and government is this: the good human life of the multitude and the betterment of the conditions of human life.

If a scientific and humanistic statesmanship can bring all the ministries of science to the people, it will endow them with new powers of personal character, political efficiency and social satisfaction.

EDUCATION IS VITAL

Automation's most evident impact is on the qualifications needed by employees, and this affects vitally the course of education. If a time is at hand when automation demands electronic techniques from everyone, then those techniques are no longer secondary or higher education, but primary.

This does not mean merely technical training, but a liberal education in the sciences underlying technology. At present we are merely trying to catch up with the machine. It is not enough to prepare a youth for his first job, because under technological advance that job will change radically and often.

Education includes the accumulation of information which can be sorted, arranged, rearranged and brought into association to meet new situations—a broad education that will stress creative qualities not replaceable by machines. It will have a sense of proportion, holding fast to that which is good while adding innovating practices of promise.

The two million people over sixty living in Canada need not feel left out of this educational process. They may recall that in their youth the only science lesson they had was testing litmus paper in lemon juice to see it change colour, but they cannot linger on that experience. They need to learn about their universe as it is and as it is becoming: to realize the meaning of science, her powers and procedures.

One evening a week devoted to reading about the attainments of science would make us knowledgeable about what is going on in the world, and drawing aside the curtain just a little will smack of adventure.

We will be assisted in this by such institutions as the Centenary Centre of Science and Technology in Toronto. It has set itself to demonstrate that the achievement of science is the product of the growth of thought over the ages, developing from generation to generation.

These institutions are not the resting places of dust-collecting artifacts, but places where people may go to see and to study the means whereby we came to the scientific and living environment of 1968. They will show that the past is preliminary to today, and that what is happening today is shadowing forth the conditions of tomorrow, and that age by age man has to cope with change in order to live.

ENJOY TRUE VALUES

It is time that we started to enjoy some of the real fruits offered to us by technology. Its principal gifts are freedom from toilsome work and the boon of increased leisure. We have lost touch with the rhythm of the seasons and the hours. We allow ourselves to be pushed into positions where movement and disturbance seem to be the really pleasurable things.

No man can afford not to accord the world of human values a share in whatever we mean by reality. There were values inherent in the pre-industrial world which we may have sacrificed unnecessarily. Mahatma Gandhi sponsored the revival of cottage industry because he believed this.

Values such as the Good and the Beautiful are not fully described in temporal terms and they stand outside the scientific dictionary. Yet, says Dr. Martin Johnson in *Times, Knowledge and the Nebulae* (Dover, N.Y., 1947), there is nothing in science and technology to discredit the timeless reality of values through which all human character has its chance of conscious superiority over its temporal limitations.

WHERE IS THE END?

The question: "Where do we go from here?" is more progressive than "Why did we ever come here?"

It is true that we are moving faster and faster toward unknown horizons and a future dimly seen.

We cannot stop the trend. C. C. Furnas wrote with smug satisfaction in his postscript to his book reporting on science and invention: "Almost everything has been discovered; not quite everything, for we are still dribbling along, but almost." That was in 1936. Three years later research scientists published papers reporting about uranium fission, and atomic energy was just around the corner.

We do not know what new worlds, what new frontiers of science, what new techniques, are as yet undiscovered. Some forecasts of developments before the year 2000 are: reliable weather forecasts and regional weather control, translation of languages by computers, production of primitive artificial life, blanket immunization against infestious disease, and the economic production of synthetic protein foods.

Expected in the succeeding quarter century—when children born this year will be only in their fifties—are: direct links between the brain and the computer, chemicals to stimulate the growth of new organs and limbs, drugs to increase the life span, and other drugs to increase intelligence, education by direct recording on the brain, and production of a fifth of the world's food from ocean farming.

WE HAVE TO CHANGE

Throughout history, most people have greeted every technological advance with a compound of hope and fear. We have had an uneasy relationship to the machine, covering the whole series of emotions between love and hate, but we have managed to remain people who aspire to more things of value than are dreamt of in a mechanized world.

Among living things on this planet, so far as direct evidence reaches, science and philosophy belong to men only. Science is progressing very well: perhaps our philosophical approach should be a generous open-mindedness to new ideas, followed by a critical look at their potential effect for good or evil in human life, and hard-headedness in putting them to proof by test.

As new wavelets of scientific enlightenment keep creeping up the beach we shall have to change our situation somewhat; we may have to change ourselves somewhat. We cannot "sit this one out".

It is better to arrive at truth now and do something constructive toward preserving our social values than to trust blindly in the optimistic expectation that everything will turn out well. Highly-advanced Rome fell in the disaster that evolved from her political and social forms, and mankind had to wait more than a thousand years before society was again ready to pick up ancient experiments and carry them forward.

Men must not grow mechanical in head and heart as well as in hand, or the virtues in humanity will perish. As things stand now, the human race could have, by exercising its humanity, the swiftest expansion of human well-being that has ever been within men's reach, or even within their dreams.

PRESIDENT JOHNSON SETS THE RECORD STRAIGHT ABOUT AMERICA'S ACHIEVEMENTS IN A DIFFICULT TIME

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. BROOKS. Mr. Speaker, President Johnson has set the record straight about what this Nation has accomplished and what our attitude must be about meeting the problems that are not yet under control.

In a speech to the Arthritis Foundation, the President took issue with those who claim America is indifferent or neglectful in meeting its obligations to the needs of our citizens.

President Johnson said:

> I simply refuse to accept the diagnosis of fatal sickness in our society.

He added:

> I refuse to accept the diagnosis of indifference in our society.

Well, Mr. President, there are many other Americans who stand with you. I believe we can feel satisfaction over the persistent efforts made by Congress and the administration to act responsibly in meeting the problems of poverty, hunger, inadequate housing and insufficient health care and education.

We have made a promising start to eradicate these stubborn and complex problems. We cannot turn back, nor can we turn our backs on the work remaining to be done.

As the President noted:

> This nation has not yet solved its problems. Poverty, racism, ignorance, and illness still plague us. But we are on the move. The age old ills which agitate our communities can be solved. They will not be solved if we give way to crippling despair.

And the President concluded:

> They will be solved by the impatience of the American people—but not by pessimism.

To which, I think, we would all say, "Amen."

The text of the President's remarks before the Arthritis Foundation Dinner at the Waldorf Astoria in New York City, follows:

TEXT OF THE PRESIDENT'S REMARKS BEFORE THE ARTHRITIS FOUNDATION DINNER AT THE WALDORF ASTORIA, NEW YORK CITY, MAY 20, 1968

Nothing could give me greater pleasure than to join you in paying honor to Floyd Odlum.

Floyd Odlum's life, his career, and his civic concerns reflect a great deal, not only about the man, but about our country.

He has built a legendary record of personal and financial success.

But we who know Floyd are more impressed by the riches he has given than by the riches he has received.

His unselfish spirit tells us something about America: it reflects the truth, I believe, about a land and a people who, for all our faults, remain the most compassionate on earth.

Tonight we honor Floyd Odlum's contributions to a noble and vital cause: the Arthritis Foundation.

For a long time—and especially in the past four and a half years—I have made health and education a special interest of mine, for at least two reasons:

First of all, it puzzled and troubled me that these two vital fields were so often, and for so many years, the step-children of public policy.

Second, everything in my background and my career has led me to the conviction that we can find no solutions for our problems unless we overcome physical incapacity and ignorance—wherever they exist.

During my Administration, I have tried to show just how much government can do in these fields.

But I have known all along how little government can do—without the active and vocal support of private citizens, private organizations. You are such citizens—and the Arthritis Foundation is such an organization.

Surely no more vexing health problem can be named than the one you battle: arthritis.

It is the Nation's No. 1 crippler.

It robs the national economy of nearly $4 billion a year in lost time, medical expenses, diminished strength and productivity.

Worst of all, it ruins lives.

Like so many problems that we face in our Nation, this one is deep-rooted, pervasive, mysterious, unyielding. Like many other problems, it is buried beneath layers of ignorance and years of indifference. Like many other problems, this one is a long way from final solution.

But like our other problems, it is within our power to solve.

A famous commentator on the social scene once wrote, "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair; we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way."

That was Charles Dickens, one of the early warriors against poverty and illness and injustice. He was describing a period nearly 200 years ago. And he saw many similarities in his own period a little over a century ago.

Many would find similarities today.

As a people, we have never been more prosperous. Our Gross National Product has risen to over $830 billion—and the median family income in America is over $8,000 per year.

In the past seven years the growth alone in our nation's wealth has been greater than our entire gross national product thirty years ago.

Yet we have never been more conscious of—or more troubled about—the poverty in our midst.

More Americans than ever before are in school today: one-third of the nation's population. More people are going to college—more to adult education classes, more to job training and all the other forms of education from post-cradle to post-graduate.

Yet never have we been more restless about the shortcomings of public education; never have we been more eager to extend the opportunity for learning to those who have been neglected.

Our nation's health standards are at an all-time high, measured by an index we can devise: life expectancy, infant mortality, incidence of disease, delivery of health services.

Yet never have we as a people been more anxious—and more eager to extend the quality and the reach of health care.

There are some despairing critics who look at this gap between achievement and expectation and claim there is a sickness in our society.

To me, the fact that we recognize a gap—a gap between achievement and expectation—represents a symptom of health; a sign of self-renewal; a sign that our prosperous nation has not succumbed to complacency and self-indulgence.

I suppose there will be many who call me a Pollyanna for saying that; and I have been called worse. But I am no Pollyanna.

I simply refuse to accept the diagnosis of fatal sickness in our society.

I refuse to accept the diagnosis of indifference in our society—because I see millions of Americans and billions of dollars working to conquer poverty; I see an unprecedented outpouring of imagination and concern and money to cure the handicap of poverty.

I refuse to accept a diagnosis of deep racism in our society—because I see a people struggling as never before to overcome injustice; I cannot ignore the progress we have made in this decade to write equality in our books of law.

Look at these simple facts. In 30 years of struggle—from 1935 to 1964—we increased the Federal share of our gross national product going into health and medical care from .2% to .7%. Then, in 4 years time we more than doubled it—from .7% to 1.7%.

The same thing is true in the field of education. From 1935 to 1964, the Federal share of GNP for education moved from .1% to .7%. Then in 4 years time, we doubled it—from .7% to 1.4%.

These are the true measures of our progress; how much of our nation's wealth we allocate to these two areas of our greatest public concern—education and health.

In the past five years, the Federal government has enacted over thirty major health measures. It has more than doubled annual spending on health, from $6 billion to almost $14 billion.

We are beginning to see the results. The death rate in the United States is now as low as it has ever been in the nation's history. It is 3% lower than in 1963—an annual saving of fifty-four thousand American lives.

Infant deaths have declined 13% since 1963—to the lowest rate in our nation's history.

And Medicare now brings the guarantee of adequate health service to over 19 million senior Americans.

Now is no time to retreat from this progress.

This nation has not yet solved its problems. Poverty, racism, ignorance and illness still plague us.

But we are on the move. The age-old ills which agitate our communities can be solved.

They will not be solved if we give way to crippling despair.

They will not be solved if we delude ourselves with labels and slogans which are substitutes for ideas—not ideas.

They will be solved by realism, by determination, by commitment—by hope and by self-discipline.

They will be solved by the impatience of the American people—but not by pessimism.

They will be solved by the concern of individuals like Floyd Odlum, the man we honor tonight—and organizations, like the Arthritis Foundation.

We must face the future with the spirit attributed to Winston Churchill in a story which may or may not be true. It seems that the Prime Minister was visited by a delegation of Temperance ladies who came to complain about his consumption of brandy.

One little lady addressed Mr. Churchill and declared, "Why Mr. Prime Minister, if all the brandy you drank in a year was poured into this room, it would come up to here."

Mr. Churchill looked solemnly at the floor, at the ceiling, and at the little lady's hand somewhere near the midway mark. And then he muttered, "So little done; so much to do!"

EVOLUTION OF THE WORLDWIDE THALIDOMIDE DISASTER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. METCALF. Mr. President, the current issue of Look magazine and last Sunday's Sunday Times of London contain shocking accounts of the evolution of the worldwide Thalidomide disaster, which caused the birth of thousands of babies without arms and legs. The article reports that the prosecution of officials of the German firm involved will open next Monday. These accounts have a special and poignant relevance today because of the news that Dr. James L. Goddard, Commissioner of the Food and Drug Administration, has resigned, with a recommendation to the Johnson administration that his proconsumer policies be carried on by Dr. Herbert L. Ley, Jr., Director of the FDA's Bureau of Medicine.

Senators will recall that John W. Gardner, former Secretary of Health, Education, and Welfare, sought out Dr. Goddard because of the desperate need to put the FDA into the hands of a man who would put the public interest first. His predecessor's failure to do this was a disaster for the American people of a kind that President Johnson and Secretary Wilbur Cohen must be certain will never again be repeated. Lest we forget how former Commissioner George P. Larrick misconceived his responsibilities when the awful news reached him in November 1961, that there was an apparent association between Thalidomide and the occurrence of birth deformities, I ask unanimous consent to insert in the RECORD certain excerpts from "By Prescription Only," a book by Morton Mintz, who is a reporter for the Washington Post. He is the newsman who, it may be recalled, broke the story on July 15, 1962, of how Dr. Frances O. Kelsey kept Thalidomide off the American commercial market. I invite attention to the following passage:

> The benefit of the doubt in George Larrick's FDA went not to the children who could be spared a life without limbs, but to a drug company with which he was not quarreling. The benefit of the doubt continued to go to the company even after the FDA knew that it had delayed issuing a warning to most of its Thalidomide investigators for three and one-half months, even after FDA had declared data submitted by the company on MER/29 fraudulent, and even after all Merrell data had become suspect and put into temporary quarantine for verification.

Mr. President, the consequences for the people of this Nation can be catastrophic if pharmaceutical companies are allowed to do business unrestrained by a dedicated, qualified, and tough Commissioner of the FDA. All doubt of this is removed by the horrifying disclosures in the two articles to which I referred at the outset. I ask unanimous consent that the article published in the London Sunday Times be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE THALIDOMIDE FILE

(NOTE.—Next week the great trial opens in Germany. Insight today tells the full disturbing story based on the manufacturer's internal documents.)

Next week in a converted canteen near Aachen, nine men will go on trial before a German court charged with intent to commit bodily harm and with involuntary manslaughter.

The trial is expected to last two years. There will be fourteen judges. The prosecution alone will produce 352 witnesses. The evidence that has been taken already runs to 70,000 pages. There has been nothing remotely comparable in Germany, in scale or in emotional intensity, since Nuremberg.

The defendants are the owner, six present employees and two former employees of a firm called Chemie Grünenthal.

Few, if any, of the victims will be present in court. There are thousands of them: in Germany alone, at least one thousand adults suffering from severe nerve damage, and perhaps five thousand babies born with appalling deformities. Some of them died. Some of them were killed at birth. Some tragically handicapped, are still alive. The drug was sold under many names. It became notorious as thalidomide.

This is what the prosecution case amounts to:

That in 1958 the nine men in the dock put on sale a drug which, even when taken according to instructions, caused an unacceptable degree of bodily harm.

That they failed to test it properly.

That they went out of their way to advertise it as safe when they could give no guarantee that it was.

That in fact it was so very far from safe that it caused those who took it to itch, shake, sweat, vomit, and even to lose the power to stand upright.

That when these reactions were reported to them they first systematically brushed them aside; that some of them lied to doctors who questioned them; then—when the reports became too insistent to be ignored—did all they could to suppress them and, with money, to induce other doctors to write favorable reports.

And that this same drug, which the sales department called "the apple of our eye" because it was so profitable, caused an epidemic of monstrously deformed babies.

All this the nine defendants will deny. As far as the nerve damage to adults is concerned, they will maintain that they acted promptly and responsibly when the danger was first brought to their attention. As for the deformities, they will claim that there is still no proof that thalidomide was the cause.

Ever since the news of the disaster became known to the public in November, 1961, there has been intense interest in the story of thalidomide. Hundreds of journalists are now converging on the trial, and hundreds of newspapers will be rewriting the human story of the thalidomide victims. It is a terrible story, of children born to lifelong pain and humiliation, and of brave people struggling under every kind of disadvantage to make the best of their own, their children's or their patient's broken lives.

That tragic story has often been told, and each learns what he can from it. But are there other, more practical lessons to be learned? How could educated men, doctors and scientists, make such a mistake, and, having made it, refuse to admit it? Was it blind, unavoidable tragedy, or was it that avoidable kind of tragedy which men call crime? These and many other matters are questions for the court: here at least, from authentic documents, is the full story of what happened.

The firm of Chemie Grünenthal has its headquarters in the little town of Stolberg, near the Belgian border, in a sturdy three-story building which started life as a copper foundry in the eighteenth century. The onion-domed roofs and walls of rough masonry overlook a courtyard lined with laurels and Mercedes.

Grünenthal was set up after the Second World War. It was an off-shoot of an old family firm called Dalli-Werke, Maurer & Wirtz, which makes soaps, detergents, and cosmetics in Aachen. The head of the new firm was Hermann Wirtz, a member of the family. Their first pharmaceutical products were antibiotics: first foreign ones made under licence, and later two new drugs discovered in their own laboratories, called xanthocillin and tyrothricin.

In July, 1946, the company took on, as head of its research lab, a thirty-two-year-old called Dr. Heinrich Mückter. Mückter had qualified both as a chemist and as a doctor before the war. During the war he was a senior doctor (*chefarzt*), at the Institute for Typhus and Virus Research at Cracow, in Poland, which came under the German Army High Command.

According to evidence presented at the Nuremburg Nazi doctors' trial, this Institute provided Weigl serum out of the intestines of lice which was used to inoculate thirty-one human guinea pigs taken from among the prisoners at the infamous Buchenwald concentration camp. Ten of the prisoners died as a result of being given the virus. Mückter's precise role at the Institute is not clear. The Polish authorities merely say: "Mückter was loyal to his German superiors but committed no criminal acts against the Polish population."

Apart from Wirtz and Mückter, the most important of the other executives at Grünenthal were self-made men: Jacob Chauvistré, who had started with Dalli-Werke straight from school and worked his way up to joint managing director; Hermann Leufgens, the other joint managing director, who had also worked his way up from a commercial apprenticeship, and Klaus Winandi, the sales manager, who had worked for Dalli-Werke before the war, and had been a prisoner of war. All six are among the nine who will be in the dock next week.

Chemie Grünenthal, in fact, was a small firm typical of the many such firms which brought about the post-war economic miracle in Germany. It was run by ambitious, competent men, who thought in terms of "my company, right or wrong." Certainly none of them could see far beyond the company's interests.

THE FIRST TESTS ON DRUG K17

Thalidomide was discovered by accident. In the spring of 1954 Mückter was looking for an effective diuretic: working with a substance called carbonic anhydrase. (A diuretic is a drug that reduces body fluids and therefore obesity. Since obesity and associated heart disease was becoming a big medical problem in the West it was expected to be a good seller.)

To arrive at the final chemical, Mückter and his two assistants, Dr. Herbert Keller and Dr. Wilhelm Kunz, had to go through a number of different stages, each of which yielded a by-product. As a matter of routine they tested the by-products for pharmacological action. One of them looked promising. It was a piperidine compound of glutamine. Its chemical name was α-phthalimido-glutarimide. It was white and tasteless and it crystallised into fine needles. They labelled it K17. It became known internationally as thalidomide.

Mückter was a good enough chemist to suspect from its molecular structure that K17 could have a sedative action, because of its similarity to glutethimide, already in use as a sedative. He was also a shrewd businessman; shrewd enough to have a contract which gave him 1 per cent of Grünenthal's turnover as a bonus over and above his salary, and shrewd enough to see that in K17 Grünenthal could be on to a good thing.

The sleeping pill boom that has been a phenomenon of modern western civilisation was already well under way—in Britain alone it was estimated that one million people took some sort of pill every night. There was a huge market for a new sedative, especially one free from barbiturates with their unpleasant side-effects and danger of suicide.

Mückter's work changed gear. K17 became the focus of his research programme. In the first weeks of 1955 his team began pharmacological and toxicological tests on animals, mainly on rodents. The results of the tests on animals were summarised in a paper by Kunz, Keller and Mückter, published in 1956.

The extraordinary thing about their findings was not that K17 had a sedative action—they had suspected this—but that it apparently had no *dos toxalis* 50, the fatal dose that kills half the laboratory animals in an experiment. In other words it appeared that thalidomide was incredibly harmless, even when taken in large doses. It could not kill. *This was a vital finding.* It was to be the basis of Grünenthal's advertising for the next five or six years, and was one of the main reasons why the use of thalidomide became so widespread. But how good were the tests employed by Mückter and his colleagues to decide that thalidomide had "extremely low toxicity"?

In 1965 scientists at the University of Stockholm were asked to analyse the German report. They made the following points:

"The number of animal experiments in the toxicity tests was far too small; that because of this, a low frequency of side effects could not be detected, though these are important for a sedative like thalidomide and very necessary if the substance is to be declared nonpoisonous. The conventional toxicological and pharmacological tests are most unsatisfactory. Kunz Keller and Müchter openly tried to hoodwink the reader by creating a false impression of the scope of their tests."

The prosecutor puts it like this: "this sales talk ignored the fact—universally recognized in pharmacology . . . that no amount of experiments conducted on any amount of animals . . . can entitle a manufacturer to speak of 'guaranteed non-toxicity' and 'harmlessness' for human beings."

Grünenthal had no qualms. They went ahead with clinical trials. The preliminary results of the effect of thalidomide on human beings were given at a "Thalidomide Symposium" held in the Grünenthal factory on December 16, 1955. The nine doctors Grünenthal had recruited for the tests included dermatologists, psychiatrists and neurologists. Their verdict was hardly overwhelmingly favorable. Four were in favor of the drug, four had mixed reactions and one was decisively against it.

The main report in favor was by Dr. Hermann Jung, a part-time Grünenthal employee earning about 200 DM a month (about £17) as a routine tester. Early in 1955 in a clinic in Cologne he gave K17 to 20 patients, mostly tubercular, for four weeks. On the basis of these trials he reported at the beginning of June that the drug was ready to be marketed. He went on experimenting however and in later tests found that K17 produced dizziness, constipation and a drop in temperature, shivering and a buzzing in the ears. But, undeterred, Jung told the thalidomide symposium in December:

"We have in K17 a substance which at the correct dose level has no undesirable side effects. I believe that K17 is a satisfactory drug, and that with the necessary propaganda it will succeed in the pharmaceutical market."

So further trials followed. Again K17 was sent out to specialists. Two replied favourably but any satisfaction this might have given Grünenthal was shattered by a critical report from Dr. Ferdinand Piacenza, the doctor in charge of the Wasach Sanatorium near Oberstdorf. Dr. Piacenza said he had been forced to break off tests with thalidomide because of "absolute non-toleration." He described various side effects including, significantly, symptoms of what he considered to be allergic reaction.

Mückter replied on behalf of Grünenthal: "We have never had such a negative report as yours." He blamed too high a dose for the reactions in Piacenza's patients—"K17 is such a strong sedative that in general small doses are sufficient"—and dismissed Piacenza's suggestion that K17 was an allergy-producing substance. "The only explanation left is that (the reactions) are a disturbance in the nervous system, following too high a dosage over a long period of time."

This remark of Mückter's is significant on two counts—it shows that he was aware that K17 could affect the nervous system and that there was a point at which dosage became too high. It is odd, therefore, that when K17 went on the market, the company's instructions should include the vaguely worded phrase, "in case of sleeplessness Contergan can be taken in higher doses without any danger."

Thalidomide's prospects at this stage were not good. In the three years since the drug had been discovered, testing had been sporadic. The numbers and controls had been inadequate, not all the possible trials on animals had been carried out, the trials on humans had left many questions unanswered and had given rise to misgivings about toleration and side effects. Yet, on September 2, 1957, at a meeting between Mückter Winandi and managing director Chauvistré, it was decided to put thalidomide on the market.

THE GREAT PUBLICITY CAMPAIGN

Thalidomide went on sale on Tuesday, October 1, 1957. After some deliberation Grünenthal had chosen the word CONTERGAN as a brand name. Thalidomide was exported to about 11 European, 7 African, 17 Asiatic and 11 American countries. In addition it was produced by a number of firms under license, under a total of 51 names such as Softenon, Softenil, Distaval, Babysitter (a version specially for children), and Neurosedyn. There were a few imitations of the drug in Italy and Japan, for which Grünenthal were not responsible.

Once they had decided to launch the drug they decided to do it properly. They spent money copiously. They bought 50 advertisements in the major medical journals and sent out 200,000 letters to doctors. The theme was set out in a circular dated September 26, 1957, issued by Mückter's scientific research department, and addressed to all associates. The idea was to emphasize "sure to work and completely nonpoisonous." The circular continued: "The atoxicity proved in animal experiments makes Contergan completely safe and this gives the preparation its special opportunity."

This was no ordinary claim. No previous sedative was known to have these properties. Yet it was a claim that was to appear again and again—in the instructions on publicity, in notes to doctors and chemists, and in the packets sold to the public. And the claim worked.

A CLAIM OF SAFETY IN PREGNANCY

The next stage in Grünenthal's sales campaign proved to be the decisive step in the tragedy. They began promoting it for use by pregnant and nursing women.

On May 2, 1958, Dr. Augustin Peter Blasiu, who are retained by the company, published an article in "Medizinische Klinik": "Experiences Gained with Contergan in Gynaecological Practice," based on tests in his own private nursing home in Munich.

The article said that he had used Contergan on 370 patients, of whom 160 were nursing mothers, since 1956. "Side effects were not observed, either with mother or babies," he reported. The general tone of his article was entirely favourable to Contergan—except for one major flaw, it did not mention *pregnant* women.

As Dr. Blasiu said later: "This drug was never prescribed for pregnant women. It is my basic rule never to give sleeping pills or tranquillisers to mothers-to-be. In my article I say that I gave Contergan only to nursing mothers and operation cases."

In view of this Grünenthal's next action is inexplicable. They sent to 40,245 general practitioners a leaflet containing extracts from Dr. Blasiu's report with a carefully-worded letter implying that thalidomide could be taken safely during pregnancy.

The letter reads (italics ours):

"Dear Doctors,

In pregnancy and during birth the feminine organism is under great strain. Sleeplessness, unrest and tension are constant complaints. The prescription of a sedative and hypnotic that *will hurt neither mother nor child* is therefore often necessary. Blasiu has given many patients in his gynaecological department and in his obstetrical practice Contergan and Contergan forte. Depth and length of sleep were good and patients could be easily awakened from deep sleep. Contergan had no effect on the nursing baby."

In a statement to the German authorities in 1964, Blasiu stated that he knew nothing of this letter, and that if he had known, he would have taken steps to have it stopped. "I would most emphatically have visited the circulation of such a letter using my name and referring to my report. I consider that this letter from the firm to the medical profession is unfair misleading and irresponsible. . . ."

That thalidomide was *safe*, even for expectant and nursing mothers was now one of the main themes of the company's advertising and was to remain so until it withdrew the drug from the market. Yet the claim continued to be based on dubious premises. As late as 1961, Grünenthal was approving claims in sales leaflets such as the following sent to doctors in Canada:

OB/GYN patient—No side effects in pregnancy or lactation. When 100 mg. of Kevadon was administered for insomnia to expectant mothers (16) and nursing mothers (12) all of the babies were born or nursed without any abnormalities or harmful effects from the medication.

Reference 16 is a report by Dr. Ray Nulsen, called "Treatment of Insomnia in the Third Trimester of Pregnancy" which was published in the American Journal of Obstetrics and Gynaecology. Dr. Nulsen, an American, was examined for a deposition on April 14, 1966. (Merrell, a large American pharmaceutical concern was associated with Grünenthal in trying to get the authorities in the United States to accept thalidomide for sale there.) Part of the examination goes as follows:

Q. Now, did you know, sir, that an article was published in the American Journal of Obstetrics and Gynaecology entitled "Trial of Thalidomide in Insomnia Associated with the Third Trimester"?

A. Yes.

Q. And does it bear your name?

A. Yes.

Q. Now, sir, did you physically write the article?

A. No.

Q. Who wrote it?

EVOLUTION OF THE WORLDWIDE THALIDOMIDE DISASTER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. METCALF. Mr. President, the current issue of Look magazine and last Sunday's Sunday Times of London contain shocking accounts of the evolution of the worldwide Thalidomide disaster, which caused the birth of thousands of babies without arms and legs. The article reports that the prosecution of officials of the German firm involved will open next Monday. These accounts have a special and poignant relevance today because of the news that Dr. James L. Goddard, Commissioner of the Food and Drug Administration, has resigned, with a recommendation to the Johnson administration that his proconsumer policies be carried on by Dr. Herbert L. Ley, Jr., Director of the FDA's Bureau of Medicine.

Senators will recall that John W. Gardner, former Secretary of Health, Education, and Welfare, sought out Dr. Goddard because of the desperate need to put the FDA into the hands of a man who would put the public interest first. His predecessor's failure to do this was a disaster for the American people of a kind that President Johnson and Secretary Wilbur Cohen must be certain will never again be repeated. Lest we forget how former Commissioner George P. Larrick misconceived his responsibilities when the awful news reached him in November 1961, that there was an apparent association between Thalidomide and the occurrence of birth deformities, I ask unanimous consent to insert in the RECORD certain excerpts from "By Prescription Only," a book by Morton Mintz, who is a reporter for the Washington Post. He is the newsman who, it may be recalled, broke the story on July 15, 1962, of how Dr. Frances O. Kelsey kept Thalidomide off the American commercial market. I invite attention to the following passage:

> The benefit of the doubt in George Larrick's FDA went not to the children who could be spared a life without limbs, but to a drug company with which he was not quarreling. The benefit of the doubt continued to go to the company even after the FDA knew that it had delayed issuing a warning to most of its Thalidomide investigators for three and one-half months, even after FDA had declared data submitted by the company on MER/29 fraudulent, and even after all Merrell data had become suspect and put into temporary quarantine for verification.

Mr. President, the consequences for the people of this Nation can be catastrophic if pharmaceutical companies are allowed to do business unrestrained by a dedicated, qualified, and tough Commissioner of the FDA. All doubt of this is removed by the horrifying disclosures in the two articles to which I referred at the outset. I ask unanimous consent that the article published in the London Sunday Times be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE THALIDOMIDE FILE

(NOTE.—Next week the great trial opens in Germany. Insight today tells the full disturbing story based on the manufacturer's internal documents.)

Next week in a converted canteen near Aachen, nine men will go on trial before a German court charged with intent to commit bodily harm and with involuntary manslaughter.

The trial is expected to last two years. There will be fourteen judges. The prosecution alone will produce 352 witnesses. The evidence that has been taken already runs to 70,000 pages. There has been nothing remotely comparable in Germany, in scale or in emotional intensity, since Nuremberg.

The defendants are the owner, six present employees and two former employees of a firm called Chemie Grünenthal.

Few, if any, of the victims will be present in court. There are thousands of them: in Germany alone, at least one thousand adults suffering from severe nerve damage, and perhaps five thousand babies born with appalling deformities. Some of them died. Some of them were killed at birth. Some tragically handicapped, are still alive. The drug was sold under many names. It became notorious as thalidomide.

This is what the prosecution case amounts to:

That in 1958 the nine men in the dock put on sale a drug which, even when taken according to instructions, caused an unacceptable degree of bodily harm.

That they failed to test it properly.

That they went out of their way to advertise it as safe when they could give no guarantee that it was.

That in fact it was so very far from safe that it caused those who took it to itch, shake, sweat, vomit, and even to lose the power to stand upright.

That when these reactions were reported to them they first systematically brushed them aside; that some of them lied to doctors who questioned them; then—when the reports became too insistent to be ignored—did all they could to suppress them and, with money, to induce other doctors to write favorable reports.

And that this same drug, which the sales department called "the apple of our eye" because it was so profitable, caused an epidemic of monstrously deformed babies.

All this the nine defendants will deny. As far as the nerve damage to adults is concerned, they will maintain that they acted promptly and responsibly when the danger was first brought to their attention. As for the deformities, they will claim that there is still no proof that thalidomide was the cause.

Ever since the news of the disaster became known to the public in November, 1961, there has been intense interest in the story of thalidomide. Hundreds of journalists are now converging on the trial, and hundreds of newspapers will be rewriting the human story of the thalidomide victims. It is a terrible story, of children born to lifelong pain and humiliation, and of brave people struggling under every kind of disadvantage to make the best of their own, their children's or their patient's broken lives.

That tragic story has often been told, and each learns what he can from it. But are there other, more practical lessons to be learned? How could educated men, doctors and scientists, make such a mistake, and, having made it, refuse to admit it? Was it blind, unavoidable tragedy, or was it that avoidable kind of tragedy which men call crime? These and many other matters are questions for the court: here at least, from authentic documents, is the full story of what happened.

The firm of Chemie Grünenthal has its headquarters in the little town of Stolberg, near the Belgian border, in a sturdy three-story building which started life as a copper foundry in the eighteenth century. The onion-domed roofs and walls of rough masonry overlook a courtyard lined with laurels and Mercedes.

Grünenthal was set up after the Second World War. It was an off-shoot of an old family firm called Dalli-Werke, Maurer & Wirtz, which makes soaps, detergents, and cosmetics in Aachen. The head of the new firm was Hermann Wirtz, a member of the family. Their first pharmaceutical products were antibiotics: first foreign ones made under licence, and later two new drugs discovered in their own laboratories, called xanthocillin and tyrothricin.

In July, 1946, the company took on, as head of its research lab, a thirty-two-year-old called Dr. Heinrich Mückter. Mückter had qualified both as a chemist and as a doctor before the war. During the war he was a senior doctor (*chefarzt*), at the Institute for Typhus and Virus Research at Cracow, in Poland, which came under the German Army High Command.

According to evidence presented at the Nuremburg Nazi doctors' trial, this Institute provided Weigl serum out of the intestines of lice which was used to inoculate thirty-one human guinea pigs taken from among the prisoners at the infamous Buchenwald concentration camp. Ten of the prisoners died as a result of being given the virus. Mückter's precise role at the Institute is not clear. The Polish authorities merely say: "Mückter was loyal to his German superiors but committed no criminal acts against the Polish population."

Apart from Wirtz and Mückter, the most important of the other executives at Grünenthal were self-made men: Jacob Chauvistré, who had started with Dalli-Werke straight from school and worked his way up to joint managing director; Hermann Leufgens, the other joint managing director, who had also worked his way up from a commercial apprenticeship, and Klaus Winandi, the sales manager, who had worked for Dalli-Werke before the war, and had been a prisoner of war. All six are among the nine who will be in the dock next week.

Chemie Grünenthal, in fact, was a small firm typical of the many such firms which brought about the post-war economic miracle in Germany. It was run by ambitious, competent men, who thought in terms of "my company, right or wrong." Certainly none of them could see far beyond the company's interests.

THE FIRST TESTS ON DRUG K17

Thalidomide was discovered by accident. In the spring of 1954 Mückter was looking for an effective diuretic: working with a substance called carbonic anhydrase. (A diuretic is a drug that reduces body fluids and therefore obesity. Since obesity and associated heart disease was becoming a big medical problem in the West it was expected to be a good seller.)

To arrive at the final chemical, Mückter and his two assistants, Dr. Herbert Keller and Dr. Wilhelm Kunz, had to go through a number of different stages, each of which yielded a by-product. As a matter of routine they tested the by-products for pharmacological action. One of them looked promising. It was a piperidine compound of glutamine. Its chemical name was α-phthalimido-glutarimide. It was white and tasteless and it crystallised into fine needles. They labelled it K17. It became known internationally as thalidomide.

Mückter was a good enough chemist to suspect from its molecular structure that K17 could have a sedative action, because of its similarity to glutethimide, already in use as a sedative. He was also a shrewd businessman; shrewd enough to have a contract which gave him 1 per cent of Grünenthal's turnover as a bonus over and above his salary, and shrewd enough to see that in K17 Grünenthal could be on to a good thing.

The sleeping pill boom that has been a phenomenon of modern western civilisation was already well under way—in Britain alone it was estimated that one million people took some sort of pill every night. There was a huge market for a new sedative, especially one free from barbiturates with their unpleasant side-effects and danger of suicide.

Mückter's work changed gear. K17 became the focus of his research programme. In the first weeks of 1955 his team began pharmacological and toxicological tests on animals, mainly on rodents. The results of the tests on animals were summarised in a paper by Kunz, Keller and Mückter, published in 1956.

The extraordinary thing about their findings was not that K17 had a sedative action—they had suspected this—but that it apparently had no *dos toxalis* 50, the fatal dose that kills half the laboratory animals in an experiment. In other words it appeared that thalidomide was incredibly harmless, even when taken in large doses. It could not kill. *This was a vital finding.* It was to be the basis of Grünenthal's advertising for the next five or six years, and was one of the main reasons why the use of thalidomide became so widespread. But how good were the tests employed by Mückter and his colleagues to decide that thalidomide had "extremely low toxicity"?

In 1965 scientists at the University of Stockholm were asked to analyse the German report. They made the following points:

"The number of animal experiments in the toxicity tests was far too small; that because of this, a low frequency of side effects could not be detected, though these are important for a sedative like thalidomide and very necessary if the substance is to be declared nonpoisonous. The conventional toxicological and pharmacological tests are most unsatisfactory. Kunz Keller and Müchter openly tried to hoodwink the reader by creating a false impression of the scope of their tests."

The prosecutor puts it like this: "this sales talk ignored the fact—universally recognized in pharmacology . . . that no amount of experiments conducted on any amount of animals . . . can entitle a manufacturer to speak of 'guaranteed non-toxicity' and 'harmlessness' for human beings."

Grünenthal had no qualms. They went ahead with clinical trials. The preliminary results of the effect of thalidomide on human beings were given at a "Thalidomide Symposium" held in the Grünenthal factory on December 16, 1955. The nine doctors Grünenthal had recruited for the tests included dermatologists, psychiatrists and neurologists. Their verdict was hardly overwhelmingly favorable. Four were in favor of the drug, four had mixed reactions and one was decisively against it.

The main report in favor was by Dr. Hermann Jung, a part-time Grünenthal employee earning about 200 DM a month (about £17) as a routine tester. Early in 1955 in a clinic in Cologne he gave K17 to 20 patients, mostly tubercular, for four weeks. On the basis of these trials he reported at the beginning of June that the drug was ready to be marketed. He went on experimenting however and in later tests found that K17 produced dizziness, constipation and a drop in temperature, shivering and a buzzing in the ears. But, undeterred, Jung told the thalidomide symposium in December:

"We have in K17 a substance which at the correct dose level has no undesirable side effects. I believe that K17 is a satisfactory drug, and that with the necessary propaganda it will succeed in the pharmaceutical market."

So further trials followed. Again K17 was sent out to specialists. Two replied favourably but any satisfaction this might have given Grünenthal was shattered by a critical report from Dr. Ferdinand Piacenza, the doctor in charge of the Wasach Sanatorium near Oberstdorf. Dr. Piacenza said he had been forced to break off tests with thalidomide because of "absolute non-toleration." He described various side effects including, significantly, symptoms of what he considered to be allergic reaction.

Mückter replied on behalf of Grünenthal: "We have never had such a negative report as yours." He blamed too high a dose for the reactions in Piacenza's patients—"K17 is such a strong sedative that in general small doses are sufficient"—and dismissed Piacenza's suggestion that K17 was an allergy-producing substance. "The only explanation left is that (the reactions) are a disturbance in the nervous system, following too high a dosage over a long period of time."

This remark of Mückter's is significant on two counts—it shows that he was aware that K17 could affect the nervous system and that there was a point at which dosage became too high. It is odd, therefore, that when K17 went on the market, the company's instructions should include tne vaguely worded phrase, "in case of sleeplessness Contergan can be taken in higher doses without any danger."

Thalidomide's prospects at this stage were not good. In the three years since the drug had been discovered, testing had been sporadic. The numbers and controls had been inadequate, not all the possible trials on animals had been carried out, the trials on humans had left many questions unanswered and had given rise to misgivings about toleration and side effects. Yet, on September 2, 1957, at a meeting between Mückter Winandi and managing director Chauvistré, it was decided to put thalidomide on the market.

THE GREAT PUBLICITY CAMPAIGN

Thalidomide went on sale on Tuesday, October 1, 1957. After some deliberation Grünenthal had chosen the word CONTERGAN as a brand name. Thalidomide was exported to about 11 European, 7 African, 17 Asiatic and 11 American countries. In addition it was produced by a number of firms under license, under a total of 51 names such as Softenon, Softenil, Distaval, Babysitter (a version specially for children), and Neurosedyn. There were a few imitations of the drug in Italy and Japan, for which Grünenthal were not responsible.

Once they had decided to launch the drug they decided to do it properly. They spent money copiously. They bought 50 advertisements in the major medical journals and sent out 200,000 letters to doctors. The theme was set out in a circular dated September 26, 1957, issued by Mückter's scientific research department, and addressed to all associates. The idea was to emphasize "sure to work and completely nonpoisonous." The circular continued: "The atoxicity proved in animal experiments makes Contergan completely safe and this gives the preparation its special opportunity."

This was no ordinary claim. No previous sedative was known to have these properties. Yet it was a claim that was to appear again and again—in the instructions on publicity; in notes to doctors and chemists, and in the packets sold to the public. And the claim worked.

A CLAIM OF SAFETY IN PREGNANCY

The next stage in Grünenthal's sales campaign proved to be the decisive step in the tragedy. They began promoting it for use by pregnant and nursing women.

On May 2, 1958, Dr. Augustin Peter Blasiu, who are retained by the company, published an article in "Medizinische Klinik": "Experiences Gained with Contergan in Gynaecological Practice," based on tests in his own private nursing home in Munich.

The article said that he had used Contergan on 370 patients, of whom 160 were nursing mothers, since 1956. "Side effects were not observed, either with mother or babies," he reported. The general tone of his article was entirely favourable to Contergan—except for one major flaw, it did not mention *pregnant* women.

As Dr. Blasiu said later: "This drug was never prescribed for pregnant women. It is my basic rule never to give sleeping pills or tranquillisers to mothers-to-be. In my article I say that I gave Contergan only to nursing mothers and operation cases."

In view of this Grünenthal's next action is inexplicable. They sent to 40,245 general practitioners a leaflet containing extracts from Dr. Blasiu's report with a carefully-worded letter implying that thalidomide could be taken safely during pregnancy.

The letter reads (italics ours):

"Dear Doctors,

In pregnancy and during birth the feminine organism is under great strain. Sleeplessness, unrest and tension are constant complaints. The prescription of a sedative and hypnotic that *will hurt neither mother nor child* is therefore often necessary. Blasiu has given many patients in his gynaecological department and in his obstetrical practice Contergan and Contergan forte. Depth and length of sleep were good and patients could be easily awakened from deep sleep. Contergan had no effect on the nursing baby."

In a statement to the German authorities in 1964, Blasiu stated that he knew nothing of this letter, and that if he had known, he would have taken steps to have it stopped. "I would most emphatically have visited the circulation of such a letter using my name and referring to my report. I consider that this letter from the firm to the medical profession is unfair misleading and irresponsible. . . ."

That thalidomide was *safe*, even for expectant and nursing mothers was now one of the main themes of the company's advertising and was to remain so until it withdrew the drug from the market. Yet the claim continued to be based on dubious premises. As late as 1961, Grünenthal was approving claims in sales leaflets such as the following sent to doctors in Canada:

OB/GYN patient—No side effects in pregnancy or lactation. When 100 mg. of Kevadon was administered for insomnia to expectant mothers (16) and nursing mothers (12) all of the babies were born or nursed without any abnormalities or harmful effects from the medication.

Reference 16 is a report by Dr. Ray Nulsen, called "Treatment of Insomnia in the Third Trimester of Pregnancy" which was published in the American Journal of Obstetrics and Gynaecology. Dr. Nulsen, an American, was examined for a deposition on April 14, 1966. (Merrell, a large American pharmaceutical concern was associated with Grünenthal in trying to get the authorities in the United States to accept thalidomide for sale there.) Part of the examination goes as follows:

Q. Now, did you know, sir, that an article was published in the American Journal of Obstetrics and Gynaecology entitled "Trial of Thalidomide in Insomnia Associated with the Third Trimester"?

A. Yes.

Q. And does it bear your name?

A. Yes.

Q. Now, sir, did you physically write the article?

A. No.

Q. Who wrote it?

A. Dr. — or someone at the Merrell company.

Q. Did you supply for this article any of the information with respect to the chemical facts contained in this article?

A. No.

Q. Did you supply any of the footnotes for the article?

A. No.

So Grünenthal were quoting, as support for their claim that thalidomide was safe to use on pregnant mothers, first, a doctor who had not tested the drug on pregnant women at all, and second, a doctor whose report had been written for him by an employee of a pharmaceutical company closely linked with Grünenthal itself.

The first complaint about Contergan from an independent source reached Grünenthal in July, 1958. Professor Gustav Schmaltz, in Frankfurt, had not been testing the drug, merely giving it to his patients as Grünenthal prescribed. He reported that thalidomide caused giddiness and slight disturbance of balance in the elderly. Grünenthal replied: "We feel obliged to say that this is the first time such side-effects have been reported to us . . ."

This was simply not true. All through the early clinical trials, from 1955–1957, criticism had been raised on just these points—dizziness and disturbance of balance—by three of the nine doctors whose tests had been quoted at the original Thalidomide Symposium back in 1955.

The year 1959 was "Breakthrough Year" for Contergan. The publicity campaign was having its effect. Sales figures increased dramatically; they went up fourfold from May to December.

But 1959 was also the year that complaints from well-known members of the German medical profession about side effects grew from a trickle to an indignant and persistent flow. Grünenthal's reception of these complaints shows how committed the company had become to the success of Contergan.

DID IT HARM THE NERVES?

The first major signs of trouble were nothing to do with malformed babies—for which thalidomide was eventually to become so notorious. Because of the nine-month delay of pregnancy, it was some time before the medical profession began to catch on to the tragic effect on the unborn child. What they did start to notice early in 1959 was the emergence in adults of a worrying nervous disorder called peripheral neuritis. It is with this illness that much of the story is concerned.

The company files show exactly when the salesmen, in their reports to headquarters, began to hear of the problem.

In March that year Dr. Heinzmann of the Koblenz sales office reported that a dispensing chemist complained of abnormally cold hands and feet after taking Contergan forte. In April Dr. Frenkel, working in the clinic run by Professor Amelung in Konigstein told a Grünenthal representative that he had noticed side effects following the use of Contergan.

Then, in July, a blistering letter about thalidomide arrived from Pharmakolor AG of Basle, Switzerland, who worked in close association with Grünenthal:

"To date twenty well-known doctors have told our representatives that when they themselves or their patients took one tablet of thalidomide they found themselves still under its effect the next morning, suffering from considerable sickness, involuntary trembling of the hands, etc. Professor Ludwig, head of the second medical department Burgers-hospital, Basle, told us yesterday that he gave his wife a tablet of Softenon Forte. He adds: 'Once and never again. This is a terrible drug.' "

Yet, when Dr. Ralf Voss, a well-known nerve specialist in Düsseldorf, wrote to Grünenthal in October, citing a case and asking: "Is anything known about whether Contergan can lead to the damage of the peripheral nervous system?" Dr. Sievers and Dr. Mückter replied:

"Happily we can tell you that such disadvantageous effects have not been brought to our notice."

In other words they flatly denied any knowledge of the letter from Pharmakolor, Dr. Piazenca's report in 1956, and the growing number of reports from salesmen.

Dr. Voss did not give up. At the end of November he again reported to Grünenthal that he had now diagnosed peripheral neuritis in three more of his patients and believed there was a definite connection with Contergan, which each had been taking for at least a year.

Dr. Sievers replied:

"We have no idea how these cases of polyneuritis could have been caused by Contergan. We shall pay appropriate attention to this matter in the course of further clinical studies."

This appears to have been pure flannel; no clinical testing programme was in fact initiated. Dr. Voss decided to take matters into his own hands. He began to collect cases of peripheral neuritis. By the following April, 1960, he had five of them, and he was ready to read a paper on them at a conference for neurologists in Düsseldorf.

Grünenthal moved rapidly on learning of Voss's plan. Dr. Sievers visited Dr. Voss. He then reported on all five cases in detail to Leufgens, Mückter, Werner and Kelling.

Dr. Voss's lecture went unnoticed by the Press but not by the medical world. On April 8 Dr. Paul Ervenich of Duisburg's St. Anna Hospital, complained that patients for whom he had prescribed Contergan had reported nerve damage "of the most severe kind." He had sent one of his patients to Professor Laubenthal of the Neurological Clinic in Essen, who had said it was very probable that Contergan forte was the fundamental cause. And from Essen on May 10 came still another complaint: "All our medical representatives have sent in reports from doctors who have confirmed peripheral neuritis."

KEEPING IT OVER THE COUNTER

There was now a real possibility that the hostility brewing among doctors would force the authorities to place Contergan on prescription (in Germany it was being sold over the chemist's counter). The Grünenthal defence became even fiercer. Winandi, the sales director, wrote sharply on May 13 to Herr Langohr, sales manager in Essen:

"We must realise before all else that such a quick rise in the turnover of sedative must lead to certain apprehensions in the minds of doctors and chemists. Not all members of this clientele can keep their ethical attitudes within 'the limits of the market economy.' There will certainly be doctors conscious of their responsibility who, in view of this trend, will start speaking about addiction."

Winandi suggested that a good way to stop the demands of doctors and chemists for thalidomide to be put on prescription would be to spell out how much the trade stood to lose if that happened. "Furthermore during such talks it will be advisable to bring economic aspects into the conversation . . . and a hint can be dropped that the consumption of these drugs will also boost the chemists' sales, which would certainly drop if compulsory prescription were to be introduced."

"Economic aspects," in fact, weighed at least as heavily on Grünenthal as on the chemists. They were a small company. Thalidomide had succeeded so well that they were on the way to turning into a one-product company.

The sales department reported in April, 1960:

"Unfortunately we are now receiving increasingly strong reports on the side effects of this preparation, as well as letters from doctors and chemists who want to put it on prescription. From our side everything must be done to avoid putting it on prescription, since already *a substantial amount of our turnover comes from over-the-counter sales.*"

A note of desperation began to creep into the firm's efforts to get favourable reports on the drug. On March 30, 1960, a representative reported to Stolberg that initial approaches to a doctor in *Iran* had been unsuccessful. "However, since the Iranian doctor is very materialistic in his outlook concrete details should be forthcoming soon."

And a letter to the Portuguese licensees, Firma Paracélsia, was even franker:

"To be quite clear about it: A quick publication, perhaps in three months, with the reports of 15–20 successful cases who have tolerated the drug well, is more important to us than a broadly founded, large work, that will not appear for eight to twelve months. From this you can see what kind of testers we have in mind."

Sometimes methods were even more direct. A Frankfurt neurologist, Horst Frenkel, had first complained to the firm in 1959 that the drug produced side effects, and had been gathering evidence since. Now, he intended to publish. On October 29 Dr. Sievers and Dr. Heinz Kelling, the company's liaison chief, paid him a visit. They asked Frenkel to collaborate with their firm and withdraw the article he had already sent to the Medizinische Welt. Frenkel refused.

But the publication of Dr. Frenkel's report *was* delayed. Instead a *favourable* article appeared in Medizinische Welt by a woman doctor who had done work for Grünenthal. It was some time before the reasons for the delay in publishing Dr. Frenkel's article emerged. The liaison chief, Dr. Kelling in his annual report noted: "The friendly connection with Dr. Matis has positively contributed to a delay in the treatment of the submitted manuscript." Dr. Paul Matis was the editor of Medizinische Welt.

With tactics like this Grünenthal were able to hold back some of the swelling professional criticism of thalidomide. But not all. In December, 1960, one of the foreign companies already marketing thalidomide under license put the basic drug into a sucrose suspension and tested this new form on animals before sending it out for clinical trials. The results were clear. It killed them. The lethal dose for thalidomide had been found.

DR. NOWEL'S DELICATE MISSION

On October 24, 1960, Mückter wrote a memo in which he conceded that something had to be done about the advertising of Contergan. A new qualifying paragraph was duly included in the instructions of use. It ran: "As with almost all drugs, patients with special dispositions may become hypersensitive after longer or shorter periods of use. Trembling and irritation of the hands and feet may occur suddenly, but as soon as the use is discontinued, such allergic reactions will subside."

However, there was no letting up in the battle to avoid compulsory prescriptions. At the end of 1960 another internal memo came from the firm's "political department" outlining a delicate fact finding assignment.

"In the first phase Dr. Nowel should visit all the health departments in the Ministries and the framework for these visits should be:

1. A general discussion about our most recent products.

2. Taking up of contacts with reference to our work together in the field of civil insurance schemes.

3. Only after these introductory themes may the subject of Contergan be brought up carefully, and there might be no impression given that this subject is the main reason for the visit.

"In the process of this discussion he must find out the personal view of the chief chemist, the state of competition against Contergan, and the current efforts being made on the question of compulsory prescription."

Dr. Nowel said later of his own level of information about side-effects: "As far as I can recall Doctors Mückter, Sievers and Leufgens and Winandi so played down the side-effects problems that I could form no proper opinion on the matter. At no time was the matter discussed at any meeting at which I was present."

Communication about side-effects of Contergan was mostly confined to the executives of Grünenthal, and very little filtered down to the salesmen actually dealing with doctors and chemists. However some representatives were obviously instructed to allay fears about Contergan wherever they could. The firm's representative in Bonn, for example, reported to headquarters that he had accomplished this: "My happy laughter and appropriate references to the completely harmless properties of this preparation were successful in putting the often worried pharmacists' hearts at rest."

Sales were now booming. By January 1961, the sale of thalidomide accounted for 50 per cent of Grünenthal's total turnover. (Dr. Mückter, whose salary was geared to sales, was now earning about £600 a week.) Considering this, the sales department was probably expressing the general feeling in Grünenthal when they wrote late in 1960 that, because of the "tiny number of side effects" of Contergan, rival companies had started to exploit and exaggerate them. "However," the sales department went on reassuringly, "everything is being done to protect this apple of our eye."

Mückter himself was not unduly worried. He wrote to a colleague in an overseas firm:

"As you probably know the preparation Contergan has now surpassed all other hypnotics in Germany and is far and away above the others. From the sales return we estimate that at the present time *more than 1,000,000 people in West Germany alone, take Contergan every day* . . . This high consumption has resulted in occassional cases of reaction being observed and these have been judged by specialists to the Contergan allergies. The reactions are partly dermal, with rashes and partly neural, either central or peripheral. Both varieties of reaction disappear after ceasing the preparation."

By now, however, at least one key man at Grünenthal was beginning to recognize that the peripheral neuritis statistics could not so easily be dismissed. Dr. Hans Werner von Schrader-Beielstein, a young physician who had joined the firm in 1957 wrote in an internal memo that the company knew of 150 cases "in which polyneuritis allegedly occurred after the use of Contergan." About the same time Dr. Voss returned to the attack.

On February 15, 1961, Voss stepped before his fellow neurologists at the Medical Academy in Düsseldorf and began:

"I have come to tell you about a new illness that I first came across in October, 1959. I have since found out that some of you have come across it too. It is about a picture of toxic polyneuritis after the long use of Contergan. I have diagnosed 14 cases in my practice. The illness begins with a numbness in the toes that usually is not noticed by the patient. This numbness spreads to the ball of the foot, then to the ankles and finally to the calves, maximally up to the knee. Many months later, hardly ever at the same time, numbness begins in the tips of the fingers."

To date, Dr. Voss noted, there was not a single case of recovery after the drug had been stopped.

Voss' lecture rocked Grünenthal. Some executives were for putting the drug on to prescription immediately. Others were for making light of the side effects. The second group seems to have won.

Grünenthal was now fighting on the defensive. The sales department's monthly report for April seemed to be preparing the staff for a rear-guard action:

"We will have to reckon with more intensive problems as those unfavourable publications already known to us, and some still to come, are published. Measures to control the situation have been taken. Preparations for the application to put Contergan under prescription were made. . . . It is necessary to employ several first-class doctors in customer relations. Steps toward this have been taken under the motto: 'It must succeed, whatever the cost.' "

But the number of cases of peripheral neuritis attributed to Contergan continued to rise. By the end of May they had reached 1,300. In that month Mückter's salary just failed to touch its January peak: it was still almost £600 a week. From May, 1961, complaints began to take their toll. Sales began to fall.

During the month, one of the company's medical salesmen estimated to headquarters that the introduction of compulsory prescription would cause a drop of at least 50 per cent, in Contergan's turnover.

"For me, as a businessman—such as I always remain besides my medical activity—this is sufficient reason for selling Contergan . . . as much as possible. In my opinion, the Central Office should allow a further discount of 10–15 per cent for large orders of Contergan. In such cases, I always make sure that the chemist will remain absolutely silent. If the matter is handled carefully, this can be fixed. It is only in such cases that I will then take orders."

But other employees were deeply troubled. Grünenthal's clinical-research director, Dr. Michael, bared his heart to management on May 10:

"I personally maintain the point of view that there is now no longer any doubt that, under certain circumstances, which I am unable at the present moment to understand or explain, Contergan can cause the nervous injuries described. I am convinced that all those who are in the firm with us must also subscribe to this view. . . . I consider it to be simply impossible that the firm should officially adopt the standpoint that these reports are exclusively a matter of unqualified polemics. . . ."

THE HEALTH DEPARTMENT GETS TOUGH

Now the attitude of Government departments began to change. At the end of May the firm's representatives, Dr. Nowel among them, had visited the health department of the Ministry of the Interior in Düsseldorf. To Dr. Hans Tombergs, a senior civil servant, they had explained that they might like to see Contergan put on prescription, lest sales of the drug get out of hand. Dr. Tombergs had been cordial and receptive. Now, on June 8, Dr. Nowel called on Dr. Tombergs again. This time, Nowel could feel the chill. Grünenthal had withheld information from him, Dr. Tombergs said. The company had been informed in December, 1959, by Dr. Voss that thalidomide produced side effects, but had never reported this. Furthermore, the company's circulars were in direct contradiction to the reports of doctors.

For an hour, Nowel tried to soothe Tombergs. He steered the talk to other matters, some of them even private. Finally, gingerly, he returned to the subject. Grünenthal, he assured Tombergs, had received no correspondence from Dr. Voss until autumn, 1960.

Nowel was badly upset by the conversation. Like all but a handful of senior men in the firm, he had been kept in the dark. He returned to Grünenthal and made a surreptitious inspection of the records. Then, shaken, he sat down and wrote an angry letter to his superiors:

"Regrettable result: In fact correspondence regarding thalidomide has taken place during October-December 1959. The first letter of Dr. Voss points out that nerve damage has been observed in patients after the use of thalidomide during a longer period. Result: Such an incomplete direction to co-workers who are responsible for the negotiations with the ministry led not only to the undermining of the good name of the firm but also the co-workers."

Finally, Nowel made an entry on his filing cards: "We are more than to blame."

By now there were those, even inside the firm, who were coming to accept that it was indeed to blame; that thalidomide could indeed cause moderately serious nerve damage. What had not yet dawned on anyone's mind at Stolberg was that on one category of users—pregnant women and their unborn children—the damage could be catastrophic.

All this time, because of Grünenthal's assurances that thalidomide was absolutely safe even for pregnant women, it had been used extensively by expectant mothers. Now some doctors began to question the wisdom of this.

A doctor in Heilbronn asked whether Contergan could be used safely in preparation for a Caesarean. Werner and Sievers replied: "On the grounds of our discoveries so far, we would like to say that there is no evidence that Contergan reaches the foetus through the placenta."

Another inquiry about Contergan and pregnancy came from Finland—this one from the company's representative there—who informed Stolberg that she had been asked three questions by a Finnish doctor:

1. When the thalidomide is given to women patients, does it pass to the placenta?
2. Can the preparation have a harmful effect on the child in the event of it getting to the embryo via the placenta?
3. In what part of the organism is thalidomide broken down?

Mückter scrawled underneath each question:

1. Not known.
2. Unlikely.
3. Probably in the liver.

Now the legal department sent a long and gloomy memo to company officials: "We must reckon that sympathy will not be with a huge firm with a turnover of millions, but, rather, with a relatively helpless, harmed patient." The legal department then recommended that Grünenthal attempt to settle all claims out of court.

A mood of defeatism seized Dr. Mückter. On July 14, he startled his colleagues with a dire warning: "If I was a physician, I would not prescribe thalidomide now. Gentlemen, I warn you. I won't repeat what has already been said beforehand. I see a very great danger."

Others at Grünenthal remained convinced that salvation lay in the acquisition of professional endorsements. On August 1, Dr. Michael tried to obtain one from Dr. Max Engelmeier, a lecturer on nervous disorders at the University of Münster. Dr. Engelmeier refused. He had already had experience with peripheral neuritis caused by Contergan, he said. Discouraged, Michael reported to his superior: "It's obvious that money alone will get us nowhere."

Towards the end of summer Contergan was put on prescription by health authorities in a number of German provinces. Surprisingly, perhaps, salesmen reported a positive reaction by doctors to this step. As Autumn began, a feeling grew at Chemie Grünenthal that perhaps the worst had passed.

LANCET PUBLISHES TOO LATE

On the other side of the world a brilliant young doctor had been working on a theory that was to shatter any such illusions. The doctor, William G. McBride, of Crown Street Women's Hospital, Sydney, Australia, only thirty-two at the time, was using a post-graduate grant to study miscarriages.

On May 4, 1961, he had seen his first case of a monster birth. Although McBride knew malformations had been recorded since time immemorial, this baby had such severe abnormalities that McBride had looked through the mother's records. He had found nothing to indicate the cause of the tragedy and had decided to put the matter from his mind. Within three weeks, however, another baby with similar malformations had been born. That two babies suffering from the same deformity had been born in the same month when he had not in seven years of obstetrics in a big hospital seen any sign of disfigurement struck McBride as more than a coincidence.

He now began a detailed investigation, looking for common denominators. Both mothers lived within half a mile of the atomic reactor at Lucas Heights, near Sydney. It seemed logical to suspect radiation but this turned out to be a false trail. He began checking other factors. Luckily, both mothers had been attending the hospital regularly and all their records were available for study. The records showed that both mothers had taken thalidomide during early stages of their pregnancy.

McBride was convinced that he had good reason to be suspicious of thalidomide. Although the drug had seemed excellent on the surface (McBride had written a preliminary recommendation praising its use for morning sickness and in labour), little was known about its metabolism. The hospital had been conducting clinical trials on thalidomide during July and August, 1960, and it had been put on the Australian market at that time—just nine months before the malformed babies were born. Could there be a link between thalidomide and monster births?

McBride began a series of tests on animals. He was unable to reproduce malformations but still suspected thalidomide. His colleagues listened to him with scepticism and he had difficulty even in getting to see his superiors; in fairness, there was nothing to back up McBride's hunch but coincidence.

Then, on June 8, another deformed baby was born—and again the mother's records showed she had taken thalidomide. McBride was now utterly convinced. Monday, June 10, was the Queen's Birthday holiday. McBride worked over the long week-end to prove the correlation between the drug and malformed babies.

By the Monday McBride had got enough evidence to show that there was a danger to pregnant women from the use of thalidomide. The drug was withdrawn from use in the hospital immediately.

McBride approached the local sales offices of the distributors and laid his suspicions before them. McBride said later that he was listened to on this—and subsequent occasions—with a degree of uninterest that astounded him. He was told that the drug had been thoroughly tested and that it had been on sale for several years in Germany without any ill effects. Eventually he managed to get a promise that his warning on thalidomide's dangers would be passed on to the company's head office. But he, in turn, was asked to withhold publication.

Frustrated and irritated by the lack of interest he wrote an article for The Lancet setting out his theories. The editor simply returned it. A subsequent letter by him on the same subject was published towards the end of the year *after* thalidomide had been generally withdrawn.

STRANDS COME TOGETHER

It was on Tuesday, November 21, 1961, that McBride's conclusions arrived in the London head office of the firm which had been marketing thalidomide in Australia. It was passed on to Grünenthal in Stolberg on Friday afternoon, November 24. By that time the final crisis had already arrived in Germany.

Six months earlier, a young lawyer went to see Professor Widukind Lenz, head of the University Clinic for Children in Hamburg. His name was Karl Schulte-Hillen, and he was both the father and the uncle of deformed children. He came from the little town of Menden, near Münster, and he suspected that the common reason for both the deformities in his family was to be found in some local factor. Lenz was sympathetically skeptical, but he was a thorough enough scientist to check.

Lenz is a busy man, and it was August before he found time to drive to Münster to talk to Professor Degenhardt, a human genetics expert, and Professor Kosenow, Lenz's opposite number at the university children's clinic in Münster. They knew what he was talking about. They told him that reports of similar deformities had been coming in from other towns in the region, and that they had already set up a working group to look into the explanation. In fact Kosenow and an associate had presented X-rays and photographs of two deformed children at a meeting of the German Pediatric Society in Kassell as early as October, 1960. Neither he nor Degenhardt had been able to find the cause.

The deformities that were being reported were of a kind known to medicine as *phocomelia* (from the Greek words *phokos*, a seal, and *melos*, a limb). In phocomelia, the bones between the hand and the shoulder, and between the ankle and the hip, are either missing or defective, so that rudimentary fingers or feet start immediately from the affected joint, like the flippers of a seal. It is a condition so rare that pictures of it were almost unavailable; many doctors in Germany had never seen a picture of it except for Goya's drawing of a phocomelic baby in the arms of a Spanish peasant woman, reproduced in their medical school textbook. Dr. Gruber, of the university of Gottingen, who had devoted his life to studying malformations in humans, and was in his eighties, said that before 1961 he had seen more babies born with two heads than with phocomelia.

Suddenly, when he got back to Hamburg and began to investigate, Lenz found that this rare and terrible human catastrophe had become almost an epidemic. Simply by word of mouth he heard of sixteen cases as soon as he began to ask. With an assistant he began to count up the cases recorded in two big Hamburg hospitals. He found that out of 6,220 births in the thirteen months ending in October, 1961, there had been eight cases in those two hospitals alone, from which they estimated that in the whole city fifty phocomelic children might have been born in the last two years, as against only one such child born out of 212,000 in the twenty-five years from 1930 to 1955.

For weeks, Lenz plodded away interviewing the mothers of deformed children. Only two mentioned Contergan. Then, suddenly, on November 12, four more mothers who had taken Contergan turned up. Lenz telephoned doctors he knew and asked them to investigate Contergan as a possible cause of phocomelia. By November 15, he knew of fourteen cases in which the mothers of deformed babies had either definitely or very probably taken Contergan during pregnancy. There could now be no putting off the confrontation with Grünenthal. That same day Lenz called the firm and was put through to Mückter.

"I told him everything I knew at that time," Lenz recalled later, "my suspicions and my conclusions. I said that in my opinion Contergan must be withdrawn from the market at once." To Lenz's astonishment, Mückter seemed unconcerned. He said it was the first he had heard of any such suggestion, and that he would send a representative to see Lenz in a few days. Lenz replied that he was surprised that Mückter should take such an attitude, and the next day—"to relieve myself of the responsibility"—he put his facts on paper in a letter to Grünenthal. He wrote:

"Since about 1957 a certain type of deformity has occurred in West Germany with increasing frequency . . . serious defects in the limbs . . . absence of the outer ear, closure of the auditory passages, heart trouble and blocking of the oesophagus. Deformities of this kind there have always been—but their incidence has been certainly less than one in 50,000 probably less than one in 100,000. . . . Last year, one or two out of every 1,000 infants born in Hamburg were deformed in this way. A very intensive search in Hamburg for any factor that could possibly be associated with the occurrence of these deformities has led to the discovery of one single factor regularly present in all these cases. In each of 14 cases of which I have a reliable account, with a complete statement of medicines prescribed, thalidomide has been taken during the early months of pregnancy."

The day the letter went off—Thursday, November 16—Mückter rang back, much more conciliatory. He said that he had not been quite free to talk the day before, and asked whether Monday, November 20, would be a convenient day for the Grünenthal man to come and see him.

On the Saturday, Dr. Kosenow and his associate Dr. Pfeiffer were due to give a talk on the causes of malformation at the Rhineland-Westphalia Pediatricians' Convention Düsseldorf. Lenz decided to attend the meeting himself, and in the discussion after the paper had been read he voiced his suspicion that the new type of deformity was causally connected with a certain drug. He cited the fourteen mothers. He did not name the drug on the floor of the meeting. In private, as the meeting broke up into knots of conversation, he gave certain colleagues the name: Contergan. By then, McBride's findings were already on their way from Sydney to London. The case was building up.

EFFORTS TO DISCREDIT LENZ

On Monday morning three emissaries from Stolberg arrived in Hamburg to see Lenz. They were Dr. von Schrader-Beielstein, earlier Mückter's deputy, and now in charge of the whole thalidomide operation; Dr. Michael, worried about peripheral neuritis; and Grünenthal's legal adviser, Dr. von Veltheim. Lenz decided to find a witness before the talking started, and could not find one before the afternoon. He had already decided to talk to the Hamburg health authorities that afternoon, and he invited the Grünenthal people to come with him. They agreed.

The meeting began at half-past two. Lenz started to present his fourteen cases. The Grünenthal men questioned him closely. One of the officials present was surprised by their "aggressive" manner. Lenz himself said later: "I had the impression that the Grünenthal representatives showed no interest in the facts, or the arguments, that pointed towards thalidomide being the root cause of the deformities. Quite the reverse. They showed a lively interest in every detail which showed up the quality of my research in an unfavourable light." More than that: according to Lenz they also threatened him with legal action for such an "unjustified attack." Before the meeting ended, after three and a half hours, the health authorities asked Grünenthal if they were prepared to withdraw Contergan. They said no.

The same day, November 20, a circular was put in the mail by Grünenthal again calling Contergan "a safe medicine."

The next meeting was arranged for Friday, November 24, at the *Land* (provincial Ministry of the interior) in Düsseldorf, at 10 a.m. Lenz arrized late because of a traffic jam. The Grünenthal men, Schrader-Beielstein and Nowel, had been there for an hour. The health authorities had tried to persuade them to take Contergan off the market. Once more, they had refused.

Then Lenz arrived, with Karl Schulte-Hillen, the young lawyer who had first come to him in June. Schrader-Beielstein asked him pointedly if he were there to represent the doctor. Schulte-Hillen said no, he was there to represent himself as the father and the uncle of deformed children. Schrader-Beielstein thereupon demanded that he leave the room. Schulte-Hillen, extremely upset, rushed out of the room. One of the officials from Hamburg followed him out and tried to calm him down. He also pointed out that everyone had better proceed carefully, as Grünenthal had been threatening everyone with law suits. Schrader-Beielstein got on the telephone to von Veltheim, who arrived shortly.

The talk was very general at first, about the nature of scientific evidence. It was at this point that the reason for Nowel's presence emerged. "As a professional statistician," he told Lenz. "I have doubts on the strength of your material." In the afternoon the atmosphere, which had always been tense grew harder. Finally the authorities came down on Lenz's side. Once again they asked Grünenthal whether they would withdraw Contergan. Once again the answer was no. It seemed to be deadlocked.

For two hours over the lunch break, Schrader-Beielstein and Veltheim were on the phone to head office. When the meeting began again in the afternoon Veltheir asked Lenz to wait outside, and reluctantly he agreed.

Schrader-Beielstein now put forward the proposal he had agreed with headquarters on the phone. Grünenthal would attach stickers to all Contergan packets saying: "Not to be taken by pregnant women." And doctors and chemists would be warned direct of the danger to pregnant women. That was as far as they were prepared to go.

Then Schrader-Beielstein again turned to attacking the quality of Lenz's evidence. His voice rose. Lenz burst into the room, in a rage. He had heard every word, he said. It was absolutely wrong for his evidence to be discussed in his absence. The effect was dramatic. Again the talk became hard and hostile. Again the Ministry told Grünenthal that withdrawal would be "the best solution." And this time they laid down the law: either the firm withdrew the drug of their own free will, or the Ministry would ban its sale.

The final scene was perhaps the most extraordinary of the whole thalidomide story. Next day, Saturday, exactly a week after Lenz's visit to the doctors' convention, the Grünenthal management gathered at Stolberg to decide what to do: five of the defendants in this month's trial were there—Mückter, Schrader-Beielstein, Chauvistré, Leufgens and Winandi. So were several others, including Veltheim. Schrader-Beielstein reported what had happened at the Ministry the previous afternoon. He concluded, reluctantly, that Contergan would have to be withdrawn. Mückter disagreed, but then, of all extraordinary moments, chose to read out the letter he had received the day before from London:

"Dear Dr. Mückter,

We have had a rather disturbing report from a Consultant Obstetrician, of deformities in children which could be associated with the taking of thalidomide by the mothers early in pregnancy, for morning sickness. . . .

In October 1961 a further three babies were born with similar abnormalities and again all three died."

In six cases thalidomide was the common factor.

Yet still Mückter did not want to take Contergan off the market. The others protested: very well, he would take the responsibility himself. The meeting dragged on. In the end all that was decided was to send out a circular to doctors and chemists, reporting Lenz's suspicions.

But events were now out of Grünenthal's hands.

AT LAST THE LID IS TAKEN OFF

The next morning, Sunday, the newspaper *Welt am Sonntag* came out with a story reporting Lenz's suspicion that Contergan was the drug responsible for the epidemic of deformed babies. The paper got the story through a certain Dr. Wesselowski, who had got hold of Lenz's private remarks at the Düsseldorf convention.

Nowel, the statistician who had been at the meeting on Friday, spent the day like a dutiful German family man with relations in Bochum. He only heard about the *Welt am Sonntag* sensation by accident when he telephoned a doctor friend later in the day. Something must be done, he decided. He telephoned Leufgens, the joint managing director, at home. He was told there had been a meeting at Stolberg on the Sunday, and that the decision had already been made to take Contergan off the market.

To the end, the Grünenthal people conceded nothing. A circular went out to doctors and chemists, announcing withdrawal. "Publicity," it said, "has removed the basis for scientific discussion." To the Ministry, in a telegram, they took a slightly different line. "Until the scientific questions have been answered we are taking Contergan out of circulation immediately. . . ."

Of the scientific questions, perhaps the most crucial was the one Mückter had been asked, back in July, by the lady in Finland: did Contergan pass the placenta, so that it could affect an unborn child? Then, although the drug had been on the market for more than three and a half years, he minuted laconically: "Not known." Now, too late, he and his colleagues proceeded to find out.

It did not prove difficult. Dr. Beckman was one of the researchers who were put on to the question. He used a radioactive version of thalidomide to track its passage in the bloodstream of mice, to see whether the drug crossed the placenta. Only four weeks after the decision to withdraw Contergan, he had his answer. It did.

THE BIG QUESTION OF MOTIVE

That is how it happened. For the fourteen judges to sort out the simple facts about the role of each defendant is itself a forbidding task: the prosecution evidence alone will take months to present.

But the court must go further than this. It must decide on the motives of each man. The first three charges make accusations of *negligence* in causing irreversible nerve damage, causing damage in pregnancy, and causing death to human beings. Three more charges make accusations of *malice* against some of the defendants—of "jointly and maliciously" causing damage to health, of using misleading statements in marketing the drug, and of exceeding acceptable limits in the light of current medical science.

When it reaches this secret domain of motive, even the law abandons precision: words like malice and negligence can at best be only rough signposts. In the coming months, the motives of Heinrich Mückter and his colleagues will be prodded, probed, labelled and tucked into neat pigeon-holes, guilty or innocent. But such a verdict can only begin to answer the broader questions of *why* it happened.

How did it come about that scientists and doctors, men trained to test every hypothesis, blundered optimistically on until they were involved in catastrophe? Is it too much to expect of men, in the existing state of medical knowledge, that they should anticipate all dangers? Was the fault perhaps that of society, of a set of attitudes to profit and the responsibility that it entails?

The story cannot resolve these questions. It can only be the superficial evidence of what human beings are capable of doing to other human beings—having set out to do something quite different.

ADA GOES LIBERTINE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1968

Mr. RARICK. Mr. Speaker, the Americans for Democratic Action announcement that they support free and uninhibited use and possession of marihuana—presently a crime in civilized countries—should serve notice on our citizens to the depth of degradation the Socialist circus has dropped.

They are against civilization itself.

I include the Sunday Star releases for May 19 and 20:

NO DISSENT, EITHER: ADA FOR POT, SEX, ABORTION

(By Robert Walters)

Americans for Democratic Action, that bastion of "establishment liberals" has suddenly turned into something of a swinging organization.

After regaling one another for years with detailed—and often boring—analyses of virtually every possible danger faced by mankind, the ADA members this year celebrated their 21st birthday by joining hands with youthful advocates of the "new politics."

With barely a murmur of dissent, the more than 500 delegates opened their ADA convention session yesterday by quickly approving a trio of resolutions which:

Said that the personal use and possession of marijuana should not be a crime and the unlicensed sale of "pot" should be no more than a misdemeanor.

Called for legalized abortion, stating that any woman has the right to such an operation as part of her sex's new-found emancipation.

Said, with no further comment: "The sexual activity of consenting adults when conducted in private is not an appropriate matter for criminal or other governmental sanctions."

The theme for the day's activities may have been sounded by a guest speaker, former Rep. John J. Gilligan, who recently scored an upset victory over Sen. Frank Lausche in Ohio's Democratic senatorial primary.

"The people of this nation are beginning to question their faith in the free institutions of this country, in our ability to govern ourselves and solve our own problems," Gilligan said.

"This is a time when all of us either get into the act or become part of the problem that the rest of the people of this country will have to try to solve. The times call for a new and unprecedented effort at every level of our society."

A CHANGE

Delegates and observers who have attended past ADA conventions agreed that the organization was considered quite radical in the post-World War II years following its founding, but in recent years has tended to rely on traditional concepts, rather than breaking new ground.

Many of the ADA members believe the change displayed during the current three-day convention can be traced back to the organization's endorsement last February of Sen. Eugene J. McCarthy, thus breaking a two-decade-long tradition of standing behind an incumbent Democratic president.

After that vote, a number of ADA's older and more tradition bound members angrily resigned from the organization, opening the way for younger members who have sought to reshape the organization in recent years.

One sign of that change came late yesterday when ADA's nominating committee submitted a proposed list of board members to serve during the current year. Included on the list were several younger Negro leaders, who will sit beside the white middle class suburbanites who long have dominated the ADA leadership.

Among those additions are Rep. John Conyers Jr., D-Mich.; A. June Franklin, a member of the Iowa state legislature; Clarence Mitchell III, a Maryland state legislator from Baltimore, and Marian Wright, a young civil rights attorney.

GUARANTEED INCOME PUSHED

Following that address, the delegates plunged into consideration of a far-reaching "income distribution" resolution, drafted by several of the organization's younger and more radical members.

The resolution, approved by an overwhelming show of hands, proposed to end virtually all poverty in the country through these steps:

1—"Our government should make a firm commitment to reduce our unemployment rate to 3 percent before the end of 1968, to 2 percent before the end of 1969 and never again permit it to rise above the 2 percent level."

2—Further, the government should assure employment opportunities to the chronically unemployed and under-employed through job creation and special programs and should raise the federal minimum wage "as soon as possible to at least $2.50 per hour."

3—"The federal government should provide a guaranteed annual wage to workers now seasonally or intermittently unemployed," and should abolish the current welfare system, replacing it with automatic federal payments in the form of child allowances and a negative income tax.

The delegates then took a brief recess from their policy-making to hear a succession of Negro and white students from Ohio State University describe their takeover of the college's administration building several weeks ago. One girl said university officials had no cause for complaint "because we warned them ahead of time that we were going to take over the building at 1 p.m."

McCarthy Endorsement Reaffirmed by the ADA

Acting with little debate or dissent, Americans for Democratic Action has reaffirmed its endorsement of Sen. Eugene J. McCarthy's bid for the Democratic presidential nomination.

Delegates to the liberal organization's 21st annual convention approved yesterday a resolution described by its author, Washington attorney Joseph L. Rauh Jr., as "unequivocal, unquestioned, unlimited endorsement of McCarthy."

But the resolution also contained kind words about "two other friends of ADA," Vice President Hubert H. Humphrey and Sen. Robert F. Kennedy, McCarthy's two opponents for the nomination.

An unsuccessful effort was made to remove a reference to Kennedy's "brilliance" and some delegates objected in vain to praising Humphrey until and unless he renounces his support of the Vietnam war.

Still others complained that the resolution, which noted that some ADA members "are working and will continue to work" for Kennedy and Humphrey, was too weak a restatement of the position adopted in support of McCarthy by ADA's national board in February.

"It's almost a eulogy or a burial of his candidacy. It's all in the past tense," one delegate said. But John Kenneth Galbraith, ADA's national chairman, described the resolution as "an honest effort at political agreement," and Rauh said, "If the McCarthy forces had wanted a straight endorsement, we could have gotten it."

The delegates closed out the three-day convention by approving resolutions on a wide variety of topics. Among them were measures calling for:

The replacement "forthwith" of Selective Service Director Lewis Hershey, and the resignations of FBI Director J. Edgar Hoover, Secretary of State Dean Rusk, Walt W. Rostow, special assistant to President Johnson, and William P. Bundy, assistant secretary of state for Far Eastern affairs.

Participation in Vietnam peace talks by the National Liberation Front and South Vietnam as well as the United States, and North Vietnam; and a settlement of the conflict which "should mean the beginning of a radical change in our foreign policy."

Direct negotiations between the Arab nations and Israel as "the best means to facilitate a durable peace" in the Middle East.

Support of the Poor People's Campaign as "a lawful compelling and useful demonstration of intolerable misery in our nation," backed by contributions of more than $1,100 from individual ADA members.

Exemption from the armed services for conscientious objectors "who do not have an organized religious belief and object on moral grounds to a specific war."

The granting of control over their "political and economic destinies" to Puerto Ricans, Mexican-Americans, Indians and members of other minority groups, as well as Negroes.

Significant student involvement in college and university policymaking boards.

REDUCING THE RISK OF HEART ATTACKS

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. BROOKE. Mr. President, a professor at the Harvard University School of Public Health, Dr. Frederick J. Stare, has recently written an article on a subject which is of great interest to all of us. Entitled "How We Can Reduce the Risk of Heart Attacks," the article deals with the way in which susceptibility to heart attacks can build over the years. Dr. Stare's article has attracted widespread attention in medical circles. I ask unanimous consent that this timely and informative script be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How We Can Reduce the Risk of Heart Attacks

(By Fredrick J. Stare, M.D.)

(NOTE.—In this report a nutrition expert suggests important ways in which young men and women, by acting now, can help protect themselves from a disease that threatens their later years.)

If your doctor knowingly permitted you to feed your family food that made them more susceptible to a heart attack, you would—with justice—be outraged. Yet only a few protesting voices have been raised against what the United States Government is doing—or not doing—with some of its present food laws. Both the food industry and the medical profession are being frustrated in their desire to create foods that will lower the chances of heart attacks among Americans because the Food and Drug Administration still hesitates to accept increasing scientific evidence of the importance of diet in heart disease.

This evidence also points clearly to an equally important conclusion: that our 500,000 annual heart-attack victims—one third of them men in the prime of life—do not succumb because of what they eat in their 50s and 60s. Their susceptibility started building up in their earlier years, when they began to eat a typically American diet rich in saturated fat and cholesterol—to eat too much, to smoke too much, to exercise too little and to let their poundage, reach overweight level.

Diet, it should be emphasized, is not the *whole* answer to avoiding heart attacks, but it is one very important part of the whole answer, and we now know that the earlier you start on a proper diet, the better.

The dangerous elements in the American diet are saturated fat and cholesterol. Many foods contain both. In addition, the body creates more cholesterol out of saturated fat and this builds up in the blood.

The more cholesterol a person has in his blood, the more likely it is to form deposits in the lining of his blood vessels, thus narrowing them and making them liable to be blocked by a clot (thrombus). If the blocking occurs in a coronary artery, the result is a heart attack—in medical terms, a coronary thrombosis. The narrowing of the arteries by the gradual accumulation of fat is called atherosclerosis. Although this condition may not give trouble till middle age or later, we now know it begins to develop very early in life. Doctors performing autopsies on American soldiers killed in Korea were startled to discover how many of them had atherosclerosis in their coronary arteries. Their average age was 22. Other researchers have found similar fatty deposits in the arteries of teen-agers and even in children—a strong indication that parents of small children should become conscious of the high-saturated fat, high-cholesterol problem and do something about it.

More recently a Norwegian cardiologist, Paul Leren, selected 412 men who had had heart attacks and divided them into two groups of 206 each. He sent dietitians and visiting nurses into the homes of the first group to help them and their wives learn to live on a diet low in saturated fats and cholesterol. The second group was permitted to eat the regular Norwegian diet, which is not too different from our American diet—high in cholesterol and cholesterol-creating saturated fats.

For five years Doctor Leren kept careful watch over these men and finally published his results. The diet group had had 43 new heart attacks, ten of them fatal. The untutored eaters had had 64 heart attacks, 23 of them fatal. The saturated fat—high cholesterol eaters had, in short, more than twice as many deaths.

But far more meaningful to doctors who have a special interest in the relationship between diet and heart disease was Leren's report that although it took only about a month to *lower* the cholesterol levels of the dieters, it took over two years of *maintaining* this lower cholesterol level before differences in heart-attack rates were observed—and among men over 60 there were no significant differences, no matter how religiously they followed their low-fat diet during this classic study. Leren's findings underscore the fact that it takes a long time to achieve any beneficial effect from a change in a person's diet, and its doleful observation on the poor results with men over 60 in turn re-emphasizes the importance of changing the diet early in life.

I can almost hear you saying, "All right, I'm convinced. How can I change my family's diet?" First, it is important to know the difference between saturated fats and unsaturated fats. The difference chemically is simple. The carbon atoms of the saturated fat are saturated with (full of) hydrogen atoms; with unsaturated fats, the carbon atoms can accept more hydrogen.

But that doesn't mean much to a nonchemist. In practice, milk fat, meat fat, coconut oil and cocoa fat are the primary saturated fats. Milk fat, of course, includes not only that found in whole milk, but also the fat in butter, most cheeses and ice cream. When we refer to meat fats, we mean primarily the fat of beef, pork and lamb. Veal has less fat, and our two favorite fowls, chicken and turkey, not only are low in fat, but also the fat they do have is less saturated.

In contrast to these saturated fats, we have the polyunsaturated fats, largely the liquid vegetable oils such as safflower, soybean, corn and cottonseed. This type of fat actually tends to lower blood cholesterol.

Sounds simple, doesn't it? Most theories do. But when the average housewife tries to apply it on a practical, everyday level, she finds it anything but simple.

You can try to persuade your family to switch from whole to skim milk; you can change to safflower, corn, cottonseed or soya oil for cooking; cut down on the eggs (the most potent source of cholesterol) the household consumes per week; eat more veal, fish and chicken and trim the excess fat off your beef, pork and lamb. You can try to replace butter with a polyunsaturated margarine. And you can have smaller portions of everything—in other words, eat less, because calories do count and extra calories count against you.

But what happens if you and the rest of the family don't like the taste of skim milk or margarine, prefer butter and protest being deprived of cheese, ice cream and two eggs and bacon a day? Suppose you don't like fish, a much-recommended substitute for the beef-pork-lamb trinity? Your great temptation then is to give up the whole thing as hopeless.

We just can't expect Americans to overhaul their diets so drastically.

But what if I told you that it is possible, with the technology and food chemistry at our fingertips right now, to create a diet that would not require this traumatic change in our eating habits and that would be less likely to cause atherosclerosis? Would you buy milk that had a significant portion of its butter fat replaced with polyunsaturated vegetable oil? Would you prefer a butter that retains its delectable taste and odor, yet is only 40 per cent saturated fat, 60 per cent polyunsaturated oil? Would you serve more cheese, ice cream, salad dressings, mayonnaise—even chocolate sauce—made with these same life-prolonging polyunsaturated oils?

Add to this list cake mixes and cookies; even hamburgers and hot dogs, with some of the animal fat replaced by a polyunsaturated fat. Cream sauces and soups, even eggs, can be altered (but only slightly) by food-industry scientists to make them better for your health.

I am not talking theory now. I am speaking from experience as practical as any housewife has ever had in feeding a family. For over two years Harvard's nutritional department participated in the National Cooperative Diet and Heart Study—a massive research effort conducted by five different laboratories in Boston, Baltimore, Chicago, Minneapolis and Oakland, California. It involved a total of 2,000 healthy American men—400 at each of these centers. They were between the ages of 45 and 54, and none of them had ever had a heart attack. The object of this study was to find out if well men, who were not motivated by having had a heart attack, would stay on a diet in which the fats were being manipulated, not just for a week or a month, but for three meals a day for one to two years.

All of us in the five laboratory centers went into the grocery business. We persuaded food processors to produce a whole range of foods along the lines just described—replacing or reducing saturated fat wherever possible with polyunsaturated fat. We sold the foods to the subjects at about the same price it would have cost them to buy similar products in the supermarket. By the time this large co-operative study began, the food industry had created over 90 different types of foods with less saturated fat and more polyunsaturated fat, from chocolate and butterscotch sauce to hot dogs.

There was practically no complaints over the taste of any one of these foods. In fact, when the study was over—having proved conclusively that a diet low in saturated fats and rich in polyunsaturated fats could significantly lower a man's cholesterol level—many of the subjects came to us and asked where they could continue to purchase these foods.

All we could say was: "You can't."

Why? Because no food manufacturer will create one of these products if he cannot advertise its cholesterol-lowering power. That would be its strongest selling point. But under our present laws he could be slapped down by our Food and Drug Administration. In 1959 the FDA issued a "policy statement" that has all the force and effect of a law:

". . . . Any claim . . . is the labeling of fats and oils or other fatty substances offered to the general public that such foods will prevent, mitigate or cure heart or artery diseases is false and misleading and is considered as misbranding under the law."

The statement, which many of us researchers thought was out-of-date when it was adopted, was based on the assumption that the evidence of a connection between diet and the occurrence of heart disease was insufficient.

I will be charitable and concede that in 1959 those who were not involved in research on the problem might have questioned the adequacy of the data at that time. But this objection can no longer be sustained. At least three times in the last eight years leading researchers, as well as the American Heart Association, have pressed the FDA to reverse or at least to revise this policy. Our request late in 1966 was turned down with the same stand-pat contention, and our most recent request, late in 1967, is at this writing still under consideration.

One explanation, offered by insiders sympathetic with the FDA's problems, blames the continued refusal on the general reorganization of the bureau that took place during this time. A new commissioner came in, and brought with him many new people. Others point to the pressure of other health problems the FDA considered more important and the limited professional help at the agency's disposal. Neither of these analyses alters the essential point—the highly unfortunate impact on the food industry of the FDA's inertia.

The 1959 policy statement not only has discouraged food manufacturers from creating products that would lessen the chances of heart attacks, but also it has led to a great deal of unintentionally deceptive advertising. Not long ago my wife brought home a coffeecake, which she displayed triumphantly to me. The label read: "Made with vegetable oil." She was crestfallen when I said, "I'll bet you twenty to one the vegetable oil is coconut oil—which is just as saturated as butter!" Coconut oil is a favorite substitute for milk fat, largely because it has a pleasant taste and it is cheap. If the FDA insisted that the manufacturer state what *kind* of vegetable oil, or made it advantageous for the manufacturer to advertise a polyunsaturated oil, the well-intentioned housewife could avoid this mistake.

The FDA's reluctance to face the scientific facts about diet unfortunately is linked to other archaic laws on our books. Food people call them "standards of identity" laws. In most states, milk cannot be called milk unless it contains 3.2 per cent butter fat. If a dairy reduced the fat to, say, 2 per cent—retaining the basic taste but creating a far better product from a health viewpoint—the milk would have to be called something other than milk. In our house we use a milk product named Balance. Quite frankly, I think this is ridiculous. The liquid in the bottle is still white. It looks and tastes like milk. It has the nutritional values of milk. But the law says it isn't milk.

Recently one major milk-processing company called to see if I would join with them in recommending a milk made of coconut oil. I immediately pointed out that it would have the same amount of saturated fat as whole milk. "True," said the company official a little lamely, "but it would be just as nutritious from the point of view of protein and it would be sold at a cheaper price." I asked him why they wouldn't consider using a polyunsaturated vegetable fat. With evident regret he told me that unless they could advertise it, the technical expense of flavor improvement and of making such a changeover in their production techniques could not be justified.

Butter and margarine are two other products trapped by these archaic standard-of-identity laws. Basically these two products are emulsions—mixtures of fat and water. The law now states that they have to be 80 per cent fat. The remainder is largely water. But for a few years now the food industry has known how to create butter and margarine that held together and retain their taste and spreadability with as little as 40 per cent fat and the rest mostly water. The FDA, however, firmly enforcing the same sort of silliness that prevents 2 per cent milk from being called milk, insists that a margarine with such a mixture must be called "imitation margarine." You don't have to be an advertising copywriter to realize that this is a dreadful name for a product.

Some manufacturers have got away with the term "diet margarine," but the FDA still insists that somewhere on the package the phrase "imitation margarine" must appear. The very word "imitation" conjures up some sort of weird ersatz substance made in a mad scientist's test tube. When you realize that this substance has only half the fat and therefore half the calories and the only major additive is more water, you may understand why there are times when some of us get a little frustrated with outdated standards of identity.

Established groups, it seems, are always reluctant to adopt changes. This has been true of my own profession as well as of other groups. In this instance it is the dairy farmer who supports the outdated approach to labeling.

Last year I made a speech at the University of Wisconsin, in Madison. The audience was made up largely of dairy farmers. I spoke to them as a native son who grew up in a nearby farming community and received a Ph.D. for graduate work at the University of Wisconsin's College of Agriculture. I told them they were the grandsons of the men who had lobbied for these archiac laws—which might have served a useful purpose at that time. I urged them to join in a nationwide effort to change these laws, because now they were hurting, not helping, the dairy industry. I reminded them that even in the early 1930s Wisconsin's Professor E. B. Hart was telling his students in dairy chemistry that someday the dairy industry would have to get around to basing the price of its milk on protein content instead of on fat content. It is protein (and minerals and vitamins), not fat, that makes milk nutritionally the best-balanced single food available.

I told them that the tide of scientific knowledge was moving against them. Soon no responsible doctor should recommend a 3.2 per cent butterfat milk. But he could and should recommend, even for adults, a milk made with 1 or 2 percent fat, of which half might be butterfat and half polyunsaturated vegetable oils. The same thing was true of butter, cheeses, creams and ice creams.

And this, I added, was only the beginning of the changes that could be made to improve milk. Raising the level of fluoride in milk might be advantageous to build up resistance to tooth decay, and to strengthen bones in adults. Why not a butter with 50 per cent milk fat and 50 per cent polyunsaturated fat? It would still retain the status and popular taste of butter. Wouldn't this in the long run mean far bigger butter sales, just as improved milk would immensely widen its market?

I admit that it is a formidable task to change traditional ways of doing things. Still, progressive leadership could translate the latest discoveries about nutrition into profits. In addition, consumer action would help.

The results of the National Co-operative Diet and Heart Study were reported last June at the annual meeting of the American Medical Association. They are now being evaluated by the National Heart Institute, which sponsored the project, and eventually the Congress and the Food and Drug Admistration will be made aware of the importance of these and related findings. The FDA should change its mind about the ban on permitting food manufacturers to advertise polyunsaturated foods. If you agree that this change should take place, let your congressman know how you feel about its importance!

Many of the archaic milk and butter laws are regulated by state governments, and the repeal of these would require a series of individual efforts. If the FDA revises its cholesterol policy and the foods low in saturated fat and cholesterol and high in polyunsaturated fats become as popular as I am sure they will, these battles should be much easier to win.

If the FDA does flash a green light to the food industry, it should insist that whenever a manufacturer points out the potential of his cake mix or ice cream, margarine or shortening in reducing heart attacks, he must also reiterate the need for observing all of what the American Heart Association calls the other "risk factors" that contribute to heart disease—high blood pressure, overweight, lack of exercise, smoking and diabetes. This could produce the greatest public-health education campaign in the history of the country.

The result would be twofold. Millions of young Americans could look forward to longer, healthier lives. They also would be happier lives, because they and their children would be able to enjoy a more adventurous diet without anxieties. This, it seems to me, is eminently a cause worth fighting for.

A MODEL MENU

The following model menu, low in saturated fat and cholesterol and high in polyunsaturated fat, was provided by Dr. Stare. Designated foods should be eaten in average portions, but if you are not overweight or are trying to gain weight, increase portions at all meals and/or add a piece of meat, fish or cheese to breakfast menu. No one, of course, should embark on any diet without first consulting a doctor.

Breakfast: Any citrus fruit or juice; any breakfast cereal with milk (not cream); one sweet roll or one slice toast; polyunsaturated margarine or jam; coffee, tea or skim milk (or 2 percent milk).

Midmorning snack: Coffee, tea or skim milk; one cooky or two crackers.

Lunch: Chicken, fish or veal; one green or yellow vegetable; one slice bread or a roll with polyunsaturated margarine; salad with polyunsaturated oil dressing; sherbet or fruit.

Midafternoon snack: Coffee, tea, soft drink or skim milk; one cooky or two crackers.

Dinner: Soup; chicken, fish, veal or lean beef, pork or lamb; two vegetables (one green or yellow); salad with polyunsaturated oil dressing; sherbet or fruit.

Bedtime snack: Beer with pretzels; or skim milk, coffee or tea with two cookies; or your dessert saved from dinner.

Health highlights of this menu: It is low in saturated fat (no butter, no marbled steak or fat meat). It is low in cholesterol (no egg yolk or liver). It is high in polyunsaturated fat (via polyunsaturated margarine and oils).

Foods rich in saturated fats and/or cholesterol and hence to restrict (not avoid): butter, egg yolks, cream, fat meats, shellfish.

Foods low in saturated fats and cholesterol and hence to increase: fish (not shellfish), poultry, veal and other lean meats, cereals, 2 percent milk and skim milk.

Foods rich in polyunsaturates and hence to increase: polyunsaturated margarine; newer shortenings with more polyunsaturates; cooking oils of safflower, corn, soya and cottonseed; salad dressings generous in these oils.

CHICAGO WELCOMES 101 SENIOR CITIZENS INTO THE HALL OF FAME

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. FALLON. Mr. Speaker, today the city of Chicago paid tribute to 101 of her senior citizens who have become experts in how to get the most out of living—by giving.

I am proud to say, and I know that all the Members of the House will share my pleasure, that our good friend and colleague, JOHN C. KLUCZYNSKI, was one of that outstanding group of 101 Chicagoans.

Mayor Daley and officials of the Chicago Commission for Senior Citizens made special awards to this group at the seventh annual senior citizens hall of fame ceremonies in the city council chambers and added their names to the city's permanent roll of hall of fame members.

These ceremonies climaxed Chicago's celebration of Senior Citizens Month during May.

In welcoming remarks, Commission Chairman Harry M. Oliver, Jr., said:

> In making awards to this distinguished group, the city of Chicago acknowledges its debt for the contributions made to its development over many years by more than half a million residents who are today the city's senior citizens.

Martin Paltzer, chairman of the commission's hall of fame committee, presented the 1968 hall of fame class.

He said:

> Those honored today have been chosen by organizations in every part of the Chicago area. They represent many other senior citizens in each neighborhood and community who also are giving notable service.

Robert J. Ahrens, commission executive director, introduced two 1968 hall of fame members—Dr. Edward J. Sparling, president emeritus of Roosevelt University, and Mrs. Blanch S. Walton, a former professional pianist and musical director—to give responses in behalf of the class.

The new hall of fame members—43 men and 58 women ranging in age from 62 to 89—represent a wide cross section of Chicago area residents, but have one thing in common: all have achieved new or continued success in business and professional life, community service, scholarships, or the arts after reaching the normal retirement age.

The group this year also includes such nationally known persons as Joseph L. Block, chairman of the executive committee of Inland Steel Co.; Dr. Karl A. Meyer, medical director of Cook County Hospital for 50 years, and Mrs. Myrtle R. Walgreen, conservationist and philanthropist.

Also in the 1968 class are educators, doctors, clergymen, teachers, men, and women who have contributed long service to youth organizations, hospital volunteers, community workers, musicians, a poet, housewives, lecturers, retired businessmen, and many more.

At today's ceremonies, new members of the hall of fame were seated in places of honor in the city council chambers and were entertained by some very young Chicago citizens—the Little Angels Choir of Holy Angels Church directed by Sister Aquinette.

MONTANA POWER'S NEW MATH

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. METCALF. Mr. President, a proposed rate increase for electric and gas service by the Montana Power Co., now being considered by the Montana Railroad and Public Service Commission, has been the subject of considerable controversy and concern.

Montana Power Co. is a master in the art of deception. Its officials plaintively cry that operation on the presently allowed 5.33-percent rate of return is threatening their financial stability in these times of increased expansion and high interest rates. The worried officials ask for what they term a mere 15-percent rate increase.

In actual fact, the company earns an 11.33-percent rate of return, one of the highest in the country and a far cry from 5.33 percent. The company's return on common stock equity is 17.7 percent, one of the highest rates in the country. The increase it is asking, when broken down as in the following editorial, is not 15 percent but closer to a 26 percent overall increase.

Mr. President. I would like to insert in the Extensions of Remarks an editorial, "Montana Power Co. Is Spoofing Us," from the Northwest Public Power Bulletin.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MONTANA POWER CO. IS SPOOFING US

Montana Power officialdom, often exposed as experts in bending statistics to make the monopoly look good, are up to their old tricks again, a detailed study of the utility's proposed electric-gas rate increase by Eugene Pike of Missoula reveals.

When the power company, which enjoys one of the highest net returns of any private utility in the nation, recently announced its rate increase proposal, the claim was made by MP Co. Board Chairman J. E. Corette that the rate hike would amount to "about 15 per cent."

T'aint so, says Pike, who, as manager of the Missoula Electric Cooperative, is well versed in how rates are figured. Pike took the company's proposed rate increase, broke it down, and found that instead of a rate increase "of about 15 per cent" for the average residential consumer, the actual increase would range up to 29 per cent on electric bills and 26 per cent on natural gas bills!

In a comprehensive letter to the Missoulian, which had earlier headlined the rate hike story on Corette's 15 per cent assertion, Pike informed that publication its headline should have read: "MPCo. Asks Rate Hike of About 26 Per Cent". In substantiation, he made a series of "sample comparisons of the present and proposed residential rate schedules" of the 87 per cent out of state-owned utility. They follow:

"Kilowatt-hours per month	Present	Proposed	Difference	Percent increase
300	$7.56	$9.45	$1.89	25
400	8.86	11.45	2.59	29
500	10.16	12.85	2.69	26
600	11.56	14.25	2.79	24

"Montana Power Company's average residential consumer uses between 400 and 500 kilowatt hours per month.

"The General Service rate schedules that apply to schools, churches, business, small industry and other non residential consumers show about a 23% difference. These schedules are identified as GS 64 and GS 68. Here are some samples:

"Kilowatt-hours per month	Present	Proposed	Difference	Percent increase
500	$15.36	$18.85	$3.49	23
1,000	29.86	36.85	6.97	23
1,500	44.36	54.85	10.49	23
5,000	107.46	132.85	25.39	23

"As for natural gas for residential consumers, Mr. Corette's statement shows comparable differences. His example was for 15,000 cubic feet. The present cost—$11.10; the proposed cost—$13.98. This is a 26% increase.

"Maybe, after the hearings, the Public Service Commission will allow some increases—maybe not. In the meantime everyone should know the facts as they concern him as an individual or as one of the trustees of a tax supported institution such as a school.

"The question of the day seems to be, 'How do you arrive at a 15 per cent increase overall, when the vast majority of the consumers get increases ranging from 23 per cent to 26 per cent'?"

DEEP IN OUR HEARTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. HAWKINS. Mr. Speaker, I think that many of my colleagues in this House would agree that the close, long-standing alliance between the civil rights movement and the labor movement has sped the Nation's public and private institutions toward greater social and economic justice for all Americans. The alliance between the two movements is not just a historical coincidence—it is logical, meaningful, and effective—for their needs and goals are identical. Dr. Martin Luther King, Jr., lost his life in a struggle of workers to build a union—clear evidence that the alliance is as real in fact as it is in theory. Labor's commitment to the alliance is spelled out in recent AFL–CIO News editorial, "Deep In Our Hearts," which I now offer at this point in the RECORD, as follows:

DEEP IN OUR HEARTS

There are many ways to measure the life of Dr. Martin Luther King, Jr., but to American workers there is the simple fact that he was murdered while aiding members of an AFL–CIO union in their struggle for human dignity.

There has been an outpouring of grief, deep and poignant, at the cutting down in his prime of a great national leader. And his death is perhaps most deeply felt by American workers, for he understood their needs and their aspirations, the link between the civil rights movement and the labor movement.

Some years ago Dr. King told an AFL–CIO convention that the "unity of purpose" of the two movements "is not an historical coincidence. Negroes are almost entirely a working people. There are pitifully few Negro millionaires and few Negro employers. Our needs are identical with labor's needs, decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community."

From the days of the Montgomery bus boycott to the strike of garbagemen in Memphis Dr. King fought and bled for these goals. And as his courage and fervor touched the wellspring of America's conscience and helped weld together a mighty coalition of civil rights, labor and religious groups, new equal rights protections were written into the law.

But the new laws alone could not solve the injustices and brutalities of 300 years of discrimination and deprivation. As Dr. King noted in 1965: "What good does it do to be able to eat at a lunch counter if you can't buy a hamburger?"

A massive cloud of frustration settled over the large segments of the Negro community as economic progress came slowly and new groups of "civil rights militants" and liberal intellectuals abandoned the struggle for equal rights for self-defeating racial and cultural nationalism that gave aid and comfort to bigots and segregationists.

King fought on, raising ever higher the banner of non-violence, calling on the white community to keep the struggle alive as the militants readied for violence in the streets and those who blocked progress on equal rights prepared for combat in the name of "law and order."

He died helping Memphis's mostly Negro garbagemen win the right of their union to be recognized by the white community without resort to violence.

The struggle for civil rights in America has been intensively waged for less than two decades. It cannot overcome without great tribulation and pain the centuries of brutal slavery, discrimination and inequality. But overcome it must and it will.

A first condition for progress toward the kind of society for which King lived and died is to treat the cancer of racism—black racism and white racism. For as long as racist indictments continue—of either the white community, as such, for the slaying of Dr. King or the Negro community, as such, for looting and arson—there can be no progress toward the economic and social justice that he sought.

There is no goal, no program that has a higher priority for the American labor movement.

SAVING A GEM IN THE HUDSON HIGHLANDS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DOW. Mr. Speaker, a vast number of us are trying to preserve features of the Hudson Highlands in a near natural state, wherever possible. Iona Island, set in the very midst of these highlands, is a gem to be preserved. For a long time it was a naval ammunition depot with numerous masonry structures.

Now that it has been turned over to the Palisades Interstate Park Commission, a conversion is in process. If the Navy's masonry is being removed now, this is a critical time to return Iona Island somewhat to nature. For it is not only a natural feature of the highlands, it also retains unique appearances of flora and fauna.

My urging rises from the fact that the Palisades Commission evidently seeks to convert the island into a place for conventional mass recreation. A vast parking lot of bitumen would be spread across this very special natural setting. Mass recreation is admirable and essential, but let it not impinge on a most unique scenic island located in a most unique setting.

Advocating a more suitable disposal of the island is Mr. Jack Focht, a practicing conservationist of Rockland County, N.Y., who has sent me his creative recommendations for Iona Island. I offer these for the RECORD as follows:

Iona Island has been fenced off for a long time. It hasn't been open to the public since World War I. It remained a restricted area and naval ammunition depot until after the Korean War. Few remember it as a resort area frequented by John L. Sullivan, and only local histories record its use as a vineyard and home of the Iona Grape. But like many other private facilities on the lower Hudson, this beauty spot (just south of the Bear Mt. Bridge) has been released for other purposes.

The Palisades Interstate Park Commission bought the island in 1965. The fence will soon come down to meet the growing recreational needs of the Greater Metropolitan N.Y.C. area. However, a longer lasting barrier to the best public use of this island may prove to be inflexible planning, and not the fence.

The urban crisis is acute, and the Park Commission stands as a monument to interstate cooperation in meeting recreational needs on a regional basis. But, olympic sized swimming pools, bowling alleys, landscaped parking lots, and other facilities may still be wasting some of the isand's best potential . . . especially when an alternate site (Doodletown) is available for mass recreation.

Strategically located at the southern gateway to the Hudson Highlands, Iona Island may be better destined to fulfill educational and cultural needs. If N.Y. and N.J. are to make the most of the Hudson Valley, the Park Commission might better develop the island as an interpretive center.

The Hudson once attracted international tourism in the days of Thomas Eaton, Frederick Church, and the Catskill Mt. House. Today, the Nation is rediscovering its heritage. To see America is to begin on the Hudson. Strategic in the struggle for Independence it was the scene of the treason of Benedict Arnold, and the Battles of Stony Point and Saratoga.

Backing up this revival of interest has been the dedication of the Palisades as a National Landmark; Governor Rockefeller's Pure Waters Bond Issue; and the creation of the Hudson River Valley Commission that is planning a 1000 mile Tourway (over existing roads) to lead tourists through the cultural, historic, scenic, and recreational resources of the river valley.

Visitors to Williamsburg, Va. are oriented at an information and interpretive center that includes museums, lectures, tourist information, films, restaurants, and lodging.

A similar place is needed on the Hudson River where the history, painting, economics, geology, ecology, and folklore of the River's past, present, and future could be interpreted to the public.

Iona Island would be an ideal spot for such a center. A variety of educational facilities could be housed there to interpret the River from all points of view. Thus, the existing Iona Sanctuary with its tidal marsh, interesting plant and bird life, granite ridge and Indian rock shelter could be managed as a unique Hudson River nature center.

A museum, conference center, art gallery, and tourist bureau (appropriately housed) could also promote other aspects of the river through films, concerts, historical pagents, outdoor theater, happenings, and sound-and-light productions. Hydro-foil ferries might be used to transport visitors from the city up the Hudson for cultural events on the Island. A marina, plus restaurant and lodging, coupled with the facilities of the Bear Mt. Inn and Harriman Park could make the place world renowned as a recreational, cultural, and educational complex designed to meet the needs of a regional megalopolis.

To "dream the impossible" dream for Iona Island is not so hard. Imaginative guidelines are suggested by the concept of "creative conservation" outlined by President Johnson in the early days of his administration; and by the new dimension in park use pioneered by Thomas Hoving as N.Y.C. Parks Commissioner.

A massive effort to interpret the meaning of our Native American heritage is desperately needed. It can be done if men of vision break through the barriers, and reclaim one of America's greatest (and most wasted) natural resources—"The Lordly Hudson."

BRUCE HARLAN NAMED ILLINOIS' "SMALL BUSINESSMAN OF THE YEAR"

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RAILSBACK. Mr. Speaker, the stated purposes of the Small Business Administration are to aid, counsel, assist, and protect the interests of small business concerns. Through the use of business loans, the SBA has helped thousands of small firms get started, expand, grow, and prosper. A fine example of how successful this program can be, when all of the right ingredients are added in the proper proportions, is Mr. Bruce Harlan of Sterling, Ill.

Harlan has just been named "Small Businessman of the Year" for the State of Illinois by the Small Business Administration. He was selected by the State advisory council for this honor on the basis of growth in sales, number of employees, profit, contribution to the economy of the community, overall management of his business, as well as participation in community activities.

In 1956 Harlan's Department Store in Sterling had sales of $100,000 per year, and in 1965, sales of $180,000. This is a healthy increase, averaging 9 percent per year, more than twice the increase of the gross national product during that period. In 1965, he consulted with the SBA and obtained one of their business loans. Since that time, his sales have increased 89 percent each year with sales in 1968 of $500,000.

According to Harlan, the major item he lacked in 1965 to achieve this tremendous growth was long-term capital, which he describes as the key to the proper use of the tools of knowing the importance of good pricing principles, the advantages of buying in quantity, of display and effective use of advertising media, all of which he possessed. In 1965 Harlan obtained a business loan from a local bank, a percentage of which was guaranteed by the SBA.

Since then, Harlan's Department Store has grown from eight full-time and two part-time employees to 16 full-time and 16 part-time employees. An additional store has been opened in Dixon, Ill.

The result has been a $4,000 increase in taxes paid by the employees and the owner each year since the loan was made. In addition to the loan plus interest being paid to the bank every month, this one small business, through the owner and employees will have paid in increased taxes during the 6 years of the loan at least twice the full amount of the loan.

Mr. Speaker, this is an example of phenomenal success, and I would like to congratulate Mr. Harlan and everyone associated with this success. I only wish that all Government programs could produce more examples of success, such as this, in as short a period.

HON. JOE MARTIN

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. MACDONALD of Massachusetts. Mr. Speaker, it was indeed sad news when I learned of the passing of our beloved friend Speaker Joe Martin. The life and deeds of this honorable man will not be forgotten now or in the centuries to come.

"Joe" Martin, as he was affectionately known, possessed a personality that radiated genuine good will and sincere fellowship. He served 42 years in the House as a Congressman from Massachusetts, starting in 1925. He was Speaker from 1946 to 1948 and from 1952 to 1954, and was leader of the House Republicans from 1936 to 1959.

Joe Martin was a good friend of mine. We served in Congress together from the same State from 1955 to 1967. I have never known a more friendly individual, a man who went out of his way to work with his colleagues, one with a kind word always. He was conscientious and sincere.

He always strived to do the right as he saw the right. He was consistent in his views and won the respect, admiration, and affection of all who knew him, regardless of whether or not they agreed with his position on all legislative matters. When taking the opposition, he was always an honorable opponent and far from engendering bitterness in his tactics and friendly opposition served always to cement old friendships and ever win new friends for him.

It was once said by a distinguished statesman, "that a disposition to preserve and an ability to improve taken together would be my standard of a statesman." Measured by this yardstick, Joe Martin was every inch a statesman of the highest order. To me Joe Martin was the epitome of a gentleman. I greatly admired his courage and judgment in public affairs and I know that this Nation is a better place to live because he lived and unselfishly served the country he loved.

I particularly liked the observations which were brought to my attention in an editorial tribute to former Speaker Martin in the Sioux City, Iowa, Journal. I can think of no better way to conclude my remarks than to quote part of that editorial, as follows:

> During the more than 40 years Joseph W. Martin Jr. served as a member of Congress from Massachusetts, he saw history made and helped make it, was a friend and confidant of presidents and other high-ranking officials

and had a deep devotion to his country which never faltered.

Twice "Joe" Martin was Speaker of the House of Representatives when the Republican party was in power. . . .

His counterpart in Congress for many years was Sam Rayburn, Democrat of Texas, who served as Speaker when his party was in power. "Mister Sam" and "Joe" had great respect for each other and were firm friends despite their political differences. . . .

It was Speaker Sam Rayburn, Democrat, who once presented Joe Martin, Republican, to the House as a man of "unquestioned character, demonstrated ability and a great, fine heart."

Both men now are gone, but Mister Sam's words stand as a fitting epitaph to his old friend, Joe Martin, who devoted a lifetime to his country.

REPORT ON SATELLITE COMMUNICATIONS POTENTIALS FOR ALASKA

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. BROTZMAN. Mr. Speaker, it is my honor and privilege to bring to the attention of my colleagues the results of a symposium on May 1 and 2 about the potentials of satellite communications for Alaska which was chaired by the distinguished gentleman from Alaska [Mr. Pollock].

The 2-day satellite communication symposium brought together top experts from the satellite communications industry, Federal Government, and officials from Alaska. Although the primary emphasis of the symposium concerned the urgent communications problems in Alaska, the discussion developed substantial information as to the overall satellite communications potentials which I believe all Members will find interesting.

I was particularly interested in my distinguished colleague's remarks because they underscore the fact that the Western part of the United States mainland, in common with Alaska, can reap tremendous educational benefits from satellite communication.

The Federation of Rocky Mountain States, for example, has been doing some preliminary spadework on a comprehensive study along the very lines suggested in the remarks by my colleague from Alaska [Mr. Pollock], and I would expect that the Rocky Mountain region and Alaska will be working closely in the years to come in implementing satellite communication applications.

Recent technical advances in the field of satellite communications have made substantial and significant contributions to the practical application of satellites to: promote human enrichment by making educational television available in our more sparsely settled areas of the Nation; increase our ability to communicate within the Nation and with our vital foreign markets; and promote public health and safety by greatly expanding our technical and economic ability to provide communications in isolated areas so that doctors may obtain the best consultation available, forest fires can be spotted and controlled earlier, and travel in remote areas safer.

I congratulate Mr. Pollock for focusing attention on this important and emerging aspect of our national and international satellite communications networks. Mr. Speaker, I include the text of Mr. Pollock's report on the May 1 and 2 satellite communication symposium at this point in the Congressional Record:

Report on Satellite Communications Potentials for Alaska: Symposium May 1 and 2, 1968, Washington, D.C.

It was my honor to chair a Symposium on May 1 and 2 to explore the existing and long range potentials for improving Alaska's communication network with the aid of communication satellites. At my invitation, we were fortunate in bringing together members of Governor Hickel's Special Satellite Communication Task Force, key officials from the Federal Government, top officials of COMSAT and prominent experts from the satellite communication industry.

The primary purpose of the Symposium was to see how best to improve communications within Alaska as well as to and from Alaska.

COMSAT now has a proposal before the Federal Communications Commission to initiate a pilot program for domestic (non-international) satellite communications throughout the western half of the lower 48 states. The proposal as submitted to FCC does not provide for service to Alaska. It was my knowledge of this fact that triggered my determination to have a Seminar, or Symposium to have all interested parties focus attention on Alaska and its needs. This was in line with my original suggestion last winter that Governor Hickel establish a Special Task Force of knowledgeable Alaskans to identify Alaska's existing and future communication needs, and that I would arrange to have the Task Force meet with key officials in the Federal Government and COMSAT and other officials in the satellite communications industry.

I am pleased to report that we had an excellent turnout of key officials in the Federal Government and the satellite industry. (A list of those in attendance is appended.)

We were also fortunate to bring these experts together with three of Governor Hickel's Special Satellite Communications Task Group—Commissioner George Sharrock, General C. F. Necrason and Charles Buck. A fourth member of the Task Force, Dr. Woods, President of the University of Alaska, was personally represented by Charles Northrip, Manager of KUAC-FM. Other interested Alaskans who attended the Symposium were State Legislator W. Eugene Guess and Flore Lekanof. U.S. Senator Bob Bartlett also had a member of his staff attend the discussions. I had hoped more of the Governor's Task Force could be present, but such was not to be.

The most important thing that came out of the two day Symposium is that Alaska is now on the edge of action which will determine the ultimate capacity of our future communications network. Therefore, the decision which will be made with respect to communication capabilities will have a direct impact on Alaska's ability to grow.

The possibilities for improving Alaska's communication network through the use of satellites is not new. The early proposals for satellite communications contemplated the use of satellites in polar orbits. Therefore, Alaska, being the northernmost State was the logical site for the primary earth to satellite link-up. However, with development of the technical capability to place a satellite in "satisfactory" or "synchronous" orbit over the equator, Alaska's potentials were greatly discounted.

Today there are two pairs of stationary or synchronous communication satellites in successful commercial operation: these provide America a satellite link with Hawaii, Australia, Japan and other Eastern countries, and a satellite link with Europe. For the first time, the United States now has the ability to have complete global communications with the aid of satellites. Unfortunately, Alaska is not part of the satellite communications complex.

I am firmly convinced that we must improve our existing communications system in Alaska. We must reduce the isolation of our far flung communities. We must provide reliable communication links so that all Alaskans are well informed of internal affairs of the State, "the Lower 48", and the world. The potential of providing television throughout Alaska has considerably more than entertainment value—it provides the hope of upgrading our educational institutions so that all Alaskans, wherever they live or work, will have the benefit of our many highly qualified professionals and experts located in the more populous regions in the State. Better communications will aid the bush pilot, the fisherman, miner or others who work and travel the North Country. At the same time their travel will be safer. Improved communications will also have a beneficial influence in attracting new industry and people to Alaska so that Alaska will continue to grow.

I want to make it clear, however, that there is no way to properly evaluate the role of communication satellites in Alaska until Alaskans determine their specific communications needs.

Six basic conclusions which can be drawn from the discussions during the two day symposium in Washington, D.C. are:

1. The existing ACS network has a low capacity, is nearly saturated, and will not take any significant increased load without major and costly improvements.

2. There are no technological problems in providing satellite communications for Alaska.

3. The pending sale of ACS should consider the possibilities of an integrated satellite communication service for Alaska.

4. No satellite communication system—existing or potential—would be able to operate at maximum potential unless completely integrated with terrestrial communication systems.

5. The geography, population distribution and the capabilities of the existing communication system in Alaska are such that there is a very real possibility that satellite communications for Alaska would be economically feasible.

6. It is impossible to proceed with a detailed economic and technical analysis evaluations to determine if satellite communications would provide the most efficient and least costly means to improve the existing Alaskan communications network *until* Alaska's communication needs have been identified.

It would seem to me that the bare minimum requirements for Alaska's communication plan would involve:

1. Point to point intra-Alaska two way communications.

2. Tie-in with both a domestic and a global satellite communications system to provide not only interstate but also international communications capacity.

3. Live regularly scheduled commercial TV transmission of national broadcast programs via domestic satellite tie-in.

4. Educational TV transmission to remote school-classrooms.

5. Two way communications transmission to remote locations for professional consultation advice for doctors, and other professional or governmental official in emergency situations.

As a result of their recent reconnaissance survey of conditions in Alaska, officials of COMSAT believe that satellite communications could provide significant service to Alaskans in that it would:

1. Permit shifting a portion of the load from the existing ACS network, thereby providing an opportunity to significantly upgrade existing service within Alaska—especially to more isolated communities.
2. Permit the ACS network to provide service on the existing facilities and still maintain a reserve capacity for expanded service without major improvements.
3. Provide direct communication links with the Lower 48 states and the Far East.
4. Provide limited live TV for special events.

All of the above services are now technically possible with the existing COMSAT Satellite (INTELSTAT) which is in operation over the Pacific. Terrestrial distribution of these services, however, would be limited to the capabilities of the existing communication network in Alaska.

Considering the communication needs of the Anchorage-Fairbanks areas. COMSAT believes there is sufficient volume to make ACS and a coordinated, complimentary satellite communication a viable reality.

Their reconnaissance survey also suggests there are several sites between Anchorage and Fairbanks which would be suitable for the construction of a receiving and transmitting earth to satellite station. These potential sites would be accessible from the new road being built along the railroad connecting Anchorage and Fairbanks, and would be capable of linking with the present Pacific global communications satellite and any future communications satellites designed for domestic coverage of the continental United States.

The COMSAT proposal for the pilot domestic satellite communication program now before FCC is a flexible working experiment to test the economic and technical feasibility of domestic satellite services for television (black and white and color), telephone, radio broadcast and data transmissions of various types.

Major facilities would include four high-capacity transmitter receiver earth stations and approximately 36 earth receiver stations in the Mountain and Pacific states. Comsat also proposes to provide—without charge—two full time television channels through the satellites for public and educational broadcasting during the pilot program. The total service available in the pilot program will include: 8 television channels (6 commercial and 2 educational); and telephone circuits between Los Angeles, Portland, Oregon, New York, and Huntsville, Alabama with relay stations to the rest of the West.

Since one of the major objectives is to perfect and demonstrate the technical ability to use satellite communications economically in a variety of circumstances, COMSAT proposes to use a wide range of earth station receiving and broadcasting equipment. These include: conventional 97 foot diameter antennas similar to those now used to communicate through today's satellites and transportable broadcasting and receiving equipment. Much of the earth equipment will be designed to operate automatically with about the same care as today's microwave relay station.

It seems to me that if this is a pilot, or experimental program there is no better place to test equipment and provide substantial and significant human benefit than right here in Alaska! Nowhere in America are climate, terrain and population dispersion so challenging and the potential for human enrichment so great.

The FCC is expected to make a final decision on the COMSAT proposed domestic satellite pilot program before July. Therefore, through the Governor's special satellite communications Task Force, Alaskans must make a strong case to the FCC without delay if the State is to realize our ultimate communication potential.

As I indicated earlier, there isn't sufficient data for an accurate appraisal of the costs for providing satellite communication to Alaska. However, based upon COMSAT's experiences at Brewster Flats, Washington and Andover, Maine, they estimate that a major earth station with an 85 to 90 foot antenna at a location somewhere between Anchorage and Fairbanks would cost about $10.5 million.

COMSAT has expressed the desire to cooperate to the fullest extent. There are procedures for cost sharing or ownership for earth stations in domestic satellite communication program, but these would pose problems for Alaska. COMSAT indicates that a trusteeship arrangement on ownership of the ground station and terrestial links could be worked out so that the sale of ACS would not be delayed. They indicated that they would be amenable to providing the initial funding for the transmission facilities from the ground station to Fairbanks and Anchorage where communications would interconnect with the existing facilities of ACS.

Although the pilot domestic program now before the FCC does not include Alaska, experts from private industry and COMSAT all agreed that a communication satellite in stationary orbit over the equator at a proper longitudinal fix could provide simultaneous coverage for the western part of the lower 48 and Alaska. It is also possible, by penciling in with a special satellite antenna focused on Alaska, to provide specific coverage for Alaska. Although the changes would be of a relatively minor technical nature, they could not be made after the satellite is launched. They also indicated the cost would be less if done on the basis of providing service in conjunction with other areas of the lower 48, rather than designing a separate satellite specifically for Alaska's needs.

With a special satellite or with a special antenna on the domestic satellite it would be technically possible to have the primary ground station in Alaska have a 42 foot antenna instead of one in the 90 to 100 foot class. It would also be possible to have direct TV communication transmission to classrooms in remote villages through small receive-only antennas, or to provide point-to-point intra-Alaska communication—something we desperately need.

A 42 foot ground station could provide both TV and telephone service. The state of the art also contemplates high quality TV reception from antennas as small as 20 feet. This would substantially reduce the cost of ground stations to the point where there is a good chance to provide service to many of the isolated communities throughout Alaska. For instance, a smaller direct reception television antenna in the 10 to 15 foot diameter class costing about $10,000 is now being actively proposed for remote areas in Mexico and India—but this is with utilization of specific satellites and high power.

Canada, in a white paper on a domestic satellite communication system for Canada, issued last March, proposes to provide a nationwide system of telephone service and television service in both French and English. The primary reason for this approach was the need to get regular service to their remote settlements which cannot be reached by conventional means on an economic basis.

Today Russia has the only operational domestic communications satellite system. The Russian system involves 6 satellites in an elliptical, non-equatorial orbit over the Soviet Union in such a fashion that as one satellite goes below the horizon, another has risen on the opposite horizon. This system provides telephone service and national distribution of television.

The major, and significant difference between the existing domestic satellite communication system of the Russians and that being proposed by COMSAT for the U.S. is that our satellites will be synchronous or "stationary", hence continuous observation will permit less costly ground facilities. Of course, our satellites are not really stationary—as today's high school student knows—the satellite is actually in an orbit directly over the equator at an elevation of about 22,300 miles. At this height, the orbital speed of the satellite is identical to the earth's rotation. Thus, from the earth the satellite only *appears* to be stationary.

The possibilities for economical satellite communications for Alaska are bright. This is largely through the advanced technology to be incorporated in the new series of satellites proposed for the pilot domestic satellite communications program. The existing Lonnie Bird and Telstar series are designed as a spinning top with the transmission of energy (TV, voice and data) spraying out in all directions. The new series will have a mechanism for focusing the energy from the satellite into a predetermined area of the earth's surface. Thus, the efficiency of today's satellite could be compared to the results you would get if you tried to read a newspaper 20 feet from an unprotected two cell flashlight bulb which has been mounted in a completely exposed position. The new domestic satellites would be like taking the same two cell flash lightbulb and installing it properly and then aiming the beam of light at the newspaper. This innovation makes the new satellite more efficient and reliable and at the same time expands the service potential on a pound-for-pound basis.

In conclusion, I am most enthusiastic over the potentials of having educational TV for our isolated villages, live TV, uninterrupted telephone service to the lower 48, intra-Alaska point-to-point communications, direct contact with our expanding commercial markets in the Far East—these are the things that are possible. But we must decide what our communication needs are. Answers to the communication needs for Alaska must be generated from data developed by Alaskans. There is no practical way that the job can be done from a desk in Seattle, Los Angeles, or Washington, D.C.

I see no conflict with the pending sale of ACS. Under the terms of the Act authorizing the sale, the purchaser will have to invest substantial amounts of capital to relieve the congestion on the existing facilities. Since the present ACS facilities are not even adequate for today's needs, what type of capital investment will be required to provide for expanded service? We will be required to provide for expanded service, but we also will need to know our communication requirements for the next ten or twenty years.

Through the combined efforts of concerned Alaskans we have rekindled an active and viable interest in the possibilities of using satellites as a means for providing better and more efficient communications for Alaska. The decision as to Alaska's future now rests with us all! The time is now!

Agenda for Satellite Communications Meeting, Room 1302, Longworth Office Building, Washington, D.C., May 1–2, 1968

MAY 1

10:00 Mr. Ed Istvan, Asst. to Chairman and the President for Special Activities, Communications Satellite Corporation, w/Mr. Robert D. Briskman.

11:00 Mr. Leonard Jafee, Director, Space Applications Program, National Aeronautics & Space Administration, w/Mr. Greg Andrus, Chief, Communications Program.

2:00 General James D. O'Connell, Director, Telecommunications Management, Executive Offices, The White House, w/Mr. John O'Malley; w/Mr. Ralph Clark.

2:30 The Honorable Rosel H. Hyde, Chairman, Federal Communications Commission.

3:00 Mr. Raymond Stanley, Chief of Educational Branch. Office of Education, U.S.

Department of Health, Education, and Welfare.

4:00 Mr. William G. Harley, President, National Association of Educational Broadcasters, w/Mr. Chalmer Marquis, Ex-Director of Educational TV Stations.

MAY 2

10:00 Mr. W. E. Sutter, Mr. P. T. Smith, Page Communications Engineers, Inc.

11:00 Mr. Gus Rauschenback, Director, TRW Systems.

2:00 Mr. Joseph Knopow, Program Manager for Intelsat IV, Lockheed Aircraft Corporation.

3:00 Dr. A. D. Wheelon, Vice President, Engineering, Hughes Aircraft Company.

Those attending the satellite communciations meeting

Mr. Flore Lekanof, Alaska Aleut League.

General Necrason, Alaska Task Force on Communications.

Commissioner G. Sharrock, Alaska Task Force on Communications.

Mr. Charles Buck, Alaska Task Force on Communications.

State Rep. Gene Guess, Alaska State Legislature.

Col. Haveridge, USAF, Alaska.

Mr. Charles Northrip, University of Alaska.

Messrs. Claire Banks, John Asplund, Chod Chatterton & Max Hodel, Chamber of Commerce, Alaska.

Mr. Asher H. Ende, Federal Communications Commission.

Mr. Robert Starr, President's Task Force on Communications.

Mr. Kenneth Dewire, O.S.O.E.–ETV Fac. Program.

Mr. John R. Brugger, USOE–PL 90–129.

Mr. D. P. Rogers, NASA HQ.

Mr. Jack Woolley, TRW Systems.

Mr. Michael Monroney, COMSAT.

General G. E. Pinkston, RCA Corporation.

Mr. Frank Adams, RCA Corporation.

Col. August Mahon, State Department

Mr. Carl Swartz, Hughes Aircraft Co.

Col. McKinney, Hughes Aircraft Co.

Mr. Bill Sturdevant, NASA.

Mr. Sanford Jafee, Ford Foundation.

Mr. W. A. Koenig, Lockheed Missiles & Space Co.

Mr. W. H. Watkins, Federal Communications Commission.

Mr. T. L. Leming, Hughes Aircraft Company.

Mr. P. S. Vigher, Hughes Aircraft Company.

Mr. James McHugh, Steptoe & Johnson (representing Corp. for Public Broadcasting).

Mr. Frank Hammill, House Committee on Science & Astronautics.

Mr. Robert F. Guthrie, House Committee on Interstate & Foreign Commerce.

BILL TO ALLOW THE REINSTATEMENT OF CERTAIN OIL AND GAS LEASES

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. POLLOCK. Mr. Speaker, I have today introduced a bill by request to allow the reinstatement of certain oil and gas leases terminated by the failure to timely pay rentals due. This failure was due to a lengthy delay of the mail. The check had actually been mailed prior to the due date. Since the leasee was diligent in complying with the law it believes that it should be allowed to pay the required amount and continue as leasee. The bill I have introduced would allow this to be done upon a showing that the failure to pay timely was either justifiable or not due to lack of reasonable diligence.

FATHER AND SONS IN VIETNAM

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. FOUNTAIN. Mr. Speaker, I have just read one of the most inspiring stories of my life about a father from my district and two of his sons who are serving together in the Army in South Vietnam.

We all know of families with a father or son in the combat zone. This is the first case ever to come to my attention in which three members of one family are serving, not only jointly, but together in the same organization.

The father, CWO Hardy Batchelor, a native of Nashville, N.C., is on his third tour in Vietnam by his own choice. He could have retired years ago had he so desired. Instead, he has received special permission to return to Vietnam after two previous tours and almost 22 years in the Army.

His sons, Lt. Hardy Batchelor, Jr., and Sp5c. Thomas Batchelor, are with their father in the 5th Special Forces. Thomas Batchelor is back for his second tour in Vietnam, having previously served there and in Panama.

Mr. Speaker, the Batchelor family story is a strong rebuttal to the ones we hear about daily of draft dodgers, draft card burners and others who seem to feel they have no obligation to their country.

The Batchelors already have given far more to their Nation than hundreds of the "peaceniks" taken together could ever match. In order that my colleagues may read in detail of the Batchelors' devoted and patriotic service to us all, I inserted in the RECORD at this point a newspaper account of their loyalty from the May 16 issue of the Nashville Graphic:

FATHER AND TWO SONS SERVING IN SAME SPECIAL FORCES UNIT IN VIETNAM

(By Richard Walker)

Hardy Batchelor, 52 year-old Nashville native who volunteered for his second tour of duty with the Special Forces in Vietnam just last September, requested and received orders recently to return to the war-torn country for a third time. He left for Vietnam on April 25.

However, there will be one big difference this time. He will be there with his two sons, Hardy, Jr., and Thomas, who also have been sent to Vietnam with the Fifth Special Forces.

By coincidence, all three will be wearing the green beret in the same outfit.

The father, who entered the Army in August of 1936, went to Vietnam for his first time 30 years later, in August of 1966. After returning to the states for a year, he decided to volunteer for a second tour.

Hardy, Jr., who is 26, left for Vietnam on April 27. He is a first lieutenant and a graduate of the University of North Carolina at Chapel Hill, where he was a history major.

While attending Officer Candidate School, Hardy, Jr., applied for duty with the Special Forces in Vietnam. Last November he received orders for assignment to Vietnam. When he found out that he and his father would be together, he said his reaction was one of pride.

"I will be proud to be over there for my country and family," Hardy, Jr., said.

THOMAS VOLUNTEERS AGAIN

Thomas, 22, who volunteered for the Army after graduation from high school, departed for the war zone for a second time on May 5. A Specialist Five, Thomas recently returned to the states from duty in Panama. Before going to Panama, Vietnam was his home base for a year.

On his first Vietnam tour, Thomas served in the 101st Airborne. Because he volunteered to return for a second tour, he was allowed to choose his outfit, but he did not know at that time that he would be with his father.

Hardy, Jr. said he would be with the A-team of the Special Forces and would be working with the Vietnamese people to train and educate them.

Thomas will serve as a weapons repairman and mortarman.

As a Chief Warrant Officer, their father will be in charge of vehicles and weapons "to keep them rolling and shooting."

Batchelor, who has been in the Army for almost 32 years, holds the rank of Chief Warrant Officer, CWO-4. Although military regulations say he must retire after 30 years of service, he has managed to stay on active duty with the aid of several recommendations from important officials, including General William C. Westmoreland, former commanding officer in Vietnam. It was through the help of Gen. Westmoreland, who contacted the Secretary of the Army, that the Nash County native was able to return to Vietnam for six more months.

With 32 years and five months of Army duty behind him, Batchelor will retire in December.

He holds the highest rank he is eligible for before retiring. Batchelor said he would be receiving "good pay" after his release from military service but added that he would never get rich on retirement.

He recalls that he received $17.75 per month as a private when he first enlisted.

Batchelor, who said the military is "my way of life," has seen action in three wars. He first served with the 11th Airborne Division in the Pacific Theatre during World War II. Twice he went into combat during the Korean War with the 187th Regimental Combat Team, and he served with the Fifth Special Forces in Vietnam for 19 months.

A member of the Airborne for the past 25 years, Batchelor served with the 82nd Airborne Division for nine years. He has made 329 parachute jumps "without any mishaps."

HAS 19 DECORATIONS

During Batchelor's second tour in Vietnam, he was awarded a Bronze Star and an Air Medal. He now has a total of 19 decorations, including:

Bronze Star, Air Medal, Army Commendation with third award, Purple Heart, Good Conduct with third award, American Defense, American Campaign, Asiatic Pacific Campaign, World War II Victor, Army Occupation (Japan), National Defense Service with second award, Presidential Citation (Korea), Korean Service, Armed Forces Reserve, Philippines Independence, Philippines Liberation, United Nations Service, Vietnam Service and Vietnam Campaign.

He also holds the Combat Infantry Badge, Master Parachutist Badge of the Army, Gliderman Badge from the Army and the Master Parachutist Badge from the Vietnamese Army.

Although he owns a farm near Nashville and a house in Scotland Neck, his family resides in Fayetteville. His oldest daughter, Barbara, 23, is a telephone Company supervisor. The youngest daughter, Diane, is 13 and attends junior high school.

His wife, Margie, is kept busy by a four-year-old son, David.

Batchelor is a former champion boxer who makes fun of the physical fitness test given by the Army today. He thinks the tests are too soft.

Out of 318 boxing matches, he won all but 22.

"The referee beat me out of those 22," Batchelor jokingly said.

He was welterweight champion at Fort Bragg and held the Golden Gloves championship five times as he fought in the southern coastal states.

"I will let all my friends know when I will return to the states and Fort Bragg to retire," Batchelor said.

However, he does not consider himself as retiring, but "only losing a job."

When he returns, he said, "I am going to have fun with my young son and all my friends."

COUPLETS FROM A TRAINING SCHOOL FOR BOYS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DOW. Mr. Speaker, you and I have read poetry that represents many activities—poetry of soldiers, poetry of mariners, poetry of landscapes, poetry of patriots, poetry of railroads, and many others. Sometimes we have read poetry of prisoners and inmates, but rarely have I seen before poetry by the instructor and custodian at a boys' training school. Yet here is a calling that would especially need profound humanity in face of callous obstacles.

I am awakened to this observation by a folder of gripping couplets composed and sent to me by Walter J. Otto, children's supervisor, New York State Training School for Boys, Warwick, N.Y. As much as anything they remind me of the poignancy in James Whitcomb Riley's poem about Little Orphan Annie. Beyond that, however, they open our eyes to a different part of our world that we should better understand. In Mr. Otto's verse we see this different world through an admirable pair of very understanding eyes. Selections from Mr. Otto's poems are offered as follows:

NEW STAFF'S (ORIENTATION): VIA THE UNDERGROUND

Huh, that's a good question, I'm glad you asked, I guess you must be new.
Had you been here as long as I, you'd know damn well it's true.

They're all no good, not one of them—so never try to trust 'em.
You'll get respect and they'll do as they're told when you wade right in and bust 'em.

Thieves, murderers, faggots, thugs—all rotten to the core
And lots of them you'll deal with, have done some time before.

Don't think that you can help them, it just can never be done
And if you're kind, considerate, they'll put you on the run.
So knuckle them down, keep 'em up tight—don't give the punks a break;
That way you'll hold your job and all in all do great.

(NOTE.—Written Feb. 30, 1962, after 2 weeks on the job.)

ON THE JOB

I'm sitting here aknowing as the sun sinks in the West.
That what I did to Ben today was really for the best.

He hit a boy much younger and smaller too in size,
And it wasn't the first time, either, be sure to realize.

So I smacked him hard across the face with open palm of hand
And had to dump him with my fist when he tried to pull a grand.

Now Ben has oft been talked to for things like this before,
But it seems he never got the word, or chose so to ignore.

I've preached to him repeatedly that force solves nothing faster,
But magnifies the argument and leads on to disaster.

He paid no heed and kept it up 'til it looked like he'd run o'er me,
And other kids copped heart at this who'd never dared ignore me.

A kid will follow other kids in preference to adults.
Young Ben set poor examples—engendered poor results.

Aware that more is caught than taught I wonder where kids stand,
When to help one out I let my words give way to force of hand.

It's tough on righteous guys like me who really want to show
That force aint might and nowhere's right and really has to go.

So now that Ben's the victim of his own poor childish ways,
I hope he's reached by this old Teach to give him better days.

But right or wrong I know I've done what seems to me the best
That could be done for willful Ben, his victim and the rest.

So shoot me down in memo for breaking the old rule
That men like me must never hit a boy in training school.

My heart's at peace, my mind at ease, I've done what must be done
To keep a cottage helpful in raising others' sons.

COAL GANG AT THE TRACKS

Alright you guys from D–2, let's hit the far end car.
You, Smitty, that first pocket—use the long crowbar.

That's it . . . now grab the sledge someone—Haynes, give Smith a hand.
Let's knock it out real early guys, then play some pool as planned.

Look out there, Robustelli! You'll hurt yourself that way;
I told you only yesterday, conveyor belts don't play.

Hey, Murray, grab a shovel; don't stand there like a dummy;
You know we have to knock it out before you feed your tummy.

Come on there, Chico, baby,—this fifty tons ain't hard,
And from the roundish looks of you, there's need for melting lard.
The rest of you all come with me to work inside the car.
With four astride a pocket, the finish isn't far.

Easy new boy Watkins, be careful when you climb.
A fall from off the top the car could hurt you; smash your spine.

Okay now guys, let's shovel, but remember, from the wall.
Let gravity do the center part, you needn't shovel at all.

Watch it, Lynch—you're spilling coal and hitting Drayton, White;
From what I know of both of them, they'll soon have you up tight.

That's it, Torres, Hennegan . . . work steady, not so fast.
You'll move a lot more coal that way and, too, your strength will last.

No, no, Moore, that's not the way! I've told you time and again.
Grab that shovel near the blade! You'll learn, I know, but when?

Okay, okay, there, Nixon, take a break for now.
The way you're moving coal today, you're showing others how.

No smokes for you yet, Murray; you haven't worked enough.
You slope out every chance you get—just always make a bluff.

Sure, Torres, get a drink; take Hennegan with you too.
You both put out a lot today; you've got some credit due.

Say, blue card boy, DeJesus . . . here's a note, some dough.
Pick this up at our canteen and come back quick, you know!

Watch out there, everybody, here comes a balling freight.
Get in the way of that thing boys . . . it's simply then too late.

Fernandez, please, don't ask again; you know your restriction card.
Besides the heavy coal dust here, the work itself is hard.

I wish that boys judged perfect fit approached this chore your way.
I wouldn't have to push them so from morning through the day.

Hey, China, will you cut that out? You're in Morales' way.
Move over here; there's lots of room. Let's get this out today!

Murray, Go! Get off the car! You're only in the way.
Behaving like you always do; again you'll have to pay.

It's a wonder, son, you never get wise, smarten up, get hep;
Just do your share like most of the guys and change your awful rep.

Aaron, Aaron, lighten up, your mouth goes more than your shovel;
Another thing about it, boy, you run it on the double.

Hold it! Hold it! Break it up! Kelly, let him go!
Heck, he's only half your size . . . why pick on little Joe?

Now don't go louding, watch your lip; you know Pop and fights;
He'll have you buffing most the day and half way through the nights.

Well, DeJesus, finally back. I almost thought you breezed.
What could possibly hold you up, mind now telling me please?

I'll buy your story, accept your buns, and that's just what you sold me;
I'll not use you for runner again; cold coffee don't console me.

Here it comes, boys, one more load; the truck's just pulling in.
Make it fast, load it up; we'll all then pack it in.

That's it, Rivers, Avery—clear the pockets wide.
We'll close the gates then, fellers, and give this thing a ride.

Okay, boys, off the car; use your weight behind.
Push it down the tracks a ways; I'll turn the wheel to bind.

Brake locked, tracks clear, shovels put away.
That did it, boys, our work is through; we're finished for the day.

Yep, you've got it, Torres, Hennegan; Nixon you have too:
A hundred on the conduct board. You've earned it and it's due.

Murray, you just got—what else?—the zero you deserve.
You're never on the ball at all; just throwing slope-out curves.

Everybody, on the truck; let's go back for showers.
Then, just knock your dinner out—and play your pool for hours.

WIZARD

Behind those eyes of cobalt blue,
Beneath that yellow hair
Is a mind that's seeking day and night
To drive you to despair.

Wizard hasn't reached fifteen;
A paleface kid and blond,
His glistening eyes shed crocodile tears;
You've had it, man, you're conned.

He'll swing you every chance he gets—
Talk real cool and sweet—
While stalking, outmaneuvering you,
And lie right in your teeth.

He'll work his points and try you,
Challenge every way,
Deplore, entreat, defy you
To try to get his way.

While you're at home and getting rest
He's burning midnight oil,
Concentrating on a means
To fret you, worry you, foil.

To succeed in his deemed destiny
He'll nag you, wear you down.
His moods and modes of needling you
Seem endless, know no bounds.

Gentle—fierce, quiet—loud,
His techniques clever, ranging;
But his design to dominate, . . .
Of that there's never changing.

Yes, he'll set the other boys
Against you when he can
He'll do the same with staff them, too—
Both women and the men.

Losing smokes, losing pool,
Losing ping pong, snacks,
Doesn't even daunt him—
His tough sheen shows no cracks.

He's set his heart against you,
His target cause you're weak—
There's no administration way
To handle his life, bleak.

Having yet no feel of love
In giving or receiving,
A withered spirit, empty heart,
That's hard and always grieving.

It's his natural inclination
To operate and control,
To thwart an inner conviction:
He's truly some lost soul.

Rejecting every bit your help,
Resenting that you're kind,
Shows up his hateful sense of self—
A fearful state of mind.

The boy needs understanding;
He's deep and so complex.
No doctrine of the ologies
Can touch him with their text.

Yet, thought illumined by the Mind
Divine and ever near
Can lift his veil of tears and hate,
Remove his morbid fear.

I'll do it, then, while many scorn
My efforts in the task.
Consider me a fool and such;
Their praises I don't ask.

I'll search the scriptures old and new
And find the healing key
Of life and Truth and Holy Love,
To set this captive free.

Let others find the way to Mars.
Let others solve the sea.
If I can reach and heal that boy,
That's good enough for me.

THE DANCE

Excitement fills the air today, the cottage is a jumpin',
The kids are spickin' spannin' things, their hearts are heavy thumpin'.

Showers, grease, duke type clothes, all pressed and clean and neat,
It must be something special, that promises a treat.

Perfume is heavy on the air, there's crowding at the mirror,
High pitched voices sound out loud, the time is drawing nearer.

There's goodly reason for all this and maybe you have guessed
The Hudson dance is coming up and hearts will soon be blessed.

The promise of a quick romance, some hours so entrancing,
As Warwick boys enjoy a day with Hudson girls a dancing.

And there they go, the lucky guys, all hustling down the walk,
While everybody knows of course, the subject of their talk.

The bus ride takes two hours but to them it takes all day,
And those that never went before are wondering what they'll say

When sweet young things enclose them, in gently circling arms,
As Hudson girls transfix them with, their lovely female charms.

Before they can believe it, they're on the way back home,
Another few months facing them, though surrounded, all alone.

To some it's opened up a life they hardly knew before,
And that's the right result desired, to help them know the score.

It's quite a new philosophy of modern institutions
To normalize the lives of boys, to help in the solutions

Of seeming endless failures, rehabilitating boys,
Caught in the web of trouble, by teaching them some joys.

PREJUDICE

Prejudice, the offspring of ignorance,
Needs a vigorous shove out the door.

Too long have its silly pretensions
Had a voice on humanity's floor.

Prejudice, meretricious to the woefully uninformed,
Is accepted, practiced blindly, by millions; all are wrong.

Prejudice, a flirting with harlots,
Has really no proof of support;

Exposed by enlightening research,
It's essentially mistaken thought.

As a product of the city,
A melting pot indeed.

I've played and schooled and worked with
All colors, ethnics, creed.

I've known the wop, the nigger,
The squarehead and the mick,

The yid, the frog, the limey,
The chinkie and the spick.

They spoke a lingo foreign, and dressed somewhat apart,
And ate some dishes,—really . . . I just didn't have the heart.

But, were they so very different from others, me and you?
Not so in human nature. You know so well that's true.

The tears that flow from slanted eyes, sunk wide in yellow face,
Run just as hot and salty in every other race.

I've felt the sting of their anger, their hate, their bigotry, gall.
But, too, the touch of their tender care, the love from each and all.

It's not the design of the creator, who made one human race.
To have his errant children just spitting in his face—

Assuming special privileges, taking a superior pose,
Denying others' birthrights for wide or narrow nose.

So have no more of the arrogant stance,
That sets us all apart,

But practice, be American,
From the bottom of your heart.

Life, liberty, happiness,
In freedom's promised land

If shared by each and everyone
Is secure and noble, grand.

Forgive the errors of the past
In meeting human needs;

Perpetuate our heritage
Of courage, and good deeds.

OLD GLORY IN DISTRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RARICK. Mr. Speaker, the flying of a national emblem upside down has been internationally recognized for years as a signal of distress.

In these trying times any citizen who respectfully flies our flag—right side up or upside down—should be commended.

With all the flag burners, desecrators and smearers of our national emblem defended as freedom of expression who would ever believe that a patriot who merely flies his country's flag upside down would be arrested for defiling the flag?

Maybe the charge should be disturbing the peace for being too patriotic—or disturbing his neighborhood by showing too much concern about our country.

I include news releases from the Dayton, Ohio, Daily News for May 9 and 10, as follows:

[From the Dayton, Ohio, Daily News, May 6, 1968]

He Just Won't Straighten Up, Fly Right

(By Howard Hall)

Miamisburg.—Larry Edward Young went out on his front porch Wednesday and put up an American flag. Upside down.

Someone called the police, who came and told Young to take down the flag, or fly it right side up.

Young, 27, of 718 E. Central Ave., refused. He said nothing in the U.S. Constitution prohibits flying the flag upside down.

C. F. McCray arrested Young, citing him under section 2931.05 of the revised code of Ohio for "unlawfully, publicly defiling and casting contempt upon the flag of the U.S." by flying it upside down.

Police said Young told them he flew the flag upside down because the "country is in dire distress."

Flying the flag this way is an international distress signal.

Young's wife, Nancy, supported her husband, "If it wasn't raining we'd be flying it upside down again today," she said.

When police came, Mrs. Young said, her husband demanded a constitutional citation that forbids flying the flag upside down, "but they said they found something in a state law."

She added, "We don't know exactly how the state law reads."

Mrs. Young said her husband is concerned about the "whole state of the country, including the social strife."

Young, a meter reader, was ordered to appear in Miamisburg Municipal court at 9:30 a.m. Friday.

[From the Dayton (Ohio) Daily News, Dayton, Ohio, May 10, 1968]

Flew Banner Upside Down: Flag Flyer Pleads Innocent to Contempt

(By Walter Morrison)

Miamisburg.—Larry Edward Young entered a plea of innocent in Municipal court today to a charge of casting contempt on the American flag by flying it upside down.

Judge Rex E. Weaver granted a defense request for a continuance and Young's release on his own recognizance. A trial date will be set later.

Dayton attorney Douglas Carter represented Young.

Earlier, Carter declined to permit Young or his wife, Nancy, to reply to newsmen's questions about the case.

"I wouldn't want any prejudice," Carter said.

Young said Thursday he had flown the flag upside down because the country is in distress at home and abroad.

Flying the flag upside down is an international distress signal.

When she arrived at court with her husband and his counsel, Mrs. Young wore a jeweled pin in the design of the American flag.

It was upside down.

Young's father, Walter, was in court and wore a "Win with Wallace" campaign button, as did several other persons in the courtroom.

Young was arrested Wednesday after refusing to take down the flag or fly it right side up in front of his home at 718 E. Central Ave.

He was cited under section 2931.05 of the revised code of Ohio for "unlawfully, publicly defiling and casting contempt upon the flag of the U.S." by flying it upside down.

The 27-year-old meter reader had contended at the time nothing in the U.S. Constitution prohibits flying the flag upside down.

NIXON REAL PRIMARY WINNER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. MICHEL. Mr. Speaker, as we all know, a cliche is an expression or an idea that has become trite. A platitude is a trite remark or idea, especially one uttered as if it were novel or momentus. Using either definition, I think it is clear that events so far in this presidential election year make it obvious that the time has come to file in the category of "cliche" or "platitude" that often-heard expression, "Nixon can't win."

An editorial appearing in the Peoria Journal Star of May 13, 1968, makes some rather interesting and revealing comparisons of Mr. Nixon's performance as opposed to the several Democratic candidates in the primaries this year. Since the editorial was written, of course, we have had the Nebraska primary where Mr. Nixon gathered more popular votes than all the Democratic candidates on the ballot as he picked up 70 percent of the Republican votes cast. His vote count in Nebraska was 70 percent more than what he picked up in 1960 when he was unopposed in that State.

Thus we see that Mr. Nixon is running ahead of his 1960 performance all the way down the line and this record should lay to rest any doubt about his ability to win. I insert the editorial at this point in the Record:

Nixon Real Primary Winner

Shall we step back from all the romance of these pre-season primaries, and look at a couple of quiet facts?

Although he ran behind and actually polled only 20,000 votes, Sen. McCarthy claimed a great "victory" in New Hampshire in the true political spirit—and it was a "victory" in terms of drama and romance, because his idle "opponent" was the President of the United States and he ran reasonably close to him.

Meanwhile, Richard Nixon quietly garnered all the state's convention candidates on the GOP side, and polled substantially more votes than any of them.

In Wisconsin, on the heels of the President's announcement that he's quitting, Sen. McCarthy scored a victory by default, and this made the "Cinderella" candidate the romance of that primary.

Meanwhile, Richard Nixon quietly wrapped up the GOP delegation of Wisconsin in a lack-luster non-campaign also by default—and quietly also drew even in an unopposed, non-campaign a substantially higher primary vote than he had done in 1960.

What does this indicate?

A glance at the World Almanac tells us that in his previous presidential race he beat John F. Kennedy in Wisconsin by 64,000 votes.

Then came Indiana, the first "test" for, the newest candidate on the Democratic ticket, and a circus campaign involving apparently millions of dollars, groups of movie stars, and scads of drama and romance all centered around the activities of Senators Kennedy and McCarthy.

This time the new entry, Kennedy, won with 320,000 votes, and McCarthy dropped to a poor third. What drama! What romance!

Meanwhile, quietly, Richard Nixon who did not appear, had no movie stars, spent no money, and had another lack-luster no-reason-to-bother unopposed non-campaign, raked in the state's GOP delegation. He also quietly collected over 500,000 votes with NO stimulus in the GOP primary.

Again, what does it mean?

Another glance at the record book.

Well, what do you know! That's about 100,000 more votes than he got there before in the primary.

And in the presidential election?

In Indiana, previously, Mr. Nixon beat John F. Kennedy by 225,000 votes.

If these few states that deliberately scheduled their primaries way ahead of the season because they like the game of politics really mean anything, which is doubtful, they may have more significance in the Republican party than the Democrat.

The fact that the hard-spending, hard-shouting and headlines and romance are Democratic only obscures that.

They are all states that voted Nixon against Kennedy, anyway the last time! If the present trend continues, the GOP politicos are going to be reminded that John F. Kennedy was supposed to be a beautiful and brilliant campaigner and yet only outran Nixon by a whisker, over all.

And they will be reminded that while Nixon ran neck and neck against Kennedy in 1960, he is running ahead of his 1960 track record in the primaries now—effortlessly.

If this adds up solidly, the "can't win" claim will be shot down, and if that happens, there'd be no doubt of the convention's choice for President—nor any doubt that he would be a formidable candidate.

Nebraska will be rather interesting, after all.

ANTI-SEMITISM IN POLAND

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the Record, I include the text of a resolution adopted by the board of governors of B'nai B'rith, at its meeting in Washington, D.C., May 11–13, 1968. The resolutions follows:

Antisemitism in Poland

Faced with a demand from the Polish people for more freedom and independence, the Polish government has responded with brutal force and shameful fabrications, combining police clubs and political anti-Semitism to defeat the freedom movement. Borrowing from the notorious tactic of the Russian Czars, the government has played on anti-Semitic prejudices and scapegoated the Jew to deflect attention from its own weaknesses. The student demonstrations and the protests, it has falsely said, were a Zionist plot.

Since anti-Semitism is condemned by Commuinst ideology and by world opinion, the Polish government has pretended that its target is Zionists, not Jews. No one is deceived. Even the Communist press in other countries, notably Czechoslovakia, has condemned the Polish government's tactics.

Poland is one of the dwindling number of countries in Eastern Europe that slavishly follows the Soviet Union's lead. After the Six-Day War in the Middle East, the Soviet Union severed diplomatic relations with

Israel and intensified its program of vilification of Israel and Zionists. Dutifully, Poland followed the Moscow line. Now it has exceeded its teacher in its harsh discrimination against Jews in government and in the universities.

In 1958, Congress authorized the President to extend the most-favored-nation tariff benefit to Yugoslavia and Poland, whose governments were then moving away from Soviet domination and were seeking closer relations with the West. Poland continues as one of only two nations of East Europe that enjoys the privilege of its exports entering the United States at the lowest duties imposed by the tariff act. Ironically, Rumania and Czechoslovakia, substantially independent and genuinely seeking better relations with the West, have not been granted this economic advantage.

In view of the Polish government's encouragement of anti-Semitism and hostility to the West, B'nai B'rith calls upon the President of the United States to declare that the conditions which led to granting most-favored-nation benefits to Poland no longer exist, and that therefore this preferential status be rescinded.

A systematic, government-organized campaign of anti-Semitism can no longer be regarded as simply a matter of domestic concern. Our generation knows too well the ultimate cost in lives and civilized standards. The governments of the world must seek out again this reactionary menace.

HOUSE REPUBLICAN POLICY COMMITTEE STATEMENT ON H.R. 17126—AMENDMENTS TO THE FOOD AND AGRICULTURE ACT OF 1967

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RHODES of Arizona. Mr. Speaker, it is little wonder that President Johnson devoted only one sentence to agriculture in his 1968 Economic Report. Eight years of Democratic mismanagement and neglect have placed the American farmer in grave financial trouble. Since 1961, net farm debt has increased $23.7 billion while production costs have increased 31 percent. The parity ratio, which averaged 85 during the 8 years of the Eisenhower administration, averaged only 74 for 1967 as a whole and was down to 73 on April 15, 1968. The realized net farm income in 1967 was down nearly $2 billion—a 10-percent cut in pay for farmers. The inflationary fiscal policies of the last 8 years have trapped the American farmer in a vicious price-cost squeeze.

Despite the misdirected and self-defeating aspects of the present Federal farm program, the energy, and ingenuity of the American farmer have produced a food supply that has outpaced the tremendous growth of our population and fed millions of hungry people around the world.

Farmers must have the opportunity to run their own farms with minimum government interference. National farm policy must be geared to the challenges of the seventies and not to the tired theories of the thirties. We believe a realistic farm program can be developed whereby the farmer's freedom to manage his own farm is restored and he is able to earn a fair share of the national net income.

H.R. 17126 would extend the Food and Agriculture Act of 1965 for 1 additional year. It would provide the farmer with the leadtime that is needed to make essential plans for planting and marketing of the crops upon which his livelihood depends. At the same time, it would provide the necessary interval in which the next Congress and the new administration could formulate an effective farm program—a program that would improve the economic status of American agriculture, reverse the trend toward costly Government programs and insure an adequate food supply at reasonable prices.

For these reasons, the House Republican policy committee supports the 1-year extension of the Food and Agriculture Act.

A MARINE WRITES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. THURMOND. Mr. President, the May 18 edition of the Greenville, S.C., Piedmont contains a most interesting letter to the editor.

Mr. George P. Mitchell, of Greenville, S.C., provided a few excerpts from a letter written by his neighbor's son who volunteered to serve in the Marine Corps and who is now in Vietnam. The son, who is unnamed, writes of the dissatisfaction that men in Vietnam have with the treatment given the war by most of the news media. The young man reassures his reader that the military personnel on the scene are not dissatisfied and that they are serving willingly in this demanding struggle. At the same time he expresses the hope that one of these days the general public will give them the support and supplies they need. He concludes by saying:

> We can do without cokes and ice cream but give us moral support.

Mr. President, I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A MARINE WRITES

EDITOR, THE PIEDMONT:

I watched my neighbor's boy grow from a fuzzy faced youngster to a man in his late teens. He volunteered his services to the Marine Corps. He is now in Vietnam and has seen the roughest parts of the battle.

I will offer you a few excerpts from a letter he wrote home:

"The real reason for my letter tonight is that I have to voice a bitch. Whenever we get mail call, included in our mail are issues of Post, Time, U.S. World Report and the like. Over half of the articles in each are of the war. This is all right except that half of these articles are of how we over here are killing innocent people.

"Well, me, I have had it! This is my feeling that I am just plain ashamed of my countrymen.

"Except for the ones who have a son, husband or other loved ones over here there is a very small group who care because it is their country. It looks like most are engaged in carrying signs, marching around and singing songs about the war. Then they sit back in their big homes sipping drinks and say, 'I just don't know what I feel about Vietnam' or 'Why can't we just wrap it up over there. It is just a bunch of ragged V. C.'

"Well, yesterday those ragged bunch of V.C. hit us with 130 mm artillery and 120 rockets. How many of the hippies who raise H - - - about napalm have ever seen what a direct hit from a mortar or artillery will do to a Marine!

"Don't worry. We aren't getting dissatisfied. I can assure you we will stay, fight and come home with the victory ours. First because we are marines and that means the best. Second because we are Americans. I only hope that one of these days the people of my beloved homeland will get behind us and give us the kind of supplies we need. We can do without Cokes and ice cream, but give us moral support."

GEORGE P. MITCHELL.

GREENVILLE, S.C.

OPPOSITION TO FEDERAL CONTROL OF THE MINING INDUSTRY

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. POLLOCK. Mr. Speaker, I wish to commend to the attention of my colleagues the recent testimony of my good friend, the Honorable William Waugaman, senator, Alaska State Legislature. Mr. Waugaman is also director of the Alaska Miners Association and chairman of the surface mining committee. As such, he is highly qualified to expound the following position of the Alaska Miners Association on S. 3132:

> The Alaska Miners Association is adamantly opposed to Federal control of the mining industry regardless of the names and terminology used. This bill S. 3132 while it claims to vest the regulation of surface mining in the various States is a thinly veiled reach for Federal control of all surface mines on the flimsy excure that the materials so mined are commerce. This law will completely destroy our present system of private ownership along with the free enjoyment and use of private lands by individuals. The mere ownership and mining are made black villains and made to appear against the public interest even though section 3(a) states to the contrary.
>
> In our State, which contains 365,481,600 acres of land and 9,814,400 acres of inland water, approximately 12,300 acres of land has been disturbed by placer, strip, or open pit mining. In addition to producing more than $1½ billion worth of mineral wealth, this "disturbed" land was transformed from unoccupied unusable desolate muskeg, tundra, and swamp-permafrost areas into well-drained, usable and productive ground. For example prime building ground around our major cities is ground that has been

used for mining. At Nome, the airport, FAA buildings and Belts Vocational School are all located on worked-out placer ground because it is ideally suited for the erection of permanent community improvements. Many government buildings placed on the surrounding permafrost have been damaged beyond repair by frost heaving and melting of the permafrost.

Near Fairbanks the satellite tracking station is built in a valley on worked-out placer ground because reliable foundations were needed.

At Juneau, our State capital, most of the city is built on mine tailings. All of our roads and airfields are built from tailings or open gravel pits. I could go on and on with examples.

We have adequate laws in our State for the regulations of surface mining and our industry cannot stand the added weight of the dead hand of the Federal Government enforcement.

Mineral exploration is increasing in our State. Technology and better methods are just now making it worthwhile for production companies to extensively explore our State in the hope of establishing new mines which will add to our national wealth. Mining unlike government must be able to show a profit. Mineral commodities are competitive on a worldwide basis. I would like to call your attention to the statements of Senator GRUENING in the CONGRESSIONAL RECORD of March 22, 1968, in which it is pointed out that the United States is acquiring an unhealthy dependence on foreign sources of minerals.

Equally alarming is the article in the April issue of the Engineering & Mining Journal that Japan is turning to Siberia for mineral resources. If our industry is to compete on the world market and American capital is to bring gold and dollar flow into the United States we must produce on a competitive world market basis. While we might agree that some regulation may be necessary at some future time, the additional costs both to industry and government which would be occasioned by this bill will most likely be of sufficient magnitude to adversely affect the mineral development of Alaska.

There has developed a strange dichotomy in the Department of the Interior's attitude toward mineral resource development. We urge you to consider our Nation's well-being foremost. If the U.S.S.R. succeeds in developing Siberia while we fail to develop Alaska, Japan will swing into the Communist orbit and our tremendous investment in the redevelopment of the Japanese nation will become a Communist prize.

PROGRAMS SUPPORTED BY OFFICE OF EDUCATION

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Oregon [Mr. MORSE], I ask unanimous consent to have printed in the RECORD a statement by him and a table entitled "Federal Money for Education: Programs Administered by the U.S. Office of Education, Fiscal Year 1968."

There being no objection, the statement and table were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

In response to a number of inquiries from Senators, I feel that certain materials prepared by the Office of Education relative to programs supported under the authorities administered by that agency, as shown by the following table, can be most helpful.

FEDERAL MONEY FOR EDUCATION: PROGRAMS ADMINISTERED BY THE U.S. OFFICE OF EDUCATION, FISCAL YEAR 1968

GROUP I: FOR CONSTRUCTION

[Figures in parentheses indicate estimated amounts or money carried over from prior years, rather than fiscal year 1968 appropriations]

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Public schools	School aid to Federally impacted and major disaster areas (Public Law 815).	Aid school districts in providing minimum school facilities in federally impacted and disaster areas.	$22,937,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Educational television	Public Law 87-447, amending Communications Act of 1934.	Aid in the acquisition and installation of transmitting and production equipment for ETV broadcasting.	(20,000,000)	Nonprofit agencies, public colleges, State television agencies, education agencies.	Assistant to the Assistant Secretary (Educational Television), Department of HEW, Washington, D.C. 20201.
3. Community colleges, technical institutes.	Higher Education Facilities Act—Title I.	Construct or improve academic facilities.	100,000,000	Public community colleges and technical institutes.	State commissions.
4. Other undergraduate facilities.	do	Construct or improve undergraduate academic facilities.	300,000,000	Colleges and universities	Do.
5. Graduate facilities	Higher Education Facilities Act—Title II.	Construct or improve graduate academic facilities.	50,000,000	Public and private academic institutions, graduate center boards.	OE's Division of Graduate Programs.
6. Undergraduate and graduate facilities.	Higher Education Facilities Act—Title III.	Loans to construct or improve higher education facilities.	200,000,000	Public and private nonprofit institutions, cooperative centers, boards of higher education.	OE-HEW regional office.
7. Vocational facilities	Appalachian Regional Development Act of 1965.	Construct vocational education facilities in the Appalachian region.	(7,000,000)	State education agencies in Appalachian region.	OE's Division of Vocational and Technical Education.
8. Area vocational schools	Vocational Education Act of 1963.	Construct or improve area vocational education school facilities.	(1)	Public secondary and postsecondary schools providing education in 5 or more fields.	State boards of vocational education (information from OE's Division of Vocational-Technical Education).
9. Public libraries	Library Services and Construction Act—Title II.	Aid construction of public libraries	27,185,000	State library administrative agencies.	OE's Division of Library Services and Educational Facilities.
10. Facilities for educational research.	Cooperative Research Act (amended by ESEA—Title IV).	Construct and equip national and regional research facilities.	(30,781,000)	Educational laboratories and research development centers.	OE's Division of Educational Laboratories.
GROUP II: FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION					
1. School maintenance and operation.	School aid to federally impacted and major disaster areas (Public Law 874).	Aid school districts on which Federal activities or major disasters have placed a financial burden.	$416,200,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Strengthening instruction in critical subjects in public schools.	National Defense Education Act—Title III.	Strengthen instruction in science, mathematics, modern foreign languages, and other critical subjects.	79,200,000	do	State education agency.
3. Strengthening instruction in nonpublic schools.	do	Loans to private schools to improve instruction in critical subjects.	1,000,000	Nonprofit private elementary and secondary schools.	OE's Division of Plans and Supplementary Centers.
4. Strengthening instruction in arts and humanities in public schools.	National Foundation on the Arts and Humanities Act of 1965.	Improve instructional capabilities of public schools in humanities-arts fields.	440,000	Public schools	State education agency.
5. Strengthening instruction in arts and humanities in nonpublic schools.	do	Loans to private schools to improve humanities-arts instruction.	60,000	Private nonprofit schools	OE's Division of Plans and Supplementary Centers.
6. Programs for the handicapped.	Elementary and Secondary Education Act—Title VI.	Strengthen educational and related services for handicapped children.	15,000,000	State education agencies	OE's Bureau of Education for Handicapped, Division of Educational Services.
7. Programs for the disadvantaged.	Elementary and Secondary Education Act—Title I.	Support educational programs in areas having high concentrations of low-income families.	1,191,000,000	do	OE's Division of Compensatory Education.

See footnotes at end of table.

FEDERAL MONEY FOR EDUCATION: PROGRAMS ADMINISTERED BY THE U.S. OFFICE OF EDUCATION, FISCAL YEAR 1968—Continued

GROUP II: FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION—Continued

[Figures in parentheses indicate estimated amounts or money carried over from prior years, rather than fiscal year 1968 appropriations]

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
8. School library resources and instructional materials.	Elementary and Secondary Education Act—Title II.	Support provision of school library resources, textbooks, and other instructional materials.	$104,457,000	Local education agencies	State education agency.
9. Supplementary centers	Elementary and Secondary Educational Act—Title III.	Support supplementary educational centers and services.	208,750,000	do	OE's Division of Plans and Supplementary Centers.
10. Vocational programs	Smith-Hughes, George Barden, Vocational Education Acts.	Maintain, extend, and improve vocational education programs; develop programs in new occupations.	256,461,455	Public schools	State boards of vocational education (information from OE's Division of Vocational Technical Education).
11. Captioned film loan program.	Captioned films for the deaf	Provide cultural and educational services to the deaf through films.	2,800,000	Groups of deaf persons; nondeaf groups for training.	OE's Bureau of Education for Handicapped, Division of Educational Services.
12. Desegregation assistance	Civil Rights Act of 1964	Aid school boards in hiring advisers and training employees on problems incident to school desegregation.	5,245,000	School boards and other agencies responsible for public school operation.	OE's Division of Equal Educational Opportunities.
13. Guidance, counseling and testing in public schools.	National Defense Education Act—Title VA.	Assist in establishing and maintaining guidance, counseling, and testing programs.	24,500,000	Public elementary and secondary schools, junior colleges, echnical institutes.	State education agencies.
14. Testing in nonpublic schools	do	Provide for aptitude-achievement testing of private school students.	(2)	Testing agencies	State education agency or OE's Division of Plans and Supp. Centers.
15. Foreign language training and area studies.	Mutual Educational and Cultural Exchange Act.	Provide foreign curriculum specialists to U.S. schools to strengthen language-area studies programs.	3,000,000	Colleges and universities, State and local education agencies.	OE's Division of Foreign Studies.
16. Services of foreign curriculum specialists.	do	Support overseas training and research in language area studies.	(3)	Colleges and universities, State education agencies.	Do.
17. Teacher institutes	National Defense Education Act—Title XI.	Improve qualifications of elementary and secondary teachers and related specialists.	30,000,000	Colleges and universities	OE's Division of Educational Personnel Training.
18. Teacher institutes	Civil Rights Act of 1964	Improve ability of school personnel to deal with problems incident to school desegregation.	3,255,000	do	OE's Office of Equal Educational Opportunities.
19. Teacher training (handicapped).	Mental Retardation Facilities Act, and others.	Prepare teachers and others who work in education of handicapped.	24,500,000	State education agencies, colleges and universities.	OE's Bureau of Education for Handicapped, Division of Training Programs.
20. Counselor institutes	National Defense Education Act—Title V-B.	Improve qualifications of guidance workers in schools and colleges.	7,250,000	Public and private nonprofit colleges and universities.	OE's Division of Educational Personnel Training.
21. Teacher training (vocational).	Smith-Hughes, George Barden, Vocational Education Acts.	Improve qualifications of teachers, supervisors, and directors of vocational education programs.	(1)	Local school districts	State boards of vocational education (information from OE's Division of Vocational-Technical Education).
22. Teacher Corps	Education Professions Development Act.	Strengthen educational opportunities of children in low-income areas.	13,500,000	Local education agencies, colleges and universities.	OE's Teacher Corps.
23. Experienced teacher fellowships.	Higher Education Act of 1965—Title V-C.	Improve the quality of education of elementary and secondary teachers and related personnel.	15,000,000	Institutions of higher education offering graduate programs.	OE's Division of Educational Personnel Training.
24. Prospective teacher fellowships.	do	Improve the quality of education of persons planning careers in elementary and secondary education.	12,500,000	do	OE's Division of Graduate Programs.
25. Institutional assistance grants	do	Develop and strengthen teacher training programs (elementary section).	7,500,000	Institutions participating in fellowship programs, group II, Nos. 23 and 24.	Do.
26. Librarian training	Higher Education Act of 1965—Title II.	Increase opportunities for training in librarianship.	8,250,000	Colleges and universities	OE's Division of Library Services and Educational Facilities.
27. State administration of HEFA program.	Higher Education Facilities Act of 1963.	Help States administer program under HEFA—Title I.	3,000,000	State commissions that administer program.	OE's Division of College Facilities.
28. Facilities comprehensive planning.	Higher Education Facilities Act—Title I.	Help States plan higher education construction program.	4,000,000	do	Do.
29. Endowment of colleges of agriculture and mechanic arts.	Morrill acts, amended	Support instruction in agriculture and mechanic arts in the land-grant colleges.	14,500,000	The 68 land-grant colleges	Do.
30. Language and area centers	National Defense Education Act—Title VI.	Improve quality of instruction in uncommon languages-area subjects.	5,830,000	Colleges and universities	OE's Division of Foreign Studies.
31. Acquisition of educational media.	Higher Education Act of 1965—Title VI-A.	Improve instruction in selected subject areas.	14,500,000	do	State commissions.
32. Workshops, institutes in educational media.	Higher Education Act of 1965—Title VI-B.	Improve capabilities of persons using educational media for undergraduate instruction.	2,500,000	do	OE's Division of College Support.
33. Strengthening community service programs.	Higher Education Act of 1965—Title I.	Strengthen higher education capabilities in helping communities solve their problems.	10,000,000	do	State agency or institution designated to administer State plan.
34. Strengthening developing institutions.	Higher Education Act of 1965—Title III.	Provide partial support for cooperative arrangements between developing and established institutions.	30,000,000	Accredited colleges and universities in existence at least 5 years.	OE's Division of College Support.
35. National teaching fellowships.	do	Augment the teaching resources of developing institutions.	(4)	Developing institutions nominating prospective fellows from established institutions.	Do.
36. College library resources	Higher Education Act of 1965—Title II.	Strengthen library resources of colleges and universities.	25,000,000	Institutions of higher education and combinations thereof.	OE's Division of Library Resources and Educational Facilities.
37. Student loans—matching funds.	National Defense Education Act—Title II.	Provide for loans to colleges and universities that cannot meet program's matching obligations.	2,000,000	Accredited nonprofit institutions (including business schools and technical institutes).	OE's Division of Student Financial Aid.
38. Cuban student loans	Migration and Refugee Assistance Act.	Provide a loan fund to aid Cuban refugee students.	(4,400,000)	Colleges and universities	Do.
39. College work-study	Higher Education Act of 1965—Title IV-C.	Provide part-time employment for college students.	139,900,000	do	Do.
40. Higher educational guarantee reserve funds.	Higher Education Act of 1965—Title IV-B.	Provide adequate loan reserves for higher educational student loans.	(7,284,654)	State or nonprofit private guarantee agencies.	Do.
41. Talent search	Higher Education Act of 1965—Title IV-A.	Assistant in identifying and encouraging promising high school graduates.	4,000,000	State, local education agencies, public or nonprofit organizations.	Do.
42. Educational opportunity grants.	do	Assist qualified high school graduates go to college.	140,600,000	Colleges and universities	Do.
43. Cuban refugee professional training.	Migration and Refugee Assistance Act.	Provide refresher training programs for professional personnel.	500,000	do	OE's Division of Educational Personnel Training.
44. Foreign study extension	Mutual Education and Cultural Exchange Act.	Assist U.S. institutions in promoting language and area studies abroad.	(3)	do	OE's Division of Foreign Studies.
45. Strengthening State education agencies.	Elementary and Secondary Education Act—Title V.	Improve leadership resources of State education agencies.	29,750,000	State education agencies and combinations thereof.	OE's Division of State Agency Cooperation.
46. Supervision and instruction	National Defense Education Act—Title III.	Strengthen administration in State education agencies.	2,000,000	State education agencies	OE's Division of Plans and Supplementary Centers.

See footnotes at end of table.

FEDERAL MONEY FOR EDUCATION: PROGRAMS ADMINISTERED BY THE U.S. OFFICE OF EDUCATION, FISCAL YEAR 1968—Continued

GROUP II: FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION—Continued

[Figures in parentheses indicate estimated amounts or money carried over from prior years, rather than fiscal year 1968 appropriations]

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
47. Public library services	Library Services and Construction Act—Title I.	Extend and improve public library services.	$35,000,000	State library administrative agencies.	OE's Division of Library Services and Educational Facilities.
48. Interlibrary cooperation	Library Services and Construction Act—Title III.	Planning for establishment of cooperative networks of libraries.	2,375,000	do	Do.
49. State institutional library services.	Library Services and Construction Act—Title IV-A.	Planning for improved institutional library services.	2,120,000	do	Do.
50. Library services to physically handicapped.	Library Services and Construction Act—Title IV-B.	Planning for improved library services to physically handicapped.	1,320,000	do	Do.
51. Civil defense adult education.	Federal Civil Defense Act of 1950.	Provide information on civil defense procedures to the public.	3,565,000	Chief State school officers or State agencies.	OE's Division of Adult Education Programs.
52. Adult basic education	Adult Education Act of 1966	Provide literacy programs for adults	40,250,000	State education agencies	Do.
53. Occupational training and retraining.	Manpower Development and Training Act of 1962.	Provide training programs to equip persons for work in needed employment fields.	129,110,000	Local school authorities public, private nonprofit.	State vocational education agency information from OE's Division of Vocational and Technical Education.
54. Vocational gurantee reserve funds.	National Vocational Student Loan Insurance Act.	Provide adequate loan reserves for vocational student loans.	(1,577,329)	State and private nonprofit guarantee agencies.	OE's Division of Student Financial Aid.
55. Vocational work-study	Vocational Education Act of 1963—Sec. 13.	Provide part-time employment opportunities for vocational education students.	10,000,000	High schools, colleges, vocational or technical schools.	State education agencies (information from OE's Division of Vocational and Technical Education).
56. Researcher training	Cooperative Research Act (amended by ESEA–Title IV)	Develop and strengthen programs for training educational researchers.	(5)	State education agencies, institutions and organizations.	OE's Division of Higher Education Research, Research Training Branch.

GROUP III: FOR TEACHER TRAINING AND STUDENT ASSISTANCE

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Handicapped teacher fellowships and traineeships.	Mental Retardation Facilities Act, and others.	Improve training of persons responsible for the education of the handicapped.	(6)	Persons employed or preparing for employment as teachers, supervisors, and so forth, of handicapped.	OE's Bureau of Education for Handicapped, Division of Training Programs.
2. Desegregation training grants.	Civil Rights Act of 1964	Improve ability of school personnel to deal with desegregation problems.	(7)	Teachers and other personnel of public schools.	OE's Division of Equal Educational Opportunities.
3. Experienced teacher fellowships.	Higher Education Act of 1965—Title V-C.	Improve the quality of education of elementary and secondary teachers and related personnel.	(8)	Experienced teachers planning to continue in elementary and secondary teaching careers.	Local school boards or participating institutions (information from OE's Division of Educational Personnel Training).
4. Prospective teacher fellowships.	do	Improve the quality of education of persons planning careers in elementary and secondary education.	(9)	Prospective teachers and school personnel in related professional areas.	Participating institutions (information from OE's Division of Graduate Programs).
5. Arts and humanities training grants (institutes).	National Foundation on the Arts and Humanities Act of 1965.	Strengthen the teaching of the humanities and the arts in elementary and secondary schools.	$500,000	Persons engaged in or preparing to engage in teaching or supervising or training teachers.	Participating institutions (information from OE's Division of Educational Personnel Training).
6. Teacher Corps	Higher Education Act of 1965—Title V-B.	Strengthen educational opportunities of children in low-income areas.	(10)	Qualified teachers and prospective teachers.	Participating institutions (information, OE's Teacher Corps).
7. Study abroad	Mutual Educational and Cultural Exchange Act.	Improve teacher competence and curriculums in modern foreign languages and area studies.	(3)	Teachers and supervisors of foreign languages-area studies (minimum 5 years experience).	OE's Division of Foreign Studies.
8. Summer seminars abroad	do	Improve quality of instruction in modern foreign languages and area studies in the United States.	(3)	Secondary school and college languages-area studies teachers (minimum 2 years experience).	Do.
9. Counseling and guidance training grants (institutes).	National Defense Education Act—Title V-A.	Improve counseling of students in schools and colleges.	(3)	Persons engaged in or preparing to engage in counseling and guidance of students.	Participating institutions (information from OE's Division of Educational Personnel Training).
10. Teacher training grants (institutes).	National Defense Education Act—Title XI.	Improve the quality of teachers, school librarians, other specialists.	(11)	Teachers, teacher trainers, and supervisors in 12 areas.	Participating institutions (information, OE's Division of Educational Personnel Training).
11. Foreign teacher development.	Mutual Educational and Cultural Exchange Act.	Provide opportunity for foreign educators to observe U.S. methods, curriculum, organization (elementary and secondary).	420,000	Foreign educators (administrators, teachers, teacher trainers, education ministry officials).	U.S. embassies, educational commissions, foundations abroad (information from OE's International Exchange and Training Branch).
12. Teacher exchange	do	Improve and strengthen relations between United States and foreign nations by exchange of teachers.	350,000	Elementary and secondary teachers, college instructors and assistant professors.	OE's Division of Educational Personnel Training, International Exchange and Training Branch.
13. Captioned films—training grants.	Captioned films for the deaf	Improve quality of instruction available to deaf persons.	(12)	Persons who will use captioned film equipment.	OE's Bureau of Education for Handicapped, Division of Educational Services.
14. Graduate fellowships	National Defense Education Act—Title IV.	Increase the number of well-qualified college teachers.	86,600,000	Prospective college teachers working toward doctoral degrees.	Participating institutions (information, OE's Division of Graduate Programs).
15. College work-study	Higher Education Act of 1965—Title IV.	Provide part-time employment for college students.	(13)	College students	Participating institutions (information, OE's Division of Student Financial Aid).
16. Foreign language fellowships.	National Defense Education Act—Title VI.	Assist in the training of teachers and other specialists in modern foreign languages and area studies.	6,870,000	Undergraduate, graduate, and postdoctoral students.	Participating institutions (information from OE's Institutional Support Branch, Division of Foreign Studies).
17. Student loans	National Defense Education Act—Title II.	Provide for low-interest loans to college students.	190,000,000	College students	Participating institutions (information, OE's Division of Student Financial Aid).
18. Educational opportunity grants.	Higher Education Act of 1965—Title IV-A.	Assist qualified high school graduates to go to college.	(14)	Promising high school graduates and college undergraduates of exceptional financial need.	Do.
19. Study abroad	Mutual Educational and Cultural Exchange Act.	Assist U.S. institutions in promoting language and area studies.	(15)	Professors, college and secondary school teachers.	Participating institutions (information, OE's Division of Foreign Studies).
20. National teaching fellowships.	Higher Education Act of 1965—Title III.	Augment the teaching resources of developing institutions.	(4)	Highly qualified graduate students or junior faculty members from established institutions.	Participating institutions (information from OE's Division of College Support).
21. Study abroad	Mutual Educational and Cultural Exchange Act.	Improve instructional programs in NDEA Language and Area Centers.	(3)	Center faculty members	OE's Division of Foreign Studies.
22. Study abroad	do	Develop competence in language and area studies for graduate students preparing for college teaching.	(3)	Graduate students preparing for college teaching of non-Western language and area studies.	Do.
23. Interest benefits for higher education loans.	Higher Education Act of 1965—Title IV-B.	Provide interest benefits for student loans through commercial lenders.	40,000,000	Students in eligible institutions of higher education.	Participating lenders (information, OE's Division of Student Financial Aid).

See footnotes at end of table.

FEDERAL MONEY FOR EDUCATION: PROGRAMS ADMINISTERED BY THE U.S. OFFICE OF EDUCATION, FISCAL YEAR 1968—Continued

GROUP III: FOR TEACHER TRAINING AND STUDENT ASSISTANCE—Continued

[Figures in parentheses indicate estimated amounts or money carried over from prior years, rather than fiscal year 1968 appropriations]

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
24. Educational media personnel training grants (institutes).	Higher Education Act of 1965—Title VI–B.	Improve capabilities of educational media specialists and others using such media at college level.	(16)	Those who will use educational media for instruction at undergraduate level.	Participating institutions (information from OE's Division of College Support).
25. Technical assistance, training grants.	Act for International Development of 1961.	Provide specialist training to foreign educators and strengthen education and economy in developing nations.	$2,000,000	Foreign nationals from countries with which United States has bilateral technical assistance agreements.	AID mission with concurrence local education ministry (information from OE's International Exchange and Training Branch, Division of EPT).
26. Cuban student loans	Migration and Refugee Assistance Act.	Aid needy Cuban refugee college students to finance their education.	(17)	Cubans who became refugees after Jan. 1, 1959.	Participating institutions (information, OE's Division of Student Financial Aid).
27. Librarian fellowships and traineeships.	Higher Education Act of 1965—Title II.	Increase opportunities throughout the Nation for training in librarianship.	(18)	Fellows and others undergoing training in librarianship and related fields.	Participating institutions (information from OE's Division of Library Services and Educational Facilities).
28. Cuban professionals retraining grants.	Migration and Refugee Assistance Act.	Aid Cuban refugee teachers and other professional personnel who need assistance for further study.	(19)	Cuban refugee teachers, physicians, and other professional personnel	Participating institutions (information from OE's Division of Educational Personnel Training).
29. Leadership and vocational training grants.	Government and relief in occupied areas.	Provide opportunities for Ryukyuans to observe and study in U.S. to improve education, economy.	21,711	Ryukyuan nationals selected by their government.	Ryukyu Island government in cooperation with High Commissioner (information from OE's International Exchange and Training Branch).
30. Vocational work-study	Vocational Education Act of 1963—Sec. 13.	Provide part-time employment for young people to help them begin or continue vocational training.	(20)	Vocational education students	Participating institutions (information from State education agencies or OE's Division of Vocational Technical Education).
31. Occupational training and retraining.	Manpower Development and Training Act.	Train skilled workers in all sections of the Nation.	(21)	Persons referred by State employment services.	Participating institutions (information from OE's Division of Manpower Development and Training)
32. Interest benefits for vocational loans.	National Vocational Student Loan Insurance Act.	Provide interest benefits for insured loans for vocational school students made through commercial lenders.	3,600,000	Business, trade, technical, and other vocational students.	Participating lenders or schools (information from OE's Division of Student Financial Aid).
33. Vocational teacher training grants.	Smith-Hughes, George Barden, Vocational Education Acts.	Improve qualifications of vocational education teachers.	(1)	Teachers of vocational education subjects.	Participating institutions (information from State boards of vocational education or OE's Division of Vocational Technical Education).
34. Adult basic education teacher training grants.	Adult Education Act of 1966	Improve qualifications of teachers of adult basic education courses.	(22)	Teachers and teacher trainers of adult basic education courses.	Participating institutions (information, OE's Division of Adult Education Programs).
35. Researcher training grants	Cooperative Research Act (amended by ESEA—Title IV).	Improve qualifications of educational researchers.	6,750,000	Present and prospective researchers in education.	Participating institutions (information from OE's Division of Higher Education Research, Research Training Branch).
GROUP IV: FOR RESEARCH					
1. Educational research (research, surveys, and evaluations).	Cooperative Research Act (amended by ESEA—Title IV).	Support research on the improvement of education at all levels and in all subject areas.	$19,717,000	Colleges, universities, State education agencies, private or public groups, or individuals.	Research Analysis and Allocations Staff, Bureau of Research.
2. Educational research (demonstrations and development).	do	Support development and demonstration of educational materials, processes, and organizational arrangements at all levels.	3,000,000	(Same as IV–2)	Do.
3. Educational Resources Information Center (dissemination of research).	do	Provide for dissemination of research findings to the educational community.	2,400,000	do	OE's Division of Information Technology and Dissemination.
4. Educational media research and demonstration.	National Defense Education Act—Title VII.	Support research on educational uses of television, radio, motion pictures, and other media.	4,400,000	Grants: public or nonprofit institutions, individuals; contracts: private organizations, individuals.	OE's Division of Higher Education Research.
5. Foreign language research	National Defense Education Act—Title VI.	Support research on improved instruction in modern foreign languages and materials development.	3,000,000	Colleges, universities, public and private organizations, and individuals.	Do.
6. Library research and demonstration.	Higher Education Act of 1965—Title II–B.	Support research and demonstrations on libraries and library personnel training.	3,550,000	Colleges, universities, agencies, and organizations.	OE's Division of Information Technology and Dissemination.
7. Special centers for research and development.	Cooperative Research Act (amended by ESEA—Title IV).	Conduct research on the major problems of education.	10,800,000	do	OE's Division of Educational Laboratories.
8. Educational laboratories	do	Provide for development and testing of educational innovations until ready for classroom use.	23,800,000	do	Do.
9. Vocational research	Vocational Education Act of 1963—Sec. 4(c).	Support research, training, and pilot programs for special vocational needs.	13,550,000	State education agencies, colleges and universities, nonprofit organizations, and local education agencies.	OE's Division of Community and Vocational Education Research.
10. Handicapped research and demonstration.	Mental Retardation Facilities Act and others.	Promote research and demonstration on education of the handicapped.	11,100,000	State education agencies, local school districts, nonprofit private organizations, public groups.	OE's Bureau of Education for Handicapped, Division of Research.

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[1] See group II, No. 10.
[2] See group II, No. 13.
[3] See group II, No. 15.
[4] See group II, No. 34.
[5] See group II, No. 35.
[6] See group II, No. 19.
[7] See group II, No. 12.
[8] See group II, No. 23.
[9] See group II, No. 24.
[10] See group II, No. 22.
[11] See group II, No. 17.
[12] See group II, No. 11.
[13] See group II, No. 38.
[14] See group II, No. 41.
[15] See group II, No. 44.
[16] See group II, No. 31.
[17] See group II, No. 37.
[18] See group II, No. 26.
[19] See group II, No. 42.
[20] See group II, No. 55.
[21] See group II, No. 53.
[22] See group II, No. 52.

Discrimination prohibited: Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." All programs cited herein, like every other program or activity receiving financial assistance from the Department of Health, Education, and Welfare, operate in compliance with this law.

MR. BROTZMAN SPEAKS ON AGRICULTURE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. KLEPPE. Mr. Speaker, several members of the Committee on Agriculture recently were discussing some of the problems which now face the farmers and ranchers of the Nation with our distinguished colleague, the gentleman from Colorado [Mr. Brotzman].

His viewpoints were of particular interest to us, because his district is primarily urban and industrial.

As a matter of fact, fewer than 5 percent of his constituents make their living in agriculture. And yet, as we talked to him, it was evident that urbanites and suburbanites—at least those of the West—are quite sensitive to the multiple dilemmas involving agriculture which we in the Congress must solve.

Our colleague showed us a speech, which he had delivered earlier this year in northern Colorado, which, in my opinion, got to the heart of many of the issues facing agriculture and our great Nation in the years to come.

So that all of the Members may have an opportunity to read this speech, I am submitting a reproduction in the Record:

Speech by Congressman Don Brotzman, Colorado Second District, Delivered in Weld County, Colo.

In 1964 Congressional redistricting took most of the agricultural communities out of the Second Congressional District.

Despite the fact that most of my time is now occupied by urban and suburban problems, my roots still are in farming and ranching, and as a matter of fact, the first Brotzman bill to be passed by the 90th Congress had to do with providing wheat certificate payments to farmers several months sooner than is the case now. This bill is now awaiting action by the Senate.

However, I should tell you that my great interest in American agriculture is not primarily an emotional one. It is a growing conviction that the time is coming when the American farmer will be called upon to save 100 million lives or more. How we react to this crisis could carry as great an impact on our destiny as does the outcome of the desperate Viet Nam struggle.

It must be nothing short of incredible for the American farmer and rancher to look around him today and conclude that the world shortly will beat a path to his doorstep, for it is understating the situation to say that 1967 was not a good year, incomewise, for most farmers.

True, American farmers harvested the largest corn, soybean and wheat crops in history. Livestock marketings were heavy. But after the bills and taxes had been paid, the net result was another year on the treadmill.

I thought the situation was pretty well summed up in a bit of conversation I overheard when I stopped at a roadside cafe for a cup of coffee today.

Three farmers seated at the lunch counter were talking about that fellow last year who won a quarter of a million dollars in the Irish Sweepstakes, and then quadrupled his money on the stock market.

"If I had a sudden million bucks," one of them said, "I'd sell the farm tomorrow move up to Poudre Canyon and just hunt and fish the rest of my life. I'd let somebody else worry about the price of wheat and livestock."

"I'd sell out, too," said the second, "but I'd join the 'jet set' and travel the world for the rest of my life."

"Not me," said the third. "I like it in the country. I think I'd go right on farming until the million was all gone."

You know, I'm with the third guy, but there's more than humor in what he said. There's a lot of sober truth to it, as well.

Consider these facts:

1. In the past 20 years, average prices received by farmers have dropped nine percent —and during those same 20 years the value of the dollar dropped by one-third.

2. Since 1947, farm production costs, including taxes and wages, have increased 44 percent.

3. The parity ratio, which of course, measures prices which farmers receive against those they pay for goods and services, is down to 73—lowest since the depression days of the '30's.

4. Total farm debt, which stood at $24.9 billion in 1960, reaches $50 billion by the end of 1967. In other words, many farmers are being forced to use credit as a substitute for income, or savings as a substitute for profits.

When these statistics are measured against two decades of prosperity—unparalleled in the annals of man—which have been enjoyed by most Americans, labor and management alike, it is a wonder that there are any farmers and ranchers left.

But there are, and the nation simply must pay close attention to their problems and help them put the profit back into agriculture, because the crisis which I mentioned is clearly in sight.

In a nutshell, the situation is this:

Barring a nuclear war (God forbid) and the accompanying genocide, the world population explosion is going to swamp the ability of this globe to produce food.

You may recall that Thomas Malthus predicted pretty much the same thing a hundred years ago, but the industrial and technological revolution—plus the human costs of two world wars—changed the percentages.

Today they tell me, despite the tremendous strides being made in increasing agricultural productivity, in deriving protein from the seas, and in limiting population growth a terrible famine is in the making.

It could happen in a decade—maybe two. But hardly a day passes that I fail to see a new prediction by a leading economist or sociologist with pretty much the same conclusion: that dozens and perhaps hundreds of million of human beings will starve to death in our lifetime.

I have not yet seen it predicted that the famine will strike the American homeland, or for that matter, beyond Asia, Africa, and eastern Europe.

But we are at least a generation away from the time when a famine in China made no more impact on Americans than a small story in the daily newspapers. No, the shock waves of the predicted mega-famine would have a devastating effect on our economy, if not our national security. To say nothing of our consciences.

I won't go into this in great detail. But can you imagine the grave dangers which would be presented by an overcrowded nation which was short on food but overstocked on missiles and hydrogen bomb warheads?

One could look at the inevitable world food crisis and conclude that the American farmer and rancher will re-join the U.S. economy quite naturally as a result of the old and still-valid law of supply of demand.

This is true, but I do not believe we can afford to let the agricultural economy wallow in non-profitability in the intervening decade or two.

Emergency measures are needed now—Congressional and Administration policy decisions which will not only provide the farmer and rancher with a fighting chance to make a living but also prepare us for the day when the effectiveness of American agricultural productivity will literally mean life or death for tens, even hundreds of millions.

Officialdom has been shamefully insensitive to the needs of the American farmer and rancher—and the fact that American agriculture must be handled as a national resource with the highest order of world political importance.

Obviously, it is going to be up to Congress to take the lead in farm policy—at least through the balance of 1968.

Here are some of the steps which I think the nation should consider in the next year or two:

First, I strongly believe that this nation needs a strategic reserve of wheat, feed grains, soybeans and other critical commodities. It is ironic that a nation which, a few short years ago worried about its grain surpluses, doesn't have enough on hand today to tide us over a serious Midwest drought. The Commodity Credit Corporation has in its uncommitted inventory only 99 million bushels of wheat, 137 million bushels of corn and 7.5 million bushels of soybeans. Our national interest would be better served by, say, 300 million bushels of wheat, 500 million bushels of corn and 75 million bushels of soybeans.

I hasten to add that the agricultural specialists in Congress are working long and hard to provide safeguards against "dumping" practices, should this "strategic reserve" be set up by Congress.

Second, the Food for Peace program should be stepped up now, so that the spectre of starvation can be averted altogether in the nations which we call our friends. It may already be too late to accomplish this in India. I hope not. I would also sound a warning about the character of the administration of this program. The Food for Peace program laudable though it is—cannot survive another scandal such as the transaction in which Egypt took our foodstuffs and traded them to other nations for hard currency.

Third, the nation needs an improved livestock and crop reporting system. Farmers have recently been the victims of loss-taking brought on by inaccurate government estimates. This has been particularly true in the past year in the case of cattle, hogs and turkeys.

It is my firm belief that attention to these three areas now is important, not only to agriculture and the agricultural products industries, but to the nation as a whole.

As I indicated earlier, our ability to bring the American farmer and rancher back from economic exile may well be as important to our position in the world as is the outcome of the Vietnam conflict.

WASHINGTON'S REIGN OF TERROR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. THURMOND. Mr. President, the May 20, 1968, edition of the Washington Evening Star contains an article entitled, "Washington's Reign of Terror," written by David Lawrence.

Mr. Lawrence points out the developments of the past few weeks which indicate a tremendous increase in crime and a widespread disregard for law and order in the Nation's Capital.

He also cites the shortage of policemen and the costs of deploying troops across the Nation after the assassination of Martin Luther King.

Mr. Lawrence deplores the disorder that is sweeping the Nation and reminds his reading public that the American people have again and again held the party in power responsible for unfavorable conditions.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON'S REIGN OF TERROR

(By David Lawrence)

A reign of terror prevails in the capital of the United States. Drivers of buses are afraid to work at night because one of their number was killed a few days ago by robbers. Attempts to steal the money collected from passenger fares have produced 234 incidents thus far this year.

The police force is inadequate. Businessmen are dismayed. Tourists are reluctant to come to the national capital. Residents of the city are scared to go out on the streets at night. Theaters and movies have smaller audiences. Owners of parking lots are particularly apprehensive. Two hundred members of "the park and shop" organization unanimously signed a letter to the President and Congress which was published in a page advertisement in the newspapers Friday. It said in part:

"This nation has borne the allegedly spontaneous rape of its cities with restraint and patience beyond ordinary understanding, but the eyes of the whole country are now on Washington, and with a clear understanding that the approaching events will not be spontaneous. An aura of uncertainty and personal insecurity, a growing smog of fear hangs over this, the national capital. It is not just another city. It belongs to all Americans, and all Americans are watching. . . .

"Will the government of the District of Columbia and the nation provide an overwhelming deterrent to violence? Will they provide visible police and troops sufficient to discourage the criminal few from acts which unfortunately and unjustly are often blamed on the innocent majority of one segment of our whole people? . . .

"We ask for a deterrent to destruction not only a promise of control after it has started. . . .

"If sufficient police are patrolling this city, are seen in large enough concentrations and numbers, and are known to be authorized to enforce the law with all means necessary, serious rioting, arson and looting will never have the chance to begin. If sufficient police are unavailable, there are in the area of Washington and at the disposal of the commander-in-chief more than sufficient troops to provide the necessary show of force. It would seem preferable to show force before, rather than to have to use it afterwards."

The police in Washington are so busy watching the encampments where 3,000 "demonstrators" are to spend 30 days that there are not enough patrolmen to protect people on the streets and prevent the wave of looting and arson which has been going on.

Although the population of this city is more than 800,000, the police number only 3,000. Troops can help temporarily, but a larger force is really necessary. It cost the federal government $5,375,400 to deploy troops across the nation after the assassination of Dr. Martin Luther King Jr. brought on "demonstrations" which gave criminals a chance to start fires and rob stores. Property losses in Washington alone were $13 million and amounted to much more across the country.

When bus drivers are fearful about operating at night, and the transit company has to require passengers to carry the exact change so that the cash box can be kept locked, it certainly indicates that the governing authorities are lax and that not enough policemen have been utilized to deter acts of crime.

During such periods of disorder, "demonstrations" of any kind should not be permitted. There are enough halls and auditoriums for free speech to be exercised fully.

"Demonstrations" and mass gatherings could be forbidden by city ordinances everywhere until such time as an adequate force of troops has been provided to afford protection. It's an expensive way to assure respect for law and order, but it would cost far less in lives and property damage than bringing in soldiers after the riots and vandalism have occurred.

Disorder, meanwhile, is sweeping the nation. Members of college faculties and students who should know better are joining in the deliberate creating of conditions of disorder. All this is happening because federal, state and city governments are afraid of the so-called "liberal" vote and the possibility that Negro voters will be likely to misconstrue the mobilization of police power as somehow related to the controversies over racial discrimination.

The American people, however, have again and again in a national election held the party in power responsible for unfavorable conditions.

WHY ISN'T MR. ABERNATHY REQUIRED TO REGISTER AS A LOBBYIST?

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. GURNEY. Mr. Speaker, what is called the Poor People's March on Washington is now here.

Its leader, Rev. Ralph D. Abernathy, states that the people will stay until Congress acts. Abernathy talks about a guaranteed annual income and other welfare benefits that have a price tag of scores of billions of dollars. He has met with Congressmen and Senators and plans to meet regularly with a group from Capitol Hill.

He has also said that the camp-ins will remain regardless of whether or not their permit is extended to stay on Government property. He has also stated in the press that they plan to "Sleep in Resurrection City at night and raise hell in the daytime."

Yet there are those here in Congress who condone and rationalize this thinly veiled blackmail for increased welfare as "just another form of lobbying." It has been called "an imaginative lobbying technique" by others.

If that is the case, why is Mr. Abernathy not required to register as a lobbyist?

Last week, I checked and found that he has not registered to lobby.

The law on lobby is very clear. It states:

§267. Registration of lobbyists with Secretary of the Senate and Clerk of House; compilation of information.

(a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this Section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record. (Aug. 2, 1946, ch. 753, title III, § 308, 60 Stat. 841.)

§ 268. Reports and statements under oath.

All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths. (Aug. 2, 1946, ch. 753, title III, § 309, 60 Stat. 842.)

§ 269. Penalties and prohibitions.

(a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a) of this section, any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment. (Aug. 2, 1946, ch. 753, title III, § 310, 60 Stat. 842.)

When a lobbyist is retained, he registers to show his intention to lobby and in what specific areas of legislation he is interested in.

After he registers, he must report quarterly on his activities, and he must report his income and expenditures.

I think Mr. Abernathy should be required to do the same thing. Lobbyists' reports are open to the public, as they should be. After all, why should not the taxpayer be given the opportunity to know the sources of his income and what his expenditures are, just like any other lobbyist.

Certainly, they are the ones who will eventually have to pay if his lobbying demands are met.

The lobbying laws are clear in requiring persons who are paid to promote or oppose legislation for a company or group of individuals to register as lobbyists.

It is crystal clear that Mr. Abernathy is being paid by someone, and a handsome price, to be able to move en masse to Washington and erect a city.

He is certainly promoting legislation in the form of a guaranteed annual income, and other liberal welfare programs.

The law stipulates that anyone testifying before a committee of Congress is exempt from lobbying laws.

However, if a lobbyist meets with an individual Congressman to influence his vote, or with a group of Congressmen, he is required to register as a lobbyist.

Abernathy met recently with a group of Congressmen and will probably be doing the same again and again.

He has announced that groups of his coworkers will fan out over Capitol Hill to press their demands, just as they did yesterday.

If this is not intensive lobbying, nothing is.

To those who claim this camp-in is "imaginative lobbying" I say then, someone should be required to register as a lobbyist, according to the law.

If the law requires registration of a lobbyist, then the law should apply equally to all, for business groups and also pressure groups such as Abernathy's army.

RESOLUTIONS ADOPTED AT 59TH GENERAL CONFERENCE OF PACIFIC NORTHWEST TRADE ASSOCIATION, EUGENE, OREG., APRIL 23, 1968

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Oregon [Mr. MORSE], I ask unanimous consent to have printed in the Extensions of Remarks resolutions adopted at the 59th general conference of the Pacific Northwest Trade Association, held in Eugene, Oreg., April 23, 1968.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED AT THE 59TH GENERAL CONFERENCE OF THE PACIFIC NORTHWEST TRADE ASSOCIATION IN EUGENE, OREG., APRIL 23, 1968

RESOLUTION 1

Whereas, the Pacific Northwest Trade Association supports the view that the International Peace Arch striding the United States and Canadian border between Blaine, Washington and Douglas, British Columbia, is an important symbol of Canadian-American solidarity, and

Whereas, for many years the Arch was illuminated so as to be seen by all who passed, both by day and night, and

Whereas, such illumination has been permitted to cease, and

Whereas, the interests of both Canada and the United States will be served by the effective illumination of the International Peace Arch at all times of the year,

Now therefor be it resolved: that this Association urge the responsible authorities in both countries to take appropriate action to provide effective illumination of the International Peace Arch by the earliest possible date.

RESOLUTION 2

Whereas, the Pacific Northwest Trade Association continues to devote its efforts to speeding up the development of the North, and

Whereas, the paving and hard surfacing of the Alaska Highway is considered a key factor in the progress and development of the Province of Alberta and Yukon Territory and British Columbia, Canada, and the Pacific Northwest States, and

Whereas, full support and endorsement of this important project has been extended by the Pacific Northwest Trade Association in formal sessions at Fairbanks, Alaska, on September 5, 1959, at Harrison Hot Springs, British Columbia, on September 17, 1963, and at Edmonton, Alberta, on September 12, 1967, and by Boards of Trade and Chambers of Commerce within Pacific Northwest Trade Association membership, and

Whereas, the honorable Phillip A. Gaglardi, Minister without Portfolio in the government of the Province of British Columbia, indicated in his address to this 59th general conference of the Pacific Northwest Trade Association at Eugene, Oregon on the 22nd day of April, 1968, that provided agreement could be reached on the reconditioning and hard surfacing of the Alaska Highway, the Province of British Columbia would be prepared to maintain such highway within that Province,

Now therefore be it resolved: that the Pacific Northwest Trade Association reiterates its full support and endorsement of the paving of the Alaska Highway and urges this respective membership to channel its support of this resolution to its responsible, respective governments.

RESOLUTION 3

Whereas, at this 59th General Conference of the Pacific Northwest Trade Association the need was demonstrated for increased harvesting of the region's timber resources, and

Whereas, the capacity for supplying such needs is becoming increasingly dependent on the availability of timber from public lands,

Now therefore be it resolved: (the Canadian members abstaining) that the responsible agencies of the United States Government be urged to take steps to facilitate increased utilization and harvesting of timber on public lands, such action to include specifically, construction of access roads, selective cutting and thinning, increased pest control, fire protection and fertilization.

RESOLUTION 4

Whereas, the attention of the delegates to this 59th General Conference of the Pacific Northwest Trade Association has been drawn to the increasing danger of the pollution of the region's air, land and water resources,

Now therefore be it resolved: that the government agencies and business and civic organizations be commended for the action already taken and proposed with regard to the control of pollution of water, air and soil throughout the Pacific Northwest and to urge those responsible to implement practical control measures as soon as possible thereby obtaining an improved balance between the preservation of scenic attractions and recreation facilities and sound economic development supporting industrial expansion to meet the diverse needs of the growing population.

NAVY LEAGUE OF THE UNITED STATES SELECTS HAWAII AS SITE OF FIRST NATIONAL CONVENTION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. MATSUNAGA. Mr. Speaker, the Island State was host to the first National Convention of the Navy League of the United States during the week of April 21–27, 1968. Some 1,600 distinguished guests and members of the "Civilian Arm of the Navy" gathered for this historic meeting in Honolulu during that period, proclaimed by the Governor of Hawaii as Oceanic Advancement Week.

I wish to call to the attention of my colleagues, and others interested in our Nation's ocean policies and programs, two recent editorials which relate directly and in a most meaningful way to the Navy League Convention.

These two editorials, "Hawaii and the Oceans," from the May 2, 1968, issue of the Honolulu Star-Bulletin, and "U.S. Power at Sea," from the April 23, 1968, issue of the Honolulu Advertiser, are included at this point in the RECORD:

[From the Honolulu (Hawaii) Star-Bulletin, May 2, 1968]

HAWAII AND THE OCEANS

"The number of intellectuals in the United States oriented to the sea is very small.

"The number of these participating in U.S. policy-making is almost infinitesimal."

The author of this observation was an active participant in last week's successful Honolulu meeting of the Navy League of the United States.

The concern he expressed was central to the deliberations and recommendations of the League in its meetings here.

Some 1,600 persons gathered here, 1,200 from the Mainland, with their ranks well-dotted by retired admirals and captains and important business leaders.

Outgoing President Charles F. Duchein expressed in his welcoming speech the central interest of the League in developing a wider resource of trained ocean-oriented people and of winning an ear for them when U.S. policy is made.

He spoke cuttingly of the fact the former Defense Secretary Robert McNamara frequently kept the Navy and other military chiefs from giving direct advice and counsel to the President. He gave praise to Clark Clifford, the new secretary, for appearing to change direction on this.

But Duchein expressed greater concern with the long run and the need for a nationwide educational program to encourage broader understanding of the oceans and the maritime concept.

In this Hawaii can heartily concur.

The League voted its approval of the Sea Grant College program as laying the foundation for providing a reservoir of ocean-oriented leaders for the future.

This program could have a long-term

impact as significant as that of the Land Grant Colleges established a century ago.

The League also indorsed the Marine Engineering and Resources Development Act of 1966 under which a master plan for our future oceanic development is now being structured.

Some leaders suggested that "maritime parks" should be encouraged near Sea Grant campuses with industry and the academic world cooperating as now is done with industrial parks.

Others suggested that ocean-oriented industrial leaders would find ways to make the U.S. more competitive in ship construction, and pointed out that one firm (Avondale Shipyard in New Orleans) even now is almost competitive with foreign builders.

With proper emphasis, it is believed the U.S. could develop 100-knot ships and quick turn-around techniques that would open new markets to U.S. vessels. Less than eight per cent of U.S. trade now moves in U.S. bottoms.

Concern was expresed that the U.S. presently is lagging in all phases of ship-building and oceanic research, even fishing, while Russia is moving ahead.

The long-term answer was seen in building more ocean-oriented leaders for the U.S.

This is an area in which Hawaii itself should be able to make a great contribution.

It is an area to which ambitious young Islanders can well address themselves. Most academic disciplines can be related to the ocean.

Hawaii fully backs the League in its desire to see ocean-oriented leaders and intellectuals win a greater role in government.

It expects through the University of Hawaii to help train and supply them.

[From the Honolulu (Hawaii) Advertiser, Apr. 23, 1968]

U.S. POWER AT SEA

The Navy League of the United States, the independent civilian support group, is holding its first national convention in Hawaii at a significant time.

It comes in a period of change when sea power, both military and civilian, is going to be increasingly important in the Pacific.

There is ample evidence of this on the military level.

Vietnam's outcome remains uncertain. But the hoped-for settlement and eventual withdrawal. there seems bound to increase our future reliance on Pacific bases and naval forces.

Moreover, this does not come at a static time in the ratio of naval power and Communist interest in naval matters. One of the major military facts to emerge last year was the well-documented growth of Soviet sea power.

Not only has Russia dramatically increased the size of its fleet, it has increased its scope, even to the extent of building aircraft carriers and creating a marine corps.

The Russian naval buildup has been most evident in the Mediterranean and Middle East, where British withdrawal is leaving a vacuum.

But it seems only likely Russian naval activity will move around and down to Southeast Asia and out into the Pacific, the biggest geographical unit in the world and one where the Soviets do not have a base.

Thus, at a time when U.S. naval activity will become of new importance in security, it may also be meeting with increasing Russian activity in our Pacific lake.

But the prospects do not end there. Nor does the interest of the Navy League at this gathering.

One aim of the meeting, in fact, is to call for the launching of a new national maritime program. Part of the theme in this comes from a statement by Vice President Humphrey:

"The United States must have a maritime policy, if it is to remain a maritime power."

That we have no effective national civilian maritime development policy is almost as sad as the present state of our merchant marine.

The U.S. has declined to 12th place in the world on merchant ship construction and sixth place in active, privately owned merchant fleet. Russia has the world's fastest-growing merchant fleet. It will pass ours in tonnage in early 1970.

Writing in the current issue of Navy magazine, military specialist John G. Norris says:

"American-flag ships are carrying less than 8 per cent of U.S. foreign trade, compared to 50 per cent in 1950. While the world's shipping fleet has increased more than 60 per cent in the past 15 years, the privately owned U.S. merchant fleet has dropped by about 25 per cent."

Since maritime power is what President Eisenhower called the "fourth arm of defense," such facts have military implications that are naturally of special concern to the Navy League. But they also have economic implications that are important in terms of our balance of payments.

As dismal as our maritime picture is the difficulty in getting a realistic development plan going. As Norris points out:

"The public image of the maritime industry is of squabbling groups within both capital and labor, constantly demanding subsidies because of inefficient management and obsolete practices which make them unable to compete with other maritime powers."

If that seems like a harsh judgment for the public to hold, nobody should underestimate the problem or the need for something better.

Both the Administration and Congress are coming forth with programs, and the importance of doing so was pointed up by Acting Maritime Administrator James Gulick earlier this year. He said that unless a program were adopted the U.S. merchant marine would "go down the drain."

What's most needed is a program that will make the point to the nation, not to island Hawaii or the coastal states where interest in the sea and its potential is great, but all across the country where there are other preoccupations.

To do this is not easy. As we said in an editorial last October: More subsidies in the tired manner of the past do not seem the answer, if we are to truly move. Money must be used to stimulate new thinking rather than to salve old problems.

Such are the divisions over Vietnam and its military significance that not everyone is going to agree with all the statements made at this meeting where the military influence is strong.

But on the continuing importance of naval power in a vast and changing Pacific and on the need for a vigorous American merchant marine there is understanding and appreciation of the broad aspects of Navy League goals.

AMERICAN FREEDOM WILL NOT BE SUBVERTED

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. THURMOND. Mr. President, the May 17, 1968, edition of the Spartanburg, S.C., Herald contains an editorial entitled "American Freedom Will Not Be Subverted."

The editor points out the grave concern among the American people over current insurrection and disruption in our society. Much of the dissension is created by those who seek to destroy our Government and change it into a socialistic, totalitarian state.

The editor points out that in order to be lasting, freedom must be strengthened by discipline and restraint. As examples of discipline he cites the cases of two universities on the subject of unlawful student dissent. The president of the University of Virginia warned his students that any who participate in unauthorized assemblies or occupation of universiety property will be subject to immediate suspension. At Clemson University in South Carolina the administration's policy was published 3 years ago, indicating a firm stand against unlawful use and misappropriation of institutional property and facilities. President Robert C. Edwards, of Clemson, has discussed this policy with student leaders and his faculty and reports receiving an overwhelmingly favorable response.

The examples of these two universities, Mr. President, with their firm position and fair, impartial policies, should serve to inspire other institutions.

In an editorial in the Greenville Piedmont of May 17, 1968, the sensible, but firm, policy of Clemson University is contrasted with the permissive policy which has been followed in some universities and which encourages lawlessness and breeds anarchy. The editorial noted:

> The policy of Clemson University is a no-nonsense policy that in no way abridges students' right to freedom of speech as long as it is expressed in a lawful and peaceful manner. It does prohibit acts of violence, unlawful use and misappropriation of institutional property and facilities, criminal acts and public acts which reflect adversely on the discipline and reputation of the institution.

Mr. President, I ask unanimous consent that these two editorials be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Spartanburg (S.C.) Herald, May 17, 1968]

AMERICAN FREEDOM WILL NOT BE SUBVERTED

Insurrection and disruption are creating grave concern among the American people.

Some sincerely fear that the very structure of our society and our government is being undermined and collapse may result.

Much of the dissension and violence on streets and campuses is promulgated by elements who do not seek to strengthen and improve American democracy. Indeed, they do aim at subversion of our form of government into a socialistic, totalitarian state.

They will not succeed.

The foundation of the American way is not at their feet. It is imbedded, instead, in a populace that is intelligent, educated and dedicated to the principles of self-government.

People who love individual liberty will

suffer maltreatment at the hands of those who misunderstand and abuse that liberty.

However, there is an apt definition that a man's freedom to swing his fist ends at the tip of the other fellow's nose. The United States has endured quite a lot of nose-twisting.

Freedom, to be lasting must be strengthened by discipline and restraint.

Considerable attention has been attracted to the posture of strength pronounced by the president of the University of Virginia. Henry J. Taylor's column has circulated it around the country.

Students were told, as an advance warning, that any who participate in unauthorized assemblies or occupation of university property and refuse to disband "will be subject to immediate suspension." The president declared that the university will not negotiate with anybody or any group, no matter who they are or what they want, under duress.

Wright Bryan, vice president for development at Clemson University, writes that his institution established a firm policy in May, 1965.

This month, President Robert C. Edwards discussed the matter with student leaders and faculty and stated his intention to carry out the policy unflinchingly. "The response was overwhelmingly favorable," Mr. Bryan said.

The Clemson policy statement, approved by the Board of Trustees three years ago, declares:

"The Board of Trustees is cognizant of the occurrences of disorders on some campuses . . . It is not intended in any way to discourage or trammel freedom of speech, including constructive criticism, expression of grievances or petition for redress of wrongs, real or fancied, so long as that right is exercised in a lawful and peaceful manner."

The Board statement prohibited such disorders, specifying also "unlawful use and misappropriation of institutional property and facilities." It directed the president to enforce the policy and "to take such disciplinary action as in his judgment the circumstances warrant."

Fair and firm insistence, at all levels of society and government, on the observance of society's rules of order will preserve the freedoms enjoyed by Americans.

[From the Greenville (S.C.) Piedmont, May 17, 1968]

Clemson Has Strong Policy on Behavior of Students

In this day of students being allowed physically to take over their colleges and universities, it is heartening to review the policy that has kept Clemson University's campus a peaceful one.

It is a no-nonsense policy that in no way abridges students' right to freedom of speech as long as it is expressed in a lawful and peaceful manner. It does prohibit acts of violence, unlawful use and misappropriation of institutional property and facilities, criminal acts and public acts which reflect adversely on the discipline and reputation of the institution.

Clemson has not just now evolved this policy. It was stated by the board of trustees in 1965, and the president of the university has been empowered since then to enforce it by taking such disciplinary action as, in his judgment, circumstances warrant.

Sincere students appreciate the need for and understand the justice of such a policy. Others have no right to be on any campus, as recent student revolts at Columbia University, Howard University, Northwestern University and other colleges over the country so clearly demonstrate.

MR. POFF BATTLES THE LOAN SHARKS

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. WAMPLER. Mr. Speaker, my Virginia colleague, the Honorable Richard H. Poff, has declared war on organized crime's most sophisticated effort to infiltrate the business world.

His prose is contained in an amendment to the truth-in-lending bill which would permit Federal law-enforcement officers to deal effectively with loan sharks who take advantage of the poor and simultaneously force brokers beholden to them for one reason or another to fence stolen securities.

The Roanoke, Va., Times gave an editorial salute to Mr. Poff in its May 20 issue, and I insert that editorial in the Record at this point:

Mr. Poff Battles the Loan Sharks

Thanks mainly to the efforts of Sixth District Rep. Richard H. Poff, the landmark truth-in-lending bill includes a stiff new criminal law that will permit federal law enforcement officers to begin cracking down on the bloodthirsty parasites of city ghettos—the loan sharks.

Because Mr. Poff is a Republican, his amendment encountered stiff opposition from the Democratic administration. Because his plan was first tacked on to the House bill as a floor amendment without committee study or public hearings, it drew the wrath of some of the traditionalists on Capitol Hill. And because it broadens federal police powers, it scared both liberals and conservatives.

In the end, however, all of these obstacles fell by the wayside in the face of the persuasive case that Mr. Poff built up in support of an all-out federal assault against loan sharks, most of them organized criminals who victimize dope addicts and reputable businessmen alike.

One such story of extortion was told to Senate investigators only last week by a bankrupted New York businessman who failed to repay a $1,000 loan in an allotted 13 weeks and, because of a ballooning debt and repeated new interest charges, wound up paying $14,000.

The final version of the Poff amendment is a better one than Mr. Poff got through the House. It defines loan sharks as lenders who charge more than 45 per cent annual interest or use threat of violence or other illegal means to collect. These lenders would be subject to maximum punishment of a 20-year prison term, $10,000 fine, or both.

Rep. Poff reasons that if federal truth-in-lending legislation is to be enacted to protect the consumer in general, safeguards clearly are needed to protect the poor consumer in particular. Invariably, it is the poor who are victimized by the loan shark, primarily because they enjoy no credit standing in the eyes of conventional lenders.

In the view of most law enforcement officers, loan sharking is now the second largest source of revenue for organized crime. Interest rates of 1 to 150 per cent a week make it currently a multi-billion-dollar operation. Only gambling nets organized crime a bigger return (a fact, incidentally, that has prompted Rep. Poff to back enactment of an administration measure that would also broaden federal jurisdiction over the syndicate's massive gambling operations).

As chairman of the Republican Task Force on Crime and as vice chairman of a bipartisan national commission studying the federal code of criminal laws, Rep. Poff has emerged as a leading figure in preparation of anticrime legislation. While overly critical of some of the Supreme Court's crime decisions, he generally has struck a sensible middle ground between super-hawks who would fight crime by running rough-shod over civil liberties, and congressional liberals who have yet to recognize the seriousness of the crime problem.

Inclusion of Mr. Poff's loan-shark amendment in the conference committee's truth-in-lending bill must be rated a solid victory for the congressman. In truth, it is a significant first step toward mounting the very thing that the President's crime commission has urged: "A full-scale commitment to destroy the power of organized crime groups."

RESOLUTIONS OF AMERICAN ASSOCIATION OF HIGHER EDUCATION

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 22, 1968

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Oregon [Mr. Morse], I ask unanimous consent to have printed in the Record a statement by him and resolutions in connection therewith.

There being no objection, the statement and resolutions were ordered to be printed in the Record, as follows:

Statement by Senator Morse

The American Association for Higher Education, a department of the National Education Association, as an aftermath of its 23rd National Conference on Higher Education, through its Executive Committee, adopted resolutions in the field of higher education on March 6, 1968, which in my judgment, are worthy of the consideration of Senators who are members of the Education Subcommittee and other Senators, as well.

I feel sure that these resolutions can be most helpful to us as later this session we consider legislation affecting higher education on the floor of the Senate.

Resolutions Passed by Executive Committee of American Association for Higher Education, March 6, 1968

(Note.—Resolutions I, II, III, IV are similar to resolutions passed at a business session of the 23rd National Conference. Resolutions V, VI, and VII although not acted on by the conference were adopted by the Executive Committee, the policy-making body of the AAHE.)

I. HIGHER EDUCATION AND THE DISADVANTAGED

Basically, the one element underlying the current social upheaval in this country is the disadvantaged individual. He is hopelessly handicapped by a variety of interrelated factors: substandard housing whether it be in the ghettos of the city or the rural areas of the country; depressing home conditions of broken families with no encouragement to advance; the victim of discriminatory practice in every aspect of his living; and ineffective education. In this denial of the simplest rights to citizens in a democracy, higher education, for the most part, has chosen to walk by on the other side of the street. The excuse most often advanced for this act of inhumanity is preoccupation with the real purposes for which colleges exist, instruction of the qualified, and research. Public service as a purpose seems to have been lost in the process.

The 23rd National Conference on Higher Education and the Executive Committee recommend a reversal of the present attitude, and with it, an acceptance of responsibility to do something about this American tragedy. Three categories of action are suggested.

1. Extension of the classroom into the community of the disadvantaged through such activities as awarding college credits for service performed by students, and the development of community service projects. Such activity might well include cooperation with such agencies as the President's Council on Youth Opportunity, the National Service Secretariat, as well as other recognized community service agencies;

2. Influencing state or private policy to establish units of junior and four-year colleges near the people to be served with appropriate educational programs and staffed with teachers who understand both the problems of the disadvantaged and how to deal with them effectively;

3. Encouraging interdisciplinary research to the end that better procedures may be found to eliminate the circumstances which cause people to be disadvantaged. This research effort may produce, also, better procedures for achieving success in categories 1 and 2.

Deep concern accompanied by willingness to innovate and experiment will do much to alleviate the serious social problems.

II. HIGHER EDUCATION AND SELECTIVE SERVICE

Since the mode of operation of the Selective Service law is a matter of grave concern to all educators and a source of discontent among students both for those protected and those most threatened, and since under the present system all students are not treated equally, undergraduate students being completely deferred, junior college students being treated differently depending upon the nature of the program engaged in, while graduate and professional students, except those deferred by law are totally vulnerable to the draft, the following resolution addresses itself to these complexities with the intent of seeking a more equitable solution to the problems they present. Its purpose is to assure an adequate supply of manpower for the armed forces of the nation while eliminating both discrimination and privilege from the law.

Therefore, as a long-term solution we reccommend the elimination of privileged status for any group through deferment from the draft. In place of the present method of selection, we propose a system of random selection which would select men from all segments of the pool from age 19 to 26.

Pending amendment of the draft law we recommend two interim steps:

1. Use of existing administrative authority to establish a system of taking the men necessary to meet draft requirements from among all eligible age categories should be instituted.

2. If a graduate student receives notice of induction during a term, quarter, or semester of graduate work, we urge Selective Service to use its administrative authority to postpone induction until the end of the period. Any other decision would create chaos for both students and institutions.

III. STUDENTS AND HIGHER EDUCATION

We propose the endorsement of the "Joint Statement on Rights and Freedoms of Students" with the following explicit understanding:

1. That the Statement is in no way intended to abrogate the legal powers invested in the Governing Boards under American corporate law;

2. That interpretation of the Statement's principles and procedures be understood as a continuing joint process, and that application be worked out on each campus according to the educational purposes of that particular institution;

3. That the implementation of the Statement's recommendations take place in the context of the total academic community with all responsible consideration for the rights and freedoms of the other constituents of the academic community;

4. That the concept of community itself implies the interdependence of faculty, students, administration, and governing boards and that, therefore, the arrogation to itself of absolute autonomy or of absolute freedom by any one sector of the academic community, contradicts the very concept of community;

5. Finally, we welcome the Statement on Rights and Freedoms of Students as a thoughtful and significant contribution to the dialogue that is essential to the wellbeing of the academic community.

IV. THE FUTURE RELATIONSHIP OF AAHE TO THE NEA AND THE NATIONAL CONFERENCE

It is the concern of the American Association for Higher Education Executive Committee that the National Conference on Higher Education be continued and that appropriate steps be taken to assure strength for the AAHE itself.

Continuation of the present relationship of AAHE with NEA will necessitate, among other things, sharply increased fees for new AAHE members beginning in 1968–69. One reason for this is the "Minneapolis amendment" (1967), which established as a prerequisite to AAHE membership that an individual must join his state education association and his local education association (if available) in addition to the NEA. Furthermore, the enlarging gap between the broad aims of the AAHE, as reflected in the National Conference, and the growing emphasis on, and apparently dominant preoccupation with, collective negotiations on the part of the NEA threaten continued close affiliation with the NEA.

There is continuing and increasing need for a national forum on higher education issues and opportunities of the caliber exemplified by the National Conference. There is continuing and increasing need for an agency to represent individuals in higher education as well as organizations representing institutional concerns. Such representation is needed by all partners of higher education—faculty members, administrators, governing boards, and students, from all types of institutions.

Organizations oriented towards individuals need substantial autonomy of action and program. In addition, they need some form of national body similar to the AAHE which can represent with authority and strength at the national level those matters which are of common concern, and can also provide a forum of continuing dialogue on matters at issue.

For a variety of reasons—the growth of individually oriented organizations in need of an overarching affiliation, the need for some agency to represent individuals concerned with higher education in ways similar to the way the American Council on Education reflects institutional concerns, and the growing gap between the professional and scholarly interests of the AAHE on the one hand and the increasing concern of the NEA with problems of the material welfare of teachers, as sought through collective negotiations—it appears wise for the AAHE to move away from its present close affiliation with the NEA. This movement may take the form of a "National Affiliate" or "Associate Organization" type of relationship as recommended by the report of the Task Force on NEA Departmental Relationships. Or it may be a transition to an autonomous status, gradual or rapid, depending on whether the Representative Assembly of the NEA provides for multiple kinds of relationships or insists on a single form.

To facilitate the needed planning for these several eventualities, the Executive Secretary and Administrative Committee are directed to seek planning funds from outside sources. This planning should include informal conversations with officers of other organizations to explore possible subsequent relationships, and the preparation of plans for a possible eventual new association of individually oriented organizations or an autonomous AAHE.

Early implementation of these efforts is necessary to assure continuity of the National Conference and strengthened national professional leadership for higher education.

V. PRIORITIES AND COMMITMENTS IN HIGHER EDUCATION

The American people are engaged in a limited war, involving limited, though nonetheless costly, commitments of manpower and other economic resources. To accept the double burden of the war and the pressing demands of the civilian economy requires us to distinguish between inconvenience and sacrifice.

The Executive Committee of the American Association for Higher Education believes there are certain priority needs of higher education that must be met, not as a matter of convenience, but because they are essential to a system that is expected to provide opportunity for all Americans who wish access to some form of higher education and who are capable of benefiting from it.

Short of all-out war, we believe there should be no diminution of the resources of government and private philanthropy now committed to the construction of academic facilities and student housing, and to student financial aid, whether by grants or loans. Without classrooms, libraries, and housing, our colleges and universities cannot accommodate the students who seek to enter them; without student aid, many who seek a higher education cannot afford its cost.

The Executive Committee of the AAHE also believes that, despite the fiscal stringencies of a wartime economy, the time has come for the federal government to consider seriously establishing a program of instiutional grants for the general support of instruction as an alternative to the further proliferation of specific categorical aids to higher education, however, meritorious in themselves. Institutional grants will, we believe, help hold down the cost of higher education to the individual and thus will open wider the door of educational opportunity.

VI. PUBLICATION OF STATISTICS RELATED TO HIGHER EDUCATION

The Executive Committee of the AAHE joins with the National Association of State Universities and Land-Grant Colleges and urges early and serious consideraion of the November 1967 action of that body, as follows:

"Whereas, since its founding one of the basic functions of the U.S. Office of Education has been to gather and make publicly available statistical information valuable in determining educational policy and making educational decisions at the local, state, and national levels, and in individual educational institutions.

"And whereas, in recent years, although the federal involvement in education has greatly increased as has state, local, and private support of education, and the need for prompt and accurate availability of educational statistics has increased greatly, the availability of statistical information from the U.S. Office of Education has sharply decreased, and such information and studies as have been published are increasingly out of date. Institutions of higher education which have gone to substantial trouble and expense to furnish statistical information needed for a wide variety of purposes, including that of Congress in considering educational legislation, are increasingly raising the question of the value of continuing to furnish information which cannot be tabulated and published with reasonable speed.

"And whereas, this situation has been repeatedly called to the attention of officials of the Department of Health, Education, and Welfare and the U.S. Office of Education, and no improvement in the situation has resulted or is promised for the reasonably near future, on the grounds that servicing new educational programs administered by the U.S. Office and the Department must be given priority in a time of limited resources of computer personnel and time, over statistical data on which the educational community and the public must look to the U.S. Office of Education to supply.

"And whereas, this and other major national educational associations, sympathetic to the problems of the U.S. Office in devising and implementing new methods of statistical collection, tabulation, and dissemination, have been hopefully and patiently awaiting an improvement in the situation for four years without results, and feel that the time for affirmative and vigorous action to improve the situation has come."

Therefore, the American Association for Higher Education joins the National Association of State Universities and Land-Grant Colleges in calling upon the Secretary of Health, Education, and Welfare, the U.S. Commissioner of Education, the Director of the Bureau of the Budget, the Committee on Education and Labor and the Appropriations Committee of the House of Representatives; and the Committee on Labor and Public Welfare and the Appropriations Committee of the U.S. Senate to take action to bring about a long overdue and urgently needed improvement in the situation described above.

VII. TOWARD UNIVERSAL HIGHER EDUCATION

Since President Lyndon B. Johnson, in his 1968 Education Message, "The Fifth Freedom," enunciated as an official federal goal the elimination of "race and income as a bar to higher learning" and since the subsequent legislative proposals the President has called upon the Congress to declare that "it is in the national interest to provide educational opportunities beyond secondary school to all our youth," the Executive Committee of AAHE expresses approval and support of the President in this historic declaration of policy.

LYNDON B. JOHNSON AUSTRALIAN SCIENCE SCHOLARS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. KYROS. Mr. Speaker, on May 14, the White House announced the names of 10 high school students who have been selected to attend the International Science School in Australia for a program of lectures by distinguished scholars. These outstanding people are chosen by the National Science Foundation and the National Merit Scholarship Corporation following a national talent search. I am happy to say that one of the students chosen this year is Andrew P. Geohegan, of Brunswick, Maine. Young Mr. Geohegan's broad range of interests is indicated by the following: First, he is president of the student council; second, he teaches a computer class; third, he is a member of the swimming team; fourth, he has developed a computer program to arrange dates among students at his high school.

The program is supported by the University of Sydney. The young people chosen are designated as "Lyndon B. Johnson Australian Science Scholars" in recognition of the President's lifelong interest in education.

I congratulate Andrew, his family, and his school.

ADDRESS BY HON. JOHN M. MURPHY BEFORE MARITIME MANAGEMENT INSTITUTE

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. GREEN of Pennsylvania. Mr. Speaker, change is the one most constant factor of the age in which we live—and with change comes the need to adjust to the problems which change poses. A distinguished colleague and friend, JOHN MURPHY of New York, on Tuesday addressed the Maritime Management Institute at Fort Schuyler, N.Y. He appraised the challenge to the American maritime industry posed by the proposed fast deployment logistics ship, a new innovation to meet the military demand for a fast deployment capability. Because I believe the following to be a significant statement I have asked permission to have it reprinted in the RECORD:

REMARKS BY REPRESENTATIVE JOHN M. MURPHY, OF NEW YORK, AT THE SECOND ANNUAL CONFERENCE OF THE MARITIME MANAGEMENT INSTITUTE, FORT SCHUYLER, N.Y., MAY 21, 1968

When any group associated with the American maritime industry meets, the discussion usually centers around the deplorable condition of the American merchant marine. We all know the statistics used to identify the problem—the percentage of ships over twenty years old, the percentage of our foreign trade carried on U.S.-flag ships, and many others which we can all recite from memory.

The purpose of this conference, however, is to speak neither of the failures of the past nor the inadequacies of the present, but the challenge and the promise of the future. You are meeting today to discuss what needs to be done, what can be done, and how to do it, and it is this positive approach from within the industry which will ultimately revive and build a new merchant marine.

I would like to address myself today to one of the challenges you must face—the challenge to the American maritime industry posed by the proposed Fast Deployment Logistics Ship, the so-called FDL. The challenge, specifically, is whether or not our maritime industry can meet the military requirements for which the FDL was originally proposed. In many ways the challenge is critical, for if it is met, our maritime industry will be given a significant boost forward, but if it is not met, we will be pushed even further to the rear.

You all know the basic idea behind the FDL, but let me re-state it for you briefly. The FDL was proposed in response to a basic, fundamental military requirement for a rapid deployment capability to respond to various potential trouble spots in certain areas of the world. It has been described, and I think quite accurately, as a "floating warehouse." This rapid response requirement has been supported by all branches of the military and the Department of Defense. The question, however, is how this requirement is to be met.

To begin with, ever since the passage of the 1936 Merchant Marine Act it has been recognized that one of the basic functions of our merchant marine is to serve as an auxiliary arm to the military in times of national emergency.

The willingness and ability to perform this function has been well documented, first in World War II, then again in Korea, and today in Vietnam where our merchant marine carries 99% of the military supplies and the majority of the troops to support our effort in that part of the world. Therefore, one objection to the FDL program is that it would supplant a basic function of the American merchant marine.

A second objection to the FDL program is the potential competitive threat it holds for commercial shipping, specifically the carrying of military cargo. The Department of Defense has promised that the FDL would not carry military cargo, and has stated a willingness to have the authorization bill amended to prohibit such competition. But this Congress cannot limit a future Congress, and sooner or later someone at G.S.A. will point out that the government has $2 billion worth of ships floating around that could carry military cargo very efficiently. The pressure at that time would be considerable to find a more productive use for those vessels. An economy minded Congress.

An even more compelling objection to the FDL program is based on its high cost. Each ship will cost an estimated $30–$40 million, or up to $2.1 billion for the 30 ships being requested over the next four years. The cost to operate these ships through their lifetime is approximately the same, that is, $30–$40 million each. The cost of designing the ship, not including any construction, is $25 million.

Since figures alone do not give the whole picture, let me compare them to our merchant marine expenditures. In comparison to the $25 million needed to develop the FDL, since 1955 a total of only $50 million has been spent on the American merchant marine for research and development, with the exception of the Savannah. In addition, for the amount of government investment contemplated for the FDL program, our maritime industry could build two to four times the number of FDL. The FDL represents a 100% government investment, while private building can use no more than a 55% government subsidy. Finally, where the FDL would make no commercial contribution to the nation's economy, a new fleet of modern merchant marine ships could have a major impact on our economy, particularly in the critical balance-of-payments area.

In fact, if even a portion of the funds contemplated for the FDL were put into our existing shipyards, and if our industry was assured of a reasonable merchant shipbuilding program, American private enterprise would be willing to invest their own capital to modernize their facilities and make domestic ship production more efficient.

The point is this: we need a new type of military supply capability *and* we need a revitalized maritime industry. As presently proposed, the FDL program would achieve the former, but at the expense of the latter, and this, I feel, is unacceptable. A second alternative is to develop both the FDL program and our maritime industry separately, and this is unacceptable on the grounds of economy. The answer, I think, is that we can do both, by developing dual-purpose merchant ships of superior capabilities which could serve both commercial and national defense needs. I do not think we have fully explored the possibility of combining a revitalized merchant marine with the new military requirements, and until we do so I cannot support the present FDL program.

This raises one final question: is our maritime industry capable of meeting this challenge, of developing commercial ships which can meet the military requirements of fast deployment? As I said at the outset, this conference and others like it are beginning to answer this question. I would like to mention ways in which the challenge has already been met.

Some of you may recall an amphibious training exercise off the coast of Spain in October of 1964 called Operation Steel Spike I. This was the largest military landing operation since the Korean War, and it provided a major testing ground for the American merchant marine, which contributed ten modern ships to the Naval Fleet Forces that provided combat support.

Without going into the details of the operation, let me just say that it demonstrated quite clearly the ability of the merchant marine to fulfill the role intended for it by the 1936 Act, to serve as an auxiliary to our national defense.

The FDL poses a new challenge. It is much larger than most merchant ships, and it will be equipped with special gear designed to handle specific military cargo. At least two private developments, however, have already started to meet this challenge. Prudential's LASH and Lykes' sea barge ships are similar in many ways to the FDL, and their size and draft are comparable to the FDL.

This does not mean that our merchant marine is already capable of meeting the requirements which led to the proposal for the FDL. But it does mean that our industry has the ingenuity and willingness to develop ships that can serve this purpose.

If the government is going to make a large investment in shipbuilding, therefore, let us determine first what our maritime industry is capable of doing. As I said before, I am not convinced that the alternatives to the FDL have been fully explored, and until they are, I cannot support the program.

Let me close by bringing you up to date on the FDL program in the Congress. The Senate passed a military appropriations authorization bill on April 19th of this year, which included an authorization for $183.6 million to be spent in 1969 for four FDL ships, the first of a four-year program to build a 30-ship FDL fleet. The bill is now being considered by the House Armed Services Committee.

I am hopeful that the House will block this authorization until assurance is given that at least part of this massive federal investment will be put into the merchant marine. Only $19 million is being asked for ship construction in 1969 by the Administration, and yet they ask for nearly ten times that much for the FDL.

If this authorization is blocked, it will then be up to the maritime industry to demonstrate that they can meet the challenge of the FDL with specially designed merchant ships capable of meeting the new military requirements, but capable also of serving the commercial needs of the nation. I think with the proper federal investment, and a strong, new maritime program along the lines of the one now being considered by the House Merchant Marine Committee, the American maritime industry will successfully meet this challenge.

Thank you.

PARK SERVICE RANGER RESCUES DROWNING MAN

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. BARING. Mr. Speaker, I have received a letter from Mr. John J. Hart, State Director, U.S. Treasury Department, Savings Bond Division, and a copy of another letter written by Mr. Ray O'Malley, Regional Director of the Savings Bond Division, extolling an act of heroism performed by Park Service Ranger, Joe J. Cayou, that took place on Lake Mead, Sunday, May 12, 1968.

Without any hesitation, Joe Cayou dove into the treacherous waters of Lake Mead to rescue a drowning man. By his outstanding display of valor, Joe Cayou brought credit to the entire Park Service.

Under unanimous consent I include the letters of Mr. Hart and Mr. O'Malley relating to the incident in the RECORD, as follows:

U.S. SAVINGS BONDS DIVISION,
TREASURY DEPARTMENT,
Reno, Nev., May 17, 1968.

Hon. WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR WALTER: Thought you would be interested in knowing of an act of heroism performed by Park Service Ranger, Joe J. Cayou, that took place on Lake Mead on Sunday, May 12, 1968, and the enclosed copies of letters tell the story in full.

Mr. Ray O'Malley has mailed a copy of his letter to Secretary Udall.

Best regards.

Sincerely,

JOHN J. HART,
State Director.

Enclosures.

RENO, NEV.,
May 16, 1968.

Mr. CHARLES A. RICHEY,
Superintendent, Lake Mead National Recreation Area, Boulder City, Nev.

DEAR MR. RICHEY: Enclosed is a copy of a letter sent to Mr. Frank W. Kowski, Regional Director, Southwest Region, National Park Service, Santa Fe, New Mexico. This letter was written by Mr. Ray O'Malley, Regional Director for the U.S. Treasury Department, Savings Bonds Division, Region IV.

As you will note by the letter, a Captain Rolla M. Breed of the U.S. Army and one of the 15 Vietnam War Heroes touring the Nation on behalf of the Savings Bond Program, as well as Mrs. O'Malley and myself, were aboard the Park Service boat that Ranger Joe Cayou was piloting.

I am unable to lend any further description to the very heroic efforts of Joe Cayou and to his outstanding display of valor. Ranger Joe Cayou in my opinion and of those aboard the craft that Sunday afternoon, May 12, 1968, feel that his efforts to save a man's life might even be beyond his call of duty, as without any hesitation he went over the side of the boat and into the treacherous waters to the aid of a drowning man.

Joe Cayou is certainly a credit to the uniform he wears and to the entire Park Service.

Captain Rolla Breed, a recipient of the Distinguished Service Cross for valor, would be very happy to submit a letter to you for the record. He had to continue his tour and then return to Fort Wolters, Texas. Let me know if you would also like a statement from him.

Sincerely,

JOHN J. HART,
State Director.

Enclosure.

SAN FRANCISCO, CALIF.,
May 14, 1968.

Mr. FRANK KOWSKI,
Regional Director, Southwest Region, National Park Service, Santa Fe, N. Mex.

DEAR MR. KOWSKI: It is my privilege to report to you an outstanding act of heroism, which I witnessed, by one of your Park Service Rangers on Lake Mead, Nevada, Sunday, May 12, 1968.

Mr. John Hart, State Director for the Savings Bonds Program in Nevada, Captain Rolla Breed, Army helicopter pilot just returned from Vietnam, Mrs. O'Malley and myself were aboard a boat on Lake Mead piloted by Park Service Ranger Joe Cayou. As you can see from the attached headline of the Las Vegas Review Journal of Monday, May 13, reporting 14 foot waves, conditions on Sunday, May 12, were not conducive to normal boat activity on Lake Mead. We came upon a capsized sailboat, occupants of which had already been picked up by another boat. We succeded in our effort of tieing a line around the capsized boat read to tow it to port.

The owner of the sailboat, already safely abroad another boat, decided to swim back to the capsized sailboat to lower the sails. Immediately upon entering the water he realized his inability to swim through the enormous waves to the capsized boat. Despite his frantic efforts, he made no progress in that direction, finally called to us for help. We threw him a life preserver which the wind blew out of his reach. The buffeting waves prevented him from swimming to the preserver. After several futile efforts, tired and exhausted, he admitted later he had given up completely, laid face down in the water and was on the verge of sinking and drowning.

Your Park Service Ranger immediately sensing the situation, and without any hesitation whatsoever, dove into the water, grabbing the half unconscious man, lifted his head out of the water and held him up until we were able to move the boat sufficiently close to reach them with a rope and boat hook.

We succeded in pulling them to the shelf on the back of the boat where the Ranger was able to lift the half drowned swimmer and hold him there until he was revived sufficiently for us to pull him into the boat.

We believe this life-saving act of heroism by Joe Cayou deserves the highest recognition and commendation for life-saving. Had your Ranger hesitated 5 seconds longer, this man would have drowned without any hope of rescue.

We were all most impressed by the self-effacing manner in which your Ranger completed this life-saving act. Immediately upon returning to dock still in wet clothes, he transferred to another boat to go out on a rescue mission of another group stranded on a sand bar—all a part of his regular duties. This was absolutely amazing to us.

In line with the above, if there is any way in which we can be of help in furthering this recommendation, please call upon us.

Sincerely,

RAPHAEL H. O'MALLEY,
Regional Director, U.S. Savings Bonds Division, Treasury Department.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. SCHERLE. Mr. Speaker, this is the 121st day the U.S.S. *Pueblo* and her crew have been in North Korean hands

COURAGEOUS CZECHOSLOVAKIA

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. MINSHALL. Mr. Speaker, developments in Czechoslovakia reaffirm that in each man burns a desire for freedom from oppression which ennobles all the human race and gives hope for a future which will see an end to alien tyranny in all the captive nations of the world.

What the outcome will be remains to be seen: the Plain Dealer very rightly points out that the Soviet Union has crushed freedom movements in other countries before. But the hopes and the prayers of the free world are with the Czech people today in their brave struggle to regain the independence they lost 20 years ago.

Under leave to extend my remarks, I wish to include in the RECORD the Plain Dealer's May 17 editorial saluting the indomitable courage and resolution of Czechoslovakia:

[From the Cleveland Plain Dealer, May 17, 1968]

COURAGEOUS CZECHOSLOVAKIA

With almost careless courage the people of Czechoslovakia again are rebuilding liberty right under the noses of giant Russia and its least liberty-loving allies. We marvel at that nation's daring.

The Czechs' yearning for freedom blossomed in 1400. It was the first north-European nation to demand selfhood and liberty.

Trampled again and again, by a Hapsburg, a Hitler, a Stalin, that little nation's desire for independent, democratic selfhood is demanding once more its share of sunlight.

For Cleveland there is special significance in this. The Czechoslovakian declaration of independence, written here during World War I, followed the American pattern. A Cleveland attorney, Robert Calfee, helped the late Thomas Masaryk and Eduard Benes, to word it.

Now again Czechoslovaks are reviving the old questions. Premier Oldrich Cernik held an open news conference Tuesday, answering the prickliest questions such as: Will you increase economic cooperation with the West even if Russia disapproves. The answer was, in effect: "This is for us alone to decide, nobody else."

The Communist party newspaper, Rude Pravo, is out polling the people on questions such as: "Can there be Socialist democracy when the leading role is held only by the Communist party?" and "Are there antagonistic classes in Czechoslovakia?"

Reforms promised in a new constitution would guarantee freedom of the press and the right of assembly. A multiparty election law is being drafted.

We would be naive if we read these stirring events as a sign that Czechoslovakia was going to become a U.S. ally and a free nation, saved from behind the Iron Curtain.

Rather, these are significant evidences that love of liberty and anger against totalitarian repression are alive and strong in every part of the world—not excluding Russia. Russia chose this moment to free a protest leader, Aleksandr Yesenin-Volpin, whom it had locked up in a mental hospital for three months.

Russia has crushed liberty movements before. That danger still hangs over Czechoslovakia. But right now the steel-clad Communist juggernaut of Stalin's day had been partially dismantled and is less likely to ruin this new Czech effort toward freedom.

CONSUMERS' LOBBY FINALLY WINS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. HANNA. Mr. Speaker, a recent editorial in the Denver Post carried the headline: "Consumers' Lobby Finally Wins." What inspired the editorial was the agreement by a House-Senate conference on a comprehensive truth-in-lending bill. I am proud to be counted among those who worked and argued for passage of an effective truth-in-lending bill.

It was only 3 months ago that President Johnson urged the House and the Senate to take final action on truth-in-lending legislation. The Congress responded magnificently, and right down the line for the public interest. The Denver Post editorial states:

> It is sometimes said that the consumer has no voice to speak for him on Capitol Hill. That has not been true in Lyndon's administration.

And I might add, that has not been true in the 89th and 90th Congresses, both of which will go down in the record books as consumer Congresses.

I insert the full text of the editorial in the RECORD, as follows:

[From the Denver (Colo.) Post, May 17, 1968]

CONSUMERS' LOBBY FINALLY WINS

Barring some last-minute reversal, Congress soon will pass a comprehensive truth-in-lending bill. It will be a notable victory for the nation's consumers after a long, hard campaign.

Former Sen. Paul Douglas, D-Ill., started the campaign eight years ago. When Douglas lost his Senate seat, Sen. William Proxmire, D-Wis., took up the battle in Congress with the strong backing of President Johnson, who had sought this type of legislation since 1964.

Proxmire got his bill through the Senate last summer. It was a good bill, but the House passed an even better version in February. Now a House-Senate conference committee has reached agreement on a compromise that retains most of the House provisions. Supporters expect prompt approval in both houses—probably next week.

The bill requires that borrowers be informed fully of two things: the true annual interest rate they have to pay, expressed as a percentage of a declining balance, and the total cost of credit, expressed in dollars and cents.

This knowledge will not make all borrowers prudent. It will not solve all of the problems or stop all of the abuses of credit. At least, though, it will give borrowers the facts they need to make intelligent decisions about credit buying.

One of the sticky problems of the bill from the start was what to require of stores that extend "revolving credit" on buyers' accounts.

Credit men say it is difficult to figure accurately the annual rate of interest on these constantly changing accounts. The Senate agreed to allow them to state only their monthly charge—normally 1.5 per cent. The House, however, insisted on a statement of the annual rate—18 per cent if the monthly rate is 1.5 per cent.

The conference committee compromised. It retained the requirements of the House, but it voted to allow merchants also to state, if they wish, the "effective rate" of interest they actually collect on these accounts in a year's time.

Another section of the bill fixes limits on the garnishment of wages by creditors. This provision—a new field of federal law—will not take effect until July 1, 1970.

Senator Proxmire, Rep. Leonor K. Sullivan, who was the House floor manager, and other sponsors have every right to be proud of this truth-in-lending bill.

And so has Lyndon Johnson, whose support of consumer legislation has been unwavering.

As recently as February, the President sent Congress a special message urging passage of his consumer-protection program—the fourth such message since he took office.

"It is the government's role," the President said then, "to protect the consumer—and the honest businessman alike—against fraud and indiffernece. Our goal must be to assure every American a fair and honest exchange for his hard-earned dollar."

It is sometimes said that the consumer has no voice to speak for him on Capitol Hill. That has not been true in Lyndon Johnson's administration.

EDUCATIONAL ASSISTANCE TO WIDOWS

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 1968

Mr. PRICE of Illinois. Mr. Speaker, H.R. 16025, which we have just passed, is an excellent and humanitarian piece of legislation. I would like to commend the chairman of the House Veterans' Affairs Committee, and the respective members of that committee, for bringing this measure before the House as swiftly as they have.

During the first session of the 90th Congress I had an opportunity to introduce H.R. 5640 which was directed at providing the same type of educational assistance to widows of veterans and wives of permanently and totally disabled veterans as H.R. 16025 which we have successfully considered this afternoon. Although the measure we have passed today takes a different approach than my bill, I acknowledge the expertise of the Veterans' Affairs Committee in their area of specialization; the important fact is that we have passed a bill to extend educational assistance for the first time to a class heretofore neglected.

In making its decision this afternoon, the House has changed the lives of literally thousands of families in this country; we have given many young women a feeling and a chance that they can get their families back together by pursuing and improving their own skill through education. With increased levels of education these women, particularly the widows of Vietnam veterans who often have very young children, will be able to find their ways into higher paying jobs and as a result will be enabled to provide better care and livelihoods for themselves and their families.

We have perceived today a clear Federal responsibility to correct the imbalance in the lives of these families by providing the means to achieve normal

and productive futures. And in recognizing our responsibility have paid our debt of respect to our young fighting men and their families.

CUTTING THE BUDGET—CAMPING OUT

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. ROUDEBUSH. Mr. Speaker, it is my privilege to report to the people of the Fifth Indiana Congressional District on a regular basis through the medium of my newsletter.

Our June 1968 newsletter follows:

CUTTING THE BUDGET—CAMPING OUT

WASHINGTON, D.C.—In response to the increasingly insistent White House demands for a 10% surtax on individual income, some Members of Congress believe a wiser solution would be a deep cut in Federal spending.

One of the leading spokesmen for this viewpoint, Congressman Tom Curtis (R-Mo.), whom I regard as the top economic and fiscal expert in the House, offered a detailed plan in recent days to slash Federal spending by $15 billion.

I certainly shall support this proposal. The President's argument that spending can't be drastically cut just doesn't convince me.

Spending has increased $60 to $70 billion since 1960, and I am certain billions of dollars could be eliminated from the Federal budget tomorrow to the benefit of the American taxpayer.

It should also be pointed out that the following examples of duplication and administrative confusion documented by a bi-partisan group of Congressmen offer ample opportunity for huge spending reductions:

Eight cabinet departments and 12 so-called independent agencies administer Federal health programs.

There are at least 35 separate Federal housing programs.

There are 20 separate transportation projects.

Utility producers and users have to fool with at least 27 different Federal agencies.

The nation's recreational and cultural activities are related to 28 government agencies.

Community assistance facilities are provided by 62 agencies.

1,000 Federal projects are underway in the field of pollution. These projects are being managed from 192 installations by nine departments and agencies.

33 Federal agencies meddle in nearly 300 consumer protection activities.

The Federal Government spends nearly $4 billion annually on research and development in its own laboratories, but it does not know exactly how many laboratories it has, where they are, what kinds of people work in them or what they are doing, according to a study made by the Library of Congress.

In a medium sized American city there have been found to be 140 separate urban projects administered by seven different Federal departments.

Over all, at last count, 150 separate departments, agencies, bureaus and boards in Washington—plus over 400 regional and area field offices—were providing help and assistance to states, cities and individuals.

It would appear to me, contrary to what the administration says, that there is more than ample room to cut the budget. In fact, the problem is not whether or not to cut, but where to start and the sooner the better.

An interesting letter arrived recently from a citizen of Peru, Indiana, in our Fifth Indiana Congressional District. The letter stated:

"I am planning to take a vacation soon and, since I receive a very modest wage, in order to take my family along I must camp out. I would like to spend some time in Washington in order to show my family our nation's capital. It has occurred to me that a beautiful place to camp in Washington would be along the Pototmac near the Lincoln Memorial. Could you supply a permit for me to camp in this area? I am not protesting anything. I am not a member of a minority race. I do not want anything from my government except a permit to camp in this spot. I will pay my own way. I realize the preceding four statements may cause you to deny me the permit. Do what you can for me and I hope you are able to send the permit before July 4, 1968. P.S.: Please do not tell me to go to a commercial camp ground outside Washington."

My response:

"Your letter requesting permission to camp out with your family near the Lincoln Memorial this summer while you are in Washington on vacation has been received. I am immediately making a request for you to do so, both at the White House and the Department of Interior. It appears to me that you have perfect justification and right to do so in as much as the Johnson-Humphrey administration has seen fit to allow 3,000 of your fellow-citizens to do so on an indefinite basis. In fact, I do not think that it would be out of order if the administration would help you setting up your camp site, providing transportation throughout the national capital area and provide utilities and other services free of charge. These services will be provided by the Government for your 3,000 fellow-citizens now camping at the Lincoln Memorial. If the President and the Department of Interior refuse to grant you a permit to camp on the ground near the Lincoln Memorial, I will consider this discrimination and a violation of your civil rights. I certainly feel that if this administration is going to open up public park land for camp sites to those who are unemployed, either by choice or circumstance, it certainly can provide permission for those people who work and pay the taxes to maintain the government. Thank you very much for sending me your request and I will be in touch with you when I receive a response from the President and/or the Secretary of Interior. With my warm good wishes."

My letter to Udall (similar letter to the President):

"I am enclosing a copy of a request I received today from a constituent in Indiana who desires to camp out during his vacation here this summer. Mr. —— would like to bring his family to Washington and camp out along the Potomac near the Lincoln Memorial. I certainly think this is a valid request and I trust you will grant permission immediately in as much as you have in recent days given permission to 3,000 of Mr. —— fellow-citizens to do so. I certainly believe that this request is legitimate as Mr. —— is a taxpaying American citizen who works 50 weeks of the year to provide his family a vacation during the summer. Please advise me as soon as possible of your Department's ruling on Mr. —— request and please designate the location and time he will be permitted to camp out near the Lincoln Memorial. Thank you in advance for your consideration in this matter and with all good wishes."

Write Congressman ROUDEBUSH.

FOR GRANDPARENTS ONLY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DADDARIO. Mr. Speaker, the joys of being a grandfather were once set forth in an essay written by the late Rabbi Morris Adler, of Detroit, and reprinted again this past week in the Connecticut Jewish Ledger, with contemporary overtones, referring to the pleasures which President Johnson is experiencing with his grandson. It is a warm, human piece, and I believe it should be called to the attention of the Members:

FOR GRANDPARENTS ONLY

We have noticed in recent reports of President Johnson's movements and deeds, a disposition on the part of the newspapers and other media of information, to play up the role of the President as a grandfather. There have appeared, both in the newspapers and on TV, any number of heartwarming, perfectly charming pictures of the President and his grandson, the Nugent baby.

And then, we came across something written by the late lamented Rabbi Morris Adler of Detroit, a brief essay entitled "On Being a Grandparent." It is a delightful bit and seeing that grandparenthood is in the public eye at the moment, we thought that it might be a relief to change from the weighty and insane problems of men in this day, and think for a few moments about what Dr. Adler would have called, the insanity of being a grandparent. Here it is. We hope our readers will enjoy it as much as we did. But perhaps one has to be a grandparent to appreciate what ths says:

"A grandparent who is not insane should have his head examined. The arrival of a grandchild should stimulate a kind of euphoria which borders on madness. One should relax and enjoy the justified and delightful aberration associated with the status of grandparenthood.

"For one thing to witness one's progeny burdened in turn with a child is to revel in a mild type of retaliation. Since there is a tension in the parent-child relationship, the fact that the offspring who inspired tension in us is now the object of tension, breeds the satisfying reflection that though justice is often delayed, it ultimately prevails.

"For another, the thrill of grandparenthood comes at a stage in one's life when one has all but resigned himself to the thought that life holds no further thrills. Along comes this baby and excites in one a jubilation which he believed himself to be no longer capable of experiencing.

"One approaches one's grandchild out of a serenity and ease one had not known when one's own children were growing up. Besides the upbringing of the grandchild does not impose the same severe obligations and heavy responsibilities that a father and mother must inescapably bear.

"One is by now a kind of Senior Statesman, a Visiting Elder, a Sage Counselor, a Parent-Emeritus. In addition, the grandchild provides a subject of conversation infinitely more pleasant and prolific than that which is devoted to a recital of one's operation. No conversation need lag, no party grow dull if, among the present, there is a grandparent. The subject lends itself not only to oral elaboration but also to visual demonstration. When it is a grandchild that is being discussed, the conversation is an illustrated one. Breathes there a granddad with soul so dead that his wallet is not choked with photographs . . .

> "I hope that I have abundantly proved that insanity on the part of grandfather and grandmother is normal, valid and exhilarating."

MONTCLAIR, N.J., SWEARS IN NEW MAYOR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RODINO. Mr. Speaker, today the town of Montclair, N.J., inaugurated a new mayor. Even though such an occasion is worthy of note under more normal and serene conditions, it carries special interest and significance during this year of uncertainty and turmoil. Last month Montclair celebrated its centennial anniversary. It is a stable, suburban, diverse, yet well-integrated community. And these factors have no doubt helped to mold the positive climate of opinion which allowed a highly qualified and experienced public official, who also happens to be Negro, to be elected by fellow commissioners as the mayor of Montclair. Mayor Carter's words upon being sworn into office contain a timely message to all in America who believe, as I do, that the ultimate answer to our current discontents lies in the orderly, progressive, and unbiased workings of communities dedicated to democracy under a morality that stresses the equality of opportunity of the American dream.

The following article is from today's New York Times:

> MONTCLAIR, A PREDOMINANTLY WHITE TOWN, SWEARS IN NEGRO MAYOR
>
> (By Walter H. Waggoner)
>
> MONTCLAIR, N.J., May 21.—Matthew G. Carter, a Negro, was sworn in today as Mayor of this predominantly white, generally well-to-do suburban town.
>
> Mr. Carter, re-elected to the town commission last Tuesday, is the first member of his race to be Mayor of this 100-year-old community of 43,000 residents, of whom about 25 per cent are Negro. The trim, articulate, 54-year-old executive with the national office of the Y.M.C.A. remarked that his elevation to the mayoralty gave "continued hope and faith in America and the American dream."
>
> Mr. Carter was not elected Mayor by popular vote, but he received more votes at the May 14 municipal election than any other candidate for town commission—repeating his feat of 1964. He was selected today as Mayor and presiding officer by his four fellow commissioners, all of them white. Mr. Carter succeeds Mayor Robert A. Ferris, 3d, who did not seek re-election to the commission.
>
> MAYOR GETS OVATION
>
> Even before the swearing-in ceremony in Municipal Hall, the largely Negro audience of well-wishers in the crowded commission chambers gave Mr. Carter a standing ovation as he walked down the aisle to his desk.
>
> His wife, Frances, and two daughters, Bettye, 18 years old, and Nanette, 14, and a 15-year-old niece, Denise Hill, sat in the second row of the chamber. Mrs. Carter, almost overcome by the flood of tributes to her husband, said, "I'm very happy, of course," as she was embraced and kissed by friends.
>
> Mr. Carter, a man with lively eyes, a quick smile and a sense of history, did not overlook the racial significance of the occasion.
>
> "The selection of a Negro mayor by a predominantly white community, while no longer unique, is still remarkable enough to require comment," he said in his remarks that followed his oath of office.
>
> "Occuring at a time when much of our country is torn by strife, it gives us continued hope and faith in America and in the American dream. It is indicative of the reservoir of understanding and good will that is resident in our town."
>
> Mrs. Winona Lipman, a Montclair resident, brought "greetings and highest congratulations" from the National Council of Negro Women, which described Mr. Carter's election as "an impressive and significant occasion" and a "reassuring emblem of the strength and flexibility of our community."
>
> Congratulations came also from the Montclair branch of the National Association for the Advancement of Colored People in a statement read by Mrs. Andrew H. Bass, its vice president.
>
> AN ALLUSION TO TENSION
>
> In an allusion to racial tension and hostilities that have troubled many communities, both urban and suburban, with substantial minorities, the statement said:
>
> "We are aware that Montclair has problems, the same as other towns and cities. The difference is only in degree, not in kind. These problems must be faced and swiftly solved."
>
> Mr. Carter, wearing a pin-stripe gray flannel suit, a white tab-collar shirt, and gray and white figured tie, acknowledged that Montclair's major problems were housing and schools.
>
> He said that he was "especially hopeful" about the housing situation, but was more troubled by the school problem "because this issue contains other problems that tend to divide the town: concern over increased taxes and racial strain."
>
> He observed, however, that "our town has a lot going for it." He said, "it has a sense of style and a tradition of excellence that I believe will keep us moving in the right direction."
>
> Mr. Carter is a graduate of Virginia Union University with a B.A. and Bachelor of Divinity degrees. He has done graduate work at Columbia University and Union Theological Seminary and is assistant director of Association-Press in the publicity department of the Y.M.C.A.
>
> He was commissioner of public works during his previous four year term as commissioner. In addition to his role as Mayor, he was chosen Commissioner of Public Affairs.

FARM CREDIT ADMINISTRATION AMENDMENTS

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DOLE. Mr. Speaker, Monday the House passed, under suspension of the rules, the Farm Credit Amendments of 1968. As a member of the Conservation and Credit Subcommittee of the House Agriculture Committee, I am naturally pleased to see this legislation advance, after being unanimously reported from our committee.

PURPOSE OF THE BILL (H.R. 16674)

The purpose of this bill is to enhance the ability of the Federal intermediate credit banks, and the production credit associations to obtain additional capital funds from non-Government sources while improving the internal administration of the two lending institutions.

LEGISLATION IS ESSENTIAL TO SMOOTH OPERATION OF FCA

This legislation is essential if the production credit associations are to provide much-needed credit to an expanding agriculture in the years ahead—without depending on great inputs of Federal money.

The present 12-to-1 ratio of debt-to-capital has been found too conservative; during the 33 years farmers have received loans from the PCA, the risk has proved to be entirely capable of sustaining a 20-to-1 ratio of debt-to-capital. This bill provides such a ratio.

Our committee, in considering this legislation, did not contemplate any additional cost to the Government. Indeed, the Government—under this bill—is relieved of the burden of providing sizable additional funding for the farm credit system in the immediate future. Under this legislation, private sources will provide the needed additional capital.

OPPOSITION TO ARBITRARY AUTHORITY IN H.R. 15387

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. OTTINGER. Mr. Speaker, unfortunately, as so often happens, H.R. 15387, which passed Monday, combined provisions for which I consider good with those I consider bad.

If this bill had just contained section 2 making it a Federal crime to harm a postal employee I would have supporteu it.

Unfortunately, the bill also gives the Postmaster General arbitrary authority to dismiss or discipline postal employees, without the protections of even the present weak Civil Service Commission procedures, for acts that are vaguely described. These provisions place postal employees in jeopardy at the hands of an arbitrary postmaster.

The language to which I object reads:

> The Postmaster General may take appropriate disciplinary action.

This means that a postmaster can dismiss or discipline an employee without a hearing by merely finding that by some action he has interfered with or impeded another employee during the course of performance of official duties.

The Civil Service Commission itself opposed this provision saying:

> The Civil Service Commission opposes this provision and recommends that it be deleted. The Postmaster General, like every head of a department or agency, has the inherent authority to remove or otherwise discipline an employee who engages in misconduct, including misconduct of the type described. Furthermore, section 01.3 of Executive Order 9830 places a positive responsibility on the head of each agency to remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. Thus the Postmaster General and every other department and agency head is already empowered and obligated to take

disciplinary action when such action is warranted.

I agree with the Commission that true misconduct is already subject to disciplinary action under proper employee protections and that this provision is both arbitrary and unnecessary. It is for this reason that I felt impelled to oppose the bill.

HIGHER EDUCATION ON A LOWER PLANE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RARICK. Mr. Speaker, Barnard College enjoys libertine academic freedom, or is perhaps just broadminded. But what happened to education? The disciplined mind? We now educate our youth with militant marches, take over maneuvers and organizing to be against—against society, Government and morality.

Meanwhile at Columbia University, democracy reigns—that is, there are more students than faculty, so in a vote the students win. But a majority vote representing youthful foolishness means nothing—it certainly does not mean we decided truth or right by a vote.

At best, the Southern Illinois University has the best "out"—they need only say "thanks," "sorry," and "bye-bye."

If that were not enough, think of the young people coming to Washington for the campaign who are to be brainwashed in so-called freedom schools all summer, and in so-called poor people's universities, to be taught by a united front of Fabian Socialists and deeper Red revolutionaries, including in both groups such persons as Prof. Kenneth Clark, Harry Belafonte and Joan Baez, David Dellinger, SNCC's Ivanhoe Donaldson, SDS' Tom Hayden and Todd Gitlin, Dick Gregory and Michael Harrington.

Higher education can be constructive and productive but to some it has become a vehicle for destruction.

Under unanimous consent I submit clippings from the Evening Star for May 17 and Washington Post for May 18 and Frank Capell's "The Communist Student Plan" from the Herald of Freedom for May 17, 1968, for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 17, 1968]

BARNARD COED WON'T BE EXPELLED

NEW YORK.—The president of all-girl Barnard College has changed her mind and decided not to expel blonde coed Linda LeClair for sharing an off-campus apartment with her boyfriend.

A Barnard spokesman said President Martha Peterson reversed her decision yesterday after 35 members of the Barnard Strike Committee entered her office and threatened to stay if she did not change her mind.

Miss Peterson said she had agreed to the demand "because of the overwhelming vote of the student body in favor of upholding" a Judicial Council decision not to expel Miss LeClair, a 20-year-old sophomore sociology student.

[From the Washington Post, May 18, 1968]

HARLEM GROUP TAKES OVER COLUMBIA UNIVERSITY BUILDING

NEW YORK, May 17.—A Harlem community group occupied an apartment building owned by Columbia University today and vowed to remain until the institution meets its demands.

At least a dozen members of the Morningside Heights Community Group were inside the building. A spokesman said the tenants were co-operating with the group by withholding rents and refusing admittance to representatives of Columbia, which owns the land and the building.

The group said in a statement the university would have to agree to return the building to the community and abandon its multimillion dollar expansion program on Manhattan's upper West Side.

The statement said "we demand an absolute end to all institutional expansion within our community. We demand complete community control of the community development and community affairs. We demand the right to participate in the planning and activities of the university."

In another development, Harlem political leaders charged that a proposed sewage disposal plant authorized to be built on the Hudson River in West Harlem is a "slap at the black community."

Manhattan Borough President Percy Sutton said city engineers had recommended it be built in the West Fifties, a white neighborhood.

[From the Washington Post, May 18, 1968]

URBAN WOES TARGET OF UNIVERSITY OF CALIFORNIA PLAN

SANTA BARBARA, CALIF., May 17.—A long range plan for the University of California to fight poverty, racial segregation and help solve urban problems was announced today by UC's new president, Charles J. Hitch.

The plan, which covers all nine UC campuses and 90,000 students, includes allocating $1 million to double the amount of scholarship money available to disadvantaged students; providing special training for teachers to improve elementary and high school education, and establishing a fair employment coordinator for the university.

Elsewhere, student unrest continued:

In Dover, Del., the school year ended 18 days early for students at Delaware State College, which was closed by the board of trustees after a student demonstration.

At the University of Chicago protesting students rejected the school's limited concessions to a list of demands but decided not to stay away from classes Monday as they had threatened.

An estimated 100 University of Wisconsin students seized the administration building tonight to support demands that UW sell its stock in the Chase Manhattan Bank, which allegedly has financial holdings in South Africa.

Trinity College faculty approved a recommendation that 168 student demonstrators who held a building on the Hartford, Conn., campus for 32 hours last month pay their punishment in social work.

At Marquette University, the Rev. Bernard Cooke promised students that he and two other priests would quit if the university did not meet their demands to hire a Negro administrator within 48 hours.

The executive committee of the Board of Trustees of Roosevelt University, Chicago, unanimously endorsed the school president's decision not to hire former Yale University Prof. Staughton Lynd to a fulltime teaching post.

In Carbondale, Ill., a leader of dissident Negro students at Southern Illinois University today announced that all black students will withdraw from the school if their grievances are not resolved. Daniel R. Thomas also said that a coalition conference of students from six major Illinois colleges will be held at the SIU campus Saturday.

[From the Washington (D.C.) Evening Star, May 20, 1968]

STUDENTS FOR EARLY CLOSE, STONE OHIO UNIVERSITY BUILDINGS

Students at Ohio University in Athens stoned campus buildings last night and blocked a downtown intersection in protesting a decision not to end the academic year two weeks early.

In Chicago, a handful of Roosevelt University alumni endorsed student protests which inspired a series of sit-ins and lock-ins last week. A threatened boycott of classes at the University of Chicago was called off because of the threat of firm action by the administration against unruly students.

Fourteen Negro students at Marquette University in Milwaukee withdrew a threat to quit in protest against "institutional racism," when university authorities yielded to their demands.

The rock-throwing at Ohio University involved about 1,000 of 16,500 students, protesting reversal of a university decision to close the school two weeks early this year because of a strike of non-academic employees.

The students massed on the campus shouted "We want to go home!" as they stoned the home of university President Vernon Alden, then marched away to block Athens' main intersection, on the edge of the campus.

City police, campus patrolmen and some state troopers were alerted for trouble, but there was no major violence.

"This doesn't look serious," said Police Chief Fred James. "We've had a few windows broken, but nothing major. They seem to delight in blocking the intersection, which is the only major one near the campus."

At Roosevelt, a group calling itself "Concerned Alumni of Roosevelt" urged other graduates at an alumni dinner to withhold contributions from the university until controversial history teacher Staughton Lynd has been hired full-time and students involved in the recent disorders are promised they will not be punished.

The students have been demanding a full-time job for Lynd, a part-time instructor at the school who made unauthorized visits to Red China and North Vietnam in 1965.

There were eight "concerned alumni" among the 200 persons at the dinner.

In Madison, Wis., a student group called "Concerned Black People" denied yesterday that it was to blame for the fire-bombing of a campus building during a sit-in Saturday.

Three fire-bombs were set off in a South Hall room containing student records while 350 students were sitting in at the Administration Building, some distance away. More than 15,000 records and transcripts were destroyed or damaged, but the blaze was contained before it did major damage to the building.

The students are trying to compel the university to sell $230,000 worth of Chase Manhattan Bank stock because, they say, the bank has financial interests in South Africa.

Some 250 white students among the 10,000 enrolled at the University of Chicago canceled plans for a classroom boycott in support of about 60 Negro students who staged a sit-in at the Administration Building last week. The sit-in disbanded when a university spokesman warned that anyone who did not leave the building immediately would be suspended and perhaps expelled.

The white students anticipated a similar threat.

"We know there would be quick disciplinary action if we had a sit-in or a boycott," said Steve Rothkrug, 19, of Danbury, Conn., leader of the group. "The threat of disciplinary action does deter people from sitting-in unless there's a very large number of people willing to do it. We've decided not to boycott."

[From the Washington (D.C.) Evening Star, May 14, 1968]

FEDERAL FUNDS AND CAMPUS RIOTS

(By David Lawrence)

Does Congress have the right to stipulate that federal loans and scholarships shall not be granted to any students who are involved in a "serious obstruction" of college activity? The House of Representatives has passed such a measure and has sent it to the Senate. Protests against the bill are being voiced on the theory that this is a misuse of governmental power.

But, strangely enough, the United States government has been employing precisely this method for the last few years in requiring colleges and universities to obey the regulations concerning racial discrimination issued by the government or else lose the benefit of federal funds in everything from student loans to construction and equipment grants.

When the Department of Health, Education and Welfare began to threaten the withdrawal of federal funds from educational institutions because they were allegedly failing to comply with the "law of the land," the so-called "liberals" were silent. Today they are denouncing the House bill which seeks to withhold federal funds in order to punish college students who defy constituted authority.

A brief editorial in the New York Times yesterday which criticized the House bill will be welcomed by educators who have hitherto gotten little support in their opposition to the employment of federal funds as a form of blackmail. The editorial says:

"The threat by the House to punish rebellious college students by cutting them off from federal loans and scholarships is a dangerous excursion into political primitivism. The disregard of campus democracy by a minority of disruptive and irresponsible students at Columbia and elsewhere in no way justifies such congressional vendettas in direct conflict with democratic freedoms. Campus stability must be safeguarded by sound reforms on the part of the academic community and by enforcement of its own democratic rules, not by governmental threats of fiscal sanctions.

"It is deeply disturbing that so many politicians appear to think of federal subsidy of students as an indulgent uncle's benefaction. In reality, the extension of educational opportunities is at least as vital to the future health of the nation as it is to the personal careers of individual students. But more important, to turn federal stipends into a device to regulate student views and behavior is to stoop to methods generally associated with totalitarian states. Such action can only give support to those extremists among today's students who charge that the campus is doing the mercenary bidding of a repressive establishment.

"Federal interference with higher education is an intolerable violation of academic freedom. To permit such intrusions would undermine the nation's security far more severely than the disruptive insurrection of irresponsible youths."

The foregoing commentary will be read with interest by the administrators of many colleges and schools which have been struggling in the last few months with problems growing out of racial imbalance. For the federal government has cut off funds from four colleges since Jan. 1, 1967—all of them private institutions. Eighteen hospitals have been deprived of federal money or have been threatened with its loss.

Federal funds constitute a powerful lever in compelling conformity with the views of governing authorities on how education should be conducted. The Times editorial, therefore, will be regarded in many parts of the country as a recognition of the fact that the power to grant or withhold federal funds permits a kind of blackmail and cannot be tolerated, no matter how worthy the objective.

There are plenty of laws on the statute books which can be used to punish students who are disorderly, seize private property or disrupt the operations of colleges, just as there are laws prohibiting racial discrimination. It should not be necessary to threaten to withhold federal funds as a means of securing compliance with the ordinances of a city or the laws of a state or the preservation of order.

[From the Washington (D.C.) Evening Star, May 17, 1968]

SCHOOL HOLIDAY URGED ON BIRTHDAY OF MALCOLM X

A Black Student Union request that next Monday, the birthday of the late Malcolm X, be declared a "legal black holiday" has been relayed to the District Board of Education by Supt. William R. Manning.

The students have said they will set up a "liberation school" Monday at the Banneker Junior High recreation field and will urge high school students to attend during school hours.

Board member Benjamin H. Alexander said a committee he heads will meet at 7:30 p.m. Wednesday at Sharpe Health School to get community opinion on a fitting memorial to the late Dr. Martin Luther King Jr. He added that any other Negro figures could be suggested for commemoration.

In other action, the board approved the posting in high schools of notices from Southern Christian Leadership Conference urging District students to participate after school hours in the freedom school to be set up as part of the Poor People's Campaign.

[From the Herald of Freedom, May 17, 1968]

THE COMMUNIST STUDENT PLAN

Columbia University, one of America's finest and most prestigious institutions, allowed itself to be "taken over" by a handful of revolutionaries using a trumped-up excuse for a cause. Beginning on April 23, 1968 with a "rally" by the radical Students for a Democratic Society (SDS)—the Columbia unit has an estimated 150–300 members—"to protest construction of a gymnasium" in neighboring Morningside Park, the incident snowballed into a major catastrophe.

Morningside Park separates Columbia University from Harlem, New York's Negro "ghetto." The Columbia and community gymnasiums (as it is called) was hailed when planned nine years ago as a gesture of racial goodwill, as it was to be used by both the Harlem residents and the university. Now in a twisted way, it has become a "racial device" and is taking away the Negroes' park.

The next step after the rally was taken by an estimated 170 students out of a total of 22,200 attending Columbia) slipping into five buildings and refusing to leave. The "students" wrecked the office of Columbia president, Dr. Grayson Kirk, reportedly stole and copied secret government documents, and took a hostage, Henry Coleman, acting dean of Columbia College. By the time the New York City police were called in several hundred thousand dollars damage had been done.

Although a number of other college presidents had beseeched Dr. Kirk to seek the help of police much sooner, he did not do so as the students resent such things. Other educators, facing the same problem of rebellious students, had hoped that Kirk would set a good example of forcefully curbing unlawful student behavior. Kirk made no move, however, until students opposing the radicals took action themselves. They surrounded the "occupied" buildings and refused to allow food in to those inside. Fearing "trouble" Kirk then asked the police to move in which they did at 2 A.M. on April 30th.

Because of resistance, some force had to be used and scattered melees broke out, bringing spectators into the act. Eventually 720 persons were arrested and about 10% of these turned out to be nonstudents. Naturally there have been cries of "police brutality" and naturally New York's Mayor John Lindsay has appointed some "responsible citizens" to look into the charges.

Peace has not returned to Columbia, however, because more students have become involved because of the use of police whom practically all university students have been conditioned to hate. The conditions during the "sit-in strike" were described as a "battle-front atmosphere of hurled obscenities, mimeograph barrages from both sides, rebel 'reports from the front,' and militant speeches." On the scene were Negro militants including Stokely Carmichael and H. Rap Brown. The "strike" committee claimed to represent 80 campus leaders and 4,000 students. The chairman of SDS which triggered the campus anarchy is Mark Rudd who was also on the 37-member strike "steering committee." It was Rudd, according to an article in the Sunday Star-Ledger of May 5, 1968, who suggested taking a hostage. He reportedly stated: "We're going to have to take a hostage," and this they proceeded to do, and thereafter held Henry Coleman captive in his office for twenty-four hours.

What makes students act this way? An article in the N.Y. Times of May 5, 1968, tells us that "Psychoanalysts Differ in Views on Rebel Students at Columbia." Dr. Paul Lippman, a psychoanalyst on the Columbia faculty was quoted as stating that the real goal of the rebelling students is the "radicalization of the faculty." He stated that at a meeting of the "ad hoc faculty committee," during the Columbia protest Mark Rudd, "an extraordinary young man, in a moment of triumph had declared 'one of the most important things we are after is the radacalization (sic) of the faculty.' "

The article stated:

"Dr. Anthony F. Philip, also a Columbia faculty member and psychoanalyst, told the meeting that the students were merely following 'the longest tradition in American history' and also 'the example of the President of the United States' in deciding that 'violence in the name of righteousness is permissible, indeed, when the cause is just, a duty.'

" 'President Johnson invokes personal conscience to justify violence in Vietnam,' Dr. Philip continued. 'These students, too, are fighting for power, pure and simple, just as the President is.'

"Dr. Murray Krim told the meeting that 'the exhilarating turmoil' of the disturbances at Columbia purged their feelings of futility and despair, psychologically speaking and helped them 'cope with this madness in high places which asks them to sacrifice their lives for irrational, immoral purposes.'

"Dr. Krim is associated with the William Alanson White Institute, which trains psychoanalysts.

"Dr. George Miller of Cornell chided the speakers for being too sympathetic with the point of view of rebelling students."

Hooray for Dr. George Miller of Cornell!!! Someone else who differed from the addlepated explanations of the psychoanalysts was another student on the scene and the leader of the opposition. Paul J. Vilardi, a premedical student, headed the opposition group called the "Coalition of the Majority." According to an article in U.S. News & World Report of May 13, 1968 Mr. Vilardi "is convinced that Communists played an active role in the outbreak. He believes many of the bona fide student organizations have been infiltrated by Communists who manipulated events in a classic pattern.

"Ostensibly acting on behalf of student

demands that have wide popular backing on the campus, Mr. Vilardi said, the Reds helped force the university to bring in police. This disrupted the entire institution and provided the opportunity for the routine Communist claims of 'police brutality.'

"At least one of the occupied buildings flew red flags. Inside, pictures of Karl Marx were hung, and Communist slogans praising Lenin, Stalin and Castro were written on blackboards.

"'I've seen a revolutionary conspiracy in action,' said Mr. Vilardi, who is 21, 'and here they acted true to form. The real leaders left before the police came in.' . . ."

Mr. Vilardi classified the leaders of the disorders as socialists, anachists and Communists and stated that he believed that a small group of the faculty fell into the same categories. Unfortunately Mr. Vilardi, who has hit the nail on the head, will be written off as a "right-wing extremist who sees Communists under every bed."

These student disorders are planned carefully, secretly and skillfully by well-trained conspirators, this most recent one in a "subcellar" at N.Y.U. according to an article in Barron's of March 11, 1968. A few years ago a book written by an ex-secretary general of the young Communists was published in Brazil. Right from the "horse's mouth" we have the "Student Plan" . . . their manual, "Le Manuel De L'Etudiant."

This book describes in detail the operation of Communists in colleges and universities. They gain access by becoming students and joining their comrades in a Cell, or Communist unit. They meet off campus and frequently pretend not to know one another on campus. The role of this Communist Cell is to proselytize and enroll new members and to introduce the key slogans and phrases of the party to the very heart of the study and discussions. Among the procedures used are: evenings of study at home, reading clubs where the active communist exchanges inoffensive books until his victim is deemed ready for communist literature, house parties, public courses camouflaged but organized by the party, interesting weekends at the homes of rich and important communists, beach clubs, sports clubs and last but not least—the invitation from a communist professor to one of his pupils to come and work in his office, his laboratory, etc.

The active communists infiltrate student organizations and seek to become president of the Student Council (or any other office possible) and editor of the Student Paper. Having infiltrated, the communists seek to dominate the organization by untiringly accomplishing all the services which the nonchalant noncommunists in administrative positions are supposed to do. Then they join a group of colleagues and criticize from backstage, making the unsuspecting students feel that the elected leaders are doing nothing for them. When "working on" a professor who is non-communist, the active communists offer themselves for typing his class notes often making copies to be reproduced by the Party Press) and busy themselves meeting with the professor to persuade him to change schedules, etc.

At student meetings the active communists work together. Their conduct is described in the Student Manual as follows:

"It's a sight to watch them pontificate at a meeting. If there are—as is usual—other comrades present, one gets the impression of witnessing a championship badminton match, where one serves and the other strikes back the shuttlecock, and it goes back from one to the other. All the while they talk, dispute, raise points of order, and work hard at carrying off the vote . . .

"Above all it must be pointed out that the non-communists rely on their representatives and do not trouble themselves to give any assistance at meetings. On the other hand the communist-student is obliged by the party to assist religiously at meetings in order to keep the upper hand of control . . ."

Since the communist students are attending the school primarily to advance the interests of the Communist Party rather than learn, they neglect their studies. Their ability to get by, however, is explained as follows:

"Some are quite intelligent and succeed in just getting by. The others make use of all kinds of fraudulent methods—copying, excusals from examinations, etc. Certain ones benefit by the aid of communist professors who dishonestly mark their examination papers and make them pass. Finally they can always repeat a course once or twice according to the need and the orders of the Party . . . Sometimes failures are what they want, ordered by the Party. There was among others a case of agitators who were enrolled for 12 years at a course that normally requires but three."

The ultimate aim of the active communist posing as a student is control of the Student Association. When he is running for office, teams organized and equipped by the Party go from school to school making and hanging up streamers and placards to show a vast campaign effort in favor of the communist candidate. If the communist is successful in being elected his first act is to appoint his comrades "always anxious to work" to positions in the organization. Their plans of action include the following:

(A) Gradual interpolation into the subsequent issues of the newspapers or review of the Students Association of communist propaganda and key slogans of the international Soviet conspiracy, as well as an intelligent effort to neutralize all attacks against Moscow ideology.

(B) Persistent demoralization activated and coordinated by the professors and students binding to Marxist ideology with jibes and attacks on personal honor, with all repeating the same calumnies.

(C) Uncalled for use of the regular press, placed at the disposal of the Students Association, for revolutionary propaganda.

(D) Creation of an antagonistic climate between pupils and non-communist professors in order to cause defiance of proper authority.

(E) Discrimination on the part of the Students Association in the dispensing of favors . . . favoring the comrades.

(F) The organization of preparatory courses for the selection of future active communists.

(G) Formation of tourist groups for the international student exchange program of the Party as a reward to the active red agitators.

(H) The use of the name and the prestige of the Students Association for programs and campaigns exclusively partisan. Also the use of its particular position and authority to speak for all the students . . . for the purpose of obtaining employment for communist students.

(I) Improper distribution of "Student Cards" to non-student agitators for the promotion of revolutionary activity. . . .

(L) To occupy themselves directly with the formation of committees to organize class officers. To see to it that the sponsors are communist professors, to see to it that the class orator is a red agitator in order to influence the public with speeches edited by party intellectuals.

(M) To launch beauty contests for the selection of "Queens" exploiting the vanity and ingenuity of the girls by putting them in the compromising position of buying votes for themselves. . . .

(S) The creation of Culture Exchange Departments made for the exchange of correspondence and subversive propaganda for the promotion of causes and conferences of the Party intellectuals.

(T) To use the card index of the Students Association to obtain the addresses of the pupils so that the Party may send propaganda to the families of the enrolled students.

(U) Absolute control of the students cafeteria, frequent organization of strikes against the food, using the place for holding meetings of active communists who eat their lunch there."

Communist tactics in other areas are described in detail: how they hamstring their adversaries by never giving them a chance to speak at meetings; how an endless series of agitators will prolong a meeting, exhausting their adversaries so that they depart and leave the field clear for the communists; how they spread confusion among their adversaries by provoking a scandal; their obstructive and exhausting tactics and maneuvers to close a discussion. Their most important maneuver is the distribution of militant communists at the meeting who often pretend to be in opposite camps but manage to play their predetermined role in disrupting or taking over meetings. One of the common practices of the communists is described as "the vote of repudiation," it being common practice for the communists to manifest their opposition to an adversary in this manner.

The communist election maneuvers include the "last-minute" slate of candidates, purchase of votes, threats of violence, sending fake telegrams, etc. All is planned, all is calculated, all is intended to deceive. Although the author of this Student Manual was not a U.S. college student, he gives basic information and plans which we can see in operation in all parts of the world, including the United States. All the innocent-appearing actions of the communist-student are well planned in advance and he is helped by the communist-professor while both pretend to be just "progressives" interested in academic freedom.

Here in the United States we have what is called "The Movement" which name covers a multitude of ideologies on the far-left. In the "Movement Speakers Guide," published by the Radical Education Project, Box 625, Ann Arbor, MI 48107, we find "a list of people who are willing or anxious to speak on campuses."

The booklet tells us:

"Many of the people on the list are radicals, new leftists, or movement people; many are not. The thing that unites all of them is that they share certain concerns about poverty, war, injustice, the conduct of the US government at home and abroad, and that they are all sympathetic to a left-wing perspective." On the list we find:

Birnbaum, Norman, 473 West End Ave., N.Y., N. Y. 10024 (799–1695) or Grad Faculty, Political & Social Science New School, 66 West 12 St., N.Y., N. Y., TOPICS: Lessons from Europe for American radicals: lessons from university crisis in Europe for our crisis here; Problems of intellectuals; Intelligentsia and social structure and social change. Editor, Universities & New Left Review; founding editor of New Left Review; editor of PRAXIS (international Marxist journal published in Yugoslavia); Has taught at Harvard, London School of Economics, Oxford, Strasburg; presently at New School. Will speak anywhere on sufficient advance notice; will need money for travel expenses but suggests that movement people try to get local sociology departments or religion departments to sponsor him as an "academic" speaker. June–September can be reached at: 31 Boulevard Tauler, Strasbourg, France.

Flacks, Dick, Dept. of Sociology, University of Chicago, Chicago, Illinois 60637. TOPICS: Participatory democracy; Radical strategies for change; Social and psychological roots of student protest; On meeting the NLF; Draft resistance and the draft as an issue. Engaged in research on the social and psychological roots of student protest; active in SDS for 5½ years; past NC member; recently attended conference in Bratislava with representatives of the NLF and DRV.

Gitlin, Todd, 1017 W. Ainslie, Chicago, Illinois 60640. TOPICS: Community organizing: its history, nature, and possibilities; Power in American society; Role of students as agents of change; U. S. Foreign policy; Poverty, Past President of SDS; JOIN organizer; writes about community organizing and is presently working on a book on poverty. Will travel within 100 miles of Chicago or to Exotic places. Needs money for travel, but won't have time to do any speaking until late spring 1968.

Grossman, Michael, 1737 Q St., NW, Washington, D.C. 20009 (332–4338) or: 1703 R St., NW, Washington, D.C. 20009 (667–9024) TOPICS: Underground papers; University and society; Research and University power structure: Foreign policy. One of editors of Washington Free Press; worked in CORE in Mississippi; in grad. schools at New School in NYC and working on research involving universities in Washington and the history of external control of them. Will travel if given money for expenses.

Halliwell, Steve, 210 West 109th St., apt 34, New York TOPICS: Meeting with the NLF and North Vietnamese in Czechoslovakia and Cambodia; strategy for the anti-war movement. Grad. student in Russian history at Columbia; attended Bratislava Conference in Fall of 1967; national officer of SDS.

Klitzke, Theodore E., Box F, Department of Art, University, Alabama 35486. TOPICS: Art: visual arts in the context of society; Taste, patronage of the arts, socialist realism, development of art in America in the light of the American experience. University reform: student freedom on the campus; Civil rights and civil liberties. Chairman, Department of Art, University of Alabama since 1959; Degrees from Univ. of Chicago and Chicago Art Institute; studied at the Sorbonne; has lectured in Germany, Mexico and all over the U.S.; member, board of directors, Alabama Civil Liberties Union.

Oppenheimer, Martin, Box 90, Vassar College, Poughkeepsie, N.Y. 12601. TOPICS: Anything to do with things sociological that you might want to hear about; History of socialism; its problems and perspectives; University reform: student-centered teaching; Role of radicals in our society; Race relations; Black power; Participatory democracy. Author of various scholarly articles in journals; co-author of Manual for Direct Action. Quadrangle Press (1965); PhD. Univ. of Pennsylvania, formerly with AFSC; teaches sociology at Vassar; long active in student radical activity. Will travel in New England states. Montreal to New York City and Philadephia area; will need financial assistance if he goes more than 200 miles, except Phil. area which is free.

Pilisuk, Marc, Dept. of Psychology, Univ. of California, Berkeley, Calif. 94720. TOPICS: Peace research (game theory, disarmament, vested interests, military-industrial complex); Radical perspectives in the curriculum; Vietnam; Local political action; Community power. One of the six originators of the teach-in and the national and international teach-ins; assoc. prof. of psychology at Univ. of California. Will travel anywhere.

Rubinstein, Annette T., 59 W. 71 St., N.Y., N.Y. 10023 TOPICS: Socialism: Myth and reality; Literary forms and social change; Experiences and observations at universities in Czechoslovakia, German Democratic Republic and Hungary. Taught philosophy at NYU; was gest lecturer in English and American literature at universities in US, Canada, Czechoslovakia, G.D.R. Hungary, Poland and the USSR; served as director for Harlem Freedom School; Chairman of Dept. of Literature and Art of Jefferson School of Social Science; author of many articles, reviews and three books, including The Great Tradition in English Literature: From Shakespeare to Shaw.

The list of speakers is long, their topics and backgrounds unbelievably radical. These people are "anxious" to get on college campuses where they impress the unwary students with their "intellectual" glamor while painlessly injecting the Marxist venom. The student uprisings and lawlessness are the result of indoctrination and secret plans carried out by the agents of International Communism. With the Student Manual as a guide, we can observe their maneuverings and recognize the hidden hand.

THE ARNHEITER FRAUD HAS GONE FAR ENOUGH

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. GUBSER. Mr. Speaker, for a long time I have patiently and silently watched the development of what could be a mammoth publicity fraud on the American reading public. This is the impression which is fostered so enthusiastically by certain members of the press that the crew of the U.S.S. *Vance* was a group of "Vietniks, conscientious objectors, dissidents, and subversives" which almost committed mutiny against the commander of the ship, Lieutenant Commander Arnheiter.

Frankly, I have remained silent because I did not wish to lend dignity to the unsupported charges of Lieutenant Commander Arnheiter by offering rebuttal. I suppose the U.S. Navy, which thoroughly investigated this incident, has remained silent for the same reason. I presume further that the Armed Services Committee has not rendered an official report because of a desire to keep that great committee from being used for publicity purposes.

It so happens that Mr. William T. Generous, Jr., is one of my valued constituents. Mr. Generous is the former operations officer of the U.S.S. *Vance* who has been widely and untruthfully branded as the "ringleader" of the "mutinous conspiracy" which resulted in Lieutenant Commander Arnheiter being removed from command of the *Vance*. Mr. Generous has appealed to me for assistance in telling his side of the story which certainly has not been fully told nor was it revealed in the recent ad hoc hearings held here on Capitol Hill to artificially investigate the entire matter.

Mr. Speaker, I think it is indeed unfortunate that, according to Mr. Generous, no responsible member of the press who has written on this matter has personally contacted him.

Therefore, Mr. Speaker, I take this time to announce to the House that I will systematically introduce into the Congressional Record all information which comes into my possession giving the other side of the story so that objectivity and fairness can at least be served to that extent.

Frankly, I think it is in the national interest and particularly in the interest of the U.S. Navy that members of the crew who have not been heard have an opportunity to give their point of view.

As a first step, I introduce a letter from Mr. Generous which I recently received. I have invited him to furnish me with additional details regarding his side of the story and will certainly see to it that these details are placed in the Congressional Record for all American citizens, including members of the press, to study and evaluate.

The letter follows:

Mountain View, Calif.,
April 30, 1968.

Representative Charles S. Gubser,
San Jose, Calif.

Dear Congressman Gubser: In case you do not recognize my name, I am the former Operations Officer of the U.S.S. *Vance* who has been widely and untruthfully branded as the "ringleader" of the "mutinous conspiracy" which supposedly toppled Lcdr Marcus A. Arnheiter from command of the ship in March 1966. Mr. Arnheiter's malicious attacks on me and others has taken on a new and potentially even more damaging aspect recently with the announcement that Congressman Joseph Y. Resnick of New York will on May 7 open an "ad hoc" hearing to "investigate" the entire matter. Mr. Resnick's "impartiality" in the case can be determined from the fact that he admits it was he who brought it to the attention of the national press (at a time when he could not possibly have known anything more than Mr. Arnheiter's complaints to go on), and the fact that even in his Newsletter released last week to announce the hearing he introduced Mr. Arnheiter as the officer who was relieved "as a result of a conspiracy against him by 3 junior officers," a statement which, as I shall show, is not true and has been disproven on several occasions. In view of this recent turn of events, and because you are my only representative in Congress, I feel that I must ask you for help.

To review, Mr. Arnheiter's case can be summarized as follows: he claims that he was the victim of two monstrous conspiracies—one among *all* the junior officers of his command who, he says, were disgruntled by his new "taut ship" policies; and the second among *all* the senior officers in the chain of command up to and including two consecutive Secretaries of the Navy (Messrs Nitze and Ignatius) and now the House Armed Services Committee, all of whom have "conspired" to prevent his receiving a fair hearing in the case, he maintains. Actually, I have understated; the pro-Arnheiter press, as I can demonstrate, is even more flamboyant and preposterous than that. Nevertheless, a year-long investigation and review within the Navy determined that Mr. Arnheiter "committed many derelictions, knowingly and deliberately" in only three months of command of a ship which, at the moment of his arrival, was probably the very best of its class in the Pacific Fleet, despite his claims to the contrary. As for the junior officer "conspiracy," the findings were that they, who had been the same officers when the ship compiled its outstanding combat record before Mr. Arnheiter's accession, "served their commanding officer to the best of their ability under the circumstances." Concerning the higher "conspiracy," it is my understanding that the Navy can demonstrate how it followed precisely the regulations which apply in the case, and that Congressman L. Mendel Rivers' Committee was satisfied that justice was done.

However, Mr. Arnheiter continues to agitate publicly and loudly for an "inquiry," perhaps aware that the Navy will not give him an additional hearing in order not to establish such a precedent. (Can you imagine the chaos that would result from having to conduct a full scale judicial proceeding every time a branch of the Armed Forces finds itself with an incompetent officer in a key position?) Mr. Arnheiter has appealed to such liberals as Drew Pearson and Joe Dolan (KNEW, KHBK–TV, San Francisco) by claiming that he was deprived of "due process" by the "Admiral's plot," and he has appealed to conservatives like James J. Kilpatrick and the *National Review* by portraying the junior officers as "Vietniks, conscientious objectors, dissidents, and subversives," and other terms designed to conjure up an image of the Peace and Freedom Party and their ilk. This is absurd; I spent seven years, all as a volunteer, in the Regular Navy. As for the other leading "conspirators," Lcdr. Ray S. Hardy, Jr. is a Naval Academy graduate and imminently due for a command himself, and ex-Ltjg Luis A. Belmonte was cited for valorous conduct under fire during a year stint with the Marines in Vietnam after he left *Vance*.

I have in my possession documentation to prove what this letter contends, and evidence to show the enormity of the Arnheiter fraud. I would be happy to meet with you or your representative in San Jose to discuss this matter so that I may enlist your support in Congress to counteract by whatever means possible the additional libel and slander which I expect to come out of the Resnick "investigation."

Thank you for your consideration. I hope to hear from you soon.

Sincerely,

WILLIAM T. GENEROUS, JR.

SENIOR CITIZENS MONTH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. BOB WILSON. Mr. Speaker, May is officially Senior Citizens Month. Bernard S. van Rensselaer, director of the Senior Citizens Division of the Republican National Committee, reminds that it is a good time to take stock of the problems facing many of America's older citizens, and to point out Republican efforts to help solve these problems.

The Republican coordinating committee in April issued a pamphlet, "Our Older Citizens: A National Responsibility," in which it points out that L.B.J. has played politics with legislation affecting the elderly, and has needlessly delayed making recommendations to the Congress.

The Republican program is, says Van Rensselaer, to "offer policies that will protect the elderly, who through no fault of their own, are in real and dire need of positive assistance against circumstances that would destroy independence, dignity and a sense of purpose." There are 20 million persons over 65 and another 8 million between 60 and 65 in the Nation today. Of the 20 million, one-third have incomes of less than $2,500 annually, two-thirds have less than $5,000 and 71 percent of those single among the aged have incomes less than $2,000.

One main concern of Republicans is inflation. This unseen tax strikes at the buying power of already meager income for many of the aged. Republicans have sought to stop deficit spending by the Federal Government which triggers inflation.

Republicans have sought to turn Federal attention toward establishing priorities so that Federal funds can go into programs that will benefit the aged. Republicans have sought to tie social security benefit payments automatically to increases in the cost of living. A Republican proposal would have made payments retroactive to January 1967—but the Democrats wouldn't put this provision in the bill. It could have been done, Van Rensselaer notes, without an increase in percentage of payroll deductions.

Republicans supported the 13-percent social security benefits increase that is now in effect. Emphasizing the self-help aspects of the GOP program, Republicans attempted to raise the $1,500 limitations on earnings by retirees to at least $2,100. Democrats finally approved a $180 increase, which Van Rensselaer points out is about enough to buy a loaf of bread and a quart of milk a day.

The Democrats in Congress blocked a Republican attempt to increase widows' benefits to 100 percent of the cash benefits of the late husband from the present 82 percent.

Republicans have urged that a comprehensive study of the entire social security system be made. The present patchwork program, amended and changed every few years, is developing strains. Democrats have resisted probes of social security financing.

One of the Nation's major problems is at the State level where old-age assistance often falls far short of a decent standard of living. Many States are not even meeting minimum standards they themselves have set for subsistence levels. Van Rensselaer points out that 2 million people over 65 now receive from all sources less money than is needed for a decent, dignified existence.

Republicans have tried to help this situation by beefing up State government participation through tax-sharing. Most of the States have difficulty in raising their share of assistance money. A definite, regular return of Federal tax money would allow the States to commit these funds to meeting the assistance needs of its older citizens.

Republicans supported the 1967 additions to medical care programs for the aged—including simplification of benefit claim procedures, payment of pathologist and radiologist costs in full.

Republicans have fought the Democrats' attempt to revise the tax system to create more tax burden on the retired. They have opposed the proposal to eliminate the double exemption now allowed taxpayers at age 65. They have opposed elimination of direct retirement tax credit and the President's plan to tax social security income on a par with ordinary income. This, says Van Rensselaer, is double taxation.

In the field of housing, Republicans have sought reappraisal of Federal housing programs intended to serve the elderly to see if they are providing the necessary housing. Overlapping Federal programs have cut effectiveness of Government efforts to provide housing.

Republicans back Public Law 90–202 which prohibits job discrimination because of age for people in the 45–65 bracket. Republicans, however, believe that a specialized placement service for older workers is needed to help utilize their badly needed skills and abilities.

The Republican coordinating committee's task force on problems of the aging summarizes GOP policies as: First, protecting older Americans on fixed incomes from inflation; second, rewarding, not penalizing, self-help efforts; third, strengthening the financial structure of the social security system; fourth, enacting policies to protect the independence of the aged without mortgaging the future of the Nation's youth.

The Nation's senior citizens have a big stake in the next Republican administration—their whole financial future.

HELICOPTER DECISION RECONSIDERED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. PICKLE. Mr. Speaker, I wish to take note of and applaud the foresightedness of the Civil Aeronautics Board which yesterday set aside the initial decision of a CAB examiner in Washington-Baltimore Helicopter Service investigation by calling for further review of the case.

In the initial decision, the examiner found that scheduled helicopter service in the Washington area, as contemplated in the order instituting the investigation, was not required and the investigation should be terminated.

The initiative of the CAB in not allowing this important matter to die on the vine is a seven-league step forward in the solution of the area's pressing transportation problems.

By overruling themselves in this matter, the CAB has made it clear, in my way of thinking, that they will seek alternate solutions to subsidy-free helicopter service between downtown city centers of Washington and Baltimore and Washington National, Dulles, and Friendship airports, as well as between each of these airports. The Washington-Baltimore area can feel fortunate that in one of the highest councils of government pleas for coordinated air transportation services have not fallen on deaf ears.

I have long believed there exists an urgent need for a scheduled helicopter service in the National Capital area for reasons of air and ground congestion and for public convenience. I am hopeful that a review of the Washington-Baltimore case will lead to eventual certification of a carrier.

Accordingly, I include the CAB's order setting aside the initial decision at this point in the RECORD:

[Order No. E–2815]

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May, 1968)

WASHINGTON-BALTIMORE HELICOPTER SERVICE INVESTIGATIONS: DOCKET 17665

Order

On May 8, 1968, Examiner William J. Madden issued his initial decision in the above-entitled proceeding. Pursuant to Rule 28 of the Rules of Practice, the Board will exercise its right of discretionary review of the initial decision.

Accordingly, it is ordered:

1. That the aforesaid initial decision be and hereby is stayed in its entirety until further order of the Board;

2. That the issues in the proceeding on review shall be all issues in the proceeding before the examiner;

3. That the parties to the proceeding on review shall be the parties to the proceeding before the examiner;

4. That any party to the proceeding on review having objections to the initial decision shall file exceptions with the Board, not later than 10 days from the date of service of this order. Briefs in support of the exceptions or in support of the initial decision may be filed within 20 days after the date fixed for filing exceptions;

5. That thereafter the review proceeding shall be set for oral argument before the Board at a time to be designated later.

By the Civil Aeronautics Board:

HAROLD R. SANDERSON,
Secretary.

AMERICAN FREEDOM FROM HUNGER FOUNDATION

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. GATHINGS. Mr. Speaker, it was a distinct pleasure to be in attendance on Tuesday evening, May 21, 1968, on the occasion of a dinner sponsored by the American Freedom From Hunger Foundation at the Shoreham Hotel here in Washington. The principal speaker was Hon. Orville Freeman, Secretary of Agriculture, who delivered an illuminating and provocative address on what America is doing to alleviate hunger at home and over the world. Secretary Freeman made award presentations to Hon. William Gaud, Administrator, U.S. Agency for International Development, and Mr. James J. O'Connor for his past 3 years of service as president of the American Freedom From Hunger Foundation. Robert Nathan is the president and our former colleague Leonard Wolf is executive director of the foundation.

Secretary Freeman's book, "World Without Hunger," made its initial appearance last night quite a bit ahead of its scheduled introductory date. Every person in attendance at the dinner received a copy of the book as a gift from Mrs. Paul's kitchens. The Secretary was quite busy before and after his address signing autographs. Secretary Orville Freeman is America's foremost food and agriculture authority.

The full text of the address follows:

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AT A DINNER OF THE AMERICAN FREEDOM FROM HUNGER FOUNDATION, INC., MAY 21, 1968, IN THE SHOREHAM HOTEL, WASHINGTON, D.C.

First, I want to extend greetings from President Johnson, one of our fellow hunger-fighters, a man who has done more than any other single person to focus world wide attention on the challenge of hunger.

The President sends his appreciation and best wishes to the American Freedom from Hunger Foundation and to all who have enlisted in the War on Hunger, on whatever front.

I am going to open my remarks with an observation made by Secretary General U Thant of the United Nations. I don't always agree with the Secretary General's observations but this one does have particular meaning for any group dedicated to freeing mankind from hunger.

"The truth," he said, "the central stupendous truth about the developed countries today is that they can have—in anything but the shortest run—the kind and scale of resources they decide to have. . . . It is no longer resources that limit decisions. It is the decision that makes the resources. This is the fundamental revolutionary change—perhaps the most revolutionary mankind has ever known."

I agree with the Secretary General. And yet there are in this world today two billion hungry or malnourished people, including, it has been estimated although no one really knows, 10 million in the United States of America.

This paradox of hunger amidst plenty, of hunger in a world where nations representing one-third of the population can literally make the resources they decide to have, and can direct the use of these resources as they decide to use them, is why the American Freedom from Hunger Foundation came into existence and continues the fight to win the War on Hunger.

It is the Foundation's primary mission to stimulate Nations to make the decisions that must be made to fill the empty stomachs that sap the strength and kill the potential of human beings around the globe.

I can think of no finer endeavor, no greater challenge.

It is a grim fact that the scope of hunger's challenge is outlined sharply tonight only a few blocks south of here, in Resurrection City, where 3,000 men, women and children are camped—in the Capital City of the richest Nation on Earth. They dramatize the bedrock cause of hunger: Poverty.

The anomaly of hunger as a companion of abundance, of a world with unused capacity and unmet need, led me to take the job as Secretary of Agriculture more than seven years ago.

Since that day, I think I have learned some things about hunger that I would like to share with you for a few minutes this evening.

The one thing that stands out above all others is that hunger is not a problem by itself, capable of a separate solution—it is part of the problem of poverty. And this is as true in India or Africa or South America as it is in West Potomac Park.

We can—and we should—treat the symptoms of hunger with doses of food, as much as we can and wherever we can, but that won't remove the cause. We cannot defeat hunger by concentrating only on food; our concern must be for more than calories, proteins and vitamins. We have got to close the gap, or at least narrow the gap, between the well-to-do and the poor, here in the United States and all over the world.

The President's Science Advisory Committee's Panel on the World's Food Supply put it this way:

"The Panel is convinced from its study of the world food problem that food shortages and high rates of population growth in the developing countries are not primary problems. Rather, they are manifestations of a more fundamental difficulty, lagging economic development in the hungry countries."

Had the panel addressed itself to hunger in the United States as well, it would have added "and lagging economic development in certain areas of certain counties"—no jobs to enable men to earn the income they need to feed themselves and their families.

It is a matter of deep concern to every thinking, sensitive person that bodies are stunted, minds are dwarfed and energy is dulled for lack of food or the right kinds of food, and that this takes place not only in the teeming cities of India or the jungles of South America, but rather here in our own country.

But this does not suggest to me that we abandon the War on Hunger overseas to concentrate on fighting hunger at home.

This *is* one world, like it or not. And while our democracy and our prosperity are not stable when we have pockets of hunger and poverty in the midst of abundance in our own country, neither are they secure when there are vast areas of hunger in the rest of the world.

So we must redouble our efforts, we must fight on the whole front, and take as our goal "freedom from hunger," period.

However, to attack hunger in the United States takes a different course than in the less developed countries.

Hunger in most countries overseas is rooted in an inability to produce enough food, and in an underdeveloped national economy that can't provide the money to buy the food.

Hunger in the United States is a manifestation of poverty among persons outside the mainstream of the most vigorous economy the world has ever known, an economy based on the most productive agriculture the world has ever known.

There is no relationship between acreages and yields and babies not having enough food in Mississippi or New York or Chicago, as there is in India.

American commercial agriculture has advanced to production heights that produce more than enough food for use at home and at the same time large amounts for distribution around the world—and it has done so within the framework of commodity programs designed to tune production to demand, to provide food abundantly and at the same time protect its producers by ensuring that commercial agriculture does not smother in its own abundance.

You cannot kill the goose and expect it to continue laying golden eggs.

Those who would fight poverty by attacking farm programs are misguided.

To end farm programs would create more poverty and more hunger.

If commodity programs were terminated, efficient commercial family farmers would be trapped in a jungle of over-production. Those who lacked the financial power to hang on would be driven off the land by the thousands, perhaps hundreds of thousands, leaving it in monopoly hands. Likewise, the small farmer subsisting near the poverty level would have what income he has cut sharply. The result would be more farmers in the unemployment lines of the cities and towns and a sharp increase in the cost of food to everyone.

We will not eliminate hunger in this country by tinkering with the machinery of agriculture. We will eliminate hunger in three ways. First, by resolving to devise the best way to do it, then by being prepared to spend whatever money is necessary, to get the food—of which we have more than enough, thanks to American agriculture—to those who need it, and finally by doing it systematically and efficiently.

We, in the Department of Agriculture, have made progress during the years of the '60s in our efforts to feed the hungry, in the face of widespread indifference and sometimes active opposition.

The concept of family food assistance programs has been shifted from distributing a few surplus food items, acquired principally to bolster farm income, to increasing food buying power with food stamps; and from supplementing diets to providing more nearly adequate diets.

We have changed our approach in the administration of these programs from a passive offering of food to state and local governments for distribution to one of actively encouraging them to participate, and of telling them that if they won't do it, we will.

In 1960, the USDA offered five food items—lard, rice, flour, dry milk and cornmeal—worth about $2.20 per month per person, retail value, for distribution to families. These commodities reached about 3.5 million persons in 1,200 counties and areas that were willing to participate.

By the end of this fiscal year, we expect 3.6 million persons to be receiving 16 commodities under the same program, and 2.5 million more will be receiving Food Stamps with which to get more food, a total of 6.1 million in some, 2,400 counties receiving USDA food aid of some kind.

The objective of child feeding programs has been broadened from the narrow view of providing school lunches to include school breakfasts and child care activities outside the schools.

Under the Child Nutrition Program, an estimated 405 million free or reduced price school lunches are being served this year, compared with 286 million four years ago.

Breakfasts were served to 80,000 children in 752 schools last fiscal year and to an estimated 155,000 in 1,000 schools this year. We hope to reach 290,000 children next year.

But what we have done is clearly not enough, and I will tell you very frankly that we will not be able to do enough to meet the needs of the hungry here in the United States with the resources that have so far been made available to us.

But merely feeding the hungry is not facing up to the basic problem; poverty and its degradations, economic and social.

Hunger for pride, hunger for knowledge, hunger for jobs is just as real as belly hunger, and, in the long run, it is more important.

For until we have given our poor the chance for self-respect, which means the chance for education and for jobs with which to buy their own food, we have not done much to advance the ideals of equality, of human dignity, upon which this society was founded.

And we will not have solved the problem of hunger.

Despite the progress made in the war against poverty—and it has been substantial—I do not believe that we are yet prepared as a people to go all the way—to do what must be done—to abolish poverty and thereby remove the spectre of hunger.

We are not prepared, in my opinion, because we do not—or will not—understand the magnitude of the economic and social changes that have altered this Nation in the last 25 years and that are continuing and accelerating.

We can't—or won't—get it through our heads that the people displaced, left behind and ignored in the production revolution in industry, business and agriculture are a social cost of this revolution.

I am here to tell you that one way or another we must pay this cost.

But we do have a choice. We can continue to pay it, as we have this spring and in a few summers past, in the flames of riot with a growing threat to our basic institutions and free way of life. Or we can pay it the way it ought to be paid. We can reach out—as a Nation and as individuals—reach out to our fellow citizens and say, "We are going to see to it that you have a chance at this abundance that so many of us take for granted; we want to help you to get into the mainstream of this economy, and of this life, so you can feed yourselves and your families, so you can satisfy the hunger for knowledge, pride and jobs."

If we take this course—and to me there really is no other—we must understand that it requires an imaginative, expensive, massive effort far beyond what we have so far been willing to do. Truly the times call for the barn-raising spirit of another era applied on a national scale, where everybody pitches in to do the task at hand.

Government can lead, it can provide some tools, but that is all. The job must be done in each community, by members of each community—unfortunately there is poverty enough for all.

The industrialist deciding where to put his plant must add human beings to the location factors of transportation, communications, water, taxes, terrain.

The housewife must shift her concern from the neighborhood fund drive to the people it is designed to serve—who are they? Where are they? What can *I* do, not what can the fund do.

The school board, the teacher, must befriend the dropout, bring him back.

Every individual and every institution with a stake in this society must be willing to accept a stake in solving its problems.

Remember this: So long as one of us in America is denied his dignity by forces that we can control, the dignity of the rest of us is that much less.

And remember this, too: There is no question but that we can provide the food, and the education, the training and the jobs. As Vice President Humphrey said the other day, a Nation that can put a man on the moon ought to be able to put a man on his feet.

We can do it—if we will. And that is the only way we can banish hunger from this land of plenty.

The hunger problem in less favored lands is fundamentally the same, and just as crucial, but it is considerably more massive. Instead of bringing a relatively small, scattered segment of the population into a prosperous, expanding economy, entire national economies must be given momentum and huge masses of people given a leg up the ladder out of misery and poverty. This is a formidable challenge indeed, involving, as it does, some two-thirds of the world's people.

Most of you are aware of these needs and of the size of the challenge or you would not be at this Freedom from Hunger meeting, so I need not recite further the grim challenge.

Yet, as I am sure Bill Gaud will tell you, there is clear evidence that our efforts—those of government, private business and foundations such as Freedom from Hunger—have brought us to the point where the prospect of eliminating world hunger is brighter, in my opinion, than ever before.

There are hopeful signs. And now, when there is more reason than ever before to hope that the War on Hunger can be won, we must push forward harder than ever before to take advantage of the breakthrough that may be in the making.

This is no time to pull out—to turn away from our commitment to help hungry nations to help themselves.

As some of you know, I have a book coming out next month called "World without Hunger." I wrote this book because I believed when I started it that such a world is possible.

And I believe it more today than I did when I started to write. The task will not be easy. It will take men and women like those here, with skill, energy, will and vision; it will take governments of Nations developed and developing, and their farmers and industrialists and businessmen, determined to move forward, and wise enough to take advantage of new opportunities.

But a world without hunger can be achieved; and it must be a *world* without hunger—nothing less will do. Only then can we have a world truly at peace, and only then will we have the peace of mind that comes from knowing that we have done the best we can with what we have.

We have so much—let us resolve to use it.

REVOLT ON THE CAMPUS AND SDS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. ASHBROOK. Mr. Speaker, the details of campus takeovers have posed questions in the minds of many Americans: Who is involved? What is the purpose? Who are the leaders? Where do they get their funds? What is their ideology? What master do they serve? Do the Communists have direct or indirect control? Why does the Government or university faculties not meet these insurrections head on?

In many instances the answers to these questions are the answers to questions about SDS—Students for a Democratic Society, so-called. For often, SDS is found to be crucially involved in campus revolts, in addition to other extreme protests.

It is important for all of us to put these extremist actions—whether they be partial takeovers of a university or a march on the Pentagon—into proper perspective. This perspective is predicated on knowing the "who" and the "what" and the "why" of the groups involved.

I have frequently presented background material on organizations such as SDS and will add to the accumulated evidence with a fresh, direct and highly revealing treatment of campus revolt, and especially SDS, taken from the May 19 Chicago Tribune.

Written by the well-known and respected Chesly Manly, "New Left, Black Power Guide Campus Revolt," answers many of the questions with which I began my remarks.

Additional information on SDS and others who would literally wreck our society will be found on pages 14279 to 14288 of the May 21 Congressional Record. This reference is to the testimony of FBI Director Hoover before a subcommittee of the House Appropriations Committee and each year provides a source of information on not only crime but subversive and extremist elements in the Nation.

The article, "New Left, Black Power Guide Campus Revolt," follows:

NEW LEFT, BLACK POWER GUIDE CAMPUS REVOLTS

(By Chesly Manly)

The student revolt in American universities from coast to coast comprises two main elements. One is the so-called New Left, spearheaded by Students for a Democratic Society. The other is the black power movement, which excludes white participation but is supported by the S. D. S. in furtherance of its own revolutionary objectives.

Thus Roger Friedman, president of the S. D. S. chapter at Northwestern university, was one of the white students who took possession of the office of Roland J. Hinz, vice president and dean of students, and remained there until the university capitulated to the demands of black students who had seized and occupied the old administration building on the Evanston campus.

BACKED BY COMMUNISTS

Both the white and black revolutionary groups are supported, influenced, and sometimes used by the Communists, as instruments of subversion, but the Communists have only contempt for the vague, anarchistic objectives of the student rebels and would give them short shrift if a Red revolution should be successful in this country.

Altho there is no true New Left International, student revolutionaries in Europe, the Far East, and Latin America, like those in the United States, have borrowed extensively from the ideology of Marxism-Leninism. There are bonds of sympathy and a community of interest between the American and the foreign campus organizations.

In a telephone interview with Friedman, the Northwestern S. D. S. leader, this reporter noted that the revolutionary student organization in Germany also is called the S. D. S. [Sozialistischer Deutscher Studentenbund] and that the French students who have besieged the Sorbonne, liberal arts heart of the University of Paris, have proclaimed a "cultural revolution," suggesting Chinese communist influence.

Friedman, agreeing that the student revolt is world-wide, mentioned recent widespread disturbance in Japan and Latin America. The S.D.S. also has counterparts in Britain, the Netherlands, and Italy.

The Communist party in Britain has openly acknowledged its alliance with the Radical Students union. In a report on the New Left, written for the American Security council, Dr. Kurt Glaser, professor of government at Southern Illinois university, says "there is no doubt that the Communists profit greatly from the activities of the New Left, and that they infiltrate and control it where they can."

WELCOME RED INFLUENCE

Dr. Glaser notes, however, that orthodox Marxists have criticized the German S.D.S. as a group of "anarcho-syndicalists and petty-bourgeois deviationists."

In spite of ideological differences, however, the student revolutionaries not only welcome and receive communist support but approve major communist objectives and methods.

A leaflet prepared in Toronto, Ont., and widely distributed to S.D.S. chapters in the United States, tells students how to make molotov cocktails and incendiary time bombs. It is ludicrous, the leaflet says, to try to close selective service induction centers by demonstrations when it can be done much more effectively with home-made incendiary devices.

In the recent siege of Columbia university, red flags were flown from one of the occupied buildings and pictures of Karl Marx were hung inside. Communist slogans praising Lenin, Stalin, and Fidel Castro were written on the blackboards.

VIET, CUBA VISITS TOLD

Mark Rudd, president of the Columbia S.D.S. chapter and one of the revolt leaders, has visited communist Cuba. Carl Oglesby, former national president of the S.D.S., went to Viet Nam in 1965, met representatives of the communist National Liberation Front, and came back defending the Viet Cong.

Officers of the S.D.S. seem to have abundant funds for travel, not only from campus to campus in the United States but also to Viet Nam, Cuba, and other communist countries.

J. Edgar Hoover, director of the Federal Bureau of Investigation, has described the S.D.S. as "a militant youth group which receives support from the Communist party and which in turn supports communist objectives and tactics."

When members of the student government of Wesleyan university, Middletown, Conn., denounced Hoover in May, 1966, because the FBI had requested the names of S. D. S. members of Wesleyan, he replied:

"The attorney general stated publicly in October, 1965, that he had instructed the FBI to determine the extent of communist infiltration into the Students for a Democratic Society, which was establishing chapters thruout the United States."

DON'T EXPECT PROBE

Nicholas Katzenbach, now under-secretary of state, was attorney general at that time. It is not considered likely that the government will take any action against the S. D. S. leaders so long as Ramsey Clark, the present attorney general, remains in office.

In an interview with the U.S. News & World Report, Dr. Logan Wilson, president of the American Council on Education and former president of the University of Texas, said there had been extreme reluctance in academic circles to attribute campus disturbances "to any kind of communist conspiracy, or Maoism [Chinese Communism] or anything of this kind" because of their "vivid recollection of the McCarthy days."

"RED BAITING" FEAR

Thus it appears that liberals in the academic community, fearing accusations of the same kind of "red baiting" they imputed to the late Sen. Joseph R. McCarthy [R., Wis.], have served the communist conspiracy by imposing a blackout on freedom of thought and expression.

"But," said Dr. Wilson, "more and more, recently, there are administrators and others who are beginning to think that this violence isn't the spontaneous youthful protest that we might have thought—that it is guided. We know that there is a communication network. The S. D. S. has one. They alert local groups, make suggestions to them. Indeed, they may send in their organizers."

Dr. Wilson said there is some faculty participation, mainly by "young firebrands" who are either graduate student teaching assistants or new faculty members.

DEPLORES BYSTANDER ROLE

He deplored the "bystander role of most of the faculty." In too many places, he said, "the faculty just stands by and watches the administration get chewed to pieces or shot down. They ought to be aware that in the long run they're the ones who are going to suffer if chaos prevails on the campus."

Dr. Wilson said he was told by an administrator at the University of Wisconsin that "some ultra-liberals on the faculty, when students set seven or eight fires the same day out there, said, 'Well, maybe they aren't as innocent as we thought they were.'"

The S. D. S. is an offshoot of the old League for Industrial Democracy, which was called the Intercollegiate Socialist Society for many years after it was founded in 1905. The L. I. D. is a socialist organization and many of its leaders have been outstanding anti-Communists, but it has collaborated with the Communists in various united front movements. The L. I. D. has a student branch, called the Student League for Industrial Democracy, which was reorganized as the S. D. S. at a meeting in Port Huron, Mich., in 1962.

SEVERS SDS TIES

In October, 1965, it was announced that "for tax reasons" the L. I. D. had severed its ties with the S. D. S. The L. I. D. was afraid that some of the S. D. S. activities, including its anti-Viet Nam march on Washington in the spring of 1965, would be regarded as more political than educational and the L. I. D. would lose its tax-exempt status.

The difference between the Old Left and the New Left, between L. I. D. Fabian socialism and the S. D. S., was explained by Doug Jenness, editor of Young Socialist, in the September-October, 1965, issue.

Some socialists, he said, still wanted to maintain a coalition with the Democratic party, whereas the objective of the new radicals is "to create an independent political organization that aspires to lead and organize a social revolution."

ORGANIZATION FOR POOR

An article by Steven Kelman in the socialist New Leader, Sept. 27, 1965, said the S. D. S. rejected continued coalition with the Democratic party and intended to create "an independent national organization of the poor."

Kelman said the new organization would be committed to "participatory democracy," that is, direct action by the people, in demonstrations—violent or otherwise—to enforce their demands and in decision-making at all levels of government.

Kelman described Staughton Lynd, then an assistant professor at Yale, as "a sort of faculty sponsor for the New Left." He said Lynd had proposed "an alternative government which would collect taxes from people who refused to pay their taxes to the federal government and conduct 'war crime trials' against President Johnson and Secretary McNamara."

JOB AT ROOSEVELT

Lynd now has a part time job at Roosevelt university where student rebels have staged sit-ins and other demonstrations, trying to compel the administration to give him full-time employment.

The New Left revolutionaries demand "economic freedom," which has been defined by one of their more imaginative apostles as freedom from having to work for a living—the guaranteed annual income.

Most of the time, however, they talk vaguely about "participatory democracy."

Friedman, the Northwestern S.D.S. leader, used the phrases "participatory democracy" half a dozen times in a 10-minute conservation. He is a 19-year-old sophomore from Austin, Tex.

HAVE NO IDEOLOGY

"We don't bind ourselves to any ideology," he said. "We are not hard-line Marxists or hard-line capitalists. We believe in participatory democracy to bring about a radical restructuring of the university and of society. There is a lot of sickness in our society and serious changes must be made."

When questioned about violence he said: "Hopefully these changes can be brought about without violence."

Speaking of the black power movement, however, he said:

"Sometimes that sort of pressure is needed. The blacks have been mistreated so long they are up against a wall. Sometimes you have to fight back. The answer to black violence is white decency."

DENIES MANIPULATION

Friedman said the S.D.S. at Northwestern is "not a manipulated organization." Its strength varies, according to issues, and may be as high as 400 to 500, he said. Other informed sources doubt that its hard core strength at Northwestern is more than 40 or 50, which is about the size of the S.D.S. chapter at the University of Chicago.

The S.D.S. supports black power demands at the University of Chicago, but in the recent disturbances there, as on other campuses, the blacks have excluded the white from association with them.

The national headquarters of the S.D.S. is at 1608 West Madison street, in a building owned by John Rossen, one-time candidate of the Communist party for mayor of St. Louis. Michael Spiegel, a Harvard dropout, is national president.

The S.D.S. claims a national membership of 35,000 to 40,000, but it is believed to have a hard core strength of no more than 6,000. It has between 250 and 300 chapters.

SPEAKER JOSEPH W. MARTIN, JR.

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. WYLIE. Mr. Speaker, it was not my privilege to serve in Congress with the Honorable Joseph W. Martin, Jr., but I had a "personal" acquaintance with the works of this great man through friends of mine and constituents of his while attending school in Massachusetts, and his reputation was known to all.

The memory of the Honorable Joseph W. Martin, Jr., long will be honored and cherished in the Halls of Congress and in the memories of all who knew him.

As a first citizen of his State and his Nation, Congressman Martin represented the best of the qualities needed today in both community and national life.

As a leader in Congress and in his party, he exemplified the wise guidance and decisiveness in public life which helped bring solutions to many critical problems.

We are grieved by the death of our leader and friend. We are inspired to greater understanding and increased effort by the rich heritage Congressman Martin has left to those who follow him.

LEGISLATIVE PROPOSALS RECOMMENDED BY SMALLER BUSINESS ASSOCIATIONS OF NEW ENGLAND

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. EVINS of Tennessee. Mr. Speaker, members of the Smaller Business Association of New England are in Washington today on their annual visit to present to the Members of Congress their suggestions and proposals for legislation dealing with some of the more pressing problems confronting the small business community.

The Smaller Business Association of New England is well known throughout Congress for its sound program and its constructive recommendations, and is a highly respected small business organization. Many of the legislative proposals previously advanced by this group have been enacted into law.

As chairman of the House Small Business Committee, it was my privilege to welcome the members of this association this morning, and to listen to their excellent presentation of their recommendations.

These recommendations included:

Reduction in Government spending, passage of the tax surcharge and reduction in the rate of growth of the money supply in the interest of strengthening the dollar.

Improvements in procurement procedures and programs to assure small business a larger share of Federal procurement.

Greater control of the small business procurement program by the Small Business Administration and adoption of procedures to assure small business subcontractors an appeal to the Federal Government in the event of a dispute with a prime contractor.

Encouragement of private pension plans sponsored by business.

Resistance to proposed changes in patent laws to protect inventors.

THE POVERTY TRAIL—EACH MARCHER HAS A REASON

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. KLEPPE. Mr. Speaker, in view of the current interest centered upon the Poor People's Campaign, I invite the attention of other Members to a news story which appeared in the Bismarck Tribune of May 20, 1968. This is based on interviews with several of the marchers who stopped overnight in Bismarck, en route to Washington, D.C. The article, by Tribune staff writer Cale Dickey, follows:

A 13-year-old had a ball, running around Fort Lincoln Sunday night.

There was a meeting "to settle differences that have arisen."

The Indians didn't go. The Negroes and whites stayed but didn't participate.

Afterward, the man who called the meeting announced: "That's settled."

The marchers for the poor were in Bismarck.

Who was marching? Young and older. Children. Divorcees who had left their kids with mom. Secretaries with leave of absence. A youth who was going back to a $2.60-an-hour job. A man "just with the group."

Philosopher Eric Hoffer said they are the people who have found a cause; are giving vent to their passions.

But mostly they seemed to say: "What's in it for me?"

LeRoy Rice, a 17-year-old Seattle, Wash., Negro who "just about finished the 12th grade," quit a job with the Rainier Vista (Volunteers in Service to America) Project paying him $2 an hour to join the march.

"I want to help the colored people, so they can put up decent homes," he said.

Rice, who lives with his parents, feels that the Negroes' destroying their own property in riots is justified. He can't explain why.

Upon his return from Washington, D.C., he intends to go to work at the Boeing plant, where his application is on file for maintenance work. "I'm sure I'm going to get the job." He will start at $2.60 per hour.

Joyce Redmond, a 20-year-old Negro, graduated from high school and is employed as a clerk, earning $380.00 monthly. She was granted a leave of absence to make the trip and will go back to work when she returns.

"I am a conscientious supporter of Negro equality," she said. "I believe in it with all my heart and soul."

Miss Redmond maintains her private apartment. "I am completely self-supporting." Two younger relatives, both attending high school, live with her.

She is not dissatisfied with her life. "I've never been a victim of racial injustice, nor has my color prevented me from finding employment."

Why is she making the trip? "I want some help for everybody."

Mr. and Mrs. Clarence Perkins are members of the Three Affiliated Tribes of New Town, N.D. They came to Bismarck to join the march "to tell our problems to the Indian commissioner."

Their main worry, Mrs. Perkins said, "is that we only get 46 cents out of the $1.00 per acre we were promised."

Claim money payments is another worry. "We don't get anything. We never see a penny of it."

Mr. and Mrs. Perkins are dissatisfied with the amount of government aid they get—especially cash.

"We want to report all this to Washington," Mrs. Perkins said, "so that maybe we might get a little help."

Two widows, Mrs. Maggie Hale and Mrs. Leona Hale, both from New Town, complained about the commodities they receive. "It is all starchy foods. No greens," they said.

Mrs. Maggie Hale has a regular income from 320 acres of land. "It is barely enough to live on for one year."

Mrs. Leona Hale, a 4-H leader, is "concerned about the future of our Indian children. They have to have a place to live."

Mrs. Leona Hale said she had "spent $135 as my share of some oil funds for a heater for my home and then my money was cut to $22.00 to live on for the month of June."

As to government aid checks, Mrs. Maggie Hale said, "I don't get nothing" and Mrs. Leona Hale said "I get no regular check."

Both said they receive welfare aid and some help with medical needs.

"I have diabetes and arthritis," Mrs. Leona Hale said, "and this is because of the commodities we get."

The two ladies said that they had received their land payments, but "that money is all gone."

How did the Garrison Dam inundation affect them? "We got along good before it went in."

They plan on going directly to the Bureau of Indian Affairs in Washington. "We are going on our own cause."

Isaac Smith of Havre, Mont., is a Sioux-Chippewa Indian originally from the Fort Totten Reservation in North Dakota. He is a seasonal construction worker "waiting to be called."

Why is he making the trip? "My wife wanted me to."

"I'm going for the other Indians, to hear what is happening. I'm just going with them. There are two others going with me. I really don't know why I'm going. I'm just with the group."

Smith is, he said, perfectly satisfied with his job, his home and his general living conditions.

Mrs. Esther Ross is secretary of the Stillaguamish Indian tribe of Washington state. Her main worry is a recent government ruling that Indians can't fish in the Stillaguamish River. "This was guaranteed in a grant to our great-grandparents," she said, "when they were asked to stay in their villages."

Mrs. Ross is also worried about the welfare of the 15 Indian tribes in Washington that live off reservations. "These Indians lose out on all OEO money, have no medical care, no electricity. They receive none of the things they would if they were living on the reservations."

Mrs. Ross' husband receives a monthly veteran's disability check of $109 plus Social Security payments of $63.

"I'm going on this trip purely for Indian interests, and to get back our rights to the wilderness area," she said. "I'm interested in the survival of the American Indian. I'm one of them."

Her tribe, she said, "is on the poor people's list."

Mrs. Virginia Jellison, a divorcee and mother of four children, is "just about a junior" at the University of Missoula, Mont., working toward her degree in social welfare. While she is on this trip her children are living with her parents in Missoula.

Mrs. Jellison is attending the university under a Vocational Rehabilitation program. "I will definitely continue school and get my degree."

"I'm on this trip as a student so I can learn of the problems of the poor people," she said, "to learn the things you can't learn out of a book."

Mrs. Jellison has "worked for poverty programs," and concerning her present financial status, said: "I don't want to exist in this kind of life."

She is, she said, a member of the low income group, "because my present income is within the OEO guidelines for poverty."

She said that the prime reason for joining the group was to gain a better insight into the needs of the people with whom she'd be associated as a social welfare worker.

Miss Robyn Leary is an 18-year-old college freshman from Seattle, who is "going to major in psychology."

"I am not a member of the low income group," she said, "I am merely a part of the support contingent."

Is her purpose idealistic? "I am going to Washington because I feel the country is going in the wrong direction. I feel there is an idealism in the United States that must be realized."

Miss Leary was vague about her real motivation, but kept referring to her college studies and her goal of a degree in psychology. She is, she said, interested in the opinions and reactions of the people with whom she is making this trip.

Mrs. Louise Ralston is the divorced mother of three children and a sophomore at the University in Montana, studying for a degree in psychology.

"My mother didn't want me to make this trip," she said, "because she fears I'll return home in a coffin."

Mrs. Ralston is receiving Aid for Dependent Children funds and her education is being financed under the Vocational Rehabilitation program. While she is on this trip her children are being cared for by relatives.

"My total income," she said, "is below the $3,150 minimum set by the OEO. I am therefore living in poverty."

Upon her return, she said, she will resume her schooling to obtain her bachelor's degree. "I plan to work some while I complete my masters," she said, "and after that will go ahead and earn my doctorate."

Mrs. Ralston's immediate concern is in the field of civil rights. Hers. "I have been removed from the tax list," she said. "I can't vote on bond isues. I do not have legal right as a bonafide signer of petitions."

The cost of medical aid also worries her. "My grants have been cut so that I cannot afford doctors. I also cannot buy proper food and this affects not only my health, but the health of my children."

April Penn of Oakville, Wash., is 13 years old and is accompanying her 21-year-old brother, Wesley, on the trip to Washington.

"My brother quit his job to make this trip," she said. "He's going to make a speech."

April's father "kills chickens for Perry Bros., in Centralia, just a few miles from our home. He has his own truck."

She is, she said, a B and C student in school. "Mom sent the teacher a note, and I was excused from school to make this trip."

What is her impression of the journey? "I think it's great to travel around and see the country side."

Why is she going? "I hope to gain responsibility of myself."

Has she suffered from a lack of food? "I get enough to eat at home."

April has, she said, nine brothers and sisters at home.

Does she feel she is a member of a poor family? "No."

WALLACE RESPECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RARICK. Mr. Speaker, little attention was spotlighted on the high school walkout last week in Somerville, N.J.

Perhaps because the protest was not over pot, race, war, or sex, it was not considered emotionally sensational enough for news.

The students, it appears, walked out of their classes in respect for the death of Gov. Lurleen Wallace, of Alabama.

I include the Associated Press release of May 10:

[From the Morning Advocate, Baton Rouge, La., May 10, 1968]

WALLACE DEATH CAUSES INCIDENT IN NEW JERSEY SCHOOL

SOMERVILLE, N.J.—About 100 white Somerville High School students walked out of classes Thursday in protest over authorities not allowing white students to stay home out of respect for the death of Alabama Gov. Lurleen Wallace.

The students claimed Negro favoritism by school authorities because Negro students were permitted to go home after the assassination of Dr. Martin Luther King. About 150 of the 1,600 students in the high school are Negroes.

Students said it was "segregation in reverse."

School Principal James L. Olson said Negro students were permitted to go home because teachers had reported the students were emotionally upset over the death of King.

The principal said the students who walked out would be listed as absent for the day.

CONTEMPORARY ART FROM BUFFALO DISPLAYED AT NATIONAL GALLERY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DULSKI. Mr. Speaker, the National Gallery of Art is one of the world's great depositories of paintings, sculpture, and allied arts.

For the next 2 months, it also is home for 167 paintings and prints of contemporary art from Albright-Knox Art Gallery in my home city of Buffalo, N.Y.

This collection from Buffalo has been placed in 11 exhibition rooms of the gallery. Included on display are such landmarks of the past century as "The Spirit of the Dead Watching" by Gauguin and "100 Cans" by pop artist Andy Warhol.

Albright-Knox Art Gallery has come to world attention with its collection of contemporary paintings, chiefly comprising donations by Seymour H. Knox, president of the Buffalo Fine Arts Academy, plus earlier contributions by A. Conger Goodyear.

Mr. Knox was on hand for the opening of the exhibition at the National Gallery last weekend. Also present among Buffalonians was Gordon M. Smith, director of the Albright-Knox Gallery, who supervised arrangement of the art works.

The exhibition has received plaudits from local critics, such as Paul Richard, of the Washington, D.C., Post, who said in part:

If you have been planning to visit an art gallery one of these days, do it now. The exhibition that opens today at the National Gallery of Art is the one you should not miss.

Large museum shows have a way of seeming stern and programed and insistent. This one is different. There is something about it both extraordinary and comfortable.

For these pictures arrive on a cushion of familiarity. The visitor who wanders through these galleries, through this rich survey of modern art, does so liberated both by knowledge and nostalgia. He feels at ease. It's like listening to a favorite symphony or re-reading a beloved poem. His delights and discoveries are private and personal. They are not the curator's but his own.

For the show is a reunion. Friends, both new and old, are everywhere. The walls are hung with paintings introduced by survey books and magazines and the screens of darkened college lecture halls.

Van Gogh is here. So are Degas and Renoir, Cezanne and Gaugin, Picasso and Matisse. The "old masters" of modern American art are here as well: Kline and Gorky, Pollock and de Kooning, Hans Hofmann and Clyfford Still. So are the bright new names of the younger generation, Rauschenberg and Rosenquist, Louis and Noland, Larry Poons and Jasper Johns.

Best of all, most of these men are represented by excellent—and in some cases definitive—examples of their work.

This is an exhibition of extraordinary quality. It contains 167 prints and paintings. All were brought to Washington from Buffalo, N.Y.

Buffalo is the home of the Albright-Knox Art Gallery. Founded more than a century ago (the sixth established in the United States), it has always focused its attention on living artists and contemporary art. Today its collection rivals that of New York's Museum of Modern Art. A major portion of that collection will be on view, evenings as well as days, at the National Gallery on the Mall.

The show is comprehensive and, with few exceptions, brilliantly installed. All the major schools and most of the major artists of the past century are thoroughly represented. But despite its ordered chronology and completeness, there is nothing "textbooky" about this exhibition. Its quality is everywhere too high.

The studious visitor who intends to wander the galleries tracing "the development of modern art" or making tough-minded comparisons between one artist and another, finds himself distracted from his projected course of study by the beauty of the pictures on the walls.

Labels, "Impressionism," "Surrealism," "Abstract Expressionism," and other bits of baggage left over from academic journeys into Art Appreciation, seem irrelevant. The masterpieces of this exhibition generate a harmony of their own. The van Gogh and the Pollock, the Gorky and the Degas, hang together not in competition, but in concert.

The best way to see the exhibition is to drift. Let the pictures do the work. Beckoning like sirens, they lead the viewer through the show.

In his foreword to the illustrated catalog on the Albright-Knox exhibition, Director John Walker of the National Gallery said:

How reluctant America was to tolerate the artistic *avant garde* is hard for anyone under sixty to realize. Yet in the 1920's artistic innovators in this country met with something of the decision, even animosity, accorded the Impressionists when they exhibited in Paris at the Salon des Rfusés. For a public institution to buy Matisse, or Picasso, or Brancusi in those days courage was required, and an early exemplar of such courage was the Albright Art Gallery, as it was then called. That Buffalo should show this sympathetic understanding of the modern movement was due to one man, A. Conger Goodyear. He believed in *avant garde* painting and sculpture, and in 1929 he helped establish the Museum of Modern Art in New York. He had long prospected among artists in France, discovering rich veins of talent well before the artistic gold rush of our day. Most of the treasures he collected he gave the Albright-Knox Gallery, and a number are in the present exhibition.

Other Buffalo collectors followed his lead, and the Museum had the good fortune to gain the support of Seymour H. Knox, one of the most astute and discerning collectors in the history of our country. He became President of the Board of Directors in 1938. Under his leadership, the Buffalo collection grew so rapidly that it was necessary to double the size of the museum. Mr. Knox provided an additional building, designed by Gordon Bunshaft, which I believe offers the most successful installation for modern paintings and sculpture anywhere in the United States.

Now we are showing a selection of paintings from the Albright-Knox Art Gallery. There is general agreement that this is a collection ranking with that of the Museum of Modern Art, which we showed in 1963. For the privilege of holding this exhibition, I would like to express our gratitude to Seymour H. Knox, to the Board of Directors he heads, and to Gordon M. Smith, the brilliant director who has worked so closely with Mr. Knox to make Buffalo a pilgrimage site for all those interested in the painting and sculpture of our time.

A little of the background of Albright-Knox Gallery is described in the introduction by Director Gordon M. Smith:

On behalf of the President and the Board of Directors of The Buffalo Fine Arts Academy, I would like to express our deep appreciation to the Board of Trustees of the National Gallery and the Director, Mr. John Walker, for the invitation to exhibit in Washington 140 paintings from the Albright-Knox Art Gallery colletcion. We consider this invitation a great honor and we hope that the paintings will be enjoyed by residents of the Washington area and the many visitors to the nation's capital, particularly at this season of the year. Also, we would like to extend to these visitors our invitation to come to the Gallery in Buffalo to see the paintings included in this exhibition as well as our sculpture collection which dates from 3000 B.C., but emphasizes sculpture of our own time.

The fact that over one-half of the Gallery's collection is dated after 1945 clearly defines the contemporary character of the collection. However, it is important to point out that this emphasis is not a recent development in the history of the Albright-Knox Art Gallery, but the continuance of a long tradition.

Ours was the sixth museum to be established in the United States and since that date in 1862, the exhibition and acquisition of works by living artists has always been of primary concern to the Directors and the Board. The first painting to enter the collection was Albert Bierstadt's The "Miranda Grande" in Capri, a gift of the artist in 1863, four years after it was painted. The Greek Revival building was opened in 1905, the gift of Mr. John Joseph Albright, and during that season the first Director, Mr. Charles M. Kurtz, was responsible for exhibitions of both contemporary American paintings and watercolors (which became annual events until 1933), another of contemporary German paintings, all organized by the Gallery, and a loan exhibition of French Impressionists.

Other early exhibitions of significance include the first *International Exhibition of Pictorial Photography*, arranged by Alfred Stieglitz and featuring the Photo-Secession Group in 1910; paintings by Leon Bakst in 1914, when Pavlowa danced in the Sculpture Court at the private opening; a loan exhibition from the Luxembourg Museum in 1916, opened by Sarah Bernhardt, and an exhibition in the same year of 800 sculptures by 167 contemporary Americans, the greatest exhibition of its kind presented up to that time. All of these were shown during the directorship of Mrs. Cornelia Bentley Sage Quinton who also presented one-man exhibitions of William Chase, John Twachtman, Childe Hassam, George Inness, Robert Henri, and George Bellows between 1910 and 1924.

In the '20's, A. Conger Goodyear, a member of the Board and its Art Committee, assumed a major role in the development of the Gallery. Under his leadership, one-man exhibitions of scupture by Mestrovic, Meunier, Maillol, Rodin, Epstein, Bourdelle, Despiau, Lachaise, and Noguchi were organized abroad and brought to Buffalo. He founded the Fellows for Life Fund in 1926 with membership limited to those who subscribed $1,000 a year. With these and other funds, important works by Morisot, Gauguin, Augustus John, Rodin, Epstein, Brancusi, Kolbe, Degas, Cézanne, and Matisse were purchased during the next two years. Possibly the most outstanding and certainly the most controversial acquisition of this time was Picasso's *La Toilette* of 1906, formerly in the John Quinn collection, purchased in 1926. Shortly thereafter, Mr. Goodyear moved to New York City where he became a founder of The Museum of Modern Art which he served as the first President for the next ten years. At a later date, Mr. Goodyear resumed his interest in the Gallery. Both during his lifetime and by the terms of his will, he presented many important gifts, among them some of the paintings in this exhibition: Corot's *Italian Monk Reading*, two Daumiers, Degas' *Self-Portrait*, Gauguin's *Spirit of the Dead Watching*, Léger's *Village in the Forest*, Pissarro's *Peasants in the Fields, Eragny*, Seurat's *Sketch for "La Grande Jatte"*, and Toulouse-Lautrec's *Femme retroussant sa chemise*.

From 1931 to 1942, Gordon B. Washburn was Director of the Gallery and during those years the educational programs were much expanded, and included the first didactic exhibitions which were also shown in schools of the area. Other exhibitions of special interest were the *Art in Industry in Buffalo* show of 1932 which included an airplane and several automobiles, as well as pottery and cosmetic boxes, and two internationally acclaimed exhibitions of great art from the past: *Master Drawings* in 1935 and *Master Bronzes* in 1937.

The establishment of the Room of Contemporary Art in 1939 was a major step in increasing the collection. Mr. Seymour H. Knox, who had become President of the Board the previous year, was the major donor to the fund which was used to purchase contemporary works of art and display them continuously in a room set aside for that purpose. All of the paintings and sculpture were considered "on probation" and could be exchanged or sold at the discretion of the Room's administrators. Prior to 1946, when the original funds were exhausted, works by Kuniyoshi, Kokoschka, Moore, Matisse, Rouault, Utrillo, Modigliani, Soutine, Picasso, Klee, Léger, and Miró were acquired.

Mr. Andrew C. Ritchie became Director of the Gallery in 1942, remaining until 1949. Although the regular activities of the Gallery were necessarily reduced during World War II, acquisitions did not diminish and included Seurat's *Le Chahut*, Degas' *Portrait of Rose Caron*, David's *Portrait of Pierre Desmaisons*, Gauguin's *The Yellow Christ* and five eighteenth century English masterpieces by Gainsborough, Hogarth, Lawrence, Reynolds, and Romney—all formerly in the J. Pierpont Morgan Collection, gifts of the Knox family. The Room of Contemporary Art continued to grow with works by Stuart Davis, Demuth, Gris, Feininger, Masson, Lipchitz Mondrian, Vuillard, Tanguy, Tobey, Kandinsky, Nicholson, Chagall, and Laurens. The Gallery has been fortunate in receiving many generous gifts over its long history; more than two-thirds of the collection was thus acquired. The major donor, however, is Mr. Seymour H. Knox. Since 1954, he has given the Gallery over 500 paintings, sculpture, and constructions. Of the 140 paintings in this exhibition, 77 were gifts of Mr. Knox or The Seymour H. Knox Foundation, Inc. With this extraordinary number of gifts, the need for more space became apparent and the new building was compelted in 1962, doubling the exhibition space. At that time the Gallery was renamed Albright-Knox to honor this exceptional donor.

In adding to the collection, every effort has been made to follow in the liberal, forward-looking policy set by our predecessors, focusing on the contemporary but always with awareness of the past, maintaining and adding to the paintings and sculpture of various periods of art history with particular emphasis on late 19th and early 20th century artists, the immediate ancestors of the artists of today.

OPEN LETTER TO THE PRESIDENT

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following letter dated May 9, 1968, to the President, the White House, Washington, D.C., from the Eighteenth and Columbia Road Business Association, John Jarboe, president, 2380 Champlain Street NW., Washington, D.C.:

The Eighteenth and Columbia
Road Business Association,
Washington, D.C., May 9, 1968.

The President,
The White House,
Washington, D.C.

Dear Mr. President: No one in recent times has spoken out more forcefully, or has addressed themselves more directly, than you, to the major issues of our times such as the rise in crime, the arson, looting, and destruction which have been visited on the great cities of our land, including the Nation's Capital. The three-fold rise in crime in the past ten years, the destruction of hundreds of jobs, homes and businesses in the burned out and/or looted areas of the District in recent weeks and days with losses of more than $20,000,000, the inability to obtain insurance, or adequate loans, the fear which stalks our streets, concern every citizen. The arson is continuing, and there is little difference between the protection and demands which are being made now, and the protection and demands made by more organized forms of crime.

You have said that: "The safety and security of its citizens is the first duty of government". This statement appears on page 7, Chapter 1 of the appendix of the Report of the President's Commission on Crime in the District of Columbia. In your Address to the Nation last year, after the arson and destruction in Detroit and Newark, you said: "First—let there be no mistake about it—the looting, arson, plunder, and pillage which have occurred are not part of the civil rights protest. There is no American right to loot stores, or to burn buildings, or to fire rifles from the rooftops. That is crime—and crime must be dealt with forcefully, and swiftly," and unfortunately, these forceful and moving words of yours have not been translated into action in the Nation's

Capital and in other cities, and the situation is getting worse.

Perhaps it would be helpful for us to call to your attention the words of former President Dwight D. Eisenhower about crime and violence. In the current issue of the *Reader's Digest*, (May 1968) he makes a number of sound recommendations for curing the ills of our cities, and begins by saying:

"One of the principal aims of our Constitution was to "insure domestic Tranquility"; indeed, in sequence of objectives, the authors placed it ahead of "common defence". The wise men who founded this nation well knew that human freedom can exist only in an orderly society. They understand that anger over justice denied, or envy and hatred begotten of ignorance, and prejudice, would, as always before, create trouble; that there would always be false leaders ready to inflame men to acts of purposeless violence. Consequently, they strove mightily to create a structure of government where all would have equal justice under law; where the causes of internal conflict would be minimized; where, also, any wholesale defiance of the law would be dealt with swiftly and sternly. Riots did flare up in our early years; but each outburst was promptly quelled by firm enforcement of the law. Certainly, riots were never allowed to become a way of life—until recently.

"Mob action, of course, does great harm to the rioters themselves, and to any cause they espouse. As one of our ablest Negro leaders, Sen. Edward Brooke of Massachusetts, has said: 'Riots and violence are the mortal enemies, not the servants, of the civil-rights movement.' Yet today rioting, with its useless bloodshed and destruction of property, seems to have become a tolerated instrument of protest."

We would also like to call your attention to the recent address of the Honorable Erwin N. Griswold, Solicitor General of the United States, at Tulane University School of Law, in which he said: "Government and order are not only a necessity but are the preference of an overwhelming majority of the citizenry. . . . True freedom and substantial justice come not from violent altercations or incendiary dissent. 'No mob has ever protected any liberty, even its own' ".

Your own National Advisory Commission on Civil Disorders declared that "Preserving civil peace is the first responsibility of government". We request you to take immediate steps to "insure the domestic tranquility" for which this Nation was established and which is guaranteed in the Constitution of the United States.

We also request you to recommend immediate high-density, high-rise zoning in the burned out and/or looted sections of the District, such as the 18th and Columbia Road area, to provide desperately needed jobs, housing and business opportunities for everyone wanting to go into business. We urge you to give immediate consideration to Republican as well as Democratic proposals for rebuilding our cities, and call your attention to the sound proposals advanced by former President Eisenhower, and former Vice President Richard M. Nixon in order to rebuild and renew our cities. We are sure you will agree with us that this is no time for partisan political efforts to take advantage of the major crisis of our cities, and the Nation's Capital.

We request that the District's police forces be immediately reinforced with Federal troops, and remind you that you spoke at a White House press conference recently of the disorders which will accompany the Poor People's March on Washington. Despite your warning of further disorders, Federal troops have not been returned to the streets of our city, even in token numbers. We request that Federal troops be returned NOW without further delay and equivocation.

May we have some immediate reply to this letter in order that the fear which the businesses and the residential community alike feels may be dispelled?

Respectfully yours,
JOHN JARBOE,
President.
SIDNEY S. FABER,
Vice President.
CLARENCE H. ELLIS,
Treasurer.
C. I. SMITH, JR.,
DONALD D. GARTENHAUS,
GEORGE FRAIN,
Secretary.

REPORTER ROUGHED UP AT "RESURRECTION CITY"

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. LUKENS. Mr. Speaker, under unanimous consent, I place in the RECORD an article which appeared in today's Washington Daily News, by Mr. John Russell, a Scripps-Howard staff writer. I believe the article points up one of the problems involved in encouraging thousands of people to come to the Nation's Capitol in the belief that they will receive something for nothing. This attitude unfortunately seems to be uppermost in the minds of many of the people camped on the Washington Mall in connection with the so-called Poor People's Campaign. As the following story indicates, Mr. Russell was literally forced to contribute to this campaign a "donation" which, as he says, was "given the hard way."

Following is Mr. Russell's article:

REPORTER ROUGHED UP AT "RESURRECTION CITY"

(By John Russell)

Resurrection City, which is being financed largely by contributions, today is two bucks richer, thanks to my "donation"—given the hard way.

The "gift" was forked over to a group of stick-carrying teen-agers who thru taunts and jeers made it clear that without a "donation" I would have a difficult time getting out of the sprawling tent city unharmed.

Maurice Johnson, a United Press International photographer and I were on assignment to report on Ohioans living in the Poor People's Campaign encampment along the Reflecting Pool.

We had finished talking to a group of protesters from Cleveland and were walking down the city's main thorofare to photograph the Cincinnati shanty compound.

As we passed a group of Chicago shacks, a group of six to eight teen-agers, wearing no identifying protest group affiliation but carrying four-foot long sticks, began surrounding us, chanting, "We don't want no pictures taken around here."

SHOVING MATCH

The youths started pushing up against Mr. Johnson and I, continuing their rhythmic taunts until someone in the crowd yelled, "They have already taken pictures."

One youth, wearing a black baseball batter's helmet, started grabbing at the three cameras strapped around the photographer's neck, saying, "These are our cameras now."

Another youth grabbed the notebook from my hand and then complained that I had written down the names of some of the protesters.

"We don't want names in the newspapers," he sneered.

I tried to explain that I had been interviewing some of the marchers from Cincinnati, but I could see that any of my answers would be unacceptable.

"I want a cigaret," said one youth grabbing at my shirt pocket.

"We want a donation," another youth yelled.

"Yeah, give us a donation," chimed in another.

I reached in my pocket and pulled out a dollar bill which was snatched out of my hand.

A tall youth wearing a green turtleneck sweater grabbed my arm and started pushing me out of the growing crowd.

"You better get out of here in a hurry . . . there may be some trouble . . . I'll try to help you," he whispered.

EXTRA DOLLAR

I fished out another dollar and handed it to him, asking him if he could help Mr. Johnson who was now desperately trying to hang onto his cameras.

The youth broke back into the crowd and pushed Mr. Johnson out of the melee.

Two other youths then offered to escort us to safety in return "for another donation."

Mr. Johnson said he would give them money when we reached the gate. I only had three bus tokens left in my pockets.

ESCORT BY MARSHAL

On the way to the gate we met one of the Southern Christian Leadership Conference marshal staff, who escorted us thru the camp without trouble.

During the scuffle, Mr. Johnson lost his photo bag containing three camera lenses. The cameras, however, were still intact.

One marshal later explained that a group of the youths, mostly teen-agers from Chicago, were being sent home because they could not adapt to the camp's discipline.

He said many of those being banished from the camp came to Washington directly from Chicago without going thru any disciplinary training and non-violent orientation.

NEAR END OF ROAD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. QUILLEN. Mr. Speaker, no country or no government can tap its people for enough revenue to pay the bill for all things.

Great Britain is experiencing a financial crises and discovering that the doctrines of the pure welfare state is unworkable for very good reasons.

"Near End of Road," an editorial in the Bristol Virginia-Tennesseean of Thursday, May 16, 1968, points out some interesting facts.

I make this editorial available to the readers of the RECORD:

NEAR END OF ROAD

Great Britain is finding, as the U.S. is surely to discover one of these days, that the doctrine of the pure welfare state is unworkable for one very good reason. No government can tap its people for enough tax revenue to pay the bill. As Mr. George Melloan writes of the British dilemma in The Wall Street Journal, "The government is beginning to doubt whether Britain can afford luxuries such as universally free medical care and 'family allowances.' It is also beginning to doubt that universal benefits accomplish one of the primary objectives of welfare theory, freedom for all citizens from poverty and want."

The Labor government is now looking for ways to provide such things as social insurance, medical care and educational benefits on a selective basis. Something that has been urged in the United States to no avail for years. Evidence of growing public disenchantment with pure welfarism in England may be seen in a public opinion survey revealing that 65 per cent of those questioned would be willing to pay higher taxes if the money were used only for the needy. Only 35 per cent were willing to pay more taxes for further universal benefits.

Great Britain has pursued the welfare philosophy to the end of the road. The U.S. is proceeding down the same road at a speed that a lot of people feel is catastrophic.

FEDERAL LOAN PROGRAM IN QUESTION

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RUMSFELD. Mr. Speaker, the investigation of the Chicago Building Department by the Chicago Tribune and the Better Government Association continues to uncover alleged irregularities in the administration of the federally funded neighborhood service center program.

On May 20, 1968, I inserted in the Record the first three articles in a Tribune series on this matter. On May 21, 1968, I inserted the fourth and fifth articles in the series.

Today I offer for the Record, the sixth and seventh articles in the series and an editorial entitled "Dollars That Don't Help the Poor." The articles and editorial follow:

[From the Chicago Tribune, May 18, 1968]

Owner Jailed on Fake Count, Probers Learn—Needed "Deal" To Get Federal Loan

(By William Jones)

A 65-year-old Chicago property owner was arrested and jailed after the city building department faked code violations at his home to qualify the building for federal improvement loans, a Tribune investigation has disclosed.

The property owner, George Kruel, 1828 S. Avers av., is a key witness in the state's bribery and official misconduct charges against a department official. His case is one of numerous examples of mismanagement uncovered in the multimillion-dollar federal program by The Tribune and Better Government association.

The federally funded program is administered by the building department under the direction of Abel Swirsky, deputy city building commissioner.

BRIBERY IS CHARGED

Kruel is one of two persons who have accused a suspended administrator of soliciting and receiving a $210 bribe in connection with the federal loan to insure that project work would pass building codes. Charles V. Harris, 42, of 8035 Crandon av., the supervisor, was arrested Tuesday by state's attorney's police on a warrant charging Harris with bribery and official misconduct.

Kruel's problems with the federal program began in March of last year when he applied for an improvement loan at the West Lawndale program office run by Harris. Kruel told Harris he wanted to make improvements on his home and the building next door at 1830 S. Avers av., which he owns.

"We told Mr. Kruel that the buildings would have to have code violations to qualify for the loan and he requested an inspection to find such violations," said Harris before his arrest this week. "As in many of the cases in this program we had to invent some violations to qualify his property for the more than $17,000 in loans requested."

GETS A LIST

Kruel subsequently received a list of code violations from the building department and several orders to appear in court. He took each order to the program office and said he was assured by Harris that he did not have to appear in court because his applications for property improvement loans were being processed.

At 9 p.m., Jan. 5, Kruel was sitting in his living room watching television with several of his eight children when two sheriff's deputies arrived and told him he was going to jail. Kruel, who is a diabetic and suffers from hypertension, asked why and was told he had failed to pay a $610 fine for building code violations.

Kruel was taken to the Bridewell, issued a jail uniform, and locked in a cell. His family, thinking he was in the county jail, was unable to locate Kruel and called the mayor's office of inquiry and several legal aid agencies. Kruel, a 45-year resident of Chicago who said he never had been arrested before, spent the week-end in a cell in the Bridwell. On several occasions, he said, he became dizzy because of a lack of insulin for his diabetic condition.

GETS HIS RELEASE

Kruel eventually was released Sunday afternoon, Jan. 7, after relatives located him in the Bridewell and explained the circumstances of his arrest to authorities.

"It was a horrible experience being locked in that place for a week-end with dirty blankets and cock roaches and another inmate raving and threatening to kill me," said Kruel. "I wouldn't go thru that again for $100,000 in federal loans. But what I really resent is that when one of my sons came home from work my wife had to tell the boy his father was in jail. I have always taught my children to respect and obey the law and I never will forgive the city for forcing my wife to tell the boy I was in jail."

Harris, who was severely reprimanded for his role in the incident, told investigators he was "the fall guy" in a program "filled with red tape and people who don't know what's going on."

William Marsh, executive director of the community legal counsel, a federally funded VISTA agency which also came to Kruel's assistance, branded the loan program a "carrot and stick effort to improve deteriorating areas." Marsh said the program forces property owners to volunteer for code violation inspections and leave themselves open to prosecution while the loan applications are being processed.

[From the Chicago Tribune, May 19, 1968]

Dollars That Don't Help the Poor

While the "poor people" are marching on Washington to ask for more federal funds, an investigation in Chicago has been disclosing how an earlier federal aid program has been mismanaged.

The program was allotted 5 million dollars in 1966 for the purpose of making home improvement loans and grants in urban renewal areas. Nine neighborhood service centers were established to assist the property owners. At first the centers operated independently, but last March they were placed under the control of the city building department.

An investigation by The Tribune and the Better Government association now discloses that the program has resulted in the distribution of $800,000 to make home improvements but the overhead costs have amounted to 2 million dollars. Most of the overhead costs have been for payrolls, which reportedly are loaded with politically sponsored employes.

One of the employes, a supervisor in the West Lawndale urban renewal area, has been arrested on charges of official misconduct and bribery. The grand jury is investigating complaints by two men that the supervisor solicited and received a bribe "to avoid any problem with city building code violations."

The question presented by this scandal is whether Congress should vote to increase the funds for home improvements in deteriorated areas.

If it costs 2 million dollars to make $800,000 in loans, an appropriation of 20 million dollars would make it possible to lend 8 million dollars. Some may object that such a program would be wasteful, but waste seems to be the nature of all the social welfare enterprises of the Great Society.

In Washington the other day a Senate subcommittee heard reports on federal government efforts to find jobs for the unemployed. David Freeman, executive director of the Washington Metropolitan Area Jobs council, said there was too much "empire building" in federal agencies and too little regional coordination of the training programs.

"The employers have been confused and the potential employes have been utterly confounded by the spawning of new groups and subgroups that overlap and operate in a totally unrelated way," Freeman said.

We favor sensible programs to eliminate slums and provide jobs for the unemployed. Why can't the programs be organized so the taxpayers get their money's worth?

[From the Chicago Tribune, May 20, 1968]

City Building Loan Program Attacked by Property Owners

(By William Jones)

Widespread complaints from property owners who have received funds thru the city building department's 5 million dollar property improvement loan program continue to be uncovered by The Tribune and Better Government Association.

The complaints, registered by property owners in urban renewal areas thruout the city, outline widespread mismanagement in spending millions of dollars for overhead expenses since 1966 in the federally-funded program. The Tribune previously disclosed overhead costs of nearly 2 million dollars for operating nine centers which administered less than $800,000 in loans.

A business man in Uptown who said he applied for a loan to comply with building department orders to provide another fire escape for upstairs apartments said he since has been advised to obtain an attorney because the violations have been sent to court by the same agency.

SENT TO COURT

The business man, who asked that his name not be used, said he first was advised to obtain an architect and contractor at the Uptown loan program office and a contractor was sent to his store. After paying several hundred dollars for plans, he said, he was told while he was waiting for the loan application to be approved that his case had been sent to court for building code violations.

He said his architect told him he could not intervene with the building department and quoted the architect as telling him such intervention "would look like you have clout and you don't have any clout."

The business man said he was told to get a good lawyer and was referred to an attorney who said he would get the case dismissed and help him process the loan application for a $250 fee.

"I have to go along with them or I'll wind up with a fine in court," said the business man. "And all because I wanted to comply with the building department by asking for one of their loans. It's already cost me 500 bucks and I don't know yet if I'll get the loan."

EXPERIENCE IS NIGHTMARE

Mrs. Ruth Elfman of 5312 Hyde Park blvd., who received a $14,500 loan several months ago to improve her building, described her experiences with the program as a "nightmare."

"I've had uncrated kitchen cabinets sitting in my living room for more than three months waiting for the contractor who got the job to install them," said Mrs. Elfman. "In the meantime lawyers representing the manufacturers of the cabinets have threatened to file liens against my husband's restaurant business because they haven't been paid by the contractor."

On another occasion, Mrs. Elfman said she had a bad gas leak after workmen left and she was unable to get the telephone number of the subcontractor who had performed the work for the contractor. She said the gas company finally had to rush to the home and shut off all gas in the building.

Ben Johnson of 315–19 W. Marquette rd., who received a $6,700 improvement loan, said his driveway is under water every time it rains since contractors made "improvements" with loan funds.

DRIVEWAY IS FLOODED

"The contract called for cementing the driveway but all they did was spread tar on it," said Johnson. "Now when it rains the whole thing is under water. I complained but it doesn't do any good."

Abel Swirsky, deputy city building commissioner and director of the program to provide low interest loans for property impovement, has declined to comment on the program blunder and mismanagement. Swirsky, who has been out of the country on vacation in recent weeks, said he has not had time to familiarize himself with the program since being named director by Mayor Daley in March.

George Mahin, executive director of the B. G. A., has called for a congressional investigation of the use of federal funds in the program to determine the extent of mismanagement and alleged shakedown of contractors.

The county grand jury will continue hearing evidence today in the case of Charles V. Harris, 42 of 8035 Crandon av., a suspended program administrator charged with bribery and official misconduct.

THE LATE HONORABLE JOSEPH W. MARTIN, JR.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DERWINSKI. Mr. Speaker, I deem it a great privilege to have served in the House with such an outstanding legislator as our late Speaker, Joseph W. Martin. He was a great Speaker, a great party leader, and a great Representative for the people of his district.

As we look back at the accomplishments of the two Congresses over which he presided in the House we see a sound record of legislative accomplishments. Speaker Joseph Martin goes down in history as a progressive, stanch legislator dedicated to the American way of life and, above all, dedicated to maintaining the integrity, effectiveness, and independence of the legislative branch of Government. Like all who served with him I will always have fond recollections of my association with Speaker Joseph Martin and will always respect his memory for the great contributions which he made during his period of prominence on the Washington scene.

FINANCING A POVERTY PROGRAM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. FASCELL. Mr. Speaker, one of the most sensible and forthright statements which I have seen on the problem of poverty in our Nation appears on the editorial page of the current issue of Business Week magazine.

The editorial reflects the deep and genuine concern of America's business community over the gap between the prosperous majority and the impoverished minority. In my view Business Week has offered a sound prescription for action if genuine progress is to be made in overcoming poverty without risking financial chaos.

The growing awareness by the business community of the problem of poverty has already been amply demonstrated by its cooperation with Federal, State, and local antipoverty agencies through the country. As an example, the insurance companies of our Nation have already pledged more than $1 billion to help rehabilitate slum housing. In addition, many individual companies have engaged in direct community action projects of their own. I discussed one such project in this Chamber on April 2, 1968. In that project the Warner & Swasey Co., of Cleveland, Ohio, assumed the costs of rehabilitating an apartment building in a deteriorating area in the center of that city.

Mr. Speaker, one of the underlying strengths of our country is the sense of civic responsibility which each sector of our society shows when the Nation is threatened by a grave crisis at home or abroad. Business Week's editorial in the May 18 edition is just such a statement of responsibility on behalf of the business community. I commend the editorial to the attention of all my colleagues, as follows:

FINANCING A POVERTY PROGRAM

Just a few years ago Michael Harrington wrote a book about "The Other America"—that is, about poor Americans, who he said were "invisible" in this rich country. The poor are still with us but they are no longer invisible; indeed, the Poor People's March on Washington (page 34) is only dramatizing what has already become the most conspicuous—and difficult—issue in American politics.

The issue is the most difficult because of the deep resistances to paying the heavy costs of bridging the gap between the many who are affluent and the far too many who live wretchedly in this country. Unless the issue is posed in that way, there is the temptation to talk a lot of pious cant about the problems of the poor.

The simple arithmetic is this: To raise the present incomes of 30-million Americans up to the poverty line of $3,000 per year for a family of four persons would cost a minimum of $11-billion. However, economists who have worked in this area consider that figure far too low for a program with any hope of really moving people out of poverty; they calculate that the annual cost of a barely adequate program would be at least $20-billion above present federal anti-poverty spending.

But such numbers are being proposed at a time when the federal budget is already in heavy deficit. The immediate fight between the White House and Congressional conservatives is over whether to cut federal expenditures by either $4-billion or $6-billion, while increasing taxes by more than $10 billion in order to reduce the fiscal 1969 budget deficit to only $8-billion or so.

Does this mean that the situation is really hopeless, and that politicians and businessmen who are simultaneously decrying poverty and preaching fiscal restraint are taling out of both sides of their mouths? In part, it does. But, more fundamentally, it means that practically no one has faced up to the hard issue of reconciling a redistribution of income toward the poor with fiscal prudence.

Fiscal restraint is required to keep his country from falling into a national and international financial catastrophe. Inflation may not seem to disturb the nation overly much while the boom is on. But when the boom busts, the pains become universally palpable. If the U.S. should elect to persist on an inflationary course, paying for all sorts of government programs by depreciating the currency, it will increasingly be driven to protectionism, governmental controls and manipulation of foreign exchange, and finally economic isolation, which will have grave political as well as economic costs.

But pointing out these financial dangers does not mean that the country should not tackle the crucial problems of domestic poverty. Nor does it mean that much larger resources cannot go to the poor without damaging the national economy.

THE THREE FUNDAMENTALS

How can this trick be worked? There is no magic, but it will involve sticking to three principles:

1. The present composition of government expenditures must be restructured to focus more resources on the people at the bottom of society. There is merit in the complaint of Mrs. Martin Luther King that "our Congress passes laws which subsidize corporation farms, oil companies, airlines, and houses for suburbia, but when it turns its attention to the poor it suddenly becomes concerned about balancing the budget." In this time of inflation, the nation does need to worry—and should worry more—about balancing the budget, but there is no reason in the world (other than pork-barrel politics) that costly programs subsidizing individuals or groups that are quite well fixed should not be cut down or out, and replaced by subsidies for those who really need help.

2. Existing programs for helping the poor need to be improved or replaced. According to government estimates, some $27-billion of federal money is already going to the poor—plus a lot of state and local money. Many of these programs, in the opinion of welfare experts, suffer from deficiencies that lock the poor into poverty—for instance, by making it impossible for a husband to stay with his family or next to impossible for a women to get day care for her children and go out and work. Welfare's faults have been studied and restudied; we know what to do. The need is to replace study with action.

3. A growing economy can afford, and will benefit from, programs to lift people out of poverty. The so-called "fiscal dividend"—the increasing tax yield of a growing economy—

will total $10-billion or more every year. We should devote a larger share of these increasing resources to creating the jobs, providing services such as education and health that will prepare people for employment, and, when necessary, maintaining the income of those who cannot work or cannot support their families with the low-paying jobs for which they can qualify.

None of this will come easily. It will involve hard thought and careful planning of where government spending is going. If we are serious about licking the poverty problem in this country, we should put our money—and our private and public planning—where until now only our mouths have been.

POSTAL SERVICE AND AVIATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DULSKI. Mr. Speaker, last week marked the golden anniversary of airmail service.

The occasion was very suitably marked in my home city of Buffalo, N.Y., at a dinner meeting of the Aero Club of Buffalo—oldest Aero Club in America and second oldest in the world.

Honor guest was a former Buffalonian, Dr. Leo S. Packer, Assistant Postmaster General in charge of Research and Engineering.

Dr. Packer was associated with Cornell Aeronautical Laboratory when he was in Buffalo, one of the Nation's great aeronautical research centers.

The Post Office Department is very fortunate to have Dr. Packer on its staff, particularly as the Department—and very properly—places more emphasis than ever in its history on seeking improvements in the handling of the backbreaking volume of mail today.

A report on departmental progress was incorporated in Dr. Packer's very interesting address, the text of which follows:

ADDRESS BY DR. LEO S. PACKER, ASSISTANT POSTMASTER GENERAL FOR RESEARCH AND ENGINEERING

Occasionally, when I draw a speaking assignment I wonder whether I am the appropriate choice. Tonight, however, I feel my credentials are in good order.

The geography certainly is right. This is a homecoming for me. I lived in Buffalo for 11 happy years. And when I lived here my working address was the Aero Club's neighbor, the Cornell Aeronautical Laboratory. Just 10 years ago I used to rest my eyes by looking out my office window at the airplanes coming in over the Westinghouse Plant.

My years at Cornell stimulated my interest in flying and you see before you this evening a newly-minted private pilot, tried and tested in the crowded skies of Washington, D.C. And destiny has led me 2 years ago to become a postal official. I call those good qualifications to be your speaker tonight, in all modesty. However, I must tell you that I almost failed a college course in public speaking. At the time, I didn't know that making speeches had anything to do with being an engineer. And when I finish my speech tonight, I hope many of you will not think I should have flunked that course.

Two days ago in Washington, Postmaster General Marvin Watson issued a stamp commemorating the 50th anniversary of air mail. The issuance of the commemorative stamp was just one of a number of special events and ceremonies held to mark air mail's 50th birthday.

Many of the original air mail pilots and mechanics who are still living gathered in Washington for the anniversary celebrations. I met several of them; they are a remarkable group of people. For them, I'm sure, one of the highlights of the day was a chance to see an old friend again—an old friend that had been revived especially for the occasion and had come all the way from San Francisco.

The old friend I'm referring to is a De-Haviland 4B mail plane. The carcass of one of these planes, which were the workhorses of the old Aerial Mail Service, as it was first called, was rescued three years ago from a mountain top in the Rockies where it had last come to an unscheduled stop many years before.

The rescuing was done by the Air Mail Pioneers, an organization of employees of the Air Mail Service that existed from 1918 to 1927. A group of these men rebuilt the DeHaviland to its old splendor—canvas, wooden ribs, and all.

About a month ago, a 67-year-old pilot named Bill Hackbarth climbed into the open cockpit in San Francisco, zipped up his black leather flying jacket, adjusted his goggles, and headed East. He hopped from city to city, following the first transcontinental air mail route to New York.

Last week Hackbarth retracted the first regularly-scheduled air mail route from New York to Washington and delivered the plane to the Air Museum of the Smithsonian Institution.

Pilot Hackbarth had some problems with his old plane—a truck with spare parts followed him all the way across the country. But his difficulties were nothing compared to the first air mail flight—from Washington to New York, with a stop in Philadelphia—back in 1918.

As befits such a notable occasion, many dignitaries were on hand for that first flight, including President Wilson. The ground crew rolled out the Curtiss biplane that was to make the trip, and spun the propeller furiously.

Nothing happened. No gas.

That oversight was corrected and the plane took off, piloted by an Army lieutenant named George Boyle. Perhaps it was due to the excitement of having his fiancee on the ground witnessing his day of triumph. But whatever the reason, Lieutenant Boyle headed south. Philadelphia, of course, is north of Washington.

The lieutenant sensed something was wrong and after flying 25 miles he decided to land to ask directions. Unfortunately, he broke the propeller in the process, and he and the mail returned to Washington by truck.

But Lieutenant Boyle was not easily discouraged. He tried again the next day. This time another plane accompanied him 40 miles of the way to Philadelphia. Once the other plane turned back, Boyle got lost again and landed, out of gas, near the mouth of the Chesapeake Bay.

Still, he persevered. He scrounged up some fuel and took off. He almost made it this time, crashing just a few miles from the Philadelphia air field. Unhurt and determined to complete at least part of his mission, Boyle hailed a truck and delivered the mail to Philadelphia that way.

Because of the air mail anniversary, this story has been recounted many times in recent months. And I'm afraid history has been a little unkind to Lieutenant Boyle. As a fledgling flyer with a special appreciation of the problems he encountered, he has my sympathy. Even with a sectional chart and VOR navigation, I almost got lost on my first cross-country flights.

Even the omens weren't good for the inauguration of air mail. The day before the first flight a commemorative stamp showing a Jenny plane was issued. One block of the stamps was printed with the Jenny flying upside down.

But, to paraphrase a familiar proverb, this was not an ill omen that blew nobody good. Today those stamps are worth $20,000 apiece.

Lieutenant Boyle and the upside down stamps notwithstanding, the debut of air mail wasn't a total disaster. The southbound flight from New York to Washington came through on schedule the first day—and completed flights became the rule, even in the earliest days of air mail.

It would be difficult to exaggerate air mail's contribution to the American aviation industry. I have joked a bit about air mail's first misadventure. But those who pioneered in the delivery of mail by plane were men of great vision and courage.

Flying was still in its infancy when air mail began. A modern-day airline executive described the planes air mail pilots flew as "a nervous collection of whistling wires, of linen stretched over wooden ribs, all attached to a wheezy, water-cooled engine."

Yet less than two decades after Kitty Hawk, air mail had spanned the continent.

It was an air mail pilot, Jack Knight, who proved it was possible to fly cross-country at night.

Air mail played a key role in the lighting of airfields, charting of air routes, and the development of navigation instruments and radio equipment for planes.

Few of the nation's major airlines could have survived without the revenue they received for carrying the mail. Many airlines began by carrying the mail and it was their sole source of revenue for many years.

Without air mail, the commercial airlines would not have been able to develop the vast network of passenger schedules that is such a vital part of the nation's transportation system today.

The Postal Service is still making an important contribution to the aviation industry. Last January we entered a new era in the movement of mail by plane. The Department announced then that all first-class mail that could be speeded by air service would be airlifted.

Naturally, this has meant a tremendous increase in the amount of mail moved by plane. And it has opened up new vistas for the operators of air taxis.

Airlift of first-class mail was made possible by creation of an inter-connected air transportation network that now includes more than 500 cities. Some of the cities are not served by scheduled airlines. In other areas scheduled service is not adequate to meet postal needs.

Air taxis are filling the gap. I think I can give you a dramatic picture of the importance of the Postal Service to the growth and progress of the air taxi industry with just two statistics. In fiscal year 1966, the Post Office paid out $187,000 to air taxi operators for carrying the mail. Next fiscal year we expect to spend $12 million on air taxi transportation.

Changes are coming so fast in the transportation of mail that it is difficult to predict the full implication of the conversion to what in Canada is known as "all-up" mail service.

We do know that in the foreseeable future mail-carrying planes of all types will routinely move in and out of airports across the nation as many as 25,0000 times a day. These planes will handle well over 3 million pounds of mail daily.

When you compare that figure—3 million pounds a day—with the 252 million pounds of air mail handled by the Postal Service in all of fiscal year 1967, you get an idea of what is happening right now in the air transportation of mail.

The development of super cargo jets and planes that can be converted quickly from passenger to freight service also are important elements in the changing mosaic of mail transportation. The big jets, obviously, offer more space per flight and thus make air transportation more convenient and more economical.

Quick-change aircraft make more planes available in the late evening and early morning hours. These hours, from about 10 p.m. to 4 a.m., are hardly the choice ones for passenger travel, but they are crucial in terms of expeditious mail delivery.

It is during these hours that the bulk of mail moves between major cities. Planes that end their passenger runs during this period, and then can be quickly converted to cargo service, will make additional space available to us at the time we need it most.

Urban sprawl, and traffic congestion on the ground, are problems that affect air transportation of the mail. The familiar story of the passenger who spends more time getting to and from the airports than in flight applies with equal force to the mail.

As one possible solution to this problem, we are making limited but growing use of helicopters to move the mail to and from airports. Last fiscal year helicopters carried 58,000 ton-miles of mail. Next fiscal year we expect helicopter transportation of mail to climb to 83,000 ton-miles.

The Postal Service can indeed be proud of its role in the development of air transportation and the imaginative use it has made over the years of advances in aviation technology.

I wish I could say the same for the Postal Service's record in developing and adapting other forms of technology to the benefit of our mail system. I can't.

In fact, until recently the technological revolution that is one of the chief hallmarks of our age had very little impact on the way mail is collected, processed and delivered. The Post Office's Bureau of Research and Engineering was created just two years ago.

It is our job to close the postal technology gap, to apply modern scientific and engineering disciplines to every aspect of our mail delivery system. Given the size, complexity, growing workload and social and business significance of the Postal Service, this assignment constitutes quite a challenge.

The United States Post Office Department processes about as much mail as all the other major nations of the world combined. This year we expect to handle some 83 billion pieces of mail. Within 20 years, we expect volume to rise to 140 billion pieces.

We operate the most far-flung postal communication system in the world.

We employ over 7 hundred thousand persons, giving us one of the nation's largest work forces.

Our total annual budget is over $7 billion.

We own or rent more than 100,000 vehicles.

We occupy more than 40,000 buildings, most of them rented, but we also have a very extensive construction program of our own.

In short, the Postal Service is a huge processing and delivery complex. There are, of course, other large processing and delivery operations. But I doubt if any of them has a list of complicating factors as imposing as the Post Office's.

We must do our processing in over 40,000 separate "plants" spread throughout the country. We have little control over where our plants are located. We must have a post office in every area where the volume of mail warrants one.

We have no control over the volume or nationwide flow pattern of the product we handle.

We must by law provide service to sparsely populated, inaccessible places, even though the volume of mail involved cannot possibly justify such service from a strictly economic viewpoint.

Unlike industry, we have no standard specifications for what we process and it is truly impossible to describe in a rigorous manner a standard mail sample. This, of course, complicates greatly our processing machine design problems.

We must be prepared at all times to move mail of any kind and in any volume between any two of our post offices. This requires the daily use of a distribution pattern which includes any one of more than one billion permutations of possible mail movements.

To move this mail, we buy more than $600 million worth of air, rail, truck and ship transportation annually on schedules we do not control, and some day we will probably buy cable, microwave and satellite communications channels.

We must apply sound technology to this system wherever applicable to make the delivery of mail fast, accurate, efficient and economical.

I'm confident we can get the job done. But I will admit that when you first come face to face with it, the task is a little frightening. Perhaps more so than the simple problem of producing a profitable product in a competitive environment.

Shortly after I joined the Department a newspaperman came to my office to interview me. Just before he arrived I had been given my first in-depth briefing about the Postal Service and the obstacles that had to be overcome in applying modern technology to mail delivery.

I was still somewhat shaken from the briefing when the newspaperman started his questioning.

"What do you expect to devote most of your time to?" he asked.

"I plan to cry a lot," I said.

In the past two years we have significantly expanded the role of research and engineering in the mail delivery process. Although public attention and the interest of news media have focused on postal mechanization—on hardware—our activities cover a much wider range.

We are deeply involved in systems analysis, network stimulation, human factors research, transportation research, containerization, cost-benefit studies and similar pursuits.

We are applying systems engineering to the specific and often unique needs of postal construction. More than 90 per cent of our major postal facilities were built before 1940. They were designed and located for mail volumes and mail transportation modes and patterns that have long since disappeared into history. Because of obsolescence of facilities and growing mail volumes in the next 5 years, we will need to provide new postal space equal to the total we now occupy, about 100 million square feet.

Specialists from our Bureau are now involved in the entire construction process—from the development of design concepts and performance specifications to the review and evaluation of fixed mechanization and mail flow systems after the new facility has been in operation for six to 18 months.

We have given a great deal of thought to the role of industrial engineering, not only in our shop, but in the Postal Service generally. As a result, the extent and nature of industrial engineering have been enlarged to include intensive engineering operations in the field.

Industrial engineers are participating in research and development programs, in selected areas of construction engineering, and in the special management and cost benefit studies required by me or my top staff.

In construction, for example, industrial engineers are assisting in developing the data required for planning major postal facilities, including the mechanization, the flow patterns, use of space, environmental factors, and adaptability to future changes.

They are doing mail flow studies, special tests and surveys to obtain accurate figures on the various types of mail, projections of future needs, preparation of modular workplace arrangements, and mock-ups of equipment layouts needed to standardize post office work areas and provide rigorous determination of space mechanization requirements.

Also, in cooperation with the Department's Bureau of Operations, industrial engineers are conducting studies in selecting post offices to improve mail handling procedures, layout of equipment, use of existing mechanization—and to recommend areas in need of new or additional processing machines or equipment.

Naturally, strong emphasis is being put on converting mail processing from a predominantly manual to an extensively mechanized operation. In our major mail handling centers we are relying more and more on machines to separate mail by size, stack it, seek out and cancel the postage, place all pieces so the addresses are in the same direction, and sort the mail according to destination.

There is great room for improvement in devising rational rules for sorting schemes, a process analogous to designing switching networks for telephone systems.

We have had excellent results with a semiautomatic letter sorting machine operated through a keyboard control system. The machine can accommodate up to 12 keyboard operators—and when fully manned it can sort 36,000 letters an hour to some 300 separate destinations.

Our most sophisticated machine is now sorting letters on an experimental basis in the Detroit, Buffalo and Houston Post Offices. This machine optically scans the city-state destinations and ZIP Codes and sorts the letters automatically.

When hooked up to the mechanical sorter, the scanner does the work of the keyboard operators and the sorting operation can be made fully automatic. If desired, digital code marks can be placed on envelopes to permit fully automatic sorting, without operators, in subsequent processing.

In our mechanization work—indeed, in all our efforts to update the Postal Service—we are employing the systems approach. Too often in the past the Postal Service has concentrated on the development and installation of individual machines or techniques only to find that they were incompatible with other machines or techniques being used.

Now we are working on the development of complete systems for the processing and movement of mail. New concepts, new techniques, and new machines are being evaluated in the light of systems requirements and performance so we will avoid the development of incompatible or marginal units.

In concentrating on strengthening the Department's own technological skills and potential, we have not lost sight of the contribution the nation's industrial and academic scientific community can make to achieve our goals. We are seeking the help of the private sector of the economy—both in the form of free advice as well as research and development contracts.

In the past 2 years the number of active research and development contracts has increased from less than 50 to more than 150.

We have a Post Office Research and Engineering Advisory Council that is now a little more than a year old. Outstanding engineers, managers and scientists from private industry, the academic world and government are asked to serve on the Council. Dr. Chapman of the Cornell Aeronautical Laboratory is one of our members.

The response has been magnificent. Council members are giving us the benefit of their wisdom and experience on a wide range of technological problems. Many of their recommendations are now being carried out in our Bureau.

We have reaped, and will continue to reap, valuable dividends from the support we are getting from private industry. In my view, this cooperation and support is a prime example of the creative federalism that is more and more an integral part of our national policy and national life.

My sojourn in the public service after many years in research and industry has reinforced my conviction that all of the government's efforts to improve the quality of American society require the understanding, the cooperation and the commitment of a broad range of private organizations.

In the Postal Service, I believe it is extremely important that we arrive at the proper mix of what we do ourselves and what we contract to outside groups. Certain vital responsibilities should not and cannot be done by contract. Among these are feasibility testing of new ideas, industrial engineering laboratory and field work, value engineering, requirement studies, materials testing, field evaluations and economic analyses.

We must be prepared to do—we must have the capability to do—any job that can't mark time awaiting completion of lengthy contract procedures.

There is also an intangible reason for tackling some of the toughest jobs on our own—intangible but still very important. Earlier, I said there is a tremendous challenge in building a modern, technologically advanced postal system.

Much of this inherent challenge, however, would be lost if we acted merely as a funnel for research and engineering contracts to outside organizations. We cannot motivate and retain creative engineers in an organization that merely lets contracts.

Unless we solve certain technical problems ourselves, I doubt if we can develop a full appreciation and understanding of our needs.

The sense of excitement I see infusing our Bureau is an invaluable asset. We have a long, long road before us. But if we can maintain a creative, stimulating atmosphere, with emphasis on quality of people, we will be able to take pride in a Postal Service built on outstanding technological achievements.

I hope and believe that in the not too distant future we will be able to look back on the contribution research and engineering has made to the Postal Service—and the Postal Service has made to research and engineering—with the same sense of well-earned satisfaction felt by those who gave wings to the mail.

The president of the Aero Club of Buffalo is Jack B. Prior, who was toastmaster and introduced the guests among whom I was honored to be included.

Buffalo Postmaster Myron F. Blakeney introduced Dr. Packer as follows:

INTRODUCTION BY POSTMASTER BLAKENEY

The assignment given to me this memorable night by your energetic president, Jack Prior, will always be a cherished one—the opportunity, during the golden anniversary of the United States air mail, to say a few words before the oldest Aero Club in America and the second oldest Aero Club in the world, by introducing the principal speaker of the evening.

In my humble opinion he could be adequately presented and his prowess described in three words, "an engineer's engineer." Though he is personally acquainted with many of you, I believe it will be stimulating to review a short biography of his equally short lifetime, 48 years to date—a truly dynamic soul of this universe in the orbit of accomplishment.

Doctor Leo S. Packer is the first presidential appointee to head up the Post Office Department's Bureau of Research and Engineering, having been nominated by President Johnson and confirmed by the United States Senate on September 14, 1966.

This new Bureau was created in July 1966 by an Act of Congress. Doctor Packer directs all of the Post Office Department's research and development programs for new mail processing equipment with the added responsibility for the architectural and engineering programs for all new postal facilities.

Doctor Packer came to the Post Office Department on June 13, 1966 from Xerox Corporation to reorganize the department's research and engineering activities. At Xerox he was responsible for the planning and carrying out of specialized government research and development contracts for the corporation.

He served from 1959 to 1962 with the Space and Defense Division of Bausch & Lomb, Inc., of Rochester, New York, first as director of engineering and later as division manager.

From 1949 to 1959, he was head of the instrumentation section of Cornell Aeronautical Laboratory here at our doorstep. Just to keep fully occupied, he also was active in professional educational fields, teaching in the graduate Engineering School at the University of Buffalo and serving on the Education Committee of the Laboratory.

From 1947 to 1949, he served with the American Bosch Arma Corporation as development engineer on gyroscopic systems.

During World War II (1943–1947), he served in the European and Pacific theaters of war as a combat engineer and was discharged as a captain. He holds the Bronze Star medal and four campaign Stars.

He received his masters degree in Engineering Sciences in 1948 from Harvard University, and his doctorate in engineering mechanics from Cornell University, in 1956.

His primary research was in dynamics, vibrations and machine design. He is author of several scientific publications and reports, and is a member of numerous professional and technical societies.

He is also a registered professional engineer in New York State and a graduate in mechanical engineering from the City University of New York in 1941.

Last, but not least, he is a licensed pilot.

Ladies and gentlemen—with personal pleasure—our esteemed Assistant Postmaster General Leo S. Packer.

THE PRESIDENT CANNOT ABSOLVE HIMSELF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. **BOB WILSON**. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Seattle, Wash., Times of May 9, 1968:

THE PRESIDENT CANNOT ABSOLVE HIMSELF

President Johnson has taken a testy and unjustified swipe at Congress by blaming it for the steady and alarming increase in interest rates. Mr. Johnson warned that the rates can rise to 10 per cent unless Congress restores fiscal responsibility to the government by enacting Mr. Johnson's 10 per cent surtax on income taxes, which Senate-House conferees agreed last night to accept.

Mr. Johnson jabbed the legislative branch while he signed a law lifting the former 6 per cent interest-rate ceiling on government-guaranteed mortgage loans and permitting a new 6.75 per cent interest rate to be set.

The President is justifiably incensed over Congress' needless dallying on the surtax, which experts agree is required—together with major spending cuts—to bring federal revenues more into line with expenditures.

But that hardly excuses Mr. Johnson's own failure to take appropriate action to halt the present inflationary trend, of which the interest-rate increase is a reflection.

Since 1964, when Mr. Johnson was elected, the average interest rate at New York City banks has climbed from 4.4 per cent to 6.2 per cent. But money now is almost unavailable at the 6.2 per cent rate.

Mr. Johnson's fault lies in not keeping the brakes on nonessential spending. He declined, despite Congress' insistence, to trim his own 1969 budget and instead invited Congress to whack at it. So, Congress now is considering cuts of at least $4 billion.

The "pot calling the kettle black" dialogue is not going to help the home purchaser who has to pay out several thousand dollars more in higher interest rates because government officials neglect to face up to their responsibilities.

FOR MORE EQUITABLE PARTICIPATION IN ELECTIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. ASHBROOK. Mr. Speaker, on March 17 the David Lawrence column appearing in the Washington Star threw some light on the reason why Senator FRANK LAUSCHE lost in Ohio's primary election last week. As one of a host of Ohio voters who respect and admire Senator LAUSCHE, I deem it a loss to our country and to the State of Ohio to lose the services of this fine statesman. One of the contributing factors in his defeat was undoubtedly the intense participation of various union forces which made Senator LAUSCHE's defeat a cause celebre. The extent of labor's contribution was outlined by Ken W. Clawson of the Washington Post in the May 16 issue of that publication and is the basis for David Lawrence's column cited above. How much was actually spent by the various unions in this effort will probably never be known, but it reemphasizes the urgent need for corrective legislation to amend the Corrupt Practices Act of 1925 which regulates the broad area of political campaigning and financing of elections.

As Mr. Lawrence points out, if a group of corporations participated in an election in the same manner attributed to various unions, their action would be called "scandalous" and Members of Congress would promptly introduce legislation to severely punish such action.

I am writing to the Justice Department for possible existing guidelines concerning organizational participation in elections. Corrective legislation, unfortunately, stands very little chance of passage during this Congress, but a beginning must be made somewhere.

I place the article, entitled "Unions Spend to Defeat Lausche," by David Lawrence, in the May 17 issue of the Washington Star in the RECORD at this point:

UNIONS SPEND TO DEFEAT LAUSCHE

(By David Lawrence)

It is possible in America for a labor organization with a vested interest in legislation to spend a huge sum of money to bring about the defeat of a member of Congress even though the Federal Corrupt Practices Act bars any corporation or labor organization from contributing "anything of value" to a federal election, including primaries.

Frank J. Lausche, former mayor of Cleveland who served five terms of two years each as governor of Ohio, is perhaps one of the most objective and conscientious members the United States Senate has ever had. Yet he was defeated in a Democratic primary for a third term a few days ago by the expenditure of a large sum of money collected in part from dues of labor union members.

Although most of the prominent newspapers in Ohio supported Lausche for renomination, he went down to defeat at the hands of Cincinnati Councilman John J. Gilligan, presumably because the senator did not have available financial support sufficient to overcome the intensive drive made by the state labor federation, which is affiliated with the AFL–CIO.

Up to now, the courts have ruled that labor unions could conduct "educational" campaigns and could participate in "get-out-the-vote" movements. But the many ways by which labor union members are at the same time individually told how to vote are not specifically covered in any existing law. Does "education," for instance, include "electioneering"?

Ken W. Clawson, Washington Post, staff writer, tells of the methods by which the campaign in Ohio was conducted directly into the homes of 800,000 union members. He writes:

"Gilligan, who once said that he wouldn't run against Lausche unless labor put up a $1 million kitty, reportedly settled for somewhere around $300,000 . . .

"The chain that eventually led into the home of nearly every union member in Ohio started with international unions affiliated with the AFL–CIO. From these unions, the Ohio federation obtained the much-guarded membership lists for the Buckeye State.

"These lists were sent to local unions where telephone numbers, political party membership, registration status and address changes were added. Back to Columbus went the lists and then to the International Association of Machinists Building in Washington, where a computer indexed over 800,000 Ohio union members by party, registration status, Congressional District and by respective union.

"Canvassers, when they knocked on doors, were equipped with information about the fellow trade unionist and his family ahead of time. This efficiency was particularly helpful the Monday before the election when the AFL–CIO distributed a million pieces of literature. Knowledge of the identities and addresses of Ohio unionists permitted the AFL–CIO for the first time to get directly into 800,000 members' homes."

The state labor federation selected the strategic industrial areas in which Democratic primaries may be won and concentrated on them, so the "educational" campaign was not necessarily applied throughout the state in every district. Per-capita union dues were used to pay the expenses for political work in the primaries.

Some of the national unions made direct contributions of their own and gave political dollars to district and regional offices. The Ohio AFL–CIO will report to the state government that $8,750 was contributed to the "educational" campaign. But it is estimated that the cost of just setting up the computer-program system for identifying union members would alone run between $80,000 and $100,000.

If the executives of a group of corporations turned over their mailing lists to a campaign committee, supplied the money to canvass voters, told them to "register and get out the vote," and urged them to support a particular candidate, it may be taken for granted this would be called "scandalous." Many members of Congress would promptly introduce legislation to mete out severe punishment for the use of money to buy an election.

But the "civil rights" of a senator or member of the House who votes according to his conscience in an endeavor to serve the public interest impartially seem to be ignored. It is doubtful whether either the House or Senate will take any corrective action, as labor unions now believe they control a majority of both Houses of Congress.

ADDRESSES OF SECRETARY WEAVER AND DIRECTOR SONNEBORN CONCERNING HUD SERVICES TO SMALL TOWN AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the Department of Housing and Urban Development is devoting increased attention to the problems of our smaller communities, realizing that the solution of their problems is vital to the solution of the problems of the big cities.

In this connection Secretary Robert C. Weaver, of Housing and Urban Development, in Casper, Wyo., at a community planning conference emphasized the HUD programs are being utilized by smaller cities as well as larger metropolitan areas.

Mr. Charles B. Sonneborn, head of the Office of Small Town America in HUD, recently said in an address to the American Public Power Conference in Seattle, Wash., that HUD assists hundreds of small communities each year through advances for public works planning, loans, and grants for public facilities and grants for urban planning assistance.

Because of the interest of my colleagues and the American people in this most important aspect of HUD's work, I place herewith news releases on the speeches by Secretary Weaver and Mr. Sonneborn in the RECORD.

The news releases follow:

WEAVER OUTLINES NEW POSSIBILITIES FOR HELP TO SMALLER COMMUNITIES

Secretary Robert C. Weaver, of the U.S. Department of Housing and Urban Development, today outlined new possibilities for Federal help to smaller communities.

Speaking at a community planning conference, in Casper, Wyo., the Secretary said:

"When HUD was created, late in 1965, the word 'urban' in the name was taken by some to mean that it was the Department only for the big cities and the giant metropolitan areas. This is simply not true. The key mission of this Department is community assistance."

And he added:

"There is no argument here of rural versus urban, or small versus large. Our common concern is what we can do to preserve and improve both so that people can have a meaningful opportunity to choose either—and enjoy either."

This year, he said, Congress is being asked to establish a new incentive for sound planning in rural and non-metropolitan areas. It would provide $20 million for up to two-thirds grants to States for multi-county comprehensive planning.

"What we seek here is to preserve and utilize the great human and economic investment in smaller communities and rural areas," he said.

Also being sought this year, he said, is funding for up to 20 per cent increases in the Federal share of area-wide development projects that are parts of comprehensive area plans.

Secretary Weaver noted that a 22 per cent increase is being asked this year for continuing planning assistance—in a program that has already been utilized by more than 6,200 smaller communities.

HUD's planning advances, loans for public facilities, help for water and sewer systems, he added, "and even the massive urban renewal and public housing programs have often been utilized—in some instances mostly utilized—by smaller communities."

"I do not think we can find a more simple, and yet a more accurate definition of community planning than to detect change, to understand it and to prepare for it," he said. "The planner is a detective: He must find the clues, trail them, and catch the culprit. You and I know, however, that the definition is the only simple characteristic of planning."

FUTURE OF SMALL COMMUNITIES BRIGHTER THAN EVER SAYS HUD AIDE

The Nation's small communities, as well as its large cities, have a powerful ally—the U.S. Department of Housing and Urban Development—in coping with the problems of urban growth, a HUD official told a Seattle, Wash., audience today.

Addressing the 1968 annual conference of the American Public Power Conference, Charles B. Sonneborn, Special Assistant for Small Communities in the Office of Metropolitan Development, said HUD programs already help to solve pressing community development problems.

Legislation now before Congress would, if enacted, further strengthen Federal aids for that purpose, he added.

Mr. Sonneborn said, "Planning—both immediate and long range—is the function and the responsibility of the State and community. But the Federal government has long recognized the need for its support. And that need is growing."

The Housing Act of 1968, now before Congress, would increase HUD's program of urban planning assistance grants by 22 percent. It would provide supplementary grants to communities engaged in development projects which are planned on an areawide basis. A new program is proposed to provide two-thirds grants to States for comprehensive planning by multi-county planning agencies in non-metropolitan areas.

HUD now helps hundreds of small communities each year through advances for public works planning, loans and grants for public facilities, and grants for urban planning assistance. Until recently, many of these communities were little more than rural villages.

"It is unrealistic," Mr. Sonneborn asserted, "to assume that rural America will hold its population unless and until it provides meaningful opportunities and adequate public facilities and services.

"Such investments in a community not only help it retain and build its identity, but make it a force to reckon with in the accommodation of tomorrow's growing population."

Citing examples of how HUD helps small communities, Mr. Sonneborn stated, "All these projects are the result of local involvement. We have depended and will continue to rely upon local responsibility and local initiative to work its way."

OPPORTUNITY AND CHALLENGE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. BROOMFIELD. Mr. Speaker, the Chinese spell the word "crisis" with two symbols. Separately, one means "danger," the other "opportunity."

We are reminded constantly of the many grave crises we face in our own country and in the rest of the world and of the dangers that lie in each of them. But relatively little is said about the great progress we have made and the opportunities that await new generations as they actively take a role in our Government and society.

Dr. Durward B. Varner, chancellor of Oakland University, an exciting new university in my congressional district, spoke most eloquently to this point in his commencement address to the 1968 graduating class.

His remarks, like his university, are imaginative and challenging, yet laced with a fundamental sense of reason and conservatism. I commend them to the attention of my colleagues, as follows:

REMARKS BY CHANCELLOR D. B. VARNER TO THE GRADUATING CLASS OF 1968 AT THE SIXTH ANNUAL COMMENCEMENT OF OAKLAND UNIVERSITY, APRIL 20, 1968

If we were to follow the tradition of the occasion, the script would now call for me to point out to you, the graduates of 1968, the deplorable mess which my generation has made of things in general and to challenge you—the graduates—to go forth with your newly won degrees and put society back in shape. Tradition is not easy to abandon—especially at such a tradition-oriented ceremony as Commencement—but we've done it before so let's try again.

Certainly you may look about you and compile a pretty impressive tally of the malfunctions in our society. I would not deny this for a moment. As a matter of fact, for the past few years this has been an obsession of your generation—to point out the glaring failure of the adult generation. The criticism has been both searching and, at times, searing. We have heard much of "phony adults," of "plastic values," of hypocrisy. There has been talk of the "generation gap" and "alienation" and the "credibility gap."

Two comments would seem to be in order.

The first is quite brief—it is simply this: Effective today you change your role from that of a critical observer to a participant in the game—I am pleased to welcome you to the ranks.

The second comment is not quite so brief. I have heard a continuing commentary for the past few years—growing in intensity with each year that passes—that our society is in a deplorable condition. Our international involvements have led us into a war in Asia that is generally described as the most unpopular war in the history of the nation. Domestically, we find that in an economy of abundance we permit pockets of abject poverty to exist. Further, and worse—it is pointed out—we have permitted the racial problems of our society to lead us to the brink of civil disaster if not civil war. The clear and unmistakable conclusion is drawn that the present generation of adults has unconscionably permitted—if not promoted—this near-catastrophic condition.

For purposes of clear identification, let me put myself squarely in the ranks of this decadent generation. I graduated 28 years ago—almost a full generation—and I make no apologies for this generation of mine. I only hope yours does as well.

You say that we have permitted pockets of poverty to exist in an affluent society. The charge is unfortunately true and it should not be so. Yet when I sat in your chair—those 28 years ago—there was no concern with "pockets of poverty." The entire landscape was one of poverty! We were just spinning out of a debilitating depression that had tried the souls of men. Bankruptcy, hunger, unemployment, hopelessness—those were the trademarks of the times. The problem being conveyed to your new generation is a totally different one—in the most affluent society mankind has ever known, you have the assignment of eliminating those remaining pockets of poverty. We wish you well!

You say that we hand over to you a complicated, confused, and depressing international scene. Again, the charge is unfortunately true. But when my generation graduated those 28 years ago, the international scene was anything but bright. A totalitarian regime had taken firm control of Germany and the peace of the world was doomed. Small nations were being mercilessly overrun, Jews massacred by the thousands, France was tottering, and England threatened. Japan was joining the Nazi forces and Russia was an unknown quantity. My generation fought a massive war—one that lasted almost four years—and with a staggering cost in human lives. A cleaner war? Perhaps. A more purposeful war? Probably. But an unpleasant prospect, nevertheIss, for *that* group of graduates, too! The war was fought and a peace was established—even though it was destined to be an uneasy peace. And that generation—my generation—created and implemented the most massive post-war reconstruction program ever devised by man. I trust that you will do as well.

You say that we hand you a nation so torn with racial strife that it may literally explode in your face. Alas, the charge is true! But on behalf of the generation which has just preceded yours, and in its defense, permit me to point out that it was this generation which had the courage to identify the problem, to label it as a problem, to focus public attention on a topic which had been ignored for almost 100 years. Admittedly, the problem of today is acute—but it is so precisely because this generation has been willing to put the issue in the center of the stage and has placed the spotlight squarely on it. It is from this point—and only from this point—that a workable solution can be found. And that is your charge!

Why have I elected on this, your graduation day, to enter this brief defense of this older generation?

I have done so for two reasons. First, I have detected a noticeable tendency on the part of many young people to apply large quantities of a magic and satisfying balm—one that provides temporary relief for all pain—by transferring the faults of society to the generation just ahead. While there is obviously an element of justification in this, let me urge you—as new graduates—to avoid the temptation to go wading off into this exciting world through a sea of self-pity. Second, I have done so because, if you will forgive the immodesty, it is my conviction that our generation has taken substantial strides toward the ultimate achievement of a world of justice, of dignity, and of equality for mankind. The accomplishments of my generation have been impressive—even staggering. The work in human medicine, in increasing food production, in lengthening human life, in reducing infant mortality, in technological advances in transportation, communication, manufacturing, in economic improvements, in birth control—all these reflect astounding accomplishments. More than this—the creation of the United Nations—the best hope of society for world peace and understanding; the approximate doubling of the fund of organized knowledge in this world; the dramatic moves to eliminate poverty and racial discrimination among our people; these are the landmarks of that generation which passed through just ahead of yours.

It is my hope that your class, and your generation, with all the tools at your disposal, will carry on the good work of my generation. My generation has handed to yours a level of physical comfort and economic affluency never before achieved in all the history of mankind. Tools for achieving peace are available. The tools for eliminating poverty in our country are at hand. The techniques for achieving human dignity are here. You are inheriting not a sorry and decadent state of affairs, but an exciting and challenging opportunity to find permanent solutions to problems which have perplexed mankind forever.

Again, we wish you well!

ADDRESS BY RALPH E. CASEY, PRESIDENT, AMERICAN MERCHANT MARINE INSTITUTE BEFORE THE ALUMNI ASSOCIATION, NEW YORK STATE MARITIME COLLEGE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. MURPHY of New York. Mr. Speaker, in a recent address to the Alumni Association of the New York State Maritime College, Ralph E. Casey, president of the American Merchant Marine Institute, gave an outstanding summary of current events which he feels "show significant headway in the effort to achieve a revitalized American merchant marine." He discussed a wide range of innovations, including containerization, the development of new ship-cargo handling designs such as the sea barge and LASH ships, new supertankers, and a host of technological developments. Mr. Casey is extremely well qualified to discuss our maritime industry, and I am sure my colleagues will benefit from his perceptive remarks, as follow:

ADDRESS BY RALPH E. CASEY, PRESIDENT, AMERICAN MERCHANT MARINE INSTITUTE BEFORE THE ALUMNI ASSOCIATION, NEW YORK STATE MARITIME COLLEGE

It is a pleasure to be with you and to acknowledge the honor you have shown in asking me to speak on the industry with which we are all so vitally concerned. It is especially pleasant for me to be present tonight, for I have much admired the improvements made at the fort in recent years and this provides an opportunity to compliment the college and the alumni on such an admirable record of achievement. With the addition of the new science and engineering building, the educational facilities at the college are the equal of the finest in the country.

Intense competitive pressures and radically altered technological circumstances have necessitated a careful re-examination of the entire spectrum of our merchant marine activity. American ship operators are rising to the task of reassessment as though it were a challenge to their very existence—as well it might be.

I would like to summarize for you events during the last year which show significant headway in the effort to achieve a revitalized American merchant marine. Development of, and the drive to perfect and produce larger, faster, and more efficient vessels for our Nation's evolving merchant fleet, are subjects of special interest and I will address this matter shortly.

Let me first relate some facts on congressional appropriations for the marine industry. Last year, Congress passed, and has already this year, held hearings under the Maritime Administration Future Funds Authorization Act, a procedure which I have long advocated and supported.

Leaders of industry, Government and labor had an opportunity to appear before Congressman Garmatz's committee and express their views on the fiscal year 1969 maritime appropriations submitted by the administration. As a result of these hearings, the committee reported out a bill containing $237,470,000 for ship construction, and $11,000,000 for research and development, as compared to the $119,800,000 and $6,700,000 respectively that had been recommended by the administration. The bill was unopposed during House debate and passed by a voice vote. Thus, we now have a machinery wherein the real needs of the industry for the ensuing year can be given adequate consideration by dedicated committees.

Within the last six months, we have witnessed positive steps toward a new maritime policy.

Since 1965, industry and Congress have awaited the promised administration program. When the expectations of this waned in the last session, leading congressional figures simultaneously introduced legislation in both Houses of Congress that would substantially revise the Merchant Marine Act of 1936.

In my testimony on this proposed new maritime program before the House Committee on Merchant Marine and Fisheries just yesterday, I emphasized the industry's sincere appreciation for the efforts of these Congressmen to revitalize our merchant marine. This notwithstanding, I also noted that while we have waited so long, there are sections of the bill that require some revision in order to be of meaningful assistance to our merchant fleet. I'll comment on sections of the bill that I feel would be of interest to you.

Section 1 of the bill divides itself into three parts, each of which constitutes in effect authorization authority. Therein would be provided: a) A five-year program of ship construction, b) a five-year program for research and development, and c) a one-year, one-shot proposal to reconstruct certain vessels in the reserve fleet.

By and large, we support the substance of section 1 wholeheartedly. We should keep in mind, however, that five years will not do the job that lies ahead. Seventy percent of the vessels in our fleet have reached the 20-year-old mark and continual replacement, expansion and rebuilding programs will be necessary for many years to come.

Whether the bill in its final form will actually spell out a 5-year program is somewhat doubtful. Actually, the 5-year period has its derivation in the hope that this is what the President of the United States would recommend to the Congress in a message. Then it was outlined as a possibility in testimony before the Congress by Secretary of Transportation, Alan Boyd. When neither of these expectations came to pass, the drafters of the legislation tried to spell out such a program in the current bills. However, I personally feel that the cognizant committees of the Congress should continue to review the needs of the industry for each fiscal year and that the reports of the committees on these bills should be the vehicle by which they should express their feeling that a long-range program is vital.

Section 2 is the first of several sections in the bill having as their prime purpose that of extending operating differential subsidy benefits to bulk carriers. This is long overdue and has received general support from the industry for some time. I quickly add, however, that the way in which this extension of benefits is to be accomplished under the bill finds little, if any, support from any segment of the industry.

Primarily, the bill would not extend to bulk carriers the parity concept, which is the cornerstone of the 1936 act. Rather, it would make them the subjects of an experiment with some vague new type of subsidy aid. Frankly, this scheme just won't work. No operator would invest $6 to $7 million in new vessels which he may not be able to operate at parity with foreign competitors.

This same experimental subsidy would also be tried on the four non-subsidized liner companies who have had subsidy applications pending for several years and might even be eventually foisted on some presently-subsidized lines. This proposal is equally objectionable from the viewpoint of both these segments.

The only logical alternative, it seems to us, is to extend the present subsidy system to both the non-subsidized liners and the bulk carriers. Further delay in this regard can only worsen the situation.

New and better approaches to the subsidy problem should be explored. But it will take time to develop a sound substitute. Logically, this area should be pursued by a joint government-industry group.

Section 3 of the bill deals with the area of construction differential subsidy. It would amend the 1936 act so as to make either the shipowner or the shipyard eligible to apply for a construction subsidy. Since this is a shipyard subsidy, it should be paid directly to the yard. I doubt that this amendment would accomplish anything. It would be better to clearly place the construction differential subsidy where it belongs—with the shipyards.

The bill deals with another important phase of our maritime posture, or perhaps, more exactly, of our maritime future. I refer to the provisions which would initiate a nuclear ship program. Suffice it to say, the institute strongly supports this effort and believes that the provisions of the bill are adequately designed to accomplish the purpose. Certainly, if we are to restore the prestige of the United States as a leading maritime nation, we must give realistic recognition to the possibilities of nuclear propulsion.

While, as I have indicated, many of the provisions of the proposed legislation require clarification before sound judgments can be formed, it clearly brings the realization of a new maritime program one step closer.

Unfortunately, this industry, which has seen so many divisions on matters of vital importance between labor and management and between segments of labor and management, finds itself in the same position once again. In testifying on this legislation, the American Maritime Association, composed of the large majority of companies not receiving direct subsidy from the government, has made recommendations which would split the industry wide open and, indeed, unless resolved, could well endanger the effort to enact the pending legislation. It can safely be presumed that this same line of approach will find strong support from other small shipowner groups of tramp and other non-subsidized companies.

I made strenuous personal efforts to avoid just such a split in our ranks. Four or five months ago I called a series of meetings of all the various management groups in an endeavor to arrive at a uniform position on the pending legislation. Indeed, I proposed a single witness whose testimony could be supported by all of management and, obviously, all of labor. It was my thought that there is something in this bill for everyone, as indeed there is. But, before long, it became apparent, as it has so often in the past, that a uniform position is impossible. I have said before that sometimes I think we are our own worst enemies. We are like the Irishman of whom they say, "He would rather fight than eat!" I do congratulate the chairman of the House Merchant Marine and Fisheries Committee, who has made it unmistakably clear that he wants the differences between management groups settled in discussions between them.

It would be pleasant to be able to prophesy at this point what will be the outcome of the months ahead and consequently the new face of United States maritime policy. Unfortunately, this is not possible. But it may be safely assumed that, whatever the outcome, it will continue to be the policy of the United States to foster the development and encourage the maintenance of a strong, well-balanced merchant marine adequate to the needs of our commerce and defense. Hopefully, the future will be an implementation of this policy with a long-range program that will restore our country to its rightful place as the world's leading maritime power.

Let me now turn my attention to a topic which I believe will be of particular interest to a gathering such as this. I refer to the impact of technological developments upon our industry.

Certainly, the most widely discussed aspect of recent technological advances is containerization. This highly mechanized movement of cargo has radically altered liner operations, for it is the liner cargo that is most ideally suited for transportation in containers. The unprecedented change from break bulk to containerized movement is causing far-reaching reverberations throughout the dry cargo segment of industry, and a final outcome is not yet in sight.

You might say that in transportation, our technology has overtaken our traditions. Technology, fortunately, has little respect for tradition. It has made it physically possible to weld land, sea and air transportation into one system of international transportation.

Systems efficiency is the crux of container operations. Detailed planning for rapid and unhindered transfer of the standardized piece of equipment from "initial" origin to "final" destination provides far more efficient transport than break bulk transportation. Lest we become preoccupied with the mechanics involved, I wish to mention several other aspects of the concept requiring attention if a truly efficient "total system" is to be realized.

The most glaring deficiency in the movement of shipments internationally is the outmoded documentation and clearance requirements. This is an area in which we at the institute have been extremely active. Shipments moving in a foreign trade may still require the preparation of as many as 43 documents. What is clearly needed is a system in which shipments will require a minimum number of documents. Ideally, only one bill of lading should be necessary, regardless of the number of modes of transportation that are utilized.

Standardization of equipment specifications is a goal which, I believe, will be achieved by eventual phase-out of non-compatible units. The economic forces of the market place will decide this.

A revised system of liabilities must be devised to the satisfaction of all modes. The environment needs to be changed so that a shipper can make his claim without worrying about where the loss or damage occurred and the standard of recovery should be such as to adequately protect a shipper no matter which carrier is responsible.

Legislation addressing itself to these matters has been introduced in Congress in the form of the "Trade Simplification Act of 1968."

These problems will all be solved, I believe, because of the stringent dictates of this new method of transportation. The dry cargo liner business has rapidly changed to a capital intensive, rather than the traditional labor intensive, industry. Not only must expensive vessels be constructed, but sufficient numbers of containers and related handling equipment, in addition to costly, sophisticated terminal facilities must also be acquired.

With demand for such huge amounts of capital in a relatively short period of time, all phases of previous business practice come under closer and closer scrutiny through exacting management techniques to justify the risks of the financial community. Increasingly, operations research techniques and computer simulation are being employed to avoid costly trial and error mistakes.

Containerization is also stimulating a reassessment of the traditional role of the ocean carrier. The division between land and ocean transport is no longer as sharp as it once was. Intermodalism requires a new cooperative effort between the various modes in order to minimize delays and reduce costs.

Growing out of the basic container concept, there exists in an advanced stage of implementation truly revolutionary ship-cargo handling designs. I refer to the sea barge which has been so ably developed by Lykes Bros. Steamship Company and the LASH vessel, which is now under construction for Pacific Far East Lines, Prudential Lines and Central Gulf Steamship Corporation.

I am certain that all of you are reasonably familiar with the characteristics of these vessels so I will not spend time reciting them, except to remind you of the high productivity that these vessels will provide. Lykes has estimated that three Seabees will be capable of providing the service equivalent of 15 of the old C-2 and C-3 type cargo ships in their gulf to United Kingdom and Continental European route. As these vessels become operational, they will require additional changes in our ports and distribution systems. New organizational methods must be developed to obtain maximum equipment utilization and shippers must be educated to the new system.

In addition to their commercial value, these vessels will supply the military capability the Defense Department claims is lacking in our merchant fleet. Recently, the Department proposed again the construction of fast deployment logistic ships—or FDL's. Available information describing the FDL's suggests that Seabee and LASH vessels could easily provide the military features desired.

The glamour of high-speed, sophisticated vessels has all but overshadowed other equally significant developments in merchant shipping. The economics of the bulk trades have resulted in a somewhat different trend in bulk carrier development. These ships, while not increasing very rapidly in speed, have achieved increased productivity by means of increased size.

The evolution of tank vessels clearly illustrates these trends. The World War II T-2 tanker was a vessel 523 feet in length with a beam of 68 feet, carrying approximately 16,000 deadweight tons of cargo at a speed of 15 knots. National bulk carriers has under construction at present a class of tankers which will have a length of 1,135 feet and a breadth of 175 feet, with a deadweight tonnage of 312,000 tons, drawing 79 feet when fully loaded.

When discussing tankers, there is a tendency to visualize only a bulk liquid petroleum carrier. This picture, too, is changing. Today we have over 80 types designed to carry such highly specialized cargoes as liquified petroleum, butane and propane under pressure, chemicals, molten sulphur, and liquified natural gas. And let us not forget bulk wine carriers.

Tankers in the mammoth class raise some very real problems. Too shallow harbor channels, limited discharging facilities, canal restrictions, and inadequate drydock facilities are some of the many difficulties which operators of these ships face. Gradually, however, facilities must and will be developed to permit these large carriers to realize the full benefits of their low unit costs.

Discussion of advanced ship designs causes one to reflect upon the many "sub-systems" that constitute a whole ship. Let us take an imaginary tour of an automated vessel and point out some of its main features. On deck we notice, first, the automatic hatch covers which are remotely controlled from a location on deck or on the navigation bridge. Next, there are the automatic tension winches which have recently eliminated a lot of the "bull" work that goes into docking a ship. Once docked, the winch maintains a constant pull on the mooring line—allowing the ship to rise and fall with the tide, but always keeping it alongside the dock.

The navigation bridge contains electronic equipment the early steamship men did not imagine in their wildest dreams. Radar, loran, the gyro compass have dramatically changed the art of navigation. Weather and sea condition maps are received from the Weather Bureau via the facsimile machine in a process similar to the transmission of wire photos seen in your newspaper. The bridge console contains instruments that duplicate many of the engine room monitoring instruments and permits direct control of the ship's engine.

In the years to come, radio signals from orbiting satellites will be received by the ship's navigational computer system which will determine the vessel's position. Overcast skies will no longer present a problem to the navigator in the remote oceans of our globe. In more advanced systems, the ship's position will automatically be compared with the programmed track and course adjustments made.

Bridge-to-bridge communication is maintained with other vessels in the area over high frequency radio telephones. The VHF equipment allows verbal agreement upon the manuvering actions that will be taken by each party, thus eliminating much of the hazard in close-quarter ship handling.

The technology exists today to provide all of the radical improvements in shipboard information systems I mentioned. Once again, the dictates of insuring optimum efficiency of extremely expensive vessels will, I believe, precipitate the widespread installation of such devices.

There are many other developments and ideas currently under consideration that will make significant contributions to merchant shipping in the future. Some are in the area of shipbuilding. Here the application of computer technology will surely solve many of the knotty problems of designing vessels for optimum performance to meet owners' requirements. Computers will control the cutting of steel plates and monitor construction progress. Improved materials, such as high tension steel, will permit the construction of lighter, stronger, more durable vessels. Ashore, improved cargo handling systems will permit even greater reduction in port time. The list is endless.

It is gratifying that our industry can enjoy the confidence that when such complex vessels as I have described are in full operation, there will be manpower, steeped in modern technology and trained in the most up-to-date techniques at institutions such as the Maritime College, ready to take command.

In conclusion, you can understand from this summary of new ideas why I feel the prospects are still bright for merchant shipping. Here in the United States, we possess the technological ability to construct and the experience to operate the most modern, efficient fleet in the world. I sincerely hope that a national maritime policy will soon be enacted that will provide the proper atmosphere for a revolutionary upgrading of our merchant marine. We of this generation should give this movement a send-off that will insure to this country in the generation ahead a merchant fleet to which all Americans can point with pride.

DEAR KID

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. DERWINSKI. Mr. Speaker, an editorial of a very helpful and expressive nature, addressed to young men of Chicago and the communities served by this publication, was carried in the May 19 Suburbanite Economist. It certainly reflects the enlightened journalism and keen insight into the thought patterns of the youngsters to which the letter is addressed.

The editorial follows:

DEAR KID

This is the time of year when ambitious high school and college kids are making the rounds to line up summer jobs. Graduates who are finishing their schooling are looking for permanent jobs.

For these kids we have some advice. It's not original with us. We don't know who originated it, but it's timely and worthwhile. Here it is:

"DEAR KID: Today you came to me for a job. From the look of your shoulders as you walked out, I suspect you've been turned down before, and maybe you believe by now that kids out of high school can't find work.

"But, I hired a teenager today. You saw him. He was the one with polished shoes and a necktie. What was so special about him? Not experience, neither of you had any. It was his attitude that put him on the payroll instead of you. Attitude, son. Attitude. He wanted that job badly enough to shuck the leather jacket, get a haircut, and look in the phone book to find out what this company makes. He did his best to impress me. That's where he edged you out.

"You see, Kid, people who hire people aren't 'with' a lot of things. We know more about Bing than about Ringo, and we have Stone-Age ideas, about who owes whom a living. Maybe that makes us prehistoric, but there's nothing wrong with the checks we sign.

"Ever hear of 'empathy'? It's the trick of seeing the other fellow's side of things. I couldn't have cared less that you're behind in your car payments. That's your problem and President Johnson's. What I needed was someone who'd go out in the plant, keep his eyes open, and work for me like he'd work for himself. If you have even the vaguest idea of what I'm trying to say, let it show the next time you ask for a job. You'll be head and shoulders over the rest.

"You know, Kid, men have always had to get a job like you get a girl: Case the situation, wear a clean shirt, and try to appear reasonably willing. Maybe jobs aren't as plentiful right now, but a lot of us can remember when master craftsmen walked the streets. By comparison you don't know the meaning of 'scarce'.

"You may not believe it, but all around you employers are looking for young men and women smart enough to go after a job in the old-fashioned way. When they find one they can't wait to unload some of their worries on him.

"For both our sakes get eager, will you?"

NATIONAL MARITIME DAY

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. REINECKE. Mr. Speaker, on National Maritime Day we honor the men who go down to the sea in ships; we also celebrate the anniversary of the beginning of transatlantic steam navigation. It was on May 22, 1819, that the *Savannah* put out to sea. A nuclear-powered freighter now bears the *Savannah*'s proud name.

Consider the vital role played in our economic life by the merchant marine. Last year 12 million tons were transported across the world's oceans by the American merchant marine, and over 20 million tons of food, weapons, and supplies were brought to our fighting men in Vietnam.

One of the reasons that our country has become the world's greatest trading nation is to be found in the record of superb achievement of our merchant mariners.

This year's Presidential proclamation of National Maritime Day recognizes this record of achievement in the following words:

> To sustain our Nation's strength through trade and to fulfill our international commitments throughout the world, we rely heavily on the men and ships of the American Merchant Marine. Our merchant ships are an essential part of the bridges that extend from communities in America to those in Europe and Asia—and to our servicemen and women wherever they stand in freedom's defense.

We pay tribute today to our ships at sea and the men who sail them.

BLACK PANTHERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1968

Mr. RARICK. Mr. Speaker, the militant Black Panthers organization was discussed in the recent House Committee on Un-American Activities "Guerrilla Warfare, U.S.A."

So that our colleagues may have additional background material on this un-American group of terrorists, I include reports from the San Francisco Chronicle for May 16 and 17, as follows:

[From the San Francisco (Calif.) Chronicle, May 16, 1968]

SPECIAL REPORT: THE "RIGHT NOW" PHILOSOPHY OF THE PANTHERS

(By Charles Howe)

The Black Panthers have at least two headquarters in Oakland—one, where business is openly transacted—and the other where, rumor has it, anything from guns to guerrillas may be found.

They don't talk about "underground" headquarters, though indications are that the entire movement may be forced to submerge itself if present leadership is lost by prison sentences, jail or death.

"Open" headquarters is located along the fringes of the West Oakland ghetto, at 4421 Grove Street. The interior is small but neat and clean. It looks, inside, like the headquarters of a tiny but militant trade union which is weathering a long strike.

WORK

The walls are lined with revolutionary posters, some printed in China, and "brothers and sisters" are admonished that loitering is not allowed. "This is a place of work" is how a neatly-lettered sign reads.

Here, campaign workers answer telephones; the party is running three of its officials in local elections. Brisk young women take advertising for the weekly paper, "The Black Panther," and men hold interminable whispered conversations.

Outside, half a dozen young Panthers lounge against a row of parked cars, waiting to go out to recruit local youth, sell the party paper, run errands or drive about with cameras, ready to snap pictures of police brutality.

UNARMED

In the old days they went armed—before the night of April 6 and the bloody shootout—but now their guns are out of sight and it is apparent that a small but militant faction within the party miss their weapons.

A police car goes by and a uniformed officer with ball-bearing eyes gives the Panthers a hard look. The Panthers, most wearing uniform black berets, look back with a kind of "go-to-hell" smile on their lips and the policeman, his lips set hard, turns his face away.

"Any pig come down here and mess with us," a high school boy who wants to be a Panther tells nobody in particular, "we going to pepper his potty butt with a shotgun."

Others murmur agreement. His statement has been received as a kind of universal truth, and one waits for a chorus of "amens."

There is no dialogue—nothing save the exchange of bullets—between the Panthers and the Oakland police.

Like revolutionaries everywhere, the Panthers proselytize and at least 3000 issues of their weekly newspaper contain the party's 10 points.

In essence, they are asking for:

Total self-determination; full employment; removal of all white businessmen from the ghetto; decent housing; education which teaches black history and the "true nature of this decadent American society . . ."

Military exemption for all blacks; an end to "police brutality and murder; freedom for all black men held in Federal, State, county and city prisons and jails"; trial of all blacks by a jury of their peers—that is, poor and black ghetto residents; "we want land, bread, housing, education, clothing, justice and peace."

The Panthers maintain they and the black community have little or none of these things and they want them right now!

No lengthy dialogues; no additional statutes on the books; no committees of review, but right now.

And if they don't get these things right now, they maintain, the white power structure, by fudging on these requests, will provoke rioting and bloodshed which will, they believe, lead to bloody repression by white police and troops which, in turn, could lead to the liquidation of all black Americans.

This view—of liquidation sans early, armed preparations to resist it—is shared by many black militant groups, Panthers or not.

"But this gun bit is totally uncool," a black, militant non-Panther in San Francisco says.

"I want to top (kill) a policemen, why, I do it and I don't go around talking about it. Get him any way I can. But I don't tell him where I'm at or where I'll be."

He smiles, for his arsenal is limited to words and arguments; pamphlets and tracts.

"Be sure not to mention my name," he admonishes a reporter. "Some of them Panthers are most uncool. I'm all right, and I'm up tight, but maybe they don't know it."

There are those in white society who agree with most of the Panthers demands as well as what might happen if they're not met.

The authors of the President's recently-released "Report of the National Advisory Commission on Civil Disorders" entirely concur that the black man must be fully accepted into white society.

Moreover, they echo the Panther's cry that the white society is, at heart, a racist one.

Curiously, one of those contributing to the report is Oakland Police Chief Charles R. Gain, who has called all Panthers "criminals" and who the Panthers, in turn, call "Crazy Gain."

There is no dialogue in Oakland between the Panthers and Chief Gain.

The question of obtaining these demands is what is splitting black society.

SPLIT

To Huey P. Newton, held captive in a cell high up in the Alameda County Courthouse, there is still a chance "that the black man may save the white man from himself."

Newton, who founded the party with Bobby Seale when both were students at Oakland's Merritt College in 1966, said the idea of first arming themselves had something to do with presenting a manly image to fellow black men.

The 20-man Panther deployment in Sacramento on May 20, 1967, was planned, mainly, to give black people an example to follow.

"We knew when we went in with our guns that they were going to pass gun laws to stop Panthers from driving around with guns to defend themselves against armed attack," Newton said.

What they were trying to do, he said, was to create a vanguard which would show black men everywhere that they had nothing to fear; that by them serving as they are the Panthers could form a new political party which would allow black America to obtain self-determination.

The gun ploy was successful insofar as recruitment and publicity were concerned, Newton agreed. But he would not agree that within it—by taking up arms against, mainly, frightened whites—the Panthers may have set the machinery of their own destruction into motion.

"The pigs were always after us," he said. "There is still the possibility of total destruction—for all of us."

He thought for a moment.

"You know, I was shocked over Dr. Martin Luther King's death. But then, what other race has lost so many of its leaders to assassination, to murder? Dr. King—he suffered a romantic fallacy . . . that a man is born to innocence."

It is said that even in maximum security, he runs the party outside from within his cell and that the nine Panthers imprisoned with him are totally—and willingly—under his discipline.

But as guards led him back to his cage he looked not as the leader of a revolutionary organization but more, really, like the rest of the black prisoners in Oakland who are awaiting their day at the judgment dock.

[From the San Francisco (Calif.) Chronicle, May 17, 1968]

SEALE SPREADS THE PANTHER MESSAGE

(By Charles Howe)

Bobby Seale, a Texan who was handling guns in his childhood, acts like a man who feels he is a moving target.

He hasn't slept at home since the night of February 25, when police walked in and arrested him and his wife on charges of possessing a sawed-off shotgun.

Now, he sleeps at different locations; he is constantly on the move, and he is always surrounded by a small but militant cadre of Panthers whose job is to make sure he doesn't get killed.

Seale feels the police—especially the Oakland police—would like to kill him. The Oakland police are convinced the Panthers mean to kill them any way they can.

There is no dialogue in Oakland between the Panthers and the police.

PARTY SETUP

It is late morning and Seale has been up since 6 a.m. Last night he addressed, with novelist James Baldwin, a church group as part of a recruitment drive.

Today, another speech—this time to raise bail money. Money to "free Huey P. Newton," for even though murder is a non-bailable offense, the Panthers need money for lawyers—and possibly guns.

He explains the party as he prepares to leave.

The lowest rung on the Panther ladder is the subsection leader, responsible for organizing a city block.

A section leader controls ten square blocks and a Captain controls ten sections leaders.

The rest of the party is structured along "underground" lines and has impressive titles which include "Minister of Defense" and "Deputy of Defense," a kind of roving judge advocate who administers interparty discipline.

Anyone who is black—man or woman—can join the party. Dues are 25 cents a week "if a cat has it." Most Panthers sell their weekly paper, "The Black Panther" for 25 cents a copy and get back a dime on each one sold.

The party has spent—and lost—a small fortune on weapons. But many members still can't afford the uniform black leather jackets which retail for $20 and up.

Panthers have organizations in San Diego, Seattle and Tacoma, the last two towns recently visited by Bobby, where he appointed local captains.

Membership is secret. "Those who know won't say and those who say don't know," he chants.

Some whites, no doubt well-meaning, have tried to join. "The idea of White Panthers strike me as pretty funny," Seale chuckles, not unkindly.

He gets to his feet. "Let's go."

Out on the street an aging Mercedes is waiting. Aides open the back door and Seale gets in. At the wheel is Jimmy Charley III, a 20-year-old who acts as though he's never had the occasion to smile, though he'd very much like to.

They pull away from the curb, slowly. They don't want any trouble with the police and if they have any guns, they aren't in sight.

At "open" headquarters on Grove street there are telephone messages and many, many whispered conversations.

Two hours later, an untouched plate of cold food on the desk in front of him, Seale finally jumps up. He has been trying to squelch a rumor that "the pig" killed a Panther.

"Goddammit, I wish somebody would tell me what the hell is going on around here."

Aides rush to soothe him and somebody offers him a drink. "You know drinking isn't allowed in here," he chastizes. A minute later he is cool and laughing.

"Let's go." He's out on the street, carrying a box of posters and leaflets. The car heads toward the Church Divinity School of the Pacific in Berkeley, where he'll speak. Bobby leans back and closes his eyes.

"My father was a master carpenter, you know? He was a good one. But he couldn't make it up here. He was . . ." the words trail off.

Seale came here from Texas as a child and grew up, a lower middle-class black, in the ghetto. He was hit by a car as a little boy and he still favors one foot when he walks.

He talks about his young manhood, which is almost a black classic."

"111 Wouldn't let me play football . . . wanted me to take vocational courses . . . got in a fight . . . treated me like a little nigger . . . I learned about the nigger thing when I was six . . ."

Later, he worked in several ghetto nightclubs as a comedian and a drummer. He does an accurate impersonation of John F. Kennedy.

"I'm a comedian, I'm not a violent guy."

The car stops and Bobby and his friends take out their literature. He is limping slightly as he walks inside the big church.

Five minutes later he is telling a white audience of some 85 persons why the black man has had it, "all the way up to here."

"In the Civil War, 186,000 black men served . . . 346,000 in World War I . . . 850,000 in World War II . . . they were promised equality and what did they get? More oppression!"

There is nervous laughter when he assures his audience the Panthers aren't going to start any riots; aren't going to invade white neighborhoods.

"We haven't attacked you in your own community. We haven't brought in tanks and flame throwers and Stoner guns (a particularly deadly machine gun) have we?"

There is lengthy applause and the collection take is a little over $12. It has been something like a moment out of the book "All The King's Men," if that cast of characters had been black.

Outside, Jimmy Charley III sits in the car, like a black weapon waiting to be fired.

He has six brothers and sisters and he grew up in the Fillmore District. His mother hasn't been able to work for a long time. There is no father.

He says he saw his "partner" get killed in San Francisco and this made him join the Panthers.

"And lil' Bob Hutton, he was my partner, too."

He is part of that generation which sociologists term "totally television oriented." He can't perceive, too well, the books at headquarters written by people like Che Guevera, Bakhunin and Regis Debray.

But through a 21-inch tube—and on the streets—he has seen his people, his friends, getting killed or beaten, "and I always remember what I saw the pig do."

He now lives in a small and crowded flat with his mother and family. He eats at Panther headquarters when he can and gives the party every piece of small change that comes his way.

He is completely typical of party membership on the lower levels and though he wasn't involved in the April 6 shoot-out, one has the feeling he would have been along, had he been invited.

Has he, in his 20 short years, ever been truly happy?

He tries to smile, but doesn't. "Sure, I be happy right now. The Panthers be my home and my family."

Later it has grown dark and Bobby and his bodyguard are inside the Berkeley apartment of a sympathizer. No one has eaten since breakfast. He starts talking and his voice is low and relaxed.

He recites a long list of organizations he joined: the NAACP, the Afro-American Association, the Revolutionary Action Movement (RAM).

"They talked too much. RAM would sit around and puff on their pipes and just talk revolution."

Once, he studied astronomy.

"That business of total rule and order throughout the universe. That kind of gets me."

The thing with guns—he calls it "walking tall"—came when he was a little 11-year-old boy, while he and his father and friends were on a hunting trip in the Northern California mountains.

A friend shot a deer and a white Southerner, calling them all "boy" tried to claim it.

The black friend pointed his rifle at the white man and that night the blacks ate venison.

He talks about his youth and his father in a bittersweet fashion. He loves the older man, but there is an estrangement peculiar to young black men in the ghetto.

Does he ever feel nostalgic about his childhood?

Bobby Seale, self-educated revolutionary, doesn't know what the word means. It is explained.

He thought for a moment. "Yes, sometimes I feel nostalgic about it."

He filed the word away for future use, but one feels it will be a long, long time before he ever uses it again.

Tomorrow: An intelligence agent talks about the Panthers.

[From the San Francisco (Calif.) Chronicle, May 17, 1968]

PANTHERS WIN DELAY

The arraignment of seven Black Panthers on charges stemming from the April 6 Oakland shoot-out was postponed there yesterday until June 20 at the request of Panther lawyer Charles R. Garry.

The postponement was granted after Garry requested the delay in an attempt to quash the original secret Grand Jury indictment charging the seven with attempted murder and lesser crimes.

Garry blasted the "inhumane treatment" of Panther leader Eldridge Cleaver, 33, during his confinement at the Alameda county jail, charging the cell was noisy and that ventilation has aggravated a lung condition Cleaver developed after being gassed on the night of April 6, while hiding in the basement of a burning house.

Superior Judge George W. Phillips Jr., who granted the continuance, agreed to inspect Cleaver's cell.

[From the San Francisco (Calif.) Chronicle, May 16, 1968]

JOB OFFERS FOR NEGROES GO BEGGING

"It's heartbreaking," City College placement director Joseph A. Amori said yesterday, "to see so many excellent job offers going begging."

Why, he wondered, are so few Negroes enrolling in the college's two-year semiprofessional courses?

Out of the 200 June graduates interviewed yesterday by 50 business, industry and government recruiting teams in the college's annual Job Fair, only three were Negroes.

NEGROES

One 29-year-old Negro got a $550-a-month management trainee position with a large retailing chain. Another 19-year-old data processing technician had five offers and accepted a $485-a-month job. And a 19-year-old Negro girl took a $400-a-month retail merchandising job.

Amori pointed out that there are critical shortages for trained people in the Bay Area. "We should have had between 500 and 1000 graduating. We have the capacity and the capability," he said.

"The hard-core unemployed are evidently not interested in taking advantage of our free training and picking up job skills. I don't see why. It's really a crying shame."

OFFERS

About a third of yesterday's 200 job seekers accepted employment offers. The Federal government was the biggest employer, while engineering technicians and secretaries were the most in demand. Starting salaries were up about 5 per cent over last year.

The highest offer, of $730, was to a former Air Force pilot and mechanical engineering graduate who was offered a post as liaison engineer between the mayor's office and the Bay Area Rapid Transit District.

As ever, there was a big demand for secretaries.

There were 30 secretarial graduates and "everyone got at least one job offer," he said. Starting salaries ranged between $450 and $500.

"Secretaries are here to stay," said Amori.

[From the San Francisco (Calif.) Chronicle, May 16, 1968]

PROTESTERS TO SACRAMENTO: STATE WELFARE "BUS-IN"

A chartered busload of welfare recipients rolled out of the Western Addition yesterday and travelled to Sacramento to carry out a protest against several bills before the Legislature.

The 45 bus riders left from the Western Addition office of the anti-poverty program at 1269 McAllister street.

The protest ride was organized by the area office of the Economic Opportunity Council, according to its director, G. Rip Ridley, mainly to protest against a bill that would put a $275 ceiling on every welfare payment, regardless of how many children were in the family.

Ridley said a big showing of welfare recipients filled the State Senate gallery on April 30.

He said the hearing was postponed to yes-

terday, "a day when the people receive their welfare checks" in hopes of cutting down on the number of demonstrators.

In Sacramento, the Senate Social Welfare Committee took under submission the $275-a-month ceiling bill.

Ronald Born, San Francisco Social Service Department director, testified that in 12 percent of the welfare cases here there are five or more children. He said passage of the bill would cost the city about $50,000 in additional payments each year.

If the bill became law, it would eliminate the existing scale of state payments to families with dependent children. The range now goes from $145 monthly for one child to $371 for nine children, plus $5 a month for each additional child.

HOUSE OF REPRESENTATIVES—*Thursday, May 23, 1968*

The House met at 11:00 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The God of peace be with you all.—Romans 15: 33.

Eternal God, our Father, before whom we bow in adoration and unto whom we lift our spirits in prayer, come Thou into our hearts that motivated by Thy grace and moved by Thy love we may widen our sympathies, deepen our devotion and increase our faith in Thee and in our country. By working together with Thee may we hasten the production of peace on our planet and the promotion of good will in the hearts of our people.

Renew a right and a good and a wise spirit within us, O Lord, that we may go forward to greater achievements under Thy leadership, supported by Thy strength and sustained by Thy spirit. May peace and good will come to reign in every heart.

In the name of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5) entitled "An act to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit."

POWERS OF THE INTERSTATE COMMERCE COMMISSION TO SET MINIMUM STANDARDS ON RAILROAD PASSENGER TRAINS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I plan to introduce legislation which may very clearly affirm that the Interstate Commerce Commission does indeed have power to set minimum standards of service on railroad passenger trains.

The Association of American Railroads has filed an extensive brief with the Interstate Commerce Commission denying that the ICC has such jurisdiction or power.

The Chairman of the ICC in a statement before a subcommittee of the House Committee on Appropriations very timidly wondered whether the Commission had such jurisdiction.

Mr. Speaker, in my opinion, it is time that the Congress help stiffen the backbone of the Interstate Commerce Commission and tell the Commission in no uncertain terms that it is the intent of Congress to guarantee the people of this Nation certain minimum standards of service when they travel on railroad passenger trains. People deserve to be treated at least as well as freight.

Mr. Speaker, you will recall that a recent landmark recommendation by an examiner of the ICC, Mr. John Messor, issued an opinion in the Southern Pacific case that passenger trains be required to maintain minimum standards. This recommendation by the examiner yet has to be approved by the entire Interstate Commerce Commission. Yet the examiner's opinion is a landmark, and represents a clear-cut step forward in the protection of the public interest.

Mr. Speaker, by suggesting the need for legislation, I do not in any way mean to indicate that the ICC does not now have this power to set standards. However, in my opinion it is necessary for Congress to reaffirm the fact that the ICC has this power to be used on behalf of the public interest.

Railroad management by downgrading service seems hellbent on discouraging people from riding trains, insulting and frustrating those who do ride and providing shoddy and shabby treatment to passengers. Mr. Speaker, this trend must be reversed.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO SIT DURING GENERAL DEBATE TODAY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 149]

Anderson, Tenn.
Andrews, Ala.
Ashley
Bolton
Bow
Brasco
Brown, Calif.
Burleson
Burton, Utah
Button
Carter
Cederberg
Corman
Cowger
Cramer
Dawson
Denney
Dole
Edwards, La.
Evins, Tenn.
Ford, William D.
Gettys
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halleck
Hamilton
Hanna
Hansen, Idaho
Hardy
Hawkins
Hébert
Holland
Hosmer
Howard
Hungate
Jones, Mo.
Kelly
Kyl
Leggett
McCloskey
McMillan
MacGregor
Miller, Calif.
Mize
Morgan
Moss
Nelsen
Olsen
O'Neill, Mass.
Pickle
Pool
Rarick
Resnick
Rosenthal
Roybal
Schadeberg
Scheuer
Schweiker
Selden
Shriver
Stratton
Stubblefield
Stuckey
Tenzer
Tunney
Vander Jagt
Vigorito
Waggonner
Wilson, Charles H.
Young

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE HONORABLE JOHN SANBORN

Mr. McCLURE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. McCLURE. Mr. Speaker, it is with deep regret that I announce the death last week of John Sanborn, who served in the House of Representatives in the 80th and 81st Congresses.

A native of Illinois, he attended Oberlin College in Ohio and received a degree in law at Columbia. Shortly after graduating he moved to Idaho and took part in the reclamation development of the central Snake River plain. A farmer, he was active in the political affairs of his State. He served five terms in the Idaho

House of Representatives, being floor leader during the last two and, also, served as majority leader in the senate in the second of two terms in that body. He was very active in farm organizations all of his lifetime.

The fact that he was so honored by the voters in Idaho in so many elections is one measure of his stature. Another is the personal impact upon the lives of countless people. A man of immense dignity, unshakable honesty, and with the absolute courage of his convictions, John Sanborn stood like the mountains of his State, immovable in the certainty of the worth of the individual and faith in the Almighty. We shall miss his wise counsel.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, I too was sorry to learn of the death of our former colleague John Sanborn. I had the privilege of serving with him for two terms during the time of my service in the House of Representatives.

He was an outstanding individual, a lovable character, and the type of person one admired. He was devoted to his Government and his country. He served with distinction and was proud of his service here.

Mr. Speaker, the people who sent him to Congress can always remain proud that Congressman Sanborn had the privilege of representing them in this body.

Mr. McCLURE. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. HANSEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, Idaho has lost a distinguished citizen, the farmer and land developer have lost a champion of their problems, and I have lost a good friend. John Sanborn was a gentleman and a scholar in the truest sense.

Born in Chenoa, Ill., John graduated from Oberlin College in Ohio and went on to obtain an LL.B. degree from Columbia University and a master's degree in political science. He came to my native State of Idaho more than 60 years ago and took up land on the King Hill tract, which he was still operating. He later moved to his Hagerman farm, which he has operated for more than 50 years.

John was a strong physical man of the soil. He reclaimed land from sagebrush. He soon became a leader in community affairs and participated actively in the Grange and Farm Bureau Federation—serving on the board of directors of the latter organization for many years. He began his public service as a trustee of the Hagerman Independent School District.

John was first elected to the Idaho House of Representatives in 1920, again in 1922, 1924, 1926, and 1928 and served as majority leader in the House his last two terms. In 1938 he was elected to the Idaho Senate and again in 1940, when his colleagues once more recognized his leadership by electing him Republican floor leader.

He was nominated and elected to the 80th U.S. Congress in the Second Congressional District and was the only Republican in the State reelected to the 81st Congress. In these Congresses he served on the Public Lands Committee of the House and sponsored legislation reauthorizing the Palisades project in eastern Idaho.

John was a great friend and assisted many to build a better State and Nation. Mr. Sanborn was succeeded in the House by his good friend Hamer Budge, who joins me in expressing grief at his passing and in paying tribute to his long-time service to his community, State, and Nation which he served so honorably and well.

John Sanborn was a dedicated American who, throughout his long political career served wholeheartedly and without reservation as a champion of the principles of liberty upon which our Nation was founded.

He fought for the right of every American to work, worship and think as he pleases; to uphold the principles of the sovereignty of the individual States against the encroachment of an all-powerful Federal Government; and to maintain our high standard of living by preserving the American system of free enterprise through the medium of American initiative and a sound fiscal policy.

He fought with every ounce of his strength against communism, socialism, fascism and all other un-American philosophies; to renew faith in our Federal Constitution as a God-given instrument for the maintenance of liberty in America; to reduce the cost of government and to reduce the national debt.

He was an ardent champion of respect for law and order, and for the preservation of the American home and family as the fundamental unit on which the greatness of the United States rests.

Idaho and the United States have suffered a great loss in his passing.

APPOINTMENT OF CONFEREES ON H.R. 15190, INVESTIGATION AND STUDY OF A SEA-LEVEL CANAL CONNECTING ATLANTIC AND PACIFIC OCEANS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15190) to amend sections 3 and 4 of the act approved September 22, 1967 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Mr. GARMATZ, Mrs. SULLIVAN, Messrs. MURPHY of New York, MAILLIARD, and GROVER.

HEARINGS SCHEDULED ON NORTHWEST REGIONAL SERVICES CORPORATION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I announce that Subcommittee No. 5 of the House Committee on the Judiciary will begin public hearings on S. 1602, and related measures, to create a Northwest Regional Services Corporation to provide a central location for various training centers and programs, and for other purposes, on June 5, 1968, at 10 a.m., in room 2141, Rayburn House Office Building.

It is expected that testimony will be received from congressional sponsors of the legislation as well as representatives of various Executive departments of the Government. Individuals and organizations who wish to present testimony or submit statements for the record to the subcommittee should communicate with the Committee on the Judiciary, room 2137, Rayburn House Office Building, Washington, D.C.

SAVINGS FOR THE TAXPAYERS BY MANPOWER SUBCOMMITTEE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I think that all Members will be interested in the fine work by the Subcommittee on Manpower and Civil Service of the Post Office and Civil Service Committee. The subcommittee is chaired by my able colleague from North Carolina, the Honorable DAVID N. HENDERSON, and the ranking minority member is the capable Hon. H. R. GROSS, of Iowa.

Through the aggressive and continuing interest of the subcommittee, the taxpayers have been saved $1.7 million through the use of civil service employees instead of contractor personnel at the Military Ocean Terminal, Bayonne, N.J. This is just another example of the savings to the American taxpayer as a result of the thorough and active investigative work of the Henderson subcommittee.

Chairman HENDERSON has indicated appreciation for the cooperation by the office of Representative CORNELIUS GALLAGHER, of New Jersey, and officials in the Department of Defense.

CONGRESSIONAL BASEBALL GAME

Mr. CONTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, it is time for a change and there can be no question left in anyone's mind about this anymore. We just cannot go on humiliating the Democrats like this year after year after year. Yesterday was truly vindication day for one man in this body. Last year Mo UDALL stood on the floor of this body and resigned as captain of the Democratic team.

He said then, and I quote:

> I give up—I cannot do anything with this bunch of lousy ballplayers and neither can anyone else.

Well yesterday's 16 to 1 slaughter certainly proved UDALL to be a prophet in his own time—there is nothing anyone can do with or for these lousy ballplayers other than to retire all of them—and I leave this up to their constituents who have been so poorly represented and so greatly embarrassed by the performance of these men.

Now rather than cancel the game entirely I have a few suggestions as to how we could perhaps make a fairer game of it next year.

One idea I derived from the unfortunate situation I found myself in this year having to miss most of the game because of a leg injury—what we can do next year is to require all of our Republican ballplayers to play on crutches and with one hand tied behind their back.

Or, as another alternative, I think we could get a much closer game and a game with more interest to the fans if we played the wives of these so-called ballplayers next year.

But actually I think the public is going to solve our problems for us—I think that there are going to be so many Republicans running around the Halls of Congress next year and so few Democrats that we are going to be able to provide the fans with the kind of excellent and exciting baseball that has been so sorely lacking in the past 5 years of Democratic blunders—and we will accomplish this I believe by providing the fans in future years with a Republican intrasquad game—with Republican players on both sides we can finally field two talented teams for the ball game—not just one as has been the case in the past.

In words that have come to be so well known and so often used by the party across the aisle—I think it is time for your men to reassess your position—as athletes you just do not make very good Congressmen.

CONGRESSIONAL BASEBALL GAME

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, I am not usually speechless but I do not think I can answer the speech by the gentleman from Massachusetts [Mr. CONTE] except to say the way Frank Howard has been hitting home runs, I think the name of the Washington ball club should be changed to the Washington Congressmen.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. JOELSON. I yield to the gentleman.

Mr. COHELAN. I would like to point out to the gentleman that only three innings were played and that the game was incomplete.

Mr. JOELSON. Well, if there were nine innings played, the final score would probably have been 48 to 3.

MICHIGAN WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, this week marks the 15th annual celebration of Michigan Week. Each year at this time we "Michiganians" strive with a special pride to tell others of the greatness and the uniqueness of our State and its people.

The theme for Michigan Week in 1968 is "Michigan: Land of Hospitality." This theme takes on a special significance this year. Americans are being urged to discover and rediscover their own country. It is hoped that they will do so and that they will get to know better both their fellow citizens and the heritage that is theirs. We hope that Michigan will be a great part of that experience, and we offer friends and strangers alike the hospitality of a State that knows where it is going and knows how to get there.

To emphasize those assets that make Michigan a great place to live or visit, the members of the Michigan delegation are raising their voices, today, in a collective salute to our native State.

I respectfully call to the attention of my colleagues in the House these remarks which will appear in the Extensions of Remarks of today's RECORD.

CONGRESSIONAL BASEBALL GAME

Mr. DENT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I would like to advise the gentleman from Massachusetts, I acknowledge that I lost a bet I made with him yesterday, for a box of cigars, on the ball game.

This is not the first time I have sponsored a forlorn cause. However, I want him to know I will be happy to pay the debt just as soon as he comes to me with his certificate, that he has to have under the law to take bets.

THE 50TH ANNIVERSARY OF KINGS COUNTY-BROOKLYN CHAMBER OF COMMERCE

Mr. CAREY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CAREY. Mr. Speaker, Brooklyn, a proud and doughty borough of New York, takes on an added glow of pride Friday night, May 24, when, through its chamber of commerce, it honors its first favorite son in celebration of the chamber's own 50th anniversary.

A gallery of great Brooklynites is being opened on this great occasion, a gallery which in years to come will house busts of many of Brooklyn's honored favorite sons, and they are many indeed.

There is a problem, of course, it is no great trick to compile a list of outstanding Brooklynites. Their names are as myriad as their accomplishments. Their achievements have covered the globe. But who should be the first?

From the beginning, there was only one choice: Brooklyn's own ambassador to the entire world, Danny Kaye. His services to humanity need no added gloss from me. For 15 years he has been a one-man crusader and fund raiser for UNICEF.

His devoted efforts on behalf of the State of Israel are being acknowledged this very week at a unique Israel Prime Minister's award dinner in Montreal. He has conducted—if that is quite the word—symphony orchestras in major cities all over the world for the financial benefit, and in many instances salvation, of symphony musicians. The list is as endless and impressive as his own energy, his compassion, his talent.

Danny Kaye's unique talents fly off in countless directions. As an entertainer, he has few equals. He flies his own plane and holds every pilot's ticket the Federal Aviation Authority can confer. He is an expert cook, specializing in Chinese cuisine. He is a walking statistical library on the subject of the Los Angeles—I say this painfully—Dodgers and again, the list is endless. He is, in short, a true son of Brooklyn.

We of this great State of New York are happy to honor Brooklyn for the honor it does itself in claiming Danny Kaye the first of its favorite sons. Where he is concerned, it can never be said that "nice guys finish last."

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS UNTIL MIDNIGHT MAY 24

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight, Friday, May 24, to file certain reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROGRAM FOR TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to make an announcement in connection with the program.

We hope today to finish the resolution, House Resolution 1093, investigation of operations of U.S. military credit unions; to be followed by the bill, H.R. 8578, to amend Title I of the Land and Water Conservation Fund Act of 1965; and the resolution, House Joint Resolution 1227, to authorize the temporary funding of the emergency credit revolving fund.

After consulting with the distinguished chairman of the Committee on Ways and Means, it has been decided that the bill, H.R. 17324, extension of the renegotiation act, will be put over until Monday, following District of Columbia day business.

PROFESSIONAL BASEBALL'S 100TH ANNIVERSARY

Mr. TAFT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, in July of last year, I called on the Post Office Department to issue a commemorative stamp in honor of the 100th anniversary of the founding of professional baseball that will be celebrated in 1969.

As most of my colleagues know, Cincinnati, Ohio, was the birthplace of professional baseball when, in 1869, the Cincinnati Red Stockings took the field.

Not long ago, I resubmitted my request to the Post Office Department, and urged that the Citizens Advisory Committee on Stamps consider the possibility of issuing a commemorative stamp for baseball. I am pleased to say that I have learned from Mr. Ira Kapenstein, Special Assistant to the Postmaster General, that the proposed baseball stamp "is on the agenda for consideration" by the advisory committee when it meets sometime late in June.

I am today introducing a bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball. The measure was prepared by my colleague, the Honorable MELVIN PRICE, of Illinois, and has been referred to the Post Office and Civil Service Committee.

As he pointed out recently, "As the national pastime, baseball certainly deserves this recognition."

AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON THE ESTABLISHMENT OF A COMMISSION ON BALANCED ECONOMIC DEVELOPMENT AND THE CREATION OF A NORTHWEST REGIONAL SERVICES CORPORATION

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1425) on the Senate concurrent resolution (S. Con. Res. 64) authorizing the printing of additional copies of Senate hearings on the establishment of a Commission on Balanced Economic Development and the creation of a Northwest Regional Services Corporation, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations one thousand additional copies of its hearings of the Ninetieth Congress, first session, on S.J. Res. 64, to establish a Commission on Balanced Economic Development, and S. 1602, to create a Northwest Regional Services Corporation.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

TO PRINT, FOR THE USE OF THE SENATE SPECIAL COMMITTEE ON AGING, ADDITIONAL COPIES OF ITS HEARINGS ON LONG-RANGE PROGRAM AND RESEARCH NEEDS IN AGING

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1426) on the Senate concurrent resolution (S. Con. Res. 66) to print, for the use of the Senate Special Committee on Aging, additional copies of its hearings on long-range program and research needs in aging, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Aging six thousand additional copies of its hearings of the Ninetieth Congress, entitled "Long-Range Program and Research Needs in Aging and Related Fields".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF A VETERANS' BENEFITS CALCULATOR

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1427) on the House concurrent resolution (H. Con. Res. 44) authorizing the printing of additional copies of a Veterans' Benefits Calculator, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the second session of the Ninetieth Congress there shall be printed fifty thousand two hundred and forty copies of a Veterans' Benefits Calculator prepared by the Veterans' Affairs Committee of which two thousand copies shall be for the use of the Veterans' Affairs Committee, two thousand copies for the use of the Committee on Finance, thirty-seven thousand four hundred and eighty-five copies for the use of the House of Representatives, and eight thousand seven hundred and fifty-five copies for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FOR THE PRINTING OF 1,000 ADDITIONAL COPIES OF ANTICRIME PROGRAM HEARINGS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1428) on the House concurrent resolution (H. Con. Res. 614) to provide for the printing of 1,000 additional copies of anticrime program hearings, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 614

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, one thousand additional copies of hearings entitled "Anti-Crime Program, Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, Ninetieth Congress, first session".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1429) on the House concurrent resolution (H. Con. Res. 702) authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 702

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committe on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninetieth Congress", with an additional forty-three thousand nine hundred copies for the use of Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PRINT AS A HOUSE DOCUMENT A REVISED AND UPDATED VERSION OF THE COLLECTION OF MATERIALS ENTITLED "DOCUMENTS ON THE USE AND CONTROL OF THE WATERS OF INTERSTATE AND INTERNATIONAL STREAMS: COMPACTS, TREATIES, AND ADJUDICATIONS"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1430) on the resolution (H. Res. 1057), to print as a House document a revised and updated version of the collection of materials entitled "Documents on the Use and Control of the Waters of Interstate and International Streams: Compacts, Treaties, and Adjudications," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1057

Resolved, That there be printed as a House document a revised and up-dated version of the collection of materials entitled "Documents on the Use and Control of the Waters of Interstate and International Streams: Compacts, Treaties, and Adjudications" and that there be printed for the use of the Committee on Interior and Insular Affairs five hundred additional copies which shall be bound in cloth.

With the following committee amendment:

On page 1, line 7, strike out "which shall be bound in cloth".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT THE "COMPILATION OF SOCIAL SECURITY LAWS"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1431) on the resolution (H. Res. 1076) providing for printing as a House document the "Compilation of Social Security Laws," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1076

Resolved, That the compilation of social security laws, prepared by the Social Security Administration for the use of the Committee on Ways and Means, be printed as a House document; and that two thousand additional copies be printed of which one thousand shall be for the use of the Committee on Ways and Means, two hundred copies shall be for the use of the Senate Committee on Finance, and eight hundred copies shall be for the use of the House document room.

With the following committee amendment:

On page 1, line 4, strike out all language following the semicolon down through and including the period at the end of line 8, and insert in lieu thereof the following: "and that one thousand additional copies be printed for the use of the Committee on Ways and Means."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INVESTIGATION OF OPERATIONS OF U.S. MILITARY CREDIT UNIONS IN THE EUROPEAN AND PACIFIC COMMANDS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1093 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1093

Resolved, That, for the purpose of the studies and investigations specified in H. Res. 356, approved by the House of Representatives on March 7, 1967, that the Committee on Banking and Currency is authorized to send eight of its members and two of its employees to investigate the operations of the United States military credit unions in the European and Pacific commands, with particular emphasis on the organization of such credit unions in those countries hosting United States military installations but without credit union facilities for members of the Armed Forces. This special subcommittee will also investigate credit and financing problems facing servicemen and fraudulent activities of sharp practice credit extenders in dealing with members of the Armed Forces: *Provided further*, That, notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Banking and Currency of the House of Representatives and employees engaged in carrying out their official duties under section 190d of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose: *Provided*, That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. BOLLING] for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution was before the Rules Committee for some time. It was given very careful consideration. Finally, after the chairman had testified several times, and the ranking minority member, the gentleman from New Jersey [Mr. WIDNALL], had testified in favor of it, the committee decided to report the resolution.

The resolution deals with an important subject, the subject of how our servicemen around the world are being treated by those who sell certain commodities and items. In effect, it urges the encouragement of credit unions throughout the areas where there are U.S. servicemen, in the interest of the servicemen being given a fair break.

I understand there is a very substantial controversy on the rule. I propose to yield time to three or four Members on this side to explain the specific purposes of the matter.

At this time I yield 5 minutes to the chairman of the Committee on Banking and Currency, the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, the gentleman from Missouri [Mr. BOLLING] has done an outstanding job of explaining the purpose of this travel resolution and I heartily concur in his statement that this is one of the most important travel resolutions to come before this Congress.

I would like to take a few minutes to discuss the types of abuses that our servicemen are being subjected to overseas and you will clearly be able to see why we must stop the activities of the loan sharks and the fast-buck boys and that by establishing a worldwide system of credit unions for our servicemen and women, this can be accomplished. While it has not been uncommon for servicemen overseas to pay interest rates as high as 60 and 70 percent, the Banking and Currency Committee uncovered a situation on Okinawa where servicemen were being charged interest rates of 280 percent. In other instances, finance companies were charging servicemen exorbitant interest rates to finance automobiles and when the serviceman could not pay the high fees, the car was repossessed, fraudulently sold to a subsidiary of the finance company who obtained these cars by rigging the bids. The company would write three dummy bids on the car, always making certain that the company's bid was the highest, although all three bids were artificially low. An individual who worked for the finance company told a committee investigator that when he went to work for the company, his first job was to fill in the phony bids and when he went to lunch, he was left with a large stack of bids still to be manufactured and he asked his secretary to fill in the phony figures in his absence. The secretary asked her boss what names she should use as the company bidding on the repossessed car. Her boss replied, "Use any out-of-town motor company." When the boss returned from lunch, he noted that all the dummy bids had been filled in with the name "Out-of-Town Motor Co., Inc." Once these cars were fraudulently obtained by the finance company, they were shipped to a used car lot owned by the company and resold to another serviceman and the process started all over again. And, I am sure it will interest Members of the House to know that the board of directors of this company contained eight retired admirals and generals, many of whom held extremely important positions.

Not so long ago, the committee uncovered a new racket in which automobile brokers offered fantastic discounts on new cars to servicemen stationed abroad. These cars were to be delivered when the serviceman returned to the United States. Many of these orders were placed through street-corner offices in Vietnam by boys who had just returned from fighting the Vietcong in the jungle. The main reason that the automobile brokers were able to offer such fantastic discounts was that they never intended to deliver the cars but simply planned to get as many deposits as possible and then flee with the funds. Three of these companies bilked servicemen out of nearly one-half million dollars and one of the companies operated on a military installation as a concessionaire and paid the Air Force 2 percent of its profits for the privilege of bilking servicemen. The other companies were allowed to go aboard shipboard to peddle their phony automobile contracts.

I am happy to say that through the efforts of the committee, these companies are no longer cheating our servicemen and that in Germany, the loan shark racket has been virtually wiped out because of the Banking and Currency Committee's successful effort in getting military credit unions established in that country.

However, we must get credit unions in every country, both in Europe and the Far East, where we have major troop concentrations. There has been a great deal of reluctance on the part of the military to establish these credit unions and perhaps when we find out that companies bilking servicemen are run by retired admirals and generals, it is easy to see why the military is reluctant to go along with the credit union philosophy.

Therefore, it is necessary for the committee to send members of the committee and staff personnel to facilitate the establishment of these credit unions and to investigate any new rackets that are being used against the servicemen. Unless the committee can do this, we have little hope that the services will put a stop to the rackets since not one of the companies that I have described to you was placed "off limits" by the military services until after they had gone out of operation, even though the committee warned the Department of Defense months in advance of the operations of these companies. In one case, the committee located one of the fraudulent operators and reported his whereabouts to the Department of Defense yet the Department of Defense has taken no action against this individual.

With credit unions we can drive out the loan sharks. With credit unions we can provide counseling so that servicemen will not be taken in by the fast buck operators. And, with credit unions we can generally better the economic condition of our men in uniform. I do not feel that it is too much to ask this body to approve the travel resolution so that we can repay a portion of our debt to our servicemen.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. If the gentleman has all this information, why does he want to send eight people junketing around the world? With this information already available, why not bring out corrective legislation now?

Mr. PATMAN. We must have cooperation from the Defense Department and also from the officers in charge of these camps, and also the officials of the foreign countries. We must have their cooperation. We have gotten cooperation in the countries where we have visited, but we have not visited the main countries.

The object is to get the cooperation of the country involved and also of the officers in charge of the large numbers of servicemen stationed there.

May I say to the gentleman, I am not a traveler, anyway. This is my 40th year in the Congress. I have had plenty of opportunities to travel all over the world, as chairman of committees, but I have never taken advantage of it and certainly have not abused it. I have been out of the country only twice in 40 years, so I am not a spender in that respect, and I am not encouraging spending in that respect.

Here we can save the servicemen $50 million a year.

Mr. GROSS. If the gentleman will yield further, the gentleman from Texas does not have to convince the gentleman from Iowa how self-effacing he is.

Mr. PATMAN. I hope the gentleman will help us to protect the servicemen all over the world.

Mr. Speaker, I reserve the remainder of my time, and I thank the gentleman for giving me this opportunity to explain the proposal.

Mr. SMITH of California. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, House Resolution 1093 was programed a couple of weeks ago, at which time I notified the membership that I intended to oppose the resolution and that I would give equal time to those on my side of the aisle who are in support of this particular resolution.

Frankly, I regret that I have to take the well today and oppose this resolution, and I regret that I am placing the membership in the position where they have to vote for or against this particular resolution. However, under the circumstances, I see nothing else that I can do in good conscience.

I am sure all of you will remember the very distinguished great American from Virginia, the chairman of the Committee on Rules at that time, Judge Howard Smith, who felt that there was entirely too much travel and he was quite generally against most any committee travel and decided that the Committee on Rules should take over travel resolutions. I objected to him at that time and discussed the matter and stated that I did not think the members of the Committee on Rules had any divine right to tell other members of other committees or chairman of other committees that they could or could not take a trip, but, in any event, we were placed in that position and we started out that way.

I personally have always believed in appropriate travel. I have traveled myself on two occasions with the late Francis Walter, to two conventions of the Intergovernmental Committee on European Migration at Geneva. I think they were very successful trips. On one of them I by myself went through all of the refugee camps in Europe where the hard core was still living. As a result of that, shortly thereafter we were able to get all of those people sent someplace throughout the world and all of those camps were closed. So I do not oppose travel. In fact, every resolution that has been on the floor up until now I have taken the floor for and have supported it.

In my opinion, this resolution goes too far. It requests that too many Members take a trip and they are going too far. I will explain to you a little later why I feel that way. Certain papers, press, and correspondents from time to time have criticized the House of Representatives in connection with travel. For other reasons during this 90th Congress we have in my opinion been unjustly criticized from time to time. Still when those articles do appear some of the Members receive letters from their constituents that say, "Well, was this a junket?" and "Why do you vote for these things and why do you travel that way during the time when we are considering a travel tax from $7 to $15 and over?" Members received letters saying, "You get $50 a day for travel and you travel all over. Why should you tax us on money that we spend from $7 to $15 and from $15 to $30" and so forth. Some of the Members on my side of the aisle came in to me and said, "How do I answer these letters?" I said that I thought "you should place the responsibility on me as the ranking minority member on the Committee on Rules. I have heard these resolutions and taken the floor and supported them. I believe you should simply make a statement that the gentleman from California has assured the membership that the travel resolution was appropriate and was warranted, and accordingly I supported it."

Now, having placed myself in that position, I come to the first one, which I told Judge Smith would probably have to reach the floor at some time, where I have to oppose the resolution because I do not want any Member on my side of the aisle, if he does receive criticism on this particular travel resolution, to expect that it can be transferred onto my shoulders, because I do not believe that this resolution in its present form should be approved.

Let us take the resolution as it is. This will take eight members of the Committee on Banking and Currency and two staff members to the Pacific Command and the European Command to investigate the credit unions and the sharp practices that the gentleman from Texas refers to. We asked the chairman of the Committee on Banking and Currency where they intended to go. Here are his remarks in a letter to the chairman of our Committee on Rules on March 20. He says:

> On H. Res. 1093 it is anticipated that the special subcommittee which would be authorized by this resolution would visit the following countries: Germany, Italy, Spain, and England in our European Command, Guam, Okinawa, Korea, the Philippines, Japan, and South Vietnam in our Pacific Command.

Now, the question was brought up about counterpart funds. I think we are going to have to realize that the time is fast approaching when we will probably have very few counterpart funds with the exception of a few countries like India where we have rupees which we cannot possibly count the number of. As I understand it—and I have asked for an official report which I have not received as yet, but I was told that we do have counterpart funds in about 11 countries. Officially, in connection with the countries where they are going to travel under this resolution I do have an official tabulation of those countries as of March 31, 1968: Germany, we have $2,125.23; Italy, we have $25,939.58; Spain, $8,400.59; United Kingdom, $26,113.55; Guam, of course no balance; Okinawa, of course no balance; Korea, $132.46; the Philippines, $9,037.31; Japan, $8,128.11; and Vietnam, $22,856.03.

Mr. PATMAN. Mr. Speaker, will the gentleman yield to me at that point?

Mr. SMITH of California. I would rather finish my statement in order that I may know how much time I will have left to yield to other Members who wish to speak on the resolution.

Mr. PATMAN. I would like to ask the gentleman from California a question now with reference to the particular subject matter of counterpart funds.

Mr. SMITH of California. I prefer not to yield at this time until I know how much time I use myself. Now, I certainly mention this because we think and as we look back we know we are not getting counterpart funds under Public Law 480 as we did at one time. In other words, counterpart funds may eventually run out, say, next year and then the money will have to come from the Treasury of the United States. However, I assume that there are adequate counterpart funds with which to make this trip.

Mr. Speaker, I am not only objecting to the large number of people who are requested to go but also I am objecting to the fact that they are planning to go too far. It would seem to me that they could break the group up into say three or four, or one or two, and send one group to the European Command and then send another group to the Pacific Command.

Mr. Speaker, there will probably be statements made to the effect that they cannot accomplish the objectives of the proposed trip on this basis—we will send eight Members to Europe or four Members to the Pacific Command, or perhaps three but we will not send any more than we have to send. If that is going to be the interpretation of the Members, then they should go to the Rules Committee and we should vote on it.

The SPEAKER pro tempore (Mr. ZABLOCKI). The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 3 additional minutes

We will vote on a resolution to provide that eight Members and two staff members may travel around the world. That is in the resolution, because that is what we are voting on and will be held accountable for.

Mr. Speaker, the Department of Defense has advised that there are currently six credit unions operating in Germany and that they are actually branches of established credit unions located in the United States. For instance, one of those located in Germany is a branch of a credit union located in Huntsville, Ala. Actually, there are only three credit unions operated outside the United States. One is in the Azores, one is in Okinawa and one is in Japan.

I am advised that the credit unions themselves are doing a good job for the servicemen and that no complaints have been made by the Department with reference to certain sharp practices which are allegedly going on. The Department of Defense then said that these operations had been successful for the past two years and that they were desirous of having more credit unions started.

Mr. Speaker, it would seem to me, based upon the material which was placed in the RECORD of recent date by the gentleman from Texas [Mr. PATMAN] and his statements today, that they have plenty of information today in connection with this problem although they state that the purpose of the trip is to get more information and confirm what information they now have. However, in my opinion, what they really need to do is to get together with representatives of the Department of Defense and work in cooperation with the Armed Services Committee under which the jurisdiction of the military services falls.

They are the ones that have investigative jurisdiction of this. Then get the two committees together, and tell the Department of Defense to stop these sharp practices of these organizations, do not let them wheel and deal with the servicemen, and set up the necessary credit unions over there which they feel they should have to give service to the veterans.

So from the information, as set forth in the RECORD, it seems to me that they are asking a little too much at this time to send eight Members on this round trip around the world to get a little more information, or evidence, to substantiate what they already know is a fact. I believe this resolution does step on the toes of the armed services; that is another reason why I am opposed to this particular resolution.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. ZABLOCKI). The gentleman from California has consumed 11 minutes.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman for yielding.

Concerning that which the gentleman from California mentioned, we have the same information on Germany but we could not do a thing about it until we sent somebody over there to help them, and that is exactly what we want to do in the other countries as well. We have information, but we have to send people there to each country to implement it with the country involved.

Mr. SMITH of California. I am sorry, but I cannot yield to the gentleman from Texas for a statement.

Mr. PATMAN. I am going to ask the gentleman about these other things the gentleman brought up.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. PATMAN. I do not believe the information the gentleman gave is exactly correct.

The SPEAKER pro tempore. Does the gentleman from California yield himself additional time?

Mr. SMITH of California. Mr. Speaker, I do not know how much time I am going to have to use on my side. May I ask the gentleman from Missouri if I should get stuck on time, does the gentleman from Missouri have any time so that the gentleman from Texas can make a speech?

Mr. BOLLING. If the gentleman from Texas [Mr. PATMAN] desires the gentleman from California [Mr. SMITH] to yield, I will yield the gentleman from California the time the gentleman from Texas consumes.

Mr. SMITH of California. I thank the gentleman.

Mr. PATMAN. Will the gentleman yield to me under those circumstances?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. PATMAN. As to the counterpart funds, we have done this before, we have gotten the lira from Italy and translated it into rubles in Russia, and we do that all the time, and this is restricted to counterpart funds and the counterpart funds, I believe the gentleman will find, are much larger in amount than he has indicated.

Furthermore, we will not travel under this resolution unless we do it with counterpart funds.

Second, is the number of people necessary to travel, and we are restricting it to eight, and two employees. And that is for the whole world, that is for Europe, and that is also for Japan and Vietnam. And that is where the worst offenders are, in Vietnam. And in no case will it be over eight people, and in fact it will be probably two, not over three, will go to one place, and probably two, or not over three, will go to another place.

Further, it is a difficult matter to get Members to go to these places. I do not want to go, and I am not going to go unless it is absolutely necessary. I do not want to go. It is hard work and takes a lot of time. But in order to do a good job for the servicemen, someone has got to sacrifice.

And I believe if the gentleman will reconsider this matter, when he has been fair enough in boasting about the good job that the credit unions have done in Germany, and they have done an excellent job, and everybody there is so well pleased that they are saving the veterans all kinds of money, and we are trying to implement it in other countries, to do exactly what the gentleman boasted about the credit unions doing in Germany, but we cannot do it in these other countries unless we can send people who will personally confer with the countries involved, and the people in charge of the large number of troops that are stationed there.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SMITH of California. I yield myself 1 more minute.

How much time has the gentleman from Texas consumed?

The SPEAKER pro tempore. The gentleman from Texas has consumed 2 minutes of the time of the gentleman from Missouri. Does the gentleman from California desire to yield time to himself?

Mr. SMITH of California. I yield myself 1 more minute.

As I said, I am not complaining here about the counterpart funds or the money. I simply want to bring that to the attention of the House, and as the gentleman states, I think he confirms my position that they have the information. What they need to do is to tell the Department of Defense what they should do to straighten it out.

The gentleman stated further that we may only send two here or two there—or two here—well, if that is what they are going to do, bring it to the Committee on Rules and I will support it and I will come to the floor of the House and support the resolution. This is a blanket resolution to send eight people around the world.

Mr. PATMAN. Mr. Speaker, if the gentleman will yield, let me remind the gentleman that we do not know who will go.

Mr. SMITH of California. Then find out who is going to go and come and tell this committee. Do not ask us to support this blanket resolution that we do not know anything about.

Mr. PATMAN. They have to go at the time when they can leave here—they just cannot leave any time.

Mr. SMITH of California. I know that is true. We do not know who will go and when they will go. They may go 1 week from today or 2 or 3 weeks from today or in June. It can be a week or 3 weeks, or it can be months. That is what I object to. They will be going to places that we do not know—tell us what you have in mind and who is going to go and you will find I will be right here on the floor supporting this as I have in the past.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA.]

Mr. MATSUNAGA. Mr. Speaker, I rise in support of House Resolution 1093 and in its support I would like to read an editorial which was aired over station KHOU–TV, channel 11 of Houston, Tex., on May 21, 1968, as follows:

> When American G.I.'s are sent overseas . . . whether to Viet Nam or Paris . . . they enter a jungle—one which should be defoliated.
>
> It is a jungle of finance which military leaders are accused of helping to grow, instead of fighting against.
>
> The charge comes from Congressman Wright Patman of Texas, who has revealed some astonishing things about what our servicemen are going through. For example, finance firms—approved by the top brass of the military establishment—allegedly are using fake bids on repossessed cars so they can make extra profits on them . . . double-charging on insurance which sometimes doesn't even exist . . . charging 100 per cent interest on two-year loans . . . and then setting up payments so close to payday that the G.I.'s can't possibly get their payments back to the States in time to avoid penalty fees which go beyond that 100 per cent interest.
>
> Congressman Patman has charged other chicanery . . . including Defense Department approval of one questionable firm in which eight of the twelve Board seats are held by retired admirals and generals . . . and another in which a company, kicked off Naval bases for unscrupulous practices, merely changed its name and was welcomed back.
>
> According to the records of this Congressman's Committee, the cost of these overseas bandits is an unnecessary $50 million a year out of servicemen's pockets . . . and he says that if the services don't take quick steps to protect their men, Congress will.
>
> We suggest that since his Committee has worked on this for three years, he should wait no longer . . . but should take a page from the books of one of those firms and give the Defense Department as long to act as they give servicemen to pay.

Mr. Speaker, this editorial gives a strong indication that investigatory trips such as that which is here proposed would have public support.

Mr. Speaker, House Resolution 1093 should be approved, for it would authorize a congressional investigation too long delayed.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I came to the Congress in January of 1965, and at that time I was assigned to the Subcommittee on Domestic Finance, which had authority to investigate sharp practices by finance companies having dealings with servicemen. Many of you will recall that on two different occasions I took a special order to bring to your attention this multimillion-dollar juice racket that was being operated in camps throughout the entire world.

I rise in support of this resolution and call upon my colleagues in the House to consider that when men and women are dying for the free enterprise system throughout the entire world, the least we can do is to protect them from racketeers operating in the free enterprise system.

The only reason we have credit unions in Europe is because of the trip we made in 1965, when we had no credit unions in these camps. We conducted hearings in these camps, and when we called to the attention of the commanding officers of these camps throughout Europe the racket that was going on right under their noses.

In one camp, in Spain, the general did not know that servicemen were buying automobiles until we revealed there was over $1 million per year in purchases of automobiles at his installation and these boys were spending 30, 40, and 50 percent in interest charges.

Mr. Speaker, during the 89th Congress, I was a member not only of the subcommittee that visited the military installations in Europe but also took part in the hearings held in Newark, chaired by the able and distinguished gentleman from New Jersey [Mr. MINISH]. These hearings delved into the credit problems of servicemen and also, for the first time, uncovered a group of auto frauds that were being perpetrated against our servicemen.

At that time, I warned the military services of what was being done to our boys in uniform and asked that they take action to prevent the further bilking of our servicemen. I named the companies that were involved and asked that they immediately be investigated and that if the charges were true that they be placed off limits.

Months passed and no action was taken by the military services. It was not until the car companies had bilked the servicemen out of every dime they could get that the military finally took action but by then it was too late. If the services had acted promptly when I exposed this vicious racket in August of 1966, untold thousands of dollars of servicemens' funds could have been saved.

Because the military has refused to act, very shortly, hopefully in the next week or 10 days, I will introduce a bill for the relief of those servicemen who were bilked by the three fraudulent automobile brokers: Federal Automotive Services, Navy Auto Sales, and Universal Auto Sales. I know that many Members have received letters from servicemen asking what can be done about getting their money back. Quite frankly, the only hope of returning the funds is through a private claim bill. The individuals involved in the swindles have disappeared and even when the Committee was able to locate one of the individuals involved, the military took no action to either contact the individual or bring charges against him.

I have received a list of the servicemen who have been bilked by the automobile companies which will constitute the basis of the legislation. It is expected that the total amount involved will be several hundred thousand dollars.

This is not the first time that the Domestic Finance Subcommittee, of which I am a member, has been involved in returning funds to servicemen. During the subcommittee's investigation of military frauds, we learned of a bank in suburban Washington that was holding nearly $100,000 of funds belonging to servicemen and the servicemen were unaware that the money belonged to them. The bank made virtually no attempt to find the servicemen. This money was accumulated in the bank because servicemen, in making out allotments to repay a loan, did not stop the allotment in time after the final payment and additional funds were received by the bank. In other cases, servicemen unwittingly made allotments in amounts greater than their loan repayments but were never told that the excess funds were being kept by the bank.

When the subcommittee learned of this nearly $100,000, we enlisted the aid of the Department of Defense and, as has been pointed out before, all of the money was returned to its rightful owners—the servicemen. Some of the cases involved had a human interest element. For instance, one sailor who had nearly $500 coming to him was a crew member on a Polaris submarine that would be submerged for 90 days and because of military regulations, this individual could not be notified of his windfall until the submarine surfaced.

The bill that I plan to introduce is not in the normal vein and perhaps there are some who might argue why the Government should get involved in paying this claim, but let me say quite candidly that since the military services knew of the operations of these companies and, in some cases, allowed the companies to operate on military installations and vessels, it is quite clear that the U.S. Government does have an obligation. In one well publicized case, which Chairman PATMAN brought out again on the floor of the House on May 10, the military received 2 percent of the profits of one of the fraudulent car dealers.

One of the purposes of House Resolution 1093 is to make certain that the military is not taking part in any further fraudulent financing schemes and that every serviceman who is entitled to be included in my bill will have that opportunity. I personally will see to this in conjunction with the investigation.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from New Jersey.

Mr. CAHILL. Is there not a violation of the Federal law? Is there not involved a law under which those people could be prosecuted?

Mr. ANNUNZIO. In answer to the gentleman from New Jersey, I would like to say that we have no jurisdiction, as far as Federal law is concerned, in foreign countries. As far as our own country is concerned, we have called this practice to the attention of the Attorney General. We have called it to the attention of the Defense Department. After many months, I point out to you, of fighting with the Defense Department, we finally got them to establish credit unions in Europe.

Mr. CAHILL. If there is no way under which we can prosecute outside the United States for a violation of Federal law, what action has been taken concerning the generals and the commanders of the installations where these practices are permitted to take place?

Mr. ANNUNZIO. After calling this to the attention of the generals, we finally got credit unions established.

Mr. CAHILL. What happened to the generals and other commnading officers who permitted it in the first place?

Mr. ANNUNZIO. As a member of the committee, I was not interested in what was happening to the generals. I was interested in what was happening to the servicemen who were being overcharged. The responsibility for the generals belongs to the Defense Department, and we called it to their attention.

Mr. CAHILL. Mr. Speaker, were these practices and violations called to the attention of the Armed Services Committee of the House of Representatives?

Mr. ANNUNZIO. Mr. Speaker, I would like to point out for the attention of the gentleman, one Washington based company was doing $50 million a year in business, and it was called to the attention of the Defense Department.

The chairman of the board was a retired general and we used every means we could to bring it to the attention of the Department.

Mr. WOLFF. Mr. Speaker, if the gentleman will yield, in answer to the question, I do not know what happened in this particular case, but the commanding officers do not have any jurisdiction over what happens outside their base. These phony finance companies do not come in onto the base. Therefore, the commanding officer has no jurisdiction. There are many of these finance companies that are advertising in publications like the Army Times, which is not an official publication, yet these loan sharks do come onto the base through media such as this.

However, so far as the military are concerned, they do not have any jurisdiction over this whatsoever. Many of these finance companies, on a domestic basis, operate under State laws and the States involved do not have usury laws, therefor they are in no way limited and can fleece the servicemen at will.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman seems to have plenty of evidence that legislation is needed. Why not bring on the legislation instead of asking us to send eight members gallivanting around the world?

Mr. ANNUNZIO. The evidence I have here I am planning to use to introduce in the Congress as a claim bill because I believe the Government owes these boys this money. I point out to the gentleman that the other companies we exposed, because of the work of our committee, are no longer in business. They have been put out of business because I asked the Department of Defense to put these companies off limits. I assure the gentleman, it took me 6 months to move the Defense Department to put these companies off limits. And they did it only after the companies were out of business.

Mr. GROSS. That is just fine, but why not drop the resolution right where it is; forget about it, and save some money?

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Virginia [Mr. BROYHILL] such time as he may consume.

PREVENTION OF MOLOTOV COCKTAILS

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to speak out of order.)

Mr. BROYHILL of Virginia. Mr. Speaker, because of the threat of riots and the upsurge of arsonists using Molotov cocktails, the District of Columbia government late last year prepared a draft of a law designed to cope with the possibility of Molotov cocktails being used here in the Nation's Capital. The draft bill was completed and forwarded to the Bureau of the Budget for final approval. Inexplicably the bill was stillborn somewhere in the bureaucracy. According to District authorities, there is no law in the District of Columbia at the present time specifically dealing with fire bombs, fire torches, or Molotov cocktails.

Mr. Speaker, needless to say, such a law should long ago have been on the books ready to deal with the fire-loving thugs who travel in the wake of riots and looting. The local news media carried stories during the recent riots that persons were arrested with Molotov cocktails in their possession. Yet there is no law in the District to deal with such possession. The Arson Statute of the District Code is totally inadequate to cope with this critical problem.

As I see it, a person could stroll down Pennsylvania Avenue in front of the White House with a Molotov cocktail in either hand and yet would be immune from arrest. Until he lit the fuse and actually threw the cocktail against a building, he violated no law of the District of Columbia.

The bill which I shall introduce today will prohibit the possession, manufacture, use, or transfer in the District of Columbia of any fire bomb, fire torch, Molotov cocktail, or any other flammable, explosive, or combustible material or substance. I repeat, at the present time there is absolutely no law in the District of Columbia specifically dealing with fire bombs, fire torches, or Molotov cocktails.

My bill would make it a crime for any person in the District of Columbia to possess any flammable, explosive or combustible material or substance with intent to willfully and maliciously use such material or substance to set fire to or to burn any building or other property.

Violators of the law would be punished by a fine not exceeding $10,000, imprisonment for not less than 5 years nor more than 15 years, or both.

Mr. Speaker, in view of the incredibly alarming climate that prevails in our Nation's Capital, especially with the increased incidence of fire bombing, it is absolutely impossible for me to conceive why the District of Columbia government or the Bureau of the Budget or the Justice Department has allowed legislation of this type to gather cobwebs while Washington, D.C., is threatened at this very moment with conflagration by thugs armed with Molotov cocktails. Yet these same felons have very little to fear simply because the statutes are not adequate to meet the threat.

Mr. Speaker, I charge that the administration has been totally derelict in meeting its responsibilities at this critical time.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. WIDNALL] such time as he may consume.

Mr. WIDNALL. Mr. Speaker, I want to take this opportunity briefly to discuss the increasingly important role of the House Banking and Currency Committee with regard to matters affecting international finance and development. Recently our committee was denied travel authority to attend two very important annual meetings of the Asian Development Bank and the Inter-American Development Bank.

Speaking personally, I have no specific plans to travel on the authority proposed in the resolution being considered today.

In recent years the annual level of U.S. bilateral grant and loan assistance through foreign aid programs has been on a sharp decline. Meanwhile, the level of assistance provided by the United States through multilateral lending institutions has increased. When one removes Public Law 480, administrative costs, and military support assistance from our bilateral aid programs, one quickly realizes that the current level of bilateral grant and loan assistance has been reduced to approximately $1.2 billion per year.

On the other hand, total U.S. subscriptions to such international institutions as the International Monetary Fund, the World Bank, the International Development Association, the International Finance Corporation, the Asian Development Bank, and the Inter-American Development Bank currently are in excess of $14.3 billion. It is difficult, if not impossible, to compute an annual outlay figure resulting from U.S. subscriptions to these institutions because of the rollover effect caused by repayments of past loans. Nevertheless, I am confident that the institutions over which our committee has legislative jurisdiction currently are providing nearly as much or more development assistance to foreign nations than are our bilateral foreign aid grant and loan programs over which other committees have jurisdiction.

While multilateral lending programs have certain advantages over bilateral grant programs—such as reduced U.S. share and more effective program administration—they do present a rather unique problem to Congress. For one, the traditional oversight role of Congress in connection with these multilateral programs becomes a very delicate proposition. In return for sharing the burden with other contributor nations to multilateral lending institutions, the degree of unilateral control by our Government over administration of these programs correspondingly is reduced.

For instance, we cannot bring before our committee direct testimony from those who actually administer multilateral lending programs, for if the U.S. Congress had this privilege, every other contributor country correspondingly could insist upon such direct testimony.

Instead, we must depend more heavily on a broad knowledge and working acquaintance with the approaches being taken by these institutions. It is also essential that we maintain a close personal relationship with those who administer these multilateral lending institutions. Whatever influence we might have—other than recommending to the House that we cut off or reduce U.S. contributions—largely is dependent upon the respect these people have for our knowledge, attitudes, and opinions. Keep in mind, in most instances those to whom I refer are foreign professional employees of these institutions. Indeed, it is precisely because we do not have traditional oversight functions that members of the Committee on Banking and Currency must become more expert in the field of international finance and development than we are at present. I might say at this point that our experience with multilateral development assistance thus far has been very encouraging, and I suspect that the degree of waste and mismanagement is less than that which we have recently experienced with our bilateral assistance programs.

All this is not to say, however, that our more limited and distant role necessarily reduces our influence over multilateral lending institutions. For instance, as a direct result of previous committee trips and recommendations the Inter-American Development Bank has been emphasizing agricultural development in its lending policies far more than had previously been the case. Also resulting from recent firsthand observation by the committee, both the Asian Development Bank and the Inter-American Development Bank have been made conscious of congressional displeasure with the potentially serious balance-of-payments impact of multilateral lending programs. In this regard, both institutions have significantly "tied" their lending programs to U.S. exports and have increased their borrowing in foreign capital markets.

Our committee also has jurisdiction over the Export-Import Bank and implementation of the Export Control Act. In this connection, we have day to day legislative concern with East-West trade as well as economic developments in the Iron Curtain countries.

Following a trip in December of 1966, it was a report by one of our subcommittees which first predicted the current political upheavals in Czechoslovakia resulting from their far-reaching economic reforms. In that same report it was further predicted that what has already occurred in Czechoslovakia is likely to occur in Hungary. Keeping in close touch with the rapidly developing situation in Eastern Europe is a vital concern to our committee because of our legislative jurisdiction over the International Monetary Fund, the Export-Import Bank and the Export Control Act. Other committees may have an academic interest in East-West trade, but it is our committee that has jurisdiction over the institutions and statutes that can shape the U.S. response to developments in Eastern Europe.

In connection with our legislative responsibilities involving the International Monetary Fund, it is equally important for members of our committee to be acquainted with those individuals responsible for making decisions such as those which have been recently announced in connection with gold. Two years ago, a group from our committee made it a point to discuss on a very confidential and firsthand basis our balance-of-payments problems with the leading European central bankers. Any conversations such as these must, of course, be on a highly confidential and informal basis. Nevertheless, if our committee is to function as it should we must establish and maintain these close personal contacts in order to have a full grasp of the rapid developments that have been occurring on the international monetary front. In the future, such relationships should not and must not be the exclusive concern of the Executive Branch, the Federal Reserve Board and private bankers.

During the past 2 years, another group within our committee has been vitally concerned with credit facilities available to American servicemen throughout the world. A very serious situation developed which involved American GI's purchasing automobiles overseas. There was widespread evidence that credit facilities on U.S. military bases both here and abroad were totally inadequate, and that military commanders were altogether too lenient in permitting credit sales to occur on their installations. Entirely as a result of recommendations of our committee, some corrective measures have been taken by the Secretary of Defense both here and abroad. Much more, however, remains to be done.

Mr. Speaker, I support House Resolution 1093.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. REES].

Mr. REES. Mr. Speaker, I really had not planned to speak on this travel resolution, but I was downstairs having lunch with my wife, entertaining four wounded marines from Bethesda Naval Hospital, who were wanting to look at their Capitol and see Congress in action and find out about their Government.

I mentioned that Congress was discussing a travel resolution to send some members of the Banking and Currency Committee to various bases where we have American troops, to look at the problem of American troops being sold automobiles, or whatever it might be, and then coming home and finding what they bought was really not what they thought they were buying, or coming home and finding out they had been paying interest on something they did not actually have.

They said, "We certainly hope you do something about it," because two of them out of the four had adverse personal experiences.

One said, "My buddy bought this car. He paid something like $4,000 on an installment contract." This is a 6-percent contract where you are really paying 11 percent interest. By the time he got home, he found he did not have that car that he thought he had, it was a different car. Of course he had been paying interest for a year on something he did not have to begin with, and since he was already a year into a 2½-year contract, there was not much he could do. So he took the car and he got gypped.

I talked to another marine. He said, "I could not sign a contract," even though he is a Purple Heart veteran, "because I was not 18 yet, but thank goodness Danang got hit by the Vietcong and all the salesmen had to get out and go back to Saigon to find safety."

For a while at Danang, when the VC were attacking, these piranha were not able to feed on our servicemen.

There are a lot of problems in this area of overseas to our servicemen.

Actually, what are the services doing to regulate those individuals who come into military areas to sell to servicemen, to make sure they are bona fide salesmen? What are they doing to set up basic criteria on installment contracts? Are they informing those servicemen that those servicemen can put their money in a credit union or a bank and earn 6-percent interest and then, when they get home, take that money with their interest earned and go out to buy an automobile?

What is the legal problem on a sales contract signed in a foreign country, when a person actually takes possession, let us say, in New Jersey or California or New York or wherever his home might be?

There are a tremendous number of questions we have to look at.

The Committee on Banking and Currency is a committee which has done an excellent job in the credit field. I know the chairman of the committee has discussed the work which was accomplished in the area of credit unions. Credit unions did not exist in the services. The serviceman usually went out to people who charged usurious interest, and they got into trouble. Now we have a very strong credit union movement in the armed services. This was an accomplishment of the Banking Committee.

I believe if we can go further, in the spirit of the bill passed yesterday on truth in lending, if we can give to our servicemen throughout this world a little of the benefit of the statute we passed yesterday, it will be a benefit to the taxpayers to have the members of the Committee on Banking and Currency travel to our overseas bases to see what actually is happening to the servicemen in the area of consumer purchases, to see that they are not being bilked by being charged interest on something they do not have.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from New Jersey.

Mr. CAHILL. I believe it is certainly fair to say that all Members of Congress on both sides of the aisle are vitally interested in the welfare of the servicemen and insuring that the things the gentleman describes do not happen.

I do not believe any of us is opposed in principle to Members of the Banking and Currency Committee personally making an investigation.

I believe that many of us, however, question the capacity of even the learned members of the committee, eight in number, and two staff members to undertake what seems to me to be a tremendously difficult and comprehensive undertaking.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. BOLLING. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CAHILL. Why would it not be better to refer this entire matter to G-2, to Army Intelligence, who are equipped to act, and to have them or some other investigative arm of the Government find out who is responsible in the first instance for permitting these violations to take place? Would that not be a better answer?

Mr. REES. The reason why we have a legislative branch of Government is that at times we do not get all the information from G-2 we need to draft legislation. If we waited for G-2 to do something about credit unions for servicemen I do not believe we would have credit unions now.

I believe the legislative branch of the Government should seek out the facts, and then to draft legislation. I do not believe we should rely exclusively on G-2 to come in to give us their opinions and then say, "All this is unfortunately the situation; therefore we will write a bill."

Mr. CAHILL. I do not comprehend why it would be necessary to write legislation to stop the practices the gentleman is describing. All the commanding officer has to do is order them off the base. We do not need legislation to do that.

Mr. REES. Sometimes the commanding officer, or the officer in command of a whole theater such as Europe or Vietnam, needs some specific advice from a committee which is expert in its field. Remember that this committee has just passed a truth-in-lending bill.

I believe this Congress knows more about the problem of consumer finances than a theater commander of Europe or Asia, or wherever the area might be. This is our duty as the Congress of the United States.

Mr. WYDLER. Mr. Speaker, will the gentleman yield to me?

Mr. REES. I yield to the gentleman from New York.

Mr. WYDLER. I have been impressed by your statement and the other statements made here today that our servicemen need some protection, but I would say that the situation calls for action. I do not think we should be investigating now. I think we should be legislating and I think we should be legislating now. I think the Committee on Banking and Currency and its chairman could do us a great favor by giving us the necessary legislation so that we could vote on it and protect the servicemen at the present time.

Mr. REES. We have already accomplished a great deal with credit unions. I hope you do not leave us like the blind man trying to feel the elephant. I think we have to go out and find out exactly what the situation is so we can obtain the information we need to draft intelligent legislation.

Mr. MINISH. Mr. Speaker, during the 89th Congress, I was chairman of a special subcommittee that visited the major military installations in Europe to study the credit problems of our servicemen.

Let me assure you that it was no junket. We worked from early in the morning until late in the evening and visited every major military installation in Europe. The entire delegation spent only $12,443.16 including transportation, all of which were counterpart funds and did not cost the taxpayers a single cent. As a result of the committee's trip and the outstanding work done by Chairman PATMAN, we now have six unions operating on military installations in Germany. In the brief time that these credit unions have been in operation, they have lent servicemen nearly $4 million and all at reasonable interest rates. Thus, for an investment of a little more than $12,000, none of which was charged to the taxpayers, we have been able to help our servicemen escape the clutches of the loan sharks to the tune of nearly $4 million. By any system of accounting, I would say this is an excellent deal. Not only must the savings to the serviceman be considered but also the impact on our balance of payments. If the serviceman borrows money from one of the finance companies overseas that is incorporated under the laws of the foreign country, his repayments are channeled back into a foreign corporation, thus hurting our balance of payments. However, if he borrows from an American credit union which is a suboffice of a military credit union in the United States, his repayments return to the United States, thus helping our balance of payments.

There are many benefits contained in House Resolution 1093 and because of this, I urge all Members to vote for it.

Mr. FEIGHAN. Mr. Speaker, I join with my colleagues in strongly urging passage of House Resolution 1093, to authorize the House Banking and Currency Committee to investigate the vicious practice of defrauding our servicemen.

This is a most necessary investigation and no time should be lost in getting it underway.

The situation first came to my attention early last year when one of my constituents, James T. Trepka, asked for assistance to secure the return of $2,000 of which he was defrauded as purchase money involved in the sale of a Volkswagen by a representative of Navy Auto Sales, of Barcelona, Spain. This transaction took place while he was on active duty with the U.S. Navy on board the aircraft carrier U.S.S. *Saratoga*.

I immediately took the matter up with the Department of Defense and learned that there were at the that time about 70 cases of the same nature.

It grieves me that our servicemen should be exposed to this dishonor, these men who are sacrificing their very lives and who should by comparison be given every protection possible.

While this necessary investigation can only lead to corrective measures, it is my hope that some remedy can be found to reimburse the servicemen who have been cheated prior to this time.

I understand that my colleague, Congressman ANNUNZIO, is planning to introduce a private bill providing payment to those who have been bilked by the auto sales companies carrying the misnomer title of Federal Automotive, Navy Auto, and Universal Auto. The introduction of this bill appears to be justified on the premise that the Military Establishment knew that these companies were operating fraudulently and refused to take any action until it was too late.

I shall certainly join wholeheartedly in my colleague's efforts to see that this bill which I will cosponsor is promptly passed.

Mr. NEDZI. Mr. Speaker, I take this opportunity to advise the House that, after becoming aware of House Resolution 1093, I contacted the Department of Defense in an effort to secure their comments with reference to the said resolution.

In order that the House be more fully advised, I am herewith including the response of Maj. Gen. William W. Berg, Deputy Assistant Secretary of Defense:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 16, 1968.

HON. LUCIEN N. NEDZI,
House of Representatives,
Washington, D.C.

DEAR MR. NEDZI: The Department of Defense, in response to your request, submits the following information and commentary on an item appearing in the Congressional Record—House of May 10, 1968, page 12740, entitled: "Travel Resolution Only Solution to Loan Shark Rackets Used Against Servicemen." This item was introduced by the Honorable Wright Patman in support of House Resolution 1093.

The Department of Defense always welcomes Congressional visits to our military installations especially where the purpose is to improve the welfare of our service personnel. In the instant case, the stated areas of concern, credit problems faced by servicemen and the establishment of credit unions at the major military installations, are and have been of paramount and continuing interest to us.

It is noted that most of the examples cited represent incidents occurring in the 1965–1966 period. Coincidental with these situations and from experiences associated therewith, the Department of Defense established many practices and procedures to protect our military personnel from unethical and unscrupulous solicitation. The support of Chairman Patman and members of his Committee in the development of these policies is acknowledged and appreciated.

In September 1965 we initially published our Directive on Personal Commercial Affairs; in May 1966 we revised this Directive which established policies and procedures for commercial solicitation on military installations. We note with pride that the Standards of Fairness and Full Disclosure policies included therein were the first and only such policies developed and implemented by any agency of the Federal Government. From experience gained through this Directive many meaningful inputs into Truth-in-Lending legislation now before the Congress have been developed. This Directive cites the policies that the Department of Defense neither endorses any company nor product, and, although limited to commercial practices on military installations, has been accepted as the standards by many merchants doing business off base.

In October 1966 the Military Departments received instructions and guidance from the Assistant Secretary of Defense (Manpower) relative to specific malpractices of questionable concerns engaged in the automobile sales programs for overseas returnees and named both companies and agents who should be prohibited entry to any U.S. military installation for solicitation of any commodity. Since then, through arrangements with the four major automobile producers in the United States and with the approval of the House Armed Services Committee, our military personnel have been able to purchase American automobiles for use overseas or for stateside delivery through post exchange outlets at proven savings. This highly successful program offers financing through the individual's personal bank, his credit union or any other means of his own option. It is also noted that the same four leading American automobile manufacturers have established an identical sales program in the Southeast Asian theatre. Through the cooperation of the American automobile manufacturers in this program, the drastic experiences caused by unscrupulous private automobile dealers operating from the economy in overseas areas have been minimized. Additionally, the sales volume of American automobiles involved presents a positive gain by the Department to the gold flow problem.

Our commercial affairs policies prescribe the offering of counsel, both personal affairs and legal, to any individual desiring same. In life insurance sales this is a mandatory provision for enlisted personnel in the lower three grades.

To make credit available at low and competitive rates, many of our stateside military installations provide both commercial banking and credit union services. Every effort is made to have these facilities offer their services to all ranks and grades by judging each applicant on his individual merits. The continuing expansion of these services bespeaks most creditably on their acceptance by the military consumer; the Department of Defense strongly endorses the credit union movement.

To make credit available at overseas installations every effort has been extended to promote the expansion of credit unions. Their establishment is subject to the laws of the host nation; it took over two years for the Department of State to receive approval from the Federal Republic of Germany to open the cited six sub-offices of United States based Federal credit unions in November 1967. Certain countries have not permitted the operation of credit unions. Others have indicated permission is available but the lack of troop concentration and/or the nonexistence of dedicated, qualified volunteer staff members (the heart of any credit union operation) have precluded establishment to date. The Department of Defense defers to the Bureau of Federal Credit Unions on all management decisions relative to Federal Credit Unions. We are delighted with the initial response to the six Federal credit union sub-offices established in Germany.

The Department of Defense recognizes the variance of control potentials between solicitation on the military installation and that conducted by the individual on the local economy. On the military installation we can and have developed sound policies to protect the serviceman. We recognize and honor the inherent right of the individual serviceman to determine with whom and under what conditions he wishes to conduct his personal business. We can and will, as we did with our pamphlet "Credit—Master or Servant" and other educational approaches, advise our personnel on the benefits and penalties of credit.

Through Department of Defense Directive 1344.1, Solicitation of Life Insurance on Military Installations, March 3, 1964, firm procedures are established for the conduct of life insurance business operations. Companies desiring to solicit insurance in overseas areas are required to undergo an annual accreditation process to demonstrate soundness of management and operation. Of ninety-two companies currently accredited, the majority have been in this program for an average of seven years or more. Any life insurance company desiring to solicit the military market with an overseas sales force must undergo this accreditation process to receive solicitation privileges on military installations and to be eligible for the military allotment of pay system.

As noted previously, the Department of Defense Standards of Fairness and Full Disclosure requirements announced in our Directive 1344.7, Personal Commercial Affairs, pioneered the Federal approach to Truth-in-Lending. This program, developed in 1965–1966, in conjunction with Committees of the Congress and key individuals from industry, represents another positive action of the Department to protect our service personnel. Experience gained over two years by the Department has been solicited by the Congress for consideration in connection with pending "Truth-in-Lending" legislation. Specifically, we note the contribution of the Department to the President's Committee on Consumer Protection.

In conclusion, the Department of Defense notes with pride its progressive approach to consumer protection. Through our Personal Commercial Affairs Office and the direct relationship it has with counterparts in the Military Departments, the extension of protective measures for the military consumer remains a prime concern in our daily operation. We recognize the validity of past problem areas cited and have attempted to provide the members of the Congress with all facts involved in a timely and forthright manner; this will continue to be our policy.

The opportunity to present this information for your consideration is appreciated.

Sincerely,

William W. Berg,
Major General, USAF,
Deputy Assistant Secretary of Defense.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members have the right to extend their remarks and include extraneous matter during the debate on this resolution.

The SPEAKER pro tempore (Mr. Zablocki). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I feel that we should do everything we can to protect the serviceman. From all of the information that is in the record and the statements that have been made here today I am convinced today that we have that information. We know it is there. We ought to pass a sense of Congress resolution or something that tells the Department of Defense to clean it up. No committee of Congress has the authority to investigate crime. We are not law-enforcement officers. If we need some people to go over and confirm some more facts, fine, but I do not think we will be any better off after eight people from the Committee on Banking and Currency take this trip than we are now. I think we ought to have some action now to clean up what is going on over there.

I want to make it clear, I am not against the servicemen. I am for them 100 percent. But I am trying to make some sense out of what is going on in this particular request for travel.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. Patman].

Mr. PATMAN. Mr. Speaker, in answer to the gentleman from California, I would like to tell him exactly what we want to do. In 1965 we sent the committee to West Germany and they were successful in getting organizations like credit unions to serve our servicemen and charge them legal rates of interest and not rob them of $200 to $500 on financing an automobile over and above the legal charges. We have information on other countries. If we can send our people into these countries armed with that information, we can get the same cooperation from them, but we cannot get that cooperation unless we send people who have the knowledge. People who can get an agreement out of the company commanders and the commanders of the different units where the men are located and also the countries involved. We have to deal with them, and we cannot do it from a distance but can only do it by sending people there.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SMITH of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors,

the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 173, not voting 74, as follows:

[Roll No. 150]

YEAS—186

Abernethy
Adams
Addabbo
Albert
Annunzio
Aspinall
Ayres
Barrett
Bennett
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Casey
Clark
Cohelan
Conyers
Corbett
Cramer
Culver
Daddario
Daniels
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fino
Fisher
Flood
Foley
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gonzalez
Gray
Griffin
Hagan
Haley
Halpern
Hanley
Hansen, Wash.
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Irwin
Joelson
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kirwan
Kluczynski
Kornegay
Kyros
Latta
Lennon
Long, La.
Long, Md.
Lukens
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Mathias, Md.
Matsunaga
Meeds
Meskill
Mills
Minish
Mink
Monagan
Moore
Moorhead
Morris, N. Mex.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Poage
Podell
Price, Ill.
Pryor
Pucinski
Randall
Rees
Reuss
Rhodes, Pa.
Rivers
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton
Steed
Stephens
Stuckey
Sullivan
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Walker
Whalen
White
Whitener
Widnall
Wiggins
Willis
Wolff
Wright
Yates
Young
Zablocki

NAYS—173

Abbitt
Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Baring
Bates
Battin
Belcher
Bell
Berry
Betts
Biester
Blackburn
Bray
Brock
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Bush
Byrnes, Wis.
Carey
Chamberlain
Clancy
Clawson, Del
Cleveland
Collier
Conable
Conte
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
Dellenback
Devine
Dickinson
Dorn
Dowdy
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Flynt
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Gardner
Goodell
Goodling
Gross
Grover
Gude
Gurney
Hall
Hamilton
Hammerschmidt
Harsha
Heckler, Mass.
Herlong
Horton
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kupferman
Kuykendall
Laird
Langen
Lipscomb
Lloyd
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Michel
Miller, Ohio
Minshall
Montgomery
Morse, Mass.
Mosher
Myers
Nedzi
Nichols
O'Konski
Pelly
Pettis
Pike
Pirnie
Poff
Pollock
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Riegle
Roberts
Robison
Rogers, Fla.
Roth
Roudebush
Rumsfeld
Ruppe
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Steiger, Ariz.
Steiger, Wis.
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Wampler
Watkins
Watson
Whalley
Whitten
Williams, Pa.
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—74

Anderson, Tenn.
Andrews, Ala.
Ashley
Bolton
Bow
Brasco
Brown, Calif.
Burleson
Burton, Utah
Button
Carter
Cederberg
Celler
Clausen, Don H.
Colmer
Corman
Cowger
Dawson
de la Garza
Denney
Dole
Edwards, La.
Ford, William D.
Gettys
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halleck
Hanna
Hansen, Idaho
Hardy
Harrison
Harvey
Hawkins
Hébert
Holland
Hosmer
Howard
Hungate
Ichord
Jones, Mo.
Karsten
Kelly
King, Calif.
Kyl
Landrum
Leggett
McMillan
MacGregor
Miller, Calif.
Mize
Morgan
Morton
Nelsen
Olsen
O'Neill, Mass.
Philbin
Pickle
Pool
Resnick
Scheuer
Schweiker
Selden
Shriver
Stratton
Stubblefield
Tenzer
Tunney
Vander Jagt
Waggonner
Watts
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Waggonner for, with Mr. Gubser against.

Mr. Hébert for, with Mr. Button against.

Mr. O'Neill of Massachusetts for, with Mr. Carter against.

Mr. Hungate for, with Mr. Bow against.

Mr. Stubblefield for, with Mr. Morton against.

Mr. Ashley for, with Mr. Hosmer against.

Mr. Hawkins for, with Mr. Harrison against.

Mr. Edwards of Louisiana for, with Mr. Cederberg against.

Mr. Miller of California for, with Mr. Burton of Utah against.

Mr. Dawson for, with Mr. Nelsen, against.

Mr. Anderson of Tennessee for, with Mr. Kyl against.

Mr. Brasco for, with Mr. Hansen of Idaho against.

Mr. Celler for, with Mr. Cowger against.

Mr. Morgan for, with Mrs. Bolton against.

Mr. Gilbert for, with Mr. Vander Jagt against.

Mr. Scheuer for, with Mr. Denney against.

Until further notice:

Mr. Corman with Mr. Schweiker.

Mr. King of California, with Mr. Don H. Clausen.

Mr. Selden with Mr. Dole.

Mrs. Kelly with Mr. Halleck.

Mr. Philbin with Mr. Shriver.

Mrs. Griffiths with Mr. MacGregor.

Mr. Hardy with Mr. Mize.

Mr. Hanna with Mr. Harvey.

Mr. Andrews of Alabama with Mr. de la Garza.

Mr. Colmer with Mr. Gettys.

Mr. Burleson with Mr. Howard.

Mr. Ichord with Mr. Brown of California.

Mr. Landrum with Mr. Olsen.

Mr. McMillan with Mr. Leggett.

Mr. Pool with Mr. Karsten.

Mr. Stratton with Mr. Pickle.

Mr. Tunney with Mr. William D. Ford.

Mrs. Green of Oregon with Mr. Charles H. Wilson.

Mr. Watts with Mr. Green of Pennsylvania.

Mr. Tenzer with Mr. Holland.

Messrs. **BUCHANAN** and **SCHWENGEL** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 8578, TO AMEND TITLE I OF LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. **PEPPER**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1170 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1170

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8578, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1401, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 8578 as passed by the House.

The **SPEAKER** pro tempore (Mr. HOLIFIELD). The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. **PEPPER**. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and yield myself such time as I shall consume.

Mr. Speaker, House Resolution 1170 provides an open rule with two hours of general debate for consideration of H.R. 8578 to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. The resolution also provides that, after passage of H.R. 8578, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1401 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 8578, as reported, has four principal purposes: first, to increase the flow into the land and water conservation fund to $200 million a year for 5 years.

Mr. Speaker, let me explain that the total amount for that fund will be $200 million. It is estimated that the sum of $100 million to $130 million of the $200 million will come from these diverted funds. The rest will come from sources now available to this fund.

Second, to return to each of the various Federal departments and agencies which administer outdoor recreation facilities the power to fix its own admission and user fees, the fees so collected to be available, upon appropriation, for the use of the collecting agency.

That is to say, if I might amplify that point, that there will no longer be the so-called golden passport, I believe they call it, which would entitle anyone to admission into any park or recreation facilities of the Government of the United States in any part of the country; but, on the contrary under the bill which this rule would make in order for consideration, each park or public facility would fix its own user or admission fee.

Third, to provide authority, on an experimental basis, for the heads of departments authorized to acquire land with appropriations from the land and water conservation fund to enter into contracts for such acquisition in advance of appropriations to the extent of $30 million during each of the fiscal years 1969 and 1970;

Fourth, to authorize the Secretary of the Interior to lease or sell land within areas administered by the National Park Service upon such conditions as will assure a use of the land consistent with the purpose for which the area in which it lies was established.

Mr. Speaker, I believe the bill H.R. 8578 is a very meritorious measure and I hope this rule will be adopted in order that the House may proceed to what I hope will be the favorable enactment of the bill.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the explanation of the rule which has been made by the able gentleman from Florida [Mr. PEPPER]. I am in support of this legislation.

The purpose of the bill is to increase the funds available in the land and water conservation fund to use in purchasing additional park and recreational land, and to permit acquisition of such lands during 1969–70 in the amount of up to $30,000,000, each year prior to the annual appropriations for such purposes.

The land and water conservation fund was created in 1964. Its purpose was to use funds paid in for the purchase of parkland and outdoor recreation land throughout the Nation, and its development for use by the public. Receipts paid into the fund come from three sources: First, from the sale of surplus real property; second, from motorboat fuel tax receipts; and, third, from admissions and users fees in the existing outdoor recreational areas.

The problem is simply stated: these revenue sources have not produced sufficient receipts to enable the fund to maintain its program of land procurement and development. Projections of receipts for the first 4½ years were for some $443,000,000; receipts have actually been $278,000,000. The cost of land for recreational purposes has risen rapidly, and is naturally driven further up between the time the Department of the Interior evidences an interest in a parcel and the time when appropriated funds for a purchase are made available.

The committee's solution is not a permanent one—this bill's funding provisions are for a 5-year period after which time the additional source of revenue proposed will not be available without further congressional action.

The bill proposes to increase the land and water conservation fund by earmarking a portion of the receipts from the land leases entered into under the authority of the Outer Continental Shelf Land Act. Now all these receipts—some $300,000,000 a year—go into the general revenue fund of the Treasury. The bill would earmark for use of the land and water conservation fund about 35 to 40 percent of the annual receipts for a 5-year period. This will amount to a total of between $110,000,000 and $120,000,000 per year for 5 years going into the fund instead of into the general revenue fund. All of these receipts, along with other receipts of the fund will be used to develop and purchase park and outdoor recreational lands and facilities.

Both the Departments of the Interior and Agriculture support the legislation, as does the Bureau of the Budget. There are no minority views.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1227, TEMPORARY FUNDING OF THE EMERGENCY CREDIT REVOLVING FUND

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1173 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1173

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the Emergency Credit Revolving Fund, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1173 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of House Joint Resolution 1227 to authorize the temporary funding of the emergency credit revolving fund. The waiver of points of order was granted due to the transfer of not more than $30 million from the Commodity Credit Corporation to the emergency credit revolving fund which is administered by the Farmers Home Administration.

The bill authorizes the $30 million transfer for the purpose of making emergency disaster loans to established farmers and ranchers who are unable to obtain credit from other sources. The applications of more than 2,200 farmers and ranchers totaling nearly $14 million were pending on April 12th of this year, awaiting sufficient funds. It is estimated that another 5,500 farmers and ranchers need emergency loans of almost $25 million. Normal sources of credit are not sufficient nor of long enough duration and low enough interest rates to meet the needs and demands arising from tornadoes, hurricanes, drought, excessive moisture, and freezing temperatures. The emergency credit revolving fund has been exhausted as a consequence.

Immediate action is required on the bill because farmers and ranchers are now in the process of planting their 1968 crops. It is the purpose of the bill to fill an interim need. When the regular annual appropriation for fiscal year 1969 is enacted, it is intended that the CCC shall be fully reimbursed from appropriations to the emergency credit revolving fund.

It is anticipated that the bill will cost the difference between the interest on $30 million at a cost of money to the CCC and the 3-percent interest paid to Farmers Home Administration on emergency loans, approximately $750,000 per annum.

Mr. Speaker, I urge the adoption of House Resolution 1173 in order that House Joint Resolution 1227 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman now say that in this legislation there is a transfer of $30 million from the emergency fund to the——

Mr. SISK. Yes; this resolution actually provides for the transfer from the Commodity Credit Corporation to the emergency credit revolving fund of the Farmers' Home Administration because of the situation where those funds have been depleted. As I am sure my colleague from Iowa knows, within the Farmers' Home Administration program, there is an emergency type fund; it is what they call a revolving fund that is available for loans in areas where, for example, there has been devastation by floods, or freezes, or certain things that may occur in some of the counties, and if they are declared to be a disaster area then they qualify for the disaster type loan. That fund has been depleted. And this, frankly, is an emergency way of making some money available to meet the needs immediately for many of the farmers who are right now ready to plant. Otherwise funds will not be available for them.

Mr. GROSS. If the gentleman will yield further, does the gentleman not believe that the Members of the House ought to have something to say about the source from which these funds are replenished, rather than by a waiver of points of order? I insist the House ought to have free expression on how the fund is to be replenished.

Mr. SISK. If the gentleman from Iowa would permit me to comment on that, of course, the resolution we are considering will make in order the resolution from the Committee on Agriculture to discuss the question and, of course, the bill will be open for amendment. And it is my understanding, and I might say to my good friend from Iowa that from testimony given by the gentleman from Ohio [Mr. Bow] before the Committee on Rules regarding this procedure, that probably an amendment will be offered, and at least from my understanding this probably would be agreed to with respect to the bill.

Now, certainly the House will be given an opportunity to express its desires and its will on this legislation at the time the resolution is brought up.

Mr. GROSS. If the gentleman will yield further, how extensive is his explanation of the reason for waiving points of order? The gentleman said he would put it in the RECORD at this point.

Mr. SISK. I would be glad to read from it. It is a two-page document, really getting into, to some extent, the needs for the legislation.

If the gentleman will permit me, I will finish my statement, then I will attempt to highlight the material that has been furnished by the chairman of the Committee on Agriculture.

Mr. GROSS. That will be appreciated. I thank the gentleman for yielding.

Mr. SISK. Mr. Speaker, in line with the comment made earlier, the chairman of the Committee on Agriculture has prepared a letter, at the request of the Committee on Rules, regarding the waiver of points of order.

The letter is as follows:

U.S. House of Representatives,
Committee on Agriculture,
Washington, D.C., May 14, 1968.

Statement of Committee on Agriculture Before Committee on Rules: Point of Order Waiver on House Joint Resolution 1227

The Committee on Agriculture requests a waiver of a point of order which possibly may lie against H.J. Res. 1227. H.J. Res. 1227 simply provides for the transfer of not more than $30 million from the Commodity Credit Corporation to the Emergency Credit Revolving Fund which is administered by the Farmers Home Administration. Under the bill any amounts so transferred would be reimbursed with interest from subsequent appropriations.

The Committee recognizes that this legislation is not the usual type of authorizing legislation which is normally reported and brought to the Floor by the various legislative committees, and it concedes that an argument can be made that the language of the bill is in conflict with House Rule 21, Clause 4, which states:

"4. No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time."

In order to avoid such an argument and any further delay, however, the Committee feels that a waiver of a point of order under Rule 21, Clause 4, is desirable for the following reasons:

1. *Time is of the essence.* There are at present 1,326 emergency loan counties throughout the nation. Yet the emergency loan fund is, for all practical purposes, exhausted. Unless prompt action is taken, an estimated 7,253 farmers and ranchers who have suffered severe losses due to natural disasters will be unable to borrow from this fund in time to plant their crops.

2. *The demands for emergency credit are unusually large this year.* Because of widespread adverse weather, farmers in 39 states have an unprecedented need for emergency credit.

(a) Hurricane Beulah in September of 1967, which, with accompanying floods and tornadoes, did extensive damage to buildings, land, vegetable crops, and livestock in 16 south Texas counties. These counties had already experienced damage to the cotton crop because of a prolonged drought. The drought and other adverse weather conditions prevailed in 178 other Texas counties during 1967.

(b) Freezing temperatures in early November which did extensive damage to the 1967 cotton crop in 339 counties in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. The cotton crop was practically destroyed in most of these counties.

(c) Excessive moisture and freezing temperatures at harvest time in Illinois, Indiana, Iowa, and Ohio which resulted in large volumes of soft corn and seriously interfered with the harvest of corn and soybeans. Many acres were not harvested. In addition, the moisture content of harvested corn was high and prices were greatly depressed. Affected were 58 counties in Illinois, 76 counties in Indiana, 40 counties in Iowa, and 53 counties in Ohio.

(d) Excessive moisture and freezing temperatures in the early fall of 1967 which seriously interfered with harvesting and damaged the quality of crops in New England, particularly in the potato area of Maine.

(e) Heavy snowstorms which hit Arizona and parts of New Mexico between December 11 and 19. These storms did extensive damage to livestock, buildings, feed, and farm machinery. The greatest damage was to breeding livestock and the livestock increase for 1968. Very few ranchers will have any income this year from the sale of livestock increase. Thirteen counties in Arizona and four counties in New Mexico were designated as Emergency loan areas because of these storms.

3. *These funds will be repaid.* Under this bill CCC will be reimbursed by an appropriation and in due course almost all of these loans will be repaid with interest. Experience under the Emergency Loan Program has shown only a very small loss (less than 2 per cent).

4. *There is widespread bi-partisan and administration support for the bill.* Some 26 members of the House have introduced or co-sponsored this legislation. It was unanimously approved by the Committee on Agriculture. It's enactment was recommended by the Administration and no opposition to it was registered during the public hearings.

5. *The Committee on Appropriations is aware of this legislation* and its procedural aspects as well as its merits have been discussed with the Chairman of the Full Committee and the Chairman of the Subcommittee on Agricultural Appropriations.

The Committee on Agriculture therefore requests that the Committee on Rules take prompt and favorable action to report H.J. Res. 1227 to the House under a rule waiving a point of order under House Rule 21, Clause 4.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HALL. I just want to compliment the Committee on Rules for establishing this requirement or plan for justification of the waiver of points of order, and thus justifying their action, and that of the chairman of the various committees, in removing a prerogative of the elected Members of the House. I think this is very adequate and I hope it will be followed through in all instances, and certainly in this case I believe it is noteworthy, although perhaps a de facto way to legislate. But I certainly appreciate the good advice and the report and I submit it should be read to the Members before the previous question is moved, if it is not too long. I appreciate the briefing that the gentleman has given to us in this instance.

Mr. SISK. I may say to my friend, the gentleman from Missouri, that actually this document really makes a plea for the enactment of the legislation of an emergency nature in asking for this amount because there is just no question about and that, of course, is the reason for the waiver of points of order.

Mr. HALL. I knew that when the gentleman referred to clause 4, rule 21. I thank the gentleman.

Mr. SISK. I am sure the gentleman is aware of that.

I might say that the gentleman from Ohio [Mr. Bow] appeared before our committee at the time and raised a question or two, which I understand may be remedied by an amendment which possibly will be offered at the time the resolution is considered.

Mr. LATTA. Mr. Speaker, I concur in the statements just made by the gentleman from California [Mr. SISK]. I agree with him completely, and hasten to point out that unless we have this waiver of points of order, this bill could be stopped in its tracks. Anyone could object to the appropriation in this bill under House rule XXI, clause 4, which states:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

So we have to have a waiver of points of order on this bill in order to pass the bill. This is an important bill and its passage is necessary just as the gentleman from California has pointed out. But I would like to stress at this point that the gentleman from Ohio [Mr. Bow] did exact a promise from the Chairman of the Agriculture Committee when this matter was before the Rules Committee, that he would not object to striking from line 4 of the joint resolution the words "and directed."

I do not see the gentleman from Ohio on the floor, but I am certain that someone on the Appropriations Committee will offer the amendment when we consider the joint resolution.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman from Ohio is unavoidably detained in Ohio at this time and cannot be present. I am sure he would have preferred to present his substitute. In the absence of that being accepted, the gentleman from Illinois is prepared to offer an amendment to strike the words to which the gentleman has referred.

First, I would like to offer as an amendment, when we get to that point, the substitute that the gentleman from Ohio [Mr. Bow] offered when he appeared before the Rules Committee. As a member of the Appropriations Committee, I feel we are really being given a little end run here. Recognizing that the $30 million is required, we made that point on the floor during consideration of the Agriculture appropriation bill. We pointed out that they were running out of money, that they needed the money, but by the same token what we are doing here again is opening the door of the Commodity Credit Corporation, more or less carte blanche.

Interest on Commodity Credit borrowings from the Treasury is considerably in excess of what the farmers are paying for Farm Home Administration loans. The farmers' rate is 3 percent, but the current Treasury bill rate is 5.625 percent. In other words, this is what CCC is paying for borrowings from the Treasury.

Frankly, I think the mechanism by which the gentleman from Ohio wants to approach the subject is more proper and would save the taxpayers considerable sums of money over a period of years.

Mr. LATTA. I thank the gentleman for his comment. I will certainly support his amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa to speak out of order.

CRIME THREATENS CONGRESSIONAL RECORD PRINTING

Mr. GROSS. Mr. Speaker, I would like to quote briefly from an item in the Washington Daily News of today. It reads in part as follows:

> A labor leader says publication of the Congressional Record could come to a sudden halt unless House and Senate authorize additional police protection for typographers at the Government Printing Office.
>
> Charles Hines, head of the District Typographical Union, told—

A Member of the other body, and he is named—

> yesterday that the wave of robberies and muggings near the GPO on North Capitol Street has alarmed the typographers.
>
> He said it's possible the rank and file may stage a work stoppage "one day and let the Congressional Record go to hell."

Mr. Speaker, it seems to me it is about time the occupant of the White House, the edifice at the other end of Pennsylvania Avenue, who is directly and indirectly responsible for the appointments of many of the officials of the District government, shook himself out of his lethargy and took a firm position with respect to the enforcement of law and order in the District of Columbia. It seems to me it is time the President of the United States intervened to protect the functionings of all Government operations in the District of Columbia, as well as the rest of this country.

Mr. LATTA. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. SISK. Mr. Speaker, we urge the adoption of the resolution in order to give consideration to the legislation.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8578, with Mr. Madden in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. Aspinall] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. Saylor] will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado [Mr. Aspinall].

Mr. ASPINALL. Mr. Chairman, I yield myself 12 minutes.

INTRODUCTION

Mr. Chairman, H.R. 8578 is a bill amending title I of the Land and Water Conservation Fund Act of 1965. It has received the careful attention of the Committee on Interior and Insular Affairs and it is being recommended because the authorizing committee consid- outdoor recreation resources program.

In recent years we have witnessed a tremendous growth in demand for outdoor recreation opportunities. A careful study was made by the Outdoor Recreation Resources Review Commission to ascertain precisely where the greatest needs were and how they could best be met. The 88th and 89th Congresses made great progress toward meeting these national needs. A landmark enactment in those years was the approval of the Land and Water Conservation Fund Act which established a fund to assist State and local outdoor recreation efforts and provided a basis for an expanded Federal recreation land acquisition program.

During the 88th and 89th Congress, we authorized a large number of additions to the national park system—mainly additions near the metropolitan centers of the Nation which involve large Federal investments. In the last Congress alone, we authorized the Delaware Water Gap National Recreation Area to serve cities like Philadelphia, Trenton, Newark, New York City, Wilmington, and the Bethlehem-Easton-Allentown complex. Assateague Island National Seashore was authorized to serve the outdoor recreation needs of cities like Baltimore, Washington, Norfolk, and other cities and towns along the Mid-Atlantic coast and adjacent States. We established the Whiskeytown-Shasta-Trinity National Recreation Area in California to provide recreation opportunities near San Francisco, Portland, Reno, Sacramento, and other cities in that vicinity. Cape Lookout National Seashore, located in North Carolina, was authorized to provide additional facilities near Richmond, Raleigh, Charlotte, and Columbia and surrounding areas. Guadalupe National Park, located not too far from El Paso, was also authorized during the 89th Congress.

Taking these authorizations, along with those of the 87th and 88th Congresses—which included Fire Island National Seashore in New York, Padre Island National Seashore in Texas, Point Reyes National Seashore in California, and Cape Cod National Seashore in Massachusetts—it is easy to understand why the present land and water conservation fund is inadequate.

Many of these programs are underway at the present time, but acquisition of the needed lands is slow because the funds are scarce. With land prices escalating rapidly, the slower the pace today, the greater will be the cost tomorrow.

Without H.R. 8578, the further authorization of new outdoor recreation facilities will be a senseless gesture unless there are moneys available to move forward to make them a reality. This is the reason we are before you today with this bill. Without an effective enactment, it will be most difficult to succeed in making the authorized projects a reality and without an effective land and water conservation fund it would be meaningless to move forward on new proposals like the Redwood National Park, the scenic rivers program, the National Trails System, or Biscayne Bay National Monument. I underscore the necessity for this House to approve an effective measure, now.

PRINCIPAL PROVISIONS OF H.R. 8578

The bill has four principal purposes which I would like to outline at the outset.

First, it aims at stabilizing the fund for a 5-year period at a level of $200 million per year by supplementing it with lease receipts received under the authority of the Outer Continental Shelf Land Act.

Second, it repeals the existing uniform, Government-wide admission and user fee system—which has not worked as well as we had hoped it would—and substitutes permission for Federal agencies, which administer outdoor recreation facilities to fix and collect admission and user fees which are to be available, on appropriation, to that agency.

Third, it authorizes a limited experimental program under which heads of departments would be authorized to enter contracts to acquire lands in advance of appropriations.

Fourth, it authorizes the Secretary of Interior to lease or sell lands within areas administered by the National Park Service subject to such reservations as are necessary to assure the use of the land in a manner consistent with the purposes for which such lands were originally acquired.

BACKGROUND

As you will recall, when the 88th Congress approved the Land and Water Conservation Fund Act it dedicated the revenues arising from the sale of surplus real property, from motorboat fuel taxes and from admission and user fees to the fund for the expansion of the Nation's outdoor recreation programs. Sixty percent of that fund was to be allocated to the States as matching funds for planning purposes, land acquisition, and development; the remainder was to be appropriated to the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for land acquisition only. It was our hope, at that time, to add significantly to the outdoor recreation opportunities throughout the Nation by providing a fund which could contribute a substantial amount of needed moneys to the effort. Although it was the intent of the authorizing committee to provide supplementary assistance under the terms of the act, its practical effect has been to establish a limit on the Federal investment in outdoor recreation programs.

As a result of this interpretation of the act and, also, as a result of the fact that receipts in the fund have not reached the anticipated level, there is a backlog of authorized Federal projects at the present time amounting to more than $250 million. Estimated State and Federal needs in the years ahead may well exceed even the amount which we hope to make available under this legislation. But, if we are to be honest as we authorize these programs, we should provide the capacity to make them a reality. This is the ultimate objective of H.R. 8578.

INCREASING THE FUND

The authorizing committee believes that a greater financial effort is a necessity. While the receipts have fallen short of expectations, land acquisition costs are exceeding our best estimates; thus making the job increasingly difficult. H.R. 8578 authorizes an increase in the level of the fund to $200 million annually for a period of 5 years. I want to emphasize that this program is limited to a term of 5 years.

The additional revenues are to be derived from receipts arising from the leasing of land under the Outer Continental Shelf Land Act which otherwise go into the general fund of the Treasury. Under the terms of the bill reported by the committee, only a portion of the OCS receipts—some $110 to $120 million annually—would be transferred to the land and water conservation fund. These funds would, in effect, be earmarked for the uses specified in the act, but they would be subject to the usual appropriation procedures.

I feel, personally and as chairman of the authorizing committee, that we must be honest with ourselves. Either we should provide the necessary funds to make the authorized acquisitions or we should suspend all new proposals until those heretofore authorized are funded. It is not fair to the existing landowners to keep them in a state of suspended animation while they wait for the Government to purchase the lands it declares are necessary for public use and enjoyment and it is not economically sound to delay land acquisition programs once they are authorized.

UNIFORM ADMISSION AND USER FEES REPEAL

A second major element in the bill has to do with the revision of policy concerning admission and user fees. As you know, these fees are dedicated to the land and water conservation fund. Initially, it was estimated that these fees would contribute some $60 million to the fund by the 4th year of operation; it now appears that they may contribute only about $10½ million. Because this aspect of the program has not met its objective, the committee is recommending the repeal of those portions of the act providing for a uniform system of admission and user fees at recreation and outdoor areas administered by the Corps of Army Engineers, the National Park Service, the Forest Service and other Federal agencies.

Instead of the existing fee system, the committee concluded that individual agencies and departments should have the responsibility for fixing and collecting fees subject to the usual administrative oversight responsibilities of the President and the Bureau of the Budget. It is intended that the funds derived from these sources should be credited to the collecting agency and appropriated to it as a supplement to its regular appropriation.

I regret that it seems to be appropriate to abandon the existing fee program, but unfortunately those who enthusiastically support expansive and expensive outdoor recreation projects are apparently unwilling to make any significant effort to make this aspect of the program function as it should. The existing fee program has not worked well to date and I have no reason to believe that the future will be much brighter. I believe that, under the fee system recommended by the committee, the collecting agency would be encouraged to develop the most effective program possible if the fees collected are returned to it as a supplement to its regular appropriations.

LAND ACQUISITION CONTRACTS

The third major provision in H.R. 8578 authorizes an experimental program. For the past several years, Mr. Chairman, the members of the authorizing and appropriations committees have been grappling with the complex problem of land price escalation. One of the most serious aspects of the predicament we are encountering evolves from the fact that recreation land prices have been increasing at a rate of 5 to 10 percent or more per year. Time is a critical factor in magnifying this problem. For this reason, the committee is recommending that the agencies be authorized to enter into contracts for the purchase of lands, which are authorized for acquisition by act of Congress, in advance of appropriations. I want to emphasize that this experimental authority would be limited to a term of 2 years and would not exceed a total of $30 million annually. Such contracts would, of course, become obligations of the United States, but they would be liquidated with money appropriated from the fund specifically for liquidation of such contractual obligations.

SALE AND LEASE PROVISIONS

Over the years, a considerable effort has been made to discover a method of preserving the scenic values of lands adjacent to national park areas without acquiring fee title. The principal method employed has been the acquisition of scenic easements, but they have often involved an investment nearly as large as fee acquisition. H.R. 8578 provides another alternative which should be useful in achieving the the same objective at less cost. It authorizes the Secretary of the Interior to lease or sell a limited interest in lands administered by the National Park Service with appropriate reservations to assure that the lands will be used compatibly with the purposes of the protected area. By leasing back or selling back this limited estate, the Government could recapture a substantial portion of its investment and, hopefully, obtain the interest it needs with a considerably reduced ultimate cost.

CONCLUSION

Mr. Chairman, H.R. 8578, is a sincere attempt to resolve the dilemma between the demand for costly new outdoor recreation facilities and the dollar vacuum in which we find ourselves. It is extremely unreasonable and grossly unfair to advocate authorization of new additions to the Nation's outdoor recreation resources if we are not going to follow through with the funds necessary to make them a reality. Enactment of

H.R. 8578 will probably not fully resolve the dollar dilemma, but it will go a long way toward alleviating the problem. In addition, the new devices included in the bill may prove to be most effective in meeting the bothersome problem of land price escalation.

Mr. Chairman, this legislation is important to projects which we have authorized in the past and it is absolutely essential to new proposals— like the Redwoods—which will require additional Federal outlays. This is a national program which affects every State in the Nation and one which benefits every American wishing to participate. Approval of the bill as recommended by the committee is essential and I cannot urge too strongly that the Members of the House give H.R. 8578 their favorable consideration.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to this distinguished gentlewoman from Washington [Mrs. HANSEN], chairman of the Subcommittee on Appropriations which handles the appropriations for these purposes.

Mrs. HANSEN of Washington. I thank the distinguished chairman of the Committee on Interior and Insular Affairs for yielding to me at this point. I would like to commend and compliment the gentleman and his committee for bringing this bill to the floor of the House today. As the gentleman is only so well aware, we have a tremendous lag between the authorization and the appropriation process.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ASPINALL. Mr. Chairman, I yield myself 3 additional minutes.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield further, I shall appreciate it if he will be kind enough to answer some questions relative to $30 million contract authorization.

Mr. Chairman, I would like to ask a few questions for the sake of clarifying the legislative intent on the provision in the bill starting on line 20, page 4. This is section 8 of the bill.

To summarize, it provides $30,000,000 of contract authorization during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interest therein. I note the bill provides any such contract may be executed by the head of the department concerned within limitations prescribed by the Secretary of the Interior. Would the gentleman be kind enough to elaborate for my information just how it is intended that this should operate? What I have in mind is the current procedure under which the land and water conservation fund is administered, whereby the various agencies make their recommendations and these recommendations must be coordinated and approved by the Bureau of Outdoor Recreation? In the short history of this program, I have found the coordinating and managing activities of the Bureau of Outdoor Recreation in this respect most beneficial and practical, and I would hope that it is not contemplated that there will be any change in the current procedure.

Mr. ASPINALL. Yes, I do, and so does the committee.

Mrs. HANSEN of Washington. I thank the gentleman. Now if he will bear with me for a few more moments, there is one other point which I feel needs clarification. The contract authorization available to those in the executive department, it would seem to me, provides rather extensive latitude for the management of the program by the executive with little or no opportunity for the Legislative Committees of Congress, and I refer both to the Authorizing and the Appropriations Committees of both Houses, to delay any land acquisitions which for general reasons might not be appropos at a particular time.

Granted, that the acquisitions would have to be within areas designated for acquisition by the Congress, I do not find any limitation in the bill regarding the acquisition of various inholdings. In working with this program as a member of the Appropriations Committee for the past several years, I have encountered several instances where inholding acquisitions have been programed which upon further review by the various committees of Congress were found not to be so urgent or practical. I think officials in the executive department responsible for the administration of this program have done an admirable job to date, considering the problems they have had to contend with, and I do not mean to imply by my question that there necessarily is any more expertise in congressional committees than exist in the executive department. However, because of other considerations, our evaluation of land acquisition proposals is not as parochial as that of the executive branch.

Could the gentleman give me any indication of what opportunity if any, interested congressional committees will have to evaluate proposed acquisitions before it is too late to do anything about it?

Speaking from the appropriation standpoint, as a member of the Appropriations Committee, I am not quite ready to be responsible for the appropriation of millions of dollars per year with no recourse for land acquisitions that might per chance not have been at a particular time in the best interests of the Government.

Mr. ASPINALL. Mr. Chairman, may I say to my good friend and colleague from the State of Washington that I am very pleased that she has brought this particular matter to the attention of the committee at this time. Our report is silent on this matter. And may I say that I believe we are at fault, because we should have had something in the report concerning it. It is appropriate to make the legislative history clear as we study and discuss this legislation.

We have oversight responsibility over these activities, and I can promise the gentlewoman from Washington that if this legislation passes with this provision, we shall insist that we have reports before the final execution of any contracts. In addition, the Committee on Appropriations will be supplied copies of those reports so that they will be able to proceed as the gentlewoman from Washington would want to proceed.

Mrs. HANSEN of Washington. I thank the distinguished chairman.

Mr. Chairman, one of the major problems facing Congress and the Federal agencies is the continuing escalation of land prices which threatens the establishment of national recreation areas and parks. The bill before the House today would provide an expanded source of funds to help combat this problem.

The Land and Water Conservation Fund Act was approved September 3, 1964, and funds were made available for the first time in a supplemental appropriation in May 1965. Thus the program has been in operation only 3 years.

Appropriations from the fund have totaled $352 million from the inception of this program through fiscal year 1968. Of this total about $138 million has been allocated to the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for acquisition of lands, and to the Bureau of Outdoor Recreation for administration. About $214 million has been allocated for matching grants to States.

Appropriations from the fund are contingent upon the accrual of revenues in amounts sufficient to cover them. Through December 31, 1967, revenues totaling $289.2 million have been collected and it is expected that additional revenues amounting to about $50 million will be collected through June 30, 1968.

Collections through December 31, and in the amounts shown:

Annual recreation permits	$9, 813, 692
Surplus real property	176, 009, 909
Motorboat fuel taxes	87, 283, 208
Other admission and user fees	16, 132, 527
Total	289, 239, 336

Moneys available in the fund from revenues and from advance appropriations have been inadequate to counter effectively the spiraling increases in the costs of recreation lands. About a year ago, the Bureau of Outdoor Recreation took a hard look at the long-range program needs under the fund and the problem of land-price escalation. It showed a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion.

Today Congress is considering legislation aimed at combating this problem by increasing the revenues to the land and water conservation fund. The bill provides for crediting to the fund a portion of the receipts under the Outer Continental Shelf Lands Act of 1953.

Following is a tabular summary of outlays from and revenues to the land and water conservation fund, fiscal years 1965–73, including estimated additional amounts needed from revenues from Outer Continental Shelf lands:

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965-73

[In millions of dollars]

	1965 [1]	1966 [1]	1967 [1]	1968	1969	1970	1971	1972	1973	1969-73
RECEIPTS AVAILABLE										
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [2]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [2]	+12.4	[3]−2.9	−15.2							
REVENUES										
6. Estimated revenues to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motor boat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[4]12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf lands					100	103	104	102	128	537

[1] Actual.

[2] Law requires that in the event receipts available in the land and water conservation fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.

[3] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[4] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the fund from that source from fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

Mr. Chairman, as I rise in support of H.R. 8578, I would like to remind the Members of this House that many of today's conservation costs are the results of yesterday's recklessness and careless abandon. If we do not wish the latter part of this century to be a monument to our lack of vision, we must approach our natural resources with caution, care, and conservation.

We must further acquisition and development of park and outdoor recreation land today so that generations to come may inherit the splendor which we have known in America.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ASPINALL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, as the chairman of the Committee on Interior and Insular Affairs well knows, major oil companies in this country have just paid some $600 million for drilling rights off the coast of my congressional district. It is anticipated that there will perhaps be hundreds of millions of dollars coming to the Federal Treasury in the way of royalties from successful drilling in that area.

It is my understanding, Mr. Chairman, that these royalties will be devoted to the development of recreational activities in all 50 States, as well as perhaps the territories of the United States; is that correct?

Mr. ASPINALL. With this limitation, may I say to the gentleman from California: This legislation would call for the difference between what may be raised from the sale of surplus property plus the tax revenues arising from motorboat fuels. Whatever that difference is—we believe, at the present time, that those revenues will be some place between $70 million or $80 million—be it $120 million or $130 million a year—would be taken from the Outer Continental Shelf funds to be distributed under the provisions of the parent act throughout the United States for 5 years, and for 5 years only.

Mr. TEAGUE of California. I thank the gentleman for his explanation. I might say I might surprise the gentleman a little; may I say that I believe that the Outer Shelf waters belong to all the people of the United States, and I have no objection whatsoever, and as far as I know nobody in my congressional district has any objection, to sharing the royalties with the other State for the development of recreational facilities.

Mr. ASPINALL. I wish to thank my friend from California for that statement. Although we do not have involved in this legislation the question of the Outer Continental Shelf as such, and as to the disposition of revenues from that, we are seeking to say that if these revenues do come to the General Treasury, then this much money should come to the land and water conservation fund each year for the next 5 years and then be distributed throughout the United States according to the provisions of the law.

Mr. TEAGUE of California. Will the gentleman from Colorado yield briefly again?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. TEAGUE of California. I might have been in error in referring to the Outer Continental Shelf. I meant the area in which wells are being drilled beyond the 3-mile limit.

Mr. ASPINALL. The gentleman from California is not in error; the gentleman is directly on the point, because there will be argument made here this afternoon that we should strike this part of it out of the legislation. Those of us who have prepared this legislation do not feel it should be stricken.

I thank my friend from California.

Mr. SAYLOR. Mr. Chairman, I strongly support H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. As the sponsor of a similar bill, I am happy to support H.R. 8578.

Mr. Chairman this legislation is, in my opinion, one of the most important conservation measures to come before the Congress. It is important because this legislation provides the basis upon which the Congress of the United States can meet the commitments which the Congress has made to the American people.

That commitment stated very simply is this: Congress, in response to the nationwide demand for outdoor recreation facilities, has authorized the acquisition of lands worth $450 to $500 million which lands belong to individual American citizens. In authorizing these facilities, Congress made a commitment to these Americans to purchase their lands for park and recreation purposes. These American citizens were promised that funds to purchase their lands would be made available from the Land and Water Conservation Fund Act of 1965. This promise has not been kept. There is at the present time a backlog of authorizations of park and recreation facilities in the sum of $450 to $500 million.

H.R. 8578 provides the needed sources of revenue to eliminate the major portion of this backlog in unfunded park and recreation facility authorizations. But it will only eliminate a portion of this backlog in authorizations because the problem which gives rise to this legislation concerns the escalation of land prices throughout the country.

In 1964, Congress established the land and water conservation fund; to become effective January 1, 1965, for the purposes of providing funds and authorizing Federal assistance to the States in planning, acquiring and developing needed land and water recreation facilities, and providing funds for Federal acquisition and development of land and water recreation facilities.

The land and water conservation fund also provided that the funds to support this assistance to the States and the Federal acquisition and development would be from three sources: first, from the collection of entrance and user fees; second, sales of surplus property; and third, certain amounts as determined by the Secretary of the Treasury under the motorboat fuel tax provisions of the Highway Revenue Act of 1956.

Total receipts to the land and water conservation fund from these sources as of June 30, 1968 will amount to approximately $278 million. Sixty percent of

this amount is required to assist the States under the provisions of the act, leaving 40 percent available for Federal park and recreation programs.

Since the establishment of the fund, receipts to the fund have fallen short of what had been expected. This unfortunate circumstance, along with the escalation of land prices, has resulted in the legislation now before this body.

The House Committee on Interior and Insular Affairs has expressed serious concern over the escalation of land prices and the lack of revenues coming into the fund. The committee has favorably reported H.R. 8578, upon reaching the conclusion that revenues into the land and water conservation fund must be increased to meet these problems.

H.R. 8578 does three things to meet these problems. First, it increases the revenues into the fund by providing that the receipts under the Outer Continental Shelf Land Act of 1953 shall be covered into the land and water conservation fund annually for a period of 5 years, but not more than the amount necessary to equal the difference between $200,000,000 and the amount of receipts from the sales of surplus lands and the motorboat fuel tax receipts into the fund; second, the bill provides authority, on an experimental basis, for the executive departments and agencies concerned to enter into contracts for the acquisition of lands in advance of appropriations to the extent of $30 million for fiscal years 1969 and 1970; and third, the bill authorizes the Secretary of the Interior to lease back and sell lands within areas administered by the National Park Service upon condition that the use of such lands shall be consistent with the purpose or purposes for which the park or recreation area was established.

I want to explain to my colleagues that these three provisions will go a long way in eliminating the backlog in authorizations of Federal park and recreation areas, while at the same time provide additional assistance to the individual States. And, I want to expressly point out that the receipts from the Outer Continental Shelf Lands Act is an annual transfer of funds which will last for only 5 years. It does not transfer $200,000,000 annually for a period of 5 years, but only an amount to equal that sum each year.

The provisions for advance contract authorization, and the sale and leaseback of lands by the Secretary upon condition, while not particularly pleasing to me in principle, are, in my opinion, necessary for a businesslike approach to eliminate the problem at hand.

I also want to point out to my colleagues that each and every one of us has a stake in this legislation because the land and water conservation fund supports principally a State and local outdoor recreation program, in addition to the Federal program. Officials from almost every State in the Union have written the committee in support of this legislation.

Mr. Chairman, the need for this legislation cannot be overstated despite the other demands on our national budget for defense and domestic programs. The conservation of the land and water resources of this Nation are most important to the overall posture of this great country if it is to remain strong in every way. The present administration has recognized these facts and has recommended the level of financing for the land and water conservation fund be established at $200 million annually for the next 5 years.

H.R. 8578 provides a program for the development of our land and water resources on a sound national, State and local basis, and insures that these resources will be administered for the future use and enjoyment of the American people.

Mr. Chairman, I strongly support the passage of H.R. 8578.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished Chairman of the committee.

Mr. ASPINALL. Sometimes between 50 and 100 percent?

Mr. SAYLOR. That is correct, and we have one instance in which the price went up 300 percent that the Federal Government eventually had to pay.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Are not the citizens of the country running into exactly the same situation in attempting to conduct their own affairs, namely, paying inflated prices for this and that? I would ask the gentleman, how much do you propose to take from the proceeds of the Continental Shelf? How much do you propose to take, $200 million a year for 5 years, or a billion dollars?

Mr. SAYLOR. No, we propose to take enough to make up a total amount of $200 million each year. If the amount from the motorboat fuel tax and from the sale of surplus property comes in as it has in the past number of years, it will probably be in the neighborhood of $150 million a year.

Mr. GROSS. What are the proceeds from the Continental Shelf each year?

Mr. SAYLOR. Approximately $500 million. This year it will be far in excess of that.

Mr. GROSS. So, if the gentleman will yield further, every dollar you take from the proceeds of the Continental Shelf would otherwise have gone into the U.S. Treasury; is that not correct?

Mr. SAYLOR. That is correct.

Mr. GROSS. So that the Government, then, spending as it is, with no apparent effort in sight anywhere to cut back on spending, to the extent that it is being invoked, in effect takes the money out of the Treasury, either printing money to take its place or borrowing money and paying interest on it. I fail to see how we are solving any kind of financial dilemma by that procedure. The gentleman from Colorado has mentioned the financial dilemma that this program faces. What about the financial dilemma faced by the U.S. Treasury with the funds that are going into it reduced?

Mr. SAYLOR. I might say that my colleague from Iowa and I come with differences of ideology. You and I know the people of Iowa, just as people in many areas of the country, have more and more time on their hands, and even your Iowa farmers have more time than your father or you did when you were on a farm in Iowa. They are looking for places to go for recreation and to find rest and relaxation. All I can say to you is that they have asked you as their Representative, they have asked the rest of the Iowa delegation, the people of the United States have asked the Congress of the United States to provide them with places for recreation. And we have done just that. But we have not been able to pay for it, or up to this point we have not paid for it. This bill merely says, "Let us look at the situation. Let us look at the situation right in the eye. Fish or cut bait." You either have this program which the American people want or quit having a recreation program. It is just that simple.

We talk about what we are going to do about these boys in Vietnam. Where are they going to find a place to go to if we do not provide this fund?

What is more, 60 percent of this money goes to the States and Iowa gets its share; the people of Iowa get their share.

Mr. GROSS. If the gentleman will yield further, unfortunately, sadly and tragically, at the rate of more than 500 a week, places are being found for them in the cemeteries of the country, national and otherwise.

Mr. SAYLOR. I say to my friend, the gentleman from Iowa, the issue here is not Vietnam. I do not like—or expect that anyone else does—the fact that American boys must lose their lives in defense of our freedoms in Vietnam. But they are doing it. They are doing it so that we can have the freedoms we have in this country. The issue is not Vietnam.

The issue is whether or not the free world will continue to exist. If the Communist movement is not stopped in Vietnam, it will break out somewhere else. That is why those men are laying down their lives. And they are not complaining. Do not forget that. The men who are out there are not complaining. If the gentleman does not believe so, he can go out to Bethesda or to Walter Reed Hospital and look at a man, as I did, who had his legs blown off. What did he say? He is thankful they were not blown off above the knees so that he can get artificial legs and walk again. This is the spirit of the men over there. This is the spirit this Congress has to realize when we think about what these boys want when they come back.

Mr. GROSS. I would hope the gentleman will agree with me that it is time we quit trying to police and finance the entire world.

Mr. SAYLOR. We cannot do it. We are the No. 1 nation of the world, whether we like it or not, and what we are faced with is whether or not the godless ideology of communism is to take over or whether the ideology of the free world and of freedom will exist.

Mr. GROSS. But when this bastion is gone—and it will be gone for a variety of reasons—where will be the bastion of the free world and of freedom in the world?

Mr. SAYLOR. This Nation will be still

the bastion of freedom. I have a lot more faith in America than a lot of other people do.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the chairman of the full committee.

Mr. ASPINALL. Mr. Chairman, the gentleman from Iowa [Mr. GROSS] must realize, it is not true, that these are not tax moneys. These are moneys which the property of the United States is putting into the Treasury of the United States because of the values which are being taken from our natural resources. What we are asking to do here is to use a part of these values to go ahead and develop some of the other resources that belong to the people of the United States.

Mr. SAYLOR. Mr. Chairman, that is correct. Just the other day the Secretary of the Interior advertised for the sale of permits to drill, and a number of permits were taken by people who want to drill and explore for oil. This is money coming to the Department of the Interior and it now goes into the Treasury, and this bill permits an allocation of those funds for park and recreation purposes.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of this legislation. I associate myself with the very eloquent remarks of the distinguished ranking minority member of the House Committee on Interior and Insular Affairs.

There is no question that this legislation will reorder priorities in this country in such a way that we can recognize there is a crying need for the full development of the land and water conservation program. We have not done as well as we ought to in this program. This bill, it seems to me, will meet a need that does exist and ought to be recognized.

I am proud of what the committee has done in bringing this to the floor of the House for action today.

The American Forestry Association is among the organizations in support of this bill. Mr. Gordon Bubolz of the Northeastern Wisconsin Regional Planning Commission called me today to urge my support of the pending legislation.

In Winnebago County, Wis., Mr. Chairman, the LAWCON fund is helping to finance needed recreational land acquisition. But as L. P. Voigt, secretary of the Wisconsin Department of Natural Resources, pointed out in a telegram—

> Local units of government have received three-fourths of Wisconsin's $4,823,000 allocation to date. Still a back-log of projects exists.

Many projects in the 6th district of Wisconsin need the funding provided through LAWCON.

H.R. 8578 recognizes the high priority this program deserves and merits.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman from Pennsylvania yielding.

Without comments about the original Land and Water Conservation Fund Act, or even without reference to the colloquy that occurred, do I understand, from reading page 2, line 14 of the bill through page 3, line 14, that we do leave the various agencies without instruction as to how they shall recover funds into the land and water conservation use fund, saying neither that they shall continue that which has been placed by Executive order, nor that they shall necessarily cease and desist, but that it will be up to them, rather than directed. This source has failed, because, as the distinguished chairman of the Committee on Interior and Insular Affairs has quoted, it has indeed cost money to recover some of these admission fees, which did not actually go into operation and maintenance, as the people expected, if they had to pay a second fee after having built the reservoirs, for example, in the first place. Rather, it will be supported by an operation and maintenance fund allocated through regular appropriation process for their budget. I think this is the regular basis.

My question is, if I read the bill correctly, by amendment to title I and the various sections there, it will leave it optional with the various people running these agencies, reservoirs, and national parks, as to whether or not they impose such admission and user fees.

Am I correct in my interpretation?

Mr. SAYLOR. The gentleman is correct in his interpretation.

There has always been a policy in the National Park Service under which they have collected fees. This has been the program in certain other areas. Rather than now using the method which has been prescribed up to now, we are leaving it up to each one of the individual agencies. When it would cost more to collect than it would return in revenue, this is a matter for each agency to decide.

Mr. HALL. I want to say to the gentleman, as a member of conservation groups for many years, under these circumstances I will be one of the first to buy one of the Golden Eagles.

Mr. ASPINALL. Mr. Chairman, will my colleague yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. I do not want my colleague from Missouri to get the wrong impression.

These funds, when collected by the individual agencies, would go to those agencies for expenditure after appropriation. Those funds would not be covered back into the land and water conservation fund.

The National Park Service, collecting funds, would have the funds to build its own projects. The Army Engineers, collecting funds, would have the funds as they saw fit to go ahead and develop their own projects.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate this elucidation. In the past, under the 1964 act, which took effect January 1, 1965, they would recover the funds into the land and water conservation use fund for additional land acquisition only, rather than for operation and maintenance of the park sites; is that correct?

Mr. ASPINALL. No. These funds were covered into the land and water conservation fund to be divided in the same manner the other funds were. Now, of course, they will be subject to appropriation by the Congress of the United States. They will not be usable unless this procedure takes place.

Mr. HALL. It will be optional with the directors of the various departments, under this amendment to the law.

Mr. ASPINALL. That is correct, in conformity with the rules and regulations published.

Mr. HALL. I thank my colleague.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank my colleague from Pennsylvania for his fine remarks and for the contribution he has made to this legislation. I thank him also for the response he has just given to my colleague from Missouri with respect to the status of the entrance fees and admission fees if this bill is passed in the form it has been reported by the committee.

The one point on which I should like to get a further clarification for the RECORD is a point which has been explained to me by counsel for the committee as his understanding with regard to it, that this bill does not confer upon any agency or upon any department an authority to collect fees of any type which it did not have under law which was in existence prior to the Land and Water Conservation Fund Act.

Mr. SAYLOR. That is correct.

Mr. EDMONDSON. It does not enlarge upon any fee collecting authority. It does not create any fee collecting authority. It does place dicretion on the matter of the determination to collect fees with the individual agencies which administer the various outdoor recreation areas.

Mr. SAYLOR. That is correct. They can have different rules in different places. They could collect fees in some places and not collect fees in others. This is a matter for each individual agency to determine.

Mr. EDMONDSON. This is rather important to me, because at the time of the passage of the Land and Water Conservation Fund Act several years ago it was provided specifically that no charge of any kind could be made for the use of waters. With the passage of this particular bill a good portion of that Land and Water Conservation Fund Act is to be repealed, including that particular portion of the language involved in the Land and Water Conservation Fund Act. I wanted it clearly understood on the RECORD here, and I am sure the gentleman agrees with me, this is not any indirect approach to license or to give authority to collect fees for using water.

Mr. SAYLOR. That is correct. No authority is given in this bill, nor is any repealed, which did not exist prior to the passage of the original Land and Water Conservation Fund Act.

Mr. BERRY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from South Dakota.

Mr. BERRY. Mr. Chairman, as a ranking member of the Interior and Insular Affairs Committee, I urge my colleagues to support H.R. 8578, amending the Land and Water Conservation Fund Act of 1965, which can do so much for outdoor recreation facilities in this country.

As the report on the bill points out, there is an overwhelming demand for outdoor recreation facilities in the country from the local to the national level. The fund created to meet these demands is simply inadquate to satisfy more than a fraction of the calls for assistance from it.

This bill proposes to take a portion of the revenues from leasing of the land under the Outer Continental Shelf Act, but specifically states that the funds must be appropriated before they can be spent. If they are not appropriated within 2 years, they revert back to the general fund of the Treasury. Under the provisions of the legislation, the Government would be able to meet a majority of these calls over the next 5-year period.

States and Federal agencies should be able to look ahead with reasonable assurance that their approved programs will be funded. In South Dakota, for example, there are 67 recreation projects which would be crippled if their budgets are not funded.

Because this legislation is one of the most important conservation measures to come before Congress this session, I respectfully urge your support.

Mr. Chairman, I urge that this bill be passed and that all amendments offered be defeated.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I will propose an amendment which will call for regular order in connection with this bill. This bill is proceeding in irregular order. This Congress never dedicates or earmarks particular funds from a particular tax to a particular purpose. In my 20 years of service in this Congress there have only been two exceptions to that, one, the gas tax and tire tax which are dedicated to building highways and the payroll tax which is made up into a fund to finance the social security program.

Mr. Chairman, this bill would not only be a rank bad bill from a finance standpoint but would be a rank bad bill from a finance grabbing standpoint. This bill would earmark the receipts of the Outer Continental Shelf Act for the unrelated purpose of building national parks. Now, I am for building national parks, but I want to proceed in a regular way. If you have an agriculture program, you have to get an authorization and then an appropriation. If you have any kind of object, even that of financing the war and the military, you have to have a bill come from the Armed Services Committee and then a bill from the Committee on Appropriations. This bill would bypass the Committee on Appropriations.

On Tuesday of this week on this floor, the day before yesterday, this House considered and voted out a regular appropriation bill with funds for the Interior Department. There is a law called the Water and Conservation Act of 1965, which permits advance appropriations to that water and land conservation fund. On this floor just 2 days ago I proposed an amendment to a regular authorization act for the purpose of water and land conservation programs of $100 million for this coming fiscal year. The gentlewoman managing the bill on the floor [Mrs. HANSEN of Washington] took the position that my bill was fiscally irresponsible. The House voted and agreed with that and my amendment was defeated. Now, having refused to appropriate $100 million in the regular way, shall we now grab these unrelated funds from the Outer Continental Shelf fund of $100 million for 5 years for that purpose. I say that that would be rank inconsistency.

Mr. Chairman, I will not burden the House with any more remarks, but I just want to lay the foundation here for an amendment that I will propose immediately before we consider section 2 of this act.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. SKUBITZ].

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965.

Let me be the first to say that I am not happy with this type of legislation, but I know of no other way to get us out of the mess that confronts us. I do not like back-door spending. I do not like earmarking funds but we are now, as a matter of hindsight, attempting to fund park and recreation authorizations which should not have been authorized if the funds were not to be made available for their acquisition. Today this body must either "fish or cut bait." If this bill is defeated, then the committee should reappraise all bills now before it. The administration, on every occasion—when it appeared before the subcommittee in support of park and recreation proposals—told the subcommittee that expected revenues into the land and water conservation fund would be sufficient and available to fund the project involved. And, more amazing is the fact that the Bureau of the Budget also supported the funding of these projects from revenues to be appropriated from the land and water conservation fund.

The receipts into the land and water conservation fund have fallen far short of what had been expected. At the end of this fiscal year it is estimated that the fund will have received a total of $278 million from an expected $443 million.

While the receipts into the land and water conservation fund continued to fall short of expectations the administration and the Congress supported new authorizations of park and recreation facilities.

Now we are confronted with a situation that needs to be met head on. We must either increase the funds available to be appropriated from the land and water conservation fund or we must stop authorizing the acquisition of lands and waters for park and recreation facilities. At the present time, there exists a funding backlog of about $450 to $500 million in park and recreation area authorizations. And the current estimate of acquisition costs for new areas in legislation now pending before the 90th Congress is about $160 million.

H.R. 8578 does, in my opinion, do three things: one, it increases the funds available to be appropriated from the land and water conservation fund by providing that receipts under the Outer Continental Shelf Lands Act shall be covered into the fund to equal an annual level of $200,000,000 for the next 5 years; second, the bill provides for contract acquisitions in advance of appropriations up to $30 million for fiscal 1969 and 1970, as a method in meeting the problem of escalating land prices; and third, authorizes the Secretary of the Interior to sell and lease backlands within established areas upon condition that the use be consistent with the purpose of the area.

Mr. Chairman, I think this legislation is urgently needed if we are to meet the commitments we have already made both on a national and State level. It is simply not fair to the landowners to keep them waiting indefinitely for the State or Federal Government to purchase lands which have been declared necessary for public use and enjoyment.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I think that we in Florida, a State which is closely attuned to the mounting demands of the public for recreational facilities, may be in better position to understand the need for this bill than most. Americans have more time and money for recreation. They are using beyond capacity most of the Nation's recreational facilities. On tomorrow that demand for recreational space is going to be tripled and quadrupled, but if we delay until tomorrow to acquire the land that is needed, we shall find it, in many instances, unavailable through industrial or housing development or unavailable because of tremendous escalation in price. Remember that the public is keenly alert to the prospect of increase in land values. Americans have been taking advantage of increasing value of land from the time this Nation was founded. They know that a piece of property near an important development is certain to go up in value. Consequently, they buy while prices are low and expect to sell when prices are high. This bill will put the Government in position of buying at prices much lower than they are going to be on tomorrow. This bill will put the Government in position to save money. This should appeal to every Member of the House.

By making new revenues available in what is actually a very limited amount, if you consider overall costs of Government, we are going to permit judicious purchase of needed recreational properties and guarantee a saving to the Government in the process. There is no chance for careless or wasteful procedure because every investment will be screened by the Appropriations Committee of the House to determine its value and the justification for its purchase.

Any money not used within 2 years reverts to the Treasury. Congress is not bypassed; the appropriations process is preserved; and the Nation takes a long step forward in one of the most important areas for the preservation of American ideals and institutions that can be imagined.

We have waited much too long in some areas and it is no longer possible to preserve wholesome outdoor recreational facilities in those areas for the people. The blighted countryside which is now becoming so commonplace will be even more evident on tomorrow. If we are going to preserve important segments of America's natural beauty, we cannot delay. This is a very important investment. When we consider that this year it is proposed to spend $180 billion a year to carry on the manifold requirements of Government, it is not unreasonable to invest an extra $100 million a year just for the next 5 years so that your children and mine can have a place to enjoy the scenes and the wholesome natural beauty of America, which is disappearing so very rapidly in so many areas.

I support this measure wholeheartedly in the form in which it was reported by the House Interior Committee. The committee has thought this program through carefully. The bill should not be crippled or destroyed.

The additional money would come by placing in the fund approximately $100 million a year from Outer Continental Shelf oil and gas royalty receipts. Presently, the sources of revenue to the fund are earmarked. I emphasize, however, all of the money in the fund is made available through the normal appropriations process. Every year, we on the Appropriations Committee, review proposed expenditures from the fund. We will continue to do so—just as we have each year since the fund was established in 1965. Congress always would have the final say as to how all fund money is spent.

H.R. 8578 as reported by the House Interior Committee will do much in helping us to keep abreast of these needs.

Now, again as a member of the Appropriations Committee, I am well aware of the dangers of earmarking funds for specific purposes. But, in this case, I do not call this earmarking for this reason: Revenues up to $200 million a year will be placed in the fund and be available for immediate appropriation. This is of vital consequence if we are to stop land price escalation. But, not one penny of these funds can be spent unless we appropriate the money. If we do not appropriate the funds within 2 years, the funds revert back to the Treasury. Congress is not bypassed and the appropriation process is preserved.

Further, Mr. Chairman, I want to make it clear that if we are truly interested in saving money, H.R. 8578 as reported is a good way of doing it. Generally, land prices are rising at the minimum rate of 5 to 10 percent each year, and recreation lands at a considerably higher rate. What costs $50 million today will double within the next 10 years. And do not forget, the taxpayers are the ones who will have to foot the bill. By passing H.R. 8578 without any crippling amendments so that funds can become immediately available for appropriation, the taxpayers will be saved very large amounts. This is a good bill, a sensible bill, and a vital bill.

On Tuesday of this week, this body approved the fiscal year 1969 appropriation of $100 million for the land and water conservation fund. The Department of the Interior originally requested $130 million, of which $30 million constituted an appropriation in advance of receipt of the earmarked revenues which support the land and water conservation fund. The committee did not feel that it should appropriate this additional money before it had accrued to the fund. This action was taken by the committee even though we could conceivably appropriate nearly $480 million under the advance authority granted in the Land and Water Conservation Fund Act approved by the 88th Congress. The House also rejected an amendment this week which would have appropriated $100 million from the general fund for the land and water conservation fund program. Even though there presently exists the authorization, we are reluctant to provide general fund revenue when the earmarked sources can be used to great advantage under the limited plan proposed in H.R. 8578 as reported by the Committee on Interior and Insular Affairs.

H.R. 8578 was carefully considered by the committee. I believe the committee's recommendations merit our support and approval.

The land and water conservation fund has done an excellent job within the limit of its finances. It has provided our only chance of meeting State, local, and national outdoor recreation needs and demands. The fund's achievements have proven encouraging and worthwhile. It has helped the Nation acquire numerous needed national park and recreation areas. Given adequate funding it will meet our future needs such as the magnificent Gulf Island National Seashore. It has provided assistance for some 2,700 State and local outdoor recreation planning, acquisition, and development projects.

The State of Florida has qualified for $4.4 million in matching grant assistance from the fund since 1965. Twelve projects already have been approved for grants from the fund. These include: Acquisition of 180 acres of park land in Key Biscayne, acquisition of a 12-acre recreation area in Miami, acquisition of Caladesi Island—1,272 acres—off the Gulf Coast at Dunedin, acquisition of 6,100 acres for the Rock Springs-Wekiva Recreation Area at Orlando, development of Marjorie Kinnan Rawlings Park at Gainesville, development of boat ramps and other facilities at Clearwater, acquisition of 66 acres of land as an addition to Markham Park at Fort Lauderdale, development of a 22-acre area for recreation at St. Lucie County, and acquisition of 27 acres for Round Island Park in Indian River County.

There is proposed for development a very important new Gulf Islands National Seashore which would comprise 25,500 acres in the States of Florida, Alabama, and Mississippi. It would include important historic forts which now are going to ruin for lack of care. Most of these date from Spanish colonial days. It would also include some of the most beautiful beaches and woodlands in the world.

Mr. Chairman, these are excellent achievements and speak well of the fund. The areas acquired and the facilities developed will help Florida meet the outdoor recreation needs of its residents and visitors. Florida's rapid population growth over the past 20 years is a matter of record. What often is overlooked is the corollary to population increase—that irreversible impact that the population growth has on the State's land and water resources. Each year, much land is taken for highways, airports, housing, shopping centers, community, and other needed facilities and no longer available for potential recreation use. The State, and its cities and counties, must try, however, to provide adequate outdoor recreation opportunities in the face of rising land values and reduction of the resource base. We must also concentrate on providing recreation opportunities. And of course a very similar situation exists for many other states.

Providing outdoor opportunities is becoming more expensive every day. We can give Florida and all other States a big lift in outdoor recreation by approving H.R. 8578 as reported by the committee. At least half of the money that the bill would add to the land and water conservation fund would go to the States to assist them in meeting their most urgent outdoor recreation needs.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I am not at all sure that this bill is for the purpose of providing recreational areas for all the people. I notice that a national park is being used for welfare purposes here in Washington.

How far is the Government going to go in planting welfare recipients on lands that should be used for recreational purposes for all the people?

I think there should be some hard and fast rules laid down for use of these lands. We got into this subject matter to some extent yesterday, when the appropriation bill was under consideration for the Department of the Interior. We badly need to know why some people are being excluded, arbitrarily, by the squatters who now apparently consider they have title to certain Federal parklands.

Now as to this bill, I have been in the House of Representatives a few years, and I have seen these bills come in, such as the Indiana Dunes, and I believe we were told at that time that the money was available to develop that project as well as other recreational projects. But now we find there has been a short fall of funds, and that what we were told about financing, when the House approved some of these projects, just is not so. So now we are preparing in this bill to engage by subterfuge in using the proceeds from the Outer Continental Shelf; using funds that should go to the Treasury to retire some of the debt, and cut the interest payments on money borrowed. What is this all about, anyway?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from Colorado if he can enlighten me as to how we get into these situations and I say that with all due respect to the gentleman and to his committee.

Mr. ASPINALL. I do not know whether I can answer my colleague to satisfy him at all or not; in many respects a great deal of his thinking as far as trying to be honest with ourselves, falls along the line of the thinking of the gentleman from Colorado, who is now speaking. Of course, we make plans and so often we are unable to make those plans materialize in accordance with the design.

Mr. Chairman, the reason I wanted my friend from Iowa to yield to me is because of the fact that he used the term "by subterfuge."

It is my opinion, we are not using any subterfuge at all as we ask our colleagues of the Congress to provide these funds from one of the sources of our investment which belongs to the people of the United States. We are open and aboveboard. There is no subterfuge here. The fact is that we do have this demand for the use of the facilities of the Nation for recreational purposes, and it is becoming more and more intense all the time. And for some reason or another, I say to my colleague—and here, again, I cannot understand it any better than he does—the American people just do not want to pay in accordance with the provisions which we made for the establishment of the golden passport. All we have done in many instances is just to provide jobs for people who do not even pay for the expenses of collection. We are trying to get away from that. We help to provide for collection of fees from people who desire to visit these areas wherever it is in accordance with established provisions and rules and regulations. But, we are not going to permit an ineffective and inefficient system to continue.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SAYLOR. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa [Mr. GROSS].

Mr. ASPINALL. If the gentleman will yield further, I will say to my friend from Iowa, perhaps not in his own particular district as I remember, but real close to it, we have authorized facilities, and we continue to authorize facilities for other areas. We must continue to pass sane authorizations. If we do not do it we are going to be run over, in my opinion. At least that is where we are in the instance our friend has called to our mind today, and I am just as much unhappy about that as he is.

Mr. GROSS. If the gentleman will bear with me, when the Land and Water Conservation Act came before us were we put on notice that there would be this use of funds from the Continental Shelf; or that there was going to be any shortfall of funds for the projects set forth in the Land and Water Conservation Act? I do not recall that we were.

Mr. ASPINALL. Of course, the gentleman's recollection is correct.

We did not consider the Outer Continental Shelf funds at all at that time.

Where we overestimated was on the matter of permits; we thought we were going to get $60 million a year within 4 or 5 years and we are down to $4½ million to $5 million. That is where we failed. We did not read the minds of the people correctly. Although you have a golden passport and I have a golden passport and many of us have—many of us do not—this is just the general feeling. The American people can spend that much money for a nice evening and for a little bit of beverages but they cannot spend it in order to enjoy the recreational facilities provided by the Federal Government.

Mr. GROSS. The point I am trying to make here, and perhaps I am doing it rather poorly, is that Congress authorizes these costly programs knowing that it is running into stormy weather, financially speaking. This is an awfully poor time to "rob Peter to pay Paul." We have just heard that land to be acquired is going up in price. Some of it is perhaps out of reach now by virtue of inflation. It may well be a mistake to go out and buy land today because if the bottom does fall out I suspect land prices will tumbles as they have in the past when the Nation has been confronted with a financial crisis and depression.

I want to see adequate provision made for recreation in this country but we are engaged in a deadly war that is sapping our strength. For too long have we tried to have business as usual in Congress in the conduct of our financial affairs and this bill is no exception.

I am glad to see the proceeds of the Outer Continental Shelf go into the Federal Treasury. It is desperately needed there, and it will do no good to attempt to argue here this afternoon that to take those proceeds and use them for recreational purposes is somehow reducing spending, or curbing inflation or relieving the deficit and debt situation that is taking the Nation into a financial crisis.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I strongly urge support of the bill we are considering (H.R. 8578) that would transfer a portion of Outer Continental Shelf oil and gas leasing receipts to the land and water conservation fund. Without this measure, we have little hope of paying for needed parks and outdoor recreation areas at the local, State, and Federal levels of government.

The fund desperately needs additional revenue. Most of the witnesses who testified before the Committee on Interior and Insular Affairs gave convincing evidence in support of the measure.

Gov. Ronald Reagan, of California, has urged that we earmark some revenue from the Outer Continental Shelf to bring the land and water conservation fund up to a $200 million annual level over each of the next 5 years. The Governor noted that California has approximately $77 million in applications which are backlogged and which require some fund money in our State, and that a great portion of the backlog is represented in urban and suburban park areas.

Governor Reagan said further:

> This Administration feels that a guarantee to the Land and Water Conservation Fund of the magnitude requested will help alleviate this backlog to the mutual benefit of local and State Governments.

Mr. Chairman, California has received nearly $10 million in matching grants from the fund through its normal allocations, in addition to $2 million from the fund's contingency reserve to help acquire 1,600 acres of redwood forest as an addition to the Humboldt Redwoods State Park. Money from the fund has been used for a variety of outdoor recreation projects, including acquisition of sorely needed beach property, new parks, expansion of existing parks, trails, camping, picnicking, and boating facilities.

The fund has assisted California and other States in accomplishing many desirable outdoor recreation objectives, but as Governor Reagan indicated, much more needs to be done.

A survey by the Bureau of Outdoor Recreation in 1967 showed that the States and the Federal Government would fall some $2½ billion short over a 10-year period in meeting local, State, and National outdoor recreation needs. The $100 million in additional receipts which H.R. 8578 would bring to the fund for the next 5 years would be extremely helpful and desirable in meeting existing and future needs.

Federal agencies need additional money to acquire areas already authorized by Congress. The longer Congress waits to provide the money to acquire such authorized areas, the higher will be the cost. The 89th Congress authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million.

The level of appropriation that would be provided by H.R. 8578 would permit property acquisition for a significant backlog of authorized Federal recreation areas needed to help meet outdoor recreation demands. Acquisition of these needed areas should be accelerated before rising prices make their cost prohibitive.

Additionally, H.R. 8578 would enable Federal agencies to contract during the next 2 years, under limited conditions, for property acquisition within authorized areas in advance of the actual appropriation of moneys from the fund for this purpose. Such advance contract authority would help reduce the normally unavoidable timelag between authorization of an area by Congress and the first appropriation of money for property acquisition in the area. That is the period when land prices rise sharply. The escalation problem can be reduced significantly if Federal agencies are able to proceed with mapping, land title searches, and other planning work necessary for the acquisition of key tracts in areas that consistently increase in value.

Also, Mr. Chairman, I have heard criticism voiced in some quarters that the land and water conservation fund, in its assistance to the States, is another

Federal "pork barrel" program. That just is not so. This is a cooperative Federal-State conservation effort. The States have complete control over all projects submitted for matching assistance from the fund. Counties, towns, cities, school districts, and other public bodies recommend projects needed for outdoor recreation. States then take action on those requests. States, of course, also recommend projects as part of their own statewide outdoor recreation programs.

My point is—and I cannot emphasize this too strongly—that the Federal Government through the Bureau of Outdoor Recreation does not act on projects until they are submitted individually by the States.

I have also heard recently that some States are going too heavily into the construction of golf courses with the use of matching money from the land and water conservation fund. Golf is a very popular outdoor sport, as we all know, but fund expenditures have not been concentrated on construction of courses. Many golf enthusiasts, I am sure, would argue that some States are not spending enough for public golf courses.

But, for the record and your information, I would like to point out that only 2 percent of all approved projects since the beginning of the fund in 1965 have been for golf courses and that only approximately 2.7 percent of all the money allocated by the fund to States since 1965 have involved golf courses.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. McClure].

Mr. McCLURE. Mr. Chairman, it is with some very grave misgivings that I view this proposed legislation. I am certain we all realize that the proposal is simply an attempt to get around the appropriation process. It would take money which would otherwise go to the Treasury of the United States and earmarks it for this specific purpose without having to compete with all the other programs of the Federal Government. The practice of creating dedicated funds is a dangerous exercise and resulted in near chaos in my State. The legislation nearly lost control of the appropriation process as a direct outgrowth of the proliferation of such earmarked moneys.

One of the dramatic illustrations of the need for some different approach to the financial requirements of recreation programs is the growth of the backlog of authorizations for recreation purposes which remain unfunded. The Appropriations Committee has been unable or unwilling to assign a high priority to these purposes. The Congress has found it too easy to give lip service to parks and recreation by authorizing far in excess of its ability to provide money. By avoiding the necessity of comparing the need for money for these purposes with all other demands we are again evading our responsibilities. The assignment of priorities for these purposes has my support, but I would much prefer to do it in direct comparison with alternative demands and not by following what appears to be the "easy" course.

There is logic to earmarking user fees and some justification for dedicating special taxes for special purposes. This bill, however, does not follow any such logic or justification.

I am also concerned that this fund may come to be regarded as the sole source of revenues for park and recreation purposes. I think we must retain the flexibility to meet the developing and burgeoning needs for recreational facilities. Experience dictates that this may happen and I am afraid that we, in our effort to further the ends of park and recreation facility development, are walking into a trap which will be an ultimate disservice to the ends we here seek to serve.

I strongly support the need for additional funding. The demands for park and recreational facilities are great and growing. I cannot escape the conviction that the long-range effect of this legislation will prove to be less than all the proponents claim. However, the urging of the gentleman from Pennsylvania [Mr. Saylor], and the assurances of the gentleman from Colorado [Mr. Aspinall], the chairman of the full committee, have persuaded me that we should try this approach. I truly hope that experience proves this to be wise. Because of the demonstrated need, backlog of unfunded authorizations, and pending authorization legislation. I hesitantly support this bill.

Mr. SAYLOR of Ohio. Mr. Chairman, I ask unanimous consent that the gentlewoman from Pennsylvania [Mrs. Bolton] may extend her remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Chairman, with our ever-growing population there is a great need to develop recreation lands and waters as well as to preserve certain areas for the enjoyment of future generations. The land and water conservation fund was created in 1965 to assist States and Federal agencies to acquire the needed land. Unfortunately, receipts to this fund from its present sources have fallen far short of what was expected when the basic act was passed. Moreover, the cost of acquiring land has been rising at a rapid rate and both State and Federal calls upon the fund far exceed what was anticipated. H.R. 8578 is designed to provide additional revenue for park land acquisition by earmarking 35 to 40 percent of the receipts from the Outer Continental Shelf Lands Act of 1953.

Recreation areas urgently needed and presently authorized cannot be acquired unless additional revenue is provided. The lands must be purchased before the property is priced out of reach or committed irrevocably to other uses. This can be done only if adequate funds are available so that property can be acquired as soon as possible after congressional or State approval is obtained. H.R. 8578 is very meritorious legislation and I urge its adoption.

Mr. ASPINALL. Mr. Chairman, I yield to the distinguished gentleman from Arizona [Mr. Udall].

Mr. UDALL. Mr. Chairman, this is one of the most important conservation bills of this year or of any year.

This bill is highly important to the country and in my judgment the bill should be passed and not amended in any substantial way.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may require to the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Chairman, I rise in support of this legislation.

I think it is good legislation and meets a very definite national need.

I am also glad to note the recognition by the bill of the dismal failure of entrance fees to produce the revenues needed to finance the land and water conservation fund. This is a major step toward elimination of those burdensome entrance fees at our lakes and at many other outdoor recreation areas. Let us hope this summer of 1968 will be the last summer in which fees are collected at many areas where their impracticability and undesirability have been demonstrated. Passage of the bill will assure sound financing of the fund and speed the day when user fees are imposed only at highly developed facilities, while entrance to outdoor areas is free to all.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from Michigan [Mr. O'Hara].

Mr. O'HARA of Michigan. Mr. Chairman, I very strongly support the passage of this bill.

If we are to accomplish the goals we have set for ourselves in the areas of recreation and conservation, this bill must be adopted.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska [Mr. Pollock].

Mr. POLLOCK. Mr. Chairman, the objectives of the pending measure, H.R. 8578, are most certainly meritorious. The problem of finding sufficient moneys to carry out the unquestionably needed outdoor recreation programs of State and local governments and the Federal Government has been of great concern to us all.

The primary purpose of the pending legislation is to amend the Land and Water Conservation Fund Act of 1965—which was passed with strong bipartisan support—by making more money available to finance needed outdoor recreation programs at all levels of government throughout the Nation.

I have consistently voted for legislation in support of resource development and conservation and outdoor recreation, and I shall continue to do so since Alaska's and the Nation's future rests heavily upon our ability to wisely use our natural resources.

However, I cannot agree with the provision of H.R. 8578, which would earmark a portion of the Federal mineral receipts from the Outer Continental Shelf.

The linkage of offshore revenues with the worthy objectives of the Land and Water Conservation Fund Act is not warranted at this time. Disposition of the offshore Federal mineral receipts has a long history of controversy, and piecemeal distribution without consideration of other possible beneficial uses and an overall utilization plan would, in my judgment, be a serious error.

Various proposals have been advanced as to other meritorious uses. One includes returning a portion to the adjacent States and a formula distribution of the balance to all 50 States. Another proposal would earmark a portion of the revenues for pollution abatement resulting from development of the offshore minerals. Another proposal would allocate a portion for the general field of oceanography for development of more comprehensive knowledge of our Continental Shelf and the oceans in general. And still other proposals for utilization of Outer Continental Shelf revenues have been offered.

There is another plan which involves only my State of Alaska and the Outer Continental Shelf lands off its coast, but it is extremely important to Alaskans. The problem is the existence of aboriginal native land claims to large areas of Alaska. The natives insist imperial Russia sold something to the United States that did not belong to Russia in 1867, for it belonged to the natives who used and occupied Alaska at that time. These claims have halted all land transactions in the areas covered by such claims, for the Secretary of the Interior has frozen these transactions, without congressional sanction. All parties have been searching for a solution, and currently there are three measures pending before the Congress to resolve this urgent problem. One of the promising proposals made was to give the native community as part of a just settlement, a percentage of revenues derived from mineral leasing on the lands of the Outer Continental Shelf adjacent to Alaska. This was suggested by the Secretary of the Interior and adopted by Governor Hickel's land claims task force. This proposal has been introduced in the House as H.R. 15049 and is now before the interior committee. As you can see, the proposal to dedicate these revenues to the land and water conservation fund would preempt their use as a portion of Alaska's settlement of land claims, and preempt their use for other purposes.

Only this last week Secretary Udall indicated to me and representatives of the Alaskan natives that the matter of whether or not offshore revenues should be used in the Alaska native land claims settlement was still an open question, and at the proper time he would appear before committees of Congress to testify as to the advantages and disadvantages of using a portion of the Federal offshore oil receipts off Alaska's shores for the native land claims problem.

Because of these serious problems I believe that OCS revenue should be separated from the land and water conservation fund until all proposals for use of the revenues from the OCS can be concurrently considered.

Accordingly, I must support the Willis amendment.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on National Parks and Recreation, the gentleman from North Carolina [Mr. TAYLOR], for the purpose of closing debate.

Mr. TAYLOR. Mr. Chairman, you have already heard an outline of the provisions of H.R. 8578. I will confine myself largely to section II of the bill which is the heart of the measure. This section is designed to increase the flow of money into the land and water conservation fund from about $100 million a year to $200 million a year for each of the next 5 years. It does this by directing that a portion of the Government's receipts from the leasing of Outer Continental Shelf land be devoted to this purpose. Since I am aware that amendments are going to be offered to this section of the bill, I will devote my time to discussing it and its background.

First let me point out as emphatically as I can one thing that the bill does not do: It does not appropriate any money. It does not make any money available for expenditure by any Government agency or by any State. It does not in any way affect the jurisdiction of the Committee on Appropriations or of this House. Any money that comes out of the land and water conservation fund will come out of it in the future as it has come out of it in the past—that is, only after it has been appropriated through the usual procedure.

Notwithstanding all of this, I know that there is opposition to earmarking of moneys for any special purpose. I generally would oppose the earmarking of funds, but there are impelling reasons to justify the earmarking of funds in this situation.

The issue of earmarking or not earmarking was thrashed out 4 years ago when the basic Land and Water Conservation Fund Act was before this House. At that time the issue was resolved and resolved correctly, I believe, in favor of earmarking funds for recreation land purchases. The reasons that were sound then are sound today.

The land and water conservation fund is designed to assist the States and Federal agencies to acquire and develop needed outdoor recreation resources for this country. In the case of the States, the moneys that are appropriated are available for both the acquisition of land for approved projects and for the development of these projects. In the case of Federal agencies, the appropriations are available only for land acquisition. In either case it is of utmost importance that there be some predictable amount of money that is likely to become available in order for them to carry on a program and make future plans and commitments. This is especially important for the States, which in many cases operate on a biennial appropriation basis. Since the moneys from the land and water conservation fund that go to them have to be matched dollar for dollar for dollar or better, they need to know what they are likely to get. The earmarking provisions of the land and water conservation fund give them as much assurance as Congress can give them without upsetting our own appropriation process. Experience with the fund indicates that the Appropriations Committee will likely make available each year, though they do not have to do so, the amounts that come into the fund. This being so, it is possible for the States to program their long-range plans. This is the reason for earmarking.

We do not need to fear that a large amount of unused money will accumulate in the fund. In the first place, the need has far exceeded the supply. In the second place, the basic law provides that any moneys in the fund which remain unappropriated for 2 years revert at the end of that time to the general fund of the Treasury.

Now let me go on to another aspect of this matter. The money that section II of this bill deals with comes out of Outer Continental Shelf oil receipts. Why do we propose tapping this particular source? The answer is quite simple: The Outer Continental Shelf mineral deposits are a natural resource of very great value. They are a resource of no one State. They are a resource which belongs to the people of the whole United States. And they are a nonrenewable resource. What we propose doing is to take a part of the Government's receipts from this resource and invest it in other resources for the American people. We propose, in effect, turning a nonrenewable resource into a permanent one. That is the rationale of section II of the bill.

Rents and royalties from the Outer Continental Shelf have averaged about $300 million a year over the last 5 years, and they are expected to average over $500 million over the next 5. We are proposing to dedicate just about one-fifth of the receipts expected over the next 5 years to this purpose.

Finally, let me ask one more question. Why is it necessary to increase the fund from $100 million to $200 million a year? Basically there are two reasons. The demands that the States are making on the fund are running far heavier than was anticipated. Outdoor recreation programs are getting more and more popular every day. The States have moved to take advantage of the fund far more rapidly than we had anticipated. Some have issued bonds and are matching the fund $8 or $10 to $1. This is one answer. The other is that land acquisition costs have been increasing rapidly and there is no sign that this increase will lessen. In some areas recreation land costs have been going up at the rate of 25 percent per year. The overall rate increase in recreation areas is in the neighborhood of 10 percent per year. This means a doubling of land prices in about 7 or 8 years.

Many new authorization bills are pending before the 90th Congress. This week the House Subcommittee on National Parks and Recreation spent three days hearing witnesses telling us the importance of creating a Redwoods National Park in California. There is much demand for a bill establishing a system of scenic rivers and a bill establishing a system of national trailways. Many Members of Congress are pressing for passage of bills creating recreation areas in their districts. We feel that we must be honest with ourselves and with the House. If we cannot provide the funds necessary to purchase already authorized land acquisitions, we must suspend action on new authorizations. It is not fair to the landowners and it is poor economy to the government for us to continue authorizing projects and not paying for them.

Mr. Chairman, for the reasons set out above, this is one of the most important bills which will come from the Committee on Interior and Insular Affairs to the House Floor this year and I hope that it will receive favorable consideration.

Mr. FASCELL. Mr. Chairman, I fully support the bill as reported by the committee and the additional funds which it would make available to the land and water conservation fund. This legislation is essential to meet the outdoor recreation needs of the American people. It is necessary to provide the financial muscle needed to back up our legislative intent to provide assistance to Federal, State, and local agencies in acquiring and developing public outdoor recreation facilities.

The land and water conservation fund was established to assure adequate financial resources to preserve and develop outdoor recreation resources necessary and desirable to strengthen the health and vitality of our citizens. Unfortunately, the revenues accruing to the fund from the sources specified in the 1965 act have been considerably less, almost one-third less, than originally estimated, and much less than the amount needed.

This shortage of funds when contrasted with the need for new parks makes clear the necessity for an infusion of additional money into the land and water conservation fund. Secretary of the Interior, Stewart Udall, recently pointed out that the estimated need for new park lands will cost about $3.6 billion over the next 10 years. During the same period it is expected that only about $1 billion will flow into the conservation fund unless additional action is taken.

The bill before us today will do just this. It will assure a minimal inflow of $200 million per year into the fund over the next 5 years.

If we do not answer the need for additional funds now, not only will we have difficulty in acquiring new park lands but the problem will be compounded by delay. First, delay quite properly raises the issue of justice for the property owners whose land has been taken by the Government without prompt compensation. Second, it forces the Government to pay higher prices for the property at a future date at a higher cost to the taxpayer.

Passage of this bill as recommended by the committee will put acquisition of new park lands on a responsible and just basis. To continue the authorization of new Federal projects unless there are funds available to finance their acquisition would be a mockery of true conservation and an injustice to tens of thousands of property owners across the country.

It has been argued that if we earmark Continental Shelf revenues to provide needed additional money for the land and water conservation fund that somehow chances for increasing oceanography funds will be seriously injured. I have long believed in and fought for more funds for the marine sciences and if this charge were true, I would vote against this bill. Such is not the case, however. The bill, as recommended by the Interior Committee, would in no way prevent a substantial increase in the funding of our national oceanographic program.

In the first place, I believe that chances are already excellent for a substantial increase in regular authorizations and appropriations for the marine sciences once the financial pressures caused by the war in Vietnam are ended. The importance of learning how to use the resources in and under the sea becomes clearer to everyone day by day. This awareness is especially acute within the Congress and there is every indication that awareness of the need will soon be translated into a substantial increase in funds for oceanography.

At the same time, if Congress should see fit to earmark funds for an increased Federal oceanographic program, substantial funds remain available. By far the greatest portion of revenues which accrue annually to the Treasury as a result of exploitation of the Outer Continental Shelf would still be available even after passage of the bill we are considering today. These revenues now amount annually to about $300 million. The land and water conservation fund could use no more than $120 million of this total. This leaves more than $180 million in funds which still could be earmarked each year to an expanded oceanographic program if the Congress thought this necessary and desirable.

Thus it seems clear to me that there is no real conflict between assuring funds for parks we need, and increasing our national commitment to the marine sciences either through direct appropriation or through earmarking the remainder of Continental Shelf revenues.

In my own State of Florida, the outdoor recreational development council whose members include the Governor and all cabinet members, gave its strong endorsement to this bill in a recently adopted resolution. I would like to bring this resolution to the attention of all colleagues:

RESOLUTION

Whereas, the Land and Water Conservation Fund, established by Public Law 88–578, has been of great benefit to the State of Florida in making available some $5,000,000 since 1965 as matching funds for outdoor recreation land acquisition and development; and

Whereas, because of the formula used for the distribution of these funds, any increase in the size of the Land and Water Conservation Fund would benefit the State of Florida in equal proportion; and

Whereas, there is now pending before the 90th Congress legislation which would materially augment the Land and Water Conservation Fund from new revenue sources not now earmarked for any other public purpose; and

Whereas, it is the desire of the Florida Outdoor Recreational Development Council to register the strong support of the State of Florida for the intent and purpose of S. 1401 and H.R. 8578, and any similar legislation designed to increase the size of the Land and Water Conservation Fund while maintaining the established distribution ratio of 60% to the states and 40% to the federal government;

Now, therefore, be it resolved, that the Florida Outdoor Recreational Development Council does hereby urge the 90th Congress to act favorably on S. 1401 and H.R. 8578, toward the end of increasing the size of the Land and Water Conservation Fund while preserving the established distribution ratio of 60% to the states and 40% to the federal government.

Mr. Chairman, I hope the House will approve the fine work which the Interior Committee has done on this bill and will pass the bill in substantially the same form in which it was reported by the committee.

Mr. SCHWENGEL. Mr. Chairman, today we are considering a most important bill. We will decide today whether this country is going ahead and is going to keep pace with the Nation's needs for more national parks, protected seashores and recreational areas or if we are going to fail to meet this important challenge.

It was a great conservationist, President Theodore Roosevelt who first awakened this Nation to the need to preserve the beauty and wonder of nature in our country. Roosevelt and Gifford Pinchot led in the fight for judicious use of our natural resources. They built the foundation which today undergirds our system of national parks and recreation facilities.

Since that time, progress in carrying out the dreams of Roosevelt and Pinchot has been sporadic. An important step was taken in 1964, when the Land and Water Conservation Fund Act first gained approval. But even the impact of this legislation has not been as great as expected.

Moneys from the land and water conservation fund have been used to provide additional recreation facilities and to purchase land for parks and developing outdoor recreation lands.

Rising land costs, at the rate of 10 percent a year, have seriously impaired efforts to acquire the land required to fulfill recreational needs.

As promient members of the Interior and Insular Affairs Committee have so ably pointed out, authorizations for the National Park Service alone totaled $145 million in the 89th Congress. It will take 5 years appropriations from the fund, if not changed, to finance this backlog.

The committee members quite properly have taken the position that additional authorizations should not be made unless provisions are made to more adequately fund these authorizations.

Like in so many other areas of concern today, we are again faced with a challenge. How the House responds today will determine whether or not we are determined to meet the recreational needs in our country.

We should pass H.R. 8578.

Mr. PATTEN. Mr. Chairman, the Land and Water Conservation Fund Act must be strengthened if we are to meet the present and future conservation needs of the Nation.

A tremendous demand exists for outdoor recreation facilities at all levels. Although some progress has been made because of the original act of 1964, improvements must be made.

Funds for helping communities are insufficient and the backlog of applications for Federal aid is enormous. Only a small percentage of applications by communities can be approved because of a limitation of funds.

Two recreational projects amounting to $86,069 in land and water conservation aid were approved for Middlesex County, N.J., communities—East Brunswick and Perth Amboy.

The East Brunswick Municipal Park will be dedicated on June 1 and a boat ramp has already been completed for Perth Amboy with the help of a U.S. grant of $6,075.

However, several other communities desire assistance of this type, but funds simply are not available. With our population growing rapidly, recreation and conservation plans should be made now—and not when land is available at sky-high prices or not available at all.

Mr. RHODES of Arizona. Mr. Chairman, the Republican Party has long played a leading role in land and water conservation. President Theodore Roosevelt and Gov. Gifford Pinchot, of Pennsylvania, were among the first to recognize the importance and the need for the development and wise use of our natural resources. These men and their promotion of conservation programs provided the foundation for our present network of national parks and recreation facilities.

The land and water conservation fund was created in 1965 to assist States and Federal agencies in acquiring and developing recreation lands and waters to meet the growing needs of the American people. Unfortunately, receipts to this fund from its three present sources have fallen short of what was expected since the basic act became law. Moreover, the cost of acquiring land for recreation purposes has been rising at a rapid rate and both State and Federal calls upon the fund far exceed what was anticipated.

Park and recreation lands must be purchased before the property is priced out of reach or committed irrevocably to other uses. This can be done if adequate funds are available so that property can be acquired as soon as possible after congressional or State approval is obtained.

H.R. 8578 is designed to meet the problem of the rapidly increasing cost of acquiring Federal and federally assisted park and recreation areas. It would provide additional revenue by amending title I of the Land and Water Conservation Fund Act of 1965 as follows:

First. The flow of revenue into the fund would be increased to $200 million a year by earmaking for this purpose 35 to 40 percent of the receipts from the Outer Continental Shelf Lands Act of 1953.

Second. Federal departments and agencies that administer outdoor recreation facilities would be authorized to fix and collect admissions and user fees. These fees would be available to the collecting agency upon appropriation.

Third. The Secretary of the Interior would be authorized to lease and sell back property within areas administered by the National Park Service upon condition that the use of such land shall be consistent with the purpose or purposes for which the area was established. The proceeds received from the lease and sell-back transactions, would be credited to the land and water conservation fund.

Recreation areas urgently needed and presently authorized cannot be acquired unless additional revenue is provided for the land and water conservation fund. H.R. 8578 would bring into the fund the essential revenue. We urge its adoption.

Mr. DON H. CLAUSEN. Mr. Chairman, today the House of Representatives is called upon to recognize an important responsibility. We have before us for debate H.R. 8578, the so-called amendments to the Land and Water Conservation Fund Act of 1965. Basically, this measure would provide the funds to carry out the many park, recreation, and other conservation projects approved by this Congress. It is proper that we pay for those conservation projects to which we already have committed ourselves as being in the public interest.

As of now, we have some $350 million in such projects; they have been approved by the Congress but we do not have the money in the land and water conservation fund to pay for them. One of these is Point Reyes National Seashore in my district, which was authorized considerably below the amount necessary. In order to complete this beautiful seashore project as envisioned by the Congress, an added authorization of some $40 million is necessary, and the land and water conservation fund should, by responsible standards, be prepared to provide the funds. Meanwhile, the landowners at the seashore are stymied by a congressional directive that sets aside their lands for a seashore, but the Government is not prepared to buy them.

Second, the States, and through them, local governments and park districts, also have a heavy backlog of park projects. These have been approved by local agencies and the State and applications have been filed for 50–50 matching funds from the land and water conservation fund as provided by the act that created it. California alone has some $77 million in such applications backlogged. Again, we are stymied in carrying out what we agreed was proper.

And third, the Interior and Insular Affairs Committee of this House has two major park proposals before it for authorization at this time—the Redwood National Park and the North Cascades Park proposal. The Redwood National Park would be located wholly within my district, and I certainly hope that this last chance for a Redwood park is endorsed by the Congress and, more than that, the Congress is ready to follow through to acquire these beautiful forests.

All of these things mean, conservatively, that the land and water conservation fund must be augmented by $500 million over the next 5 years to meet the commitments already made. It will not mean a flood of brand new park projects. The funds in this bill simply are enough to pay only for the projects now authorized or in the mill.

Unfortunately, this request, of necessity, comes at a time when our Nation is in real fiscal hot water. Again, we must face up to this responsibility. That is why a natural source of funds was sought; that is why revenues from the Outer Continental Shelf are earmarked in this bill to go into the land and water conservation fund to meet these responsibilities. It is only logical that funds received from the exploitation of natural resources, through leases of Outer Continental Shelf lands to private industry, be partially used to conserve natural resources. It is a form of the user tax concept which I fully endorse. Further, this bill commits only one-third or less of these revenues for land and water conservation fund purposes. The bulk of the revenues would be left for general treasury or other use.

The State of California has used this method of partially financing its park system for years. A portion of the State's revenues from tidelands within the 3-mile limit have been dedicated to park use. As a result, California has one of the finest park systems in the Nation. All we are saying here is that we should use this tried and true system to the general benefit of the Nation.

If we had realized this need and adopted this method of finance in 1965 when the land and water conservation fund was enacted, perhaps we would have faced up to our Nation's fiscal crisis before now. The fact that we did not do it then makes it all the more necessary and urgent that we do it now. We cannot sweep one responsibility under the rug in meeting another.

Granted, priorities must be set in this year of tight money, deficit, and inflation. But in the broad scope of Federal involvement in our everyday lives, I think our national heritage deserves a high rank. I urge my colleagues to consider this broad scope and approve H.R. 8578 essentially as wisely outlined by Chairman ASPINALL and his committee.

Mr. PRICE of Illinois. Mr. Chairman, I ask that my colleagues in the House of Representatives give favorable consideration to H.R. 8578 which would provide an additional source of revenue for the land and water conservation fund. During the past 3 years nearly $303 million has been provided from this fund for the acquisition and planning of a multitude of outdoor recreation facilities. Despite the successes that we have seen, there are still many areas that have not received assistance. It is imperative that we find a new source of revenue for the fund so we can provide parklands and lakes, forests and rivers which all Americans can enjoy.

There have been many success stories involving Land and Water Conservation Act funds. The Cahokia Community Park in my district in southwestern Illinois is one of those projects that has been successfully initiated. Without the assistance provided by the Federal matching funds the people of Cahokia would have been precluded in the next 10 years from developing this park. The crowded urbanism that is slowly encroaching on their town would have taken the land far from the reach of public benefit. But for every story of success there are dozens of areas across this country which have unmet needs for recreation areas. These needs must be met.

For example, the Frank Holten State Park in my district which is centrally located in a large and growing urban complex could be a place of enjoyment and respite for thousands of people. But without some assistance from the Federal level, that park will continue to deteriorate, overrun by grass, its lakes filling with silt and refuse. Something could be done about this problem.

Another project which comes to mind is the Tri-Township Park District at Troy, Ill. This Madison County project is pending with the Illinois Department of Conservation and in all likelihood will not be funded as quickly as desired because of the great demand for limited funds available.

Under the present law anticipated revenues to the land and water conservation fund from present sources during the next 10 years would be only $1 billion. During that same period it is estimated by the Department of Interior that we will need more than $3½ billion in order to keep pace with expected requirements for assistance. That would leave us with a deficit of $2½ billion during that time in meeting the needs of Americans for recreation areas.

Something can be done about this problem today. That is why I urge that we consider favorably H.R. 8578. Under this bill a new method of financing the land and water conservation fund is created. It does not impose a new tax; it simply transfers revenues from an area of surplusage to an area in which there is a national deficit. Funds accruing to the Government under the Outer Continental Shelf Lands Act from leases and royalties of mineral rights would be shifted to the land and water conservation fund to bring its total revenues up to $200 million annually. This would nearly double the present revenues and would serve to effectively wipe out the deficit that we are developing in this area.

If we choose this course, as I hope we will, the amounts available to the States for local projects would also be doubled. Projects such as the Cahokia Community Park, the Frank Holten State Park, and the Tri-Township Park District would be assured full funding before these lands are lost forever to sprawling urbanization. Most importantly the residents of the country, both urban and rural, would be assured of a pleasant and satisfactory environment.

Mr. ROGERS of Florida. Mr. Chairman, although I support H.R. 8573, I would like to say at this time that I feel it is imperative that priority consideration of the allocation of any funds taken from revenues derived from the Continental Shelf be directed at this Nation's oceanographic efforts.

I am not offering any amendment of this nature at this time because I feel that we will be in a better position to correctly judge the needs of our oceanographic effort after the President's Commission on Marine Science, Engineering and Resources issues its report in January of 1969.

This report will give us direction and will detail the financial needs and suggest the best course of action.

At that time, we should give immediate consideration of tieing the Commission's recommendation with any revenue allocations derived from marine exploitation on the Continental Shelf.

A high priority should be placed on the development of oceanography and the marine sciences. The relationship between offshore revenue, as we are considering it today, and such development in oceanography, is natural and self-perpetuating.

Mr. DOLE. Mr. Chairman, I support passage of H.R. 8578, a bill amending title I of the Land and Water Conservation Fund Act of 1965.

KANSAS PARTICIPATION HAS BEEN EXTENSIVE

In my State of Kansas, Federal grants from the land and water conservation fund have totaled $3,105,322. An effective test of any program is the measure of continued support it receives at the grassroots.

I wish to quote from two letters to the chairman of the House Committee on Interior and Insular Affairs, as published in the hearings on this legislation. The chairman of the Kansas Joint Council on Recreation, Mr. Paul Aylward wrote:

> The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects . . . with $2,738,100 being the Land and Water Conservation Fund share.

The director of the Kansas State Park and Resources Authority, Mr. Lynn Burris, in his letter stated in part:

> It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

FEDERAL FUNDING FALTERING

The projects under this legislation are being imaginatively innovated—the local and State governments are enthusiastically providing their share of the load—but Federal funding of the projects is falling short of even conservative projections.

Current methods of financing the Federal obligations are three: First, the income of National Park Service admission and user fees; second, motor-boat gasoline taxes; and third, the sale of surplus real property. Unfortunately, these sources of revenue have proved inadequate to accomplish the tasks envisioned by the Congress just 3 years ago. Land prices have skyrocketed, and user-fees collected from the various sources have not measured up to expectations.

Additional resources must be found to accomplish projects authorized by the 89th Congress, let alone new authorizations. In many cases, local action has been completed—local approval and funding has been accomplished—but the projects await a Federal commitment to be fulfilled.

PURPOSE OF PENDING LEGISLATION

The purpose of the legislation before us today in the main is simply to provide a dependable additional source of funding for the land and water conservation fund. The income from Outer Continental Shelf leases, determined to belong to all the people rather than any contiguous State, is envisioned to provide an increasing and dependable source of revenue for the fund. Although about $110 or $120 million per year will be earmarked from Outer Continental Shelf leasing for the land and water conservation fund, I wish to emphasize that this money can be spent only after appropriation by the Congress. There is no backdoor financing envisioned or intended here. The bill does provide a pool of revenue which the Congress can more conveniently utilize—from a source belonging to all the people, to a fund designed to benefit all the people—a fund building permanent recreation and conservation facilities for generations of Americans to come.

Mr. COHELAN. Mr. Chairman, I strongly support the legislation before us to augment the land and water conservation fund in the next 5 years and to earmark a portion of the receipts from the Outer Continental Shelf for the fund.

We have authorized the establishment of many worthy park projects, but our appropriation process has not kept up with us. There is currently a backlog of more than $360 million in authorized but unfunded park projects.

Equally worthy park projects, which will cost another $160 million, are pending before the Congress. The Redwood National Park legislation, which has been before the Congress intermittently since 1911, is still pending. Chainsaws will soon deprive us of the opportunity to include the magnificent redwoods in our park system unless we act now to authorize the purchase of the park.

It is not fair to landowners to keep them waiting indefinitely for the Government to purchase lands which it declares to be necessary for public use and enjoyment. If we are going to authorize a park, I think we should make provision for the funding of the park.

If H.R. 8578 is approved, approximately $100 million will be available for appropriation each year for 5 years toward financing these worthy projects.

H.R. 8578, as approved by the committee, provides, and rightfully so, in my opinion, that about $100 million will go into the land and water conservation fund from offshore oil revenues which now go into the Federal Treasury. While the appropriation process will still take place, placement of these revenues in the fund for a 2-year period will increase the likelihood that needed appropriations will be quickly made. To avoid drastic price inflation as a result of land speculation in authorized park areas, it is essential that needed moneys be appropriated as quickly as possible lest the project be lost entirely to inconsistent uses or priced out of the realm of possibility.

I urge the passage of this legislation so that we may go ahead with worthwhile conservation projects so that Americans in generations to come may enjoy our natural heritage.

Mr. Chairman, the Washington Post carried a timely editorial this morning urging the adoption of H.R. 8578, and I wish to insert it at this point in the Record:

Park Issue in the House

The House will have an opportunity today to provide new underpinning for the national park and recreation programs. It is expected to approve the Administration's bill to supplement the Land and Water Conservation Fund and to provide new tools for the timely acquisition of recreational lands. Unfortunately, the Senate recently cut out of its bill a provision earmarking a portion of the receipts from the Outer Continental Shelf for the LWC Fund, but there are many indications that if the House approves this vital feature, the Senate may reconsider.

In addition, both bills would permit contracts to purchase and in authorized park areas in advance of the actual appropriations so as to cope with price escalation. Similarly, the National Park Service would be allowed to lease and sell land taken but not immediately needed for recreation purposes so as to reduce the net outlay. The House might well add to these devices for fighting price inflation the Senate-approved provision permitting the taking of options for the purchase of land in authorized park areas before the appropriations are voted.

The question before the House is the creation of an effective system for the acquisition of park lands before prices go through the ceiling. The possibilities for long-run savings in rounding out the national park system and in helping the states to acquire recreational lands are very substantial. The House can do better than the Senate did, and if it passes the bill that came out of its Interior Committee, the chances for a satisfactory compromise will be good.

Mr. VANIK. Mr. Chairman, I concur in the purpose of H.R. 8578, an increase in the land and water conservation fund to $200 million a year for 5 years so that the States may proceed with an orderly plan of acquisition of recreational lands for the use of future Americans.

However, I regret that the legislation did not include a mandate directing the States to allocate at least part of these funds for the acquisition of lands in the near urban areas.

Under the Land and Water Conservation Act, the allocations of grants to the several States is increased by 20 percent on the basis of concentrated urban population. Through this grant formula, Ohio receives 20 percent more in Federal funds than would otherwise be the case.

In Ohio, so far during fiscal 1968, $6,244,867 has been allocated entirely to projects located in nonurban areas. As of April 1, 1968, the following allocations have been made:

STATE OF OHIO LAND AND WATER CONSERVATION FUND PROGRAM AS OF APR. 1, 1968

Location (county)	Population	Amount of Federal grant
Fulton (Goll Woods State Park)	29,301	$100,000
Clinton (Cowan State Park)	30,004	803,228
Ottawa (East Harbor State Park)	35,323	624,596
Muskingum (Dillion Reservoir State Park)	79,159	2,025,986
Delaware (Delaware Reservoir State Park)	36,107	555,233
Highland (Rocky Fork State Park)	29,716	1,271,618
Wood (Wayne Village)	72,596	858,406
Licking (Hebron National Fish Hatchery)	90,242	5,800
Total	402,448	6,244,867

The total Federal grant to Ohio in 1968 has been allocated to counties in which the total population does not exceed 402,448 persons. The Federal grant in these funds totals $15.50 per person in these areas while 9,303,949 people in the remaining portion of the State get nothing out of the 6,244,867 Federal dollars granted Ohio under this program unless they travel a long distance to the benefited areas.

It seems to me that the State of Ohio should not be permitted to ignore urban needs in the allocation of these funds. The recreational lands made possible by this Federal program should be related at least in part to "people" needs.

If the State of Ohio and other indifferent States persist in denying the resources of the land and water conservation funds to urban areas which most critically need them, it may become necessary to preclude this abuse of discretionary authority at the State level and enact Federal mandates which will insure consideration of urban needs.

Mr. ASPINALL. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Other Revenues. All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"Sec. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

Sec. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is prosed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property of interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENTS

The **CHAIRMAN.** The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, strike line 3 and all through and including line 13 on page 2, and insert the following:

"That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 16 U.S.C. 460 1–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

"(b) It is not the intent of Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963 providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

"(c) Section 6, subsection (a), of said Act is amended by striking out the words 'in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act'.

"(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969."

Mr. ASPINALL (during the reading). Mr. Chairman, since this amendment has been explained, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

Mr. PELLY. Mr. Chairman, I have an amendment to this committee amendment.

Mr. ASPINALL. Mr. Chairman, the gentleman's amendment does not go to this amendment. The gentleman's amendment goes to the amendment at the bottom of page 4, section 8, line 17. I will notify the gentleman when we reach that point.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 21, insert the following:

"Sec. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

" '(c) Other Revenues.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462, 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended.' "

Mr. ASPINALL (during the reading). Mr. Chairman, this is an amendment which has been explained. I ask unanimous consent that the amendment be considered as having been read, printed in the Record, and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 13, insert the following: "Sec. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and inserting in lieu thereof 'until the end of fiscal year 1969'."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 17, insert the following: "Sec. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 23, strike out "1968 and 1969" and insert "1969 and 1970".

Mr. ASPINALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do so for the purpose of advising the gentleman from Washington [Mr. Pelly] that if he wishes to offer his amendment as a substitute to this amendment, now is the time to do it.

The CHAIRMAN. The Chair will protect the gentleman, and will recognize him at the proper time.

The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pelly: On page 4, strike line 17 and all that follows down through page 5, line 8, and renumber the following sections accordingly.

Mr. PELLY. Mr. Chairman, first I should like to express my appreciation to the distinguished gentleman from Colorado for protecting me and allowing me to offer this substitute amendment.

My amendment will strike section 4 from the pending bill. This section authorizes the various executive departments to acquire lands within authorized areas by contract in advance of the actual appropriation of moneys from the land and water conservation fund. The only limitation on this provision is that such purchases shall not exceed $30 million during each fiscal year 1969 and 1970.

This is a classic case of so-called back-door spending. The normal appropriation process is bypassed so long as the land purchases do not exceed $30 million in either fiscal 1969 or 1970. As a matter of principle, I do not believe the normal appropriation process should be bypassed in this manner. To my knowledge, the appropriation process has not unduly delayed the purchase of land but it has insured the type of congressional scrutiny that is accorded to other money matters.

Mr. Chairman, I wish to emphatically state that my amendment is not to be construed as an attempt to weaken this bill. I yield to no man in my concern for conservation and I intend to fully support this legislation. However, I do feel that my amendment is needed to protect the integrity of the Congress to appropriate, and likewise to protect the integrity of the Committee on Appropriations, after annual scrutiny, to control spending.

I urge adoption of my amendment.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Washington.

This amendment has been fully explained in the debate. This is an experimental program. Surveillance will be kept over this operation as was promised in the general debate on the legislation. The amount is $30 million per year for the maximum.

We should like to see if by some such procedure as this we can take care of a great many of the problems which arise because of the escalation of prices after we once authorize a project. That is the purpose.

This is not back-door spending. The authority comes right back to the Appropriations Committee. The Appropriations Committee will keep surveillance over it. The authorizing committee will keep surveillance over it. We will be on it all the time under our oversight responsibility.

I see no reason in the world why this kind of procedure cannot be tried as an experiment. We can spend $10 billion for other experiments, which happen to be physical experiments. To make an experiment like this, some of us seem to want to stay very closely to inflexible procedures.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I will yield to the gentleman when we get to his program, but we are on another matter now.

Mr. WILLIS. Very well.

Mr. ASPINALL. I am in opposition to this proposal.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania [Mr. Saylor].

Mr. SAYLOR. Mr. Chairman, as explained during general debate on this bill, we are not using back-door expenditures. What we are trying to do is to save the country some money. As an experiment we are asking that a small portion of this fund be made available to the Department of the Interior so that they may take advantage of land which comes on the market without having to wait for appropriations.

Time after time we have had cases where there has been a death or change of conditions or numerous other reasons and land has been made available. Because the Department of the Interior and the Park Service could not go ahead immediately the price escalated. The purpose of this is to determine whether or not we can change and try to counteract some of this tremendous escalation in land prices. The Director of the Park Service has told both the House Committee on Interior and Insular Affairs as well as the Interior Subcommittee of the Committee on Appropriations that they will keep these committees fully informed as to any obligations which are incurred at any time. I sincerely hope that this amendment is defeated.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I thank the gentleman for yielding.

I would like to ask the gentleman if this is not in the same context as the current practice for all appropriations. Will this not function in the same manner?

Mr. ASPINALL. This will function in the same manner as far as results are concerned, but I will say to my good friend from Washington that this does permit contractual authority which must be kept under surveillance by the Committee on Appropriations and the Committee on Interior and Insular Affairs of the House.

Mrs. HANSEN of Washington. I thank the gentleman, because this is one of the big problems the Committee on Appropriations has; namely, knowing whether there will be funds available. It is the knowledge of having these funds that will keep the price down.

I may say further, Mr. Chairman, certain friends in this House have not been worried about the authority of the Committee on Appropriations to extend limitations.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. PELLY. To set the record straight, the gentleman said that this is not back-door spending. There are various types of back-door spending. One is to authorize contracts which make it mandatory on the Committee on Appropriations to supply the funds. So I differ with the gentleman. I think this is one of the forms of back-door spending, and I disapprove of them all.

Mr. ASPINALL. Mr. Chairman, I have no quarrel with my friend.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Washington [Mr. PELLY].

The amendment was rejected.

Mr. ASPINALL. Mr. Chairman, I ask for a vote on the committee amendment.

COMMITTEE AMENDMENTS

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 5, line 9, after "SEC." strike out "2" and insert "5".

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The **CHAIRMAN.** The gentleman will state it.

Mr. ASPINALL. As I understand it, we have not taken care of the amendment which was to be amended by the gentleman from Washington. We defeated the amendment offered by the gentleman from Washington.

The **CHAIRMAN.** The Chair will inform the gentleman from Colorado that the amendment offered by the gentleman from Washington was defeated.

Mr. ASPINALL. That is right, but how about the amendment he proposed to amend?

The **CHAIRMAN.** The Chair will inform the gentleman that both committee amendments have been agreed to.

Mr. ASPINALL. All right. Maybe they have, but I did not think the RECORD showed that.

The **CHAIRMAN.** The Clerk will again report the next committee amendment.

The Clerk read as follows:

> On page 5, line 9, after "SEC." strike out "2" and insert "5".

The committee amendment was agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 5, line 24, after "owner" insert "or owners".

The committee amendment was agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 5, line 25, strike out "he is" and insert "they are".

The committee amendment was agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 6, line 2, after "such" strike out "owner wishes" and insert "owners wish".

The committee amendment was agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 6, line 5, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,"

The committee amendment was agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

> On page 6, line 15, after "therein" insert "under his jurisdiction."

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Louisiana [Mr. WILLIS] was apparently not in the Chamber when, after striking out everything on page 2, down through line 13, we took care of the amendment which purports to insert the language which we have placed in the bill as a new section 2.

Therefore, Mr. Chairman, I ask unanimous consent to return to that amendment and vacate the proceedings by which we passed the committee amendment and then permit the gentleman from Louisiana [Mr. WILLIS] to have his opportunity to proceed.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Chairman, I would ask that the RECORD show that the amendment has been read.

The **CHAIRMAN.** Without objection, it is so ordered.

There was no objection.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. WILLIS

Mr. WILLIS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committe amendment offered by Mr. WILLIS: Strike out the matter proposed to be inserted by the committee amendment and insert in lieu thereof the following:
>
> "SEC. 2. Section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:
>
> " '(c) Other Revenues.—Such sums as may be appropriated for the fiscal year ending June 30, 1969, and each of the four succeeding fiscal years, out of any moneys in the Treasury not otherwise appropriated, equivalent to the amount if any (as specified and made available in appropriation Acts) by which the total of the revenues and collections covered into the fund under subsections (a) and (b) for such fiscal year is less than $200,000,000.' "

Mr. WILLIS. Mr. Chairman, this is the amendment to which I referred during general debate. This amendment would compel the operations provided for under this bill to proceed in regular order and not in irregular order.

I have been in Congress for 20 years and in only two instances have I seen the dedication of particular taxes to particular programs. One is the dedication of the gasoline tax for highways and the other is the payroll tax trust fund for the Social Security program.

This bill would earmark and dedicate unto the national parks, unrelated funds derived from the minerals of the Outer Continental Shelf. It would take these funds before they reach the Treasury and earmark and dedicate and impound them for what? For oceanographic purposes? No. It has nothing to do with the sea. But for the purpose of building parks.

Mr. Chairman, my amendment would do exactly what the other body did 3 weeks ago. Under my amendment we would proceed in regular order. The great Committee on Interior and Insular Affairs, like all of the other committees, when it wants to finance the water and land conservation fund, it will have to go before the Interior Committee and then thereafter they will have to knock at the door of the Committee on Appropriations just like any other program has to do, including our program of defense.

Mr. Chairman, I yield back the balance of my time.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Louisiana [Mr. WILLIS].

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN.** The Chair will count. One hundred and five Members are present, a quorum.

Mr. BOGGS. Mr. Chairman, let me try as briefly as I can, and as succinctly as I can, to explain the amendment offered by my distinguished colleague from Louisiana.

First, let me say that I share with every Member of this body the natural desire to develop the magnificent resources that are provided for in the legislation that is now before us. I supported this bill when it came before us several years ago, and I support the bill today, but I cannot support it with the language incorporated in the committee amendment.

The bill seeks an automatic financing provision—call it what you will: back-door financing, dedication of funds, or however you want to describe it—but in any event, for a 5-year period this bill seeks to take from funds now going into the general revenues of the Government a sum of half a billion dollars, or $100 million for each of 5 years. Those moneys are derived from receipts which go into the Treasury from revenues derived from the so-called Outer Continental Shelf. At the present time every nickel of revenue collected from the Outer Continental Shelf goes into the general revenues of the Government of the United States, subject to the same appropriation procedures as every other revenue derived by the Federal Government.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to my distinguished colleague from Louisiana.

Mr. WILLIS. Mr. Chairman, I wish the gentleman would make the point that this should not be considered a parochial amendment. The State of Louisiana receives absolutely nothing from it. It is all for the Federal Government.

Mr. BOGGS. I thank the gentleman for his comment, and I should point out that neither Louisiana nor California nor Texas, nor any other coastal State which has any mineral or any other type of revenue-producing properties in the Outer Continental Shelf under present law, derive one penny of revenue from those operations. There is a reason for that. We had a law—and as far as we are concerned in Louisiana we still have a continuing conflict involving this whole question of revenue from the so-called tidelands, and from the Outer Continental Shelf.

Back in the late 1940's the Supreme Court decided that insofar as the so-called Tidelands are concerned, that the National Government had a paramount right. This created great confusion. In 1953 Congress passed an act giving title to all of that land within the historic boundaries of the coastal States to those States.

Since that time we in my State have not determined what the historic boundary is. The conflict is still in existence between the State of Louisiana and the Federal Government, and involved there are about $1 billion in funds that are now held in escrow. But over and above that, in the same year Congress passed what is known as the Outer Continental Shelf Act. Under the terms of that act full title, insofar as title can be granted to lands in the open seas, was granted to the National Government, and all of the revenues derived therefrom go into the Treasury, as I mentioned a moment ago.

Mr. Chairman, this amendment is in order from two points of view, both of which I submit to you are sound and valid.

The first is, to those of you who object to back-door financing: this has just got to be back-door financing. There is no further action required by any appropriation committee of any kind, Interior or otherwise.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. EDMONDSON. The bill clearly provides that every dollar that is put into the land and water conservation fund must be appropriated by the committees on appropriations before it is available for the purposes of land and water conservation.

Mr. BOGGS. That is not my understanding. My understanding of the bill is that for all practical purposes, you receive into this fund $100 million for 5 years out of revenues derived from the Outer Continental Shelf; is that not correct?

Mr. EDMONDSON. If the gentleman will yield further, the money is not available for any land and water conservation fund purposes until appropriated by the Appropriations Committee and by the House of Representatives.

Mr. BOGGS. You are now discussing the $100 million?

Mr. EDMONDSON. Yes.

Mr. BOOGS. Now let me ask the gentleman a question. How does that language differ from the language of the Senate amendment—the Ellender amendment?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. ASPINALL. That was mentioned during general debate on the bill.

The Ellender amendment simply gives authority to the Congress to go ahead and have appropriated moneys out of the general fund. That is all that the Ellender amendment does. It leaves out all reference to earmarking of those funds and if the gentleman wishes to quarrel with this bill because of the earmarking procedure, then, of course, I think the gentleman can be logical.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ASPINALL. Outside of that, this is the regular procedure as far as this section is concerned and the amount is someplace between $100 and $130 million a year to be set aside from these funds into the land and water conservation fund to be apropriated by the Congress in the ordinary course of appropriations.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield further?

Mr. BOGGS. I am glad to yield to the gentleman.

Mr. EDMONDSON. I think the gentleman said a few minutes ago that he had supported this bill.

Mr. BOGGS. I have.

Mr. EDMONDSON. That is when it was first passed.

Mr. BOGGS. I did.

Mr. EDMONDSON. The bill provides, as it was first passed, that motorboat fuel tax revenues and revenues from the sale of surplus property shall go into the land and water conservation fund in the same way that we are here providing that submerged lands revenues shall go into the land and water conservation fund subject to appropriation by the appropriations committee.

So if the gentleman was for it 3 years ago when we had the bill on the floor dealing with these other revenues, why in the world should he be opposed to it now?

Mr. BOGGS. The distinction, of course, is quite obvious. A motorboat operating in a public park is getting some service from that park, and the surplus land already belongs to the National Government and is already being used for some public purpose. It makes sense to continue to use it for the acquisition of further national parks and recreational facilities.

But this is something entirely different. What we are talking about here—if you want to make any comparability at all, could only be comparable to what we have done with respect to lands in the gentleman's State in the West. Back in 1920 we passed the Public Lands Act, I think it is called, whereby those States which bore the brunt of these great public lands received direct benefits from the assets accruing from the public lands. I think the distribution was 37½ percent to the States, and I think the balance of it was used for other purposes.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield at this point?

Mr. BOGGS. I cannot yield to the gentleman right now.

Let me try to make my point. I know the gentleman is enthusiastically for this bill and I admire him for it. I am equally enthusiastic against this provision.

Now what is sought here regardless of how you might label it, is a method of sending these general revenues to the Federal Government without making some sensible determination of what we are going to do with those revenues.

I say to you, No. 1, an adjacent State has every bit as much claim to the 37½ percent under those circumstances as a State in the West or a State in the interior because of the public lands.

Now why do I say that? Well, my State or the State of Texas or the State of Florida or the State of California or any coastal State for that matter has to provide all of the services that go into the activity that goes on off the shore. They have to educate the children. They have to build roads. They have to build schools. They have to provide all the normal services provided by city, county, or State without one penny of revenue accruing thereto.

In addition, we are talking about the development of natural resources. One of the great underdeveloped natural resources in this country happens to be our marine resources. One of the gentlemen from Florida some years ago sponsored

a bill providing for so-called sea-grant colleges in order to study oceanography, in order to find out about marine life, in order to cultivate the tremendous resources now available in the production of food, particularly proteins, from the sea and from marshes, and in order to reclaim our seashores to provide against erosion, and to provide protection against hurricanes and other natural disasters.

We are talking about funds derived in these areas which we now suddenly want to convey, dedicate, or earmark over into the parks, without any consideration whatsoever, No. 1, to the States that make this production possible; No. 2, for the great number of natural resources that must inevitably be developed in our oceans and in our seas.

I say to all of you, and with all the sincerity that I can command, that we should consider those points. I am not against the gentleman from Oklahoma and what he stands for in this matter. I admire him. He is fighting for these parks that are all over his district. They did not have the money they thought they would get when they passed this bill a little while ago, and now he wants some more money. That is a perfectly normal reaction. I understand that.

He comes along and he sees these moneys sitting here and he says, "My goodness, what a fine thing." He grabs into it and says, "Give me $100 million." In fact, he asked for a great deal more than that, but our budget is in such shape that the most he could get was $100 million a year. He wanted about $1 billion, but that is all he could get for this year and for the next 4 or 5 years.

What I am saying is, without affecting the bill in any way, if you will adopt Mr. WILLIS' amendment, you will do exactly what the Senate did. You will provide the same amount of money, but you will not earmark it from these general funds now coming off the Outer Continental Shelf.

In my opinion, the amendment is fair. It should be adopted, and having been adopted, it would, of course, be kept in conference.

Mr. Chairman, in the House I will ask that the Senate debate on this question, Senator ELLENDER's remarks, be printed in the RECORD at this point.

Mr. Chairman, I include at this point the material I previously alluded to:

EXCERPT FROM SENATE PROCEEDINGS, APRIL 23, 1968

Mr. ELLENDER. Mr. President, it is not very encouraging to argue my amendment when the author of the bill and the Presiding Officer are the only other Senators in the Chamber.

The bill as originally introduced by the Senator from Washington [Mr. JACKSON] envisioned dedicating of all of the revenues derived from the Continental Shelf mineral production to the land and water conservation fund, plus national forest receipts and moneys produced under the Mineral Leasing Act. The Department of the Interior is never timid in asking for funds to operate the Department and all of its bureaus.

Back in 1920 the Mineral Leasing Act was passed by Congress; it granted to each State of the Union, wherein oil or minerals were discovered on public lands, 37½ percent of the receipts from the production of those minerals. Another 52½ percent of such proceeds was dedicated to the reclamation fund, for the reclamation of arid lands of the West, and so forth. Ten percent is retained by the Government for administration.

The moneys collected from all of these federally owned lands in the various internal States are spent within the boundaries of those States.

Mr. President, I have served on the Public Works Subcommittee of the Senate Appropriations Committee for 16 years. I have provided, with the approbation of the committee, millions of dollars to build dams to protect lands from floods, and the like. At each lake that was formed behind these dams, we have provided for recreation facilities, so that today we have recreation facilities all over the country. We are still in the process of providing more and more of these recreation facilities.

Mr. President, I am not opposed to programs of that kind. I have voted for and advocated the dedication of much land for the purpose of park and recreation facilities.

But the appetite of the Secretary of the Interior is insatiable. Despite the creation of the land and water conservation fund in 1965, into which now flow some $100 million each year in revenues from national park receipts, unclaimed motorboat fuel taxes and the sale of surplus Government property, the Department of the Interior now wants to double this fund for the next 3 years, and triple it for the next 2 years.

This would be accomplished by dedicating into this fund a total of $700 million over the next 5 years from the proceeds of mineral production on the Outer Continental Shelf.

It is important to remember, Mr. President, that at the present time these revenues flow into the general fund of the Treasury, where they are available for expenditure, by appropriation by the Congress; they are there, available to be spent for any purpose to which Congress may appropriate them. Yet, under the committee's bill, $100 million each year would be drawn from the general fund of the Treasury, placed in the land and water conservation fund, and would remain there unless Congress appropriated these moneys for the acquisition of parkland, and similar purposes. They would no longer be available for general governmental purposes; they would be earmarked and dedicated for specific purposes of the land and water conservation fund.

Now it may be that the land and water conservation fund purposes are of vital importance, but, it is my considered opinion that despite as worthy as these purposes may be, they do not warrant the "locking in" of money which could and should remain available for appropriation by the Congress.

For this reason, I have offered an amendment which removes the dedication of funds, but which authorizes the appropriation of exactly the same amounts as proposed by the Committee on Interior and Insular Affairs. This approach seems fair and reasonable; it is exactly the same approach as is applied in the case of almost all other Federal programs. It is the same procedure which nearly every other Federal agency must follow in securing appropriations for the programs which it administers.

But, most important, it permits the Congress to annually review the demands upon Federal funds and weigh those demands against the availability of money. It avoids the "freezing" of funds into one specific fund.

Mr. President, I have always been opposed to the earmarking of funds. In the State of Louisiana, we have had a great deal of it, and it has made it very difficult for the legislature to prudently and wisely spend the moneys available to operate the government.

Mr. President, I do not think I need remind Senators that our Nation is faced with a serious fiscal problem. Our budget will be out of balance, come June 30, by over $20 billion. We are being called upon to impose a surtax of 10 percent on all the taxpayers of our country in order to close the gap—that is, to attempt to balance our budget, so that we will not be as deep in the red as we will be unless we impose the surtax. Yet, even as the Congress is being asked to raise revenue, this bill would siphon away revenue; this bill would, over a period of 5 years, divert $700 million of funds that now find their way into the U.S. Treasury. It does not make sense for us to impose new taxes upon our people in one breath, and in the next breath take revenues we are now collecting and divert them—dedicate them, freeze them—for the purchase of parks.

Mr. President, I feel confident that better uses for that money can be found. But in any event, let the money continue to flow into the Treasury and let the executive department—the President—and the Congress, determine priorities in expenditure, through the normal budget process. Let us not "take out of commerce" money which our Treasury so badly needs.

As chairman of the Subcommittee on Public Works, my good friend from Washington [Mr. JACKSON] will recall that I have never failed to be fair and just in providing funds for worthwhile purposes. I believe he will agree that my subcommittee has found it possible to include on our appropriation bills many unbudgeted public works items for his own State. In fact, I exercised that privilege for practically every State of this Union, in order to see to it that each State received its just proportion of funds to develop its land and water resources.

But, I say again, Mr. President, it is unfair for the Congress, at this time, in the situation in which we find ourselves, to tie up $100 million of funds that are now being paid into our empty Treasury.

I think it is unfair and I think it is wrong for the Department of the Interior to demand preferential treatment in utilizing our already scarce revenue to increase a fund that is now amounting to about $100 million a year.

Mr. President, under the act which created the land and water conservation fund, there is already dedicated to the fund all fees collected at our national parks. The allocation is justified on the basis that those funds are collected by the Park Service, and the money is used to expand the parks and to make them better for the use of our people.

The land and water conservation fund also receives certain unclaimed taxes colletced on gasoline used in motorboats, and that produces considerable revenue.

A third source of revenue to the land and water conservation fund is the proceeds of the sale of public surplus property.

The record shows, as proponents of the bill have pointed out, that from these sources alone, the land and water conservation fund derives about $100 million per year. Thus, over the last 3 years, there has been collected from that source some $300 million. About $53 million more has been appropriated, or a total of about $400 million spent under the act during the last 3 years to provide for expansion of our park system.

Mr. President, I have never objected to the funds, as such. For instance, if the Government has surplus land that it wishes to sell, and use the proceeds to purchase land for parks, that is all right. That is in keeping with the idea of creating these recreational areas.

But, Mr. President, it makes no sense to pass a bill dedicating our already depleted revenues to park purposes—to dip further into a depleted Treasury. We might as well earmark a part of the funds to be collected under the 10-percent surtax, and tie the matter down. We might just as well do it.

Every dollar that has been collected so far from mineral production of the Continental Shelf now finds its way into the Treasury, along with other moneys collected from other sources including taxes.

With the present condition of our Treasury, when our country now owes $360 billion, and the carrying charge on that debt is today more than $15 billion a year, I cannot for the life of me see how the Congress can tie up this money, set it aside, dedicate it, freeze it, and bypass the responsibility of the Congress to determine what programs receive priority as to the application of our Federal revenue.

Let us not forget, Mr. President: If this bill passes in its present form, some $700 million in income will be set aside and earmarked for the purposes indicated in the bill; if Congress does not appropriate the amount earmarked, it remains in the fund, and the Government cannot use it for other purposes. We cannot appropriate it in order to pay other expenses of Government.

It would seem to me Mr. President, that with our country so deeply involved in Southeast Asia, in Europe, and all over the world, now is not the time to earmark this source of revenue or any other source of revenue.

Mr. President, another point which I wish to bring to the attention of Congress is this: Much money this bill seeks to earmark is the subject of a controversy between the Federal Government and the State of Louisiana. As many Members of Congress know, there has been created an escrow fund into which all revenues from disputed areas off the Louisiana coast are deposited. Some of that money has been distributed. At this moment a lawsuit is pending in the Surpreme Court to determine the extent to which the State of Louisiana owns any part of the money in escrow.

For this reason, too, Mr. President, I think this measure comes at a bad time. It strikes me that nothing should be done with these funds until the respective rights of the State and the Federal Government are determined.

That is, however, just a side matter as far as I am concerned. My principal objection to the freezing or dedication of these funds is the condition of our Treasury. Our Nation has been "in the red" for all practical purposes since 1933. We have balanced our budget only two or three times during that period. However, there was no legitimate balancing by any means because, as I recall, within a few months after the so-called balancing of the budget took place, we were back in the red—and in less than 60 days after the end of the fiscal year.

Let us not aggravate this situation. Let us not arbitrarily and in advance freeze or dedicate our already scarce tax revenues. This income should continue to flow into the Treasury, subject to appropriation, with the President and the Congress determining by the usual appropriation process where and how this money is to be spent.

My amendment would do just this.

Under my amendment, normal budgetary procedures would be followed. As a matter of fact, the President could at any time inform the Congress, through the Budget Bureau that he recommends so much money to be spent for park purposes. That is inherent in my amendment. Such a recommendation would, of course, go to the Appropriations Committees. The committees would then hold the hearings and pass upon the request in the same manner as they do in any other matter.

My amendment provides authorization for the appropriation of an additional $700 million over the next 5 years to augment the land and water conservation fund, for the acquisition of parklands and similar purposes. Let me make this point clear, for I have learned that information is being passed around among many Senators to the effect that if my amendment is agreed to, the States of those Senators will lose x number of dollars because there will not be any money available to purchase land for parks that Congress has already authorized. However, that is not so. The authorization provided in my amendment is exactly the same as is the authorization contained in the committee bill. The only difference is that the committee bill would automatically dedicate this amount, where my amendment would preserve the historic and necessary power of the Congress to determine priorities in the expenditure of Federal funds, through the appropriations process.

I am strongly opposed to our earmarking these funds in advance when we may need them in many other fields—housing, the poverty program, schools, and the like. The decisionmaking as to priorities should be left to the President and to Congress.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Mr. President, those people who are interested in giving a high priority to recreation have a very worthwhile purpose. However, it is not true that the income that Senators would vote to dedicate to that purpose in priority to all other purposes, for example, would exclude the use of this same money to provide essential help to the kind of people who are producing this very revenue.

Let me give a simple example. Off the coast of Louisiana and Texas, where most of the oil is presently being produced we are accustomed to hurricanes.

Hurricane Betsy alone was responsible for $1 billion worth of property damage and for the loss of many lives. Hurricane Audrey killed about one-quarter of the population in Cameron Parrish. About 390 lives were lost in that hurricane.

Many people lose their homes and their lives in these hurricanes. They are the people who are producing this income.

Can the Senator explain by what logic these people who sacrifice their lives homes and property to produce this income for the Federal fisc and should stand second in line in receiving some help from Federal revenues derived from his labor to someone who wants a park in an inland State?

Mr. ELLENDER. I most certainly cannot, I must say, to my colleague. And I am glad he has raised this point. As I said earlier in the States containing Federal land the State in which the land is located receives 37.5 percent of the income yielded by those lands, to be spent for schools and roads, 52.5 percent is dedicated to reclamation within the State. Yet, as to the revenues affected by this bill, we, who are entitled to some part thereof, for reasons my colleague has just stated, receive no benefit at all—except for a small share of the total amount dedicated to the purchase of parks by this bill.

The pending bill provides that two-fifths of the amount dedicated into the land and water conservation fund would be distributed among all States on an equal basis; three-fifths would be allocated on the basis of need. However, I am not questioning the formula.

The main issue presented by my amendment, is that it is bad fiscal policy to earmark these funds.

My distinguished colleague is going to handle a tax measure in the next 2 or 3 weeks. Why is that tax measure being considered? It is because we are short of funds. Our Government does not have enough money to balance the budget, pay our debts and fund necessary Federal programs.

We need money to support the war in Vietnam, to provide better housing, schools, et cetera. In one breath we are asking our people to pay increased taxes to provide these things. Yet, here is a source of revenue that is constantly flowing to the Treasury, to the tune of more than $200 million a year, but we are being asked to earmark that money to build parks.

I believe that parks should be constructed, but let us do it in the normal way. Let us not earmark our already-scarce tax dollars.

Let me say again that once these funds are earmarked, they cannot be used for anything but parks. If Congress fails to appropriate the money, it will remain in the Treasury.

Mr. LONG of Louisiana. As I understand, although this revenue is being generated by the efforts and the toil of citizens of Louisiana, Texas, and California, the Senator's amendment would not give those States any advantage over any other State. The amendment simply provides that the 50 States would be treated the same and that everybody who has a pet project can make equal claim on the revenue generated by the citizens of our States. It would simply provide, in effect, that the recreation program would make its claim on the Treasury in the same fashion as all others.

The Ellender amendment would provide that the recreation program would make its claim on the Federal Treasury along with the urban renewal program, along with the poverty program, along with the health program, along with the welfare program, along with the program of the people who almost at this very moment are marching on Washington to demand money. The recreation program would make its case, just as everybody else would have to make his case, to say how much could be justified.

Does the Senator see that the recreation program has any greater claim on what can be produced on the Outer Continental Shelf, by the toil of citizens of Louisiana, Texas, California, and the other coastal States, than that of many of the other desirable programs?

Mr. ELLENDER. Of course, if left to me and, I suppose, to my colleague, since this oil and gas, as well as sulfur, are produced along the coast of Louisiana, the State of Louisiana should have priority, in order to develop ways and means of preventing storms from doing the damage they have done in the past.

Furthermore, there is no doubt but that the mineral development in that area has caused many fishermen and many of the oyster producers to suffer, because of the presence of the oil wells and gas wells in that area. In my opinion, if any preference is to be given with respect to that money, it should be given to the area in which these products are produced, in which the damage is occurring. I agree with my colleague that we should be given preference.

What I am saying, Mr. President (Mr. GRIFFIN in the chair)—I cannot repeat it too often—is that the amendment now being considered will not deprive the land and water conservation fund of any funds; it merely requires that these moneys be appropriated in the usual manner, and not dedicated or frozen to any particular purpose. I do not wish to tie these funds up. If the money is dedicated to that fund and if it is not approved for expenditure, it must remain there, and the Government will not be able to use it at all.

Mr. LONG of Louisiana. As between resources which might claim a priority on the funds produced from beneath the sea, as between the water resources of the country and the land resources of the country, I ask my colleague if he would consider which resources have a better claim and which resources have been more neglected from the conservation point of view.

With respect to the water resources, one can look at a lake such as Lake Erie, which, according to those who border it, is a cesspool today because of abuse of the water resource of that area.

Look at the Potomac River. If one's son falls from a boat into the Potomac River, the doctor may isolate him for a week, for fear that he has acquired typhoid or hepatitis, because of the horrible pollution of this great national asset.

Today, at Waikiki Beach, with no oil production within a thousand miles, the swimmers come out of the water covered with oil.

Just the other day, off San Juan, P.R., a ship that was transporting oil broke up; and the beaches are in such condition that they cannot be used. It has virtually destroyed the value of those beaches for a long time, and some of the damage might last indefinitely.

We are told that we need $50 billion to clean up the pollution that is flowing into the seas from the United States alone. Our water resources are the most abused and neglected resources of America. With respect to a resource than can claim a priority, would it not seem logical, if we were going to assign a priority, to say, "Let the resources from the land beneath the water pay to overcome the horrible damage man has done to water resources, before using the money for another resource which, relatively speaking, is in much better shape"?

Mr. Ellender. I agree completely with my colleague. That should be the case. But, unfortunately, we are dealing now with a department of Government that is not timid in demanding what it desires in order to expand its own facilities.

We spend several hundred million dollars a year in reclamation, as the Senator knows; and in connection with all this reclamation we have many parks and many recreation centers.

To me, it is a question of priorities at this time. As I pointed out earlier, the moneys now being yielded by the sources of revenue now dedicated to the land and water conservation fund aggregates approximately $100 million each year. Over the past 3 years, these sources have yielded approximately $300 million. The estimate is that for the next 5 years they will produce over a half billion dollars. That should be a sufficient amount of money earmarked for that purpose.

Mr. Long of Louisiana. I agree with the Senator. It seems to me that the situation, when fully debated, is absolutely undeniable. This recreation program has no claim on the resources of the Outer Continental Shelf. If one is thinking in terms of priority, who has the better priority? Other priorities could make a much more equitable claim on the funds than could the recreation program. That program is a desirable one. It should be given its share of national assets—not necessarily ahead of certain other programs, not necessarily ahead of national defense or other important programs that the Nation must have in order to survive, but as a part of the overall distribution of national assets.

I agree with the Senator that this recreation program does not have a claim superior to that of education. It does not have a claim superior to repairing the despoliation and the damage that presently is being done by producing oil in the sea, for example. It has no claim greater than correcting the pollution that is draining into these areas from the landlocked parts of this Nation.

Therefore, as far as as priorities are concerned, on a deep analysis, there are other things that could claim a higher priority to the revenue.

As I understand the argument of my colleague [Mr. Ellender], he contends this should be considered as a desirable program which should be allowed its share of the national assets, without earmarking the Outer Continental Shelf.

Mr. Ellender. That is my argument. When the Senator brings in a tax measure, such as I understand is now being considered in committee—and I do not know whether a bill will be reported or not, but assuming that one is—it would be poor practice to earmark so much of that bill for pollution control, let us say, or housing, or this, or that.

As the chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations for 14 years or so, I increased budget estimates as to many programs for California—I see the distinguished Senator from California in the Chamber—and for Oregon and for Washington because I thought it necessary to do so if we were to properly develop our land and water resources. This money was appropriated from Treasury, in the normal, usual way. The same system should govern expenditures for parkland acquisition; if there is any preference to be given, let the Congress decide the matter. Let us not earmark money in such a way that if it is not appropriated the money must remain unexpended and unused.

There is only one other point I wish to emphasize and that deals with the matter of giving the Secretary of the Interior the right to sell lands acquired for park purposes, with the profit derived from such sales dedicated into this fund, to be used as the Secretary of the Interior determines. My good friend from Washington did not go into much detail about that matter.

I am wondering why it is necessary to permit the Secretary of the Interior to speculate with lands he purchases. If he buys lands from this fund, I assume that the land is deemed necessary for recreational purposes. Why would be he permitted to take that same land and dispose of it for a profit, and permit that profit to go back to the fund? I cannot see the purpose of doing that.

Mr. Williams of Delaware. Mr. President, will the Senator yield?

Mr. Ellender. I yield.

Mr. Williams of Delaware. As I understand the bill, it would earmark $1.2 billion over the next 5 years to be placed in the discretion of the Secretary of the Interior. Is that correct?

Mr. Ellender. The bill would do that.

Mr. Williams of Delaware. It would bring the amount up to that total?

Mr. Ellender. It would, because revenue already dedicated into the land and water conservation fund will yield some $500 million over the next 5 years. It is now proposed to augment this sum by dedicating, from Outer Continental Shelf revenues, an additional $700 million, making a total of $1.2 billion. That is the amount, in the view of the committee, necessary in order to pay for lands, improving parks, and so forth.

Mr. Williams of Delaware. That is my understanding. The existing law provides for about $500 million over the next 5 years.

Mr. Ellender. Five hundred million dollars.

Mr. Williams of Delaware. From the tax on the sale of motor fuel.

Mr. Ellender. And from the sale of surplus lands.

Mr. Williams of Delaware. And surplus lands.

That is under the existing law.

Mr. Ellender. And fees from parks.

Mr. Williams of Delaware. And fees from parks.

Mr. Ellender. That is right.

Mr. Williams of Delaware. However, in addition to this $700 million, more would be added, bringing the total to $1.2 billion, all of which would be taken out of the offshore revenues.

Why not let that money go into the Treasury? Why start earmarking this money anyway?

Mr. Ellender. That is what I have been talking about for the last half hour. I do not see any reason why it should be done. It should not be done.

I again wish to emphasize that my amendment would authorize, subject to appropriations, the expenditure of an additional $700 million in the next 5 years over and above the money already dedicated to the land and water conservation fund. Thus, under my amendment, Congress would be authorized to appropriate as much as $200 million each year for the next 3 years and $300 million each year for the following 2 years.

Mr. Williams of Delaware. At a time when we are discussing cutting back on spending and rescinding outstanding obligational authority I wonder if we should not hold this entire matter in abeyance until we can see if we have enough money to pay for it. As I see it, the proposal would go beyond budget recommendations in establishing obligational authority. I do not believe they asked for this $700 million extra to begin with, did they?

Mr. Ellender. The original bill asked that the entire amount yielded by the Outer Continental Shelf be dedicated for that purpose.

Mr. Williams of Delaware. I understand the original bill asked for more, but I was speaking of the Budget Bureau itself. I understand it did not approve the original bill. I had the understanding it did not approve increasing the amount to $300 million for the later 2 years.

This bill calls for $200 million more than was requested by the Bureau of the Budget.

Mr. Jackson. The report of the Department of the Interior, which stated the position of the Bureau of the Budget, recommended $200 million a year for 5 years. That would be $1 billion in all. S. 1401 as I introduced it, as the able senior Senator from Louisiana pointed out, would have made available all of the funds from the Outer Continental Shelf, plus the funds from the Forestry and Mineral Leasing Act, appropriation by the Congress for Land and Water Conservation Act purposes.

The Interior Committee unanimously in marking up the bill, amended it to provide for a maximum of $200 million a year for the first 3 years, and $300 million for the final 2 years of the 5-year period.

Therefore, the answer to the Senator's question is that the Bureau of the Budget approved a total of $1 billion, for 5 years, and the committee $1.2 billion.

Mr. Williams of Delaware. That is my understanding.

Mr. Jackson. The amendment which is now pending, offered by the Senator from Louisiana, would simply authorize the same amount of $1.2 billion but the money would come out of general receipts.

Mr. Ellender. No; $700 million out of general receipts and $500 million from revenues already earmarked for the land and water conservation fund.

Mr. Jackson. The total is $1,200 million.

Mr. Ellender. But $500 million of that comes from revenues dedicated to the fund in the 1965 act.

Mr. Jackson. The same applies in the bill as reported by the Interior Committee.

Mr. Ellender. Yes.

Mr. Jackson. $100 million, roughly, is the amount that now comes from the sales of surplus Federal real property, the motorboat fuel tax, and the entrance and user fee system under existing law. So there can be said to be a deficit of about $100 million, and this deficit would be met by making available a relatively small proportion of receipts from the Outer Continental Shelf. For the first 3 years, this amount might be as much as $100 million, and for the last 2 years as much as $200 million.

Mr. Williams of Delaware. That is correct; but we are still back at the point where, if we pass the bill or adopt the amendment of the Senator from Louisiana the Senate would be approving obligational authority for $200 million beyond what the Bureau of the Budget asked for and it has never been known to be hesitant in asking for enough. We would be increasing this amount at a time when we are talking about the need for canceling or rescinding the existing obligational authority. As recently as 3 weeks ago the Senate approved a bill containing an amendment directing the ad-

ministration to scale down its expenditures by $6 billion and reduce the requested obligational authority for fiscal 1969 by another $10 billion.

If we pass this bill it seems to me that that would be completely contradictory. I am wondering whether the proper action would not be to reject the bill entirely and let the agency function with the same amount of money it has had in years past; namely, approximately $100 million a year. That should be enough until such time as we can find out whether there will be enough money in the Treasury to pay for the proposal.

Mr. ELLENDER. Congress can authorize an additional $700 million above the amount now dedicated to the fund, but the agency would have to come to Congress, and Congress would have to appropriate the funds; Congress would judge the merits of the case at that time, and set its own priorities. Certainly I could name many uses for the money. All of us would like to have more money spent for parks. It strikes me, though, that a number of other purposes might be more pressing at this time.

One thing I wish to emphasize is that if this bill, as reported, should pass and should Congress fail to appropriate the money that the bill earmarks, that money cannot be used for any other purpose.

Mr. WILLIAMS of Delaware. I appreciate that. I agree with the Senator from Louisiana up to this point: If we are to spend this amount—I emphasize the word "if"—it is better to do it through the normal, standard process of appropriations than to earmark the money so that $1,250 million would automatically flow into the hands of one bureaucrat without the necessity of the annual supervision which the program would receive if it had to be considered by the Committee on Appropriations each year.

Mr. ELLENDER. It would go to the Committee on Appropriations.

Mr. WILLIAMS of Delaware. To the Appropriations Committee and the Congress as a whole.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JACKSON. I think that one thing should be made very clear. The bill provides only for authorization and not for appropriation. It is authorization with an earmarking proviso. The Appropriations Committee will determine how much money will go into the fund, and then they have to appropriate the money each year out of the fund. I want to point out that so far as earmarking is concerned—and this is a bookkeeping process—if Congress fails to appropriate the money earmarked after 2 years, the money goes back into the general funds of the Treasury, so that there is no money accumulated and lying idle. The Appropriations Committee has full review.

Mr. MURPHY. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. MURPHY. I should like to ask the Senator, do I correctly understand that if the Senate decides to earmark the funds, and at the end of 2 years they are not appropriated, then the earmarking means nothing; that it disappears?

Mr. JACKSON. The money goes back to the general fund of the Treasury, so that there is no earmarking after 2 years. Section 3 of the Land and Water Conservation Fund Act, which is set forth on page 26 of the committee report on S. 1401, reads as follows:

"SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury."

Mr. ELLENDER. Where does the Senator find that in the bill?

Mr. JACKSON. It is in the basic law. Section 3 of the act of September 3, 1964, title I—Land and Water Conservation Provisions.

Mr. WILLIAMS of Delaware. That is true, but this bill goes beyond that and says that certain of the funds necessary to bring it up to a certain amount are automatically turned over to an agency's fund.

Mr. JACKSON. To the fund. But Congress then must appropriate the money from the fund. I want to make that very clear.

Mr. WILLIAMS of Delaware. We hear the argument made around here that authorizations really do not cost money because Congress has to appropriate the money later, and if it does not appropriate it or does not approve the spending it does not cost anything. The Senator I am sure will agree with me that once we approve an authorization, when an appropriation request is made, we are told we are reneging on the authorization if we do not appropriate the full amount. So authorizations do mean something, or at least they should mean something, although I agree that it does not give authority to spend.

It is somewhat like the argument we are now having with the departments and the Budget Bureau in conference on the tax bill where we find them willing to cancel authorizations and obligational authority of $15 billion or $20 billion. I pointed out that even if we did that we could spend in fiscal 1969 just as much money under the existing $180 billion obligational authority already on the books. It would be a long-range savings. But the point I am making here is, Why do we keep piling up obligational authority over and beyond the money we have with which to pay for it?

This expanding of obligational authority does mean larger spending in the later years.

I shall vote against this bill unless this new obligational authority of $700 million is deleted from the bill.

Why should we approve a bill here today extending obligational authority an extra $700 million in the next 5 years, over and beyond the existing law, and extend it $200 million over and beyond what even the Budget Bureau with all its great imagination could even think they could possibly use or ask for? I think the very least we can do is to hold the line at the existing level of spending.

Mr. ELLENDER. I simply wish to say that the appropriation would have to come back to Congress, and I can see no reason why we should not at least authorize the amount recommended by the committee, since the Senator from Washington thinks it is so necessary. But what I am opposed to is the earmarking of funds, since, among other things, this matter is in litigation between the State of Louisiana and the Federal Government. I think we should wait at least until that is settled once and for all.

Mr. MURPHY. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. MURPHY. Is there not a precedent involved in earmarking this particular source of funds? Is it customary to do so?

Mr. ELLENDER. No. I do not readily recall any except perhaps the act of 1965 which earmarked to the land and water conservation fund the proceeds derived from fees collected from parks, unclaimed motorboat gasoline taxes, and from the sale of surplus property.

Mr. MURPHY. Might not that prove to be a very dangerous precedent as a new source of funding?

Mr. ELLENDER. It certainly would.

Mr. MURPHY. I cannot predict the total wealth that lies off the coasts. I know a little bit about some of the explorations which have gone on offshore in my State. But we have no idea. Now, there may be other sources of income, but if it becomes a practice to earmark, I would think it would be a very dangerous one because the priorities, at the present moment—that is, this year and next year—may not be the priorities of the year after next. They may change next week.

Mr. ELLENDER. Exactly. That is the burden of my argument.

Mr. MURPHY. I would say that I would have a difficult time explaining that to the people of the State of California.

I thank the Senator from Louisiana.

Mr. ELLENDER. We would have a hard time, with the march on Washington coming up perhaps next May, with the poor people needing this, that, and the other things, and the need for housing, and need for schools, justifying the dedication of $700 million to parks.

Mr. MURPHY. I would think so.

Mr. ELLENDER. That is the burden of my arguments.

Mr. President, there is not too much more to say about my amendment, but I would like to discuss with the Senator from Washington the selling back and leasing back of these properties.

Has the Senator any examples wherein the Department has gone into the business of speculating in land? For example, should a piece of property be purchased for $1 million and sold for $2 million, the profit would go to this fund without accounting. Am I correct in that?

Mr. JACKSON. Mr. President, what we are trying to do here is give authority to the Secretary of the Interior to deal with those situations arising from so-called in-holdings within the external boundaries of units of the national park system, which have been acquired as a part of the overall program, but for which there is no immediate Federal need. Under S. 1401, the Secretary would have authority to dispose of such a tract, instead of just carrying it. The receipts from such a sale or lease would go into the fund.

All of these sale or lease receipts will be all strictly accounted for. Again, the Appropriations Committee would have to appropriate the funds from such receipts.

I think the granting of this authority makes sense.

Likewise, as the Senator from Louisiana knows—and he has been extremely helpful in connection with the appropriation of funds for acquisition of private lands—we have run into a serious price escalation situation in this country. I must say that one of the classic examples happens to be in the State of California. I believe that for the Point Reyes National Seashore Park there was authorized an appropriation of something like $14 million. However, land prices in the area escalated up to a total of about $57 million. That is where it stands right now.

We face a serious situation in this country in connection with the escalation of land values for outdoor recreation.

The able Senator from Nevada [Mr. BIBLE], chairman of the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, has done an outstanding job in this area. His hands will be tied unless some authority is given to the Secretary to deal with this problem in a prudent way.

We have explored various alternatives. I must say the approach here is one that I think makes a lot of sense. The committee was unanimous in its recommendation to give the authority, as provided in the bill, to purchase property in advance and also to obtain options.

I think such provisions are merely of good management. If we do not do this, the Federal Government will be paying more than it should be paying for property that must be acquired for the authorized outdoor recreation program.

Mr. President, I should just like to comment briefly on the pending amendment. The able Senator from Louisiana is in agreement, as I understand it, with the amount that needs to be authorized over the next 5 years. His figures and those provided for in the pending bill are the same; namely, $200 million for the first 3 years, in effect, and $300 million for the last 2 years, or a total of $1.2 billion.

Mr. President, I fully understand the feeling of and, in fact, the strong position taken by both Senators from Louisiana, regarding the possible use for State purposes of the receipts from Outer Continental Shelf lands adjacent to the State boundaries. I want to point out that the question of the availability of these funds from the Federal Outer Continental Shelf was thoroughly debated and discussed back in 1953. In that year the Congress did two things. First, it ceded to the States the so-called tidelands. That distance went out to the 3-mile limit in most States, and in other States it went beyond that, depending on the boundaries with which they came into the Union as in the case of Texas, or in their State constitution as approved by Congress, which is the case with respect to the west coast of Florida.

However, the points at which the boundary lines begin have been in dispute. A case involving Louisiana's boundary has gone to the Supreme Court, as the Senator from Louisiana pointed out. There is now a lawsuit pending in the Supreme Court, I believe, regarding the share of a certain amount of receipts from the sale of leases in the Outer Continental Shelf. That money, incidentally, is held in trust, or escrow.

I may point out at this time that the total amount involved is a little over $1 billion. The exact amount is $1,027,895,388.18 as of January 31, 1968.

Mr. President, can we stipulate on the figures?

Mr. ELLENDER. No, Mr. President, I have figures, as of November 30, 1967, of $1,102,925,657.98.

Mr. JACKSON. Anyway, let us agree that it is over $1 billion.

Mr. ELLENDER. Yes.

Mr. JACKSON. That is in escrow. As the Senator knows, the bill pending before the Senate, S. 1401, exempts the escrow funds from any earmarking, unless they are decided by the court, of course, to be Federal funds. I am referring to section (d) of the text of S. 1401, as amended by the committee.

At the bottom of page 2 the pending bill states:

"For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

Mr. ELLENDER. I pointed that out.

Mr. JACKSON. Yes.

Mr. ELLENDER. There is one point I want to make, which I failed to do. During the debate on the bill in 1953, the Senator will remember, if he was here——

Mr. JACKSON. Yes, I was. It was the first year I was in the Senate.

Mr. ELLENDER. An effort was made by the distinguished Senator from Alabama to earmark the proceeds of offshore mineral development for educational purposes. The Senate failed to do it——

Mr. JACKSON. The Senate approved the Hill "oil for the lamps of learning" amendment. The House refused to go along, and it had to be dropped.

Mr. ELLENDER. The Congress failed to approve it, the idea being that none of these funds should be earmarked, particularly those that are destined for general fund of the Treasury.

Let me also say one other thing to my friend from Washington. I have been told that a number of Senators have received notice that unless they voted for this measure, their States would lose various sums of money for park purposes. As I understand it, every bill that has so far been passed suggesting the creation of a park has had an open authorization, authorizing Congress to appropriate the money for that purpose. Is the Senator aware of that?

Mr. JACKSON. The Senator is correct.

Mr. ELLENDER. It strikes me that what ought to take place is that those interested in that matter should come before Congress, or get from the Bureau of the Budget an estimate of how much should be appropriated, and get it done in the normal way, instead of coming in and asking that these funds be earmarked in advance for that purpose.

Let me hasten to add, Mr. President, that there is probably already ample authority for the appropriation of funds for parks already authorized by Congress, but rather than rely solely on that principle, I have attempted in my amendment to preserve the intent and purpose of the Committee on Interior and Insular Affairs in reporting this bill, while, at the same time, removing the objectionable features, principally, the earmarking, or dedication in advance of revenues to specified purposes.

This, it seems to me, is the only prudent manner, the only businesslike manner, in which to operate the land and water conservation fund. It already enjoys some $100 million per year in dedicated funds. It would be manifestly wrong for the Senate to, in effect, double this amount, and, at the same time, further freeze the purposes for which scarce Federal revenues can be spent.

I urge Senators to support the amendment which I have offered today. Let me emphasize again that it seems to me it comes with poor grace for the Senate, having just a few weeks ago told all of the taxpayers of the United Sates that they must pay a 10-percent surtax because of the dire financial circumstances which confront our country, to then turn right around and dedicate to park purposes funds which would otherwise be available for the payment of general Government obligations. It is neither just, fair, nor sound business practice for us to divert seven hundred million dollars over the next 5 years into a special fund with limited purposes and limited objectives.

Our Nation confronts a fiscal crisis; we face tremendous demands for the expenditure of tax moneys. We are supporting a war in Vietnam. The President of the United States has called for increased expenditures for slum clearance, job training, improved housing, and similar purposes. Our Treasury runs the greatest deficit in the history of the United States.

Under the circumstances, we cannot afford to dedicate to limited and special purposes moneys which would otherwise be credited to the general fund of the Treasury and be available for appropriation for such general purposes as the Committees on Appropriations and the Congress, together, might determine.

I urge the adoption of my amendment, Mr. President. We must require the funds provided for parkland purposes, or any other purposes, be handled in the normal way, by the appropriations process.

Mr. JACKSON. Of course, Mr. President, that is procedure that would have to be followed in connection with the pending measure. All expenditures from it would have to be authorized and appropriated by Congress, which means that the Committee on Appropriations would have to take the necessary action through regular appropriation procedures.

To return, however, to the fundamental question, on which I fully understand the views of the able Senator from Louisiana, it is the matter that we debated at length in 1953, as to whether or not the funds from the Outer Continental Shelf, which is Federal property, should be made available to the adjoining States.

Mr. President, that matter was thoroughly debated and discussed, and as a result, we wrote into the law at that time, in the Outer Continental Shelf Act, the following language:

"The provisions of this section for adoption of State law as law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil for the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

Mr. President, that language, as I read it, is completely unequivocal. I think Congress met the issue 15 years ago head on. It was agreed, after Congress had made available the so-called tidelands, out to the 3-mile limit, and farther in the case of States which had a special historic situation that justified a greater area, that the mineral resources of the lands beyond that point were Federal property, and the adjoining States were not to lay claim to such property or any revenue therefrom.

So, Mr. President, what we are really talking about here is the earmarking of funds from Federal mineral development on the Outer Continental Shelf. These funds derive primarily from the sale of oil leases—there are sulphur leases also, I believe—so that all of the States can participate in the revenue that becomes available from time to time from the sale of the leases.

Under the Land and Water Conservation Act which this bill seeks to amend, funds will be made available for certain projects within the 50 States. The amounts are determined year by year by the Committee on Appropriations with the approval of Congress.

So I think the question of the rights of the adjoining States was settled in 1953.

Mr. President, I come from a State, the State of Washington, in which they have sold some oil leases. It is true that we have not had much luck, as they have had on the gulf. I hope we shall have better luck in the future.

But I think our people understand that decision that was made in 1953. It seems to me, that matter having been resolved, that real question is as to whether or not it is desirable to make a portion of these funds available for the 50 States. The law permits a 60–40 division, with as much as 15-percent variation either way.

Mr. President, in addition, as I have pointed out, the money, in part—as determined by the Committee on Appropriations, within the provisions of the law—can be used to make funds available to the Federal agencies that have Federal properties within the provisions of the Land and Water Conservation Act.

Mr. President, one of the real reasons why the Rockefeller Commission, headed by Laurence Rockefeller, recommended very strongly the earmarking of funds, was to make it possible for the States to plan ahead. This is not dissimilar to the highway fund, under which the States are given some guidelines, so that they can plan ahead in appropriating money to meet their part of the Federal highway program.

That is precisely what we are trying to do here for outdoor recreation, Mr. President, we had representatives in from the States, and they made the point over and over again that they needed some kind of a guideline, to know what the next 5-year program of the United States would be regarding the availability of Federal funds. I think one of the very fine things in connection with the Land and Water Conservation Fund Act is that it encourages the States to put up money, to meet the matching provisions in the Federal act.

My own State passed a bond referendum 4 years ago, which provides a very substantial sum of money for park and recreation development, including funds to be available, to be matched under the provisions of the Land and Water Conservation Act.

I think it is quite clear that our approach in S. 1401 does help to give to the States the kind of guidance they need. In addition, Mr. President, there is a long list of precedents in connection with the earmarking of funds from the sale of Federal property, whether it is in the form of land or whether it is in the form of that which is extracted from the lands—timber, minerals, and so on.

It is true, Mr. President, that in the past the earmarking of the funds has been for the Federal Government to receive a portion and the States, and certain political subdivisions within the States, a certain portion of the money. The precedents that the able senior Senator from Louisiana referred to, in which the States participated, of course, related to lands solely within the boundaries of the States. We are now addressing ourselves to lands that are not within any State, but are, indeed, on the Outer Continental Shelf, these lands are not within the boundaries nor the jurisdiction of any of the adjoining States.

So, Mr. President (Mr. Moss in the chair), I think it is a very fair rule that we seek to apply here.

I must say that the bill, especially as substantially cut back from the way it was introduced, is a moderate one and is one in which the States especially will have the wind of broad guidelines they need in order to carry on their share of the development of park lands, recreation lands, seashore lands, and so forth.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. Mr. President, if I recall correctly, when the State of Washington and other great Western States were carved out of the Federal domain, there was a large amount of land which was not being constructively used. No one was living on a great deal of it.

The Federal Government did not seek to exclude that from the boundaries of the State. The Federal Government included that land within the boundaries of the State, and in laws subsequently passed, it was provided that of the minerals produced from those lands, 37½ percent would go directly to those States—such as the great State of Washington—10 percent, I believe, would go to administration, and the other 52½ percent would go into a reclamation fund to provide power and bring water on those lands.

In effect, those Western States which contain most of this land have received nearly all of the benefit from all minerals produced there.

I have never heard anyone from Louisiana complain about that. Louisiana was a member of the Union before any of those States were. However, we went along with that program. Those States have had the full benefit of taking the mineral resources and using them to develop further the land and resources.

With regard to the Outer Continental Shelf areas, in many instances the Federal Government had to go first and seek to force the States out of those areas.

Louisiana, for example, had claimed land extending far beyond the claim of the Federal Government. The Federal Government did not seek to provide that that was Federal land, as it logically could have done and as it could do with any land beneath ocean water. It pursued the thought that this was an area in which the Federal Government had paramount rights.

Even so, to produce the minerals from this land is not like finding a pot of gold at the end of the rainbow. Somebody has to work. Somebody has to take the risk. Somebody has to risk capital. Some people have to risk their lives. Some people have to invest their labor in it.

There are problems that go along with the development of those resources. A very considerable amount of pollution occurs in spite of the best efforts of the companies to keep it down. However, when one finds a source of large amounts of revenue out there, the parallel to the very fine program that has invested so much money in developing these Western States which have large public domains of Federal land, would be to take money that is received from minerals found on the Outer Continental Shelf and invest that money in developing the potential of the water as well as those submerged lands. If we were to do that we would be moving toward the development of the fantastic potential of the sea.

I am informed by people who claim to know something about the subject, and who are supposed to be experts in it, that the sea could produce 100 times as much food as it produces now. One would think that at a minimum something should be done to clean up the pollution that flows into the sea and that occurs in the sea.

One would think that a program of this sort would be parallel to the kind of program that exists with regard to the reclamation States.

Would it not seem, that in fairness and justice, the coastal States should be entitled to be considered in a fashion parallel to the treatment afforded those inland States into which the Federal Government saw fit to put large domains of federally owned land.

Mr. JACKSON. Mr. President, first let me say it should be pointed out that prior to the Submerged Lands and Outer Shelf Acts the Supreme Court of the United States ruled that the so-called tidelands, from the low water mark, on out to the outer shelf, were not the property of the States. Rather they were under Federal jurisdiction.

However, Congress saw fit to make a gift of the areas within States seaward boundaries to the coastal States.

The Senator from Louisiana did not refer to that as a part of this overall settlement of the submerged lands issue. I must say that the amounts involved were substantial indeed. Certainly, as time goes on, several billions of dollars will be received. Then, having given a rich portion to the coastal States, Congress passed the Outer Continental Shelf Act and wrote into the law, as part of that settlement, the provision that I mentioned before.

Mr. LONG of Louisiana. Mr. President, will the Senate quote that provision?

Mr. JACKSON. Paragraph 3 of section 1333 of title 43 of the United States Code reads as follows:

"(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

Mr. President, this provision was included because we wanted to make sure, since the States had obtained everything out to the 3-mile limit, and beyond in the case of certain States, on a complete quitclaim basis, that additional claims should not be made to the Outer Continental Shelf.

That decision was made in unequivocal terms in 1953. We are now discussing it again in 1968, and I must say that I think Congress understood at that time that some effort would be made to earmark these funds for the adjoining States. And as the Senator knows, in the hearings in executive session at that time, when we met to mark up the bill, it was anticipated that this question would be raised. So the Interior Committee in the 83d Congress, as a matter of clarification, after a discussion in the markup wrote in that particular provision I have just quoted plus language in the record to corroborate further the position of the committee.

Mr. LONG of Louisiana. Mr. President that is the second time I have heard the Senator misconstrue that very provision he has read. I corrected him when he did it before, and I will correct him again. I hope that eventually the Senator will agree with me on what the language is intended to mean.

I was on the committee and supported that very amendment to which the Senator makes reference. Those of us who represent coastal States made very much of the point that there were a great number of places where there would be no body of law applicable on the Continental Shelf if we did not let the laws of those coastal States apply in those areas. For example, the Federal Government has no law against murder unless it is the murder of the President. So, we said that the body of State law would apply and the State boundaries would be extended for that purpose.

It was said that provision was not to be regarded as a claim of the State to that property.

The Senator did construe that provision as saying that the States foreswore themselves of all claim they had or any interest in that property because it adjoined their boundaries, because it was their people who were working to produce it, and because from that very land very serious problems were involved. Nothing of that sort was intended.

As a matter of fact, I believe former Senator Cordon was the one who insisted on that particular language being in the bill. He supported the overall language, of course, just as I did.

We felt that State law should apply where there was no law to apply to those particular problems otherwise. It was extended on that basis, so that for the purpose of determining whose workmen's compensation law would apply, the State boundaries would be extended. But the States in no wise, by virtue of that, agreed, accepted, or made any commitment that they would not assert in the future that they had an interest in this matter and that they were concerned about it. The people who are producing the very wealth that the Senator is seeking to pour into his fund are happy to be citizens of those States; and those States are providing police protection, educational services, and the highways over which the equipment to develop this Continental Shelf must necessarily move.

I am not asserting for the purpose of this debate, at this point, that the States should get directly the 37½ percent that would go to a State such as Washington, on Federal lands located therein. But I do say that the States that adjoin the Continental Shelf have an interest parallel to the interest that the upland States have with regard to Federal lands located in those States.

Mr. JACKSON. Mr. President, the Senator has made a very ingenious argument. I have not said anything about any kind of bilateral agreement between the affected States and the Federal Government.

Obviously, what Congress did was of a unilateral nature—that is, it is a declaration by Congress so far as what Congress had in mind at that time. This Congress cannot bind future Congresses. I wish to make that clear. I wish to make very clear that I do not believe that the State of Louisiana was bound—I do not believe their Representatives or Senators were bound—by the language that I have quoted. It is not in the nature of a contract or a compact that can never be obligated or terminated. It is not that at all.

Obviously, all it is is a statement in a statute, and it is law, together with the language in the report, that made clear what Congress had in mind so far as the Federal lands on the Outer Continental Shelf.

We anticipated in our discussions that a claim would be made at some time for revenues or for the land, and we wanted to make clear that this should not be done in the terms of the proposed legislation that we approved.

I do not disagree with the Senator about his State or any other State being bound. Obviously, we could not do that.

Mr. LONG of Louisiana. Does the Senator contend that that language precludes coastal States from asking in the future that some revenues from this area should be used to help provide hurricane protection, for example?

Mr. JACKSON. No; absolutely not. There is no doubt that the language of the statute, being statutory, can be amended and changed by Congress at any time. The Representatives have the right, under our Constitution, to make any kind of claim to it.

I merely wanted to make clear the legislative history, in the form of the language in the report, the debate and discussion, and then the statutory language that we had in mind, that claims would be made, and that we did not want any of the language conferring on the Outer Continental Shelf the application of State law where Federal law applied to be interpreted as giving to the States any right to claim revenue or property in that area.

Mr. LONG of Louisiana. Let us see if we understand each other about this matter, because it is very important that all Members of Congress understand it.

This particular provision was sought by coastal States. Louisiana supported it. I, as a Senator from Louisiana, supported it. We contended that the State law should be applicable beyond the State boundary in this area and that the State boundary should be extended for that purpose. Those who went along with the States in this matter said, "Fine. We are willing to make the State law applicable in the area, but we want it understood that the fact that we make the State law applicable there shall not serve as a basis for the State to claim that it owns that property or that we owe the State money."

That does not mean that the State cannot claim for a thousand other reasons that it has some interest or why it should be considered in the distribution of the revenue that comes from that area.

For example, if the people of Louisiana develop those resources, Louisiana is entitled to ask for some consideration for that reason, whether they get any or not. If the people of some other State develop those resources, they are entitled to ask for consideration; or they are entitled to say that when that area is developed and resources are extracted from it, either all or some part of those resources should be directed to repairing the damage that is done in extracting those resources, such as the pollution of the water and the destruction of the potential of that area to produce oysters, shrimp, or other marine life.

Nothing in the language precludes coastal States from saying. "As you deplete this resource"—and it will not last forever—"please invest some of this revenue in helping to increase the yield of the sea; so that when we look to the day that no longer do our people have jobs on the oil rigs, they can perhaps have jobs manning fishing boats to fertilize the sea, to farm the sea, to plant it and harvest it, so that there will be a much bigger yield, and the people in the coastal States can have some benefit from the fact that the Federal Government does own or control it."

Mr. JACKSON. Mr. President, I reiterate again that, obviously, Congress does not have the authority, by statute, to bind a State in a situation such as we are discussing. I have never contended that. I have merely related all this to indicate the legislative history behind the enactment of the legislation involving the Outer Continental Shelf.

I must say that I fully understand the feelings of the two very able Senators from Louisiana regarding the land that adjoins their tidelands on the Outer Continental Shelf.

At the same time, I must say that, based on all the precedents, when one is dealing with a situation involving Federal property that is not within the confines of any one State, I believe we are very properly dealing with an entirely different precedent. This is especially so, Mr. President, when we take into consideration that, as a part of this legal settlement by Congress, Congress gave to the States billions of dollars of Federal property in the form of tidelands out to the 3-mile limit, and beyond, in the case of certain States. This is a part of the entire matter.

Mr. LONG of Louisiana. Mr. President, the Senator is in error with respect to that. That was not a part of this bill about which the Senator is talking.

Mr. JACKSON. They were two separate bills but together they formed the overall settlement of the submerged lands issue.

Mr. LONG of Louisiana. They were two separate bills. I voted for one and against the other. One bill provided for what would be done about the 3-mile limit along the boundaries of those States.

Mr. JACKSON. The only reason why I raised this question is that the able junior Senator from Louisiana had pointed out that in the case of the Mineral Leasing Act, the States get a certain proportion of the receipts, and, therefore, why should not the same apply on the Outer Continental Shelf?

I hasten to add that in order to discuss the Outer Continental Shelf, one must point out that the Federal Government made a gift of lands outright, Federal lands worth billions of dollars to the tideland States. I believe that fact must be taken into consideration in any sensible discussion of this overall problem.

The Federal Government itself made Federal lands available to certain States in the Union for school purposes and other purposes over a period of time.

Mr. LONG of Louisiana. While the Senator is relating all of that, let us make this matter clear. For more than a hundred years the Federal Government did not claim the lands; the States claimed them. When Secretary Ickes decided to claim them, and the Supreme Court decided to go along with him, the States came in and said they thought they should be given better consideration than that and Congress agreed to it.

Mr. JACKSON. I do not wish to retry the Tidelands case. That case went on for days and days.

Mr. LONG of Louisiana. I did not bring up that point. The Senator has been reading from a provision under which he gave the impression he was trying to contend that the Outer Continental Shelf Act provided that the coastal States shall assert no claim and have no interest in the Outer Continental Shelf. If that is what the Senator had in mind he could not be more wrong if he were working at being wrong, because that provision was placed in the law with the urging, suggestion, and votes of the coastal States to see that their laws would apply in that area. It has been said that the fact that we made the State law applicable here shall not serve as a basis for the State claiming an interest. That did not mean that a State was not asking for equity and justice, parallel to what has been done for reclamation States. That was not intended and I hope the Senater does not think that it is what was intended because he will look in vain for support for that argument.

Mr. JACKSON. Many of the Senators who are now in the Chamber are lawyers. Obviously, the 83d Congress in 1953 could not bind future Congresses. We had no way to bind the States. This is not a contract; it is an act, the unilateral act of Congress. I have never contended what the Senator has stated.

Mr. LONG of Louisiana. Congress did intend, to some extent at least, to influence future Congresses and States in the future because it said, by doing this we want to make clear that what we do in this instance in extending State law out here will not serve as a basis for a State making a further claim. However, that language never was intended to preclude a State from asserting then or in the future an appeal for equity in the State, whose people were producing the wealth we are discussing here.

Mr. JACKSON. I wish to conclude this part of the matter by saying that what Congress tried to do in 1953 with respect to the Outer Continental Shelf was to make very clear—as clear as we could—that the mineral resources of the outer shelf lands were Federal property in every sense of the term.

However, we felt, in order to have proper administration of the shelf, that where there was no Federal law that was applicable in a particular situation the law of the adjoining State should be applicable. The Congress had in mind the fact that previous bills had been introduced in Congress which would have given to the States not only lands within the 3-mile limit or historic boundary, but lands many, many miles beyond State boundaries. In some instances, State claims went out 27 miles, and in others to the outer edge of the outer shelf.

So Congress wanted to make clear that nothing in the Outer Continental Shelf Act was to be construed as a basis for further claim to the land beyond that contained in the first so-called tidelands bill we had passed; that is, the Submerged Lands Act.

I think the point here is a legal point. The Congress has no authority to bind the States. Clearly, one Congress can change any law that another Congress has passed. The only thing we cannot change is the Constitution. That has to be done in accordance with the Constitution itself.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HOLLAND. I think there has been some minor misconception about what transpired in 1953. Inasmuch as the Senator from Florida had a considerable part in developing both of the laws passed, particularly the Submerged Lands Act, and also a considerable part in the Continental Shelf Act, perhaps I can make statements which would be clarifying.

First, I think the Senator from Washington is in error—not great error, but error—in stating that the Federal Government "gave" to the various States the lands within their territorial limits extending generally 3 martime miles, but as to some States 3 maritime leagues.

What happened was that the Federal Government in effect quitclaimed those areas to the States.

Mr. JACKSON. What was the consideration?

Mr. HOLLAND. There had never been a claim by the Federal courts that the Federal Government owned those lands. The three Supreme Court cases controlling, which were the California case, the Texas case, and the Louisiana case, all held that the Federal Government had a "paramount interest," whatever that meant, but they carefully shied away from saying the Federal Government owned the beds of the sea out to the limits of the States. They said the Federal Government had a "paramount interest," and the States came back and asked for quitclaims of that paramount interest, not a gift of the lands, because the lands were not held, even by Supreme Court decisions, to be the property of the Federal Government.

The reason I bring up that point is that the decision of the Supreme Court in the California case had made it very clear that if the rules of laches, estoppel, and the statute of limitations had applied against the Federal Government, the court's ruling could not be as was the majority holding in the California case.

They all recognized the fact there had been a long course of dealings, over a hundred years, under which the Federal Government had, in the course of many instances, recognized State title in those lands. Senators will find that in the opinion, and particularly the opinion in the California case, it was freely stated that if the laws of laches, estoppel, and the statute of limitations had applied against the Federal Government, as they would apply against an ordinary individual, there would be no question of the right of the States to maintain their own paramount interest and title in the submerged lands. So the purpose of the Submerged Lands Act was to, in effect, quitclaim back to the States that strip of land so as to—if one can say this in so many words—admit that the Federal Government should have been subject to the rules of laches, estoppel, and the statute of limitations, and that the long established rule of dealings between the Federal Government and the State government would be recognized; and that that strip of land would be quitclaimed back to the States. The word "quitclaim" appears several times in the debate on the Submerged Lands Act, and I think in the act itself.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I am glad to yield to the Senator from Washington.

Mr. JACKSON. I think we are dealing in legalisms.

When I say "own," a person does not really own his real property. Let us go back to law school for a moment. We were all taught in real property that what one has is an "interest in land." There are varying degrees of interest in land. The highest form of interest one can have is a title in fee simple. However, in accordance with the common law doctrine, ownership descends from the Crown, or Sovereign.

I think what we are saying here is that the Federal Government, in asserting a paramount interest, for all practical purposes—let us face it—had title in fee simple.

Mr. HOLLAND. No, no.

Mr. JACKSON. Well, let us just be practical. Was there any dispute at the time that the oil—and this is what we are really talking about—in the tidelands, under the Supreme Court decisions, would not be available to the States?

Mr. HOLLAND. None at all, because that was the principal thing at issue in the decision.

Mr. JACKSON. That is right.

Mr. HOLLAND. But it was the values other than the oil, as regards 19 of the 22 maritime States, that we were particularly concerned about. We were disturbed about the right to use for fill purposes, for the building of piers, and for the disposal of waste, and so forth, those areas in which we have so much frontage that cannot be used or developed without those uses. But so much only for that point, because I am not going to argue it in any great detail. It was not a gift of fee simple title. It was a quitclaim of the interest that was first acquired by the Federal Government under the three decisions, and which the Federal courts carefully refrained from saying was a title of property rights but was of "paramount interest," whatever that means.

Now, the second point——

Mr. JACKSON. Will the Senator let me finish this point, because it is very important? Is it not fair to say, then, that the title conveyed was less than fee simple?

Mr. HOLLAND. It was less than fee simple?

Mr. JACKSON. But if we were only concerned about the right of fill in certain areas of the tidelands, and that was all that was at stake, why did we not exempt the oil properties? This fight was over the oil lands which was a very valuable interest in land. That is my point. As the Senator knows, I voted against the conveyance to the States of this valuable Federal property.

Mr. HOLLAND. The fight, so far as I am concerned, was not on the oil feature, but more largely on others, because we have several hundred keys or islands which could not be developed—very valuable tracts of little, odd shaped, and sometimes very small lands, most of which could not be developed without the right of recourse to both the Straits of Florida or the Atlantic on one side, and the Gulf of Mexico on the other, to the extent of use to a regular line and to fill and to use the areas of salt water for the building of piers.

The Senator will remember that we even had many instances wherein the law had been so well regarded that bond attorneys had passed upon the right of municipalities and other public units to build and develop piers, and so forth—as for instance, in Atlantic City, out into the Atlantic Ocean, and to give a mortgage upon the bottoms and the structure that was upon the bottoms. I am not wanting to argue the matter overall, but I want to make it clear that the Senator from Louisiana has a point, that it was not an outright gift, but was a quitclaim and was so stated many times in the act or on this floor, and was to have settled the disturbing question.

I may say to the distinguished Senator from Washington, because I made some study of it at the time, that we discovered about 100 instances in the history of the Nation, prior to that time, in which the Federal Government, through its appropriate officers, had asked the States for the right to use certain of the bottoms for certain Federal purposes and had been granted that right—some of them when I was Governor of Florida.

So that there was a course of dealing there, under which, if both units had been private parties there would not have been the slightest question about the fact that title to that strip of land that constitued submerged lands would have belonged to the States, but it was a quitclaim deed. Now, let me get to another point——

Mr. JACKSON. Would the Senator please let me finish this one point? That bill as passed, in providing for a quitclaim on the property in question, involved conveyance to the States of valuable property—of a valuable property interest.

Mr. HOLLAND. The bill as passed involved the yielding of the Federal Government of any right, title, and interest it had under the term "paramount interest," which was all that it had ever had or ever claimed had been given it under the three decisions of the Supreme Court.

Mr. JACKSON. Was the property being conveyed by the statute of value?

Mr. HOLLAND. In most cases, it was.

Mr. JACKSON. And very substantial value.

Mr. HOLLAND. So far as Florida is concerned, there was never any oil involved in better than 1,100 miles of that frontage; and yet the most valuable property we have in our State is the gulf front, the ocean front, and the Straits of Florida property to develop the properties, particularly if they grew to city size.

To get to my second point, shortly prior to the passage of the bills, at a convention held by the nations of the world, it had been agreed by more than a two-thirds vote, which is the vote required in order to set up international law, that all nations should have the right to develop and use the property values that might be discovered, utilized, and developed in the bottoms of the sea adjoining them out to the Continental Shelf.

Thus, there are two problems involved. One was to balance the books between the Federal Government and the State governments, which had arisen from the three decisions of the Supreme Court. The other—and the Senator from Florida stoutly, throughout this whole discussion, insisted that this should be and must be a Federal problem—to provide machinery through which the Federal Government could develop those property values in the Outer Continental Shelf, whatever they might be. It was predominantly an oil and possibly a gas and sulfur development that was hoped for and has been realized since, at least as to the oil and sulfur development—I am not familiar with what has been done with reference to gas.

The reason for that was to set up machinery under which the Federal Government, having now become, under the action taken by the convention of the maritime nations of the world, had the right to develop and claim for itself or its contracting parties all valuation that could be developed from the low water mark out to the Continental Shelf. The Senator from Florida supported that act, just as he supported the other. But there was another point, a third point, that came up, and that was: By what law shall this outer shelf be governed? The convention of the nations left much to be desired on that point.

So Congress decided, and the law contains the provision that we all have been talking about, that the law of the State which abuts the property out to the Continental Shelf shall be regarded the law for all purposes not covered by Federal acts. That covers a great many things, because, of course, people were to work there. There were to be wage and hour provisions. People were to develop lands under contracts with the Federal Government. In many instances, they became sublessees and maybe sublessees of sublessees, to develop. The question of the interpretation of contracts came into consideration as a very important part of the whole picture.

There were, for instance, questions of employment compensation. Many, many questions which arise in the course of an important employment and an important development, such as was planned and has taken place, had to be considered. And the process has only begun. My own feeling is, as the Senator from Louisiana has suggested, that many other uses of the ocean bottom, the bottom of the Gulf of Mexico, and the bottom of the Gulf of Alaska will be found. I think that in the Gulf of Alaska we shall have probably as great development as anywhere else in our Nation, perhaps greater.

So Congress decided, and I think wisely, to extend the State law, without the extension of State territorial jurisdiction, out to the Continental Shelf in the areas we are talking about.

Many questions discussed in the debate were left open by the decision. Everyone knew that the people who would work out there would have children who would go to school. Everyone knew that there would be needs for hospitalization and that they would be taken care of, in the main, in the hospitals of the State which abutted the area. Everyone knew that in the course of everyday working life and the living of families together, where the families would be on the mainland and the workers would work in the areas where the development was taking place, there would be a tremendous number of human relations. So those problems were not finally dealt with, and we had no success in trying to deal with them.

I remember perfectly well that some States claimed the entire right. I remember that a certain State—the State of Texas—wanted the full right out to the Continental Shelf, which in some locations, as I remember, went out about 125 miles. If it had been my own State, and I had made the same claim, the distance would have extended 150 miles into the gulf, off the west coast of Florida, which would patently be ridiculous.

But the questions were difficult, and the answers to some of them were entirely unknown. I have mentioned the Gulf of Alaska. That region came up repeatedly in the course of the debate. No one knew what would be discovered out there. Everyone hoped that there would be great discoveries and great development out in those waters, which, in the main, are shallow waters.

So that question was left. I would not want anyone to think that there was any attempt, in the drafting of the Continental Shelf Act, to do other than what I indicated in the beginning—set up the machinery for the development of what ever resources could be developed out there, with the Federal Government as the landlord or the owner from the standpoint of having the right to develop under the international agreement that had been reached, and whoever contracted with the Federal Government being the one who was given the privilege of development.

That was what was sought to be done, together with the setting up of the law of the State abutting the particular area, as the governing law, so the daily relations of the people who were going to work by the hundreds, and by the thousands, it has proven, in those areas would not be without law or a body of law to cover their relations, but, instead, would be governed by the laws of the abutting States.

Mr. President, it sounds very complex, but it was not complex at all. It was a quite simple adaptation of the plan to have machinery given to develop values in the ocean bed, out to the Continental Shelf, governed and controlled by contracts which gave the right to develop, and by law which governed the activities and actions of the people who were out there working. That is all it amounts to.

It could not be claimed at all—and I notice with approval the Senator from Washington has not claimed—that there was anything in this act which precluded any of the maritime States from laying claim to the values out there. That was not the point that was decided at all. My feeling is that to bring that into the picture here would be completely in defeat of what was intended by the passage of the act, which was to leave, first, to subsequent discoveries as to what was there and what could be produced—and nobody knew at that time definitely what could be produced—and, second, what would be a fair method of dealing with that production. Congress had not spoken on that at all.

I apologize for taking this much time, but I believe I have correctly set forth what was involved in the two acts. Senators will remember that the Supreme Court has passed on them since that time, and has passed several times on the Tidelands Act or the Submerged Lands Act, and has made clear what was involved there, and has passed on the other act enough to make clear the purpose; but that there was nothing to preclude the States setting up such claims as the States felt they had in the outside areas.

I do not think we know what can be done in the outside areas well enough yet to have fixed, binding rules to be applied to all the 22 maritime States. I think we are going to have legislation on that eventually. I do not think this is the act in which that should be attempted.

Mr. JACKSON. Mr. President, I find I was slightly in error, and that the distinguished senior Senator from Florida was slightly in error, when we talked about the quitclaiming of the tidelands. The Submerged Lands Act which conveyed to the States the Federal interest in the lands in issue asserts: "The United States releases and relinquishes unto said States and persons the aforesaid," and so forth.

Mr. HOLLAND. But the word "quitclaim" the Senator will find throughout the course of the discussion, and I think in the act itself. The point is that it was never claimed that the United States was able to give or did give fee simple title.

Mr. JACKSON. One can assert that the words "releases and relinquishes" is equivalent to quitclaiming. In order that the record may be accurate, I wanted to cite the statutory language. I find I was in error. I take it that my friend and colleague from Florida agrees the statutory language does not include the word "quitclaim."

Mr. HOLLAND. I would have to look at the statute again, but I think I spoke several volumes, myself, in the course of the debate. My recollection is it lasted about 7 weeks. I know we spent a great many days and nights in giving final form to these several acts in the subcommittee in which, although the Senator from Florida was not a member of the standing controlling committee, he was given a chance to participate. I know what we were talking about all the time was that the Federal Government was going to go out of the way to give to the States whatever was meant by paramount right, and let the States go ahead, within their own boundaries and what since the beginning of our country had always been considered as theirs.

Mr. JACKSON. What I was trying to point out was that the Federal Government was giving up whatever interest the Supreme Court had ruled the Federal Government had in the area in question. The Federal Government gave that up in legislation approved by the Congress. The Supreme Court subsequently made that clear.

Mr. HOLLAND. The Supreme Court referred in those three cases to what it called paramount right. It did not use the language "proprietary interest" or anything like that. It said "paramount right." Much better scholars of the law than the Senator from Florida, from all over the Nation, particularly in the maritime States, were scratching their heads from one end of the Nation to the other trying to ascertain what "paramount right" meant. There were as many interpretations as there were lawyers, but nobody claimed it was to give the proprietary interest or fee simple title.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. It seems to me we should understand this, so it can be laid to rest. Subsection (3) of the act reads:

"The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction * * * of the Outer Continental Shelf * * * or the revenues therefrom."

Now, the key phrase to which I would draw the Senator's attention is the words preceding the word "shall," which are "the provisions of this section for adoption of State law as the law of the United States," making it very clear that this section merely says that the fact that the State law is extended to apply in this area shall not be the basis for a State claiming any interest in it, but there is nothing whatever in that section to be construed to say that the fact that the submerged lands adjoin the State, and that the State has some interest in the matter, might not serve as a basis for the State claiming either some revenue or some interest in, or requesting that it be assigned some interest in, something on the Outer Continental Shelf. It is only that this particular provision was not intended to serve as a basis for the assertion of a State claim.

If we could understand that, then it seems to me that we would have the basis to go forward on this point, because this provision was not put in here, on any basis whatever, as an attempt to preclude a State from asking for equity, from asking for justice, from asking for a share of revenues, or from asserting any other claim.

Mr. JACKSON. Mr. President, will the Senator yield? Congress has no authority to do such a thing. We could not if we wanted to. I have never made such a contention. I think I have tried to make it clear that Congress has no such authority.

I suppose we could submit to the States a constitutional amendment, in accordance with the Constitution, to provide for such a restriction on State action. But otherwise, absent such a constitutional amendment, obviously we have no such authority.

Mr. LONG of Louisiana. Yes; but the point I wanted to make clear is that when a State comes in and says, "We think we have a greater interest in this matter than somebody else; the Federal Government claims it and has rights to it under international law, paramount rights over others because its boundaries adjoin it; we, the State, say that our boundary also joins it, just as the Federal boundary does, and therefore, we have an interest in the matter."

There was nothing in that section intended to assert that a State could not claim, assert, or request some interest in connection with the matter.

Not long ago the Federal Government suggested that it would like to pay to the State of Louisiana some money to help the State implement its conservation practices in the area with regard to the amount of oil produced in those wells out there, when the State was having difficulty administering the allowables of the offshore wells. That is an example of some revenue being paid to the State, not because this provision is applicable, but just because the State was having difficulty providing as good a program, because of shortage of funds to do the job, as it would like to have provided.

Mr. JACKSON. Mr. President, the Outer Continental Shelf Act as approved by the 83d Congress, had many provisions. One provision was to make clear in the legislation that the adjoining States had no authority to lay claim to anything out there by reason of another provision in the law dealing with limited State jurisdiction. That is the whole point. The provision does not mean, and did not mean at that time, that Congress could not come along later and give to the States adjoining the Outer Continental Shelf whatever it wanted to give them out there. Congress always retains that right with respect to Federal property.

But Congress, in 1953, in dealing with the Outer Continental Shelf legislation, was greatly concerned lest provisions within the proposed legislation—the Outer Continental Act—might be interpreted or construed to give to the adjoining States something which Congress made very clear it was not doing in that act.

In the Senate, the Senator in charge of the bill on the floor, and the acting chairman of the Interior Committee, was the distinguished then senior Senator from Oregon Senator Guy Cordon. There was pending an amendment to provide for reimbursement of the coastal States from the Outer Continental Shelf revenues.

I read now from page 240 of the hearings on the pending bill, at the bottom of the page, quoting a statement of former Senator Guy Cordon at the time he was in charge of the bill. This is what he said:

"The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.

"Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands* *bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13 was before the Senate."*

Mr. President, that statement of Senator Cordon, I think, should lay to rest any question as to what Congress intended back in 1953, when we approved the Outer Continental Shelf legislation.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I think the discussions we have had on the effect of the Outer Continental Shelf Act and the so-called submerged lands or Tidelands Act has been quite enlightening, and certainly interesting, as shown by the fact that we have been discussing it for an hour or more; but I really do not see the relevancy of discussing the technicalities of those acts and what was intended, because we have under discussion here a bill to assign funds derived from oil and gas production on the Outer Continental Shelf to a fund to be used for the purchase of recreation lands; and the immediate amendment before us is not to assign or earmark funds for this special purpose, but to take the necessary funds from the general revenues of the Treasury.

As has been pointed out in the course of the discussion, there is litigation now pending between the State of Louisiana and the U.S. Government to determine the legality of the retention of these funds by the United States, or whether they should belong to the State of Louisiana on a royalty basis. The bill provides that none of the funds involved in litigation would be touched, anyway; they would be held in escrow.

So it seems to me that we ought to be discussing here the merits of the bill, to determine whether or not the funds that do come into the ownership and possession of the United States should go into this fund and be dedicated to this purpose, when appropriation is made by the committees of Congress, for the purchase of recreation lands for land and water conservation in various States from the funds that are not being used.

Mr. President, I rise today to add my support for what I consider one of the most important pieces of legislation to come up this session, S. 1401, to amend the Land and Water Conservation Fund Act of 1965. As a cosponsor of the original act, I am vitally concerned that the amendments to increase the amount of money available to the fund be passed so that America can begin to erase the backlog of acquiring and developing urgently needed outdoor recreation areas.

I remind the Senate that we helped to initiate the broad program to provide the Nation with outdoor recreation space sufficient to the needs of this and future generations. In 1958, Congress created the Outdoor Recreation Resources Review Commission. It was headed by Laurance Rockefeller, and its membership consisted of distinguished members from inside and outside of Congress. Using interviews with thousands of Americans, it inventoried the Nation's outdoor resources and projected recreation demand to the year 2000.

In 1962, the Commission released its report, Outdoor Recreation for America, containing its findings and 50 recommendations for action. Almost everything said about outdoor recreation in America since has drawn on that report. Congress has carried out many of the recommendations, including the establishment of the Bureau of Outdoor Recreation and programs to provide assistance to the States. Today, outdoor recreation is a going program in which every level of government is involved. The purpose of S. 1401 is to keep it a going program.

A few of the treasures Congress has added to the Nation's outdoor recreation resources since the ORRRC's report are Point Reyes National Seashore, Padre Island National Seashore, Canyonlands National Park, Delaware Watergap National Recreation Area, Assateague Island, and Cape Cod National Seashore. A Senate-passed bill to create a Redwoods National Park is now before the House Committee on Interior and Insular Affairs.

To raise money for the purchase of these park and recreation lands, and for the support of Federal and State outdoor recreation programs, the Land and Water Conservation Fund Act was passed.

Experience has now made it clear that the revenues we provided for the fund are inadequate. This is because the fees established for the use of Federal areas have failed to raise the estimated amounts. Almost $25 million a year less is coming into the fund than was expected. We cannot simply wait for the fund to build up because land prices always escalate in areas suitable for public parks and recreation areas. Early in 1967 President Johnson pointed out that average land prices are increasing at a rate of almost 10 percent a year and that the cost of land for recreation is increasing at a considerably higher rate. He stated that the most effective means of controlling these increases is to acquire the lands as quickly as possible after areas are authorized by Congress. We in the Interior Committee have been made fully aware of this problem and of the great difficulty the National Park Service and other agencies have had in trying to overcome it.

Today's fund is not sufficient to keep up with purchases of areas already authorized by Congress, let alone to finance additions.

If the Federal Government and the States are forced to wait until the moneys now going into the land and water conservation fund are sufficient, the ultimate cost to the taxpayers will be very great. It will save millions of dollars in the years ahead if we invest in these needed lands as soon as possible. This problem has received a great deal of study, by private organizations devoted to conservation, by the executive branch, and by the Committee on Interior and Insular Affairs. It is our considered judgment that the most practical solution is to raise the moneys from the sources proposed in this bill.

Besides adding revenues to the fund, S. 1401 would give the land management agencies administrative weapons to fight rising land prices. One of these would permit department heads, under certain conditions, to secure options for the land authorized for parks or recreation areas prior to actual appropriation of moneys from the land and water conservation fund. Another would set up a lease-back and sell-back land management program for property bought for the national park systems. Amounts obtained from lease-back and sell-back transactions would be credited to the fund, thus lessening the burden imposed by the initial purchase of property.

Mr. President, the Federal portion of the land and water conservation fund is the primary financing source for all new acquisitions by the National Park Service and the Forest Service as well as for expansion of existing facilities. It is the financial base for expanding recreation programs of the States and their political subdivisions. Only added revenues will make it possible for these agencies to meet the park and recreation requirements of our citizens in the next decade. I support prompt approval of this bill.

Mr. President, so far as the funds now coming into the U.S. Treasury from the Continental Shelf are concerned, it is entirely logical that an amount be provided in the fund of up to $200 million a year for the next 3 years up to $300 million a year for the remaining 2 years so that we could know in advance that we could appropriate money up to that amount and that the funds would be there without being a drain against the general revenues that we are worried about.

There would be that much money provided for the making of appropriations. However, the final process of dividing the money always remains with Congress, and the money must be appropriated first by action of the Appropriations Committees and then by action of the full body of the House and the Senate.

We are not derogating from the appropriation process. We are simply trying to provide a wider planning base with which to go ahead with the acquisition of these properties.

As the chairman of the committee indicated in his discussion on the pending bill, we have many times been disappointed in having set aside areas for a national recreation area or park and having estimated the cost of acquisition at the time of the original authorization and then discovered, before we could get the appropriations process completed, that the land price had escalated double or even more.

I think that the distinguished Senator from Washington [Mr. JACKSON] cited Point Reyes as an example in which the escalation of price had gone from $14 million to something like $47 million during the time in which we have been trying to get the appropriations process completed.

If the funds were in the land and water conservation fund, the appropriation process could be more quickly implemented and we could avoid these great escalations in price.

I think this is of the greatest importance, because what we do in this area of outdoor recreation now will be of benefit to our descendants for generations without end. If we do not move now and the lands are not later available to us, they will be lost forever and will not be made available to future generations of Americans.

I think the best way to assure that we can make reasonable progress is to agree to the pending amendment which would provide that this extra revenue would come to the Federal Government from the Outer Continental Shelf.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. LONG of Louisiana. Mr. President, I say to the Senator that I certainly would be happy to support an authorization to provide the amount of money proposed in this bill for development of these areas; and, if it can be justified. I certainly would be willing to vote for any appropriation for any year. It is a worthy cause, and I would be happy to vote for it.

However, does the Senator really believe that it is essential that the revenues of the Outer Continental Shelf be devoted to this purpose, even though that might mean that excluded from the Outer Continental Shelf would be funds necessary to develop the Outer Continental Shelf itself or to control pollution in the area, with the result that what is left eventually becomes a cesspool, although it started out as something of considerable value?

In other words, if one realizes that this is not a pot of gold at the end of the rainbow, which someone can get at no expense, but is a revenue to the Federal Government on which all programs could make a claim, as it is at the present time, why should there be the dedication of the revenues that can be produced on the Outer Continental Shelf rather than simply providing an authorization and appropriations for whatever amounts can be justified for the program?

Mr. MOSS. The reason for turning to this source of revenue is one of logical connection between the exploitation of a resource out there, from which there is income, to acquiring capital resources for the entire country elsewhere, where we need recreation areas. This does not exclude coastal areas that might be adjacent to the Continental Shelf area where the fund is coming from, and it might even extend far enough out to include some of the Continental Shelf. This is a national resource, and it would be used for national purposes. It will be used not only to buy property for the Federal Government to administer, but also, it is prorated out to the States on a regular formula, for them to use also in buying recreational lands. It goes not only to the State but also to the subdivisions of the State.

So this is a calculated program to acquire recreational resources, and we are using the revenues from some of our other tangible resources in so doing.

Mr. Long of Louisiana. If there is to be a dedication, it would seem to me that if the revenue is taken from the natural resources, first priority should be to build some value in the area that is being depleted.

When one is depleting the Outer Continental Shelf and polluting it considerably in doing so, it would seem to me that the first claim, if one desires to dedicate those resources, would be to build a fisheries potential. I am told that it is possible to develop a program of farming the sea that would yield a hundred times as much edible food—in terms of fish, shrimp, and other marine life—as we are producing in the sea at the present time.

That is a way in which one could build some value in this area, so that the people who are producing this oil could continue to have jobs, to help themselves and all humanity, after all the oil is gone 40 or 50 years from now.

To dedicate what these people can produce here to a recreation program somewhere else is somewhat parallel to what happened in West Virginia, where the mining practices were such that producers destroyed the future value of that land, or what happened in my State, where the forestry practices were such that they denuded the land, destroyed all the small trees, and left the place in such shape that nothing was left from which someone could earn a living in the future.

As between the land resources and the water resources of the United States, would not one have a difficult time showing that the water resources had been managed as well as the land resources? The land resources at least have been replanted, they are being developed, they are being used constructively, while our water resources are so badly polluted that some of the Great Lakes are nothing but cesspools. The pollution is spreading and becoming worse, with a $50 billion backlog of work that must be done at this time, and no adequate provision is made for doing it.

So, as between taking from one area and one source of revenue to provide for another, it appears to me that if one takes the money from the Outer Continental Shelf, which has a great potential, and the sea, which has a great potential to produce for all mankind for the future—and which desperately needs money to develop those resources, although those resources are being injured by pollution and by improper usage—and uses that money to develop land resources, it really is a matter of taxing the poor to help the rich.

One can find good use for the parks and for the recreation areas, and those of us who are concerned about developing the potential of the sea and of the Outer Continental Shelf would be happy to support any appropriation that could be justified to develop and improve the park and recreation areas, as well as the other purposes of the bill.

I ask the Senator, would it not be satisfactory to him, and to those who agree with him, to settle for simply the amount of money they need, without dedicating the resources of an area, which itself needs to be developed, to this park program?

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. LENNON. Mr. Chairman, less than 18 months ago this House passed legislation authorizing the President of the United States to appoint a National Commission or a National Council on Science and Oceanography. This National Commission will make its report to the President of the United States and to this Congress no later than June 1 of next year.

Scuttlebutt has it now that there is a white paper in the White House. We may receive the report soon. I am advised that very likely this National Commission that you authorized, headed by Dr. Stratford, the former president of MIT, and some of the most eminent oceanologists, oceanographers, and scientists in America, will make this report. I am advised that very likely it will recommend the expenditure by the Federal Government of several billion dollars in the field of oceanography and the marine sciences.

I voted for this legislation in 1965. I shall vote for it today, even though the Willis amendment may not be adopted. But I want to say to my friends here today I can understand and appreciate the anxiety they have to be able to reach into these revenues that are acquired by the Department of Interior through royalties from the Outer Continental Shelf. But, gentlemen, I think we are making a mistake. I think we are setting a precedent here that some day we will regret.

There is pending now before the Oceanography Subcommittee of the Merchant Marine Committee a bill signed by 25 individuals which would allocate from this same fund money for the marine sciences and marine technology and for the sea grant colleges. I do think it would be a serious mistake if we set the precedent now of allocating to the Department of the Interior, as badly as the money is needed, funds in this method.

Think about it. We have not done it before. Do we recall when we have taken this action before? Oh, we say, it is the same thing as the lands belonging to the National Park Service that were in surplus, and we sold them, and that money could be utilized for additional or other lands. Certainly there is no parallel there.

Tax on motor fuels and gasoline and lubricants used in the Park Service and in the estuaries? Certainly there is no parallel there.

We are asked to take an action we have not done—certainly in the short period I have been a Member of the House, which is 12 years now. Why should we depart? Especially in the light of the fiscal situation, I do not see how a member of the Appropriations Committee can take a position in favor of this sort of approach. I have talked to a number of members of the Appropriations Committee today. All of them told me they were greatly concerned about this, that they were greatly concerned about the precedent we were about to establish if we pass this bill in this form, but they also said they were not sufficiently advised so they could prepare a position to take a strong opposition to it.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, will the gentleman tell me what real distinction there is in principle between providing that the revenues from the sale of surplus lands of the United States will go into this fund and providing that revenues from oil produced on lands of the United States will go into this fund? What difference in principle is there?

Mr. LENNON. Mr. Chairman, because those surplus funds my friend from Oklahoma is speaking about belong to the National Park Service or some part of the National Park Service.

Mr. EDMONDSON. Oh, no. We are talking about any properties sold, properties belonging to the Department of Defense, properties belonging to the Department of the Army, properties belonging to the Department of the Interior, or properties belonging to the Department of Agriculture. In any of those sales the money from the sales goes into this land and water conservation fund.

Mr. LENNON. Mr. Chairman, I am sure the gentleman does not mean all lands sold by the General Services Administration. That is not so.

Mr. EDMONDSON. Mr. Chairman, that is precisely so. I am sorry. The gentleman is in error.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in a rather unusual position. Folks who sit on my side of the isle are supposed to be the loyal opposition, but I find myself today in a position of supporting our President, yours and mine. The President of the United States has sent to the Congress, with the approval of the Bureau of the Budget and the Department of the Interior, a recommendation that this allocation be made, and that these moneys from the Outer Continental Shelf be put in the land and water conservation fund.

It is rather strange that those who oppose it—at least so far—have all come from the President's party.

I just want to say to my colleagues, it is rather interesting that the reason they give for opposing it is, they suddenly have decided they have a fund into which they would like to put it. All I can tell them is if they have a fund which is good and if a white paper is prepared in the White House, and may some day see light of day and even be sent to Congress, their time will then come for them to make their appeal. Until that time I urge this amendment be defeated and that the bill as reported by the committee be approved.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. So that there will be no misunderstanding about the appropriations procedure, the parent act provides that moneys covered into the fund shall be available for the purposes of sections 4601–4611 of this title only when appropriated therefor. Also, the section provides there shall be submitted in the annual budget of the United States a comprehensive statement of the estimated requirements during the ensuing fiscal year for appropriations from the fund.

These are statutory provisions. They apply to this. No moneys will be expended unless they are appropriated.

For the benefit of my colleagues, I wish to state that some of the most expensive of all our national park facilities are Cape Cod, Fire Island, Assateague, Cape Hatteras, Cape Lookout, Padre Island, Point Reyes, and the proposed Gulf Island in the Gulf of Mexico. These are areas where water is in abundance, along with sand, where people like to go. These funds will be applied to those areas just the same as to other areas. This is a uniform operation.

The amendment should be defeated.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Oklahoma.

Mr. BELCHER. I will say to the gentleman that I have sat here for a long time trying to figure out what the opposition to this bill actually is.

The gentleman from Louisiana [Mr. Boggs] apparently is against backdoor spending. Well, I have been here 18 years, and this is the first time in my life I ever heard him raise any kind of voice against backdoor spending. If he has some really logical reason to oppose this I would certainly like to have him come forward with it. Most certainly when he comes up with the idea that he does not like backdoor spending it does not carry great weight with me, because I have heard him argue for backdoor spending many times.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Louisiana.

Mr. BOGGS. The question of backdoor spending, I believe, was clarified by the distinguished chairman of the committee. In its original form it was backdoor spending, but that has been changed.

I do not know whether the gentleman heard my remarks or not.

Mr. BELCHER. I tried to figure them out.

Mr. BOGGS. Did the gentleman hear my remarks?

Mr. BELCHER. Yes, I heard the remarks, where the gentleman raised no objection at all except to backdoor spending, and certainly he has supported backdoor spending.

Mr. BOGGS. The gentleman knows that is not the true situation. My objection also goes much further. My objection was that we are taking these funds now going into the Treasury of the United States and earmarking them or dedicating them, or however one wants to characterize it, for these interior purposes without giving one iota of consideration to the coastal States, where these funds are produced, or giving one iota of consideration to the arguments so ably advanced here a moment ago by the gentleman from North Carolina.

If the gentleman had been on the floor he would have heard that.

Mr. BELCHER. I exactly heard that.

Mr. BOGGS. Obviously I did not convince the gentleman, and I understand why I did not, because he, like my good friend on the Democratic side, is from Oklahoma. He has an interest in it, just as I have.

Mr. BELCHER. When the leopard tries to change his spots and pose as a lion I cannot understand it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. EDMONDSON. Mr. Chairman, will my colleague yield?

Mr. BELCHER. I yield to my collegaue from Oklahoma.

Mr. EDMONDSON. I appreciate my colleague yielding to me, because I want to get the record perfectly clear on one point. It is that the gentleman from Oklahoma now in the well, the gentleman from the First District of Oklahoma, and the gentleman from Oklahoma addressing him, from the Second District, both represent districts in which there is no national park located today.

So when the gentleman from Louisiana tries to say that we are trying to take care of national parks in our area, he is certainly far afield from the facts.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. Just 1 minute. The gentleman from Louisiana had 11 minutes and then he used 2 minutes of somebody else's time. Will you just give me a couple of minutes to explain my position?

The gentleman objects to this because he says there is something wrong with taking these funds that go to the Treasury and permitting the Committee on Appropriations to appropriate them and not leaving them down in Louisiana. Maybe that is the reason. I voted for your tidelands bill to keep that money in Louisiana that was a part of Louisiana. But the gentleman objects to this, yet he is willing to vote for a bill in which you permit an agency to go and run up a debt which in all good conscience the Government has to pay and the Committee on Appropriations has to appropriate the money to pay it. That is all right. But if you take revenue from this fund and permit the Committee on Appropriations to appropriate out of that fund, then that is all wrong. He cannot convince me yet that he has come out with the real reason why he is opposed to this bill, because most certainly the reasons he has come out with would not hold water in any forum.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. Yes. I yield.

Mr. BOGGS. I do not understand what the gentleman means by the fact that we are taking funds. There are no funds. These funds go now directly to the Treasury of the United States. As a matter of fact, what you are doing is actually taking away from the general revenues of the Government of the United States. The State of Louisiana does not get a dime from these funds.

Mr. BELCHER. When you run up a big bill for housing and appropriate money out of the Federal Treasury which the Congress in all good conscience has to appropriate, then what is the difference? This is all a part of the Treasury whether it comes out of the Outer Continental Shelf opposite Louisiana or is collected from all of the taxpayers of this country. What is the difference?

Mr. BOGGS. Well, I think the gentleman understood the point that we have made very well. I have complete respect for the gentleman. I know what the gentleman's problem is, and I admire him. He is working hard and has been working hard for the parks and recreational facilities in Oklahoma. I am for them, too. I believe we need them in Louisiana, also. But what I am saying to the gentleman and all I am saying to him is what you are trying to do is——

Mr. BELCHER. What are you saying?

Mr. BOGGS. What I am saying is you are trying to take these funds without giving any study or any consideration whatsoever to all of the problems involved there. Take the whole question of fish protein, for example, which we have debated here.

Mr. BELCHER. Do you know what the gentleman from Louisiana is trying to do? He is merely trying to throw sand in the eyes of the Members here on a fictitious argument that does not hold water anywhere, because if I had never heard the gentleman from Louisiana vote on any of these back-door spending bills, you might convince me that it violates some principle of your conscience, but I have seen you so many times, when all of the rest of us were against back-door spending, go right along and make speeches right from here for back-door spending and go right ahead and vote for it, and then 18 years later all of a sudden you try to raise that issue. You cannot throw sand in my eyes.

Mr. BOGGS. Well, I will say to the gentleman that I have nothing but admiration and respect for the job that he does for his district and his State. If the gentleman has inferred that I voted for housing and for education and for all of these other programs, the gentleman is eminently correct. I think we straightened out the business of back-door financing. The gentleman refuses to recognize that a State on the coast has a problem, too. He happens to be from the State of Oklahoma, and God bless him. We try to help you with your problems. However, if you live on the coast and you have these other situations, you have problems there just as well, my dear friend.

Mr. BELCHER. I will say to the gentleman, both I and the gentleman from the Second District of Oklahoma do not want to get one dime of this money that comes from Louisiana.

Mr. Chairman, I ask unanimous consent to proceed for 4 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. ASPINALL. Mr. Chairman, reserving the right to object, may I take a little bit of time at this point to see if we cannot obtain unanimous consent to close debate on this amendment?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close within 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma that he be permitted to proceed for 4 additional minutes?

There was no objection.

Mr. BELCHER. Mr. Chairman, as I said before, no part of these funds will be spent in my congressional district. The thing I have tried to figure out—and I like to practice psychology sometimes—I have just been sitting here, and it intrigues me to hear a Member get up and try to confuse me like the gentleman from Louisiana did, without at all disclosing the real reason why he opposes this. I say this because I know the reasons that he has set forth do not hold water at all, because they are completely adverse to his philosophy. I will say this to the gentleman: I hope the gentleman does not change his remarks.

Mr. BOGGS. Mr. Chairman, will the gentleman yield again?

Mr. BELCHER. Just one minute.

Mr. BOGGS. Will the gentleman yield for the purpose of my making a statement?

Mr. BELCHER. Just one minute and then I shall yield to the gentleman.

I hope the gentleman from Louisiana does not revise and change his speech, because I want to read the speech back to him the very first time we have another back-door spending bill up before this House.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I now yield to the gentleman from Louisiana.

Mr. BOGGS. I can assure the gentleman from Oklahoma that I have to leave in a few minutes and there will not be one word changed and I stand on every word of it.

So that the gentleman's mind will be completely clear with reference to my plan, it is not a different plan. I spelled the plan out. My plan is exactly the plan that exists in your State insofar as public lands are concerned where your State gets 37.5 percent into your State treasury from those public lands. Yet, we have these resources located offshore of my home State and we do not get a nickel and not a dime. I think we are entitled to some of those revenues, and I want the gentleman to understand that clearly.

Mr. BELCHER. The gentleman from Louisiana is still trying to shore up a bunch of fictitious arguments and I do not think he has succeeded.

Mr. BOGGS. There is nothing fictitious about this. It is $1 billion.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I have here before me a table of land and water conservation fund—grants-in-aid program apportionments to the various States, and for the period of 1965 through 1968. The State of Louisiana during that period of time has had allocated to it—and I want to get the figure exactly right—$3,742,531. That compares with a total going to the State of Oklahoma of $3,043,496, or a difference of about $700,000, in favor of Louisiana.

Mr. Chairman, practically all of the coastal States that have these interests in the continental lands offshore are States that have had much larger sums allocated to them from this fund by virtue of their size and population, and will continue to have these benefits.

Mr. BELCHER. As the gentleman said at the outset, the gentleman from Louisiana wants to keep all of these funds. I know the real reason but I do not see why he needed 15 minutes to go all around Robin Hood's barn.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Under the unanimous-consent request to limit the time on this amendment and all amendments thereto, the Chair recognizes the gentleman from North Carolina [Mr. JONAS] for 2 minutes.

Mr. JONAS. Mr. Chairman, I have no particular interest in the offshore lands controversy and none of these lands are adjacent to my district. Perhaps I should not inject myself into the argument, but I am constrained to do so because the reasons involved in the argument so far have not emphasized the fact sufficiently, in my judgment, although they were adverted to, that we will be establishing a bad precedent here today if we earmark these funds and it will come back to haunt this Congress in the future.

Mr. Chairman, are the national parks more important than education? Are they more important than health? Are they more important today than the problems of our cities? Why do we pick out this particular program and say we will earmark $500 million of the assets and receipts that normally would go into the general fund of the Treasury, to be used for national defense, for health, for education and all of the other problems of the country?

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am sorry but I have only 2 minutes.

Mr. Chairman, I do not see why we should be expected to reach into those assets of the Government that normally would go into the Treasury for the use of all the programs of the country, and earmark those funds for one particular program, notwithstanding the fact that it is an important program, and one perhaps as important as all of the others, but not more important. So I am going to support and vote for the amendment of the gentleman from Louisiana not because he comes from Louisiana, and not because Louisiana has some offshore interests, but because I believe it makes sense not to earmark these funds.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I have been intrigued by the arguments over the offshore oil revenues. I was here when the bill passed. I voted against it, and I supported President Truman's veto. It was one of the few times I voted with Mr. Truman.

I believe that what concerns the gentleman from Louisiana most is the fact that the State of Louisiana would like to draw a line from headland to headland along its coast and claim jurisdiction over many more miles off its shores.

I am sure it is the hope of Louisiana that eventually it can slide a bill through Congress to reach out and take in far more offshore oil revenue territory than it presently controls.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. The gentleman from Iowa is correct. There is no question about it but that they would like to go just as far out into the coastal shelf as they can. I do not have any criticism of their ambition.

Mr. GROSS. And I do not blame the gentleman from Louisiana [Mr. BOGGS], nor the State of Louisiana, but I just do not believe that we here this afternoon ought to permit a further raid by any State on resources that belong to all the people.

While I do not agree with the financing procedures set forth in this bill, and expect to vote against it for that reason, I am vigorously opposed to the pending amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, may I say to the Members that it is vital that this amendment be defeated, and it is vital to the cause of conservation that this bill be passed.

Every State and every county and every local government in this country has a great stake in what we are doing today. We are running out of land in this country. The land patterns are going to be fixed. We have got to get green space that our Federal Government needs, and the States, counties, and cities need, and we have got to get it before the prices go out of sight, or before the land is gone.

Mr. Chairman, this is a sound bill. It is not backdoor spending. We have nailed that down very clearly. The gentlewoman from Washington has made it very clear that the appropriation process will be followed, and that she will take care of it.

As I say, this is a sound bill. It is supported by every one of the major conservation organizations. It is vital to the whole effort of conversation. If you have a national park proposal pending, as many of the Members have, and this bill goes down, or this amendment is passed, just forget about it, because there is not going to be money in the national park grants, because we do not have the money. The States get 60 percent of the revenue out of this fund. This fund has built and acquired hundreds and hundreds of State parks and local parks, and will continue to do so in the years ahead if we can get the revenue we so badly need.

I join the distinguished gentleman from Pennsylvania, the distinguished chairman of our committee and others on both sides of the aisle who have spoken on this bill.

Mr. Chairman, I suggest and urge that it is vital that this amendment be defeated and it is vital that this bill be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Chairman, it is difficult to add to the eloquent plea that has been just made by the gentleman from Arizona.

I would simply like to point this out—that every State in the Union has a stake in seeing that this bill goes through as it was reported by the committee.

The total amount that has been allocated to the States to acquire these green spaces that were referred to by the gentleman from Arizona is in excess of $200 million in the last 4 fiscal years.

There is at least a million dollars for each State, and more than that in the case of most States, at stake in the coming fiscal year in connection with the operation of this fund.

What could be more reasonable and what could be more logical than to say that part of our income from these great oil resources that are located on the Continental Shelf shall be dedicated to meet the needs of all of the States and all of the people to help to acquire lands for the people to enjoy outdoor recreation in future years.

This is what it is intended to do.

We think this is a national bill and it meets a national need. We hope the amendment will be defeated and that the bill will retain its national character.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Louisiana [Mr. Willis].

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

BOY SCOUTS DENIED USE OF NATIONAL PARK AREA LAND

(By unanimous consent, Mr. Whitener was allowed to speak out of order.)

Mr. WHITENER. Mr. Chairman, on April 25, I addressed a telegram to the Secretary of the Interior requesting permission for several troops of the Boy Scouts of America from North Carolina to have an encampment on National Park area land within sight of the Washington Monument for the period July 18–20, 1968.

Today I have received the final reply of the Director of the National Park Service in which he states:

> I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time.

In order that my colleagues may have full information as to the request and subsequent correspondence, I insert at this point my entire file on the matter:

April 25, 1968.

Hon. Stewart Udall,
Secretary, Department of the Interior,
Washington, D.C.:

Would appreciate your advising whether it will be possible for several troops of Boy Scouts from North Carolina to have an encampment on National Park area lands within sight of the Washington Monument on July 18, 19, and 20, 1968. Housing in regulation type Boy Scout tents would be anticipated.

Will appreciate prompt reply.

Sincerely yours,
Basil L. Whitener,
Member of Congress.

U.S. Department of the Interior,
National Park Service,
Washington, D.C., April 26, 1968.

Hon. Basil L. Whitener,
House of Representatives,
Washington, D.C.

Dear Mr. Whitener: We are pleased to acknowledge your inquiry in behalf of several Boy Scout troops concerning their plans for an encampment in the Washington, D.C. area on July 18–20. We appreciate your interest in this matter and will provide you a reply at our earliest opportunity.

Sincerely yours,
George B. Hartzog,
Director.

Congress of the United States,
House of Representatives,
Washington, D.C., April 29, 1968.

Mr. George B. Hartzog,
Director, National Park Service, Department of the Interior, Washington, D.C.

Dear Mr. Hartzog: I appreciate having your letter of April 26, 1968, with reference to my telegram to the Secretary of the Interior regarding an encampment for Boy Scout troops in the vicinity of the Washington Monument during the period July 18–20, 1968.

My constituents are pressing me for a reply, and I assure you that any action you might take to expedite an answer to my request to Secretary Udall will be deeply appreciated.

With kindest regards, I am

Sincerely yours,
Basil L. Whitener,
Member of Congress.

May 20, 1968.

Mr. George B. Hartzog.
Director, National Park Service, Department of the Interior, Washintgon, D.C.:

Reference is made to my telegram of April 25, 1968, requesting permission for a group of Boy Scouts to camp near Washington Monument during the period July 18–20, 1968. Urgent that I have final decision as quickly as possible. Visit of Scouts contingent upon determination made by your office.

Sincerely,
Basil L. Whitener,
Member of Congress.

U.S. Department of the Interior,
National Park Service,
Washington, D.C., May 21, 1968.

Hon. Basil L. Whitener,
House of Representatives,
Washington, D.C.

Dear Basil: We regret not having replied sooner to your recent telegram and letter in behalf of several Boy Scout troops concerning their plans for an encampment in sight of the Washington Monument during the period July 18–20. However, as you may know, I have made several attempts to contact you by telephone to discuss this subject, personally.

July is one of our heaviest visitor periods in Washington. The Washington Monument, the Capitol, and the other great monuments and public buildings in and along the Mall are, of course, prime attractions for these visitors. In these circumstances, I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time.

We would, however, welcome the Boy Scout encampment at other park areas in the immediate vicinity of Washington, D.C. For example, a very fine site can be provided them at Prince William Forest Park, Triangle, Virginia. Moreover, we would be pleased to make a site available at Greenbelt Park, if they prefer. Enclosed for your convenience are pamphlets relating to the above-named areas.

Please let me know if I may be of further service in arranging suitable accommodations for these young people from your District.

Thank you very much for your continuing cooperation and assistance in the programs of the National Park Service.

With warmest personal regards and every good wish, I am

Sincerely yours,
George B. Hartzog, Jr.,
Director.

Mr. Speaker, I am shocked that the National Park Service and the Department of the Interior would deny to the Boy Scouts of my congressional district the same privileges which are at this time being accorded to another group. I am particularly shocked that the Park Service would base the denial upon the fact that the area in which the Scouts would have been located is a "prime attraction" for the heavy numbers of visitors in Washington at the time covered by my request. The same argument is applicable to those who are now encamped upon the same area requested by me for the Boy Scouts.

It has also been brought to my attention by Members of Congress and by the public press that Baptist Church leaders have been denied a permit to stage a public march and rally on the park lands along the Mall and near the Washington Monument, for the period October 10–13, 1968. These outstanding churchmen have planned their rally in connection with their Continental Congress of the Crusade of Americas. According to these church leaders, 10,000 marchers representing an estimated 24 million Baptists in the United States, Canada, and Latin America were planning to hold their event as the highlight of their religious crusade to Washington.

Mr. Speaker, it is beyond my comprehension that a nation which has as one of its fundamental policies the equal treatment of all citizens would discriminate against a splendid youth organization such as the Boy Scouts of America and the great Baptist Church in such an unbelievable manner. I deplore the decisions of the National Park Service and the Department of the Interior which deny to them the same privileges accorded to another group which has descended upon Washington and been given an official permit to set up an encampment on park lands.

The people of this Nation will not long tolerate such abuses by their Government.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair [Mr. Madden], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, pursuant to House Resolution 1170, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 336, nays 13, answered "present" 1, not voting 83, as follows:

[Roll No. 151]

YEAS—336

Abbitt
Abernethy
Adams
Addabbo
Albert
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla
Burke, Mass.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Cramer
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Derwinski
Devine
Dickinson
Diggs
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Griffin
Grover
Gude
Gurney
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Hull
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—13

Ashbrook
Boggs
Davis, Wis.
Flynt
Gathings
Gross
Jonas
Lennon
Long, La.
Passman
Rarick
Shipley
Willis

ANSWERED "PRESENT"—1

Pollock

NOT VOTING—83

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Bolton
Bow
Brasco
Brown, Calif.
Burleson
Burton, Utah
Button
Carter
Cederberg
Celler
Conyers
Corman
Cowger
Culver
Dawson
Denney
Dent
Dingell
Edwards, La.
Erlenborn
Fino
Ford, William D.
Gettys
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halleck
Hanna
Hansen, Idaho
Hardy
Harrison
Hawkins
Hébert
Herlong
Holland
Hosmer
Howard
Hungate
Ichord
Jacobs
Jones, Mo.
Karsten
Kelly
Kyl
McCulloch
McMillan
MacGregor
Meskill
Miller, Calif.
Morgan
Morton
Murphy, Ill.
Nelsen
Olsen
O'Neill, Mass.
Pickle
Podell
Pool
Purcell
Resnick
Sandman
Scheuer
Selden
Shriver
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Tenzer
Tunney
Vander Jagt
Waggonner
Watts
Wilson, Charles H.
Winn
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler for, with Mr. Hébert against.

Mr. Morton for, with Mr. Waggonner against.

Mr. Hungate for, with Mr. Edwards of Louisiana against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Halleck.

Mrs. Kelly with Mr. Adair.

Mr. Burleson with Mr. Bow.

Mrs. Green of Oregon with Mrs. Bolton.

Mr. Hardy with Mr. Gubser.

Mr. Brasco with Mr. Anderson of Illinois.

Mr. Corman with Mr. Cederberg.

Mr. Dent with Mr. Fino.

Mr. Dingell with Mr. Erlenborn.

Mr. Culver with Mr. Burton of Utah.

Mr. Selden with Mr. Harrison.

Mr. Miller of California with Mr. Denney.

Mr. Hannan with Mr. Hosmer.

Mr. William D. Ford with Mr. Button.

Mr. Morgan with Mr. Kyl.

Mr. Anderson of Tennessee with Mr. Carter.

Mr. Podell with Mr. McCulloch.

Mr. Stratton with Mr. Sandman.

Mrs. Griffiths with Mr. Meskill.

Mr. Gettys with Mr. Cowger.

Mr. Gilbert with Mr. MacGregor.

Mr. Stubblefield with Mr. Shower.

Mr. McMillan with Mr. Hensen of Idaho.

Mr. Murphy of Illinois with Mr. Steiger of Wisconsin.

Mr. Ichord with Mr. Winn.

Mr. Howard with Mr. Vander Jagt.

Mr. Andrews of Alabama with Mr. Tenzer.

Mr. Green of Pennsylvania with Mr. Ashley.

Mr. Hawkins with Mr. Scheuer.

Mr. Brown of California with Mr. Dawson.

Mr. Jacobs with Mr. Karsten.

Mr. Resnick with Mr. Conyers.

Mr. Olsen with Mr. Pool.

Mr. Pickle with Mr. Tunney.

Mrs. Sullivan with Mr. Charles H. Wilson.

Mr. Young with Mr. Watts.

Mr. Purcell with Mr. Holland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1170, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill (S. 1401) to amend title 1 of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL: Strike all after the enacting clause of the bill, S. 1401, and insert in lieu thereof the text of the bill, H.R. 8578, as passed, as follows:

"That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

"(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

"(c) Section 6, subsecton (a), of said Act is amended by striking out the words 'in substantially the same proportion as the number of vsitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act'.

"(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969.

"Sec. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

" '(c) Other Revenues.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended.'

"Sec. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and inserting in lieu thereof 'until the end of fiscal year 1969'.

"Sec. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:

" 'Sec. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.'

"Sec. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which lands they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

"(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

"(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8578) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed, and to include therewith extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TEMPORARY FUNDING OF THE EMERGENCY CREDIT REVOLVING FUND

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the emergency credit revolving fund.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideraton of the joint resolution (H.J. Res. 1227), with Mr. Madden in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. Poage], will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. Belcher] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

The joint resolution provides for the transfer of some $30 million from the Commodity Credit Corporation account to the account of the Farmers Home Administration, both agencies being within the Department of Agriculture, and the result simply being a transfer of funds within the Department.

The purpose of this measure is to make it possible for the Farmers Home Administration to finance the necessary credit to make crops this year in some 1,326 counties in which there have been declared emergencies as a result of natural disasters. The emergency loan funds of the Farmers Home Administration are exhausted. There are moneys in the account of the Commodity Credit Corporation. We ask that those funds be transferred now in order that these loans may be made next week so that crops may be planted. In most parts of the United States it is already getting late to plant this year's crop. We have faced an unusual number of emergencies as a result of storms, cold weather, floods, and other natural catastrophes, and what this bill does is simply make the money available at this time to take care of those loans prior to July 1, at which time it would be too late to finance crops anywhere in the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. May].

Mrs. MAY. Mr. Chairman, House Joint Resolution 1227 is of crucial importance to farmers in the United States who have suffered financial losses as the result of a natural disaster and need emergency loans to keep them in business until they can recover.

Under the Consolidated Farmers Home Administration Act of 1961, FHA is authorized to make such emergency loans in any part of the United States, Puerto Rico and the Virgin Islands designated as an "emergency area" by the Secretary of Agriculture.

The Secretary may make an "emergency area" designation if he finds that a natural disaster has caused a general need for agricultural credit which cannot be met by local sources such as banks, farm co-ops, and other responsible lending institutions. The loans are repayable at 3 percent interest after a recipient farmer's income situation returns to normal.

In order to understand the need for this program, Mr. Chairman, it is first necessary to understand some basic economic facts about agriculture and farming. It takes a tremendous amount of capital to farm in the United States today. A farmer must invest thousands of dollars in machinery, land, and equipment, and have enough working capital available to put in his crop every year.

The large amount of money a farmer must spend on gasoline, labor, parts, seed, and so forth to get his crop in the ground does not come back to him until after the crop is harvested and sold. A farmer often spends almost all his working capital planting his crop, and if disaster strikes his fields before that crop is harvested, he may be left with no produce to sell and no money to prepare for next year's cycle. If he is unable to get credit, he is simply out of business, but if he can get a loan to tide him over he has a good chance to get back on his feet financially with a successful crop next year. Although my references are to field crops, the basic situation is the same for ranchers, fruit growers and other types of agriculture.

The FHA emergency loan program has been of real benefit to U.S. farmers and consumers, Mr. Chairman, and has not been an excessive burden on U.S. taxpayers. The law requires that these loans can only be given to farmers who—and I quote from the law—"have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such a loan, and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms." Since 1949, emergency loans totaling approximately $1 billion have been made by FHA, and losses have been less than 2 percent of the amount loaned.

The problem now is that an unprecedented need for emergency loans this year has resulted in a severe shortage of available funds. The emergency credit revolving fund, from which the loans are made, is virtually exhausted. The Farmers Home Administration reports that as of April 12, some 2,200 applications totaling nearly $14 million were pending in the finance office of FHA awaiting sufficient funds for the preparation of checks. In addition, FHA estimates that 5,500 other farmers will need emergency loans totaling approximately $25 million.

This shortage of loan funds has not resulted from losses, but from an unusually heavy need for emergency lending because of damage to crops, livestock, land, buildings, feed, and machinery in various parts of the United States from freezing temperatures, excessive moisture, snowstorms, and a hurricane. Farmers in my area of the Pacific Northwest have recently suffered from freezing temperatures and wind damage, and I have joined our Governor and State director of agriculture in requesting "emergency area" designations for eight counties in the State of Washington.

The legislation under consideration today would provide temporary funding of the emergency credit revolving fund to meet these pressing needs by authorizing the Commodity Credit Corporation to make advances to the fund in an amount not to exceed $30 million. Reimbursement to the Commodity Credit Corporation would come later through the regular appropriation procedure.

Favorable consideration of this bill today is important, Mr. Chairman. I would like to quote a paragraph from our Agriculture Committee report:

> Immediate action is required on this bill for the reason that farmers and ranchers are now in the process of planting their 1968 crops. To delay action until an annual appropriation could meet the needs of these people would mean many of them would be deprived of the opportunity to earn their livelihood in 1968. Credit is not available to them from conventional sources on terms long enough to harvest a crop and get it to market. The planting season is sufficiently advanced that a delay of 60 days would be too late for the majority who make use of the funds, if provided in fiscal 1969.

Mr. Chairman, I urge that this bill be passed.

Mr. FOLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I associate myself with the remarks of the gentlewoman from Washington. I wholeheartedly agree this is an emergency measure. It is very much needed.

Many farmers from coast to coast have sustained actual or potential crop damage from natural adversities. In Washington State frosts this spring have caused some damage to fruit crops and I am certain that many growers will find, as their crops develop, appreciable damage and some crop reduction. Most will require emergency sources of credit, and this legislation would authorize the availability of funds for loans to those farmers who will be unable to secure credit from conventional sources. I hope members of the committee will give this proposal overwhelming support.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, the need for this legislation is further evidenced by an extremely devastating frost which occurred in the fruit country along the eastern shore of Lake Michigan during the night of May 5–6. In the Michigan counties of Allegan, Berrien, and Van Buren, freezing temperatures lasted from 8 to 10 hours through that Sunday night. Apple orchards were caught in full bloom. Peaches, grapes, plums, pears, and sweet cherries were hurt severely, and only in the best locations where there was good air drainage will there be crops of any consequence. Southern Michigan's cherry crop was already severely damaged due to frost in April.

Shortly after this devastating frost, I received calls from orchardists in my district inquiring of the availability of Government loans to come to their assistance. I soon discovered that the Department of Agriculture administers a program of emergency loans to farmers who have suffered severe crop damage as a result of tornado, drought, flood, hail, and frost. I also ascertained that those three counties have already been declared emergency loan areas under the program. Unfortunately, we are advised, there are no present funds available out of which loans can be made to qualified orchardists. Passage of this legislation would relieve the situation by a temporary funding of the emergency credit revolving fund.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. LANGEN].

Mr. LANGEN. Mr. Speaker, I emphasize the urgency of this legislation.

Mr. Chairman, I urge all Members of this body to support the House joint resolution introduced by myself and others to authorize the temporary funding of the emergency credit revolving fund.

The Committee on Agriculture, in its wisdom, has recognized the financial crisis faced by thousands of American farmers and ranchers, and has recommended favorable consideration of this resolution.

Adverse weather conditions and natural disasters have created an unprecedented need for emergency loans by our farmers in 1,326 counties in 39 States that have been designated emergency areas. They thus become eligible for FHA emergency loans. The credit needs of these farmers cannot be met by other sources, and they cannot continue farming without credit.

The amount of money to be transferred from the Commodity Credit Corporation to the Farmers Home Administration revolving fund is $30 million. This, coupled with the $11 million that is expected to be collected on prior emergency loans through June, should be adequate to at least meet the most pressing needs for this growing season, now well underway.

The need for replenishing the emergency fund has not been caused by loan losses, Mr. Chairman. On the contrary. During the 19 years this program has been in operation, approximately 350,000 loans have been made totaling a billion dollars, but losses have been less than 2 percent, representing an excellent track record. The current need for funds stems from an unusually heavy demand for funds caused by natural disasters and conditions that were beyond the control of the farmers. The current depletion of funds available is, of course, due to the Administration's withholding of $25 million which we appropriated last year for the loan fund. Therefore, it is imperative that we act now while there is still time to assist thousands of farmers in this new growing season.

But we must act now. It would be tragic if thousands more of our farmers and ranchers were forced off the land through the inability to obtain emergency financing. I respectfully urge that favorable action is taken on this resolution to transfer $30 million as a loan from the CCC to the FHA emergency credit revolving fund.

Mr. BELCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the emergency that confronts the Farmers' Home Administration is brought about by various disasters throughout the country. The need is urgent. I think one of the greatest departments in the Department of Agriculture has been the Farmers Home Administration. It has done one of the finest jobs which has been done by anyone.

Probably there are better ways to get the funds for the Farmers Home Administration, but apparently this is the only way we can get the funds in time to do the farmers any good, so I am wholeheartedly in support of this bill.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, will the gentleman tell us why it is necessary to use this unusual procedure?

In the urgent supplemental bill, which cleared this House several months ago, the Senate put in, without any request from the Director of the Bureau of the Budget or the President, $25 million for additional funds for FHA. May I ask, is this $30 million, included in the budget?

Is it requested by the Administration? If so, when did the emergency nature of the situation come to the attention of the Committee on Agriculture?

Mr. BELCHER. I believe that probably the chairman of the committee could more accurately answer the question. However, the reason today we need to transfer the $30 million is because the Administration has not seen fit to send a request for a supplemental appropriation down to the Congress to take care of the Farmers Home Administration. The only way we can take care of the farmers whose applications are already in is to go this route. Personally I would much prefer to have been able to go the route of a supplemental appropriation, but apparently they did not see fit downtown to take that route.

I do not feel, as a Representative of a farm area, I should let the farmers down just because the Administration will not take care of them.

Mr. JONAS. May I ask the chairman of the committee if he will inform us this afternoon whether this proposal is part of the Administration's program? Is it in the budget? Has any request been made for these funds?

Mr. POAGE. Yes, there has been a request. Mr. Bertsch, the Administrator of Farmer's Home Administration testified before the committee and outlined the Department's position as being in favor of this procedure, as being the most expeditious and the only practical way of getting the money available before planting time.

Mr. JONAS. When was that testimony given?

Mr. POAGE. It was given April 30.

Mr. JONAS. I will say to the distinguished chairman of the committee that we had an urgent supplemental appropriation bill which cleared the House long before that, and since that time we have had two other supplemental requests come down from the Bureau of the Budget. If this is an emergency situation, I cannot understand why we do not get a budget request for the money.

Mr. POAGE. That is right. We had an emergency supplemental appropriation considered before the emergency developed here. At the time that bill was considered FHA was still able to make the loans. The situation kept getting worse, not only in one State but in some 30 States. It kept getting worse all over the country, until FHA had to ask for this additional sum, which was not requested in the first supplemental. After this request was made there was no reason for putting it in a supplemental, because it was already in the resolution and the resolution passed the other body. There would be no purpose in having it in two requests before the Congress.

Mr. JONAS. Has this procedure ever been followed before?

Mr. POAGE. I do not know whether it has or not.

Mr. JONAS. I would question the advisability of embarking on a brandnew procedure here which bypasses the Bureau of the Budget, which bypasses the budget and bypasses the appropriations process.

We cleared through the House in expeditious time only recently another supplemental request for $400 million to permit the Bureau of Public Roads to discharge some obligations to contractors. We could have considered this item then if it is requested by the Administration.

Mr. POAGE. This is evidently a part of the program of the administration. The administration came before us and asked for it.

Frankly, the members of the Committee on Agriculture feel we have some responsibility in this connection, and we do not take all of our orders from downtown. We had wondered why somebody else did not see fit to do something in connection with this emergency situation. Nobody else offered to do anything. There were a number of appropriation bills brought before the House. Nobody proposed in those appropriation bills to give any relief for these farmers, although 39 States were involved. We did not realize that the Appropriations Committee felt that it had to wait on a request from the Department. We felt the time had come when the Committee on Agriculture had better try to do something for agriculture and had better try to see that we made a crop this year.

We feel we now have a basis on which we can provide the needed prompt relief and that it cannot be increased. Whereas, if we should go through the procedure the gentleman is suggesting the bill would go back to the other body. The gentleman knows our experience in sending things to the other body. He cannot give us any assurance whether it will come out $30 million or $230 million. But if we adopt this method we know we will come out with no more than $30 million.

If the gentleman is interested, as I know he is, in keeping this within the range that we have fixed here of $30 million, here is a way to do it, whereas the other way may involve 10 times that amount of money, and we did not want to involve the Government in that unknown amount.

Mr. JONAS. Mr. Chairman, will the gentleman yield further?

Mr. BELCHER. I yield to the gentleman.

Mr. JONAS. The gentleman from North Carolina is not interested in doing anything except finding out what is going on and the reason why we are bypassing all of the regular, ordinary procedures. If this is an emergency, it did not suddenly arise and must have been known to the administration months ago. It must have been known to the President and to the Director of the Bureau of the Budget. I say to the gentleman that neither one asked for this money in the appropriation bill and they did not ask for it in a single one of the supplemental appropriation bills that we have already considered this year in the House. I would remind the gentleman also that the last clause in the resolution provides that this money will have to be reimbursed through appropriations hereinafter made.

Mr. BELCHER. I can say that the Committee on Agriculture moved in these other than ordinary channels for taking care of these funds because the administration had completely bogged down.

Mr. Chairman, I now yield to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Chairman, I rise in support of the resolution. As a cosponsor of this legislation I have attended the hearings before the Agriculture Committee and Rules Committee. This technique of solving the problem at hand, is the only certain and expeditious one we can use at this time. I hope the committee will approve this legislation.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman from Oklahoma yielding to me.

For the satisfaction of my friend from North Carolina [Mr. JONAS], who touched on the subject in which I am vitally interested, I would rather not take up the time during general debate, for I have an amendment to offer. I would much prefer to delay the arguments until such time as we read the joint resolution and then offer my amendment and make my remarks at that time.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. MIZE].

Mr. MIZE. Mr. Chairman, I rise in strong support of the resolution.

Mr. BELCHER. Mr. Chairman, I have no further requests for time on this side, and I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, as one of the coauthors of House Joint Resolution 1227, providing for temporary funding of emergency credit revolving fund of the Farmers Home Administration, I support its provisions entirely. Under the very capable leadership of our chairman, the gentleman from Texas [Mr. POAGE], the Agriculture Committee has responded unanimously to this condition and has evidenced every interest and desire to help the farmers who stood to lose at the inability of the Farmers Home Administration to make emergency loans because funds were exhausted.

This shortage of funds for the Farmers Home Administration has not resulted from prior loan losses by any means. The Farmers Home Administration since April 6, 1949, has made emergency loans totaling approximately $1 billion. The Farmers Home Administration collection rate is 95.9 percent of maturities. Their losses have been less than 2 percent of the amount loaned, and the revolving fund is out of money. Repayments cannot keep pace with the demand.

But no matter what the reason is at the present time, the fact is that the shortage of loan funds poses a serious and critical situation for many farmers who are unable to obtain credit from other sources. Many farmers will not be able to farm this year unless additional funds are provided. Thousands of farm families are today awaiting the outcome of this action we are now considering.

As you know farmers have been called the backbone of this Nation. They provide the food and fiber. Theirs is a day-in, day-out job. There is no chance for them to come around to individually present their cause. It is up to us to try to extend that helping hand so that those who need this financial assistance can get it. We have shown the farmers pay this money back. We can have no doubt on that score. The record of their repayment speaks for itself. The Farmers Home Administration emergency loan people are experts in their field.

Mr. Chairman, my district has always worked closely with the FHA. The most recent time was after Hurricane Beulah in September 1967. The hurricane spawned a record number of tornadoes. Sixteen south Texas counties, including nine in my district, suffered extensive damage to farms, livestock, buildings, land and so forth. There had been natural damage before the hurricane—damage from drought, dry weather. You know how it is in Texas—we have one extreme or the other going for us all the time with the weatherman. Mindful, I could recite multiple pages of how the Farmers Home Administration has helped farms in my area, in our State, rehabilitate after emergencies, I will refrain, urging affirmative action in this proposal.

Mr. HATHAWAY. Mr. Chairman, I rise in support of this legislation affecting about 10,000 farmers and ranchers.

These farmers and ranchers are operating in counties which have been designated as emergency loan areas by the Secretary of Agriculture to authorize the Farmers Home Administration to make emergency loans. These counties were designated upon the Secretary's finding that natural disasters had caused a general need for agricultural credit which cannot be met by other sources.

These farmers and ranchers are unable to obtain credit from local banks and production credit associations. They cannot continue farming without credit. They will be forced out of business and off the land unless emergency loans can be made to them. The pathetic fact is that emergency loans cannot be made to them because funds are not available for this purpose.

Presently there are 1,326 designated emergency loan counties in 39 States. There has been an unprecedented need for emergency loans this year. This increased need has resulted from—

First. Hurricane Beulah in September of 1967, which, with accompanying floods and tornadoes, did extensive damage to buildings, land, vegetable crops, and livestock in 16 south Texas counties. These counties had already experienced damage to the cotton crop because of a prolonged drought. The drought and other adverse weather conditions prevailed in 178 other Texas counties during 1967;

Second. Freezing temperatures in early November which did extensive damage to the 1967 cotton crop in many counties in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. The cotton crop was practically destroyed in most of these counties. Emergency loans are available in 339 counties in these States;

Third. Excessive moisture and freezing temperatures at harvest time in Illinois, Indiana, Iowa, and Ohio which resulted in large volumes of soft corn and seriously interfered with the harvest of corn and soybeans. Many acres were not harvested. In addition, the moisture content of harvest corn is high and prices are greatly depressed. Emergency loans are available in 58 counties in Illinois, 76 counties in Indiana, 40 counties in Iowa, and 53 counties in Ohio;

Fourth. Excessive moisture and freezing temperatures in the early fall of 1967 which seriously interfered with harvesting and damaged the quality of crops in New England, particularly in the potato area of Maine; and

Fifth. Heavy snowstorms which hit Arizona and parts of New Mexico between December 11 and 19. These storms did extensive damage to livestock, buildings, feed, and farm machinery. The greatest damage was to breeding livestock and the livestock increase crop for 1968. Very few ranchers will have any income this year from the sale of livestock increases. Thirteen counties in Arizona and four counties in New Mexico were designated as emergency loan areas because of these storms.

Because of the unusually heavy demand for loans, the revolving fund's cash assets were exhausted by the middle of March. Since that time the Farmers Home Administration has been able to make additional emergency loans only as collections are received. This is not the season of the year for heavy collections on agricultural loans and the amount of emergency loan collections during the remainder of this fiscal year are not expected to even approach meeting the needs of farmers and ranchers who have already applied for loans.

A total of 18,540 emergency loans in the amount of $89,483,900 had been made through March 29 of this fiscal year. At the same time the applications of 1,629 additional farmers in the amount of $8,297,970 were pending in the finance office of the Farmers Home Administration awaiting adequate funds for the preparation of loan checks. Also, the applications of 2,571 other farmers were being processed in the field. These applications total $14,749,380. Farmers Home Administration field personnel estimate that an additional 6,272 farmers will need emergency loans in the amount of $17,952,650 for this crop year.

It is obvious that additional funds are urgently needed. If additional funds are not provided approximately 10,000 farmers will be unable to farm this year because of a lack of credit. I think it is important to our national economy that these farmers have an opportunity to continue farming. Therefore, I have introduced this resolution authorizing the Commodity Credit Corporation to make available $30 million to the Farmers Home Administration for use in making emergency loans and to provide that the Commodity Credit Corporation will be reimbursed this amount plus interest out of a future appropriation to the emergency credit revolving fund. I am proceeding in this manner because it is the fastest method for making funds available.

The amount of $30 million plus $11 million expected to be collected on emergency loans during April, May, and June will be adequate to meet the needs I have described.

The present need for replenishing the emergency credit revolving fund has not been caused by loan losses. This program was initiated on April 6, 1949. Emergency loans have been made to approximately 350,000 farmers and ranchers in the total amount of $1 billion. Losses have been insignificant—less than 2 percent of the amount loaned.

Mr. Chairman, the proposed resolution which I cosponsored deals with the fate of 10,000 farm families. We can make it possible for these families to remain on the land by enacting this legislation—or we can fail to enact it and watch them depart into a very uncertain future. Time is of the essence in this matter. Loans are needed now for this year's farming. Three weeks from now may be too late.

Mr. DE LA GARZA of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of House Joint Resolution 1227, which is brought to the House of Representatives for consideration with the unanimous support of the Committee on Agriculture. As one of the coauthors of this legislation, I certainly want to commend Chairman POAGE and members of the committee for their very expeditious action on this emergency matter.

House Joint Resolution 1227 would authorize the Commodity Credit Corporation to make advances to the emergency credit revolving fund of the Farmers Home Administration in an amount not to exceed $30 million. This action is urgently needed because of the problems which have plagued this Nation over the past year and a half going back to Hurricane Beulah, in September 1967, and including the rain, hail, and freezing storms which have hit many areas of the country.

As a result of these and other disasters, more than 1,300 of the Nation's counties have been designated as disaster areas by the Secretary of Agriculture. And I must note that included in this list are several of the 20 mountain-valley counties which make up the Second Congressional District of California. These disasters have caused a tremendous demand upon emergency loan funds.

At the middle of last month there were some 2,250 applications for nearly $14 million in loan money pending before the Farmers Home Administration. These were ready to go and all that was needed was money. These are farmers who have suffered critically from disaster and who have no other place they can turn. In addition to this 2,250 approved applications, there are probably another 5,000 either now being processed or pending further action, awaiting some solution to the money problem.

Mr. Chairman, we are asking for an advance of $30 million from the Commodity Credit Corporation. This is an advance that will be repaid following regular appropriations. Accordingly, while all of us are concerned about expenses in Government, this is not an area where this concern is germane. First of all, I believe in the period of crisis we must rise to provide the assistance that our citizens need if they are to keep their farming operations healthy and operating and beneficial to the economy of our Nation; and, second, this is only an advance and not a grant so we are not increasing the cost of the operations substantially.

Mr. Chairman, for some this assistance comes too late. I am thinking personally of a lady whose grape crop was destroyed by hail last fall. She is one of those who was awaiting emergency loan assistance to get herself back on her feet this year. Because of the lack of money in the fund, her grapes have not received the irrigation they need and the vines have died.

Let us not permit this tragedy to occur in other areas where we can, by quick action on the part of this Congress, make emergency funds available to those who have been temporarily crippled by natural disasters.

Mr. DE LA GARZA of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. HUNGATE] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUNGATE. Mr. Chairman, the resolution which we are considering would provide assistance for farmers who have suffered from natural disasters. It would transfer $30 million as a loan from the Commodity Credit Corporation to the Farmers Home Administration's emergency credit revolving fund. Money then would be available for the relief of farmers who operate in areas designated by the Secretary of Agriculture as "emergency loan areas."

A series of disasters throughout the country—hurricanes, freezing temperatures, excessive moisture, heavy snowstorms, floods—depleted FHA loan funds, making it impossible for all eligible farmers to obtain assistance to meet their needs. They require immediate help because they are in the process of planting 1968 crops and to delay action until approval of an annual appropriation would deprive them of the opportunity to earn their livelihood. Because many of these hard-pressed farmers cannot obtain credit from other sources they are dependent upon emergency loans from the FHA fund.

Between April and August of 1967, Missouri agriculture was beset by abnormally cool weather, excessive rainfall, and severe flooding. Cropland in 59 Missouri counties was damaged as 226 levees were broken by massive floods. The Department of Agriculture has named 21 of the 26 counties in the Ninth Congressional District as eligible for emergency loan assistance.

I recognize the difficult tight money situation facing us, but lending is not spending and the same tight money situation faces each of these disaster-stricken individual farmers. There are more than 7,000 farm families who are awaiting our action on this resolution. I respectfully urge approval of House Joint Resolution 1227.

Mr. CULVER. Mr. Chairman, today, the House of Representatives is scheduled to consider House Joint Resolution 1227, to authorize the temporary funding of the emergency credit revolving fund of the Farmers Home Administration.

This legislation was important to many farmers in my congressional district when it was reported from the House Agriculture Committee on May 1. But with the devastating tornadoes which occurred last week, it has assumed even more immediate and critical significance for Iowa farmers.

In Fayette County alone, at least 20 homes and 45 farm buildings were seriously damaged by the sudden storm, and preliminary estimates place the loss figures at $1 million in just that one isolated area.

The emergency credit revolving fund of the Farmers Home Administration provides the best source of assistance to these farmers, who cannot hope to recover these losses through ordinary credit means. Yet that fund has been exhausted.

Unless we take immediate steps to add money to that fund, these farmers and other operators all over the country like them, will not be able to plant and harvest a crop this season. Few farmers can afford to miss an entire crop year, and many will be forced out of farming completely unless assistance is forthcoming.

Even before last week's storms, which struck not only Iowa but wide areas of the entire Middle West, the Department of Agriculture had advised the Congress that more than 2,200 farmers and ranchers had submitted applications for nearly $14 million in emergency loans. The Department estimated that another 5,500 needed loans totaling close to $25 million.

The legislation before the House today, combined with the amount to be collected in interest and repayment in the revolving fund, will help to meet the most urgent needs for the remainder of the current fiscal year.

I would point out to all of those concerned about economy in the Federal Government that this legislation does not require any additional expenditure of funds. It merely transfers existing funds from the Commodity Credit Corporation, which are not presently being used, to the emergency credit fund. It is intended that the CCC will be fully reimbursed from further funds.

Mr. Chairman, the record of the revolving fund indicates the soundness of this investment. Since it was established nearly 20 years ago, approximately $1 billion has been loaned from the fund. The collection record is 95.9 percent of maturities, and losses have been less than 2 percent of the amount loaned.

Mr. Chairman, because of a long-standing commitment to deliver a commencement address in my congressional district tonight, it may be necessary for me to leave for Iowa before the vote on this legislation today.

However, I cannot emphasize strongly enough the vital importance of this measure, and I am confident that the House will approve this resolution today, so that farmers in designated disaster areas throughout the country can begin their recovery efforts and continue their operations in the current crop year.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 1227

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed $30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: Strike out everything after the enacting clause and insert in lieu thereof the following:

"That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, to supply a supplemental appropriation for the fiscal year ending June 30, 1968, and for other purposes, namely:

"DEPARTMENT OF AGRICULTURE

"Farmers Home Administration

"For an additional amount for the 'Emergency Credit Revolving Fund', $30,000,000 to remain available until expended."

Mr. MICHEL. Mr. Chairman, I do not argue with the objectives of this joint resolution, but only with the means of achieving the objective. There is no question but what the Farmers' Home Administration is in a bind. You will recall that during the debate on the regular agriculture appropriation bill we made the point that we probably would have provided $50 million more in that bill were it not for the limitation we imposed upon ourselves to keep our overall bill 5 percent below last year's expenditure level.

Now, Mr. Chairman, this is an emergency situation. The normal procedure would be, as the gentleman from North Carolina [Mr. JONAS] pointed out so ably for us to get a supplemental budget request, from the Administration if there really is a serious problem. Then hearings would be conducted before our Agriculture Subcommittee on Appropriations, and then action taken by the full Appropriations Committee in due course.

The problem is two-fold, first the reluctance on the part of the administration to come forward with a budget estimate. And, second, a supplemental would probably, if it did get voted on in this House, could conceivably go across to the other body and be loaded down with a multitude of other items to make it completely unacceptable to most of the Members of this House.

So, here we are. Planting time is upon us and we are just up against it like we have never been before. It is an emergency situation.

But, Mr. Chairman, I do object to the use of this back-door approach to the Commodity Credit Corporation, because time and time again people on the floor of this House have objected to our voting vast sums, billions of dollars, to restore the capital impairment of the Commodity Credit Corporation. And what we are doing here is using this mechanism by which we are not anteing up anything, now, but you wait a year or a year and a half from now when we have to restore CCC's net realized losses, then we will have to cough up and pay the bill in dollars appropriated.

Mr. Chairman, it seems, as the gentleman from North Carolina said, to be a bad precedent for us to use this mechanism. Conceivably the Committee on Agriculture could fund all the activities of the Department of Agriculture through the Commodity Credit Corporation and then there really would be no reason for our appropriation subcommittee sitting, except to restore 1 year or a year and a half afterwards the net realized losses of the Commodity Credit Corporation.

So it does set a very bad precedent. And as long as we do have this multibillion-dollar corporation we ought to be very much aware of what we are doing here.

I certainly do not want to be the culprit here by holding up or denying to to the farmers these much-needed loan funds. However, I would like to have some assurance to the effect that this is a very unique kind of situation, it is an emergency situation, and it will not be setting the kind of precedent that would lead to this becoming a normal routine procedure for the legislative Committee on Agriculture to pursue.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. POAGE. I would like to say that I think the gentleman from Illinois has analyzed this fairly and clearly to the effect that this is not the best method of handling the financing difficulty of the Farmers Home Administration; and that it is not the plan of the Committee on Agriculture to use this as a means of normal financing. We simply find ourselves in the position that planting time is almost over in most of the United States. If the money is going to do the farmers any good it must be there next week and not next month. If we put any item on here, it has to go back to the other body. If you want that to happen, it is going to delay us at least a week, while right now action is urgent in order to keep the program going. If the other body should decide to make other changes and use this as a horse to load a good many other burdens onto, it would effectively kill the whole program. For that reason and only for that reason I would hope that the gentleman from Illinois might see fit to withdraw his amendment, not because we find fault with the purpose of the amendment, but because we know of one way of achieving this now and that is to use this method which really gives you the assurance now that the procedure to which the gentleman from Illinois has previously referred will not be followed in the future.

I am sure that the ranking minority Member will give like assurances that we do not intend to make it a practice of using it, and we do consider this to be a unique situation.

Mr. MICHEL. I appreciate having that statement by the chairman, and I would hope that the gentleman from Oklahoma [Mr. BELCHER] might see fit to see it the same way and give us that similar assurance, because I believe we ought to have it very clearly spelled out in the proceedings of this RECORD that it is unmistakably one of those kind of unique situations which we do not expect to come up again.

Mr. BELCHER. Mr. Chairman, if the gentleman will yield, I would say to the gentleman that I regretfully consented to this type of method being used. I believe it would have been much better, and I would certainly have preferred that the Department of Agriculture had requested a supplemental appropriation for this purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. BELCHER, and by unanimous consent, Mr. MICHEL was allowed to proceed for 3 additional minutes.)

Mr. BELCHER. If the gentleman from Illinois will yield further, I am sure that the Committee on Appropriations, knowing the situation of the Farmers Home Administration, would have at the very earliest possible time have appropriated the $30 million. That procedure was not followed. The Director of the Farmers Home Administration came down to the Committee on Agriculture, and asked us to use this procedure because to use any other procedure at this late hour would certainly have—well, it would just completely have let down the farmers who have suffered disasters. It is only for that purpose that I did consent to this type of operation at all.

I certainly hope that all the administrations in the future will see fit to use the appropriation route, and not this particular method. I most certainly do not want this to establish any precedent or give anybody the idea that at any time in the future we will start adopting or will again adopt this same procedure.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman from Oklahoma [Mr. BELCHER], adding to the assurances given on the part of the chairman of the committee, and on the assurances of both the chairman and of the ranking minority member, I would ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MYERS. Mr. Chairman, would the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I rise in complete support of this resolution of which I am a cosponsor. The question has come up this afternoon that the procedure used to obtain the much-needed funds is not proper or questions the precedence of the House. The further question is if this is really an emergency. Let me say that I discovered in mid-March while back in Indiana that the Farmers Home Administration was out of money with many applications for loans unfilled. Upon returning to Washington, I called FHA and was told that legislation was to be introduced to help alleviate this problem. I joined in this procedure which I am certain is the fastest way to help these needy farmers. I think we can say that the Department of Agriculture and the FHA failed in correctly anticipating the need for adequate funds to loan this spring. The question today is are we going to help these farmers by passing this legislation? I am confident that all of us are willing and want to assist in this problem by voting for House Joint Resolution 1227.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the emergency credit revolving fund, pursuant to House Resolution 1173, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 168) to authorize the temporary funding of the emergency credit revolving fund, an identical resolution to the one just passed and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 168

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed $30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1227) was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROGRAM FOR WEEK OF MAY 27, 1968

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for the rest of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, the program for the week has been completed.

The program for next week is as follows:

On Monday, District day, there are four bills.

H.R. 15280, to amend the District of Columbia Public Education Act so as to make Federal City College a land grant college;

H.R. 17417, to prohibit extortion in the District of Columbia;

H.R. 16948, to remove at the expense of the District of Columbia buildings destroyed in riots or other civil disorders; and

H.R. 17414, to provide for the prevention and control of air pollution in the District of Columbia.

In addition to the District bills, there are two bills as follows:

H.R. 17324, extension of Renegotiation Act—open rule, 2 hours of debate; and

H.R. 14907, Federal Credit Union Act Amendments—open rule, 1 hour of debate.

On Tuesday, the Departments of State, Justice, and Commerce, the judiciary, and related agencies appropriations bill, fiscal year 1969.

On Wednesday with reference to the bill, H.R. 15414, the Tax Adjustment Act of 1968, there will be a motion to instruct the conferees, about which the gentleman from Massachusetts [Mr. BURKE] advised the House yesterday.

There is also scheduled for Wednesday the bill, H.R. 15794, the U.S. Grain Standards Act, under an open rule with 1 hour of debate.

I may advise Members now, as we have previously advised the House, that there will be no legislative business from the close of business on Wednesday, May 29, until noon, Monday, June 3.

This announcement is made, of course, subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

ADJOURNMENT OVER UNTIL MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, on this vote next week on the Tax Adjustment Act, that would in no way involve the conference, or the work of the conference, would it?

Mr. ALBERT. It would instruct the conferees on one issue, and that is all. It is a motion to instruct the conferees to go back to conference, as I understand it, for the purpose of insisting on a $4 billion cut rather than a $6 billion cut.

Mr. GROSS. But the work of the conference is done. But the conference report has not reported to the House, however; is that correct?

Mr. ALBERT. That is correct.

Mr. GROSS. The gentleman does not expect the report of the conference before the Memorial Day recess?

Mr. ALBERT. I have been advised by the gentleman from Arkansas, the chairman of the Committee on Ways and Means, that he will not be prepared to file the conference report before this matter is brought to the floor.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. SANDMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SANDMAN. Mr. Speaker, when the vote was taken on the bill, H.R. 8578, I was detained at a meeting downtown on official business for my congressional district. I was not here to answer rollcall No. 151. If I had been here, I would have voted in the affirmative.

PRESIDENT JOHNSON'S SIGNATURE GETS DEPARTMENT OF TRANSPORTATION STUDY OF AUTOMOBILE INSURANCE AND RELATED PROBLEMS UNDERWAY—PROGRESS REPORTS TO CONGRESS PROMISED AT 3-MONTH INTERVALS

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, yesterday I had the privilege of attending the Presidential signing of legislation authorizing the Department of Transportation to conduct a 2-year study of the automobile accident compensation system. It is encouraging to report that President Johnson's comments on this legislation were largely directed to the immediate problems of the Nation's automobile insurance system rather than to academic concern with revision of the tort negligence system. Indicating the major scope of the investigation, President Johnson said that the study should ascertain "why insurance premiums have jumped so suddenly—up 44 percent in the last 10 years."

The President also stated that he wanted to know why access to automobile insurance is not available to all and the reasons that have caused many insurance companies to fail, leaving thousands of policyholders helpless.

In view of this Presidential concern and interest, the legislative history underlying the Department's authorization and the immediate importance of the automobile insurance crisis, it would seem that Secretary of Transportation Boyd should direct that the existing problems of arbitrary policy cancellations, soaring premium rates, insurer insolvencies, and State insurance regulation be probed first. By structuring the investigation to first examine these critical existing problems in the insurance industry, interim reports to appropriate congressional committees would permit immediate formulation and enactment of remedial legislation. It would seem probable that this phase of the investigation could be completed within 1 year with the remaining year being devoted to the more academic task of evaluating and formulating alternatives to the present tort system of accident compensation.

In this manner, the American public's concern with immediate insurance reform, as expressed by President Johnson's comments yesterday, can be met without unnecessary delay. Similarly, it is clear that if remedial legislation is to be enacted without unnecessary delay, the Congress, its individual Members, and its appropriate committees must be kept informed of the progress and current results of the investigation.

The legislation authorizing the study, of course, require submission of interim reports by the Secretary of Transportation to the Congress. I am sure that the interested committees and their staffs will look forward to receiving, examining, and evaluating these reports with a view to possible legislative solutions. Moreover, for my own part, as one keenly concerned with the success of this investigation, and in order to keep the Members and the public informed of its progress, I promise to report on investigation developments every 3 months during the course of the study.

HAPPY MOTHER'S DAY, MISS WALKER

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, considering all the attention being focused upon the so-called poor people today, I would like to insert in the RECORD the following news article from the Main Line Chronicle of May 9, 1968, about a 23-year-old welfare recipient who lives with four of her five children in her mother's house and collects relief for her children, who were begat by four different fathers.

Mr. Speaker, I think this article is a perfect example of the harm being done by our current welfare approach and I would like to insert it in the CONGRESSIONAL RECORD for the benefit of those misguided people who think that government handouts are the answer to social progress:

HAPPY MOTHER'S DAY, MISS WALKER—MOTHER ON RELIEF DISCLAIMS RESPONSIBILITY FOR CHILDREN

Barbara Walker, a 23-year-old Bryn Mawr mother who lives with four of her five children in her mother's house at 29 Prospect Ave., collects relief for her children, who were begat by four different fathers.

She was summoned before Magistrate Seymour L. Green last Thursday on a complaint by Eleanor Flom, an attendance officer at Bryn Mawr Elementary School, because one of the children, Thomas Lee, had been absent from school 72 days out of 151. Miss Walker insisted that the children were the responsibility of her mother.

"Why hasn't Tommy been in school?" Magistrate Green asked the petite defendant.

"My mother—we live with her—is supposed to get the kids to school," Miss Walker answered.

"But the children are your responsibility, not hers," the Squire reminded her.

"Oh, no," was her reply, "my mother is responsible for the kids. She takes care of them."

DOESN'T WORK DURING DAY

"Do you work during the day?" Mr. Green wanted to know. There was no reply.

"Look, Barbara," the judge went on, "unless you work you're in charge of these kids. You're supposed to get them up and dressed, give them a good breakfast and get them off to school. You can't expect your mother to take care of them."

"No," Miss Walker replied, "my mother is supposed to do all that. She is really responsible for them—she just doesn't have guardian's papers."

"Well, why aren't the kids in school?" the Magistrate inquired.

"I don't know. I get up in the morning and my mother'll come upstairs and tell me Tommy has a fever and she kept him home."

"What time do you get up?"

"Oh," Miss Walker estimated, "about 10."

"Ten o'clock!" the Squire exclaimed. "The morning's almost gone! You have a family to take care of."

"They're not my responsibility," the defendant repeated.

"Tell me," said the Squire, changing his tack, "do you get any money from these children's father?"

"Fathers," Miss Walker corrected him. "No, I don't. I get a welfare check."

"And how much is that?"

"It comes every two weeks and it's $80.80."

"Hmmm," Mr. Green pondered, "that's not very much money. Is that your only source of income?"

"Yes, it is," Miss Walker affirmed.

"Do you pay your mother rent?"

"Yeah, I pay $80 a month."

"How many people live in the house?" was Mr. Green's next question.

"Well, me and my four kids and my mother and another man."

"Oh," suggested Mr. Green, "is he a boarder? Does he pay rent too?"

"I don't think so," the defendant replied.

"Well, anyway," the Magistrate continued, "why aren't some of these men helping you out with the children?"

"They won't," she answered simply.

"Well, if you want to sue, I'll help you out," he assured her. "They should be giving you some money for the children."

"For now," he went on, "I just want to tell you how important it is that these kids get an education. They've got to go to school. If you let Tommy stay out now he's just going to become more of an outcast."

Mrs. Flom, the truant officer, spoke up. "Tommy has to be moved to the next grade. He's not prepared for it, but he's too old to keep back."

"Now, you see?" the Squire pointed out. "Tommy looks like a bright little boy. I don't think he's a dummy. But he's going to act like one if he doesn't get to school every day. It's just going to get worse and worse. His education is important—he's only going to have a lot more problems if he doesn't go to school."

"I'm not going to fine you," Mr. Green concluded. "You need the money a lot more than the school does, or I do. But you get these kids to school."

FEDERAL EMPLOYEES "FREEDOM OF CHOICE" ACT

Mr. HALL. Mr. Speaker, inasmuch as we are having 1-minute requests in spite of coming in early in order to avoid meeting on Friday, I ask unanimous consent to address the House for 1 minute, revise and extend my remarks, and include pertinent material.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, it is my understanding that the Johnson administration is in the process of implementing another "beneficial," but despotic decree; that would go one step further in destroying the rights of the individual and further violate the principle of separation of powers by the usurping of congressional authority. This "decree" or proposed Executive order is allegedly the result of recommendations that the President's Labor Management Review Commission may present at any time. The recommendations will call for changes in President Kennedy's Executive Order No. 10988, which now controls labor-management relations in the Federal Government. From all indications the suggestions are most likely to include provisions for compulsory union membership for Federal employees.

In anticipation of this "Imperial Fiat," I am introducing a bill that will guarantee the Federal employee his "right to refrain" from union membership and checkoff dues. In other words, this legislation would safeguard the right of Federal employees and civil servants to join, or not to join, a union. This bill uses the language that President Kennedy set forth in his Executive order of 1962 when he said:

> Employees of the Federal Government shall have and shall be protected in the exercise of the right, free and without fear of penalty or reprisal, to form, join and assist any employee organization, or to refrain from such activities.

Mr. Speaker, I fail to see how circumstances have changed within the last 6 years to warrant any change in the Kennedy policy. I further fail to see why such a basic right, which is involved here, should be subject to the private whim of the President, or a commission of the so-called "experts," thus bypassing Congress and the American people. If any change in policy is required it should come from the people, themselves, through the legislative route of congressional action—never from the onslaught of authoritarian decrees.

Much support from the "right to refrain" on the part of Federal employees has emanated from all parts of the country and from all segments of our society. Among the comments that have been generated from the district I am privileged to represent in Missouri is an editorial that appeared in the May 15, 1968, edition of the Joplin News Herald, of Joplin, Mo., entitled "Chaos Can Result From Compulsion."

Mr. Speaker, I commend these thoughts and this editorial to all of our colleagues in both bodies of the Congress, and urge their support of the bill.

The editorial referred to follows:

CHAOS CAN RESULT FROM COMPULSION

We've seen something of the chaos which results as governmental employes organize into collective bargaining units and then strike in support of some demand or another. First it was New York City, as the garbage collectors struck and piles of stinking refuse littered the streets.

Then it was Memphis, with that strike resulting in the arrival of the Rev. Martin Luther King Jr. to assist the almost entirely Negro garbage collectors bargaining unit. Then Dr. King was murdered and the nation was treated to a dose of rioting in the wake of that shooting.

Now, there is a push on within the Department of Labor to circumvent the intent of an executive order issued by the late President John F. Kennedy which gave employes of the federal government the right to form or join or to refrain from forming or joining any employe organization.

Under pressure from the AFL–CIO, the Department of Labor has now come up with a plan whereby federal employes could legally be required to pay a "service charge" to unions on the grounds that all employes are benefitted in agencies where unions have exclusive recognition.

The plan has not been put into effect, and it is understood that President Johnson is having some second thoughts about it. But now, the very language of President Kennedy's executive order in 1962 has been incorporated into a bill introduced the other day in the U.S. Senate by Senator Wallace Bennett, Utah Republican.

The bill says "Employes of the federal government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employe organization or to refrain from any such activity."

The Bennett bill does exclude any organization which "asserts the right to strike against the government of the United States or any agency thereof, or to assist or participate in any such strike or which imposes a duty or obligation to conduct, assist or participate in such strike."

However, other such clauses have been involved in laws and ways have been found to circumvent them. There is no place in our opinion, for strikes against governmental agencies. It leads only to chaos and more chaos. And the people foot the bill, inevitably, for the higher costs involved.

Organized labor has been able to grow to a point of massive strength in the United States, not just because every man who belongs to a union just can't wait to get in. In a great many cases, he joins a labor organization because he is unable to get the job he wants without so doing. He pays his dues, usually through some company checkoff plan, and the money goes to finance things which the individual member may or may not approve of in all kinds of spheres which are not necessarily related to improved working conditions.

We do believe that any governmental employe should have a right to refrain from forming or joining such an organization if he so desires. It's a basic human right, recognized by President Kennedy in 1962 and with full validity today.

BRUTAL ATTACKS BY SO-CALLED JUVENILES MUST STOP

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, there is nothing we can do to bring back the life of the busdriver who was murdered a few days ago when attacked by four so-called juveniles. There is little if anything we can do in connection with the immediate problem of our continuing to have public transportation in our Nation's Capital.

There is however something we can do and must do for the safety of our busdrivers and for the safety of our streets. And I do not have in mind a Federal subsidy to provide for "shotgun riders" on all our buses.

A large number of the crimes on the buses and on the streets are committed by youngsters under the age of 18 with a long record of crimes. Much of our difficulty stems from our juvenile court and our law relating to juvenile crimes.

I have urgently recommended to the chairman of the District of Columbia Committee that the age of those considered juvenile and subject to juvenile court jurisdiction be lowered to 16. Even kids must be required to obey the law.

I have also urgently recommended that the District of Columbia Committee immediately make an inquiry into the policy and procedures followed by our juvenile court.

It comes within my knowledge that a great many of these so-called juvenile cases never actually come before any one of the three judges. They apparently are tearfully handled by idealistic social workers. Without revealing the names of the four suspects now in custody who murdered busdriver John E. Talley, let me read for you the record of each of them:

Suspect No. 1: Robbery with force and violence, simple assault, carrying a dangerous weapon, simple assault, simple assault, assault with a dangerous weapon, assault on an officer.

Suspect No. 2: Simple assault, unauthorized use of an auto, unauthorized use of an auto, robbery with force and violence.

Suspect No. 3: Petty larceny.

Suspect No. 4: Robbery with force and violence.

The question now is whether the juvenile court will grant a waiver of jurisdiction that these individuals may actually be brought before a judge and know what law and justice actually is. Up until now the juvenile court has apparently slapped them on the wrist for their offenses and told them to go home to their parents and be good boys.

A CONSUMER PRESIDENT—A CONSUMER CONGRESS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, last year, in his consumer message to the Congress, President Johnson reviewed the history of consumer legislation in America, going back to the administration of President Grant. He cited the important consumer accomplishments of the 89th Congress. Then he called upon the 90th Congress to carry this progress forward. The first item on his agenda was enactment of a truth-in-lending bill. Objectives of the bill were to assure "full and accurate information to the borrower, and simple and routine calculations for the lender."

Today, the truth-in-lending bill awaits only the signature of President Johnson to become the law of the land. Congress responded magnificently to the President's recommendation. Passage of this bill, however, has a significance far beyond the protection it will afford to American consumers. This bill signifies the clear intention of Government to protect the interests of that sometimes forgotton American—the consumer.

Just 3 months ago, in a message to the Congress, President Johnson said:

> President Truman once observed that while some Americans have their interests protected in Washington by special lobbying groups, most of the people depend on the President of the United States to represent their interests. In the case of consumer protection, however, the President—and the Congress—speak for every citizen.

This has certainly been true in the last two Congresses. Never before have the interests of consumers been so vigorously advanced. Bill after bill, some of them landmarks in consumer protection, has issued forth from the Congress. The President has also shown the way through executive action. He appointed a Special Assistant to the President for Consumer Affairs. He established the position of Consumer Counsel in the Justice Department. He has directed the spotlight of attention on the problems of consumers.

This executive-legislative partnership has advanced the cause of consumer protection to unprecedented heights of achievement.

I congratulate the President and the Congress, and I am proud to have played a part in this process.

NO PLACE FOR HUNGER IN A RICH LAND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, because I have lived so long and been both participant and observer of many changes, I am not discouraged by mounting evidences of uneasiness at home. All life is change. An existing status quo no sooner is established than another status quo is forming for its replacement.

Women suffrage was ushered in by demonstrations and parades that publicized respectability condemned as unseemly. The Boston Tea Party was not the offspring of pompous dignity.

Washington's soldiers when the war was over and they felt neglected in their famished quarters in New York State marched on the Congress to demand relief.

Coxey's army of 20,000 unemployed at the turn of the century and the bonus march in the hard days of depression and neglect after World War I were dramatic expressions of distress and a cry for relief from conditions that were hard and seemingly unbearable.

With faith and with courage we can rebuild our cities to eliminate completely rat-infested slums and hate-generating ghettos. By wise planning we can effect a more equal distribution of our population over the millions of rich acres in our country, relieving the congestion of our big cities by locating more factories and other employers of labor in our villages.

With the abiding sense that the first mission of government is to advance human welfare and contentment, we will work toward a guaranteed wage and a drastically reduced hour work week. With new steel mills, reducing labor requirements by 30 to 50 percent already under construction, the problem is one of immediate concern to us in the steel-producing district I represent.

And if our will remains firm and our courage holds out, we in this United States of ours will have proved to ourselves and to the world that in a land of plenty there is no place for poverty.

As long as only one child in all this vast and rich country of ours goes hungry to bed to wake to another day of hunger we have work ahead unaccomplished.

I wish the 90th Congress might go down in history as the Congress that actually came to grips with poverty and with a hunger that never should be permitted to endure in a land of plenty.

THE NUCLEAR INDUSTRY TODAY

The **SPEAKER** pro tempore (Mr. Matsunaga). Under previous order of the House, the gentleman from California [Mr. Hosmer] is recognized for 5 minutes.

Mr. **HOSMER**. Mr. Speaker, there may be some general interest in the remarks I am making later today at the Nuclear Fuel-Exploration to Power Reactors Conference in Oklahoma City. They are reproduced below:

The Nuclear Industry Today: The Way I See It

(Remarks of Representative Craig Hosmer (Republican of California) at the "Nuclear Fuel-Exploration of Power Reactors" Conference, Skirvin Hotel, Oklahoma City, May 23, 1968)

The rapid pace of events in the nuclear business over the past 2½ years has obscured the relative historical life-time of our industry. For example, it was less than 30 years ago that the fission of the uranium atom was first observed on a minute laboratory scale, and only 25 years ago that the Italian Navigator landed in the new world. The civilian program to develop peaceful uses of the atom was launched a short 22 years ago, and the Atomic Energy Act of 1954, which gave birth to the nuclear industry, is only 14 years old.

Peacetime nuclear products now are commonplace vehicles for progress in many scientific and industrial fields. Nuclear electric generation is as American as apple pie, encompassing a complicated industrial process from raw materials to reactors to recycling and back again to reactors. It has become an important, multi-billion dollar segment of our economy.

Yet all of this was unthinkable less than 23 years ago when the atom burst explosively and fearfully into the public awareness. And when the atom was civilianized by the Atomic Energy Act of 1946, its authors labeled it a "radical" piece of legislation, asserting:

"The act creates a government monopoly of the sources of atomic energy and buttresses this position with a variety of broad government powers and prohibitions on private activity. The field of atomic energy is made an island of socialism in the midst of a free enterprise economy."

But that island has disappeared, and our industry merged into the mainstream of American life with such swiftness that many of its legendary pioneers are still on the scene, and can be found inspiring and enriching occasions such as this. Except for isotope enrichment and public liability, our industry today is controlled almost totally by the free economic forces of private enterprise. We may all take pride in this modern miracle because we have played some part in producing it.

At this point, I would like to establish for myself one groundrule—namely that when I speak of "we" I am referring to the nuclear industry in its broadest terms, plus the Atomic Energy Commission and the Joint Committee on Atomic Energy. Perhaps I should refer to the industry as "you," the AEC as "they," and the Joint Committee as "us," but I regard all three segments as a single enterprise called the nuclear business. Each has been a full partner with the others, working toward a common objective.

A BRIEF LOOK AT WHAT WE HAVE ACCOMPLISHED

This unique partnership stems from the historical accident that in the late 1930's the United States became a haven for brilliant European scientists fleeing from Nazi tyranny. These men were fearful and they were persuasive, and they got us into the weapons side of the business.

Thus, when the AEC first met on January 2, 1947 and the atom was transferred from military to civilian control, we already had a $2.2 billion going business, employing more than 40,000 people and operating 37 installations in 19 states and Canada.

On that date began the laborious process of tearing down—brick by classified brick—the wall of secrecy surrounding everything nuclear and eroding away the island of atomic socialism. In just eight years, the free flow of people and ideas between the government and non-government nuclear communities reached proportions that enabled Congress to pass the Atomic Energy Act of 1954 with its landmark objective of encouraging widespread public participation in the nuclear field.

The distance we have traveled since 1954 has been almost unbelievable. Starting from scratch in the power reactor business, we find ourselves today with 16 nuclear power plants on the line, totalling about 3,000 megawatts of capacity and with additional plans sufficient to bring these totals to 105 plants and a massive 73,000 megawatts capacity.

The 1954 act decreed that this be accomplished "without undue risk to the common defense and security." And so it has. The Act also charged us with protection of the public health and safety. It has been protected. For the record, I would like to point out that no member of the public has ever been injured because of the operation of any civilian nuclear power plant, period.

This safety record has helped us achieve one of our major objectives—public acceptance. Who would have predicted 10 years ago that the residents of Burlington, New Jersey, would make a loud public outcry because they *didn't* get a nuclear plant in their midst, or that a public opinion survey in California would show that two out of three people favor having such a plant in their neighborhood?

But so much for tub-thumping recitation of past accomplishments. What about the problems we still face? For tonight's discussion I have selected three from many which seem timely and important. They are: *first*, the dilemma of the utilities and the reactor suppliers; *second*, the march on Washington by the super-regulators, who would extend bureaucracy's dead hand over every last kilowatt in the country; and *third*, the private enrichment problem.

THE UTILITIES

When God blessed America, He reserved a special smile for the electric utilities. In their service areas, they are essentially free from competition. The dynamic character of our society provides them with an automatic annual growth. Presumably, their profit is assured by benevolent rate regulators. That leaves them only two relatively simple tasks—keeping up with the load growth, and finding the money to finance it.

Admittedly, this is something of an oversimplification. Running a good utility does require enormous administrative skills, but the nature of the business is such that these skills largely have been focused inward on each company's own individual problems rather than outward on the industry's common problems.

I suppose the "herd syndrome" in ordering new generating capacity is the most costly consequence of this tendency. In combination with the great nuclear boom of the past 2½ years, it has put a strain on equipment manufacturers' facilities of magnified proportions.

True, load growth is somewhat cyclical, but not nearly as cyclical over the years as new plant orders. Somebody makes an optimistic speech about load growth, and everybody rushes out to order a new plant. This results in a feast-or-famine business for the generating equipment suppliers.

And since most capacity is ordered during the feast cycle, most of it is bought on the high rather than the low cost side of the average. The establishment in recent years of large regionally integrated power pools has had a dampening effect on this sine wave, but other events have combined to expand it.

The great Northeast blackout in 1965 spurred a hump of new plant orders nationwide. Air pollution considerations account for some nuclear plant orders and just plain keeping up with the Jones' and the Con Ed's accounts for others. Delays and uncertainties in getting both nuclear and conventional plants started up and on the line has stretched lead time and thereby accelerated orders. Rising interest rates and escalating inflation have further acted to bunch orders and overwhelm manufacturers' production capabilities.

Perturbations like this were costly enough when a giant plant was all of 250 megawatts and the dollar was worth 100 cents. But today when new installations are running to the 1000 megawatt range and are being bought with 75 cent dollars, the situation is infinitely worse.

The electric utilities have not done a good job as an industry in solving the cyclical problem. They have done a bad job because they have failed to take an industry-wide approach to it. One consequence is the coming wave of rate increase applications to public utility commissions. Another is a serious delay in clarifying the economics of nuclear electric generation. Power has been generated by conventional means for a long time, and there are many decades of experience to clear the fuzz on the conventional economic picture caused by erratic cost escalations. But there simply is no similar history to help clarify the nuclear picture.

Billions of dollars are being poured into nuclear plants by American utilities and not a single plant—built, building, ordered, announced or wished for—has been declared of "practical value" as that term is used in Sec. 102 of the Atomic Energy Act.

I cannot fault the utilities for their enthusiasm for nuclear power. Basically, they are betting that the dynamism of the nuclear industry will continue to spawn technological and economic improvements and help alleviate environmental problems. Their hope is that five or six more years of experience will smooth out some of the wrinkles in the nuclear field, particularly on the regulatory side. I think it's a good bet—not a sure thing, but a very good bet nonetheless.

However, there are some unpleasant facts of life of which those in the utility field must be aware. *First*, the trend of continually reduced economics in an environment of steadily rising costs may exceed the capacity of even modern technology to counteract. In short, nuclear power may not be a universal economic panacea. We may have to reconcile ourselves to some modest increases

in power costs, at least until the breeder arrives in full force. If we can even hold the line at today's cost level for the next few years, that alone will be a significant achievement.

Second: Construction delays, which are now so widespread in the utility business. While minor technical problems in conventional plants may have no effect on operating schedules, nuclear plants present special problems.

Our business lives in a fishbowl. Even our small problems—even our small non-nuclear problems—are subjected to vast official and public scrutiny which magnifies the difficulty and delays its solution. A fire in a switchgear room may be relatively routine in a conventional plant, but in a nuclear plant it sets off a flood of press releases, and letters and telephone calls, reports to AEC, compliance investigators, and other commotion which tend to overdramatize the problem.

In short, go ahead and buy nuclear, but plan very carefully. To quote one of my friends Harold Price's great understatement: "Don't plan on when you need the power."

THE SUPPLIERS

Reactor manufacturers and the other nuclear equipment suppliers must also share part of the blame for the cyclical state of affairs. To their credit, they have given us a viable nuclear supply business, whatever that is—and I suppose it is mostly a feeling of confidence that they'll neither go broke nor get out of the business, and that eventually they'll make a lot of money.

The blame comes partly from their knee-jerk response to orders before adding production capacity, rather than anticipating them. It also comes from unstrained application of what economists call dynamic pricing policies. When orders for nuclear plants were few and far between, the suppliers offered turnkey jobs, loss-leader prices, start-up deadlines, performance guarantees and whatever else it took to snatch business from a competitor. They've never opened their books, but we all suspect they absorbed fairly large losses just to establish a nuclear market.

The theory was to take a beating on the first plant if need be and make it up on the next four. Unfortunately, the number of suppliers playing the game in relation to the amount of business in the early years probably caused losses to be accepted not just once but several times in a row. In addition, the manufacturers no doubt were victims of the same uncertainties which have hit the utilities—the ever-changing regulatory picture, inflation, design changes, construction delays, and so forth. It is probable that the manufacturers got hurt worse than they expected on their earlier plants.

Now that the ordering is on the feast cycle, my feeling is that today's prices and delivery terms take into account not only relatively quick recovery of the earlier losses, but assurance of a comfortable current profit as well.

This distortion of nuclear plant prices—first low, then high—obscures a key element in assessing the true economics of nuclear power generation. Its present high side of the price scale threatens to discourage some future nuclear plant sales. It even may kill off some plants already announced. Specifically, I have in mind the Bolsa Island Nuclear Power and Desalting project in my own California Congressional district. Planning costs have skyrocketed from $444 million in 1965 to $765 million today. Some of that cost increase responds to unrelated circumstances, but a large portion comes from a boost in installed nuclear capacity costs from $142 per kilowatt to $250 per kilowatt, and a jump in the cost of power delivered at the load center from 6.2 to 7.9 mils per kilowatt hour. A "go or no go" decision must be made by project partners before June 30th, and I am very pessimistic about it—very pessimistic, indeed.

PRACTICAL VALUE AND THE ACRS

It is things like this that lead me to believe that we can forget for a long time about the AEC making any "practical value" determination on light water reactors. Possibly, the Joint Committee ought to fulfill the commission's not-too-secret wish that its responsibilities for such a finding be eliminated.

And if the Joint Committee moves in that direction, it might also take a good hard look at the proposition of eliminating the Advisory Committee on Reactor Safeguards. AEC already has asked relief from the mandatory ACRS review of every license application. That could provide a good opportunity to evaluate the organization's future.

ACRS has no responsibility for the economics of the nuclear business and apparently could care less. The reactor manufacturers are afraid to approach it with many new safety improvements, particularly in the area of an integrated, systems approach to safety. With good reason, they are afraid ACRS will act as an Advisory Committee on Reactor Redundancy, and simply order them to add the new features to the existing safeguards, thus increasing costs further. I cannot help but wonder if ACRS has outlived its usefulness—if it now serves less as a protective boon than it does as an anachronistic burden.

THE REGULATORS

As you are surely aware, I swim against the legislative stream in suggesting *less* rather than *more* regulation of nuclear reactors in particular and the power business in general.

Legislators from the Northeast want to regulate reliable power. Those from the coal states want to un-invent the atom. Public power fans want a piece of the action in any-one else's new power plant. Others would ban atomic power plants for a period of years until they can decide how they can be made pretty and have zero effect on the general environment.

The end to all this could be a super Power, Pollution and Prettiness Commission in Washington. Anyone even suspected of harboring the thought of building a power plant—nuclear or otherwise—could be hailed before it like a wretch facing the Spanish Inquisition.

Along with the rest of the politicians I find it expedient to take courageous positions against polluting the air with poisons, polluting the water with thermal effects, engaging in devious monopolistic machinations, operating power systems unreliably, upsetting the ecology, creating urban blight and rural ugliness, and almost every other bad thing. But if some of the more zealous legislators get it all their regulatory way, we may have to un-invent electricity because it will be much too expensive to generate.

Believe me, to avoid something like this, the utility industry and the nuclear business are going to have to become organized and refreshingly articulate. Let me be specific.

Industry representatives frequently visit Joint Committee members to discuss their problems informally. This helps us as legislators to become better informed and helps the committee identify issues of fact and law before open hearings, just as pre-trial conferences are helpful in the judicial system.

But when I look back over the transcripts after a public hearing, I find they are surprisingly short of the facts, positions and arguments which we heard in private. Some of the manufacturers have told me things about the ACRS, for example, that would curl your hair, but they develop amnesia and laryngitis at the witness table.

My point is that such private conversations may be preliminary to, but should not be a substitute for, straightforward, hard-hitting testimony at public hearings? And it is my sincere hope that when the Joint Committee hearings on the Aiken-Kennedy bill resume in June, the industry witnesses will be persuasively laying it on the line.

My own feelings on the regulation of the nuclear and utility businesses at the national level can be summarized like this:

First, its extent should be the minimum consistent with the public welfare.

Second, its application should be equal on conventional and nuclear plants so that neither is handicapped to the advantage of the other.

Third, that the historic objective of supplying the American public with the cheapest possible power not be *totally* displaced by objectives relating to conservation, esthetics, pollution control, the relationship between public and private utilities, and similar newly discovered goals.

And *fourth,* that the convenience and necessity for applicants to deal with a limited number of regulatory agencies and commissions be recognized.

And in case my second and fourth points are a little obscure, let me explain further by reference to an opinion recently expressed by my friend Congressman Chet Holifield that it might be necessary to relocate and consolidate even the AEC's present licensing and related functions into some other regulatory body if fragmentation of licensing authority threatens undue burdens to nuclear power generation.

FBR, HTGR, LWBR ET AL

At this point, I had intended to move to a variety of other interesting and challenging subjects. I wanted to commend the legendary Milton Shaw on his receipt of the Outstanding Civil Servant Award—an extremely deserved one—and then to heckle him about his hypnotic fixation on sodium cooled breeders to the exclusion of other coolants. I had also intended to raise a question about the wisdom of continuing Admiral Rickover's light water advanced converter program. The recent green light to the Ft. St. Vrain gas cooled advanced converter, together with Shaw's optimism that we will achieve breeders on schedule, brings up the issue of whether one near-breeder concept is enough and two constitutes a luxury.

However, there is time left only for a few words on private enrichment, a subject which is about to be opened for widespread discussion in a few weeks with the anticipated publication of studies by the Forum and the AEC.

PRIVATE ENRICHMENT

I am confident that private enrichment is coming—and soon—if for no other reason than taxpayer reluctance to invest public billions in expanded capacity to meet projected enrichment needs.

I do not believe it will impair national security. In earlier days, production figures had to be held tight because they revealed the size of weapons stockpile. This no longer is true. Formerly, suppression of diffusion technology was a means to prevent nuclear spread. Today, the technology itself has diffused and international inspection is the preferred approach to nonproliferation.

How soon the transition must be made is relatively clear. It is fixed by the date for getting new enrichment capacity on the line, minus the lead time needed to do it. AEC estimates that demand will exceed the capacity of its three existing plants by 1974. That date can be stretched to '79 or '80 by a combination of cascade improvements and production in advance of demand.

But all this still means the Joint Committee ought to start hearings next year and plan to get something on the lawbooks as early as 1970. Then the new industry can organize, get its financing, design and contract for its first new plant in time to get it on stream before a crunch develops. And, I see no reason why centrifuge, as well as diffusion, techniques should not be available to industry as they prove feasible and economic.

How the transition should be made is not clear at all. Frankly, I don't see it as a simple matter of auctioning off Oak Ridge, Portsmouth and Paducah to the highest bidders and trusting the market place to assure adequate supply, reasonable prices, and equal treatment to all customers. I rather suspect AIF's study will be along that line. But I would guess AEC's study might lay more emphasis on not selling or leasing part or all of the existing facilities, while relegating new plants to the entrepreneurs. Any plan, of course, will have to make some provision for the government's military requirements and for existing commitments to foreign purchasers.

As I have already indicated, there is a Pandora's Box of unique problems which opens up when transition is studied. For example:

Should existing plants go to a single operator to be managed as a unit and prices regulated, or should they be operated competitively? And, should their sale price be at depreciated, replacement, market or some other value?

Can new capacity installed at escalated costs, which must initially operate at low load factors, offer competitive prices and survive the lean years?

What happens to utility customers—will those with on-going nuclear plant programs be allowed to corral U-235 at favorable prices on long term contracts to the detriment of future customers?

Will anybody be willing to install new enrichment capacity near the end of the century when presumably utilities are switching to breeders and we approach a swing-over to the plutonium cycle?

Will other countries go into the enrichment business and create severe market uncertainties?

With a host of questions like these facing us, I think we ought to take a good look before we leap at the idea that private enrichment is no different from the hot dog business. There is a uniqueness about it. It has facets to which a monopoly concept may apply better than the competition philosophy.

In that regard I would note that a private corporation, the Bell Telephone System, largely without the spur of competition, has met its market, maintained progress, reduced costs and continually provided handsome returns to its stockholders. I would also note that in private enrichment we have a situation close to that for which COMSAT, a mixed public and private corporation, was created. We also have a situation similar to that for which cooperatives are sometimes created since sale of separative units is largely limited to a single class of purchasers, electric utilities. And, since even under AEC operation the business already has major international aspects, we have a situation in which a groundwork for international participation has already been laid.

In short, an international venture with mixed public, private and cooperative features may be the best answer to private enrichment. It could have exclusive territorial rights in the United States and other free world countries so desiring. U.S. Government participation could assure military needs for U-235 and otherwise protect the public interest. Private investors might become excited about its common stock as they did about COMSAT's.

Its cooperative feature would be introduced by an issue of bonds purchasable only by U.S. and foreign utilities using the Corporation's enrichment services. The bonds would carry rights to purchase a given amount of separative units annually, perhaps at a reduced price in lieu of interest. Utilities needing more units would have to buy larger blocks of bonds. The demand for bonds would increase with the growth in demand for separative work and thereby provide a handy means to help finance new capacity. To prevent a speculative market developing in these purchase rights, their **sale would not be allowed but exchange of rights among bondholders would be authorized so a utility could bunch its separative work orders in one year, in exchange for years when it may not be refueling or putting new reactors in its system. Only a part of total capacity, say two-thirds, would be subject to the rights and the remainder could be sold on a first come-first served basis to utilities not requiring priority claims on** separative work.

I see no reason why the corporation should not install some of its new enrichment capacity outside the United States so long as it maintains sufficient domestic capacity to supply domestic needs. After all, part of the idea is to eliminate foreign dependence on U.S. enrichment services. The corporation's overall production costs might thereby be reduced to the benefit of both its customers and its shareholders. For a starter let's look at Canada. No one is particularly mad at the Canadians, so their country might be a politically palatable location. It has large uranium deposits and cheap hydroelectric sources. Enrichment in Canada might be economically attractive. Another possibility might be Europe if the Euratom countries decide to participate in the enterprise rather than strike out on their own. Japan might be considered a focus for supplying the Far East market, and so on.

There is an interesting technical way in which the Corporation might itself be enriched competitively as to other world sources of enriched uranium. The British, the French, the Russians and the Red Chinese all have diffusion plants. Undoubtedly they know the principles of making the barriers that are the key to this process. I suspect, however, they are short of the U.S. in skill and know-how in putting the theory into practice. I would suggest that this small segment of the business be retained under Uncle Sam's lock and key—not as a national security secret, because weaponeers don't worry too much about costs, but simply as an industrial secret, the advantage of which should be reserved to ourselves and our friends.

My remarks have implied the necessity to devise management concepts for the enrichment industry that will assure an adequate, uninterrupted supply of what may constitute in the decades ahead a relatively large fraction of the free world's total energy supply. I believe there is an equal necessity to devise labor concepts applicable to the industry which will give the same assurance of an adequate, uninterrupted supply of enriched uranium. A unique fuel that will fire such a large part of the defense, progress and welfare of the people must be specially guarded.

It has been a pleasure and a challenge to discuss with you tonight our nuclear business and some of its problems. I share with each of you a pride in its past and a confidence in its future.

UPSTATE NEW YORKERS EXPRESS SUPPORT FOR MEASURES IN AID OF THE NATION'S POOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. ROBISON] is recognized for 30 minutes.

Mr. ROBISON. Mr. Speaker, I have recently received a petition signed by some 2,000 residents of the Ithaca, N.Y., area—in the district I am privileged to represent here—and I include the text of that petition, minus the signatures affixed to it, to be set forth at this point:

To our Representatives in the United States Congress:

WE WANT IMMEDIATE ACTION ON THE RIOT REPORT

As citizens of a society dogged with violence and drifting more and more toward the exclusion of its poor, we here resolve to support with our votes and taxes the measures you must take to alleviate the economic and social conditions described by the President's Advisory Commission on Civil Disorders.

The tragic slaying of Martin Luther King and its threatened legacy of more violence this summer make it more urgent than ever that you act swiftly. In spite of that criminal act, we do *not* believe that "Crime in the Streets" is the root cause of our society's distress and we urge you not to identify yourselves with repressive approaches that rely on police controls. We do *not* accept the Administration's current priorities: billions for the moon and billions to wage an increasingly unpopular war in Vietnam, while millions of Americans at home veer toward despair. We *do* believe that the President's Commission has named our sickness, and we are ready to pay for the treatment. We know that we cannot buy an end to racism, but our taxes in support of critically needed domestic programs can help to eliminate the conditions that have brought our cities to upheaval. It is these conditions that Martin Luther King gave his non-violent life to expose and eradicate.

We therefore pledge our willingness to accept an increase of at least 2% in our personal income taxes, *or as much more as is necessary*, the revenues to go directly to the war on poverty, through existing programs which you must expand and through new programs you must establish, and to no other purpose. This increase must not be used to release other funds to widen our involvement in Vietnam, nor must it be identified with a general surcharge to pay for the war.

We shall vote in November for senators and congressmen who work *now* for such legislation and taxation. In the words of the Riot Commission, "there can be no higher priority for national action, and no higher claim on the nation's conscience."

COMMITTEE FOR ACTION
ON THE RIOT REPORT.

ITHACA, N.Y.

It was preceded by a somewhat similar petition, signed by some 146 Cornell University students, residents of Balch and Comstock Halls on the Cornell campus at Ithaca, and I include this petition, too, minus the signatures to be set forth here:

A PETITION TO PRESIDENT JOHNSON AND THE MEMBERS OF CONGRESS

Having studied the *Report of the President's National Advisory Commission on Civil Disorders*, we the undersigned, the residents of Balch Halls, Cornell University, express our firm endorsement of this Report and strongly urge its immediate implementation.

We must "meet the fundamental needs of a democratic and civilized society—domestic peace and social justice." Failure to act now will intensify racial separatism in American society.

Both petitions, as my colleagues will note, address themselves to the need for implementation by Congress of the recommendations as made, concerning racial and social distress, by the President's Advisory Commission on Civil Disorders, more familiarly known as the Kerner Commission.

Of the two petitions, the first might be considered as more significant in that those signing it indicate their willingness to accept an increase in Federal income taxes "of at least 2 percent or as much more as is necessary, the revenues to go directly to the war on poverty, through existing programs which—Congress—must expand and through new programs which—Congress—must establish, and to no other purpose."

These petitioners then insert this proviso—which may or may not be workable—that—

> This increase must not be used to release other funds to widen our involvement in Vietnam, nor must it be identified with a general surcharge to pay for the war.

In view of the current impasse between President and Congress over any form of tax increases at the moment—necessary though such action might be—I shall not take time here to explore the difficulties that might attend tacking such a proviso onto a tax bill. They would be serious—but by inserting it into their petition the signers have made their position most clear, albeit it without giving me any indication as to what they think my position ought to be on the surtax-with-spending-cuts "package" now pending before this House.

However, both petitions do represent an earnest call for action on the part of this Congress to do something more than it has to help "eliminate the conditions that have brought our cities to upheaval."

As such, they come at an appropriate time, for not only may Congress be finally bracing itself to face up to the Nation's fiscal problem, but it is facing up to the fact of Resurrection City, here in Washington, into which the vanguard of the Poor People's Campaign has moved.

Whatever one's reaction to this new and dramatic lobbying effort—and I would prefer to consider it that, for now, rather than an attempt to "blackmail" Congress as some have suggested—it is clear that a new chapter in American history is being written down on the Mall; a new item of Americana being carved out, for better or for worse, to take its place along side such earlier items as "Coxey's Army" of 1894 and the "bonus marchers" of 1932.

It would be foolish at this point for anyone to try to predict the outcome of this unprecedented effort to make the problem of poverty and the problems of the poor even more visible in this Nation than they have become since Michael Harrington's provocative description of the "invisible poor" in 1962.

Surely, it is also as hazardous an effort as it is unprecedented—and those hazards are readily apparent to those in positions of responsibility on both sides of this confrontation; to those who speak of "blackmail" and "outrageous pressures," as well as to those who speak in terms of massive "civil disobediance" and "disruption of the orderly processes of Government."

Political action, to a large extent, is what our system of government is all about, which is why we have gone to such lengths, through the years, not only to preserve and protect it but also to expand the areas of opportunity in which this technique might function as freely—and even as abrasively—as possible.

But violence to produce—or forestall—political action is something different. We have had our experiences with it—the draft riots in Civil War days being one example, what eventually happened to "Coxey's Army" being another, and one can think of too many other more current examples of what happens when political action gets out of hand to rest very easy about the next several weeks or months here in Washington.

Still, I for one remain hopeful that reason and restraint will prevail in the present situation, and one could hardly think of a time when such qualities were more needed in this Nation unless it was back in those Civil War days. And, if my mail these days is any guide, they are also needed on the homefront every bit as much as here in Washington.

The first essential, as I see it, has been for Congress to establish some reliable line of communications between itself and Mr. Abernathy's marchers. This is why, last week, I was glad to attend the informal first meeting between Mr. Abernathy and some 70 Members of Congress that was arranged here on Capitol Hill. I came away from that meeting with an even more positive feeling that perhaps, just perhaps, this confrontation—if a basis for mutual understanding could be reached—might turn into constructive channels, which is what, in my judgment, Congress ought to be concentrating on instead of deploring the fact that the poor people are here camped on our doorsteps.

At this meeting, both sides began to try to adjust to one another's problems—and, truth to tell, Mr. Abernathy has as many as we do in Congress though, perhaps, of a somewhat different nature—and we also began to focus on what portion of his demands was reasonable as well as possibly attainable.

As I understood the concluding thought of this preliminary conference, it was that it might be enough for Mr. Abernathy's present purposes if it could be established, first, that the people in power in this Nation, as represented by the administration and the Congress, really care about the problems of the poor; and, second, that the mood as expressed in some quarters to the effect that "nothing could be done" in this Congress about those problems was wrong.

Now, admittedly, all this was rather vague—and also flexible on both sides—which is maybe the way it had to be for a first meeting, but it seemed to me that we had made some progress toward that kind of mutual understanding I believe to be essential.

Mr. Speaker, why do I cite all this in relation to the two petitions that have been sent me, as previously mentioned?

Precisely for this reason: Both those petitions and Mr. Abernathy, in stating in broad terms, as he has in the past, his demands upon Congress and the administration, seem to be calling upon us to do something about poverty in this Nation, and something to alleviate the problems of those in our midst who are poor.

But the question all along has been, What exactly should that something be?

For it is not as if Congress and the administration were not already doing something about the fact of poverty in our land, for indeed we are—though perhaps not enough, and perhaps not the right things.

By the President's own figures—as set forth in his January budget message—the Federal Government will be devoting, in the next fiscal year, some $24.6 billion in support of programs aimed at the elimination of poverty or at alleviating the effects of poverty on the part of those Americans who suffer from it. Who are they? Well, such persons—according to Time magazine last week—may number close to 30 million of our fellow citizens, a group three times the population of Belgium; men, women, and children—black, white, red, yellow, and brown—who live below the poverty line.

Since poverty is a relative thing, by such standards as might apply in many other countries of this world these 30 million of our fellow citizens would not be considered as poor. But here, in this otherwise affluent nation, they definitely are, though the nature of their poverty varies from group to group, and from region to region within our borders and, of course, is particularly apparent among those of our poor who also happen to be black.

It is, I suppose, this aspect of our overall problem that gives it its particular urgency—related as it is to what we call our "city problem" and it is this, I presume, that also leads such as the Reverend Jefferson Rogers, SCLC's Washington coordinator, to say as he recently did that this campaign may be "the last major manifestation of faith in the American Nation or in the American white people," by black Americans.

Personally, I would question whether or not Mr. Rogers speaks for all—or even a majority—of American Negroes in this respect. It seems to me that, despite the divisions and suspicious that still divide the races, most American Negroes now recognize the fact that color barriers are coming down fast these days—even though it took almost a century for them to really begin to do so. Definite progress is being made, they must know, and out of a larger and growing reservoir of good will toward them on the part of the white community than had been realized.

So the most tragic thing that could now possibly happen—and let me repeat, Mr. Speaker—the most tragic thing that could now happen, would be for this current Poor People's Campaign, with its substantial racial overtones, to go awry, to explode into violence and disorder and lawlessness, again, and to cause that developing reservoir of good will to begin to dry up, as it would inevitably do. This, all of us most work to prevent.

What, then, is to be done?

What can be accomplished in this Congress—not out of a mood of capitulation to force or threat—but out of a spirit of justice, and within the realm of the possible, to further the progress that is being made?

Quite a bit, I think, and this is what we need to focus on.

To begin with, Mr. Abernathy spoke to us last week largely in terms of jobs—or better jobs for the underemployed—and of housing.

Insofar as jobs are concerned, they can—on a lasting basis—only be "created" by the free enterprise system, itself. This is not to say that the Federal

Government cannot do its part in providing make-work jobs, especially for the unskilled and the unemployed young people—it being one disturbing fact of poverty in America that nearly half of the poor are under 21 years of age, most of whom are urban dwellers, living under conditions that breed withdrawal, apathy, frustration and violence. As employer-of-last-resort, or as a sort of temporary bridge between such conditions and more permanent jobs, the Federal Government obviously should do more than it has in this area of concern. Even given the depth of our present fiscal crisis I believe that, with some reordering of our national priorities, this Congress can find a way to do so.

But, as a cosponsor of what is called the National Manpower Act of 1968, I believe that much more needs to be done to stimulate and encourage the voluntary participation of free enterprise in solving this serious problem we have with the hard-core unemployed and underemployed. The proposal I have just mentioned seeks to move in this direction through its key provision—as endorsed in principle by the Kerner Commission—for providing the private employer with tax credits for hiring and retaining the hard-core unemployed. Though some employers are making substantial efforts on their own here, we should not continue to expect them to carry the full load of what is truly a national problem.

This increasing focus on the need to mobilize effectively the economic and creative resources of the private sector to help meet this need is most noteworthy—for jobs are, in my opinion, the immediate need and something better than make-work jobs or dead-end jobs the immediate answer. The response the private sector has been making to date, on its own, to this part of the challenge laid down by the Kerner Commission is not only substantial but daily becomes more encouraging through the activities of such organizations as the Urban Coaliton, or the Natioinal Alliance of Businessmen, or such old-line organizations as the National Association of Manufacturers from whom those of us who serve on the House Republican urban task force have just heard a most constructive report.

One paragraph from the NAM's prepared statement to us deserves special notice, I believe, when taken in context with my petitioners' plea that more must be done about poverty, and with Mr. Abernathy's promise that—

> We will be here until the Congress and the Government decide they are going to do *something* about the plight of poor people by doing away with poverty, unemployment and underemployment.

That paragraph from the NAM was this:

> Most of us agree that we can no longer approach these old problems with old solutions. Innovation is demanded—now. We must insist upon a climate that allows, in a positive sense, for widespread innovation, and correspondingly high payoff; but in a negative sense, for a climate that, while forcing a high degree of risk-taking almost mandates frequent failure.

Innovation, then, Mr. Speaker—and new solutions, not just the same old solutions are needed, especially those old solutions hastily put together under attractive labels by past Congresses and then oversold by administrations downtown as the war on poverty, itself, was so that even Mr. Abernathy asked—as he did in our first meeting—why it is that so many programs for the poor "never really seem to get down to them," and Dr. Thomas W. Matthew, head of NEGRO—National Economic Growth and Reconstruction Organization—told our urban task force that—

> The "black masses" believe that the American society has the power to help but that the War on Poverty has *not* reached them.

I have made no secret, in past years, of my reservations about our current antipoverty program though I have supported its funding at what I believed to be adequate levels, especially last year when the continuation of the whole program seemed to be in doubt. But I would suppose, viewing the antipoverty program as the symbol it has largely become—and accepting, as well, the good that it has accomplished which, though disappointing in many ways, is still substantial—that this Congress should and will continue its funding at or about the budgeted level.

But let us turn, now, to housing which is a field in which the Federal Government has been doing "something" for a good, long time, with a good deal of it related to urban housing problems and to collateral urban programs having at least an indirect relation to housing—such as those related to air and water pollution, recreation, culture, and of course, transportation.

These programs are badly fragmented, however, and scattered for administrative purposes through far too many separate Federal departments, agencies, bureaus, and boards. There are, for instance, at least 35 separate Federal housing programs, 20 programs related to transportation, 27 different agencies involved with utilities, 28 engaged in recreational and cultural activities, and 62 providing community assistance facilities. And, to cite one example of the duplication and administrative confusion this causes in the field, I understand that in the city of Oakland, Calif., alone, there are currently 140 separate urban projects going forward at one and the same time, with these being administered by seven different Federal departments.

One of the senior members of our Appropriations Committee, the gentleman from North Carolina [Mr. JONAS], has recently told us that the Federal commitment for city, social, and community development—including housing programs—will exceed $37 billion in the upcoming fiscal year—more than twice the level of 1961. Still, at the same time, Mayor John Lindsay, of New York City, has charged that "there is no commitment—by Congress—to the urban problem."

In light of our growing awareness of its real magnitude, this may well be true from a long-range dollars and cents standpoint. But before we devote many more Federal dollars—difficult as they now are to find—to this existing hodgepodge of housing and urban programs should we not at least begin, as I have urged, a sweeping review of their effectiveness along with a management study of their administration, in which consideration would also be given to the application of the so-called systems analysis approach to the search for solutions? I believe we should, and I also believe it would help Congress, itself, to attain a better understanding of the urban problem and to develop a true committment to its solution if, as I have suggested, we established a standing Committee on Urban Affairs with jurisdiction over our presently fragmented efforts.

Now, admittedly, there would be nothing very dramatic in Congress taking any such steps, and probably not much in what I have just suggested that would appeal to Mr. Abernathy in his present mood. But both he and my petitioners, in demanding that Congress do "something" need to understand, I believe, that it is equally important for Congress, in responding, to do the right, the effective and the efficient things, and to make no more hasty promises of the sort that, unfulfilled, create only greater frustration, bitterness, and despair on the part of those we all wish to help.

Still, something more can—and I hope will—be done this year besides funding at adequate levels such programs as this House has already considered, including the model cities program and the still-controversial rent-supplement program for both of which we have voted sums which The New York Times said, editorially, represented a "defensible compromise."

For instance, this Congress should pass a housing bill embodying that new housing program, which I have cosponsored, under which the Federal Government would undertake to subsidize mortgage payments for lower income homebuyers. It is all well and good for this Congress to pass a fair-housing law, but it is of little real benefit to those who would like to take advantage of it in order to buy and own a bit of America if their incomes are not now sufficient to permit them to try to do so.

The prospects for this new program look good, the Banking and Currency Committee in the other body already having reported such a bill and our comparable committee being about ready to do so. Thus, here is "something" that can be done—and this year.

I wish I could be as optimistic about the chances for that National Manpower Act I have already mentioned, but this bill because of its all-important tax-credit feature must come to us through our Ways and Means Committee which, as we all so well know, has been and remains largely bogged down over the surtax-and-spending question, even though it has turned its attention to what promises to be a rather lengthy review of trade and tariff matters. Thus, whether any progress can be made here depends, it is clear, on breaking the present deadlock on the tax-and-spending issue.

Some mention should also now be made of the problem of hunger in

America—something which is properly high on Mr. Abernathy's list of "demands." It is no mere coincidence that this week the House Committee on Education and Labor began a full-scale review—as I have also been urging—of this particular problem and of the provocative question of why the many Federal food-for-poor programs again rarely seem to get down to the truly needy. In large part, this may prove to be a problem of bad or lagging administration of those programs in the executive branch, and it would clearly seem that remedial steps could be taken, and now. For the longer range view, I believe we need a Presidential Commission to study the hunger problem in depth, somewhat after the nature of the Kerner Commission's study into the question of civilian disorder.

Now, as to taxes—and to the related question of Federal spending.

Quite probably, we need to increase Federal taxes. The depth of our fiscal and monetary problem, alone, virtually demands such an increase, unpleasant though that prospect may be to all of us, as well as to those we represent. Some way must be found to halt our severe inflationary spiral—not only to protect the stability of the dollar abroad but also to protect the poor of America from being further ravaged by inflation. We have all felt the bite of inflation, but it is the poor and the aged who feel it first and most sharply. If uncontrolled, it could lead us on into a recession or an even worse economic adjustment that would have an especially tragic impact on the poor and the unskilled whose jobs, even if they now find them, would probably be the first to go.

Federal spending, no matter what anyone says is related to inflation, so that a tax increase now without a cut in spending would be, as someone has recently said, like pumping gasoline into your tank when it has a hole in the bottom.

As an original sponsor of the "human renewal funds" approach—which combines suggested specific budgetary cuts with the application of a portion of the amounts saved to our deficit while plowing back the balance into human needs programs—I believe the President's January budget can be cut substantially, and certainly at least to the tune of $6 billion, without doing harm to the human needs program. Such budgetary cuts ought to be made by Congress, but this Congress seems almost wholly lacking in the will to conduct the necessary reordering of our national priorities that must precede such action. The President should lead us into that sort of a review of priorities but, after once having given some indication that he might, he has now retreated to a position from which he is virtually daring Congress to cut his budget. If both Mr. Abernathy and my petitioners would concentrate on this particular aspect of our overall problem, those of us who see this as the most constructive way out of our present dilemma would certainly welcome their support.

Even if Congress fails to live up to its basic responsibility in this connection, and only succeeds in making scattered budget cuts in areas that are now of lesser priority and votes a tax "package" carrying a mandated $6-billion spending cut, it should be remembered that it is the President, not the Congress, who will be left with the responsibility for applying the balance of such mandated cuts not so fixed by Congress. Surely he, difficult though it might be politically for him, could find enough soft areas in his January budget to do this without cutting into the human needs areas. I believe that anyone who says the President cannot do this is, basically, only looking for any easy way out from the unpleasant task of voting for additional taxes in an election year. Here again then is an area on which Mr. Abernathy and those petitioning us might concentrate their fire with some effectiveness.

Others here, also apparently looking for an out on the tax question, unrealistically say they will not vote for an increase without tax reform. Well, broad and sweeping reform of our Nation's tax law is needed—and has been needed for a long time. From the angle of those concerned about poverty, it is needed if for no other reason than that, in 1965—the last year for which I have such figures—those with incomes of over $600 but under $3,000, which is the so-called poverty line, paid Federal income taxes after credits totaling almost $1.1 billion. Of course, some of these taxpayers were students on summer jobs, part-time workers and the like, but a Federal Government that professes to be worried about the poor, and continues to devise programs to help them, could well begin by relieving many of them from the responsibility of paying Federal income taxes on what little they do earn.

Under existing circumstances here, I doubt if we can advance even this far this year but I believe this would be a more realistic and immediate goal for Mr. Abernathy to shoot at than at some form of a "guaranteed annual wage" or "negative income tax" for which there is no consensus, either in Congress or out.

This is not to say that such once-unthinkable plans should not be studied. I believe they certainly should because our sprawling federally supported public-assistance programs seem to be headed only toward failure.

Despite the antipoverty program, and other health, education, and welfare programs on which the Federal and State Governments spend some $70 billion annually, the Nation's welfare caseloads and costs continue to rise. According to a recent report by George K. Wyman, commissioner of the New York State Department of Social Services, a monthly average of 1,292,260 persons in New York State received welfare assistance and care in 1967 at a cost of $1,867,844,000, compared with 969,540 persons and $1,200,531,000 in cost in 1966. And this, mark you, in a supposed time of continuing and increasing "prosperity."

Clearly, something is basically wrong with these programs and they, like so many of our other efforts to aid or care for the poor should be thoroughly overhauled.

Mr. Abernathy and the Congress should also concentrate on the way in which organized crime in America preys on the poor. Here, again, "something" could and should be done by this Congress—if it but has the will and is given time to do so.

Thus, as one can see, the problem we face in connection with poverty is as wide ranging in its scope as it is complex. There are no simple solutions to it; no easy or instant answers, and I believe Mr. Abernathy understands this even if some of the people he has led here do not. I also believe those who have petitioned me understand these basic facts, but I have taken the time here to outline the nature of the congressional problems as I see it for their benefit—as well as for my own, and hopefully for my colleagues who may be interested in these remarks. I have done so in order to begin to draw their and our attention away from that compulsive desire to do something, so that all of us can begin better to focus upon that which is realistic and reasonably attainable—now.

There is much that is disturbing in the scene we contemplate only a few blocks from this Capitol. Many of my colleagues have expressed the hope that Mr. Abernathy and his people would just "go away"—but, even if they did, the problems they seek to dramatize would still be with us, and we must deal with things as they are, not as we would wish them to be.

Yet, I believe there is no need for discouragement, or for despair. As Nelson Rockefeller has recently noted:

> Our problems are not due to the breakdown of our institutions, but to human elements, human errors. There is no reason—

He went on—

> to lose confidence in ourselves or in our institutions.

And, truly, there is not.

But, one final thought, Mr. Speaker: Mr. Abernathy and his poor people are here in Washington largely because they know of no other place to go—and they, like my petitioners, seem to feel this is the place "where the action is."

However, as commentator David Brinkley noted the other day, it is possible that they have come to the wrong place—and that the answer to the problem of poverty does not lie wholly nor solely in Washington.

Mr. Brinkley said this:

> Daniel Patrick Moynihan, one of the more provocative of American thinkers and critics of our social scene, said in a speech some time ago it was time liberals stopped believing the government had an unlimited capacity for doing good. I believe he was right and that it's past the time when, for anyone with a problem or a need or a want, the best place to turn was the Federal Government. It is not. The instrument of national government simply is not tuned finely enough to deal with a private individual problem of thousands of people who are unable to cope with a modern society.

It seems to me this thought is a good note on which to close. Poverty is, largely, an individual thing. Nobody—and no law—can make an individual acquire a skill, come to work, or do a job. At best, the Federal Government, with its still vast resources—once it acquires a better sense of priorities and direction—can open doors, can provide incentives, and can stimulate the private sector and its citizens, both rich and poor, to work together more effectively and with a better understanding of each other's responsibilities and then, and only then, will our society have a chance at doing what no other society has yet accomplished—the near total elimination of poverty.

In that effort—and toward the realization of that goal—it may be that Washington is where things get started or pushed along; but it is in America, and in every individual American, "where the action truly is," and the sooner we all understand that fact the greater will our chances of success become.

TAX INCREASE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the administration's half swing at Government extravagance will not reduce Federal expenditures enough to justify a tax increase.

Neither the $4 billion spending cut presumably acceptable to President Johnson nor the $6 billion reduction reportedly agreeable to the House Republican leadership could persuade me to vote for the proposed surtax, because I insist that, if Government leaders would go for the circuit in slashing nondefense expenditures, the rising costs of the Vietnam war could be absorbed without either a budget deficit or a tax boost.

At this time I should like to remind some of my economy-minded colleagues that only a little more than 3 months ago a careful studied budget analysis concluded that Congress could hold the fiscal year 1969 budget—except for Vietnam needs—to $10.2 billion less than asked by the President without endangering any essential programs. In the absence of contradictory documentation, I will honor that evaluation although I am convinced that dedicated frugality in Government could result in far greater economies.

With wage earners barely able to remain afloat in the sea of inflation created by perennial Government spending in excess of revenue, a tax-on-taxes would make it impossible for many middle-income-class families to survive. This highhanded method of presuming to solve the Nation's fiscal problem can easily be avoided if the administration will aim at knocking down inconspicuous as well as the more prominent unessential spending projects.

Pruning should begin on the foreign aid program, which would be irrational even if the country could afford it. Giveaways of any kind merely establish dependency, discourage initiative, and reward ingrates. As I have long contended, America could have cemented many lasting friendships and at the same time helped to create lasting patriotic administrations abroad through businesslike loans designed to aid nations and not politicians. Our foreign aid program has proved itself a dismal failure and should be discontinued forthwith, thus saving American taxpayers at least $3 billion annually in its most parsimonious form.

We must also demand multi-million-dollar cutbacks in the Atomic Energy Commission and the Department of Health, Education, and Welfare. Many of the latter's services could be assumed and performed far more efficiently and diligently by the States at less cost even if only half of the funds requested by HEW were consigned to States and local communities. AEC's expenditures that should be eliminated are a matter of record.

Inconspicuous projects have also cost untold millions in the aggregate. They must be deleted from the budget before the thought of a tax increase is tolerated. They include the misdirected use of impact area school funds, which have been made available to some of the Nation's most prosperous counties whose wealth has been augmented by the very presence of military establishments responsible for eligibility for Federal funds; spending more for Job Corps trainees than it would cost to send them to college; and tax-supported studies of German cockroaches, and a history of comic strips.

Add all such ridiculous projects to the billion-dollar programs that are generally discredited and there will be ample money to meet budget requirements and still reduce the national debt without further bleeding of taxpayers.

Mr. Speaker, pertinent to this subject are three editorials which I include in the RECORD. One is from the Nanty Glo, Pa., Journal of October 18, 1967; another from a recent edition of the Jeffersonian Democrat, Brookville, Pa.; and the other from the Philadelphia Inquirer.

The editorials follow:

[From the Nanty Glo (Pa.) Journal,
Oct. 18, 1967]

TEMPORARY TAX?

In the nation's capital the word "temporary" often has a definition not found in the dictionary. All too frequently in Washington "temporary" simply means "permanent." Remember the "temporary" wartime buildings that were still standing decades later, the "temporary" commissions that never finish their assignments? Certainly none of us can forget the "temporary" taxes that have been imposed upon us.

Here's one example; in June 1932, Congress levied a tax of one cent a gallon on gasoline as a temporary measure. It was described as an emergency step to help the Federal government meet the financial crisis brought on by the depression. This tax produced $57 million revenue in its first year.

Thirty-four years later and with a rate of four cents a gallon, the tax yielded $2.9 billion, bringing the total since 1932 to nearly $33 billion. In 1967, this "temporary" tax is expected to have an even higher yield.

We are not raising the question here of whether the gasoline tax is good or bad, but we are stressing the fact that "temporary" in Federal language may mean "forever." During the Korean war many excise taxes were enacted to help pay for the conflict. However, a great many of these so-called temporary taxes have been retained either at the same rate or in slightly modified form.

This phenomenon of government should be borne in mind when there's talk of new or increased taxes.

[From the Jeffersonian Democrat,
Brookville, Pa.]

THE 161 YEARS OF ESCALATION

Grandmother used to say that the first hundred years are the hardest. She wouldn't have believed the figures we're prepared to recite, but she was right, as always. The first hundred years were the hardest.

In 1806, the US State Department had a modest 8 employees. The next time anybody bothered to count, it appears, was in 1909, when the total, including the Secretary was 209. That's a rate of increase of about 2 employees a year, on the average. But after the first hundred years, the pace began to quicken. By 1922, the number of employees had tripled, to 631. That's a bit more than 2 employees a year, to be sure. Actually it divides out to 32 a year.

The next accounting we can find is for the year 1938. The Department of State had 963 employees that year. Those were the years of the great depression, and the pace was slowed to a 50 percent increase in the 15-year span.

Then, things began to pick up. And the momentum hasn't been lost. Five years later, mid-way of the war, State had 2,755 employees. By 1946, three years later, the count was 7,623. These are all figures developed by the Senate Committee on the Judiciary in the 1953–55 hearings concerning "Interlocking Subversion in Government Departments."

About a year ago, and that's the latest total we can find, it was reported that the State Department now has something like 43,823 employees. Now there is a right hefty hike. Indeed, it is almost 6 times the figure for 1946. Is it possible that our personnel needs in the Department of State have risen from 7,623 in 1946 to 43,823 in 1967? Neither ITT nor General Motors has grown that fast. We think we're an enterprising newspaper, but we haven't enjoyed that rate of growth, either.

When you contemplate figures like that some items in the news began to make some sense. For example, there was a great furor in the press about two State Department employees—friends of Otto Otepka—who had been sequestered in a dilapidated, rat-infested building without janitor services, without any work to do. You must understand that Otto Otepka insisted on telling the truth to a committee of the US Senate. At the Department of State, that is a heinous crime. Nobody is supposed to tell a Senate Committee the truth. Or even the time of day.

And with 43,823 employees to coddle, where in the devil are you going to put two identified friends of Otto Otepka? In a broom closet, of course.

How many of the 43,823 work abroad? That's a secret. Only the Russians know that.

[From the Philadelphia (Pa.) Inquirer]

POVERTY AND SPENDING

Whether the Administration budget should be cut four billion dollars or some other figure is not the main question. Beyond the dollars and cents of the controversy there is a larger need for the Administration and Congress to work together to cut all that can reasonably be cut from spending proposals, whatever the amount may be, without jeopardizing national interests and humanitarian obligations.

President Johnson, in an address to the Business Council at its meeting in Hot Springs, Virginia, indicated that a cut of four billion dollars is the maximum attainable without imposing severe limitations on the war against poverty. At a time when poor people are marching on Washington in quest of help, this kind of argument puts Congress in a difficult position.

The Inquirer believes that substantial cuts in Federal expenditures can be made—a lot more than bureaucratic big-spenders in

Washington want to admit—without curtailing aid for the poor. Selective cuts could, in fact, help victims of poverty, not only by easing the twin burdens of inflation and taxation but by providing more jobs for the unemployed and more food for the hungry.

In this regard, we ask two questions:

How can billions of dollars in foreign aid spending, much of it for public works projects of dubious merit in remote and sometimes hostile countries, be justified at a time when redevelopment projects in the United States are stalled for lack of funds, when Americans who want to work cannot find work, and when diversion of foreign spending to domestic spending would allow jobless people in our own Nation to get off relief rolls and become self-supporting, tax-paying citizens?

How can billions of dollars in Federal spending for farm subsidies, paid to big farm operators for not planting crops and letting acreage stand idle, be justified at a time when millions of Americans are hungry and food prices are soaring?

These are questions that Congress should be asking.

PROMPT AND ADEQUATE RESPONSE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, in view of my earlier statements on past and prospective law enforcement in the District of Columbia, I believe it pertinent to include here a letter to me from Fred M. Vinson, Jr., Assistant Attorney General, dated May 16, 1968.

Mr. Vinson's conclusion seems an obvious one and his language is unobjectionable. However, as with all these cases, it remains to be seen what, in fact, the Department of Justice means by "careful planning" and "coordination of law enforcement activities" as well as "prompt and adequate." It is to be hoped that the Department and local authorities have taken a lesson from the April rioting when none of these phrases could have been applied to their actions and will meet effectively any threat to public peace or security that may arise from the current activities of Dr. Abernathy and his group. The letter follows:

MAY 16, 1968.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in reply to your May 8, 1968 letter regarding our earlier correspondence on law enforcement in the District of Columbia.

We are in agreement with you that there is a need for careful planning and coordination of law enforcement activities in connection with the Poor People's Campaign.

You may be assured that every effort is being made to effect such planning and coordination and to be certain that any needed law enforcement response is both prompt and adequate.

The Department of Justice appreciates very much your taking the time to give us the benefits of your views in the matter.

Sincerely,

FRED M. VINSON, Jr.,
Assistant Attorney General.

THE UNITED STATES MUST REAFFIRM ISRAEL'S SECURITY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an editorial.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I wish to call to the attention of the Congress a very perceptive and thoughtful editorial which appeared in the May 20 edition of the Miami Herald.

The editorial suggests that in view of the recent developments in the Middle East, particularly the growing threat of renewed belligerency, the time has come for a clarification of the U.S. Government's position on the issue of Israel's security.

I fully concur with that recommendation.

As a member of the Committee on Foreign Affairs, I have had the opportunity to keep in touch with the situation in the Middle East. And I must say that I have been deeply concerned about what has been going on there.

Since last summer, the prospects of a peaceful settlement in the Middle East have been gravely jeopardized by the heavy flow of Soviet military equipment and Soviet "technicians" to some of the Arab States.

Simultaneously, Soviet military penetration of the eastern Mediterranean region, exemplified by the substantial increase in the number of Soviet naval ships in that area, has not abated.

In view of these developments, I have urged the President, the State Department, and the Defense Department to supply Israel with such arms as it may need for its defense and to control other threats.

Since last summer, working directly and through the Committee on Foreign Affairs, I participated in the effectuation of policies which—

Terminated assistance and sales to the United Arab Republic;

Cut off aid to those Arab States which severed diplomatic relations with our country since last summer;

Brought to an end the training of most Arab nationals in U.S. military installations;

Removed the suspension on the furnishing of military assistance to Israel;

Resulted in the shipment of a substantial quantity of U.S. military equipment to Israel—including ground-to-air defensive missiles; modern armor; the A-4 Sky Hawk fighter-bombers; ammunition and spare parts; and other items;

And provided public assurances—such as the President Johnson-Premier Eshkol communique of January 2—that Israel's defense needs will receive continuing attention in the light of all relevant factors, including the shipment of arms by others to the Middle East area.

I believe that these necessary actions have helped to preserve some semblance of balance in the Middle East, thereby aiding the cause of peace.

Unfortunately, Soviet actions continue to add fuel to the fire and to aggravate the crisis in that vital region.

Because of this, I believe that further steps should be explored to remove one of the basic causes of Middle East instability: the inherent insecurity of the national frontiers of that region.

I am therefore introducing a resolution today, calling for a two-pronged approach to this problem:

First, my resolution expresses the sense of the U.S. House of Representatives that the President, acting through the Secretary of State and the U.S. Delegation to the United Nations, should explore every prospect of advancing the cause of durable peace in the Middle East through an international guarantee of the national frontiers of the countries of that area.

Second, my resolution further suggests that the U.S. Senate, which has a special responsibility under our Constitution to furnish advice and consent with respect to treaties, should undertake to determine whether United States interests in the preservation of peace in the Middle East could be enhanced by a defense treaty, or some other suitable arrangement, between the United States and Israel.

Mr. Speaker, the text of my resolution and of the editorial from the Miami Herald follow:

HOUSE RESOLUTION

Whereas a stable and durable peace in the Middle East is essential to the foreign policy interests of the United States and to the common interest of all nations in furthering world peace; and

Whereas the peace and security of the nations of the Middle East are endangered by the wasteful and destructive arms race in that area, and by continuing threats of belligerency; and

Whereas the State of Israel and its people have the right to be secure within their borders and to enjoy the blessings of liberty and peace: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives—

(1) That the President, acting through the Secretary of State and the United States Delegation to the United Nations, shall forthwith explore every prospect of advancing the cause of durable peace in the Middle East through an international guarantee of the national frontiers of the sovereign countries of that region; and

(2) That the United States Senate, having been entrusted by the Constitution with the responsibility for furnishing advice and consent with respect to treaties, should undertake to determine whether United States interests in the preservation of peace in the Middle East could be enhanced by a defense treaty or other appropriate bilateral arrangement between the United States and the State of Israel.

UNITED STATES MUST MAKE CLEAR ITS STAND ON ISRAEL

Lucius Battle, Assistant Secretary of State, reassured only those who are completely skeptical of American policy in the Middle East when he denied any "deal" with the Soviet Union in a Miami Beach speech.

Such a "deal" is rolling around in the rumor mill. It would involve concessions in U.S. relations with Israel in return for a settlement in Southeast Asia.

"We do not trade on the interests of our friends for our benefit," said Mr. Battle. "That simply is not the way we do business."

The way the State Department does business in the Middle East, however, leaves much to be desired. It is disturbing many American observers of the area, including former Vice President Nixon.

Mr. Nixon is concerned because Soviet influence has "grown in the entire Arab and Near Eastern world—from Morocco to Iran. . . . For the first time in history they (the Soviet Union) are in the Mediterranean in power, and solidly entrenched on the World Bridge."

It's even more critical than this.

Russia today has become a full-fledged Mediterranean naval power. It has designs on the Persian Gulf and the Indian Ocean. It has rearmed Egypt and infiltrated the country with thousands of "technical advisers." Syria is to all intents a Soviet satellite. Russia is dabbling in Iraq oil and involving itself in marketing agreements of other Arab producers. In the United Nations the Soviet Union has formed a bloc with the Arabs: Soviet Ambassador Jacob Malik had to be called to order when he compared Israel's tactics to those of Hitler.

So we have an established Soviet presence, backed by a powerful fleet only a short sail from the Black Sea, for the first time lodged in a strategic world area. It is hard to believe that this power will be used for any worthy purpose.

Mr. Nixon has called the American response to "expansionism and adventurism" in the Middle East as "halting and lame and ineffectual." It is at least that, for it is the old game of playing one group off against another.

Peace in this area of the world is vital to the national interests of the United States. It cannot be maintained as long as the balance of power is being tipped toward an Arab war of revenge with the help of the Soviet Union.

Israel, whatever one thinks of it as a state, is the sole Western-oriented base of power between Turkey and the Atlantic. Is it not time to guarantee Israel's security by some binding instrument of diplomacy which will make it clear where the U.S. stands and what it will do in the event of future aggression?

ON DEDICATION OF BRUMIDI BUST

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on April 30 this year was an historical and significant and meaningful day for the Capitol. We, as Members of Congress, under the leadership of the Honorable PETER W. RODINO, Jr. and the Honorable FRANK ANNUNZIO finally paid respect and tribute to a great artist and a great American, Constantino Brumidi. Like so many Americans, he was born in another country and came here with his talents and ambition to live and make a contribution to a better understanding through art of the basic freedoms.

Mr. Speaker, as President of the United States Capitol Historical Society, I felt it incumbent upon myself to be present and to have with me the entire staff of the United States Capitol Historical Society so they might share in and benefit from the presentation and program and the talent that was evident in the program.

The historian of the society is Mr. John Kerwood and I have asked him to write his own reaction for the RECORD and here follows his statement on the occasion.

Mr. Speaker, I think it ought to be pointed out all of this was initiated by Dr. Myrtle Cheney Murdock who has long been interested in the Capitol and Brumidi in particular. It was she that reminded the Members of Congress of the memory and record of achievements of the man we honored have too long been neglected. It was her plea and her finally reaching some important Members of Congress that resulted in the initiation, resolution and, finally, the creation of an appropriate, beautiful bust to the memory of this great artist.

So the Members may have the benefit of the proceedings, I include at this point a copy of the program as a part of the RECORD:

DEDICATION OF THE BUST OF CONSTANTINO BRUMIDI, "MICHELANGELO OF THE UNITED STATES CAPITOL," ROTUNDA, U.S. CAPITOL, TUESDAY, APRIL 30, 1968, 10:30 O'CLOCK

CONSTANTINO BRUMIDI

Constantino Brumidi, often termed as "Michelangelo of the United States Capitol," was born in Rome, Italy on July 26, 1805 of a Greek father and an Italian mother. One of three Roman artists commissioned to restore Raphael frescoes in the Vatican Loggia in Vatican City, Brumidi was exiled to America because of political activities in 1852. Shortly after his arrival in New York, Brumidi renounced his Italian citizenship and filed his intent to become a citizen of the United States. He took out his final naturalization papers on November 12, 1857 in Washington, D.C.

In 1855 Brumidi was hired by Captain Montgomery C. Meigs, Superintendent of the Capitol, to decorate the Agriculture Committee Room, and in so doing provided the first example of fresco in America. After his commissioning, Brumidi remarked: "I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty."

His brush was busy in succeeding years, and the Nation's Capitol was his canvas. His work included the Senate reception room, Senate Appropriations committee room, the President's room in the Senate extension, the Senate floor corridors, the House of Representatives Chamber, the House of Representatives committee room, the Capitol rotunda, containing his magnificent frescoed frieze of 15 historical groupings and capped by his huge frescoed canopy in the eye of the Capitol dome, measuring some 4,664 square feet of concave fresco. His work flourished until his tragic fall while working on the rotunda frieze terminated his labors.

He died in 1880, memorialized in Congress only by Senator Daniel Voorhees of Indiana and Senator Justin Morrill of Vermont, and was buried in an unmarked grave in Washington's Glenwood Cemetery. It took seventy-two years for a grateful Nation to acknowledge its debt to this man. Led by the persistence of Dr. Myrtle Chaney Murdock, wife of the then Congressman John Murdock of Arizona, Congress in 1950 authorized a bronze marker for Brumidi's grave in Glenwood Cemetery.

Some eighty-eight years have now passed since Senator Morrill eulogized: ". . . So long has Brumidi devoted his heart and strength to this Capitol that his love and reverence for it is not surpassed by even that of Michelangelo for St. Peter's." It is therefore with deep gratitude that we today honor this man who signed his work with pride as "C. Brumidi, artist, citizen of the United States".

THE SCULPTRESS

Miss Jimilu Mason, noted Alexandria, Virginia sculptress, was born in 1930 in Las Cruces, New Mexico, and is the daughter of former Federal Trade Commissioner and Mrs. Lowell B. Mason. Miss Mason received her Bachelor of Arts degree from George Washington University, and has been a professional artist since 1955.

She has exhibited widely, including the Smithsonian Institution, Corcoran Gallery, Pennsylvania Academy of Fine Art and the Detroit Museum of Fine Art. Miss Mason's works reside in such permanent collections as the Colorado State Capitol (bust of former Governor Edwin C. Johnson), the United States Supreme Court (bust of the late Chief Justice Fred Vinson), and the David Lloyd Kreeger Collection. In 1966 Miss Mason was selected to sculpt the official marble bust of President Johnson to join those of other former Vice Presidents on display in the Senate Wing of the Capitol, and has been appointed by the President to the National Council on the Arts.

Miss Mason, whose mother is of Italian heritage, sculpted the Brumidi bust of carrara marble in Pietrasanta, Italy.

PROGRAM

Prelude: The Brass Choir of the United States Marine Band, Captain Dale Harpham, *Conducting*.

Master of ceremonies: Honorable Peter W. Rodino, Jr.

Presentation of colors: Armed Forces Color Guard.

The Star Spangled Banner: The Brass Choir of the United States Marine Band.

Invocation: Reverend Edward Gardiner Latch, *Chaplain of the House of Representatives*.

Welcome: Honorable Peter W. Rodino, Jr.

Distinguished guests: His Excellency Egidio Ortona, *Ambassador of Italy;* His Execellency Christian X. Palamas, *Ambassador of Greece;* Honorable Carl Hayden, Mr. Joseph A. Califano, Jr.; *and others*.

Remarks: Honorable Paul Douglas, Honorable Frank Annunzio.

Providebam Dominum: Orlando Lassus (1530–1594), The Brass Choir of the United States Marine Band.

Presentation of bust: The Speaker of the House of Representatives.

Unveiling of bust: Dr. Myrtle Cheney Murdock.

Acceptance of bust, The Vice President of the United States.

Benediction, Reverend Frederick Brown Harris, *Chaplain of the Senate*.

Postlude: The Brass Choir of the United States Band.

MEMBERS OF THE BRUMIDI DEDICATION COMMITTEE

Cochairmen: Hon. John O. Pastore, Hon. Peter W. Rodino, Jr.

Hon. George D. Aiken, Hon. J. Caleb Boggs, Hon. Clifford P. Case, Hon. Joseph S. Clark, Hon. Norris Cotton, Hon. Everett M. Dirksen, Hon. Paul J. Fannin, Hon. Philip A. Hart, Hon. Jacob K. Javits, Hon. B. Everett Jordan.

Hon. Edward M. Kennedy, Hon. Warren G. Magnuson, Hon. Mike Mansfield, Hon. Claiborne Pell, Hon. Hugh Scott, Hon. Joseph P. Addabbo, Hon. Frank Annunzio, Hon. Frank J. Brasco, Hon. Silvio O. Conte, Hon. Emilio Q. Daddario.

Hon. Dominick V. Daniels, Hon. John H. Dent, Hon. Dante B. Fascell, Hon. Paul A. Fino, Hon. Robert N. Giaimo, Hon. Robert L. Leggett, Hon. George P. Miller, Hon. Joseph G. Minish, Hon. John M. Murphy, Hon. Joseph P. Vigorito.

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It is largely because of the dedicated efforts of Dr. Myrtle Cheney Murdock that Constantino Brumidi is at last afforded official recognition for his rich contribution to our country's tradition. Dr. Murdock's extensive research into the life and works of Brumidi culminiated in 1950 with the publication of an illustrated volume entitled Constantino Brumidi, Michelangelo of the United States Capitol. It is masterfully written and most beautifully designed.

Recognition Finally Comes to Brumidi

(By John Kerwood, Editor-Historian, U.S. Capitol Historical Society)

Dedication of the bust of Constantino Brumidi on Tuesday, April 30, 1968, in the Rotunda of the Nation's Capitol was a dramatic and fitting climax to the story of an Italian immigrant who spent twenty-five years of his life decorating the walls and ceilings of America's best-known symbol of democracy.

For sixty years Brumidi was scarcely recognized. Practically forgotten by his adopted country, he lay buried in Plot 70, Site 6, Glenwood Cemetery, Washington, D.C., before one grateful American, highly impressed by his work, began to amass the information that led to the publication of *Constantino Brumidi: Michelangelo of the United States Capitol,* in 1950. That American, Dr. Myrtle Cheney Murdock, and those members of the Brumidi Dedication Committee, through their diligence and skillful planning, have helped history come alive once again, and in so doing, have made it meaningful, significant.

More than seven decades after his passing, recognition has finally come to "C. Brumidi, artist, Citizen of the U.S.," as he signed his name on one occasion. Jimilu Mason's marble bust of Brumidi will be a constant reminder of the artist who found both freedom and inspiration in America's Capitol.

And following the program, the very appropriate welcoming remarks by the Honorable Peter W. Rodino, Jr.

Remarks of Representative Peter W. Rodino, Jr.

Mr. Vice President, Mr. Speaker, their Excellencies the Ambassador of Italy and the Ambassador of Greece, Senator Hayden, the President pro tempore of the Senate, Representative Albert, the Majority Leader of the House, and distinguished guests.

On behalf of all of those who worked so patiently and perseveringly to make this occasion possible, I welcome you.

This is a moment rich and rare; a magical moment to remember . . . to treasure . . . and to cherish.

We are gathered here this morning to honor a near-forgotten immigrant and the enduring brilliance of his creative genius.

The phrase "Poetic Justice" is used to describe an outcome in which virtue is rewarded in a particularly suitable manner, usually after much bitter disappointment and many heartbreaking delays.

Today we are witnessing the happy ending of a special version of poetic justice. For the sake of accuracy, we ought to call this version: "Artistic Justice."

We have had our bitter disappointments.

We have had our heartbreaking delays.

And now we are about to unveil a handsomely fashioned bust of Constantino Brumidi—a fitting work of art to memorialize the gifted artist laureate, the Michelangelo of the United States Capitol.

It is fitting, too, that this likeness of the master artist will enjoy a permanent place of honor in a corridor of the Capitol that has come to be known as the "Brumidi Corridor," so adorned is it with examples of his genius.

And finally, to complete the triumph of artistic justice, the bust of Brumidi will be unveiled by Mrs. Myrtle Cheney Murdock, who almost singlehandedly rescued Brumidi's name from obscurity.

Like Mrs. Murdock, and like millions of visitors to the Capitol, I, too, am impressed by the skill of this master who filled the Capitol with beauty to the very eye of the dome.

Murals, portraits, lunettes, landscapes and frescoes—Brumidi painted them all with flawless artistry.

For a quarter of a century, until his death in 1880, he toiled faithfully at his appointed task.

He sought neither fame nor fortune and prayed only to live long enough "to make beautiful the Capitol of the one country on earth in which there is liberty."

It is noteworthy that Brumidi was not born in the United States, but in Rome, of an Italian mother and a Greek father. He came to this country—as so many others before and since—in search of freedom.

America did not disappoint him. Brumidi discovered that America was truly a land of the free, a sweet land of liberty.

And he labored successfully to capture that theme in his paintings, to glorify and celebrate it, so that the dream of freedom would never diminish, but would be renewed and strengthened, for all people and for all time.

At this very moment, in the City of Philiatra in Greece, where Brumidi's father was born, an oil painting of Brumidi the artist is being inveiled—to the strains of the National Anthems of Italy, Greece and the United States.

It is a kind and thoughtful tribute that will enhance Brumidi's stature and reputation.

But let us not forget that America was his chosen land, his adopted country.

With simple pride, he signed his most magnificent works: "C. Brumidi, artist, citizen of the United States."

And in the deepest, fullest sense, Brumidi's life work is symbolic of all the love and loyalty our immigrants have given to this country, and of the countless contributions they have made to a greater . . . ever greater . . . America.

With immigrant eyes and with immigrant heart, with immigrant fingers and an immigrant soul, Brumidi saw . . . felt . . . and understood the sweeping, soaring spirit of American democracy. And with bold brush strokes, with paint and pigment, he caught that spirit, where it lives forever here.

This was the immigrant's legacy to the land of liberty.

And so, as we move ahead with the program we have planned for this morning, let us regard this bust of Brumidi as more than a tribute to an artistic genius. Let us see it also as a fitting reminder of the dynamic and constructive role of the immigrant in the building of a greater America, and of the immigrant's deep and abiding love for his adopted homeland.

Following, also, are the remarks of the Honorable Paul Douglas, the Honorable Frank Annunzio, the Speaker, and the Vice President of the United States.

Speech of Senator Paul Douglas

Mr. Vice President, Mr. Speaker, Congressman Annunzio, Congressman Rodino, friends and fellow Americans:

The dedication of this bust and our gathering here together this morning has both a personal and a symbolic significance. A personal significance in recognizing the great painter who so adorned this Capitol with a quarter of a century of his work and a symbolic significance in recognizing the contributions which this immigrant son, like so many others, has made to the constructive teaching of its purpose.

As Congressman Rodino said, Constantino Brumidi was born in Rome in 1805 and became a Captain in the Papal Guard at the Vatican. I do not know how much military service he gave, but he did do a great deal of work in the decoration of the Vatican.

He gained from the great works of art in the Vatican appreciation of added skills which have in turn translated themselves into this Capitol. He studied the great paintings of Michelangelo in the Sistine Chapel and the frescoes of Raphael in the loggia of the Vatican. I sometimes think that some of his models were not only taken from his wife, but also from Raphael's mistress, whom Raphael made a Madonna on many occasions and who served as a model for some of the later permanent figures of the French painters such as Poussin and Ingres.

During the Revolution of 1849 in Rome, when the Republican forces led by Caribaldi and Mazzini formed a Roman Republic, Brumidi was in a difficult position—he was a Captain in the Papal Guard, but he was also a sympathizer with the Republican forces. Mrs. Murdock, in her magnificent biography, avoids a direct statement; but it is apparent that Brumidi would not use force against Mazzini and Garibaldi and was probably their supporter.

In any event, when the Republic fell and the Pope came back and the great revolt was over, he was thrown into prison for his political beliefs. As a result, in 1852, like so many others who were dissatisfied with the conditions in the homeland, he came to the United States because America was believed to exemplify democracy and freedom.

Brumidi came to the United States at a time when nativism was very strong. The so-called "Know Nothing" movement which had as its objective the sending back of foreign immigrants who came to this country, a la Enoch Powell, actually had a Presidential candidate in 1856 and polled a considerable number of votes, and there were anti-foreign and anti-Irish riots.

Nevertheless, in 1855 he was appointed by an extraordinary military man, Montgomery Meigs, as painter in general of the Capitol.

He became a citizen in 1857, and until 1880 spent his life in decorating the Capitol. He began on the House side, Mr. Speaker. I won't say that he graduated to the Senate side, but he transferred his work to the Senate side.

And then in the 1860's, at the time of the Civil War, the dome of the Capitol was being erected. It was an extraordinary evidence of faith. The Confederates were encamped right across the Potomac, and it was not certain that the Republic was going to survive. But Lincoln ordered the dome to be completed in order to demonstrate the solidarity of the Republic.

And Brumidi began work on the dome, and in the great eye of the dome, which you can see; and I think you can see the resemblance of the figures both to Mrs. Brumidi and to Raphael's girlfriend. Then he transferred his actions to the Senate, and did a magnificent series of murals and portraits in the President's Room, where the President used to come at the end of the session to sign bills before Congress went out, or to veto them.

He then came back to the House and finally in the 1870's he began painting the circular dome and did seven scenes in grisaille. He then had a terrible accident in which he fell and barely caught the inner rim of the dome and held on. I quite can't understand how a man of 74 could hang by his fingers for 15 minutes.

Mrs. Murdock rescued the memory of Brumidi, and her book should be in many homes. And now Miss Mason is perpetuating the memory of Brumidi in marble. So there is real personal significance in this unveiling of the Brumidi bust, and I think everyone who has had a hand in bringing this about feels a sense of real satisfaction.

But this has symbolic significance as well. We live in a time when racist passions run high. And as a 10th generation WASP, I recognize that there is too much of a tendency to think of America as being only the white Anglo-Saxon side, and to ignore the contributions of other countries. Some of these contributions have been relatively humble, and we should honor these contributions. Some have been individually distinguished.

This Capitol owes a great deal to Italy because the idea of the dome itself is from Italy. The evolution of the idea of a dome is fascinating—it started, so far as I know, in Florence when Bruneleschi designed and carried out the dome of the great Cathedral in Florence.

Then Michelangelo was commissioned by the Pope and he extended Bruneleschi's design to St. Peter's; and there, I think, is the most perfectly swelling dome in the world. Christopher Wren modeled from it in St. Paul's Cathedral in London and we Americans followed it here in the Capitol. We owe this debt really indirectly to the great Italian architects and designers, most notably Bruneleschi and Michelangelo, who in addition to being the greatest painter and greatest sculptor who ever lived was also one of the great architects and poets.

So this can teach us all a lesson. And it should give to the Italian-American community a sense of pride in the constructive contribution which Brumidi and others have made.

I'm sure we all feel both the personal act of justice and the symbolic sigificance of recognizing Brumidi, and I'm sure that it will help to make us all more tolerant, more cooperative, and less given to narrow prejudice.

Remarks of Hon. Frank Annunzio

Mr. Vice President, Mr. Speaker, His Excellency The Ambassador of Italy, His Excellency The Ambassador of Greece, Senator Hayden, Majority Leader Carl Albert, Senator Douglas, and the Reverend Dr. Latch:

I deeply appreciate all of the wonderful remarks made on my behalf by the Dean of the Italo-American Congressmen, Honorable Peter W. Rodino, Jr. Pete has been my mentor, and I have found that by following his advice and suggestions, I have been a better Representative of the people for it.

At this time, I would like to extend my deep appreciation to the former Senator from Illinois, Honorable Paul H. Douglas, for introducing the Constantino Brumidi Bust bill in the Senate of the United States. I introduced identical legislation in the House of Representatives where more than 75 Congressmen joined me in sponsoring this legislation.

I want to express my genuine appreciation to the Honorable Omar Burleson, Vice-Chairman of the Joint Committee on the Library and Chairman of the House Administration Committee, and to the Honorable Paul C. Jones, Chairman of the Subcommittee on Library and Memorials of the House Administration Committee, for their help, assistance, and encouragement, without which this dedication would not be possible.

At this time, I would also like to extend my deep appreciation to the Italian Historical Society for the many years of hard work this organization has contributed in order that this occasion might become a reality.

It is appropriate to recall here in the Rotunda, where Constantino Brumidi labored for more than 25 years, his own words: "My one ambition and daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty."

The genius who said these words in 1855 and who realized his ambition before his death a quarter century later, is being honored today by the placing of a marble bust in the Capitol building which owes its interior beauty to him more than to any other man.

Tourists are held spellbound by the glorious scenes which he painted on the dome above us. Evidence of his genius can be found not only in the Rotunda, where we stand today, but everywhere in the Capitol. His stirring murals, his colorful paintings, his bold and moving frescoes, and the bronze stairways which he designed, enhance the beauty of our Capitol building. One outstanding example of Brumidi's work, the President's Room on the Senate side of the Capitol, where Brumidi labored for more than six months, has the distinction of being called "the most exquisitely decorated room in America."

"The Michelangelo of the Capitol" began his work on the dome of the Capitol when he was 72 years old. Every day for three years he was hoisted by pulleys in a perilous ascent and worked, lying on his back, on a scaffold. On October 1, 1879, he almost fell and hung by his arms for more than 15 minutes until rescuers reached him. The shock of the accident hampered his work, he never completely regained his health, and died in 1880. After his death, he was buried in an unmarked grave and forgotten for more than 50 years.

Mrs. Myrtle C. Murdock, wife of an Arizona Congressman, found Brumidi's unmarked grave in the old Glenwood cemetery. In 1950, Congress passed a bill appropriating $400 for a bonze marker on the grave and $100 for its perpetual upkeep.

Today we have people from all walks of life assembled here, but I want to especially welcome to the Rotunda of the Capitol those delegates attending the First National Conference of the National Federation of Italian American Organizations. We are all here to honor a man, who through his works of art, is bringing us a better insight and understanding of the problems which confront the people of the world today. We shall never accomplish peace by force, but all of us know that peace will come to the world through the arts and through music—the common language which all people understand regardless of race, color, or creed.

And now, it gives me a great deal of pleasure to present to you a man who has been my friend for over 25 years and who has served his country in war and peace—a great humanitarian, the distinguished former senior Senator from Illinois and the sponsor of the Constantino Brumidi bill in the Senate—the Honorable Paul H. Douglas.

Speech of the Speaker of the House

Congressman Rodino, Vice President Hubert H. Humphrey, my distinguished colleagues and friends of both branches of the Congress, my dear and valued friend, former United States Senator Paul H. Douglas, and ladies and gentlemen:

The life of Constantino Brumidi is an amazing story—an inspiration for present and future generations to follow. In this historic building of legislative service to our people are statues and busts of great persons in all fields of American life who contributed in a notable and outstanding manner to the preservation, strengthening and progress of our beloved country.

Among the statues and busts of American Great is the one unveiled today in memory of Constantino Brumidi, and a constant reminder to all Americans of a political refugee to our shores who dedicated his extraordinary artistic talent in a manner that has left an indelible impression on American history.

What then can our generation learn from the heroic sacrifices and accomplishments of Constantino Brumidi? We should, apart from an appreciation of his artistic genius, be able to draw renewed inspiration and devotion, his patriotic and unselfish love for his adopted country should charge each of us with renewed fervor for the ideals of liberty and justice embodied in our national heritage. This noble man, without thought of personal aggrandizement, poured forth without stint his God-given artistic genius for the glorification of this nation and its traditions. How then can we who have been the beneficiaries of the multitudinous spiritual and material benefits which have accrued to us as Americans do less for our native land? Let us all be inspired by this event today to go forth with a renewed spirit of sacrifice and love of country. Let each of us strive to emulate Mr. Brumidi, by using our talents as he so nobly did to serve and perpetuate our country's welfare. In the words of our late beloved President, John F. Kennedy, "Ask not what your country can do for you, but rather what can you do for your country."

Speech of the Vice President—Dedication—April 30, 1968

May I humbly and sincerely thank you for your warm and generous welcome. There are many here today I should acknowledge, but I do want to pay my respects to Ambassador Ortona of Italy and Ambassador Palamas of Greece, to the many members of Congress who have honored this occasion by their presence, and particularly to Congressman Annunzio and the dean of the Italo-American Congressmen, Peter Rodino.

I miss the presence here today of our friend, Senator John O. Pastore, co-chairman of this dedication committee.

As I rose to the podium, I reached back to congratulate Miss Mason, the sculptress, who has literally breathed life into this piece of marble. We are reminded of the living Constantino Brumidi, and Miss Mason, of all your many fine and wonderful works, I don't know of any more meaningful and truly more magnificent than the one just unveiled.

This is a very touching occasion. I don't know how you feel when you come into the Rotunda of the Capitol, but I get goose pimples every time I come in here. I love it. This is the hall of "We the People" as Congressman Fred Schwengel would say.

I think that's what Constantino Brumidi meant when he said he wanted to be remembered as just "C. Brumidi, artist and citizen of the United States."

There is no greater honor, none whatsoever, that can be bestowed upon any person on God's earth than the title of citizen of the United States of America. And today we have been privileged to hear a great scholar, a wonderful public servant and a truly brave patriot, my old and good friend, Senator Paul Douglas, remind us of this man, his human quality, his artistry, his dedication, even his political qualities.

Paul Douglas is a great teacher and all of us will better remember this occasion because of what Paul Douglas has told us about Italian art, Italian sculpture, Italian architecture, and Constantino Brumidi.

When I listened to Congressman Pete Rodino in his welcoming address, I could sense that feeling of pride that this good man has in his heritage, his Capitol, and his country. I had that same feeling as Congressman Annunzio presented his remarks and told us again of the meaning of this patriot.

This hall is the hall of "We the People." Literally millions of people come through these portals. There is a simplicity about it that adds to its beauty. Every one of these great paintings tells us of the history of our land, but about all the majesty of this magnificent dome and the paintings of Constantino Brumidi set one on fire.

How many times I've walked through here, watched people with their heads back, gazing up at that magnificent painting in the dome and wondering how it could ever be done.

And how well I remember when I first came to the Congress. There was a part of this fresco not complete. Senator Francis Green of Rhode Island and many Italian-Americans sponsored the resolution to complete this great panoramic view of the history of the American people, and we had another ceremony here to commemorate the completion of that work.

Whenever you come to this Capitol, you feel you've been lifted, you feel a sense of tingling inspiration. You simply have to feel a new breath of life when you come here. It symbolizes everything about this country—its strength, its grandeur, its simplicity, its honor, its history, and its people. How almost providential it was that a man by the name of Brumidi, artist and citizen of the United States, should have been the one who glorified it with his brush and with his God-given talent as a painter, as an artist.

I am very happy I can share in this occasion today. On behalf of a grateful people, on behalf of a grateful government of the people, and on behalf of we the people I accept this bust of a fine American, immigrant, patriot, artist, and citizen. He loved liberty and once said, "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty."

Ladies and gentlemen, there is no beauty without liberty, and I think Brumidi knew it. There can be splendor, and there can be all kinds of handsome designs. But real beauty comes in the free spirit. And what is beautiful about America is not just its lakes and its mountains, its cities and its streams. What is beautiful about America is what Constantino Brumidi understood and grasped—the spirit of America, that spirit of liberty which he enshrined in every one of the paintings to be found in this Capitol.

We have the responsibility now to preserve the art in this Capitol that Brumidi dearly loved. It is up to us and the future generations to preserve the concepts of liberty and freedom which he celebrated not only by his words but by his life. Not only by his thoughts but by his very brush and his God given gift of artistry.

Mr. Speaker, it is fitting and proper that the Honorable Peter W. Rodino, Jr., and the Honorable Frank Annunzio be the principal speakers which made this possible because they have the history and heritage that stems from Italy and in their public life have represented the best of the culture, philosophy, thinking, and ambition of the Italian people. The following brief paragraph of their backgrounds and services would be appropriate and fitting for the occasion:

The Honorable Peter Wallace Rodino, Jr., of 205 Grafton Avenue, Newark, N.J.; born June 7, 1909, in Newark, N.J.; lawyer, one of first enlisted men to be commissioned overseas; served with First Armored Division and Military Mission Italian Army; discharged April 1946 as captain; spearheaded drive against communism in the April 1948 elections in Italy; U.S. Bronze Star and other decorations; holds knighthood in the Sovereign Military Order of Malta; Grand Officer, Order of Merit, Italian Republic; Star of Solidarity, Italian Republic; knighted by former King Umberto of Italy, Knight of the Order Crown of Italy, Knight of St. Maurizio e Lazzaro; Italian Cross of Merit and other various foreign decorations; awards and citations from Veterans of Foreign Wars, Catholic War Veterans, Jewish War Veterans, AMVETS Congressional Silver Helmet Award; recipient of 1964 Bill of Rights Award for distinguished public service in the field of Government; past national chairman, Columbus Foundation, Inc.; honorary life member of Unico; married to the former Marianna Stango; two children, Margaret Ann (Mrs. Charles Stanziale) and Peter 3d; elected to the 81st Congress on November 2, 1948; reelected to the 82d, 83d, 84th, 85th, 86th, 87th, 88th, 89th and 90th Congresses; U.S. Delegate to NATO Parliamentarians Conference; U.S. Delegate to Intergovernmental Committee for European Migration.

The Honorable Frank Annunzio of Chicago, Ill.; born in Chicago, Ill., January 12, 1915; graduated from Crane Technical High School, DePaul University, B.S. degree and a master's degree in education; vocational instructor while attending college; taught civics and history at Harper High School 1940–42; married the former Angeline Alesia; three daughters; assistant supervisor of the National Defense Program at Austin High School 1942 and 1943, educational representative of the United Steelworkers of America 1943–48; director of labor, State of Illinois, 1948–52; went into privately owned business in 1954; elected to the 89th Congress November 3, 1964; reelected to the 90th Congress; appointed to House Committee on Banking and Currency on January 18, 1965.

PRESERVING COMPETITIVE BIDDING IN HIGHWAY CONTRACTS FROM UNREASONABLE APPLICATION OF EQUAL EMPLOYMENT OPPORTUNITIES REQUIREMENTS

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, several months ago the Office of Federal Contract Compliance of the U.S. Department of Labor proposed procedures designed to insure that contractors and subcontractors on federally assisted contruction contracts would provide "affirmative action programs" relative to equal employment opportunities.

Briefly speaking, the procedures contemplate the following actions: On all projects to cost $1 million or more the specifications for the project would include a notice to the prospective bidders that the low bidder will be required to submit, in writing, an "acceptable affirmative action program" to assure equal employment opportunity. The specifications for the project apparently would not include a statement outlining the details of what would be an "acceptable affirmative action program." After the bids are opened, but before the contract is awarded, the low bidder would have to submit an action program for evaluation by the contracting or administrative agency. If the proposed action program is not acceptable to the contracting or administrative agency, negotiations would ensue and the contract not awarded until agreement has been reached on the acceptability of the program.

Mr. Speaker, when I learned of this proposed order, it was my feeling that the requirement for negotiating an acceptable affirmative action program after the bids are opened is in direct conflict with the competitive bidding requirements of contracts on Federal-aid highway projects set forth in section 112 of title 23, United States Code.

In order for bidding to be truly competitive, all bidders must compete on the same basis with no allowance for negotiations on particular aspects of the project after the bids are opened.

By letter dated April 8, 1968, I asked the Honorable Elmer B. Staats, Comptroller General of the United States, to give me his opinion as to whether the proposed procedures violated competitive bidding requirements of Federal-aid highway laws.

By letter opinion B–163026, dated May 22, 1968, the Comptroller General ruled that the proposed procedures did, in fact, violate the competitive bidding requirements of Federal-aid highway laws unless before the proposed order becomes effective implementing regulations are issued, which regulations shall include a statement of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program will be judged.

Among other things, the Comptroller General stated:

> We believe that the basic principles of competitive bidding require that bidders be assured that award will be made only on the basis of the low responsive bid submitted by a bidder meeting established criteria of responsibility, including any additional specific and definite requirements set forth in the invitation, and that award will not thereafter be dependent upon the low bidder's ability to successfully negotiate matters mentioned only vaguely before the bidding. The Comptroller General concluded that the proposed requirement for submission of acceptable affirmative action programs is not illegal *provided* "the implementing regulations discussed above are issued before the proposed order establishing such requirements becomes effective".

Mr. Speaker, this position of the Comptroller General will hopefully avoid jeopardizing the highway program and will remove burdensome obstacles from the path of highway contractors who have generally indicated a willingness to do all they can within reason to provide equal employment opportunities.

My letter of April 8, 1968, to the Comptroller General and the Comptroller General's reply of May 22, 1968, follow my remarks:

April 8, 1968.

Hon. Elmer B. Staats,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

Dear Mr. Staats: The Office of Federal Contract Compliance of the United States Department of Labor has recently proposed procedures designed to insure that contractors and subcontractors on Federally-assisted construction contracts would provide "affirmative action programs" relative to equal employment opportunities. Attached is a draft memorandum submitted for comment to the heads of all agencies by the Director of the Office of Federal Contract Compliance. A final order regarding compliance with the procedures outlined in the draft memorandum has not yet been issued. I am informed, however, that a final order will be issued in the relatively near future, and that it will contain substantially the same requirements as set forth in the draft memorandum.

Briefly speaking, the procedures contemplate the following actions: On all projects to cost $1 million or more the specifications for the project would include a notice to the prospective bidders that the low bidder will be required to submit, in writing, an "acceptable affirmative action program" to assure equal employment opportunity. The specifications for the project apparently would not include a statement outlining the details of what would be an "acceptable affirmative action program". After the bids are opened, but before the contract is awarded, the low bidder would have to submit an action program for evaluation by the contracting or administrative agency. If the proposed action program is not acceptable to the contracting or administrative agency, negotiations would ensue and the contract not awarded until agreement has been reached on the acceptability of the program.

Imposition of these procedures will certainly cause added delay and cost to the Federal-aid highway program. In my opinion, there is considerable doubt as to whether these procedures are permissible under the competitive bidding requirements applicable to Federal-aid highway contracts. Under the provisions of section 112 of title 23, United States Code, construction of each Federal-aid highway project "shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest."

In order for bidding to be truly competitive, all bidders must compete on the same basis with no allowance for negotiations on particular aspects of the project after the bids are opened.

Under the procedures proposed by the Office of Federal Contract Compliance, the bidders will not know, at the time of bidding, what will constitute an acceptable action program, and therefore will not be able to make a reasonable estimate of the probable cost to the program. Since the proposed procedures apply to subcontractors as well as prime contractors, the prime contractor will have to run the risk that the subcontractors he expected to use may not submit an acceptable action program. If they fail to do so, the prime contractor will have to use different subcontractors, with the possibility of added cost to him. It should also be pointed out that if a low bidder decides for reasons satisfactory to him that he does not wish to enter into a contract on the basis of the bid, he can accomplish his purpose by failing or refusing to submit an acceptable action program.

There are other legal and practical problems which would be created by imposition of the procedures proposed by the Office of Federal Contract Compliance. My major concern at the present time, however, is whether, under the provisions of the competitive bidding requirements of section 112, title 23, United States Code, the proposed procedures can legally be required.

I will appreciate your opinion on this question.

With kindest regards, I am

Sincerely,

WILLIAM C. CRAMER.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 22, 1968.

Hon. WILLIAM C. CRAMER,
House of Representatives.

DEAR MR. CRAMER: Further reference is made to your letter of April 8, 1968, with enclosure, concerning requirements for acceptable "affirmative action programs" for compliance with the equal employment opportunity conditions of Executive Order No. 11246 of September 24, 1965. You enclose a copy of a draft memorandum of a proposed order which was submitted for comment to the heads of all agencies by the Director, Office of Federal Contract Compliance (OFCC), Department of Labor.

We understand your request for our opinion is confined to the propriety of the proposed requirements, particularly with reference to the Federal-aid highway program, in view of the specific provision of 23 U.S.C. 112 that such highway projects shall be performed by contracts awarded by competitive bidding, and that you do not question generally the legality of the requirement for the inclusion of nondiscrimination clauses, which was first imposed as to Government contracts by Executive Order No. 8802, June 25, 1941, and extended to construction contracts under federally aided or financed programs by Executive Order No. 1114, June 22, 1963.

You state that the procedures proposed by the Department of Labor contemplate that the low bidder and its subcontractors, on contracts covered by the order, will be required to submit before award acceptable affirmative action programs to assure equal employment opportunities, but that the invitation for bids apparently would not include a statement outlining the details of an acceptable program. Further, that when an unacceptable program is submitted award will not be made until agreement is reached on an acceptable program. You say that since bidders will not know what will constitute an acceptable program they will not be able to make a reasonable estimate of the probable cost of the program, and thus must run the risk of added costs, including possible additional subcontracting costs, when the proposed subcontractors do not submit acceptable action programs. You also point out that a low bidder has the opportunity to avoid entering into a contract by failing or refusing to submit an acceptable action program. Finally, you state that you believe imposition of the proposed procedures will cause added delay and cost to the Federal-aid highway program.

The purpose and background for the proposed order is stated therein as follows:

"1. Purpose: This Order is to insure that before contracts are awarded, Federally involved construction contractors provide affirmative action programs which comply with the requirements of Executive Order 11246 and with Rules and Regulations issued pursuant to it.

"2. Background: For over one and a half years, acceptable affirmative action programs have been required before contract award by a number of Federal contracting and administering agencies. Detailed pre-award programs are now required by this Office in three specific geographical areas (St. Louis, San Francisco Bay, and Cleveland) for all Federal contracting and administering agencies. Experience has shown that such procedures are considerably more effective in implementing the Executive Order than exclusively post-award approaches. The pre-award requirement for nonconstruction contracts has been in effect since May 3, 1966."

The following pertinent provisions of the proposed order are set forth under paragraph 3b:

"On all projects for Federal or Federally-assisted construction, in which the total construction cost may be one million dollars or more:

"(1) Each agency shall include, or require the applicant to include, in the specifications for each formally-advertised construction contract, a notice (the form of which is approved by the Office of Federal Contract Compliance) to all prospective bidders stating that, if its bid is one million dollars or more, the low bidder must submit, in writing, (an) acceptable affirmative action program(s) which will have the result of assuring equal employment opportunity in all trades and particularly the better-paid trades (such as electricians, plumbers, pipefitters, sheet metal workers, ironworkers and Operating Engineers) to be used on the job and in all phases of the work, whether or not the work is to be subcontracted.

"(2) Before each contract is awarded, the contracting or administering agency shall make an evaluation of the proposed affirmative action programs submitted with the bid. The evaluation *shall be* conducted by *qualified specialists* regularly involved in equal employment opportunity programs, in cooperation with the OFCC Area Coordinator if one serves the area where the contract will be performed."

Under paragraph 3c each Federal contracting and administering agency is required to submit to the OFCC its program to implement the order.

Existing regulations issued by the Secretary of Labor pursuant to the authority of the Executive Order, which appear in Title 41, Chapter 60, of the Code of Federal Regulations, require that federally assisted construction contracts shall include a clause under which the contractor and subcontractors agree to take various affirmative actions to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. 41 CFR 60–1.3(b). A proposed revision of 41 CFR Ch. 60 issued by the Office of Federal Contract Compliance pursuant to Executive Order No. 11246, was published in the Federal Register, Vol. 33, No. 32, on February 15, 1968. Requirements for a similar clause in federally assisted construction contracts and subcontracts are stated under Section 60–1.4(b) of the proposed revision, and general requirements of satisfactory affirmative action programs are set forth in Subpart C thereof. Other than the submission of an affirmative action program prior to award, and the requirement for approval thereof by OFCC prior to award, we do not find a substantial basis on which to conclude that the proposed order contemplates that the affirmative actions required of contractors and subcontractors under federally assisted construction contracts will be materially different from those which have been required of such parties after award for several years.

A review of the records of this Office does not show receipt of any cases involving undue restrictions on competition resulting from the requirement for affirmative actions by contractors to ensure compliance with the Equal Employment Opportunity Program in federally assisted construction contracts, or involving contractors having encountered substantially higher costs in satisfactorily complying with equal opportunity requirements than were anticipated in the preparation of their bids. It is further noted that, in the background information quoted above, it is stated that preaward acceptable affirmative action programs have been required by a number of Federal procurement agencies for over two years, and our records fail to show any cases presented to this Office wherein award was not made to the low bidder because of his failure or refusal to submit an acceptable affirmative action program, or involving claims for unanticipated costs resulting from such a program.

While, as noted above, problems in the existing preaward acceptable affirmative action program have not been reflected in our contract work, statements contained in records of your office which you have made available for examination by representatives of this Office reflect that road contractors may be encountering serious problems in connection with the preaward program as it is being administered in the geographical areas mentioned in the proposed order. Such statements indicate that the preaward procedures have in some instances resulted in extended periods of delay in the awarding of contracts, that bidders are furnished inadequate guidelines for the development of an acceptable affirmative action program, and the low responsive (an otherwise responsible) bidder may therefore be required to enter into negotiation procedures on an acceptable program in order to obtain the award; that a program which is acceptable on one contract may not be acceptable on another; that a program which is acceptable at the time the contract is awarded may be unacceptable when the project is half completed; and that a bidder operating under negotiated labor agreements would in some cases be required to violate those agreements in order to comply with the proposed order.

Statutory provisions, such as that contained in 23 U.S.C. 112, for competitive bidding in the award of contracts have been intepreted to require award after advertising to the lowest responsible bidder whose bid is responsive to the terms of the invitation, and it is elementary that bidders must be adequately advised beforehand of all material requirements which will affect their costs or ability to perform. Invitations for bids were designed to secure a firm commitment upon which award could be made for securing the Government's requirements described therein, and not as a first step for subsequent negotiation procedures. In view thereof, there would appear to be a technical defect in an invitation's requirement for submission of a program subject to Government approval prior to contract award which does not include or incorporate definite standards on which approval or disapproval will be based. We believe that the basic principles of competitive bidding require that bidders be assured that award will be made only on the basis of the low responsive bid submitted by a bidder meeting established criteria of responsibility, including any additional specific and definite requirements set forth in the invitation, and that award will not thereafter be dependent upon the low bidder's ability to successfully negotiate matters mentioned only vaguely before the bidding. We are therefore advising the Secretary of Labor that if the proposed order is adopted it should be appropriately implemented, before becoming effective, by regulations which should include a statement of definite minimum requirements to be met by the bidder's program, and any other standards or criteria by which the acceptability of such program will be judged.

As to any added delay or cost to the Federal-aid highway program which might be occasioned by the requirement for acceptable affirmative action programs by contractors and subcontractors, such factors would not negate the apparent legality of the requirement. As indicated above, one of the basic requisites in awarding contracts pursuant to competitive bidding is that award be made to a responsible bidder, and added delay and cost in determining the responsibility or acceptability of the low responsive bidder are matters commonly associated with the awarding of such contracts.

Although, as you state, imposition of the procedures proposed by the Office of Federal Contract Compliance will no doubt create other legal and practical problems, we believe that many areas of such contemplated problems may be subject to resolution or disposition by regulations promulgated by the Office of Federal Contract Compliance or by implementing regulations of the agencies as provided for in the proposed order. In any event, we cannot conclude at this time that the proposed requirement for submission of acceptable affirmative action programs prior to awarding federally assisted construction contracts is as a matter of law clearly incompatible with competitive bidding requirements of 23 U.S.C. 112, and therefore illegal, provided the implementing regulations discussed above are issued before the proposed order establishing such requirement becomes effective.

We trust this serves the purpose of your letter of April 8. Please let us know if we can be of any further assistance in this matter.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General.

TO STRENGTHEN THE INTERNAL SECURITY LAWS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REINECKE. Mr. Speaker, the United States was founded upon and is committed to the principles of liberty and freedom. We have in the past committed ourselves to the defense of these principles when they have been challenged on foreign shores.

Today, we are committed to the defense of these principles in a small but highly important corner of the world. More than 500,000 American boys are now serving in our military forces in Vietnam in order to preserve liberty and freedom from the aggressive force of international communism. Many have given their lives that liberty and freedom may live throughout the world.

Yet what shall it avail us if we commit this Nation to the maintenance of peace and order in all parts of the world but neglect the omnipresent dangers of Communist subversion at home? Recognizing that the Communist conspiracy exists and that it is dedicated to the destruction of our Government and the principles upon which it rests, the Congress has in the past enacted a number of measures designed to protect ourselves from subversion from within—the Smith Act of 1941 and the Internal Security Act of 1950, with its amendments in 1954, 1955, 1956, and 1958. But none of these has been as wholly effective as we hoped they would be—not only has the Supreme Court taken issue with many provisions contained in them, but they have been shown in practice to contain numerous loopholes.

I therefore propose, Mr. Speaker, to introduce a measure which will correct the difficulties encountered in enforcing the earlier legislation. I might also mention that this measure is substantially identical to one which has been under consideration in the Senate for a number of months.

This is a comprehensive measure; I cannot hope to discuss in detail here today all of its sections and ramifications, matters which will, I trust, be adequately examined in committee hearings. I should, however, like to summarize a few of its more salient aspects.

One section of this measure would make it a criminal offense, punishable as treason, to give aid or comfort to a country which is engaged in open hostilities with the United States. Treason is now, as provided by the Constitution, punishable only when the United States is engaged in declared warfare with another nation. Yet cold wars and undeclared, but nonetheless deadly, armed conflicts present just as great a threat to our security as do formally declared wars. Why should treasonable acts go unpunished no matter what the circumstances? Why must American boys be asked to risk their lives on the battlefields of Vietnam while we tacitly allow other Americans to hamper their efforts by giving aid to our enemies, the North Vietnamese?

In this bill, I therefore propose to make punishable as treason acts committed by those who owe their allegiance to the United States but who give aid or comfort to any nation which is involved in open hostilities against our Nation.

Title II of this measure would expand and enlarge the responsibilities of the Subversive Activities Control Board, seriously curtailed by court decisions, and would make it the truly effective body it has the capacity to be.

This title would also clarify congressional intent with respect to the employment of Communists in defense facilities, and would correct certain deficiencies in existing law, which the Supreme Court objected to in the recent Robel case. Section 204 very clearly specifies that any member of a Communist organization is forbidden to hold employment in any defense facility, and it states that it shall be unlawful for an active member of a Communist organization, so designated by the Subversive Activities Control Board, to knowingly and willfully continue in employment at any such facility. This particular section, moreover, very clearly and precisely defines congressional intent as to what may constitute a "Communist organization" or a "Communist-action organization," and concretely defines the criteria to be used by the Secretary of Defense in designating a defense facility.

Section 208 of the measure aims at one of the favorite means of Communist infiltration—our public schools. This provision states that no person who is an active member of any Communist-action organization may hold any teaching or administrative position in any schools which are supported in whole or in part by Federal funds.

Title III of the bill deals with the registration of foreign agents, and provides that any political propaganda mailed by such agents shall not only be registered with the Attorney General, but shall be clearly labeled as such.

Title IV makes numerous amendments to our laws regarding passports. Among them is a prohibition against collusion with foreign governments to evade passport laws and regulations and a prohibition against issuance of a passport to one who refuses to swear or affirm his allegiance to the United States. It also transfers the power to issue, refuse, or revoke passports from the Secretary of State to the Attorney General.

Title V of the bill grants immunity from prosecution for witnesses appearing before congressional committees, and prohibits reprisals by various agencies of the Government against employees who have testified before a congressional committee. This particular section of the bill also provides for accelerated action by the courts in cases involving espionage, sabotage, treason, sedition, and other activities of a subversive nature.

Title VI is particularly significant. It would not supersede the power of agency for executive departments which would handle security investigations and issue evaluations in Federal personnel security cases. If an investigation by this administration shows evidence of subversive activity, the case would be referred to the Federal Bureau of Investigation. The authority of the new agency, however, would not supersede the power of agency heads to hire or to grant security clearances. The administration could also conduct conferences and training sessions with security officers of other agencies to review security practices and recommend changes in established practices or procedures. Finally, the administration would be given the powers, duties, and functions of the International Employees Loyalty Board.

I have, Mr. Speaker, only touched on the major provisions of this measure, the Internal Security Act of 1968. It is a comprehensive, detailed, and precise piece of legislation. It has been carefully drafted to meet the exigencies of today, as well as to correct deficiencies in previous legislation in this area. Our security is not to be lightly considered. The need is urgent. I introduced this measure with the confidence that this House recognizes our crucial task and will respond judiciously.

TENTH DISTRICT POLL

Mrs. HECKLER of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. HECKLER of Massachusetts. Mr. Speaker, earlier this year I mailed questionnaires to all households in the 10th Congressional District of Massachusetts, which I am so proud to represent in the Congress of the United States.

This distribution was designed to reach every family from Wellesley in suburban Boston south to Fall River and Westport.

Never before had the constituents of my district been asked for their opinions through an organized polling by their Representative in Congress. I was pleased and grateful that more than 15,000 completed questionnaires were returned to me, several hundred of them accompanied by letters in which individuals explained their views in more detail.

For the past month I have been tabulating and analyzing the findings, which I am now making public. I respectfully request, Mr. Speaker, that the results of this questionnaire be inserted in today's Congressional Record.

I make this request so that my 433 colleagues in the House of Representatives and the 100 Members of the Senate can add to their own knowledge of how the American public feels about the state of our Union. I place these findings in the Congressional Record also to insure that State and local legislators, educators, historians, students, and others can be informed of the opinions and the concerns of the residents in the 10th Massachusetts Congressional District.

Mr. Speaker, I plan to continue this polling of the people who elected me to Congress. Only through being in constant touch with them—of knowing how they feel—can I represent them effectively in Washington.

At the same time, major events take place almost daily, and legislation is constantly undergoing change as circumstances change. In the case of this questionnaire, several major events have occurred since it was mailed to my constituents. Among these are the current peace negotiations in Paris, the tragic assassination of Dr. Martin Luther King and a fiscal crisis which has culminated in a joint House-Senate conference report that proposes a 10-percent surtax coupled with a $6 billion cut in Federal spending.

This questionnaire has afforded my constituents a unique opportunity for personal expression at a time when our country needs the participation and contribution of every citizen.

Mr. Speaker, a tabular presentation of my findings here follows:

1. What should we do about Vietnam?

a. Continue the present conduct of the war	1,080
b. Take any military action necessary, including nuclear weapons [1]	2,289
c. Hold key positions and try to negotiate a settlement	4,374
d. Halt the bombing, with emphasis on peace negotiations	2,876
e. Withdraw immediately, leaving the Vietnamese to settle their own struggle	2,810
f. Combination of one or more answers	1,381

[1] An additional 527 persons answered the question after deleting the last three words—"including nuclear weapons."

2. What should be done about the President's proposed 10 percent surtax?

a. Support the President's position	1,997
b. Enact a lesser tax (4%-7%) coupled with some spending cuts	3,353
c. Cutback domestic and foreign spending, eliminating the need for added taxes [2]	8,789
d. Combination of one or more answers	440

[2] The word "domestic" was deleted by 332 others. The word "foreign" was deleted by 325 others.

3. Which, if any, of the President's proposed restrictions on travel would you favor?

a. An increased tax on international air transportation	912
b. An increased tax on international water transportation	174
c. A graduated tax on expenditures above $7 per day during travel abroad	3,479
d. None	9,258
e. Combination of one or more answers	1,383

4. In which two areas would you like most to see your tax dollars spent?

a. Defense	4,019
b. Aid to cities	3,304
c. Poverty programs	5,035
d. Space programs	835
e. Crime prevention and control	7,983
f. Education	6,711
g. Health	3,541
h. Foreign Aid	272

5. To deal with the problems of Congressional ethics should a law require Members of Congress to:

a. Make public income tax returns	2,510
b. File a statement of assets and liabilities	2,387
c. File a statement of campaign expenditures and contributions	6,474
d. Rely on existing law	1,668
e. Combination of one or more answers	2,174

6. Which of the following proposals to amend the United States Constitution would you like to see enacted?

a. Amendment to allow representation for the District of Columbia in Congress	5,290
b. Amendment to permit voluntary prayer in schools	8,787
c. Amendment to lower the voting age to 18	4,557
d. None	1,698

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Sikes, for 1 hour, Wednesday, June 19.

Mr. Rosenthal, for 60 minutes, on May 27, 1968; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Gerald R. Ford and the following Members from Michigan in observance of Michigan Week:

Mr. Cederberg in one instance.

Mr. Diggs in one instance.

Mr. Dingell in one instance.

Mrs. Griffiths in one instance.

Mr. Broomfield in one instance.

Mr. Chamberlain in one instance.

Mr. O'Hara of Michigan in one instance.

Mr. Harvey in one instance.

Mr. Nedzi in one instance.

Mr. Hutchinson in one instance.

Mr. Conyers in one instance.

Mr. William D. Ford in one instance.

Mr. Brown of Michigan in one instance.

Mr. Esch in one instance.

Mr. McDonald of Michigan in one instance.

Mr. Riegle in one instance.

Mr. Ruppe in one instance.

Mr. Vander Jagt in one instance.

Mr. Celler and to include extraneous material.

Mr. Sikes in five instances, and to include extraneous material.

Mr. Culver to extend his remarks during consideration of House Joint Resolution 1227.

Mr. Belcher to extend his remarks on House Joint Resolution 1227.

Mr. Robison (at the request of Mr. Dellenback) and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. O'Hara of Illinois) and to include extraneous matter:)

Mr. Long of Maryland.

Mr. Carey in three instances.

Mr. McMillan.

Mr. Moorhead in two instances.

Mr. Abbitt in two instances.

Mr. Edwards of California in three instances.

Mr. Rees.

Mr. Hanley.

Mr. Smith of Iowa in two instances.

Mr. Ottinger.
Mr. Gonzalez in three instances.
Mr. Wright in two instances.
Mr. Culver.
Mr. Dent.
Mr. Eckhardt.
Mr. Albert.
Mr. Fascell in two instances.
Mr. Resnick in two instances.
Mr. Rarick in six instances.
Mr. Rosenthal in three instances.
Mr. Brooks
Mr. Hagan in three instances.

(The following Members (at the request of Mr. Dellenback) and to include extraneous matter:)

Mr. Rhodes of Arizona in two instances.
Mr. Bow in two instances.
Mr. Bush.
Mr. Cowger.
Mr. Kupferman in five instances.
Mr. Wyatt.
Mr. Gubser.
Mr. Scherle in two instances.
Mr. Wyman in two instances.
Mr. McDade.
Mr. Gurney.
Mr. Ashbrook in two instances.
Mr. Taft in four instances.
Mr. Findley in two instances.
Mr. Derwinski in three instances.
Mr. Laird in four instances.
Mr. Thompson of Georgia.
Mr. Cahill.
Mrs. Heckler of Massachusetts.
Mr. Lipscomb in two instances.
Mr. Robison.
Mr. Reid of New York.
Mr. Rumsfeld.
Mr. Reinecke.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 15348. An act to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5. An act to safeguard the economy in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes;

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes;

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department; and

H.R. 16409. An act to amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

ADJOURNMENT

Mr. O'HARA of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, May 27, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1878. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1879. A letter from the Acting Comptroller General of the United States, transmitting a report on the opportunity to reduce the Federal Government's cost of medical benefits furnished Foreign Service employees overseas, Department of State and the U.S. Civil Service Commission; to the Committee on Government Operations.

1880. A letter from the Attorney General, transmitting a report on the awards of the Young American Medals for Bravery and Service for 1966, pursuant to the act of August 3, 1950 (Stat. 397–398); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. S. Con. Res. 64. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the establishment of a Commission on Balanced Economic Development and the creation of a Northwest Regional Services Corporation (Rept. No. 1425). Ordered to be printed.

Mr. HAYS: Committee on House Administration. S. Con. Res. 66. Concurrent resolution to print, for the use of the Senate Special Committee on Aging, additional copies of its hearings on long-range program and research needs in aging (Rept. No. 1426). Ordered to be printed.

Mr. HAYS: Committee on House Administration. H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator (Rept. No. 1427). Ordered to be printed.

Mr. HAYS: Committee on House Administration. H. Con. Res. 614. Concurrent resolution to provide for the printing of 1,000 additional copies of anticrime program hearings (Rept. No. 1428). Ordered to be printed.

Mr. HAYS: Committee on House Administration. H. Con. Res. 702. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 1429). Ordered to be printed.

Mr. HAYS: Committee on House Administration. H. Res. 1057. Resolution to print as a House document a revised and updated version of the collection of materials entitled "Documents on the Use and Control of the Waters of Interstate and International Streams: Compacts, Treaties, and Adjudications"; with amendment (Rept. No. 1430). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1076. Resolution providing for printing as a House document the "Compilation of Social Security Laws"; with amendment (Rept. No. 1431). Ordered to be printed.

Mr. PATMAN: Committee on Banking and Currency. H.R. 17268. A bill to amend the Defense Production Act of 1950, and for other purposes; with amendment (Rept. No. 1455). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 17267. A bill to amend title 5, United States Code, to remove persons from Federal employment who engage in unlawful acts connected with riots or civil disorders, and for other purposes (Rept. No. 1456). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 272. A bill to extend the period during which amounts transferred from the employment security administration account in the unemployment trust fund to State accounts may be used by the States for payment of expenses of administration (Rept. No. 1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3400. A bill to amend the Federal Aviation Act of 1958 to authorize aircraft noise abatement regulations, and for other purposes; with amendment (Rept. No. 1463). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TENZER: Committee on the Judiciary. H.R. 2654. A bill for the relief of Frank Kleinerman; with amendment (Rept. No. 1432). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 2695. A bill for the relief of Donald D. Lambert (Rept. No. 1433). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 2976. A bill for the relief of the Mutual Benefit Foundation; with amendment (Rept. No. 1434). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3681. A bill for the relief of James M. Yates (Rept. No. 1435). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5815. A bill for the relief of Lt. Comdr. William W. Gentry; with amendment

(Rept. No. 1436). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 5818. A bill for the relief of Clifton R. Kindt; with amendment (Rept. No. 1437). Referred to the Committee of the Whole House.

Mr. TENZER: Committee on the Judiciary. H.R. 6195. A bill for the relief of Peter Balinas and Lee Balinas (Rept. No. 1438). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 8087. A bill for the relief of Henry Gibson; with amendment (Rept. No. 1439). Referred to the Committee of the Whole House.

Mr. TENZER: Committee on the Judiciary. H.R. 8809. A bill for the relief of Maj. Hollis O. Hall; with amendment (Rept. No. 1440). Referred to the Committee of the Whole House.

Mr. TENZER: Committee on the Judiciary. H.R. 9089. A bill for the relief of E. Christian Des Marets, Sr.; with amendment (Rept. No. 1441). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10321. A bill for the relief of Mrs. Claudette C. Donahue; with amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 13160. A bill for the relief of William W. Hiebert; with amendment (Rept. No. 1443). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 14079. A bill for the relief of Lts. (jg.) Herbert F. Swanson, John C. Markowicz, John T. Cox, George T. Ankrum, and Gerald E. Sheldon; with amendment (Rept. No. 1444). Referred to the Committee of the Whole House.

Mr. TENZER: Committee on the Judiciary. H.R. 14167. A bill for the relief of Lydia M. Parsley (Rept. No. 1445). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 16037. A bill for the relief of Carolina G. Junghans (Rept. No. 1446). Referred to the Committee of the Whole House.

Mr. TENZER: Committee on the Judiciary. H.R. 16283. A bill for the relief of Harvey E. Ward (Rept. No. 1447). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6323. A bill for the relief of Dr. Rodolfo Eduardo Bustamante y Arriola; with amendment (Rept. No. 1448). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 7047. A bill for the relief of Dr. Ramón Aixalá; with amendment (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 7900. A bill for the relief of Dr. Eulogio Manuel Calderín Pazos; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 7901. A bill for the relief of Dr. Francisco Dominguez López; with amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 7902. A bill for the relief of Dr. Miguel A. Santos-Buch; with amendment (Rept. No. 1452). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 8816. A bill for the relief of Dr. Guillermo Sardiñas Pérez; with amendment (Rept. No. 1453). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2585. An act for the relief of Kap Rai Kim and Young Nam Kim (Rept. No. 1454). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 10457. An bill for the relief of Dr. Angela Zebarte Fandino (Rept. No. 1458). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary H.R. 11591. A bill for the relief of Dr. Eliseo E. Puig; with amendment (Rept. No. 1459). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 11592. A bill for the relief of Dr. Orlando Fajardo Vargas; with amendment (Rept. No. 1460). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 11593. A bill for the relief of Dr. José R. Guerra; with amendment (Rept. No. 1461). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H. Res. 1177. Resolution for the relief of Faith M. Lewis Kochendorfer and others (Rept. No. 1462). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 17477. A bill to provide for a national program to improve the availability of necessary property insurance protection against fire, crime, and other perils through the cooperative efforts of government and the private insurance industry, with Federal reinsurance (and direct Federal insurance if necessary), to provide rehabilitation assistance for low-income property owners, to assure that small business loans are available in cases where the losses suffered are the result of riot or other civil commotion, and to establish a program of Federal grants to assist State and local governments in extending financial assistance to riot victims; to the Committee on Banking and Currency.

By Mr. CULVER:

H.R. 17478. A bill to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 17479. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. EDWARDS of Alabama:

H.R. 17480. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. HALL:

H.R. 17481. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 17482. A bill to amend section 7(b) of the Small Business Act; to the Committee on Banking and Currency.

H.R. 17483. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 17484. A bill to eliminate hunger in the United States; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 17485. A bill to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal Governments, and to attract such students to the public service, and for other purposes; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 17486. A bill to prohibit the possession, manufacture, use, offer to sell, sale, gift, loan, or other transfer in the District of Columbia of any fire bomb, fire torch, Molotov cocktail, or any other flammable, explosive, or combustible material or substance; to the Committee on the District of Columbia.

By Mr. McCLURE:

H.R. 17487. A bill to authorize the Secretary of the Army to provide school facilities for the education of dependents of persons engaged in the construction of the Dworshak Dam and Reservoir project, and for other purposes; to the Committee on Education and Labor.

By Mr. MINISH:

H.R. 17488. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 17489. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. MIZE:

H.R. 17490. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 17491. A bill to establish a Domestic Development Bank to assist in the development of employment and business opportunities in certain urban and rural areas; to the Committee on Banking and Currency.

By Mr. REINECKE:

H.R. 17492. A bill to strengthen the internal security of the United States; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17493. A bill to amend section 212 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 17494. A bill to redesignate the Department of Agriculture as the Department of Agriculture and Community Services; to the Committee on Agriculture.

By Mr. TAFT:

H.R. 17495. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM:

H.R. 17496. A bill to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the interchange of Federal, State, and local personnel, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 17497. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Donohue, Mr. Edwards of California, Mr. Tenzer, and Mr. Mathias of Maryland):

H.R. 17498. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure; to the Committee on the Judiciary.

By Mr. MACHEN (for himself and Mr. Feighan):

H.R. 17499. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Gerald R. Ford, Mr. Broomfield, Mr. Harvey, Mr. Brown of Michigan, and Mr. Cederberg):

H.R. 17500. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 17501. A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITENER (for himself, Mr. Sisk, Mr. Abernethy, Mr. Fraser, Mr. Adams, Mr. Kyros, Mr. Steiger of Arizona, Mr. Zwach, Mr. Gude, Mr. Winn, and Mr. Dowdy):

H.R. 17502. A bill to authorize the Commissioner of the District of Columbia to utilize volunteers for active police duty; to the Committee on the District of Columbia.

By Mr. JOELSON:

H.J. Res. 1281. Joint resolution proposing an amendment to the Constitution of the United States providing that when the right of choice of the President shall devolve upon the House of Representatives, each Representative shall have one vote; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.J. Res. 1282. Joint resolution proposing an amendment to the Constitution of the United States to provide for the popular election of the Judges of the Supreme Court; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.J. Res. 1283. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

By Mr. FASCELL:

H. Res. 1185. Resolution expressing the sense of the House of Representatives concerning a stable and durable peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17503. A bill for the relief of Rochelle Kadoche also known as Rachel Kadosh; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 17504. A bill for the relief of Felix Kimpo Gonzales; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17505. A bill for the relief of Andrea Giliberti and Maria Giammalvo Giliberti; to the Committee on the Judiciary.

H.R. 17506. A bill for the relief of Pietro Pepe; to the Committee on the Judiciary.

H.R. 17507. A bill for the relief of Vincenzo Taormina; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 17508. A bill for the relief of Laela Mohideen; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17509. A bill for the relief of Dr. Silverio Agujar and his wife, Teresita Agujar; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 17510. A bill for the relief of Ioannis Sotiriou Koutsakis; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17511. A bill for the relief of Joaquina Januario; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 17512. A bill for the relief of Jordan Koste Ristevski; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 17513. A bill for the relief of Byung-Woong Kim; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 17514. A bill for the relief of Joseph Lala; to the Committee on the Judiciary.

H.R. 17515. A bill for the relief of Rouhama Lebel; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17516. A bill for the relief of Mr. Yehoshua M. Horvitz; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 17517. A bill for the relief of Man Young Lee; to the Committee on the Judiciary.

H.R. 17518. A bill for the relief of Santuzza Simonti; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 17519. A bill for the relief of Sreten Kosta Ristivojevic; to the Committee on the Judiciary.

H.R. 17520. A bill for the relief of Giuseppe Tornatore; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 17521. A bill for the relief of Tran Huu Can; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

323. By the SPEAKER: Petition of National Association for Community Development, Washington, D.C., relative to the antipoverty and community development programs; to the Committee on Education and Labor.

324. Also, petition of Mrs. Rita Warren, Children's Society, Brockton, Mass., relative to assistance to retarded children; to the Committee on Interstate and Foreign Commerce.

325. Also, petition of Mr. Memory H. Oliver, Biloxi, Miss., relative to benefits from the Veterans' Administration and the Department of Health, Education, and Welfare; to the Committee on Veterans' Affairs.

SENATE—*Thursday, May 23, 1968*

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of grace and glory, a thousand years, in Thy sight, are but as yesterday, and as a watch in the night, so teach us to number our days that we may apply our hearts unto wisdom. Bowing at this altar of Thy sustaining grace, we come vividly conscious that we need not turn back to bygone centuries to hear Thy voice, as if Thou dost speak to men no longer in the living present. Give us receptive ears to hear Thy imperial call above the noise of crashing human systems.

Forgive us for smug satisfaction with ourselves and for our cynical contempt of others.

Bring us to a golden tomorrow for all Thy children when the shared plenty of the good earth shall wash the slums of the world into vague, unhappy memories.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, May 22, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 126. An act for the relief of Pedro Antonio Julio Sanchez;

S. 233. An act for the relief of Chester E. Davis;

S. 1040. An act for the relief of certain employees of the Department of the Navy; and

S. 2409. An act for the relief of the estate of Josiah K. Lilly.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower, Employment, and Poverty of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

Mr. DIRKSEN. Mr. President, reserving the right to object, we did make exceptions for two committees yesterday, and I think mainly on the ground that they were hearing witnesses who had come from a long distance.

Mr. MANSFIELD. The Senator is correct.

Mr. DIRKSEN. I do not know what the situation is with respect to the Subcommittee on Manpower, Employment, and Poverty. If they are local witnesses, I would hesitate to give consent. If, however, they are witnesses from Resurrection City, I would not want to stand in the way of hearing them.

Mr. MANSFIELD. That is correct.

Mr. DIRKSEN. Of course, I have no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Delaware [Mr. WILLIAMS] may be allowed to proceed for not to exceed 5 minutes, and that at the conclusion of his remarks, the controlled time begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUGGESTED REDUCTIONS IN FARM SUBSIDIES

Mr. WILLIAMS of Delaware. Mr. President, during the past several days administration officials have been warning the American people of the disastrous results that will develop if Congress approves a $6 billion mandatory reduction in expenditures. In its determined effort to defeat such expenditure reductions, the various agencies of the Government have been conducting a vigorous campaign, warning of the drastic curtailment or the abandonment of programs dealing with health, education, welfare, veterans benefits, and so forth. Significantly, not a single suggestion has as yet been made as to where they could make a reduction.

Today I call attention to a place where the Government can save a minimum of $600 million per year by adopting my amendment proposing a $10,000 ceiling on the amount which can be paid to any individual farmer under the farm subsidy program. Approximately $1 billion could be saved annually if these payments were limited to $5,000 per individual farmer.

Today I am incorporating in the RECORD a report giving a list of those cash payments to farmers which in 1967 exceeded $50,000. Of this group five operations were paid over $1 million each, 15 were paid between $500,000 and $1 million each, 388 farming operations were paid between $100,000 and $500,000 each, and 1,290 were each paid between $50,000 and $100,000. There were 4,881 farming operations which were paid between $25,000 and $50,000 each. In 1967 these 6,579 farming operations, each of which was paid in excess of $25,000, received a grand total of $333,127,693.

I have a more complete report which breaks this list down further to include the names and addresses of all who received in excess of $25,000. This report is available in my office to anyone interested.

I have submitted an amendment to the Committee on Appropriations, the purpose of which is to limit all such payments to $10,000; and should this amendment be accepted, the estimated annual savings would be about $600 million.

It is estimated that placing a ceiling of $25,000 on all such agriculture payments to any one operation would save the taxpayers approximately $170 million annually.

I can see no justification for these outlandish subsidy payments, such as are outlined in this report. It should be emphasized that these payments are not for food produced or for services rendered but, rather are payments not to cultivate the land.

The $600 million which could be saved annually through the adoption of my amendment would go far toward underwriting the cost of some of the more essential and worthy programs.

At a time when the administration is shedding so many crocodile tears over the plight of the hungry in America it is a farce to see them at the same time paying millions to corporate-type farming operations not to produce crops. Why does the administration oppose the adoption of my amendment and the saving of this $600 million?

This is a place where Congress can achieve a $600 million expenditure reduction and at the same time correct a farm program which is getting completely out of hand. I appeal to the administration for its support of the amendment which I have submitted to achieve this objective.

I ask unanimous consent that a list of the names, addresses, and total payments of $50,000 or more under ASCS programs—excluding price support loans—for calendar year 1967 be printed at this point in the RECORD, followed by the amendment I have offered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1967 TOTAL PAYMENTS OF $1,000,000 AND OVER, UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
CALIFORNIA		
Rancho San Antonio	Post Office Box C, Gila Bend, Ariz., Fresco County.	$2,863,668
J. G. Boswell Co	Box 128 Litchfield Park, Ariz., Kings County	4,091,818
South Lake Farms	Post Office Box 307, Five Points	1,304,053
FLORIDA		
U.S. Sugar Corp	Drawer 1207, Clewiston, Hendry County	$1,275,687
HAWAII		
Hawaiian Commercial & Sugar Co.	Box 3440, Honolulu	1,353,770

1967 TOTAL PAYMENTS OF $500,000 TO $999,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ARIZONA		
Farmers Investment Co	Box 128, Aguila, Maricopa County	$554,817
ARKANSAS		
Lee Wilson & Co	Wilson, Southern Mississippi County	619,489
CALIFORNIA		
Acco Seed	Drawer R, Leoti, Kans., Fresno County	814,714
Mount Whitney Farms	Post Office Box 247, Five Points	591,980
Kern County Land Co	Box 380, Bakersfield, Kern County	838,130
S. A. Camp Farms Co	Bin D, Shafter	517,285
Salyer Land Co	Post Office Box 488, Corcoran, Kings County	789,910
FLORIDA		
So. Puerto Rico Sugar Co	R.F.D. 1, Box 142, Fellsmere, Palm Beach County	610,913
HAWAII		
Kohala Sugar Co	Box 2990, Honolulu	$800,718
Waialua Agricultural Co., Ltd	Box 2990, Honolulu	600,477
Oahu Sugar Co	Box 3230, Honolulu	571,453
Lihue Plantation Co., Ltd	Box 3230, Honolulu	539,570
Pioneer Mill Co	Box 3230, Honolulu	500,296
MISSISSIPPI		
Delta & Pine Land Co	Scott, Bolivar County	653,252
MONTANA		
State of Montana	Department of State Lands, Helena, Daniels County.	553,358

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ALABAMA		
Joe I. McHugh	Box 17, Orrville, Dallas County	$103, 870
Edward F. Mauldin	Leighton, Lawrence County	165, 003
ARIZONA		
Youngker Farms	Box 398, Buckeye, Maricopa County	327, 523
Goodyear Farms	Litchfield Park, Maricopa County	270, 705
Community Gin	Post Office Box 7446, Phoenix, Maricopa County	233, 231
Harris Cattle Co	Box 456, Chandler, Maricopa County	165, 272
Belluzzi Farms Inc	Box 223, Avondale, Maricopa County	160, 883
David A. Shumway	Route 1, Box 19, Queen Creek, Maricopa County	157, 063
Waddell Ranch Co	Waddell, Maricopa County	154, 878
Leyton Woolf	4419 W Royal Plms Rd. Glendale, Maricopa County.	154, 650
F. C. Layton	Box 640, Thatcher, Maricopa County	152, 784
Ed Ambrose	Route 1, Box 118–B, Buckeye, Maricopa County	141, 086
Abel Bros	Route 1, Box 75, Tolleson, Maricopa County	140, 458
Martori Bros	Post Office Box 878, Glendale, Maricopa County	128, 479
H. L. Anderson	Route 1 Box 515, Peoria, Maricopa County	127, 363
Vans Farms	Post Office Box 48, Palo Verde, Maricopa County	124, 274
J. L. Hodges Farming Co	Post Office Box 68, Buckeye, Maricopa County	121, 864
Morrison Bros	Route 1 Box 13, Higley, Maricopa County	119, 011
Roscoe & Allen	Route 1 Box 1046, Scottsdale, Maricopa County	114, 086
Fridenmaker Farms	223 South 4th St., Phoenix, Maricopa County	113, 504
Southmountain Farms Inc	Route 1 Box 705, Laveen, Maricopa County	110, 298
Hardesty Bros	1013 Narramore, Buckeye, Maricopa County	102, 247
Bill Hilburn	Box 236, Bowie, Cochise County	141, 351
BKW Farms Inc	Box 186, Marana, Pima County	321, 126
John Kai	Box 428, Marana, Pima County	175, 601
John J. & Ola V. Lord	Post Office Box 5761, Tucson, Pima County	112, 025
Argee Farms, Inc	105 North Camino Marimonte, Tucson, Pima County.	108, 098
C. & V. Sheep & Cattle Co. Inc	Box 368, Maricopa, Pinal County	463, 003
Hamilton Farms	Route 1, Box 325 Eloy, Pinal County	435, 531
Red River Land Co	Box 566, Stanfield, Pinal County	416, 606
Kirby Hughes	Marana, Pinal County	388, 259
John D. Singh	Box DD, Casa Grande, Pinal County	350, 552
A. K. Chin Enterprises	Box 22, Maricopa, Pinal County	327, 122
Bogle Farms, Inc	Dexter, N. Mex., Pinal County	317, 782
Pima Community Farms	Sacaton, Pinal County	260, 072
Arizona Farming Co	Box 907, Eloy, Pinal County	231, 805
Coury Bros	Route 1, Box 87, Queen Creek, Pinal County	208, 378
L–4 Ranches	Queen Creek, Pinal County	207, 575
W. T. Golston Farms	Box 698, Stanfield, Pinal County	182, 033
J. A. Roberts	Route 1, Box 207, Casa Grande, Pinal County	174, 651
Talla Farms, Inc	Box 668, Stanfield, Pinal County	172, 128
Imperial Valley Cattle Co	Box 148, Arizona City, Pinal County	169, 392
Thunderbird Farms	Box 1984, Phoenix, Pinal County	162, 931
Isom & Isom	110–C E Florence Blvd, Casa Grande, Pinal County.	152, 682
Rancho Tierra Prieta	Box 938, Eloy, Pinal County	147, 478
Milton P. Smith, Jr	Route 1, Box 85, Maricopa, Pinal County	137, 536
Peter J. Robertson	Box 578, Coolidge, Pinal County	127, 959
Paul Brophy	Box 528, Casa Grande, Pinal County	125, 560
McFarland & Hanson Ranches	Box 1497, Coolidge, Pinal County	121, 513
McCarthy Hilderbrand Farms	Route 1, Box 246–A, Eloy, Pinal County	118, 455
Empire Farms	Route 1, Box 326, Eloy, Pinal County	109, 184
Anderson Bros	Drawer KK, Casa Grande, Pinal County	108, 184
Santa Cruz Farms, Inc	Box 998, Eloy, Pinal County	107, 378
L. Z. Farms, Inc	900 N. Brown, Casa Grande, Pinal County	105, 672
Barkley Co. of Ariz	Rural Route 1, Box 73, Somerton, Yuma County	375, 838
C. M. S. Farming Co	801 N. 1st Ave. Phoenix, Yuma County	304, 676
J. W. Olberg	Post Office Box 1710, Yuma, Yuma County	250, 020
Bruce Church, Inc	Post Office Box 1009, Yuma, Yuma County	241, 689
Ben Simmons	Post Office Box 744, Parker, Yuma City	185, 740
Cold River Trading Co	Post Office Box T, Parker, Yuma County	175, 694
Jones Ranches, Inc	404 1st St., Eloy, Yuma County	135, 583
Earl Hughes	Post Office Box 218, Gadsden, Yuma County	106, 597
Ed Hall	Box Y, Bouse, Yuma County	105, 759
Woods, Co	Post Office Box 1294, Yuma, Yuma County	104, 879
ARKANSAS		
Kuhn Rieves Clarke Moore & Hap.	Marion, Crittenden County	247, 421
Bond Planting Co	Box 446, Clarkedale, Crittenden County	127, 868
Carlson Bros	Rural Route 1, Box 568, Marion, Crittenden County.	126, 465
J. F. Twist Plantation	Twist, Crittenden County	108, 097
Alpe Bros	Crawfordsville, Crittenden County	102, 223
A. & M. Co	E. D. McKnight ptr., Parkin, Cross County	116, 334
R. A. Pickens & Son Co	Pickens, Desha County	244, 265
Stimson Veneer & Lumber Trust.	Dumas, Desha County	105, 458
Cornerstone Farm & Gin Co	Box 7008, Pine Bluff, Jefferson County	125, 893
Sweet Bros	Widener, Lee County	107, 694
Arkansas Board of Penal Institution.	Box 500, Grady, Lincoln County	177, 207
Howe Lumber Co., Inc	Wabash, Phillips County	296, 864
Brooks Griffin	Elaine, Phillips County	162, 914
Highland Lake Farm	46 Waverly Wood, Helena, Phillips County	141, 657
Alexander Farms, Inc	do	111, 402
E. Ritter & Co	Marked Tree, Poinsett County	198, 759
Dan Portis	Lepanto, Poinsett County	138, 205
Wesson Farms, Inc	Victoria, south Mississippi County	206, 354
Armorel Planting Co	Armorel, south Mississippi County	167, 232
J. A. Crosthwait	Box 351, Osceola, south Mississippi County	144, 160
Rufus C. Branch	Joiner, south Mississippi County	130, 991
C. J. Lowrance & Sons	Driver, south Mississippi County	101, 657
J. G. Adams & Son	Hughes, St. Francis County	124, 702
Miller Lumber Co	Marianna, St. Francis County	113, 307
CALIFORNIA		
Boston Ranch Co	Star Route 2, Box 100, Lemoore, Fresno County	458, 020
Jack Harris, Inc	Box 248, Five Points, Fresno County	414, 970
Air Way Farms, Inc	Equitable Bldg., Room 614, Fresno, Fresno County.	329, 228
Savage Tivy Valley Ranch	222 West Shaw, Fresno, Fresno County	256, 147
CALIFORNIA—Continued		
Timco	5720 South Washoe, Mendota, Fresno County	$230, 969
McCarthy & Hildebrand	Box 1, Burrel, Fresno County	228, 215
Coit Ranch, Inc	2578 South Lyon, Mendota, Fresno County	214, 976
Schramm Ranches, Inc	Box 487, San Joaquin, Fresno County	207, 605
M. J. and R. S. Allen	Post Office Box 925, Coalinga, Fresno County	195, 942
Raymond Thomas, Inc	25810 Avenue 11, Madera, Fresno County	194, 343
W. J. Deal	Box 427, Mendota, Fresno County	192, 803
Sullivan & Gragnani	Box 128 A, Tranquillity, Fresno County	191, 109
Redfern Ranches, Inc	Box 305, Dos Palos, Fresno County	173, 255
J. E. O. Neill, Inc	Post Office Box 2114, Fresno, Fresno County	154, 382
Britz Chemical Co	Post Office Box 366, Five Points, Fresno County	151, 190
Desert Ranch	47375 West Dakota, Firebaugh, Fresno County	147, 399
V. C. Britton	Post Office Box 397, Firebaugh, Fresno County	145, 758
Pilibos Bros., Inc	2141 Tuolumne, Fresno, Fresno County	133, 805
Telles Ranch, Inc	46031 West Nees, Firebaugh, Fresno County	131, 249
Wood Ranches	Post Office Box 247, Lemoore, Fresno County	131, 055
Hammonds Ranch, Inc	47375 West Dakota, Firebaugh, Fresno County	127, 774
Summer Peck Ranch, Inc	Post Office Box 507, Mendota, Fresno County	127, 389
Linneman Ranches, Inc	Post Office Box 156, Dos Palos, Fresno County	120, 713
Wm. Erickson	5250 West Jefferson, Fresno, Fresno County	119, 296
Weeth Ranches, Inc	Box 924, Coalinga, Fresno County	116, 932
Giusti Farms	Suite 904, 2220 Tulare, Fresno, Fresno County	113, 768
O'Neill Farms, Inc	Post Office Box 5, Huron, Fresno County	109, 670
Rabb Bros	Box 736, San Joaquin, Fresno County	101, 046
Deavenport Ranches, Inc	910 East Swift, Fresno, Fresno County	100, 301
H. B. Murphy Co	Post Office Box 74, Brawley, Imperial County	442, 32[illegible]
Elmore Co	Post Office Box 119, Brawley, Imperial County	359, 740
Jack Elmore	Box 156, Brawley, Imperial County	299, 888
Sinclair Ranches	Box 234, Calipatria, Imperial County	208, 972
Russell Bros. Ranches, Inc	Box 275, Calipatria, Imperial County	206, 916
W. E. Young & W. E. Young, Jr.	Box 267, Calipatria, Imperial County	198, 852
Irvine Co	1567 Elm, El Centra, Imperial County	179, 695
Stafford Hannon	Post Office Box 1141, Brawley, Imperial County	169, 070
J. H. Benson, Est	Box 239, Brawley, Imperial County	166, 795
Donald H. Cox	560 North 8th, Brawley, Imperial County	161, 504
Stephen H. Elmore	Post Office Box 54, Brawley, Imperial County	159, 728
C. T. Dearborn	Post Office Box 6055, Calipatria, Imperial County	159, 472
Neil Fifield Co	Route 2, Box 26, Brawley, Imperial County	144, 715
Antone Borchard Co	200 Andrita Pl., Brawley, Imperial County	140, 010
Donald K. Donley	2454 5th St., Yuma, Ariz., Imperial County	134, 506
Adamek & Dessert	Post Office Box 787, Seeley, Imperial County	125, 485
Griset Bros	2324 Oakmont Ave., Santa Ana, Imperial County	121, 243
Fifield Land Co	Route 2, Box 26, Brawley, Imperial County	115, 460
Raymond O'Connel & Son	Route 1, Box 73, Brawley, Imperial County	110, 565
Williams & Quick	Box 217, Calipatria, Imperial County	107, 433
Gerald R. Elmore	Post Office Box 603, Calipatria, Imperial County	105, 114
Jack Bros. & McBurney, Inc	Post Office Box 116, Brawley, Imperial County	104, 860
Hugh Hudson Ranches	Post Office Box 201, Calipatria, Imperial County	102, 887
George B. Willoughby	Box 860, El Centro, Imperial County	102, 168
Chas. Vonderahe	6136 Rockhurst Dr., San Diego, Imperial County	101, 991
California Sturges Ginning Co	Box 409, Yuma, Ariz., Imperial County	101, 674
Dixie Ranches	Post Office Box 585, El Centro, Imperial County	101, 299
Guimarra Vineyard Corp	Box 1969, Bakersfield, Kern County	278, 721
W. B. Camp & Sons	Post Office Box 2028, Bakersfield, Kern County	238, 816
B. V. Farms & Miller & Lux	550 Kearney, San Francisco, Kern County	237, 271
Houchin Bros. Farming	Box 493, Buttomwillow, Kern County	228, 240
C. J. Vignolo	Box 1268, Shafter, Kern County	201, 321
Mazzie Farms	Box 698, Arvin, Kern County	186, 259
Palm Farms, Inc	4016 Stockdale Highway, Bakersfield, Kern County.	180, 490
D. M. Bryant, Jr	Box 540, Pond, Kern County	177, 597
M. & R. Sheep Co. Trust	Post Office Box 96, Oildale, Kern County	175, 597
Reynold M. Mettler	Post Office Box 473, Bakersfield, Kern County	149, 311
McKittrick Ranch	1921 Bradford, Bakersfield, Kern County	138, 028
M. & I. Farms	Post Office Box 700, Delano, Kern County	134, 195
Bidart Bros	Rural Route 1, Box 860, Bakersfield, Kern County	131, 147
Ridgeside Farms	Bakersfield Savings & Loan Building, Bakersfield, Kern County.	126, 321
Kern Valley Farms	Box 184, Arvin, Kern County	123, 809
Em. H. Mettler & Sons	Box 1298, Shafter, Kern County	122, 718
Cattani Bros	Rural Route 6, Box 215, Bakersfield, Kern County.	120, 482
Tejon Ranch Co	Post Office Box 1560, Bakersfield, Kern County	115, 802
Wheeler Farms	Rural Route 1, Box 760, Bakersfield, Kern County	113, 969
Milham Farms	Post Office Box 976, Bakersfield, Kern County	110, 633
Willis & Kurtz	Rural Route 6, Box 522 R, Bakersfield, Kern County.	106, 596
Twin Farms	Rural Route 1, Box 91, Buttonwillow, Kern County.	105, 865
Rossi Bros	Rural Route 7 Box 470, Bakersfield, Kern County	103. 875
Coberly-West Co	626 Wilshire Blvd., Los Angeles, Kern County	103, 011
Marvin Lane	564 Central Ave., Shafter, Kern County	102, 678
Westlake Farms	23311 Newton Ave., Stratford, Kings County	363, 652
Vernon L. Thomas Inc	Post Office Box 8, Huron, Kings County	305, 653
Gilkey Farms, Inc	Post Office Box 426, Corcoran, Kings County	274, 314
West Haven Farming Co	24487 Rd. 140, Tulare, Kings County	180, 003
J. G. Stone Land Co	Box 146, Stratford, Kings County	170, 554
Borba Bros	5521 22d Ave., Riverdale, Kings County	156, 870
R. A. Rowan Co	458 South Spring St., Los Angeles, Kings County	155, 424
Kern River Delta Farms	Post Office Drawer D, Wasco, Kings County	136, 668
Boyett Farming	Post Office Box 386, Corcoran, Kings County	117, 331
Wesley Hansen	Post Office Box 995, Corcoran, Kings County	111, 401
Hadley Yocum	9256 Kansas Ave., Hanford, Kings County	107, 184
Newhall Land & Farming	5002 El Nido Rd, El Nido, Madera County	181, 684
Schuh Bros	377 Circle Dr., Chowchilla, Madera County	112, 350
Red Top Ranch	Post Office Box 1, Red Top, Madera County	100, 374
Wolfsen Land & Cattle	Box 311, Los Banos, Merced County	213, 930
Sam Hamburg Farms	Post Office Box 547, Los Banos, Merced County	180, 954
Bowles Farming Co	11609 Hereford, Los Banos, Merced County	126, 049
San Juan Ranching Co	Route 1, Box 171B, Dos Palos, Merced County	108, 462
Wilco Produce Co	Post Office Box 162, Blythe, Riverside County	359, 261
Riverview Farm & Cattle Co	Route 1, Box 161, Blythe, Riverside County	305, 900
John Norton Farms	Post Office Box 1000, Blythe, Riverside County	160, 985
Clarence Robinson	Post Office Box 1064, Blythe, Riverside County	158, 685
Kennedy Bros	Post Office Box 275, Indio, Riverside County	132, 173
C. J. Shannon & Sons	24487 Rd. 140, Tulare, Tulare County	257, 931
Nichols Farms Inc	13762 1st Ave., Hanford, Tulare County	140, 341
Roberts Farms Inc	15366 Rd. 192, Porterville, Tulare County	124, 913

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
CALIFORNIA—Continued		
Roy D. Murray	Route 1, Box 3, Earlimart, Tulare County	$116,962
G. L. Pratt	31599 Rd. 132, Visalia, Tulare County	113,921
A. E. Panetta Farms	12771 Rd. 112, Tipton, Tulare County	107,586
E. W. Merrit Estate	11188 Rd. 192, Porterville, Tulare County	102,289
COLORADO		
J. Baughman Tr	Box 1178, Liberal, Kans., Kit Carson County	280,429
FLORIDA		
Talisman Sugar Corp	Box 814, Belle Glade, Palm Beach County	419,178
Florida Sugar Corp	Box 1001, Belle Glade, Palm Beach County	212,454
A. Duda & Sons	Ovieda, Palm Beach County	158,080
715 Farms, Ltd	Box D, Pahokee, Palm Beach County	131,484
New Hope Sugar Co	314 Royal Point Palm Beach, Palm Beach County	120,956
Closter Farms, Inc	Box 698, Belle Glade, Palm Beach County	116,890
S. N. Knight Sons, Inc	Box 7, Belle Glade, Palm Beach County	110,784
HAWAII		
EWA Plantation Co	Box 2990, Honolulu	486,233
Kekaha Sugar Co., Ltd	Box 3230, Honolulu	430,061
Mauna Kea Sugar Co., Inc	Post Office Box 3470, Honolulu	392,900
Grove Farm Co., Inc	Puhi Rural Station, Lihue	373,325
Pepeekeo Sugar Co	Post Office Box 3470, Honolulu	347,042
McBryde Sugar Co., Ltd	Box 3440, Honolulu	330,736
Puna Sugar Co., Ltd	Box 3230, Honolulu	321,637
Honokaa Sugar Co	Box 3020, Honolulu	320,735
Laupahoehoe Sugar Co	do	315,779
Hutchinson Sugar Co., Ltd	Post Office Box 3470, Honolulu	312,231
Olokele Sugar Co., Ltd	do	310,577
Wailuku Sugar Co	do	309,913
Hamakua Mill Co	Box 3020, Honolulu	381,880
Kahuku Plantation Co	Box 3440, Honolulu	222,457
Paauhau Sugar Co. Ltd	Post Office Box 3470, Honolulu	194,412
Gay & Robinson	Makaweli	184,559
Kilauea Sugar Co. Ltd	Post Office Box 3470, Honolulu	181,540
IOWA		
Charles Lakin	Emerson, Sac County	107,136
LOUISIANA		
Scopena Plantation	Rural Route 1, Bossier City, Bossier County	127,927
George Yarbrough	England, Catahoula County	154,031
J. P. Brown	Box 329, Lake Providence, East Carroll County	177,993
Deltic Farm & Timber Co., Inc	El Dorado, East Carroll County	112,600
Hollybrook Land Co., Inc	Lake Providence, East Carroll County	111,175
Barham Inc	Care of Joe Barham, Oak Ridge, Morehouse County.	115,880
J. H. Williams	Route 1, Box 211, Natchitoches, Natchitoches County.	163,749
Sterling Sugars, Inc	Post Office Box 572, Franklin, St. Mary County	110,876
Southcoast Corp	Rural Route 1, Napoleonville, Terrebonne County.	280,780
Southdown, Inc	Box 52378, New Orleans, Terrebonne County	185,662
MISSISSIPPI		
Robbins & Long	Rosedale, Bolivar County	155,989
Dan Seligman	Shaw, Bolivar County	149,547
Allen Gray Est	Walt Bosecker, agent, Mount Carmel, Ill., Bolivar County.	136,939
Brooks Cotton Co	Shelby, Bolivar County	116,559
J. A. Howarth, Jr	Route 2, Cleveland, Bolivar County	113,403
J. G. Gourlay	Rosedale, Bolivar County	110,476
McMurchy Farms	Box 181, Duncan, Bolivar County	101,739
John B. McKee, Jr	Friars Point, Coahoma County	256,363
Roy Flowers	Mattson, Coahoma County	210,832
Kline Planting Co	Alligator, Coahama County	150,434
Roundaway Planting Co	do	147,540
Oakhurst Co	Box 335, Clarksdale, Coahoma County	124,816
J. H. Sherard & Son	Sherard, Coahoma County	121,018
Garrett & Son	Rural Route 2, Clarksdale, Coahoma County	118,002
King & Anderson, Inc	Post Office Box 745, Clarksdale, Coahoma County	115,441
Fred Tavaleli & Sons	1101 West 2d, Clarksdale, Coahoma County	114,569
R. W. Jones & Sons, Inc	Lula, Coahoma County	109,583
P. L. Sanders	Walls, De Soto County	195,934
Banks & Co	Hernando, De Soto County	123,064
Howard & Blythe Plt	Lake Cormorant, De Soto County	113,232
Egypt Planting Co	Cruger, Holmes County	113,696
Stonewall Planting Co	Post Office Box 11, Thornton, Holmes County	101,494
J. E. Cunningham, Jr	Tchula, Holmes County	101,487
Blanche R. Slough	Care of T. L. Reed III, Belzoni, Humphreys County.	140,477
B. W. Smith Planting Co	Louise, Humphreys County	133,764
James E. Coleman	Rural Route 4, Yazoo City, Humphreys County	115,510
C. B. Box Co	Midnight, Humphreys County	108,145
Gordon & Partridge	Louise, Humphreys County	103,303
Nerren Bros	Isola, Humphreys County	102,184
W. T. Touchberry	Glen Allan, Issaquena County	134,043
Buckhorn Planting Co	Rural Route 2, Greenwood, Leflore County	203,193
Wildwood Plantation	Rural Route 3, Greenwood, Leflore County	156,518
West, Inc	Box 274, Tchula, Leflore County	149,414
Four Fifths Plantation	Rural Route 3, Greenwood, Leflore County	142,798
The Brown Farm	Schlater, Leflore County	129,829
O. F. Bledsoe Plantation	Rural Route 3, Greenwood, Leflore County	116,157
Race Track Plantation	do	106,528
Annapeg Inc	Care of Rufus Stainback, Minter City, Leflore County.	105,920
L. W. Wade Farms, Inc	Box 1136, Greenwood, Leflore County	104,140
W. H. & J. C. Morgan	Morgan City, Leflore County	103,748
Roebuck Plantation	Sidon, Leflore County	103,508
New Hope Plantation	411 Barton St., Greenwood, Leflore County	102,237
J. W. Patrick	Post Office Box 163, Canton, Madison County	107,709
Yandell Bros	Vance, Quitman County	167,068
Self & Co	Marks, Quitman County	122,563
MISSISSIPPI—Continued		
John B. Ford	Darling, Quitman County	$101,396
Pantherburn Co	Pantherburn, Sharkey County	212,303
Cameta Plantation, Inc	Anguilla, Sharkey County	125,287
Hagan & Bruton	Hollandale, Sharkey County	116,990
Murphy Jones	Nitta Yuma, Sharkey County	116,930
H. G. Carpenter	Rolling Fork, Sharkey County	108,704
Duncan Farms, Inc	Inverness, Sunflower County	161,615
Eastland Plantation, Inc	Doddsville, Sunflower County	157,930
Brooks Farms	Drew, Sunflower County	123,598
William M. Pitts	Indianola, Sunflower County	119,032
Topanga Caine Farm	Lake Cormorant, Sunflower County	111,851
R. D. Mallette	Box 578, Indianola, Sunflower County	108,554
Lipe Farms, Inc	Care of George Lipe, Indianola, Sunflower County.	102,197
Billups Plantation, Inc	Indianola, Sunflower County	101,040
W. D. Patterson	Rome, Sunflower County	100,759
M. T. Hardy	Webb, Talahatche County	168,425
Mike P. Sturdivant	Glendora, Talahatche County	122,640
Hoparka Plantation	Care of F. M. Mitchener, Sumner, Talahatche County.	101,196
B. F. Harbert	Robinsonville, Tunica County	131,791
Richard Watson	Tunica, Tunica County	124,528
U. O. Bibb, Jr	Box 122, Tunica, Tunica County	106,243
Paul Battle, Jr	Box 232, Tunica, Tunica County	105,687
Abbay & Leatherman, Inc	Robinsonville, Tunica County	105,165
Potter Bros., Inc	Box 349, Arcola, Washington County	257,169
Live Oak Plantation	Arcola, Washington County	248,996
H. K. Hammett & Sons	Box 512, Greenville, Washington County	155,564
Trail Lake Plantation	Tralake, Washington County	151,175
Torrey Wood & Son	Hollandale, Washington County	136,531
R. A. Ingram	Leland, Washington County	127,189
Holly Ridge Planting Co	Holly Ridge, Washington County	122,286
Baker Planting Co	Box 387, Leland, Washington County	111,009
I. D. Nunnery	Arcola, Washington County	110,728
Walker Farms, Inc	Care of George R. Walker, Stoneville, Washington County.	108,627
J. C. Sides & Sons	Coffeeville, Yalobusha County	114,015
E. T. Jordan & Sons	Rural Route 4, Yazoo City, Yazoo County	117,089
Lakeview Planting Co	Rural Route 4, Yazoo City, Yazoo County	115,800
H. S. Swayze	Route 2, Benton, Yazoo County	106,379
Harrison Evans	Shuqualak, Noxubee County	192,072
MISSOURI		
E. P. Coleman, Jr	Sikeston, Scott County	103,271
MONTANA		
Campbell Farming	Hardin Mountain, Big Horn County	166,336
NEVADA		
Walter J. Williams	1223 Park Circle, Las Vegas, Nye County	105,271
NEW MEXICO		
Emma G. Lawrence	Hobbs, Lea County	135,869
Jerry Lynn Hilburn	Box 156, Columbus, Luna County	101,724
NORTH CAROLINA		
McNair Farms, Inc	T. J. Harris, Rural Route 3, Red Springs, Robeson County.	297,570
Southern National Bank	Lumberton, Robeson County	148,343
PUERTO RICO		
Luce & Co	Box 1972, Aguirre	471,952
Antonio Roig Sucrs S. En C	Box 487, Humacao	366,033
C. Brewer, P.R. Co	Box 877, Caguas	289,140
Sucn J. Serralles	Box A, Mercedita	250,121
A. Martinez Jr., trustee	Box 215, Aguadilla	135,595
SOUTH CAROLINA		
Lawrence E. Pence	Route 1, Box 93, McColl, Marlboro County	107,515
W. R. Mayes	Mayesville, Sumter County	188,812
TENNESSEE		
Riggan Planting Co	Box 978, West Memphis Ar, Shelby County	105,309
TEXAS		
Three Way Land Co	Dekalb, Bowie County	156,052
H. H. Moore and Sons	Box 7, Navasota, Brazos County	302,799
Tom J. Moore	Navasota, Brazos County	292,555
Est Geo. C. Chance	307 South Main, Bryan, Burleson County	141,422
Porter & Wentz Inc	Post Office Box 870, Brownsville, Cameron County.	143,778
Oscar Mayfield & Sons	Taft, Cameron County	128,135
Martha M. Russell	Route 3, Box 21, San Benito, Cameron County	121,962
John A. Abbott	Route 2, Harlingen, Cameron County	116,966
Hill Farms	Hart, Castro County	122,528
J. K. Griffith	Route 2, Morton, Cochran County	306,149
John A. Wheeler	Route 1, Larenzo, Cochran County	168,547
F. O. Masten	Route 2, Sudan, Cochran County	108,308
Leslie Mitchell	Box 848, Crosbyton, Crosby County	109,899
Bill Weaver	502 South Houston, Lamesa, Dawson County	158,636
Delmar Durrett	Box 1081, Amarillo, Deaf Smith County	129,768
Taft McGee	Box 69, Hereford, Deaf Smith County	119,143
Lee Moor Farms	Clint, El Paso County	102,474
Basil Abate	Box 99, Bremond, Falls County	117,558
Marble Brothers	Box 91, South Plains, Floyd County	117,251
Texas Department of Corrections	Central Farm 520, Sugarland, Fort Bend County	335,777
Ercell Givens	Box 817, Abernathy, Hale County	163,150
Rio Farms Inc	Edcouch, Hidalgo County	128,515
Helen Engelman Stegle	Box 307, Elsa, Hidalgo County	128,312
Krenmueller Farms	Route 1 Box 77 ,San Juan, Hidalgo County	127,411

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
TEXAS—Continued		
Shary Farms Inc	Box 433, Mission, Hidalgo County	$125,711
Lloyd M. Bentsen	Post Office Box 593, Mission, Hidalgo County	108,904
J. W. Wallace & Sons	Box 929, Edinburg, Hidalgo County	107,234
R. T. Hoover Farms	Box 816, Fabens, Hudspeth County	202,222
W. E. Armstrong	Route 2 Box 18, Lubbock, Lubbock County	105,419
Dixie Farms	Satartia, Mis., Maverick County	174,707
Coyanosa Farms	Box 235, Coyanosa, Pecos County	206,847
Belding Farms Inc	Route 1 Belding Farms, Fort Stockton, Pecos County.	150,117
C and C Farms	Box 1387, Fort Stockton, Pecos County	124,086
Marshall C. Rudder	Box 394, Fort Stockton, Pecos County	122,368
Elvin Crow	Box 1130 Pecos, Pecos County	108,857
Kesey Bros	Box 1368, Pecos, Reeves County	193,844
Worsham Bros	Box 1411, Pecos, Reeves County	189,497
Kenneth Lindemann	Box 1947, Pecos, Reeves County	172,042
Clark & Roberts	1927 Jackson, Pecos, Reeves County	167,093
Smallwood Farms	Box 1507, Pecos, Reeves County	129,492
Trans-Pecos Dairy	Box 1383, Pecos, Reeves County	125,170
TEXAS—Continued		
W. W. Hill	2203 Johnson, Pecos, Reeves County	$123,867
Mi Vida Farms, Inc	Box 1210, Pecos, Reeves County	111,223
Joe Lee McMahon	Box 68, Verhalen, Reeves County	109,711
Reetex Farms	Box 741, Pecos, Reeves County	108,285
W. T. Lattner & Son	2114 Johnson, Pecos, Reeves County	102,220
John W. Nigliazzo	Box 786, Hearne, Robertson County	108,219
F. H. Vahlsing, Inc	Care of R. O. Burns, manager, Elsa, San Patricio County.	163,838
Charles Roos, III	Bo 501, Rio Grande City, Starr County	101,403
Warner Reid	Box 694, Tulia, Swisher County	128,198
W. T. Waggoner Trust Estates	Box 2130, Vernon, Wilbarger County	143,702
Sebastian Cot. & Gr. Corp	Box 104, Sebastian, Willacy County	149,811
Norment Foley	801 North Cherry St., Uvalde, Zavala County	121,132
WASHINGTON		
Broughton Land Co	Post Office Box 27, Dayton, Columbia County	122,730
Department of Natural Resource	Box 7, Ephrata, Whitman County	166,396

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ALABAMA		
McQueen Smith Farms	Care of W. H. Murfee, Prattville, Autauga County	$92,427
W. L. Corcoran	Rural Route 2, Eufaula, Barbour County	77,084
Ben F. Bowden	do	74,812
Dean Pruett	Rural Route 2, Altoona, Blount County	93,010
W. E. & W. C. Reid	Cherokee, Colbert County	64,394
Herbert C. Harris, Jr	Box K, Cherokee, Colbert County	54,856
Beers Bros	Tyler, Dallas County	56,925
James A. Minter, Jr	do	53,212
W. J. Chandler & Sons	Moundville, Hale County	70,799
G. T. Hamilton	Rural Route 2, Hillsboro, Lawrence County	89,011
Albermarle Corp	Box 215, Courtland, Lawrence County	76,677
Guy Parker	Courtland, Lawrence County	67,309
Dewberry Bros	Wheeler, Lawrence County	62,278
Dan Claborn	Box 242, Courtland, Lawrence County	54,401
Grady Windle Parker	Box O, Courtland, Lawrence County	53,440
McDonald Farms	Madison, Limestone County	77,989
Joe E. Murphy	Rural Route 1, Tanner, Limestone County	76,838
Walter B. Shaw	do	59,293
Glennes V. Moore	Belle Mina, Limestone County	57,729
Gene Thomas Burgreen	Rural Route 1, Madison, Limestone County	54,769
Brady C. Rhyne	Benton, Lowndes County	56,293
A. L. Lazenby, Jr	Rural Route 2, Auburn, Macon County	51,608
Douglass & Vandiver	Rural Route 2, Madison, Madison County	67,210
Clyde Dublin	Madison, Madison County	60,995
Carl A. Williams	do	58,598
John W. McCrary	Rural Route 2, Madison, Madison County	55,510
Do	do	55,418
J. C. Moore Mercantile Co	Rural Route 1, Marion, Perry County	61,436
Norris K. Waites	Harpersville, St. Clair County	50,879
W. M. Wisener	Rural Route 2, Tallassee, Tallapoosa County	53,706
ARIZONA		
J. L. Kidd, Jr	1207 West Ave. H, Lovington, Cochise County	86,014
D. & R. Farms	Route 2, Box 167, Chandler, Maricopa County	99,609
Phelps & Palmer	222 North Westood St., Mesa, Maricopa County	98,890
Woodrow Lewis	500 West Toledo, Chandler, Maricopa County	94,000
Henry L. Voss	48 West Glenn Dr., Phoenix, Maricopa County	93,500
Wallace Bales	401 North 6th Ave., Buckeye, Maricopa County	93,220
AZ Pest Control Co	Post Office Box 968, Glendale, Maricopa County	91,556
Power Ranches, Inc	Rural Route Box 72, Higley, Maricopa County	89,915
W. A. Heiden & Son	Box 576, Buckeye, Maricopa County	85,100
W. H. Haggard, Jr	Route 1, Box 35, Buckeye, Maricopa County	84,800
Travis H. Jones	Route 1, Box 74, Buckeye, Maricopa County	84,670
Jacob S. Stephens	Post Office Box 338, Buckeye, Maricopa County	81,235
Arena Co. of Arizona	Post Office Box 37, Glendale, Maricopa County	80,326
Chico Farms	Route 2, Box 780, Peoria, Maricopa County	79,233
J. S. Hoopes	Route 1, Box 115, Chandler, Maricopa County	78,004
Don B. Co	Post Office Box 2003, Phoenix, Maricopa County	77,576
Skousen & Hastings	Route 1, Box 44, Queen Creek, Maricopa County	77,166
Sutton Bros	Route 4, Box 769, Phoenix, Maricopa County	76,688
S. & P. Farms Inc	Box 228, Gila Bend, Maricopa County	76,663
Ben Riggs & Son	Route 2, Box 95, Chandler, Maricopa County	73,916
M. I. Vance and J. A. Mortensen, Jr.	Route 2, Box 550, Tempe, Maricopa County	73,491
F. M. Gorrell	Star Route Box 470, Buckeye, Maricopa County	73,125
King Farms	Route 1, Box 162, Buckeye, Maricopa County	73,091
James M. Hamilton	Route 2, Box 152, Chandler, Maricopa County	72,941
Barney-Mecham	Route 1, Box 26, Queen Creek, Maricopa County	69,601
Carl E. Weiler	3314 East Monte Vista, Phoenix, Maricopa County.	68,435
Robert B. Coplen	Box 25, Laveen, Maricopa County	68,276
D. L. Hadley	Route 2, Box 47, Chandler, Maricopa County	68,232
Joseph D. Bickman	5304 North 9th St., Phoenix, Maricopa County	67,712
Dougherty Ranch	4414 North 36th St., Phoenix, Maricopa County	65,602
Phil Ladra	5825 West Harmont Dr., Glendale, Maricopa County.	65,438
C. W. Neely	Box 172, Gilbert, Maricopa County	64,977
Painted Rock Ranches	Box Q, Gila Bend, Maricopa County	64,124
Laveen Farming Co	Route 1, Box 403, Laveen, Maricopa County	63,439
Escobedo Bros	501 West Toledo, Chandler, Maricopa County	63,379
Raymond D. Schnepf	Route 1, Box 42, Queen Creek, Maricopa County	62,628
Dobson & Patterson	2345 West Baseline Rd., Mesa, Maricopa County	61,651
Jewell Turner Farms	Route 1, Box 275, Buckeye, Maricopa County	61,056
J. R. Tucker	Route 1, Box 122, Buckeye, Maricopa County	60,952
Don H. Bennett	Post Office Box 517, Buckeye, Maricopa County	60,335
M B M Farms	1315 West Palm Lane, Phoenix, Maricopa County	60,052
J. V. Pace	Box 514, Chandler, Maricopa County	59,441
W. P. Haggard & Son	Route 1, Box 114, Laveen, Maricopa County	59,392
J. L. Golightly, Sr	1108 East 4th Ave., Mesa, Maricopa County	58,675
J. L. Golightly, Jr	1730 North Stapley Dr., Mesa, Maricopa County	57,444
ARIZONA—Continued		
Joe A. Sheely	Route 1, Box 64, Tolleson, Maricopa County	$56,340
Win Farms	801 North 1st Ave. Phoenix, Maricopa County	56,184
R.S.R. Ranch	Post Office Box 38, Litchfield Park, Maricopa County.	54,804
Salt River Farms	2550 East Southern Ave., Mesa, Maricopa County	54,274
Gladden Farms	Post Office Box 476, Cashion, Maricopa County	54,207
Sossaman Farms	Route 1, Box 74, Higley, Maricopa County	54,124
Donald Wiechens	Route 3, Box 856, Glendale, Maricopa County	53,992
C. O. Pitrat & Sons	Route 1, Box 12, Laveen, Maricopa County	53,979
Finley Ranches	Post Office Box 196, Gilbert, Maricopa County	53,626
Ed Weiler	Route 1, Box 273, Buckeye, Maricopa County	53,623
William Hardison	Post Office Box 98, Palo Verde, Maricopa County	53,561
Lee Wong Farms, Inc	Post Office Box 866, Glendale, Maricopa County	53,014
Trimble Farms	Route 2, Box 345, Tempe, Maricopa County	52,405
Kempton & Snedigar	Route 1, Box 539, Tempe, Maricopa County	51,952
Chatham & Chatham	5853 West Vista Ave., Glendale, Maricopa County	51,056
Earl C. Recker Co	Post Office Box 978, Mesa, Maricopa County	50,751
Schnepf Farms	Route 1, Box 38, Queen Creek, Maricopa County	50,404
George Knapple	Box, 124 Laveen Stage, Phoenix, Maricopa County.	50,279
C. & W. Ranches, Inc	State Route Box 17, Marana, Pima County	95,120
Avra Land & Cattle	902 North Samalayuca, Tucson, Pima County	66,732
Watson Farms	Post Office Box 156, Marana, Pima County	55,426
J. Boyd White	Route 1, Box 239, Marana, Pima County	52,636
Buck Sam Chu	Marana, Pima County	52,619
Bud Antle, Inc	Box 68, Red Rock, Pinal County	99,762
Fred Enke	1405 North Kadota, Casa Grande, Pinal County	99,473
Anderson-Palmisano Farms	Route 1, Box 39-A, Maricopa, Pinal County	92,807
H. L. Holland	Box L598, Coolidge, Pinal County	92,529
Daley & Bogle Farms	Route 1 Box 40, Maricopa, Pinal County	91,703
Crouch Bros	Route 1 Box 32, Maricopa, Pinal County	91,027
Glenn Lane	871 West Roosevelt, Coolidge, Pinal County	90,835
C. Ray Robinson	Box 93, Eloy, Pinal County	88,322
Sunset Ranches, Inc	Box 907, Eloy, Pinal County	88,142
Martin Talla	Box 668, Stanfield, Pinal County	87,540
Charles Urrea & Sons	3256 East Main, Mesa, Pinal County	86,879
Jack Ralston	Box 455, Maricopa, Pinal County	86,504
Telles Ranch Inc	Box 886, Eloy, Pinal County	86,067
Combs & Clegg Ranches, Inc	Route 1 Box 96, Queen Creek, Pinal County	84,325
Pinal Farms, Inc	Box 728, Stanfield, Pinal County	84,304
C. J. & L. Farms, Inc	Box 607, Casa Grande, Pinal County	84,139
Edward Pretzer	401 East 5th St., Eloy, Pinal County	83,694
Emmett Jobe	Route 1 Box 53, Queen Creek, Pinal County	81,857
Finley Bros	Box L96, Gilbert, Pinal County	80,495
M. M. Alexander	Route 1 Box 249, Eloy, Pinal County	79,671
P. S. Thompson	Box 787, Eloy, Pinal County	79,320
Duane Ellsworth	Box 138, Queen Creek, Pinal County	76,545
Dunn Farms	Route 1 Box 6, Maricopa, Pinal County	74,928
Franklin B. Cox	Route 2 Box 189, Chandler, Pinal County	73,356
Marathon Farms	Box 206, Casa Grande, Pinal County	71,573
Diwan Ranches, Inc	Route 1 Box 485, Casa Grande, Pinal County	71,279
Alex & Norman Pretzer	Box 786, Eloy, Pinal County	70,278
Jay Wilson	Route 2 Box 323, Casa Grande, Pinal County	69,925
K. K. Skousen	Route 1 Box 85, Chandler, Pinal County	68,625
J. H. Farms	Box 333, Coolidge, Pinal County	68,494
Rex Neely	483 North Jay St., Chandler, Pinal County	67,675
Roy Wales	Box 82, Queen Creek, Pinal County	66,811
John Smith	Box 57, Maricopa, Pinal County	66,777
Robert D. Bechtel	2020 South 9th St, Coolidge, Pinal County	66,580
J. B. Johnston	5802 East Lafayette, Phoenix, Pinal County	65,766
McFaddin Ranches, Inc	915 East McMurray, Casa Grande, Pinal County	65,647
Paul Carron	Route 2, Box 80, Casa Grande, Pinal County	64,937
Independent Gin Co	Box J, Casa Grande, Pinal County	63,682
J. O. Thompson	Route 1, Box 482, Casa Grande, Pinal County	63,261
Howard Arthur Wuertz	Route 1, Box 115A, Coolidge, Pinal County	63,105
Otice Self	Box 217, Stanfield, Pinal County	62,162
Sunshine Valley Ranches	Box 788, Eloy, Pinal County	61,986
Kortsen & Kortsen	Box 477, Stanfield, Pinal County	61,970
Dan C. Palmer	808 West Wilson, Coolidge, Pinal County	61,083
Tolby & Boulais	Route 1, Box 28, Tolleson, Pinal County	60,670
Larry R. Scott	Box 273, Arizona City, Pinal County	60,650
M. H. Montgomery	1301 North Park, Casa Grande, Pinal County	60,167
R. P. Anderson	Box 1236, Coolidge, Pinal County	58,587
Guy Gilbert Farms	Drawer C, Casa Grande, Pinal County	58,394
Buckshot Farms, Inc	Box 428, Stanfield, Pinal County	58,232
R. W. Neely	Star Route 1, Box 35, Florence, Pinal County	58,156
C. V. Hanna	Box 1155, Coolidge, Pinal County	57,545
El Dorado Ranch, Inc	Box 607, Casa Grande, Pinal County	57,457
Buford Gladden	Route 1, Box 222, Casa Grande, Pinal County	57,152
Picacho Buttes Farms	Box DD, Casa Grande, Pinal County	56,897
Hamilton Farms, Inc	Route 1, Box 18, Florence, Pinal County	56,249

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
ARIZONA—Continued		
Wm. E. Foster	Box 1093, Casa Grande, Pinal County	$55,989
C. S. C. Farms, Inc	Route 1, Box 16, Florence, Pinal County	54,798
H. L. Kendrick	Box 315, Eloy, Pinal County	54,739
R. B. Elsberry	Box 125, Coolidge, Pinal County	54,196
John Dermer	1100 North Lehmberg, Casa Grande, Pinal County	54,042
Ernest McFarland	306 West Royal Palms, Phoenix, Pinal County	53,218
Red Eye Farms, Inc	Box 428, Stanfield, Pinal County	52,738
Pinal Ranches	Route 1, Box 38, Queen Creek, Pinal County	52,406
Rodney Kleck	Route 1, Box 17–E, Coolidge, Pinal County	52,406
Wilbur Wuertz	914 North Picacho, Casa Grande, Pinal County	52,213
W. & J. Farms	Box 428, Stanfield, Pinal County	52,094
A. C. T. Ranches, Inc	Route 1, Box 247–2, Eloy, Pinal County	52,005
England & England	676 West Palo Verde, Coolidge, Pinal County	51,935
G. Buster Brown	1104 North Olive Dr., Casa Grande, Pinal County	51,239
D. H. Cole & Son	Box 883, Coolidge, Pinal County	51,075
Clifton C. Sides	5 Lynn Rd., Englewood, Co., Pinal County	50,784
Worth K. Bartlett	Box 156, Coolidge, Pinal County	50,686
Bianco Bros	Route 2, Box 350, Casa Grande, Pinal County	50,614
Chanan Singh	Route 2, Box 630, Casa Grande, Pinal County	50,565
Noel E. Martin	Route 2, Box 590, Casa Grande, Pinal County	50,550
Florence Farms, Inc	Box 1288, Coolidge, Pinal County	50,548
Blackstone Investment	Box 8, Casa Grande, Pinal County	50,420
Attaway Ranches Trust	Route 1, Box 59, Coolidge, Pinal County	50,342
Eldon K. Parish	Box 128, Mohave Valley, Yavapai County	79,193
C. C. S. Farms	801 1st Ave., Phoenix, Yuma County	97,159
W. J. Scott	Rural Route 1, Box 695A, Yuma, Yuma County	94,167
Ferguson & Sons	Rural Route 3, Box 326, Yuma, Yuma County	77,696
M. & V. Farms	Post Office Box 82, Ehrenberg, Yuma County	71,471
Clayton Farms	Post Office Box 82, Ehrenberg, Yuma County	64,223
Clyde Curry	Post Office Box 316, Somerton, Yuma County	59,421
Pete Pasquinelli	Post Office Box 1750, Yuma, Yuma County	51,815
ARKANSAS		
Gus Pugh Sons, Inc	Portland, Ashley County	76,406
W. W. & Earl Cochran	do	69,733
Guy Botsford	do	57,411
P. G. Keith	State Route 1, Box 110, Lake Village, Chicot County.	57,709
Don Pylate	Eudora, Chicot County	56,683
Allen B. Helm	Rural Route 1, Lamar, Ms, Crittenden County	95,946
Pirani & Sons	Rural Route 1, Turrell, Crittenden County	90,773
Mallory Farms	Chatfield, Crittenden County	86,901
Bruins Planting Co	Hughes, Crittenden County	85,833
J. O. E. Beck Trust	do	83,407
E. H. Clarke & Co	do	81,023
Lake Plantation	Care of L. Taylor, Jr., Hughes, Crittenden County.	77,948
A. Angeletti, Inc	Box 71, Crawfordsville, Crittenden County	76,905
D. W. Rodgers	712 Missouri, West Menphis, Crittenden County	74,441
N. S. Garrott & Sons	Proctor, Crittenden County	71,371
Carter Planting Co	Clarkedale, Chittenden County	70,061
D. & J. Inc	Box 45, Crawfordsville, Crittenden County	66,186
William B. Rhodes Co	Marion, Crittenden County	65,771
James W. Young, Jr	Crawfordsville, Crittenden County	64,543
E. J. Barham, Jr	1131 Main St., Earle, Crittenden County	63,779
Richland Plan, Inc	Rural Route 2, Hughes, Crittenden County	62,304
Jim Nichols	Rural Route 2, Kennett, Mo., Crittenden County	62,056
Morrison Bros	Earle, Crittenden County	61,523
O. Neal & Son, Inc	Crawfordsville, Crittenden County	59,811
Critt Farms, Inc	Turrell, Crittenden County	58,495
Pacco, Inc	do	58,395
Nickey-Eason Plantation	Hughes, Crittenden County	58,208
Bloodworth Co	Crawfordsville, Crittenden County	57,808
David Harrison, Jr	Post Office Box 16341, Memphis Tn, Crittenden County.	17,152
Ragland Plant, Inc	Care of C. G. Morgan, Hughes, Crittenden County	57,065
Dana F. Sulcer	DBA Sulcer Planting Co., Marion, Crittenden County.	56,509
Alton Grant Farms	Rural Route 1, Box 260, Turrell, Crittenden County	55,507
Earl Beck	Hughes, Crittenden County	55,051
John H. Johnston	Rural Route 2, Wynne, Crittenden County	54,219
Johnny Greer	Rural Route 1, Box 100, Heth, Crittenden County	53,508
Fogleman & Son	Marion, Crittenden County	53,397
Charles S. Riggan	Box 978, West Memphis, Crittenden County	52,932
Oliver Bros	Proctor, Crittenden County	52,700
Looney Bros	do	52,464
Nugenco, Inc	Turrell, Critten County	52,129
Herman C. McDaniel	Crawfordsville, Crittenden County	51,885
Julian L. Hardin	Marion, Crittenden County	50,823
J. H. Johnston, Jr	Birdeye, Cross County	69,137
H. P. Sisk	Parkin, Cross County	60,093
Leslie Nix	Rural Route 2, Box 283, Wynne, Cross County	57,643
Brooks Griffin	Ratio, Desha County	55,223
Baxter Land Co., Inc	Dermott, Desha County	53,861
Clay Cross	Postal Delivery Letter Route, Dumas, Desha County.	51,348
Tillar & Co	Tillar, Drew County	86,047
G. L. Morris, Jr	McCrory, Jackson County	76,414
Elms Planting Corp	Altheimer, Jefferson County	86,021
B. N. Word Co., Inc	Wabbaseka, Jefferson County	64,180
Lyons Planting Co., Inc	Rural Route 2, Altheimer, Jefferson County	58,263
Richland Planting Co	Moscow, Jefferson County	53,869
Kenny Mitchell Bonds	Moscow, Jefferson County	52,610
Lawrence E. Taylor	Rural Route 1, Bradley, Lafayette County	65,725
H. T. Dillahunty & Sons	Rural Route 1, Box 7, Hughes, Lee County	98,095
C. E. Yancey & Sons	Rural Route 4, Marianna, Lee County	88,506
Robert May	Rural Route 1, Brickeys, Lee County	71,717
Miller Farms, Inc	Marianna, Lee County	62,603
Dick Ed Thomas	Marianna, Lee County	62,330
J. E. Ivy	Box 428, Marianna, Lee County	60,254
C. M. Cooke	Brickeys, Lee County	55,731
Dan Felton & Co	Marianna, Lee County	55,346
T. H. Barker	Rural Route 4, Marianna, Lee County	55,054
E. J. Chaffin, Jr	Hughes, Lee County	52,547
Lon Mann	Marianna, Lee County	52,376
Holthoff Bros	Gould, Lincoln County	88,778
ARKANSAS—Continued		
H. R. Wood & Son, Inc	Grady, Lincoln County	$65,680
Frizzell Farms, Inc	Route 3, Star City, Lincoln County	56,566
N. M. Ryall & Son, Inc	Yorktown, Lincoln County	55,054
Marion Baugh	Rural Route 1, Box 56, Star City, Lincoln County	53,127
A. P. Henderson	England, Lonoke County	53,632
Price Plantation, Inc	Box 157, Garland, Miller County	62,099
Ralph Abramson	Holly Grove, Monroe County	58,862
Wood-Sanderlin Farm	Crumrod, Phillips County	81,675
R. J. Suddath	Route 1, Box 180, Helena, Phillips County	79,558
Tunney Stinnet	Elaine, Phillips County	76,681
Ray H. Dawson	Rural Route 1, Lexa, Phillips County	74,443
Buron Griffin	Box 571, Helena, Phillips County	70,605
Curtis Clark	80 Highland Park, Helena, Phillips County	62,545
King-Wells Farm	Route 1, Box 290, Helena, Phillips County	61,618
Riverside Farm	Route 1, Box 330D, Helena, Phillips County	59,514
J. R. Bush Estates	325 York St. Helena, Phillips County	58,268
Martin Paschal	Box 426, Marvell, Phillips County	56,938
Dixie Farm Co	Crumrod, Phillips County	56,265
James Byrd	Rural Route 3, Box 99B, Dundee, Phillips County.	54,148
T. W. Keesee	326 Walnut St., Helena, Phillips County	53,440
Ralph Cochran	Box 202 Trumann, Poinsett County	80,037
Fairview Farms Co	Tyronza, Poinsett County	63,614
Citizens Gin Co., Inc	Lepanto, Poinsett County	61,669
Frank Dean	Post Office Box 503, Marked Tree, Poinsett County.	50,469
Jack Hale	Rural Route 1, Box 499, Blytheville, Mississippi County.	96,977
R. Creecy & T. Tate	Route Rural 2, Box 446, Osceola, Mississippi County.	93,058
Harold Senter	Rural Route 1, Wilson, Mississippi County	90,451
Lowrance Bros. & Co	Driver, Mississippi County	87,095
R. D. Hughes	Box 67, Blytheville, Mississippi County	86,673
Semmes Farm Corp	Box 205, Joiner, Mississippi County	85,756
Midway Farms, Inc	Joiner, Mississippi County	83,161
Larry Woodard Farms, Inc	Lepanto, Mississippi County	72,565
Robbins Bros	Box 189, Osceola, Mississippi County	70,660
Charles Nick & Richard Rose	Roseland, Mississippi County	67,068
M. J. Koehler	Dell, Mississippi County	66,171
Henry Battle	Box 157, Joiner, Mississippi County	63,562
H. T. Bonds Sons, Inc	Rural Route 1, Lepanto, Mississippi County	63,116
C. W. Bowles	Rural Route 1, Box 567, Osceola, Mississippi County.	62,429
W. J. Denton Est	Care of Ruby C. Denton Exrx, Wilson, Mississippi County.	62,041
John E. Crain, Jr	Wilson, Mississippi County	61,933
Russell Gill	Rural Route 1, Box 461, Osceola, Mississippi County.	61,464
B. C. Land Company	Box 218, Leachville, Mississippi County	60,798
R. J. Gillespie	Luxora, Mississippi County	60,110
Larry J. Woodard	Box 477, Lepanto, Mississippi County	59,139
Wesley Stallings	Rural Route 2, Box 47, Blytheville, Mississippi County.	57,703
Riggs Bros	Rural Route 4, Box 268, Blytheville, Mississippi County.	57,421
R. G. Edwards	Rural Route 1, Manila, Mississippi County	57,129
C. L. Denton, Jr	Rural Route 1, Tyronza, Mississippi County	56,182
Sullivan Bros	Burdette, Mississippi County	54,523
J.E. Crain Est	Wilson, Mississippi County	54,374
John M. Stevens, Jr	Dell, Mississippi County	54,367
Joe H. Felts	Rural Route 1, Joiner, Mississippi County	52,703
John M. Speck	Frenchmans Bayou, Mississippi County	51,110
Clide Barnett	Keiser, Mississippi County	51,064
C. B. Robinson	Box 253, Osceola, Mississippi County	50,680
Shannon Bros. Enterprises	Box 2863 DeSoto Sta, Memphis Tn, St. Francis County.	97,164
Lindsey Brothers	Caldwell, St. Francis County	89,826
W. W. Draper, Jr	420 Mockingbird Lane, Forrest City, St. Francis County.	82,495
Kellog & Hughey	Hughes, St. Francis County	69,666
Chappell & Moore	Box 166, Forrest City, St. Francis County	63,485
John T. Higgins & Son	Forrest City, St. Francis County	62,968
L. E. Burch, Jr	Hughes, St. Francis County	59,367
Belle Meade Plantation	Hughes, St. Francis County	54,438
McCain Bros., Inc	Widener, St. Francis County	54,247
C. J. Beasley & Son	Heth, St. Francis County	53,747
Robert Brewington	2829 Mary Dr., Forrest City, St. Francis County	52,557
Red Gum Plantation	Hughes, St. Francis County	51,896
Gregory Farm Inc	Augusta, Woodruff County	59,579
CALIFORNIA		
F. H. Hogue Produce	Box, 2152, Willcox Az., Fresno County	99,843
Hugh Bennett	51170 West Althea, Firebaugh, Fresno County	94,493
Sam & D. M. Biancucci	Post Office Box 337, Firebaugh, Fresno County	94,273
J. B. Hawkins	Post Office Box 566, Fresno, Fresno County	93,338
Pappas & Co., Inc	Post Office Box 477, Mendota Fresno County	90,157
Ryan Bros	Post Office Box 268, Mendota, Fresno County	81,223
J. C. Andresen	10610 West Whitesbridge, Fresno, Fresno County	80,957
J. & J. Ranch	Post Office Box 155, Firebaugh, Fresno County	80,557
Hugh Bennett Ranch	51170 West Althea, Firebaugh, Fresno County	77,526
Starkey & Erwin	Post Office Box 669, Avenal, Fresno County	76,350
Griffin & Griffin	Box 1193, Coalinga, Fresno County	75,586
Drew Farms, Inc	50860 West Herndon, Firebaugh, Fresno County	74,608
William H. Noble	Post Office Box, 506, Kerman, Fresno County	73,926
Vincent Kovacevich	858 West Whitesbridge, Fresno, Fresno County	71,802
Marchini Bros	Post Office Box 1, Tranquillity, Fresno County	71,719
Gordon Bros	Post Office Box 366, Tranquility, Fresno County	67,994
S. E. Lowrance Ranch	Box 36, Tranquillity, Fresno County	67,953
M. L. Dudley & Co	515 North Harrison, Fresno, Fresno County	67,403
Robert Cardwell	8265 West Annadale, Fresno, Fresno County	66,150
Vernon Swearingen	11050 West Mount Whitney, Riverdale, Fresno County.	64,361
Telles Farms	46031 West Nees, Firebaugh, Fresno County	63,204
Willson Farms	2220 Tulare Suite 711, Fresno, Fresno County	63,097
Aladdin Ranch	614 Equitable Bldg, Fresno, Fresno County	62,637
Claremont Farms	Box 98, Huron, Fresno County	62,623
S. & S. Ranch, Inc	Box 22, Mendota, Fresno County	61,886
C. H. & G. Farms	08297 East Sanders Ct., Fresno, Fresno County	61,432

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
CALIFORNIA—Continued		
Coelho Farms	Post Office Box 645 Riverdale, Fresno County	$60,482
Sierra Dawn Farms	45949 West Shields, Firebaugh, Fresno County	60,272
Davis Drier & Elevator, Inc	Box 425, Firebaugh, Fresno County	59,299
M. Griffen Ranch, Inc	805 Patterson Bldg., Fresno, Fresno County	59,043
Davis & Huey, Inc	Post Office Box 187, Tranquillity, Fresno County	57,025
Arthur Cuelho Ranch	1308 Mount Whitney, Riverdale, Fresno County	57,010
John & Alex Kochergen	523 North Brawley, Fresno, Fresno County	56,841
Raven Land Co	5700 East Clarkson, Selma, Fresno County	56,604
Pacific Farms Co	1047 M St., Firebaugh, Fresno County	56,511
Martin Costales	Post Office Box 67, Tranquillity, Fresno County	56,435
Vierhus Farms	Post Office Box 773, Coalinga, Fresno County	55,975
J. C. Conn Farms	Post Office Box 615, Coalinga, Fresno County	54,926
Enrico Farms, Inc	Box 755, Firebaugh, Fresno County	54,914
Markarian Farms	10278 South Elm, Fresno, Fresno County	54,059
W. F. McFarlane	7600 East Barstow, Clovis, Fresno County	52,766
William E. Glotz	Post Office Box 86, Tranquillity, Fresno County	52,696
Rusconi Farms	Post Office Box 65, San Joaquin, Fresno County	52,291
Farley Co	Box 537, Firebaugh, Fresno County	50,716
John L. Errecart	Post Office Box 7, Tranquillity, Fresno County	50,377
Dearborn & Maraccini	Post Office Box 6055, Calipatria, Imperial County	97,554
Salton Sea Farms	Box 277, Calipatria, Imperial County	96,715
Bonanza Farms	1404 Ross, El Centro, Imperial County	92,365
Fifield Farms	229 Main St. Brawley, Imperial County	83,418
Abatti Bros	Post Office Box 466, El Centro, Imperial County	80,880
Jeankins Farms	681 Sandalwood, El Centro, Imperial County	74,425
Davis Beauchamp	Route 1, Box 132, Calipatria, Imperial County	73,704
Hawk & Sperber	Box 847, Holtville, Imperial County	73,543
Kenneth Reynolds	Box 6041, Calipatria, Imperial County	72,134
J. N. Osterkamp Ranches	445 South Rio Vista, Brawley, Imperial County	70,544
Ed Wiest	133 West J St., Brawley, Imperial County	70,442
House & Haskell	Post Office Box 426, El Centro, Imperial County	69,541
Harold T. Greene	1075 Holt, El Centro, Imperial County	69,528
Johnny P. Singh	Box 175, Brawley, Imperial County	69,198
R. S. Reese	Box 338, Westmorland, Imperial County	68,714
Jake Brown	Box 76, Brawley, Imperial County	65,663
Moiola Bros	Route 2, Box 41, Brawley, Imperial County	65,136
J. M. Bryant	Post Office Box 25, Calipatria, Imperial County	62,225
Harry Schmidt Farms	Box 32, Brawley, Imperial County	61,446
John Baretta	Post Office Box 35, Calipatria, Imperial County	61,348
Belle Kruger Estates	1225 North Granada, No. 8, Alhambra, Imperial County.	61,288
M. M. Cline	895 Broadway, Suite 110, El Centro, Imperial County.	60,120
Robert C. Brown	Post Office Box 1424 Brawley, Imperial County	57,946
James A. Taylor	Route 2, Box 199, Brawley, Imperial County	55,041
San Pasqual L. & C. Co	Box 1234, Brawley, Imperial County	54,122
R. B. Wilson Co	Box 176, Brawley, Imperial County	53,850
Sweetwater Feeders	605 South Rio Vista, Brawley, Imperial County	53,239
Lerno Bros	2555 West Main, El Centro, Imperial County	52,356
Edwin Chew	Post Office Box 818, Imperial, Imperial County	50,564
J. Emanuelli & Sons	330 El Cerrito Dr., Brawley, Imperial County	50,233
John H. Borchard	1425 Cypress St., El Centro, Imperial County	50,167
H. & H. Farms, Inc	Rural Route 2, Box 560, Bakersfield, Kern County	99,903
Tracy Ranch, Inc	Rural Route 1, Box 177, Buttonwillow, Kern County.	97,090
L. I. Rhodes & Sons	Rural Route 1, Box 475, Wasco, Kern County	95,791
Voth Farms, Inc	450 G St., Wasco, Kern County	90,955
C. R. Wedel Estates	Post Office Box L, Wasco, Kern County	90,770
W. A. Banks	Rural Route 7, Box 376, Bakersfield, Kern County.	90,478
Belluomini Bros	Rural Route 1, Box 89, Buttonwillow, Kern County.	90,392
Sill Prop, Inc	212 Sill Building, Bakersfield, Kern County	88,897
John Valpredo	Rural Route 2, Box 460, Bakersfield, Kern County.	86,050
E. O. Mitchell, Inc	Post Office Box 195, Arvin, Kern County	85,155
Parsons Ranch	Rural Route 1, Box 57, Buttonwillow, Kerns County.	84,010
Henson & Sons	Rural Route 3, Box 920, Bakersfield, Kern County.	83,714
Cerro Bros	Rural Route 2, Box 749, Bakersfield, Kern County	82,551
Di Giorgio Fruit Corp	Box 1358, Fort Pierce, Fla., Kern County	82,194
Paul Pilgrim	666 Sycamore St., Shafter, Kern County	82,119
B. S. Baldwin	2908 McCall St., Bakersfield, Kern County	82,054
L. A. Robertson Farms, Inc	29536 West Lerdo, Shafter, Kern County	82,023
Kenmar Farm	Rural Route 1, Box, 318, Arvin, Kern County	80,794
Sanders Farms	Rural Route 3, Box 969, Bakersfield, Kern County	80,659
C. Mettler	Box 473, Bakersfield, Kern County	80,166
Anton Giovanni & Jerrard	1318 Baldwin Rd., Bakersfield, Kern County	79,704
Sanders & Sanders	Rural Route 3, Box 971, Bakersfield, Kern County	79,386
The Mirasol Co	Post Office Box 757, Buttonwillow, Kern County	79,215
Torigiani Farms	Post Office Box 483, Buttonwillow, Kern County	76,024
Banducci Farming Co	4016 Stockdale Highway, Bakersfield, Kern County.	74,807
Kennedy & Stephens	2493 Beech St., Bakersfield, Kern County	72,155
Campco Farming Co	Bin D. Shafter, Kern County	71,140
Bloemhof Hay Co	Post Office Box 147, Buttonwillow, Kern County	69,929
Antongiovanni Bros	Route 7, Box 532, Bakersfield, Kern County	69,003
South Lake Ranch	Rural Route 3, Box 959, Bakersfield, Kern County	68,331
W. B. Camp, Jr., Inc	Post Office Box 576, Bakersfield, Kern County	67,466
Three H Ranch	1709 30th St., Bakersfield, Kern County	67,386
Elo & Vido Fabbri	Box 523, Pond, Kern County	66,244
Joe Frettas, Jr	Rural Route 2, Box 89, Bakersfield, Kern County	66,155
Wayne Kirschermann	5109 Lansdale Dr., Bakersfield, Kern County	65,899
J. Antongiovanni	191 Oleander Ave., Bakersfield, Kern County	64,705
Opal Fry & Sons	Rural Route 2, Box 443, Bakersfield, Kern County	63,985
Porter Land Co	In care of Wm. R. Johnson, Lake Lillian Mission, Kern County.	62,527
James O. Payne	Star Route Box 96, Wasco, Kern County	62,125
H. Buller Farms	1730 Locust Ravine, Bakersfield, Kern County	62,021
Barnard Bros	2902 Kingsley Lane, Bakersfield, Kern County	61,498
Bonanza Farms	2612 Elm St., Bakersfield, Kern County	60,732
Archie Frick	Rural Route 1, Box 730, Arvin, Kern County	60,443
M. B. McFarland & Sons	Box 1458, McFarland, Kern County	60,054
Little & Hanes	Post Office Box 795, Wasco, Kern County	59,501
H. Spitzer	Rural Route 1, Box 146, McFarland, Kern County	59,056
Barling Bros	640 G St., Wasco, Kern County	58,921
Fredlo Farms	Post Office Box 174, Arvin, Kern County	58,651
CALIFORNIA—Continued		
Deno Fanucchi	Rural Route 1, Box 79, Buttonwillow, Kern County.	$57,761
Triple J Farms	4016 Stockdale Highway, Bakersfield, Kern County.	57,332
E. D. Neufeld	665 Sycamore St., Shafter, Kern County	57,330
S. K. Farms	Rural Route 1, Box 24, Buttonwillow, Kern County.	57,297
G. Mendiburu & Son	Box 96, Oildale, Kern County	56,250
J. Kroeker Sons	30335 Orange St., Shafter, Kern County	54,321
Joe G. Fanucchi & Sons	Rural Route 2, Box 318, Bakersfield, Kern County	53,436
E. L. Goodspeed	Box 206, Buttonwillow, Kern County	53,299
D & R Farms	29389 Fresno Ave., Shafter, Kern County	51,905
Jimmie Icardo	1141 Panorama Dr., Bakersfield, Kern County	51,820
Scarrone Bros	Rural Route 1, Box 651, Arvin, Kern County	51,284
Claude Botkin Co., Inc	Post Office Box 162, Arvin, Kern County	50,384
Tejon Potato Co	Post Office Box 655, Arvin, Kern County	50,373
Schwartz Farms, Inc	21451 20th Ave., Stratford, Kings County	98,302
Newton Bros	Post Office Box 117, Stratford, Kings County	92,972
Jones Farms	Box 275, Stratford, Kings County	90,067
Peterson Farms	Box 877, Corcoran, Kings County	85,579
Inco Farms, Inc	Post Office Box 185, Bonsall, Kings County	74,026
P. Hansen Ranch	Post Office Box 295, Corcoran, Kings County	72,307
W. W. Boxwell, Jr	700 Shitley Ave., Corcoran, Kings County	69,582
Lone Oak Ranch	Box 386, Corcoran, Kings County	69,161
Harp & Hansen	Post Office Box 295, Corcoran, Kings County	68,079
Murray Farms, Inc	Post Office Box 171, Hanford, Kings County	61,175
Loy & Chesley Wedderburn	210 Fox St., Lemoore, Kings County	59,867
R. S. Barlow	Post Office Box 220, Lemoore, Kings County	58,450
S. P. Land Co	65 Market, San Francisco, Kings County	50,400
John Fuson	Post Office Box 875, Lebec, Los Angeles County	82,549
Sherman Thomas	25808 Avenue 11, Madera, Madera County	78,031
Hooper Farms, Inc	4823 Avenue 24, Chowchilla, Madera County	74,908
Ray Chiarelli	10651 Road 25, Madera, Madera County	62,823
El Peco Ranch	10462 Road 21, Madera, Madera County	59,183
W. L. Nesmith	27765 Avenue 15½, Madera, Madera County	54,671
Lindemann Farms, Inc	1420 11th St., Los Banos, Merced County	63,334
Eagle Loma Farms, Inc	51170 West Althea, Firebaugh, Merced County	50,506
Delta Ranches, Inc	Post Office Box 211, Blythe, Riverside County	86,708
Rummonds Bros. Ranches	Route 1 Box 726, Thermal, Riverside County	85,585
Scott & Knappenberger	Route 2 Box 180, Blythe, Riverside County	78,283
George Arakelian	Post Office Box 656, Blythe, Riverside County	69,836
Sunrise Farms	500 North Broadway, Suite 3, Blythe, Riverside County.	69,651
Schindler Bros	Box 215, Ripley, Riverside County	68,556
Pi-Land & Cattle Co	Route 2, Box 368, Blythe, Riverside County	68,073
Fisher Ranch	Route 2, Box 302, Blythe, Riverside County	61,907
Joe H. Ulmer	Route 2, Box 135, Blythe, Riverside County	56,099
Verne Wuertz	Post Office Box 75, Ripley, Riverside County	53,309
Harboe-Ensley	Post Office Drawer 1787, Indio, Riverside County.	52,138
Lawrence Chaffin	Box 877, Blythe, Riverside County	50,556
E. C. Apodac	Post Office Box 570, Indio, Riverside County	50,432
M. & T., Inc	Post Office Box 308, Chico, San Joaquin County	52,701
Sanchez Bros	1270 Liberty Island Rd., Rio Vista, Solano County	88,536
Chew Bros	6256 Fordham Way, Sacramento, Solano County	66,430
Rogers Farming Co	Post Office Box 348, Porterville, Tulare County	96,856
Correia Bros	6401 Ave. 296, Visalia, Tulare County	95,964
Don & Vern Thiesen	Route 1, Box 432, Kingsburg, Tulare County	92,490
Lesley W. Smith	8771 Ave. 104, Pixley, Tulare County	90,710
Shuklian Bros	Box 406, Tagus Ranch, Tulare, Tulare County	89,940
F.J. McCarthy & Sons	Box 1138, Tulare, Tulare County	81,752
T.V. Cardoza & Son	19505 Rd. 68, Tulare, Tulare County	75,908
Morris Stuhaan	29001 Rd. 48, Visalia, Tulare County	72,990
Jack Phillips	Post Office Box 548, Delano, Tulare County	72,530
Richard Berry	37955 Rd. 132, Cutler, Tulare County	71,628
Bill White	10769 Ave. 96, Pixley, Tulare County	70,185
Andy Wheat	Post Office Box 277, Corcoran, Tulare County	68,974
R. A. Hildebrand	225 Sill Bldg., Bakersfield, Tulare County	68,777
Earl Royer	19011 Rd. 196, Strathmore, Tulare County	68,628
Doe Cattle & Land Co	Post Office Box 401, Visalia, Tulare County	67,712
J & J Farms	19561 Rd. 44, Tulare, Tulare County	67,554
M. F. Harris	21228 Rd. 14, Chowchilla, Tulare County	65,662
G. E. Paxton	25248 Rd. 140, Tulare, Tulare County	65,559
Glenn Schott & Sons	14565 Ave. 120, Pixley, Tulare County	65,304
Edward L. Irwin	1727 East Bardsley Rd., Tulare, Tulare County	62,972
C. & W. Ranches	2520 Turner Dr., Tulare, Tulare County	62,521
Mitchellinda Ranches	Post Office Box 145, Alpaugh, Tulare County	62,469
E. Batsch	18384 Avenue 200, Strathmore, Tulare County	62,233
Atilio Belezzuoli	Post Office Box 94, Tipton, Tulare County	61,390
M. Curti & Sons	Post Office Box 158, Waukena, Tulare County	59,676
C. J. Ritchie	2800 North Akers Rd., Visalia, Tulare County	57,450
Galbraith Bros	15785 Avenue 152, Tipton, Tulare County	56,878
Baker Bros	18371 Avenue 40, Earlimart, Tulare County	53,557
John Guthrie	20210 Avenue 176, Porterville, Tulare County	53,044
J. D. Andreas & Sons	Route 1, Box 855, Delano, Tulare County	51,750
Porter Estates	2 Pine St., San Francisco, Tulare County	51,568
S. K. Ranch	12021 Avenue 328, Visalia, Tulare County	50,401
Heidrick Bros	Route 1, Box 1215, Woodland, Yola County	61,644
COLORADO		
Monaghan Farms, Inc	Box 358, Commerce City, Adams County	52,682
Kalcevic Farms, Inc	19 Del Mar Cr., Aurora, Adams County	52,190
T. F. Arbuthnot	Box 296, Springfield, Baca County	50,731
R. R Rutherford	Care of W. R. Hill, 309 East 6th, Springfield, Baca County.	50,540
John Kriss	Colby, Kans., Cheyenne County	60,157
Olive W. Garvey	Box 517, Colby, Kans., Kiowa County	85,322
James S. Garvey	Box 517, Colby, Kans., Kiowa County	69,098
Delmer Zweygardt	Burlington, Kit Carson County	90,775
Penny Ranch	Burlington, Kit Carson County	53,139
Hinkhouse Bros	do	51,001
FLORIDA		
O. V. Land Co	Post Office Box 1088, Clewiston, Hendry County	73,049
Wedgworth Farms, Inc	Box 206, Belle Glade, Palm Beach County	86,438

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
FLORIDA—Continued		
New Ranch Corp	375 Park Ave. New York, N.Y., Palm Beach County.	$71,346
Billy Rogers Farm	Post Office Box 68, South Bay, Palm Beach County.	68,821
South Bay Growers, Inc	Box 338, South Bay, Palm Beach County	68,564
Sam Senter Farms, Inc	Drawer B, Belle Glade, Palm Beach County	66,549
Chanticleer Farms Co	314B Roy Poin Pl. Palm Beach, Palm Beach County.	64,159
C. A. Thomas	Post Office Box 8, Lake Harbor, Palm Beach County.	63,342
Sugarcane Farms Co	318 A Royal P, Palm Beach, Palm Beach County	63,247
Hatton Bros., Inc	Drawer 558, Pahokee, Palm Beach County	60,977
Eastgate Farms, Inc	100 E. Robinson, Orlando, Palm Beach County	52,771
GEORGIA		
J. C. Evans	Rural Route 1, White, Bartow County	54,207
Roy Barefield	Alexander, Burke County	65,963
T. R. Rowland	Vidette, Burke County	55,734
Quinton Rogers	Waynesboro, Burke County	51,790
W. J. Estes	Haralson, Coweta County	57,723
Moss Land Co	Post Office Box 204, Calhoun, Gordon County	50,990
Hubert Cheek, Jr	Bowersville, Hart County	73,003
Charlie T. Kersey	Elko, Houston County	58,936
Fred C. Evans	Bartow, Jefferson County	69,413
W. R. & J. L. Jackson	Care of J. L. Jackson, Wrightsville, Johnson County.	50,420
W. A. Rountree	Rural Route 5, Dublin, Laurens County	82,207
W. H. Lovett	Wrightsville, Laurens County	65,854
D. W. Malcom	Bostwick, Morgan County	84,597
Otis Whitlock	Box 113, Bostwick, Morgan County	66,207
John W. Dawson	Rural Route 3, Hawkinsville, Pulaski County	66,684
W. C. Bradley Co	Care of T. T. Molnar, Cuthbert, Stewart County	77,119
Guy H. Shivers, Sr	Norwood, Warren County	69,823
HAWAII		
Waimea Sugar Mill Co., Ltd	Box 3230, Honolulu	54,795
IDAHO		
Jess Croft & Son	Rural Route 5, Box 116, Idaho Falls, Bonneville County.	50,767
Barker Bros	Soda Springs, Caribou County	52,432
Morgan Shillington Farms Co	Box 535, Rupert, Minidoka County	76,715
Vernon B. Clinton	Box 58, Rupert, Minidoka County	63,555
Wagner Bros., Inc	1126 3d St., Lewiston, Nez Perce County	65,967
Ira McIntosh & Sons	2034 14th St., Lewiston, Nez Perce County	61,670
ILLINOIS		
C. H. Moore Trust Estates	South Center St., Clinton, DeWitt County	79,153
INDIANA		
Overmyer Farms	Care of Lee Overmyer, Francesville, Pulaski County.	58,658
Richard Gumz	North Judson, Starke County	56,274
IOWA		
Amana Society	Middle Amana, Iowa County	88,499
KANSAS		
Garden City Co	Box 597, Garden City, Finney County	88,594
Dale R. Steele	Ford, Greeley County	68,129
A. Sell Estates	Care of M. Sell, 1744 Monaco Parkway, Denver, Colo., Greeley County.	63,895
Kleymann Bros	Care of F. J. Kleyman, Tribune, Greeley County	51,879
Lemon & Miller	Box 403, Pratt, Haskell County	55,313
Lloyd Kontny	1004 Harrison, Goodland, Sherman County	52,730
Clarence Winger & Sons	Johnson, Stanton County	52,563
G.H.J. Farms, Ltd	do	50,035
J. E. Ely Estate	Care of A. Larson, Rural Route 1, Garden City, Wallace County.	51,460
LOUISIANA		
Churchill & Thibaut, Inc	Box 431, Donaldsonville, Ascension County	53,365
Savoie Industries	Belle Rose, Assumption County	55,565
L. H. Woodruff	McDade, Bossier County	63,782
Rosedale Planting Co., Inc	Rural Route 1, Benton, Bossier County	51,088
Mission Planting Co	Box 248, Ida, Caddo County	87,354
Stinson & Stinson	Post Office Box 175, Gilliam, Caddo County	68,761
J. W. Lynn Plantation	Post Office Box 125, Gilliam, Caddo County	62,538
Cecilia L. Ellerbe	Post Office Box 5475, Shreveport, Caddo County	61,606
L. R. Kirby, Jr	Post Office Box 175, Belcher, Caddo County	59,404
G. A. Frierson	Rural Route 1, Shreveport, Caddo County	55,018
A. C. Dominick, Jr	Mira, Caddo County	54,995
Dalton R. Pittman	445 Pennsylvania, Shreveport, Caddo County	53,515
L. S. Frierson, Jr	Rural Route 1, Box 389L, Shreveport, Caddo County.	53,340
Dan P. Logan	Post Office Box 181, Gilliam, Caddo County	52,334
Rowland Bros	Rural Route 2, Monroe, Caldwell County	54,919
Carrol Rice	Sicily Island, Catahoula County	93,537
Shepherd & Shepherd	Rural Route 2, Lake Providence, East Carroll County.	65,783
Russel Fleeman	Box 431, Lake Providence, East Carroll County	63,046
J. H. Gilfoil III	Box 632, Lake Providence, East Carroll County	59,899
Keener Howard	Rural Route 2, Box 30, Lake Providence, East Carroll County.	59,021
Wendell Downen	Rural Route 1, Box 116, Lake Providence, East Carroll County.	50,791
A. Wilberts Sons L/S Co	Box 540, Plaquemine, Iberville County	75,928
Ashly Plantation	Rural Route 2, Box 117, Tallulah, Madison County.	76,099
Elton Fortenberry	Transylvania, Madison County	63,278
Dudley Pillow	Box 298, Schlater, Madison County	54,822
James U. Yeldell, Jr	Mer Rouge, Morehouse County	83,408
LOUISIANA—Continued		
Max Brodnax	Rural Route 1, Bonita, Morehouse County	$53,755
Duke Shackelford	Jones, Morehouse County	50,620
Mason & Godwin	Rural Route 2, Monroe, Ouachita County	83,484
W. A. Calloway	Bosco, Ouachita County	75,125
Paul S. Ransom	Rural Route 4, Monroe, Ouachita County	53,570
J. A. Moore	Rural Route 4, Box 109, Monroe, Ouachita County.	53,508
R. R. Rhymes Farm	Rural Route 5, Rayville, Richland County	70,379
Elton Upshaw, Jr	Box 4304, Monroe, Richland County	59,603
J. A. Pickett	Box 117, Morrow, Richland County	51,229
Panola Co	Care of W. A. Guthrie, Newellton, Tensas County.	90,147
E. R. McDonald & Sons	Newellton, Tensas County	70,953
Somerset Plantation	Newellton, La. 71357, Tensas County	54,817
Little Texas, Inc	Rural Route 2, Box 88, Napoleonville, West Baton Rouge County.	86,857
Westover Planting Co., Ltd	Route 2, Box 214, Port Allen, West Baton Rouge County.	54,326
Harry L. Laws & Co., Inc	Brusly, West Baton Rouge County	52,405
Louisiana State Penitentiary	Angola, West Felicana County	89,697
MISSISSIPPI		
Dossett Plantation, Inc	Beulah, Bolivar County	98,992
H. B. Hood	Route 1, Box 149, Duncan, Bolivar County	95,970
Lewis Barksdale, Jr	Deeson, Bolivar County	90,527
Carr Planting Co	O. C. Carr, Jr, Clarksdale, Bolivar County	82,997
Zumbro Plantation	Cleveland, Bolivar County	77,150
Charles A. Russell	Beulah, Bolivar County	75,806
H. H. Lawler	Rosedale, Bolivar County	69,563
Cloverdale Planting Co	Box 38, Alligator, Bolivar County	68,845
Maryland Plantation, Inc	Care of Jim Goodman, Shelby, Bolivar County	67,787
Sunrise Dairy	Cleveland, Bolivar County	66,416
Myres & Edwards	Post Office Box 191, Greenville, Bolivar County	63,720
Valley Farming Co	Max Dilworth, Shelby, Bolivar County	62,690
T. E. Pemble	Merigold, Bolivar County	62,586
J. E. Bobo	Gunnison, Bolivar County	61,238
R. C. Malone	Pace, Bolivar County	61,081
William Peacock	Merigold, Bolivar County	60,332
W. H. Howarth	Skene, Bolivar County	57,156
R. N. & E. C. Tibbs	Hushpuckena, Bolivar County	56,578
Warfield Bros	Gunnison, Bolivar County	55,653
W. F. & W. H. Hardin	Box 163, Duncan, Bolivar County	54,292
M. J. Dattle	Rosedale, Bolivar County	53,753
Rogers Hall	1206 College, Cleveland, Bolivar County	50,984
Allendale Planting Co	Shelby, Bolivar County	50,557
L. B. Pate & Sons	Cleveland, Bolivar County	50,160
R. W. Coleman	Okolona, Chickasaw County	63,925
W. J. Linn	Rural Route 3, Houston, Chickasaw County	62,910
Leon C. Bramlett	Rural Route 3, Box 599, Clarksdale, Coahoma County.	92,540
Fox Bros	231 West 2d, Clarksdale, Coahoma County	90,253
Carr-Mascot Plantation, Inc	Rural Route 2, Box 161, Clarksdale, Coahoma County.	87,809
Mohead Planting Co	Lula, Coahoma County	84,361
H. H. Twiford	Alligator, Coahoma County	82,168
W. S. Heaton, Jr	Lyon, Coahoma County	75,307
T. M. Luster	Rural Route 3, Box 597C, Clarksdale, Coahoma County.	73,099
Dan Crumpton, Jr	Rural Route 1, Box 222, Clarksdale, Coahoma County.	72,166
Graydon Flowers	Mattson, Coahoma County	72,064
P. F. Williams & Son	Box 729, Clarksdale, Coahoma County	71,292
J. R. Weeks	Rural Route 2, Clarksdale, Coahoma County	70,570
Connell & Co	Box 790, Clarksdale, Coahoma County	68,562
J. H. Pruett	Lyon, Coahoma County	68,419
Johnson Bros	Friars Point, Coahoma County	68,257
Wheeler-Graham	Coahoma, Coahoma County	68,058
Maryland Planting Co	Rural Route 2, Box 23B, Clarksdale, Coahoma County.	66,033
Sigmon Planting Co	Post Office Box 67, Sherard, Coahoma County	65,426
Kirk Haynes	Jonestown, Coahoma County	63,294
W. E. Young	Bobo, Coahoma County	60,806
Allen & Ritch	Rural Route 1, Lyon, Coahoma County	60,755
J. F. Humber	Rural Route 1, Box 215, Clarksdale, Coahoma County.	59,597
Lucille and C. W. Fyfe, Jr	Lula, Coahoma County	59,369
J. W. Henderson	403 Cypress, Clarksdale, Coahoma County	58,283
Sigmon Planting Co	Sherard, Coahoma County	57,763
T. W. Dulaney & Sons	Rural Route 2, Box 140, Clarksdale, Coahoma County.	57,701
Simmons Planting Co	Box 426, Clarksdale, Coahoma County	57,665
Oscar Connell Farm	Box 790, Clarksdale, Coahoma County	57,127
H. M. Haney	Jonestown, Coahoma County	56,971
Fant Bros	Coahoma, Coahoma County	56,441
Flowers Bros	Dublin, Coahoma County	54,413
Lea Planting Co	do	53,616
Omega Planting Co	Rural Route 1, Lyon, Coahoma County	52,972
Parker Springer Planting Co	Box 6, Drew, Coahoma County	52,926
Rives & Brewer	Rural Route 1, Coahoma, Coahoma County	52,224
J. L. Stribling & Son	Post Office Box 83, Clarksdale, Coahoma County	52,000
G. L. McWilliams, Sr	Rural Route 1, Clarksdale, Coahoma County	51,746
R. N. McWilliams	Rural Route 1, Box 283, Clarksdale, Coahoma County.	51,554
Prairie Planting Co	Stovall, Coahoma County	51,160
J. B. Laney	Lyon, Coahoma County	51,158
Stribling Planting Co	Box 83, Clarksdale, Coahoma County	50,654
Homer Rutland	Rural Route 4, Collins, Covington County	56,875
R. L. Sullivan	Walls, De Soto County	73,421
Topanga Caine Farm	Lake Cormorant, De Soto County	90,859
E. F. Crenshaw	Rural Route 9, Box 199, Memphis Tn., De Soto County.	65,960
R. S. Jarratt	Walls, Coahoma County	64,400
Tract-O-Land Plantation	Lake Cormorant, De Soto County	59,490
Herman Koehler	Robinsonville, De Soto County	59,454
Kraetzer Cured Lumber Co	Box 908, Greenwood, Grenada County	53,520
Gaddis Farms, Inc	Raymond, Hinds County	74,555
Shotwell Plantation Inc	Route 1, Tchula, Holmes County	99,650
Lynchfield Planting Co	Tchula, Holmes County	86,215

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
MISSISSIPPI—Continued		
Pluto Planting Co	Thornton, Holmes County	$73, 779
Wayne Watkins	Rural Route 1, Cruger, Holmes County	70, 868
W. J. Waits	Goodman, Holmes County	62, 522
Paul Wilson	Rural Route 1, Tchula, Holmes County	61, 445
James P. Love	Tchula, Holmes County	57, 191
E. W. Hooker	406 Spring St. Lexington, Holmes County	55, 679
Charley Wade	Rural Route 2, Cruger, Holmes County	55, 250
Byron B. Sharpe	Tchula, Holmes County	54, 227
George D. Wynn	Rural Route 1, Pickens, Holmes County	51, 350
Spencer H. Barret	Belzoni, Humphreys Co	91, 038
R. D. Hines	Rural Route 4, Yazoo City, Humphreys County	74, 155
A. B. Jones, Jr	Box 37, Belzoni, Humphreys County	64, 366
B. A. Holaday Co	Louise, Humphreys County	62, 632
R. D. Bearden	Isola, Humphreys County	59, 884
Halbrook Farms	Belzoni, Humphreys County	57, 119
T. M. Simmons, Jr	Rural Route 2, Belzoni, Humphreys County	56, 411
Fouche Farms	Rural Route 1, Silver City, Humphreys County	55, 047
Wm. L. Dillard	Louise, Humphreys County	53, 089
Loyd M. Heigle	Mayersville, Issaquena County	57, 881
Johnson Bros	Valley Park, Issaquena County	55, 757
Ruby Planting Co	Care of J. F. Shaw, Box 174, Money, Leflore County.	97, 856
H. C. McShan	Schlater, Leflore County	96, 650
Joe Pugh	Itta Bena, Leflore County	88, 683
Reynolds Planting Co	Glendora, Leflore County	79, 080
King Plantation	1100 Poplar, Greenwood, Leflore County	77, 518
Ed Hunter Steele	Morgan City, Leflore County	73, 276
Roberson Plantation	Minter City, Leflore County	71, 111
Runnymede Plantation	Box 277, Itta Bena, Leflore County	70, 334
Maloney Farms	Rural Route 1, Itta Bena, Leflore County	68, 984
T. J. Carter	Box 304, Money, Leflilore County	64, 785
F. T. Leavell	Minter City, Leflore County	61, 483
Sturdivant & Bishop	do	61, 296
B. G. McGeary	Box 426, Sidon, Leflore County	60, 396
W. L. Craig	Rural Route 2, Greenwood, Leflore County	60, 270
Holly Grove Plantation	Sidon, Leflore County	58, 829
Hobson Gary	Schlater, Leflore County	58, 219
W. D. Bradford	Rural Route 2, Itta Bena, Leflore County	55, 426
Elmwood Plantation	Rural Route 2, Box 51, Greenwood, Leflore County.	53, 222
Landrum & Leavell	Minter City, Leflore County	50, 469
Dubley Bozeman	Post Office Box 270, Flora, Madison County	83, 573
George H. Moore	Rural Route 3, Canton, Madison County	80, 441
J. D. Rankin	do	75, 468
M. S. Cox, Jr	Madison, Madison County	62, 893
Thomas L. James	Finney Rd., Canton, Madison County	55, 695
Odell J. Wilson	Rural Route 3, Holly Springs, Marshall County	57, 119
W. S. Taylor, Jr	Como, Panola County	59, 962
Robert McMillan	Rural Route 5, Batesville, Panola County	57, 532
J. H. Magee	Batesville, Panola County	56, 992
Hays Bros. & Hall	Rural Route 2, Box 196, Sardis, Panola County	53, 819
Dalmar Plantation	Rural Route 1, Marks, Quitman County	81, 196
Roger Davidson	Box 245, Marks, Quitman County	76, 040
Valley Plantation	Box 265, Oxford, Lafayette County	63, 364
F. R. Trainor	Lambert, Quitman County	72, 268
Wise Bros	Jonestown, Quitman County	65, 268
T. C. Haley	Rural Route 1, Vance, Quitman County	61, 351
E. Q. Vance, Jr	Vance, Quitman County	59, 332
H. T. Pittman	Marks, Quitman County	59, 166
Garmon Farm	Rural Route 1, Marks, Quitman County	55, 441
T. C. Potts	Crenshaw, Quitman County	54, 630
Fulmer Farms	Care of T. J. Ware, Jr., Rural Route 2, Marks, Quitman County.	51, 796
C. W. Denton	Belen, Quitman County	51, 544
Raymond and J. M. Brown	Anguilla, Sharkey County	84, 626
Moore Planting Co., Inc	Route 2, Rolling Fork, Sharkey County	74, 319
Lynndale Planting Co., Inc	Cary, Sharkey County	73, 229
Little Panther Plantation	Leland, Sharkey County	70, 439
Powers Co., Inc	Cary, Sharkey County	68, 155
Reality Plantation, Inc	Rolling Fork, Sharkey County	66, 668
Baconia Plantation, Inc	Cary, Sharkey County	65, 622
Evanna Plantation, Inc	do	64, 076
S. M. Montgomery	Route 2, Rolling Fork, Sharkey County	60, 503
Martin Planting Co., Inc	Anguilla, Sharkey County	59, 406
M. C. Ewing Co., Inc	do	57, 790
Carter Bros	Rolling Fork, Sharkey County	55, 654
Neff Farms, Inc	Box 278, Hollandale, Sharkey County	53, 486
G. C. Cortright	Rolling Fork, Sharkey County	52, 622
James A. Boykin	Delta City, Sharkey County	51, 935
Allen & Brashier Planting Co	Indianola, Sunflower County	95, 726
Phillip Fratisi	Box 187, Rosedale, Sunflower County	91, 063
W. P. Scruggs	Doddsville, Sunflower County	89, 686
Frank Brumfield	Inverness, Sunflower County	87, 301
J. Levingston Estate	Ruleville, Sunflower County	86, 501
Mrs. Virginia Polk	Care of J. G. Prichard, Inverness, Sunflower County.	85, 246
P. K. McGregor	Inverness, Sunflower County	81, 803
Brashier-Allen	Indianola, Sunflower County	71, 328
Vivian A. Johnson	Box 7, Indianola, Sunflower County	70, 338
J. H. Hill	Indianola, Sunflower County	65, 832
J. W. Stowers	Inverness, Sunflower County	64, 812
W. O. Shurden	Drew, Sunflower County	63, 923
C. S. Simmons, Jr	Inverness, Sunflower County	61, 456
H. T. Bonds & Sons	Shelby, Sunflower County	61, 072
J. M. Montgomery, Jr	Inverness, Sunflower County	60, 136
Garrard Estate	Indianola, Sunflower County	59, 729
Lindsey Farms	Doddsville, Sunflower County	58, 757
Pauline V. Adair	Doddsville Sunflower County	56, 894
Shurden & Owens	Drew, Sunflower County	56, 522
W. D. Simmons	Baird, Sunflower County	55, 896
R. M. and C. H. McClatchy	Sunflower, Sunflower County	55, 791
Brewer Morgan	do	55, 432
Hugh M. Arant	Rural Route 2, Ruleville, Sunflower County	54, 496
A. J. Hill	Rome, Sunflower County	54, 066
James Bradshaw	Sunflower, Sunflower County	53, 474
Estate of Noel Morgan	Post Office Box 38, Sunflower, Sunflower County	52, 904
Billy Brewer	Inverness, Sunflower County	52, 366
F. L. Tindall	Indianola, Sunflower County	52, 237
N. H. McMath	Isola, Sunflower County	50, 796
MISSISSIPPI—Continued		
A. K. Maxwell	Moorhead, Sunflower County	$50, 557
W. E. Austin	Clover Drive, Indianola, Sunflower County	50, 460
F. T. Clark	Ruleville, Sunflower County	50, 064
J. L. Hill, Jr	Webb, Tallahatchie County	88, 525
Cotton Dixie Inc	Care of J. B. Baker, Webb, Tallahatchie County	87, 912
Twilight Plantation	Swan Lake, Tallahatchie County	83, 799
E. D. Graham	Sumner, Tallahatchie County	82, 467
E. C. Fedric	Glendora, Tallahatchie County	82, 189
T. C. Buford	do	80, 453
Triple M Planting Co	Sumner, Tallahatchie County	79, 476
Ralph T. Hand, Jr	Glendora, Tallahatchie County	78, 734
Rainbow Planting Co	Care of W. W. Pearson, Webb, Tallahatchie County.	76, 168
A. A. Mabus	Phillip, Tallahatchie County	74, 649
Equen Plantation	Minter City, Tallahatchie County	73, 844
F. M. Mitchener, Jr	Sumner, Tallahatchie County	73, 818
S. M. Fewell & Co	Vance, Tallahatchie County	73, 491
Jerry Falls	Webb, Tallahatchie County	72, 444
Frank Sturdivant	Minter City, Tallahatchie County	69, 470
J. A. Townes	do	68, 984
Martha B. Lowe	Glendora, Tallahatchie County	67, 446
Frank Sayle	Charleston, Tallahatchie County	66, 641
J. R. Flautt & Sons	Swan Lake, Tallahatchie County	66, 510
H. T. Bond, Jr	Rural Route 1, Shelby, Tallahatchie County	63, 637
Herbert Rice	Webb, Tallahatchie County	59, 901
Phil Thornton III	Tutwiler, Tallahatchie County	59, 123
T. B. Abbey, Jr	Webb, Tallahatchie County	57, 543
M. L. McMillan, Jr	Minter City, Tallahatchie County	54, 253
J. Noel Reed	Rural Route 2, Charleston, Tallahatchie County	52, 956
J. C. Hardy	do	51, 309
Billy Joe Waldrup	Drew, Tallahatchie County	51, 134
James Bros	Care of Bill James, Tippo, Tallahatchie County	51, 008
M. P. Moore	Senatobia, Tate County	81, 380
E. E. Moore	do	55, 781
Hood Farms, Inc	Box 845, Tunica, Tunica County	96, 846
R. W. Owen Inc	Route 1, Tunica, Tunica County	96, 763
D. C. Parker	do	92, 284
S. A. Arnold, Jr	Tunica, Tunica County	91, 691
Arnold Farms, Inc	do	89, 924
Sterling W. Owen III	Route 1, Tunica, Tunica County	89, 003
Shelby Thomas Wilson	Dundee, Tunica County	82, 106
M. L. Earnheart	Tunica, Tunica County	81, 826
C. P. Owen, Jr	Robinsonville, Tunica County	80, 165
Oaklawn Plantation, Inc	Route 3, Box 36, Dundee, Tunica County	75, 937
Carl C. May	Route 2, Box 599, West Helena, Ark., Tunica County.	73, 758
S. W. Seabrook	Tunica, Tunica County	65, 879
McClintock Farms, Inc	Box 115, Tunica, Tunica County	59, 414
A. S. Perry	Tunica, Tunica County	58, 832
W. H. Houston, Jr	do	56, 452
B. R. Smith	Route 3, Box 132, Dundee, Tunica County	55, 145
C. A. Austin	Dundee, Tunica County	54, 300
A. C. Caperton	Tunica, Tunica County	53, 876
T. O. Earnheart	do	53, 720
W. C. McLean Co., Inc	do	52, 702
R. I. Abbay	do	51, 473
Hugh Stephens	Box 186, New Albany, Union County	80, 716
Aden Bros., Inc	Valley Park, Warren County	94, 621
B. N. Simrall & Son, Inc	Redwood, Warren County	50, 880
Gilnockie Planting Co	Leland, Washington County	99, 213
Fairfax Plantation	Ben Walker, Tribbett, Washington County	98, 821
Ganier Bros	Hollandale, Washington County	77, 680
Dan L Smythe	Leland, Washington County	77, 051
W. C. Skates & Son	Avon, Washington County	75, 181
John T. Dillard	503 Cypress St., Leland, Washington County	72, 693
Edward Trotter	Rural Route 2, Box 745, Greenville, Washington County.	72, 114
Billy Joe Trotter	Rural Route 2, Box 301, Hollandale, Washington County.	71, 570
Arcola Planting Co	J. R. Shaw, Arcola, Washington County	70, 505
Refuge Plantation, Inc	Rural Route 2, Box 667, Greenville, Washington County.	69, 833
Dogwood Plantation	W. E. Taylor, Rural Route 2, Box 822, Greenville, Washington County.	68, 519
Faith Plantation	J. M. Dean, Tribbett, Washington County	68, 443
J. C. Reed	Rural Route 2, Leland, Washington County	66, 779
Lakeland Farms	Rural Route 1, Box 380, Hollandale, Washington County.	66, 468
Dean & Co	Tribbett, Washington County	64, 757
M. H. Rich & Son	Chatham, Washington County	62, 874
Deloach Cope	103 Church St., Hollandale, Washington County	62, 158
Andrews Bros	A. L. Andrews, Leland, Washington County	61, 947
E. J. Ganier	Percy, Washington County	61, 723
Highland Plantation	Rural Route 2, Box 225, Greenville, Washington County.	60, 045
James Middleton	Darlove, Washington County	59, 793
Montgomery & Grissom	Leland, Washington County	58, 730
Stevens Bros	Glen Allan, Washington County	58, 482
Barton Ingram	Box 352, Arcola, Washington County	58, 182
Deandale	Cameron Dean, Tribbett, Washington County	57, 069
Alex Curtis	602 Southwest Deer Creek Dr., Leland, Washington County.	56, 821
W. D. Atterbury	Estill, Washington County	56, 398
Raymond Clark	Rural Route 2, Box 421, Leland, Washington County.	56, 348
Walnut Bayou Planting Co	Care of James S. Brown, Leland, Washington County.	55, 949
Cope & Neff	Box 278, Hollandale, Washington County	55, 671
W. G. Trotter	Box 113, Winterville, Washington County	55, 488
James A. Petty	Wayside, Washington County	54, 682
Mounds Plantation	1210 Arnold St., Greenville, Washington County	54, 609
Metcalfe & Weathers	Care of W. T. Weathers, Metcalfe, Washington County.	54, 586
D. K. Morrow	Gamwyn Park, Greenville, Washington County	54, 103
John A. Aldridge	Estill, Washington County	53, 058
Wilmot Planting Co	Ross Underwood, Arcola, Washington County	51, 176
H. T. Cochran	Hollandale, Washington County	51, 041
S. C. Coleman	Rural Route 5, Yazoo City, Yazoo County	89, 397
Ruby Walker	Bentonia, Yazoo County	84, 518

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
MISSISSIPPI—Continued		
D. H. Dew, Sr	Eden, Yazoo County	$68, 265
Seward & Harris	Midnight, Yazoo County	65, 688
E. T. Schaefer	Post Office Box 305, Yazoo City, Yazoo County	64, 940
D. H. Drew, Jr	Box 142, Eden, Yazoo County	62, 642
W. T. Clark, Jr	Rural Route 4, Box 118, Yazo City Yazoo County	59, 040
Ivanhoe Plant	Care of E. Coker, 746 Sunset Dr., Yazoo City, Yazoo County.	56, 666
Kinkead Plantation	Rural Route 1, Yazoo City, Yazoo County	52, 959
MISSOURI		
Quinn Bros	Salisbury, Chariton County	56, 887
Wolf Island Farms	Wolf Island, Mississippi County	89, 025
Marshall Lands, Inc	Box 3, Charleston, Mississippi County	67, 442
W. C. Bryant	Rural Route 2, East Prairie, Mississippi County	51, 581
Dearmont Oliver	210 Williams, East Prairie, Mississippi County	51, 558
Byars Orton	Rural Route 2, Portageville, New Madrid County	93, 612
Swiney & Sons	Box 375, Morehouse, New Madrid County	60, 757
Acom Farms, Inc	Wardell, Pemiscot County	67, 370
L. Berry Farms, Inc	Holland, Pemiscot County	61, 420
Stonner Bros	Miami, Saline County	56, 189
Eugene Elson	Rural Route 1, Miami, Saline County	55, 986
W. P. Hunter	Care of Blair Dalton, Bell City, Stoddard County	73, 807
Mahan, Mahan & Radcliff	Parma, Stoddard County	58, 437
Trailback Plantation, Inc., Tom B.	Essex, Stoddard County	52, 412
MONTANA		
Prairie Nest Ranch, Inc	Highwood Route, Great Falls, Cascade County	56, 065
Nash Bros	Redstone Mountain, Sheridan County	65, 076
NEW MEXICO		
A. W. Langenegger	Box 503, Hagerman, Chaves County	98, 750
Hal Bogie	Dexter, Chaves County	61, 133
Jack Patterson	Box 938, Roswell, Chaves County	59, 908
J. P. White, Jr	Box 533, Roswell, Chaves County	56, 199
John Garrett & Sons	Box 520, Clovis, Curry County	82, 641
Garrett Corp	do	71, 435
Lockmiller & Son	1401 Piedmont, Clovis, Curry County	53, 450
Snodgrass & Carlisle	Post Office Box 908, Roswell, Eddy County	76, 182
Moutray Bros	Box 280, Carlsbad, Eddy County	70, 730
Bill Veck	Star Route Box 237, Animas, Hidalgo County	52, 757
NORTH CAROLINA		
M. C. Braswell Farms	Battleboro, Edgecombe County	62, 441
D. D. McCall	Box 748, St. Pauls, Robeson County	70, 721
Ted Smith	Rural Route 1, Parkton, Robeson County	61, 457
Alice J. Mcleod	Rural Route 3, Laurinburg, Scotland County	65, 128
Z. V. Pate, Inc	Laurinburg, Scotland County	54, 842
James R. McKenzie	Laurinburg, Scotland County	54, 290
NORTH DAKOTA		
Otto Engen	311 9th St. S.E. Minot, Mountrail County	52, 266
Arvel Glinz	Eldridge, Stutsman County	69, 471
OHIO		
Ward Walton & Associates, Inc	Rural Route 4, Upper Sandusky Marion County	65, 710
OKLAHOMA		
F. E. Motley	424 North Glover, Hollis, Harmon County	69, 218
Wayne Q. Winsett	2028 Willard Dr., Altus, Jackson County	75, 382
Murray R. Williams	1831 North Main, Altus, Jackson County	60, 515
Charles R. Sheffield	Rural Route 2, Webbers Falls, Muskogee County	56, 267
H. C. Hitch, Jr	Guymon, Texas County	70, 939
OREGON		
Ralph S. Crum	Ione Drive, Morrow County	50, 616
Cunningham Sheep Co	Box 1186, Pendleton, Umatilla County	77, 372
B. L. Davis Ranch, Inc	Adams, Umatilla County	58, 166
PUERTO RICO		
Ramon Gonzalez Hernandez	Box 287, Aguirre	97, 843
W. Bravo Monagas	Box 58, Mayaguez	83, 373
Carlos F. Quiles Trustee	Box 67, Hormigueros	82, 268
Mario Mercado E. Hijos	Box 377, Guayanilla	81, 858
Agricola DelMonte Y Espinosa	Box 696, Cayey	78, 787
Chas. R. C. Openheimer Admin	Box 377, Guayanilla	61, 684
M. A. Garcia Mendez	Box 599, Mayaguez	59, 125
Hector L. Bruno	Vincente Pales No. 4, Guayama	56, 545
E. Quinones Sambolin	Box 125 San German	54, 966
Wirshing & Co	Box A, Mercedita	54, 451
SOUTH CAROLINA		
Kirkland & Best	Post Office Box 97, Ulmers, Allendale County	55, 364
H. W. Herndon	Rural Route 1, Bamberg, Bamberg County	56, 452
H. D. Free	Bamberg, Bamberg County	50, 531
J. Calvin Rivers	Chesterfield, Chesterfield County	57, 776
Thos. R. and Gillum E King, Jr	McBee, Chesterfield County	53, 844
H. Fox Tindal	Pinewood, Clarendon County	53, 029
Charles N. Plowden	Box 308, Summerton, Clarendon County	50, 617
Coker Pedigreed Seed Co	Chester, Darlington County	61, 847
Hugh T. Lightsey	General Delivery, Brunson, Hampton County	53, 724
C. E. Atkinson	Rural Route 3, Bishopville, Lee County	66, 010
J. E. Mayes	Mayesville, Lee County	64, 500
Hamilton Corbett	Mayesville, Lee County	61, 889
R. V. Segars, Sr	Rural Route 1, Oswego, Lee County	55, 280
C. B. Player, Jr	Rural Route 2, Lynchburg, Lee County	52, 085
C. P. Polston, Jr	Rural Route 1, Glenheim, Marlboro County	94, 970
J. A. McDonald	Route 3, Bennettsville, Marlboro County	86, 746
SOUTH CAROLINA—Continued		
T. A. & Charles Oneal	Blenheim, Marlboro County	$65, 886
Charles E. Lynch	Bvile, Marlboro County	65, 493
Ernest C. McInnis	Clio, Marlboro County	51, 529
Edgar L. Culler, Jr	Rural Route 5, Box 72, Orangeburg, Orangeburg County.	57, 072
E. E. Gasque & Son	Box 370, Elloree, Orangeburg County	53, 426
R. M. Watson Sons	Ridge Spring, Saluda County	53, 500
James F. Bland, Jr	Mayesville, Sumter County	97, 276
J. E. Mayes	do	94, 134
J. M. Edens, Jr	Dalzell, Sumter County	59, 305
B. J. Barnett, Inc	Box 267, Sumter, Sumter County	52, 448
SOUTH DAKOTA		
Stanley Asmussen	Agar, Sully County	54, 432
TENNESSEE		
Cowan Bros	LaGrange, Fayette Co	60, 776
Tommy B. Willis	122 Rooks Dr., Brownsville, Haywood County	55, 428
W. T. Jamison	Tiptonville, Lake County	67, 893
Tipton Bros. & Sullivan	Tiptonville, Lake County	52, 338
Jim Fullen	Ashport, Lauderdale County	74, 850
Jack Crutcher	Henning, Lauderdale County	58, 203
H. S. Mitchell	Post Office Box 98, Millington, Shelby County	81, 528
T. A. Densford & Son	Rural Route 2, Millington, Shelby County	54, 728
Horace E. Moore & Sons	Frenchmans Bayou, Tipton County	62, 977
TEXAS		
Carl C. Bamert	Rural Route 3, Box 114, Muleshoe, Bailey County	79, 568
Randy Johnson	320 Main St., Muleshoe, Bailey County	79, 333
J. Bert Williams	Rural Route 1, Farwell, Bailey County	69, 632
Horace Hutton	Rural Route 1, Box A, Muleshoe, Bailey County	69, 343
Bill Jim St. Clair	Rural Route 3, Muleshoe, Bailey County	56, 773
W. T. Millen	Rural Route 1, Muleshoe, Bailey County	53, 741
J. G. Arnn	619 West 7th St., Muleshoe, Bailey County	51, 979
Jim Claunch	State Route 1, Enochs, Bailey County	51, 385
Herbert L. Vance	DeKalb, Route 3, Bowie County	65, 281
Elwood Elkins	Rural Route 3, DeKalb, Bowie County	53, 684
Brazos A. Varisco	Varisco Building, Bryan, Brazos County	98, 092
J. P. Terrell & Son	Navasota, Brazos County	77, 665
Lee J. Fazzino	Rural Route 1, Box 259, Bryan, Brazos County	62, 946
Tony Varisco	Rural Route 1, Box 250, Bryan, Brazos County	62, 496
Vince Court	Rural Route 1, Box 261, Bryan, Brazos County	57, 207
Joe Varisco	Rural Route 4, Box 161, Bryan, Brazos County	55, 373
Matt Morello	Rural Route 1, Box 230, Bryan, Brazos County	52, 234
L. O. Weaks	66 Fannin Dr., Tulia, Briscoe County	50, 433
L. L. Lawson	3307 43d St., Lubbock, Brown County	71, 486
Holland Porter	Rural Route 2, Caldwell, Burleson County	93, 660
Porter Bros	do	93, 580
H. H. and Edgar Baker	Rural Route 2, Somerville, Burleson County	92, 292
Joe C. Scarmardo	906 Jan Lane, Bryan, Burleson County	55, 416
Roy Smith	5030 South Staples, Corpus Christi, Calhoun County.	50, 547
Simpson & Wilson	Post Office Box 393, Rio Hondo, Cameron County.	95, 649
D. L. Smith Estate	Route 2, Harlingen, Cameron County	75, 527
Geo. L. Labar & Sons	do	68, 147
E. B. Adams & Sons	1019 North 1st St., Harlingen, Cameron County	67, 466
Henry V. Macomb	Post Office Box 451, Los Fresnos, Cameron County.	65, 157
Schmitt Bros. Farms Plantation	Post Office Box 545, Los Fresnos, Cameron County.	64, 922
Rio Grande Equipment Co	South Highway 77, Harlingen, Cameron County	64, 587
Robert I. Taylor, Jr	Post Office Box 804, Dyersburg, Cameron County	60, 067
Rex L. McGarr	Post Office Box 906, San Benito, Cameron County	59, 093
P. Maurin and J. T. Maurin	Box 407, Rio Hondo, Cameron County	58, 682
Edward J. Wolf	Post Office Box 364, La Feria, Cameron County	58, 473
Douglas S. Cantwell	Post Office Box 803, Harlingen, Cameron County	54, 062
Eubanks Bros	Post Office Box 8, Santa Rosa, Cameron County	54, 021
Oval A. Martin	Route 3, Box 16A Los Fresnos, Cameron County	52, 577
Jack Lomax	Rio Hondo, Cameron County	52, 500
Herbert W. Bode	Route 3, Box 82E, San Benito, Cameron County	50, 455
Jimmy Cluck	Route 2, Hart, Castro County	99, 074
G. L. Willis, Jr	Box 458, Dimmitt, Castro County	82, 305
Ware Farms Co	Box 865, Dimmitt, Castro County	79, 532
Homer Hill	Hart, Castro County	72, 260
Carl Bruegel	Box 175, Dimmitt, Castro County	68, 137
J. F. Martin	Box 1306, Hereford, Castro County	68, 003
Chas. E. Armstrong	609 West Stinson, Dimmitt, Castro County	64, 373
Dulaney Bros	Box 1035, Dimmitt, Castro County	55, 992
Clements Corp	Box 304, Plainview, Castro County	55, 265
Otto Steinberg	Box 242, Plainview, Castro County	52, 565
H. D. Smith	Box 467, Hart, Castro County	52, 281
C. C. Slaughter Farms	Box 575, Morton, Cochran County	98, 074
D. E. Benham	Rural Route 2, Morton, Cochran County	75, 403
Jimmy Millar	State Route 2, Morton, Cochran County	73, 222
Carl Ratliff	1703 Great Plains Building, Lubbock Cochran County.	69, 391
E. L. Polvado	304 East Grant, Morton, Cochran County	64, 650
T. K. Williamson	Box 931 Morton, Cochran County	61, 928
J. E. Polvado	Route 2, Morton, Cochran County	55, 700
James Adolph Greener	Rural Route 6, Box 93B, Lubbock, Cochran County.	54, 967
R. L. Polvado	Route 1, Morton, Cochran County	53, 984
Erma Griffith	Route 2, Morton, Cochran County	53, 070
H. B. Barker	602 East Lincoln, Morton, Cochran County	52, 244
Slaughter Hill Co	Box 758' Levelland, Cochran County	50, 133
Delton Caddell	Route 1, Ralls, Crosby County	80, 089
Louis Garcia & Sons	Route 1, Box 136, Spur, Crosby County	77, 531
Don Anderson	Route 2, Crosbyton, Crosby County	76, 682
Lloyd Gambrel	Box 246, Ralls, Crosby County	69, 894
G. J. Parkhill, Jr	Box 275, Crosbyton, Crosby County	62, 214
J. P. Beck	Box 873, Ralls, Crosby County	58, 679
San C. Jenkins	Box 497, Lamesa, Dawson County	98, 429
Gordon V. Waldrop	Route C, Lamesa, Dawson County	70, 382

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
TEXAS—Continued		
Donnell Echols	State Route 4, Lamesa, Dawson County	$60,314
Woodward Farms, Inc	405 North 20th St., Lamesa, Dawson County	59,194
Ray Allen Noret	Box 597, Lamesa, Dawson County	55,724
R. M. Middleton	Route 2, O'Donnell, Dawson County	53,353
Perrin Bros	Box 12, Hereford, Deaf Smith County	85,048
R. C. Godwin	Box 1026, Hereford, Deaf Smith County	75,921
Hosea Foster	1518 5th, Canyon, Deaf Smith County	57,745
Virgil F. Marsh	Rural Route 3, Hereford, Deaf Smith County	57,510
W. H. Gentry	400 Sunset, Hereford, Deaf Smith County	54,802
J. R. Durrett Estate	Box 1081, Amarillo, Deaf Smith County	53,731
B. T. Spear	Star Route, Wildorado, Deaf Smith County	50,106
G. B. Morris	Crosbyton, Dickens County	58,108
L. R. Allison Co	Box 137, Tornillo, El Paso County	57,509
Jack Falco	Rural Route 1, Reagan, Falls County	50,744
Felix Tusa	Highbank, Falls County	50,566
Morris Scanardo	447 Maryland, Marlin, Falls County	50,118
R. A. Harling AG	Riverby Ranch, Rural Route 2, Telephone, Fannin County.	68,666
Dorris Jones	506 South White, Floydada, Floyd County	68,841
William S. Poole	Dougherty, Floyd County	62,324
John C. Alford	Box 28, Petersburg, Floyd County	62,075
J. E. Franklin	Rural Route 1, Lubbock, Floyd County	54,986
R. I. Bennett	Lockney, Floyd County	54,615
Richard F. and Robert Stovall	Box 1058, Plainview, Floyd County	53,779
Hershel Carthel	Rural Route 1, Box 27, Lockney, Floyd County	53,497
J. S. Hale, Jr	Rural Route 1, Floydada, Floyd County	52,997
J. R. Turner	Rural Route 3, Floydada, Floyd County	52,925
Sugarland Industries Inc	Box 45, Sugarland, Fort Bend County	73,499
Foster Farms Inc	Care of J. M. Schrum, Sugarland, Fort Bend County.	56,257
A. E. Schletze Farms	106 Bryan, Pearsall, Frio County	53,388
Vernon Goodwin	Box 395, Seagraves, Gaines County	84,040
J. H. Jones	Box 34, Welch, Gaines County	76,048
Verlon Hilburn	East Star Route, Lovington, Gaines County	69,048
Earl Layman	Box 836, Loop, Gaines County	56,831
Shamrock Farms	Drawer B, O'Donnell, Gaines County	56,105
Charles Medlin	Route 2, Seagraves, Gaines County	54,743
Paul Morgan	707 North 18th, Lamesa, Gaines County	54,274
J. C. Mills	Drawer G, Abernathy, Hale County	93,444
I. F. Lee	Rural Route 2, Hale Center, Hale County	86,517
Elmo Stephens	Olton Route, Plainview, Hale County	79,615
Frank Moore	1400 West 7th, Plainview, Hale County	73,184
Jason H. Allen	4602 15th St. Lubbock, Hale County	65,197
James Cannon	Rural Route 1, Lockney, Hale County	64,557
E. A. Houston	Box 838, Abernathy, Hale County	63,880
W. Grady Shepard	Route 1, Hale Center, Hale County	62,165
Ballard & Hurt	Olton Route, Plainview, Hale County	55,926
Warren Mathis	Rural Route 3, Plainview, Hale County	53,184
W. D. Scarborough, Jr	Box 247, Petersburg, Hale County	52,410
Swann Pettit	Rural Route 1, Hale Center, Hale County	51,916
Ralph Wheeler	Box 27, Edmondson, Hale County	50,647
R. L. Porter Estates	302 South Barkley, Spearman, Hansford County	56,065
Harold H. Hogue	1415 Denrock, Dalhart, Hartley County	71,129
Thomas L. Moran	Hartley, Hartley County	55,936
J. R. Stump	Box 851, Elsa, Hidalgo County	92,501
Sam R. Sparks	Route 1, Santa Rosa, Hidalgo County	91,485
Valley Acres	Box 128, Santa Rosa, Hidalgo County	85,477
Beckwith Farms	Drawer 616, Progreso, Hidalgo County	80,573
Ben Estes Bearden	Box 387, Santa Rosa, Hidalgo County	79,402
J. B. Hardwicke Co. Plantation	Box 1990, McAllen, Hidalgo County	79,219
Byron Campbell	795 West Rockey, Raymondville, Hidalgo County	78,626
Guerra Bros	Box 38, Linn, Hidalgo County	76,465
Knapp Farms	Box 205, Weslaco, Hidalgo County	75,694
J. B. Pollock	Box 238, Hargill, Hidalgo County	71,936
Davis & Gandy	301 Austin, Edinburg, Hidalgo County	65,303
Tuberville Farms	Box 686, Elsa, Hidalgo County	64,065
Frank Schuster	Route 1, San Juan, Hidalgo County	60,245
Davis & Gandy	301 Austin, Edingurg, Hidalgo County	59,601
Joe Davis	Box 202, Edinburg, Hidalgo County	59,581
Fay M. Willis	Snyder, Okla., Hidalgo County	58,565
Fuller Farms	Route 2, Box 52, Weslaco, Hidalgo County	57,936
Bryan Hanks	Route 3, Box 211-D, Edinburg, Hidalgo County	57,775
Bell Bros	Box 335, Elsa, Hidalgo County	55,890
La Perla Farms, Inc	Box 837, Edinburg, Hidalgo County	55,015
J. S. & Quinn McManus	Box 568, Weslaco, Hidalgo County	54,060
Carl Schuster	Route 1 Box 77-A, San Juan, Hidalgo County	53,192
J. A. Whisenant	Santa Rosa, Hidalgo County	52,846
Las Palmas Farms	Box 325, Weslaco, Hidalgo County	52,159
M. D. & N. J. Moore, Jr	Route 2 Box 6, Weslaco, Hidalgo County	51,668
Bill Burns	Box 1106, Raymondville, Hidalgo County	51,591
Edgar R. Smith	Route 2 Box 184, Weslaco, Hidalgo County	51,083
C. B. Shields, Jr	Route 1 Box 284, Edcouch, Hidalgo County	50,905
Post Mtgmry care of Monta Moor	Levelland, Hockley County	88,786
Whiteface Farms	Box 1030, Levelland, Hockley County	83,286
Spade Farms, Inc	1107½ Avenue K, Lubbock, Hockley County	79,243
Coble Land Farms	736 Amarillo Bldg., Amarillo, Hockley County	62,461
J. Walter Hobgood	Box 777, Anton, Hockley County	59,668
Aubrey L. Lockett	Care of J. H. Roberson, Route 1, Ropes, Hockley County.	57,856
C. L. Ranch	Dell City, Hudspeth County	87,428
B. E. Walker	Fort Hancock, Hudspeth County	54,127
Grady E. Miller, Jr	do	52,277
Claude Higley	Route 2, Box 69, Stinnett, Hutchinson County	52,214
J. E. Kemp	20th Floor, Merc Bank Bldg., Dallas, Johnson County.	70,473
Hoke Propst	Route 3, Anson, Jones County	70,866
Mashburn Farms, Inc	Rural Route 5, Paris, Lamar County	59,213
Hicks Graves	Petty, Lamar County	56,437
Busby Farms	Star Route 2, Olton, Lamb County	99,577
Halsell Estate	114 West 10th, Kansas City, Mo., Lamb County	93,643
J. D Smith	109 East 11th, Littlefield, Lamb County	76,767
E. K. Angeley	Route 1, Box 152, Muleshoe, Lamb County	73,419
Parish Farms	Box 187, Springlake, Lamb County	66,160
Clayton Farms	Box 38, Springlake, Lamb County	63,567
L. C. Hewitt	Box 806, Littlefield, Lamb County	59,274
Tom King, Jr	Box 517, Sudan, Lamb County	53,604
Medlock Farms	Route 2, Box 183, Lubbock, Lubbock County	91,457
TEXAS—Continued		
A. L. Cone	Box 871, Lubbock, Lubbock County	$80,538
Layton L. Lawson	3307 43d St., Lubbock, Lubbock County	71,597
Standefer-Gray, Inc	Box 711, Lubbock, Lubbock County	70,011
Howard Alford	Rural Route 4, Lubbock, Lubbock County	62,836
George A. Taylor, Jr	Route 2, Slaton, Lubbock County	60,714
Annette O. Martin	6206 Knoxville Ave., Lubbock, Lubbock County	59,470
J. Carter Caldwell	Box 206, Slaton, Lubbock County	57,377
W. D. Vardeman	Route 1, Slaton, Lubbock County	55,639
R. E. Jones	Route 6, Box 287, Lubbock, Lubbock County	53,921
F. E. McNabb	Care of Walter F. Leonard, San Benito, Lubbock County.	53,037
B. J. Robbins	Rural Route 1, Idalou, Lubbock County	52,314
Ferman R. Priddy	4913 19th, Lubbock, Lubbock County	52,173
Melville Hankins	2309 Broadway, Lubbock, Lubbock County	51,185
W. C. Huffaker, Jr	Box 416, Tahoka, Lynn County	85,332
Cass Edwards II	725 Commerce Bldg, Fort Worth, Lynn County	80,961
J. W. Gardenhire	Route 1, O'Donnell, Lynn County	64,253
John Saleh	502 North 1st. Lamesa, Lynn County	59,987
Heirs, Edwards Estates	725 Commerce Bldg., Fort Worth, Lynn County	58,802
Cecil Dorman	Route 2, O'Donnell, Lynn County	57,497
Lynn West	Wison, Lynn County	56,827
W. G. Lumsden	Box 117, Wilson, Lynn County	55,831
Bryan Wright	Box 816, Tahoka, Lynn County	53,895
L. C. Unfred	Rural Route 4, Tahoka, Lynn County	51,874
O. R. Phifer, Jr	Rural Route 5, Tahoka, Lynn County	51,671
Glen Cox	State Route, Lenorah, Martin County	69,266
J. A. Pebsworth, Jr	Box 1368, Tahoka, Martin County	60,376
Eugene F. Jones	Route 1, Box 93 Midland, Midland County	50,457
Paul E. Hayes	Route 1, Kress, Moore County	67,465
Marshall Cator	Box T, Sunray, Moore County	64,624
Fortson Farms	Rice, Navarro County	83,089
Drew Gillen	Box 8, Blooming Grove, Navarro County	62,294
Philip V. Haynes	Box 575, Roscoe, Nolan County	53,872
Clarence Martin	Route 2, Box 146, Friona, Parmer County	70,985
Verney Towns	Rural Route 2, Muleshoe, Parmer County	61,749
Sloan Osborn	Route 2, Friona, Parmer County	51,847
Albert J. Hoelscher	1902 Jackson, Pecos, Pecos County	98,389
A. B. Foster	Box 891, Pecos, Pecos County	86,777
Lakeside Farms	Box 691, Fort Stockton, Pecos County	64,894
Luther C. Holladay	Route 1, Box 132, Fort Stockton, Pecos County	55,247
David C. McAteer	1603 West Callaghan, Fort Stockton, Pecos County.	53,283
Melvin H. McKinney	Box 728, Pecos, Pecos County	53,196
Charles Spencer	Box 533, Presidio, Presidio County	52,752
Delmar Durrett Trustee	Box 1081, Amarillo, Randall County	52,915
G. G. Passmore	1800 Jefferson, Pecos, Reeves County	99,108
U-Bar Land & Cattle Co	Box 1052, Pecos, Reeves County	95,524
Loy Kilgore	1721 Jefferson, Pecos, Reeves County	94,198
Winterrowd Bros	Box 1049, Pecos, Reeves County	93,854
W. A. Sullivan	2100 Wyoming, Pecos, Reeves County	89,251
J. F. Crews	Box 352, Pecos, Reeves County	73,963
J. W. Bryan	1916 Jackson, Pecos, Reeves County	73,107
F. F. Bradley	Box 1370, Pecos, Reeves County	70,084
Rowe and Turnbough	Box 1, Toyahvale, Reeves County	70,068
Davidson Bros	Box 1286, Pecos, Reeves County	68,625
Broyles Pecos Farm	509 Colpitts, Fort Stockton, Reeves County	64,109
Tom Passmore	1901 Jackson, Pecos, Reeves County	63,293
Walter B. Shaw	Box 1456, Pecos, Reeves County	62,707
J. R. Lefevere	Box 1806, Pecos, Reeves County	60,083
Coy Fraley	Box 586, Pecos, Reeves County	55,964
B. C. Kesey	1826 Jackson, Pecos, Reeves County	51,890
Weinacht Bros	602 Hackberry, Pecos, Reeves County	51,608
W. W. Clem	1120 Willow, Pecos, Reeves County	50,597
Peppy McKinney	1701 Jefferson, Pecos, Reeves County	50,320
T. J. Wilson	2018 Jackson, Pecos, Reeves County	50,234
Joe Reistino	Rural Route 1 Box 60, Hearne, Robertson County	93,774
Goodland Farms, Inc	Box 193, Hearne, Robertson County	83,075
Vence S. Corpora	701 Anderson St., Hearne, Robertson County	75,980
John C. Reistino	1002 San Jose St., Hearne, Robertson County	60,582
Sam Degelia, Sr	409 Brenken St, Hearne, Robertson County	56,334
James H. Jones	507 Barton St., Hearne, Robertson County	54,199
Louis Muse	Rural Route 1, Hearne, Robertson County	50,799
Clara Barton	Calvert, Robertson County	50,297
Heirs of Jos. F. Green	Route 1 Box 7, Taft, San Patricio County	80,102
Starr Produce Farm Acct	Box 432, Rio Grande City, Starr County	68,377
La Casita Farms, Inc	Box 505, Rio Grande City, Starr County	54,227
Fowler E. McDaniel	Box 6, Tulia, Swisher County	87,406
B. Raymond Evans	49 Travis Rd., Tulia, Swisher County	60,592
Tyline N . Perry	Star Route, Kress, Swisher County	60,590
J. L. Francis	Route 1 ,Kress, Swisher County	56,741
Henry O. Thompson	2300 West 12th, Plainview, Swisher County	52,801
Corliss H. Currie	Box 597, Happy, Swisher County	50,571
Howard Hurd	1008 East Tate, Brownfield, Terry County	79,409
Muldrow Farms	1612 East Reppto, Brownfield, Terry County	62,872
W. A. Fulford	1305 East Buckley, Brownfield, Terry County	62,373
Milton Addison	1015 East Tate, Brownfield, Terry County	60,817
Charlie Caswell	Route 1, Meadow, Terry County	60,748
Graham Swain	Rural Route 5, Brownfield, Terry County	57,944
Bonard Stice	Rural Route 4, Brownfield, Terry County	57,455
Robert Beasley	Rural Route 1, Meadow, Terry County	56,205
Dan Day	Route 1, Meadow, Terry County	53,836
M. H. Wagner	Rural Route 1, Brownfield, Terry County	51,776
Norman Caswell	Rural Route 1, Meadow, Terry County	51,488
Texas Department of Correction -	Sugarland, Walker County	87,972
Daniel Gustafson	Post Office Box 244, Lyford, Willacy County	79,059
Alazan Farms	117 Brentwood, Harlingen, Willacy County	71,637
Joyce L. Smith	Route 2, Box 50, Lyford, Willacy County	58,059
K. L. & D. E. Morrow Plantations	Box 341, Lyford, Willacy County	57,478
B. W. Kirsch	Box 1118, Raymondville, Willacy County	57,076
S. R. & C. D. Stone Trusts	Post Office Box 766, Raymondville, Willacy	56,384
S. & S. Seed	Box 1208 Raymondville, Willacy County	55,773
Funk Brothers	117 Brentwood, Harlingen, Willacy County	54,170
R. G. Hartman	Plains, Yoakum County	61,848
Wheeler Robertson	Route 1, Idalou, Yoakum County	58,937
Leslie H. Laffere	Box 810 Uvalde, Zavala County	64,815
Ritchie Bros	Box 54, Crystal City, Zavala County	62,209

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
WASHINGTON		
D. E. Phillips	Lind, Adams County	$70,757
Leonard & Henry Franz	do	52,917
Hutterian Brethren Inc	Route 1, Espanola, Adams County	51,585
Ralph Gering	108 W. 11th, Ritzville, Adams County	50,373
Bi County Farms	Box 550, Prosser, Benton County	66,673
WASHINGTON—Continued		
Vollmer-Bayne	Box 129 Prosser, Benton County	$52,434
Neil Rasor	Box 117, Royal City, Grant County	69,993
Grote Farms Inc	Care of Ben Grote, Prescott, Walla Walla County	62,221
Glen Miller	Rural Route 2, Colfax, Whitman County	98,936
McGregor Land & Livestock Co	Hooper, Whitman County	84,942

AMENDMENT No. 811

At the appropriate place insert the following:

"SEC. —. Notwithstanding any other provision of law, after January 1, 1969, no producer shall be eligible for payments under any program or programs administered by the Department of Agriculture in any amount in excess of $10,000 for any one year. The foregoing limitation shall include the fair dollar value (as determined by the Secretary of Agriculture) of any payment-in-kind made to a producer."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I have done some checking on the basis of the statements made by the distinguished Senator on yesterday. I am informed by the White House that the President in no manner, shape, or form has issued any instructions or exercised any degree of coercion, persuasion, or threat to bring about an acceptance of a tax bill which would have a maximum of $4 billion reduction in the field of expenditures.

I have also talked with the Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen, and he says that he knows nothing about the type of development which was described on yesterday, and that if he finds out there is anything like that, he will end it immediately.

What I wish to point out is that on the part of the administration there has been no campaign to sway, coerce, or threaten people to get them to see a particular point of view so far as the conference report on the tax bill is concerned.

With respect to the situation concerning excess payments above $10,000, or even above $25,000, in the form of subsidies to farmers, I believe the Senator has a good point. But why should we ask the administration to come forth with a recommendation? After all, it is up to Congress, in the final analysis, to make a disposition of any proposal; and I do not believe the crocodile tears should be shed any more on the part of the administration than on the part of Congress, because we have a responsibility in that respect, also.

Mr. WILLIAMS of Delaware. I thank the Senator. I agree completely that we have a responsibility.

I have had printed at the conclusion of my remarks an amendment which would limit these payments to $10,000. The amendment has been submitted to the Committee on Appropriations. I hope they agree to it, but if they do not, it will be offered on the floor of the Senate. What I am pleading for is administration support of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the majority leader checking with respect to the statement which I made yesterday. I note that he states unequivocally that the President knows nothing about this. I accept that statement because I have no basis to say otherwise, except that I have a right to assume that he knew it.

I will not accept the point that Mr. Cohen knows nothing about it.

Unless the accuracy of my statement is admitted before the day is out I intend to introduce a resolution asking that Mr. Cohen and the other gentlemen be called before the committee and give their answers under oath. My statement of yesterday has been confirmed to other Members of the Senate. I will not be contradicted in a back-door manner by any such means.

If the matter is not straightened out I shall ask that the two gentlemen be called before the committee.

Mr. MANSFIELD. The Senator is perfectly within his rights. Immediately upon hearing the allegations made yesterday I did call Secretary Cohen. He did deny it on the basis of what I said and he did state if such events were occurring he would see that they were stopped immediately.

Mr. WILLIAMS of Delaware. Did the majority leader call either of the two men whom I named yesterday and who were in charge of the so-called task force?

Mr. MANSFIELD. No; I contacted only the White House and HEW.

Mr. WILLIAMS of Delaware. I shall see to it that they are contacted. As I said before, I will not stand back and let the White House and the Secretary deny something I know is true.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, does the controlled time now start?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment of the Senator from Michigan [Mr. HART]. The time for debate is one-half hour, to be equally divided.

Who yields time?

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. How is the time to be charged?

Mr. McCLELLAN. To both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 755

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Michigan, amendment No. 755.

Mr. HART. I thank the Presiding Officer.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HART. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President, the pending amendment is a response to what I think is a problem to which we should give a little thought and I believe we can resolve the problem here.

Title III simply requires notice to a person named in a court order that his communication has been intercepted. The amendment now pending would allow the judge, in his discretion, to disclose the contents of the intercepted communication to such persons, as well as to other parties.

It is intended that in exercising his discretion the judge shall take into account the legitimate privacy interests of the parties in protecting their communications against disclosure. It seems to me that this provision, which clearly makes the decision one for the judge to make, would be a worthwhile addition to the bill and I hope very much that the problem to which this amendment seeks to respond, is resolved by the Senate before we act finally on title III.

I realize that the able Senator in charge of the bill has been giving careful thought to the problems which has been indicated by my comments and I would hope that he might be able to resolve it.

Mr. McCLELLAN. The proposed amendment is constructive and its objectives certainly meet with my approval.

I am, however, going to suggest a modification. The amendment may be all right as it is, but I think we can clarify it. I would insert the concept in the interest of justice in the amendment. I would insert the word "interest" to clarify that. I hope that the Senator would modify his amendment to that extent. I think that would make it clearer.

Mr. HART. The Senator from Arkansas makes a suggestion that, in my judgment, does improve the proposal. I do modify my amendment in the fashion suggested and would hope that as modified, the amendment would be agreed to.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLELLAN. I thank the Senator.

There is one other point I should like to make.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. HART. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 additional minutes.

Mr. McCLELLAN. May I suggest as an amendment embodying that concept in the nature of a substitute, that instead of the language the Senator proposes as modified, that he substitute for it the following:

> The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice.

I believe that would accomplish what the Senator wants to do and I think it actually does it a little more directly.

Mr. HART. Mr. President, the suggested substitute offered by the Senator from Arkansas would appear to meet the problem that concerns us.

Mr. McCLELLAN. Let me suggest for the Senator's further consideration, if his language is accepted, that on page 73, line 22 of the bill, after the word "order", we insert "and accompanying application," so as to make it conform——

Mr. HART. That would make it consistent.

Mr. McCLELLAN. Yes, that would make it consistent and conform with the other provisions. If the Senator would, upon examination, possibly agree that this is the better language to do the same thing——

Mr. HART. Mr. President, the language suggested by the Senator from Arkansas indeed is preferable. It does meet the problem.

Mr. McCLELLAN. I understand our staffs have worked together on this. It is a combination and a summation of the best judgment of our able advisers.

Mr. HART. Yes, able men.

Mr. McCLELLAN. Able advisers, yes.

Mr. HART. I would hope that the substitute amendment would be agreed to.

Mr. McCLELLAN. Mr. President, I read the substitute for the RECORD.

The PRESIDING OFFICER. Will the Senator send the proposed substitute to the desk as it has now been agreed upon?

Mr. McCLELLAN. I will read it first and then send it to the desk:

> The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice.

Then further on, on line 22, page 73 of the bill, after the word "order," insert "and accompanying application." That last insertion will make it conform to the substitute.

Mr. HART. I would hope very much that the substitute would be agreed to, and I am grateful to the Senator from Arkansas and his staff for their cooperation.

Mr. McCLELLAN. We appreciate the Senator's labors here in helping us to get the very best bill possible, because that is what we all desire. The Senator has been very helpful on this title.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to the amendment as modified through the understanding——

Mr. McCLELLAN. That is on the substitute amendment, Mr. President. The amendment as modified by the substitute.

The PRESIDING OFFICER. The amendment as modified by the substitute.

The question is on agreeing to the amendment as modified by the substitute.

The amendment as modified by the substitute was agreed to.

AMENDMENT NO. 760

Mr. HART. Mr. President, I call up my amendment No. 760 and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

> On page 56, lines 1–4, amend paragraph (c) to read as follows:
>
> "(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where at least one of the parties to the communication has consented to the interception."

Mr. HART. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President——

Mr. McCLELLAN. Mr. President, will the Senator from Michigan yield for a moment?

Mr. HART. I yield.

Mr. McCLELLAN. Would the Senator not offer the substitute which has been agreed upon by our staffs? If so, I would not have to offer it. I think the Senator should do it.

Mr. HART. Yes. I ask unanimous consent that the amendment now pending be modified in the fashion and form as I now offer it.

The PRESIDING OFFICER. That right is inherent without unanimous consent. It is so modified as proposed.

Mr. HART. Then, Mr. President, I send it forward.

The PRESIDING OFFICER. The amendment as modified will be stated.

The BILL CLERK. On page 56, lines 1–4, amend paragraph (c) to read as follows:

> (c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.
>
> (d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act.

Mr. HART. Mr. President, here again the able manager of the bill and his staff and those associated with me have spent considerable time trying to respond to an enormously sensitive problem. The bill as we reported it out of the committee leaves a gaping hole, which would permit surreptitious monitoring of a conversation by one of the parties to the conversation without the consent of the other. It leaves wide open the problem of industrial espionage and many other abuses of the right of privacy.

In the substitute that is now pending we propose to prohibit a one-party consent tap, except for law enforcement officials, and for private persons who act in a defensive fashion. In other words, whenever a private person acts in such situations with an unlawful motive, he will violate the criminal provisions of title III and will also be subject to a civil suit. Such one-party consent is also prohibited when the party acts in any way with an intent to injure the other party to the conversation in any other way. For example the secret consensual recording may be made for the purpose of blackmailing the other party, threatening him, or publicly embarrassing him. The provision would not, however, prohibit such activity when the party records information of criminal activity by the other party with the purpose of taking such information to the police as evidence. Nor does it prohibit such recording in other situations when the party acts out of a legitimate desire to protect himself and his own conversations from later distortions or other unlawful or injurious uses by the other party.

I think the substitute does respond to a problem that is of very great concern to this country; and in the years ahead, as these techniques become more sophisticated still, will become of increasing concern. Let me say in conclusion that the amendment does not in any way limit consensual recording by law enforcement officers or by private persons acting in conjunction with law enforcement officers.

I am grateful to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I have no objection to the modified, substitute amendment. Again I say to my colleagues in the Senate that we are working in a very difficult area. It is not easy, in the first stages here, when we are trying to work out a bill in this field. It is very difficult. The Senator from Michigan is making valuable contributions with the amendments he is offering. I express my appreciation to him.

Mr. HART. I am grateful for the Senator's kind remarks, and I am grateful to him for the help he has given.

Mr. President, I hope the Senate will adopt the amendment.

I yield back my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 815

Mr. TYDINGS. Mr. President, I call up my amendment No. 815.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The bill clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 815) is as follows:

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) There is hereby established a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (hereinafter in this section referred to as the 'Commission').

"(b) The Commission shall be composed of fifteen members appointed as follows:

"(A) Two appointed by the President of the Senate from Members of the Senate;

"(B) Two appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

"(C) Eleven appointed by the President of the United States from all segments of life in the United States, including lawyers, teachers, artists, businessmen, newspapermen, jurists, policemen, and community leaders, none of whom shall be officers of the executive branch of the Government.

"(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

"(d) It shall be the duty of the Commission to conduct a comprehensive study and review of the operation of the provisions of this title, in effect on the effective date of this section, to determine the effectiveness of such provisions during the six-year period immediately following the date of their enactment.

"(e)(1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

"(A) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"(2) In making appointments pursuant to paragraph (1) of this subsection, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

"(f)(1) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A Member of the Commission from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(g) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section.

"(h) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the one-year period following the effective date of this subsection. Sixty days after submission of its final report, the Commission shall cease to exist.

"(i)(1) Except as provided in paragraph (2) of this subsection, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

"(2) The exemption granted by paragraph (1) of this subsection shall not extend—

"(A) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

"(B) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

"(j) There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this section.

"(k) The foregoing provisions of this section shall take effect upon the expiration of the six-year period immediately following the date of the enactment of this Act."

The PRESIDING OFFICER. How much time does the Senator from Maryland yield himself?

Mr. TYDINGS. I yield myself 7 minutes.

Mr. President, I think all of us, especially those who are advocates of this title, are very reluctantly authorizing use of electronic surveillance. If it were not that, under present law, anyone, any private eye, any snooper, or any industrial thief, can use electronic surveillance with impunity, perhaps we would not argue as strongly. If we were not persuaded completely that the investigation of organized crime cannot proceed without the use of electronic surveillance, perhaps we would not argue as persuasively. If the bill before us were not so carefully drawn, if there were an alternative to court approved use of electronic devices, perhaps we would be acting differently.

The fact is that today electronic devices are used with impunity by those who should not use them. Telephone communications are making organized criminals immune to investigation. This title is carefully drawn to conform to constitutional law. Its constitutionality has been approved by the Department of Justice, even though the Attorney General personally opposes it.

So, for all these reasons, I urge support of it.

The purpose of amendment No. 815 is to establish a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance. The Commission would be composed of 15 members. It would meet 6 years after the signing into law of this act. It would then meet for 1 year, hire experts—social scientists and others—study the effects of the law, submit a report to the President and Congress, and then disband.

Mr. President, I understand the distinguished Senator from Arkansas [Mr. MCCLELLAN] wishes to suggest three modifications of the amendment, basically on the composition of the commission. I am prepared to accept those modifications.

Mr. McCLELLAN. Mr. President, I am sorry. I was occupied for a moment. Would the Senator advise what amendments he was referring to? With respect to the numbers?

Mr. TYDINGS. The Senator from Arkansas has suggested that on page 1 of the amendment, at line 7, the number "Two" should be increased to the number "Four," so there would be four Members of the U.S. Senate on the commission, rather than two.

The Senator from Arkansas has requested that on page 2 of the amendment, line 1, the number "Two" should be changed to the number "Four." That would increase the representation of the House of Representatives on the Commission from two to four.

Mr. McCLELLAN. Mr. President, the reason I requested that change is that it would enable two members from each party in the Senate to be on the Commission. I assume it would be a bipartisan Commission. That is the intent of it. We do not think there should be a partisan issue here in trying to ascertain whether the law has been effective or not and what provisions are needed.

Mr. TYDINGS. The final modification the Senator from Arkansas suggested was on line 4 of page 2, the number "Eleven" would be changed to the number "Seven."

Mr. McCLELLAN. Mr. President, I am not going to object to that. I had really suggested four, but I am not going to object to that, just so long as the majority remains in the Congress. I think that could be reduced at least to five.

Mr. TYDINGS. Mr. President, may I modify my amendment as follows? On page 1, line 7, change the number "Two" to "Four."

On page 2, line 1, change the number "Two" to "Four."

On line 4 of page 2, change the number "Eleven" to "Seven."

Mr. McCLELLAN. Mr. President, I agree to that.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLELLAN. I agree to that so long as we keep the majority in the Congress, where the legislation is actually to be enacted.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland, as modified.

The amendment, as modified, was agreed to.

Mr. TYDINGS. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 62, line 13, strike "or" and after "treason" insert "or chapter 102 (relating to riots);"

On page 63, line 6, after the comma insert "section 659 (Theft from interstate shipment), section 664 (embezzlement from pension and welfare funds),".

Mr. TYDINGS. Mr. President, the purpose of the amendment is to add to the scope of the title III more offenses in the field of organized crime and one relating to interstate movements in furtherance of riots, which I feel should be covered under the bill.

We would add, on page 62, line 13, after the word "treason," a chapter 102, relating to riots.

At the time this bill was reported out of committee, the antiriot law that Congress has since enacted, had not passed the Senate and the House of Representatives, and therefore we did not include this chapter 102 in the bill at that time.

On page 63, line 6, after the comma, the amendment would insert section 659, on theft from interstate shipments. The problem here, Mr. President, is that the Cosa Nostra has been operating in and around Kennedy International Airport and some of the big shipping and receiving points across the country, and have been robbing, in collusion and in conspiracy, some of the major shipments coming in from various States and from outside the country.

The final portion of the amendment has to do with embezzlements from pension and welfare funds. This problem was brought out in the McClellan hearings and in other hearings. It is a problem in which the Cosa Nostra, the mob, also participates.

I think all of these additional offenses are part of the intent of title III.

I have not offered at this time, Mr. President, a provision to include loan sharking under the new truth-in-lending bill, but I serve notice, for purposes of legislative background, that when that bill is signed into law, I shall introduce an amendment. Loan sharking now being conducted by the Cosa Nostra is one of the most heinous, violent, and reprehensible crimes this country has ever seen.

The Senator from Florida [Mr. SMATHERS] has held hearings in his Committee on Small Business which have highlighted the threats, the beatings, the torture, and killings conducted in the loan shark operations of the Cosa Nostra. For the purpose of creating legislative history now, I repeat, I serve notice on the Senate that when the truth-in-lending bill is enacted into law, I intend to introduce a bill to amend title III to cover that new chapter, whatever it is, if the bill is signed into law, as I assume it soon will be.

Mr. McCLELLAN. Mr. President, I have no objection to this amendment. We have had problems, and there are some who feel that the instruments of law enforcement created by this title should not be used except in the national security area, that is, in subversion and threats to overthrow the Government, and that the President should have the exclusive right to use electronic surveillance in that field. They oppose the use of these instrumentalities by law enforcement with respect to any other crime that might be committed; but there are those of us who feel that it is imperative, today, that our law enforcement officials be authorized to make use of this technique to combat the modern techniques that are being used by the criminal today—particularly organized crime.

Personally, I think title III should apply in these instances. There are those who think it ought to be more restricted, but as far as I am concerned, I welcome the amendments which the distinguished Senator offers. There are, as he points out, in these areas crimes being committed that are really being instigated, sponsored, and committed in an organized fashion, and I think they should be reached. If this added tool will help to ferret them out, facilitate investigations, and get the evidence necessary for conviction, I think it is a very constructive addition to the bill, and therefore, I have no objection to the amendment offered.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, are there further amendments to title III?

Mr. MANSFIELD. Oh, yes, there are.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 752

Mr. HART. Mr. President, I call up amendment No. 752 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

Page 70, line 24, after "exists" insert the following: "that involves a threat of immediate danger to life and".

Mr. HART. Mr. President, I think we have here a proposal that would appeal to a good many people as being prudent and desirable.

Title III establishes a procedure of requiring an application to a court, the indication of probable cause, the issuance of an order, and the tap. However, at the bottom of page 70 we see a provision for an emergency situation.

The emergency provision would authorize a tap to go on without any court order. What basis would that be on? If a law enforcement officer feels that he has an emergency situation on his hands that requires that a tap be put on immediately, he is authorized to put it on without a court order. The sole requirement is that, within 48 hours after the interception, he must go to a court and secure ex post facto approval.

This is a very dangerous provision, because I think it tempts even the most disciplined policeman to do a little tapping that we may never hear about. If an emergency proves to be a false assumption and after a day and a half of using the tap, he finds that he has not got anything, I think even a well-motivated policeman is apt to say: "Well, I'll be darned if I am going into court and explain that this great emergency that I thought existed had produced nothing, and then have the court lecture me on how foolish and how wrong I was. Besides that, the fellow that I put the tap on is liable to drag me into court on a civil action, even though my motives were good and pure. Therefore, I'll just put the tap in my bag and go home."

Initially I was moved to suggest that we eliminate entirely this temptation, but sensing the mood of my colleagues, I now trim it back. The temptation will remain, but the amendment would permit this emergency tapping only in a case where an immediate danger to life existed. I refer, for example, to a kidnap, a threat to murder, or the attempt to apprehend a dangerous felon.

Let us restrict the provision to just those narrow areas rather than saying, as we would in effect be doing, to a policeman: "If you think you have an emergency, go ahead and tap and within 2 days come into court and we will see whether it was all right."

Mr. President, let us at least restrict the authorization to a tap without a clearance and without any establishment of probable cause only to situations when a man says: "Well, I have got a situation involving an immediate danger to life, and I must put the tap in. I will get to court tomorrow or the day after."

Is this not a prudent and reasonable middle ground to pursue? Some of us feel that it is unwise to authorize tapping for the broad police community without a court order. Others, as the committee report reflects, feel that in an emergency situation, without further defining it, it is all right to put the tap on and then go to court.

I provide in my amendment that we will say: "Well, in the case where there is an immediate threat of danger to a person's life, it is all right to go that far, but no further."

Mr. President, I hope that the Senate will agree to the amendment so that we will at least have discipline involved on the otherwise almost too tempting invitation to a policeman to put a tap on. I imagine that if one is a good policeman, everything is an emergency to him.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I rise to support the amendment offered by the Senator from Michigan. I have supported the bill submitted by the committee. I have done it as far as the wiretapping section is concerned with some reluctance, because through the years I have been very strongly opposed to wiretapping except in national security cases or perhaps where organized crime is involved.

I think, however, that if wiretapping is to be permitted, most certainly it should not be permitted until an order has been obtained from a court of competent jurisdiction.

I would much prefer that the entire 48-hour section be knocked out. I do not think wiretapping should be permitted until an order has been obtained from a court.

The Senator from Michigan has offered an amendment which seems to me to be a desirable one, unless the Senate were to go further and knock out the entire 48-hour provision. However, if the Senate is not willing to do that, then I expect to support the amendment of the Senator from Michigan.

I think that wiretapping is a dirty business. It ought to be used only under the most carefully controlled conditions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I have supported the bill that has been debated thus far on the theory that, upon the issuance of a search warrant by a court of competent jurisdiction, we may invade the privacy of an individual's home. That has been the basis of my support of the right to wiretap.

The Constitution says that the home shall be inviolate, but that on probable cause a search warrant may be issued, when an affidavit is filed, allowing an invasion of the home.

I think when we provide that in an emergency the officer suspecting a wrong shall have 48 hours to wiretap without the consent of the court and must go to court within 48 hours, we are not acting in conformity with the reasoning that underlies my support of this general subject.

I concur with the Senator from Virginia—that is, we should strike that entire provision from the bill.

Mr. HART. Mr. President, clearly, I am encouraged—indeed, delighted—to have the judgment of the Senator from Virginia and the Senator from Ohio.

I am persuaded, as I indicated in my opening comments, that some of us feel that this section in its entirety is undesirable. The amendment I called up was an attempt to find a middle ground. But I share the basic concern voiced by both the Senator from Ohio and the Senator from Virginia. I do feel that it is undesirable to permit anybody to put a tap on, based on his judgment, even if it is a judgment that will be reviewed 2 days later.

Given the support of the Senator from Virginia and the Senator from Ohio, Mr. President, I now modify the amendment and would have it strike all of paragraph 7. And we will have the direct issue drawn: Do we want in this bill to authorize in emergencies a tap which will be subject to review if the tapper goes to court 2 days later, or shall we strike it?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HART. Let me explain that the Senator from Missouri has at the desk an amendment precisely in this direction.

I yield to the Senator from Ohio.

Mr. LAUSCHE. That is, at the end of 48 hours the damage is done.

Mr. HART. Exactly.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has three and a half minutes remaining.

Mr. LONG of Missouri. Mr. President, I concur in what the Senator from Michigan has said. The way he has modified the amendment, it is the same as amendment No. 731, which I have at the desk.

This is one of the loopholes in the bill about which I spoke last week, when I said there was a loophole through which you could drive a thrashing machine.

This is the problem we have. This provision would permit officers to wiretap promiscuously, we might say; and in 48 hours, if they decided they did not want to go to court, they could just withdraw it. No record would be made. No one would know what they had done or what information they had.

It seems to me that this so clearly violates the right of privacy that the Senate certainly would want to adopt this amendment and exclude that section from the bill in its entirety.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. LONG of Missouri. I yield.

Mr. LAUSCHE. Let us assume that he honestly goes to court and says, "We believed that an emergency existed. We now find that there was no such thing." The rights of the individual have been invaded and harmed, and that temptation should not be given to the police officer.

Mr. LONG of Missouri. The Senator is correct. The damage has already been done. And even if he does not go to court, it is a great temptation to the officer to go ahead and wiretap for 2 days, without any record being made and without anyone knowing what he is doing.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, with respect to the legality of the issue, with respect to it conforming substantially to search and seizure provisions of the Constitution, statutes, and court rulings, may I say that section 2518 of title III recognizes that there are a number of situations in the administration of justice in which prior approval by a judicial or prosecuting officer is not possible under the circumstances. This recognition has, of course, a direct parallel in existing permitted search and seizure procedure.

In Carroll against United States, decided in 1925, the Supreme Court upheld the constitutionality, on the ground of necessity, of a congressional authorization to make a physical search of automobiles for contraband without a warrant. That is an instance in search and seizure in which the Court has upheld that you can search a car if it has contraband.

In Schmerber against California, in 1966, the Supreme Court sanctioned a blood analysis in an emergency in which the delay necessary to obtain a warrant, a judicial warrant, under the circumstances, threatened to result in the dissipation of the possible alcohol in the suspect's body.

The court, too, has repeatedly recognized that dictum, the right to make such searches in exceptional circumstances.

Mr. President, I know this is a delicate area, and no one desires to be more careful than I do if we are to have an emergency authorization at all.

I should like to suggest two or three things.

When meetings are set up or occur between subjects during the course of an investigation, without advance planning as to time or place, a situation crying for immediate action is presented.

Indeed, such meetings occur and terminate more often than not in such a fashion that it is not even possible technically to place them under electronic surveillance, much less secure any sort of pre-use approval.

Reflecting New York law, the title III accords to the law enforcement officer the freedom to act in these situations where surveillance is possible when certain tough conditions are met. The officer must determine, first, that an emergency situation exists and, second, that he could otherwise secure the approval of a judicial or a prosecuting officer. Finally, he must seek an order of approval ratifying his actions within 48 hours.

This requirement of post-use justification should be a sufficient precaution against the possibility of abuse. It would also afford the law enforcement agents an opportunity to determine if investigative use may be lawfully made of any information that may have been secured. If the application for approval is denied, such evidence must be suppressed.

Note, too, that an inventory must be filed in each case, and there is heavy penalty for failure to do so. There is no intent here to permit the officer to sample a telephone and then get a warrant. This sort of conduct would warrant the application of criminal penalties. I mean that if an officer goes out without probable cause and without being in good faith, simply for mischief or to serve some individual purpose, or just to try to snoop—in that sense—he would be subject to a $10,000 fine and 5 years in prison. The officer is taking a risk if he is reckless and careless and wilfully trespassing. In addition, he will be liable for punitive damages under civil provisions of this bill.

The single narrow purpose of this section of the statute is to let the officer act in a real emergency when time is of the essence. The Supreme Court specifically left this question open in Katz. We are not foreclosed from giving law enforcement officers the power they need to protect us. This provision should remain in the measure, in my judgment. Again, I know it is a delicate area. Everybody concedes that. But we have tried to do the best we could.

He has to go in within 48 hours and present his probable cause to a court and get it confirmed. The harm has already been done. The testimony, whatever it may be, is presented and perhaps the warrant will be suppressed. If he were reckless about it and did not have probable cause and a court and jury were justified in thinking so, he will have committed a crime and would be subject to the civil penalties.

This is important. These criminals move around from place to place. Information may very well be obtained that they are going to be in a certain hotel but the law enforcement officer would not be able to go in in advance and get a warrant. However, the officer may have information on one tap of the conversation where they are going to meet in another place 2 or 3 hours from now for the payoff by corrupting an official. In instances such as that, or to deliver dope, or to meet and make a plan, officers do not have time necessarily to go and get a judge and get all of these things done in limited time.

I do not think it would be fatal to the bill if this proposal were defeated but it would weaken the opportunity to get the most effective results from it. I grant that we will have crooked officers as long as we have humanity because no man is perfect. We even have crooked courts. Human frailties are not going to be resolved on this earth by us. It is impossible.

However, I want to say that an officer who would violate it, abuse it, and misuse it, should be subject to the penalties the statute provides.

It is up to the Senate to make this decision. There are those who believe it is absolutely imperative, particularly in connection with organized crime and other serious offenses. For instance, suppose there is a kidnaping. We do have kidnapings. We cannot always know exactly where a thing is going to happen. Word may be received in the last 10 minutes or in the last hour and the officers cannot always run to the court 24 hours or 48 hours in advance of something and get the warrant or the order that is needed to be effective in apprehending the criminal and getting evidence of the crime.

I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, will the Senator yield to me for 7 minutes?

Mr. McCLELLAN. I yield 7 minutes to the Senator from Maryland.

The PRESIDING OFFICER (Mr. Moss in the chair). The Chair informs the Senator that he has only 5 minutes remaining.

Mr. TYDINGS. Mr. President, the effect of the amendment of the Senator from Michigan, I am afraid, would be merely to reduce the effectiveness of title III. If Senators oppose title III they should support the amendment of the Senator from Michigan.

The Senator from Michigan well knows that to get a search warrant—particularly after the recent decision of the Supreme Court—to conduct just a normal search and seizure in a normal case—can take from 12 to 14 hours. I am sure the Senator has had the same experience I had as U.S. attorney in the preparation of those search warrants.

The language of title III here would place the same restrictions on a prosecutor or police officer asking for a warrant to search electronically. I feel certain, and I am sure the Senator from Michigan would agree, that the first of these orders issued by Federal judges will be more carefully studied than the normal search warrant.

If the Senate agrees to this amendment, we will be telling the Cosa Nostra that if it makes important telephone calls or holds important meetings, it should switch its telephone numbers and hold its meetings beginning at the close of the day on Friday until Monday.

I would refer, for example, to the Apalachin meeting in Tioga County in New York which a State trooper stumbled upon by accident. If he were to stumble upon that meeting, and have a fairly clear idea of what was up, after this bill became law, he would set up an electronic surveillance on all of the telephones which might be used, and, if possible, place a device in the meeting. Note, finally, that there just would not always be time to get the warrant first.

The intention of this measure is to give law enforcement a weapon to fight against Cosa Nostra type crime.

Mr. McCLELLAN. Is it not true that there are meetings and conventions which are held in secret, that the officers cannot find out about them in time to get a warrant, and that that is especially true over the weekend? They simply miss the opportunity, and possibly the greatest opportunity, to make the big catch, to catch the overlords in a conference of that kind.

Mr. TYDINGS. The Senator is correct. I am fearful that the amendment of the Senator from Michigan would severely reduce the effectiveness of title III. If Senators oppose title III, they should support the amendment.

Mr. President, I wish to point out another matter. In my jurisdiction, particularly in the summertime, the U.S. district courts slow down their business. I think if I were the U.S. attorney in this district I would want to be careful about which judge signed the tap warrant. I would not want to go to just any U.S. district judge. I would not want to prepare the matter as in the case of the ordinary search warrant.

But we are not talking about a new procedure. All we are asking is that the same constitutional law apply to title III as applies to search and seizure under the Constitution.

In the Katz case, Justice Harlan, in his concurring opinion, although this matter was not then an issue, stated as follows:

> Finally, I do not read the Court's opinion to declare that no interception of a conversation one-half of which occurs in a public telephone booth can be reasonable in the absence of a warrant. As elsewhere under the Fourth Amendment, warrants are the general rule, to which the legitimate needs of law enforcement may demand specific exceptions. It will be time enough to consider any such exceptions when an appropriate occasion presents itself, and I agree with the Court that this is not one.

Mr. HART. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. HART. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I have followed the recommendation of this committee on the basis that what was done with respect to wiretapping and bugging was in conformity with the principles set forth in the fourth amendment of the Constitution.

Amendment Four of the Constitution provides for the right of the people to be secure in their homes, houses, papers, and effects against unreasonable searches and seizures, and that that right shall not be violated and no warrant shall issue except upon probable cause to make the search.

Mr. President, that is the parallel I use in supporting bugging and wiretapping. The provision we are now considering, however, provides that an enforcement officer, suspecting a wrong, and believing an emergency to exist, may bug and wire, and then, 48 hours later go into the court and get authority. By that time the damage is done.

I do not care whether one talks about the Cosa Nostra, the fourth amendment was to protect the innocent man. It is intended to protect Senator LAUSCHE, Senator McCLELLAN, Senator DIRKSEN, and others.

I simply cannot conceive that we are going to give an arresting officer the discretionary power to determine that an emergency exists, and then 48 hours later get the authority.

The PRESIDING OFFICER. All time has now expired. The question is on agreeing to the amendment of the Senator from Michigan, as modified. All those in favor signify by saying "aye."

The "ayes" were heard.

The PRESIDING OFFICER. All those opposed to the amendment as modified signify by saying "no."

The "noes" were heard.

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. The "noes" appear to have it.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** There is a sufficient second. Does the Senator therefore withdraw his request for a call of the quorum?

Mr. LAUSCHE. Yes, I do.

The **PRESIDING OFFICER.** On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Alaska [Mr. Gruening], and the Senator from New York [Mr. Kennedy] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. Smathers] would vote "nay."

On this vote, the Senator from Connecticut [Mr. Dodd] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] and the Senator from Idaho [Mr. Jordan] are absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. Jordan] would vote "nay."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from California [Mr. Kuchel]. If present and voting, the Senator from New York would vote "yea," and the Senator from California would vote "nay."

The result was announced—yeas 37, nays 44, as follows:

[No. 151 Leg.]

YEAS—37

Aiken
Anderson
Bible
Brewster
Brooke
Burdick
Byrd, Va.
Cannon
Case
Clark
Cooper
Fong
Gore
Griffin
Hart
Hatfield
Inouye
Jackson
Kennedy, Mass.
Lausche
Long, Mo.
Long, La.
Magnuson
McGee
Metcalf
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Spong
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—44

Allott
Baker
Bayh
Bennett
Boggs
Byrd, W. Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Hansen
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
McClellan
McIntyre
Miller
Monroney
Moss
Mundt
Murphy
Pearson
Percy
Prouty
Randolph
Russell
Scott
Smith
Sparkman
Stennis
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—18

Bartlett
Church
Dodd
Gruening
Harris
Hartke
Hollings
Javits
Jordan, Idaho
Kennedy, N.Y.
Kuchel
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers

So Mr. Hart's amendment, as modified, was rejected.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS

Mr. PERCY. Mr. President, I offer amendments to title III of the Omnibus Crime Control Act.

I have discussed this amendment with the manager of the bill, and, as I understand it, he has no objection. The purpose of the amendment would be to place the offense of extortion——

Mr. MANSFIELD. Mr. President, may we have the amendment read?

The **PRESIDING OFFICER.** The point is well taken.

The amendments of the Senator from Illinois will be read.

The assistant legislative clerk read the amendments, as follows:

On page 63, in line 14, strike the word "or".

On page 63, between lines 15 and 16, add the following new subsection:

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or"

On page 63, in line 15, change "(a)" to "(g)".

Mr. PERCY. Mr. President, I ask unanimous consent that that be modified to read "between lines 14 and 15,".

The **PRESIDING OFFICER.** The Senator has the right to modify his amendment. It is not necessary to request unanimous consent.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. McCLELLAN. Will not the subsections, then, have to be renumbered or reidentified?

Mr. PERCY. I modify the amendment further as follows: On line 15, strike "(a)" and insert "(f)" and change "(f)" to "(g)".

Mr. McCLELLAN. Very good.

Mr. Percy's amendment, as modified, is as follows:

On page 63, in line 14, strike the word "or".

On page 63, between lines 14 and 15, add the following new subsection:

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or".

On page 63, in line 15, change "(f)" to "(g)".

Mr. PERCY. Mr. President, the purpose of this amendment is simply to place the provisions on extortionate credit transactions or loan sharking as covered in the Truth in Lending bill adopted by the Senate yesterday under the provisions of title III of the present bill now being considered.

I have discussed this amendment with the manager of the bill, and understand that he is willing to accept it.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment. As I said earlier this morning, we are trying to get a bill to reach those crimes we thought were most involved with organized crime, particularly. I am sure this is one of them. If the Senator wishes it identified in the bill, I have no objection.

Several Senators addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I join in what the Senator from Illinois has said. As we all know, the crime of loan sharking involves threats and oppression, it involves organized crime, and it can lead to murder and violence generally; and I hope the Senator's amendment will prevail.

The same point has been made in the House of Representatives by the distinguished Member of that body from Pennsylvania, Representative Joseph McDade.

Mr. TYDINGS. Mr. President, I associate myself with the amendment of the Senator from Illinois, and commend him for introducing it. I did not realize that it was parliamentarily correct, at this time, but I congratulate him, and wish to be associated with it.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I accept the amendment, and yield back the remainder of my time.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 778

Mr. FONG. Mr. President, I call up my amendment No. 778, and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The **Assistant Legislative Clerk.** The Senator from Hawaii [Mr. Fong] proposes an amendment (for himself, Mr. Hart, and Mr. Long of Missouri) as follows:

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 68, line 24, strike out the period and insert a semicolon.

On page 68, after line 24, insert the following:

"(e) such investigation is directly related to activities of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

The PRESIDING OFFICER. Does the Senator request that his amendments be considered en bloc?

Mr. FONG. Yes.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. FONG. Mr. President, I ask that the amendment be modified in two respects:

On page 2, line 10, strike out the words "a highly organized, disciplined" and insert in lieu thereof the word "an".

On page 2, line 12, after the word "to" insert the words "murder, kidnaping,".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. Mr. President, I ask that a copy of the Senator's modifications be sent to the desk, so that we can see them.

The PRESIDING OFFICER. Will the Senator send his amendment, as modified, to the desk?

Mr. FONG. I send to the desk a copy of my amendment as modified.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Let the Chair inquire first, is this the amendment on which the Senator from Hawaii wishes a 1-hour limitation?

Mr. FONG. That is correct.

Mr. HOLLAND. That was my question.

Mr. McCLELLAN. Mr. President, is that 1 hour to each side?

The PRESIDING OFFICER. Thirty minutes to each side, a total of 1 hour.

The Senator from Hawaii may proceed.

Mr. FONG. I yield myself 15 minutes.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FONG. Mr. President, if adopted, my amendment would limit title III to allow wiretapping and eavesdropping to cases involving hard-core organized crime. It would leave undisturbed provisions allowing the President to wiretap and bug in cases involving the national security.

Mr. President, the right of privacy, the right to be left alone, and the right against unreasonable searches and seizures—the right, that is, to be personally secure—are among the most highly valued rights of an American citizen.

These guarantees have been a part of Anglo-Saxon law ever since the 15th century. Nothing has been deemed more fundamental to freedom than the concept that a man's home is his castle. This is why search warrants are so circumscribed and difficult to obtain.

In title III we are dealing not only with one search, at one place, at a given time, and a certain defendant. With search warrants, the search is over in a relatively short time—a few minutes or an hour or so.

Electronic surveillance, unlike search warrants, is continuous, unlimited, and unlimitable.

All the more, then, should we tightly circumscribe any permissive legislation in this area.

Wiretapping and electronic surveillance are enormously dangerous practices, precisely because they present an extraordinary threat to our individual liberties.

In a democratic society privacy of communication is absolutely essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas.

When we open this door of privacy to the Government—when the door is widely agape—as Alan Barth rightly points out, it is only a very short step to allowing the Government to rifle our mails and search our homes. A nation which countenances these practices soon ceases to be free.

This perilous situation was pointed up in two editorials, one appearing in the Denver Post on May 14, 1968, and the other in the Honolulu Star-Bulletin on May 16, 1968. I ask unanimous consent to have printed in the RECORD an editorial entitled "Bill Threatens Right of Privacy," published in the Denver Post of May 14, 1968; an editorial entitled "Blue Print for a Police State," published in the Honolulu Star-Bulletin of May 16, 1968; and an editorial entitled "Bugs and Guns," published in the Rocky Mountain News of May 14, 1968.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Denver Post, May 14, 1968]

BILL THREATENS RIGHT OF PRIVACY

Unfortunately, what started out as a highly meritorious bill to give federal assistance to state and local enforcement agencies to deal with the alarming increase in crime has been loaded down in a U.S. Senate committee with two dangerous new sections.

Recently this newspaper called attention to perils contained in a section of the bill which is designed to amend the Constitution and repeal certain decisions of the U.S. Supreme Court in matters relating to rights of persons not to incriminate themselves, rights of accused persons to be represented by counsel and rights to appeal under writs of habeas corpus.

Now we wish to raise a warning signal against a section which would so broaden the power of federal and local officials to tap wires and engage in electronic eavesdropping that the country might find itself on the verge of becoming a police state with all rights of privacy wiped out.

At times impressive arguments have been presented for permitting the use of wiretapping and "bugging" in cases involving national security and Mafia-type organized crime.

The merits of those arguments need not be considered here, however, because the proposed section would authorize electronic surveillance of homes, offices, etc., in a vast number of investigations.

Federal officers could get court permission to use listening devices in cases of robbery, gambling, extortion, the influencing of witnesses, the obstruction of criminal investigations and many other offenses, including interference with commerce.

State and local officers, if local laws permitted, could obtain court orders to use taps and bugs in the pursuit of any investigation of any crime punishable by as much as a year in prison—and that would include every felony on the statute books.

Such a carte blanche extension of eavesdropping powers, amazing as it is, would be bolstered by another provision which would permit officers to tap wires and bug homes for as long as 48 hours without even getting a court order, provided the officers, using their own discretion, believed an "emergency" condition existed.

The Department of Justice has never supported so extensive a use of eavesdropping as the bill proposes. President Johnson in urging the passage of a crime bill has pointedly refrained from supporting the wiretap provisions.

The Fourth Amendment of the Bill of Rights declares, "The right of the people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrant shall issue but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched and the persons and things to be seized."

The Supreme Court has held that the Fourth Amendment applies to electronic listening devices and has found unconstitutional laws and actions which did not conform to the "particularity" clause of the amendment.

The bill now being debated in the Senate ignores both the wording of the amendment and the decisions of the courts which are based upon it.

Among those who have warned against the section are Sen. Hiram L. Fong, R.-Hawaii. "The instant bill," he has said, would allow the police to put a virtual end to privacy in America. When we open the door of privacy to the government, it is only a very short step to allowing the government to rifle our mails and search our homes. A nation which countenances these practices soon ceases to be free."

We hope the Senate as a whole was listening.

[From the Honolulu Star Bulletin, May 16, 1968]

BLUEPRINT FOR A POLICE STATE

Sen. Hiram L. Fong has correctly taken a position against the majority of the Senate Judiciary Committee which has reported an omnibus crime control bill (S. 917), two of whose major sections seriously impair constitutional freedoms.

In a 34-page statement last week, Sen. Fong said he favors Title I of the bill, which provides federal funds to strengthen state and local law enforcement operations, and with reservations, Title IV, which restricts the sale of guns. Fong termed this section too weak.

But he took an adamant position against Title II, which seeks to set aside recent decisions by the Supreme Court regarding the admissibility of confessions, the length of time a suspect may be held without arraignment, and the ground-rules for eye-witness testimony (in police line-ups, for example), and against Title IV which permits wide scale wiretapping, under court orders, at both State and federal levels.

Together, according to Fong, these sections could start the United States down the road toward a police state, with the right of privacy torn to shreds. Sen. Wayne Morse, D.-Ore., expressed almost identical views. The court review (Title II) provisions "could start us down the road toward a government by police state procedures." he said, and the eavesdropping provisions (Title III) could permit "total invasion of our homes through spying."

Fong acknowledges that there may be situations in which eavesdropping is tolerable—cases involving national security or "hard-core organized crime"—but the problem there is to know where to make the distinction between what can be tolerated and what cannot.

Fong's position is that "Titles II and III threaten to nullify some fundamental rights of equal justice guaranteed under the Constitution to all citizens of this nation: the rights to privacy and against unlawful searches and seizures; the right to counsel at each and every stage of the law enforcement process, and the right to full, fair, and prompt administration of criminal justice."

He goes on to say: "Risk for risk, for myself, I would rather take my chance that some criminals will escape detection than that one single innocent person shall be wrongly incarcerated or executed."

No better expression of the right to privacy can be found than that of Mr. Justice Brandeis:

"The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the government the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized man."

To which we can but say, amen.

[From the Rocky Mountain News, May 14, 1968]

BUGS AND GUNS

The omnibus crime bill now before the Senate contains provisions for court-approved wiretapping, which go too far, and for gun control, which don't go far enough. But with appropriate amendment both deserve passage.

The wiretapping provision really deals with two major problems: The proliferation of electronic listening devices ("bugs") that threaten the individual's right to privacy; and preservation of the right to privacy while permitting limited use of wiretaps to fight crime.

It sets out strict penalty for illegal "bugging" and wiretapping and for the unlawful manufacture, distribution, possession and advertising of snooping devices: $10,000 or five years or both. That's good.

It is in authorizing use of wiretaps and other listening devices by law enforcement agencies that the sponsoring Judiciary Committee has gone too far, despite efforts to make its proposals conform to suggestions offered by Supreme Court decisions.

The bill would permit wiretapping only after a federal or state judge had been fully informed by the investigating agency about where and how and against whom the tap was to be made and why it was presumed necessary. If satisfied of probable cause and need, the judge then would authorize it.

Present federal law authorizes wiretaps only in national security cases. The argument for extending authorization is based largely on the urgent need to halt the cancerous spread of organized crime, which does most of its far-flung gambling, narcotics and prostitution business by phone. We're for taps there too, if that's what it takes to get the job done.

But the bill contains language which grants all jurisdictions—from the President to state courts—too broad discretionary authority to decide what cort of suspect behavior justifies wiretaps to gather evidence.

Against the meritorious goal of mob-busting must be weighed the average citizen's right to protection against the kind of Big Brotherism that too liberal license to wiretap might encourage.

(We like the suggestion of Sen. Fong (R-Hawaii) that wiretapping be confined for five years to national security and hard-core organized crime; that such surveillance be conducted only by the FBI; and that a national commission be appointed to evaluate the results to help Congress decide if wiretapping authorization should thereafter be further extended.

The bill's gun-control provision would outlaw mail-order sale of handguns (pistols and revolvers) and over-the-counter sale of handguns to minors and criminals.

It would also ban importation of surplus military weapons. Rifles and shotguns are home free. Madmen of the kind who shot President Kennedy and Dr. King and sniped at police during urban riots would find in this bill no impediment to mail-ordering rifles.

Before passage the Senate could put more teeth in this provision and still leave legitimate sportsmen no room for complaint.

Mr. FONG. Mr. President, we must be very clear on one thing: what is at stake in any proposal to legalize wiretapping and eavesdropping in our very freedom embodied in those liberties inalienably guaranteed us by the Constitution.

Of course, all Americans are concerned that those who violate the law are apprehended and convicted. But the question is: to what extent should wiretapping and electronic surveillance be made legal? And, to what extent, is the price we must pay in terms of the loss of personal liberty and privacy worth it?

I recognize that the chaotic conditions existing in this area serves neither the interests of individual liberty nor the legitimate needs of law enforcement.

I recognize that wholesale violations of existing law by individuals and law enforcement agencies across the country must cease.

I recognize that the virtual absence of any regulation on eavesdropping, in the face of its increasing prevalence and the exploding technology in the area, must be remedied.

There is very little dispute that the confusing hodge-podge of standards under Federal and State laws and court decisions must be clarified.

New legislation is therefore an urgent necessity. Legislation on wiretapping and eavesdropping should be narrowly confined and stringently controlled, under uniform standards and precisely defined circumstances. So precise, that we do not give away too much of our liberties and freedoms.

But in my estimation, title III does not meet these requirements.

It goes far, far beyond what is necessary, wise, and prudent. It is much too drastic.

If ever there were a case of putting out a fire by the deluge of the Pacific Ocean, title III is it. The bill would allow the police to wiretap and bug in a very wide variety of Federal and State criminal offenses, if a willing court could be found to sanction it. This would allow the police to put a virtual end to privacy in America.

At present, by one survey, 38 States of our 50 States make wiretapping illegal.

There are four States which require a court-authorized warrant to wiretap or bug.

There are eight States which have no statutes whatever on the subject.

Add these eight States to the 38, and we have 46 States which have no permissive legislation on tapping and bugging.

Yet, in the face of the almost complete absence of authority to tap and bug in our 50 States, title III provides for the wholesale invitation to all 50 States to get into the act of wiretapping and bugging—and to do so at will. Where previously 42 States have no permissive laws to tap and bug, title III says to these States: "You are out of step, so come in for this license to do so."

All of us are aware of the fact that the vast majority of our American citizens play some form of card games. Call them what you may—bridge, poker, blackjack, cribbage—and if small bets are made, and money, no matter how little, changes hands, they had better beware: their telephones may be tapped, their homes may be bugged—and legally so, under the provisions of title III naming gambling as one of the crimes for which tapping and bugging are allowed.

If any American who may commit a crime "dangerous to life, limb, or property," and such crime is punishable by at least 1 year's imprisonment, he may be tapped and bugged.

Certainly, it is most desirable that every person guilty of a crime be brought to the bar of justice. But, just as surely, wholesale tapping and bugging will so erode our privacy as to utterly destroy our freedom.

Title III would permit wiretapping and bugging in an extremely broad variety of situations, including alleged violations of provisions of the Taft-Hartley Act regulating jointly administered employee welfare and pension plans and other Federal labor laws. Under all these circumstances, our labor unions will be subject to the broadest kind of wiretapping and bugging.

To me, the sacrifice is altogether out of proportion to the gain.

To be sure, title III has incorporated, substantially verbatim, many of the provisions of S. 928, which I cosponsored.

I also strongly endorse the portions of title III concerned with protecting the individual from electronic invasions of his privacy by private persons.

I approve, too, of the excellent prohibitions on the manufacture, shipment, or advertising of electronic surveillance devices. If we are to make substantial progress toward protecting individual privacy, we must sharply curtail the supply of the nefarious devices that are so easily obtained in the marketplace today.

But these protections are scant compensation for the grave threat to privacy engendered by the permissive provisions in the remainder of title III. Police-connected invasions of privacy are authorized to investigate a vast range of Federal or State crimes. Section 2516(1) offers a shopping list of crimes for which Federal warrants may be issued that is far too broad to be reconciled with any legitimate law enforcement purpose. And the provisions of section 2516(2) give carte blanche to State and local police to engage in wiretapping and eavesdropping for any felony whatsoever.

In its present form, title III invites eavesdropping in all manner of crime, trivial as well as serious. It would allow the cloak of judicial authorization to be thrown about the police by State judges as well as Federal. The practical effect of all this is to render official eavesdropping very nearly universal.

I oppose the enactment of any such broadly permissive electronic and wire surveillance legislation at this time.

However, I do recognize that there may be areas of law enforcement in which some police eavesdropping and wiretapping may be necessary.

In matters of national security, electronic surveillance is essential because the stakes involved are so high. The President, under title III, is authorized to employ electronic surveillance to protect the national security. My amendment would leave these provisions intact and operative.

In matters involving organized crime, I believe electronic surveillance is necessary because of the shroud of secrecy that organized crime can and does command to the death.

The President's Commission on Law Enforcement and the Administration of Justice, in its report on organized crime, stated as follows:

> The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques.

The report went on to say that communication is essential to members of the underworld who operate their enterprises. For, in organized crime enterprises, the possibility of loss or seizure of an incriminating document demands a minimum of written communication.

Furthermore, because of the varied character of organized criminal enterprises, the large number of persons employed in them, and often the great distances separating elements of the national—or international—organizations, the telephone remains the primary vehicle for communication.

I firmly believe, however, that if authority to bug or tap hard-core organized crime is given, it must be granted only with very stringent limitations.

In this very new and relatively untested area, I feel strongly that we should proceed with great caution, resolving doubts generally in favor of restriction and privacy—unless a strong case is made to the contrary.

The truth is that wiretapping and eavesdropping are law enforcement weapons whose value and impact are as yet dimly perceived. At the present time, we can only speculate on the burdens and benefits involved. In our present state of knowledge, we simply ought not to create a blanket authorization for the wholesale use of such an ultimate weapon.

I am fearful that if these wiretapping and eavesdropping practices are allowed to continue on a widespread scale, we will soon become a nation in fear—a police state.

In title III we have gone too far.

The purpose of electronic surveillance is to collect evidence in order to obtain an indictment. But under the instant bill, we would continue to hound the accused—nailing down the case and copper-riveting it by continuous surveillance—even after the indictment is secured. The bill would allow tapping and bugging even after the date of the indictment, right up to the time of the trial.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 2 additional minutes.

Do we want to go this far? I am quite sure Senators will agree, that to so hound a defendant until the day of trial, after he has been indicted, is abhorrent to our enlightened system of jurisprudence.

These are surely police state tactics.

This is contrary to our Anglo-Saxon traditions of fair play and justice.

This is contrary to our most deeply cherished liberty—the right of privacy.

This is an unconscionable destruction of our most valued right to be let alone.

The only way to prevent our going so far is to hold down tightly its applicability—for example, only to organized crime, as well as to cases against our national security.

I have therefore introduced, for myself and for the distinguished Senator from Michigan [Mr. HART] the distinguished Senator from Missouri [Mr. LONG] a series of amendments—all of which are designed to limit the use of electronic surveillance to cases involving organized crime.

Mr. President, I have now called up the first of these amendments, No. 778.

Under this amendment, the phrase "organized crime" is defined as being "the unlawful activities of five or more members of an association engaged in supplying illegal goods and services, including but not limited to murder, kidnapping, gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

This language is almost identical to the language defining "organized crime" in section 601(b) of title I on law enforcement assistance, of the omnibus bill we are considering.

It is my understanding, Mr. President, that this definition of the term "organized crime" was drafted only with the utmost care, and only after a thorough reading and analysis of the Report of the President's Commission on that subject.

I believe the definition to be extremely broadly drawn. It is the product of the work and thinking of a number of national conferences on law enforcement and organized crime. It represents a consensus of these extensive discussions and undoubtedly is the best thinking of acknowledged experts in the country.

Believing the title I language to be succinct, crisp, and pointedly accurate, I have adopted it substantially and propose that it be incorporated as an integral part of title III.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 2 additional minutes.

My amendment would require that when the U.S. Attorney General and the principal prosecuting attorney of a State or political subdivision authorized an application to either a Federal or State court of competent jurisdiction for a surveillance warrant, they may do so only if they find that the interception "is directly related to an investigation of organized crime."

Each application must so specify.

And each court issuing an ex parte order authorizing a surveillance warrant must specifically find that the investigation is "directly related to activities of organized crime."

Mr. President, I hope the Senate will vote to sustain this amendment.

Mr. McCLELLAN. Mr. President, I ask the Senator from Hawaii whether this is one of the Department of Justice amendments.

Mr. FONG. Yes, it is a Department of Justice amendment. It modifies the amendment I had introduced.

Mr. McCLELLAN. I understood that the Department of Justice had an amendment such as this. I did not know who would offer it. So it is a Department of Justice amendment.

Mr. FONG. Yes.

Mr. McCLELLAN. Mr. President, the amendment would require that any order—I am very serious about this—authorizing or approving the interception of wire or oral communications must be directly related to an investigation of organized crime.

The main thrust of title III is directed at organized crime, subversive activities, and other serious crimes. Each of the crimes contained in title III for which an electronic surveillance or order may be obtained has been selected because it is either serious in itself or characteristic of organized crime or subversives.

Mr. President, we note that in three or four instances this morning, the Senate has added several additional crimes to this bill which the committee did not include because it felt that this modern technique is essential to combat the crime situation in this country.

Each crime contained in title III for which an electronic surveillance or order may be obtained has been selected because it is either serious in itself or characteristic of organized crime or subversives. Amendment No. 778 ignores this rationale, when it would restrict all investigations of organized crime.

Mr. President, this is a Department of Justice amendment, and the present Attorney General opposes every part of this title except that which would give him and the President the power to tap wherever they think it is necessary for them to do so. The Attorney General opposes the remainder of the title; and, of course, it is not surprising that he sends an amendment here to destroy the effectiveness of the bill.

There is, for example, no relationship between organized crime and the Atomic Energy Act, espionage, sabotage, or treason. There is no relation between organized crime and riots. You could not bug a room or a hall in which Carmichael was meeting, in which Rap Brown was meeting, where they were inciting to riot, telling people to get their guns, "Go get whitey," and do this and do that. Do you want to take that out of the bill? It could not be said that that was organized crime.

These are just illustrations of what is intended. Perhaps the Senator does not understand it that way, but that is what the Justice Department wants to do. It simply wants to gut this bill. It does not want it at all. It has been fighting it and still is fighting it. The present Attorney General does that notwithstanding the fact that every other Attorney General including the father of the present Attorney General, since 1931, I believe—for approximately 35 or 36 years—has recommended legislation of this nature. We are only now getting around to it.

Yet, amendment No. 778 would require such a relation to be shown. This would end its impact as a court order system in the national security area. Under this amendment, if you had information that someone was plotting to assassinate the President, you would have to show, before you get an order, that he is associated with organized crime. I do not understand an amendment designed to go that far. We are not requiring that. We are giving discretion to the President, to act under the court order system in the national security area. This is essential.

Outside the area of subversion, there are other serious defects. Amendment No. 778 would permit only "organized crime kidnaping" to be investigated with electronic surveillance techniques. If you could not show that an organized crime ring was engaged in kidnaping, you could not get an order in a kidnaping case. Mr. President, this whole thing is destructive, and I believe that is what the Justice Department intended it to be. Can this be justified? How could this be explained to the mother of a small child? Kidnaping requires the use of these techniques without regard to the presence or absence of organized crime.

I think it would be true, too, in the case of murder if there were information of a plot.

What is organized crime? We speak of it generally in terms of some national organization or some organization that spreads out. Sometimes it is local. We might have operating here in Washington a small ring of one dozen people involved in organized crime since it is operating a car theft ring. In a sense that is organized crime. However, ordinarily when speaking of organized crime we think of the Mafia and syndicates.

This is certainly the most charitable thing that can be said about it. The whole effect would be to so completely confuse the matter that there would be no certainty that Congress intended what was done.

Rioting requires the use of the techniques without regard to the existence of organized crime. As I said a moment ago I do not know whether we are free from future riots. I do not say that we are going to have them. No one knows. I do say that every effort, every protection, every instrumentality that is within the Constitution should be made available to law enforcement officers to try to prevent the planning for rioting if any such thing is going on and to try to prevent rioting from happening.

But there is another, deeper objection to this amendment. It sets up a double standard which embodies guilt by association. Traditionally Anglo-American jurisprudence has dealt with a man's acts—not his associates or social status. We talk about "white collar" crime, but we prohibit tax evasion and price fixing. We talk about "street crime" but we prohibit rape, robbery, and assault. We talk about "organized crime" but prohibit narcotics and extortion.

With respect to narcotics, we may have one man in Washington who has a contact with the source of heroin and he has heroin shipped into this country. He may have a dozen people working for him, but he may not work in another city. Is that organized crime? I do not know. I do say that we should have the right, and law enforcement officers should be given this instrumentality, to ferret out and detect that crime.

Under amendment No. 778, one murderer would be treated differently from another, and the basis for the distinction would not be his acts committed in violation of some law, but his relationship with other people.

The aim of the amendment is obviously to strike a blow at organized crime and, at the same time, protect privacy. Yet, just as obviously, it will introduce in our legal theory a new distinction which will in the long run be a cure far worse than the disease

Amendment No. 778 would inject an extremely general and artificial standard for determining whether or not a surveillance order should be authorized. Title III is specific in this regard. You must have probable cause regarding a particular individual committing a specific offense. Under title III, the approach is to select the traditional crime categories, such as murder or extortion, in which organized crime is very active. However, these offenses are committed often by people who are not engaged in organized crime.

Mr. President, can you imagine the showing a law enforcement officer would have to make to obtain an order under amendment No. 778? Not only would he have to show probable cause that a particular suspect was committing a specific crime, as under title III, but also that the suspect was a member of an association, and that such association was engaged in certain illegal activities, and further that the suspect's particular crime must be directly related to the association's illegal activities. This amendment has the effect of requiring an officer to show what the surveillance will give before he can get an order for surveillance. It is because of the difficulty of getting proof in these areas that we are authorizing the use of these techniques in the first place. You may also rest assured that each of these requirements would be the subject of endless motions to suppress.

We might ask what kind of evidence the Senator would accept as proving his standard. I do not question the Senator's good intention. However, it should be rejected as artificial, cumbersome, and, in the long run, unworkable. Finally, it is destructive. The Department of Justice does not want the provisions of this bill at all, except with respect to the President.

Mr. President, I earnestly urge Senators to reject this amendment.

Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 21 minutes remaining.

Mr. **McCLELLAN.** Mr. President, I yield such time to the Senator from Maryland as he desires.

Mr. **TYDINGS.** Mr. President, I rise to speak against the amendment for another reason.

I am afraid that the amendment, by the definition on page 2, beginning on line 9, which states:

> (12) "organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

Might, I say just might, open the door to a far wider area of possible suspects than is presently spelled out in the bill.

I do not know who drafted the bill in the Department of Justice. However, I call to the attention of the Senate that the language on page 2 of the amendment could be construed to authorize electronic surveillance, in addition to the specified offenses, for any unlawful activities by two or more persons engaged in "supplying illegal goods and services including but not limited to," so that all that would be needed is two persons engaged in illegal activity.

I suggest it is very difficult to say what organized crime is. Going back to the argument of the Senator from Arkansas, there are certainly 5,000 names generally associated with leading families, but I think it is far better law to associate wiretapping warrants with specific crime violations rather than opening it up, possibly, wide open and saying "the unlawful activities of the members of a highly organized, disciplined association, including but not limited to."

I do not question the motivation of the sponsor of the amendment but we must protect the public as well as organized crime. I do not believe the amendment is so carefully drafted that it would do what it is supposed to do. I do not suggest it necessarily means this, but it is a possible reading of the language.

Mr. **FONG.** Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 5 minutes remaining.

Mr **FONG.** Mr. President, the distinguished Senator from Arkansas asked whether this was a Department of Justice amendment. The administration did not wish to go this far, but to limit its coverage to cases involving national security. I inserted the organized crime addition, and the Department of Justice welcomed it.

Mr. President, the Senator from Arkansas asserted that if someone were to try to assassinate the President, we would not be able to tap and bug under the amendment I have introduced. We all know that the President is the Chief

Executive of our Nation and is the Commander in Chief of our Armed Forces. Any assassination, attempted assassination, assault, or the attempted assault of our Chief of State would certainly be contrary to our national interests. Therefore, under the national security provision of title III—which my amendment leaves undisturbed—electronic surveillance would most certainly be allowed.

Let us remember that we have no Federal statute permitting any tapping and eavesdropping on this subject now. For 192 years this Nation and her component States of the Union have administered Federal and State criminal laws, and have maintained—in balance, successfully—law and order without having the benefit of such a pernicious statute such as that proposed in title III.

Thus, we are entering an entirely new field, one which is—I firmly believe—tightly circumscribed by the fourth amendment of the Constitution on searches and seizures.

Mr. PASTORE. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. PASTORE. I am sympathetic to the arguments being made by the Senator from Hawaii. I know of his apprehension, that sometimes powers can be abused and innocent people are hurt. He brought out the fact that there are some parts of the country where sympathy for labor unions is not so well looked upon as in my own State of Rhode Island. I would therefore suppose that irreparable harm could be done, in some instances, if the power were abused.

This brings me to the point of the amendment I shall offer later on, on the question of emergency powers, which is left entirely up to the police officer, without any determination on the part of the court. I would limit that emergency power to case organized crime and the national security.

The Senator from Arkansas has agreed to look over my amendment, to see how he feels about it, but I have every intention of proposing to offer it, at the proper time, anyway.

Now what does the Senator from Hawaii have to say with reference to kidnaping? Kidnaping is in a very sensitive area. Unless we use those techniques which can reach out to apprehend these dastards, if I may use that word, because anyone who would prey upon the love of a family for a child and kidnap it and hold it in seclusion with the threat that if anyone interferes, that child would either be maimed or destroyed, is a dastard.

In this sort of crime, we have to use techniques which are effective; namely, investigation by modern techniques. We have to use the medium of secrecy in order to get to the voices over the telephone, to get to the voices in such a way that we can discover the location of their victim.

What does the Senator have to say to that?

He is excluding kidnaping. That disturbs me.

Take now any plot or conspiracy that would be used to assassinate the President of the United States. That sort of plot or conspiracy is not usually done in the open. And it happens suddenly.

In kidnaping, a child is seized from an automobile or a backyard and taken to a barn or some secluded place and then conversations start to and fro for ransom.

Unless we can tap a wire, how are we going to get at the criminals? That is what bothers me. I agree that organized crime must be in it and national security must be in it, as well. But there are other crimes, and I am afraid that unless we bring this kind of technology into play—always under proper supervision, of course—we could do irreparable harm.

Had we been able to use wiretaps or bugging in the Lindbergh case, the chances are the Lindberghs' little boy would not have been murdered. My heart still goes out to them.

As for the labor unions, no one has ever worked harder on their behalf than I. My whole record indicates that. I do not have to apologize or explain any of it on the floor of the Senate. But I think, sometimes, that we can imagine certain consequences. But, here we are looking at reality. Unless we are able to tap the wire of a kidnapper, how are we going to apprehend him? That is what disturbs me.

Mr. McCLELLAN. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. McCLELLAN. Let me ask the Senator in all candor, since we have a situation in this country with which every one is familiar—it is public knowledge during these critical times—if there was a plot being hatched down here in this city, or in any other, by some of the radical extreme leaders or some of the extreme militants, to start a riot and they were having a meeting at a given location, could this technique be used to detect and get evidence against them under the Senator's amendment?

Mr. FONG. No; I do not think that——

Mr. McCLELLAN. How does the Senator relate that to organized crime?

Mr. FONG. The hypothetical situation posed by the Senator would not be covered by my amendment, which would require that the associations engage in unlawful activities and in supplying illegal goods and services. If such a plot comes to fruition, we now have on our law books ample statutory authority to move in where any firearms and other dangerous devices are to be used and where there is any incitement to riot. These actions can be taken entirely apart from any necessity to eavesdrop.

With respect to the question posed by the Senator from Rhode Island, I believe again that existing law regarding kidnaping on both the Federal and State levels are ample to bring the dastards, as the Senator rightly called them, to account for their heinous crimes.

Mr. McCLELLAN. The Senator would require that they be associations engaged in supplying illegal goods and services. Yet they are down here plotting a riot. Would they not be excluded by the Senator's amendment?

Mr. FONG. Mr. President, the whole question before us is, How do we balance the probable erosion of our liberties against our desire to secure evidence to convict criminals?

For 192 years, our Government has been able to secure the necessary evidence to convict kidnapers and murderers without using police-state tactics. Yet the pending bill would go so far that, if one is playing cards at home, and money is being waged on the game, the State's prosecuting attorney could go to a State judge and get a warrant to tap his wires. That is the extreme to which the bill has gone.

If one commits a crime which is dangerous to life, limb, and property, which carries a term of imprisonment for 1 year, any prosecuting attorney or chief prosecutor of a State can go to the State court to get a surveillance warrant.

Mr. President, Senators here must decide: how far are they willing to go to erode the liberties of the American people?

I am convinced that we should not go so far that we become a nation of fear, that we will become a police state. We simply must not ever become a nation in which "Big Brother" is always watching over our citizens, always eavesdropping on our citizens, for the flimsiest of reasons.

Mr. President, do Senators know that, under the bill, if a man is indicted, after all the evidence has been secured against him to indict him, Federal and State Governments can continue to eavesdrop and wiretap him until the day of his trial?

Mr. President, do Senators know that under the bill the Federal and State Governments can wiretap a man any time they feel there is an emergency, and within 48 hours they can decide whether they want to go before a judge or not; and if they should decide that they do not want to go before a judge, they need not do so?

In other words, the prosecuting attorney of a State or in a political subdivision can wiretap anyone if he does not like him, and no one else would know about the wiretapping or the eavesdropping because he would not have to go to the judge if he did not want to use the evidence.

Thus, it is very evident that the bill goes so far that it would erode the liberties of our people, who would become subjects of a police state.

I think, Mr. President, that this bill is extremely imprudent. It has gone too far. It is disastrous to our privacy and we should limit its application.

The most reasonable limitation, in addition to national security cases, is to restrict the bill's applicability to organized crime, as proposed by my amendment.

As I have already pointed out, the administration is not even willing to go this far. The Administration wants to confine wiretapping and eavesdropping only to national security cases.

My amendment goes farther than the administration, by providing for coverage of only organized crime, besides national security.

We must proceed with caution because we are entering into an entirely new field, a field we have not gone into before. For the first time in the history of this country, we are attempting to pass a bill which will drastically and undoubtedly erode our freedom of privacy.

Mr. President, let us not become a nation in fear. Let us not become a police state. Let us only resort to eavesdropping practices where we really need them; namely, in cases of national security, and organized crime.

Mr. President, I believe that this bill is exceedingly drastic. It would erode the liberties and freedoms of our people. It would be utterly contrary to all our tenets of fairplay and justice. So I say: Let us restrict its application, and adopt my amendment.

Mr. McCLELLAN. Mr. President, how much time is remaining to me?

The PRESIDING OFFICER. Twelve minutes remain to the Senator from Arkansas.

Mr. McCLELLAN. I will use only a minute or two.

The Senator, in his closing remarks, very clearly depicts the spirit of this amendment. The Justice Department is opposed to this title of the bill. The Attorney General has been doing everything that he could to defeat. Now that he cannot possibly do that, he seeks to destroy it by language that would make it inoperative and ineffective.

It is perfectly all right for any Senator who is opposed to this title of the bill, giving law enforcement officers these essential tools, to support the amendment; but Senators who do not believe that law enforcement officials should be deprived of these modern techniques and innovations in combating the criminal element of this country should vote against it.

I am confident the Senate, as it has already indicated, strongly favors a provision of law similar to that in the bill in title III.

Therefore, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. AIKEN. I have just come into the Chamber, and possibly my question has been answered. The amendment of the Senator from Hawaii apparently applies only to organized crime.

Mr. McCLELLAN. Only organized crime. Wiretapping would not be allowed unless it related to organized crime. It could not be used in a kidnaping case——

Mr. AIKEN. My question is, How would one possibly be assured that a crime was organized?

Mr. McCLELLAN. This is a destructive amendment. It is intended for that purpose. It was prepared in the Justice Department. They sent it up here trying to destroy this part of the bill. It is just that simple.

Mr. AIKEN. I am sure the Senator from Hawaii has the best of intentions——

Mr. McCLELLAN. I am sure he does. I accord him that.

Mr. AIKEN. It would be rather difficult to prove that a group was organized.

Mr. McCLELLAN. What do we mean by "organized crime"? A little group here could be engaged in an automobile theft ring. Is that organized crime in the sense of a national organization? Of course not. How would anyone prove it?

Mr. AIKEN. I was going to say the difficulties of enforcing this provision seem to outweigh the good intentions of the sponsors of the amendment.

Mr. McCLELLAN. There is no doubt about it.

Mr. President, I call for a vote.

Mr. FONG. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes remaining.

Mr. FONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Hawaii. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], and the Senator from Florida [Mr. Smathers] are necessarily absent.

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Connecticut [Mr. Dodd], and the Senator from New York [Mr. Kennedy] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. Smathers] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] and the Senator from Idaho [Mr. Jordan] are absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

The Senator from Delaware [Mr. Boggs] is detained on official business.

If present and voting, the Senator from Delaware [Mr. Boggs], the Senator from New York [Mr. Javits], the Senator from Idaho [Mr. Jordan], and the Senator from California [Mr. Kuchel] would each vote "nay."

The result was announced—yeas 20, nays 60, as follows:

[No. 152 Leg.]

YEAS—20

Brewster
Brooke
Burdick
Clark
Dominick
Fong
Griffin
Hart
Kennedy, Mass.
Long, Mo.
McGee
McIntyre
Metcalf
Muskie
Nelson
Proxmire
Ribicoff
Williams, N.J.
Yarborough
Young, Ohio

NAYS—60

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Hansen
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Long, La.
Magnuson
Mansfield
McClellan
Miller
Monroney
Moss
Mundt
Murphy
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Lausche, against.

NOT VOTING—19

Bartlett
Boggs
Church
Dodd
Gruening
Harris
Hartke
Hollings
Javits
Jordan, Idaho
Kennedy, N.Y.
Kuchel
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers

So Mr. Fong's amendment (No. 778), as modified, was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1129. An act for the relief of Demetra Lani Angelopoulos; and

S. 1808. An act for the relief of Miss Amalia Seresly.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15348) to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15190) to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Garmatz, Mrs. Sullivan, Mr. Murphy of New York, Mr. Mailliard, and Mr. Grover were appointed managers on the part of the House at the conference.

The message also announced that the

House had agreed to the following concurrent resolutions:

S. Con. Res. 64. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the establishment of a Commission on Balanced Economic Development and the creation of a Northwest Regional Services Corporation; and

S. Con. Res. 66. Concurrent resolution to print, for the use of the Senate Special Committee on Aging, additional copies of its hearings on long-range program and research needs in aging.

The message further announced that the House had passed a bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 5. An act to safeguard the economy in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes; and

H.R. 15348. An act to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

HOUSE BILL REFERRED

The bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. LONG of Missouri. Mr. President, I have three amendments that I would like to dispose of. I will then be through with the pending title as far as I know.

With respect to the first amendment (No. 719) I call up, I will have something to say on it and will then withdraw the amendment.

I will speak briefly on the next amendment, (No. 717) and I hope that the senior Senator from Arkansas will give serious thought to accepting the amendment.

The third amendment (No. 737) will be a motion to strike. I will speak briefly on that and will ask for a rollcall vote.

Mr. McCLELLAN. Mr. President, do I correctly understand that the Senator does not expect to have a rollcall on the first two amendments?

Mr. LONG of Missouri. The Senator is correct. There might be a rollcall on the second amendment, but I do not think so at this time.

Mr. McCLELLAN. Mr. President, I thank the Senator.

AMENDMENT NO. 719

Mr. LONG of Missouri. Mr. President, I call up amendment No. 719 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

AMENDMENT NO. 719

(a) Section 2516 of title III is amended as follows: By striking all of paragraph (2) thereof.

(b) Paragraph (7) of section 2510, title III, is amended as follows: By striking all of the language on lines 8 and 9 of page 52 immediately following the word "States" on line 8 of page 52 and ending with the comma immediately preceding the word "who" on line 9 of page 52.

(c) Paragraph (9) of section 2510, title III, is amended as follows: By changing the semicolon following the word "appeals" on line 21 of page 52 to a period; and by striking the word "and" at the end of line 21 of page 52; and by striking all of lines 22 through 25, inclusive, of page 52.

(d) Paragraph (2)(b) of section 2512, title III, is amended as follows: By striking the words "a State" and the comma which follows the word "State" on line 19 of page 58, and by striking all of the language on lines 21 and 22 of page 58 beginning after the words "United States" on line 21 of page 58 and ending immediately preceding the word "to" on line 22 of page 58, including the striking of the comma immediately following the word "thereof" on line 22 of page 58.

The PRESIDING OFFICER. There are various parts to amendment No. 719.

Mr. LONG of Missouri. Mr. President, I ask that the amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. LONG of Missouri. Mr. President, amendment No. 719 is simple in purpose, but strong in what it is designed to accomplish. As I read title III of the omnibus crime in the streets proposal, it would authorize State law-enforcement officers—pursuant to State law—to wiretap or eavesdrop when specifically designated crimes have occurred. This amendment No. 719 will prohibit any wiretapping or eavesdropping at the State level.

My amendment, if adopted, would permit wiretapping and eavesdropping only at the Federal level. The junior Senator from Missouri wants his colleagues to understand that he does not favor any wiretapping or eavesdropping; but if this bill is to pass, it must be cleaned up. We cannot permit invasions of privacy at State levels for the simple reason that we have no control over their activities. At the Federal level—at least under this bill—the law-enforcement officer must go through the motions of preserving the rights of citizens; at the State and local levels, it would appear that the officers need not even go through these motions.

Let us look at what the proposed bill would permit at the State levels of government in the guise of cleaning up crime from the streets. First, it would centralize areawide law enforcement policy in one official to be determined by State law. The report on S. 917—report 1097—suggests that "in most States, the principal prosecuting attorney of the State would be the attorney general". But the report goes on to state, and I quote from this report beginning at page 98:

> The important question, however, is not name but function. The intent of the proposed provision is to provide for the centralization of policy relating to statewide law enforcement in the area of the use of electronic surveillance in the chief prosecuting officer of the State. Who that officer would be would be a question of State law. Where no such office exists, policymaking would not be possible on a statewide basis; it would have to move down to the next level of government. In most States, the principal prosecuting attorney at the next political level of a State, usually the county, would be the district attorney, State's attorney, or county solicitor. The intent of the proposed provision is to centralize areawide law enforcement policy in him. Who he is would also be a question of State law. Where there are both an attorney general and a district attorney, either could authorize applications, the attorney general anywhere in the State and the district attorney anywhere in his county. The proposed provision does not envision a further breakdown. Although city attorneys may have in some places limited criminal prosecuting jurisdiction, the proposed provision is not intended to include them.

Mr. President, do we read this section of the report correctly? Does it say that the proposed provision of this legislation is not intended to include city attorneys—although clearly they may be authorized by the law we are about to enact? Let us clarify this—and before the bill becomes law. Do we want city attorneys to wiretap and eavesdrop, or do we not? I wish the RECORD to clearly reflect my opposition, at least.

Second, what crimes have to be committed to allow these city attorneys and other principal prosecuting attorneys to indiscriminately invade the privacy of citizens? The proposed bill provides that interception of wire or oral communications by State law enforcement officers could only be authorized when it might provide, or has provided, evidence of designated offenses. And let us look at these offenses: Murder, kidnaping, gambling, robbery, bribery, extortion, or dealing in narcotics or other dangerous drugs. In addition to this list of "specifically designated crimes," all other crimes would have to be designated by State law, and, to quote this bill, would have to be "dangerous to life, limb, or property, and punishable by imprisonment for more than 1 year."

Mr. President, have the proponents of this proposal cataloged all of the offenses which under the laws of the 50 States are punishable by imprisonment for more than 1 year? Mr. President, have the proponents of this proposal cataloged all of the offenses which, under the laws of the 50 States, are dangerous to life, limb, or property? The junior Senator from Missouri submits that this body cannot, in good conscience, pass on legislation when we do not have the slightest idea of its scope. According to my good friend and colleague, the Senator from Michigan [Mr. HART] in his individual views on this bill, "it is hard to conceive how the range of State offenses for which such a serious invasion of privacy as wiretapping is authorized could be broader than the Federal offenses, but such is the case." I concur fully with the Senator's concern.

Mr. President, for these reasons I cannot support legislation which authorizes State law enforcement officers to invade our privacy. Accordingly, the amendment No. 719 which I have introduced would prohibit wiretapping and eavesdropping at the State level. The only authorized invasion of privacy would be performed by Federal law enforcement officers. Although this is still a gross invasion of our privacy, it does attempt to place some controls in this area.

Mr. President, I ask unanimous consent that a tabulation of the crimes punishable by imprisonment for more than 1 year in various States be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

CRIMES PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR

MARYLAND

(Source: The Annotated Code of the Public General Laws of Maryland, 1957 edition)

Abortion.
Arson: arson, attempted arson, setting fire while perpetrating crime.
Assault with intent to murder, rape, or rob.
Bigamy.
Bribery: bribery of public official, bribery of participant in athletic contest, bribery of juror.
Burglary.
Breaking and entering.
Burglary with explosives.
Carrying concealed weapons.
Conspiracy.
Counterfeiting: private instruments, public documents, public seals, Comptroller stamps, orders for money or goods, manifesto of tobacco inspector, defacing tobacco inspector's brand, breaking hogshead of tobacco with intent to evade inspection, certificate of state stock, metallic checks used by food canners, prescriptions.
Cruelty to animals: injuring race horse.
Defalcation by officer collecting revenue due state or county.
Desertion of wife or child.
Embezzling: wills and deeds, destroying secret wills, embezzling by bank officer, wrongful disposal of property by carriers.
Escaping from penitentiary.
False pretenses: obtaining money by bad check, obtaining money by check with intent to stop payment.
Taking fish belonging to another.
Fraud: breach of trust, misrepresentation by corporate officer, conversion of partnership money, repledge of securities, failure to deliver drafts for stored grain.
Graveyard desecration; also destroying tombs, trees, etc. in cemeteries, narcotics violations, sale of denatured alcohol for beverage purposes, incest, kidnapping.
Larceny: horse, colt, mule, or ass; pipes or fixtures; tobacco plants; larceny after trust.
Possession of machine gun.
Maiming.
Malicious injury to tongue, nose, eye, lip, limb, etc.
Manslaughter.
Miscegenation.
Murder.
Pandering.
Perjury.
Rape.
Receiving stolen goods.
Robbery.
Sending threatening letters.
Extorting by false accusations.
Sodomy.
Rogue and vagabond (a person being caught with burglary tools).

ARKANSAS

(Source: Arkansas Statutes, 1957, 1964 Replacement)

Abortion.
Arson.
Assault with intent to kill.
Assault with intent to rob.
Bigamy.
Illegal cohabitation.
Concubinage (meretricious relationship between white and Negro).
Incest.
Sodomy or buggery.
Bribery of public officers.
Bribery of athletic contest participant.
Burglary.
Possession of burglar's tools.
Taking children out of state after court awards custody to another.
Annoying or molesting child.
Indecent proposals to minors.
Indecent exposure of person.
Unlawful fondling of child.
Window peeping (on second offense).
Dueling.
Forgery: Coins; public securities; deeds, wills, etc.; official seals; bank bills, checks, etc.; possession of counterfeit bank notes or coin; possession of counterfeiting instruments; erasure on instruments; false entries in bank books.
Fraud.
Gambling, keeping of gambling house.
Murder.
Manslaughter.
Death in consequence of arson.
Killing in a duel.
Kidnapping.
Slander.
Maiming.
Night riding (while wearing robe, mask, etc.) for purposes of intimidation.
Resisting execution of civil or criminal process by drawing gun.
Bribery of jurors.
Perjury.
Rebellion by prisoners.
Smuggling firearms, intoxicants, and narcotics into penal institution.
Pandering.
Placing wife in house of prostitution.
Detention of female in disorderly house.
Transporting women for prostitution.
Rape.
Accessory to rape.
Administering potion to woman with intent to rape.
Carnal abuse (statutory rape).
Seduction.
Permitting convict to escape.
Rescue of felon.
Robbery.
Removal of body from grave.
Purchasing body removed from grave.
Opening grave.
Malicious injury to grave or monument.
Mining in cemetery.
Larceny.
Stealing of horse, mare, gelding, filly, foal, mule, ass, or jennet.
Receiving stolen animals.
Shoplifting (third offense).
Blackmail.
Treason (against the State).
Usurping government.
Usurping office.
Subversive activities (advocating overthrow of any government in the United States).
Intentional injury to property.
Intentionally defective workmanship on defense materials.
Failure to register as a Communist or other subversive organization.
Cutting down trees on private property (valued at $10 or more).
Dynamiting real or personal property.
Possession of machine gun for aggressive purposes.
False bomb threat.

MISSOURI

(Source: Vernon's Annotated Missouri Statutes, 1949)

Perjury.
Attempt to corrupt witnesses.
Attempt to bribe juror.
Rescuing prisoner.
Furnishing prisoners with implements for escape.
Attempt to aid escape of convict.
Bribery of public officials.
Bribing officer to appoint to office.
Murder.
Manslaughter.
Poisoning.
Mother disposing of child to conceal birth.
Assault with intent to kill.
Mayhem.
Kidnapping for ransom.
Enticing away child or insane person.
Rape.
Forcing woman to marry.
Abduction of woman under 18.
Seduction.
Guardian defiling ward.
Abandonment of child.
Mistreating of child.
Arson.
Burglary.
Possession of burglary tools.
Robbery.
Blackmail.
Grand larceny.
Stealing domestic fowls in nighttime.
Embezzling.
Malicious destruction of property of explosives.
Fraudulently changing bill or act of legislature.
Destruction of bridges or dams.
Forgery (1st, 2nd, and 3rd degree).
Fraud.
Treason against the state.
Giving aid to enemies of the state.
Dueling.
Prize fighting.
Agreement to prize fight out of state.
Pandering.
Permitting female under 18 in bawdy house.
Forcing wife into prostitution.
Enticing female to house of ill fame.
Transportation of female across state for purposes of prostitution.
Camping or traveling in city or near highway for prostitution.
Maintaining bawdy house within one hundred yards of a church.
Leasing house or building for purposes of prostitution.
Displaying signs to inveigle in bawdyhouse.
Molesting minor with immoral intent.
Bigamy.
Incest.
"The abominable and detestable crime against nature."
Miscegenation.
Publishing obscene newspaper or magazine.
Bookmaking or pool selling.
Keeping a gaming device.
Establishing a lottery.
Bribery of baseball player.
Robbing a cemetery.
Marijuana growing, possession, or sale.
Obstructing railroad track.
Endangering life of railroad passenger.
Carrying explosives on trains.
Operating motor vehicle under the age of 16.
Carrying concealed weapons.

VIRGINIA

(Source: Code of Virginia, 1950 ed.)

First and second degree murder.

Lynching.

Shooting, stabbing, etc., with intent to maim, kill, etc.

Abduction.

Kidnapping.

Abduction with intent to extort money or of female for immoral purposes.

Seduction of female of previous chaste character.

Rape.

Carnal knowledge of a child under 16 or of a lunatic.

Attempt to poison.

Discharging firearms maliciously within occupied buildings.

Arson.

Burning or destroying barn, meeting house, etc.

Willful burning of property with intent to injure insurer.

Burglary.

Possession of burglary tools.

Entering bank with dangerous weapon with intent to commit larceny.

Robbery.

Forgery.

Possession of forged coin or bank notes.

Larceny.

Embezzlement.

Obtaining money by false pretenses.

Shooting at, or throwing stones at trains, cars, etc.

Willfully destroying a vessel.

Extorting money by threats.

Conspiring to cause spouse to commit adultery.

Taking or detaining a female for prostitution (pandering).

Receiving money for procuring female.

Placing or leaving wife for prostitution.

Receiving money from earnings of female prostitutes.

Detaining female in house of prostitution for debts.

Sodomy.

Enticing a child to enter vehicle, room, etc., for immoral purposes.

Exposure of one's sexual organs to child.

Taking indecent liberties with children.

Second offense on obscenity statute.

Perjury.

Bribery to candidates for office or officers.

Acceptance of a bribe.

Allowing prisoner to escape.

Escape, by setting fire to jail.

Making sound recordings of jury deliberations.

Treason.

Misprison or treason.

Advocacy of change in government by force or violence.

Conspiring to incite the colored population to insurrection against the white population, or the white against the colored.

Mr. LONG of Missouri. Mr. President, I withdraw amendment No. 719.

The PRESIDING OFFICER. The The amendment is withdrawn.

AMENDMENT NO. 717

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 717 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

AMENDMENT No. 717

Section 801, title III, is amended as follows:

(a) Insert a new paragraph (a) as follows:

"(a) The Constitution of the United States guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures."

(b) Accordingly, paragraphs (a), (b), (c), and (d) are redesignated paragraphs (b), (c), (d), and (e), respectively.

Mr. LONG of Missouri. Mr. President, amendment No. 717 has as its sole purpose the attempt to create on the statute books a basic right of privacy for our American citizens. Strange as it may seem, the Congress of the United States—though sympathetic to the idea of privacy—has never recognized such a right. In fact, the law of privacy is a comparatively modern idea. It is not built into the Constitution, except through interpretation; there is no common law right of privacy; there is no Federal law of privacy. Historians, when they analyze the evolving law of privacy often cite the famous 1890 law journal article by Warren and Brandeis as the basis for the doctrine of privacy.

Recently, a flurry of Supreme Court cases have interpreted the doctrine, and perhaps have gone as far as court cases can go in developing a law. Starting with the famous birth control case of 1965, Griswold against Connecticut, a 7-to-2 majority invalidated a Connecticut law forbidding the dissemination of birth-control information as a violation of the right to marital privacy. Thus, as late as 1965, the Supreme Court took a major first step toward formulating a new constitutional doctrine of privacy. The opinion for the Court was written by Mr. Justice Douglas who spoke of the "zones of privacy" created by the Bill of Rights. Mr. Justice Douglas cited the first amendment, the third amendment, the fourth amendment, the fifth amendment, and the ninth amendment, as all relevant to the zones of privacy which exist under the Constitution.

Mr. President, I ask unanimous consent to have inserted, at this point in the RECORD, the above-cited amendments.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

CONSTITUTION OF THE UNITED STATES

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to assemble, and to petition the Government for a redress of grievances.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. LONG of Missouri. Thus, for the first time, the Supreme Court of the United States faced the issue of privacy squarely and determined that there is a constitutional right to be left alone. Needless to say, this was not the end of the debate. The zones of privacy ranged across many areas of our life, and several new Supreme Court cases have added clarification to the concept.

Other cases have further delineated the zone of privacy, but it is our purpose today to be germaine to the issue at hand; namely, wiretapping and eavesdropping—the "dirty business" to which Mr. Justice Holmes so aptly referred. Accordingly, I wish to call to the attention of my colleagues two very recent Supreme Court cases.

In Berger against the State of New York, decided on June 12, 1967, the majority of the Court, speaking through Mr. Justice Clark, threw out the New York State court-approved eavesdropping statute, declaring it to be unconstitutional. The New York statute permitted the police to obtain judicial warrants authorizing them to hide bugs in the premises of criminal suspects. The Court's majority opinion outlawed this bugging statute because, it said, the procedures did not contain specific safeguards against violations of the fourth amendment, which limited police searches.

Mr. Justice Clark, in his opinion, pointed out that "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices". I would like to insert into the RECORD an article by Mr. Fred Graham, the Supreme Court reporter of the New York Times. Mr. Graham's article appeared in the June 13, 1967, issue of the Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 13, 1967]

BUGGING IN STATE IS OUTLAWED, 5 TO 4, BY SUPREME COURT—JUSTICES ALSO RULE THAT ALL SUSPECTS IN THE LINE-UPS MUST HAVE COUNSEL—PLAYBOY CASE IS ISSUE—CLARK SAYS "FEW THREATS" TO LIBERTY ARE GREATER THAN EAVESDROPPING

(By Fred P. Graham)

WASHINGTON, June 12.—The Supreme Court imposed strict new limitations today on two police investigative techniques.

The ruling declared it was unconstitutional for New York State to permit court-approved eavesdropping by the police, and said that suspects must have counsel when they appeared in police line-ups.

The majority opinion, written by Associate Justice Tom C. Clark, said that "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices."

The New York statute permitted the police to obtain judicial warrants authorizing them to hide microphones in the premises of criminal suspects. The case did not involve the tapping of telephones, which is authorized in New York under a different section of the law.

The 5-to-4 ruling outlawed the bugging because, it said, the procedures did not contain specific safeguards against violations of the Fourth Amendment, which limits police searches.

Voting with Justice Clark were Chief Justice Earl Warren and Justices William J. Brennan Jr., William O. Douglas and Abe Fortas.

THE BERGER CONVICTION

Justices Hugo L. Black, John M. Harlan, and Byron R. White dissented. Justice Potter Stewart said the law was constitutional, but he joined with the majority in throwing out the bribery conviction of Ralph Berger, the Chicago public-relations man who had appealed the case to the Supreme Court.

Justice Stewart said the affidavits used to obtain the eavesdropping warrant in the Berger case were insufficient to justify the installation of the bug.

Berger was found guilty in November, 1964, of having plotted with the owners of Playboy Clubs International and Playboy magazine to give a $50,000 bribe to Martin C. Epstein, then chairman of the State Liquor Authority.

In court papers the District Attorney of New York County conceded that Berger would not have been convicted without leads and evidence produced by bugs placed in two New York offices.

The majority opinion today did not say that all court-approved police eavesdropping was unconstitutional, but it laid down such strict standards as to create doubt that any effective law would pass muster before the present Supreme Court.

The direct effect of the decision will be felt in only five other states that have permissive police bugging statutes—California, Maryland, Massachusetts, Nevada and Oregon. The decision appears to invalidate all of these because they are similar to the New York law.

But the effect of the decision could be crucial in Congress, where legislation similar in principle to New York's is currently being pushed by leaders who say police eavesdropping is necessary in the fight against organized crime.

The decision will undoubtedly aid the forces that support the competing Johnson Administration proposal. This would outlaw wiretapping and other electronic eavesdropping, except in national security investigations.

Justice Clark—who stepped down as Justice at the end of today's session to avoid embarrassments involving his son, Attorney General Ramsey Clark—relied on some of the arguments currently being advanced by the Attorney General in his efforts to defeat the police eavesdropping measure.

Without mentioning the current Congressional controversy, Justice Clark noted the absence of statistics to show that the New York statute had been decisive in the state's fight against organized crime. He said the Justice Department's anticrime effort had not suffered since it banned bugging by Federal anticrime agents.

"Some may claim that without the use of such devices crime detection in certain areas may suffer some delays, since eavesdropping is quicker, easier and more certain," he said. "However, techniques and practices may well be developed that will operate just as speedily and certainly, and what is more important, without attending illegality."

According to the Fourth Amendment, searches can be made only on warrants based on affidavits "particularly describing the place to be searched, and the persons or things to be seized."

Justice Clark listed the following reasons why the New York law did not comply with the amendment:

It authorizes the issuance of "general warrants" that sanction sweeping invasions of privacy, rather than the narrowly circumscribed warrants that are used in regular searches.

It does not require the police to specify what crime is being committed, or what conversations are being sought. The New York law does require the naming of the persons whom the police are attempting to bug, but it does not make the police say in advance the nature of the admissions they are seeking.

It permits the operation of the bug for 60-day periods, which can be extended any number of times with the permission of a judge. The Court did not say how long a bug might constitutionally be kept in operation, but it said that was too long.

It does not require that the police remove the hidden microphone after they have obtained the desired information.

It does not provide for notice of the "search."

This final objection served to illustrate the hurdles any bugging law must face in the present Supreme Court. The opinion said that "exigent circumstances" might justify the installation of a device by means of secret trespass, but without the right to ignore the traditional serving of the warrant, any eavesdropping law would appear to be useless.

In the line-up decisions, the Court held for the first time that that police procedure is such a "critical" stage of the prosecution that a suspect must be permitted to have his lawyer present.

The opinions by Justice Brennan dealt with three cases and held that, although a suspect had no right to refuse on self-incrimination grounds to appear in a line-up, he had a right to have a lawyer there.

This gives the lawyer the opportunity to object to any procedures that might prejudice the suspect's chances to a fair identification by the witnesses, Justice Brennan said.

Presumably, the decision will require that lawyers be furnished for suspects who ask for them and cannot afford to pay. The Court did not have to decide this issue directly, since two of the three cases involved suspects who had already retained lawyers at the time they were placed in the line-ups to be viewed by witnesses to the crimes.

The line-up appeals concerned the convictions of Billy Joe Wade for bank robbery in Eustace, Tex., in 1964, and of Jesse James Gilbert in the armed robbery of an Alhambra, Calif., savings and loan association office in 1964.

Mr. LONG of Missouri. Mr. President, it is important to repeat language from Mr. Justice Clark's majority opinion in the Berger case. He points out "that few threats to liberty exist which are greater than that posed by the use of eavesdropping devices."

A second Supreme Court case is Katz against the United States, decided on December 18, 1967. The facts of the case are well known to my colleagues, but I am afraid that the import of the case is not so well known. Mr. Justice Stewart, in delivering the majority opinion, stated "wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures."

Mr. Justice Stewart, in this same opinion, pointed out a problem which I am today attempting to correct by my amendment. The Justice pointed out that the "protection of a person's general right to privacy—his right to be let alone by other people—is like the protection of his property and of his very life, left largely to the law of the individual States." The amendment I today support would, in my opinion, for the first time create a Federal right of privacy. It would for the first time put the Congress of the United States on record that a man has a right to be left alone. It would for the first time put the Congress on record that our privacy remains in our own control. No longer will it be necessary to rely on the close decisions and the legalisms which sometimes are embodied in Supreme Court decisions.

Mr. President, since the creation of our Nation, we have not really enjoyed a right of privacy. Wiretapping and bugging, to name a few intrusions, were only recently curtailed when President Johnson in 1966 took firm steps to put an end to indiscriminate eavesdropping within Federal Government agencies. But our privacy should not and must not be dependent upon the decision of the President of the United States. The decision must come from the Congress, and this is all my amendment will accomplish.

Mr. President, two comments are appropriate at this point. First, it should be made perfectly clear, and the junior Senator from Misouri has attempted to make this perfectly clear, that we are in no way attempting to curtail the fight against organized crime. We are in no way attempting to curtail legitimate law enforcement activities. But, as I stated in the opening statement at my subcommittee's first hearing over 3 years ago:

> Let me also stress the point that many of the practices and procedures which some people allege to be unwarranted and unnecessary invasions of privacy are staunchly defended by their users as both warranted and necessary, indeed, indispensable, as tools of law enforcement.
>
> What we are dealing with here is clearly a problem of the balancing of interests: Privacy of the individual on the one hand and law enforcement on the other.
>
> Neither of these interests can be satisfied entirely.

I further stated "that in a free society, we must maintain a balance, and that is what these hearings are all about."

And that is what this discussion here today on title III of "crime in the streets" is all about. We must continue to achieve the balance between privacy and law enforcement. Title III of the legislation pending before us today does not, as I read the bill, go toward achieving the proper balance. In fact, no balance is drawn at all. As I read the law, it would give too much authority and perhaps even complete permission to law enforcement officers to bug and wiretap at their discretion when they are carrying out their functions.

Accordingly, Mr. President, if we must have a wiretapping bill on the statute books of the United States, I strongly urge my colleagues of the Senate to adopt this amendment. As stated earlier, the sole purpose of the amendment is to endorse the right of privacy—at the Federal level—for our American citizens.

Mr. McCLELLAN. Mr. President, the pending amendment constitutes the author's view of the meaning of the Constitution. I see no place for the amendment in the pending bill. The Constitution is interpreted as these questions are raised.

The amendment, from its language, is apparently intended to reflect the developments in constitutional law worked out in the case of Katz against the United States. Nevertheless, it misstates the holding in that case.

Writing for the court, Mr. Justice Stewart observed:

> The Fourth amendment cannot be translated into a general constitutional "right of privacy." That amendment protects individual privacy against certain kinds of government intrusion, but its protections go further and often have nothing to do with privacy at all.
>
> Other provisions of the Constitution protect personal privacy from other forms of government invasion, but protection of a person's general right to privacy is really to be let alone by other people, the right of protection of his property and his very life left largely to the law of the individual States.

Consequently, the first sentence of the pending amendment must be rejected. The remainder of the amendment is superfluous since it but restates the holding of Katz and reflects the language of the fourth amendment. How it adds anything to the statute is unclear.

It is far better to protect privacy with civil, criminal, and suppression sanctions, as the statute does, than to put into a statute of this sort general statement.

I think it is a nice gesture, but I do not think it has any real substance.

Mr. LONG of Missouri. Mr. President, I think it is a statement by Congress to the effect that it endorses the right of privacy for the citizens of our country.

The amendment was submitted to the Justice Department.

The Justice Department wrote me that although the Constitution does not specifically mention the right of privacy, recent decisions of the Supreme Court have discussed several provisions of the Bill of Rights, including the first, fourth, and fifth amendments in sanctioning the right of privacy.

The amendment should be agreed to. I do not think it hurts the bill at all. I believe it is merely a fair statement of the views of Congress to the effect that the right of privacy is a right that should be protected.

Mr. President, I do not ask for a rollcall on the amendment.

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). All time having expired, the question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 717) was rejected.

AMENDMENT NO. 737

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 737 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Amend title III of S. 917 as follows: Strike all of title III.

Mr. LONG of Missouri. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, would the pending amendment strike the entire title III from the pending bill?

The PRESIDING OFFICER. The Senator from Arkansas is correct.

Who yields time?

Mr. LONG of Missouri. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky for a parliamentary inquiry?

Mr. LONG of Missouri. Mr. President, I so yield.

The PRESIDING OFFICER. The Senator from Kentucky will state his parliamentary inquiry.

Mr. COOPER. Mr. President, I ask if it is appropriate to have a division on that section which deals with national security.

Mr. LAUSCHE. Mr. President, may we have order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I will ask: Would it be appropriate under the rules to amend the amendment offered by the distinguished Senator from Missouri by striking subparagraph (3) on page 56—section 2511, subparagraph (3)?

The PRESIDING OFFICER. The amendment itself would not be amendable, but an amendment in the nature of a strike and insert for the whole title would be in order and would take precedence over the amendment offered by the Senator from Missouri.

Mr. COOPER. To strike the section but insert the language on page 56, subparagraph (3). That would be appropriate?

The PRESIDING OFFICER. Is the understanding of the Chair correct that the Senator from Kentucky proposes to strike the entire title and then insert new language?

Mr. COOPER. I will propound another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Would it be appropriate and permissible under the rules for the Senator from Missouri to except from his amendment subparagraph (3) on page 56?

Mr. McCLELLAN. Mr. President, did the Senator say "except" or "accept"?

Mr. COOPER. Except.

Mr. McCLELLAN. Subparagraph (3) on what page?

Mr. COOPER. Page 56.

The PRESIDING OFFICER. The Senator from Missouri could ask unanimous consent to so modify his amendment, if the Senator from Missouri desired to do so. Unanimous consent would be required because the yeas and nays have been ordered.

Mr. COOPER. It is the Senator from Missouri's amendment, and I will not offer an amendment to his amendment.

I propounded this inquiry because on page 56 section (a) refers to the power of the President to take such measures as he deems necessary to protect the Nation, I assume that it implies his power and authority to use wiretapping and electronic devices if he considers it necessary for the protection and the security of the Nation. It is my judgment that he has the power without this section to use such means as he finds necessary to protect the national security.

I make this statement with the hope that the Senator from Missouri may except from his amendment, subparagraph (3) on page 56.

Mr. LONG of Missouri. I say to the senior Senator from Kentucky that I do not believe that at this time I would want to accept that suggestion. This amendment (No. 737) would strike the entire title III. We are certainly with the President with respect to giving him the right in national security cases. He is using that right now.

This amendment, if adopted, would not interfere with him in exercising the right that he has at the present time. But I believe that making the change you suggest would bring in other issues.

One reason why I prefer to proceed with this amendment (No. 737) is that I believe that title III is quite involved. Many rights are involved. We are interested in enforcing the criminal laws of the Nation, but the rights of our citizens are vitally concerned, and I believe we are giving them a rather fast treatment in this title. I believe this title should be taken out of the bill.

Pending before the Committee on the Judiciary is S. 928, which covers electronic eavesdropping in its entirety. I believe that the Judiciary Committee should give that bill further consideration and bring it to the floor of the Senate for consideration. That is the administration bill on wiretapping, incidentally, which endorses for the President all of the rights that the Senator from Kentucky has suggested, although the President is exercising those rights now.

AMENDMENT NO. 737

Mr. President, I respectfully urge my colleagues in the Senate to reject title III of the pending bill. As proposed by the administration, S. 928 was properly called the Right to Privacy Act. I join some of my fellow Senators in describing title III of S. 917 as the End to Privacy Act. I find title III objectionable both on constitutional and policy grounds.

To be sure, title III has incorporated, substantially verbatim, many of the provisions of S. 928. I strongly endorse the portions of title III concerned with protecting the individual from electronic invasions of his privacy by private persons. I also approve the excellent prohibitions on the manufacture, shipment, or advertising of electronic surveillance devices. If we are to make substantial progress toward protecting individual privacy, we must sharply curtail the supply of the nefarious devices that are so easily obtained in the marketplace today.

But these protections are scant compensation for the grave threat to privacy engendered by the permissive provisions in the remainder of title III. Police-conducted invasions of privacy are authorized to investigate a vast range of Federal or State crimes. Section 2516(1) offers a shopping list of crimes for which Federal warrants may be issued that is far too broad to be reconciled with any legitimate law enforcement purpose. And the provisions of section 2516(2) give carte blanche to State and local police to engage in wiretapping and eavesdropping for any felony whatsoever.

So long as a willing judge is found to issue a surveillance warrant, there is no bar to massive electronic surveillance by the police at every level—Federal, State, or local. The requirements of title III are simply inadequate to protect the precious right of the individual to privacy. The ease with which some judges now rubber-stamp conventional search warrants is notorious. No doubt, the vast majority of judges will take great care to make proper findings before issuing surveillance warrants. We shall inevitably find, however, that law enforcement officers in search of surveillance warrants will seek out the judges who are less exacting or less cautious in their dispensation.

I oppose the enactment of any permissive electronic surveillance legislation at the present time. I especially oppose the action of the committee in tying such legislation to the crucially important provisions of the law enforcement assistance program in title I of the bill.

Mr. President, there is a fundamental inconsistency between title III and the requirements of the Constitution applicable to electronic surveillance, as interpreted by the Supreme Court in the recent Berger and Katz decisions. I believe that title III violates the requirement of these decisions that a warrant for electronic surveillance must particularly describe the conversations to be overheard.

As the Court emphasized time and again in Berger and Katz, the requirements of the fourth amendment applicable to wiretapping and eavesdropping are the same requirements applicable to conventional search warrants. Thus, it is clear that the overall purpose of Berger and Katz is to assimilate electronic surveillance to the strict requirements applicable to searches and seizures for tangible physical objects.

It has long been established that a conventional search warrant must describe with particularity the object to be seized, and that a judge authorizing the issuance of a warrant for the object must have probable cause to believe that the described object will be found on the premises to be searched.

It is true that section 2518(3)(b) of title III requires a finding of probable cause for belief that particular communications concerning the offense named in the warrant will be intercepted. That provision, however, pays only lip-service to the constitutional mandate. The lengthy periods of surveillance authorized in title III—up to 30 days, with potentially unlimited renewals for fresh periods of 30 days each—completely belies the apparent adherence of title III to the requirement of particularity.

Mr. President, I believe that the period of surveillance is far too long to meet the constitutional requirements imposed by the Supreme Court in the Berger and Katz decisions. In these cases, the Court clearly required that any period of electronic surveillance must be brief. The length of the surveillance period lies at the heart of any statutory scheme authorizing electronic surveillance. Without a requirement that the period be brief, none of the other safeguards provided by title III will be effective to prevent wholesale abuses of the warrant procedure.

Even under the most generous reading of Berger and Katz, 30 days almost certainly exceeds the outer constitutional limit for a reasonable surveillance period. In Berger, the Supreme Court held unconstitutional a New York statute authorizing the issuance of surveillance orders for 2-month periods. Justice Clark's opinion for the Court sharply criticized the long surveillance period on three separate grounds. First, authorization of electronic surveillance for such a lengthy period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause. Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants. Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation. The same criticisms are obviously applicable to the 30-day surveillance period authorized by section 2518(5).

Nothing in the Katz decision supports such a lengthy surveillance period. Although the Supreme Court stated unequivocally in Katz that a warrant could constitutionally have been issued to authorize the surveillance in that case, the surveillance in Katz was in fact extremely limited. It involved the recording by FBI agents for the subject's daily conversations from a public telephone booth, averaging 3 minutes each day over a 7-day period, and made in plain view of Government agents at approximately the same time each day. The recording device was activated only when the suspect entered the telephone booth; in this manner, the interception of innocent conversations by third persons was almost entirely avoided.

The surveillance in Katz was thus conducted under extremely precise and narrow circumstances. An application for a surveillance warrant would have pinpointed the conversations to be seized to within minutes of their occurrence, and adequate precautions could have been—and in fact were—taken to minimize the interception of conversations of innocent persons.

The Supreme Court may limit the use of electronic surveillance to circumstances similar to those in Katz, in which event surveillance will be available to law enforcement in only a narrow range of situations. Such a restriction would, of course, be fully consistent with the Court's basic holdings in both Berger and Katz, that electronic surveillance procedures must meet the strict requirements of the fourth amendment applicable in the case of conventional search warrants.

Even under a more generous reading of Berger and Katz, however, it is hardly likely that the Court will accept the 30-day surveillance period authorized by section 2518(5).

The reason for the inclusion of the lengthy surveillance period in section 2518(5) is obvious. In spite of the other safeguards included in title III, section 2518(5) makes clear that the title as a whole is designed to authorize warrants for general intelligence gathering, rather than for the investigation of specific crimes. The language of the Berger and Katz decisions nowhere speaks of such general intelligence gathering as a legitimate purpose of electronic surveillance. Indeed, the court could hardly have held otherwise, since a warrant for such purposes would be invalid under the fourth amendment as a general search warrant. The abhorrence of such warrants was a major factor underlying the adoption of the fourth amendment in the Bill of Rights. Nothing in Berger or Katz suggests that such warrants are any less objectionable in the case of wiretapping or eavesdropping than in the case of conventional search warrants.

There are other fundamental objections to title III. I believe that it will encourage illegal electronic surveillance. Although subsection (3) of section 2517 prohibits the disclosure by law enforcement officers of illegally intercepted communications in criminal trials or grand jury proceedings, paragraphs (1) and (2) make clear that such communications may be disclosed or used for other purposes. The section is likely to encourage illegal electronic surveillance, especially in cases where the parties to a communication are not the real objects of the surveillance.

Section 2510(11) gives standing to challenge a surveillance order to any person who was either a party to an intercepted communication, or the person against whom the interception was directed. This section is also likely to encourage illegal surveillance in cases where the parties to a communication are not the real objects of the surveillance. As the section now stands, it is an open invitation for law-enforcement officers to engage in illegal electronic surveillance. So long as the illegally obtained evidence is not used against the parties to the intercepted communications no person will have standing to challenge its introduction in evidence. Although the section gives standing to the person against whom an interception is directed, whether or not he was a party to the communication, it will be difficult in many cases to determine that the surveillance was directed against anyone other than the parties to the communication.

Serious objections must be raised against the broad range of Federal crimes for which wiretapping and eavesdropping is authorized under section 2516.

In their report, proponents of title III state:

> Applications for orders authorizing the interception of wire or oral communications may be made only in the investigation of certain major offenses. . . . Each offense has been chosen because it is intrinsically serious or because it is characteristic of the operations of organized crime.

Section 2516 of title III then goes on to authorize Federal wiretapping for such crimes as bribery of union officials—section 186 of title 29—embezzlement of union assets—section 501(c) of title 29—bribery of public officials and witnesses—section 201, title 18—obstruction of criminal investigations—section 1510 of title 18—bribery in sports contests—section 224 of title 18—offering or soliciting kickbacks to influence the operation of employee benefit plans—section 1954 of title 18.

If the preceding are some of the offenses which proponents of title III view "as intrinsically serious or characteristic of the operations of organized crime," I wonder what a list of the offenses they view as minor or noncharacteristic of organized crime would consist of.

As broad as the range of Federal offenses for which wiretapping is authorized is, the range of State offenses is even broader. Under title III, the category of State offenses for which eavesdropping warrants may be issued is essentially open ended. Section 2516(2) permits eavesdropping for any State crime punishable by more than 1 year in prison and dangerous to "life, limb, or property." Nothing in section 2516(2) prohibits the use of electronic surveillance in such sensitive areas as State income tax violations. Further in many States numerous petty offenses will qualify under section 2516(2) as crimes for which surveillance orders may be issued.

Under section 2511(3) of title III the President is given unlimited power to authorize tapping in national security cases. Section 2511 also authorizes the admission into evidence of communications intercepted in national security cases if the interception was "reasonable."

Although I recognize the need for the Government to be able to protect itself, it seems some check should be placed on a President's authority in this area. Although unlikely, one President's definition of national security could encompass a nationwide trucking or rail or airline strike. Under section 2511(3) the President, if he deemed such a strike a threat to national security, could without seeking court orders, place taps on both labor and management in the struck industry.

The bill as drawn permits surveillance orders to issue where privileged or highly private conversations are likely to be overheard, without even the minimum safeguard of requiring a showing of special need.

It does not even require that recordings of intercepted communications be sealed with the issuing judge as soon as practicable during an interception instead of waiting for the period of surveillance to end. Such a waiting period opens the door to the dangers of editing or other alteration.

Finally, Mr. President, the crucial point is that we simply do not have adequate information on which to base a judgment that electronic surveillance is an essential tool in the war against crime.

Before electronic surveillance is authorized as an investigative tool for law-enforcement officers, I believe that many currently unanswered questions must be answered. How often does electronic surveillance produce substantial evidence leading to arrests or convictions that could not otherwise be obtained? What price is paid in terms of the number and type of innocent conversations overheard? Is electronic surveillance likely to be most useful in the "morals" area of the criminal law—gambling, bookmaking, and prostitution—where it is most susceptible to abuse? How large an investment in terms of law-enforcement manpower, equipment, and other resources is required? How often is false or misleading information obtained? To what extent is success of electronic surveillance dependent on unawareness by criminals of its widespread use as a law-enforcement tool? How easily can members of organized criminal conspiracies defend against electronic surveillance?

In sum, we have no knowledge of the efficiency of electronic surveillance as a law-enforcement technique, as compared to other investigative techniques which are currently available and which raise on substantial constitutional or policy issues.

I feel strongly the Senate should strike title III of the bill.

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes. I do not believe I will take that much time.

Mr. President, we now have squarely before us the issue as to whether to provide this tool, this instrumentality for the use of law enforcement in combating crime.

Mr. President, I have already placed in the RECORD the objectives of title III, and we are now talking about those objectives. Those who oppose the objectives would eliminate the title from the bill entirely. The objectives of this title have been recommended by all Attorneys General since 1931 down to but not including the present Attorney General. The objectives of this title have been recommended by the President's Crime Commission, the Judicial Council, the Association of District Attorneys of the United States, the Association of Attorneys General throughout the United States, and the National Council on Crime and Delinquency.

I do not know how a proposal could get stronger endorsement than that.

Under the Katz case and the Berger case it has been held that this proposal is within the framework of the Constitution, if we have drafted it correctly, and we think we have.

Mr. President, the situation comes down to this: Will we deny law enforcement the essential tools it needs in many instances to detect the commission of crime and to discover who committed the crime, and also, in many instances to prevent the commission of major crime?

I do not have to repeat again the lawlessness situation in this country. Everybody knows it. We have a situation in the Nation's Capital that is a world disgrace and not just a national disgrace. The rate of crime is rising every day. Everybody says, "We have to do something about it." Yet when they are given the opportunity to do something about it they say, "We must not do that."

While we wait, the crime rate continues to spiral higher and higher and American citizens become more and more insecure in their safety.

Shall we act? The hour of decision is here. I could read much material about the experience in New York, which has one of the greatest States attorneys in the Nation, Mr. Hogan, declared to be unconstitutional until their law was.

Mr. President, I submit that when you place the sources I have referred to here as endorsing this legislation, all the endorsements from these high sources, against the present Attorney General, it is not merely a preponderance of weight but it is an overwhelming endorsement of this character of legislation. I regret that the present Attorney General opposes this measure, but we must do something.

The present program, which I support may be good as far as it goes but it is inadequate to meet the impending crisis of lawlessness in this country.

Mr. President, I urge a very decisive vote by the Senate in rejecting this amendment.

Mr. BREWSTER. Mr. President, will the Senator from Missouri yield to me?

Mr. LONG of Missouri. I yield whatever time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BREWSTER. Mr. President, once upon a time a man could retire into his home, free from prying eyes and ears, with distance between his neighbors. That time, unfortunately, is gone. Parabolic microphones, wiretaps, miniature transmitters, hovering cameras—all these have combined to make it almost impossible for a man to get away from a determined spy or eavesdropper.

Justice Brandeis had a simple definition of the right of privacy. He called it "the right to be left alone." Whatever we call that right, it is obvious that it is fast disappearing. We pay lipservice to it and yet dishonor it in practice. As we pile high in apartments, as electronic surveillance increases, as the tentacles of Government spread, big brother invades the precincts of our homes, audits our conversations, and looks more and more over our shoulder.

It is clear that time and wisdom were more on the side of Justice Brandeis who wrote in his dissenting opinion in the Olmstead case in 1928:

> Time works new changes, brings into existence new conditions and purposes . . . The progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping. Ways may some day be developed by which the Government without removing papers from secret drawers, can reproduce them in court . . . Can it be that the Constitution affords no protection against such invasions of privacy?

Perhaps we are not quite at the stage where we can reproduce documents without opening closed drawers, but the idea is not so farfetched as it may seem.

Since 1934 we have had legislation specifically prohibiting the interception and divulgence of telephone conversations. Yet we have seen to what great lengths Federal and State law enforcement officers have gone to violate that law. The Federal officers have justified their instrusions on the privacy of countless thousands of citizens by a most specious legal theory. For years now the Justice Department has argued that it is illegal only to intercept and divulge, and that so long as the Government does not use the wiretap evidence in open court there has been no divulgence. Forget about all the agents, clerks, typists, and messenger boys who have read the file. As long as it does not leave the building there has not been a divulgence.

Earlier I cited Justice Brandeis, who asked:

> Can it be that the Constitution affords no protection against such invasions of privacy?

I would answer the Justice, "No, it cannot be; the Constitution does protect our right of privacy," and this protection can be found in the fourth amendment.

The founders of our Nation established the protections of the fourth amendment because they had seen their homes subjected to unlimited searches and seizures and they wanted to insure that such unlimited searches and seizures and general warrants would never be repeated. Government officials were therefore to be allowed only specific warrants, particularly describing, in the words of the fourth amendment, the "place to be searched" and "the thing to be seized."

Wiretapping and electronic eavesdropping cannot, however, be so limited. Any authorization, even one based on a court order, would necessarily be general, rather than covered by a specific warrant limited to specific objects and places, for it would necessarily permit a general exploratory search for evidence in aid of prosecution. This is because such devices inevitably pick up all the conversations on the wire tapped or the room scrutinized. Thus, not only is the privacy of the telephone user invaded with respect to those calls relating to the offense for which the tap is installed, but, first, all his other calls are overheard, no matter how irrelevant, intimate, or otherwise privileged—such as conversations with his lawyer or doctor—and thus all persons who respond to his calls have their conversations overheard; second, all other persons who use his telephone are overheard, whether they be family, business associates, or visitors; and, third, all persons who call him, his family, his business associates or visitors, are overheard.

Wiretapping's broad sweep is even more apparent where public telephones are tapped. Of 3,588 telephones tapped by the New York police in the 1953–54 period, 1,617, almost half, were public telephones. The same holds true for taps on hotel switchboards, large companies, law firms. It is inevitable that in these cases only an infinitesimal number of the intercepted calls are made by the suspect or by anyone even remotely connected with him; yet the privacy of numerous other callers is invaded, many of whom may have resorted to a public telephone precisely in order to obtain a privacy not obtainable at their homes or businesses.

The record is so full of abuses that it is almost unbelievable. I suggest that my fellow Senators take a little time to browse through the multivolume hearing transcripts of the Subcommittee on Administrative Practice and Procedure, of which the distinguished Senator from Missouri is chairman. Keep in mind that all this tapping was done and is still being done at a time when the practice was and still is absolutely and unequivocally prohibited by statute.

Are we naive enough to think that "legalization" of this dirty business will result in fewer abuses. On the contrary, if we enact title III of S. 917 as it is presently drafted, I think we will be providing law enforcement officers with a license to do wholesale tapping and bugging. Title III is so full of dangerous loopholes that it could be characterized as a legal fishnet.

Rather than legalizing wiretapping and eavesdropping, we should be spending our time tightening up the provisions of the Communications Act, which have been on the books for 34 years now, but which have been more honored in the breach than in observance. We should be spending our time establishing criminal penalties for violators of that act and civil remedies for those whose privacy has been violated.

The right to privacy is indeed the most comprehensive of all rights. A society which cherishes liberty and human dignity cannot do without it; a society which seeks to abolish individual freedom cannot tolerate privacy. I have always thought that this was what distinguished us from the totalitarian governments, and yet I see us moving in that direction.

A client who talks to his lawyer in confidence is now often talking for the "record." The bug may be in a stapler on the desk, in the chandelier or in an inkwell, even in that ludicrous martini olive. The receiving set may be down the street a block or two.

The Government conference room may contain a two-way mirror; and everything said by a client to his lawyer may be audited.

The men dressed as telephone mechanics who drive up in a "telephone" truck may be Government men, placing a tap.

As one views the increasing intrusions into the various realms of privacy he is bound to agree that we are approaching what Orwell described in "1984":

> You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard.

We are not yet at this point, but the pattern of surveillance and conformity that possesses us marks a gravitation toward it. Electronics have made it easy to penetrate any sanctury and to break down the walls that have guarded people's confidences.

The climate of privacy envisioned by our Founders once allowed the genius of our people to flourish. I rebel against the loss of that climate.

Personally, I have grave reservations about title III. I am unequivocally opposed to wiretapping and eavesdropping as a general principle. I do not think that provision for a court-order system offers sufficient protection of our right of privacy. That right is much too precious to leave in the unrestrained hands of Federal, State, and local judges.

I would carve out one exception, however, and allow wiretapping and electronic eavesdropping in national security cases, for there the interests of the Nation, perhaps even its survival, overrides the individual's right of privacy. Even in cases of national security, I do not think we should give the Government an unrestricted power to tap or bug on mere suspicion. I think we should allow the Government to tap or bug only on authorization by a Federal court order. Here the Government would have to show probable cause and the court could impose proper limitations on the duration and scope of the tap, making it conform as clearly as possible to the "particularity" requirements of the fourth amendment.

I, for one, am not persuaded by the arguments of those in favor of legalized tapping and bugging. Proponents of title III say that tapping and bugging are necessary tools in the fight against organized crime. This is the "fight fire with fire" argument. Yet we find that the present Attorney General of the United States has stated in no uncertain terms that he could fight his war on organized crime, and win, without the use of wiretaps or electronic bugs. To support his statement the Attorney General pointed out that in 1966 the number of indictments under his organized crime program were 25 percent higher than any year in history. He added:

> The evidence used in securing these indictments was not developed in any way through the use of electronic surveillance.

These remarks were brought out in testimony before the Senate Subcommittee on Administrative Practice and Procedure on March 20, 1967.

Some proponents of greater use of wiretapping and electronic bugging believe that a slight loss of privacy is more than compensated for if we can convict the leaders of organized crime. I disagree. I believe we can truly have our cake and eat it too. I believe that we should strive to maximize both the public safety and individual privacy. What we should do is devote sufficient resources to developing our police departments to the point where they can secure the public safety from organized crime while at the same time protect our right to privacy. We need not give up our privacy to win the war on crime.

The concept of privacy, which is the most comprehensive right of a free man in a free society, is diminishing with each passing decade. This is not by reason of any deliberate malevolent policies on the part of our bureaucrats. It is largely, I think, owing to the ignorance and the indifference of a people so comfortably intent upon material well-being and security that they lose sight of the ancient wisdom of our Founding Fathers.

If we approve title III of the bill we are considering today, that "most comprehensive of rights and the right most valued by free men" is certain to be even more progressively diminished. Things will surely get worse as we tend to squander the heritage that has been left to us.

Five years from now we may be debating a bill which would remove the court-order restrictions of title III and leave the decision to tap or not solely to the discretion of law-enforcement officials. I suggest that the time to stop the ever-growing invasions of our privacy is now.

I ask unanimous consent to have a New York Times editorial and letter to the editor printed in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 3, 1968]

LEGISLATING PRIVACY

To the EDITOR:

We are concerned that your otherwise excellent story of April 29 on the report of the Association of the Bar of the City of New York relating to proposed wiretapping and eavesdropping legislation may be misconstrued as an endorsement by the association of more broadly permissive legislation than we in fact could support.

Our concern is accentuated by the fact that virtually simultaneously with publication of our report there came to the Senate floor the "Safe Streets" bill (S. 917) containing a major section on wiretapping and eavesdropping that is a substantially amended version of one of the bills (the "Blakey bill") considered by our report.

Many of the features of the original Blakey bill which were disapproved in our report have been retained and indeed made more objectionable in this amended version. As a result, this very complex part of S. 917 is a totally unacceptable dangerous legislative proposal.

Its passage would open the door to perhaps the most extensive legal wiretapping and eavesdropping seriously proposed to date, while eliminating many of the safeguards proposed not only in our report but in other legislative schemes which have been before Congress. There is considerable doubt whether the present bill meets the constitutional requirements set forth in recent Supreme Court decisions in this area.

While we therefore cannot support the proposed bill, we continue to believe that a bill should be drafted which will deal responsibly with the problem, and that the present chaotic condition should not be permitted to continue. We urge that the matter be referred back to committee with a view to drafting a much narrower bill, with far greater safeguards.

In the association's report, prepared by a joint subcommittee of the committees on Federal legislation and civil rights, we made detailed recommendations which in our view would meet the dual objectives of protecting the right of privacy and aiding the legitimate needs of law enforcement.

We emphasized there, and we reiterate here, that our recommendations, constitute a single package of proposed legislative controls, and that were any major element to be omitted, we would oppose the enactment of the remainder.

EASTMAN BIRKETT,
Chairman, Committee on Federal Legislation.
LOUIS A. CRACO,
Chairman, Committee on Civil Rights.
SHELDON H. ELSEN,
Chairman, Joint Subcommittee on Wiretapping and Eavesdropping.
NEW YORK, *May 1, 1968.*

[From the New York Times, May 3, 1968]

BALANCE ON BUGGING

Among the oddly assorted provisions of the Senate Judiciary Committee's misshapen crime-control bill is a section that would complicate the muddle over effective control of wirestapping and eavesdropping.

The Committee treats with a steam shovel a problem that demands an approach as sophisticated as today's electronic snooping devices, which make it possible to invade the privacy of communications almost anywhere. The "Big Brother" potentialities of these devices are so frightening that many civil libertarians favor a total ban on their use, but such a remedy would deprive law-enforcement officials of a weapon they need to fight organized crime.

The test for legislators, as the Supreme Court has made clear, is to draw up rules of reason that will provide maximum protection for individual liberties without disarming the police in their effort to safeguard society. Even though the Senators have given lip service to the criteria indicated by the Court, we feel the list of crimes for which they would permit bugging is too broad and the degree of judicial restraint too slight.

A much more satisfactory attempt at balance has been made by the Association of the Bar of the City of New York. Its committees on civil rights and on Federal legislation, which have long been at odds on this troublesome subject, have just reached agreement on control programs of remarkable comprehensiveness and sensitivity.

The recommendations are far too detailed for meaningful summary here, but they impress us as superior to any of the proposals put forward by the Administration of members of Congress for meeting the needs of law enforcement while avoiding wholesale trespass on private rights.

The Senate would be well advised to recommit the crime-control bill for consideration of the Bar Association's suggestions. The bill, as we have noted before, has so many other defects that sending it back to committee would be a good idea in any event.

The subjects with which it deals are too important to permit the bill to die, but it would be even worse to pass it in its present form.

Mr. MURPHY. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. MURPHY. Mr. President, I should like to associate myself with the views of the distinguished Senator from Arkansas. We are working now to devise a viable means for stopping crime and, at the same time, protect the constitutional rights of the individual, which include an unjust invasion of his privacy, from the people who, although quite properly, use all manner of gathering information against the criminal element.

One should not get the impression that crime, and particularly organized crime, is a new situation. Of course, it is not. I have known of it more intimately at times over a period of 35 years than I would care to say. It has become more brazen, more active, more effective, and more destructive to our society in late years because we have passed laws and the courts have handed down decisions that manage to restrain those charged with the protection of the peace and tranquillity of our communities and with the protection of all law-abiding citizens.

I do not believe we should jeopardize an individual's right to privacy when he is acting within the law. By the same token, we must not restrict unnecessarily the work of peace officers who have the duty of protecting the welfare of all the people. Therefore, I should like to ask my distinguished colleague from Arkansas if he would discuss one point with me, for a moment. There are now electronic devices available to the individual householder which he can buy and install to protect his home. One device I know of, in case of an illegal entry by a burglar, immediately notifies the police, records all sounds and voice patterns of those who are improperly in that house.

I should like to ask the Senator from Arkansas, will this device be permitted under title III as it now stands?

Mr. McCLELLAN. Yes. In the home, or in the apartment, on fair notice, such a device would be permitted. Then it would not be "surreptitious."

I also invite the attention of the Senator to pages 93 and 94 of report No. 1097, where he will find:

> Paragraph (2)(c) provides that it shall not be unlawful for a party to any wire or oral communication or a person given prior authority by a party to a communication to intercept such communication. It largely reflects existing law. Where one of the parties consents, it is not unlawful. (*Lopez* v. *United States*, 373 U.S. 427 (1963); *Rathbun* v. *United States*, 355 U.S. 107 (1957); *On Lee* v. *United States*, 343 U.S. 747 (1952)). Consent may be expressed or implied. Surveillance devices in banks or apartment houses for institutional or personal protection would be impliedly consented to. Retroactive authorization, however, would not be possible. (*Weiss* v. *United States*, 308 U.S. 321 (1939)) and "party" would mean the person actually participating in the communication. (*United States* v. *Pasha*, 332 Fed. 193 (7th), *cert. denied*, 379 U.S. 839 (1964)).

This would take care of the average man's consent. And if a burglar broke into a house and his voice is recorded, he took that risk when he broke in there. He has no reasonable expectation of privacy.

Mr. MURPHY. Mr. President, I thank the Senator. I was aware of the language in the report stating that, "Surveillance devices in banks or apartment houses for institutional or personal protection would be impliedly consented to" and therefore lawful. However, my reading of the actual language of the bill made me believe that the manufacture or use of such equipment might be considered unlawful. I refer specifically to section 2510(2) defining "oral communication," section 2510(5), defining "electronic, mechanical or other device," section 2511 (1), designating unlawful types of interception and disclosure of oral and wire communications, section 2512(b) which explains unlawful manufacture and sale of intercepting devices, and section 2510 (4), which defines the term "intercept."

It occurred to me that the type of device of which we have been speaking might be termed illegal from the actual language of these sections.

I appreciate the Senator's attention to this matter. He has greatly clarified the committee's intent.

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes remain.

Mr. McCLELLAN. I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Mr. TYDINGS. Mr. President, I hope that the motion of the Senator from Missouri fails and that title III is adopted by the Senate.

The President's Commission on Law Enforcement and the Administration of Justice was composed of outstanding criminologists, sociologists, and lawyers. It completed its report on July 23, 1967. The committee was not an inexperienced body. Nine of its 19 members had personal experience with law enforcement and with electronic devices in State and local communities. Those of us interested in crime, in the courts, and in the administration of justice, have relied on the recommendations and advice of this group.

They stated that the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear on the higher echelons of organized crime will not be obtained unless electronic devices are used. That is my judgment also.

It is also the judgment of the Judicial Conference of the United States, headed by the Chief Justice of the U.S. Supreme Court, who make policy for the administration of the Federal judicial system, and who endorsed limited, court approved, electronic surveillance.

The National Council on Crime Delinquency, a private and nonprofit organization concerned with the improvement of criminal justice, has also endorsed it.

I cannot accept the argument of those who say that rigidly controlled electronic surveillance, under court order, as prescribed by this bill, would lead to indiscriminate eavesdropping. All our experience has been to the contrary. For two decades, the office of the District Attorney of New York County, from 1940 to 1959, conducted electronic surveillance in criminal investigations; and during that time, over 343,000 investigations were made, and in only 219 of the 343,000 cases were wiretaps used.

After 1958, the average of court orders has been 75 court requests for wiretaps and 19 bugs per year. Seventy-five wiretaps and 19 bugs with 8 million people in New York County, possessing 5 million telephones.

The actual use of electronic surveillance requires a team of expert personnel. The initial experts to install the equipment, the detectives required for physical surveillance, and those who maintain the equipment and listen in to make certain that proper use is made of the information. Thus, it is not an easy task.

If we really want to do something about the problem of organized crime in this country, and I think it is very serious, as I have pointed out, as others have—when $10 billion in profits are realized, as Mr. Lansky said it was bigger than United States Steel, and one political scientist was heard to suggest that some 15 percent of contributions to political activities originate from the organizations of the Mafia and Cosa Nostra—this badly needed legislation should be quickly enacted into law. I hope that the motion of the Senator from Missouri fails.

Mr. TOWER. Mr. President, I rise today in support of title III of S. 917, the crime control bill. During the past few weeks we have talked at length about the rapidly rising rate of crime and have cited many statistics which reveal the worsening condition of our Nation's cities and rural areas. I believe that we are all agreed that crime must be suppressed in this country in order that the safety of our citizens will not be in doubt.

There has been much discussion of the tools which must be made available to this Nation's law-enforcement agencies to enable them to effectively combat crime. It is the opinion of many that the police and other law enforcement officials at the present time do not have adequate means of fighting organized crime.

This section of the crime control bill would, under a closely supervised system, allow competent law enforcement officers to employ wiretapping in cases dealing with national security and in court-approved matters. This is not by any stretch of the imagination an invitation for the police to start tapping the phone of everyone in the country. In fact, wiretapping is specifically forbidden except under these specially controlled circumstances.

Wiretapping can be an effective device in the fight against organized crime, and we must make it available to our crime-control agencies if we are to truly deter crime. All our talking against crime is not going to materially improve the situation, and neither is the expenditure of vast sums of money if we are to continue to tie the hands of our law-enforcement agencies in such vital areas. We must take the offensive against the criminal elements in our society who are daily destroying everything our Nation is trying to build.

For example, it has been estimated that every week organized crime takes more out of the poor communities in this Nation through the numbers racket than the Federal Government will spend there in a year. If we could seriously hamper this operation, there would be more money left in the hands of the poor and consequently less poverty. Of all the things that we can possibly do to further the fight against poverty, a serious assault on organized crime would be one of the greatest steps forward.

However, in order to make this assault, we must have the necessary tools to carry it out. We must allow wiretapping under these closely supervised procedures in order that the assault against the mob may begin in earnest.

Mr. President, some argue that this section of S. 917 would be an invasion of the privacy of every American. Such an argument is contrary to the facts of the matter. The main thrust of title III embodies the decisions of the U.S. Supreme Court in the Berger and Katz cases on this matter. The process through which any law enforcement agent must go through in order to obtain permission to use electronic surveillance devices will prohibit the misuse of this process. I certainly would not favor this proposal were such not the case.

In conclusion, Mr. President, I would like to again emphasize the seriousness of the present situation. Much of the treasures of our land are being destroyed by this cancer called crime. Only by challenging this problem head on shall we be able to effectively suppress it. I therefore urge my colleagues to provide the tools which are necessary in the fight against crime and to support the fine work of the Judiciary Committee in this matter.

Mr. McCLELLAN. Mr. President, I yield the remainder of my time to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, reference has been made to the suggestion that wiretapping should be limited to instances involving only our national interest or national security. May I, as a layman who has little or no knowledge of the law, state my feelings on this subject, because I think we have to take cognizance of the attitude of the people of the Nation as a whole.

I would point out that we are affected by a question of domestic security and well-being, as well as national security as it applies in the field of foreign affairs. There has been a decided increase in crime in recent years, and this trend is continuing. There has been a decrease in effective law enforcement, and this trend downward is continuing. We as a people have shrugged off this phenomenon, which seems to have become normal in our life. We have ignored victims and walked away from them. We have avoided the prosecution of criminals. We have shirked our responsibilities, underpaid our policemen, overworked them, treated them disrespectfully, and helped break down respect among and between the people of this Nation—and I include all groups. We are now paying the piper, and I think the American people expect Congress to do something to rectify a situation which could rapidly get out of hand.

The PRESIDING OFFICER. The time of the Senator has expired. All remaining time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Missouri [Mr. LONG] to strike title III. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LAUSCHE. Mr. President, on this issue I have a pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. McCARthy], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Alaska [Mr. Gruening], and the Senator from New York [Mr. Kennedy] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. Smathers] would vote "nay."

On this vote, the Senator from Connecticut [Mr. Dodd] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. Javits] and the Senator from Idaho [Mr. Jordan] are absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

If present and voting, the Senator from New York [Mr. Javits], the Senator from Idaho [Mr. Jordan,] and the Senator from California [Mr. Kuchel] would each vote "nay."

The result was announced—yeas 12, nays 68, as follows:

[No. 153 Leg.]

YEAS—12

Brewster
Burdick
Case
Cooper
Fong
Hart
Kennedy, Mass.
Long, Mo.
Metcalf
Ribicoff
Yarborough
Young, Ohio

NAYS—68

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Clark
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Monroney
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Lausche, against.

NOT VOTING—19

Bartlett
Church
Dodd
Gruening
Harris
Hartke
Hollings
Javits
Jordan, Idaho
Kennedy, N.Y.
Kuchel
Long, La.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers

So the amendment of Mr. Long of Missouri was rejected.

Mr. LONG of Missouri. Mr. President, I deeply regret that I and my colleagues who oppose electronic eavesdropping have been unable to persuade a majority of the Senate of the correctness of our views. However, we have been unable to persuade the Senate, and further rollcall votes would be futile.

Equally, only a few of my colleagues have listened to the views of the Department of Justice. However, so that the record may be clear on our position and that of the Department of Justice, I ask unanimous consent to have printed at this point in the Record the various amendments which have been proposed to S. 917 and the brief comments of the Department of Justice thereon.

There being no objection, the proposed amendments and comments were ordered to be printed in the Record, as follows:

Amendment No. 716

Strike all of title III and substitute S. 928 in lieu thereof.

DEPARTMENT OF JUSTICE COMMENT

(Long, Hart)

Purpose: Substitute S. 928 for Title III.

Discussion: S. 928 is the "The Right of Privacy Act" proposed by President Johnson in February 1967. It bans *all* wiretapping and eavesdropping, whether by private persons or law enforcement officers, except in cases involving the national security. It also bans the manufacture, distribution, and advertising of wiretapping and eavesdropping devices.

Recommendation: The Amendment should be accepted.

Amendment No. 717

Section 801, title III, is amended as follows:

"(a) Insert a new paragraph (a) as follows:

"'(a) The Constitution of the United States guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures.'"

DEPARTMENT OF JUSTICE COMMENT

(Long, Hart)

Purpose: Amend the findings of Title III to place Congress on record as endorsing the right of privacy as a constitutional right.

Discussion: Although the Constitution does not specifically mention the right of privacy, recent decisions of the Supreme Court have drawn on several provisions of the Bill of Rights, including the First, Fourth, and Fifth Amendments, to fashion a right of privacy. See *Griswold* v. *Connecticut, Berger* v. *New York, Katz* v. *United States.* The present amendment is not controversial.

Recommendation: The amendment should be accepted.

Amendment No. 718

Subparagraph (5)(a)(ii) of section 2510, title III, is amended as follows:

"Strike all of the language on lines 20, 21, and 22 on page 51 following the word "business" on line 20 on page 51, and insert after the word "business" a period."

DEPARTMENT OF JUSTICE COMMENT

(Long, Hart)

Purpose: Delete the exemption from the court order requirement for law enforcement officers using wiretapping and eavesdropping devices in the ordinary course of their duties.

Discussion: The present definition of wiretapping and eavesdropping devices in Section 2518(5)(a) excludes devices used by law enforcement officers in the ordinary course of their duties. The purpose of this exemption is unclear. It was probably included in order to permit law enforcement officers to use such devices under the court order provisions, and to make certain that devices used by law enforcement officers would not be subject to the prohibitions on manufacture, distribution, or possession of such devices. It is clear, however, that the court order provisions and prohibitions on manufacture, distribution and possession contain specific exemptions for law enforcement officers. Thus, there is no need for the exemption in the definition of wiretapping and eavesdropping devices. The present exemption is likely to cause confusion, and may be read as allowing the *illegal* use of such devices by law enforcement officers, so long as they are otherwise acting in the ordinary course of their duties.

Recommendation: The amendment should be accepted.

Amendment No. 719

(a) Section 2516 of title III is amended as follows: By striking all of paragraph (2) thereof.

(b) Paragraph (7) of section 2510, title III, is amended as follows: By striking all of the language on lines 8 and 9 of page 52 immediately following the word "States" on line 8 of page 52 and ending with the comma immediately preceding the word "who" on line 9 of page 52.

(c) Paragraph (9) of section 2510, title III, is amended as follows: By changing the semicolon following the word "appeals" on line 21 of page 52 to a period; and by striking the word "and" at the end of line 21 of page 52; and by striking all of lines 22 through 25, inclusive, of page 52.

(d) Paragraph (2)(b) of section 2512, title III, is amended as follows: By striking the words "a State" and the comma which follows the word "State" on line 19 of page 58, and by striking all of the language on lines 21 and 22 of page 58 beginning after the words "United States" on line 21 of page 58 and ending immediately preceding the word "to" on line 22 of page 58, including the striking of the comma immediately following the word "thereof" on line 22 of page 58.

DEPARTMENT OF JUSTICE COMMENT

(Long, Hart)

The amendment would prohibit the use of wiretapping and eavesdropping by State and local law enforcement officers, but would retain the provisions of Title III authorizing such activities by Federal law enforcement officers. The amendment should be accepted.

Amendment No. 720

Paragraph (11) of section 2510, title III, is amended as follows:

"Insert after the word 'to' and before the word 'any' on line 6 on page 53 the words 'or who was the subject of'."

DEPARTMENT OF JUSTICE COMMENT

(Long, Hart)

Purpose: Allow any person who was the subject of an intercepted conversation to challenge the legality of the interception.

Discussion: Under the present version of Title III, only the persons who are actually parties to such conversations or the persons against whom the interception was directed are given standing to challenge the legality of the interception. Title III thus encourages *illegal* wiretapping and eavesdropping, in circumstances where the evidence sought is not intended to be used against the parties to the conversation. See also Amendment No. 758.

Recommendation: The amendment should be accepted.

Amendment No. 721

Subparagraph (2)(a) of section 2511, title III, is amended as follows:

"Delete all of the language on lines 11 through 16, inclusive, on page 55, following the word 'service' on line 11 of page 55."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights, and would also delete the provision prohibiting service-observing and random-monitoring by communications common carriers. See Amendment 722. The former provision opens substantial loopholes for wiretapping and eavesdropping by employees of such carriers. The scope of the latter provision is unclear, and appears to be too vague for a criminal statute. The amendment should be accepted.

AMENDMENT No. 722

Subparagraph (2)(a) of section 2511, title III, is amended as follows:

"Strike all of the language following the word 'service' on line 11 on page 55 through and including the word 'communication' on line 13 on page 55."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights. See Amendment No. 721. The present version of Title III contains a substantial loophole for wiretapping and eavesdropping by employees of such carriers. The amendment should be accepted.

AMENDMENT No. 723

Subparagraph (2)(b) of section 2511, title III, is amended as follows:

"Insert after the word 'obtained' on line 24 of page 55 the language 'for the purpose of enforcing this chapter, or other related statutes.'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would limit the exemption for the use of wiretapping and eavesdropping by employees of the Federal Communications Commission to activities related to the enforcement of the prohibitions of Title III and related statutes. The amendment should be accepted.

AMENDMENT No. 724

Paragraph (3) of section 2511, title III, is amended as follows:

"By striking lines 13 through 19, inclusive, of page 56, beginning after the word 'activities' on line 13 of page 56, and ending with the word 'Government' on line 19 of page 56."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Restrict the national security exception in Title III to *foreign* threats to the national security.

Discussion: The present version of Title III contains a broad exception authorizing the President to use wiretapping and eavesdropping in cases involving both foreign and domestic threats to the national security. The concept of a *domestic* threat to the national security is vague and undefined. Use of electronic surveillance in such cases may be easily abused.

Recommendation: The amendment should be accepted.

AMENDMENT No. 725

Paragraph (3) of section 2511, title III, is amended as follows:

"Insert after the word 'may' on line 21 on page 56 and before the word 'be' on line 21 of page 56 the word 'not' and to strike all of the language on lines 22, 23, and 24 on page 56 following the word 'proceeding' on line 22 on page 56."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would prohibit the use in evidence of communications intercepted in the exercise of the national security power. A similar provision is contained in S. 928. See Amendment No. 762. The amendment should be accepted.

AMENDMENT No. 726

Title III is amended by striking all of section 2516 and substituting in lieu thereof the following language:

"The Attorney General may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation when such interception may provide or has provided evidence of a violation of the following sections of title 18, United States Code: Section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (presidential assassinations, kidnaping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), or sections 2313 and 2314 (interstate transportation of stolen property), or any offense which involves murder, kidnaping, robbery, or extortion, or any conspiracy to commit any of the foregoing offenses."

DEPARTMENT OF JUSTICE COMMENT

The amendment would prohibit wiretapping and eavesdropping by State officers and would allow Federal wiretapping and eavesdropping to be carried out only by the FBI. It would also narrowly limit the Federal offenses for which warrants could be obtained. The amendment should be accepted.

AMENDMENT No. 727

Section 2517, title III, is amended by adding a new paragraph (b) as follows:

"(b) Under no circumstances whatsoever shall any person knowingly prepare or possess any written report or make any oral report to any other person which contains any information whatsoever obtained through the interception of wire or oral communications pursuant to this title or in violation thereof without identifying or disclosing that such information was so obtained."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require written or oral reports containing information obtained by electronic surveillance to identify the fact that the information was obtained by such surveillance. The amendment should be accepted.

AMENDMENT No. 728

(a) Subparagraph (1)(b) of section 2518, title III, is amended as follows: Delete the comma after the word "been" on line 19 on page 66 and to insert in lieu thereof the word "or" and to strike all of the language on line 20 on page 66 preceding subparagraph (ii).

(b) Subparagraph (3)(a) of section 2518, title III, is amended as follows: Delete the comma after the word "committing" on line 10 on page 68 and insert in lieu thereof the word "or" and to strike all of the language on lines 10 and 11 on page 68 following the word "committed" on line 10 on page 68 and immediately preceding the article "a" on line 11 on page 68.

(c) Subparagraph (3)(d) of section 2519, title III, is amended as follows: Strike the comma after the word "used" on line 21 on page 68 and to strike all of the language on lines 21 and 22 on page 68 following the word "used" on line 21 on page 68 to and inclusive of the word "used" on line 22 on page 68 including the comma following the deleted word "used" on line 22 of page 68.

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would prohibit the use of electronic surveillance in connection with offenses "about to be committed." The present version of title III authorizes a warrant to be issued in connection with an offense that "has been, is being, or is about to be committed." The concept of an offense that is "about to be committed" is extremely vague, and is likely to be abused in the issuance of warrants. The amendment should be accepted.

AMENDMENT No. 729

Paragraph (5) of section 2518, title III, is amended as follows:

"Strike the word 'thirty' on line 22 of page 69, on line 4 of page 70, and on line 10 of page 70, and to substitute in lieu thereof the word 'fifteen'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: The amendment would limit the period of surveillance under court orders to a maximum of 15 days. See also Amendment No. 777, which would limit the period to 7 days.

Discussion: The present version of Title III allows warrants for wiretapping and eavesdropping to be issued for periods up to 30 days in length. Section 2510(5). A serious constitutional objection may be raised against this provision. In *Berger* v. *New York*, the Supreme Court held invalid a New York statute authorizing the issuance of surveillance orders for two-month periods. The Court sharply critized the length of the New York period on three separate grounds. First, authorization of electronic surveillance for the long period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause. Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants. Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation.

Nothing in *Katz* v. *United States* supports the lengthy surveillance order permitted under Title III. The surveillance in *Katz* was extremely precise and discriminate, involving the recording by FBI agents of the subject's conversations from a public telephone booth, averaging about 3 minutes each day over a 7-day period. In *Katz*, therefore, a surveillance order could have been issued pinpointing the conversations to be seized within minutes of their occurrence.

Possibly, the Supreme Court may limit the use of electronic surveillance to situations involving the sort of narrow circumstances present in *Katz*. At the very least, however, *Berger* and *Katz* strongly suggest that the period of surveillance must be brief. Even under a generous reading of the Court's decisions, 7 or possibly 15 or 20 days would probably represent the outer limit for a constitutional statutory period. The New York State legislature has recently approved a bill authorizing warrants to be issued for periods up to 20 days.

Recommendation: The amendment should be accepted.

Amendment No. 730

Paragraph (7) of section 2518, title III, is amended as follows:

"Insert after the word 'application' on line 19 of page 71 the words 'or upon any person whose communications were intercepted or upon any person who was the subject of such intercepted communications'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require notice to be served on any person whose conversations were intercepted under the emergency surveillance provision. The present version of Title III requires such notice to be served only on the persons named in the court order. The amendment should be accepted, but should probably be amended to require such notice to be served on all parties to intercepted conversations, whether or not the interception was carried out under the emergency surveillance provision.

Amendment No. 731

Section 2518 of title III is amended as follows:

"Strike all of paragraph (7) thereof."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the emergency surveillance provision. See Amendments No. 742 and 752. The present version of Title III contains a provision authorizing law enforcement officers to engage in wiretapping or eavesdropping without court orders in emergency situations, provided they apply for such an order within 48 hours. The emergency surveillance offers a broad loophole for illegal surveillance. It encourages law enforcement officers to make use of the emergency provision, and to seek a court order only if the surveillance uncovers something useful. The amendment should be accepted.

Amendment No. 732

Subparagraph (8)(d) of section 2518, title III, is amended as follows:

"Strike the word 'ninety' on line 24 of page 72 and insert in lieu thereof the word 'thirty'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require notice of electronic surveillance to be served within 30 days after the termination of the surveillance. The present version of title III requires such notice to be served within 90 days. The amendment should be accepted.

Amendment No. 733

Subparagraph (8)(a) of section 2518, title III, is amended as follows:

"Between lines 12 and 13 of page 73 add the following: 'After the service of the inventory such person may make a motion before such judge and the judge may order disclosed the applications and orders and may make available to such person or his counsel for inspection such portions of the intercepted communication as the judge determines to be in the interest of justice.' "

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would authorize the issuing judge to disclose applications for court orders, the court orders themselves, and the communications intercepted under the orders, provided that the judge determines that the disclosure is in the interest of justice. The disclosure would be made only to persons named in the court order. See Amendment No. 755. The present version of title III is silent on these points. The amendment should be accepted.

Amendment No. 734

Subparagraph (8)(d) of section 2518, title III, is amended as follows:

"Strike lines 13, 14, and 15 on page 73."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision authorizing a judge to postpone the service of notice of electronic surveillance. The present version of Title III authorizes such notice to be postponed indefinitely. The amendment should be accepted, but should probably be amended to permit notice to be postponed for a period up to six months, where the judge determines that prior notice would substantially interfere with a pending investigation.

Amendment No. 735

Subparagraph (10)(a) of section 2518, title III, is amended as follows:

"(a) Strike the word 'or' at the end of line 12 on page 74.

"(b) Change the period to a semicolon at the end of line 14 on page 74 and add thereafter the word 'or'.

"(c) Add the following new subparagraph (iv) to read as follows:

" '(iv) That he was not the subject of such application, authorization, or extension thereof.' "

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would permit intercepted communications to be used in evidence only against the persons named in the court order, not against other persons. The amendment is designed to limit the scope of electronic surveillance, but it accomplishes this purpose in an artificial manner. So long as a court order is validly obtained, evidence obtained under the order should be admissible against any person not merely against the person named in the order. The most appropriate method to limit electronic surveillance is through narrowly drawn requirements of probable cause and careful selection of the offenses for whose investigation such orders may be issued. The amendment should be rejected.

Amendment No. 736

Section 2520, title III, is amended as follows:

"Insert after the word 'chapter' on line 9 of page 78 the following language: 'or who is the subject of a wire or oral communication intercepted, disclosed, or used in violation of this chapter'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would extend the civil remedy provisions of Title III for the benefit of persons who were the subjects of illegally intercepted communications. The present provision of Title III applies only for the benefit of those persons whose conversations were intercepted. The amendment should be accepted.

Amendment No. 737

Amend title III of S. 917 as follows:

"Strike all of title III."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete Title III. The amendment should be accepted.

Amendments No. 742

On page 62, lines 1 and 2, delete the words, "or approving".

On page 62, line 6, delete the words, "or has provided evidence".

On page 63, lines 21 and 25, delete the words, "or approving".

On page 64, line 4, delete the words, "or has provided".

On page 65, line 19, delete the words, "or approval".

On page 65, lines 23 and 24, delete the words, "or approved".

On page 66, lines 7 and 8, delete the words "or approving".

On page 67, lines 18 and 19, delete the words, "or for approval of interceptions of".

On page 68, lines 4 and 5, delete the words, "or approving".

On page 69, line 1, delete the words, "or approving".

On page 69, line 19, delete the words, "or approve".

On page 70, beginning with line 18, strike out through line 19 on page 71.

On page 72, line 25 and page 73, line 1, delete the words, "filing of an application for an order of approval under section 2518 (7)(b) which is denied or the".

On page 73, line 4, delete the words, "or the application".

On page 73, lines 6 and 7, delete the words, "or the application".

On page 73, lines 9 and 10, delete the words, "approved or disapproved" and "or the denial of the application".

On page 73, lines 22 and 23, delete the words, "or approved".

On page 74, lines 11 and 14, delete the words, "or approval".

On page 75, lines 6 and 7, delete the words, "or the denial of an application for an order of approval".

On page 75, lines 8 and 9, delete the words, "or other official" and "or denying such application".

On page 75, lines 15 and 16, delete the words, "or the denial of an order approving an interception".

On page 75, line 17, delete the words, "or denying".

On page 77, lines 22, delete the words, "or approving".

On page 78, lines 20 and 21, delete the words, "or on the provisions of section 2518 (7) of this chapter".

Subsections (8), (9), and (10) of section 2518 shall be redesignated subsections (7), (8), and (9).

(BROOKE)

The amendment would delete the emergency surveillance provision. See Amendments No. 731 and 752. The amendment should be accepted.

Amendments No. 747

Intended to be proposed by Mr. FONG (for himself, Mr. HART, and Mr. LONG of Missouri) to S. 917, viz:

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including, but not limited to, gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

On page 51, beginning with line 3, strike out all through line 6.

On page 52, line 8, beginning with the first "or", strike out all through the comma on line 9.

On page 58, line 19, beginning with the second comma, strike out all through the comma on line 20.

On page 61, line 17, strike out the following: "a State, or a political subdivision thereof".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, line 20, beginning with "or", strike out all through "State" on line 22.

On page 76, line 12, beginning with "or", strike out all through the comma on line 14.

On page 62, line 3, beginning with the comma, strike out all through the comma on line 5.

On page 52, beginning with line 20, strike out all through line 25 and insert in lieu thereof the following:

"(a) the chief judge of a United States district court or such judge as he may designate, or the chief judge of a United States court of appeals or such judge as he may designate;".

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of the enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses), shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications), shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year.

"SEC. 805. (a) Within three years after the date of this Act, there shall be established a National Commission on Electronic Surveillance.

"(b) The Commission shall be composed of—

"(1) three Members of the Senate appointed by the President of the Senate,

"(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,

"(3) three members appointed by the President of the United States, one of whom shall be the Attorney General of the United States, whom he shall designate as Chairman, and

"(4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.

"At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

"Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

"Seven members shall constitute a quorum, but a lesser number may conduct hearings.

"(c) The Commission shall make a full and complete review and study of the operation of the provisions of this title, for the purpose of recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice, and the right of privacy.

"(d)(1) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A member of the Commission from private life shall receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(e)(1) The Director of the Commission shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Director shall serve as the Commission's reporter and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

"(3) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) The Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(f)(1) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Electronic Surveillance (hereinafter referred to as the 'Advisory Committee'), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, businessmen, and persons from other segments of life in the United States competent to provide advice for the Commission.

"(2) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

"(g) The Commission is authorized to request from any department, agency, or independent instrumentality of the Federal Government or any State or local government any information and assistance it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within five years after the date of this Act, and shall submit its final report within six years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

"(i) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(j) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed a total of $500,000, as may be necessary to carry out the provisions of this section."

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

This amendment contains seven separate provisions. It would:

1. Limit the use of electronic surveillance to cases involving organized crime.
2. Ban wiretapping and eavesdropping by State officers. See Amendments No. 719 and 726.
3. Limit the use of Federal wiretapping and eavesdropping to FBI officers. See Amendment No. 726.
4. Limit the Federal judges who may issue surveillance warrants to the chief judge of a district court, the chief judge of a court of appeals, or such judges as they may designate.
5. Limit the maximum period for which a surveillance warrant may be issued to 7 days. See Amendment No. 729.
6. Terminate Title III at the end of 5 years.
7. Establish a National Commission on Electronic Surveillance to study the operation of Title III.

The amendment should be accepted.

ADMENDMENT NO. 750

Page 68, line 24: Insert the following new subsection after subsection (3):

"(4) No order shall be issued under this chapter if the facilities from which, or the place where, an oral communication is to be intercepted are being used primarily for habitation by a husband and wife."

Redesignate subsections (4)-(10) as (5)-(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit the use of bugs (but not wiretaps) in homes.

Discussion: Title III draws no distinction between homes and other places with respect to wiretapping and eavesdropping. Homes should not be completely immunized, since there is a strong possibility that they may be used for illegal activities. The amendment would permit wiretaps on home telephones, but would prohibit the installation of bugs in homes. The use of bugs presents a far more serious threat to privacy and the sanctity of the home than the use of wiretaps. Until we know more about the needs of law enforcement and the usefulness of bugging, bugs in homes should be banned.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 751

Page 70, line 4, after "days" add the following: "and no order and extensions thereof shall be issued for a total period longer than ninety days, and no series of orders naming the same individual shall be issued for a total period longer than ninety days in a calendar year."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit the maximum period of a warrant plus extensions to 90 days. Limit surveillance of any individual named in a warrant to 90 days in any calendar year.

Discussion: Title III authorizes orders for wiretapping and eavesdropping to be issued for periods of up to 30 days in length, with unlimited extensions for additional 30-day periods. The present amendment would place an absolute limit of 90 days on the total period of surveillance. Three 30-day surveillance periods, or their equivalent, is a generous dividing line between legitimate investigation of specific offenses and unconstitutional general intelligence-gathering. The final clause of the amendment prevents evasion of the limitation by prohibiting the use of separate orders naming the same person and over a period totaling more than 90 days in any calendar year.

Recommendation: The amendment should be accepted.

AMENDMENT No. 752

Page 70, line 24, after "exists" insert the following: "that involves a threat of immediate danger to life and".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit the emergency surveillance provision to situations involving a threat of immediate danger to life.

Discussion: The provisions of Title III, which authorize emergency wiretapping and eavesdropping with judicial warrants, contain a broad loophole inviting serious evasion of the other safeguards of the title. The amendment would prohibit emergency surveillance except in cases of immediate danger to life, such as investigations involving kidnapping, threats to murder, attempts to apprehend dangerous felons, etc. In other cases, a prior court order would have to be obtained before communications could be intercepted.

Recommendation: The amendment should be accepted.

AMENDMENT No. 753

Page 72, line 1, amend the phrase "Immediately upon the expiration" to read as follows: "As soon as practicable, and in any event no later than immediately after the expiration".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require recordings to be sealed with the issuing judge as soon as practicable during an interception.

Discussion: Section 2518(8)(a) of Title III requires recordings of intercepted communications to be sealed with the issuing judge only after the period of surveillance has ended, regardless of the length of the surveillance period or the number of extensions of the original period that have been granted. The present amendment would require such recordings to be sealed with the judge as soon as practicable during the investigation. In this manner the recordings will receive increased protection from alteration.

Recommendation: The amendment should be accepted.

AMENDMENT No. 754

Page 73, line 4, after "application," insert "and such other parties to intercepted communications as the judge may determine in his discretion and the interest of justice,".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Authorize a judge in his discretion to require notice of a surveillance to all parties whose conversations were intercepted.

Discussion: Title III requires notice of wiretapping or eavesdropping to be served only on the persons named in the court order. The communications of many other persons, innocent or otherwise, may also be intercepted. The amendment would give the judge who issued the order discretion to require notice to be served on other parties to intercepted communications, even though such parties are not specifically named in the court order. The *Berger* and *Katz* decisions established that notice *must* be served on *all* parties to intercepted communications. Since legitimate interests of privacy may make such notice to all parties undesirable, the amendment leaves the final determination to the judge.

Recommendation: The amendment should be accepted.

AMENDMENT No. 755

Page 73, line 15, at the end of paragraph (d), add the following sentence: "The judge may, in his discretion and the interest of justice, require that the contents of intercepted wire or oral communications shall be disclosed to the parties to the communications.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Authorize a judge in his discretion to disclose the contents of intercepted conversations to the parties to the conversations.

Discussion: Title III merely requires notice to a person named in a court order that his communications were intercepted. The present amendment would allow the judge, in his discretion and the interest of justice, disclose the contents of the intercepted communications to such person, as well as to the other parties to the communication. It is intended that, in exercising his discretion, the judge shall take into account the legitimate privacy interests of the parties in the nondisclosure of their communications.

Recommendation: The amendment should be accepted.

AMENDMENT No. 756

On page 52, line 13, insert the following: After "offenses," add: "but shall not include any legislative or judicial officer".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit use of wiretapping and eavesdropping by legislative and judicial officers.

Discussion: Title III authorizes legislative investigating committees and probation and parole officers to engage in wiretapping and eavesdropping. The amendment would restrict the use of such techniques to officers of the Executive Branch of Federal, State, and local governments. By the operation of Section 2517, the amendment would also prohibit the disclosure of intercepted communications to executive committees.

Recommendation: The amendment should be accepted.

AMENDMENT No. 757

Page 52, lines 22–25, delete paragraph (b).

Page 61, line 24, delete the word "Federal."

Page 63, line 20, delete the words "State court".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require State officers to obtain warrants only from Federal judges.

Discussion: Although Title III places narrow restrictions on the Federal judges who may issue surveillance warrants, the title is essentially open-ended with respect to the State judges authorized to issue such warrants. The amendment would allow wiretapping and eavesdropping by State officers, but would require them to go through a Federal court. Reliance on 50 separate judicial systems would make it extremely difficult to achieve uniform standards. Title III in its present form encourages judge-shopping in the State courts, since applicants for warrants will undoubtedly go to the judge who is most sympathetic to such applications. Wholesale intrusions on privacy are likely to result.

Recommendation: The amendment should be accepted.

AMENDMENT No. 758

On page 53, line 7, add the following at end thereof: "or a person against whom the communication, or evidence derived therefrom, is sought to be used.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Give standing to challenge a warrant to any person against whom an intercepted communication is sought to be introduced in evidence.

Discussion: Section 2510(11) of Title III gives standing to challenge a surveillance order to any person who was either (1) a party to an intercepted communication, or (2) the person against whom the interception was directed. Title III is thus likely to encourage *illegal* electronic surveillance in cases where the parties to a communication are not the real objects of the surveillance. For example, Title III will encourage illegal surveillance of petty hoodlums by law enforcement officers to gain intelligence against their bosses, secure in the knowledge that their illegal activities cannot be challenged in court. The proposed amendment gives standing to challenge a surveillance order to any person against whom an intercepted communication is sought to be introduced in evidence.

Recommendation: The amendment should be accepted.

AMENDMENT No. 759

On page 55, line 10, after the word "employment" insert the following: ", pursuant to such regulations as the Federal Communications Commission shall promulgate,".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Place the activities of switchboard operators and communications employees under regulations of the Federal Communications Commission.

Discussion: The present version of Title III offers a wide loophole for invasion of privacy by switchboard operators and employees of communications common carriers. The present amendment would place such activities under the control of the Federal Communications Commission.

Recommendation: The amendment should be accepted.

AMENDMENT No. 760

On page 56, lines 1–4, amend paragraph (c) to read as follows:

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where at least one of the parties to the communication has consented to the interception."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Ban consensual wiretapping or eavesdropping, except by persons acting under color of law.

Discussion: Although Title III contains broad prohibitions against all non-consensual ("third party") interceptions of wire or oral communications — i.e. interceptions without the consent of at least one of the parties to the conversation—and places strict controls on the use of such interceptions by law enforcement officers, it is totally permissive with respect to the surreptitious monitoring of a conversation by one of the parties to the conversion without the consent of the other parties. Such consensual wiretapping and eavesdropping by private persons is a wide-spread and insidious practice in our society, and constitutes a serious invasion of privacy. The proposed amendment would expand the prohibitions of Title III to include such consensual eavesdropping by private persons. It would not be applicable to the activities of law enforcement officers, or of private persons acting in cooperation with law enforcement officers. The amendment thus interferes in no way with the legitimate needs of law enforcement. At the same time, it accomplishes a significant protection of the right of privacy.

Recommendation: The amendment should be accepted.

AMENDMENT No. 761

Page 56, lines 1–4, amend paragraph (c) by adding the following at the end thereof: "*Provided, however*, That this exception shall not apply where such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or for the purpose of committing any other injurious act.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Ban consensual wiretapping and eavesdropping by private persons acting with wrongful intent.

Discussion: There are a limited number of situations in which private persons placed in compromising circumstances may legitimately desire to surreptitiously record the statements of other parties to the conversation. The present amendment is designed to prohibit the flagrant abuses that now exist with respect to the practice of consensual wiretapping and eavesdropping, but at the same time to allow private persons to use the technique for lawful purposes. The amendment places no restrictions on law enforcement officers acting in the ordinary course of their duties.

Recommendation: The amendment should be accepted.

AMENDMENT No. 762

On page 56, line 23, insert in lieu of the word "reasonable" the following: "authorized or approved by a Federal judge of competent jurisdiction".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require judicial authorization or approval before interceptions obtained in the exercise of the national security power may be introduced in evidence.

Discussion: Section 2511(b)(3) of Title III authorizes the admission into evidence of communications intercepted in national security cases if the interception was "reasonable." The present amendment is intended to prohibit the use of communications intercepted in the exercise of the national security power in any judicial, legislative or administrative proceeding, unless a court order was obtained authorizing or approving the interception under the probable cause standards of Title III. The amendment in no way restricts the exercise of the national security power. At the same time, it eliminates the danger of potential abuses of the power against private citizens. The requirement of subsequent judicial approval is mild, and can be met if the approval is obtained within a reasonable period after the need becomes apparent for the use of the information in a judicial or other proceeding.

Recommendation: The amendment should be accepted.

AMENDMENT No. 763

Page 60, lines 11–12 and 13–14, delete the phrases "or any of the offenses enumerated in section 2516".

Page 107, line 5, substitute S. 677 as a new title V, and redesignate the present title V as title VI.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Delete the general immunity provisions of Title III and substitute S. 677 as a new Title V.

Discussion: The present version of Title III contains a broad immunity provision. Under Section 2514, a United States Attorney, with the approval of the Attorney General, would be authorized to grant immunity in connection with the investigation of any of the offenses for which wiretapping and eavesdropping warrants may be used. Since the number of such offenses is relatively large (see Section 2516), Title III in effect would operate as a general immunity statute.

The immunity procedure places a powerful and useful weapon in the hands of the prosecutor. It is, however, a weapon that has been subjected to serious criticism because of its grave potential for abuse. Under the immunity provision in Title III, the Government would be authorized to grant immunity against criminal prosecution to any witness in a Federal trial or grand jury proceeding who claims his Fifth Amendment privilege against self-incrimination. Once immunity has been granted, the Government may compel the witness to testify on the subject matter of the proceeding. A witness who refuses to testify before the grand jury or at trial faces jail for contempt of court.

The immunity provisions under present law are narrowly limited to a small group of Federal offenses. Even so, they have proved extremely valuable in investigations of organized crime. The National Crime Commission specifically recommended that a general witness immunity statute should be enacted at both the Federal and State levels. The present version of Title III goes far toward meeting this recommendation.

Amendment No. 763 would delete the general immunity provision of Title III and replace it with S. 677, a bill which was passed by the Senate in June 1967, in the First Session of the 90th Congress, but which has not yet been acted upon in the House of Representatives. S. 677 would authorize grants of immunity in four carefully chosen areas directly related to the activities of organized crime: interstate or foreign travel in aid of racketeering enterprises; obstruction of justice by intimidation of witnesses or jurors; bankruptcy frauds; and bribery, graft, and conflict of interest.

Recommendation: The immunity provision in Title III should go at least as far as S. 677.

AMENDMENT No. 764

Page 64, lines 17 and 25, after "therefrom" insert: "intercepted in accordance with the provisions of this chapter".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit the disclosure or use by law enforcement officers of illegally intercepted communications.

Discussion: Although subsection (3) of Section 2517 of Title III prohibits the disclosure by law enforcement officers of *illegally* intercepted communications in criminal trials or grand jury proceedings, subsections (1) and (2) contain a broad loophole that may permit such communications to be disclosed or used for other purposes. The loophole arises from the fact that the phrase to be added by the amendment to subsections (1) and (2) already appears in subsection (3). Title IV is therefore likely to encourage *illegal* electronic surveillance, especially in cases where the parties to a communication are not the real objects of the surveillance. The amendment would make subsections (1) and (2) of Section 2517 completely parallel to subsection (3), and would prohibit the disclosure or use of illegally intercepted communications in any circumstances.

Recommendation: The amendment should be accepted.

AMENDMENT No. 765

Page 66, line 24, after the word "intercepted," add the following: "and the particular time of the day or night at which the communications sought to be intercepted will take place,".

Page 68, line 15, after the word "interception" insert the following: "and that such communications will take place at particular times of the day or night;".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require warrants to describe the particular times of the day or night at which intercepted communications will take place.

Discussion: The present version of Title III violates the specific constitutional requirement, established by the Supreme Court in the *Berger* and *Katz* decisions, that judicial warrants for electronic surveillance must particularly describe the conversations to be overheard.

The circumstances of the *Katz* case offer a clear example of what the Supreme Court intended by the "particularity" requirement. In *Katz*, the Federal investigating agents obviously had probable cause to believe that particular communications made by the suspect from the public telephone booth would take place at particular times of the day. A judicial warrant for the surveillance in *Katz* could therefore have been obtained that would have satisfied the requirements of the Fourth Amendment, which has long been held to require a precise description of the article to be seized under a search warrant. By contrast, under the present version of Title III, *all* conversations of the person named in the warrant may be intercepted and seized over the entire period of the surveillance, which may be up to 30 days in length. Such a blanket surveillance is nothing but a general search, and is therefore invalid under the Constitution.

Recommendation: The amendment should be accepted.

AMENDMENT No. 766

Intended to be proposed by Mr. HART (for himself, Mr. FONG, and Mr. LONG of Missouri) to S. 917,

On Page 67, line 22, at the end of paragraph (e), add the following new paragraph:

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require applications for extensions of warrants to set forth results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

Discussion: Title III leaves open the possibility that extensions of a surveillance warrant may be obtained merely on the basis of the original showing of probable cause. The amendment requires an applicant for an extension of an order to make a fresh and timely showing of probable cause in order to obtain the extension. If a prior surveillance has been unproductive, a judge should not grant an extension of the order unless a reasonable explanation is given for the failure to obtain results under the original order, even though the original showing of probable cause remains valid.

Recommendation: The amendment should be accepted.

AMENDMENT No. 767

Page 68, line 24, insert the following new subsection after subsection (3):

"(4) If the facilities from which, or the place where, a wire or oral communication is to be intercepted are public, an order issued under this chapter shall be limited to the interception of wire or oral communications of named or otherwise specifically identified persons."

Redesignate subsections (4)-(10) as (5)-(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit interceptions on public facilities to the conversations of named individuals.

Discussion: Title III authorizes blanket monitoring of public telephones and other public facilities. As the facts of the *Katz* case itself make clear, surveillance equipment can easily be activated when, for example, the person named in the warrant enters the phone booth. The amendment would require this procedure.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 768

Page 68, line 24, insert the following new subsection after subsection (3):

"(4) No order shall be issued under this chapter if the facilities from which, or the place where, a wire or oral communication is to be intercepted are being used professionally by a licensed physician, licensed lawyer, or practicing clergyman."

Redesignate subsections (4)-(10) as (5)-(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit wiretapping and eavesdropping on premises used professionally by doctors, lawyers, or clergymen.

Discussion: By authorizing wiretapping and eavesdropping in circumstances that may involve the interception of communications between attorney and client, doctor and patient, priest and penitent, and husband and wife, Title III carries a drastic potential for the serious disruption of professional relationships. There is no compelling evidence that professional offices are being used as headquarters for criminals. Sound professional relationships require public confidence that such communications will be kept secret. The present amendment would prohibit the use of wiretapping or eavesdropping on premises used professionally by a lawyer, doctor, or clergyman. It would not apply in the case of premises merely listed in the name of such persons. Title III is clearly in the experimental stage. Until professional offices are shown to be used as criminal sanctuaries, the balance in Title III should be struck in favor of privacy.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 769

On page 56, strike out line 5 through line 24.

Sections 2519 and 2520 of chapter 119, which begin on page 50, line 3, shall be redesignated sections "2520" and "2521".

The analysis of chapter 119, which appears on page 50, between lines 4 and 5, is amended by striking out the last two items and inserting in lieu thereof the following:

"2519. Authorization for interception, disclosure, and use of wire or oral communications in national security cases.
"2520. Reports concerning intercepted wire or oral communications.
"2521. Recovery of civil damages authorized."

On page 75, between lines 11 and 12, insert the following new section:

"§ 2519. Authorization for interception, disclosure, and use of wire or oral communications in national security cases

"(1) The Congress recognizes the constitutional authority and responsibility of the President to take measures to protect the Nation against actual or potential attack to other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. The Congress further recognizes the constitutional authority and responsibility of the President to take measures to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government.

"(2) Notwithstanding other provisions of this chapter, or the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1143, 47 U.S.C. 605), the President or his designee may authorize an application to a Justice of the United States Supreme Court, a judge of a United States court of appeals or a judge of a United States district court for, and such judge may grant in conformity with this section, an order authorizing the interception of wire or oral communications when such interception may provide evidence in connection with any of the matters enumerated in the preceding subsection.

"(3)(a) Any investigative or law enforcement officer who, by the means authorized by this section, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

"(b) Any person who has received, by the means authorized by this section, any information concerning a wire or oral communication, or evidence derived therefrom, may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding in any court of the United States or of any State or in any Federal or State grand jury proceeding.

"(4)(a) Applications submitted and orders issued under this section shall be in such form as the judge to whom the application is presented may require. Such judge shall not be bound by the provisions of section 2518 of this chapter in determining the form and requirements relative to applications or orders submitted or issued under this section. Such applications and orders may, if circumstances warrant, be submitted and issued orally. In such cases, the oral application or order shall be reduced to writing within a period of forty-eight hours from the time of oral authorization of the requested interception. Copies of all applications and orders shall be retained by the court, and shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction.

"(b) Each application for an order authorizing the interception of a wire or oral communication under this section shall include a statement of the facts concerning all previous applications known to the individual authorizing or making the application made to any judge for authorization to intercept wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application.

"(c) An order issued under this section may authorize the interception of a wire or oral communication for such period of time as the judge who issues such order shall determine, but not for an indefinite period of time. Extensions of an order may be granted if the judge is satisfied that such extension is necessary under all of the circumstances.

"(5) The contents of any intercepted wire or oral communications or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in a Federal or State court unless each party, not less than ten days before the trial, hearing or proceeding, has been furnished with a copy of the court order under which the interception was authorized. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

"(6) (a) Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that—

"(i) the communication was unlawfully intercepted;

"(ii) the order of authorization under which it was intercepted is insufficient on its face; or

"(iii) the interception was not made in conformity with the order of authorization. Such motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make such motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

"(b) In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection, if the United States attorney shall certify to the judge granting such motion that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

"(7) The provisions of section 2510 (definitions); section 2511 (relating to prohibition of interception and disclosure of communications); section 2512 (relating to prohibition of manufacture, distribution, possession, and advertising of intercepting devices); and section 2515 (relating to prohibition of use of unauthorized interceptions in evidence) of this chapter shall be fully applicable to the subject matter regulated by this section."

DEPARTMENT OF JUSTICE COMMENT

(BROOKE)

The Amendment would amend the national security provision to require the President or his designee to obtain a court order for electronic surveillance in national security cases. Such orders could be granted on a showing that useful evidence would be obtained, and could be issued for a period of time determined by the judge (although not for an indefinite period.) Thus, such orders would not be subject to the strict probable cause and other requirements of Title III applicable to court orders issued in connection with cases not involving the national security. The present version of Title III, like S. 928, does not restrict the President in his exercise of the national security power.

The amendment should be rejected.

AMENDMENT NO. 773

On page 62, line 3, beginning with the comma, strike out all through the comma on line 5.

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the use of Federal wiretapping and eavesdropping to

FBI officers. Under the present version of Title III, electronic surveillance could be conducted by any Federal agency authorized to investigate the offense named in the surveillance warrant. The amendment should be accepted.

Amendment No. 774

On page 80, line 14, at the end of section 803, add the following new section:

"Sec. 804. (a) Within three years after the date of this Act, there shall be established a National Commission on Electronic Surveillance.

"(b) The Commission shall be composed of—

"(1) three Members of the Senate appointed by the President of the Senate,

"(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,

"(3) three members appointed by the President of the United States, one of whom shall be the Attorney General of the United States, whom he shall designate as Chairman, and

"(4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.

"At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

"Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

"Seven members shall constitute a quorum, but a lesser number may conduct hearings.

"(c) The Commission shall make a full and complete review and study of the operation of the provisions of this title, for the purpose of recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice and the right of privacy.

"(d)(1) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A member of the Commission from private life shall receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(e)(1) The Director of the Commission shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Director shall serve as the Commission's reporter, and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

"(3) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) The Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(f)(1) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Electronic Surveillance (hereinafter referred to as the 'Advisory Committee'), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, businessmen, and persons from other segments of life in the United States competent to provide advice for the Commission.

"(2) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

"(g) The Commission is authorized to request from any department, agency, or independent instrumentality of the Federal Government or any State or local government any information and assistance it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within five years after the date of this Act, and shall submit its final report within six years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

"(i) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(j) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount, not to exceed a total of $500,000, as may be necessary to carry out the provisions of this section."

DEPARTMENT OF JUSTICE

(Fong, Hart, Long)

The amendment would establish a 12-member National Commission on Electronic Surveillance to study the operation of the provisions of Title III for the purpose of "recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice, and the right of privacy."

The Commission would consist of three Senators, appointed by the President of the Senate; three members of the House, appointed by the Speaker; three Federal judges, appointed by the Chief Justice; and three persons appointed by the President, one of whom is to be Attorney General, who is designated as Chairman of the Commission.

The Commission must be created within three years after the date of enactment of S. 917, and must submit its final report within six years after the date of enactment. A 15-member Advisory Committee on Electronic Surveillance, composed of representatives from all walks of life in the United States, is established to assist the Commission.

The amendment should be accepted.

Amendment No. 775

On page 80, between lines 14 and 15, insert the following:

"Sec. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses) shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications) shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year."

DEPARTMENT OF JUSTICE COMMENT

(Fong, Hart, Long)

The amendment would limit to five years the operation of the provisions of Title III authorizing wiretapping and eavesdropping by Federal and State officers. The amendment should be accepted.

Amendment No. 776

On page 51, beginning with line 3, strike out all through line 6.

On page 52, line 8, beginning with the first "or", strike out all through the comma on line 9.

On page 52, beginning with line 19, strike out all through line 25 and insert in lieu thereof the following:

"(9) 'Judge of competent jurisdiction' means a judge of a United States district court or a United States court of appeals;"

On page 58, line 19, beginning with the second comma, strike out all through the comma on line 20.

On page 61, line 17, strike out the following: "a State, or a political subdivision thereof".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, line 20, beginning with "or", strike out all through "State" on line 22.

On page 76, line 12, beginning with "or", strike out all through the comma on line 14.

DEPARTMENT OF JUSTICE COMMENT

(Fong, Hart, Long)

The amendment would prohibit wiretapping and eavesdropping by State officers. The amendment should be accepted.

Amendment No. 777

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

DEPARTMENT OF JUSTICE COMMENT

(Fong, Hart, Long)

The amendment would limit to seven days the maximum period for which a warrant for wiretapping or eavesdropping could be issued. See Amendment No. 729. The present version of Title III authorizes such warrants to be issued for periods up to 30 days. The amendment should be accepted.

Amendment No. 778

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 68, line 24, strike out the period and insert a semicolon.

On page 68, after line 24, insert the following:

"(e) such investigation is directly related to activities of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the use of wiretapping and eavesdropping by State and Federal officers to investigations of organized crime. The amendment should be accepted.

AMENDMENT No. 779

On page 52, beginning with line 20, strike out all through line 25 and insert in lieu thereof the following:

"(a) the chief judge of a United States district court or such judge as he may designate, or the chief judge of a United States court of appeals or such judge as he may designate;"

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the Federal judges who may issue warrants for wiretapping and eavesdropping to the chief justice of a district court, the chief judge of a court of appeals, or such judges as they may designate. The present version of Title III authorizes warrants to be issued by any judge of a district court or court of appeals. The amendment should be accepted.

AMENDMENT No. 781

On page 55, delete all the language on line 11, following the word "service", down to and including the word "communication" where it first appears on line 13; and substitute in lieu thereof "or the protection of his service from unlawful use".

DEPARTMENT OF JUSTICE COMMENT

(LONG)

The amendment would delete the provisions of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights, and would substitute a more limited provision authorizing surveillance by such carriers to protect their facilities from unlawful use. The present version of Title III is vague, and contains substantial loopholes for wiretapping and eavesdropping by the employees of such carriers. See also Amendment Nos. 721, 722. The amendment should be accepted.

AMENDMENT No. 793

On page 56, line 17, strike out all after the word "means" down to and including the word "Government" on line 19.

DEPARTMENT OF JUSTICE COMMENT

(LONG)

Purpose: Restrict the national security exception in Title III, in cases involving domestic threats to the national security, to cases involving attempts to overthrow the Government "by force or other unlawful means."

Discussion: The present version of Title III contains a broad exemption authorizing the President to use wiretapping and eavesdropping without limitation in cases involving either foreign or domestic threats to the national security. The domestic security provision reads as follows:

"[Nothing] contained in this chapter [shall] be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, *or against any other clear and present danger to the structure or existence of the Government.*"

Amendment No. 793 would delete the underlined clause. See Amendment No. 724.

The concept of a *domestic* threat to the national security is vague and is not defined in the bill. Use of electronic surveillance may be easily abused in such cases. The legitimate exercise of the President's national security power would not be jeopardized by Amendment No. 793, which would merely restrict its exercise to cases involving attempts to overthrow the Government by force or other unlawful means.

Recommendation: The amendment should be accepted.

Mr. COOPER. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Kentucky [Mr. COOPER] proposes an amendment as follows:

On page 50, line 16, beginning with the word "exhibiting" strike out through the word "expectation" in line 2 on page 51.

On page 51, line 9, insert the word "similar" after the word "other".

Mr. COOPER. Mr. President, I understand that 30 minutes are allotted for the consideration of my amendment, 15 minutes to the side; so in 30 minutes the Senate will have an opportunity to work its will on this issue.

I voted to strike title III. The amendment that I have offered and the discussion will, I believe, illustrate why this title concerns me.

Section 605 of the Communications Act provides that information secured through wiretapping may not be divulged by the person securing it to another. Certainly, it could not be used, under present law, as evidence in a court.

The prohibition flows from the fourth amendment to the Constitution, the amendment prohibiting unreasonable searches and seizures.

I think it is fair to say that the committee—and it is evident that this section, as does the whole bill, represents a great deal of study and effort—has, in bringing in title III, attempted to satisfy the provisions of the fourth amendment to the Constitution.

The section I seek to amend provides that officers may go to a court of proper jurisdiction and, upon filing an application similar to that required for a search warrant and making a proper showing, secure the authority to intercept a communication by wire or radio, or an oral communication.

It follows, of course, that if this has been done properly, the information secured through such process could be introduced in a court as evidence.

I have desired to establish the background for the suggestion embodied in my amendment. Section 2511 of this title, on page 58, applies, presumably and to all appearances, as a strict section, with strict penalties against persons who do not follow the designated procedure to secure a proper order for the authority to intercept a communication by wire or radio, or an oral communication.

I assume that the interception of oral communications would usually be obtained by so-called electronic or bugging devices. I now invite attention to the reason for my amendment.

Section 2511, from page 53 through page 55 to the fourth line, mentions "oral communications" five times. It would appear that the sanctions of punishment up to $10,000 or imprisonment of not more than 5 years, appears to any person who intercepts a wire communication or an oral communication by a bugging device without following the procedure required by title III. But now I wish to read from page 50, line 15 where "oral communication" is defined. It is not oral communication alone. Everywhere that "oral communication" is mentioned in this section, it becomes necessary to use the words as the phrase is defined beginning on line 15, page 50. This is the definition:

(2) "oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation—

In other words, while it would be necessary to go before a court and allege in particularly the circumstance which would justify authority to intercept a wire, it would not be necessary to do so with respect to an oral communication if it could be proved that the person who was speaking in his room, in his office, or from some other place exhibited an expectancy that his oral communication would not be intercepted.

On page 56, we find that the following type of interception is excluded from the penalty. I read from subsection (c) on page 56:

(c) It shall not be unlawful under this chapter for a party to any wire or oral communication, or a person given prior authority by a party to the communication to intercept such communication.

It seems to me, as far as the phrase "oral communication" is used, it leaves such a communication open to bugging by either a private party or official and whatever information is obtained by that bugging could be introduced in court as evidence.

I would like to have an interpretation from any Senator who helped to draft the bill.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TYDINGS. Mr. President, the Senator may not be aware of it, but the managers of the bill accepted this morning an amendment, essentially a combination of Nos. 760 and 761, offered by the Senator from Michigan [Mr. HART], so that the language the Senator refers to on page 56, lines 1 to 4, is now modified by the combined amendments, Nos. 760 and 761.

Mr. COOPER. The amendments were accepted without rollcall vote?

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. Will the Senator read the language of the amendments?

Mr. TYDINGS. I will read the language. The language is at the desk, but it reads as follows:

> On page 56, lines 1–4, amend paragraph (c) to read as follows:
>
> "(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.
>
> "(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act."

I think the last clause, beginning with the words "unless such communication is intercepted" takes care of the point just raised by the distinguished Senator from Kentucky concerning the irresponsible bugging of any private citizen.

Mr. COOPER. I ask general questions for proper interpretation. Is it the intent of the managers of the bill that oral communications cannot be intercepted and that no information secured by reason of such interception can be used as evidence in prosecutions or otherwise unless the same procedures are followed—with respect to an application to secure authority to intercept a communication or wire?

Mr. TYDINGS. Insofar as private people are concerned, the consent exception was specified in the two amendments which were accepted. However, the language does not go as far as the question of the Senator from Kentucky does.

The reason for the language on page 50, lines 15 and 16—"oral communication means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation"— is that in the drafting of the pending legislation, the drafters were trying to follow the guidelines and the language set out in the decision of the Supreme Court in Katz against United States. We tried to do it verbatim in this particular instance.

There is one area which immediately comes to my mind where an oral communication could be intercepted without a warrant. I think that is the point that the Senator from Kentucky is trying to make.

That exception would be in a prison cell in a maximum security prison. That would be possible.

Mr. COOPER. That is perfectly proper under the Katz case.

Mr. TYDINGS. The Senator is correct. However, that is solely the sort of exception intended. That is the Katz language. That is why we adopted it, and that is why we accepted the amendments of the Senator from Michigan.

Mr. COOPER. Mr. President, considering the fact that the amendments to which the Senator has referred have been accepted, I have other questions to ask. I believe they are capable of clear answers and I know that the Senator will give a clear answer.

Would the language I have discussed give sanction to a private party to intercept oral communications and use the information secured from the interception of such communications for introduction in evidence?

Mr. TYDINGS. Is the Senator talking about a private party, a person who is not a party to the communication?

Mr. COOPER. Yes. The Senator is correct.

Mr. TYDINGS. The answer is "No." Indeed, we went further. Even if he were a party he could not always record conversations. That is the reason we accepted the language proposed by the Senator from Michigan.

Mr. COOPER. Then a private party who intercepted an oral communication would be subject to the sanctions imposed by the title—of fine or imprisonment?

Mr. TYDINGS. The Senator is correct. And he would be subject to the criminal prosecution spelled out in the language of title III.

Mr. COOPER. Mr. President, would an official, a police officer, or one acting with him—as is provided for in the pending bill—have the authority to intercept an oral communication and use the information thus secured as evidence? Would he have any authority outside of the guidelines laid down in the conviction in the Katz case?

Mr. TYDINGS. He would not. Our definition is intended to reflect the principles of Katz.

Mr. COOPER. Mr. President, I am sorry that the Senator from Arkansas is not present in the Chamber. I have heard the Senator from Arkansas describe the Katz case and give it wide meaning. Actually, the Katz case was reversed.

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. It was reversed because the officers did not secure a proper warrant before intercepting the communication?

It has been argued during this debate that the Katz case is broad.

Mr. President, I ask unanimous consent that the majority opinion in the Katz case be printed at this point in the RECORD.

There being no objection, the opinion of the Court was ordered to be printed in the RECORD, as follows:

MR. JUSTICE STEWART delivered the opinion of the Court.

The petitioner was convicted in the District Court for the Southern District of California under an eight-count indictment charging him with transmitting wagering information by telephone from Los Angeles to Miami and Boston, in violation of a federal statute.[1] At trial the Government was permitted, over the petitioner's objection, to introduce evidence of the petitioner's end of telephone conversations, overheard by FBI agents who had attached an electronic listening and recording device to the outside of the public telephone booth from which he had placed his calls. In affirming his conviction, the Court of Appeals rejected the contention that the recordings had been obtained in violation of the Fourth Amendment, because "[t]here was no physical entrance into the area occupied by [the petitioner]."[2] We granted certiorari in order to consider the constitutional question thus presented.[3]

The petitioner has phrased those questions as follows:

"A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth.

"B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution."

We decline to adopt this formulation of the issues. In the first place, the correct solution of Fourth Amendment problems is not necessarily promoted by incantation of the phrase "constitutionally protected area." Secondly, the Fourth Amendment cannot be translated into a general constitutional

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[1] 18 U.S.C. § 1084. That statute provides in pertinent part:

"(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"(b) Nothing in this section shall be construed to prevent the transmission in interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is legal."

[2] 369 F. 2d 130, 134.

[3] 386 U.S. 954. The petition for certiorari also challenged the validity of a warrant authorizing the search of the petitioner's premises. In light of our disposition of this case, we do not reach that issue.

We find no merit in the petitioner's further suggestion that his indictment must be dismissed. After his conviction was affirmed by the Court of Appeals, he testified before a federal grand jury concerning the charges involved here. Because he was compelled to testify pursuant to a grant of immunity, 48 Stat. 1096, as amended, 47 U.S.C. § 409(*l*), it is clear that the fruit of his testimony cannot be used against him in any future trial. But the petitioner asks for more. He contends that his conviction must be vacated and the charges against him dismissed lest he be "subjected to [a] penalty . . . on account of [a] . . . matter . . . concerning which he [was] compelled . . . to testify . . ." 47 U.S.C. § 409(*l*). *Frank* v. *United States*, 347 F. 2d 486. We disagree. In relevant part, § 409(*l*) substantially repeats the language of the Compulsory Testimony Act of 1893, 27 Stat. 443, 49 U.S.C. § 46, which was Congress' response to this Court's statement that an immunity statute can supplant the Fifth Amendment privilege against self-incrimination only if it affords adequate protection from future prosecution or conviction. *Counselman* v. *Hitchcock*, 142 U.S. 547, 585–586. The statutory provision here involved was designed to provide such protection, see *Brown* v. *United States*, 359 U.S. 41, 45–46, not to confer immunity from punishment pursuant to a *prior* prosecution and adjudication of guilt. Cf. *Reina* v. *United States*, 364 U.S. 507, 513–514.

"right to privacy." That Amendment protects individual privacy against certain kinds of governmental intrusion, but its protections go further, and often have nothing to do with privacy at all.[4] Other provisions of the Constitution protect personal privacy from other forms of governmental invasion.[5] But the protection of a person's *general* right to privacy—his right to be let alone by other people[6]—is, like the protection of his property and of his very life, left largely to the law of the individual States.[7]

Because of the misleading way the issues have been formulated, the parties have attached great significance to the characterization of the telephone booth from which the petitioner placed his calls. The petitioner has strenuously argued that the booth was a "constitutionally protected area." The Government has maintained with equal vigor that it was not.[8] But this effort to decide whether or not a given "area," viewed in the abstract, is "constitutionally protected" deflects attention from the problem presented by this case.[9] For the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. See *Lewis* v. *United States*, 385 U.S. 206, 210; *United States* v. *Lee*, 274 U.S. 559, 563. But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. See *Rios* v. *United States*, 364 U.S. 253; *Ex parte Jackson*, 96 U.S. 727, 733.

The Government stresses the fact that the telephone booth from which the petitioner made his calls was constructed partly of glass, so that he was as visible after he entered it as he would have been if he had remained outside. But what he sought to exclude when he entered the booth was not the intruding eye—it was the uninvited ear. He did not shed his right to do so simply because he made his calls from a place where he might be seen. No less than an individual in a business office,[10] in a friend's apartment,[11] or in a taxicab,[12] a person in a telephone booth may rely upon the protection of the Fourth Amendment. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication.

The Government contends, however, that the activities of its agents in this case should not be tested by Fourth Amendment requirements, for the surveillance technique they employed involved no physical penetration of the telephone booth from which the petitioner placed his calls. It is true that the absence of such penetration was at one time thought to foreclose further Fourth Amendment inquiry, *Olmstead* v. *United States*, 277 U.S. 438, 457, 464, 466; *Goldman* v. *United States*, 316 U.S. 129, 134–136, for that Amendment was thought to limit only searches and seizures of tangible property.[13] But "[t]he premise that property interests control the right of the Government to search and seize has been discredited." *Warden* v. *Hayden*, 387 U.S. 294, 304. Thus, although a closely divided Court supposed in *Olmstead* that surveillance without any trespass and without the seizure of any material object fell outside the ambit of the Constitution, we have since departed from the narrow view on which that decision rested. Indeed, we have expressly held that Fourth Amendment governs not only the seizure of tangible items, but extends as well to the recording of oral statements overheard without any "technical trespass under . . . local property law." *Silverman* v. *United States*, 365 U.S. 505, 511. Once this much is acknowledged, and once it is recognized that the Fourth Amendment protects people—and not simply "areas"—against unreasonable searches and seizures, it becomes clear that the reach of that Amendment cannot turn upon the presence or absence of a physical intrusion into any given enclosure.

We conclude that the underpinnings of *Olmstead* and *Goldman* have been so eroded by our subsequent decisions that the "trespass" doctrine there enunciated can no longer be regarded as controlling. The Government's activities in electronically listening to and recording the petitioner's words violated the privacy upon which he justifiably relied while using the telephone booth and thus constituted a "search and seizure" within the meaning of the Fourth Amendment. The fact that the electronic device employed to achieve that end did not happen to penetrate the wall of the booth can have no constitutional significance.

The question remaining for decision, then, is whether the search and seizure conducted in this case complied with constitutional standards. In that regard, the Government's position is that its agents acted in an entirely defensible manner: They did not begin their electronic surveillance until investigation of the petitioner's activities had established a strong probability that he was using the telephone in question to transmit gambling information to persons in other States, in violation of federal law. Moreover, the surveillance was limited, both in scope and in duration, to the specific purpose of establishing the contents of the petitioner's unlawful telephonic communications. The agents confined their surveillance to the brief periods during which he used the telephone booth,[14] and they took great care to overhear only the conversations of the petitioner himself.[15]

Accepting this account of the Government's actions is accurate, it is clear that this surveillance was so narrowly circumscribed that a duly authorized magistrate, properly notified of the need for such investigation, specifically informed of the basis on which it was to proceed, and clearly apprised of the precise intrusion it would entail, could constitutionally have authorized, with appropriate safeguards, the very limited search and seizure that the Government asserts in fact took place. Only last Term we sustained the validity of such an authorization, holding that, under sufficiently "precise and discriminate circumstances," a federal court may empower government agents to employ a concealed electronic device "for the narrow and particularized purpose of ascertaining the truth of the . . . allegations" of a "detailed factual affidavit alleging the commission of a specific criminal offense." *Osborn* v. *United States*, 385 U. S. 323, 329–330. Discussing that holding, the Court in *Berger* v. *New York*, 388 U. S. 41, said that "the order authorizing the use of the electronic device" in *Osborn* "afforded similar protections to those . . . of conventional warrants authorizing the seizure of tangible evidence." Through those protections, "no great invasion of privacy was permitted than was necessary under the circumstances." *Id.*, at 57.[16] Here, too, a similar judicial order could

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[4] "The average man would very likely not have his feelings soothed any more by having his property seized openly than by having it seized privately and by stealth. . . . And a person can be just as much, if not more, irritated, annoyed and injured by an unceremonious public arrest by a policeman as he is by a seizure in the privacy of his office or home." *Griswold* v. *Connecticut*, 381 U.S. 479, 509 (dissenting opinion of Mr. Justice Black).

[5] The First Amendment, for example, imposes limitations upon governmental abridgment of "freedom to associate and privacy in one's associations." *NAACP* v. *Alabama*, 357 U.S. 449, 462. The Third Amendment's prohibition against the unconsented peacetime quartering of soldiers protects another aspect of privacy from governmental intrusion. To some extent, the Fifth Amendment too "reflects the Constitution's concern for . . . ' . . . the right of each individual "to a private enclave where he may lead a private life." ' " *Tehan* v. *Shott*, 382 U.S. 406, 416. Virtually every governmental action interferes with personal privacy to some degree. The question in each case is whether that interference violates a command of the United States Constitution.

[6] See Warren & Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890).

[7] See, *e. g., Time, Inc.* v. *Hill*, 385 U.S. 374. Cf. *Breard* v. *Alexander*, 341 U.S. 622; *Kovacs* v. *Cooper*, 336 U.S. 77.

[8] In support of their respective claims, the parties have compiled competing lists of "protected areas" for our consideration. It appears to be common ground that a private home is such an area, *Weeks* v. *United States*, 232 U.S. 383, but that an open field is not. *Hester* v. *United States*, 265 U.S. 57. Defending the inclusion of a telephone booth in his list the petitioner cites *United States* v. *Stone*, 232 F. Supp. 396, and *United States* v. *Madison*, 32 L. W. 2243 (D. C. Ct. Gen. Sess.). Urging that the telephone booth should be excluded, the Government finds support in *United States* v. *Borgese*, 235 F. Supp. 286.

[9] It is true that this Court has occasionally described its conclusions in terms of "constitutionally protected areas," see, *e. g., Silverman* v. *United States*, 365 U.S. 505, 510, 512; *Lopez* v. *United States*, 373 U.S. 427, 438–439; *Berger* v. *New York*, 388 U.S. 41, 57, 59, but we have never suggested that this concept can serve as a talismanic solution to every Fourth Amendment problem.

[10] *Silvertone Lumber Co.* v. *United States*, 251 U.S. 385.

[11] *Jones* v. *United States*, 362 U.S. 257.

[12] *Rios* v. *United States*, 364 U.S. 253.

[13] See *Olmstead* v. *United States*, 277 U.S. 438, 464–466. We do not deal in this case with the law of detention or arrest under the Fourth Amendment.

[14] Based upon their previous visual observations of the petitioner, the agents correctly predicted that he would use the telephone booth for several minutes at approximately the same time each morning. The petitioner was subjected to electronic surveillance only during this predetermined period. Six recordings, averaging some three minutes each, were obtained and admitted in evidence. They preserved the petitioner's end of conversations concerning the placing of bets and the receipt of wagering information.

[15] On the single occasion when the statements of another person were inadvertently intercepted, the agents refrained from listening to them.

[16] Although the protections afforded the petitioner in *Osborn* were *"similar* . . . to those . . . of conventional warrants," they were not identical. A conventional warrant ordinarily serves to notify the suspect of an intended search. But if Osborn had been told in advance that federal officers intended to record his conversations, the point of making such recordings would obviously have been lost; the evidence in question could not have been obtained. In omitting any requirement of advance notice, the federal court that authorized electronic surveillance in *Osborn* simply recognized, as has this Court, that officers need not announce their purpose before conducting an otherwise authorized search if such an announcement would provoke the escape of the suspect or the destruction of critical evidence. See *Ker* v. *California*, 374 U.S. 23, 37–41.

Although some have thought that this "exception to the notice requirement where exigent circumstances are present," *id.*, at 39, should be deemed inapplicable where police have accommodated "the legitimate needs of law enforcement"[17] by authorizing the carefully limited use of electronic surveillance.

The Government urges that, because its agents relied upon the decisions in *Olmstead* and *Goldman*, and because they did no more here than they might properly have done with prior judicial sanction, we should retroactively validate their conduct. That we cannot do. It is apparent that the agents in this case acted with restraint. Yet the inescapable fact is that this restraint was imposed by the agents themselves, not by a judicial officer. They were not required, before commencing the search, to present their estimate of probable cause for detached scrutiny by a neutral magistrate. They were not compelled, during the conduct of the search itself, to observe precise limits established in advance by a specific court order. Nor were they directed, after the search had been completed, to notify the authorizing magistrate in detail of all that had been seized. In the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end. Searches conducted without warrants have been held unlawful "notwithstanding facts unquestionably showing probable cause," *Agnello* v. *United States*, 269 U.S. 20, 33, for the Constitution requires "that the deliberate, impartial judgment of a judicial officer . . . be interposed between the citizen and the police . . . ." *Wong Sun* v. *United States*, 371 U.S. 471, 481–482. "Over and again this Court has emphasized that the mandate of the [Fourth] Amendment requires adherence to judicial processes," *United States* v. *Jeffers*, 342 U.S. 48, 51, and that searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment[18]—subject only to a few specifically established and well-delineated exceptions.[19]

It is difficult to imagine how any of those exceptions could ever apply to the sort of search and seizure involved in this case. Even electronic surveillance substantially contemporaneous with an individual's arrest could hardly be deemed an "incident" of that arrest.[20] Nor could the use of electronic surveillance without prior authorization be justified on grounds of "hot pursuit."[21] And, of course, the very nature of electronic surveillance precludes its use pursuant to the suspect's consent.[22]

The Government does not question these basic principles. Rather, it urges the creation of a new exception to cover this case.[23] It argues that surveillance of a telephone booth should be exempted from the usual requirement of advance authorization by a magistrate upon a showing of probable cause. We cannot agree. Omission of such authorization "bypasses the safeguards provided by an objective predetermination of probable cause, and substitutes instead the far less reliable procedure of an after-the-event justification for the . . . search, too likely to be subtly influenced by the familiar shortcomings of hindsight judgment." *Beck* v. *Ohio*, 379 U.S. 89, 96.

And bypassing a neutral predetermination of the *scope* of a search leaves individuals secure from Fourth Amendment violations "only in the discretion of the police." *Id.*, at 97.

These considerations do not vanish when the search in question is transferred from the setting of a home, an office, or a hotel room to that of a telephone booth. Wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures. The government agents here ignored "the procedure of antecedent justification . . . that is central to the Fourth Amendment,"[24] a procedure that we hold to be a constitutional precondition of the kind of electronic surveillance involved in this case. Because the surveillance here failed to meet that condition, and because it led to the petitioner's conviction, the judgment must be reversed.

It is so ordered.

Mr. Justice Marshall took no part in the consideration or decision of this case.

Mr. Justice Douglas, with whom Mr. Justice Brennan joins, concurring.

While I join the opinion of the Court, I feel compelled to reply to the separate concurring opinion of my Brother White, which I view as a wholly unwarranted green light for the Executive Branch to resort to electronic eavesdropping without a warrant in cases which the Executive Branch itself labels "national security" matters.

Neither the President nor the Attorney General is a magistrate. In matters where they believe national security may be involved they are not detached, disinterested, and neutral as a court or magistrate must be. Under the separation of powers created by the Constitution, the Executive Branch is not supposed to be neutral and disinterested. Rather it should vigorously investigate and prevent breaches of national security and prosecute those who violate the pertinent federal laws. The President and Attorney General are properly interested parties, cast in the role of adversary, in national security cases. They may even be the intended victims of subversive action. Since spies and saboteurs are as entitled to the protection of the Fourth Amendment as suspected gamblers like petitioner, I cannot agree that where spies and saboteurs are involved adequate protection of Fourth Amendment rights is assured when the President and Attorney General assume both the position of adversary-and-prosecutor and disinterested, neutral magistrate.

There is, so far as I understand constitutional history, no distinction under the Fourth Amendment between types of crimes. Article III, § 3, gives "treason" a very narrow definition and puts restrictions on its proof. But the Fourth Amendment draws no lines between various substantive offenses. The arrests in cases of "hot pursuit" and the arrests on visible or other evidence of probable cause cut across the board and are not peculiar to any kind of crime.

I would respect the present lines of distinction and not improvise because a particular crime seems particularly heinous. When the Framers took that step, as they did with treason, the worst crime of all, they made their purpose manifest.

Mr. Justice Harlan, concurring.

I join the opinion of the Court, which I read to hold only (a) that an enclosed telephone booth is an area where, like a home, *Weeks* v. *United States*, 232 U.S. 383, and unlike a field, *Hester* v. *United States*, 265 U.S. 57, a person has a constitutionally protected reasonable expectation of privacy; (b) that electronic as well as physical intrusion into a place that is in this sense private may constitute a violation of the Fourth Amendment; and (c) that the invasion of a constitutionally protected area by federal authorities is, as the Court has long held, presumptively unreasonable in the absence of a search warrant.

As the Court's opinion states, "the Fourth Amendment protects people, not places." The question, however, is what protection it affords to those people. Generally, as here, the answer to that question requires reference to a "place." My understanding of the rule that has emerged from pior decisions is that there is a twofold requirement, first that a person has exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as "reasonable." Thus a man's home is, for most purposes, a place where he expects privacy, but objects, activities, or statements that he exposes to the "plain view" of outsiders are not "protected" because no intention to keep them to himself has been exhibited. On the other

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enter a home before its occupants are aware that officers are present, *id.*, at 55–58 (opinion of Mr. Justice Brennan), the reasons for such a limitation have no bearing here. However true it may be that "[i]nnocent citizens should not suffer the shock, fright or embarrassment attendant upon an unannounced police intrusion," *id.*, at 57, and that "the requirement of awareness . . . serves to minimize the hazards of the officers' dangerous calling," *id.*, at 57–58, these considerations are not relevant to the problems presented by judicially authorized electronic surveillance.

Nor do the Federal Rules of Criminal Procedure impose an inflexable requirement of prior notice. Rule 41(d) does require federal officers to serve upon the person searched a copy of the warrant and a receipt describing the material obtained, but it does not invariably require that this be done before the search takes place. *Nordelli* v. *United States*, 24 F. 2d 665, 666–667.

Thus the fact that the petitioner in *Osborn* was unaware that his words were being electronically transcribed did not prevent this Court from sustaining his conviction, and did not prevent the Court in *Berger* from reaching the conclusion that the use of the recording device sanctioned in *Osborn* was entirely lawful. 388 U.S. 41, 57.

[17] *Lopez* v. *United States*, 373 U.S. 427, 464 (dissenting opinion of Mr. Justice Brennan).

[18] See, *e.g.*, *Jones* v. *United States*, 357 U.S. 493, 497–499; *Rios* v. *United States*, 364 U.S. 253, 261; *Chapman* v. *United States*, 365 U.S. 610, 613–615; *Stoner* v. *California*, 376 U.S. 483, 486–487.

[19] See, *e.g.*, *Carroll* v. *United States*, 267 U.S. 132, 153, 156; *McDonald* v. *United States*, 335 U.S. 451, 454–456; *Brinegar* v. *United States*, 338 U.S. 160, 174–177; *Cooper* v. *California*, 386 U.S. 58; *Warden* v. *Hayden*, 387 U.S. 294, 298–300.

[20] In *Agnello* v. *United States*, 269 U.S. 20, 30, the Court stated "The right without a search warrant contemporaneously to search persons lawfully arrested while committing crime and to search the place where the arrest is made in order to find and seize things connected with the crime as its fruits or as the means by which it was committed, as well as weapons and other things to effect an escape from custody, is not to be doubted."

Whatever one's view of "the long-standing practice of searching for other proofs of guilt within the control of the accused found upon arrest," *United States* v. *Rabinowitz*, 339 U.S. 56, 61; cf. *id.*, at 71–79 (dissenting opinion of Mr. Justice Frankfurter), the concept of an "incidental" search cannot readily be extended to include surreptitious surveillance of an individual either immediately before or immediately after, his arrest.

[21] Although "[t]he Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others," *Warden* v. *Hayden*, 387 U.S. 294, 298–299, there seems little likelihood that electronic surveillance would be a realistic possibility in a situation so fraught with urgency.

[22] A search to which an individual consents meets Fourth Amendment requirements, *Zap* v. *United States*, 328 U.S. 624, but of course "the usefulness of electronic surveillance depends on lack of notice to the suspect." *Lopez* v. *United States*, 373 U.S. 427, 463 (dissenting opinion of Mr. Justice Brennan).

[23] Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security is a question not presented by this case.

[24] See *Osborn* v. *United States*, 385 U. S. 323, 330.

hand, conversations in the open would not be protected against being overheard, for the expectation of privacy under the circumstances would be unreasonable. Cf. *Hester* v. *United States, supra.*

The critical fact in this case is that "[o]ne who occupies it, [a telephone booth] shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume" that his conversation is not being intercepted. *Ante,* p. 352. The point is not that the booth is "accessible to the public" at other times, *ante,* p. 351, but that it is a temporarily private place whose momentary occupants' expectations of freedom from intrusion are recognized as reasonable. Cf. *Rios* v. *United States,* 364 U.S. 253.

In *Silverman* v. *United States,* 365 U.S. 505, we held that eavesdropping accomplished by means of an electronic device that penetrated the premises occupied by petitioner was a violation of the Fouth Amendment.

That case established that interception of conversations reasonably intended to be private could constitute a "search and seizure," and that the examination or taking of physical property was not required. This view of the Fourth Amendment was followed in *Wong Sun* v. *United States,* 371 U.S. 471, at 485, and *Berger* v. *New York,* 388 U.S. 41, at 51. Also compare *Osborn* v. *United States,* 385 U.S. 323, at 327. In *Silverman* we found it unnecessary to re-examine *Goldman* v. *United States,* 316 U.S. 129, which had held that electronic surveillance accomplished without the physical penetration of petitioner's premises by a tangible object did not violate the Fourth Amendment. This case requires us to reconsider *Goldman,* and I agree that it should now be overruled.[*] Its limitation on Fourth Amendment protection is, in the present day, bad physics as well as bad law, for reasonable expectations of privacy may be defeated by electronic as well as physical invasion.

Finally, I do not read the Court's opinion to declare that no interception of a conversation one-half of which occurs in a public telephone booth can be reasonable in the absence of a warrant. As elsewhere under the Fourth Amendment, warrants are the general rule, to which the legitimate needs of law enforcement may demand specific exceptions. It will be time enough to consider any such exceptions when an appropriate occasion presents itself, and I agree with the Court that this is not one.

Mr. JUSTICE WHITE, concurring.

I agree that the official surveillance of petitioner's telephone conversations in a public booth must be subjected to the test of reasonableness under the Fourth Amendment and that on the record now before us the particular surveillance undertaken was unreasonable absent a warrant properly authorizing it. This application of the Fourth Amendment need not interfere with legitimate needs of law enforcement.[**]

In joining the Court's opinion, I note the Court's acknowledgment that there are circumstances in which it is reasonable to search without a warrant. In this connection, in footnote 23 the Court points out that today's decision does not reach national security cases. Wiretapping to protect the security of the Nation has been authorized by successive Presidents. The present Administration would apparently save national security cases from restrictions against wiretapping. See *Berger* v. *New York,* 388 U.S. 41, 112–118 (1967) (WHITE, J., dissenting). We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic survelliance as reasonble.

Mr. COOPER. The Katz case is narrow. The Katz case holds that the conditions for securing a search warrant to intercept a wire are substantially the same as those required to secure a search warrant to search a person's premises.

Mr. TYDINGS. The Senator's point is well made. The Katz case does provide limited and rigid restrictions. The intent of this bill is to conform to the principles of the Katz case, and that any private individual would have the same protection, under title III, from a private tapper that he would have from a police tapper, consistent with the principles of Katz case as well as under the provisions of title III.

Mr. COOPER. Then, the Senator's statement is that in order for the title and section to be applicable with respect to oral communications, the same procedures as outlined in the Katz case must be followed.

Mr. TYDINGS. The Senator is correct. Again, I repeat, we even went further in the private area. That is the reason why the manager of the bill worked out the perfecting amendment and accepted it from the Senator from Michigan.

Mr. COOPER. But there is one final exception, as I understand it—that if one of the parties to an oral communication consents that the conversation may be intercepted and the contents used in court, that is permissible.

Mr. TYDINGS. Yes. But we even limit that interception, even when it is a party to the communication, so that it cannot be intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or for the purpose of committing any other injurious act. We have gone about as far in that respect as we can under the Constitution.

Mr. COOPER. Mr. President, on the assurance of the Senator from Maryland, who is a comanager of this section of the bill, in giving his interpretation that the definition of oral communications does not delimit its application to private persons, that the sanctions would be applied against a private person who violated this section, and also his assurance that the principles laid down in the Katz case would apply to oral communications, for interpretation in the courts, I will withdraw my amendment. But before withdrawing it, I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Does any time remain?

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes remaining.

Mr. COOPER. Will the Senator from Maryland yield me 3 minutes?

Mr. TYDINGS. I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I shall withdraw my amendment, as I have said, on the assurances and interpretation given by the Senator from Maryland.

As this will be the only time I will have a chance to speak on the bill as a whole, I should like to state my views about it.

There are very valuable sections in this bill, titles I and IV, and I support them. But I find it difficult to agree with title II and title III of the bill.

Title II, which was debated earlier this week, seeks to upset the Miranda and the Mallory cases. Title III, establishing a system of wire and electronic surveillance, in my judgment, is full of loopholes. It would enable a police officer in any jurisdiction to secure wide authority for surveillance not only of criminals, but of the people of our country. It would legalize a practice which heretofore has not been approved in our country.

We are all aware of the growing incidence of crime and violence in our country. I do not believe it is fair to argue, as has been done in this debate that because one opposes a section of the bill that he is protecting law violators. All of us are against crime. It can be met by firm and fair judges, by additional judges, by competent police officers, by better trained and better educated police officers—and I may say judges, also. It can be controlled by public and private support of law and law enforcement.

But we must remember that every individual in this country is protected in his constitutional rights, guaranteed by the Bill of Rights, and that all—the accused and the innocent—are entitled to its protection. In our laudable effort to stamp out crime, we have no authority or right to limit the protections of the Bill of Rights of the Constitution. Arguments can be made against the Supreme Court cases, and I believe the Court has been wrong and certainly ill advised in some instances. But its decisions in the Miranda case and the Mallory case are bottomed upon the constitutional right of a person assured by the fifth amendment not to be forced to incriminate himself. This right was obtained after a struggle through centuries to be free and secure protection from the coercion of rules and arbitrary authority.

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[*] I also think that the course of development evinced by *Silverman, supra, Wong Sun, supra, Berger, supra,* and today's decision must be recognized as overruling *Olmstead* v. *United States,* 277 U. S. 438, which essentially rested on the ground that conversations were not subject to the protection of the Fourth Amendment.

[**] In previous cases, which are undisturbed by today's decision, the Court has upheld, as reasonable under the Fourth Amendment, admission at trial of evidence obtained (1) by an undercover police agent to whom a defendant speaks without knowledge that he is in the employ of the police, *Hoffa* v. *United States,* 385 U. S. 293 (1966); (2) by a recording device hidden on the person of such an informant, *Lopez* v. *United States,* 373 U. S. 427 (1963); *Osborn* v. *United States,* 385 U. S. 323 (1966); and (3) by a policeman listening to the secret micro-wave transmissions of an agent conversing with the defendant in another location, *On Lee* v. *United States,* 343 U. S. 747 (1952). When one man speaks to another he takes all the risks ordinarily inherent in so doing, including the risk that the man to whom he speaks will make public what he has heard. The Fourth Amendment does not protect against unreliable (or law-abiding) associates. *Hoffa* v. *United States, supra.* It is but a logical and reasonable extension of this principle that a man take the risk that his hearer, free to memorize what he hears for later verbatim repetitions, is instead recording it or transmitting it to another. The present case deals with an entirely different situation, for as the Court emphasizes the petitioner "sought to exclude . . . the uninvited ear," and spoke under circumstances in which a reasonable person would assume that uninvited ears were not listening.

These protections of the individual were incorporated in the Bill of Rights of our Constitution as protection against government itself. Now we are setting up, for the first time in this country, an instrument of surveillance which can be misused to reach every individual in the country. We hope it will be used properly if it becomes law. But, as we know, it could be the agent of trespasses and great injustice.

So, reluctantly—because I have been a lawyer and a judge and I desire, as much as any other Senator, to see law and order prevail in this country—I cannot bring myself to support this measure, which chips away at the Bill of Rights and those protections of all our citizens which thus far have distinguished our country from most countries in the world.

I wanted to express my views in the short time I had available.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield such additional time to the Senator from Kentucky as he may desire.

Mr. President, has the Senator from Kentucky withdrawn his amendment? What is the posture now?

The PRESIDING OFFICER. The amendment has been withdrawn. The bill is open to further amendment.

Mr. LAUSCHE. Mr. President, will the Senator withhold the withdrawal of his amendment, so that I may use whatever time he has remaining?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. TYDINGS. Mr. President, I surrender the floor.

Mr. LAUSCHE. Mr. President, how much time remains?

The PRESIDING OFFICER. The time is on the bill.

Mr. LAUSCHE. Mr. President, there has been much discussion today about the foundation upon which this bill is built, and there has been a difference of opinion as to whether the fourth amendment of the Constitution of the United States is the basis of what is sought to be done in the bill. My purpose in speaking now is to declare that whatever we do has its roots in the authority granted by the fourth amendment of the Constitution of our country.

I have in my hand the opinion rendered by the Supreme Court Justices who ruled in the case of Charles Katz, petitioner, against the United States.

In this case, Charles Katz was suspected by substantial circumstances and evidence of using the telephone in communicating racetrack results from Los Angeles to Miami. The Federal Bureau of Investigation understood and suspected that he went to a telephone booth and there, from Los Angeles, telephoned to Miami.

The FBI installed an eavesdropping electronic listening device to find out what his communications were from Los Angeles to Miami. They found that he was using interstate communications in connection with gambling operations. Katz was arrested. He was charged with violating the Federal law. In the trial the important proof against him, in part, was the telephone talk which was detected by the FBI when he spoke to Miami from Los Angeles. He was convicted. Then he filed a petition covering certain complaints in the appellate court telling why the conviction should be reversed.

I now read from the Katz case.

Mr. TYDINGS. What page?

Mr. LAUSCHE. I shall read from page 2:

> The petitioner has phrased those questions as follows:
>
> "A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth."

The booth was not the home of Katz. It was apparently public property, but subject to becoming the possession of the man who was using the telephone.

> "B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution."

The fourth amendment of the Constitution provides that every inhabitant of the United States, without regard to his humble position or position of strength, shall be inviolate against search and seizure by the Government of the United States, or by any other government.

That provision was written into the Constitution because of the operations and persecutions practiced in the tyrannical and despotic nations of Europe prior to the French Revolution and prior to the adoption of the Constitution in 1787.

The fourth amendment was intended to protect the innocent citizen against oppressive actions of Government. The writers of our Constitution knew that the fourth amendment would, at times, provide immunity to criminals from criminal prosecution.

However, they also knew that the innocent individual would be protected in his home; that no one shall enter. Even though it is a hovel, to him it is a palace. So they wrote into the Constitution, regardless how poor one's home may be, that it shall not be entered by the government without the law-enforcement official having first obtained a warrant for search and seizure issued on the basis of evidence establishing probable cause.

In 1787 they did not know about eavesdropping nor did they know about electronic devices. Hence, they did not speak specifically of them. They knew about the inviolability of a man's home.

Mr. President, when I lie in my bed at night, whether I am a poor individual or a Member of the U.S. Senate, I have the right to privacy and the right to expect freedom from intrusion by public officials.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. LONG of Louisiana. Mr. President, in my judgment, the Senator could not be more right in what he is saying with regard to the fourth and fifth amendments. As the Senator from Ohio said so well, these amendments were written before the day of electronic devices.

The fourth amendment to the Constitution provides as follows:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

That amendment keeps a man from having his person, his home, or his place of business searched for evidence against him except by order of a court.

Then, the fifth amendment provides, and I shall only pick out the most important words that I have in mind:

> No person shall be * * * compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;

Mr. President, we had debate for more than a day on the floor of the Senate about the Miranda case and whether a confession or an admission could be used, where a man was actually testifying against himself, unless he had been warned previously of four different things, which include the warning that he did not have to make a statement, that if he did make a statement it could be used against him, that he was entitled to a lawyer, and that if he could not afford a lawyer one would be provided.

The decision of the Senate after very controversial debate was against those who would uphold the Miranda case and favored the position that if the confession were voluntary or if the admission were voluntary and the circumstances so indicated, it should be admitted, if the trial judge agreed on the voluntariness.

Mr. President, if one were to follow the same logic we could have a case where a man is confessing to a crime over the telephone. The same logic would insist that the person tapping the telephone tune in and say, "Listen old buddy, we are tapping your telephone. You do not have to say anything, but if you do say anything, everything you say will be held against you." Or, they could come in on the telephone conversation and say, "Your phone is being tapped, and this conversation is being taped by the police to be used against you or finding further evidence against you," the latter case being what the court once described as "the fruit of a poisonous tree." That was a case wherein the law officers did not use that evidence but used what they learned by the wiretapping to go and obtain the evidence which they did use. It is not proper to use either one. It is clear that as between the two those were the ones clearly intended, that that kind of thing was not to be permitted.

Clearly the tapping of a wire can amount to depreciation of the rights protected by these two amendments.

Mr. LAUSCHE. Mr. President, to get back now to my original position, that what we are doing in the bill has a relationship to the authority granted in the Constitution of the United States, that no home shall be invaded except by authority of a search warrant, issued by a duly constituted court, based upon the probability that a wrong is being committed.

There has been some discussion that there is not a complete relationship between the fourth amendment and the foundation upon which the bill is structured. I reject that argument vigorously. In this case, where Katz went into a telephone booth and called from Los Angeles to Miami to give wagering information, he was convicted. He said, "My constitutional rights were violated. The Government had no authority to tap the telephone line while I was in the telephone booth." The court sustained him. It sustained him on the basis that if a wiretap or an eavesdrop were perpetrated, it had to be done under the authority granted by a court.

I point this out specifically, because I believe that in the amendment that was rejected about 3 hours ago, a great number of my associates were not adequately informed.

The bill, as now written, provides that an officer, when he thinks an emergency exists, may make a search by the installment of electronic or eavesdropping devices and then, within 48 hours, he can seek ratification of the unlawful invasion which he made of the privacy of an inhabitant of the United States. This provision is in violation of the Constitution of the United States.

It is with respect to this point that I am now speaking.

Can we comply with the fourth amendment of the Constitution of the United States by allowing any enforcement officer in the United States, constable, deputy sheriff, sheriff, or attorney general, to say that an emergency exists and, therefore, he will tap the wires of the man whom he suspects without previously getting court authority in compliance with the amendment IV of the Constitution of the United States of America.

The bill provides that he may do so, provided within 48 hours he goes to a court, in conformity with the provisions of the fourth amendment of the Constitution, and obtains a retroactive ratification of what he did.

I ask my associates to ponder that situation.

What about the innocent man's rights after the tap has been made and he has suffered damage and he has been the individual who has been subjected to a violation of his constitutional rights?

The argument has been made that we have to reach Cosa Nostra, that we must reach the criminal.

The Constitution of the United States, in the fourth amendment, dealt only with the innocent citizen. It said no man's home shall be invaded by governmental sleuths, agents, detectives, or otherwise.

At this point I want to make reference to what the Supreme Court of the United States said upon this subject, principally for the information of my associates.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. LAUSCHE. Mr. President, am I out of parliamentary order?

The PRESIDING OFFICER. The Senator is in order.

Mr. LAUSCHE. Then I will be glad to yield to the Senator from Texas in a minute.

I now read, in part, from the opinion:

> The Government stresses the fact that the telephone booth from which the petitioner made his calls was constructed partly of glass, so that he was as visible after he entered it as he would have been if he had remained outside. But what he sought to exclude when he entered the booth was not the intruding eye—it was the uninvited ear. He did not shed his right to do so simply because he made his calls from a place where he might be seen. No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call, is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication.
>
> The Government contends, however, that the activities of its agents in this case should not be tested by Fourth Amendment requirements, for the surveillance technique they employed involved no physical penetration of the telephone booth from which the petitioner placed his calls. It is true that the absence of such penetration was at one time thought to foreclose further Fourth Amendment inquiry, *Olmstead* v. *United States*, 277 U.S. 438, 457, 464, 466; *Goldman* v. *United States*, 316 U.S. 129, 134–136, for that Amendment was thought to limit only searches and seizures of tangible property.

Now, Mr. President, I shall not read further from the opinion except that the Court said the Constitution provides that before we can invade the privacy of a man's home, we must get a search warrant. The Constitution is not complied with when we say that we will search first and then, 48 hours later, get approval by way of a retroactive ratification that what we did was right.

I am a deep believer in the enforcement of law and order. I yield to no one on that subject. I respectfully say to the Chair that, in my opinion, if I had the power and the authority, under constitutional powers, we would not be in the chaotic condition in which we are today.

In the Rayburn Building are 125 occupants who refuse to leave. They are a part of the peace march. That is only the beginning of our problem. When we ask the people in what has been labeled by Madison Avenue language as a resurrection city to leave, that is when the trouble will begin.

I believe in law and order. I believe in it because without it that flag behind the Presiding Officer will be pulled down to the ground, in ashes and shame. But I also believe in the provisions of the Constitution that every individual shall be protected in the enjoyment of his rights.

I support every provision in the bill before us consistent with the fourth amendment and other amendments of the Constitution. I oppose every provision of the bill which takes away constitutional rights, and one of them is the measure against which the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Missouri [Mr. LONG], and the Senator from Michigan [Mr. HART] led the fight on the ground that we were denying constitutional rights to the inhabitants of our Nation.

I close my remarks believing that the bill before us will bring great strength to our Government, in conformity with the provisions of the Constitution of the United States. I will support the bill that is pending.

I regret that I have obviously imposed upon the patience of my fellow Members by this presentation, but I felt impelled to make it because of the seriousness of the question involved.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 71, line 19, after the word "application" to insert the following——

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Add after the word "application," on line 19, page 71, these words:
>
> "The provisions of this subsection (7) shall apply only in cases of national security, or in case of a claimed organized nation-wide criminal conspiracy."

Mr. YARBOROUGH. Mr. President, the proposed amendment reads as follows: On page 71, line 19 of that page, at the close of the sentence, after the world "application," add these words—and this is the provision dealing with a policeman going in and starting electronic wiretapping and asking the courts 48 hours later whether it is all right—

> The provisions of this subsection (7) shall apply only in cases of national security, or in case of a claimed nation-wide criminal conspiracy.

The PRESIDING OFFICER. If the Chair may interrupt, how much time does the Senator yield himself?

Mr. YARBOROUGH. I yield myself 15 minutes.

Mr. President, this bill declares that the President has the constitutional power, without any order of the court, to take any measure he deems necessary to protect the Nation against actual or potential attack or dangers. Furthermore, he is authorized, by any means, to protect the Nation against any clear and present danger to the structure and existence of the Government internally.

There is a provision in this bill that recognizes the President's constitutional power to wiretap anything and everything, without any order, and use it in court, if he thinks the security of the Government is endangered, externally or internally.

That is appropriate to the President of the United States. But section 7, as it stands now, allows broader authority in in lesser officials who can tap on a wide range of suspected offenses. I am not speaking merely about the Attorney General of the United States, or U.S. attorneys acting under him. There are thousands of officers in this country authorized to wiretap, on their own initiative, under this provision, because subsection (7) authorizes "the principal prosecuting attorney of any State or subdivision thereof." In my State alone we have hundreds of county and district attorneys.

I phoned the Attorney General's office today and asked how many thousands of authorities there were in the United States, acting on their own initiative, who could go out and initiate wiretapping under this section. I was told they did not have a ready answer. I talked to the Attorney General in person and Mr. Fred Vinson in person. There are thousands of them. This bill does not authorize only the Attorney General of this country to do it. Any State attorney, district attorney, or county attorney can do it, except where they are under the supervision of the attorney general of the State. So the Senate has opened a Pandora's box of inquisitorial power such as we have never seen in the history of this country.

Mr. President, this is worse than the writs of assistance under King George. If we leave this provision in, then Congress ought to appoint a committee to hang an apology on King George's tomb. Under the writs of assistance, one knew when government agents were going to come to his house. Under this provision, we would not know whether some county attorney who does not like the color of our hair has a bug on our house or is listening to a conversation between a husband and wife. I know something about this. During one of my campaigns for Governor, a bug was put on my house and every conversation was overheard, including every word spoken between me and my wife. But here the Senate has legalized this type of operation not merely for crime.

Look at page 62 of the bill, paragraph (b), line 14, "a violation of section 186." Why did they have to name that?

Because they said, in the preceding paragraph, "Any offense punishable by death or by imprisonment for more than 1 year." Under this provision, a man could be imprisoned for more than 1 year. Section 186 of title 29 of the United States Code specifically provides that this is a misdemeanor.

We have provided broad power to open a Pandora's Box of inquisitorial power against any business or labor union. It is not under the criminal code. It is under labor-management relations. It gives power to any county or district attorney, if he thinks any businessman is giving anything to an officer of a labor union or a president of the union, to set up an inquisitorial bug on that business. It says "anything of value." If one gives a birthday cake to a local officer of a local union, his business could be bugged. So this goes into labor-management relations and will open up a Pandora's Box of evils in that field. The law says it is a mere misdemeanor. This is something that is based upon labor-management relations.

That is only one instance. The bill is full of such provisions.

This measure should be limited to a bill to detect crime. But it is extended to areas not even in the criminal code, areas such as labor-management relations. I ask my fellow Senators to read it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I have only 15 minutes. If the Senator handling the bill will yield time for it, I will yield to the Senator from Louisiana.

The Senator handling the bill declines to yield time.

Mr. President, when the safe streets and crime control bill was first proposed, I gladly joined as a cosponsor. I believe in safety in the streets, and I am in favor of measures which will aid a free society to curb crime and aid local law enforcement. But in Senate committee, certain provisions were added which I oppose. They are not compatible with a free society. Title III of this new bill contains sweeping provisions for wiretapping and electronic surveillance all over this country, which I oppose.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may have 1 minute to ask the Senator from Texas a question.

The PRESIDING OFFICER. The Senator from Texas will have to yield.

Mr. YARBOROUGH. I will gladly yield if it is not charged to my 15 minutes, Mr. President. I shall be happy to yield if it is not charged against my time.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I be accorded 1 minute to ask the Senator a question, and that it not be charged against the Senator's time.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. LONG of Louisiana. Am I to understand that this bill makes it legal for any State district attorney as well as any Federal authority to tap the telephone wires?

Mr. YARBOROUGH. Or any county attorney.

Mr. LONG of Louisiana. Mr. President, they have had some difficulty with this matter down my way. They have been tapping people's telephone wires down in Louisiana in violation of the law; for example, tapping a preacher's telephone wire, on the theory that he might be cooperating with the integrationists, or with the people who do not believe in segregation, and that, if his congregation knew that much about him, they would fire him.

In my State, at least, they have been doing that kind of thing against the law already. If they are doing it against the law now, what will those people be doing if they have a law to excuse them?

Mr. YARBOROUGH. Mr. President, we have never seen anything in this country such as will result from the passage of this bill, if it is passed as it is now before us. It is not a bill to prevent crime alone, and it is not a bill to protect the national security alone. The title, as it is before us, does not deal solely with felonies, but concerns itself also with misdemeanors. It goes over into many areas outside of crime itself.

There were added to this bill this morning the truth in lending provisions. If a county attorney or district attorney were carrying on a crusade against high interest rates—and I am opposed to high interest rates; I have voted against usury and in favor of lower interest rates consistently—but if some county or district attorney was suspicious that a store was charging over the legal rate of interest, he could wiretap that place of business in an effort to find out. No business place in America would be immune. Any place of business, or the offices of any labor union in America, could be wiretapped.

It goes beyond crimes. It covers misdemeanors. Unless you are going to make every misdemeanor a crime serious enough to justify wiretapping, the exceptions would have to be spelled out. Mr. President, there is not enough time, in 15 minutes or even in half an hour, to name all the possible instances under the bill as it is written.

There is one caveat only. The individual State must pass a law incorporating the provisions of this bill for its county and district attorneys. That indicates to me that there will be a rash of laws quickly passed by the State legislatures, to give their officers this authority.

The history of this great Nation began in a revulsion against such measures against privacy. King George gave his customs officials in the colonies blanket authority to search for goods imported in violation of the tax laws of the Crown. Our forefathers opposed such general warrants. They opposed them in the Declaration of Independence. The fourth amendment of our Constitution prohibits such general warrants and places strict requirements on any proposed searches.

Yet title III authorizes such widespread and "ransacking" searches: The writs of assistance that brought on the American Revolution were minor in application compared to the sweeping electronic supervision of public and private life all over America authorized by title III of the pending bill.

But in those days, they knew they were coming into their homes. We will not know. Under these writs, they have 30 or 60 days to obtain the information; and then you never tell a man you were spying on the innermost secrets of his family and home.

Mr. President, I think this is the worst bill I have ever seen since I have been a Member of the Senate. Page 56 of the bill recognizes the constitutional power of the President to wiretap, without the leave of a court, for national security reasons, to protect against foreign or domestic spies, or to protect against the efforts of anybody in America giving American secrets to a foreign power. There is a whole page spelling out that this is a constitutional power of the President, and he does not have to get a court order to make it admissible in evidence.

With that recognition, for the first time in history that I know of, there is no doubt that wiretapping would be widely used for such surveillance purposes.

But then it goes even further, and grants the power not only to the Attorney General of the United States, but to every county or district attorney of any State. They each will have just as much power as the Attorney General of the United States himself to start these inquisitions.

Mr. President, I say, let us protect

against crime in the streets, but let us not destroy every right and every privacy of the American people in their own homes. Any little 50-cent gift is prohibited by law; and if we permit electronic surveillance of our businesses, our labor unions, and our homes, by the sweeping authority embodied in this measure, it could be used to apprehend the giver. Electronic surveillance can be exercised over every business in the United States, under truth in lending, on the theory that it may be intending to charge too high an interest rate.

We would never stand still for a proposal that a policeman be allowed at any time day or night to ransack every part of a man's home to see what he might find that might be incriminating. Yet this measure is even more insidious. With a person not even knowing that he is being searched, a law-enforcement official using wiretaps and the most modern bugging devices can search everywhere for any oral communication.

This is a gross invasion of each individual's right to privacy, the right characterized by Mr. Justice Brandeis as "the most comprehensive of rights, and the right most valued by civilized men."

But not only personal privacy is violated; private property is violated. A vital characteristic of private property is the right to possess it exclusively and keep invaders out. The free citizen can shut his door against the world and the king, and his house thus truly becomes his castle. Title III now proposes mass trespasses, a fatal onslaught against private property and all that it stands for, as well as against personal privacy and all that it stands for.

Most of us are familiar with the techniques that have been developed for electronic surveillance. Wiretaps can be placed on phones, picking up every conversation made to or from that phone. Tiny microphones and transmitters can be hidden away to pick up and broadcast any conversation without the knowledge of those who are talking. Laser beams can be trained over distances of one-half mile against windows or thin walls to pick up any sound within a house.

What is it that title III would allow officials to do with these modern "peeping Tom" devices? A law-enforcement officer can go to a judge and get permission to tap someone's phone and bug his house for up to 30 days upon suspicion that he might learn information that such persons may be about to commit a crime. If nothing turns up in those 30 days, he can simply get an extension for another 30 days. If one judge will not authorize it, he can shop around until he finds a sympathetic judge.

One can tap for a wide range of offenses. Marihuana is listed as a dangerous drug the use of which is a "major offense." Are we to bug the home of every high school student to see if we can overhear two teenagers conspiring to take a puff of marihuana? That is clearly contemplated in this bill. A man's house is no longer his castle; it has become an electronic trap. Only those with money enough to buy a large yacht and go far out to sea would have any hope of privacy from an electronic "peeping Tom."

Mr. President, when I mentioned this thought to a lawyer friend, he said, "No, he could not avoid it even there. These sonar beams can pick it up from 20 miles across the sea."

The eavesdroppers would be everywhere.

Of course, in the meantime, while you are waiting for the teenagers to say something about marihuana, you would overhear and record every intimate detail of family life. Every conversation between husband and wife, between father and son, between the father and those with whom he has business.

Such an invasion could potentially destroy every private relationship: Priest and penitent; lawyer and client; doctor and patient. Surely we do not want to allow such a gross invasion of privacy. And surely our fine law-enforcement personnel do not feel they need such a tool. If these provisions remain in the law, 1984 has arrived in 1968.

How would it help in the battle against crime in the streets? What purse snatcher or rapist plans his crime on the telephone? How would these crimes be prevented by electronic surveillance? The overwhelming desire for safety against crime in the streets will not be met by this measure.

Some persons think organized crime could be effectively attacked by wiretaps. The State of New York has allowed wiretaps and eavesdropping for decades but they still have as much organized crime as any State in the country because those wiretaps yield only petty gamblers and few convictions of bookmakers and gamblers, mainly.

The Nation's highest ranking law-enforcement officer, Attorney General Ramsey Clark, does not want the sweeping authority contained in this bill. I have full confidence in Attorney General Clark. He has the FBI under his jurisdiction. He knows how wiretapping can be employed, and how it is used. And he is fighting every element of crime in the society from the highest organized crime to the lowest, most petty crime in the street. I know of his sincerity in enforcing the law to the fullest.

I have been privileged to know him since he was a student in law school. Ramsey Clark opposes this broad measure and told the Senate Judiciary Committee:

> Public safety will not be found in wiretapping. Security is to be found in excellence in law enforcement, in courts, and in corrections. Nothing so mocks privacy as the wiretap and electronic surveillance. They are incompatible with a free society.

We cannot afford to purchase security at the cost of our personal freedoms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield 1 additional minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 additional minute.

Mr. YARBOROUGH. Mr. President, we cannot afford to purchase security at the cost of our personal freedoms. We cannot afford to purchase security at the cost of destroying the confidential relationship between lawyer and client, doctor and patient, or husband and wife.

We want a just society as well as a safe one.

I predict if this provision becomes law, giving each county attorney and each district attorney in the land—thousands of them, as the Attorney General's Department told me today—as much power as the Attorney General of the United States over every labor-management conference and over every business conference, then we will see after a few years that a situation has been created in this country which will be just as dangerous as that experienced by King George III in the American Revolution.

It is not necessary to trade freedom for security. We can have both in this country.

Mr. TYDINGS. Mr. President, I have the greatest respect and admiration for the distinguished Senator from Texas. However, listening to him speak, I cannot believe that he has read the bill. The Senator described situations which now exist as likely to occur if the bill is adopted.

I would like to advise my distinguished colleague, the Senator from Texas, that there is no law today that prohibits any snooper, any private eye, or any manufacturer's agent from using taps, bugs, or electronic surveillance in their day-to-day activities. As a matter of fact, they are doing it.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I do not want to yield at this time.

The pending bill makes it a crime for a person, whether he is a police officer or any other person, to engage in electronic surveillance except under certain conditions.

The Senator from Texas indicated that this measure would permit any police officer, constable, district attorney, or other individual in the country to tap a wire after the pending bill is adopted. That is not correct.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. Mr. President, I would like to finish my statement.

Mr. YARBOROUGH. Mr. President, I would say there is a law that prohibits wiretapping. There is a Federal law.

Mr. TYDINGS. There is no Federal statute.

Mr. YARBOROUGH. It prohibits the information being divulged.

Mr. TYDINGS. There is no criminal statute on electronic surveillance.

The PRESIDING OFFICER. Has the Senator yielded?

Mr. TYDINGS. No, I have not.

The pending bill has an enabling provision which permits a State government which wishes to permit electronic surveillance to adopt State legislation which come within the confines or restrictions of the pending legislation.

As the law of the land is today, any State legislature can adopt statutory language permitting electronic surveillance, providing it is constitutional and meets the test of the Berger or Katz case. This measure goes a step further and says that it must conform with the restrictions of this legislation.

Mr. President, in the emergency situation, it is not just any officer. It is a law officer especially designated by the Attorney General or by the principal prosecuting attorney of any State or subdivision therein.

I point out that in the county of New York, with 8 million people and 5 million phones, in the 20-year period from 1940 to 1959, there were 343,000 criminal cases. Of those 343,000 criminal investigations, 219 included electronic surveillance. There were 719 taps, which included the renewals.

Since 1958, according to the district attorney, Mr. Frank Hogan, they have averaged each year 75 electronic surveillance wiretaps and 19 bugs.

That is for 5 million phones and 8 million people.

In Great Britain, for 20 years they have had this type of electronic surveillance under rigid court-order type approval.

Mr. President, I ask unanimous consent that the summary of the British experience in this regard be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

The English Experience With Electronic Surveillance

There are those who speak of Title III as if it were some kind of new and dangerous experiment alien to Anglo-American justice. What they ignore is the long and successful use of electronic surveillance techniques by the English police, successful both from the point of view of privacy and of justice. This English experience is reviewed in the *Report of the Committee of Privy Councillors Appointed to Inquire into the Interception of Communications* (1957), reprinted in *Wiretapping, Eavesdropping and the Bill of Rights,* Hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 85th Congress, 2nd Session, Pt. 2, 460–99 (1958) at 481.

In June of 1957, three Privy Councillors were appointed to inquire into the interception of communications in Great Britain. The Report deals only with wiretapping, but its conclusions are equally applicable to all forms of electronic surveillance. The practice over a twenty year period was examined. After reviewing the historical source of the power as exercised by the police, the Councillors took up the purposes and extent of its use. The Report indicated that the power to intercept was limited to serious crimes and issues of the security of the state. Serious crime was understood to mean a crime for which a long term of imprisonment could be imposed or a crime in which a large number of people were involved. Interception could only be on a warrant issued by the Secretary of State.

The Councillors found that metropolitan police used interception chiefly "to break up organized and dangerous gangs . . ." *Id.* at 480. The experience of the police was that much of the major crime in England stemmed from gangs located in London. According to the police, the leaders of the gangs needed the telephone to communicate with their henchmen. The chief use of interception by the Board of Customs and Excise, on the other hand, was in the area of diamond smuggling. Their experience was that the traffic was organized by a "very small, closed group" in which it was "hard to get reports from informers or by normal means of detection." *Ibid.* Again, the telephone was widely employed by the individuals. Finally, the Councillors noted that in espionage the weakest link was communication, and without penetration of this link, detection would be almost impossible.

The Councillors refrained from reaching any hard judgments on effectiveness in terms of alternatives, noting the impossibility of certain conclusions in this area. But based on their examination, they had no question but that its use was necessary in certain kinds of cases. They observed:

"The freedom of the individual is quite valueless if he can be made the victim of the law breaker. Every civilized society must have power to protect itself from wrongdoers. It must have power to arrest, search, and imprison those who break the laws. If these powers are properly and wisely exercised, it may be thought that they are in themselves aids to the maintenance of the true freedom of the individual," *Id.* at 48.

The Councillors concluded that no steps should be taken to deprive the police of the power of interception. They noted:

"But so far from the citizen being injured by the exercise of the power in the circumstances we have set out, we think the citizen benefits therefrom. The adjustment between the right of the individual and the rights of the community must depend upon the needs and conditions which exist at any given moment, and we do not think that there is any real conflict between the rights of the individual citizen and the exercise of this power . . . The issue of warrants . . . will permit the freedom of the individual to be unimpeded, and make his liberty an effective, as distinct from a nominal, liberty," *Id.* at 489.

They continued:

"We cannot think it to be wise or prudent or necessary to take away from the Police any weapon or to weaken any power they now possess in their fight against organized crime of this character . . . If it be said that the number of cases where methods of interception are used is small and that an objectionable method could therefore well be abolished, we feel that . . . this is not a reason why criminals in this particular class of crime should be encouraged by the knowledge that they have nothing to fear from methods of interception . . . This, in, our opinion, so far from strengthening the liberty of the ordinary citizen, might very well have the opposite effect," *Ibid.*

Finally, they concluded:

"If it should be said that at least the citizen would have the assurance that his own telephone would not be tapped, this would be of little comfort to him, because if the powers of the Police are allowed to be exercised in the future, as they have been in the past under the safeguards we have set out, the telephone of the ordinary law-abiding citizen would be quite immune . . . (I)f it is said that when the telephone wires of a suspected criminal are tapped all messages to him, innocent or otherwise, are necessarily intercepted too, it should be remembered that this is really no hardship at all to the innocent citizen. This cannot properly be described as an interference with liberty; it is an inevitable consequence of tapping the telephone of the criminal; but it has no harmful results . . . The citizen must endure this inevitable consequence in order that the main purpose of detecting and preventing crime should be achieved. We cannot think, in any event, that the fact that innocent messages may be intercepted is any ground for depriving the Police of a very powerful weapon in their fight against crime and criminals . . . To abandon the power now would be a concession to those who are desirous of breaking the law in one form or another, without any advantage to the community whatever," *Id.* at 491.

It is from the English that we derive much of our understanding about civil liberty. It was to maintain the "rights of an Englishman" that the Colonies broke away from the Mother Country. There is much once again that we can learn from the English. If they can maintain both privacy and justice under a system of the limited use of electronic surveillance, a system containing significantly less protections, too, than in Title III, then there is no reason why this country cannot do the same.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the New York County experience, including a summary, two letters, and two illustrations of the kinds of showings now being made to obtain court orders, be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Exhibit 1

Electronic Surveillance—The New York Experience

Sometimes it is said that if electronic surveillance techniques were authorized in the administration of justice, it would undermine privacy without giving to law enforcement a tool that is really needed. This argument ignores the New York experience.

The President's Commission on Law Enforcement and Administration of Justice reviewed the New York experience in these terms:

"Over the years New York has faced one of the Nation's most aggravated organized crime problems. Only in New York have law enforcement officials achieved a level of continuous success in bringing prosecutions against organized crimes. For over 20 years, New York has authorized wiretapping on court order. Since 1958, bugging has similarly been authorized.

"District Attorney Frank S. Hogan, whose New York County office has been acknowledged for over 27 years as one of the country's most outstanding, has testified that electronic surveillance is: 'the single most valuable weapon in law enforcement's fight against organized crime . . . It has permitted us to undertake major investigations of organized crime. Without it, and I confine myself to top figures in the underworld, my own office could not have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scalise, Frank Erickson, John "Dio" Dioguardi, and Frank Carbo . . .'

"Wiretapping was the mainstay of the New York attack against organized crime until Federal court decisions intervened. Recently chief reliance in some offices has been placed on bugging, where the information is to be used in court. Law enforcement officials believe that the successes achieved in some parts of the State are attributable primarily to a combination of dedicated and competent personnel and adequate legal tools; and that the failure to do more has resulted primarily from the failure to commit additional resources of time and men. The debilitating effect of corruption, political influence, and incompetence, underscored by the New York State Commission of Investigation, must also be noted.

"In New York at one time, Court supervision of law enforcement's use of electronic surveillance was sometimes perfunctory, but the picture has changed substantially under the impact of pre-trial adversary hearings on motions to suppress electronically seized evidence. Fifteen years ago there was evidence of abuse by low-rank policemen. Legislative and administrative controls, however, have apparently been successful in curtailing its incidence."

It was based on this experience that the Commission was willing to recommend to this Body that legislation be enacted. The Commission was not an inexperienced Body.

Nine of its nineteen members had personal experience with law enforcement use of these techniques, either on the federal or state level, or both. Their judgment can be relied upon. There is, in short, just no substantial evidence that the commercial, political, intellectual, or personal life of the New York community from law enforcement use of these techniques. All the evidence is to the contrary. New York, acting as one of the little laboratories of our federal system, has proven that privacy and justice can be well served in this area. Fears to the contrary are not supported by the facts.

EXHIBIT 2

DISTRICT ATTORNEY OF THE
COUNTY OF NEW YORK,
November 21, 1966.

Prof. G. ROBERT BLAKEY,
Professor of Law,
Notre Dame Law School,
Notre Dame, Ind.

DEAR PROFESSOR BLAKEY: I believe a brief (informal) recapitulation of our views and certain basic facts with respect to the value of electronic eavesdropping (wiretapping and bugging) may be of some aid to you in your efforts to arrive at a proper evaluation of the need for the use of electronic eavesdropping to combat organized crime. As we previously indicated, the successful prosecutions involving organized crime prior to the Benanti case provided the most convincing demonstration of its effectiveness. Our previous communication to you contained a summary of the successful prosecutions in the area of organized crime that were made possible by State legalized wiretapping.

In cases previously outlined for you, it was shown that wiretap conversations were used to induce witnesses of organized crime to cooperate. I may point out that wiretaps were extremely valuable in persuading victims of organized crime to cooperate since they were made to understand that they either had to cooperate or face prosecution for perjury or contempt.

We regard court authorized wiretapping so valuable in our investigations of organized crime that since the Benanti decision was handed down, we have continued to use wiretaps as leads. You recall that as a result of the Benanti decision, we have adopted a policy not to use wiretaps as evidence before a grand jury or at a trial to avoid violating Section 605 of the Federal Communications Act. We have adopted the view expressed by Attorney General Jackson that a violation of this Section takes place only when there is both interception and divulgence. It may be interesting to note that since 1959, the number of telephones tapped pursuant to court order average less than sixty-five for each year.

The question often asked, is wiretapping necessary despite the fact it may prove to be effective. An understanding of the nature of organized crime provides the answer to this question. We must bear in mind that the criminal operations of the underworld today are not limited to a small locality but embrace a wide area that often transcend State lines and, at times, assume national dimensions. These operations involve quite a large number of participants. Therefore, communication among the members of the underworld by the use of the telephone is obviously, quite necessary.

Curiously, our experiences showed that even when underworld characters were apprehensive of the possibility that their phones were tapped, they, nevertheless, continued to use the phones because of the pressing need for immediate communication among themselves. This is true in virtually every area of organized crime whether it involves gambling in all its forms, labor management relations (extortion, bribery of labor union officials, sale of union influence, etc.) loan sharking, corruption in sports and infiltration of legitimate business by the underworld through the corrupt use of influence over certain labor unions and the use of money unlawfully acquired (the proceeds of other rackets).

It must be borne in mind that as the chain of command in the underworld is ascended, the need for communication by use of the telephone becomes greater and greater. The higher ups can not exercise control over a wide area and over a large number of participants in the criminal operations without the use of the telephone.

No matter how guarded they may be in their conversations over the telephone, experience has shown that there have been providential lapses of caution or prudence that made it possible for us to obtain direct evidence of crime. These guarded conversations often yield, at the very least, valuable information and an insight into underworld activity, particularly, in the light of the general knowledge that the investigators may have.

Quite often, underworld characters in an effort to conceal their activities have used the telephones of apparently respectable people. They thus speak more freely on the telephone with their confederates. Our investigators, through diligent observations, have on occasions learned of the use of these phones which have been tapped pursuant to court orders.

It is significant to note that the use of wiretapping requires considerable manpower and equipment. It must be used, therefore, on an extremely selective basis. In other words, wiretapping is necessarily limited to relatively few major targets. The desired massive aproach to the problem of organized crime manifestly would require tremendous manpower and equipment. But limited as our resources might have been, the use of court authorized wiretaps before the Benanti decision, as was indicated in the last communication to you, was nevertheless quite effective.

I shall cite a few instances of the effectiveness of wiretapping to illustrate the impact the activities of the Rackets Bureau has had on organized crime. In 1950, we successfully prosecuted Frank Erickson, the nation's number one bookmaker who we showed was closely allied with Frank Costello. This prosecution was made possible by court authorized wiretaps. It was followed by other successful prosecutions involving other major bookmakers with underworld connections.

During the years between 1953 and 1956, we uncovered racketeering in union welfare funds. This was a significant revelation which made the public throughout the nation aware of this new form of subtle and indirect underworld control over certain labor unions. As a result of our investigation of the misuse of union welfare funds, we successfully prosecuted Sol Cilento, secretary-treasurer of the International Liquor Union, a front for the underworld, and George Scalise, an underworld character who was a close associate of an underworld leader, Augie Pasano.

During the late 1950's, the use of court authorized wiretapping enabled us to expose the underworld control over the professional sport of boxing. We successfully prosecuted Frank Carbo, the underworld czar of boxing.

During the years between 1954 and 1957, the evidence obtained through wiretapping provided the bases for successful prosecutions of about twenty-five underworld characters and faithless union officials. Among those prosecuted was Johnny Dio, the notorious underworld character.

During the investigation that resulted in these prosecutions, this office disclosed the creation of "paper locals" by underworld characters such as Johnny Dio. The underworld, through these "paper locals", obtained substantial revenue through the sale of "sweetheart contracts" to employees who did not want their employees organized by legitimate unions. The underworld also used these "paper locals" as instruments of extortion. It is interesting to point out also, that during this time court authorized wiretaps enabled this office to expose the plan of Johnny Dio and one Tony "Ducks" Carallo to exercise control over the Teamster's Union in the New York area (Joint Council 16). The salutory effect of these disclosures and prosecutions is quite apparent.

Not only has the Benanti decision deprived this office of an extremely valuable aid in the development of evidence of organized crime but it also has had the shocking effect of defeating justice in important cases that were pending. This decision confronted District Attorney Hogan with the dilemma of either directing police officers to violate Section 605 by having them divulge telephone conversations overhead pursuant to court order or to dismiss those indictments based on these conversations. The District Attorney decided that those indictments based on wiretap evidence, should be dismissed. Accordingly, a number of cases were dismissed. I shall cite two indictments that were dismissed as examples of what I personally characterize as serious miscarriages of justice caused by this unfortunate and, in my judgment, unwarranted decision.

The case of People v. Russo et al involved seven defendants charged with conspiracy, feloniously selling a narcotic drug and feloniously possessing a narcotic drug. The conspirators were engaged in the importation and distribution of heroin on a major scale. One kilo (2.2 lbs.) of pure heroin was confiscated. When cut for retail purposes, this would amount to 50,000 to 100,000 decks of heroin which normally sells for $5.00 a deck.

Only two of the men would handle the narcotics; some of the conspirators had never met; and only one or two of them knew the details of the entire operation. The key men of the conspiracy never personally handled the narcotics but issued directions by telephone in code to effectuate the operation.

Joseph Russo and his brother were notorious wholesalers of narcotics. Joseph had been previously convicted of a narcotics felony. Aniello Carillo had a long arrest record for gambling and narcotics crimes and faced a life sentence if convicted on this indictment. Carillo's son, who had previously been convicted of a felony enjoyed the confidence of other major narcotics dealers. He carried out his father's directions in the narcotics business even when his father was incarcerated. The others were major figures in the narcotics trade and enjoyed the confidence of important figures in the organized narcotics trade.

Because of the nature of this conspiracy, all the key evidence was obtained from telephone conversations that were recorded pursuant to court order.

Hopefully, after the Benanti decision, the District Attorney delayed the proceeding, awaiting action by the Congress on a number of bills designed to amend Section 605 of the Federal Communications Act so as to permit the use of State legalized wiretaps at a trial.

Finally, the District Attorney was forced to move most reluctantly, to discharge these defendants, despite the fact that the wiretap evidence conclusively proved their guilt.

People v. Lee Broder et al. involved nine defendants charged with conspiracy and criminally receiving stolen property to wit, $747,000 worth of United States Postal Money Orders. One of the defendants at the time of the commission of this crime was a member of the New York City Police Department. All of them deserved substantial jail sentences in order to protect society from their organized criminal activity.

Wiretap evidence obtained pursuant to court order was more than sufficient to prove the case beyond a reasonable doubt. Without the wiretap evidence the District Attorney was forced to move to dismiss the indictment and turn them loose.

Since the enactment of legislation in 1958 authorizing electronic eavesdropping within private enclosures (bugging) under the supervision of our State courts, our office has made use of this form of eavesdropping on an extremely limited basis. There are three basic reasons for this limited use of this form of electronic eavesdropping. First of all, the telephone, as I stated previously, has been and still is the primary means of communications among the various elments of the underworld in carrying out their criminal operations. Secondly, when underworld characters do meet to further their criminal designs, their meeting places are rarely made known to law enforcement. This may be due to the extremely secret manner in which these meeting are arranged. The third reason is that these meeting places, even when known to law enforcement are quite often inaccessible for the purpose of engaging in this form of electronic surveillance. These factors, therefore, account for the relatively few court orders obtained for electronic eavesdropping (bugging) since 1959. The average per year has been about nineteen. However, these instances of its use have been highly productive in investigations that involved corruption of public office as well as organized crime. Since there has not been a public disclosure of our use of this form of electronic eavesdropping in connection with investigations of organized crime, I shall refrain from giving the details of such use.

Pete and I regret that we have not been able to supply the statistical information concerning the personnel of our office within the time requested. However, it is hardly necessary for me to remind you that we are at a great disadvantage in competing with private employment because of the substantial differential in salaries.

Pete, who has collaborated with me in drawing up this letter, has asked me to tell you that he has not completed reading your report. I look forward to reading it in the near future. Pete and I will make known to you our reactions.

Sincerely,

ALFRED J. SCOTTI,
Chief Assistant District Attorney.

EXHIBIT 3

POLICE DEPARTMENT, CITY OF NEW YORK,
New York, N.Y., October 30, 1967.

Prof. G. ROBERT BLAKEY,
Professor at Law,
Notre Dame Law School,
Notre Dame, Ind.

DEAR PROFESSOR BLAKEY: In connection with your request for a factual description of the internal administrative procedures employed by the New York City Police in the use of wiretapping and bugging up until the Supreme Court's decision in the *Berger* case, the following is submitted.

Wiretapping is supervised by the Police Commissioner and this power is exercised by the Deputy Commissioner in charge of Legal Matters and his legal staff. Although Section 813A of the Code of Criminal Procedure of the State of New York would permit wiretapping for either felonies or misdemeanors, in general wiretapping has previously been authorized by the department only in connection with the investigation of very serious crimes, such as homicides, narcotics sales, robberies, felonious assaults and organized criminal activity in vice and gambling areas.

A request for a wiretapping order may originate from any division or bureau within the department providing that the requesting unit has jurisdiction of the case involved. There is no manual of procedure as such, but the pertinent regulations governing wiretapping and bugging are contained in Chapter 13 of the department's rules and procedures, paragraph 21.0 through 21.12. (Copies of these were previously forwarded to you). These provisions were incorporated into this department's rules and procedures through General Order No. 6 on February 13, 1951. While there have been some minor amendments through the years, the provisions remain substantially the same.

It should be noted that this General Order was the outgrowth of a Grand Jury investigation of gambling activities in Kings County in 1950 and its findings concerning the department wiretapping procedures. Prior to that investigation, the department conducted wiretapping and eavesdropping activities pursuant to Section 813A of the Code of Criminal Procedure. (This section, incidentally, was enacted by Chapter 924 of the Laws of 1942. The basic authority for the statute is Article 1, Section 12 of the New York State Constitution which became effective in 1938). Prior to the 1951 amendment to the rules and procedures, the department's administration and control of wiretapping activities was poorly supervised and maintained. The detailed provisions of General Order #6 were designed to overcome this situation. There is no doubt that the order was successful in this respect. (A copy of General Order #6 of 1951 is attached).

A member of the force who is investigating the possible existence of a crime and who has reasonable grounds to believe that evidence of a crime may be obtained by wiretapping is required to promptly report all pertinent facts in writing to his commanding officer pursuant to Chapter 13/21.0. This information must be detailed. Specific facts such as the identification of the telephone or telegraph line involved and the nature and source of the investigating officer's information must be included in support of the application. The precise facts relied upon to believe that evidence of crime may be obtained through use of the wiretap must be set forth. This request must be reviewed by a high ranking member of the department, usually above the rank of Captain, who certifies that he is of the opinion that reasonable grounds in fact exist and that the application for the order is necessary and proper.

The request must be delivered to the Legal Bureau at least three days prior to the time the application is to be submitted to court (except in emergency cases). The form containing the request and information is reviewed by a superior officer attorney of the Legal Bureau who is assigned to assist in the obtaining of wiretap orders. The determination is here made as to whether or not adequate facts are contained in the application for the preparation of appropriate supporting affidavits. If the application is inadequate the attorney of the Legal Bureau confers with the command concerned in order to obtain such additional facts as may be necessary. If no further facts are available the application is rejected.

The percentage of rejection by the Legal Bureau has been very small. While there are no statistics available, it is estimated that the rejections are less than 2% of the total of the applications submitted. The reason for this is the fact that tight standards and requirements are set forth in detail in the rules and procedures and that the commands applying for wire tapping orders are required to stringently adhere to these standards. Additionally, the review and required certification by a ranking superior officer prior to submission to the Legal Bureau provides effective pre-Legal Bureau screening of such applications. It should also be noted that, generally speaking, the rejections which do occur are strictly on a legal basis and often due to the failure of the police officer affiant to set forth adequate facts in his affidavit which would spell out reasonable grounds. Questioning and interrogation of affiants usually results in removing apparent defects.

Once adequate facts are available, the necessary affidavits and order are prepared. The applicant and affiants, together with a Legal Bureau attorney, appear before a Supreme Court Justice. Although any Supreme Court Justice may sign a wiretap order (their jurisdiction is state wide) pursuant to an informal agreement, applications are made to the justice sitting in the ex parte part of the court. It is to him alone that applications for wiretapping orders are to be submitted as a general rule. However, in case of his absence or inability, urgent applications may be taken to any justice of the Supreme Court who is available.

In some cases the justice may require additional sworn statements from the affiant to satisfy himself that sufficient facts are available to support the order. Once the order is signed, one copy together without the supporting affidavit is left with the judge to be maintained at the court in a special separate file to which only the clerk of the special term which handles all ex parte orders and his chief assistant have access. The original is given to the applicant, and an additional copy of the order with the supporting affidavits is given to the applicant for delivery to the New York Telephone Company. An additional copy containing all papers upon which the order was based is returned to the Legal Bureau for recording and file.

Once the copy of the order is returned to the Legal Bureau appropriate index cards are prepared and additional information concerning the order is recorded in a large bound book. Orders are serially numbered on a monthly basis and filed numerically by month. Access to this information, which is kept under lock and key, is limited to the Director of the Legal Bureau, one staff member who assists in this area and a clerk.

The superior officer who has received the wiretap order applies through the Chief Inspector's office to the Central Investigation Bureau of the department for assignment of a member of that unit to assist in the actual conduct of the wiretapping and for necessary equipment. With the exception of members of the force assigned to the various District Attorney's squads or offices who are subject to the control of the District Attorneys, no unit in the department may engage in wiretapping activities without conforming to the provisions of the rules and procedures.

The equipment used is installed and safeguarded by the Central Investigation Bureau as one of its special assignments. The most stringent safeguards are provided for the use of the equipment, which is almost wholly designed for telephonic interception. In those rare instances where bugging devices have been installed, their use was always reviewed by the Police Commissioner via the Deputy Commissioner in charge of Legal Matters, and special privileges were granted only in non-trespassory situations. Even prior to *Silverman* v. *U.S.* 365 U.S. 505 (1961), if trespasses were involved in the installation of eavesdropping equipment pursuant to a court order, this procedure was governed strictly by the provisions of the rules of the department and was proper according to then existing law.

Prior to the decision of the Court in *United States* vs. *Berger*, bugging was limited solely to homicide cases. Since that decision, its use has been completely eliminated. The preferred eavesdropping device has been the wiretap, quite possibly because of the minimal amount of involvement of persons outside the department. Inasmuch as no trespassory bugging was permitted, permission always had to be obtained from the owner of the premises wherein a bugging device was installed or of the person who was to be a party to the conversation who would carry the necessary device. This of course opened areas for possible leakage in bugging cases.

With respect to the wiretap situation, the sole contact outside the department, aside from the necessary ex parte court appearance, is with the New York Telephone Company. Relations with the security section of this organization are maintained by the Director of the Legal Bureau. The purpose of this liaison is to obtain information as to the current listing of subscribers and the physical feasibility of installing the wiretap.

The installation of the wiretap is made as speedily as possible. Automatic recorders are used almost exclusively. The detective or officer assigned to the wiretap detail transcribes the pertinent messages intercepted. The number of officers who have access to this information is limited to those involved in the investigation and the supervisor who is responsible for the execution of the wiretap order.

The commanding officer of the patrol division or the borough command of detectives is concerned with the review and inspection of the wiretap orders and the procedures to be followed. All transcribed notes of wiretap orders are filed and maintained under tight security conditions in the office of the superior command responsible for the execution of the order. The pertinent tapes are stored in the Central Investigation Bureau and when required are maintained up to two to three years after which they are destroyed. The process is witnessed by a superior officer of that command.

All procedures relating to the review and enforcement of regulations are supervised by staff personnel of the First Deputy Commissioner and the Confidential Investigating Unit of the Police Commissioner. There are no specific penalty provisions in the rules and procedures covering improper conduct with respect to wiretap records or procedures, but failure to comply with the provisions of the rules and procedures regarding these matters can result in departmental charges for noncompliance with specific sections or for violation of an omnibus section of the rules and procedures which reads: "Conduct, disorder or neglect prejudicial to good order, efficiency or discipline, whether or not specifically mentioned in the Rules and Procedures, and including cowardice or making a false official statement, is prohibited."

It should also be noted that any law enforcement officer who fails to comply with Section 813A of the Code of Criminal Procedure except in certain emergency situations as set forth in Section 813B of the Code of Criminal Procedure commits a felony.

A decision to renew a court order is made by the commanding officer who made the initial request based on the need for the new order substantiated by any other facts, such as pertinent conversations intercepted during the time of the original order and any additional material obtained during the course of the investigation. The decision on whether or not to terminate the order prior to the sixty-day period is based on whether or not the desired conversation had been intercepted or whether arrests had been made at such earlier time. The superior officer assigned to the execution of the order may also take this action where it is deemed no longer advisable to continue a wiretap. In any event a full report concerning results or lack thereof resulting from the wiretap must be made to the Chief Inspector who forwards a copy of this report to the judge or justice who issued the initial order. This practice arose as a result of specific requests from the judges, and it has become a uniform policy so that in every case a report of results is forwarded to the justice who issued the order regardless of whether results are negative or positive. It should be noted that this system is more or less analogous to the return which is required by law in search warrant cases. (See Sections 802 and 805 Code of Criminal Procedure). It would seem to be a praiseworthy practice in that it provides for further judiciary review of police activities and practices in this area.

The standards used to approve or disapprove any request submitted for both an original or a renewal are many. These criteria are employed by each reviewing officer throughout the procedure described. They include the nature and seriousness of the crime involved, the soundness of the presentations submitted in terms of establishment of probable cause, the extent of the investigation already conducted and the relative need and advantage of obtaining the requested order.

Enclosed is a copy of the organizational chart of our department as it existed in January, 1967. [Chart not printed in RECORD.]

I trust that the foregoing information will be of assistance to you.

Very truly yours,
R. HARCOURT DODDS,
Deputy Commissioner, Legal Matters.

POLICE DEPARTMENT, CITY OF NEW YORK, OFFICE OF THE POLICE COMMISSIONER,
New York, February 10, 1951.

(General Orders No. 6)

AMENDMENTS TO THE MANUAL OF PROCEDURE

1. Article 14 of the Manual of Procedure titled "Evidence" is amended by adding thereto new paragraphs 36 to 48 inclusive to read as follows:

"INTERCEPTION OF TELEPHONE COMMUNICATIONS

"(Wire-Tapping)

"36. When a member of the force, who is investigating a complaint of, or the possible existence of a crime, has reasonable grounds to believe that evidence of such crime may be obtained by the interception of telephonic or telegraphic communications, he shall promptly report the facts in writing to his commanding officer.

"37. The commanding officer of the division, district or higher command, when satisfied that necessary evidence may be obtained in this manner, shall make written report on form U. F. 49, in duplicate, to the Commanding Officer, Legal Bureau, requesting that application be made to the proper court for an Ex Parte Order authorizing the interception of telephonic or telegraphic communications in accordance with the provisions of Section 813a of the Code of Criminal Procedure.

"38. Such request shall contain:

"a. The identification of the telephone or telegraph line or lines to be tapped;

"b. Reason for believing that necessary evidence may be obtained in this manner;

"c. The nature and source of his information in support of the application;

"d. The number of prior applications made for orders to tap the same telephone or telegraph line or lines including the status thereof.

"39. Accompanying this report, on form U. F. 49 in triplicate, shall be the following certification signed by the commanding officer of the division, district or higher command concerned:

" '(Command) (Date)

" 'I hereby certify that I have been informed by ——— ——— of my command of the facts and necessity for the application for a court order authorizing the interception of telephonic (or telegraphic) communications, over (telephone number), and based upon such information, I am of the opinion that reasonable grounds exist for believing that evidence of crime may be obtained over said facilities and that the application for this order is necessary and proper.

" 'Signed ________________________________
" 'Commanding ________________________'

"40. The request and certification shall be *delivered* to the Commanding Officer, Legal Bureau, by a member of the command of the requesting officer who must be above the rank of sergeant.

"41. Commanding Officer, Legal Bureau, shall supervise the preparation of the necessary affidavits and application for such order, and shall assign a qualified member of his command to assist the superior officer in presenting the application to a justice of the Supreme Court or judge of another court of competent jurisdiction. The application shall request that the order be made effective for a period not exceeding sixty days.

"42. When such order has been issued, a copy thereof will be delivered to the clerk of the court issuing the order for file. A copy will be delivered to the legal office of the telephone or telegraph company concerned. A copy countersigned by the superior officer of the requesting command will be filed in the Legal Bureau of this department as a receipt for the order. The original order shall be delivered to the commanding officer who made the request for the order.

"43. The commanding officer receiving the wire-tapping order shall assign a qualified member or members of his command to execute the order under the supervision of a superior officer. Such assignment shall be made in writing and a proper record thereof maintained. When necessary to do so, the commanding officer will make application for necessary paraphernalia and equipment, such as, earphones, voice recording instruments, etc., to the Chief Inspector, so that Police Department property will be used for wire-tapping purposes.

"44. The officer assigned to conduct the wire-tapping operation shall report without delay to his commanding officer the location where the wire-tap was installed. When a voice recording device is not employed, he shall make notes and transcribe all pertinent information obtained in connection with the wire-tapping operation, which shall be submitted in writing daily to his commanding officer. Should information of such a nature as to require immediate attention be obtained it will be promptly reported by telephone to the commanding officer and included in the daily written report.

"45. When the desired results have been obtained, or in any case, at the termination of the period for which the order was issued, a complete report, in writing of arrests made or other important results obtained shall be submitted by the officer assigned to execute the order to the commanding officer. The commanding officer shall report such results, together with the identity of the officer assigned to execute the order, to the Chief Inspector. A copy of this report will be submitted to the Commanding Officer, Legal Bureau. When the order has been executed by a unit of the Detective Division, a copy of the report shall also be forwarded to the Chief of Detectives.

"46. Commanding officers concerned shall maintain a file containing a complete record in writing of all wire-tap orders obtained and activities in connection therewith.

"47. Recording tape and/or original notes used or made in connection with the execution of wire-tap orders shall be wrapped or placed in containers, sealed, and filed in the office of the command and kept available for inspection. Such records shall be stored in the manner prescribed for other department records.

"48. The provisions of this order will not apply to members of the force assigned to a district attorney's squad or office when the application is made by direction of the District Attorney or his designated assistant, or to a member of the force who is acting under the direction and supervision of a District Attorney or his designated assistant."

2. The Table of Contents, Article 14, Manual of Procedure, titled "Evidence," is amended by adding thereto the following:

"Interception of Telephone Communications (Wire-Tapping) ---- 36–48"

THOMAS F. MURPHY,
Police Commissioner.

EAVESDROPPING

21.0 When a member of the force who is investigating the possible existence of a crime has reasonable grounds to believe that evidence may be obtained by eavesdropping (interception of telephone or telegraph communications, or overhearing or recording conversation or discussion by means of an instrument), he shall promptly report the facts in writing to his commanding officer.

21.1 The commanding officer of a patrol precinct within Brooklyn shall apply for eavesdropping orders through his division commander. The commanding officer of a patrol division or higher command, or in the Detective Division, the commanding officer of a detective borough command, Central Office Bureaus and Squads or Narcotics Bureau, who believes that necessary evidence may be obtained by eavesdropping shall submit a report in duplicate requesting the Legal Bureau to assist him or a superior officer above the rank of sergeant of his command in applying for a court order authorizing the eavesdropping. (See Sec. 813a, C.C.P.) The request shall contain:

a. Reason for believing that necessary evidence may be obtained by eavesdropping

b. Description or, if available, the identification of the person or persons whose communications, conversations or discussions are to be oveheard or recorded and the purpose thereof

c. Identification of the telephone or telegraph line or lines to be involved, if any

d. Nature and source of his information in support of the application

e. Number of prior applications made for orders to eavesdrop the same telephone or telegraph line or lines, or the conversations or discussions of the same individual or individuals, and the status of such applications.

21.2 The commanding officer shall send with this request a separate certification, in triplicate:

"Command) (Date)

"I hereby certify that I have been informed by ____ of my command of the facts and necessity for an application for a court order authorizing the

"a. interception of telephonic communications over (telephone number), or

"b. interception of telegraphic communications over (telegraph line), or

"c. overhearing and/or recording, by means of an instrument, conversations or discussions of (here giving identification of person or persons concerned if possible; otherwise the description of such person or persons)

"Based upon such information, I am of the opinion that reasonable grounds exist for believing that evidence of crime may be obtained thereby, and that the application for this order is necessary and proper."

"Signed __________________

"Commanding ______________."

21.3 A member of the requesting command above the rank of sergeant shall *deliver* the request and certification to the Director, Legal Bureau.

21.4 The Director, Legal Bureau, shall supervise the preparation of the application and affidavits for each order. He shall assign a member of his command to assist in presenting the application in court. The application shall request an order for a period not exceeding 60 days.

21.5 When the order is issued, the judge or justice retains one copy. The original order will be delivered to the commanding officer who made the request and a copy, countersigned by the superior officer of the requesting command, will be filed in the Legal Bureau as a receipt for the original order. If the order authorizes the interception of telephonic or telegraphic communications, a copy shall be delivered to the legal office of the telephone or telegraph company.

21.6 The commanding officer who receives the authorizing order shall have it executed by qualified member(s) of his command under the supervision of a superior officer. Such assignments shall be made in writing and properly recorded. Only Police Department property shall be used for eavesdropping purposes. When necessary the commanding officer shall send a request in duplicate direct to the Chief Inspector, for earphones, voice recorders, etc. indicating the date of the court order, the period for which issued and the name of the issuing judge or justice. The Chief Inspector will forward the original request to the Chief of Detectives for his attention and file the duplicate copy. Such department property shall be returned when the desired results have been obtained or, in any case, at the end of the period for which the eavesdropping was authorized.

21.7 The member of the force assigned to conduct the eavesdropping operation pursuant to the authorizing order shall notify his commanding officer without delay of the location where the wiretap or other instrument is installed or is in use, and of any subsequent change in this location. Whether or not a voice recorder is employed, he shall make notes of all pertinent information and daily submit a transcript of his notes to his commanding officer. He shall also promptly notify his commanding officer by telephone if the information requires immediate attention.

21.8 When the desired results have been obtained or, in any case at the end of the period for which the order was issued and also at the end of each period for which the order was renewed, the member of the force assigned to execute the order shall give his commanding officer a complete written report of arrests made or other important results. If no arrests were made or results obtained, the report shall so indicate. The commanding officer shall report to the Chief Inspector, Bureau of Public Morals, direct, the results and the identity of the member of the force assigned to execute the order. The report shall be in triplicate except that it shall be in quadruplicate if the order was executed by a subordinate command of the Detective Division. The Chief Inspector shall send a copy of the report to the Director, Legal Bureau; the judge or justice who issued the order, and if renewed, to the judge or justice who renewed the order. The quadruplicate copy shall be sent to the Chief of Detectives.

21.9 Commanding officers shall keep a file of all eavesdropping orders and activities. Recording tape and original notes used or made in connection with the execution of such orders shall be wrapped or placed in suitable containers, sealed, and then filed in the Record Room of the command concerned.

21.10 Eavesdropping shall not be directed or commenced until a court order authorizing it has been issued, except that a member of the force may, by means of an instrument, overhear or record conversation or discussion other than telephonic or telegraphic communications:

a. When he has reasonable grounds to believe that evidence of crime may be thus obtained, and that in order to obtain such evidence time does not permit an application to be made for a court order before such eavesdropping must commence, and

b. If he has complied with 21.0 and has obtained permission in writing from the commanding officer designated in 21.1.

Regardless of the length of time that eavesdropping is to be so conducted, the commanding officer granting permission therefor shall immediately apply for a court order as provided in 21.1, 21.2 and 21.3 so that the application may be submitted to the court within 24 hours after the eavesdropping commences, exclusive of legal holidays. Before granting permission, the commanding officer shall be certain that the application to court can be made within the specified time limitation. In addition to the information required by 21.1, the report of the commanding officer shall include the time when the eavesdropping commenced and the reason it was necessary to begin eavesdropping prior to making application to the court. Requests for department property shall be sent to the Chief Inspector as provided in 21.6 except that information as to the date of the court order, etc. will be reported, in duplicate, to the Chief Inspector at such time as the court order issues. If the order is issued, it will be effective from the time the eavesdropping commenced. If the application is denied, the member of the force presenting the application shall immediately notify the commanding officer concerned who shall cause the eavesdropping to cease immediately. The member of the force assigned to conduct the eavesdropping operation shall submit the report required by 21.8, including therein the time and date the eavesdropping ceased. The commanding officer shall submit report required by 21.8 to the Chief Inspector, except that no copy thereof will be required for the judge or justice who denied the application.

21.11 Eavesdropping conducted pursuant to 21.10 shall be subject to the provisions of 21.6, 21.7 and 21.9.

21.12 These provisions do not apply to members of the force assigned to a district attorney's squad or office.

AMENDMENTS TO THE RULES AND PROCEDURES

13/21.1 The commanding officer of a patrol precinct to which plainclothes personnel are assigned shall apply for eavesdropping orders through his division commander. The commanding officer of a patrol division or higher command or, in the Detective Division, the commanding officer of a detective borough command, Central Office Bureaus and Squads or Narcotics Bureau, who believes that necessary evidence may be obtained by eavesdropping shall submit a report in duplicate requesting the Legal Bureau to assist him or a superior officer above the rank of sergeant of his command in applying for a court order authorizing the eavesdropping. (See Sec. 813a, C.C.P.) The request shall contain:

(Remainder of paragraph unchanged.) (G.O. 51, s. 1963).

EXHIBIT 4

(In the matter of the application of Norman J. Levy, an Assistant District Attorney of the County of Nassau, for an order for interception of certain telephone communications, County Court, New Courthouse, Mineola, N.Y., July 1, 1964)

Before Hon. Harold M. Spitzer, *County Court Judge* (In Chambers).

Appearances: Norman J. Levy, Assistant District Attorney.

DONALD J. WHITE, CSR, DA Confidential Reporter.

(Norman J. Levy, being duly sworn by the Court, testified as follows:)

By the Court:

Q. State your name and address. A. Norman J. Levy, 120 Winsum Avenue, Merrick, New York. I am an attorney duly licensed and admitted to practice law in the State of New York.

I am and have been an assistant district attorney of Nassau County since January 12, 1959, and I am Chief of the District Attorney's Rackets Bureau.

Since June 8, 1964, I have been conducting an investigation of the crimes of attempted extortion, conspiracy to commit the crime of extortion, conspiracy to commit a crime and felonious assault.

On June 8, 1964, I had a conversation with Irving Holzman who resides at 55 Sycamore Drive, Roslyn, New York. Mr. Holzman resides at 55 Sycamore Drive, Roslyn, with his wife, Mrs. Ruth Holzman.

Mr. Holzman's business is United East Coast Corporation which is located at 583 Tenth Avenue, New York 36, New York. He also maintains a business in the County of Nassau and that business is located at 243 Northern Boulevard, Great Neck.

The nature of Mr. Holzman's business is

that he is a distributor of automatic coin machines, juke boxes, game machines, and he is the owner of routes of automatic coin machines locations, juke boxes, game machines and cigarette machines.

Mr. Holzman told me that a principal of one of his juke box routes is one Robert Luttman. Mr. Luttman is also employed by Mr. Holzman as an adjustor and his duties as an adjustor are to adjust problems that arise in connection with automatic coin machine locations that are owned by Mr. Holzman in connection with Mr. Luttman, himself and with others.

Mr. Holzman told me that he became aware that Luttman had gone to a location in the Bronx, the Calypso Lounge, in the end of May, 1964, to adjust a location on behalf of Mr. Holzman. At that location in the Bronx a competitor, Jet Automatic, was seeking to take over a location belonging to Mr. Holzman wherein he had placed an automatic coin machine.

Mr. Luttman went to the Calypso Lounge and spoke with the owner of the premises, and the basis of Mr. Holzman's knowledge is a conversation he had subsequently with Mr. Luttman. This is in regard to the Calypso Lounge.

Mr. Holzman said that Luttman told him that in seeking to keep the location for Mr. Holzman that he, Luttman, had told the owner of the Calypso Lounge that one Sally Burns was with Mr. Holzman and Mr. Luttman in that location.

Mr. Holzman identified the name Sally Burns as an alias of one Salvatore Granello. Salvatore Granello resides at 215 Mott Street, Apartment A–1 in the Borough of Manhattan in New York City. Salvator Granello is known through the Intelligence of the District Attorney's Rackets Bureau and Central Intelligence Bureau of the New York City Police Department to be a member of Cosa Nostra.

He is a member of the Thomas Luchesse, alias Three Finger Brown, Family of Cosa Nostra. He is presently under indictment by the federal government, Southern District of New York, and he's charged with income tax evasion.

He's out on bail pending the trial of his case. He has previously been arrested in Orange County for the crime of rape, and he is awaiting trial on that indictment in Orange County.

Mr. Holzman told me that he informed Mr. Luttman that he had had no right to use Sally Burns name in connection with that location or any other location.

Mr. Holzman said that on June 4, 1964, a Thursday, a man came to his New York office located at 583 Tenth Avenue, New York, and identified himself as Dino Conte.

Mr. Holzman told me that he believed Conte was a relative of one of his upstate New York customers and as a result spoke with Conte in his office.

At this time Holzman said that Conte indicated that he had been sent by Sally Burns to talk to Holzman. Conte said to Mr. Holzman at that time, "Do you know Charles Morel? Do you know that Playmore is jumping Charles Morel's locations?"

Conte then said to Mr. Holzman, "We're not interested in Morel but the people Morel is with."

A previous investigation by the District Attorney's office has ascertained that Mr. Morel is a principal of Local Vending and that another principal of Local Vending and partner of Mr. Morel's is one Mike Miranda.

Through our intelligence information Michael Miranda has an arrest record. He's previously been arrested twice for homicide. Both of these charges were dismissed. He has a New York City Police Department B #129648.

He resides at 167 Greenway North in Forest Hills. Mr. Miranda, according to sworn testimony by Joseph Valachi before the Senate Investigating Committee, is one of the National Commissioners of Cosa Nostra, and he's the advisor or consigilliare to Vito Genevese and the Vito Genovese family of Cosa Nostra.

This information, your Honor, is borne out by our own intelligence information and the fact that Mr. Miranda is a partner of Mr. Morel in Local Vending.

By the Court:

Q. Conte said something about Charles Morel jumping locations? A. No, your Honor. Conte said that Playmore was jumping Morel's locations and he said to Mr. Holzman, "We're not interested in Morel, but the people Morel is with."

Q. Who is Playmore? A. According to our investigation the principal of Playmore, which is also an automatic coin machine partnership or corporation, is one Harold Kaufman.

Conte at this time asked Mr. Holzman if Holzman was a partner with Playmore. Mr. Holzman informed Conte that he was not.

At this time Conte said to Mr. Holzman, "We know that you bought out your partner's estate and that you now own Long Island National," which is another juke box operation that Mr. Holzman owns.

He had been a partner in this jukebox operation until his partner, one David Simon, died and he had bought Simon's interest out from the estate.

At this point, according to Mr. Holzman, Conte said to him, "You used Sally's name. He doesn't mind, but people are saying you're Sally Burns' partner."

Mr. Holzman told me that he told Conte, "I never used Sally Burns' name; one of my employees did, he told me he was authorized to use Sally Burns' name."

At this point Mr. Holzman said Conte said, "No one is authorized to use Sally Burns' name." Conte then said to Mr. Holzman that Burns wanted to have dinner with Holzman that evening.

Holzman told me that he then said to Conte, "You just come in off the street. You tell me you know Sally Burns. How do I know that you know Sally Burns?"

Holzman then started to walk to the telephone and he told Conte that he would call Sally Burns directly and speak to him on the telephone. At that point Holzman said Conte said, "Don't do that." He, Conte, would have Sally Burns contact Holzman within the next hour.

Mr. Holzman said that approximately two hours passed and he then received a telephone call from Sally Burns at his office at 583 Tenth Avenue, New York. During the course of this conversation Burns invited Mr. Holzman to have dinner with him that evening and Mr. Holzman told me that he advised Burns that he would be unable to meet with him that evening.

They then discussed having lunch the next day,, Friday, June 6, 1964. Burns asked Mr. Holzman to meet him for lunch at the Charles Restaurant on Sixth Avenue in Manhattan.

Mr. Holzman told me that he told Burns that he was too busy to meet Burns at the Charles Restaurant, but that Burns could come over to Mr. Holzman's office on Tenth Avenue and have lunch with him.

An appointment was made for the next day. Mr. Holzman said that on June 5, 1964, he was in his office at Tenth Avenue and that Burns did not come to his office for lunch, nor did he call him and inform him that he wasn't coming.

On Monday, June 8, 1964. Holzman told me he left for his Manhattan office at approximately 7:40 A.M. Approximately five minutes after he left for work his wife, Mrs. Ruth Holzman, stated that a man rang her doorbell and said that he was from United Parcel.

At this time she was upstairs in their home at 55 Sycamore Drive in Roslyn. She came downstairs to answer the door.

When she opened the front door the unknown man already had the storm door open and he shoved her backwards and she fell to the floor.

According to Mrs. Holzman she stated that the man put his left hand over her mouth and asked her, "Where is your husband?"

She started to scream and during the struggle the man, who had been wearing glasses lost his glasses. When they fell to the floor she grabbed the glasses and held them under her.

During the course of the struggle the man pulled a gun and when she started to scream a neighbor came to her assistance and three men who had been waiting outside the home informed the man who was inside the home that the neighbors were going to call the police, that the cops were coming, "Let's get out of here."

At this time the man who was in the house left the house and the men got into the automobile and left the scene.

Mr. Holzman said that when he arrived at his office—

Q. Excuse me for interrupting you. A. Yes, your Honor.

Q. Was this assault reported to the police? A. Yes, it was.

Q. And is it under investigation? A. It is under investigation at this time, your Honor.

Q. Has the neighbor referred to been interviewed? A. Yes, she has.

Q. And does she verify these facts? A. Yes, she does, your Honor. And that matter is under investigation jointly by the Sixth Squad of the Nassau County Police Department and the office of the District Attorney of Nassau County.

Mr. Holzman informed me that he arrived at work that morning at approximately ten a.m. Strike that.

Mr. Holzman informed me that when he arrived at his office he was told by a business associate to call home right away.

He called his home and was informed by his son-in-law, Ronnie Billing, what had happened to his wife and he was to come—he was told to come right away.

He drove to his home and after arriving there at approximately 12 p.m., one of his employees, one Lou Drutman, called him and advised him that Sally Burns had been at this office, Holzman's office in New York, and had said that he'd heard on the radio what had happened to Ruth.

Drutman told Holzman that Burns had left a phone number for Holzman to call Burns at. Drutman gave Holzman the telephone number, 212–LW–4–2523.

The subscriber of this telephone is the Headline Bar, Eighth Avenue and 43rd Street, New York City. The exact address of the Headline Bar is 253 West 43 Street, New York County.

At that time from his home Holzman called 212–LW–4–2523 and asked for Sally Burns. Burns spoke to him on the telephone and instructed Holzman to go to an outside phone and call Burns at 212–LW–4–2523, the same number.

Holzman told me that he went to a neighbor's telephone and again called Burns at the same number. Holzman said that he said to Burns over the telephone, "Did you hear what happened to my wife?"

Holzman said that Burns replied, "I know all about it." At this point Burns asked Holzman to come to New York to meet him at the Charles French Restaurant, 452 Sixth Avenue, Manhattan.

Holzman said that he advised Burns that he didn't want to leave his wife and he wanted to know why Burns wanted to see him.

Holzman said that Burns told him that he wanted to talk to him about what happened to Holzman's wife. Holzman said that he asked Burns to tell him over the telephone and Burns said, "Meet me. Don't talk about it on the telephone."

Holzman said that he and his son-in-law, Ronald Billing went to the Charles French Restaurant, 452 Sixth Avenue in New York and arrived there at approximately three p.m.

Holzman said that Burns asked his son-in-law to wait at the bar while he spoke to Holzman. Holzman said that he and Burns sat at a table at the Charles Restaurant and Burns said to him, "It's around the industry that you're in the million dollar class, you're the biggest man in the industry.

No one gets in that class unless he has someone with him."

Holzman said that at this time he interrupted Burns and said, "I thought you were going to tell me about what had happened to my wife?"

He said that he asked Burns, "Did you hear about it on the radio," and that Burns replied, "No, I didn't hear about it on the radio; never mind how I heard about it."

At this point Burns said to Holzman, "If you had met me Friday I wouldn't have forgot to come to you and this wouldn't have happened. If I had come home Sunday from Greenwood Lake instead of Monday this wouldn't have happened.

"The people I'm with are animals. They couldn't wait until I came home."

Holzman said that Burns then stopped talking about his wife and said to Holzman, "Even Costello had to give up a piece."

"Now, with you the family wants $25,000 in cash and I want you to give it to them."

Burns then said to him, "I would never mention the word, 'family' but with you I have no worries and I want 25 percent of what you have—not what your partners have—just you."

Burns said to him, at the end of each week he and Burns would meet and have dinner and for every dollar Holzman took in he would keep 75 cents and 25 cents would go to Burns.

He told Holzman, "If at the end of the week you have $1 left I take 25 cents and you keep 75 cents."

At that time Burns asked Holzman for an answer and he told him that he couldn't give him an answer at that time, he'd have to think about it.

Burns then asked Holzman to meet him the next day, Tuesday, June 9, 1964, at the Charles Restaurant.

That evening, Monday, June 8, 1964, myself, District Attorney Cahn and Detective Shephard and Detective Costello were advised of the meeting between Burns and Holzman at the Charles Restaurant.

Holzman also stated that as he was leaving the meeting with Burns that had taken place at the Charles Restaurant he observed Dino Conte in the bar of the Charles Restaurant. He had no conversation with Conte at that time.

Holzman stated that the meeting to take place on Tuesday, June 9, 1964, at the Charles Restaurant with Salvatore Granello, alias Sally Burns, was set for 12 o'clock noon.

The next day at approximately 12 o'clock noon Holzman in my presence called the Charles Restaurant and spoke to Sally Burns. He asked Burns if he should go out to an outside telephone and call Burns back. Burns said that he wanted Holzman to do that.

Holzman then went to an outside telephone in the presence of myself, Assistant Chief Inspector James Farrell of the Nassau County Police Department, Lt. Frank O'Shea of the Nassau County Police Department, Commanding officer of the Sixth Detective Squad, and Nassau County Detectives Harold Shepherd and Clifford Crawford, both of whom are assigned to the District Attorney's Squad.

At that Holzman placed a telephone call to the telephone number 212-GR 7-3300. The subscriber of that telephone number is the Charles French Restaurant, Inc., located at 452 Sixth Avenue, New York City.

This telephone call was made from the Oaks Pharmacy in Rosyln, County of Nassau, State of New York, and the telephone call was monitored and recorded with the permission of the owner of the Oaks Pharmacy.

Q. Holzman knew about it too, I assume?

A. And Mr. Holzman. In this conversation Mr. Holzman asked for Sally Burns and Burns got on the telephone.

Mr. Holzman told Burns that someone had been in the phone booth and he had to wait.

Holzman then said to Burns, "On that conversation yesterday, you know, first of all, I don't have any method of raising $25,000 for the family and I think that that should be reduced.

"I think that your request is a little bit out of line."

That he, Holzman, had put in 26 years in this business and that was a big chunk to give away.

Burns said to Mr. Holzman, "Alright, let me say this to you. You know the way I feel about you and I feel worse than you do about what happened, and I want you to know that's an outside faction."

Burns said that he would explain it to Holzman when he saw him. Burns said that it wasn't his people, his friends.

Burns told Holzman that he would explain to Holzman what was involved and what the past history was to this thing.

Burns said to Holzman, "Between you and I as far as a lot of things that have transpired where I was mentioned, et cetera, and so on, to me it's unimportant.

"I'd like, I'd like, I'd love to be with you and I want you to be with me, but I want to start off right.

"If you feel that you want me—Do you want me to be with you?"

And Holzman said to Burns, "Well, I told you yesterday that with you I could get along but as far as these fancy figures for me to go on financing and stuff like that and to have to, you know, the thing is it don't add up, Sal, it just don't add up."

Burns then said, "Well, then I will tell you what you better do, Irv.

"The first thing to do, Irv, the best thing to do if you feel that way about it, 'cause I want to explain, see, I would, I would help you in that situation myself.

"I don't want to come in there for nothing, you understand. I don't want to come in there for nothing, but I must explain to you better than I did yesterday what the, what it involves and how many different—

"There are different elements involved here, you know, that wanted to take a shot at you.

"You understand what I'm talking about?"

Holzman said, "Yes, but that deal yesterday, that is the worst part, you know, I can't understand why you couldn't have stopped that."

And Burns said, "Well, no, no, I will explain you that, too. This was an outside thing where other people wanted to come into the picture.

"Now, the thing is either I have to know that I'm in there or I'm not in there, and I'm not pushing you, take it easy and take care of her. That's more important.

"That is why I suggested for you to have dinner together and I think—"

And Holzman said, "Well, of course—"

And Burns continued and said, "—you'll feel better."

Then Holzman said, "I know first of all she's marked up pretty bad and I don't know when she'll be able to walk out of the house."

And Burns said, "Alright."

And Holzman said, "Whoever that was—"

And Burns interrupted him and said, "Alright, I will take care of that in my own way. You'll have satisfaction through my way, you understand, which I don't care to discuss on the phone.

"Let me take care of it and you will be very satisfied. I will take care of it my way because I found out more about the story.

"It wasn't my friends involved here. It was friends, but from other people."

Holzman then said, "Yes."

And Burns said, "If you understand what I'm talking about, I will take care of that. I'll have the satis—you'll have satisfaction there my way, understand?

"But as far as the deal what I want to do with you, Irv, I think you should come in today."

Holzman told Burns that he couldn't come in, and Burns said, "You can't?"

And Holzman said, "I can't leave her today. If I leave her I ain't going to have a wife, you know."

And Burns said, "No, no, that's more important. If she feels that way you stay home, but I would like you to come down, sit down and you and I, I think we can work the whole thing out. It could be worked out."

And Holzman interrupted and said, "Well, listen—"

And Burns continued, "It's bad for you to—I'm sorry—and, uh, if it can't be, it can't be, it's alright.

"Either way, whatever you say. You mean that you want to forget it?"

Holzman said, "Well, I—"

And Burns said, "I wouldn't want you to do that, believe me, as your friend I don't want you to do that."

Holzman said, "Well, Sally, look, the first request is way out of line. I just got through buying out an estate and I have no means of going out to raise that kind of money in cash.

If I have to go out and borrow it they're not, nobody is going to lend it in cash."

And Burns said, "Let me say this to you. We'll work that out because I could help you in that situation myself.

"I'll be part and parcel of it with you and when I explain it to you you'll know what I'm talking about, you understand?"

Burns then asked Holzman to again come in and visit him and Holzman said, "You know last night I was a little bit upset with the whole situation, you know, especially after I left you.

"I became upset myself. The thing is getting so that what's the sense of knocking your brains out if these things are going to happen?"

Burns said, "Well, there ain't nothing going to happen. That is what I want to eliminate, and that is the missing link with you, Irving, and you can believe what I'm telling you.

"Then you can do what you want. You can do anything you want. I told you that.

"As far as I'm concerned I think I'm a necessary evil in this situation and the way it will clarify everything all the way around and we can go forward.

"There'll be no nonsense involved and nothing else, and I'm telling you."

And then Holzman again told him, "I think that the 25 thousand is way out of line."

And Burns said, "The figure can't be changed, but here's what I'm going to do.

"I'm going to do something on my own to work it out."

And Holzman interrupted and said, "Sally, they've got to change the figure. I'm not going to go for $25,000. I told you yesterday.

"I know I can deal with you but I'm not going to go for $25,000."

And Burns answered, "Look, you've made your mind up definitely that way, then there is no sense even meeting if you don't want to."

And Holzman said, "I don't say I don't want to meet but I say I'm not going for 25."

And Burns said, "But I want to explain to you, I'll do my best for what I have to do. I know what I have to do, but I can work it out.

"I told you I could work it out."

Burns then said, "Let me sit down with you and we'll discuss it and then maybe I'll go there and say, 'Look, this is what

I'm going to do, I'm going, I am doing it on my own, this is for me,' maybe it will be a little different picture, but I can't pick your brain.

"I got to sit down and talk to you, you and I together."

Burns then asked Holzman to again meet him the next day and Burns gave Holzman his home telephone number CA 6–2638, and asked Holzman to call him the next morning at 10 o'clock and let Burns know whether Holzman could meet him at noon at the Charles Restaurant.

Burns said, "You just talked to me in the morning. I'll tell you what to do, call me tomorrow morning at 10 o'clock home," and further told Holzman, "Go outside and call me, and tell me if you're coming in and I'll meet you at 12 o'clock at Charles."

Burns then told Holzman, "If you want to call me, call me tonight," and Holzman asked him:

"Where? At home?"

And Burns told him, yes, he'd be home, but if he wasn't home to call him at this other number, CAnal 6–8509.

Burns told Holzman that, "That's Patrissy's; remember the restaurant downtown, the one on Kenmare Street," and he again gave Holzman the number CAnal 6–8509.

Thereafter, Burns gave Holzman another telephone number.

He said to him, "And the other number I gave you yesterday, I go there once in awhile for a drink, you know."

And Holzman said, "Is that the LW number?"

And Burns said, "LW."

And Holzman told him that he had that number.

Holzman then told Burns, "I'll call you in the morning."

On June 10, 1964, Holzman called Burns at CAnal 6–2638, the code number was 212. CAnal 6–2638 checks to Nancy Granello, 215 Mott Street, Apartment A–1, New York County.

Nancy Granello is known to be the wife of Salvatore Granello, and this is Granello's residence.

The telephone number 212–CA–6–8509 checks to the subscriber, Patrissy's Restaurant, 96 Kenmare Street, New York, New York County.

On June 10, 1964, when Holzman called Burns at his home he told Burns that he would call him at 12 o'clock at the Charles Restaurant.

Holzman didn't call Burns at the Charles Restaurant at 12 o'clock on June 10, 1964, and thereafter, during the afternoon of June 10, 1964, Dino Conte called Holzman at his home and told Holzman that Sally was waiting for Holzman's call and told Holzman further, "Well, you should call him and let him know if you want to see him or don't want to see him, 'cause he's waiting."

Conte told Holzman that Sally had left the Charles Restaurant and was now at the LW number. Holzman then called 212–LW–4–2523, the Headline Club, and spoke with Sally Burns.

Burns asked Holzman what happened and Holzman told him, "Do you know Dino just called me. I didn't want to call you.

"I'm upstairs you know. Bill Cahn posted a man here 24 hours. I don't want to call you from home with a guy sitting in."

Burns told Holzman, "Why don't you take a ride out? Two minutes. You know I waited for your call."

Holzman told Burns, "Well, the man goes with me, that's what Cahn told him to do."

And Burns answered, "Irving, look, I know you're home. It's allright. Do you want to see me or you don't want to see me."

Holzman said, "Well, I'm not coming into New York for a couple of days and I'm staying here."

Burns then said, "I would like to see you on this one way or the other. I know what you want me to do and I'll know what you want me to do, and I'll get away from the picture altogether."

And Holzman told Burns that he'd see him when he came into New York and as soon as he came into New York.

Holzman told Burns that he would be in New York on Monday. Burns told Holzman, "I understand, but at the same token you know when I tell you, Irving, I waited for you, I don't go no place, I wait for you." Holzman told Burns he was sorry.

Burns said to Holzman, "It's important to me, too, you know what I mean."

Holzman said, "I was doing this for you, not for me." And Burns said, "Okay, buddy. Look, try to get in touch with me Friday morning."

Holzman said, "If not, you will hear from me."

And Burns said, "I go up to the country."

And Holzman said, "If you go up to the country you will hear from me Monday before 12 o'clock."

And Burns said, "In fact, I'll tell you the truth, what I would like you do Saturday or Sunday, put Ruth in a car and come up to the house and stay the whole day with me and she'll be a new woman; that's what I would like you to do."

And Holzman said, "Well, where is this place?"

Burns said, "It's in Greenwood Lake."

Holzman said, "Greenwood Lake is a big place."

Burns said, "Well, I could give you the whole instructions. You come right over the mountain and in fact, Dino will come with you and show you the place."

Holzman said to Burns, "Let me put it this way. If I can convince her to go up I will call you Friday morning at the house."

Burns said to Holzman, "Well, you do that, call me and give her my love."

Holzman said to him, "And don't forget I didn't call because—" And Burns interrupted him and said, "Allright, but I wanted to hear from you, Irving."

"You know how I am when I do something, I do it right."

Holzman said, "But you know where I am, too."

And Burns said, "Allright, I don't care. I don't care who's there, and who's not there. With me I'm one way.

"If I have to do something for you I'll do it, and if we don't want to do it, forget about it.

"So you call me Friday morning. If you come in early call me."

And that was the end of the conversation.

On Monday, June 15, 1964, Holzman met with Burns at his New York office at 583 Tenth Avenue, New York. The meeting was set up after a telephone call from Holzman to Burns at Burns' home, CAnal 6–2638.

During the course of the meeting at Holzman's office Burns gave Holzman his Greenwood Lake telephone number, code number 914, GR 7–2439. The telephone number 914, GR 7–2439 checked to the subscriber Nancy Granello, Lakelands, Greenwood Lake.

Nancy Granello is the wife of Salvatore Granello, alias Sally Burns.

On Tuesday, June 23, 1964, Holzman again met with Salvatore Granello-Sally Burns at his New York office. At that time Burns asked Holzman for $12,500 for the family. and he told Holzman that Holzman should make a $5,000 down payment by that coming Friday.

He told Holzman, "You can't keep stalling." And he advised Holzman, "If you don't want to make a deal with them I'll bow out."

Holzman told Granello that he would let him know by Friday or the latest Monday.

On Friday, June 26, Dino Conte called Drutman, an employee of Holzman's at Holzman's office in New York and told Drutman that Irving made an appointment and didn't keep it and that is no way to act.

On Monday, June 29, Holzman called Granello and told Granello that he wasn't going to give any money to the family and he wasn't going to give Granello any part of his business.

Granello told Holzman, "Okay, buddy, I'm bowing out. Now you're on your own."

On Tuesday, June 30, Delores Billing, who is the married daughter of Irving Holzman received a telephone call at her home. Her telephone number is OV–1–0271. The call was received at approximately 10:20 a.m.

The caller said to Delores Billing, "Delores, if your father doesn't cooperate we'll come to Sylvia Lane and kick your ——— pregnant belly in."

Holzman's daughter resides with her husband, Ronald Billing at 65 Sylvia Lane, Plainview and she is presently pregnant.

During the course of this investigation I spoke with Joseph Albino who is a business associate of Irving Holzman. Both Holzman and Albino told me that they knew Salvatore Barbella also known as Rocco Barbella, also known as Rocky Graziano.

Albino said that he entered Mercy Hospital on Thursday, June 18, 1964, for an operation. He said that on Tuesday, June 23, 1964, he received a telephone call at Mercy Hospital in Rockville Centre, Nassau County, New York, from Rocky Graziano.

Graziano said to him, "I met a guy on the street in New York who walked up to me and said, 'Your cousin is in the hospital.' "

Graziano asked Albino if he could come to see him in the hospital. And he also said to Albino, "I understand your partner, Irv, and you are having a little trouble.

"I can't talk to you on the phone. Can you read between the lines? Can I come up to see you?"

Albino told Graziano that he could come to see him at Mercy Hospital.

Graziano, according to Albino, didn't come to see him in the hospital, but on Sunday, June 28, Graziano during the morning stopped at Albino's home in West Hempstead.

Albino told me that Graziano said to him that he Graziano was sitting at a table with guys the other day and these guys were talking rough. "They said they were going to hurt your partner, Irv, and you."

Graziano said to Albino, "I told them you were my cousin and that they shouldn't hurt you." Graziano then asked Albino, "What did you do to aggravate them? You must have done something."

Albino told Graziano at that time that he had nothing to do with Holzman's business in New York; that he was only his partner in Nassau County and in other parts of Long Island.

Graziano then asked him, "What did Irving do to them?" At that point Albino told me that he told Graziano that Sally Burns wanted $25,000 in cash from Holzman for the family and 25 per-cent of his business.

At that point Albino said Graziano said to him, "Don't take sides. If you're asked you stay neutral. Don't worry. You're not going to get hurt."

At the end of the conversation Graziano said to Albino, "The guys want to know an answer. Tell him the guys are waiting for an answer."

In regard to Robert Luttman and in addition to the testimony that I've previously given with regard to Luttman I wish to state that Holzman told me that approximately seven months ago he was engaged in a conversation with Luttman about women; and during the course of this conversation Luttman indicated to Holzman that he was being kept by a woman who gave him thousand-dollar bills as spending money.

Holzman said to me that during the course of this conversation with Luttman he made up a story which he told Luttman that he, Holzman, was keeping company with a Copacabana chorus girl named Joyce.

Holzman told me that he didn't know any Copacabana chorus girls, let alone one named Joyce, and that he wasn't keeping company with any woman.

He said that he made this story up during the course of his conversation with Luttman. Holzman further stated that at the time of his meeting with Salvatore Granello alias Sally Burns on June 15, 1964, at his business in New York City Burns said to him, "I did you a favor. I know a shylock who works at the Copacabana and I told him to tell Joyce to forget you because you're a married man."

Holzman stated to me that this information couldn't have been given to Burns by anyone other than Luttman because Luttman was the only one present when he made this statement.

On June 30, 1964, Detective Fred Pawel and Detective Thomas Costello of the Nassau County Police Department assigned to the District Attorney's office, were in Patrissy's Restaurant.

On that occasion they observed Salvatore Granello alias Sally Burns in the bar of that restaurant. During the course of this surveillance of Salvatore Granello alias Sally Burns, Burns used two public telephones.

The telephone numbers of these two public telephones are CA 6–8509 and CA 6–8854. The telephone number CAnal 6–8854 is listed to Patrissy's Restaurant, 98 Kenmare Street, New York County, New York.

I wish to correct for the record, your Honor, I had earlier said that Salvatore Granello alias Sally Burns was presently under indictment charged with rape as a felony.

On July 19, 1963, that indictment was dismissed and I was in error when I told you that the indictment was pending.

On July 17, 1940, Granello was arrested by the State Police, Trenton, New Jersey, and charged as a disorderly person and received a sentence of ten days.

On October 6, 1940, he was arrested in Manhattan for assault and robbery and the final disposition of that case was a conviction for assault in the third degree.

On January 29, 1949 he was arrested in New York City and charged with violation of the Selective Service Laws and prosecution was denied by the federal authorities thereafter.

On July 25, 1947, he was arrested in Manhattan and charged with Grand Larceny. That charge was discharged in Manhattan Felony Court.

On January 14, 1959 he was arrested in Brooklyn and charged with 887 of the Code of Criminal Procedure, subdivision 1, vagrancy, and that charge was dismissed.

He is presently under indictment as I've previously testified and charged with income tax evasion.

On this indictment his co-defendant is one George Levine. George Levine is the stepfather of Rocky Graziano. Joseph Albino informed me that Graziano is the Godfather of Granello's youngest child, a daughter.

Mr. Levy: Your Honor, on the affidavit of Norman J. Levy, Assistant District Attorney, and the sworn testimony of Norman J. Levy before your Honor, the People make application to intercept and record all telephone communications over a telephone instrument bearing telephone number 212–LW–4–2523. This telephone instrument is located at 252 West 43rd Street, New York County, New York.

The subscriber of that telephone is the Headline Bar which is located at 252 West 43rd Street, New York County, New York.

The basis of the People's application, your Honor, is the affidavit by Norman J. Levy that is before you and the sworn testimony of Normal J. Levy which you have heard.

The Court: Mr. Levy, have you been trying to verify whether the daughter of Holzman was in fact threatened?

Mr. Levy: Your Honor, Detective John Skuzenski of the Nassau County Police Department assigned to the District Attorney's Squad interviewed Mrs. Delores Billing at her home on Sylvia Lane yesterday and the facts that I testified to before your Honor were stated to Detective Skuzenski by Mrs. Billing.

The District Attorney's office and the Nassau County Police Department are working on an investigation to identify the caller.

The Court: At the present time have you been able to get any clue which would lead you definitely to the caller?

Mr. Levy: We have not, your Honor.

The Court: You feel as though this tap will assist you in that quest?

Mr. Levy: Yes, your Honor.

The Court: From your experience over the years do you feel that there is reasonable ground to believe that evidence of crime may be obtained by intercepting messages over this telephone?

Mr. Levy: Yes, your Honor. This telephone has been used by Salvatore Granello alias Sally Burns in telephone conversations with the complainant, Irving Holzman, in regard to the demand for $25,000 and 25 per-cent of his business.

The Court: So that in addition to the alleged extortion you are faced here with the threats of violence and physical harm to innocent people?

Mr. Levy: Yes, your Honor, and the investigation regarding the assault on Mrs. Ruth Holzman at her home in Nassau County as well as the threatening telephone call to Mrs. Billing.

The Court: I am satisfied that there is reasonable ground for granting your application.

Exhibit 5

(In the Matter of Overhearing Conversations Taking Place in the offices of the Big "S" Service Center, located at 446 Coney Island Ave., Brooklyn, New York)

State of New York
County of New York, ss.

Frances J. Rogers, being duly sworn, deposes and says:

"1. I am an Assistant District Attorney of the County of New York, assigned to the Frauds Bureau of the District Attorney's Office. This office is currently conducting an investigation into the complicity of one Michael Scandifia with one John Lombardozzi and one Carmine Lombardozzi in a conspiracy or conspiracies to commit the crime of grand larceny and other alleged crimes in this county.

"2. On December 26, 1962, Seymour Kaplan, of Kaplan Jewelers Inc., 52 West 47th Street, New York City informed this office that on October 18, 1962, Michael Scandifia, using the alias 'Mike Scandi', obtained approximately $60,000 worth of diamonds from his firm 'on memorandum', John Lombardozzi was with Scandifia at the time of this transaction. Included within the 'memorandum' was an item giving John Lombardozzi $6200 worth of jewelry.

"3. Said Seymour Kaplan has informed this office that said Scandifia and said Lombardozzi originally asked Kaplan for $250,000 worth of diamonds for which they wanted to leave certificates of stock as collateral.

"4. Said Seymour Kaplan has informed this office that said Scandifia and said Lombardozzi have not to date returned the diamonds or their value.

"5. On October 31, 1962, Honorable Mitchell D. Schweitzer Justice of the Supreme Court, made an order relating to a different investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to overhear and record, by means of any instrument, any and all conversations, communications, and discussions that may take place in the center Room of the ground floor of premises known as the Elbro Coffee Shop, located at 377 Broome Street, in the County, City, and State of New York.

"6. On November 5, 1962, a meeting took place in the above-mentioned Elbro Coffee Shop during which the theft of subject jewelry was discussed. Present at this meeting were Michael Scandifia, Carmine Lombardozzi, brother of John Lombardozzi, Arthur Tortorella, Sabota Muro, and other unidentified persons.

"7. On January 3, 1963, detectives from this command interviewed said Scandifia and he denied any knowledge of the jewelry or of the memorandum signed by one M. Scandi.

"8. Said Seymour Kaplan and his brother Fred Kaplan positively identify photographs of said Scandifia as the individual known to them as Mike Scandi.

"9. On January 7, 1963, Scandifia was again contacted by detectives who were told by Scandifia 'to get in touch with Carmine Lombardozzi if they wanted the whole picture of this diamond matter.'

"10. On January 9, 1963, Honorable Mitchell D. Schweitzer Justice of the Supreme Court, made an order relating to this investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to overhear and record, by means of any instrument, any and all conversations, communications, and discussions that may take place in room 106, of the Kings Highway Hospital, 3201 Kings Highway, in the County of Kings, City and State of New York.

"11. Said Scandifia was then a patient in room 106, Kings Highway Hospital, 3201 Kings Highway, Brooklyn, New York.

"12. On January 10, 1963, a meeting took place in the above-mentioned hospital room during which the disposition of certain diamonds was discussed. Present at this meeting were Fred Epplitio, Wendi 'Honey' Hoffman and subject Scandifia.

"13. Said Hoffman visited Scandifia again on January 11, 1963, and was called by said Scandifia at her home, 2800 Coyle Street, Apartment 419, Brooklyn, New York, telephone number TWining 1–1295, on January 12, 1963.

"14. Said Scandifia was released from Kings Highway Hospital on January 12, 1963 and since that time he has been observed as a constant companion of said Wendi Hoffman and a frequent visitor at her apartment.

"15. On January 22, 1963, Honorable Mitchell D. Schweitzer, Justice of the Supreme Court, made an order relating to this investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to intercept any and all telephonic communications transmitted over the telephone line and instrument listed as TWining 1–1295., under the name Wendi Hoffman, Apartment 419, 2800 Coyle Street, Brooklyn, New York.

"16. On February 4, 1963, Honorable Mitchell D. Schweitzer, Justice of the Supreme Court extended the order mentioned in paragraph 15 to include the telephone line and instrument listed as TWining 1–0295, under the name of the same Wendi Hoffman, located in the same Apartment 419, 2800 Coyle Street, Brooklyn, New York.

"17. By means of the above-mentioned orders (paragraphs 15 & 16), detectives assigned to this command, were able to establish that said Michael Scandifia used the phones, located in the offices of the Big 'S' Service Center, 446 Coney Island Avenue, Brooklyn, to communicate with said Carmine Lombardozzi and said John Lombardozzi, among others.

"18. It has also been established that the said Scandifia meets with various persons connected with said Carmine and John Lombardozzi in the offices of the Big "S" Service Center, 446 Coney Island Avenue, Brooklyn.

"19. On February 14, 1963, detectives from this command observed one Robert Weber outside the said Big "S" Service Center. * * *

"I further respectfully request that this order be made effective until and including May 1, 1963.

"No previous application has been made to any justice or court for the order herein requested.

"Francis J. Rogers,
"FRANCIS J. ROGERS."

Sworn to before me this 8th day of March, 1963.

Edwin W. Kapusta,
EDWIN W. KAPUSTA,
Notary Public for the State of New York, Qualified in New York County, No. 31-2034975.

Commission expires March 30, 1963.

Mr. TYDINGS. Mr. President, I understand that the purpose of the Senator from Texas speaking was to offer an amendment. I understand that the amendment is now pending. I understand further that the purpose of the amendment is to restrict the emergency use of electronic surveillance to cases involving national security or organized crime.

Mr. YARBOROUGH. Nationwide organized crime.

Mr. TYDINGS. Mr. President, I wonder if the Senator from Texas would accept this language as a modification for his, since I think it is a little tighter: "with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime."

Mr. YARBOROUGH. Mr. President, there is one difficulty I face that the distinguished Senator from Maryland also faces. What is organized crime? Does it mean what we generally call a crime syndicate that operates on a vast scale, or is it something petty?

Mr. TYDINGS. It is the former. That would be my quick response.

Mr. YARBOROUGH. If the Senator would clarify it for the RECORD, then we would have in the RECORD what he means by organized crime. The Senator from Maryland was a distinguished U.S. district attorney.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the part of the report of the Senate Committee on the Judiciary describing the operations of the Cosa Nostra, organized crime, and excerpts from my speech on organized crime be printed at this point in the RECORD as part of my response to the Senator's question.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LAW ENFORCEMENT

The major purpose of title III is to combat organized crime. To consider the question of the need for wiretapping and electronic surveillance techniques in the administration of justice, it is necessary first to consider the historical development of our system of criminal law and procedure and the challenge put to it today by modern organized crime. We inherited from England a medieval system, devised originally for a stable, homogeneous, primarily agrarian community. In our formative years, we had no professional police force. Today, however, we are a mobile, modern, heterogeneous, urban industrial community. Our Nation, moreover, is no longer small. Our traditional methods in the administration of justice, too, were fashioned in response to the problems of our Nation as they were in its formative years. In years past it was not possible to investigate crime aided by science. Today it is not only possible but necessary, in the development of evidence, to subject it to analysis by the hands of those trained in the scientific disciplines. Even so, scientific "crime detection, popular fiction to the contrary notwithstanding, at present is a limited tool" ("The Challenge of Crime in a Free Society" (1967)). In our formative years, offenses usually occurred between neighbors. No specialized law enforcement force was thought necessary to bring such crimes into the system of justice. Ignored entirely in the development of our system of justice, therefore, was the possibility of the growth of a phenomenon such as modern organized crime with its attendant corruption or our political and law enforcement processes.

We have always had forms of organized crime and corruption. But there has grown up in our society today highly organized, structured and formalized groups of criminal cartels, whose existence transcends the crime known yesterday, for which our criminal laws and procedures were primarily designed. The "American system was not designed with (organized crime) * * * in mind," the President's Crime Commission noted in its report "The Challenge of Crime in a Free Society" (1967), "and it has been notably unsuccessful to date in preventing such organizations from preying on society." These hard-core groups have become more than just loose associations of criminals. They have developed into corporations of corruption, indeed, quasi-governments within our society, presenting a unique challenge to the administration of justice. Organized crime has never limited itself to one illegal endeavor. Today, it is active in, and largely controls, professional gambling, which can only be described as exploitive, corruptive and parasitic, draining income away from food, clothing, shelter, health, and education in our urban ghettos. The net take is estimated at $7 billion a year.

Organized crime also has an almost monopolistic control over the illegal importation, distribution and sale of narcotics, which is estimated to be a $350 million a year business. The destruction of human personality, the violation of human dignity, even death, associated with addiction need not be belabored here nor ought it be necessary to point out again who the victims are, the poor, the uneducated, the unskilled, the young. The cost of narcotics varies, but it is seldom low enough to permit the typical addict to obtain money for drugs by lawful means. Theft and prostitution are necessary byproducts of many addicts.

Loan sharking, finally, is everywhere dominated by organized crime. Its estimated take is $350 million a year. Its victims, in contrast, come from all segments of our society. Only a pressing need for cash and no access to regular channels of credit separate the victim from each of us. Repayment is everywhere compelled by force. Since debtors are often pressed into criminal acts to find repayment, loan sharking also has wide social impact.

Organized crime has not limited itself to criminal endeavors. It has large spheres of legitimate business and union activity undermining our basic economic mores and institutions. In many cities, it dominates the fields of jukebox and vending machine distribution. Laundry services, liquor and beer distribution, night clubs, food wholesaling, record manufacturing, the garment industry, and a host of other lines have been invaded. Our free control of businesses has been acquired by the sub rosa investment of profits acquired from illegal ventures, accepting business interests in payment of gambling or loan sharks debts, or using various forms of extortion. After takeover, the defaulted loan has sometimes been liquidated by professional arsonists burning the business and collecting the insurance or by various bankruptcy fraud techniques. All of us consequently pay higher insurance premiums and higher prices to cover the losses. Many times the group, using force and fear, will attempt to secure a monopoly in the service or product of the business. When the campaign is successful, the organization begins to extract a premium price from customers. Either way, each of us suffers individually and our traditional economic way of life is damaged.

CORRUPTION OF DEMOCRATIC PROCESSES

Organized crime flourishes best only in a climate of corruption. Today's corruption is less visible, more subtle, and therefore, more difficult to detect and assess than the corruption of earlier times. With the expansion of governmental regulation of private and business activity, the power to corrupt has given organized crime greater control over matters affecting the everyday life of each of us. At various times, it has been the dominant political force in such metropolitan centers as New York, Chicago, Miami, and New Orleans. Political leaders, legislators, police officers, prosecutors, and judges have been tainted by organized crime, and the public is the victim because there can be no true liberty or justice under a corrupt government.

The President's Crime Commission, in their report "The Challenge of Crime in a Free Society" (1967), put it this way: Organized crime's success preaches "a sermon that all too many Americans heed: The Government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers."

In discussing the use of electronic surveillance as a weapon against organized crime, the President's Crime Commission states:

"* * * communication is essential to the operation of any business enterprise. In legitimate business this is accomplished with written and oral exchanges. In organized crime enterprises, however, the possibility of loss or seizure of an incriminating document demands a minimum of written communication. Because of the varied character of organized crime enterprises, the large numbers of persons employed in them, and frequently the distances separating elements of the organization, the telephone remains an essential vehicle for communication."

Victims, complainants, or witnesses are unwilling to testify because of apathy, fear, or self-interest, and the top figures in the rackets are protected by layers of insulation and direct participation in criminal acts. Information received from paid informants is often unreliable, and a stern code of discipline inhibits the development of informants against organized criminals. In short, intercepting the communications of organized criminals is the only effective method of learning about their activities.

District Attorney Frank Hogan, a recognized national authority, who has served in the New York District Attorney's office for 32 years, states that wiretapping is an indispensable weapon in the fight against organized crime. The President's Commission on Law Enforcement and Administration of Justice had this to say about the organized crime problem in New York:

"Over the years New York has faced one of the Nation's most aggravated organized crime problems. Only in New York have law enforcement officials achieved some level of continuous success in bringing prosecutions against organized crime. For over 20 years, New York has authorized wiretapping on court order. Since 1957 "bugging" has been similarly authorized. Wiretapping was the mainstay of the New York attack against organized crime until Federal court decisions intervened."

[From the CONGRESSIONAL RECORD, May 13, 1968]

LA COSA NOSTRA

Today, organized crime in America—typified by La Cosa Nostra—consists of the 24 core groups, operating as criminal cartels in our major cities. The wealthiest and most influential are in New York, New Jersey, Illinois, Florida, Louisiana, Nevada, Michigan, and Rhode Island. The estimated strength of these groups is 5,000, of which 2,000 are in New York alone.

Each of the 24 groups is known as a "family." Membership varies from 700 down to five. Most cities have only one family, but New York City has five. Family organization is rationally designed to insulate one layer from another, and to protect members from law enforcement.

Family structure parallels that of Mafia groups on the island of Sicily. Each family is headed by a boss. Beneath him is the underboss. He collects information for the boss, relays messages to him, and passes instructions for him.

On the same level as the underboss is a "consigliere," usually an elder member whose judgment is valued. Below him are the "caporegime," who serve either as buffers between the top men and lower level personnel, or as chiefs of operating units.

That is, there may be one in charge of numbers, another for heroin, another for loan-sharking operations. They are used to maintain insulation from the police, and are like vice presidents.

Below the caporegime are the "soldati." They actually operate the illegal enterprise, supervising employees. It is they who oversee the numbers, heroin, loan sharking, infiltration of business, and highjacking.

UNIQUE PHENOMENON

But organized crime cannot be seen merely as a collection of groups which engage in narcotics, gambling, and loan sharking. There are at least two aspects of organized crime which make it unique. They are functions not found in other forms of criminal activity—"enforcement" and "corruption."

The "enforcer" maintains organizational norms by arranging to have potential deviates warned, and, when necessary, punished. The "corrupter" establishes relationships with public officials, police officers, and other potentially useful people to insure both their active assistance as well as their noninterference.

At the top of the structure is the "commission," the ruling body of the 24 families. It is a legislature, supreme court, board of directors, and arbitration board. It is composed of the bosses only of the most powerful families, but has authority over all. Membership varies from between 9 and 12.

Currently, nine families are represented on the commission—five from New York, and one each from Buffalo, Philadelphia, Detroit, and Chicago. Within the commission, men with longer tenure, larger families, and greater wealth are more powerful than others. The balance of power lies and has lain for some time, with the New York leaders.

GAMBLING

Organized crime has never limited itself to one illegal activity. Today, it is active in, and largely controls, professional gambling. This is its greatest source of revenue, estimated at an annual net of $7 billion.

There is middle-class gambling—as on the horses and other sporting events. And there is the lottery known as the "numbers" or "policy," which preys on the poor. In the numbers, the odds against winning are 1,000 to 1; the payoff, at best, is only 600 to 1. Its effect is to take out of the slums money which might otherwise be used for food, clothing, housing, and education.

Syndicated gambling uses enormously sophisticated devices which make detection nearly impossible.

I may say at this point that I speak from experience, having served as U.S. attorney for some 3 years, and having had experience in organized crime operations in my own area.

One example is the so-called black box, a device planted in an empty apartment, which automatically bucks calls to another location. Police who finally locate the apartment to which calls apparently are being made, raid the apartment, and find nothing but the box.

The great need is to deprive the syndicate of its means of doing business—the telephone.

NARCOTICS FEEDS CRIME

Narcotics, principally heroin, is another important source of organized crime's revenue. It is estimated at $350 million a year, more than half of which is sold in New York, and the rest primarily in Chicago, Los Angeles, Detroit, Washington, Philadelphia, Baltimore, and Newark.

Narcotics is certainly the most pernicious of organized crime's activities. And one of the reasons is that it has a multiplier effect. An impoverished addict must find cash to sustain his habit; and he inevitably turns to crime. The estimates of total street crimes committed by narcotics addicts are as high as 50 percent.

Addition is, of course, a disease. But the importation and distribution of drugs is a crime. Although the traffic in narcotics is run, at least in the East, by the syndicate, the top men have nothing directly to do with it. They simply provide the capital, and make policy. The absence of overt criminal acts by the top men makes traditional patrol and observation worthless.

LOAN SHARKING GROWING

Loan sharking is right now the major growth activity of organized crime. It is now bringing in about the same amount per year as narcotics—$350 million—but has the potential of surpassing even gambling as the major source of revenue.

Loan sharking is organized into a hierarchy. At the top is a La Cosa Nostra leader, who lends to trusted lieutenants large sums of cash, usually at the rate of 1 percent a week. The lieutenants give money to soldiers, at a rate of perhaps 3 to 5 percent a week. They, in turn, finance the level loan sharks who deal with people who need money. The rates vary, but usually are about 20 percent a week.

The setup includes "steerers," who bring potential borrowers to the loan sharks. They are anyone who has contact with large numbers of people. For example, a bartender makes an excellent steerer.

Victims come from every stratum of society—professional, industrial, commercial—especially high competition business like the garment industry—contractors, owners of small businesses, narcotics addicts, bettors.

They are people to whom—for one reason or another—legitimate channels of credit are closed.

Repayment is compelled by force. There is a special man, the enforcer, whose job it is to see that debts are repaid. Often debtors are forced into criminal activity to repay the loan shark. They may embezzle, act as numbers writers, or serve as fingerman for burglary rings; or, as, apparently, in the case of James Marcus, of New York, they may betray the public trust by giving special favors to syndicate-owned businesses.

CORRUPTION OF BUSINESS

The next major activity of La Cosa Nostra is the corruption of legitimate business. In many cities, the syndicate now dominates the distribution of juke-boxes and vending machines. In many cities it has or is obtaining monopolies in laundry and diaper services, garbage disposal, liquor distribution, nightclubs, food wholesaling, record manufacturing, and garment manufacturing.

Any business which is subject to cyclical shifts or other ups and downs is vulnerable. Often the small, marginal businessman—just the one who most needs society's protection—is the one driven out by the Cosa Nostra. In general, organized crime is most interested in businesses with a high cash turnover, and which therefore lend themselves to "skimming."

Control is obtained in one of three ways: First, the syndicate decides to move in, and invests great amounts of money acquired from illegal ventures. Second, it may accept business interests in lieu of repayment of gambling or loan shark debts. La Cosa Nostra never merely kills; it first asks what a debtor can do for it. Finally, there are the old tried and true methods of extortion, which are used freely to take over businesses.

* * * * *

Mr. TYDINGS. After a takeover, a professional arsonist may burn the business; and the insurance is collected by the syndicate. Or the business can be stocked, and the stock sold quickly at bargain prices, driving the business into bankruptcy. There are about 250 of these bankruptcy frauds each year, netting $200,000 per job.

Sometimes, as in the case of laundry, vending machines, and trash collection, La Cosa Nostra will decide to stay in the business. Then it will use force and intimidation to drive competitors out of business. And once it has a monopoly, quality declines, and prices rise.

CORRUPTION OF UNIONS

The final major activity of organized crime is the corruption of unions. Control of the labor supply through control of unions can prevent unionization of some industries and get sweetheart contracts in others.

Control of unions creates the opportunity to steal union funds, to extort employers, to manipulate union welfare and pension funds and insurance contracts. Further, such control provides additional opportunity for gambling, loan sharking, and systematic theft. Many industries—trucking, construction, waterfront—have been "persuaded" to accept great amounts of illegality to ensure labor peace.

Sometimes union membership itself becomes a matter of grace, dispensed by La Cosa Nostra officials, rather than a right guaranteed to every man by law. All this makes a mockery of much of the social legislation of the past 50 years.

PREYS ON THE POOR

The most insidious aspect, however, of La Cosa Nostra is that it preys on the poor. Indeed, the relationship of organized crime and the poor is close and essential. The poor depend on organized crime to dispense services—such as narcotics, the numbers. Organized crime depends on the poor for much of its revenue.

Take, for example, narcotics. Heroin addiction is a disease of the poor. Saying that it is a consensual crime is like saying that the man with heart disease wants it. Of the 59,720 known heroin addicts, more than 50 percent are Negroes. Fifty-two percent of all known addicts live in New York State, mostly in Harlem and other ghettos.

And, of course, they must commit crimes to sustain their habits. Those who saw that striking film "The Cool World" can understand the relationship between organized crime and the poor. It was stated well by the President's Commission on Civil Disorders:

"With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence-prone, and poverty-stricken world. The image of success in this world is not that of the 'solid citizen,' the responsible husband and father, but rather that of the 'hustler' who promotes his own interests by exploiting others. The dope sellers and the numbers runners are the 'successful' men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.

"Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle under traditional responsibilities. Under these circumstances, many adopt exploitation and the 'hustle' as a way of life, disclaiming both work and marriage in favor of casual and temporary liaisons. This pattern reinforces itself from one generation to the next, creating a 'culture of poverty' and an ingrained cynicism about society and its institutions."

The Reverend Martin Luther King, Jr., understood this problem well:

"The most grievous charge against municipal police is not brutality, although it exists. Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for organized crime that flourishes in the ghetto—designed, directed, and cultivated by the white national crime syndicates, operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos. Because no one, including the police, cares particularly about ghetto crime, it pervades every area of life."

The poor themselves understand the problem. Recent surveys of the attitudes of people living in Harlem and Watts ranked crime and narcotics addiction, along with housing and jobs, as the most serious problem of the ghetto.

Hearings held in the 89th Congress by the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations established the same thing. As one witness put it:

"When people talked about 'problems of Harlem' or 'even problems in my block,' the mention of integrated schools, busing, police brutality or some other problem . . . just don't get much attention or mention . . . they chose to talk about inadequate housing, and the problems which are offspring of that major problem, such as crime, dope addiction, winos, and inadequate police protection."

THE "UNTOUCHABLES"

La Cosa Nostra does have a kind of immunity from law enforcement. It must have it, to insure its ability to operate with minimal risk. And so it systematically corrupts public officials at all levels of government.

Zoning, land acquisition, contract procurement—these are functions of government in which organized crime has a great stake. And as the scope of governmental activity grows, so does the necessity of the syndicate to corrupt.

The mere amount of money controlled by La Cosa Nostra makes enormous its ability to corrupt. With an estimated annual net of $10 billion, La Cosa Nostra is the richest corrupter in history. As Meyer Lansky, described as La Cosa Nostra's financial wizard by Life magazine, put it, "We're bigger than United States Steel."

Politics requires money. A conservative estimate by Alexander Heard, the political scientist and expert on money and politics, is that 15 percent of all political contributions come from criminal sources.

At various times, as Senate hearings have shown, organized crime has been the dominant political force in such cities as New York, Chicago, Miami, and New Orleans. La Cosa Nostra nearly took over Portland, Oreg., and Kansas City, Mo. Smaller communities like Cicero, Ill., and Reading, Pa., have been virtual baronies of organized crime.

It is in Illinois that corruption has been, perhaps, most blatant. For years, the "West Side block" has fought against legislation contrary to the interests of organized crime—including nearly every piece of decent social legislation proposed. One of its associates, Roland Libonate, became a Member of the U.S. House of Representatives, a member of the House Judiciary Committee.

In New York, a newly nominated judge pledged his undying loyalty to a Cosa Nostra boss, who helped him to obtain his seat on the bench. This was fully documented by the Kefauver committee.

How much governmental corruption can a democratic society tolerate? Our system of government depends on the disinterested judgment of the public's representatives. If they are not free to give it, what does this do to our system? There is no true civil liberty anywhere where the government is corrupt.

The names of organized crime's leaders are well known. Does the public not wonder why, if they are such criminals, they remain free to engage in criminal activity? What is our answer?

This is how the President's Crime Commission put it:

"In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hard-working businessmen, by collecting usury from those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying on a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers."

Or, as a social worker describing life in the ghetto put it:

"When a noted criminal is caught, the fact is the principal topic of conversation among boys. They and others lay wagers as to how long it will be before the criminal is free again, how long it will be before his pull gets him away from the law. The youngsters soon learn who are the politicians who can be depended upon to get offenders out of trouble, who are the dive-keepers who are protected. The increasing contempt for law is due to the corrupt alliance between crime and politics, protected vice, pull in the administration of justice, unemployment, and a general soreness against the world produced by these conditions."

In other words, when the government is unable to enforce the law, people, particularly young people, realize that the law is not worthy of allegiance. When top criminals, known to all, live in big houses, in exclusive neighborhoods, drive plush cars, crime is seen as the road to success.

Young people know that only the small-time crook is vulnerable to the law. The higher one goes, the more crime he engages in, the greater is his immunity from law. The ambitious young man realizes that he can rise through crime—from petty strong-arm man to powerful pillar of community.

Mr. YARBOROUGH. Mr. President, with that clarification, I accept the language of the Senator from Maryland as a modification of my amendment.

Mr. McCLELLAN. Mr. President, if that is accepted, I have no objection to the amendment.

Mr. YARBOROUGH. Mr. President, I accept the modification with the explanation of the Senator from Maryland as to what he means by organized crime, as included in the report.

The PRESIDING OFFICER. The clerk will report the modification.

The bill clerk read as follows:

On page 70, line 24, insert the following after the word "exists": "With respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime."

The PRESIDING OFFICER. The amendment is so modified.

Who yields time?

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 7 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

Mr. President, I call the attention of the Senator to the fact that they have had this authority in New York for over 25 years. They had a legislative committee make a thorough investigation on the allegations of the abuses of this practice. After a 5-year investigation, it was reported that they found no abuse of this law.

In respect to whether it applies, is workable, and produces results, it is said that there is as much crime in New York now as there ever was. However, how much more crime would there have been if there had not been some law enforcement?

There is more crime in the United States now than there ever has been. That is our trouble. We have not had effective law enforcement. We should be able to enforce the law.

This is an instrument to help enforce the law.

Mr. Hogan, who is the most experienced man with this and who is the one who investigated it up there, said in the report after a thorough investigation that on the basis of his experience says:

> That telephonic interception, pursuant to court order and under proper safeguards, is the single most valuable and effective weapon in the arsenal of law enforcement, particularly in the battle against organized crime.
>
> In my judgment, it is an irreplaceable tool and, lacking it, we would find it infinitely more difficult, and in many instances impossible, to penetrate the wall behind which major criminal enterprises flourish.

He said further, referring to wiretapping:

> Without it, and I confine myself to top figures in the underworld, the New York County District Attorney's Office, under the leadership of my distinguished predecessor, Thomas E. Dewey, and during my own tenure, could not have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scalise, Frank Erickson, John "Dio" Dioguardi and Frank Carbo. Joseph "Adonis" Doto, tried in New Jersey, was convicted and deported on evidence supplied by our office and obtained by assiduously following leads secured through wiretapping.

All these people, he said, were convicted as a result of it.

I know there is always some risk in any law that is passed. Today we have wiretapping. Today we have electronic surveillance by the criminal, in the homes, to find out when people are going to be away, so the criminals can rob the homes. They use it. You cannot convict them under the law today because you cannot prove disclosure.

It seems to me, Mr. President, that if the State of New York and its officials can operate for 20 years under a statute comparable with the proposed legislation—in fact, looser than the proposed legislation, because we have tried to pick up the loose ends where the Supreme

Court said it did not come within the Constitution—if they can operate that law effectively and without a scandal, I believe I can trust the officials of Texas, of Arkansas, and of other States to be just as honorable and just as effective in the discharge of their duties, if they are given the proper tools to do the job.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. The distinguished Senator from Arkansas has had broad experience before his service in the Senate, as a famed prosecuting attorney and law enforcement official.

Mr. McCLELLAN. I was never famed. I was just a country prosecutor.

Mr. YARBOROUGH. I am in favor of protecting the national interest.

Mr. McCLELLAN. I am sure the Senator is, and we all are.

Mr. YARBOROUGH. I express concern about giving equal authority to every county and district attorney in America.

Mr. McCLELLAN. The States would have to pass a law, just as New York did.

Mr. YARBOROUGH. I also express concern about bringing in these minor misdemeanors in section (b). The whole truth-in-lending bill was added to it today, every business transaction on interest rates.

Mr. McCLELLAN. Mr. President, I have the floor.

Mr. YARBOROUGH. I beg the Senator's pardon.

Mr. McCLELLAN. We have thousands of law enforcement officers. But if the State of New York, with its officials, can operate this type of statute without scandal and those officials can be trusted and they get good results from it, will the Senator agree with me that the officials of the State of Texas can likewise be trusted? I believe the officials in my State can be trusted. I can trust my people to elect officers who I believe will not be guilty of corruption. There may be one here and there in every State. We know that. There is some element of risk in everything we do. But we have a crisis, and we must try to deal with it.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. The Senator mentioned corruption. I made no suggestion of any county or district attorney being guilty of corruption. We are talking about the judgment they would use—thousands of these county and district attorneys.

Mr. McCLELLAN. I believe they are the same as the people in New York.

Mr. GORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER. The time has expired.

Mr. MANSFIELD. Mr. President, I ask that the Senator have 1 additional minute.

Mr. GORE. Mr. President, it will take more than 1 minute. Will the Senator ask for 3 minutes?

Mr. MANSFIELD. I ask for 3 minutes.

Mr. GORE. Do I correctly understand that there is no Federal statute now which provides a crimianl penalty for wiretapping?

Mr. McCLELLAN. Not for wiretapping, unless it can be proved that after the tapping there was a disclosure of what was heard. That is correct. There must be the combination of the two in order for it to be a crime.

Mr. GORE. Then, is the principal question of legislation involved here the use of the disclosure and the use of the evidence for the purpose of conviction?

Mr. McCLELLAN. The first thing is to outlaw all wiretapping except that approved by a court.

Mr. GORE. So to this extent it is a positive force. No wiretapping is now outlawed. If this bill becomes law, all wiretapping will be outlawed except that which complies with the terms of the bill.

Mr. McCLELLAN. That is absolutely correct. We made the penalty heavy.

One may detect a wiretapping or electronic surveillance on his telephone and know who did it, but until he can prove that the one who intercepted the conversation disclosed it to someone else, a crime has not been committed.

Mr. GORE. Then, if I correctly understand the bill, it would legalize or provide a framework for legal use of electronic surveillance and it would prohibit the use of electronic eavesdropping unless it does comply with the statute.

Mr. McCLELLAN. Absolutely—with a heavy penalty.

Mr. GORE. Do I correctly understand that, if evidence is deduced in conformity with the terms of the pending bill, if it becomes law, this evidence can then be used in the prosecution of a case?

Mr. McCLELLAN. The Senator's understanding is correct.

Mr. YARBOROUGH. Mr. President, I yield myself 2 minutes on the bill.

Mr. MANSFIELD. Mr. President, I am sorry, but we must get on. We are trying to make a deadline. We asked the distinguished Senator from Hawaii [Mr. Fong] to hold back his amendment so that the Senator from Texas could catch an airplane or make some other connection later. Perhaps we can go on and get this matter straightened out.

The PRESIDING OFFICER. The additional time has expired.

Mr. MANSFIELD. I ask that the Senator from Texas have 1 additional minute, and that will be it.

Mr. YARBOROUGH. With reference to the colloquy between the distinguished Senator from Arkansas and the distinguished Senator from Tennessee, it is now illegal for anyone to bug a phone by electronic surveillance and tell anybody. What are the private eyes all over the Nation hired for—to bug and not tell the people who paid them? Businesses are bugging each other's phones. It is illegal if they tell anybody. When they hire the private wiretappers, the latter tell the people who pay the fees. As the Senator from Maryland said, it is specious to say it is not a violation of the law to tap now; it is only a violation if you tap and tell somebody. Certainly, they tell somebody. Only experts know how to tap. The owners of the businesses do not do the tapping personally. All this surveillance is revealed, and it is a crime under present law.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The time on the amendment has expired.

The question is on agreeing to the amendment, as modified, of the Senator from Texas.

The amendment, as modified, was agreed to.

Mr. FONG. Mr. President, I call up amendment No. 775 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 80, between lines 14 and 15, insert the following:

"Sec. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of the enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses) shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications) shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FONG. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the two amendments to be offered by the Senator from Hawaii, the time to be equally divided between the Senator from Hawaii and the manager of the bill.

Mr. FONG. Mr. President, does the request mean there will be 10 minutes to each side on each amendment?

Mr. MANSFIELD. The Senator is correct. I understand these are the last two amendments to title II, and that when we dispose of these two amendments we will take up title I.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Hawaii yield to the Senator from Rhode Island [Mr. Pell] so that he may introduce a parliamentary delegation from the Republic of Niger?

Mr. FONG. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

VISIT TO THE SENATE BY PARLIAMENTARY DELEGATION FROM THE REPUBLIC OF NIGER

Mr. PELL. Mr. President, we are very pleased to have as visitors to the Senate today four Members of the Parliament of the Republic of Niger who are making a 30-day tour of the United States. I should like to present them at this time:

The Honorable Maigachi Dangaladima.

The Honorable Ousmane Ibrahim Diallo.

The Honorable Amadou Maiga Katkore.

The Honorable Ousmane Toudou.

[The distinguished visitors rose in their places and were greeted with applause, Senators rising.]

RECESS

Mr. PELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes for the purpose of greeting our distinguished guests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 3 o'clock and 10 minutes p.m., the Senate took a recess until 3:13 p.m.

During the recess, the distinguished guests were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. McINTYRE in the chair).

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I am very happy that the Senate has seen fit to accept the amendment offered by the distinguished Senator from Texas [Mr. YARBOROUGH]. The purpose and thrust of his amendment were the same as those of the amendment I had offered this morning relative to the entire bill. I am happy that the Senate has now agreed to adopt the principles of my amendment, even though their terms apply only to the area of national security.

The amendment which I now offer, if agreed to, would limit title III to a period of 5 years from the date of enactment.

Mr. President, as we have debated and thoroughly considered every aspect of the provisions of title III during the past few weeks, we have been reminded again and again that the right of privacy, the right to be left alone, the right against unreasonable searches and seizures—the right, that is, to be personally secure—are among the most fundamental to our freedom and our liberty.

Wiretapping and eavesdropping are, I am firmly convinced, enormously dangerous practices, precisely because they grievously threaten these individual liberties.

As Mr. Justice Brandeis pointed out:

> The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized man.

Whether or not the protection of the Constitution applies in a particular instance does not, as the Supreme Court recently pointed out, turn on whether the site of the intrusion is a "constitutionally protected area."

The Court said:

> What a person seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. . . . No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment.

Wiretapping and eavesdropping cannot, by their very natures, be limited to a particular person, place or purpose. They are unlimited and unlimitable. Whenever a tap is placed on a telephone, for example, it monitors all conversations on that telephone, and every phone in the world which may be connected with it.

The chaotic conditions presently existing in this area, however, serve neither the interests of individual liberty nor the legitimate needs of law enforcement; they can no longer be tolerated.

Wholesale violations of existing law by individuals and law-enforcement agencies across the country must cease.

The virtual absence of any regulation of eavesdropping, in the face of its increasing prevalence and the exploding technology in the area must be remedied.

The confusing hodgepodge of standards under the State laws must be clarified.

New legislation is therefore an urgent necessity under which wiretapping and eavesdropping would be narrowly confined and stringently controlled, under uniform standards and precisely defined circumstances.

But in my estimation, title III, even as modified and amended at this juncture, does not fill this bill.

What we have here, I believe, is still a rather loosely drawn court-order system under which widespread eavesdropping and bugging by a vast array of State and local police officials, and by Federal authorities can be conducted in connection with a vast number of suspected offenses.

If title III in its present form were to be enacted into law, I am convinced that our highly valued heritage of privacy and of freedom from arbitrary intrusion by the police would soon be drastically undercut. It would not be long before the authoritarianism of police rule would be substituted for the authority of law and the majesty of due process.

I believe title III should be stricken from the omnibus bill. It is a most dangerous measure—badly drafted, and very probably unconstitutional. I believe that the upshot of its very complicated provisions would be to legitimatize the most pervasive invasion of privacy yet seriously proposed.

Having failed to delete it from the bill, I urgently call upon my colleagues to adopt the amendment I have now called up—to limit the life of its dangerously permissive provisions to 5 years.

In view of the Senate's adoption this morning of an amendment which I had also proposed—and, had intended to call up today—to establish a National Commission on Electronic Surveillance, it would be most appropriate to adopt my amendment to limit the effectiveness of title III to 5 years, pending the study and report of the commission. I believe that a 5-year limitation goes hand in hand with an in-depth study and an exhaustive report which the Commission will produce—to help guide the Senate when title III is reconsidered 5 years from now.

Should 5 years' experience under title III provisions prove my fears to be unfounded; should wiretapping and eavesdropping prove in actual experience of 5 years' duration to be useful; should their cost be shown to be small with respect to the erosion of our civil liberties and our constitutional rights—then, and only then, I am sure, the Congress will not hesitate to make the legislation permanent.

In the light of the tremendously advanced state of eavesdropping technology today—with its vast potential for the invasion of privacy—I feel very strongly that we owe it to each individual American citizen to require this second look at title III before it passes with finality into the statute books.

My amendment would provide a transition period of 18 months following the expiration of the law. During those 18 months, the provisions dealing with the immunity of witnesses and proceedings before any grand jury or Federal court involving any violation of the law would continue in effect; provisions relating to authorization for disclosure and use of intercepted wire or oral communications would continue in effect; and the provisions regarding the use, disclosure, and suppression of the contents of any intercepted communication would continue in effect. I ask my colleagues to adopt the amendment to limit title III to 5 years and take a second look at it before it goes onto the statute books permanently.

Mr. TYDINGS. Mr. President, I appreciate the objectives of the amendment of the Senator from Hawaii. However, I think it is unnecessary. The amendment adopted this morning provides for a Study Commission and a 6-year review by a joint senatorial-House and civilian Commission to review the entire history of the act.

Section 2519 of title III as written today provides for it, as follows:

> (3) In April of each year the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders authorizing or ap-

> proving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by subsections (1) and (2) of this section.

Thus, each year Congress is going to have, on the basis of extremely thorough reports and analysis, a review of the operations of this act. Incidentally, 6 years after the date of enactment, the Presidential Commission—which includes four Members from this body, four Members from the House, and 11 civilians—will conduct another survey. Any time during the operation of the act, Congress can always revoke or abrogate its enactment of this legislative proposal. So I think that the Senator's amendment is unnecessary and superfluous and I would hope that he would withdraw it. If not, I hope that the Senate will not agree to it.

Mr. FONG. Mr. President, this law is all pervasive. It is the first law we will have on the statute books relative to the invasion of privacy. We are entering into a new field. It is, therefore, most necessary that the Senate commit itself to take a second look at it, and that this be done on a date certain—rather than to blindly accept legislation the consequences and implication of which cannot possibly be known at this time.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. FONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Parliamentarian informs the Senator from Hawaii that he does not have sufficient time remaining to suggest the absence of a quorum until all time has been yielded back.

Mr. FONG. Mr. President, I ask unanimous consent that I be given sufficient time to suggest the absence of a quorum so that I may ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I renew my request for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, I speak in support of title III of the Omnibus Crime Control and Safe Streets Act of 1967 without any crippling amendments. This section of the bill both permits and prohibits wiretapping and it both permits and prohibits electronic eavesdropping, more commonly referred to as "bugging." Although there is a legal distinction between the two, for the purposes of my remarks, and because the general principle remains the same, I shall for the most part simply refer to the interception of oral and wire communications as wiretapping.

On the one hand, title III permits wiretapping by law-enforcement officers, operating under a court order obtained after showing probable cause, to investigate a wide range of specified crimes including murder, robbery, organized crime, and drug abuse. On the other hand, it prohibits all other wiretapping by civilians except that authorized by the President in the interest of national security and by employees of the Federal Communications Commission and certain other individuals in the normal course of their job.

Mr. President, in my estimation this is a balanced and sensible approach. It is also needed. As the President's Crime Commission reported after reviewing the use of wiretaps and the history of court decisions in this field:

> The present status of the law with respect to wiretapping and bugging is intolerable. It serves the interests neither of privacy nor of law enforcement.

I believe this title serves both.

Everyone agrees that private wiretapping or eavesdropping should be prohibited. It is repugnant to our way of life. And yet it has grown substantially in the last few years. The use of remarkably sophisticated listening devices, which gained prominence and publicity in the form of the famous olive in the martini, can give everyone cause to wonder if their most casual conversation is not being transmitted to the world at large. Wiretapping of telephones is just as clever, and when not legally authorized, it is fully as repugnant, indefensible, and undesirable. Title III deals constructively and effectively with this problem.

Some individuals who employ these devices are law-enforcement agents who are attempting to protect society. Unfortunately, numerous private persons are also utilizing these techniques. Domestic relations, industrial espionage, and counterespionage, information obtained for civil litigation are all fertile fields for those who traffic in other people's privacy. Title III takes care of this by making it a crime to intercept communications without the consent of one of the participants.

In the same respect, while we abhor private wiretapping, almost everyone agrees that the President should be allowed to authorize wiretapping and electronic surveillance when our national security is involved. Enemies of our Nation and determined criminals do not advertise and they do not welcome close observation of their activities. They thrive on stealth and secretiveness. To protect ourselves we must know what they are doing and planning. Wiretapping is a time-honored and time-tested method of gaining intelligence information. These two aspects being accepted and relatively uncontroversial, the real question in title III boils down to when and how should the Government, in the form of its law-enforcement officials, be allowed to use wiretaps and "bugs." Implicit, I believe, Mr. President, in this question is "Why?"

The "why" is one of the most cruel and powerful forces operating in the United States today. The real purpose of title III is to provide our governments—Federal, State, and local—with an effective tool to fight organized crime, a cancer in our system which if allowed to go uncontrolled could very well destroy our society.

The report on S. 917 documents the dire need for this legislation. In addition, the President's Crime Commission in their task force report on organized crime recommended that Congress, as a means of making a full-scale commitment to destroy the power of organized crime groups, enact legislation dealing specifically with wiretapping and bugging.

Recently, former Vice President Nixon in his excellent position paper on crime endorsed title III. In commenting on the need for wiretap legislation, Mr. Nixon stated:

> Organized crime is a secret society. By denying to State and Federal law enforcement agencies the tools to penetrate that secrecy, the President and the Attorney General are unwittingly guaranteeing the leaders of organized crime a privileged sanctuary from which to proceed with the systematic corruption of American life.

As the quotation from Dick Nixon's position paper indicates, the present administration through its Attorney General, Ramsey Clark, has expressed opposition to legalizing wiretaps. This position by the Attorney General, the so-called "Mr. Big" in the fight against crime, is hard to understand or justify. It certainly is not supported by the evidence of the hearings. In particular, I mention the testimony of Professor Blakey. The evidence he presented, based upon Department of Justice files, completely refutes the Attorney General's contention that electronic surveillance is not effective. It is also interesting to point out that every Attorney General since 1931, with the exception of Ramsey Clark, has endorsed some type of legislation granting law enforcement officers the right to utilize some sort of wiretapping in the investigation of major crimes under controlled conditions stipulated by the court.

Mr. President, I do not sit on the Committee on the Judiciary, the committee that considered this legislation. I am a member of the Permanent Investigations Subcommittee, however, that has investigated organized crime and I am very familiar with this sinister apparatus.

The Permanent Investigations Subcommittee of the Government Operations Committee has on at least two different occasions come into contact with organized crime. One time we backed into it when we were investigating the labor rackets and found that the criminal syndicate, those greedy merchants of filth and influence, had managed to gain a foothold in the otherwise honest labor movement. Our last investigation was a frontal attack on organized crime in the so-called Valachi hearings on the Cosa Nostra.

These hearings, in 1963 and 1964, were described as the first major breakthrough in the barrier of silence that has traditionally surrounded and protected the hierarchy of the underworld, particularly the supersecret Mafia, or as it is now called, the Cosa Nostra.

As I have said, the focal witness in those hearings was Joe Valachi, a member of the Cosa Nostra. His testimony and the supporting testimony of law enforcement officials who had been battling organized crime exposed the extent of the clandestine activities of the criminal syndicate.

It has, I believe, been amply demonstrated in those hearings and in others that modern-day crime is big business. It is organized, well financed, and ruthless. It controls a portion of our society unmatched in any other period of our Nation's history. Gambling, prostitution, extortion, murder for pay, loan sharking, labor racketeering, and narcotics are just a few of its illegal activities.

In addition, organized crime has spread its tenacles into many legitimate businesses. Through huge personal fortunes wrenched and beaten from the poor and unfortunate, many gangsters have surrounded themselves with an aura of respectability. The fact that the fruit is as bitter as the vine cannot be determined by others—until this awesome economic power, coupled with traditional muscle power, is brought to bear upon other honest, competitive businessmen to drive them out of business—and thus, in a monopolistic world, raise their prices.

Mr. President, at this time I should like to point out just how diversified the Cosa Nostra operation has become and how they have contaminated so much of our society. All of us are aware of their control of such activities as gambling syndicates and prostitution rings, but when we hear of a company going bankrupt or of a purse snatched, do we associate it with organized crime? Probably not; yet the chances are good that organized crime was involved.

Let us take the bankruptcy situation. According to FBI Director J. Edgar Hoover, an old scheme—planned bankruptcy—has recently gained favor with the organized underworld. The Cosa Nostra even has a name for it. They call it "scam."

This is how it works. Organized crime either uses one of its dishonest means, such as gambling debts, or simply its economic power, to purchase a legitimate business having a good credit rating. Then, capitalizing on the company's good reputation, the organization immediately, on credit or with postdated checks, purchases huge stocks of various products. Those products are turned into cash by resale at reduced prices or passed along to fellow hoodlums who control legitimate outlets for the merchandise involved. Eventually, of course, the business declares bankruptcy, honest businessmen are victimized, and organized crime moves its ill-gotten profits into its foreign bank accounts or uses them to finance more of its evil empire.

I mention this activity, Mr. President, because some critics of title III have singled out the enumeration of so many crimes in this bill as one of its weaknesses, saying that we have gone too far and have included crimes that are not related to organized crime. Yet bankruptcy fraud is one of those enumerated crimes, one which, without wiretaps, it is difficult to pin to the men responsible, the ones who put up the seed money and masterminded the takeover, but did not run the business.

Let me turn now to the purse snatcher. Was he a drug addict? Did he steal so that he could buy another fix? Who introduced him to narcotics in the first place? Who acts as his supplier? The record of the Cosa Nostra is well established in the control of narcotics traffic.

There are other methods in which organized crime maintains a hold over the poor and forces them into criminal activity. Maybe it was a gambling debt or perhaps a loan-shark operation in which the ghetto resident found that it was easy to get the loan but difficult to make the high-interest payments.

This is a point, Mr. President, that I believe should be emphasized at the moment. We have in this city thousands of people participating in a Poor Peoples' March. They ask Congress to legislate in their behalf. With this bill, we have an opportunity to do so. Few people realize it, but organized crime victimizes the poor, proportionally, more than any other segment of our society. The poor and the vulnerable are the prime target of the powerful and the vipers. Narcotics, the numbers game, and loan sharking find their richest mother lode in the ghettos of America.

The President's Crime Commission undestood and commented upon this. The late Martin Luther King, Jr., said that organized crime is the "nightmare of the slum family," and the people in the ghettos, I am sure, realize this. They can not help it. They live with it.

This, Mr. President, is my point. We all live with it. Lower class, middle class, upper class—all of us are confronted with the threat of organized crime living off us as the leeches they are, incapable of life by themselves, but subsisting only on the blood money of their victims.

To counteract this force, better methods of gathering information are necessary so that arrests may be made and convictions obtained. The method suggested by the President's Crime Commission was legalized wiretapping. The method selected by the most successful prosecutor of organized crime, Frank Hogan, of New York, is wiretapping. The method endorsed by the Judicial Conference of the United States and by the National Association of Attorney Generals is wiretapping.

They all realize that conventional methods of securing evidence are not sufficient when organized crime is involved. Informers, undercover agents, and the hope that public-spirited citizens will come forward with information are simply not enough. The Cosa Nostra is famous for its wall of secrecy and silence. With the exception of Joe Valachi, there have been no dramatic break-outs of a mob member turning over information to the police, and the process of infiltrating the Cosa Nostra with undercover agents is painfully slow.

We do make arrests and obtain a few convictions, but these are generally on the lower levels. As our organized crime hearings pointed out, the crime chieftains have developed the process of "insulation" to a remarkable degree. The efficient police forces in a particular area may well be aware that a crime leader has ordered a murder, or is an important trafficker in narcotics, or controls an illegal gambling network. Convicting him of his crimes, however, is usually extremely difficult and sometimes is impossible simply because the top-ranking criminal has taken the utmost care to insulate himself from any apparent physical connection with the crime or with his hireling who commits it.

In the same respect, it is wishful thinking to believe that the plans and orders of organized crime will be found on paper or sent through the mails. The interception of oral communications between organized criminals is the only effective way of learning about their activities.

I am afraid, Mr. President, that without this legislation we will be forced to limp along at our present pace and this is not sufficient. For every "soldier" like Joe Valachi who does provide information, there are hundreds more who will not, and for every family "boss" like Vito Genovese that we have behind bars, there are others like Sam Giancana who are still free.

In my estimation, Mr. President, the when and how of legalizing wiretapping and electronic surveillance and still not destroying the right to privacy have been handled in an admirable and constitutionally sound way in this legislation. By following the guidelines set down by the Supreme Court in Berger against New York and Katz against United States, the Senate has achieved that delicate balance between protecting the individual and protecting society through law enforcement. Under the Senate bill, the electronic surveillance must be authorized by the Court, similar to the granting of a search warrant, it must be to investigate a particular suspected crime, and it is limited in its use.

Mr. President, I urge the adoption of title III as it is. By so doing, we will be driving another nail in the coffin of crime in this country. We are developing a sound and powerful weapon to attack crime with each title we pass. They are all interrelated and dependent on one another. We must not upset that balance.

The PRESIDING OFFICER. Who yields time? Is all time now yielded back? Does the Senator from Hawaii yield back his time?

Mr. FONG. I understood from the Chair that I had no time remaining.

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute remaining.

Mr. FONG. Mr. President, I yield back the remainder of my time, although I was told by the Chair that I did not have any.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back on the amendment. The question is on agreeing to the amendment of the Senator from Hawaii.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

If present and voting, the Senator from Idaho [Mr. JORDAN] and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 23, nays 56, as follows:

[No. 154 Leg.]

YEAS—23

Brewster
Brooke
Burdick
Byrd, Va.
Cannon
Case
Cooper
Fong
Hart
Hartke
Hatfield
Javits
Long, Mo.
McIntyre
Metcalf
Muskie
Nelson
Pell
Proxmire
Ribicoff
Spong
Williams, N.J.
Young, Ohio

NAYS—56

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Byrd, W. Va.
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
Miller
Monroney
Moss
Mundt
Murphy
Pastore
Pearson
Percy
Prouty
Randolph
Russell
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

NOT VOTING—21

Bartlett
Carlson
Church
Clark
Dodd
Gruening
Harris
Hayden
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Yarborough

So Mr. FONG's amendment (No. 775) was rejected.

Mr. FONG obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing the right to the floor, while I propound a unanimous-consent request?

Mr. FONG. I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I understand we have one more amendment on title III——

Mr. FONG. I will just ask for a voice vote.

Mr. MANSFIELD. And that there will be no rollcall vote on it.

I ask unanimous consent that when we complete the disposition of the amendments to title III, we then turn to title I, and that there be a time limitation of 40 minutes on each amendment, the time to be equally divided between the sponsor of the amendment and the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], manager of the bill.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the unanimous-consent request is agreed to.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That during the consideration of title I of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice sytems at all levels of government, and for other purposes, debate on all amendments thereto shall be limited to 40 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill, the Senator from Arkansas [Mr. MCCLELLAN].

AMENDMENT NO. 777

Mr. FONG. Mr. President, I call up amendment No. 777.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk read the amendments (No. 777) as follows:

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

The PRESIDING OFFICER. Does the Senator from Hawaii ask unanimous consent that the amendments be considered en bloc?

Mr. FONG. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I yield myself 4 minutes.

Mr. President, the amendment, if adopted, would cut the 30-day period for a surveillance warrant to 7 days.

Section 2518(5) of the bill allows a court order to be issued authorizing wiretapping and eavesdropping for as long a period as "is necessary to achieve the objective of the authorization, nor in any event longer than 30 days."

The applications may be made for 30 more days, and after that, for another 30 days. The only limitations the issuance of open ended surveillance orders is that if an order is issued for a period longer than 30 days, progress reports must be made to the issuing judge at 30-day intervals—section 2518(6). The bill thus contemplates surveillance periods of 60 days, 90 days, or even longer—perhaps indefinitely.

Equally serious, the section is likely to be read as inviting the routine issuance of surveillance orders for 30-day periods.

A most serious constitutional objection may be raised against this provision, particularly in the light of two leading cases recently handed down by the Supreme Court—*Berger* v. *New York* (388 U.S. 41 (1967)), and *Katz* v. *United States* (389 U.S. 347 (1967)).

In the Berger case, the Court held invalid a New York statute authorizing the issuance of surveillance orders for 2-month periods. The opinion of Mr. Justice Clark for the Court sharply criticized the lengthy surveillance period on three separate grounds:

First, authorization of electronic surveillance for the long period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause.

Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants.

Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation.

On the other hand, the surveillance in the Katz case was extremely precise and discriminate, involving the recording by FBI agents of the subject's conversations from a public telephone booth, averaging about 3 minutes each day over a 7-day period. So that in this case a surveillance order could have been issued pinpointing the conversations to be seized within minutes of their occurrence.

At the very least, then, Berger and Katz strongly suggest that the period of surveillance must be brief. Even under a generous reading of the Court's decisions, 15 to 30 days would in all likelihood represent the outer limit for a reasonably statutory period.

By authorizing monitoring of the most dragnet character and in the most indiscriminate manner for unlimited periods of time, title III flouts the Supreme Court's clear intention to limit official surveillance as a form of search to plainly specified times, places, and objectives—in the same way that a search for some physical object is limited.

My amendment would shorten the period for an authorized wiretap or eavesdrop from 30 days to 7 days. The period of extension is similarly shortened, and no limitation is specified as to the number of extensions which may be granted. Each extension may be granted, however, only upon a fresh showing of probable cause.

As I have pointed out repeatedly in the past, Mr. President, this entire area of wiretapping and electronic eavesdropping is very new and untested. We should therefore proceed with deliberate cautiousness, resolving any doubts in favor of restriction and privacy—unless a very strong case is made to the contrary.

The truth is that wiretapping and eavesdropping are law-enforcement weapons whose value as criminal investigative techniques and whose impact on the entire fabric of criminal justice is as yet dimly perceived. At the present time, we can only speculate on these questions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. I yield myself an additional minute and a half.

In the present state of knowledge of the field, and in the face of the increasing prevalence and exploding technology of wiretapping and eavesdropping, the Congress simply ought not to authorize any unreasonably extensive use of such an ultimate weapon.

It seems clear to me that at the very least, we ought to cut back the authorized period of surveillance to 7 days.

In search and seizure warrants, the search takes but once, and it is over in an hour or two, or maybe in a few minutes. Here we allow 30 days to tap and bug. This, Mr. President, is for too long a time.

I urge my fellow Senators to agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, title III, in its authorization of surveillance, is not in conflict with the Supreme Court opinions in Berger and Katz.

In Berger, the courts criticized the issuance of 60-day orders in all cases. Berger involved a situation where they were issuing them for 60 days irrespective of the circumstances, without careful consideration of the character of the probable cause in each case.

In other words, the Court said each case has to stand on the circumstances.

Katz said only that brief surveillance would have been all right. It did not say it was constitutionally required.

Title III envisions precisely what the Supreme Court has suggested—a case-by-case approach, rather than an arbitrary rule. As Berger and Katz demand, title III thus requires prompt execution of the warrant, and that the surveillance be conducted so as to minimize the interception of unrelated conversations; that the surveillance be terminated once the objective of the order is achieved; and that there be an exact and exacting relationship between the showing of probable cause and the period of authorized surveillance. If the showing warrants 1 day, in the afternoon, no longer a period should be authorized.

The matter is within the discretion of the court. No matter what the showing is, the initial surveillance period cannot exceed 30 days, but if the showing warrants longer, an additional period of up to 30 days may be authorized. Renewal, of course, must meet the same standards as the original order.

There is nothing in the Berger or Katz opinions, in short, which suggests that brief surveillance as such is required. Both cases make the simple point that no greater invasion of privacy should be authorized than is "necessary under the circumstances." That is exactly the standard of title III.

Title III thus represents a fair and an affectual approach. It does not arbitrarily set up hurdles for law enforcement, unrelated to law or to a policy designed to protect privacy.

Mr. President, I am ready for a vote.

Mr. FONG. The comments and analysis I have made on the Berger and Katz cases, I am convinced, stand, and speak for themselves. I am certain it is the proper and correct interpretation of those cases, and the conclusions I have drawn are proper.

Drawing from those cases, I do not feel it wise public policy to leave so critical an issue at the discretion of the courts, particularly as they are ex parte proceedings.

Mr. President, we are dealing in a new field here, and our right to do so, under title III, comes from amendment Four of the Constitution, in which a man's home is rendered inviolate unless there is probable cause as to why it should be searched or "bugged."

In a search and seizure under the fourth amendment, we have one day, usually. There is a specific time, and there is a specific place. In a few minutes, in an hour, or probably at most in 2 hours, the search is over.

But here we have an instrument of surveillance whereby we tap the man's wire or we bug his home for a 30-day period, and then we can reapply for another 30-day period, and then for still another 30-day period.

Mr. President, this is altogether unreasonable and much too long a time. I think cutting down the 30 days to 7 days, and then forcing the prosecutor to go and see the judge, after 7 days, and explain why he needs another 7 days, is far more reasonable.

I am certain the Supreme Court would agree with this, as I drew upon Berger and Katz in drawing up my amendment.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was rejected.

Mr. LONG of Missouri. Mr. President, in view of the Senate's action on titles II and III of this bill, I have had to consider carefully what position to take on the bill as a whole. In my opinion both titles are clearly unconstitutional. Further, neither will have any real effect on reducing street crime and it is doubtful that either will have any real effect on reducing organized crime. New York permitted court wiretapping for a quarter of a century prior to the Berger case, but a look at the crime situation in New York proves that wiretapping is not a solution and it is not even a very effective tool.

Despite titles II and III, however, I feel it vital that action be taken on title I which does hold out hope for helping solve our serious crime problem. Therefore, I support final passage.

It is my hope that in the conference with the House that titles II and III will be eliminated. If they are not and they should become law the severability clause will save titles I and IV when the courts strike down titles II and III relative to confessions and electronic snooping.

AMENDMENT NO. 715

Mr. DIRKSEN. Mr. President, I call up my amendment No. 715.

Mr. HART. Mr. President, would the Senator from Illinois before calling up his amendment—which would control our time—permit me a couple of minutes to engage in colloquy on one section of the wiretapping title with the Senator from Arkansas?

Mr. DIRKSEN. Mr. President, I ask unanimous consent, without losing my right to the floor, that the distinguished Senator from Michigan [Mr. HART] may have 5 minutes in which to explain the matter he wishes to discuss and not impair my time.

The PRESIDING OFFICER. The Senator will not lose the floor. The Senator from Michigan has yielded to him the right to speak.

Mr. HART. Mr. President, I thank the Senator from Illinois very much.

Mr. President, I invite attention to page 56 of the bill. I refer to section 2511 (3). As I read it, this is an exemption to insure that nothing in the restriction on wiretapping shall limit the President in certain areas and under certain conditions. What does it say?

It says that nothing in this chapter or in the bill shall limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means.

It then goes on to say that nothing in the bill shall limit the power of the President to take such measures as he deems necessary to protect the United States—and this is what bothers me—"against any other clear and present danger to the structure or existence of the Government."

What is it that would constitute a clear and present danger to the structure or existence of the Government? As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government.

If that is the case, section 2511(3) grants unlimited tapping and bugging authority to the President. And that means there will be bugging in areas that do not come within our traditional notions of national security.

Is my reading of that a fair one? Is my concern a valid one? If it is, why do we not agree to knock out the last clause?

Mr. McCLELLAN. Mr. President, this language is language that was approved and, in fact, drafted by the administration, the Justice Department. I have not challenged it. I was perfectly willing to recognize the power of the President in this area. If he felt there was an organization—whether black, white, or mixed, whatever the name and under whatever auspices—that was plotting to overthrow

the Government, I would think we would want him to have this right.

What such an amendment would do would be to circumscribe the powers we think the President has under the Constitution. As far as I am concerned, I would like to see it remain in here. I do not want to undertake to detract from any power the President already has. I do not think we could do so by legislation anyway. In fact, I know we could not. However, what we have done here is in keeping with the spirit of permitting the President to take such action as he deems necessary where the Government is threatened. I cannot find any bugger in the woodpile from looking at it, myself.

Mr. HART. Mr. President, some people can take comfort, I think, in the language of section 2511(3), and especially the statement that the President is indeed limited by the Constitution in his exercise of the national security power. This is why I think it might be useful to have this exchange.

We notice that the recital runs this way:

> Nothing contained in this chapter . . . shall be deemed to limit the constitutional power of the President to do whatever he wants in the area of bugging against any other clear and present danger to the structure or existence of the Government.

If we agree that the President does not have constitutional power to put a tap on an organization that is advocating the withholding of income tax payments—to cite a current, though as yet a small movement—I would feel more at ease. But if, in fact, we are here saying that so long as the President thinks it is an activity that constitutes a clear and present danger to the structure or existence of the Government, he can put a bug on without restraint, then clearly I think we are going too far.

The PRESIDING OFFICER. The time allotted to the Senator from Michigan has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senator from Michigan have an additional 5 minutes without being charged any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, I think that the distinguished Senator is unduly concerned about this matter.

The section from which the Senator has read does not affirmatively give any power. It simply says, and I will not read the first part of it because that certainly says that nothing shall limit the President's constitutional power, but the part from which the Senator has read continues in the same spirit. It reads:

> **Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against.**

And so forth. We are not affirmatively conferring any power upon the President. We are simply saying that nothing herein shall limit such power as the President has under the Constitution. If he does not have the power to do any specific thing, we need not be concerned. We certainly do not grant him a thing.

There is nothing affirmative in this statement.

Mr. McCLELLAN. Mr. President, we make it understood that we are not trying to take anything away from him.

Mr. HOLLAND. The Senator is correct.

Mr. HART. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

Mr. McCLELLAN. Even though intended, we could not do so.

Mr. HART. A few days ago I wondered whether we thought that we nonetheless could do something about the Constitution. However, we are agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

In addition, Mr. President, as I think our exchange makes clear, nothing in section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague, especially in domestic security threats, as opposed to threats from foreign powers. As I recall, in the recent Katz case, some of the Justices of the Supreme Court doubted that the President has any power at all under the Constitution to engage in tapping and bugging in national security cases without a court order. Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III. As a result of this exchange, I am now sure no President thinks that just because some political movement in this country is giving him fits, he could read this as an agreement from us that, by his own motion, he could put a tap on.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PASTORE. Mr. President, I think the only mistake is in the use of the word "deems." That word indicates someone else's interpretation. The word should be "intends." When we say "Nor shall anything in this chapter be deemed to limit," that is an interpretation that someone makes. I think the word ought to be "intended."

Mr. HOLLAND. Mr. President, I still reiterate my position. I do not think there is a single indication here that anything affirmative is being done.

We are simply negating any intention to take away anything that the President has by way of constitutional power. We could not do it if we wanted, and we are making clear that we are not attempting any such foolish course.

Mr. PASTORE. That is the point I make. No matter what is "deemed," you just cannot take powers away from the President that he constitutionally has. All we are saying is that we do not intend to do it because of anything that is in the bill.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a short time ago, this afternoon, an amendment was offered by the distinguished Senator from Texas. As manager of the bill, I was absent from the Chamber, and my able colleague the Senator from Maryland [Mr. TYDINGS] was in charge. The amendment related to a subject matter that had been voted on earlier today, a matter with respect to which the Senator from Rhode Island [Mr. PASTORE] and the Senator from Ohio [Mr. LAUSCHE] had prepared an amendment to be offered, which we had worked out and agreed upon. They were to offer it before the debate closed on title III of the bill.

While I was absent from the Chamber, Senator TYDINGS offered that amendment, which was going to be accepted as between those of us who had worked on it—particularly the two authors of it, Senator PASTORE and Senator LAUSCHE—as a substitute for an amendment that was related to the same subject matter. It was voted on while Senator PASTORE was in the performance of his duties in the Committee on Appropriations.

I regret that that happened. I had told Senator PASTORE that when the amendment came up, when the opportune time came, I would send for him and let him know. I am sorry it happened. I apologize to both Senators. But I desire the record to reflect clearly that they are the authors of the amendment that was offered as a substitute to the amendment of the distinguished Senator from Texas, and was agreed to, and they have made a very valuable contribution in this amendment. They have worked splendidly in cooperation with the managers of the bill, trying to get a good bill, and I appreciate very much the assistance they have given us.

Mr. PASTORE. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PASTORE. The Senator from Rhode Island was a little irked at the time. But with the passage of time and a little exercise of patience, he is very much at ease, and he is very happy.

Mr. McCLELLAN. I thank the Senator.

May I say that trying to manage a bill as controversial as this, which requires close attention to the dotting of every "i" and the crossing of every "t," is very difficult. I had given the Senator my promise with respect to the amendment.

Mr. PASTORE. I held it off because of the insistence on the part of the Senator from Arkansas.

Mr. McCLELLAN. I could not have foreseen what was going to happen.

Mr. PASTORE. I understand.

Mr. HART. Mr. President, I thank the Senator from Arkansas for his cooperation, and I thank the Senator from Rhode Island and the Senator from Florida for their comments.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will read the amendment offered by the Senator from Illinois.

The bill clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanmious consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 19, beginning with line 6, strike out all through line 24, and insert in lieu thereof the following:

"Sec. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"Sec. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

"(3) establish priorities for the improvement in law enforcement throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"Sec. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

"Sec. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations."

On page 20, line 2, insert "(a)" immediately after "Sec. 301.".

On page 20, strike out lines 6 through 15, and insert in lieu thereof the following:

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—".

On page 21, line 20, insert "Federal" immediately after the word "any".

On page 22, beginning with line 16, strike out down through line 14 on page 24, and insert in lieu thereof the following:

"Sec. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

"Sec. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

"(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

"(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"Sec. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

"Sec. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine.

"Sec. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement."

On page 39, beginning with line 14, strike out through line 12 on page 40.

On page 40, line 13, strike out "Sec. 552" and insert in lieu thereof "Sec. 521.".

On page 41, line 3, strike out "Sec. 523. Section 3334 of title 42, United States Code" and insert in lieu thereof "Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966".

On page 42, beginning with line 8, strike out through line 12.

On page 42, line 13, strike out "(h)" and insert in lieu thereof "(g)".

On page 42, line 22, strike out "(i)" and insert in lieu thereof "(h)".

On page 43, line 1, strike out "(j)" and insert in lieu thereof "(i)".

On page 43, line 4, strike out "(k)" and insert in lieu thereof "(j)".

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, for the information of the Senate, this is the so-called block-grant amendment. It is not a bit prolix or complicated. It simply follows the action that was taken by the House of Representatives.

When this bill was reported by the House committee, it contained no provision relating to block grants. An amendment was offered on the floor of the House. That amendment, providing for block grants, was approved by a vote of 377 to 23. That is a vote of 18 to 1.

Now, this matter will be in conference whether we do anything about it or not. But I believe we should nail it down now and make sure of the Senate's position.

Mr. President, back in 1934 we had 18 grant programs, and the whole amount of money involved was only $126 million. In 1964, 30 years later, we had in excess of 400 grant programs, and I understand that at the present time the amount of money involved is roughly $17 billion. It is estimated, on the basis of past performance, that by 1984 the total amount of grants may amount to as much as $52 billion. Of course, when this money is granted, a little of the flexibility and the liberty of the State is taken away because it has to comply with the conditions of the grant.

Now, this is not a complicated matter, and there is no point in my belaboring it unduly. There is going to be the so-called law enforcement assistance division, under the Attorney General, that will look at these plans as they are submitted. The State can submit plans, a locality can submit a plan; but before it goes to the assistance division, it has to go to the Governor to give him a look. But the interesting thing is that the Governor cannot either approve or disapprove. He is just a vegetable, so far as all power is concerned. And that seems rather strange.

I am fully aware of all the argument that is involved here. But I am also aware that in the next 3 years we are going to grant $500 million of Federal funds for the purpose of safe streets and law enforcement, and I want to be sure that it is going to be done right and going to be done efficiently.

I believe that what they reported originally is nothing more than a circumvention of constitutional policy against Federal controls over State and local police powers. So through the power of the Federal purse and the mechanism in title I, we could inadvertently federalize all of law enforcement in America; and we ought to listen to the admonitions of J. Edgar Hoover and the President's Crime Commission and a great many others who have given time and attention to this subject.

When the President set up that Crime Commission under the present Under Secretary of State, Mr. Katzenbach, they said, among other things, that the Commission noted that it was "mindful of the special importance of avoiding any invasion of State and local responsibility." Of course, they did not say how. They just put that down as a principle, and it is a good principle. But they said this, also, in that Crime Commission report:

> There are today in the United States 40,000 separate agencies responsible for enforcing laws on the Federal, State, and local levels of government. But law enforcement agencies are not evenly distributed among these three levels, for the function is primarily a concern of local government.

And that is as right as rain. That is where you have to enforce the law. There are only 500 law enforcement agencies on the Federal level of government and 200 at the State level.

The remaining 39,750 agencies are dispersed throughout the counties, cities, towns, and villages that form local governments. So today's law-enforcement system is a composite that is composed largely of small, independent police forces with maybe five, 10, 20, 30, or 50 members on the force.

I was interested in what Dean Roscoe Pound had to say about law enforcement today. I quote from his statement:

> That institutions and doctrines and precepts devised or shaped for rural or small-town conditions are failing to function efficiently under metropolitan conditions, that institutions and methods which were effective in a background of pioneer modes of thought and rural conceptions of social life in the past century are working badly in a background of modes of thought born of a developed industrial society and urban conceptions of social life in the present century.

The former Attorney General, who was the Attorney General when I first came here a long time ago, Attorney General Homer Cummings, said:

> In the urban, industrialized, and unified county of today, attorneys general, prosecution attorneys, police and public detective forces must enforce the law with machinery essentially unchanged from that set up for the typically rural community of a century ago.

So the system is outmoded, and to dump $500 million into the system with its fragmentation and its weaknesses is going to be a waste of the people's money. This has to be planned and the place to plan it is at the State level. That is the reason for this so-called block grant amendment. We still have some flexibility, namely 15 percent, but the emphasis and the focus is upon the State, where it ought to be. We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed in a spot, but before it gets through its ramifications it may spread over a very considerable area.

Now, New Jersey had this experience and they finally modified it. They had the same kind of system. When they set up a commission it reported on April 22, 1968, and this is what it said:

> (The) system was established in another day for a peaceful rural society of friendly neighbors, while today it serves an entirely different mobile, troubled, and urban society embracing 95 percent of New Jersey's population.

They say in that report further that New Jersey has 430 separate local police departments, 12,000 policemen, 430 chiefs of police. It also has State police, 21 county prosecutors and staffs, and county police.

Why, Mr. President, they even have "boulevard police." I do not know the function of boulevard police but they have them up there also. They have a waterfront commission with enforcement powers. Unfortunately, New Jersey law enforcement and the criminal justice structure is not unlike that of many other States.

Mr. President, if we are going to do a job it has to be unfragmented, and the only way it can be done is to make certain that this goes from the top down and that it goes through the hands of the Governors of the States.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator may proceed.

Mr. DIRKSEN. Mr. President, we have impaired the Federal-State partnership to the point where now we see that what was creeping federalism is now almost a galloping federalism. This is a good place to put the chocks on the wheels before we go much further down the road. That, then, is the purpose of block grants on an 85 to 15 basis.

Mr. President, there will be an amendment offered to this amendment to change that ratio and make it 33⅓ to 66⅔. I oppose the amendment and I shall oppose it because I think what we have written here in this proposal on an 85-to-15-percent basis is the proper thing to do. Otherwise we have one man in this Federal Government who, along with any criteria that anyone wants to establish, is going to have discretionary and permissive power, and it cannot help but end in inefficiency and incompetency before we get through.

I trust the Senate will, in its judgment, follow the pathway that has been marked out by the House of Representatives by a vote of 377 to 23 when they approved block grants.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, will the manager of the bill yield to me?

Mr. TYDINGS. I yield 5 minutes to the Senator from Maine.

GRANTS TO BOTH STATES AND LOCAL GOVERNMENTS

Mr. MUSKIE. Mr. President, I wholeheartedly endorse the provisions of title

I of S. 917 that make Federal financial assistance available to both States and local governments, and I urge the members of the Senate to reject the so-called block grant amendment, amendment No. 715.

I believe that title I in its present form is well designed to guarantee the maximum appropriate role for States and local governments in the war against crime. Under the provisions of title I, planning grants and action grants will be available not only to the States, but also to the relatively larger local governments—those having a population of at least 25,000 persons or more. By contrast, under the block grant amendment, all Federal grants would be made solely to the States, under a strict allocation formula, and the States alone would be responsible for distributing the funds to local governments.

Thus, the block grant amendment would impose a rigid requirement of State-dominated planning as the sole means of participation by local governments in the new Federal program. If enacted into law, the amendment will seriously impair our ability to cope with crime at the level where its impact is most obvious and the need for immediate financial assistance to law enforcement is most acute—the level of local government, especially our major metropolitan areas. Yet, it is in precisely these metropolitan areas that the delays and frustrations inherent in the block grant proposal would be mostly strongly felt.

Let me note at the outset that President Johnson is strongly in favor of the present version of title I. In his letter to the majority leader of May 8, 1968, the President declared his strong belief that direct Federal assistance must be made available to both local communities and State Governments. As the President has repeatedly emphasized, crime is a local problem and the machinery of local law enforcement across the Nation must be strengthened before it can carry out its mission effectively.

I would like to comment specifically upon six main weaknesses in the bloc grant amendment.

I. TITLE I DOES NOT BYPASS THE STATES

The present version of title I, we are told, would bypass the States.

In no sense can it be said that S. 917 bypasses the States. Nothing in the bill prevents direct and immediate Federal financial assistance to the entire range of State-level activities in law enforcement—police, courts, corrections, and crime prevention. Nothing in the bill prevents expansion by State-level agencies into new aspects of law enforcement. Nothing in the bill prevents close and continuing cooperation, coordination, and assistance between State and local governments for the mutual improvements of their law-enforcement systems, either through the formation of a State planning agency or through any other means of joint effort that may be available to State and local governments.

The bloc grant slogan is bottomed on the startling assertion that unless the new Federal program turns over all funds to State governments, with no strings attached, the program will bypass the States. Nothing could be further from the truth. Title I of S. 917 launches a major new program of Federal financial assistance to improve and strengthen all aspects of our system of law enforcement and criminal justice—Federal, State, and local. Title I is carefully designed to emphasize the essential role that governments at both the State and local level must play if the new program is to succeed in its goal. The only appropriate grant structure for such a new and experimental program is one that retains maximum flexibility for progress on all fronts in the war against crime. In every State, it is for the State and local governments themselves to determine the approach that is most appropriate to attack the problem of crime. Law-enforcement methods vary too widely from State to State and from locality to locality to flourish in the straitjacket that will inevitably be imposed by the bloc grant amendment.

II. TITLE I GUARANTEES AN ACTIVE ROLE FOR THE STATES

The second major point I wish to make is that, in fact, the basic provisions of title I guarantee a primary and essential role for the States in the new law-enforcement assistance program. Let me briefly describe the numerous ways that title I both encourages and insures the strong and active participation of the States:

First. The States themselves are clearly eligible for major planning grants and action grants under parts B and C of title I. States that apply to the administration for a grant on behalf of all local governments in the State will obviously be entitled to high priority in the distribution of funds.

Second. Local jurisdictions with a population of less than 25,000 persons which do not or cannot combine with similar jurisdictions will be eligible for Federal assistance only through grants made to the State in which the jurisdiction is located. In effect, therefore, title I adopts the bloc grant approach with respect to these smaller jurisdictions, and encourages them to cooperate with the State in improving and strengthening their law-enforcement systems.

The full impact of this point can be appreciated only when it is realized that in the large majority of the States of our Nation, there are very few cities with a population of more than 25,000 persons. In each of these States, therefore, the States themselves must necessarily play the central role in improving law enforcement, even under the present version of title I.

It is true that, in the United States as a whole, there are more than 40,000 units of general local government. But only an extremely small percentage of these local governments—slightly more than 5 percent—are large enough to meet the 25,000 population cutoff. Therefore, even under the present version of title I, the States themselves will have the sole responsibility for improving law enforcement in over 95 percent of the local governments of the Nation.

Third. Title I provides an express opportunity for the State Governor or the appropriate State law-enforcement agency to review and comment upon any application for a planning grant or an action grant made by a unit of local government in the State. I am referring specifically here to section 521 of the bill. No grant can be made by the administration to a local government until the comments and criticisms of the State have been received and considered. The comments of the State must deal expressly with the relation of the local government's application and law-enforcement plan to the State plan and State programs, as well as to other local plans and programs in the States. Heavy weight will be given to State evaluations of local grant applications. Obviously, no local application will be funded that flies in the face of the State plan or other relevant local plans. Nor will a local application be funded in cases where the local government has made no substantial effort to coordinate its plan with the State.

A striking example of the potential role of both States and local governments in improving law enforcement is through the development of law enforcement planning committees. In March 1966, the Office of Law Enforcement Assistance in the Department of Justice announced a special grant program under the Law Enforcement Assistance Act of 1965 to encourage the establishment and development of State-level planning committees in law enforcement and criminal justice. The grant program was initiated in conjunction with studies then under way by the National Crime Commission, which had documented the virtual nonexistence of coordinated and integrated law-enforcement planning at the State level.

The proponents of the block grant amendment have laid a great deal of emphasis on the formation of State planning committees funded by LEA under its special grant program. The initial response of the States to the LEA program was apathetic. In the first 4 months of the program, only two States had received grants to set up their State-level planning committees. By the end of the first 16 months of the LEA program, only 14 additional States had received grants to establish their State committees. As of the present time, more than 2 years after the program began, LEA has funded State planning committees in only 27 States, or slightly more than half of the States. Two other State applications are now pending, and I am informed that five other States have established State planning committees without assistance from LEA.

The experience of LEA under the State planning committee program is still unsatisfactory, however. Even at the present time—more than 2 years after the special grant program began—most State governments, even those with established and functioning planning committees, have developed neither the experience nor the administrative machinery to deal adequately with comprehensive planning for local law enforcement. Indeed, many of these committees still exist largely on paper. Some of the committees originally funded have even gone out of existence. The average timelag between the funding of a committee under an LEA grant and the actual beginning of operations by the committee has been 4 to 6 months. Yet amendment 715, the bloc grant amendment, would require State planning committees to complete their law-enforcement plan within 6 months after they have been funded. As I shall discuss later in more detail, this requirement of the block-grant amendment is highly unrealistic.

Specific examples of the difficulties that have faced State planning committees under the LEA program are sobering indeed:

In one State, the State attorney general challenged the Governor's authority to accept planning funds and vowed to carry the battle to the courts.

In another State, the executive director resigned in the face of political pressure to use the committee as a traveling investigative unit in the State.

In some States, the operation of the committee has been delayed, sometimes by as much as a year, by its inability to obtain a full-time director.

In several States, the operations of the committee have been disrupted by partisan conflicts within the committee, or by a change in State administrations. In one State, five members were appointed by the Governor, and five each by the two party leaders in the legislature. The committee went out of existence after 1 year and has just now been replaced.

The formation of State planning committees is clearly a promising development, and one that must be rapidly encouraged under title I of S. 917. At the same time, however, the LEA experience demonstrates the need to retain at least a modicum of flexibility in the grant program to enable grants to be made to local governments as well. We simply cannot place all of our eggs in the State basket.

Equally important, however—and this is a point altogether ignored by the proponents of the block grant amendment—local governments themselves have accumulated extensive experience in recent years with law-enforcement planning committees and crime commissions, especially in the major metropolitan centers.

Strong impetus toward the formation and development of local, metropolitan, and regional planning agencies has come from the large number of Federal grant programs that encourage or require planning on an areawide basis. For example, section 204 of the Model Cities Act requires that after June 30, 1967, all applications for Federal loans or grants to carry out open-space land projects or to plan or construct certain types of facilities within any metropolitan area must be submitted for review and comment to a designated metropolitan or regional planning agency. The types of facilities named in the act are: hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste distribution works, highways, transportation facilities, and water development and land conservation projects. The review and comment provisions of the model cities program are closely analogous to the similar provisions of title I of S. 917, which require State-level review before Federal funds may be made available to local governments under the law-enforcement assistance program.

Under the terms of the Model Cities Act, the reviewing agency must be "to the greatest practicable extent, composed of or responsible to the elected officials" of the units of local government in the geographic area. The general response of local governments to the review and comment provisions of the Model Cities Act has been good. Several reviewing agencies are actually using the review function as a means of helping their constituent local governments to obtain Federal funds.

As of the end of the recent fiscal year, the Department of Housing and Urban Development and the Bureau of the Budget had designated appropriate reviewing agencies for the purposes of the Model Cities Act in approximately three-quarters—170—of the 237 "standard metropolitan statistical areas" in the United States. Of the SMSA's with a designated planning agency, approximately two-thirds are single-county areas with a countywide planning agency—either a county planning agency or a city-county planning agency. In many cases, these local planning agencies are already in active operation and are capable of taking on the responsibility of planning for law enforcement and criminal justice in their areas, once the new Federal program under title I comes into operation.

The experience with State and local planning agencies amply demonstrates that nothing will more inhibit the success of the new program than a procrustean determination that only the States are capable of planning to improve law enforcement. The only true solution is to nurture the full potential of both State and local governments.

III. TITLE I ENCOURAGES COOPERATION AMONG LOCAL GOVERNMENTS

The third major point I would like to make is that title I in its present version actively encourages cooperation and coordination among local law-enforcement agencies. It is specifically designed to discourage the excessive fragmentation and decentralization that characterize so many aspects of our existing law-enforcement system. The 25,000 population cutoff avoids any possibility that the bill will stimulate further decentralization of law enforcement. The cutoff is not intended, however, to be an absolute bar to direct participation in the new grant program by smaller jurisdictions. The bill encourages a city, town, or county that does not by itself have the requisite population to formulate a joint plan or implement an action program with one or more nearby jurisdictions. By specifically authorizing the Administration to make planning grants and action grants to combinations of local jurisdictions, title I encourages coordination in the very areas where the Crime Commission found it most needed and where law enforcement is most disjointed—the small counties and municipalities of the Nation.

In addition, title I specifically directs the Administration to encourage plans which encompass entire metropolitan areas, which coordinate all law-enforcement and criminal justice agencies in the areas, and which take into account all other relevant law-enforcement plans and systems. In this manner, title I promotes the adoption and implementation of law-enforcement plans that cut across artificial geographic and political boundaries and adopt a unified approach to all aspects of the law-enforcement system.

IV. LAW ENFORCEMENT IS A LOCAL RESPONSIBILITY

The fourth major point I would like to make is one that has become thoroughly familiar to us in the debate on the war against crime. It is that law enforcement in the United States is essentially a local responsibility that must be met by local governments. I hope that I may be excused here if I belabor the local character of law enforcement in this country. Sometimes, however, as the great Supreme Court Justice Oliver Wendell Holmes once said:

> We need education in the obvious far more than we need investigation in the obscure.

Law enforcement in the United States has traditionally been among the most local of governmental functions. Even the smallest local governments provide at least minimum police services for their citizens. Whatever the role of the States in such areas as education, housing, employment, transportation, or welfare, State involvement in law enforcement has historically been very limited and remains very limited today. In addition, there are legal obstacles in many States to participation by State-level agencies in particular aspects of local law enforcement and criminal justice. The structure of law enforcement in this country thus reflects a fundamental attribute of our democratic society—the existence of local control over law enforcement. The provisions in title I for financial assistance directly to local governments are firmly grounded in this basic feature of our American system of government.

Statistics on the distribution of law-enforcement personnel in the United States confirm the essentialy local character of law enforcement in this country. According to the National Crime Commission, of the 348,000 full-time State and local police officers in the Nation, 90 percent—308,000—are employed by county and municipal police agencies, and only 10 percent—40,000—are employed by State police agencies. The number of officers on the New York City police force alone is almost as large as the total number of State law-enforcement officers in all of the States combined. There are more local policemen in Los Angeles County than there are Federal Bureau of Investigation agents for the entire Nation.

Moreover, not all of the 40,000 full-time State police officers have even the legal authority to perform more than highway patrol duties. A major recent study by the International Association of Chiefs of Police of 49 State police agencies in the United States found that the majority of State police agencies are concerned almost solely with highway patrol duties and do not even have broad criminal jurisdiction. Even the recently issued position paper of the Republican coordinating committee clearly recognizes and deplores this major deficiency in the existing law-enforcement effort at the State level.

Statistics on expenditures by State and local governments for the prevention and control of crime also confirm the local character of law enforcement in the United States. Seventy-two percent of the total State and local expenditures for law enforcement are made by local governments. Eighty-six percent of the total expenditures for police and 77 percent of the expenditures for courts are made by local governments. Only in the area of corrections do State expenditures exceed local expenditures, and even here the local contribution is substantial—35 percent of the total funds expended.

The expenditure figures just quoted highlight one of the most arbitrary requirements of the block grant amendment. According to the specific language of the amendment, 75 percent of the Federal funds granted to a State must be made available to local governments within the State. The figure of 75 percent was undoubtedly chosen to reflect the average percentage—72 percent—of expenditures by local governments for law enforcement and criminal justice in the Nation as a whole. But the 72-percent figure, is, of course, only an average. The actual percentage in one or another State varies widely from the average. In California, for example, 88 percent of the total law-enforcement expenditures in the State are made by local governments, and only 12 percent are made by the State. In Vermont, on the other hand, only 52 percent of the total expenditures are by local governments, and 48 percent are by the State. The block grant amendment, with its rigid formula, will inevitably overemphasize State-level activities in some States and underemphasize them in others. Such a crude and arbitrary approach can serve only to hamstring the new grant program in its efforts to upgrade law enforcement.

The proponents of the block grant amendment, have argued that, although the allocation formula under part C—action grants—requires 85 percent of the action funds to be distributed to State governments, the remaining 15 percent of such funds may be used for grants to local governments. The argument is in error for three principal reasons:

In the first place, it is extremely difficult to read the clear language of amendment 715 as authorizing any Federal grants to be made directly to local governments. Section 302 of the amendment authorizes action grants to be made only to the States for use by State planning agencies. It does not authorize grants to be made directly to local governments. Although amendment 715 retains the hortatory language of section 301(a), stating that the purpose of the action grants is to encourage both States and local governments to improve and strengthen their systems of law enforcement, that language is most easily as requiring local governments to participate only through the States. Thus, if the 15-percent portion of the action funds is to be available to local governments, it appears that the language of amendment 715 must itself be amended.

Second, even if 15 percent of the action funds are available for direct grants to local governments, the percentage is too small to permit adequate participation by local governments in the new law-enforcement assistance program. As I have already indicated, the best available figures reveal that, of the total expenditures for law enforcement and criminal justice by State and local governments, 72 percent are by local governments, and only 28 percent are by the States. Therefore, the 15-percent figure in amendment 715 completely reverses the proper allocation of expenditures between State and local governments.

Third, amendment 715 is also inadequate because it allows no planning funds—not even 15 percent—to be made available directly to local governments. Yet, the need for comprehensive law-enforcement planning is most urgent at the level of local government, especially in our major metropolitan areas. To leave local planning solely to the States will seriously impair our ability to wage the war against crime at the level where its impact is most obvious—the level of local government.

V. THE BLOCK GRANT AMENDMENT WILL DISRUPT THE BALANCE OF POWER BETWEEN STATE AND LOCAL GOVERNMENTS

The fifth major point I wish to make is what I conceive to be the essential guiding principle in the development and implementation of title I—that the Federal assistance contemplated by the new grant program must not become the vehicle for disrupting the existing balance of power between State and local law-enforcement agencies in the United States.

The threat to local autonomy under the block grant amendment is far more serious than any "threat" of Federal control under the present version of title I. The block grant approach will give the State Governors enormous leverage over local law enforcement. It will create the dangerous potential for a power play by State officials to gain control over local law enforcement, and thereby transform the entire police function in the United States. No planning grants or action grants are authorized to be made under the present version of title I to any agency of the Federal Government. By contrast, State agencies will receive vast sums of money under the block grant amendment, which can be used to build new and powerful State police forces, capable of threatening the autonomy of local government in the United States in a way that the present version of title I could never do.

At the very least, the block grant amendment will plunge the new Federal program into continuing political controversies and partisan rivalries between State and local governments, between Governors and mayors, between urban areas and rural areas, and between State and local police. I respectfully submit that the Senate should think long and hard before it reverses more than two centuries of tradition of law enforcement in the United States by injecting State governments into this basic area of local responsibility.

These grave dangers can be avoided only by adopting the more neutral approach that is offered in the present version of title I, which recognizes the proper role that must be played by both State and local governments. Title I is a balanced program of law-enforcement assistance. As I have already emphasized, to the extent that State governments are involved in the law-enforcement process—primarily in the area of courts and corrections, but including police as well—the States themselves will obviously be strong applicants for funds under title I. By contrast, the bloc grant proposal contains the seeds of potential conflict of interest between States as applicants in their own right and States as applicants on behalf of local governments within the State. At the very least, the bloc grant amendment threatens to divert the grant program from its primary emphasis on substantial improvements in all aspects of law enforcement and criminal justice and toward those areas in which the States have greater responsibilities.

VI. THE BLOCK GRANT AMENDMENT WILL CAUSE SERIOUS DELAYS

The final point that I wish to emphasize is the very serious delays that will result in implementing the new program if the block grant amendment is adopted. Under the specific language of the amendment, a State will be given up to 6 months to apply for a planning grant under part B, and 6 more months to prepare its statewide law enforcement plan that must be filed in order to qualify for action grants under part C. Therefore, up to an entire year may be wasted before substantial action funds can be made available for the benefits of local law enforcement. And, this figure does not even include the further delays that will inevitably result before the States can actually make the action funds they receive available to local law enforcement. In addition, in many States, new statutory or constitutional authority will have to be obtained before State governments are enabled to participate in programs to improve local law enforcement.

Moreover, as I have mentioned, the bloc grant amendment is highly unrealistic in its requirement that a State planning committee must submit a comprehensive law enforcement plan within 6 months after the State has received a planning grant. It is very doubtful that the States will be able to prepare such plans within this 6-month period. The experience of the Office of Law Enforcement Assistance under its State planning committee program has not been promising in this respect. As I have already stated, many of the 27 State committees that have been funded under the LEA program still exist largely on paper. The average timelag between the initial funding of a State planning committee and the beginning of operations by the committee has been 4 to 6 months. Yet amendment numbered 715 requires that the entire State plan must be completed within 6 months. Some State committees funded under the LEA program have been in existence for as long as 2 years without yet having formulated a comprehensive State plan.

The block grant amendment will encourage the formulation of State plans on a crash basis, solely to meet the 6-month time limit and to thereby prevent Federal funds from being made available directly to local governments within the State. The arbitrary time requirement under the block grant amendment is thus likely to foster the production of hasty and ill-conceived law-enforcement plans by the States, far removed from the balanced and imaginative planning that can be accomplished under the present version of title I.

In contrast to the lengthy delays inherent in the block-grant amendment, the present version of title I permits local governments to obtain planning funds immediately, and to receive action grants as soon as their law-enforcement plans are prepared and submitted. In fact, many local governments have already completed their law-enforcement plans or are now in the process of completing them. These localities are ready to apply for action grants as soon as title I is signed into law.

The present version of title I fully recognizes the essential role that States and local governments together must play if they are to make substantial progress in the war against crime. We must wage a total war against crime, not the limited war that will be fought under the block-grant approach. We must preserve the best possible structure for the law-enforcement assistance program—a structure capable of implementing the great promise and potential of this legislation. I strongly urge my colleagues to support the present version of title I, and to reject the block-grant amendment.

Mr. CANNON. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield 1 minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, every mayor and every law-enforcement officer has contacted me concerning the provisions of the bill, and each and every one of them has urged that we support the bill as it now stands and not proliferate another State agency for them to have to go through in order to meet this pressing problem.

I support the Senator's position.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished former Governor from Wyoming, and now a distinguished Senator from Wyoming [Mr. HANSEN].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. HANSEN. Mr. President, apparently I have come from the office of chief executive of my State more recently than has my distinguished colleague from the great State of Maine come from his as Governor.

I take a different position on the bill than he does. I believe that if we want to strengthen local law enforcement—and I agree with him that we should—then I say the way to do it is to adopt the amendment proposed by the distinguished minority leader. I think that is the way to do it. That is the way we would do it in Wyoming.

The State of Wyoming cooperates with local law enforcement efforts by assisting with the State highway patrol. I know of no better way to help each State insure better law enforcement than through block grants.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, Mr. President——

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, I rise in support of the amendment. The municipalities throughout this land are the creatures of the State. From the standpoint of preserving the system of government which the Constitution of the United States envisaged, we should not have the Department of Justice or any branch of the Federal Government dealing directly with the creatures of the State. They should be dealt with through the agency of State governments.

Second, I think it is very unwise to leave the distribution of hundreds of millions of dollars to one executive officer. We have seen in recent years the danger of doing that. When an executive officer of the U.S. Government takes charge of the distribution of funds to political subdivisions of the States, he uses the funds to coerce the such subdivisions into acceptance of his ideas.

There are many States in this Union which have fine law enforcement systems. My State has one. I think that the block grant system would enable the States to discharge their duties much better than could the Department of Justice in Washington, which has no acquaintance with the multitude of diverse problems existing throughout the country.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. TYDINGS. Mr. President, I move that the motion of the distinguished minority leader be tabled.

The PRESIDING OFFICER. The Chair informs the Senator from Maryland that he must yield back his time before that motion can be made.

Mr. DIRKSEN. Let me say to the Senator from Maryland, why not have a vote on the merits? Why a motion to table?

Mr. TYDINGS. If the Senator from Illinois will yield back his time——

Mr. JAVITS. Mr. President, Mr. President, Mr. President——

Mr. TYDINGS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Maryland does have the floor.

Mr. JAVITS. Mr. President, would the Senator yield to me so that we do not have any misunderstanding. The Senator from Massachusetts [Mr. BROOKE] has an amendment to the amendment. So have I, if this fails. So, let us not move too fast here.

Mr. LAUSCHE. We have been at it for 5 weeks now. [Laughter.]

Mr. DIRKSEN. I know that the Senator from Massachusetts [Mr. BROOKE] wants some time because he contemplates offering an amendment. I do not want to see the Senator foreclosed. Thus, Mr. President, I reserve the remainder of my time.

Mr. TYDINGS. Mr. President, is my motion still in order?

The PRESIDING OFFICER. The motion to table is not in order until all time has been used up.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. How much time is there in existence on this amendment?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes remaining and the Senator from Maryland 10 minutes remaining.

Who yields time? Time is running.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, the block-grant amendment to the Omnibus Crime Control and Safe Streets Act is one of the most important that this body will consider. The amendment provides for Federal funds to be channeled through "State planning agencies" created, or designated, by the several States. The State authority would develop a comprehensive plan, allocate grants to local agencies according to this plan, and according to priorities determined by the State planning agency. The comprehensive plans of the States would be reviewed annually by the Federal Law Enforcement Administration.

The block-grant approach to Federal support of local programs has gained increasing support in recent years. Everyone recognizes that the Federal Government has shown itself to be exceedingly talented in raising funds. With this has come increased difficulty for the States as more and more sources of revenue have become "federalized." Although Federal efficiency in revenue collection has grown, Federal effectiveness in supervising the expenditure of funds has suffered.

It has become apparent to experts of all political persuasions that in the important area of supervising the proper use of funds, the State governments have shown themselves to be far more able to get the most for the taxpayer's dollar. Being closer to the people—both geographically and psychologically—State governments are able to translate blueprints into effective action for solving problems with far more skill than the large and cumbersome Federal establishment.

Mr. President, the block-grant approach—based on the foregoing reasoning—has become popular with many persons familiar with the increasingly complicated problems facing Americans. Thus, Congress provided for block grants for supplemental services when it passed the 1967 amendments to the Elementary and Secondary Education Act last December. At that time, I offered a block-grant amendment to the bill which was narrowly defeated in the Senate, but was later substantially restored by the con-

ference committee. Both the National Education Association and the Council of Chief State School Officers favored the block-grant proposal.

With reference to the particular bill before us—S. 917—the House of Representatives embodied the block-grant approach in its version. This same amendment was offered before the full Judiciary Committee and failed to pass by only one vote. Only recently 47 Governors meeting here in Washington recommended passage of this bill and urged that Congress give careful consideration to the need for statewide planning and coordination of projects and to the need for local officials to confer with State authorities in developing programs. In addition, the National Association of Attorneys General passed a resolution in favor of the bill as it passed the House of Representatives—which included block-grant provisions.

Mr. President, the goal of all Senators **is to enact a measure which will contribute substantially toward decreasing the incidence of crime in this Nation. While we recognize that the maintenance of law and order is a responsibility which falls on officials from the local level to the White House, we are hopeful that action in the Congress can be significant toward stemming the rising tide of lawlessness in this Nation. For this reason, it is incumbent upon us to enact legislation which will be as effective as possible in solving this problem which is now of crisis proportions. In my judgment, the block-grant approach is far superior to direct supervision from the Federal level. There are five reasons which lend credence to this position that I should like to discuss.**

First, better planning for the use of Federal funds. Instead of Washington-based personnel attempting to supervise literally thousands of grants in single-shot, hit-or-miss fashion, their supervision will be limited to annual approval of 50 comprehensive statewide programs. This will make for better coordination of law enforcement improvement plans. It will encourage systematic planning, the use of priorities, and intelligent use of these funds in more communities.

Second, a greater diversity of ideas and more imaginative use of funds will be possible with the block-grant plan. If grants are made directly from Washington, Federal guidelines will rapidly have the effect of encouraging a conformity of ideas and suggestions for law enforcement improvement. If plans are developed through a State planning agency, 50 agencies will operate—thus bringing creative federalism into action. State agencies will be in a better position to gain the approval of the Federal Law Enforcement Administration for unique proposals than will isolated local agencies, who will be anxious to see that their plans meet with the approval necessary to securing the funds.

Third, this proposal provides for fairer distribution of funds. Large cities with Washington representatives trained in the art of "grantsmanship" will have an unfair advantage under the bill as it now stands. Many localities in severe need of better law enforcement techniques would lack the expertise to extract a grant from a Federal agency. However, every locality would be likely to have a working relationship with State-level law enforcement authorities.

Fourth, the block-grant amendment would lessen the likelihood of Federal domination of programs administered under this bill. The power to grant or to withhold Federal funds is most persuasive. If this power is concentrated in an agency in Washington, the opportunity for stifling and dictatorial control from the Federal Government is clearly present. In an area as important and sensitive as law enforcement, the prospect of imposition of Federal standards not required by statute is disturbing. This Federal domination and control is as likely to occur through the normal bureaucratic procedures involved in approving grant applications from thousands of local jurisdictions as it is through design. In either case, Federal control is undemocratic, removed from the people, and less likely to consider local problems and conditions.

The block-grant proposal would provide for overall approval of statewide comprehensive plans at the Federal level, but the actual devising and implementing of plans and programs at the State and local level.

Fifth, and finally, the block-grant approach effectively guards against the danger of a Federal police force. It has been said many times that the maintenance of law and order is the responsibility of State and local governments. If we are to honor this concept, the block-grant amendment should be approved. The centripetal force in Federal administration of these grants is obvious. In order to guard against the gradual, and perhaps unnoticed, creation of a national police force, financed and administered from Washington, we should pass this amendment which gives a greater role to the State authorities.

Mr. President, in conclusion, I believe the block-grant concept of Federal aid is a sound approach to aiding in solving law enforcement problems in this Nation. I urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. A parliamentary inquiry, Mr. President. Who has the floor?

The PRESIDING OFFICER. The Senator from Illinois and the Senator from Maryland. The Senator from Illinois has 2 minutes and the Senator from Maryland has 7 minutes.

Mr. LAUSCHE. Mr. President, what is the amendment——

The PRESIDING OFFICER. Who yields time?

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. Does either Senator in control of the time yield time to the Senator from Ohio?

Mr. TYDINGS. Mr. President, on my time, can I suggest the absence of a quorum?

The PRESIDING OFFICER. Is there objection to calling a quorum without the time being charged to either side?

Mr. TYDINGS. Charge it to me, Mr. President.

Mr. LAUSCHE. Mr. President——

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Reserving the right to object, why cannot the Senator from Ohio speak?

Mr. TYDINGS. Mr. President, I move to table the amendment.

Mr. MANSFIELD. Mr. President, is that motion in order?

The PRESIDING OFFICER. The Senator from Illinois still has 2 minutes and the Senator from Maryland has 7 minutes.

Mr. LAUSCHE rose.

The PRESIDING OFFICER. To what purpose does the Senator from Ohio rise?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is the clock running during these minutes of silence?

The PRESIDING OFFICER. Time is running at the present time, equally divided.

Mr. LAUSCHE. Mr. President, may I ask a question of the managers of the bill?

The PRESIDING OFFICER. Does either Senator yield time to the Senator from Ohio?

Mr. LAUSCHE. Mr. President, what is the issue before us?

Mr. TYDINGS. Mr. President, I yield 3 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. May I have 5 minutes?

Mr. LAUSCHE. Mr. President, what was the answer to my question?

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. President, I had been downstairs in the Appropriations Committee. I really did not know this amendment was coming up at this time and shall have to be brief but I do think we are passing on a very vital governmental principle with reference to the so-called block grants.

There are not many subject matters that I would tell the Senate I knew much about. I am not an expert in anything, but I think I do know something about the practical side and the problem with reference to law enforcement. My basic belief is that we are not going to solve this problem just by appropriating money, or even having training schools; instead we are going to have to have a policy, a will, and a determination to stop this tremendous increase in crime. One thing that has to be done is to have a firm policy providing for the certainty of punishment on those who are proven to be guilty. It is the certainty of punishment that prevents crime.

But, getting down now to the appropriation itself—and I say this with all charity to everyone in the Department of Justice; they may be doing the best they can—I do not believe that just a great sum of money appropriated to the Department of Justice is going to reach the real problem nearly as well as will be done by giving the Governors some responsibility in this matter. This is not a political issue, or a partisan matter, or anything of that kind, but at the State level is where the problem is, and that is where it has to be worked out. Certainly, the Justice Department has not been outstanding in its knowledge of how to stop and prevent crime.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I asked for 5 minutes.

Mr. TYDINGS. Five minutes to the Senator from Mississippi.

Mr. STENNIS. We have the facts here as to what is happening. Conditions in Washington are such that even a Member of this body does not dare leave home early without being sure his doors are all locked, so as to protect his wife. Bus drivers in this city are refusing to drive under certain times at night because of lawlessness and lack of protection to the drivers. Crime is increasing all the time; protection to the public is decreasing.

To give the Department of Justice this added money, requiring State and local government to come here and get the money largely on the Department's terms, is not the way to meet the problem. I am satisfied in my own mind that we should put the money down there where the trouble is and put the responsibility at the State level, and there we will get the best results. I hope the amendment, which is in that direction, will prevail, so this program will have a better chance to get some results.

I think this proposal is perhaps one of the most important parts of the whole bill. We bring everything in the world here to Washington in this measure. The Justice Department selects the U.S. attorneys. It largely selects the Federal judges. Now it is proposed to give the Department control of a large sum of money, even to help pay police salaries over this country. The estimates are that this program will amount to $1 billion within a few years.

I think that so far as our responsibilities at home, our States and their responsibilities, are concerned, this would be really a colossal sellout, and start a deluge here of countless demands that we nor our successors could stop.

I hope the motion to table will be defeated and that the amendment will prevail. Again I thank the Senator for yielding to me.

LAW ENFORCEMENT PLANNING BY LOCAL GOVERNMENTS

Mr. TYDINGS. Mr. President, I am opposed to the block-grant amendment to title I of S. 917. I strongly urge that the version of title I that was favorably reported out from committee be enacted by the Senate without further amendment.

Title I establishes within the Department of Justice a new office called the Law Enforcement Assistance Administration. That office will be responsible for the administration of the new Federal grant program under title I, which is designed to improve and strengthen law enforcement at the State and local level. Under the bill, planning grants and action grants may be made to States, to units of general local government, or to combinations of States or local governments.

However, the provisions in grants to local governments are narrowly limited. No grant may be made to a unit of local government or a combination of such units unless it has a population of at least 25,000 persons. Although the population cutoff was set at 50,000 persons in the version of title I reported out by the Judiciary Committee, the limitation was recently reduced to 25,000 persons by an amendment offered and accepted during the current debate.

In addition, no grant may be made to a local government unless the applicant has submitted a copy of its law-enforcement plan to the Governor of the State and to the law-enforcement agency of the State in which the unit is located. The Governor and the State law-enforcement agency must have been afforded an opportunity to evaluate the application by the local government and to submit any comments to the Law Enforcement Assistance Administration. The State's evaluation would not only include comments on the efficacy of the plan, but would also take account of other plans in the State that are presently in the application stage, thus enabling the administration to avert possible overlaps or to provide for potential gaps in the various plans submitted to it.

Despite these safeguards, the block-grant amendment now before us would entirely eliminate grants to local governments. The amendment would require that all grants made under title I be made to the States in the first instance. Whatever money is deemed by the State to be required for use at the local level would then be channeled through a "State planning agency" to reach the local unit, but only after the State agency has determined its own priorities for expenditures in accordance with its concept of statewide law enforcement. I am strongly opposed to such a change in the existing bill. I believe that the block-grant approach will seriously impede our progress in the war against crime.

Crime is a problem of nationwide concern. Because of its increasing prevalence and wantonness, the issue of crime—and, in particular, crime in the streets—has become one of the major political issues of the current presidential campaign. Nevertheless, the roots of crime are local in nature, and the problems of law enforcement are local problems; statewide and nationwide concern over crime has arisen only because of the vast prevalence of crime in our society and because of the rapid-fire frequency with which criminal activity has broken out in one locality after another, all across the country. However great the concern at the State and national levels, it is at the local level where the job needs to be done, where the problems of law enforcement must be faced. Even now, before the passage of this bill, over 90 percent of full-time State and local police officers in the country work at the local level, with local governments accounting for more than 70 percent expenditures for law enforcement. New York City for example, boasts almost as many policemen—29,000—as the total number of State-level law enforcement officers in the 50 States combined.

The local nature of law enforcement has been recognized by the President's Commission on Law Enforcement and Administration of Justice, in one of the most comprehensive studies ever undertaken in this field. In their report of February 1967, entitled "The Challenge of Crime in a Free Society," the Commission emphasized the extent to which primary responsibility for criminal administration rested jointly with the States and with local enforcement units. Indeed, the language and provisions contained in the present title I is a direct outgrowth of the recommendations made by the Crime Commission in its report. A block-grant system, which places primary responsibility for criminal administration in the hands of the State government, and relegates local units to the class of functionaries, runs directly counter to the spirit and the reasoning of the Crime Commission's report.

The thesis underlying the block-grant amendment is that law enforcement can only be handled on a statewide basis, and that allowing local communities to create their own plans and administer programs themselves would invite confusion and lack of uniformity. I find considerable difficulty with this line of reasoning. Lack of uniformity and diversity of programs is just what is required in many instances to do the job properly.

Problems relating to law enforcement are much more likely to vary on a community-to-community basis than from State to State. Factors such as population distribution, age groupings, racial balance and race relations, economic sability, standard of living, unemployment, and education, all will undoubtedly play an important role in determining the type of plan that is needed: The composite makeup of these elements will differ markedly from one locale to the next, and may require the use of widely disparate law-enforcement programs. For a State to attempt to develop a comprehensive statewide plan and impose it on diverse communities may well be worse than no plan at all.

Another problem generated by statewide administration of law-enforcement planning is the conflict of jurisdictions that may arise in dealing with a community such as New York City. It clearly makes sense to provide funds directly to a citywide crime commission that is familiar with the unique problems faced by the city and which is capable of formulating a comprehensive plan for dealing with them. On the other hand, the block-grant approach would leave Connecticut, New Jersey, and New York free to develop three separate plans for dealing with the city's ills. Barring a miracle, the most likely outcome would be a piecemeal solution to the tristate area's problems, assuming that jurisdictional squables did not disrupt the project altogether.

None of this is meant to suggest that State law-enforcement agencies and State planning commissions should not play a significant role in the grant program of title I. State agencies undoubtedly are more effective in combating organized crime where the criminal group is organized and operating on a statewide basis. Title I has explicitly provided for grants which are designed to combat organized crime, and in all likelihood most of these grants will be made directly to the States. In fact, section 304 stipulates that programs relating to organized crime and to riots are to be given special emphasis in the Administration.

State agencies are also likely to be more effective in developing plans for combating crime in rural areas. In these areas environmental and social factors are likely to be less significant, and those factors that do enter the picture are less likely to vary radically from one rural locale to the next. However, I must emphasize that although rural crime is on the increase, and cannot be ignored, it still accounts for only one-twelfth of the overall incidence of crime in this country. It is the other eleven-twelfths—the crime in our dense urban centers—that must necessarily be our primary focus, and it is here that, for reasons I have already stated, we should not allow local law enforcement to become sublimated to some far-removed commission on crime and punishments sitting in the ivory tower of the statehouse.

The proponents of the block-grant amendment have relied heavily on the formation of State planning committees in many of the States. There can be no question that the States can and must play a major role in planning for law enforcement. Equally important, however—and this is a point altogether ignored by the proponents of the block-grant amendment—local governments themselves have accumulated extensive experience in recent years with law-enforcement planning committees and crime commissions, especially in the major metropolitan centers. Strong impetus toward the formation and development of local, metropolitan, and regional planning agencies has come from the large number of Federal grant programs that encourage or require planning on an areawide basis. For example, section 204 of the Model Cities Act requires that after June 30, 1967, all applications for Federal loans or grants to carry out open-space land projects or to plan or construct certain types of facilities within any metropolitan area must be submitted for review and comment to a designated metropolitan or regional planning agency. The types of facilities named in the act are: hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste distribution works, highways, transportation facilities, and water development and land conservation projects. The review and comment provisions of the model cities program are closely analogous to the similar provisions of title I of S. 917, which require State-level review before Federal funds may be made available to local governments under the law-enforcement assistance program.

Under the terms of the Model Cities Act, the reviewing agency must be "to the greatest practicable extent, composed of or responsible to the elected officials" of the units of local government in the geographic area. The general response of local governments to the review and comment provisions of the Model Cities Act has been good. Several reviewing agencies are actually using the review function as a means of helping their constituent local governments to obtain Federal funds.

As of the end of the recent fiscal year, the Department of Housing and Urban Development and the Bureau of the Budget had designated appropriate reviewing agencies for the purposes of the Model Cities Act in approximately three-quarters—170—of the 237 "standard metropolitan statistical areas" in the United States. Of the SMSA's with a designated planning agency, approximately two-thirds are single-county areas with a countywide planning agency—either a county planning agency or a city-county planning agency. In many cases, these local planning agencies are already in active operation and are capable of taking on the responsibility of planning for law enforcement and criminal justice in their areas, once the new Federal program under title I comes into operation.

The institution of a local or community planning agency is hardly a novel idea. Many cities, counties, and private groups have formed committees to study criminal behavior in their localities and have successfully initiated reforms and programs for improving the local police force, expediting law-enforcement procedures, and combating crime generally. Examples of such instances are abundant. Of a private nature, perhaps the best known are the citizens crime commissions. These have sprung up in a number of large cities with the avowed purpose of educating the public as to all phases of organized crime and of developing effective methods for controlling it. In 1951 representatives from the various citizens commissions met in Chicago and formed the National Association of Citizens Crime Commissions—NACCC. Since then the association has met annually to discuss problems of common interest, with an eye to fostering the growth of similar commissions in various localities across the country. At present, citizen crime commissions are active in Atlanta; Baltimore; Boston; Burbank, Calif.; Chicago; Crown Point, Ind.; Dallas; Fort Worth; Kansas City, Mo.; Miami; New Orleans; Philadelphia; St. Louis; Waukegan, Ill.; Wichita; and Wilmington, Del.

In addition to these private efforts, the Department of Housing and Urban Development has encouraged a selected group of metropolitan planning agencies to develop comprehensive programs for crime prevention and law enforcement. Under this pilot project, HUD will provide two-thirds of the total cost of the program from its urban planning assistance program; the remaining one-third is to be supplied by local groups or by donated services. As of now, grants have been authorized for pilot projects in Kansas City, Atlanta, Boston, Minneapolis-St. Paul, and Lansing, Mich. In addition, HUD is processing grants and expects to issue them soon for planning agencies in Washington, D.C.; Baltimore; Philadelphia; Phoenix; Dade County, Fla.; and Wayne County, Mich. These HUD-financed programs are expected to cost in the neighborhood of $10,000 to $20,000 per program, and should provide useful guidelines for planning grants by the Law Enforcement Administration pursuant to title I of the crime bill. I might point out that HUD's pilot project is in supplement to the Department's model cities program, pursuant to which some 75 cities have been directed to consider problems of law enforcement and criminal justice as part and parcel of their general revamping under the program.

In addition to the local programs funded by HUD and the private efforts of the citizens crime commissions, several cities have appropriated funds for city level crime planning councils. Louisville, Ky., has appropriated $35,000 for this purpose from its city budget. The city of Alexandria, Va., recently allocated $5,000 from its budget to set up a similar group. Other cities which have taken similar steps and which presently boast of city level criminal justice planning commissions are Philadelphia, New York, New Orleans, and San Francisco. I would like to briefly highlight the experience of two of these metropolitan areas, because I believe their approach to the problems of criminal law enforcement serves to demonstrate the utility of such a program and the need to allow direct grants to be made under title I to local governments.

In New York City, participation by the local citizenry in efforts to reform criminal procedures and to plan for better law enforcement goes back to 1873, with the formation of a committee for the suppression of vice. Five years later, a rival group known as the Society for the Prevention of Crime was founded, and over the next 60 years or so these groups devoted themselves to ferreting out corruption and bribery in the city administration. It was at the society's insistence that the Seabury investigation was begun, which ultimately led to the ouster of Mayor Walker and ushered in the reform administration of Mayor Fiorello H. La Guardia.

As late as 1951 the society was responsible for a major shakeup among top police officials, which led to the appointment by Governor Dewey and a five-member State crime commission. The success of the society in bringing about reform prompted the formation of a number of private and public crime commissions which have studied New York City's unique problems and recommended solutions. These have ranged from temporary commissions whose function and goal was limited to a particular study, such as legislative revisions, to various citizen's committees for the control of crime and citywide anticrime committees whose goals were broader but which have ceased to function for lack of funds. In the latest local effort, Mayor John Lindsay has recently established the New York City Crime Council which is to be funded by city appropriations. The long history of the local efforts to study and control crime in New York City demonstrates the key role that local agencies can and must play in improving the enforcement of criminal law.

At the other end of the country, Mayor Joseph L. Alioto, of San Francisco, has established a committee on crime whose assigned task is to conduct a searching inquiry into the complexities of crime in the city. The committee has been asked to develop recommendations to improve the city agencies that deal with crime, delinquency and rehabilitation. It is expected to delve into the root causes of the conditions that spawn crime, and to determine the extent of any relationship that exists between environmental conditions and criminality. Mayor Alioto candidly observed that San Francisco, by dint of its high incidence of alcoholism, drugs, narcotics, suicide, sexual promiscuity, and pornography, represents a "unique laboratory for the study of modern social ills and aberrations." Twenty-five thousand dollars has been appropriated for the task, which is expected to take 18 months to complete.

Thus, in one way or another, more than 100 cities, counties, or local communities have devoted considerable time, energy, and money to the problems of law enforcement and criminal justice. At the close of my remarks I shall insert a partial list of local governments that have already engaged in major planning efforts to improve and strengthen their law enforcement systems. These units of local government have amply demonstrated that they are capable of effectively attacking the problem of crime, and that they are worthy of receiving funds directly under title I—without the intervention of statewide agencies—in order that they may continue this work.

Such local governments should not be subjected to the serious delays and frustrations of the block-grant amendment, under which up to an entire year may be wasted before Federal funds may be made available to local governments. Even now many local governments have already completed their law enforcement plans, or are in the process of completing them. These localities will be ready to receive grants under title I as soon as the bill is signed into law. Only if title I retains adequate flexibility to fund both States and local governments can we achieve the success that is needed in the war against crime.

Eventually, it is hoped that many other localities may be given an opportunity to examine their own problems and formulate plans for solving them. Title I, in my opinion, represents the best possible approach to the problems of law enforcement and criminal justice. When enacted, it will start us on the right track toward eradicating the scourge of crime which today is threatening the peace and security of our society.

I strongly urge the Senate to reject the block-grant amendment to the omnibus crime bill.

I ask unanimous consent that an appendix to my statement be printed in the RECORD.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX

The following is a partial list of local jurisdictions that have engaged in some form of law enforcement planning, at the instance of federal, municipal or private groups (listed alphabetically by states):

ARIZONA

Phoenix (HUD Pilot Program; LEAA Grantee).
Scottsdale Police Department (LEAA).
Tucson Police Department (LEAA).

CALIFORNIA

Alameda County (Anti-Racket Council).
Burbank (Nat'l. Ass'n. of Citizens Crime Committee—NACCC).
Chula Vista Police Department (LEAA).
Crime Commission of Los Angeles.
Los Angeles Police Department (LEAA).
Los Angeles County Sheriff's Office (LEAA).
Redondo Beach (LEAA).
Richmond Police Department (LEAA).
Riverside County Sheriff's Department (LEAA).
San Francisco (City Budget Appropriation).
San Jose Police Department (LEAA).

COLORADO

Denver County Court (LEAA).
Pueblo Crime Commission.

CONNECTICUT

New Haven Police Department (LEAA).

DELAWARE

Delaware Citizens Crime Commission (NACCC).
Wilmington Police Department (LEAA).

DISTRICT OF COLUMBIA

District of Columbia Metropolitan Police Department (LEAA).
District of Columbia (HUD).
District of Columbia Department of Corrections (LEAA).
District of Columbia Department of Public Health (LEAA).
United Planning Organization (LEAA).
Citizen's Crime Commission of Metropolitan Washington (NACCC).

FLORIDA

Alachua County Sheriff's Office (LEAA).
Dade County Public Safety Department (LEAA).
Gainesville Police Department (LEAA).
Miami (HUD Pilot Project; LEAA).
Crime Commission of Greater Miami (NACCC).
Tampa Police Department (LEAA).

GEORGIA

Atlanta (HUD Pilot Project).
Citizens' Crime Prevention Commission of Atlanta.

HAWAII

County of Hawaii Police Department (LEAA).
Honolulu Police Department (LEAA).

ILLINOIS

Chicago Crime Commission (NACCC).
Chicago Police Department (LEAA).
Chicago Vice Commission.
Evanston Crime Commission.
Oak Park Police Department (LEAA).
Peoria Police Department (LEAA).

INDIANA

Gary Crime Commission.
Gary Police Department (LEAA).
Marion County Crime Commission.
Northwest Indiana Crime Commission (NACCC).

IOWA

Cedar Rapids Police Department (LEAA).
Des Moines Police Department (LEAA).

KANSAS

Kansas City Police Department (LEAA).
Wichita Bureau of Police (LEAA).
Wichita Crime Commission (NACCC).

KENTUCKY

Louisville (City Budget Appropriation).
Newport Committee of 500.

LOUISIANA

New Orleans (City Budget Appropriation).
New Orleans Police Department (LEAA).
Metropolitan Crime Commission of New Orleans (NACCC).

MARYLAND

Baltimore (HUD Pilot Project).
Baltimore Criminal Justice Commission (NACCC).

MASSACHUSETTS

Boston (HUD Pilot Project).
Boston Police Department (LEAA).

MICHIGAN

Detroit (LEAA).
Flint Police Department (LEAA).
Lansing (HUD Pilot Project).
Pontiac Police Department (LEAA).

MINNESOTA

Edina (LEAA).
Minneapolis-St. Paul (HUD Pilot Project).
Law Enforcement Association of Minneapolis.
Minneapolis Police Department (LEAA).
St. Paul Police Department (LEAA).

MISSOURI

Kansas City (HUD Pilot Project).
Kansas City Police Department (LEAA).
Kansas City Crime Commission (NACCC).
St. Louis Metropolitan Police Department (LEAA).
St. Louis Crime Commission (NACCC).
St. Louis County (LEAA).

NEBRASKA

Omaha Police Department (LEAA).

NEW JERSEY

East Orange Police Department (LEAA).
Elizabeth Police Department (LEAA).
Newark (LEAA).

NEW YORK

Brooklyn Crime Commission.
Citizen's Crime Commission of the State of New York.
New York City (City Budget Appropriation).
New York Anti Crime Commission.
New York City Police Department (LEAA).
New York County District Attorney's Office (LEAA).
Rochester Department of Public Safety (LEAA).
Syracuse Police Department (LEAA).

NORTH CAROLINA

Charlotte Police Department (LEAA).
Winston-Salem Police Department (LEAA).

NORTH DAKOTA

Fargo Police Department (LEAA).

OHIO

Cincinnati (LEAA).
Cincinnati Regional Crime Commission.
Cincinnati Division of Police (LEAA).
Cleveland Police Department (LEAA).
Cleveland Crime Commission.

OKLAHOMA

Oklahoma City Police Department (LEAA).
Tulsa Police Department (LEAA).

OREGON

Laue County Youth Study Board (LEAA).

PENNSYLVANIA

Philadelphia (HUD Pilot Project).
Philadelphia (City Budget Appropriation).
Philadelphia Police Department (LEAA).
Crime Commission of Philadelphia (NACCC).
Philadelphia Criminal Justice Association.
Pittsburgh (LEAA).

TENNESSEE

Memphis Crime Commission.

TEXAS

Dallas-Ft. Worth (HUD Pilot Project).
Dallas Crime Commission (NACCC).
San Antonio (HUD Pilot Project).
Tarrant County Crime Commission (NACCC).

UTAH

Salt Lake City Police Department (LEAA).

VIRGINIA

Alexandria (City Budget Appropriation).
Alexandria Police Department (LEAA).
Richmond Bureau of Police (LEAA).

WEST VIRGINIA

Huntington Police Department (LEAA).

WISCONSIN

Milwaukee Metropolitan Crime Prevention Commission.
Waukesha Sheriff's Department (LEAA).

Mr. PERCY. Mr. President, I rise in support of title III of the bill and in opposition to the motion to strike. In my view, it is imperative that the Congress act to define the law of the land as it pertains to wiretapping and electronic surveillance. In my view, title III represents a definition that is responsive to the needs of our times.

In passing this title, the Senate has the opportunity to take steps to outlaw private espionage which is fast becoming a major threat to the normal operations of the business world. We can protect individual citizens from the intrusions of secret surveillance that is becoming increasingly widespread and increasingly blatant.

At the same time, Mr. President, we must act to clarify the law as to the extent to which modern electronic surveillance techniques may be used as a weapon against organized crime. The insulation from detection, and from normal evidence-gathering processes of law enforcement agencies has made "the mob" all but impenetrable.

PRIVATE ELECTRONIC SURVEILLANCE

Mr. President, the variety of means and the extent of private electronic surveillance activities in the United States is alarming. There have been numerous press studies and accounts of individual incidents in recent years that have highlighted this threat to private citizens who in our modern age are already subjected to the intrusions of their fellow man resulting from the growth of a rapidly urbanizing, communications-oriented society.

While the exact extent of this private surveillance cannot be accurately determined, from the increase in the numbers of advertisements of surveillance devices alone, a boom in the business can be readily inferred.

For example, in 1963, two reporters from the Chicago Sun-Times, William Braden and Art Petacque, undertook a survey of Chicago private detective agencies to ascertain the availability of professional electronic surveillance services. In contacting eight of the cities' 75 agencies, only one refused to undertake to install and maintain listening devices for the reporters, who posed as lawyers seeking help for "clients." The one who refused was hardly altruistic in his reasoning: he offered to rent the necessary equipment.

The conclusion reached by Braden and Petacque was that, even though illegal in the State of Illinois, the practice of eavesdropping was continuing unchecked as a practical matter. The examples of tapped public telephones or bugged conference rooms should bring home to every citizen the loss of individual freedom that can result from continuation of the present wideranging eavesdropping. The most telling example from the Sun-Times series—the hiring of an expert to plant a listening device in a church confessional—is indicative of the scope of the danger in our society if the present practices continue unhindered.

A more comprehensive study of the problem has recently been completed by Prof. Allan F. Westin, "Privacy and Freedom." Under the sponsorship of the Association of the Bar of the City of New York, the project was funded by the Carnegie Corp.; the result is deserving of commendation to all who made it possible.

The report succinctly summarizes the situation we address with title III of the bill, as follows:

> A technological breakthrough in techniques of physical surveillance now makes it possible for government agents and private persons to penetrate the privacy of homes, offices, and vehicles; to survey individuals moving about in public places; and to monitor the basic channels of communication by telephone, telegraph, radio, television, and data line. Most of the "hardware" for this physical surveillance is cheap, readily available to the general public, relatively easy to install, and not presently illegal to own. As of the 1960's, the new surveillance technology is being used widely by government agencies of all types and at every level of government, as well as by private agents for rapidly growing number of businesses, unions, private organizations, and individuals in every section of the United States. Increasingly, permanent surveillance devices have been installed in facilities used by employees or the public. While there are defenses against "outside" surveillance, these are so costly and complex and demand such constant vigilance that their use is feasible only where official or private matters of the highest security are to be protected. Finally, the scientific prospects for the next decade indicate a continuing increase in the range and versatility of the listening and watching devices, as well as the possibility of computer processing of recordings to identify automatically the speakers or topics under surveillance. These advances will come just at the time when personal contacts, business affairs, and government operations are being channeled more and more into electronic systems such as data-phone lines and computer communications (pp. 365–366).

The many examples contained in the Westin study will come as no surprise to anyone who has followed the hearings of the Senate Subcommittee on Administrative Practices and Procedures, as well as many excellent articles in national news media.

Professor Westin's conclusion on the effectiveness of present laws to cope with this growing problem, is a forthright one:

> The current legal framework is now inadequate to defend the American equilibrium on privacy from new surveillance techniques.

This terse summation underscores that of the Task Force on Organized Crime of the President's Crime Commission, that the present state of the law is "intolerable," that—

> It serves the interests neither of privacy nor of law enforcement.

It is clear to this Senator that action is necessary. While Federal laws cannot present the whole answer to the problem, a Federal law such as title III can provide an excellent beginning. An outright ban on private wiretapping and eavesdropping could be accomplished under the title by two means. First, the private interception or publication of interceptions of wire and cable communications would be prohibited. Second, relying on the commerce clause, title III would prohibit the manufacture, distribution, possession, and advertising of surveillance devices primarily intended for use in surreptitious interception of wire and oral communications. Additional sections of the bill provide for confiscation of illegal communication intercepting devices and prohibit the use in any court of the contents of unauthorized interceptions.

While the need for complementing State laws to assure privacy continues, these provisions, as part of the Federal law, will indicate a strong and far-reaching new direction, and resolve, in the development of the laws of privacy. In recognizing the present advanced state of electronic surveillance technology, the title anticipates as well the capabilities science is sure to develop in the years ahead. Enactment of the prohibitions of title III into law will be a landmark in the development of the historic right to privacy in our society.

Mr. President, the provisions of the bill banning private surveillance enjoy widespread if not complete support of this body. Notwithstanding their broad sweep, and notwithstanding invocation by title III of the ultimate reach of the commerce powers, there has hardly been a suggestion that we should not so act to insulate individuals, groups, and corporations from the possibility of these secret electronic invasions of their privacy.

The provisions of the bill that afford a court-supervised exception for law-enforcement officers to the general prohibition of the title, however, have invited wide-ranging discussion, and justifiably so. The question of whether the law-enforcement arm of the Government should be allowed to maintain electronic surveillance over private citizens—and if so, under what circumstances—is a matter deserving the closest public scrutiny and debate. The American people have a right to expect that—as in so many instances in the development of our laws—the competing interests involved in a decision of this kind will be thoroughly evaluated. The hearings in two subcommittees of the Senate Judiciary Committee, before the House Judiciary Committee, and before the Permanent Investigations Subcommittee—all within recent years—have given Congress an excellent background on the problem. The result is a workable, though controlled approach to permissive official surveillance.

For my own part, I have arrived at a position of support for authorized wiretapping only after many months of study and analysis. I support the pending measure in view of the proven effectiveness of electronic surveillance in the war on organized crime. I am convinced that we must devote every possible resource to breaking the organization and control of the crime syndicate in our Nation.

For when the risks to individual liberties of misdirected surveillance activities are balanced against the wholesale deprivation of liberty exacted by the activities of the mob, and its corrosive effect on our society, there is little doubt as to where my duty lies in contemplation of this title of the bill.

ELECTRONIC SURVEILLANCE AND ORGANIZED CRIME

It has been heartening to observe the increased attention accorded the problem of organized crime in the press and in the Congress since the release of the report of the President's Commission on Law Enforcement and the Administration of Justice. In that report, and in the appended Task Force Report on Organized Crime will be found an exhaustive and extensive analysis of the operation of the organized crime syndicate. Anyone who has read such detailed congressional investigations as the "Permanent Subcommittee on Investigations Report on Organized Crime and Illicit Traffic in Narcotics," so ably chaired by the distinguished Senator from Arkansas [Mr. McCLELLAN], will find a great deal of familiar analysis and similar conclusions to those found in the Commission's report.

Most of the President's Crime Commission recommendations relate to the need to strengthen the hand of society in the gathering of evidence necessary to successful prosecution of the participants of organized crime. It is to this objective that the provisions of title III are directed.

Title III authorizes wiretapping and electronic eavesdropping by Federal law enforcement officers pursuant to authorization issued by a Federal court. It should be noted well that title III does not, in and of itself, authorize or encourage electronic eavesdropping by State or local authorities. The States are free to enact authorizing statutes if their residents so desire. They must conform to the requirements of the Supreme Court, of course, if they undertake to do so.

The Federal procedure is similar to that used for arrest or search warrants. An extensive showing must accompany an application for authority to intercept communications. There must be probable cause to believe one of the several enumerated offenses has been, is being, or is about to be committed. It must be sworn that the interception sought to be authorized will probably yield information relative to the offense; and it must appear in the application that normal investigative techniques either would not succeed or would be overly dangerous to law-enforcement personnel.

Specificity is required as to the person or persons whose communications will be intercepted, the times and places where the intercept authority may be exercised, and the agency who may exercise the intercept authorization. A limitation on the duration of the authority under each application is set at 30 days, with extensions allowed only based upon the same criteria required for an original surveillance warrant.

Once a surveillance is instituted, the intercepted material must be safeguarded pursuant to court supervision, and preserved for 10 years. Notice to the party on whom surveillance authority was sought must be given, whether or not the warrant was issued and whether or not, and if it was issued, whether or not it was successful. Notice to a criminal defendant of the use of intercepted communications 10 days prior to a proceeding in a criminal case is a condition precedent to their admissibility in the proceeding. Offenses which may be the subject of an interception are enumerated in the bill, and are those which experience has shown to be most closely related organized crime activities. I was gratified that the distinguished manager of the bill has accepted my amendment making offenses relating to extortionate credit transaction—loan sharking—properly cognizable under the title.

Having referred to "Privacy and Freedom," I would point out that title III meets the four basic criteria deemed essential by Professor Westin to any basic system that authorizes surveillance. They are first, limitations on who may carry out surveillance—excluding private parties; second, regulation of the scope, duration, and operation of the surveillance; third, judicial supervision of authorization for surveillance; and, fourth, rules as to disclosure and use.

Professor Westin points out that the rules governing the need for issuance of surveillance warrants must, of necessity, be more precise than under other warrant systems. With this premise I agree, as did the other drafters and proponents of the original legislation.

In evaluating the need for title III, it is essential to consider who the targets of organized crime activity are, and how this organization operates so effectively outside of the laws and law-enforcement efforts of our society.

Who are the victims of the mob?

There is little doubt left by the President's Crime Commission that we all are victims of organized crime. The underlying danger posed by the mob's purpose was highlighted by Capt. William Duffy, of the Chicago Police Department:

> (La Cosa Nostra) is aggressively engaged in attempts to subvert the process of government by well-organized endeavors to capture or otherwise make ineffectual the three branches of our local and Federal Government by various forms of bribery and corruption.

The Crime Commission report is equally straightforward:

> Organized crime is not merely a few preying on a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of the Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

The principal illegal activities of the mob suggest the elements of our society where the bulk of those directly victimized will be found. Gambling, narcotics traffic, loan sharking, and the protection rackets—the victims of these sorts of crime are found chiefly in our urban core areas. In exploiting the slum and ghetto dweller, organized crime works in diametric opposition to the efforts and policies of government at all levels. It operates against the least well protected, and therefore the more easily subjugated elements of our population.

These activities of direct participation by organized crime often breed further lawlessness which itself adds to the plight of the ghetto dweller. Narcotic addicts often will resort to repeated crimes such as larceny and housebreaking to acquire the money to feed their habit. Since narcotic imports are a virtual monopoly of syndicated crime, the mob is the ultimate beneficiary of the fruits of this seemingly petty criminal activity on the part of narcotic addicts. The victims of this sort of crime are most often the members of the lower economic classes who live in the city centers.

Similarly the gambler who loses—and most do—still must find a source of income to sustain himself, and to continue to pursue the hope of his big win so openly availed him by syndicate-controlled gamblers. Woe to the gambler, or the loan shark victim who becomes indebted to the organization. The law of the organization as to their debtors is clear: the victim is himself security. The exaction of a pound of flesh is effectively promised by occasioned beatings and torture carefully arranged for maximum publicity effect on other debtor-victims. Faced with a choice between this insidious but efficient law, and the remote, seemingly slow and ineffective sanctions of society at large, the debtor often chooses to defy society since he cannot safely defy the mob. Invariably his victim will be from an element of our society who can least afford the loss. This continuing lesson to the impressionable and to the youth of our core-city areas, that crime can be made to pay—and pay well—underscores the need to use every constitutional device to root out and destroy what has been very aptly called the "secret government" of organized crime.

I might comment briefly on the loansharking racket, which is by no means new, but is a growing area of mob activity. I had occasion last week to meet with the executive director of the Illinois Crime Investigating Commission and his chief investigator, both of whose statements before the Select Committee on Small Business appear at page 13655 of the RECORD for Thursday, May 16. I urge all Senators to read them as examples of how the mob operates.

Loan sharking is everywhere ultimately controlled by organized crime. Its victims, in contrast, come from all segments of society. Only a pressing need for cash—no rarity in our credit-oriented economy—and no access to regular lending channels separate the victim from each of us. Repayment is universally compelled by force, but often defaulting debtors are also pressed into committing or tolerating criminal acts to find repayment—including arson and brankruptcy fraud. Detroit, particularly, has seen the work of one of the top "torches" in organized crime. In the past 8 years, more than 20 syndicate-related businesses have gone up in flames.

Organized crime has not limited itself

to criminal endeavors. Large spheres of legitimate business and union activity have been and are being subverted, undermining our basic economic mores and institutions. In many cities, organized crime dominates the fields of jukebox and vending machine distribution. Laundry services, liquor and beer distribution, banks, race tracks, bars and restaurants, refuse collection, construction, real estate, bakery and dairy products, and a host of other lines have been invaded. Control of businesses has been acquired by the subrosa investment of profits acquired from illegal ventures, by accepting business interests in payment of gambling or loan shark debts, and by using various forms of extortion. Our free enterprise system, industry by industry, is under careful exploration by those who seek to exploit it.

Closely paralleling its takeover of business, organized crime has moved in on legitimate labor unions, particularly in the transportation area. Control of labor supply through control of unions prevents the unionization of some industries or guarantees sweetheart contracts in others. This, of course, can give an unfair competitive position to a favored syndicate employer. It provides the opportunity for theft from union funds, extortion through the threat of economic pressure, and the loot to be gained from the manipulation of the welfare and pension funds and insurance contracts on which so many of our workers and their families depend. Trucking, construction, and waterfront entrepreneurs have been persuaded for labor peace to countenance gambling, loan sharking, and pilferage. Membership in the union itself often has been made a matter of grace dispensed by the high officials of organized crime rather than a right guaranteed to each man by law without regard to race, color, creed, or national origin. All of this, of course, degrades the promise of the social legislation of the last half century.

HOW DOES THE MOB OPERATE SUCCESSFULLY—AS A SECRET GOVERNMENT—OUTSIDE THE LAW?

The President's Crime Commission has detailed the structure of the mob, and outlined its modus operandi with great clarity. As the Commission remarked, the Cosa Nostra was designed to operate successfully outside the laws of our society. The executives or "bosses" are insulated from the employees—many of whom are not formally members of the organization—by three intermediate levels of authority in a well-defined chain of command. In addition, the mob operates in "families," equivalent to separate organizations, which have exclusive operating rights in clearly defined territories. The 24 identified families are responsive to a nine-member "commission" whose membership is filled by the heads of the most powerful families.

Thus the executive levels are insulated from the specific illegal acts which they direct. Moreover, the different functions within a given mob activity are insulated from each other—the collector, or bag man, for a loan-shark operation may never see or know who the enforcer is whose threatened violence assures the success of the operation. The mobster who corrupts a public official may never touch the money. A "hit" man—a murderer given a "contract" to eliminate a mob victim—is often dispatched from another family in another territory, his identity even unknown to those who issued the fateful contract.

The benefits of our age of modern communication are available to the syndicate and they are used well. As the President's Crime Commission observed, if we are to successfully combat organized crime, we must be prepared to use the same ingenuity and modern methods as are used by the adversary. It is obvious that the presence of a statute on the books authorizing electronic surveillance will have the effect of forcing the use of less secure means of communication. Effectively used, it can unquestionably lead to the production of the evidence needed to convict those who direct and control the business of organized crime.

Mr. President, I submit that the need for this legislation is clear. The law has been approved by the Supreme Court in pattern and principle in the recent Berger and Katz cases. The need has been recognized by a majority of the President's Crime Commission, by the Judicial Conference of the United States and by the National Council on Crime and Delinquency. The report of the British Privy Councillors, reviewing 20 years of permissive official electronic surveillance cited an "infinitesimal" interference with privacy. The experience under the New York permissive surveillance law—which was far less precise and comprehensive than the present proposal—indicates the efficacy of a court-supervised system.

Mr. President, I believe this proposal has gained broad public support in the year that has passed since it was introduced. I hope that support will be reflected in the vote on the pending motion. I have have talked with a number of my constituents, with public officials of my own State as well as others, and with prominent national leaders, both in and out of Government. Many were initially skeptical about authorizing official surveillance. But the balanced, limited concept for Federal authority embodied in the bill has been generally well received as a sound workable approach to the problem. While it implies a good measure of respect for our Federal system of criminal justice and those that administer it, I for one do not feel that in the passage of this law that confidence will prove to have been misplaced.

Mr. President, I urge the adoption of title III, not only as an indication that the Congress is willing to make hard decisions to meet the challenges of crime in our society, but as well to reorient and redirect the whole body of law protecting our citizens from intrusive, unnecessary invasion of their right to privacy.

Mr. BREWSTER. Mr. President, I wish to urge the Senate to support the provisions of title I of S. 917 in their present form, and to vote against the block grant amendment that has been proposed.

The present version of title I authorizes the Law Enforcement Assistance Administration to make planning grants and action grants to States and local governments having a population of at least 25,000 persons.

By contrast the block grant amendment completely eliminates the role of local governments in the new Federal program. Under the amendment, Federal grants can be made only to the States, and the States alone are made responsible for disbursing the funds to local governments.

The shortcomings of the block grant amendment are manifold. First, and most important, is the fact that no Federal grant program designed to improve and strengthen law enforcement can succeed without the major involvement of local governments. Law enforcement in the United States has always been a local responsibility, and if local governments are to succeed in meeting their responsibility, they must be allowed to share—and to share directly—in the major new Federal assistance program that will be established under title I.

The face of America has changed enormously since the colonial days. We have gone from a collection of predominantly rural and essentially autonomous jurisdictions to a single, highly industrialized nation. But we have never lost sight of the basic and guiding principle in the history of law enforcement—that law enforcement is a local function.

The local nature of law enforcement is firmly rooted in English history. The first official police forces were created in large towns of England during the reign of Edward I, at the end of the 13th century. Their basic structure and composition remained essentially unchanged for more than 500 years. The industrial revolution, however, placed pressure of enormous magnitude on the traditional system of law enforcement, and in 1829, in London, Sir Robert Peel organized the first metropolitan police force. It was structured along the lines of a military organization, and it was the first police force to wear a distinct uniform.

The American colonists of the 17th and 18th centuries brought to America the law-enforcement system they had known in England. That system was solidly grounded in the fundamental principle of independent local law enforcement. In spite of increased State control in many areas in the 19th century, our cities and counties throughout the country continued to pay for their own police services.

The formation of law-enforcement agencies at the State level is of relatively recent origin. Although a State police force known as the Texas Rangers was created in 1835 to supplement the military forces of Texas, modern State police organizations did not emerge until the beginning of the 20th century. In 1905, the Governor of Pennsylvania, in the absence of an effective local police system, created the first modern State police force. The majority of State police departments were established shortly before World War I to deal with the increasing problem of the automobile and the accompanying wave of car thefts. It is no wonder, then, that our modern

State police are restricted almost entirely to highway safety and traffic patrol functions.

Today, almost all of the 50 States have State police forces. At the same time, however, even the smallest local government provides at least minimum police protection for its citizens. In the majority of States, the jurisdiction of the State police force is narrowly limited to highway patrol duties. In addition, there are substantial legal obstacles in many States to participation by State police in local law enforcement. Throughout our history, therefore, we have had a single fixed star in our democratic system—the existence of local control over law enforcement.

The local nature of law enforcement in the United States is revealed by the distribution of law-enforcement personnel. Almost 90 percent of the total number of full-time State and local police officers in the Nation are employed by county or municipal police agencies. Only 10 percent are employed by State police agencies. The same pattern holds true with respect to the relative proportion of law-enforcement expenditures by State and local government. Eighty-six percent of the total expenditures for police and 77 percent of the total expenditures for courts are made by local governments.

The new law enforcement assistance program established by title I should not be used to disrupt the balance of power between State and local enforcement agencies that has been maintained throughout our history. The block grant amendment threatens the very existence of local law enforcement in our society. It gives the State Governors vast power over the cities and counties of the Nation. It will inevitably foster major partisan conflicts between Governors and mayors, between urban and rural areas, and between State and local police.

By contrast, title I in its present form adopts a flexible, neutral and balanced approach toward the problem of improving State and local law enforcement. It guarantees a generous and active role for the States. Funds available under the bill will be used to support the entire range of law enforcement activities at the State level. The States will be encouraged to enter new areas of law-enforcement activities.

At the same time, title I guarantees to local governments an equally appropriate role in their efforts to upgrade their systems of law enforcement. There is no conflict between grants to State governments and grants to local governments. Title I in its present form makes clear that no grant can be made to a local government unless the State Governor and the appropriate law enforcement agency in the State have had an adequate opportunity to review the local application and to comment on the merits of the local program. Local governments will not be able to obtain funds for programs that cut at cross purposes with State programs. Instead, the present version of title I requires complete coordination of all law enforcement assistance programs developed by local governments within a State.

In the light of the numerous provisions for an effective and active State role, it simply cannot be said that title I bypasses the States. Title I recognizes the appropriate role that State and local governments together must play if they are to succeed in the war against crime. By contrast, the block grant amendment offers only delay and frustration in the implementation of this urgently needed program. I believe that nothing would more inhibit the success of the new great program than an arbitrary determination by the Senate that only the States are capable of planning and implementing improvements in local law enforcement.

I would also like to emphasize that title I in its present form contains strict limitations on the local governments that are eligible to apply for grants. No jurisdiction whose population is less than 25,000 persons can receive a planning grant or an action grant on its own. Title I thus discourages fragmentation and decentralization. At the same time, however, it encourages a city, town, or county that does not by itself have the required population to combine with other local governments in order to apply for assistance. Title I thus encourages cooperation and coordination where the Crime Commission found that law enforcement was most decentralized—in the small cities and counties of the Nation.

Finally, there is the serious delay that will inevitably result if the block grant amendment is adopted. The amendment provides that a State may take up to 6 months to apply for a planning grant under part B, and 6 more months to prepare its statewide law-enforcement plan and apply for an action grant under part C. Thus, up to an entire year or more may be wasted before substantial action funds can be distributed by the State for the benefit of local law-enforcement agencies within the State.

Many local governments have already begun to draw up their own comprehensive law-enforcement plans, and will be ready to receive planning grants just as soon as the Federal funds become available. Other local jurisdictions have already completed their law-enforcement plans and will be ready to receive action grants as soon as title I is enacted. Many of these local governments are major metropolitan areas, where the need for immediate and substantial financial assistance for law enforcement is most acute.

My own State, Maryland, provides a good case in point. Recognizing the regional nature of law-enforcement problems, both major metropolitan areas in the State have already initiated regional crime control and crime prevention programs.

The Metropolitan Washington Council of Governments has been the agency involved in the Washington area, while in and around Baltimore, it has been the Regional Planning Council.

The Regional Planning Council, which has unique status as both a State and a local agency, is made up of officials from Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties. Recently, the council has been moving from its traditional concern with physical and socioeconomic planning into more substantive areas like mass transit and crime prevention.

Just in the past month, the council received the results of a study it sponsored on law-enforcement cooperation in the Baltimore region, and has scheduled submission shortly of a study-design for criminal justice planning.

The principal recommendation of the study, "Police Cooperative Services in the Baltimore Metropolitan Area," is "that the Regional Planning Council become involved in the planning, promotion, development, and eventual implementation of certain areawide police service programs in the Baltimore region." Cited as lending themselves to areawide performance were personnel management services, and planning and research activities.

It is my understanding that the Regional Planning Council plans to act on the recommendations I have mentioned, and that, therefore, steps are already being taken to place this agency in an excellent position to receive and utilize efficiently Federal planning and program grants.

The Metropolitan Washington Council of Governments, for its part, has been one of the pioneers in the development of regional public safety programs. Most of the existing programs are conducted by the Regional Police Chiefs' Committee, the membership of which is made up by the law enforcement officers from the following organizations:

The Metropolitan Police Department, District of Columbia.

Arlington County, Va., Police Department.

Alexandria, Va., Police Department.

City of Fairfax, Va., Police Department.

City of Falls Church, Va., Police Department.

City of Greenbelt, Md., Police Department.

Montgomery County, Md., Police Department.

Prince George's County, Md., Police Department.

Prince William County, Va., sheriff's office.

City of Takoma Park, Md., Police Department.

U.S. Park Police.

Capitol Police Department.

Washington National Airport Police Department.

U.S. Military Police.

The Maryland State police.

The Virginia State Police.

The Federal Bureau of Investigation.

The U.S. Secret Service.

International Association of Chiefs of Police.

This Regional Police Chiefs' Committee has formed standing subcommittees concerned with such problems as interjurisdictional communications, intelligence exchange, and investigative activities. It has also initiated regional police teletype and radio systems which make possible the rapid exchange of information among law enforcement units, received and reviewed a preliminary report on area police training, and, in cooperation with the FBI, initiated the joint release of quarterly police statistics for all area police departments.

To my mind, the record of achievement in both the Baltimore and the Washington regional agencies is considerable. Congress would be making a great mistake to ignore the groundwork in law enforcement that has already been laid by these bodies and others like them across the Nation.

I realize the need, of course, for additional financial and program commitments from local units of government to fully carry out a law-enforcement program of the magnitude envisioned in the Safe Streets and Crime Control Act. Local governments cannot expect the Federal Government to underwrite the whole burden. My point, however, is simply to demonstrate that there is no reason, in my State at least, why local, metropolitan and State law enforcement and criminal justice planning cannot proceed concurrently. I urge, therefore, that the Senate reject any attempt to bar local and regional agencies from receiving direct law-enforcement assistance grants.

Mr. DIRKSEN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. DIRKSEN. Does the Senator from Maryland have time?

Mr. TYDINGS. I have 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I understand that when the time is yielded back, a motion to table will be made. I trust it will be voted down by a resounding vote. If it is, the distinguished Senator from Massachusetts will still, then, have the opportunity to offer his amendment to my amendment. But he cannot do it until the time goes back.

I have probably used up my 60 seconds, and my distinguished friend from Maryland has 120 seconds; so when he uses it, that is all there is.

Mr. TYDINGS. Mr. President, as the Senator from Illinois has stated, it is my intention, although I dislike to do so, to move to table, for this reason: Two of our distinguished colleagues have to catch a plane. They have been waiting here for this vote. At the present time, unfortunately for our side, we have 14 Senators away.

This is an important vote. I think these Senators are entitled to an opportunity to vote on it. I would be happy to have an up-or-down vote now, but it is impossible under the circumstances. I hate to move to table, because I think it is not a good motion if it can be avoided, but I have no alternative. It is my responsibility to carry this section; the Senator from Arkansas has asked me to present the case; so I therefore yield back the remainder of my time, and move to lay on the table the amendment of the Senator from Illinois.

Mr. DIRKSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

I announce that the Senator from Missouri [Mr. Long] and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Connecticut [Mr. Dodd], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Florida [Mr. Smathers], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Alaska [Mr. Gruening], the Senator from Massachusetts [Mr. Kennedy], the Senator from New York [Mr. Kennedy], and the Senator from Florida [Mr. Smathers] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. Jordan] is absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. Jordan] and the Senator from California [Mr. Kuchel] would each vote "nay."

The result was announced—yeas 30, nays 48, as follows:

[No. 155 Leg.]

YEAS—30

Bayh
Bible
Brewster
Burdick
Byrd, Va.
Cannon
Fulbright
Gore
Hart
Hartke
Holland
Inouye
Jackson
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Monroney
Muskie
Nelson
Pell
Proxmire
Ribicoff
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—48

Aiken
Allott
Anderson
Baker
Bennett
Boggs
Brooke
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Hatfield
Hayden
Hickenlooper
Hill
Hruska
Javits
Jordan, N.C.
Lausche
Long, La.
Miller
Moss
Mundt
Murphy
Pastore
Pearson
Percy
Prouty
Randolph
Russell
Scott
Smith
Sparkman
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—21

Bartlett
Church
Clark
Dodd
Gruening
Harris
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Talmadge
Yarborough

So Mr. Tydings' motion to lay Mr. Dirksen's amendment on the table was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MUNDT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I send to the desk an amendment to the amendment of the Senator from Illinois and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The clerk will not proceed with the reading until there is quiet in the Chamber.

The clerk may proceed.

The legislative clerk read as follows:

On page 9, line 12, strike out through page 9, line 19, and substitute the following:

"Sec. 306. (a) 66⅔ per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the administration among the States which have qualified to receive such grants according to their respective populations for use by each State's planning agency or units of general local government, as the case may be.

"(b) 33⅓ per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the administration among qualifying States or among qualifying units of general local government according to such criteria as the administration shall determine."

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield himself?

Mr. BROOKE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. PROUTY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BROOKE. Mr. President, block grants can make an essential contribution to improved law enforcement; at the same time they can do much to create a new and vital role for State government in our federal system. For both of these reasons, I believe the better part of wisdom calls for us to endorse this important concept.

But there are other factors to consider as well. There is an obvious insensitivity to the varying needs of different States in a block grant scheme which is tied exclusively to the relative populations of the States. This single criterion, though it has the virtue of simplicity, has the vice of ignoring a central truth: That population alone is not a sufficient measure of the needs of any State for assistance in this field. Crime rates vary, the capabilities of police vary, the financial capacities of States vary—and all these and many other factors affect the relative needs of different States.

Moreover, there are cases in which a sound case can be made for direct assistance by the Federal Government to local units of government.

Considerations such as these have led me to devote much time to devising a suitably flexible system of grants to meet these diverse requirements. These factors are recognized in the text of amendment 715 by its provisions for most funds to be spent at the local level, even when channeled to the States as block grants. In addition the amendment offered by the distinguished minority leader reserves 15 percent of total funds under this program for allocation by the law enforcement administration at its discretion. This is an admirable attempt to build certain flexibility into the grant mechanism.

However, in my studied opinion, somewhat more flexibility is desirable. I have been a law enforcement officer and I believe there may well be cases in which direct Federal grants to local units of government would be helpful.

As the distinguished Senator from Illinois knows from my discussions with him and the able Senator from Nebraska, I have tried to devise a new set of criteria to permit greater flexibility in the administration of this program, while retaining a built-in preference for grants to encourage development of State capabilities for law enforcement. There have appeared certain problems with adding more criteria to the single standard of population proposed in amendment 715.

For this reason I have concluded that the most effective way to meet the mixed and divergent requirements in this field is to allocate most of the funds to the States according to their respective populations, but to reserve a substantial portion to be allocated either to the States or to local units of government according to the discretion of the administering body.

To accomplish this, my amendment to the pending Dirksen amendment provides that 66⅔ percent of the action funds should be allocated as block grants to the States, but that 33⅓ percent of the funds would be reserved for allocation as the law-enforcement administration shall decide.

This is a good-faith attempt to reach common ground for all of us who are interested in expanding the Nation's investment in sound law enforcement. I believe that the allocation formula which I advocate fairly serves the interests of both the supporters of the block grant amendment offered by my respected leader and the supporters of title I in its present form.

I urge that the Senate follow its customary instinct to approve reasonable and workable compromise. I hope that my colleagues on both sides of the aisle will recognize this proposal as such a compromise and that they will pass it with a solid majority.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Who yields time?

Mr. DIRKSEN. I yield myself 5 minutes.

Mr. President, the Governor of a State is the No. 1 law-enforcement officer of the State. He even has power to bring out the National Guard and to do many other things. He can remove a county attorney if he wishes. And he is the No. 1 officer.

Well, 47 Governors have gone for this block grant idea and do not want to see it watered down. The National Association of State Attorneys General have been in favor of it. But the amendment now pending proposes to change this ratio on grants from 85–15 to 66⅔–33⅓.

What does it do? It just puts more power back in the hands of the Attorney General. And I am not about to see Ramsey Clark handle $500 million, because this law-enforcement assistance division, as the bill says, would be under his authority.

So you want to water this down? Well, you will be watering down law enforcement at the very place where you have to get it, and that is at the local level, at the grassroots. I do not know that this requires me to say anything more, because it is going to impair the whole block grant idea. And if we want to get something done in this demanding, compelling field, the time is right now, and not to impair this amendment—which was not tabled a little while ago—by changing these ratios and letting them set at 85–15 percent.

What an amazing thing, Mr. President, that the House originally brought in a bill in which it said the localities can offer a plan, but it has to go to the Governor. And then, lo and behold, they said the Governor can either approve or disapprove. He has the power to evaluate. That is the language that they sent to the Senate? What does it amount to? Why, he can sit at his desk in the gubernatorial mansion, look at it, and his risibilities rise, and he gets angrier by the minute; but he does not have 5 cents worth of authority. Yet, he is the number one law-enforcement man in that State.

So it is important, in the interest of this State-Federal partnership and in the interest of retrieving a little of this State power, in the wave of growing federalism, that this be kept where it is at the present time, without further impairment.

I hope that the amendment of my distinguished friend the Senator from Massachusetts will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield myself 4 minutes.

Mr. President, I certainly agree with my distinguished minority leader that we want law enforcement at the local level, at the grassroots level, as he said. And that is exactly what my amendment proposes to do. The 85–15 formula, which the distinguished minority leader's amendment has devised, only gives 15-percent flexibility, which can be used either for the States of for the local municipalities, the local grassroot government. Under my proposed amendment, there would be 33⅓ percent that could be used.

Certainly, the grassroots local government is not the State government. That is the municipal government. All I am proposing in this amendment is to make a more equitable distribution of those funds, so that the 33⅓ percent can be used either for the States or for the municipalities.

We certainly know, and my distinguished minority leader has cited, what the Governors of this country want. But I believe we must also give consideration to what the mayors of the country want. They have very serious law-enforcement problems all over the country. The mayors want some flexibility. They do not want merely 15 percent, all of which they may not be entitled to at all. In some States they might be bypassed, and no funds would go to the municipalities where the money is actually needed.

We need to upgrade the local police departments in this country. We need better qualified policemen. We need better equipment in these municipalities.

Now, I am philosophically attuned to the concept of block grants. I have said that. And I agree with the distinguished minority leader in that respect. The only thing I am proposing is that the 85–15 distribution is not the best distribution we can achieve at this time which will assure municipal governments, grassroot local law-enforcement agencies, sufficient funds that they would need.

As to the statement about Ramsey Clark, Mr. President, I am not concerned about the incumbent Attorney General of the United States. I do not believe we should consider the man who presently occupies the job. Someone else may be in that job in 1969. I do not know. The voters of this country will determine that.

But I certainly believe that the administrative counsel that is provided for in the bill, under the amendment of the distinguished minority leader, could be given the authority to see where this money might be needed. We need this flexibility. I do not believe that population should be the only criterion. Some of the larger States have the best police departments. If you proceed entirely on population, that would mean that the money would be given to the larger States with the best police departments. What about the smaller States that have poor police departments but do not have much population? They may need more money. The State of Nebraska may need more money than the State of New York, for example, because the State of New York may have better law enforcement than the State of Nebraska. So I believe that the criterion of population is not the best criterion at this time.

I believe that my proposal is very reasonable and very sound. It is not just a compromise, because I am not trying to make a compromise between those in favor of title I and those in favor of the amendment offered by the distinguished Senator from Illinois. I believe my proposal is a sound, reasonable approach to the problem of law enforcement in this country. I urge again that the Members of the Senate consider that in the vote upon this amendment.

I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am also a former attorney general of my State. I voted with the majority in respect of tabling; and I want very much, if I can, to vote on this block grant question affirmatively.

But I am deeply troubled by this fact: The Senator from Illinois has said, "Do not water it down." Well, it is watered down. He, himself, watered it down because he recognized the situation. He watered it down by 15 percent. The other body, in the vote of which he spoke, watered it down by 25 percent. If that is the argument to be used, it gets to be a highly technical argument.

The reason why 33⅓ percent is needed, in that order of magnitude, is to deal with the problem of cities which will not necessarily prosper as much as they need. That is where the really burgeoning crime is.

Mr. President, 15 percent will probably be devoted largely to experimental ideas. If I were the Attorney General, that is what I would do. But 33⅓ percent gets to be an appreciable amount and a grant can really be moved to supplement effectively the policing in some of the major cities, which is so badly needed.

The entire concept of block grants in this area is justified. It is not a precedent for me for I have so moved with respect to education, poverty, and other matters. However, with respect to crime, I think it is a State responsibility and that it is uniquely a State responsibility.

As with any program, we should see how well the States do. We put some heavy criteria on them. A good deal of this money will not be used at all if State plans do not adequately satisfy the criteria of the Attorney General. Section 509 of this bill makes that clear.

I appeal to those who feel strongly about the tabling and who have just been defeated. I think if they push this matter to the ultimate point they will lose totally. This is a way in which they can get a fair compromise which gives some consideration to that point of view.

As I have said, I was a law enforcement officer, as was the Senator from Massachusetts [Mr. BROOKE], and I understand some of the enormous problems of the cities. I see a new program with criteria which might not be met.

I think we would be making a judicious compromise by making it one-third to two-thirds and we can change it later, if necessary. Two-thirds is a very substantial portion and will honor the idea that this program may leave something to be desired and some flexibility would be permitted in the way of two-thirds.

In conclusion, Mr. President, I point out again that we cannot talk about watering it down; it has been watered down. The House of Representatives made it 25 percent, which is generally available, and the author of this amendment himself made it 15 percent.

I hope the friends of recent efforts in this area on both sides support the amendment.

I yield back the remainder of my time.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio, the former Governor of his State.

Mr. LAUSCHE. Mr. President, as between giving the power of the distribution of funds under this bill to the Attorney General of the United States and the separate Governors of the different States, I propose that the power be given to the Governors. I say that on the basis of my belief that the Governors are more intimately informed about the problems of law enforcement within their States.

Aside from the political aspects of the issue of whether the Governors will be dominated by politics or the Department of Justice will be dominated by politics, I take no position.

I am opposed to centralism. If centralism is to continue in the future as it has in the past, we will have a monolithic Government in the United States. The basis of our strength as a Government has been not centralism but Government divided among 50 States of the Nation. Thus, I propose that in whatever we do it shall be against centralizing the power of Government in a few people in Washington. Distribute the power as widely as it can be distributed. Distribute it to the Governors of the 50 States. Do not put it in one man, the head of the Department of Justice. When you put it in 50 men, you are more likely to achieve a composite judgment that will be fair to all the people of the Nation.

If all of the power is put in one man, the head of the Department of Justice, I respectfully submit that he is likely to be dominated by political motivations and, with that domination, justice will not be done.

I have spoken in a sort of ambiguous way about the Department of Justice. Now I wish to speak more directly.

The head of the Department of Justice of the United States in everything he has done indicates that he has been motivated by political considerations.

We have on the Mall what has been euphoniously identified as "Resurrection City." My understanding is that today 125 members of this hallowed, sacred city, have established themselves in the Rayburn Building.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator.

They were told to move. They refused to move. The time will come when Resurrection City will have to be abandoned.

The Interior Department was of the belief that we would escape trouble by allowing them to bring their habitations to the Mall. They did not dare face up to the problem. They felt: Let them be there temporarily and the time will come when they will obediently and supinely move out. That time has not come. It will come, but I state with the greatest belief in the positiveness of my judgment that when they are told to move out they will not do it, and then will come the crucial period of what our Government will do.

Do not give to one man, the Attorney General of the United States, the power to distribute these moneys. Do not give him that great force, that he shall decide. Give it to 50 men, the Governors of the 50 States.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I strongly support the provisions of S. 917 which would provide financial assistance to State and local governments to improve law enforcement systems in the United States. The Federal Government is in many cases the best and sometimes the only source of large revenues through which great national programs can be financed.

Small cities also need help. I respectfully disagree with the amendment of the senior Senator from Massachusetts which would greatly restrict the funds that can go to the smaller cities. I point out that Cambridge, Md., has had riot after riot, and perhaps more violence and burning than any other place in the Nation. Yet with money going to only the big cities, countless tens of thousands of communities in the United States would be denied any benefit from the bill whatever.

For many years rivers and harbors projects, agricultural price supports, unemployment insurance, and airport and highway construction have been financed largely out of Federal funds. In recent times, Federal aid for medical care and education have been adopted in large part because adequate funds simply do not exist in some or all of our States.

Our crisis in law enforcement today is partly a result of the financial strain which many cities and States work under. The job of the cop on the beat has seldom been rewarding, but in recent times, particularly in large cities, it has become an extremely dangerous job and the recruitment and retention of well-qualified police officers has been a full-time pursuit.

In order to get the kind of men we want in our police forces, more money must be made available to State and local governments. I congratulate our Judiciary Committee for reporting a bill which will go far to establish new progressive programs locally, financed in part by the Federal Government.

I am deeply committed to the policy of local law enforcement. I think it would be a tragic mistake for our local law enforcement officers and leaders to surrender the local autonomy of police power to any form or fashion of a national police force. I am glad to see the provisions in this bill for the cooperation between the Federal Bureau of Investigation, the Law Enforcement Assistance Administration, and State and local police authorities.

I believe that both the Federal and State governments can benefit through mutual assistance and advisement. There has been a great deal of cooperation between Federal and State law enforcement agencies in the past. I am sure that title I of S. 917 will strengthen the relationship while preserving respective areas of police authority.

I cannot conceive of conditions where Congress would wisely invade the prerogatives of local police authority on a permanent basis. In times of extreme difficulty, such as a riot, the executive authority of the State is always able to call in the State National Guard for duty. If a situation is out of control, the State may request Federal assistance; but we should never go further than that.

The monstrous nature of a police state or a big brother peering into and controlling the lives of private citizens is too well and too frequently exemplified in other nations for America to permit the growth of such a totally foreign concept of law enforcement in this great free Nation.

We are living in a time of turmoil. To those of us who have experienced the sadness and deprivation caused by national depression or world war, the attitude of some of our people today is impossible to understand. The spread of violence indicates not only dissatisfaction with social and economic problems, but a reckless desire to bring havoc upon innocent citizens, businessmen, private homes, and American life generally.

Some say that the irresponsible arsonist or looter has nothing to lose by throwing a brick, lighting a fire, or stealing a suit of clothes. They are dead wrong. They have everything to lose. Reason and patience and common understanding will be overwhelmed by fear and hatred if blind violence against society continues. Absolutely nothing can be gained by such lawlessness.

Our great national effort to achieve social and economic justice for all of our citizens will grind to a tragic halt if reckless, lawless behavior continues.

The hungry will not be fed, the ignorant will not be educated, the downtrodden will not be lifted up if our local, State, and National Governments have to spend all their time fighting fires and arresting looters. There could be no greater tragedy for our Nation than to put to the acid test the ability and willingness of the Government to put down riot or insurrection.

America does not want martial law; it is as alien to our concept as nazism or communism. But we will have it if the only alternative is rioting, burning, and looting. We must not be backed to the wall to make that cruel choice.

We must maintain an orderly society and resolve our domestic problems. We must have the patience, fortitude, and willingness to achieve that objective. The improvement of our local police forces by providing better training, better education, and the most modern methods of criminology and penology is a vitally important part of that effort.

If Americans know that they will be protected, that there will be a cop on the beat, they will be willing to come out from behind locked doors and speak to their neighbors.

If the hoodlum knows that he goes to jail if he throws a brick through a window, the incidence of crime and violence will diminish. The peculiar attraction of civil disobedience will fade in the minds of many young people who do not understand its grave consequences.

We must re-create the atmosphere where people are able to walk the streets of our cities and towns. If we accomplish that, the willingness of Americans to visit with their neighbors near and far and to lend a helping hand will once again characterize our American way of life.

I appreciate the time and effort which the Senate has devoted to the consideration of this legislation. I know the needs of our State and local law-enforcement agencies to restore law and order in our cities and across the Nation. I firmly and wholeheartedly support responsible proposals to accomplish that great objective.

At the same time, we should carefully consider the wisdom of any proposal which may contravene ancient traditions of freedom in our private lives or which will lead to disunity or inconsistency in the State or Federal laws which govern our Nation. The American people are too dedicated to our free and democratic traditions to ignore the implications and consequences of such proposals.

Mr. BROOKE. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Mr. MUSKIE. Mr. President, I would prefer to see title I remain as it is. However, in light of the vote taken a few moments ago, it is clear that it will be changed. In light of that fact, I support the amendment of the Senator from Massachusetts.

Mr. President, it is interesting that those who bemoan centralism in Washington so often argue for it in State capitals at the expense of local governments. I have listened to the argument this afternoon and have been impressed by one thing above all; namely, that so much of the argument is not addressed to the bill as now written.

Earlier this week, we adopted a population limitation which would control the dividing line between State-controlled programs and local-controlled programs. As a result of that amendment, under the bill as now written, in title I as it stands, 95 percent of local government in this country will get assistance only through State governments. But, what we are talking about, with the Dirksen amendment, is the other 5 percent. That other 5 percent, Mr. President, includes those large metropolitan population areas of this country where the problem exists. Anyone reading the newspapers for the past 2 years knows that it exists there, and exists in a form which brooks no delay.

Thus, Mr. President, what we would be doing in 5 percent of the communities which are the object of the Dirksen amendment, would be to take control away from them at a time when they need it, in a field where they have demonstrated the capacity to work, and in a field where they now have the responsibility because of the failure of the States to act.

Mr. President, this builds in delays, if we leave the responsibilty to the States. Under the block grant amendment, a State will have 6 months to apply for a planning grant and 6 more months to produce a statewide plan to qualify for action grants.

So that will mean an entire year which may be wasted before substantial funds will be available to law-enforcement agencies in those areas where it is most needed, we are told by the sponsors of the bill, now.

We are asked to make the federal system work, not only at the Federal level, not only at the State level but also at the local level. It is there that we need participation by local citizens, participation by local leaders, participation by local political institutions; and in these great metropolitan areas the responsibility for law enforcement now rests in local leaders and in local government. The Dirksen amendment would not bypass those institutions in the areas where the great problems now exist.

It is for these reasons that I wholeheartedly endorse the amendment of the Senator from Massachusetts [Mr. BROOKE], not as a substitute for title I as it stands now—because I would prefer that—but as a preferable alternative to the Dirksen amendment.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President, I thank my distinguished colleague from Massachusetts.

Mr. President, I believe that the Senator from Maine has given as telling an argument—not only for support of the amendment of the Senator from Massachusetts but also, really, for support of the bill as it is now written—as the Senate is going to hear.

The problem exists where the population is. Indeed, as all of us know, like it or not, we are talking about metropolitan areas, which have a greater population and, really, more responsibility and are more conversant with the gravity of the problem of crime than exists in many of our entire States.

For us to deny the emphasis which the bill now places, even as a second best effort——

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, will the Senator from Massachusetts yield me 30 seconds?

Mr. BROOKE. Mr. President, I yield 30 additional seconds to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for an additional 30 seconds.

Mr. BAYH. I think the States deny recognizing the responsibility as it exists today.

I salute my colleague from Maine and my colleague from Massachusetts. I wish it were not necessary for us to retreat, because we have to solve the problem where it exists; namely, in the large metropolitan areas, where it is much more grave than in the smaller areas.

Mr. BROOKE. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Two and one-half minutes remain.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Mr. TYDINGS. Mr. President, I rise to speak in favor of the amendment of the distinguished Senator from Massachusetts. I think that the Senator from Maine and the Senator from Indiana have very eloquently stated their points.

For the benefit of Senators, 90 percent of all law enforcement officers in the United States today are local law enforcement officers. Seventy-two percent of all the funds expended are for local law enforcement.

I urge adoption of the Brooke amendment. I think it would be a tragedy if the Dirksen amendment were to stand as is, without any alteration.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I think that the localities should have some consideration in this bill and that the bulk of the power should not be delegated to the State Governors.

I wish that the Brooke amendment went a little bit further; but it appears that if there is any possibility of getting anywhere, this is the best vehicle which can be used.

Senators may recall that my colleague, Mr. METCALF, and I successfully pressed an amendment to title I that would reduce the requirement of a 50,000 population to 25,000 so far as the local municipalities' entitlement was concerned. We offered that amendment because in my State, and in most of the Rocky Mountain States, there are very few cities having a population larger than 50,000. In Montana we have only two. The smaller localities do need this assistance.

I hope, therefore, that the amendment will be adopted.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, I think we are all aware that the problems of law enforcement exist primarily in the large cities of this country.

I represent a highly urbanized State containing the sixth largest city in the United States. I understand adequately the problems of the cities, but the fact of the matter is that the city is, after all, the corporate creature of the State. The State is fully competent to make laws and to enact constitutional provisions regulating the activities of the cities and prescribing the limits to which they can legislate and administer for themselves.

Beyond that, Mr. President, we now have equality of representation in our State legislatures throughout this country. So the cities are adequately represented in their State governments. It is inconceivable to me that the administration of a State is, then, going to go against the wishes of a city.

I think we should vest as much of this discretionary power in the Governors as possible because, when you consider the attitude of the present administration of the Department of Justice, where we have an Attorney General who apologizes for the law rather than insists on its strict enforcement, I can foresee a situation in which cities which act with inordinate restraint in law enforcement would be rewarded over those which insisted on strict and rigid enforcement of the law.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Mr. President, will the distinguished minority leader yield for a question?

Mr. DIRKSEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes.

Mr. DIRKSEN. Mr. President, before I yield, I want to make one observation. It is this. It is a singular thing that Members of Congress with smaller constituencies in their States than those in this body, who ought to know more about their localities than we do, would undertake by a vote of 377 to 23 to write into this bill the block grant proposal that I submit today. That was 17 to 1. If that does not have some influence in this body, I give up.

This bill is going to be in conference, whether anybody likes it or not, because it is in the House bill right now.

Now I yield to the Senator from Iowa [Mr. MILLER].

Mr. MILLER. I would like to ask the distinguished minority leader this question. There seems to be some confusion. As I understand the argument that is being made, it is that with the Dirksen amendment untouched, as it is now, the local communities will not get as much money as they need. The thrust of the argument of the Senator from Maine seems to be that we must have the increase from 15 to 33 percent for the local communities to obtain these benefits.

Is that a necessary result of the Dirksen amendment, or, if the Dirksen amendment is agreed to, will the Governors of the States have power to see to it that the local communities will receive that help.

Mr. HRUSKA. Mr. President——

Mr. DIRKSEN. I will let the Senator from Nebraska answer that.

Mr. HRUSKA. Mr. President, the answer is that this puts totally unnecessary, arbitrary power and discretion in the hands of the Attorney General over 33 percent of the money instead of 15 percent. There is no assurance that the Attorney General will turn to the big cities and say, "I will give you this money. I will now help you." It is totally arbitrary and totally discretionary.

Mr. DIRKSEN. Mr. President, the answer to the Senator from Maine is this: Can you imagine the Governor of a State undertaking to let a community go by in niggardly fashion where there are law enforcement problems, and not undertake to help it? There is not a locality in the land that is not the creature of an enabling act of a legislature that was signed by the Governor. That is the first responsibility. If this program is going to be adequately planned and coordinated, this is the way to do it, and the Brooke amendment ought to be voted down.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute remaining.

Mr. BROOKE. Mr. President, the proponents fail to recognize that the 85–15 percent formula means that the 85 percent must go according to population. There is no discretion. It must be according to population, and population is the only criterion under that formula.

Under the formula of two-thirds to one-third, that gives more flexibility and other criteria than population can be used—the quality of the present police force, the quality of law enforcement in a municipality or locality. Then there is discretion to give to either the State or municipal government. If that is not provided, there will be only 15 percent which is flexible and which can go to municipalities. It does not have to go that far, but only up to 15 percent.

I hope my amendment is adopted.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. BROOKE] to the amendment of the Senator from Illinois [Mr. DIRKSEN]. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Nevada [Mr. CANNON] would each vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Alaska

[Mr. Gruening] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. Jordan] is absent on official business.

The Senator from California [Mr. Kuchel] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. Jordan] and the Senator from California [Mr. Kuchel] would each vote "nay."

The result was announced—yeas 33, nays 44, as follows:

[No. 156 Leg.]

YEAS—33

Anderson
Bayh
Bible
Brewster
Brooke
Burdick
Byrd, W. Va.
Case
Dodd
Fulbright
Gore
Hart
Hartke
Hatfield
Inouye
Jackson
Javits
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Symington
Tydings
Williams, N.J.

NAYS—44

Aiken
Allott
Baker
Bennett
Boggs
Byrd, Va.
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Lausche
Long, La.
McClellan
Miller
Monroney
Mundt
Murphy
Pearson
Percy
Prouty
Russell
Scott
Smith
Sparkman
Spong
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—23

Bartlett
Cannon
Church
Clark
Gruening
Harris
Hayden
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Talmadge
Yarborough
Young, Ohio

So Mr. Brooke's amendment to Mr. Dirksen's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the pending Dirksen amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 19, of amendment No. 715, strike the period and insert in lieu thereof the following: ", plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State."

Mr. JAVITS. Mr. President, I yield myself 2 minutes. I understand that this amendment is acceptable to the Senator from Illinois.

Mr. PASTORE. Mr. President, may we have order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, I understand this amendment is acceptable to the author of the primary amendment, the Senator from Illinois [Mr. Dirksen], for this reason: It seeks to deal with funds which may be made available because a State does not actually meet the requirements of its own plan. According to the bill as reported, section 509 provides that funds may be withheld, but it is not made clear whether they will ultimately be paid or not paid, or whether they would just pass back into the Treasury.

This amendment proposes that such funds as result from the application of that section may be made available to the Attorney General for direct use, perhaps in the State in question, or perhaps, as exigencies may require, in other States.

This amendment, as I understand, is agreeable to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, all this amendment would do is keep the funds available to a State at all times.

Mr. JAVITS. That is correct.

Mr. DIRKSEN. I accept the amendment.

The PRESIDING OFFICER. Does the Senator from Illinois modify his amendment accordingly?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York to the amendment No. 715 of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment No. 715 of the Senator from Illinois, as amended. On this vote, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. Long] and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Florida [Mr. Smathers], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Alaska [Mr. Gruening], the Senator from Massachusetts [Mr. Kennedy], the Senator from New York [Mr. Kennedy], and the Senator from Florida [Mr. Smathers] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from Oregon [Mr. Morse]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Oregon would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. Jordan] is absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from California [Mr. Kuchel], and the Senator from Kentucky [Mr. Morton] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from Idaho [Mr. Jordan], and the Senator from California [Mr. Kuchel] would each vote "yea."

The result was announced—yeas 48, nays 29, as follows:

[No. 157 Leg.]

YEAS—48

Aiken
Allott
Anderson
Baker
Boggs
Brooke
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Hartke
Hatfield
Hickenlooper
Hill
Hruska
Javits
Jordan, N.C.
Lausche
Long, La.
McIntyre
Miller
Monroney
Moss
Mundt
Murphy
Pastore
Pearson
Percy
Prouty
Russell
Scott
Smith
Sparkman
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—29

Bayh
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Dodd
Fulbright
Gore
Hart
Hayden
Holland
Inouye
Jackson
Magnuson
Mansfield
McClellan
McGee
Metcalf
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Spong
Symington
Tydings
Williams, N.J.

NOT VOTING—23

Bartlett
Bennett
Cannon
Church
Clark
Gruening
Harris
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Talmadge
Yarborough
Young, Ohio

So Mr. Dirksen's amendment (No. 715), as amended, was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, under title I of S. 917, the Omnibus Crime Control and Safe Streets Act, various grant programs are established to improve and strengthen law enforcement.

I recently received a letter from John H. Harris, Sr., M.D., the president of the Pennsylvania Medical Society, regarding the intent of this legislation, and specifically inquiring if the grant provisions in this legislation encompass funds to support a medical examiner system and the laboratory facilities and equipment necessary under such a system. Dr. Harris noted that the scientific sophistication of a medical examiner system is extremely suitable to today's criminal investigation needs and therefore of great use in the "detection of crime." His concern was that the definition of law enforcement in this measure, page 41—"all activities pertaining to crime prevention or reduction and enforcement of the criminal law"—may not include the detection of crime.

I take this opportunity to ask the distinguished Senator from Arkansas [Mr. McClellan], chairman of the Senate Subcommittee on Criminal Laws and Procedures which held hearings on this legislation, and the floor manager of S. 917, if he considers activities such as the medical examiner system which aid in the detection of crime as being one of the "activities pertaining to crime prevention or reduction and enforcement of the criminal law," the statutory definition of "law enforcement."

Mr. McCLELLAN. In my judgment, the definition of law enforcement cited by the Senator from Pennsylvania does include activities aimed at crime detection such as the medical examiner system. Therefore, the "planning grant" and "grants for law enforcement purposes" outlined in parts B and C of title I, respectively, would, I believe, authorize the use of funds for the type of medical examiner system and related facilities discussed by the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator and wonder if I may ask one final question?

Under part D of title I—Training, education, research, demonstration, and special grants—the stated purpose—section 401—is to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. In view of the use of the phrase "improving law enforcement" and the specific reference to "detection and apprehension of criminals," am I correct in assuming that the medical examiner system and facilities and operations thereunder are encompassed within the various provisions of section 402 of part D?

Mr. McCLELLAN. The Senator is correct. Our whole purpose in enacting this legislation is to improve and strengthen the entire law-enforcement process, and this surely includes all efforts that assist us in the area of crime detection.

Mr. SCOTT. I ask unanimous consent that my correspondence with Dr. John Harris be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Pennsylvania Medical Society,
Lemoyne, Pa., February 8, 1968.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: We have read with a great deal of interest your January 31, 1968 Newsletter, and especially the first paragraph dealing with "Crime". I am particularly pleased to see that you are a co-sponsor of the so-called "Safe Streets Act" which is currently pending before the Judiciary Committee.

Although we have not read the legislation, we note that it would provide federal funds to help train local police forces, permit law enforcement officers to question suspects, etc. Our interest in the measure stems from an effort which the Pennsylvania Medical Society is currently making here at home to create a statewide Medical Examiner System. As you know, the Pennsylvania Constitutional Convention has before it at the present time a proposal to eliminate from the language of the Constitution the word "coroner". It is this word that has prevented the state and the larger municipalities from moving to a Medical Examiner System during the last several sessions of the Legislature. We, of course, believe that a Medical Examiner System is far more scientifically sophisticated and more suited to today's criminal investigation needs. Medical defects in the coroner system violate cardinal principles of forensic medicine and pathology, namely, that a violent death, regardless of its category, may only be revealed as such after consideration of all the circumstances and the most searching type of investigation, including chemical, histological and other laboratory examinations. As further evidence of our feelings on this subject, we are enclosing a copy of the testimony presented by our organization to the Committee on Local Government of the Constitutional Convention.

The real purpose of this letter is to ask you if there exists a possibility under your proposed legislation for funds to support a Medical Examiner System once attained in our state, for, if a Medical Examiner System is ultimately created for Pennsylvania, there will be a need for toxicological laboratory facilities, etc. This system, it seems to us, could provide the state with a great opportunity for training scientifically oriented law-enforcement officials. If the present bill does not anticipate the above contingencies, could it be amended to accommodate in both funds and philosophy the moving throughout the United States for Medical Examiner Systems.

We would be most pleased to talk with you on this subject, or to provide such other collateral information as may be helpful to you. Please let us know when we may discuss this.

Sincerely,
John H. Harris, Sr., M.D
President.

March 27, 1968.

Dr. John H. Harris,
President, Pennsylvania Medical Society,
Lemoyne, Pa.

Dear Dr. Harris: Thank you very much for your recent letter inquiring whether the proposed Safe Streets and Crime Control Bill (S. 917) contemplates the funding of facilities necessary for a Medical Examiner System. Upon receipt of your letter, I took this matter up with the Senate Judiciary Subcommittee on Criminal Laws and Procedures and, after consultation, have been informed that the action grant and the research grant provisions of this legislation would apply in this area.

In view of your interest, I am pleased to enclose copies of the Senate bill, the House-passed Crime Bill, and the Report thereon. The research and action grant provisions have been appropriately marked for your information. The full Senate Judiciary Committee is currently taking up S. 917, and I shall be pleased to keep you informed of the progress of this legislation and any substantive changes in the version I have enclosed.

With best wishes.
Sincerely,
Hugh Scott,
U.S. Senator.

Pennsylvania Medical Society,
Lemoyne, Pa., April 2, 1968.

Hon. Hugh Scott,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Scott: I wish to thank you very much for replying to my inquiry concerning S–917, the proposed "Safe Streets and Crime Control Bill". I am pleased to know that in the opinion of the "Senate Judiciary Subcommittee on Criminal Laws and Procedures" agrees that the research grant provisions of this legislation would apply in the area of a Medical Examiner System in Pennsylvania.

I have read S–917 with a great deal of interest and do agree that certainly Titles II and III would seem to indicate that federal funds would be available in this area. I would, I think, feel more secure with the language if the words "crime detection" were added, since the Medical Examiner's function is principally involved in this area. The sections, as presently written, would seem to apply to "law enforcement and criminal justice". I would certainly take your word as a lawyer and friend of Medicine, but, again, I raise the question, having had some experience with Attorney Generals' opinions and their clinging to the "letter of the law".

Again, I would be pleased to have your thoughts and instructions as to what we may do to further the bill in its present form, or if you think it advisable, have it amended to incorporate our thoughts.

Again, many thanks, and I trust all is well with you.

Sincerely,
John H. Harris, Sr., M.D.,
President.

AMENDMENT NO. 820

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 820, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

"Sec. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation of a firearm by felons, veterans who are other than honorably discharged, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship, constitutes—

"(1) a burden on commerce or threat affecting the free flow of commerce,

"(2) a threat to the safety of the President of the United States and Vice President of the United States,

"(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and

"(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by article IV of the Constitution.

"Sec. 1202. (a) Any person who—

"(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

"(2) has been discharged from the Armed Forces under other than honorable conditions, or

"(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

"(4) having been a citizen of the United States has renounced his citizenship, or

"(5) being an alien is illegally or unlawfully in the United States,

and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(b) Any individual who to his knowledge and while being employed by any person who—

"(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

"(2) has been discharged from the Armed Forces under other than honorable conditions, or

"(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

"(4) having been a citizen of the United States has renounced his citizenship, or

"(5) being an alien is illegally or unlawfully in the United States,

and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of the enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(c) As used in this title—

"(1) 'commerce' means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

"(2) 'felony' means any offense punishable by imprisonment for a term exceeding one year;

"(3) 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun;

"(4) 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

"(5) 'handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

"(6) 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

"(7) 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"SEC. 1203. This title shall not apply to—

"(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

"(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm."

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII".

On page 107, line 6 strike out "1001" and insert in lieu thereof "1301".

Mr. LONG of Louisiana. Mr. President, the amendment has been on the desks of Senators for several days. I had it printed in the RECORD some time ago.

What the amendment seeks to do is to make it unlawful for a firearm—be it a handgun, a machinegun, a long-range rifle, or any kind of firearm—to be in the possession of a convicted felon who has not been pardoned and who has therefore lost his right to possess firearms. It would not apply to a person pardoned by a Governor or a President if the pardon specifically provides that he will have the right to carry firearms. He would then have that right. Otherwise, he would not have it. It also relates to the transportation of firearms.

It would also apply to veterans who are other than honorably discharged. It would apply also to mentally incompetents and aliens illegally in the country and to former citizens who have renounced their citizenship.

The reason I particularly wanted these categories covered is that this would make it apply to the gun Oswald had with which he killed John F. Kennedy.

It would mean that Oswald, having been a man who was discharged from the service under conditions other than honorable—and that is one of the conditions set forth here—and a man who had renounced his citizenship, unless he had been restored by the President of the United States to the right to carry a rifle, would not have had the right to carry that gun or practice with it or do anything else with it.

Assuming that the statistics of the Federal Bureau of Investigation are correct and that this man Galt—a loser many times over, a felon, and an habitual criminal—was the man who killed Martin Luther King, this provision would have applied to him, too.

I have researched the constitutional authorities, and I ask unanimous consent to have them printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

PROPOSED TITLE VII OF H.R. 5037

This proposed title would make it a Federal crime for the following classes of persons to receive, possess, or transport any firearm in commerce, or affecting commerce:

1. Convicted felons.
2. Persons discharged from the Military under other than honorable conditions.
3. Mental incompetents.
4. Persons who have renounced their United States citizenships.
5. Aliens illegally in this Country.

In addition the Title would prohibit persons employed by another from receiving, possessing or transporting a firearm in the course of his employment if he knows his employer is in a class described in clauses 1–5 above. These are the mobsters—the hired gunmen.

Clauses 1–5 describe persons who, by their actions, have demonstrated that they are dangerous, or that they may become dangerous. Stated simply, they may not be trusted to possess a firearm without becoming a threat to society. This title would apply both to hand guns and to long guns.

The recent history of this Country is full of illustrations of assassinations and murders committed with firearms by persons described in clauses 1–5.

President John F. Kennedy's assassin had been separated from the Military with an undesirable discharge after he had moved to Russia and indicated a desire to renounce his United States citizenship.

Martin Luther King's assassin was a convicted felon.

The killer of Mrs. Viola Liuzzo (the civil rights worker shot during the 1965 march from Selma to Montgomery, Alabama) was a convicted felon by virtue of his violation of the Federal Firearms Act.

All of these murderers had shown violent tendencies before they committed the crime for which they are most infamous. They should not have been permitted to possess a gun. Yet, there is no Federal law which would deny possession to these undesirables.

The killer of Medgar Evers, the murderer of the three civil rights workers in Mississippi, the defendants who shot Captain Lemuel Penn (on a highway while he was driving back to Washington after completion of reserve Military duty) would all be free under present Federal law to acquire another gun and repeat those same sorts of crimes in the future.

The assassin of George Lincoln Rockwell and the murderer of Malcolm X could lawfully acquire a gun upon their release from prison and kill again.

Of all the gun bills that have been suggested, debated, discussed, and considered, none except this Title VII attempts to bar possession of a firearm from persons whose prior behaviors have established their violent tendencies. In large part, Title VII is based on the legal theory that every dog is entitled to one bite. If one owns a dog and it attacks his neighbor, the owner is not liable if he did not know that his dog was dangerous. But if the dog thereafter attacks a second neighbor, the owner is liable because he has been placed on notice that his dog is dangerous.

So, under Title VII, every citizen could possess a gun until the commission of his first felony. Upon his conviction, however, Title VII would deny every assassin, murderer, thief and burglar of the right to possess a firearm in the future except where he has been pardoned by the President or a State Governor and has been expressly authorized by his pardon to possess a firearm.

It has been said that Congress lacks the power to outlaw mere possession of weapons. The argument apparently stems from the fact that our founding fathers did not expressly delegate police powers to the Federal Government. And that being the case, it is said that such powers are reserved to the States under the 10th Amendment to the Constitution.

However, that argument overlooks the fact that Congress for years has controlled the possession of gangster-type weapons such as machine guns, sawed-off shotguns and firearms silencers. This controlling legislation was enacted under the Federal taxing power and its validity was upheld by the Supreme Court. The important point is that this legislation demonstrates that possession of a deadly weapon by the wrong people can be controlled by Congress, without regard to where the police power resides under the Constitution.

Without question, the Federal Government does have power to control possession of weapons where such possession could become a threat to interstate commerce, or to the protection of the Constitutional rights of free speech and the free exercise of religion or to the insurance of the continued orderly operation of the Government of the United States. The Federal Government also has a responsibility under the 4th amendment to the Constitution to guarantee to each State a republican form of government. Similarly, the Federal government now has a statutory obligation to protect the life of the President of the United States and of the Vice-President.

State gun control laws where they exist have proven inadequate to bar possession of firearms from those most likely to use them for unlawful purposes. They did not stop Lee Harvey Oswald. They did not stop Eric Starvo Galt—or James Earl Ray.

Clearly, if the Federal Government has the responsibility for insuring the orderly course of commerce and for protecting the rights of citizens and the lives of our leaders, it cannot be argued that Congress is without power to enact legislation reasonable and necessary to carry out its responsibility. The rioting which followed the brutal slaying of Martin Luther King during which more than 200 cities across this land were set afire demonstrates more vividly than words how the murder of a single man can disrupt the free and orderly flow of interstate commerce.

We have an obligation both under the Constitution and under the Federal statutes to try and prevent that sort of killing and that sort of aftermath from happening again. We have an obligation to try and protect the lives of our citizens in exercising their rights of free speech and their choice of religion.

The vast reach of the Federal power to control matters affecting interstate commerce, once thought to be beyond Federal legislation, has been demonstrated by the broad swath of the Civil Rights Act of 1964 and by the still broader scope of the 1968 civil rights legislation. No one can argue that Martin Luther King's murder did not affect commerce. Look at our cities and how stores and business engaged in interstate commerce were burned, looted and pillaged by rioting mobs protesting his death.

Title VII would not substitute Federal control of possession of firearms for State control. It denies the States nothing in the exercise of their police powers. It supplements the State law and buttresses it.

Nor would Title VII impinge upon the rights of citizens generally to possess firearms for legitimate and lawful purposes. It deals solely with those who have demonstrated that they cannot be trusted to possess a firearm—those whose prior acts—mostly voluntary—have placed them outside of our society. Their very acts show that society must be protected from them. They have no right, constitutional or otherwise, to prey upon and menace our leaders, or our citizens who are pursuing their own constitutional rights. Nor are they privileged to threaten or otherwise affect our commerce.

Despite all that has been said about the need for controlling firearms in this Country, no other amendment heretofore offered would get at the Oswalds or the Galts. They are the types of people at which Title VII is aimed.

Mr. LONG of Louisiana. I am convinced that we have enough constitutional power to prohibit these categories of people from possessing, receiving, or transporting a firearm. While this, of course, could not have saved every person who has been assassinated—certainly, it would not have saved my father—at the same time, it would apply to many of the most fiendish assassinations that have occurred in our time. It should apply for a number of reasons.

First. Congress has the right to regulate matters that affect interstate commerce. We went to the extreme in that respect, may I say, in the civil rights laws and the open housing laws. If we can tell someone who can and who cannot possess a house, which is certainly not an object moving in interstate commerce, it seems to me that we have a right to say who can possess a long-range rifle.

Second. If we have a right to pass a law, as we did, to make it a crime to murder the President of the United States, then we can pass a law to help protect the President and the Vice President. Indeed, if we wish, we can pass a law to protect the very existence of government from anarchy.

For example, as long as the marchers in Washington behave themselves, fine. But when they start violating the law, as some did today, when they blocked the passageways and corridors of the House, as I am told, it would be comforting to know that among those people blocking the halls so that Congressmen cannot pass are not a group of convicted felons who have been convicted of murder, dope peddling, and crimes of that nature, and that they are not armed to the teeth with shotguns or high-powered rifles.

This amendment would provide that a convicted felon who participates in one of these marches and is carrying a firearm would be violating the law. That would make society safer, it would make the National Capital safer, and it would make government safer and more secure.

I have discussed this matter with the distinguished managers of the bill, and, so far as I know, they do not object to it; and I hope very much that it will be agreed to. I believe it would strengthen the bill and make it a better bill.

Mr. DODD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield such time to the Senator from Connecticut as he may desire.

Mr. DODD. Do I correctly understand that this amendment is not a substitute for title IV?

Mr. LONG of Louisiana. This amendment would take nothing from the bill. I applaud what the committee did. This would add to the fine work the committee did in this area.

Mr. McCLELLAN. I have not had an opportunity to study the amendment. The Senator said something to the effect that if we could do this, we certainly could do that, under the Constitution. The thought that occurred to me, as the Senator explained it, is that if a man had been in the penitentiary, had been a felon, and had been pardoned, without any condition in his pardon to which the able Senator referred, granting him the right to bear arms, could that man own a shotgun for the purpose of hunting?

Mr. LONG of Louisiana. No, he could not. He could own it, but he could not possess it.

Mr. McCLELLAN. I beg the Senator's pardon?

Mr. LONG of Louisiana. This amendment does not seek to do anything about who owns a firearm. He could not carry it around; he could not have it.

Mr. McCLELLAN. Could he have it in his home?

Mr. LONG of Louisiana. No, he could not.

Mr. McCLELLAN. Can we, under the Constitution, deny a man the right to keep a gun in his home?

Mr. LONG of Louisiana. When a man is a convicted felon, he can be denied many of the rights that he otherwise would be entitled to possess. For example, suppose he has been discharged for the good of the service, which means that he is going to accept the discharge under conditions to avoid being tried. If he is a veteran who has been discharged under conditions other than honorable, when he accepts that discharge, he knows he is giving up the right to carry firearms. If he cannot be trusted to bear arms for Uncle Sam, I do not believe we should trust him to carry firearms, knowing how dangerous those weapons can be and what has been done with them.

Mr. McCLELLAN. I only raise the point as to what the amendment may do. It may go too far.

I have discussed it with the Senator from Connecticut [Mr. DODD] and the Senator from Nebraska [Mr. HRUSKA], who are vitally interested in title IV, which is the arms section of the bill. They are both willing to take the matter to conference and study it. Unless someone objects, I shall accept it for the purpose of studying it and try to understand it.

Mr. LONG of Louisiana. Mr. President, with regard to the point raised by the Senator, there is absolutely no doubt in my mind that, applied purely prospectively to people who are convicted of crimes in the future, the amendment could not be subject to any challenge whatever. It is likely that one might argue that by applying this amendment to people who have been convicted of crimes prior to this date and pardoned by the pardoning authority, their rights might be violated. That is something that can be studied in conference.

Mr. McCLELLAN. I do not want to say that I will take it to conference and then not give it further thought, because I believe it requires further thought.

Mr. LONG of Louisiana. I would certainly welcome the Senator's consideration of it.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DODD. My own feeling is that I am a little uneasy about it, but I believe that the Senator from Arkansas has stated the situation the way it should be stated, and we will study it. I do not believe that it would do any harm.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DOMINICK. Mr. President, I am in sympathy with the objective of the Senator from Louisiana of getting to the person behind the gun instead of getting at the gun, which I believe has been the main impact of most of the proposed firearms legislation up to now. I wish to ask the Senator some questions.

The Senator referred to people who have been discharged from the Armed Forces under other than honorable conditions. Suppose a man is discharged on a medical discharge? Is this a discharge under other than honorable conditions, within the meaning of your amendment? And suppose he is cured? I believe there are a number of instances in which it would be going too far to say that a man could no longer participate in duck shooting or pheasant shooting.

Mr. LONG of Louisiana. Frankly, I say to the Senator that I believe he would find that a man who receives a medical discharge from the service can be honorably discharged. There is a type of medical discharge that applies to certain undesirable people. Those people accept that type of discharge, for the good of the service, rather than face trial. I had in mind that those people, if they went to trial, would probably be discharged with a bad conduct discharge or a dishonorable discharge; but if they accepted a discharge rather than face trial, that would apply.

If there were any problem about this matter in conference, it would be easy to iron out by saying that, in the case of a medical discharge, if it is clear that the patient was discharged for health reasons—he was incapable of bearing his share of the load and doing his job—it would not apply to him.

But I believe the Senator will find that a medical discharge, for example, in the instance of a stroke or a heart attack, when a man is not able to serve, is not a discharge under conditions other than honorable.

Mr. DOMINICK. I support the idea of the Senator. I have a feeling that perhaps we have gone too far, but perhaps this matter can be worked out in conference.

Mr. LONG of Louisiana. May I say to the Senator that this amendment is based on the theory in law that every dog is entitled to one bite. A person who is not a lawyer might say, "How could you arrive at that conclusion?"

That is based on the old theory that if one owns a dog and the dog attacks his neighbor, the owner is not liable if he did not know that the dog was dangerous. But if the dog attacks one neighbor, and it is a serious injury, and thereafter attacks someone else, the owner is on notice that the dog is dangerous.

This amendment would proceed on the theory that every burglar, thief, assassin, and murderer is entitled to carry a gun until the commission of his first felony; but, having done that, he is then subject to being denied the right to use those weapons again.

SEVERAL SENATORS. Vote! Vote!

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana. [Putting the question.]

The amendment of Mr. LONG of Louisiana was agreed to.

AMENDMENT NO. 771

Mr. HRUSKA. Mr. President, I call up my amendment No. 771 and ask that it be stated and considered.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, strike out lines 8 through 15 and insert in lieu thereof the following:

"(d) No grant made under this part may be expended for the compensation of personnel, except that this limitation shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs."

Mr. HRUSKA. Mr. President, if I may have the attention of the Senator from Arkansas, I am willing to enter into a time limitation of 10 minutes on each side.

Mr. McCLELLAN. Agreed to.

Mr. HRUSKA. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on each side.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I shall not take 10 minutes on my side. If any Senator wishes to speak I will be glad to yield any time I have remaining.

Mr. President, as presently written, the bill makes available one-half of the cost of salary increases for law-enforcement personnel as being eligible for payment out of funds of this bill. However, not more than one-third of a grant to a city or State would be devoted to that purpose.

The amendment would provide that no part of the grant under this bill may be expended for the compensation of law-enforcement personnel except that this limitation shall not apply to the compensation of personnel for the time engaged in conducting training programs or undergoing training programs.

The responsibility for law enforcement should not be shifted from State and local government to the Federal Government. The availability of Federal funds for payment of police officer salaries would create and make permanent a dependence on Federal authority. This would lead to heavy Federal influence and lead eventually to domination of State and local police.

Another factor to consider is that the cost is too great before any impact of any appreciable size is made in law-enforcement salaries. I would be the last to say that police salaries are adequate and should not be increased, but they should be increased from funds under the control of and from the levying of taxes on, the local level rather than on a national level.

There are about 400,000 full-time law-enforcement officers in America today. About 25,000 are Federal law-enforcement officers and the remainder are State or local law-enforcement officers.

If an increase of $100 a month were given to the full-time men and 50 percent of that amount were to be made from Federal funds, over a span of 1 year, that would, in itself, amount to approximately a quarter of a billion dollars. Anyone would certainly not expect that a raise of $100 a month is much of a raise at all in many of the police structures of the Nation.

It would also be unfair and discriminatory because the money for salary supplements would be available only in those cities where a program was favored by the Attorney General, and the Federal moneys actually granted.

But what of the cities and other applicants who were not so favored? Their officers—just as deserving—would not receive the Federal largess.

Mr. President, another factor is: How long would it be before the firemen of the Nation would come to Congress and say, "We also save lives and we also save property. We want Federal help too."

That would signal the breakdown of the Federal federated system; it would mean control to an alarming extent of police departments and law-enforcement departments and the activities of the States that should not be done.

Good government in the fashion we have conceived of it in America dictates that control of those law-enforcement functions should remain on the local level. It is not only the duty of the localities to enforce their laws; it is their right. We should not deprive them of that right.

Therefore, except for training, the amendment proposes that there would be no money used out of this fund for law-enforcement official salaries.

Mr. President, I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, the purpose of the provision in the bill is to encourage local communities and municipalities that submit a plan and make application for grants to raise the salary of the policeman. That is the primary purpose.

Mr. President, this was an issue in the subcommittee and it was an issue in the full committee. There is a good argument each way. There are those who feel that once the salary is paid by the Federal Government they become dependent on the Federal Government and it mushrooms into a tremendous cost, which is likely to be true.

However the purpose is to give encouragement to the law enforcement agencies to submit plans to raise the policeman's salary. It provides that no more than one-half of the increase—and no part of the present salary—will be approved in a plan for Federal grant. It is a matter about which Senators must make up their minds as to whether they think the Federal Government should go that far in view of the condition prevailing today, or whether the Federal Government should stay out of the area. It is that simple.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. Does not the Senator recall that with respect to the Cooperative Extension Service and the Cooperative Experimental Service, in which much the larger part is paid by the State and local government, that the Federal Government does supplement salaries, and as far as the Senator from Florida is concerned, he does not know of any Federal control that results from that practice. Is that the experience of the Senator?

Mr. McCLELLAN. That is true in those agencies, but perhaps someone could find another agency where the experience is different.

However, the matter is that simple. We finally worked it out this way, to leave this as an inducement to the local municipalities if they wanted to raise the pay schedule for police officers, then this is an incentive for them.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CURTIS. Mr. President, I wish to ask the Senator if it is not true with respect to the agricultural employees referred to by the Senator from Florida that they have for a long time been petitioning for participation in Federal civil service retirement programs and other fringe benefits?

Mr. McCLELLAN. I cannot answer the question. If the Senator says it is so, it is.

Mr. CURTIS. That is a fact and it is something that should be taken into account.

Mr. McCLELLAN. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, 90 percent of the law-enforcement budgets in the United States go into salaries for police personnel.

The subcommittee print merely provides that if the local community or State will pay one-half of a salary increase, then 30 percent of the Federal grant to that community can be used to match it. Everyone here knows that our law-enforcement officers, by and large, are drastically underpaid. There is hardly a police department in the Nation that is not understaffed. The average policeman makes less than the average factoryworker. He works longer hours, and he must take time off without pay to go to court to testify.

Policemen are called upon to work under all sorts of conditions, far beyond the normal call of duty. For us in the Senate to say, when considering a safe streets bill, that police cannot even have 30 percent of the grant to match a salary increase, 50 percent of which must come from State and local governments would be, in my judgment, a slap in the face to every law-enforcement officer in the country.

I hope that the amendment will fail.

I support the position of the Senator from Arkansas.

I yield to the senior Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. President, I commend the Senator from Maryland [Mr. TYDINGS] for his valid remarks. Our officers of the law need our encouragement and our support. They are, generally, diligent and well disciplined.

Mr. TYDINGS. My colleague is correct.

Mr. MANSFIELD. Mr. President, I think that we are all very much aware of the status—and I use that word advisedly—of the policeman of our country today. He is not only overworked and underpaid but he also works long hours and must devote a great deal more time to his work than the ordinary workingman to earn the pittance which is his salary—an extremely small sum, comparatively.

Furthermore, it is getting to be the normal thing in this country, these days, to abuse the policeman, to take away his dignity and his respectability. If he gets involved in carrying out his duty to uphold the law, the first thing we hear is the cry of "police brutality."

Mr. President, if there is one segment of our population which is entitled to special consideration, in my opinion, that segment is the policemen of America.

Let us give them something to work toward instead of the abuse that makes their lot worse than the norm at the present time.

I am surprised that there are not more resignations of policemen around the country. I am also surprised that so few people seem to be aware of that fact. I am disappointed that they do not receive the support which is their due. I hope this amendment is defeated.

Mr. MAGNUSON. Mr. President, I join the Senator from Montana in all of the observations he made regarding this matter.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield for a question?

Mr. TYDINGS. I yield.

Mr. PASTORE. In view of the Dirksen amendment on block grants, I believe that the Senator from Maryland stated that a part of the grants can be used for this purpose.

In view of the amendment just adopted, may I ask the Senator, who will decide that? Could a Governor keep it away from the——

Mr. TYDINGS. The Governor would have control, as I understand it, over 85 percent of the funds as a result of the adoption of the Dirksen amendment.

Mr. PASTORE. Can the Governor pick and choose what police department will have it, or will not have it? Can he give it to Republican mayors and not to Democratic mayors? Is that what we are in now?

Mr. MANSFIELD. I hope not.

Mr. PASTORE. I hope that does not happen. I hope that the Governors will be fair enough to see that law-enforcement officers get an increase without discrimination as to politics.

Mr. TYDINGS. I think the remarks a moment ago of the Senator from Montana hit the nail right on the head. The policeman of this country is the forgotten man. He gets all the blame. But when trouble is brewing, we call on the policeman. Yet when we try to use 30 percent of a grant to help the police obtain a pay increase, to give them decent salaries, here comes an amendment which would forbid helping the police to be paid what they, as professionals deserve.

I hope that the amendment will fail.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I am a cosponsor of amendment No. 771, and I support, without reservation, the principle which is embodied in this effort. I am absolutely opposed to the present provision in title I which authorizes the use of Federal funds to supplement the salaries of all local police officers. To my way of thinking, this provision is not in the best interest of local control of law enforcement. We do not need a law enforcement system in which guidelines radiate from Washington and local police chiefs cooperate with Federal officials because they fear the loss of Federal funds so greatly needed to provide competitive salaries for the men on their force.

We hear a lot of talk about not wanting a national police force, but now is the time to legislate so that the first step in this direction will not become a reality. I am deeply disturbed about the ominous possibilities inherent in the use of Federal funds to supplement the salaries of State and local law enforcement officers.

Mr. President, I joined with three of my colleagues to express individual views on this problem on page 230 of the report:

> The Administration's original proposal to Congress in early 1967 contained a feature allowing up to one-third of each federal grant to be utilized for compensation of law enforcement personnel. In the hearing record of both the House and Senate Judiciary Committees, this provision proved to be quite controversial. When the House Committee reported the bill, the provision for salary support was deleted. Commenting on this action, the committee report on page 6 stated:
>
> "The committee deleted all authority to use grant funds authorized by the bill for the purpose of direct compensation to police and other law enforcement personnel other than for training programs or for the performance of innovative functions. Deletion of authority to use Federal funds for local law enforcement personnel compensation underscores the committee's concern that responsibility for law enforcement not be shifted from State and local government level. It is anticipated that local governments, as the cost for research, innovative services, training, and new equipment developments are shared by the Federal Government in the programs authorized in the bill will be able to devote more of their local resources to the solution of personnel compensation problems. The committee recognizes that adequate compensation for law enforcement personnel is one of the most vexing problems in the fight against crime."
>
> We wholeheartedly subscribe to the House committee's view. There is indeed a grave concern that responsibility for law enforcement not be shifted from the state and local levels.
>
> The Senate Criminal Laws Subcommittee also deleted a similar provision by an overwhelming vote, but subsequently a some what modified salary provision was reinstated. In modified form, up to one-third of each grant could be made available to pay one-half the cost of salary increases for law enforcement personnel. Even with this modification, we must strongly oppose the provision. This is not because we are indifferent to the low pay of the nation's law enforcement officers. It is because we fear that "he who pays the piper calls the tune" and that dependence upon the federal government for salaries could be an easy street to federal domination and control."

Mr. President, there will be enough problems to be ironed out in conference already; it would be better if we do not adopt provisions which the House has specifically rejected. We all realize that S. 917 contains three titles which have not even been considered by the House, and I feel certain they will insist on the wording similar to amendment No. 771.

This is no small matter to those who object to this financial carrot which could be dangled by Washington bureaucrats in order to obtain concessions from local authorities who might become dependent on Federal handouts.

Mr. President, we are all deeply concerned because in some areas of our country law officers are not adequately compensated for their dedicated service, but we also know that the other grants provided by this bill will bring relief to the heavy demands on municipal and county revenue, thus freeing some local funds for salary increases. The present wording in title I is not the best solution to this problem. I cannot emphasize too much my opposition to this provision, and certainly hope that amendment No. 771 will be adopted.

Mr. President, I hope that the Senate will not go into this program because if it does, I predict that this country will end up having a national police force.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I want to make a brief statement and then yield back the remainder of my time. I shall not ask for a rollcall vote.

I want to say, as to the plea for higher salaries for policemen, that that is not the issue here. The issue is where that increase in pay is going to come from, what trouble will we invite to the National Government and the Nation's governmental structure if we once start paying local public employees, and whether a national police state eventually will evolve from this system. There cannot be any different result. There is only one way to retain independent localities and that is to stay out of the salary-paying business.

I hope that the Senate will see fit to approve the same position that was reflected in the text of the measure as it was passed by the other body.

Mr. President, if I have any time left, I yield it back at this time, and ask for a division on the amendment.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. A division is called for.

On a division, the amendment was rejected.

Mr. PASTORE. Mr. President, I should like to have the RECORD show that the Senator from Rhode Island rose in opposition to the amendment.

Mr. MAGNUSON. Mr. President, I make the same request, that I rose in opposition to the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 770

Mr. HRUSKA. Mr. President, I call up my amendment No. 770 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. It is intended to be proposed by Mr. HRUSKA to S. 917, a bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, viz:

On page 18, line 9, beginning with the comma, strike out all through the comma on line 10.

On page 18, after line 24, insert the following:

> (d) In the exercise of its functions, powers, and duties, the Administration shall be independent of the Attorney General and other offices and officers of the Department of Justice.

Mr. HRUSKA. Mr. President, I am willing to submit this amendment to a time limitation of 10 minutes on each side.

Mr. McCLELLAN. Make it five. Let us go—let us go.

Mr. HRUSKA. Very well. Mr. President, it is not my intention to ask for a yea and nay vote. I know that Senators are impatient to get away.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that debate be limited on this amendment to 10 minutes on each side.

Mr. STENNIS. And that we have order in the Chamber.

Mr. HRUSKA. Yes, and that we have order in the Chamber. That is part of the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, the bill now provides for a three-member board of administrators for processing the applications authorized under the bill. Initially the bill, as approved by the subcommittee, provided that the three-member board would be in the Department of Justice, but independent of the Attorney General or any of the officials of the Department of Justice. It would be truly independent in its jurisdiction and in its powers. It was felt that to give one man the right to approve or disapprove of the allocation of a fund which initially will be $400 million, but which the Attorney General has testified they hoped to whip up to a level of $1 billion a year, would be too much power to vest in the hands of one individual, whoever he is, and it would be better vested in a body that would be nonpartisan and independent of any single person, and therefore much better qualified to call the shots as they really see them.

It is for that reason that it was proposed that the three-member board would be vested with power and status which would be free and clear, independent of the Attorney General and other offices and officers of the Department of Justice. That would make for better, more even-handed application of the funds and judgment of the several plans that will be brought to the board for approval.

It is for that reason that I submit this is a better arrangement, an arrangement which was recommended by the subcommittee, but which was overturned in the full committee by a very close margin. I hope the subcommittee's judgment will be reinstated and that the board may be made independent of the Attorney General or anyone else in the Department of Justice.

I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield myself a couple of minutes.

As I recall, the House bill—perhaps the staff can correct me if I am wrong—provided that the Attorney General would administer the program, with an Assistant Attorney General as administrator.

I felt it should be kept out of politics as much as possible, and therefore I urged an administration within the Department of Justice, composed of three members, to be appointed by the President and confirmed by the Senate. That is what is in the bill.

I also proposed that it be made completely independent of the Attorney General, although placed in the Department of Justice. But, upon further consideration of it and after discussing it at some length—I listened to the pleas of the administration and the Attorney General, who felt that it should certainly be placed under him; there was still contention the other way—I finally yielded to him, with the result that we have the bill as it is now.

I am hoping, with the arrangement we have, with a three-member administration, not more than two from one political party, who will be appointed by the President and confirmed by the Senate, it will give to it a status so that it can feel completely free and independent of any political pressure.

That is my idea about it. It ought not to be in politics. It ought to be completely free of politics and completely free of political domination. That is the best way to have an administration that could best be calculated to be free of administration domination, whichever party was in power.

I yield to the distinguished Senator from Maryland.

Mr. TYDINGS. Mr. President, I just wish to second the remarks of the distinguished Senator from Arkansas. The amendment of the distinguished Senator from Nebraska is contrary to sound executive management, and is contrary to the recommendations of the Hoover Commission on organization of the executive branch. That commission explicitly opposed grants of Executive authority to subordinate officials in the executive branch.

I think the amendment would seriously hinder the vital need for coordination of crime programs by the Attorney General. I think we should all remember that while the chief administrator of the Department of Justice, the Attorney General, changes from administration to administration, sound management principles do not.

Regardless of who is Attorney General of the United States, the Congress and the people are going to hold him responsible for coordinating this law enforcement program. To have a national safe streets act taken completely out of his control would be, in my judgment, a very grave error.

I hope the amendment will be rejected.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HRUSKA. I yield back my time.

I ask for a division.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, a division has been requested.

On a division, the amendment was rejected.

Mr. TYDINGS. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. BREWSTER]. This amendment is essentially identical to amendment No. 817, which has been printed. It pertains to extortion and threats within the District of Columbia.

The PRESIDING OFFICER. Will the Senator permit the clerk to read the amendment?

The amendment was read by the assistant legislative clerk, as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V—PROHIBITING EXTORTION AND THREATS IN THE DISTRICT OF COLUMBIA

"SEC. 1001. Whoever with intent to extort from any person, firm, association, or corporation, any money or other thing of value: (1) transmits within the District of Columbia any communication containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; (2) transmits within the District of Columbia any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; or (3) transmits within the District of Columbia any communication containing any threat to injure the property or reputation of the recipient of the communication or of another or the reputation of a deceased person or any threat to accuse the recipient of the communication or any other person of a crime, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

"SEC. 1002. Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both."

Mr. TYDINGS. Mr. President, it is essential for the Senate—while it considers a national crime bill—to correct what appears to be a grave and damaging situation right here in Washington which threatens the commercial life of the city.

Every day reports come in, not only to me, but to my colleague from Maryland and the Senators from Virginia, of Washington merchants, and Marylanders and Virginians who own stores in the District of Columbia, who are being threatened and abused by extortionists and thieves. Every day, thugs walk into stores and demand or just take merchandise. And if the owner tries to stop them, they threaten to burn down his store. We hear of threats to merchants that if they attempt to rebuild stores burned out in the recent riots, they will be destroyed again. We hear reports of shakedowns and the protection racket here in the District of Columbia.

My amendment, which is similar to the one introduced in the House of Representatives by Mr. WHITENER and Mr. MCMILLAN, would make extortion and transmission of threats to persons and property a felony punishable by $5,000 or 20 years' imprisonment, or both.

There is no general prohibition of extortion in the District of Columbia Code today. The only Code provision dealing specifically with extortion is a 1902 law, section 22–1302 of the District of Columbia Code, dealing with false recordation of land records with intent to defraud. Section 22–2305, concerning blackmail, includes only threats to publish disgraceful accusations for the purpose of extorting funds or influencing conduct. Not covered are threats of injury to person or damage to property.

The amendment would create a new title V, making the present reversability provision title VI.

The extortion title has two sections. The first section, 1001, prohibits extortion for money or other thing of value. The second section, 1002, prohibits threats designed to influence conduct, such as threats to burn out a merchant if he attempts to locate his business in a certain area. These threats must be convincing threats, clearly believable and intended to be acted upon, against particular persons. Generalized or vague threats are not enough.

Specifically, section 1001 prohibits three kinds of action, when they are perpetrated "with intent to extort from any person, firm, association or corporation, any money or thing of value:" First, any demand for ransom for a kidnapped person; second, any threat to kidnap or any threat to injure any person; and, third, any threat to injure the property or reputation of any person.

Section 1002 prohibits extortion intended to affect conduct, rather than to extract money. It prohibits threats to kidnap or injure any person or damage his property, regardless of the reason for the threat.

All offenses would be punishable by up to $5,000 fine and 20 years' imprisonment.

As chairman of the Senate District Committee's Subcommittee on Business and Commerce, I recently held hearings on the riot damage and the District's rebuilding plans. I know the importance of this bill. Whether these reports of extortion are true is not the point. The fact is there is no general law on extortion in the District of Columbia at all now. We should enact such a law in any case. But it is particularly urgent now to give citizens and businesses in the District of Columbia the kind of assurance they need that the law will protect them against extortion.

I think this is a matter of the greatest urgency. I have discussed it with the distinguished Senator from Arkansas, with the minority leader, and also the Senator from Nebraska [Mr. HRUSKA]. I hope the Senator from Arkansas will accept my amendment.

Mr. McCLELLAN. Mr. President, I have no objection to that amendment. It grew out of the very critical situation here in the Nation's Capital. I see nothing wrong in the amendment; it is calculated to give some relief from these distressing conditions. As far as I am concerned, I favor it, and will accept it unless someone else opposes it.

I yield back the remainder of my time.

Mr. TYDINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 816—INCREASED POLICE PROTECTION IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I have one further amendment, which I wish to call to the attention of the Senate. That is amendment No. 816. This is an amendment which would provide for a volunteer reserve police force in the District of Columbia.

Mr. President, the Nation is shocked—and rightly so—at the dangerous spiraling of the crime rate. The crime problem in the District of Columbia has received particular attention in debates on this crime control bill, and there is no question that the crime problem in the District is as serious—if not more serious—than anywhere in the country. Because the District is under Federal jurisdiction, the Congress has a particularly urgent responsibility to enact crime control measures, as part of this bill, to aid the District. Because my constituents in the Maryland counties adjacent to the District are threatened by the rising crime rate here, I feel a special responsibility to work against crime in the District.

I strongly believe that effective deterrence to criminal conduct must be undertaken. In my judgment, there is only one really effective deterrent to crime—that is, the policeman on patrol. He alone can prevent crime, by his visible presence and by his capacity for swift, sure action. It is clear that, at the present time, the District of Columbia Police Department is woefully undermanned to effectively do this job. New personnel must be brought into law enforcement in the District. And that is the purpose of the amendment I have introduced today.

The purpose of this amendment is to authorize the District government to "select, organize, train, and equip reserve police officers for duty in connection with the policing of the District of Columbia." The Commissioner would, in addition, be authorized to bestow upon such police reserve officers such of the powers and duties of regular officers and members of the Metropolitan Police Department as he may deem necessary and proper. The bill also provides that reserve officers shall serve without compensation, but otherwise shall be considered employees of the government of the District of Columbia and members of the Metropolitan Police force for all purposes and under all provisions of law, with certain specified exceptions.

I believe that the objective of the bill in permitting trained volunteers to assume certain active police duties with the Metropolitan Police Department, and in freeing regular police officers for more comprehensive protection of the District, is a desirable one. The use of police reserves in this fashion can be expected to contribute greatly to the District's fight against crime and to provide an effective tool in this effort. It is not, however, contemplated that the reserve officers will be utilized in such manner as to require them to deal directly with persons committing the more serious criminal acts. Nor will they engage in actions which require highly professional performance on the part of a regular member of the Metropolitan Police force. The reserve officers will supplement, but will not be a substitute for, the regular members of the force, and, while they may accompany the regular members of the force in the performance of the duties of such regular members, the reserve officers will be used only for those duties for which they are trained and qualified.

In urging adoption of the measure, the District government has indicated that reserve officers will not be used for patrol duty in the high crime areas of the District; assigned to riot duty; permitted to make or participate in any search or seizure; or utilized for any police duty requiring a high level of qualified police performance.

Notwithstanding the foregoing limitations on the use of the reserve officers, it can nevertheless be expected that they will make a substantial contribution toward the solution of the crime problem in the District, by freeing from the performance of routine police duties the regular members of the Metropolitan Police force, thereby allowing their use in high crime areas or in police activities requiring the use of highly qualified personnel.

The routine activities which can and should be undertaken by these police reserves are, for example, clerical duties in station houses, traffic control, supervision at parades or sports events where large numbers of people are gathered.

One provision of this measure warrants special emphasis. The measure states that reserve officers appointed under this title "shall not be authorized to carry or use firearms in the performance of the duties to which they will be assigned." This provision will insure that only regular officers—who serve full-time, and who receive much more intensive and longer-term training than the volunteer reserve force—are entrusted with using firearms in the performance of their duties.

Responsible officials in the District of Columbia government have estimated that the volunteer police force would number at least 700. In fact, at the present time, there are some 250 volunteer police assistants who purchase their uniforms at their own expense and who are not protected in their activities by any District of Columbia government insurance. It is thus reasonable to expect that these ranks would be greatly expanded by this measure.

Of equal and perhaps even greater importance, the establishment of a police reserve corps comprised of persons who may be assigned to perform their duties in those areas of the city in which may be located their residences or places of employment or business of necessity will bring the community into a closer relationship with the Metropolitan Police force and promote better community-police relations.

I believe that the benefits to be derived from the bill, as set forth above, will exceed considerably the cost of establishing such a program, which the District government has estimated at $224,000 for the first year, based on providing uniforms and equipment for 700 members of the reserve, while the subsequent annual cost may approximate $70,000.

This measure has been proposed as a separate piece of legislation, and is strongly supported by the District of Columbia government. District of Columbia Police Chief Layton has publicly supported it. In addition, businessmen from throughout the metropolitan area have indicated to me that they strongly support this measure. I believe prompt enactment of this measure is essential. The crime rate will not wait. We must take action now to stem it. And the most effective action we can possibly take is to provide additional manpower for the police.

I ask unanimous consent that a technical explanation of sections of this amendment, and a letter which I have received from the Federal City Council supporting this measure be printed at this point in the Record.

There being no objection, the explanation and the letter were ordered to be printed in the Record, as follows:

Technical Explanation of Measure

Section 1(b) of the bill authorizes the Commissioner to make rules and regulations to carry out the purposes of the bill, including rules and regulations governing suspension or dismissal of reserve officers, with or without trial, and regulations governing the possession, carrying and use of weapons (including firearms) by reserve officers.

Section 2(a) provides that the provisions of law commonly referred to as the "Federal Employees' Compensation Act" (5 U.S.C. 8101 et seq.) shall apply in cases of injury or death of reserve officers. Since the reserve officers are not compensated under the bill, they are deemed to have a monthly pay of one-twelfth of the current annual rate of basic compensation for a police private, class 1, subclass (a), in the Metropolitan Police Department, modified according to the length of service, for the purposes of the Federal Employees' Compensation Act.

Section 2(b) makes applicable to reserve officers the provisions of section 8116(c) of title 5, providing that "the liability of the United States or an instrumentality thereof" under the so-called Federal Employees' Compensation Act shall be exclusive. Further, in view of the fact that employees of the District of Columbia are subject to the provisions of the Act, in like manner and to the same extent as Federal employees (5 U.S.C. 8101), the limiting language in section 8116(c), making, as it does, a distinction between the United States and the District of Columbia, appears to be an inadvertence. Accordingly, in order to provide for the equal treatment of Federal and District employees, insofar as the liability of both governments under the Federal Employees' Compensation Act is concerned, section 2(b) of the bill provides that the term "United States" as used in the above-quoted phrase from section 8116(c) shall be deemed to include the District of Columbia.

May 22, 1968.

Hon. Joseph D. Tydings,
U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Tydings: The Federal City Council has been gravely concerned with the crime situation in the District of Columbia. We believe this is the Number One problem in the minds of the majority of the business community and, indeed, of all the citizens.

The immediate need is for a greater number of trained police officers on the beat to provide protection.

One of the most practical and effective measures that could be taken at this time, we believe, is immediate adoption of the Police Reserve Bill, S. 3198. This bill would create an official reserve force, properly trained and equipped, which could release patrolman for urgent law enforcement duty. The benefits of such a reserve force would far exceed its cost. Furthermore, it would serve as an incentive for recruitment in the currently understaffed regular police force.

The Council fully endorses S. 3198 and urges its immediate enactment. The headlines of each day's newspapers emphasize the need for prompt action. We would appreciate your support of this measure.

Sincerely,

Stephen Ailes,
President.

Mr. TYDINGS. I am not calling up my amendment and not asking for a vote at this time because the distinguished Senator from Nevada [Mr. Bible] has assured me that his subcommittee of the Committee on the District of Columbia, headed by the Senator from Oregon [Mr. Morse], will hold hearings on the matter as soon as possible. In deference to the Senator from Oregon and the Senator from Nevada, I am not calling my amendment up, but I wish to point out that need for it is very pressing. The conditions on the streets of Washington today, particularly with respect to our merchants, our bus drivers and our cab drivers, are deplorable. We have 167 vacancies in the police force, which are not being filled. I believe this type of legislation is needed, and I am withholding it now only because of the assurances of the Senator from Nevada that hearings will promptly be held, and the matter will be moved forward.

Mr. DIRKSEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Dirksen's amendment is as follows:

On page 80, strike out lines 15 and 16 and insert in lieu thereof the following:

"TITLE IV—GUN CONTROL AND SUBVERSIVE ACTIVITIES CONTROL"

On page 80, between lines 16 and 17, insert the following:

"PART A—STATE FIREARMS CONTROL ASSISTANCE"

On page 107, between lines 4 and 5, insert the following new part:

"PART B—PROCEEDINGS BEFORE THE SUBVERSIVE ACTIVITIES CONTROL BOARD

"Sec. 951. (a) The attorneys general of the several States are authorized to institute and prosecute proceedings before the Subversive Activities Control Board in the same manner and with the same power as the Attorney General of the United States under the provisions of the Subversive Activities Control Act of 1950.

"(b) Whenever such a proceeding is instituted under the provisions of this section by the attorney general of any State, the Director of the Federal Bureau of Investigation shall furnish to such attorney general such information and investigative services pertaining to such proceeding as the Director of the Federal Bureau of Investigation shall deem to be appropriate.

"Sec. 952. (a) Section 12 (i) of the Subversive Activities Control Act of 1950 is amended by inserting the paragraph designation '(1)' immediately after the subsection designation.

"(b) The first sentence of section 12 (i) (1) of such Act is amended by inserting therein—

"(1) immediately after the words 'before the Board', the words 'by the Attorney General or by the attorney general of any State'; and which has been printed. It pertains to extortion and threats within the District of Columbia.

The PRESIDING OFFICER. Will the Senator permit the clerk to read the amendment?

The amendment was read by the assistant legislative clerk, as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V—PROHIBITING EXTORTION AND THREATS IN THE DISTRICT OF COLUMBIA

"SEC. 1001. Whoever with intent to extort from any person, firm, association, or corporation, any money or other thing of value: (1) transmits within the District of Columbia any communication containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; (2) transmits within the District of Columbia any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; or (3) transmits within the District of Columbia any communication containing any threat to injure the property or reputation of the recipient of the communication or of another or the reputation of a deceased person or any threat to accuse the recipient of the communication or any other person of a crime, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

"SEC. 1002. Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both."

Mr. TYDINGS. Mr. President, it is essential for the Senate—while it considers a national crime bill—to correct what appears to be a grave and damaging situation right here in Washington which threatens the commercial life of the city.

Every day reports come in, not only to me, but to my colleague from Maryland and the Senators from Virginia, of Washington merchants, and Marylanders and Virginians who own stores in the District of Columbia, who are being threatened and abused by extortionists and thieves. Every day, thugs walk into stores and demand or just take merchandise. And if the owner tries to stop them, they threaten to burn down his store. We hear of threats to merchants that if they attempt to rebuild stores burned out in the recent riots, they will be destroyed again. We hear reports of shakedowns and the protection racket here in the District of Columbia.

My amendment, which is similar to the one introduced in the House of Representatives by Mr. WHITENER and Mr. McMILLAN, would make extortion and transmission of threats to persons and property a felony punishable by $5,000 or 20 years' imprisonment, or both.

There is no general prohibition of extortion in the District of Columbia Code today. The only Code provision dealing specifically with extortion is a 1902 law, section 22-1302 of the District of Columbia Code, dealing with false recordation of land records with intent to defraud. Section 22-2305, concerning blackmail, includes only threats to publish disgraceful accusations for the purpose of extorting funds or influencing conduct. Not covered are threats of injury to person or damage to property.

The amendment would create a new title V, making the present reversability provision title VI.

The extortion title has two sections. The first section, 1001, prohibits extortion for money or other thing of value. The second section, 1002, prohibits threats designed to influence conduct, such as threats to burn out a merchant if he attempts to locate his business in a certain area. These threats must be convincing threats, clearly believable and intended to be acted upon, against particular persons. Generalized or vague threats are not enough.

Specifically, section 1001 prohibits three kinds of action, when they are perpetrated "with intent to extort from any person, firm, association or corporation, any money or thing of value:" First, any demand for ransom for a kidnapped person; second, any threat to kidnap or any threat to injure any person; and, third, any threat to injure the property or reputation of any person.

Section 1002 prohibits extortion intended to affect conduct, rather than to extract money. It prohibits threats to kidnap or injure any person or damage his property, regardless of the reason for the threat.

All offenses would be punishable by up to $5,000 fine and 20 years' imprisonment.

As chairman of the Senate District Committee's Subcommittee on Business and Commerce, I recently held hearings on the riot damage and the District's rebuilding plans. I know the importance of this bill. Whether these reports of extortion are true is not the point. The fact is there is no general law on extortion in the District of Columbia at all now. We should enact such a law in any case. But it is particularly urgent now to give citizens and businesses in the District of Columbia the kind of assurance they need that the law will protect them against extortion.

I think this is a matter of the greatest urgency. I have discussed it with the distinguished Senator from Arkansas, with the minority leader, and also the Senator from Nebraska [Mr. HRUSKA]. I hope the Senator from Arkansas will accept my amendment.

Mr. McCLELLAN. Mr. President, I have no objection to that amendment. It grew out of the very critical situation here in the Nation's Capital. I see nothing wrong in the amendment; it is calculated to give some relief from these distressing conditions. As far as I am concerned, I favor it, and will accept it unless someone else opposes it.

I yield back the remainder of my time.

Mr. TYDINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 816—INCREASED POLICE PROTECTION IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I have one further amendment, which I wish to call to the attention of the Senate. That is amendment No. 816. This is an amendment which would provide for a volunteer reserve police force in the District of Columbia.

Mr. President, the Nation is shocked—and rightly so—at the dangerous spiraling of the crime rate. The crime problem in the District of Columbia has received particular attention in debates on this crime control bill, and there is no question that the crime problem in the District is as serious—if not more serious—than anywhere in the country. Because the District is under Federal jurisdiction, the Congress has a particularly urgent responsibility to enact crime control measures, as part of this bill, to aid the District. Because my constituents in the Maryland counties adjacent to the District are threatened by the rising crime rate here, I feel a special responsibility to work against crime in the District.

I strongly believe that effective deterrence to criminal conduct must be undertaken. In my judgment, there is only one really effective deterrent to crime—that is, the policeman on patrol. He alone can prevent crime, by his visible presence and by his capacity for swift, sure action. It is clear that, at the present time, the District of Columbia Police Department is woefully undermanned to effectively do this job. New personnel must be brought into law enforcement in the District. And that is the purpose of the amendment I have introduced today.

The purpose of this amendment is to authorize the District government to "select, organize, train, and equip reserve police officers for duty in connection with the policing of the District of Columbia." The Commissioner would, in addition, be authorized to bestow upon such police reserve officers such of the powers and duties of regular officers and members of the Metropolitan Police Department as he may deem necessary and proper. The bill also provides that reserve officers shall serve without compensation, but otherwise shall be considered employees of the government of the District of Columbia and members of the Metropolitan Police force for all purposes and under all provisions of law, with certain specified exceptions.

I believe that the objective of the bill in permitting trained volunteers to assume certain active police duties with the Metropolitan Police Department, and in freeing regular police officers for more comprehensive protection of the District, is a desirable one. The use of police reserves in this fashion can be expected to contribute greatly to the District's fight against crime and to provide an effective tool in this effort. It is not, however, contemplated that the reserve officers will be utilized in such manner as to require them to deal directly with persons committing the more serious criminal acts. Nor will they engage in actions which require highly professional performance on the part of a regular member of the Metropolitan Police force. The reserve officers will supplement, but will not be a substitute for, the regular members of the force, and, while they may accompany the regular members of the force in the performance of the duties of such regular members, the reserve officers will be used only for those duties for which they are trained and qualified.

In urging adoption of the measure, the District government has indicated that reserve officers will not be used for patrol duty in the high crime areas of the District; assigned to riot duty; permitted to make or participate in any search or seizure; or utilized for any police duty requiring a high level of qualified police performance.

Notwithstanding the foregoing limitations on the use of the reserve officers, it can nevertheless be expected that they will make a substantial contribution toward the solution of the crime problem in the District, by freeing from the performance of routine police duties the regular members of the Metropolitan Police force, thereby allowing their use in high crime areas or in police activities requiring the use of highly qualified personnel.

The routine activities which can and should be undertaken by these police reserves are, for example, clerical duties in station houses, traffic control, supervision at parades or sports events where large numbers of people are gathered.

One provision of this measure warrants special emphasis. The measure states that reserve officers appointed under this title "shall not be authorized to carry or use firearms in the performance of the duties to which they will be assigned." This provision will insure that only regular officers—who serve full-time, and who receive much more intensive and longer-term training than the volunteer reserve force—are entrusted with using firearms in the performance of their duties.

Responsible officials in the District of Columbia government have estimated that the volunteer police force would number at least 700. In fact, at the present time, there are some 250 volunteer police assistants who purchase their uniforms at their own expense and who are not protected in their activities by any District of Columbia government insurance. It is thus reasonable to expect that these ranks would be greatly expanded by this measure.

Of equal and perhaps even greater importance, the establishment of a police reserve corps comprised of persons who may be assigned to perform their duties in those areas of the city in which may be located their residences or places of employment or business of necessity will bring the community into a closer relationship with the Metropolitan Police force and promote better community-police relations.

I believe that the benefits to be derived from the bill, as set forth above, will exceed considerably the cost of establishing such a program, which the District government has estimated at $224,000 for the first year, based on providing uniforms and equipment for 700 members of the reserve, while the subsequent annual cost may approximate $70,000.

This measure has been proposed as a separate piece of legislation, and is strongly supported by the District of Columbia government. District of Columbia Police Chief Layton has publicly supported it. In addition, businessmen from throughout the metropolitan area have indicated to me that they strongly support this measure. I believe prompt enactment of this measure is essential. The crime rate will not wait. We must take action now to stem it. And the most effective action we can possibly take is to provide additional manpower for the police.

I ask unanimous consent that a technical explanation of sections of this amendment, and a letter which I have received from the Federal City Council supporting this measure be printed at this point in the RECORD.

There being no objection, the explanation and the letter were ordered to be printed in the RECORD, as follows:

TECHNICAL EXPLANATION OF MEASURE

Section 1(b) of the bill authorizes the Commissioner to make rules and regulations to carry out the purposes of the bill, including rules and regulations governing suspension or dismissal of reserve officers, with or without trial, and regulations governing the possession, carrying and use of weapons (including firearms) by reserve officers.

Section 2(a) provides that the provisions of law commonly referred to as the "Federal Employees' Compensation Act" (5 U.S.C. 8101 et seq.) shall apply in cases of injury or death of reserve officers. Since the reserve officers are not compensated under the bill, they are deemed to have a monthly pay of one-twelfth of the current annual rate of basic compensation for a police private, class 1, subclass (a), in the Metropolitan Police Department, modified according to the length of service, for the purposes of the Federal Employees' Compensation Act.

Section 2(b) makes applicable to reserve officers the provisions of section 8116(c) of title 5, providing that "the liability of the United States or an instrumentality thereof" under the so-called Federal Employees' Compensation Act shall be exclusive. Further, in view of the fact that employees of the District of Columbia are subject to the provisions of the Act, in like manner and to the same extent as Federal employees (5 U.S.C. 8101), the limiting language in section 8116(c), making, as it does, a distinction between the United States and the District of Columbia, appears to be an inadvertence. Accordingly, in order to provide for the equal treatment of Federal and District employees, insofar as the liability of both governments under the Federal Employees' Compensation Act is concerned, section 2(b) of the bill provides that the term "United States" as used in the above-quoted phrase from section 8116(c) shall be deemed to include the District of Columbia.

MAY 22, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: The Federal City Council has been gravely concerned with the crime situation in the District of Columbia. We believe this is the Number One problem in the minds of the majority of the business community and, indeed, of all the citizens.

The immediate need is for a greater number of trained police officers on the beat to provide protection.

One of the most practical and effective measures that could be taken at this time, we believe, is immediate adoption of the Police Reserve Bill, S. 3198. This bill would create an official reserve force, properly trained and equipped, which could release patrolman for urgent law enforcement duty. The benefits of such a reserve force would far exceed its cost. Furthermore, it would serve as an incentive for recruitment in the currently understaffed regular police force.

The Council fully endorses S. 3198 and urges its immediate enactment. The headlines of each day's newspapers emphasize the need for prompt action. We would appreciate your support of this measure.

Sincerely,

STEPHEN AILES,
President.

Mr. TYDINGS. I am not calling up my amendment and not asking for a vote at this time because the distinguished Senator from Nevada [Mr. BIBLE] has assured me that his subcommittee of the Committee on the District of Columbia, headed by the Senator from Oregon [Mr. MORSE], will hold hearings on the matter as soon as possible. In deference to the Senator from Oregon and the Senator from Nevada, I am not calling my amendment up, but I wish to point out that need for it is very pressing. The conditions on the streets of Washington today, particularly with respect to our merchants, our bus drivers and our cab drivers, are deplorable. We have 167 vacancies in the police force, which are not being filled. I believe this type of legislation is needed, and I am withholding it now only because of the assurances of the Senator from Nevada that hearings will promptly be held, and the matter will be moved forward.

Mr. DIRKSEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN's amendment is as follows:

On page 80, strike out lines 15 and 16 and insert in lieu thereof the following:

"TITLE IV—GUN CONTROL AND SUBVERSIVE ACTIVITIES CONTROL"

On page 80, between lines 16 and 17, insert the following:

"PART A—STATE FIREARMS CONTROL ASSISTANCE"

On page 107, between lines 4 and 5, insert the following new part:

"PART B—PROCEEDINGS BEFORE THE SUBVERSIVE ACTIVITIES CONTROL BOARD

"SEC. 951. (a) The attorneys general of the several States are authorized to institute and prosecute proceedings before the Subversive Activities Control Board in the same manner and with the same power as the Attorney General of the United States under the provisions of the Subversive Activities Control Act of 1950.

"(b) Whenever such a proceeding is instituted under the provisions of this section by the attorney general of any State, the Director of the Federal Bureau of Investigation shall furnish to such attorney general such information and investigative services pertaining to such proceeding as the Director of the Federal Bureau of Investigation shall deem to be appropriate.

"SEC. 952. (a) Section 12 (i) of the Subversive Activities Control Act of 1950 is amended by inserting the paragraph designation '(1)' immediately after the subsection designation.

"(b) The first sentence of section 12 (i) (1) of such Act is amended by inserting therein—

"(1) immediately after the words 'before the Board', the words 'by the Attorney General or by the attorney general of any State'; and

"(2) immediately after the word 'conducted', the words 'or set for hearing'.

"(c) Section 12 (i) of such Act is amended by inserting at the end thereof the following new paragraph:

"'(2) **For the purpose** of this subsection the term "Attorney general" (when used with respect to an officer other than the attorney general of a State) means the Attorney General of the United States'."

Mr. McCLELLAN. Mr. President, how much time will the Senator require?

Mr. DIRKSEN. Mr. President, I am more than happy to settle for 10 minutes on a side on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, in January, the President of the United States signed the revised Subversive Activities Control Act. I guess I am one who was really the blackguard or the villain of the piece; I was excoriated editorially in nearly every newspaper in the United States.

The reason was that on this floor, Senators continued to say that this was a board drawing pay with no duties, which ought to be abolished. It did not help that, in addition, the new appointee to that board had married the President's secretary; that certainly did not help me any, because they let me have it in the Chicago Tribune and every other place.

But I was determined that this board was not going to go down the drain by default. I think it cost me a year of my life to go through and revise that Subversive Activities Control Act, but it was done, it was approved, and the President signed the bill. He signed it on January 2 of this year.

Since that time the Attorney General of the United States, who has the duty of filing petitions with the board, has not filed a petition in a single case. And I know why. He got caught in this Dubois case, because they tapped the wire, and he was afraid to do anything about it until the Supreme Court passes on the Kolod case, which is now pending.

Well, if he does not do something pretty soon, and this Congress runs out, that board is going to be phased out. I am not going to take that lying down, I can tell you. Last Friday night, I spent an hour and a half with the President.

I asked him, "When are you going to tell your Attorney General to send some cases to the board?" I said, "I know that there are nonelectronic cases there, where no wiretaps are involved. His own assistant testified last year before the House Appropriations Committee that there were a hundred cases that they could file with the board. He has not filed a single one, and I am about to try to do something about it."

I do not usually put words in the President's mouth, but last Friday night he said to me, "Why don't you do something about it?"

All right; I am going to try right now. I know what the limitations are. I know of the Nelson case from Pennsylvania, where the Supreme Court said that Congress had now preempted its field.

Well and good. What I propose now, in this amendment, is that the attorneys general of the various States be entitled to go before that board and institute proceedings where communism is involved, and Communist organizations, and prosecute them before the board. That makes it a Federal proceeding, and from then on, that Nelson case is not going to touch it.

They will get out their rules and regulations, they will let their own attorneys general clear them, and make sure there are no frivolous cases involved; and that sort of reinstates the States, in a way, because they have got some interests here also.

Must I remind the Senate tonight that France caved in yesterday? That great "Bon Charles," who has journeyed around the world and represented himself as France and all that it means, now comes back to a country beset with strikes and riots and student demonstrations, and his prime minister caves in to the left and the near left. And what do I think is going to happen?

Well, I just think about all the glorious paintings in the Salon de la Guerre at Versailles, where I stood the day after VE day and thought: There is the glory of France.

Where is it tonight? It is in the dust, and the Reds are in charge. Do not kid yourself. Read J. Edgar Hoover, and he will tell you what this menace is in the country today.

My friend from Maryland laughs. Yes, he fought me on this issue, and used everything at his command. And I say to him, "Joe, you didn't get anywhere, did you? No. And you are not going to." Because I am going to monitor this thing all the way through, and there is not going to be a bill of any consequence go through the Senate this session that does not have this provision in it, unless the Senate adopts it tonight.

I have had it out with the President at great length. You would be surprised what I told him about what I would do with an Attorney General who was subverting and distorting the intention and the desire of Congress.

He said, "Well, why don't you do something about it?"

I said, "I will." And this is it, tonight.

The head of that board comes from Montana. The distinguished majority leader knows him very well. He came to see the distinguished Senator from Arkansas about this matter. We have carefully drafted this amendment so as to remain within the framework of that Supreme Court decision in the Nelson case, and we are going to see that when one case is filed with that board by a State attorney general that board is going to be resurrected and kept alive to do its job, because there is a need and a function for it.

So I trust this may be the end of the line, if the Senate will give its approval to this proposal, very simple in nature.

With that, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

Does the Senator have any inclination as to why the President will not direct the Attorney General to act in these cases? I do not understand it. Congress has acted. We have the board. We have appropriated funds for it. The board is there, ready, and willing.

I understand the Senator to say that there are at least 100 cases that could be certified to the board.

Mr. DIRKSEN. That was the testimony in the House.

Mr. McCLELLAN. How recently?

Mr. DIRKSEN. Late last year, before the Appropriations Committee of the House.

Mr. McCLELLAN. That is a large number of cases.

Mr. DIRKSEN. Indeed it is.

Mr. McCLELLAN. Has the Senator interrogated the Attorney General about why no action is being taken and why he is not functioning in this responsibility?

Mr. DIRKSEN. Must I, when we give him the direction? I believe in going to the top man. That is the President of the United States. That is where I went.

Mr. McCLELLAN. I did not say the Senator had to go to him. I simply inquired if the Senator had questioned him about it and if he had any excuse for not acting.

Mr. DIRKSEN. I wrote him a letter and reminded him that the time was running out. I got nothing except a rather tremulous and, shall I say, rather queezy answer.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, has the constitutionality of the amendment been checked by any of the members of the Senator's staff, or by the committee staff?

Mr. DIRKSEN. It has been checked by my staff. It has been checked by members of the SAC Board, and their General Counsel. And they have some pretty good lawyers there.

Mr. TYDINGS. Does the Senator have any opinion on constitutionality from the legislative counsel or from members of his own staff?

Mr. DIRKSEN. Must I have?

Mr. TYDINGS. I am just asking the question.

Mr. DIRKSEN. We are satisfied.

Mr. TYDINGS. Have any hearings been held on the capacity of the various States' attorneys general to prosecute subversive activities cases?

Mr. DIRKSEN. Why should I have to come up with that information?

Mr. TYDINGS. I am merely asking the distinguished Senator to provide information for the RECORD.

Mr. DIRKSEN. You are just clutching for a straw, now.

Mr. TYDINGS. If those are answers in the negative, Mr. President, I would be extremely hesitant to open the jurisdiction of the SACB by taking cases away, in effect, from the Assistant Attorney General in charge of internal security without any opinions about the legality or constitutionality of it, and without any hearings on the need, and the effect, and the workability.

I do not think this is the proper way to handle the problem. I realize the problem. My objection to the original board was that it was not doing any work. It may well be that this is an answer. But, I think the Senate and the country are entitled at least to legislative hearings and some factual basis for acting before we act on a matter as important as this.

Mr. **DIRKSEN.** All those questions were raised when we revived the SAC Board. And who opposed it? The very lovable Senator from Maryland. He fought it every step of the way, every phrase and clause.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. **MANSFIELD.** Mr. President, I wish to ask the Senator some questions.

Is this the first time that the attorneys general of the several States are authorized to institute the prosecution of proceedings before the SACB in the same manner and with the same power as the Attorney General of the United States under the provisions of the Subversive Activities Control Act of 1950?

Mr. **DIRKSEN.** They are limited entirely to the one act.

Mr. **MANSFIELD.** Mr. President, that seems to me to be going pretty far in delegating this kind of authority to the attorneys general of the several States.

Also, I note in subsection (b) that—

> Whenever such a proceeding is instituted under the provisions of this section by the Attorney General of any State, the Director of the Federal Bureau of Investigation—

And that is Mr. Hoover—

> shall furnish to such Attorney General such information and investigative services pertaining to such proceeding as the Director of the Federal Bureau of Investigation shall deem to be appropriate.

Mr. **DIRKSEN.** It publicly permits him. He does not have to do it at all.

Mr. **MANSFIELD.** No; but it is permissive.

Mr. **DIRKSEN.** It is permissive.

Mr. **MANSFIELD.** It appears to me that the proposal, which I joined the distinguished minority leader in getting through last year, should be perfectly capable of taking care of the continued activities of the Subversive Activities Control Board, the Chairman of which is a friend of mine from the State of Montana. But, that is aside and apart.

I would hope that it would be the Attorney General's thinking that, as a result of the Supreme Court decision in the Dubois case, that that case could be—and I believe should be, if I read the reports correctly—referred to the Subversive Activities Control Board, as well as any other cases which may be eligible.

As the minority leader and I agreed, either that board gets work, or it goes out of existence.

And we thought we laid out the ground rules by means of which certain types of cases could be, should be—and we thought would be—referred to it. But this amendment goes awfully far and I cannot support it.

Mr. **DIRKSEN.** Mr. President, let me remind the Senate that 5 months have gone by since the President of the United States signed this act. That made it lawful. And now does it go down the drain by default. They put an amendment in on the floor, and they will phase out the Board.

The distinguished minority leader wants to get out of here by the 2d of August. We are on the threshold of June 1. June, July—60 days. That is all the time, and then we are out. If we make that target, then the Board goes down the drain.

Make up your minds as to whether that is what you want and whether the continued refusal of the Attorney General to file a petition before the Board is going to cause its demise, notwithstanding the intent of Congress.

Mr. **HOLLAND.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** Mr. President, I yield to the Senator from Florida.

Mr. **HOLLAND.** Mr. President, in common with some other Senators who were present at the time, I worked some in the day and some in the night to pass the act. We had to pass it over the then President's veto.

I remember that a distinguished Senator from Nevada named Pat McCarran stood there in the well of the Senate. We were meeting then in the old Supreme Court room. And he pleaded to start this thing so that there could be appropriate investigations made.

I am sorry to say that I have felt that somewhere, somebody is trying to sabotage this fine effort.

So far as I am concerned, I am perfectly willing to do whatever I can to see that this Board becomes active. And for that reason, I shall support the Senator.

Mr. **AIKEN.** Mr. President, will the Senator yield?

Mr. **DIRKSEN.** I yield.

Mr. **AIKEN.** Mr. President, I do not want to concede tonight that the Republicans are going to lose the coming election.

Mr. **McCLELLAN.** I beg the Senator's pardon?

Mr. **AIKEN.** I said that I do not want to concede tonight that the Republicans are going to lose the coming national election. Therefore, I do not think it is fitting to take away all powers from the executive officer at this time.

I think we are going to win and that the next Attorney General will be from the same party as the senior Senator from Illinois.

Mr. **DIRKSEN.** Unless something is done by the 31st of December 1968, this Board mandatorily will be phased out, and there will be no new President inaugurated before the 31st of December.

Mr. **ERVIN.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** I yield.

Mr. **ERVIN.** Mr. President, the Supreme Court held in the Nelson case that the States could not prosecute subversive acts in their own courts. All this would do would be to let the States prosecute some subversive acts in the State courts?

Mr. **DIRKSEN.** The Senator is correct.

Mr. **BAYH.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** I yield 1 minute to the Senator from Indiana.

Mr. **BAYH.** May I have 2 minutes?

Mr. **McCLELLAN.** I do not have much time remaining.

Mr. **BAYH.** Mr. President, I would like to say to my good friend, the senior Senator from Illinois, that my recollection is that I supported him in his effort to support this board, so that I would be on the opposite side of that battle from my friend, the Senator from Maryland.

But it seems to me that to accomplish what the Senator from Illinois wants to do, we do not need to throw the baby out with the bath water. This Board will go out of business because we specified that it would go out of business unless it received cases by *x* date. So why do we not remove that provision, rather than open a Pandora's box and invite every attorney general in the 50 States to come to Washington and conduct a witch hunt or to try to make the national headlines? I do not see any reason to do this.

Mr. **DIRKSEN.** Why did the Senator not do it? He is an administration Senator.

Mr. **BAYH.** Why does the Senator go so far right now to do what he wants to accomplish? He is setting an entirely different precedent.

Mr. **DIRKSEN.** Because I believe in this cause, and this is a legal, constitutional way to get at it.

Mr. **BAYH.** This is the first time in history that the attorneys general of the States would be given that authority.

Mr. **DIRKSEN.** There are precedents.

Mr. **BAYH.** Will the Senator give us the precedents?

Mr. **DIRKSEN.** I do not have them at my fingertips.

Mr. **BAYH.** I believe it is important that we have them.

Mr. **JAVITS.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** I yield 1 minute to the Senator from New York.

Mr. **JAVITS.** Mr. President, it is our duty, each of us, to serve the Senate especially in accordance with our competence. I have been an attorney general, and I am a lawyer.

It seems to me that if we were to make 50 State attorneys general Federal attorneys general, we would have to give them the services of the FBI.

Mr. **DIRKSEN.** It would be permissive.

Mr. **JAVITS.** I realize it would be permissive; nonetheless it would be done. It has never been done. We have a plethora of all kinds of commissions.

This, incidentally, could be an opening wedge which Republicans, who do not want business crawled over by every attorney general in the United States, would regret.

I went along with the Senator from Illinois in his compromise, and I would like to go along with him in anything he wants to do, but in all conscience I cannot support this amendment.

The **PRESIDING OFFICER.** All time has expired.

Mr. **LAUSCHE.** Mr. President, will the Senator yield?

Mr. **DIRKSEN.** All time has expired.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **BYRD** of West Virginia. I announce that the Senator from Missouri [Mr. LONG], the Senator from Georgia [Mr. TALMADGE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from

Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Oregon [Mr. MORSE] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from New Jersey [Mr. WILLIAMS]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], and the Senator from Idaho [Mr. JORDAN] would each vote "yea."

The result was announced—yeas 27, nays 49, as follows:

[No. 158 Leg.]

YEAS—27

Allott
Baker
Byrd, Va.
Carlson
Cotton
Curtis
Dirksen
Dominick
Ervin
Fannin
Griffin
Hansen
Hickenlooper
Holland
Hruska
Jordan, N.C.
Lausche
Magnuson
Miller
Mundt
Murphy
Pearson
Prouty
Smith
Thurmond
Tower
Young, N. Dak.

NAYS—49

Aiken
Anderson
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, W. Va.
Case
Cooper
Dodd
Eastland
Ellender
Fong
Fulbright
Gore
Hart
Hartke
Hatfield
Hayden
Hill
Inouye
Jackson
Javits
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Monroney
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Russell
Scott
Sparkman
Spong
Stennis
Symington
Tydings
Williams, Del.

NOT VOTING—24

Bartlett
Bennett
Cannon
Church
Clark
Gruening
Harris
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

So Mr. DIRKSEN's amendment was rejected.

Mr. WILLIAMS of Delaware and Mr. ALLOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized. The Senate will be in order. The hour is late, but I am sure we can move more rapidly if the Senate is in order.

The Senator from Delaware is recognized.

ADMINISTRATION EFFORTS TO DEFEAT CONFERENCE REPORT ON H.R. 15414

Mr. WILLIAMS of Delaware. Mr. President, I can assure Senators that I shall be brief. I wish to straighten out the RECORD.

Yesterday I made a statement in the Senate that at the Department of Health, Education, and Welfare there was a five-man team that was making telephone calls, and that they had made between 500 and 700 telephone calls to Members of Congress and to various heads of programs, superintendents of hospitals, and superintendents of school systems back in the States telling them that their particular projects were going to be affected as a result of the proposed reduction by Congress.

Later the majority leader—and I appreciate what he did—checked with the White House and with the Secretary of Health, Education, and Welfare. This morning the distinguished majority leader brought back very emphatic denials that any such calls had been made or that there was any such team. I do not question for a moment but that that is what he was told and, in fact, I know he was told that; but I stated that I would not accept it and that unless the agency would confirm a situation that I knew for a fact to be true, before the day was out I would ask the Committee on Finance to bring these individuals down and put them under oath. I regretted the need to take that procedure.

About 12:45 today these men, Mr. Kelly and Mr. Leonard, did come down. We met in the office of the minority leader, together with several Members of the Senate, and they reluctantly admitted that my statement of yesterday was correct.

They confirmed that Mr. John T. Leonard, the executive assistant to the Comptroller, told the office of the Senator from Tennessee [Mr. BAKER] that he and four other men had been assigned to make 500 to 700 calls to Members of Congress, superintendents of hospitals and nursing homes, and presidents of universities that their projects or grants were being cancelled as the result of the proposed expenditure reduction.

Mr. Leonard also confirmed that he had given the same information to me personally.

What disturbs me is that even at the beginning of this meeting Mr. Leonard started out denying that he had ever given any such information to Senator BAKER's office or to me, and it was only after being confronted with memoranda of our conversations that he reversed his position and admitted that we were correct. This recovery of his memory may have been prompted somewhat by the reminder that he could be placed under oath.

I regret we have to take this step to draw out the truth from the executive branch. I shall read one paragraph from a long letter. Senators may read the entire letter. The rest of the letter is an alibi as to how this happened.

The letter is signed by Wilbur Cohen and it states in part:

> I have, however, ascertained on the basis of discussions between you and Assistant Secretary, Comptroller James F. Kelly and John P. Leonard, Jr. that you (Senator WILLIAMS) and Senator BAKER's office had conversations with our Mr. Leonard and that these telephone conversations provided you with a basis for concluding that an organized telephone campaign had been established involving as many as 700 telephone calls to Members of Congress, States, localities, colleges, and universities.

The letter then goes on and points out that all of these calls had never really been made and that Mr. Leonard did not know what he was talking about. I think this is a matter of our having stopped something from happening as it was getting started. There is no question that they admitted that this five-man team was operating. It is a case now of alibiing it, a case of having gotten their hands caught in the cookie jar and trying to get out the best way they can.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MURPHY. Was this done with the knowledge or the sanction of the Secretary?

Mr. WILLIAMS of Delaware. The Secretary said no, that he did not know. But I cannot conceive how it would happen without his knowledge.

Mr. MURPHY. Did the Secretary indicate in any way that he would make an attempt to ascertain who was responsible for this action?

Mr. WILLIAMS of Delaware. He said he would and that it would be stopped. I understand that it has been stopped; at least, it had better be stopped.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the distinguished Senator from Tennesee, who had also received the same information from Mr. Leonard.

Mr. BAKER. Mr. President, I thank the Senator from Delaware for yielding to me.

I would like to point out briefly that on May 17, 1968, about 5:20 p.m., my office was called and told that a Tennessee project, the Erlanger Hospital in Chattanooga, Tenn., would not receive necessary Federal funds; that the Government was going to have to renege on its commitment; and that the reason for this was a directive the President had issued that morning, telling agencies not to authorize any spending for fiscal 1969 until Congress was able to work out what it was going to do about a combined spending reduction and tax increase.

My office was further told, and the information was volunteered, that the people at the Erlanger Hospital, and the people of Chattanooga and Tennessee were obviously going to be very disappointed.

Later, on May 21, at my request, my office attempted to verify the contents of that telephone conversation with Mr. Jack Leonard, Jr., the Executive Assistant Comptroller of Health, Education, and Welfare.

He was called and he stated that was the situation, and that, as a result of the pending dispute between the legislative branch and the executive branch over the combined tax increase and spending cuts, HEW is not authorizing the release of funds on any projects for fiscal 1969. Mr. Leonard was asked if other offices were being called to this effect. He said yes, and he volunteered that some 700 calls to this effect were made last week; and that Mr. Leonard usually made these calls himself but that on this occasion, in order to make them, he had four people assisting him.

I am especially happy, therefore, that the Senator from Delaware has obtained from Mr. Cohen the confirmation by this letter dated May 23 that such information was passed to my office and such information was passed on to the Senator from Delaware [Mr. WILLIAMS]. I do not now speak of the question of whether the substance of those conversations was true, part of a plan, or of any variation thereof. I merely thank the Senator from Delaware for having obtained written confirmation from the Secretary of Health, Education, and Welfare that those representations, as I have outlined them, were made to my office in this respect.

Mr. WILLIAMS of Delaware. I thank the Senator. I might say that after the Senator from Tennessee received his information and the memorandums were typed, he showed them to me. They were so unbelievable that we decided to recheck. I called and read the memorandums in substance to Mr. Leonard, and he confirmed that he was a part of a five-man team and that between 500 and 700 calls had been made. That was the basis of my statement of yesterday. Mr. Leonard is Executive Assistant to the Comptroller of Health, Education, and Welfare. I had a right to rely on it, and I accepted it in good faith.

Mr. FANNIN. Mr. President, I should like to commend the distinguished Senator from Delaware for bringing this information to the attention of the Senate.

I, too, received a call from an official of my State of Arizona advising me that if this cut went through for the $6 billion, there would be drastic cuts in some of the moneys made available to the State of Arizona. I was amazed. I questioned him further and am attempting to obtain additional information, in order that I can pass it on to the Senator.

Mr. WILLIAMS of Delaware. I thank the Senator. I might say that this is one of 20-some-odd calls that I know of that were made to Members of Congress. Calls back to the States were being made. There is no question in my mind but that this team was just getting started for a full-scale operation. We caught it just in time.

Mr. SCOTT. Mr. President, around the 15th or 16th of May, I received a call from a personal friend in Los Angeles, Calif., who is a member of the library board of that city; and I was informed by the caller that the Department of Health, Education, and Welfare had notified the library association, or board, that there would be no further support of the fund for the bookmobiles, or of the library system, by HEW under which the city of Los Angeles was able to maintain and keep its libraries open on Saturdays, so that they would be unable to maintain the bookmobiles which went principally to those people who are disadvantaged and poor, who could not otherwise gain access to free libraries other than by mobile libraries. They were told that they would cancel them entirely. The information was given then by the Department of Health, Education, and Welfare. I am conducting my own independent investigation as to who is responsible for that.

Mr. WILLIAMS of Delaware. I thank the Senator for that confirmation.

Mr. MUNDT. Mr. President, the Senator from Delaware deserves the congratulations of the entire Senate, and of every taxpayer in this country who is remotely interested in economy and in bringing some kind of fiscal control over the terribly serious financial problems which we face in this country today. Certainly the calls as I got them—and the one I mentioned the other day on the floor of the Senate, from someone out in my State who had received it—were to the effect that unless they got busy calling Senators and Representatives, asking them to vote against economies, that would be the end of the road so far as their projects were concerned.

I hope that this is not true of other agencies, although I am a little bit inclined to believe that it is.

One of the calls I received was one not remotely connected with HEW. It seems to me that if there is a determined effort on the part of the White House to stop the economies. I think the country should know it. Certainly if we are not in a serious financial fix—and they tell us that we are—we do not need a tax cut or a tax increase. However, we cannot have it both ways. We cannot be calling up people to call Senators and Representatives to make these cuts in economy for the sake of economy, and they had better get in touch with them quickly, and at the same time call the Senators and Representatives to recommend a 10-percent increase in taxes.

I believe that the President should make it clear where he stands, and make it positive, so that the rest of the Government agencies will not follow the same kind of program which the Senator discovered in HEW and which, I am happy to say, has been corrected because of his diligence and the disclosures he has made.

Mr. WILLIAMS of Delaware. I thank the Senator from South Dakota. He was present at the meeting this afternoon when the comptroller confirmed that the Secretary had been in error when earlier today he had denied such an operation. They had been calling and Mr. Leonard did give us the information, as we have relayed to the Senate. There is no question about that now, even though it was denied earlier today. There is no question that the calls had been made. Whether the instructions came at the second or third echelon level, they will have to determine that for themselves. The point is that at the top level they can stop it if they want to.

They did not stop the calls until we caught them and disclosed the operation.

Mr. PERCY. Mr. President, let me report briefly that my office received three calls concerning REA, indicating that it is their understanding REA funds would be cut back if this cut took place.

I would also like to indicate that I was present at the meeting held this afternoon in the minority leader's office, when the comptroller of Health, Education, and Welfare was there. I would say that everything the distinguished Senators from Maryland and Tennessee have said on the floor of the Senate is accurate.

The whole situation, as I see it, is reprehensible. I hope that it will be a source of great embarrassment because I think that HEW either does not know what is going on in its various branches, or they have misled, in the statements made, the representations made earlier by the two distinguished Senators. I hope that this will serve as a warning to other agencies not to use those methods.

Mr. WILLIAMS of Delaware. I thank the Senator from Illinois. I might add that his office was on the list to receive one of these calls. Perhaps we got it stopped. They were going to warn him that the St. Elizabeths Hospital in Granite City, Ill., was going to be affected by this cutback and that those people in that area would be concerned. That was on the list for one of these calls. Whether they got those through before my statement, I am not sure, but at least it was on the list.

Mr. COTTON. Mr. President, I, too, commend the Senator from Delaware. Let me say, because of the question propounded by the distinguished Senator from California, that I have served in a senior capacity on the Appropriations Subcommittee on Health, Education, and Welfare for several years. I have worked hard in cooperation with a friend whom I admire; namely, the able Senator from Alabama [Mr. HILL], on many worthwhile appropriations.

I have heard the testimony of Wilbur Cohen. Unfortunately, I was out of the city but I had left word, because I wanted to make sure that I had an opportunity—and this is something which I have rarely done in my 22 years of service in the Senate—to vote against his confirmation, if he were the only one. Having listened to him, and knowing what I know about the workings of that Department, I would not hesitate to assure the Senator from California that Secretary Cohen was well aware of what was going on.

Mr. President, there is a tiny locality in my home State of New Hampshire which is known as Skunk's Misery. I would not vote to confirm him for dog catcher in that particular locality. [Laughter.]

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. THURMOND. Mr. President, I

want to commend the distinguished Senator from Delaware for revealing this information to the Senate. I should like to inquire of the Senator, did he say definitely that these officials first denied that they had suggested anything and were making these calls?

Mr. WILLIAMS of Delaware. The Secretary of Health, Education, and Welfare and the White House, through the majority leader, issued a denial of any knowledge of these calls. After that denial I insisted upon Mr. Leonard's and Mr. Kelly's coming to the Capitol where I could discuss it with them, because I knew that I, for one, personally had talked with Mr. Leonard and I knew what he had said. I am not in the habit of having someone deny a telephone conversation which was so clear. Mr. Leonard came, and during the first part of that conversation he still stuck to his denial. However, because we had transcribed his telephone conversation and had notes on it and further, because he was told that the Senator from Tennessee was also present and his assistant had made notes on the same information, he saw that he was trapped, and he completely reversed himself and said, "Yes, I did tell you."

Mr. Leonard then in the presence of witnesses confirmed our remarks of yesterday in every detail.

What annoys me is the fact he first tried to weasel out of it and tried to make out that we did not know what we were talking about. He admitted it only after he was caught in a trap and knew he could not get out of it. As to what orders he had been given or whether it was an operation which he initiated without the Secretary's knowledge anybody can draw his own conclusions; but I have mine, and I do not believe it happened that way.

In any event, it had better be stopped because there is no excuse for it. As one who supported and, in fact, sponsored the $6 billion cut as a part of the top increase, I recognize that if it goes through it is going to mean the curtailment of some programs. Some that I am interested in and some that other Senators are interested in, but for any department to single out all of the popular programs and to pass the word that these are all going to be cut back is an indefensible tactic in my book. No wonder the credibility gap gets wider under such tactics.

Not one word have I heard from any official in this administration that we can cut back on the large payments going out for agriculture, some of them multimillion-dollar farm subsidy payments. Not one word have I heard from an official that we can cut back on the foreign aid program, under which about $3,000 worth of bubble gum went to an undeveloped country, about $12,000 worth of television sets went to an undeveloped country, and $3,400 worth of motorboats went to an undeveloped country. Not one word do we hear from the administration about cutting the space program or postponing a trip to the moon. Not one word do we hear from any administration official about cutting back on the supersonic transport. Billions are involved in these potential cuts, but yet all they mention are education, hospitals, and public welfare. Not one word have we heard about cutting back on new public works projects.

Not one word have we heard from the Defense Department that they could have awarded the contract for the M-16 rifle to the lowest responsible bidder and saved $20 million on that one contract.

Not one word have we heard about cutting such programs. Instead, they read a long list of the cancellation of grants for this hospital, that nursing home, or some veterans' hospital. I had a call from one veterans' hospital that they had been advised that the $6 billion reduction was going to close up one wing of the hospital and that it would not be able to use the beds it now had. That is not true, and they know it.

I am getting tired of such scare tactics, whether they are going out from the White House or at the Cabinet level, with or without their knowledge, whether it is from a comptroller or down the line. They had better find out what is going on and find it out quickly because I am going to hold them responsible.

Mr. THURMOND. Would not the Senator say it was a form of lobbying?

Mr. WILLIAMS of Delaware. There is no question that it is a form of lobbying. The reason they are trying to get out of it is that they know it would be in violation of the law if they got caught.

Mr. THURMOND. If they did that, would it not be a violation of the law?

Mr. WILLIAMS of Delaware. If it is we will take it to the Attorney General.

Mr. THURMOND. We cannot expect action from him.

Mr. WILLIAMS of Delaware. No, but we will have another Attorney General before the statute of limitations runs.

Mr. THURMOND. Since it appears that one or more people made statements and tried to explain them made false statements, and then later reversed themselves and told the truth, I am just wondering if the Secretary of Health, Education, and Welfare indicated he was going to censure those people for not being fair, forthright and truthful with the Congress.

Mr. WILLIAMS of Delaware. I hope he will. I am sure his welfare and health will be much better and his public service longer if he takes a lesson from this and sees that it does not happen again.

Mr. THURMOND. It reminds me of the Otepka case. When a man was summoned before Congress and told the truth, his superiors came down and denied it. Then they saw they were on the spot, and when it appeared perjury charges might be made against them, they admitted they falsified. No action has been taken yet by the Attorney General, and no action was taken to punish those people by Secretary Rusk or the State Department.

I thank the Senator for yielding.

Mr. WILLIAMS of Delaware. As I said before, I think one thing this Government and Congress have to do is pass that conference report. I think we have put it off too long. We should act before we go home for a recess, because we have already had two financial crises in this country, and we cannot afford another. I have supported the administration on this package, but I expect the administration to cooperate a little better than it has. If the President is for it let him say so.

I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, may I say I have never seen so many political Galahads in my life. It seems that the Republicans are the only ones receiving reports from Mr. Kelly and Mr. Leonard, and we poor Democrats have been left out in the cold. I think we are the ones who ought to be "beefing," because we have not been given the attention which is our due, being supposedly the majority party—I use the word advisedly—and also being in the "know" at the administration. But I would say that if this is a form of lobbying, I would join the distinguished Senator from Delaware and suggest that the lobbying be done among the Members of the Congress, and especially the House, to get them to accept the conference report on the tax bill, because it is needed.

If that conference report is accepted—and I hope it will be, and I have said so many times—it means that we cannot have our cake and eat it, too. It means cuts will have to be made somewhere, and when I speak of somewhere, I speak of us and of the States from which we come, because the cuts just cannot be made out of thin air.

I was delighted to get the invitation from the Senator from Delaware to meet with these individuals from the Department of Health, Education, and Welfare, but the press of business made it impossible for me to take up the invitation.

This country is in a bad way. We have both said it many times. What we need is less talk and more action to face up to the difficulties which confront this Nation. That action means taking up the conference report on the tax bill, which calls for a 10-percent surtax on the incomes of those earning $5,000 a year or more. It calls for a $10 billion reduction in the budget requests, and it calls for a $6 billion cut in expenditures.

I repeat, those cuts are going to affect every one of us in every State.

Now, I would hope the distinguished Senator from Delaware, who has indicated that he has received a letter from the Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen—and I just got a copy of it after the Senator began to speak—would incorporate it in the RECORD, as I assume he intends to do.

Mr. WILLIAMS of Delaware. I plan to incorporate it in the RECORD, and I will also incorporate in the RECORD the first letter he wrote this morning, at the time he was denying it. These two letters show his alibi is exactly the same this afternoon as it was this morning. It is a lot of gobbledygook.

Mr. President, I ask unanimous consent that both gobbledygook letters be printed in the RECORD at this point.

The only difference in the two letters is that in the first letter is incorporated a new paragraph confirming that Mr. Leonard had told us that there was a five-man team and that they had made from 500 to 700 calls.

Then the rest of both letters are denials of such calls having been made.

In other words he calls Mr. Leonard's report to us a false report.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 23, 1968.

Hon. JOHN J. WILLIAMS,
Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR JOHN AND SENATOR BAKER: I have read the statement in the Congressional Record this morning in which it is stated that the Johnson Administration and this Department "is deliberately trying to defeat the conference report on H.R. 15414." Furthermore, it is stated that "this indefensible act of backstage lobbying" was under orders from me and "it is reasonable to assume that Mr. Cohen is acting under orders from the White House."

John, my good friend, nothing could be further from the truth. Nobody gave me any orders to do this and I gave no one orders to do it.

I have, however, ascertained on the basis of discussions between you and Assistant Secretary, Comptroller James F. Kelly and John P. Leonard, Jr. that you (Senator Williams) and Senator Baker's office had conversations with our Mr. Leonard and that these telephone conversations provided you with a basis for concluding that an organized telephone campaign had been established involving as many as 700 telephone calls to members of Congress, States, localities, colleges, and universities. This information was erroneous and the result of a serious misunderstanding by Mr. Leonard.

The statement in the Congressional Record reflects a misunderstanding of the actions which we took and the underlying reasons for those actions. In specific response to the contention set forth in your statement:

There was no five-man task force organized to make 500 to 700 telephone calls to congressmen and project sponsors. Rather, three people called 22 congressional offices because of a prior advance commitment relative to advertising for bids. Project sponsors were called in 25 cases, primarily by staff of operating agencies for the same reason.

The President gave no instruction to delay projects. No one was authorized to imply that the President had given such an instruction.

I would like to use this opportunity to identify in some detail the actual steps which we took and the reasons for those steps.

On Thursday, May 9, the House-Senate Conference Committee on H.R. 15414 reported out the bill calling for a Government-wide reduction during 1969 of $10 billion in new obligational authority, $6 billion in expenditures, $8 billion in cancellation of carry forward obligational authority, and a substantial reduction in Federal employment. It was obvious that this legislation, if enacted, would have substantial impact on the programs of HEW. It was obvious that I had a responsibility to develop a reduction plan, and that any delay in the development of a plan to effect the required reductions would make their attainment that much more difficult and severe.

Let me give you some global figures of the HEW budget which help to identify the magnitude of the problem with which we were confronted.

[In billions]

Total 1969 expenditures exclusive of social security trust funds	$14.5
Estimate of expenditures for programs not readily susceptible to administrative control as set out on page 15 of the budget	7.8
Estimate of expenditures subject to administrative control	6.7
Estimate of expenditures from prior year funds the preponderance of which are already obligated	3.4
Estimate of expenditures related to 1969 program budget of $8.1 billion in new obligation authority which are subject to administrative control	3.3

No decision has been made on the allocation of the reduction but it is reasonable to estimate for planning purposes that a $6 billion expenditure reduction might require a reduction of $700 million to a $1 billion in HEW. This would require a reduction of 21 percent to 30 percent in 1969 controllable programs unless steps could be taken which would permit some of the reduction to be taken against the $3.4 billion in expenditures estimated to be required to pay for obligations incurred in prior years or out of prior year funds.

The prospect of a reduction of this magnitude and its impact on the important and necessary programs administered by this Department placed upon me a special responsibility to thoughtfully and carefully plan our programs so as to minimize as far as possible the adverse impact of such a reduction.

In order to preserve my options in the light of whatever action Congress eventually might take, I requested my Assistant Secretary, Comptroller to suspend further commitments until we could carefully assess the impact of the proposed cutback. Oral instructions were issued on Friday morning, May 10, to suspend approvals and awards of grants, contracts, and loans and to hold up on initiating construction of already approved projects. These oral instructions were confirmed in writing with certain exceptions, such as continuation of ongoing projects and contracts affecting direct patient care, yesterday May 22. A copy of this instruction is enclosed for your information.

Subsequent to my initial instruction to hold up action on new projects, my attention was called by my financial officers to the fact that we had, in the normal course of business, made advance commitments on 48 projects as to the date which we would authorize the projects to advertise for bids. I did not make these projects an exception to the overall suspension. I did authorize telephone calls to the individuals to whom we had made the advance commitments advising them that we would at least temporarily defer carrying out the commitment until we had completed our reassessment.

Twenty-three of the forty-eight projects involved commitments that had been made to twenty-two members of Congress. Eighteen of these offices were notified of the deferment by the immediate Office of the Comptroller. Two were notified by the Congressional Liaison Office because they had conveyed the original commitments and two were notified by the unit within the Office of the Comptroller that controls construction starts because of earlier contacts. The other twenty-five projects involved commitments to the project sponsors directly. They were notified of the deferral primarily through the operating agency staff of the Department.

To the best of my knowledge these are the only contacts made to members of Congress. In my opinion, common courtesy dictated that we contact these congressional offices. We have, of course, received numerous inquiries about the suspension of awards and start of construction in general and about specific projects. We have endeavored to respond to such inquiries without creating undue alarm or concern, asking for patience while we develop an appropriate course of action.

The only participation which I have had in connection with H.R. 15414 since it passed the Senate was my participation in the joint conference when you were considering the exemption of Public Assistance from the provisions controlling expenditures. I recognize that Secretary Fowler and Budget Director Zwick have responsibility to represent the President in connection with this measure and would not presume to interfere. Obviously, I would prefer to get the budget approved as submitted and not have to make reductions below it. However, I am fully persuaded as to the wisdom and importance of the President's proposal for a tax increase and I have not taken any action which would impair its chances of enactment.

I hope that this information will clarify our actions and the reasons for them. If you are left in any doubt as to our course of action and motivation, I would be pleased to meet with you and arrange for such discussions as you desire with the officials that are handling the temporary deferment and planning of alternative reduction programs.

Inasmuch as criticism was included in the Congressional Record, I believe that it would be appropriate to include these comments in the Congressional Record also. I would appreciate it if you would arrange to do so.

Sincerely,

WILBUR J. COHEN,
Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 23, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR JOHN: I have read your statement in the Congressional Record this morning in which you state that the Johnson Administration and this Department "is deliberately trying to defeat the conference report on H.R. 15414." Furthermore, you state that "this indefensible act of backstage lobbying" was under orders from me and "it is reasonable to assume that Mr. Cohen is acting under orders from the White House."

John, nothing could be further from the truth. Nobody gave me any orders to do this and I gave no one orders to do this.

Your statement reflects a misunderstanding of the actions which we took and the underlying reasons for these actions. In specific response to the contention set forth in your statement:

There was no five-man task force organized to make 500 to 700 telephone calls to congressmen and project sponsors. Rather three people called 22 congressional offices because of a prior advance commitment relative to advertising for bids. Project sponsors were called in 25 cases, primarily by staff of operating agencies for the same reason.

The President gave no instruction to delay projects. No one was authorized to imply that the President had given such an instruction.

The reference to 500 to 700 was not to telephone calls but was rather a crude estimate of the number of *projects* which may be temporarily in a deferred status. There were no telephone calls made about this larger group of projects.

I would like to use this opportunity to identify in some detail the steps which we took and the reasons for those steps.

On Thursday, May 9, the House Senate Conference Committee on H.R. 15414 reported out the bill calling for a Governmentwide reduction during 1969 of $10 billion in new obligational authority, $6 billion in expenditures, $8 billion in cancellation of carry forward obligational authority, and a substantial reduction in Federal employment. It was obvious that this legislation, if enacted, would have substantial impact on the programs of HEW. It was obvious that I had a responsibility to develop a reduction plan, and that any delay in the development of a plan to effect the required reductions would make their attainment that much more difficult and severe.

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The prospect of a reduction of this magnitude and its impact on the important and necessary programs administered by this Departmennt placed upon me a special responsibility to thoughtfully and carefully plan our programs so as to minimize as far as possible the adverse impact of such a reduction.

In order to preserve my options in the light of whatever action Congress eventually might take, I requested my Assistant Secretary, Comptroller to suspend further commitments until we could carefully assess the impact of the proposed cutback. Oral instructions were issued on Friday morning, May 10, to suspend approvals and awards of grants, contracts, and loans and to hold up on initiating construction of already approved projects. These oral instructions were confirmed in writing with certain exceptions, such as continuation of ongoing projects and contracts affecting direct patient care, yesterday May 22. A copy of this instruction is enclosed for your information.

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The only participation which I have had in connection with H.R. 15414 since it passed the Senate was my participation in the joint conference when you were considering the exemption of Public Assistance from the provisions controlling expenditures. I recognize that Secretary Fowler and Budget Director Zwick have responsibility to represent the President in connection with this measure and would not presume to interfere. Obviously, I would prefer to get the budget approved as submitted and not have to make reductions below it. However, I am fully persuaded as to the wisdom and importance of the President's proposal for a tax increase and I have not taken any action which would impair its chances of enactment.

I hope that this information will clarify our actions and the reasons for them. If you are left in any doubt as to our course of action and motivation, I would be pleased to meet with you and arrange for such discussions as you desire with the officials that are handling the temporary deferment and planning of alternative reduction programs.

Inasmuch as your criticism was included in the Congressional Record, I believe that it would be appropriate to include these comments in the Congressional Record also. I would appreciate it if you would arrange to do so.

Sincerely,

WILBUR J. COHEN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
May 22, 1968.

To: Operating Agency Heads.
From: Assistant secretary, Comptroller.
Subject: Temporary suspension of approval of loan, grants, program contracts, and contruction starts.

This will confirm, clarify and partially modify the oral instructions to temporarily suspend fund commitments.

As you know, the Congress has under active and serious consideration a bill (HR 15414) which is designed to effect reductions during fiscal year 1969 in new obligational authority, expenditures, staffing, and rescission of carrying funds. The amount of the proposed reduction in new obligational authority and expenditures, particularly expenditures, is such as to indicate very substantial program impact. A considerable portion of the controllable expenditures from general revenues incurred by this Department each year relate to payments for obligations incurred in the prior year or years.

In order that we might make plans which take into consideration all of the options available to us, the Secretary has requested that we suspend all approvals and commitments of loans, grants and program contracts, and the authorization to start construction of HEW direct and assisted projects pending an assessment of the problem and the development of plans to cope with an major expenditure reduction should this become necessary.

The following instructions are designed to carry out the Secretary's request:

1. Non-competing continuation grants (those with a moral commitment to continue, as first call on available funds) may be awarded without interruption in project operations.

2. Contract renewals which equate with non-competing continuation grants (i.e., those with a firm moral commitment to continue, as first call on available funds) may be approved without interruption in project operations.

3. Grants or contracts which are essential to the provision of direct medical care of Federal beneficiaries may be awarded without restriction.

4. Procurement contracts for normal, recurring supplies, maintenance, and operation may be awarded and purchases against existing contracts of this type may be made.

5. New and competing grants and contracts may not be awarded. No notice of award or intent to award is to be made.

6. Grants and contracts for traineeships and fellowships shall cover only enrolled students for second and subsequent years—not new students—pending completion of the reassessment now underway.

7. No new construction grant or contract award shall be made except that steps will be taken to assure that funds are not lapsed because of temporary delay occasioned by HEW actions. Awards made to avoid lapsing of funds should make clear that there is no commitment as to when construction can be started.

8. Authorization to advertise for construction bids will be suspended. However, requests for authorization to go to bid for construction grants, loans and direct operations should continue to be submitted in the normal manner.

Every effort will be made to reach decisions on a future course of action by early June. You will be kept informed of developments.

JAMES F. KELLY.

Mr. WILLIAMS of Delaware. Mr. President, perhaps these calls have come to so many Republicans, rather than Democrats, because there are only 22 Democrats in the Senate who voted for the bill. It was passed by the Republicans primarily, in spite of the opposition of the Democratic administration. I know the Senator from Montana supported it, and I do not want to get political. [Laughter.] However, if it does get political, I always enjoy it.

Mr. MANSFIELD. Well, they say in the spring a politician's thoughts turn to politics, and I guess it is true.

It will not be long before we will have the conventions and campaigns, although some of our more able Members are out hitting the hustings now, following the President's advice and investing their money in America.

I am delighted, though, that it has been indicated that the President, to the best of our knowledge, had nothing whatsoever to do with this matter, and to the best of my knowledge Secretary of Health, Education, and Welfare Wilbur Cohen likewise had nothing to do with it. As soon as I talked to him yesterday, he said he was going to look into it and put a stop to it.

So I hope that as a result of this discussion, this practice, which I do not look upon with favor, will not be continued any more, and that we will get back to normal procedures, try to call the shots as we see them and put our cards face up on the table.

Mr. WILLIAMS of Delaware. I thank the majority leader again. I appreciate his support.

I know that Secretary Cohen said this morning that he knew nothing about these calls being made from his agency and that he was going to put a stop to it. How he is going to put a stop to something that he claimed was not going on and that he did not know anything about is a question I cannot answer.

Mr. MANSFIELD. The answer is that the Senator from Delaware, the Senator from Tennessee [Mr. BAKER], and others must have presented the evidence in such a way that he recognized it.

Mr. WILLIAMS of Delaware. Yes; I am glad the Senator reminded me of that, because I was about to forget it. We did present him with some very clear evidence.

Mr. MANSFIELD. I was not reminding the Senator.

Mr. WILLIAMS of Delaware. In my statement yesterday, I named the two men who were responsible for this. I named both of them in my statement. I mentioned Mr. Kelly and Mr. John P. Leonard, Jr.

John P. Leonard, Jr., the executive assistant, is the man I talked with. He is the man who gave the information to Senator BAKER's office, and he is the man who gave the information to me personally.

I asked, "Why did not somebody ask these two men I named yesterday before issuing denials?"

The majority leader said he had not talked with them. I can understand that. But when I called Mr. Cohen this morning after hearing his denial, I said, "Mr. Cohen, did you talk with the men I named!"

He said, "I talked with Mr. Kelley."

I said, "Did you talk with Mr. Leonard?"

He said, "No, I talked with somebody who brought the message over of what Mr. Leonard had said."

Why did nobody talk to Mr. Leonard? It seems that until I brought Mr. Leonard down to the Senate and had him face the witnesses no one was getting the answers. Mr. Leonard then went back and talked to Mr. Cohen, and Mr. Cohen then admitted he had been in error in his denial.

In my own opinion they had not talked to him, because they were afraid to face the truth. All that Secretary Cohen had to do was call the man three doors down the hall from where he is and get the facts. But he never called him. Instead, he sent down a denial, saying that I did not know what I was talking about, and only after I proved I was right did they finally admit it. Even then, as I stated, he put this one paragraph of correction in the middle of a gobbledegook letter of explanation which had been written this morning. I have put both letters in the RECORD, and Senators can read them and see that they hardly changed a comma in their alibi.

I yield now to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I shall be very brief. I commend the distinguished Senator from Delaware for, once more, striking a blow for integrity in Government. That is nothing new for him. This is not the first time that his good name has been challenged by members of the executive branch, and it is not the first time they have backed down. They always do. I predict that they always will.

I think it might be well to call attention to the fact that, after all, the appropriating process belongs to Congress, and the function of administration is to take over after the appropriations are made and administer them.

We have had instances where they have attempted to take over the taxwriting process, and on two occasions in the last 60 days, the Senate of the United States has repudiated that usurpation of power.

I commend the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, I hope it will not be necessary to discuss this point further. I sincerely hope this practice of backstage lobbying is stopped now, once and for all.

I yield the floor.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ALLOTT. Mr. President, for myself and the Senator from Nebraska [Mr. HRUSKA] I send to the desk an amendment and ask for its immediate consideration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment, the time to be equally divided between the Senator from Colorado and the Senator from Arkansas [Mr. MCCLELLAN].

Mr. McCLELLAN. Mr. President, I think I will agree to it, but what is the amendment? I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Colorado [Mr. ALLOTT], for himself and Mr. HRUSKA, proposes an amendment as follows:

On page 45, line 11, at the end of the matter previously added in such line and before the period, insert the following proviso: "*Provided*, That the time limitation contained in this subsection shall not apply in any case in which the delay in bringing such person before such commissioner or other officer beyond such six-hour period is found by the trial judge to be reasonable considering the means of transportation and the distance to be traveled to the nearest available such commissioner or other officer".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. McCLELLAN. I have no objection to the limitation of 10 minutes.

Mr. ALLOTT. Mr. President, I shall make just a short statement.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. I yield myself such time as I may require. If we can have order in the Senate, Mr. Chairman, I can explain this amendment very shortly.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. On consideration of the amendment of the Senator from Pennsylvania [Mr. SCOTT] the other evening, I raised a question as to the difference in circumstances which arise in States where criminal violations have occurred far away from the metropolitan areas where a U.S. commissioner may reside.

After discussing the matter with the Senator from Pennsylvania [Mr. SCOTT], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Maryland [Mr. TYDINGS], the Senator from Nebraska [Mr. HRUSKA], and others, all of whom have agreed that this is a reasonable solution to the problem, I offer this amendment. I understand it is agreeable to the Senator from Arkansas.

Mr. McCLELLAN. I have no objection to letting it be agreed to.

The PRESIDING OFFICER. Is time yielded back on both sides?

Mr. McCLELLAN. I yield back my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. I send to the desk an amendment for myself, Mr. DOMINICK, Mr. HRUSKA, Mr. TYDINGS, Mr. GRIFFIN, Mr. BENNETT, and Mr. DIRKSEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Without objection, it is so ordered.

Mr. ALLOTT's amendment is as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V—PROVIDING FOR AN APPEAL BY THE UNITED STATES FROM DECISIONS SUSTAINING MOTIONS TO SUPPRESS EVIDENCE

"SEC. 1201. (a) Section 3731 of title 18, United States Code, is amended by inserting after the seventh paragraph the following new paragraph:

" 'From an order, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant.'

"(b) Such section is amended by striking out in the third paragraph from the end 'the defendant shall be admitted to bail on his own recognizance' and inserting 'the defendant shall be released in accordance with chapter 207 of this title'.

"SEC. 1202. Section 935 of the Act of March 3, 1901 (31 Stat. 1341) (D.C. Code, sec. 23-105), is amended—

"(1) by inserting '(a)' immediately before 'In all'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) The United States may also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant. Pending the prosecution and determination of such appeal, the defendant, if in custody for such violation, shall be released in accordance with chapter 207 of title 18, United States Code.'"

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII";

On page 107, line 6, strike out "SECTION 1001" and insert in lieu thereof "SEC. 1301".

Mr. ALLOTT. Mr. President, I understand the majority leader wishes to ask for a limitation of time of 5 minutes on each side.

Mr. McCLELLAN. Two minutes is sufficient for me.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 4 minutes on the pending amendment, the time to be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, this is a procedural amendment, which would make an appeal from an order granting a motion to suppress evidence available to the United States. This amendment has been cleared with the distinguished manager of the bill and with other Senators interested in it.

The purpose of this amendment is to permit an appeal by the United States in certain instances from an order made before trial granting a motion for the return of seized property and to suppress evidence. The amendment is identical to the provisions of H.R. 8654, which was approved by the House of Representatives on September 11, 1967, by a rollcall vote of 311 to one. Legislation such as that contained in the provisions of my amendment have been recommended by the American Bar Association, and the Department of Justice, the President's Commission on Crime, and by former Vice President Richard M. Nixon.

My amendment would amend the Criminal Appeals Act, section 3731 of title 18 of the United States Code, and section 23-105 of the District of Columbia Code, to permit the Government to appeal the decision on a motion to suppress evidence when that evidence is certified by the prosecution to be a substantial proof of a charge pending against the defendant, and also taken on the ground that the appeal is not taken for the purpose of delay. Mr. President, under existing law, in certain cases such a motion to appeal after a motion is made to suppress evidence must be made within 30 days of the date the opinion is rendered pending. Pending the prosecution and determination of this appeal, the defendant, if in custody, shall be released in accordance with the Bail Reform Act of 1966, which is an act which was passed by this Congress. Under this bill, the Criminal Appeals Act would confer upon the Government carefully defined and limited rights of the appeal in criminal cases.

The Criminal Appeals Act confers upon the Government in certain cases carefully defined and limited rights of appeal in criminal cases. No such rights existed in common law. Under the present law, when a defendant prevails on a matter of statutory construction resulting in an order quashing the information or indictment before trial or arrest in judgment after conviction, the Government has been given the right to appeal directly to the Supreme Court. Likewise, such a direct appeal may be taken if the defendant prevails on a motion in bar. Appeals to the courts of appeals of the proper circuit court lie on behalf of the United States from orders dismissing indictments where information in orders arresting judgments for statutory interpretation is not involved.

At present, however, Mr. President, the Government has no right to appeal from an order granting a motion to suppress evidence when the motion is made before or after an indictment has been returned or information has been filed. The Congress, however, did provide for a similar right of appeal as is being proposed here when it enacted section 1404 of title 18 of the United States Code, with respect to narcotics prosecutions. In enacting that section, Congress closed a loophole which made it very difficult for the prosecution to use the possession of narcotics as a part of the proof of its case. I cannot see why there should be any distinction between a narcotics case and other criminal cases. The existing loophole must be closed in other fields of law enforcement, such as smuggling, frauds against Federal excise taxes, and even possibly in cases of espionage and sabotage. It is obviously much better to prove a case with tangible and concrete evidence than upon oral testimony and observation of witnesses.

Under existing law, a decision made before a criminal trial has started, the granting of a motion for the return of seized property or to suppress evidence is regarded as interlocutory, from which the Government may not appeal. In the preindictment case of *DiBella* v. *United States* (369 U.S. 121 (1962)), a preindictment motion was involved. The case of *Carroll* v. *United States* (354 U.S. 394 (1957)), involved a postindictment motion and was likewise ruled to prevent the Government from appealing. The effect of the present law under these decisions results in either prohibiting the Government from proceeding without the suppressed evidence or, if the Government does not proceed without such evidence, it does so under severe handicaps and limitations. The U.S. Supreme Court has indicated in its decisions on these matters, however, that whether the Government should be permitted to appeal in such cases is a question for the Congress to decide.

Mr. President, it is obvious under the case law that the adoption of this amendment is merely a matter of congressional determination. There is no question that appeals by the prosecution are needed. This need is emphasized by the recommendations of the Department of Justice as well as the President's Commission on Law Enforcement and Administration of Justice. The President's Commission on Crime very properly pointed out that we ought to be very careful in the passage of this legislation, to see that the rights of the defendants were properly secured. The bill, as adopted by the House was very carefully drawn in that regard, and the defendant was given every conceivable reasonable right in accordance with law. As I have indicated, my amendment has been drafted very carefully to track the language of the House bill, and I am, therefore, satisfied that the rights of the defendant in these cases will be adequately served while assuring that the Government may appeal an adverse decision from an order issued by the trial court prior to trial, granting a motion for the return of seized property and the suppression of evidence. The rights of the defendants are, in no way, impinged upon under this legislation with regard to double jeopardy under the fifth amendment.

The great need for this legislation is shown in the fields of organized crime, in major thefts and other types of fraud, where the absence of the right of appeal precludes successful prosecution in many cases. For example, the law of "search and seizure and confessions" is highly uncertain. The various lower court rulings compound the uncertainty which restricts police conduct and cannot be tested on appeal. The inconsistent lower court decisions can be resolved only on an appeal sought by the defendant. Law enforcement is just faced with the problem of choosing one or two courses, each of which is undesirable. The prosecution can follow the lower court decision and abandon the practice in which an authoritative decision by an appellate court can never be obtained, or it can continue the practice in the hope that in a future case a trial court will sustain it and permit the opportunity to resolve finally the point.

Mr. President, I am aware that many times this same question may be brought up once the jury has been impaneled under the provisions of rule 41(e) of the Federal Rules of Criminal Procedure providing for motions for return of property and to suppress evidence. It should be noted, however, that a motion under rule 41(e) should be made before the trial or hearing, unless an opportunity therefore did not exist or the defendant was not aware of the grounds for the motion, and the court, in its discretion, may entertain the motion at the trail or hearing. It would, of course, be my hope that the trial court would be unwilling to abuse this discretionary power so that the purposes of my amendment would not be frustrated or defeated by rule 41(e) motions, after the criminal trial had commenced.

Mr. President, it is my earnest hope that our law-enforcement agencies will be given the tools with which to launch a meaningful attack on the critical problem of crime in this country. I believe that one such important tool will be provided by the adoption of my amendment, which deals with this problem of motions to suppress evidence collected by our law-enforcement officials.

Mr. President, as I stated, support for the concept contained in my amendment has already been expressed in the report of the President's Commission on Law Enforcement and Administration of Justice. I ask unanimous consent that the statement of the President's Commission on Law Enforcement and Administration of Justice on this amendment be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF CRIME IN A FREE SOCIETY

(A report by the President's Commission on Law Enforcement and Administration of Justice)

APPEALS BY THE PROSECUTION

In every jurisdiction in this country the right of the prosecution to appeal from an adverse ruling by a court is more limited than the comparable right of the defendant. The argument against retrying a man who has convinced a court of the merit of his cause has led to double jeopardy clauses in the Federal Constitution and the constitutions of 45 States. The same argument inhibits appeals that, if successful, would result in just such a retrial. But in most States and the Federal system these considerations do not forbid all appeals by the prosecution, particularly those from pretrial rulings that are made before jeopardy attaches in the constitutional sense. Developments in the law, particularly the growth of search and seizure law and exclusionary rules governing confessions, call for a reexamination of the adequacy of the prosecution's right to appeal.

Under common practice motions for the suppression of evidence are required to be made before trial when possible. These motions are likely to become more frequent as a result of recent court decisions, and in an increased number of cases the prosecution will be blocked by a pretrial order suppressing evidence or a statement. Frequently the prosecution cannot successfully proceed to trial without the suppressed evidence. Yet in only a few States does the prosecution have the right to appeal from the grant of such orders, and in the Federal courts the right to appeal applies only to narcotics cases.

Not only does the absence of a right of appeal preclude successful prosecution in many cases, including important cases involving organized crime, narcotics, and major thefts, but it has distinctly undesirable effects upon the development of law and practice. The law of search and seizure and confessions today is highly uncertain. This uncertainty is compounded by lower court ruling that restrict police conduct yet connot be tested on appeal, and by inconsistent lower court decisions that can be resolved only on an appeal sought by the defendant.

When the prosecution is not permitted an appeal, law enforcement officers faced with restrictive rulings they feel are erroneous have available two courses, each of which is undesirable: They can follow the lower court decision and abandon the practice in which case an authoritative decision by an appellate court never can be obtained; or they can continue the practice, hoping that in a future case a trial court will sustain it and that a defendant by appealing will give the higher court an apportunity to resolve the point. The first choice is undesirable because it results in the abandonment of what may be legitimate police practice merely because there is no way of testing it in the appellate courts. The second choice is equally undesirable for it puts the police in the position of deciding which court decisions they will accept and which they will not.

A more general right of the prosecution to appeal from adverse pretrial rulings is desirable. Controls may be needed to insure that appeals are taken only from rulings of significant importance and that the accused's right to a speedy trial is preserved by requirements of diligent processing of such appeals.

The Commission recommends

Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pretrial motions to suppress evidence or confessions.

APPEALS FROM SUPPRESSION ORDERS

The Commission's recommendation that prosecutors be permitted to appeal trial court orders suppressing evidence is particularly important in organized crime cases, where so much investigative and prosecutive time has been expended, and where evidence gathering is extremely difficult. Allowing appeals would also help overcome corrupt judicial actions. In gambling cases, particularly, arbitrary rejection of evidence uncovered in a search is one method by which corrupt judges perform their services for organized crime.

APPEALS BY THE PROSECUTION

In all jurisdictions in this country the right of the prosecution to appeal in criminal cases is more limited than the comparable right afforded the accused. This limitation results primarily from the double jeopardy clauses contained in the Federal Constitution and in the constitutions of 45 States. Double jeopardy prevents the retrial of the defendant for the same offense after he has once been acquitted. The right to appeal from a trial ruling made after jeopardy has attached, therefore, is of little value to the prosecution.

Double jeopardy, however, does not preclude appeals by the government from all rulings in criminal cases. Under the Federal constitutional provision and provisions in most States jeopardy attaches when the jury is impaneled and sworn or when the court in a nonjury trial begins to hear evidence. Thus in the Federal system and in the majority of States, statutes allow the prosecution to take an appeal from pretrial rulings dismissing the indictment or information or sustaining a plea in bar to the prosecution. If the government is successful on appeal, it may continue the prosecution.

The recent growth of constitutional law in the areas of search and seizure and confessions, including extension of the exclusionary rules to govern State criminal prosecutions, has increased the number of situations in which prosecutions may be stymied by a pretrial order suppressing seized evidence or a statement by the accused. In many cases the prosecution cannot proceed to trial without the suppressed evidence. And even where it has other evidence for trial, the chances of obtaining a conviction may be severely weakened by the suppression order. Although appeals by the prosecution from pretrial suppression orders are constitutionally permissible, this right is available in only a few States, and in the Federal courts the right to appeal is limited to narcotics cases.

The importance of permitting the government to appeal from pretrial suppression orders is most evident in prosecutions involving professional criminal enterprises. Successful prosecutions in these cases often depend upon whether seized evidence, such as gambling equipment or stolen property, can be introduced at trial. If a pretrial order suppressing such evidence is not appealable, an erroneous decision by a trial judge may result in the inability of the prosecution to obtain a conviction in a case where law enforcement interests are particularly strong and in the waste of months or years of extensive investigation.

But the importance of allowing the government to appeal goes beyond the significance of any particular prosecution. The rules on search and seizure and confessions are today characterized by a high degree of uncertainty. If lower court rulings restricting police conduct cannot be appealed and if inconsistent lower court decisions can be resolved only on an appeal by a defendant it is most difficult to formulate law enforcement policies. Although it may be argued that erroneous rulings by trial courts will eventually lose their effect as appellate courts consider search and seizure and confessions questions raised by defendants, this is an unsatisfactory remedy. When the prosecution is not permitted to appeal law enforcement officials faced with a restrictive ruling which they feel is erroneous have two choices. They may follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court may never be obtained, or they may continue the practice, hoping that in a future case a trial court will sustain it and that the defendant will appeal. The first course results in the abandonment of what may be a legitimate police practice solely because of the lack of any vehicle for testing it in the appellate courts. The second course puts the police in the undesirable position of deciding which lower court decisions they will accept and which they will not.

Where the prosecution is permitted to appeal, on the other hand, the soundness of a restrictive pretrial suppression ruling may be settled promptly. All jurisdictions should enact statutes permitting the prosecution to appeal pretrial orders suppressing statements or seized evidence; granting the prosecution a more general right to appeal from adverse pretrial rulings on pleadings and motions also merits careful consideration. It is particularly desirable that the prosecution be given a broad right to appeal from pretrial suppression orders in the Federal courts, because of the importance of Federal prosecutions against organized crime and because of recent Supreme Court decisions indicating that the conduct of State law enforcement officers must be governed by Federal standards in those areas.

Where the prosecution is permitted to appeal from pretrial orders, rules should be established to protect the defendant's interest in obtaining a speedy trial. In the Federal system, for example, the statute provides that an appeal from a pretrial suppression order must be taken within 30 days and must be "diligently prosecuted." Moreover, government appeals should not be taken routinely from every adverse pretrial ruling. They should be reserved for cases in which there is a substantial law enforcement interest. Control over the type of cases appealed may be exercised in several ways. In the Federal system the Solicitor General's office must approve any appeals by U.S. Attorneys or Department of Justice prosecutors. In the States an appeal might be conditioned on approval by the State attorney general.

Mr. McCLELLAN. Mr. President, I think the amendment is in the interests of justice, and I agree to it. I yield back the remainder of my time, and call for a vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

"(2) by adding at the end thereof the following new subsection:

" '(b) The United States may also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant. Pending the prosecution and determination of such appeal, the defendant, if in custody for such violation, shall be released in accordance with chapter 207 of title 18, United States Code.' "

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII";

On page 107, line 6, strike out "SECTION 1001" and insert in lieu thereof "SEC. 1301".

Mr. ALLOTT. Mr. President, I understand the majority leader wishes to ask for a limitation of time of 5 minutes on each side.

Mr. McCLELLAN. Two minutes is sufficient for me.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 4 minutes on the pending amendment, the time to be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, this is a procedural amendment, which would make an appeal from an order granting a motion to suppress evidence available to the United States. This amendment has been cleared with the distinguished manager of the bill and with other Senators interested in it.

The purpose of this amendment is to permit an appeal by the United States in certain instances from an order made before trial granting a motion for the return of seized property and to suppress evidence. The amendment is identical to the provisions of H.R. 8654, which was approved by the House of Representatives on September 11, 1967, by a rollcall vote of 311 to one. Legislation such as that contained in the provisions of my amendment have been recommended by the American Bar Association, and the Department of Justice, the President's Commission on Crime, and by former Vice President Richard M. Nixon.

My amendment would amend the Criminal Appeals Act, section 3731 of title 18 of the United States Code, and section 23–105 of the District of Columbia Code, to permit the Government to appeal the decision on a motion to suppress evidence when that evidence is certified by the prosecution to be a substantial proof of a charge pending against the defendant, and also taken on the ground that the appeal is not taken for the purpose of delay. Mr. President, under existing law, in certain cases such a motion to appeal after a motion is made to suppress evidence must be made within 30 days of the date the opinion is rendered pending. Pending the prosecution and determination of this appeal, the defendant, if in custody, shall be released in accordance with the Bail Reform Act of 1966, which is an act which was passed by this Congress. Under this bill, the Criminal Appeals Act would confer upon the Government carefully defined and limited rights of the appeal in criminal cases.

The Criminal Appeals Act confers upon the Government in certain cases carefully defined and limited rights of appeal in criminal cases. No such rights existed in common law. Under the present law, when a defendant prevails on a matter of statutory construction resulting in an order quashing the information or indictment before trial or arrest in judgment after conviction, the Government has been given the right to appeal directly to the Supreme Court. Likewise, such a direct appeal may be taken if the defendant prevails on a motion in bar. Appeals to the courts of appeals of the proper circuit court lie on behalf of the United States from orders dismissing indictments where information in orders arresting judgments for statutory interpretation is not involved.

At present, however, Mr. President, the Government has no right to appeal from an order granting a motion to suppress evidence when the motion is made before or after an indictment has been returned or information has been filed. The Congress, however, did provide for a similar right of appeal as is being proposed here when it enacted section 1404 of title 18 of the United States Code, with respect to narcotics prosecutions. In enacting that section, Congress closed a loophole which made it very difficult for the prosecution to use the possession of narcotics as a part of the proof of its case. I cannot see why there should be any distinction between a narcotics case and other criminal cases. The existing loophole must be closed in other fields of law enforcement, such as smuggling, frauds against Federal excise taxes, and even possibly in cases of espionage and sabotage. It is obviously much better to prove a case with tangible and concrete evidence than upon oral testimony and observation of witnesses.

Under existing law, a decision made before a criminal trial has started, the granting of a motion for the return of seized property or to suppress evidence is regarded as interlocutory, from which the Government may not appeal. In the preindictment case of *DiBella* v. *United States* (369 U.S. 121 (1962)), a preindictment motion was involved. The case of *Carroll* v. *United States* (354 U.S. 394 (1957)), involved a postindictment motion and was likewise ruled to prevent the Government from appealing. The effect of the present law under these decisions results in either prohibiting the Government from proceeding without the suppressed evidence or, if the Government does not proceed without such evidence, it does so under severe handicaps and limitations. The U.S. Supreme Court has indicated in its decisions on these matters, however, that whether the Government should be permitted to appeal in such cases is a question for the Congress to decide.

Mr. President, it is obvious under the case law that the adoption of this amendment is merely a matter of congressional determination. There is no question that appeals by the prosecution are needed. This need is emphasized by the recommendations of the Department of Justice as well as the President's Commission on Law Enforcement and Administration of Justice. The President's Commission on Crime very properly pointed out that we ought to be very careful in the passage of this legislation, to see that the rights of the defendants were properly secured. The bill, as adopted by the House was very carefully drawn in that regard, and the defendant was given every conceivable reasonable right in accordance with law. As I have indicated, my amendment has been drafted very carefully to track the language of the House bill, and I am, therefore, satisfied that the rights of the defendant in these cases will be adequately served while assuring that the Government may appeal an adverse decision from an order issued by the trial court prior to trial, granting a motion for the return of seized property and the suppression of evidence. The rights of the defendants are, in no way, impinged upon under this legislation with regard to double jeopardy under the fifth amendment.

The great need for this legislation is shown in the fields of organized crime, in major thefts and other types of fraud, where the absence of the right of appeal precludes successful prosecution in many cases. For example, the law of "search and seizure and confessions" is highly uncertain. The various lower court rulings compound the uncertainty which restricts police conduct and cannot be tested on appeal. The inconsistent lower court decisions can be resolved only on an appeal sought by the defendant. Law enforcement is just faced with the problem of choosing one or two courses, each of which is undesirable. The prosecution can follow the lower court decision and abandon the practice in which an authoritative decision by an appellate court can never be obtained, or it can continue the practice in the hope that in a future case a trial court will sustain it and permit the opportunity to resolve finally the point.

Mr. President, I am aware that many times this same question may be brought up once the jury has been impaneled under the provisions of rule 41(e) of the Federal Rules of Criminal Procedure providing for motions for return of property and to suppress evidence. It should be noted, however, that a motion under rule 41(e) should be made before the trial or hearing, unless an opportunity therefore did not exist or the defendant was not aware of the grounds for the motion, and the court, in its discretion, may entertain the motion at the trail or hearing. It would, of course, be my hope that the trial court would be unwilling to abuse this discretionary power so that the purposes of my amendment would not be frustrated or defeated by rule 41(e) motions, after the criminal trial had commenced.

Mr. President, it is my earnest hope that our law-enforcement agencies will be given the tools with which to launch a meaningful attack on the critical problem of crime in this country. I believe that one such important tool will be provided by the adoption of my amendment, which deals with this problem of motions to suppress evidence collected by our law-enforcement officials.

Mr. President, as I stated, support for the concept contained in my amendment has already been expressed in the report of the President's Commission on Law Enforcement and Administration of Justice. I ask unanimous consent that the statement of the President's Commission on Law Enforcement and Administration of Justice on this amendment be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF CRIME IN A FREE SOCIETY

(A report by the President's Commission on Law Enforcement and Administration of Justice)

APPEALS BY THE PROSECUTION

In every jurisdiction in this country the right of the prosecution to appeal from an adverse ruling by a court is more limited than the comparable right of the defendant. The argument against retrying a man who has convinced a court of the merit of his cause has led to double jeopardy clauses in the Federal Constitution and the constitutions of 45 States. The same argument inhibits appeals that, if successful, would result in just such a retrial. But in most States and the Federal system these considerations do not forbid all appeals by the prosecution, particularly those from pretrial rulings that are made before jeopardy attaches in the constitutional sense. Developments in the law, particularly the growth of search and seizure law and exclusionary rules governing confessions, call for a reexamination of the adequacy of the prosecution's right to appeal.

Under common practice motions for the suppression of evidence are required to be made before trial when possible. These motions are likely to become more frequent as a result of recent court decisions, and in an increased number of cases the prosecution will be blocked by a pretrial order suppressing evidence or a statement. Frequently the prosecution cannot successfully proceed to trial without the suppressed evidence. Yet in only a few States does the prosecution have the right to appeal from the grant of such orders, and in the Federal courts the right to appeal applies only to narcotics cases.

Not only does the absence of a right of appeal preclude successful prosecution in many cases, including important cases involving organized crime, narcotics, and major thefts, but it has distinctly undesirable effects upon the development of law and practice. The law of search and seizure and confessions today is highly uncertain. This uncertainty is compounded by lower court ruling that restrict police conduct yet connot be tested on appeal, and by inconsistent lower court decisions that can be resolved only on an appeal sought by the defendant.

When the prosecution is not permitted an appeal, law enforcement officers faced with restrictive rulings they feel are erroneous have available two courses, each of which is undesirable: They can follow the lower court decision and abandon the practice in which case an authoritative decision by an appellate court never can be obtained; or they can continue the practice, hoping that in a future case a trial court will sustain it and that a defendant by appealing will give the higher court an apportunity to resolve the point. The first choice is undesirable because it results in the abandonment of what may be legitimate police practice merely because there is no way of testing it in the appellate courts. The second choice is equally undesirable for it puts the police in the position of deciding which court decisions they will accept and which they will not.

A more general right of the prosecution to appeal from adverse pretrial rulings is desirable. Controls may be needed to insure that appeals are taken only from rulings of significant importance and that the accused's right to a speedy trial is preserved by requirements of diligent processing of such appeals.

The Commission recommends

Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pretrial motions to suppress evidence or confessions.

APPEALS FROM SUPPRESSION ORDERS

The Commission's recommendation that prosecutors be permitted to appeal trial court orders suppressing evidence is particularly important in organized crime cases, where so much investigative and prosecutive time has been expended, and where evidence gathering is extremely difficult. Allowing appeals would also help overcome corrupt judicial actions. In gambling cases, particularly, arbitrary rejection of evidence uncovered in a search is one method by which corrupt judges perform their services for organized crime.

APPEALS BY THE PROSECUTION

In all jurisdictions in this country the right of the prosecution to appeal in criminal cases is more limited than the comparable right afforded the accused. This limitation results primarily from the double jeopardy clauses contained in the Federal Constitution and in the constitutions of 45 States. Double jeopardy prevents the retrial of the defendant for the same offense after he has once been acquitted. The right to appeal from a trial ruling made after jeopardy has attached, therefore, is of little value to the prosecution.

Double jeopardy, however, does not preclude appeals by the government from all rulings in criminal cases. Under the Federal constitutional provision and provisions in most States jeopardy attaches when the jury is impaneled and sworn or when the court in a nonjury trial begins to hear evidence. Thus in the Federal system and in the majority of States, statutes allow the prosecution to take an appeal from pretrial rulings dismissing the indictment or information or sustaining a plea in bar to the prosecution. If the government is successful on appeal, it may continue the prosecution.

The recent growth of constitutional law in the areas of search and seizure and confessions, including extension of the exclusionary rules to govern State criminal prosecutions, has increased the number of situations in which prosecutions may be stymied by a pretrial order suppressing seized evidence or a statement by the accused. In many cases the prosecution cannot proceed to trial without the suppressed evidence. And even where it has other evidence for trial, the chances of obtaining a conviction may be severely weakened by the suppression order. Although appeals by the prosecution from pretrial suppression orders are constitutionally permissible, this right is available in only a few States, and in the Federal courts the right to appeal is limited to narcotics cases.

The importance of permitting the government to appeal from pretrial suppression orders is most evident in prosecutions involving professional criminal enterprises. Successful prosecutions in these cases often depend upon whether seized evidence, such as gambling equipment or stolen property, can be introduced at trial. If a pretrial order suppressing such evidence is not appealable, an erroneous decision by a trial judge may result in the inability of the prosecution to obtain a conviction in a case where law enforcement interests are particularly strong and in the waste of months or years of extensive investigation.

But the importance of allowing the government to appeal goes beyond the significance of any particular prosecution. The rules on search and seizure and confessions are today characterized by a high degree of uncertainty. If lower court rulings restricting police conduct cannot be appealed and if inconsistent lower court decisions can be resolved only on an appeal by a defendant it is most difficult to formulate law enforcement policies. Although it may be argued that erroneous rulings by trial courts will eventually lose their effect as appellate courts consider search and seizure and confessions questions raised by defendants, this is an unsatisfactory remedy. When the prosecution is not permitted to appeal law enforcement officials faced with a restrictive ruling which they feel is erroneous have two choices. They may follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court may never be obtained, or they may continue the practice, hoping that in a future case a trial court will sustain it and that the defendant will appeal. The first course results in the abandonment of what may be a legitimate police practice solely because of the lack of any vehicle for testing it in the appellate courts. The second course puts the police in the undesirable position of deciding which lower court decisions they will accept and which they will not.

Where the prosecution is permitted to appeal, on the other hand, the soundness of a restrictive pretrial suppression ruling may be settled promptly. All jurisdictions should enact statutes permitting the prosecution to appeal pretrial orders suppressing statements or seized evidence; granting the prosecution a more general right to appeal from adverse pretrial rulings on pleadings and motions also merits careful consideration. It is particularly desirable that the prosecution be given a broad right to appeal from pretrial suppression orders in the Federal courts, because of the importance of Federal prosecutions against organized crime and because of recent Supreme Court decisions indicating that the conduct of State law enforcement officers must be governed by Federal standards in those areas.

Where the prosecution is permitted to appeal from pretrial orders, rules should be established to protect the defendant's interest in obtaining a speedy trial. In the Federal system, for example, the statute provides that an appeal from a pretrial suppression order must be taken within 30 days and must be "diligently prosecuted." Moreover, government appeals should not be taken routinely from every adverse pretrial ruling. They should be reserved for cases in which there is a substantial law enforcement interest. Control over the type of cases appealed may be exercised in several ways. In the Federal system the Solicitor General's office must approve any appeals by U.S. Attorneys or Department of Justice prosecutors. In the States an appeal might be conditioned on approval by the State attorney general.

Mr. McCLELLAN. Mr. President, I think the amendment is in the interests of justice, and I agree to it. I yield back the remainder of my time, and call for a vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 107, between lines 4 and 5, add the following new title:

"TITLE —ADDITIONAL GROUNDS FOR ISSUING WARRANT

"(a) Chapter 204 of title 18, United States Code, is amended by inserting immediately after section 3103 the following new section:

" 'SEC. 3103. (a) Additional grounds for issuing warrant.

" 'In addition to the grounds for issuing a warrant in section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.'

"(b) The table of sections for chapter 205 of title 18, United States Code, is amended by inserting after the item relating to section 3103 the following:

" 'Sec. 3103a. Additional grounds for issuing warrant.' "

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the amendment, the time to be equally divided between the two Senators.

Mr. COTTON. Mr. President, reserving the right to object, and I will not object, after 3 weeks of deliberation, amendments are being offered here. And I will guarantee that there are not 10 Senators on the floor who know what is contained in the amendments. To be sure, they will be scrutinized in the committee, but it is an unfortunate way to deal with legislation.

Mr. President, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I agree with the Senator from New Hampshire in many respects. However, I have been waiting a long time, too, and I have been in committee every day for many hours.

The amendment is very simple, and is supported by the Department of Justice.

The purpose of the proposed amendment is to amend title 18, United States Code, by adding a new section 3103(a), which would authorize search warrants to be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States. The amendment preserves the basic safeguards applicable to search warrants under the fourth amendment. Thus, a search warrant for evidence of crime may issue only upon probable cause. In addition, the warrant must particularly describe the place to be searched and the things to be seized.

Mr. President, I ask unanimous consent to have my statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMENDMENT TO S. 917 (WARDEN *v.* HAYDEN)

(a) Chapter 205 of title 18, United States Code, is amended by inserting immediately after Section 3103 the following new section:

"§ 3103a. Additional grounds for issuing warrant.

"In addition to the grounds for issuing a warrant in Section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States."

(b) The table of sections for chapter 205 of title 18, United States Code, is amended by inserting 205 of title 18, United States Code, is amended by inserting after the item relating to section 3103 the following:

"§ 3103a Additional grounds for issuing warrant."

EXPLANATION

Under present law—i.e. Rule 41(b) of the Federal Rules of Criminal Procedure—a search warrant may be issued by a Judge or a United States Commissioner to search for and seize only the following property:

(1) Property stolen or embezzled in violation of the laws of the United States; or

(2) Property designed or intended for use or which is or has been used as the means of committing a criminal offense; or

(3) Property possesed, controlled, or designed or intended for use or which is or has been used in violation of Title 18, U.S.C. § 957 (possession of property in aid of foreign government).

Thus, under present law the authority to search for and seize property is limited solely to fruits of crime, instrumentalities of crime, and contraband, (see *Gouled* v. *United States*, 225 U.S. 298 (1921)) not to "mere evidence" of crime. Until recently, this rule was thought to be required by the Constitution.

Under the recent decision of the United States Supreme Court in *Warden* v. *Hayden*, 387 U.S. 294 (1967), however, the Court expanded the constitutional power of the Government to apply for a search warrant. As a result of the *Hayden* case, constitutional power now exists to search for and seize "mere evidence" of a crime such as clothing, documents, books and other evidence. The Supreme Court specifically noted in the *Hayden* case, however, that Congress has never enacted implementing legislation to authorize the issuance of search warrants for the seizure of such mere evidence of crime.

The purpose of the proposed amendment is to amend Title 18, United States Code by adding a new section 3103a, which would authorize search warrants to be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States. The amendment preserves the basic safeguards applicable to search warrants under the Fourth Amendment. Thus, a search warrant for evidence of crime may issue only upon probable cause. In addition, the warrant must particularly describe the place to be searched and the things to be seized.

The amendment would be an effective aid to law enforcement officers. It will allow them to seize, pursuant to a search warrant, mere evidence of a crime, as well as instrumentalities of crime, fruits of crime, and contraband. The amendment will thereby remove a major deficiency in the present Federal Rules of Criminal Procedure, and will substantially assist Federal law enforcement officers in securing better evidence to help convict those accused of crimes.

Mr. PASTORE. Mr. President, let the RECORD show that the Senator from Rhode Island is one of the 10 Senators present who knows what is in the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. I am glad that the distinguished Senator from Rhode Island is one of the 10 Senators who knows what is in the amendment. I believe that every Senator ought to have an opportunity to know. And this is very material legislation. It is too important a matter to come in with an amendment on a bill that reaches into basic rights and then to say this has the approbation of Senator so-and-so or so-and-so. Then we are to take it on their say-so.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. Of course I yield. I will be glad to yield.

Mr. PASTORE. Mr. President, the fact of the matter is that the Senator did make a rather desperate statement in saying that there were only 10 Senators on the floor who knew what was in the amendment. I do not know where he got that idea. I do not know what documentation he had.

The PRESIDING OFFICER. The Senator from Colorado has the floor. Who yields time?

The Senate will be in order.

Mr. ALLOTT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. ALLOTT. Mr. President, will the Senator from Arkansas yield some time to the Senator from Michigan?

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, this is a sort of subdivision of the problem of the Senator from New Hampshire.

Can the Senator from Colorado explain how this amendment would change Federal law with relation to the issuance of search warrants?

Mr. ALLOTT. It would not change the law with relation to the issuance of search warrants.

Mr. HART. What does it contribute to the law?

Mr. ALLOTT. It provides for the issuance of search warrants to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Colorado. [Putting the question.]

The noes seem to have it.

Mr. PASTORE. Mr. President, I call for a division.

On a division, the amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I would like to ascertain if I can, how many more amendments there are so that we can get some idea whether we should adjourn over until next Monday or proceed.

The PRESIDING OFFICER. There appear to be approximately four more amendments.

Mr. BAYH. Mr. President, I send to the desk an amendment and ask that it be stated. I might say for the edification of the Senate that it should not take over 2 or 3 minutes as far as I am concerned.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 88, between lines 2 and 3, insert the following new paragraph:

"(18) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter."

On page 93, beginning with the word "who" in line 13, strike out through line 18 and insert in lieu thereof the following: "in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, or in the locality in which such person resides unless the licensee knows or has reasonable cause to believe that the purchase or possession would be in violation of such State law or such ordinance.".

Mr. PASTORE. Mr. President, may we have order so that we can understand what is going on?

The PRESIDING OFFICER. The Senate will be in order.

The Chair inquires whether the Senator would agree to considering his amendments en bloc.

Mr. BAYH. Mr. President, I ask that my amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. BAYH. Mr. President, my amendment deals with a new section of the bill. I have discussed this with the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Nebraska [Mr. HRUSKA].

Let me say very quickly what the amendment does.

The amendment goes to the requirements which are now provided on page 93 of the act as it now is, which reads:

(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle.

(2) any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm.

This provides that anyone who sells firearms has to really be responsible for knowing every ordinance dealing with firearms in all of the villages and hamlets of the country.

My amendment would give to the Secretary of the Treasury the responsibility of compiling a list of these ordinances and putting them in the Federal Register once a year and making them available to any of the Federal licensees who want them.

If a person comes in to buy a weapon from one of these dealers and says he is from Timbuktu, the dealer can look through his booklet and see what the law is in Timbuktu.

The way it is now, I do not see how anyone can be held legally responsible for an ordinance that he has no knowledge of.

Mr. President, the amendment I have offered to title IV would do much to resolve questions which have arisen as a result of previous debate on the subject of improved regulation of the interstate commerce in firearms.

The first part of my amendment adds a definition of "published ordinance" to the title. The second part of the amendment coordinates with this definition by restating and clarifying the conditions under which it would be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver any firearm to any person. As presently written, title IV places the burden upon the licensee to determine if a purchaser is eligible to receive or possess a firearm under applicable State or local law, regulation, or ordinance. The title gives the licensee no guides for making such a determination, however. He bears the full responsibility.

The first part of my amendment responds to situations wherein a municipality or other local unit of government may have more restrictive regulations concerning the receipt or possession of a firearm than does the State itself. At present, there is no orderly procedure for assembling and publishing these many local ordinances and for notifying licensed importers, manufacturers, and dealers of their existence. Because of this, it is possible for a person residing in an area covered by such an ordinance limiting or restricting his receipt and possession of a firearm to seek to circumvent its application by ordering the desired firearm from a mail-order dealer or by attempting to make an over-the-counter purchase. This weakness in the existing enforcement procedure has been pointed out many times by witnesses at the hearings on this subject.

In the amendment I have offered, a published ordinance is defined as "a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter."

This means that the Secretary of the Treasury shall keep advised of the published laws, ordinances, and regulations of local units of government regarding the receipt and possession of firearms. When the Secretary finds that a local ordinance comes within the intent and purpose of this chapter, he shall cause such local ordinance to be published in a list in the Federal Register, a copy of which will be furnished regularly to each importer, manufacturer, and dealer licensed under the chapter. The Secretary will be required further to revise the list annually, making such deletions and additions as are necessary to accurately reflect the situations that exist within the local units of government throughout the country, and the revisions again shall be published in the Federal Register and supplied to each licensed importer, manufacturer, and dealer.

The advisability of this part of my amendment speaks for itself. The procedure it would initiate will give individuals and businesses involved in the manufacture and sale of firearms the kind of information they need to determine what local laws, ordinances, and regulations, if any, apply to their prospective sale or delivery of a firearm to a person seeking to purchase one. It would give them, in a single reference document, a complete and accurate list of ordinances that apply to the conduct of their business under the terms of this chapter. And equally important, the amendment sets the stage for the Federal Government to effectively and efficiently assist the States and the local units of government in upholding any applicable regulations they may have adopted concerning the receipt and possession of firearms.

As I observed earlier, Mr. President, this part of my amendment responds directly to a need that has been identified. Its adoption would assure that the Federal Government recognizes the vastly different conditions that exist throughout the country. I feel strongly that if a local unit of government has adopted some ordinance concerning the receipt and possession of firearms that it has done so because of uniquely local situations. The Federal Government should assist that local unit of government in upholding what it has done in its own best interest. The Federal Government should not force upon a State or a local unit of government a prohibition that is completely out of line with what is needed or desired.

The second part of my amendment is equally as desirable as the first. It is coordinated with the first part.

As presently written, title IV would make it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver "any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm."

What this provision would do, if it remains, is to place the full burden on the licensed dealer to refrain from selling a firearm, either through the mail or over the counter, to any person he "knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law," and so forth. In brief, this means that the licensee must, on his own initiative and at his own peril, determine whether the purchaser is entitled to receive and possess such a firearm, that there are no State or local laws that limit or prohibit the purchaser's receipt or possession of the firearm, that the purchaser is not a nonresident or under 21 years of age in the case of a handgun, and all the other particulars that have a bearing on the transaction.

This entire burden would fall upon the licensee under title IV as now written. The licensee would sell the firearm at his own risk. Further, and this is important, technical violation of any State or local law, ordinance, or regulation would, under the conditions set forth in title IV, place the licensee under violation of Federal law. So here we have a situation in which the licensee has no orderly, centralized and regular source of information concerning State and local laws, ordinances, and regulations, yet he is expected to abide by them or be found in violation of the Federal law. If permitted to stand, this requirement would expose dealers to duties and burdens far beyond reasonable commercial practice. The dangers inherent in such a requirement should be sufficient to cause any prudent dealer in firearms to refrain from making sales to the many lawful users of firearms.

Let me point out just a few of the many ambiguities and inconsistencies that exist in local statutes. The District of Columbia forbids sales of handguns to felons, narcotics addicts, vagrants, and prostitutes. Texas law forbids sales to "undesirable" persons. In some instances these laws are not rigidly enforced or dealers are given relief if reasonable precautions were taken to establish the identity and qualifications of the purchaser. But under title IV as presented in the committee bill, the dealer has absolutely no safeguards. If he sells a firearm and ultimately finds himself in violation of a State or local law, regulation, or ordinance, he is subject to prosecution under a Federal statute.

My amendment would change title IV to read:

> It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—
>
> (2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, or into the locality in which such person resides unless the licensee knows or has reasonable cause to believe that the purchase or possession would be in violation of such State law or such ordinance.

To get the kind of information and guidance that he would need in order to comply with State and local laws, ordinances, and all the rest in areas outside of his personal knowledge, the licensee would consult the list of such laws, ordinances, and regulations sent to him annually by the Secretary of the Treasury, as provided in the first part of my amendment. I can think of no fairer or more workable procedure, Mr. President.

I believe the present requirement in title IV as reported from the committee is entirely unreasonable and grossly unfair. Its approval would perpetuate an already bad situation.

I urge the Senate to accept my amendment to title IV so as to correct the inequity that it contains.

Mr. McCLELLAN. Mr. President, I yield half of the time to the distinguished Senator from Connecticut [Mr. DODD] and the other half of the time to the distinguished Senator from Nebraska [Mr. HRUSKA].

Mr. DODD. Mr. President, I believe this is a good amendment, and it should help the law-enforcement people in creating a more equitable situation for those who will be affected by this part of the bill. I am willing to accept it. I have said so to the Senator from Indiana.

Mr. HRUSKA. Mr. President, the amendment of the Senator from Indiana is meritorious. It is the only businesslike way in which merchants who will be allowed to sell firearms over the counter, pursuant to the bill that was approved early this week, will be able to discharge the duties and responsibilities placed upon them. I support the amendment, and I hope it is agreed to.

Mr. BAYH. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

AMENDMENT NO. 799

Mr. GRIFFIN. Mr. President, I call up my amendment No. 799, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 101, line 13 through line 14, strike the following language: "or any rule or regulation promulgated thereunder,".

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRIFFIN. On page 101 of the bill, the penalty section—which applies to the firearms control portion—reads as follows:

> Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder . . . shall be fined not more than $5,000 or imprisoned not more than five years, or both.

On page 105, the bill provides that "the Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter."

Mr. President, it was always my understanding as a law student that Congress could not delegate its legislative power. I realize that this principle has been undermined, but surely, if there is one area in which we should not delegate our legislative power, it is in the area of criminal law. If we are concerned about due process, surely then, we should spell out in the law what is a crime.

In this bill, the Congress would delegate to the Secretary the power to prescribe regulations such as he deems necessary, and would provide that a violation of such a regulation to be promulgated in the future—no matter what it says—would be a crime.

I believe that this provision violates a fundamental principle of constitutional law and that, as such, should be stricken from the bill.

Mr. BAKER. Mr. President, will the Senator yield me 2 minutes?

Mr. GRIFFIN. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I join with the Senator from Michigan in support of this amendment.

It seems to me that one of the fundamental principles of constitutional protection of the rights of all citizens in the field of criminal law is that no one should be made to stand the indictment, the charge, and the penalty of imprisonment or fine unless appropriate constituted authority of Congress or of the various legislatures of the States of this Union has clearly spelled out what constitutes a criminal offense.

To permit, on the one hand, the Secretary to prescribe, to promulgate, and to propound regulations which he, and he alone, may propound, which are treated as criminal statutes and are punishable as such, is to me the height of the abdication of our responsibility with respect to the protection of all citizens.

Even more serious is the idea that some future Secretary might change or alter a rule or a regulation in order to form it up into a criminal offense, and thus place in the hands of an executive branch administrative official the authority to fashion and shape a criminal offense to his own personal liking and charge a citizen of the United States with the peril of imprisonment for violation thereof.

I believe the amendment is of enormous importance, and I believe it should clearly be agreed to by the Senate.

Mr. McCLELLAN. Mr. President, I support the amendment.

Mr. DODD. Mr. President, will the Senator yield me 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Connecticut.

Mr. DODD. Mr. President, I wish to make a record on this matter.

First, I should like to ask the Senator from Michigan whether it is not true that this very language has been part of the Federal Firearms Act for 30 years.

Mr. GRIFFIN. I would say to the Senator from Connecticut, I don't believe past errors should guide our judgment on this point.

Mr. DODD. It is important to understand that this principal is an old established and tested part of our law. I do not believe it is in error.

Mr. GRIFFIN. If it has been in the law, I would object to it at that place or at any other place in the law where we so clearly delegate the legislative power of Congress, particularly in an area involving criminal law.

Mr. DODD. If the Senator will bear with me, I understand his position, but I believe the Senate should know that there is nothing new about this language. It has been on the statute books in sections 905 and 907 of the Federal Firearms Act for 30 years. So far as I have been able to determine, and if I am wrong, I wish the Senator would enlighten me and other Senators—a question never has been raised about the manner in which the rules and regulations have been enforced.

As I listened to the Senator, I got the impression that there has been something dreadful about this language and its application in the past. The Secretary has had this rulemaking authority since 1938 and there has been no substantiated abuse of this authority.

The Library of Congress submitted to me a lengthy legal brief which is a part of the legislative history of this title and concludes that almost from the beginning of the National Government the Congress found it necessary to delegate to subordinate executive officers discretionary power to issue regulations found necessary to carry into effect congressional policy expressed in statutes. There is nothing new about it, and there is nothing new about this language. It is in the law now, and I do not know what all the storm is about.

In any event, as has always been the case, such rules and regulations are subject to judicial review.

I can understand the attitude of the Senator in not liking it, but it certainly is not new.

Mr. GRIFFIN. Mr. President, there is nothing new, of course, about giving to an administrative official the power to promulgate regulations to interpret what the statute means. But I believe it is very unusual, and I do not know of many statutes where we have not only given power to promulgate regulations which are to be of assistance in interpreting and applying a statute, but have also provided that a violation of the regulation will be a crime in itself. I believe the principle is absolutely wrong.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 87, beginning with line 14, strike out through line 21, and insert in lieu thereof the following:
>
> "(15) The term 'antique firearm' means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States, and is not readily available in the ordinary channels of commercial trade."

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself 2 minutes.

Mr. President, the amendment offered here is intended to relieve an unnecessarily burdensome problem for serious collectors of antique firearms and for historians and museums.

In defining an antique firearm, I have used a cutoff date of 1898 rather than 1870, the date used in title IV, for several sound reasons which I shall discuss and because it is a more logical date of transition in the development of firearms.

First, a study of the hearings before the Subcommittee to Investigate Juvenile Delinquency shows that the witnesses representing collector organizations and knowledgeable in that field consistently recommended and substantiated the date 1898.

Second, there is precedent in the Code of Federal Regulations for this date. I call your attention to title 22, paragraph 123.51 which reads and I quote:

> Obsolete small arms; subject to the provisions of 123.03(b), collectors of customs are authorized to permit the importation or exportation, without a license, of firearms covered by Category I (a) of the U.S. Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

Third, this predates the American manufacture of semiautomatic pistols. The first patents were issued to Browning in 1897; the first commercial manufacture was commenced in 1900. The modern form of the revolver appeared slightly before 1898, using a solid frame with a swingout style of cylinder, a system which is still employed.

Finally, this is the approximate date also of the transition in ammunition manufacture from the now obsolete black powder to the modern smokeless or progressive burning powder. While perhaps a few arms were made prior to 1898 adapted for smokeless powder, I would point out that the U.S. Armed Forces continued to use black powder through and including the Spanish-American War.

In the discussion between the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. HANSEN] on May 15, the Senator from Connecticut stated that he had not heard of the date 1898 but had obtained the date 1870 from people in the trade. I would point out here that these people in the trade are manufacturers of modern handguns and are perhaps not as familiar as they should be with the now obsolete production favored and desired by collectors. I note with satisfaction that the Senator from Connecticut stated that it was his intent to exempt genuine gun collectors from the provision of title IV.

Please note further that one additional change has been made in exempting from the provisions of this title certain firearms using fixed ammunition which were manufactured in 1898 or earlier. Title IV as now written would include in its provisions all firearms using or firing fixed ammunition regardless of when manufactured. I would point out that the period of the Civil War and the few years immediately preceding represent a time of considerable experimentation and development of cartridges of fixed ammunition. As a consequence, during this period many rare and highly desirable collector items were manufactured which have little, if any, practical use as a firearm in the modern connotation but which would be controlled under the present provisions of title IV. This same thing applies to many of the early arms used in the development of the West in the Indian war period and up to the time of the Spanish-American War.

Almost all of these arms used ammunition which is no longer manufactured in this country and thus is not available in the ordinary channels of trade. Many of these cartridges were discontinued by the manufacturers long before the turn of the century; a few were made up to the time of World War I; and still fewer were made up to the end of the 1930's.

It might be argued that these obsolete and early firearms could be used in the commission of a crime. It is equally true that a hand-carved wooden model of a handgun has been used in jail and prison breaks and even in holdups. But with regard to the obsolete arms which we are discussing, there simply is no record that they have been so used.

In a discussion on May 15, which we mentioned earlier, I was pleased to note that the Senator from Connecticut was not adamant about the date 1870. I hope that on consideration of the points enumerated here, he will concur with me in this simple amendment regarding the definition of antique firearms which will remove much concern and many problems for the collectors, museums, and historians.

Therefore, I offer this amendment to revise the date 1898, with certain other clarifications.

It is my understanding that the distinguished Senator from Connecticut [Mr. DODD] has decided to accept the amendment. Therefore, I believe it is not very controversial.

The PRESIDING OFFICER. Is all the time yielded back?

Mr. TOWER. Mr. President, I wish to ask the Senator from Connecticut if this amendment is acceptable.

Mr. DODD. I think it is perfectly acceptable. There is nothing sacred about the date 1898.

Mr. TOWER. Mr. President, I yield back my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [putting the question].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 818

Mr. HRUSKA. Mr. President, I call up my amendment which takes the place of printed amendment No. 818.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask

that further reading of the amendment be dispensed with.

Mr. GORE. Mr. President, I object. I would like to hear the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 52, beginning with "United States" on line 8, strike out all through the comma on line 9 and insert in lieu thereof "United States".

On page 52, immediately after "by" on line 11, insert "Federal".

On page 52, beginning with line 19, strike out all through line 25 and insert in lieu thereof the following:

"(9) 'Judge of competent jurisdiction' means a judge of a United States district court or a United States court of appeals;"

On page 53, strike out "and" on line 4.

On page 53, strike out the period on line 7, and insert in lieu thereof a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'State official' means any officer, employee, or agent of a State or a political subdivision thereof empowered by the laws of that State to engage in any of the actions referred to in section 2521 of this chapter."

On page 61, line 22, strike out "(1)".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, beginning with "or" on line 20 strike out all through "State" on line 22.

On page 76, immediately after the comma on line 10, insert "or".

On page 76, beginning with "or" on line 12, strike out all through the comma on line 14.

On page 78, strike the quotation marks on line 23.

On page 78, between lines 23 and 24, insert the following:

"Sec. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official or any State from engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication, using, endeavoring to use, or the procuring of any person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication; disclosing or endeavoring to disclose, to any other person the contents of any wire or oral communication; or using or endeavoring to use the contents of any wire or oral communication, if the action engaged in by such State official is authorized by State law and is taken within that State."

The PRESIDING OFFICER. Does the Senator from Nebraska request unanimous consent to offer the amendments en bloc?

Mr. HRUSKA. Mr. President, that is my intention and I do make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the amendments will be considered en bloc.

The Senator may proceed.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. Those Senators who are interested in following the amendment can refer to printed amendment No. 818. The text of the amendment read by the clerk was submitted because there were some printing errors contained in the printed version.

I have discussed the amendment with the manager of the bill and he has indicated he has no objection to it. There is some far-reaching import to the measure and I wish to explain it.

Title III, as now drafted, will set Federal standards for the use of electronic surveillance techniques for State law-enforcement officers. Any legislation which is enacted by a State legislature will be required to follow the specifications and the standards set out in title III in order to qualify.

At the time this bill was originally drafted and introduced in the Senate there was little or no State activity in this area.

Concern was expressed that some States might act and not act responsibly. Activity on the State level has proved that fear to be unfounded. Legislation is pending in California, Rhode Island, Pennsylvania, and New Jersey which would set up a court ordered system as title III sets out. In New York both houses of the State legislature, and in Michigan one house of the State legislature have enacted bills for court ordered supervision.

This body has no superior knowledge or wisdom in this area. We should not impose the standard spelled out in title III on State legislation that might be enacted. That does not mean the States should have or will have a free hand. It is to say it is not necessary for the Congress to intervene, because the States are already subject to the same, basic constitutional limitations that we are subject to.

Mr. President, the Supreme Court decision in Berger against New York makes that unquestionably clear. Any State legislation in this area must be approved by the Supreme Court. There is no reason it should pass review here and be subject to standards we set out in title III.

If there is some new, better, or more effective way to handle this matter, which is very important and involves, after all, very close personal rights and liberties, then all the better. We do not have any monopoly on the excellence with which this problem might be approached. No one has established a need for the Congress to establish standards in this area any different than those set up by the Supreme Court.

Apart from wiretapping, where congressional action in the past has not been very happy anyway, the States are now free to act. It is not necessary for us to authorize them to act. I see no reason for us to step in and have them follow our judgment, subject to the review of the courts, if the acts are in any way suspect of breaching the constitutional requirement. For that reason it would be well to let the States determine their own destiny.

Mr. President, in this connection, I ask unanimous consent to have printed in the Record a letter from the attorney general of the State of Nebraska dated May 6, 1968 which draws attention to the points I have detailed, saying among other things it is the same position he testified to, and that it is the position that the State attorneys general generally supported in 1961 when hearings were held on the wiretapping legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Nebraska, Department of Justice,
Lincoln, May 6, 1968.

Hon. Roman L. Hruska,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator: Many thanks for sending me that latest revised copy of S. 917, together with a copy of the April 29 Committee Report. I note some significant changes in this latest bill with respect to Title III, with which I have been most concerned.

I am in complete accord with the position which you have taken on Title III, together with Senators Dirksen and Thurmond, as set forth on page 239 of the Committee Report No. 1097, dated April 29, 1968. It is there indicated that you intend to offer a floor amendment which would eliminate from Title III those aspects of the bill which now set federal standards for state law enforcement. That is the position I took in 1961 when the Committee was considering similar legislation, and I suggested that the Congress had every right to regulate the federal and the private sector, but urged that the states were not without honor in such matters and might properly be trusted to follow constitutional requirements.

The particular problem which will arise if federal standards are imposed upon the states is that more than 500 judges in this state alone would be called upon to interpret the federal standards, as well as state requirements, in determining the admissibility of evidence. Although many of our judicial offices are filled with highly qualified men, there are some who perhaps do not have the requisite legal training to adequately cope with the serious responsibility of making adequate determinations with respect to the legal principles which should be applied in a given situation. I am certain that this condition is not peculiar to this state, but would apply in varying degrees in every state.

Kindest personal regards.

Sincerely,

Clarence A. H. Meyer,
Attorney General.

Mr. HRUSKA. Mr. President, I hope the Senate agrees to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, my understanding of the import of this amendment is simply to remove any restrictions on the States to compel them to comply with the provisions of the bill.

Mr. HRUSKA. The Senator is correct.

Mr. McCLELLAN. And to remove those restrictions and leave the matter to the States so that they would be free to devise their own means and their own approach to the problem, subject to constitutional limitations.

Mr. HRUSKA. The Senator is correct. That is the sole purpose and the only objective.

Mr. McCLELLAN. Are there any questions about the amendment?

Mr. GORE. I wish to inquire about section 2521, at the bottom of page 2. The amendment would direct the insertion of these words:

Sec. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official of any State from

> engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication; * * *

Does that mean that the restrictions which the pending bill contains would not apply to any State which desired to permit any of its State or county officials to engage in any wiretapping?

Mr. HRUSKA. If the Senator will continue to read on in that section, he will find that the last three lines of that section spell out the answer to his questions.

Mr. GORE. I read the lines:

> . . . if the action engaged in by such State official is authorized by State law and is taken within that State.

Mr. President, this is a very hasty reading on my part, but it seems to me that if we adopt the amendment then there is no Federal law, if we pass the bill, that would make any wiretapping illegal in any State which made it legal. It seems to me that this is going entirely too far. As I said, it may be that this is a hasty interpretation but I do not believe we should pass on it in 3 minutes and then undo all that we have done on the subject of wiretapping.

Mr. HRUSKA. It is identical with title III which we are about to enact.

Mr. GORE. Earlier today, the senior Senator from Tennessee inquired of the senior Senator from Arkansas whether there was any Federal criminal statute against wiretapping or other kinds of electronic surveillance. The answer was "No."

I asked him if the pending bill would provide prohibition against certain types of wiretapping. The answer was "Yes."

I then asked him if the gravamen of the bill was to proscribe and make illegal certain types of wiretapping while, on the other hand, providing that certain types would be legal and affect the use of such evidence in court conduct. The answer was "Yes."

If those answers were correct, then, I say, this amendment would undo those answers in every State which desired to take action upon them.

Why do I say that?

I read:

> Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official of any State from engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication; using, endeavoring to use, or the procuring of any person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication; disclosing or endeavoring to disclose, to any other person the contents of any wire or oral communication; or using, or endeavoring to use the contents of any wire or oral communication, if the action engaged in by such State official is authorized by State law and is taken within that State.

Again, Mr. President, this is a hasty reading, but it seems to me if we adopt it—I do not say I am entirely right, I say it seems to me—then we undo the three answers the senior Senator from Arkansas gave to me earlier today.

Mr. McCLELLAN. Is it the Senator's apprehension that the law we are about to enact would place an absolute prohibition upon wiretapping and make it a crime, so far as some States are concerned? Is that what the Senator is concerned about in this amendment?

Mr. GORE. In those States which enact their own legislation which would contravene the bill.

Mr. McCLELLAN. Well, it is still Federal law. It is still a Federal crime for anyone to engage in wiretapping. The Senator's concern is that if a State should pass a law saying that it was not a crime in that State, that then it would not be a crime for that State. Is that what the Senator is concerned about?

Mr. GORE. That is what the amendment states.

Mr. McCLELLAN. I am trying to ascertain if that is the Senator's objection.

Mr. GORE. It is. Let me read again:

> SEC. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting . . .

And so forth.

Mr. PASTORE. Will the Senator from Arkansas yield on that very point?

Mr. McCLELLAN. I yield.

Mr. PASTORE. It is generally accepted that any telephone system is interstate. If it is permissible, let us say, on the part of the Federal Government to tap a wire for Federal purposes, and we exclude a State that will tap that same wire, the question that arises in my mind is this: Is there not a conflict here that is hard to resolve? What we are talking about is wiretapping, and wiretapping has to do with telephonic wiretapping. If the wiretapping has to do with a telephonic wire—and it is interstate, which we have held time and again—I say, how can we assimilate the two and have two sets of rules?

In other words, if the act were legalized on the part of the State, and it was brought out by the legislation that we pass here, then an FBI agent could be prosecuted in the State, or not prosecuted in the State, depending upon what that State did with reference to a wiretap. So that I do not know how we will get Federal officials—especially when it comes to organized crime—to come in and do their job. Does the Senator understand what I mean? If a State takes it upon itself to tap, and that wire is illegal in one, because an overt act has been committed in the particular State, and yet that State has said that it is illegal, and we have said that it is not illegal, where does that put the FBI agent? Where does that put the Internal Revenue agent?

I am afraid, here, that we have not thought this out too carefully because there is a serious conflict.

Mr. HRUSKA. Mr. President, I yield myself another 3 minutes.

When we adopt this amendment, there is no conflict. We will be putting the law just where it has been all the time before. We have had a wiretapping law—not a very good one. Mr. Katzenbach, when he was Attorney General, testified it was worse than nothing. At that time New York had a wiretapping law.

All we are doing now is saying, New York can still have a wiretapping law if it conforms to the constitutional requirements as announced and declared by the Supreme Court. That is the way it has always been. Rhode Island is now considering a wiretapping law.

Mr. PASTORE. I realize that.

Mr. HRUSKA. There will be no conflict between Federal and State law, because the law is that a Federal law will take priority in the event of a conflict. But if a State wants to take advantage of its own law, and if wiretapping takes place in that State, and if there is a State law, and it is constitutional, it should be allowed to do so, without spelling out all the things in title III as if we were Solomon and we had all the wisdom and knowledge in this field. We do not have all the wisdom and knowledge in this field.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. Let us assume Rhode Island passes a law prohibiting wiretapping. I hope it does not, but let us assume it does. Certainly that would be constitutional.

Mr. HRUSKA. Yes.

Mr. PASTORE. Therefore, Congress would be passing a law which provides that, under certain circumstances, a wire can be tapped. Therefore, an FBI agent who goes into Rhode Island and taps a wire is violating the law.

Mr. HRUSKA. No.

Mr. PASTORE. Why not?

Mr. HRUSKA. The State has no jurisdiction over an FBI agent.

Mr. PASTORE. If he does it in Rhode Island, it certainly has.

Mr. HRUSKA. That has been the law all the time. This amendment puts it back into the status it was in before.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Is it fair to say that the import and intent of the amendment is to prevent the Federal Government from preempting the field?

Mr. HRUSKA. In testing any State statute, it would have to conform to the standards which would satisfy, first, the Constitution of the United States. The Constitution of the United States is abided by in title III. There would be introduced an element of confusion in determining whether a State, in passing a law, complied with title III and the Constitution. The States ought to determine their own destiny in this.

Mr. PASTORE. Mr. President, will the Senator yield again?

Mr. HRUSKA. I yield.

Mr. PASTORE. Let us assume the State of Rhode Island passes a law saying that anyone who taps a telephone wire in the State of Rhode Island is guilty of a crime, subject to a punishment of 1 year in jail and a $10,000 fine. The Senator is telling me that if an FBI agent comes into Rhode Island and taps a wire in Rhode Island, he is not guilty of a crime?

Mr. HRUSKA. That is right, because he is authorized by Federal law to go into any State and do what he is authorized to do.

Mr. PASTORE. But that is a violation of the Rhode Island statute.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield.

Mr. BROOKE. Under the Senator's amendment, would it still be necessary to go before a court and get a court order?

Mr. HRUSKA. As fully as provided in the Berger against New York and the Katz case and the Constitution. Of course, that is what the Supreme Court said they would have to do.

Mr. BROOKE. Therefore, a State law would have to conform to the Berger case and the Katz case?

Mr. HRUSKA. Under my amendment, it would have to conform to the U.S. Constitution and the cases you have cited. It is my idea and conviction that that is enough and that we have no business as a Congress to impose additional restrictions by saying, "Unless you do it our way, you can't do it."

Mr. BROOKE. It would not have to comply with the Berger case and the present bill?

Mr. HRUSKA. A State statute would have to comply with the Berger case and the Katz case.

Mr. BROOKE. But not the bill?

Mr. HRUSKA. But not the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. As a matter of fact, under the emergency powers in this bill, it would not be necessary to have a court order for 48 hours.

Mr. HRUSKA. That is in the bill.

Mr. PASTORE. Therefore, a court order would not be needed.

Mr. HRUSKA. That is in the bill. If the Supreme Court, in its wisdom, decides the emergency power is with the court, neither the Federal Government nor State government could include it in a bill.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I shall not detain the Senate. I ask for 2 minutes.

After hearing the debate, I think I correctly understand the matter. I hope so. The Senator from Nebraska says that, even if his amendment is adopted, States will be required to comply with the Constitution. That is nothing new. We could not relieve them of that requirement if we wished to, so that accomplishes nothing.

What the bill before us does is set up certain standards. It prevents wiretapping except in compliance with this statute or in compliance with the Constitution. What the amendment would do, I submit, is relieve any State that desired, by its own legislation, to permit any State official, any county official, any local official, to engage in wiretapping, in contravention of what we acted upon earlier, so long as it complied with the Constitution.

I submit that if any State wished to exercise its own legislative authority under the Constitution——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. May I have 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Tennessee.

Mr. GORE. Then the Federal statute that we are about to pass here would not apply to that State.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, all I have to say, in conclusion, is that New York has had a State law on this subject for over 25 years. It has worked well. It has worked effectively. It is now being rewritten to comply with the constitutional requirements set out in the Supreme Court decisions.

It certainly makes sense to me that, if New York has had that law and it has worked so well—and Mr. Hogan says it is the most valuable instrument for the enforcement of the law that there is—we should continue to let them work on that basis, instead of introducing the element of confusion by trying to satisfy the Constitution as well as the Federal law.

I urge the adoption of the amendment, and I yield back whatever time I have left.

The PRESIDING OFFICER. All the time has been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG], the Senator from Georgia [Mr. TALMADGE], the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Ohio [Mr. YOUNG], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. JORDAN] would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from Utah would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 24, nays 51, as follows:

[No. 159 Leg.]

YEAS—24

Allott
Boggs
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Hickenlooper
Hruska
Mundt
Murphy
Percy
Russell
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—51

Aiken
Anderson
Baker
Bayh
Bible
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cooper
Dodd
Fulbright
Gore
Hart
Hartke
Hatfield
Hayden
Hill
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Monroney
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smith
Sparkman
Spong
Symington
Tydings
Williams, N.J.

NOT VOTING—25

Bartlett
Bennett
Cannon
Church
Clark
Gruening
Harris
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Stennis
Talmadge
Yarborough
Young, Ohio

So Mr. HRUSKA's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ANDERSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FANNIN. Mr. President, I strongly support this omnibus crime bill. Given the constantly mounting serious crime rate in the United States, this bill is long overdue. It is a tragedy that the American people have had to put up with this national disgrace for so long.

Yet now there is strong resistence to even these moderate measures. The handwringers are charging that this bill is nothing more than an attack on the Supreme Court, that its provisions will violate the rights of accused persons, that our right to privacy will be infringed. But what about the right of the law-abiding citizen? Does he not count? Should he not have some protection? Should there not be some concern for his welfare? Parenthetically, Mr. President, I would like to call attention to two articles which appeared in this morning's Washington Post asking for more police protection in the city. It is obvious that a major symptom of our present problem is right here in our Capital City.

I ask unanimous consent that these articles be printed at the conclusion of my remarks.

Mr. President, it is time to strike some sort of balance between the rights of the criminal in our midst and those of the victim. This bill, in my opinion, does just that. It is a reasonable proposal based on extensive hearings and deliberations to improve the administration of criminal justice in this country.

Let me just briefly examine some of the main provisions of the bill. Title I authorizes Federal assistance to State and local law-enforcement agencies. There is little disagreement with these provisions. The important consideration is that there be no Federal domination or control over local law-enforcement agencies nor any possibility that this be the basis for the establishment of a Federal police force.

Title II is an attempt to balance the right of the accused against those of the public. It makes the admissibility of confessions depend on the standard of voluntariness while at the same time safeguarding the constitutional right of defendants.

In my opinion, title II is an attempt to cope realistically with the problems of confessions and other evidence and will for the first time give law enforcement a break. Under the Mallory, Escobedo, and Miranda decisions, the force and effect of our criminal laws have been materially weakened with many dangerous criminals being set free. This title will assist materially in preventing a complete breakdown of law and order.

Title III deals with the wiretapping and electronic surveillance. The committee report and the discussions on the floor adequately point up the need for this title. In this modern age, I can think of no reason why our law enforcement officials should not be permitted to use the latest techniques to apprehend criminals. The rights of private citizens will be protected by impartial court supervision and other safeguards.

With reference to title IV, while there may be some need to strengthen existing law in this area, clearly the restrictive administration approach was unacceptable. I favored the so-called Hruska approach which contains workable provisions without unduly restricting our citizens in their constitutional right to bear arms. In addition, this measure would significantly assist the States and local governments in the enforcement of our laws. I observe parenthetically that the persons who insist upon restricting our citizens' right to possess firearms are the very ones who favor restricting police in their efforts to control crime. If the police were permitted to perform their normal function of enforcing the laws, perhaps individual citizens would not feel compelled to arm themselves.

Mr. President, as has been noted here, seldom do we hear the ultra liberals express their concern about the safety of our law-abiding citizens. Instead, they spend their time finding excuses for the lawbreakers and blaming other segments of our society for the rising crime rate. In this connection, Mr. President, I would like to take a few moments to pay my respects to a large segment of our population that seems to have fallen into disrepute of late—a segment which, if we would believe the latest reports and studies, is responsible for most of America's woes. I refer to our middle-class American and his so-called middle-class morality.

I have heard this middle-class American blamed for just about every sin and crime in the book. The picture that keeps coming across is one of an overfed, bigoted, self-satisfied suburbanite, whose goal in life is the pursuit and accumulation of material goods, a callous neighbor whose narrow values force his sensitive child to the streets and his beads; he is either a repressed Christian whose middle-class morality is responsible for the liberating influence of pornography or an overzealous wifeswapper, a product of our decadent society. The only thing he is good for is paying the bills and fighting our wars. Obviously, he is unorganized.

You have seen the official reports, the editorials, the documentaries, the books, the motion pictures: the fingers all point to this "middle-class" phenomenon.

There was a time not so long ago, Mr. President, when America had only one class and one morality, when standards were established and applied equally—standards of accomplishment in school, standards of performance on the job, standards of behavior on the streets. Those standards were the bulwark of our society.

Standards are relative today. They may apply or they may not, depending on the measure of one's material success. But anyone who still believes in the observance of standards for everybody is probably guilty of middle-class morality. And he is made to apologize for his provincialism and he is beginning to be embarrassed by his resistance to the concept that he is responsible for all the misery, the riots, the poverty, and the crime in our country.

Mr. President, I know the people of my State. They are the same as people in every other State in our country. They are hard working, industrious, frugal, honest individuals. They are trying to raise their families to be worthwhile citizens and they are trying to work out their lives as best they know how. They are the young people and adults who never make the headlines, who never have books written about them anymore, who lack box office appeal as subject matter for the movies, who plod along, enduring the potshots of criticism and forking over the money on April 15.

I believe it is time to call a halt to this name calling. Our middle-class American is not stupid and will not be goaded forever. I believe these people, these middle-class Americans, deserve a word of praise and a word of gratitude for their steadfastness to their principles and convictions, their willingness to support and defend their country, and their unheralded endorsement of law and order.

I ask unanimous consent to have printed in the RECORD, two articles published in the Washington Post dealing with this subject.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GPO ASKS MORE POLICE PROTECTION

A Washington printing union official said yesterday that there is a possibility of a strike or of mass resignations from the Government Printing Office because of increased crime in the area.

Charles F. Hines, president of the Columbia Typographical Union, asked Sen. Daniel B. Brewster (D-Md.) yesterday for improved parking and security in the area of the plant at North Capitol and H Streets.

Hines also announced he would ask Mayor Walter E. Washington for increased city police protection.

Hines said some workers are carrying guns to work, and that 50 have resigned in the last six weeks, many over the safety issue.

Some methods the union may use to protest, Hines said, include mass use of sick leave or general slowdowns. He said he was not suggesting a strike, but was voicing the concern of the workers.

GPO officials said that a strike or rash of resignations would cripple its evening shift, which prints such rush work as the Congressional Record, messages and pending legislation.

RIOT-HIT MERCHANTS ASK MORE POLICE, GHETTO AID

(By Phil Casey)

We the People, an organization founded by merchants who suffered losses in last month's fires and looting, called last night for a larger police force, an active and larger police reserve and use of military guards whenever necessary to protect the public and bus drivers.

Leaders of the group, which is open to all District residents and businessmen, also called for home rule and for "massive aid" to the city's ghetto areas and people.

An estimated 600 persons, including a small number of Negro businessmen, attended the often noisy and emotional meeting in the Shoreham Hotel. The organization, which has retained attorney Edward Bennett Williams to file a suit for damages against the District government, started a drive for donations from merchants and others to support the suit.

Abe Liss, an owner of Beacon TV Rentals in the area of 7th Street nw. that was burned and pillaged during the street violence, is chairman of We the People and president of the Midtown Business Association, which sparked the organization of We the People.

He and other spokesmen, including Hyman Perlo and Arnold Berlin, urged "greater and impartial enforcement of the law . . . It is the obligation of Government to protect the individual and property rights of its citizens."

They argue that the Federal and District governments "defaulted" on their obligation to protect the lives and property of District citizens.

Liss and the other speakers stressed that the organization is open to all, without regard to color, and said, "This is no place for bias or prejudice."

Berlin, reciting a long list of the organization's demands, said it wants more police on the street at all times, with military troops "on the streets ready to protect us" before violence gets out of control. It wants more police recruiting done within the city, so that there will be more Negro representation on the force.

Mr. BYRD of Virginia. Mr. President, the safe streets legislation is a complicated composite of four different subjects.

I am enthusiastic about that section which seeks to curb the excesses of the Supreme Court. The support which this section received vividly indicates the feeling of the Senate that the Court has exceeded its authority.

I have considerable doubt about establishing a new Federal grant program, whether the money be distributed to the States or to the localities, the latter historically having the primary responsibility for law enforcement.

I support the wiretapping section as it pertains to national security matters and organized crime.

But beyond this, it must be balanced against the right of the individual to privacy which I consider to be one of the most basic of our liberties.

Today's legislation is pioneering in the wiretapping field and may go too far in tampering with the privacy of the individual citizen. That is why I voted to limit this section to 5 years, at which time the entire matter can be reviewed.

The measure to restrict mail-order sales of concealable handguns is a needed one.

On balance, I feel the passage of the safe streets bill is in the public interest.

Mr. PELL. Mr. President, I send to the desk a resolution of the Rhode Island General Assembly memorializing the Congress to enact the Safe Streets and Crime Control Act and ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. 1014

Resolution memorializing the Congress of the United States to enact legislation cited as the "Safe Streets and Crime Control Act of 1967" and known as S. 917 of the 90th Congress

Whereas, It is the policy of the United States government to promote the general welfare by improving law enforcement and the administration of criminal justice; and

Whereas, Crime is essentially a local problem that must be dealt with by state and local governments; and

Whereas, It is the purpose of the "Safe streets and crime control act of 1967" to increase the personal safety of the people of the nation by reducing the incidence of crime; now, therefore, be it

Resolved, That the general assembly of the state of Rhode Island respectfully requests the congress of the United States to act favorably on this legislation; and be it further;

Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to the vice president of the United States, to the speaker of the house of representatives of the United States, and to each of the senators and representatives from Rhode Island in the congress of the United States.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 5037, the Law Enforcement and Criminal Justice Assistance Act of 1967, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. McCLELLAN. Mr. President, I move to strike out all after the enacting clause of H.R. 5037, and insert in lieu thereof the language of S. 917, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that action on S. 917 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Does the unanimous-consent request that the Secretary of the Senate and the engrossing clerks be authorized to make technical and clerical corrections properly come before passage of the bill?

The PRESIDING OFFICER. The Chair is informed that that comes after passage.

The bill (H.R. 5037) having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Ohio [Mr. LAUSCHE], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

I further announce that if present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. KUCHEL] would each vote "yea."

The result was announced—yeas 72, nays 4, as follows:

[No. 160 Leg.]

YEAS—72

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Monroney
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smith
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—4

Cooper
Fong
Hart
Metcalf

NOT VOTING—24

Bartlett
Bennett
Cannon
Church
Clark
Gruening
Harris
Hollings
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
McCarthy
McGovern
Mondale
Montoya
Morse
Morton
Smathers
Talmadge
Yarborough
Young, Ohio

So the bill (H.R. 5037) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF THE SENATE AMENDMENTS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate in the engrossment of the

Senate amendments be authorized to make technical and clerical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with a loud and clear voice the Senate has said let us reverse the growing crime rate, let us give our law-enforcement officers the help and assistance they need. The cry of crime in the streets is not, by any means, a false alarm; it exists and it is about time the Congress faced the issue squarely. With the passage of this measure the Senate has responded. I think this entire body may be proud of such an immense achievement.

Proudest of all should be the senior Senator from Arkansas [Mr. McCLELLAN], whose tenacity and capacity for work has been exhibited throughout the long consideration of this bill. Senator McCLELLAN has added an outstanding accomplishment to his already overflowing record of public service. On behalf of the Senate, I warmly congratulate him. His handling of the bill met fully the highest standards of the Senate.

The Senator from Nebraska [Mr. HRUSKA] deserves the similarly high praise of the Senate for his magnificient contribution to the discussion. His interest in the measure and particularly his views on title IV—the gun control proposal—were expressed with the same strong advocacy that have characterized his many years of service in this body. So too, the Senator from Maryland [Mr. TYDINGS] must be singled out for his outstanding advocacy, his clear and persuasive arguments, and his great devotion.

Many other Senators joined to assure a provocative and most enlightening discussion. Certainly the senior Senator from Michigan [Mr. HART] deserves commendation as do the Senators from Massachusetts [Mr. KENNEDY and Mr. BROOKE], the Senator from Hawaii [Mr. FONG], the Senator from Wyoming [Mr. HANSEN], and the Senator from New York [Mr. JAVITS].

Let me say also, that the Senator from Connecticut [Mr. DODD] has at long last placed before the Senate the issue of gun legislation. It is to his great credit that the issue was decided favorably. The Senate and the Nation knows how long and hard he has fought for such a measure.

Of course the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] is to be commended for his many contributions to the discussion. Heard and always welcome were the strong and sincere views of the Senator from Missouri [Mr. LONG], the Senator from Pennsylvania [Mr. CLARK] the Senator from Michigan [Mr. GRIFFIN] and the Senator from Colorado [Mr. ALLOTT].

I have here only highlighted a fraction of the membership who demonstrated a vital interest in this measure; the list is by no means complete. Indeed to be frank, every single Member of this body deserves praise for assuring such a continuously high-level discussion; all of the members of the Judiciary Committee under its distinguished chairman, the Senator from Mississippi [Mr. EASTLAND] deserve our thanks for performing the immense task of preparing the bill for action in the Chamber. We all may be proud of its adoption.

Mr. TYDINGS. Mr. President, I should like to commend the distinguished Senator from Arkansas [Mr. McCLELLAN], who was the floor manager of the Omnibus Crime Control and Safe Streets Act of 1967. I commend him not only for his wisdom, judgment, and skill in guiding the bill to final passage, but also for his courtesy and thoughtfulness, particularly in certain sections when other Members of the Senate took a position in opposition to ours.

It was my pleasure to work with him and with the distinguished senior Senator from Nebraska [Mr. HRUSKA], the distinguished senior Senator from North Carolina [Mr. ERVIN], and the distinguished senior Senator from Michigan [Mr. HART] on this measure from its inception, or at least from its early organization and development in the Committee on the Judiciary, through its handling on the floor of the Senate during the past 3 weeks. I disagree with parts of S. 917 as finally enacted. However, on balance, I believe the bill will be a major factor in effective law enforcement in this country.

For that reason, I believe the Nation owes a debt of gratitude to the distinguished senior Senator from Arkansas [Mr. McCLELLAN] and to the other Senators whose names I have mentioned, who played such a key role in the development and passage of this measure.

Mr. ERVIN. Mr. President, I thank the Senator from Maryland for his remarks. The Senator from Maryland has done a yeoman job in the consideration of this bill, both in committee and on the floor of the Senate. He and I disagreed on a few aspects of the bill, but he certainly merits the thanks of the country for the fine work he has done.

Mr. TYDINGS. I thank the Senator.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN AND SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the reading of the Journal on tomorrow, the distinguished Senator from Wyoming [Mr. HANSEN] be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that following the remarks of the distinguished Senator from Wyoming, the distinguished Senator from New York [Mr. JAVITS] be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1106, S. 3497. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill.

Mrs. SMITH. Mr. President, in advance of the debate on the housing bill, which I understand will start tomorrow, I wish to request that the Senate be fully informed by the chairman of the Committee on Banking and Currency on what portions of S. 1592 are retained in the housing bill and what portions are not—and the reasons therefor.

I ask this as one of the 30 cosponsors of S. 1592.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine business and that statements made therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING RECESS

The PRESIDING OFFICER announced that, under authority of the order of the Senate of May 22, 1968, the Vice President, on May 22, 1968, during the recess, signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes;

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes;

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department;

H.R. 16409. An act to amend the District of Columbia Teachers Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

REPORT OF NATIONAL ACADEMY OF SCIENCES

The PRESIDING OFFICER laid before the Senate a letter from the President, National Academy of Sciences, transmitting, pursuant to law, an annual report of that Academy, for the fiscal year ended June 30, 1967, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare, and the report was ordered to be printed, with an illustration, as a Senate document.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 3533. A bill for the relief of Olga Laina; to the Committee on the Judiciary.

By Mr. MONRONEY (for himself and Mr. HARRIS):

S. 3534. A bill to designate Lock and Dam 17, being constructed on the Verdigris River, Okla., as the Chouteau Lock and Dam; to the Committee on Public Works.

(See the remarks of Mr. MONRONEY when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN (for himself, Mr. MANSFIELD, and Mr. DIRKSEN) (by request):

S. 3535. A bill to authorize the exhibit and examination, within Presidential archival depositories, of certain motion-picture and other films prepared by the U.S. Information Agency; to the Committee on Foreign Relations.

By Mr. LONG of Missouri:

S. 3536. A bill for the relief of Mi Ja Rhee Park; to the Committee on the Judiciary.

S. 3537. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Lower Meramec River National Recreation Area, in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 3538. A bill for the relief of Nan Ching Sau; and

S. 3539. A bill for the relief of Chung Wai Hung; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 3540. A bill for the relief of Zu Tsung Su and Ping Chan; to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3541. A bill for the relief of Yuda Galazan; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. PASTORE, and Mr. ALLOTT):

S. 3542. A bill to amend the Military Selective Service Act of 1967 in order to provide for the advancement in grade, for retired pay purposes, of officers of the Armed Forces who serve in the position of State director of the Selective Service System or other comparable position in the Selective Service System for a period of 15 years or longer; to the Committee on Armed Services.

S. 3534—INTRODUCTION OF A BILL TO NAME LOCK AND DAM 17 THE CHOUTEAU LOCK AND DAM

Mr. MONRONEY. Mr. President, lock and dam 17 on the Verdigris River in Oklahoma are an integral part of the Arkansas River navigation project. We are extremely proud of this project and of the progress of the Corps of Engineers as it works toward completion of the project in order to have navigation to the Port of Tulsa in 1970.

But there was a man who built a shipyard at the falls of the Verdigris River in 1824 for the construction of large-keel boats to transport hides and produce down the Verdigris, Arkansas and Mississippi Rivers, to the New Orleans market. He was Col. Auguste P. Chouteau. His enterprise was commendable and certainly deserving of our respect today.

To commemorate this pioneer, the Oklahoma Legislature has memorialized Congress to name lock and dam 17 the Chouteau lock and dam. I ask unanimous consent to insert that resolution into the RECORD at this point.

It is also my privilege to introduce a bill to so name lock and dam 17, and I am happy to have Senator HARRIS join with me on the measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The bill (S. 3534) to designate lock and dam 17, being constructed on the Verdigris River, Okla., as the Chouteau lock and dam, introduced by Mr. MONRONEY (for himself and Mr. HARRIS), was received, read twice by its title, and referred to the Committee on Public Works.

The resolution presented by Mr. MONRONEY is as follows:

RESOLUTION 586

A concurrent resolution memorializing members of the Oklahoma congressional delegation to the Congress of the United States to introduce legislation which will result in an official designation of a certain lock and dam on the Verdigris River under construction near Okay, as part of the Arkansas River navigation project, as "Chouteau Lock and Dam"; and directing distribution

Whereas, the Arkansas River Navigation Project that is presently being constructed by the Tulsa District Corps of U.S. Engineers for the purpose of barge navigation of the Verdigris, Arkansas and Mississippi Rivers, and which operation will require the construction of a number of locks and dams; and

Whereas, it requires legislation by Congress to rename a lock and dam, and Lock and Dam No. 17, four miles northwest of Okay on the Verdigris River in Wagoner County, has not yet been so designated by Congress; and

Whereas, Col. Auguste P. Chouteau built a complete shipyard at the falls of the Verdigris River near the location of this lock and dam for the construction of large keel boats to transport hides and produce down the Verdigris, Arkansas and Mississippi Rivers to the New Orleans market that reached maximum shipment early in 1824; and

Whereas, the Corps of Engineers has written a letter stating that they have no objection to such designation by Congress and feel that in considering the known history of the area that the name "Chouteau Lock and Dam" be an appropriate name.

Now, therefore, be it resolved by the House of Representatives of the second session of the thirty-first Oklahoma Legislature, the Senate concurring therein:

SECTION 1. That members of the Oklahoma Congressional Delegation introduce legislation in the Congress of the United States officially designating Lock and Dam No. 17, now under construction on the Verdigris River as a part of the Arkansas River Navigation Project, as "Chouteau Lock and Dam" to honor the family who visioned the feasibility of navigation of these streams for commercial purposes and brought it to fruition.

SEC. 2. That duly authenticated copies of this Resolution, after consideration and enrollment, shall be prepared for and sent to C. E. Chouteau, Oklahoma City, Oklahoma, and other known descendants of Jean Pierre Chouteau and Col. Auguste P. Chouteau.

SENATE RESOLUTION 294—RESOLUTION TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF PART 6 OF SENATE HEARINGS ON COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. NELSON (for Mr. SMATHERS) submitted the following resolution (S. Res. 294); which was referred to the Committee on Rules and Administration:

S. RES. 294

Resolved, That there be printed for the use of the Senate Select Committee on Small Business one thousand, four hundred additional copies of part 6 of hearings before the committee during the 90th Congress, first and second sessions, entitled "Competitive Problems in the Drug Industry."

SENATE RESOLUTION 295—RESOLUTION TO AUTHORIZE THE PRINTING OF STUDY ENTITLED "AUTOMATIC DATA PROCESSING AND THE SMALL BUSINESSMAN" AS A SENATE DOCUMENT

Mr. RANDOLPH (for Mr. SMATHERS) submitted the following resolution (S. Res. 295); which was referred to the Committee on Rules and Administration:

S. RES. 295

Resolved, That there be printed, with illustrations, as a Senate document a study entitled "Automatic Data Processing and the Small Businessman," prepared for the Senate Select Committee on Small Business by the Legislative Reference Service, Library of Congress; and that four thousand, five hundred additional copies of such document be printed for the use of that committee.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, May 23, 1968, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 561 An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as

Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

PROVISION OF HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES—AMENDMENTS

AMENDMENT NO. 821

Mr. **PROXMIRE** submitted amendments, intended to be proposed by him, to the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON AIRCRAFT CRASH LITIGATION, S. 3305 AND S. 3306

Mr. **TYDINGS**. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a set of hearings for the consideration of S. 3305 and S. 3306. These bills would improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft.

The hearings will be held on June 13, 19, and 20, 1968, at 9:30 a.m., in the District of Columbia hearing room, 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARINGS OF DISTRICT OF COLUMBIA BUSINESS AND COMMERCE SUBCOMMITTEE

Mr. **TYDINGS**. Mr. President, as chairman of the District of Columbia Subcommittee on Business and Commerce, I announce hearings on the following measures for Monday, May 27, and Tuesday, May 28, at 1:30 p.m. in room 6226:

S. 3200: District of Columbia Housing Revolving Fund Act—which establishes a fund to pay the cost of developing plans for housing for low- and moderate-income persons and families in the District.

Also on proposals which will give property owners, particularly in inner-city areas, fair access to insurance protection, including the proposed District of Columbia Insurance Placement Act.

S. 3195: District of Columbia Unclaimed Property Act—which will place in the custody of the District government bank accounts, insurance proceeds, and other deposits that have lain dormant for more than 7 years. The District government will be required to hold these funds for any claims made by owners, but can use the funds in the meantime.

AN EXERCISE IN FUTILITY?

Mr. **GRIFFIN**. Mr. President, according to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice, the work of the Senate earlier this week with respect to title II was an exercise in futility.

In an appearance before a House Judiciary Subcommittee on Wednesday, Assistant Attorney General Fred M. Vinson, Jr., was quoted as reminding Congress that "by merely legislating it cannot amend the Constitution."

Theoretically, of course, the Assistant Attorney General was absolutely correct: Congress cannot amend the Constitution by merely enacting a statute. But it would have been appropriate for him to point out also that, theoretically, the Supreme Court has no power to amend the Constitution either.

As a matter of fact, however, the Supreme Court has endeavored to amend the Constitution, and a number of its decisions have had precisely that effect.

It is not enough to say that when Members of Congress desire to amend the Constitution they should observe the procedures provided therefor in the Constitution. It is not enough, that is, without adding that when five members of the Supreme Court desire to amend the Constitution, they should observe the same procedures.

By its action on Tuesday with respect to title II of the pending bill, the Senate said in a loud, clear voice to the Supreme Court: "You were not applying the Constitution in your decisions in Mallory, Miranda, and Wade—you were amending the Constitution."

If the Supreme Court can reverse itself after 167 years, as it has done on points such as those dealt with in Mallory, Miranda, and Wade, then surely the Court, if it wishes, can take into account a clear expression by Congress at its next opportunity to review these points.

As I stated in remarks on the floor Tuesday with respect to the action taken by the Senate:

> Congress may fail in this effort—to modify the *Miranda*, *Mallory*, and *Wade* decisions—when the Supreme Court reviews what we have done. Nevertheless, we are, with a clear and loud voice, giving the Supreme Court another opportunity to look at these questions—but after Congress has spoken.

On Tuesday, I was one of those who pleaded with the Senate not to take a drastic step proposed in the committee bill—the step of withdrawing appellate jurisdiction of the U.S. Supreme Court. It is noteworthy that a sizable majority of this body chose to exercise commendable restraint—at least at this point in history.

The junior Senator from Michigan and others were concerned about tampering with the delicate balance of power which is supposed to exist between the legislative and judicial branches of the Federal Government. However, it would only be realistic to observe that the Supreme Court has already upset that balance of power.

The temptations—the pressures—on Congress are great to strike back, to take actions within the power of Congress to readjust this all-important balance.

To its great credit, I believe, Congress thus far has resisted those temptations and pressures. But the debate on this measure should serve as clear notice that the patience of Congress, as well as the people, is wearing thin.

It is unfortunate that the Assistant Attorney General did not direct his comments to the Supreme Court rather than to Congress. He might have pointed out that Congress is by no means powerless in the circumstances, even though Congress thus far has seen fit, in admirable fashion, to restrain itself.

Under article III of the Constitution, the Supreme Court has original jurisdiction only with respect to cases which involve ambassadors, ministers, and consuls, and those cases in which a State is a party.

In all other cases, article III expressly provides that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Clearly, Congress is invested with constitutional power to withdraw or otherwise delineate the appellate jurisdiction of the Supreme Court. Furthermore, Congress can lay down regulations governing the exercise of that appellate jurisdiction which Congress sees fit to confer upon the Supreme Court.

There are other powers, not to be overlooked, available to Congress in any confrontation with the Supreme Court—powers which the Congress has exercised with great patience and restraint thus far.

For example:

Congress by statute can determine the number of Justices who shall sit on the Supreme Court.

Congress by statute can determine the salaries to be paid to Supreme Court Justices, although the salary of a sitting Justice may not be reduced.

Mr. President, it is unfortunate that the Assistant Attorney General failed to realize and point out that by its title II amendments, the Senate was not endeavoring to amend the Constitution—rather, it sought only to bring to the law standards that are reasonable for dealing with confessions and the detainment of suspects. In the Miranda decision, the Supreme Court conceded that—

> Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence . . . (v)olunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

I submit that the standards adopted by the Senate with respect to confessions are in keeping with that principle. They are reasonable, workable standards which protect the defendant as well as society in assuring that only voluntary confessions will be considered as evidence.

Indeed, it should be recognized that the Supreme Court at one point in its Miranda decision seemed to invite Congress to provide guidelines when it said:

Congress and the States are free to develop their own safeguards for the (self-incrimination) privilege, so long as they are fully as effective as those described above in informing accused persons of their rights to silence and in affording them a continuous opportunity to exercise that right.

Accordingly, Mr. President, I am confident that a resourceful Court, with a mind to do so, can easily find the Senate's title II amendments consistent with past decisions.

Mr. President, I am hopeful that the Senate's action on Tuesday has not been an exercise in futility.

I am hopeful that the significance of the Senate's action this week will not be lost—and that a direct confrontation between two of the great coordinate branches of the Federal Government will be avoided.

Mr. President, I ask unanimous consent that an editorial in the May 23 edition of the Washington, D.C., Evening Star be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE REBUKES THE COURT

By no rational stretch of the imagination can the Senate's action Tuesday on Title II of the crime bill be viewed as an "assault" on the Supreme Court. What the Senate votes actually amounted to was an emphatic expression of disapproval and dissent from the line which the court majority has been following in overturning criminal convictions.

This comes through most clearly in the voting on two major sections of Title II.

One was a vote to soften the impact on law enforcement of the court's 5-to-4 ruling two years ago in the Miranda case. This decision holds that a confession is invalid unless the suspect has been given a series of notices prior to questioning and unless he understands that the police will make available to him a lawyer to sit by his side and advise him during any interrogation. This ruling, though its effect is in dispute, has been widely condemned as a barrier to any effective questioning of criminal suspects. It is also a judge-made barrier, since prior to 1966 the Constitution had not been thought to require the Miranda "safeguards."

What the Senate did was to provide, by a vote of 55 to 29, that in Federal cases the trial judge, despite Miranda, may consider all of the circumstances surrounding a confession and admit it in evidence if he decides it was made voluntarily. The hitch here, of course, is that the Supreme Court in due time may declare this provision unconstitutional, even though it may be approved by the House and accepted by the President.

The other significant vote came on a proposal to deprive the Supreme Court of jurisdiction to review a state court conviction based on a confession if the state's highest court had held the confession to be voluntary. The Constitution clearly gives Congress the authority to do this. But it would be a drastic remedy to invoke, and the proposal was voted down, 52 to 32. Michigan's Senator Griffin undoubtedly spoke for many of his colleagues when he said: "As much as I disagree with the Supreme Court's rulings, I really hesitate to tamper with the delicate balance of power between the legislature and the judiciary."

This is about the size of it. Title I as finally approved is essentially a notice to the court that the Senate thinks it should mend its ways, that it should keep the scales in better balance as between the rights of criminals and the right of the public to be protected from crime. If this advice becomes law and if the court ignores it, which it is quite likely to do, Tuesday's struggle in the Senate very probably will turn out to have been only the first round in a continuing battle between the judiciary and the legislature.

NICHOLAS S. CVETAN, U.S. AIR FORCE (RETIRED)

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1052.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1052) for the relief of Nicholas S. Cvetan, U.S. Air Force, retired, which was, on page 2, line 8, strike out "in excess of 10 per centum thereof".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

VICE PRESIDENT HUMPHREY MAKES COLLIER TROPHY PRESENTATION

Mr. MONRONEY. Mr. President, earlier this month the Vice President of the United States spoke at the Collier Trophy presentation ceremony in Washington when he presented the Collier Trophy to Mr. Lawrence A. Hyland, vice president and general manager of Hughes Aircraft Co. I believe his remarks merit the attention of every Senator.

The Vice President made the most eloquent and persuasive defense of the space program I have ever had the pleasure to hear. In his speech he pointed out the practical, down-to-earth, present benefits our Nation is receiving as a result of our space effort.

The Vice President enumerated many technological breakthroughs that have been put to practical use in everyday life to the benefit of American citizens: from the walking chair for limbless and disabled persons, to the miniaturized TV camera that can be swallowed by patients to help doctors diagnose internal conditions; from the tiny electronic devices that can be attached to hospital patients to enable one nurse to man a control board that monitors the condition of more than a hundred patients, to the new paints, chemicals, plastics, metal alloys, and other pioneering achievements that have come to us as the side benefits of an important national undertaking.

The Vice President said:

> Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The Vice President went on to say:

> Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow.

Mr. President, the Vice President's remarks were most appropriate to the occasion and deserve a careful reading by Senators. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT HUBERT H. HUMPHREY AT THE COLLIER TROPHY PRESENTATION, WASHINGTON, D.C., MAY 7, 1968

I wish to first express my warm greetings to our good friend, Dillon Ripley, who is always so helpful and gracious and considerate in these ceremonies, and indeed to salute the award winner this year.

I see that we are honored today and privileged to have with us a number of distinguished gentlemen. We have Secretary Smith of our Department of Commerce, Secretary Boyd of our Department of Transportation. We have my good friend, James Webb of NASA. We have our good friend, Dr. Welsh of the Space Council. We have many other important people who are here.

I am particularly pleased to be once back in orbit, so to speak, with my space friends. I have been in orbit in other matters of late. It is particularly pleasing to get into this synchronized orbit that we have here. We are here today to honor the winner of the nation's oldest aerospace award and certainly one of its most prestigious, one of the most prestigious awards of any kind. I am very proud, as Chairman of our Space Council and Vice President of the United States, to be here once again to present the Robert J. Collier trophy. This year that trophy goes to Mr. Lawrence A. Hyland, Vice President and General Manager of the Hughes Aircraft Company. He represents, of course, the entire team from Hughes Aircraft, the Jet Propulsion Laboratory, and General Dynamics, who have made such a magnificent success of the Surveyor program, a program that has brought acclaim to all those who are responsible for it and that has brought honor to our nation. Mr. Hyland and his colleagues did a very remarkable thing. They put the eyes of man on the surface of the moon, and all Americans, everyone of us, say to them, "Well done!"

Now, why are Americans committed to reaching the moon and beyond? I think this is a most appropriate question to ask at this time when there are so many discussions and arguments over whether or not we are properly using our resources. This is not an easy question to answer. But, I do think that it is a matter that deserves our most careful consideration and our most prudent judgment. Why are we committed to reaching the moon and beyond when there is so much to do right here on earth. Is it to enhance our national prestige? Just to make ourselves feel a little better? Is it to satisfy our curiosity because the moon, like Mt. Everest, is there? Well, these factors have something to do with it. There isn't any doubt about that. We are a curious people, and I hope we always will be filled with inquisitiveness and curiosity. And, I hope that we always have a sense of pride, and that we have a love of nation that drives us to want to have national prestige.

Also, I know that a spirit of adventure and the urge to be first have a lot to do with the magnificent personal performances that are at the root of our successes in space. I want to say from this platform that it is always good to be first in whatever you try to do, particularly when it comes to science and technology and other areas of human performance. But as a nation, we have decided to commit our resources to venture into space for one primary reason. We believe that this mission to the far-out will produce many down-to-earth benefits for man, benefits for all men, and benefits not only for today but benefits for the future. In fact, it is my belief that the nation that is first in science and technology has a chance to be the first to overcome some of the perplexing problems that have beset mankind since the beginning of civilization.

Now what are these benefits that we talk of. Well, we knew when we started that the moon mission would yield keys to some fundamental questions about the origin and the history of the earth, and above all, about the rest of our home, the solar system. And let me digress for just a moment to say that in the age in which we live, it is not enough just to know about the earth. We are just one little member of a big family of the solar system, and what we are and what happens here is in many ways conditioned and even may be predestined by what transpires in our larger home called the solar system. I like to get acquainted with everything that relates to my life. I am a man of curiosity and inquisitiveness. I want to know what it is that affects us and that conditions us. And we also knew when we started this moon mission that there would be many benefits that no one could predict. That's what makes it so exciting. One of history's lessons, the lessons of the Columbuses and the Vasco da Gamas and others, all of the great explorers, is this: Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The unknown potential of space alone would be enough to require an investment of energy and brain power and funds into its exploration. I happen to think that maybe one of these days we will get civilized enough on this earth to have our contests, not on the battlefield, but rather in the field of adventure in space and the exploration of the universe. It might very well be that space offers us the chance for peace.

We also knew when we began this great effort that the people who don't explore today find themselves without the ingredients of progress for tomorrow. Now let that sink in. This great economy of ours today is not the product of accident. The so-called technological gap, even between ourselves and other developed nations, is not just good luck on our part or bad luck on theirs. The investment that this nation has made, both public and private, in men and materials in the fields of science and technology, and particularly in all of the related fields that surround our space exploration, has contributed immensely to our technological and scientific successes. I would hate to think of what would be happening to our schools of science, technology, and engineering were it not for these investments that have been made.

Our investment in space exploration is related to our national security and our national well-being. It is related to our common defense and our general welfare. It is related to the subject of excellence. Excellence in performance, excellence in education, excellence in industry, excellence in human behavior.

It has begun to produce meaningful and practical benefits right here on earth. Because some men will need to walk on the moon tomorrow, other men are able to walk on earth today. Just a week ago I presided at a meeting on the employment of the handicapped. I wonder how many people in this room realize that our work in the field of space exploration, science and technology relating to space, has made it possible literally for many who are handicapped physically to live a better life. For example, from the equipment that we have already designed for moving across the moon's surface, we have developed a walking chair for limbless and otherwise disabled persons. There is more human power ready to be put to work, productive power ready to be put to work amongst our handicapped than anyone could possibly fathom or imagine.

I have a wide galaxy of interests. I'm a general practitioner of government. I guess that's what the founding fathers designed this office for—the Vice Presidency. I have a great field of interests, and that's why I enjoy life. I get a chance to see you today and somebody else tomorrow, and I've seen a dozen other groups already today, filling my life with the experience of living.

Then, there's an adapted version of the miniaturized television camera developed for use in space capsules. It can be swallowed by patients to help doctors diagnose suspected ulcers and other physical disturbances. What a remarkable advance! How do you judge what the value of a life is? If that one miniature television unit could save a life, who wants to put a price tag on it? The tiny electronic devices that are attached to each astronaut in flight in order to measure his blood pressure, his metabolism, his temperature, etc., can do the very same thing for patients in hospitals enabling one nurse manning a control board continuously to monitor the condition of more than a hundred patients. Now Ladies and Gentlemen, if we could apply that one principle to modern medicine and modern hospital care, we'll save the cost of the entire space program because the cost of hospital and medical care is skyrocketing in this country. The need of manpower in our healing arts is one of the pressing needs of the nation, and we are now beginning to learn something about how to give the best medical care without waste of manpower. This will enable us to have better manpower, with better controls, and better equipment, and better diagnosis for prompt treatment. Much of this has come out of our work in space.

Those are just a few of the examples of the practical applications of space research to the very down-to-earth human problems of health. And space research has vastly expanded our capabilities in navigation, communication, and meteorology. You know, I am also chairman of the Council on Marine Sciences, commonly known as Oceanography, and I know there is a close interrelationship between oceanography and space research. Even astronauts become aquanauts.

We are leaning so much out of these respective disciplines, or these respective technological endeavors. Space research has given us new products and processes in such fields as agriculture, photography, metallurgy, and oceanography. When I think of the earth resources satellite program, and I put in my plug for it once again, with its sensing devices, I realize that we can save hundreds of millions of dollars in crops by detecting diseases in plants. Then I think of what we will be able to do to detect underground supplies of water and recall that only recently how from a high flying airplane a gold mine was discovered. We have just begun to scratch the surface.

The only regret I have in life is that I may not live to the year 2000. I'm planning on it, but I'm not sure. I am confident, however, that things are going to happen that will make everything up to now just look like it was barely a beginning.

In the space program, we have developed all kinds of things that are even more down-to-earth. We have even developed new paints and coverings and new smoking pipes. We have developed new chemicals, and new plastics, and new metal alloys, and many new products and applications in the field of electronics. Think of what has happened in miniaturization alone and in the computer industry alone. It's really fantastic.

I make this case today because there are those who say that we are wasting our money in the space program. I want to say that our space program is one of the wisest investments this country has ever made. I might add that the techniques to put a man on the moon are exactly the techniques that we are going to need to clean up our cities. I refer to the management techniques that are involved, the coordination of government, business, the scientist, and the engineer. We are not going to make these cities over just by a speech, and we are not going to do it either just because somebody wants to put a hundred billion dollars into it. It takes more than money to do anything. It requires knowledge, planning. It requires the technology, the ability, to get things done.

There is no checkbook answer to the problems of America. There are some human answers, and the systems analysis approach that we've used in our space and aeronautics programs in Defense, in NASA, and other agencies. This is the approach that the modern city of America is going to need if it is going to become a livable, social institution. So maybe we've been pioneering in space only to save ourselves on earth. As a matter of fact, maybe the nation that puts a man on the moon is the nation that will put man on his feet first right here on earth. I think so.

Well, Mr. Hyland, you see you get an extra speech out of me when you come here. I use these occasions to expound my philosophy about what we ought to be doing in this country, and this isn't anything new. It has gone on for years and folks have been very tolerant, very understanding. I don't know whether they've enjoyed it, but they've been tolerant.

Well, we might have made some of these advances that I have talked about without ever landing a Surveyor on the moon or without ever probing out in space. We might have and we might not have. At least there are some people that say we would—if we had thought to try—but we didn't try until we got going on this great adventure into the unknown. Much of the progress comes unforeseen, and its achievement depends heavily on the broader objectives a nation sets for itself. I think a certain extravagance of objectives—a will to push back the frontiers of the unknown—is the test of a free and vital society. It's the test of a nation that intends to meet the challenges of tomorrow with a running start. And believe me, you need a running start these days.

And so, as a proud American, and believe me, I am proud to be an American, I commend you, Mr. Hyland, and I thank you and all of your associates, and I salute you and the members of your exceptionally competent and fine team.

Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow. So I urge every American to support the future development of our space program. Don't come in second in a two-man race, because you are last. Never forget it. If you are in my business, you'll understand what that means. Support this effort. And I, for one, unhestitatingly, openly, am proud to do so and I shall do it with pride and with vigor, and I intend to carry the message of the accomplishment of space now and tomorrow. The accomplishments in outerspace for men here on earth. I think that they are related. The heavens are made for man, just as surely as the earth is, and if a man is going to have his feet on solid ground, he has to have his vision, his eyes on a higher vision in space and indeed even into eternity.

Mr. Hyland and your associates: my congratulations to you.

LAW DAY ADDRESS BY ALF M. LANDON

Mr. PEARSON. Mr. President, on Sunday, April 28, 1968, the Honorable Alf M. Landon delivered the Law Day address at Fort Riley, Kans.

In addition to discussing the part that law plays in American society, he dealt with various public issues which as he stated "require deep and thorough consideration from the background of the principles of jurisprudence and government."

I ask unanimous consent to insert the same in the Congressional Record and commend this address to my colleagues.

There being no objection, the address was ordered to be printed in the Record, as follows:

> Congress and the States are free to develop their own safeguards for the (self-incrimination) privilege, so long as they are fully as effective as those described above in informing accused persons of their rights to silence and in affording them a continuous opportunity to exercise that right.

Accordingly, Mr. President, I am confident that a resourceful Court, with a mind to do so, can easily find the Senate's title II amendments consistent with past decisions.

Mr. President, I am hopeful that the Senate's action on Tuesday has not been an exercise in futility.

I am hopeful that the significance of the Senate's action this week will not be lost—and that a direct confrontation between two of the great coordinate branches of the Federal Government will be avoided.

Mr. President, I ask unanimous consent that an editorial in the May 23 edition of the Washington, D.C., Evening Star be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Senate Rebukes the Court

By no rational stretch of the imagination can the Senate's action Tuesday on Title II of the crime bill be viewed as an "assault" on the Supreme Court. What the Senate votes actually amounted to was an emphatic expression of disapproval and dissent from the line which the court majority has been following in overturning criminal convictions.

This comes through most clearly in the voting on two major sections of Title II.

One was a vote to soften the impact on law enforcement of the court's 5-to-4 ruling two years ago in the Miranda case. This decision holds that a confession is invalid unless the suspect has been given a series of notices prior to questioning and unless he understands that the police will make available to him a lawyer to sit by his side and advise him during any interrogation. This ruling, though its effect is in dispute, has been widely condemned as a barrier to any effective questioning of criminal suspects. It is also a judge-made barrier, since prior to 1966 the Constitution had not been thought to require the Miranda "safeguards."

What the Senate did was to provide, by a vote of 55 to 29, that in Federal cases the trial judge, despite Miranda, may consider all of the circumstances surrounding a confession and admit it in evidence if he decides it was made voluntarily. The hitch here, of course, is that the Supreme Court in due time may declare this provision unconstitutional, even though it may be approved by the House and accepted by the President.

The other significant vote came on a proposal to deprive the Supreme Court of jurisdiction to review a state court conviction based on a confession if the state's highest court had held the confession to be voluntary. The Constitution clearly gives Congress the authority to do this. But it would be a drastic remedy to invoke, and the proposal was voted down, 52 to 32. Michigan's Senator Griffin undoubtedly spoke for many of his colleagues when he said: "As much as I disagree with the Supreme Court's rulings, I really hesitate to tamper with the delicate balance of power between the legislature and the judiciary."

This is about the size of it. Title I as finally approved is essentially a notice to the court that the Senate thinks it should mend its ways, that it should keep the scales in better balance as between the rights of criminals and the right of the public to be protected from crime. If this advice becomes law and if the court ignores it, which it is quite likely to do, Tuesday's struggle in the Senate very probably will turn out to have been only the first round in a continuing battle between the judiciary and the legislature.

NICHOLAS S. CVETAN, U.S. AIR FORCE (RETIRED)

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1052.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1052) for the relief of Nicholas S. Cvetan, U.S. Air Force, retired, which was, on page 2, line 8, strike out "in excess of 10 per centum thereof".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

VICE PRESIDENT HUMPHREY MAKES COLLIER TROPHY PRESENTATION

Mr. MONRONEY. Mr. President, earlier this month the Vice President of the United States spoke at the Collier Trophy presentation ceremony in Washington when he presented the Collier Trophy to Mr. Lawrence A. Hyland, vice president and general manager of Hughes Aircraft Co. I believe his remarks merit the attention of every Senator.

The Vice President made the most eloquent and persuasive defense of the space program I have ever had the pleasure to hear. In his speech he pointed out the practical, down-to-earth, present benefits our Nation is receiving as a result of our space effort.

The Vice President enumerated many technological breakthroughs that have been put to practical use in everyday life to the benefit of American citizens: from the walking chair for limbless and disabled persons, to the miniaturized TV camera that can be swallowed by patients to help doctors diagnose internal conditions; from the tiny electronic devices that can be attached to hospital patients to enable one nurse to man a control board that monitors the condition of more than a hundred patients, to the new paints, chemicals, plastics, metal alloys, and other pioneering achievements that have come to us as the side benefits of an important national undertaking.

The Vice President said:

> Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The Vice President went on to say:

> Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow.

Mr. President, the Vice President's remarks were most appropriate to the occasion and deserve a careful reading by Senators. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Vice President Hubert H. Humphrey at the Collier Trophy Presentation, Washington, D.C., May 7, 1968

I wish to first express my warm greetings to our good friend, Dillon Ripley, who is always so helpful and gracious and considerate in these ceremonies, and indeed to salute the award winner this year.

I see that we are honored today and privileged to have with us a number of distinguished gentlemen. We have Secretary Smith of our Department of Commerce, Secretary Boyd of our Department of Transportation. We have my good friend, James Webb of NASA. We have our good friend, Dr. Welsh of the Space Council. We have many other important people who are here.

I am particularly pleased to be once back in orbit, so to speak, with my space friends. I have been in orbit in other matters of late. It is particularly pleasing to get into this synchronized orbit that we have here. We are here today to honor the winner of the nation's oldest aerospace award and certainly one of its most prestigious, one of the most prestigious awards of any kind. I am very proud, as Chairman of our Space Council and Vice President of the United States, to be here once again to present the Robert J. Collier trophy. This year that trophy goes to Mr. Lawrence A. Hyland, Vice President and General Manager of the Hughes Aircraft Company. He represents, of course, the entire team from Hughes Aircraft, the Jet Propulsion Laboratory, and General Dynamics, who have made such a magnificent success of the Surveyor program, a program that has brought acclaim to all those who are responsible for it and that has brought honor to our nation. Mr. Hyland and his colleagues did a very remarkable thing. They put the eyes of man on the surface of the moon, and all Americans, everyone of us, say to them, "Well done!"

Now, why are Americans committed to reaching the moon and beyond? I think this is a most appropriate question to ask at this time when there are so many discussions and arguments over whether or not we are properly using our resources. This is not an easy question to answer. But, I do think that it is a matter that deserves our most careful consideration and our most prudent judgment. Why are we committed to reaching the moon and beyond when there is so much to do right here on earth. Is it to enhance our national prestige? Just to make ourselves feel a little better? Is it to satisfy our curiosity because the moon, like Mt. Everest, is there? Well, these factors have something to do with it. There isn't any doubt about that. We are a curious people, and I hope we always will be filled with inquisitiveness and curiosity. And, I hope that we always have a sense of pride, and that we have a love of nation that drives us to want to have national prestige.

Also, I know that a spirit of adventure and the urge to be first have a lot to do with the magnificent personal performances that are at the root of our successes in space. I want to say from this platform that it is always good to be first in whatever you try to do, particularly when it comes to science and technology and other areas of human performance. But as a nation, we have decided to commit our resources to venture into space for one primary reason. We believe that this mission to the far-out will produce many down-to-earth benefits for man, benefits for all men, and benefits not only for today but benefits for the future. In fact, it is my belief that the nation that is first in science and technology has a chance to be the first to overcome some of the perplexing problems that have beset mankind since the beginning of civilization.

Now what are these benefits that we talk of. Well, we knew when we started that the moon mission would yield keys to some fundamental questions about the origin and the history of the earth, and above all, about the rest of our home, the solar system. And let me digress for just a moment to say that in the age in which we live, it is not enough just to know about the earth. We are just one little member of a big family of the solar system, and what we are and what happens here is in many ways conditioned and even may be predestined by what transpires in our larger home called the solar system. I like to get acquainted with everything that relates to my life. I am a man of curiosity and inquisitiveness. I want to know what it is that affects us and that conditions us. And we also knew when we started this moon mission that there would be many benefits that no one could predict. That's what makes it so exciting. One of history's lessons, the lessons of the Columbuses and the Vasco da Gamas and others, all of the great explorers, is this: Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The unknown potential of space alone would be enough to require an investment of energy and brain power and funds into its exploration. I happen to think that maybe one of these days we will get civilized enough on this earth to have our contests, not on the battlefield, but rather in the field of adventure in space and the exploration of the universe. It might very well be that space offers us the chance for peace.

We also knew when we began this great effort that the people who don't explore today find themselves without the ingredients of progress for tomorrow. Now let that sink in. This great economy of ours today is not the product of accident. The so-called technological gap, even between ourselves and other developed nations, is not just good luck on our part or bad luck on theirs. The investment that this nation has made, both public and private, in men and materials in the fields of science and technology, and particularly in all of the related fields that surround our space exploration, has contributed immensely to our technological and scientific successes. I would hate to think of what would be happening to our schools of science, technology, and engineering were it not for these investments that have been made.

Our investment in space exploration is related to our national security and our national well-being. It is related to our common defense and our general welfare. It is related to the subject of excellence. Excellence in performance, excellence in education, excellence in industry, excellence in human behavior.

It has begun to produce meaningful and practical benefits right here on earth. Because some men will need to walk on the moon tomorrow, other men are able to walk on earth today. Just a week ago I presided at a meeting on the employment of the handicapped. I wonder how many people in this room realize that our work in the field of space exploration, science and technology relating to space, has made it possible literally for many who are handicapped physically to live a better life. For example, from the equipment that we have already designed for moving across the moon's surface, we have developed a walking chair for limbless and otherwise disabled persons. There is more human power ready to be put to work, productive power ready to be put to work amongst our handicapped than anyone could possibly fathom or imagine.

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There is no checkbook answer to the problems of America. There are some human answers, and the systems analysis approach that we've used in our space and aeronautics programs in Defense, in NASA, and other agencies. This is the approach that the modern city of America is going to need if it is going to become a livable, social institution. So maybe we've been pioneering in space only to save ourselves on earth. As a matter of fact, maybe the nation that puts a man on the moon is the nation that will put man on his feet first right here on earth. I think so.

Well, Mr. Hyland, you see you get an extra speech out of me when you come here. I use these occasions to expound my philosophy about what we ought to be doing in this country, and this isn't anything new. It has gone on for years and folks have been very tolerant, very understanding. I don't know whether they've enjoyed it, but they've been tolerant.

Well, we might have made some of these advances that I have talked about without ever landing a Surveyor on the moon or without ever probing out in space. We might have and we might not have. At least there are some people that say we would—if we had thought to try—but we didn't try until we got going on this great adventure into the unknown. Much of the progress comes unforeseen, and its achievement depends heavily on the broader objectives a nation sets for itself. I think a certain extravagance of objectives—a will to push back the frontiers of the unknown—is the test of a free and vital society. It's the test of a nation that intends to meet the challenges of tomorrow with a running start. And believe me, you need a running start these days.

And so, as a proud American, and believe me, I am proud to be an American, I commend you, Mr. Hyland, and I thank you and all of your associates, and I salute you and the members of your exceptionally competent and fine team.

Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow. So I urge every American to support the future development of our space program. Don't come in second in a two-man race, because you are last. Never forget it. If you are in my business, you'll understand what that means. Support this effort. And I, for one, unhesitatingly, openly, am proud to do so and I shall do it with pride and with vigor, and I intend to carry the message of the accomplishment of space now and tomorrow. The accomplishments in outerspace for men here on earth. I think that they are related. The heavens are made for man, just as surely as the earth is, and if a man is going to have his feet on solid ground, he has to have his vision, his eyes on a higher vision in space and indeed even into eternity.

Mr. Hyland and your associates: my congratulations to you.

LAW DAY ADDRESS BY ALF M. LANDON

Mr. PEARSON. Mr. President, on Sunday, April 28, 1968, the Honorable Alf M. Landon delivered the Law Day address at Fort Riley, Kans.

In addition to discussing the part that law plays in American society, he dealt with various public issues which as he stated "require deep and thorough consideration from the background of the principles of jurisprudence and government."

I ask unanimous consent to insert the same in the CONGRESSIONAL RECORD and commend this address to my colleagues.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LAW DAY AT FORT RILEY

(By Alf M. Landon)

I am going to discuss some public issues that require deep and thorough consideration from the background of the principles of jurisprudence and government.

I have had the experience of participating in momentous changes in our judicial processes and political policies that are still grinding on.

When I graduated from the University of Kansas Law School in 1908 and was admitted to the Bar of Kansas, the question that was agitating law school faculties was the change that a few were making from basic elements on the old English Common Law to Statutory Law.

Because of the oil and gas development that started in southeastern Kansas in 1902, the Montgomery County Bar grew in size and was recognized as one of the strongest bars in Kansas.

The chain of title to scrub-oak land that was worth only fifteen or twenty dollars an acre had not been too carefully followed. Frequently in the early days in Kansas, sales had been made and estates settled without advice of legal counsel. When that land—because of the oil and gas development—jumped to hundreds or thousands of dollars an acre, there was a heavy volume of quiet title legal actions.

In 1908, as I recall, there were only four members of the Montgomery Bar of a hundred or so that were graduates of a law school.

Prior to that time, most of the practice of Law had been before juries. The attorneys in that day had great histrionic abilities. There were only a few sizeable estates in Kansas in those years around the turn of the century to be concerned about probate proceedings. Railroads and banks were the principal corporate practice. Public utilities were only in their infancy—even in the East.

Probably ninety-odd percent of the practicing attorneys' education had been reading law—as it was called in some older attorneys' offices. That consisted principally of reading and studying Common Law. The great text book in every attorney's office in those days was "Blackstone's Commentaries on England's Common Law." Even equity was still somewhat undeveloped and little understood. The general thinking of my 1908 law school class was that more time and study should be spent on Common Law than on Equity.

One thousand sets of the English edition had reached the American colonies by 1771. By 1776, Edmund Burke said nearly as many copies of Blackstone's Commentaries had been printed in America as in England. The second and last edition revised and corrected was printed in 1828.

It takes a long time to change deep-rooted traditions—principles—and their correlary habits of life.

Part of our racial difficulty in adjustment today to a great industrial nation goes back to the old Common Law principles that were the established judicial rule of law in the United States of America until as late as the turning point in the Oregon Supreme Court decision in 1910. Under the principles of the Common Law, the slave did not have a soul—regardless of his color. Property rights had priority to human rights. Hence, our legal and realistic adjustment to oppressive laws does not start with the new relations established by Abraham Lincoln's proclamation abolishing slavery in America. It starts only some fifty years ago—complicated with a lot of other factors.

The Supreme Court of the United States and all courts of lesser jurisdiction had held under the old Common Law decisions all statutory law to be unconstitutional that regulated the working conditions of men, women and children in industry.

In 1910, the late Mr. Justice Brandeis—then a New York attorney—argued before the Supreme Court of Oregon the constitutionality of women and children legislation and won it on the theory of his construction of the Common Law that it changed over the hundreds of years of its existence to meet changing conditions.

I quote from the late Mr. Chief Justice Harlan F. Stone—then on the faculty of Columbia University—in his introduction in 1921 to Professor Frederick C. Hicks', "Men and Books Famous in the Law":

"For nearly a generation now, law study in all the important centers of legal learning has been dominated by the scientific spirit which rejects the dogmatic statement of legal doctrine and demands that every legal principle be traced to its original source in judicial precedent, and be re-examined in the light of its relation to social utility. The new order began with the insistence upon the study of precedent as the original and practically the only source of legal knowledge; but it did not stop there. In our own time there has been a growing recognition of the fact that precedents cannot be justly valued and intelligently applied without some adequate understanding of the social and economical conditions out of which they sprang and to which in our own day they must be applied; and of late there has been a marked tendency toward a more searching analysis of the fundamental concepts on the basis of which our legal structure is reared, and greater emphasis upon a more precise and exact use of legal terminology. These are all manifestations of the scientific spirit which in every field of human endeavor is giving us more exact knowledge and increased capacity for its utilization."

That great landmark decision of the Supreme Court of Oregon—sustained by the Supreme Court of the United States—resulted in a monumental change in American legislation that paved the way for America to put human rights above property rights. Labor was successful—after long and bitter years of fighting—in getting legislation limiting hours and protection from the barbarous theory that a man accepted the hazards of his employment without any redress whatsoever on his employer—who seldom spent any money to eliminate those hazards.

Only yesterday, as it were, the dramatic fight in the Congress forging new legislation to fit existing life was to limit time on the job to 18 hours for railroad train crews. Today—fifty years later—it is civil rights and open housing.

The Common Law prevailed in all American states except Louisiana, which inherited the Roman Law through the time it was a colony of France.

That brings me to the inherited roots of our present racial troubles that were a part of our judicial system.

The Common Law prevailed not only in England. Through the English influence, it was the base of the development of law and order against the feudal system throughout northern Europe—the Swedish and Danish countries.

The Roman Law prevailed in Italy—France—Spain and Portugal—and through those countries was the base of jurisprudence in their colonies to the south of America in the Western Hemisphere, which adopted the Napoleonic Code, which, of course, stemmed from Roman Law.

The basic difference between the Roman Law or civil code and the Common Law was that the Roman Law recognized the slave—regardless of race—as a human being who had rights of redress against his master; whereas the Common Law regarded the slave a merely chattel property of his master.

The Roman Law prevails in the great countries to the south of us, whereas we were the inheritors of the Common Law. There are no civil disorders in the Latin American countries based on racial tensions.

As tragic as our too frequent city wars are in recent years is the more widespread and consistent breakdown of order that makes our city streets unsafe regardless of their location or of city riots.

Academic freedom does not mean academic license for either faculty or students. The same must and does apply alike to the college campus and to the city streets. All this disobedience to civil laws and order started first on college campuses under weak school administrations who could not tell the basic difference between maintaining the right to dissent and decent respect for the right of others in public language and conduct.

Also, the question can be legitimately asked whether these university faculties had the right relationship and understanding of the students of today. It is being said by educators of these few schools where the students temporarily got the upper hand of their teachers that less than one percent were involved.

That, of course, spread to our city streets—apparently involving only a small percentage to start with. This is the old example of how one step always leads to another. Both are a national disgrace. Neither has the slightest bearing on maintaining the precious right of free speech and dissent. In fact, such violence imperils the broader and more basic rights of all free peoples.

This is a day of new reckoning—not only in America, but in the world at large. Not only in Communist countries. That is the case in non-Communist countries as well.

No event this year is being watched more closely or more anxiously than American political elections and their corollary economic and military implications. Trade and political relations all over the world will be affected by the change that will take place in our national administration. Regardless of the result of the national election—what basic changes will a new president make in our monetary policies—in tariff legislation—and administrative decisions broadening or restricting international commerce—labor policies—civil disorders and international relations and foreign policies?

All these major questions are being considered and discussed against the background of civil riots—terrible violence and fires—pictures of the roaring flames and smoke engulfing so many of our big cities—of armed troops guarding our capitol in Washington—and patrolling the streets of many cities.

The world is watching the internal affairs of its richest and most powerful country with intense concern and attention. Therefore, the damage covers much more than the tragic loss of lives and destruction of private property.

All that has occurred in the past month—including pressure on the American dollar—has inevitably strengthened the mistaken opinion of some that the American government must be pretty shaky. The old Russian Communist cry of thirty years ago of "decadent capitalism" is starting up again in China.

If North Vietnam's move toward negotiations is in the same good faith as the United States', then there is hope for that war to end.

We are a long way from a peace settlement. The best we can hope for is a good start. By that, I mean a viable and effective cease-fire such as we did not have during the Korean peace negotiations. I mean by that a cease action of military activities under an armed truce while the negotiations conditions for future peace are being arranged is the prime requirement for a reasonable settlement at the negotiating table.

As long as the North Vietnamese Imperator wants to lend the destruction of his country in the Chinese interest—and continues to contribute the lives and property of his own people to a foreign ideology—instead of negotiating in the interest of the North Vietnamese—North Vietnam will continue in a bind—dependent for its existence on military supplies from China and Russia.

Two years ago, I said that the key to the Vietnam war was in Moscow—not Hanoi.

All governments in the world are watching the preliminary negotiations that are taking place between North Vietnam and the United States of America. Some fear the American people are jittery—some anxious—some hopeful—some skeptical.

It is to be hoped that the North Vietnamese Imperator is not fooled by this world curiosity into thinking he can dictate terms for the settlement of the Vietnam war. He must always bear in mind that fundamentally he is negotiating from weakness—not strength. While he may think he has an advantage in that Americans are tired of the way this Vietnam war has gone—that does not mean they are willing to capitulate.

It also means that America is going to have to make concessions if any settlement is reached.

The conclusion to this negotiation may be some months off. It is always easier and quicker to get into war than it is to get out.

The aftermath of World War Two means that we still have two hundred thousand troops in Europe. The so-called peace in Korea is only an armed truce where we have a military force of some fifty-thousand—with almost daily skirmishes and casualties along the cease-fire boundary. We must do better this time.

The key question central to any settlement in Vietnam is the role of the Viet Cong in the South Vietnamese government. All aspirants for the presidency of the United States of America in this election year have a clear responsibility to the American public to make their position known on this key question.

So far—only two candidates for the presidency have declared their position—Senators Kennedy and McCarthy. They advocate recognition of the National Liberation Front over the flat opposition of the South Vietnamese government. Vice President Humphrey and Richard Nixon have made statements in the past opposing any recognition of the Viet Cong. They have recently remained silent on this question.

I do not agree with Mr. Nixon that such a crucial question should not be discussed by the candidates for the presidency of the United States of America.

This is a time for discussion. This is not a time for silence. The admitted delicacy of the timing in the midst of negotiations with the North Vietnamese should not preclude public discussion of this key paramount issue of equal concern to all governments in this divided world.

There is another rule of law—as it were—also in international monetary systems. Sometimes that becomes a question of statutory law—as the gold and/or silver issue in the presidential campaign of 1896. Incidentally, I have always thought that William Jennings Bryan made the greatest single-handed presidential campaign that I can recall in our country's history.

Of course, today statutory tariff legislation affects not only America's monetary system. In this day and time—with the position that America now occupies in the world market—tariff legislation by the American Congress affects the monetary system of every country in the world.

Whether the Smoot-Hawley Tariff Act of 1929 was a prime factor in causing the worldwide financial collapse that started that year or not—it was certainly a contributing factor. The entire Kansas Congressional delegation—with the exception of William Lambertson—representing the then Second District—voted for this tariff bill. As Republican State Chairman, I wired Congressman Lambertson my congratulations for voting no.

Now we are confronted with pending congressional legislation returning to the old high protection principles by and through limiting quotas on the imports of oil—textiles—cattle—steel and other trade items.

President Johnson is opposed to this proposed legislation. So am I.

The question I think can be raised with some validity is—how much the threat of America's possible return to the old principle of high protective tariff law had on precipitating the run on the American dollar—perhaps even the weakness of the British pound that came to a head in recent weeks.

America is facing the greatest financial disaster since 1931—as Chairman Martin of the Federal Reserve said a week ago. In addition, we are now carrying a huge astronomical deficit in our national fiscal policies that we did not have in 1931.

Another law—at least of human nature—of sufficient import to be termed somewhat of that importance—is the difference between the military mind and the civilian mind—particularly the politician.

An understanding of both by each other is always of the greatest importance—for one supplements the other. Too many times in our history, everyone has suffered for that lack of understanding.

What seems to be expediency to the military mind is natural to the political mind of any government at any time in history. Hitchner describes it in his "Modern Government" as the "flair for the possible and the appropriate."

When the fate of a country may be at stake, both should be thinking more of the long range consequences. Timing is just as important on the political field—or expediency, if you please—as timing on a battlefield.

Visiting with Douglas Freeman, the eminent military historian—when he was lecturing at Fort Leavenworth—I asked if Joseph Johnston was not a better general than Robert E. Lee. Mr. Freeman replied, "Yes—but he could not get along with Jefferson Davis. General Lee could—better than any of the others. Mr. Davis—with his military experience background—was a difficult man for all his generals to get along with."

As far as military matters go, I am definitely opposed to any reduction in appropriations for the National Aeronautics and Space Administration. If anything, that should be increased.

Some 15 years ago, I said sooner or later some country would develop a permanent space platform for occupation. The first country that did that would dominate the world.

I believe the project of landing on the moon is of importance in developing interplanetary space exploration. Of even greater importance is the corollary of space development on medicine—on weather—and many other scientific values in daily life.

The midwest has seventy-five percent of all the tornadoes in the world. The National Aeronautics and Space Administration has developed new weather satellites to keep an eye on the weather here in the midwest.

Hence, the National Aeronautics and Space Administration affects all phases of future life on this earth far beyond the military and scientific factors involved.

The world was once faced with a similar problem with regard to the open sea. Some stability was established by International Law pertaining to International Waters and off-shore territorial boundaries of the nations of the world. Just this week there was an announcement of a workable agreement with Russia covering astronauts in space.

I quote two paragraphs from my talk at "A Sane Nuclear Policy" Meeting in Madison Square Garden in May, 1960:

"In a nutshell—it is well known that radiation can cause marked physical deformation or sterility. No living scientist knows the exact amount of radiation mankind can stand—and, what's more, it will take more than one generation to find out. Then it will be too late.

"However, in that race—America—for its own survival and that of the free world—must not be second. As long as that race continues, it means unlimited atomic tests. And that, in turn, means unlimited horrors for future generations—come peace or war."

A few days ago at the annual meeting of the American Physics Society, Professor William C. Davidson of Haverford College, was reported to have said that today's leaders in physics would refuse to serve such an effort as the Manhattan project which produced the atomic bomb in World War II "as long," said Davidson, "as the war in Vietnam is going." Professor Davidson and others like him are trying to get universities and professional associations such as the American Physics Society and the Federation of American Scientists to ban military research.

I do not object to an individual scientist or professor exercising his rights of citizenship by opposing the war. But I do object to professional associations and universities—apart from their members acting independently—taking an official position against the war and binding the behavior of their members accordingly. This is the opposite of freedom.

A committee of the American Bar Association headed by Mr. Justice Reardon of the Massachusetts Supreme Court has recommended legislation restricting the right of a free press to publish news of court proceedings that could influence the jury.

Both a free press and a free judicial system are inherent to democratic processes. I do not believe the problem takes any new legislation or any judicial rulings bordering on suppressing the news.

As far as the press in concerned, it calls for good straight objective reporting of newsworthy events. For sure, neither television nor radio can be present in any way in any judicial proceedings.

When an attorney steps out of the ethics of his profession by trying his case in the news media instead of the court—the bar association and the court are responsible for his future conduct.

A more fundamental question as to the competence of trial judges and court officers is being raised. Unquestionably, there are big cities where laws are not administered in a uniform way. I do not think that is true the country over outside of these big cities ruled by political bosses.

To return to the immutable law of a nation's survival—national unity—there is something radically wrong when the stock market hits a new high and civil order on the streets hits a new low.

We need always to bear in mind the ideals, by and large, which have lighted the way for our nation from its very beginning. We—the legal profession—the military—and plain people like myself—are so tied down with our day-to-day problems that we need to be reminded constantly of our basic national philosophy which fits realistically the decisions that confront us.

Ours is a country of tremendous differences—and resources. Also a nation of great contrast. We have a varied and heterogeneous people of every racial stock in the world. America is truly the great "Melting Pot."

America's people are of the most varied religiously—with over 280 religions and sects. There are vast differences from place to place between our towns, cities, local governments, in the distribution of industries, soil, minerals, water resources and climate. Hence, there are great differences in the way people live in various parts of the country.

Taken at large, the United States is a country and people of tremendous energy—and diverse characteristics—of rich resources—of great power and productivity—a very wealthy nation—but with festering pockets of poverty—especially in our cities.

These diverse characteristics impose on each American certain special responsibilities. Despite this diversity, one thing that unites all Americans is their remarkably high level of aspiration—their characteristic compassion for all mankind—their energy and drive in support of that.

Precisely because we are a very diverse country—that we are so different from one another in religion, national origin, complexion, and so forth—our great problem as a country has been, and still is, to achieve and maintain one nation—to maintain all our diversity but yet to achieve and preserve that essential unity of one nation and one people.

To achieve and preserve such essential unity, it is necessary for us to live up to those fundamental ideals and principles that distinguish our nation as a land of equality and freedom.

Our national commitment to equality as an ideal is best expressed in the first words of the Declaration of Independence—"All men are created equal . . ." These words really mean that every person should be equal to every other person before the law. Equality means that our laws should be administered in a uniform way so as not to favor some or disfavor others. They also mean an equality born of a fundamental respect for human dignity and worth. Only through this kind of equality can we transcend our differences to achieve unity as one nation and one people.

And so one major responsibility of an American is to treat fellow Americans equally—that is, to be fair and just without discrimination or favor. Only by such equality may our diverse people achieve a harmonious and unified nation.

Such equality is not the same as conformity—where everyone acts or behaves alike. Our children do not go to school in order for them to learn to think alike. We educate our children so that each can realize his fullest potential as an individual. In this sense, education is a search for identity as an individual.

Our schools, teachers, books and subjects all share the basic purpose of helping each child to develop as a creative and productive person—one who has his own intrinsic worth and individual dignity. This is the exact opposite of conforming.

If every American is to have the opportunity to develop as an individual, he must have the necessary rights—the freedom—to develop his abilities to the fullest extent. The founders of our nation clearly realized this. That is what they meant in their Declaration of Independence by the "inalienable rights" that all men should have—the rights of life, liberty and the pursuit of happiness.

In reality, they proclaimed that man must have the basic rights to live his life in such a free way as to pursue happiness in America. And these rights are inalienable—that is, our government cannot take these rights away or decrease them. Indeed, our government must protect these rights, the Declaration and the Bill of Rights declared. This is what the United States of America is all about.

But, as individual Americans, we cannot pursue our own individual happiness nor our quest to be different without having the additional rights to express ourselves as individuals. The framers of our Constitution understood this. That is why they guaranteed in the very First Amendment to the Constitution the freedom of speech, the freedom of press, the freedom of religion, the freedom of peaceable assembly, and the right of petition. These First Amendment rights are known collectively as the rights of conscience, and, of all the rights Americans have, these are the most fundamental, the most important and the most protected.

Individual growth or development requires the use of these freedoms—these basic liberties. They permit each American to be different. They permit us to dissent—to be critical of our government—to enrich the life of the individual—to cultivate the free and inquiring mind—to bring reason, justice and humanity into the relations of men and nations.

Ethnic disputes have cluttered up the minds and handicapped the orderly and peaceful progress of mankind to establish a mutuality of interests instead of antagonism since memory of man runs not to the contrary. They still do today in many countries. Recognition of ages-old ethnic pressure is the first great step in resolving the problem of national unity.

We still do not have a rigid social structure compared to other countries that limits circulation from bottom to top that is the essential of any government's enduring stability. Neither do we have the heavy hand of political control over our schooling that exists in the Communist countries.

All Americans have the responsibility to keep our country that way—responsibilities accorded to any citizen of the great American Republic—with its unique combination of capitalism and social responsibility that clearly points to a greater measure of happiness for all its citizens of any country in the world.

LIFE MAGAZINE SUPPORTS THE PRESIDENT'S POSITION ON THE PARIS PEACE TALKS

Mr. McGEE. Mr. President——

> With entire propriety and a good chance of success, Johnson is seeking a settlement that will keep South Vietnam free and enable the U.S. to pursue a constructive role in Asia's future. More power to him.

This is the conclusion of an excellent editorial published in Life magazine that analyzes the positions of both sides in the Paris peace talks.

U.S. objectives, the magazine finds, are based on the right of the South Vietnamese to determine their own future and to "maintain the basis for a strong American contribution to the peaceful development of Asia."

Militarily, the Life editors find:

> Our side is in an improving position and theirs is not.

But Life warns:

> There is no reason for our domestic superdoves to indulge in what George Ball calls their "stupid" and "sanctimonious" denunciations of American firmness—especially when they are so silent on the subject of North Vietnam's increased out-bursts of politically motivated terror.

I ask unanimous consent that this excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

How the Fighting Affects the Talking

One of the closest followers of the "official conversations" on Vietnam in Paris is, of course, President Johnson, who will continue to make the important decisions himself. The task may preoccupy him for the rest of his term and become his final contribution to U.S. history. He would naturally like to achieve a cease-fire before he leaves office; but he has firmly rejected any "fake solution" to the Vietnam conflict and will not, we believe, let the calendar tempt him into one. He can best serve his purpose by keeping his eye, and Averell Harriman's, fixed on the two minimum goals of U.S. policy in Southeast Asia which Johnson himself has long espoused.

One of these goals, reiterated by Harriman in his opening statement, is "to preserve the right of the South Vietnamese people to determine their own future." The "South Vietnamese people" include a militant minority who presently adhere to the Communist-dominated National Liberation Front, and if and when the talks reach the substantive stage, N.L.F. representatives (already waiting in the wings in Prague) will no doubt be invited to participate. So then should representatives of the Saigon government, who are already in Paris. N.L.F. members are not all Communists, still less are they all in favor of Hanoi's domination of the South, and they can legitimately expect some kind of a minority voice in aboveground South Vietnamese politics—*provided* this arrangement does not mask the probability of a Communist take-over of the Saigon government. That would indeed be a "fake" solution.

The second minimum U.S. goal is to maintain the basis for a strong American contribution to the peaceful development of Asia. Harriman also referred in his opener to Johnson's billion-dollar proposal of 1965 along these lines. "Basis" does not mean "bases" or a permanent U.S. military presence in Vietnam. But the slogan "no more Vietnams" in the mouths of some would-be shapers of future U.S. policy translates too easily into "no more Asia." Johnson has done more than any other President to make Asia as important as Europe in U.S. policy, and he has created important U.S. political assets in Southeast Asia. He will not, we hope, let the neo-isolationists persuade him that this policy was a mistake. On the contrary, it may be one of his most significant achievements.

Johnson's dramatic suspension of bombing on March 31, coupled with his decision not to run again, represented a marked shift in U.S. policy and implied a reduction of U.S. war aims in Vietnam. Life, which had for months advocated such a shift (Jan. 5), noted that the American people, in widely cheering this bid to end the war, were thereby also accepting the implications of a negotiated solution (April 12). But neither Johnson nor the people, in our judgment, reduced their war aims below the minimum goals above described. The Paris talks present many pitfalls, but the betrayal of our allies or of our position in Asia need not and should not be among them.

As these talks proceed, Johnson is embattled on five fronts at once. First, he faces Hanoi's negotiators in Paris; and instead of having a clear expectation of what they are likely to agree to, Washington is not even sure why Hanoi agreed to come to Paris at all. Is Hanoi hurting? Bluffing? Self-deceiving? Under Russian pressure? Ho only knows.

But Johnson is also negotiating with allies—the apprehensive Saigon government, the concerned South Koreans, Thais, Australians, Filipinos—who, having cast their lot with us, require constant reassurance that the U.S. is not abdicating its protective role against aggression in the Pacific.

At the same time, Johnson has to fend off impatient critics at home. It must have given Averell Harriman a turn to hear his friend Bobby Kennedy quoted by Xuan Thuy in support of the latter's charge that Americans are ashamed of their role in this war. And Johnson also gets sniping from the doves of other countries, including U Thant, who has sacrificed any claim to diplomatic neutrality by demanding that the U.S. at once and unilaterally cease all bombing north of the DMZ.

Finally, the war itself has not subsided but rather grown more ruthless since the talks began, with Hanoi launching less successful but no less desperate versions of its Tet offensive against Saigon. Hanoi has also intensified its infiltration of weapons and troops. This fighting, if read aright, probably contains the answer to why Ho Chi Minh was willing to parley at all. And in Saigon, Westmoreland & Co. think they know that answer.

Hanoi, they believe, has lost faith in the ultimate success of its old strategy of time-biding attrition because time is no longer on its side. It has settled instead for a strategy of *appearing* to be the winner by means of spectacular raids and terrorism. These expensive military adventures make headlines and yield psychological advantages that may influence both the Paris bargaining and American opinion; but they bring the Communists no closer—rather the opposite—to a victory over the South Vietnamese people. It is true that, because North Vietnamese losses do not exceed their annual supply of fresh recruits, Ho Chi Minh retains the capability of a permanent stalemate against present U.S. force levels. That is one reason Life concluded (April 12) that "the practical limits of force have been reached" and that it was time for diplomacy to take over.

But Westmoreland now maintains that "the allies are in the strongest relative military position in Vietnam today that we have ever achieved." He could add that unless Russia chooses to escalate the North Vietnamese war effort by supplying new and better weapons, there is far more room for further military improvement on our side than on theirs—improvement that does not involve escalation. Already the fighting efficiency of the South Vietnamese army and militia is improving under General Abrams' program, and so is their morale—through better pay, more merit promotions and some recent good performance in combat. Their numbers are also increasing with tougher draft laws. Belatedly but undeniably, allied forces are learning the arts of night patrol and ambush. The fact that more should (and can) be done in all these areas—and in combatting corruption and government inefficiency—is an advantage in a stalemated war. Our side is in an improving position and theirs is not.

Such is the most reasonable reading of the current Vietnam military situation. It is not a reason for another shift in U.S. war aims or for raising our price for peace with Hanoi. The correct immediate U.S. objective, as we have urged before, is deescalation toward a cease-fire. But if its terms are to reflect battlefield realities, as they should, there is every reason for our Paris negotiators to remain firm. And there is no reason for our domestic super-doves to indulge in what George Ball calls their "stupid" and "sanctimonious" denunciations of American firmness—especially when they are so silent on the subject of North Vietnam's increased outbursts of politically motivated terror.

With entire propriety and a good chance of success, Johnson is seeking a settlement that will keep South Vietnam free and enable the U.S. to pursue a constructive role in Asia's future. More power to him.

MODERNIZATION OF SMALL PACKING PLANTS

Mr. MONRONEY. Mr. President, within the last year both the U.S. Congress and the Oklahoma Legislature have passed measures requiring packers and processors of meat products to meet certain minimum standards. I am proud to have been a sponsor of the legislation introduced in the Senate. I think we did a far-reaching and wise thing in passing that act.

I think we have done a great deal to help the industry and consumers all across the Nation, by giving the consumers renewed confidence in the meat products they buy.

I think we can do no less than give the packers and processors the support they need in order to comply with the directions we have laid down.

In order to comply with the requirements set out in the bill, the packers and processors will need additional equipment and personnel, at considerable expense and capital outlay. The Oklahoma House of Representatives and the Oklahoma Senate have passed resolutions requesting the Small Business Administration to cooperate with the meat packing industries in order that they may comply with the directives set out, and do it in a timely fashion.

I would like to add my encouragement to the SBA to give these requests full and immediate cooperation as benefit to the industry and the Nation as a whole.

I ask unanimous consent that the resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

RESOLUTION 106

A resolution requesting the Small Business Administration to cooperate in aiding the Oklahoma meat packing industry to comply with new Federal and State laws and regulations; and directing distribution

Whereas, the availability of a wholesome supply of meat for human consumption is of vital importance to the citizens of Oklahoma and the Nation; and

Whereas, the Meat Packing Industry is an important segment of the economy of this State; and

Whereas, both Congress and the Legislature of the State of Oklahoma have, within the past year, enacted legislation requiring the packers and processors of meat products to meet certain minimum requirements for the continued operation of the physical plants and equipment used therein; and

Whereas, said legislation will necessitate considerable expense and capital outlay for many packers and processors in Oklahoma to comply with said requirements; and

Whereas, it will be of extreme importance that adequate funds be made readily available for said packers and processors.

Now, Therefore, be it resolved by the Senate of the second session of the thirty-first Oklahoma Legislature:

Section 1. That the concern of the Senate be conveyed to the Small Business Administration of the Federal Government regarding the necessity of available funds which will be needed by Oklahoma meat packers and processors to enable them to comply with Federal and State requirements in the future.

Section 2. That the Small Business Administration is urged to give special consideration to requests and applications for loans made to said Federal agency from members of the Oklahoma Meat Packing Industry, and to extend its cooperation in every way to aid an important and vital industry in the State of Oklahoma.

Section 3. That duly authenticated copies of this Resolution be forwarded to Mr. Robert C. Moot, Director, Small Business Administration, Washington, D.C.; to each member of the Oklahoma Congressional Delegation; and to Mr. John Vaughn, President, Oklahoma Independent Meat Packers Association.

Adopted by the Senate the 24th day of April, 1968.

Finis Smith,
Acting President of the Senate.

A resolution requesting the small business administration to cooperate in aiding the Oklahoma meat packing industry to comply with new Federal and state laws and regulations; and directing distribution

Whereas, the availability of a wholesome supply of meat for human consumption is of vital importance to the citizens of Oklahoma and the Nation; and

Whereas, the Meat Packing Industry is an important segment of the economy of this State; and

Whereas, both Congress and the Legislature of the State of Oklahoma have, within the past year, enacted legislation requiring the packers and processors of meat products to meet certain minimum requirements for the continued operation of the physical plants and equipment used therein; and

Whereas, said legislation will necessitate considerable expense and capital outlay for many packers and processors in Oklahoma to comply with said requirements; and

Whereas, it will be of extreme importance that adequate fund be made readily available for said packers and processors.

Now, therefore, be it resolved by the House of Representatives of the second session of the thirty-first Oklahoma legislature:

Section 1. That the concern of the House of Representatives be conveyed to the Small Business Administration of the Federal Government regarding the necessity of available funds which will be needed by Oklahoma meat packers and processors to enable them to comply with federal and state requirements in the future.

Section 2. That the Small Business Administration is urged to give special consideration to requests and applications for loans made to said Federal Agency from members of the Oklahoma Meat Packing Industry, and to extend its cooperation in every way to aid an important and vital industry in the State of Oklahoma.

Section 3. That duly authenticated copies of this Resolution be forwarded to Mr. Robert C. Moot, Director, Small Business Administration, Washington, D.C., to each member of the Oklahoma Congressional delegation, and to Mr. John Vaughn, President, Oklahoma Independent Meat Packers Association.

Adopted by the House of Representatives the 23rd day of April, 1968.

Rex Privett,
Speaker of the House of Representatives.

MILITARY THREAT TO CZECHOSLOVAKIA

Mr. SCOTT. Mr. President, in a letter to the editor appearing in the New York Times of May 22, some of the distinguished research associates of the Washington Center of Foreign Policy Research which is a part of the School of Advanced International Studies of the Johns Hopkins University, issued a timely warning of the consequences of any effort by the Soviet Union and some of its Eastern European allies to employ force to reverse recent promising trends toward liberalization in Czechoslovakia.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter to the editor was ordered to be printed in the Record, as follows:

MILITARY THREAT TO CZECHOSLOVAKIA

To the Editor: While there is as yet no reason to suppose that the Soviets are conducting more than a war of nerves against the liberalizing government in Prague, nevertheless, behind the maneuvering of Warsaw Pact forces along the Czechoslovak frontiers and behind the equivocal editorials in the Soviet, Polish and East German press lies an implied threat of force.

The Administration's concern for *détente* with the Soviet Union is so widely believed in that in the absence of indications to the contrary the Soviet leaders might suppose that they have a free hand in dealing with Prague. Yet the Soviet Union—and the United States—should be in no doubt that the use of force to "solve" Moscow's dilemma in Central Europe must have the gravest consequences for world peace.

QUESTIONS COEXISTENCE

An attack on Czechoslovakia—a country at peace, faithful to its Warsaw Pact alliances and never the subject of Great Power compacts delineating spheres of influence—by the armies of its allies would call into question the very foundation of coexistence with the Soviet Union.

It would smash all prospects for a *détente* in Europe since it would clearly establish that peaceful evolution in the heart of the Continent and an ultimate settlement of the German question are impossible. It would rekindle—only to Peking's profit—the spirit of the cold war which rested on the belief, now modified, that the Soviets saw in military might a fit means to enforce their political will in Europe. And, similarly, it would engender dangerous repercussions in West Germany, where a collapse of the efforts for better relations with the East would surely heighten resistance to the nonproliferation treaty and bolster extremist elements.

France, too, is facing an hour of truth in Europe. She is bound by honor and interest to oppose a Soviet attempt to suppress trends in Central Europe which Gen. Charles de Gaulle has sought to encourage for the sake of a new approach to European security. For Moscow now to ignore de Gaulle's efforts would invalidate the assumptions of independent French policy in Europe and make a new beginning in Franco-American relations (including a reconstructed Atlantic Alliance) attractive in both Paris and Washington.

If these are matters for the Soviets to ponder, the United States might also usefully consider what opportunities for positive action are offered by the present crisis—particularly the potential for new approaches to the general problem of Europe in cooperation with France.

ROLE FOR UNITED STATES

The present coincidence of peace talks in Paris and military shadows over Prague is both an occasion and an incentive for harmonizing France's European prerogatives with the global priorities of the United States on a new basis. A good beginning would be to make it unmistakably clear that Czechoslovakia need not depend on West Germany for principal relief from Soviet economic pressures.

No one with sympathetic concern for the area wishes to infringe legitimate Soviet security interests in Central Europe. But the West should not encourage the Soviet leaders to believe that it intends once again to feign impotence while in the heart of Europe its interests and its principles are being challenged. A Soviet crushing of Czechoslovakia's new liberties could set in train events whose ultimate consequences might be tragic in the extreme.

GOLDEN ANNIVERSARY OF U.S. AIR MAIL SERVICE OBSERVED—PILOT J. W. HACKBARTH FLIES REPLICA OF DE HAVILAND-4, THE WORKHORSE OF OUR PIONEERING AIR MAIL SERVICE

Mr. RANDOLPH. Mr. President, on May 15, 1918, President Woodrow Wilson traveled to Potomac Park, then an old polo field, to witness and preside over an historic event—the dispatching of the first regular air mail service in the United States.

Earlier, Postmaster General A. L. Burleson and others began their efforts to begin this new experiment. Congress voted $100,000 for 1 year of airmail service. Thus began a great contribution to the development of aviation and the aerospace successes of today. The U.S. Mail Service by Air became the very heart of American aviation as it pumped life and vitality into this fledgling industry, at that time and even later.

The legislative father of air mail service is Representative Morris Sheppard, of Texas, who introduced the first bill on air mail in 1910. The measure did not pass, which is understandable, since few Members of Congress had ever seen an airplane.

It was not until 1918 that Congress appropriated funds to inaugurate this service. Congress, I reemphasize, voted $100,000 for 1 year for air mail. Our fiscal 1968 budget for air mail is $200 million.

The first plane used for carrying mail on schedule was the Curtiss Jenny. It was, however, a later plane—the De Haviland-4, that made such a constructive contribution to the early development of airmail service. The Jenny had a top speed of approximately 118 miles per hour.

In the early days, the amount of mail was so negligible that the aircraft carried only a few pounds on each trip. Today, our domestic airlines originate over 1,500,000 pounds of airmail—or nearly one thousand tons each day.

The golden anniversary celebration of this pioneering effort began in San Francisco on February 21, when the design of the special U.S. Air Mail Commemorative was unveiled. That city was chosen by virtue of a moment in airmail history which took place in 1921, when, for the first time, mail crossed the Nation from coast to coast.

On May 9, 1968, pilot J. W. Hackbarth flew an exact replica of the 12 cylinder DH-4 biplane into our Nation's Capital, and with appropriate ceremony this historic event was dramatized.

Postmaster General W. Marvin Watson also observed the occasion during a ceremony at the Smithsonian Institution, which embraces the National Air and Space Museum. I authored the original act, in 1946, to create this facility. We are hopeful that the building to house our historic aircraft and other aviation exhibits will soon become a reality.

ADDRESS BY JOHN H. CROOKER, JR., CHAIRMAN, CIVIL AERONAUTICS BOARD

Mr. MONRONEY. Mr. President, last week Mr. John H. Crooker, Jr., Chairman of the Civil Aeronautics Board, made the first public pronouncement of his views at the spring quarterly regional meeting of the Association of Local Transport Airlines at Seattle, Wash.

Although a highly respected and competent member of the bar at the time of his nomination, Mr. Crooker was unknown in aviation circles. There has, very naturally been a great interest since his nomination in what this new Chairman thought, what his views were on the major aviation issues of the day, and how great an understanding of the aviation industry he might have or could acquire in a short period of time.

Mr. Crooker's speech at the ALTA meeting answers many of these questions. His speech demonstrates a remarkable understanding of the aviation industry, as well as the perceptiveness and astuteness of the new Board Chairman.

His statements on the probable actions to be taken over the next few years by the Board and by Congress on subsidy to local service carriers and new route awards are cogent, concise, and I believe close to the mark. His concern over the possible "overbuying" of new equipment by the locals is one I share and one which applies equally well to the large trunk airlines.

Mr. Crooker's deep interest in expediting procedures at the CAB and his decision to be the personal representative of the Board to the administrative conference are encouraging to those of us who have urged a simplification of the lengthy and cumbersome procedural requirements of administrative agencies.

If Mr. Crooker's first public statement is any indication of those to come, the Members of Congress, the American public, and the regulated industry can be sure of fair, impartial, swift, and perceptive treatment.

I ask unanimous consent that Mr. Crooker's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Honorable John H. Crooker, Jr., Chairman of the Civil Aeronautics Board, Before the Association of Local Transport Airlines Spring Quarterly Regional Meeting at Seattle, Wash., Monday, May 13, 1968

The past 24 hours have provided me with several tastes of the future. Last night, in flying over the westerly part of our country, and reaching this beautiful City which borders on the Pacific Ocean, I felt that I was seeing what we might term a "land of the future",—with the great attractions which the West Coast has for the thousands of Americans who migrate westward each year. This morning, in walking through the great Boeing complex, I knew I was getting previews of some of the outstanding and almost unbelievably advanced "planes of the future". Aircraft of the next generation are being produced here—the 737, which is of especial interest to the members of ALTA for the part it will play in the short to medium range markets—the 747, which will provide high density air transportation in the medium to long range markets—and the fabulous Supersonic Transport, the 2707, which will transport passengers and cargo at speeds unthought of just thirty years ago when the first Civil Aeronautics Act was adopted by the Congress of the United States.

It seems to me that it is especially fitting that at your meeting here in Seattle in the State of Washington only a month off from the 30th Anniversary Year of the Civil Aeronautics Act, you have as the speaker at your dinner tonight one of the Senate's most illustrious members, and one most interested in the future of aviation—the Honorable Warren G. Magnuson. He has amply demonstrated his support of aviation and air transportation during his many years as Chairman of the important Senate Commerce Committee and as Chairman of the Appropriations Subcommittee for Regulatory Agencies, including the CAB.

Impressed as I was with my tour through the Boeing plant this morning, it goes without saying that Boeing's great contributions to aviation are nothing new. Exactly 24 years ago today—May 13, 1944—the five thousandth Flying Fortress was christened in this city. Ten years later, the first Boeing jet transport made its maiden flight; and a little over a year ago, Boeing's thousandth commercial jet liner was rolled out.

At lunch here today with you dynamic leaders of the Local Transport group, you and I need not assure each other that we all have supreme confidence in aviation's bright future. If we did not so believe, we would not daily be doing the things in which we are engaged. Neither shall I bore you with mathematical statistics and forecasts with which you are more familiar than I. It seems that the topic on which a CAB member might best muse at this juncture is: Into what regulatory and procedural setting will aviation's future be cast?

Many years ago, in the movie, "Song of Bernadette," Loretta Young played the part of a Nun raising funds for a proposed new school. In a pitch to a potential donor, she blithely said that the good sisters had all the problems solved except land and money. I assume today that you executives of the local transport group have all your problems solved except routes and money; so let's talk about those now.

Initially, as to subsidy—Let me omit here a discussion of the Alaskan local service carriers, because the Alaskan problem is unique, great distances; sparse population; and such seasonal weather variations that transportation of mail costs twice as much one time of year as it does at another. The amount of fiscal year 1969 subsidy which will be paid to Alaskan local service carriers approximates the expected subsidy carry-over from fiscal 1968—so essentially whatever is appropriated by the Congress in the next couple of months will be the amount of subsidy available for fiscal year 1969 for the local carriers in the 48 contiguous States.

For this purpose, the budget request by the CAB was $47.6 million. As you doubtless know, the House of Representatives appropriations committee recently pegged this figure at $45 million. We had hoped for $47.6 million, because this larger amount represented a careful CAB forecast, plus Budget Bureau approval after a sharp and detailed scrutiny. We shall continue to do our best with what the Congress does make available to us.

But general economic conditions today may require the Congress to economize even in this very vital area. And this merely points up what the subsidized airlines must consider as a climate in which you and we will be operating in the early 1970's.

I am aware that the Federal Aviation Act requires the Board to pay subsidy to each air carrier according to its "need" to the extent that the carrier operates under "honest, economical and efficient management". I am also aware that the carriers have an absolute right to the amount of subsidy the Board finds is required without regard to congressional appropriations. However, you know that the Board has committed to the Congress and you have committed to the Board that every effort will be made to reduce the amount of subsidy on a continuing basis, and I know of no reason to question the importance of that commitment.

There is no question but that a major reason for the Board's vigorous "route-strengthening" program for the local service carriers was the expectation that it would cause your subsidy need to decline. It is clear to me that all of us—the Board and you carriers—cannot falter at this point in our efforts.

In trying to look farther ahead than merely the next fiscal year, however, let me invite your attention to the fact that at a Senate Committee hearing earlier this year, I discussed the probable time (roughly a full six-year CAB term hence) when total subsidies (excluding Alaska) would be in the 5 to 10 to 15 million dollar range. Under such a formula, "par for the course" on total subsidy reductions might be considered as being in the almost $5 million per year range. It is the desire and intent of the CAB that you should—and it is the conviction of the CAB that you can—enjoy an appropriate rate of return on investment during these next six years, considering such subsidy reductions, if your management is sound and prudent, and if the demand for air transportation continues to grow as it has in the recent past, within a generally prosperous total U.S. economy.

Let's talk about broad categories of things that could, within these general (subsidy total) guidelines, affect your "group-wide" rate of return: some things that are unlikely; some things that you can do; and some things that the CAB can do.

What things are unlikely? Well, let's discuss four possible items here:

(1) There probably should be no large scale, across-the-board, fare increases, if such increases would place the cost of air transportation out of the reach of a large number of travelers in our smaller cities. Our own economic forecasts indicate that the amount of traffic is most closely tied to reasonable charges—so unreasonably high fares would, in our judgment, result in such declines in the amount of passenger traffic, that you would gain nothing in profitability of operations.

(2) Another thing I believe is doubtful is to torture the concept of "route-strengthening" into what is merely route expansion or system enlargement, without firm estimates of favorable economic results.

(3) In the markets where there is sizeable traffic, in which you serve along with a trunk carrier, probably the trunk carrier had nonstop authority before you did. It is not probable that there will be an elimination of competition, because competition itself tends to develop good service and a rate structure which protects the public.

(4) Lastly, on the "improbable" list for today's discussion is ending service to any significant number of smaller cities. Hence (by resourcefulness and ingenuity), alternative methods of service should be sought if it is just not economical to continue service by planes as large as Convair 440's or even DC–3's.

This latter point is important. While the "route-strengthening" program is very significant, we must not permit it to overshadow the purpose for which the local service carriers were first certificated about two decades ago—to offer service to the smaller communities of our country.

I am concerned that as the local service carriers increase the size of their operations and continue to enter longer-haul, higher-density markets in competition with trunklines, they might tend to concentrate less on service to the smaller communities. This is not a price we are prepared to pay for the route-strengthening program. I recognize that airlines which are in the process of acquiring and operating aircraft such as DC–9's and 727's in competitive markets find it difficult to operate the type of small aircraft which can serve their smaller cities economically. But, this is a problem to which you must apply all your imagination and ingenuity in order to avoid unacceptable results.

Two of your members have embarked on programs which, it seems to me, give great promise toward a solution to a portion of this problem. I refer to Air West's Mini-Liner service and Allegheny's contract arrangement with an air taxi operator, Henson Aviation, at Hagerstown, Maryland. Air West has acquired Piper Navajo equipment and has determined to provide service to several of its smaller communities with these aircraft instead of the F–27 and DC–3 equipment previously in use. The volume of service has increased as has the total traffic carried. Service is now provided in markets which formerly did not receive service with the larger aircraft. In an effort to provide an incentive to your carriers to institute such experiments, the Board has provided, in Class Rate IV, for subsidy to be paid for services with air taxi equipment. Although the subsidy provided is less than would be paid for a DC–3 or F–27 operation, it is large enough to create an incentive to institute service with small aircraft. In my view, under this type of approach, all concerned benefit—the carrier, the communities, and the Federal Treasury.

The Allegheny approach is somewhat different. Under it, the operation is conducted by an air taxi operator, but with Allegheny having a continuing obligation to provide service if the air taxi service falls below a prescribed level. Since the traffic in the market at issue is relatively large, no subsidy whatsoever is required. In fact, I was very interested to learn that in the first four months of this year, the traffic carried by the air taxi operator at Hagerstown was 82 percent higher than Allegheny's traffic a year ago.

These two approaches are positive attempts to meet the problems of service to the smaller communities. They both have recognized the advances which have occurred in small aircraft technology and they have used these advances to benefit their communities while reducing federal subsidy.

A crucial element of both of these arrangements is that the local service carriers certificated at the communities retain their obligation to provide the service the Federal Aviation Act requires. I would urge all of you to look at your own route systems to see whether either of these methods can be utilized in your efforts to improve services to your smaller cities. But, whatever course you follow, service to these communities must remain a primary concern in the future.

Let me allude to equipment purchases, because I am seriously and genuinely concerned over the airlines recent very heavy equipment purchases. In looking at the March, 1968, statistics, I noticed that the local service carriers serving the 48 contiguous States showed a 27 percent increase in revenue passenger miles, over March, 1967. Anyone hearing this figure alone would conclude that the local service carriers are making money, hand over fist. The principal reason that this is not the case is that the local service carriers bought a tremendous amount of new equipment during that 12 months; and the available seat miles rose 40 percent over the same month a year ago, while traffic was rising only 27 percent. You people have, of course, exercised your considered judgment about how much new equipment to buy. I know that when some new plane (take the DC–9, for example) comes out, you all feel (perhaps properly) that you have to buy some. Maybe you do this not merely for the operating efficiency, but also from the standpoint of "image", so that you can advertise that you have the latest, the greatest, the best, and the plushest,—so that the public will conclude that you can serve the passenger better than your competitor does. Let me use a term loosely here—"overbuying" is used here to describe the purchase of substantially more equipment than the projected traffic increase warrants. Anyone understands how, once in several years, there is this over-buying. Maybe the manufacturers won't hold your delivery position unless you accept deliveries somewhat earlier than you actually desire. Also, at the inauguration of new service, there is often an awkward period of having more supply than is required by the immediate demand,—but the hope and expectation (often realized) are that increased demand will soon justify the initial excess capacity. The thing which would really concern me would be to find, this time next year, that your available seat miles had again increased significantly more than revenue passenger miles had increased.

The effect of "over-buying" has another and indirect effect on expenses, which eventually will be of concern. Advertising and sales promotion expenses by local service carriers jump abnormally when an airline tries to fill up the additional available seats.

We are cognizant of the fact that on short-haul runs, the local carrier competes with surface transportation, so some advertising is essential in order to increase gross revenues. In new markets, where you may be in competition with some trunk line, your operating expenses during the first year or two of service might equal or exceed your gross revenues, but advertising would still (in good business judgment) be needed to build up the future volume of traffic. I do not now propose that we put an absolute limitation on Sales and Promotion expense (even percentagewise to gross revenues) in the way that executive salaries are limited, for subsidy computation. But since there was about a 27 percent sales and promotion expense increase by the local service carriers in fiscal year 1967 above fiscal year 1966, it might behoove each carrier to examine carefully, the percentages by which these expenditures may increase in the future, to ward off any such limitation on advertising expenditures in future subsidy determinations.

From the matter of how subsidy is determined, let me get into the question of fixing and application of the Class Rate formula. In any possible future revision of the formula, the aggregate subsidy ceiling might well be dropped below the $60 million upset figure used when Class Rate IV was adopted. Moreover, there may be less emphasis on other formula components than on seeing that air service to a particular number of communities is continued. If so, the general "per carrier" figure (now on a basis of some $2 million per year) might be weighted—weighted—less; and the matter of stations served and/or flights (up to two per day) made to the subsidy-eligible cities and towns might be weighted more. Lastly, as to "credits" against the subsidy amounts to which you would otherwise be entitled—that is, as to subsidy reduction items—you know that, irrespective of the exact formula, if the gross aggregate revenues of the local carriers increase by some $50 million per year, and the total amount of subsidy paid drops by 10 percent or so of that figure, you are (in effect) having a reduction equal to about 10 percent of new revenues. Passenger revenues for the local carriers for the 12 months ending March 31 were about $50 million more than in the 12 months ending March 31, 1967. I believe that businessmen generally would say that if you are already operating your company, and you already have personnel at the cities you serve, then (on the average) if your segment of the industry can get a dollar of new revenue (even though, admittedly, there are some increases in operating costs), the nation's taxpayers are entitled to have the local carriers tithe.

You realize, I am sure, that I am not suggesting a formula which considers nothing but a credit equal to a percentage of new revenues. There are other significant economic factors to consider. There are some disparities and inequities which would exist, among the individual carriers, if those finer lines were ignored. One of these finer lines might involve clear separation of the vital statistics (as to revenue, cost, investment and profit) for the "non-subsidy" routes, from your total statistics on revenue, cost, investment and profit. Such information would permit us to know your requirements for those routes we have said will be subsidized. Also, these facts would permit us to measure the success of the non-subsidy route awards, as a means for reducing your subsidy need. I realize that this is the kind of statistical breakdown which may be difficult to achieve, but we are going to attempt the job at the CAB in the next several months. Naturally, we will be calling on you for help in this analytical job, which is important to all of us. But in returning to the aggregate industry-wide annual subsidy reductions, it might be well for the local carriers not to lose sight of this 10 percent of new revenues "ball-park" figure. At all events, if we are all still around six years or so from now, it will be interesting to see how the drama has actually unfolded, versus our 1968 gaze into the crystal ball.

Having talked about what probably won't be done, and about what the carriers may do, let's talk about the CAB these last very few minutes. In the past two or three years, we have initiated and followed very active route programs for local service carriers. These have been procedural as well as substantive. Our objective is to use new methods to expedite formal and informal cases, where there appears to be good possibilities for subsidy reduction while we maintain and improve service. Our efforts have been exerted in three ways—(a) Show cause proceedings; (b) Priority treatment for route realignment cases; and (c) Subpart M.

The CAB has used the show cause procedure increasingly in the past two years. Piedmont has been granted entry into New York. Allegheny's Pittsburgh/Huntington segment has been extended into Nashville/Memphis. Lake Central was given authority between Columbus/Dayton and Pittsburgh.

I will not dwell at length on Subpart M, of Part 302 of the Rules of Practice and Economic Proceedings, because our real expert in this area has already given you a detailed discussion of this topic. This morning, Mr. Emory Ellis, the Assistant Director of our Bureau of Operating Rights, effectively covered Subpart M with a very clear and thorough talk, pointing out what has occurred in the ten cases now on file, and giving you a timetable we hope to be able to maintain in relatively simple proceedings, under Subpart M. In many instances, cases may be processed in seven to nine months, rather than in twelve to eighteen months, as might have been the situation had we not made this deliberate effort to accelerate our processing of these specific applications.

For the information of the trunk carriers, as well as the local carriers, I might also say that our efforts to expedite our procedures are not concerned solely with Subpart M. Both inside and outside the Board, we are continually seeking to cope with the Board's workload quickly and effectively, without losing the quality of the judicial process in doing so. As to our internal procedures, there may be future simplifications forthcoming, as to standardized, less bulky, and less cumbersome exhibits which will be utilized in route cases. In some specific types of proceedings involving the trunklines, a companion part to Subpart M may emerge.

Outside the Board, we are keenly interested in the work of the Administrative Conference, the first plenary session of which will be held two weeks from today, chaired by the very able Jerre Williams. Each of several agencies is privileged to name one person as its delegate on the Administrative Conference; and I have been so impressed with the importance of studying all major possibilities for procedural and administrative shortcuts in getting the workload of the Board handled, that I designated the Chairman of the CAB as its representative at the Administrative Conference.

In short, it is my hope that whatever strengthening we can provide for the scheduled air carriers, we must do more quickly. Any new applications involve, of course, carriers, the communities and the Board. As to you local carriers, we do not expect that you can maintain the greatest financial stability plus outstanding service to the traveling public, without some route strengthening—especially if there be subsidy decreases of the magnitude outlined today. So give your own present service patterns your most careful consideration; and then give us your conclusions and projections, within the framework of the policies the Board has enunciated in the past couple of years about what may be approved in the way of strengthening.

The local service airlines touch more than 500 cities and towns in America. In geography more than demography, you represent America. You undoubtedly have that resilience, that resourcefulness, that perseverance, which comes from being close to the people. 1967 was not the best year the local carriers ever had, in rate of return, for some of the reasons relating to accounting and purchase of equipment which I have discussed here today. But when you reflect on a $50 million increase in passenger revenues for the 12 months ended March 31, as against the figure for the preceding year, you and we cannot help being optimistic for the future.

A public figure of our day recently reflected on the complex problems of our times, and on how the future looks to the weak and fainthearted. The thought was that such people viewed the complex problems of the future with much trepidation. But for the thoughtful and the valiant, the future is the ideal. In commercial civil aviation, you in the industry and we at the CAB strive to be counted not among the weak or fainthearted, but among the thoughtful and the valiant.

THE PARIS PEACE TALKS

Mr. McGEE. Mr. President, the world waits and watches while negotiators in Paris meet. We watch and wait to see, primarily, if the North Vietnamese are going to get down to business, or if the purpose they have is to keep on fighting while utilizing the Paris talks to propagandize the United States into what William S. White has called "an escape-proof box on the bombing issue."

The American delegation, led by Ambassador Harriman, will continue patiently to seek an honest approach to honest negotiations. There is no danger that they will submit to the trap which the North Vietnamese are trying to lay for them. But the issue still remains obscured by the massive cloud centered over the North Vietnamese negotiators and the intentions of their government. The Washington Star, last Sunday, editorially speculated about the possible method in Hanoi's apparent madness—for it is madness, by our standards, for North Vietnam to persist in military engagements that cost her dearly. To Hanoi, William S. White said in the Washington Post a day later, the name of the game is propaganda—propaganda aimed, as always, at sapping our will to keep resisting their attempts to take over South Vietnam.

Mr. President, I ask unanimous consent that the Star's editorial and William S. White's column be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, May 19, 1968]

CAN THERE BE METHOD IN HANOI'S MADNESS?

One assumption is that the North Vietnamese and the Viet Cong are pursuing the shooting war in the hope of gaining some military advantage which will improve their bargaining position in Paris. This doesn't seem to make much sense at this point, however, since their military efforts have produced a series of costly defeats.

Another assumption or suggestion is that the talks in Paris will not reach the point of serious peace negotiations this year, and that Hanoi is determined to keep fighting until it can get a clearer reading on what the November elections in the United States will produce. If there is any basis for this line of thought, and there may be, the enemy presumably hopes that continued heavy casualties will increase anti-war sentiment in this country and lead to an election verdict more favorable to Hanoi's chances of gaining through negotiations what it has not been able to gain in conflict.

Let's get back to the first point. By any rational military standard the results of the fighting in 1968 add up to a disaster for the enemy. Approximately 85,000 of their troops are reported to have been killed since the beginning of the year. The Tet offensive, a treacherous surprise attack, looked at first blush like a successful operation, at least in some respects. But it ended in ghastly failure in terms of relative troop losses. The footholds won in numerous South Vietnamese cities at very heavy cost have all been lost. The damage to the pacification program, which was real, is being repaired. And even the psychological victories which the Communists were said to have scored have been largely reversed by the follow-on fighting.

When the fury of the Tet offensive had subsided, it was fully expected that a strong "second wave" attack on the cities would be made in short order. Well, it was rather slow in coming, but come it did. And with what results?

The enemy killed many civilians, destroyed hundreds of homes with mortar fire, and lost over 5,000 of their own troops in the process. The losses among American and South Vietnamese defending forces were "light." But Hanoi's greatest loss in this abortive second attack on Saigon was in the area of psychological warfare.

During the Tet offensive a terrified civilian population, dismayed by the initial success of the assault, was unwilling to assist the defenders. A bullet in the back of the head is an effective intimidator. So is the cold-blooded murder of a neighbor's wife and children.

But it was different on the second go-round. For one thing, lacking the advantage of surprise, the Communists did not penetrate deeply into Saigon. For another, most of the civilians didn't panic. Some of them actually went to the police with information as to where enemy troops were hiding. A North Vietnamese defector, Lieut. Col. Tran Van Dac, put it this way: "The second offensive was worse than the first. We received no cooperation from the Saigon people." Col. Dac also offered this comment on the significance of the attacks on the cities: "The Communists claim these attacks as their greatest victories. But I think they are their greatest failures."

However that may be, no one is saying today that the "second wave" brought any kind of victory, psychological or otherwise.

Another episode in Hanoi's strategy of fighting while talking, or getting ready to talk, was the siege of Khe Sanh. This battle began in mid-January and lasted for 71 days.

Khe Sanh is important in that it is a strategic point guarding the infiltration routes from Laos into South Vietnam. Trying to break into the Quang Tri River valley, the Communists began with a heavy attack on another outpost—Con Thien. After weeks of bitter fighting, that assault failed. Hanoi then slipped its troops, perhaps some 20,000 of them, toward Laos for the attempt to take Khe Sanh, which at the time was being held by 1,000 Marines.

Deciding to fight for Khe Sanh, General Westmoreland sent in 5,000 more Marines, 500 South Vietnamese Rangers and a small contingent of Navy Seabees.

The odds, assuming the accuracy of the 20,000 enemy troop estimate, did not appear to be good. And there were predictions that Khe Sanh would be an American Dien Bien Phu, the siege in which the Vietnamese broke the back the French in 1954.

But these predictions were wrong. The enemy, pounded day in and day out by artillery, rockets and bombs broke off the siege and stole away. The most conservative estimate is that he lost 6,000 men—killed. The total Marine dead was 199.

Actually, although there were numerous probing attacks by the Communists, they never tried to mount a major assault on Khe Sanh. And beyond any doubt the reason was that, indifferent though they are to loss of life, the North Vietnamese commanders simply could not accept the casualties that would have resulted had they massed their troops and exposed them to the incredibly overwhelming American firepower.

Still, they fight on. The week of May 4–11 saw 562 Americans killed—the highest toll for any week of the war. South Vietnamese fatalities were 675.

This was not due to any major engagement that produced a significant victory or defeat for either side. It was, rather, the result of a series of small but bitterly fought engagements. True, the U.S. Command reported that 5,552 Communists were killed during the week. But the people of North Vietnam are not going to rise up against Ho Chi Minh because he is willing to accept inordinate losses. All that the North Vietnamese hear about are the splendid "victories," not the costly defeats.

If the continued fighting and the mounting casualties create no major problem for Ho, however, they do for us.

Some time must pass before our government can determine whether Hanoi's agreement to talk was an act of good faith, and also whether the enemy is taking military advantage of the reduction in the bombing which President Johnson announced on March 31.

It is too soon to be certain, but there have been indications that the rate of North Vietnamese troop infiltration has been stepped up. If even heavier fighting in the future should confirm this, and if Ho's negotiators merely stall in Paris, the President very probably will have to order a full-scale resumption of the bombing in the North. And this despite Hanoi's hope, if this is the fact, of softening the American will to fight.

[From the Washington (D.C.) Post, May 20, 1968]

TO HANOI NAME OF THE GAME IN PARIS TALKS IS PROPAGANDA

(By William S. White)

The name of the game currently being played by the North Vietnamese Communists in the Paris talks with our people is, of course, propaganda, but propaganda of a special and acute kind.

Their clear and central purpose, in these preliminary negotiations-toward-negotiations, is to put this country into an escape-proof box on the bombing issue and specifically to exact from the United States Government what they are not in fact going to be allowed to extort from us.

They want not simply a continuation of the present suspension of American bombing over about 90 per cent of the effective part of North Vietnam but also an assurance of a permanent sanctuary for the Hanoi-Haiphong area.

They believe that the tireless clamor from American doves, plus that of like-minded forces abroad, plus the human desire of so much of the world for a solution at all costs in Paris, may force Washington into further one-sided concessions while Hanoi continues to make no concession at all.

Already, the American doves are pushing the line that having once entered upon the present partial bombing holiday the United States really must not ever, ever even think of going back to substantial air action against the enemy, regardless of what that enemy may do and in truth is already doing in the way of offensive action. This, it is argued, would be a dreadful shock to "world opinion," bring disillusionment everywhere to the seekers of "peace," and so on.

It is a pretty neat ploy, for it is undeniably true that the moment President Johnson made his strikingly generous offer on the bombing matter he took a great risk, as he himself well knew, of setting off an undue optimism which would be certain to react with automatic ill favor toward any development that might seem "negative."

And having already got a big lift from the partial bombing holiday, the Communists not unnaturally and even inevitably are seeking to score an outright ten-strike by bringing Hanoi-Haiphong under the umbrella. Why? Simply because as of now the enemy is required to maintain a military and civilian work force of half a million men in that area both to stand guard against air attacks and to clean up after them when and if they occur.

Let these fellows know for certain that no more bombs were going to fall thereabouts and they would of course be free to send substantial elements of the half million southward against South Vietnam and so very heavily escalate the escalation which in truth they are already applying.

So it is, as so many times before it has been, that the American doves, no doubt with the best of intentions, are again playing Hanoi's game. Still, there is an old problem and an old story to the policy makers here; at least they had been amply forewarned.

The American delegation in Paris, therefore, will go on patiently seeking an honest approach to honest negotiations, in which both sides, and not merely one, would make some concessions, but there is no danger that Washington is going to submit to a propaganda trap that would send Hanoi-Haiphong forever home free from American counteraction.

The net of it all is this: If only the North Vietnamese Communists can be made to understand this, there is yet hope that Paris may eventually produce genuine progress toward honorable peace. If not—and the belief here is that we shall probably know one way or another within about a month—the war is going to be more of the same, only more so.

DANGERS TO EMPLOYEES OF GOVERNMENT PRINTING OFFICE

Mr. BREWSTER. Mr. President, yesterday, I was visited by three officers of the Columbia Typographical Union No. 101—AFL–CIO. They came to discuss the crime situation in the District of Columbia with particular respect to the dangers faced by employees of the Government Printing Office.

The situation described by the union officers was another example of the urgent need for additional police protection in the District of Columbia. I addressed myself to this problem in my speech to the Senate earlier this week. In addition, I have again communicated with the Mayor of the District of Columbia about the problem, with particular respect to the Government Printing Office.

Another aspect of this problem also deserves the attention of the Congress. The employees of the Government Printing Office—and every Government office, for that matter—should be assured of adequate and safe parking spaces. It is my hope that the chairmen of the Committees on Public Works of the Senate and the House will carefully consider legislation to establish firm standards for the provision of parking facilities as a part of all future Government construction.

Mr. President, the union officers gave me a detailed report of the situation at the Government Printing Office. I ask unanimous consent that it be printed in the RECORD, together with the text of my letter to the Mayor in that regard.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Dangers to Employees of Government Printing Office

I am Charles F. Hines, President of Columbia Typographical Union #101, a local of the International Typographical Union, AFL–CIO. I represent approximately 4500 printers working in the Metropolitan area of Washington, D.C. of which approximately 1800 members are employed at the United States Government Printing Office.

I sincerely appreciate the opportunity to appear before this Committee to testify as to the deplorable conditions surrounding the United States Government Printing Office today. Conditions, which if not corrected immediately, will surely lead to a number of deaths due to violence by gunshot, stabbing or a severe beating. These conditions, as you are probably already aware, actually exist in the immediate vicinity of the Government Printing Office and most of Washington, D.C.

I appear before you today more irate than anything else, because it seems that the police protection in the Metropolitan area of Washington D.C. and the Government Printing Office in particular, is not adequate enough to protect decent citizens endeavoring to go to and from work. These employes actually go to work with fear in their hearts, fear that they will be next on the list of the hoodlums who wait like wild jungle beasts, ready to pounce on their prey. Irate because all I see and read in the newspapers of this city, are excuses as to what is going to be done next week, next month or next year and excuses as to why we should not have ill feelings in our hearts for the poor underprivileged person or persons who just robbed and beat you on the streets, while you are on your way to work, or on your way home.

I cannot blame the Public Printer, Mr. Harrison, or any of his assistants, because they tell us that they are not getting as much response with their requests for more protection as they would like. The Police Department is hamstrung with a lack of manpower and of course their answers to the Public Printer are that they just do not have the men available to do the proper job.

I requested the Director of Personnel at the Government Printing Office, to give me copies of correspondence between the Public Printer and District officials pertinent to Government Printing Office requests for more attention, but of course I was denied this since it is personal correspondence and I cannot find fault with that.

The Vice President of our local, Mr. Donald Taylor, has worked long and hard in past years trying to get better protection and actually has succeeded in getting as much as the Police Captain of the Precinct could possibly give. The Captain has his limits also and is hamstrung by lack of help and authority for his men to act.

At one time we had police with dogs patrolling the area and they were doing a reasonable job when suddenly some groups cried out that this was police brutality and the dogs disappeared. We were fortunate though, because the right approach was made and the dogs were put back with the patrolmen on their beats. The only problem here is not enough of the patrolmen and their dogs and then if the hoodlums do get caught, the courts let them free to repeat what they did before.

I wonder sometime why it is when decent taxpaying citizens get caught for a traffic violation, they never get handled in the same manner. It always costs us because we are supposed to know better.

Every night in the week, tires get slashed and stolen, batteries stolen and in some cases, the car itself, disappears. The Insurance Companies are getting fed up to the teeth and some companies will not insure people living and working in these areas.

In a memorandum recently, issued at the GPO, all men were asked to walk in groups for their protection—this only makes it more convenient for the thugs and hoodlums to hold us up and get a bigger haul. Just last Monday evening three (3) of our men going home together at 1:00 a.m. were held-up at gunpoint and robbed of their wallets, watches and anything of value.

The wife of one of our members who was going to the Personnel Office of the GPO for her husband, at 10:00 a.m., in broad daylight, was jumped on at North Capitol Street and beaten and robbed. I believe they also fractured her shoulder and she was left severely bruised.

We have rules and regulations at the GPO forbidding the carrying of guns or concealed weapons into the building and I am not kidding you when I tell you that some of the employees at the GPO look like something out of the old western days. Many carry weapons because they fear for their lives. This is a very unhealthy condition and could, some night, set off a riot in the streets. I do not condone this but I do not blame these men one bit for doing it.

Some of our members have fought for this country in two wars and have come through unscathed and I don't think it is just for these men to have to be fearful for their lives when they are trying to earn a livelihood. These men tell me if something is not done soon that the GPO will suffer because of lack of help due to the fact that they will quit their jobs rather than risk life or limb.

We just finished negotiating for a raise in pay for these men at the GPO, now we are literally negotiating for their safety and their lives. I would like to have some of the bleeding hearts in our society come down and walk the streets with us, going to and from work with our members and to see how they appreciate being molested and robbed or having their cars wrecked or parts stolen off of them constantly. We should send a few of our top officials down there also, particularly the ones who are so full of love for their fellowmen and who are only fooling the public with their oratory. They say we need more laws—I do not agree, we need only enforce the laws presently on the books—laws for everybody, every color, every creed, but on the same equal basis of justice for all and laws that are enforced by the Courts equally for all races, majorities or minorities.

In a speech by the President of the United States, sometime back, he encouraged all Americans to put their shoulders to the wheel and take up their places of responsibility beginning with the home, the community and in every walk of life. I agree and I think we should. We should start right up on Capitol Hill and in the Courts by ending the coddling of these thugs and hoodlums in the District of Columbia and in our nation.

I say—give the law enforcement agency back their powers; give us some protection or gentlemen don't come crying to the Union leadership at the GPO because some day the Government's printing doesn't get out on time. Our men are fed up and disgusted with the lack of effort by people who were hired or elected to represent them.

I am supplying a list of reported incidents at the Government Printing Office. These reported incidents are supplied by the Director of Personnel who will be anxious to see our problems solved also. There are many, many more incidents that are not reported to the officials of the GPO, such as damage to cars and personal property. Many are not reported officially to the GPO, because our people say what is the use.

You ask for suggestions, I have one big one. Federal troops—like during the Civil War or during our last civil disturbances, except this time, load the guns and use them if necessary. There is a definite, urgent need for some large constantly patrolled area for GPO employes to park their cars in. Plenty of lights and adequate patrolmen. This parking area can be either underground or fence enclosed and by permit only.

I am also supplying you with a list of the different starting times in one section of the GPO just to show you how easily it is to pick off men coming in staggered groups like these.

Thank you for your courtesy and cooperation on the matter.

I sincerely hope that our request will not fall on deaf ears and I am sure it will not.

Respectfully submitted,

Charles F. Hines,
President, Columbia Typographical Union #101 (AFL–CIO).

U.S. Senate,
Committee on Commerce,
Washington, D.C., May 22, 1968.

Hon. Walter E. Washington,
Mayor, District of Columbia Government,
Washington, D.C.

Dear Mayor Washington: On Monday of this week, I wrote to you following a meeting I held with a group of wives of D.C. Transit Co. bus drivers, concerning the crime situation in the District of Columbia.

Today, I was visited by three officers of the Columbia Typographical Union No. 101 (AFL–CIO) of the District of Columbia, concerning the crime situation in the District with particular respect to the neighborhood of the Government Printing Office.

I am taking the liberty of enclosing a copy of a statement the Union representatives gave to me.

I strongly endorse their request for increased police patrols in the neighborhood of the Government Printing Office to control what appears to be a serious situation in that area, including the GPO employees' parking lot.

As I said in a speech to the Senate yesterday, I believe the police of this City are doing a highly commendable job, but that there are not enough of them. Again, I offer you my assistance for whatever measures you may consider worthwhile to improve the degree of protection afforded the citizens of our community.

Sincerely yours,

Daniel B. Brewster,
U.S. Senator.

FUNDS FOR RURAL ELECTRIFICATION ADMINISTRATION

Mr. BURDICK. Mr. President, I desire to speak in behalf of Rural Electrification Administration funding. My distinguished colleagues who are members of the Committee on Appropriations will soon be reporting appropriations for the Department of Agriculture which include funding for the REA programs. These programs are among the most, if not the single most, important Federal programs that have helped develop my State of North Dakota and, indeed, have helped many other Western and Midwestern States. I do not intend to belabor my distinguished colleagues with a recitation of the benefits derived from REA programs. The cooperatives that have been made possible by these programs have accomplished an outstanding task in bringing to the farmer and, in fact, to small towns throughout the West, the conveniences of our modern technological age. I urge my colleagues to give earnest consideration to increasing the funding allotment for REA loans. It is my understanding that the President's budget provided some $345 million for this line item.

I have reviewed some National Rural Electrification Cooperatives Association findings relative to the REA loan situation and shall present some of them.

As of July 1, 1967, which was the beginning of fiscal year 1968, there was a backlog of loan applications to the amount of $103 million. As of May 1, 1968, this backlog had grown to $326 million with $205 million having been approved as loans by the REA as loans during fiscal year 1968 up to May 1. By July 1, 1968, the estimated backlog of loan applications will have built up to $370 million based on the authorized loan program for fiscal year 1968 of $350 million.

Mr. President, this estimated backlog will build up to $422 million as of July 1, 1969, based on a $345 million program for fiscal year 1969. This means that from the beginning of fiscal year 1968 the backlog would have increased more than fourfold from $103 to $422 million. If we continue to reduce the funding of this important program we are going to do irreparable damage to the rural electrification system.

Mr. President, I ask my colleagues to give due consideration to these facts when fixing the authorization for the Department of Agriculture. I ask unanimous consent that the tables developed by the National Rural Electrification Cooperative Association be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Table I.—*Summary of current situation with respect to loan applications on hand, received and approved by REA as of May 1, 1968*

	Millions
Backlog of applications, July 1, 1967	$103
Applications received, July 1, 1967, through Apr. 30, 1968	443
Total applications on hand and received by REA as of Apr. 30, 1968	546
Less loans approved by REA as of Apr. 30, 1968	205
Backlog of applications, May 1, 1968	[1] 326

[1] Totals may not add or subtract due to adjustments.

Table II.—*Findings of NRECA 1969 annual loan fund survey and its relationship to the budget request for fiscal year 1969*

	[1] *Millions*
Backlog of applications, Jan. 1, 1968	$236
Applications to be received January through June 1968	374
Total applications to be considered during January through June 1968	610
Less loans to be approved January through June 1968 [2]	—240
Estimated backlog of applications, July 1, 1968	370
Applications to be received, fiscal year 1969	396
Total applications to be considered during fiscal year 1969	767
Less loans to be approved, fiscal year 1969 (budget program) [3]	—345
Backlog of applications, July 1, 1969	422

[1] Totals may not add or subtract due to rounding.

[2] Authorized loan program for FY 1968 is 350. For the first half of FY 1968, REA approved loans for $110 leaving $240 available in the second half.

[3] The budget program for FY 1968 includes a regular authorization of $304-million and a $42-million carry-over from FY 1968.

TABLE III.—CUMULATIVE AMOUNT OF APPLICATIONS RECEIVED AND BACKLOG OF APPLICATIONS AT REA FROM JULY THROUGH APRIL OF FISCAL YEAR 1968

[In millions of dollars]

Fiscal year 1968	Applications received	Backlog of applications
As of July 31	15	91
As of Aug. 31	56	119
As of Sept. 30	91	136
As of Oct. 31	99	143
As of Nov. 30	232	275
As of Dec. 31	255	236
As of Jan. 31	275	218
As of Feb. 28	319	252
As of Mar. 31	363	268
As of Apr. 30	443	326

TABLE IV.—*Estimated amount of loan applications to be submitted to REA between Jan. 1, 1968 and June 30, 1969 (based on NRECA loan fund survey)*

Alabama	$39, 629, 000
Alaska	2, 965, 000
Arizona	2, 013, 000
Arkansas	44, 009, 000
California	2, 211, 000
Colorado	12, 278, 000
Delaware	1, 616, 000
Florida	23, 322, 000
Georgia	24, 942, 000
Idaho	8, 122, 000
Illinois	11, 342, 000
Indiana	35, 112, 000
Iowa	14, 691, 000
Kansas	11, 635, 000
Kentucky	34, 115, 000
Louisiana	10, 835, 000
Maine	----------
Maryland	5, 357, 000
Michigan	32, 693, 000
Minnesota	30, 441, 000
Mississippi	27, 782, 000
Missouri	22, 178, 000
Montana	6, 631, 000
Nebraska	28, 227, 000
Nevada	975, 000
New Jersey	325, 000
New Mexico	10, 747, 000
New York	331, 000
North Carolina	22, 097, 000
North Dakota	17, 769, 000
Ohio	9, 322, 000
Oklahoma	92, 342, 000
Oregon	6, 232, 000
Pennsylvania	5, 651, 000
South Carolina	25, 166, 000
South Dakota	15, 308, 000
Tennessee	10, 019, 000
Texas	70, 666, 000
Utah	3, 780, 000
Vermont	1, 005, 000
Virginia	12, 033, 000
Washington	15, 826, 000
West Virginia	130, 000
Wisconsin	13, 975, 000
Wyoming	4, 590, 000
Total	770, 885, 000

LATIN AMERICA

Mr. FULBRIGHT. Mr. President, my attention has been called to an excellent speech delivered by Ambassador Teodoro Moscoso at the 22d annual Hemispheric Insurance Day luncheon of the Chamber of Commerce of the United States in New York City on May 8.

Among many sound recommendations and perspective insights in this speech, I call attention particularly to the following:

> Extend all economic and technical aid only through multilateral agencies—the Inter American Development Bank for economic and the CIAP—the Inter American Committee for the Alliance for Progress where we are out-numbered by the Latin Americans six to one and whose chairman is a Latin—for technical aid. Dismantle the United States aid apparatus in Latin America. Drastically reduce our embassy staffs, as Ambassador Tuthill has recommended. Let the Latin Americans use their own institutional tools and go their way in saving themselves.

This recommendation is all the more significant because it comes from the First Coordinator of the Alliance for Progress and a former Ambassador to Venezuela who has had wide experience in Latin America and in the administration of U.S. foreign aid programs.

I ask unanimous consent that the full text of Ambassador Moscoso's thought provoking speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ON LATIN AMERICA AND REVOLUTION

(By Teodoro Moscoso)

The question insistently being asked by students of underdevelopment is: Can democracy serve modern revolution in the poorer third of the world?

As Galbraith has pointed out, in Asia, though the social structure is far from perfect, it does not present a barrier to advance. The pervasiveness of poverty makes the social structure relatively democratic. There, the problem is principally the redressing of the imbalance between people and resources. Sub-Sahara Africa suffers from a narrow cultural base, and education and training seem to be the primary requisites. Government structures are primitive and unable to cope with the educational and other requirements of its people. If the minuscule power elite takes over the government and its law-enforcing agencies, and if this small group is neither honest nor competent, there is hardly any hope. Not even communist repression and discipline can do much here. Witness Russia's disinterest in the area.

When we come to that part of the world which is the subject of my brief talk today—Latin America—the horse is of a different color.

To avoid the obvious criticism that I am generalizing about an area comprising many countries, some as diverse as Chile and Haiti, let us admit that time would not allow a spectral analysis of each nation in Latin America. With the accession of Trinidad and Tobago, and Barbados, to the Organization of American States (more later on this oldest and perhaps most disappointing of reigonal groupings), the task becomes immeasurably more complex. So generalize I must, but when I can I will try to mention the honorable—or dishonorable—exceptions.

Of the dozens of speeches I had to make during my tenure as first Coordinator of the Alliance for Progress, John Gunter's 1967 round up of the conditions of Latin America's insides quotes my favorite to head his chapter on Change: "The alternative is not between the status quo and violent revolution. It is between *peaceful* and *violent* revolution." To this President Kennedy added his own admonition: "Those who make peaceful revolution impossible will make violent revolution inevitable". And that student of revolution, Hannah Arendt, in a manner equally applicable to Latin America—and if you please, Viet Nam, has this to say: "In the contest that divides the world today, in which so much is at stake, those will probably win who understand revolution, while those who still put their faith in war as the last resort of foreign policy will find themselves masters in an obsolete trade".

The revolutionary zeal which the United States once contributed to history seems to have either faded or entirely disappeared from our political life except in the oratory of the Fourth of July speechmakers—the one national holiday of the year which we specifically devote to insurgency, to the right to change our government by violent means if we must, should it prove a violator of our inalienable rights to life, liberty and the pursuit of happiness.

In Latin America the more responsible observers have reached the point of despair and there are indications, as some see it, that the social fabric may come apart, not by evolutionary, considered and deliberate democratic processes, but by the kind of direct proletarian action which, as Miss Arendt says, is the main revolutionary phenomenon of our times.

Has democracy failed the Latin Americans? Lionel Trilling recalls the uneasy feeling he used to have whenever there came to mind the remark of John Stuart Mills that there were occasions where the political tradition of a people made democracy impracticable. To Trilling this seemed to virtually abrogate the whole ethic of liberalism, that it was immoral to accept that democracy was not available to all peoples at any stage in their history. As the Latin American military and their reactionary, recalcitrant patrons continue to resist popular governments and retard or clamp down on social reform, the chances of violent social upheaval and possible destruction of the social fabric increase. Over the past five years, nine constitutionally elected Latin American civilian presidents have been deposed by military cliques. Today, as a group—and with a few honorable exceptions—the armed forces in Latin America are an anti-democratic force. They have feared any political program for accelerated social reforms that might ultimately veer towards "socialism", which when analyzed turns out to be no more than New Deal-type social reforms. The Alliance for Progress itself has stimulated or contributed to several of these military interventions since in the view of the Latin armed forces any United States support for social change and material development tends to encourage political instability and social disintegration. Since the key to power is the control of ultimate force and this is monopolized by the military, must we await the elimination or substantial weakening of Latin American militarism before we can hope for the reforms and changes which alone can save these countries from chaos?

Perhaps as Trilling fears, past experience in Latin America may enforce the truth of Mills' observation. Perhaps the assumptions and habits that make democracy possible are not to be found in every people. Baring a democratic tradition and with the winds of revolution blowing stronger, even under the lid clamped down upon them the military, isn't it likely that the military may be conjuring the very evil they most fear—authoritarian communism—as a reaction to authoritarian and often corrupt militarism.

Sociologists like Myrdal recognize that the idea of the need for a "guided democracy" rather than a parliamentary democracy is spreading throughout the underdeveloped countries; they are increasingly leaning towards some form of authoritarianism. If such an anti-democratic bloc eventually forms in Latin America, its military men will be judged by history to have been the principal destroyers of the democratic tradition which comes to us and to them from the Greeks—the idea that the right of power derives from the consent of the governed rather than from the will of those who govern.

This year Latin America may see a test between those who are willing to support democracy and those who would sacrifice it on the altar of what they short-sightedly call "effective government." Professor Lieuwen, perhaps the profoundest student of Latin American militarism, gives us the score to date: "The armed forces of Argentina, Brazil and Bolivia have endowed themselves with supermissions. They have decided that civilian political parties are inefficient and corrupt and that the armed forces are the only institutions capable of governing. Accordingly they have crushed the populist parties and rearranged constitutional procedures so that the military have the sole administrative and governing power."

And I add—this they have done with our—the United States—economic and military aid, with, at times, our overt blessing and with the full panoply of our diplomatic apparatus to aid and dignify them. In the specific case of Brazil, not only did our government send a message of support to the generals but our disapproval of the repressive measures of the new government was expressed in the mildest terms.

Compare our attitude with that of one of the truly great democrats of the hemisphere, President Rómulo Betancourt, of Venezuela, who says: "In the opinion of those who take a realistic view of the present situation in Latin America, peaceful structural change is dependent upon political stability. It is impossible to carry out long-term development programs unless they are conducted by democratic, freely elected governments which are subject to free analysis and criticism by public opinion. The so-called strong (i.e., military) governments can succeed, as they succeeded, in Latin America in temporarily repressing the aspirations of the people to a better life and of free enterprise to the development of its wealth creating activities. But each and every strong government, once it has been removed from the national scene, has left a heritage of fiscal disequilibrium, economic disorder, and deep-seated social rancor."

At the beginning of this talk I mentioned the differences between the problem of underdevelopment in Africa and South Asia. Now let me delve into those of Latin America.

Contrary to these other two great areas of the underdeveloped world, Latin America is Western, Europeanized, with a relatively broad cultural base. The engineers, economists, doctors, and educators are there. Not in overabundance, but still in sufficient numbers to form the necessary cadres. The balance of human and natural resources which is so overwhelmingly lop-sided in Asia is much more in equilibrium in Latin America. The great barrier to modernization in that area is its regressive social structures—its inefficient, self-serving, generally corrupt bureaucracy (with honorable exceptions, as I said before) and the pervasive power of an unenlightened military clique whose function, like that of the human vermiform appendix, is either unknown or of little value. The wealthy, educated elite, with very rare exceptions, has no commitment to social reforms, the rural masses are mostly disenfranchised; government is traditionally an instrument for acquiring unearned income rather than for providing much needed social services; and over all hovers the omnipresent military (again with a few honorable exceptions) ever leery of changes in the social structure lest they jeopardize their privileges; eternally suppressing reforms in the name of containment against communist subversion.

We in the United States with our aid have, unwittingly or not, helped to reinforce the military or back up a dictatorship while positively damaging economic development. Quite often our aid has preserved in power regimes whose very reason for existence was precisely to prevent the needed social reforms. The clarion call to pursue land reforms which President Kennedy gave at the initiation of the Alliance for Progress has gone mostly unheeded, or given lip service in those countries where social structure reflects the pre-eminence of those who own the land and the wealth.

"Political development is a process in time", says a former United States Ambassador to Brazil, and adds: "While fully effective constitutional democracy is the desirable ideal, it is not, in fact, in practice in many parts of the world." Which reminds me of a small sign my old friend Beardsey Ruml, of "Pay-as-you-go" fame, used to hang behind his desk: "They told me I couldn't do it, so I didn't even try."

During his mission in Brazil, and later, this influential official helped to fashion the policy that the United States must be prepared to stamp out hard not only on direct communist inroads into this hemisphere but also on governments (or uprisings, as in the case of the Dominican Republic) that it suspects might possibly bring communists to positions of power. Anti-communism has been allowed to become an almost religious obsession. It is disturbing to have the most powerful and the most internationally responsible nation on earth permit itself the impatient, insecure "safety first" reflex action of suppression change whenever it might turn out awkwardly. We seem to be afflicted by a national myopia which prevents us from distinguishing between nationalist protest and communist conspiracy.

The above brings me to a subject that particularly intrigues me: Can the process of political development be accelerated? That is, brought to maturation much sooner? We try through economic aid and technical assistance to accelerate economic growth and social change. May not similar techniques be fashioned so that the winds of destructive revolution are not required to achieve reforms?

Political development is a reflection of social structure; it means that creation and nurturing of institutions and processes whereby people organize themselves for political activities. This involves not only the routine operation of governments, but also the structural changes in government and its policies as problems and requirements change. To achieve this effectively there must be broad popular participation and political freedom. Political freedom, as Arendt says, means the right to participation in government—or it means nothing. It involves not only participation but a *sense* of participation. It means not only political parties, but political parties free of "caudillismo" and willing to face up to the oligarchies. Political parties fully committed to modernization—of the bureaucracy, of their industrial structure, of their agriculture, of their social services; committed to the eradication of corruption in government, and a reduction and professionalization of their military; committed to equitable and efficiently implemented tax systems, to social justice for all.

Political development has as a primary requisite, changes in attitude, and time is required to turn them around, as my former Harvard liberal friend who recently headed our Brazil mission reminds us. My point, however, is that *economic* development also requires changes in attitudes and nevertheless we and other countries are researching and experimenting with time compression in this field. Why not try the same with political development? We still understand very little regarding the process of political development. Much research is needed in this sphere. Just a few weeks ago my former boss at the Agency for Economic Development, David Bell, now a top Ford Foundation Vice President, told me that the Foundation was embarking precisely on this type of much-needed research.

At the regional level some progress is discernible. Mention must be made to the commitment the Latin American heads of State made last year to change the stumbling Latin American free trade area into a common market to which regional groupings such as the Central American and Andean common markets could obtain accession. But even more relevantly important is the change of command at the political level of the regional institution—the Organization of American States.

Less than three months ago Galo Plaza Lasso, former President of Ecuador, was elected to the top political post of Secretary

General. A reorganization of OAS from top to bottom is in the offing. It goes without saying that this oldest of regional bodies, if revitalized, can have a very salutary effect in the implementation of the much needed reforms to Latin America's regressive social structure. Since politicians are in many instances as resistant and fearful of social change as the military and the oligarchs, one wonders at the wisdom of having placed Mr. Plaza in such a key position. He is an oligarch, a landed aristocrat, a member of the very group whose attitudes must be changed. His land holdings are probably among the largest in Ecuador.

But Plaza is also something else. He is modern in his thinking, outward looking and has known first-hand social justice—and injustice—in many parts of the world. In his missions for the United Nations he has experienced revolutions with true socioeconomic significance, not just the pseudotype so prevalent in his own country in which dozens of times an out group seeks to grab power for power's sake and for the peculation which public office traditionally sanctions there.

We must not forget that it was a wealthy aristocrat, Franklin Roosevelt, who led the most far-reaching social revolution experienced in the United States since the Civil War. He was never afraid to speak out against injustice. Could Plaza turn out to be Latin America's F. D. R., having as he has the same patrician background and upbringing? I, for one, am willing to give him the benefit of the doubt. May he be able to see that Latin America's last hope is to transfer power to a much broader base, and may his background not stand in the way but rather, like Roosevelt, propitiate the change.

Risking the platitudinous, I must say that the fate of the United States is inextricably linked to the fate of Latin America. The proposition could have been stated in reverse. In both ways it has been said over and over again and much lip service has been prodigated on behalf of Pan Americanism and Hemispheric Solidarity. I would be the last to question the sincerity of all that has been said or the practical value of the concrete efforts made to bring forth the lofty ideals. It must be said, though, that the declarations, treaties, protocols, and speeches outweigh by far the progress thus far achieved.

Although I am very conscious about your valuable time, I make bold to impose a little further on your patience to furnish some facts to substantiate what may sound as my exaggerations or generalizations.

A little over a year ago the heads of practically all sovereign nations of our Hemisphere met at Punta del Este, Uruguay, looking for ways and means to improve the economy of Latin America. An action program was signed by the participating chiefs of state, including President Johnson. The main goals could be summarized as follows:

1. Initiate a Latin American common market which should be in substantial operation by 1985;
2. Develop projects involving more than one Latin American nation;
3. Improve the conditions of Latin American exports;
4. Modernize agricultural production;
5. Increase educational and health-care facilities; and
6. Eliminate unnecessary military expenditures.

Today, I am very sorry to say, very little, if anything at all, has been accomplished. As a matter of fact, in certain respects things have been sliding backwards. For example, in the all-important race between population and agricultural production, the former increased by 2.7% while food production only rose by a little over 1%. These figures in human terms mean that 250,000,000 Latin Americans are getting less food than they used to, no matter how meagre their pittance had been.

No country can do anything without its people. Look what is going on at this very moment in most of Latin America. Ten out of each hundred children born alive die before reaching their first year. Half of the surviving children will not reach four years. I will spare you the rest.

I think that the signs today being what they are and with time running short we better start actively looking for positive ways of showing that the Kiplingese dictum of "East being East and West being West and never the twain meeting" does not apply to North and South in this Hemisphere. Needless to say, this is more easily said than done. In our part of the world we find the same universal play of centripetal and centrifugal forces. The latter, I am sorry to say, seem to be prevailing. If we are going to do something about the partness characteristic until today in United States-Latin America relations, the best thing we can do is take stock of the forces that tend to keep us apart even when facing a common destiny made more and more evident by the facts of history already enveloping us and the ominous trends anticipating things to come.

Geography, climate, races, historical and cultural backgrounds could exert a centrifugal effect. Although it would be impossible to discuss all these factors in this talk, I will touch on some, in a concise and necessarily superficial fashion. Yet there is one aspect which I would like to discuss more leisurely. I refer to cultural differences which are a powerful deterrent of a deep and fruitful understanding between the two halves of our hemisphere.

I am not presumptuous enough to try to explain the intricate and manifold reasons why things stand the way they do, nor bold enough to offer a set of remedies and much less a panacea. My formal training as a pharmaceutical chemist makes me very wary regarding cure-alls. It will be better if I were merely to point out a cultural gap that clearly hinders a real understanding between the Americans while declaring my very candid willingness to open myself to all sorts of questions once I am through.

To start with, there is deep prejudice on both sides. Latin Americans talk and react as if all the Americans from the United States were racists, imperialists, greedy, uncouth, and more interested in the material things of life than in human and cultural values. I will leave the United States stereotype of the Latin Americans to your memory and your conscience. You will get the flavor of the Latin American image a little later. Both stereotypes, of course, are wrong, but little will be done to eliminate or at least weaken the mutual prejudices unless each party is aware of the basic cultural traits of the other.

For example, your Latin American counterparts know much more about the United States than you know about Latin America. I am willing to wager that at this very moment in many parlors and cafes throughout Latin America the basic policies of President Johnson's government are being knowingly discussed and the names and works of Poe, Miller, Melville, Capote, Tennessee Williams, Faulkner, Pollock and other of our creative artists, are well known. The opposite is not true here.

In all fairness, I should say that the universities in this country are showing a growing awareness of the importance of Spanish as a second language and that it is indeed gratifying to see in translation the writings of Jorge Amado, Ciro Algria, Jorge Luis Borges, and some others. Had the United States been conscious of an Uruguayan who died in 1917 after having published a small book, almost a booklet, entitled *Ariel*, much could have been done to avert or neutralize the negative image prevalent in Latin America regarding the United States. This Uruguayan intellectual, José Enrique Rodó, at the turn of the century wrote one of the most devastating critiques against American utilitarianism ever produced. *Ariel*, his most famous work, has become the pillow-book of several generations of Latin American youths. There's hardly a high school, much less a university student in Latin America, who has not thumbed through *Ariel* several times in his young life. Outdated as it may seem to us 68 years after it was first published, it has still a tremendous influence in the thinking of young Latin Americans who will someday be the future leaders of their country.

To gain an understanding of the *understanding* Latin Americans have of themselves and of the United States, it is essential that one should have read *Ariel*. No Latin American policy maker at Foggy Bottom can understand the area without critically analyzing Rodó. Unhappily Rodó's obsolescent half-truths still remain the stock in trade of Latin American intellectuals.

Literature is a very good way to learn about people. The best possible substitute for a prolonged stay in a certain country is reading its literature. As American literature and periodicals are widely read by the articulate Latin American establishments, you would be amazed to find how well informed they are regarding life in the United States, including the nuances and intricacies of national politics. Again the opposite is not true here.

There was a simple reason for this: Latin Americans need the United States more than the United States needs Latin America—as of now. Naturally the needy are more prone to learn about the potential purveyor than vice versa. But I claim that the gap in respect to one needing the other more is fast disappearing in view of what happened in Cuba and what is going on in Viet Nam. Eventually the United States will be needing the understanding and good will of the *people* of Latin America as direly as Latin America still needs United States technical and economic aid.

One other point that will not hurt mentioning here is the position that the intellectual occupies in Latin America. Intellectuals in Latin America are not marginal types in society. The opposite is true. They orient and participate actively in the task of governing. They are more than mere catalysts, they are more times than none shapers of things. People in government or business do not feel alienated from or by the intellectual. This is quite contrary to the Anglo-Saxon political tradition in which the intellectual is so suspect that rarely if ever does he achieve a position of power. And when he does he doesn't last long.

What has happened in my own native country, Puerto Rico, constitutes a good example. Strange as it may sound, a poet and a group of intellectuals were very much instrumental in tackling the economic chaos that Puerto Rico was, not so many years ago, creating instead a dynamic energetic people pushing ahead a thriving industrial economy.

I am sorry not to have a less dramatic word than "anguish" to express how I feel regarding Latin America. The Latin American case is so complex, so difficult to solve, and so fraught with human and global danger and distress that the use of the word anguish is not an exaggeration.

It is impossible, of course, even to try to formulate concisely the problem—or problems, rather. There are already 250 million inhabitants in the whole of Latin America. The rate of increase is alarming. If any land seems to be destined to prove the somber prediction of Malthus, it is Latin America. Yet there are incredibly vast expanses, most of them not even explored, hoarding a no less incredible amount of resources of all types. Nevertheless, very little of that practically unlimited economic potential has been tapped. Underdevelopment in Latin America is a stark reality. Why?

There are many answers to this question. In the first place, by-and-large the socioeconomic pattern in Latin American countries is most distressing. The gap between the haves and the have-nots is still more striking in these lands than in most of the countries that share this problem. To further complicate the problem, a vast part of those enormous resources are underexploited or not exploited at all—some not even explored.

There is a notorious lack of competent technical cadres to push forward the difficult task of setting going the wheels of economic development. Educating, training and organizing the necessary cadres is not easy for the simple reason that social and economic mobility in Latin America is very slow compared to the United States and to other developed countries.

Another negative aspect is that most Latin American countries have failed to achieve the kind of democratic political stability which seems to be the best suited atmosphere for sound development. Unfortunately, as I said before, the military is either directly exercising power, or its shadow projects ominously over the weak political power precariously held by civilians.

Many things have to happen in Latin America if the worse is to be averted. If problems keep on going unheeded the end of the trail will be bloody, riotous, and chaotic. To avoid that dreadful denouement there are only two ways. Evolution or revolution. Puerto Rico happens to be a good case of a society achieving the needed changes through evolution. Mexico, Bolivia, before, and Cuba, only recently, took the path of revolution. Revolutions, almost by definition, must have a destructive and disruptive initial episode. Once over it is necessary to reconstruct and reorganize upon a new basis. Mexico was able to do so; Bolivia is striving; Cuba is still a question mark. Parenthetically, let me tell you that more courage and, definitely, more wisdom is needed for the second stage than for the first, which could be ignited and carried through by an unenlightened and brutish demagogue provided he is endowed with his quota of charisma. Before leaving the subject of revolutions let me tell you that no matter how stupid and senseless they may look to us, they have a reason to be. In the case of Latin America they represent the yearnings for social justice and spiritual and material growth of millions upon millions of individuals groping through the paths of history, seeking what they consider and *is* their own.

Do you now understand why I dare to use the word anguish at this moment? On the other hand, what to do? The longer I live, the more I believe that just as no human being can save another who does not have the will to save himself, no country can save others no matter how good its intentions or how hard it tries. The Latin American countries have been too dependent on the United States, while the United States has been too nosey and eager to force down the throats of its southern neighbors American traditions and the American way of doing things. Let us once and for all accept that countries, as in the case of human beings, have their idiosyncrasies and that you simply cannot force any given man or nation to act as if he or it were someone else.

The United States, on the other hand, has a very important stake in what goes on in the rest of the hemisphere. It would be certainly to its benefit if things were to shape up favorably in Latin America. Therefore, it should try to assist as much as it can its southern neighbors in helping them to solve their own problems. Were I to be asked how, I would suggest the following:

Grant non-reciprocal free trade on manufactured goods for a reasonable period to the Latin American countries to boost their export economies; (I'd need another full day to expatiate on this particular subject.)

Extend all economic and technical aid only through multi-lateral agencies—the Inter American Development Bank for economic and the CIAP—the Inter American Committee for the Alliance for Progress where we are out-numbered by the Latin Americans six to one and whose chairman is a Latin—for technical aid. Dismantle the United States aid apparatus in Latin America. Drastically reduce our embassy staffs, as Ambassador Tuthill has recommended. Let the Latin Americans use their own institutional tools and go their own way. in saving themselves. I would go as far as removing all the Inter American agencies out of Washington. As that wisest of Chileans, advisor and confidant of President Eduardo Frei, Raúl Sáez, has said: "The Alliance for Progress program should be a Latin American program, and the fact that it isn't is the main reason why I think that the countries of Latin America are unaware of what the Alliance for Progress really is".

In short, avoid having the United States as an active ingredient in the process. The role of catalyzer is enough.

There is need for injecting a political and ideological content into the Alliance if it is to survive. A mystique must be recreated—and this time by the Latins themselves. We must recognize the overwhelming political content of such an enterprise. This, Felipe Herrera, President of the Inter American Development Bank, long recognized as far back as 1962:

> "In practice, the Alliance has placed particular emphasis on the economic aspects, even though any process of economic and social development is, in the last analysis, a political undertaking."

To succeed, the Alliance must generate that elusive sensibility to political appeal, it must bring forth that excitement and enthusiasm which make possible the great endeavors of men. Celso Furtado, that most misunderstood revolutionary, does not think we exaggerate when we call this a tremendous enterprise. What we in the United States sometimes fail to realize is that what is at stake is the style of civilization and culture which will prevail in Latin America, our next-door neighbors who even share our time zones with us and who in 32 years will number 600 million, twice as many as us.

Development is an uncontrollable force in Latin America today. It is bound to tear apart the bonds which a regressive social structure utilizes to prevent it from achieving full fruition. No counter-revolutionary forces can stop the winds of revolution for long. One thing alone remains in the balance now—will these winds blow with destructive gale force and imperil our own democratic institutions or will we be able through encouragement and understanding to come to terms with these forces. We have a rare historical privilege—to be able to perceive clearly the alternatives open to us. May our actions be incited by the will and illuminated by reason. If we fail it will be because we will have betrayed our own revolutionary traditions as embodied in our Declaration of Independence, or because the instinct of self preservation is failing us.

APPROPRIATION FOR SOIL CONSERVATION

Mr. LONG of Missouri. Mr. President, every Senator is aware of the extent of opposition throughout the Nation to the proposed reductions in the various conservation programs of the Department of Agriculture. I was highly pleased to note that in passing the 1969 appropriation act for the Department of Agriculture the House of Representatives provided funds to continue these conservation programs at the operating levels approved by Congress for fiscal year 1968.

Specifically, funds were restored for the small watershed program and for the agricultural conservation program.

On March 20, I had the privilege of testifying before the Senate Appropriations Subcommittee on Department of Agriculture and related agencies appropriations. I proposed that Congress restore funds for these activities. I therefore recommend today that the Senate concur in the House action in providing funds for these conservation programs.

However, the House did not correct one major deficiency in this appropriation act. The proposed appropriation act does not provide funds for the Soil Conservation Service to provide technical assistance to new soil and water conservation districts to be organized in 1969. Nor does it provide funds to pay for most of the increased cost of technical assistance to conservation districts resulting from the pay raises voted government employees by the Congress last year.

Mr. President, Missouri was slow in launching its conservation district program. But thanks to many local leaders, we have been making up for lost time in recent years. Missouri districts have more than doubled in number during the last 7 years. We have grown from 37 districts to 81 during this period. Twelve of these were organized in 1967. It is expected that eight more districts will be organized in Missouri in 1969.

The point here is this. In each of the past 7 years the Congress has appropriated funds to provide technical staff for these new conservation districts. For 1969, however, there has been a change. There are no funds proposed for this purpose in the 1969 budget estimate. There are no funds proposed for this purpose in the bill which was passed by the House of Representatives. I urge the Senate to provide funds in the 1969 appropriation act to staff new conservation districts to be organized during 1969.

Missouri's conservation district programs have strengthened the economy, improved agriculture, retarded erosion and pollution, cut back on water waste and floods, enhanced recreation, served the public interest in other ways, and have more than paid their way in terms of cost benefits.

The same thing is true in conservation districts in all States throughout the Nation. I urge the Senate to provide funds in the 1969 Appropriation Act to finance the pay raise for SCS scientists and technicians which the Congress voted last year.

The Appropriation Act as passed by the House provides $115 million for conservation operations. I urge the Senate to appropriate $130 million for conservation operations for fiscal year 1969.

EASTER ISLAND—ANTHROPOLOGICAL QUESTION MARK

Mr. McGEE. Mr. President, I invite attention to an exciting international archeological expedition headed by Dr. William Mulloy, of the University of Wyoming, which is currently engaged in seeking answers to the "anthropological question mark" that is Easter Island.

It is known that Easter Island's prehistoric occupants developed remarkable skills in carving and moving giant stones, that they devised a system of writing, and managed to orient their religious structures by using a knowledge of solar

movements. Dr. Mulloy tells us that these advances are becoming more understandable as the result of efforts by the Chilean Commission Isla De Pascua and the International Fund for Monuments, Inc., which are backing his field party.

Mr. President, I ask unanimous consent to have printed in the RECORD reports on the Mulloy party which were published in the Laramie, Wyo., Daily Boomerang and the Rocky Mountain News, of Denver, Colo.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[From the Laramie (Wyo.) Boomerang, May 15, 1968]

EASTER ISLAND QUADRANT REVEALS UNKNOWN, UNSUSPECTED LIVING SITES

(EDITOR'S NOTE.—Following is another in a series of reports from Herbert Pownall, chief photographer with the University of Wyoming photo service, currently on assignment with a field party on Easter Island headed by William Mulloy, UW professor of anthropology. As other reports and photographs arrive on campus, they will be transmitted to news media in the region.)

Hangaroa, Easter Island, International Fund for Monuments, Inc. Field Party—Rapa Nui—Easter Island, that anthropological question mark in the South Pacific, is giving some surprising information to researchers. Dr. William Mulloy, field director, International Fund for Monuments, Inc., Rapa Nui group said important preliminary evidence has been found that may make prehistoric achievements here more understandable.

Unknown and unsuspected living sites have been found in the first of 35 quadrants into which the island has been divided for survey purposes. The number of finds may cause archeologists to estimate a considerable greater population here than they generally thought existed during its peak level.

Patrick C. McCoy (UW BA 1966) of Red Bluff, Calif., supervisor of quadrant survey field crews for Mulloy reported discovery in the first area to be examined of over 300 visible surface remains of stone age man. His field notes show frequent house platforms; stone foundation lines and circles for homes, and terraces; artifacts such as obsidian spear points or mata'a, rain water collectors or taheta, and disc-shaped stones probably used in games like lawn bowling; paved areas that may have been religious gathering places; religious structures or ahu; petroglyphs of incised and high relief types; and earth ovens or umu.

The extinct volcano Rano Kau sits astride Quadrant 1. Its steep outer slopes and steeper boulder strewn inner slopes seem not the places humans would choose to live unless there was not other available space. McCoy and his group of helpers make systematic sweeps across the quadrant looking closely at all its surface. When anything of archeological interest is found, it is described and sketched in the field notes, precisely located on a contour map by Mario Arevalo (Chilean surveyor for the party), and in most cases photographed by Herbert D. Pownall, chief of UW photo service on leave to the field party.

Discovery of so many living complexes and other evidences of human activity on what might be considered inhospitable terrain sheds new light on the population situation here in the centuries before white men touched shore on Easter Sunday 1722, according to Mulloy. He said the puzzling thing about Easter Island has been centered around the question of how a small isolated population out of contact with the main flow of human progress could make the notable achievements discovered here. Men in the prehistoric period of this island developed remarkable skills in carving and moving giant (up to 83 ton) stone statues, devised a system of writing, and developed precise methods for orienting religious structures using a knowledge of solar movements.

Mulloy said advances such as were made here are more understandable if it is known that a great number of minds were present to provide the necessary talent as well as guide and direct the monumental effort obviously used here.

When the full archeological survey of the island is completed, researchers will for the first time have a basis for answering more of the puzzle that is Easter Island. This pioneering is jointly supported by the government of Chile through its Comision Isla De Pascua and the International Fund for Monuments, Inc. at 15 Gramercy Park, New York, N.Y., 10003. This nonprofit group is dedicated to the preservation on a world wide basis of selected sites of high importance and interest to traveler and scientist alike.

[From the Rocky Mountain News, May 9, 1968]

UW TEAM HELPS RESTORE EASTER ISLAND STATUE

(EDITOR'S NOTE.—Following is a report from Herbert Pownall, chief photographer with the University of Wyoming photo service, currently on assignment with a field party on Easter Island headed by William Mulloy, UW professor of anthropology.)

A monumental vertical form rises above the gently curved Easter Island landscape of weathered volcanics surrounded by the endless horizon of the South Pacific. Stark and abrupt as an exclamation point from an ancient aamu or legend of heroic deeds, the statue stands with its back to the Western sea over which its maker's ancestors came. Its pursed lips seem to seal for ever the secrets of its creation.

This 20 foot moai or statue is one of the few restored and is near Hangaroa at Ahu Tahai. Its weight is estimated at 25 tons and rests on a stone and earth structure nearly 200 feet long. Here William S. Ayres of Evanston, Wyo. supervises further archeological research and restoration of the whole ahu or religious platform. Ayres is a member of the International Fund for Monuments Inc. field party on Easter Island directed by Dr. William Mulloy, UW professor of anthropology.

Many evidences of prehistoric men at Tahai have been identified by Ayres in his field notes and properly located on detailed contour maps by the Chilean surveyor for the team, Mario Arevalo. Photographic records of the site are made by Herbert D. Pownall, Chief of UW Photo Service on leave to the field party. By far the outstanding feature of the site is the Ahu and its central statue recently re-erected complete with its red scoria top knot or hat.

This restoration was done late in 1967 by Gonzalo Figueroa, archeologist from the University of Chile. Before he leaves this September to continue his Ph.D. work in Anthropology at Tulane University, Ayres and his crew of islanders will finsh investigating and restoring the ahu.

Preliminary information concerning the construction and dating of the ahu is now being obtained from profile trenches cut across the long axis of the structure. Artifacts such as hammer stones, obsidian chippings, and charcoal have been found.

PAUL HALL, LABOR VIKING

Mr. BREWSTER. Mr. President, the name Paul Hall is familiar to most Senators. As president of the Seafarers International Union and president of the AFL–CIO Maritime Trades Department, Mr. Hall is widely known for his vigorous and effective support of the American merchant marine and for his important position in the American labor movement.

But Mr. Hall is more than a labor union president and a force in the maritime community. He is an American of uncommon vision, talent, humanity, and patriotism.

The many facets of Paul Hall's fascinating life story are told in a fascinating article written by Edith Kermit Roosevelt and published in the May 1968 issue of Navy magazine.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAUL HALL: LABOR VIKING IN WASHINGTON

(NOTE.—As head of Seafarers International Union and a power in the AFL–CIO, he is waging an all-out fight for revival of U.S. merchant marine—when he speaks Congressmen listen.)

(By Edith Kermit Roosevelt)

A former "member of the black gang"—an engine room sailor—is emerging as the most effective political activist on behalf of a sophisticated and far-seeing oceans policy for the United States. He is Paul Hall, 53-year-old president of the Seafarers International Union and President of the AFL–CIO's Maritime Trades Department that consists of 34 international unions in the maritime and related shoreside trades.

I spent eight hours with Hall at his training school for seagoing personnel at Piney Point, Maryland. My day was full of surprises. It was one o'clcok in the afternoon when I arrived, but the union leader was at breakfast.

"Won't you join me," he said. "I don't each lunch—only a late breakfast."

And what a breakfast! He had a spread before him of scrambled eggs, sausages, corn bread and grits, testifying to his Alabama birth. He washed this down with large cups of coffee. He must have drunk at least 30 cups of coffee during the day.

NEVER IN A HURRY

After breakfast, I took out my reporter's notebook. "Put that away until later," he suggested. "Let's just talk for a while."

Hall is one of the few public personalities I have met who is never in a hurry. He owes his success to methodical planning. His campaign on behalf of a strong U.S. Merchant Marine is being conducted in this same way.

"I never worry about the results of a fight," he said. "You don't win or lose in the ring, but in the weeks of conditioning before you get there."

The analogy came naturally to the 230-pound, muscular union leader. He told me he had been a professional prize fighter in his youth and fought 75 bouts in the ring. He enjoys reminiscing about those days.

"I had my first fight when I was 14 years old," he said. My father died and I had left home to go to work and help out my mother . . . . I took my first job aboard a deep sea ship when I was 19."

As we talked, I realized that there were two Paul Halls. There was the charismatic, flamboyant labor leader dressed as I now saw him in a black polo shirt and an old pair of pants. He said he likes to turn up aboard some of the ships manned by his seafarers when they are in port. I could picture him exchanging laughs and earthy expletives with them.

FAMILY MAN

His attitude towards his men is both democratic and paternalistic. The seafarer who drove me to Piney Point confided to me that at any hour of the day Hall is likely to place a long distance call to a union member when he has heard there has been a happening in the family—a birth, an illness or a wedding.

Hall's solicitude about the families of his men is reflected in his own close family ties. Throughout our day together, he frequently mentioned his wife, Rose, his son, Max, 15, and daughter, Margo, 22. The Halls have a home in New Jersey where the union leader likes to spend as much time as he possibly can.

The second Paul Hall is the labor statesman that I had seen testifying before congressional committees. Here his blond, clean-cut good looks are an asset. He is always immaculately groomed, soft-spoken and courteous. He listens attentively to others, a habit which may explain his extraordinary ability to deal diplomatically with many types of men.

Even though we spoke in an informal and casual way, I could scarcely believe that Hall's formal education has ended at the eighth grade. His grasp of every matter pertaining to the sea was all-embracing, including history, geopolitics, science, technology and the many facets of naval and commercial power.

Hall has three loves: his country, the American labor movement and the U.S. Merchant Marine. His objective is to make them all strong and healthy. He spoke with this writer about our heritage at sea:

"If a society does not pay respects to its heritage, it's not much of a people. We must perpetuate this heritage."

THE WELLSPRING OF HIS PATRIOTISM

Probably few persons know that Hall is descended from an old American family. He traces his descent from Lyman Hall, Revolutionary War patriot and signer of the Declaration of Independence. His patriotic approach, which has manifested itself from his earliest years as a seaman and trade unionist, reflects this background.

He moved up the ladder of the Seafarers International Union as one of the young Turks surrounding Harry Lundeberg, the tough, anti-Communist Norwegian West Coast labor leader. He is a firm believer in giving the Reds short shrift, not only on the waterfront, but in the international arena. Recently, he defended U.S. policy in Viet Nam at Great Britain's annual labor convention.

"Some of the Communist-influenced delegates booed and heckled me," he recalled. "But I went right ahead. I don't scare easy."

The trade union leader relates his approach to international affairs to America's posture at sea. There is absolutely no doubt in his mind that the Soviet Union intends to "bury us at sea" and he is not about to let this happen if he can stop it. His union and the Maritime Trades Department of the AFL–CIO have been arousing the sleeping giant of the American public about the Soviet threat at sea through seminars throughout the nation.

"The Russian government owns its merchant marine, lock stock and barrel," he pointed out. "Other countries give their merchant marine enormous subsidies. If our merchant marine is to move to a competitive posture and to compete with the low-wage shipping of foreign nations, it is going to need far more support."

PROUD OF PINEY POINT

After breakfast, Hall took me on a survey of Piney Point. This thousand-acre tract, picturesquely situated where the Potomac River and the Chesapeake Bay meet, is about 75 miles from Washington, D.C. Hall is turning it into what he hopes will be "a model seamen's community and a living marine laboratory."

Piney Point's educational facilities will be intended to meet the need for seamen in both licensed and unlicensed categories. This includes not only common seamen, but officers up to chief engineer in the engine department and captain in the deck. Training has already started on a relatively modest scale.

Originally, Piney Point had been the site of a World War II Navy base for testing torpedoes. A few of the old facilities were still standing, but Hall is making almost a completely new start. He is purchasing training ships and constructing classrooms, dormitories, seamen's homes, faculty residences, recreational facilities, restaurants, a hospital and administration buildings.

More is involved here than steel and concrete. Hall is greatly absorbed in what he refers to as "the sociology of the thing" at Piney Point. By this he means the welfare and individual happiness of the retired seamen who will make their homes there.

THE CONCERN FOR SEAMEN

"We're going to invite some people who are not in the seagoing profession to live at Piney Point to make for more variety," he said. "Our retired seamen will live in a community of varying age groups, too, because that's what they've been used to. The ages of the men at sea range from 16 to well into their 70's."

Hall has even hired a psychiatrist to be on tap for consultation. As a devoted family man, he is concerned over the dislocation of home life that is frequently brought about by the long absences at sea of the bread-winner.

He is building recreational facilities for the retired seamen, faculty and students. These include well-equipped gymnasiums where one can get karate and judo instruction, swimming pools, pinball machines, football fields and a "Fishermen's Wharf" resembling the famous sea food restaurant by that name in San Francisco.

Opportunities will be available to learn a number of skills, such as carpentry. Contact with other segments of the labor movement will be achieved by the building of a labor college, which Hall says will be "the first of its kind." He said he hoped this college would graduate men who would serve as labor attachés for the State Department and in all areas in the labor movement.

In short, Hall is providing what he expects will be a show place to demonstrate how this country is setting the pace by providing for the welfare of its seamen who serve in its "fourth arm of defense"—the U.S. Merchant Marine.

"The American seaman is the best trained and the most competent in the world," he proudly asserted. "He is also a fine citizen with opportunities to lead a stable life like any other worker or employee. About 75 per cent of American seamen own their own homes today."

SOLUTION FOR PAYMENTS DEFICIT

Hall hopes that his union's school will help to persuade our government of the importance of the American seafaring man to our national welfare.

"A healthy shipping and shipbuilding capacity," he said, "would provide jobs for the jobless—whether they come from Harlem, Watts, Detroit, Chicago or from the pockets of poverty in Appalachia."

He remarked that if American ships, manned by American seamen, were carrying the same proportion of U.S. cargo which they carried 13 years ago, some 35 per cent—there would be no balance-of-payment deficit at all.

Meanwhile, we had strolled down to the wharf where Hall pointed to a ship that he was especially proud of having acquired. This was the *Dauntless*, the flagship that once belonged to Admiral Ernest J. King, the Chief of Naval Operations during World War II.

"We intend to hold seminars and conferences aboard her," he said. "It will provide a fine setting for industry, labor, government and the academic community to discuss common interests and projects relating to exploiting the oceans."

TIES TO UNIVERSITIES

Hall repeatedly stressed the necessity for developing and encouraging "a maritime intelligentsia" dedicated to the exploration and study of all phases of aquaculture. He said that Piney Point would be in close touch with the Horatio Rivero Center for Maritime Research in Puerto Rico and other so-called maritime "think factories" at Tulane University and elsewhere. His vision encompasses the projection of American sea power in all its aspects, including the projections of U.S. power and prestige abroad.

"We intend to send some of our ships from Piney Point to foreign ports to demonstrate the skills and capacities of our American sailors and American ships," he said, predicting that Piney Point will represent "a living symbol of confidence in the future of America's merchant marine."

"What makes you so confident of this future that you're willing to invest this much time, money and energy?" I asked. I reminded him of the discouraging statistics that the AFL–CIO Maritime Trades Department itself had been publicizing: (1) that the United States has sunk to 16th place in world shipbuilding; (2) that three-fourths of our merchant fleet is more than 20 years old; and (3) that the Soviet Union, which already has the world's largest and most modern fishing and oceanography fleets, could surpass the United States Merchant Marine in tonnage in the early 1970's.

The union leader admitted that the picture was grim, but he gave several reasons for his confidence there would be a revival of America's Merchant Marine.

MAKING IT A POLITICAL ISSUE

"We—and that includes both labor and management—had been talking to ourselves before. Now the Maritime Trades have taken the case of the Merchant Marine before the nation and turned it into a political issue."

Hall's background as a boxer and then a shrewd union leader has given him a sense of timing. The rapid rise of the Soviets as a maritime power in the Mediterranean and our maritime requirements in Viet Nam have touched off a crisis in the "wet war" which can make this country receptive to his message.

Obviously, money is needed to grease the political wheels. Although the Seafarers is a relatively small union claiming just 80,000 men, composed mainly of unlicensed seagoing personnel, it boasts a formidable kitty built up by membership costs, dues and voluntary contributions. Certainly, the union's financial power has played a role in creating a congressional climate that is more favorable to the development of a strong Merchant Marine than at any time since World War II.

"We did two things they said couldn't be done," Hall asserted. "We proved our muscle by blocking the Administration's plans to build ships abroad and we kept the Maritime Administration out of the Department of Transportation."

Hall has vehemently argued that the creation of an independent maritime agency "would create an apparatus and atmosphere" which might be more conducive to proper funding and carrying out a program more satisfactory to the industry and Congress.

NEGATIVE POWER ONLY

Some industry sources point an accusing finger at Hall, charging that the Administration's dwindling maritime budget is a club used to punish all segments of America's Merchant Marine for his intractability. The Bureau of the Budget's request for fiscal 1969 is for only $119,800,000 to build 10 ships. Furthermore, $101,000,000 must not be spent until fiscal 1970.

I remarked to Hall that this has led some to describe him as "a guy who can block something, but can't get anything done." He smiled. He had already heard this. He is credited with a highly efficient intelligence network.

"My answer little lady is this," he said. "First, you have to reverse a trend before you get anything positive going. The Seafarers and our friends in labor have shown that we can deliver votes as well as take them away. You can be sure, the White House knows this. It's a question of the old carrot and stick approach . . . We may have to have a lot more showdowns before we get what we're after. But we've got plenty of wind left in our sails!"

We were comfortably esconced in the custom-built furniture of a small pleasure craft on the Chesapeake Bay as he discussed some of the features of his proposed maritime program.

"We need a government subsidy to finance construction of a minimum of 30 vessels a year," he said. "This should ensure our capability to carry 30 per cent of our dry bulk export-import commerce."

SOME RECOMMENDATIONS

He recommended, too, that the government should allow all segments of the Merchant Marine to set aside tax free reserves to build new ships.

"This alone would go a long way towards revitalizing the Merchant Marine," he said.

"It would stimulate the desire to replace ships by furnishing the required funds for capital investment."

Hall is looking to a future with nuclear power, enabling our merchant fleet to revive the days of the clipper ships when the whole world respected the American flag.

"Federal aid should be provided for development, construction and operation of nuclear merchant ships," he said. "Billions have been spent on the aerospace industry in contrast to a mere pittance for research and development of our merchant marine, our fishing industry and oceanography."

Is a compromise possible between Hall and the Administration?

"If facts and conditions change, programs change." Hall said simply he does not rule out a compromise on any single issue, including—and this may surprise a lot of Hall watchers—the inclusion of the Maritime Administration in the Department of Transportation. However, he added that the time for discussions or compromise had not yet been reached since there had been no genuinely constructive, adequately financed program offered by the White House.

PRAISE FROM "MANAGEMENT"

Any program, he insists, should be one which implements the 1936 Merchant Marine Act. This legislation provided for the United States to have the best and safest ships manned by American crews and built in American yards. By law, the U.S. Merchant Marine is to function as our "fourth arm of defense" in time of war and to carry a substantial portion of our cargo in peacetime.

Meanwhile, Hall's achievements have won the admiration of "management." George M. Steinbrenner, Jr., President of the American Shipbuilding Co., told him in his address to the Maritime Trades Department's Convention in Miami last December:

"You have waged successful campaigns with unbelievable results."

Steinbrenner, in a rare tribute, also pointed out:

"The organizations that you represent in the Maritime Trades Department has led the way to a strong U.S. flag Merchant Marine."

PROJECT SEA USE

Mr. JACKSON. Mr. President, there is a growing worldwide awareness of the necessity for understanding and making practical use of the vast resources of the sea.

In my State of Washington there is a marine research project that I believe offers invaluable long-term benefits to our Nation. Detailed planning is underway for Project Sea Use—Seamount Exploration and Underseas Scientific Expedition.

Under the sponsorship of the Oceanographic Commission of Washington State, four principal participants in the project have pledged $91,000.

They plan a 2-month undersea expedition in the summer of 1969. Battelle Northwest Laboratories, Honeywell, Inc., University of Washington and the Oceanic Foundation of Hawaii are now requesting the programatic and/or financial participation of private industry, other universities, and agencies of the Federal Government for this unique scientific expedition.

After studying the proposed program, I am convinced that its long-term benefits for the Nation justify broad industrial, academic, and governmental support.

Cobb Seamount is an extinct volcano that rises abruptly from depths of 10,000 feet into sunlit waters 110 feet below the surface of the Pacific. It lies 270 miles off the Washington coast. Project Sea Use proposes an underwater habitat where two teams of five scientists will each live and perform research for two consecutive 20-day periods in 1969.

A submersible research vehicle will explore and study the upper reaches of the seamount. An instrumented mast will be erected on the seamount and extend above the surface of the sea. It will remain following expedition to transmit meterological and oceanographic data. Surface ships will be required to provide support for the project.

I direct your attention to some of the long-term benefits of this scientific expedition.

First. Atmosphere sciences: The tower will provide a stable platform for research on conditions that create the weather for our western region.

Second. Chemical oceanography: Project Sea Use provides an opportunity to study the chemical processes that affect life cycles and mineral resources of the sea.

Third. Environmental biology: The earth's mushrooming population is making it imperative that we learn how to make much greater use of the vast potential of the ocean to provide food. Cobb Seamount can be a base for such research.

Fourth. Geological and geophysical oceanography: Our limited knowledge of the sea floor, currents, waves and water properties can be greatly increased by in-ocean studies.

Fifth. Aids to navigation and tsunami—tidal wave—warning: The project offers improved navigational control and earlier mainland alerts that will tell the height and movements of the tidal waves.

Sixth. National defense: Cobb Seamount could serve as a base for long-range ocean acoustic surveillance systems. It is also conceivable that "occupation" of the seamount could provide a valuable precedent as answers are found to questions concerning ownership and control of the sea beyond the continental shelf.

It seems to me that it is essential for our future well-being and prosperity that the United States make increased progress in the field of oceanography. It is my considered opinion that Project Sea Use will make a contribution to that progress that will far exceed its dollar costs. I urge you to join with me in encouraging industry, Government and our universities to provide the talent, equipment and financial support needed to realize maximum benefits from this program.

OPPORTUNITY TO DEVELOP PLAN FOR INTERNATIONAL HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, while the International Human Rights Year is being observed in 1968, I feel that a greater degree of practicality must be applied toward the pursuit of human rights on an international scale.

It is my view that human rights are based wholly on mankind's search to live a decent life in peace. Every man, woman, and child certainly deserves respect and the protection of his or her inherent dignity.

President Woodrow Wilson, a man of great integrity and intellect, once stated the case for peace when he said:

> Strive to work toward becoming one of the greatest schools of civilization.

We can keep going in that direction only by facing squarely the issues of our day. We can keep heading toward that goal only if the Senate gives approval now to the treaties offered years ago to protect man's rights.

It is our international responsibility that compels Senate approval of these conventions that gives human beings the protection and respect needed to move the world to peaceful paths.

Human rights, are inherent and must not be alternately offered and withdrawn at the whim of some despot.

I urge the establishment of a High Commissioner for Human Rights and again repeat the need to have the Senate vote for the ratification of the Human Rights Conventions on Genocide, Freedom of Association, Political Rights of Women, and Forced Labor.

TOBACCO USE ASSAILED

Mr. BENNETT. Mr. President, the Ogden, Utah, Surgical Society recently concluded its annual convention in my State. This is a very distinguished gathering attended by some of the great surgeons of the United States and the world.

During the convention, Dr. Alton Ochsner, chief of surgery and president of the Ochsner Medical Foundation issued a very strong statement against the use of tobacco. It was reported in the Deseret News and contains a powerful warning against the use of tobacco.

For instance, he points out that scientists have estimated that every cigarette a person smokes shortens his life by 14 minutes. A 50-year-old man who has never smoked can expect to live eight and a half years longer than a man his same age who has smoked a pack a day since age 21.

Mr. President, I found Dr. Ochsner's speech and article doubly interesting because it was similar to a speech back in the late fifties which provided me the ammunition and information when I first introduced legislation calling for a health warning on cigarette packages. I recall with some humor today, that I was called a "reactionary" and a few other names at the time. Today, of course, all cigarette packages carry the health warning on them, thanks mainly to the efforts of such individuals as Dr. Ochsner; who has been preaching this theme for a good many years now.

I ask unanimous consent that the article from the May 16 Deseret News be inserted in the RECORD in order that Dr. Ochsner's views might be available for people interested in this critical subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SURGEON HITS TOBACCO USE

(By Hal Knight)

OGDEN.—Smoking is a prolonged, expensive and painful way to commit suicide, a noted doctor declared Wednesday night at a public meeting of the Ogden Surgical Society.

Dr. Alton Ochsner, chief of surgery and president of the Ochsner Medical Foundation, angrily attacked tobacco companies as an obstacle to the good health of Americans.

"Tobacco firms are not interested in anything but selling more cigarettes. They don't care if people die early or suffer disabling disease," he stated.

HESITATE TO ACT

The chest surgeon said that some people hesitate to act against tobacco interests because such firms pay $15 million a day in federal taxes.

But the loss of life and the millions of man hours lost because of tobacco-associated sickness is worth many times more, Dr. Ochsner declared.

"There can be nothing good said about tobacco, except maybe that it kills bugs," he said.

Scientists have estimated that every cigarette a person smokes shortens life by 14 minutes, he explained.

LONGER LIFE

A 50-year-old man who has never smoked has a life expectancy of 8½ years longer than a man of the same age who has smoked a pack a day since the age of 21, he said.

Dr. Ochsner, who has waged a battle against smoking since the 1930's, called tobacco a "lethal poison" and urged adults to quit and youngsters never to get involved in the habit.

STILL WORSE

He said LSD and other drugs being tried by the younger generation are a new hazard, but that smoking is actually a greater danger because it's so widely used and accepted.

People can easily stop smoking. It's all a question of motivation. Persons who have contacted lung cancer find they have no difficulty in stopping at all. Unfortunately, it's usually too late by then, he said.

"The human body is the most remarkable piece of mechanism ever produced. It's unbelievable that we would deliberately destroy it when it can't really be repaired or replaced," Dr. Ochsner said.

The three-day Surgical Society meeting featured guest speakers from all parts of the U.S. and a surgeon from Russia.

They held technical discussions during the day on heart surgery in the U.S.S.R., corneal transplants, blood studies, kidney transplants and other surgical problems.

AVIATION SUBCOMMITTEE CHAIRMAN MONRONEY SPEAKS FORTHRIGHTLY ON AIRPORTS AND AIRWAYS SYSTEM NEEDS; ADMINISTRATION PLAN HELD INADEQUATE; 1967 EDITORIAL FROM WASHINGTON POST IS CITED; SENATOR RANDOLPH URGES ACTION NOW

Mr. RANDOLPH. Mr. President, in a cogent editorial in its September 11, 1967, issue, the Washington Post noted that—

> The hearings before a Senate Subcommittee recently made it clear that the Nation faces a problem of almost crisis proportions in the vast expansion of air facilities that must occur in the next few years. Most experts estimate that at least $6 billion and probably more must be poured into airport work by 1975 if air travel is to remain safe and convenient.
>
> In the past, airport financing has been handled in two ways. Funds for the construction and improvement of landing facilities have come from Federal grants coupled with capital raised locally through bond sales, taxes or profits from existing facilities. Funds for terminals have come largely from bond issues backed by the revenue that the airport will generate through landing fees, leases and so forth.
>
> These traditional sources of revenue are clearly inadequate to meet the expansion that must now occur. The sudden burst in air travel in recent years has been combined with a neglect of ground facilities so that the situation is now out of hand.
>
> Among the proposals advanced recently about how new money should be raised are such things as a per capita tax on airline passengers, additional taxes on aviation fuel, increased landing fees, Federal guarantees for local bond isues, and additional Federal grants. In studying these, we think the Committee should keep several general principles in mind.
>
> First, those who use airports ought to pay for them. . . .
>
> Second, any system of raising new funds must divide the costs of new facilities fairly between commercial passengers and private and business flights. . . .
>
> Third, the tradition in the airport business that funds must be spent where they are collected should be broken. . . .
>
> Fourth, airport authorities ought to get not one additional cent of outside funds until they reveal their true financial standing. . . .
>
> None of the proposals made to the Senate Committee so far (as of the date of this editorial, September 11, 1967) seems to fill the need. The problem is obviously difficult and the solution calls for some of the imagination that has gone into the building of the airplanes we now have a problem landing. If the solution is not found quickly, the Nation will pay the price of inaction through greater congestion and increased accidents.

Mr. President, I underscore and reemphasize the closing sentence of the Washington Post editorial from which I have quoted, namely, that if the solution for the crisis building up in our Nation's airports and airways system is not found quickly, the Nation will pay the price of inaction through greater congestion and increased accidents.

In a speech in this forum on May 7, 1968, I said, and I repeat:

> We cannot permit our airways and airports system needs to be bypassed in a wave of budget-cutting and fund withholding. It would be false economy which would endanger too many lives and too much valuable property if we failed to provide a viable program and if we neglected to provide aviation self-development financing.

On January 23, 1968, the Aviation Subcommittee of the Senate Committee on Commerce issued a forthright and thought-provoking interim report following a series of hearings on the national airport system. We were encouraged to hope and believe that action would quicken efforts in the executive branch and in the several facets of aviation to help that subcommittee reach final conclusions.

Mr. President, we should look anew at the tentative conclusions of the Aviation Subcommittee headed so capably by the senior Senator from Oklahoma [Mr. MONRONEY], one of our best informed authorities on aviation, and especially knowledegable on the national airways and airport system. He and his subcommittee associates have issued a meaningful interim report. I hope they will be able to follow through by having specific legislation under study, and that they will finalize their conclusions and give strong guidance to the Committee on Commerce and to the Senate.

The first of those conclusions, also in the form of a recommendation which I support, is this:

> 1. The Federal Government has a responsibility to assist State and local governments in the planning, construction, development, and improvement of the Nation's airports. This should take the form of financial assistance to the communities. The national airport system must include not only adequate airports to serve the commercial airlines and their passengers, but adequate and separate airports and runways for general aviation aircraft in metropolitan areas where congestion is a serious problem. These general aviation airports must have the same operational capabilities for all-weather flying as exist at air carrier airports.

An assumption of responsibility by the Federal Government to assist State and local governments in the planning, construction, development, and improvement of the Nation's airports carries with it fiscal obligations. In this respect the Aviation Subcommittee recommends in its conclusions two and three:

> 2. The Federal share of airport development costs should come from revenue generated by the imposition of user fees on commercial aviation and general aviation of the type and nature discussed in this report. Some contribution should be made from general tax funds for military use of civil airports.
>
> 3. An airport trust fund should be established into which the revenues derived from the user fees would be deposited. The funds would be used to provide Federal assistance for a program similar to the existing Federal grants-in-aid program under the Federal Airport Act. The amount of the Federal contribution should be at least 50 percent of the cost of eligible projects. The financing of terminal area development must be investigated further. Consideration should be given to the feasibility of direct or guaranteed loans as a supplement to any grants-in-aid programs established and founded out of an airport trust fund.

Mr. President, I am a believer in the validity and the usefulness of the highway trust fund, the sources of which are highway user taxes. I know there are objections to trust funds of this nature within some elements of the executive branch and by some Members of Congress. But I believe there are many supporters of trust funds for such specific facets of the transportation program as highways and airway and airport systems.

It is my judgment that the general revenue of the U.S. Treasury should be the source for a minimum of the funding required to assist in the development and maintenance of the national airports and national airway systems. The time is now, as the subcommittee concludes, for the "imposition of user fees on commercial aviation and general aviation to generate revenues for the Federal share of airport development costs." And, as the subcommittee further concludes, "an airport development trust fund should be established into which the revenues derived from the user fees would be deposited."

Chairman MONRONEY of the Aviation Subcommittee appropriately had printed in the April 24, 1968, RECORD an address which Stuart G. Tipton, president of the Air Transport Association, delivered that day in Cleveland, Ohio.

In referring to Mr. Tipton's speech to the Cleveland Traffic Club, Chairman MONRONEY said that what we need are practical and constructive proposals from Government and from the aviation industry so that we may initiate a new national program to finance airport construction. I agree. He applauded the ATA executive for outlining in a new proposal for airport financing that has the support of the scheduled airlines.

I, too, extend commendation to ATA and I join Chairman MONRONEY in urging the other segments of the aviation industry also to espouse constructive proposals. And I have said that I believe it is imperative that the executive establishment come forward with legislative recommendations without any further delay. Congress must work its will on the several proposals it hopefully will have before it—including one already introduced by the distinguished senior Senator from New York [Mr. JAVITS]. Congress should not too long delay its responsibility.

Last Monday, May 20, the administration proposal was submitted to the Congress by the Department of Transportation and was discussed by M. Cecil Mackey, Assistant Secretary for Transportation Policy Development, that same day when he was the luncheon speaker at the annual convention of the American Association of Airport Executives in Philadelphia.

The following day Senator MONRONEY addressed the same convention of airport executives in Philadelphia. I have read his message and have received reports of the appreciation with which it was received by the aviation and airports experts assembled. It had been my hope that I could be present for my colleague's address, but being unable to do so, I had my executive assistant, James W. Harris, in attendance. I add my commendation and underscore some of the most cogent and timely remarks by the senior Senator from Oklahoma, views which I share. Senator MONRONEY said:

> We are suffering today from the sudden surge in aviation growth caused by the jet and the starvation diet on which the airport and airways system had existed during the 50's and 60's. . . . While giant strides were being made each year by commercial and general aviation, our governmental programs for aviation development were stumbling and faltering from lack of calories. . . . The commercial airlines have invested $8.4 billion in aircraft and supporting ground facilities. They will spend an additional $18 billion by 1975—$10 billion by 1973 for new aircraft alone.
>
> When you compare the airline investment to the total of $6 billion that Federal, State, and local governments combined have invested in airports since aviation began, you can understand why a problem has developed. The Federal Government investment in the air traffic control systems stands at one and one-fourth billion dollars. At a minimum, we need to invest $8 billion in new airports over the next 10 years and $4 billion to modernize our airways system. . . . Aviation's tremendous growth potential will not be realized unless these sums of money and equally enormous amounts of time are invested to modernize our airports and airways system. If this is not done, the quadrupling, tripling, and doubling I have talked about will be used to describe airline delays, airport congestion, and loss of revenues, rather than more passengers, higher profits, or rapid growth. . . .
>
> Money is a large element of the problem. . . . Time is the other critical element. Even if we had available all the money needed, there is a limit to the capacity of our private and governmental institutions to construct new airports and to build new hardware for the airways systems. It takes at least 10 years to plan, construct, and start operations at a major new airport. . . . Research and development on a giant scale must be undertaken to invent and perfect the new electronic equipment needed to improve our airways system. After that comes the procurement, production, and installation, which also entail a substantial amount of time.
>
> Private industry has done its planning and is making its investment in the future. Government, on the other hand, is dragging its feet. . . . The existing Federal Aid to Airports program will expire on June 30, 1970. That is not very far away. Postponement of new legislation until the next Congress will be too late to avert many of the monumental air traffic jams that have been described and forecast.

Senator MONRONEY then emphasized, and again I am associated on the record with his views:

> I have advocated the creation of an airport trust fund, similar to the successful highway trust fund that has financed the construction of thousands of miles of interstate highway systems in this country over the past 10 years. The airport trust fund would be fed by revenues derived from user taxes on commercial and general aviation. I am convinced this is the only way we will have a continuous flow of money in the amounts needed to permit aviation to remain a safe and convenient method of travel. We must earmark this money and stamp on it "for airports and airways use only," or the improvements needed will not be made.

Then our colleague referred to the administration recommendations of the day before and made this frank evaluation of them when he said:

> As you know, the Administration does not agree with this (trust fund) approach. Yesterday, Secretary Boyd sent to the Congress the Administration's airport and airways user program. My airport and airways ideas crash landed in a cornfield—and/or the Bureau of the Budget.

Mr. President, I say to our able and diligent colleague that his ideas may have crashlanded in the Bureau of the Budget, but I predict that they will not crashland in the Congress if they are presented in legislative form and moved through the committee processes and are placed before the respective Houses for action. Speaking of the administration recommendations, Senator MONRONEY said:

> The airways proposal calls for substantial increases in the user taxes paid by commercial and general aviation. There would be an eight percent ticket tax on passengers and airfreight waybills. General aviation would be required to pay 10 cents a gallon for all fuel used in general aviation aircraft. . . .
>
> The Administration proposal does not contain trust fund financing and, therefore, the modernization of the airways system will continue to be subject to the appropriations process—in my opinion, a fatal flaw.
>
> Although the Administration has acted with the daring of a David in proposing stiff new airways taxes, it has acted with the timidity of a mouse in dealing with the airport problem. It is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports. The Administration apparently has decided to get you through the airways to and from airports, but forgot that an airplane requires a place to take off and land.

Mr. President, I emphasize what our colleague said; namely, that it is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports.

Our Aviation Subcommittee chairman further noted that the administration's airport proposal would provide for loans to all publicly owned airports for essentially the same type of projects as are eligible under the existing Federal Airport Act, but would grant money only to those airports served by local service carriers only. He said that the administration's airport proposal is "totally inadequate to meet the demonstrated needs of our national airport system" and he concluded his comment on it as follows:

> I consider the airport proposal an abdication of a Federal responsibility to provide the assistance and guidance necessary to maintain a safe and adequate national airport system. With respect to airports, the Administration has labored for two long years and produced a gnat.

I share Chairman MONRONEY's disappointment in the administration recommendations, but as deficient as he and I might consider them to be, I am grateful that a proposal has been placed before the Congress by the Department of Transportation. It is gratifying, too, that the air carriers, through the Air Transport Association, have made a set of recommendations. It seems to me that those of us who view the airways and airport system as being in near-crisis posture and in need of being made adequate and safe must move to distill the various recommendations and bring forth a legislative proposal around which the greatest possible consensus can be developed.

We must all recognize, as the Aviation Subcommittee chairman declared at Philadelphia:

Aviation is an industry that cannot be permitted to falter. It is too important to the nation to let short-term economies today create large scale waste and inefficiency tomorrow. We must persevere.

Mr. President, I have quoted out of context from the speech of the Senator from Oklahoma [Mr. Monroney], and in doing so I may have overlooked placing emphasis on portions essential to an understanding of the many facets of the comprehensive and vital subject which our colleague so capably developed and discussed. I ask, unanimous consent, therefore, to have the text of Senator Monroney's speech printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address of Senator A. S. Mike Monroney to the 1968 Annual American Association of Airport Executives Conference, Philadelphia, Pa., May 21, 1968

As Chairman of the Senate Aviation Subcommittee, I keep up with all the statistics on aviation growth and prosperity. Aviation has outpaced virtually all other industries in this country, especially during the soaring 60's, when the jet airplane gave the commercial airlines their first truly profitable and efficient aircraft.

It is not unusual at all to read of average annual passenger growth in excess of 15 percent, nor of the doubling or tripling of aviation growth over a decade or so. Aviation's growth has been due to aggressive, imaginative, and daring leadership from the various segments that make up the aviation industry and the astounding technological advances of the past 10 years.

Americans have taken to the air in jets and to the road in automobiles. In 1966 air transportation accounted for 66 per cent of the common carrier passenger miles traveled in the United States, compared to only 13 percent in 1950. That figure is expected to increase to 70 percent over the next 10 years.

America is astir with movement—businessmen crisscrossing the heartland in pursuit of success—families filled with wanderlust exploring the vast reaches of prairies and plains or enjoying the noisy excitement of Disneyland. Freight trains, jumbo trucks and now the cargo plane move constantly—day and night—carrying the goods and commodities that make up the wealth of the nation and the substance of its trade.

As you aviation leaders here today know, this growth—this activity—has been accompanied by many tribulations, much travail, and a lot of bickering among yourselves. Your success has bred new varieties of problems—new strains that are resistant to the programs and palliatives of the past, much as new weeds and new viruses build up immunities to old serums and sprays.

Let me tell you briefly about what I believe the future holds for aviation—both the good and the bad.

As our population grows in absolute terms and becomes more affluent and better educated, more and more people will be traveling—primarily by air over long distances, by automobile for shorter intercity movements, and, of course, almost entirely by automobile within urban areas. As of 1964 only 39 per cent of the people in America had flown. That figure is rising dramatically each year, as college students and families take advantage of the promotional and excursion fares offered by the airlines in recent years.

The population of America—now standing at 200 million people—will increase to 250 million by 1980. Disposable income available to Americans will increase at a similar rate and a larger proportion of Americans will be in a higher income bracket.

Over the same period air fares are expected to decline about two to three percent a year, as the new jumbo jets and air buses come into the airline fleets. These new aircraft will permit the airlines to achieve economies of operation on the same scale that the first subsonic jets in the late 1950's permitted. In the mid-70's you should be able to travel to Europe for only $99.00.

Today business air travel represents 60 percent of total air travel. But by 1980 the trend will be just the reverse. Business air travel will account for only 30 percent of the market, while non-business travel will grow to 70 percent.

The airlines have already started to tap this personal travel market by offering discount fares to fill their giant aircraft. All inclusive air tours that have one price for air transportation, hotels, rental cars and entertainment will be the vacation bait of the 70's that should attract millions more passengers to travel by air. The first entrepreneur, who successfully mates hotels, rental cars and the jet, will corner the travel market.

By 1980 airline revenue passenger miles will quadruple. Airline passengers, jet fuel consumption, aircraft operations, and IFR flights will at least triple. The general aviation fleet, general aviation operations, civilian aircraft production will at least double. Commercial aircraft capacity—with such vehicles as the Boeing 747, the Lockheed and Douglas air busses, and a commercial version of the Lockheed C–5A—will more than double and aircraft speed will triple when the U. S. supersonic transport is put into operation.

The demand for air travel is unquestioned. Along with that demand goes the need for adequate surface transportation to and from airports for air travelers. I have said many times that only an airport can launch and retrieve an airplane. What the airport is to the airplane, surface transportation is to the air traveler—whose destination is not an airport but an office downtown or a home in the suburbs.

Given the American disposition for mobility and flexibility, the individual automobile will remain the predominant choice of American businessmen and American families for the surface transportation required to get to and from an airport. Airline and airport executives will devote a major part to working with urban planners on this problem.

But just wanting fast air transportation and convenient surface transportation by automobile will not make it possible. All of you have experienced the frustrations of traffic jams that prevent you from getting to the airport on time, the congestion that jams airport terminals, and the delays in airline departures and arrivals. We are suffering today from the sudden surge in aviation growth caused by the jet and the starvation diet on which the airport and airways system has existed during the 50's and 60's.

Much of the blame for this situation must be attributed to the failure of state, local and Federal governments to invest adequate sums in the development, construction, and modernization of the air transportation system. While we were spending billions of dollars a year at the Federal level on the construction of an interstate highway system, we were spending less than 75 million dollars a year on airport improvements and less than 40 million dollars a year on modernizing the airways system.

While giant strides were being made each year by commercial and general aviation, our governmental programs for aviation development were stumbling and faltering from lack of calories. Our government institutions have failed to match the tremendous investments that have been made in aviation by the private sector.

The commercial airlines have invested $8.4 billion in aircraft and supporting ground facilities. They will spend an additional $18 billion by 1975—$10 billion by 1973 for new aircraft alone.

When you compare the airline investment to the total of $6 billion that Federal, state and local governments combined have invested in airports since aviation began, you can understand why a problem has developed. The federal government investment in the air traffic control systems stands at one and one-fourth billion dollars. At a minimum, we need to invest $8 billion in new airports over the next 10 years and $4 billion to modernize our airways system.

All the figures I have mentioned about aviation's tremendous growth potential will not be realized unless these sums of money and equally enormous amounts of time are invested to modernize our airports and airways system. If this is not done the quadrupling, tripling, and doubling I have talked about will be used to describe airline delays, airport congestion, and loss of revenues, rather than more passengers, higher profits, or rapid growth.

Where will the aircraft—whose operations will increase by 269 percent by 1980—fit into an already saturated traffic control system? Where will airline passengers—who will increase by 440 percent by 1980—and general aviation travelers—who will increase by 267 percent by 1980—find a place at our large hub airports, which already resemble tightly packed sardine cans?

Just consider the expected growth at a few selected major airports. In the New York area itself there were almost 12 million enplaned passengers in 1965. The predictions are for 36 million enplaned passengers in 1975 and 61 million by 1980. In Chicago there were almost 9 million enplaned passengers in 1965. Over 27 million are expected in 1975 and over 46 million by 1980. Here in Philadelphia the 1965 traffic level of 1.6 million enplaned passengers will soar to 5.2 million in 1975 and 8.9 million in 1980.

The FAA has estimated that the 4,213,000 square feet of terminal area space in the New York area will have to be increased to 9,364,000 to accommodate this influx of passengers. In Chicago, there will have to be an increase to 6,792,000 square feet from the existing 1,788,000.

What does all this mean to you from the standpoint of your daily operations? In addition to exorbitant costs, there will be the practical problem of gearing up to handle the traffic that will be deplaning from the giant jets of the 70's. Instead of 100 to 150 passengers streaming into an airport from each jet, there will be 300 to 500 passengers per aircraft arriving at one time.

One study I have seen indicates that at our primary hub airports there will be at least 20 aircraft in the C5, 747, Air Bus and SST class landing or departing each hour during the peak periods. On an average that means up to 10,000 passengers per hour flowing through the airport terminal. I shudder when I consider the mob scenes that will be taking place at insurance counters, lunch bars, rental car desks—and yes, in our public toilets.

In the New York City area the situation is even more frightening. One study predicts there will be 300 peak hour area operations at the airports serving the New York area. This would amount to a peak hour capacity of 58,500 airline seats. Using a load factor of 85 percent, which will not be unrealistic for these aircraft, that means 50,000 passengers arriving and departing each hour. Assuming that 25,000 of the passengers are deplaning, 1,750 rental cars alone will have to be provided every hour to satisfy the demand. At the same time Avis and Hertz will be processing an equal number of rental car customers who rented them downtown to provide their transportation to the airport.

Now just imagine a snow storm or low fog that prevents these 50,000 passengers from leaving at the time they were supposed to move. Add the additional 25,000 passengers coming to the airport who were scheduled to leave the following hour and you will have one screaming, mad, mass of humanity crying for relief and for some official's scalp for letting such a mess develop.

This catastrophe does not have to occur. I am optimistic that American business and American government can join together to build an airport and airways system that will meet the needs of our time. But we must begin planning now at meetings such as this, if we are to prevent these horror stories from taking place.

Money is a large element of the problem. At a time in the Congress when we are looking for ways to cut expenditures, and not authorize new projects, I am advocating the expenditure of more than a billion dollars a year for the next 10 years on aviation development. Considering the forensic furor over the tax bill and budget cuts, the prospects for success this year are faint.

Time is the other critical element. Even if we had available all the money needed, there is a limit to the capacity of our private and governmental institutions to construct new airports and to build new hardware for the airways systems. It takes at least 10 years to plan, construct, and start operations at a major new airport. Even if we began today, it would be 10 years before a new jet airport for the New York area could be operating.

Research and development on a giant scale must be undertaken to invent and perfect the new electronic equipment needed to improve our airways system. After that comes the procurement, production and installation, which also entails a substantial amount of time.

Private industry has done its planning and is making its investment in the future. Government, on the other hand, is dragging its feet. Last year I held hearings in the Senate Aviation Subcommittee to develop a new Federal assistance program for the modernization of our airports and airways system. I had hoped to secure the enactment of new legislation this year, because the existing Federal Aid to Airports program will expire on June 30, 1970. That is not very far away. Postponement of new legislation until the next Congress will be too late to avert many of the monumental air traffic jams that I have described today.

I have advocated the creation of an airport trust fund, similar to the successful highway trust fund that has financed the construction of thousands of miles of interstate highway system in this country over the past 10 years. The airport trust fund would be fed by revenues derived from user taxes on commercial and general aviation.

I am convinced this is the only way we will have a continuous flow of money in the amounts needed to permit aviation to remain a safe and convenient method of travel. We must earmark this money and stamp on it "for airport and airways use only," or the improvements needed will not be made.

As you know, the Administration does not agree with this approach. Yesterday, Secretary Boyd sent to the Congress the Administration's airport and airways user program. My airport and airways ideas crash landed in a cornfield—and/or the Bureau of the Budget.

The airways proposal calls for substantial increases in the user taxes paid by commercial and general aviation. There would be an eight percent ticket tax on passengers and air freight waybills. General aviation would be required to pay 10 cents a gallon for all fuel used in general aviation aircraft.

We probably need to spend on airways modernization sums in the amount that would be raised by these new user taxes. Whether or not the particular taxes are fair and equitable will, of course, have to be decided by the Ways and Means Committee of the House and the Finance Committee of the Senate. The Administration proposal does not contain trust fund financing and, therefore, the modernization of the airways system will continue to be subject to the appropriations process—in my opinion, a fatal flaw.

Although the Administration has acted with the daring of a David in proposing stiff new airways taxes, it has acted with the timidity of a mouse in dealing with the airport problem. It is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports. The Administration apparently has decided to get you through the airways to and from airports, but forgot that an airplane requires a place to takeoff and land.

The Administration's airport proposal would provide for loans to all publicly owned airports for essentially the same type of projects as are eligible under the existing Federal Airport Act, but would grant money to those airports served by local service carriers only. The total amount of loans that could be outstanding at any one time would be limited to one billion dollars and the total authorization for grants would be $100 million.

The airport proposal is totally inadequate to meet the demonstrated needs of our national airport system. I wish I had the same confidence in the aviation industry's state of maturity as does the Bureau of the Budget. The industry is indeed strong and has come a long way since its infancy. It is not, however, in a state of financial strength to bear the total cost and the total responsibility for national airports improvement.

I consider the airport proposal an abdication of a federal responsibility to provide the assistance and guidance necessary to maintain a safe and adequate national airport system. With respect to airports, the Administration has labored for two long years and produced a gnat.

As the second session of the 90th Congress approaches its end, my efforts to make a smooth takeoff on airways and airport legislation appear to be aborting on an increasingly shorter legislative runway. But I have not let my discouragement turn to despair. If we abort this takeoff, we will just turn around and taxi back to the end of the runway for another run in the 91st Congress.

Many of you here today suffered through the 1950's with me when a complacent executive and a reluctant Congress refused to keep in step with us. We achieved some modest successes with extensions of the old Federal Airport Act and the enactment of the Federal Aviation Act of 1958. We did not give up then when the going was rough and we shall not now.

Aviation is an industry that cannot be permitted to falter. It is too important to the nation to let short-term economies today create large scale waste and inefficiency tomorrow. We must persevere.

One way you can help is to supply the Congress with the information it needs to arrive at intelligent decisions. In this regard, I want to take a minute to talk to you about the questionnaire which the Senate Aviation Subcommittee sent early this year to the airlines and to the airports throughout this country that are served by the airlines.

The response to the questionnaire from the airlines has been good, although exceedingly slow. Most of the trunk and local service carriers have replied.

I cannot say the same about the airport operators. As of May 3 the subcommittee had received replies from only 78 percent of the large hubs, 86 percent of the medium hubs, 70 percent of the small hubs, and regrettably only 39 percent of the non-hub airports. That is just not good enough.

I am particularly disturbed that some of the large hub airports have not considered the questionnaire of sufficient importance to even acknowledge receipt. I can only conclude that they do not have a problem and are not interested in additional federal programs, despite the protestations of doom and disaster from their Washington representatives.

The questionnaires were sent out because we failed to obtain relevant information about the size, scope, and nature of the airport problem during the course of the subcommittee hearings last August. I earnestly hope that these airport operators who have not answered the subcommittee questionnaire will re-consider and provide the committee with the information it needs to develop sound airport legislation.

I have been in the Congress of the United States for 30 years. I know that these representatives of the people listen and respond to the needs and demands of their constituents. The Congress—the Executive Branch—will act if you tell your story to them. But that means more than just talking to Monroney and a few others, who are already devoted to aviation.

One of the great problems I have is convincing some of my colleagues and obviously the Administration of the need for aviation legislation. Not all of the members of the House of Representatives have airports in their district, and therefore, do not have any particular incentive or reason to vote for the expenditure of large sums of money for airport and airways improvement.

You have got to get your message across to those Congressmen and Senators who do not know the saga of aviation. Concentrate your activity on them, visit them personally, get people in the communities you serve to write to them.

If you do, in my capacity as Chairman of the Senate Post Office Committee, I will put on a letter carrier's cap, take up a mail bag, and deliver the letters myself. Working in concert and not in conflict, those of us who know and love aviation can and must keep aviation the dynamic, aggressive and forward looking industry it is today.

TRUTH IN LENDING IS A TRIBUTE TO THE LEADERSHIP OF PRESIDENT JOHNSON AND THE 90TH CONGRESS

Mr. McGEE. Mr. President, I think this Congress can be proud to have adopted an excellent truth-in-lending bill yesterday. This is truly landmark legislation that will benefit millions of Americans for years to come.

This bill is a further tribute to the efforts of the Johnson administration to create a new Bill of Rights for the American consumer. Under Lyndon Johnson's leadership, the consumer public is protected as never before in our history against unfair trade practices, inferior or dangerous products and against unwholesome food.

I think the record will show that Congress has been a willing partner with the President in creating new opportunities and safeguards to protect the consumer's investment.

The truth-in-lending bill is one of the most important new laws enacted. For too long, Americans have been confused or uninformed about interest on their loans. For too long, the least affluent in our population have suffered the most from lack of understanding about the financial obligations they were assuming.

This new bill is a tribute to an adminstration and a Congress determined to act in the best interests of all Americans.

SALE OF SUBDIVISION LAND UNDER SECTION XIII OF HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. BENNETT. Mr. President, section XIII of the Housing and Urban Development Act of 1968 deals with the sale of subdivision land. Its purpose is to bring about an end to sales made interstate through the use of misleading or fraudulent information even though it also includes land intended to be sold to local residents. When the proposal was before the committee, hearings on it were requested, and granted after the section was approved by the committee.

Several groups had problems with the bill and said that they would testify at hearings, but when they found that it had already been approved, their reaction was that their testimony would have no effect, and the hearings were canceled. One of the prospective witnesses sent to me at my request a copy of what would have been his testimony on the bill. This witness was questioned when he appeared before the committee on a previous occasion, and it was intimated that he and his associate were trying to be obstructive rather than helpful. I did not agree. I think that testimony of State officials involved in the regulation of land sales is important and worthy of our consideration. For that reason, I ask unanimous consent to have printed in the Record the statement that would have been made by Mr. Carl A. Bertoch if our hearing had not been canceled.

I personally feel that the problem can be handled on a State level with a minimum of Federal assistance. I offered what I thought was a reasonable approach in a bill that was referred to the Committee on the Judiciary, which has not seen fit to report it to the Senate. Despite my position on the matter, I feel that the Senate should have access to the information which was not considered in our Committee and that those who support Federal regulation give attention to the suggestions made by Mr. Bertoch.

There being no objection, the statement was ordered to be printed in the Record, as follows:

REMARKS BY CARL A. BERTOCH, PREPARED FOR SENATE COMMITTEE HEARING ORIGINALLY SCHEDULED FOR APRIL 25, 1968—BUT NEVER HELD

Mr. Chairman and Senators: I want to express my appreciation for being given the opportunity to appear before you to discuss the proposed interstate land sales bill.

I want to first advise the committee that copies of this bill were just recently received and have been submitted to my board members, but due to the time limitations, they have not been able to provide me with their view or comments. Therefore, the views that I express today are my own and do not necessarily reflect those of the board. If they do have comments, I will submit them to the committee.

Appearing here today, I recall when I previously appeared before the committee in 1966 regarding the then pending land sales proposal, that Senators Mondale and Williams were particularly interested in the opinions of Mr. Moyle and myself and whether our comments, in their opinion, were constructive or not. I stated, at that time, and I would like to again state my position and that is, it is my desire to give this committee the benefit of my thinking and our experiences in the state of Florida, as Florida is a major state involved in this activity, so that you may consider them in any proposal that may emanate from this committee. It is not my desire or intent to impede the enactment of a Federal proposal if this is what the Senate in its wisdom feels is necessary, because I fully recognize that this committee represents the "Pentagon" in this war against deception, and I am speaking to you as a "front line soldier" in this war, and I recognize that my perspective of this big picture, is accordingly limited.

This committee, not being in the direct line of fire is in a position to look over the entire battle ground more objectively, therefore, because of the two different vantage points, we may differ in our views, however, I wish to assure you that we are fighting the same war.

When I appeared before this committee in 1966 we were discussing some of the problems in the then existing Florida installment land sales law. I am pleased to state, first, the uniform land sales law is a living, breathing thing and has been enacted in several States and considered in others. Second, that it has been enacted in the State of Florida and many of the problems that were discussed by this committee with regard to the Florida installment land sales law have now been corrected and, today, Florida stands in the front ranks of those States that have met the problem of sales of lands in promotional subdivisions with strong and effective regulation. There are very few States regulating this area that have laws stronger than that of the State of Florida.

Illustrative of what the State is doing is the fact that tomorrow we will be having hearings on new rules and regulations to implement Florida's present land sales law, copies of which are being furnished to the committee. Obviously, these rules may be changed or modified through the hearing process, however, I think from a review of these proposed rules you will see that Florida has, and the present land sales board is, meeting the problems, and that it intends to correct abuses and eliminate questionable practices.

Philosophically, I feel that this is the best way of dealing with the problems, as effective State action is the quickest and most direct way to eliminate any remaining abuses. However, I also recognize the limitations of the States jurisdictional authority to cope with the interstate aspect of promotional land sales. This limitation was recognized in 1966. At that time I spoke of the concept incorporated in Senator Bennett's proposal which would permit the States to bring in action in Federal court to enjoin violations of its local laws—I still think this would be helpful, however, I must say, in all candor, that more may be necessary if an effective job is to be done in eliminating the abuses in interstate land sales.

Specifically, with regard to the proposed bill, I recognize that many agencies are not desirous of getting involved in regulating this activity, apparently, and housing & urban development, apparently having an adequite budget, may not be opposed to getting "involved" and, therefore, this may be the appropriate place to vest this authority if they will assume this responsibility. Whether they are equipped or oriented for this type of work, I don't know, and this, gentlemen, is obviously your decision.

The proposal is not dissimilar in the approach or concept taken by the uniform State law and is familiar in many respects to the Florida law, as it provides for a broad jurisdictional coverage and then exempts offerings not deemed necessary or appropriate to be placed under this control.

With regard to the concept of the proposal, I must agree because this is the approach we have taken in Florida, which I think will prove very successfully, however, I would point out and make very clear, that in Florida we have not limited ourselves to prohibiting practices or procedures that operate as a fraud or deceit, as is contemplated in this proposal, but have provided for the prohibitions of false, deceptive, or misleading advertising, promotional or sales methods, and this, gentlemen, I think is most important. To further emphasize this point, I would direct the committee's attention to the report of the Special Committee on Aging of the U.S. Senate published March 16, 1965, wherein it stated its major findings with regard to interstate mail order land sales: Finding No. 2 was as follows:

"Enforcement action and publicity have hit hard at blatant schemes to defraud or mislead the buyer, but more subtle sales techniques are now at work; in some cases, where outright fraud may be difficult or impossible to prove, sales literature may nevertheless give the buyer a grossly distorted impression of the land he buys."

Therefore, I submit to you that by limiting the law to prohibit fraudulent practices only, you may have limited the jurisdiction of the agency in much the same way that the postal authorities have found their authority limited in this area. I would call your attention to page 30 of the committee report on frauds and misrepresentations affecting the elderly to the committee on aging dated January 31, 1965. The pertinent paragraph reads as follows:

"Notwithstanding the salutary effect of the mail fraud statute and new State laws, the subcommittee has become concerned about other practices that do not fall within the strictly defined jurisdiction of mail fraud investigators. Slippery language and omission of important facts can, in the opinion of the subcommittee, cause almost total misunderstanding and confusion."

Consequently, I would suggest to the committee with regard to the present proposal that commencing with the introductory paragraph where it refers to its purpose, "To prevent frauds" that this be expanded to include deceptive and misleading practices or sales methods and appropriate changes consistent with this be made throughout the entire law.

There are a number of other comments that could be made regarding some of the specific language such as:

1. The definition for the word "developer" is broad enough to include newspapers, magazines, ad agencies, etc.

2. The exemption set fourth in Section 3(a)(1) should be limited to an offer of 50 or more lots in a subdivision within a 12-month period or some such time limitation.

3. The exemption in Section 3(a)(2) should be increased to a minimum of 20 acres or more, rather than 5 acres in size, otherwise there will be a number of exempt 5¼ acre subdivisions.

4. The exemption in Section 3(a)(9) which exempts "the sale or lease of lots to any person who acquires such lots *for the purpose* of engaging in business . . .". This would appear to open a tremendous loophole and should be rephrased.

5. Section 4—it is suggested should be rephrased to include "deceptive or misleading practices or sales methods".

6. Section 6, the information required in the Statement of Record should be amended to include the subdividers' plan of promotion including promotional material in order that the agency could determine whether or not the seller is contemplating a fraudulent or deceptive scheme or plan of sale.

7. Section 8(b) should be amended to prohibit the use of color in the Property Report unless the secretary would require or permit it.

8. Section 9, although preserving the jurisdiction of the Real Estate Commissions or similar agencies performing a like function, should spell out the responsibility of the agency in cooperating with State authorities.

9. Section 10—the provision establishing civil liabilities should be reviewed and a determination made as to whether subparagraph (a) in effect, is establishing a federal right in a state court, or if it is providing for a remedy in federal court and if so, whether or not the $10,000 federal jurisdictional limitation would preclude individuals from having an effective remedy because most of the sales are for amounts substantially less than $10,000.00.

The damages allowable under subparagraph (c) are quite limited and the provisions for the court being permitted to require an undertaking for the payment of costs including reasonable attorney's fees could discourage persons from availing themselves of this remedy. I believe this is particularly important when it is noted in subparagraph (e) that the amount recoverable under this section by a purchaser could not exceed the price of the lot, cost of improvements and court costs. Florida has provided for the payment of reasonable attorney fees for the prevailing party and it is submitted that this should be considered.

10. Section 12 which sets forth a 3-year maximum time limitation for bringing action to enforce remedies under this law is very short when you consider that most sales are made by contracts extending over 7 years or more.

In conclusion, I would re-state my basic position and point to the record which I believe clearly demonstrates that the individual States have increased their efforts in regulating the sale of lands in promotional subdivisions. However, certain jurisdictional limitations limit a State's ability to bring some of the remaining abuses under control and appropriate Federal legislation designed to meet the problem may be necessary. A Federal law which would not be effective would become just another law on the books which would tend to discourage other States from enacting laws to regulate this activity or strengthening existing ones.

I am aware that this committee has worked long and hard on this problem, and I think the committee is cognizant of the notable efforts being made by the individual States to meet the challenges presented by the remaining unscrupulous or unethical sellers, and I want to commend the committee in its exposing some of these practices, which has resulted in a number of States taking effective action. I submit that Florida has been one of the States that has taken strong, effective and direct action in curbing the abuses that it has found within its borders. I do believe, however, that this committee can find that due to the individual States' obvious limitations, jurisdiction-wise, as well as the economics involved that some Federal legislation could be of great help to the States in doing their job . . . and I am hopeful that the committee will look carefully at the various alternatives, the nature of the problem and enact that which will do an effective job.

Thank you.

RESIGNATION OF DR. JAMES GODDARD, DIRECTOR OF FOOD AND DRUG ADMINISTRATION

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from New Mexico [Mr. Montoya], I ask unanimous consent to have printed in the Record an article entitled "Dr. Goddard Resigns," published in the New York Times of May 23, 1968, and also a statement by Senator Montoya.

There being no objection, the article and statement were ordered to be printed in the Record, as follows:

Dr. Goddard Resigns

Since he was one of Washington's toughest and most controversial administrators, Food and Drug Commissioner James L. Goddard undoubtedly had more than a normal portion of ill-wishers inside and outside the Federal bureaucracy. Nevertheless his resignation means the departure of a devoted and effective public servant who revolutionized the Food and Drug Administration by making it at long last an effective instrument of consumer protection rather than a weak and little-respected handmaiden of the special interests it was theoretically supposed to regulate. His going is a major loss.

The vigorous enforcement of the laws protecting consumers against health dangers in foods and medicines is one of the most vital, if unglamorous, tasks of the Federal Government. The imaginative and important beginnings Dr. Goddard made must be continued and extended. To do so, the man who succeeds him will have to be someone of great energy, substantial professional status, and considerable courage. No lesser choice will meet the needs that Dr. Goddard has done so much to expose to the American people.

Statement by Senator Montoya

I am informed by those who are concerned with the interest of the public that Dr. Herbert L. Ley, Director of FDA's Bureau of Medicine, meets these qualifications and is highly recommended as Dr. Goddard's replacement. I again express my hope that Dr. Ley will be considered for this position.

COMMENDATION OF HON. PAUL R. IGNATIUS' SPEECH BEFORE NATIONAL CONVENTION OF NAVY LEAGUE OF THE UNITED STATES

Mr. PELL. Mr. President, the U.S. Navy plays a vital role in the Nation's oceanologic program. It is a wide-ranging program involving exploration of the seas through ocean sciences, development of advanced undersea hardware and man-in-the-sea techniques through ocean engineering, and extensive survey and data-collection work.

Our dedicated and brilliant Secretary of the Navy, Hon. Paul R. Ignatius, recently spoke on the Navy's role in oceanology before the National Convention of the Navy League of the United States. His address was an excellent summary of the progress being made by the Navy in the new frontiers of ocean space and the exciting prospects for the future.

I ask unanimous consent that excerpts of his speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Hon. Paul R. Ignatius, Secretary of the Navy, Before the National Convention, Navy League of the United States, Honolulu, Hawaii, April 26, 1968

The Navy, for the Department of Defense, is presently responsible for well over half the total of federally supported programs in oceanography. Our oceanographic programs, under the aegis of the Oceanographer of the Navy, Read Admiral "Muddy" Waters, will expend $287 million out of a national budget of $516 million in the next fiscal year.

The federal oceanographic effort—including that part which is the Navy's responsibility—has objectives which go beyond their obvious contribution to the national security.

This effort is also aimed at increasing the world's food supply, controlling and reducing pollution, and promoting international understanding and cooperation.

But the real objective is not readily described by a list of individual projects. A few years ago the President's Scientific Advisory Committee recommended that the ultimate goal of the national ocean program should be effective use of the sea for *all purposes currently considered for the terrestrial environment.*

This means bringing all the benefits of the oceans into our daily lives; literally expanding the area of the earth which we use to include the ocean world, which is almost three times larger than the land world.

Within the Federal Government, 24 bureaus in 11 departments and agencies have been involved in various aspects of oceanographic work.

To facilitate these programs and provide a coordinated sense of direction, a council, headed by the Vice President and including the Secretary of the Navy as the Defense Department representative, and a national Commission, were established by Congress in 1966. The Commission is to determine by 1969 what kind of structure the national oceanographic effort should possess.

The Navy, for its part, believes that the interests of the nation as a whole would best be served by a strong cooperative effort among all those Federal agencies concerned with the sea on the concept that specific oceanographic programs would be operated by the agency or department best qualified to run them. *All* concerned, government and industry, would reap benefits, avoiding costly duplication. We in the Navy support any program which contributes to man's ability to use and operate in the world's oceans since the national defense will unquestionably be improved, regardless of sponsor.

The Navy program operates with the support of over 1000 civilian scientists and engineers at more than 100 academic and institutional facilities throughout the country, and within a dozen Navy labs.

These people have been involved primarily in the *Ocean Science Program*, whose goal is to advance our understanding of the physical, chemical, biological, and geological characteristics of the seas—the *geophysical* dimension of the world's oceans—with their 140 million square miles of surface, and their 300 million cubic miles of water.

This is the most obvious dimension of the sea, and we have much to learn.

A prime example is the Gulf Stream. It is not simply a surface feature, but extends thousands of feet below the surface. It is warmer than the waters off the North Atlantic coast of the United States, but *colder* than the North Atlantic waters that lie to the east of the Gulf Stream.

The investigation of such geophysical characteristics provides a broad basis of scientific knowledge which supports technological applications, for the Navy and for all others who use the sea. These new applications are adding a second dimension to the world's oceans—what might be called the human dimension, the ability of man to live, work and operate in the sea. They are advancing the ocean environment from the caveman stage into the 20th Century.

In the Navy, technological applications are developed mainly in the *Ocean Engineering and Development Program*, in which we have major programs such as undersea search, rescue, salvage, and construction, all in support of our combat units.

Development of an undersea Deep Submergence Rescue Vehicle, for instance, was spurred by the loss of the submarine THRESHER in April 1963. This new rescue vehicle, which should be ready for trials within a year, is designed to bring the crew of a disabled submarine to the surface, 24 at a time, from relatively deep water.

I am pleased to announce at this time that the United States is willing to share with other nations the obvious benefits provided by the Deep Submergence Rescue Vehicle. A document has been prepared giving details and technical specifications of this submarine rescue system which will be available to foreign navies on request through normal diplomatic channels. Nations interested in this rescue system can modify their submarines so that in the event one becomes disabled on the ocean floor, it can be mated with the U.S. rescue vehicle. This is another example of this country's willingness to cooperate in oceanic programs.

Another example of our interest in learning more about the seas is the rapid growth in number of underwater submersibles such as Alvin, Aluminaut and Deep Star. Prior to 1961, there was only one. Since 1964, approximately 25 have been built and by 1972, we anticipate 25 to 30 more will be built.

The NR–1, a nuclear-powered deep submergence research and ocean engineering vehicle, will perform detailed studies of the ocean bottom, temperature, currents, and other features for military, commercial, and scientific uses. It should be able to explore the entire continental shelf, with its potential wealth in mineral and food resources.

Two recent events dramatically manifest man's continual advance in proving his ability to live and work at greater depths in our oceans. Last February two Navy men experienced a simulated depth of 1,025 feet for a period of 13 minutes.

Only a few days later two professional divers from International Underwater Contractors stayed at 1,100 feet for five minutes.

The human dimension of the oceans is being expanded in other ways, too.

We are looking at the possibility of extending man's ability to live and work on the ocean floor, exposed to the pressures of the sea. This is the object of the Man in the Sea program, which got its impetus from the medical work done over the years by Captain George Bond, who is still active in the program today.

The latest experiment in this program—Sealab III—will place aquanauts in a habitat at 600 feet beneath the surface off San Clemente Island, California this fall.

Consistent with the Navy's cooperative approach to oceanography, Sealab III will be an interagency and international venture. Aquanauts from Australia, Canada, and the United Kingdom will participate in the project. Three scientists from the U.S. Bureau of Commercial Fisheries are also joining us to transplant some Maine lobsters to the waters off California. If this experiment is successful they might be raised commercially there.

The story behind the Sealabs is worth relating in some detail.

Until recently, the useful limits of man in the sea was considered to be 380 feet for 30 minutes, with "hardhat" diving equipment required.

In 1957, the Navy began experiments in a new technique called "saturation diving," in which a man would live without a diving suit in a habitat on the sea floor, pressurized to the water pressure at that depth, and breathing a helium-oxygen mixture which could not cause disability or injury, as air does, at high pressure.

The American inventor, Edwin Link, and the French Captain, Jacques-Yves Cousteau, pioneered in applying the data and concepts provided by the Navy's earlier experiments, and striking out in a new direction. Captain Cousteau has conducted several highly important experiments in the Mediterranean and Red Seas. The Sealab experiments have profited greatly from Cousteau's earlier work, and the Navy has exchanged information with him. These exchanges of mutual benefit continue today.

By the time we established Sealab II in 1965, aquanauts remained underwater at a depth of 205 feet for 30 consecutive days. While living underwater, they conducted physiological experiments and performed underwater tasks in salvage, oceanography, and construction.

Helium does pose certain problems. Men's voices sound like Donald Duck's and become nearly unintelligible. Helium, though inert, indirectly caused burns in Sealab II because the heating coils in hotplates did not turn red, and some aquanauts touched them to see if they were hot. But, aside from these minor problems, it works.

In the future, using helium technology, we expect to be able to dive to and work at a depth of 1500 feet. Aquanauts could thus live and work under the sea in habitats with a nuclear or fuel power source.

Below 1500 feet, helium saturation-diving is impossible, since a man experiencing those pressures eventually blacks out from narcotic effects. Hydrogen is the only other gas which could be used below 1500 feet, but at present we know little about its biological effects.

However, there is a more revolutionary concept that could, one day, permit man to swim freely—without diving suits or hardhats—at depths of up to 12,000 feet, the prevailing depth of the great ocean basins. It is called fluid breathing.

This technique involves pumping an oxygenated saline fluid, rather than gas, through an aquanaut's lungs, and his sinus cavities. Thus, the pressure outside his body would be no greater than that inside, even at the crushing depth of 12,000 feet. It is hard to believe, but he could survive, because except for the sinus and chest cavities, the human body is like a fluid, and thus incompressible.

Another advanced concept is that of sub-bottom stations which, unlike the habitats in the saturation-diving programs, would be protected from the pressures of the depths.

A sub-bottom installation could consist of a series of rooms, excavated from the bedrock beneath the sea floor, with a nuclear power supply and complete living facilities.

If it were located under the continental shelf near shore, access could be through tunnels to the coast. Installations farther from shore would be entered from the sea through lock systems.

The problem of establishing stations under the ocean floor, beneath tons of water, is not insurmountable.

There are 76 mines which operate, or have operated, beneath the continental shelf. One of the largest is a coal mine, which extends four miles offshore, at Cape Breton, Nova Scotia under water up to 120 feet deep. It covers 75 square miles of seabed, and has 10,000 miles of open tunnels. The mine does not leak.

Another mine, off Newfoundland, under 420 feet of sea water, is so water-tight that it has to have water pumped *into* it to control the dust.

For an example, in another industry, there is, 90 miles offshore in the Persian Gulf, an oil well with a production capacity of 100,000 barrels a day, and no way to store it.

A group of five oil companies is considering a solution: to excavate a storage cavern under the sea floor nearby to bunker a million barrels of crude oil.

It is possible to imagine the construction of a true undersea laboratory, operated as a facility for general experiments in underseas science and technology, and available to universities, to industry, and to government. This would be the equivalent of a manned space station and would open another dimension to the reaches of scientific exploration of the oceans.

As these examples show, new sub-bottom technologies we may develop could also be used in non-military applications.

To transform ideas like these into reality will take a concerted effort to develop the tools, machines, and techniques which will be required for an environment as radically different from earth as outer space.

This is the objective of the Navy's *Deep Ocean Technology Program.*

Ocean technology required to support national security objectives closely parallels that required for economic, commercial, and political purposes. Navy programs have long provided a large measure of support to other national agencies' objectives.

This is true even in areas not readily perceived.

For example, the Navy gathers and analyzes data on the ocean salinity and temperature, primarily for use in predicting sonar conditions for Anti-Submarine Warfare operations.

These data, however, are made available to commercial operators, and to the Bureau of Commercial Fisheries, which then informs fishing vessels where they would be most likely to catch tuna fish. Four-fold increases of catch have been reported as a result of consulting environmental charts.

Such areas of cooperation between the Navy and private industry are being expanded wherever possible.

Technologies now at hand must be directed toward increasing the world's fishing catch and enriching the diets of the one and one-half billion underfed people in the world.

In another field of cooperatitve endeavor, we recently placed the designs for the Navy "Transit" navigation satellite receiver in the public domain to enhance the safety of all mariners and marine enterprises.

Also, we are going to expand our ocean test facilities and intend to make them available to academic institutions and private concerns to the maximum extent possible.

All the development activities I have mentioned—in the *Ocean Science Program* and the *Ocean Engineering Program*—are supported by the third element of the Navy's oceanographical structure, the *Operations Program.*

This program conducts a great variety of surveys in all ocean areas and provides the support so necessary to salvage operations. It produces and disseminates the charts, publications and forecasts necessary to support all marine activity on and in the sea.

To carry out this effort we have 31 surface ships, one submarine, and five aircraft; and a major shipbuilding program.

By these Navy oceanographic programs, and those of all the other Federal agencies involved, a revolution is being brought about in man's ability to explore, live in, and exploit the oceans around him. As this capability grows, and as it becomes within the means of more and more nations we will be faced with new political and legal problems.

Society has recognized few restraints in the uses of the oceans. It has instead emphasized free ocean use, or "freedom of the seas" in areas beyond national territories.

But, what will happen as the revolution in ocean technology makes it easier to establish useful installations on the ocean floor?

At present, the Geneva Convention on the Continental Shelf provides that coastal states exercise sovereign rights over the continental shelf for the purpose of exploring it and exploiting its resources.

Clearly, as the dimensions of the sea expand there will be problems as well as opportunities.

Ten years ago, few of the natural resources available in and under the seas near our coast were exploited. Today, two percent of our solid minerals and 6.3 percent of our petroleum products are taken from sites on the American continental shelf.

The Federal Government plans to continue with development of fish protein concentrate production here and abroad. Two billion people could be fed using only half the world's present catch in this fashion.

The President of the United States has proposed an "International Decade of Ocean Exploration for the 1970's" and is soliciting the cooperation of other nations in this historic and unprecedented adventure.

Among other things, it will initiate steps for rational development of the coastal zone, with emphasis on control of pollution.

It will work to ensure the safety of life and property along our coasts, study new programs for harbor development, and expand the "Sea Grant College" programs for training the men and women who will be urgently needed for technological development of marine resources in the 1970's.

It will accelerate the mapping of our continental shelf and foster more marine applications for new technology of benefit to both science and industry.

It will intensify the work in Deep Ocean Technology of which I spoke earlier and strengthen our nation's base of marine research and technology capabilities.

It will provide opportunities for exchange of information and other cooperaitve efforts with other nations and their citizens in unlocking the secrets of the oceans and the earth beneath.

The Navy is justifiably proud of the role it has played in leading the revolution in oceanography, and of the indispensable support it has given to so many of the programs directed by other federal and private agencies.

The Navy believes that a vigorous, well-defined and multi-faceted oceanographic program is clearly in the national interest. It therefore is prepared and *expects* to participate in all areas where Navy experience and facilities may be of value to the nation.

Ladies and gentlemen, this is indeed an exciting prospect for our Navy.

TRUTH IN LENDING IS HISTORIC LEGISLATION

Mr. DODD. Mr. President, from the moment that Lyndon B. Johnson took office, the American people had a consumer's champion in their corner. Yesterday Congress adopted a measure—truth in lending—which adds a further dimension to the Johnson administration's unprecedented accomplishments in behalf of the consumer public.

This has been a truly historic week for the American consumer. Congress has passed an automobile insurance bill to investigate the high costs of insurance. And, of course, we now have truth in lending on the books.

I believe we are a stronger nation for having passed such legislation. Our businessmen, as well as our consumers, will benefit from laws that aim to rid our free enterprise system from unscrupulous merchants and manufacturers that give their industries a bad name and bilk the public.

The American people have the right to expect full value for their dollars spent. And they have a right to expect wholesome food and safe products.

The consumer protection legislation proposed by the President and passed by this Congress affords such value and protection.

As the President noted yesterday:

> Some day, history and every American will thank the farsighted and compassionate Members of Congress who have supported consumer legislation.

History will also thank a great President for his leadership in this vital area.

I ask unanimous consent that President Johnson's remarks yesterday upon the signing of the automobile insurance study bill be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT UPON THE SIGNING OF SENATE JOINT RESOLUTION 129, AUTOMOBILE INSURANCE STUDY BILL, IN THE FISH ROOM

Secretary Boyd, Chairman Magnuson, Chairman Staggers, Distinguished Members of Congress, Miss Furness, Ladies and Gentlemen, the automobile has changed the face and has changed the character of our country. It has brought farms and factories and beaches and mountains closer to the cities. It has given jobs and new convenience to millions of our people. For far too many of our citizens each year, however, it is the instrument of a great deal of suffering and loss to them.

Less than two years ago, we acted to try to make cars and highways safer. We passed what was called the Traffic Safety and Highway Safety Acts of 1966.

We take another forward step today, with the Automobile Insurance Study Resolution. It is the first effort of the Federal Government to work for the consumer in this matter of daily concern to every American.

Auto insurance is important, not only to the 100 million Americans who drive autos, but to every passenger and to every pedestrian.

In my State of the Union and consumer messages to Congress, I called for the first comprehensive study of the automobile insurance system. The resolution authorizing this study is before us here today.

Now, we are going to find out:

Why insurance premiums have jumped so suddenly—They are up 44 percent in the last ten years;

Why thousands of policy holders are left helpless when insurance companies fail, as at least 80 have done since 1961;

Why the courtrooms are jammed with auto liability suits, with delays in some places of almost five years before they can come to trial.

Why equal access to auto insurance is not available to all Americans; and

Why compensation of accident victims is often unequal and unfair.

These are difficult questions. There is little of the dramatic in them. Their answers will not come easily or quickly. But the step we are taking today is a beginning and we are moving forward.

Some day, history and every American will thank the farsighted and compassionate Members of Congress, like Congressman Staggers, Congressman Moss and Senator Magnuson, who have launched this newest advance in protection for the American consumer.

Of course, I think history will long remember and treat kindly Miss Furness for coming here and assuming the leadership in the Executive Department for what we are doing.

THE LATE ELMER BROWN, PRESIDENT, INTERNATIONAL TYPOGRAPHICAL UNION

Mr. PELL. Mr. President, I should like to pay tribute to one of the truly outstanding labor leaders of recent times, the late Elmer Brown, president of the International Typographical Union, who died earlier this year at the age of 66.

Elmer Brown was typical of the able and effective labor leaders who has mastered the hard detail of their trade and then come up through the ranks to display a talent for constructive leadership. He started as a printer's apprentice on the country newspapers operated by his father in eastern Tennessee and eventually found his way to New York, where he distinguished himself in union affairs, assuming the presidency of the ITU in 1958.

It was my great honor to serve with President Brown as an officer of the Union Printers Home Association in Colorado Springs, which he served as chairman of the board of directors. The association, which I am honored to serve as vice president, is a nonprofit corporation for the support of the Union Printers Home, Hospital, and Sanitorium, and President Brown offered great inspiration for the successful operation of these fine institutions.

I am pleased to note that two other Rhode Islanders served under Mr. Brown on the board of directors. They were the late Representative John E. Fogarty, and William F. Foley, who is legislative representative of the ITU and president of the Pawtucket, R.I., Typographical Union No. 212.

Mr. President, Elmer Brown left behind a proud record of distinguished and responsible leadership of one of the most influential and important unions in this country. I salute his memory and ask unanimous consent that a biographical statement prepared by the ITU be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ELMER BROWN

Elmer Brown was born at Tracey City, Tennessee, April 17, 1901. His education was received in public schools but more especially in the several printing offices and country newspapers owned and operated by his father in eastern Tennessee. His apprenticeship training was recognized and he was initiated as a journeyman member of the International Typographical Union by Chattanooga Typographical Union No. 89 on December 6, 1925.

After working in several cities as a printer Elmer Brown went to New York City where he became a member of New York Typographical Union No. 6.

Mr. Brown served as a member of the United States Navy and while in that capacity met his wife to be, Rosita, in San Domingo. They were married and lived for a time in New Orleans, where their first born daughter, Josephine, was born. Later another daughter, Anna was born.

It was in New York that Mr. Brown's talents became obvious and with tenacity he made a name for himself and in 1939 he was elected by the largest union in the I.T.U. as president. He held this office until 1941. He distinguished himself as a dedicated trade unionist and as a leader.

In 1944 Elmer Brown was elected a vice-president of the International Typographical Union and remained in this post until 1950. He did not offer himself for reelection but later was made a special representative of the I.T.U. by the then President of the I.T.U. Woodruff Randolph.

During the I.T.U. election of 1958 Elmer Brown was elected President of the International Typographical Union and leaves behind him a record of constructive accomplishment.

He caused the transfer of I.T.U. Headquarters to Colorado Springs, Colo., where they remain on an auspicious site located on the grounds of the Union Printers Home.

Former President Brown took an active interest in the Union Printers Home and Sanatorium, served as its corporate president. He was chosen of the Board of Directors of the Union Printers Home Association as its first Chairman of the Board. He supplied inspiration for the success of this venture.

The Graphic Arts Training Center was greatly enlarged under his administration and now furnishes an example for others to follow and many do come to learn of its structure.

Former President Brown found time to lecture in a number of Universities and was frequently invited to do so. One of the last of his presentations on Industrial Relation was at Brigham Young University in Utah. He held an honorary Doctor's degree from San Antonio University, Texas.

Elmer Brown enjoyed an exceedingly large circle of friends including many newspaper publishers, educators, and members of the clergy. His funeral, one of the largest ever held in Colorado Springs, was attended by many presidents of big city local unions of the I. T. U., a special representative of the Newspaper Publishers Association and persons in high place in government. Never did Elmer Brown lose his common touch and the great number attending his funeral counting many representatives of different walks of life attested his like of people and his interest in them.

His remains are interred in Evergreen Cemetery, Colorado Springs, and will be marked by an appropriate monument to be erected by his many friends.

He is survived by his widow, Rosita and

two daughters, Josephine Davis and Anna Hoffman and nine grandchildren.

STRONG PUBLIC SENTIMENT FOR CONGRESS TO ACT ON FIREARMS

Mr. DODD. Mr. President, as a further example of the mood of the American public on the need for effective, workable firearms laws, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a series of newspaper articles and broadcast opinion of local radio and television stations which I believe is one of the best barometers of public opinion on a local level.

It is clear that the opinion expressed in these editorials almost uniformly coincides with what we have found to be the mood and the desire of the public as expressed in the years of public opinion polls which have supported tough firearms laws to disarm the criminal.

It is also apparent from the tone of this material that the public does not approve of the manner in which Congress has handled the firearms problem over the years, nor with the success the firearms lobby has had for 30 years in preventing the passage of a law to deal with the wide-open trade in firearms to criminals and others.

Such views as these are expressed and I believe they reflect the essential views of the community on the matter of firearms legislation:

Wheeling, W. Va.:

A law such as proposed we would think should do no great harm and might do some good. It should be worth a trial.

Richmond, Ky.:

Three out of four people in the nation favor such action.

Tampa, Fla.:

Of course, the committee-approved measure is not a cure-all for the problem of easy access to deadly weapons by undesirable persons. But it does establish some reasonable and limited controls.

Hagerstown, Md :

While the arguments rage, the untrammeled traffic in guns continues across the country. There must be a way by which reasonable men can control such traffic.

WCBS–TV, New York:

Ultimately, however, a national solution must be found through Federal control of firearms.

WTOP–TV, Washington, D.C.:

When is Congress going to wake up and do something about this? What kind of national disaster will it take to shock our lawmakers out of their lethargic tolerance of wide-scale, random violent killing?

KNXT, Los Angeles:

The Federal bill now under consideration would prohibit interstate sale of handguns by mail to individuals. We think the proposal should be approved, and we think it should be extended to cover rifles, too.

New Kensington, Pa.:

Congress should enact the measure the Judiciary Committee has approved and later work for extensions of the law as seem to be indicated.

New London, Conn.:

How many more Kennedy and King assassinations do we need before Congress takes note and does something substantial and constructive?

New Britain, Conn.:

This bill . . . marks the climax of years of effort to begin some sensible control of the spreading availability and use of firearms across the United States. It is sensible and long overdue.

Anderson, S.C.:

Every realistic American realizes that the United States is an armed camp in that nearly everyone, including every criminal and every person with criminal inclinations is armed to the teeth, possibly with several guns at his disposal.

Mr. President, I ask that the sentiments of the public as expressed in these newspaper articles be made available to my colleagues during the debate on firearms.

I ask unanimous consent that these editorial views be printed in full in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Richmond (Ky.) Register, Apr. 24, 1968]

ALMOST THREE OUT OF FOUR FAVOR GUN CONTROL BILL

Congress has been urged by President Johnson for more than a year to enact a tight gun control law. Such a law would require persons to register all gun purchases.

In a recent survey by the Louis Harris organization 71 per cent of the citizenship said they favored such a law as contrasted with 23 per cent who are opposed. Six per cent were not sure of their attitude.

There has been a considerable increase in the purchase of guns since last August when a similar survey was made.

The gun control law has been bottled up in Congress with little prospect of a vote on it. The National Rifle Association vigorously opposes the bill and has been able to persuade Congress not to vote on the measure.

The survey indicates that 51 per cent of the homes in the nation have a gun in the household. It is in the South where 64 per cent of the homes have guns, which is the region where the greatest number of firearms are to be found. The Midwest is second in gun ownership with 55 per cent.

The increased purchase of guns is said to result from increased concern about violence. Forty-eight per cent of the people said the fear of racial violence made them uneasy on the streets.

There was agitation for federal legislation to control firearms sale following the assassination of President Kennedy but the National Rifle Association held action in check.

The assassination of Dr. Martin Luther King may again stimulate public interest in the legislation.

Three out of four people in the nation favor such action, according to the Harris poll which should have some influence on Congress.

[From the New Britain (Conn.) Herald, Apr. 27, 1968]

SPEAKING OF GUNS

Next week, the U.S. Senate is scheduled to begin debate on important anticrime legislation. Perhaps the most bitterly contested sections of the bill will be those which seek to control the sales of firearms. These represent provisions which have long been advocated by Connecticut's senator, Thomas J. Dodd.

Without going to extremes, it appears that the general welfare of the nation could be served by some sort of control over firearms commerce. For instance, it should not be easy for anyone, whether he is a convicted felon, whether he is under the legal age of responsibility, whether he is, perhaps, mentally incompetent (by legal definition), to purchase, with no restrictions whatsoever, any sort of firearm he wishes.

By the same token, gun control legislation must not be so restrictive as to prevent mature, legally responsible adults from procuring firearms, for instance, for sporting purposes, or for home protection. It will be the Senate's difficult task, beginning next week, to thread a viable path between the extremes.

Some of the bill's provisions make good sense; if they are not yet perfect, they represent, at least, a beginning. Something should be done, for example, about a mail-order trade in which a three-year-old can order an automatic weapon. (No three-year-old is going to do this, of course, but a reporter on a national magazine, not too long ago, accomplished such a transaction in the name of his young daughter. It worked.) There seems to be rather limited justification, also, for the importing of surplus bazookas, mortars and antitank guns. In a similar instance, the Federal government several years ago slapped tight restrictions on the sale and use of automatic weapons and muzzle silencers, which hasn't seemed to hurt the sporting trade.

This bill—a beginning—marks the climax of years of effort to begin some sensible control of the spreading availability and use of firearms across the United States. It is sensible and long overdue.

[From the Wheeling (W. Va.) Intelligencer, Apr. 28, 1968]

WORTH A TRIAL: LIMITED FIREARM CURB MIGHT HELP RESTRAIN LAWLESS

The firearms curb written into a pending anti-crime bill by the Senate Judiciary Committee will hardly satisfy those who have been demanding the complete prohibition of mail order traffic in such weapons. For the amendment permits the purchase of rifles and shotguns in this manner, but not that of such concealed firearms as revolvers.

Short of abolishing the public sale of firearms altogether it seems unlikely that any legislation can provide a guarantee against deadly weapons falling into the hands of those who would use them for illegal purposes. And it could happen, as complained by those who have opposed most of the legislation aimed at restricting the business, that about all that will be accomplished will be the inconveniencing or disarming of law-abiding citizens who seek self-protection or the indulgence of a lawful hobby.

There seems reason to hope, however, that enactment of a measure such as the Senate Committee has in mind will make it more difficult, through imposition of the various restrictions embodied in it, for those who should not be armed to obtain weapons, while still making it possible, if somewhat inconvenient, for the law abiding to obtain firearms.

A law such as proposed, we would think, should do no great harm and might do some good. It should be worth a trial.

[From the Anderson (S.C.) Mail, Apr. 22, 1968]

BETTER GUN LAWS NEEDED

As everyone knows, the "open housing" law was passed by Congress while rioting, which started on the heels of the slaying of Dr. Martin Luther King, was flaring over the nation.

Many observers have said that the law might never have passed both houses of Congress under any other circumstances.

Notable, too, is the fact that Congress failed at the same time, to take action on a bill which would have restricted, in some measure, the shipment of fire arms, especially hand guns, in interstate commerce.

As of now such guns are not only sold over the counter, with only minimum restrictions, but many may be purchased by mail and shipped in interstate commerce.

Every realistic American realizes that the United States is an almost armed camp in that nearly everyone, including every criminal and every person with criminal inclinations is armed to the teeth, possibly with several guns at his disposal.

Restrictions are definitely needed at national levels, and in most States added restrictions on the purchase and bearing of arms need to be passed.

With mob violence, sniping and other illegal activities at a critical stage, Congress was at least inconsistent in passing an "open housing" bill, and at the very same time failing to do something in the direction of curtailing the manufacture, sale, and possible use of firearms.

After all, it was guns, not housing that was killing and wounding people on the nation's streets.

[From the New London (Conn.) Day, Apr. 26, 1968]

Congress and Gun Laws

The Senate finally is ready to talk about controlling the sale of guns, its Judiciary Committee having voted 7–6 to bring proposed legislation to the floor. There is nothing for the public to cheer about yet. Note the committee's close vote. Realize that not in 30 years has any constructive legislation on gun sales passed in Congress. Finally, recognize that the most necessary element of any gun sale control bill—mail-order sales of rifles and shotguns—is missing from this proposed bill.

It's high time a lot of the bafflegab was edited out of the record of the controversy.

Item: This legislation is constantly referred to as "gun control." It is not control of guns. It is control of their sale to keep them from irresponsible and criminal hands.

Item: The National Rifle Association, principal opponent of effective gun sales control, uses the argument that such legislation would be contrary to the Second Amendment to the U.S. Constitution. That amendment, part of the Bill of Rights, says: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." It says nothing about mail-order sales of rifles which could just as well be sold over the counter by local stores to qualified persons.

Item: The National Rifle Association boasts a membership of 700,000, which makes it an effective lobby. But a recent Harris poll shows that 71 per cent of Americans favor controls over the sale of guns. The Boston Globe, which reported the poll's results, added that although 51 per cent of American homes contain guns, those who own them favor tighter gun sales control by 65 to 31 per cent, better than 2-1. How's that for an unheard and unheeded lobby?

Item: In 1966, the last year for which figures were available, firearms in America accounted for 6,400 murders, 10,000 suicides and 2,600 accidental deaths.

Sen. Thomas J. Dodd of Connecticut is expected to fight for a stiffer gun sales control provision when the matter reaches the Senate floor next week. He needs the moral support and comments of constituents.

"People are buying guns like mad," said Dodd. "We're really going to be in trouble if this doesn't stop. Here we pretend to be advanced and we're the most backward country in the world when it comes to guns. We're still living in the Wild Indian days."

How many more Kennedy and King assassinations do we need before Congress takes note and does something substantial and constructive?

[From the Hagerstown (Md.) Mail, Apr. 11, 1968]

Guns: Still Uncontrolled

There is no small irony in the fact that, on the very day on which Martin Luther King was killed by a sniper's bullet, the Senate Judiciary Committee apparently rejected two administration proposals for modest controls over the sale of firearms. A subsequent tally of absentee ballots pushed the vote to the favorable side.

For years the Congress has talked a great deal and done nothing to put any sort of controls on the free availability of guns.

What limited law was already on the books was struck down by a Supreme Court decision in January, on the grounds that its registration requirements amounted to self-incrimination.

The arguments over federal gun legislation are endless. Hunters protest they will lose their rights; there is a facile theory that gun controls will not affect "criminals" but will deny protection to law-abiding citizens; the constitutional "right to bear arms" is wearyingly quoted or misquoted.

While the arguments rage, the untrammeled traffic in guns continues across the country. There must be a way by which reasonable men can control such traffic.

We are certain Congress contains enough reasonable men to find it. We hope they push work on the problem without delay.

[From the Fayetteville (N.C.) Observer, Apr. 30, 1968]

Control of Fire-Arms

There is little chance that the gun-control legislation now winding its way through Congress is going to have (if passed) any effect on the fire-arms homicide rate.

Of course the bill has been given a tragic boost by the assassinations of President Kennedy and the civil rights leader, the Rev. Martin Luther King.

But both of these killings were accomplished at fairly long range by rather high-powered rifles, equipped with telescopic sights, thus giving the killer a much better chance to escape than if he had committed his murder with a pistol, which requires getting quite close to the victim for effective accuracy.

Of course the assassinations of Kennedy and King were nation-shocking affairs, but in comparison with the number of killings with handguns they pale into insignificance.

They were planned and executed with skill, but most gun killings occur more or less spontaneously in sudden fits of anger, in resistance to robberies, in unexpected confrontations between law officers and suspected law violators, or in cases when some citizen for one reason or another loses possession of his reason.

As written the fire-arms law would make it a federal offense to obtain a hand-gun from outside his state.

A sane fire-arms law would be one which would require every manufacturer to test-fire every rifled gun manufactured and to preserve the fired bullet, labeled with the serial number of the gun from which it was fired.

This would be of material assistance to the police in identifying the weapon which was used in a killing and in tracing it to the killer, especially if every state would pass a law requiring every firm or person, who sold a gun, to obtain and keep on file the name of the purchaser and the serial number of the weapon sold.

As far as planned assassinations go a similar registration and recording of telescopic sights could put one more obstacle in the path of an individual planning a long-distance murder.

[From the Louisville (Ky.) Times, Apr. 26, 1968]

People Kill People, Yes: With Guns

It is unquestionably true, as the National Rifle Association doggedly insists, that guns do not kill people—people kill people.

But it also is unquestionably true that people find guns helpful in killing people, particularly if the victims are some 200 feet away, as they were in the John F. Kennedy and Martin Luther King murders. In fact, had the killers of these two men not had access to rifles, it is at least possible that both Kennedy and King would be alive today.

However, the murderers did have rifles and the tragedies that resulted from that fact may, just may, prod Congress into trying to diminish the number of such tragedies in the future. This week the Senate Judiciary Committee sent to the floor of the Senate an extremely modest bill containing provisions for the control of guns.

"Modest" may be too strong a word for the bill; "weak" might be more accurate. Its gun-control clauses would prohibit interstate mail-order sale of pistols and revolvers, prohibit over-the-counter sales of such weapons to nonresidents of a state or to persons under 21, and would curb importation of surplus military weapons.

Shortcomings of these proposals are obvious. There is nothing here that would prevent mail-order sale of rifles or shotguns, although rifles seem to be the favorite weapon of assassins. There is nothing here that would enable legitimate authority to know who was buying guns, nothing to establish the identity of the purchaser.

Nevertheless, the program outlined in this legislation is an advance, no matter how small, over what we now have. This fact, however, is no cause for rejoicing. In the first place, the advance is not really significant. Perhaps more importantly, the tiny gain that would be made could be used as an excuse for not going farther. The opponents of effective gun-control legislation might say—almost inevitably will say—that nothing more is needed. The fact is that much more is needed.

When the bill gets to the Senate floor, it may be possible to strengthen it. At least its prime mover, Senator Dodd, D-Conn., is expected to lead a fight to include rifles and shotguns in the mail-order ban. Whether it will be successful is unanswerable now.

For years the opponents of effective gun control have had their way although repeated polls have shown that the majority of Americans believe that such controls are desirable. So influential have these opponents been that, according to *The New York Times*, the present bill will be the first "significant gun-control legislation" to reach the Senate floor in 30 years. Probably not even these weak provisions would have made it, except that they were tacked on to a "crime-in-the-streets" bill.

That portion of the over-all bill, incidentally, contains some provisions regarding wiretapping, the use of confessions and court review that seem to the layman to be of dubious constitutionality, not to mention wisdom.

This paper believes strongly in effective gun controls. Obviously no legislation is going to work perfectly. No matter how good the law, some men undoubtedly will be killed with guns, accidentally or otherwise. But we submit that the opportunities for accident or murder would be fewer if it were less easy for almost anyone to obtain one of those appliances with which people kill people.

[From a KNXT editorial, Los Angeles, Calif., May 9, 1968]

The Need for Federal Gun Legislation

The United States Senate has begun debate on gun control legislation. However, the outlook for action this year is touch and go, despite the widespread public support for control that has existed since the death of President Kennedy.

The latest effort to pass a Federal bill may fail, because Congress has been under a barrage of mail in response to a national letter-writing campaign. The campaign opposes any really effective control on the interstate sale of guns by mail.

A Federal bill is necessary however, because without such a bill, state laws mean little. California, for instance, has laws that prohibit the purchase of handguns by ex-convicts or addicts. But anyone can get around the law simply by ordering guns through the mail.

The Federal bill now under consideration would prohibit interstate sale of handguns by mail to individuals. We think the proposal should be approved, and we think it should be extended to cover rifles, too.

The very least we should have is a law that requires the seller of a gun to check out the buyer with local authorities before making delivery through the mail.

But opponents of controls, those who put most of the letters into Congressional mail bags, are saying in effect that the law should stay the way it is.

We don't think the majority of Americans agree with that position. We think the public at large wants protection against the present promiscuous traffic in guns by mail. But to get controls, the concerned citizen will have to let his wishes be known in Washington now.

[From WTOP, Washington, D.C., Apr. 15, 1968]

GUN CONTROL

This is a WTOP Editorial.

It's sometimes said that Congress will act on things which need to be done only after some great shock or crisis to spur it on.

But there's one crucial matter which seems to get no response from Congress, with or without shock or crisis.

That's gun control.

By now, it's virtually a cliche that our country is being swamped by violence. The assassin, the sniper, the thug—they're all very much in evidence. And they all have no trouble getting the weapons they need for their dirty business.

In the face of a mounting crisis, the continued insistence of organizations like the National Rifle Association on the rights of prospective hunters is simply ludicrous. No proposed gun control law puts any serious obstacles in the path of the genuine sportsman.

This problem affects everyone, from the highest political leaders in the land to the policeman on the beat to the ordinary citizen minding his own business. All are equal here—equally endangered by well-armed hoodlums. Gun control legislation wouldn't be for the benefit of any particular group; it would be for the benefit of every law-abiding citizen in the country.

When is Congress going to wake up and do something about this? What kind of national disaster will it take to shock our lawmakers out of their lethargic tolerance of wide-scale, random violent killing?

[From the New Kensington (Pa.) Dispatch, Apr. 23, 1968]

GUNS TRAFFIC MUST END

It is ironic that the Senate Judiciary Committee should have rejected a measure prohibiting the interstate mail order sale of shotguns, rifles and handguns just a few hours before the Rev. Dr. Martin Luther King Jr. was killed with a rifle in Memphis. But the committee did subsequently approve, after tallying three absentee ballots, a modified version that has considerable merit.

This amended proposal, part of a broad anticrime bill, would prohibit interstate mail order sales of concealable weapons, along with over-the-counter sales of handguns to non-residents of a state. This should get at the worst abuses involving the wrongful use of firearms and it is a minimum measure that Congress ought to approve without further delay.

The overwhelming majority of street crimes are committed, when firearms are involved, by persons armed with pistols or revolvers. It has been too easy for criminals and incompetents to obtain such weapons through the mails. It should be quite simple for Congress to end this traffic. Regulating weapons such as the rifles used in the assassination of Dr. King and President Kennedy is more complex since these guns are extensively and lawfully used by hunters.

Experience indicates that as America becomes more urbanized the need grows for some sort of regulation of firearms. In view of the intense opposition from sportsmen to severe restrictions, Congress should enact the measure the judiciary committee has approved and later work for such extensions of the law as seem to be indicated.

[From WCBS-TV, New York City, May 2, 1968]

Should a psychopath be allowed to buy a rifle through the mail? Lee Harvey Oswald did.

Should an escaped convict be allowed to buy a rifle over the counter? Well, that apparently is what James Earl Ray, alias Eric Starvo Galt, did.

Should the unregulated sale of rifles—the weapons of assassins and snipers—be allowed to continue? We say no, and we say it with the knowledge that most of you agree with us.

Americans everywhere want tough laws to keep firearms out of the hands of criminals, drug addicts, alcoholics, and lunatics. The findings of pollsters agree that an overwhelming majority of Americans favor tougher restrictions on all gun sales. In the latest such tally, Louis Harris discovered 71 per cent of his sample in favor of tougher gun laws.

So tougher gun laws are what America wants, but what America is getting is something else again. In Washington, only slight progress has been made in passing the kind of comprehensive gun legislation that President Johnson has been seeking in every year since 1965. So far this session, a bill to prevent the mail-order sale only of pistols has reached the floor of the Senate. It has no provisions to ban mail-order sales of rifles and shotguns, and it has no provision to ban the sale of weapons to unlicensed buyers. It is, therefore, weak and unsatisfactory.

On the state level, a better bill has been introduced in Albany that would require licensing of all gun owners. The bill has Governor Rockefeller's support, but is being held up in the State Senate by Earl Brydges, the Republican majority leader.

Only New York City and the State of New Jersey have comprehensive laws to deny guns to criminals, drug addicts, and the mentally unstable. Yet so long as New York State and the nation as a whole have no such laws, the wrong people can easily get their hands on weapons by buying them in other states.

In our opinion, the Legislature in Albany should make sure this session that New York isn't one of those states where weapons keep on falling into the wrong hands. Ultimately, however, a national solution must be found through federal control of firearms.

[From the Toledo (Ohio) Blade, Apr. 28, 1968]

NO COMPROMISE ON GUNS

The gun control section of an anti-crime bill scheduled for Senate debate this week, is the first firearms legislation in 30 years to be approved by a committee in either house of Congress. That remarkable advance could be cheered more earnestly if the Senate Judiciary Committee had not shot the provisions so full of holes—most notably by exempting rifles and shotguns from the ban on interstate mail-order sales.

Supporters of strong federal gun regulation will try to repair the damage through floor amendments to restore the legislation to the shape recommended year after year by President Johnson. They should get their colleagues' support—and will if the Senators vote on the side of the public good.

The great danger in settling for the weak provisions as they stand is that it would create the impression that the problem of free-flowing firearms had been solved. The fact is that with each passing day the need grows for more stringent regulation if the increasing traffic in guns in this country is to be effectively curbed.

Thus, to accept the loophole riddled measure recommended to the Senate by its Judiciary Committee would fall ridiculously short of being even a sound first step at the federal level, let alone a pacesetter for legislative bodies down the line. Moreover, it would fly in the face of the kind of clamps the public has consistently been shown to want in a long series of surveys. As a single example, one of the most recent and reputable of these reported last year that 75 per cent of the persons polled opposed mail-order purchases of any type of gun; 73 per cent favored requiring registration of shotguns and rifles; 85 per cent supported registration of pistols and revolvers.

The tragic irony is that this overwhelming public support of strong firearms control has been frustrated as lawmakers at every level of government have cowered before the massive organized campaigns of the gun lobby. The National Rifle Association has been in the forefront of this drive to paralyze legislative action, but it has been backed up by wildlife and so-called conservation groups, by manufacturers and others with vested interests in the firearms industry, and by a dozen or more publications which serve as their mouthpieces.

The gun lobby's ammunition has been an outpouring in articles, circulars, letters, telegrams, and phone calls of propaganda that is largely irrelevant, usually irresponsible, occasionally irrational, and sometimes totally untrue. A sad by-product of this carefully engineered drive to mislead lawmakers is that it has also misled thousands of respectable, law abiding sportsmen and hunters and collectors into believing they would be stripped of their guns, their rights, their protection. So, misinformed of what firearms-control legislation actually would do, many of these otherwise responsible citizens have been conned into joining the campaign of invective, distortion, and falsehood.

Meantime, the perils and pace of the wide-open trafficing in guns have continued to mount. The situation, unparalleled in any other developed country, is justifiably viewed as a kind of national madness.

As a first step—and only that—in halting it, the Senate should amend the committee-approved provisions to impose controls at least as tough as the Administration has requested. The gun lobby has been uncompromising in its resistance to reasonable firearms regulation, and it is past time for the lawmakers to take an uncompromising stand on behalf of the public they are supposed to represent.

ACTIVITIES OF DR. ROBERT J. STEWART, OF DENVER, IN VIETNAM WAR

Mr. ALLOTT. Mr. President, with most of our attention focused on the problems which confront us in America, and with the peace negotiators meeting in Paris, I am afraid it is easy to forget that a war is still raging in South Vietnam, and that in that war many unsung heroes continue to perform above and beyond the call of duty.

In that connection, I should like to call the Senate's attention to the story of Dr. Robert J. Stewart, of Denver, a graduate of the University of Colorado School of Medicine. Dr. Stewart volunteered to serve in Vietnam, and his activities there have been deservingly praised by the Army. The story of Dr. Stewart's activities in Vietnam was told in the May 13, 1968, issue of the American Medical Association News. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOLUNTEER M.D. LAUDED BY ARMY

A U.S. physician who volunteered to serve in Vietnam under sponsorship of the American Medical Association has been praised by an Army officer in a letter to Milford O. Rouse, MD, president of the AMA.

Lt. Col. Ralph W. Girdner, senior adviser in the Vinh Binh province, wrote to Dr. Rouse that Robert J. Stewart, MD, Denver, Colo., "has provided depth of knowledge in all phases of medicine to the [Military Provincial Health Administrative Program] physicians during a period when casualties of all descriptions were presented.

Dr. Stewart, a graduate of the U. of Colorado School of Medicine, served in South Vietnam from January to March, 1968. The 49-year-old physician was one of more than 400 who have volunteered for a two-month tour since the program began.

Lt. Col. Girdner added that Dr. Stewart's "expertise under extreme personal danger served as a bulwark to his counterparts and provided inspiration to the entire advisory team here in Vinh Binh Province.

"His ability to handle all situations no matter how trying has won the admiration of the Vietnamese and he has done much to enhance the American image to our Vietnamese allies.

"Many of his suggestions will live long after he had departed from our midst and his loss will be keenly felt.

"We wish to express our sincere thanks to you and the American Medical Association for having sent this very gifted man."

FIFTY YEARS FOR TEENAGE SNIPER WHO KILLED CHICAGO FATHER OF NINE

Mr. DODD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Chicago Tribune of May 14, 1968.

It is the story of a disaster—a disaster that happens on the streets of America too frequently.

It is the story of a 17-year-old boy being sentenced to from 25 to 50 years in prison for the "sniper" slaying of a father of nine children.

The news account is stark. It tells the bare facts.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SNIPER SLAYER OF FATHER OF NINE SENTENCED

Jeffrey Boyd, 17, was sentenced to 25 to 50 years in prison yesterday for the sniper slaying of a father of nine children.

Boyd pleaded guilty to a murder charge before Judge Reginald J. Holzer in Criminal court.

VICTIM ON WAY HOME

Boyd was charged with the murder of Joseph Rys, 53, of 2102 18th pl., an employe of the Checker Cartage company, as Rys was walking home after working overtime to buy Christmas presents for his children.

Youths who were with Boyd in his family's home at 962 Cullerton st., told police that Boyd casually aimed his .22 caliber rifle out of the window and shot Rys, whom he did not know.

"Did you see him jump?" Boyd allegedly bragged to the others after he fired.

SOUGHT STIFFER SENTENCE

William Wise, assistant state's attorney, recommended a 30 to 60-year sentence noting Boyd had confessed "a vicious act, committed without reason, that left nine children fatherless."

In passing sentence, Judge Holzer said Boyd was guilty of "a senseless act of a self-centered teen-ager." He advised Boyd to study during his years in prison so he would better understand life and its importance.

Boyd will be eligible for parole after serving 13 years of his sentence.

Mr. DODD. Mr. President, what more can be said ?

When does a boy reach the age of reason?

Are rifles and shotguns not really as lethal as handguns, and should they not be kept out of the hands of irresponsible persons?

Is there any need to include restrictions on the sale of long guns in the law the Congress is now considering?

I will have more to say later about the increased use of firearms by teenagers. Now I would like to point to one pertinent fact in a not yet completed study conducted by the Juvenile Delinquency Subcommittee on the use of firearms in crimes in 120 major cities across the Nation.

In Chicago in 1965, eight 17-year-olds committed murders with firearms. In 1967, the figure was 22, based on the Chicago Police Department's own figures.

In 1965, one 14-year-old Chicago child killed his victim with a gun. In 1967 there were six slayings by 14-year-old children in Chicago.

The Baltimore News American recently discussed this increase in the use of firearms by juveniles in an article written by Leslie H. Whitten and published on May 21, 1968.

I ask unanimous consent that Mr. Whitten's article, headlined "Young Gunmen on Increase," be printed in the RECORD. I feel that it has some bearing on the discussion taking place in the Senate on the need for strong Federal firearms laws.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUNG GUNMEN ON INCREASE—SENATE SURVEY SEEKS ANSWERS

(By Leslie H. Whitten)

WASHINGTON, May 21.—Young criminals' use of firearms in crimes of violence made a startling jump in 1967, preliminary figures from a Senate subcommittee's nationwide survey showed today.

The survey of 130 cities was conducted by the Senate Juvenile Delinquency Subcommittee. Not all returns are in and not all cities' records give figures on youth firearm crime. But the survey remains the most thorough national effort to date.

The juvenile crime tally shows, contrary to popular belief, that many youth crimes are committed with rifles and shotguns. These "long guns" were just cut out of the Senate version of the Gun Control Bill, over the howls of the Administration.

Chicago is a case study of big city carnage by those under 21. Crime with firearms by this group is up 150 percent since 1965. There, as elsewhere, the age of youths using guns for crime is also decreasing.

For example, in 1965, eight 17-year-olds committed murders with firearms. In 1967 the figure was 22, based on Chicago Police Department figures sent in to the subcommittee. One Chicago 14-year-old killed his victim with a gun in 1965. There were six slayings by 14-year-olds in 1967.

Baltimore, where five youths killed with firearms in 1965, reported 20 in 1967, some 21 percent of all homicides in the city. Boston was one of the few cities where youth firearms crimes were fairly constant.

Police and congressional experts agree that the upward lunge in youth gun crime is due largely to easy availability of all types of firearms.

Another factor is the rise in armed youth gangs. Racial strife, with the fears it stirs of attack in both white and black youths, also sends youths looking for firearms, subcommittee staffers said.

Past FBI figures show rifles and shotguns used in about 30 percent of gun crimes. A recent study by the Federal Alcohol and Tax Division lists 200 firearm violation cases, 98 with sawed-off shotguns and 14 with sawed-off rifles out of a total of 207 weapons.

"If strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by . . . purchasing an uncontrolled long gun and converting it to a handgun," said the division, part of the Treasury Department.

New York Police Commissioner Howard Leary said "as police pressure on methods of securing handguns is stepped up, felons . . . use shotguns and rifles to hold up and threaten the public."

The Juvenile Delinquency's new survey shows long guns used in 15 murders in 1967 and handguns in 90 in Dallas. Some 81 percent of the city's 1967 murders were committed with guns.

In Memphis, youths carried off six of 55 gun-use robberies with rifles or shotguns.

In other Memphis gun crimes—from homicide to assaults—a rifle or shotgun was used seven times, handguns 70 times compared with 15 long guns and 37 handguns in 1966.

The subcommittee hopes to have the survey completed by the end of the year. A major problem is that some cities report youth crime as "21 and under," some "under 21," and "18 and under" and some "16 and under."

Despite the disparities, there were these other preliminary evidences of the big boost in youth crime in 1967:

In Detroit "16 and under" crimes with guns went up from 879 in 1965 to 920 in 1967. Robberies in this period were up from 192 to 277. Seventeen-year-olds, collated separately, robbed with firearms 93 times in 1965 and 135 times in 1967.

In Richmond, one of the smaller cities queried, the figures showed striking parallels to the huge metropolis. Youth gun crime—under 18—was up from 20 in 1965 to 27 in 1967, a rise of 35 percent.

In such widely separated cities as Miami and Kansas City there was the same parallel increase in use of guns by youths. St. Louis, where robberies with a gun in the hands of youths went up from 1,534 to 2,103, showed the same pattern.

The percentage increases in crime do not take into account the fact that there have been population increases in most of the cities. But the crime increase vastly exceeds the growth in population.

FRONTIER AIRLINES

Mr. ALLOTT. Mr. President, in the business world, contemporary success stories are not generally as frequent nor dramatic as they used to be. We have in Colorado, however, an example of a modern-day business miracle which should serve as an inspiration to businessmen everywhere. I am speaking of Frontier Airlines, whose growth and dynamic success has been almost without precedent in the industry.

An article published in the April 1968 edition of Air Transport World, adequately describes the Frontier story and reflects the pride which all Coloradans feel in this Colorado-based airline and in the prestige that it lends to our State.

Mr. President, I ask unanimous consent that the Air Transport World report, entitled "'Frontier Gears To Sell $150 Million by 1970," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRONTIER GEARS TO SELL $150 MILLION BY 1970

(By Lawrence M. Hughes)

With some decent route extensions, says Lewis W. Dymond, "Frontier *could* reach $150 million revenue by 1970."

Largely without new routes, in the nearly six years Dymond has been chairman and president, Denver-based Frontier Airlines has *sold* a fast growth. In the large, lofty and lonely Rocky Mountain West, it covered 30% of continental U.S. to serve 2% of the population.

Last summer, the airline reached eastward to St. Louis. On Oct. 1, merging with Central of Fort Worth, Frontier added a string of towns, mostly small, in Arkansas, Kansas, Oklahoma and northern Texas.

The year ended with the merged company selling $57 million. In 1968 Dymond's marketers are expected to produce $75 million, and in 1969: $100 million.

The $150 million hoped for in 1970 would mean an eight-year increase of about 900% in total revenues and, minus subsidy, a 1700% rise in commercial revenues.

On its own, in the five years 1962-66, Frontier trebled commercial revenues—from $8.7 to $25.8 million—and nearly doubled total revenues—from $16.0 to $30.9 million. The last was achieved despite a subsidy cut from about $7.3 to $5.1 million.

In this five-year period, net profit after special items multiplied 3½ times, from $485,988 to $1,741,499 and total assets quintupled to $40.2 million.

These gains were won with only a 50% increase in employes: from 1129 to 1634. Thus, annual total revenue per employee climbed from about $14,150 to nearly $19,000. As of now the merged company counts 3000 people. But at $57 million revenue rate this still averages $19,000.

Lew Dymond points out that since 1962, Frontier has risen from "eighth or ninth to first" among the now-12 U.S. regionals, in revenue passenger miles. Its ability to hold this spot, however, may depend in part on the outcome of proposed mergers of Allegheny with Lake Central and of Bonanza, Pacific and West Coast into an "Air West, Inc."

At any rate, last November (including Central for both years) Frontier's rpm's soared 49.2% to 54,378,000—from 36,447,000 for both in November 1966. Thus Frontier nosed out Allegheny, which on its own expanded 35.9% to 53,156,000.

In passengers boarded in the year 1967, Frontier-Central passed the two million mark. But on its own Allegheny boarded more than 2.6 million.

For promotion and sales in 1967 Frontier and Central spent at a combined $5 million annual rate. This year, to gain at least 25% more revenue, this budget will be larger. (Among other demands will be 35% more plane-capacity.)

For advertising and s.p. this year the airline plans to invest $1.8 million. Last year Central's ad budget was $490,000 and Frontier's $750,000, or a combined $1,448,000. Dallas-based Tracy-Locke Co., which handled Central, has replaced Kenyon & Eckhardt on the merged account.

Under Paul L. Benscoter, VP sales and service (a 25-year veteran of Northwest who joined Frontier early in 1967) one major change is the "separation" of sales from marketing. The top marketing post, formerly held by R. A. Elliott of Central, was vacant at presstime. On an equal level is Lawrence C. Sill, director of sales. The Sills group fills current capacity; it's up to marketing to provide current support for them and plan for future growth including new routes.

NEW SALES SETUP

Benscoter reports to Dymond. (Dymond says that "sales now take more than half of all my time.") Under Benscoter are six directors: Sills, (marketing-vacant); E. H. Gebhardt, publicity; L. H. Dennis, customers service; John Vittal, system reservations, and James C. Dixson, traffic planning.

The *sales* chart, under Sills lists, at hq., managers of agency and interline sales; cargo and military sales; sales promotions, and field sales and administration. Nine regional and district sales managers also report to Sills. Sales promotion director Edward Fowler was p.r. director for Central, and Kenneth Unruh moved from Fort Worth to the "same" agency-interline job at Frontier.

Under the marketing department serve the managers of system tour development (a new post, filled by Ronald R. Beaumont from Yellowstone Park Service); advertising (Donald E. Grover); market development, and marketing research. At this writing, the last two posts were not filled.

In these and other areas new positions have been created. James Moore from Central, for example, is manager of customer service and M. C. Lund, a quarter-century veteran of Northwest, manages station services. Also under Dennis are such new titles as manager of planning and development (David H. Burr) and supervisor of "president's assistants," Vincent Davis. On every jet flight Lew Dymond's young male representative answers questions and gives personal service to passengers—protecting them, for instance on connections—and does discreet research on their opinions of this airline.

Other titles have been upgraded: Assistant managers in the consolidated reservations offices at Denver and Fort Worth now are reservations supervisors. And while some of Central's top executives did not move, the VP group at Denver has just been expanded with advancement of three veteran Frontiersmen: Vern A. Carlson for public affairs; John Clark Coe, economic planning, and Gordon Linkon, legal.

Many Central employees who kept or moved to the "same" posts still gained because of Frontier's generally-higher salary and wage levels. Among 37, including hq. people, in the present airline's sales-marketing group, six came from Central and nine others were added.

EXPANDED FIELD FORCE

In a year the *field* sales staff has grown nearly 50%, from 22 to 32. Nine of them are regional or district s.m.'s, based in Dallas-Fort Worth, Denver, Fort Smith, Ark., Kansas City, Oklahoma City, Phoenix, St. Louis, Salt Lake City and in off-line Los Angeles. This manager covers California, which provides 18% of Frontier's revenue.

The field managers average 31 in years and $10,000 in wages. The field salesmen—including cargo specialists at Kansas City-St. Louis and at Denver—average 28 and $7500, and have been with the airline four or five years. Many started as Frontier station agents.

At the current $60 million corporate revenue rate, each of these 32 young men averages nearly $2 million annually. Actually, of course, much of the total revenue arrives by interline, and 13% of the passenger part of it stems from travel agents—mainly based in Frontier's own cities. But the fact is that individual targets of *some* Frontier fieldmen still range from $1 to $2 million.

Dymond and his people seem to have sold them on the fact that they can build a future with Frontier. Millions of others lately have learned about this airline, in feature stories in publications ranging from *Business Week* to *Forbes, Time* and *Wall St. Journal.*

The publicity unit under Edward H. Gerhardt, with Neal T. Amarino in charge of the news bureau, gets a lot of grist for its mimeographs: With a current 42% gain, for example, Frontier claims to lead all U.S. regionals in rate of cargo growth.

Eastern wants everyone to fly. United in a year gets 25 million or more to do it. But in ratio to resources, Frontier consistently may do the most to create customers, or as Dymond says, ". . . to broaden the base of travel."

In a recent eight-month period Frontier's self-called "cornucopia of promotional fares" brought a 41.6% revenue rise from the year-before period, from 48.8% more bargain buyers.

Some specific gains by groups in this period were Child Fares 18.6%; Family Plan 36%; Vacationland 48.7%; Youth or Teen-age 49.4%; Visit USA 279%; Discover America 471.5%, and Group or charter travel 601.3%. Others, such as Clergy and Military Standby "specials," did not expand so fast.

GROWTH BY PROMOTION

Investors, too, find this airline's "broadening" worth their bet. A prospectus for the issuance, last Oct. 26, of $20 million of 6% convertible debentures summarized the bargains, and said: "Commercial revenues produced by additional passengers paying promotional fares at reduced rates have become an important part of the company's business and a major factor in its growth."

The investment bankers suggest that Frontier will continue to create *and* to compete. The prospectus noted: "Of the revenue passenger miles produced in the company's top 50 markets, 54% was generated in markets with which it competes with other carriers." Further route expansion would throw Frontier into battle against even more airlines "with substantially greater financial resources."

Still the $20 million of bonds were bought, and a lot of buyers who had not heard of such Frontier stations as Miles City, Mont., McCook, Nebr., or Moab, Utah, have stashed them away for a quarter-century.

Frontier will continue to create fliers in its "Moabs." Although airport problems forced it out of Powell, Wyo., Dymond hopes soon to resume service at Harrison, Ark. Meanwhile, sans subsidy, the airline recently opened new routes to and from such places as Bozeman, Mont., and Steamboat Springs, Colo.

From tiny towns Dymond can tell of fast-trebled revenue: "We'll still grow on *local* service" and with a glance at a map showing McAlester, Okla., and Manhattan, Kan., he adds: "*If* we'd ever intended to drop the small stations, we'd never have merged with Central."

Between 1956 and 1965 Frontier's average passenger trip increased only 45 miles, from 276 to 321. In 1967, reaching eastward from Kansas City to St. Louis and, with Central, from these two cities down to Dallas-Fort Worth, the "trip" lengthened a bit.

FRONTIER VERSUS TRUNKS

But this growth brought a head-on battle with such trunks as Braniff, Continental and TWA. (From zero nine months ago, Frontier and TWA between them started *13 daily* Denver-St. Louis flights.) Frontier's Denver-Phoenix offer of "a bus ticket and $5" provoked howls from Greyhound and Trailways. Many a motorist has been persuaded by Frontier signs, near the top of 12,000-foot mountain passes, to let an airline do the driving. Cross-country railroads, now anxious to wipe out passenger-carrying losses actually have asked Frontier to testify on their behalf!

Over two decades this airline which "knows the West, Best," has done its bit to build it. "Frontier's" fast-growing industries include oil, from Montana to Texas, and soon, probably, oil shale in Colorado and Utah; chemicals and electronics; aircraft and aerospace; metals; cattle and grain; education and advanced research—and transport and tourism.

Among its largest customers, after the U.S. government, are the Bell System, Phillips oil and chemicals, Dow and Pfizer chemicals,

> Martin-Marietta, and such big metals producers as Kennecott and Phelps-Dodge.
>
> Last August *Time* wrote about Frontier's "wildest array of discount fares." Since then the array has widened. One offering introduced Oct. 29, lures both passengers and cargo on the *same* flights.
>
> To aid the Post Office department program for overnight first-class mail delivery, these "Nighthawk" flights carry cargo both in the belly and in the whole forward "first-class" section of the 727s. Nightly, these flights swing from El Paso to Albuquerque and Denver and then to Kansas City and St. Louis. The same plane turns around that night and returns to Kansas City and Denver.
>
> It carries 75 coach passengers. Against the "standard" St. Louis-Denver fare, they fly for $35. In its first seven weeks the Nighthawk's load factor—both people and products—climbed steadily—from 20% to 85%.
>
> ### What Would Lew Dymond Have Done Differently?
>
> Frontier's $80,000-a-year chairman and president replies:
>
> 1. He would have bought more FAL stock, earlier;
>
> 2. & 3. He would have moved faster to ask for new routes and the jets to fly them.
>
> 1. This one-time $50-a-week plane washer for National Air Lines lately has prospered with Frontier. Several years ago he was able to buy 75,906 shares of its common at an average 99¢. When he exercised the option, these shares were selling for $9.21.
>
> Recently he was given the right to buy 62,773 more shares at $4.64. Over the counter and now on American Stock Exchange, Frontier common in five years has ranged from $1 to an average $20 in 1967. Thus Dymond's personal stake in Frontier comes to $2,773,580.
>
> 2. Merged with Central, today's enlarged Frontier serves 114 cities through 99 airports in 14 states. A fairly recent map of "applications" reaches coast to coast across a dozen more states and into Canada and Mexico.
>
> 3. New planes delivered in 1968 and 1969 might cost the airline—before gains on the sale of older ones—around $90 million. The 69-plane fleet then would include five present 727-100s; five ordered or optioned 727-200s and 10 727-200s; 38 Convair 580s (as against 22 now) and perhaps 11 of that little old workhorse—the DC-3. Eleven Convair/Dart 600 jetprops would be sold.

HUNTING STATE RESIDENTS SEE NEED FOR GUN LAWS

Mr. DODD. Mr. President, the impression is sometimes given that in States having small populations and in States where hunting is a big industry, opposition to strong Federal firearms laws is almost universal.

I have often received that impression while listening to debates in Congress. The rigid opposition of spokesmen for those States to a law that would help disarm criminals and at the same time in no way interfere with the rights of legitimate sportsmen to hunt is taken to mean that that is the true mood of all the residents of those States.

Nothing could be further from the truth.

Montana is a hunting State. It has one of the smallest populations of the 50 States, and its representatives in Congress have generally opposed the strong firearms laws which are so necessary for the maintenance of law and order in the more populace States.

But there is in truth a good deal of sentiment for stronger gun laws in Montana. Residents of Montana, as in other States which have a similarly large hunting industry, recognize the need for Federal laws to control the sale of guns to felons, juveniles, and the demented.

The editors of the Missoula, Mont., Missoulian in an editorial entitled "The Monster of Gun Control" published May 3, 1968, expressed what I feel is the sentiment of a large number of the people in that State. It said in part:

> Gun control has been equated to much that it is not. It is not unpatriotic. It is not unconstitutional. It will not deprive people of guns.
>
> . . . The chief critic of all gun control legislation is the National Rifle Association. The NRA and allied lobbies have consistently distorted the content of proposed Federal gun control legislation and the possible effects it would have. The result is that some gun owners leap to the border of hysteria at the mere suggestion of putting sensible curbs on our unregulated gun traffic.

Mr. President, I ask unanimous consent that the entire article from the Missoulian be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> ### The Monster of Gun Control
>
> Gun control is a monster.
>
> It is a monster in just about every way.
>
> It is a monstrous problem complicated by lies, emotionalism and distortions.
>
> It is a monster because most people want gun controls, yet an extremely vocal gun lobby has been able to block controls and public officials are caught in between.
>
> It is a monster because a Senate committee has at least approved passage of mild gun control legislation, and wrapped it into an anti-crime bill containing doubtful features.
>
> It is a monster because the most recent Supreme Court ruling on the Second Amendment (which deals with the right "to keep and bear arms") dates from 1939 and is open to doubt. The court then said the amendment applies solely to organized militia, not to anyone who wants to keep a gun. A clearer ruling would help.
>
> Gun control has been equated to much that it is not. It is not unpatriotic. It is not unconstitutional. It will not deprive people of guns.
>
> J. Edgar Hoover, whose name normally doesn't evoke visions of Stalin, would like strictly enforced local registration of firearms. He would like it, not because he is an unpatriotic commie trying to disarm us, but because as a qualified law enforcement officer he believes it would cut down murders by shooting.
>
> Those states which have gun control laws and enforce them have fewer deaths by shooting.
>
> What is needed is a federal law which would:
>
> 1. Ban the mail order sale of handguns, rifles and shotguns to individuals but not to dealers. People would still be able to order guns but would have to pick them up locally.
>
> 2. Ban the sale of handguns to persons from out of state.
>
> 3. Ban the dumping of foreign military weapons onto the U.S. market. Purchase of foreign sporting guns should not be hindered.
>
> 4. Set a minimum age for gun purchases.
>
> 5. Tighten up the standards and hike the fees for federally licensed gun dealers.
>
> 6. Prevent the purchase of large weapons, such as bazookas and mortars.
>
> Such a law, universally enforced, along with existing federal laws would make it more difficult for ex-convicts, ghetto rioters, children and some psychotics to get hold of guns. Qualified law enforcement officers say that that is the case, and experience in states which have such restrictions indicates it is true.
>
> Such a law would not:
>
> 1. Require registration of guns or require permits to own them.
>
> 2. Make it illegal to carry guns over state lines.
>
> 3. Prevent any law abiding adult citizens with a clean record from buying and owning guns.
>
> The chief critic of all gun control legislation is the National Rifle Association. The NRA and allied lobbies have consistently distorted the content of proposed federal gun control legislation and the possible effects it would have. The result is that some gun-owners leap to the border of hysteria at the mere suggestion of putting sensible curbs on our unregulated gun traffic.
>
> As it came from committee, the current Senate gun control bill would ban mail order sale of handguns but not rifles or shotguns. It would ban sale of handguns to persons under 21 years of age. It would stop imports of surplus military weapons and control the sale of large weapons, such as bazookas.
>
> In the same bill are sections which would permit law enforcement officers to tap wires and use electronic eavesdroppers with court permission, and which would loosen restrictions imposed by the Supreme Court on the admissibility of confessions and on identifications made in police line-ups.
>
> It's a doubtful piece of legislation all the way around, and not the least because of its inadequate steps toward gun control.

Mr. DODD. Mr. President, Maine is another State having a large hunting and fishing industry whose representatives have long been reluctant to accept strong Federal firearms laws on the basis that a tough law would "inconvenience" the sportsmen.

However, not all the residents of Maine share that opinion. There is strong sentiment that Congress should pass an effective firearms law to aid law enforcement agencies to do their job.

Such an opinion was adequately expressed in the April 29, 1968 edition of the Lewiston, Maine, Sun in an editorial entitled "Action on a Gun Law." The editorial said in part:

> The democratic process has many built-in safeguards which prevent hasty and ill-advised legislation. Sometimes, however, the safeguards result in delays to the point of exasperation. It is then that the democratic process is weakened by its own strength.
>
> . . . A major reason for the failure of Congress to act has been the effectiveness of the gun lobby and especially the opposition of the National Rifleman's Association. That opposition has been shortsighted and potentially dangerous.
>
> . . . The Senate committee action is a step in the right direction. But it is far too short a step taken with too much hesitancy. Congress must tackle this problem with more courage and realism.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> ### Action on a Gun Law
>
> The democratic process has many built-in safeguards which prevent hasty and ill-advised legislation. Some times, however, the safeguards result in delays to the point of exasperation. It is then that the democratic process is weakened by its own strength.
>
> The situation prevails in Congress today as consideration continues to be given to leg-

islation to control or ban the sale of guns across state lines. Such laws have been discussed many times in the past. The drive for adequate firearms-control legislation was given a tremendous impetus when President John F. Kennedy was slain by a mail order gun. But even that great tragedy did not persuade Congress to take definite action. Today, four years and a half after the assassination, an effective gun-control law still is not on the books.

A major reason for the failure of Congress to act has been the effectiveness of the gun lobby and especially the opposition of the National Rifleman's Association. That opposition has been shortsighted and potentially dangerous.

The prospects of a firearms control law appear better currently. Last week, the Senate Judiciary Committee included in an anti-crime bill provisions to ban the sale of concealable guns, such as pistols and revolvers, by mail. Also outlawed would be the sale of antitank guns, hand grenades and mortars, as well as the importation of foreign firearms. Conspicuously absent from the restrictions are rifles and shotguns, two of the most dangerous types of guns!

The Senate committee action is a step in the right direction. But it is far too short a step taken with too much hesitancy. Congress must tackle this problem with more courage and realism.

Mr. DODD. Mr. President, in other hunting States there is similar sentiment. The public recognizes the need for workable, effective firearms laws and expects Congress to do something about them.

The Cedar Rapids, Iowa, Gazette, on April 25, 1968, said this of Congress and gun legislation:

> The sooner Congress tunes out mouthpiece noises and tunes in the people, the sooner law and order can be implemented with a sensible and timely tool.

Mr. President, I ask unanimous consent the Gazette's full editorial and an April 27, 1968, article from the same paper detailing the law enforcement problem firearms are causing that State be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Gunsmoke: Clear It

Blamed or credited, depending on one's point of view, for congress' lag on passing gun-control legislation is the National Rifle Association (NRA), reputed to have 850,000 members. If the snag has been correctly pinpointed, it would not be the first time an effective lobby has overridden public wants—as outlined in last Monday's Harris Survey.

What makes this case peculiar is the further poll finding that even among gun owners, sentiment runs 65 percent to 31 in favor of additional restrictions on the firearm business. One can't help wondering if the NRA's official voices truly echo a majority opinion among those 850,000 adherents.

The issue gains intensity from still another slant: The Harris poll questions didn't deal along with gun-sale restrictions. They added the example of a gun-purchase registration requirement. And that is something stronger than the primary bill for mail-order gun curbs and related control proposes in its much-resisted terms.

Even with the registration point included, according to Harris, nationwide opinion says "yes" to a gun-sale law by 71 percent to 23. A Gallup poll in January, 1967, aired the same public feeling more decisively yet. Closer to home, Iowans favor a law prohibiting mail-order firearm traffic by 65 percent to 31, according to a Des Moines Register Iowa poll last March.

Just the public's wanting legislative action, of course, is not conclusive evidence that it would serve the public interest or be helpful. In this case, though, the public's view has been supported by police officials widely, by J. Edgar Hoover, by the President's Crime Commission, by The American Bar Association and the National Council of Churches. Arguments against control do not negate the likelihood that many promising advantages are worth a try.

The sooner Congress tunes out mouthpiece noises and tunes in the people, the sooner law and order can be implemented with a sensible and timely tool.

Says Iowa's Gun Laws Unenforceable, Ignored

(By Mark Brown)

Des Moines.—Iowa's gun control laws are unenforceable and are ignored 90 percent of the time, the Iowa crime commission says.

Meanwhile, "all over the Midwest, you will find that gun dealers are selling handguns as fast as they can get them," an Iowa county attorney asserts.

Who's buying them?

"Young hoodlums who think guns are a status symbol and householders who are afraid of young hoodlums who have guns," said Clinton County Atty. Larry Carstensen.

Not all Iowa law-enforcement officials would agree with Carstensen's assessment, but most agree that Iowa laws should be revamped and strengthened.

Ed Crosier, head of the Des Moines police intelligence unit who believes the "armed camp" theory has more basis in rumor than fact, said he opposes restrictions on owning weapons, but feels a sales registration law would be "valuable."

Robert Blair, head of the Iowa bureau of criminal investigation, said "there is no question that strict gun control laws would aid law enforcement," but added that the concept may be limited in its practical applications.

"It must work for the policemen in the field and in court," Blair said.

Iowa Crime Commission Director James Hayes said Iowa's law requiring sale of handguns to be registered with the county recorder is unenforceable.

"It is our opinion that in 90 percent of the sales, the law is being ignored," said Hayes.

In Polk county, Recorder Irene H. Maley said more than 3,200 pistols, revolvers or "other weapons of a like character" were registered with her office in 1967 and some 1,437 in the first four months of 1968.

If only 10 percent of the sales are being recorded, then Polk county residents would have nearly 400,000 such weapons or about two for each resident of the state capital.

The law requires the seller of a weapon—"retail dealer, pawnbroker, or otherwise"—to report the buyer's name, age, residence, occupation and place of employment along with the serial number and make within 24 hours of the sale.

Failure to do so is a misdemeanor and a second offense results in suspension of a dealer's license, Hayes said.

The crime commission, in its report to Gov. Hughes next month, will make recommendations in eight areas of gun control, Hayes said.

Among the recommendations will be ones "to put some teeth in" the registration law, he added.

Most outspoken in his criticism of the existing laws is Carstensen. "In Iowa you can carry any kind of weapon you want to," he said. "The state just isn't doing its job."

He would favor tough laws governing interstate sales, registration and ownership of weapons, Carstensen said.

"I believe it is possible to slow down the stockpiling of guns for riots or to enhance a hoodlum's status among his fellow hoodlums and still allow a law-abiding citizen or sportsman to have a gun," he said.

Opposition to proposed federal restrictions on interstate gun sales, he said, is "way out of line" and comes from "persons with a vested interest in selling guns and ammunition."

Crozier said guns should be kept from convicted felons and mental incompetents, but added he would oppose "making a citizen pay a fee to have his gun registered."

Registration laws, he said, should be aimed at manufacturers, wholesalers and retailers of weapons.

Blair said he would approve laws combining registration of handguns and restrictions on who may own them. "I would be happy to see guns kept out of certain persons' hands," he said.

"When you go back and look at the killings we have had in Iowa, you find that the guns were there as a matter of course and not because they were purchased for the sole reason of killing someone," Blair said.

"Restrictions would certainly make it tougher to get a gun," he said.

But Blair urged caution in enacting gun control legislation. "If we do change the laws, we must be certain they will work," he said.

Carstensen agreed. "There's no easy solution," he said.

Mr. DODD. Mr. President, as I have said, the general impression that the residents of hunting States do not want a strong Federal firearms law is not true. There is broad recognition of the need to modernize the weak, ineffective gun laws now on the books, and under which the Nation has become an armed camp.

I have additional articles from newspapers published in such States as Nevada, Minnesota, and Wisconsin. I ask unanimous consent they be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Madison (Wis.) State Journal, May 1, 1968]

Gun Controls Long Overdue—Congress Can Take Action

The gun control legislation now pending in the U.S. Senate would give the citizens of this country a peashooter where a strong shield is needed.

But the proposal to ban the sale of mail order pistols, while excluding the larger traffic in rifles and shotguns, is better than what Congress has come up with in the past 30 years—nothing.

The inclusion in the Senate Judiciary Committee's anti-crime bill of a limited gun control proposal was the first time in three decades that even a congressional committee has so much as endorsed firearms control.

And to consider that even this meager step came only after a sniper's deadly bullet crashed into the unsuspecting Dr. Martin Luther King is even more tragic.

The bill as it came out of committee, in addition to prohibiting the sales of pistols to those under 21, would bar both interstate shipping (through mail order houses) of handguns and over-the-counter sales to persons not living in the merchant's state.

Still, the most menacing aspect of the issue—the problem of rifles and shotguns—was shunted aside in committee as the price of majority support.

Administration officials and long-time gun control advocates in the Senate plan to renew and intensify efforts on the floor of the House to re-insert the provisions on rifles and shotguns so the measure would apply to the bulk of guns.

Despite the fact that recent public opinion surveys show overwhelming support for gun control legislation, the course through the congressional maze will be stiff and studded with challenges.

There are no assurances that the National Rifle Assn., which has so successfully battled any gun control legislation for so long, will not succeed once again.

One wonders what it takes to convince the lawmakers in Washington that reasonable laws are essential to curtail the potentially murderous traffic in guns.

We hope it doesn't take more assassinations and more rioting.

[From the St. Paul (Minn.) Pioneer Press, Apr. 30, 1968]

CONTROLLING OUR WEAPONS

The Senate Judiciary Committee cleared a mild gun control bill Wednesday which deserves congressional approval. Whether it does or not, the fact that this is the first piece of gun legislation to get out of committee in 30 years should suggest to the states that responsibility for gun control laws may have to be taken up by the legislators and local communities.

The proposed law would not infringe on individual rights nor pave the way for nationwide gun registration.

The minor restrictions it would establish include the banning of interstate mail order sale of hand guns to individuals, banning of over-the-counter sale of hand guns to out-of-state customers, banning sale of hand guns to anyone under age 21, banning imports of foreign weapons not suitable for hunting or target shooting.

Congress hasn't acted on any form of gun law like this since 1938, however, and it's unlikely it will do so now. In any event, objectives of this bill could be accomplished on a state level with strong action by the Legislature. If such an effort were made in this smaller, statewide theater, it's conceivable that the electorate could be better informed on the effects of the new law, and there wouldn't be the usual blind opposition.

Specifically, these laws should be considered:

1) Require statewide that a police permit be received before a person can buy a hand gun. This law is in effect now in St. Paul, but with no such law in Minneapolis, the St. Paul law is useless. The police permit requirement needn't be extended to rifles and shotguns.

2) No state resident should be allowed to purchase any kind of gun from a mail order gun house inside or outside the state. If he wants such and such a gun from such and such a place, a licensed dealer can procure it for him. This would merely make it more difficult for a person who shouldn't have a gun to get one. Requiring that a person go through a middleman would set up a kind of screening that's missing when guns may be bought directly via the mails.

3) Over-the-counter sales of hand guns to out-of-state customers should be prohibited.

4) Sale of hand guns should be prohibited to anyone under 21. Presently, anyone not 18 needs parents' or guardians' permission to buy any kind of gun.

5) Most important, it should be made unlawful to carry a concealed weapon . . . anywhere, city or country. Again, St. Paul alone has such an ordinance, and it should be extended statewide. The offense in St. Paul is only a misdemeanor, and the penalty is 90 days or $100 fine. It should be increased to a gross misdemeanor or a felony and the penalty made 1 year confinement or $1,000 fine.

Those who need a hand gun, say for protection while making late night bank deposits, could receive police permits to carry them. Hunters and sportsmen would merely be required to carry handguns in outside, exposed holsters.

Such a statute shouldn't be encumbered with requirements that no arrest can be made unless police can prove malicious intent. The St. Paul law has no such requirement, but it is impeded somewhat because of the police's limited search powers. Consideration should be given to give police right of search under certain conditions.

None of these restrictions would infringe on the rights or freedom of the law abiding hunter, trap shooter, gun lover, whatever. These laws are not going to result in a broadside against all gun owners, as so commonly thought. The targets are specific.

[From the Las Vegas (Nev.) Sun, Apr. 9, 1968]

APATHETIC PUBLIC IGNORES GROWING GUN MENACE

Now that it has happened again will the American people and the American Congress sigh, say "isn't it terrible?" but once more sit back and do nothing? We are speaking of course, about legislation to control the indiscriminate availability and use of guns.

Remember the intense indignation which swept the United States after the assassination of President Kennedy? Remember how so many of us felt: now, surely, something will be done? And do you recall just how much has been done to control such weapons of death in the hands of private citizens as a result of the Kennedy tragedy? Virtually nothing.

What will be the effect upon such legislation of the King assassination? Unhappily, unless there is a concerted effort to arouse public conscience and to mobilize congressional support, we cannot be sure that any positive forward steps will result from this latest national tragedy. The National Rifle Association (the leading lobby against even the present weak measures before Congress) expresses confidence that nothing will happen. Congressman John D. Dingell of Detroit (long one of the most lamentably crime-ridden cities in America) has bitterly attacked the administration's control bill. These are but two of the signs indicating how great must be the effort if this shameful situation is to be corrected.

But this is not all. During the past several years there has come a new element—the stockpiling of weapons through fear of racial incidents. There are areas in which whites are organizing gun-handling classes. They see it as self-protection. Similarly, there are thought to be more guns in Negro areas than ever before. Again, the excuse given is the need for self-protection.

Meanwhile, the vast and deadly mills of crime—organized, unorganized and spontaneous—continue to churn throughout the land. And behind most of this crime is the gun or the threat of the gun.

Let us ask the question frankly and openly. Has not the time come when, as a mark of its maturity and as a proof of its moral character, the United States must decide that guns, all guns, other than those available to the forces of law and order be forbidden and prevented? We know the arguments against this—the constitutional provision, the necessity of farmers to protect themselves against predators, the recreation of the innocent sportsman. But should not a far greater need to end the national reign of violence take precedence over all these?

Gunnar Myrdal, the great Swedish student of American life, believes that such a moment has come. He says, "I am all against your gun laws. . . . To allow everyone to have guns today is dangerous."

We think that the time has come for the American people to examine their conscience in this matter. Should not stringent gun control legislation be enacted immediately, and then, indeed, should not a measure be considered banning all guns other than those belonging to the armed services and to the forces of law and order?—CHRISTIAN SCIENCE MONITOR.

FORMATION OF AD HOC CONGRESSIONAL COMMITTEE TO CONFER WITH SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

Mr. BROOKE. Mr. President, I wish to announce to the Senate the formation of an informal ad hoc committee. This committee has been formed as a result of a meeting which was held on the 15th of this month between the Reverend Ralph Abernathy, president of the Southern Christian Leadership Conference and leader of the Poor People's Campaign, and a bipartisan group of 75 Senators and Representatives.

It is my privilege to serve as chairman of the committee. Cochairmen are the distinguished Senator from Michigan [Mr. HART], the Honorable CHARLES C. DIGGS, a Representative from Michigan; and the Honorable OGDEN R. REID, a Representative from New York.

Other members of the committee will be as follows. On the House side, the distinguished Representatives BARRETT of Pennsylvania, BRASCO of New York, BOLAND of Massachusetts, COHELAN of California, CORMAN of California, HAWKINS of California, MINK of Hawaii, NIX of Pennsylvania, O'HARA of Michigan, PERKINS of Kentucky, ANDERSON of Illinois, CONTE of Massachusetts, MCCULLOCH of Ohio, MESKILL of Connecticut, QUIE of Minnesota, SCHWENGEL of Iowa, SHRIVER of Kansas, and WIDNALL of New Jersey have agreed to serve. On the Senate side, I am pleased to announce the participation of the following distinguished Members of this body:

The Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], and the Senator from Pennsylvania [Mr. SCOTT].

Mr. President, this committee of course does not have official status in either the Senate or the House. But we believe that it will provide a forum and insure communication for Senators and Members of the House to discuss realistic legislative and administrative proposals which would help solve some of the problems and national needs of the poor. In furtherance of these functions, the committee will provide liaison and communication with representatives of the poor and assist in arranging appropriate appearances before relevant committees of the Congress.

I am pleased to announce that the formation of this committee has been approved by the distinguished majority leader [Mr. MANSFIELD], the distinguished minority leader [Mr. DIRKSEN], the Speaker of the House of Representatives, the Honorable JOHN MCCORMACK; and the minority leader of the House, the Honorable GERALD R. FORD.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 9 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 24, 1968, at 12 noon.

EXTENSIONS OF REMARKS

MICHIGAN—A LEADER IN SPORTS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. GERALD R. FORD. Mr. Speaker, Michigan is a leading sports State—not simply because it has long been the home of sports champions but because it is a natural sports arena and its people love sports.

Name any of the sports and Michigan can point to native or adopted sons who have excelled in them.

Speak of baseball and a young lady on my office staff will cite the Detroit Tigers as winners of the American League pennant a total of 7 years and two world's series titles. She will also say they are a good bet to win the league championship this year.

In football, the Detroit Lions have won three world championships and four western division titles and Michigan college teams enjoy the distinction of never losing a Rose Bowl game. The Wolverines of the University of Michigan were Rose Bowl victors three times; the Spartans of Michigan State, twice. In 80 years of football, the University of Michigan has had 20 undefeated seasons. We—I say we because I played center for Michigan for 3 years—won eight Big Ten championships and were cochampions 10 times. That is the best football record in the Big Ten Conference.

Purely from the standpoint of professional sports, Detroit has pushed Michigan to the fore as the State with the most professional teams—in football, baseball, hockey, basketball, soccer, and now la crosse.

Michigan is sports famous for many other reasons. Not only does it offer some of the finest major sports facilities in the country—University of Michigan stadium at Ann Arbor seats 101,001—but its terrain lends itself to prodigious participation in winter sports.

Michigan's Upper Peninsula with its hills and ski jumps is a natural winter sports area. The National Ski Museum and the National Ski Hall of Fame are located at beautiful Ishpeming, where the International Classic Ski Meet is held each March. Iron Mountain boasts the world's highest manmade ski jump.

Michigan has had several national skiing champions—and has been host to other champions at Ishpeming, Ironwood, and Iron Mountain.

Bowling is all the rage in Michigan—and Marian Ladewig, of my hometown of Grand Rapids, is a world titleholder.

Those who love to see the kids knock the ball around and race around the bases come each year to Battle Creek for the State and National amateur baseball tournaments.

The tennis buffs take in the U.S. Lawn Tennis Association's national junior and boys singles championship matches each summer at Stowe Stadium on the campus of Kalamazoo College.

Lovers of water sports watch the boat races on the Detroit River and Lake St. Clair where the Gold Cup, Silver Cup, Harmsworth Trophy, Detroit Memorial Regatta and other events are staged.

Yachting enthusiasts never miss the annual Port Huron-Mackinac and Chicago-Mackinac races.

And there are thrills and spills for canoeing lovers in the grueling canoe race each year on Michigan's Au Sable River, from Grayling to Oscoda.

Those who like to spice their spectator sports with a wager go to the licensed horseracing tracks at Hazel Park, Jackson, Northville, and Livonia.

We run through this catalog of Michigan's dazzling sports attractions during Michigan Week for those who are unacquainted with all our State has to offer. Millions of other Americans already know Michigan as the home of champions and the champion home of sports.

MICHIGAN WEEK

HON. PHILIP A. HART

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. HART. Mr. President, this is Michigan Week, and every dutiful officeholder from that State is expected to make admiring remarks about its progress and beauty.

This is a refreshing duty. It is also a surprisingly difficult one, not because Michigan has little to recommend it—it has a great deal—but rather because politicians tend to be so preoccupied with their State's problems that its virtues rarely come to mind.

I find, for example, that each time I contemplate the Great Lakes it is not their sparkle and beauty that occupy me, but instead the threat of water pollution.

Certainly, I find I am much more conversant with the problems of our cities than with their accomplishments. We are a great agricultural State but rarely do our minds dwell on Michigan's abundance of produce. Instead, we worry about the overabundance of DDT.

Likewise with my assignment today. I am asked to outline the State's cultural benefits, but I found I had to hurry to a reference work—an article by Michael Church, assistant director for cultural activities of the University of Michigan's extension service.

Here I learn that the works of Michigan artists will be displayed at 50 outdoor street shows throughout the State this year. I discover that there are art associations in dozens of Michigan communities. I learn that Michigan has 800 trained community planners and 300 professional landscape architects.

I am reminded of Greenfield Village, that magnificent 260-acre outdoor museum containing some 100 restored historical buildings, including Edison's laboratory and the courthouse where Abraham Lincoln once practiced law.

I am impressed again by the long list of Michigan universities and colleges, most of which I remembered in the singular as participants in some competition for a Federal grant or loan.

The article carries the surprising and pleasing news that the State numbers 40 symphony orchestras and 70 community theaters. Add to the list of cultural enterprises the esteemed National Music Camp at Interlochen, so often the subject of national magazine articles.

The catalog of cultural activities, in fact, runs for some six pages. It is impressive.

Michigan Week, I know, is designed to make Michigan residents more aware of the merits of their State. For me, the observance has already been a successful one. Because even if these remarks are not absorbingly interesting to the reader, they have certainly been illuminating to the speaker.

MICHIGAN'S MODERN GOVERNMENT

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. HUTCHINSON. Mr. Speaker, this is Michigan Week, an annual time of inventory for the people of our great State.

It is a week in which we quite literally "count our blessings"; for, to paraphrase our State motto, if we seek a pleasant peninsula, we have only to look around us.

A sound, progressive, and responsive system of State and local government is one of the blessings we can count in Michigan.

It is a governmental system which the people have kept in tune with the times. Our State constitution has been completely overhauled three times since Michigan became a State in 1837—in 1850, in 1907–08 and, most recently, in 1961–62.

Each new constitution has represented a conscientious effort to blend the best of the old with modern concepts; retaining the historic and the proven; strengthening—each in its proper sphere—the three coordinate branches of government; and maintaining and strengthening government at the local level.

And, during this annual observance of Michigan Week, I am pleased to report that local government is strong and robust in Michigan's two "pleasant peninsulas."

MICHIGAN: LAND OF CONTRASTS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. NEDZI. Mr. Speaker, if Michigan had nothing more than mere size, we would have plenty to brag about.

In land and water area combined we are the biggest State east of the Mississippi River and 10th in the Nation.

The flag of Michigan proclaims dominion over 57,022 square miles of land area and nearly 40,000 square miles of water surface—a total of 96,791 square miles.

Our nearest competitor in size this side of the Mississippi is Georgia, with 58,876 square miles of territory.

Our land area covers 36,494,000 acres—larger than England or Austria; twice the size of Ireland; nearly five times as big as Switzerland.

Michigan's Upper Peninsula—nearly one-third the total area of the State—is as big as Connecticut, Delaware, Massachusetts, and Rhode Island combined, and larger than either Belgium or Switzerland.

Look at it another way: Ironwood and Monroe, Mich., are as far apart as Detroit and Asheville, N.C.—about 500 miles in a direct line.

Also, Detroit is farther from Houghton, Mich., 427 air miles, than it is from Baltimore, 398, Washington, D.C. 397, or Louisville, Ky., 315.

Moreover, Ironwood in the Upper Peninsula is farther west than St. Louis, Mo., and Port Huron is as far east as Greenville, S.C.

Only recently have we become aware of another geographical advantage we now enjoy. Through the newly opened St. Lawrence Seaway, Detroit is closer by water to such European nations as Britain, Sweden, and Belgium than is New York.

And another curious point about our geography, known to few, is that the Canadian province of Ontario lies to the north, east, and south of Michigan.

To cite dimensions, Michigan's Lower Peninsula is 277 miles long from north to south, and 195 miles wide from east to west. Our Upper Peninsula is 318 miles long from east to west, and 164 miles wide, north to south.

Of our 57,022 square miles of land area, the Lower Peninsula covers 40,484 square miles and the Upper Peninsula 16,538. Fifteen of our 83 counties are in the Upper Peninsula, and 68 in the lower.

In altitude our State ranges from 578 feet above sea level at the shore of Lake Erie to 2,023 feet in the picturesque Porcupine Mountains in Ontonagon County, our highest elevation.

Other mountainous areas include the Keweenaw Range in Houghton and Keweenaw Counties, and the Huron Mountains rising to 1,400 feet in Marquette County.

Ancient glaciers determined Michigan's topography and soil conditions, endowing the State with abundant water resources and mineral deposits as well as fertile farmlands and a vast acreage of forests.

In the glacial deposits we occasionally find skeletal or fossil remains of shaggy haired mammoths and mastodons, larger than elephants, which roamed the lower part of Michigan many centuries ago. Amazingly, too, our archeologists have come across skeletons of whales which once inhabited the prehistoric lakes of lower Michigan before glacial movements redesigned the surface of our State.

Until 1959, Michigan could claim the longest coastline of any State in the Union.

When Alaska entered the Union, Michigan had to revise its claim. But we can still say we have the longest fresh water coastline of any of the States and rank second in total length of water frontage.

Our 3,121-mile shoreline is equal to the Atlantic coastline all the way from Maine to Florida and longer than the Pacific coastline from southern California to the northernmost point of Washington. And it is much longer than the 935-mile coastline of Hawaii's eight principal islands.

Included in our shoreline are 2,242 miles along the mainland of the Upper and Lower Peninsulas and 879 miles of island shoreline.

Our Upper Peninsula shoreline alone is as long as that of eastern Florida, its 1,114 miles stretching farther than a direct route from New York to the southern tip of Florida.

Our broad expanse of Michigan territory embraces 40 percent of the water surface of four of the five Great Lakes—Erie, Huron, Michigan, and Superior. In that respect, we are far ahead of our neighboring States, for the second-ranking Wisconsin controls only 10 percent of the Great Lakes surface.

The four Great Lakes which wash our shores connect us by inland water routes with seven other States—New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota, as well as with the Canadian Province of Ontario. And now, with the 1959 opening of the St. Lawrence Seaway, Michigan has become a major segment of the Nation's fourth seacoast, enjoying direct water route connections with the world's seaports.

Michigan territory includes many islands in the Great Lakes and connecting waters, including the primitive 45-mile-long Isle Royale in Lake Superior, beautiful Belle Isle Park on the Detroit River, historic Mackinac Island and dolomite-rich Drummond Island on Lake Huron, and the rugged Beaver and Manitou Islands of Lake Michigan.

We have 11,037 inland lakes—ranging from small bodies of 10 acres of water surface—the smallest we count as a lake—to the 31.3-square-mile Houghton Lake in Roscommon County. Average size of our inland lakes is 67 acres, and 411 are over 200 acres.

Our streams and rivers traverse some 36,350 miles, a distance of almost one and a half times around the world. Many of them, like the Rouge, Saginaw, Grand, Black and St. Joseph, are navigable over part of their course for ships of commercial tonnage. The St. Mary's, St. Clair, and Detroit Rivers are, of course, important connecting links in the Great Lakes-St. Lawrence waterway.

Of all the States we are indeed entitled to the proud claim of "the Great Lakes State," the slogan we imprint on our Michigan license plates.

MICHIGAN WEEK

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. GRIFFIN. Mr. President, as might be expected, Michigan people take enormous pride in their State—and that pride expresses itself each year in the observance of Michigan Week. This is a time each year when Michigan people take stock, when they pause to recognize and to appreciate the wonders and the greatness of our State.

There are many success stories upon which to focus. For example, consider the success story of Michigan industry. Michigan is the home of a diversified work force that can fulfill industry needs of all types, at all levels. The "making things" climate of Michigan has developed and drawn to our State the skillful from all over our Nation and the world.

There are about 14,000 manufacturers in Michigan. Three of the 10 largest corporations in the United States have their headquarters in Michigan. Michigan's top production story, of course, is the story of automobiles and trucks. However, Michigan is also an important producer of tool accessories, metal stampings, industrial chemicals, food, pharmaceuticals, steel, electronics equipment, and institutional, home and office furniture—to name only a few products.

Michigan is proud of its stable and productive work force. National statistics indicate that Michigan labor is 16 percent more productive than the national average. The percentage of workers in Michigan who own their own homes is higher than in any other State.

Michigan is a leader in industrial research—research relating to everything from sunburn lotion to a spaceman's menu on the moon. Almost 3,000 of the 7,000 scientists in Michigan, are educators—a higher percentage than in any other industrial State. This is one indication of Michigan's capacity to train future scientists and engineers.

In 1967, Michigan's total gross product was in excess of $36 billion. As a result of the prosperity brought to the people of Michigan through the combined efforts of labor and management in industry and associated services, Michigan now ranks second among the large States in percentage growth for total personal income.

The future for Michigan industry looks bright. Michigan is one of the major power bases for our country's industry. In Michigan, we already have two nuclear powerplants, one of which is the first, large, fastbreeder-type reactor built in the United States. Three more nuclear powerplants are on the way.

To feed our growing industry, Michigan is blessed with a greater variety of natural resources than any other similar-sized area on earth. Michigan's transportation facilities are equal to the needs of its industrial output. For example, a Michigan business is within 8 hours by truck of 40 million people.

The development of the St. Lawrence Seaway has boosted Michigan's international trade—Detroit is now closer through the seaway to many European ports than are New York and Baltimore. And Michigan is now the second most important customs district in the United States.

Such statistics provide impressive evidence of Michigan's prospering, growing industry.

And I could go on—for there is similar evidence of Michigan's greatness and potential in countless other areas.

With great pride, I am glad during Michigan Week to commend and salute the State of Michigan for its past—and for its promise.

MICHIGAN—A GREAT AGRICULTURAL STATE

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CEDERBERG. Mr. Speaker, this week has been designated Michigan Week and I would like to bring to the attention of my colleagues some of the accomplishments of the people of the State of Michigan. Aptly called both the Land of Lakes and the Water-Winter Wonderland, the State of Michigan provides a wealth of year round recreational opportunities. The production of automobiles is perhaps our most well-known industry and the contribution of automobile production to the national economy is most apparent.

It is a less well-known fact, however, that I particularly wish to point out today. In the State of Michigan agriculture is one of our most important industries. Agriculture and related occupations provide 27 percent of our jobs, and Michigan farmers produce significant percentages of various crops. Michigan produces over 50 percent of the cherries consumed in the United States and 80 percent of the cranberries. Southern Michigan is known as the Fruit Basket of the Midwest. Michigan's just-right combination of weather and soil gives our farmers per-acre yields which are consistently above the national average.

One of our agricultural achievements in which we take particular pride is the production of white pea beans—navy beans. Farmers in the State of Michigan produce well over 90 percent of the national crop of navy beans each year. My own 10th Congressional District provides a substantial percentage of this production. Our accomplishment in this area should be of special interest to those who work in and for the House of Representatives.

In 1904, Hon. Joe Cannon, then Speaker of the House, put a resolution through Congress requiring that Michigan bean soup be on the menus of House restaurants every day. His consternation at not being able to have this delicious soup for lunch one summer afternoon prompted this rather unique action.

The daily menus of the House of Representatives restaurant contain the following comments in a center page spread:

ALL ABOUT OUR "BEAN SOUP"

Bean Soup has been a featured item on the menu of the House of Representatives Restaurant since long before that day in 1904 when the then Speaker of the House, Joseph G. Cannon, of Illinois, came into the House Restaurant and ordered Bean Soup.

Then, as now, Bean Soup was a hearty, zesty, and filling dish; but it was typically hot and humid in Washington that day, and, therefore, Bean Soup had been omitted from the menu. "Thunderation," roared Speaker Cannon, "I had my mouth set for Bean Soup"; and, he continued, "from now on, hot or cold, rain, snow or shine, I want it on the menu every day."

And so it has been—Bean Soup on the menu every single day since.

It also contains the recipe for this popular delicacy from the chef of the House of Representatives restaurant. It follows:

RECIPE FOR BEAN SOUP SERVED IN U.S. HOUSE OF REPRESENTATIVES RESTAURANT

2 lb. No. 1 white Michigan beans.

Cover with cold water and soak overnight.

Drain and recover with water.

Add a smoked ham hock and *simmer slowly* for about 4 hours until beans are cooked tender. Then add salt and pepper to suit taste.

Just before serving, bruise beans with large spoon or ladle, enough to cloud.

(Serves about six persons)

CONFERENCE OF EXECUTIVES OF AMERICAN SCHOOLS FOR THE DEAF COMMENDS GALLAUDET COLLEGE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CAREY. Mr. Speaker, on May 2, at its centennial meeting held here in Washington, the Conference of Executives of American Schools for the Deaf passed a resolution commending the administration and board of directors of Gallaudet for their untiring efforts in behalf of that institution. I include the resolution for printing at this point in the RECORD:

Whereas, Gallaudet College, Washington, D.C., for over one hundred years the only facility for higher education for deaf students in the world, has experienced a tremendous expansion of its program and facilities over recent years, and whereas, the Conference of Executives of American Schools for the Deaf has traditionally and continuously had a sincere interest in, and concern for, the program of the College and the welfare of its students, and whereas, the selection of a suitable successor for Dr. Elstad upon his retirement is of prime importance and which action will have great influence not only upon the lives of the students enrolled but also upon the adult deaf of the Nation. Therefore, be it resolved that the Administration of the College and its Board of Directors be highly commended for their devotion and untiring efforts in the interest of the College. Be it further resolved that the Conference is highly appreciative of the efforts of the Chairman and the members of the Board of Directors in their search for a suitable successor for Dr. Elstad upon his retirement and sincerely urges the Board to select a dedicated and committed person who has the training, the experience, the understanding of the needs of the deaf, and those qualities of leadership which will assure the continued progress of the College in its service to the deaf.

RESULTS OF 1968 GEORGE BUSH QUESTIONNAIRE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BUSH. Mr. Speaker, in April of this year, I sent a questionnaire on 12 important issues facing our Nation to all the households in the Seventh Congressional District of Texas—211,000. I am happy to report that we received approximately 30,000 replies to this questionnaire, and today I am placing in the RECORD the opinions of my constituents.

The results speak for themselves. My constituents have very definite opinions for or against the various problems confronting us, with one exception—the proposed increase in taxes where only 16 percentage points separate those in favor of the tax increase and those against it. To me, this is an indication that although most people dislike higher taxes, they are tremendously concerned about the fiscal condition of our country. In a separate polling of businessmen only, 87 percent favored a tax increase coupled with spending cuts.

I respectfully request that all Members review this tabulation so that they, too, may have the benefit of the opinions of these interested citizens from the Seventh Congressional District of Harris County, Tex.

The tabulation follows:

RESULTS OF 1968 GEORGE BUSH QUESTIONNAIRE

[Results in percentages]

	Yes	No
1. Do you approve of the President's conduct of the Vietnam war?	34	66
2. In North Vietnam, do you favor (a) intensified U.S. air attacks, (b) a bombing halt, or (c) maintaining air attacks at the present level? (a) 67 (b) 18 (c) 15		
3. Should the United States continue to trade with nations that are aiding North Vietnam?	17	83
4. Do you believe the American people are receiving sufficient information from the Government on vital foreign and domestic issues to allow them to vote intelligently?	24	76
5. Do you support the administration's proposed increase in taxes?	42	58
6. Do you believe that Federal spending on domestic programs should be reduced?	80	20
7. Should industries which install equipment to reduce air and water pollution be granted tax credits by the Federal Government to offset part of the expenses involved?	61	39
8. Do you favor returning a percentage of the tax money collected by the Federal Government to State and local governments to be used as they see fit?	63	37
9. Do you feel that the increase in crime is due to (a) conditions in poverty areas, or (b) breakdown in respect for law and order? (a) 8 (b) 92		
10. Would you vote to continue the poverty program at existing levels?	23	77
11. Would you favor military withdrawal by the United States from South Vietnam even without reasonable assurance that the Vietnamese people will have a free choice of government?	27	73
12. Do you favor a reappraisal of America's role in the world: specifically, do you think we should be committed to "policing" the world?	18	82

THE WOLVERINE STATE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DIGGS. Mr. Speaker, in observance of "Michigan Week," May 19–25, I would like to present and explain some of the many important symbols which have served as unique and viable links between the progress of Michigan's past and the challenge to its future.

Among its many designations, Michigan is probably best known as the Wolverine State, the derivation of which has been the subject of much debate among historians. It is doubtful that wolverines were ever found or trapped commercially in the Michigan territory. However, fur trading was Michigan's first big industry and many wolverine pelts trapped in upper Canada found their way to Michigan before being distributed to Eastern markets.

The first Governor of Michigan, Stevens T. Mason, presented the first flag on February 22, 1837, although the present design was approved by the Michigan State Legislature in 1911. Today, this flag flies over some 40,000 square miles of water, the longest coastline of any of the continental States, 11,037 inland lakes and 36,350 miles of rivers to provide a summer-winter playground which is enjoyed by millions of people each year. We Michiganites are indeed proud of the slogan "Great Lake State."

Owing to the fact that Michigan manufacturers produce about 90 percent of all cars, trucks, and other automotive vehicles made in the United States, it is easy to understand why we have been also nicknamed the "Auto State." We are proud to boast that no other important manufacturing State enjoys such a commanding position in a single major industry.

A lasting symbol of Michigan's glorious past can be found in our State seal which was designed by Lewis Cass, second Territorial Governor, and adopted by Michigan's first constitutional convention in 1835. It is believed that Governor Cass patterned the seal after the one used by the Hudson Bay Co. during the territorial period.

On the seal are the words "Tuebor," meaning "I will defend" and "E pluribus unum" which means "From many, one." Also of significance is the legend which our seal bears, "Si quaeris peninsulam amoenam circumspice" meaning "If you seek a pleasant peninsula, look about you."

In 1897 the Michigan Legislature chose as our State flower, the apple blossom. In 1931 and 1955 respectively, the State legislature designated the robin to be our State bird and the white pine our State tree. The white pine is very significant to the people of Michigan for the important role it played in the development of our State's economy. The white pine cut in Michigan exceeds by 10 times the value of all gold ever taken out of Alaska.

Michigan can be more than proud of its vigorous and productive past—the vitality of which is displayed through these symbols.

MICHIGAN: INTERNATIONAL GATEWAY

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. HARVEY. Mr. Speaker, a decade or so ago, one would not think that the State of Michigan held a strategic location for world trade. While Michigan, together with our Canadian neighbors, is situated in the heartland of the world's most prosperous and agricultural region, it took many modern developments—particularly the opening of the St. Lawrence Seaway—to truly open the gate to international commerce.

Michigan has taken full advantage of the new link to the world market.

For example, exports from Michigan in 1967 represented almost 4.5 percent of our State's $36 billion gross State product, well above the national figure.

The Port of Detroit surpassed its previous overseas commerce record last year, handling more than 1,750,000 net tons, or more than 325,000 tons over the 1966 volume. Included in this figure was approximately 385,000 of exports.

In a recent U.S. Department of Commerce study, Michigan ranked second in the Nation in per capita manufactured exports in 1966. Michigan also moved from sixth to fifth place among States in exports of manufactured products between 1963 and 1965.

These are outstanding statistics. Then consider that Michigan's total trade volume of $2.5 billion included $1.6 billion in exports and $0.9 billion in imports.

Yes, there is little doubt that Michigan has clearly established its strategic location.

The growth of Michigan in the world commerce market has not been by accident. It has taken planning, promotional activities and vision. That vision now includes, within Michigan's Department of Commerce, an international trade division. Furthermore, in the fall of 1967, Michigan sponsored its first industry-organized, Government-approved trade mission with the assistance of the U.S. Department of Commerce, embassies, and consulate staffs.

The Michigan trade mission visited the international machinery fair in Hanover, Germany, and industrial centers in five European countries. The immediate results of the special mission—$500,000 in immediate sales with anticipated sales of $3 million over the next 2 years.

In the next 2 years, the Michigan Department of Commerce is planning to sponsor identical missions to Latin America, the Far East, Africa, and perhaps Eastern Europe.

Our Michigan Department of Agriculture has also been active in the export business. We have such diverse products as apples, cherries, onions, pickles, peppers, beans, cauliflowers to export and this we must do as we recognize that international trade is a two-way avenue.

Our State's agricultural exhibits have been in Cologne, Germany, and London, England, and now the U.S. Trade Center in Tokyo, Japan.

Michigan and its products now know no boundaries in the world trade market. Its great future successes still lie ahead now that a start has been made.

SPORTSMEN'S PARADISE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. VANDER JAGT. Mr. Speaker, this week is Michigan Week 1968. Each year at this time we in Michigan strive with a special vigor to tell others of the uniqueness of our home State.

The effort takes on a special significance this year. Americans are being urged to discover and rediscover their own country in 1968. It is hoped that they will do so and that they will get to know better both their fellow citizens and the heritage that is theirs.

We hope that Michigan will be a part of that experience.

In Michigan, nature has provided both beauty and variety. To this endowment man has applied his ingenuity. And he has done so without tarnishing the gift of nature. Together man and nature have created in Michigan a wonderful place to play as well as to live, work, and learn. They have created a place of excitement and serenity.

Michigan is unchallenged as the leading recreation area in the Midwest and is one of the leading areas in the Nation. No other State has such a variety of year-round, natural and manmade attractions.

Michigan is, indeed, a water wonderland. The State is a peninsula bounded by four of the five Great Lakes with a total of 2,242 miles of mainland shoreline. There are endless stretches of picturesque beaches and a fresh water surf. There are over 11,000 inland lakes within our State, many rivers and streams of breathtaking beauty, and 150 cascading waterfalls. Hardly a community in the State is to be found more than 6 miles from an inland lake or stream. Dotted throughout Michigan's 40,000 square miles of water surface are 500 islands which are delightful retreats for rest and recreation.

The water provides opportunities for swimming, boating, fishing, and just plain relaxing.

Fish abound in the waters of Michigan. There are 140 species of fish available—in lakes, rivers, and streams.

The water attracts large flocks of migratory waterfowl which, when added to the other varied wildlife found in Michigan, make for superb hunting—with either a gun or a camera. Michigan can boast more big game than any other State in the country.

The land is also varied. Besides the rich agricultural plains, there are broad forests, towering mountains, and remote valleys. There are 23 National and State forests in Michigan.

Vacation time in Michigan is not limited to the summer months. In the spring, the State is a cornucopia of emerging life. In the fall, the State is a blazing pallet of natural color and a crystalline playground during the winter. Hunting, fishing, hiking, and the like are also available in many areas of the State on a year-round basis.

Michigan has, and this is most important, the facilities to make the most of nature's generosity. Many of the facilities are year round.

All of Michigan's scenic beauty is accessible via the State's superb highway network, a network which does not scar the handwork of nature.

We have 61 State parks with the most modern of facilities, including the country's largest, the 53,000-acre Porcupine Mountain State Park. We were the first State in the Nation to provide roadside parks along trunkline highways for the comfort of visitors; today there are 112 such parks. There are also numerous county parks and almost 2,000 roadside picnic sites. In the national forests there are 62 picnic and camping grounds. Each of these parks is molded to nature, not sliced out of it.

There are 61 game, wildlife, and hunting areas in the State. Yet, despite the presence of man, these hunting areas are, today, much as the Indians found them hundreds of years ago.

The State has 725 public fishing sites, and there are hundreds of private sites and favorite fishing spots.

There are adequate numbers of quality resorts and accommodations, including 70 winter sports facilities and attractions.

Few States have as rich a history as does Michigan, and that historic past is skillfully preserved in museums and many restored historical sites so it can be continually enjoyed and can serve as a lesson for the future. A vacation in Michigan can be educational as well as fun. Children, especially, enjoy reliving history.

Throughout Michigan there is high quality art, music, and theater for all tastes. A fabulous vacation could be concentrated around sampling the State's cultural diversity.

Michigan maintains its position as a leader among recreation areas because we in Michigan take for granted neither our visitors nor our endowment from nature. The Michigan Tourist Council strives to keep Michigan, both its people and its attractions, at its best at all times, and it aids the visitor in a multitude of ways. Courses in tourism are even sponsored with the cooperation of the major universities based in the State. The Michigan Department of Conservation strives to protect our endowment from nature, for example, through its fish propagation stations, and many other similar activities.

We cordially invite our friends from across this great country and from overseas to share Michigan with us. A warm welcome is waiting for all.

REPORT OF U.S. COMMISSION ON CIVIL RIGHTS ON POLITICAL PARTICIPATION

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. CLARK. Mr. President, I have just received a copy of the latest report of the U.S. Commission on Civil Rights, entitled "Political Participation." It is a study of participation by Negroes in the electoral and political processes in 10 Southern States since the passage of the Voting Rights Act of 1965.

This document is significant since it is the first comprehensive description and analysis of the effect of the Voting Rights Act upon Negro voting and political participation in the South. In undertaking this study the Civil Rights Commission posed several important questions: To what extent are Negroes who were formerly unregistered in the South now registered to vote because of the Voting Rights Act? Are those Negroes who are now registered to vote encountering barriers to the exercise of their franchise because of race? What are the problems now confronting Negro candidates and prospective Negro candidates for office? To what extent are Negroes participating in political party affairs in the South? Are any changes in Federal law or administrative policy necessary to secure for Negroes in the South the constitutional guarantees of the 15th amendment?

Based on a field investigation of 55 counties in 10 Southern States supplemented by other interviews and published material, the Commission reaches two major conclusions:

First, there has been a substantial increase in the number of Negroes registered to vote since the passage of the Voting Rights Act. More than 1,280,000 Negroes have registered to vote in the 11 Southern States since the passage of the Voting Rights Act, bringing Negro voter registration to a total of 2.8 million persons throughout the 11 Southern States. This is more than 57 percent of the Negro voting age population as recorded in the 1960 census. The increased Negro voter registration has brought about unprecedented activity on the part of Negroes in seeking public and party office.

The second major conclusion is that contrary to the expectations of many persons who believed that the Voting Rights Act was going to accomplish the goal of universal suffrage for all races in this country, many obstacles to the full enfranchisement of Negro voters and to free and full political participation by Negro candidates remain. Thus there are still many counties throughout the South, in areas covered in whole or in part by the Voting Rights Act, where Negro registration is disproportionately low. Further, hostile whites have created many obstacles to Negro participation in the electoral and political processes. These include measures designed to dilute the Negro vote, to prevent Negroes from becoming candidates or obtaining office, to discriminate against Negro registrants, to exclude and interfere with Negro poll watchers, to perpetuate vote fraud, to discriminate in the selection of election officials, and to intimidate and harass Negro voters and candidates.

The Commission also concludes that there are still many barriers to free and full participation by Negroes in the affairs of the Democratic and Republican parties in the South, and that enforcement of the Voting Rights Act of 1965 is lacking in several areas.

The report contains recommendations for action by the Attorney General and by the Congress to secure to Negroes in the South the voting rights guaranteed by the Constitution. I urge the serious consideration by this Congress and by the Department of Justice of these recommendations and appropriate action at the earliest possible date.

OUR FRENCH AND BRITISH BACKGROUND

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mrs. GRIFFITHS. Mr. Speaker, although Michigan did not acquire statehood until 1837, it already had attained in a century and a half a prominent place in the history of North America. Michigan played a significant role in the growth and development of the French empire in North America and a decisive role in the change of fortune during the expansion of British control over the continent. Michigan history is replete with the names of famous explorers and settlers, the revered contributors to the development of this Nation: the exploits of Champlain, who laid the foundations of a North American French empire; Father Jacques Marquette, who expanded the empire to the Mississippi; Antoine de la Mothe Cadillac, who established the city of Detroit as the center of French power in the Northwest and the cultural capital of inland America.

The British conquerors of Quebec and Montreal readily realized that hegemony over their expanded lands was contingent upon effective control of the Michigan territory and primarily the strategic fort at Detroit. In spite of support lent to the French by Chief Pontiac and his Ottawa tribe, the British succeeded in taking Detroit in 1764.

The Treaty of Paris of 1783, following the Revolutionary War, extended the boundaries of the United States to the Mississippi River. But Great Britain proved reluctant to part with Michigan. It was not until the Jay Treaty of 1794 that provision was made for the evacuation of British troops from Detroit.

Through the efforts and bravery of men determined to develop a vast wilderness area, Michigan progressed to territorial status in 1805 under the Northwest Ordinance and eventually to full statehood in 1837.

OZARKS REGIONAL COMMISSION

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. FULBRIGHT. Mr. President, over the past several years, Congress and the general public increasingly have focused their attention upon economically depressed areas of our country. Congress and the Department of Commerce took an active interest in the economic redevelopment of a portion of my State and segments of Oklahoma, Missouri, and Kansas by establishing the Ozarks Regional Commission.

Since the promulgation of this Commission the people of Arkansas have taken a very active interest in the success of the program, including encouragement from leading editorial writers in the State. An example of this favorable response is an editorial published in the Baxter Bulletin, of Mountain Home, Ark., on May 9, 1968. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROPER ACCENTS FOR OZARKA

A small dispute seems to be budding over the priorities to be set up for the "Ozarka" program, which is being devised by the Ozarks Regional Commission to elevate the economy of a 125-county region in Arkansas, Missouri and Oklahoma.

Some leaders—mainly in the affected counties—believe the overriding needs is for road construction and improvement. Other people—mainly government planners and researchers—believe that schooling is the desperate need and fear that the program may be shoved wholehog into the highway field to the detriment of education.

No real controversy has flared up, and perhaps none will, but an Ozarka representative who spoke up for educational projects recently at a regional development meeting in this area was lectured by local people on the need for road work above all else.

Improved highways are certainly essential to the realization of the region's possibilities. The four governors on the Ozarks Regional Commission (Kansas is included provisionally) last Friday decided to push for inclusion of a north-south road program in the Ozarka endeavor. That meets with the approval of people in this area, who would like to see State Highway 5 straightened, widened and paved all the way from the Missouri line south to Little Rock. It is the route that can funnel the most traffic into the Blanchard Springs Caverns and Mountain View national folk cultural center areas. It is also an important artery for tourists bound for the Twin Lakes.

Roads are needed to bring in tourists and business investment, and should have high priority, but it should be remembered that good roads also can be a means of funneling out the productive population to other states when there are insufficient jobs or inadequate wages at home in the Ozark towns.

Arkansas's industrial progress slowed down significantly last year; the investment in plants was 18 per cent below the 1966 figure. This state has never gotten its share of technical industries. The main reason unquestionably is educational deficiency. Arkansas lags in all fields of education—secondary, college and vocational—in large measure, of course, because of its limited financing ability.

The Ozarka planners are hoping to spend a chunk of the program's money on vocational schools, to train people for skilled industrial jobs, and this should be encouraged.

The commission also should consider the possibility of directly aiding some of the pathetically impoverished smalltown secondary schools in the region, by infusing money into their general programs and by making possible the addition of industrial arts courses.

In its initial report booklet, the commission recognizes the importance of improved transportation, but the federal co-chairman also states: "In the full utilization of the human resources of the region, we can accept nothing less than excellence in education in all of its facets and at every level. Particular attention must be given to training for technical and vocational skills. The development of job opportunities to be matched with people trained for them must be our objective. Nor should we lose sight of the ultimate criteria of job opportunities for aggressive, bright and talented young people who can furnish tomorrow's leadership for continuing economic development."

Appropriations of many millions of dollars for Ozarka are foreseen when the Vietnam war ends and the native turns to domestic improvement. There should be no conflict between the imperatives of highways and education. A proper balance can be struck if residents of the Ozarks realize that both are vital, and that one is not an economic cure without the other.

HON. JOE MARTIN

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. HANLEY. Mr. Speaker, I am honored to join with my colleagues in the House of Representatives in paying tribute to one of our most beloved former colleagues, Speaker Joe Martin.

I did not have the privilege, as did so many of my colleagues, of serving with Mr. Martin for a long period of time. He was in the twilight of his distinguished career when the people of New York's 34th Congressional District sent me to Washington. But the legends which had preceded him became a reality the first time I met him. There was an air of unprepossessing wisdom about the man. He was gentle, of the type of gentleness which comes with age and experience.

Though I could not be so presumptuous as to call him a close friend, we did enjoy many occasions together, and I found myself the recipient of his knowledge and understanding.

I miss him, as I am sure everyone in this Chamber does, but we can be consoled in the knowledge that this wonderful man is now enjoying his heavenly reward.

THE PEOPLE'S CONGRESS MOVEMENT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. THURMOND. Mr. President, yesterday, Mr. Paul Scott, the distinguished columnist for Publishers-Hall Syndicate, sent out a dispatch which ought to be of keen interest to the Members of the Senate. We are today faced with great issues both on the international and the domestic front. At home, the multimillion-dollar Poor People's Campaign is camped on the Capitol doorstep. Abroad, the Paris peace negotiations are progressing on predictable lines, while our casulaties in Vietnam are greater than ever before. At the same time, the Soviet Union is engaged in ominous activity in Eastern Europe.

Mr. Scott's dispatch brings these seemingly disparate issues together. He shows how the Communists and leftists are coordinating their efforts all over, in order to apply pressure against the West. He shows that so-called "shadow governments" are being set up in Saigon, West Berlin, and Washington itself—all in conjunction with mass demonstrations and movements. The potential for anarchy and disruption is grave.

The so-called Poor People's Campaign is a fertile field for this work. I invite attention to the recent statement by Andrew Young, executive director of the Southern Christian Leadership Conference, as reported by Paul Scott. Young says:

> We have marched here to demand that Congress and the executive branch of Government share with us the powers of self-government. If Congress doesn't give us some of their power, we will take it all away from them.

This statement shows the intention to disrupt the Government. It reveals an attempt at intimidation. With such incendiary statements current, the entire Poor People's Campaign could easily ignite into a conflagration against order.

The presence of this group on our doorstep gives us a firsthand view of the sort of agitation that we can expect in Saigon and West Berlin. We must not look at these movements as isolated events. They fit into a pattern, and they point up the dangerous times in which we live.

Mr. President, I commend Mr. Scott for his perceptive reporting. He is performing a great service to this country. I am sure that his editors all over the country appreciate this kind of work. I also commend Publishers-Hall Syndicate for its courage and fearlessness in distributing such meaningful journalism. In the day of the warmed-over comment and the rewriting of handouts, Mr. Scott's hard-digging, hard-hitting performance belongs to a vanishing breed.

I ask unanimous consent that Mr. Scott's column, entitled "Inside Washington," published on May 22, 1968, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

"People's Congress" Movements in Saigon, Washington, West Berlin Aimed at Weakening Governments' Power, U.S. Viability

(By Paul Scott)

Washington, May 22.—"People's congresses"—or shadow governments—are slowly beginning to take shape in Saigon and Washington.

Another is scheduled to appear in West Berlin later in the summer.

Although these movements in Saigon and here now appear small, U.S. intelligence and security sources warn leaders have ambitious plans for political subversion.

In South Vietnam the newly formed pro-Communist peace alliance is organizing a "People's Congress" to swell its ranks and leadership and to use the organization to publicly indict the pro-U.S. Thieu government and hasten its destruction.

Underground Hanoi agents identifying themselves with the peace alliance have begun circulating in Saigon and urging national political party leaders, labor union heads, and religious leaders to join their pro-Communist ranks.

A captured North Vietnamese document now being studied at the Pentagon explains the operations of the "People's Congress" as follows:

"The political objective is to bring together all leaders and groups advocating immediate peace in Vietnam into one loosely formed organization to work for the isolation of the American-backed government of President Thieu from the Vietnamese people.

"Members of the 'People's Congress' will form a shadow government which will be prepared to seize power in the name of the Alliance for National, Democratic Peace Forces.

"Negotiations will then be opened with the National Liberation Front (the Viet Cong political organization) to form a coalition government and evict all Americans from South Vietnam."

The captured document clearly points out that Hanoi is using the Paris Peace talks to try to accomplish this political objective, stating:

"According to our policy we must fight the war and negotiate at the same time. Negotiations will serve mainly to provide us the groundwork from which to launch our attacks on Saigon from within and without.

"Another reason for the negotiations is to expose the enemy's political attacks upon us by building up opposition to the war in Saigon and Washington among groups that want to end the violence."

THE HOME FRONT

In the nation's capital, leaders of the Poor People's campaign have begun shaping a government within their tent-city on the mall.

Under plans being discussed by the militant lieutenants of Dr. Ralph Abernathy, the machinery of government for the tent city in a slow-motion, multi-phased process will be expanded into a shadow government.

In one planning session from which the press was barred, the silver-tongued Rev. Andrew Young, executive director of the Southern Christian Leadership Conference, stated:

"We have marched here to demand that Congress and the executive branch of government share with us the powers of self-government. If Congress doesn't give us some of their power, we will take it all away from them."

Strategy of the leaders of the Poor People's campaign calls for expanding their tent-city into additional park sites in the city where cabinet posts in their shadow government will be set up.

In addition to the announced goals of pressuring Congress into passing legislation including a guaranteed annual income for all, the Poor People's leaders plan to encourage militant student groups to stage camp-ins in strategic areas of the city with or without the government's permission.

If the latter occurs, the direct confrontations between the students and the National Park police could produce the first violence in the present peaceful demonstrations.

THE WESTERN FRONT

In West Berlin Communist-led student groups are mapping plans to announce formation of a "People's Congress" in August, according to a Central Intelligence Agency report.

The plan is for the students to cause so much strife this summer that the Kremlin can use the chaos as an excuse to move Soviet troops into West Berlin to "restore order."

Because of the mounting student demonstrations West Berlin officials have been unable to hire a police chief to replace one forced to resign by earlier protests.

On strict orders from Washington, American troops in West Berlin have refrained from helping local authorities control the growing student protests.

Meanwhile, the Russians have increased from 21 to 23 the number of divisions in East Germany. Of this total, six divisions are now located near West Berlin.

During recent Warsaw Pact maneuvers, two Russian divisions actually moved into position to cut off West Berlin's access routes to West Germany, but then were pulled back after Britain and the U.S. made protests.

Some U.S. intelligence experts are convinced the recent Warsaw Pact maneuvers were preparations for a coming move on West Berlin rather than a warning to the new Czechoslovakian leadership.

SOUNDING THE ALARM

East Germany's semiofficial party daily, Berliner Zeitung, touched off a scare earlier this month in Czechoslovakia by reporting that eight U.S. tanks and troops—numbers unknown—had violated that country's border. The tanks actually came from Austria on a freight train. They were sent to Czechoslovakia by an Austrian firm which hires out stage props for a movie. Vintage pieces from World War II, the tanks are to be used in a film "Bridge at Remagen" being made by a U.S. company . . . In a recent radio appeal to the people of Saigon, the central committee of the National Liberation Front urged: "All people in the Saigon area should join the revolutionary forces early in June when new attacks will be made on the city. The people should help the revolutionary forces pull down the electricity poles, destroy warehouses with military materials, and seize power anywhere it is liberated or occupied by revolutionary forces. The people must destroy all documents used by the South Vietnamese government, especially police files."

MICHIGAN—BIRTHPLACE OF THE GREAT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **BROOMFIELD**. Mr. Speaker, a pioneer American statesman once said the most substantial glory of a country is in its virtuous great men.

Our Nation has been blessed with more than its share of that kind of glory and a larger number of those men have come from the great State of Michigan.

During Michigan Week, when the products, the beauties, and the services of our State are being extolled by so many, it is important to call attention to some of the most distinguished on the long list of Michigan men who have made such important contributions to the Government and political life of our Nation.

Most of us think first of our second territorial Governor, Brig. Gen. Lewis Cass, who later became Secretary of War, U.S. Senator, and Michigan's first candidate for President in 1848.

One of the leading statesmen of the 20th century, Arthur H. Vandenberg, came from Michigan. He was our U.S. Senator from 1923–51 and one of the principal architects of the United Nations.

In recent years Michigan has contributed such prominent names as the late Senator Patrick McNamara; former Secretary of Defense and now World Bank President Robert S. McNamara; G. Mennen Williams, our Ambassador to the Philippines; Gardner Ackley, former Chairman of the President's Council of Economic Advisers, and our new Secretary of Health, Education, and Welfare, Wilbur J. Cohen.

This list is much longer including such men as former U.S. Supreme Court Justice Frank Murphy; Ralph J. Bunche, United Nations Undersecretary and Nobel Peace Prize winner; and New York's three-time Governor and presidential candidate, Thomas E. Dewey.

All of them and more are evidence of the substantial glory Michigan has help heap upon our great Nation.

RESEARCH AND DEVELOPMENT INDUSTRY IN MICHIGAN

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **RIEGLE**. Mr. Speaker, in commemoration of Michigan Week, I would like to inform my colleagues of the progress being made in the research and development industry in Michigan. During the past 5 years, new laboratories have been springing up at a record rate. In 1967 more than 40 Michigan industries, hospitals, and educational institutions participated in some 170 NASA contracts alone covering all types of research efforts. In fact, Mr. Speaker, agricultural research has reached a level of competence and versatility sought out by developing nations all around the world. America's first land-grant college, Michigan State University, is still in the forefront of man's struggle to provide adequate nutrition for people everywhere.

One of the most encouraging things about these new laboratories is they provide jobs for graduates of our universities and colleges. In Ann Arbor, site of the University of Michigan, 52 research-oriented firms have been established, and the universities of Wayne State and Michigan State provide a research base ranking with the finest in the world. Seventy-three other Michigan universities and colleges also foster a climate of research that has greatly stimulated the economic growth of the State. The long-range effect of this research and development industry, measured in environmental improvements and new products potential, is even more promising.

The Michigan State Legislature has designed the State Technical Services Act to assist the transfer of ideas from laboratories to industries. Hundreds of science seminars for businessmen have been held throughout the State, and a communications network has been established among the 10 universities to channel problems to the source of answers. So, Mr. Speaker, I am happy to say that the communications between the universities and the industries in Michigan is being strengthened by an extensive effort on both sides to understand and appreciate each other's capacities and goals.

THE MICHIGAN WEEK STORY

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BROWN of Michigan. Mr. Speaker, today, my distinguished colleagues from Michigan and I have designated ourselves "Minutemen." We are taking a minute to join the 8½ million proud citizens of our native State who are talking about Michigan during, this, the 15th annual observance of "Michigan Week."

Michigan: "Land of Hospitality" is the special theme this year. In counties and towns, and even on Capitol Hill, there are festivals, shows, and exhibits, civic luncheons, and breakfasts honoring citizens and institutions, salutes to business and industry, dedications, and cultural activities, and numerous other events to focus attention on our State's progress and to make Michigan known as the friendliest State in the Nation.

General Chairman Win Schuler of Marshall sounded the keynote when he said:

> Michigan Week is much more than a celebration. It is a time for renewal, rekindling, and rebuilding of pride in our great State and determination on the part of all of us to work together for its advancement.

And we think we have much of which to be proud.

Michigan is the automotive capital of the world.

Three of America's billion-dollar industrial corporations and 16 of its $100 million businesses are headquartered there.

The Detroit River carries more tonnage annually than the Rhine, Seine, Thames, and Volga Rivers combined. More tonnage passes through the Soo locks in an 8-month Great Lakes navigation season than through the Panama or Suez Canals in a normal year.

Tourism also plays a major role in Michigan's economy. Michigan has more than 11,000 inland lakes and more than 36,000 miles of streams. In fact, you are never more than 6 miles from a lake or stream.

Michigan leads the Nation in number of State parks and prepared campsites—72 State parks and 150 municipal camping parks containing 15,000 campsites. It has more fresh water and big game than any other State.

"Big Mac," arching 5 miles over the Straits of Mackinac to connect the Upper and Lower Peninsulas, is one of the world's great bridges.

These attractions draw over 12 million visitors each year.

Agriculture and natural resources also play a large part in the State's economy.

Michigan has a greater variety of minerals—metallic and nonmetallic—than any area of comparable size in the world. The upper Michigan copper country is the largest commercial deposit of native copper in the world.

Michigan is the Nation's No. 1 salt producer. We also grow almost all of our country's navy beans. These same beans are used as a base for the famous Senate and House bean soup recipes.

So great is the variety of Michigan foods, in fact, that Michigan comes closer to setting the family table completely—breakfast, lunch, and dinner—than any other State.

In land and water area combined, Michigan is the largest State east of the Mississippi and ranks 10th in the Nation. Its area includes 57,022 square miles of land and 38,769 square miles of water surface.

Yes, Michigan has much going for it and its citizens. It is to bring as many as possible of these attributes into focus, that the members of our delegation join together, today, to present these capsule views of Michigan's advantages.

THE HISTORIC SITES OF MICHIGAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. WILLIAM D. FORD. Mr. Speaker, although Michigan did not become a State until 1837, its history dates back to the very earliest days of French exploration in the 1960's. Michigan abounds in historic sites which recapture the drama and romance of a thrilling past.

Some 100 historic site markers have been erected by the Michigan Historical Commission at principal points of historic interest.

The city of Detroit, now the Nation's fourth largest city, is itself a major historic area. Founded by Cadillac in 1701, Detroit takes its name from the French term "d'troit," meaning "the narrows." The original Fort Detroit was constructed on the narrowest point of the great river which separates Michigan from Canada.

Fort Detroit was one of the few French forts which held out against the massive attempt by the Indians in the 1760s to drive the white man from the lands west of the Alleghenies.

Some 15 miles south of Detroit, on the banks of the Ecorse Creek in Lincoln Park, a marker has been erected near the site where the great Chief Pontiac called an Indian council to plot a joint attack on the white man's forts.

In Dearborn, just south of Detroit, is world-famous Greenfield Village, where history is brought to life through authentic recreations of homes, churches, shops and artifacts of the past. There, also, is the Ford Motor Co.'s sprawling Rouge plant, one of the world's most massive industrial centers, where Henry Ford revolutionized the manufacturing process.

North of Detroit lies Port Huron, the boyhood home of Thomas Edison, and the site where the French explorer Daniel Duluth built his first St. Joseph in 1686. In southwestern Michigan is the city of Niles, over which have flown four flags—French, British, Spanish, and American.

Between the Upper and Lower Peninsulas of Michigan lies historic Mackinac Island, a landmark for early explorers, a fur trading post for two centuries, and a battlefield in the French and Indian Wars and again in the War of 1812.

A few miles away, at the northern tip of the Lower Peninsula, is Mackinaw City, site of Old Fort Michilimackinac, built by the French in 1715.

Across the straits at St. Ignace, Michigan's second oldest city, is the grave of Father Jacques Marquette.

Spanning the straits across 5 miles of water is the $100,000,000 Straights of Mackinac Bridge, the world's longest suspension bridge, opened in 1957.

Fifty-three miles northeast of the straits is Sault Ste. Marie, Michigan's oldest city, the first white settlement in the Old Northwest Territory, and the home of the famous Soo locks, busiest waterway in the world.

Yes, Michigan is rich indeed in history and offers many fascinating hours for the visitor who enjoys reliving the exciting events which are part of Michigan's heritage.

DR. W. J. BEASLEY

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. McMILLAN. Mr. Speaker, I could not permit another day to go by without giving recognition to one of South Carolina's greatest statesmen and most outstanding physicians who, until his recent passing, practiced medicine in the city of Hartsville, S.C. I am certain I have never met a more dedicated person to his profession and to his country than Dr. W. J. Beasley. The State of South Carolina and the city of Hartsville suffered a great loss in Dr. Beasley's passing, and his great work as a physician will be remembered for future decades.

Dr. Beasley, on numerous occasions, gave me some extremely valuable advice on legislation pending before the Congress and the affairs in general confronting our country.

My heart goes out to his fine family who also have their home in the city of Hartsville.

AMERICAN LEGION SAYS JOHNSON ADMINISTRATION BETRAYS THE AMERICAN MERCHANT MARINE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BOW. Mr. Speaker, the distinguished national commander of the American Legion, Mr. William E. Galbraith, said last night that the Johnson administration's maritime proposal "is truly a betrayal of the American merchant marine and all it stands for in the building of this Nation, past and present."

Mr. Galbraith addressed the Propeller Club of Washington in honor of National Maritime Day. I agree heartily with the commander's views. I commend to my colleagues for thoughtful study his speech which follows:

AN ADDRESS BY WILLIAM E. GALBRAITH, NATIONAL COMMANDER, THE AMERICAN LEGION, BEFORE PROPELLER CLUB OF THE UNITED STATES, WASHINGTON, D.C., MAY 22, 1968

This is my second pleasant experience with the maritime world this year as National Commander of The American Legion and it is my understanding that my record in that respect is now about twice as good as that of most Legion National Commanders.

Most of you, I'm sure, are aware that the first encounter I speak of came on February 27 of this year when Mrs. Galbraith and I had the honor of participating in the christening of the S.S. American Legion, a sparkling new cargoliner built for the United States Lines by the Sun Shipbuilding and Drydock Company.

This is the second American ship to bear the name of The American Legion and perhaps there is more than significant coincidence between the fact that the name of the Legion is about to take to the high seas again, and the fact that the Congress of the United States seemingly is about to shift its concern for the plight of the American Merchant Marine into high gear.

At this moment, with the air of uncertainty surrounding taxation and economy proposals, it is impossible to predict the fate of maritime legislation now in the hopper. We have reason to wonder aloud if a new blow to proposed shipbuilding and replacement programs might not prove fatal to the American Merchant Marine. We have reason to wonder, knowing some of the economic facts of life with regard to the Merchant Marine, if economizing at the expense of the Merchant Marine might not in the long run prove to be a false economy.

The interest and concern of The American Legion in the cause of a strong, reliable American Merchant Marine as an essential and integral part of our total national security effort is a matter of record and of long standing. We wish we could say the same with regard to the concern of our government, but the record of more than a half century indicates official reaction to this ever present need traditionally has been slow, sometimes too late, and always on a crash basis.

Crash programs always have been unduly expensive, and usually have not provided what was needed when it was needed. For example: World War I resulted in our Merchant Marine being brought *right* up to snuff—*right* after the war. The only problem then was that these vessels could not be adapted to commercial operation economically and the country wound up with a multi-billion dollar bungle.

The Merchant Marine Act of 1936 put America in a somewhat better position at the outset of World War II. We had a basis from which to work, including the facilities, the skills and the know-how to enable America to build the world's most potent Naval force and the merchant fleet required to support vast American ground forces fighting across two oceans.

Our allies in that conflict bought the time we needed to unlimber our strength. The odds are against our ever being so fortunate again should we be confronted once more with the necessity of gearing for an all out military effort. We are, indeed, hard pressed to fill the needs of limited conflict in Vietnam.

While the conflict itself is limited in terms of manpower committed to the struggle, and by comparison with the great World Wars, the sealift required to support this conflict has been described by experts as the greatest in the history of the world.

President Johnson, in his official proclamation designating this date as National Maritime Day, 1968, cited the nation's heavy reliance upon the men and ships of the American Merchant Marine, identifying them as an essential part of the transportation bridges between America, Europe and Asia—"and to our servicemen and women wherever they stand in freedom's defense."

"They have carried more than 20 million tons of food, weapons and supplies to our fighting men in Vietnam. Last year alone they delivered about 4 million tons of wheat to our friends in need in foreign lands. In the same year, they transported 12 million tons of our products to our trading partners abroad—and returned with 10 million tons of their goods for our people's use."

The importance of the American Merchant Marine is clearly spelled out in this proclamation, but the means of maintaining the Merchant Marine in a state of readiness to continue to fulfill the mission expected of it, is missing.

Fortunately, the Congress has taken the initiative in this respect, and we find legislative proposals for a new maritime program having been introduced in the United States Senate by Senator Warren Magnuson, chairman of the Senate Commerce Committee, and before the House of Representatives by Representative Edward A. Garmatz, chairman of the House Merchant Marine and Fisheries Committee.

Ladies and Gentlemen: At this point in my prepared remarks, I must stop to catch my breath. We have all been shaken by the events that took place at the Senate Commerce Committee Maritime Hearings on Monday. We in the Legion—as you in your respective maritime fields—have waited three long years for the President of the United States to present the new maritime policy he promised in his 1965 State of the Union Message. We all know what happened on "Blue Monday." This watered down proposal is truly a betrayal of the American Merchant Marine and all it stands for in the building of this nation, past and present.

I agree with Senator Magnuson, who said after Alan Boyd testified: "I think I'd be in disagreement with 95 percent of it." I would go him one better. I would disagree with nearly 100 percent of it. The frosty session the presentation received on the Hill was summed up best by Senator Bob Bartlett of Alaska. "I get the feeling the accord we reached has been rudely shattered," he said. Build about seven merchant ships a year in U.S. yards and then go build abroad . . . dump the 1936 Merchant Marine Act . . . throw out the American passenger ship . . . no plans for Merchant Marine expansion that the Congress and the industry have been diligently seeking . . . no nuclear ship program . . . I could go on and on about its short comings.

"All the administration program amounts to is a 'roadblock' to the highly important and reasonable bills introduced to revitalize the Merchant Marine by Senator Magnuson and Representative Garmatz of the House Merchant Marine and Fisheries Committee. Well, the Legion and its 2.6 million members aren't about to roll over and play dead. We support the points of the program to revitalize all segments of U.S.-Flag Merchant shipping as presented by the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee."

Hopefully, the awareness of the need seems to be developing, not only among those members of the Congress who know the problem, but among the people of this country. Prayerfully, the effort will not be sidetracked and the new awareness will bear fruit before it is too late.

Experts in the maritime field see the recommendations of the Magnuson-Garmatz proposals are representing the most significant steps toward rehabilitating the American shipping fleet since the passage of the Maritime Act itself. The American Legion doesn't have to go back into National Convention to place itself on record in favor of this kind of legislation—we have been asking for it for years. We are on the record.

Our position with regard to the Merchant Marine calls for us to carry out a program of information and education, and through our internal publications we are urging our more than 16,000 local posts to institute a campaign of awareness of these problems, and in support of strong, well balanced and modern Merchant Marine. Our views, as adopted by our 1967 National Convention Merchant Marine resolution, also are being directed to the appropriate committees of the Congress.

We have watched with alarm as the Soviet Union, building 12 ships to our one for the past several years, has overtaken Great Britain as the second ranking sea power and now moves to challenge the supremacy of the United States.

The program now under consideration by the Congress visualizes a dramatic increase in the number of merchant ships to be built in American yards over the next five years and would approximately triple the annual rate of construction which we now have.

These proposed new vessels would help to restore and revitalize all segments of the American Merchant fleet. The legislation also calls for an accelerated program of research and development in the maritime field, including exploration of the possibilities of nuclear power, and in these specific areas the proposed legislation coincides precisely with the position of The American Legion on the American Merchant Marine.

Time will not permit a review of the 14-point Legion resolution on the Merchant Marine as adopted by our 1967 National Convention in Boston. Suffice it to say we ask for sufficient shipping under our own flag to insure delivery of our nation's essential needs at all times. We ask for an effective vessel replacement program to withstand the challenge of the Soviet Union for supremacy of seaborne commerce. We ask that these ships be built in American yards. We ask for adequate funds to do a proper job of research and development in the maritime field such as outlined in the proposed Magnuson-Garmatz bills.

Yes, the Legion looks at the problems of the Merchant Marine primarily as they affect this nation's defense posture, but we are not oblivious to the need for stability of the American dollar, a problem which has become increasingly acute in recent months with the assault on the world's gold market and its implications with regard to the value of our currency.

We don't pretend to be expert in the field of finance, but we, as former members of America's armed forces have been in other countries where inflationary forces have wrecked the monetary system. We have seen people go grocery shopping with a wheelbarrow full of money that was virtually worthless. We know enough about that sort of thing to know we don't want it to happen to our own system.

We know too that the balance of payments plays a vital role in our economic stability, and that our Merchant Marine is a major contributor to a favorable balance for us.

We have seen the findings of the study by Harbridge House, Inc., of Boston, showing a 7.3 billion dollar favorable contribution to the balance of payments by the American shipping interests in the decade ending in 1966. The study shows a 23 billion dollar deficit over that period would have been in excess of 30 billions without the contribution of the Merchant Marine. There should be some sort of an economic message in those findings and it seems to be in favor of the Merchant Marine.

It is our understanding, and you in this audience are in the position to prove it, that 80 cents of every dollar of ocean freight payments made to United States cargo ships remains in the United States, and that 90 cents of every dollar spent by travelers abroad United States passenger ships is retained in this country. It seems to us that money invested in the modernization of America's Merchant Marine will pay dividends to America both militarily and economically. In this year of 1968, and with the conditions that confront this nation in both of these vital areas, that is a rugged combination to beat.

Finally, I cannot take my leave of any group whose primary interest is in the sea and in maritime affairs without stating the position of The American Legion with regard to the USS Pueblo and her crew.

It is now four months since the illegal seizure of the Pueblo by North Korea and while she is a U.S. Naval vessel, what reasons do we have to believe that North Korea, or any other communist nation, would hesitate to try to seize any ship, military or not, if they are led to believe they can get away with it?

The American Legion, by unanimous action of our National Executive Committee, now calls for, and will support, strong, positive action by our government—including the use of whatever military force is required—to restore the personnel of the USS Pueblo and the vessel itself to United States control.

We have the utmost sympathy for the men of the Pueblo and their families, and it is our fondest hope that persistent diplomatic efforts might result in the quick recovery of the crew and the ship. We do, however, believe it is high time for the United States to reaffirm and re-establish its traditional posture of defender and protector of our international rights as an independent, law-abiding and God-fearing member of the family of nations. We further believe that a slogan which helped to establish that tradition still is a valid guideline for the foreign policy of this country, namely: "Millions for defense, but not one cent for tribute."

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. SCHERLE. Mr. Speaker, this is the 122d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE MEN OF KHESANH

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BROOKS. Mr. Speaker, today, President Johnson and our Nation honor the young men of the 26th Marine Regiment and its reinforcing units. These young men will receive a Presidential citation for their heroic stand at Khesanh.

This regiment held the combat complex blocking enemy routes into the northern provinces of Vietnam. For 7 weeks, they valiantly maintained their position against overwhelming odds and hoards of North Vietnamese forces. Alined against this marine regiment were two complete North Vietnamese Army divisions, equipped with artillery, tanks, antiaircraft, and rockets.

Although subjected daily to hundreds of rounds of murderous artillery and rocket fire and, on February 23, 1968, receiving more than 1,300 incoming rounds, they maintained their position and withstood the repeated ground attacks on their position.

In honoring the 26th Marine Regiment, we in no way overlook the assistance they received from the Air Force, who maintained their supplies and provided daily bombardment of the enemy; the Army, with its logistical and helicopter support; and the heroic efforts of our South Vietnamese allies. This valiant stand was made possible only by the most determined effort of all these components, however, it was the young men of the 26th who bore the brunt of the enemy attacks.

At a time when the young people of our country are receiving notoriety for the actions of a vocal, irresponsible few, it is appropriate to recognize this group of young Americans with the average age of 20 years who have, by their heroism and patriotism, added Khesanh to that long list which includes the Chosin Reservoir, Iwo Jima, Belleau Wood, and the storied halls of Montezuma and shore of Tripoli.

Text of the citation follows:

THE PRESIDENT OF THE UNITED STATES TAKES PLEASURE IN PRESENTING THE PRESIDENTIAL UNIT CITATION TO TWENTY-SIXTH MARINES (REINFORCED), 3D MARINE DIVISION (REINFORCED), FOR SERVICE AS SET FORTH IN THE FOLLOWING

CITATION

For extraordinary heroism in action against North Vietnamese Army forces during the battle for Khe Sanh in the Republic of Vietnam from 20 January to 1 April 1968. Throughout this period the 26th Marines (Reinforced) was assigned the mission of holding the vital Khe Sanh Combat Base and positions on Hills 881, 861-A, 558 and 950, which dominated strategic enemy approach routes into Northern I Corps. The 26th Marines was opposed by numerically superior forces—two North Vietnamese Army divisions, strongly reinforced with artillery, tank, anti-aircraft artillery and rocket units. The enemy, deployed to take advantage of short lines of communication, rugged mountainous terrain, jungle, and adverse weather conditions, was determined to destroy the Khe Sanh Combat Base in conjunction with large scale offensive operations in the two northern provinces of the Republic of Vietnam. The 26th Marines, occupying a small but critical area, was daily subjected to hundreds of rounds of intensive artillery, mortar and rocket fire. In addition, fierce ground attacks were conducted by the enemy in an effort to penetrate tne friendly positions. Despite overwhelming odds, the 26th Marines remained resolute and determined, maintaining the integrity of its positions and inflicting heavy losses on the enemy. When monsoon weather greatly reduced air support and compounded the problems of aerial resupply, the men of the 26th Marines stood defiantly firm, sustained by their own professional espirit and high sense of duty. Through their indomitable will, staunch endurance, and resolute courage, the 26th Marines and supporting units held the Khe Sanh Combat Base. The actions of the 26th Marines contributed substantially to the failure of the Viet Cong and North Vietnamese Army winter/spring offensive. The enemy forces were denied the military and psychological victory they so desperately sought. By their gallant fighting spirit and their countless individual acts of heroism, the men of the 26th Marines (Reinforced) established a record of illustrious courage and determination in keeping with the highest traditions of tne Marine Corps and the United States Naval Service.

MEMORIAL DAY SERVICES TO BE HELD IN CATHEDRAL OF THE PINES, RINDGE, N.H.

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. COTTON. Mr. President, we in New Hampshire take great pride in our unique open-air place of worship, the Cathedral of the Pines at Rindge. Its facilities, which are open to all faiths and creeds, have brought spiritual comfort to untold thousands from literally all corners of the earth. Consistent with the high purposes in which it was conceived, it honors the memory of all who have died for their country. It is fitting, therefore, that Memorial Day services should be held in this solemn and inspiring place on May 30.

I ask unanimous consent that an announcement of the event be printed in the Extensions of Remarks.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

In Cathedral of the Pines, Rindge, N.H., at 2:30 P.M., May 30, at the Cathedral's two national memorials, the Altar of the Nation and the Memorial Bell Tower, America will acknowledge its debt to all those who sacrificed their lives in the wars of our Country and in its establishment. Only here in America, as the British Empire does at the Cenotaph in London, is equal national recognition given all its war dead, women as well as men of the combat forces, those killed in the war effort to supply the sinews of war, those of the Red Cross and the nurses, the canteen workers, the war correspondents, entertainers and the Pioneers who sacrificed their lives in carving our Country out of the wilderness.

Former Presidents Eisenhower and Tru-

man, as did President Kennedy, annually have their wreaths placed at the Altar of the Nation which the Congress of the U.S.A. unanimously voted to recognize as a national memorial for all American War Dead. Written tributes from the two presidents will be read at this time. Sixty national heads of patriotic and other organizations are coming from coast to coast to participate.

A block of marble from Da Nang, the tribute to the war dead in Viet Nam by the U.S. Marine Corps and a similar tribute from General Westmoreland, are incorporated into the Altar of the Nation. These, together with like tributes from Leahy, Halsey, Bradley, MacArthur, Marshall, and Nimitz, from every State and Territory, and from four Presidents of the U.S.A., accord perpetual honor due all our heroes and heroines.

LETTER SENT TO MEMBERS OF HOUSE BY HON. PAUL FINDLEY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. FINDLEY. Mr. Speaker, here is the text of a letter I sent each Member of the House yesterday:

MAY 22, 1968.

DEAR COLLEAGUE: The proposed one-year extension (H.R. 17126) of the Food and Agriculture Act of 1965, which probably will reach the House floor soon, strikes me as unjustified for these reasons:

It approves another $3 billion for feed grain, wheat and cotton programs which clearly have failed. Under these costly programs—

Farm parity ratio has dropped to only 73, same low level as Depression Thirties.

Realized net farm income (including government payments) dropped $2 billion, 10%, in 1967.

With farm costs rising sharply while market prices stay down, farmers are in the worst cost-price squeeze in over 30 years.

It authorizes a continuing bonanza to big farm operators. Government payments[1] last year by size groupings:

Range	Number of farmers	Amount
$5,000 to $7,499	41,798	$252,629,409
$7,500 to $9,999	18,244	157,163,180
$10,000 to $14,999	15,415	186,318,214
$15,000 to $24,999	9,894	186,931,864
$25,000 to $49,999	4,843	161,642,642
$50,000 to $99,999	1,285	84,603,708
$100,000 to $499,999	388	64,883,041
$500,000 to $999,999	15	9,556,372
$1,000,000 and over	5	10,889,036

To find out exactly which farmers in your area get these big government checks, ask the Document Room for Part 2, Senate Hearings, Dept. of Agriculture and Related Agencies Appropriations for Fiscal Year 1969. It lists by state and county each farmer getting $5,000 or more in payments last year.

Can a "yes" vote for annual government payments of this size to farmers—many of them well-to-do—be justified?

It continues the most regressive tax ever enacted—the excise fee on wheat milling. At 75¢ a bushel, it is the equivalent of a 20% tax on flour. USDA studies show this tax hits poor people hard, because the role of flour in the family diet goes up as income goes down.

It continues the most costly commodity programs in history. To illustrate, last year's cotton program cost taxpayers $1,382,000,000—more than the market value of the entire crop. Cash receipts for sales of the 1966 crop totalled $1,312,000,000.

Legislation is absolutely unnecessary this year. Existing law covers all crops harvested prior to January 1, 1970. The 91st Congress will have a minimum of six months to come up with something better.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

MICHIGAN: STRENGTH THROUGH EDUCATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ESCH. Mr. Speaker, as a part of the Michigan Week celebration which is being observed in my home State, today has been designated as Education Day. It is fitting that Michigan has designated 1 day to honor education in this week-long event, because Michigan certainly boasts one of the most outstanding educational systems in the world.

My State's basic commitment to education began as far back as 1787 when the Continental Congress passed the Northwest Ordinance. A part of that law states:

> Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

That passage still lives in Michigan's constitution and remains our policy today.

Since becoming a State in 1837, Michigan has built a massive and wide-ranging education enterprise. Today we are proud to point out that Michigan's financial commitment to education approaches $1.5 billion, that nearly 2.8 million persons are directly involved in our system, that few States equal or surpass our per pupil expenditures, that we support 11 public colleges and universities, that we have 53 independent institutions, 28 publicly supported community and junior colleges and 400 proprietary institutions and schools. This financial support, this great number of people and this wide range of facilities all combine to make a diverse and excellent educational system to serve the people of Michigan.

Mr. Speaker, as Michigan citizens this week pause to reflect on their State's greatness in education and in many other areas, I am sure they will be making a basic pledge to even greater progress in the years to come. My Michigan colleagues and I join in this pledge and salute the people of Michigan for their continuing support of the essential enterprise of education.

COPYRIGHT REVISION 1968: THE NEW TECHNOLOGY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. SCOTT. Mr. President, as the ranking minority member of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I have been actively interested in the comprehensive copyright revision bill which has been the subject of extensive hearings by our subcommittee during the 89th and 90th Congresses. I believe that legislators and other students of the proposed legislation would be interested in a recent address made by Andrew A. Aines, colonel, U.S. Army, retired, a technical assistant on the staff of the Office of Science and Technology in the Executive Office of the President. In his remarks, Colonel Aines discusses the breathtakingly rapid developments in communications technology and their relationship to the copyright problem.

I ask unanimous consent that Colonel Aines' thought-provoking address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COPYRIGHT REVISION 1968: THE NEW TECHNOLOGY

(Address by Andrew A. Aines, Office of Science and Technology, to the Association of the Bar of the City of New York, N.Y., May 2, 1968)

Before I came to New York, we had some preliminary discussion about my going to a hotel. This reminded me of the story of a famous Wyoming rodeo and pageant held every 3rd, 4th, and 5th of July. From miles around, people came into town for the rip-roaring celebration. One well-known pioneer, was in town for the annual spree, was asked at which hotel he was staying. Startled, the old timer exclaimed, "Hotel! Why, man, I am only going to be here for three days."

Frankly, I was amazed that I was invited to return to New York after my talk last year on the same subject to the Federal Bar Association. I have concluded that you have the fortitude of the Wyoming pioneer, and I am guessing that some of you possess the fantastic hope that you will hear something that you have not heard before on this complex subject.

Before I get launched, I would like to point out that I am not qualified to speak about subjects too far outside of the boundaries of science and technology, and within the field, I can hardly claim to speak with Olympian authority.

When it comes to law, copyright or otherwise, I start with the philosophy which you may find unique. I am utterly convinced that every person in this room knows more about it than do I. Hence, I will not waste your time in conjecturing about the value and the prospects of the copyright bills now being considered by Congress. I am also going to try to avoid re-plowing some of the worked-out soil in this field, and I will try to explore the world of communications that some of us in science and technology are beginning to see. There has been enough cussing and discussing in this business, so I am going to avoid the cussing part.

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[1] Mainly cotton, wheat, feed grains, but does include Sugar Act and minor program payments.

I fully recognize that the stakes are high and so are feelings. Recently, somebody even attacked me because in his eyes I was a Johnny-come lately, an allegation which in all honesty I had to admit was true. It is my sincere hope that we can all take a more detached view in the future. I worry about the durability of solutions that come out of supercharged debate. I hate to see positions taken and diversions attempted that tend to sharpen divergence and reduce the possibility of accommodation and compromise.

So much for my prelude and explanation of what I do not intend to cover in my talk. I think that I would be most helpful to you, if I tried to give you a picture of what I see down the road.

One of the outstanding creative thinkers of this era was the late John Von Neumann. This brilliant scientist once observed that all experience shows that "even smaller technological changes than those now in the cards profoundly transform political and social relationships." His view has been echoed time and time again in recent months. Bell Telephone's Laboratories' John R. Pierce, one of the top communications scientists in the world, wrote in Daedelus, the Journal of the American Academy of Arts and Sciences, last year:

"Electrical communication exemplifies the applicability and power of science . . . It has changed profoundly our lives within the span of our memories . . . Science and technology are now creating, through advances in communications as well as many other fields, an entirely new environment in which life will again be different."

This may be too much for you to stomach, but I am not sure that you can agree with equanimity with Judge Learned Hand's observation when he said with his usual elegance:

"Our dangers, as it seems to me, are not from the outrageous but from the conforming; not from those who rarely and under the lurid glare of obloquy upset our moral complaisance, or shock us with unaccustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers."

I would guess that Justice Hand today would state that it is amazing how things can change with a few whirls of the globe. If he were alive today, I suspect that he would pay much attention to the growingly visible effects of the sledge-hammer blows of modern technology.

A few days ago, in a conversation with a few of my colleagues in the Office of Science and Technology, we were talking about the growing problems of scale in the production of scientific and technical information. We talked about the potentialities of the new technologies of communications and information-processing, not only to help solve the problems of scientific communications, but for a host of other fields and professions, including law. I am sure that you are all familiar with the efforts to harness the new information-handling technology to assist the legal community in a variety of ways.

Not being familiar with the *avant garde* thinking in the world of law, I would assume that lawyers and jurists like any other group are engaged in appraising the role of the profession in a world buffeted out of balance by new technology and other revolutionary forces. And I am equally confident that some of them are wondering how they might employ the new communications technology in a variety of ways other than saving work and improving professional competence.

A short time back, for example, I had a small group approach me who were in the process of conducting a study of actions that might be taken to employ new communications techniques to assist in curbing crime in the streets. We talked about a clearinghouse for information, civil disorder control centers, and rapid transfer of information among and between groups, including legal groups, during periods of urban unrest. I hope that the Association of the Bar of the City of New York, and other similar groups concerned with the problems of law and order would accelerate their actions and bring recommendations to us if new information programs are involved.

It is my hope that the tools of electrical communications can be used by the people of your profession to help solve some of the *problems* that result in crime on the streets and elsewhere. I believe that the people in the law profession have a stake in progress of our nation and are just as anxious to contribute their talents to all programs that will result in a reasonable equilibrium for society.

I dwell on this theme—which may seem a long way off from the problem of copyrights for some of you—because it is both an example and, in another sense, a central point in my discussion. There is no doubt in my mind that when we talk about the coming computerized information networks of the future, which I contend are approaching not as rapidly as some computerniks would have us believe, nor as slowly as some of the diehards claim will happen—we ought to have an understanding of what is going on, and I contend that while a lot has been said on the subject of the computer and copyright law, there is precious little being written on just what these networks will probably look like, and even less on what effects they may have on societal groups and individuals. I will start with the obvious qualification that I have no special clairvoyance or a full-color crystal ball.

Let us look at a few facts and implied predictions. I will restrict them to my own scientific community.

Published articles are growing at a rate of about 8 percent per year, and indexes and abstracts to inventory and describe the articles even faster.

In electrical engineering alone, the number of periodicals and pages published have increased ten-fold in the past 21 years, doubling about every six years.

In the period from 1907 to 1926, *Chemical Abstracts* increased from 180,000 to 530,000. In 1966, it was up to 1.3 million, and contained abstracts from 11,500 journals originating in 100 countries in 54 languages.

Scientists and engineers will increase about 8 percent a year for the next five years—an increase of 50 percent in potential users of information services in the early 1970s. The world output of science is increasing about 7 percent a year. One estimate is that the total scientific and technical manpower in the United States is about 800,000.

Federal support of research and development is about at a $17 billion figure now. You can add about $7 billion more for nongovernment investment. Federal support of research and development in information sciences and technology, I would estimate at $100 million a year. We have identified about 2,500 projects in this area alone.

In a recent editorial in a well-known scientific publication (*Scientific Research*, Feb. 5, 1968), a world-famous biologist, Bentley Glass, is quoted as saying that "The proliferation of scientific literature raises one of the greatest obstacles facing the efficient advancement of science today." The editorial goes on to reveal that the quotation is the first sentence of a never-publicized recommendation made to the Pugwash Conference of September 1964 and repeated at the last annual meeting of the American Association for the Advancement of Science. Let us see what else was said on this subject. The Pugwash working group claimed:

"Particularly in some disciplines, exponential growth of the literature is rapidly producing chaos and unnecessary duplication of effort. Scientists are unable to become aware of, and make use of, much of the scientific information relevant to their own researches. The scientific community has evolved like an organism with a quite inadequate nervous system for storage and utilization of information. . . . We recommend that work be initiated without delay towards developing a unified and coordinated system of scientific information storage and retrieval from heterogeneous and limited beginnings that now exist. . . ."

This group is only one of many groups and individuals whose analyses in the last ten years have led them to similar conclusions and recommendations. We are beginning to develop a literature on this subject alone.

In the meantime, what has been happening that will reflect a growing number of efforts to cope with the problem of exploding literature, scientists, engineers, and the management of knowledge itself in science and technology?

Virtually all of the major Federal agencies have taken steps to organize themselves to handle the efficient use of documentation. They have set up clearinghouses, distribution centers, coordinators of information programs, information analysis centers, library facilities, cooperative exchanges, policy and directives statements, and R&D programs to improve systems and procedures.

At the Executive Office of the President, the Office of Science and Technology and the Committee on Scientific and Technical Information (COSATI) of the Federal Council for Science and Technology are providing coordination within the Federal community and working closely with the non-governmental groups also involved in science communications. We have sponsored the National Academy of Science-National Academy of Engineering Committee on Scientific and Technical Communications, known by the acronym Satcom, to assist in the growing program.

All of us are being spurred on by the recognition of the rapidly increasing costs of information-processing. It is estimated, for example, that it is costing the taxpayer at least a half-billion dollars a year just to handle scientific and technical information. It is our hope that the new and modern systems will—after the heavier initial expenditures—help us bring the costs down, so that more of our dollars can go into research and development, rather than service expenditures.

Now let us look at some of the evolving information systems, most of which will be computer-based.

We see them in such fields as nuclear energy, space and astronautics, health and biomedicine, toxicology and poison control, oceanography and marine sciences, adverse drug reactions, chemistry, agriculture, water resources, environmental sciences, physics, patents, critical data, intelligence, social and economic data, administration and logistics, project reporting, intelligence, defense, educational research, geology, pollution control, employment, census, welfare, archives, standards and test data, engineering data, reference data, seismological data, military command and control systems, inventory and stock control. The list goes on and on, and is matched by a growing number of commercial and industrial applications in being or on the drawing boards.

It should also be pointed out that there are a number of programs to create international scientific and technical information systems. Organizations like the International Congress of Scientific Unions, UNESCO, OECD, WHO, FID, and a whole host of others are moving rapidly towards the adoption of standards and conventions that will make the global information systems possible. We see early ones in nuclear energy, space, chemistry, physics, highway research, biomedicine, and others. We have felt the pressures for action and are continuously seeking avenues to explore to improve world-wide interchange of knowledge as we move in the direction of the predicted global village.

Recently, our office put out a policy for the Federal agencies dealing with the international exchange of scientific and technical information. Yet another policy was issued covering the distribution of magnetic tapes containing bibliographic information resulting from government research and development programs. About all of the industrialized countries are moving rapidly in the direction of established national scientific and technical information systems.

Having mentioned earlier the conversations I have held about possible information systems to help reduce crime in the streets, I should add that I expect to see a number of information systems evolve to help us solve sticky socio-economic problems. We may see these in the battle to control the pollution of the air, ground and streams of the country. They will surely come into being in the campaign to reverse urban blight. We will see them appear to help evolve solutions in the problems brought about by population growth and pressures, such as transportation shifts and needs. Education and training will employ them to improve the scope and quality of the educational level and for re-training purposes. We will see more of them to contribute towards better ways of growing and distributing food. You can almost write your own ticket and prepare your list of candidate problems that will call for highly efficient information-processing and communications efforts.

As they grow, we can fully expect that it will be possible to improve intercommunication between and among the systems. It will not be easy as long as computer manufacturers are going to be able to put out new models like the automobile industry, using standards and techniques that inhibit and reduce interchange of data.

I fully expect that there will be the growth of a new and vast body of communications law as new statutes begin to appear on the books or in computer systems. I predict that some of you will be the accredited pioneers and experts in this field. The field of copyright law will be but one area of concern.

One of the most exciting programs being considered in Washington goes under the title, "Networks for Knowledge." Late last year, the President used this term to describe his hope that we would be able to use the new communications technology, including communications satellites, to bring knowledge to the underprivileged and under-developed peoples wherever they were. His vision was not restricted to the United States.

The concept has been enlarged to cover education, science, and technology. A task force under Dr. Donald F. Hornig, the President's Science Advisor, is now exploring what can be done to implement the President's goal in the immediate and mid-range future. I predict that whoever follows the President will expect a continuation and even an expansion of this promising program, because of the great hope for progress that it carries.

It would be a mistake to predict how rapidly the networks will arrive. There are many problems, not the least of which is how to pay for the cost of installing, maintaining and using the systems.

We have not yet been able to determine just what will be stored in the data networks, and once data are in the information banks, how we are going to purge the files of outmoded or unused information. We do not know how and who will make decisions as to what will go into the networks, how much overlap will be permitted between systems, and who will pay for transmission costs of data. We do not know if we are going to have the transmission controlled by public information utilities or if the owners or controllers of knowledge banks, as in law or cancer research, will maintain control all the way to the users. We do not know if in the battle for the nodes and carriers of knowledge, the control will pass to which specific group in government, professional societies, universities, libraries, commerce, or industry.

It seems evident to me that out of the contention and the striving, which is inevitable in our pluralistic society, the answers will come. It is my sincere hope that the private, taxpaying segment of the society will take a leading role in whatever combination of information systems society will ultimately buy and support.

Having admitted to my own bias that much of the communications and information-processing programs ought to be undertaken by the private sector, I should add that the role of the government ought to be fully understood. Much of the research, development, engineering, testing, standards development, and the like, will probably be largely underwritten by the government. In order to be able to make intelligent and creative decisions, those of us in government will need to be acquainted with the capabilities, aspirations, and needs of information services and user needs. We will have to be familiar with the state-of-the-art in communications, with the effectiveness and efficiency of information systems in and out of the government and with international programs with which the United States must be able to mesh. We will have to be able to make intelligent priorities in projects and decisions on who should be supported and to what extent. We will be working hard to encourage the development of standards and conventions.

This does not mean that we propose to inhibit the growth of information systems designed to serve the government agencies and their programs—far from it. But I do not believe that we in the government ought to undertake information programs that the non-government sector is ready to sponsor.

You can readily understand why my office feels strongly that we should not throw our support behind proposals that will result in a diminution of property rights of copyright holders. It is a matter of principle and plain common-sense that hardly needs any argument.

On the other hand, we feel equally strongly that some means of accommodation—which amounts to a new bookkeeping system—has to be developed to permit us not so much to develop the new computerized information systems, but to allow us to employ the new communications and information-processing technology to bring greater efficiency and help solve some of the complex problems of society. It is my hope that we will have a Copyright Commission this year to take the initial steps to find a solution acceptable to all parties. We have to move rapidly, I believe, because the problems and the evolving technology are not waiting.

In the last few weeks, we have seen a strong merchandizing campaign to bring print copiers right into the homes of the people. As I see it—and I may be wrong—the battle of the copiers has just about been lost, and one reason for it was the failure to find a way to temper the impact of the rapidly reproducing copier device in the past. Undoubtedly, copyright owners took a beating, and they will take another beating if we do not look into the future and search for ways to solve the computer-based data system dilemma. Time is not on the side of authors and holders of copyrights, at least in the area of scientific and technical information. This ought to be clear to all of us.

I recognize that this may be hard for some people who feel that the solution is in the hands of the courts to swallow and they may be right. I just have the uncomfortable feeling that the genie is too big to put back in the bottle in an era reflecting a breakdown of law and order. Under other circumstances, I would like to argue that we need new mechanisms rather than shoring-up old, but it would take time away from my coverage of just a couple of additional comments I would like to make.

We should not underestimate the vigor of the communications and information-processing technology revolution. Even before we begin to apply the early breakthroughs, we find that the laboratories are outmoding them. I predict that each of the industrialized science-based countries will enter the electronics Olympics with gusto to carve out a place for itself.

A few weeks ago, the London *Daily Express* sent, via Early Bird satellite, the first page of its newspaper to San Juan, Puerto Rico, by facsimile. The time of the transmission was 12 minutes; the distance, 50,000 miles.

Xerox now has a process in its laboratory to print right off the face of a cathode ray tube connected to a computer. Currently, they get speeds of 1000 lines per second of linear writing. With special cathode ray tubes with fiber optics of thin window face plates, Xerox can get up to 100,000 lines per second.

National Cash Register is marketing microcopy that can carry over 3000 pages of letter-sized sheets on a 6'' by 4'' transparency. They rent readers that provide the user with full-sized page readback for 10 dollars a month.

Right now, Stromberg-Carlson is selling systems by means of which computers print-out directly into micromedia.

In the last decade, computer speeds have increased by a factor of 1000 to 1, and costs of computation have been reduced on the order of 400 to 1. Memory capacity is up 1000 to 1.

Time-sharing systems are coming rapidly. There are now over 40,000 electronic information systems installed on a world-wide basis. By 1975, the figure is expected to double.

From what I have covered, I hope that you will get a better understanding of the new technology, the coming networks for knowledge, and the glimmering—I hesitate to say glittering—potentialities of these developments. I do not hesitate in asserting that they are going to change our lives in yet undetectable ways.

I hope that my account of what is going on, together with my annotations, do not leave you with the sense that events are getting beyond our capabilities to influence. This would be a mistake.

There seems to be some truth to the statement made by a Vice President of General Electric, J. Stanford Smith. He said: "One cannot fully understand the emerging culture without a first-hand knowledge of electronic information systems. The well-educated man of the 1970's will use computers as comfortably as he now uses books and telephones."

By June of this year, 80 percent of all of the students at Dartmouth will have learned how to use a computer. Half of the students, according to Dr. John G. Kemeny of Dartmouth, will go to the computer center and sit down at a teletype as naturally as they would go to the library and look something up in a book.

When students such as these become graduates in the next decade, obviously the skills they have learned will be used in graduate work, the professions, in government, in the laboratories, in law, and in industry. Unless we are going to close the communications gap that will be more evident in the next five years, our generation has a rough time ahead.

The copyright problem that occupies our

immediate attention tonight may turn out to be small potatoes unless we take inventory and move out to take on even larger and more complex forces that can rip our society into shreds.

I believe that we can do it.

ATTEMPTS TO JUSTIFY DIRTY MEAT AND FRAUDULENT LABELING

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. SMITH of Iowa. Mr. Speaker, attempts are still being made to justify opposition to the Wholesome Meat Act of 1968. The central theme is that material gathered by the Department resulted in strengthening the act and that it therefore should not have been given any weight. One trouble with the argument is that the Department was not promoting the strengthening amendments, therefore, if it was to be assumed that the information was slanted, it would have been against the amendments.

One article even indicated the act was not needed because dirty meat and diseased meat would not make consumers sick if they cooked it long enough at a high temperature.

It has been suggested that professors and others cannot sell their articles unless they contain the theme desired by the publishers at that time. I do not oppose articles stating a different point of view than I have if they are based upon some reasonable interpretation of the facts and indicate the authors have at least read the law, but some of these articles do not meet that test. An excellent editorial on this subject appeared in the Des Moines Register May 22, and it is as follows:

ATTACKING WHOLESOME MEAT ACT

Two national publications recently have published articles downgrading the seriousness of the unwholesome conditions in meat packing plants which led to passage by Congress of the Wholesome Meat Act of 1967. Newspaper articles by Nick Kotz, of The Register's Washington bureau, reporting on the official surveys of conditions and the political struggle for tighter inspection, were influential in passage of the act and resulted in a Pulitzer Prize for Kotz.

The Nation's Business, magazine of the Chamber of Commerce of the United States, printed an article in the May issue by Oscar Sussman, senior instructor in meat inspection at Rutgers University, saying, "The new meat law is not only unneeded but casts improper doubt on the high quality of the products that packers and processors have furnished the public."

Sussman said the campaign for the meat act ("shrill cries of horror") had so frightened the housewife that she would not buy meat without the federal inspection stamp and that she had "almost superstitious faith" in federal inspection. Yet, he said, the "U.S. Inspected" stamp was no guarantee against disease-causing pathogenic organisms such as salmonellae and trichinae. He said proper cooking was necessary to kill these organisms.

The big fight over the meat act was about improper ingredients and contamination in processed meat products and mislabeling of such products. These products, some of them intended to be consumed without cooking, are the dangerous ones.

Thorough inspection can do much to eliminate disease-causing bacteria in fresh meat and prevent the use of diseased animals for fresh or processed meat. But, of course, raw meat ought to be cooked in the home, and, so far as we know, no advocate of federal inspection claimed the contrary.

Federal meat inspection no doubt could be improved, as Sussman says, but there is little question that it is superior to inspection by all but a few states. The Wholesome Meat Act requires that states either rise to federal standards or turn their inspection over to the federal government.

The other article was published by the National Observer weekly newspaper, a sister publication of the Wall Street Journal. The Observer found what it regarded as biased collection of information about meat plant conditions by the U.S. Department of Agriculture to further the campaign for the Wholesome Meat Act.

USDA conducted a quick survey of plants last summer to gather facts on unsanitary meat processing. The Observer said this was incomplete and designed to show "horrible examples." True on both counts.

One of the arguments of the opponents of the meat act was that the information used by supporters was out of date. Kotz dug up reports of the USDA that were several years old but never had been previously published. The 1967 spot survey was intended to provide fresh data. It covered 183 plants in 36 states, which seems reasonably comprehensive.

The Observer obtained a copy of a directive to federal inspectors telling them to pick bad examples and to keep secret what they were doing. This seems terrible to the Observer. But we don't see anything wrong with it.

The purpose was to prove that there was a considerable incidence of filth, poor sanitation and improper ingredients in meat processing plants not under federal inspection. The purpose was not to develop an accurate percentage of the unsanitary plants across the nation. To show that there were a few in each state was enough. Secrecy was necessary to prevent tipoffs and cleanups in advance of inspection.

A large advance toward purer meat products for the American consumer has been made by the enactment of the Wholesome Meat Act. Other foods, such as fish and poultry, should be brought under the same kind of regulations. To show that the majority of food processors are careful about the public health is not enough. It is the careless and corrupt processors who must be caught.

MICHIGAN: LEADER IN TRANSPORTATION

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. McDONALD of Michigan. Mr. Speaker, Michigan is truly a transportation hub.

Its 1,300 miles of toll-free multiple-lane highways are the longest stretch of freeway in the Nation, making rapid, economical deliveries possible to 21 major billion-dollar markets.

In Michigan you are within 8 hours by truck of 40 million people.

Our Wolverine State is also a flourishing "fourth seacoast" as a result of the St. Lawrence Seaway, which boosts Michigan's international trade as our ports are visited by more and more foreign-flag vessels.

In fact, because of the seaway, Detroit is actually closer to many European ports than New York or Baltimore.

In 1967, this shipping shortcut to Michigan was taken by ships of 47 countries.

Almost 1,000 firms are involved in a booming international trade and Michigan is now the second most important customs district in the Nation.

More than 1 million tons of shipping is handled each year by 19 Michigan ports on the Great Lakes.

Rounding out Michigan's remarkable progress in transportation are its airlines, railroads, and trucking firms.

Fifteen passenger airlines serve Michigan cities. Eight freight airlines carry cargoes in and out.

The State is served by 32 railroads.

And, finally, more than 200 trucking companies reach most of the major markets of the United States and Canada overnight.

This transportation system is one of which all Michiganders are extremely proud. We are determined to see that it continues to expand.

THE NATURAL RESOURCES OF MICHIGAN

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RUPPE. Mr. Speaker, this is Michigan Week. It is a week in which we Michiganites take stock in our State. It is a time when we take special pride in our accomplishments and in our resources. I am fortunate to represent the northern portion of the State, where many of our abundant natural resources are perhaps most evident. You cannot talk about the State of Michigan without talking about water. The State boasts nearly 12,000 inland lakes, 36,000 miles of river and more shoreline than the entire eastern seaboard of the United States. The endless sand beaches of Lake Michigan and Lake Huron, the rugged scenic shore of Lake Superior, and the thousands of clear blue inland lakes have attracted boating, swimming, and fishing enthusiasts for years. Michigan is indeed a water wonderland, and we are making a concerted effort to preserve the purity of our waters and develop them as rich fishing grounds for America's sport and commercial fishermen. Michigan is also blessed with thousands of square miles of pine and hardwood forests, which are known to hunter and naturalist alike, not to mention that they have supplied the Nations' papermills with huge quantities of pulpwood. The land in areas of northern Michigan is rich in iron and copper.

But perhaps the most important of our natural resources are the miles and miles of scenic woods and waters, which have recreational opportunity for all of Michigan's citizens and our guests. For whatever is your interest, fishing, boating, skiing, swimming, hunting, camping, or just viewing—it is all there in the Winter-Water Wonderland. As the motto reads, "If you seek a beautiful peninsula, look about you."

MICHIGAN—LEADER IN AMERICA'S DEFENSE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CHAMBERLAIN. Mr. Speaker, the State of Michigan is proud of its contributions to the military defense of our country. From the times even before Michigan formally became a State, its residents have willingly and valiantly served in the Armed Forces of their country.

This tradition of honorable service continues. Michigan men and women currently in uniform are serving their country literally around the world. Army, Navy, Air Force, Marines, and Coast Guard—all have had distinguished representatives from Michigan. Because of the unique Michigan coastline on the Great Lakes, our State is among the leaders in the number of Coast Guard stations, with more stations than any other Great Lakes State. In Vietnam, Michigan men serve with valor, and many have sacrificed their lives so that others may live.

Michigan also maintains strong Reserve Forces, with reserve units training throughout the State. The National Guard also serves its fellow citizens, and has demonstrated its readiness most recently by its activities in quieting civil disturbances in some Michigan cities. Michigan notes with pride the fact that one of its officers, Brig. Gen. Leonard C. Ward, has recently become Assistant Chief of the National Guard Bureau for Army.

We are proud, too, of the members of the services who are working today with the hardware of tomorrow. Among these we count two astronauts from Michigan, James McDevitt and Alfred Worden.

Supporting our men in uniform is equally as important a part of our national defense, and we are proud of the capable men and women of our State who contribute with their labor and talents to the logistics base of the Armed Forces. This great labor force provides the knowledge and skills required to produce military materials and subcomponents that are integrated into the Defense Department's hardware and logistics supplies and has earned Michigan the designation of being the "arsenal of democracy." History speaks well of the valor of the Michigan fighting man, with well over 100 Congressional Medal of Honor winners listed among the heroes of our county. The spirit, strength, and support services rendered by this beloved State of ours go far in contributing to the Nation's security.

DR. JULIUS MARK, SENIOR RABBI OF TEMPLE EMANU-EL OF NEW YORK CITY, TO RETIRE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CELLER. Mr. Speaker, Rev. Dr. Julius Mark has announced his plan to retire on September 1, 1968, upon completing 20 years of service as the senior rabbi of New York's famed Temple Emanu-El. On December 25 of this year he will observe his 70th birthday.

Educated in the public schools of Cincinnati, Ohio, including the university, Dr. Mark was the youngest of the class which was ordained at the Hebrew Union College in June 1922. He occupied two pulpits before he was called to Temple Emanu-El—Temple Beth El, South Bend, Ind., from 1922 to 1926 and Vine Street Temple, Nashville, Tenn., from 1926 to 1948. He is the holder of doctorates in laws, divinity, humanities, sacred theology, and humane letters from five leading universities and colleges.

Of his 4-year ministry in South Bend, Dr. Mark says:

> I remained there long enough to win the hand and heart of my precious Margaret, who for nearly 44 years has been more than a wonderful wife, mother and grandmother, but my courageous and inspiring companion, a beautiful and radiant lady of valor.

Born in Chicago, Ill., Mrs. Mark has lived most of her life in South Bend and Nashville before arriving in New York with her husband. Educated at the University of Wisconsin, University of Chicago School of Social Work, Peabody College for Teachers and the Vassar College Institute of Euthenics, she is a former vice president and executive committee member of the National Federation of Temple Sisterhoods and chairman of its Committee on Child Study and Family Life Education. She was also a member of the National Board of the Girl Scouts of America, chairman of its Committee on Public Information and vice chairman of its Committee on Religious Policy. She took part in the White House Conferences on Children and Youth in 1930, 1940, and again at the Mid-Century Conference in 1950. She was a member of the executive committee for the 1948 White House Conference on the Family. In addition, she participated in the meeting of "Women in a Defense Decade."

Mrs. Mark was on the founding board of the University of Tennessee School of Social Work and served as president of the Tennessee Conference of Social Work and of the Women's Civic Forum. She was a member of the editorial board of "American Judaism," the official publication of the Union of American Hebrew Congregations, has spoken and written on themes dealing with the home and the family and is the author of "The Jewish Family in the World Today." She also served on the board of the New York Section of the National Council of Jewish Women. Presently she serves on the executive boards of the Women's Auxiliary of Congregation Emanu-El, the USO of New York City, Women's Committee, Health Advisory Service Council of Brandeis University, The Home Advisory and Service Council of New York, and of the New York Chapter of the National Multiple Sclerosis Society. Mrs. Mark's biography has appeared in "Who's Who of American Women" since its first edition. Prior to its publication, her name was listed in "American Women: Standard Biographical Dictionary of Notable Women."

Dr. and Mrs. Mark were married in South Bend on June 30, 1924, and are the parents of a brilliant son, Dr. James B. D., who is associate professor of surgery in the medical school of Stanford University and a lovely and charming daughter, Peggy Joy, who is married to Martin F. Heller of Verona, N.J. They have eight grandchildren.

It was during his 22-year ministry in Nashville that Dr. Mark won a national reputation as a dynamic leader in numerous religious, educational, social, and philanthropic causes. When Cumberland University conferred upon him its degree of doctor of laws more than 30 years ago, he was cited as "Rabbi, scholar, lecturer, religious statesman, for your liberality of thought, for your mastery of the art of expression of truth, for your generous and ceaseless work toward racial and economic justice and welfare, for your effective leadership in religion and all phases of social progress." His biography has appeared in Who's Who in America since 1936.

When the Japanese attacked Pearl Harbor and the United States found itself at war, Dr. Mark, though nearly 43 years of age at the time, immediately offered his services as a chaplain in the Navy. His application was approved and he served his country in uniform from July 1, 1942, to December 31, 1945. He was overseas during the last 2 years of the war, serving on the staff of Adm. Chester W. Nimitz as Jewish chaplain to the Pacific Fleet.

> The three and a half years that I served as a military chaplain were by no means the happiest of my life—

Dr. Mark has frequently said—

> but they were without question the most useful.

He is a member of the Defense Orientation Conference Association and a life member of the Naval Order of the United States, Military Order of World Wars, and the Military Chaplains Association.

Since assuming his present post in Temple Emanu-El two decades ago he has revitalized this historic Reform congregation. From a membership of some 1,300 families in 1948, Emanu-El has grown to more than 3,500 and is now the largest Jewish congregation in the world. He instituted a late Friday evening service in addition to the regular Sabbath worship on Fridays at 5:15 p.m. and Saturday mornings at 10:30. He set up an adult education program, which is conducted on Monday evenings. The enrollment of children in the Sunday school grew to such an extent that it became necessary to construct a new $4 million religious school building on East 66th Street, adjacent to the Temple. Soon after Dr. Mark's arrival in New York a prominent member remarked:

> Temple Emanu-El has always been a great congregation. Now it has a heart.

Dr. Mark plays an active role in organizations which operate on the national as well as on the local level. He is frequently seen and heard on television and radio and, so far as time permits, accepts speaking engagements in other parts of the country. He has made numerous trips abroad, having visited Israel four times. Upon the invitation of the Department of Defense, he engaged in "Preaching Missions" in the Pacific and Japan in 1956 and in Europe in 1960. He is a former president of the Synagogue Council of America, the coordinating body of the six major rabbinical and lay organizations of our country—Orthodox, Conservative, and Reform.

From 1949 to 1963 Dr. Mark was visiting professor of homiletics and practical theology in the New York School of the Hebrew Union College-Jewish Institute of Religion, is a past president of the alumni association of his alma mater and was chairman of the Chicago Institute on Judaism, Management and Labor in 1947 and of the St. Louis Institute on Judaism and Civil Rights in 1948. Together with I. Irwin Miller, then president of the National Council of Churches, and the late Albert Cardinal Meyer, Archbishop of Chicago, he convened the historic National Conference on Religion and Race in Chicago in January 1963. He was a director of the New York World's Fair 1964–65.

At the present time Dr. Mark is chairman of the Board of Alumni Overseers of the Hebrew Union College-Jewish Institute of Religion, a life trustee of the Federation of Jewish Philanthropies and a member of the executive committee of the U.S. National Commission for UNESCO, the national board of the National Conference of Christians and Jews, the national board of governors of the American Jewish Committee, the Eastern Board of the Anti-Defamation League, the New York Association for New Americans and the governing body of the World Union for Progressive Judaism. He is also a member of the Board of Chaplains and the Interfaith Council of New York University, honorary president of the American Jewish Encyclopedia Society, honorary vice chairman of the Lighthouse for the Blind and vice president of the Jewish Conciliation Board of America. He is a member of the Council on Foreign Relations and an honorary member of the Ohio Society of New York.

Dr. Mark was the recipient of Zeta Beta Tau's Man of the Year award in 1959 and the Human Relations award of the Methodist Church in 1963. When the National Conference of Christians and Jews presented him in 1966 with its Gold Medallion for Courageous Leadership in Intercreedal Relations, he was cited for "his prophetic leadership in efforts to eradicate prejudices through peaceful social change, his assertion and exemplification of a 'free pulpit in a free society,' his championing of social justice for all members of the human race and his making his house of worship the world's largest Jewish congregation and a temple of love of God and man."

In 1967 he was honored by the Israel bond organization and awarded a plaque "in recognition of devoted support for Israel." He is an honorary colonel on the staffs of the Governors of Tennessee and Kentucky. His publications include "Behaviorism and Religion," "The Rabbi Faces Some Big Dilemmas," "The Art of Preaching" and "Reaching for the Moon." His writings will also be found in "The Will To Think," "A Treasury of Comfort," "That Day With God," "Race—Challenge to Religion" and "Understanding"—coauthored with Norman Vincent Peale and the late Francis Cardinal Spellman.

As rabbi emeritus Dr. Mark's usual duties in the congregation will cease. He will, however, be available to the board of trustees for any counsel and advice he may be in a position to render and will continue to have a study in the community building.

> Merely to stop working after a long, busy, and exciting ministry such as mine has been—

Said Dr. Mark—

> might be a frightening and traumatic experience. If, however, retirement means the close of one career and the beginning of another, the future becomes brighter and more meaningful. I am looking forward to doing some reading which has been long postponed, to writing which might include a book or two, to occasional lecturing and especially to spending more time with my family whom I have neglected for too long. There may also be some time for me to indulge in a secret hobby which I used to enjoy occasionally in Tennessee—a bit of fishing.

PRESIDENT JOHNSON: A CHAMPION FOR THE AMERICAN CONSUMER

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ALBERT. Mr. Speaker, the adoption of the conference report on the truth-in-lending bill yesterday adds another milestone to the efforts of President Johnson and the Congress to provide a new era of consumer protection to the American people.

President Johnson has said that he regards his administration's efforts to protect the American consumer and give the public a strong voice in government as one of the great accomplishments of his Presidency.

I agree. The Johnson legacy offers a new era of opportunity for the American people. The consumer now has a voice in the highest council of government. The people's interests are being protected by a series of laws that insure safe, wholesome, and quality products that are fairly marketed.

Our free enterprise system is stronger for these efforts. Both the consumer and the businessman are being protected against unscrupulous individuals who seek to make a fast dollar at the public's expense.

The truth-in-lending bill is among the most important of the new laws to protect the public. Integrity and honesty are demanded of those who loan money. This bill insures that those seeking loans will be fully informed of interest rates required and the length of payments involved. No longer will there be any question about what is involved in assuming a loan.

This is necessary and progressive legislation. I am proud of the House of Representatives and of the administration for their action in bringing this law into being.

Mr. Speaker, I believe that President Johnson has made no more important contribution to the welfare of the Nation than in his leadership to protect the interests of the American consumer.

CHICKASAW INDIANS SUPPORT PRESIDENT JOHNSON

HON. A. S. MIKE MONRONEY

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. MONRONEY. Mr. President, these are times when travel and communication are easy. These are times when it is popular, or appears to be, to condemn and vilify the leaders of our Nation. These are times when those who use the rights of free speech and press do so without regard to the great heritage which gave us those rights. These are times when we frequently allow the Constitution to hide those who are attempting to set it afire.

It is disgusting to me to listen to such drivel. Americans have fought and died for the rights we now enjoy, even though the privilege is often abused. Fair criticism is one thing, but indiscriminate cowardice and bigotry under that guise exceed the rights authorized.

It is, therefore, refreshing to me that the American Indian has such an outstanding record of service to the United States. The Chickasaw Advisory Council has passed a resolution which simply and accurately states the record, and it deserves the full consideration of Americans everywhere. The resolution should also be brought to the attention of our great President, to give him support as he attempts to work out a just peace in Vietnam.

I ask unanimous consent that the resolution be printed in the RECORD. I commend the council and its chairman, Overton James, for their courage, patriotism, and moral support.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Following resolution presented by George W. Bourland, member, Chickasaw Advisory Council and seconded by S. Lee Wallace, member.

Motion unanimously adopted, and so ordered.

Whereas, the Chickasaw Indian Tribe, being the original Americans, and,

Whereas, the great Chickasaw Tribe is basically a peaceful people, but are noted as intrepid warriors, and,

Whereas, the Chickasaw people have never been known to have lost a battle in which engaged, and,

Whereas, the Chickasaw Indian people have a deep and abiding faith and love for their native land, and their government, and,

Whereas, the Chickasaw people, with heavy and aching hearts have seen so many turn against our native land, these United States of America, and,

Whereas, we have seen many people, but never our fellow Indians, refuse to answer the call to bear arms or serve our country in various other ways in this time of national emergency, and,

Whereas, the Chickasaws and other American Indians have a fine record of serving our country, since the day of George Washington, and,

Whereas, we continually see and hear our country and the President of these United states being vilified for fighting to make right the master over might and for freedom of all people of the world,

Therefore, be it now hereby resolved by the Chickasaw Advisory Council and Honorable Overton James, the Governor of the unconquered and unconquerable Chickasaw Nation of Oklahoma, in official meeting assembled, in the Federal Building, Ardmore, Oklahoma, this 16th day of February, 1968, that we do go on record to the President of these United States of America offering our continued 100 per cent loyalty to these United States and strongly offering moral support to our President to pursue whatever means and/or methods as may be necessary to continue to preserve the honor and integrity of our great nation.

OVERTON JAMES,
Governor of the Chickasaw Nation.
ROBERT H. KINGSBERY,
Secretary.
F. L. LEWIS,
Chairman.
GEORGE W. BOURLAND,
Member.
S. LEE WALLACE,
Member.
EMMETT SEELY,
Member.
J. L. INOTECHEY,
Member.
ELIGAH COLBERT,
Member.

MICHIGAN—A LEADER IN HEALTH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DINGELL. Mr. Speaker, this is Michigan Week, and I wish to speak about health, health services, and the desire for health among the people of Michigan. It is no accident that Michigan is one of the healthiest places in the world in which to live. The people of Michigan have worked hard for many years to make it that way, and they continue their efforts.

In 1921, for example, the State had the highest death rate from diphtheria recorded anywhere, but by 1958 the disease had been entirely wiped out. Nobody died from diphtheria in Michigan in 1958.

Today the pioneering accent is on wiping out air pollution. Judging from past records, Michigan scientists will be leaders in bringing it about.

The Michigan Department of Public Health is the fifth oldest State health agency in the country.

It supervises health departments in every Michigan county. It operates a laboratory which provides free biological products to combat a dozen diseases, including tuberculosis, smallpox, influenza, and measles.

It supervises public water supplies and waste disposal systems and it identifies health hazards arising from occupation and environment.

Michigan was one of the first States to provide free chest X-rays to detect tuberculosis; to detect and to help deaf children and children with defective eyesight; to distribute free blood plasma for civilian use; to provide free polio vaccine; to develop a vaccine against whooping cough; to require premarital blood tests.

One Michigan "first" was to fluoridate the public water supply of Grand Rapids to prevent tooth decay. At least 200 Michigan communities having a population of 4,500,000 now follow this practice.

The benefits of Michigan's long-continued pioneering program for bettering public health have spread throughout the world. Smallpox is controlled in tropical climates because Michigan developed a dried smallpox vaccine. Factory workers throughout the world breathe cleaner air because of Michigan ventilation research. All hemophilia sufferers in the United States use Michigan hemophilic globulin.

Mr. Speaker, if I were to cite one fact to demonstrate Michigan's leadership in health, it would be this. Not one case of typhoid fever has been traced to a public water supply in Michigan since 1934.

JOE MARTIN: HE LEFT HIS MARK

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BOB WILSON. Mr. Speaker, the career of Joseph W. Martin, Jr., was a capsulization of American political life.

From his first days in Congress to the pinnacle of his political power, Joe Martin was a consummate gentleman, a hard-hitting, fair political partisan—and an unabashed Republican all the way.

His was the opportunity to serve the Nation and his party as Speaker of the House. He saw the political fortunes of his beloved Republican Party fluctuate from high to low and back to high. Throughout his years of service in the Congress, Joe was marked by an unflagging reputation for integrity. His unceasing work on behalf of Republicanism earned for him the well-deserved appellation of "Mr. Republican."

Joe Martin lived in an era of tumult and change. He made and left his mark on the Nation he loved, on his congressional district and on the House of Representatives he served so long and so well. His wise counsel and thoughtful guidance will be missed.

THE POLITICS OF RACE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. WRIGHT. Mr. Speaker, a few days ago our able and distinguished colleague, the Honorable HENRY B. GONZALEZ, delivered a particularly perceptive address entitled "The Politics of Race."

The speech was made to the Catholic Interracial Council of the Dallas-Fort Worth area.

Because of its remarkable insights into one of the pressing phenomena of our time, I urge the reading of this excellent statement by all of the Members of the House. The statement follows:

THE POLITICS OF RACE

(Address to the Catholic Interracial Council of Dallas-Fort Worth, May 17, 1968)

These are critical and confusing days, laden with irony and heavy with potential for disaster. But these are not the first days our Nation has been faced with crisis, and they will not be the last. I am an optimist about the future. People are concerned, and that is good. They are asking questions and that is good. They are in the process of making important decisions, and that is why we are in a state of crisis.

In another time and another place, speaking of a revolution gone mad, Charles Dickens wrote these lines, which might well describe something of our own situation today:

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epic of belief, it was the epic of incredulity, it was the season for light, it was the season of darkness, it was the spring of hope, it was the winter of despair."

Our country today is not in the midst of the chaos of a revolution gone wild, but as we witness daily events that are terrible and tragic, and as we learn alternately of news that brings hope and news that brings a chilling fear, our emotions vault through a complete and extraordinary range. The wonder of it all is that we can stay sensitive at all, that we can still react, so overwhelmed are we by news good and bad, true and trite, of great moment and little import, news relieved only by an occasionally good cartoon. (And in Dallas you don't even get humor in the political cartoons, if you read the News.)

Anyone who reads a good newspaper or who tries to inform himself through radio or television is bound to be struck by the awesome, towering ironies that exist in the world and in the country. For instance, with our cities virtually on the brink of disaster from crowding, air and water pollution, traffic snarls, revenue crises and race crises, and when they need more than ever help from the Federal Government—Congress is about to be faced with a resolution for higher taxes and less help to the cities and the poor. At the very moment we are meeting here in the name of unity and brotherhood, proclaiming the universal dignity and equality of man, there are other meetings in other halls calling for separatism, black power, brown power and the expatriation of all "foreign" types.

Aside from all this, there is of course the old and puzzling irony that the world is faced with massive food shortages at a time when agricultural technology has never been at a higher peak; we here suffer from glut, and India suffers from starvation. And in times when the world needs more than ever to invest in people, and in education, and in food, it spends more and more on arms and armies, rockets and jets.

Faced with all of this, we are tempted to become desensitized. We become so accustomed to seeing death and destruction in living color, right in the living room, that it becomes meaningless. If we somehow remain sensitive, then we are tempted to simply turn away and deny that we have any power to change the situation or improve matters; or we want to lose courage and take refuge in doing nothing at all. We are tempted to believe that it is easier to stay at home than participate, easier to live with false illusions than to confront unpleasant and cruel reality. But you here tonight have not been desensitized, and you have not been tempted to turn away from the hard questions; you have decided to enjoy life by living it. I am not among cynics tonight—I know that you have not become agnostics out of despair, or fanatics out of fear. I believe that I am among friends here, and that you believe, as I do, in the future of this country and in our ability to realize the promises that lie ahead.

I do not pretend to know all the answers to our problems—I don't even pretend to know all the problems. But I would like to talk about a problem that is foremost in my mind, something that has disturbed me for a long time, and something which the Gallup people tell me everyone else worries about too—and that is race. Specifically I want to talk about race politics—politics based on race, politics aimed at race, politics intending to use or misuse the accident of birth or national or ethnic origin as a lever of success.

The politics of race aims to capitalize on disunity and misunderstanding, on pride and on prejudice; it aims to play on fear when that may offer some advantage; it aims to create insecurity and mistrust, or exacerbate it, and to make men react from political fear than any logical or sensible basis. Race politics lies at the root of many of our most grievous problems; it is a fundamental obstacle to goodwill and understanding; it is a tunnel that restricts our vision of ourselves and our fellow men.

Race politics is not anything new; it is probably as old as politics itself. The main difference lies in degree, not in kind—where the Athenians hated the Spartans, because they were of a different city and society, mankind now hates on the basis of race. An Athenian race politician was limited because his world was limited, but the race politicians of today have a whole world to toy with, as we well know from the days of Hitler and the Japanese militarists. Hitler proclaimed that all his country's ills and troubles could be laid at the doorstep of the Jew; the Japanese claimed that all Asia's problems should be blamed on white imperialists. So these racists joined together to take on the world. But the race politics that I have in mind are not those of the last war, but those of today, those right now, and those which clever little men use to try to capture places of power ranging from justices of the peace to President of the United States.

There are several kinds of race politics—they all aim to do the same thing, but they are different in character. Some of them are reversible, and you often find more than one type of race politics being used in a particular situation.

The oldest form of race politics, and the simplest of them all, is what I call the "La Raza" type. The "La Raza" politician bases his appeal on the fact that he is a member of some ethnic or national minority, and asks that all those who are of his nationality or race support him out of loyalty to the nationality. So it is that we have had the Irish politicians, the Patroons of New York, and the Huey Long types of Louisiana—the Bilbos of Mississippi and the Tom Watsons of Georgia. These politicians have only one stock in trade, and that is the call to their followers that loyalty to race or nationality comes first, last and always. They call for preservation of "our way of life" in the Deep South; they call for "black power" in the big city jungles; they call for "brown power" in Spanish-surnamed areas. This appeal to race loyalty asks voters not to judge a man for his ability to serve, or for his platform, or for his qualifications, or his dedication to public service—it asks only for a judgment to say "yes" because a man is a certain type or color, or because he is *not* a certain type or color. You get racism both ways—racism because a man is something, and because he is not something else.

This kind of race politics calls for a man to be loyal to his own kind—to place his national origin above his American citizenship, loyalty to some other country or place ahead of loyalty to the United States. It asks for skin identification, brotherhood, race pride, race identification—not for judgment on ability, on anything else. Race politicians of this type will say that if you don't vote for the Irishman, or for the Negro, or for the Mexican or the whatever—you are betraying your brother Italians or Irishmen or whatever. This kind of politician plays a simple game, but it is effective—for a while at least, until people realize that they are being asked to give up good sense in the name of some fictitious loyalty to race.

Politicians of this type may and often do get into trouble—say for indulging in a little self-enrichment at public expense. When this happens, and when they get caught up in the toils of the law, the defense offered is that "they"—whoever "they" may be—are out to "get" the man because of his race or national origin. And the opposite also happens—in fact the crooked majority or the crooked politicians of other stripes may in fact try to frame a man and "get" him because he is an uncomfortable minority or simply because he is not of the right skin type. I was in a position of being an uncomfortable minority of one at one time, and I was put in a situation of being accused of immoral behavior. This was to get rid of me. It didn't work—because the big shots who put together the plot were exposed by a soul brother of mine who happened to be waiting on their table while they hatched the scheme. So it works both ways—both ways the essential principle is there—political appeal based on ethnic loyalty, love for national origin or hate for some other national origin. It's all the same thing.

Another type of race politician is a variation of the ward heeler, or machine type. This is the race politician that I call the power broker, the dealer in votes, the maker of small deals at the expense of the people he is able to cadge into his following.

The politics of brokerage is fairly simple, at least in its general aspects. A smalltime operator will set up an instant organization, or committee, and will establish some degree of credibility that he is a "leader" and can deliver a certain amount of votes. The "leader" solicits candidates who have patronage to offer, and promises to deliver a certain number of votes, or percentage of votes from what he usually calls "my People". The price for this is usually a patronage plum, some job with a title on the door and a carpet on the floor, certainly some prestige and maybe even a little power. The followers of such "leaders" usually find that they have gained nothing but empty promises, and that they have merely been bought and sold, used as pawns in the hands of unscrupulous operators.

A third type of race politics is what you might call the politics of separatism of nationalism. This is a volatile type of politics, loaded with the stuff of tragedy, geared to disunity, aimed at creating powerful blocs which will compete for power and favor. This is the politics of black power, brown power and white power; it is the kind of politics that today threatens to tear Canada's union apart into French and English speaking enclaves, and pits Chicago's Poles against Negroes, and Black Muslims against a white world they see as unmitigated evil.

A separatist politician at the extreme will call for establishment of an enclave of his own race, apart from the rest of the country, separate, segregated, apart forever, because it is pure and holy, because it is a way to strike back at a cruel and spiteful world, or just because it sounds nice. Then there are those who say, "Fine!" These are the types who are ready and willing to buy the tickets of any who want to leave this country for happier lands—these are the "ship them back to Africa types." Others, just as extreme but not white, form movements to send emigrants to Africa, or wherever, back to the homeland.

To these types, "Black Power" means black nationalism, a black country within the United States, a separate existence; they are not troubled by the fact that such a creation is not possible within the meaning of society as we know it. They proclaim to be racists, and proud of it; they tend to be embittered with hate, but call it love.

There is a more subtle type of separatist, and one who is far more effective in achieving power and gaining a following. This is the practitioner of what you might call ethnic politics. Both political parties have in their national headquarters organizations which are aimed at appealing to various ethnic groups. These organizations develop mailing lists of given national groups, and direct mail appeals to these groups—there will be a Greek Mailing list, an Italian list, a Mexican list, and so on—all computerized, all available for instant use.

In a fashion, this ethnic politics resembles the "La Raza": Type I mentioned earlier—but the difference is that where the "La Raza" type bases his appeal on race or ethnic loyalty, the separationist or ethnic politician tries to create an amalgam of separate groups, tries to treat each one separately so as to obtain a majority. He tried to compartment society itself, not on terms of economic status, or social stature. But on terms of national origin. Thus ethnic politics develops specialized appeals for use in given areas—a type of appeal for a Negro area. A type of appeal for an Italian area, and so on. These politicians mouth words they believe will win over whatever audience they have. In Mexican neighborhoods they will denounce the "Gringo" and Texas Rangers. In Negro areas they will call for whatever slogans are popular for the day. And in Irish areas they will call for making a national holiday of St. Patrick's day, while they tell Italians that October 12 ought to be a national holiday. And to Scandinavians they will say that Leif the Lucky and not Columbus discovered America, and that the books ought to be changed to reflect that day, and Columbus Day abolished. Building on these little steps, each practitioner of this fine art attempts to sell himself in different ways to different people—tries to make them feel different. In fact they are all the same, because they all cast one vote apiece. So it is that an instant Coalition is constructed. It works as long as it is practiced quickly and in the dark.

Finally we have the politics of Xenophobia. You might say that this is the politics of being against. It is the politics of fear, prejudice and hate. Xenophobia is the fear of things foreign. So the politician who practices this art will say that a particular idea is foreign and therefore evil, or that his opponent is foreign and therefore evil, or that he is simply fighting for Americanism and America. Fear of Negroes is promoted by slogans like "segregation now, segregation forever" or more simply, "never." Fear of foreigners and foreign ideas is promoted by labelling this or that socialist or communist. A politician of this stripe will call for repression—promises to "to keep them in their place," or simply "teach them a lesson." He conjures up visions of yellow hordes, or black masses, of helpless women under attack by upsparing and unspeakable beasts, of Mongol hordes, or pure bloodstreams, and talks of apes, of blood in the streets, and cries out against that wonderfully vague target, the psuedo intellectual. This is the "back to the good old days" type. The little man who will restore a reality that never existed.

The sane and sensible man will recognize the fact that not all martyrs in the cause of justice are black, and that not all racists are white. He will realize that not all the victims of exploitation are of one race, and that not all exploiters are of another. Let me cite an example. Saul Alinsky says that when the Okies went out to California back in the Dust Bowl days they were cheated, shoved around and generally mistreated—as all of us know to be true. But some of those Okies stuck it out, and came to own some farms of their own, and today—in Alinsky's words—"they are the biggest SOB's of all." And in my own experience I have known some successful men from the West Side who have made their way up on the social ladder, and who try to out-Anglo the Anglos. I guess that it is possible for a man to be a racist even against his own race, to hate his origins so much that he hates all who once shared his plight. So we are talking about a problem that is practically boundless, and about a kind of politics that can use this problem to almost any degree; even to capturing a whole nation—or trying to.

But the thinking citizen—and I think that most citizens are serious thinkers—are not taken in by the politics of race. I believe that our people are one and indivisible and will not give the dividers their day of victory.

And while the prophets of division, the reapers of the fruits of disorder call out for the use of deadly force in almost any situation, believing that if you kill enough people the streets will become quiet and the problems will fade away, those who are perceptive will agree with the conclusion of Ortega ya Gasset, who wrote in his essay *Mirabeau O El Politico:*

Orden no es una presion que desde fuera se ejerce sobre la sociedad, sino un equilibrio que se suscita en su interior.

Translated, this means that order is not a pressure imposed on society from without, but an equilibrium which is set up from within.

The politics of race is aimed at destroying the equilibrium and even the equanimity of society; it is aimed not at sustaining the forces of order but sowing the seeds of disorder. The politics of race denies that all men are created equal, and that we are all good Americans, that there is a brotherhood of man. So in whatever form the politics of race may be cast, whether it be forward or reverse, whether it be one crude form of a combination of subtle appeals, it all amounts to the same thing—an attempt to destroy the equilibrium of society, the very foundation on which order rests.

The spices of fear and hate are loud today, just as they were in 1948, in 1954, in 1956, just as they were in the heyday of the Klan, and in the days of the Know-Nothings. But the quiet voices of good sense are also being heard, and they speak the truth. And though the news may make us want to turn away, though it may make us feel pessimistic for tomorrow, though we may want, like sunshine soldiers and summer patriots to shrink away from our duty, though we may feel ready to be overwhelmed, we know that we must not give in, for we cannot permit ourselves to be torn asunder, lest darker days still come upon us.

And we might take encouragement from some words Winston Churchill spoke to a group of school boys in the darkest days of World War II, when it seemed that England would surely be overwhelmed:

"Do not let us speak of darker days; let us rather speak of sterner days. These are not dark days; these are great days—the greatest our country has ever lived; and we must all thank God that we have been allowed . . . to play a part in making these days memorable in the history of our race."

A problem is more than merely a problem; it is also an opportunity. Dark days become memorable after they have passed. Our times are great times, and our tomorrows will be greater still.

DDT, PETRELS, AND POLLUTION

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ECKHARDT. Mr. Speaker, at this time I insert in the RECORD an editorial from the Baytown Sun on the plight of the Bermuda petrel. This rare and beautiful seabird has been on the verge of extinction for years. Under protection the only remaining colony had begun to increase. Then it was discovered that more and more petrel nests contained eggs which did not hatch. Chemical analysis of these eggs revealed lethal residues of DDT. Once released in the atmosphere DDT remains poisonous for 10 to 15 years. It is estimated that 1 billion pounds of DDT are now circulating through the world's air and water. This amount is being augmented by 200 million pounds a year. DDT may be the world's most serious pollution problem.

The editorial follows:

CONSIDER THE POOR PETREL

Consider the poor petrel.

It hasn't been given much consideration, along with many of man's other co-inhabitants of this planet, which is why it is in such a tough spot today.

The petrel is a rare bird that spends most of its life on the wing over the North Atlantic, approaching land only when necessary to continue the species. Its breeding grounds are rocks fringing Bermuda.

Long threatened by extinction, the petrel population is down to a hundred or so today. And it now looks as though man is well on his way to finishing the job.

Reporting in Science Magazine, Dr. Charles F. Wurster Jr., an American biologist, and David B. Wingate, of Bermuda's Agriculture and Fisheries Department, say examination of the increasing numbers of unhatched eggs and dead petrel chicks has revealed apparently lethal residues of man-made pesticides.

Since the petrel's habitat is distant from any area where the chemicals are used in quantity, the poisons must be reaching it indirectly. Wurster and Wingate conclude that pesticides used liberally for the past few decades by farmers far from Bermuda have been washing steadily into the oceans, to be absorbed by the small sea life upon which the petrel feeds.

The petrel is of small moment in the world's affairs. Its demise would likely go unmourned and unnoticed by all but a relatively few naturalists. But its plight points up the serious consequences of man's effect upon the common environment. Pollution is not localized. Its effects are worldwide. And in poisoning the petrel's habitat, man is also fouling his own nest.

HUMAN POTENTIAL

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. SCOTT. Mr. President, last fall, Pennsylvania's Governor, Raymond P. Shafer, proclaimed October 19, 1967, as Human Potential Day. On that day, Mr. Robert Morris, president of the University of Plano, Plano, Tex., delivered the keynote address, entitled "The Significance of Human Potential Week and of Dedication of the Valentine Auditorium," at the Institutes for the Achievement of Human Potential, in Philadelphia.

I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

I always enjoy coming to Chestnut Hill. Here one sees a bountiful nature renewing herself in graceful profusion—not only in a restless material world but in the poignant realm of human development that is even more a reflection of the divine order of all things. As we meet here for the felicitous purpose of this occasion, we see many manifestations of the enduring renovation of the world about us.

The dogwood trees are red today—on their way to their eclipse by the inexorable cycle of nature that will see them bloom again in May. The azaleas are curling in readiness to fade into lifeless particles that will become indistinguishable elements of the landscape. But they too will bloom again when April takes its revenge on December. The sun that shines here now will sink before some of us are home, only to return, more radiant than now, when tomorrow returns.

There are intrusions on this cycle when man or some disorganizing force of nature intervenes and disrupts the orderly mutations that we accept as enduring. A dogwood or a lilac must be felled to make way for an auditorium that will house great events. A lover will pluck an azalea bud to express his affection for the lady of his life. Or, more unaccountably, a cruel storm of nature will sweep out of the vernal skies and wash away the blooms even before they burgeon and grow strong. These storms of nature, these seemingly anomalous interventions into the beautiful scheme of things, have always been with us and, I am sure, always will be; hence the blights, hence the dwarfs among the dogwood, hence the azaleas that never bloom.

Great poets have written eloquently of the babe born by means of the miracle of creation, crying first in his mother's arms and moving down the long passage of time in his growth from infancy to boyhood, from adolescence to manhood, destined all the while to have as his journey's end that mysterious exodus "where time and eternity meet and blend". It is man's imperative that he makes the passage the most fulfilling, the most fruitful and the most helpful to his fellow men. In maintaining this high purpose, he must develop himself and those whose lives he has set in motion through the miracle of procreation, toward achievement of the very highest in human potential. Such is his destiny.

But, just as cruel twists of nature will blight or dwarf the dogwood, so also will the events of nature blight a young child embarking on the voyage of life. These are but symptoms as the unpredictable cycle of life that brings in its train alternate tragedies and blessings that defy interpretation as to cause or dessert. Through the ages poets and philosophers have pondered the seemingly indiscriminate incidence of the sweep of these blights and have found no clear answer.

In this area too the intervention of man sometimes thwarts the burgeoning of the child. Such often takes the form of underprivilege with its sapping of the strength necessary to traverse man's developmental pathway, or of over-privilege with its protectiveness that sees a sedulous nurse or protective parent deign not to allow their charge to come to grips with the imperative that nature, unrelentingly, requires of every child in the initial years of life.

As we sift, grope and experiment in this arena, we come to realize that there are at least four ingredients of human development.

First there is the spiritual content of the personality. A hard look at the order of the universe leads one to conclude that there are features of a human being that lives after his mortal flesh has turned to dust. This is the quality that makes man immortal. It is enduring and in the ultimate plan of things this element obviously holds primacy. It behooves us then to enlarge and develop this ingredient of our personality.

The need to develop the body is one of the more obvious and indisputable imperatives. Athletic performances on scores of thousands of baseball diamonds, football fields and gymnasia across the land are probably the greatest testament to our adequate attention to this need. As a consequence, man is growing stronger and living longer. Insurance company statistics amply reflect this story. The progress in this area was never more dramatically impressed on me than recently, when for the first time, I looked with awe on the ruins of ancient Pompeii. With the funeral veil of lava removed from that ancient city, we were able to see preserved, man as he lived just 2,000 years ago—a short fraction of history. Adult human beings then were barely five feet tall. Recognizing this difference we realize that men who loomed large in the great events of the past were, in reality, dwarfs compared with ordinary men of today.

The mind, too, must be developed, and here again man is attending to his commandment. This ingredient of the human aggregate has accomplished great things. More secrets of the universe have been unlocked in the last two decades than in the preceding two thousand years. The wondrous outpouring of computers and the revelations of science pertaining to outer space, to oceanography, to medicine and to new and seemingly occult sciences baffle, not alone in their complexity, because they all seem to fit into the simple order of nature, but also in their multiplicity. Man, by and large, is attending to the imperatives of developing his mind.

It is in the fourth dimension, as it were—the neurological—where man has been foundering. He is foundering too in the spiritual realm, but there the problem lies not in the intellect but rather in the will.

Man's ukase in this realm of the neurological includes the tendency to traverse a certain developmental pathway that cannot be by-passed. The old Polish proverb that warned that you must creep before you can walk had a prophetic ring worthy of the mythical Cassandra.

It is in this area of brain development that modern man has not obeyed the divine imperative and found solutions for ancient ills and blights or even succeeded in utilizing more than a mere fraction of the capacity of his ability to know and to perform. Fortunately for us, two men, Glenn Doman and Carl H. Delacato have emerged from the welter of modern attempts, first empirically and inductively to discover certain basic premises, and then moved from there, deductively and with great imagination, to point to attainable dazzling heights of future potential for all men.

It is the framework of these exciting discoveries that draws us here today.

Governor Raymond P. Shafer of the Commonwealth of Pennsylvania, in the pioneering spirit of William Penn has declared this week to be "Human Potential Week". In doing so, he has put this great state into the *avant-garde* of progress in this vital zone of human progress and fulfillment. His acumen and his foresight will long be remembered as man begins to march down this pathway of advancement.

We are here to raise our voices for the cause of human development and the achievement of human potential in the hope that other men will listen as you listen now at these Institutes, and as we listen at the fledgling University of Plano in Texas, some 1,500 miles away.

But we must do more. It was Rudyard Kipling who wrote dramatically—"Came the Wisper Came the Vision, Came the Power with the Need, Til the Soul that is not Man's Soul Was Lent Us to Lead".

Ideals often become real as they become represented by brick and mortar. Concretization is what makes abstractions applicable to the world of reality.

We are here today to do more than proclaim an ideal in unison with Governor Shafer and thereby honor those two founders of The Institutes who have pointed out so many new pathways. We are here to dedicate an auditorium that will draw thousands and I hope millions—we must remember that a million is but a thousand thousands—of human beings as they grope and wrestle with the exciting precepts of neurological development.

I am sure that the lectures, discussions, the ruminations, the challenging discourses, the hypothetical premises that will emanate from here will illumine and point the way to great accomplishment. I know too that articulate teachers from The Institutes in addition to Glenn Doman and Carl Delacato, Lindley Boyer, Dr. Robert Doman, Dr. Edward LeWinn, Dr. Evan Thomas, Dr. Raymond Dart, Dr. Paul Henshaw, Dr. Austin Staley, Dr. Roselise Wilkinson, Dr. Leland Green, Peter Moran, Arthur Sandler, Gretchen Kerr, William Mullineaux and Neil Harvey will enlighten many audiences where we now stand. How often have I wished, as I sat in the old auditorium, with 19 others listening to Glenn Doman lecture, that the audience was a hundred times the 20 we were.

We are grateful to Dorothy Cassard and her husband, Edward, for this beautiful auditorium. Likewise, we are grateful to H. Stuart Valentine, to E. Miles Valentine and Elizabeth Carrit Jordan for their generous assistance and also to Harry S. Valentine who is taking these lights to our greatest metropolitan center. The memory of the late Dora Kline Valentine and Mahlon Kline will glow more vibrantly because of what has been wrought here and by what we dedicate today.

May this day, this dedication and the expatiation of expressed ideals inspire us to go forth and obey one of man's great divine imperatives—elevation of the plateau of human achievement.

CYRUS EATON VISITS CASTRO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, why all the noise about Stokely Carmichael and the black militants visiting Cuba when the ultra-affluent Soviet-American Cyrus Eaton can visit Cuba and hold press conferences there?

If Ramsey Clark is scared to death over alienating Carmichael—imagine his utter fear over taking any subversive action against old man Eaton.

Of course Cyrus isn't a Communist—he just hates Americans.

I include the Associated Press release for May 10, as follows:

[From the Washington (D.C.) Evening Star, May 10, 1968]

Eaton Sees Castro, Calls Cuban Visit a Farm Mission

Havana.—"I'm just a farmer," Cyrus Eaton told newsmen last night in explanation of his visit to Cuba. "I came here to see what the cattle industry in Cuba is doing."

The 84-year-old Cleveland millionaire, one of the Soviet Union's best known American friends, arrived Monday for a four-day visit and met privately with Prime Minister Fidel Castro. Newsmen were not allowed to see him until he appeared last night at a reception at the Czechoslovak Embassy.

Eaton said his talks with Castro had nothing to do with international politics and his visit was of a private nature. He said he once had property in Cuba "but it is now the property of Fidel Castro." He added that he had not visited Cuba in 15 years or more.

Eaton has visited the Soviet Union a number of times and has traveled throughout the other Communist nations of Eastern Europe.

NATIONAL TRAFFIC SAFETY ACT 10-PERCENT PENALTY CLAUSE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. JAVITS. Mr. President, the State of New York has been a leader in the area of highway safety. As a result of the State's initiative, it is already in substantial compliance with national highway safety standards. Although it does not bear directly on my State, a recently adopted resolution of the 35th annual international conference of the American Association of Motor Vehicle Administrators dealing with the 10-percent penalty clause is worthy of the attention of Congress. I ask unanimous consent that it be printed in the Record so that we may be aware of the concern of this group of motor vehicle officials.

The State of New York and its leaders have often sought auto safety standards above and beyond present Federal criteria. I invite attention to a recent statement by New York State Senator Edward J. Speno, who has been an outstanding leader in this regard, dealing with auto tire safety. I ask unanimous consent that Senator Speno's speech also be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Resolution, 10-Percent Penalty Clause

Resolved, that the Congress of the United States should take action to remove the 10-percent penalty clause now in effect in the National Traffic Safety Act and that copies of this resolution be sent by the AAMVA to the entire membership of the United States Congress and by individual AAMVA adminis-

trators and chief enforcement officers to their respective Congressional delegations.

Adopted and approved, December 7, 1967.

Tire Safety: New States Action

(Excerpts from remarks of Senator Edward J. Speno, before the National Legislative Highway Committee, Council of State Governments, April 16, 1968, Washington, D.C.)

Gentlemen: The new tire safety picture is as bleak right now as it was in 1964 when we attempted legislation in New York, despite the National Traffic and Motor Vehicle Safety Act of 1966. Therefore, after conversation and communication with federal sponsors of the Act, we in New York are considering constructive action to improve that picture.

I propose that the National Legislative Highway Committee of the Council of State Governments take action in the following fashion: The states should establish uniform standards for new tires for state-owned cars which will be significantly higher than the current federal standards for all cars. Further, in order to enforce these standards, the participating states, and I think we can count on California, Michigan, Illinois, Kansas, Maryland and North Carolina among others, should pool the cost and operation of testing sample new tires, through an independent laboratory or through the National Bureau of Standards.

In this way, the states will put pressure upon the tire industry which continues to obfuscate and prevent safety progress and the states will make it easier for the National Highway Safety Bureau to upgrade its standards and institute an enforcement-testing procedure. The pressure will be that which multi-state policy and purpose can exert; not market pressure because the market for state-owned cars is relatively small. Further, we will work with the federal General Services Administration which can establish its own standards and owns almost 400,000 cars.

The market is still full of "cheapie" tires which are completely unsafe and of more expensive tires which are also unsafe. The federal minimum standards, which were meant to be merely a starting point for us back in 1964, are too low. There is no enforcement or testing procedure at the federal level. There is still no assurance to the buyer that one tire is safer than another or safe at all: just a maze of prices, lines, meaningless labels and private brands. The guilt of tire failure in accident causation still goes largely undetected unless there is an explosive blowout.

The National Traffic and Motor Vehicle Safety Act of 1966, as most of you know, incorporated our abortive New York State tire standards legislation largely through the efforts of Senator Gaylord Nelson of Wisconsin with whom we have worked over the years. The Act preempts the state from establishing either motor vehicle equipment standards or tire standards which are more stringent than those established by the federal agency. However, a state can exceed federal standards in its safety requirements for purchase of vehicles by the state for state purposes. In New York, the Executive Department alone owns about 5,000 automobiles and replaces about 2,000 a year.

I speak as chairman of the New York Joint Legislative Committee on Motor Vehicles, Traffic and Highway Safety which first introduced the bi-partisan program in 1964 to establish the first governmental safety standards for new tires in the nation, as chairman of the Legislative Initiative Committee consisting of outstanding legislators in various states and Canada and as a member of both the Uniform Laws and the Interstate Highway system sub-committees of the National Legislative Highway Committee.

Currently, aside from adoption of minimum performance tests for new tires at the federal level, nothing has changed. Sen. Nelson has been making excellent efforts to improve the situation. Specifically, I support his bill, S. 2638, which would institute a recall procedure for tires similar to the procedure that has resulted in the recall of about 4 million automobiles since the federal Act in 1966.

To recapitulate, in 1963, on September 23 and 24, in Akron, we asked the presidents and board chairmen of the major tire manufacturing companies to help us set up laboratory performance tests for blow-out resistance, overloading, skidding and cornering ability. In March of 1964, at the request of the major tire companies, after meetings with their chief engineers in Manhattan, after a meeting with the presidents of the Big Five tire companies and the president of the Rubber Manufacturers Association in the State Capitol on February 7, 1964, we narrowed it down to only the performance tests; static plunger and continuous high speed running laboratory tests.

It is very well known that despite promise of support, the tire companies joined by their major customers, the automobile companies, lobbied against us and opposed us in the Legislature in March. The result was that after passage in the Senate, the bill was recommitted in the Assembly within ten votes of passage by nose-count. They won a pyrrhic victory.

Our bill, in essence, was then adopted "voluntarily" by the Rubber Manufacturers Association, and finally, a stronger version of it by the Vehicles Equipment Safety Commission, and in 1966, the bill became the tire section of the Federal Act, expanded so that the loading requirement we had initiated and then dropped, as a compromise with the tire manufacturers in 1964 became part of the Federal Act. The loading requirement simply means that tires have to be strong enough to stand up and endure under the weight of the car when it is fully occupied with passengers. At this point in 1968, too many tires fail prematurely in normal use and there is no proof of minimum safety performance.

CULVER PROPOSES END TO TAX LOOPHOLES FOR NONFARMERS IN AGRICULTURE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CULVER. Mr. Speaker, today I have introduced legislation to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources.

I have sponsored this legislation for three reasons:

First, to end the unfair competition which genuine farmers—who must have farm earnings or go bankrupt—face from wealthy nonfarmers who have no such profit motive in mind, who force land prices and production costs up, and yet can afford to sell products at lower prices.

Second, to close a flagrant tax loophole, which results in lost tax revenues which have been estimated between $200 million and $400 million. At a time of budgetary pressures particularly, when the Nation is faced with the very difficult decision of whether to increase taxes, our first responsibility should be to eliminate these benefits to persons in higher income brackets which, as long as they exist, only force the average taxpayer to contribute more than his share in tax revenue.

Third, to maintain the reliability of the food-producing industry, and prevent the long-range adverse effects on consumer food prices, which will escalate as corporate farming drives the individual producer out of agriculture.

At the present time, it is advantageous to the wealthy nonfarmer to use income from nonagricultural pursuits to move into farming on a loss basis, because our tax laws make it profitable for him to incur operating losses which can ultimately be captured in the form of capital gains from the sale of products or the farm itself.

Thus, regular income which might be taxed up to 70 percent in these upper brackets is instead taxable only at a maximum of 25 percent as capital gains. The best current estimates are that the U.S. Treasury loses at least $150 million a year just in this transfer of regular revenue to capital gains.

The extent to which these loopholes are utilized is evident when you look at the Internal Revenue Service statistics on farm income tax returns for 1965—the last year for which complete information is available. The summary data compiled for later years indicates that the trend is upward.

In 1965, 119 persons with income over $1 million reported farm operations—87 percent reported net losses; 202 individuals in the $500,000 to $1 million income bracket reported farm operations—85 percent of them reported net losses; 3,914 with annual income between $100,000 and $500,000 filed farm income returns—73 percent reported net losses.

It is only when you get down to the $20,000 to $50,000 bracket that you find a majority showing net earnings instead of losses from farm investments.

Of all farm income tax returns filed in 1965, in every income bracket, 70 percent showed a net profit. However, if you take just those returns filed by persons with income above $50,000, only 36 percent showed a profit.

But if the extent of the use of this loophole is revealing, the size of the tax savings to the individual is even more shocking. In 1964, 76 persons with income over $1 million claimed $4½ million in farm losses, or nearly $60,000 apiece. This amounts to a tax savings alone of an estimated $40,000 each—almost seven times as much as the average Iowa farmer realized in total net income last year.

I want to emphasize that my proposal does not prohibit farming operations by nonfarmers—it only forbids the use of farming as a means to avoid paying taxes. Similarly, it does not forbid corporations from getting into farming, but it does eliminate Federal tax rewards to those who engage in loss operations.

Since this legislation is a revenue measure, it must be considered first by the House of Representatives. I hope that other Members of this body who share my concern about the future of the family farm, as well as the inequities in our present tax laws, will join in sponsoring this legislation.

I urge the Ways and Means Committee to schedule action on it at the earliest possible time, and include at this point in the Record the text of my bill:

H.R. 17478

A bill to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 277. Limitation on deductions attributable to certain farming operations.

"(a) General Rule.—In the case of a taxpayer who is engaged in the business of farming but who is not a bona fide farmer for the taxable year, the deductions attributable to the business of farming which, but for this section, would be allowable under this chapter for the taxable year shall not exceed an aggregate amount equal to the gross income derived from the business of farming for the taxable year.

"(b) Bona Fide Farmer.—For purposes of this section—

"(1) an individual shall be considered to be a bona fide farmer for a taxable year only if—

"(A) the principal business activity of such individual during the taxable year is actively engaging in carrying on farming operations,

"(B) such individual is engaged in the business of farming as the principal source of his livelihood during the taxable year, or

"(C) such individual is the spouse of an individual described in subparagraph (A) or (B); and

"(2) a corporation shall be considered to be a bona fide farmer for a taxable year only if 80 percent or more of each class of stock of such corporation is owned on each day of the taxable year by individuals who are bona fide farmers within the meaning of paragraph (1).

"(c) Persons Who Become Bona Fide Farmers.—

"(1) In general.—In the case of a taxpayer who acquires a farming enterprise by purchase or exchange and who is not a bona fide farmer for the taxable year in which such enterprise is so acquired, subsection (a) shall not apply with respect to such enterprise for the taxable year in which such enterprise is so acquired or for the 2 taxable years following the taxable year of acquisition if—

"(A) the taxpayer certifies that he intends to become a bona fide farmer, and

"(B) the taxpayer becomes a bona fide farmer not later than the third taxable year following the taxable year of acquisition.

"(2) Certification.—A certification under paragraph (1)(A) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(d) Other Exceptions.—

"(1) Farms acquired from a decedent.—Subsection (a) shall not apply with respect to any farming enterprise acquired by the taxpayer by devise or inheritance for the taxable year in which such enterprise is so acquired or for the 3 taxable years following the taxable year of acquisition.

"(2) Farms acquired by foreclosure, etc.—Subsection (a) shall not apply with respect to any farming enterprise acquired by the taxpayer in partial or complete satisfaction of an indebtedness for the taxable year in which such enterprise is so acquired or for the 3 taxable years following the taxable year of acquisition.

"(3) Dealers in real estate.—Subsection (a) shall not apply with respect to any farm acquired by the taxpayer in the ordinary course of carrying on the trade or business of buying and selling real property for the taxable year in which such farm is acquired or for the taxable year following the taxable year of acquisition.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part IX is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to certain farming operations."

Sec. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after the date of the enactment of this Act.

WATER QUALITY MANAGEMENT

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. WRIGHT. Mr. Speaker, under leave to extend my remarks, I take pleasure in submitting for inclusion in the Record a speech by Hollis R. Williams of the U.S. Soil Conservation Service.

The address is entitled "Water Quality Management," and it was delivered on May 22 to the Federal Water Quality Association, as follows:

Water Quality Management

(Address by Hollis R. Williams, Soil Conservation Service, U.S. Department of Agriculture, before the Federal Water Quality Association, Washington, D.C., May 22, 1968)

It's a pleasure to be with you.

I welcome the opportunity to become better acquainted with the fine work your Association is doing, and I appreciate the occasion afforded here to me to give you some ideas relating to water quality management and agriculture.

The pollution of the living waters of the United States is one of the great shames of our time. Industrial wastes, sewage, silt, agricultural wastes, mine acids, and junk are all part of the problem. Despite a great deal of effort by government and by individual organizations and industry, pollution remains a serious problem.

When President Johnson signed the Water Quality Act of 1965 he said, "The clear, fresh waters that were our national heritage have become dumping grounds for garbage and filth. They poison our fish, they breed disease, they despoil our landscapes."

I like the way Congressman Jim Wright—in his book, "The Coming Water Famine"—expressed the vital need for a plentiful supply of clean usable water. He said: "Since time began, water and life have been synonymous. Water is the cheapest, yet the most priceless, of all commodities. Since the dawn of history it has given respite to the traveler, solace to the sick, succor to the land, reflection to the philosopher—and to the earth itself a never-ending renewal. No life can exist without it."

The thirst for sparkling, clean, usable water tells me that—

Water is life, it feeds, it cleanses, it warms, it cools, it transports, and—it protects.

Without water the earth would go barren. Good water is becoming increasingly scarce in many areas. It is being defiled by man's own progress—infected, muddied and polluted.

WATER SUPPLY AND DISTRIBUTION

In terms of precipitation totals, we have an ample supply of water in the United States. However, it is not evenly distributed. Annual rainfall averages 30 inches a year over the continental United States but it varies from less than one inch in the Southwest to as much as 200 inches along the Northwest coast.

About 70 percent of our average annual precipitation is used up in evaporation and transpiration from crop, range, forest lands, and lands in other uses. This use makes possible our tremendous capacity to produce food and fiber. For example, we use about 500 million acre-feet of water each year by evapotranspiration from our nonirrigated croplands.

In an average year, only about nine inches of our national average in precipitation becomes available to satisfy our many demands for water. This water in mass supply first arrives as snow and rain upon the land. The nature of the land, land use and its treatment and vegetative cover have a marked effect on the quality of water runoff from the land as well as in the modulation of stream flow. We know, for example, that deep forest litter has a pronounced effect in regulating continuity of stream flow.

WATER USE

How do we use our water supply?

Irrigation uses about 40 percent of the water withdrawn from surface and groundwater sources. It accounts for about 85 percent of the water consumed—that is, not available for reuse.

Of the other 15 percent about four percent is consumed by livestock and rural household uses and nearly all of the remaining 11 percent is consumed by industry and by municipal uses.

Some 30,000 rural areas in the nation do not have a central water supply. Individual users get their water mostly from ground sources. In the past few years, however, hundreds of rural communities have constructed water or waste disposal systems. This will remove some of the sources of pollution and result in improved water quality in many rural areas.

Nonagricultural uses of water are becoming increasingly more important as population increases.

Municipal water use may double by the year 2000—and that's only 32 years away.

Outdoor recreation demands may triple by then—and the most popular activities are associated with water.

Manufacturing may require four times as much water as it uses now.

In considering the future demands for water two things stand out—the need to develop additional supplies and the need to clean up our streams and lakes and maintain them at acceptable standards.

INTEREST OF SOIL CONSERVATION SERVICE

Historically, the Soil Conservation Service has been involved in various aspects of water since its establishment under Public Law No. 46 in 1935. This Act states ". . . it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs and maintain the navigability of rivers and harbors, protect health, public lands and relieve unemployment. . . ." Subsequently this Act has been extended to include other significant features that have an important bearing on the conservation, preservation and use of land and water and related natural resources.

The Soil Conservation Service and other agencies in the USDA thus have a mandate to be interested in water quality management. The Secretary of Agriculture recently pointed out that the Department administers conservation programs covering nearly 81 percent of this country's land and, therefore, has "first" federal responsibility for most of the water that falls on this land. It has extensive programs for controlling, conserving and developing this water where it falls.

INTEREST OF AGRICULTURE

Agriculture is very much in the picture in the war on pollution!

Farmers, as every one else, need clean water to drink, unpolluted water for their livestock and crop production, and clean streams and lakes for fishing and swimming.

Obviously, all of us are against pollution. But we all want the very things that help to create pollution—hence, the conflict. We insist on the manufactured products from factories that pollute the waters. We can't get along without the cars and the jet planes that pollute the air.

AGRICULTURAL CAUSES OF POLLUTION

Agriculture, as all other segments of the economy, contributes to water pollution.

Sediment

Sediment, the product of erosion, and a plague to civilizations throughout history, is agriculture's major concern. Sediment transported by runoff water greatly exceeds in volume the combined total of all the other substances that pollute our surface waters. Most sediment comes from agricultural lands. The report of the Senate Select Committee on Water Resources indicates that, volume wise, such suspended solids in the nation's streams amount to at least 700 times the loadings caused by sewage discharge.

Other pollutants sometimes reach a stream with the help of sediment. Virtually all of the phosphate carried by streams is carried on the sediment. This is because clay particles tightly absorb the phosphate that might be in solution.

Most of the pesticides carried in streams is carried on sediment. Endrin, dieldrin, and aldren insecticides are very tightly absorbed by clay particles. A mud sample from Cypress Creek near Memphis was found to contain 8,000 parts per million of endrin while the water in the stream contained less than one p.p.m. Measures for the control of erosion frequently are effective in reducing pollution from these sources.

Congressman Jim Wright stated that we dredge more than 380 million cubic yards of sediment from our nation's harbors and waterways each year to keep them from choking to death. The magnitude of the problem is apparent when we consider that the amount of erosion-produced sediment dredged annually from our rivers and harbors exceeds the volume of earth dug for the Panama Canal.

Sediment is a costly water pollutant. It constitutes a heavy economic drain in terms of loss of valuable top soil. It obstructs navigable streams. It damages aquatic life. It fills stream channels and reservoirs. It imposes a substantial cost on water-supply agencies for water clarification. It causes excessive wear on hydro-power turbines and pump impellers.

The deposition of sediment is depleting the storage capacity of reservoirs in the country at the rate of about one million acre-feet each year. This results in the loss of storage capacity for water supply, flood control, power generation, navigation and water quality management. Sediment seriously affects recreational value of bodies of water for swimming, boating, fishing, and other water-based recreational activities. It is detrimental to the spawning beds for fish, and reduces their food supply. Sediment affects every citizen. It means higher water bills, higher food and clothing prices, higher taxes and directly or indirectly affects public health in many areas. Estimates indicate it is costing the people of the United States in excess of ½ billion dollars annually.

All sediment is produced by soil erosion. Most forms of erosion have been greatly accelerated where man has indiscriminately cut forests, plowed grassland or misused land. It costs twenty times as much to dredge sediment out of water as it would to keep it in place on the land. What better argument that we must give greater attention to erosion control?

Sediment is not just a farm problem. Suburbia is becoming increasingly a villain in this drama. Each year, it is estimated, the nation strips bare about 1.5 million acres for housing developments, new roads, streets, schools, and other construction. Frequently this land lies bare for a year or more before construction begins. In the meantime, the land erodes and produces extremely large quantities of sediment. For example, it has been estimated that about 25 percent of the sediment going into the lower estuary of the Potomac River comes from construction sites in the metropolitan Washington area. Some studies in Maryland show that land undergoing urban development produces from 2 to 200 times the amount of sediment as nearby farmland. Unless steps are taken to control it, nonfarm erosion will increase in the future. It is estimated that new construction during the present decade will exceed all other construction in the nation from the Revolutionary War to the present.

Rates of erosion can be reduced significantly on both agricultural and urban areas through relatively low cost erosion control measures. Such control measures would reduce sediment pollution of our streams and reservoirs by a corresponding amount.

We have solved many of our erosion and sediment problems. But others are unsolved. I suggest that we must give greater attention to four major items. Let me list them:

(1) Improve the quality of erosion control along our roads, highways and streambanks;

(2) Provide technical services and guidelines to county and municipal governments to aid in proper site selection for development purposes and to erosion control during construction in urban, suburban and industrial areas;

(3) Rehabilitate old strip mine areas and establish standards for erosion control measures and land restoration practices as a prerequisite to surface mining operations and;

(4) Achieve erosion control on all privately owned land not yet adequately treated.

Agricultural chemicals

Other water pollutants that concern agriculture are chemicals, pesticides and animal wastes.

The increasing use of fertilizers and pesticides will continue to be necessary if the world is to feed a population of an estimated 7 billion by the turn of the century. In fact, without fertilizers and pesticides we could not feed the present U.S. population. This we are now doing at the lowest relative cost in the history of mankind.

Americans now use an estimated 32 million tons of fertilizers annually on their farms, lawns, gardens and pastures. Is this too much or not enough? It is significant that we use only about one-tenth the level per cropland acre that is being used in some European countries.

Fertilizers can create problems in terms of water pollution. Phosphorus and nitrogen helps to induce the growth of "algal blooms" on streams, lakes and ponds. Some nitrogen moves in runoff from fertilized fields and may percolate through the soil into the ground water. Phosphorus promotes the growth of algae in waters. Usually it is the major limiting factor in algae growth. Phosphorus gets into streams from farmland but only through runoff and soil erosion. Fortunately the phosphorus is firmly attached to the soil particles and is available for plant growth in very limited amounts. Currently the best way to control phosphorus losses from farm land is through the use of soil and water conservation measures that reduce runoff and sediment losses from the land.

For many years the Department of Agriculture has been studying the behavior of chemical fertilizer on soils, water and plants. Information on placement and timing and rates of application of fertilizer helps to gain maximum economic use and to minimize harmful effects on the environment. *Our research programs will do more of this in the future but we need a much stronger program in this field.*

Insecticides and herbicides for crop production and land management, when used improperly and without adequate safeguards, can cause unnecessary damage. *We in Agriculture recognize the danger from improper pesticide use and have taken steps to correct possible abuses.* Research in this field has been expanded. Continuous work is going on in the areas of improved registration, better instruction and better information in using pesticides. The Department has reduced its dependence on DDT by developing alternate chemicals that are non-persistent. Research is being done on less persistent sprays and improved monitoring and surveillance of pesticide use. The Department of Agriculture now has 55 monitoring stations across the nation and these are being increased.

Biological methods of pest control such as sterilization, predators, and pathogenic organisms have reduced the need for chemicals in controlling some pests.

Animal wastes

Animal waste is another water pollution source. The safe disposal of some two billion tons of animal waste each year needs further attention. About two-thirds of the U.S. beef output now comes from feedlots. The problem is increasing with the confinement of feeder cattle, dairy cows, hogs and poultry to barns and lots.

A single beef feedlot may contain 10,000 head and produce 260 tons of solid waste plus 100 tons of liquid waste daily, an amount equal to that of a city of 160,000 people. A dairy barn may house up to 500 cows that produce waste equal to that of 8,000 people. A poultry enterprise with 100,000 fowls, not an unusual number, produces five tons of waste daily.

We need more research to find economic and effective means of meeting growing animal waste management problems. Lagoon treatment, fluidizing, spraying on fields, dehydration and resale have been tried with varying success. Intensive research is needed to improve these practices and develop new methods of safe disposal.

TOOLS NEEDED

If we are to achieve the goal of clean rivers and streams and successfully cope with the growing problems of pollution control on farmlands as well as in urban areas, we must *have certain tools. We must develop additional and improved preventive techniques and the means of carrying out a positive remedial program.*

I consider the following four tools of major importance:

The *first* is additional basic *research* of many kinds. Solutions are not at hand for many of the pollution problems of today's agriculture. Practical answers can be found for some of the current problems from research already completed in other fields, but we need additional research in many areas where the nature, causes and remedies of pollution are not known.

Second is a sound national program of *technical assistance* to private individuals, and to state and local units of government and other local public bodies in developing and carrying out plans for coping with pollution problems.

Third is Federal, State, and local public *cost-sharing* and loan programs on a national basis. This may require additional Federal legislation. State and local agencies will need funds and technical help in organizing and carrying out a successful program of pollution abatement on many widely dispersed farm areas.

Fourth is *institutional arrangements.* By this I mean the local vehicle or medium to work through. *In my opinion, unless we have the support and cooperation of private individuals, and of units of state and local governments, no effective pollution abatement program can hope to succeed.* We must foster partnership between local people, state and federal governments as the ideal working arrangement for such undertakings.

Constructive action must stem from local self-governing groups who have the initiative, desire and legislative authority to carry out a control program with assistance from the state and Federal governments. One of our jobs will be to stimulate and cause the growth of aggressive local leadership. *No regulatory Federal or state program alone can hope to succeed in correcting our serious pollution problem.* Local citizens must participate in order to enlighten themselves about the critical nature of the problem and to effectively exercise their rights in a democratic society.

While individuals can help in the control of some agricultural pollution problems, many require group action to be effective. Several institutional arrangements now available can carry out group action on a watershed, area or project basis. These include Soil and Water Conservation Districts, Public Law 83–566 Watershed Projects, local irrigation and drainage districts, river basins and others.

Our population and industrial growth has created a problem that needs immediate attention. It is a problem that can't be solved overnight. But we can begin now, and we can build a more effective corrective program as we go along.

First, let's direct our greatest effort to reducing the high concentration of pollutants in our streams caused by sediment and municipal and industrial wastes. We have the know how to make great strides in solving these phases of the problem.

Second, let's get an adequate research program underway to develop new methods and to improve existing technology in pollution control.

With these underway we can start to raise our standards and further improve our waters by action on some of the other less critical sources of pollution. *But, in fighting for clean waters, let's avoid sensationalism.* This only serves to confuse the public and without public support no program can succeed. Here is an example of what I mean:

Last winter, several of our newspapers carried stories indicating that we should curb fertilizer use because of a "nitrate hazard" in our food. An American professor was quoted as saying that the soaring use of artificial fertilizers could lead to a biological cataclysm. This professor referred to a case where a small jar of spinach baby food contained a high level of nitrate nitrogen.

We asked Dr. Cecil Wadleigh of the Agricultural Research Service to comment on the story. Dr. Wadleigh points out that from time to time some individual becomes concerned with the level of nitrate that is found in spinach, Swiss chard, beets or cabbage. Superficial conclusions are drawn that this nitrate must be particularly serious in baby foods since it is assumed that such nitrate would be reduced to nitrite in the baby's stomach, and that nitrate in a baby's stomach would induce the affliction known as "blue baby". However, studies dating back to 1873 indicate that a number of families of plants naturally accumulate high levels of nitrate in the herbage. Wadleigh said that it would be difficult to prove that nitrate in canned spinach results from the use of fertilizers.

Spinach is one of those species of plants that accumulated nitrate long before there was any significant use of commercial fertilizers. Over 100 years ago, French housewives were using plants that were found to accumulate nitrate as an aid to scouring their pots and pans. Professors Wright and Davison at Cornell University report that nitrate in water or baby food in moderate levels does not adversely affect babies unless there is also present a bacteriological contamination that will abet the conversion of the nitrate to nitrite in the baby's stomach.

There have been other cases where public attention has been diverted from the most important pollution problems by "spectacular" news stories.

Let's try to put our available resources where they will do the most good and take on less important problems at a later date.

Cleaning up America's polluted waters is a job for everyone—for every citizen, every municipality, every industry, and for government at all levels.

It cannot be successful without the active support and contributions of local people. People like you must provide the imagination, leadership and the will to get the task done. You are men of vision, imagination and determination and you can help to meet the challenging task now facing us if we are to stop the pollution of the living waters of America. The job that needs to be done is complex. But there is nothing ahead of us needing to be done that we cannot do. We can do it together, using the resources that we have at our command.

You who comprise the Federal Water Quality Association are giving a most worthwhile service to the Nation. I'm proud to be associated with you and I look forward to working with you toward the goal of achieving maximum benefits from our available water and related land resources and thus make our land a better place in which to live, work and play.

SPEAKER JOE MARTIN, OF MASSACHUSETTS

HON. HENRY M. JACKSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. JACKSON. Mr. President, a friend and leader of all of us in the Congress has passed away. Speaker Joe Martin, of Massachusetts, left an indelible imprint on all who knew him and served with him in the Congress. He was always a gentleman. He was fair and wise.

I had the great pleasure of serving with him in the House of Representatives from 1941 until I moved to the Senate in 1953.

During 2 of those years, Joe Martin was the Speaker. That was from 1947 until 1949. He also served as Speaker during the 83d Congress, from 1953 to 1955.

My 12 years with Joe Martin were only a short period in the 42 years in which he served his Massachusetts district in the House of Representatives. He was a veteran legislator by the time I arrived in Washington in 1941. Yet I found him kindly and thoughtful to the newcomers, whether they were from the Republican or the Democratic side of the aisle.

Along with Speaker Sam Rayburn, his counterpart in the Democratic Party, Joe Martin represented the best in the traditions of the House. The great Sam Rayburn preceded his close friend Joe Martin in death by nearly 6 years. In matters of vital national concern, these two revered gentlemen proved to the Nation and to the world our ability to unite in an effective bipartisan manner. Their lives were dedicated to the best interests of this country. We will miss them.

DRUG ADDICTS SAID TO STEAL ANNUALLY PROPERTY VALUED AT $880 MILLION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. RANDOLPH. Mr. President, one of the little known tragic results of drug addiction is not to the users, but to business firms in our country which are robbed every 12 months of goods with an estimated value of $880 million.

This startling information is included in an article published in today's Washington, D.C., Evening Star.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN $880 MILLION ESTIMATE: THEFT BY DRUG ADDICTS HEAVY BUSINESS COST

(By Leroy Pope)

NEW YORK.—No matter how much or little we know about the social or medical aspects of narcotic addiction, the facts about its cost to business in America are stark and clear.

At retail prices, the usual estimate of property stolen by hard drug addicts to support their habit runs to $880 million a year, Lee Jaffe, vice president of Restaurant Associates, Inc., said in a report to a recent seminar conducted by the New York State Narcotic Control Commission.

Jaffee, who lives in White Plains, N.Y., has been active as an officer and director of the Cage Teen Center, a private agency that helps problem youths, including addicts.

Jaffee didn't deal with users of the so-called "soft" narcotics, marijuana, LSD, barbiturates and amphetamines. These are more numerous than the opiate users but, economically, they are not a great problem.

SIXTY THOUSAND USERS

The federal government's official estimate is that there are 60,000 hard drug users who have to support their habit at the average rate of $23 a day. Twenty-five percent are well enough off to do so. Forty-five percent never work and support themselves and buy drugs largely by theft.

Another 20 per cent who are female, support their habit by prostitution.

Jaffe arrived at the $880 million a year estimate by figuring that because the "fence" price of stolen property usually is only 25 percent of retail value, the addict who steals to support his habit must pilfer $92 worth of property daily to pay $23 for drugs.

Businessmen must pay taxes to support legal warfare against these crimes, taxes to support the efforts to enforce the antinarcotics laws and help pay for programs to rehabilitate drug addicts.

OTHER TOLLS CITED

On top of this, business pays a big toll to drug addiction in the cost of absenteeism, Jaffe said the average hard drugs addict who still manage to work part of the time.

Jaffe said the average hard drugs addict spends on dope 90 cents of every dollar he can earn, borrow or steal. Including those who work part of the time, he said it appears that almost 75 percent of the addicts break the law to make money to buy drugs.

In New York City alone, Jaffe cited figures indicating that at least 3,600 hard drug addicts shoplift around $12 million worth of merchandise a year. Store guards are very leery of getting tough with shoplifting addicts. Some of them are hysterical, dangerous personalities.

On top of the shoplifting, the burglaries committed by addicts in New York City may cost business and homeowners as much as $400,000 a day, Jaffe said, about 12 percent of all hard drug addicts are what the police call "flat foot hustlers."

They have no criminal specialty but engage in a wide variety of rackets, con games and crimes of violence to support their habits. Their cost to the national business community may run to another $400,000 a day, he said.

BRIDGING THE GENERATION GAP—ADDRESS BY DONALD M. KENDALL

HON. GEORGE MURPHY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. MURPHY. Mr. President, on May 10, 1968, at the annual father-son banquet of St. John's College in Washington, D.C., Mr. Donald M. Kendall, president of Pepsi Cola, delivered a speech entitled "Bridging the Generation Gap."

Mr. Kendall's words were certainly fitting and very helpful to his audience. I believe they contain much of value to people across the country who are concerned daily by news accounts of agitation among our Nation's youth. Believing as I do that Mr. Kendall's words offer both good guidelines and great hope for our future, I ask unanimous consent that his talk be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BRIDGING THE GENERATION GAP

(Address by Donald M. Kendall, St. John's College, Washington, D.C., May 10, 1968)

Mr. Fitzpatrick, Brother Colman, distinguished guests, Brothers of the Christian Order, men and cadets of St. John's—friends, I consider it a privilege to have been invited to talk with you this evening, and, as a father who has demands made on his time, I congratulate you fathers who are spending an evening with your sons.

I've given talks to many audiences all over the world, but I admit that picking a subject for this discussion was difficult—difficult because as a father, I have to try to put myself in the role of a son. I know that these roles are not always compatible. In fact, they're seldom, if ever, compatible.

Throughout the history of mankind, I doubt there has ever been a generation of sons who did not look upon their fathers as "squares" or of fathers who did not consider their sons as being a little "way out."

The ability to communicate between generations is a problem that has defied solution despite all of our technical advances. I can remember as a youngster, my father telling me about the danger of girls, and twenty-five years later I found myself making the same mistake.

Though the communications gap is the same, the world today is much different from the world of 25 years ago. We sometimes fail to realize that our own lives and our own communities have changed just as rapidly. Today we've made great strides in conquering space and soon we'll have a man on the moon. Yet, Lindbergh's first non-stop flight across the Atlantic occurred during the lifetime of many of us here.

Today we have an average life expectancy that has increased by 20 years in my lifetime—perhaps by the time I live through that—the expectancy will be 20 years longer. Scientific knowledge has helped conquer diseases that were killers a few years ago. Recently, a famous doctor predicted that in about 5 years, if we have not yet found a cure for cancer, that our detection techniques will have advanced to the point where we will be able to cut the mortality rate for this disease by 90%.

And yet, in this age of such dramatic progress, we are faced with some of the most serious social cancers in our history—social cancers which threaten to envelop us to such a degree that we may be unable to reap the benefits of our scientific advances.

We're experiencing a general breakdown of family and spiritual values which have been so essential to our progress thus far, and we're faced with mounting unrest in our cities, in our colleges, in our high schools and in many other areas of society. We've failed to apply the same diligence to the solutions of these problems as we have to our scientific endeavors.

We're prone to ask why—in the face of our tremendous materialistic and scientific advantages—these situations have been allowed to develop. And we continue to ask ourselves many other questions about the unrest that abounds on every hand. While we don't have the answers to these questions, I feel safe in saying that these answers will be found in the heart and minds of fathers and sons just like you across the length and breadth of this country.

Too often, those of us in my generation have taken for granted that some all-inclusive power structure of local, state or Federal government is responsible for all of these conditions and we, as individuals, are powerless to do anything about them.

We've failed to accept the fact that each of us, by our action or inaction, must bear equal responsibility for our communities. We'd do well to keep in mind that men are moved by ideals and values and not simply by cold calculation. There is nothing automatic about the future. It is compounded of the vision and the courage of the present.

It's strange that while we're aware of the inaction of my generation, we look with alarm at the action of our young people. Make no mistake about it—our youth is action-oriented and not content to sit back and let somebody else do it. True, they'll make mistakes—they'll go off in wrong directions—but, what is important is that they'll do something. And for this I applaud them. Herein lies the hope of the world. Years from now we'll measure our national progress in terms of the sum total of the efforts of these individuals.

Let us look for a moment at some of the personal qualities that will be required of those who will be tomorrow's leaders.

I think that the most important of these are an inquiring mind, a desire to do something, a constructive dissatisfaction with things as they are, and the ability to discipline oneself.

The first thing I would list is an inquiring mind. Uncommon men have the ability to deal with ideas. They know ideas are more important and more permanent than people. In fact, ideas are indestructible. If you could kill ideas there never would have been a Lexington and a Concord.

Another important thing is the desire to do something . . . do something new or something better, better than it has ever been done before. Make no mistakes about it: the desire to do something is often more important than knowing how to do it. The obstacle of not knowing how to do something never kept a determined man from trying to do it. A famous scientist and inventor once remarked: "If I want to do something, I start, whether I know how to or not." He might have added that disappointment wouldn't discourage him if the project didn't work out right the first time, or even the hundredth time.

Still another quality is a constructive dissatisfaction with things as they are. Someone had to be dissatisfied with the slow, laborious process of picking cotton lint from seed before the cotton gin was invented. And so it goes, all through the history of man's progress. Most of our new and better ways of doing things have come about because someone was dissatisfied with the old ways. It is true, then, that people who do things have brought changes which have benefited mankind as well as themselves.

Successful people know one principle of life that many people never understand, and that principle is "Service before reward". Remember that expression—"Service before reward"—for you will come face to face with it all through your life. The only place success comes before work is in the dictionary. Those who truly serve and serve well will be rewarded in due course. Those who are motivated to serve only by the prospect of reward are more likely to be disappointed. The world is full of unhappy people who think they should have gotten some reward but who have really done little to justify one.

All important, of course, is self-discipline. I'm sure that nobody ever attained anything really worthwhile without self-discipline. As Euclid once told a King of Egypt who asked for an easy way to learn mathematics, "My lord, there is no royal road to geometry." Neither is there a royal road to any achievement.

The right hand of discipline is patience. A good example is found in the experiments of Charles Goodyear who was working on raw rubber from the jungles of the Amazon. He thought it might be made into useful objects, but it kept melting. The experiments went on and became an obsession with him. At one time, pressed for money, he even sold his children's schoolbooks to raise cash for his work! Then one day, after he had mixed rubber with sulfur and lead compounds, he accidentally dropped some on a hot stove—and stumbled upon the secret of vulcanization.

You may say this discovery was pure luck—but if Goodyear hadn't been working on the problem so long and in so many ways, he'd never have made it. No one can say how many discoveries have been lost because the discoverers weren't tough enough to stick to their guns and make the world believe and accept.

And sticking with one's ideas and beliefs takes courage. Courage takes many forms. It may be courage in the face of ridicule—against threats of bodily harm—the courage to risk loss of position or status—or it may be just daring to be different.

The kind of courage I'm talking about, stood by Galileo when he challenged the erroneous theories of Aristotle. It stood by Robert Fulton when he ignored the jeers and catcalls of narrow-minded skeptics and sent the Clermont—"Fulton's Folly"—steaming up the Hudson.

We live in a world of increasing opportunity—which brings with it an increasing responsibility. We hope, that, as fathers, we are living up to that responsibility by setting examples for our sons to follow.

So much is heard about teen-age rebellion, drop-outs, lack of respect for authority, violence and immorality—that we look to our children with a combination of pride and trepidation. While we are pleased with their intellectual curiosity and desire for involvement in social issues, we are also deeply concerned about what direction they will take.

Every generation thinks its young men are going to the dogs and, on this score, every generation is both right and wrong. Some do, of course, but then, most don't.

Young people today see more, hear more, expect more and want more than at any time in the history of mankind. The immense acceleration in everything is for all of us to see, but for some, hard to grasp. Things have outdistanced thoughts, and moral values are lagging behind material values. Facts and figures—a veritable explosion of knowledge—are mushrooming all around us.

There's a wide gap between the scientific and the spiritual, between the material and moral, between knowledge and wisdom. The problem, therefore, is to know what to preach and then to practice what we preach.

But each generation has its own problems. Ours was the depression when our immediate concerns were finding a way to get a good education and being prepared to make a living. We could not afford the luxury of solving the problems of the universe.

But we did go out and help rescue the world—and if we haven't made it a perfect one, at least we tried to make it a little better place to live. And, as we look on our sons today, we feel confident they will take up where we left off and find other remedies for other ills. We know they can and will solve the problems of tomorrow. Their future is our future. It is they who must carry on our torch of service, our leadership, our plans and our hopes.

But our generation cannot afford to sit on our hands and smile under our laurel wreaths; we must plan and serve and work with these young people around us to find the answers.

We must substitute inspiration for desperation in our own communities. We must give our boys and girls something to live by and with and for. We must help them set their standards high and reinforce them with love and faith and trust. Without these things, they are cruelly vulnerable.

In bridging the generation gap, let's accept the fact that we do not all listen to the same drum. We can learn to be tolerant and understanding, and to take a chance on youth. The returns, the dividends are far greater than we imagine.

We must continue to stoke the fires of their idealism and give them the tools to forge a better tomorrow—the tools of sound religious beliefs, a good education and our faith in them.

Each father here can look back and remember his dreams, his hopes, his ambitions to change the world. Things haven't changed that much.

The so-called "generation gap" becomes a little narrower when we think although we are a bit older now—and perhaps some of our energies have dissipated with the passing of the years—we share the same goals as our sons. We, too, want peace and justice. We, too, want the best of all possible worlds.

And so, we must listen to each other. I, for one, believe that we can learn from each other.

Every father hands to his son the legacy of his judgment, his experience and the lessons learned not only from his successes but also from his failures. And a son can give his father the light of his young vision and the fire of his idealism. It is a good working combination—and one which will move this tired old world.

In a country which has become dedicated to the elimination of waste, the extermination of poverty and a deeper recognition of the rights of all peoples, we cannot afford to waste the talents of youth. We cannot afford a segregation of the generations. We can—and we will—work together.

And when, 25 years from now, you boys as fathers are meeting with your sons, and you find yourselves bemoaning the rebellion of youth, I hope you will remember the advice of Thomas Edison, who remarked late in life: "Let us not become egotists just because we have made some progress. There are many problems to be solved, and it seems to me there are just as many things to be done now as there were when I was a boy, but the opportunities are so much greater—so let's get to work."

WCPO-TV TO LAUNCH INFORMATIVE PROGRAM TO AID POLICE-COMMUNITY RELATIONS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. TAFT. Mr. Speaker, WCPO-TV, Cincinnati, is about to launch a new program aimed at answering viewers' questions on "the policeman's role in today's society." The show, "Police Call," will be a regular Sunday feature and will enable viewers to question professional law enforcement officers and specialists on their duties.

Like several other communities in this country, Cincinnati has witnessed unprecedented violence and civil disorder, and relationships between police and community have been strained by misunderstanding and rumor. WCPO-TV's efforts are to be applauded. It is hoped that the program will provide clear, accurate information for Cincinnati area residents on the role of law enforcement officers in today's complex society.

The following news release, prepared by WCPO-TV, explains the format and purpose of "Police Call":

POLICE CALL: A NEW DIMENSION IN POLICE-COMMUNITY RELATIONS

WCPO/TV will begin production of a unique new weekly program called "Police Call," with the first program to be televised Wednesday, May 29. Produced in cooperation with the Hamilton County Police Association, Police Call will answer viewers' questions about the Policeman's role in today's society.

The weekly program will be a spotlight on Police/community problems and will feature specialists on the subject to be discussed, with topics changing each week. Similar to WCPO/TV's Call the Doctor, featuring members of the medical profession, Police Call will have professional policemen and Law Enforcement specialists to answer viewers' questions.

Two experts have been selected as alternating moderators for the program, Lt. Harold Fassnacht of the Amberly Village Police Department and President of the Hamilton County Police Association; and Sgt. Roy Lindeman, of the Cincinnati Police Department and acting Community Relations Commander. The panelists will be comprised of well known Law Enforcement authorities.

The premiere program of Police Call will be Wednesday, May 29, 10:00 to 11:00 PM, and then move to its regularly scheduled time position on Channel Nine, Sundays 5:00–5:30 PM.

Police Call's first topic for viewers' questions will be "Civil Disorders," and will feature as guest panelists: Chief Jacob Schott, Cincinnati Police Chief; Chief Charles Fritz, Chief, Norward; Chief Fred Engelman, Chief, Reading; Chief Donald Shanks, Chief, Mariemont and Dan Tehan, Hamilton County Sheriff.

If you have any questions you would like discussed, write to "Police Call", c/o WCPO/TV on this vital and timely subject.

ANOTHER VIEW OF THE "PROBLEMS OF THE CITIES"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ROBISON. Mr. Speaker, the House Republican Urban Affairs Task Force has been holding a series of hearings on major problems confronting the urban areas. Among the urban experts testifying before the task force have been New York City Mayor John Lindsay; executive director of the U.S. Conference of Mayors, John Gunther; a leader of the National Negro Industrial and Economic Union, and Washington Redskin football star, Bobby Mitchell; and the executive director of the League of Cities, Patrick Healey.

On Tuesday, May 21, the task force was privileged to hear the testimony of A. Wright Elliott, vice president of the National Association of Manufacturers' Urban Affairs Division. His thoughts about an integrated approach for solving urban problems merit a thoughtful assessment. I am pleased to enclose at this point in the RECORD the full testimony of Mr. Elliott, inasmuch as his testimony warrants full consideration by every Member of Congress:

STATEMENT OF A. WRIGHT ELLIOTT, VICE PRESIDENT, URBAN AFFAIRS DIVISION, NATIONAL ASSOCIATION OF MANUFACTURERS BEFORE THE URBAN AFFAIRS TASK FORCE OF THE REPUBLICAN CONFERENCE, MAY 21, 1968

My name is A. Wright Elliott. I am Vice President of the Urban Affairs Division of the National Association of Manufacturers. I appreciate this opportunity to appear before the Urban Affairs Task Force and to participate in the process of seeking innovative solutions to the problems with which we are all concerned.

In addition to our work with industry we have had close and continuing contacts with individuals and groups involved in urban problems. These contacts have involved Federal agencies as well as organizations in the independent sector, such as the Urban Coalition and the National Alliance of Businessmen. We are willing to share our experience with any interested groups or individuals.

I. INTRODUCTION

My remarks this morning are addressed to two prime considerations: first, to the "problems of the cities;" and, second, to the question of meaningful and sustained involvement by the private sector in the process of attempting to solve such problems.

By the "problems of the cities," I refer essentially to: hard-core unemployment; education; housing; environmental pollution; transportation; and ghetto economic development. In the midst of the crisis immediately confronting us, we must, pragmatically and purposefully order our priorities so as to effectively respond to these *immediate* demands.

But we must not neglect to consciously plan for the overall improvement of the quality of American life in *all* of its manifestations.

Still by way of introduction, I believe one must always preface comments on the "urban crisis" by stating quite bluntly that we are involved with and concerned about much more than "jobs, schools, highways, and houses." Indeed, we are directly concerned with the basic value questions inherent in these problems, the ultimate resolution of which depends less upon money and strategy, and more upon resolving the inner problems of the heart and mind.

Briefly, why must we focus at this time on the cities when it is quite clear that our rural areas also need serious attention? Essentially, because "that's where the action is." Our cities have become a battleground, now dramatizing problems and conditions that have existed for decades, and the stakes seem to involve the very survival of urban life itself.

Why, finally, a focus on the private sector? Because the growing sense of urgency that now prevails has activated the concern of businessmen across the nation. I think it is fair and accurate to state that national progress in this area depends strongly upon our ability to mobilize effectively the economic and creative resources of the private sector on a totally unprecedented scale.

II. SET OF ASSUMPTIONS WITH REGARD TO PRIVATE SECTOR ACTION

My remarks are grounded upon six major assumptions:

(1) That private industry can assume an increasingly broad and direct role in the problems of urban America;

(2) that numerous important and largely unexplored opportunities exist for the private sector to take part in urban problem-solving on a profit-making basis, and, accordingly, that this form of involvement, over the long haul, will be far more productive;

(3) that in view of the above, private industry should regard its participation as a business activity to be conducted in a businesslike manner, i.e., economic interest can and must be tied to and wholly compatible with social concern for urban improvement;

(4) that there are many solutions which can be formulated which stress initiatives by private industry, with various agencies and levels of government playing collaborative roles. This means that industry can and should be more than a "reacting agent," operating within Federal urban programs, i.e., the "partnership" should include mutual planning, goal-setting, and evaluation;

(5) that not only are the assumptions listed above compatible with the currently articulated goals of Negro leadership but, more important, that there is a natural harmony between private sector goals and many of the concepts presently expounded by ghetto leadership—a harmony that will most probably lead to a series of direct program interfaces in the immediate future;

(6) Finally, following the above, that the ghetto offers a pool of underdeveloped human resources whose productivity is now but a fraction of the levels that can be attained with training, education, organization, and remotivation, if the ghetto community itself is involved throughout the entire development process.

III. NEED FOR A SYSTEMS APPROACH IN URBAN PROBLEM-SOLVING

There is no doubt, in my mind at least, that employment should, here and now, be our first priority. Jobs are the immediate need, and the immediate answer, toward which the brunt of our present program activity should be directed.

But, at the same time, one must stress the real danger inherent in acting exclusively upon this premise. For employment programs (to include outreach, training, motivation, and placement)—even model examples of successful employment programs—cannot truly solve the urban problem.

This means, I think, that we must strive to (1) better understand and define the problem, and (2) restructure ourselves institutionally, where necessary, in light of such reevaluation.

Briefly, we must treat the urban community as a functioning, constantly changing system. It is certainly a truism that the many aspects of the city—housing, employment, transportation, economic organization, environmental quality—can be fully understood only as totally interrelated parts of a complete whole. But, even with such an understanding, we rarely plan and organize accordingly. And we *must* do so if we are ever to make the urban system intelligible, and the problems within that system soluble.

The systems approach is most certainly not a new phenomenon. However, to this date, I think it has rarely been applied to the urban problem. And, if, and when it is, I am convinced that there are many significant breakthroughs to be achieved.

To be brief, and directly to the point, we must approach the total human resource problem with a totally integrated human resource program. We must carefully rethink our past behavior whereby we "separated-out" problems into neat boxes labeled "education, manpower, health, welfare, and transportation." And we must also carefully rethink creating new (or maintaining old) agencies that reflect what might be a very superficial definition of the full range human needs.

One illustrative example: It is simply impossible (and equally dangerous) to "do something" about the employability of a ghetto resident unless, at the same time, we analyze, plan and program for all of the other needs that must be coupled with "human employability." If there is no viable method for transporting oneself; if one is in ill health; if there is an unmet need for child care; all of these problems must be met before training or manpower programs will make any real sense to the community.

But our present manpower and employment programs rarely, if ever, are successful in achieving this result. There must, then, be a *consolidation*, at all governmental levels within the manpower and education field itself. Here, without specifically endorsing them, we would mention the "Department of Education and Manpower Act," and in the "prime sponsor" provision set forth in H.R. 16303, the National Manpower Act of 1968. In addition, I would suggest that *all* urban programs in order to be truly effective, must take into consideration at least the following six substantive areas:

(1) *Human Resource Development* (employment, health education, social services).

(2) *Environmental Quality* (urban aesthetics, environmental pollution).

(3) *Transportation.*

(4) *Urban Information Services.*

(5) *Housing.*

(6) *Ghetto Economic Development.*

At the national level, at least one such systematic approach which has been recommended could be achieved through an organization such as the Economic Opportunity Corporation, as also set forth in H.R. 16303.

Finally, I would suggest that, having taken the above into consideration, that a possible solution might lie in striving to develop new mechanisms such as local community corporations, and development companies, whose functions and structure would encompass all of the problem areas outlined above, similar to the "local service corporations" also called for in H.R. 16303.

There are at least two examples of such local corporations that I would mention. In Rochester, N.Y., where a non-profit corporation has been created and in existence for nearly a year (Rochester Jobs, Inc.)—a corporation that brings together *all* of the people and groups in the community who "have a slice of the action." Funding, planning, and program, to include some technical assistance, all flow through one channel. While this community corporation was initially limited to the employment field, it is now, having achieved a modicum of success in this area, begun to concern itself with the question of ghetto entrepreneurship.

A second example, in the State of North Carolina (The N.C. Manpower Development Corporation), is a bold attempt to have one non-profit corporation "responsible for" all of the following areas: outreach, job-training, job placement, housing, child care, mobility, and transportation—integrated under one umbrella. This structure allows for, even insists upon, a model for allocating all resources, capital and human, and thereby provides for a community management information system.

IV. REMARKS RE SPECIFIC PROGRAM AREAS

I would like to comment briefly upon several of the specific urban program areas outlined above, primarily because I think there is real room for innovation *within* each of these areas. I would, therefore, like to mention some specific examples of real achievement for your consideration:

A. Employment

(1) *Learning Systems:* There have been, in my opinion, some significant breakthroughs with regard to "learning system technology." And yet, for some reason, it seems as if there is far too much delay in proliferating these successful examples. (In passing, it seems illogical that there is at this time no single technical assistance or "success-clearing-house" available to disseminate this kind of information nationwide, similar to the proposed *Economic Opportunity Corporation.* We have, at the NAM attempted to fulfill this role for the private sector. Recently we have researched in-depth, the best of the corporate programs around the country, and are now disseminating this information to a nationwide network of committee companies.

There is much data available on the development of locally sponsored *Industrial Education Centers,* where the introduction of new education and behavioral technology, administered in a non-traditional learning environment, with a high degree of private industry infusion, with regard to motivation, have achieved a remarkably high degree of success. To note one example: In Laurens County, South Carolina, 80 students, ranging in age from 19–56, 60 per cent on some form of public assistance, and with an average IQ of less than 80 were enrolled in an Industrial Education Center. Twelve weeks later, over 90 percent had completed the course (with an average reading and arithmetic escalation of 2.8 grade levels); 82 per cent are now gainfully employed in the private sector, six months later; and the total process was accomplished at a cost of slightly under $900 per student. This cost included: administration of the center; materials; outreach; training; and job placement. There is no reason why every community corporation could not sponsor such a center, or some similar operation, particularly as a viable mechanism to involve the small employers who are rarely participants in traditional program efforts.

(2) *Computer-Based Information and Job-Matching Systems:* The technology is now available and already tested that would enable us to match the individual to, as an example, five actual job openings, at a cost of approximately $25 per person—to include all administrative costs for managing the system. (Such a system, as recommended in 1966 by the National Commission on Technology, Automation, and Economic Progress, and recommended in the National Manpower Act of 1968, as well as by the National Commission on Civil Disorders, is now a reality.)

Moreover, the system (or technology) is equipped to deal with any sized population and could, therefore, function nationwide, as well as in existing geographical parameters. It would certainly be sponsored by local community corporation.

In addition to matching people to jobs, the system will also provide information as to why individuals do *not* match to jobs, thereby furnishing local and national programmers with information mandatory if we are to allocate our training resources effectively. It therefore also serves as a management information and control mechanism.

Moreover, such a system affords a built-in benefit in terms of motivation, since an individual referred, as an example, to a skill-training program, *knows* that he is being trained for a real job. There is abundant data available supporting the increased motivational thrust within such an environment.

Finally, the same system is designed to match the supportive services available from voluntary agencies such as churches, foundations, and service clubs to the needs which may exist on the part of the person assisted by the job-matching program.

One additional comment. Such a system, in my opinion, is imperative if we are to really effectively solve the problem (or opportunity) afforded by the returning Vietnam veteran. Our existing agencies are incapable of meeting this challenge, unless buttressed by such technological innovation. I am firmly convinced that the adoption of this system, with particular reference to the "returning servicemen," would lead to a literal explosion of private sector involvement, to include a high degree of capital contribution.

B. Urban information services

Industry can, and most effectively through some form of collaboration with government at the local level, help connect the disadvantaged individual with the multiplicity of services and facilities already available to help him. Such an example, already a success, was established by the Smith, Kline, and French Company in Philadelphia.

A special case—and increasingly a problem—is the need for urban migration assistance. Virtually no present institution or set of procedures exist for easing the cultural shock experienced by a rural migrant from the South, the Ozarks, or Puerto Rico, on entering a large metropolis for the first time.

The establishment of Neighborhood Information Centers, with the high support, if not management, by the private sector, will have real merit—particularly if we adopt the systems technology as outlined above. There is no reason why such centers could not function as a subsidiary part of a local community service corporation.

C. Ghetto economic development

Perhaps there is no higher priority, or greater challenge, than ghetto economic development. No other activity reflects the truly important psychological and economic realities which must be confronted by private industry, in formulating its own priorities for action on the urban problem.

If, however, industry is to move vigorously within this area of activity, it seems to me as if at least the following factors must be taken into consideration, with regard to the following rather clearly articulated attitudes of Negro leadership:

(1) The desire for entrepreneurial control and management of enterprise.

(2) An antagonism toward equity investment by outsiders.

(3) A desire for full economic diversification within the community.

(4) The desire to promote localization of jobs.

There are already several instances of success in this area (NEGRO, in Watts and Harlem; the Kodak experiment in Rochester; the Businessmen's Development Corporation in Philadelphia) and I would suggest that this be one of your highest priorities. Industry must, in terms of its action-programming:

(1) Provide technical assistance to Negro businessmen in measuring market potential, selecting locations, merchandising.

(2) Build an advisory consultant relationship between large corporations and local entrepreneurs.

(3) Be more imaginative in providing more tangible assistance through franchising, subcontracting, as well as providing direct technical assistance.

(4) Be ingenious enough to devise ways to insure *real* high-risk loan funds created by private capital sources.

(5) Finally, those companies that do invest capital through plant expansion in the ghetto, as now exists in numerous communities, must consider the best methods for transferring ownership over a stated time period, as well as establishing a viable Negro management capability.

V. A CLIMATE FOR INNOVATION

I would conclude by commenting briefly on what I think is extremely significant—the need for the proper climate to surround these activities, and one specific action example, by way of illustration.

I think that most of us agree that we can no longer approach these old problems with old solutions. Innovation is demanded—now. We must insist upon a climate that allows, in a *positive* sense, for widespread innovation, and correspondingly high payoff; but in a *negative* sense, for a climate that, while forcing a high degree of risk-taking, almost mandates frequent failure.

Such a climate, in my opinion, allows for new alliances, for the introduction of new technology, for the building of new structures. But, at the same time, some of the specific examples that I mentioned above, serve so as to threaten existing institutions and programs, and tend to rigidify the thinking of the individuals who manage such.

For instance, conversations with many Negro leaders in the urban areas, indicate to me that there is a natural relationship or marriage beginning to take place directly between the Negro militant and business leadership. A direct interaction, with no middleman. Such a relationship, if it succeeds, threatens a whole set of institutions and structures that have existed for many years. And yet, we must be willing to look at the possibility of such changes openly, and to deal with them without rigidity, in spite of the fact that such developments might require radical changes vis-a-vis past relationship within any given community.

Finally, there is an absolute need for real criteria by which we can judge the effectiveness of all action programs that we launch in the future—private or public. This is particularly important, however, with regard to the large scale involvement of industry in recent months. There is a very real danger, that industry—might reject the very criteria that companies have utilized to measure their own corporate success. This, I think, would be a tragedy, for if there is one thing that we vitally need, it is a set of clear and reliable indicators that will tell us when, where, and how, to allocate our resources in the future.

We must also be willing to explore new approaches involving the private sector such as the *tax-credit approach* outlined in the Report of the Commission on Civil Disorders and in the National Manpower Act, and we are giving it serious consideration.

One final example. There is a new, nonprofit corporation in the State of California called *OPEN* (Opportunity Enterprise Corporation), funded by three foundations, and having bipartisan political support (the Lt. Gov., Robert Finch, and the speaker of the Assembly, Jesse Unruh, both serve on the Board).

The concept is rather simple. Certain traditional "public sector" functions, such as a public school in the ghetto; a welfare office in the ghetto; a state employment service office; will be "turned over" to the nonprofit corporation by the state government. This concept, and its proposed implementation, is intended to "spin off," over a period of time, a series of ghetto-owned and managed profit-centers, seemingly identical to the "profit-making companies" recommended under the Republican-sponsored National Manpower Act.

OPEN will, with an advisory board from all sectors (to include the potential users or customers) set demanding criteria for success for each of the above-mentioned operations.

OPEN will then open for bidding, on a competitive basis, the management of each of the above operations.

The contracts will be written on an incentive, rather than a cost—plus basis, which hopefully would spur the winning bidders toward the highest degree of innovation.

If successful—and it is far too early to even speculate as to the ultimate success—such an experiment allows us to test the entrepreneurial concepts often called for in this area; to hopefuly stimulate new thinking with regard to solutions; and, finally, allows us to develop competitive models to traditional public agencies, *with* the active support of local governmental leadership.

It is possible, and indeed a strong desire, that through such experimentation, new models of self-sustaining systems can be established, systems that require, perhaps, tax money to be utilized only for "guaranteeing" bank loans for certain kinds of high-risk enterprises.

I would conclude by commending the significant efforts of this Task Force, especially for the high degree of innovation embodied in your proposals.

SOCIALIST PHILOSOPHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, J. C. Phillips, editor of the Borger, Tex., News-Herald in his May 13 column attempts to explain the beauties and promises of socialism as theorized by our "me too" leaders.

Strange as it may sound to some, his comments echo surprisingly close the statements and appeals here in Congress.

Under unanimous consent I submit Mr. Phillips' article for inclusion in the CONGRESSIONAL RECORD, as follows:

NEWS INTO FOCUS: SPEAKING FOR THEM

(By J. C. Phillips)

Let us try to put ourselves in the position of those, the self-elect, who have been running our country for the last thirty odd years, from the president on down and including political hopefuls seeking to replace those in office with a poorly disguised me-tooism.

Instead of pleading with our president and others in power to get us out of the United Nations and to eliminate from within our Federal Government, our Armed Forces and industrial complex traitors, enemies of our people, alien and otherwise, identifiable as such by the Federal Bureau of Investigation, let us attempt to reason why these gentlemen do not have the intestinal fortitude to even publicly acknowledge that there is any one of us who is determined to have this done.

Quoting Kipling, "Ours is not to question why, ours is but to do and die."

Speaking for the self-elect, our rulers, who seemingly have no stomach for discussing these subjects but prefer to assume they are not matters of interest to the voters and therefore do not even make a forthright effort to defend their position when they humble themselves to the point of asking for votes from the people, let us attempt to anticipate their thoughts and to set them forth in the following language:

HEAR THEIR SIDE

"Fellow Americans, it is time that you had a better understanding and appreciation of the contribution made in the service of all Americans by communists, pro-communists, Fabian Socialists, world government authorities and agents of the powerful world bankers who have occupied and continue to occupy executive positions within the government, Armed Forces and throughout industry. First of all you surely realize that you, the people, are socialist-minded and are becoming more so with the advancement of technical and scientific knowledge. There is only one way to pass around all of these good things, and that of course is through able management by socialists who are not interested in profit but in sharing.

"This helps to explain why it is that the noble experiment in socialism as practiced in Soviet Russia must succeed at all costs. Socialism and communism of course are different degrees of the same thing.

"Ultimately as people become more perfect and more uniform in their thinking, they qualify themselves to live under communism such as enjoyed by the people behind what Churchill once called the Iron Curtain.

"To be sure socialism must be a form of mild dictatorship. This is because when you give to each according to his needs and require of each according to his ability to produce, some central authority must decide what each individual shall be given and what is required of each individual. This makes sense. Certainly you could not leave this up to the voters. This is a matter for experts to work out for the benefit of the people who do not always know exactly what is good for them.

"We realize that socialism is essentially atheistic. This is for the reason that in order to bring all people together in a one world authority there must be uniformity of thinking. For socialism to exist at all it must be world wide. Otherwise there would be the inevitable and continuing conflicts between the greedy who would exploit for profit and the socialists who are dedicated to sharing.

"The fact there are so many different religions in the world, so many people running after different Gods, none of them having as yet demonstrated the ability to prevent warfare between nations and even the people themselves, it must be concluded that religious concepts are merely superstitions. People are looking for some central authority to give them hope, and until socialism came along there was no such stable authority, just a multitude of religious profiteers.

"Peace and freedom from war can only come when the whole world is socialistic. This is why we must have the United Nations, and it must be a world government. It was Lenin who put it into blunt, practical language: "What does it matter that 70 per cent of the people perish if the remaining 30 per cent are privileged to live under communism."

"We must be practical. Before the triumph of socialism and the people of the world are to enjoy peace under a one-world government, there are of course that multitude of greedy, self-serving people who must either learn to conform or perish in the unavoidable conflict between the enlightened people who enjoy socialism and the capitalists fighting a rear guard action.

"It has been said that man does not live alone, that no man is an island unto himself. We live in a world with other people, and the great majority of the other people are not of the white race. Certainly in the true democracy of socialism, in a world of people enjoying the selective principle of one-man, one-vote, the Negro and other races must be accepted and recognized for what they are, the controlling majority. This explains why the sooner the Negro is recognized and accepted on a completely equal basis with the white race, the sooner peace under socialism can be obtained.

"Whatever the cost in lives and heartbreak, we of the white race must nevertheless conform and make that adjustment which will come sooner or later in the recognition of the growing power of the colored races represented in this country by those of African ancestry.

"You have often heard it said that socialism is financed by the very wealthy, particularly those responsible men who control the banking of the world and without whom we would be lost for a medium of international exchange as we seek that leveling off common denominator so essential in the apportionment of the world's goods equally among all people.

"Men of enormous wealth have come to realize that after all money doesn't really mean anything and therefore they devote their time to developing the more perfect world of socialism and eagerly look forward to ultimately giving up all they possess in order that they may too share and share alike with all others.

"Not only the United States but the whole world has gone so deep into socialism that there can be no turning back. Other attempts to establish a collective community for the benefit of all people have failed because of leadership that weakened and the difficulty of getting to the people as a whole that news which would enable them to better understand and appreciate socialism in its total concept. Thanks to the brilliant minds and the courage of the owners of our largest metropolitan newspapers, magazines, radio and television, and those who publish school books, the present approach to the benefits of all-out socialism can be kept before the people in such a manner as not to confuse them with other issues of a less beneficial nature. To understand and participate in any social or economic change, it is of course important to have the masses of the people in the proper frame of mind which can be accomplished through the freedom of the press which we enjoy.

"Make this test: Ask anyone receiving Federal checks from the Federal Government just what part of presently operating socialism they would care to give up (not their checks).

"Certainly there is no reason why either the President, members of Congress or political candidates should discuss in public either our membership in the United Nations or the economic or political persuasions of people on the federal payroll whether they be communists, socialists or even a few who continue to believe in our outmoded Constitution.

"Perhaps there are millions of people who want to get our country out of the United Nations and who would eliminate communists and others they dislike from the federal payroll, but we doubt there are very many of these people.

"We believe those few who entertain these views are simply reactionaries who are too set in their ways to understand and appreciate just what it would mean to them and in particular to their grandchildren to live in a world completely at peace under socialism."

(EDITORS NOTE.—How am I doing?

(Believe me, writing these few statements in defense of what we have and may continue to have under the one worlder's wasn't an easy thing. It didn't just come naturally. It, however, may help to explain the thinking of me-too candidates for public office. This might help them even to get elected or reelected, but that was not the intention of the writer of this column.—JCP.)

MRS. VIRGINIA BRIZENDINE, AN ABLE PUBLIC SERVANT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DULSKI. Mr. Speaker, many Americans find stamp collecting a fascinating and educational hobby. Our stamps tell a lot about the history and traditions of our great country, and there are few hobbyists as dedicated as the avid stamp collector.

Supervising the Post Office Department's Division of Philately is a difficult and challenging assignment.

Just handling the commemorative stamp program, with the great number of requests and the often fierce competition for a place on the list of the relatively few commemoratives issued, would be job enough for anyone. Yet the Philately Division is responsible for a lot more than issuing commemorative postage stamps.

We are indeed fortunate to have a very gracious, charming, and extremely able person heading the Post Office's Philately Division, Mrs. Virginia Brizendine.

Following is an article from the May 22 edition of the Federal Times about Mrs. Brizendine and her work:

DIVISION OF PHILATELY IS HER BAILIWICK

WASHINGTON.—Mrs. Virginia Brizendine, director of the Division of Philately and one of the highest ranking women in the postal service, is in charge of the colorful, fascinating world of the American postage stamp.

Her career began in 1936 and she now directs a staff of 12. She came up from the University of North Carolina and started out as a GS–2 stenographer.

Mrs. Brizendine remembers that her first day on the job she didn't know how to spell "philately."

If all the "philatelys" she has written or dictated since were laid end to end, they would stretch well into outer space.

In 1946, she became secretary to the Director of the Division of Philately and began to write books, pamphlets and speeches dealing with stamps. She was named head of the Division in 1965.

Mrs. Brizendine acts as executive secretary to the Postmaster General's Citizens' Stamp Advisory Committee.

This is a group of 11 experts from the fields of art, history, printing and philately who weigh the merits of proposed new stamps and pass judgment on stamp designs prior to production.

Mrs. Brizendine is a busy woman. In a typical day she may sign 95 pieces of mail.

Her other duties may include keeping up with plans for a first day ceremony to launch a future stamp and assuring that the planned program is in order.

She may also have to chide an artist who is falling behind promised delivery date for a stamp design.

When problems involving stamp production arise, Mrs. Brizendine may have to deal with representatives of the Treasury Department's Bureau of Engraving and Printing and of the Post Office Department's Bureau of Facilities.

She may have to serve as a philatelic encyclopedia.

Mrs. Brizendine has participated in the launching of 500 commemoratives and perhaps an equal number of regular issues during her career.

To her, few things are as exciting as a new design or a first day ceremony.

"Each ceremony is a different experience. Sometimes it turns out to be quite an adventure. You never know what to expect," she says.

FOR BETTER TRAINED FOREIGN SERVICE OFFICERS OF THE UNITED STATES

HON. A. S. MIKE MONRONEY

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Thursday, May 23, 1968

Mr. MONRONEY. Mr. President, next October begins the 50th anniversary year of the School of Foreign Service at Georgetown University, the country's oldest institution for training men and women for employment in diplomacy and trade abroad. For half a century, its graduates have distinguished themselves in the service of their Nation.

At the outset of its second half century, the school's faculty and administration have undertaken a comprehensive review of its foreign service curriculum. Dr. Walter I. Giles, a professor of government at the school for more than 20 years, has written an interesting and informative article describing the development of the school since the Second World War. He argues persuasively that when the founder and regent of the school, Rev. Edmund A. Walsh, S.J., revised the curriculum in 1951, shortly before his death, he envisioned a course of education that would provide the student with a broad, interrelated background in government, economics, history, languages, and philosophy. This, rather than any specialized or narrow training, would best prepare men to grapple with the problems of international relations and foreign trade. Because of the significance of this development, not only to other colleges and universities but also to those who are intending to prepare themselves for service abroad, I ask unanimous consent that the article, published in the April 28 issue of the Hoya, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SCHOOL OF FOREIGN SERVICE: THE LAST 25 YEARS

(By Walter I. Giles, Ph. D., professor of government, Georgetown University)

In the decade that has passed since the death of Father Edmund A. Walsh, S.J., the School of Foreign Service, which he founded in 1919, and directed for almost 35 years, has become a subject of increasing concern in the Georgetown academic community. The condition of the school, and its future development, are topics of frequent discussion among students, faculty, and alumni. Central to their discussions is the question of the School's *identity*. It is contended that this institution is losing its identity both as a *school* and as a *Foreign Service* School. If this is true, Georgetown will have lost one of its most prestigious resources. When we reflect on the national and international fame achieved by the School under Father Walsh, and appraise the recognition still accorded to Georgetown University as a consequence of this past preeminence, even the slightest possibility that the School of Foreign Service is in a state of erosion should be a matter of grave concern to all friends of this University.

Edmund Walsh's direction of the School ended in late 1952 following a paralytic stroke from which he never recovered. Nineteen fifty-two, therefore, marked the end of a long and eventful era in the history of the School—the end of the Walsh era. That year also marked the acceleration of a policy which has brought radical changes in the nature and operation of the Foreign Service School: the policy of University integration. For three decades, prior to integration, the School functioned as an autonomous and independent institution within the University system. But after 1952, it was thoroughly integrated into the University. I submit that it is the consequence of some 15 years of integration which has raised the identity question today. When we examine the impact of integration on the nature and functioning of the School, we can better understand why its identity is now being seriously questioned.

TRUE IDENTITY

But first, what *is* this School's proper identity? To this question, one can, and does, receive an extraordinary variety of opinions hypothesizing some particular framework for this celebrated institution. Identity approached as a semantic exercise makes possible a rationalization of any given state of affairs, or any potential development. Thus, to take an extreme example, I recall a former official of the University expressing his opinion that regardless of what might happen to the School in the years after Walsh, Georgetown "will always keep the *name* 'School of Foreign Service'." To him, as to some others, the School's identity would be satisfactorily retained simply as long as this illustrious name was preserved. Indeed, about the only consensus concerning the School that I have found is precisely this: the *name* should be preserved for public relations values, if for no other. Others persons within the Georgetown community have offered more substantive conceptions of what they believe to be the proper nature of the School (now the Edmund A. Walsh School of Foreign Service), but they have done so in terms which, however, rational and acceptable to themselves, would have been unthinkable to Edmund Walsh as *he* identified this School.

Rather than indulge in a meaningless theoretical inquiry concerning the desired identity of the School (the kind of discussion that inevitably ends up with the question: But is there such a thing as a *foreign service* education?), we can progress with the actual identity problem today by first recognizing the fact, however exasperating it has been to some, that there *is* a School of Foreign Service at Georgetown, that it has existed since 1919, and that it can be described historically in a context of *then* and *now*. *Then* as it functioned during the Walsh era; *now* as it operates since integration. It is an approach which reveals some profound differences between the School of Edmund Walsh, and the School as it is today.

THE WALSH ERA

It is probably too early to perceive the full consequences of integration on the national reputation of the School. We do know that under Father Walsh this School achieved an extraordinary professional reputation within a short period of time. It was the genius of this man to possess the remarkable ability to be in advance of his times; to be able to transform imaginative proposals into working realities. At a period when few educators could scarcely visualize the idea of a *School* of Foreign Service, or even the concept of a *foreign service* education, Edmund Walsh has already achieved such an institution, based on such a concept. Whatever the deficiencies of the School were during the Walsh era—and I was personally aware of them—yet the fact remains that the founder and regent of this unique institution developed its status to a position of enormous respect throughout the world. And so it is today that Georgetown University "is best known," to cite the recently published *Oxford Companion to American History*, "for its schools of foreign service, law, and medicine."

The legacy of the School's reputation under Walsh has been rich indeed, for its fame continues to attract unusually talented and promising undergraduates to the Georgetown campus, despite the meagerness of financial assistance which can be offered them. And the School's reputation has been instrumental in strengthening some of the Graduate departments by bringing to them qualified and motivated students seeking advanced degrees in the social sciences, especially in international relations. In this respect, we witness the unusual phenomenon of an undergraduate school helping the reputation of the graduate departments of a university.

Turning to our description of the School then and now, the major changes to be observed are those affecting curriculum, faculty administrative relationships with the integrated departments, allocation of academic resources among the University's various divisions, the administrative structure of the School, and, generally, the scope of its authority to develop and implement its own programs.

It must be remembered that under Fr. Walsh, the School functioned within the University as an independent and autonomous unit, so autonomous indeed that this status engendered resentment and opposition—as well as envy—within other quarters on the campus. Separate financing and budgetary discretion distinct and independent curricula, its own faculty and administration, control of its admissions and standards requirements—even plans for its own building—these were some of the major features of the *former* School of Foreign Service. What these features added up to was this: the School had full authority to develop and execute its own academic and educational programs. And it did.

A UNIQUE SCHOOL

Two distinct and separate undergraduate schools were then a part of the University, the liberal arts College of Arts and Sciences, and the professionally oriented School of Foreign Service. While these two institutions existed alongside each side for a number of years, they and their student bodies were independent entities. Possessing separate faculties, curricula, administrations, and different living arrangements for their student bodies, the College and the Foreign Service School shared few common associations. Pronounced "Foreign Service" and "College" attitudes, outlooks, and, most important of all, educational identities prevailed within the University. (And in the 1920's, the Foreign Service School was not even located on the campus, but rather was situated in the Law School. It was Father Walsh's early hope to move the School to its own building which would be off the campus and in a downtown location.) Today's undergraduates may also find it difficult to realize that during the Walsh era very few Foreign Service students lived on campus. Only during the past decade, with the building of new dormitories and the imposition of University rules requiring new students (and at one time all students) to live on campus, did a kind of integrated student body—integrated in its living arrangements and some of its social and extracurricular activities—come into existence.

This brief background of the School during the Walsh period suggests, I think, why no one in those years ever raised the question of identity about which we hear so much today. In the preintegration period the School of Foreign Service had a most pronounced identity, at Georgetown and in the outside world. The great issue then, as it involved this school, was simply how did one react to its clearly defined identity?

To the School just described, integration has brought many changes. First, it has affected its curriculum, moving it away from its professional and special character, and giving it instead a pronounced liberal orientation. Under Walsh, the curriculum for the entire four (or five) years was considerably different from the liberal arts curriculum then prevailing in the College, as the later curriculum involved the social sciences. Of course, there were similarities in course requirements here and there since most undergraduate programs comprise a number of subjects of common interest. But even those courses were not interchangeable for degree credit. Different instruction, emphases, academic standards and requirements prevailed throughout.

But now, as a consequence of 15 years of integration there is a striking similarity between the programs of Foreign Service students and those students in the College who are majoring in the social sciences. Homogenization of a substantial part of the curricula of the two schools has taken place in those fields in which they are most congruous. This process has been gradual and almost imperceptible, but the newcomer on the campus, be he student, professor, or administrator, need only examine the catalogues of the School of Foreign Service and the College, then and now, to see the cumulative impact of integration on the curriculum of the "professional" school. First, he will note that the course requirements in the freshman and sophomore years of the School of Foreign Service have become quite similar to those of the College for the same years. Secondly, he will observe that what remains of the School's former distinct and specialized programs is now concentrated largely in two years of course offerings, given chiefly in the third and fourth years. Because of this development some observers believe that the Foreign Service curriculum has become essentially what can pass for an ordinary international relations major in a liberal arts college. Most liberal arts majors, at least those in the social sciences, are established on the basis of academic programs carried out by the student in his junior and senior years. And today's foreign service "major" at Georgetown results largely from course requirements completed in those two years. Only a few distinctly Foreign Service School courses—long established in its curriculum—have somehow managed to survive in the freshman and sophomore years. In view of the extensive amalgamation which has already taken place in the first two years of the College and Foreign Service schools—and which shows no signs of abating—one may legitimately question whether the Foreign Service curriculum today is anything more than a kind of grand liberal arts social science major masquerading as a "School"?

To some people the development just described is a desirable one. They believe, quite sincerely, that "Foreign Service" should be structured merely as a two year program (third and fourth years), with all undergraduates matriculating in the College of Arts and Sciences for their freshman and sophomore years. Only at the end of the sophomore year would those students desiring Foreign Service move into that School for what would then be a two year curriculum. Whether such a "School" would retain even any administrative identity is not clear. Such a development would probably transform the Foreign Service School into essentially a department of the University, oriented academically and administratively to the College and the Graduate schools, as are most of the University departments today. The School would then be a "department" although it would function under the name "School of Foreign Service." Whatever the merits of such a program, that is certainly not the Foreign Service School of Edmund Walsh.

Curriculum changes under integration were also accompanied by a significant change in the status of the faculty teaching in the School of Foreign Service, and by changes in the attitudes of that faculty to the School itself. Now that Foreign Service no longer has a faculty of its own, its courses are taught by professors who belong to a particular department. Especially important are the three social science departments of History, Government, and Economics, for they provide the major part of the instruction comprising the Foreign Service curriculum. Professors from these integrated departments usually teach in two, sometimes, three divisions of the University. Since it is the departments, and specifically their chairmen, who recruit, hire and promote their respective faculties, a Georgetown professor today relates directly to his department, not to a particular school. His institutional orientation, therefore, lies towards his department and its discipline, not to a school itself, and its general program, or even to the University as such. Only a handful of the Foreign Service faculty teaching during the Walsh period are here today. And it is not surprising that those few reflect a Foreign Service School orientation seldom found in the faculty at large.

The experience of the writer, whose teaching in the School of Foreign Service has been first as a member of that School's own faculty, and subsequently as a member of an integrated departmental faculty, convinces him beyond question that the organization of the faculty today, by which professors relate entirely to their departments and to their special disciplines, rather than to a particular school and its educational programs, has contributed enormously to the identity problem of the Foreign Service School. Under the prevailing departmental system, the School is merely one of the divisions of the University where a professor happens to be assigned to teach a course. Even then he may not teach that course regularly within the School, for his assignment there is always subject to the flexible "manning charts" which chairmen are constantly juggling in the face of increasingly mobile faculties, and competing university needs. Moreover, the professor assigned to give a course in the School of Foreign Service is unlikely to have any special professional concern with the functioning of the School itself, with its curriculum, or with its student body. He is not linked administratively to its structure; neither is he bound by tradition or spirit with its educational program and objectives.

It is likely too that he possesses an academic background and a professional experience which is almost wholly cut from the liberal arts tradition. Thus, a voluntary professional identification with something so out of the mainstream of American liberal arts education as a "foreign service school" is not easily come by. Indeed, a few professors on this campus have gone so far as to manifest outright hostility towards the School and its students. To those professors the School is, as they have put it in their own words, "the *foreign* school." Fortunately, picayune attitudes such as these are not typical nowadays. The natural cause of the alienation of the average professor from the School of Foreign Service derives simply from the fact that *his* professional identification and academnic career rests logically with his department, its discipline, and with those divisions of the University with which his department is most closely related, namely, the College and the Graduate School.

Although integration means an indirect and distant departmental relationship to the School, its academic program, its students, and its administration, yet, paradoxically, the department chairmen have exerted an increasing influence in determining the nature and functioning of this institution. Their mission is to "service" the teaching needs af the School, but their departments remain, in function, tradition, and in attitude, predominantly liberal in orientation. For the departments the important programs are those which they administer themselves in the College and in the Graduate School. And although these same departments are responsible for offering and staffing courses in the School of Foreign Service—and the social science departments of this University teach more students in the School of Foreign Service and the Business School than they do in the College—their relationship to the Walsh Area schools and student bodies is one that is both indirect and professionally disinterested.

AFFECTS COMPS

In such a context it is not surprising, for example, to find so much dissatisfaction nowadays within the senior class of the School of Foreign Service concerning the administration of the oral comprehensive examinations. Frequently the three instructors comprising a "'foreign service" comprehensive board view their own roles as that of *departmental* representatives (not as a *Foreign Service* faculty) charged with the mission of giving a comprehensive examination in their department's own field (be it history, government, or economics), and to do so, of course, within the allowed ten minutes. In effect, the Foreign Service student is asked to pass three distinct "'comprehensive" examinations, not simply one as is required of liberal arts majors. Moreover, these three examinations are to be completed within thirty minutes, such time to include the answering of even capricious and asinine questions which do emanate occasionally from some of the departmental representatives assigned to these boards. This is a formidable requirement, indeed, and one can only marvel that the rate of failures has not been more devastating than it has.

Although recommendations and decisions of the departments (particularly their chairman) have been crucial in shaping the School's academic program since integration (in terms of what courses should be included in its curriculum, the contents of specific course offerings, the competence of the instruction, the size of the classes, etc.), the departments themselves are not subject to the jurisdiction or the authority of the School itself. Thus, what the School of Foreign Service can manage to get from the autonomous departments and their faculties, in order to execute its educational programs, is not something within the prerogative of its dean. Rather, it depends on understandings, negotiations, arrangements, requests, bargaining, pressures, and so forth, between and among the dean of the School, the shifting galaxy of departmental chairmen, and the Academic Vice President of the University.

The fact that the primary concerns and professional interests of our departmental chairman center in the College and the Graduate School has undoubtedly contributed to the difficult relationships which have often existed between the School of Foreign Service and the University departments during the years of integration. These administrative relationships, normally complicated, frequently frustrating, have sometimes bordered almost on a state of guerrilla warfare. When conflicts of policy and personal interest prevailed between a department chairman and the dean of the School, the individual professor in the School is inevitably forced into an unwanted situation in which he must choose between what is good for his department or what is good for the School of Foreign Service. Obviously, it is to his personal advantage to play the company game, that is, to resolve any such conflicts in favor of departmental interests.

That organizational problems such as these exert a pernicious effect on the educational mission of an institution such as the School of Foreign Service can be readily appreciated. For without the willing collaboration of the departments, and their faculties, the School, in the post-integration structure of today, can accomplish little. Regrettably, such collaboration has been all too lacking throughout the period of integration, and the consequences of that situation have been disastrous in the functioning of the School. Looking back since 1952, and examining the allocation of academic resources between the School and the College in the subject areas of common concern, a number of unfortunate practices are seen to have existed. In such crucial matters as course offerings, size of classes, quality of instruction, educational and administrative services rendered to students, it is impossible to ignore the fact that the School of Foreign Service has so often been the stepchild of the integrated departments, and the integrated University. We assume today we are past the atrocity stage of the separate but unequal phase of integration, but atrocities there were. The banishing of incompetent instructors from the College by dumping them into the Foreign Service School, the prohibition against graduate students teaching in College classrooms, but freely using them in Foreign Service courses, the administering of preferential and discriminatory policies in admissions, in the granting of financial assistance to students, and in the dispensing of various kinds of important educational services—such were some of the practices not easily forgotten by those of us who were present during those years.

And lost sight of during the same period was the extraordinary opportunity which the School of Foreign Service offered the University: the ability to further the established national preeminence of this School in its special field of education by drawing on, and putting to its developmental needs, the greater resources possessed by the integrated University. As other educational institutions began to initiate and promote vigorously various programs of international studies and training for public and private service, Georgetown Foreign Service, the pioneer and long acknowledged leader in this field—but now facing strong competition—lumbered from year to year with no significant programmatic developments of note. Its major energies seemed to be directed alternately to the process of its being integrated within the University or to finding justification for its very existence. Indeed, the general university administration seemed less interested in "exploiting" the prestige of the School (and I use the word here in a constructive and developmental context) than it did in cutting it down to size—or "putting it in its place" within the University. Understandably, the intense reaction of some of the officialdom at that time to the Walsh era, that is personal reaction to the School and to the man, helps explain, although hardly excuses, their almost irrational attitudes concerning the School of Foreign Service, even after Walsh, even after integration.

The failure of integration to establish a viable organizational basis for the School is, I believe, inherently an institutional one. Of course personalities do aggravate institutional difficulties, and undoubtedly personal factors have contributed their share to the burdens of this School. Indeed, it is no secret that a number of professors and even more administrators have attributed the blame for many of the School's difficulties either to the personalities who have presided over it in the years since integration, or to those who have chaired the departments during the same period, or to both. But I doubt that this administrative problem can be reduced simply to an equation of personality. When we recognize that four distinct administrations have headed the School since 1952—that one top administrator in the School after another has come and gone since that year—to accept the personal hypothesis as the explanation for what has gone wrong is to say that Georgetown University has been an incredibly bad judge of horseflesh throughout this period.

Rather than accept this explanation, I think the truth of the matter lies in the character of the School's organizational structure under integration: It is intrinsically weak. All deans of this particular division of the University have been working from an almost untenable position vis-a-vis the departments, or as they are so often called, the "feudal baronies." Undoubtedly, particular deans do count. But how any dean's personal talents may affect his administrative problems, that is to increase them, or to lessen them, is simply to recognize the truism that human variables influence the working of any institutional arrangement.

The purpose of this review has been to bring into focus some of the major factors contributing to the identity crisis of the School of Foreign Service. It might be well, in closing, to remind the skeptics—those who would deny the existence of such a problem at all—that the situation we are discussing has been with us for a number of years, and that, in a sense, this School has been living on borrowed time—the legacy of the reputation of the School as it was developed and left by its founder, Father Walsh.

MSACSS WARNING

Consider, for example, the highly respected and informed opinion of the Middle States Association of Colleges and Secondary Schools whose dicta can hardly be brushed aside as irrelevant to the present situation. When the Middle States submitted its 1961 evaluation report on the University, as a part of its accrediting process, it raised numerous questions concerning the status of the Foreign Service School within the University, and the course of its future development. While duly acknowledging the long and proud tradition which had earned the School a national and international reputation, the Middle States report went on to question whether the School of Foreign Service was, any longer, really a school at all. It pointed out that it now lacked so many elements which normally constitute a school—elements which effectively give identity to an educational institution. It observed that the existing nondescript character of the School appeared in danger of becoming even more diluted in view of the increasing authority of the university departments vis-a-vis the School. And some of the most significant deficiencies of the institution (as seen in the eyes of the visitors) had developed, as the present article elaborates, in the years following integration. To the evaluators from the Middle States, the School of Foreign Service seemed to be in a state of drift; and they left no doubt that if this institution were to regain its former prestige, it would somehow have to acquire the authority to develop its own program and status; in effect, it would have to reestablish its educational identity, especially if it were going to cope with the new demands of a foreign service education in the 1960's.

But that was 1961. We are now in 1967. Have the intervening years brought that rennaissance which the critics in 1961 deemed essential if this very special school were to regain its former prestige?

To that question, the reader may draw his own conclusion.

SCHOOLS TO GET MORE JOB SKILL COURSES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, the Washington Daily News recently carried an article which I believe we ought to call to the attention of our colleagues.

Mr. David Bushnell is doing an excellent job in developing new techniques in vocational education and has brought a whole new dimension of exciting ideas to the existing programs.

The Washington Daily News article follows:

HELPING HIGH SCHOOL AND COLLEGE DROPOUTS: SCHOOLS TO GET MORE JOB SKILL COURSES

(By Alex Bilanow)

More basic shop courses and more technical training courses—office machines to the computer sciences—are going to become standard in high school curriculums.

The change will be made gradually over the next decade.

HARSH FACTS

Behind the impetus for the changeover, which is being encouraged under a new experimental program set up at the U.S. Office of Education, are some harsh facts about the nation's current educational picture.

Slightly over half of all high school graduates now go on to college.

But, nearly 8 out of 10 quit or flunk out before they receive any kind of a degree.

Therein lies the real problem, according to David Bushnell, who heads up the new program, termed ES–70 (educational systems for the 1970s), as director of Division of Comprehensive and Vocational Education in OE's Bureau of Research.

"Most of these young people leave school without having a basic job skill," he said. "They're out—with no place to go."

SEPARATION

Mr. Bushnell, a former IBM and Stanford Research Institute executive, said the new program will put an end to the traditional separation between college-bound students and those headed directly into the job market.

The program was initiated in February with a grant of $300,000 in planning funds to 17 school districts selected from among more than 150 districts who asked to take part.

Eventually, as the program unfolds, it will expand into a $35 million effort. Mr. Bushnell said.

He said the schools taking part in the experiment will develop a model curriculum combining vocational and regular academic training. It will represent a radical departure from the past.

Mr. Bushnell sees considerable combining of courses which were previously kept in separate niches. Classrooms would also be much less formalized in the new set-up.

LESS FORMAL

A student, for example, would be assigned a project to do by his teacher. This would take him to the library, the shop, possibly the audio-visual materials center for research.

It would mean discussions with his teachers and with small groups of fellow students. When completed, his project would be handed in and graded. This would be done individually, rather than in competition with other students.

"The purpose of this would be to encourage students to complete their projects while inculcating a sense of pride and excitement about learning," said Mr. Bushnell.

He said a number of schools around the country have initiated some of the curriculum changes on their own with good results. The Office of Education is simply following their lead in its ES–70 effort, he added.

While nobody is calling it that, it amounts to a small-size revolution in secondary education.

CHALLENGE

It is finally bringing public education into line with the employment demands of our economy.

As Mr. Bushnell told the recent national convention of the Industrial Arts Association: "Recent shifts in the structure of the labor market have imposed increased demands upon public education to prepare young adults for changing work careers," so our schools "must adapt to meet the challenges of the new technological society."

CONGRESS OUGHT TO WELCOME POOR PEOPLE'S CAMPAIGN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. REES. Mr. Speaker, for the past 3 weeks, many of our fellow Americans, members of the Poor People's Campaign, have been in Washington discussing with Members of Congress and Representatives of our Federal Government their plight and the plight of many more Americans—the plight of the poor in this country.

These citizens, exercising their right to petition their Government, have had many suggestions for all of us as to what might be done to eliminate the conditions of deprivation and of poverty in this, the richest Nation on earth.

I welcome the members of the Poor People's March and look forward to discussing with them ways in which we might alleviate such conditions. I hope that Congress will listen to their story and take appropriate action so that all Americans may escape the curse of poverty. I believe that together, as citizens and lawmakers, we can bring forth programs that will reach these goals.

At this point in the RECORD, I include an excellent article by Columnist Roscoe Drummond, which I find reflects much of my own views on the Poor People's Campaign:

[From the Washington (D.C.) Post, May 4, 1968]

CONGRESS OUGHT TO WELCOME POOR PEOPLE'S CAMPAIGN

(By Roscoe Drummond)

Instead of displaying a fisheyed glare—as some are already doing—Congress ought to make the Poor People's Campaign feel fully welcome in the Capital.

It's their Nation as well. It's their Constitution as well which guarantees them the right to petition the Government in peaceful assembly.

If there is danger that the Rev. Ralph David Abernathy's massive encampment here later this month might erupt into violence—and there is—one way to reduce that danger is for the participants to be met with open arms and with open ears and minds.

Johnson Cabinet officials have set a high standard of attentive friendliness in advance conferences. But unfortunately there are Congressmen whose first reaction is to disdain this Poor People's Campaign and to suggest the marchers ought to be barred by law from coming to Washington.

They should not. They should be made welcome. They are not demanding the impossible nor the ridiculous nor the extreme. They are demanding that private industry and Government at every level put a higher priority on wiping out poverty in the United States.

Is that a fantastic or unreal goal? As an excuse for not trying, many used to justify their indifference by saying that the poor would always be with us. That view is outdated not just among the poor but among the affluent.

And is this Poor People's Campaign asking Congress to deal more effectively with something that is peripheral? I offer the answer of Arjay Miller, president of the Ford Motor Company, who says that "of all the social problems demanding attention today, the most basic is the elimination of poverty in this country . . . one sixth of our fellow citizens are not sharing adequately—or, in some cases, at all—in our progress to date."

More than this, where relief from joblessness is already most needed, the situation is getting worse. The unemployment percentage among Negro teen-agers, which has been running about two and a half times greater than for white teen-agers, is going up not down.

We ought not to blur the truth that the Vietnam war puts a priority demand on the Federal Budget and that resources are not as available as they otherwise would be to do many of the things Government can do to help people rise from poverty.

But this war is going to end and it may be sooner than we think. Therefore wouldn't it be useful for the Poor People's Campaign to promote a national pledge to commit much of what is now being spent in Vietnam to solving the pressing human problems when war costs decrease?

It might read:

"I pledge that when peace comes in Vietnam, I will use my influence as a citizen and as a voter to make sure that savings in military expenses will be invested whenever practical in human resources here at home—especially for the benefit of the poor."

Sargent Shriver calls this the "Plowshare Pledge." Why isn't this one of the most constructive non-violent campaigns which the Rev. Abernathy and his colleagues could lead—a campaign to get millions of concerned Americans to write their Senators, their Congressmen and the congressional leadership of both parties?

In election years the politicians are particularly sensitive to public opinion. The Plowshare Pledge could well be presented to both party conventions where it would not be easy to shun it.

NO STIGMA OF POVERTY IN THIS HOME

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. COHELAN. Mr. Speaker, the Federal Government is engaged in a wide variety of housing programs designed to bring low-cost housing to those who cannot otherwise afford it.

These efforts are prompted by more than just the need to provide simple shelter for the people who cannot afford normal rent—they are prompted by the realization that a decent place to live can buoy spirits and create a new hope in despairing people.

One program, the Department of Housing and Urban Development leased turnkey housing project in Berkeley in my district, is having this effect. Under this program the Berkeley Housing Authority leases housing at normal rentals and then sublets the houses to people who are eligible for public housing. The Federal Government pays the difference in the rents between what the occupant pays and what the owner receives.

Recently the Oakland Tribune carried a story on this successful program. I include this story in the RECORD at this point:

NO STIGMA OF POVERTY IN THIS HOME

(By Noel Lieberman)

BERKELEY.—The pink stucco house at 1042 10th St. in Northwest Berkeley has the same air of quaint individuality as the other single-family residences on its block.

Its lawn is neatly trimmed and it has the warm, inviting look of a real home in which real people live together to form a real family. And its interior exudes as much charm and cheerfulness as the exterior.

The new home of Mrs. Ann Johnson and her four young sons possesses none of the drab, dehumanizing qualities that have been associated with public housing in the past.

Its walls are brightly colored in varying shades of green, blue and beige—not "institutional gray." It contains a red-brick fireplace in its cozy living room, an ultra-modern kitchen, a spanking new bathroom and three roomy bedrooms—one for Mrs. Johnson and two for her sons.

Yet, the Johnsons live in public housing.

They represent one of 23 families who have moved into houses and apartments in scattered parts of the city under Berkeley's new low-cost leased housing program.

Under the program, the Berkeley Housing Authority eventually will lease a total of 500 units—104 of them for senior citizens—from private owners and then sub-lease them to qualified low-income families. The Federal Government will pay the difference between the amount of rent actually paid by tenants and what the authority contracts to pay the owner.

The program, the first to provide public assistance housing for low-income families in Berkeley, is being financed by a $5 million, 10-year federal grant approved by the Department of Housing and Urban Development.

Mrs. Johnson, a divorcee, is a teacher's aide in the Berkeley Unified School District early childhood program, was displaced from a cramped, one-bedroom apartment, for which she paid $67.50 a month plus utilities, by Bay Area Rapid Transit construction in South Berkeley. She pays the housing authority $73 a month for rent and receives a $13 utility allowance every month. The authority, in turn, pays the owner $165 a month for the total rent, based on the market value of the house.

Mrs. Johnson still beams with pride as she shows off her home, even though it is now three weeks since she moved in. And an optimistic smile suffuses her face as she discusses the beneficial effect the move has had on the lives of her four school-age sons and herself.

"It's been just wonderful for my boys," Mrs. Johnson related. "They never had their own bedrooms before, and, in fact, they never even had their own beds.

"When you're all crowded and the television's going and you don't have any privacy, it's very hard to read. There just wasn't any room for them to study before.

"Now they go to their bedrooms and read books all the time, and they've never done that before. Their school work has picked up considerably and they also have a big back yard to play in. It's been the greatest thing that's happened to us."

Just then Mrs. Johnson's youngest son, Demetrius, 5, traipsed by on his way to the bedroom he shares with his brother, Andre, 6. Demetrius was on his way to try out the new phonograph he received for his fifth birthday the day after the Johnsons moved into their new home. (The two older sons are Carl, 9, and Artis, 7.)

"My youngest son loves to be by himself," Mrs. Johnson mused. "He loves to go into his bedroom and play his phonograph.

"It's great to have my own bedroom, too. It feels like I just got out of jail."

Michael Harrington in "The Other America," a book that helped spark the War on Poverty, says poor people in the United States live in a "culture of poverty." Harrington says "the culture of poverty" tends to be perpetuated when the poor are clustered together in monolithic public housing projects which lock them out from the rest of society and produce a sense of hopelessness.

Berkeley's leased housing program, as well as others of its kind, is designed to gnaw at "the culture of poverty" by providing low-income persons with decent, individualized living units throughout the city, according to Thomas Cook, executive director of the authority.

Cook said the program also encourages private owners to upgrade their properties since it stipulates the units must meet local building codes. This allows private enterprise to participate more directly in meeting the housing needs of low-income families, rather than have governmental agencies build new units, Cook added.

Several families also have praised the concerned service provided by authority officials. Bureaucratic coldness and officiousness have proved a sore point with low-income persons on public assistance in the past, but Cook has stressed "sensitivity to individual needs" in discussions with his staff.

"Fred Harris (a staff housing adviser) has shown a very sincere concern with my problems," Mrs. Johnson reported.

The authority still is accepting applications from prospective tenants at the Economic Opportunity Organization headquarters, 2052 San Pablo Ave., from 9 a.m. to 4 p.m., Monday through Friday. Private owners interested in leasing units should contact the authority at 2015 Center St.

SEAFORD, N.Y., CELEBRATES 325TH ANNIVERSARY

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. TENZER. Mr. Speaker, the week of May 25 through June 2 marks the 325th anniversary of the founding of the unincorporated village of Seaford, Long Island.

As the Congressman representing the people of Seaford, I take great pride in asking my colleagues in the House of Representatives to join in the celebration and in recalling the history, the hardships and progress which have marked the story of Seaford since the year 1643.

Geologists relate the formation of Long Island when the glacial ice deposited boulders and sand, forming the beautiful Hudson and Connecticut Valleys.

The Indian arrowheads and other relics to be found in this section of the south shore are mute testimony as to the early existence of Indian settlements at Seaford and other communities. History relates that the only skirmish between these peaceful Indians and the white settlers was in the year 1653, in the vicinity of Seaford.

The vanguard of the white settlers in Seaford, like most of central and eastern Long Island, came from Connecticut as colonists who were dissatisfied with the stern Puritan rule. It was in the year 1643 that Capt. John Seaman came with a small expedition from Stamford, Conn., and purchased the land where Seaford stands from a Massapequa tribe.

This settlement was originally known as Hempstead South. Its northern part was fertile, grassy plain; the middle forested with streams teeming with fish and suitable for turning the water wheels of gristmills and the southern portion graced with marshlands.

In 1657 a written agreement confirming the original purchase and setting forth the boundaries was signed by a member of the Seaman family, two other settlers, and the tribal leader of the Montauks.

From the onset, Seaford was a community of baymen who earned their living by fishing, clamming, and oystering. Other colonists had farms. The northern plains provided pastures for livestock while the marshlands provided fodder for the winter.

When George Washington toured Long Island in 1790 he noted in his diary as he traveled between Hempstead and Amityville, passing through Seaford:

> We came in view of the Sea and continued to be so the remaining part of the day's ride, and as near it as the road could run, for the small bays, marshes and guts into which the tide flows at all times rendering it impassible from the height of it by the Easterly winds.

New settlers came and one family which arrived in 1800 has been an eminent one ever since—the Veritys. They were so important that for a time the village was known as Verity Town. It was the Verity family who designed and built the Verity Skif which was famous along the entire eastern seaboard.

An amusing incident is told of the method used by the surveyors of the early eighties. It seems that the surveyors not always having a rod and chain, for convenience used a rope and at the end of a day's work placed a knot in the rope to indicate where the surveying for the day had ended. If by chance the nightfall brought rain or fog, the rope shrank and in the morning, the work continued from the knot. The surveyor of course did not take into consideration the shrinkage of the rope and years later several owners of land found that perhaps the old rail fences were not on the exact property lines.

The first post office was opened in 1836; the first school was built in 1830 and the first church was erected in 1859. By midcentury the name had become Jerusalem South and in 1868 the name of Seaford was finally adopted.

The Seaman family has been connected with the village for at least 300 years and the name frequently occurs among the public documents throughout that period of time. According to legendary findings, Captain Seaman originally came from Seaford, England and was one of two families who were leaders in the village.

At first, travel was over Indian trails and cowpaths. Seaman's Neck Road, now a main thoroughfare, began as a cowpath leading to the waterfront, where schooners from New York City loaded cattle for market. These vessels also carried coal and timber.

As roads were built and wooden bridges constructed, regular stagecoach service to New York began in 1772. Then, in 1867, the South Shore Railroad came to Seaford and in 1882 the Long Island Railroad's Babylon line through Seaford was opened. Soon the completion of the Wantagh-Oyster Bay Expressway will sweep through Seaford, connecting it with the North Shore by a six-lane highway.

Schools were slow in getting started. Children got their education at home or, if their parents could afford it, from itinerant schoolmasters who traveled from community to community. Today Seaford has three elementary schools, a junior high school, and a senior high school, as well as three parochial schools. Total enrollment in the public schools today is over 6,000 students.

Because of this celebration, I requested the former Postmaster General, Lawrence F. O'Brien, to again review my request for a new post office building in the village of Seaford which was denied earlier.

In a letter to Postmaster General O'Brien on February 8, 1968, I stated:

> The Post Office Department admits that the space at Seaford is inadequate and that there is a need for 7800 square feet. The present Seaford Post Office has an interior of only 4000 square feet.
>
> This year marks the 325th anniversary of the founding of Seaford and one way to celebrate will be to obtain approval for the construction of a new post office building.

I am very pleased that the approval for the new post office building came before the 325th anniversary celebration. The Post Office Department will soon advertise to lease a new building which will be nearly twice the size of the present facility.

Now, 325 years after its founding, Seaford is a commuters' village, even though a fair proportion of the residents work in the village or nearby Long Island communities. Yet, unlike most of its neighboring communities, it still resembles a country village, with a salty tang in the air to remind one that it has always been allied with the sea. Moored at its marinas are hundreds of boats, large and small, preserving its seafaring tradition.

Along the truly quiet rural lanes winding through the village, are some beautiful old houses dating back to the 18th century. In many ways Seaford is not unlike its namesake, Seaford, England, which has remained a quiet seaside resort on the channel coast below the famous White Cliffs of Dover.

I join in striving to continue the goals of the village of Seaford as outlined by the members of Seaford's 325th Anniversary Committee in a prepared statement:

> To re-educate the people who call Seaford Home.
>
> To instill community pride because of Seaford's long and important place in Long Island's history.

To seek out and enlist potential Community Leaders in order to insure that Seaford will continue to move forward in the future.

To let the rest of our neighbors in other communities around us know that we not only exist, but care, and most of all—

To have fun through a community effort.

STATEMENT BY THE UNITED STEELWORKERS OF AMERICA ON THE STEEL AND IRON ORE QUOTA BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DENT. Mr. Speaker, I am pleased to commend to my colleagues the speech made by I. W. Abel, distinguished and respected president of the United Steelworkers of America, before the Pennsylvania congressional delegation this month. In his remarks, Mr. Abel points up the grave threat our steelworkers, and industry face from foreign competition. His remarks are thoughtful and genuine, and I hope every Member will give them careful consideration.

The speech follows:

SPEECH BY I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA, ON THE STEEL AND IRON ORE QUOTA BILL BEFORE THE PENNSYLVANIA CONGRESSIONAL DELEGATION, WASHINGTON, D.C., MAY 1, 1968

The urgency of the problem of foreign imports and its adverse impact upon the industry and its workers has necessitated this extraordinary procedure of conveying our concern to you.

As we indicated in our testimony before the Senate Finance Committee, our concern is generated by two developments.

I. SHORT RANGE

During the period of negotiations and the subsequent anticipation of strike action, there is a rush (by steel consumers) to build up their steel inventory. Some figures indicate that steel imports this year may be as high as 15%. The Department of Commerce has noted that during the first three months of 1968 imports of 3.4 million tons are already up one million tons over the similar period in 1967.

When the Great Lakes shipping figures come in for last month, we anticipate an even greater increase. These figures, projected on an annual basis, indicate 15 to 17 million tons over last year's 11.5 million tons.

The adverse impact of this upon our members is twofold. After the immediate period of negotiations and/or strike is over, there are layoffs in the steel mills as these inventories are worked off. Furthermore, long-range commitments are made by domestic concerns to foreign producers which result in a long-term loss to domestic steel production.

These commitments are being made because the foreign producer is seizing the advantage of a good opportunity and is demanding a contract for shipping steel for a period of two to five years.

We very definitely do not think that our foreign trade policy should be taken advantage of to the detriment of the domestic workers who are exercising their prerogatives under the expressed public-policy procedure in labor-management relations—namely, to bargain collectively.

The right to bargain is a cherished one, but it is being eroded by the unfair intrusion of foreign trade. The February 8 issue of the ***Japan Metal Bulletin*** mentions that the Japanese Government, concerned about its own balance of payment deficits, has "asked steel companies for increased exports and decreased imports." (And, here, I especially call your attention to the comments.) *"With the threatened steel strike in America resulting in increased enquiries, the original export target of 10 million tons is likely to be attained."*

Gentlemen, we should be allowed to bargain a domestic agreement within the framework of a domestic situation.

II. LONG RANGE

Secondly, our concern arises from a long-range view of the world steel industry which is plagued with overcapacity. The scourge of foreign overcapacity, causing a compulsion to export, is coexistent with an acceleration of investments in new technology by our own industry. The coincidence of the two can result in job loss to steelworkers.

A report by the Senate Finance Committee indicates that, from 1965 to 1970, world capacity will increase at a rate of 33 million net tons per year. The present excess capacity is calculated at 50 million tons.

What will be the amount of *surplus* capacity when this *projected* capacity is finally constructed?

According to the report: "The unused capacity exerts pressure to export. Because of heavy fixed overhead costs, typical of the steel industry, especially abroad, foreign producers have a tradition of cutting export prices below total costs rather than to restrict operations. Prewar cartels have a long history of this type of managerial policies."

Again, the ***Japan Metal Bulletin*** declares that "the iron and steel industry is planning to provide an obligatory export quota to steel, the tonnage allocated to be 10 per cent over the actual exports in the current fiscal year, with export target in the next fiscal year raised to over 12 million tons. Those companies that fail to export the allocated tonnage will get less coking coal than they want delivered or will be penalized by $28 per ton, covering the balance unexported."

Well, there you are. The pressure of overcapacity upon the foreign industry and a positive action by a government within a situation where the industry is considered an "instrument of government" unduly stimulates exports of steel into our market.

It is no wonder, then, that the Senate report recommends a world conference of governments of major steel producing countries to discuss common interests in adjusting the pace of steel capacity expansion to the pace of world steel demand.

A recent statement by an expert from the Department of State reveals that such a conference is "conceivable." However, we are under no illusion that such a conference can be easily convened. As a matter of fact, we are convinced that such progress, to date, has been a direct result of the unilaterally mandated quotas contemplated in the steel and iron ore quota bill which has elicited this response.

I wish to thank the many members of this delegation for its cosponsorship of the quota bill, and urge that you use your influence to obtain hearings on it by the House Ways and Means Committee.

We are advocating that these restrictions be enforced until such time as world overcapacity is moderated. We view the fact of overcapacity as the crucial malady in the world trade picture and not necessarily other competitive factors.

I might mention also that trade adjustment assistance to a limited number of workers displaced by foreign trade is most necessary, but highly unsatisfactory as a solution to massive displacement.

Within the framework of an expansionary trade policy, we must now grapple with the question of a *balanced* trade development. It is that task which Congress must face, and it is one which this union is completely convinced must be done now—this year.

THE RULE RATHER THAN THE EXCEPTION?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ASHBROOK. Mr. Speaker, the number of cases of persons employed by the Federal Government who are harassed, intimidated, threatened, or summarily fired continues to grow. It is as if only subordinate employees were to be mindful of the code of ethics for Government employees which sets standards placing their jobs in the area of holding a public trust. Their bosses, the administrators, take as their standard a code of self-preservation.

In relation to the total number of Federal employees I am sure that the unconscionable ones are a small minority, but the severity of circumstances in the cases which do come to public light—and how many do not?—tend to promote the idea that these are the rules rather than the exceptions.

Case in point today is Charles F. Olsen. He would appear to be "guilty" of breaking rule No. IV of the code of ethics.

It states:

> Seek to find and employ more efficient and economical ways of getting tasks accomplished.

I would remind the Members of this body that this code was adopted by an act of Congress on July 11, 1958.

If Olsen was "guilty" of such an infraction, it was only because this was his job. But his superiors decided that he was also—and against their admonitions—"guilty" of violating rule No. I of the code.

> Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

Olsen is one of the few who fight back. I wish him success and offer my help and support in this fight. To further explain, I submit two columns from the Chicago Tribune, written by Willard Edwards:

[From the Chicago Tribune, May 21, 1968]

CAPITOL VIEWS

(By Willard Edwards)

WASHINGTON, May 20.—If it were not for other revelations about such victims of federal tyranny as Otto F. Otepka and his associates, the story of Charles F. Olson would be regarded as incredible in this land of freedom.

It is in some respects more tragic than the Otepka account, because a cruel weapon was employed in Olson's case, leaving a stigma which will always haunt him.

Olson, 47, an American citizen peacefully engaged in the pursuit of happiness until he ran afoul of bureaucratic arrogance, came here last week, seeking relief from a campaign of harassment by the government which employs him.

For three days, he told his story to all who would listen and enlisted the interest of two powerful senators, Everett M. Dirksen [R., Ill.] and Sam J. Ervin Jr. [D., N.C.].

Then he returned to his home at 1341½ Liberty St., Morris, Ill., daring to be hopeful of justice in the future.

Olson talked to Otepka, the state department security chief who is still waging a fight for vindication after five years of federal persecution. The two men found much in common. They both got into trouble because they offended their superiors in the government by refusing to close their eyes to wrongdoing.

Both were fired from their jobs, both won reinstatement when the charges were proved false. But bureaucratic vengeance continues to pursue them.

OLSON QUESTIONED DEFENSE CONTRACTS

Otepka dared to expose conditions in the state department which protected security risk. Olson touched an equally sensitive nerve in the defense department where he was employed. His questioning of defense contracts infuriated superiors who were nervous about congressional probes of waste, inefficiency and potential fraud in the Pentagon's multibillion dollar spending programs.

The two men are alike in mildness of manner, keen intelligence, and a fierce patriotism which inspires them to fight back against the overwhelming forces of "big brother" government. Both recoil from the thought of being classified as martyrs but are willing to take the chance of being crushed in a battle against injustice.

Olson is an electronics engineer, a grade 12 ($12,250 a year) employe of the United States Army's ammunition procurement and supply agency in Joliet, Ill.

Until he took this post in March, 1965, his life had been comparatively placid. He had previously been employed by the government for five years in the 50's as a maintenance engineer on an atomic warhead project, receiving a top secret security clearance and the highest ratings. He worked in private industry for five years before returning to federal employ. The documented record of his professional career reveals him as a trusted and respected figure, highly commended by every employer for whom he worked.

His new duties consisted of inspection trips around the country, evaluating munitions contracts together with a team of other experts. He was extremely conscious of the fact that these contracts were for supplies to equip young Americans fighting in Viet Nam. As a youth, he had served overseas in World War II as a medical corpsman. For three years, he had cared for wounded men and seen them die. He wanted no waste of taxpayers' dollars or costly delays in the fulfillment of government contracts.

PROPOSES PLAN TO SAVE $250,000

On his first trip, Olson pointed out how a $250,000 saving could be accomplished on a contract. On another tour, he made recommendations designed to speed up the manufacture of weapons. The record shows that the contractors in these cases acknowledged the soundness of his suggestions, but Olson found himself quickly in trouble with his bureaucratic superiors.

He was advised to approve contracts without scrutinizing them too closely. He was only increasing paper-work, reflecting upon the efficiency of higher-ups, and getting a reputation as a "trouble-maker."

Olson refused to "go along." He continued to note defects. After a series of warnings, he was suddenly, in November, 1966, dismissed on charges of being absent without leave.

With the aid of his pastor, the Rev. David Zimmerman of St. Thomas Episcopal church, Olson secured legal aid and fought the dismissal. He and his family, a wife and three sons, endured the loss of his income for six months. Then, at a hearing in Chicago, he proved his contention that the charges were without basis. He was ordered reinstated by the Civil Service commission with full back pay and Washington rejected the agency's appeal against this ruling.

It should have been a moment of triumph. But the government now promptly wielded its most dreaded instrument to punish refractory employes—a charge of mental instability. That story will be explored in a succeeding column.

[From the Chicago Tribune, May 23, 1968]

CAPITOL VIEWS

(By Willard Edwards)

WASHINGTON, May 22.—For a brief, comforting period, Charles F. Olson of Morris, Ill., believed that an ordinary American citizen, with justice on his side, could prevail over the awesome forces of the government bureaucracy. Disillusionment came quickly.

As described in a preceding column, Olson won his fight in May, 1967, for reinstatement to his post as electronics engineer in the army's ammunition procurement and supply agency in Joliet, Ill.

The charges against him had been officially branded as without basis by the Civil Service commission. They had been leveled by angry superiors who resented his refusal to close his eyes to defects in defense contracts providing materials for the troops in Viet Nam. The word from the Pentagon, alarmed by congressional exposure of waste, inefficiency, and fraud, was to get rid of this underling as a "non-conformist and disruptive influence."

Olson, 47, collected six months back pay and paid off debts incurred during his legal battle for vindication. On his first day back at work, he found that he had not been forgiven. A fellow worker told him, "We got rid of you once and we'll do it again."

Instead of being returned to his engineering duties, he was assigned to a clerical job, filing meaningless papers. Other employes were hostile or afraid to speak to him.

PATTERN OF VENGEANCE IS FAMILIAR

The pattern of vengeance was familiar. He was isolated and given demeaning duties just as Otto F. Otepka and his associates, in a more celebrated case, were penalized by the state department for refusing to remain silent about wrongdoing.

The defense department, in Olson's case, now decided to use the weapon of reprisal most dreaded by government employes. It ordered Olson last January to submit to a psychiatric examination.

In his entire career, up to this point, no question had ever been raised about Olson's mental fitness. He had served for three years in military service in World War II and later, as an engineer on a top-secret atomic project where every employe was rigidly examined. In private industry, he had been subjected to exhaustive psychological testing, receiving superior ratings.

He was surprised when the psychiatrist dismissed him after a half-hour of questioning. Such examinations are usually lengthy and detailed. Promptly, the verdict came thru: Olson was a "chronic paranoid," an all-embracing term covering delusions of grandeur or of persecution, indicated by suspicion or distrust of others.

Appraised of this rush job, Chairman Sam Ervin Jr. [D., N.C.], of the Senate subcommittee on constitutional rights, on April 2 wrote Chairman John W. Macy Jr. of the Civil Service commission:

"The speed with which Mr. Olson's agency attempted to obtain a psychiatric disability retirement after the Civil Service commission restored him to his position, suggests the commission inspectors might look into the management problems in this office."

RESPONSE SEEMS TO ADMIT DOUBT

The commission's response on April 9 seemed to admit doubt of its own psychiatrist's report. After reviewing the medical findings, Olson was advised, it had been suggested that another psychiatrist look him over "so that no injustice should be done."

Olson, on the advice of counsel, refused to submit to another examination. He came to Washington seeking aid from Congress, the court of last appeal for fugitives from government oppression. Sen. Dirksen [R., Ill.], after studying a full report on the case, joined Ervin in interceding for Olson.

Why has Olson, like Otepka, fought against seemingly hopeless odds? His wife, Ruth, in an eloquent letter, remarked that "it takes a certain type of courage to endure this type of punishment."

"The good Lord made me what I am and I can't sit down and take this quietly," said Olson. "I've got to fight what I regard as injustice because there are too many others being treated similarly."

The files of the Ervin subcommittee confirm that Olson's treatment is typical of the harassment given scores of government employes who dare to speak up against waste or corruption around them. This is a subject requiring another column.

IMPROVED JOB TRAINING

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LIPSCOMB. Mr. Speaker, under leave to extend my remarks, I submit for inclusion in the RECORD an article which appeared in the May 22, 1968, issue of the Los Angeles Times.

The article tells how the adult schools in Los Angeles have modernized their vocational education programs to provide training more in keeping with the needs of industry and of the students.

This is an example of a fine cooperative effort between local and State authorities, business, labor, and local organizations in the interest of providing the type of training that is needed to help solve the problems of unemployment or underemployment in areas of our society.

I commend the article to the attention of the Congress:

TRAINING MATCHES WORK: ADULT SCHOOLS REVAMPED TO MEET INDUSTRY NEEDS

(By Jack Jones)

Adult education, concedes Dr. William J. Johnston, assistant superintendent who heads that division for Los Angeles city schools, "in the main has been a middle-class program."

Night school, he suggests, may have turned out its share of stenographers and accountants, but it also has provided sociable evenings for bored housewives only superficially interested in learning French or flamenco guitar.

"Now," he says, "our priorities are shifting. We have been criticized for being avocationally oriented. The stress now is on vocational training for the hard-to-reach and hard-to-teach."

Aiding this directional change at a time when the urgent need for occupational skills in minority areas has become alarmingly apparent is a little-publicized effort by H. C. (Chad) McClellan's Management Council.

At more or less the same time, Johnston and the Management Council decided they needed each other if the adult division was to turn out the kind of vocational training graduates industry could use.

UNMATCHED WITH WORK

"In the past," says Walter King, Pacific Telephone personnel manager and member of the Management Council's Merit Employment Committee, "too many people trained couldn't get a job because the training no longer matched the work."

Last June the city's Board of Education resolved to tie the adult division to the Management Council and the State Employment Service in a campaign to gear vocational training to the needs of industry.

The emphasis, it was added, would be on minority areas.

McClellan's group of businessmen, gathered together immediately after the 1965 rioting to encourage the hiring of Negro and Mexican-American unemployed, recognized that the school system's adult program was much more than a few night school classes.

The division alone, in fact, is larger than 85 of the school districts in the country, offering a tremendous potential for raising the level of skill in almost hopelessly depressed areas.

TWO FULL-TIME SCHOOLS

The division operates 28 adult schools with district funds, half of them in poverty areas. Two of the 28 are full-time, day-and-night occupational centers—one in the old Sentous Ave. School and one in the former Hughes Junior High School in Woodland Hills.

After various delays and problems, three skills centers fully financed by the federal Manpower Development and Training Act were established by the adult division in Watts, East Los Angeles and Pacoima.

The school district lost out on a bid for total federal funding for a Venice skills center, but—at the urging and with the help of the Management Council and the State Department of Employment—secured training money by contributing its own site and building in that area.

In addition to all this, the adult division operates 528 "neighborhood centers," in each of which a class or two is conducted during days or evenings in a church, a park, a community center or an elementary school.

It also operates a demonstration adult school with federal funds and conducts 100 classes designed to teach parents how to help their children learn to read.

TWO HUNDRED SIX THOUSAND TO GET TRAINING

In all its programs, the division has 86,000 enrollees and will teach 206,000 individuals at one time or another during this year.

McClellan realized early that here was a vast training resource—if only the schools and industry could be made more aware of each other.

When a retired businessman, Eldridge Reese, walked into the Management Council offices one day to congratulate McClellan on his efforts to solve Los Angeles' unemployment problems, McClellan asked him, "What are you doing with your time?"

"Nothing," said Reese.

"Take that desk over there," McClellan told him, and put him to work instantly on a volunteer basis. Reese's first assignment: Find out precisely what the adult schools were teaching and what industry needed.

Reese began by polling 167 companies in 40 vocations to learn what they needed—and were not getting—in the way of trained people.

Then he began examining the adult schools.

He discovered that forklift mechanic students, for example, were not being taught everything required to assure them jobs.

The adult schools were turning out a surplus of upholsterers, far exceeding industry's demands.

And although the adult schools were training food industry people, there were not nearly enough to supply all the companies needing them.

"All through the list," says Reese, "there were disparities between the requirements of industry and what the schools were teaching."

Working with Johnson, Reese and the Management Council, along with the State Department of Employment, began helping to reshape much of the vocational training in the adult schools.

Advisory councils of industry people were set up for the skills centers. The Management Council helped form some of the guidance committees for individual schools in the adult system, enlarging on a program already in existence.

NEW CLASSES DEVELOPED

Occupational classes developed at the specific request of industry include those in motorcycle service and repair, auto air conditioning, offset printing, retail cashiering, milk processing, medical office procedures, photo equipment repair and food servicing.

Most of these are offered at either the Mid-City or West Valley Occupational Center as well as at some evening adult schools.

Sears Roebuck, Todd Shipyards and other private firms as well as some local hospitals provide facilities to conduct education classes.

Sears, Lockheed Aircraft Corps., McDonnell-Douglas Aircraft Co. and other firms are granting leaves to personnel to serve as instructors in adult education.

King, of the Management Council's Merit Employment Committee (made up of industry personnel men) recruits working foremen and training specialists for curriculum committees to sit down with instructors and suggest course improvements.

All the time, Reese was attending adult division staff meetings and guidance council meetings.

"He's been something," says Johnston. "He tells it like it is from industry's standpoint."

SCHOOLS BETTER EQUIPPED

Reese continues to hammer at the adult schools to step up training for the hard-core unemployed and to stress the need for even more guidance counselors.

"The schools," he says, "are now better equipped to handle the pressures of the National Alliance of Businessmen program (to hire 14,000 bottom-of-the-barrel individuals here by September) and the demands of industry for proper prevocational and attitudinal training."

He adds, "Before the Management Council came into the picture, industry didn't know what the schools needed and the schools didn't know what industry needed. The Department of Employment didn't have any communication there either.

"We served as a catalyst to draw them all together. They've all been very cooperative. They're all very close now."

Department of Employment personnel are now stationed in the occupational centers.

On May 28, in the Biltmore Bowl, an Occupational Achievement Dinner will serve as a visible display of this new education-industry cooperation.

About 450 students from adult schools, skills centers and occupational centers will be there to meet business and industry executives.

The dinner, financed by a donation from Mrs. Anna Bing Arnold, will, in Johnston's words, "show industry we have talented graduates who should be hired."

CONGRATULATIONS ZBT

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. COWGER. Mr. Speaker, it would not be surprising to find that many people today have a mistaken picture of most of our Nation's college students. With the "hippies," drugs, and the seemingly increasing campus protests and civil disobedience activities making so much news these days, I found it extremely refreshing to hear of the recent activities of a group of men from the University of Louisville. These students, all members of the Gamma Zeta Chapter of Zeta Beta Tau Fraternity, took time out from their studies and other campus activities to plan and successfully carry out what I believe was an outstanding and valuable community service project.

In order to raise money for a Louisville crippled children's hospital, the entire fraternity challenged one of Louisville's most popular diskjockeys, Mr. Tom Dooley of Louisville radio station WAKY, to a bicycle-riding marathon during the week of festivities preceding the Kentucky Derby. With the 50 members of ZBI taking turns and Mr. Dooley riding the entire time, two exercise bicycles were pedaled a combined distance of 850 miles in 30 consecutive hours on busy Guthrie Green in downtown Louisville. During this period the boys not actually on the bicycle were collecting donations from passersby, and the radio station was manning telephones to take pledges from people who were unable to come downtown. In all, Tom Dooley and many of the ZBT's lost a night's sleep but were rewarded with a deep sense of satisfaction when they found they had raised $1,000 for the hospital.

It is unfortunate that we are unable to hear of the many contributions college men such as the men of Zeta Beta Tau make toward their communities. I hope you will join with me in recognizing the wonderful service these young men have performed and that you realize, as I do, that they represent the responsible, serious people attending our colleges and universities today.

POOR PEOPLE'S MARCH UNDERWAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. EDWARDS of California. Mr. Speaker, every Member of Congress and resident of the city of Washington has an immediate concern about the Poor People's March, its conduct, and approach. The eyes of persons in cities and towns across the country are anxiously watching the developments of the coming weeks, from afar but with equal interest and concern.

A most preceptive and reasonable editorial appeared in my hometown paper, the San Jose Mercury, on May 14, 1968. The editorial cogently makes two very significant points—that the poor people ought to receive the dignified welcome and treatment that a democratic society must afford any of its citizens seeking a redress of grievances, while at the same time a realistic view must be taken of the potential and likely congressional response and the meaning of that response.

I include his fine commentary in the CONGRESSIONAL RECORD:

POOR PEOPLES' MARCH UNDERWAY

The first of several thousands of poor Americans who plan to lobby for their share of a better America have arrived in Washington. So far, it appears the camp-in will be peaceful.

It is essential that the members of Congress and the Johnson administration listen fully and respectfully to the individuals who have taken the time and trouble to come many miles to state their case. These are citizens, and they deserve to be treated courteously by their public servants.

The poor, for their part, must realize that stating a grievance is only the first step toward seeing that grievance redressed. It is helpful, without doubt, to demonstrate visibly to the Congress the effects of being without work. However, the poor must realize that Congress, even with the best will in the world, cannot wave a magic wand and create a million jobs overnight.

"The poor peoples' march" will be successful if it prods Congress into taking whatever steps it reasonably can to create jobs and to improve educational and health opportunities for the poor. The poor will harm, not help, their cause if they fail to recognize the limitations of reality.

CRISIS IN OUR CITIES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. REID of New York. Mr. Speaker, I am introducing today three bills dealing with certain of the problems of the crisis in our cities. One would amend the Small Business Act to provide a more expeditious program for making loans to businesses suffering damages in civil disorders. The second bill would establish a domestic-development bank to provide financing in disadvantaged areas for commercial facilities and to encourage economic development in these areas. The third bill would authorize the Secretary of Labor to make grants to Federal, State, and local agencies to provide up to 1 million jobs in the public sector.

The first would establish a new emergency loan program within the Small Business Administration to meet the needs of small businesses damaged or destroyed as a result of civil disorders. This is the same bill that was introduced last week in the other body by Senator JAVITS.

When destruction and loss of property occur, such as that following the assassination of Dr. King, the procedures for implementing the SBA's existing disaster loan program are extremely cumbersome. My bill would provide the same 3-percent 30-year loans for physical repair, working capital, and relocation as are presently provided by the SBA's complicated disaster loan procedures, but in a simplified and expeditious manner. The bill would also cover those areas which have suffered a series of disorders, rather than being limited to a single disaster.

It is painfully apparent, upon viewing the abandoned shells which formerly housed commercial establishments in the neighborhoods where riots have occurred, that present sources of assistance are woefully inadequate. The bill being introduced today would supplement present efforts at remedying this situation by permitting the SBA to put its resources promptly at the disposal of businesses in riot-torn areas.

I am also submitting a bill to establish a domestic development bank to assist in the development of employment and business opportunities in certain urban and rural areas. This bill has been introduced in the other body by Senator JAVITS and other Members.

The principal purpose of the domestic development bank will be to provide various forms of financing for the establishment, expansion, or preservation of business or commercial facilities and public development facilities in low-income neighborhoods in order to make job and business opportunities available for residents and to contribute to the physical improvement of these areas. In addition, the bank will stimulate private investment in such facilities and will provide advisory, technical, and consultative assistance to aid in the economic development of these areas. The bank will be funded by the Secretary of the Treasury through public debt transactions.

In order to stimulate total involvement of the private sector in the economically deprived areas of our Nation, I urge that Members give favorable consideration to this bill.

Also, Mr. Speaker, I am introducing a bill to encourage productive employment opportunities for those who are unemployed and underemployed in our Nation and who have been unable to find productive work in the public or private sectors. This bill has already been introduced by Mr. O'HARA, of Michigan. Pursuant to this bill, the Secretary of Labor may make grants to any Federal, State, or local governmental agency or with any private nonprofit organization to provide employment for up to 1 million eligible unemployed persons at any one time.

While it is my judgment that the economy should be able to provide jobs of permanence and substance in the private sector to all those who are qualified, until this goal is reached, it is the responsibility of the Federal Government to assist in training, in the upgrading of skills, and the transition to meaningful private employment. Public service jobs are necessary now to some degree to facilitate this process.

In the long run, entities such as the domestic development bank must stimulate the private sector to exert maximum efforts to remedy the crisis of unemployment and underemployment in all areas of our Nation.

Beyond this, sound fiscal and monetary policies are essential if our balance-of-payments problems are to be faced effectively, if inflation is to be checked, and if there is to be basic confidence in the American economy and its fiscal integrity.

HON. JOSEPH W. MARTIN

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. BOW. Mr. Speaker, Members have eulogized Joseph W. Martin, Jr., in glowing terms and it is, indeed, very difficult to do justice to his qualities, his leadership, his strength, and his devotion to the highest ideals of American statesmanship. I will not attempt to do so. I wish instead to say that I am deeply grateful to have come here at a time when Joe Martin was at the height of his strength and power and to have had his guidance, his advice, the benefit of his wisdom and experience and, finally and most important, his friendship. Joseph W. Martin, Jr., has taken his place in the ranks of the great Americans whom history will honor through all time. I remember him with pride and humility as a great and good friend.

NIXON GIVES STRAIGHT TALK ON CRIME PREVENTION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, with the alarming rise of crime in our society, the American people have become notably concerned.

Richard Nixon, in a recent release, showed his awarenes of this domestic problem which faces our Nation and presented avenues for its solutions. An editorial in the Pittsburgh Press, May 10, 1968, made notice of Mr. Nixon's comments and the increasing problem of crime in the United States:

STRAIGHT TALK ON CRIME

Republican presidential Candidate Richard M. Nixon has said some things that needed saying in outlining his position on how to halt the growing wave of criminal violence in the U.S.

They amounted to this: The high price of leniency toward the lawless is a society in which the law-abiding live in fear—a fact all too apparent in many an American city already. The way to assure "safe streets" is to crack down. Prove to the criminal that crime doesn't pay.

The role of poverty, he said, has been "grossly exaggerated" as a cause of crime. And so it has. It is, no doubt, a contributing factor. But millions of decent, law-abiding Americans of limited means give the lie to the argument that poverty and crime are synonymous.

Mr. Nixon contends doubling the rate of convictions "would do more to eliminate crime in the future than a quadrupling of the funds for any government war on poverty." Without endorsing that ratio or belittling antipoverty efforts, it stands to reason that crime is more likely to be deterred by the prospect of certain punishment than of Government aid.

Mr. Nixon advocated legislation—or constitutional amendment, if necessary—to remove Supreme Court restrictions on confessions. He called for wiretapping to fight organized crime. Provisions to these ends are contained in the omnibus crime bill now before the Senate.

He called for prison reforms, for Federal aid to states for law enforcement, for better trained and equipped local police. Failure to act promptly and decisively now to end growing lawlessness will, he warned, bring this end: "This nation will then be what it is fast becoming—an armed camp of 200 million Americans living in fear."

Tough talk. But it's the kind of talk millions of uneasy Americans will welcome. For crime in this election year is a major—possibly the major—domestic issue.

Candidate Nixon, of course, blamed the Johnson Administration for much of the crime rise. And, within hours after Mr. Nixon released his white paper, President Johnson made public a letter to Senate Majority Leader Mansfield urging prompt action on the omnibus crime bill. "The mugger and the murderer will not wait—neither must we," said the President.

But for the national disgrace of widespread crime there is blame enough to go around among the courts and Congress, the ins and the outs of politics.

What's more important is that the politicians of both parties have got the word that the people want crime stopped.

GUN LEGISLATION SHOT DOWN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. MOORHEAD. Mr. Speaker, it is my hope that the House will stand up for what is right and supplement the legislation recently passed by the Senate to extend the ban on mail-order guns to rifles and shotguns.

The provisions of the Dodd bill are the same as those recommended by the President's Crime Commission, and have strong public support. It is preventive—not punitive—legislation.

There is a new urgency to the firearms debate which has been going on for 4 years in the Congress. I urge responsible action by the House on this legislation which would cause a minimum of inconvenience to responsible sportsmen and protect the rights and safety of all of our citizens.

Mr. Speaker, the case for effective firearms control is self-evident; I include two recent articles from the Pittsburgh Press and Pittsburgh Post-Gazette in further support of my statement:

THE GUN-CONTROL BILL

It is hard to believe that the United States Senate has before it a so-called "gun control" bill that does nothing to control the indiscriminate sale of rifles and shotguns.

It was a mail-order rifle that killed President Kennedy. It was a high-powered rifle that killed Dr. Martin Luther King Jr. On Aug. 2, 1966, a deranged student armed with rifles and shotguns killed 13 and wounded 32 persons on the University of Texas campus.

Yet Senate Republicans want to weaken—not strengthen—the inadequate bill the Senate Judiciary Committee has produced.

The bill quite properly would ban mail-order sale of handguns (pistols and revolvers) and prohibit over-the-counter sale of such weapons to non-residents of a state and to minors. A toothless counterproposal by Sen. Roman Hruska, Nebraska Republican, would permit mail-order sale of handguns upon the filing of an affidavit by the prospective buyer that he was at least 21 years old and not prohibited by law from owning a gun.

What is needed is not weakening of the handgun provision, but its extension to include rifles and shotguns. Sen. Thomas Dodd, Connecticut Democrat, proposed such an amendment on the floor today but it was voted down. In the name of common sense, let's hope the House will add such a proviso.

Of course such legislation will not prevent all criminals and crazies from ever again getting their hands on a firearm and no one argues it would. But it should discourage crime by making firearms less readily accessible, particularly to those who use mail-order houses to contravene state firearms-control laws.

Whatever minor inconvenience this might cause legitimate sportsmen—who still could get guns of all sorts at their local sporting-goods stores—would be more than outweighed by the national interest in crime control.

GUN LOBBY WINS SHOOT-OUT

Before high noon, the gun lobby won its latest shoot-out yesterday in the U.S. Senate corral. A majority of the Senators rejected an amendment to anti-crime legislation that would have banned interstate mail-order sales of shotguns and rifles.

If the mail-order traffic in those weapons is to continue unimpeded, how effective can a firearms control law be? It would make little sense to ban the mail-order sales of handguns while allowing such sales of other firearms to continue.

After all, it was a mail-order rifle in the hands of a madman that killed President John F. Kennedy. And that tragedy gave impetus to the legislation now under consideration. Consider, to, that the sniper's bullet that took the life of the Rev. Martin Luther King came from a rifle. It is thus evident that assassins and others bent on homicide are not partial to handguns.

Effective firearms legislation must control the interstate mail-order sale of all firearms and must also provide for closer supervision of over-the-counter sales in an attempt to keep dangerous weapons out of the hands of the irresponsible and the immature.

This would not interfere with the right of responsible citizens to obtain and possess firearms. The hunter or other citizen with a legitimate reason for possessing a gun could still buy one over the counter with a minimum of bother.

Perhaps any gun control law, however stringent, would fail to keep all firearms out of the hands of criminals and other irresponsible persons, given the millions of weapons already in private hands. But a law of the sort rejected yesterday should at least slow the traffic down and make it possible for public authorities to keep tabs on gun ownership. We don't see how any responsible citizen can object to that.

Although the gun lobby has beaten reformers to the draw in this latest encounter, supporters of effective legislation should not abandon the fight. There will be other opportunities to vote for what is right.

ABERNATHY SHOULD REGISTER AS LOBBYIST

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. GURNEY. Mr. Speaker, last week I called for Rev. Ralph D. Abernathy to register as a lobbyist.

Again yesterday, I pointed out that those who dismiss this march as "just another form of lobbying" are making the same point, this is a lobbying effort.

In this morning's Washington Post, on page 1, the headline reads: "Marchers Step Up Lobbying."

The story relates how the marchers have stepped up their "lobbying efforts."

My question is when will Mr. Abernathy be required to register as a lobbyist?

I am of the old-fashioned belief that the law should apply to everyone alike, that there should be no discrimination in the application of the law.

Is this going to be another case of some people being able to disobey those laws they do not like and obey only those they want to?

This Nation's foundation and its future rest on the rule of law.

If the law is to mean anything, it must apply equally to all.

If other individuals and groups are governed by lobbying laws, then so must Abernathy's group be so governed.

This is the least the American taxpayer should be granted since it is the taxpayer who will have to pay for what this group is "lobbying" for.

If Abernathy is required to file reports, then the American public can determine his sources of income and expenditures, just as the public can determine these same things in regard to other lobbying groups.

Otherwise, we should forget the whole lobbying law, either repeal it, or allow others to violate it as Abernathy is doing.

JUDGE COHILL SUGGESTS RECRUITMENT PLAN, LIKE PEACE CORPS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, the Republican Governors' Association Conference recently held hearings in Pittsburgh and Judge Maurice B. Cohill, of the Allegheny County Juvenile Court presented a unique plan of assistance for the rising problems of juvenile delinquency. I present the following article which appeared in the Pittsburgh Post Gazette on Monday, May 20, 1968, for my colleagues and the American people to review:

JUVENILE COURT ASKS U.S. HELP

The federal government has been called on to recruit juvenile court personnel like it does Peace Corps volunteers.

Judge Maurice B. Cohill, of Allegheny County Juvenile Court, has suggested that such a federal recruitment program would be one way to come to grips with the juvenile delinquency problem.

"The federal government can fill a needed role by setting up a program for probation officers. It also can provide scholarships for advanced degrees in social work," the judge said.

STAFF FAR TOO SMALL

He pointed out that twice the number of people—7,700—who are working with juvenile probation and parole systems are needed throughout the country today.

That need will grow to three times the number of present workers by 1975, Judge Cohill predicted.

The judge presented his ideas for meeting the juvenile delinquency problem at the recent Republican Governors' Assn. conference here.

He warned that too much money is being poured into juvenile detention institutions, while too little is being spent on the parole and probation systems.

"We are spending $1 billion a year for juvenile institutions and parole and probation systems. Out of that, $800 million is spent for institutions and only $200 million for community-based services," Judge Cohill pointed out.

SUCCESSFUL PROGRAMS DROPPED

He cited experimental programs which have proven workable in the field but have been junked once the experiment is concluded.

"Institutions where young people would report during the day and yet spend their nights at home have proven successful. Yet there are few in operation," Judge Cohill said.

He also called for an expanded educational system—within the framework of the existing public school system—to help youngsters who have displayed symptoms of delinquency in their pre-school years.

He commended the Operation Headstart program, which provided pre-school training for children from certain poverty areas.

Participants in the program regressed, however, if the program was not followed up in the elementary grades, Judge Cohill added.

"During these primary years, there must be more emphasis on remedial reading, special courses for the slow learners and resource rooms for the emotionally disturbed.

"Unfortunately, when a child comes to the court he is too often damaged beyond repair. If it is possible to recognize this child when he is in grade school, it should be possible to do something to help him," according to Judge Cohill.

AL CAPP—SPEECH TO POLICE OF WASHINGTON, D.C.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, on the evening of May 15, 1968, the Police Association of the District of Columbia honored the famed cartoonist, Al Capp, at the annual dinner meeting of the Association. It was my privilege to be present on this occasion and to hear the address made to the assemblage by Mr. Capp.

Mr. Capp laid down some facts in his address which should be read by our people. I, therefore, make his address a part of my remarks in the RECORD:

AL CAPP SPEECH TO POLICE, WASHINGTON, D.C

I'm surprised anyone came. You guys are "out". It isn't the "in" thing to be in law enforcement today. It's much more "in" to be in lawbreaking.

The more difficult anyone makes the job of enforcing the law, for those whose job it is to enforce it, the more he is admired. Our kids used to want to grow up and be cops. Now they want to grow up and beat up cops.

No one knows the name of the officer in charge of delousing Columbia University, but the student, Mark Rudd, who organized the gang of housbreakers, thieves, kidnapers and vandals and led the six-day crime orgy, is now quoted reverently in *the Washington Post* and *New York Times*. The cops are back on their beat and getting their heads beaten in for having done their job—but Mark Rudd has a headstart for Secretary of Health, Education, and Welfare next year.

If the right man is elected—or if the wrong brother of the right man is elected.

We live in a time when Bonnie and Clyde are "in" and when *one* presidential candidate can't wait to throw J. Edgar Hoover out.

Now—who is it that decides who is "in" and who is "out"? Not the vast majority of average Americans—those who decide who is in or out of the White House. No, not the majority of us—but an overprivileged minority—a handful of distinguished unemployables, who know that they are of no further use in real life, keep busy by serving on foundation boards conducting investigations and issuing reports on civil disorders.

This bunch isn't above the average in decency, responsibility, or even in sanity, but they are above the average in access to mass media.

It is they who tell us who to love and who to hate. They tell us we must love the Mark Rudds—and that we must hate *you*. And it is their voices we mostly hear—the voices of today's successors to the tastemakers—the hate-makers.

The hate-makers aren't interested in the well-being of the average American, black or white—they are interested exclusively, and obsessively, in the welfare of the comparatively few among us. Black and white, who are *below* average.

And I don't mean below average in income. I mean those of every income level, of every race, who are *below average* in *decency, responsibility* and *sanity*.

The hate-makers tell us we must forgive them—the wreckers on our campuses and the muggers on our streets—for their crimes against *us*, but that *we* must hate *ourselves* for *our* crimes against *them*—which, as far as I can figure it out, is that we let them grow into the swine they are.

And yet, for all the noise they make, and for all the damage they do, and for all the millions that are spent on reports finding out why these swine are making pigstys of our cities and our colleges, there are comparatively few of them—less than one percent of the 200 million of us. But it doesn't take more than that million of *them*, to make life hell for the 199 million rest of *us*—not as long as they're well-supported by us, and well-defended and well-loved by the hate-makers.

And because they tell us we must hate those who attempt to deprive the swine of the liberty of depriving the rest of us of *our* liberty—the hate-makers are considered humanitarians . . . and *you* are considered *inhuman*.

That's the way it is—and no matter how stubbornly you fight them—*they* will overcome.

All you can do is shut up and protect the public, and while you're doing that, they go on destroying public trust in you, with unlimited public money and with unlimited publicity.

But carelessness comes with overconfidence—and every now and then, some dumb cop has a chance to expose one of the slobbering, slick, sanctimonious them.

Something like that happened a couple of weeks ago in my home town, Boston, but it didn't get much national coverage. It exposed one of our most articulate and respected makers of hate for the police as being, to put it generously, totally ignorant, and the police, as being totally decent.

And so, as I said, it didn't get much national coverage. Well, it will tonight. TV and radio are taping the story I'm about to tell you, and every press service and paper in town has been given a copy of it.

It happened the night the Boston City Council was enjoying the favorite sport of civic groups—tormenting the Boston Police Commissioner.

These events are held under much the same rules as bullfights, with the police commissioner playing the bull, and usually winding up in the same condition.

They called in radio and TV to cover this one, due to the presence of such distinguished guests as Mr. Cabot and Mr. Canham. In Boston it doesn't matter *which* Mr. Cabot is present . . . It's a distinguished event if *any* Mr. Cabot does come—and what made it doubly distinguished was that the Canham—was Erwin Canham, editor Emeritus of the *Christian Science Monitor*, member of innumerable foundation boards, signer of countless reports, eminent journalist and beloved humanitarian.

Mr. Canham spoke after Mr. Cabot. In Boston, no one dares speak *before* a Mr. Cabot, and scarcely ever *to* one!

Mr. Canham opened by saying that he was against racial injustice. Everyone applauded. We love a fighting newspaperman.

"We must wake up" said Mr. Canham—and I'm quoting him—"we must respect in our hearts those who have been unjustly treated." Naturally, everyone applauded again. The police commissioner didn't applaud quite as hysterically as the others, though he seemed to know in *his* heart that Mr. Canham didn't mean respect for *police* who were unjustly treated.

And he was right. Mr. Canham asked, then, if he might depart from his prepared statement to tell the council and the radio and TV audience of "an episode which happened in the Boston area that very weekend."

Now I can give you his exact words, but it would take Sir Lawrence Olivier to give you his exact look of outraged virture—his tone of righteous wrath.

The story had been told to him, he said, by a very able young reporter on his paper. A 14-year old high school student from Roxbury—Boston Harlem—an honor student and star football player had been invited to spend the weekend by a white friend in their family home in the small suburb of Lexington. On Saturday morning both boys went out to watch the Patriots Day parade.

The white boy had to leave his friend for a few minutes. The instant the black boy was alone, Mr. Canham said, the Lexington police arrested him.

They threw him into a black maria, Mr. Canham said, brought him to the police station, and forced him to undress. They accused the kid of selling drugs or using them. But when they found no drugs on him, and no needle punctures on his body, they let him go.

He was telling the story, Mr. Canham said, to the hushed and horrified city council, and to the radio and TV audience, because it was typical police behavior. An innocent kid arrested and brutalized in a restricted white suburb by a racist cop. Mr. Canham said he knew of numerous other similar incidents in Lexington.

After Mr. Canham's radio and TV performance, there began a nightmare of abusive 'phone calls, threats, denunciations to Chief Orr of Lexington, and when the papers came out the next morning, it was a game of shame for his town.

The *next* day Chief Orr revealed the following facts: There had been no arrest, as Mr. Canham had reported, and the police report, bore that out. There was not any Black Maria, as Mr. Canham had reported. The town of Lexington doesn't own one. And as for being a racist cop in a racist suburb, it turned out that the officer involved was the owner of a house in Lexington, up for rent. Three months before, and he had enlisted the aid of a Lexington lady, who was active in Negro affairs to find a Negro family to occupy it.

The officer had *not* pounced upon the boy and swooped him away, as Mr. Canham had reported. A citizen of the community, who was also watching the parade, noticed that the boy seemed ill and dazed. He suggested to the officer that he might need help. The officer came over and asked the boy if there was anything wrong with him. The boy seemed unable to speak. Later it developed he had been up all night partying with his white Lexington friends, and he was suffering from what in kids we call total exhaustion, but in adults—a hell of a hangover. The officer helped the kid into his car, and brought him to the station where he was examined to find out what was wrong with him. When his friend turned up, the police asked him to take the boy home and see that he got some rest.

According to the Lexington police version, it was an example, not of police racism, but of police good samaritanism. And then, two days after Mr. Canham had shot his distinguished mouth off, radio, TV, and in the press—he checked his facts. Let me quote Mr. Canham: "I made two or three mistakes which I am now glad to correct." Unquote.

Well, Mr. Canham may be merely careless as a reporter, but he is downright disastrous as a counter. Here are his "two or three" mistakes.

One: "If" and I quote Mr. Canham "I used the word 'arrest'—it was an inadvertence. The boy was not arrested".

Two: Again I quote Mr. Canham: "I used the wrong term to describe the vehicle in which the boy was taken to the station. It was not a Black Maria".

Three: As for the numerous other similar incidents Mr. Canham claimed he had personal knowledge of, he said, now that he'd checked he couldn't produce any. I quote him: "I was wrong, and I regret that."

Four: As for the incident being a racist act, Mr. Canham said, and I quote him: "That was a misjudgment."

I could go on to 5, 6 and 7—but, shucks!, nobody's perfect.

Well, Chief Orr suggested that Mr. Canham might want to repair his public image as a journalist and a humanitarian by apologizing to the community and to the cops whose reputations he'd fouled, but Mr. Canham said he didn't think that was necessary, on the grounds, I assume, that his public image as an eminent journalist, an unbiased and trusted observer, and above all, as a humanitarian, hadn't been damaged, and the hell of it is—He was right.

Erwin Canham still runs one of America's most quoted newspapers; he is still a member of the Pulitzer Prize Jury that is trusted to pass judgment on American journalism; he is still a member of all those foundation boards and those fact-finding, and report issuing, committees that tell us who to love—like the Mark Rudds—and who to hate—like you. And that able young reporter of his on the Christian Science Monitor who palmed off that cock and bull story on him—is still reporting for the Christian Science Monitor and is still considered able by Mr. Canham. And able he is. He was able to help expose the shallow sanctimoniousness of at least one of the hate-makers who have made you, the police—to whom we owe our lives—the most disadvantaged and despised minority group in America today.

DR. CARL FENICHEL ADDRESSES 15TH ANNUAL LUNCHEON OF THE LEAGUE SCHOOL IN BROOKLYN

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. CAREY. Mr. Speaker, the League School in Brooklyn, a day treatment and rehabilitation center for seriously disturbed children, held its annual luncheon on May 11 in commemoration of its 15th anniversary.

On that occasion, Carl Fenichel, Ed.D., director of the school, delivered a highly informative address describing the achievements and progress of the past 15 years.

I include his address at this point in the RECORD:

LEAGUE SCHOOL FOR SERIOUSLY DISTURBED CHILDREN, 15TH ANNIVERSARY LUNCHEON, MAY 11, 1968

At this—our 15th Anniversary Luncheon—we meet to celebrate the turning of an impossible dream into a real, live happening. It happened six months ago, on November 1, when the Governor of New York State joined with other public officials and leaders in the field of mental health and education to dedicate the opening of our new Children's Mental Health Center. They came to pay homage to the League School's pioneering efforts to help save the minds of desperately sick children who had been dumped on our nation's scrapheap as mentally ill and hopelessly untreatable.

On that memorable afternoon in November, Governor Rockefeller pointed out that at this dark moment in history when our cities and our people are being torn apart by the tensions and turmoil of racism, poverty, urban decay and an agonizing war, it was heartening to know that on a small corner of earth in Brooklyn there were people at the League School quietly working to relieve the human suffering and reduce the inhuman waste of childhood mental illness.

You who have shared with us a common concern and a joint commitment to mentally sick children have come to this Victory Luncheon to honor our struggles of yesterday, to celebrate our achievements of today, and to plan new promises for tomorrow.

It isn't easy to crowd into these few brief minutes the many trials and triumphs that have filled these sometimes exhausting but always enriching 15 years. From our School's earliest days right down to this very hour, the years have been highly charged with pioneering energy and excitement and with an urgency of purpose to give handicapped children a chance to make the most of their broken young lives.

Our excitement and enthusiasm, however, had to be blended with the humility that came from learning how little was really known about the causes and treatment of childhood mental illness. At the beginning, all that was available was a wide assortment of theories and practices—seemingly very profound and authentic—but largely unproven and untested. And yet—with little scientific research and no supportive evidence—these theories and practices had hardened into official dogma and were accepted as the final truth by nearly every professional in the mental health field.

In seeking new avenues of hope and acceptance for children and parents who found all doors but the state hospital closed to them, we had to have the courage and commitment to question the old answers and to raise new questions that might give rise to better answers.

The very birth of our School grew out of a simple but compelling question: "Is the state hospital the best and *only* answer for mentally ill children?" By questioning the ancient but widely accepted belief that mentally ill children should be institutionalized, the League School came up with an untried alternative. That alternative dared to challenge and to change the hopeless destiny of these children by substituting home for hospitalization and by giving them education in place of exile. In launching our pioneering day school program we were not only questioning but often rejecting some of the most basic traditions and official doctrines held sacred by those in high professional and official places.

We came into a field that believed that education could do little or nothing for children as sick as ours. It was a field in which, by written or unwritten decree, it was understood that the psychiatric profession—by virtue of its highly specialized skills and talents—must assume the major or total program responsibility for severely disturbed children. The League School—we must honestly confess—never has shown undue reverence for this kind of protocol.

Instead of the traditional hierarchy that still dominates most agencies and institutions, every member of the League School staff has always been measured—not by what discipline or profession he represents, nor by how many university degrees he has earned, but by the competency and commitment he or she brings to the challenging and complex tasks of helping mentally sick children.

In giving emphasis and priority to special education as the major therapeutic instrument we were also making a clean break with the deep-rooted official doctrine that psychotherapy was the #1 prescription in any comprehensive treatment program and that it should be given top priority and made mandatory for all disturbed children. Such an absolute doctrine grew out of the firm conviction that all these children had been mishandled in infancy and had suffered deep psychic wounds and traumatic experiences that could be dug up, resolved and removed only by psychoanalytic insights and intervention.

We refused to join the team and play the game that had become the national pastime of nearly every professional working with disturbed children—the popular game of "Mama Did It."

We know that mankind has always had to find some explanation for anything that happens in this world that we don't understand. Whenever facts or evidence are missing for an adequate explanation—we have to resort to hunches or, as it is respectfully known in the language of science—to find a hypothesis—even though that hypothesis may be more fiction than fact. As you well know—in an earlier, less enlightened age, people really believed that mental illness was the evil work of devils and witches. We in the 20th century had become a little too sophisticated for this kind of folklore and so professionals had to come up with a more reasonable explanation—and what better substitute is there for the old witches and devils than parents—especially mamas.

When the League School started, nearly every distinguished professional and renowned institution was thoroughly convinced that mentally sick children were made disturbed by the wrong attitudes and the unsound practices of parents who were themselves disturbed. Nearly every scientific paper and book written in the early 1950's spoke of schizophrenogenic parents, of punitive or passive papas and of rejecting or refrigerated mothers who had defrosted just long enough to breed a schizophrenic or autistic child.

We at the League School listened to the testimony of our own daily experiences with these children and their parents rather than to the voluminous but flimsy evidence for professional pronouncements that mental illness was inflicted upon children by poor parental attitudes and practices.

We found most of our parents no more disturbed or deviant than most other parents. Nor were their child-rearing practices any different from those of parents of normal children. In fact, most of our parents had other children who were normal. Nor could we uncover any evidence in their case histories that our children had suffered rejection, traumas or deprivation in early childhood.

What we found were parents who had to go through life with the shattering experiences of having a severely disturbed child and whose personal grief and anguish were multiplied by perplexed professionals who put ambiguous labels on their child and the finger of blame on them as parents.

In the day to day observations and assessments of our children in the classrooms and in our clinical offices, we found sufficient evidence of neurological dysfunctioning and motor, sensory, perceptual or language disorders and learning disabilities that could better explain the confused thinking and the disturbed behavior of these children than trying to dig into their unconscious, searching for hidden psychic wounds inflicted by parents.

We saw our parents—not as our adversaries nor as enemies of their child but as essential allies who had joined forces with us in a creative partnership against their child's illness. We have always maintained that our parents are people from whom we could learn and with whom we could share in the common trials, tribulations and triumphs of their child.

There is no more eloquent evidence of this partnership with parents that in our most recent innovative program—supported by a research grant from the National Institute of Mental Health—our promising and exciting Home Training Program for very young children who have been wasting away on long waiting lists during the most formative and crucial years of their lives. In this pioneering program—which I am certain will become, like our earlier pilot programs, a model for communities throughout the nation—we work but one hour a week with the child in an individual educational and training program while the parent watches, and then join forces and resources in meetings with the parents so that they in turn can develop a training and educational program in their own homes to help prepare the child for life and growth within the family, school and society.

Proud as we are of our role in helping to change the cold, rejecting professional climate toward parents of mentally ill children, we are equally proud of having enriched and elevated the role and the status of the teachers in programs for disturbed children. When the League School began, the teacher had a minor and secondary sub-clinical role in nearly every program for disturbed children. She was considered a 4th class professional, with far less influence, autonomy and prestige than the traditional clinical trinity of psychiatrist, psychologist and social worker. In fact, to this very day, in many schools and treatment centers teachers are still not permitted access to clinical reports on the children they work with.

The League School has demonstrated by example that the specially trained teacher can be the most effective therapeutic agent in the life of a severely disturbed child and that a program of special education—supported by other clinical skills and services—can result not only in growth in learning but in social, emotional and behavioral improvement as well.

Over these 15 years—filled though they have been with vast deficits of money as well as of available knowledge—our quiet deeds and daily demonstrations have given persuasive evidence that a meaningful program of special education can bring order and purpose into the bleak and empty lives of mentally sick children.

With no government support or community acceptance when we started—we have gradually won professional recognition and the financial support of the N.Y. State Department of Mental Hygiene, the National Institute of Mental Health, the N.Y. City Community Mental Health Board and the N.Y. City Board of Education.

We have truly demonstrated the profound value of the special day school program as a new, humane and most essential community facility for the emotional as well as the mental growth of mentally ill children. Our School's impact was recognized by Governor Rockefeller when he declared: "Today professionals from 6 continents beat a path to the League School so that they can learn how to establish similar stations of hope for disturbed children in their own lands."

The simple concept that began on Sterling Street in Brooklyn has now won world-wide acceptance as a program that can reduce and sometimes eliminate the disturbed behavior and disorganized thinking of many mentally sick children—without the drastic surgery of separating them from home and family. As the small voice of conscience and of change we have truly brought new direction and a more decent destiny into the lives of mentally ill children.

Just a few final words. Five years ago—at our 10th Annual Luncheon—we urged all of you who had taken the suffering of little children upon yourselves—to help us build a new house—a house where no child would be a stranger or afraid. Now that house has been built and we are most grateful to all of you who helped make all of this possible. But let us remember that in our new house our work has just begun and we still have old promises to keep and new and promising programs to begin.

As long as there are mentally ill children who waste away in anguish and parents who bear the burden and scars of that anguish—our doors and our hearts must stay open. Let us therefore proceed with the unfinished job that is still before us: bending down to the many humble tasks that crowd our days, such as tying the shoelace of a helpless child so that he may walk without stumbling; and trying always to rise to the towering tasks of untying the twisted and tangled minds of children trapped in the terror and torment of mental illness.

EASTERN HOME OF THE MAN WHO MADE THE WEST FAMOUS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. McDADE. Mr. Speaker, there was an author in the 19th century who surveyed all of America, and chose as its most distinctive feature the great western prairies. Over those prairies roamed the great herds of cattle, and around these cattle arose the legends of the cowboys.

Mr. Speaker, I am sure you will agree with me when I say that as long as America lasts, the American cowboys will be remembered. And if they are remembered, probably no one has done more to make them immortal than that greatest of all our western writers, Zane Grey.

Here is a man with an amazing career. He had been persuaded by his father to study dentistry, and practiced dentistry in New York City for several years. On his own, he also pursued a special avocation in playing semiprofessional baseball, pitching for the Orange Athletic Club of East Orange, N.J.

But behind everything he did there was a deep love of writing, and he finally decided to devote his life to this talent. He put away his dental instruments, and came to northeastern Pennsylvania.

In the little community of Lackawaxen, where he had met his wife, Dolly, Zane Grey began the work of fashioning his novels, a work that culminated with the publication of "The Heritage of the Desert"—his first novel, and with "Riders of the Purple Sage," his second novel that sold a fantastic 2 million copies in a few years.

On Sunday, May 5, 1968, the New York Times published an article on the Zane Grey Museum in the fine community in Lackawaxen in my own congressional district. With your permission, Mr. Speaker, I will append this article here, the story of this great Pennsylvanian who made the West immortal.

The article follows:

EASTERN HOME OF THE MAN WHO MADE THE WEST FAMOUS

(By Eleanor Early)

LACKAWAXEN, PA.—In a small cottage on the Delaware River here in 1904, Zane Grey, a fugitive from both dentistry and semiprofessional baseball, launched his career as one of America's most popular writers. The cottage, enlarged as he achieved success, is now the Zane Grey Inn, and the room in which he worked is a fascinating museum that houses such assorted memorabilia as Grey's foot-operated dental drill, his baseball shoes and the Morris chair in which he wrote from daybreak to dusk.

Across the arms of the chair rests the lapboard on which Grey wrote his first 10 novels—a million words and all on lined yellow paper. On the walls are the oil paintings for the jackets of those first novels, and about the room are the things the author loved most: His favorite cowboy hats and riding breeches, Indian mementos and souvenirs of the "Wild West." In Grey's words, all were collected by "the man whose books made the West famous."

There also are Grey's books, Mrs. Grey's water-colors, their daughter's baby carriage and her dolls, family pictures, household furniture, china and cooking utensils. A table is strewn with personal letters, papers and family scrapbooks.

ZANE GREY MUSEUM

This little-known Zane Grey museum is about 21 miles northwest of Port Jervis, N.Y., by way of New York Route 97 and the Roebling Bridge across the Delaware. It is operated by Mrs. Helen Johnson, who also owns the adjoining Zane Grey Inn.

Mrs. Johnson is the daughter of the late Alvah James, an editorial writer for The Baltimore Sun, who introduced Grey to Buffalo Jones. Jones was the man who showed the author the West and put him on the road to success.

Rates at the Zane Grey Inn are $10 a day for lodging and meals. Those who are not guests pay a 50-cent admission fee to the museum.

The countryside here is wild and lovely. Grey, writing of Lackawaxen after he had seen much of the world, reminisced: "The Delaware winds through a picturesque mountainous region where the forests abound with game and the streams with fish. My years in Lackawaxen represented more than a struggle to become independent through writing. Here I gained my first knowledge of really wild country, and here I had my first happy times since early childhood."

"OLD SLABSIDES" BROILED

The country is not as wild as it used to be. But it is still a good place for deer and small-game hunters, and for fishermen seeking shad and pike. When the shad, known locally as "old slabsides," make their annual pilgrimage to the Upper Delaware to spawn, broiled shad is a gourmet feast hereabouts.

Grey, who did his first fishing in the Delaware, became the most famous fisherman of his time. He once held 10 world records for game fish. An outdoors editor, Ed Zern, once wrote: "It is probable that no one will ever challenge Grey's right to be known as the greatest fisherman America ever produced."

Zane Grey was born on Jan. 31, 1875, in Zanesville, Ohio, a town named for some celebrated Indian fighters who were among his ancestors. Actually, his own family's name then was spelled with an a (Gray) and he was christened Pearl, the toniest name of the time.

Queen Victoria, a strong influence on the tastes of the world, had recently gone into semi-mourning to mark the 10th anniversary of the Prince Consort's death. During her semi-mourning, she popularized a shade known as pearl gray. The smoky color crossed the Atlantic and swept America.

PEARL GRAY THE RAGE

Fashionable gentlemen wore pearl gray cravats, and chic women were attired in pearl gray ruches and ruffles. Commodore Vanderbilt drove a pearl gray tandem. Everybody, everywhere, it seemed, was pearl gray conscious.

And a woman whose last name was Gray naturally could not resist calling her newborn son Pearl. He grew up hating the name.

At his father's insistence, Grey became a dentist after having been graduated from the University of Pennsylvania. He opened an office at 100 West 74th Street in New York City, and lived there with a tomcat.

Grey quickly became successful, but he hated dentistry. On the side, he played semiprofessional baseball, pitching for the Orange Athletic Club of East Orange, N.J. When the team played out of town, many people came to the ballpark to have "Doc" Grey pull their teeth.

TURNED ON BY THE DENTIST

A handsome young man with a shock of black hair, flashing dark eyes and good features, Grey, at 24, could boast in his diary: "I have all the young girls in town coming for dental work, whether they need it or not."

One weekend, Grey came to Lackawaxen on a fishing trip. As he paddled down the Delaware River, he flirted with a girl on the bank. They met that evening, and both claimed it was love at first sight.

Her name was Lina Roth, but Doc christened her Dolly. When she heard about his Indian-fighting ancestors, she began calling him Zane.

Soon afterward, Pearl Gray changed his name to Zane Grey. He married Lina Roth, and he decided to become a writer. The newlyweds packed his dental tools and sign (now in the museum), gave away the tomcat and gathered their few belongings. They moved to the cottage in Lackawaxen.

It was a bitter winter in Pennsylvania that year. Grey wrote in the kitchen, thrusting his fingers "every 15 minutes in the open stove to keep them from freezing." His bride did not share his enthusiasm for the rugged life, but she did share his faith in his ability to become a writer.

COUPLE WORKED TOGETHER

If it had not been for Dolly Grey, it is doubtful that her husband would have made it. She borrowed money from her mother to support them, and taught him how to put words together. His grammar was poor, so she bought him textbooks to study and dime novels and classics to read. Together they worked, he writing laboriously on the yellow paper and she correcting his work.

They sent out short stories, articles and verse. Nothing sold. Grey talked of returning to dentistry, but his wife would not hear of it. She borrowed money to pay for the publishing of his first novel, "Betty Zane," a romanticized version of his ancestors' adventures on the Ohio frontier. It did not sell either, and Grey was despondent.

Then spring came.

"Soft, sweet day," wrote Grey, "with a smell of burning forest in the air, the pale blossoms of trailing arbutus peeping from dead leaves, white pines and brown aisles, the lonely silence of the hills where the fringed gentian and ladies' slippers nod in the wind, alder swales deep in the woods where deer browse and grouse drum . . ."

On a visit to New York, Grey met Buffalo Jones, one of the last of the plainsmen, and suddenly life changed. Jones had an idea: He wanted to try breeding buffalo with Black Galloway cattle, and he wanted a writer along to record his experiment.

Grey agreed to accompany Jones. Their trip took them to the Far West, which gave the author material for the first of his Western novels.

The two men journeyed to Arizona, crossed the Painted Desert of the Navajos with a Mormon caravan, lassoed mountain lions in the Grand Canyon and lived with rangers from Texas and wild-horse hunters from Utah.

POSSESSED BY THE WEST

Back in Lackawaxen with their first baby, Dolly Grey received accounts of her husband's adventures: "No boy dropped into the West could have more magnificent experiences! . . . This wild, lonely purple land of sage and rock has taken possession of me."

When he returned to Lackawaxen, Grey wrote "The Heritage of the Desert," the story of a girl who escapes from a Mormon colony and falls in love with an Easterner recovering his health in Arizona. Harper & Brothers, which had turned down his previous efforts accepted it. At long last, Zane Grey was on his way.

"The Heritage of the Desert," his first Western, launched Grey on the road to wealth. "Riders of the Purple Sage," his second, sold more than two million copies in the first few years, and goes on and on in paperbacks.

With success and money, the Greys' way of life changed somewhat. Three women secretaries came to Lackawaxen and were installed in a cottage on the river. But Grey continued to write on his old lapboard and his wife continued to edit. The secretaries typed and retyped. He kept them busy.

PURPLE PROSE BEST-SELLER

Grey wrote 86 books in all. Literary critics scorned his use of clichés and awkward words, but millions of readers revealed in his purple prose. His stories were translated into 20 foreign languages and made into more than 100 movies. He became the king of popular novelists, the second best-seller of all time (after the Bible).

His most popular novels were "Riders of the Purple Sage" and "The Spirit of the Border," both violent, bloody and crudely written. But as Grey wrote in the introduction to "Border," a story of fighting against the Indians: "The author does not intend to apologize for what many readers may call the 'brutality' of the book" An apology was the last thing Grey's readers wished.

Although his writing is said to lack style and substance, Grey's books have color and authenticity, his plots display an unusual talent for invention and the narration is swift. Grey belonged to that rough-and-ready school of letters whose hero was a superman with a will of iron, nerves of steel and heart of gold.

While gathering material for his books, Grey lived as he wished, satisfying his love of adventure and the outdoors. He bought horses, yachts and property from Pennsylvania to Tahiti, among them hunting lodges and ranches in Arizona and Oregon, a big house in Altadena, Calif., and a place on Catalina Island.

LOST URGE TO KILL

The author traveled throughout the world, fished in New Zealand and the South Seas and hunted in countless places. Eventually, he lost his desire to kill animals, but his passion for deep-sea fishing never abated.

While Grey fished in faraway places, his wife remained at home, patiently editing his work and protecting his publication and subsequent movie rights.

In 1937, Grey went fishing on the Umpqua River in Oregon. There, in a remote camp, he had a stroke. His son Romer and a guide carried him out of the wilderness. He recovered and continued to write.

The next year, Grey visited Australia. Returning to his home in Altadena, he wrote a book on fishing and made plans for a trip to Lackawaxen. "I'd like to see the woods when the leaves turn," he said. But he suffered a heart attack and, in October, 1939, he died at the age of 64.

Grey is buried in old Union Cemetery, next to what is now Zane Grey Inn. Mrs. Grey, who survived him by 18 years, is buried beside him.

ASCS COMMITTEEMEN IN POLITICS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. FINDLEY. Mr. Speaker, serious question as to the wisdom of policies undertaken by the National Association of Farmer Elected Committeemen was raised by an editorial in the current issue of Farm Journal magazine. The editorial very properly points out that this newest of farm organizations provides USDA with a readily available political arm. This in turn raises the question as to whether Government employees, even those serving part time, should be lobbying for programs they run. Inevitably, in my view, they will become cheerleaders for whatever the Secretary of Agriculture wants.

Here is the text of the editorial:

DO THEY SPEAK FOR YOU?

If there's such a thing as having too many well-meaning friends, perhaps farmers are suffering from that kind of a surplus, too. There seems to be a group behind every bush claiming to represent farmers.

The result is often a babble of voices. With contrasting discordant notes sounding off in favor of this program or that, the noise resembles a high school band warming up to play the school song. Inevitably the charge follows that "farmers just don't get together."

Is it any wonder, with such a chorus of voices raised on their behalf? There's nothing wrong with the heartfelt concern for farmers by so many groups—but it's when they claim to represent farmers that it begins to do more harm than good.

The latest to join the chorus is the National Association of Farmer Elected Committeemen. This is a new organization of past and present elected county and community ASCS committeemen. This group testified before the Senate Agriculture Committee the other day on farm legislation. Association president, Robert J. Hoffman, told the Senators that the group is now organized in 22 states, is spreading, and has about 30,000 members.

"Our objective," said Hoffman, "is to promote, strengthen and improve the farmer-elected committee system for local administration of farm programs." That's fine and laudable. Fine, that is, if Mr. Hoffman had stopped there. Instead, he told the Senators:

"Our Association and the Congress are the only elected groups that speak for farmers." Then "speaking for farmers," he proceeded to tell what legislation farmers need.

Thus was raised another voice in the babble of groups already claiming to speak for farmers.

This latest excursion into farm policy making is unfortunate for additional reasons:

1. *First, no matter how well-meaning, the committeemen have plainly over-extended their self-appointment as your spokesmen.*

ASCS committeemen don't have local meetings on farm policy questions where you have a chance to vote your sentiments. They aren't set up for that purpose. And when you vote for committeemen, you don't elect them as your farm spokesmen.

2. *If there's anything that farmers don't need, it's an organized arm that the USDA can use to "turn on" political support of one kind or another.*

Already, local ASCS offices must resist a bombardment of propaganda from program headquarters in Washington, D.C., and state offices. Committeemen are exhorted to get out and "sell" programs. They have even been paid and "used" politically to provide an audience for a talk by a Washington bigwig.

Mr. Hoffman may think that committeemen can lobby for farm laws and still resist political pressure from the USDA. We can tell him that he's walking into a buzz saw.

3. *Then there's the question of whether government payees should be lobbying for programs they run.*

Last year the 9000 county committeemen drew $7 million for official business at an average pay rate of $18.75 per day. The 74,000 local committeemen drew $3 million ($15.88 per day) for official business—and they collected a good deal more than that working as employees to measure acreage, seal bins and the like.

When they start politicking to extend the programs they are paid to run, they may do so in good faith thinking it's the best thing for agriculture. But they can expect farmers to question whether their concern is really genuine. And they shouldn't be surprised if they are charged with trying to perpetuate their jobs and their pay.

We think it is regrettable for local ASCS administration to become involved in politics, partisanship and policy making. It will bring doubt and suspicion on the farmer committee system.

Our hats are off to all the hard-working community ASCS committeemen who labor to master the details of complicated farm programs and counsel impartially with farmers. They can bring local good judgment to the application of these programs.

The kindest thing they can do is tell the National Association of Farmer Elected Committeemen to stick to "strengthening and improving the farmer-elected committee system." Leave the farm policy making to farm groups that have been formed for that purpose.

THE ARNHEITER AFFAIR: ALL PARTIES NEED TO BE HEARD

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **RESNICK**. Mr. Speaker, it has come to my attention that one of my esteemed colleagues is concerned that the newspaper accounts of the case involving Lt. Comdr. Marcus Arnheiter have only presented one point of view—that of Lieutenant Commander Arnheiter. I, too, am concerned that these accounts present only one point of view.

For 3 days, I held ad hoc hearings on the Arnheiter case, after the Navy and the House Armed Services Committee flatly refused to do so. During those 3 days, and for many weeks prior to that time, I wrote, telegraphed, and called the Navy, in an effort to obtain its side of the story. The answer to all of my inquiries and requests was the same: "No further investigation is necessary."

In fact, I even had a great deal of difficulty obtaining records from the Navy. At one point they informed me that if I wanted to read a certain 415-page document, I could come over to the Bureau of Naval Personnel and peruse it at my convenience.

In an effort to obtain both sides of the story in this case, I wrote a number of the officers who were on the U.S.S. *Vance* at the time Lieutenant Commander Arnheiter was in command of the picket ship. Included in this group were Mr. William T. Generous, Jr., former operations officer; Mr. Ray Hardy, former executive officer; and Mr. Luis Belmonte, another former officer on the *Vance*. All three of these gentlemen declined my invitation to appear and present their side of the story.

My distinguished colleague expresses the concern that certain members of the "liberal" press have rallied to the cause of Lieutenant Commander Arnheiter. I would also like to point out that certain members of the "conservative" press, and certain members of the "middle of the road" press have also rallied to the cause, as have a number of officers from all branches of the military service. In fact, representatives of the entire spectrum of political thinking have rallied to the cause of Lieutenant Commander Arnheiter, not because of a personal concern for one naval officer, but because of a grave concern for the honor, discipline, and command integrity of the U.S. Navy.

Mr. Speaker, I submit, and I am certain my distinguished colleague will agree, that so many charges and countercharges have flown from both sides of the fence that the only way this matter can be exposed once and for all is to permit everyone involved the full opportunity to present his side of the case.

I further submit that the best place to do this is not in the press and not in the CONGRESSIONAL RECORD, and not even in ad hoc hearings. The proper place to investigate the Arnheiter case is before a full-scale, official naval court of inquiry where witnesses can be called and evidence can be presented to the satisfaction of all parties involved.

I, therefore, urge my distinguished colleagues, to join me in signing a petition which is presently being circulated, urging the Secretary of the Navy to convene such a board of inquiry as quickly as possible so that the full story of the Arnheiter case can be brought out into the open once and for all.

AN AGE GONE MAD?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **WYMAN**. Mr. Speaker, these are troubled times, at home and abroad. Much of the trouble at home is ridiculous because America has so much for so many, both in the way of opportunity and fulfillment. Sometimes it seems as though those who make trouble are doing so for the sheer sake of making trouble without having a truly valid cause.

But whatever the motivation of individual lawbreakers, we must look for the right answers to meritorious "gripes." And, perhaps of equal importance, we must first seek and obtain the right questions.

Last Sunday, May 19, Rev. Raymond J. Shaheen, pastor of St. Luke's Evangelical Lutheran Church in Silver Spring, Md., had a message of vital significance as it relates to these problems. Entitled "To Ask the Right Questions," Reverend Shaheen's message is one that ought to have the attention of every Member of Congress as well as all Americans at this hour:

TO ASK THE RIGHT QUESTION

The sermon originally planned for this Sunday morning was completed sometime yesterday afternoon; at least it had reached its final stage of preparation. So with some degree of accomplishment I turned my back on the study and in a more relaxed manner picked up a weekly news-magazine. Before I seemed to be aware of it, I had read it for the most part from cover to cover. And by that time whatever air of relaxation I had so previously known completely disappeared.

The news-magazine had, with its series of articles touching upon the varied aspects of our time and of our life, quite unsettled me. It was as though I had been exposed to all the noise, the din, the clamor, the confusion, the madness of our age, in one setting.

Oh, not that the experience was entirely new! Who hasn't had some taste of it, no matter in what direction he looks these days—but you see, we can get up and turn off the television set, we can turn off the radio, we can put the newspaper down, and quickly take it to the pile with all the others that are soon to be discarded, at the most, perhaps we have three-quarters of an hour in the car-pool, and then we get away from *that* conversation and turn our thoughts elsewhere. Haven't we all done this, these days?

But oddly enough, I felt as though I was being held captive, held captive in that chair from which I did not stir until I had reached the back cover of the news-magazine. Even as I gave myself to the appointments that were scheduled for the balance of the day—the very meaningful experience with five young men of this parish at Bethany, then last evening the conference with the parents anticipating the baptism of their children at this hour . . . even as I gave myself to these appointments, I seemed to walk around pre-occupied, not completely free from the haunting and the stirring of the thought-of-thoughts that continued to lurk in my mind from that arm-chair encounter with that most recent edition of a news-magazine.

Then at 3:15 this morning—the time I registered precisely as I turned on the light, I was awakened as one hearing a trumpet call. Knowing immediately that there would be on more sleep for me (by this time I know my physical and emotional reaction to being stirred in the night) . . . and being somewhat annoyed and irritated that this was true, recognizing the demanding schedule of this day, and this afternoon and tonight, nonetheless I went down to my study and wrote another sermon. The sermon, 99% complete, to have been preached at this time is set aside, perchance to be picked up at some other time. But the thrust of this impact, as though all of it now were settling in anew, prompts me to stand before you as I do now.

What did I read between the covers of that magazine?

For the sake of this sermon, I have only one word—*madness*—a world seemingly gone mad.

What else would you call it?

The stalemate in Southeast Asia . . . we're still not sure how we can disentangle ourselves, and how long the process may be.

Korea still spells impasse, and who knows what the outcome of the Pueblo incident may be?

The Poor People's Campaign . . . converging from all parts of the nation, here, in the Nation's Capital

The campus demonstrations . . . a fraction of the student body so extremely vocal, taking over, destroying even personal records, attempting to dictate policy

Men defiantly, accompanied by women, going into an office staffed by representatives of the United States Government, going to files in which there are records for the United States Government, taking those records and burning them in a public parking lot

A European nation so paralyzed by strikes that its chief executive officer cuts short his tour elsewhere to go home and seemingly to take control

Toward the back end of the magazine, reference to a special exhibit of erotica, in Sweden . . . where on public display are Japanese posters, depicting the most *intimate* and the most personal of all the acts that God ever intended a man and a woman to know . . . and people passing by by the thousands to gawk

A man of the cloth, well-intentioned, leading people on the march . . . with an armband that bears the words: *"Mississippi, God damn"*

Pressing upward on the best-seller list, a novel whose basic theme, isn't it—wife-swapping

As I thumbed the pages of the magazine dealing with the poverty, I could understand as I had never understood before the twin words: *helplessness—hopelessness*. And by the time I put the magazine down in its entirety, I had only one word . . . *madness*.

Then I remembered a favorite Bible passage of mine, one of my favorite Bible characters, a man named Bartimaeus, a blind beggar, who sat by the wayside begging there in Jericho. He was caught up in an age gone mad, too. There was a shouting and a pushing, people screaming in the bazaar, children crying. . . . poverty all around him. . . . life in big chunks, life in little chunks, life in not-too-pretty chunks, life most certainly in ugly chunks.

And then one day he cries out—there seemed to be a more-than-ordinary commotion, there semed to be a more-than-ordinary stir, and he cried out, "What does it mean?"

I too stand before you now raising the question. What does it mean, this madness which is ours? Ah, but we're not the first to have it. You see, this is one thing we forget. Every generation has its own kind of revolution all over again, and life goes forward one generation at a time. Some thirty years ago, thirty-one years ago to be exact, a man stood up and said, "I want to refer to a book that's been written by a distinguished author of our time, Reinhold Niebuhr's *"Reflections On the End of An Era"*—that was the same time when Walter Lippmann was writing his *"Preface to Morals"* . . . and both of them agreeing that something had happened, there was a porten of a whole social upheaval, and wondering even then if there could be any sense made out of it.

Surely you must know the anguish of my soul. For no one set aside for the ministry of the Gospel can take these days lightly. It's so easy to become annoyed, and irritated, and embittered. Who doesn't want peace?—who doesn't dream of tranquillity? But dreaming of tranquillity and a craving for peace can be as a fantasy. The past was not as idyllic as we may have thought, if we read history correctly . . . and the day that we dream of in the future may not be as ideal as we picture it. For as long as this world is populated, is peopled by men and women like you and me, stained by original sin, we'll have all kinds of tension, and tension means strife.

Blind beggar Bartimaeus might have been embittered and annoyed and irritated by all the noise, the din, the clamor, the madness of people in Jericho. He might have been craving, saying, "Even if I'm blind, let me enjoy my blindness in peace—stay away from me!" But to the everlasting credit of blind Bartimaeus, he asked a question, and he asked the most important of all questions: "*What does this mean?*"

We who crave for neat little formula, we who want everything tied up in neat little packages, we who want immediate answers, may sadly discover one day that *ours could be the generation that didn't have all the neat answers!* . . . for the simple reason that we had failed to ask the right questions.

There isn't a parent among us right now, there isn't a father or mother who does not understand what I'm about to say: when we're suddenly confronted by the explosive behavior pattern of our adolescent—something that augers getting out of our control—what is our initial reaction? Annoyance. Irritation. And placing the blame on somebody else.

One doesn't have to be schooled in psychology to know that it's the *wise* parent who says to himself, "What's behind this?—why this explosive pattern of behavior?" . . . and then tries to deal with that. Maybe the indictment that rests against us is that we are the irritated ones, and we are the annoyed ones, but we have lost our perspective, a perspective that prompts us to ask the question: *What does this mean?*

When there is defiance of authority—why are there the young rebels?

And if we continue to allow them to defy authority, where will this lead?

I'm not so sure that many people caught it, and I was quite disappointed at this point, but in my book Bill Ellis' finest moment, perhaps, the Saturday night he came and spoke to us so exceedingly well, came when someone, I've forgotten who, put the question that most certainly should have been asked:

"Do you think the Poor People's March can be a useful instrument?"

We taped Bill Ellis' presentation deliberately. And if I were to play that tape back for you now, you undoubtedly would be impressed by the pause, the hesitation, and then he answered by saying, "I don't know."

But what he did say was this, that maybe we'd better ask ourselves: Why a Poor People's March at all? Maybe we don't know the outcome, and maybe we don't favor the strategy, and some of us think we have a better way of dealing with it . . . but the question-of-questions remains: *Why*—this pressure? *Why*—this thrust?

From time to time we need to remind ourselves that we just daren't be too preoccupied with the present. We do have a link with the past. And maybe the past can teach us something. Let me read for you this article from a newspaper:

"It was a warm June 2, the beginning of a 'long hot suffering summer.'

"It was one of the largest cities of the world.

"In the streets, there began, quietly enough, a demonstration on civil liberties.

"As the demonstrators gathered number and momentum, it turned into a riot. For six days and nights, 60,000 rioters raged through the streets—and through the central part of the about-to-be collapsed center city. More than 800 persons were killed or injured.

"There was an orgy of senseless destruction, plundering and looting. Jails were opened, and prisoners let out by the hundreds. The city's largest bank was invaded and pillaged. Government offices were raided.

"Tens of thousands of people wandered the streets, crying 'police brutality,' and even the military were powerless to restrain them. Nearly a week later, the riot subsided out of sheer exhaustion.

"Only 21 rioters were executed, and only a tiny fraction of the plunderers and burners were even punished at all.

"The dates of the disaster were June 2 to 8, 1780. The city was London, England.

"The demonstration was by Protestants against Catholics."

We who are caught up in this madness—Why? Where will it lead? How deal with the cause, the root?

Maybe our indictment is that being overwhelmed with our irritation and annoyance, we've forgotten to ask the question for which Bartimaeus will be eternally remembered: *"What does it mean, anyway?"*

Bartimaeus got an answer. Some people thought it wasn't very precise. Other people thought it was too precise. The answer came back: "Jesus Christ is caught up in all of this." Maybe this is our task—to find God's meaning in this, and God's way through it.

THE SHEVCHENKO AFFAIR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DERWINSKI. Mr. Speaker, on June 1, the District of Columbia is proclaiming Ukrainian Day in the Nation's Capital. The occasion is the 50th anniversary of Ukraine's independence. The day is to be marked by several unique activities, commencing with an assembly at the Shevchenko Monument, a trisectional demonstration, and a banquet at the Washington Hilton Hotel, honoring the Honorable Gerald R. Ford, our minority leader in the House.

The significance of this day cannot really be fully understood unless one reads the Vulnerable Russians authored by Dr. Lev E. Dobriansky of Georgetown University. Background of experience and activity is what is needed to properly view this day in its complete historical perspective.

The work is now available at the Georgetown University bookstore, White Gravenor, Georgetown University, Washington, D.C. Two chapters are particularly relevant to this commemorative occasion. Excerpts from them will give the reader an indication of the novel nature of the work, particularly from the angle of America's deficient attitude and policy toward Ukraine and the captive non-Russian nations in the U.S.S.R.

The excerpts follow:

Chapter XX: The Shevchenko Affair

"For my hope is that your magnificent march from the shadow of the Washington Monument to the foot of the statue of Taras Shevchenko will here kindle a new world movement in the hearts, minds, words, and actions of men."—Dwight D. Eisenhower.

To denigrate and destroy the Shevchenko statue project in Washington, the editor-in-chief of *The Washington Post* chose to entitle his first editorial "The Shevchenko Affair." Obviously, the title was to imply something illicit and depraved, something requiring immediate rectification according to the dictates of an instructed but arrogant individual wielding a newspaper. The title was indeed an appropriate one to initiate a vicious campaign that lasted unremittingly for a period of three months. For "the affair," as developed by this individual and those behind him, stands as an indelible blemish upon the authority, judgment and reputation of the organ.

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This example of "the affair" is only a fraction of the disinforming nonsense that was published in *The Post*. For the alert citizen to assess this intriguing episode, he would have had to examine the whole background to the unveiling of the Shevchenko statue. As we, in part, did in the preceding chapter, he would have had to investigate the way this came about and to read with care the various testimonies that were submitted in favor of the statue's erection. As described earlier, the testimonies presented all the essential arguments in favor of the Shevchenko resolution, and their convincing character laid the grounds for speedy Congressional approval. Indeed, at the time, *The Post* reported all this; so there was no mystery about the origin and development of the project.

THE SECOND STATUE OF LIBERTY

What the paper could not combat was the whole array of convincing arguments that were used with necessary repetition in support and defense of the project. Shevchenko's affinity to our own George Washington, the cultural and political prowess of his poetry and prose, his historical position as a powerful advocate of freedom in the very period of our own Abraham Lincoln, Poland's Mickiewicz, Hungary's Kossuth, Italy's Mazzini, and other freedom fighters, the idolization of Shevchenko by every patriotic Ukrainian down to this day, the tradition of freedom he represents in Eastern Europe and Central Asia, the crucial importance of his works for the eventual liberation of all the captive nations in the present Soviet Russian Empire, the need then to throw Moscow off balance in its calculated attempt to distort and disfigure the Ukrainian national hero—these were only a few of the arguments advanced for the passage of the legislation. They were more than enough to mirror the puerile tirades of *The Post*.

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To go a step further, the statute is truly a crowning achievement of the work and efforts of the Ukrainian Congress Committee of America. From the very start, this American organization properly emphasized the consummate political significance of the statue. Congress, as well as millions of Americans, clearly saw the need for maintaining the purity of Shevchenko's freedom message. In the Cold War they realized the urgency of combating the inevitable distortion of Shevchenko and his works by colonialist Moscow and colonial Kiev. The successful action taken was a purely American phenomenon, but *The Post*, like the papers of Moscow and Kiev, attempted rather foolishly to portray it as an emigré undertaking as though this would have been harmful to American interests.

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Briefly, then, the American statue of Shevchenko in the capital of the Free World symbolizes the undisfigured Shevchenko; patriot, nationalist, freedom fighter, the soul of freedom-living Americans and freedom-aspiring Ukrainians and millions of other captives in Europe and Asia. In sharp contrast to statues of him elsewhere, it is one of youth, vigor, and promise of the future. It was unveiled in a confident atmosphere of triumph and unprecedented performance. With the exception of inaugurals, breaking the record for all marches in the capital, 35,000 paraded down Pennsylvania Avenue to the monument; breaking another record for statue attendance, over 100,000 witnessed the unveiling itself. In its irresponsible editorials *The Post* constantly spoke of a "tiny group," not really knowing how many Americans of Ukrainian descent to account for. Well, this was what the supposedly tiny group produced in the annals of American history. Former President Dwight D. Eisenhower, who signed the Shevchenko measure in 1960, unveiled the statue and delivered a stirring address, from which the captional quotation was made and continued in these terms, "A never-ending movement dedicated to the independence and freedom of peoples of all captive nations of the entire world."

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EXAMPLE OF IGNORANCE

Now who were the instigators of "the Shevchenko affair?" Who attempted to place this vitally important project in the mould of "controversy?" Without exaggeration, it is generally recognized, even among those who were scarcely familiar with Shevchenko in mid-1963, that the so-called controversy over the statue engendered on the surface, but in significant terms, a basic ratio of something like a million for and two against. Aside from the futile protests of the Russian ambassador, "the affair" was overtly developed by two individuals. One was Mr. James R. Wiggins, the editor-in-chief of *The Post*, and the other was Mr. Walter C. Louchheim, Jr., a member of the National Capital Planning Commission. Needless to say, there were probably many who gullibly swallowed their fiction, but there were scores of others who didn't. Our ratio still holds.

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Without doubt, both Wiggins and Louchheim don't know how Lenin turned an earlier Shevchenko dispute into a real controversy, albeit to serve his sinister political ends. In 1914, the previous government of the Russian Empire outrightly refused the Ukrainian people permission to observe the centennial of Shevchenko's birth. This aroused the Ukrainian nation and evoked the following from Lenin: "The denial of celebration of Shevchenko's Day was such a first class successful measure from the standpoint of agitation against the government that one cannot imagine a better one. I think that all of our best social democratic agitators against the government could never have achieved such complete success in so short a time as this measure alone has attained. After this measure, millions and millions of 'dwellers' began to turn into conscious citizens, convinced in the righteousness of the saying that Russia is 'the prison of nations.' "

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HIGHLIGHTS OF THE AFFAIR

All the details of "the affair" have been candidly set forth in a Congressional publication. Whereas *The Post* purposely suppressed hundreds of replies to its scandalous editorials, this publication accommodated both the editorials and the replies. Here, it is both impossible and unnecessary to treat every specious argument and accusation that was raised over the three-month period. As this writer points out in the opening page of the book, "You and your colleagues know well the perversions committed by the Soviet Russians and their puppets. Their perversion of Shevchenko, whose greatness lies in his poetic teachings of universal freedom, still is little understood by a few in our country. It is hoped that the Shevchenko monument to world freedom will in time enlighten even these few." This was addressed to our legislators who also viewed with concern the naive acceptance of the Russian perversions by *The Post* and a few others.

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We can dispense quickly with the "controversial" aspect of this pattern of attack. That the statue is allegedly controversial obviously rests on the validity or invalidity of the two main contentions—the anti-Semitic and the idol of the Communist Party. Merely to reiterate that the statue is controversial is no support of its alleged character. As we've noted earlier, the ratio of a million for and two against is not an impressive fact. Moreover, if one were to analyze patiently the comedy of journalistic error and bias as portrayed in the quoted Congressional publication, he would be even more impressed by the apparition of controversy surrounding the statue. The technique of crying "controversial" is too obvious. But desperate as they were, the affairists were in need of some outlet for their frustrations.

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The editor's knowledge of the fight over Shakespeare between the East German Reds and the free Germans is probably equivalent to his understanding of the Shevchenko issue. It was quite evident from the first editorial that Wiggins didn't know what the Shevchenko statue was all about. He actually admitted as much. The second editorial on October 18 confirmed all this, and the subsequent ones of November 1 and 12 proved not only his fundamental deficiency in knowledge and understanding of the subject, but also his ugly motivations regarding the poet. The editorials contained every trick in the trade of journalistic smearing, even going so far as to degrade Shevchenko and alleging him to be offensive to numerous American groups. For example, after stating clearly fabricated reasons why the statue should not be erected, Wiggins wrote: "These reasons, to be sure, make one wonder why guilible Senators and Representatives should have approved such a memorial, when all of the offended minorities are among their constituents."

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Now for the anti-Semitic slander against Shevchenko. In a sense it was rather amusing to witness an ostensible Shakespearean devotee accusing Shevchenko of anti-Semitism because of a passage or two in his poems about hated Jewish tax collectors. As a poet and a perceptive observer of reality, Shevchenko recorded in these few passages the feelings of people who despised those whom they regarded as their exploiters. In the tyrannical, Russian-imposed system of serfdom it was not difficult to find a scapegoat, particularly a Jewish collector. Shakespeare bore the same poetic responsibility. Beyond his poetry, not once but several times Shevchenko helped and defended Jews at the risk of his personal safety and comfort.

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Those who know the history of anti-Semitism in the Russian Empire, both Tsarist and Soviet, can well evaluate the service rendered to it by this ignorant accusation heard on these shores. Moscow couldn't have done better. It is an unforgettable credit to the objectivity and high purpose of our Jewish American institutions and organizations that they refused to be drawn into this murky business, as that initiated and sponsored by professed "liberals."

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Surely enough has been said on the disfigurement of national heroes by Moscow and its puppets to indicate the pathetic character of this affairist contention. Moreover, if Wiggins were at all familiar with the literature on this battle since 1960, he would have learned that our effort has unmasked the hypocrisy and cynicism involved in Moscow's manipulation of this Ukrainian hero. Furthermore, to inform the reader that thousands of collective farms, factories, streets and what have you bear the Shevchenko name in the USSR, and that this fact proves he is a communist idol, is one of the worst forms of twisted reasoning. One would perhaps expect too much of this editor to grasp the meaning of this fact. The vast majority of these places are in Ukraine, where naturally they should be, and the Shevchenko nomer has served conspicuously to preserve

the national identity of 45 million people, who even today are being subjected to Russification. For this great "anti-communist" organ to overlook these essentials is scarcely cause for wonderment.

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SOME SALUTARY EFFECTS

Another effect was the impact of our freedom of the press. This came into play to offset the irresponsible and unfounded contentions of the affairists. Substantial credit is due Mr. Robert J. Lewis, writer for *The Washington Star,* who instantly sensed the malicious character of *The Post's* editorials and articles, and in the November 10, 1963 issue of his paper presented an accurate account on "The Status of a Statue." Subsequent articles in *The Star* upheld the sound judgment of our Congress and executive agencies. All this well demonstrated that in a democracy forces of reason and justice are always present to combat their negators. As Lewis eloquently pointed out, with the statue we "will also have cause to rejoice that human brotherhood and understanding once again have affirmed the cause of freedom."

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Then there is an effect of futural import. The erection of Shevchenko's statue is only a phase in the battle of knowledge and understanding in America with regard to Ukraine and the other captive non-Russian nations in the Soviet Union. The "affair" lucidly revealed the nature and character of this battle. The absurd editorial on "The Captive Nations" in the July 11, 1964 issue of *The Washington Post* is another excellent example of what to expect in the future. Nevertheless, the statue is a fixed monument calling for victory in this battle, which in every respect would be our victory in behalf of the basic interests of our Nation. One flays the meaning and significance of the statue if he interprets it narrowly as an end in itself. On June 10, 1964, Nikita S. Khruschchev, "the Russian Hangman of Ukraine," didn't unveil Shevchenko's statue in Moscow out of any cultural attachment. The timing itself was suggestive.

For Khruschchev and all Russian totalitarians, the Shevchenko monument in Moscow stands "among monuments to such geniuses of Russian culture as Pushkin," the glorifier of Russian imperio-colonialism; for us Americans, the Shevchenko monument in Washington stands "as a second statue of liberty," with the inscription "Dedicated to the Liberation, Freedom and Independence of All Captive Nations." This is the crucial difference in the battle of the statues. This also constituted the death of "the affair."

GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. EDWARDS of California. Mr. Speaker, those of us who have concerned ourselves with the dangerous developments in Greece during the last year were shocked to read in last Saturday's New York Times that our Secretary of Defense does not believe that the form of government in Greece should be of much concern to us, so long as the NATO base is there. Secretary Clifford's testimony was particularly surprising in view of a Washington Star report by George Sherman of May 14 that the State Department, Pentagon, and White House officials felt "that Greek moves toward a return to democratic government are still too tentative to risk the wrath of key congressional liberals in this election year."

Once again, Mr. Speaker, I have to deplore the fact that one of the Nation's greatest commentators cannot be reproduced in the CONGRESSIONAL RECORD. I refer, of course, to the outstanding political and social commentator, Herblock. I am sure that by now even the colonels know that they have a formidable enemy in the United States who exposes them on his drawing board. They may not know that their enemy has been puncturing stuffed-shirt military tyrants for many a year and the Greek colonels are the current tail end of a long procession of Herblock's objects of ridicule.

Mr. Speaker, I would like the CONGRESSIONAL RECORD to reproduce the two articles mentioned above, an excellent letter to the editor written by Christopher G. Janus regarding Secretary Clifford's testimony and the resolution on Greece submitted to the recent convention of the Americans for Democratic Action. The resolution was passed after an amendment was agreed to denouncing Secretary Clifford's reference to Greece.

The above-mentioned material follows:

[From the New York Times, May 18, 1968]

ARMS AID TO GREECE URGED BY CLIFFORD

(By Felix Belair Jr.)

WASHINGTON, May 17.—Secretary of Defense Clark M. Clifford told Congress today that the United States should supply military aid to Greece and other allies no matter what some Americans think of the present form of government in those countries.

Military aid to Greece was suspended when a military junta seized the Athens Government a year ago. Mr. Clifford told the Senate Foreign Relations Committee today that the United States was "not now delivering any important military equipment to that country."

But the Secretary reminded the committee that Greece had long been a stanch ally of the United States.

Congressional approval of the full Administration request is necessary to prevent "a crisis in allied confidence," the Secretary told the committee. He warned that "a drastic curtailment of U.S. military assistance might be misinterpreted by some as a general retreat from our commitment to the maintenance of an effective system of collective security."

He said what he called the "lion's share" of grant military aid—$365-million—would go to five countries: Korea, Greece, Turkey, Iran and the Republic of China (Taiwan).

The concentration of arms has produced substantial dividends by "helping to create and maintain a common defense capability which has been and remains today a major factor in deterring aggression and subversion," the Secretary explained.

There has been substantial Congressional opposition, particularly in the Senate, to a resumption of full military aid to Greece until she returns to constitutional government. Military aid has been limited to light weapons and replacement parts, as distinguished from tanks, guns and jet fighters.

Senator Claiborne Pell, Democrat of Rhode Island, suggested that through military aid the United States would be perpetuating the wrong kind of government in power in Athens.

Mr. Clifford replied that "I believe we can play a greater part in helping Greece to get constitutional government if we continue our military aid than if we stop it."

Mr. Clifford also said that the withdrawal of United States troops from South Vietnam following the end of the war would be made gradually so as not to leave a military "vacuum." He said the Air Force would probably be the last to leave.

[From the Washington (D.C.) Post, May 22, 1968]

NATO AND GREECE

Secretary Clifford's statement that our NATO obligations are more important than the kind of government in Greece or in other countries where we give military aid is a disgraceful, cynical and irresponsible statement by a Cabinet official who should know better, and it will cause great concern to our friends abroad who look to us for moral as well as economic leadership. The Secretary should be reminded that the NATO Charter states that NATO is an alliance for the preservation of the democratic way of life, not for the support of dictatorships. But aside from this, is our Government now giving up even the pretense of caring what happens to people living under dictatorships, so long as our military alliances are secure? For shame, Mr. Clifford.

[From the Washington (D.C.) Star, May 14, 1968]

UNITED STATES NOT EASING GREEK ARMS EMBARGO

(By George Sherman)

The Johnson administration is holding back at least until September any relaxation of the heavy arms embargo against the ruling military junta in Greece.

The reasons lie as much in Congress as in the politics of Greece. After months of quiet debate between the State Department, Pentagon and White House, officials feel that Greek moves toward a return to democratic government are still too tentative to risk the wrath of key congressional liberals in this election year.

The main immediate worry at home is possible impact on the besieged $2.9 billion foreign aid bill. The administration is asking $420 million authorization for military aid in that bill, as well as authority in another bill to make $296 million in arms sales on credit abroad in the coming fiscal year.

Both bills are stalled in the Senate Foreign Relations Committee, pending public testimony by Secretary of Defense Clark Clifford on Friday.

Last year the committee was the main force in severely limiting Pentagon authority to make credit military sales, and all reports indicate that the mood in both houses of Congress this year is for drastic cuts in the whole foreign aid program.

Officials fear that a premature misstep over Greece might be the final blow. For more than a year the United States has used far more of the stick than the carrot in its policy toward the military dictatorship in Greece. When the Greek colonels seized power in April 1967, the administration suspended two-thirds of the $65 million annual military program—particularly 24 promised F5 supersonic fighter jets and a shipment of M48 tanks actually on the high seas at the time.

The gesture was largely a symbol of disapproval. Critics note that $20 million worth of essential spare parts, smaller arms and ammunition have continued to go to Greece each year. But the embargo on new heavy equipment has become the public mark of U.S. policy toward Greece, and its lifting is a delicate question of timing.

The junta says it intends to return to democratic government. Premier George Papadopoulos has said he will release the final draft of a new constitution June 30 for two months of public debate and a promised referendum Sept. 1. But neither he nor any of his colleagues has yet indicated when or if they intend to hold free elections.

The Pentagon, meantime, is weighing the value of Greece to the southern flank of NATO. The junta has pleaded, and the Pentagon has accepted, that the intrusion of the Soviet fleet into the eastern Mediterranean and the rise of Soviet influence in the Arab world make the Greek military and bases more essential than ever to NATO.

U.S. military officials would like to send Greece a promised $3 million minesweeper and 10 T33 jet trainers as both a gesture of U.S. confidence and as badly needed replacements.

But the over-all uncertainty both here in Congress and in Greece has blocked so far even this partial relaxation of the arms embargo.

THE 21ST ANNUAL ADA CONVENTION

RESOLUTION SUBMITTED

ADA profoundly regrets the Administration's hasty "normalizing" of relations with the undemocratically-constituted government of Greece. The Greek military junta has been roundly condemned for persecution and torture, incarceration of 2400 political prisoners after proclaiming an "amnesty" and for abusing the civil rights of its citizenry.

The Administration seems to believe that NATO security cannot survive without the military junta even though American support is increasingly impairing the traditional amiable relations between the Greek and American people.

ADA strongly urges the Administration to redress its one-sided policy by taking the following steps:

(1) Endorse the European Assembly's decision which gave the junta 15 months (from January 1968) to return to a democratic form of government.

(2) The U.S. should publicly disclaim the deceptive procedure being used to revise the Constitution and support the Union of the Center and the National Radical Union parties' boycott of the so-called Constitutional reform;

(3) Completely suspend military aid and all other forms of assistance to the junta;

(4) Declare a moratorium on all economic programs requiring American assistance; remove the exclusion of Greece from the recent Executive Order restricting private U.S. capital investment; and refuse to sanction any loan to the regime by the International Bank.

(5) Repudiate the junta's ban on political activity and the abolition of political parties.

To act otherwise is to disregard the interests of the Greek people in favor of a parochial concern for security that at best has a dubious relationship to Mediterranean political-military facts of life.

INSURANCE FOR URBAN PROPERTY OWNERS: INDUSTRY AND FEDERAL SPOKESMEN CITE NEED FOR RIOT REINSURANCE LEGISLATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. MOORHEAD. Mr. Speaker, thousands of property owners in the core areas of American cities face difficulties in obtaining and retaining insurance protection for their homes and businesses.

These difficulties—ranging from cancellation to nonrenewal to exorbitant rate increases—have worsened in the past 3 years because of the threat that widespread losses from riots and civil disorders pose to the ability of the insurance industry to pay claims and to continue offering protection in riot-torn or riot-prone areas.

For the past several months, representatives of State and Federal Government and the private property insurance industry have been working together on a solution to the related problems of insurance availability in urban areas and the threat of catastrophic riot losses to the solvency of the insurance industry.

Acting on the basis of recommendations made by the President's National Advisory Panel on Insurance in Riot-Affected Areas, which included State, Federal and industry officials, the Department of Housing and Urban Development submitted last February its proposals for a cooperative Federal-State-industry program to meet the urban insurance crisis.

These proposals are embodied in H.R. 17003, the Urban Property Protection, Rehabilitation, and Reinsurance Act of 1968. This bill was favorably acted upon by the Housing Subcommittee of your Banking and Currency Committee, and is now pending before the full committee. In addition, the Housing Subcommittee today inserted H.R. 17003 in the omnibus housing bill it voted to report.

As the sponsor of legislation that anticipated the major features of the administration's proposals, I am convinced that H.R. 17003 is a soundly conceived, workable bill.

Briefly, it provides for the sale of Federal reinsurance against riot and civil commotion losses—with provision for State and industry sharing in such losses—to insurers participating in Statewide plans to make property insurance available to all urban homeowners and businessmen with insurable property.

The need for Federal riot reinsurance legislation as a means of expanding the urban insurance market, and the progress that the insurance industry and the States are making in anticipation of Federal legislation, are described in a letter and a speech I wish to append to my remarks.

The letter, from Melvin L. Stark, manager of the Washington office of the American Insurance Association, cites action that many States are taking to expand the availability of property insurance in urban areas and the need for Federal action to make State action fully effective.

The speech, delivered in New York today by Stanford G. Ross, executive director of the Insurance Advisory Panel and President Johnson's nominee for General Counsel of the Department of Transportation, takes a comprehensive look at the urban insurance problem and the steps that have been taken so far to solve it. Mr. Ross urges prompt action on the Federal riot reinsurance legislation and notes:

> The failure to provide insurance in the urban core can only result in further deterioration of our cities. Insurance cannot rebuild our cities. But our cities cannot be rebuilt without insurance.

Under leave to extend my remarks, I insert Mr. Stark's letter and Mr. Ross' speech at this point in the RECORD and commend them to the careful attention of my colleagues:

AMERICAN INSURANCE ASSOCIATION,
Washington, D.C., May 17, 1968.

Re H.R. 17003, Urban Property Protection, Rehabilitation, and Reinsurance Act of 1968.

Hon. WILLIAM S. MOORHEAD,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. MOORHEAD: We believe you will be interested in the progress which the property insurance industry is making toward establishment of FAIR Plans, a major objective of H.R. 17003. Already, within 90 days following publication of the Hughes Panel Report, the states of New York and Virginia have enacted FAIR Plans legislation which becomes effective this summer—the Virginia statute in July, 1968, and the New York statute in September, 1968.

The strengthened activity which seeks to expand the availability of property insurance in urban areas has also resulted in the introduction of proposals in a number of state legislatures, and it is anticipated that there will be enactments shortly in the following states: California, Illinois, Massachusetts, Michigan, Pennsylvania, and New Jersey.

Though many state legislatures were not in regular session this year, the property insurance industry is engaged in discussions with several jurisdictions on a voluntary basis so that FAIR Plans can be introduced pending legislative enactments in the 1969 regular sessions. Active discussions are taking place presently in this vein in the District of Columbia, Iowa, Missouri, and Wisconsin.

The effective implementation of FAIR Plans requires the swift passage of Federal riot reinsurance legislation. H.R. 17003 represents a comprehensive and meaningful program to deal with the riot and civil disorder catastrophic potential which the private insurance sector urgently requires if it is to continue making insurance available in riot-prone areas.

With more than 130 communities having already felt the destructiveness of violent civil disturbances in 1968 and with the current estimate of insured losses being $67 million, it is crystal clear that the maintenance of insurance market availability to sustain the economic life of the nation is of paramount importance. The insurance industry is committed to the establishment of FAIR Plans at the state level as a supplement to the pending Federal legislation. We are actively pursuing the task of establishing these FAIR Plans as quickly as possible, both on a voluntary and statutory basis, as the opportunity presents itself. The speedy enactment of H.R. 17003 is imperative in the light of on-going developments.

Very truly yours,
MELVIN L. STARK,
Manager.

REMARKS OF STANFORD G. ROSS BEFORE THE AMERICAN INSURANCE ASSOCIATION, NEW YORK CITY, MAY 23, 1968

I am pleased to have been asked to discuss with you today a problem of national scope and importance—the insurance crisis of our cities.

As many of you know, I speak not as an expert on insurance, nor as an expert on the city, but as a lawyer—a concerned professional—who had the opportunity to study deeply urban insurance problems by serving as Executive Director of the President's National Advisory Panel on Insurance in Riot-Affected Areas.

Among the enjoyable aspects of that job was getting to know and working with many of the leaders of your industry. They contributed mightily to our effort to develop a solution to the critical problem of providing an adequate insurance market in our nation's urban core areas.

Deep and dramatic changes are taking place in our society. Our newspapers inform us constantly of riots, protest marches, student demonstrations, and other manifestations of disaffection. Yet, another profound change that is not as widely reported can be more important. There is a rapidly growing consciousness by all Americans of their obligation to help resolve basic social problems, and increasing involvement by those in the mainstream of American life in working to meet these problems.

The creative partnership that is growing between the business community and the Government is a vital new source of constructive change in society. Thus, the National Alliance of Businessmen—a major grouping of the nation's top executives—is working to provide jobs for thousands of hard core unemployed. The life insurance industry has pledged $1 billion to finance homes for low and middle-income families. And you—the property insurance industry—in your own way have committed yourselves to new efforts to help rebuild our cities.

As President Johnson said in releasing the Advisory Panel's report:

"One of the most urgent needs in America's cities today is to assure that the property of businessmen and homeowners is adequately protected by insurance

* * * * *

"This Panel's work shows once again how the public interest can be served when the Federal Government, business, and state and local officials come together responsibly to meet the pressing problems of our cities."

As demanding as it was to develop a program that could lead to a solution, the toughest part of the job remains to be done. It will take vigorous and continued efforts by all concerned to make a reality of the promise that the Advisory Panel's program holds out.

The Panel's recommendations call upon:

(1) The insurance industry to take the lead in establishing plans in all States to assure all property owners fair access to property insurance.

(2) The States to cooperate with the industry in establishing these plans; and to supplement the plans, wherever necessary, by organizing insurance pools and taking other steps to assure that insurance is made available to all responsible owners of insurable property wherever they may live.

(3) The Federal Government to enact legislation to provide necessary backup for this concerted industry-State effort, by, among other things, selling reinsurance against the riot risk to companies which do their share to provide insurance in the inner cities.

(4) The Federal Government to enact Federal income tax deferral measures to increase the capacity of those companies which participate in FAIR Plans and other programs; and

(5) The industry and government at all levels to take a series of other necessary steps to meet the special needs of the inner city insurance market, including programs to train agents and brokers from the core areas and to develop better methods of preventing or reducing losses and of marketing insurance in low income areas.

Today, I would like to discuss with you from three vantage points the on-going endeavor to meet the insurance crisis of our cities:

Where we are now.

How we got there.

What lies ahead.

Progress on Federal legislation to provide a national reinsurance program along the lines suggested by the Panel has been good thus far. Indeed, considering the process that is necessarily involved in enacting a complicated and significant new program, the progress has been remarkable.

The Advisory Panel's report was released on January 28. In his February 22 message to the Congress on "The Crisis of our Cities," the President, as part of a comprehensive program to transform our cities, endorsed the Advisory Panel's recommendations and proposed legislation to carry out the Federal Government's responsibilities. Implementing bills which had been drafted in the Executive Branch were submitted to Congress along with the message.

Secretary Weaver of the Department of Housing and Urban Development testified in support of the legislation before the Senate Subcommittee on March 5 through 7 and before the House Subcommittee on March 12. Hearings were concluded on March 22 in the Senate and April 2 in the House. In the Senate, the Banking and Currency Committee has reported favorably on the legislation. In the House, the Subcommittee on Housing of the Banking and Currency Committee has recommended that the full Committee report favorably on the legislation.

Over the past weeks, representatives of the Executive Branch and of the Congress have met with insurance industry spokesmen and State insurance officials to work out a number of problems in the drafting of the bills. I am told that all concerned have come away reasonably satisfied with the outcome of these meetings. It has been a source of great personal satisfaction to me that everyone who has commented on the proposed legislation, publicly and in these meetings, has strongly endorsed the Advisory Panel's report. The only area of divergence in view has been whether some of the provisions in the early drafts implemented the Panel's recommendations.

There now appears to be a broad consensus in support of the legislation that has resulted. It is this consensus position that has been approved by the Senate Committee. The House Subcommittee has done the same, but with some additional changes. Assuming the differences are ultimately resolved in the same constructive way that has characterized the development of the legislation thus far, the prospect as of today is that Federal legislation which carries out the Panel's program will result.

Briefly, both the Senate and House versions provide for the Federal Government to sell to insurance companies reinsurance against losses from riots and civil disorders, on a State-by-State basis. By providing adequate reinsurance, the program is designed to neutralize the riot hazard as an element in a company's decision to accept or reject a risk. Premium rates are to be uniform throughout the country. Premiums are to be sufficient to create a fund to cover reinsured losses from civil disorders equal to those suffered in 1967. The reinsurance agreement, like most private reinsurance contracts, is to provide for each company to retain an initial portion of the losses from riots and civil disorders, probably an amount equal to around 3% of the premiums written on reinsured lines in the State where the loss occurs.

Companies would be reimbursed for a major portion, say 90%, of their losses above this amount from the reinsurance fund. The fund is to be supplemented by State participation in the losses, should losses exceed premiums contributed from that State. If losses should ever become so great that they exceed accumulated premium income plus the company retention and State participation, the Secretary of Housing and Urban Development could borrow from the United States Treasury to cover the losses.

Only those companies that help provide insurance in the inner city will be eligible for national reinsurance. The sale of reinsurance is restricted to those companies that fully participate in FAIR Plans and other programs designed to make essential property insurance available in the urban core.

In anticipation of the passage of the Federal legislation, I understand that the insurance industry has been meeting with various State officials in an effort to develop State legislation to complement the national legislation. Further, I understand extensive discussions are being held in some States looking toward the rapid establishment of FAIR Plans.

These developments at the Federal, State, and local level indicate that we have come a long way since last August when the Advisory Panel was organized. To bring out more fully just how far we have come, I would like to go back and review why the Panel was created and what tasks it accomplished. A look at this history is important to an understanding of what lies ahead.

As you may recall, President Johnson appointed The National Advisory Commission on Civil Disorders last July 27 to investigate the origins of the disorders that had occurred and to make recommendations for measures to prevent or contain them in the future. Almost immediately this Commission heard complaints about the unavailability and high cost of property insurance in riot-affected areas. The problem was said to be serious—an impediment to rebuilding these areas and a cause of the spread of urban blight.

Believing that a separate and expert group could deal more expeditiously with the specialized insurance problem, the Commission consulted with the President, and the Insurance Panel was appointed on August 10. It was chaired by Governor Richard J. Hughes of New Jersey. The Vice-Chairman was former Governor William W. Scranton of Pennsylvania. Mayor Walter E. Washington, then Chairman of the New York City Housing Authority, contributed his knowledge of local needs. The insurance industry was represented by three outstanding figures—Frank L. Farwell, George S. Harris, and A. Addison Roberts. The Federal Government was represented by Frank M. Wozencraft, Assistant Attorney General.

The first meeting of the Panel was held on August 23. It was clear that the insurance situation was difficult—in some places, desperate—and that leadership by industry and government was needed to prevent further deterioration. On September 15, the Panel set forth a preliminary program calling upon State insurance commissioners, the insurance industry, and others to halt any further contraction of the urban insurance market.

While we knew steps should be taken to keep the situation from worsening, we did not then know—and I venture to say there was no one who did know—exactly what the nature and scope of the problems were. There were conflicting reports. On the one hand, numerous inner city residents claimed—as reports to the Disorders Commission had indicated—they could not buy insurance. They said their areas had been "red-lined." There were charges of discrimination against Negro property owners. If insurance was available, the price was said to be prohibitive. Some reported price increases of 200% to 300%, and even more. The seriousness of the problem to the insurance buyer was graphically stated by a Newark butcher who said, "Nobody wants to insurc us. No insurance—everyone I see. I [would] give my right hand [for it]."

On the other hand, there were responsible insurance industry representatives and State officials who did not feel that the problem was truly serious, that at least it was being exaggerated, and that no special measures were needed. They felt the market was operating adequately. While they agreed that some property owners could not obtain insurance, the reason, they said, was because their property was in poor condition, a fire hazard, and uninsurable.

Further, in the aftermath of last summer's riots, insurance industry spokesmen were themselves urging various courses of action upon the Government. Some stressed the need for Federal financial backup to cover losses from riots. Others saw no need for such a program. The public, it is my guess, probably had little, if any, understanding of what possible connections there could be between insurance availability and the arcane subject of reinsurance.

The Federal Government had no existing mechanism for evaluating these conflicting reports or coming to grips with the problem. It comes as no surprise to you, I daresay, that there is no agency or office in the Federal Government with direct responsibility for insurance problems. No comprehensive study of property insurance availability problems had ever previously been undertaken. It was for this reason that the President appointed a special panel to investigate the problem and, if solutions were needed, to develop them. In other words, the Government needed expert help to fill the gap in its own knowledge and organization. It needed a careful report to form the basis for informed decision-making.

The Advisory Panel set about its work on an urgent basis. Information was gathered from across the country. Interviews were conducted in numerous cities; public hearings were held and witnesses were heard in executive session; urban homeowners and businessmen were systematically surveyed; and written information was requested from a wide variety of interested parties—State regulators, insurers and reinsurers, agents and brokers, bankers, savings and loan associations, mortgage brokers, city officials, police and fire departments, and others.

The Panel found that the shortage of insurance had reached critical proportions. The national character of the problem became evident. Thus, the Panel's survey of 3,000 urban core homeowners and businessmen in six cities disclosed that over 40% of the businessmen and close to 30% of the homeowners had serious property insurance problems. Further, the survey showed that the insurance problems in St. Louis—where there were no riots—were as severe as in Detroit. They were as serious in Oakland—where riots were minor—as in Newark.

It became clear to every member of the Panel that action to achieve a solution was required. Riots and the fear of riots were threatening to cause an even further withdrawal of insurance in urban areas. Some companies stated bluntly that without some form of protection against catastrophic losses they would be unwilling to provide any insurance in urban core areas. It was feared that the private reinsurance for riot losses which had traditionally been relied upon to protect against catastrophic losses would either be withdrawn or become prohibitively expensive. A consensus was reached that some form of governmental backup to protect against catastrophic riot and civil disorder losses was needed.

Yet, it was clear that the task of providing adequate insurance in the urban core could not be met merely by supplying financial assistance to protect insurance companies against catastrophic riot losses. Adequate insurance had been unavailable in the urban core even before the riots or threat of riots. More than riot reinsurance was needed to solve the problem. A comprehensive program had to be developed that dealt with all aspects of a complex situation.

Shortly after my appointment as Executive Director of the Advisory Panel, a number of people told me—in a spirit of good will to a newcomer to the insurance field—that we could encounter perhaps insurmountable problems in developing a program because the insurance industry was divided in numerous ways by economic circumstances and differences in view towards major policy matters; and there was a traditional tension over State versus Federal regulation.

I suppose it is correct that if we had attempted to solve *those* problems we would have failed. We did not attempt to deal with *those* problems, however, but to deal with *our* problem—how to secure insurance for urban property owners. And, the result was that things began to fall into place. Cooperation by all concerned was achieved.

The situation was extremely complex and there was no easy or simple solution available. We were able to develop our solution in the short time available only because of the important groundwork that had been laid by the insurance industry and State insurance regulators. Thus, the Panel immediately focused on some all-industry institutions which had demonstrated promise.

Urban Area Plans, the first of which was put into effect in Boston in 1960, were present in one form or another in 13 states. The Watts pool had been formed to deal with a particularly difficult insurance situation that had come to light following the riot of 1965. These efforts made clear the ability and the willingness of the industry and State insurance regulatory authorities to develop viable programs to solve local insurance problems. The major part of the Panel's work was to act as a catalyst for the enlightened suggestions of all concerned.

The experience under the urban area plans, for example, demonstrated the need for a clearing house whose purpose would be to gather facts and evaluate the success of alternative approaches to solving the problem. Each one of the existing 13 urban area plans differed from the others in varying degrees, although few people seemed aware of the differences. In some cases the differences grew out of variations in local practices and rating laws. In other cases the plans involved substantially different approaches to reaching the same objective. Some of the plans seemed to accomplish their purpose more fully than others. None, however, seemed to work entirely satisfactorily.

After examining the various plans, the Panel felt that the best parts of each could be combined and expanded to create a new plan—called the Fair Access to Insurance Requirements Plan or FAIR Plan—which could work more effectively than any of the existing ones. Under the pending Federal legislation, participation in these plans is a condition for acquiring national reinsurance.

It should be emphasized, however, that the pending legislation sets forth only minimum standards for FAIR Plans. Each State insurance authority can build upon these plans and adopt whatever additional provisions are needed to meet local requirements. No one wants to lose the benefits of imagination and capacity at the local level to initiate and experiment with new ideas and new approaches to solving problems.

It was recognized that in some States the FAIR plan alone might not be sufficient to meet property insurance needs. This seemed to be the case in New York, for example, which has now adopted legislation authorizing the Insurance Superintendent to establish a pool to help provide more adequate insurance. Other jurisdictions, including Michigan and New Jersey, are also moving forward on special legislation.

It was also recognized that there might be a variety of means by which a State could take vigorous action to meet any property insurance needs that its FAIR Plan alone could not satisfy. Pools might not be the only answer. Consequently, as we proposed, the pending legislation leaves the task of developing any needed additional programs to the insurance industry and the State insurance authority. The administrators of the Federal reinsurance program, however, would have authority to deny reinsurance in States where the necessary steps are not taken to make essential property insurance more readily available.

It cannot seriously be contended that the power to withhold national reinsurance on certain conditions is Federal regulation. The role of the Federal Government under the legislation will be limited to providing a reinsurance facility, catastrophe financial backup, and a focal point for collecting facts and evaluating results on a national basis. True, reinsurance can be denied to a company or in a State which does not vigorously attempt to solve its urban insurance problems. And, perhaps even more important, there will be national disclosure if such a situation arises. But the task of solving the problem is left to the industry and to the States. And the existing structure of the industry and patterns of State regulations are left undisturbed.

This approach has received wide support both inside and outside the Federal Government. It must be reported, however, that there are some who doubt whether the approach taken will solve the problem. They believe that more direct intervention by the Federal Government will be required—for example, by setting up a Government insurance corporation to sell insurance or by some sort of Federal regulation.

In a matter so complex and requiring such a great degree of innovation, differences of view can be expected. We believed that cooperative effort is the best and perhaps the only effective way to find a solution. Everyone is asked to accept responsibilities and to contribute in an appropriate fashion. The solution we arrived at is, therefore, a balanced one that we hoped could be successfully and rapidly implemented.

The final question then, is: what lies ahead? The first task is the establishment of FAIR Plans in all States. The right of responsible property owners to have fair access to property insurance is now firmly established: it is widely supported by the public and at all levels of government and has been promised by the industry.

Second, these plans must be vigorously implemented. Their success will require the full cooperation and support of every agent, broker, and company in the property insurance industry. We have every confidence that the insurance industry will wholeheartedly carry out its responsibilities.

Third, there must be continued alertness. If these plans prove inadequate, the insurance industry in cooperation with State regulators will have the responsibility for developing additional measures to assure the availability of property insurance.

Insurance, as you well know, is a vital link in efforts to attract private resources into urban core areas and to provide more goods, services and jobs, and better housing for their residents. The solution of the insurance problem is vital to the success of every private, local, State, and Federal program aimed at rebuilding our cities. The failure to provide insurance in the urban core can only result in further deterioration of our cities. Insurance cannot rebuild our cities. But our cities cannot be rebuilt without insurance.

The Panel recognized that the insurance industry has no control over the social and living conditions that make some areas difficult to insure. It is clear that law and order must be maintained. Yet, the failure to provide insurance for adequately kept properties can only result in fostering conditions that cause decay in our social fabric and in bringing about at greater speeds and in larger concentrations the very living and social conditions in which you find it difficult to provide insurance. The circle must be broken. The time is now.

To sum up, the insurance industry and the State regulators are now in a position to move forward dramatically. They have told the public that they wanted to meet the challenge of solving the insurance crisis in our cities. They have expressed confidence that with the assistance to be provided by the Federal legislation they could meet the challenge. As President Johnson recently said to another group of businessmen about to tackle a difficult social problem on behalf of the nation:

"American business has always been equal to its challenges."

NEWSLETTER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. THOMPSON of Georgia. Mr. Speaker, due to the many requests from a number of persons that I make my newsletter available to all, I wish to insert the text in the Extensions of Remarks of the RECORD. The text follows:

[From U.S. Congress, FLETCHER THOMPSON Reports to You, Vol. II, No. 3]

DEAR FRIEND: *Serving you:* When your leaders listen to the *true voice* of the people *the best interest of the nation is served.* It's when they ignore your opinions that America gets in trouble. That's why we constantly ask *your opinion on* issues before the Congress. *We care how you think. But a critic* of these reports *says that if I am going to ask you how you feel and then vote that way,* I may as well be a computer. Well, maybe using a computer is not a bad idea if it will help me learn your views on key issues. I'm looking into the idea.

Your vote's vital!: With Presidency, many Senate seats, entire Congress and other important offices to be decided in this year's elections, *it's vital every qualified citizen is registered and votes.* Last day to register for Republican and Democrat primaries in September is *July 22.* Last registration day to vote in Presidential, Congressional elections is *September 16.* More than 50 new precincts have been established to speed up voting and 700 new vote recorders have been purchased. *Closeness of outcome in 4th District race in 1966, when 360 votes decided contest where 110,138 were cast, and 1960 Presidential contest, decided by 112,253 out of 68,335,642, is proof your vote's vital.* Be sure you're registered. Be certain you vote!

Congressional ethics: Republican 90th Club, of which I am President, strongly supported adoption of Resolution establishing permanent Committee on Standards of Official Conduct and code of ethics for Congressmen. *Though Code is not as strong as I'd like, it is a step in right direction . . . sets* rules on acceptance of gifts, campaign contributions, outside compensation; requires disclosure of any substantial interest held by member in any company doing business with federal government or subject to federal regulation. With Code, House has way to *crack down on erring members, prevent "bad apple" from reflecting on integrity of entire Congress.*

Income tax exemptions: When you filed your federal income taxes you undoubtedly found the $600 personal exemption *ridiculously low.* Many taxpayers have complained to me the exemption's too small . . . *that it should be increased because no one can support himself or a dependent for that nowadays.* Many bills have been introduced by Republicans to raise exemptions to $1,000—*the level in 1932 when exemptions were also $2,500 per couple.* Succeeding administrations whittled them to $500 and $1,000 per couple in 1947. *Republican-controlled 80th Congress increased them to present level.* But despite higher living costs, Administration leaders kept such bills bottled up in committee, talk instead of raising your taxes which some expect to be part of "guaranteed income" program.

Teachers, take pride: High school teachers in our local schools can take deep personal pride in outstanding record achieved by Fifth District appointees to U.S. military academies. *Not only have all three of our Principal appointees, been accepted, but U.S. Naval Academy has also accepted two Alternate appointees, Stephen Fisher and John R. Wilkerson.* Five other Alternates have been rated qualified by West Point and Annapolis but no vacancies are available at present. Congratulations for a teaching job well done!

"Restraint" re-examined: During riots in your Nation's Capital City after the murder of Dr. Martin Luther King, Jr., 12 people were killed, 983 businesses destroyed, hundreds looted, 250 dwellings burned, some $25 million in insured property damage done. *This . . . while Washington police exercised "restraint in dealing with looters and rioters on official orders.* Now, May issue of Policemen's News says this new tactic "must have a sour connotation, especially to those who lost everything—their virtual life-savings and investment. . . ."

Reporting your views: You want firm law enforcement, reduced federal spending more than any other things. *So say your votes and spontaneous comments on our recent questionnaire.* Sample tabulations show you oppose travel tax, *51%* to *46%*; dislike President's handling of Vietnam War, *73% to 20%;* favor control of mail-order firearm sales, *61%* to *38%*; oppose open housing, *81%* to *16%*; dislike wage-price controls, *47%* to *44%*; are against surtax by *63%* to *29%*; support reduced federal spending by *93%* to *6%*; and oppose funding of riot study recommendations, *82%* to *14%*.

Obscenity: Complaints continue to reach us from people who've received unsolicited obscene mail, wanting to know how to prevent such filth from being sent to their homes. *House Post Office Committee on which I serve drafted new law that became effective April 15, giving you power to protect yourself against smut.* To stop such mail, write Postmaster General enclosing smut mail demanding order be sent to mailer to remove your name from his list. Your orders will be followed.

No wonder we're in debt: Our national debt is now more than $350 billion, requiring annual interest payments of $15,500,000,000.00 each year. If you're wondering where your tax money went, check the list of countries below receiving your government's foreign aid between 1945 and 1966. *See how many dependable friends you can find.* Yet we are still giving away more billions we haven't got (the Johnson-Humphrey Administration is asking for a total of $11.3 billion more for foreign aid projects in 1969). *I favor reducing and eliminating most foreign aid* so we can meet pressing domestic problems at home.

Albania	$20, 400, 000
Austria	1, 198, 000, 000
Belgium-Luxembourg	2, 004, 900, 000
Czechoslovakia	193, 000, 000
Denmark	920, 500, 000
East Germany	800, 000
Finland	134, 400, 000
France	9, 409, 600, 000
Germany (Federal Republic)	4, 997, 400, 000
Berlin	131, 900, 000
Hungary	31, 500, 000
Iceland	84, 000, 000
Ireland	146, 500, 000
Italy	6, 092, 900, 000
Malta	6, 100, 000
Netherlands	2, 470, 400, 000
Norway	1, 236, 000, 000
Poland	$554, 500, 000
Portugal	519, 100, 000
Spain	2, 004, 300, 000
Sweden	109, 000, 000
United Kingdom	9, 044, 900, 000
U.S.S.R.	186, 400, 000
Yugoslavia	2, 863, 900, 000
Europe Regional	2, 735, 000, 000
Australia	275, 300, 000
New Zealand	27, 700, 000
Trust Territories of the Pacific Islands	125, 400, 000
British Solomon Islands	400, 000
Tonga Island	300, 000
Canada	36, 300, 000
Vietnam	4, 590, 100, 000
Burma	100, 600, 000
Afghanistan	346, 400, 000
Ceylon	101, 500, 000
Cyprus	19, 300, 000
Greece	3, 749, 400, 000
India	6, 769, 200, 000
Iran	1, 752, 000, 000
Iraq	102, 700, 000
Israel	1, 104, 500, 000
Jordan	572, 800, 000
Lebanon	87, 900, 000
Nepal	97, 800, 000
Pakistan	3, 079, 800, 000
Saudi Arabia	209, 100, 000
Syrian Arab Republic	73, 300, 000
Turkey	5, 039, 800, 000
United Arab Republic (Egypt)	1, 133, 300, 000
Yemen	41, 800, 000
Central Treaty Organization	52, 800, 000
Near East and South Asia Regional	1, 082, 300, 000
Argentina	758, 600, 000
Bolivia	460, 600, 000
Brazil	3, 185, 700, 000
British Honduras	4, 400, 000
Chile	1, 242, 200, 000
Colombia	834, 800, 000
Costa Rica	149, 000, 000
Cuba	52, 100, 000
Dominican Republic	320, 100, 000
Ecuador	279, 600, 000
El Salvador	108, 100, 000
Guatemala	209, 200, 000
Guyana	24, 400, 000
Haiti	108, 800, 000
Honduras	88, 500, 000
Algeria	179, 400, 000
Botswana	7, 400, 000
Burundi	6, 700, 000
Cameroon	27, 200, 000
Central African Republic	3, 500, 000
Chad	5, 500, 000
Congo (Brazzaville)	2, 200, 000
Congo (Kinshasa)	351, 000, 000
Dahomey	9, 700, 000
Ethiopia	317, 500, 000
Gabon	5, 800, 000
Gambia	600, 000
Ghana	174, 800, 000
Guinea	75, 700, 000
Ivory Coast	28, 800, 000
Kenya	57, 200, 000
Lesotho	1, 100, 000
Liberia	241, 600, 000
Libya	220, 000, 000
Malagasy Republic	9, 600, 000
Malawi	11, 800, 000
Mali, Republic of	18, 700, 000
Mauritania	3, 000, 000
Morocco	534, 100, 000
Niger	10, 600, 000
Nigeria	190, 300, 000
Rwanda	5, 500, 000
Senegal	21, 500, 000
Sierra Leone	32, 500, 000
Somali Republic	52, 200, 000
South Africa, Republic of	150, 600, 000
Southern Rhodesia	7, 000, 000
Sudan	108, 400, 000
Tanzania	50, 000, 000
Togo	12, 000, 000
Tunisia	487, 900, 000

Uganda	$21,000,000
Upper Volta	6,800,000
Cambodia	341,100,000
China (Republic of)	4,899,500,000
Hong Kong	41,900,000
Jamaica	44,300,000
Mexico	1,068,200,000
Nicaragua	133,100,000
Panama	173,000,000
Indochina, Undistributed	1,535,200,000
Indonesia	834,600,000
Japan	3,972,900,000
Korea	6,676,700,000
Laos	473,400,000
Malaysia	47,500,000
Philippines	1,925,000,000
Ryukyu Islands	340,600,000
Thailand	1,089,200,000
East Asia Regional	731,800,000
Paraguay	106,200,000
Peru	678,900,000
Surinam	10,100,000
Trinidad and Tobago	52,200,000
Uruguay	119,400,000
Venezuela	392,200,000
Other West Indies	3,700,000
Regional	83,100,000
Latin America Regional	997,600,000
Zambia	36,100,000
East Africa Regional	18,400,000
Regional USAID/Africa	1,300,000
Africa Regional	76,000,000
Non-Regional—Total	6,462,800,000
Total, all countries	122,358,500,000

SOURCE—*Agency for International Development.*

It is a high honor for me to serve you in Congress.

Yours very truly,

FLETCHER THOMPSON,
Member of Congress.

TRIBUTE TO THE LATE JOSEPH W. MARTIN, FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES

HON. MELVIN R. LAIRD

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LAIRD. Mr. Speaker, the Congress was saddened as indeed was the whole Nation to learn of the passing of the gentleman from Massachusetts, former Speaker Joseph W. Martin. It was my privilege to come to this body at a time when he was Speaker during the 83d Congress. I learned much from him during those early years of my service and I shall forever be grateful to him for his guidance and understanding.

Mr. Speaker, Joe Martin was truly a great American and a great Republican. He served his party and his country well during 42 remarkable years of devoted service.

My first exposure to Joe Martin's political skill occurred at the 1948 Republican convention—my first but the third over which he had presided as chairman. He also chaired the 1952 and 1956 conventions, but as a young State senator attending my first national convention as a delegate, I was impressed and inspired by Joe Martin's skill and effectiveness as the presiding officer of that convention.

Mr. Speaker, I join with all of my colleagues who knew and worked with Joe Martin during his remarkable service in this body in expressing my personal sorrow at his passing.

Mrs. Laird joins me in extending to the loved ones he left behind our heartfelt sympathies on the passing of a great American.

FRANKLIN H. WILLIAMS RETIRES AS AMBASSADOR TO GHANA

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. GUBSER. Mr. Speaker, my constituent, the Honorable Franklin H. Williams, is concluding his tour of duty as U.S. Ambassador to Ghana. Both he and Mrs. Williams have done an outstanding job in this very crucial spot. I feel that as the Williamses leave Ghana they leave with the respect and admiration of thousands of the citizens of that country. We are most indebted to this fine couple for their work.

As evidence of the great esteem in which Ambassador and Mrs. Williams are held by Ghanaians, I submit three articles from Ghana newspapers. The first is from the Echo for Sunday, April 21, 1968, and is entitled "Farewell, Frankie":

FAREWELL, FRANKIE

United States Ambassador Franklin Williams leaves Ghana for good early next month—barely two weeks hence.

During his tenure of office, he has caused aid to the tune of about NC39 million to be rendered by his government to Ghana.

Frankie, as he is affectionately called, has endeared himself to the hearts of thousands of Ghanaians. He has travelled extensively to remote hamlets of this country carrying aid to self-helping peasant farmers and schoolchildren.

Ambassador Williams, an eminent civil liberty fighter, has fired the imagination of many educated Ghanaians in their search for freedom and high living standard wherever he made his fiery speeches.

Ghana will miss him a lot especially at this exciting time in our history. I wish to assure him that many of us appreciate his good offices.

On behalf of our numerous readers, I say "Godspeed Frankie. Come back to us again some day!".

The next article is from the Daily Graphic for April 23 and is entitled "By the Fruits of His Labours":

BY THE FRUITS OF HIS LABOURS

Perhaps one day Mr. Franklin Williams, the retiring Ambassador of the U.S.A. here will write a book on what life has taught him. If he does we expect that his stay in this country will constitute an important part of his memoirs.

This is because as an Afro-American, his appointment as the Ambassador to this country at a time when there was indication of a strong 'Government instigated' dislike for the Government of the United States here, must have constituted a serious challenge to him as a person.

He was faced with the task of rectifying the prevailing unfavourable atmosphere here regarding the policies of the Government of the U.S.A., which had either rightly or wrongly been decried by our old regime.

He had to justify his presence in the land of his forefathers in face of mounting pressure in the United States by Afro-Americans for equal citizenship in the land that claims to be "the land of the free."

We do not know what makes him decide to leave the diplomatic service of U.S. at the time he does, but we would like to make him aware of our opinion that it is to the credit of his person that he has managed to survive and in fact help to project a more favourable impression of the United States, particularly during the difficult period before the February coup.

We do not know what the leaders of the militant Afro-American Civil Rights Movements think of their brothers who take up such important American Government posts; but this we can say of the calibre of Mr. Franklin Williams, as far as we are concerned: his character and ability to hold such a high office has convinced us that the repression, suppression and segregation of Afro-Americans in the United States is a deliberate act of racial discrimination.

Few of us here ever have the opportunity to meet Afro-Americans of his rank, and his posting here which perhaps must have been motivated by other considerations has confirmed our belief and conviction that given equal opportunities every human being is capable of representing and promoting the highest ideals.

We think Mr. Williams apart from perhaps having done good work for the United States Government, has by his presence here done a lot to raise the prestige of the Afro-American struggle for equality.

It is therefore gratifying to learn that his new occupation will be one directly connected with the movement.

We wish him and our brothers in the United States all the best; and we assure them that we are solidly behind them.

The final article is from the Pioneer for May 2, 1968, and bears the title, "Franklin Williams":

FRANKLIN WILLIAMS

Ambassador Franklin Williams, the United States diplomatic representative in Ghana, is a jolly good fellow. He has made a great impact in Ghana and on Ghanaians.

Quite apart from the material aids which the Government and people of America have given to the Government and people of Ghana, we consider the gift of cutlasses to be very significant. There is in this gesture by the U.S.A., through Ambassador Franklin Williams, a message calling upon the people to realize that our salvation is in our own hands, and the best help is self-help.

The gift of cutlasses also has a psychological undertone. It encourages our farming communities to know that America is interested in the individual efforts and in agriculture.

Ambassador Franklin Williams was last week installed Ankobeahene of Amonokrom. There also he gave the people some cutlasses.

We wish to crown him today as "Honorary Chief Farmer," for we feel strongly that he deserves such an honour in addition to his position as a Chief.

He has demonstrated great interest in the social progress on Ghana's urban and rural communities. He has shown an outstanding and genuine sympathy for the aspirations of the Government and people of Ghana.

To him and all the other Ambassadors accredited to Ghana, who have shown support and appreciation for our national ambitions, we wish to give assurance that the people of Ghana are set on the road of no return.

We are determined to create a representative institution, durable in content and democratic in application, which will be of a lasting reward to all those who have played a part in our reconstruction and political programme.

We wish Ambassador Franklin Williams well, and we look forward to a continued cooperation between our two countries.

We hope that when he returns home, he will continue to take interest in the affairs of Ghana as a private citizen.

Mr. Speaker, these comments from three separate newspapers are convincing testimony to the marvelous job performed by Mr. and Mrs. Williams. All Americans should be truly grateful for their outstanding and unselfish service.

HOUSE REPUBLICAN POLICY COMMITTEE STATEMENT ON THE WHOLESOME POULTRY PRODUCTS ACT—H.R. 16363

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RHODES of Arizona. Mr. Speaker, the 1957 Poultry Products Inspection Act that was enacted into law under the Eisenhower administration, was an important milestone in the development of adequate poultry inspection. It established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. It gave assurance to the consumer that products bearing the Federal inspection mark were wholesome, unadulterated, and honestly labeled.

H.R. 16363 would update and expand the original act as follows:

First. The establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967 is authorized.

Second. Through the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government.

Third. The States are given 2 years in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

Fourth. Federal inspection and regulation is extended to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements within the specified time.

Fifth. Where poultry products processed solely for intrastate commerce endanger the public health, the Federal requirements could, under specified conditions, be applied at any time.

The provisions of H.R. 16363 would extend essential inspection requirements to the bulk of all poultry slaughtered. It would require sanitary facilities and practices in plants which will prevent movement in commerce of unwholesome or adulterated poultry. It would clarify the authority of the Secretary in the matter of labeling and would conform this act with the recently enacted Federal Meat Inspection Act.

Through the adoption of a Republican-sponsored amendment, the small producer who processes his or her own poultry and the small businessman handling poultry would be exempt from the provisions of this act so long as such poultry are sound, healthful and clean and do not move in interstate commerce. This exemption is limited to those cases where the wholesale dressed value of the poultry does not exceed $15,000 a year. This will mean that the farmer or the farmer's wife who raises and sells poultry to local customers in order to supplement the family income will not be subject to costly inspection procedures and mandatory recordkeeping requirements.

We believe that H.R. 16363 provides additional safeguards to the poultry consuming public. It would help to insure that dressed poultry has been processed in a wholesame manner and is properly labeled. We urge its adoption.

INDUSTRY STEPS UP SCHOOL ROLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, the weekly publication, Education, U.S.A., has carried an excellent article on the growing role of American industry in education.

I believe my colleagues will be interested to know what the various cities throughout the country are doing in developing a new relationship between the public schools and industry in their respective communities.

I believe the programs described in this publication are excellent examples of how industry can help local educators meet the challenge of our times.

The article follows:

INDUSTRY STEPS UP SCHOOL ROLE

Education's "sleeping giant"—cooperative education combining the efforts of schools and industry—is beginning to stir. A survey conducted by Education U.S.A. shows a sharp acceleration of partnership programs involving big business and nearby schools during the current year. The idea is not new, but the intensity and the large-scale comprehensiveness of newly launched efforts are definitely new, according to John R. Miles, education manager, Chamber of Commerce of the United States.

Several innovative "partnership" programs have been launched this year in Detroit—and more are being encouraged by Supt. Norman Drachler of the Detroit public school system. They include: "Adoption" of the predominantly Negro Northwestern High School by the Chrysler Corp.—The auto maker's contribution is a joint development by Northwestern's faculty, the central school administration, and Chrysler—and it has the full backing of the board of education. Chrysler provides students with work experience; employment and job application guidance and training; equipment for an auto mechanics school; employment services to assist students in gaining employment.

Operation of an anti-dropout program by the J. L. Hudson Co., a large department store—Half the 500 participants are potential high school dropouts. The program provides jobs and stresses interview techniques, proper attitude, and opportunities for upgrading.

A partnership between Northern High School and the Michigan Bell Telephone Co.—In its efforts to prepare students for the world of work, the Michigan Bell's effort is now including retail experience for students. A mock store has been established; market research is done; stocks of goods are bought; sales prices are determined; and margin of profit is calculated.

An ambitious partnership program has just been announced in Hartford, Conn., by the Aetna Life and Casualty Co. It is "adopting" Weaver High School, an overcrowded plant with 60% Negro enrollment. Typical activities include counseling by Aetna employees on the operation of the school's newspaper; photographic assistance to a class currently engaged in a special photography assignment; field trips for members of the printing class; and office machine training at the home office on Saturdays.

A joint school-industry job training program is being launched by the Cleveland public schools, the General Electric Co., and a number of other local industries. The plan includes the donation by GE to the school district of a three-story, air-conditioned warehouse worth nearly $5 million. Five hundred unemployed inner-city youngsters will be trained for permanent jobs. The building will bring together basic education, industry-sponsored job training, and on-site employment facilities.

One of the boldest plans of partnership is proposed for Philadelphia. The district is planning a new 2,400-student downtown high school with no plant. Its classrooms will be held in downtown business and community buildings. The idea, Supt. Mark R. Shedd says, is not only to save $19 million required for a new high school plant, but to "dramatize the fact that the schools are the community and the community, the schools."

"This trend towards more school-industry cooperation is just beginning," in the opinion of Gordon F. Law, director of research for the American Vocational Assn. "We believe it's education's sleeping giant," he added.

SENATE—*Friday, May 24, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, the light of our minds, the power of our thought, the breath of our lives, draw closer to us in this moment of prayer. For we need quietness. Shouting and tumult are always about us, and the noise of the world never dies down. But in Thy presence there is healing quietness. Let us find Thy presence now. Help us to make room for thought that ennobles, and to turn our self-love into a love that goes out to others, in a flow of sympathy.

In the crises of our times undergird us with Thy might to exercise the potent ministry to all the world to which, in Thy providence, we believe Thou hast called us in this age on ages telling. As the toil of a new day opens before us, we lay before Thee the meditations of our hearts; may they be acceptable in Thy sight.

We ask it in the hallowed name of Him for whose coming kingdom we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 23, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 22, 1968, the President had approved and signed the joint resolution (S.J. Res. 129) to authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of George A. Avery, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia, which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 168) to authorize the temporary funding of the emergency credit revolving fund.

The message also announced that the House had passed the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator;

H. Con. Res. 614. Concurrent resolution to provide for the printing of 1,000 additional copies of anticrime hearings; and

H. Con. Res. 702. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

HOUSE BILL REFERRED

The bill (H.R. 2158) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator;

H. Con. Res. 614. Concurrent resolution to provide for the printing of 1,000 additional copies of anticrime hearings; and

H. Con. Res. 702. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which H.R. 5037 was passed yesterday be reconsidered together with the third reading and that the bill be amended on page 17, line 2, to strike out "1967" and insert "1968," and on page 93, in the last line of the amendment adopted to paragraph (2), after the word "would" insert "not", and that the bill be read a third time and passed.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5037) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN subsequently said: Mr. President, I ask unanimous consent that H.R. 5037, the Omnibus Crime Control and Safe Streets Act of 1967, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1120, H.R. 5404.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5404) to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 2, after line 14, insert:

(4) to foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences;

At the beginning of line 19, strike out "(4)" and insert "(5)"; on page 3, at the beginning of line 6, strike out "(5)" and insert "(6)"; at the beginning of line 14, strike out "(6)" and insert "(7)"; in line 18, after the word "educational" strike out "institution," and insert "institution and appropriate"; in line 19, after the word "organization" strike out "and private contractor"; after line 23, strike out:

(b) When requested by the Secretary of State or the Secretary of Defense, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to internatoinal cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities.

And, in lieu thereof, insert:

(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities. Such activities when initiated or supported pursuant to requests made by the Secretary of State or the Secretary of Defense shall be financed solely from funds transferred to the Foundation by the requesting Secretary as provided in section 15(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate Secretary.

On page 5, line 7, after the word "Board" insert "and the Director"; on page 6, line 6, after the word "establish" strike out "and be responsible for"; in line 15, after the word "education," insert "research management"; in line 25, after the word "Colleges," insert "the Association of State Colleges and Universities"; on page 9, line 6, strike out "14" and insert "15"; on page 10, after line 21, strike out:

(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board if such contract, grant, or other arrangement involves a new type of program, or involves a total commitment of over $2,000,000, or over $500,000 in any one year, or a commitment of such other amount or amounts and subject to such other conditions as the Board in its discretion may determine and publish in the Federal Register.

And, in lieu thereof, insert:

(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board, except that a grant, contract, or other arrangement involving a total commitment of less than $2,000,000, or less than $500,000 in any one year, or a commitment of such lesser amount or amounts and subject to such other conditions as the Board in its discretion may from time to time determine to be appropriate and publish in the Federal Register, may be made if such action is taken pursuant to the terms and conditions set forth by the Board, and if each such action is reported to the Board at the Board meeting next following such action.

On page 15, after line 2, strike out:

(1) by striking out "section 17" and inserting in lieu thereof "section 16";

At the beginning of line 5, strike out "(2)" and insert "(1)"; at the beginning of line 7, strike out "(3)" and insert "(2)"; on page 16, after line 2, insert:

(d) Section 11 of such Act is further amended by striking out the word "and" at the end of clause (h), by striking out the period at the end of clause (i) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end thereof a new clause as follows:

"(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct."

After line 16, strike out:

Sec. 11. Section 14 of the National Science Foundation Act of 1950 is repealed.

And, in lieu thereof, insert:

Sec. 11. Effective September 1, 1968—

(1) section 14 of the National Science Foundation Act of 1950 is repealed, and notwithstanding the provisions of the first section of this Act, until such date the provisions of section 3(a)(9) of such Act of 1950 shall remain in effect for the purposes of such section 14; and

(2) sections 15, 16, and 17 of such Act, and all references thereto in such Act, are redesignated as sections 14, 15, and 16, respectively.

On page 17, line 5, after the word "is" where it appears the first time, strike out "redesignated as section 14 and is"; at the beginning of line 8, change the section number from "14" to "15"; on page 20, line 3, after "Sec. 13" strike out "Sections" and insert "Section"; in the same line after "16" strike out "and 17"; in line 4, after "1950" strike out "are redesignated as sections 15 and 16, respectively. Subsection (a) of the section redesignated as section 15"; in line 8, after the word "of" strike out "the" and insert "such"; in the same line, after "section" strike out "redesignated as section 15"; in line 10, after the word "section" strike out "14" and insert "15"; after line 10, insert a new section, as follows:

Sec. 14. Subsection (a) of section 17 of the National Science Foundation Act of 1950 is amended to read as follows:

"(a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1969, the sum of $525,000,000; but for the fiscal year ending June 30, 1970, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums authorized by this subsection shall be in addition to sums authorized by section 201(b)(1) of the Marine Resources and Engineering Development Act of 1966."

At the beginning of line 24, change the section number from "14" to "15"; and on page 21, at the beginning of line 21, change the section number from "15" to "16".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1137), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY

The purpose of H.R. 5404 is to facilitate the mission of the National Science Foundation by making much-needed reforms in the organization and operation of both the Foundation and its governing body, the National Science Board.

To carry out the foregoing, the bill, as approved by this committee, is directed to four major goals:

(1) Broadening the Foundation's mission and giving statutory effect to the several reorganization plans in regard thereto;

(2) Strengthening and adding to the functions of the National Science Board;

(3) Unifying and augmenting the operational authority of the Foundation's Director; and

(4) Adding a requirement for annual authorizations by the Congress.

BACKGROUND

The National Science Foundation (NSF) was created in 1950, in the wake of extensive congressional debate and some controversy over its mission and form. Its creation was largely the result of public realization of the values of research and development in connection with World War II, plus the war's technological aftermath. Fundamentally, the Foundation was charged with the duty of fostering basic research throughout the United States, together with promoting education and training of those needed to do the research.

For the most part, once organized and functioning, the Foundation carried out its programs in an atmosphere of relative quiet and moderate growth. Its contacts with the Congress were, and until recently have remained, casual and generally confined to an annual inspection of the NSF budget.

But, in the post-Sputnik era, public opinion crystallized around a concept that basic science was no longer an ancillary but a primary instrument for guarding the national safety, health, interest, and economy.

From an organizational point of view, the Congress responded to the new emphasis on science in a variety of ways—including the establishment of the Senate Committee on Aeronautical and Space Sciences in 1958, and the House Committee on Science and Astronautics. The House committee was given legislative jurisdiction over the NSF, as well as scientific research and development in general, space exploration, and other matters. In the Senate, legislative jurisdiction over the NSF remained in the Committee on Labor, and Public Welfare, primarily because of the NSF's strong links to education policies and programs.

House of Representatives action

Late in 1964, pursuant to a directive from the chairman of the House Committee on Science and Astronautics, Mr. George P. Miller of California, its Subcommittee on Science, Research, and Development, under the chairmanship of Mr. Emilio Q. Daddario of Connecticut, began a comprehensive review of the Foundation and its operations.

At that time, the subcommittee arranged with the newly formed Science Policy Research Division of the Library of Congress for a complete background report on the Foundation. The report was completed and submitted to the subcommittee in May 1965. ("The National Science Foundation: A General Review of Its First 15 Years," a report of the Science Policy Research Division, Library of Congress, to the House Committee on Science and Astronautics, May 1965). Shortly thereafter, the subcommittee met in executive session over a period of time to familiarize itself with the contents of the study—which was a factual one and made no effort to evaluate NSF performance. The purpose was to assimilate a still more detailed working knowledge of the Foundation, its operations, and place in the scheme of the executive family.

In June 1965, the House subcommittee began its public review of the Foundation in hearings which ran through the first week of August. More than 40 witnesses, government and nongovernment, testified. ("Government and Science: A Review of the National Science Foundation," hearings before the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics, vol. I.) A broad base of additional statements and pertinent information was solicited for subsequent analysis. (Ibid., vol. II.)

In December 1965, the House subcommittee unanimously issued a comprehensive report entitled "The National Science Foundation—Its Present and Future." The report outlined the difficulties and problems which had been uncovered in the previous hearings and set forth a number of recommendations for legislative change. Subsequently, in January of 1966, the House Committee on Science and Astronautics took this subcommittee report under consideration and unanimously voted to adopt the report as that of the full committee. (H. Rept. 1236, 89th Cong., 2d sess., Feb. 1, 1966.)

Using the committee's report as a basis, Chairman Daddario, of the Subcommittee on Science, Research, and Development, introduced a bill incorporating the recommendations contained in the report. The bill, H.R. 13696, was introduced on March 16, 1966. Hearings were held on this bill on April 19, 20, and 21. On May 3, Mr. Daddario introduced a clean bill, H.R. 14838, incorporating the changes approved by the subcommittee following the hearings on H.R. 13696.

H.R. 14838 was then reported favorably to the full committee. The committee met to consider the bill on May 10 and unanimously voted its approval, ordering the bill reported to the House. The bill was passed by the House with minor amendments on July 18, 1966, but was not acted upon by the Senate prior to the close of the 89th Congress.

H.R. 5404 was introduced by Mr. Daddario on February 15, 1967. It is identical to H.R. 14838 as it passed the House with the exception of a minor substantive change (sec. 4(f) of the proposed amendments to the NSF Act), plus several technical alterations necessary to conform to the subsequently enacted title 5, United States Code.

H.R. 5404 was considered by the full Science and Astronautics Committee on February 21, 1967, and unanimously ordered reported to the House. It was passed by the House on April 12, 1967, and received in the Senate on April 13, 1967.

Senate action

On April 13, 1967, H.R. 5404 was referred to the Senate Committee on Labor and Public Welfare. Reports were requested on the bill from the Bureau of the Budget, the NSF, and the Department of Health, Education, and Welfare.

On October 19, 1967, the chairman of the Committee on Labor and Public Welfare, Senator Lister Hill, appointed a Special Subcommittee on Science, pursuant to a request from Senator Edward M. Kennedy of Massachusetts. Chairman Hill appointed Senator Kennedy of Massachusetts, chairman of the Special Subcommittee on Science, and appointed Senator Claiborne Pell of Rhode Island and Senator Robert P. Griffin of Michigan as subcommittee members.

On October 30, 1967, Senator Kennedy of Massachusetts introduced S. 2598, the "National Science Foundation Act Amendments of 1967." This bill was similar to H.R. 5404, but incorporated a number of significant changes suggested both by the executive branch and by private citizens. Reports on S. 2598 were requested from the National Science Foundation, the Department of Health, Education, and Welfare, the Department of State, the Department of Defense, and the Bureau of the Budget.

The Special Subcommittee on Science held 2 days of hearings on S. 2598 and H.R. 5404, on November 15 and 16, 1967. When he opened the hearings on November 15, Subcommittee Chairman Kennedy of Massachusetts said that:

"We begin today the first Senate hearings since 1950 devoted to a broad review of the National Science Foundation Act. I hope that the hearings will give us the base of information we need if we are to streamline and modify the act to assure its continued participation in the forward march of American science."

In this broad review, the subcommittee examined the work of the House Committee on Science and Astronautics, as it bore on the NSF. Further, it questioned each of seven witnesses closely and sought considerable supplementary information. In its review, the subcommittee discovered that a 1966 House Report, "The National Science Foundation: Its Present and Future," was out of print and therefore virtually unavailable to Senators. Consequently, Subcommittee Chairman Kennedy of Massachusetts ordered the report printed in the appendix of the hearings, and it appears at pages 197–332 of the hearings.

The subcommittee met in executive session on February 29, 1968, to consider the two bills, S. 2598 and H.R. 5404. It voted unanimously to report an amended version of H.R. 5404 to the full Committee on Labor and Public Welfare. This amended version of H.R. 5404 adopts many of the provisions of S. 2598.

BACKGROUND OF THE FOUNDATION

Before World War II ended, President Roosevelt wrote Dr. Vannevar Bush, the Director of the Office of Scientific Research and Development, to request preparation of a study on various aspects of postwar science. With the aid of four special committees, Dr. Bush submitted his report entitled "Science, the Endless Frontier," to President Truman in July 1945. A principal recommendation in that report was that a new agency, then called the National Research Foundation, be established with broad powers and functions to advance American science. Dr. Bush envisaged a group of eminent scientists (the National Science Board), who would form science policy and designate a director of the proposed new foundation to execute their decisions, largely by way of grants to educational institutions for the conduct of basic research deemed important to the national defense and welfare.

Intensive Congressional action followed release of that report, but initial legislation was vetoed by President Truman because the authority vested in a part-time board appeared to violate the President's constitutional duties; that is, the formulation of vital national policies, the expenditure of large public funds, and the administration of important governmental functions.

It was not until May 10, 1950, that Public Law 81–507 was enacted to establish a novel and unusual agency—the National Science Foundation—to foster basic research and science education. The act was a result of a fairly simple but rather unique compromise between scientific autonomy in the top policy board and Government responsibility for direction of the agency's work. The Director, as well as the National Science Board, was to be appointed by the President and confirmed by the Senate, the Director being answerable to the President and responsive to the Board.

The creation of the Foundation was largely the result of public realization of the demonstrated role of research and development in World War II, plus a realization that here was a new and potent means of developing new strength in our industrial economy. The Foundation was created to meet a widely recognized need for an organization to develop and encourage a national policy for the promotion of basic research and education in the sciences, to support basic research and education of scientists, to evaluate scientific research programs undertaken by Federal agencies, and to perform related functions. This NSF legislation symbolized an intent of Congress as a matter of public purpose that the Nation endeavor to support whatever activities were necessary to sustain its world leadership in science, a position in which the United States unexpectedly found itself following the disruption of the European scientific world during World War II.

The birth of the National Science Foundation entailed much controversy both within the Congress and within the executive branch. Questions rose regarding the necessity of Federal aid to science. Even more intensively argued was the question of whether Federal support for research and graduate education would inadvertently lead to that degree of Federal control which could stifle the very creative forces which strive best in the atmosphere of academic freedom. The proposed structure of the organization was contested, especially on the mechanisms of insuring guidance from responsible leaders in science, education, and public affairs, while insulating them as far as practicable from political pressures.

Changes made

Since its establishment in 1950, the authority of the Foundation has undergone few amendments. Responsibilities were added in 1958 for weather modification (Public Law 85–510, July 11, 1958; 73 Stat. 353), and also in the science information area (Public Law 85–864, title IX, sec. 901, Sept 2, 1958; 72 Stat. 1601). The Foundation on September 8, 1965, published in the Federal Register a new regulation (45 CFR, pt. 635, "Keeping of Records and Furnishing of Reports in Connection With Weather Modification Activities"), which required all weather modification efforts to be reported in advance. Responsibility for carrying out the National Sea Grant College and Program Act (33 U.S.C. 1121–24) was added in 1966.

Other significant changes in the Foundation's authority and organization are as follows:

(1) Executive Order 10521, "Administration of Scientific Research," March 17, 1954 (19 F.R. 1499). In 1954, the President focused attention on the policymaking functions through his Executive Order No. 10521. It broadened the scope of NSF interests in the national scientific effort and scientific research by specifically providing:

"The National Science Foundation * * * shall from time to time recommend to the President policies for the Federal Government which will strengthen the national scientific effort and furnish guidance toward defining the responsibilities of the Federal Government in the conduct and support of scientific research.

"The Foundation shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable scientific needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel. In making such studies, the Foundation shall make full use of information and research facilities with the Federal Government.

"* * * * *

"The head of each Federal agency engaged in scientific research shall make certain that effective executive, organizational, and fiscal practices exist to insure that the Foundation is consulted on policies concerning the support of basic research * * *"

This order again spoke of policies to "strengthen the national scientific effort * * * and support of scientific research." It also directed attention to science resources, and put an obligation on agency heads to consult with the Foundation.

(2) Executive Order 10807, Federal Council for Science and Technology, March 13, 1959 (24 F.R. 1897). The Foundation's advisory role was altered toward that of the original congressional specification of basic research and science education in 1959, when the Federal Council for Science and Technology was established by the President. His Executive Order 10807 creating the Federal Council amended the earlier 1954 (10521) order to read:

"The National Science Foundation * * * shall from time to time recommend to the President policies for the promotion and support of basic research and education in the sciences including policies with respect to furnishing guidance toward defining the responsibilities of the Federal Government in the conduct and support of basic scientific research."

(3) Reorganization Plan No. 2 of 1962, June 8, 1962 (27 F.R. 5419; 76 Stat. 1253). The most far-reaching change occurred in 1962, when, under Reorganization Plan No. 2, President John F. Kennedy transferred elements of Government-wide policymaking and program evaluation to a new Office of Science and Technology (OST) within the Executive Office of the President.

Specifically, the plan transferred from the Foundation to OST so much of the NSF's functions under the National Science Foundation Act of 1950 as would enable the Director of OST to advise and assist the President in achieving coordinated Federal policies for the promotion of basic research and education in the sciences. It also transferred to OST the function of evaluating scientific research programs of Federal agencies. Finally, it provided that the NSF's Director should assist the President as he may request, with respect to the coordination of Federal scientific and technological functions and agencies.

It is notable that this transfer included the evaluation and coordinating function. The National Science Foundation Act of 1950 had authorized and directed the Foundation to evaluate scientific research programs undertaken by agencies of the Federal Government and to correlate the Foundation's scientific research programs with those undertaken by individuals and by public and private research groups. This function, however, was never strongly implemented by the Foundation. It was contended that the NSF, being at the same organizational level as other agencies, could not satisfactorily coordinate Federal science policies or evaluate programs of other agencies. Accordingly, the evaluation function was transferred to the Director of the Office of Science and Technology, who as part of the Executive Office of the President, had a better strategic position vis-a-vis the agencies.

The Foundation continues to originate policy proposals and recommendations concerning the support of basic research and education in the sciences, and the Office of Science and Technology depends upon the Foundation to provide studies and information on which sound national policies in science and technology can be based.

Part II of Reorganization Plan No. 2 of

1962 provided for internal reorganization of the National Science Foundation, to strengthen the leadership of the Director and to make the administration of the Foundation more effective. Specifically, the plan:

(*a*) Made the Director of the Foundation, who had been an ex officio nonvoting member of the National Science Board, a full voting member and eligible to be elected Chairman or Vice Chairman of the Board.

(*b*) Created a new executive committee, composed of the Director of the National Science Foundation, ex officio, as a voting member and Chairman of the committee, and of four other members elected by the National Science Board from among its appointive members.

(*c*) Specified that advisory committees to each of the NSF divisions would make their recommendations to the Director only rather than to both the Director and the National Science Board.

The NSF Act had provided that each divisional committee would be appointed by the Board and would consist of not less than five persons, each for a term of 2 years. It also had provided that—

"Each divisional committee shall make recommendations to, and advise and consult with the Board and the Director with respect to matters relating to the program of its division." (42 U.S.C. 1867.)

This dual advisory function was curtailed by Reorganization Plan No. 2, which cut the committees off from the Board.

(4) Reorganization Plan No. 5 of 1965, July 27, 1965 (30 F.R. 9355; 79 Stat. 1323), authorized the Director to "* * * make such provisions as he shall deem appropriate authorizing the performance by any other officer or by any agency or employee of the National Science Foundation of any of his functions (including functions delegated to him by the National Science Board)."

Reorganization Plan No. 5 also abolished the divisional committees required under the original National Science Foundation Act of 1950.

Growth of NSF

In the years since the Foundation was established, it has grown and increased its activities in scale and diversity, as the following table illustrates:

Fiscal year	Budget requests	Appropriations
1951	$475,000	$225,000
1952	14,000,000	3,500,000
1953	15,000,000	4,750,000
1954	15,000,000	8,000,000
1955	14,000,000	12,250,000
1956	20,000,000	16,000,000
1957	41,300,000	40,000,000
1958	65,000,000	40,000,000
1959	140,000,000	130,000,000
1960	160,300,000	152,773,000
1961	190,000,000	175,800,000
1962	275,000,000	263,250,000
1963	358,000,000	322,500,000
1964	589,000,000	353,200,000
1965	487,700,000	420,400,000
1966	530,000,000	479,999,000
1967	525,000,000	479,999,000
1968	526,000,000	495,000,000
1969	500,000,000	

The Committee notes the increase from the Foundation's initial appropriation for fiscal year 1951 of $225,000 (largely for administrative expenses) to the appropriation for fiscal year 1966 of approximately $495 million. In 1953, a $15 million budget ceiling was eliminated from the act, permitting this expansion. During the same period, NSF programs have grown from the initial, small individual project grants and fellowships to a constellation of grants, contracts, fellowships, traineeships, national research programs, national laboratories, science information, data collection, analysis, institutional, and developmental aid programs.

NATURE OF THE SENATE HEARINGS

The following is a chronological list of witnesses appearing before the Special Subcommittee on Science of the Committee on Labor and Public Welfare, in its hearings on H.R. 5404 and S. 2598, on November 15 and 16, 1967.

Senator Edward M. Kennedy.

Dr. Donald F. Hornig, Director of the Office of Science and Technology, Executive Office of the President.

Dr. Leland J. Haworth, Director of the National Science Foundation.

Dr. Philip Handler, Chairman of the National Science Board.

Dr. Frederick Seitz, President of the National Academy of Sciences.

Dr. Harvey Brooks, member of the National Science Board and dean of engineering and applied physics, Harvard University.

Hon. Emilio O. Daddario, U.S. Representative from Connecticut.

Senator Fred R. Harris.

Senator Claiborne Pell.

Herman Pollack, Director of International Scientific and Technological Affairs, Department of State.

The hearings revealed a consensus: that America's future requires expanded operations in the existing areas of the Foundation's mission to support basic research and scientific education.

As stated by Senator Harris in his testimony:

"The mission of the National Science Foundation is central to American educational, economic and scientific progress. No past investment America has made in any field has brought returns which exceed those it has received from its investment in scientific research. American affluence and our standard of living are in large measure attestations of this fact.

"History alone, then, should teach us the true and obvious lesson of the need for continued Federal support of scientific research. But the ever-widening frontiers of knowledge and technology are even more compelling reasons why our support for scientific research should be more than just maintained; it must expand with greatly expanded needs." (Hearings, p. 127.)

But there was also agreement that the Foundation should begin to undertake new areas of responsibility, including especially support of applied research. As the subcommittee chairman, Senator Kennedy of Massachusetts, stated:

"The testimony we heard yesterday pointed up the areas in which changes must be made if the National Science Foundation is to continue its position as a leader in science education and innovation in the United States. For example, our distinguished witnesses told us of the great need for applied research as one of the activities supported by the NSF. They also told us of the need to strengthen the authorization for the NSF to undertake research in the social sciences, and in the environmental sciences." (Hearings, p. 109.)

With reference to applied research Dr. Donald Hornig stated:

"With respect to applied research (sec. 3(c)), the existing restrictions to basic research have limited the Foundation because the boundary between basic and applied research is often indistinct, particularly when the distinction rests on the motivation of the investigator rather than on the nature of the research itself.

"The limitation to basic research has produced problems in dealing with engineering research and the training of engineers. It has also caused NSF to draw back from research which might be designated 'exploratory but practical.' Finally, the existing limitation tends to place an artificial restriction on the evolution of what starts as basic research. Surely if a project initiated as basic research turns out to present practical possibilities, it should not have to be dropped as if it were contaminated." (Hearings, p. 61.)

On the same subject, Senator Claiborne Pell stated:

"As I see it, one of the most important features of the pending measures is the addition of responsibility for applied research and technology to the National Science Foundation's traditional sponsorship of basic research. Outside of the short-lived Mohole project, and a somewhat application-oriented program in weather modification, the only such program thus far encompassed by the Foundation is the national sea grant program.

"The original idea of having the NSF house this program was based on the close association which NSF has enjoyed with the academic institutions who will, in the majority of cases, be performers of the program's functions. While wishing to see the program move ahead as fast as possible, I am, on the whole, satisfied with the way the Foundation is managing the program:

"1. Foundation officials are as knowledgeable in the realm of technology as they are in science; they have apparently experienced little difficulty in locating, identifying, and recruiting competent consultants in technological fields.

"2. The Foundation has demonstrated similar ease and facility in acquiring a staff competent to carry out the program's assignments.

"3. The Foundation is generating program doctrine and policy with a minimum of fuss and hesitancy.

"4. Similarly, there is little hesitancy on the part of the applied research and technological community to submit this type of proposal to the Foundation.

"5. The Foundation has formed useful alliances with strongly application-oriented organizations, such as the National Academy of Engineering's Committee on Ocean Engineering, the Panel on Ocean Engineering of the National Council for Marine Resources and Engineering Development, and the Ocean Sciences Technological Advisory Committee of the National Security Industrial Association.

"6. State governments and intrastate, intercollegiate consortia have joined in common technological programs and projects and have declared willingness to participate in the NSF programs on this basis.

"Based on these observations, and assuming that increased Federal agency sponsorship of technology and applied research is needed in the first place, I would have no hesitation in assigning added responsibility to the National Science Foundation." (Hearings, pp. 145, 146.)

Finally, in summarizing the importance of the Foundation's role, Senator Kennedy of Massachusetts said:

"The National Science Foundation is charged with supporting the development of American scientific expertise. This is a very broad charge. It is also a very great challenge. The record of the National Science Foundation in carrying out the charge and meeting the challenge is a proud one—but one which I think is too little known.

"Let me cite a few examples of the extent of the National Science Foundation activity:

"From 1952 to 1966, the NSF invested more than $210 million in graduate fellowships, representing 42,850 fellowship awards and 8,197 traineeships for award by 193 institutions.

"In 1958 to 1966, the NSF has provided more than 43,000 undergraduate research opportunities

"In 1966, the NSF awarded 358 separate grants which permitted 3,721 college science teachers to take refresher courses.

"By the end of 1966, more than 275 definitive editions of textbooks had been developed by NSF-supported groups.

"Since 1960, the NSF has made 833 grants for construction or renovation of graduate science facilities.

"In 1966, the NSF has made 833 grants for construction or renovation of graduate science facilities.

"In 1966, the NSF made grants to 401 colleges and universities in all the 50 States for support in modernizing science curriculums.

"The NSF continued to support national research programs and centers, such as the Indian Ocean expedition and the Kitt Peak National Observatory.

"I want to emphasize that these examples are only a few from among many. The full catalog of NSF assistance defies summary.

"A very good answer to the question of the need for continued pressure for more and better basic research was given by J. Robert Oppenheimer, wartime director of the Los Alamos Scientific Laboratory:

"'We learned a lot during the war. But the things we learned [were] not very important. The real things were learned in 1890 and 1905 and 1920, in every year leading up to the war, and we took this tree with a lot of ripe fruit on it and shook it hard and out came radar and atomic bombs, . . . The whole spirit was one of frantic and rather ruthless exploitation of the known; it was not that of the sober, modest attempt to penetrate the unknown.'

"That is, I think a superb justification of our need to keep up the pressure on science development. There is simply no way to develop basic knowledge on a crash basis. It must develop slowly, through painstaking efforts at piecing together seemingly unrelated bits of evidence. When the picture is completed, it is useful, whether it be in medicine, metals technology, radio astronomy, or any of the hundreds of other fields. But the picture cannot be rushed to completion." (Hearings, p. 56.)

The hearings also began a review of the internal organization of the Foundation, of its extensive relationship with other Government agencies, and of the changes which might be made therein through legislation.

EXPLANATION OF THE BILL

Major changes effected

Following are the main substantive changes which H.R. 5405 would make in the existing law governing the Foundation. The changes are accompanied by commentary setting forth the committee's rationale and intent in recommending passage of the bill. Unless otherwise indicated, section numbers set out in parentheses in the following are the section numbers of the act as revised by the bill—rather than section numbers of H.R. 5404 itself.

A. Functions of the Foundation

The bill would authorize or direct a number of new NSF activities:

(1) Support for applied research at academic and nonprofit institutions is authorized, but is made permissive and is at the discretion of the Foundation. It must be borne in mind that NSF was established to further basic, or fundamental, research, and it is not the intent of this legislation to change the Foundation's general character. NSF should and must retain its central mission of fostering basic research in science and engineering; the authority to engage in support of applied research should not be used at the expense of the basic.

Nonetheless, there are important occasions when Foundation backing for applied research appears warranted, primarily research at colleges and universities. Such applied research is either inseparable from or is intertwined with basic research, or is a logical extension of the basic research which is already being supported. This type of applied research is, of course, normal for schools of engineering.

The bill also authorizes the Foundation to support applied research at organizations other than nonprofit or academic institutions when directed by the President in connection with a national problem—such as water resources, transportation, environmental pollution, housing, population growth, or the like. This does not, however, preclude the Foundation from supporting applied research related to major national problems at academic institutions.

(2) A new section 3(a)(4) is added to provide that NSF shall "foster and support the development and use of computers and other scientific methods and technologies, primarily for research and education in the sciences." The committee intends this section to permit the Foundation to carry on such activities in areas not related to science where this is necessary desirable to assure the most effective use of computers or other methods and technologies. Thus, the word "primarily" is a term of emphasis and not of limitation. While the committee expects that there will not be any undesirable duplication or overlapping with programs supported by other agencies, such as the Office of Education's "Networks for Knowledge" (which is basically concerned with educational uses), and the Cooperative Research Act, neither does the committee intend that the National Science Foundation shall have exclusive jurisdiction in the field of computers in education. It is our understanding that extensions of NSF activities beyond scientific areas will generally be in direct "hot pursuit" of developments centered in scientific concerns, or flow directly from the unified character of the activities in question. This would make it uneconomic, for instance, to limit the use of a computer solely to scientific purposes, especially information and library systems embracing all branches of knowledge. The committee will re-examine this area next year.

(3) NSF is currently required to collect and collate data on national scientific and technical resources. The bill would have the Foundation analyze and interpret the data as well. This is most important; it is an essential input to the decisionmaking processes both of Congress and of the scientific offices of the President, particularly as science and technology more and more become critical links in the chain of our national well-being. By scientific "resources," the committee means scientific and technological manpower and the training thereof, facilities and information.

The bill emphasizes that the register of scientific and technical personnel should be "current." This does not necessarily mean annual. It does mean (a) up to date, and (b) as comprehensive and inclusive as is feasible. A register without these attributes is scarcely worth having. If maintaining such attributes can be done on a 2-, 3-, or 4-year basis, the requirements of the legislation will be satisfied. If it requires putting the register on a yearly basis, then such a basis should be established.

(4) In order to facilitate information on where Federal research money goes, NSF is given a new task of keeping tabs on the peregrinations of such funds. This requirement is intended to make it possible for Congress or the executive branch to find out quickly how much Federal research money finds its way to what educational institutions, and appropriate nonprofit organizations, and from what agencies. Again, the task is a complicated one. It will require the cooperation of many Federal agencies and departments as well as the non-Government entities involved. The committee strongly urges that all these groups cooperate to the fullest with the Foundation in this regard.

The program will take time to set up and become operative. Its details will undoubtedly have to be worked out gradually, and partially on the basis of trial and error. While data are not required on expenditures of private contractors, the committee hopes that to the extent practicable, the NSF will extend its data collections to include such private contractors as prove to be feasible.

Much will depend on the reporting systems employed by the various Federal agencies. But a start has been made by NSF in acquiring geographical data and by several departments with new methods of securing contract information. The contract reporting system set up by the National Aeronautics and Space Administration is an example. (sec. 3(a)(6)). (See app. C hearings on H.R. 13696, Subcommittee on Science, Research and Development, April 1966.)

(5) NSF is authorized to undertake the support of scientific activities relating to international cooperation and the national security. National objectives abroad which are not intrinsically scientific in character may thus be furthered by NSF through support of scientific activities at the discretion of the Foundation, with the approval of the Secretary of State where appropriate. The new authority represents an extension of that already given to NSF with regard to international cooperation. (Public Law 81-507, sec. 13; 42 U.S.C. 1872). It permits NSF support of scientific "activities," not merely research or education, and in support of objectives encompassing more than merely the promotion of science or science education so long as they coincide with national policy. Where support of such activities is done pursuant to a request of the Secretary of State or Defense, the bill provides that activities carried out under this section shall be financed solely with funds transferred to the NSF by either Secretary, and that the work shall be unclassified and identified as being done at the request of the Secretary of State or Defense.

(6) The Foundation is enjoined in this bill to give support to the social as well as the natural sciences. The authority for such support already exists, but the bill spells it out more specifically by way of emphasis. The intent of the amendment is by no means to direct a disproportionate amount of total NSF support for the social sciences, but to insure that an adequate effort is made to permit advancement in scientific areas which are extremely important to human welfare. The committee does not agree with the contentions of some that the social sciences should seek their support entirely elsewhere in the Government, or that they should be financed solely from the programs developing under the National Foundation for the Arts and Humanities. Their potential is scientific value is—in the committee's judgment—perhaps as great as any of the categories of natural science or technology (secs. 3(a)(1) and 3(a)(2)). Also, while the social sciences are not defined, and thus do not explicitly refer to law, the committee understands that the field of law is included therein, and expects that NSF will support applied and empirical research, studies and activities in the field of law which employ the tools of the social sciences or which interrelate with research in the natural social or sciences. However, the committee does not intend or expect NSF to award fellowships for first degrees in law.

(7) The committee notes that the social sciences comprise a spectrum of disciplines and subdisciplines, some of which overlap the natural sciences at one end of the spectrum and some overlap the humanities at the other end. The former are primarily open to research support from the National Science Foundation, and the latter from the National Endowment for the Humanities, with the center of the spectrum constituting a gray area open to support from one or the other of these Foundations, sometimes both, depending on the approach and the research tools employed. Generally, the National Science Foundation has responsibility for scientific programs covering the social sciences. The National Endowment for the Humanities has responsibility for humanistic programs in the social sciences. Where there is a logical overlap within a discipline, the scientific as-

pect can be covered by the National Science Foundation, while the humanistic aspect can be covered by the National Endowment for the Humanities. The committee is confident that the two Foundations will continue to coordinate their efforts in supporting meritorious activities within their respective spheres, and to collaborate in funding joint projects which embrace both science and the humanities. The committee notes with approval the working agreement between the two agencies, which deals with the problem of overlap and which has been inserted into the hearing record.

(8) Requirements for the annual report of the Foundation have been altered to place this responsibility with the Director rather than the Board. This is the current practice, in actual fact. It is expected that the report, consistent with new authority described in the foregoing, will include information on applied research activities and the sums expended thereon. Such information will be valuable to Congress as a source of assurance that support of applied research is reasonable without contributing to the neglect of basic research. At the same time it should provide a quick check on the nature of the applied work being funded (sec. 3(f)).

Function removed

The bill would also remove one of the Foundation's functions, effective September 1, 1968.

This is section 14 of NSF's current act (Public Law 81-507, 42 U.S.C. 1872a), which was amended in 1958 in conjunction with the responsibility given to the Foundation for basic and applied research on weather modification. (Sec. 3(a)(9) which provides such authority is also deleted effective Sept. 1, 1968—see sec. 3(g) of the NSF Act as it will appear after revision by sec. 1 of the bill.) The bill repeals section 14 in its entirety for a number of reasons. One is that the ramifications of weather modification are so broad as to encompass far more issues than scientific ones. Another is that progress in this area has reached the point where it requires much developmental work as well as continued research. The Departments of Commerce and Interior are assuming much of the responsibility in this area, which the Foundation may continue to back up with appropriate support for some of the research still needed (sec. 11 of the bill). NSF retains ample authority to continue support for the latter (particularly in view of the authority for applied research provided in this bill) and clearly should do so. The Foundation will in any case continue those research activities necessary to preserve continuity in the program, pending passage of the weather modification legislation now pending. In the latter regard, the committee calls attention to the necessity for legislation to coninue elsewhere in the execuive branch the development and reporting activities which NSF will not have authority to support after September 1, 1968.

B. Composition and Activities of the Board

The National Science Board, which is the governing body of the Foundation, has no counterpart elsewhere in Government. It is a 24-member group of distinguished persons from outside Government (appointed by the President and confirmed by the Senate) which bears almost complete legal responsibility for exercising the authority vested in the Foundation. The reason for this arrangement, which was set up by Congress in 1950 after a long controversy, is to assure an adequate voice (through the Board) for the scientific community in matters involving Government support of basic science and science education.

The Board may, however, and in actual practice does, delegate much of its authority to NSF's chief executive officer, the Director.

H.R. 5404 would update and clarify a number of the Board's characteristics and duties.

(1) Qualifications for membership on the Board have been slightly revised and expanded so as to call attention to the desirability of the Board's including members representing the social sciences, public affairs, and research management, in addition to the present specifications which include the physical, life, and agricultural sciences. It may be noted that while there is no specific mention of industry representatives, such persons are eligible by virtue of being eminent in "public affairs" or being experienced in "research management" (sec. 4(c)).

(2) The Board is given the function of establishing the policies of the Foundation and is relieved of its residual responsibility for the operations of the Foundation. This is consistent with what has become a de facto method of operation through delegation of Board powers to the full-time Director—who, incidentally, is ex officio a full member of the Board.

It is not intended that this change isolate the Board from any role relating to the Foundation's specific programs. Not only does the Board continue to be responsible for setting Foundation policies, but the bill specifically provides that "the formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board" (sec. 5(d)). The Committee expects, therefore, that the Board will review MSF programs from time to time, whenever it feels such review to be appropriate. Additionally, the Board will have the power of approval of grants and contracts, subject to any arrangements which it may make for the Director to take such action without the Board's approval (secs. 4(a) and 5(e)).

(3) In view of the fact that Reorganization Plan No. 2 of 1962 removed from the Foundation its previous authority to coordinate or evaluate the scientific research conducted or supported by other Federal agencies, the language of existing law which pertains to NSF responsibilities toward national science policy has been left confused and relatively meaningless. Accordingly, the bill now provides that "the Board and the Director shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences" (sec. 3(d)). This language is intended to assure that the Board will have a strong advisory voice in national science policies as promulgated by the administration. It should be accorded the weight of a senior partner within the Executive's science family, along with the Office of Science and Technology, the Federal Council for Science and Technology, the President's Science Advisory Committee, and so forth—particularly where national science resources are concerned.

It is important to note, in this connection, that the NSF Director is a member of the Board and will thus be a part of its voice. But the Director also, as the chief executive officer of the Foundation and a full-time Federal executive, will undoubtedly develop suggestions for recommendations or policies which stem from his vantage point as Director, apart from those of the Board. Provision is, therefore, explicitly made for the Director, in such capacity, to make such recommendations.

(4) The Board has been given a major new responsibility—that of rendering an annual report through the President for submission to the Congress on the status and health of science and its various disciplines. The committee believes that such a report will be of great value to Congress in its deliberations on policy matters which depend or impinge upon science and technology—and that the Board is admirably conceived and composed to do the job.

However, there is no intent here to pin a time-consuming, repetitive task on either the Board or the Foundation staff. The committee would not expect a complete evaluation and report each year on every discipline or every phase of technology or scientific education. The committee would expect the Board to be selective, to report on areas and developments which appear to it most significant and most timely, for example, where achievement has occurred, or where the greatest gaps and needs exist. The committee conceives of a report to the Nation somewhat similar to the President's Annual Economic Report. A similar report on Science and Technology, the committee believes, could be highly useful to Congress and beneficial to the Nation, and to the scientific community.

(5) To assist the Board in its new tasks, the bill provides that the Director may make a small staff available to the Board at its discretion. The staff is not intended to serve the Board as advisers in its policy determinations, nor to lapse into a competitive position with the staff of the Foundation. Its duties are largely administrative. Toward this end, the bill provides that the Director may provide the staff for the Board's use with its permission. The staff is limited to five plus clerical help, but the Director may provide such additional help from the regular staff of the Foundation as the Board may from time to time need (section 4(h)).

C. NSF Director and Staff

The bill makes a number of important changes in the legislative philosophy governing the Office of the Director.

(1) All residual authority relating to the management and operation of the Foundation is vested in the Director. This proposal is intended to increase the administrative stature of the Director, to give him the authority and flexibility he needs for fast and effective decisions, and to cut down on redtape. At the same time it takes up the slack created by the modification of the Board's authority as previously discussed (sec. 5(b)).

(2) The Director is given specific statutory authority to delegate such of his duties and powers as he deems appropriate. Such authority has already been extended to the Director through Reorganization Plan No. 5 of 1965, and this legislation merely confirms it.

One limitation is imposed: The Director may not redelegate any policymaking functions which may have been passed on to him by the Board. The reason for this is to insure that basic responsibility for policy is retained in the Board, of which the Director is a member, and thus to guard against undue attenuation of policy responsibility (sec. 5(c)).

(3) While the Director is given operational authority over the affairs of the Foundation, as distinguished from the policymaking function of the Board, the Committee recognizes that the formulation of the programs of the Foundation, and the relative magnitude of the resources to be assigned thereto, transcends the boundary between operations and policy, and involves an element of each. Consequently, the bill provides that "the formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board" (sec. 5(d)).

(4) The Director is required to secure the prior approval of the Board before awarding grants or contracts pursuant to Sec. 11(c), except to the extent that the Board sets conditions for the delegation of commitments of amounts less than $2 million, or less than $500,000 in any one year. These conditions would be published in the Federal Register. If this power of delegation is exercised, then approval actions taken pursuant thereto must be reported to the Board at its next following meeting. If this provision had been in effect between November 1965 and November 1967, the Board would have had to approve a total of 103 actions—49 in the "over $2 million" category, and 54 in the other cate-

gory. While the committee recognizes that the Board may wish to have the Director take responsibility for each individual transaction, and may therefore wish to provide for him to do so, it feels nevertheless that basic authority for approvals of larger sums may involve policy considerations and should be subject to prior approval by the Board.

(5) In keeping with the Committee's view that the Foundation deserves, and should be accorded, a top-level role in the Federal scientific structure, the bill elevates the Director from level III to level II of the executive pay schedule. The Director is thus placed on a par with the heads of most other independent agencies, a position he should clearly have, considering the Government-wide nature of the Foundation's mission and the many important relationships it must maintain both in and out of the Federal environment. The Committee notes that of the 18 officials placed at level II under current law (5 U.S.C. 5313), 13 are heads of independent agencies. Thus the precedent for the move is well established, and to deny this status to the Director of the Foundation would appear to be an unnecessary inequity (sec. 5(a)).

(6) The bill makes the NSF Deputy Director a Presidential appointee and elevates him from level V to level III. This again is consistent with the structure in other independent agencies (sec. 6(a)).

(7) The bill further provides the Director with four Assistant Directors who are deemed essential if the Foundation is going to have the supply and caliber of help necessary to do its job in the future. The assistants are to become part of the Office of the Director and be assigned by him to their duties. They are to be appointed by the President and confirmed by the Senate.

The Committee believes that such assistants and their mode of selection are warranted for these reasons: they will permit the Director to delegate more authority; they should bring improved management techniques into NSF; and they will give NSF increased prestige within the administration (sec. 6(b)).

The Foundation undoubtedly will, in the future as in the past, be involved in "big science" projects. It must have the managerial structure and competence to carry out its varied responsibilities. The provision of four new Assistant Directors will strengthen the Office of the Director toward this end. The duties of the Assistant Directors will be assigned by the Director but the availability of these senior positions will permit him to consolidate the administrative activities of the Foundation and further permit him to establish responsibility for specific large projects at an effective level in the organization. These positions should be used in a manner to relieve the Director and Deputy Director from the details of the internal administration of the Foundation.

D. Organization and Structure of NSF

Rather than stipulate the Foundation's internal structure around particular branches of science, the bill leaves such organization to the Director. This is necessary in the modern fluid world of science and technology where an important prerogative of chief executives is flexibility of operation.

The committee believes that organization along functional lines—much as NSF operates today in actual practice—represents a sound procedure. Such categories as basic research, education, scientific and technical manpower development, institutional development, science information, and the like would seem desirable to the NSF organization. Structuring along these lines has the advantage of requiring identification of program and budget elements that would permit clearer definition of their scope and relative balance. Further, it facilitates congressional and Presidential review.

The committee notes that the Director, in organizing the Foundation's internal structure, is obliged to consult with the Board. However, his is the controlling voice since the management of NSF operations is his responsibility (sec. 8).

E. The Executive Committee

The law has heretofore provided authority for the Board to operate, on nonpolicy matters, through a subgroup known as the Executive Committee. In 1962, the Executive Committee was set up on a permanent basis, composed of five voting members with the Director as Chairman.

This bill incorporates the provisions of the reorganization plan, but also removes the restriction against the delegation of policy functions to the Executive Committee if the Board wishes to delegate these.

Since the convening of the 24-member Board is at times difficult and time consuming, this added facility should aid and expedite NSF programs where quick decisions or approvals are needed. The Board, of course, retains authority to withdraw any powers or functions it may assign either to the Executive Committee or to the Director (sec. 4(b), sec. 7).

F. Appropriations Authorizations

Present section 17 of the NSF Act provides a permanent authorization for appropriations. The committee is concerned that there has been no thorough review of the authorization for NSF since the passage in 1950 of the National Science Foundation Act. During this period, the appropriations have grown from $225,000 in 1951 to $495 million in 1968—a more than 2,000-fold increase. The committee believes that a change to annual authorizations is desirable, and provides for this in section 13 of the bill. An authorization of $525 million is provided for fiscal year 1969. This committee will set authorizations for future years after appropriate hearings.

G. Disparities Between Academic Support Programs

The committee is concerned about disparities between programs of support for construction, for scholarships, and for fellowships administered by the National Science Foundation and those administered by the U.S. Office of Education. This disparity encourages "shopping" by individuals and institutions seeking Federal funds.

As the supplementary questions submitted by Senator Griffin illustrate (hearings, pp. 164 et seq.), a college or university seeking construction assistance from the National Science Foundation can obtain up to 50 percent of eligible costs. If, however, construction assistance were obtained from the U.S. Office of Education under title II of the Higher Education Facilities Act, a maximum of 33⅓ percent of Federal funds would be obtainable. In addition, the National Science Foundation excludes from eligibility the cost of land and the cost of purchasing buildings while title II of the Higher Education Facilities Act supports these costs. It should be pointed out that the terms of National Science Foundation academic construction support programs, unlike those administered by the Office of Education, are not spelled out in law.

As for stipends for scholarships and fellowship recipients, not only do the U.S. Office of Education and the National Science Foundation provide different amounts, but the agencies also differ in their method of computation. Office of Education employs the academic year, while NSF utilizes the calendar year. Here again, the NSF programs are not spelled out in law.

The committee is aware that the National Science Foundation and other Federal agencies concerned with academic support programs have been meeting from time to time in an effort to adjust differences between programs. But the committee is also aware that this problem is not new; it dates back many years, but a solution has not yet been worked out.

The committee, therefore, requests the National Science Foundation to give high priority to equalize through administrative action the terms and amounts of individual and institutional support programs similar to programs administered by the U.S. Office of Education and other Federal agencies. If this equalization cannot be accomplished by the administrative means suggested within 6 months of the date of this report, then the committee requests the Foundation to submit to this committee a report on the reasons therefor together with appropriate legislative recommendations to accomplish the equalization.

H. National Sea Grant College and Program Act

The committee reviewed the performance of the National Science Foundation to date in administering the National Sea Grant College and Program Act of 1966. It was the sense of the committee that the Foundation has not grasped this important program with the enthusiasm necessary to implement and exploit fully the authority granted by the act. For example, the Foundation took 17 months to award the first grant. The committee expressed dissatisfaction over the fact that the Foundation asked for congressional approval to reprogram $1 million out of its appropriation for fiscal year 1967, and then having received the congressional approval, did not in fact use the money. Furthermore, the committee felt that the Foundation has requested inadequate funding for this innovative attempt to meet the challenge of developing this Nation's marine resources—only $4 million for fiscal years 1968 and 1969—despite the act's $20 million authorization for this period.

While the committee recognizes the constraints in the Federal budget, it nevertheless considers a request of only one-fifth of the authorized total not in keeping with the intent of the Congress. Furthermore in view of the likelihood of eventual material return for the investment in this program, it should receive a high priority.

If the land grant college program is taken as an example of the beginnings of an attempt to develop our resources, then the beginnings of the sea grant college program are greatly disappointing by comparison. The land grant program was launched in 1862, in the midst of our vast and costly Civil War. Yet the program was given much-needed initial support, so that it succeeded in stimulating the development of our national agricultural resources. In fact, even today the land grant college system is a viable and important stimulant to the wealth of the United States.

The sea grant college concept has stimulated much interest throughout the 50 States. If the administration and the Foundation do not ask for enough funds to support the applications from educational and training institutions throughout the country, then the sea grant college program may be doomed to dilution and ineffectiveness.

Consequently, the committee urges the Foundation to strengthen the sea grant college program in every way possible, and to accelerate this program so vital to this country in developing a mastery of the seas' resources.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Under the previous order, the distinguished junior Senator from Wyoming [Mr. HANSEN] is recognized for 15 minutes.

WATER QUALITY CONTROL STALEMATED

Mr. HANSEN. Mr. President, at the western Governors' conference which was just concluded in Honolulu, Hawaii, Gov. John A. Love of Colorado made a very forceful statement about the status of water quality standards in the various States. Following his statements, the conference adopted a resolution proposed by Governor Love which calls upon Federal authorities to rescind or properly amend those proposed Federal requirements which have put State pollution abatement programs into a state of stalemate and chaos.

I ask unanimous consent that both the statement by Governor Love and the resolution on water quality standards as adopted by the western Governors' conference be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GORE in the chair). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HANSEN. Mr. President, on February 8 of this year, Secretary of the Interior Stuart L. Udall issued a statement which purportedly was intended to resolve the water quality degradation issue. Since that time, the standards proposed by Secretary Udall have been considered by the 50 States and have been the subject of an intensive study by the Washington law firm of Covington and Burling.

The latter material can be found at page H2983 of the RECORD of April 24, 1968. The conclusion reached by many of the States, including Governor Love's State of Colorado and my own State of Wyoming, as well as the unqualified conclusion of the legal memorandum that I have cited, is that the Secretary has no authority to require that States adopt either effluent or nondegradation standards as a condition of receiving approval of State water quality standards under the Federal Water Pollution Control Act of 1965.

It appears at this point that the Department of the Interior has gotten out on a limb on this matter, and I suggest that the only graceful thing for it to do is to back up.

On April 23, 1968, the Secretary appeared before the House Committee on Public Works. At this time, the Secretary defended in a general way his efforts to implement water pollution control practices throughout the country. The Secretary is to be complimented on his efforts in this regard, and I assure one and all that those of us who find ourselves on the opposite side of this issue are no less interested than he in cleaning up the pollution problems that defile our country's rivers and that are a national disgrace. There should be no politicians or reasonable public officials in our country today who do not wish to stand four-square behind a proper effort to control both air and water pollution.

Nevertheless, all of us should be equally willing to operate within the guidelines as set out by the Congress in the Water Pollution Control Act of 1965. In that act, the Congress clearly intended that water quality standards prescribe the quality of the waters into which effluent is discharged, rather than the quality of the effluent itself, and that such standards must be related to the use and value of the receiving body of water. This resulted from a deliberate decision by the Congress to reject the approach taken in the initial administration proposal, which would have authorized both stream standards and controls reading directly on the effluent. On the basis of testimony at the first hearings of the bill, the Senate committee removed the provisions for effluent standards, and it never reappeared through enactment.

Similarly, the "nondegradation" standard proposed by the Secretary cannot be justified under the provisions of the act. Further, a general nondegradation standard as proposed by the Secretary purports to impose an unenforceable requirement. A third objection to the Secretary's proposed standard is that it seeks to displace the initial responsibility of the State to establish water quality control standards and to prevent and control water pollution. The Secretary has no statutory authority to require prior Federal approval of discharges into a stream or of treatment facilities.

Lastly, the Department of the Interior has attempted to write effluent standards and to impose a degree of treatment that is inconsistent with enforcement tests of "practicability" and "physical and economic feasibility."

But these legal questions and the attempts by the Department of the Interior to subvert the clear intent of Congress are not the only problems facing us. The Congress has been made recently aware of the extreme political tensions which can be generated by any attempt to influence future regional population and economic growth through the control of water development programs. What was once a problem known only to westerners is now becoming a national problem, and I speak of the availability of water supplies which are adequate for future growth in both quantity and quality.

Any attempt to control future regional or State developments by a Federal agency must be viewed with the greatest alarm by all of us in Congress. And yet, this is precisely the implication of the standards as set forth by the Secretary of the Interior. The Secretary has prescribed that no change in water quality will be allowed unless it has been affirmatively demonstrated to "the Department of the Interior that such change is justifiable as a result of necessary economic or social development."

To place such a power of life and death in the hands of a single administrator is intolerable.

Lastly, I point to the fact that many State water pollution control agencies, as well as State Governors and State attorneys general, have been working diligently and in good faith with the Department of the Interior over the past year to adopt proper State water quality control standards which meet the tests set forth in the 1965 act. These negotiations have followed lengthy legislative efforts on the part of State legislatures, as well as strict observance of local hearing processes in accordance with recently passed State laws.

To upset the progress that has been made to date would be as irresponsible as it is unfortunate. I can only hope that the various State pollution control programs will continue to make progress on a State level despite the fact that an impasse has been reached between State and Federal negotiators.

I urge the Secretary to reassess the position of his Department carefully and to move with dispatch to modify the improper proposals which he has made. Pending such a response from the Secretary, I urge all of the 50 States to suspend further negotiations with the Department of the Interior, but to continue the excellent local work which is now being done.

EXHIBIT 1

STATEMENT BY GOV. JOHN A. LOVE AT THE WESTERN GOVERNORS' CONFERENCE, HONOLULU, HAWAII, MAY 1968

Mr. Chairman, fellow Governors, ladies and gentlemen, it seems at almost every Conference of Western Governors the subject matter of water becomes a subject of discussion. This is only natural as water in the western states is tantamount to life itself and is without question decisive to our economic and social development and well-being. It is interesting to note that in recent years our sister states in the east have had to face the very problem with which we have been confronted since our earliest existence. In the past our discussions of water have mainly centered on the problems of quantity, but today I want to discuss the problems of quality. These problems, of course, are not separate but rather are closely akin to one another, particularly in our western states where we must use and reuse the same water over and over again in order to achieve the maximum benefits from this resource that is in such short supply when related to its demand.

The prevention, control and abatement of water pollution has long been a goal of western states. Individual state control programs have had a long history but not a particularly successful one until recently. The reasons for this rather poor showing are not difficult to understand. For one thing, requirements for large capital expenditures for waste treatment facilities were difficult to impose in an area of the country where capital funds were scarce. Another reason was the unwillingness of any state to discourage development by imposition of controls which were not required by other states. As a result of these and other factors, there was for a long time a general apathy on the part of the public to seek or encourage state water pollution control programs.

This situation has now changed entirely. The citizens of our states now demand stringent state control programs and rightly so. The wise and reasonable imposition of these programs can minimize the impact of capital demands of abatement programs. Moreover, and probably as important as any other factor, Congress enacted water pollution control legislation in 1965 which required each state to adopt a control program based upon its own particular conditions and needs, or failing to do so, a federal control program would be instituted in its stead. This act provided a stimulus to the states, it avoided interstate rivalry for new development and it provided a system for state control based upon local conditions and needs. The policies and provisions of the Act of 1956, at least as Congress intended them, truly constituted the beginning milestone in the development and implement of state water pollution control programs.

After the passage of this 1965 Act, and I'm certain to the never-ending amazement of some federal administrators, all 50 states filed their intentions to embark upon proper control programs. I'm sure the history of these programs in almost all the states is similar, but since I'm most familiar with that of my own state, I will briefly relate that history today for background purposes.

First, we had a legislative study council work on a proper statute.

This involved not only legal studies, but also hearings upon different proposals and policies. At these hearings all interested groups were present, including various municipal, state and federal agencies, and agriculture, livestock, irrigation companies, manufacturing, recreation, mining, conservation and other user groups. To my great satisfaction, but I would be less than candid if I didn't add also, to my amazement, these user groups worked cooperatively and harmoniously with the legislative group drafting a bill which was enacted at the ensuing session of our legislature. Thereafter our Commission, created by our statute, held extended hearings to determine proper stream standards which would be required for the streams of different classes. The requirements for these classes generally relate to various uses, such as public drinking water supply, trout fishing, agricultural, etc. Then the Commission held hearings throughout the state relative to the actual classification of each individual stream and different segments thereof. These hearings, be assured, were not mere formalities but rather were true forums for gathering facts and figures; past, present and future. Indeed, at the Greeley, Colorado, hearing on the South Platte River, nearly 100 persons testified, and more than 500 persons attended. Once again, while I can't say all users were in complete agreement on either standards or classifications, I can say that the whole procedure was carried out in a spirit of true cooperation with all users. During my administration—no program has commenced in a more cooperative or dedicated atmosphere nor with greater opportunity for success. For this, I already have, and I do again today pay tribute to the great work of the Commission and to the active and cooperative participation by all interested parties.

It is a deep disappointment that our history in this matter cannot continue upon so successful or cooperative a note. After the hearings and the resultant findings of standards and classifications and, furthermore, the development of a detailed plan of implementation, the whole report was sent to Washington for what we thought would be almost immediate approval. The total report was over three feet thick, but you must realize we have six different river basins involved in Colorado. The first reply to our report was a letter listing four objections. About the time negotiations had satisfied these objections, additional objections to our program were received. This same process has continued over the last ten months until now, I believe that the list contains over six pages of objections. Though dismayed, our Commission has continued to work with the federal authorities, and until recently, I'm informed that all these objections were being satisfactorily resolved. These negotiations with the federal authorities, however, pointed out sharply the wisdom of Congress in the 1965 Act when it placed the primary responsibility and right in the states to control water pollution. In certain instances it had to be shown to the federal authorities that some streams on our eastern slope could not possibly be warm water fisheries, as the streams go dry from time to time in the late summer. In other cases we had to explain to the federal authorities that no absolute provision could be made with respect to water augmentation programs as you don't just casually use another man's water out in our part of the country. Perhaps I shouldn't have used that term "water augmentation," at this conference, but then again it illustrates very well the complete unfamiliarity of some of the federal authorities with our western problems.

Another example of our enlightenment program for federal authorities most clearly shows the necessity for local control where local conditions are known. This relates to the classification of the Uncompahgre River. This stream headwaters in the beautiful San Juan Range and descends through one of the most highly mineralized belts of this continent down to the plains near Grand Junction. If you were merely to look at a map of this stream, you might readily believe it to be a typical beautiful mountain stream perfectly situated for classification as a trout fishing stream. When our Commission found that because of natural pollution it was not suitable for any classified use and therefore imposed only our basic standards relating to input of contaminants, the federal authorities hit the roof. As we explained, however, the stream bed itself so completely pollutes this water that this water was not fit for any classified use until purified by nature's own procedures at some location far down the river's course. Moreover, this program was not caused by mining operations of past decades but had always been present. In proof of this latter point, our Commission pointed out what every schoolboy in this western slope area knows, that the Indian name of this stream, Uncompahgre, means "bad water"!

A few minutes ago I referred to the fact that until recently our Commission believed it could resolve its problems with the federal authorities. I feel certain all of you know what I meant when I said "until recently". By that I, of course, mean February 8, 1968, when Secretary Udall issued his so-called nondegradation edict. In essence, this requires that each state program, in order to receive approval by the Secretary, must provide that any waters in the state of higher quality than the established standards must be maintained at such quality unless it is affirmatively demonstrated to the state authorities and to the Department of the Interior that the quality must be lowered for economic or social development reasons. Moreover, any new discharge into such waters must be treated with the highest and best practicable known technology, and such treatment process must be approved in advance by state and federal authorities.

First of all, it is interesting to note that this requirement was not issued until after all 50 states had completed their hearing procedures and submitted their standards and programs to the Secretary. Moreover, the Secretary had already approved 30 of these states' programs which approval has now been withdrawn pending further compliance with this latest but perhaps not the last edict. One cannot but wonder if at this point of time the Secretary realized that the states were accepting the challenge put to them by Congress to enact and enforce proper control programs, and that the Interior Department was actually going to be relegated to an umpire's role as contemplated by the Act in such case.

In discussing this announced policy of the Secretary, I first want to point out some of the far-reaching and dangerous implications that such a policy could bring about if adopted by the states. Time does not permit me to delve into all the objectionable ramifications of this policy, but I want to discuss some of the more important problems with you.

First of all, there will be further delay in the progress of our control programs. Any new standard such as this can only be adopted after further public hearings. Such hearings are not only required by most state statutes but also probably by the federal act itself. While implementation and enforcement of existing state programs can and in my opinion should continue irrespective of this issue, it certainly is difficult for our enforcement officers to be decisive when the whole policy and procedure of the acts may be changed again in the near future. It is time we put an end to these delays and uncertainties and get on with our abatement and control programs. Frankly, I don't know but I am fearful that some of the orders of abatement and control procedures adopted by our own Commission, although they have stopped pollution and enhanced the water, may not satisfy this new requirement since the federal authorities did not approve the treatment plant. Add to this such complexities as municipal bond elections and bond issues, and you can easily envision the total delay and uncertainty this new policy can bring about to existing programs. Furthermore, at least in Colorado, and I understand in a great many more states, the adoption of such a policy at the state level would require legislative action since enforcement of abatement procedures under this new policy would not be related to classified stream standards or the other considerations required by statutes. All of this additional legislative and administrative work mind you, is supposedly to be repeated after the form of our statute was taken from the model code prepared by federal authorities and our final Act received the blessings of these same federal agencies. Of course, I don't have to elaborate to this group the delay that is sometimes occasioned by the requirement of enacting a new law. In viewing some of these implications and particularly these delays, you can't help but wonder if these impediments to sound state action programs are not created for the purpose that it can be said the states can't do the job so Congress should grant complete powers and controls to the federal agencies.

Another problem of this so-called nondegradation edict is that it completely ignores the water quality standards established after many hearings and long deliberations of state authorities. These state standards become obsolete immediately except for those waters now below the standards. We believe state standards are valid and that they were properly established after fair public hearings and proper study. If the Secretary has objection to the propriety of any given numerical standard, this objection can quite reasonably be resolved by consultation with those knowledgeable and trained in that particular field. However, an announcement that all of the qualities of all high quality water must be maintained is quite ridiculous as you can see from this example: In some of Colorado's mountain streams the dissolved oxygen is 14 milligrams per liter, while the trout fishing standard set by our Commission requires only 6 milligrams. Our standard was established only after advice and consultation with fishery experts at Colorado State University. Actually these same experts state that 14 milligrams is too high for best trout propogation, and its lowering would be beneficial. Nevertheless, under the Edict this beneficial change would be prohibited unless the federal agencies agreed. I ask you, is this really water quality control and enhancement? Of course not, but this Edict in all probability has as its true purpose the next problem I want to discuss with you.

The most important of all the objections to Secretary Udall's announcement is the federal intervention and actual control of state programs and the effects of such control. First, let me remind you of the requirements of the Secretary's edict. All waters of higher quality than the established standards must be so maintained unless the Department of the Interior agrees that degradation is necessary for social and economic development, and, furthermore, any new discharge into such waters must be treated by the highest and best technology as approved by the Department. I want first to caution you as to what waters are included within this Edict. It is not just waters that are above the standards in all respects, but rather waters that are above the standards in any one respect. I believe this would include about all the waters of every state since even some of the most polluted waters are above the required standards in one respect or another. Then with respect to these waters, no lowering of the water's quality in *any* respect would be permitted unless the Department finds that it is necessary for social or economic development nor would any new source of discharge or any additional discharge from an existing source be permitted unless the Department finds it is given the highest and best technological treatment. In essence, the states are handing over to the Department of the Interior the complete determination of what is necessary and what is not necessary for a state's proper social and economic development! Moreover, there aren't even any guidelines and parameters for such discretionary power.

Congress in the 1965 Act gave no such ultimate power to the Department. Now the states are being asked to give that which Congress refused to give. As we western governors have long realized, and as I believe eastern governors are more and more coming to realize, the control of the use and development of water is tantamount to absolute control of the state. For we governors to accept such an edict and to grant such power to any agency, would be no less than traitorous. Such complete power rests only with the people or through them in their legislatures or their Constitutions. I, for one, know that the Colorado legislature, in passing the Colorado Water Pollution Control Act of 1966, did not intend that such power flow therefrom to the Department of the Interior. Moreover, the federal Act of 1965 specifically declared it to be the policy of Congress to recognize, preserve and protect the primary *responsibilities and rights* of the states in preventing and controlling water pollution. All of you have probably seen the same formal legal opinion of a prestigious Washington law firm as I, which categorically denies that there is any legislative authority for Secretary Udall to make any such requirement as his so-called nondegradation edict or for that matter to establish any national effluent standards. There has also been issued a statement prepared by a group of state attorneys general that adoption by the states of such requirements is probably invalid. In no manner belittling the importance of these legal arguments or the judicial check and balance to our system of government, I propose to this conference an action program which will hopefully avoid the strife and delay that a purely legal challenge would entail.

I am proposing a resolution to you today whereby the Secretary is requested to *rescind these policies*. I am further proposing that firm and proper cooperation of state and federal governments proceed to accomplish the task at hand. If some properly amended policies are necessary, then these should be worked out cooperatively with all the states. I emphasize the fact that these matters be the joint efforts of all the states, for as we have all noted in the past, some agencies have proceeded against the states one at a time and by so doing have established examples within the state framework with which pressure is put upon the other states. Furthermore, this resolution, if adopted, should be forwarded to all other states for consideration and hopefully for concurrence. I believe whatever action we take and whatever our individual positions may be, these should be forwarded immediately to our congressional delegations. For if our desire for a co-operative, fair and proper federal-state relationship is not accepted, we have no alternative but to seek justice at the congressional level, unless the legal battle be commenced which we all hope can be avoided.

In closing, I want to commend the Congress for enacting its Water Quality Act of 1965 for it started a real action program throughout the nation, and the proper role of the federal government is necessary for the success of each and every state program. That role is basically the prevention of interstate conflicts, and the provision for technological and financial assistance when necessary. It is not the role and was never intended by Congress to be the role of the Department of the Interior to determine what is socially and economically best for every community and area of this country.

Also in closing, I want to re-affirm my own and my state's dedicated desire and intent to protect and enhance the quality of our waters and to this end, the abatement program we have embarked upon shall not cease, no matter how difficult its progress may be made by others!

Exhibit 2

IX Water Quality Standards

(Adopted by Western Governor's Conference)

Whereas, the effective control of water pollution requires cooperation of federal and state authority within a framework of congressional and state legislative policies and enactments; and

Whereas, recent efforts of the Secretary of the Interior have been to obtain state adoption of water quality standards which go beyond the uses for which particular water bodies are intended, and beyond acceptable stream standards for those water bodies; and

Whereas, federal authority has so far failed to enunciate a timely, stable and reasonable set of policies within the existing statutory framework; and

Whereas, the confusion and friction resulting from the present course of affairs can end only in acrimonious litigation, delays in actual improvement in the quality of water throughout the country, and a serious deterioration of federal-state relations; and

Whereas, the imposition of federal review requirements and the imposition of a national use standard unrelated to present and intended water uses is improper and unauthorized and is likely to result in administrative delays and delays occasioned by the necessity for new legislation, and, therefore, will hinder the implementation of water quality programs already designed by the states and set back the schedule of such programs;

Now, therefore, be it resolved by the Western Governors' Conference that the states be urged to stand together in adherence to and defense of water quality standards made pursuant to proper legal processes, and which take into account the uses and values of particular waters to serve the social and economic needs of local populations, as determined by appropriate state authorities, and to stand together in their rejection of improper and unauthorized federal intervention in states' water pollution control programs; and

Be it further resolved, that the federal authorities are requested to cooperate with the duly constituted states' water pollution control officials and with the states generally in rescinding or properly amending those federal requirements which have caused an unfortunate situation to develop.

LIMITATION OF STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that until the distinguished Senator from New York [Mr. JAVITS] comes to the Chamber to deliver his speech, for which there was a special unanimous-consent agreement on yesterday, the Senate may proceed to the transaction of routine morning business and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Proposed Amendments to the Budget, 1969 (S. Doc. No. 80)

A communication from the President of the United States, transmitting proposed amendments to the budget for the fiscal year 1969, in the amount of $1.2 million for the legislative branch, $11.1 million to carry out the fair housing provisions of the 1968 Civil Rights Act, $775 thousand for a new Commission on Mortgage Credit and Interest Rates, and $350 thousand to permit the Council of Economic Advisers to finance the activities of the Cabinet Committee on Price Stability (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Proposed Facilities Projects, Air Force Reserve

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting pursuant to law, the location, nature and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve; to the Committee on Armed Services.

Report of Secretary of Commerce

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 83d Quarterly Report covering the first quarter 1968 as required under the Export Control Act of 1949 (with an accompanying report); to the Committee on Banking and Currency.

Report of Board of Governors, Federal Reserve System

A letter from the Chairman, Federal Reserve System, transmitting, pursuant to law, the Annual Report of the Board of Governors, Federal Reserve System, covering operations during the year 1967 (with an accompanying report); to the Committee on Banking and Currency.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the opportunity to reduce the Federal Government's cost of medical benefits furnished Foreign Service employees overseas, Department of State, United States Civil Service Commission dated May 23, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of action taken to put inactive industrial plant equipment in Army arsenals to use, Department of Defense, dated May 23, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to improve contractors' compliance with contract specifications in the construction of hospital buildings, Veterans' Administration, dated May 22, 1968 (with an accompanying report); to the Committee on Government Operations.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution of the Legislature of the Territory of Guam, which was referred to the Committee on Interior and Insular Affairs, as follows:

MAY 20, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Senate Office Building,
Washington, D.C.

DEAR PRESIDENT HUMPHREY: Transmitted herewith is Resolution No. 456 (5–S), "Relative to expressing the support of the people of Guam to that request made by the Legislature of the Marianas District of the Trust Territory of the Pacific Islands to the Congress of the United States for a loan to assist in typhoon rehabilitation, and, in addition, to request the United States Congress to make available to the typhoon-stricken islands of the Northern Marianas the full panoply of Federal disaster relief", duly and regularly adopted by the Legislature on May 1, 1963.

Sincerely yours,

F. T. RAMIREZ,
Legislative Secretary.

Enclosure.

RESOLUTION 456 (5–S)

Resolution relative to expressing the support of the people of Guam to that request made by the Legislature of the Marianas District of the Trust Territory of the Pacific Islands to the Congress of the United States for a loan to assist in typhoon rehabilitation, and, in addition, to request the United States Congress to make available to the typhoon-stricken islands of the Northern Marianas the full panoply of Federal disaster relief

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the islands of the Northern Marianas, particularly Saipan and Tinian, were badly devastated by Typhoon Jean which struck in Holy Week of 1968, destroying over 90% of the homes and generally disrupting the normal lives of these communities, the said northern islands constituting one of the six districts of the United States Trust Territory of the Pacific Islands; and

Whereas, the Legislature is advised that various municipal and legislative bodies within this Marianas District of the Trust Territory have petitioned the Congress of the United States for loans to assist in the low-cost housing needed to rehabilitate the islands as a result of the typhoon, said loans to be repaid out of the war claims the United States, as trustee for the Northern Marianas, has against Japan; and

Whereas, the territory of Guam, one of the Marianas Islands, inhabited by people of the same culture, religion, history and race as those of the remaining islands of the chain, suffered through two great typhoons of similar magnitude to Typhoon Jean in 1962 and 1963, and as a result the territory was declared a Federal disaster area and enormous Federal assistance was given to Guam to enable its people to carry out an extensive rehabilitation program; and

Whereas, the United States of America has a duty to the people of the Northern Marianas that transcends the latter's status as non-U.S. citizens, since the United States is the trustee, answerable to the United Nations, for the welfare and well-being of the beneficiaries of this trust, and although these islands might not be technically part of the United States, or possessions thereof, nevertheless all Federal assistance and disaster relief should be given the inhabitants of these stricken islands; now therefore be it

Resolved, that the Ninth Guam Legislature does hereby on behalf of the people of Guam and on behalf of the people of the Northern Marianas respectfully support before the Congress of the United States that petition from the Marianas District of the Trust Territory of the Pacific Islands for Federal loans to assist in the typhoon rehabilitation of that district, and does further respectfully request said Congress of the United States to make available to the typhoon-stricken islands of the Northern Marianas all forms of Federal disaster relief as are given to American communities similarly devastated; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, Senate and House, to the Secretary of the Interior, to the High Commissioner of the Trust Territory of the Pacific Islands, to the President of the Legislature of the Marianas District of the Trust Territory of the Pacific Islands, and to the Governor of Guam.

Duly and regularly adopted on the 1st day of May, 1968.

F. T. RAMIREZ,
Legislative Secretary.
J. C. ARRIOLA,
Speaker.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3299. An act to authorize the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation, and for other purposes (Rept. No. 1142);

H.R. 14672. An act to amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefits of Indians (Rept. No. 1141); and

H.R. 15271. An act to authorize the use of funds arising from a judgment in favor of the Spokane Tribe of Indians (Rept. No. 1140).

By Mr. JACKSON (for Mr. McGOVERN), from the Committee on Interior and Insular Affairs, without amendment:

S.J. Res. 157. Joint resolution to supplement Public Law 87–734 and Public Law 87–735 which took title to certain lands in the Lower Brule and Crow Creek Indian Reservations (Rept. No. 1139).

By Mr. JACKSON (for Mr. McGOVERN), from the Committee on Interior and Insular Affairs, with an amendment:

S. 203. A bill to amend sections 13(b) of the acts of October 3, 1962 (76 Stat. 698, 704), and for other purposes (Rept. No. 1146).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 14922. An act to amend Public Law 90–60 with respect to judgment funds of the Ute Mountain Tribe (Rept. No. 1144).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 5704. An act to grant minerals, including oil, gas, and other natural deposits, on certain lands in the Northern Cheyenne Indian Reservation, Mont., to certain Indians, and for other purposes (Rept. No. 1145).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 2701. A bill to provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, Mont. (Rept. No. 1143).

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1969—REPORT OF A COMMITTEE (S. REPT. NO. 1138)

Mr. HOLLAND. Mr. President, from the Committee on Appropriations, I report favorably, with amendments, the bill (H.R. 16913) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and the report will be printed.

Mr. HOLLAND. I am glad to see the distinguished majority leader in the Chamber. I want to say to him that we will be happy to take up this matter at the earliest possible moment at the convenience of the majority leader.

Mr. MANSFIELD. In our desire to dispose of all the appropriation bills this year, which are the most important items to be considered, it is anticipated that, following the disposal of the pending business, the omnibus housing bill, the next order of business could well be the Agriculture appropriation.

Mr. HOLLAND. I thank the distinguished majority leader.

SENATE RESOLUTION 296—RESOLUTION TO EXTEND FROM THE CONTINGENT FUND OF THE SENATE FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 296); which was referred to the Committee on Rules and Administration:

S. RES. 296

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation of a list of records transmitted to the Senate by the Archivist of the United States, dated May 9, 1968, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FULBRIGHT:

S. 3543. A bill to direct the Secretary of Agriculture to convey sand, gravel, stone, clay and similar materials in certain lands to J. B. Smith and Sula E. Smith of Magazine, Ark.; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 3544. A bill for the relief of Dr. Lorenzo de la Fuente. Trajano, his wife, Leonora A. Trajano, and their child, Cesar A. Trajano; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3545. A bill to consent to an amendment of the Pacific Marine Fisheries Compact; to the Committee on the Judiciary.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

S. 3543—INTRODUCTION OF BILL RELATING TO CONVEYANCE OF CERTAIN MATERIALS TO J. B. SMITH, OF MAGAZINE, ARK.

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to permit the Forest Service to relinquish an interest in land, which interest is of no value to the Federal Government, but which interest impedes the use of such land by my constituent, Mr. J. B. Smith, of Magazine, Ark.

In 1962, Mr. Smith exchanged land which he owned for land owned by the Federal Government. The conveyance to Mr. Smith reserved to the Federal Government all interest in sand, gravel, stone, clay, and similar materials.

This reservation has impeded the use of the land to such an extent that prospective buyers have concluded that they are precluded from excavating for building foundations or using soil for fill at other locations. Such a reservation was standard practice of the Forest Service in 1962. The Forest Service no longer requires such a reservation in this area of Arkansas, because such materials are common to the area and have no value.

The Forest Service acknowledges that their reserved rights to sand, gravel, stone, clay, and similar materials have no value; but the agency has no authority to quitclaim this worthless interest. My bill, therefore, would authorize the Secretary of Agriculture to convey, by quitclaim deed, the worthless interest of the Federal Government in the sand, gravel, stone, clay, and similar materials to the owner of the land, Mr. Smith.

Mr. President, I ask that letters which I have received from Mr. Smith and the Forest Service be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 3543) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark., introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letters presented by Mr. FULBRIGHT are as follows:

MAGAZINE, ARK.,
March 7, 1968.

Senator J. W. FULBRIGHT,
Senator, State of Arkansas,
Senate of United States,
Washington, D.C.

Reference: U.S. Forest Service-R-8, Ozark-St. Francis NF's, Exchange #M1951, Smith, J. B.

DEAR SENATOR FULBRIGHT: In 1962 and 63 the U.S. Forest Service and I entered into an exchange of land for land located in Logan County, Arkansas, I deeded the U.S. Govt. 80 acres of land in exchange for 52 acres.

The Forest Service first had me make them a deed for my 80 acres of land I was giving them, on which I retained the oil, gas right for approximately 30 years. I made no other reservations. They then had their lawyers and others check over this deed and approved it as satisfactory.

They then made me a deed for the 52 acres that I was to get from them and they made the following reservations. Reserving to the United States of America and its assigns, all oil, coal, gas and other minerals, including sand, gravel, stone, clay and similar materials in perpetuity.

I am just a small farmer living near Magazine, Arkansas and I did not know when I first received this deed what little the govt. had deeded me, until I began to try to sell this tract of land. On a number of occasions I have tried to sell the land and when I show the people the deed that the Gov't gave me they walk off and say you do not have any thing to sell except the air above the land, as the government kept all the soil and every thing below the ground.

I have tried a number of times to get the Forest Service to amend their deed so as to leave me the sand, gravel, clay and similar materials as that is what the soil is made up of here on my place. They tell me that they cannot change it.

I have been told that the exchange cases that they have made similar to mine the past couple of years they have left out the part about the Gov't retaining the sand, gravel, clay etc. thus the land can be resold.

Senator Fulbright, it will be greatly appreciated if you will help me to get the government to amend their deed regarding the sand, gravel, clay and similar materials so that I may have a chance to sell this land should I be able to find another buyer.

If you can't get this deed amended so that I can sell this land please help me get my 80 acres of land back and the government can have the air they deeded me on the 52 acres.

Sincerely

J. B. SMITH.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., April 2, 1968.

Hon. J. W. FULBRIGHT,
U.S. Senate.

DEAR SENATOR FULBRIGHT: This is in reply to your letter of March 26, 1968, requesting a report on the possibility of amending a deed given to Mr. J. B. Smith of Magazine, Arkansas, in a land exchange in Logan County, Arkansas, completed in 1962.

Mr. Smith made the land exchange offer on March 29, 1961. In the exchange, the United States reserved all oil, coal, gas, and other minerals, including sand, gravel, stone, clay, and similar materials in perpetuity for the selected land. Mr. Smith also reserved all oil, gas, lead, gold, silver, coal, and fissionable minerals, such as uranium, until January 1, 2010, on the offered land, except for any minerals that were outstanding in third parties. Both Mr. Smith and the Forest Service were fully aware of the mineral situation involved in his exchange offer. The land exchange was completed in November 1962, with Mr. Smith accepting the exchange deed from the United States as negotiated.

A number of other land exchanges have been made on the Ozark National Forest in the general area of Mr. Smith's exchange. It has been common practice in these transactions, for the National Forest lands passing into private ownership to include the minerals reservation that appears in Mr. Smith's deed. Mr. Smith's case is the first notification that we have had of any difficulty experienced because of this reservation. We might add, however, that several years ago we stopped including sand, gravel, stone, clay, and similar materials in mineral reservations in this area of Arkansas. This was in recognition that these materials were common to the area, or had no value, and reserving them placed an unneeded title encumbrance on the land going into private ownership.

Our geologist on the staff of the Ozark National Forest examined Mr. Smith's property on May 23, 1967, to determine if there were any possibilities the sand, gravel, etc., reservation could feasibly be exercised by the United States. It was his conclusion that these reserved rights had no value, thus, there is little likelihood they would be exercised. Apparently, prospective buyers of his property are concerned about this possibility and, in fact, have concluded this part of the mineral reservation even precludes excavating for building foundations or using the material for fill at other locations.

We do not interpret the reservation in this manner. The owner of the property has full and complete use of the surface of the property, appropriate with State or local laws.

While we appreciate Mr. Smith's concern, there is no authority by which the exchange deed for the property can be modified or amended.

If you desire any further information on the matter, please let us know.

Sincerely yours,

M. M. NELSON,
Deputy Chief.

S. 3545—INTRODUCTION OF BILL TO CONSENT TO AN AMENDMENT OF THE PACIFIC MARINE FISHERIES COMPACT

Mr. MAGNUSON. Mr. President, the Pacific Marine Fisheries Commission was established under consent of the Congress in 1947, and was designed to see better utilization of the fisheries of the Pacific coast.

At that time only three States were prepared to ratify such a compact—California, Oregon, and Washington. In fact, during the early years it was often referred to as the Tri-State Pact.

In 1962, the act was amended to permit Alaska and Hawaii to join, and "any other State having rivers or streams tributary to the Pacific Ocean." Since that time the State of Idaho has become a member, and the director of the Washington Department of Fisheries—a longtime Member of Congress and former chairman of the House Merchant Marine and Fisheries Committee—Hon. Thor Tollefson advises that the State of Alaska may well come into the compact provided there is a change in the present method of funding the compact.

In the original act, Mr. President, the formula for individual State participation was based upon the primary market value of fishery landings, and although this appears to be a fair method of determining participation at the time, it was determined that the Commission could only consider those species which were common to more than one of the compact States.

As a result, California found itself bearing a heavy burden in respect to yellowfin tuna, for example, which was not common to any of the other States and, therefore, beyond the Commission's jurisdiction. Alaska could have similar problems with the valuable king crab fishery which is adjacent to that State's coast.

The measure which I am introducing today, at the request of the Pacific Marine Fisheries Commission, would allow the States to determine an equitable method of financial support. All States must agree before a new formula becomes effective. The legislation introduced now should make it possible for the concerned States to improve their cooperative research programs. Fish know no State boundaries. The inclusion of the State of Alaska and the retention of the present membership in the Pacific Marine Fisheries Commission will provide an effective instrument for the promotion of better research and thereby better management of our fisheries.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3545) to consent to an amendment of the Pacific Marine Fisheries Compact, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the amendment of article X of the Pacific marine fisheries compact, relating to the financial support of the Pacific Marine Fisheries Commission. Such amendment shall not become effective unless and until agreed to by all the States participating in such compact on the date of enactment of this Act.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

ADDITIONAL COSPONSORS OF BILLS

Mr. HART. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 3304) to authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Dakota [Mr. BURDICK] be added as a cosponsor of S. 1971, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans to certain cooperatives serving farmers and rural residents, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor of the bill (S. 3415) to establish a Peace by Investment Corporation, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968—AMENDMENTS

AMENDMENT NO. 822

Mr. TOWER proposed amendments to the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development, which were ordered to be printed.

AMENDMENTS NOS. 823 THROUGH 829

Mr. TOWER submitted seven amendments, intended to be proposed by him, to Senate bill 3497, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 830

Mr. BYRD of West Virginia submitted amendments, intended to be proposed by him, to Senate bill 3497, which were ordered to lie on the table and to be printed.

FISCAL POLICIES—VETERANS' ADMINISTRATION

Mr. WILLIAMS of Delaware. Mr. President, during the last few days I have been discussing the manner in which erroneous information about the proposed expenditure reductions is being disseminated with administration backing.

Today I call attention to some information which was furnished to Mr. TEAGUE by the administration. I wish to make clear that I do not find fault with Mr. TEAGUE, rather I commend him for reporting this information. I know this is what he is being told by the Veterans' Administration.

But what I shall show is that this is some more of the scare tactics of the Johnson administration to defeat the expenditure reduction proposals as embodied in the tax bill.

I should like to read one particular part of the letter which deals with the proposed rollback in Federal employment to the June 30, 1966, level emphasizing how it will affect the veterans' programs.

It reads as follows:

> It would take approximately four months and the loss of about 3,000 employees to achieve the June 30, 1966, level for the Veterans' Administration. Since, according to the Bureau of the Budget, the personnel limitation is applied governmentwide, the VA would continue to suffer reductions for at least 26 additional months and by the time the Executive Branch had reached the required personnel level of June 30, 1966, the VA would have been required to give up between 25,000 and 30,000 employees with most of these from the Department of Medicine and Surgery. Since the employee-patient ratio in the Veterans' Administration is 1.4 employees to each patient, it is obvious that such a drastic personnel cut would require the closing of thousands of beds. The Veterans' Administration has estimated that this number may exceed 20,000. To achieve a cut of this magnitude would require the closing of the equivalent of thirty hospitals.

Mr. President, I have received similar letters of concern from the Veterans of Foreign Wars, the American Legion, and other veterans' organizations. I respect their concern. But let us consider what actually happens. First, let me say that there is nothing in the bill that says one single employee must be reduced from the Veterans' Administration. The Director of the Budget has complete authority under the bill to assign the cut where he thinks it will disrupt the least.

Suppose, for a moment, they are assigned on a broad basis, based upon the increase since June 30, 1966. On that date there were 2,366,317 employees on the public payroll. This had been increased by April 1, 1968, to 2,610,000, or an increase of 243,683 employees. That is an increase of little better than 10 percent in this 21-month period. It is this 10-percent rollback across the board that we were talking about.

What has the Veterans' Administration done during that same time? On June 30, 1966, it had 147,634 employees. It had 149,300 on the payroll in 1967, and 152,100 in 1968. That represents an increase, during that same period, in the Veterans' Administration, of 4,466 employees, or approximately 3 percent.

During that 21-month period, overall Government employment increased by 10 percent, during which time the Veterans' Administration accounted for a 3-percent increase in its employment. But now that we propose to roll overall employment back to the June 30, 1966, level, they claim that this will require a reduction of between 25,000 and 30,000 employees in the Veterans' Administration, which means that they will roll employment in this agency back 19 percent or 16 percent less than they had before.

The Veterans' Administration is telling veterans' organizations that this drastic reduction will take place by adoption of this bill. Why do they threaten to reduce employment in the Veterans' Administration by 19 percent from what it was on June 30, 1966? The answer is very simple. With a war in Vietnam—which they refuse to recognize—they realize that this is one agency that must be protected. Certainly no Member of Congress is going to allow these hospitals to close.

This is just another effort by the spendthrift bureaucrats to blackmail Congress.

What they do not point out is that even with the $6 billion expenditure reduction, they will still have $3.2 billion more to spend on domestic programs than they had in fiscal 1967.

Mr. President, this is another example of the deliberate attempts on the part of the administration to discredit any effort to reduce expenditures. I think it is about time for the Johnson administration to fish or cut bait and tell us where it stands.

In that connection, Mr. President, I want to read a letter to the Senate which I have written today to Mr. Charles Zwick, Director of the Bureau of the Budget:

MAY 24, 1968.

Mr. CHARLES J. ZWICK,
Director, Bureau of the Budget,
Executive Office Building,
Washington, D.C.

DEAR MR. ZWICK: Enactment of H.R. 15414 is in danger, and it is very important that the Administration take a positive position on it. Next week an effort is being made to send the conference report back to the committee with instructions to reduce the mandatory spending reductions to $4 million.

Does the Administration support this effort to send this bill back to conference, or does it recommend approval of the report as agreed upon by the House and Senate conferees?

I cannot overemphasize the importance of the Administration's taking a public position. Interest rates are already at a fantastically high level, and the American dollar remains in a precarious position. Excise taxes on automobiles and telephones expired May 1, and these taxes are being collected illegally.

In my opinion the defeat of this measure would be a catastrophy, and I cannot overemphasize the importance and the absolute necessity of the Administration's making its position known.

Yours sincerely,

JOHN J. WILLIAMS.

Mr. President, I conclude by repeating that it is time for the Johnson administration to fish or cut bait. As he advised Congress so eloquently recently, it is time to "bite the bullet."

IMPORTATION OF FOREIGN OIL

Mr. BYRD of West Virginia. Mr. President, the Secretary of the Interior has seen fit to propose regulations encouraging the increased import of foreign oil. Under the proposed regulations, additional import quotas will be granted as an incentive for those who produce low sulfur residual oil for consumption in areas with restrictions on the sulfur content of fuel. While this is done in the name of air pollution control, one cannot help but wonder at the excess of zeal that prompts someone to kill the patient to cure the disease.

It should be obvious that such shortsighted, stop-gap, piecemeal measures as those proposed will do nothing but harm in the long run. They will place unnecessary burdens upon the consumer, disrupt the domestic oil and coal industries, further upset the already chaotic condition of our balance of payments and widen the crack in our wall of national security by relying on troubled areas for more of our national energy supply.

And why have these regulations been proposed? Many State and local governments, in an excess of zeal, have established totally unrealistic air pollution regulations starting at 1 percent sulfur content and ranging down to three-tenths of 1 percent.

This is done, under the assumption that the cause of the problem is sulfur dioxide which is produced when some fossil fuels are burned. I might add that there is a decided amount of medical controversy and downright disagreement over whether sulfur oxides at typical levels constitute a harmful effect on life. The physiological aspects of this are still being studied and it will take several years to learn if the accused has even rightfully been hauled into court.

But despite this, the Secretary of the Interior has taken steps that would flood the market with foreign fuel in an attempt to meet these standards. They were set in a vacuum of scientific knowledge amid the raucous cries of those who cry for action for the sake of action against air pollution.

We cannot possibly expect to accomplish the aims of the proposed regulations without causing a substantial price increase for the consumer in the three major areas affected by the proposed regulations. Those areas are New York, New Jersey, and Metropolitan Washington.

In each of those areas, current price levels cannot be maintained if the 1 percent regulations are imposed. In New York and New Jersey, in fact, sulfur limits will drop to three-tenths of 1 percent within the next few years. It is safe to say that the cost of meeting such unrealistic limits will be a tremendous price increase for the consumer.

As the Joint Committee on Atomic Energy said in a report last month:

> Federal, State and municipal agencies with air pollution control responsibilities may react with an excess of zeal to current pressures for clean air to impose corrective measures on fossil-fueled plants that are unrealistic or prohibitively expensive under the present state of technology.

Assuming the industry is justified in its fears.

I would point out further that the Secretary's proposed regulations are grossly unfair to the Nation's bituminous coal industry. The industry has spent huge amounts of time, energy, and money in cooperation with the Government in research to control air pollution. It is hard at work on projects to remove sulfur from the fuel itself before combustion, and capturing sulfur oxides from the flue gases of coal after combustion. All indications are that technological breakthrough is no more than 3 to 5 years away—less time than it will take to define the problem in all probability.

And the industry's reward for its work, for its effort, and for its early, voluntary recognition of this problem apparently will be a Government-sponsored attempt to undercut one of its significant markets. Can the Government truly expect cooperation if it insists on promoting such schemes?

The coal industry is one of the few that has made a significant contribution to solving our precarious balance-of-payments problem. The Nation reaps the reward of a half billion dollars annually from our coal exports. Before tampering with the markets of any industry which can accomplish this in such financially edgy times, much serious thought and discussion must ensue.

But even if we ignore the increased cost to the consumer; even if we forget the work and splendid cooperation of the coal industry in air pollution control; even if we shun and disrupt an industry that has assisted our balance of payments, can the Nation afford to continue this piecemeal approach to its energy sources in these years of international crises? Can we truly allow ourselves to depend upon oil from troubled waters to supply a large portion of our national energy needs?

Mr. President, I ask unanimous consent to insert in the RECORD an article by George Lardner, Jr., Washington Post staff writer, which appeared in today's Washington Post, entitled, "United States To Step Up Imports of Oil in Pollution Fight."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES TO STEP UP IMPORTS OF OIL IN POLLUTION FIGHT

(By George Lardner, Jr.)

Secretary of Interior Stewart L. Udall announced plans yesterday to step up oil imports in the battle against air pollution.

The move is sure to infuriate domestic oil producers and spokesmen for the coal industry both in and out of Congress.

The Interior Department's proposal is designed to encourage production of low-sulfur residual fuel oil that can meet new air pollution regulations.

Officials said they also hoped it would promote adoption of pollution controls in communities that have yet to act.

"Air pollution is one of this Nation's most dangerous environmental hazards, and the Federal Government is totally committed to control this hazard with all of its available resources, including the oil import program," Udall said in a statement.

Under the proposal, refiners who make low-sulphur residual fuel oil from imported or domestic crude would be in line for additional imports of the cheaper, foreign oil.

Residual fuel produced under the plan would have to be used in markets east of the Rockies where Federal, state or local air pollution controls limit the sulfur content. Residual fuel is used primarily by utility companies, apartment buildings and industrial plants.

The import bonuses would range from half a barrel for each barrel of low-sulfur residual produced with Western Hemisphere oil to a quarter of a barrel for every barrel of low-sulfur residual made from Eastern Hemisphere imports.

The proposal would extend more generous bonuses to domestic refiners that desulfurize their fuel from Western Hemispheric supplies. Low-sulfur residual is hard to come by and the primary American sources of low-sulfur crude are in Libya and Nigeria.

Officials estimated that imports permitted under the plan would grow to some 300,000 barrels a day within several years, but they added that the plan would have only a limited immediate impact. Only New Jersey, metropolitan New York, and the metropolitan Washington suburbs have and these have yet to go into adopted residual fuel controls, effect.

KENNEDY OVERPOWERING FIELD IN CALIFORNIA

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that an article by Carl T. Rowan, entitled "KENNEDY Overpowering Field in California," which appeared in the Washington Star of May 23, 1968, together with a copy of a letter I wrote to Mr. Ramsey Clark, dated May 23, 1968, be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 23, 1968]

KENNEDY OVERPOWERING FIELD IN CALIFORNIA

(By Carl T. Rowan)

LOS ANGELES.—The big salvos are yet to be fired, but the political pros here insist that the great Democratic primary battle is all over but the voting.

Sen. Robert F. Kennedy is viewed as a certainty to get California's 174 convention delegates.

The onetime Lyndon Johnson slate, now uncommitted, is so hapless and hopeless that Vice President Hubert Humphrey is trying every device known to avoid being tainted by its defeat.

Even the leader of the slate, State Atty. Gen. Thomas Lynch, is trying to dissociate himself from a political debacle. He has decided to go to Hawaii until the day of the voting and thus make it clear that he didn't invest all his prestige in a losing cause.

This means that it is up to Sen. Eugene McCarthy to derail the Kennedy express that is roaring toward the August convention with a string of primary victories as evidence that "the people" want him. Even Kennedy-haters out here say McCarthy cannot defeat the New York Senator in California.

The pros figure Kennedy will win 50 percent or more of the votes, McCarthy no more than 35 percent, and the Lynch slate no more than 15 percent.

Once again, it seems, Kennedy money and organization are just too powerful for the Minnesota senator.

"With all his money, Kennedy is covering this state like a blanket. He just overwhelms McCarthy," said Los Angeles Mayor Sam Yorty, a maverick Democrat who dislikes both Kennedy and McCarthy and who supported Republican Richard Nixon in his 1960 Presidential race against the late John F. Kennedy.

Yorty says Kennedy has spent at least $23,000 in recent days just to pay registrars 30 cents for every Negro they put on the voting rolls.

(It is an old California custom for politicians to augment the income of registrars by paying them a modest fee for each constituent registered at that candidate's request. In 1962, when the "fee" was only 10 cents per voter, the state attorney general ruled that the practice was akin to bribing a public official, and thus improper. There is talk of the McCarthy faction making a campaign issue of Kennedy's men reviving this practice.)

Asked how he was sure Kennedy was paying to register Negroes, Yorty replied: "Why one of my top aides, Willard Murray Jr., has taken a leave of absence so he can supervise handing out the money."

(Murray told me that the deputy registrars were not "paid" in any illegal sense. He said they simply were told that they could collect up to 30 cents per person registered to defray expenses. The Kennedy camp also paid for transportation, meals, baby-sitters, and furniture and equipment used by the registrars, he added.)

This eagerness to get more of California's large Negro population registered points up one of Kennedy's strengths and McCarthy's most glaring weakness. Kennedy is immensely popular among minority groups—Negroes and Mexican-Americans here. He is so confident that they will back him, and not McCarthy, that he will gladly finance getting them eligible to vote.

One of McCarthy's troubles is that he hasn't the money or organization with which to appeal for greater support among these or any other groups. His backers say he must put what little money he has into television, leaving almost nothing for billboards, mailings, and other campaign activities.

Kennedy, meanwhile, has elaborate plans to flood the State not only with television and radio but with billboards and two direct "personal mailings" to every voter in the state thought to be a Democrat.

One very costly technique still under consideration is the use of a computer that will direct a letter to Mr. and Mrs. Joe Citizen, Sacramento, and include a paragraph or two about local issues thought to be of vital concern to Mr. and Mrs. Joe Citizen. The computer supposedly is programmed to vary these paragraphs to prevent Mrs. Joe Citizen from leaning over the back fence and discovering that Mrs. John Blow got exactly the same "personal" letter from the New York Senator.

Staff may be a bigger problem for McCarthy than money. His California chairman, Martin Stone, has complained to friends that he was coaxed into getting out front for the half dozen or so Democrats who knew that Stone had been very active among businessmen opposing U.S. policy in Vietnam.

Stone now finds, however, that half the men who coaxed him into leading the McCarthy fight are now on the Kennedy team and the rest are waiting in the wings to beat the drums for Vice President Hubert H. Humphrey.

Stone and Ann Alanson, the Democratic National committeewoman from San Francisco, are struggling in lonely splendor with two or three thousand students to keep McCarthy's hopes alive in the nation's most populous state and this most important primary election.

MAY 23, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: In a column by Carl T. Rowan with a date line of Los Angeles and as appearing in the Washington Evening Star of May 22 there appeared the following statement along with certain definite quotations:

"Once again, it seems Kennedy money and organization are just too powerful for the Minnesota senator.

"'With all his money, Kennedy is covering this state like a blanket. He just overwhelms McCarthy,' said Los Angeles Mayor Sam Yorty, a maverick Democrat who dislikes both Kennedy and McCarthy and who supported Republican Richard Nixon in his 1960 Presidential race against the late John F. Kennedy.

"Yorty says Kennedy has spent at least $23,000 in recent days just to pay registrars 30 cents for every Negro they put on the voting rolls.

"(It is an old California custom for politicians to augment the income of registrars by paying them a modest fee for each constituent registered at that candidate's request. In 1962, when the 'fee' was only 10 cents per voter, the state attorney general ruled that the practice was akin to bribing a public official, and thus improper. There is talk of the McCarthy faction making a campaign issue of Kennedy's men reviving this practice.)

"Asked how he was sure Kennedy was paying to register Negroes, Yorty replied: 'Why, one of my top aides, Willard Murray, Jr., has taken a leave of absence so he can supervise handing out the money.'

"(Murray told me that the deputy registrars were not 'paid' in any illegal sense. He said they simply were told that they could collect up to 30 cents per person registered to defray expenses. The Kennedy camp also paid for transportation, meals, baby-sitters, and furniture and equipment used by the registrars, he added.)

"This eagerness to get more of California's large Negro population registered points up one of Kennedy's strengths and McCarthy's most glaring weaknesses. Kennedy is immensely popular among minority groups—Negroes and Mexican-Americans here. He is so confident that they will back him, and not McCarthy, that he will gladly finance getting them eligible to vote."

On April 29, 1965, the Senate passed by a vote of 86 to 0 an amendment of which I was a sponsor specifically prohibiting anyone from paying or offering to pay or accepting payment either for registration to vote or for voting and setting the penalty at a fine of not more than $10,000 or imprisonment of not more than five years, or both. This restriction is specifically applicable to registrations for general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, or Member of Congress. The full text of the amendment is as follows:

"SEC. 11. (c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico."

This amendment passed the Senate on April 29, 1965, by a vote of 86 to 0. An identical proposal was included in the House bill as introduced by Congressman Cramer. The conference report was accepted, and the bill was signed by the President on August 6, 1965, Public Law 89-110.

S. 1564, the Voting Rights Act of 1965, was intended to guarantee to every American citizen an opportunity to register and vote without any fear of coercion. The purpose of the above-referred-to amendment was specifically to prohibit anyone from paying or offering to pay people to register or vote.

Will you please examine the allegations contained in the article referred to above, and after talking with the parties quoted advise me what steps are being taken.

Yours sincerely,

JOHN J. WILLIAMS.

FLAT TIRES AS A FACTOR IN AUTOMOBILE ACCIDENTS

Mr. DIRKSEN. Mr. President, over the years I know there has been speculation as to how important a factor flat tires are in the matter of automobile accidents on our highways. The tire manufacturing industry got curious, and advanced the necessary funds to have the Traffic Institute at Northwestern University make a thorough-going study of this whole matter. It is a very interesting study, and I think it ought to be inserted in the RECORD as a part of my remarks.

I have only one comment here for the moment. I see the study discloses that there is an average of one flat tire for every 22,000 miles of travel for each automobile. That is a rather significant statement, but I would rather let this entire institute summary speak for itself, and hence I ask unanimous consent to have it printed as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUMMARY OF FINDINGS IN FOUR STUDIES OF TIRE DISABLEMENTS AND ACCIDENTS ON A HIGH-SPEED ROAD MADE BY THE TRAFFIC INSTITUTE, NORTHWESTERN UNIVERSITY, J. STANNARD BAKER, PROJECT DIRECTOR

ACCIDENTS

In the twelve months from September, 1966 through August, 1967, there were 1,486 automobile (four-tired vehicle) accidents on the Illinois Tollway. Flat tires contributed to no more than 36 and possibly as few as 13 of the accidents. This was between one in 40 (2.45 percent) and one in 110 (0.88 percent) of all the accidents. (Study 4)

Injury data were available for 33 of the 36 accidents. None of the accidents which *definitely* followed a tire disablement killed anyone. However, one of those which *may* possibly have followed a tire disablement was fatal. Ten accidents (30.4 percent) involved injury.

The percent of accidents which injured no one was almost exactly the same for both the accidents which *did* follow tire disablements and accidents which *did not* follow disablements. Therefore, there is no reason to believe that accidents contributed to by flat tires are more or less serious than other accidents.

On this fully fenced expressway, cows contributed to 30 accidents. Deer figured in still more, 42. Altogether, animals contributed to 75 accidents, more than twice as many accidents as flat tires. (Study 4)

AUTOS INVOLVED

A total of 2,196 *autos* were involved in the 1,486 Tollway accidents. Thirty-six of them may have had disabled tires before the accident. This would be one in 60 (1.64 percent) of all the autos involved; but this number might be as low as one auto in 170 (0.59 percent). (Study 4)

MILES PER ACCIDENT

Automobiles traveled 1.311 billion miles on the Illinois Tollway during the 12 months. This amounts to 36 to 100 million miles for each flat tire that contributed to an accident. In other words, a driver might experience a flat-tire accident in from 75 to 210 round trips to the moon, or about as much driving as 500 people would do in their whole lives. (Study 4)

PERCENT OF TIRE DISABLEMENTS FOLLOWED BY ACCIDENTS

During the 12 months, automobiles had 60,000 flat tires on the Tollway. This means that one flat tire in 1,700 (0.06 percent) to 4,600 (0.022 percent) was followed by an accident. Putting it another way, at least 99.94 percent of the automobile drivers successfully coped with tire disablements at expressway speeds. (Study 4)

TIRE DISABLEMENTS CONNECTED WITH ACCIDENTS

Experts studied the circumstances of the accidents after which *any* tire was deflated for *any* reason. Careful attention was given to drivers' explanations of the accidents. Whenever possible, damage to tires, rims, and autos was examined in detail. The purpose was to determine how many tires which were flat after an accident clearly had been disabled before the accident and so probably contributed to the accident. (Study 4)

After some multi-car accidents, more than one auto had a disabled tire. On some autos, more than one tire was flat after the accident; and in one instance all four were flat.

Of the 2,196 autos in accidents, an estimated 235 (10.7 percent) had flat tires afterward. Of the 235 cars with flat tires after accidents, between 13 (5.5 percent) and 36 (15.3 percent) after careful study were considered to have had disabled tires before the accident. (Study 4)

DRIVER CLAIMS AND POLICE OPINION

Drivers appear to blame about two-and-one-half times as many accidents on tire disablements as are justified. Tollway police accepted about two out of three of the drivers' explanations in the survey. But of the autos with flat tires after accidents, the percent believed to have had tire disablements before the accident were as follows:

	Percent
Result of this study at most	15
Police opinion	27
Drivers' claims	38

CIRCUMSTANCES THAT DON'T AFFECT CHANCE OF ACCIDENT AFTER DISABLEMENT

It is commonly believed that certain circumstances may lead to auto accidents if a tire goes flat while driving. However, on the basis of data collected, some of these circumstances appear to have little or no effect. Among conditions that do not seem to make any great difference are the amount of tire wear, position of tire on the vehicle, whether there is a sudden "blowout" or gradual disablement, retreaded tires, tires with tubes, and two-ply tires with four-ply rating. (In this connection, do *not* confuse likelihood of accident *after* disablement with likelihood of disablement.) (Study 4)

CIRCUMSTANCES THAT DO AFFECT CHANCE OF ACCIDENTS AFTER DISABLEMENT

Other circumstances do seem to be connected with whether a flat tire while driving is followed by an accident. Power steering is one. Among cars *not having* accidents after flat tires, 70 percent had power steering; among those *having* accidents after blowouts, 48 percent had power steering. (Study 4).

But the circumstance which seemed to be associated most with a flat tire being followed by an accident had to do with drivers.

Of 147 drivers reporting tire disablements *not* followed by accidents (Study 1), only one (0.68 percent) was a woman less than 20.

But for 33 flats that *were* followed by accidents, 5 girls less than 20 years old were at the wheel (15.1 percent). Comparing these two percentages suggests that this age-sex group is 22 times as likely as the *average* driver to have an accident after a tire goes flat. Although the number of these cases is small, the difference is so great that it is extremely unlikely to be due to chance.

On the same basis, women between 20 and 35 seem to be about 5 times as likely as the *average* driver to have an accident after a tire goes flat. (Study 4)

Women as a whole appear to have about four (3.89) times the average likelihood of accidents following flat tires; boys and girls less than 20 years old have about five times (5.17) the average likelihood. Both of these averages are much influenced by the high "risk indexes" for women less than age 35. (Study 4)

EFFECT OF TIRE POSITION

The position of the disabled tire on the car seemed to make no difference as to where the car went after a tire went flat and an auto had an accident. For example, with a blowout on the left rear wheel, the car was just about as likely to go off the left as off the right side of the road. (Study 4)

When an accident followed a flat tire, the reaction of the driver appeared to be so important, and at the same time unpredictable, that whatever swerve resulted from a tire being disabled in any particular position—such as the left rear—is quite obscure. When an accident followed a flat tire, the driver's response seemed to be largely unconscious, perhaps often a reflex action. Drivers could rarely explain clearly what the car did and what they did as a result: "It was all so quick." A few drivers did say that they "over corrected" when the car started to drift after a tire went flat. (Study 4)

DISABLEMENT AS ACCIDENT FACTOR

Because the number of flat tires followed by accidents is so extremely small (not more than 0.06 percent), a tire disablement *by itself* cannot be considered to be *sufficient* to cause an accident. If it were sufficient, there would be many, many more accidents. Drivers and driver behavior seem to make an important difference in whether a flat tire while driving will be followed by an accident. Therefore, to cause an accident, a tire disablement must be *combined* with some driver inadequacy. The data collected do not indicate specifically what such driver shortcomings might be. One may speculate that they might include lack of skill or experience, inadequate grasp of the steering wheel, impulsive reactions, inattention. (Study 4)

FREQUENCY OF DISABLEMENT

There were about 60,000 tire disablements in 12 months on the Tollway. On the average, automobiles (four-tired vehicles) had a flat tire for every 22,000 miles traveled. That is the distance around the earth at the latitude of Florida or about six weeks of driving eight hours a day at expressway speeds. (Study 1)

FACTORS INFLUENCING DISABLEMENT RATES

Several circumstances seemed to affect the number of disablements per million miles of driving. Temperature was one. For the same kind of trips (average length 60 miles), disablements were half again as numerous at a mean temperature of 69°F as at 48°. Higher temperatures would unquestionably greatly increase the disablement rate; lower temperatures would probably reduce it some. (Study 1)

For the same temperature (mean of 69°F), Tollway trips averaging 18 miles had 1.57 times as many disablements per million car miles as trips averaging 64 miles. (Study 1)

Cars more than seven years old had 2.4 times as many disablements per million miles traveled as those less than two years old. (Study 1)

The higher tire disablement rates for short trips (commuters) and old cars probably occurred because tires under these conditions were more worn. (Study 1)

Bald tires were 44.2 times as likely to be disabled as new tires. The risk of disablement for tires with some groove but less than two thirty-seconds of an inch remaining (which would be rejected under recommended U.S. inspection standards) is 18 times that of new tires. (Study 3)

Rear tires are nearly twice (1.8 times) as likely to be disabled as front tires. This difference apparently is not due to greater wear on rear tires because the average remaining groove depth in front and rear tires on the Tollway is almost exactly the same (15.14/32 for front and 15.08/32 for rear). (Study 3) Recapped tires are considerably more likely to be disabled when driving than non-recapped tires.

CIRCUMSTANCES NOT CONNECTED WITH DISABLEMENT RATES

Some circumstances seem to have little or no connection with the likelihood of tire disablement on the Tollway. Among these are age of driver, size of car, power steering, two-ply tires with four-ply rating, and tires with tubes. (Study 3)

The effect on tire disablement of overload and overinflation could not be adequately evaluated because air pressure in the tires before disablement could not be determined. (Study 3)

Data collected seem to suggest that the state where the car was registered and the sex of driver affect the likelihood of tire disablement. Neither of these seems logical. There were, moreover, peculiarities of data collection in both cases which could account for the apparent effects, e.g., a woman is less likely to fix her own flat tire and so more likely to be recorded in police statistics on flat tires.

AUTOMOBILES USING TOLLWAY

1,746 automobiles were surveyed at Tollway service areas. For these cars which had no disabled tires: 96 percent of trips were in dry weather, 91 percent had male drivers, 15 percent had teen-age drivers, 70 percent were less than two years old, 63 percent were standard (more than 3,000 lb.), 73 percent had power steering, and 35 percent were from out of state.

TIRE CONDITIONS

A total of 6,984 tires were examined in the service-area surveys; 0.26 percent were reported to be recapped, and 6.2 percent to have had tubes.

Another purpose of the surveys in the service areas was to determine the condition of tires in normal use on the Tollway. The load on each tire was weighed, air pressure tested, tread grooves measured, and the tire was inspected for surface defects.

Thus, each tire could be compared to existing standards and recommendations set by the Tire and Rim Association with respect to: Tread wear, over inflation, overload, sidewall cracks, blisters.

A driver should be advised to remedy the situation if any of his tires is deficient in any of these ways.

Of the 1,746 cars surveyed at service areas, 607 (34.8 percent) had one or more tires which failed to meet one or more specific requirements. Of the 6,984 tires examined, 1,022 (14.7 percent) had 1,117 deficiencies, an average of 1.09 per tire and 1.84 per car with any deficient tire. (Study 2)

OVERLOAD

Overload was the most common deficiency: 5.9 percent of all tires. For each tire, according to size and number of plies, the Tire and Rim Association recommends a maximum load for a given pressure. The greatest load can be carried at the maximum allowable pressure for that tire. The percent of tires which were overloaded for the pressure in them or for the maximum allowable pressure (whichever was least) is as follows:

Position on car	Some overload	More than 10 percent load
Right front	7.3	2.0
Right rear	4.5	1.6
Left rear	4.9	1.5
Left front	7.0	2.0
All tires	5.9	1.8

Some overloading could be remedied simply by increasing pressure up to the maximon on rear than on front tires. A few cases this been done, the percent of overloaded tires would have been reduced from 5.9 to 2.4. That is to say, in half the cases of overloaded tires, nothing more than additional air pressure was needed to remedy the situation. To remedy the remaining cases of overloading found in the Tollway service areas, the driver would have to be advised to do one of two things: reduce the load or get bigger tires. (Study 3)

These were loading conditions actually found. Many more of the cars, and especially station wagons, would have had overloaded tires if as many occupants and as much baggage as possible were loaded into them.

TREAD WEAR

Tread wear was the second most common deficiency; 4.25 percent of all tires had less than the recommended $\frac{2}{32}$ inch of groove remaining.

The percentages of tires with various remaining groove depths was as follows:

	Percent
None (bald)	2.30
$\frac{1}{32}$ inch	1.95
$\frac{2}{32}$ and $\frac{3}{32}$	6.71
$\frac{4}{32}$ and $\frac{5}{32}$	13.78
$\frac{6}{32}$ and $\frac{7}{32}$	21.20
$\frac{8}{32}$ and $\frac{9}{32}$	25.68
$\frac{10}{32}$ and $\frac{11}{32}$	21.25
$\frac{12}{32}$ and more	7.13

Average groove depth was 7.42/32 inch. It was very nearly the same for all sizes of cars. New cars had an average groove depth of 7.6/32 and old ones 5.5/32 inches. (Study 2)

CRACKS AND BLISTERS

Combined, these afflicted 4.0 percent of the tires. Sidewall cracks big enough to put a fingernail in were apparent on 3.6 percent of the tires. Bulges and blisters were discovered on 0.4 percent of the tires.

OVERINFLATION

Overinflation was found on 1.5 percent of the tires.

When air pressure was measured, some tires were found to have more than the maximum (cold) pressure recommended by the Tire and Rim Association Standard for the size and ply rating:

	Percent of tires
Right front	1.2
Right rear	2.8
Left rear	3.3
Left front	1.6
All tires	1.9

More than twice (2.2 times) as many rear as front tires were overinflated. This may partly explain why disablements are more common on rear than on front tries. A few cases of overinflation could have been remedied simply by releasing air to reduce the pressure to the recommended maximum for that tire. The tire would not then have been overloaded. (Study 2)

APPLICABILITY

Without testing air pressure and weighing, ordinary vehicle inspection stations, which examine only for tread remaining, cracks and blisters, would detect only about half of the deficiencies shown here. (Study 4)

The tires on cars which stop at Tollway service areas are probably in better condition than average tires on the Tollway and on other roads. On the other hand, cars at Tollway service areas are probably more heavily loaded, on the whole, than cars elsewhere.

HAS THE SUPREME COURT EXCEEDED ITS POWERS?

Mr. DIRKSEN. Mr. President, we spent a good many days on title II of Senate 917. Title II, as Senators know, deals with the decisions of the Supreme Court in the Miranda case, the Escobedo case, the Mallory case, and others.

In the November 1967 issue of the American Legion magazine, there appeared an article under the title, "Has the Supreme Court Exceeded Its Powers?" It deals with the Supreme Court, and was written by Mr. Newton Fulbright. The syllabus of the article indicates this sentiment:

> While extremists call for the impeachment of the Chief Justice, even cool legal scholars warn that the Supreme Court is leading the nation to trouble. Here's a short outline of the case against the Court.

I have examined this article and I think it is quite worth while. Hence I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAS THE SUPREME COURT EXCEEDED ITS POWERS?

(By Newton Fulbright)

This year, as last year, The American Legion National Convention called on Congress to "restore the constitutional balance of power" of the U.S. Government through legislation that would limit or preempt the authority of the Supreme Court of the United States in one or more of several specific areas.

In Resolution No. 28, the 1967 Legion Convention made it clear that, in the opinion of the delegates, the Supreme Court, under the guise of interpreting the law, has busied itself writing new law and controlling its enforcement, thus usurping the power of the Congress and the Executive.

Some specific complaints were spelled out by the Legion delegates. They dealt with usurpation of power in general and with Supreme Court decisions that "weaken" or "emasculate" laws that are essential to the security of the nation and to procedures that are followed by law enforcement agencies in their pursuit of crime and criminals.

The Legion's 2,960 delegates did not fancy that it would be an easy job to put the three branches of the government back in balance. They asked Congress to hold public hearings to "ascertain the feasibility" of simple legislation to restrict the Supreme Court. Should that not prove feasible, they endorsed the prospect of one or more amendments to the Constitution to "reassert the supremacy of Congress in legislative matters," in terms that "cannot be misconstrued or ignored."

There is nothing simple about critiques of the Supreme Court. There is nothing simple about defining what its powers are or are not. Nor is it easy to change either the Court itself or its habits.

Attempts to discuss the Court and its proper role may become bogged down in old myths that the Court is sacrosanct, and bogged down even more by confusing the merits of a matter before the Court with the entirely separate question of the propriety of the Court as the body to handle it at all, or of the way it chooses to handle it.

To challenge the Court at all, one must first dispose of the question of whether it is sacrosanct.

There is no point discussing anything touching on the Supreme Court if one must start with the notion that the Court is above criticism, change or restriction. It was Chief Justice Charles Evans Hughes who said that the Constitution of the United States is "what the Supreme Court says it is." If this is literally true, then the Court is superior even to the Constitution. It is then beyond the reach of either the people or the law until such time as the present government of the United States is abolished and a new one created. Anything else would be a waste of breath.

But it is not literally true that the Constitution is what the Court says it is. The Supreme Court earned the right to interpret the Constitution with a fairly free hand over many years in which, by and large, it exercised such self-restraint that the people consented to it—a restraint which some great legal minds claim the present Court has abandoned. Without that consent, the Court is the weakest, not the strongest, branch of the government. It is only nine men. The people, and Presidents, in years past, have defied the Court, restricted the Court and criticized it. For example, after the first ten amendments to the Constitution were adopted as one package in the Bill of Rights, the 11th Amendment, adopted in 1795, barred all federal courts, including the Supreme Court, from jurisdiction in cases in which a citizen sues a state. The 11th Amendment was written and ratified as a rebuke to the Supreme Court.

In the 1830's Andrew Jackson, as President, is credited with having said that Chief Justice John Marshall "has made his decision, now let him enforce it." That decision involved missionaries to the Cherokee Indians in Georgia. It would never have been enforced had not the next elected Governor of Georgia chosen to abide by it.

In his first inaugural address Abraham Lincoln upbraided the Supreme Court for the Dred Scott decision which, in effect, admitted slavery to the territories from which the founding fathers, including authors of the Constitution, had excluded it. Lincoln accused the Court, under Chief Justice Taney, of overstepping its powers then and of helping bring on the Civil War through that decision. One should not overlook the fact that the people—not the Court—annulled the Dred Scott decision by waging war and by amending the Constitution after the war. The nine justices could only abide by the outcome.

These events, quite apart from the issues involved, demonstrate that the Court has never been sacrosanct, that it is not superior to the Constitution or the people, that it rules on the Constitution only with the consent of the people. (As an aside these examples also illustrate in part the dangers of an irresponsible or overambitious Court. It is so difficult to curb the Court that when the people or the Executive become impatient with it, they may assert themselves through extreme measures.)

The Court is not, then, above criticism or control. Yet before one can freely debate the Court's role today there still remains the hurdle of separating questions before the Court from the Court's role in handling them.

If the Supreme Court today is as arrogantly exceeding its powers as many claim that it is, it owes its success in part to the divisive effect of the issues on which it has handed down its most controversial decisions. Those who agree with its far-reaching decisions are as apt to support the Court, *without respect to questions involving the Court*, as some of an earlier generation approved of Mussolini for making the trains run on time. Those who would criticize the Court find themselves having to take stands, perhaps unwillingly, on side issues. There is little question that the Court reached around the barn, and nakedly wrote new law, in its basic school desegregation decision—trampling on both the Congress and the states. But a jurist who is shocked at the non-judicial nature of the decision and the obvious writing of basic law by the justices may find himself tarred as a segregationist if he speaks out.

Yet the first school decision was soon a platform on which the Court would stand to claim more unrestrained powers for itself. Until the days of the present Court it had been traditional that the Supreme Court literally rules on the case before it, not the whole question as it may apply to other cases. It has been an assumption—and a reasonable one—that a different case on the same question *might* be ruled on differently, but that by and large a decision in one case would indicate how similar ones would go. Under this tradition the Court was spared accusations of reaching for power. It did not literally claim to write fixed and frozen rules to the last comma and period, as lawmakers attempt to do in their very different role.

But within a few years of the first major school desegregation decision the modern Court threw off all pretense that it tries one case at a time, or that it does not consider itself a legislative body. In a follow-up school case, *Cooper vs. Aaron*, it said: ". . . the interpretation of the 14th Amendment . . . enunciated by this Court, is the supreme law of the land . . . binding on the States. . . ."

This remarkable admission is tantamount to the plainer language "This Court, alone, has recently amended the Constitution." Gone is all pretense that in the first school case only that case was decided. The Constitution limits "supreme law" to (1) itself, (2) laws passed "in pursuance" of it, and (3) treaties. It remained for the modern Court to claim that it, too, writes supreme law.

The Legion's 1967 resolution is no more than a mirror of a very broad reaction in the land against the present Court. Off at one extreme are those who erect billboards calling for the impeachment of Chief Justice Earl Warren. But cooler heads, the scholars of the law, are also disturbed. If all of the complaints against the present Court are to be wrapped up in one blanket indictment it is that the Court quite often second-guesses not the legality of what Congress does (a traditional right) but the wisdom of Congressional acts, which is not its business. The all-embracing charge is that the Court has its own social theories, and since Congress doesn't enact them into law, the Court does it on its own, merely pretending that each new law that it writes is a valid interpretation of an actual law.

The charge is extremely serious. If a board of justices appointed for life during "good behavior," not answerable to the people at the polls as the President and Congress are, is to originate "supreme law," it then indulges in a form of tyranny that defies our basic concept of government by the people.

Many noted legal authorities have added particulars to the basic fault found with the present Court. Some of these are:

The Court is doing imperfect work by running a sort of legal production line, accepting cases and grinding out decisions in haste to step up the scale of its social lawmaking.

A series of Presidents has maintained a Court majority that is amenable to writing decisions in support of vote-getting political paltforms, and a majority of the justices has accepted the political role on which the appointments were based. In this process, more able jurists were by-passed.

The modern Court has focused its attention on the matter of equal rights and protection of the rights of citizens to the exclusion of other important aspects of our society. While the protection of the rights of citizens under the Constitution is an important function of the Court, the Court has (a) reached beyond the Constitution in its legislative zeal to *create* rights rather than protect them, and has (b) sacrificed other considerations in the process. The clearest examples lie in the charge that the problems of law-enforcement have been ignored in the Court's zeal to "overprotect" persons accused of crime, and that the Court strains to protect Communists as "citizens" while blinding itself to what they are up to.

The Court has hamstrung the power of the state and federal governments to protect themselves from internal subversion.

In many cases the Court has clearly written decisions to achieve results desired by it, which is the very essence of law-making and no part of judicial interpretation.

The Court has exceeded all reason in meddling in the internal politics of the states, an area closed to all three branches of the federal government in the Constitution.

Finally (a charge viewed with most concern by those who understand the law and judiciary the best) the Court has shown an alarming lack of restraint.

Legal scholars who voice these conclusions see enormous dangers in them for the country, and the same dangers are sensed by many of the people who, though unversed in law, attribute to the Court a good share of the growing instability in the nation.

With mobs taking over in the larger cities, with the police helpless and mayors and governors forced to call on the Army to restore order, popular reaction against the Court has increased. By "coddling" criminals and granting immunity to Communists to carry on their agitation; by disrupting legislative elective processes to conform to the reapportionment rulings in the state elections; by denial of prayer in the schools, the Supreme Court is blamed emotionally for conditions of near anarchy that seem to threaten the pattern of American society.

But what of the non-emotional comments of legal scholars?

Rene A. Wormser, New York attorney, scholar and author of "The Story of the Law and the Men Who Made It—From the Earliest Times to the Present," is one of those who believes that the Supreme Court, in much of its recent majority opinion, has erred broadly in appearing to abandon the role of interpreter of the law for that of social reformer. Mr. Wormser believes the criteria of a judge to be restraint and humility. These attributes have largely been lost sight of, he believes, since Franklin D. Roosevelt, in 1936, undertook to enlarge the Court in order to defeat the "nine old men" who had blocked New Deal efforts to expand the powers of the federal government. Balked by Congress in his efforts to "pack" the Court, the former President resorted to naming only known "liberals" to the bench when vacancies arose. Mr. Wormser believes that the competence and dignity of the Court suffered severely and has continued to suffer from a process that puts politics above ability.

"Why," he asks, "was not Judge Learned Hand named to the Court? Or Judge Harold R. Medina? Outstanding men, both of them—as was Roscoe Pound, former Dean of the Harvard Law School, an outstanding authority on American jurisprudence. Why wasn't Dean Pound ever named to the Court?"

His question is an indictment of a climate that places politics above scholarship and party above character and sobriety.

The late Justice Felix Frankfurter, toward the end of his career on the Court, found himself more and more at odds with his "liberal" associates.

"It is not the business of this Court to pronounce policy," he said in 1958. "Self-restraint is of the essence of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the executive branch do."

Professor Henry M. Hart, Jr., of the Harvard Law School, said a year later:

"It has to be said that too many of the Court's opinions are about what one would expect could be written in 24 hours. . . . Few of the Court's opinions—far too few—genuinely illuminate the area of the law with which they deal."

Chief Justices of the Court, from Charles Evans Hughes through Harlan Fiske Stone to the late Fred M. Vinson, had voiced a philosophy of "judicial restraint." But Chief Justice Warren, who succeeded Vinson, joined the "liberal" members in pursuit of what critics of the Court call "judicial activism." Of this, Harvard Law Dean Erwin N. Griswold said in 1960 that the law and the public are poorly served when the Court judges a case to bring on a result it seeks.

Professor Philip B. Kurland, of the Chicago University Law School, listed four criticisms of the Court in 1964. First, in its concern with "equality" it cares less than earlier Supreme Courts did for "due process of law." Second, its reach for power divides and confuses the federal system. By assuming the role of a second rulemaker (Congress being the first) uniformity in lawmaking is giving way to a confused diversity. Third, the Court is building its own power at "the expense of the power of the other branches of government, national and state." Fourth, there is an "absence of a workmanlike product, an absence of right quality" in Court decisions.

But some of the most forceful criticisms of the Court have been voiced within the Court itself, in the minority opinions of dissenting Justices. Former Justice Robert H. Jackson assailed the majority opinion penned by Chief Justice Warren that freed 11 convicted Communists of conspiracy charges in *Dennis vs. U.S.*

The Court, Justice Jackson noted, had been severe in condemning conspiracies in the world of business, labor and management. But here, in the case of defendants joining in concerted action "to undermine the whole government" the Court was treating conspiracy as a "civil right."

A 1967 decision annulled New York's Feinberg Law to keep Communist Party members from infiltrating public school faculties and the state civil service. It drew from recently retired Justice Tom Clark a scathing minority report, in much of which he was joined by Justices Harlan, Stewart and White. The majority decision was a "blunderbuss" approach with an "artillery of words" having a "non-existent" bearing on either the case itself or the final decision. "No court has ever reached so far to destroy so much with so little," said Clark. American Legion Commander John E. Davis, two-time Governor of North Dakota, characterized the decision as one that invaded the field of judging the professional competence of State employees—no business for a court.

Justice Frankfurter assailed a majority opinion written by Justice Brennan in 1959. A female lawyer, Sawyer, while defending clients against subversive charges in Hawaii, had been suspended from practice for a year for insults she allegedly hurled at the presiding judge while attending a public hearing. The Brennan decision revoked her suspension, and throughout the decision ran the suspicion that it was weighing sympathetically the case of Sawyer's clients rather than her own alleged contempt for the Hawaiian court. Frankfurter wrote that the majority decision neglected evidence, and its finding "impairs the responsibility of the bar . . . and . . . of criminal lawyers engaged in the conduct of trials." It encouraged the trying of cases in the press instead of in the courtroom, he said.

Justice White's dissent in *Miranda vs. Arizona* (a landmark decision in the social legislating of the present court regarding the rights of accused persons) said that the decision ignored the security of other individuals and their property, by giving too much freedom to criminals. He reminded the Court that its passion for "human dignity and civilized values" was ill-served by giving criminals more leeway to prey on others with impunity.

Justice Harlan, in *Harper vs. Virginia*, objected that the court was creating rights (a lawmaking function) more than giving equal protection to all people to enjoy existing rights (a judicial function). It was rigidly imposing its ideology on America.

Some of the severest critics of the modern Court go the whole route. Some practices of today's Court, they say, are patently more unconstitutional than some of the laws it upsets. Even the Court's champions sense the merit of that charge, for they strain to devise Constitutional excuses for the Court's actions.

They are put to that strain out of the common knowledge that the growth of the power of the Court came a few decades *after* the Constitution was written, and that it traces its powers more to the zeal and political adroitness of the fourth Chief Justice, John Marshall (appointed 1801), than to any grant of authority in the Constitution.

In an extremely clever series of decisions, Marshall, who dominated his colleagues, settled specific Supreme Court cases to the satisfaction of his worst enemies, in each case stating a *reason* that enlarged the power of the court. Thus he disarmed his opponents with pleasing decisions while setting the precedents to which the Court has owed its larger powers. Most of his successors realized that Marshall had carried the Court's powers far beyond any word of the Constitution. They safeguarded their position with that exercise of restraint which the present Court majority is now accused of abandoning.

Defenders of Marshall's enlarged powers have felt the need over the years to put them on firmer ground by finding some excuse in the Constitution for them. Lacking any word in the law itself, they built a case of the "intent" of the Constitution. Divining the intent of the deceased is a game with loose rules. The Court's friends base their case on the *presumed beliefs* of the founding fathers. These, in turn, are based on *presumed court customs* inherited from England and preserved by the colonies.

The key question goes right to the root. Has the Supreme Court ever had any Constitutional power or right at all to rule on the constitutionality of a law passed by Congress?

No such authority is hinted at in the Constitution. It was first clearly enunciated by Marshall in the celebrated *Marbury* case. He reached a decision against all his sympathies and in favor of his enemies in exchange for claiming that the Court could rule on the constitutionality of acts of Congress.

The Court's defenders, sensing that a personal bargain of Marshall's is hardly a rule binding on the people of a republic, go back to certain court cases in England and in pre-Constitution America to show that the right of a court to annul a law was then so well understood that the founding fathers felt no need to spell it out in the Constitution. It was implied all along.

L. Brent Bozell in his current book "The Warren Revolution" (Arlington House, New Rochelle, N.Y., 1966, $7.) demolishes these cases in 366 pages of scholarship.

Instead of merely citing the cases blindly from a standard book published in 1900, Bozell returns to them in detail in 1966.

When he is done with them they go far to prove that the founding fathers would not ever stomach a court canceling a law.

Right up to the writing of the Constitution neither the people nor the political leaders wanted *any* part of *any* court revoking *any* law written by *any* legislature. The obvious reason, often forcefully expressed in colonial days, was that the lawmakers are within the reach of the people at the polls while the courts are not. Jefferson said that Bunker Hill wasn't fought to put the law in the hands of non-elected officials.

In most of the cases cited in law books to prove that the courts overruled legislatures as a matter of course in Colonial days, the judges whose decisions are cited denied any right or intent to annul law. The rulings attributed to some others were never made. Some "cases" cited were never cases at all. The only open and shut case among them was in England, where a court overruled an act of Parliament in favor of the prerogatives of King James II. Bozell goes to the historical fact that the King trumped up the whole thing. Judges, plaintiff and defendant were all in cahoots with him. Shortly after that decision, James was dethroned and Parliament established its supremacy over the English courts. None have voided an act of Parliament since. A sorrier "prudent in law" to empower our Court to annul law could hardly be found.

The American "precedents," Bozell shows, are a complete shambles, refuting more than confirming any intent of the authors of the Constitution to let courts annul laws. Interested readers should follow his text.

In the United States, the word of the Constitution repeatedly establishes the supremacy of Congress over the Supreme Court. It grants Congress general powers to regulate all the federal courts. It takes up the question of the courts' honoring the Constitution, and instructs the *state* courts to do so. While on the subject it omits any mention of either a right or responsibility" of the Supreme Court in the matter.

It gives the Supreme Court original jurisdiction in certain federal matters, such as cases arising out of treaties. But in allowing the Supreme Court to hear appeals (which is where it has raised the most ruckus) it was made inferior to Congress, for the Constitution explicitly gives Congress the right to regulate the Court's hearing of appeals. Bozell points out, by going to what its framers said at the time, that the Constitution, in naming three things that will be the "supreme law of the land," was *limiting* them to three—thus excluding all pretensions of the modern Court that *it* is the author of "supreme laws" too, unless it is conceded that the Court is free to rewrite the Constitution.

The "independence of the judiciary" is applauded on all sides, but what is meant by it is not settled. As some see it, it means that the Congress shall not tamper with the *functioning* of the courts. There *shall* be trial by jury. On the High Court the Justices *shall* be appointed for life "during good behavior" and Congress shall not meddle with this. Congress does have power to impeach judges for "bad behavior," and it has been exercised a few times on federal jurists, though not at the Supreme Court level. In this view, any right of courts to annul laws is not part of the "independence of the judiciary." It is rather a trampling on the "independence of the legislature." And that is the consistent English view, too.

But this dilemma has often been voiced: Suppose that the states and Congress defy the Constitution? Who, then, if not the Supreme Court, will defend it? As Jefferson implied in his "Bunker Hill" analogy, the people will. They can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court, so the more serious dilemma is "Who will defend the Constitution if the Court abuses it?"

Today this question isn't academic. Several attempts to amend the Constitution to undo Court decisions that are felt to be mischievous or tyrannical have recently been supported by majorities in Congress, but failed of the two-thirds majority needed before being put before the states.

Sen. Sam J. Ervin, Jr., of North Carolina, has sought to put the admissibility of confessions in a criminal court out of the reach of the Supreme Court. His amendment would make the trial judge the sole arbiter of that, with the proviso that he must find the confession to be voluntary.

A series of recent Supreme Court decisions limiting the admittance of confessions in courts has produced hair-raising consequences in law enforcement. One of the first results was the release without trial of a New York man who freely admitted murdering his wife and children. Statistics showing serious increases in unpunished crime, directly following Court decisions that tie the hands of police and magistrates, have been recorded by many law enforcement agencies.

Sen. Everett Dirksen, of Illinois, has fallen short of sufficient support to get amendments going in Congress to (a) allow voluntary school prayer, and to (b) put an end to the Supreme Court's dictating how state legislature will be formed and how their voting districts will be created.

The Court's recent adventure into state politics ended in a shocker. It began in 1962 with the Tennessee case in which the Court claimed jurisdiction over state voting districts. It was a claim not supported by any word in the Constitution or by any legal precedent. The modern Court based its invasion of state politics on the rights of voters to *equal representation,* under its reading of the 14th Amendment.

Bozell says that in going just so far as to claim jurisdiction over state elections and legislatures in the 1962 decision, Justice Black misquoted and quoted out of context statements of the authors of the Constitution. Bozell cites fuller texts in proof. He notes too that the Constitution spelled out the right of the states to manage their elections, with Congress as the *only* regulatory federal body, and *then* only in electing members of the national Congress.

In the third case on the same subject, in 1964, the Court ruled on alleged Constitutional grounds that no state can have its own equivalent of the U.S. Senate—a chamber whose members represent interests of areas rather than population.

This time "rights of voters" under any reading of the 14th Amendment were thrown out the window, since in the test case the citizens of Colorado had voted to keep their Senate as it was rather than reapportion it by population like their lower house.

The Court ruled—from out of the blue—that the citizens couldn't have a state Senate similar to the U.S. Senate even if they voted for it. At that time every state but one (Nebraska) had one, and when the Constitution was written all but three states did. The U.S. Senate was based in part on the pattern of such state senates. Bozell, not letting up a minute, notes, that the Constitution guarantees each state a republican form of government. In denying Colorado's voters (or those in any other state) the right to vote to have their own kind of Senate, he says, the Court trampled on the Constitution again. For it is the essence of a republican form of government in Colorado that the people may design their own state government. The Constitution also refers offhandedly to "the most numerous branch" of a state's legislature, accepting on the face of it two or more Houses in one state, formed differently.

Back to Senator Dirksen. Having failed to get an amendment to the Constitution on school prayer or state government passed by two-thirds of his political brethren in Washington, he turned to the people and the states. Dirksen called for a Constitutional convention, which Article V of the Constitution provides for on "application of the Legislatures of two-thirds of the states." The surprising result was that on May 1, 1967, 32 states had approved petitions calling for such a convention. Only two more were needed with 16 States yet to vote on the matter.

Senator Dirksen, delighted by the favorable response, predicts that the remaining two states will act favorably in 1968, if not before. He said that "For over 175 years, the people in each State had and exercised" the power to shape their state legislatures. But "the Supreme Court took away this right of the people by its decision in *Reynolds vs. Sims* and related cases, decided in June 1964 . . . They are bound to [the Supreme Court's] standard no matter what the people want."

The Senator charges that "liberal" forces friendly to the Court's decision, caught by surprise, had tried to halt the procession of approval of a Constitutional convention. ". . . Efforts were made in at least five states to get legislatures to rescind their action. Every one of those efforts failed."

States yet to vote on the proposal are California, Oregon, Alaska, Hawaii, Iowa, Wisconsin, Michigan, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont and Maine.

A Constitutional convention has not been held since 1787, when the Constitution was drafted, and no one knows exactly what would result. A convention could amend the Constitution freely or even rewrite it. The work of the convention would again have to be ratified by legislatures in three-fourths of the states, or by elected delegates to separate conventions in three-fourths of the states, as required under Article V.

The rapid approval by 32 of the first 34 states to vote on a constitutional convention was a complete shocker in Washington, suggesting that the capital has been out of touch with the great discontent with the Supreme Court elsewhere. Presumably all sorts of roadblocks will be thrown in the convention's path, as some already have been. The final weapon against it would be obstructions that would have to be resolved by the Supreme Court. It would surely find reasoning to defend itself from such a convention, though there is a rule of law that no man shall judge his own case.

Senator William Proxmire, of Wisconsin, suggests how to defeat the convention. He says that 26 of the 32 state petitions should be rejected because those states have yet to reapportion their voting districts under the Court ruling, hence their legislatures are "illegal." Proxmire calls the whole idea of a Constitutional convention a "Pandora's-box nightmare."

Dirksen's reply is that this nation is one—or should be one—of the people, by the people and for the people. If three-fourths of the states ratify the convention, that fact should supersede any ruling of a majority of nine men named to the Supreme Court.

The support that a new Constitutional convention has already gotten must have a profound effect. It shows an impatience with the Supreme Court that runs far deeper than many political leaders had suspected. Shrewd politicians must get the message.

Presidential candidates *may* yet be moved to promise to appoint men of the stature of Judges Hand, Medina and Pound if they have the chance. Senators *may* yet resolve to block appointments of lesser lights.

Amendments to the Constitution to check the Court and undo some of its worst decisions may be the compromise to avoid returning the whole body of the law of the land to the people at a Constitutional convention. Few new votes would be needed to tip the scales for Congressional support of some such amendments.

The ground swell against the Court is large and growing. While popular movements may be slow, in the long eye of history the more they are frustrated the more irresistible they become.

Political obstructions may stall things for months or years. But throughout history, when obstruction runs against a tide of general discontent, it finally fails. Then the obstructors stand in history as the villains.

One who studies frustrated popular discontent can visualize long continued unrestrained use of power by the Court finally resulting in changes in the Constitution far more "impossible to misconstrue" than the Legion's delegates probably intended, such as:

"No court shall void an enactment of a legislature," or

"The Congress shall judge the constitutionality of the acts of the states, and the people shall judge the Congress, and regular elections."

Horrible as such propositions would seem to many Americans (they would tear up our highest legal fabric going back to John Marshall), England has survived such principles for centuries.

Yet amendments that restrict the Court do not assure the people of wise, thoughtful, restrained and humble jurists. No constitutional matter was before the modern Supreme Court in the first *Steve Nelson* case. Nelson had been convicted of Communist subversive activities under Pennsylvania's sedition law. His appeal was simply that the Smith Act, adopted by Congress, had put the whole matter in federal hands. Hence Pennsylvania's law was dead. The Supreme Court agreed and freed Nelson. It said that Congress intended to wipe out the state sedition laws in favor of federal law when it adopted the Smith Act. The Court said that a chief reason for this intent of Congress was that the states' enforcement of their laws would interfere with Justice Department efforts to enforce the Smith Act.

In this case, authors of the Smith Act were still alive. Rep. Howard W. Smith, of Virginia, whose name it bore, penned a letter stating no intent to override state laws, but rather to reinforce the web of laws against sedition. And Congress had placed the Act in Title 18 of the U.S. Code, which stipulates that nothing in it shall step on state laws!

The Justice Department entered the case with a brief on behalf of Pennsylvania, to the effect that what Pennsylvania did to enforce its sedition laws wouldn't bother it a bit. The Supreme Court ruled that it knew what was intended far better than those in whose minds the intent existed.

Then came Chapter 2. Now Nelson was convicted, with others, under the Smith Act. The Supreme Court heard the appeal on this too, and now it freed him again. Then, in the *Yates* case it further knocked down the Smith Act.

Net result: all the states gave up enforcing their sedition laws "because the Smith Act superseded them" and the Justice Department threw up its hands at enforcing the Smith Act.

Out of these mental gymnastics, there emerged two winners—the Supreme Court and the Communist Party.

There is only a political cure for the Court mentality revealed in the Nelson cases. That is to hold the elected officials who appoint judges accountable at the polls. The people are not yet widely asking office seekers to commit themselves to the kind of judges and justices they will appoint if elected. But that may be next, if the surprising support of a call for the nation's second Constitutional convention means what it seems to.

Today there is an outward calm over the Court issue in the power centers of American politics. Dirksen's call is still two states short, and you may be sure the wheels are grinding to hold the remaining 16 states in check.

But if they follow the trend of the first 34, the issue of the Supreme Court will be squarely before the nation in a debate of such gravity that few people yet grasp what it will mean, *no matter how it goes.*

BLOCK GRANTS—GRANT FORMULA OF TITLE I OF S. 917

Mr. DIRKSEN. Mr. President, on yesterday I dwelt at not undue length on the amendment I submitted on block grants. I did not want to impose too much upon the time of the Senate yesterday, but some other things should have been said. Hence I submit a more amplified statement, plus a copy of amendment No. 715, and also an analysis of the amendment which I think might be useful to the conferees when they sit down to iron out the differences between the two bodies. So I ask unanimous consent that all that material be made a part of my remarks in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Senator Dirksen

In co-sponsorship with several of my distinguished and knowledgeable colleagues, I am offering—and urging the adoption of—an amendment to change the grant formula of Title I of S. 917 to make our State governments the focus and coordinators of federally funded, statewide programs to improve State and local law enforcement. This amendment is similar to the approach taken in H.R. 5037, the companion measure that passed the other body last fall. Simply stated, we believe the grant formula embodied in Title I of S. 917 is an inappropriate and unwise—if not dangerous—approach for improving the capacity and capability of local law enforcement for controlling crime in America. On August 8, 1967, the other body rejected this formula by an overwhelming vote of 256 to 147. The Senate must also reject the grant formula of Title I.

The programs of Title I are going to profoundly effect the evolution of American law enforcement. Although these programs will make possible dramatic achievements in the fight against crime, the means by which these programs are to be established and maintained inhere of great dangers to American liberty and little promise of long range or permanent improvement in American law enforcement. Let me first explain the dangers in Title I and then let me explain the short sightedness and deficiencies of Title I.

It may be said that no agencies of government are more important to society than law enforcement agencies. They are charged with the responsibility of exercising the first duty of government—protection of society. To meet this responsibility we have empowered law enforcement with the strongest forces which government can bring to bear on an individual. No governmental powers represent a greater potential threat to individual liberty than those entrusted to law enforcement. The best check on these powers is diffusion of governmental authority. This diffusion is a basic tenet of our Federal system of government. As the distinguished Director of the Federal Bureau of Investigation has said:

"America has no place for, nor does it need, a national police force. It should be abundantly clear by now that in a democracy such as ours effective law enforcement is basically a local responsibility. In the great area of self-government reserved for States, counties and cities, the enforcement of the laws is not only their duty but also their right."

What is going to happen to law enforcement when it is being financed from Washington? I believe that experiences from hundreds of existing Federal grant programs patterned much like Title I's program give us the answer: law enforcement will become dependent on and subject to Federal control. Experience demonstrates that grant applicants, sorely in need of funds, quickly become skilled in the art of grantsmanship and tailor their applications to what they believe the grantor will approve. Title I of S. 917 gives Federal officials the tremendous power to control the money flow and thereby demand compliance with Federal edicts for he who pays the piper calls the tune!

In short, the grant formula of Title I is a circumvention of the constitutional policy against Federal controls over State and local police powers. Through the powers of the purse and the mechanism of Title I we may inadvertently federalize all America law enforcement. This would be a grave and grievous error. Mr. President, during our debate and deliberations on this historic legislation there have been repeated references to the findings and recommendations of the President's Commission on Law Enforcement and Administration of Justice. This distinguished Commission, chaired by former Attorney General Katzenbach, recommended that "the Federal Government . . . make a dramatic new contribution . . . by greatly expanding its support of the agencies of justice in the States and in the cities." This recommendation is the genesis of Title I of S. 917.

Significantly, the President's Crime Commission did not recommend *how* the Federal assistance should be given. Rather the Commission noted that it was "mindful of the special importance of avoiding any invasion of State and local responsibility."

The grant formula proposed in Title I was not suggested nor is it supported by any Commission's finding or recommendation. Indeed, I find it to be at odds with the Commission's findings and recommendations.

Throughout the Commission's Report one finds references to the need to get the States moving, to get the States to assume greater responsibility for law enforcement and criminal justice, and to get the States to coordinate and integrate the existing disarray of agencies and institutions within their borders. Mr. President, I submit that the funding formula of Title I is myopic—if not blind—to these fundamental findings and fundamental facts. Let me elaborate briefly. The President's Crime Commission found:

"There are today in the United States 40,000 separate agencies responsible for enforcing laws on the Federal, State and local levels of government. But law enforcement agencies are not evenly distributed among these three levels, for the function is primarily a concern of local government. There are only 50 law enforcement agencies on the Federal level of government and 200 departments on the State level. The remaining 39,750 agencies are dispersed throughout the many counties, cities, towns, and villages that form our local governments."

Today's law enforcement system is a composite composed largely of small, independent 5, 15, 30, 60 men police forces. The fact that virtually every village, borough, town, city and county in America has a police force is part of our inheritance from 17th Century England, whose precepts formed the foundation of our law enforcement system as we know it today.

Mr. President, we now stand at the cross roads. We must carefully select our course. Faced with the alarming statistics of increasing crime, we must ask if our law enforcement and criminal justice system—the system by which we identify, investigate, apprehend, prosecute, convict, punish and rehabilitate criminal offenders—is capable of controlling crime. We must ask this question because the system—particularly its structural disarray—is not well suited for crime control in the 20th Century America where 83 percent of all reported crimes occur in metropolitan areas. We must not confuse our constitutional policy of diffusion of governmental authority with the need for a coordinated system. Today our system is over-diffused. Today our system is fragmented and uncoordinated. The system is outmoded. We must strike a true balance.

Our system of locally independent law enforcement was outmoded in 1923, when Dean Roscoe Pound observed of the system: ". . . that institutions and doctrines and precepts devised or shaped for rural or small-town conditions are failing to function efficiently under metropolitan conditions, that institutions and methods which were effective in a background of pioneer modes of thought and rural conceptions of social life in the past century are working badly in a background of modes of thought born of a developed industrial society and urban conceptions of social life in the present century. . . ."

The system was outmoded in 1937 when former Attorney General Homer Cummings observed:

"In the urban, industrialized, and unified county of today, attorneys general, prosecution attorneys, police and public detective forces must enforce the law with machinery essentially unchanged from that set up for the typically rural community of a century ago."

The system is tragically outmoded today. Within the past few years several States have re-examined their law enforcement and criminal justice systems. State after State has found that the structure of the system is a major factor in the inability of law enforcement to control crime. For example, New Jersey, the most recent State to complete such a study, reported on April 22, 1968, that its "system was established in another day for a peaceful rural society of friendly neighbors, while today it serves an entirely different, mobile, troubled and urban society embracing 95 percent of New Jersey's population. The system now confronts a society of strangers and complex crime problems which did not exist during those decades long ago when the system was pieced together."

New Jersey, like many many other States, has a self-defeating disarray of local independent law enforcement and criminal justice units. New Jersey has some 430 separate local police departments with 12,000 policemen and 430 chiefs of police. New Jersey also has State police, various types of State, county and local investigators, 21 county prosecutors and staffs, county police, boulevard police, sheriff police, police services from various State authorities, a Waterfront Commission with law enforcement powers, plus a similar disarray of courts, prisons, probation services, parole boards, narcotic study groups, juvenile delinquent programs and on and on. Unfortunately, New Jersey's law enforcement and criminal justice structure is not unlike many other States. The New Jersey study found that its system was "fragmented both in functions and jurisdiction, undernourished, (and) without focus or command. . . ."

Mr. President, the grant formula of Title I will help renourish law enforcement in America, but it will not eliminate fragmentation of functions and jurisdiction nor will it provide the necessary focus and comand. To obtain these fundamental goals we must make the State government, as New Jersey and other States have discovered, the central law enforcement command and the coordinator of all State law enforcement activities. Note, and note well, the grant formula of Title I, in authorizing grants directly to local law enforcement units, will tend to perpetuate the existing structure and disarray and will freeze into permanence the existing over diffusion and disunity. In fact Title I's formula will hinder, if not defeat, the development of statewide planning and statewide coordination of law enforcement and criminal justice. When the efforts at statewide integration and coordination of these activities become more or less eclipsed, the only available alternative will be total federalization of all law enforcement and criminal justice in America.

We must now ask if realistic democracy requires that each community, however, small, do its own policing within its own limited jurisdiction. I believe we will find that neither fundamental law, prudent policy nor any basic geographical, economic or social condition justify the existing minute subdivision of local law enforcement. We must ask if realistic administration can sufficiently equip, train and man a really effective police force in every community. I believe we will find that few communities can afford to maintain even the minimum necessary police force and practically no community can afford the expenses involved in improving or expanding its crime control efforts. Local taxing bases are insufficient to provide the requisite funding.

Experience demonstrates that fragmented local law enforcement is not conducive to effective crime control. The territorial range of a local law enforcement unit is generally not commensurate with the territorial range of the crime. Pursuit cannot stop at a city or county line. Clues may be found in many cities. A suspect may have a record in several jurisdictions. Unfortunately, the necessary local cooperation, coordination and correlation for effective statewide and nationwide law enforcement and crime control have never developed.

Mr. President, it's past time for modernizing American law enforcement.

Effective crime control demands modern law enforcement machinery. Modernization will not be accomplished only by new,patrol cars, new weapons, computerized communications, or any other marvel of science. Modernization will not be accomplished until we re-design the very foundation of law enforcement to eliminate fragmentation, duplication, disunity, and the host of problems that presently stem from our existing structure. Modernization will only be accomplished when the States are made the principal focus of our system. Modernization will not be accomplished by Title I, as proposed.

I believe that the inherent dangers and deficiencies of Title I must be eliminated by amendment. The other body recognized these dangers and deficiencies and avoided them. The amendment I have offered to accomplish these ends is very simple. Instead of a grant formula whereby the Federal Government deals principally and directly with local governments and only secondly—if at all—with State governments, I propose a grant formula where the Federal Government will deal directly with the States and the States in turn would coordinate planning and programs for all law enforcement units throughout the State. This amendment will have the effect of making the State the focal point for crime control.

We stand at the threshold of opportunity. I pray we will take this opportunity to make permanent and lasting improvements in American law enforcement by bringing our States into full participation in the fight against crime.

I urge the adoption of this amendment.

SECTION-BY-SECTION ANALYSIS OF AMENDMENT 715

This is an analysis of Amendment 715, offered by Senator Dirksen as amendment to S. 917 on May 3, 1968.

The purpose of this amendment is to substitute a modified system of "block grants" for the "direct grant" provisions of Parts B and C of Title I of S. 917, as reported from the Senate Judiciary Committee on April 29, 1968.

PLANNING GRANTS

Amendment 715 would modify Part B of Title I by striking Sections 202, 203 and 204 on page 19 of the bill. Section 201 on page 19 would be unchanged. The amendment would substitute four new sections for those struck.

Section 202

Amendment 715 would add a new Section 202 to Part B of Title I. This section provides that the Law Enforcement Administration would make grants to States for the establishment and operation of State law enforcement planning agencies for the preparation, development and revision of State plans required under Section 303 of the amendment. Any State desiring to make application to the Law Enforcement Administration for such a grant would have to do so within six months after the date of enactment.

If a State planning agency were in existence prior to the enactment of this act, planning grants could be made for the continued operation of the agency so long as applications for such grants were made within six months after enactment of the act.

Section 203(a)

This new subsection of Amendment 715 would provide that planning grants made under Part B shall be utilized by the States to establish and maintain State planning agencies. A new agency could be created by the Chief Executive of the State or an existing agency so designated. The requirements of the applicable laws of the State would govern the creation or designation of the planning agency by the Chief Executive.

It is the intention of the subsection that State planning agencies shall be representative of State law enforcement agencies and of the units of local government within the State. It is not the intention of this subsection that the planning agency be limited to the above identified groups. Certainly, representatives of the public at large should be included.

Section 203(b)

This new section would require the State planning agencies to develop, in accordance with Part C, comprehensive statewide plans for the improvement of law enforcement throughout the States. Further, the agencies would define, develop, and correlate programs and projects for the States and units of general local government in the States or combinations of States or units for improvement in law enforcement. Finally, the State planning agencies would establish priorities for the improvement in law enforcement throughout the States.

It is the intention of this provision to set forth the general objectives for the activities of State planning agencies. This provision is similar to Section 102(b) of H.R. 5037, as it passed the House of Representatives, except that language in subparagraph 1 of the House bill "to carry out new and innovative approaches" has been struck. This language was eliminated because it is intended that the State planning agency should carry out its activities as set forth in this subsection even if its work and programs may not necessarily be "new" and "innovative".

Of critical importance is the requirement that the State planning agencies establish priorities for the improvement of law enforcement in their respective States. It is felt that the State agency, with its close proximity to the activities and problems of State and local law enforcement and yet free from day to day operating burdens, is best suited to make these fundamental determinations.

Section 203(c)

This paragraph provides that the State planning agency shall make necessary arrangements to provide that at least 40 percent of all Federal grant funds to the agency for planning activities and support will be made available to units of local government or combinations of such units to allow them to participate in the formulation of required comprehensive State plans. The allocation to the local governments would be made for each fiscal year in which the State received Federal financial assistance.

The subsection also provides that should the local governments not require the full 40 percent, the unused portion would be available by the State agency from time to time on dates during the fiscal year as the Administration may fix for use by the agency to pursue its planning activities.

It is intended that this provision be implemented in such a way that a reasonable time be fixed for units of local government to participate to make their intentions known to the State agency. As to the requirement for available funds, if Federal grant assistance becomes available on the first of the fiscal year, the Law Enforcement Assistance Administration might reasonably require that the State agency accept applications for a minimum of three months from local governments and normally not longer than six months. If there is not sufficient interest by the local governments, then the State agency would have use of the uncalled for funds during a significant portion of the remaining fiscal year.

Section 204

Section 204 authorizes Federal payments not to exceed 90 percent for the expenses of the establishment and operation of State planning agencies including the preparation, development and revisions of State plans. The same Federal share would be available to units of general local government which receive direct grants from the Law Enforcement Assistance Administration under the provisions of Section 305 of the Amendment.

The same ceiling would apply to the allocation of Federal funds by State planning agencies to units of local government under the provisions of Section 203(c).

The 90 percent ceiling of Amendment 715 is the same as the comparable provision of S. 917 as sent to Congress by the Administration and of the House-passed bill. S. 917 as reported from committee contains an 80 percent ceiling for this purpose.

Section 205

Section 205 provides that funds appropriated for planning grants shall be allocated by the Law Enforcement Assistance Administration among States for use by State planning agencies or units of general local government. $100,000 shall be allocated to each participating State per fiscal year. The balance of available funds under this part shall be allocated among the States according to their relative populations.

It is intended that should a State fail to apply for or receive grants under this part, units of local government within the nonparticipating State could receive Federal planning assistance up to the amounts that would otherwise be allocated to the State if it were participating.

LAW ENFORCEMENT (ACTION) GRANTS

Elimination of section 302(a)

On page 4, line 5, of Amendment 715, is contained language which would have the effect of striking Section 302(a) of S. 917 as reported from the Senate Judiciary Committee on April 29, 1968. New language would be inserted in lieu thereof. Under the committee bill provision, the Administration is authorized to make grants to States, units of general local government, and combinations of States and units of local government for the improvement and strengthening of law enforcement. There is a proviso that no unit of local government having a population of less than 50,000 persons would be eligible to apply for a grant.

Amendment 715 would strike this language and insert authority for the Administration to make grants to States having comprehensive plans approved under the provisions of the amendment.

It is intended that Federal grant assistance be channeled through State agencies for expenditures pursuant to the State comprehensive law enforcement plans. The population requirement of "not less than 50,000 persons" as a requirement of eligibility for participation by units of local government or combinations of such units would be eliminated. Also, except as otherwise provided in the amendment, State agencies would channel Federal assistance to local governments within the respective jurisdictions.

Modification of section 302(b)

Amendment 715, on page 4, line 5 would strike the first two sentences of subsection 302(b) of S. 917 and substitute language authorizing the Administration to make grants having comprehensive State plans approved by it under the provisions of this part. The six standards under which grants may be made which are contained in the Senate committee bill would be unchanged by Amendment 715.

Elimination of sections 303 and 304

The provisions of Amendment 715 contained on lines 12 through 14 on page 4 would have the effect of striking Sections 303 and 304 of the committee-reported bill. However, Section 304 would be reinstated as Section 307 of Amendment 715. In lieu of Section 303 of the committee bill, Amendment 715 would add five new sections, Sections 302 through 306.

Section 302

The new Section 302 of Amendment 715 would require any State desiring to participate in the action grant program to establish a State planning agency as described in Part B of the amendment and within six months after approval of a planning grant submit to the Administration a comprehensive plan formulated pursuant to Part B.

It is the intention of this provision to provide a reasonable time for State planning agencies to take advantage of the Federal assistance provided under the provisions of Part B and Part C of Title I of the proposed legislation.

Section 303

The proposed Section 303 of Amendment 715 would authorize the Law Enforcement Assistance Administration to make grants to State planning agencies if the agencies have on file with the Administration an approved comprehensive State plan, not more than one year in age, which conforms to the purposes and requirements of Title I.

Section 303 sets forth 12 criteria to be included in the State comprehensive plan. These criteria are very similar to the provisions of Section 203 of H.R. 5037, as passed by the House of Representatives on August 9, 1967.

A significant change in the standards and requirements of Amendment 715 as opposed to the provisions of H.R. 5037 is to be found in Section 303(2). The House bill provides that 50 percent of all Federal funds granted to the State planning agencies for any fiscal year will be available to units of general local government for the development and implementation of programs and projects for the improvement of law enforcement. Amendment 715 and a comparable provision in Section 303(2) provide that at least 75 percent of all Federal funds granted to the State agency shall be made for the purposes described above. This high figure is based on a recent Justice Department estimate which indicated that approximately 72 percent of the expenditures by State and local governments for law enforcement purposes were spent by units of local government. Also, information available from the Census Bureau indicates that the units of local government make about 80 percent of the expenditures for law enforcement. It appears that the 75 percent provision is reasonably close to the ratio of actual expenditures made by local governments to the total spent by States and local governments for this purpose.

Section 303 of Amendment 715 also provides that any unused portion of the funds available pursuant to paragraph 2 of the section in any State in any fiscal year not required by the units of general local government within the times fixed by the Administration shall revert to the State agency for the development and implementation of programs and projects in conformity with the approved State plan.

Section 304

Section 304 of Amendment 715 provides that State planning agencies shall receive applications for assistance from the units of general local government when the State agency determines that an application is in accordance with the purposes stated in Section 301 and is in conformance with existing State plans, the State agency is authorized to disburse funds to the applicant.

It is the intention of this section to make clear that final authority as to the exenditure of funds available to the States under the provisions of Title I shall be exercised by the State planning agencies so long as this authority is exercised in conformance with the State comprehensive plans and the requirements of this title.

Section 305

The proposed Section 305 of Amendment 715 requires that if a State fails to make application for a grant to establish a planning agency within six months after the date of enactment of this act or if a State fails to file a comprehensive plan within six months after the approval of a planning grant, the Law Enforcement Assistance Administration may make grants directly to units of general local government or combinations of such units under the provisions of Parts B and C of Title I. This provision enables cities and other localities in a non-participating State to make direct applications to the Law Enforcement Assistance Administration for grant assistance.

Section 305 contains a proviso that if direct applications are made by units of general local government, the applicant must certify that a copy of the application has been submitted to the Chief Executive of the State for review and comment. The Chief Executive shall have not more than 60 days from date of receipt to submit to the Administration in writing an evaluation of the proposed project. The evaluation shall include comments on the relationship of the application to other pending applications and to existing or proposed State law enforcement plans. If an application is submitted by a combination of units of general local government located in more than one State, the application must be submitted to the Chief Executives of each State in which the combination of units is located.

No grant under Section 305 shall be an amount in excess of 60 percent of the cost of the project or program.

Section 306

Funds appropriated for grants under Part C for any fiscal year shall be allocated by the Law Enforcement Administration among the States for use by the State planning agencies or units of general local government. Of the funds appropriated for purposes of Part B, 85 percent shall be allocated among the States according to their respective populations. The remaining 15 percent shall be allocated as the Law Enforcement Assistance Administration may determine. Grants could be made by the Administration either to States or units of general local government or combinations of either.

Any funds granted under the provisions of Section 306 of Amendment 715 would be subject to the limitation contained in Section 515(b) of Title I of S. 917 as reported from the Senate committee. This subsection sets a 12 percent limitation for each fiscal year on funds to be utilized within any one State except for purposes of Part D of the committee bill.

Section 307

As was indicated earlier, Section 307 is a restatement, without change, of Section 304 of the committee bill except that the requirements of Section 307 also apply to State planning agencies as well as the Law Enforcement Assistance Administration so that they, too, shall give special emphasis to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

Repeal of section 521

Amendment 715 would strike section 521 of S. 917, as reported from the Senate committee. This section requires units of general local government to submit copies of grant applications to the Chief Executive of the appropriate State. The Chief Executive would then have sixty days to submit an evaluation of the application in writing to the Law Enforcement Administration.

This provision of S. 917 is unnecessary if the other provisions of Amendment 715 are adopted.

Technical changes

Amendment 715 also contains seven technical and conforming changes to Title I of S. 917.

AMENDMENT NO. 715

On page 19, beginning with line 6, strike out all through line 24, and insert in lieu thereof the following:

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

"(3) establish priorities for the improvement in law enforcement throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations."

On page 20, line 2, insert "(a)" immediately after "SEC. 301.".

On page 20, strike out lines 6 through 15, and insert in lieu thereof the following:

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—".

On page 21, line 20, insert "Federal" immediately after the word "any".

On page 22, beginning with line 16, strike out down through line 14 on page 24, and insert in lieu thereof the following:

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

"SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt within the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

"(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

"(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require."

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"Sec. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however*, That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

"Sec. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine.

"Sec. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and riots and other violent civil disorders.

"(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement."

On page 39, beginning with line 14, strike out through line 12 on page 40.

On page 40, line 13, strike out "Sec. 522" and insert in lieu thereof "Sec. 521.".

On page 41, line 3, strike out "Sec. 523. Section 3334 of title 42, United States Code" and insert in lieu thereof "Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966".

On page 42, beginning with line 8, strike out through line 12.

On page 42, line 13, strike out "(h)" and insert in lieu thereof "(g)".

On page 42, line 22, strike out "(i)" and insert in lieu thereof "(h)".

On page 43, line 1, strike out "(j)" and insert in lieu thereof "(i)".

On page 43, line 4, strike out "(k)" and insert in lieu thereof "(j)".

THE LATE HONORABLE JOSEPH W. MARTIN, JR.

Mr. DIRKSEN. Mr. President, the late Joe Martin was a truly good citizen, a superb public servant, and a great American in all the splendid meanings of those words.

I was privileged to know him for more than 30 years as a friend and colleague, and I know of no person anywhere, at any time, whom I held in higher esteem.

There is no need whatever to examine and interpret this good man's record of service to the Nation. That record speaks eloquently and movingly for itself, far beyond the power of the words of others so to do.

In his personal relationships and in his public endeavors, Joe Martin was unassuming, never ostentatious, unfailingly effective. I know of no man or woman to whom he was enemy; I know almost countless thousands to whom he was a good and admired friend. The reasons for this were myriad, but perhaps, most significantly, it was because he was a gentleman—one who thought more of other people's feelings than of his own rights, more of other people's rights than of his own feelings.

The roster of those who have been truly devoted servants to this Republic is long and admirable, but I doubt that it will reveal in times past or in those to come any who served his country more selflessly or more wholeheartedly through all the days of his life.

I shall remember Joe Martin as one who, whether in time of stress or in hours of leisure, set us a truly magnificent example of dignity, dedication, patriotism, and honor. I think it entirely possible that we may never see his like again.

LOWER VOTING AGE

Mr. HOLLAND. Mr. President, on May 17 the Washington Post published an editorial entitled "Lower Voting Age," which I ask at this point to have copied in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Lower Voting Age

Hearings on the proposed constitutional amendment to lower the voting age to 18 began at a propitious moment. Student unrest in many parts of the country is undoubtedly related to the denial of direct participation in the political life of the country to some 11 million young men and women, most of whom are well educated and mature enough to be responsible citizens. Their voteless status is the more irritating, of course, because this group bears the main brunt of the draft and the war.

Another argument for the proposed amendment is also gaining force. So long as all the states held to a voting age of 21 years, there was little pressure for a change. But Georgia extended the vote to 18-year-olds in 1943. Kentucky followed and Alaska and Hawaii came into the Union with 19- and 20-year-old requirements, respectively. Although Maryland has rejected a 19-year-old voting age, along with the remainder of its proposed constitution, Nebraska and North Dakota may join the lower-age voting group before the year is out.

We surmise that other states will make it a bandwagon movement; indeed a Gallup Poll last year indicated that 64 per cent favored a lower voting age. But the states are far from agreement as to what the new voting age should be, and it is highly desirable that the requirements for participation in presidential and congressional elections be uniform throughout the country.

Probably the biggest question before the Senate Subcommittee on Constitutional Amendments, therefore, is the form the proposed amendment should take. The simplest

> form would undoubtedly be a resolution fixing the minimum voting age for all Federal elections at 18. But age is only one of the voter qualifications that ought to be uniform throughout the country. The most useful amendment in this area would be one specifying fully who could vote in Federal elections or authorizing Congress to do so. Such an amendment might also provide for Federal supervision of congressional and presidential elections to make certain that the polls would be honest and open to every qualified voter.
>
> Federal qualifications and Federal supervision will be the more important if the country should approve direct election of the President, as we surmise it soon will. Then every vote for President would be counted directly for the candidates, regardless of state lines, and, without a national standard, some states might be inclined to lower their voting age inordinately to swell their vote totals. Perhaps the safest course would be to let Congress fix the voting age and other voter qualifications within well-defined constitutional limitations.

Mr. HOLLAND. The Post editorial was, of course, in support of the lowering of the voting age in all States to 18 through the adoption of a proposed Federal constitutional amendment on which hearings are now underway in the Constitutional Amendments Subcommittee of the Senate Judiciary Committee. I strongly oppose this proposed amendment and, for that matter, any amendment which attempts to take away from the States the control of the voting age of their electors or any other important rights in connection with the control of elections, such as the required period of residence, the provisions for absentee voting, the registration of voters, including the declaration of party affiliation and the effect thereof in primary elections, and others.

My principal reason for referring to the Post editorial at this time is that the Post so frankly states its belief that all qualifications for voting in all the States should be made uniform. It is quite obvious from a careful reading of the Post editorial that the real purpose of the Post and, indeed, I believe it to be the real purpose of most of those who support the 18-year-old voting age amendment, is to bring about constitutional action requiring the direct election of the President. I quote from the editorial the statements which make it clear what the real objective of the Post is:

> But age is only one of the voter qualifications that ought to be uniform throughout the country. The most useful amendment in this area would be one specifying fully who could vote in Federal elections or authorizing Congress to do so. Such an amendment might also provide for Federal supervision of congressional and presidential elections to make certain that the polls would be honest and open to every qualified voter.
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The Post editorial brings clearly into the open its twin desires which are the desires of many other ultraliberal Americans—first, to take the complete control of voters and voting in Federal elections away from the States and vest it exclusively in the Federal Government; and second, to bring about the direct election of the President and Vice President. These are very great steps toward massive overcentralization of government in Washington and toward taking away from the States their right to have weight in the selection of the President based both upon their population, as reflected in their number of Representatives in the House of Representatives, and upon their statehood, as represented by their two Members in the Senate. Thus, the ultraliberals continue to gnaw away at our dual Federal system of government and to step up their attempts to take away from the States their separate sovereignty and their separate rights as States, guaranteed to them by the Federal Constitution.

I sincerely hope that Americans, generally, will awaken to the peril in time to soundly defeat the proposal for uniform 18-year voting, the trend toward complete Federal control of all Federal elections, and the campaign for direct election of the President and Vice President.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. Mr. President, I associate myself with all of the statement of the Senator from Florida. This movement is undoubtedly just another part of this planned drive of coercion to force all the States into one role of conformity, so that the same power can dominate every phase of the activities of the State governments and the lives of our people. It is a part of the overall program to assure conformity, not only on the part of the State, so as to place them further under centralized power and control, but also of the individual citizens of this country, to force them into the mold.

It so happens that my State of Georgia was the first State to adopt 18-year-old voting. It has worked out very well. I have no desire whatever to change it. Neither do I have any desire to tell any other State, which might want 19 years, or 20 years, or even 24 years as the minimum voting age for its citizens, to conform to the 18-year-old rule because my State has it.

We are going a long way down the road, in this country, toward lodging all the power here in Washington; and if there is any one thing of which I have become convinced from my study of history, it is the lesson that when you concentrate all of the power in one place in government, you will eventually erode and destroy the liberties of the individual citizen and the rights of the various subdivisions of the Government of the Nation to control their own acts.

We have become the greatest Nation in the world because we have recognized that what might be most beneficial in Oregon could be very disastrous in Florida, and that the States should have some rights and some options in defining the operations of their governments and in enforcing the wishes of their people.

There was an election recently in Maryland, as I recall, on a new constitution. I had assumed that the new constitution would be adopted overwhelmingly. Every newspaper that I saw carried editorials almost daily endorsing it. Every public figure whom I knew in Maryland strongly endorsed the approval of the new constitution. Yet, despite all of that support, in the election the people defeated it resoundingly.

I do not know how much effect the fact that they undertook to place the voting age at 19 had, but some of the letters to the editors I read in the Baltimore Sun and in the Washington newspapers said the writers would have voted for it but for that.

That shows, Mr. President, that the people of this country in the different States have different views, and they should be permitted to exercise them. Georgia happened to be the first State to make the voting age 18. We amended our State constitution and made it 18 some 20 years or more ago; and it has remained the same ever since then. But if we start this business of attempting to direct such changes from Washington, they might wish to change it to either 17 or 20, and Federal powers should not be exercised in that direction.

I thank the Senator.

Mr. HOLLAND. I thank the Senator warmly for his statement. I might say, Georgia's action was in 1943.

Mr. RUSSELL. That is correct.

Mr. HOLLAND. The action of Kentucky was in 1954.

There has been no State to which a constitutional amendment seeking to reduce the voting age has been submitted by referendum to its people which has been approved by the people since 1954. There have been five submissions in that period of time, two in the State of South Dakota—and it almost was accomplished in the first referendum; in the second one, they overwhelmingly defeated it—and the others in Oklahoma, Idaho, and Michigan, making five submissions altogether.

There have been two cases in which constitutional change, by the submission of new constitutions in New York and in Maryland were defeated. One of them the Senator from Georgia has just referred to—the recent defeat of the new constitution in Maryland. I do not know what part of that defeat is chargeable to the proposal to reduce the voting age to 19, but I saw some of the letters, and I placed in the RECORD the other day two such letters from the Washington Star, quoting electors in Montgomery County who said that their opposition to the proposed new constitution was based primarily on that reduction of the voting age.

The point I am making is that both of these new constitutions—that of Maryland and that of New York—were defeated by the people, and they both contained proposed reductions of the voting age. In the case of New York, the people turned it down by about 3 to 1. Again, I am not able to say and would not attempt to say what weight the people gave to that particular proposed change which would have reduced the voting age.

The fact of the matter is, Mr. President—and I close with this—that the proposal for direct election of the President and Vice President would downgrade the weight of more than 30 States in the election of the President and Vice President. All the States which have a population below the average State population would find their weight downgraded.

In addition to that, Mr. President, eight of the States have smaller populations than the District of Columbia, which of course would have a weight, then, much greater than is given it now, under the amendment which we adopted a few years ago, in presidential elections. Those eight States, all sovereign bodies, all entitled to all the rights of statehood, would each be outvoted by the District of Columbia if that unfortunate proposal should become a part of our Constitution.

I appreciate very much the comments of the Senator from Georgia, and I am glad that he feels as he does.

As far as I am concerned, I happened to be Governor of my own State when his fine State, the State of my father, took the position he has just mentioned by reducing the voting age to 18. That was their business. It was their experiment. I take for granted that it has been successful, or they would have moved to change it.

Mr. RUSSELL. If the Senator will permit me, may I say that the reduction in voting age has not had nearly the impact on the elections that it was originally thought that it would. The program has worked out very well, but it has not caused any tremendous upsets in the elections we have had since that date.

Mr. HOLLAND. I have noted that also. May I say further, I have not heard of great outbreaks of confusion and discontent among the young people of Georgia, such as those that we have seen in the university systems generally through the country, and I refer particularly to the troubles at Columbia University and the University of California, though there are many others which could likewise be mentioned. I have not seen any accounts of such conduct on the part of the youth of Georgia; perhaps I have just missed them.

Mr. RUSSELL. Mr. President, to be perfectly candid, this spring there was a limited outbreak at the University of Georgia.

Mr. HOLLAND. Apparently it did not amount to much.

Mr. RUSSELL. No, but it was substantial enough to cause some of the alumni of the oldest State university in the United States concern.

There was a small group of males and females who protested and demanded that the rule which prohibited the female students from drinking alcoholic beverages on campus be repealed. And that very small group did cause some commotion. But it was effectively terminated, within about 24 hours.

Mr. HOLLAND. Mr. President, I thank the Senator for his comment. We recently had an outbreak at one of our State universities. I was told by one of those present on the site that very few of the students that participated in it were Floridians, and I am sure that is also true of the incident that occurred at the University of Georgia that few of the participants were Georgians.

Mr. RUSSELL. Most of those were not students at the University of Georgia and some were not students at any college.

Mr. HOLLAND. The Senator from Florida happened to be picketed some time ago when he spoke at the University of Florida, his alma mater.

I noticed that those who were picketing were of the bearded, long-haired variety. And while I do not care to describe the girls, they were not girls from Florida or Georgia by any manner or means, and there were only a very few of them out of the some 19,000 of students attending the University of Florida.

THREE ACADEMY APPOINTMENTS—BILLINGS WEST HIGH SCHOOL

Mr. MANSFIELD. Mr. President, during the time that I have been privileged to serve the State of Montana in both the House of Representatives and the U.S. Senate, I have selected all my Military Academy nominations on the basis of the competitive examination offered by the Civil Service Commission and on the results of the highest grades earned. This is a policy which I understand is followed by a great many of our congressional colleagues. I have been most pleased and satisfied with the accomplishments of my appointments, and this selection process has proven to be the most fair and has provided an opportunity for the able young men of my State who have sought a military career. Each year the nominees are very likely to come from many different parts of Montana, from school systems both large and small.

This year, following the same selection process, by competitive examination, I was amazed to learn that three of my appointments come from the same school—Billings West High School in Billings, Mont. The Billings school system should indeed be proud with the academic record established for their young people.

On Tuesday of this week, May 21, the three boys from Billings West High received additional honors at the annual awards assembly in the Billings West High Auditorium. I was indeed sorry that I could not participate in the ceremony as it would have been a great personal pleasure to have made the presentations to these boys in person.

The three young men are William E. Roukema, son of Mr. and Mrs. Ralph Roukema, my principal appointment to the U.S. Naval Academy at Annapolis; Richard A. White, son of Mr. and Mrs. Robert White; and Frederick McCotter III, son of Mr. and Mrs. Frederick McCotter II, both of whom accepted appointments to the U.S. Air Force Academy at Colorado Springs.

The people of Montana are very proud of these young men, as we are of all of our Academy appointments. I wish to extend my personal congratulations for a most successful career to these three boys from Billings West High School, a school with a very fine faculty and academic record and, with these three appointees, an unusual distinction. They all graduate on June 5, 1968.

Mr. RUSSELL. Mr. President, I congratulate the Senator from Montana on his State turning out so many students who have achieved this distinction.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. RUSSELL. Mr. President, I should like to inquire of the distinguished majority leader as to the purpose of the leadership with respect to S. 3497 and whether any action is proposed to be taken on the bill today.

I have not had an opportunity to study the bill thoroughly. But there are some provisions contained in the bill that I think are fraught with grave peril and are very dangerous to the economy of the country and certainly to the granting of justice between the several cities and States of the Union.

I have not had an opportunity to fully prepare myself on the matter. If any action is going to be taken on it today, I want to suggest the absence of a quorum to see if we have a live quorum in the city to determine these issues.

Mr. MANSFIELD. Mr. President, first let me say that there are considerably more than enough Members present to make up a live quorum, there are enough Democrats alone.

Mr. RUSSELL. Mr. President, I do not object to submitting the issue to the Democrats alone if I can have time to prepare myself.

Mr. MANSFIELD. I simply wish to indicate how well off we are, even for a Friday. It is a little unusual.

Mr. RUSSELL. It is most unusual.

Mr. MANSFIELD. The Senator knows that this measure was discussed by the policy committee, and the policy committee approved of calling it up at an appropriate time.

Mr. RUSSELL. I am not opposed to calling up the bill. That is true even as to the bills to which I am opposed. That is the purpose of the policy committee, to insure that matters of general interest to the Senate and the country are submitted to the Senate whether a Senator who happens to be a member of the committee approves of the measure or not.

I have voted on the policy committee to submit dozens of bills of which I did not approve.

Mr. MANSFIELD. Mr. President, I am delighted to see that the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama [Mr. SPARKMAN], is present in the Chamber.

May I say, for the record, that the distinguished Senator from Georgia has never to my knowledge held up any bill in the policy committee, even though he may have been opposed and expressed his views quite strongly.

Mr. RUSSELL. I thank the Senator.

Mr. MANSFIELD. Finally, the distinguished chairman of the committee the Senator from Alabama [Mr. SPARKMAN] is far better able than I to answer questions on what is the unfinished and will very soon be the pending business.

Mr. RUSSELL. Mr. President, I understood the bill had been laid down and made the unfinished business.

Mr. SPARKMAN. The Senator is correct.

Mr. RUSSELL. Mr. President, I ask the distinguished chairman of the committee who reported the bill whether he intends to proceed with voting on the measure today.

Mr. SPARKMAN. Mr. President, of course, I do not have control over that.

Mr. RUSSELL. Not altogether, but the intentions of the distinguished Senator might have a good deal to do with whether we actually vote on some of the provisions.

Mr. SPARKMAN. I do not anticipate any votes today.

Mr. RUSSELL. The Senator does not anticipate any votes today.

Mr. SPARKMAN. That is correct. There are several members of the committee who want to make preliminary statements on the measure. Therefore I do not anticipate any votes.

Mr. RUSSELL. I thank the distinguished Senator.

Mr. SPARKMAN. That is as definite as I can be.

Mr. RUSSELL. We have here a bill of large proportions that deals with any number of Government policies.

Mr. SPARKMAN. I think it is much more simple than the size indicates.

I intend in my remarks today—and I hope the Senator will read them—to give a general statement of what the bill would do and then submit for the Record a section-by-section summary of the bill.

Mr. RUSSELL. Mr. President, I am sure the Senator from Alabama, who is always most thorough in his presentation of business, will do that.

I have undertaken to look at the report of the committee which contains some clarification of the provisions of the bill, but I am still not completely convinced of the wisdom of one or two of the provisions in the bill.

Mr. SPARKMAN. I can understand that.

The bill was reported unanimously.

Mr. RUSSELL. A great deal of it consists of programs developed by the Senator from Alabama in years long gone.

Mr. SPARKMAN. The Senator is correct. Amendments to those programs account a great deal for the volume of the bill.

The bill was reported unanimously from the committee.

Mr. RUSSELL. Sometimes that is an indication of great merit in a program. At other times it is an indication of overwhelming confidence in the author of the bill, in the chairman of the committee.

Mr. SPARKMAN. I assure the Senator that is not the truth here.

Mr. RUSSELL. Mr. President, the members of a committee do not inform themselves on all occasions. There might be disagreement even with the distinguished Senator from Alabama on some of the provisions.

Mr. SPARKMAN. Mr. President, let me disabuse that thought from the mind of the distinguished Senator from Georgia.

There are 14 members of the committee, and they all participated in the makeup of the committee bill. The bill really represents 2 years' work. There is another bill on the calendar, S. 2700. That measure was placed on the calendar last fall. The bill represents S. 2700 and the program for this year.

Mr. RUSSELL. It encompasses all that is in the bill that the Senator refers to and, in addition, brings in a great many other programs.

Mr. SPARKMAN. The Senator is correct. Programs have to be renewed and extended from time to time. The bill is the result of a thorough study by all members of the committee.

Mr. RUSSELL. Mr. President, that is perhaps so. However, there are some entirely new provisions in the bill.

Mr. SPARKMAN. The Senator is correct. And I intend to explain them as we go along.

EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE VICTIMS OF STREET CRIME

Mr. BYRD of West Virginia. Mr. President, we all know that the Congressional Record of April 5 was delayed for a period of 4 days—a situation unparalleled since the Government Printing Office began using modern equipment—because of the riots which made it impossible for GPO employees to reach their place of work, which is located at North Capitol and H Streets NW., or approximately four blocks from the seat of government itself.

Some of us may not be aware, however, that a growing wave of crime in the very shadow of the Capitol stalks the 7,800 employees of this agency as they enter and leave the GPO. In the past few days a surge of vicious crimes in this area against GPO employees raises a very real threat that the vital functions of this important agency will be crippled or curtailed.

This problem was originally brought to my attention by Mr. Charles F. Hines, president, and other representatives of the Columbia Typographical Union No. 101, AFL–CIO, on Monday, May 20, 1968, and is set forth in some detail in a letter directed to me the following day. I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 21, 1968.

Dear Senator Byrd: I am Charles F. Hines, President of Columbia Typographical Union No. 101, a local of the International Typographical Union, AFL–CIO. I represent approximately 4500 printers working in the Metropolitan area of Washington, D.C. of which approximately 1800 members are employed at the United States Government Printing Office.

I sincerely appreciate the opportunity to advise you of the deplorable conditions surrounding the United States Government Printing Office today. Conditions which if not corrected immediately, will surely lead to a number of deaths due to violence by gunshot, stabbing or a severe beating. These conditions, as you are probably already aware, actually exist in the immediate vicinity of the Government Printing Office and most of Washington, D.C.

I am more irate than anything else, because it seems that the police protection in the Metropolitan area of Washington, D.C. and the Government Printing Office in particular, is not adequate enough to protect decent citizens endeavoring to go to and from work. These employees actually go to work with fear in their hearts, fear that they will be next on the list of the hoodlums who wait like wild jungle beasts, ready to pounce on their prey. Irate because all I see and read in the newspapers of this city, are excuses as to what is going to be done next week, next month or next year and excuses as to why we should not have ill feelings in our hearts for the poor underprivileged person or persons who just robbed and beat you on the streets, while you are on your way to work, or on your way home.

I cannot blame the Public Printer, Mr. Harrison, or any of his assistants, because they tell us that they are not getting as much response with their requests for more protection as they would like. The Police Department is hamstrung with a lack of manpower and of course their answers to the Public Printer are that they just do not have the men available to do this proper job.

The Vice President of our local, Mr. Donald Taylor, has worked long and hard in past years trying to get better protection and actually has succeeded in getting as much as the Police Captain of the First Precinct could possibly give. The Captain has his limits also and is hamstrung by lack of help and authority for his men to act.

At one time we had police with dogs patrolling the area and they were doing a reasonable job when suddenly some groups cried out that this was police brutality and the dogs disappeared. We were very fortunate though, because the right approach was made and the dogs were put back with the patrolmen on their beats. The only problem here is not enough of the patrolmen and their dogs, and then if the hoodlums do get caught, the courts let them free to repeat what they did before.

I wonder sometime why it is when decent taxpaying citizens get caught for a traffic violation, they never get handled in the same manner. It always costs us because we are supposed to know better.

Every night in the week, tires get slashed and stolen, batteries stolen and in some cases, the car itself, disappears. The Insurance Companies are getting fed up to the teeth and some companies will not insure people living and working in these areas.

I am enclosing a memorandum issued at the GPO, in which all men were asked to walk in groups for their protection—this only makes it more convenient for the thugs and hoodlums to hold us up and get a bigger haul. Just last night three of our men going home together at 1:00 a.m. were held-up at gunpoint and robbed of their wallets, watches and anything of value.

The wife of one of our members who was going to the Personnel Office of the GPO for her husband, at 10:00 a.m., in broad daylight, was jumped on at North Capitol Street and beaten and robbed. I believe they also fractured her shoulder and she was left severely bruised.

We have rules and regulations at the GPO forbidding the carrying of guns or concealed weapons into the building and I am not kidding you when I tell you that some of the employees at the GPO look like something out of the old western days. Many carry weapons because they fear for their lives. This is a very unhealthy condition and could, some night, set off a riot in the streets. I do not condone this but I do not blame these men one bit for doing it.

Some of our members have fought for this country in two wars and have come through unscathed and I don't think it is just for these men to have to be fearful for their lives when they are trying to earn a livelihood. These men tell me if something is not done soon that the GPO will suffer because of lack of help due to the fact that they will quit their jobs rather than risk life or limb.

We just finished negotiating for a raise in pay for these men at the GPO, now we are literally negotiating for their safety and their lives. I would like to have some of the bleeding hearts in our society come down and walk the streets with us, going to and from work with our members and to see how they appreciate being molested and robbed or having their cars wrecked or parts stolen off of them constantly. We should send a few of our top officials down there also, particularly the ones who are so full of love for their fellowmen and who are only fooling the public with their oratory. They say we need more laws—I do not agree, we need only enforce the laws presently on the books—laws for everybody, every color, every creed, but on the same equal basis of justice for all and laws that are enforced by the Courts equally for all races, majorities or minorities.

In a speech by the President of the United States, sometime back, he encouraged all Americans to put their shoulders to the wheel and take up their places of responsibility beginning with the home, the community and in every walk of life. I agree and I think we should. We should start right up on Capitol Hill and in the Courts by ending the coddling of these thugs and hoodlums in the District of Columbia and in our nation.

I say—give the law enforcement agency back their powers; give us some protection or gentlemen don't come crying to the Union leadership at the GPO because some day the Government's printing doesn't get out on time. Our men our fed up and disgusted with the lack of effort by people who were hired or elected to represent them.

You ask for suggestions, I have one big one. Federal troops—like during the Civil War or during our last civil disturbances, except this time, load the guns and use them if necessary. There is a definite, urgent need for some large constantly patrolled area for GPO employees to park their cars in. Plenty of lights and adequate patrolmen. This parking area can be either underground or fence enclosed and by permit only.

Thank you for your courtesy and cooperation on this matter.

I sincerely hope that our request will not fall on deaf ears and I am sure it will not.

Sincerely yours,

Charles F. Hines,
President, Columbia Typographical Union #101 (AFL–CIO).

October, 24, 1966.

Subject: Self-protection.

To all Employees:

In recent weeks a number of GPO employees have been assaulted and robbed in the area adjacent to the Office. These assaults have taken place notwithstanding an extended effort on the part of the Captain and police officers of Precinct No. 1 to maintain law and order in the neighborhood.

It is incumbent upon each and every one of us to take reasonable measures for our own self-protection. A prudent employee will consider the following:

1. Employees who report for duty or leave the office after daylight should try wherever possible to move in groups of employees. It is not wise for an employee to walk streets alone after dark.
2. Employees should consider using the commercial parking lots, located near the office, and in no cases should they park in alleys, dark side streets, and isolated areas.
3. Employees should not walk down alleys or narrow passageways at any time.
4. Employees should give serious consideration to eating inside the building during the second and third shifts.
5. Employees should lock their cars and should not leave valuables in their cars.

It is not possible to guarantee that an employee taking the precautions listed above will be free of violence, but the steps will reduce to a minimum injury and property loss.

This office and your local police department will continue to take every reasonable step to ensure your safety.

Public Printer.

Mr. BYRD of West Virginia. At the time of Mr. Hines' original contact he was told by one of my aides that many Members of Congress, including myself, shared the concern of GPO employees and other citizens of the District of Columbia who were daily confronted with the growing crime wave and who have every reason to be fearful as they go to and from work in certain areas of this city. He was also advised, however, that the legislative branch had no authority whatsoever to enforce the law and he was strongly urged to seek the protection needed by GPO employees from the executive branch of the Government.

Acting on this suggestion, Mr. Hines sent a telegram on May 21 to the President of the United States, the Attorney General, Mayor Walter E. Washington, and others, seeking immediate augmentation of police patrols in the vicinity of the GPO in order to alleviate the apprehension and fear pervading employees of this important agency as they go about their work. I ask unanimous consent that this telegram be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

May 21, 1968.

President Lyndon B. Johnson,
Washington, D.C.
Senator Alan Bible,
Chairman, Committee on the District of Columbia, Senate Office Building.
Senator Carl Hayden,
Chairman, Committee on Appropriations, Senate Office Building.
Representative John L. McMillan,
District of Columbia Committee, House Office Building.
Hon. Ramsey Clark,
Attorney General of the United States.
Mayor Walter Washington,
Washington, D.C.
Representative Omar Burleson.
Representative Joel T. Broyhill.
James L. Harrison,
Public Printer, Government Printing Office, Washington, D.C.

Your immediate attention is requested on the subject of police protection for approximately 7,800 employes of the U.S. Government Printing Office, of which 1,800 are members of the Union that I represent. There is not a day or night that goes by that one of our loyal Government Printing Office employes isn't mugged, yoked, beaten, stabbed or robbed or damage done to personal property all due to the lack of proper, legal protection. As taxpaying citizens of the United States and voting residents representing each and every State and the District of Columbia, we demand *immediate* protection from this sort of violence. As government employes, as taxpayers, as voting members of the United States, these people are entitled to protection and we demand what they are legally entitled to. The Public Printer of the United States, through his good office, has repeatedly requested more police protection. The situation is getting worse and we are getting tired of excuses. The members of my Union are loyal employes, but they are now fed up to the chin with talk, promises and bleeding hearts. If the police cannot handle this problem, then the Armed Forces of the United States should be brought in to patrol at least a 12 block area surrounding the Printing Office. As you are well aware, the GPO is a 24 hour operation and I am very apprehensive as to whether the printing of the U.S. Government will be done on time each and every day if present conditions are allowed to continue another day.

I repeat, we need *immediate attention* to the protection of our lives and property.

Charles F. Hines,
President, Columbia Typographical Union No. 101 (AFL–CIO).

Mr. BYRD of West Virginia. I am advised that as a result of this action and the pleas from the Public Printer and other of his employees, additional foot patrols were instituted the night before last in the 12 square blocks surrounding the Government Printing Office. This is an encouraging sign, but diligent, hardworking employees of any agency—government or civilian—in any area of our land should not have to appeal to the President of the United States in order to feel secure as they go to and from their place of work.

Yesterday I asked the Public Printer for his views on the subject, and I ask unanimous consent that my request and his reply be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 23, 1968.

Mr. James L. Harrison,
The Public Printer, Government Officer, Washington, D.C.:

It will be appreciated if you will advise me at your very earliest convenience as to any adverse effect crime in the area of the Government Printing Office is having upon your operations or personnel.

Robert C. Byrd,
U.S. Senator, Chairman, District of Columbia Subcommittee, Senate Appropriations Committee.

U.S. Government Printing Office,
Washington, D.C., May 23, 1968.

Hon. Robert C. Byrd,
Chairman, Subcommittee on the District of Columbia, Senate Appropriations Committee, Washington, D.C.

Dear Mr. Chairman: The following information is furnished in response to your telegram of May 23. Crime in the area of the Government Printing Office is not a new problem, as is evident from the attached list of complaints received from Government Printing Office employees over the past several years. However, it seems to be getting progressively worse.

This Office, with its heavy responsibilities for meeting the printing requirements of the Congress of the United States and the Executive Branch Departments and Agencies, must operate 24 hours per day, five or six days per week. Our employees report for duty at various starting times around the clock. Some starting times are 4:30 p.m., 6:30 p.m., 8:00 p.m., 9:00 p.m., 9:30 p.m., and 11:30 p.m. Our shifts are eight hours in length with one-half hour for lunch. Therefore, employees are entering and leaving the Printing Office throughout the night. Because of the peculiar problems involved in printing the Congressional Record and other congressional work, it is not practical to have all employees report at the same starting time on the second shift.

As incidents of crime become more frequent, employees become increasingly apprehensive of their own personal safety. These fears have had an adverse effect on our attendance and on our recruitment programs. During the month of April, employees in the Composing Division used 50 percent more leave than was used in April 1967. We are satisfied that the attendance throughout the rest of the Office during April 1968 was off by approximately the same percentage.

Recently we conducted a study of the reasons for resignations among craftsmen. Of the 48 former craftsmen who responded, 24 stated they preferred working in some other area than the District of Columbia.

There are indications in the responses that many of these people were concerned for the safety of their persons and their automobiles. It may well be that the number of persons who have elected to retire during the past several years has been directly related to employees' fears regarding their personal safety.

We have had numerous contacts with the Metropolitan Police Department, and they are aware of the problems. They have been cooperative and have provided canine patrols during the night, and plain clothesmen to apprehend pickpockets and purse snatchers. In addition, scout cars have increased their circulation in the most dangerous sections of the area. The precinct captain has made an effort to have available policemen who have worked in the area, and who are familiar with the types of individuals and groups of individuals who operate in this vicinity. We are not in a position to judge whether the Metropolitan Police Department could have done more.

A striking example of the effect of crime on the Government Printing Office occurred during the recent civil disorders. On the night of April 5, a curfew was imposed which made it impossible for about 90 percent of our highly skilled night employees to report for duty. As a result, the Congressional Record was not printed until Monday, April 8. This is the first time within the memory of any employee at the Government Printing Office that we failed to deliver a Record the morning following the day's activities. The Office managed to remain operational the week during which rioting continued by bringing in all available nightside employees prior to the time curfew was imposed and permitting them to work until curfew had been lifted.

Since most of the crimes against Government Printing Offices employees occur when they are going to or from their parked automobiles, there is a critical need for protected parking for our nightside employees. At present sufficient parking facilities do not exist close to the Office. Employees generally must walk considerable distances through dangerous streets to and from their automobiles. Protected parking areas with immediate access to the Office would eliminate the present problem. One solution would be the acquisition of available land adjacent to the Office for protected employee parking. Of course, the ultimate solution to this problem would be to relocate this Office to an outlying area where protected and contiguous parking could be provided for our employees.

Sincerely,

JAMES L. HARRISON,
Public Printer.

Enclosure.

Date	Time	Name	Division, section, and shift	Description
Apr. 1, 1965	6:30 p.m.	Maxine L. Kreeger	Bindery, Pamphlet (3).	Pickpocket.
Apr. 5, 1965	9:43 p.m.	John Freeman	Electrical (2)	Wheel stolen from his parked car.
Apr. 13, 1965	4:22 p.m.	J. P. Nissley and L. K. Davis.	Linotype (2)	T. W. G.
Apr. 19, 1965	9:40 p.m.	Jesse J. Carter	do	Car broken into.
Apr. 21, 1965	1:09 a.m.	Winchester, ———	Pamphlet (3)	Car stolen.
May 19, 1965	12:20 a.m.	Thomas F. O'Conner	Linotype (2)	Car broken into.
May 22, 1965	3:53 a.m.	Walter Fletcher		Car stolen.
May 24, 1965	11:11 p.m.	M. D. Tabion		Do.
June 10, 1965	7:00 p.m.	John R. Davis No. 2	Guard	Do.
July 23, 1965	10:35 p.m.	Robert Gray and Ron Elliott.	Linotype (2)	Car broken into.
Sept. 18, 1965	12:41 a.m.	Lloyd L. Beasley	Monotype (2)	Spare tire stolen.
Sept. 27, 1965	3:57 a.m.	Joseph I. Brooks	Linotype (2)	Stolen battery.
Oct. 2, 1965	8:25 a.m.	Lawrence A. Hasbrouch.	Stereo (3)	Car stolen.
Oct. 10, 1965	3:54 a.m.	James M. Johnson	Monotype (2)	Do
Oct. 22, 1965	6:40 p.m.	Marcos Stewart		Assault.
Nov. 4, 1965	6:36 p.m.	Michael Brookcuff		T. W. G.
Nov. 19, 1965	6:40 p.m.	James F. Kelly	Linotype (2)	T. W. G. holdup.
Nov. 12, 1965	6:35 a.m.	W.a.e. (all cars in lot).	Documents	Cars broken into.
		Elizabeth M. Brooke		Set on fire (seat).
Jan. 19, 1966	9:10 p.m.	Elsie Morrison	Monotype, Keyboard (2).	Car broken into.
Jan. 20, 1966	3:38 a.m.	Robert A. Webb	Linotype (2)	Car broken into, cigarettes stolen.
Jan. 26, 1966	11:10 a.m.	Frank S. Wade	Guard (2)	Car broken into, 2 rear wheels missing.
Do	6:20 a.m.	Alvin McFarland Jaiser	Platemaking (3)	Car broken into, battery stolen.
Jan. 28, 1966	4:45 p.m.	Carter twins	Purchasing (1)	Unknown.
Feb. 8, 1966	5:40 p.m.	Mr. Abrams	Proof (2)	Spare wheel stolen.
Feb. 13, 1966	1:50 p.m.			Holdup at restaurant.
Do		Ruth Cymbalisty	W.a.e	Hit by a hit and run driver.
Feb. 15, 1966	4:47 a.m.	Walter E. Miller	Linotype (2)	Car broken into.
Do	4:47 a.m.	Nathan Kocinl	Monotype (2)	Do.
Feb. 26, 1966	3:05 p.m.	William G. Logue		Do.
Mar. 2, 1966	5:40 a.m.	Joseph J. Brooks	Linotype (3)	Battery stolen.
Mar. 5, 1966	1:15 a.m.	Joseph Taylor	Nonemployee	Hit and cut with a bottle.
Mar. 11, 1966	4:25 p.m.	(?)	do	Molested.
Mar. 13, 1966	6:45 a.m.	James Scott	W.a.e	Car broken into, coffee pot stolen.
Mar. 19, 1966	8:20 a.m.	James J. Murphy		Car stolen.
May 7, 1966	1:05 a.m.	James Burst	Stores (2)	Do.
June 13, 1966	2:10 p. m.	(?)		2 GPO windows shot through.
July 31, 1966		Morris Cohn	Main Proof (3)	Hubcaps stolen from car.
Aug. 8, 1966		Ernest Cascioli	Mono Keyboard, (2).	Car broken into.
Aug. 16, 1966		Nathan E. Campbell	Guard (3)	Car stolen.
Aug. 19, 1966	3:45 a.m.	Charles R. Johnston	Linotype (2)	Car, hit and run.
Sept. 14, 1966	8:30 p. m.	Blanche Thompson	Nonemployee	Mugged (aided by guards).
Sept. 17, 1966	2:40 a.m.	Ralph E. Deane	Linotype (2)	Car stolen.
Sept. 19, 1966	6:45 a.m.	Helen Boobst	W.a.e	Car battery stolen.
Sept. 23, 1966	1:25 a.m.	Roland E. Williams	D.F.A. (2)	Car stolen.
Sept. 24, 1966	4:27 a.m.	William E. McClare	Linotype (3)	Do.
Sept. 29, 1966		George D. Engle	Main Proof (2)	Assaulted on way to work while parking car.
Oct. 6, 1966	5:11 p.m.	Robert E. Kling	Public Printer's Office.	Car ransacked on official parking lot.
Do	11:00 p.m.	Lewis K. Fridley	Press (2)	Attempted larceny (tried to steal car).
Oct. 7, 1966	3:30 a.m.	William A. Smith	Main Press (3)	Car stolen.
Oct. 9, 1966	12:20 a.m.	Willie T. Pendegrass	Linotype (3)	Assault and robbery.
Oct. 18, 1966	12:12 a.m.	Harold Lofton	Offset Web (3)	Car wheels stolen.
Do	2:30 a.m.	Howard E. Walton	Blank (3)	Do.
Oct. 24, 1966	1:18 a.m.	Roland E. Williams	Finance and Accounts (2).	Car stolen.
Nov. 1, 1966	5:20 a.m.	Willie Walker	E.R.S	Do.
Nov. 16, 1966	1:20 a.m.	James Alsip	Patents (3)	Car broken into and tire stolen.
Dec. 13, 1966	2:35 p.m.	John Albert	Patents	Assault.
Dec. 22, 1966	5:40 a.m.	Curtis Jennings	Patents (3)	Car stolen.
Dec. 23, 1966	4:40 a.m.	Claude H. Leevies, Jr.	Monotype (2)	Car battery stolen.
Jan. 2, 1967	11:22 p.m.	Nonemployee		Fight on street.
Jan. 14, 1967	12:20 a.m.	Jerome E. Thompson	Pipe Shop	Car stolen.
Feb. 10, 1967	11:30 p.m.	Gail H. Anderson	Linotype (2)	Do.
Mar. 1, 1967	4:45 a.m.	James A. Walker	Monotype (2)	Wheel stolen from car.
Mar. 3, 1967	5:41 a.m.	Edward A. Evans	Hand (2)	Car stolen.
Mar. 27, 1967	3:15 p.m.	George E. Davis	Offset Neg. (1)	Do.
Apr. 14, 1967	12:30 a.m.	David B. Campbell	Monotype (1)	Do.
May 3, 1967	8:40 p.m.	Robert W. Jenkins	Hand (2)	Mugging.
June 3, 1967	3:40 a.m.	Joel Mitchell	Main Press	Car stolen.
June 4, 1967	7:45 a.m.	William Heflin	Hand (2)	Car broken into.
June 27, 1967	2:20 p m.	Nonemployee		Assault and robbery.
July 14, 1967	6:15 a.m.	James A. Murphy	P.R. No. 66862	Car stolen.
July 18, 1967	5:40 a.m.	Charles Gardner	Main Proof	Do.
July 24, 1967	12:05 a.m.	Minnie K. Hagenbuch	Pub. Docs. (3)	Attempted robbery.
July 31, 1967	11:25 p.m.	J. B. Brown	Web Press (3)	Assault and attempted robbery.
Aug. 13, 1967	9:20 p.m.			3 sacks GPO mail stolen from mail truck.
Aug. 29, 1967	8:39 p.m.	Eugene Bingham	Linotype (2)	Assault and robbery.
Aug. 31, 1967	8:30 p.m.	Catherine Lindsay	Blank (2)	Theft from car.
Sept. 7, 1967	3:50 a.m.	Canclor H. Simon	Guard (3)	Spare tire and wheel stolen from car.
Sept. 12, 1967	3:35 a.m.	J. C. Carithers	Patents (2)	Wheels stolen from car.
Sept. 13, 1967	3:04 p.m.	Nonemployee		Assault and robbery.
Sept. 15, 1967	3:00 p.m.	John A. Johnson	Electrical (1)	Theft.
Sept. 21, 1967	5:40 a.m.	Paul Ruppert	Monotype (3)	Car broken into.
Oct. 3, 1967	4:40 a.m.	George Smith	Man No. 84916	Car breakage and theft.
Oct. 13, 1967	4:25 a.m.	John F. Sparks	Patent (2)	Car stolen.
Oct. 26, 1967	3:40 a.m.	Lois Watson	Proof (2)	Car battery stolen.
Nov. 2, 1967	1:15 a.m.	Carl Kipp	Pamphlet (2)	Do.
Nov. 9, 1967	1:10 a.m.	Clarence A. Hunnell	Job (2)	Car stolen.
Nov. 13, 1967	1:10 a.m.	Clifton Green	Pamphlet (2)	Car wheels stolen.
Nov. 18, 1967	12:45 p.m.	Calvin Macon	Patent (2)	Assault.
Nov. 23, 1967	8:10 a.m.	Francis E. Twitchell	Book (3)	Car broken into.
Dec. 9, 1967	6:45 p.m.	Silas Tucker	Industrial Cleaning (1).	Robbery.
Do	3:20 a.m.	Boyd A. Covington	Bindery (3)	Beating.
Dec. 29, 1967	3:50 a.m.	Russell Zane	Linotype (2)	Car stolen.
Dec. 30, 1967	6:30 a.m.	John F. DeCoste	Composing (3)	Do.
Do	6:30 a.m.	George R. Stephenson	do	Do.
Jan. 11, 1968	7:58 p.m.	Nila M. Smith	Pamphlet (3)	Assault.
Jan. 18, 1968	4:35 p.m.	Charles E. Jackson	Bindery, Pamphlet (1).	Tire stolen.
Jan. 27, 1968	1:55 a.m.	Edward McGinnis	Offset (2)	Car stolen.
Jan. 31, 1968	1:10 a.m.	Dorothy W. Thomas	Pamphlet (2)	Do.
Feb. 1, 1968	7:25 p.m.	Robert C. Freeberg	Patents (2)	Mugged.
Do	10:30 p.m.	Nonemployee		Beaten.
Feb. 7, 1968	5:38 a.m.	Douglas Barrett	Monotype (2)	Car stolen.
Feb. 23, 1968	11:12 p.m.	Walter V. Sullivan	Pamphlet (3)	Assault.
Mar. 11, 1968	5:45 a.m.	Robert W. Jenkins	Hand (2)	Car wheels stolen.
Apr. 2, 1968	10:45 p.m.	Nonemployee		Assault and robbery.
Do	5:40 a.m.	Douglas Barrett	Monotype (3)	Wheels stolen from car.
Apr. 12, 1968	11:37 p.m.	Mrs. Dorothy Thompson.		Car stolen.
Apr. 15, 1968	3:45 a.m.	Samuel Neuman	Main Proof (3)	Battery stolen from car.
Apr. 17, 1968	7:00 p.m.	Karl E. Schaffer	Hand (1)	Mugged twice while waiting for bus.
Apr. 18, 1968	8:20 a.m.	Lena B. Howard	Book (3)	Wheels stolen.
Apr. 24, 1968	10:50 p.m.	George R. Wendlandt	Blank (3)	Robbed of billfold.
Do	11:45 p.m.	William E. Gaither	Printing procurement (3).	Right front wheel stolen.
May 2, 1968	2:00 a.m.	John C. Cooper	Blank (3)	Car stolen.
May 6, 1968	6:45 p.m.	Warren J. Drake	Linotype (2)	Accosted by male nonemployee with brick.
May 11, 1968	4:44 a.m.	Harold M. Reid	Monotype (3)	Stolen car.
May 16, 1968	10:20 a.m.	Nonemployee: Lucille A. Bish, wife of James W. Bish, Proof Section.	Proof	Attacked by young male.
May 17, 1968	4:45 p.m.	Daniel H. Gray	Electrical (2)	Robbery.
May 21, 1968	Early a.m.	James Shirlen, Sr., Bronius Liogys, and David R. Brinkman.	Linotype (2)	Robbery, wallets and watches.
Do	9:20 a.m.	C. F. Testamark	Post Office	Attempted car break-in (GPO guards apprehended offender in Jackson Alley).

SENATOR GORE OFFERS TO MEET WITH TENNESSEANS IN POOR PEOPLE'S CAMPAIGN

Mr. GORE. Mr. President, I have taken note from newspapers printed in both Washington and Tennessee that some citizens of Tennessee, whom I have the honor in part to represent, are participants in the so-called Poor People's Campaign. I am advised that a small group of these citizens called at my office earlier this week. Unfortunately, I was away from the office attending another meeting at the time.

I am anxious to make the services of my office and myself, as their Senator, available for conferences with them and for all possible and feasible services to them, as with all other constituents who visit the Nation's Capital. I do not know exactly how to reach them, so I take the occasion to use the RECORD to notify them that I will set aside from 9 to 9:30 at my office in the New Senate Office Building, on both Monday and Tuesday next, for conferences with any of my constituents who may wish to call upon me.

In a further effort to notify them, I shall send tear sheets from the RECORD of today to the site of their temporary abode.

OPPOSITION OF U.S. CHAMBER OF COMMERCE TO OCCUPATIONAL SAFETY AND HEALTH ACT OF 1968

Mr. METCALF. Mr. President, one of the most controversial bills before this session of the Congress is S. 2864, the Occupational Safety and Health Act of 1968. A subcommittee of the Senate, under the able chairmanship of the distinguished senior Senator from Texas [Mr. YARBOROUGH], has begun hearings on this bill, and a corresponding subcommittee in a nearby legislative body, under the chairmanship of Representative HOLLAND, of Pennsylvania, has concluded extensive hearings on the bill.

The opposition to the bill, largely spearheaded by the U.S. Chamber of Commerce, has taken the customary line, pleading that some minimal Federal regulation in the interest of safety and health in the workplace will ruin the free enterprise system, and run companies out of business all over the lot. Recent archeological discoveries indicate that the Pyramid Contractors Association claimed the same thing some time ago when their workers, under the influence of an outside agitator called Moses, demanded some straw to help make bricks.

Anyway, the chamber and its faithful followers have been deluging Congress with frenzied letters, most of them quoting amply, with or without footnotes, from an article in the Nation's Business, the chamber's monthly lobbying organ.

In an effort to set the record straight, Msgr. George G. Higgins, cochairman of the newly formed Joint Committee on Occupational Health and Safety, wrote an article which was published in the Catholic Standard of May 9, 1968. Monsignor Higgins' column makes no bones about the exaggerations and distortions to be found in the Nation's Business article against the proposed legislation. I ask unanimous consent that Monsignor Higgins' comments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Catholic Standard, May 9, 1968]

THE YARDSTICK: ATTACK BY CHAMBER OF COMMERCE

(By Msgr. George G. Higgins)

Representatives from more than 30 concerned national organizations met recently here in Washington to form a Joint Committee on Occupational Health and Safety. This committee will do all it can to focus America's conscience and concern on the need for legislation to save lives and prevent accidents and illness at work. More specifically, it will lend its support to the so-called Occupational Safety and Health Act of 1968 now pending in the Congress.

As co-chairman of this joint committee, I noted, with regret, at our first meeting that the American business community had, for reasons of its own, declined to join our ranks. I had hoped that the National Association of Manufacturers, for example, and the U.S. Chamber of Commerce might find it possible to cooperate with the committee in support of the enactment of effective federal legislation in the field of health and welfare.

It now turns out that I was being naive in holding to any such hope, for the Chamber of Commerce, far from supporting the Occupational Safety and Health Act of 1968, is vigorously opposing it.

In the April issue of its official organ, *Nation's Business*, the Chamber launched what I can only characterize as a demagogic and almost hysterical attack against the bill itself and against one of its leading proponents, Labor Secretary Willard Wirtz.

This article is shamefully misleading. Ominously entitled "Life or Death For Your Business," it charges in lurid terms designed to scare the wits out of its readers (businessmen for the most part) that the Secretary of Labor "wants the power to shut you down in the name of health or safety."

It also warns its constituents that "a man you once refused to hire" with "no education and no potential talent," whose "main experience consisted of cashing welfare checks," could threaten "to padlock your gates and have you fined $1,000 a day if you don't do as he says."

Then, in a barefaced falsehood, the Chamber article states that "Labor Secretary Willard Wirtz blandly explained to Congressmen that getting people (as safety inspectors) would be no drawback. He said he could staff his safety policing team with the hardcore unemployed."

One wonders what the Chamber of Commerce hopes to accomplish by such a patently false attack on Secretary Wirtz—a conscientious and dedicated public servant.

One wonders, also, at the Chamber's obvious disdain for its own credibility—or does it really have such little respect for its own membership's intelligence as to believe that such a ridiculously prejudiced article would be embraced by American businessmen, the vast majority of whom are committed to truth and fair play?

In my judgment, the Chamber does itself—and its membership—a distinct disservice by treating such a serious matter in such a crudely demagogic manner. Surely the Chamber knows that the sponsors and supporters of the Occupational Safety and Health Act of 1968 have no desire whatsoever to hamper or harass American industry, whose prowess is unequalled and has helped us to achieve the highest standard of living of any country in the world.

The fact is, however, that we, as a nation, have simply not faced up realistically to the problem of occupational health and safety. Thousands of workers are still being killed needlessly, or being injured and disabled and infected on the job by largely preventable accidents and disease.

It is true that many large industrial establishments have excellent employee health and safety records. They are to be highly commended, and they would not be affected by the basic standards that would be set under the proposed legislation now before Congress.

The real need for safety and health standards is to be found in plants employing under 500 workers. These plants, as a rule, offer little or no protection for their workers—and yet they constitute over 90% of all working establishments.

So the problem is a very real one, and is constantly getting worse. It must be faced honestly and honorably. It is deeply regrettable that the U.S. Chamber of Commerce is not able to face the problem in such a manner.

PROPOSED COMMISSION ON ORGANIZATIONAL REFORMS IN THE DEPARTMENT OF STATE AND CERTAIN AGENCIES

Mr. CASE. Mr. President, on Wednesday of this week the chairman of the Committee on Foreign Relations, Mr. FULBRIGHT, introduced a joint resolution—Senate Joint Resolution 173—to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the U.S. Information Agency. The Commission would be composed of 12 members, with two from the Senate, two from the House, and eight to be appointed by the President from persons outside government.

I have read the distinguished Senator's statement in support of his proposal. It is an excellent statement, deserving of wide attention, and one with which I am happy to associate myself. I was particularly impressed by the case presented for the commission approach, to achieve "a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve." And I commend the Senator for citing, as the type of distinguished American best qualified to serve on the proposed commission, the name of Douglas Dillon, a strong champion of the public interest.

I share Senator FULBRIGHT's view that the appointment of such a commission should be the responsibility of the next administration and that, therefore, action on his resolution should be deferred until the Congress reconvenes in January. Meanwhile, I shall join with him in seeking broad support for this undertaking.

PROJECT SEA USE

Mr. MAGNUSON. Mr. President, having been deeply involved for several years in fostering legislation in the field of oceanography, it is with great pride I direct your attention to Project Sea Use, which originated in my home State of Washington. Project Sea Use is a scientific expedition to explore Cobb Seamount in the summer of 1969 to determine how this resource may best be used for the benefit of mankind.

Cobb Seamount is a submerged volcano, 270 miles out in the Pacific, west of Grays Harbor, Wash. The seamount rises 10,000 feet from the ocean bed to within 110 feet of the surface. Its location, geological age, and accessibility make it unique among seamounts. Many Government agencies and universities have evidenced interest in the seamount from the standpoint of ultimate utilization and its scientific uniqueness. The seamount is well suited for installing a weather station, oceanographic data station, seismic wave warning station, navigational platform, a location for undersea occupation and for numerous possible national defense purposes. The proposed expedition should provide answers to the scientific questions and help to determine the best ultimate uses.

The major elements of Project Sea Use consist of two teams of five scientists, each will live and work on the summit of the mountain in an undersea habitat for two consecutive 20-day periods; construction of a mast on the top of the seamount that will extend 40 feet above the surface of the Pacific. This mast will collect, store and transmit meteorological and oceanographic data for up to a year after the occupation, the expedition will be supported by at least two surface ships and one or more research submersibles.

This project will establish a series of important precedents which should further the ocean sciences throughout the country: The first integrated employment of modern deep ocean technology in direct support of subsea scientific research; the first manned habitation of an ocean seamount; the first definitive scientific exploration of a subsea site by man living within the environments; and, regional resource under the sponsorship of a regional entity and with broad participation by universities, industries, and the Government.

Ownership and control of the ocean and its resources beyond the continental shelves is an unanswered question that is receiving increased attention. Until this question is answered, it seems to me that it would be a healthy precedent for the United States to occupy Cobb Seamount. Should it be occupied by another nation, it could be an important strategic loss for our country.

This project was conceived by Battelle-Northwest, Honeywell, Inc., the University of Washington, and Oceanic Foundation of Hawaii, and is under the sponsorship of the Oceanographic Commission of Washington. Three States—Oregon, Alaska, and Hawaii—and the Province of British Columbia and their universities have been invited to participate. Numerous Government agencies have been contacted for their financial and programmatic support.

I believe that Project Sea Use may serve as the major U.S. initiative in the development of inner space for the benefit of mankind. Project Sea Use deserves and should get adequate governmental support and it is my intention to do everything possible to ensure its success. I hope that Senators will have an opportunity to review this very important program.

THE PAPER SUBWAY

Mr. ALLOTT. Mr. President, on March 12 of this year, I had the privilege to address the third International Conference on Urban Transportation in Pittsburgh.

While not happy about my role of painting a disturbing picture of the state of urban transit in the United States today, in realistically appraising the situation I was compelled to tell the 1,500 assembled delegates:

> With the exceptions of San Francisco, Cleveland, and New York and a few other cities there has been a great deal of talk and publicity, but no visible sign of progress in coping with the enormous problems which confront us.
>
> . . . I will not be satisfied until we stop this endless proliferation of paper work, and start the excavation.

Having made those remarks, I was particularly delighted to read the most interesting editorial in the May 9, 1968, edition of Engineering News Record entitled "The Paper Subway." This editorial echoes my sentiments exactly, and I hope it will be given serious consideration by all those charged with the responsibilities of planning, building, and operating urban rapid transit systems. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PAPER SUBWAY

The paper tiger, which growls and looks dangerous but is actually ineffectual, sometimes seems to have a counterpart in transportation. The paper subway clangs and rumbles but doesn't carry any passengers.

Mass transit planners surface through mounds of studies every so often, see the problems worsening and the needs growing, then submerge to plan some more.

Mass transit promoters can blame war spending for draining off sizable amounts of federal money that might otherwise be spent on urban mass transit. But can they justify the endless duplication of studies that occurs when money is available?

Take the District of Columbia, for example. A million-dollar transportation study that was started in 1955 showed that the area needed rail rapid transit. It took 13 years to get to the present point, with construction scheduled to start this year.

Take Baltimore as another case in point. The city got $320,000 in federal planning funds for a transportation and land use study in 1963. The consultants who made the study (and who are also part of the joint-venture design team for the only new subway system in the country that has moved into the construction stage) recommended a combination bus and steel-wheel rail system. Then Baltimore applied for and received $900,000 more from the federal government for preliminary engineering and a feasibiltiy study, and called in new consultants. They scrapped the original findings and recommended an entirely different system. What's the next phase? A third set of consultants to study the relative merits of the first two?

Another example is the Los Angeles area. The Southern California Rapid Transit District has spent over $6 million on studies and preliminary engineering for rapid transit but appears no closer to breaking ground than it was four years ago (p. 60).

Rail rapid transit is not only feasible but necessary for many densely populated urban areas in the country. The file cabinets are stuffed with studies to prove the point. Does it have to be proved over and over again? Don't tell us the answer, we know it does. But it surely does seem to be a wasteful postponement of the inevitable, a postponement that might be shortened by more effective salesmanship to the voters.

CAMPING ON THE MALL

Mr. ERVIN. Mr. President, I have received the following letter from my good constituent Kermit Cooper:

VALDESE, N.C.,
May 11, 1968.

Senator SAM ERVIN,
U.S. Senate
Washington, D.C.

DEAR SENATOR ERVIN: I read in the morning paper that 3,000 "poor people" have been given permission to camp out on the mall in our Nation's Capital.

I have a 13 year old daughter who has become very interested in our Government and our Nation's Capital. Her desire is to visit Washington and tour the Federal Buildings.

I would like permission to pitch a small tent or camping trailer on the mall the week of July 4, 1968. The hosiery mill that I work in closes for vacation on June 28, and we go back to work on July 8. If we can camp on the mall, this will be most convenient, and I feel sure that we can see most of the sights of Washington during this week, providing we have access to this camping area.

Senator Ervin, will you please let me know who to contact so that I can get permission to camp on the mall. I will want to bring George, our basset hound with us. Will I need a special permit for him? He has had all his shots.

I hope, Senator, that you will use your influence to help me get this permit. I am not colored, but with a family income of less than $10,000 per year, I feel that I qualify as "poor people."

If a parking space is assigned to me, Senator, please make sure it faces south. If Washington starts burning while I am there, I want to be in a position to head for Burke County as fast as possible.

Senator, I will surely appreciate your help in this matter.

Yours very sincerely,
KERMIT COOPER.

Pursuant to this letter, I have sent the following request to Secretary Udall of the Department of the Interior:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
May 20, 1968.

Hon. STEWART UDALL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: While he has no desire to demonstrate or to exert any pressure on Congress, one of my very fine constituents, Mr. Kermit Cooper, is desirous of pitching a small tent or parking a small camping trailer during the week of July 4 on the Mall so that he and his 13 year old daughter may be able to see the sights of Washington from a convenient vantage point. Knowing the Coopers as I do, I can assure you of their nonviolence during this week.

Consequently, I am making application to you on his behalf that you grant him a permit to pitch a tent or park a camping trailer on the Mall during the week of July 4.

I enclose for your information a copy of the letter which I have received from Mr. Cooper concerning which is a foundation for my request of you.

With kindest wishes,
Sincerely yours,
SAM J. ERVIN, JR.

Enclosure.

ATTACK BY STUDENT ACTIVISTS ON INSTITUTE FOR DEFENSE ANALYSIS

Mr. McGEE. Mr. President, one of the institutions which has lately come under attack by student activists is the Institute for Defense Analysis, a private, academically-oriented research organization which functions outside of government control. Roscoe Drummond, in a column I have clipped from the Denver Post of May 23, states that the student attack is misguided, for the students obviously misinterpret the nature of IDA and the insulation it provides between universities and their faculties and the Department of Defense and other Government agencies for which it performs research. I ask unanimous consent that Mr. Drummond's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Student Attack on IDA Misguided

(By Roscoe Drummond)

Washington.—College students should be more rational—or am I wrong?

It seems that extremist students who seize campus buildings, hold officials hostage and ransack private offices are demanding things that would increase the power of the military which they say is already too great.

Take the campaign which the burn-the-house-down Students for a Democratic Society is mounting to force 12 of the nation's great universities, including Columbia, Princeton, MIT, Chicago, and California, to quit supervising the Institute of Defense Analyses (IDA). This is a private, independent research enterprise made up of academic specialists and employed largely by the Department of Defense.

If the SDS thinks that the Pentagon should isolate its decision-making so that it alone provides the research on which judgments can be made, then it is right in trying to undermine IDA.

If the SDS thinks that academicians should not be free to influence government thinking, then it is right in demanding that the university presidents refuse to help.

If the SDS is pacifist and thinks it desirable to try to keep the armed services from getting diverse, outside assistance to make the wisest and broadest decisions on military strategy and procurement, then IDA should go.

But the student activists, either at Columbia or Princeton or MIT, do not avow any of these goals. Therefore, only two conclusions seem to me tenable:

Either the leaders of SDS don't know the facts about IDA and have misled themselves and other students, or their real goals are concealed and are not as innocent as they seem.

The facts about IDA are these:

It is not a government agency. It is not run by the government, it is not controlled by the Defense Department, it is a private research group whose independence of the "military-industrial complex" serves to insure its objectivity.

Some of the students claim that IDA's "massive" staff is perilously draining off teachers from the campuses. Not true. There are about 40,000 professors in today's colleges. IDA's staff is 300. Some other professors are periodical consultants on their own time, as individuals.

Some students claim that IDA has a "secret" $5 million contract with Columbia University. Not true.

University membership in IDA does not result in the performance of classified research on any campus. It does not involve the universities in the performance of any of IDA's research. There are no contracts with universities.

Because IDA is independent, it is free of bureaucratic red tape and can pay academic people on its staff equal to what they get in industry but not as high as they are paid at universities.

While most of IDA's research is undertaken at the request of the Department of Defense, it does work for civilian agencies and is ready to do more. Some of its nonmilitary studies are: "How to increase rice production in South Vietnam," "Disease as a factor in the world food problem," "Civil navigation and traffic control," "Soviet response to Sino-American crises," "The Alaskan earthquake: a case study in the economics of disaster."

The critics of the Institute of Defense Analyses peddle the idea that it is merely a handmaiden of the armed services, a facade to enable the generals and the admirals to get outside people to come up with a justification of their prejudices and predilections.

The opposite is true. IDA insulates its research from government influence and safeguards its scholarly independence.

If the universities haven't the guts to stand against these attacks on IDA, then the students are right—we do need some new college presidents.

PROPOSED SUPERSEDING CIVIL AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND JAPAN

Mr. GORE. Mr. President, the executive branch on May 16, 1968, submitted to the Joint Committee on Atomic Energy a proposed agreement for cooperation with Japan that would supersede the cooperative arrangement in the peaceful uses of atomic energy presently in existence between the two countries.

The proposed 30-year agreement, under which the United States would undertake to supply the fuel needed in Japan's nuclear power program, has a number of significant features, not the least among them being the large amounts of special nuclear materials involved. Under the agreement, safeguards against the diversion of such materials to other than peaceful nuclear uses would continue to be administered by the International Atomic Energy Agency. The Atomic Energy Act of 1954 requires that the proposed agreement lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective. I ask unanimous consent that the agreement, together with necessary supporting correspondence, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Atomic Energy Commission,
Washington, D.C., May 16, 1968.

Hon. John O. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Senator Pastore: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) an "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy";

(b) a copy of a letter from the Commission to the President recommending approval of the Agreement; and

(c) a copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the Agreement and authorizing its execution.

The Agreement, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, will supersede the Agreement for Cooperation between the United States of America and the Government of Japan which was signed at Washington on June 16, 1958, and is scheduled to expire on December 4, 1968.

The primary purpose of the agreement is to provide the framework for assuring the long-term supply of enriched uranium fuel required for Japan's nuclear power program. Accordingly, the agreement has a term of thirty years. The quantity of U–235 estimated to be necessary for fueling the power projects covered by the agreement is 154,217 kilograms; an additional amount for various research purposes has also been included in the overall U–235 estimate, bringing the net ceiling provided in Article IX to 161,000 kilograms.

Pursuant to Article VII, the basic method of the supply of the required enriched uranium will be through uranium enrichment services after December 31, 1968, for the account of the Japanese transferee requiring such services. Sale would continue to be possible under the agreement, however, if the Parties so desire. Under Article VII transfer of plutonium for fueling purposes is also permitted. Article VII provides the basic authority for such transfers and Article IX specifies a ceiling quantity of 365 kilograms. The provision by the United States of enrichment services for the total 161,000 kilograms of U–235 under the proposed agreement would, under current prices, result in an export benefit to the United States of approximately 620 million dollars over the period of the agreement. Additionally, the 365 kilograms of plutonium would, at the current United States Atomic Energy Commission price, have a value of approximately 14 million dollars.

With respect to the provision of enriching services, in the unlikely event the natural uranium required should not be reasonably available to Japan on the world market, the United States would be prepared under the agreement to procure the necessary natural uranium on behalf of Japan. The amount of the natural uranium which corresponds to the 161,000 kilograms of U–235 provided for in the agreement and which could be procured by the United States anywhere in the world, is approximately 30,500 short tons. Presently known and estimated United States reserves of natural uranium which can be produced at a price of $15 or less per pound are about 850,000 short tons. World reserves are, of course, much larger.

I would like to note several other features which have been included in the agreement. Consistent with the "Private Ownership" legislation of 1964, Article VI of the agreement permits arrangements to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other for transfers of special nuclear material. Such arrangements would be in addition to the government-to-government transactions currently allowed and would be subject to the ceiling limits of 161,000 kilograms of U–235 in enriched uranium and 365 kilograms of plutonium which may be transferred to Japan under the agreement.

Further under Article VII, and as is allowed in several other agreements, Japan may receive material for performance of conversion and fabrication services for users in third countries; Japan may also receive material for these purposes for users in the United States, as is the case in our Canadian bilateral. While the agreement, as is the case of those with Canada and the United Kingdom, does not give an option to the United

States to acquire special nuclear material produced in material obtained from this country, Article VIII contains the requirement for United States' approval of transfers of produced material outside Japan. The guarantee given by the United States in Article X as to the peaceful uses of transferred material, including equipment and devices, and material produced through use thereof, is similar to that given by Japan with, however, the United States having the right to substitute material.

Pursuant to Article VIII, uranium enriched to more than twenty percent in the isotope U-235 may be made available to Japan when the Commission finds that there is an economic or technical justification for such a transfer. Article VIII also includes, as do other recent agreements, language which assures the comparability of domestic and foreign prices and charges for, respectively, enriched uranium and enrichment services performed, as well as of the advance notice required for delivery.

In accordance with the policy of the United States, the agreement provides that the International Atomic Energy Agency will be requested to continue applying safeguards to materials and facilities which would be subject to safeguards under the agreement. This will be accomplished through a revised safeguards agreement negotiated among the United States, Japan, and the Agency.

The agreement will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosures:

1. Agreement for Cooperation Between the Government of the United States of America and the Government of Japan (3);
2. Letter from the Commission to the President (3);
3. Letter from the President to the Commission (3).

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of Japan signed an "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy" on June 16, 1958, which was amended by the Protocol signed on October 9, 1958 and the Protocol signed on August 7, 1963; and

Whereas the Parties desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy, including the design, construction and operation of power reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Parties are desirous of entering into this Agreement to cooperate with each other to attain the above objectives; and

Whereas the Parties desire this Agreement to supersede the "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy" signed on June 16, 1958, as amended;

The Parties agree as follows:

ARTICLE I

For the purposes of this Agreement:

A. "United States Commission" means the United States Atomic Energy Commission.

B. "Parties" means the Government of the United States of America, including the United States Commission on behalf of the Government of the United States of America, and the Government of Japan. "Party" means one of the above "Parties".

C. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

D. "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

E. "Equipment and devices" and "equipment or devices" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

F. "International organization" includes a group of nations associated for a common purpose.

G. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

H. "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

I. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

J. "Source material" means (1) uranium, thorium, or any other material which is determined by the United States Commission or the Government of Japan to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the United States Commission or the Government of Japan may determine from time to time.

K. "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Commission or the Government of Japan determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

L. "Superseded Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy signed on June 16, 1958, as amended by the Protocol signed on October 9, 1958 and the Protocol signed on August 7, 1963.

M. "Safeguards" means a system of controls designed to assure that any materials, equipment and devices committed to the peaceful use of atomic energy are not used to further any military purpose.

ARTICLE II

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall assist each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate.

ARTICLE III

Subject to the provisions of Article II, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors and reactor experiments;

(2) The use of radioactive isotopes and source, special nuclear, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

(3) Health and safety problems related to the foregoing.

ARTICLE IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred between the Parties under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement or the superseded Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application.

ARTICLE VI

A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of materials, other than special nuclear material, equipment and devices and for the performance of services with respect thereto.

B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and VII and subject to the relevant provisions of Article VIII and to the provisions of Article IX.

C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the provisions of Article II and to such contracting policies generally applicable to private transactions as the Parties may adopt.

ARTICLE VII

A. During the period of this Agreement, the United States Commission will supply to the Government of Japan or, pursuant to Article VI, paragraph B, to authorized persons under its jurisdiction, under such terms and conditions as may be agreed, all of Japan's requirements for uranium enriched in the isotope U–235 for use as fuel in the power reactor (including merchant marine propulsion) program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of this Agreement.

(1) The United States Commission will supply such uranium enriched in the isotope U–235 by providing after December 31, 1968, for the production or enrichment, or both, of uranium enriched in the isotope U–235 for the account of the Government of Japan or such authorized persons. (Upon timely advice that any natural uranium required with respect to any particular delivery of uranium enriched in the isotope U–235 under such service arrangements is not reasonably available to the Government of Japan or to such authorized persons, the United States Commission will be prepared to furnish the required natural uranium under such terms and conditions as may be agreed.)

(2) Notwithstanding the provisions of paragraph A(1), if the Government of Japan or such authorized persons so request, the United States Commission, at its election, may sell the uranium enriched in the isotope U–235 under such terms and conditions as may be agreed.

B. As may be agreed, the United States Commission will transfer to the Government of Japan or to authorized persons under its jurisdiction uranium enriched in the isotope U–235 for use as fuel in defined research applications, including research, materials testing, and experimental reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that, in the event of transfer of title of uranium enriched in the isotope U–235, the United States Commission shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

C. The United States Commission may also transfer to the Government of Japan or to authorized persons under its jurisdiction, under such terms and conditions with respect to each transfer as may be agreed, special nuclear material for the performance in Japan of conversion or fabrication services, or both, and for subsequent return to the United States of America or for subsequent transfer to another nation or international organization in accordance with provisions of Article X, paragraph A (3). It is understood that, in the event of transfer of title of uranium enriched in the isotope U–235 by the United States Commission, it shall have the option of limiting the arrangements to undertakings such as those described in paragraph A (1) of this Article.

D. As may be agreed, the United States Commission will transfer to the Government of Japan or to authorized persons under its jurisdiction plutonium for use as fuel in reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance.

ARTICLE VIII

A. With respect to transfers by the United States Commission of uranium enriched in the isotope U–235 provided for in Article VI, paragraph B and Article VII, it is understood that:

(1) Contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or service will be executed on a timely basis between the United States Commission and the Government of Japan or persons authorized by it.

(2) Prices for uranium enriched in the isotope U–235 sold or charges for enrichment services performed will be those in effect for users in the United States of America at the time of delivery. The advance notice required for delivery will be that in effect for users in the United States of America at the time of giving such notice. The United States Commission may agree to supply uranium enriched in the isotope U–235 or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price or charge as the United States Commission may consider reasonable to cover abnormal production costs incurred by the United States Commission by reason of such shorter notice.

B. Should the total quantity of uranium enriched in the isotope U–235 which the United States Commission has agreed to provide pursuant to this Agreement and other Agreements for Cooperation reach the maximum quantity of uranium enriched in the isotope U–235 which the United States Commission has available for such purposes, and should contracts covering the adjusted net quantity specified in Article IX not have been executed by the Government of Japan or persons authorized by it, the United States Commission may request, upon appropriate notice, that the Government of Japan or such persons execute contracts for all or any part of such uranium enriched in the isotope U–235 as is not then under contract. It is understood that, should contracts not be executed in accordance with a request by the United States Commission hereunder, the United States Commission shall be relieved of all obligations with respect to the uranium enriched in the isotope U–235 for which contracts have been so requested.

C. The uranium enriched in the isotope U–235 supplied hereunder may contain up to twenty percent (20%) in the isotope U–235. A portion of the uranium enriched in the isotope U–235 supplied hereunder may be made available as material containing more than 20% in the isotope U–235 when the United States Commission finds there is a technical or economic justification for such a transfer.

D. It is understood, unless otherwise agreed, that in order to assure the availability of the entire quantity of uranium enriched in the isotope U–235 allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of Japan or persons authorized by it to execute a contract for that quantity in time to allow for the United States Commission to provide the material for the first fuel loading. It is also understood that if the Government of Japan or persons authorized by it desire to contract for less than the entire quantity of uranium enriched in the isotope U–235 allocated for a particular project or terminate the supply contract after execution, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U–235 provided for in Article IX shall be reduced accordingly, unless otherwise agreed.

E. Within the limitations contained in Article IX, the quantity of uranium enriched in the isotope U–235 transferred under Article VI, paragraph B or Article VII and under the jurisdiction of the Government of Japan for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

F. When any special nuclear material received from the United States of America requires reprocessing, or any irradiated fuel elements containing fuel material received from the United States of America are to be removed from a reactor and are to be altered in form or content, such reprocessing or alteration may be performed in Japanese facilities upon a joint determination of the Parties that the provisions of Article XI may be effectively applied, or in such other facilities as may be mutually agreed.

G. Special nuclear material produced, as a result of irradiation processes, in any part of the fuel leased by the United States Commission under this Agreement or the superseded Agreement to the Government of Japan or to authorized persons under its jurisdiction shall be for the account of the Government of Japan or such authorized persons and, after reprocessing as provided in paragraph F of this Article, shall be returned to the Government of Japan or such authorized persons, at which time title to such material shall be transferred to the Government of Japan or such authorized persons.

H. No special nuclear material produced through the use of material transferred to the Government of Japan or to authorized persons under its jurisdiction, pursuant to this Agreement or the superseded Agreement, will be transferred to any other nation or international organization, except as the United States Commission may agree to such a transfer.

I. Some atomic energy materials which the Government of Japan may request the United States Commission to provide in accordance with this Agreement, or which have been provided to the Government of Japan under the superseded Agreement, are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Japan, the Government of Japan shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear material or fuel elements which the United States Commission may lease pursuant to this Agreement, or may have leased pursuant to the superseded Agreement, to the Government of Japan, the Government of Japan shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear material or fuel elements after delivery by the United States Commission to the Government of Japan or to any person acting on its behalf.

ARTICLE IX

A. The adjusted net quantity of U–235 in uranium enriched in the isotope U–235 transferred from the United States of America to Japan under Article IV, Article VI, paragraph B and Article VII during the period of this Agreement or under the superseded Agreement shall not exceed in the aggregate one hundred and sixty-one thousand (161,000) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. The following method of computation shall be used in calculating transfers, within such ceiling quantity, made under the said Articles or the superseded Agreement:

From:

(1) The quantity of U–235 contained in uranium enriched in the isotope U–235

transferred under the said Articles or the superseded Agreement, minus

(2) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

Subtract:

(3) The aggregate of the quantities of U-235 contained in recoverable uranium of United States origin either returned to the United States of America or transferred to any other nation or international organization with the agreement of the Government of the United States of America pursuant to this Agreement or the superseded Agreement, minus

(4) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

B. The quantity of plutonium transferred from the United States of America to Japan under Article IV, Article VI, paragraph B and Article VII during the period of this Agreement or under the superseded Agreement shall not exceed a net amount of three hundred and sixty-five (365) kilograms or such quantity as may be agreed between the Parties in accordance with their statutory and constitutional procedures. The net amount of plutonium shall be the gross quantity transferred to the Government of Japan or to authorized persons under its jurisdiction less the quantity which has been returned to the United States of America or transferred to any other nation or international organization with the agreement of the Government of the United States of America pursuant to this Agreement.

ARTICLE X

A. The Government of Japan guarantees that:

(1) Safeguards provided in Article XI shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of Japan or to authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of Japan or to authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of Japan, except as the United States Commission may agree to such a transfer to another nation or international organization, and then only if, in the opinion of the United States Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or international organization.

B. The Government of the United States of America guarantees that:

(1) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, or an equivalent amount of material of the same type as such transferred or produced material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(2) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of America, except as the Government of Japan may agree to such a transfer to another nation or international organization.

ARTICLE XI

A. The Parties emphasized their common interest in assuring that any material, equipment or devices transferred under this Agreement or the superseded Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this Agreement are supplanted, by agreement of the Parties as provided in Article XII, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor, and

(b) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are, or have been, made available to the Government of Japan or to any person under its jurisdiction under this Agreement or the superseded Agreement, or which are to use, fabricate or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission;

(2) With respect to any source or special nuclear material made available to the Government of Japan or to any person under its jurisdiction under this Agreement or the superseded Agreement and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the United States Commission,

(b) reactors, and

(c) any other equipment or devices designated by the United States Commission as items to be made available on the condition that the provisions of this paragraph B(2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability of such material; and

(ii) to require that any such material in the custody of the Government of Japan or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article X;

(3) To approve facilities which are to be used for the storage of any of the special nuclear material referred to in paragraph B (2) of this Article which is not required for atomic energy programs in Japan and which is not transferred beyond the jurisdiction of the Government of Japan or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of Japan, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of Japan, shall have access in Japan to all places and data necessary to account for the source and special nuclear materials which are subject to paragraph B(2) of this Article, to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article X and the failure of the Government of Japan to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of Japan in the matter of health and safety.

C. The Government of Japan undertakes to facilitate the application of the safeguards provided for in this Article.

D. The personnel designated by the Government of the United States of America in accordance with paragraph B(4) of this Article shall not, except pursuant to their responsibilities to that Government, disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties under that paragraph.

ARTICLE XII

A. The Parties, bearing in mind that by an agreement signed by them and the International Atomic Energy Agency on September 23, 1963, the Agency has been applying safeguards to materials and facilities subject to the superseded Agreement and recognizing the desirability of continuing to make use of the facilities and services of the Agency, agree that the Agency will be requested to continue its application of safeguards and to apply them to materials and facilities subject to safeguards under this Agreement. The necessary arrangements will be effected without modification of this Agreement through an agreement to be made between the Parties and the Agency.

JAPAN'S ENRICHED URANIUM POWER REACTOR PROGRAM

Classification	Reactors	Stat of construction	Total uranium-235 kilograms required
Under construction	A. Turuga, 322 MWE (Japan Atomic Power Co.)	1966	8,314
	B. Fukushima, 400 MWE (Tokyo Electric Power Co.)	1966	10,383
	C. Mihama, 340 MWE (Kansai Electric Power Co.)	[illegible]	7,678
Under planning	D. Chubu No. 1, 350 MWE	1968	10,921
	E. Tokyo No. 2, 750 MWE	1968	16,556
	F. Kansai No. 2, 500 MWE	1968	12,026
	G. Kansai No. 3, 750 MWE	1970	16,797
	H. Chugoku No. 1, 500 MWE	1970	11,198
	I. Tokyo No. 3, 750 MWE	1970	16,797
	J. Chubu No. 2, 500 MWE	1971	11,198
	K. Kyushu No. 1, 500 MWE	1971	10,783
	L. Tohoku No. 1, 500 MWE	1971	10,783
Under consideration	500 MWE	1970-72	10,783
Total			154,217

B. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph A of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of such termination. Neither Party will invoke its termination rights until the other Party has been given sufficient advance notice to permit arrangements by the Government of Japan, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of termination by either Party, the Government of the United States of America may require the Government of Japan to effect the return of all special nuclear material supplied pursuant to this Agreement or the superseded Agreement and still in Japan, provided that the Government of the United States of America will compensate the persons, including the Government of Japan, returning such material for their interest in such material so returned at the United States Commission's schedule of prices then in effect in the United States of America.

ARTICLE XIII

The rights and obligations of the Parties provided for under this Agreement shall extend, to the extent applicable, to cooperative activities initiated under the superseded Agreement, including, but not limited to, material, equipment and devices and information transferred thereunder.

ARTICLE XIV

A. The "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy," signed on June 16, 1958, as amended, is superseded by this Agreement on the date this Agreement enters into force.

B. This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

In witness whereof, the undersigned, duly authorized for the purpose, have signed this Agreement.

Done at Washington, in duplicate, in the English and Japanese languages, both texts being equally authentic, this twenty-sixth day of February, 1968.

For the Government of the United States of America:

Dean Rusk,
Secretary of State.
Glenn T. Seaborg,
Chairman, U.S. Atomic Energy Commission.

For the Government of Japan:

T. Shimoda,
Ambassador, Embassy of Japan.

Certified to be a true copy:

Barbara H. Thomas,
Division of International Affairs, USAEC.

U.S. Atomic Energy Commission,
Washington, D.C., February 15, 1968.

The President,
The White House.

Dear Mr. President: The Atomic Energy Commission recommends that you approve the enclosed proposed superseding "Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", determined that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation. This is the agreement with respect to the negotiation of which you and Prime Minister Sato expressed satisfaction upon the conclusion of the Prime Minister's visit in November of last year.

The proposed agreement, which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, would supersede the Agreement for Cooperation between the United States of America and the Government of Japan which was signed at Washington on June 16, 1958. The agreement has been amended by Protocols signed on October 9, 1958, and August 7, 1963, and is scheduled to expire on December 4, 1968.

The primary purpose of the proposed agreement is to provide the framework for assuring the long-term supply of enriched uranium fuel required for the thirteen Japanese power projects identified in the appendix to the agreement. The agreement also incorporates the benefits of the 1964 "Private Ownership" legislation respecting privately-arranged transfers of special nuclear material, which is regularly being accomplished with other bilateral partners when preparing new agreements of amendments.

In order to cover the fueling requirements of the Japanese power reactors over the economic life of the projects, the agreement would have a term of thirty years. The quantity of U–235 estimated to be necessary to fuel the thirteen identified reactors over the period of the agreement is 154,217 kilograms; an additional amount for research purposes has also been included in the overall U–235 estimate, bringing the net ceiling provided in Article IX to 161,000 kilograms. As in the case of Euratom, plutonium could be transferred under the new Japanese Agreement for fueling reactors and reactor experiments. Article VII provides the basic authority for such transfers and Article IX specifies a ceiling of 365 kilograms. This amount is to cover the short-term requirements of Japan in connection with its research and reactor development programs. The provision by the United States of enrichment services for the total 161,000 kilograms of U–235 under the proposed agreement would, under current prices, result in an export benefit to the United States of approximately 620 million dollars over the period of the agreement. Additionally, the 365 kilograms of plutonium would, at the current United States Atomic Energy Commission price, have a value of approximately 14 million dollars.

There are several features of the proposed agreement upon which I would like to comment. Provision would be made for Japan to receive materials for the performance of conversion and fabrication services for users in third countries, as is allowed in several other agreements, and also for users in the United States as is the case under the cooperation agreement with Canada. The proposed agreement does not contain an option for the United States to acquire special nuclear material produced in material obtained from the United States and is similar in this respect to the current agreements with Canada and the United Kingdom. Transfers of produced material outside Japan would require the approval of the United States. In addition to a guarantee by the United States of the peaceful use of produced material and equipment and devices transferred from Japan to the United States, the proposed agreement would extend this peaceful uses guarantee by the United States, as has been done in the case of the United Kingdom, to materials transferred to the United States. The peaceful uses guarantee of the United States in the agreement would thus be similar to that of Japan.

Consistent with the "Private Ownership" legislation of 1964, Article VI of the agreement would permit arrangements to be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other for transfers of special nuclear material. Such arrangements would be in addition to the government-to-government transactions currently allowed and would be subject to the ceiling limit of 161,00 kilograms of U-235 in enriched uranium and 365 kilograms of plutonium which may be transferred to Japan under the agreement.

Pursuant to proposed Article VII, as regularly incorporated in similar Agreements for Cooperation, the basic method for the supply of enriched uranium as to which there would be a transfer of title would, after December 31, 1968, be through uranium enrichment services for the account of the Japanese transferee requiring such service. Sale would continue to be possible under the proposed agreement if the Parties so desire. With respect to the provision of the enriching services, in the unlikely event the natural uranium required should not be reasonably available to Japan on the world market, the United States would be prepared under the proposed agreement to procure the necessary natural uranium on behalf of Japan. The amount of natural uranium which corresponds to the 161,000 kilograms of U-235 provided for in the agreement and which could be procured by the United States anywhere in the world, is approximately 30,500 short tons. Presently known as estimated United States reserves of natural uranium which can be produced at a price of $15 or less per pound are about 850,000 short tons. World reserves are, of course, much larger.

In addition, uranium enriched to more than twenty percent in the isotope U-235 may be made available to Japan, at the discretion of the Commission, when there is an economic or technical justification for such a transfer. In keeping with stated Commission policy, Article VIII also includes language which assures comparability for domestic and foreign users of prices for enriched uranium and of charges for enrichment services performed, as well as of the advance notice required for delivery.

The International Atomic Energy Agency is currently applying safeguards to materials and facilities transferred under the present Agreement for Cooperation and the proposed new agreement would provide that the International Atomic Energy Agency be requested to continue its application of safeguards to materials and facilities which would be subject to safeguards under the agreement. This would be accomplished through a revised safeguards agreement currently being negotiated among the United States, Japan, and the Agency.

Following your approval, determination, and authorization, the proposed agreement will be formally executed by appropriate authorities of the Government of the United States of America and the Government of Japan. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will then be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

Wilfrid E. Johnson,
Acting Chairman.

The White House,
Washington, February 19, 1968.

Hon. Glenn T. Seaborg,
U.S. Atomic Energy Commission,
Washington.

Dear Dr. Seaborg: In accordance with Section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by letter dated February 15, 1968, a proposed superseding Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy and has recommended that I approve the proposed Agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security and authorize its execution.

Pursuant to the provisions of 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) approve the proposed Agreement and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America;

(b) authorize the execution of the proposed Agreement on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

Lyndon B. Johnson.

SPEAKER JOE MARTIN OF MASSACHUSETTS

Mr. CASE. Mr. President, Joe Martin belonged to the group of political leaders without whom the difficult task of steering the Nation through deeply troubled times could hardly have been accomplished.

He was a good and kindly man, helpful to his juniors, fair to the opposition, and above all, loyal to the country he loved so well.

He had the respect of all his colleagues, both as Speaker and as minority leader.

CAMPUS OR BATTLEGROUND?

Mr. BYRD of West Virginia. Mr. President, a most excellent article concerning the recent disturbances at Columbia University in New York City was published in the May 20, 1968, issue of Barron's Weekly magazine.

Because of its timeliness the article was also published as a full-page, paid advertisement in the New York Times of May 26, 1968.

The article carefully rebuts the specious arguments put forth by those students who feel it is their "right" to destroy one of our country's great universities.

I feel this article deserves as wide a circulation as possible so that all concerned Americans will be aware of the seriousness of this problem.

I ask unanimous consent that the article from Barron's, entitled "Campus or Battleground?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMPUS OR BATTLEGROUND?—COLUMBIA IS A WARNING TO ALL AMERICAN UNIVERSITIES

(NOTE.—This lead article from the May 20 issue of Barron's was written by Robert Hessen, a young instructor in Columbia University's Graduate School of Business, and candidate for a doctorate in the Department of History. It is being reprinted in the form of an advertisement by Dow Jones & Company, publishers of Barron's, in the interests of the wide audience the subject commands.)

A larger-than-life portrait of Karl Marx dominated the entrance of a classroom building; a red flag flew from its rooftop. Chains barred the doors of other buildings, and chanting mobs roamed across the campus. The scene might have been the University of Havana or Peking. It wasn't. It took place just a few express stops from Wall Street, at Columbia University, where, from April 23–30, student leftists seized and occupied five university buildings.

The siege tactics which disrupted Columbia and brought its normal activities to a halt represent the latest assault by a revolutionary movement which aims to seize first the universities and then the industries of America. The rebels are members of Students for a Democratic Society (SDS), a nationwide organization with chapters on over 250 campuses (Barron's, November 15, 1965, and March 11, 1968).

Originally, when SDS began as an outgrowth of the socialist League for Industrial Democracy, it repudiated communism as an authoritarian system and excluded communists from its membership. However, in 1964–65, SDS sought to broaden its power base by forming a united front with communist youth groups. Although SDS, continued to describe its objectives in such murky phrases as "participatory democracy," the real tenor of its philosophy can best be seen in its intellectual heroes, Marx and Mao; in its action hero, Che Guevara; and in its slogans scrawled across the embattled Columbia campus—"Lenin won, Castro won, and we will win, too!"

SDS' hard core membership at Columbia is fewer than 200 out of 17,800 students. But after it seized campus buildings, barred faculty and students from their offices and classrooms, and held a dean as hostage, its ranks were swelled by several hundred sympathizers, including many outsiders. SDS launched its assault on Columbia after failing peacefully to attain two of its political objectives on campus:

(1) The severing of Columbia's connection with the Institute for Defense Analyses, a government-sponsored consortium which performs research and analysis relating to national defense and domestic riot control. SDS complained that Columbia's affiliation was aiding America's "imperialist aggression" in Vietnam, while at home I.D.A.'s studies in riot control were designed to suppress demonstrations by anti-war groups.

(2) A halt to the construction of a new gymnasium in Morningside Park, which adjoins Harlem, on land leased to Columbia by the City of New York.

SDS claimed that Columbia was guilty of "institutional racism," that the university was poaching upon the territory of the adjacent Negro community, and that the separate entrance for the part of the gym set aside for use by the neighborhood children constituted "Gym Crow."

In fact, the Columbia gymnasium had been warmly endorsed by over 40 Harlem community groups when it was announced eight years ago. It would occupy only two of the 30 acres in Morningside Park. Its presence would create an atmosphere of safety in an area which is now the territory of muggers and addicts. Separate entrances would be necessary because Columbia students would enter from the Heights on which the university is located, while Harlem residents would more conveniently reach the gym through the park which lies some 200 feet below. The issue is not one of bigotry but of geography.

SDS spokesmen claimed, truthfully, that they had sought to arouse the Columbia community into opposing the gym and the I.D.A. links. They admit that their campaign was a failure, which they ascribe to student and faculty apathy, and to the administration's refusal to hear and to heed their policy recommendations.

SDS rebels then resorted to their ultimate political weapon: the initiation of physical force, believing that they had a moral right to do so because they were "acting in a good cause." In the past, they had released many trial balloons to test this technique: they had obstructed N.R.O.T.C. graduation ceremonies; they had staged sit-ins in the offices of university administrators; and they had prevented recruiters for business firms and the C.I.A. from interviewing on campus. In each case, the consequence had been a polite rap on the knuckles, a verbal reprimand devoid of significant penalties such as expulsion or criminal prosecution.

On April 23, after trying to block construction at the gym site, SDS demonstrators and their militant Negro allies, members of the Student Afro-American Society, returned to campus. At the urging of their leaders, they marched on Hamilton Hall, the main classroom building of Columbia College. They were determined to barricade themselves in until the university met their demands. An unexpected fissure occurred within the ranks of the rebels who claimed to be united in their opposition to racism: the Negro militants ordered the whites to get out, and SDS complied. SDS then proceeded to capture a base of operation of its own. The rebels first seized the administrative offices of President Grayson Kirk in Low Library, and later three more classroom buildings.

Most students reacted with bewilderment and outrage. They demanded to know why the campus police had not been called in, and why the rebels were allowed to receive reinforcements of manpower and food. They witnessed caravans of litter-bearers marching across campus with cartons of supplies, as if their destination were a country picnic. Many students also wondered why the administration had not ordered the cutting off of electricity, water and telephones inside the buildings held by the rebels, since it was known that they were making Xerox copies of President Kirk's letter files and formulating strategy with outside allies by phone.

The administration's failure to take prompt action evidently sprang from a number of motives: fear of bad publicity; uncertainty about the morality of using the police to uphold law and order; reluctance to make a decision which might prove unpopular with some of the faculty, students or alumni; anxiety that members of the Harlem community might march on Columbia if police were used to clear the buildings; and the delusion that if they took no punitive action, the rebels would recognize them as men of good will. An SDS leader later admitted that if President Kirk had responded within the first hour, or even the first day, by sending in the university's own security police, the rebels would have "folded like a house of cards." By its inaction, the administration gave the rebels time to organize their resistance, bolster their morale and mobilize sympathizers and supplies from the outside.

Members of the senior faculty attempted to mediate between the administration and the rebels. But their efforts were futile, since they were faced with an impossible assignment: to devise a peace formula ambiguous enough to satisfy both sides—which meant that the terms of settlement had to both promise and refuse amnesty for the rebels. The faculty mediators labored under the belief that the rebels would be willing to negotiate for a peaceful solution to the mounting crisis. What they discovered, however, was that every concession made by the administration only produced escalated rebel demands. SDS' ultimate demand was that they be granted total amnesty as a pre-condition for negotiation.

It grew increasingly obvious that the rebels would not withdraw from the buildings until forced out by the police. They wanted blood to be shed, so that they could raise the cry of "police brutality," acquire the aura of martyrdom, and thereby win the majority of students and faculty to their side. Regrettably, President Kirk played right into their hands, by waiting until the sixth day of siege before calling in the police. The only other alternative open to him at that point would have been total capitulation, a final act of appeasement which would have served as an engraved invitation to renewed rebel demands in the future. The proper time to have acted against the rebels was at the outset of the siege, when a few dozen campus security officers could have achieved what it later took nearly 1,000 city police to do, at a price of over 100 injured rebels, spectators and policemen.

The aftermath of calling in the police was an upsurge of sympathy for the rebels. Their allies on campus called for a general strike by students and faculty to protest the use of police and to demand the ouster of President Kirk for having called them in. One mark of the effectiveness of this strike is that Columbia College, the undergraduate division of the university, voted to end all classes for the rest of the semester, which was scheduled to run another month. The strikers also won support from those who disapproved of both the tactics and objectives of SDS, but who wished to take advantage of the strike to bring about what is cryptically described as "restructuring of the university."

Even those most sympathetic to SDS, however, do not deny that the issues of I.D.A. and the gym were merely pretexts to justify the resort to force. SDS' short-range objective is to achieve "student power," which means total control over the university. They seek student veto power over appointment and tenure of faculty, admission of new students, courses offered by the university, degree requirements and the disposition of university funds. They propose to "radicalize the faculty," which means to purge it of conservatives and of law-and-order liberals who oppose the initiation of force to achieve political ends. As befits socialists, they regard the university as just another natural resource awaiting their expropriation.

But the long-range objective of SDS is even more sinister. As a sympathetic article in The New Republic (May 11, 1968) states: "The point of the game was power. And in the broadest sense, to the most radical members of the SDS Steering Committee, Columbia itself was not the issue. It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days by a well-organized group of students, then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The rebels have no patience for any slow process of change. They are tired of "just talk"—they want "action now." They will tolerate no opposition. They are indifferent to the fact that their tactics will destroy Columbia University by driving out the best minds, just as Nazi terror tactics drove the Jewish intellectuals out of the universities of Germany. But there is a crucial difference now. While men like Einstein could escape to England or America during the 'Thirties, SDS will try to close all avenues of escape. The use of intimidation and force will spread until there will be no sanctuary for men of reason within the academic world, or, ultimately, within the nation. One need only consider the fate of conservatives and liberals alike in countries which have been overrun by SDS' intellectual mentors: Mao's China and Castro's Cuba.

Since SDS tactics have succeeded in crippling a great university, the next targets can be City Hall, the State Capitol, or even the White House. If this prediction seems alarmist, consider the fact that SDS sympathizers known as "Yippies" already have announced plans to intimidate and disrupt the Democratic National Convention in Chicago this summer, in order to extract concessions on platform and candidates.

Whatever the final outcome of the Columbia strike, one thing is certain: the methods used at Columbia will be embraced by other student leftists on campuses throughout the country. Those who resort to force will justify their tactics by the same arguments advanced by the Columbia rebels and their apologists. If this national menace is to be checked, it is imperative that one know how to answer them.

(1) Some rebels claim that none of their tactics involved the use of force. This was true only in the narrow sense that they did not shed blood. But force was inextricably involved in every act that they perpetrated. They held the Associate Dean as hostage against his will—that was force. They barricaded faculty and students from their offices and classrooms—that was force. They seized property which was not rightfully theirs and refused to release it until their demands were met—that was force. Each of these is punished as an act of force under the civil laws of our society. They are the crimes known as false imprisonment, criminal trespass and extortion.

If these acts were perpetrated by a lone individual, their criminal character would be obvious. If a single felon had held the dean hostage, or seized the office of President Kirk, rifled his desk and copied his files, no one would have confused him with an idealistic, "committed" crusader. On an individual basis, if someone demands that you grant him wealth or power that he has not earned and which he can only obtain by threats of violence, one does not doubt for a moment that he is an extortionist. The act of a lone thug does not become legitimatized when he teams up with other hoodlums. As Ayn Rand noted in "Capitalism: the Unknown Ideal," no individual can acquire rights by joining a gang. "Rights are not a matter of numbers—and there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob."

(2) Other rebels admit that they used force, but claim that force is justified when peaceful tactics fail. The fundamental political principle that all men must respect is that no individual or group may initiate the use of force for any purpose whatsoever. To accept SDS' alternative amounts to carte blanche for violence, and invites the complete breakdown of the rule of law.

To understand the grotesque irrationality of SDS' argument, consider the following. Imagine that there were a student chapter at Columbia of the Ku Klux Klan, which was protesting the proposed use of the new gym by Negroes. They tried, through campus rallies and petitions, to arouse the students, faculty and administration to support their demands, but their peaceful tactics failed. If this group then proceeded to seize university buildings and hold members of the administration as hostages, would anyone have condoned their use of force, or have called for negotiations and compromise? The principle is the same: the initiation of force to achieve one's political objectives is both immoral and illegal, regardless of whether the initials of the aggressors are KKK or SDS.

(3) The rebels claim they were justified in using force because the administration had refused to give them a hearing on their demands for change. A university, like a well-run business, should be interested in knowing whether it is satisfying its customers. If it provides students with incompetent faculty, or poor laboratories or libraries, or supports political policies which they oppose, it is in the university's self-interest to maintain open channels of communication so that grievances can be expressed and remedial actions considered. Students who are dissatisfied with any aspect of a university's policies have a right to peacefully protest and petition, and even in extreme situations, to boycott classes or organize a student strike. But they have no right to compel anyone to listen to their demands, nor a right to force other people to go on strike with them by prohibiting access to classes or by creating a general climate of terror to intimidate those who would oppose them.

(4) The rebels claim that since force is justified when peaceful tactics fail, they should be granted full amnesty. The single best answer to this argument is provided by Professor Leonard Peikoff in his forthcoming book, "Nazism and Contemporary America: the Ominous Parallels," who says: "The demand for amnesty on principle is the demand for the abdication on principle of legal authority; it is a demand for the formal sanction in advance of all future acts of force and violence, for the promise that such acts may be perpetrated hereafter with impunity. It is a demand to institutionalize the appeasement of brute force as a principle of civil policy in this country."

(5) The rebels claim that police represent violence, and therefore should not be used on a college campus which is a citadel of reason and persuasion. Here the rebels evade the fact that they were the ones who first resorted to violence. They obliterate the distinction between criminals who initiate the use of force and the police whose function it is to retaliate with force to restore peace and to protect the rights of the victims.

(6) The rebels claim that their quarrel with the administration was purely an internal dispute, hence the introduction of police represents meddlesome interference by outsiders. By the same reasoning, one could just as well conclude that if workers seize a factory, customers seize a store, or tenants seize an apartment building, these, too, are internal matters and do not justify calling in the police. In reason there can be no such concept as an "internal dispute" which allows someone to be victimized and prevented from calling the police. Those who violate property rights are scarcely in a position to claim that their conquered territory is "private property" upon which police may not enter.

(7) Rebels should not be criminally prosecuted. After all, they are students, not criminals. One need only remember that it was Nazi students who set fire to university libraries and terrorized professors. Being a student does not grant one an exemption from the laws which prohibit attacks on human life and property. The rebels acted like criminals and should be punished as such.

(8) It is impractical to suspend or expel the student rebels because there are so many of them. This amounts to saying that if a sufficiently large mob breaks the law or violates individual right, it will be immune from punishment. If this principle is accepted, then every lawbreaker will be safe from prosecution if he can find enough members for his gang. This will provide the leader with an absolutely irresistible recruitment device, and invite the outbreak of a reign of terror.

(9) Admittedly the rebels violated property rights, but calling in the police could result in injury or loss of life, which is more important than loss of property. This argument amounts to saying that the lives of aggressors are more important than the property of victims. In action, this would mean that the police should not restrain rioting mobs from looting stores, or interfere with the KKK when it uses firebombs on Negro churches. On this principle, any victim of theft or expropriation would be advised to surrender his property—his wallet or warehouse—without resistance, lest the thief be hurt in the struggle. Acceptance of this principle would make every individual the defenseless target for any vandal or socialist.

The Columbia crisis vitally affects the life of every American. No one's life or property can be secure in a society which tolerates the use of force by any group to achieve its goals. And no one will be safe as long as college and civil authorities persist in their policy of answering aggression with appeasement.

Now is the time for intelligent counteraction. One means is to withhold financial support from colleges which condone or compromise with student terror tactics. A second is to write to the president and trustees of colleges urging that they endorse the following position: that their institution offers no sanctuary to any group which advocates the initiation of physical force, and that they will act immediately and without hesitation to expel and criminally prosecute any student guilty of such tactics.

Men need to live by the guidance of rational principles and to resolve their disagreements peacefully. It is both immoral and impractical to abandon principles in a time of crisis, and then hope to survive on the basis of pragmatic expediency and cowardly compromise. Each time that a violation of individual rights is tolerated, it serves as an invitation for future violations. A free society cannot survive unless men of reason rally to its defense.

PESSIMISM ABOUT THE WAR IN VIETNAM

Mr. McGEE. Mr. President, Columnist Joseph Alsop has been highly critical of his own calling, that of journalism, for being largely responsible for the "near-French mood" which would accept a defeat in Vietnam at a time when defeat is far away. The press and its allied media, he reports, are between a rock and a very hard place because of their quickness to accept and pass on all varieties of pessimistic reports regarding the progress of the war in Vietnam, while overlooking, largely, the very real evidence that the war's climax could well be approaching.

Instead of the hard place, Alsop hopes we will get the rock—"which means a great many people looking idiotically silly because we have finally won the war they said could not be won." That, of course, is half the choice a large segment of the press has brought upon itself. If we do win, as I am confident we will, Mr. President, they will look silly. If we do not it will be because the American resolution has been sapped by pessimism. In the event, I fear, the press will bear much blame, just as Mr. Alsop states in his article, which I have taken from the Denver Post for May 19, and which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALSOP BLAMES PRESS FOR MISLEADING PICTURE OF WAR

(By Joseph Alsop)

Because of the Vietnam war, the American press and its allied media now appear to be between a very rough rock and a very hard place. For a newspaperman who remembers with relish and some pride no less than 36 years of active reporting, it is a dreadful thing to have to say. Yet if we win the war, as I still think we shall, both the press and the allied media will certainly look inconceivably foolish. And if we lose the war, the press will just as certainly be blamed—whenever the horrible inquest begins that will surely follow the first defeat in war in American history.

There you have both rock and hard place, simply and crudely defined. Both the hard place and the rock result from the tone and character of the reporting from Vietnam, of the endless published analyses of Vietnamese developments and of the interminable editorializing about the war by all but a minority of those engaged in the pursuits. This does not mean for one moment that the vast majority of reporters, editorial writers and the rest are not courageous, industrious and honorable men who have sought to tell the truth according to their lights. But it does mean that for one reason or another, to which I shall try to come later, the part of the truth most of them have told has conveyed an exceptionally misleading picture of the whole truth.

The easiest way to gauge how totally misleading that picture has been is to glance at the amazing letter that Arthur Schlesinger Jr. published on March 22 in the Washington Post. The letter was a plea, no doubt honestly anguished, for the immediate evacuation of Khe Sanh.

Schlesinger began by accusing Gen. William C. Westmoreland of "repeating the fatal error of the French (by placing) a large body of troops out in the hills where they can be surrounded and cut off." This, exclaimed Schlesinger, "is precisely what we have succeeded in doing at Khe Sanh. Today, 5,000 American soldiers are surrounded and cut off by 20,000 of the enemy, every night creeping and burrowing further in toward their target." Putting on a borrowed field marshal's hat, Schlesinger then explained that no "people in their senses" could possibly "suppose that airpower will now 'save' Khe Sanh in case of attack." He contemptuously dismissed General Westmoreland as a "tragic and spectacular failure." He included the usual sneer at President Johnson. And so he reached his grand climax, as follows:

USE OF AIRPOWER

"Yes: airpower is one vital difference between Khe Sahn and Dien Bien Phu. For, if airpower cannot save Khe Sanh, it may still save the men in Khe Sanh. Let us (use airpower to evacuate Khe Sanh), before enemy antiaircraft batteries interdict our flights, before enemy mortars destroy our landing strip, before enemy shock troops overrun the base. Let us not sacrifice our brave men to the folly of generals and the obstinacy of presidents."

In short, Schlesinger was firmly convinced, as late as March 22, that Khe Sanh and its defenders were sure to be overrun. If his conviction had not been absolute, he would hardly have risked writing such a letter, which he can hardly look back upon today without self-doubts. But—and here is the rub—much of the American press and most of the allied media need only to read the Schlesinger letter to see themselves, as in a mirror. He was perhaps overeager to believe the worst, and he seems to have taken very poor military advice. But he was above all misled by his informants; and his chief informants, one may be sure, were the front pages and the television shows. "The agony of Khe Sanh" was one of the current phrases and others might be cited.

What, then, was it really like, and what actually happened? To begin with, Khe Sanh was no more agonizing, though it was a damned sight more tedious and long drawn out, than any other combat experience. We had four battalions in Khe Sanh—the 26th Marine Regiment plus a battalion of the 9th Marines—and the South Vietnamese, of which Schlesinger appears not to have heard, had the equivalent of two battalions. Like any battle, Khe Sanh produced its honored dead, for this, alas, is what battles always do. But between the beginning and the end of the siege, the American units at Khe Sanh actually lost, in killed, not many more than 200 men, whereas a single battalion of Marines lost 70 killed—about one-third of the comparable losses of four battalions at Khe Sanh—in the recent hard heroic fight for Daido, which lasted only a few days.

ARTILLERY FAILURE

At Khe Sanh, again, the American casualties mainly resulted from enemy artillery and mortar fire, rather regularly described as "infernos of incoming." And this was a fairly curious phrase for an enemy rate of fire that averaged only 192 artillery and mortar rounds per day throughout the siege. When I was there for a bit more than a day, for instance, the Khe Sanh base took 154 incoming rounds. That was a bit below average, but it is still worth noting that, except for four badly misaimed rounds fired at the landing zone when I was waiting for a departing helicopter, I actually heard a grand total of three incoming rounds. And despite other infirmities, I am not yet deaf, and the tough and able Khe Sanh commander, Col. David Lownds, kindly allowed me to accompany him on a long tour on foot around the whole big base, with the exception of the South Vietnamese positions and the hill outposts held by our Marines beyond the perimeter.

The truth is, indeed, that one of the major but untold stories of Khe Sanh was the astonishing failure of Gen. Vo Nguyen Giap's logistical planning for his artillery. Besides mortars, Giap had caused to be emplaced, with infinite labor, a minimum of 210 artillery tubes—some estimates go as high as 370 tubes—on a long arc from Co Roc in Laos, along the demilitarized zone, to Cao Muy Le on the coast. Giap had the guns, in short; but at Khe Sanh and along the DMZ his really ludicrous average rate of artillery fire, again excluding mortars, was less than one round per gun per day in the period of the siege.

Nor is that the end of the story, by any means. On March 21, the day before Schlesinger published his letter, the last of the serious assaults on Khe Sanh was attempted. It failed in a most sanguinary fashion because of our Marines' courage and the terrible power of our air and artillery. There were either three or four or five such attempts in the course of the siege—the number is disputed among the Marines themselves—and all failed in the same manner.

The failure of the last assault, so beautifully coordinated with the Schlesinger letter about Khe Sanh being "overrun," seems to have been the signal for the withdrawal into Laos of one of the two besieging North Vietnamese divisions, the 325–C. This was, in fact, the beginning of the end of Giap's ambitious plan. Despite the inability of "people in their senses" to imagine anything of the sort, airpower was already starting to break the Khe Sanh siege when Schlesinger wrote his letter; for it was the air that hurt the enemy most cruelly and forced the 325–C to withdraw to lick its wounds.

The situations of the besiegers at that time can be gauged from one of the pitiful little diaries that the North Vietnamese troops quite often keep. The diary, of a private named Vu Xuan Mau, was picked up outside the Khe Sanh perimeter after the siege was formally and finally broken in the first days of April. Mau's last entry was: "At Khe Sanh on March 23, a day full of bitter hardships and bloodshed."

FEARFUL TOLL

The agony of Khe Sanh was in reality experienced, not by our brave, hardy but relatively fortunate men in the combat base, but by the unhappy wretches like Private Mau. They were condemned to endure nearly three months of incessant and terrible B52 strikes, plus other air attacks, plus the kind of artillery fire that is maintained by U.S. guns with full logistical support. And what they endured took a fearful toll.

When the 1st Battalion of the 9th Marines moved out from the perimeter on April 4, prisoners of war immediately began to be taken, documents far more important than poor Mau's diary began to be found and mass burials began to be discovered. The most careful analysis of all the resulting data has now revealed that the two enemy divisions at Khe Sanh, the 325–C and the unfortunate 304th, which had to hang on to the end, pretty certainly lost a total of about 10,000 men in the course of the siege. And in the grim mathematics of war, an exchange of 200-plus Americans (and a proportional number of South Vietnamese) against 10,000 North Vietnamese regulars is the very opposite of a "tragic and spectacular failure."

Once again, moreover, that is by no means the end of the story. Unless General Giap is stark, staring mad, the siege of Khe Sanh was unquestionably no more than one part of a much larger, more ambitious military plan, the Tet offensive. And we should give thanks on bended knee that Giap saw fit to tie up two of his divisions at Khe Sanh as part of his Tet plan. In the entire morass of nonsense published about Tet, very little indeed has been said about the one really dangerous situation that the offensive temporarily produced. This was in the two most northerly provinces of South Vietnam. Here much was written about the long, rough battle for Hue; but almost no attention was given to the disturbingly precarious supply situation caused by bad weather, the weight and persistence of the enemy attacks and the resulting breaks in all the usual supply lines.

The position might well have become really unmanageable—the two most northerly provinces might even have been partly overwhelmed—if Giap had massively increased the weight of his attack in the two province-areas by using the two divisions that were fruitlessly tied up at Khe Sanh. He saw his error soon when the Hue fighting began. He took two battalions apiece from the two divisions at Khe Sanh, and he marched them south to aid his troops at Hue; but this was too little and too late. Whereas if General Westmoreland had not committed that "tragic and spectacular" error of refusing to abandon Khe Sanh, two additional North Vietnamese divisions would have been freed, pre-Tet, for other uses in the two northern provinces; and if that had happened, the consequences would surely have been grave.

DIFFERENT PICTURES

Compare, then, these hard facts concerning Khe Sanh and the fighting there with the picture of Khe Sanh conveyed to Arthur Schlesinger, who is, after all, an exceedingly intelligent albeit a violently partisan man. Remember, too, that this disparity between the reality in Vietnam and the picture given to the folks back home has been a standard phenomenon throughout much of the war. Countless examples might be cited, but one more must suffice. The most instructive, probably, is the constant denigration of the South Vietnamese army (ARVN) that was a pre-Tet fashion in sectors of the American press. This even earned a mention in dispatches by General Westmoreland for the newspaper that claims preeminence and one of the leading agency reporters in Vietnam.

In a message to the Defense Department, General Westmoreland addressed himself to one of the real puzzles of the Tet offensive: how on earth General Giap could have based his whole plan on the stated expectation of a "general uprising" by the urban population and of widespread defections among the ARVN units. On the second point, General Westmoreland noted that Giap had demonstrably been lied to, on an enormous scale, by the special "troop proselytizing" apparatus of the Viet Cong. But he added that he could hardly blame General Giap for being deceived, since the lies of the VC "troop proselytizing" apparatus had appeared to be so largely confirmed by the Great American newspaper and the famous press association mentioned above. With mild irony he concluded that these latter must now appear in Hanoi as important participants in a big American deception-plan—for there was no defection anywhere, and almost all the ARVN units, though understrength because of the national holiday, fought very well indeed during Tet.

Meanwhile, however, the denigration of ARVN had already fed back into the American political scene. In a Senate speech, for instance, Sen. Robert F. Kennedy described the South Vietnamese troops as "skulking and malingering" while our Marines carried the burden of the battle for Hue. The news of the senator's speech reached Vietnam when I was in I Corps, and I have rarely seen angrier men than the Marine officers who had fought in Hue along with the South Vietnamese. Nor was this surprising. In their impact on an obstinate enemy, and in the sacrifices they made themselves, the South Vietnamese in the Hue battle performed almost identically with our own Marines. They had, for example, 7,704 men engaged, and they took 2,134 casualties, suffering losses almost exactly proportional to our losses, which were happily quite substantially smaller, since we had substantially fewer men engaged.

Furthermore, the South Vietnamese in Hue were fighting under heavy handicaps, as compared with our men. They almost wholly lacked the tanks and other big weapons that gave our units much greater organic firepower. Their arrangements for replacements were much more primitive than ours; and after the first days of sharp contact, not a few ARVN battalions had to fight on, and did fight on, after they had been reduced to 200 men or less. Furthermore, they were frequently called upon to attack, and regularly did attack, when they had to traverse over 100 yards of the enemy's field of fire before they could bring their own weapons to bear.

SAW TROUBLE AHEAD

That highlights another point of great significance that was wholly omitted from the pre-Tet denigrations of the ARVN. Briefly, General Westmoreland saw trouble ahead, and asked for M-16 rifles and other improved equipment for the ARVN as long ago as 1965. For budgetary reasons, apparently, action on Westmoreland's request was long deferred by Secretary of Defense Robert S. McNamara. Thus, on the one hand, the ARVN units have always been immeasurably weaker than our units, in organic firepower, in all sorts of backup resources and, above all, in mobility—and they will still be much weaker, despite the M-16 rifles that are now being provided at long last. And on the other hand, there was a long period when the ARVN units even had substantially less firepower than the newly re-equipped VC and North Vietnamese units.

Here we have the story of Korea all over again; for the Korean divisions were also denigrated during much of the Korean War, whereas their main weakness arose from the simple fact that they had been grossly underarmed by their American suppliers. This does not mean, to be sure, that the ARVN has ever been an ideal army, or that better weapons and more mobility will automatically make it into an ideal army. When President Johnson finally intervened in earnest in Vietnam, the ARVN was already a defeated army, and every South Vietnamese officer knew as much. It takes time to bring back a defeated army to a state of self-confident proficiency. It takes even more time, too, to implant a fully modern military system in a traditional Asian society; and this process was not really completed in Korea until President Chung Hee Park finally came to power. Patience is always needed in such matters. But instead of patience we have too often had the kind of shameful injustice Senator Kennedy was led to commit.

AN UNENDING WAR?

When I ask myself why Senator Kennedy and so many others have been so regularly misled on so many key points concerning the war, I confess to a certain bewilderment. The fashions of the moment certainly have much to do with it. What has happened in Vietnam in this war resembles, on a vastly larger scale, what happened in the press hostel in Chungking in the war years in China. The fashion then was to make heroes of those virtuous agrarian reformers, Mao Tse-tung and his bloody-minded friends; and just about the only American reporter to avoid making an ass of himself by refusing to follow the fashion was Arch Steele of the old Herald Tribune. Then, too, in the Diem years in Vietnam, certain newspapers acquired what can only be called a vested interest in disaster, and since these were the Saigon bureaus with the greatest continuity, they had great leverage with later-comers. Then again, among younger newspapermen particularly, there is a strange new theory that all American officials and most American military officers are joined together in a vast conspiracy to gull the home folks, which it is the reporter's duty to attack and expose, as though he were attacking and exposing corruption in city hall. It seems an odd approach to an American war, but it is certainly there.

This does not mean for one moment that the pessimists have always been wrong or that the minority of optimists have always been right. As I look back over my own coverage of the war, I think I have been broadly right about the war's larger patterns, both when I was very much more gloomy than any of my colleagues in the year prior to the American intervention, and after the intervention when I have been more hopeful than most. On the other hand, although I think I got the patterns right, I am well aware that I have sometimes been overoptimistic about the war's time-frames—in part, as overreaction to the sort of stuff that was so widely written about Khe Sanh. Yet the fact remains that this has never been, and it is not now, a hopeless and unending war; and conveying just this impression has been the main thrust of far too much of the reporting, analyzing and editorializing.

So we get back to that rock and that hard place. Concerning the hard place, it must first of all be remembered that the Hanoi war leaders' aim has always been to win the war in Washington, by the impact in America of their seeming success in Vietnam, just as the Viet Minh won the French war in Paris rather than at Dien Bien Phu. Here it is worth noting that the official Hungarian Communist newspaper sometime ago published extracts from a strikingly interesting lecture on Dien Bien Phu, given by General Giap during a visit to Hanoi by Hungarian Foreign Minister Endre Sik.

"The battle of Dien Bien Phu," Giap was quoted as saying, "was essentially the last desperate exertion of the Viet Minh . . . Had we not been victorious there . . . our armed forces were on the verge of complete exhaustion . . . We had to put everything on one card." There are many reasons for believing, and Douglas Pike and all the other truly informed analysts in fact believe, that the motive for the Tet offensive was that Hanoi was in serious danger of losing the war of attrition and, therefore, "had to put everything on one card." A major publication that at first reported the Tet offensive in the most lurid and gloomy terms more recently came around to the view that Tet was a military defeat but a "psychological" success for the enemy. Yet if Tet was a "psychological" success, this was almost solely because the offensive military motives, its true military results and most of its local effects were, in the main, painted in colors in America that had few recognizable links with the basic realities in Vietnam.

ON ONE CARD

That was the reason, of course, why Tet was so profound a shock to American opinion. Having put so much "on one card" at Tet, the Hanoi war-planners are plainly going to the most desperate lengths in order to try the same thing all over again. What the outcome will be and, above all, how it will be represented here at home, none can foretell. What the Hanoi war leaders will do if their next attempt fails or is aborted also cannot be foretold precisely—although it is clear that they will then be in very bad trouble in South Vietnam.

Again, one cannot foretell with precision the effect of the talks, the partial bombing halt and any future tension of the bombing halt, either in time or in area—but it is clear that the Hanoi war leaders are already beginning to exploit to the full the reduction of pressure, the release of resources by the partial bombing halt and the general easing of their situation that these factors have produced. Unless the President is very firm and very clearheaded, all this may perhaps produce exceedingly worrying consequences on the battlefield, at any rate for a certain period.

The main thing is that the war situation has at length begun to have a strongly climatic smell. Hence, if the American people have the sturdiness and resolution not to imitate the French, an acceptable end of the war should therefore come into sight eventually, whether at the negotiating table or in other ways. Meanwhile, the trouble is that a near-French mood, God save the mark, has been created in many quarters in America. But if this mood leads to final defeat, and there is a subsequent inquest—as there will surely be—the inquest cannot take the form it did last time. There will be no unlucky foreign service officers to serve as convenient victims, although they had far less influence on events and displayed considerably better judgment than most of the denizens of the Chungking press hostel. In the next round (which heaven forfend), the press and the allied media can hardly avoid being front and center; and if there is a next round, the American people's notable distaste for defeat in any form will probably insure even more injustice and ugliness that we experienced in the last round.

So I can only hope that instead of the hard place we get the rock—which means a great many people looking idiotically silly because we have finally won the war they said could not be won.

DANGER DAYS IN WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an editorial which appeared in the Williamson, W. Va., Daily News on May 22, 1968, entitled "Danger Days in Washington."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Danger Days in Washington

Those persons who fostered and promoted the Poor People's March on Washington should be ashamed today of what they have wrought. Thousands of weary and disenchanted people, who have been enticed to travel thousands of miles from their homes, now find themselves in a strange city without proper food, clothing and shelter.

Conditions at the shantytown settlement near the Lincoln Memorial became so bad over the week end that one of the leaders of the march asked that a halt be called in enlistments in the campaign for the present time. However, another spokesman for the march announced plans to have one million persons demonstrate in Washington on Memorial Day, May 30.

The Nation's capital is sitting atop a powder keg and it is terrible to think what might happen before this irresponsible activity is brought to an end. President Johnson warned earlier this month that the idea of building a poor people's "shantytown" in Washington contained many "inherent dangers." He certainly was right. Under the circumstances which exist with this demonstration no one can guarantee that it will remain a nonviolent protest. Already there has been talk of massive acts of civil disobedience designed to disrupt the orderly processes of government.

At an Education Press Association luncheon the other day in Washington, the Rev. Andrew Young of the Southern Christian Leadership Conference, gave an indication of what specific form these acts might take. Referring to the Department of Agriculture, Mr. Young said:

"We might have to go down there and hang around that office and raise hell for a couple of weeks. . . . I just don't think the Department of Agriculture can stand for 5,000 people standing outside and praying for them. . . . And, if that doesn't work, we might march around the halls or something . . ."

Meanwhile, other march organizers have disclosed plans to pack congressional hearing rooms with hostile spectators. And others say they will stage sit-ins on suburban freeways during the evening rush hours. No one can guess where such activity will lead once the disorganized, frustrated and angry crowds have been worked into a frenzy by the constant agitation of their leaders.

Even without the influx of thousands of protestors, Washington has been in serious trouble. According to the Washington Post, more than 50 incendiary fires have been reported in the Nation's Capital, in the last six weeks; windows, many of them just installed as replacements, are being broken every night. Merchants tell of incidents in which their stores have been vandalized by gangs. Others say they have been threatened. Those merchants who say they are not bothered usually go on to explain that this is because everyone knows they are heavily armed and are ready to shoot intruders.

We cannot understand why the Federal Government has failed to take effective legal means to control or put an end to the massive demonstrations launched under the banner of the poor. We do not know why Federal authorities do not enjoin the setting up of a shantytown within the boundaries of the National Capital. The least the Johnson Administration could have done was to reach an agreement with the leaders of the march to limit the scope of the large-scale demonstrations. Unfortunately this was not done and the rather passive attitude by our Government only encourages those among the marchers who are eager to foment lawlessness and disorder. If this demonstration does get out of hand it is certain to have an adverse effect on the passage of legislation already under consideration by the Congress to further help the poor. The leaders of the Poor People's March should not forget this danger which they face in calling together thousands upon thousands of persons in unfamiliar surroundings and without adequate means of survival.

AFFRONT TO GARY, IND., AND TO CONGRESS

Mr. BAYH. Mr. President, Representative James B. Utt, of California, placed in the Record of May 9, 1968, a series of articles about Gary, Ind., written by John J. Synon. Representative John R. Rarick, of Louisiana, placed the same articles in the Record of May 21.

Mr. Synon is described as a "syndicated columnist," apparently in an effort to lend credence to his so-called reports. But there is no further effort to describe Mr. Synon. Nor is there any indication of where these articles were published.

The articles themselves might best be described as poison-pen letters from a warped and poisoned mind. Negroes are described, at one point, as "apes." Ethnic groups are described in demeaning terms. Among other things, they are classed as "brawlers" and it is suggested that "physical violence is the stuff they are made of." Catholic women are described as thoughtless; the suggestion is made they would vote for a Catholic for President at the behest of their church.

Through all of this, no effort is made to quote anyone. Hateful and false statements are attributed to "a resident," to "a voice," to "the father of a teenage student." One man is quoted. His name is misspelled, and he categorically denies every statement attributed to him by the writer. It is suggested this businessman packs a gun; this is false. He is quoted as saying that every employee at a Gary jewelry store wears a gun in plain view; the man has never been inside that store, and the employees do not wear guns. The man does not even remember meeting Mr. Synon.

The sole purpose of these articles is, of course, to suggest that Gary, Ind., is "a city without hope" because its residents have elected a Negro mayor. The sole purpose is to spread lies so as to inflame passions.

This is old stuff, Mr. President. We are used to the hatemongers in our midst, and we are great and strong enough to allow them to spew their venom and watch it run off into the sewers which spawned it.

As one might expect, the "Directory of Syndicated Newspaper Features" published by Editor and Publisher does not list Mr. Synon. "The Working Press of the Nation, Volume IV," which is a directory of feature writers and syndicated writers, does not list Mr. Synon. We do know that Mr. Synon used to be a lobbyist in the pay of Portugal. We do know that Mr. Synon was a lobbyist in the pay of the State of Mississippi to work against the civil rights bill of 1964. We do know that Mr. Synon was the salaried director of the National Putnam Letters Committee, an organization dedicated to the proposition that Negroes are biologically inferior to Caucasians. We do know that Mr. Synon was the self-styled "brains" behind the Patrick Henry Press—which he said was owned by his wife—which has distributed material claiming that Negroes are some 200,000 years behind whites in evolutionary development.

What we do not know, Mr. President, is why two Members of Congress would deliberately place in the Congressional Record articles written by such a man without giving us the benefit of his "credentials," and describe him only as "a syndicated columnist." What we do not know is why Representative Rarick would describe these reports as "factual." Mr. Rarick was born in Indiana, but we wonder when he last had the opportunity to study carefully the city of Gary to determine whether the filth he has placed in the Record is, indeed, "factual." Mr. Rarick suggests that these articles tell of "the frightening death of a midwestern city—Gary, Ind.

For Mr. Rarick's benefit—and for the benefit of Mr. Utt and Mr. Synon—let me say that Gary, Ind., has many problems, just as I suspect New Orleans and Los Angeles and other major cities have many problems. But Gary, Ind., is alive and well and is making progress—and perhaps the frightening thing to these gentlemen is that it is doing so with a Negro mayor and with a population that includes Americans of all faiths and of many ethnic backgrounds.

COST TO DEPARTMENT OF DEFENSE OF DISTRICT OF COLUMBIA RIOT OF APRIL 5, 1968

Mr. BYRD of West Virginia. Mr. President, I recently inquired of the Secretary of Defense regarding the cost of the civil disturbance in Washington, D.C., following the assassination of Dr. Martin Luther King, Jr. I am informed that the costs of the Department of Defense, as a result of the disturbance, totaled $2.7 million.

I ask unanimous consent to insert in the Record a letter addressed to me on May 17, 1968, by Mr. Robert N. Anthony, Assistant Secretary of Defense, in response to my inquiry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 17, 1968.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on the District of Columbia,
Committee on Appropriations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of April 29, 1968 to the Secretary of Defense for the cost of the civil disturbance in Washington, D.C. following the death of Martin Luther King, Jr.

It has been estimated that the additional costs of the Department of Defense incurred as a result of the civil disturbance which recently occurred in Washington totaled $2.7 million. Those costs which would normally have been incurred in the absence of the disturbance are excluded.

Sincerely,

ROBERT N. ANTHONY,
Assistant Secretary of Defense.

TRIBUTE TO FORMER SPEAKER JOSEPH W. MARTIN, JR.

Mr. FONG. Mr. President, I wish to pay tribute to the memory of one of the distinguished former leaders of the Republican Party, Joseph W. Martin, Jr., former Speaker of the U.S. House of Representatives.

Mr. Martin had a distinguished record of 42 years of service in Congress and was Speaker of the House from 1946 to 1948 and from 1952 to 1954.

During his long tenure in Congress, Representative Martin acquired the reputation as being one of the most skillful political technicians of his time.

As Republican leader in the House for two decades, he guided the GOP Members with a strong and firm hand. Though modest and simple in character, his political abilities and leadership qualities were highly respected. He was very effective in urging his colleagues to adhere to the basic principles of the Grand Old Party whenever a showdown was in sight.

Born the son of a blacksmith in Attleboro, Mass., on November 3, 1884, Joseph Martin was one of seven children. To supplement the family income, due to the death of his father, Joe went to work as a newsboy at the age of 7.

Joseph Martin first experienced public office in 1911 when he was elected a member of the Massachusetts House of Representatives. He later was elected to the State senate in 1915.

His next step up the political ladder took place in 1924 when he was elected to the U.S. House of Representatives. In 1937 he was named chairman of the Republican congressional committee. In all of his work, Joseph Martin was a pragmatist and a realist. He never allowed himself to be carried away by wishful and impractical ideas or programs.

When Representative Martin died, he left behind many decades of party loyalty in the House of Representatives, including 20 years as party leader and two terms as Speaker; 10 years of party work in Massachusetts; and the chairmanship of five consecutive Republican National Conventions.

Thus, the passing of former Speaker Martin from the American political scene was a tragic loss that was felt by Republicans and Democrats alike. He was a man of great courage and goodwill—a man whose loyalty and kindness will be remembered with affection and respect.

My wife Ellyn joins me in saying aloha to Joseph Martin, Jr., and in extending our deepest sympathy to former Speaker Martin's family.

COLUMN BY DAVID LAWRENCE

Mr. BYRD of West Virginia. Mr. President, an especially thoughtful column on the problems highlighted by the Poor People's Campaign appears in today's Washington Star by David Lawrence.

It points out that the Federal Government is not as well equipped to deal with the problems of the poor as the governments of the various States are. It suggests that a basic reevaluation of the approach being used by the leaders of the campaign in Washington ought to be undertaken.

Some might contend that this is a "buckpassing" approach to the problems involved, but I do not consider it such. On the contrary, Mr. Lawrence is emphasizing facts. The States, Mr. President, may have been somewhat derelict in their responsibilities in this respect.

I do not believe that very many Members of the Congress object to the Federal Government doing what it can to provide better opportunities—and I must stress the word "opportunities"—for the poor, and I certainly do not object to enlarging such assistance where it can be shown that such action will be effective in reaching the people who need it and in providing real help for them.

But I suggest that the active participation of the States is needed in any new efforts that are directed at the laudable, but difficult to achieve, goal of eradicating poverty in the United States.

I ask unanimous consent that the column by David Lawrence be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

POOR URGED TO TAKE CASE TO STATES

(By David Lawrence)

Leaders in Congress are not exactly sure what the marchers who claim to represent the "poor" of the country really want. There is the deepest sympathy with any poverty-stricken persons, but doubt prevails nevertheless as to whether the demonstrators have really come to the right place to seek relief.

Up to now, the theory has been that it is primarily the obligation of each state to take care of the health, education and welfare of its residents and that, if it lacks sufficient funds, the federal government should supplement them.

So the impression is growing here that maybe, instead of the 3,000 marchers camping in Washington, they should go to the 50 different state capitals and put their case to the governors of their respective states. Then, if the money required to take care of the problem is not available, it would naturally be the function of the governors to request assistance from the national government, in which case, Congress could make the necessary appropriations.

Basically poverty situations are best handled by local authorities, anyway. For the states and cities each have welfare departments and a record of those who are in need of assistance. Although the federal government has had an "antipoverty" program, it has been designed largely for job training of various kinds and educational aids for children. Many of the critics of these particular programs have said that the states should have initiated such projects themselves.

To place on the federal government the complete responsibility for handling the welfare of the citizens in every community would require an enormous bureaucracy. Unfortunately, the demonstration here by the "Poor" marchers dramatizes mainly the idea that the federal government is the place to go for direct assistance, irrespective of the duties which naturally fall on the state and city governments. If people are to be told that, no matter what their difficulties they should go directly to Washington, there would be no end of encampments and marches in the future.

For some time, many members of Congress have been saying that lots of money has been wasted in the so-called "antipoverty" program, largely because the federal government doesn't have at its command the machinery which can be utilized efficiently in every state of the union.

Certainly attention should be focused more sharply on all phases of the problem. It could be that the demonstration by the "Poor People's March" will have some constructive effects. But the importance of the issue has already been recognized by the federal government and particularly in Congress.

Secretary of Agriculture Orville L. Freeman testified this week before the House Labor and Education Committee that 59 counties in 11 states have not set up machinery for food programs. These include distribution to the poor of government-owned surplus products as well as the "food stamp" program whereby persons and families with low incomes are able to purchase goods at reduced cost.

Freeman, moreover, said a CBS television program this week dramatizing the hunger problem "was shot full of errors." Members of Congress asked the secretary to document the errors. In the Senate, a subcommittee on employment, manpower and poverty, headed by Sen. Joseph S. Clark of Pennsylvania, has also started hearings on hunger.

It would appear, therefore, that at least the problem is being given more public discussion than ever before. But the fact remains that the administrative tasks, if they are to be efficiently carried out, will have to be localized. It is a matter of great surprise that most governors of the states, who should know what is happening in their own localities, have not been inclined to explain comprehensively the plight of the poor to their constituents. Nor has there been any organized plan by the states to determine just what the federal government should supply for the poverty-stricken.

There are many ways by which the national government can supplement the work of the states. Until extensive programs have been worked out in each state, however, for the handling of the problems of the poor, and the requirements of each state are thoroughly investigated, Congress can hardly legislate effectively on the whole subject.

THE ROLE OF THE NEGRO IN VIETNAM

Mr. McGEE. Mr. President, the role of the Negro soldier, sailor, airman, and marine in Vietnam is something which can scarcely be unappreciated by any American who pays attention to news reports on the war in Southeast Asia. The Negro is abundantly present in Vietnam, where his contributions have been many and legendary.

But what of the Negro attitude—the attitude of the soldier in the field?

Thomas A. Johnson, writing in the Perspective section of last Sunday's Denver Post, explored the role of the Negro in Vietnam in depth and his report is, among other things, a commentary on U.S. race relations as well. Mr. Johnson wrote:

> Fourteen weeks of interviews with black and white Americans serving here reveal that Vietnam is like a speeded-up film of recent racial progress at home. But Vietnam also demonstrates that the United States has not yet come close to solving its volatile racial problem.

Mr. President, I ask unanimous consent that the report, written by Thomas A. Johnson, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY THOUSAND U.S. NEGROES SERVE KEY ROLES IN VIETNAM WAR: PLANNING BATTLES, BAKING BREAD, IN COMBAT, ADVISING SOUTH VIETNAMESE, AND MOVING SUPPLIES

(By Thomas A. Johnson)

SAIGON, SOUTH VIETNAM.—The Army sergeant with the coal-black face muttered: "What in the hell am I doing here? Tell me that—what in the hell am I doing here?"

But there was a smile on his face.

At the moment, he and the men of his understrength platoon—about half of them Negroes—were crouching on a jungle trail as artillery shells pounded the brush 100 yards away.

At the same time, some 50,000 other Negroes in Vietnam were unloading ships and commanding battalions, walking mountain ranges and flying warplanes, cowering in bunkers, and relaxing in Saigon villas.

They were planning battles, moving supplies, baking bread, advising the South Vietnamese army, practicing international law, patrolling Mekong Delta canals, repairing jets on carriers in the Tonkin Gulf, guarding the U.S. Embassy, drinking in sleazy bars and dining in the best French restaurants in Saigon, running press centers, burning latrines, driving trucks and serving on the staff of Gen. William C. Westmoreland, the American commander.

They were doing everything and they were everywhere. In this highly controversial and exhaustively documented war, the Negro, and particularly the Negro fighting man, has attained a sudden visibility—a visibility his forefathers never realized while fighting in past American wars.

WHY IN VIETNAM?

Fourteen weeks of interviews with black and white Americans serving here reveal that Vietnam is like a speeded-up film of recent racial progress at home. But Vietnam also demonstrates that the United States has not yet come close to solving its volatile racial problem.

Why was the sergeant—a 34-year-old career soldier—in Vietnam?

He talked with good humor of the "good regular Army" to a Negro correspondent, he shuddered with anger recalling that his home-town paper in the Deep South called his parents "Mr. and Mrs." only when referring to their hero son, and he pointed out that he had stayed in the Army because his home town offered only "colored" jobs in a clothing factory where whites did the same work for higher pay.

Most often, Negro and white civilians and career soldiers see Vietnam as a boon to their careers and as a source of greater income than at home. For the Negro there is the additional inducement that Southeast Asia offers an environment almost free of discrimination.

As one civilian explained, "bread and freedom, man, bread and freedom."

For the ordinary Negro fighting man, Vietnam means not only integration but also an integral role in American life—or at least this aspect of American life.

"'The man' can't overlook talent when he wants the job done," said S-Sgt. James Frost, a 29-year-old Negro from Youngstown, Ohio.

In the job of battle, fighting prowess and dependability quickly erase color barriers. Staying alive becomes more important than keeping stateside racial patterns.

During the battle for Hue in February, a knot of white and Negro Marines stood knee deep in the mean red mud beside their tank. They were grimy-faced, beard-stubbled and grease-spattered.

THROUGH FOR NOW

They peered across the Huong (Perfume) River, where more than 300 yards away, unseen North Vietnamese gunners had just given up a mortar and artillery duel.

"They're through for now," said Sgt. Eddie Dailey, a Negro from York, Pa.

"It looks like it," said a white Marine with field glasses.

It was 9 a.m., but from somewhere a bottle of liberated Black and White Scotch was produced and passed around.

"Integration whisky," someone commented.

"And that's just what's winning this Goddam battle," the Negro sergeant said.

A white lance corporal agreed. "You're damn straight, Bro," he said. The Negro shorthand for "Soul brother" seemed to slip out naturally.

As Corporal John Tice of Savannah, Ga., passed the bottle, a tattoo could be seen on his bare right arm. It showed a Confederate flag and the words "Johnny Rebel."

"That's just what's gonna win this Goddam war," Dailey spat. "Integration, Goddam it."

BREAKING BARRIERS

With the integration of the armed forces in the late 1940s and early '50s, the military quickly outdistanced civilian efforts at breaking down color barriers. This has continued to a point where young Negro men flock to military service for the status, careers and security that many cannot find in civilian life.

A junior infantry officer, who is white, commented:

"It's an awful indictment of America that many young Negroes must go into the military for fulfillment, for status—and that they prefer service overseas to their homeland."

The war in Vietnam is filled with ironies, and one of the biggest is that the ordinary Negro fighting man—and especially the teenage front-line soldier—is not aware of the Negro's participation in previous American wars.

An 18-year-old Marine private at Dong Ha said proudly: "The brother is here, and he's raising hell! We're proving ourselves!"

Officers in Saigon at the headquarters of the Military Assistance Command, Vietnam, say the heavily Negro 173d Airborne Brigade is the best performing unit in Vietnam.

This correspondent went in with the second helicopter wave when the 4th Battalion of the 173d struck a Viet Cong supply base in a thickly forested area of Phuyen province.

THE BEST OUTFIT

Taking cover in tall grass, he found himself with a young Negro paratrooper, a private first class whose face had not yet sprouted a serious growth of beard.

"What you doin' here, Bro?" The paratrooper asked. "You gonna do a story on the 4th battalion?"

Without waiting for an answer he kept talking.

"You tell them that the 173d is the best goddamn outfit on this rock. We were the first brigade-size combat unit in Vietnam."

His squad was ordered forward, but he kept talking:

"Tell them we made the first jump in Vietnam on Operation Junction City, and that the 4th Battalion is the best in the 173d. You tell them that—tell them we took Hill 875 at Dak To and that we are steady kicking Charlie's rear."

Only then did the paratrooper stand up, and as he ran with his squad he called back:

"You tell them, you hear?"

Capt. Robert Fitzgerald, a Harlem-born intelligence officer on Westmoreland's staff, commented:

"They feel they're the first Negroes to fight because their history books told only of white soldiers, and their movies showed that John Wayne and Errol Flynn won all American wars."

The 31-year-old officer went on: "The only uniform they've seen on Sidney Poitier was a chain-gang suit, and—oh, yes—that of an Army truck-driver once."

Talk of race often leaves white servicemen bored, embarrassed or annoyed. Many say the problem is overly stressed, and many Negro servicemen, especially the teen-aged, first-hitch foot soldiers, say the same thing.

But a Negro sailor stationed in Saigon noted:

"The question of race is always there for the Negro. He would either be blind or insane if it were not. But Vietnam is a buffer or isolation ward to the whole question of race as we know it."

If Vietnam is an isolation ward, then combat is a private room off the ward where the ordinary GI can bring to bear the special skill for which he has been trained—killing. And white or black, the GI—usually referred to here as a "grunt" or a "crunch"—is adept at his specialty. The elite units—the airborne, Marines, air cavalry and special forces—to which Negro youth flocks are among the best of these specialists.

A paratroop officer commented:

"The grunt wants to fight, pure and simple. He's one hell of a fighter, and we couldn't win any war without him because he lives, eats and sleeps to fight. You don't fight wars with gentlemen—that is, you don't win wars with gentlemen."

AVERAGE AGE 19

The grunt is no gentleman.

His average age is 19, and he left high school without finishing. His skills are with the M-16 rifle, the M-60 machine gun, the M-79 grenade launcher, hand grenades and bayonets.

He brags and swears and swaggers, and he runs to a fight. He runs into battle when the first shot is fired, screaming or cursing, as if he does not believe he can be killed.

He can be, however, and he is.

He is killed and wrapped in a green paper blanket and put off to one side until a truck or a helicopter can take him to the rear.

Then he is remembered during quiet times by other young soldiers and Marines who still rush into battle screaming and cursing as if they cannot be killed.

And during those quiet times other things come out.

Like that night in a pitch-black front-line bunker, when it was comforting to hear one another's voices, and the correspondent learned how it was after the 4th Battalion of the 173d took Hill 875 from a determined enemy force, a force that "had chewed up the 2d Battalion."

"We hugged and kissed one another like Girl Scouts, and we cried," said a voice in the darkness.

An Army chaplain comments: "Their anxiousness to prove themselves as men makes them quickly absorb the lesson the military is anxious to teach."

LEARN THE LESSON

That lesson, an infantry platoon sergeant said, "is to make every man feel that he's in the best Army, the best division, the best brigade, the best company, the best platoon, the best squad—and that he's the best Goddamn man in that squad."

And the Negro youngster—from the high school basketball team, the sharecropper's farm or the riot-ready slums—has consistently volunteered for the elite of the military fighting forces.

"You take a good look at an airborne rifle company and it'll look like there ain't no (foreign) white troops there," one Negro commented.

Dr. Kenneth B. Clark, the Negro psychologist, has noted that a "status not readily available in civilian life" causes Negroes to join the military service at a rate two to three times greater than that for whites, and then to volunteer for elite units.

"There is no chance of asserting his manhood and demonstrating his sense of worth in civilian life," said Clark, who heads the Metropolitan Applied Research Center in New York.

Clark said the ferocity demonstrated by young front-line soldiers could be related to their youth and their eagerness to prove themselves. He noted that after the 1943 riots in Harlem he interviewed a youth who "got a terrific boost out of the destruction."

Clark added: "A few months later he was a soldier, in uniform and with a riding crop, and getting an even bigger kick out of potential destruction he could legally cause."

HE'S IN COMBAT

The Negro in Vietnam makes up 9.8 per cent of the military forces in Vietnam, but close to 20 per cent of the combat troops and more than 25 per cent of such elite Army units as the paratroops. Estimates of Negro participation in some airborne units have been as high as 45 per cent, and up to 60 per cent of some airborne rifle platoons.

A Negro private first class in the 4th Battalion of the 173rd Airborne Brigade said that when he joined the unit in the summer of 1967 "there were 20 brothers and 8 foreign troops" in his platoon.

About one in every four of the Army's front-line supervisors in the grades of sergeant first class and master sergeant is a Negro, a fact attesting to the higher Negro reenlistment rate in the armed forces in general and the Army in particular.

The re-enlistment rate for first-term Army men in 1965 was 49.3 per cent for Negroes and 13.7 per cent for whites; in 1966 the figures were 66.5 and 20. Re-enlistment figures for 1967 have not been completed, a Pentagon spokesman said.

The present Negro death rate in Vietnam is 14.1 per cent of total American fatalities; for 1961 to 1967 it was 12.7 per cent. Late in 1965 and early in 1966 the Negro death rate soared to about 25 per cent, and the Pentagon ordered a cutback in frontline participation by Negroes.

It is in the front lines that commonly shared adversity has always sprouted quickly into group loyalty and brotherhood. And whether between white and white, Negro and Negro, or Negro and white, Vietnam is no exception to the tradition of battlefield brotherhood.

SMART AND BRAVE

"The stereotypes they had believed just sort of melt away," said Capt. Richard Traegerman, a 25-year-old West Pointer from Philadelphia.

"Whites see Negroes are as intelligent and brave as anyone else, and Negroes see whites are just guys with the same strengths and weaknesses as anyone else."

And a long-time front-line observer said:

"It's the most natural thing in the world to come out closer than brothers after a few days on the line. Up here it's a real pleasure to just be warm and dry or to feel a cool breeze; to have fresh water, a heat cube for C rations; to wash or take off your shoes or to be alive when others are dying. This will make any two people brothers."

For the most part, Negroes in Vietnam say that the closest thing to real integration that America has produced exists here.

"It's the kind of integration that could kill you, though," a Negro sailor remarked.

There are reports of racial discrimination, racial fights and instances of self-segregation, but most Negroes interviewed said these instances were greatly outweighed by racial cooperation.

In effect, while participating in a war that pits yellow people against yellow people, America is demonstrating that its black and white people can get along.

So pervasive is this demonstration that some Negroes, in discussing the prejudice of lowland Vietnamese toward the mountain-dwelling and usually primitive Montagnard tribesmen, convey the idea that discrimination against Negroes has ended at home as well as in Vietnam.

COMPARING COUNTRIES

Oscar Roberts, an Army captain stationed at Pleiku as an adviser to the South Vietnamese army, pointed up this attitude when he remarked: "The Montagnards are treated the way we used to be treated back home."

But then he smiled and added: "The way we used to be and still are treated some places back home."

Other Negroes did not remember, or smile, or correct themselves.

Race is quite often a laughing matter among servicemen in Vietnam.

Sgt. Charles C. Hardy, a 21-year-old Marine from Chicago, was on duty one night in Da Nang and gave his bed to a visiting white friend, but not without some specific admonitions.

"That sack has lots of soul," he said. "It's a soul-recharging station, so you'd better be careful. I don't want to see you wake up tomorrow morning thinking you can talk trash and trying to dance the Boogaloo and the Philly Dog, you hear me?"

Some of the "brothers" in an airborne unit held a "soul session" to "cuss Chuck," the white man. When a late-arriving brother inquired what a "couple of Chucks" were doing attending a soul session, it was explained that they were "honorary souls," and the Chuck-cussing continued.

WHO'S BUYING?

And after watching a plea for brotherhood on a television set in a bunker in the central highlands, a youth of Mexican origin spoke up.

"All right," he said, "which one of my Goddamn brothers is going to buy me a beer?

He got the beer, but not before the whites and Negroes unleashed a barrage of anti-Mexican remarks that included: "Give me, give me, give me! A Goddamn Spec. 4 in the regular Army and he still thinks he's on relief! Give me, give me, give me!"

Even the highly potent taboo on interracial sex is much less a taboo in Vietnam than it was in the military in past years.

A white officer from North Carolina visited the luxurious Saigon apartment of a Negro officer from Illinois, carrying a dozen red roses for the Vietnamese lunar new year, Tet. Their friendship dated from the time they both commanded segregated airborne companies at Fort Bragg, N.C., in the late '40's.

While discussing a double date with Vietnamese girls that the Negro was arranging they reminisced about the German and Japanese women they had known.

Walls and lockers, from neat hotels in Saigon to red-earth bunkers in Khe Sanh, have both white and Negro pinups, regardless of the race of the serviceman.

Some bars tend to be predominantly white or predominantly Negro. This is especially true in the rear areas where the permanently assigned and normally noncombatant troops gather every day. In Saigon, for example, it is mostly whites who frequent the bars along Tu Do Street, while Negroes predominate in the Khan Hoi area across the Saigon River along Trinh Minh The Street.

OFF-DUTY SEPARATION

It is not uncommon, though, to find both races in both locations and to see white and Negro servicemen talk to the same bar girls.

Still, there is much off-duty separation of the races, and most of it is voluntary separation by Negroes. There are several reasons, not the least of which was expressed by a high Negro civilian official:

"Wherever you have a lot of American whites with a lot of time for relaxing," he said, "then you can figure that the brother is in for a little difficulty."

A German in Vietnam asked a Negro civilian if he was aware of how some American whites talked about Negroes when they were alone. The Negro said he was.

"Do you know that they call you animals," the German said, "that they say you have tails and that they seem especially anxious that foreigners—myself and the Vietnamese—hear this?"

"I know," the Negro said.

"What's wrong with them?" the German asked.

"They're white Americans," he was told, "a strange breed of people."

A Negro field-grade officer said he relaxed only around Negroes and put up an "aloof" and "even unfriendly" front around whites.

SUPER-NEGRO

"You don't want to overextend yourself because you never know when whites are for real," he explained. He went on to suggest that the Negro officer must often be a "super Negro."

"I see white officers bring Vietnamese girls into our quarters and getting away with it," he said, "and I wouldn't think of joining them. Whites prove every day how vulnerable the 'successful' Negro is in our society. If they can go to such great length and bend the rules to kick Adam Powell out of Congress and take Cassius Clay's title, they can certainly get to me. I don't intend to give them the chance."

Still, separation and aloofness are not rigid situations and attitudes.

A Negro Specialist 4 in an infantry outfit said:

"I got some white friends who are 'for real' studs, and, hell, they could call me anything and do anything they want, because I know they are for real. I know some other Chucks who I'd most likely punch in the mouth if they said good morning to me, because I know they are some wrong studs."

A rear-echelon Negro private first class, sitting in a bar in Saigon's Khanh Hoi with a white friend with a Deep South accent, started to discuss why Negroes segregate themselves.

"White people are dull," he said. "They have no style and they don't know how to relax."

"What do you mean?" the white youth interrupted.

"Shut up," the Negro said. "I'm not talking about you, 'nigger.' I'm talking about white people."

SOUL FOOD

Another Negro, explaining why he frequented the Negro-owned "soul food" places in Saigon—such as the L & M and the CMG Guest House, both of which have white and Negro clientele—said:

"Look, you've proven your point when you go out and work and soldier with Chuck all day. It's like you went to the Crusades and now you're back relaxing around the Round Table—ain't no need bringing the dragon home with you."

The term "soul session" is often used here to describe Negro efforts to "get away from 'the man,'" to luxuriate in blackness or to "get the black view." These sessions occur in front-line bunkers and in Saigon villas, and quite often they include some "for real" whites.

Negro VIPs who come to Vietnam find that despite full schedules a "brother" will get to them with a dinner invitation so the visitors can get "down to the nitty-gritty."

Sen. Edward W. Brooke, R-Mass., Whitney M. Young Jr. of the Urban League and the Rev. Ralph D. Abernathy of the Southern Christian Leadership Conference are among those who have got the benefit of the black view.

"Sometimes it doesn't do too much good, from what some of the black VIPs have said when they got back home," one soul-session advocate said later.

Self-segregation does not attract all Negroes, and there are some who shun any appearance of Negroes getting together, no matter what the purpose.

There are Negro officers and civilians in Saigon hotels who prominently display record albums by Mantovani and Lawrence Welk and hide albums by such soul-sound purveyors as James Brown and Aretha Franklin.

HEALTHY FEELING

"A lot of the brothers feel they can't be themselves and integrated," said Lt. Col. Felix H. Goodwin, a Negro veteran of 27 years of Army service.

"This dates back to the time the Army was first integrated and we all felt we had to show whites we were not prejudiced," he added. "Most of us feel comfortable enough now to be both black and integrated, and we think this is healthy."

While integration is fairly recent in the military, Negro participation in American wars is as old as the country's history.

The Negro's ability and willingness have not been questioned in the war in Vietnam, and have in fact been consistently praised.

In a speech to fellow South Carolinians last year, Westmoreland said: "The performance of the Negro serviceman has been particularly inspirational to me. They have served with distinction. They have been courageous on the battlefield, proficient, and a possessor of technical skills."

Courage—and quite often bravado—is the young combat soldier's long suit.

"When America invented the grunt, she legalized thuggery," one front-line observer said. "When I'm out with grunts and the Viet Cong fires on us, I'm damn glad she invented them."

A young Negro Marine in war-ravaged Hue typified the grunt's bravado, his eagerness to fight, his disbelief that he can be hurt or killed.

The Marine sat on a naval landing craft on the Huong (Perfume) River, bound for the Citadel, once the seat of the Vietnamese imperial government, and now, during the Tet fighting, South Vietnam's major killing ground.

"Put me in your paper," the Marine told a correspondent.

"What can I say about you?" the newsman asked.

"You can say Lance Cpl. Raymond Howard, 18, better known as 'Trouble' from Bay Manetta, Ala., squad leader, 2nd Platoon, Delta Co., 1st Battalion, 5th Marine Regiment, is going 'cross the river to kick him a few behinds."

THE SCHOOL LUNCH PROGRAM

Mr. MONDALE. Mr. President, I think it is unfortunate that the Senate Committee on Appropriations should react to recent tragic disclosures of the wide extent of starvation and malnutrition in the United States by cutting the appropriation for the school lunch program.

A recent CBS News documentary on "Hunger in the United States," the publication of a comprchensive report by the Citizen's Board of Inquiry, and a report by several women's organizations on the inadequacy of the school lunch program all call for increased effort by the Congress in this area. At the very least, we have a right to expect that the barebones requests of the administration for funds ought to be granted.

It should be pointed out, too, that we are not talking here about mere budgetary amounts, nor statistical charts, but children who will be deprived of the free or reduced-price school lunches. The Department of Agriculture estimated that 20.2 million schoolchildren would participate in the program in fiscal year 1969. The cut imposed by the Committee on Appropriations represents a financial cut of approximately 5 percent and if this percentage carries over into the number of children involved, over 1 million children will be denied participation in the school lunch program. I think this is absolutely wrong. It goes in the wrong direction.

The problem with the school lunch program today is that it does not reach enough children. The recent report on the school lunch program, "Their Daily Bread," states:

> 1. Of 50 million public elementary and secondary school children, only about 18 million participate in the National School Lunch Program. Two out of three children do not participate.
>
> 2. Of 50 million school children, fewer than two million, just under four per cent, are able to get a free or reduced price school lunch.

I ask unanimous consent that the introduction—chapter 1—and the recommendations—chapter 14—of this report be printed in the RECORD at the conclusion of my remarks.

I sincerely hope that this action is not punitive in nature, designed to show the Poor People's Campaign that they dare not affront the Congress with their demands at the risk of losing ground in the fight to overcome poverty and hunger.

Mr. President, I ask unanimous consent that a table showing the amounts appropriated for this program also be printed in the RECORD. I call upon the Senate to restore the full amount of the administration request at the very least.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

School lunch	Budget	House	Senate
1. Food assistance—			
(a) Cash payments to States	$157,097	$171,448	$157,097
(b) Special cash assistance	10,000	5,000	7,500
(c) Commodity procurement	64,325	64,325	64,325
2. Pilot school breakfast program	6,500	3,500	4,500
3. Nonfood assistance	6,000	750	2,000
4. State administrative expenses	2,300		
5. Operating expenses	2,546	2,127	2,252
Total	248,768	247,150	237,674
Appropriation	184,443	182,825	173,349
Sec. 32	64,325	64,325	64,325

INTRODUCTION

Poverty is not a uniquely American disease, but Americans have a uniquely optimistic way of dealing with it. In the twenty years from the end of World War II to the mid-sixties, we hid our disease in the attic of the national consciousness and almost convinced ourselves that it did not exist. We concealed it with phrases like "the affluent society" and "the highest living standard in the world," and we covered it with booming production, consumption and employment statistics. We exported the goal of American prosperity to under-developed nations.

But poverty would not be concealed. One of the chief by-products of the civil rights movement was the revelation to middle-class America of the existence of an under-developed nation right here—millions of Americans, black and white, living in a shadow world of bare subsistence. This "Other America" is with us, but not in our midst. Unlike the one-third of a nation ill-fed, ill-clothed and ill-housed during the Depression, poor people are no longer visible to middle-class America. It is possible for a suburban family to live its entire life without ever meeting a poor person.

So that while we have finally been forced to acknowledge the existence of wide-spread poverty—and indeed have declared a national War on Poverty—there is an unreality bred by distance about our acknowledgment.

This unreality pervades not only our awareness of the problem, but our assessment of the methods created to deal with the problem. It is more reassuring and easier for us to believe uncritically that if a program is adopted to deal with employment or housing or welfare, then solutions to the problem are on the way, and we need trouble our minds and consciences no further.

This attitude applies with special force to the National School Lunch Program. Because it is one of the oldest social benefit programs in this country, and because it operates smoothly in a well-established mechanism for its administration, most Americans accept the present functioning of the program without complaint, believing that it adequately meets the need for which it was created. It is easy to understand why they believe this.

The National School Lunch Program last year celebrated its twenty-first birthday. During its life, it has won wide acceptance from educators and nutritionists. The members of both professions feel, with few exceptions, that there is a direct relationship between adequate nutrition and good scholastic performance, discipline in the classroom and constructive social attitudes. Hungry children are inattentive children, educators believe, and inattentive children cannot learn.

The Congress which originally created the National School Lunch Program in 1946 recognized the importance of a good lunch to the school child and passed legislation "to safeguard the health and well-being of the Nation's children." To achieve this goal, the Program was "to supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price thereof" without discrimination.

Because of this wide-spread recognition of the value of the National School Lunch Program, most of middle-class America believes that the school lunch is universally available. If you were to question, as we did, middle-class acquaintances or neighbors about their understanding of how the School Lunch Program operates, they would likely reply: "Oh, all the children get that," or, "That's to give needy children a good lunch," or, "All the kids get it, but the ones who can't afford it don't have to pay."

But in these comfortable assumptions—as in so many others—we are unrealistic. The facts show otherwise:

1. *Of 50 million public elementary and secondary school children, only about 18 million participate in the National School Lunch Program. Two out of three children do not participate.*

2. *Of 50 million school children, fewer than two million, just under four per cent, are able to get a free or reduced price school lunch.*

3. *Whether or not a child is eligible for a free lunch is determined not by any universally accepted formula, but by local de-*

cisions about administration and financing which may or may not have anything to do with the need of the individual child. And generally speaking, the greater the need of children from a poor neighborhood, the less the community is able to meet it.

These three facts, while perhaps not generally known, are well understood by school lunch administrators. What has not been comprehensively studied heretofore is why so few children participate in the National School Lunch Program or are denied the opportunity to participate, and why the School Lunch Program is failing to meet the needs of poor children.

This study was undertaken to find out why. It is peculiarly appropriate that these particular organizations have sponsored this particular study. All five sponsors are women's organizations and have a special affinity for the needs of children.

All five organizations have a religious orientation or connection, so their concern for social problems is neither that of a useful political tool or a passing fancy.

And most important, all five—sometimes working cooperatively, sometimes separately—have had practical experience on the local level dealing with the great social issues of our day: the problems of the aged, of children, of employment, education, housing, race relations.

The Appendix sets forth in detail how this study was organized and conducted, how the communities to be studied were selected, and who participated in conducting the studies.

All the material used in this study, except that which is specifically identified as coming from outside sources, was gathered by personal interviews using questionnaires specifically designed for this study. These interviews, more than 1,500 of them, form the basis for our conclusions about the National School Lunch Program.

The method of personal interviewing has been a great strength of the study, since it enabled the volunteer to talk directly with the school lunch administrator, principal, class room teacher and parent involved in school lunches in a local school, and to see the program in actual operation for herself. But it also leads to some contradictory statistics, since the volunteer did not attempt to evaluate the material herself, or to reconcile the figures given by one school official with conflicting figures given by another.

But in spite of some conflicting or confusing findings, the larger conclusions of the study are inescapable. We set them forth below, and discuss, document and analyze each in the chapters that follow:

1. The National School Lunch Program is inadequately financed on the Federal level, and the gap between the available Federal money and the needs of the Program grows bigger every year.

2. The formula for state and local financing which allows states and localities to contribute little or no financial support to the National School Lunch Program is both unjust and harmful to the operation of the program.

In many states, Federal money and Federal commodities pay for one-third of the child's lunch and the children themselves pay for two-thirds, which includes not only the food on their plates, but the salaries of state and local school administrators, cooks and food handlers, the storage and transportation of the food, and the cost of free and reduced price lunches for needy children who cannot afford to pay.

3. The lack of a uniform method of determining who shall be eligible for a free or reduced price lunch results in unequal and unfair decisions on the local level. A child eligible in one community for a free lunch might not be eligible in a neighboring town; eligible in one school, he might be disqualified in a neighboring school. Even in the same family, one child may be eligible and his brother or sister may be declared ineligible. This lack of standards presents conscientious educators with choices they should not be forced to make. It fosters resentment and distrust on the part of needy parents.

4. Many older schools do not participate in the School Lunch Program because they were built without kitchens or cafeterias. Some do not participate because it would not "pay" to have a kitchen or cafeteria, i.e., the children's payments could not cover the cost of the program. Both types of schools are almost invariably located in slums. This means that the slum child, who needs good nutrition most, has the least chance of getting a school lunch.

Around these basic inadequacies, several cherished myths have arisen which tend to obscure the problems and to inhibit constructive solutions of them:

1. "No child who is hungry goes without lunch." We heard this over and over again from school lunch administrators. This is true in many schools where concerned principals and generous teachers work out emergency ways of paying for lunches, often out of their own pockets. But thousands and thousands of children watch their classmates eat while they sit in the cafeteria, not eligible for a free lunch and too poor to buy one.

2. "Teen-age eating habits account in large part for low participation in the school lunch program." Teenagers, according to a press release of the United States Department of Agriculture (USDA), "find it the 'in' thing to do to subsist on soft drinks and candy bars. They've got the weight problems to prove it." No comprehensive survey has been done to find out why participation is so low, but our study indicates that teen-age eating habits are a small part of the problem.

Certainly a vigorous educational campaign needs to be undertaken to teach teen-agers—and all children—the value of good nutrition. School boards, which permit the installation of soft drink and snack machines in public schools as a money-making device, could also benefit from such an educational campaign. And surely there is a relationship between participation and how attractively the food is prepared and served. But all of these factors, our study indicates, are less important to participation than how many children can afford the lunch.

3. "It is better for young children to eat lunch at home. This is one of the benefits of the neighborhood school idea." This is only true when the child who goes home to eat lunch gets a lunch to eat. But thousands of slum children come home for lunch to an empty house and a bare refrigerator.

4. "Children who are getting a free or reduced price lunch cannot be identified by the other children." This is a requirement seemingly implied by the legislation and touched on by the USDA regulations. Every State School Lunch Director we interviewed felt certain it was being followed. Some schools have indeed worked out careful systems to avoid humiliating free lunch children. But the majority of them have no such procedures, and quite a few, by using special tickets and tokens for needy children, have guaranteed their identification by classmates. We found many children, especially teenagers, who would rather go hungry than eat under these circumstances.

These are the broad conclusions reached in this study. There are, of course, many other elements in the National School Lunch Program, and they, too, will be discussed in the chapters which follow. Among them are Federal programs, in and out of the National School Lunch Program, which provide special assistance to feed needy children; the role of donated commodities in the National School Lunch Program; and a consideration of the professional qualifications of school lunch personnel.

In a program such as this, which is not fulfilling its potential, there is a tendency to try to assign the blame to particular individuals or groups for its inadequacies. But succumbing to this easy temptation in this case would be unjust. Members of this Committee and the writer, who have dealt with school lunch officials at the Department of Agriculture, have been impressed with how hardworking and cooperative they are. Among State School Lunch Directors, there is a high percentage, of dedicated public servants. Similarly, in the local communities we studied, we encountered cooperation and concern on every side—from School Lunch Directors to principals and classroom teachers.

Not every official we met was a paragon, of course. But whatever shortcomings there are in the School Lunch Program lie not in the individuals charged with responsibility for it, but in the system which limits, and sometimes even prohibits, their effective functioning.

How that system operates is the subject of this inquiry. The following thirteen chapters describe what our volunteers found. Chapter XIV is a series of recommendations for Federal, state and local action set forth in some detail and dealing with all aspects of the National School Lunch Program.

Our chief recommendation calls for a universal, free school lunch program as part of a long-range plan for better nutrition for all children. But until such a total program is developed, the following recommendations are designed to make the present system work:

1. *Reduce the maximum price of the school lunch to 20c and provide free lunches for all children who cannot afford to pay.*

2. *Raise the federal contribution to keep pace with the growing needs of the National School Lunch Program.*

3. *Create a new matching formula for the states to insure that they bear some of the financial burden, relieving the children of paying for salaries, administration, food handling, and the cost of the free and reduced price lunch program.*

4. *Set uniform standards of eligibility for free and reduced price lunches to end the haphazard and inequitable present system.*

In order to understand the study, some of our readers may wish to refresh their memory of how the National School Lunch Program operates, and what the various terms, which will be used throughout our report, mean. What follows is a brief summary of the legislation and Regulations governing the School Lunch Program. It is excerpted from the kit of materials prepared for our volunteers who conducted the state and local interviews.

Some facts about the national school lunch program

The National School Lunch Program currently operates under legislation passed in 1946 and amended in 1962 and entitled the National School Lunch Act. This legislation grew out of various Federal programs providing surplus commodities and cash in the late Depression days. Today, all states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands participate in the Program. Here are its most important features:

Purpose: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of non-profit school lunch programs."

The Act provides this assistance by Federal contributions of both cash and agricultural commodities to each state.

Administration: On the Federal level, the program is administered by the United States Department of Agriculture through its Consumer and Marketing Service, School Lunch Division. In each state, it is administered by the state educational agency—State Board of Education, as it is usually called. Most states have set up a School Lunch Division for this purpose.

State allocation formula: The Act prescribes a formula for distribution of cash assistance to the states. The formula is based on (a) the number of school lunches served the previous year in each state; and (b) the assistance need rate of the state.

The assistance rate is based on a comparison between the average per capita income within the state and the average per capita income in the United States as a whole. When the state average per capita income falls below that of the United States, the extent to which it does determines, within certain limits, the correspondingly higher amounts of cash assistance to which that state is entitled.

In addition, assistance in the form of donated commodities is allocated to each state based on the number of lunches served in the state the previous year. (See Commodities Program below). If any state cannot use all the funds allocated to it, the unused portion may be distributed to the other states on the same basis described above.

Matching funds: The Federal cash contribution must be matched by funds from sources within each state on the basis of $3 of state money for $1 of Federal money. But those states whose per capita income is less than that of the United States have this ratio reduced.

However, since the state's matching funds include the money the children themselves pay for their lunches—which is about two-thirds of the cash amount of the Program—no state has ever had any difficulty meeting this requirement.

Other sources included in the state's matching funds are state and local government funds, except funds used for school construction, and private charitable donations.

The state is not required to match the value of commodities donated by the Federal Government.

Participation requirements: The Act requires that all schools wishing to participate in the National School Lunch Program must sign an agreement with the state educational agency that they will operate a nonprofit school lunch program which:

(a) Meets minimum nutritional standards for a Type A lunch—a specified amount of protein-rich foods, vegetables and fruit, bread, butter or margarine, and milk;

(b) Complies with state and local health and sanitation standards;

(c) Supplies lunches free or at reduced price and without discrimination to all children who are determined by local school authorities to be unable to pay the full price.

Extra assistance: Agriculture Department Regulations authorize—but do not require—the state educational agency to allocate out of its *general* school lunch funds extra money to those schools which have a high proportion of children unable to pay for lunch. The Federal limit in non-needy schools is up to 9¢ a lunch. In needy schools, the state is empowered to reimburse up to 15¢ a lunch.

Special assistance: The reimbursement rate described above must come out of *general* school lunch funds. In addition, the Act authorizes in Section 11 (one of the features added in the 1962 amended Act) the appropriation by Congress of funds over and above the regular amount to provide special assistance to needy schools.

These Sec. 11 "Special Assistance" funds are distributed to the state on the basis of the number of free or reduced price lunches served in the state the previous year and on the assistance need rate of the state.

Nonfood assistance: The Act authorizes Federal appropriations to assist schools in purchasing equipment with which to set up lunch programs—stoves, refrigerators, etc. But Congress has not appropriated any nonfood assistance funds under the School Lunch Act since 1946.

Nonprofit private schools: These schools may participate in the Federal program, but where a state is prohibited by state statute from making allocations to non-profit private schools, e.g., parochial schools, the Federal Government may withhold from that state the amount which the private schools would receive, and make the Federal contribution directly to the private schools. In such cases, the private schools must adehre to all the regulations for nutrition, free lunches, program review, matching funds, etc., even though they are not dealing with the state educational agency, but directly with the Federal Government.

Administrative review: The Act requires the state educational agency to review at least one-third of the schools participating every year to assist the local manager in improving her operation, to make sure they are meeting nutritional standards and are providing free or reduced price lunches to needy children, and to determine the adequacy and accuracy of their records.

Other school lunch legislation

Commodities program: Almost thirty years ago, the Federal Government began distributing surplus commodities to state welfare agencies, which in turn distributed them to charitable institutions and schools. The School Lunch Act continued this commodity distribution. But unlike the cash assistance part of the program, the state educational agency is not necessarily the agency in the state which distributes the commodities. Each state designates the agency within the state to distribute commodities. It may be the state eductaional agency, but it may also be the state Welfare Department, the state Agriculture Department, or some other agency, or a combination of agencies.

In any case, the decision about the amount of commodities allocated to the schools in the state is not made by the distributing agency, but by a formula prescribed by the Federal Government based on previous participation in the program.

Commodities available for school lunch programs are of three types:

(a) Sec. 32 surplus foods: Surplus foods are purchased by the Federal Government when supply exceeds commercial demand. The funds for purchasing these foods come from customs receipts on imported foods, and thus do not depend on yearly Congressional appropriations.

(b) Sec. 416 price support foods: These foods are purchased by the Department of Agriculture to carry out price support programs established by Congress for certain basic agricultural products. They are paid for with funds appropriated for price support purposes, and not funds appropriated for the National School Lunch Program.

(c) Sec. 6 special foods: In addition, the 1946 Act authorized the Federal purchase and donation to the states of special foods over and above the available surplus and price support commodities.

These special foods were authorized to insure the . good nutritional balance of school lunches, which could not be guaranteed if the commodities were limited to the haphazard supply of only surplus and price support foods.

Special milk program: Previously under separate legislation, the Department of Agriculture provided Federal payments for each half-pint of milk served to children at reduced price in schools, pre-school groups and child-care institutions. In the schools, this does not include the half-pint which is served as part of the Type A school lunch. The special milk payments apply only to second or third half-pints and to milk served separately from the school lunch.

Schools may participate in both the National School Lunch Program and the Special Milk Program, or they may participate in one and not the other. Many more schools are in the milk program than in the lunch program.

Under the special assistance section of the milk legislation, free milk is authorized for needy children attending schools classified as especially needy.

Administration for public and private (parochial) schools and child-care institutions is the same for the milk program as for the lunch program described previously.

As noted, the Special Milk Program operated under separate legislation. But since 1966, it has been incorporated into the Child Nutrition Act of 1966.

Child Nutrition Act of 1966: Pilot breakfast programs in needy schools and schools to which children must travel long distances are being funded by the Federal Government under this Act. It uses the same apportionment formula as the National School Lunch Act, although an initial amount is apportioned equally among the states.

However, so far as donated commodities are concerned, the states are limited to using Sec. 32 and Sec. 416 foods in the breakfast programs, and may not use the more desirable Sec. 6 foods in it.

Like the National School Lunch Act, the Child Nutrition Act authorizes appropriations for non-food assistance (equipment) to assist needy schools. For the first year, 1966–67, Congress appropriated $750,000 for non-food assistance under the Child Nutrition Act.

The pilot breakfast program is authorized for only two years. Since the Federal money for it did not become available until the last six months of the school year, less than $1 million of the $2 million appropriated for 1966–67 was used.

Elementary and Secondary Education Act ESEA): Under Title I of ESEA, local school districts may undertake a variety of projects to meet the needs of areas with concentrations of children from low-income families. Some schools are providing free school lunches funded by Title I. This program is under the jurisdiction of the Office of Education of the U.S. Department of Health, Education and Welfare, not the Department of Agriculture. (When we mention ESEA in the text, we are referring to Title I.)

* * * * *

14. RECOMMENDATIONS

This report has stressed over and over again that the present operation of the National School Lunch Program is inadequate in meeting the needs it was designed to serve. First of all, the funds are inadequate. They are inadequate on the Federal, state and local levels. They are inadequate to keep the prices of the lunch at a point which would increase participation significantly; they are inadequate to serve needy children free and reduced priced lunches; they are inadequate to provide training to administrators and those responsible for food preparation.

School lunch administrators all over the country are beginning to express their sense of defeat about coping with this financial burden which grows larger every year. Articles in the *School Lunch Journal*, the field's professional journal, talk about "the deepening crisis of the school lunch program", "the inability to hold the line on prices", "the ever-decreasing federal contributions." The phrase "drop-out" is being applied to the National School Lunch Program with increased frequency.

Perhaps even more important, a feeling of dissatisfaction, of unrest about the School Lunch Program pervades those communities where children are excluded from the program. The parents of these children are not professionals—they are not interested in the average contribution per lunch of donated commodities and the Federal cash reimbursement, or what percentage of funds are contributed by the state. What they are interested in is that the lunches are priced out of reach for those who could pay something; and the majority of those who cannot pay are denied the opportunity to receive a benefit which is theirs by law.

This community concern is a real and growing one. The National School Lunch Program has been a source of organized community protest in New Mexico, California, Ohio, Mississippi, Alabama, Texas and Pennsylvania. The list is likely to grow longer.

So the most important and the most detailed recommendations we make in this report are those which concern financing. But we have a larger concern.

From our talks with school administrators, local, state and Federal officials, legislators and parents, we have come to the conclusion that unless the School Lunch Program is accepted as a means of providing good nutrition for all our children in order to insure their present ability to absorb the education that is offered them, to help insure their present and future health, and to help insure their present and future functioning as responsible citizens, it will never be adequately financed and it will never be properly run.

This is hardly an original thought—on the surface it seems like a mere repetition of the language of the National School Act itself. But unfortunately, this attitude is not the prevalent one among many legislators, school lunch administrators, or community officials.

Too many legislators view the National School Lunch Program primarily as a convenient market for surplus commodities.

Too many school administrators regard the School Lunch Program as a welfare burden, not an educational responsibility.

Too many school principals regard the school lunch program as an administrative headache, not a means of raising the level of academic performance.

And woven into these attitudes are some darker threads of dislike and distrust. "They"—the poor—are "no good." "They" are trying to get something for nothing. "They" drink. If "they" won't provide for their own children, it is not our responsibility.

Too many legislators, school administrators, school principals and community officials regard the National School Lunch Program as one in which the books must balance. If the program cannot be made to pay off financially in a poor school, it ought to be eliminated, they feel. But by showing a financial profit, we may show a corresponding loss in the nourishment of our children, and mortgage their future well-being—a costly profit to our nation indeed.

If these attitudes persist, they will wreck the National School Lunch Program. For if the National School Lunch Program is viewed as a business which must pay for itself or is administered unfairly, then it cannot simultaneously be viewed as an opportunity to provide America's children—all her children—with a start toward a healthy and productive life. And if it is not viewed this way, the financing of it will continue to be grudging, insufficient and unsuccessful.

On the following pages are our formal recommendations based on the material in this study. They are addressed to the President, to Department of Agriculture, to Congress, to school lunch administrators and to professionals in the food service field. But in addition to these groups, voluntary agencies as well as official bodies have educational jobs to do:

1. We must educate parents about good nutrition. We must tell them about the school lunch program and inform them that their children have a right to be included in it.

2. We must convince educators, school board members and state legislators and the total community about the need to support the National School Lunch Program at the state and local level.

3. We must develop a national awareness that adequate nutrition is an essential part of education—without it, the most sophisticated advances in educational techniques are meaningless. "You can't teach a hungry child" must be first understood, and second translated into a sound nutrition program, starting first with the school lunch.

Recommendations

1. *The price of the school lunch should be reduced to place it within the reach of the majority of children.* We believe, along with many State School Lunch Directors, that a maximum price of 20¢ would make this possible. Reduction in price, a feasible short-run objective, could be achieved by the following combination of Federal, state and local action:

a. *Increased Federal Contribution:* Congress should set a standard below which the Federal cash reimbursement per lunch should not be allowed to drop. We recommend that the 9¢ reimbursement be restored as a preliminary step. The minimum Federal reimbursement should be so calculated that, combined with the states' contributions and the donated foods, it will keep the price at the 20¢ maximum.

b. *Increased Contributions from the States:* The formula should be changed to require the states to match the Federal contribution on a one-to-one basis. That is, if the Federal Government provides 9¢ per lunch, the states must also provide 9¢ per lunch. But the regulations of the U.S. Department of Agriculture (USDA) should specify that the states are not allowed to include in their matching funds the children's fees, funds from private charity, or the costs of program administration, construction or equipment. The money should come from state appropriations out of state revenues. The formula could be adjusted, as it is now, to permit states with a per capita income lower than the national average to contribute proportionately less.

c. *Increased Local Contributions:* The local school district should pay for local administration, labor and equipment for school food service as a regular item in its budget. The USDA Regulations should specify that children's fees may be used only to cover the cost of the food served to them.

d. *A Dependable Level of Commodities:* The cash value of donated commodities should be maintained at a steady and dependable level. The current standard should be 11¢ per meal, but subject to change should food costs rise. If the income from tariffs is not sufficient to maintain this level, or if the available supply of price support foods is not sufficient, Congress should appropriate special funds to ensure this level of support.

The value of the more highly nutritious Sec. 6 foods should constitute 50% of the cash value of all donated commodities. With more funds available from within the state, State Directors would have more flexibility and could make advantageous commodity purchases within their area.

2. *The Regulations should be changed to require that the local public school district should be the unit which contracts to participate in the National School Lunch Program, not the individual school.* (Parochial schools, where so required by state law, would continue to deal directly and individually with the Federal Government.)

As a condition of participation, the school district should be required to make the program available without discrimination to all schools, to submit a total plan showing how the service will be provided in each school, and to explain the exclusion of any school under its jurisdiction.

Lack of facilities, the enrollment of large numbers of poor children, or the fact that a school is a neighborhood school where children can go home for lunch should not be considered valid reasons for excluding schools from the program.

The contract should obligate a school district to feed all of its needy children. These children should be identified in advance, according to a uniform Federal standard, and the district should report to USDA its plan for including them in the National School Lunch Program.

3. *Higher reimbursement rates and increased Special Assistance (Sec. 11) funds should be made available to schools which serve a high proportion of needy children.* Increased Federal and state financial support to reduce the price to 20¢, plus the requirement that the program must be available district-wide, will put the school lunch within the reach of most children. But there will still be schools in poor neighborhoods which will need extra assistance.

a. School districts containing schools in poor neighborhoods and/or a high percentage of poor children should get a higher reimbursement rate out of general school lunch funds. This would enable them to reduce the price below 20¢ and across the board in poverty-impacted schools and to offer free or reduced-price meals to poor children wherever they are in the district.

b. Special Assistance (Sec. 11) funds should be sufficient to help the States feed *all* of their needy pupils, not just a token few. As a first step, Congress should appropriate the $10 million originally authorized for Special Assistance. Subsequent appropriations (following this one) should be based not on the number of free meals served in the previous years, but on the estimated number of children who will need assistance in the fiscal year for which the appropriation is made.

Ultimately, the School Lunch Program should be adequately funded on the national and state levels so that Special Assistance would not be necessary. But until that time Special Assistance will have to be vastly increased to be effective.

4. *Children should be eligible for free or reduced price lunches according to a uniform standard of need.* All school children in families below the poverty level established by the Elementary and Secondary Education Act (ESEA), plus all school children in families receiving Aid to Families with Dependent Children (AFDC), should be automatically eligible. Children in large families with marginal incomes, even though they are not on welfare or below the poverty level, should be added.

5. *Identifying needy children by such practices as using special tokens or different color tickets, by calling out the names of those receiving free or reduced price meals, by collecting money in a conspicuously different way, by forcing them to go to the end of the cafeteria line or by requiring them to work should be specifically banned by USDA Regulations.* We do not object to giving all children the opportunity to earn money or credit for community service. But to make their eating dependent on cafeteria work is humiliating and psychologically unsound.

6. *All school food service should be put under one administration at all levels—national, state and local—to promote uniform funding, standards of eligibility, record-keeping and review and to effect greater efficiency and coordination.* The need for special programs to provide lunches and breakfasts to needy students will continue until the National School Lunch Program becomes truly inclusive. We look forward to the time when all special efforts, with their separate administrations, will not be necessary.

7. *USDA and the states should assume greater responsibility for improving the ad-*

ministration of the National School Lunch Program. Higher levels of administrative and business skill as well as competence in food service are required if the program is to be of greater benefit at a lower cost.

The major burden will be on the states who carry traditionally the responsibility for professional standards, training and certification. The states should accelerate their efforts in training, upgrading and certification and should hasten the time when only certified persons will be eligible for employment.

USDA should set guidelines for program standards, administrative reviews and record-keeping. Federal grants to strengthen the administration of the state and local school lunch divisions should be provided.

8. *The Congress, USDA, Boards of Education, state legislators, school lunch administrators should begin planning now for a universal free school lunch program as part of a coordinated plan for better nutrition for all children.*

We believe that school lunch should be served to all children as a matter of course. Each child should be given his school lunch in the same way that the majority of children now receive their books and school equipment. The school lunch should be a basic part of the free public school education to which every child has a right.

Part of the malaise of the present school lunch program is that it is isolated from the rest of the child's education. More important, its present operation bears little relation to the needs of today's children. What is needed is a total plan which will unify the present piecemeal system, modernize its administration and integrate it into the total educational process.

In order to achieve this goal, we recommend a two-stage program:

a. *Congress should provide incentive grants to school districts, municipalities or counties to develop model nutritional and food service programs for children and youth.* These models should include: a scientific analysis of nutritional needs; a total food service plan for maximum participation, free or at low cost, for children of all ages; experimentation with developments in food technology; increased efficiency and professional upgrading in already existing programs; community involvement in nutrition education; coordination with other community planning efforts for improving health and education.

b. *The President should appoint a National Commission with a mandate to design a federally sponsored free nutrition and food service program for children and youths.* The Commission should gather data about the nutritional status of America's children, evaluate all food service programs, and review the experiences of other countries with universial programs. Based on their study, the Commission should make recommendations about how a universal free school lunch program should be financed and administered. It should create the blueprint for a total nutrition program which would include not only the free school lunch but which would cover children's nutritional and health needs all day, every day.

The Commission should be broadly based and should include educators, nutritionists, economists, experts in food technology, school lunch administrators and parents.

"It is my firm conviction that to make lunch a fully educational project, it is necessary that it be offered free to all the children everyday . . . It is a growing conviction that a proper lunch is just as important as proper teaching, and that can be controlled only by having lunches offered to all children in the school . . . We are living in an age where the schools will assume more and more responsibility for the children and when such responsibilities are assumed, we in the school lunch field cannot neglect our obligation to the hungry child and to all children.

GEORGE MUELLER,
Late Comptroller, Board of Education, Kansas City, Mo., School Lunch Journal, July-August 1966.

WEST VIRGINIA DELEGATES FOR HUMPHREY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story from the May 23 edition of the Charleston, W. Va., Gazette entitled "Of 36 Delegates, 24 on Humphrey Slate."

There being no objection, the story was ordered to be printed in the RECORD as follows:

OF 36 DELEGATES, 24 ON HUMPHREY SLATE

Results from all but one county show supporters, of Vice President Hubert H. Humphrey for the presidential nomination will outnumber Sen. Robert F. Kennedy's supporters more than 3-to-1 in the West Virginia delegation to the Democratic National Convention.

Unofficial tabulation of May 14 primary results—with only Mingo unreported among the 55 counties—show the apparent election of a delegation made up of:

Twenty-four candidates who were on the slate supported by United Democrats for Humphrey: seven who favor Kennedy; one who favors President Johnson despite his rejection of candidacy; three who list themselves as uncommitted, and one whose name appeared on both the Humphrey and Kennedy slates.

The 36 elected delegates will include 16 delegates-at-large chosen in statewide voting and four delegates from each of the five congressional districts. In addition to the elected delegates, the delegation at Chicago in August will include the Democratic national committeeman and committeewoman.

The following unofficial results show the 18 leaders for the 16 delegate-at-large seats and the five leaders for the four seats in each congressional district H-Humphrey slate, K-Kennedy slate, J-Johnson, U-uncommitted:

Delegates-at-large: 1. U.S. Sen. Jennings Randolph (U), 145,933; 2. Gov. Hulett C. Smith (H), 129,906; 3. Rep. Ken Hechler (H), 113,750; 4. Rep. Harley O. Staggers (U), 105-166; 5. State Sen. Paul J. Kaufman (U), 105,138; 6. Rep. John M. Slack (H), 104,003; 7. Troy S. Bailey (H) of Bridgeport, 93,210; 8. Alfred F. Chapman (both H. and K. slates) of Wheeling, 91,348; 9 C. A. Blankenship (H) of Pineville, 88,016.

10. Rudolph D. Jennings (J) of Bluefield, 87,233; 11. John D. Amos (H) of Charleston, 83,735; 12. Robert J. Burke (K) of Wheeling, 83,556; 13. Alan B. Mollohan (H) of Fairmont, 83,490; 14. Clarence E. Johnson (H) of Morgantown, 82,295; 15. William S. Bryant (H) of Summersville, 81,442; 16. Lawrence Barker (H) of Dunbar, 78,977; 17. W. E. Chilton III (K) of Charleston, 76,362, and 18. George Blizzard (U) of Oak Hill, 74,098.

1st District: 1. William D. Evans (H) of Fairmont, 24,200; 2. Walter Neeley (H) of Clarksburg, 24,179; 3. Richard W. Barnes (K) of Wellsburg, 21,172; 4. Jerome A. Burke (K) of Wheeling, 19,034, and 5. Charles L. Ihlenfeld (H) of Wheeling, 18,779.

2nd District: 1. State Sen. Betty H. Baker (H) of Moorefield, 14,885; 2. Robert Hedrick (K) of Elkins, 13,171; 3. John A. Canfield (H) of Keyser, 12,819; 4. Charles S. Armistead (H) of Morgantown, 12,454, and 5. Dr. Charles L. Leonard (K) of Elkins, 12,035.

3rd District: 1. Kelly L. Castleberry (K) of South Charleston, 14,144; 2. State Sen. Carl E. Gainer (H), of Richwood, 13,894; 3. David C. Callaghan (H) of Charleston, 11,381; 4. Virgil E. Matthews (K) of Charleston, 9,374, and 5. Lloyd C. Calvert (H) of Belle, 8,817.

4th District: 1. Paul Crabtree (H) of Point Pleasant, 13,472; 2. State Sen. Lyle A. Smith (H) of Huntington, 12,380; 3. the Rev. Harley E. Bailey (H) of Parkersburg, 10,515; 4. Charles M. Polan Jr. (H) of Huntington, 9,034, and 5. John M. McGuire (K) of Parkersburg, 8,995.

5th District (Mingo County unreported): 1. Andrew L. Clark (H) of Princeton, 14,486; 2. Roy A. Cunningham (H) of Beckley, 14,-212; 3. State Sen. Tracy Hylton (H) of Mullens, 14,192; 4. Buzzy Bowling (K) of Beckley, 14,088, and 5. N. Joe Rahall (H) of Beckley, 12,656.

THE FOOD AND DRUG COMMISSIONER AND PROTECTION OF THE CONSUMER

Mr. JAVITS. Mr. President, with the resignation early this week of Food and Drug Commissioner James L. Goddard, the administration faces the responsibility of appointing a successor who is, in the words of the New York Times editorial of May 23, an individual of "great energy, substantial professional status, and considerable courage." The Food and Drug Administration is one of the most important consumer agencies in the Federal Government—as a matter of fact, 25 cents of every consumer dollar is spent for products produced by FDA-regulated industries. Thus, it is incumbent upon the administration to designate an able, consumer-minded executive to this post which Commissioner Goddard has called "one of the hottest of the governmental hotspots."

A final point. It is not generally recognized that the Food and Drug Commissioner is not an "advise and consent" post, although other officials at the same echelon in the Department of Health, Education, and Welfare are—for example, the Commissioner of Education, and the Surgeon General. Senate confirmation of the nomination of the FDA Commissioner would afford the Senate an opportunity to review the qualifications of the appointee and determine the policies he will be pursuing as Commissioner. This is now done by the required Senate confirmation of the nominations of the Assistant Secretaries of Health, Education, and Welfare, the Commissioner of Social Security, the Commissioner on Aging, and others who occupy parallel positions within the Department. It is for this reason that I introduced S. 958 on February 15, 1967. This bill would mandate such senatorial advice and consent. While it may have been appropriate for a Commissioner of Food and Drugs to have been appointed without a Senate review when the Food and Drug Act first went into effect in 1907 or when the FDA was created in its present form in 1930, the scope of the agency's responsibilities for the public's health have grown so appreciably since that time that the opportunity for Senate advice and consent should now be afforded. The task involved in selecting a successor to Dr. Goddard gives emphasis to this point.

RUCKUS AT COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a timely and thoughtful editorial which appeared in today's Washington Daily News entitled "Ruckus at Columbia."

There being no objection, the editorial was ordered to be printed in the Record as follows:

Ruckus at Columbia

Columbia University in New York is one of the oldest institutions of higher education in the United States, one of the biggest and most reputable in the world.

Yet twice in the last month the institution has been made a shambles by a small group of ruffians, led by members of the so-called "Students for a Democratic Society," a trouble-making outfit of "leftish hue," to put it mildly.

In the last go-around this week, nearly 200 were arrested, 17 policemen and 50 others were injured, several fires were started, rocks, bricks and eggs were thrown. The only pretext for this outbreak was to "protest" the suspension of several students for the previous riot.

Illustrating the other barbarity of these organized hooligans, the office of a professor they happened to dislike was stripped of two files of private papers which represented 10 years of patient research. All these documents were irreplaceable.

Before the police were ordered to clear the campus, they gave these anarchists every chance to go peacefully, but instead were met with a barrage of missiles. They attacked the police and the police, with everlasting propriety, waded in.

"I have never seen students act the way these kids did," said a university official. "I have never been so impressed with the patience of the police."

But patience, tact and persuasion obviously are not the appropriate tactics for this nonsense, which has been erupting on many campuses under the goading of this same far-out "society" or others like it. College officials and law enforcement agencies have no decent choice except to crack down. After all, the students who want to study have some rights.

HUMAN RIGHTS COMMITMENTS REQUIRE SENATE'S SOLID SUPPORT

Mr. PROXMIRE. Mr. President, on May 26, 1966, President Johnson addressed the U.S. Ambassadors to the African countries. His speech reflected his growing concern for the American image abroad. In the developing worlds of Africa and Asia, he realized that the United States was not measured by industrial capacity and military might alone, but by its commitment to the advancement of human rights; its respect for the individual at home and abroad. In his White House speech, the President warned:

> The foreign policy of the United States is rooted in its life at home. We will not permit human rights to be restricted in our own country. And we will not support policies abroad which are based on the rule of minorities or the discredited notion that men are unequal before the law.

The administration's stand for the international human rights treaties became even firmer in the following months. On September 28, the U.S. Ambassador to the United Nations, Mr. Arthur Goldberg, signed the most significant convention in the records of the General Assembly—the Convention on the Elimination of Racial Discrimination.

Almost 2 years have passed, and the Senate has ignored these solemn commitments of the President and Mr. Goldberg. It is blind to the American image; to the paradox of supporting human liberties for its citizens but not for those of the world. The Senate alone is entrusted with the power to ratify treaties. It shapes the United States in the eyes of other nations. We must move from the sluggishness of past years and act on the Conventions on the Political Rights of Women, the Abolition of Forced Labor, Genocide, and Freedom of Association.

TRIBUTE TO SENATOR PHILIP A. HART, OF MICHIGAN

Mr. BYRD of West Virginia. Mr. President, a very fine commentary on the excellent work of our distinguished colleague, Senator Philip A. Hart, appeared in the Wheeling, W. Va., News-Register of May 22. The item, written by John W. Finney, pays deserving tribute to the excellent legislative work of Senator Hart.

I ask unanimous consent that this most fitting tribute be inserted in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

Senator Hart Inherits Liberal Leadership

(By John W. Finney)

Washington.—Senate liberals, disorganized ever since Hubert H. Humphrey left in 1965 to become vice president, appear at last to have found a leader in Sen. Philip A. Hart, D-Mich.

Twice this year, in an essentially conservative, economy-minded Congress, Senator Hart has succeeded in organizing the liberal forces to push legislation through the Senate bearing a "liberal" stamp.

Probably more than any other senator, he was responsible for the Senate's adoption of a broad civil rights bill including an open-housing provision.

In the aftermath of the racial disturbances last month, it was Hart who countered and perhaps defused the latent "backlash" sentiment in the Senate by successfully sponsoring a three-year, $96 million program aimed at providing meals to preschool children in poverty areas.

Perhaps as important as these legislative achievements, however, is the approving way the Senate "establishment"—conservatives and liberals alike—is talking about Phil Hart in offices and cloakrooms. As he approaches the end of his second term, it is apparent that by the unwritten social rules of the Senate Michigan's senior senator has been initiated into the inner "club" of the Senate.

"Phil is a man we can respect and work with," commented one southern conservative. "When I need the liberals' votes, I now look to Phil," observed a moderate leader of the Senate.

The administration also is looking to Hart for help. When the administration needs someone to champion one of its liberal causes on the Senate floor, such as the civil rights bill, it has been turning more and more to Hart as floor manager.

In fact, one of the principal reasons the administration is in such difficulty in opposing certain sections of the anti-crime bill is the absence of Senator Hart as floor leader.

The Justice Department attempted to enlist Hart to lead the administration cause. But he declined on the grounds that he was exhausted after leading the eight-week fight over the civil rights bill.

The liberal bloc in the Senate, numbering 15 to 20 members, does not lack for potential leaders to replace standard bearers of the past such as Humphrey or Sen. Clinton P. Anderson, D-N.Mex. Like college seniors going over the junior class before Tap Day, the powers in the Senate give approving nods to such "comers" as Edmund S. Muskie, D-Maine, Fred R. Harris, D-Okla., Walter F. Mondale, D-Minn. and Joseph D. Tydings, D-Md.

But none of these potential leaders has yet stepped forward at the head of the liberal bloc, either because they lack the senority or because they have their eyes on the Senate leadership and thus do not want to become too closely identified with liberal causes.

It was more by default than choice that Hart assumed the mantle of leadership of the liberal bloc. A diffident, almost shy man who has difficulty even shaking hands with voters on the campaign trail, Senator Hart would be the last to claim that he was the leader. The most he will acknowledge is that he has become "sort of a nerve center" for the liberals.

But it was Hart's idea that if the bill was to be approved, "we will have to take it through the Senate in our stocking feet." For eight weeks he sat in the majority leader's chair, patiently listening to the southern objections, sometimes responding in low-keyed rebuttals.

All the while he kept pressing Senate Majority Leader Mike Mansfield for cloture votes to cut off the southern debate. It was largely out of personal respect for Hart that Mansfield permitted four different attempts at cloture—something that had never been done before on a single bill.

HIGHER EDUCATION IN TRANSITION

Mr. MURPHY. Mr. President, Chancellor Glenn S. Dumke of the California State colleges, recently gave the keynote address commemorating the 50th anniversary of the Ball State University in Muncie, Ind.

His address, "Higher Education in Transition," discusses the problems and challenges facing higher education. The chancellor's remarks regarding the trend to overglamorize research, perhaps to the detriment of teaching and to the students, needs to be pondered by all.

Like the chancellor, I, too, recognize the importance of basic research, for basic research is indispensable to this Nation's present position of prominence in science and technology. But I also feel that the university should never lose sight of the fact that the primary purpose of educational institutions is to educate students. I ask unanimous consent that this speech be printed in full at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Higher Education in Transition

(By Glenn S. Dumke, Chancellor, the California State Colleges)

When the British Empire founded the thirteen colonies on the eastern coast of North America, there was certainly no concern in Westminster that these thinly-populated plantations in a fertile wilderness would one day assume the power and majesty of world dominion then enjoyed by the mother country. They turned out to be a surprising upstart—at first mildly irritating, then worrisome, then maddeningly rebellious, then finally frustrating, as they emerged with the influence, power and recognition once possessed by the parent nation.

At no time did they disapprove of Britain. They had high respect for her accomplishments. They were jealous of her and wanted her way of life for their own.

There is a parallel, and not a strained one, in the history of American higher education. The normal schools, originally established as two-year institutions to do a job the land-grant or ivy league universities were not much interested in, developed muscles and resources of their own, became state colleges, and then became the "emergent universities". They broadened their offerings, deepened their curricula, invaded the sacred precincts of graduate instruction, and now threaten to surpass their more prestigious progenitors in their overall importance and influence on the American scene.

At no time have they disappproved of their bigger and older brothers. They have merely wanted an equivalent way of life.

In California, where the state colleges have not even assumed the name "emergent university" as yet, nearly two-thirds of *all* senior students in public as well as private four-year institutions are registered in the State Colleges.

By 1980 one out of every eight California voters will be a State College alumnus. Our State Colleges are currently educating 40,000 students in the fields of business, engineering, and mathematics. The State Colleges have doubled in size in the last half decade, and their current budget is close to a third of a billion dollars annually. The teaching profession has been dependent on us for more than a hundred years.

It seems clear that even including those areas of this nation where state colleges have not as yet enjoyed such glandular growth, graduates from state colleges, or state universities which have emerged from state colleges, will within another generation constitute the major portion of our educated citizenry.

Our state colleges and our "emergent universities" are not only on the move, they are moving toward primacy, in terms of size, budgets, influence, and overall effect on what's happening to America.

Yet, despite their growing importance, this nation has often thrust them aside as the second son was thrust aside under primogeniture.

How is it possible to make such a sweeping statement? Let me give just three examples of what I mean:

Most of the graduate schools of this nation will teach that research is the only respectable occupation for a scholar. To them, teaching is a necessary but bothersome means of making a living so that a person's chief efforts can be devoted to his research. Our state colleges and our "emergent universities" have teaching as a major mission and the graduate schools are therefore giving them poor service.

Second, now that the federal government has invaded higher education it has, despite its protestations of not wishing to influence the course of education in this country, deeply influenced it by conferring its favors largely on a handful of older universities and relatively ignoring those whose teaching emphasis brings them in direct contact with the greatest numbers of people. This aristocracy of research is an exclusive elite. Less than 100 major universities have greatly benefited from federal benison. The other nearly 2000 accredited institutions of higher education in this nation, despite loan programs and other crumbs which have fallen from the table, have looked on in frustration.

Third, salaries, prestige, fringe benefits, reduced teaching loads, and support funds have at their highest levels been reserved for the traditional research-oriented institutions. And some of these, despite their "university" title, their proliferated doctoral programs, and their pretensions to scholarly excellence, find it hard to match the faculty preparation, qualifications, and product quality of many state-college-type institutions, which struggle along under the crushing weight of second-class citizenship.

I am reminded of the bourgeoisie in France of the 1780's, who paid the bills and did most of the work while the aristocrats lived luxuriously and made proportionately smaller and smaller contributions to the national welfare. Our aristocrats are of course making a signal contribution, so the analogy must not be carried too far. Yet, in part, it certainly applies.

As a very timely illustration of what I am talking about let me tell you about a study recently completed in our state colleges. Two of our faculty economists recently did an analysis of the support budgets for the University of California and for the California State Colleges. Some of their findings may be of interest. The California Legislature appropriated support funds sufficient to provide $1,672 for each University freshman or sophomore, while only $669 was appropriated for each State College lower division student. At the upper division level per-student state support was $2,508 at the University and only $1,004 in the State Colleges. Support for master's-level graduate students was $4,180 at U.C. and only $1,673 at the State Colleges. No comparisons were made for the Ph.D. level since we award these degrees jointly with the University. In considering the above figures I must warn you to remember that included in the University figure is their support for "organized research".

Let me give you another recent illustration. This past year we were faced with the task of recruiting some 2,300 new faculty members in order to staff our 18 State Colleges. We have made repeated pleas for salary increases in recent years and although we have had some degree of success, we still find ourselves lagging behind our competition. In order to gain a better perspective on what has been happening to the quality of our faculty we asked our Statewide Academic Senate to conduct for us a study of the quality of faculty recruited, as well as an analysis of the current problems associated with recruitment. This study, under faculty leadership, has pointed out for us in clear and dramatic terms the desperateness of our situation. Because this bit of research was faculty sponsored, faculty conducted, and faculty reported to our Board of Trustees, I believe it will have a far greater impact.

Now I do not wish to be misunderstood. I do not wish to take away anything from the great and prestigious universities and research institutions. They have through service to the nation and humanity earned their status, and they deserve all of the support and benefit they can get. But I do feel—and feel strongly—that once the American people recognize the importance and significance of the state-college-type institution—the emergency university—they will stop treating it as a stepchild. Certainly the institution that will educate most of America's college-trained population deserves better than it is getting from the body politic.

Outside of sheer numbers of students and fantastically rapid growth, why is the state-college and "emergent university" type institution so important to the nation? Let us examine this question for a moment and see if we cannot articulate some of our convictions.

The state-college-type institution and new university present the best possibility of finding an answer to the growing problem of financing higher education.

We are all aware of the rapidly-mounting costs of public and private higher education. Budgetary requests in our larger states are already astronomically high. It seems unlikely that the American people will continue to dig deep down in their pockets for funds to finance colleges and universities, considering their recent turbulence, if all educators do is to keep asking for more and more for the same old tired educational techniques that began in the Middle Ages and have changed little since.

The state college or emergent state university presents two attractive alternatives. One is the fact that it currently is not as expensive to run as the major research university. As I have just pointed out above, the per-student annual cost in the California State Colleges is considerably lower than that of the university. Now no one anticipates that these figures should be equal, but certainly the disparity should clearly not be quite so great. After all, it is possible to bargain yourself to death in higher education, to the detriment of the students and the public. However, even though there should be definite corrective upward trends in the State College figure, it still presents a far more attractive budgetary prospect than the speedily rising costs of the major older institution, which are shooting upward like a mushroom cloud to darken the sun of the taxpayer.

The second attractive prospect which the state college presents is the pleasant vista of change. Few state colleges are as venerable, as rooted in tradition, as stubbornly conservative and resistant to change, as major universities. They are therefore far more capable of constructive innovation, of pioneering ventures which might, in some academically reputable manner, suggest better ways of educating our students, maybe even at lower cost.

Let us innovate, let us pioneer, let us use the flexibility and institutional youth which is still ours to chart some new directions for American higher education!

We have some new campuses coming up for the State Colleges in California, and I hope we can use at least one of them in an entirely new way—perhaps no formal classes at all, except for advanced philosophy or certain labs, with all of the resources for learning present on a campus in which the student would take the chief initiative—the books, the gadgets, and the people necessary to a good education, but one in which the faculty would chiefly be used as advisers and counselors rather than as old-fashioned lecturing pedagogues. We may never be able to do it because of the budget formulas, but we have a youthful obligation to at least try.

Another reason the state college and "emergent university" type is important to America is that *it presents the best working laboratory for solving the problems of new and big academic government.*

The faculty wants to take charge. The students want to take charge. The administrators have had little experience running big systems. These are our problems.

Not only are collegiate institutions growing larger and more complex, but they are being joined together in systems and federations which may, if we don't guard against it, isolate the decision making authority from those who are governed by the decisions. I believe that increased participation of faculty and students in the decisions which affect them must take a format which is both visible and satisfying. It is not enough to have an administrator report that he consulted with the faculty or with certain students. We in the California State Colleges have made physical and procedural provisions for all constituencies of our academic communities to be represented before our governing board. The college presidents, the Executive Committee of our Statewide Senate, and representatives of our student association presidents are free to address the Board of Trustees on all matters before them. I believe that this or similiar patterns of direct communication must find increasing acceptance in other institutions and systems.

Both faculty and students are important in academic government, and both should play an important, significant, and appropriate role in it. This is our problem—how to work it out; while maintaining the responsibility for decision-making in the hands of those who can and must be held responsible for the decisions made.

Our newer, more vigorous state colleges have the best chance of solving these critical problems because of their flexibility, and uncrystallized form of academic government.

Maybe the image which we have always fondly held that a college president should have just emerged from the classroom with chalkdust on his coattails will have to be changed. Maybe education is now such big business that the systems will have to be run by professional managers rather than educators, and maybe this will be in the educators' best interest. Certainly if collective bargaining succeeds in dominating our relationship with our faculty this development will be forced upon us. But in any case, there are new and fundamental problems of academic government that must be confronted and solved, and again, the state college is very likely to place where the solutions will be discovered and tested.

A third area of significance in which the state college can play a leading role is in *solving the problems of the relations of higher education to the federal government.*

Because no matter how it doth protest, the federal government's intrusion into the affairs of higher education, although enthusiastically welcomed by many, *has* influenced the direction of education, and is influencing it now.

Federal funds have increased the disparity between the aristocrats—the larger, older universities—and the bourgeoisie—the teaching institutions. Like Minister Necker's reforms prior to the French Revolution, they were designed to solve, and instead have only intensified, certain problems.

Federal funds have helped the sciences at the expense of the humanities and the arts and the social sciences—and this at a time when our knowledge of man is so far behind our knowledge of things that all of civilization is in danger.

Federal funds have bureaucratized and centralized decision-making in higher education, and this at a time when decentralized freedom and flexibility seem the only highroads to fundamentally necessary educational change and improvement of educational organization and management.

Federal funds have intensified the problem of creating a floating academic community, with each individual a professional man responsible only to his discipline, whose success is measured by the amount of research money he can extract from Washington. He is losing his loyalty to the institution and its educational philosophy. This is affecting the meaning of the degree, the attempts to develop sounder approaches to teaching. It is contributing to the development of "multiversities" where hordes of busy researchers, who teach only as a sideline, dish out highly specialized morsels to students in a hurry as they rush by on the academic production line.

These are the negatives, the problems. Admittedly, federal funds have done a lot of good as well. But we in education have a tendency to talk only of the good and say nothing of the bad, because we think it may influence the chances of our next loan or grant, and we are as able to see which side our bread is buttered on as the next person.

Again, the state-college-type institution has the best chance of confronting and coming to grips with these problems because it is the institution that has been most seriously short-changed in this development, has least to lose, and can therefore afford to face the issue squarely.

It is a problem that needs solving—now.

The state college is also in the best position to change American graduate education from its myopic concentration on research to a more significant and broader role—that of training teacher-scholars, who will not only do research but will also accept classroom teaching as a noble and primary professional obligation.

When you consider that of the Ph. D.'s turned out by American graduate schools, who are destined to go into teaching, the California State Colleges alone must recruit nearly ten per cent of the national total, it becomes clear that not enough college professors are being produced. This is one problem, and it is a serious one.

The other is that when they are produced, too many of them want to do only reasearch, and look upon teaching as a professional step-child. Now no one knows better than I, who started out primarily as a professor with dominant research interests, how important research is to good teaching. And I am not drawing any line between the two. All I am talking about is elevating teaching in the minds of graduate students, so that a good many of them will want to teach, and do research to make themselves better teachers, instead of the reverse which is now the dominant pattern.

The state-college "emergent university" type institution should be turning out a new kind of Ph. D.—not a superficial or a second rate one by any means, nor one that ignores training in research. But one which is aimed at turning out the best possible teacher of undergraduate students at the collegiate level. No one else will do this. It is up to us. And besides, we are the ones who most urgently need this new product.

Finally, the state-college-type institution is in the best possible position to help American higher education develop the educational philosophy it so badly needs, which will provide ballast for our huge vessel that is plunging swiftly forward through turbulent seas.

It is too bad to have to admit it, but American higher education has "just growed," Topsy-like, without great strategists at the commandposts. Unlike England, and despite Dewey, we are not wholly won to the idea that our universities should educate the whole man for optimum service to his fellows and the state, and unlike Germany we were not wholly convinced that ramming everything into neat scientific molds and trying to apply consistent principles to all branches of learning, even the humanities and the arts, was really the best way to proceed. So, not being certain, we did a little of both, like the cook who wasn't sure whether she wanted to make soup or pudding, so she put all the ingredients together in one mixing bowl and hoped for the best.

We have also emerged with a good many decades of non-thought about where the college or university should stand with regard to current social issues, and so today we are torn between those who want us to teach the children in the image of the fathers, including a handy trade and good manners, and those who want our campuses to go Latin, serving as staging areas for revolution and violent social change.

American educators must give some thought to what a college or university should be in this nation in the last half of the twentieth century. But it will do no good for educators who are trapped in the rock-walled bastions of ancient and venerable institutions to contemplate this fundamental question. Those who will find the answer must be those whose institutions are malleable enough to make this philosophic contemplation more than a pleasant and wordy academic exercise.

Of all of our problems, this, although the least tangible and the hardest to measure and grasp, is perhaps the most important.

The American people today, who have always looked upon their colleges and universities as beneficent institutions serving as anchors to windward in a stormy world, now view what is happening on their campuses with lack of understanding, fear, and in some cases, horror. The matter is one of crisis, because these emotions will be—and are being—translated into reasons why higher education's support base should be closely scrutinized, and the answer that comes from this scrutiny may not be objective.

Even though we all accept the absolute necessity of maintaining peace and order on our campuses, I am not one who believes that campus turbulence is as serious a problem as some of our communications media like to imply. Ninety-nine percent of our faculties and students are still sound and constructive citizens as they always have been. But this merely intensifies the problem, because it means that many good people, and institutions that are basically sound, stand to suffer unless we can, in addition to guaranteeing peace and order, clarify our position in our own minds and in the mind of the public.

We have, as educators, spent much of our time telling others how to think through their problems. We now have some of our own, and they are serious. We would do well to follow our own advice, often given to others, that the first step in the solution of a problem is to clarify the principles underlying it. In what direction are we going? In what direction do we wish to go? Then, and only then, will it be profitable to study how to get there. The state colleges and "emergent universities" are wide open to this kind of self-study. They are in their institutional adolescence, and they can grow in the direction and in the manner that we wish. And if we mold them well, they may well serve as a model for all of American higher education as its various segments confront their own problems of growth, development, and adjustment to the 1960's.

The upstart colonies have now grown up to the point where they have questioned the taxation without representation principle, the disparity between themselves and the mother country—not with any desire to deprive the motherland of its benefits, but only with the hope that these same benefits might be more widely shared. They have not yet dumped the tea overboard, nor engaged in the Boston Massacre, nor should they. We need to use the opportunities for self-study already offered by our equivalent of a Continental Congress—and conferences such as this. There is every possibility that if we pursue these self-studies and this serious contemplation of our problems effectively, we can remodel ourselves so that the problems of disparity will disappear, and on both sides of the Atlantic will be prosperity and freedom.

Our state colleges and "emergent universities" have the most exciting and tremendous potential of any institutions, educational or otherwise, in modern history. If we do not come up with the solutions to our problems, we will have only ourselves to blame. None of us, I am sure, wishes to face the future with that kind of bitterness gnawing at his vitals. If there is an unmet need which professionals fail to meet—unprofessionals will move in and fill the gap.

I would like to close by reminding you of the response made by Astronaut Scott to a reporter's question. During an interview he was asked how it felt to be up in space circling the earth. He responded, "How would you feel if you were up there and you knew that the components supporting you had been supplied by the lowest bidder?"

Ladies and gentlemen—I suggest that even though we may continue to be the low bidder, we impress the American people with the importance of the job we are doing, so that we will never be asked to bid below what is necessary to keep the components in orbit.

CRIME AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following news articles:

A story which appeared in today's Washington Post entitled "District of Columbia Bus Strike Averted";

A story in today's Washington Post entitled "18 Marchers Seized; First Pleas Met";

A letter to the editor, which appeared in today's Washington Star from Mrs. Nina Cole entitled "Policemen Who Cared";

An article which appeared in today's Washington Star entitled "District of Columbia Curfew on Youths Is Requested"; and

An article which appeared in the Washington Post of May 20, 1968, entitled "Militants Called 'Absurd'."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA BUS STRIKE AVERTED: DRIVERS DELAY FURTHER CURBS FOR 10 DAYS

(By Jack Eisen and Robert F. Levey)

A threatened work stoppage by bus drivers that would have halted both day and night service of the D.C. Transit System starting this morning was averted last night.

By a standing vote of 734 to 568, members of Local 689 of the Amalgamated Transit Union agreed to postpone any disruption of daytime service for at least ten days.

Night-time operations already have been virtually halted. D.C. Transit reported 46 buses, about one-quarter of the normal number, on the streets at 8:15 last night, and this dwindled to seven an hour later. The last bus returned to its garage at 11 p.m.

During the ten-day negotiation period, a special mediator called in by Mayor Walter E. Washington will meet with Union and management officials in an effort to solve the issue of driver safety that arose after the recent slaying of a bus driver.

The mediator, the Right Rev. Msgr. George G. Higgins, a Roman Catholic priest with broad experience in labor negotiations, joined with Union leaders in pleading with the drivers not to shut down the bus system.

Earlier in the evening, the situation seemed so bleak that Mayor Washington prepared an emergency proclamation designed to ease an expected crush of automobiles on jammed streets if the stoppage had occurred. Its terms will not go into effect.

Msgr. Higgins met through the afternoon with both Union and company officials separately and reported he was unable to find a basis for agreement.

Others said the bus company would not budge on the key issue of whether drivers would be permitted to take night-time buses on their runs without money needed to make change. The drivers regard this cash as bait for holdup men.

In a further attempt to break the stalemate, the Metropolitan Area Transit Commission issued an order permitting D.C. Transit to suspend the sale of tokens on buses after 7 p.m.

It also said that a June 4 hearing scheduled chiefly to consider the installation of protective plastic shields around bus drivers will be expanded to consider prospects for the elimination of the handling of all cash on buses.

Almost 2000 drivers attended the three-hour meeting in the Regency Ballroom of the Shoreham Hotel, alternately cheering and hooting speakers.

George W. Apperson, the Local 689 president, said several hundred drivers assigned to early-morning runs apparently left the meeting early and did not vote.

The proposal for a ten-day delay was offered by the Union's executive committee.

Had the vote gone the other way, Martin Lentz, an observer from the Department of Labor, said it was almost certain that no buses would have operated today.

Opening the meeting, John Elliott, international president of the Union, said he found most people in Washington were sympathetic with the drivers' plight but that a walkout would threaten that mood.

He said D.C. Transit was taking an "impossible and irresponsible" position in insisting that the drivers take change on all runs.

"I say it's a mistake to ask the late men (the night drivers) to go back on the street with money," Elliott said, "but I also say it is a mistake for the day men to join them. It would be a wiser course to continue as we have for a reasonable period of time."

There were indications that the Union leaders took their stand after receiving assurances from the city government that a solution acceptable to the drivers would be worked out within the ten-day period.

City officials have said, however, that they do not have the police manpower to station armed guards on all night buses, as the drivers have sought.

During floor debate, Union members urging a complete stoppage seemed to get the loudest applause.

One driver, Peter W. Buckes, said he has been with D.C. Transit only 110 days, and during that time has been robbed five times —twice at 17th and D Streets ne. and once at 18th and D. He said he had to stop his bus in front of the homes of women passengers to see them safely indoors.

"They run and they're afraid," Buckes said.

Under a resolution adopted at a regular Local 689 meeting Tuesday, the executive board was given power to assess day-time bus drivers to make up some of the wages lost by night-shift men who are not working. The board will meet today to decide the size of the assessment.

Night-time operations have been disrupted since Monday and were halted completely Wednesday night on both D.C. Transit and its Virginia subsidiary, WV&M Coach Co.

Two other suburban lines, WMA Transit of Prince Georges County and the Alexandria-based AB&W Transit Co., are not affected.

A stoppage would have halted transit service here for the first time since the same Union struck the old Capital Transit Co. for 52 days in 1955 over economic issues.

Halting of D.C. Transit service would have affected about 200,000 round-trip riders a day in Washington and suburban Maryland, about 120,000 of them in the morning and evening rush hours. About 40 per cent of all employed Washingtonians get to work by bus, compared with 15 per cent of suburbanites whose jobs are in the city.

Disruption of service also would have affected large numbers of Washington school students. An estimated 70 per cent of all high-school students—including 98 per cent of Spingarn's student body and 85 per cent of Western's—ride regular city buses.

The dispute between D.C. Transit and its drivers began Monday in the wake of a rising wave of bus robberies and the holdup-slaying last Friday of bus driver John Earl Talley.

That night, under instructions from the Union, drivers began refusing to carry change on runs after dark unless armed guards were put on all buses. The company would not let drivers refusing the money take buses out of the garages.

On Tuesday, with the issue unresolved, the drivers at a regular Union meeting set the stage for last night's mass meeting by threatening to refuse change in daytime as well—an action, if carried out, would amount to a strike.

Expressing grave concern, Mayor Washington called in Msgr. Higgins late Wednesday night when efforts by the Metropolitan Area Transit Commission to mediate the dispute collapsed.

The Mayor, mindful of the bruising that New York Mayor John V. Lindsay took in trying to mediate a subway strike personally soon after taking office, called on the priest, who is director of the Social Action Department of the U.S. Catholic Conference and has been active in numerous labor disputes, most recently the protracted copper strike.

Mayor Washington called for a "prompt and equitable solution" and said Msgr. Higgins has been given a free hand.

D.C. Transit is being represented at the mediation sessions by J. Godfrey Butler, its senior vice president. Company president O. Roy Chalk, who was in Washington Wednesday, returned to New York, where his wife is critically ill following an operation.

In a related development, Wiley A. Branton, executive director of the United Planning Organization, the city's antipoverty agency, urged that area merchants—especially drug stores, bars and others open late at night—sell tokens.

Branton said a bus shutdown would have hit hardest at ghetto dwellers who depend almost totally on public transit. He said a study showed that 72 percent of the residents in the last month's rioting have no automobiles.

EIGHTEEN MARCHERS SEIZED; FIRST PLEAS MET

The Poor People's Campaign sustained 18 arrests among its marchers yesterday, but also won the first response by the Federal Government to its demands.

It was announced that 30 House and Senate members have formed a committee to help the protesters present their case on Capitol Hill.

In another development, Agriculture Secretary Orville Freeman disclosed that he has taken two steps to provide more free food to the Nation's needy.

Freeman announced that $60 million worth of commodities will be added to programs providing food directly to the poor, and that some sort of food program for 331 of the Nation's poorest counties will be in operation by mid-August, with some taking effect July 1.

Meanwhile, the last large delegation of marchers, the 800-member Western caravan, arrived in the Washington area late in the day. They will stay in temporary housing before moving to Resurrection City later this week.

Eighteen participants in the Campaign were arrested yesterday on the Capitol grounds, in the only such incident since demonstrators began arriving in Washington 12 days ago.

Twelve adults and six juveniles, all male, were taken into custody after they disobeyed a Capitol Police order to cease singing and praying on the sidewalk in front of the Longworth House Office Building, where a large group of protesters went to demand changes in welfare legislation. Rain fell heavily while arrests were being made.

The arrests stemmed from a noon visit to Capitol Hill by 250 welfare mothers and their supporters, led by Dr. George A. Wiley, executive director of the National Welfare Rights Organization.

The group sought to make a personal protest to Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, whose office is on the first floor of the Longworth Building.

While 150 of the marchers milled around the building's foyer, just outside Mills' office, the other 100 waited on the sidewalk, but soon began singing freedom songs and clapping.

CONVERGE ON SCENE

Capitol Police Lt. E. J. Rucchio immediately announced through a portable loudspeaker that "There will be no singing."

As the singing of such songs as "Ain't Gonna Let Nobody Turn Me Around" increased in volume, more police converged on the scene, including 60 District policemen led by Assistant Chief Jerry V. Wilson.

At that point, Wiley silenced the group momentarily and said those singing or kneeling should prepare for arrest.

He urged older persons and those with children to break off from the singing group. About 20 separated themselves, leaving about 80 who noisily proclaimed their readiness to go to jail.

Capitol Police Chief James M. Powell arrived in a black cruiser and told the group through the loudspeaker that they had three minutes to quiet down.

Three patrol wagons pulled up and 100 policemen moved in on the crowd. When the three minutes expired, the arrests began and the violators were loaded into the wagons, after first being searched and photographed. They did not resist.

ASSEMBLAGES BARRED

They were driven to the First Precinct station, where they were booked under a section of the District code that bars parades or assemblages on the Capitol grounds.

The six juveniles, ranging in age from 15 to 17, were turned over to Campaign officials at Resurrection City.

The 12 adults were arraigned before General Sessions Judge Edward A. Beard, where they all pleaded innocent and had their cases continued to June 10. They were released without bond in the custody of the Rev. Ralph David Abernathy, Campaign director, who was represented in court by Frank D. Reeves, a law professor at Howard University.

The 12 were identified as William F. Riley, 26, of Pittsburgh; David Ganz, 21, listed at 1230 New Hampshire ave. nw.; John Shuman, 27; Clarence Harris, 41, and John L. Brinkley, 27, all of New York City; Clarence Williams, 37, of Savannah; Donald W. Penn, listed at 413 Kennedy st. ne.; William R. Corbett, 23, and Norman B. Brown, 22, both of Norfolk; Lonzy West, 45, of Selma, Ala., and Charles R. Banks, 21, and Arthur L. Barrett, 21, both of Social Circle, Ga.

If found guilty, each could receive a maximum penalty of a $500 fine, six months in jail, or both.

All the group were residents of Resurrection City except Ganz, who left the court in the custody of Washington attorney John Murphy.

"CITY MANAGER" CALLED

During the disturbance, Wiley placed a call to the Rev. Jesse Jackson, "city manager" of Resurrection City, who hurried from the camp to the arrest scene.

There he talked with Powell, who afterward agreed to let the rest of the crowd disperse without making further arrests. Mr. Jackson said later he had told Powell it would be wise to permit the others to leave, lest "he find himself with 3000 people down here."

Others on the scene to confer with police and the protest leaders were Rep. William F. Ryan (D-N.Y.) and Stephen J. Pollack, assistant attorney general in charge of the Civil Rights Division.

Rep. Mills who was at the Capitol the entire time, said the protesters "sent me a telegram Friday demanding that they be heard by my Committee."

"If the leaders want to see me all they have to do is ask, but no one told me today that they wanted to see me," Mills said. He added:

"I don't answer demands. And I don't convene the Committee on anyone's demand, not even the President's."

CALLS MILLS "RACIST"

Wiley afterward described Mills as a "racist" because of his support of a welfare amendment that would freeze the Federal Government's contribution to state welfare programs.

Wiley said Mills "has been putting it to black people for 30 years with bad welfare legislation and keeping us in a kind of slavery."

Wiley also told the women in his group they had won "a great victory" and that their presence had shed "light on that rat hole where Wilbur Mills does his dirty work."

After the arrests, Mr. Jackson led his group to the Rayburn Building, where they held a mass meeting in a hearing room, the use of which was arranged by Rep. Richard L. Ottinger (D-N.Y.). They returned to the camp after the meeting.

Two women had to be carried from the intensely emotional meeting at Rayburn auditorium, one who fainted and the other when she experienced a screaming fit.

Mrs. Etta Horn of Wiley's group said the woman "is only the first of many mothers who will cry out in anguish at the hideousness of this country."

Mr. Jackson said the new welfare amendments raise fears that mothers would lose their children because they were born out of wedlock. This, he said, "is something that touches close."

The 26-year-old minister, a native of Greenville, S.C., then told his hushed and moved audience of the circumstances of his own birth.

"I was born illegally, but not illegitimately . . . God placed his hand on me—and I am somebody," he said. The women, several in tears, burst into applause and one cried, "Keep him, God, keep him in Your care."

Freeman's announcement was made at a meeting with Mr. Abernathy and 200 of his followers, who made clear they felt the Agriculture Secretary could have taken much firmer action.

At one point, Mr. Abernathy asked him, "How many babies will have to die before you exercise the full power and authority at your command?"

The House-Senate group formed to aid the marchers in presenting their program was formed by a quartet composed of Sen. Brooke, Sen. Philip A. Hart (D-Mich.), and Reps. Ogden Reid (D-N.Y.) and Charles C. Diggs (D-Mich.). The latter three were named co-chairmen.

Sen. Brooke, who is chairman of the bipartisan group, said in making the announcement that the arrests were the kind of situation "we hope to be able to avoid."

Several members joined Brooke in cautioning the protesters against actions that could disturb the functioning of Government.

STAY WITHIN LAW

"We are against violence and disruption," said Brooke, adding that "We are not opposed to peaceful demonstrations within the confines of law."

Brooke noted that the committee does not have any official status, but said it has the approval of the majority and minority leaders of both Houses of Congress.

Members of the committee are:

Reps. William A. Barrett (D-Pa.), Frank J. Brasco (D-N.Y.), Edward P. Boland (D-Mass.), Jeffery Cohelan (D-Calif.), James C. Corman (D-Calif.), Diggs, Augustus F. Hawkins (D-Calif.), Patsy T. Mink (D-Hawaii), Robert N. C. Nix (D-Pa.), James G. O'Hara (D-Mich.), Carl D. Perkins (D-Ky.), John B. Anderson (R-Ill.), Silvio O. Conte (R-Mass.), William M. McCulloch (R-Ohio), Thomas J. Meskill (R-Conn.), Albert H. Quie (R-Minn.), Reid, Fred Schwengel (R-Iowa), Garner E. Shriver (R-Kansas), and William B. Widnall (R-N.J.); Sens. Joseph S. Clark (D-Pa.), Fred R. Harris (D-Okla.), Hart, Edmund S. Muskie (D-Maine), William Proxmire (D-Wis.), Brooke, John Sherman Cooper (R-Ky.), Jacob K. Javits (R-N.Y.), Charles H. Percy (R-Ill.), and Hugh Scott (R-Pa.).

ORIGINATED IN CALIFORNIA

The members of the Western caravan arrived in 18 buses at 5:30 p.m. at the Bradley Hills Presbyterian Church, 6601 Bradley blvd., Bethesda, where they stayed briefly before dispersing to their overnight accommodations.

The caravan originated in the slums of Los Angeles and San Francisco and picked up other participants in Colorado, Arizona, Kansas, New Mexico, and Missouri. It has been on the road to Washington for four days.

Yesterday's announcement by Agriculture Secretary Freeman will mean the addition of six new commodities to the list of 15 foodstuffs now distributed free to the needy.

The additions are instant mashed potatoes, hot cereal, canned chicken, fruit juice, dried eggs and evaporated milk.

Freeman said these would be "major additions" to the usual diet of the poor, and that in some cases the foods would be fortified with iron to make up a notable deficiency in their menu.

An aide said the mashed potatoes were already being made available and the other items would be ready for distribution in one to three months.

The present list of commodities includes cheese, corn meal, flour, lard, canned meat, milk, rolled oats, peanut butter, raisins, rice and rolled wheat.

Policemen Who Cared

Sir: On May 12, while the Mother's Day March was going on down near Cardozo High School, I had an emergency. My eight-year-old son had to be rushed to Children's Hospital for possible appendicitis.

My son was staying at his grandmother's house. She called me to come and get him. I live in Landover, Md.

When I called my doctor he told me to rush him to Children's Hospital. So I rushed over and picked him up, was headed down 13th Street toward Children's Hospital. When at 13th and Harvard Streets I was told to turn right. I told the policeman that I had an emergency and what it was, but he told me to go on and he couldn't help me. At the next intersection the same thing, and so on.

I kept going in the direction I was told to go until I was somewhere in Washington that was unfamiliar. Finally, I saw a police wagon. I told the policemen what had happened and what the other policemen had told me. They gave me an escort to Children's.

I would like to thank those two officers in Wagon 13 very much.

I think that when people have emergencies like the one I had, they should be let through. I wasn't going to bother those marchers. All I wanted to do was get my child to the hospital. Maybe someone should think about it, and have an emergency route to hospitals ready for such cases.

What would have happened if some person had died while being rushed to some hospital? How would someone feel? I would feel pretty bad.

Mrs. Nina Cole.

Landover Hills, Md.

District of Columbia Curfew on Youth Is Requested

(By Ronald Sarro)

The D.C. Federation of Civic Associations, Inc., has asked Mayor Walter E. Washington to ban teen-agers from the District's streets at night in an effort to keep them out of trouble and promote safe streets.

The proposal was one of seven formal recommendations made by the predominantly

Negro federation during a meeting with the mayor late yesterday.

Federation president Edward J. MacClane said after the hour-and-15-minute meeting that the group has no specific plans for prohibiting youths from being out at night. McClane said he believed youths should be required to be off the streets by 9 or 10 p.m.

"There is strong support among federation members for a curfew in the District for teenagers," MacClane said in the list of proposals given the mayor.

Mayor Washington said he would give serious consideration to all recommendations of the federation, which included a plea that the civic associations be directly involved in the rebuilding of the riot devastated areas of the city. The mayor asked the federation for specific ideas.

The federation's proposals also included a call for more effective cleaning of streets and alleys and an end to "the over concentration" of liquor stores in low-income areas.

The federation voiced its strong support for Public Safety Director Patrick V. Murphy and for the police department. But it added that there is an "immediate urgency" for District employes, particularly policemen and firemen who recently received salary increases, to be required to live within the city limits.

The federation also expressed its support for an effort to reduce traffic deaths, adding that more Negroes should be appointed as officials in this program and expressed grave concern over the city's financial condition.

On the latter point, the federation said destruction of many businesses and loss of a large amount of tourist business would affect every District resident.

MILITANTS CALLED "ABSURD"

(By Sarah Booth Conroy)

The "militants of the absurd" are threatening to trample under the successful people of the Negro community, a professional sorority of Negro beauty shop owners and operators was told yesterday by D.C. Board of Education member Dr. Benjamin H. Alexander.

The chemist with the National Institute of Health, where he is grant associate with the Division of Research, spoke to the Pi Omicron Rho Omega Sorority at a Statler Hilton Hotel luncheon honoring Mayor Walter E. Washington, who received the group's annual award.

"The time is almost noon," said Dr. Alexander. "A showdown must come in this city between those who believe in violence and guerrilla warfare—and those who do not.

"Your very rise to your present status in this community puts you ladies in a select circle—and you must use this to your advantage, or risk the danger of being trampled under the surge of unthinking feet—excited forward by careless power manipulators, people whom I call 'militants of the absurb.' "

The 47-year-old Negro leader said he was going to "talk openly about the main subject of private conservations since the trouble in D.C. I refuse to be 'chicken' and keep my thoughts in secret half-whispered discussions.

"Let me tell it like it is. During the past winter a young brown-skinned man (an obvious reference to militant Stokeley Carmichael), after a hate America trip around the world, came to live in Washington, D.C. . . . and in only a short time has really shown us oldsters how to take over a city.

"He 'jived' many black leaders of many responsible Negro organizations in this town, even some of the sweet old ladies at church.

"He's sympathized with our D.C. leaders' frustrations, he inflamed their resentments—but more importantly, he played up to their egos. Then all were invited to a secret meeting. And publicly our leaders nodded agreement to his plan to join forces and consented to take titles of offices and to serve on black only committees."

Dr. Alexander asked where the militant leaders were "when the time came."

"None to my knowledge were seen doing the violent acts that they had earlier urged on their poor black brothers."

The D.C. disturbance was a criminal action and not a riot, Dr. Alexander said, because "the few percentage of blacks who took part put their sights more on what they saw in store windows than on what Dr. Martin L. King Jr. taught, lived and died for."

Challenging the argument that only violence seems to frighten the power structure into turning more attention to the poor, Dr. Alexander said:

"This city or nation cannot allow the poor to believe that it is necessary to burn a slum house, the corner grocery store or clothing store to make Congress and the American public aware that existing hunger in rat and roach-infested quarters is hell."

Dr. Alexander spoke out against a racial split—"the only blacks that I know of who really want segregation are those who can't cut the mustard in an integrated society"—but he urged that Negro men pool their money to own stores, banks, hotels.

"We have been dallying with the white man for years, but we can't fool him any more because he has woke up and gone and given us our civil rights. Now we must seek justice—not generosity, not benevolence, not pity, not sympathy or handouts."

CONCLUSION OF MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, is there further morning business?

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is concluded.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The **PRESIDING OFFICER**. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **SPARKMAN**. Mr. President, before we commence the debate on the Housing and Urban Development Act of 1968, S. 3497, I wish to make a brief comment.

As chairman of the Banking and Currency Committee and also the Subcommittee on Housing and Urban Affairs, I wish to express my appreciation to the members of the committee as well as to the members of the subcommittee for their cooperation and help in bringing S. 3497 to the floor of the Senate. In this connection, Mr. President, I express my gratitude to the members of the committee and the subcommittee for the wonderful cooperation they gave throughout the weeks—literally, throughout the months—in considering this bill. I also wish to express my appreciation and that of the members of both the committee and subcommittee to the staffs of the full committee and the subcommittee, as well as to the Senate legislative counsel's office; namely, Mr. John Reynolds—for the vast amount of work they did in the preparation of S. 3497 as well as in the preparation of Senate Report No. 1123 to accompany the bill.

I believe I can truthfully say that S. 3497 is the most comprehensive housing and urban development bill our committee has ever presented to the Senate. The bill has 15 titles, with numerous sections and subsections, which, on the one hand, establish several new housing and urban development programs and, on the other hand, contain provisions amending the majority of housing and urban development laws on the statute books today.

Mr. President, S. 3497 is not a bill which the committee "dreamed up" overnight. Quite to the contrary, S. 3497 represents a two-session effort on the part of the committee. Senators will recall that, after some 4½ months of deliberation during the first session of the 90th Congress, the committee reported on November 28, 1967, the proposed Housing and Urban Development Act of 1967—that is, S. 2700. Congress, however, adjourned before S. 2700 could be considered. As a matter of fact, S. 2700 is still pending on the Senate Calendar, although it has now been outdated by S. 3497, the bill which we commence to debate today.

Rather than proceeding to consider S. 2700 early in the second session of the Congress, the decision was made that we should hold that bill in abeyance until the administration submitted its proposals for 1968 housing and urban development legislation.

On February 26, 1968, the President submitted to the Congress a message on housing and cities. Accompanying the message were the administration's legislative proposals designed to implement the President's message.

The administration's proposed Housing and Urban Development Act of 1968 contained a majority of the basic ideas that were included in S. 2700. Therefore, the committee used S. 2700 as the basis for drafting the committee bill we have before us today. One might say, then, that the committee has now spent some 8 months in bringing S. 3497 to the Senate.

Mr. President, with the enactment of the National Housing Act of 1934, the United States Housing Act of 1937, the Housing Acts of 1949, of 1954, of 1961, the Housing and Urban Development Act of 1965, and the Demonstration Cities and Metropolitan Development Act of 1966, plus other measures, the Congress has provided many tools with which the American people have been able to obtain decent, safe, and adequate housing. These acts have also provided ways and means by which our cities, towns, and communities have been able and are now able to fight blight, slums, and urban decay.

It must be remembered, however, that these acts taken as a whole, were never intended to be the complete answer—the sole solution—to our national housing problems nor to the multiplicity of problems we now find facing our cities. At best, these acts were intended to encourage and contribute to private enterprise and public efforts and initiative toward helping our people to achieve the goal expressed in the policy of the Housing Act of 1949, which is "a decent home and suitable living environment for every American family."

Mr. President (Mr. GORE in the chair), I shall digress long enough to say that that housing policy was written into the act of 1949. At the time it was known as the Taft-Ellender-Wagner Act. It was under the guidance and leadership of those three distinguished pioneers in the field of adequate housing that the goal I have just quoted was established—that there should be the opportunity to aspire to and hope for "a decent home and suitable living environment for every American family." Of course, Senator Taft and Senator Wagner are no longer with us, but the distinguished Senator from Louisiana [Mr. ELLENDER], who was the other member of that famous trio, is still one of our most active Senators and one of our most active supporters of safe, sanitary, and decent housing.

Under these acts, a great deal has been achieved. Literally millions of families have been able to obtain decent places in which to live commensurate with their needs and at prices they are able to pay. In fact, the FHA and VA housing programs alone have aided some 17 million families to obtain decent housing. Several thousand cities, towns and communities have been helped to rid themselves of their worst slums and blight and have thus become better places in which to work, play, worship, and live. One of the most notable achievements has been the development of a mortgage insurance system with a Government guarantee and a backup secondary mortgage market facility, the results of which have largely been responsible for the rising homeownership among the American people so that today more than two-thirds own their own homes.

However, from time to time serious gaps have been noted in these acts. As time went on, it was realized that many programs provided by these measures have not reached down far enough to help those who need housing the most. Also, urban development programs were sometimes found lacking in the type of Federal support and assistance that was needed at the local level to meet the fast changing housing and urban development problems of the cities. Each time these gaps have been found or recognized, steps have been taken to close them with either new or amended legislation.

Let me make it clear, however, that while much success has been achieved over the last 35 years, this Nation still has a long way to go in meeting total housing and urban development needs. In the first place, our previous efforts have never been fully effective relative to the needs of the lower income people and, secondly, changing economic and social conditions have aggravated and worsened the urban housing problem so that, despite existing programs, many inner city areas have deteriorated at a faster rate than ever before.

The housing needs of the American people and the needs of the Nation's cities, towns, and communities are not something that can be defined, once and for all time, at any given period. These are ever-increasing needs of the low- and moderate-income American family which must be faced almost on a day-by-day basis. What appeared to be a satisfactory solution to yesterday's problem will be unacceptable today. On the reverse side of the coin, it must be realized by all concerned that these are needs that cannot be met on an overnight basis; fiscal and physical capabilities are just not at hand to bring about an immediate solution to all these problems.

Mr. President, the President's housing and cities message proposed a far-reaching goal to meet a massive national need—a program of Federal assistance for the construction and rehabilitation of 6 million housing units over a 10-year period for the low- and moderate-income families of this country. Such a program would replace the substandard units in which it is estimated more than 20 million Americans still live.

The President's 1968 proposals for housing legislation called for an initial 5-year program aimed at achieving the 10-year goal of the message. The committee certainly agrees that the President's 10-year goals are very admirable and are necessary and the committee believes that these goals can be attained. In order to do this, the committee is recommending stepped-up activity under existing programs, as well as proposing new programs to fill the gaps apparent under existing programs. These programs would be funded at levels to get a good start toward the 10-year goal. However, the committee did not agree with the administration's proposed 5-year program. It believes that another look should be taken at the progress of the new programs and current conditions after several years of experience and that a 3-year period would be more appropriate.

I would like now to describe in very general terms the major highlights and proposals contained in the committee bill.

TITLE I—LOWER INCOME HOUSING

One of the most important titles to this bill is title I which contains important new provisions to help lower income families become homeowners. There are nine sections to this title, the provisions of which are varied but all are aimed at meeting a real need in our economy, that is, making it possible for lower income families to obtain decent housing through homeownership. This matter was first considered last year and finally, after numerous conferences and consultations, the committee has brought forth a package of legislative provisions which we confidently believe, once they are implemented, will represent another milestone in Federal assistance toward helping lower income families of this Nation.

Under existing law, the FHA and VA programs are very effective in helping families of moderate income obtain decent housing through homeownership. In fact, over the years, the laws have been gradually liberalized so that today we can proudly say that we are truly a nation of homeowners, largely because of the contribution made by FHA and VA.

However, as construction costs have gone up and interest rates have risen to unprecedented heights, it has become more and more difficult for families of low and moderate income to afford to buy a home of their own.

Section 101 of this title is intended to remedy this difficulty. Under this section, the Federal Government would help reduce the housing load on the family by paying all but 1 percent of the interest charges to finance the mortgage loan. To make it fair for all, only lower income families would be eligible and each family would pay 20 percent of its income for housing costs. Lower income families are defined as those whose incomes do not exceed 70 percent of the income ceilings established by the Secretary for a particular area in administering the FHA below market interest rate program under section 221(d)(3). This income ceiling would vary from area to area but, in general, it would be at the level of about the lowest one-third of families on the income scale in any particular area. In my home city of Huntsville, Ala., the income ceiling for families of five and six persons would be $4,900 per year. To permit flexibility and to make the program more workable, some few families with incomes above this could qualify also but, in no instance, could more than 20 percent of the contracted funds be used for families above this basic ceiling.

The committee also recommended an allowance of $300 per minor child be made in determining eligibility under the income ceilings and in determining the minimum payment the family should pay on its own before Federal subsidy. Considering the cost of raising a family these days, this is nothing more than an effort to be fair and equitable for families with children.

Another feature of the interest subsidy provision for homeownership is the limitation on the maximum mortgage amount. In general, it would be limited to $15,000 but, in high cost areas, it could go to $17,500. These ceiling amounts could be raised to $17,500 and $20,000, respectively, for a family with five or more persons.

Authority to enter into assistance payments contracts as approved in appropriation acts is limited to $75 million for fiscal year 1969, $100 million for fiscal year 1970 and $125 million for fiscal year 1971. This authority could result in contracts for assistance payments for a total of nearly 500,000 units during the 3-year period.

Other sections of this title also represent significant proposals to make it easier for the lower income families to become homeowners. One of the provisions would authorize the FHA to qualify for assistance a lower income family who, under existing law, would be turned down because of marginal credit experience or irregular income patterns but who, it is found, is a satisfactory credit risk and would be capable of homeownership with proper counseling.

This title also contains a provision to authorize FHA to insure mortgages for families in the rundown neighborhoods of our cities without regard to economic soundness requirements and other limiting restrictions having in mind the need for adequate housing for families in these areas. This would meet the criticism often levied at FHA on redlining areas and its refusing insurance only because of the area.

A special risk fund would be established, not necessarily actuarially sound, which would be used to meet probable higher losses in the more risky insurance cases that the Congress would be authorizing FHA to undertake.

Mr. President, I believe that it is about time the Congress realizes the dilemma it has placed the FHA in under existing law. On the one hand, FHA is required to run an actuarially sound operation with a minimum of losses while, on the other hand, it gets criticized because it shies away from the marginal risk cases and from neighborhoods where private enterprise has indicated as "off limits." Our committee has taken a firm stand on this, both in the pending legislation and in the committee's report. We believe that FHA was established to take risks and to bear the burden of helping to provide decent housing for all but the poorest of our people no matter where they live in. We believe that each case should be examined on its merits and, if it qualifies as a satisfactory risk, the FHA should accept it. The Congress, by these provisions of the bill, will be committing itself to stand back of FHA and help it truly perform the task it was created to do—that of providing the financial backup needed to help lower income families obtain decent housing.

This title contains provisions for assistance to nonprofit sponsors so that such sponsors can be effective in helping lower income families obtain decent housing. Also a commission would be established by this title to study and report back to Congress on better ways and means to help house our lower income families. And, finally, the title contains authority to establish a National Home Ownership Foundation which would provide technical and limited financial assistance to private and public organizations desiring lower income families become decently housed.

TITLE II—RENTAL HOUSING FOR LOWER INCOME FAMILIES

Title II, Mr. President, deals with rental housing for lower income families. Let me say that section 201 of the title contains provisions similar to those which I described in title I for home ownership. In other words, what we are trying to do is to provide twin programs; namely, one for homeownership and one for rental opportunity for families of lower incomes, by having the houses built by private enterprise with a subsidy going where necessary and to the extent necessary in order to make it possible for the lower income families either to buy a home or to rent a unit.

This title is a companion title to title I, but for rental housing rather than homeownership. Section 201 of this title compares almost directly with section 101 in providing interest subsidy assistance to lower income families in rental projects. However, the renter would pay 25 percent of his income for housing costs before receiving a subsidy. It is believed that the 20 percent for a homeowner would be equivalent to 25 percent for a renter because the homeowner has other costs which the renter does not have, such as heat and maintenance. The authorization for assistance payments would be the same under this section as under the section 101 homeownership provision. It has been estimated that approximately 700,000 units would be contracted for under the moneys authorized to be appropriated for this program—$75 million for fiscal year 1969, $100 million for fiscal year 1970, and $125 million for fiscal year 1971. These units would be both new construction and rehabilitated housing units.

Title II also includes authorizations to extend the public housing and rent supplement programs through fiscal year 1971. These programs are of benefit to the poorest families of our Nation whose incomes are so low that the new rent subsidy program explained above would be of little help. Under both the public housing and rent supplement programs, the tenants pay a certain portion of their income for rent—the public housing percentages determined locally and generally vary from 16 percent to 20 percent with allowance for children; the rent supplement percentage, as set by Federal law, is 25 percent. Under each of these programs, the Federal subsidy will make up the difference between what the tenant pays and the economic rent. However, the new rental program authorized by section 201 of this bill provides only limited subsidy—the difference between in amortization charges on a 6¾-percent mortgage and a 1-percent mortgage. Thus, it can reach and be of help to a more narrow segment of lower income families. Generally speaking, families below $3,000 annual income would need rent supplement or public housing assistance and thus the committee believed it must be essential that adequate authority be made available to keep these programs operating at a good level.

TITLE III—FEDERAL HOUSING ADMINISTRATION INSURANCE OPERATIONS

This title contains 19 sections amending existing law to improve and make more effective existing FHA insurance programs. I said at the beginning that the committee bill consisted of several titles, and many provisions amending existing law. That accounts in large part for the great volume of the bill we have reported. We are amending, by and large, existing legislation. Title III is one of the titles containing many amendments to existing law.

Perhaps the most significant action of the committee relative to this title is its report language outlining FHA's responsibility in providing housing for all eligible families of this Nation regardless of the location of the property; also in helping to meet the need for better financing provisions in the rehabilitation of existing housing in connection with urban renewal.

TITLE IV—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

This title would establish a new Government bond insurance system to help finance the acquisition and development of new communities. Under existing law, FHA is authorized to insure mortgage loans used for this purpose. This authority was given in its present form in 1966 but no mortgage has yet been insured under it. The bond financing device would be a much superior method and should produce the financing at reasonable terms and with considerable flexibility to attract large private investors into this worthwhile endeavor.

TITLE V—URBAN RENEWAL

The most significant provision under this title is section 501 establishing a new neighborhood development program as part of urban renewal. Under this program, an annual grant would be made to a city to carry out small area redevelopment with the intent of speeding up the urban renewal process and showing visible accomplishments in short periods of time. This would replace much of the existing program whereby large areas are redeveloped over a 5- to 10-year period with no visible results until the end of a long planning and redevelopment process.

Another section of this title would initiate a new system of applying Federal funds for interim assistance to an area scheduled for urban renewal or code enforcement in the near future. By this device, much needed obvious work can be done well in advance of the slow-moving urban renewal process.

The committee also included provisions in this title to insure that a majority of housing units built in urban renewal areas are made available to low- and moderate-income families; it also increased the rehabilitation grant ceiling from $1,500 to $2,500 to help lower-income families hold on to their homes and make the improvements needed to meet the rehabilitation standards.

Mr. President, one of the great objections so far to urban renewal has been that the undertaking requires such a long period of time to complete. This is true because urban renewal is a complicated matter, and, sooner or later, when local planning agencies get started in the demolition process and finally remove the buildings, there is a vast area with nothing on it, and before it can be redeveloped, many years may have passed. The provision we have included in the committee bill would permit pursuing urban renewal undertakings by smaller areas which could be designated as neighborhood development programs. These smaller areas are a part of the whole which has been planned but permits such areas to be pursued with work and development in a limited way rather than taking the whole.

Mr. President, I may add, the neighborhood development programs would be undertaken on an annual basis. Let me cite an example right here in Washington—familiar to all of us in days not so long past—when one of the worst slums in the world was right in the shadow of the Capitol dome.

I referred, of course, to the Southwest Washington area. I have been down there. I remember being in a little alley and looking up, and there was the great, magnificent Capitol dome. It seemed the most ironic thing in the world that right in the shadow of the dome of the Capitol of the mightiest nation in the world we had slums that were absolutely incredible.

Finally, the slum clearance program under old title I of the Act of 1949 was set up. I guess the urban renewal program in Southwest Washington was one of the earliest in the country. As I remember, the total area covered was 555 acres. It took several years to get the buildings torn down. In fact, it seemed like it was going to be forever before any new buildings would be constructed in the area. Finally the buildings were started.

I remember saying to the director of our program, "When are we going to see some brick-and-mortar activity in the area?" There was always the same reply, and it was logical: "We have got to wait until we get the redevelopment plan and are ready to go." As we all know it took years. Frankly, I do not know how many years passed before redevelopment was started. But today, to look at it, one would never dream that it was the area it was several years ago. There are magnificent buildings there now—new homes and new rental units replacing that old slum. As a matter of fact, it is not fully developed yet. I am not saying we should have put the program into effect in 1949, because we were not ready for it, but now we have had the experience to profit from. Under the provision of the committee bill we could take the same tract and redevelop it in increments on an annual basis. This year we would redevelop a part of it. Next year we would redevelop more and so on down the line. We would make it progressive rather than try to take the entire area all at one time.

TITLE VI—URBAN PLANNING FACILITIES

The most important section in this title is section 601, which would rewrite the 701 urban planning provision and amend it to cover rural districts. This would be a most significant step in our Government's efforts to stabilize and, in fact, reinvigorate the life and economy of rural districts, from which there has recently been such a high migration into our crowded cities.

Section 607 of this title would also encourage rural district development by providing for Federal incentive grants to such districts similar to those grants now available to metropolitan areas around our large cities.

I want to throw this thought in right here, because I think it is something most people overlook. When we talk about the slums and the rundown, deteriorated, unfit houses in city areas, we lose sight of the fact that the worst slums are in rural areas. There are more poor people living in the rural areas than in all the big cities combined. Over half of the poor people of this country live in rural areas. We are proposing in this bill provisions so that an attack may be made on conditions in rural areas, where there is a great demand for housing.

We need not be afraid of building houses in rural areas. We have had experience. In fact, in the act of 1949, 19 years ago, I offered an amendment and it was adopted. It became title V of the 1949 Housing Act. It was a simple provision. The provision authorized loans to be made to rural families and persons who needed housing. Under title V of the 1949 act hundreds of millions of dollars have been loaned to rural families for housing.

I am sure the present Presiding Officer [Mr. GORE in the chair], who is a farm boy like I am, can do as I do. When we ride around the country we can pick out, as we ride along, the housing that has been built under the title V program. This housing is one of the most cheering sights one can see. The program has a remarkable record of being financially sound. An enviable record has been achieved. In fact, that is true in the housing field in general. I think all housing programs must have exceeded any expectations that those who pioneered many years ago could have dreamed of.

TITLE VII—URBAN MASS TRANSPORTATION

The most significant provision in this title is section 704, which would authorize that 50 percent of the local share of the net project cost for mass transit projects could be made by the public or private transit systems rather than the local government. Also, in exceptional cases where the local government is fiscally unable to make the payment, the full amount of the local share may be paid by the local transit company. In making this payment, the funds could only come from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital.

TITLE VIII—SECONDARY MORTGAGE MARKET

This is something that I think is of great interest. It relates to what we call FNMA.

This title would amend the FNMA Charter Act of 1954 by providing for the spin-off of the secondary mortgage market facility into a privately owned corporation which would be called the Federal National Mortgage Association, and the retention of the other functions of FNMA into a new Government National Mortgage Association—GNMA. This partition would take place gradually, but not earlier than May 1, 1970, nor later than May 1, 1973. The Government-owned preferred stock would be paid off promptly by FNMA issuing subordinated obligations. Once the preferred stock is paid off and the interim board of directors is appointed, the FNMA Corporation would no longer be considered a Government corporation and, thus, its financing operation would be excluded from the regular Government budget. FNMA would continue to have Federal backup support to the extent of $2 billion borrowing authority from the Treasury.

GNMA would continue its special assistance and management and liquidation functions, would continue to issue participation certificates secured by mortgages, and would be given new authority to guarantee mortgage-backed securities issued by the new FNMA and other private-approved issuers. The security would be limited to FHA and VA mortgages.

By making the FNMA private, it is hoped to give it more strength and flexibility to carry out its charter responsibilities, but, to safeguard it from failing to perform in the best public interest, the Federal Government would continue to have a strong hand in the control of its management through the makeup of the Board and its charter provisions.

TITLE IX—NATIONAL HOUSING PARTNERSHIP

This title would authorize the creation of federally chartered, privately funded corporations to mobilize private investment and the application of business skills in the job of creating low- and moderate-income housing in large volume. It would work like this: A federally chartered corporation would be organized with expert staff proficient in the development and financing of housing projects. This corporation would get capital by forming a partnership with investors who, in return for favorable tax depreciation allowances, would be attracted to invest substantial sums of equity capital. With the equity capital thus available, the partnership could join with local partners to build housing with 90 percent of the cost financed with FHA assistance and 10 percent equity. With favorable refinancing terms, such as provided under the new section 236 of the 1968 act, the operation can be most attractive to investors in the upper income brackets. Depreciation allowances are not new to housing investors, so that all of this can be accomplished without amendments to existing internal revenue laws. This provision was recommended by the President's Committee on Urban Housing, chaired by Mr. Edgar F. Kaiser, as a way of involving big business in solving the housing problems of our cities.

TITLE X—RURAL HOUSING

This title would provide for rural families the same benefits made available under section 101 of this bill for urban families, that is, an interest subsidy payment to help lower income families acquire homeownership.

TITLE XI—NATIONAL INSURANCE DEVELOPMENT CORPORATION

This title would establish the National Insurance Development Corporation in the Department of HUD. The NIDC would provide reinsurance to insurance companies for losses paid by them resulting from riots or civil disorders. By providing this reinsurance, NIDC will enable the insurance industry to continue to provide the necessary property insurance it is now providing to property owners in urban areas. Reinsurance losses would be shared among the insurance companies—through a loss retention and reinsurance premiums paid to NIDC—the States, and NIDC.

The NIDC would also encourage the private property insurance industry, in cooperation with State insurance authorities, to develop statewide plans to assure all property owners fair access to property insurance. These would be known as "Fair Access to Insurance Requirements plans"—FAIR plans. Minimum criteria would be provided in the bill for the FAIR plans. Although minimum criteria would be established, the State insurance authority would have the responsibility of determining the scope of the plans beyond the established minimum, working out the details of the operation of the plan, implementing the plan, and overseeing its operation. An insurance company obtaining reinsurance from NIDC would have to agree to participate in the State plan.

NIDC and the State insurance authority would maintain surveillance over the effectiveness of the FAIR plans in increasing insurance availability. If it is determined that the FAIR plan is not obtaining the desired results, additional programs may be required as a condition to continued NIDC reinsurance in the State.

TITLE XII—NATIONAL FLOOD INSURANCE ACT OF 1968

The Secretary of Housing and Urban Development will establish a program of flood insurance, as a joint venture between the Federal Government and the private insurance industry. The bill permits as an alternative, but only if necessary, an all-Federal program with or without participation by companies, agents, or brokers as fiscal agents.

The facilities of the private insurance industry would be fully utilized in carrying out the program. Private insurance companies could either assume a portion of the risk in carrying out the program or could participate on a nonrisk basis. Risk sharing companies would commit risk capital to an industry pool of companies which would absorb a share of the losses and expenses of the program. The Federal Government would make premium equilization payments to the pool to cover losses and also would provide reinsurance coverage to the pool for excessively high losses. Insurance companies in the pool would pay a premium to the Government for this reinsurance coverage in years of low-flood losses. Other nonrisk-bearing insurance companies would participate in the program as fiscal agents of the pool.

TITLE XIII—INTERSTATE LAND SALES

This title would give to the Secretary of HUD authority to require full disclosure in the sale or lease of certain undeveloped land in interstate commerce or through the mails. All developers or sellers of such land would be required to file with the Secretary a statement of record listing certain required information about the ownership of the land, its title, its physical nature, its access and egress by roads and utilities and related matters. Pertinent extracts of this report would have to be included in a property report submitted to the purchaser before the sale is consummated.

TITLE XIV—10-YEAR HOUSING PROGRAM

This title would require the President to make a report on or before January 15, 1969, setting forth a 10-year plan on the construction and financing of housing, both Government and conventionally financed, for each of the 10 years, together with a statement of what reduction in substandard units is expected; also an estimate of cost of various Federal programs for legislative action. Residential mortgage market needs would also be reported. Annual reports would subsequently be made for each of the 10 years thereafter on progress of the projected figures.

Mr. President, I said a few minutes ago that the President's 10-year proposal is a good proposal. I believe the committee will back me up in that statement.

Many people are not satisfied with this bill, thinking it does not go far enough. But, Mr. President, we have written a bill which we think goes just about as far as our present resources will permit. The organization of homebuilders in this country to do the job, the materials with which to do it, the labor force with which to do it, and all of that must necessarily be brought together as fast as we can, as we move into the program proposed by our bill. This is why the committee feels the need for annual reports on the housing needs of the Nation.

TITLE XV—MISCELLANEOUS

One of the most important provisions under this title is the new interest subsidy financing device for college housing construction. Under existing law, direct Federal loans are made to colleges at 3-percent interest rates. This program has worked well but, because of recent expansion of colleges throughout the Nation, the funds needed to be appropriated for this purpose have been far short of the need.

To overcome this dilemma, this bill would authorize the Federal Government to pay interest subsidies amounting to the difference between a 3-percent loan and the market interest rate. The Federal commitment is far reduced by this means and it is believed a satisfactory quantity of housing can be built with a minimum of Federal outlay.

Mr. President, this is one of the most successful programs we have had. It was back in 1955 that I offered an amendment to the Housing Act of that year to provide a formula for lending money to colleges in order that they might expand their facilities to help take care of the ever-increasing load of GI's, veterans of World War II, and veterans who could be expected back from the Korean war.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point?

Mr. SPARKMAN. Let me add one further thought.

That was adopted, and, with changes that have taken place from time to time since then, one of the most remarkable jobs in the history of this country has been done in building housing to house students and faculty members at our overcrowded and overcrowding colleges throughout this country.

I do not know what the colleges would have done without it. I believe I am safe in saying that there is not a single college in my State that has not benefited, and benefited immeasurably, from this program.

I cannot state exactly how much money has been loaned out so far, but I would say around $3 billion. There has never been one dime of deficiency. I think it is a remarkable record.

We are making, this year, a change recommended by the distinguished Senator from New York, to whom I now yield.

Mr. JAVITS. I merely wish to say briefly, Mr. President, that it is such a creative program because it does operate with practically no impact on the budget. We struggled, if the Senator will recall, with an amendment of mine to increase the amount of college housing, and found it extremely trying because of the budgetary impact; and I was almost forced to this alternative as a means of escaping the budgetary impact. I express my appreciation to the Senator from Alabama and to the committee for having now embraced it and included it in the bill.

Mr. SPARKMAN. It was a most welcome suggestion.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. It was a happy solution of a problem that was becoming difficult because we could not provide the money in sufficient amounts to take care of all of the loans that the colleges needed.

We are not doing away with the direct loan program—we are merely setting up an alternative method of financing. I think it will be of tremendous help.

As the Senator from New York has pointed out, it would have relatively little impact on the budget.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. Under another section of this title, new authority would be given to the Secretary of HUD to increase the planning funds for the model cities program by $12 million. By this action, the committee anticipates a third round of cities would apply for planning assistance under this program. The bill would also add $1 billion for operating for fiscal year 1970 for model cities. These funds are used as supplementary grants to cities carrying out model cities programs and would be added to the $900 million authorized under existing law.

In conclusion, Mr. President, S. 3497 is a bill like many others which we have brought the Senate from the Banking and Currency Committee. It is a bill that continues our many past efforts toward helping the American people obtain the goal declared in the Housing Act of 1949, "a decent home and suitable living environment for every American family." And like any other measure which comes before this body, it is a bill that contains provisions that will be supported by some and opposed by others.

The bill was not easy to arrive at in our committee. The committee unanimously reported the measure, but many of the provisions represent a compromise view on the part of different members of the committee.

I can say very candidly that there are some provisions in the bill which, if I had been writing the bill, would not be in the bill. However, the bill represents the bringing together of the thinking of the members of the committee who worked long, hard, and earnestly on getting out a bill.

I call attention again to the fact that this bill is not something new that has just been developed or that the committee felt was forced upon it.

We started working on this bill nearly 2 years ago. We started working on housing and urban development legislation nearly a year and a half ago, in the early part of the first session of this Congress. And we have worked over the months on developing the committee bill. And the bill does represent the composite thinking of our committee.

I think that S. 3497 is by and large a good bill. In fact, I think it is one of the most comprehensive bills we have ever had. I want to go further and say that I think it is one of the best bills we have ever had, and that it is one that holds more promise for persons of low income to get decent housing, either rented or purchased, than we have ever had.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. PERCY. Mr. President, I should like to comment that, having been a member of the Housing Subcommittee, I have gone back over the history of some 30 years, and in my own comments this morning, which will follow those of the distinguished Senator from Texas [Mr. Tower], I will comment more in detail on that. However, I think one point should be clearly made at this point.

This has been truly a bipartisan effort. The bill has been developed under the great leadership of the chairman, the distinguished Senator from Alabama, with great resourcefulness. He has been assisted by such members of the committee as the Senator from Minnesota [Mr. Mondale], and, on the minority side, the distinguished Senator from Texas [Mr. Tower], the ranking member of the committe, and the distinguished Senator from Utah [Mr. Bennett].

We have been working for 2 years in the committee on the bill. We now have in Washington the representatives of the Poor People's Campaign. They have presented to the Secretary of HUD the requests they are making in the housing field. I believe that the distinguished Senator from Alabama will be particularly interested in the fact that as we go over the requests made by the Poor People's Campaign to the Secretary of HUD and look over in detail some of the things they have talked about, we find that we have anticipated in the past 2 years in the course of our hearings and in our response to the genuine need, many of the requests that they have made of the Secretary. Anyone can clearly see that there is no question about our acceding to demands being made upon us.

We are sympathetic with the representatives of the poor who present to us that we had seen as a great need in this country.

Our response is a response that has gone back several years now, in anticipation of all of the things that have been presented in this bill that has been carefully worked on for many months now.

Every member of the committee has participated and worked cooperatively with representatives from HUD and with the Secretary of Housing and Urban Development.

It has been a great honor and privilege for me to work under the leadership of the Senator from Alabama.

I certainly support everything the chairman has said this morning.

Mr. SPARKMAN. Mr. President, I certainly thank the Senator from Illinois, and I share with him the feeling he has expressed that the bill represents the handiwork of 14 members of the committee.

Mr. President, I have expressed my thanks to the members of the committee and the subcommittee without mentioning their names. However, I believe I ought to say that the distinguished Senator from Texas [Mr. Tower], the ranking minority member of the committee, is always most helpful and cooperative.

The same thing is true with respect to the Senator from Utah [Mr. Bennett], the Senator from Iowa [Mr. Hickenlooper], the Senator from Illinois [Mr. Percy], and the Senator from Massachusetts [Mr. Brooke].

I could go right down the list on the Democratic side also.

Mr. President, perhaps I should just list the Democratic members of the committee. The members are William Proxmire, of Wisconsin; Harrison A. Williams, Jr., of New Jersey; Edmund S. Muskie, of Maine; Edward V. Long, of Missouri; Thomas J. McIntyre, of New Hampshire; Walter F. Mondale, of Minnesota; Gale McGee, of Wyoming; and William B. Spong, Jr., of Virginia.

All of the members of the committee have been helpful and almost without exception suggestions have been adopted in the bill that have been made by each member of the committee. I pay tribute to all members of the committee for the dedicated service they have rendered in perfecting this piece of legislation. I feel somewhat safe in saying perfecting because I think it is an excellent piece of legislation.

Mr. President, I ask unanimous consent to have printed at this point in the Record a section-by-section analysis of the bill.

There being no objection, the section-by-section analysis of the bill was ordered to be printed in the Record, as follows:

Housing and Urban Development Act of 1968 (S. 3497)—Section-by-Section Summary

Section 1.—Provides that the bill shall be cited as the "Housing and Urban Development Act of 1968."

Section 2.—States the declaration of policy of the bill.

Section 3.—Provides that in administering programs authorized by sections 221(d)(3), 235, and 236 of the National Housing Act; the low-rent public housing program of the U.S. Housing Act of 1937; and section 101 of the Housing and Urban Development Act of 1965, the Secretary of the Housing and Urban Development shall require, to the greatest extent feasible, opportunities for employment arising in connection with construction or rehabilitation of housing assisted under such programs be given to lower income persons residing in the area of such housing.

TITLE I—LOWER INCOME HOUSING

Homeownership for Lower Income Families

Section 101. Adds a new section 235 to title II of the National Housing Act to establish a mortgage insurance program based on an interest rate subsidy to provide homeownership for lower income families. The interest rate subsidy payment which would be paid by the Secretary of the Housing and Urban Development to the mortgagee could not exceed the lesser of: (a) The difference between the monthly payment for principal, interest, and mortgage insurance premium for a market rate mortgage, and the amount the monthly payment would be for principal and interest with a 1-percent mortgage, or (b) the difference between 20 percent of the mortgagor's monthly income and the monthly payment under the mortgage. The subsidy payment would be available to a purchaser having an income not in excess of 70 percent of the limits prescribed for eligibility to occupy projects financed under the FHA section 221(d)(3) below-market interest rate program, except that 20 percent of the contract funds could be used to assist families with income above these limits. For each minor child in the household, $300 would be deducted from family income. The interest subsidy payment would decrease as the homeowner's income rises.

The subsidy payment could only be made with respect to new or rehabilitated housing meeting the requirements of the FHA section 221(d)(2) sales housing program, the 234 condominium program, the 213 cooperaitve program, or section 221(h) as incorporated into the new section with some modifications. However, during the first 3 years after enactment assistance payments could be made with respect to existing housing as follows: 25 percent of the contract funds authorized by appropriation acts in the first year; 15 percent of the contract funds authorized in the second year; 10 percent of the contract funds authorized in the third year. In addition, payments could be made with respect to existing housing for displaced families, families with five or more minors, or families living in public housing, as well as for families who purchase dwelling units released from the project mortgage for a 236 project or a rent supplement project. The maximum mortgage under the program would be $15,000 ($17,500 in high-cost areas), but each limit would be increased by $2,500 for families of five or more persons. The section 221(d)(2) mortgage ceilings would be raised to the same level. Counseling services are authorized.

This section also authorizes contract authority subject to appropriations acts to finance the program in the following manner: $75 million annually prior to July 1, 1969, which amount may be increased by $100 million on July 1, 1969, and by an additional $125 million on July 1, 1970.

Credit assistance

Section 102.—Adds a new section 237 to title II of the National Housing Act to authorize mortgage insurance for families of low and moderate income who cannot qualify for mortgage insurance under existing FHA programs because of their credit histories or irregular income patterns, but who the Secretary finds are "reasonably satisfactory" credit risks and capable of homeownership with the assistance of budget, debt management, and related counseling provided by the Secretary. Mortgage insurance under this program would have to meet the requirements (other than credit and income requirements) under certain existing FHA single-family sales program, except that the principal obligation of the mortgage could not exceed $15,000 ($17,500 in high-cost areas) and the mortgagor could not undertake a mortgage which, in combination with local real estate taxes, required monthly payments for principal and interest which exceeds 25 percent of the mortgagor's income. The amount of insurance under this section is limited to $200 million outstanding at any one time.

Relaxation of mortgage insurance requirements in certain urban neighborhoods

Section 103.—Amends section 223 of the National Housing Act by adding a new subsection (e) to give FHA a more flexible authority in providing financing for the repair, rehabilitation, construction, or purchase of properties located in older, declining urban areas by authorizing FHA to accept for insurance mortgages on properties which may not, because of the areas in which they are located, be able to meet all the normal eligibility requirements for insurance. Permits such mortgages to be accepted for insurance where FHA is able to establish that the areas are reasonably viable, giving consideration to the need for providing adequate housing for families of low and moderate income in such areas and that the properties are an acceptable risk in view of such consideration.

Special risk insurance fund

Section 104.—Adds a new section 238 to title II of the National Housing Act to establish a "Special Risk Insurance Fund," which fund is not intended to be actuarially sound and out of which claims would be paid on mortgages insured under sections 101 (homeownership assistance), 102 (credit assistance), 103 (properties in older, declining urban areas) and 201 (rental and cooperative housing for lower income families) of the bill. Payments on claims would be made in cash or debentures. Income such as insurance premiums and service charges in connection with these programs would be deposited in the new fund. Authorizes $5 million advance from general insurance fund to establish new fund, which is repayable and authorizes appropriations when necessary to supplement and maintain adequacy of the new fund.

Condominium and cooperative ownership for low and moderate income families

Section 105.—Amends section 221 of the National Housing Act by adding new subsections (i) and (j) to permit section 221 (d)(3) below-market interest rate rental projects: (1) To be converted to condominium ownership; or (2) to be converted to cooperative ownership. Families purchasing condominium or cooperative units would be generally required to meet income limits established for occupancy under the 221(d)(3) below-market interest rate program.

Assistance to nonprofit sponsors for low and moderate income housing

Section 106.—Establishes a new program within HUD under which the Secretary may provide technical assistance to nonprofit sponsors of low and moderate income housing. Also authorizes the Secretary to make non-interest-bearing loans to nonprofit organizations for financing up to 80 percent of preconstruction costs in connection with federally assisted low and moderate income housing projects. These loans could cover such preconstruction items as architectural fees, land options, and engineering surveys. A revolving fund would be established, with $7.5 million authorized the first year and $10 million the second year.

Insurance protection for homeowners

Section 107.—Authorizes the Secretary of HUD, in cooperation with the private insurance industry, to develop a plan for establishing an insurance program to enable homeowners to meet their monthly mortgage payments in time of personal economic adversity. Also directs the Secretary to make a report on his actions along with his recommendation for establishing such a program within 6 months following enactment of this act.

National advisory commission on low-income housing

Section 108.—Establishes a National Advisory Commission on Low-Income Housing to undertake a comprehensive study and investigation of the resources and capabilities in the public and private sectors of the economy which may be used to fulfill more completely the objectives of the national goal of "a decent home and suitable living environment for every American family," particularly as such goal relates to low-income families. The Commission is directed to submit to the President and the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969, and a final report not later than July 1, 1970.

National Homeownership Foundation

Section 109.—Creates a National Homeownership Foundation, the purpose of which would be to provide technical and limited financial assistance to public and private organizations which have as their purpose providing increased homeownership and housing opportunities for lower income families. The Foundation, which would be a Government-chartered nonprofit private corporation, would be administered by a Board consisting of 18 members, 15 of whom would be appointed by the President with the advice and consent of the Senate. The remaining three members would be the Secretary of Housing and Urban Development, Secretary of Agriculture, and the Director of the Office of Economic Opportunity. The Foundation would also be authorized an appropriation of $10 million to be used in carrying out its prescribed functions.

TITLE II—RENTAL HOUSING FOR LOWER INCOME FAMILIES

Part A—Private Housing

Rental and cooperative housing for lower income families

Section 201.—Adds a new section 236 to title II of the National Housing Act to provide rental and cooperative housing for lower income families. Mortgages insured under section 236 would carry a market interest rate, but the Secretary of HUD would pay to the mortgagee on behalf of the mortgagor an amount equal to the difference between the monthly payment for principal, interest, and mortgage insurance premium at the market rate and the monthly payment for principal and interest at 1 percent. Occupants, however, would pay 25 percent of their income as rent up to the full market rental. The sponsor would reimburse the Secretary for that part of rent receipts in excess of the amount which would be required under 1-percent financing, and this amount could be used to make other interest reduction payments. Occupancy of assisted projects would be available only to tenants whose incomes are not in excess of 70 percent of the limits prescribed for eligibility under the section 221(d)(3) below-market interest rate program, except that 20 percent of contract funds could be used with respect to families with incomes above these limits. For each minor child in the household, $300 would be deducted from family income. Section 221 (d)(3) BMIR mortgages (prior to final endorsement) and section 202 housing for the elderly mortgages (up to, or a reasonable time thereafter, project completion) could be refinanced under this program.

Contracts for interest reduction payments subject to approval in appropriations acts would be authorized in the following amounts: $75 million annually prior to July 1, 1969, which amount may be increased by $100 million on July 1, 1969, and by $125 million on July 1, 1970.

Rent supplement program

Section 202.—Amends section 101 of the Housing and Urban Development Act of 1965 to increase the appropriation authority for the rent supplement program by $40 million for fiscal year 1970 and $100 million for fiscal year 1971. Also authorizes State or locally assisted rent supplement benefits.

Part B—Low-Rent Public Housing

Increased low-rent public housing authorization

Section 203.—Amends section 10(e) of the U.S. Housing Act of 1937 to increase the annual contribution contract authority by $100 million on enactment and by $150 million for each of fiscal years 1970 and 1971.

Upgrading management and services in public housing projects

Section 204.—Amends section 15 of the U.S. Housing Act of 1937 to authorize the Secretary of HUD to enter into grant contracts with local housing authorities to assist them in upgrading their management activities and to provide tenant services to families occupying public housing. Authorizes appropriation of $20 million in fiscal year 1969 and $40 million in fiscal year 1970 for such contracts.

Purchase of units by tenants

Section 205.—Amends section 15(9) of U.S. Housing Act of 1937 to broaden existing law to permit local housing authorities to sell *any* low-rent housing units to tenants if such units are suitable for individual ownership. (Existing law permits tenants to purchase *only* detached or semidetached units.)

Public housing in Indian areas

Section 206.—Amends section 1 of U.S. Housing Act of 1937 to permit public housing assistance for Indian families living in rural farm areas. (Existing law limits public housing assistance to urban and rural nonfarm areas.)

TITLE III—FEDERAL HOUSING ADMINISTRATION INSURANCE OPERATIONS

Mortgage insurance premiums for servicemen and their widows

Section 301.—Amends section 222 of the National Housing Act to permit payment of FHA insurance premium by the Secretaries of Defense and Transportation for servicemen who assume a mortgage previously insured under any other provision of the National Housing Act. Also requires Secretaries to continue premium payment after serviceman's death on behalf of his widow for a 2-year period or until she sells the house, whichever is sooner. Also directs Secretaries to notify promptly the widow of the increase in costs she must bear at end of 2-year period.

Seasonal homes

Section 302.—Adds a new section 203(m) to the National Housing Act to authorize FHA to insure mortgages on seasonal homes not exceeding $15,000 and 75 percent of the appraised value on an acceptable risk basis, taking into consideration the economic potential of the area and the effect the insurance of such mortgages would have on the availability of mortgage credit in the area. Also requires proper steps to preserve natural resources of the area.

Modification in terms of insured mortgages covering multifamily projects

Section 303.—Adds a new section 239 to the National Housing Act to require the Secretary of HUD to approve a request for the extension of time for curing a default on any FHA multifamily mortgage or for a modification of the terms of such a mortgage only pursuant to regulations prescribed by him. Under such regulations, the mortgagor would have to agree to place in trust any income or funds derived from the project in excess of what is required to meet actual and necessary operating expenses. The Secretary could provide for granting such consent in any case or class of cases without regard to the requirements of the regulations where he determined such action would not jeopardize the interests of the United States. Any knowing and willful misdistribution of the rents or other income received during the period of extension or modification would subject the party to criminal penalty ($5,000 or 3-year imprisonment, or both).

Condominiums

Section 304.—Amends section 234(c) and (f) of the National Housing Act to: (1) Provide the same downpayment and maximum mortgage limitations for FHA condominium programs as are provided for the regular single-family FHA section 203(b) program, (2) permit blanket mortgages to cover four or more units instead of the present limitation of five or more units, and (3) permit FHA insurance for individual units in a condominium project with two to 11 dwelling units without requiring that the project be first covered by an FHA-insured project mortgage.

Insurance of loans for purchase of fee simple title from lessors

Section 305(a).—Adds a new section 240 to the National Housing Act to permit FHA to insure loans of homeowners financing the purchase of fee simple title to property on which their homes are located where the homeowners have only leasehold interests to the land.

Section 305(b).—Amends 5(c) of the Home Owners' Loan Act of 1933 to permit savings and loan associations to invest in the loans described above.

Extend section 221(d)(2) sales housing program for two-, three-, and four-family residences to all low and moderate income families

Section 306.—Amends section 221(d)(2) of the National Housing Act to authorize mortgage insurance for two-, three-, and four-family residences to *all* low and moderate income families. (Existing law limits mortgage insurance *only* to displaced low and moderate income families.)

Remove dividend restriction from nondwelling facilities in section 221 projects

Section 307.—Amends section 221(f) of the National Housing Act to remove the requirement that mortgagors of multifamily projects insured under section 221 and located in urban renewal areas waive the rights to remove dividends on the equity investment of the project devoted to community and shopping facilities where these facilities are designed to serve the needs of others than residents of the project. (The restriction would not be removed in the case of sec. 221 (d)(3) BMIR projects.)

Supplemental loan program for projects financed with FHA insured mortgages

Section 308.—Adds a new section 223(f) to the National Housing Act to permit the Secretary of HUD to insure supplemental loans to finance improvements, repairs, and additions to multifamily rental projects (including nursing homes and housing for the elderly) and group practice facilities financed with an FHA insured mortgage. Such financing would supplement existing insured mortgages and would be available without refinancing the existing mortgage.

Home improvement loans—Increase in maximum maturity, finance charge, and loan amount

Section 309.—Amends section 2(b) of the National Housing Act containing the title I home improvement program to: (1) Increase the maximum loan limitation from $3,500 to $5,000; (2) increase the maximum maturity from 5 years and 32 days to 7 years and 32 days; and (3) increase the maximum financing charge from $5 to $5.50 per $100 on the first $2,500 of the loan and from $4 to $4.50 per $100 on the amount in excess of $2,500.

Experimental housing program

Section 310.—Amends section 223 of the National Housing Act, the FHA experimental housing program, to make the program available for use in connection with all FHA programs.

Term of FHA mortgages for land development

Section 311.—Amends section 1002(d)(1) of the National Housing Act to increase the maturity for FHA mortgages securing subdivision development from 7 to 10 years with further authority placed in the Secretary of HUD to go beyond a 10-year maturity if he deems such longer term is necessary.

Rehabilitated multifamily projects in urban renewal areas

Section 312.—Amends section 220(d)(3)(B)(ii) and 221(d)(3)(iii) of the National Housing Act to permit FHA insurance under sections 220 (urban renewal housing) and 221(d)(3) (low and moderate income families) for multifamily properties in urban renewal areas which have been rehabilitated by local agencies.

Miscellaneous housing insurance

Section 313.—Amends section 223 of the National Housing Act to permit refinancing of FHA mortgages insured under any of the sections or the titles of the National Housing Act. In addition, this section would permit FHA mortgages assigned to the Secretary or executed in the sale of an acquired property to be insured under any section or title of that act. It also authorizes insurance of supplementary loans to cover excess of expenses over income for first 2 years of multifamily projects at the interest rate in effect at the time the supplementary loan is insured.

Supplementary loans for coperative housing purchased from the Federal Government

Section 314.—Amends section 213(j) of the National Housing Act to authorize mortagage insurance for supplementary loans to housing cooperatives which purchased wartime housing from the Federal Government.

Equipment in nursing homes

Section 315.—Amends section 232 of the National Housing Act to permit the cost of major items of equipment necessary for the operation of a nursing home to be included in the FHA insured mortgage.

Flexible interest rates for certain FHA insurance programs

Section 316.—Amends section 3(a) of Public Law 90–301 to permit the Secretary of HUD, until October 1, 1969, to establish the interest rate for new mortgage insurance programs authorized by new sections 223(f) 235(j), and 240 of the National Housing Act (added by secs. 101, 314, and 305, respectively, of the bill) at such rate he believes necessary to meet the market.

Sale of rehabilitated units in multifamily structures

Section 317.—Amends section 221(h) of the National Housing Act to: (1) Permit the rehabilitation and sale of individual units (with a 3-percent mortgage) in a multifamily structure; and (2) permit the blanket mortgage to cover four or more units instead of the present limitation of five or more units.

TITLE IV—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

Sections 401–416.—Add a new title to be referred to as the "New Communities Act of 1968" to the housing laws to permit the Secretary of HUD to guarantee the bonds, debentures, notes, and other obligations issued by private new community developers to help finance the development of new community projects. This title would provide:

Maximum guarantee: Cannot exceed: (a) The lesser of 80 percent of the Secretary's estimate of the value of the property upon completion of the land development, or (b) the sum of 75 percent of the Secretary's estimate of the value of the land before development and 90 percent of his estimate of the actual cost of the land development.

Guaranteed ceilings: $50 million for any single new development; $500 million aggregate outstanding principal obligation at any one time.

Revolving fund for guarantee: Fees and charges collected by the Secretary will be deposited in a revolving fund to cover any liabilities under the guarantees. In addition, the full faith and credit of the United States is pledged to payment of the guarantees and appropriations to cover program operations and nonadministrative expenses and, if necessary, any guarantee payments are authorized.

Small builders: Requires HUD to adopt requirements encouraging small builders to participate in new community projects.

Supplementary grants: Authorizes supplemental grants to States and localities assisting new community development with basic water and sewer and open space projects. The additional grant is limited to 20 percent of cost of the facility and a substantial number of housing units for low and moderate income person must be made available through such development project. (Total Federal grant cannot exceed 80 percent of facility cost.) Authorizes an appropriation of not to exceed $5 million for supplemental grants for fiscal year 1969 and not to exceed $25 million for fiscal year 1970.

Sections of this title also require cost certifications in connection with a land development project and authorize the General Accounting Office to audit the transactions of developers whose obligations are guaranteed pursuant to this title.

TITLE V—URBAN RENEWAL

Section 501.—Amend title I of the Housing Act of 1949 by adding a new subtitle heading to read. "Part A—Urban Renewal Projects, Demolition Programs and Code Enforcement Programs" and further amends that title by adding a new "Part B—Neighborhood Development Programs." This new part B added to title I authorizes the Secretary of HUD to provide financial assistance to local public agencies on an annual basis to assist them in carrying out "neighborhood development programs." A neighborhood development program would consist of urban renewal project undertakings and activities in one or more urban renewal areas that are planned and carried out on the basis of annual increments. The requirements governing such undertakings and activities would be similar to those governing the provision of Federal financial assistance for regular urban renewal projects.

Increased authorization

Section 502.—Amends section 103(b) of the Housing Act of 1949 to increase the contract authority for urban renewal and other title I activities by $1.4 billion on July 1, 1969. This section also authorizes an increase of $350 million for urban renewal projects in model city areas.

Rehabilitation grants

Section 503.—Amends section 115(a) of the Housing Act of 1949 to increase the rehabilitation grant that can be made to low-income homeowners from $1,500 to $2,500. This section also makes a technical amendment to change the term "structure" to "real property" in order to permit the use of grant funds for rehabilitation relating to aspects of the property other than the dwelling structure itself. Finally, this section authorizes rehabilitation grants in areas (other than urban renewal and code enforcement areas) which are scheduled for rehabilitation or concentrated code enforcement within a reasonable period of time.

Rehabilitation in urban renewal areas

Section 504.—Amends section 110(c)(8) of the Housing Act of 1949 to remove the present limitation on the acquisition and rehabilitation of residential properties by a local urban renewal agency. (Existing law permits the local agency to acquire and rehabilitate for demonstration purposes no more than 100 units or 5 percent of the total residential units in the urban renewal area, whichever is lesser.)

Disposition of property for low and moderate income housing

Section 505.—Amends section 107 of the Housing Act of 1949 to make it clear that land may be disposed of for low as well as moderate income housing purposes and to permit this disposition to be accomplished by lease as well as by sale. Would also permit land to be sold to a mortgagor qualified under section 236 of the National Housing Act (added by sec. 201 of this bill) and to nonprofit organizations eligible under section 221(h) or under 235(j)(1) of the National Housing Act (added by sec. 101 of this bill) which rehabilitate property and sell it to low or moderate income families.

Grants for low and moderate income housing in open land projects

Section 506.—Amends section 103(a)(1) of the Housing Act of 1949 to permit grants to be made with respect to urban renewal open land projects (which now only qualify for loans) in an amount not to exceed two-thirds of the difference between the proceeds from any land disposed of at its value for low or moderate income housing (under sec. 107 of such act) and the proceeds which would have been realized if the land had been disposed of at its fair value without regard to the special provisions of section 107.

Urban renewal loan contracts

Section 507.—Amends section 102(c) of the Housing Act of 1949 to permit a local public agency to borrow funds to finance project undertakings on the private market at an interest rate in excess of the Federal lending rate set out in its loan contract with the Government. The difference between the interest cost on the private market and the interest cost at which the LPA could have borrowed from the Federal Government under its loan contract would be made up by a supplemental grant from the Government.

Project completion prior to disposition of certain property

Section 508.—Amends section 106 of the Housing Act of 1949 to permit the Secretary of HUD to allow an urban renewal project to be closed out where: (1) Not more than 5 percent of the total acquired land remains to be disposed; (2) the local public agency does not expect to be able, due to circumstance beyond its control, to dispose of that land in the near future; (3) all other project activities are completed; and (4) the local public agency has agreed to dispose of or retain such land in the future for uses in accordance with the urban renewal plan. This section would also amend section 110(f) of such act to include in the amount of land proceeds, for the purpose of computing net project cost, an amount equal to the value of the land not yet disposed of.

Demolition grants

Section 509.—Amends section 116(a) of the Housing Act of 1949 to authorize the Secretary of HUD to make grants for the demolition of nonresidential structures that are harborages or potential harborages of rats.

Air rights in urban renewal areas

Section 510.—Amends section 110(c) of the Housing Act of 1949 to permit the carrying out of air rights in urban renewal projects and the construction of necessary foundations and platforms to provide educational facilities. Under present law, these activities may be assisted only when they are for low and moderate income housing or for industrial development where the area is not suitable for low and moderate income housing.

Interim assistance for blighted areas

Section 511.—Adds a new section 118 to title I of the Housing Act of 1949 to authorize the Secretary of HUD to contract to make grants, in an aggregate amount not to exceed $20 million in any fiscal year, to cities and other municipalities or counties to assist in taking interim steps to alleviate harmful conditions in any slum and blighted area of the community which is planned for substantial clearance, rehabilitation or federally assisted code enforcement in the near future but which needs some immediate short-term public action until permanent action can take place. Such interim assistance grants could not exceed two-thirds of the cost of planning and carrying out the interim program except that a three-fourths grant could be made to any community with a population of 50,000 or less. A workable program is a prerequisite of an interim assistance program. Also, relocation assistance and payments would be available to those displaced as a result of the interim program. This section also requires the Secretary of HUD, wherever feasible, to encourage the employment of unemployed or underemployed residents of the area in carrying out activities under this section.

Rehabilitation loans

Section 512.—Amends section 312 of the Housing Act of 1964 to: (1) Extend the rehabilitation loan program from October 1, 1969, to October 1, 1970, and (2) authorize such loans in areas, other than urban renewal and concentrated code enforcement areas, which are scheduled for rehabilitation or concentrated code enforcement within a reasonable period of time where the property is a owner-occupied residential structure and it is in violation of local housing or similar codes.

Low and moderate income housing in residential urban renewal areas

Section 513.—Rewrites section 105(f) of the Housing Act of 1949 to require that a majority of the housing units provided in urban renewal projects which are to be redeveloped for predominantly residential uses and which receive Federal recognition after the effective date of this bill be standard housing units for low or moderate income families or individuals.

TITLE VI—URBAN PLANNING AND FACILITIES

Comprehensive planning

Section 601.—Rewrites section 701 of the Housing Act of 1954 (urban planning assistance). The principal change authorizes the Secretary of HUD to make planning grants to State planning agencies for assistance to district planning agencies for rural and other non-metropolitan areas. A grant authorization of $20 million would be provided for such planning grants, to be increased by an additional $10 million on July 1, 1969, both to come out of the regular increase. The Secretary of Agriculture would be given certain functions with respect to these district planning grants. The section also authorizes an additional $10 million of the section 701 appropriations to be available for study, research, and demonstration projects covering such matters as the planning for entire systems of public facilities and services within metropolitan areas and other multijurisdictional regions. Other changes would authorize the Secretary to make planning grants directly to tribal planning councils or other bodies for planning on Indian reservations and would require that metropolitan, regional, and district planning agencies, to the greatest extent practical, be composed of or responsible to elected officials of local governments. This section also authorizes grants under section 701(g) for regional and district councils of government as well as those organized on a metropolitan basis and a broadening of the definition of comprehensive planning for the provision of governmental services and for the development and utilization of human and natural resources. This section has added to the preamble of section 701 a statement to make it clear that the committee expects HUD to permit the judicious use of private planning consultants by State and local governments where these governments deem it appropriate in carrying out planning activities assisted under section 701. The section further authorizes grants to official governmental planning agencies for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title IV of the bill and to regional commissions established pursuant to the Public Works and Economic Development Act of 1965.

The bill also authorizes additional 701 planning funds amounting to $35 million for fiscal year 1969 and $125 million for fiscal year 1970.

Planned areawide development

Section 602.—Amends title II of the Demonstration Cities and Metropolitan Development Act of 1966 by changing the heading of such title to "Planned Areawide Development" and in keeping with this change in title amends the sections and subsections thereto to permit supplementary incentive grants authorized for certain federally assisted projects in metropolitan areas to be made for such projects being carried out in any multijurisdictional area such as the rural planning districts which are authorized by the amendments in section 601 of this bill. Also makes available for grant purposes through fiscal year 1970 any of the funds authorized for fiscal years 1967 and 1968, but which have not been appropriated.

Advance acquisition of land

Section 603.—Amends section 701 and rewrites section 704 of the Housing and Urban Development Act of 1965 to provide basic authority for a more efficient and effective program of Federal assistance to localities for the advance acquisition of land expected to be needed for public purposes. The amendments and rewriting would:

(1) Change the definition of eligible land;

(2) Require that the proposed use of the land be undertaken within 5 years except the Secretary could go beyond the 5-year period if, due to unusual circumstances, he deems a longer period necessary and if he advised the Banking and Currency Committees of the Congress of this action;

(3) Clarify the status of the land in the interim between acquisition and utilization for the approved purpose;

(4) Permit the Secretary to approve the diversion of the land to another public purpose when in accord with comprehensive planning and give him discretion to require repayment of the grant or the substitution of land of equivalent value when the land is diverted to a nonpublic purpose;

(5) Provide that assistance under this section will not render a project ineligible for other Federal assistance programs and that the cost of land acquired with this assistance will not be an ineligible project cost in such other programs;

(6) Provide for grant assistance for imputed interest charges when an applicant uses other than borrowed funds to finance the acquisition of the land; and

(7) Clarify the authority of States to participate in the program.

Extension of interim planning requirements in water and sewer facilities program

Section 604.—Amends section 702(c) of the Housing and Urban Development Act of 1965 to extend interim planning requirements in the water and sewer facilities program from July 1, 1968, to October 1, 1969.

Authorizations for water and sewer facilities, neighborhood facilities, and advance acquisition of land programs

Section 605.—Amends section 708(a) of the Housing and Urban Development Act of 1965 to provide that any funds authorized but not appropriated for the basic water and sewer facilities, neighborhood facilities, and the advance acquisition of land programs will remain available for appropriation through fiscal year 1970. (Present authorization for these programs expires with fiscal year 1969.) In addition, this section authorizes an appropriation of $115 million for fiscal year 1970 for grants for water and sewer projects.

Open space land program

Section 606.—Amends section 702(b) of the Housing Act of 1961 to convert the funding provision for contracts under the open space land program from contract authority to regular authorization for appropriation and authorizes the appropriation of the unused portion of contract authority. This section would also increase the appropriation authority by $150 million in fiscal year 1970. This section would further increase the amount of grant funds which can be used annually for studies and publications from $50,000 to $125,000.

Authorize the making of feasibility studies in the public works planning advances program

Section 607.—Amends section 702(a) of the Housing Act of 1954 to clarify the authority of the Secretary of HUD to make advances for the conduct of feasibility studies regarding specific public works, the planning of which may be assisted under section 702.

TITLE VII—URBAN MASS TRANSPORTATION

Grant authorizations

Section 701.—Amends section 4(b) of the Urban Mass Transportation Act of 1964 to authorize an appropriation of $190 million for fiscal year 1970. In addition, it would increase the amount of funds which may be used from the current authorization for research development and demonstration programs by $6 million for fiscal year 1969 and would authorize the Secretary after fiscal year 1969 to use for research and demonstration activities such funds as he deems appropriate from those authorized in section 4(b) of the 1964 act.

Definition of mass transportation

Section 702.—Amends section 12(c)(5) of the Urban Mass Transportation Act of 1964 to broaden the statutory definition of "mass transportation." The broadened definition would permit greater flexibility in developing and applying new concepts and systems in urban mass transportation programs.

Extension of emergency program under the Urban Mass Transportation Act

Section 703.—Amends section 5 of the Urban Mass Transportation Act of 1964 to extend the emergency provisions of the mass transportation program from November 1, 1968, to July 1, 1970.

Non-Federal share of net project cost

Section 704.—Amends sections 4(a) and 5 of the Urban Mass Transportation Act of 1964 to permit private transit companies to furnish up to 50 percent of the local share of the net project cost of a mass transit project, or in cases of an applicant's (State or local public body) financial inability to put up any portion of the local share, private companies would be permitted to put up 100 percent of such share.

TITLE VIII—SECONDARY MORTGAGE MARKET

Purposes

Section 801.—States that the purpose of this title is to partition the Federal National Mortgage Association into two corporations: (1) Government National Mortgage Association (GNMA); and (2) Federal National Mortgage Association (FNMA).

Amendments to the Federal National Mortgage Association Charter Act

Section 802.—Amends the Federal National Mortgage Association Charter Act (title III) of the National Housing Act to establish—

(*a*) *Government National Mortgage Association:*

Would operate existing special assistance and management and liquidating functions, and

Would be administered by Secretary of Housing and Urban Development (now under FNMA Board of Directors and a President).

(*b*) *Federal National Mortgage Association:*

Purpose.—Would operate a privately financed secondary mortgage market for government supported mortgages.

Board of Directors.—Would consist of 15 members of which five would be appointed annually by the Secretary of Housing and Urban Development. The remaining members would be elected by the stockholders. Of those members appointed by the Secretary, one shall be from the homebuilding industry, one from the real estate industry, and one from the mortgage lending industry.

Powers of Secretary of Housing and Urban Development.—Would have regulatory powers, including a requirement that a reasonable portion of mortgage purchases relate to low and moderate income housing; also issuance of securities would be subject to his approval.

Treasury-held preferred stock.—Would be retired as rapidly as possible after effective date.

Common stock.—Would continue to require mortgage sellers to purchase common stock; also each mortgage servicer would be required to hold up 2 percent of mortgages serviced in common stock.

Participations

Section 803.—Amends section 302(c) of the Federal National Mortgage Association Charter Act to permit GNMA, as trustee under trusts created for sales of participation certificates, to issue such certificates for refinancing purposes without regard to the requirement of appropriation act authority. Any appropriation for insufficiencies accompanying the original authorization would apply as well to any "rollover" sale.

Mortgage-backed securities

Section 804.—Amends section 304 of such act to authorize the new Federal National Mortgage Association to issue securities backed by an earmarked pool of portfolio mortgages. This section would also authorize the Government National Mortgage Association to guarantee such securities as well as those issued by approved private issuers.

Subordinated and convertible obligations

Section 805.—Amends section 304 of such act to authorize the Federal National Mortgage Association to issue subordinated obligations up to twice its capital and surplus.

Special assistance authorization

Section 806.—Amends section 305(c) of such act to authorize an additional $500 million for the purchase of mortgages by the Government National Mortgage Association in its special assistance function.

Amendments to other laws

Section 807.—Makes numerous changes in other laws necessitated by the establishment of the new Federal National Mortgage Association and the new Government National Mortgage Association.

Effective date

Section 808.—Provides that the partition of the existing Federal National Mortgage Association would become effective no more than 120 days following the enactment of this act.

Savings provisions

Section 809.—Preserves causes of action and legal proceedings existing or instituted by or against the Federal National Mortgage Association prior to the effective date so that such actions and proceedings will not abate.

Transitional provisions

Section 810.—Provides that the transitional period would begin on the "effective date" and terminate when at least one-third of the stock is owned by private investors in the homebuilding, mortgage lending, real estate, and related industries but no sooner than May 1, 1970, or later than May 1, 1973. During this period the President of the Federal National Mortgage Association will be appointed by the President of the United States with the advice and consent of the Senate and the Board of Directors would be limited to nine members. In the first year all nine members would be appointed by the Secretary of Housing and Urban Development, in the second year seven would be appointed by the Secretary and two would be elected by the stockholders, and in the third year and subsequent period, five members would be appointed by the Secretary and the remainder elected by the stockholders. One of the Secretary's appointees would have to be the President of FNMA.

TITLE IX—NATIONAL HOUSING PARTNERSHIPS

Sections 901–911.—Authorizes the creation of National Housing Partnerships in order to encourage private investors to provide low and moderate income housing in substantial volume on a nationwide scale. Such a National Partnership would form partnership ventures with local investors for the construction of housing for low and moderate income families.

The title would authorize the creation of federally chartered privately funded corporations to be organized under the District of Columbia Business Corporation Act. Such a corporation in turn would form a partnership organized under this title and under the District of Columbia Uniform Limited Partnership Act. The federally chartered Corporation would serve as the general partner and managing agent of the National Partnership and each of the stockholders and others could be limited partners. The Corporation would provide the staff and expertise for the Partnership in connection with the organization and planning of specific local project undertakings in which the National Partnership would have an interest.

TITLE X—RURAL HOUSING

Housing for low and moderate income persons and families

Section 1001.—Adds a new section 521 to title V of the Housing Act to 1949 to authorize the Secretary of Agriculture to make direct and insured loans with interest-rate subsidies in rural areas to low and moderate income persons and families and to provide rental or cooperative housing for such persons and families where such persons and families are unable to obtain housing under sections 235 and 236 of the National Housing Act, proposed by sections 101 and 201 of this bill.

Housing for rural trainees

Section 1002.—Adds a new section 522 to title V of the Housing Act of 1949 to authorize financial and technical assistance to States or political subdivisions thereof, or any public or private nonprofit organization to provide, in rural areas, housing and related facilities for rural trainees (and their families) enrolled in federally assisted training courses to improve their employment capabilities when the Secretary determines that such housing and facilities could not be reasonably provided in any other way.

Appropriations

Section 1003.—Amends section 513 of the Housing Act of 1949 to authorize appropriations to the Secretary of Agriculture for the cost of carrying out his administrative functions under sections 235 and 236 of the National Housing Act.

Purchase of land for building sites

Section 1004.—Amends section 514(f)(2) of the Housing Act of 1949 to broaden the eligibility purposes of domestic farm labor housing loans to include the purchase of necessary land for building sites.

TITLE XI—NATIONAL INSURANCE DEVELOPMENT CORPORATION

Short title

Section 1101.—Adds new title to be referred to as "The National Insurance Development Corporation Act of 1968."

Findings and declaration of purpose

Section 1102.—Includes a finding that the unavailability of property insurance in inner-city areas is accelerating the deterioration and threatening the economic well-being of cities. States that the purpose of the bill is to encourage the development of statewide programs to increase the availability of property insurance and to provide Federal reinsurance with appropriate State sharing in reinsured losses due to civil disorders.

Amendment of the National Housing Act

Section 1103.—Adds a new title XII to the National Housing Act to establish the National Insurance Development Corporation. The provisions of the proposed new title are summarized briefly below.

Creation and dissolution of National Insurance Development

Section 1201.—Creates the National Insurance Development Corporation within the Department of Housing and Urban Development, under the authority of the Secretary.

Executive director

Section 1202.—Provides that, subject to section 1201 the management of the Corporation shall be vested in an Executive Director appointed by the President, by and with the advice and consent of the Senate.

Advisory Board, meetings, duties, compensation, and expenses

Section 1203.—Establishes a 19-member Advisory Board appointed by the Secretary.

Definitions

Section 1204.—Contains definitions in this title.

Part A—Statewide Plans To Assure Fair Access to Insurance Requirements

Fair plans

Section 1211.—Requires every insurer reinsured by the Corporation to cooperate with the State insurance authority, in each State in which it acquires reinsurance, in establishing and carrying out statewide plans to assure fair access to insurance requirements ("**FAIR**" Plans). These plans, which must be approved by the State insurance authority or authorized by State law, are to be administered under the supervision of the State insurance authority and designed to make essential property insurance more readily available in, but not limited to, urban areas.

All industry placement facility

Section 1212.—Requires all plans to include an all-industry placement facility, doing business with all participating insurers, to help agents and brokers to place insurance up to the full insurable value of a property.

Industry cooperation

Section 1213.—Requires every participating insurer to pledge with the State insurance authority its full participation and cooperation of the plan and the need to form a pool or to adopt other programs to make essential property insurance more readily available.

Plan evaluation

Section 1214.—Provides for transmission of copies of plans and amendments by State insurance authorities to the Corporation and for these authorities to advise the Corporation with regard to the operation of the plan and the need to form a pool or to adopt other programs to make essential property insurance more readily available. The Corporation may modify plan criteria as may be necessary or desirable and upon certification by the State insurance authority waive compliance with one or more of the plan criteria.

Part B—Reinsurance Coverage

Reinsurance of losses from riots or civil disorders

Section 1221.—Authorizes the Corporation to offer riot or civil disorder property loss reinsurance to any insurer or pool of insurers in any one or more States. Reinsurance may be provided immediately upon enactment of the title for a 90-day period, but thereafter only if the insurer is participating in the State's plan under part A.

Reinsurance agreements and premiums

Section 1222.—Authorizes the Corporation to provide reinsurance, to reimburse the insurer for losses in excess of the insurer's retention, at premium rates adequate to provide premiums which will exceed in aggregate amount the insured riot losses in 1967, and provides that thereafter the Corporation may adjust reinsurance premium rates as may be necessary or appropriate after consultation with the Board and the National Association of Insurance Commissioners.

Conditions of reinsurance

Section 1223.—Provides the conditions under which the Corporation will terminate existing reinsurance coverage and will not offer new coverage for insurance written after the termination date, including such conditions as State assumption of a share of reinsured losses, the adoption of additional programs such as pools, and insurer participation in State plans and programs.

Recovery of premiums: statute of limitations

Section 1224.—Authorizes the Corporation to recover any unpaid premiums for reinsurance; imposes a 5-year statute of limitations on the recovery by an insurer of excess premiums paid to the Corporation or the recovery by the Corporation of reinsurance premiums due to it.

Part C—Provisions of General Applicability

Claims and judicial review

Section 1231.—Authorizes the Corporation to adjust and pay claims for proved and approved losses, and allows a claimant to institute any action in the U.S. district court within 1 year after receipt of notice of disallowance of a claim.

Fiscal intermediaries and servicing agents

Section 1232.—Authorizes the Corporation to contract with any insurer, pool, or other person or organization for estimating or determining reinsurance claim payment amounts, receiving, disbursing, and accounting for reinsurance claim payments, auditing insurers' records to assure proper payments, establishing the basis of reinsurance liability, and otherwise assisting in carrying out the purposes of the title.

National insurance development fund

Section 1233.—Provides for the establishment of a national insurance development fund to be available to the Corporation without fiscal year limitation to pay reinsurance claims, to pay administrative expenses, and to repay with interest amounts borrowed under section 520(b) of the National Housing Act.

Records, annual statements, and audits

Section 1234.—Requires reinsured insurers to furnish the Corporation with annual statements and such data as may be necessary in carrying out this program and to keep records to facilitate an effective audit; authorizes the Corporation and the Comptroller General to conduct audits; and provides that the Corporation is to make use of State insurance authority examination reports and facilities to the maximum extent feasible in connection with these activities.

Study of reinsurance and other programs

Section 1235.—Provides for the Corporation to study reinsurance and other means of assuring an adequate supply of burglary and theft and other property insurance in urban areas and the adequate availability of surety bonds for construction contractors in urban areas and to report to the President and the Congress within 1 year the results of its study and its recommendations.

Other studies

Section 1236.—Provides for the Corporation, in cooperation with State insurance authorities and the private insurance industry, to study the operation of the FAIR plans, the extent of the unavailability of essential property insurance in urban areas, the market for private reinsurance, loss-prevention methods and procedures, insurance marketing methods, and underwriting techniques.

General powers of corporation

Section 1237.—Authorizes the Corporation to have a corporate seal, to sue and be sued (with all civil actions in which the Corporation is a party deemed to arise under the laws of the United States), to enter into and perform contracts, leases, and other agreements without competitive bidding; to employ a staff; to make necessary or appropriate rules and regulations; and to exercise all powers specifically granted by the title and such incidental powers as are necessary to carry out its purposes.

Service and facilities of other agencies—utilization of personnel, services, facilities, and information

Section 1238.—Authorizes the Corporation, with the consent of the agency concerned, to utilize the personnel and information of any agency of the Federal Government on a reimbursable basis and to obtain data relevant to matters within its jurisdiction from any Federal agency on a nonreimbursable basis to the extent permitted by law.

Advance payments and finality of certain financial transactions

Section 1239.—Provides that the Corporation's financial transactions relating to reinsurance shall be final and conclusive on all officers of the United States and that the Corporation may make reinsurance payments in advance or by way of reimbursement and in such installments and on such conditions as it may determine.

Taxation

Section 1240.—Exempts the Corporation from local, State or Federal taxation and provides that any State undertaking measures in meeting its obligations for reinsured losses shall not be subject to retaliatory or fiscal imposition by any other State.

Annual report

Section 1241.—Requires the Secretary to include a report on the operations of the Corporation in his annual report.

Appropriations

Section 1242.—Authorizes to be appropriated such sums as may be necessary to carry out this title.

Financing

Section 1104.—Amends section 520(b) of the National Housing Act to authorize the Secretary to borrow funds necessary to pay for reinsured losses under title XII of the act.

Government Corporation Control Act

Section 1105.—Defines the National Insurance Development Corporation as a wholly owned Government corporation under the Government Corporation Control Act.

Compensation of executive director

Section 1106.—Provides for compensation of the Executive Director at the rate prescribed for level IV of the Federal Executive Salary Schedule.

Clarifying amendments to acts referring to disasters

Section 1107.—Would amend other acts to include "riot or civil disaster" in the definitions of "disaster" or "catastrophe."

TITLE XII—NATIONAL FLOOD INSURANCE ACT OF 1968

Short title

Section 1201.—Adds new title to be referred to as "National Flood Insurance Act of 1968."

Findings and declaration of purpose

Section 1202.—States that a flood insurance program is feasible and can be initiated, and should complement and encourage measures to prevent flood damage; that if the program is commenced on a gradual basis, time and experience will enable it to be reappraised and expanded; that the program can be carried out most effectively through a cooperative effort on the part of the Federal Government and the private insurance industry; and that a critical ingredient of such a program will be the encouragement of State and local governments to adopt land use regulations to govern the development of land exposed to flood damage. Calls for the President to submit to the Congress, within 2 years, a unified national program for flood plain management, including any further proposals for the allocation of costs among beneficiaries of flood protection.

Amendments to the Federal Flood Insurance Act of 1956

Section 1203(a).—Amends section 15(e) of the Federal Flood Insurance Act of 1956. That section vested the Administrator of the Housing and Home Finance Agency with authority to borrow $500 million in the aggregate (or greater sums if authorized by the President) from the Secretary of the Treasury. The amendment in section 1203(a) relates to the interest formula which is to apply to borrowed funds. Under section 1210 of the bill, the borrowing authority would be made specifically available to the Secretary of Housing and Urban Development to carry out responsibilities which would be vested in him under the bill.

Section 1203(b).—Strikes out obsolete language from section 15(e) of the Federal Flood Insurance Act of 1956.

Section 1203(c).—Repeals all sections of the Federal Flood Insurance Act of 1956, except section 15(e), relating to Treasury borrowing authority.

Definitions

Section 1204.—Defines: (1) "flood" as having such meaning as prescribed in regulations of the Secretary, and including inundation from the overflow of streams, rivers, or other bodies of waters, and from tidal surges, abnormally high tidal water, tidal waves, hurricanes, and other severe storms or deluge; (2) "United States" and "State" as including the several States, the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico; (3) "insurance company," "other insurers," "insurance agents and brokers," to include any organizations or individuals authorized to engage in the insurance business under the laws of any State; (4) "insurance adjustment organizations" to include any organizations or persons engaged in the business of adjusting loss claims arising under insurance policies issued by licensed insurance companies or other insurers; (5) "person" as any individual, group of individuals, corporation, partnership, association, or other organized group, including State and local governments and agencies; and (6) "Secretary" as the Secretary of Housing and Urban Development.

Chapter I—The National Flood Insurance Program

Basic authority

Section 1205(a).—Authorizes the Secretary of Housing and Urban Development to establish and carry out a program to facilitate the purchase of flood insurance to provide against physical damage to real or personal property resulting from flood.

Section 1205(b).—Provides that this program shall be implemented to the maximum extent practicable, through arrangements for financial participation and risk sharing by companies in the private insurance industry, and by other appropriate participation on a non-risk-sharing basis by insurance companies, agents, brokers, or adjustment organizations.

Scope of program and priorities

Section 1206(a).—Authorizes the Secretary to make the flood insurance program available initially for one- to four-family residential properties.

Section 1206(b).—Authorizes the Secretary to extend coverage of the flood insurance program when, on the basis of studies and other information, he determines that extension would be feasible. Future coverage of the program could be extended to: (1) Other residential properties, (2) business properties, (3) agricultural properties, (4) properties occupied by private nonprofit organizations, and (5) properties owned by State and local governments and agencies thereof.

Section 1206(c).—Provides that flood insurance will be made available in only those States or areas (or subdivisions of areas) which the Secretary determines had evidenced a positive interest in the flood insurance program, and had given satisfactory assurances that by June 30, 1970, permanent land use and control measures, consistent with criteria prescribed in section 1261, or for land management and use, have been adopted, and that application and enforcement of these measures would commence as soon as technical information on floodways and on controlling flood elevations was available.

This would not require the same land management and use measures for all areas, since these measures must meet the particular flood problems of each area.

Nature and limitation of insurance coverage

Section 1207(a).—Authorizes the Secretary, after consultation with the flood insurance advisory committee, and representatives of the State insurance commissioners, to provide by regulation for the general terms and conditions of insurability applicable to properties eligible for flood insurance. A representative organization of all State insurance authorities, such as the National Association of Insurance Commissioners, will be called upon for purposes of consulting State insurance authorities. These terms and conditions will include the types and locations of eligible properties; the nature and limits of insurable losses; the classification, limitation, and rejection of risks; and appropriate minimum premiums and loss-deductibles.

Section 1207(b).—Provides that insurance coverage for one- to four-family residential properties will be limited to $15,000 aggregate liability for any dwelling unit and $30,000 for any dwelling structure of from two to four units. Liability for personal property will be limited to $5,000 for the contents of each dwelling unit. Both real property and contents will be subject to an appropriate loss-deductible clause. For any other properties which will become eligible for flood insurance coverage in the future (such as small business properties), the aggregate liability for any single structure will be $30,000. These limits will apply to any insurance sold at premiums below full actuarial cost. Insurance coverage could be doubled under this section, but any excess over the limits specified will require the payment of premium rates at full cost.

Estimates of premium rates

Section 1208(a).—Authorizes the Secretary, on the basis of studies and investigations, to estimate on an area, subdivision, or other appropriate basis: (1) Risk premium (full cost) rates for flood insurance, (2) the rate (at below full cost, if necessary) which would be reasonable, would encourage the purchase of flood insurance, and would be consistent with the purposes of the act, and (3) the extent to which federally assisted or other flood protection measures initiated after the effective date of the act affect the estimates of rates mentioned in (1) and (2). The Secretary will base estimates of risk premium rates on a consideration of the risks involved and accepted actuarial principles. The rates will reflect applicable operating costs and allowances of participating private insurers, and, on a discretionary basis, nondevelopmental Federal administrative expenses which may be incurred in carrying out the flood insurance program.

Section 1208(b).—Provides that, in conducting the necessary rate studies and investigations, the Secretary shall, to the extent feasible, utilize the services, on a reimbursement basis, of the Army Corps of Engineers, the Geological Survey, the Soil Conservation Service, the Environmental Science Services Administration, the Tennessee Valley Authority, and other appropriate Federal departments and agencies.

Section 1208(c).—Requires the Secretary to give priority to those States or areas that have evidenced a positive interest in flood insurance, in making rate studies and investigations.

Establishment of chargeable premium rates

Section 1209(a).—Authorizes the Secretary, after consultation with the flood insurance advisory committee and representatives of the State insurance authorities, to establish chargeable premium rates and the areas, terms and conditions for the application of such rates. Rates will be determined on the basis of estimates made under section 1208 and other necessary information.

Section 1209(b).—Provides that, in prescribing chargeable rates, the Secretary shall be guided by a number of factors, including the consideration of the respective risks involved, the differences in risk due to land use measures, floodproofing, flood forecasting and similar measures. The Secretary would be authorized to prescribe chargeable rates at reasonable levels, lower than those at full cost where necessary, in order to encourage the purchase of flood insurance. In low-risk areas the chargeable rate for existing properties will be the same or close to the estimated full cost rate. The higher the flood risk for an area, the lower the chargeable rate would be, in relation to the estimated full-cost rate. Under this section, all chargeable rates will be stated so as to reflect their basis, including any differences from the estimated full-cost risk premium rates.

Section 1209(c).—Provides that after an area has been identified as being flood-prone and this information was published in the area, then newly constructed property or substantially improved property can be insured only at rates which are not less than the estimated (full cost) risk premium rate.

Section 1209(d).—Provides that where any chargeable premium rate is equal to the estimated risk premium rate (full cost) for the area, and if the rates include any amount for administrative expenses of the Federal Government in carrying out the flood insurance program (in the Secretary's discretion under section 1208), a sum equal to that amount is to be paid to the Secretary to be deposited in the insurance fund.

Treasury borrowing authority

Section 1210(a).—Provides that the authority vested in the Housing and Home Finance Administrator by section 15(e) of the Federal Flood Insurance Act of 1956 (pertaining to the issue of notes or other obligations to the Secretary of the Treasury) shall be vested in the Secretary.

Section 1210(b).—Requires that borrowed Treasury funds must be deposited in the national flood insurance fund established under section 1211.

National flood insurance fund

Section 1211(a).—Authorizes the Secretary to establish in the U.S. Treasury a national flood insurance fund. Premium equalization payments to the insurance pool, reinsurance claims of the pool, and repayments of borrowed moneys to the Secretary of the Treasury (available from appropriations or reinsurance premiums) will be charged to the fund. Administrative expenses of carrying out the program may also be paid out of the fund.

Section 1211(b).—Requires the fund to be credited with: (1) Borrowed Treasury funds, (2) reinsurance premiums payable by the insurance pool, (3) amounts advanced to the fund from appropriations in order to maintain it on adequate levels, (4) interest on the investment of surplus amounts in the fund, (5) administrative expenses included in chargeable premium rates and which have been paid to the Secretary, and (6) receipts from other operations incident to the insurance program; and, in the event the flood insurance program is carried out through the facilities of the Federal Government, the insurance premiums paid.

Section 1211(c).—Authorizes the Secretary of the Treasury to invest surplus moneys in the fund in obligations issued or guaranteed by the United States, if: (1) All outstanding obligations have been liquidated, and (2) any outstanding amounts that have been advanced to the fund from appropriations for reinsurance payments to the pool have been credited to that appropriation, with interest accrued at a rate based on the average current yield on outstanding marketable obligations of the United States of comparable maturities.

Section 1211(d).—Provides that the fund will be available to finance the operation of the flood insurance program if the Secretary finds that it should, in whole or in part, be carried out through the facilities of the Federal Government, including costs incurred in the adjustment and payment of loss claims and payment of applicable operating costs of private insurers if such companies are involved. Any premiums paid are to be deposited in the fund.

Operating costs and allowances

Section 1212(a).—Directs the Secretary to negotiate with appropriate representatives of the insurance industry, from time to time, for the purpose of prescribing a current schedule of operating costs applicable to risk-sharing and non-risk-sharing participants in the flood insurance program, and a current schedule of operating allowances (profits) applicable to risk-sharing insurers. These schedules will be prescribed in regulations.

Section 1212(b).—Specifies that operating costs include: (1) Expense reimbursements covering the expenses of selling and servicing the insurance, (2) reasonable compensation or commissions payable for selling and servicing the insurance, (3) loss adustment expenses, and (4) other expenses which the Secretary finds were incurred in selling or servicing the insurance. Operating allowances include amounts for profit and contingencies which the Secretary finds reasonable and necessary.

Payment of claims

Section 1213.—Authorizes the Secretary to prescribe regulations establishing methods for the adjustment and payment of claims for losses to property insured under the flood insurance program.

Dissemination of flood insurance information

Section 1214.—Directs the Secretary to make information and data available to the public and to any State and local agency regarding: (1) The coverage and objectives of the flood insurance program, and (2) estimated and chargeable flood insurance premium rates, and the basis for the difference between such rates.

Prohibition against certain duplications of benefits

Section 1215(a).—Contains provisions which will prevent Federal disaster assistance from being made available to compensate for any loss to the extent it is covered by flood insurance. Also provides that no such assistance shall be made available to the extent losses of real or personal property could have been covered (at the maximum limits) if flood insurance was actually available more than 1 year prior to the loss. Authority is provided for the Secretary to prescribe, by regulations, an exception to this latter provision for low-income persons who might otherwise benefit from such assistance.

Section 1215(b).—Provides that "Federal disaster assistance" includes any Federal financial assistance made available to any person as a result of: (1) A major disaster, as determined by the President pursuant to "An Act to authorize Federal Assistance to State and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); (2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961; (3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act.

Section 1215(c).—Makes the term "financial assistance" as used in section 10 of the Disaster Relief Act of 1966 (which directs that Federal assistance programs be administered to avoid duplication of benefits) include flood insurance.

State and local land use controls

Section 1216.—Provides that after June 30, 1970, no new flood insurance coverage (including renewals) will be provided in any area unless an appropriate public body had adopted permanent land use and control measures, with effective enforcement provisions, which the Secretary finds consistent with the comprehensive criteria for land management and use prescribed under section 1261.

Properties in violation of State and local law

Section 1217.—Prohibits any new flood insurance (including renewals) for property which violates State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Coordination with other programs

Section 2118.—Directs the Secretary to consult with Federal, State and local agencies having responsibilities for flood control, flood forecasting, and flood damage prevention, in order to assure mutual consistency between the programs of such agencies and the flood insurance program.

Advisory committee

Section 1219(a).—Directs the Secretary to appoint a flood insurance advisory committee. The purpose of the committee is to advise the Secretary with respect to the administration of this act and in the preparation of the regulations prescribed in the act.

Section 1219(b).—Provides that the committee shall consist of not more than 15 persons selected from: (1) The insurance industry, (2) State and local governments, (3) lending institutions, (4) the home-building industry, and (5) the general public.

Section 1219(c).—Provides that committee members, while attending conferences or meetings, will be compensated at a rate fixed by the Secretary not to exceed $100 a day and to also receive travel and living expenses when serving away from their homes or regular places of business.

Initial program limitations

Section 1220.—Provides that the face amount of flood insurance coverage outstanding and in force at any given time cannot exceed $2.5 billion.

Report to the President

Section 1221.—Directs the Secretary to include a report on the operations of the flood insurance program provided for under this act in his annual report to the president for submission to the Congress.

Chapter II—Organization and Administration of the Flood Insurance Program

Organization and administration

Section 1230.—Directs the Secretary, after such consultation with representatives of the insurance industry as may be necessary, to implement the flood insurance program by providing for an industry program with Federal financial assistance. In the event this program proves unworkable, the Secretary is directed to provide for a Federal program with industry assistance.

Part A—Industry Program With Federal Financial Assistance

Industry flood insurance pool

Section 1231(a).—Authorizes the Secretary to encourage and assist private insurers to join together in a pool to provide flood insurance coverage and to participate financially in underwriting the risk assumed and in assuming responsibility for some proportion of claims for losses.

Section 1231(b).—Authorizes the Secretary to prescribe rquirements for private insurers participating in the pool, including, but not limited to, minimum requirements for capital or surplus or assets.

Agreements with flood insurance pool

Section 1232(a).—Authorizes the Secretary to enter into agreements with any insurance pool as he deems necessary to carry out the purposes of this act.

Section 1232(b).—Provides that any agreement with a pool shall specify the terms and conditions under which: (1) Risk capital will be available for the adjustment and payment of claims, (2) the pool and its participants will participate in premiums received and profits or losses, (3) the maximum amount of profit which may be realized as established by the Secretary under section 1212, (4) operating costs prescribed under section 1212 and allowances are to be paid, and (5) premium equalization payments and reinsurance claims will be paid.

Section 1232(c).—States that the agreements will also contain such provisions as the Secretary finds necessary to assure that: (1) No qualified insurer wishing to participate in the pool will be excluded, (2) insurers participating in the pool will provide continuity of flood insurance coverage, and (3) other insurance companies, agents, and brokers will to the maximum extent practicable be permitted to cooperate with the pool as fiscal agents or otherwise on a non-risk-sharing basis. This section assures that no insurance companies shall be excluded from the program on the basis of considerations such as size.

Judicial Review

Section 1233.—Authorizes private insurers participating in the pool to adjust and pay claims for losses and permits any claimant, upon disallowance of a claim, or upon the claimant's refusal to accept the amount allowed on a claim, to institute an action, within 1 year after notice of disallowance is mailed, in the U.S. district court for the district in which the insured property or the major portion of it was situated. Jurisdiction would be conferred on the district court without regard to the amount in controversy. Claimants could also avail themselves of legal remedies in State courts.

Premium equalization payments

Section 1234(a).—Directs the Secretary, on such terms and conditions as he shall provide, to make periodic payments to the pool in recognition of any reduction made in chargeable premium rates under estimated risk premium rates in order to provide flood insurance on reasonable terms.

Section 1234(b).—Provides that payments for a share of the claims paid in a given period will be based on the aggregate amount of flood insurance retained by the pool after ceding reinsurance in accordance with section 1235.

Subject to the limiting terms and conditions of the basic agreement between the Secretary and the pool under section 1232, the Secretary is also authorized to make payments to the pool for a proportionate amount of applicable operating costs (including only administrative expenses) and allowances on the same ratio basis as used to determine the sharing of claim payments.

Section 1234(c).—Authorizes the Secretary to establish designated pay periods and the methods for determining the sum of premiums paid or payable during such periods.

Reinsurance coverage

Section 1235(a).—Authorizes the Secretary to take such action as may be necessary to make available reinsurance coverage to the insurance pool for excess losses.

Section 1235(b).—Authorizes entering into contracts, agreements or other arrangements to provide reinsurance, in consideration of premiums, fees, or other charges as the Secretary finds necessary to cover anticipated losses.

Section 1235(c).—Authorizes the Secretary to negotiate an excess loss agreement with the insurance industry pool whereby claims above a certain limit will be submitted to the Secretary on a portfolio basis, and paid by the Federal Government.

Section 1235(d).—Provides that reinsurance claims must be submitted on a portfolio basis, in accordance with terms and conditions as may be established by the Secretary.

Section 1235(e).—Provides that such pool shall make no distribution of earnings for a period of up to 5 years based on flood insurance premiums, unless the aggregate cumulative premiums, fees, or other charges established for excess loss reinsurance under subsection (b) and collected for deposit in the national flood insurance fund exceeds the aggregate cumulative expenses paid for reinsurance claims by such fund.

Part B—Government Program

Federal operation of the program

Section 1240(a).—Authorizes the Secretary, after consultation with representatives of the insurance industry if he makes a determination that the flood insurance program cannot be effectively carried on through the insurance pool, to take the necessary steps to operate the program through the facilities of the Federal Government, either by: (1) Utilizing insurance companies, other insurers, agents, brokers, and adjustment organizations as fiscal agents of the United States, (2) by utilizing employees of the Department of Housing and Urban Development or other Government employees (by arrangement with the heads of other agencies), or (3) by a combination of alternatives (1) and (2) above.

Section 1240(b).—Provides that at least 90 days before an all-Federal program of insurance is entered into by the Secretary, during all of which time Congress shall be in session, he shall make a report to the Congress which will: (1) State the reasons for his determinaton that a program under the industry-Government option in part A cannot be carried out, (2) support such determination by pertinent findings, (3) indicate the extent to which he anticipates the industry will be utilized in the all-Federal program, and (4) make any other recommendations he deems advisable.

Adjustment and payment of claims

Section 1241.—Authorizes the Secretary to adjust and pay claims, and authorizes any claimant, upon disallowance of a claim, or upon refusal of the claimant to accept an amount allowed, to institute an action, within 1 year after notice of disallowance or partial disallowance, is mailed, in the U.S. district court for the district in which the insured property or the major portion of it was situated. Jurisdiction would be conferred on the district court without regard to the amount in controversy.

Part C—Provisions of General Applicability

Services by insurance industry

Section 1245(a).—Provides legal authority for the Secretary to enter into the necessary arrangements with the insurance industry to implement the flood insurance program set forth in the act, including provisions for payment of applicable operating costs and allowances for such facilities and services.

Section 1245(b).—Exempts any such arrangements from any provisions of Federal law requiring competitive bids or requiring that contracts or purchases of supplies or services by the Federal Government be made only after advertisement is provided for a sufficient time to allow competitive proposals to be made.

Use of insurance pools, companies, or other private organizations for certain payments

Section 1246(a).—Authorizes the Secretary to enter into contracts with any pool, insurance companies, or other private organizations he finds acceptable for use as fiscal intermediaries. Such intermediaries could (1) estimate and determine amounts of Federal payments, and (2) audit participating insurers, agents, brokers, or adjustment organizations, as may be necessary to assure that proper payments are made.

Section 1246(b).—Provide that any contract may contain provisions necessary to carry out the Secretary's responsibilities, under the provisions of the act.

Section 1246(c).—Provides that contracts authorized by this section would be exempted from any provisions of Federal law requiring competitive bidding or requiring that contracts or purchases of supplies or services by the Federal Government be made only after advertisement is provided for a sufficient time to allow competitive proposals to be made.

Section 1246(d).—Requires a finding by the Secretary that the contracting party can perform its obligations efficiently and effectively before a contract can be entered into.

Section 1246(e).—Provides that the Secretary is authorized to require a safety bond from any organization performing responsibilities under the authority granted and any of its officers and employees. No individual designated to certify payments will be liable with respect to payments certified by him in the absence of gross negligence or intent to defraud the United States. No officer disbursing funds in accordance with a proper certification of payments would be liable with respect to such payments in the absence of gross negligence or intent to defraud the United States.

Section 1246(f).—Specifies that contracts will be automatically renewable from year to year in the absence of notice from either party as to termination, except that the Secretary may terminate a contract after reasonable notice if he determines that the other party has substantially failed in its obligations or in carrying them out in a manner inconsistent with the efficient and effective administration of the flood insurance program.

Settlement and arbitration

Section 1247(a).—Authorizes the Secretary to make final determination and settlement of any claims arising from the financial transactions which he is authorized to carry out under the act. The Secretary may, however, refer such disputes to arbitration.

Section 1247(b).—Specifies that this arbitration would only be advisory in nature.

Records and audit

Section 1248(a).—Provides that any flood insurance pool receiving financial assistance under the program, and any pool, company, or other private organization which has entered into any contract, agreement, or other arrangement with the Secretary under parts B and C of chapter II, shall keep such records as the Secretary prescribes. Such records are to fully disclose the total costs of the programs undertaken or services rendered, so as to facilitate an effective audit.

Section 1248(b).—Provides that the Comptroller General and the Secretary (or their duly authorized representatives shall have access to any books, documents, papers, and records of the pool, insurance company or other private organizations, which are pertinent to the costs of the programs set forth in this act.

Chapter III—Coordination of flood insurance with land-management programs in flood-prone areas

Identification of flood-prone areas

Section 1260.—Authorizes the Secretary, utilizing the Army Corps of Engineers, the Geological Survey, the Soil Conservation Service, the Environmental Science Services Administration, TVA, and other Federal departments and agencies, to identify and publish information within 5 years after the effective date of the act with respect to all flood plain areas, including coastal areas in the United States, which have special flood hazards. The Secretary is also required to establish within 15 years, flood risk zones in these areas and to make estimates with respect to the rates of probable flood-caused loss for the various flood risk zones for each area.

Criteria for land management and use

Section 1261(a).—Authorizes the Secretary to carry out studies or investigations with regard to the adequacy of State and local measures in flood-prone areas, as to land management and use, flood control, flood zoning, and flood damage prevention.

Section 1261(b).—Provides that these studies and investigations deal with laws, regulations or ordinances relating to encroachments and obstructions on stream channels and floodways, the orderly development and use of flood plains of rivers or streams, floodway encroachment lines or flood plain zoning, building codes, building permits, and subdivisions or other building restrictions.

Section 1261(c).—Provides that based on his studies and investigation, the Secretary is authorized to develop comprehensive criteria designed to encourage, where necessary, the adoption of permanent State or local measures which will lessen the exposure of property and facilities to flood losses, improve the long-range management and use of flood-prone areas, and inhibit, to the maximum extent feasible, unplanned and economically unjustifiable future development in such areas. The Secretary is also authorized to work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies to encourage the application of such criteria and the adoption and enforcement of such measures as may be necessary to help in reducing any unnecessary damages resulting from floods.

Purchase of certain insured properties

Section 1262.—Authorizes the Secretary to negotiate with owners of real property covered by flood insurance which are located in any flood-risk area, and damaged substantially beyond repair by flood, for the purchase of such property. The Secretary is then authorized to transfer such property to those State or local agencies agreeing to use the property for at least 40 years for those purposes as the Secretary may, by regulation, determine to be consistent with sound land use and management. This authority is voluntary and no property owner would be required to sell or lease his property to the Secretary.

Chapter IV—Appropriations and miscellaneous provisions

Studies of other natural disasters

Section 1270(a).—Authorizes the Secretary to make studies to determine the extent to which insurance protection against earthquakes or other natural disasters is not available and the feasibility of making such protection available.

Section 1270(b).—Provides that studies under this section be made in cooperation with other Federal, State, or local agencies, and authorizes the Secretary to enter into agreements for the conduct of such studies with other Federal agencies, on a reimbursement basis, or with State and local agencies.

Payments

Section 1271.—Vests discretion in the Secretary to make payments under this program in advance of their actual need, or by way of reimbursement.

Government Corporation Control Act

Section 1272.—Makes the provisions of the Government Corporation Control Act applicable in the administration of the flood insurance program to the same extent as applicable to wholly owned Government corporations.

Finality of certain financial transactions

Section 1273.—Provides that any financial transaction under this act or payment received or made in connection therein shall be final and conclusive upon all officers of the Government.

Administrative expenses

Section 1274.—Provides that any administrative expenses of the Federal Government in carrying out the flood insurance program may be paid out of appropriated funds.

Appropriations

Section 1275(a).—Authorizes the appropriations necessary to carry out the flood insurance program, including sums to cover administrative expenses and to reimburse the national flood insurance fund for premium equalization payments and reinsurance claims paid out of the fund.

Section 1275(b).—Provides that these funds shall be available without fiscal year limitation.

Effective date

Section 1276.—Provides for the act to become effective 120 days following the date of enactment, except that the Secretary is authorized to extend the effective date up to 180 days afer enactment if he finds conditions necessitate a long preparatory period.

TITLE XIII—INTERSTATE LAND SALES

Short title

Section 1301.—Provides that this title may be cited as "The Interstate Land Sales Full Disclosure Act".

Definitions

Section 1302.—Defines the terms contained in this title.

Exemptions

Section 1303(a).—Provides for specific exemptions from the provisions of the act.

Section 1303(b).—Provides that the Secretary of HUD may make exemptions from any of the provisions of the act if he finds the coverage is not necessary in the public interest and for the protection of purchasers due to the small amount of the offering or its limited character.

Prohibitions relating to the sale or lease of lots in subdivisions

Section 1304(a).—Makes it unlawful for any developer or agent engaged in interstate commerce (1) to sell or lease any lot unless a statement of record is in effect pursuant to section 1307 and a printed property report is furnished to each purchaser in accordance with section 1308; (2) to employ any device, scheme, or artifice to defraud; to obtain money or property by means of a misrepresentation with respect to information in the statement of record or the property report or any other information; or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit on the purchaser.

Section 1304(b).—Provides that a purchaser may revoke a contract or agreement of purchase if he is not given a copy of the property report before or at the time of his signing the contract. Where the purchaser does not receive the property report 48 hours before signing the contract, he may revoke it within 48 hours, unless the purchaser read the property report, and inspected the lot to be purchased before signing the contract and so stipulates in writing.

Registration of subdivisions

Section 1305(a).—Provides that a subdivision may be registered by filing a statement of record with the Secretary meeting the requirements of the act and the rules and regulations prescribed by the Secretary.

Section 1305(b).—Provides for payment to the Secretary by the developer of a registration fee not in excess of $1,000 in accordance with a schedule to be fixed by regulations of the Secretary.

Section 1305(c).—Provides that the filing of a statement of record or an amendment takes place on its receipt accompanied by payment of the fee provided in subsection (b).

Section 1305(d).—Requires that information contained in or filed with a statement of record be available to the public under regulations prescribed by the Secretary.

Information required in statement of record

Section 1306.—Provides that the statement of record shall contain certain information and be accompanied by certain specified documents.

Taking effect of statements of record or amendments thereto

Section 1307(a).—Provides that a statement of record, or any amendment, shall take effect on the 30th day after filing or at an earlier date if the Secretary so determines. When additional lands are offered for disposition, a developer may consolidate the statement with any prior statement of record offering subdivided land under the same promotional plan.

Section 1307(b).—Provides that the Secretary advise the developer within a reasonable time if the statement is materially defective. Such notification suspends the effective date until 30 days after a corrective filing is made. The developer may, however, request a hearing which must be held within 20 days of the Secretary's receipt of the request.

Section 1307(c).—Requires the developer to file an amendment to a statement if any change occurs subsequent to its effective date which affects any material fact required to be contained in the statement.

Section 1307(d).—Permits the Secretary to suspend a statement of record if it appears to him that it includes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary to make the statement not misleading.

Section 1307(e).—Empowers the Secretary to make an examination to determine whether an order should be issued under subsection (d) and allows him to have access to and demand production of any relative books and papers of the developer, his agent, or any other person when the matter is relevant to the examination.

Section 1307(f).—Permits any notice required under section 1307 to be sent to or served on the developer or his authorized agent.

Information required in property report

Section 1308(a).—Provides that a property report shall contain any information in the statement of record that the Secretary deems necessary, as well as any other information prescribed under rules and regulations of the Secretary as necessary or appropriate.

Section 1308(b).—Requires that the property report not be used for any promotional purposes before the statement of record becomes effective and then only if used in its entirety. States that no person may advertise or represent that the Secretary approves or recommends the subdivision.

Cooperation with State authorities

Section 1309(a).—Provides that the Secretary of Housing and Urban Development shall cooperate with State authorities responsible for regulating the sale of lots in subdivisions subject to the act. It permits the Secretary to accept for filing under, and declare effective as a statement of record, material filed with and found acceptable by such authorities.

Section 1309(b).—Provides that nothing in the act shall affect the jurisdiction of any State real estate commission.

Civil liabilities

Section 1310.—Provides for civil liabilities against a developer or agent who sells or leases lots in a subdivision in violation of the provisions of the act.

Court review of orders

Section 1311(a).—Permits any person aggrieved by an order or determination of the Secretary, which was issued after a hearing, to obtain review in the U.S. court of appeals for the circuit in which the person resides or has his principal place of business or in the U.S. Court of Appeals for the District of Columbia.

Section 1311(b).—Provides that commencement of proceedings under subsection (a) will not stay the Secretary's order unless specifically ordered by the court.

Limitation of actions

Section 1312.—Bars the bringing of an action to enforce any liability created under section 1310 (a) or (b)(2) unless it is brought within 1 year after discovery of the untrue statement or the omission or after the discovery should have been made. If the action is to enforce a liability established under section 1310(b)(1), it must be brought within 2 years after the violation upon which it is based. No action under the act may be brought more than 3 years after the sale or lease of the property.

Contrary stipulations void

Section 1313.—Provides that any condition, stipulation, or provision requiring a person to waive compliance with the act, or rules and regulations of the Secretary pursuant to it, shall be void.

Additional remedies

Section 1314.—Provides that rights and remedies under the act are in addition to other rights and remedies at law or equity.

Investigations, injunctions, and prosecution of offenses

Section 1315(a).—Authorizes the Secretary to file suit to prohibit violations of the act or any rule or regulation promulgated pursuant to the act in any U.S. district court or in the U.S. District Court for the District of Columbia. The Secretary is also authorized to transmit evidence concerning prohibited acts or practices to the Attorney General who may institute criminal proceedings.

Section 1315(b).—Authorizes the Secretary to initiate investigations to determine if any person has violated or is about to violate the act or rules or regulations prescribed pursuant to it.

Section 1315(c).—Empowers the Secretary or his designee to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records relevant or material to an investigation or proceeding under the act.

Sections 1315 (d) and (e).—Provides for enforcement of subpenas issued by the Secretary in the U.S. district courts and for procedures concerning attendance and testifying at hearings prescribed by the Secretary.

Administration

Section 1316(a).—Vests authority and responsibility for administering the act in the Secretary of Housing and Urban Development and gives him authority to delegate any functions, duties, and powers under the act to employees of the Department or to boards of such employees in accordance with the provisions of sections 3105, 3344, 3562, and 7521 of title 5 of the United States Code.

Section 1316(b).—Requires that hearings be public and appropriate records be kept.

Unlawful representations

Section 1317.—Provides that the fact that a statement of record has been filed or is in effect does not constitute a finding by the Secretary of Housing and Urban Development that it is true and accurate on its face or that the Secretary has passed on the merits or approved a subdivision.

Penalties

Section 1318.—Establishes penalties for any person who violates the provisions of the act or any rules any regulations issued pursuant to the provisions of the act. The maximum penalty is a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

Rules, regulations, and orders

Section 1319.—Authorizes the Secretary of Housing and Urban Development to make, issue, amend, and rescind rules, regulations, and orders necessary or appropriate to the exercise of his functions and powers under the act.

Jurisdiction of offenses and suits

Section 1320.—Provides that the U.S. district courts and the U.S. District Court for the District of Columbia shall have jurisdiction of offenses and violations under the act and the rules and regulations prescribed pursuant to it. It provides these courts concurrent jurisdiction with State courts for all suits in equity or at law to enforce liabilities or duties created by this act.

Appropriations

Section 1321.—Authorizes appropriation to carry out the purposes of this act.

Effective date

Section 1322.—Provides that the act shall be effective 180 days after enactment.

TITLE XIV—TEN-YEAR HOUSING PROGRAM

Sections 1401–1404.—Adds new provisions to the housing laws requiring the President to submit a report, not later than January 15, 1969, containing a 10-year plan for the national housing needs, along with legislative recommendations for fulfilling these needs. In addition, these sections require annual reports to be made by the President on January 15, 1970, and on each succeeding year through 1978 showing the progress made under the plan and the reasons why, if any, the goals set forth in the plan have not been reached along with estimates of the need for the following year. This title also requires a final report to be submitted by January 15, 1979.

TITLE XV—MISCELLANEOUS

Model cities

Section 1501.—Amends section 111(a) of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize an appropriation of $1 billion for the model cities program for fiscal year 1970. In addition, this section adds an authorization of $12 million for planning assistance and administrative expenses for the demonstration cities program to be made available for fiscal year 1969.

Urban renewal demonstration grant program

Section 1502.—Amends section 314(a) of the Housing Act of 1954 to permit demonstration grants to be made to nonprofit organizations for carrying on demonstration projects and other activities for the prevention of slum and blight. (Existing law permits grants to public bodies only.) This section provides that such demonstration undertakings by nonprofit organizations must be consistent with any plans of a local public agency. This section also increases the percentage of the Federal grant from two-thirds of project cost to 90-percent of project cost. This section further increases the amount of capital grant funds available for demonstration projects from $10 million to $20 million.

Authorization for urban information and technical assistance services program

Section 1503.—Amends section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize an appropriation of $5 million for fiscal year 1969 and $15 million for fiscal year 1970 to carry out the purposes of the "Title IX Program" under which matching grants are made to States to help them provide urban information and technical assistance services to communities of less than 100,000 population.

Advances in technology in housing and urban development

Section 1504.—Amends section 1010(d) of the Demonstration Cities and Metropolitan Act of 1966 to authorize the appropriation of such money as may be necessary to continue the advances in technology in housing and urban development programs authorized under section 1010. This section would also permit the letting of research contracts for periods of up to 4 years instead of the present authorized 2-year period.

College housing

Section 1505.—Amends title IV of the Housing Act of 1950 by adding to the existing college housing 3-percent direct loan program a new program of annual grants to cover the difference between the average annual debt service an educational institution is required to pay on borrowings from private sources and the average annual debt service it would be required to pay under the 3-percent rate presently available under the direct-loan program. Annual grants with respect to any project could be contracted to be made for periods up to 40 years. The total amount of annual contracts contracted to be made for this interest rate subsidy could not exceed $10 million and this amount would be increased by an additional $10 million on July 1, 1969.

Federal-State training programs

Section 1506.—Amends sections 801, 802, and 805 of title VIII of the Housing Act of 1964 to expand the program to permit grants to States for the training of subprofessional as well as professional persons who will be employed by nonprofit organizations as well as public organizations in the field of housing and community development. This section would also allow grant assistance to be extended to Guam, American Samoa and the Trust Territory of the Pacific in order to meet the needs of these areas for training capable housing and community development technical and professional personnel.

Additional assistant Secretary for Housing and Urban Development

Section 1507.—Amends the first sentence of section 4(a) of the Department of Housing and Urban Development Act to increase the number of assistant secretaries for such department from five to six.

International housing

Section 1508.—Rewrites section 604 of the Housing Act of 1957 to clarify authority of HUD to: (1) Exchange data on housing and urban development with foreign countries; (2) employ private citizens to participate in intergovernmental and international meetings sponsored or attended by HUD; and (3) accept funds and other donations from international organizations, foreign countries, and private foundations in connection with activities carried on under international housing programs.

Low-rent public housing—corporate status

Section 1509 (Technical).—Amends sections 3 and 17 of the United States Housing Act of 1937 to repeal language which is now obsolete.

Eligibility for rent supplement payments

Section 1510.—Extends eligibility to participate in rent supplement program to two projects in New York City.

Consolidation of the low-rent public housing in Washington, D.C.

Section 1511.—Allows the National Capital Housing Authority in Washington, D.C., to consolidate, pursuant to section 15(6) of the United States Housing Act of 1937, into its annual contributions contract for its 8,423 units of low-rent housing under title II of the District of Columbia Alley Dwelling Act, the operating income and operating expense accounts for its 72 units of low-rent housing under title I of such act.

Urban renewal project in Garden City, Mich.

Section 1512.—Makes local expenditures in construction of the Florence Primary School in Garden City, Mich., eligible as a local grant-in-aid to the Cherry Hill urban renewal project in Garden City, Mich.

Urban renewal project in Sacramento, Calif.

Section 1513.—Makes local expenditures in connection with the construction of a storm drainage stem eligible as a local grant-in-aid to the Capitol Mall Riverfront urban renewal project in Sacramento, Calif.

Self-help studies

Section 1514.—Amends section 207 of the Housing Act of 1961 to permit the Secretary of HUD to include the study of self-help in construction, rehabilitation, and maintenance of housing for low-income persons and families in the low-income housing demonstration program. Also directs Secretary of HUD to make a report to Congress within 1 year after date of enactment of this act, setting forth the results of the self-help studies and demonstrations carried out under section 207 with such recommendations as he deems appropriate.

Earthquake study

Section 1515.—Amends section 5 of the Southeast Hurricane Disaster Relief Act of 1965 to extend the time the Secretary of HUD is required to report his findings and recommendations on earthquake insurance from October 31, 1968 to June 30, 1969.

Technical amendments

Section 1516(a).—Amends section 110(c) of the Housing Act of 1949 to make it clear that urban renewal project funds can be used for "the restoration of acquired properties of historical or architectural value."

Section 1516(b).—Amends section 110(d) of the Housing Act of 1949 to make it clear that grant-in-aid credit can be given for expenditures by a public body for the construction of foundations and platforms on air rights sites in urban renewal projects to the same extent that such work could now be done with project funds.

Section 1516(c).—Amends section 110(e) of the Housing Act of 1949 to make it clear that the restoration of historic properties can be carried out as an urban renewal project cost for those projects approved for three-fourths Federal grant assistance on a limited project cost basis.

Section 1516(d).—Amends section 1101(c) (3) of the National Housing Act to permit amortization of the mortgage term under the medical group practice facilities program to commence after completion of construction of the facility rather than at the time the mortgage is executed.

Section 1516(e).—Amends section 213(o) of the National Housing Act to clarify the authority of the Secretary to invest all moneys, not currently needed for the operation of the cooperative management housing insurance fund, in Government bonds or obligations, or in the purchase on the open market of debentures which are the obligation of the fund.

Section 1516(f).—Amends section 810(e) of the National Housing Act to permit an individual, who is approved by the Secretary, to be a mortgagor under the FHA section 810 housing program for military personnel or employees or personnel of NASA or AEC research or development installations.

Home Owners' Loan Act of 1933

Section 1517(a).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to invest in time deposits or certificates of deposit in banks insured by the FDIC under regulations issued by the Federal Home Loan Bank Board and also amends section 5(c) to broaden the authority of a Federal savings and loan association to invest up to 1 percent of its assets in loans guaranteed by the Agency for International Development to help finance housing projects or home financing institutions in developing nations outside of Latin America.

Section 1517(b).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to permit a Federal savings and loan association to make loans for the construction of new structures related to residential use of the property under the existing exception applicable to property improvement loans.

Section 1517(c).—Amends section 5(c) of the Home Owners' Loan Act of 1933 to authorize a Federal savings and loan association to invest in loans to federally supervised financial institutions secured by investments in which the association has statutory authority to invest directly.

Federal Home Loan Bank Act

Section 1518.—Amends section 12 of the Federal Home Loan Bank Act to authorize Federal home loan banks, subject to regulations by the Federal Home Loan Bank Board, to purchase AID-guaranteed housing loans and to sell participations therein to any bank member.

Federal Reserve Act

Section 1519.—Amends section 24 of the Federal Reserve Act to authorize construction loans up to 36 months in length as an exception to the limitation on real estate loans. (Under existing law, such construction loans may not exceed 24 months.)

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that staff members of the Committee on Banking and Currency, including the Housing Subcommittee thereof, be authorized to be on the floor during the consideration of the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, on yesterday afternoon, the distinguished senior Senator from Maine [Mrs. Smith] asked a question and asked that it be answered in the course of the debate. I should like to answer the question of the Senator from Maine at this time. And if I omit anything, I should like the Senator from Illinois [Mr. Percy] to feel free to prompt me.

Mr. President, the senior Senator from Maine [Mrs. Smith] asked in the Congressional Record of yesterday, at page 14800, that I list the portions in the committee bill, S. 3497, which were adopted from S. 1592, a bill introduced by the Senator from Illinois [Mr. Percy], of which the Senator from Maine was a cosponsor, as well as list those portions of S. 1592 which were not included in the committee bill.

Mr. President, I will ask the Senator from Illinois to check me on my statement if I am incorrect. I said that Mrs. Smith was a cosponsor of the measure. I believe that every Member on the Republican side was a cosponsor, and there were three Democrats in addition to that. Furthermore, the bill was introduced by 112 Members of the House of Representatives. So it had very broad representation. Much of S. 1592 is in the committee bill, S. 3497. Some Senators on the minority side of the aisle have spoken to me about the committee bill, and I said, "Oh, sure, you certainly ought to support it, because you are one of the cosponsors." And that is just about what it amounts to.

Does the Senator from Illinois wish to be recognized?

Mr. PERCY. Mr. President, I should like to comment that not only was the Senator from New York [Mr. Javits] exceedingly gracious in working very closely with me on this bill, but also I believe it very important that the Senator from Washington [Mr. Magnuson] be recognized. He was an original cosponsor, and, of course, is chairman of the Independent Offices Subcommittee of the Senate Appropriations Committee.

Mr. SPARKMAN. The Senator is correct. I did not name the Democratic Senators, but I do know that there were three Democrats. I do recall that Senator Magnuson was one.

As the Senator from Maine knows, S. 1592 proposes the creation of a National Home Ownership Foundation which would have the authority to issue $2 billion worth of federally guaranteed debentures. The funds raised by the issuance of these debentures would be loaned to local "eligible borrowers"—that is, nonprofit corporations and organizations. In turn, these local organizations would construct or rehabilitate housing units and sell them to families needing housing. When appropriate, an interest rate subsidy would be given to the purchaser.

Funds necessary to provide debt service for the debentures when not paid back to the National Home Ownership Foundation by the homeowner receiving the loan and subsidy would be made up by direct appropriations from the U.S. Treasury.

S. 1592 also proposed that the Foundation would be given very broad authority to give assistance for training and other types of services and counseling that would help lower income families be more responsible homeowners.

As the Senator from Maine knows, several other bills, in addition to S. 1592, were introduced during the first session of the 90th Congress to provide assistance toward helping lower income families become homeowners. The bills, like S. 1592, contained a variety of ways in which such housing would be financed. The committee considered all of these matters and developed a committee bill which encompasses the best ideas for homeownership from all the bills submitted. The committee bill uses the established FHA mortgage insurance programs to promote homeownership rather than giving a nonprofit private foundation Federal guarantee backup for obtaining funds with which to promote housing as was proposed in S. 1592. That is, we did not authorize the issuance of debentures guaranteed by the United States, backed up by the Treasury.

In considering S. 1592, the committee was mainly concerned about giving a completely private nonprofit foundation a $2 billion bonding authority where the Federal Government would have very little jurisdiction and supervision over any of the activities of the Foundation. The committee, did, however, accept the idea of creating a National Home Ownership Foundation with certain functions for the purpose of providing technical assistance and encouraging local nonprofit groups to sponsor housing programs for lower income families. The committee bill authorizes an appropriation of $10 million for the Foundation to carry on its activities.

Since S. 1592 and the several other proposals before the committee were aimed toward providing homeownership for lower income families, it would be very difficult to list all of those portions which were included, or not included, from S. 1592 and the other bills in the committee bill.

Since S. 1592 was introduced by Senator Percy, who is a member of the Banking and Currency Committee and who supports the committee bill, I invite him to elaborate on these remarks, if he wishes, for the benefit of the Senator from Maine.

Personally, I feel that a very refreshing idea was brought to the committee by the proposal of the Senator from Illinois, as embodied in S. 1592. Much of the essence of it was first contained in S. 2700, which the committee reported last year, and now is contained probably to a greater extent—certainly, the interest subsidy is more in line with what he advocated—in the present bill.

Again, I am glad to pay tribute to the distinguished Senator and to all those who joined in sponsoring that bill. It is largely included in the present bill.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. PERCY. I will be very happy to study carefully the distinguished Senator's statement.

In quick analysis, from what I have heard, it seems to me that the distinguished Senator has fully answered the question. I am happy to respond to the request of Senator Smith. I was particularly pleased to have her cosponsor the National Home Ownership Foundation Act inasmuch as she is my senior colleague on the Aeronautical and Space Committee as well as chairman of the Republican conference. Her support of the principles enbodied in S. 1592 has meant a great deal to me.

The spirit of the committee has been to embrace the principles of S. 1592. In only one point did we actually fail to achieve one important objective of the original bill, and this was in the ability of the National Home Ownership Foundation to issue debentures that would be guaranteed by the Federal Government.

Mr. SPARKMAN. The Senator is correct. The Senator knows that there was considerable question about it in the committee as a whole and downtown—the idea of the Treasury guaranteeing bonds issued by a private corporation. Yet, we said that the program we worked out would give us a chance to try it out, and then we could chart the course in the future.

Mr. PERCY. May I say at that point that no Senator, particularly a freshman Senator from the minority party, could have been given more time and attention on this particular point.

I recall one afternoon last year in a Capitol conference room, when we felt that the whole process of government would slow up because we had so many people from downtown tied up—from HUD, the Federal Reserve, the Treasury, and other agencies—to try to work out this principle.

The committee itself has directed that 6 months after the enactment of this bill, we take another look to see whether sufficient money is flowing into the depressed rural and slum areas of our cities. If we find that mortgage credit is not sufficient to do the job then the committee will come back to take another look, to see how greater capital can be created.

But in the meanwhile, I was very pleased that the principle of partnership and government reinforcement was included in the administration request this year.

Mr. SPARKMAN. The Senator is correct. S. 2700 did not contain that provision, but the new bill does.

Mr. PERCY. At some point in the future, the need may be so great and the impact on the budget so great that if we move ahead with the type of job that must be done we may come back—after we have had experience with the bill and the National Home Ownership Foundation—and give this bonding power to the National Home Ownership Foundation so that it can issue debentures backed up by the Federal Government.

I believe we have proceeded in a cautious, prudent manner, and I am fully satisfied that every consideration has been given to S. 1592. I believe we could have moved ahead faster by giving bonding authority to the Foundation now, but I am willing to wait and see whether or not we have fulfilled the need in the committee bill and to reassess the situation in the future.

Mr. SPARKMAN. I thank the Senator.

I appreciate the patience of the Senator from New York in waiting for us to conclude these remarks.

Mr. JAVITS. Mr. President, first I should like to state to the Senator from Alabama that it is I who am indebted to him. I missed the time allocated to me because of a plane difficulty, and hence, quite properly, was called on to await my turn. He has been very gracious, and so have Senator Percy and Senator Tower for allowing me to proceed.

ECONOMIC POLICIES WHICH AFFECT THE HOMEBUILDING INDUSTRY

Mr. FULBRIGHT. Mr. President, I am pleased to note that title XIV of S. 3497 requires the President to submit to Congress annual reports upon progress in achieving our national goal of "a decent home and a suitable living environment for every American family." This has been our goal since the enactment of the Housing Act of 1949.

The requirements of title XIV are quite similar to a bill which I introduced on August 11, 1966. The purpose of my bill—S. 3714, 89th Congress, second session—was to require public debate of economic policies which affect the homebuilding industry.

I support title XIV wholeheartedly, and I hope that it may result in a national effort to achieve stability and expansion in the production of housing by the thousands of private businessmen engaged in homebuilding.

Mr. President, I ask unanimous consent to have printed in the Record: First, the text of my bill, S. 3714; second, excerpts from my remarks in the Senate on August 11, 1966; third, a letter which I wrote to the President of the National Association of Home Builders on October 19, 1966; fourth, an excerpt from the NAHB statement of policy for 1967; and, fifth, an excerpt from pages 119 and 120 of the report (No. 1123) of the Senate Committee on Banking and Currency on S. 3497.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 3714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the program of the President as expressed in his annual message to the Congress shall include statements and recommendations concerning a residential construction goal. In furtherance of the realization of this goal the President shall transmit to the Senate and the House of Representatives, after the beginning of each session of the Congress, but not later than January 20, a report which shall include the following: (1) a statement indicating the minimum number of housing units which should be started during the then current calendar year, or such year and the next following calendar year, in order to be consistent with the program of the President, (2) an indication of the manner in which the law will be administered by the executive agencies to achieve the number of housing units specified under clause (1), and (3) any recommendations for legislative action that the President determines are necessary or desirable in order that the construction of such specified number of housing units may be started.

EXCERPTS FROM REMARKS OF SENATOR FULBRIGHT TO THE SENATE, AUGUST 11, 1966

Mr. Fulbright. Mr. President, I congratulate the Senator from Alabama and his colleagues on the Banking and Currency Committee for their continuing attention to the housing needs of the Nation. For several years during my chairmanship of the Banking and Currency Committee, it was my privilege to serve under the capable leadership of the Senator in his capacity as chairman of the Housing Subcommittee—a position which he still holds.

Through these years and through many prior years, the committee was periodically faced with crises in the homebuilding industry, because our economy was allocating an inadequate quantity of savings to home mortgage credit. Time after time, the committee recommended and the Senate passed bills designed to relieve critical shortages of mortgage money. Today we are in the midst of another such crisis.

I intend to support the committee recommendations, and I urge other Senators to do likewise. I believe that the time has come, however, to treat the cause of this recurring ailment rather than to continue ministering doses of aspirin and antihistamines, which merely relieve the unpleasant symptoms.

Mr. President, the drastic curtailment of homebuilding—described in the committee report—is a result of national fiscal and monetary policies. But the effects of these policies on homebuilding are never publicly debated until they have been implemented and their damaging effects have begun to reverberate throughout the economy. We can no longer afford the waste and sacrifice inevitable in a cycle of boom and bust in homebuilding. Roller coasters are for amusement parks and should not be characteristic of an economic system capable of relative stability.

Even a cursory review of the effects of fiscal and monetary policies over the last 20 years will reveal the circumstances under which home mortgage credit will be plentiful or will be scarce. Decisions made by the Federal Reserve Board, by the Treasury Department, by the Bureau of the Budget, by the Department of Housing and Urban Development, and by the Federal Home Loan Bank Board, turn the volume of homebuilding up or down like water from a faucet.

But these policies are never discussed or debated in specific terms until the homebuilding industry is drowning in a sea of tight money and going down for the third time. The present crisis has been foreseeable for many months. Each time that the discount rate is raised, each time that competition for savings causes a rise in yields offered to investors, each time that rates to borrowers are raised, the ultimate effect upon the supply and price of home mortgage credit becomes clearer and more certain. But this effect of monetary and fiscal policies is never discussed specifically in terms of the homebuilding industry.

This unhealthy state of affairs was recognized by the Committee on Banking and Currency in 1960. In that year the committee concluded a 2-year study of home mortgage credit needs anticipated for the present decade. The first recommendation made by the committee was addressed to the problem I am discussing. The committee recognized that fluctuations in home building do not occur by accident.

The committee realized that these fluctuations are foreseeable and are a result of planned monetary and fiscal policies. To oversimplify, these policies require home building to quickly take up the slack when the economy is sagging, and to take it in the neck when the economy is booming.

Mr. President, we can plan better than we have been doing, and the time has come for the Congress to insist upon better planning.

Recommendations No. 1 of the Subcommittee on Housing, April 15, 1960, read in part, as follows:

"The subcommittee recommends . . . an amendment of existing law to require the following annual report from the President: At the beginning of each session of the Congress, the President shall transmit to the Senate and the House of Representatives a report stating, among other things, (1) the minimum number of housing units which should be started during the calendar year, or 2 calendar years following submission of the report, in order to be consistent with the program of the President, (2) the manner in which discretion contained in law will be used by Federal agencies to achieve this minimum number of starts, and (3) recommendations for changes in law which may be required to enable the achievement of this minimum number of starts."

This recommendation was subsequently expressed in bill form—S. 3379 of 1960—and, in modified form was included in the omnibus housing bill of 1960—S. 3670, Senate Report No. 1575. During debate on S. 3670, on June 16, 1960, the provision to require an annual housing goal was deleted from the bill by a vote of 44 to 37. It is interesting to note, Mr. President, that the proposal for an annual housing goal was supported by the late President Kennedy, by President Johnson, and by Vice President HUMPHREY. In fact, a total of 50 Senators voted for or were announced in favor of the proposal, and only 47 Senators voted or were announced in opposition.

Mr. President, I submit that if section 101 of S. 3670 had been enacted into law in 1960, we would not today be debating emergency measures to relieve a critical depression in homebuilding. If section 101 had been enacted, the Congress would have deliberated the economic plans of the President in 1961, 1962, 1963, 1964, 1965, and 1966 as they specifically related to the supply of home mortgage credit, and there would have been appropriate action to maintain stability in this vital economic commodity.

So far as I know, the need for better planning has not attracted attention since 1960. This is because 1966 is the first crisis year since that time—but it will not be the last such crisis, if we continue to let homebuilding be the primary deflator of an overheated economy.

Mr. President, it has been our practice to rely upon economic policies which periodically victimize the homebuilding industry. I propose that we devise economic policies which promise greater stability in allocating public and private savings to satisfy the growing shelter needs of the Nation.

I considered offering an amendment to the pending bill, but have decided instead to introduce a separate bill which may be studied prior to the next session of Congress. If there is no evidence of improvement in our national economic planning in the Economic Report of the President next January, the Congress should give prompt attention to the enactment of appropriate legislation.

OCTOBER 19, 1966.

Mr. LARRY BLACKMON,
President, National Association of Home Builders, Washington, D.C.

DEAR MR. BLACKMON: Thank you for your letter of October 13 and for your kind remarks concerning my support of housing legislation. I agree with you that action should be taken to relieve the alarming reduction in residential construction, but I am not very hopeful about the prospect for meaningful action in the near future.

It seems clear to me that decisions made by the Treasury, the Bureau of the Budget, and the Federal Reserve Board, throughout 1966, have been made with knowledge that a reduced volume of homebuilding would be an inevitable result. In other words, efforts to deflate an overheated economy have affected homebuilding in greater proportion than other segments of the economy, and this consequence was foreseeable.

Unfortunately, these decisions were made without any public debate of their effect upon homebuilding, and without any public discussion of alternative deflationary actions. The tremendous cost of the war in Vietnam—now engaging U.S. forces in a dimension exceeded in our history only by WW I and WW II—demands reduced economic activity in non-war related pursuits. Otherwise, the value of the dollar would erode at a faster rate than we are now experiencing.

Perhaps it would have been wiser to have imposed general wage and price controls, or restricted auto production, or deferred highway construction, the space program, and public works projects, or to have chosen a combination of these and other alternatives. The fact of the matter is, however, that none of these alternatives were chosen, and homebuilding is bearing a greater burden as a result.

I suggest, therefore, that it would be more prudent, and certainly more democratic, to discuss and debate national economic policies prior to their adoption and implementation. It is for this reason that I introduced S. 3714, about which we corresponded several months ago.

Based upon present estimates of the course of the war in Vietnam, its demand upon our economy will not diminish in 1967. Consequently, some hard decisions must be made with respect to continuing efforts to maintain national economic stability next year.

If the annual Economic Report to the Congress were to address itself specifically to prospects for homebuilding as estimated to be affected by Federal fiscal and monetary policies, it is possible that courses of action might be chosen which would lessen the burden upon your industry. If not, opportunity would have been afforded to face the issue squarely prior to adoption and implementation of policies predictably depressing to homebuilding.

If you are reluctant to support S. 3714 in its present form, I would be pleased to receive your recommendations for modification.

With best wishes, I am,
Sincerely yours,
J. W. FULBRIGHT.

[Excerpt from NAHB statement of policy for 1967]

IV. NATIONAL HOUSING GOALS

The events of the past year emphasize the need for a statement of specific National Housing Goals to minimize the danger of constant change in the direction of housing without the kind of orderly national debate which should precede any major shift in important public policy.

NAHB will take the lead to establish such goals and to obtain recognition of them by all appropriate Federal, state, and local governments. We will seek the cooperation of all groups in home building and residential finance and all others concerned with housing opportunity for all.

[Excerpt from S. Rept. 1123 on S. 3497]

TITLE XIV—10-YEAR HOUSING PROGRAM

Declaration of purpose

Section 1401 of the bill declares that the national commitment made in the Housing Act of 1949 to the goal of "a decent home and a suitable living environment for every American family" can best be attained through a definite plan providing for the effective utilization of available resources and capabilities existing in both the public and private sectors of the economy over a fixed period of 10 years.

This statement and finding by Congress would be in furtherance of the policy declared in 1949 and would bring it more into current focus by stressing the need for housing goals in the immediate future as well as for a plan by which they may be brought to public realization. Such a legislative pronouncement would also be in line with the recent proposal by the President to construct 6 million federally assisted housing units for low and moderate income families over the next 10 years.

Report outlining plan

Section 1402 of the bill would require the President to make a report to Congress on or before January 15, 1969, setting forth a 10-year plan covering the period June 30, 1968, to June 30, 1978. This plan would contain the number of units anticipated in both the Government-assisted and the conventional markets for each of the 10 years, together with a statement of what reduction in substandard units is expected, an estimate of costs in the various Federal programs for legislative action. The report would also include an estimate of residential mortgage market needs, including availability and flow of mortgage funds, for the coming year, and such other data and recommendations as are deemed pertinent.

Periodic reports

Section 1403 of the bill would require annual reports by the President on January 15 of each year, which reports would compare the results for the previous year with the goals set forth in the plan for that year. These annual reports would be required to give reasons for not meeting objectives, if that be the case, and would also set forth any revised objectives as would be necessary, together with an estimate of the availability and flow of mortgage funds. The annual reports would also provide an analysis of the monetary and fiscal policies for the coming calendar year required to carry out the objectives of the plan, and could contain such further legislative recommendations as deemed appropriate by the President.

Final report

Section 1404 of the bill would provide for a final report by the President on January 15, 1979 showing in detail the success or failure of the plan and an analysis of the reasons therefor.

The committee believes that there should be unification toward national housing objectives among the several departments and agencies of the Federal Government. While the Department of Housing and Urban Development is primarily involved in this subject, both the Department of Agriculture and the Veterans' Administration have direct contact with the public regarding it. The operations of the Federal Reserve Board respecting the flow of credit and the volume of borrowings permitted through the Federal Home Loan Bank Board, as well as the marketing and purchasing prices and policies of the Federal National Mortgage Association should not be determined or conducted without a view toward achieving some minimum volume of housing production consistent with the need for both housing and general economic stability.

It is the view of the committee that the stating in definite terms of annual minimum housing goals with this added requirement of giving specific reasons in case they are not met, can do much toward achievement of the volume and stability of housing production that is so essential to the orderly growth of the country.

ORDER FOR ADJOURNMENT

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VIETNAMESE PEACE NEGOTIATIONS

Mr. **JAVITS**. Mr. President, I speak today because I feel a conscientious duty toward our two Ambassadors in Paris, Ambassadors Harriman and Vance, with whom I talked at some length in Paris Tuesday night. I promised them I would make some observations in the Senate based on our talks.

I have just returned from presiding over a meeting of the Political Committee of the North Atlantic Assembly in Brussels, and from conferring in Paris with Ambassadors Harriman and Vance about Vietnam negotiations. Also, I had the great privilege of an audience with His Holiness Pope Paul who has been such a respected and persuasive advocate of peace in Vietnam.

There are certain observations and recommendations on Vietnam which these experiences have induced me to make, and I hope they will be of use to my colleagues and to our Nation.

I found a somewhat more sympathetic attitude in Europe regarding the Vietnam war. While we were being roundly condemned before by many, European criticism is being muted. However, I see no real prospect of material support for our efforts in the war.

There is, however, relief and a sense of confidence in Europe that a beginning has been made to attain the peace. In short, there is an attitude of sympathy in Europe as we carry on the negotiations.

As to the negotiations themselves, our negotiators are Ambassadors of the highest character and proven skill. They are, of course, bound by their brief from Washington and their efforts are subject to what is happening in the war itself so long as it continues. It is about this especially that I wish to speak.

For, we must have a clear idea of what we want to attain to be able to attain it. Also, we must be prepared to hear the other side uttering the abrasive words so typical of the Communists. All the while, the threat of a walkout hangs over the heads of all, as well as the use of the talks for propaganda purposes. This is standard operating procedure for the Communists. Therefore, we must have a basic concept from which we cannot depart even though there is always the risk that negotiations may break off for a time as a result. At the same time, this concept must be of such a basic nature that we are prepared to face a "moment of truth" with the Government of South Vietnam when we may feel that we are willing to make peace on a set of agreed negotiated terms and they may not. That may happen.

What we seek, as I understand it, is to end the war by transferring the struggle to the political forum. Also, that we intend that the political resolution be on a one-man, one-vote basis. In other words, the political forum must be generally opened up in free elections to all elements in the country—the political opposition to the present South Vietnamese Government—a number of whose principal leaders are now in custody—Buddhist leaders, and NLF members, including even Communists.

We know what North Vietnam wants. It wants an unconditional cessation of the bombing of any part of the north and for the United States to cease all other acts of war against it. For these purposes the North Vietnamese spokesmen in Paris hide behind the transparent fraud that there are no North Vietnamese military units in South Vietnam—a fraud Ambassador Harriman has very ably unmasked.

The question now is how do the parties get to the main point and when are the other parties to this main point brought in, to wit: the Government of South Vietnam, the NLF and perhaps others.

It is my view that the United States needs to state its purpose in the talks—the North Vietnamese have stated theirs—and that this purpose should be a cease-fire in place. In this I believe our negotiations should be backed by the people of the United States who would then be able to exercise the forbearance and patience which the difficulty and probable length of the negotiations will require.

Such an objective, that is, a cease-fire in place, by us would also deal with a basic sticking point in the negotiations and with the view of a large segment of United States opinion. This sticking point is, on the one hand, the insistence of North Vietnam that the remaining limited bombing of North Vietnam is "aggression" which the United States has "unleashed," and on the other hand our position that the current bombing is confined to the area and I quote from the President's statement, "where the continuing military buildup directly threatens allied positions, and where the movement of troops and supplies are related to that threat," and that the President "could not in good conscience stop all bombing so long as such action would immediately and directly endanger the lives of our men and allies."

What troubles many in this country who have wanted to end the bombing, is how to meet the assertion that we must now increase the intensity of the bombing within the limited zone outlined by the President, and launch major search and destroy operations in order to prevent another major North Vietnamese and Vietcong offensive in the south which would directly endanger the lives of our men and allies.

To declare the purpose of our negotiations to be a cease-fire in place seems to me to be the best position for the United States. Indeed, Ambassador Harriman has already signaled such an approach by his proposal to restore the demilitarized status of the DMZ.

It is undeniable that the President, in rolling back the bombing, has taken a first step and that, if "face" is a serious consideration, North Vietnamese "face" should reasonably have been satisfied. It is also undeniable that the President has thereby relieved the peril to the overwhelming mass of the population of North Vietnam and of sparking a wider conflict involving the U.S.S.R. or Communist China.

Considering therefore the declared purpose of the remaining U.S. bombing and the impossibility of North Vietnam's denying that its trooop units are operating in South Vietnam, the refusal of North Viet to join in a cease-fire while a political settlement is negotiated, would make Hanoi responsible for the continued killing. North Vietnam holds the key to stopping the killing. If a cease-fire is offered by us—and Hanoi refuses—then North Vietnam is the enemy of the peace. As to the Vietcong, if it does not honor a cease-fire agreed to by North Vietnam, then it remains a "behind the lines" problem to be dealt with by the South Vietnamese. However, if a cease-fire agreement is to be meaningful, both South Vietnam and the Vietcong should be committed to it, as well as North Vietnam and the United States.

With the United States committed to its position in negotiations, as seeking a cease-fire in place, forbearance and patience and support of our negotiators by the American people become a clear line of action—a line of action called for by all the hard lessons we learned during the 2 years of Korean negotiations, which few of us will forget.

Such a line of action necessarily excludes setting a time deadline on the U.S. side for the negotiations to be completed. Such a deadline could only embarrass us. If too prospective, it is weak; if short, the North Vietnamese have but to wait it out to build up their case of aggression as the deadline arrives and we are compelled to break off the talks.

Also, our position aimed at a cease-fire relieves the President of much pressure from the hawks in his own administration and from those who would seek vindication for their ideas even now in some military victory over North Vietnam, a military victory that would require waging all-out war—a course firmly rejected by our Government and people.

In my judgment, it is essential that those in Washington who send Governor Harriman his negotiating instructions realize that they cannot expect to achieve the optimum terms at the negotiating table, which have so far eluded us by use of the maximum resources we have seen fit to deploy on the battlefield.

The Nation wants peace negotiated in

Vietnam if it can reasonably be done. President Johnson has acknowledged this. On March 31 he even withdrew himself from the presidential race in order to effect it and in recognition of the will of the Nation on this issue. But it remains to be implemented.

Also, it is essential that our military establishment realizes that its valor and fighting skill are not in question. This is not the issue in the public mind. Our military forces have performed their military tasks with distinction and indeed heroism. Thus, rear guard efforts designed to retrieve "prestige" are unnecessary and could endanger peace.

That the negotiations will be long and difficult and will tax our patience and our tempers, there is no doubt. Therefore, let us at least broaden the objective of the Paris talks to achieve a cease-fire in place which, if pursued in good faith, can do much to gain for the administration time and room for maneuver for a negotiated peace settlement.

Now, Mr. President, I realize keenly it is essential that anyone who speaks to this matter, in the midst of the negotiations now going on, must do so with a sense of delicacy to avoid any adverse effect on the Paris talks.

All that I have tried to lay out here, based upon my experience in Europe, and upon my talks with our two Ambassadors, is to suggest a way in which the people of the United States can give to the President and to our negotiators that amount of time, patience, and forbearance which clearly will be required of them in this situation.

The North Vietnamese negotiators have very clearly stated the aim of their government. We should state our aim to be a cease-fire in place, in order to give room and opportunity for negotiating a political settlement which may be a long and different effort indeed.

Mr. MILLER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MILLER. Let me say, first, that I respect very much the sincerity and the efforts of the Senator from New York to make a contribution to the serious problem we face. I should like to ask him a few questions.

First, how would this cease-fire be policed?

Mr. JAVITS. Cease-fires generally are agreed upon by the parties to them—because both sides desire a cease-fire. They are policed by themselves. If a cease-fire is violated, then the other party has the right to resume hostilities. That was the case in Korea. That is the classic way in which a cease-fire is handled. There is also a distinction to be made between rather minor incidents which violate a cease-fire, and a breakdown of the cease-fire as such and on a significant scale.

Mr. MILLER. I remind my colleague that there have been about seven or eight ceasefires during this war, ranging all the way from 1 day to upward of a month, and there have been literally hundreds of violations of those cease-fires by the enemy. Now if there should be a cease-fire and then there should be violations continuing, which I would guess, on the basis of our own experience, would happen, so that if that should happen—and we would hope and pray that it would not—but if it should, then would it be the case that the cease-fire would be off and the fighting would begin, or do we just sit there and let continued violations pile up?

Mr. JAVITS. I answer my colleague by saying that the cease-fires to which he refers were those for holidays such as Tet, and so forth. They were not cease-fires as a result of set negotiations, face to face negotiations between parties with respect to a termination of hostilities and looking toward a negotiated settlement. Thus, I do not think they are analogous. In addition, it is a classic fact—we all understand it—that if there is a breach of that cease-fire which in the view of either one of the parties is serious enough, it is free to resume hostilities. The way in which this is handled, however, is that so long as the negotiations continue—and that was true in Panmunjom—the parties will come to the negotiating table and generally deal with the alleged violations of the cease-fire as an element in such negotiation.

I should like to say to my colleague that certainly I cannot, he cannot, no one can, ever guarantee that a cease-fire will continue. The history of war is that once they are negotiated as an element of a continuing peace negotiation, they generally do continue, although there are violations. The parties generally can deal with those violations in the process of negotiation.

Mr. MILLER. Let me say to my colleague that I recognize there could be a difference between a negotiated cease-fire—negotiated, say, at Paris—and an informal cease-fire which is generally agreed upon by means of radio communications between Hanoi and Saigon.

The point I want to make, though, is that if there was good faith out of Hanoi during the previous cease-fires, the good faith was quite evidently abridged so that we might not be too surprised if there is a similar violation, even if there is a negotiated cease-fire.

There is another point here and that is that if there should be a violation and if it should be, thereupon, important for us to resume hostilities as a result, it would not necessarily mean an end to the negotiations or to the talks. They could continue right along. I detect that my colleague might think this would happen when, in his statement, he states that if we had a deadline prescribing the deadline, we would be compelled to break off the talks. It would have to be that way, I submit. We could make a deadline so far as successful negotiations were concerned, and if the negotiations did not succeed by that time, then we could resume any military action deemed appropriate and continue the negotiations, could we not?

Mr. JAVITS. I do not believe that we could, if we set a deadline for how long we would talk. Great nations cannot bluff. We would have to set a certain time for talks, say x number of weeks, 3 weeks, and so forth. And then if we got no agreement by the end of that time, we would have to quit.

Mr. MILLER. I would agree, if we put it that way, but I do not think we need to put it that way.

Mr. JAVITS. I am urging that we do not. I am sure that the Senator would agree with me that we should not.

Mr. MILLER. I think we could say that we are going to continue negotiations but if there has not been certain progress made by a certain date then appropriate military action would be continued.

Mr. JAVITS. I do not believe that we could negotiate on that basis. I think that would be bad for us. That is what I am exactly against. The Senator and I may disagree. I thoroughly disagree with the Senator on that, that we can negotiate effectively by setting a deadline. If we did that, and there was no progress, we would have to break off negotiations. I would set no deadline.

Mr. MILLER. I suggest to the Senator that we might find ourselves in the position, if we do not set any deadline, by the end of the deadline for talks, or a deadline for a certain success of the talks, which would necessarily mean breaking off the talks thereafter, then we might find ourselves in a situation in which, in order to protect our troops and the South Vietnamese, we might have to leave the entire military establishment over there, our 500,000 men and all its equipment, for 1 year, 2 years, or 3 years.

It would seem that we might be leading ourselves into a most unenviable position by opening it up that way without some indication of a deadline.

Mr. JAVITS. I am sorry, but I do not go along with the Senator at all. We are in there now with 500,000 men, and unless we can negotiate peace, we might be in there for 2, 3, 4, or even 20 years more, and many thousand more troops. I am trying to outline what I think would be the most effective way to negotiate. I do not believe that that would be an effective way; namely, to set a time deadline. I think the Senator and I just differ on that.

Mr. MILLER. One more point. The Senator suggests that if the Vietcong would not honor a cease-fire, then that problem could be dealt with by the South Vietnamese. I detect the implication that if the North Vietnamese agreed to a cease-fire, the South Vietnamese might not, which would imply that South Vietnam is not being controlled by North Vietnam which, as I understand it, from all authority, it is controlled by North Vietnam.

Mr. JAVITS. There is no implication like that there. I do not think the Senator meant South Vietnam. I think he meant the Vietcong in South Vietnam. The only implication—and it is a military point—is that the North Vietnamese may agree to a cease-fire and allege they cannot control the guerrillas, Vietcong terrorists, or infiltrators. I pointed out that that need not necessarily make impractical an agreement to a cease-fire which was respected by the regular North Vietnamese armed units. In other words, it would be practical even if there were elements of the Vietcong, irregulars and terrorists, who continue to operate, because that would be a problem which each side would be able to deal with. The ARVN would deal with it, even if there was a cease-fire.

Mr. MILLER. May I suggest that I do not believe that is a practical situation, because many Vietcong are intermingled with North Vietnamese troops. Many of them are involved with U.S. troops, not ARVN troops. What are we going to do if we say we are going to cease fire and they say they are going to cease fire, and, next thing, the North Vietnamese are firing at our troops? Are we going to wait until the ARVN comes in to protect them?

Mr. JAVITS. The Senator knows that is not my position.

Mr. MILLER. What are we supposed to do?

Mr. JAVITS. We are supposed to defend ourselves against anyone who shoots at us. I am suggesting a cease-fire only if, on the military details, it seems to be practical. We are not going to enter upon a cease-fire if it is impracticable. I am only pointing out that, if there are some Vietcong, et cetera, it does not necessarily invalidate our agreement on a cease-fire.

Mr. MILLER. I would respect that, but what still concerns me is that the Senator from New York seems to think that the South Vietnamese would take care of that. That is what he says here.

Mr. JAVITS. I do, and I would hope so.

Mr. MILLER. Why?

Mr. JAVITS. They have 800,000 men under arms, and they have to take the responsibility which is properly theirs.

Mr. MILLER. The Senator from Iowa is very much aware of that; but, I repeat, What do we do in a situation where our own troops are literally surrounded by the Vietcong and the ARVN forces are far away?

Mr. JAVITS. I have said what we would do. We are not going to enter into a cease-fire that is not practical. The Senator from New York is not saying that our troops are going to be sitting ducks. That is ridiculous. All I am saying is that the main responsibility for dealing with saboteurs and terrorists, in terms of internal security, is with the South Vietnamese troops. They are doing it now.

Mr. MILLER. In the situation the Senator from Iowa is talking about, it would not be handled by the South Vietnamese; it would be handled by our troops?

Mr. JAVITS. Of course, if we are being attacked.

Mr. MILLER. I wanted to be sure of the Senator's point.

The final point I wish to make is that all the evidence we have—all our military leaders have subscribed to this, and this is in effect our policy, because it has been announced by the President and the Secretary of State—shows that the Vietcong are directed and controlled by the North Vietnamese. Assuming the validity of that argument—and I have heard of no evidence otherwise—are we laying ourselves open to the North Vietnamese agreeing to a cease-fire and then letting the Vietcong, under their direction, carry on their dirty work for them?

Mr. JAVITS. If that is the kind of ceasefire we are faced with, we will not accept it. We are not going to negotiate a ceasefire with one hand and with the other hand get clobbered over the head. I am talking about a genuine ceasefire. The only contingency I was trying to deal with was with remaining guerrillas or Vietcong irregulars who cannot be controlled. In that case, it becomes an internal security problem.

Mr. MILLER. Knowing the Senator from New York as I do, we are not engaged in playing games with the North Vietnamese, and that should be made clear and loud.

Mr. JAVITS. That is why I say we should make as strong a stand as they have.

Mr. MILLER. I thank the Senator for responding. I must say I appreciate his sincere attempt to make a contribution to what is going on. I have some misgivings over it, especially the prospect of a long delayed period of negotiations tying up all our troops over there for 3 or 4 or 5 or perhaps 20 years. I would hope we would have some way of reconciling our differences over a deadline. I think the understanding should be that this is not to be a repetition of what happened in Korea.

Mr. JAVITS. I submit to my colleague that is above personal, let alone party, considerations. One of the main purposes of my speaking is that right now it would be very much wiser to give our people an opportunity to negotiate there without a time deadline than with a deadline. I think that is critical. I have spoken on the floor today because I wanted to get that idea across.

I thank my colleague for his help.

Mr. HART. Mr. President, before the Senator from New York leaves, I want to thank him for the comments he has made. He was thoughtful enough to send us a draft copy of his remarks. What he has had to say, and the timing of it, are excellent.

The one point that had not occurred to me, frankly, and which ought not to be overlooked in the contribution of the Senator from New York is the caution that, in the several years of brutal military action, there remain military men who are deeply convinced that, if they had a little more elbow room, they could prove what they have said all along—that they could achieve victory. The Senator from New York and I have never bought that. I think a most useful point is made when he cautions us to recognize that, human nature being what it is, there are men who have this conviction. It would be tragic if our Ambassadors, Mr. Harriman and Mr. Vance, in support of the President, are to be undermined in any respect by this small group that wants to prove it can bring the war to an end by military victory, which is impossible.

Mr. JAVITS. I thank the Senator for his comments. I really believe there is a chance at Paris to get a serious negotiation. I have tried to chart a course which would help us, if humanly possible, to realize that goal.

Mr. HART. The people of this country want a negotiated peace, and they want it done within reason.

NORTH VIETNAM ESCALATES WHILE NEGOTIATING

Mr. MILLER. Mr. President, in today's newspapers we read that the U.S. command in Saigon reports that last week saw 549 more U.S. troops killed in the war in Vietnam, the second highest weekly toll of the war and second only to the 562 killed the week before.

These tragic figures are what the President predicted at the White House last February 1, when he said that cessation of the bombing of North Vietnam would surely lead to more casualties among our troops.

The mounting death toll among our troops, who are bearing the real burden of this war, is the direct result of the escalation by North Vietnam of the flow of troops and war materiel into South Vietnam in response to the President's curtailment of our air campaign over North Vietnam nearly 8 weeks ago.

As I pointed out last Friday and a week ago last Monday, the President's assumption that North Vietnam would not take advantage of our restraint has proved erroneous. Press reports from South Vietnam uniformly indicate that instead of deescalating the flow of troops and war materiel to the south, north Vietnam has escalated the flow. All evidence indicated that this is exactly the kind of response that would be made.

Yesterday the President is reported to have warned North Vietnam that under no circumstances will it be allowed to win on the battlefield while negotiating in Paris. Such a warning is of small comfort to those who have paid and are paying the price for the erroneous assumption of the President that North Vietnam would not take advantage of our restraint. It is not enough. Our fighting forces in South Vietnam should not be exposed to greater peril on the battlefield, even though North Vietnam may not win on the battlefield. They are entitled to maximum protection from the enemy in their battlefield engagements. They should face fewer, not more, invading enemy troops on the battlefield.

Again, for the third time in 2 weeks, I call upon the President to take the American people into his confidence and tell them how North Vietnam has failed to respond to our restraint, has escalated its fighting forces in the south in order to cause greater casualties to our troops. And I again call upon him to make the policy decision, which the Secretary of Defense said would be made if the assumption that North Vietnam would not take advantage of our restraint proved erroneous.

I repeat that this policy decision should be in favor of—and never against—those who fight for freedom in South Vietnam.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The Senate resumed the consideration of the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

Mr. TOWER. Mr. President, the Housing and Urban Development Act of 1968, which we are now taking up for consideration, is the end result of a long and concerted effort by the members of the Committee on Banking and Currency to analyze and come to grips with the housing needs of our Nation's lower-income citizens.

The enormity of the problems facing many of our cities and rural communities does not lend to oversimplied solutions. These problems are real, to be sure, and the fact that we must approach the tasks facing us with every resource at our command goes without saying.

All these problems can, in my opinion, be solved if approached by a direct rather than in a disconcerted manner. We need not be awed by the seeming complexities ahead of us as we strive for solutions. And, likewise, we should not be so awed by the problems of our cities that we abandon objectivity and prudent inquiry in our undertakings in this area.

The problems facing our cities are many, but they did not arise overnight, and they will not be solved overnight. To believe such would only give rise to false hope. Our task is to make as much progress as possible, utilizing such resources as are available to do the job.

I think a good deal of the unrest, the surliness, and the angriness in our cities today has been precipitated by those of us in public life who have promised far more than we can deliver. So it should be understood that what we propose here today is not going to be a panacea, and will not solve everything overnight. However, it certainly is a start; I believe it should be recognized as such.

As our Nation's population has grown over the years, so have the housing needs of our citizens increased. The private sector of our economy has done a magnificent job of producing this housing, and our cities and communities give visible testimony to the fact that this housing is for the most part sufficient by any standard.

But, with the passage of time, there has come deterioration of large numbers of dwelling units. The lag in replacing these structures has been compounded by the increasing need for new units.

As our cities have expanded along with our population growth, great numbers of our families have sought out new and better housing to serve their needs. Much of the housing they have left behind has become outmoded and subject to neglect.

These are the dwellings that in most instances have come to be occupied by families with meager financial resources. Such structures now comprise entire neighborhoods in many of our cities.

Of the approximately 53 million occupied housing units in the United States, some 15 percent are considered substandard. It is estimated that about 75 percent of these substandard units are occupied by families with incomes of $4,000 or less. These families are the subject of our rightful concern. These are the families most in need of a helping hand if we are to make possible a decent living environment for every one of our citizens.

If there is to be continued Government assistance in the area of housing, these lower income families should be the beneficiaries.

The Government's past record in this area, however, is not in any sense enviable. Those programs now in existence have only served to make many of our needy families wards of the Government. They have displaced more families than they have housed. Entire neighborhoods and the lives of their inhabitants have been disrupted. Housing programs intended to rehouse these families have instead been out of their financial reach.

It is no small wonder that the families living in our deteriorated neighborhoods have not welcomed the Government's activities. To perpetuate this situation rather than providing better alternatives would be to disregard past experience.

I would urge that those programs bogged down in their shortcomings be made to justify their existence. There is altogether too little effort or inclination in this regard. Instead, programs proliferate and the ones marked by failure continue forward in unrestrained fashion. There must be a point at which we take stock of this unjustifiable trend.

In answer to where we begin and how we do it, I would answer that we must stimulate a response at the local level, unleash the productive capability of the private sector, and involve every single individual in the task at hand.

The human factor is all important. Where there is incentive and opportunity, there will be a response of individual initiative and responsibility. Direct Government involvement should be restrained when it is obvious that the price of its participation will be the inhibiting of this self-initiative.

Such has not been the case in the past, and there are those that would urge even greater reliance on the Government by the individual in the future. I would say to them that now is the time to reverse this misguided philosophy lest it erode the very foundations we should be building upon.

Greater Government involvement is not, I submit, the answer to fulfilling our country's housing needs. We have long been a nation housed by the efforts and resources of the private sector.

There should be a greater effort than ever before to accelerate the involvement of free enterprise and of the individual in solving the problems of our cities, for the Government not only cannot do the job alone but it should not be expected to do so. Every individual in every city and community should be encouraged and afforded the opportunity to participate in and benefit by the private enterprise process. It is this opportunity that we must extend.

This bill has within it several innovative programs for the production of housing for our lower income citizens. These programs hold out promise that such housing can be produced through the efforts of private enterprise, both for rental and ownership purposes.

The committee has prefaced the bill with a "declaration of policy" which calls for the highest priority and emphasis in Government-assisted housing programs for families with incomes so low that they could not otherwise decently house themselves.

By so assisting these families, we have it within our means to insure that the national goal of a decent home and a suitable living environment for every American family will be fulfilled. Our efforts should likewise encourage private enterprise to serve as large a part of the total need as it can in striving for the fulfillment of the goal.

I view the committee's efforts in formulating these programs as possible alternatives to existing programs. We should, I believe, accept, amend, or reject them in this context.

But, most importantly, I would urge that we guard against any trend toward turning our Nation into one predominantly housed by its Government. Similarly, we must not encourage the Government to enter into competition with free enterprise. Government must instead encourage free enterprise. It must encourage all of our citizens to participate in free enterprise.

As the ranking minority member of the committee's Subcommittee on Housing and Urban Affairs, I commend our chairman and my committee colleagues for their diligent efforts during the formulation of this bill.

I think that Senator SPARKMAN is probably the most knowledgeable man in the entire Congress of the United States on this matter.

We experienced an atmosphere of cooperation and cooperation in the consideration of this measure in committee. Where we have disagreed, we have disagreed agreeably.

I believe that we have produced a bill, that, while I might have some disagreements with it, represents the sentiment of the committee.

There are areas of the bill with which I do not concur, and I intend to invite this body's close scrutiny of several of its provisions. I will offer amendments to these provisions.

Overall, however, the thrust of the committee's efforts touches upon an area of vital concern to every Member and relates to our national well-being in general. It is my hope that the bill will provide workable solutions to many of the perplexing problems facing our cities and their inhabitants today.

Mr. President, noting that the distinguished Senator from Alabama is present on the floor, I thought I might raise a question or two with him regarding our procedure on the bill.

I am perfectly willing for my part to

agree to controlled time on the bill and on any amendments that might be offered.

I wonder if that is the view of the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, may I say to the distinguished Senator from Texas, whom I complimented earlier for the wonderful help and cooperation he gave in preparing the bill and bringing it to the floor, that I surely share those feelings.

I earnestly hope that we can finish the bill before leaving here for the Memorial Day holiday.

Mr. TOWER. I thought it might be a good idea, even though we do not agree on the situation, to mention it here and thus to serve notice on the Senators that this is what we would like to do.

Mr. SPARKMAN. Mr. President, I would like to do so. At some time when it is convenient and when the majority leader is available, I would like to talk with the distinguished Senator from Texas and the majority leader and the minority leader, if he can be present—and if not, certainly we can communicate with him—and see if we cannot evolve some plan that will make it certain that we can bring the measure to a conclusion before the termination of business on Wednesday, which does mark the beginning of the Memorial Day holiday.

Mr. TOWER. I believe that if we can agree on a controlled time situation by Monday, that will be helpful.

It is my understanding that the Senator from Alabama thought it would be a good idea if I were to offer one of my amendments and make it the pending business when we come in on Monday.

Mr. SPARKMAN. It is perfectly agreeable to me. I would say that one or two more speeches will be made today.

The Senator from Wisconsin [Mr. PROXMIRE] is prepared to speak. One or two other Senators have indicated to me that they might wish to speak.

I think it would be fine if the amendment were offered.

I did suggest earlier today, in response to inquiries, that it would be my thought that there would be no votes today.

Mr. TOWER. That was my understanding. I can submit the amendment now, at a time when we are not involved in a controlled-time situation. In that way some of our colleagues would be protected.

Mr. SPARKMAN. I think that would be very good.

AMENDMENT NO. 822

Mr. TOWER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 3, line 22, strike out "be of lower income" and insert "have an income not in excess of 70 per centum of the limits prescribed by the Secretary for occupants of a project financed with a mortgage insured under section 221(d)(3) which bears interest at the below-market interest rate prescribed in the proviso of section 221(d)(5),".

On page 7, strike out lines 14 through 22, as follows:

"(2) Not more than 20 per centum of the total amount of assistance payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made on behalf of families whose incomes at the time of their initial occupancy are in excess of 70 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d)(3) which bear interest at the below-market interest rate prescribed in the proviso of section 221(d)(5)."

On page 7, line 23, strike out "(3)" and insert "(2)".

Mr. PERCY. Mr. President, I rise to speak today on behalf of myself and 39 Senate colleagues who last year sponsored with me S. 1592, the National Home Ownership Foundation Act. They will not be held accountable for all that I am about to say, but I feel certain I do express their deep feelings when I discuss the stabilizing effect that homeownership can have for low-income families in rural and urban America.

The Federal Government has been involved in the housing field for more than 30 years. Since 1934, the Federal Housing Administration has insured more than $121 billion in mortgages and loans, helped 8,750,000 families to become homeowners, aided builders by financing about 1,250,000 apartment units and insured 28,000,000 home improvement loans. Unfortunately most of this effort has been directed toward benefiting middle income nonaffluent America. For low-income families, it has made available an estimated 685,000 units of public housing, that have proven of more dubious value.

With all of this activity our Nation's housing supply has not kept pace with demand. An estimated 8.5 million families today live in substandard housing. There are many reasons for this lag in attaining the goal of the 1949 act of a decent home for all Americans. The number of families seeking housing has, of course, dramatically increased. Our economic system has not provided the employment opportunities to all our citizens which would enable them to compete economically for decent housing. Too often the Federal Government's offer of assistance has been only to those persons who qualified as "safe borrowers" living in stabilized communities. Low-income families, or those living in certain declining urban and rural areas seldom qualified as "safe borrowers."

The result is that since the 1930's middle and upper income Americans have increasingly become homeowners. Because lower income citizens have not had this opportunity and low-income rental housing was not readily available, they have gravitated in great numbers to substandard housing in slum areas.

Now we are faced with the need to build more houses in the next 30 years than exist at present in the entire Nation. The future offers a great and difficult challenge which must be met if we are to achieve the goal we all seek.

The Senate Banking and Currency Committee now recommends new legislation which we feel corrects some of the mistakes of the past as well as takes into account the realistic situation of the present. I will not take time to detail all of the various new provisions in the Housing and Urban Development Act of 1968. However, I want to make clear that I do not feel a housing program can hope for success if it does nothing but provide new housing units. When we speak of housing we are speaking of a matter which affects a man and his attitude toward life. We need to think in terms of creating homes, not just housing.

For years there has existed a split between those whose speciality was housing and financing and those concerned primarily with the human matters, such as education, welfare, training, and employment.

Those concerned primarily with housing—the lenders, the insurers, the builders, the planners—customarily think in terms of bricks and mortar, credit records, and balance sheets. Those primarily concerned with people—the teachers, the social workers, the ministers, neighborhood organization participants, the antipoverty employees—customarily think in terms of human needs, skills, and aspirations.

Unfortunately, there is a cognitive and behavioral gap between these various specialists. The "housing people" frequently fail to perceive the importance of peculiarly human factors, and the "people people" often fail to appreciate sound business and financial practices. The result is a serious lack of communication and coordinated activity.

Any effort to achieve both human and physical renewal for low-income families and neighborhoods, then, must find a way to bridge this gap between the "housing people" and the "people people." If it does not, the effort will run aground on the shoals which have imperiled public housing and urban renewal, which are often open to the charge of ignoring people, and the many voluntary efforts which have exhibited ignorance of sound business practice.

We must, therefore, consider the need of the "whole man," and provide programs which are comprehensive in scope so as to provide homes, not just housing. I believe that the Housing and Urban Development Act of 1968 reflects an understanding of this concept in that it calls for a coordination and integration of programs related to housing. I support this concept with enthusiasm and hope that other opportunities will be found in future legislation to enlarge upon this philosophy.

Central to the philosophy of many who have drafted housing bills in the past has been private enterprise participation.

Unfortunately, however, this has not always worked well. Either insufficient incentives were given to private enterprise or the redtape connected with the programs discouraged even the most enthusiastic from taking part. The result has been that the private participation expected has never been realized. The Housing Act of 1949 stated that governmental assistance should be utilized, where feasible, to enable private enterprise to serve more of the total housing need. In my judgment, the bill now before the Senate meets this goal better than any other of the past. Realistic incentives have been written into the bill to encourage the private sector to participate in the solution of our Nation's housing problems. While we have not solved the entire problem in this bill, I think we have made a good start. The private sector now understands the importance of housing and is anxious to join in the solution of this problem. I am enthusiastic about the participation of the insurance companies in providing $1 billion of their funds for urban programs. I look forward to the savings and loan industry and the trade union movement as well as private groups such as pension funds joining in and committing a modest percentage of their funds to this important task.

Basic to any new program which purports to assist low-income persons must be the twin concepts of local decision-making and self-help. It is evident to all who read the newspapers that there is a concerted drive in all sectors of our society to participate in the decisions which affect their own lives. Several provisions in this bill give priority to projects which involve local citizen participation. This is as it should be, for projects, however well designed, that do not involve local citizen participation will be resented and often rejected by the community. Self-help must also be made an ingredient of more of our housing programs. To be truly successful, a housing program ought to offer an opportunity to better oneself through one's own efforts. Most lower income Americans are tired of being given handouts—they simply wish to be given a helping hand to better their life in the manner they have chosen for themselves. By opening up the range of housing choices as well as providing self-help techniques like "sweat equity," this legislation begins to make housing opportunity a more meaningful concept.

It is no secret that I personally feel strongly about offering the opportunity for homeownership to lower income Americans. As I have already pointed out, the Federal Government has done an excellent job through the FHA in making America a nation of homeowners within a relatively short period of time. Unfortunately, however, lower income families and families who reside in declining urban and rural areas have not had this same opportunity. The Housing and Urban Development Act of 1968 will provide the mechanism whereby many families who desire homeownership, but who have not yet had the opportunity can achieve this goal.

What is the tradition of homeownership in our Nation?

The cherished ideal of homeownership has roots as deep and rich as America's heritage itself. Ever since the Pilgrims set foot on Plymouth Rock, it has been an integral part of our way of life.

Long before the rise of the great cities, our forbears came here because America held forth the bountiful promise of land—land a man could afford, land whose produce could make a man independent of the great lord of the estate, land on which a man could build his own home and there raise his family in self-reliance and security.

> It is not too soon to provide every possible means that as few as possible shall be without a little portion of land—

Wrote Thomas Jefferson shortly after the creation of the Republic—

> The small landholders are the most precious part of the states.

By contrast, our forefathers took a scornful view of tenantry.

> Tenantry is unfavorable to freedom—

Wrote Senator Thomas Hart Benton, of Missouri, in 1826—

> It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has in fact no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchs to multiply their tenants.
>
> Making the public lands available to homesteaders—

Benton argued—

> Brings a price above rubies—a race of virtuous and independent farmers, the true supporters of their country, and the stock from which its best defenders must be drawn.

A year earlier, Benton's native Missouri Legislature had expressed this same basic notion:

> Every law, then, which opens before the poor man the way to independence, which lifts him above the grade of a tenant, which gives to him and his children a permanent resting and abiding place on the soil, not only subserves the cause of humanity, but advances and maintains the fundamental principles of our government.

The next quarter century saw a vigorous national debate over ownership and disposition of the public lands. In an impassioned plea to Congress in 1850, signatories of a homestead petition argued that too many Americans were being reduced to "the condition of dependent tenants, of which condition a rapid increase of inequity, pauperism, misery, vice, and crime are the necessary consequences—The expelled aristocracy of European despotisms are buying up our lands for speculation, while American republicans are homeless. The case admits of no delay."

The same year, then-Congressman Andrew Johnson, of Tennessee, movingly articulated the values of homeownership. Speaking of the man helped by the Government to own his own home, Johnson said:

> You have made the man a better citizen of the community. He becomes qualified to discharge the duties of a freeman. He comes to the ballot-box, and votes without the restraint or fear of some landlord. He is in fact the representative of his own homestead, and is a man, in the enlarged and proper sense of the term.

In recognition of this principle, and in response to the need to make homestead lands available for ownership and settlement to the general public, the landmark Homestead Act was passed in 1862. In the best American tradition, the act made possible the development of one and a half million small family sized farms. As it opened up the Middle West to thousands of families, the Homestead Act contributed greatly toward shaping the political, economic, and social structure of the United States.

In particular, wirespread homeownership helped strengthen the base of democracy. As Indiana Congressman Holman put it:

> Every new home that is established, the independent possessor of which cultivates his own freehold, is establishing a new republic within the old, and adding a new and strong pillar to the edifice of the state.

Abraham Lincoln, whose administration pledged and passed the Homestead Act, was a firm believer in homeownership as an essential element in the American way of life. In a statement of great relevance even today, when city after city is beset by wanton destruction and violence, Lincoln said in 1864:

> Let not him who is houseless pull down the house of another; but let him labor diligently and build one for himself, thus by example assuring that his own will be safe from violence when built.

This same theme of our heritage was stressed by California Congressman Coghlan in 1872, when he said:

> All history teaches that the landholder is a friend to stable government. He has too much at stake to allow slight causes or chimerical wrongs to lead him into revolt . . . for he knows that revolution may lift the roof from over the heads of his children and even deprive him of the title to his homestead itself. Nor is this all. There is a higher impulse still. Ownership of the land promotes and fosters a pure patriotism. The land owner, no matter how small his domain, by his near relations to the government, by that lively affection for his home that all men feel, is filled with a glowing love for his country and veneration for her laws; for has he not a part and parcel of her soil?

That these latter two statements are so distressingly relevant during our current urban turmoil suggests the historical validity of the principle of homeownership.

The poet, Walt Whitman, saw ownership of homes as a fundamental element in the great America to come when he wrote in 1888:

> The final culmination of this vast and varied republic will be the production and perennial establishment of millions of comfortable city homesteads and moderate-sized farms, healthy and independent, single separate ownership, fee simple, life in them complete but cheap, within reach of all.

President Calvin Coolidge expressed it this way:

> No greater contribution could be made to the stability of the Nation and the advancement of its ideals than to make it a Nation of homeowning families. . . . All the instrumentalities which have been devised to contribute toward this end, are deserving of encouragement.

President Herbert Hoover went even further in associating homeownership with the American way of life:

> A family that owns its home takes a pride in it, maintains it better, gets more pleasure out of it, and has a more wholesome, healthy and happy atmosphere in which to bring up children. The home owner has a constructive aim in life. He works harder outside his home; he spends his leisure time more profitably; and he and his family lead a finer life and enjoy more of the comforts and cultivating influences of our modern civilization. A husband and wife who own their own home are apt to save. They have an interest in the advancement of a social system that permits the individual to store up the fruits of his labor. As direct taxpayers they take a more active part in local government. Above all, the love of home is one of the finest ideals of our people.

A century and more ago, the issue was between freehold and land tenantry. Today, in an increasingly urbanized America the context is changed. No longer do we think of ownership so much as a source of income, but rather as the possession of a valuable consumer good. The underlying principle, so much a part of our national tradition, is the same.

The freeholder of the 19th century becomes the homeowner of the 20th, and the tenant farmer of an earlier era becomes the man with no choice but to rent his dwelling from another. The goal today, as yesterday, is to broaden every man's choice, so that millions of American families who rent, but who yearn to own, may have a reasonable chance to become owners.

Instead of a sod hut on the open prairie or a log cabin in the forest, his home may be a city house, an apartment in a high rise cooperative building, a condominium unit, or a self-help home in the country. But the values encouraged by homeownership—whether on the prairies of the last century or in the cities, small towns, and rural areas of the modern age, are the same. To them, much of what we call the American way of life may be attributed.

The values of homeownership are many and varied. Perhaps the most basic are the psychological values—the feelings of security, of identity, of "roots" that can come from owning a decent home of one's own.

As Robert Ardrey has written in his recent book "The Territorial Imperative," man, like the other animals, needs a place to call his own. He needs to feel that there is at least one place where he is lord and master, where the decisions are made not by some outside person, but by himself, beholden to no other. The possession of that place helps to give him identity. It gives him the satisfaction of having something and being somebody. It gives him roots and a stake in his community. Renting, while preferred by many for various reasons, can seldom produce these psychological gratifications in equal magnitude. And today, those who stand most in need of those psychological gratifications are those who have the least opportunity for attaining them.

The prospect of owning a decent home of one's own can also be an important means for overcoming the "motivation barrier." Characteristically, lower income families feel that they have little or no control over events and their environment. They see little opportunity for advancing to a happier condition, both economically and socially. Their behavior focuses on immediate desires, often at the expense of attainable long-range rewards. In short, they feel that nothing they do can make a difference.

If a poor man attempts to take charge of his life in an aggressive way, he frequently comes to immediate grief. The complex forces of mass society rebuff his unsophisticated efforts. He is told to go stand in another line. His job is unexpectedly taken over by a machine. He is condescended to and patronized. After several such frustrating experienes, he begins to lose any incentive to invest in himself in expectation of later rewards. He is up against the motivation barrier.

In the matter of housing, the result may be resignation to misery. When the plaster falls on the floor, the landlord can't be found to do something about it. When the superintendent promises to have the hot water back on in a day, it takes a week or a month. These annoying and demoralizing aspects of the tenant's life lead in many cases to sullen fury, manifested in ways ranging from air mail garbage to the molotov cocktail.

But among the poor there are many who have the innate willingness to strive and the capacity to achieve, provided this motivation barrier can be overcome. This can be achieved by more ways than one. But one way is to show a low-motivation family the realistic prospect of becoming the owner of a decent home or apartment of his own. In actual experience, families have achieved remarkable feats of completing their basic education, of straightening out credit records, of taking training for better paying jobs, of budgeting the family income, and even of changing their life style—merely because of the influence of homeownership or its realistic possibility. In one case on record, a family with no cash income at all—the husband sleeping in a public housing washroom, the mother working in a church kitchen in return for leftover food for her children—became stable homeowners. The prospect of that decent home of their own pulled them together and got them moving up the ladder toward economic security.

Associated with this surmounting of the motivation barrier is the value of independence. A family that owns its own home, even if it is heavily mortgaged, nonetheless enjoys an independence unknown to the tenant. He cannot be bullied or pressured or threatened with eviction—or at least not nearly so easily. He is, in at least one important aspect, his own man.

An important manifestation of homeownership is a visible new pride in the home. The homeowner, not the tenant, puts out flower boxes, manicures the lawn, and paints the trim. He knows that it is up to him, and not to anyone else, to mend the broken window and the rusty gutter, and that the improvements he makes add to the value of his own property. In many lower-income areas resident-owned homes may often be identified by little more than a cursory glance, so evident is the additional care and upkeep lavished upon them. As Prof. George Sternlieb has written in summarizing his investigation of the Newark slums:

> The prime generator of good maintenance is owner-residence.

Related to improved maintenance of the individual's home is a respect for the property of others. Homeowners, unlike renters who can walk away from their house or apartment, have an investment. Violence, theft, and vandalism damage that investment. It is thus very much in the homeowners' interest to discourage destruction and to encourage respect for property rights and the law that provides that protection.

Becoming a homeowner requires a certain investment in education. Mortgage financing must be arranged, taxes paid, and insurance contracted for. The homeowner must learn how to deal with minor home maintenance problems and, when they are beyond his competence, to contact the plumber or electrician or other craftsman. He must learn how to pay bills and how to keep track of his expenses. He must learn to project his finances ahead into the future, so that he will have the resources to meet future needs as they arise.

In the course of doing these things the homeowner comes to know a wide range of businessmen. He may learn how to do business with the insurance agent, the contractor, the mortgage lender, the lawyer, the accountant and the realtor. These interactions educate the home buyer in the American economic system. Its workings appear less mysterious to him. He comes to regard it, on the whole as a system for dealing with human needs through the institution of the marketplace, and not as a conspiracy to plunder his substance. It makes him more practical, more knowledgeable, and less detached from the larger society of which he is a part.

Finally, homeownership can be a powerful contributory influence on good citizenship. The homeowner, for the same reason that he takes better care of his property, takes a greater interest in his community. The condition of his neighborhood becomes of greater concern to him. The responsiveness—and responsibility—of local government and his elected officials assume new relevance. It is his voice, more than the renter's, which is heard at the neighborhood meeting or the city council session. Having a tangible stake in his community, he acquires with it a renewed sense of responsibility as a citizen for the welfare of his community, State, and Nation.

Acquiring homeownership does not

automatically instill in a poor man—or one recently poor—all these values. Merely signing a deed and a note does not transform a despairing, alienated slumdweller into a middle-class, aspiring homeowner. But over the long run the fact of homeownership can have an important effect on the family that rose from lower income tenant status to achieve it. That effect will be strengthening and reinforcement of values and behavior patterns long proven to be conducive to the highest ideals of America and the highest welfare of its people.

When the bill which we are considering here today is enacted, the potential for homeownership will be increased many fold. The subsidies provided in the bill, the new tools given to FHA and the multifaceted assistance provided for local organizations by the National Home Ownership Foundation will accelerate progress in this area so that a million Americans can move into a home of their own within the next 3 years that could not possibly have accomplished this "American dream" otherwise.

However, I wish to make it quite clear that the bill by itself does not represent instant homeownership. This bill merely provides the tools with which the private sector can undertake homeownership programs. Without the energetic and innovative participation of bankers, churches, labor unions, savings and loan associations, community organizations, and other private groups, this bill will amount to absolutely nothing. It will be just another housing bill. Now that low-income housing investment represents no greater a risk than other housing investments, the financial community must be willing to invest in these projects. Unions must open their ranks to more Negroes. They have both a moral and a practical obligation to do so for there are simply not enough skilled workers available to meet the present construction needs of the country, much less the additional 300,000 federally assisted housing units proposed for next year. In short, without the active support and cooperation of all segments of the private sector, this bill will not realize its potential. But with their support and enthusiastic involvement, this legislation can be a new dawn for hundreds of thousands of low-income Americans.

I would like to make a comment at this point about the housing bill in relation to the Poor People's Campaign. The Banking and Currency Committee has worked on this legislation for the past 17 months so than no one can claim that the bill is a direct response to the Poor People's Campaign. However, it is the first major new urban legislation to be considered by the Senate this session. There has been a sense of urgency throughout the committee's deliberations. We began our hearings last year immediately after the Newark riots and began executive sessions this year on a schedule drawn up months before the time of Dr. King's assassination. There has been sufficient evidence of late of the graveness of our urban problems. These problems will not be basically solved by increasing our police forces, or by special riot training of our National Guard. Our work here today on this housing bill is as important an ingredient to the solution of our urban ills as any that I know.

While housing may not be the total answer to the problems of the urban ghetto, it is an indispensable part of that answer. The National Advisory Commission on Civil Disorders listed three primary factors in Negro unrest: inadequate housing, unemployment, and police practices. Unless the Negro can improve his living conditions within the ghetto and unless we deploy the means whereby he can obtain decent housing in the suburbs, we shall only have additional and more serious urban unrest. By providing the means whereby families can own their own homes, we are providing more than decent shelter. We are permitting individuals to have a sense of pride in themselves. Without pride there can be little self-direction, ambition, and other important motivational factors. We cannot, of course, expect too much from this new program. Public housing has proven how wrong we can be in our understanding of the needs of lower income families and I sincerely hope that this new homeownership program will prove how right we can be.

Behind the presentation of this bill to the Senate lies many months of diligent and arduous work by the members of the Housing and Urban Affairs Subcommittee and the committee staff.

Throughout the deliberations of the subcommittee, two factors were conspicious: the willingness of all members of the subcommitteee to work together to bring out a measure commanding unanimous support, and the absence of partisan differences. The members of the committee were determined to bring froth a workable significant legislative package. The committee's success is a tribute to the leadership of its chairman, the distinguished Senator from Alabama, Senator JOHN SPARKMAN, also chairman of the Subcommittee on Housing and Urban Affairs, whose industry and patience were essential ingredients. I am deeply in debt to him for his understanding and patience with a freshman member of the subcommittee. The ranking minority member of the committee, my able colleague, Senator WALLACE F. BENNETT, deserves great credit, as does the able, dedicated and creative gentleman from Texas [Mr. TOWER] ranking minority member of the subcommittee who long ago recognized the desirability of homeownership. Through their efforts, and those of the entire membership, the committee has produced a genuine congressional initiative of sufficient importance to refute those who view Congress as a mere handmaiden to the executive branch. I am hopeful that the Senate, in approving this measure, will ratify the committee's initiative and craftsmanship by a vote commensurate with the efforts of the combined committee leadership.

I wish also to commend my colleague in the House, the Honorable WILLIAM WIDNALL, of New Jersey, for the leadership that he and 111 Members of the House had in sponsoring the National Home Ownership Foundation Act last year that contributed so substantially to the omnibus housing bill just reported out by the Housing Subcommittee of the House of Representatives.

Mr. PROXMIRE. Mr. President, I rise to speak on the pending bill as the ranking majority member of the Senate Committee on Banking and Currency and ranking member on the Subcommittee on Housing and Urban Affairs. I am happy to pay tribute to the chairman of the Committee on Banking and Currency, the distinguished Senator from Alabama [Mr. SPARKMAN], who has been Mr. Housing for as long as I have been in the Senate, for 11 years.

The Senator from Alabama has developed well-deserved recognition as an outstanding national expert on housing. He is certainly the Senate expert.

Literally hundreds of thousands of the housing starts we have had over the years are due in no small part to the distinguished Senator from Alabama. He has done a great job on the pending bill. The bill sets many new precedents.

The Senator from Alabama is truly the architect of this major bill.

I also pay tribute to the Senator from Texas [Mr. TOWER], the ranking minority member of the Subcommittee on Housing and Urban Affairs. The Senator from Texas has been a most constructive member of the committee. And, incidentally, he agrees with me, and I believe very strongly, on the necessity for housing legislation, recognizing that the country cannot afford to do everything we would like to do and that we must concentrate primarily on providing an opportunity for housing to become available for those families who cannot afford it.

These are the people who most urgently need it. If we are not careful about the kind of housing legislation we enact, we will be placing an enormous burden on the American people, and we will fail to meet the legitimate needs of the people of our country.

Mr. TOWER. I thank the Senator for his gracious remarks. The efforts of the Senator from Wisconsin with regard to the pending legislation have been tremendously helpful. I thank him for pointing out the very great need for targeting our effort toward the very-low-income families.

Mr. PROXMIRE. Mr. President, other members of the committee have worked very hard on the pending measure.

I should like to say that the Senator from Minnesota [Mr. MONDALE] has been really most inventive about developing the concept of homeownership which is incorporated in the bill. The proposal of the Senator from Minnesota breaks new ground, and I think it will make a great contribution in this field.

The Senator from Illinois [Mr. PERCY] worked, and worked very hard, with the Senator from Minnesota.

I have seen few Senators in the years I have been in the U.S. Senate that have worked harder on a piece of legislation than has the Senator from Illinois on this bill this year and last year in organizing support for his position and testing it over and over again during the debate in the committee and coming up with, I think, a great piece of legislation that will enable hundreds of thousands of poor families who could not possibly now own their own homes to own them.

In owning their own homes, these people will develop a sense of responsibility and motivation which is too often lacking in people who do not possess property.

After 20 years of housing legislation, we still have a most serious problem in this country in respect to housing.

Eighteen years ago, in 1950, there were 4.5 million houses that were classified as dilapidated. I refer to the hard core of slum housing—not just housing that was substandard, but housing that was so dismally poor it fell into the lowest or dilapidated category.

In 1960, 10 years later, there were still 4 million housing units that were classified as dilapidated.

What happened is that 3 million of those 4.5-million units that were classified as dilapidated in 1950 left the inventory of dilapidated housing. However, 2.5 million more dilapidated housing units came into the inventory. So it appears that we have been creating slums almost as rapidly as we have been eliminating them.

It is true that we do not have up-to-date figures that are accurate on the situation that exists in 1968. But I suspect that we are still in pretty much the same situation we were in in 1960. We know that we have millions and millions of Americans living in slums, living in dilapidated, unsafe, unclean conditions, disease-ridden conditions. This is partly because of the legislation which has been passed, much of it with good intent, but legislation that really has wreaked havoc in some cases.

In Newark, in Cleveland, in Chicago, and in many other cities what has happened is that urban renewal has come in with the purpose of eliminating slums, but has literally created them. Over the years since 1950, 385,000 units were demolished but only 42,000 low- and moderate-income houses were constructed. This meant that the homes of people were demolished in order to clear the slum area, but instead of those people being able to move into low- and moderate-income housing they could afford, they were just pushed into new slums.

In addition, the FHA redlined the slum areas. This is understandable. I am not blaming the FHA as being poorly motivated, but they felt they had to comply with congressional enactment. That means that in the past, if a ghetto area was considered to be economically unsound, that it was an economic risk to insure housing in the area, even if the homeowner was responsible, hard working, and clearly a good risk, the FHA would not insure the housing there. Under these circumstances, of course, it was difficult or impossible for the slum areas to develop. They could not get FHA insurance. It was very difficult to get financing.

The FHA, as I have said, had followed the policy of redlining—of not going into the ghetto areas. We have corrected that in an amendment I have provided to the bill.

There is not a Member of the Senate—and very few Americans—who does not recognize that rioting not only is completely destructive and vicious but also is a terrible problem for the country. At the same time, we must recognize that one of the causes of riots—one of several, but a very important cause—is that millions of Americans live under conditions which are so revolting, so vicious, and so bad that they seek to protest in this most unfortunate way.

I should also like to point out—because this is something we are trying to develop in the bill, and I have an amendment calculated to meet it—that the cost of construction, the cost of building a home, is high and is rising rapidly. Unless we can find some way to introduce new methods, less expensive methods, more efficient methods of building housing, we will not be able to provide housing for people with low incomes without virtually bankrupting the country. We must find ways and means of constructing homes more cheaply than at present.

Mr. President, we should view this housing measure in relationship to the open housing bill, the great civil rights bill, that recently passed the Senate. It was enacted into law only a few weeks ago. That open housing measure can be an opportunity for minority groups in this country to secure safe and sanitary housing and to live in areas where they can have the kind of fine education so many Americans have, and to live in areas where they will have access to good jobs. In order for that to be possible, they must be in a position to buy their homes or pay rent within their limited income. This bill provides the economic muscle that makes the open housing legislation meaningful.

So, Mr. President, it is clear that a very big job in housing remains. It should also be clear that this bill starts—and I stress "starts," as a small beginning, as a step in a thousand-mile journey—in the right direction.

I believe we should recognize that we cannot achieve big ends—although we would like to—without spending big money, and we all desire to do what we can to hold down spending. However, to appreciate what this bill would and would not do, it is necessary to see that in the coming year the expenditure impact of all the new programs involved in this massive housing bill—the expenditure impact in the coming fiscal year, beginning July 1—is only $14 million—not billion dollars, but million dollars. As I have said, this is a beginning. So it is clear that for that kind of money the amount of housing units that can be constructed is only a fraction of 1 percent of what is needed.

I wish to stress the fact that we know from our experience with new programs in the past that the new programs we are now beginning will take years and years to really begin to pay off in new housing units. Approximately 3 years ago we began a rent supplement program. In the first 2½ years of the rent supplement program, in which so much hope and faith had been placed for providing housing for low-income people, how many low-income families were assisted? Through 1967, in the entire country, 400 low-income families were assisted. I say that not out of criticism, necessarily, although I believe some criticism of the administration of the program is merited, but to indicate that this is not the kind of situation in which you pass a bill today and next month solve all sorts of problems. It will not take months but years and years for this bill to have its real effect.

One other example of how slowly these programs operate is the urban renewal program. I am sure that all of us who have viewed urban renewal in our cities know how long it takes to get such a program moving—the court action, the work before the programs are approved, the agreement with local authorities, and so forth, and, then the demolition of the blighted areas. But this is just the beginning. We know how often blighted areas have been demolished, the bulldozer has come in, and then for years those areas—very valuable areas—in our cities have just stood fallow—and by "fallow" I mean the weeds growing up, without any real progress.

Mr. President, the programs we have had in the past—rent supplement, urban renewal, and the other programs—are beginning to move now, and with much more speed. But I say this because I believe we should put all this in perspective and recognize that the housing bill will not have its effect today.

There are reasons why I believe this bill will be the most effective housing bill Congress has ever passed. One reason is that for the first time we are requiring the administration to specify its goals, not just in terms of new housing starts and the number they want to get in a year, but for every single program. We are requiring that they come forward each year and indicate how many housing programs they expect to have for the low-income people, for the elderly, and so forth, under each program. Then, at the end of the year, we will have a report from them as to how far they have gone to achieve their goals, so that we can compare their goals with their achievements. We go further. After that is done, we consider why they have not been able to achieve their goal, and the Administration is required to come to Congress and say why they have not done it and what they intend to do about it.

With this type of congressional oversight, and direction, and guidance, we will make some real progress.

In addition, the bill contains a number of other provisions which I intend to discuss in greater detail, but let me say just one more thing with regard to the general approach to this bill. We all recognize that if we are going to get any housing constructed in a big way in this country, the greatest obstacle is high interest rates. As long as interest rates are high, there is a great inhibition against construction; because the interest, even with moderate interest rates, is likely to be at least equal to the cost of the home, over the period that the home is being paid for.

Very few people can take from their pocket or from their bank account enough money to pay for their home. They must get a mortgage, pay off the mortgage, and pay interest on the mortgage; and the cost of interest adds enormously to the cost of the house. We all know that interest rates are now at their highest since the Civil War.

Mr. President, I think that no matter what we do in connection with the tax increase and spending reduction package, and no matter what we do in terms of correcting the balance of payments, the overall situation is such that we are going to have high interest. We hope it will not be as high as it is now, but we will have high interest rates for years to come. This bill has been especially designed to meet that problem. If it did not, it seems to me that whatever the bill provided, we would not get housing constructed because the reality of paying such high interest would prevent it.

I shall now make a few observations about the bill.

Mr. President, I am pleased to support S. 3497, one of the most significant housing bills recommended by the Committee on Banking and Currency in the last 20 years. In 1949, the National Housing Act declared as a national goal the realization of decent, safe, and sanitary housing and a suitable living environment for every American family. Although an improvement in housing conditions has long been a basic Federal policy, our results today fall far short of our objective. As the Kerner Commission on Civil Disorders has pointed out:

> In the 31 year history of subsidized Federal housing only about 800,000 units have been constructed, with recent construction averaging about 50,000 units a year. By comparison, over a period of only 3 years longer, FHA insurance guarantees have made possible the construction of 10 million middle or upper class homes.

I believe the time has come for a massive reorientation in our housing programs. We must begin to shift the emphasis toward providing decent housing for lower income families. The evidence has long been abundantly clear that inadequate housing is one of the principal causes in the deterioration of our central cities. The Kerner Commission listed adequate housing along with jobs and education as the three most pressing problems facing the residents of the urban ghetto.

The Housing bill now before us would make a significant start toward solving the housing problems of lower income families. Although the authorizations are for 2 years, the housing program recommended to the Congress represents the start of a 10-year program for realizing our national housing goals.

For the first time the administration has developed a practical and long range program for solving the housing problems of America. While the Congress over the last 10 years has enacted considerable legislation dealing with housing, the fact remains that the actual accomplishments resulting from this legislation have been sporadic and piecemeal in nature.

Under the 10-year housing program contained in the President's message, 6 million housing units would be constructed for low- and moderate-income families or an average of 600,000 units a year compared to the present rate of 50,000 a year. Mr. President, this is designed to begin a program to increase housing for low- and moderate-income families by twelvefold; not twice, not five times, but twelvefold over the next 10 years. In addition, the plan foresees a total of 26 million housing units over the next decade or an average of 2.5 million units a year.

Mr. President, this is a substantial increase over our present level of housing construction both for lower income families and for the general market as well. It is a bold and ambitious plan; but I believe it is a realistic and achievable plan. The Department of Housing and Urban Development has presented a careful study showing the impact of the 10-year program upon our economy. While our economic resources and the mortgage credit capacity would be stretched, the evidence shows that given the will the problem can be solved over a 10-year period.

Considering the fact that our Nation is spending upwards of $30 billion a year on the war in Vietnam, it is not realistic that the Congress can suddenly divert billions of additional dollars to solving our problems at home. But nonetheless, I believe this bill represents a substantial step in the direction of realizing our housing goals. Our problems cannot be solved overnight, but we can indicate that we recognize the problem and are taking firm and decisive action to bring about a solution. The frustration and despair of those who live in the ghetto can be lifted if they sense a national commitment to eradicate slum housing. No matter how long or difficult the task may be, today's burden can be made tolerable if one can see the end in sight.

In order to emphasize the long-term approach to our housing problems, I introduced an amendment which was accepted by the committee which would require the President to submit a formal 10-year plan to the Congress next January. This is included in S. 3497 as title 14 beginning on page 283. Each subsequent year, the President would be required to report to Congress on the progress realized as measured against the plan. Whenever the progress in any year falls short of the plan, the President would be required to indicate the reasons why and to propose specific steps for bringing the plan back on schedule. By focusing annual attention on our housing goals, I believe we stand a much better chance of realizing these goals in an orderly and expeditious manner. The annual report on housing would be comparable in status to the President's Economic Report. It would focus national attention upon the unfinished business of our Nation.

Mr. President, many of our more intricate and complicated weapon systems are programed over a 10-year period. In the early part of the 1960's we embarked upon a 10-year plan for putting a man on the moon. If we can make a national commitment to put a man on the moon in 10 years, I believe we are equally capable of making a commitment to solving our housing problems in 10 years. There is no reason why Congress cannot use the same management techniques to manage our housing programs which are employed by the Pentagon and the space department to manage defense and aerospace programs. I highly recommend title 14 to the Senate and hope that it will be included in the final legislation passed by Congress.

Mr. President, in addition to providing the first increment of a 10-year program, the Housing and Urban Development Act of 1968 constitutes a substantial reorientation of housing programs. The Kerner Commission recommended that our housing programs be reoriented to serve the needs of lower income families. I would like to describe briefly for the Senate several amendments which I proposed along these lines and which are included in the bill:

First. The urban renewal program has been reoriented to concentrate more on low and moderate income housing. This is a program that started out to help people who live in the slums so that they might live in better homes. We know that over the years this has not happened. The committee adopted an amendment I offered to require that at least 50 percent of the housing units created by residential urban renewal projects be for low and moderate income families. Under present law only 20 percent of housing units established under residential urban renewal projects need be for low and moderate income families. Thus, we substantially increased the commitment of the program to the needs of the poor. In the past, the urban renewal program has all too often operated to displace low income families while constructing luxury apartments for upper income families. The Federal bulldozer must be reformed if the urban renewal program is to survive and I believe the Congress and the Department of Housing and Urban Development have made substantial strides in reforming the program.

Second. Language has been included in the report of the committee directing the Department of Housing and Urban Development to concentrate on residential urban renewal projects as opposed to nonresidential projects. Tall office buildings may please mayors and councilmen but they do not provide housing. In the past, approximately one-half of urban renewal funds went for nonresidential downtown urban renewal. Today, under the strengthened guidelines of the Department of Housing and Urban Development, this percentage has dropped to 32 percent. The committee report language directing the Department to maintain this policy.

Third. The legislation recommended

by the Department of Housing and Urban Development would have focused assistance of those families toward the upper and the moderate income level. While we must assure that every family has the ability to obtain a decent home, I believe that the priorities must be shifted first to those on the lower end of the income scale. We need to solve our most pressing problems first before we move on to attack those of a lesser nature. For this reason, I proposed an amendment which was accepted by the committee which limits the income ceilings of those eligilbe for the new home ownership program and the administration's proposed interest subsidy rental housing program.

The amendment requires that at least 80 percent of the funds made available for these programs be used for families whose incomes are below 70 percent of the present 221(d)(3) income ceilings. This will insure that the benefits of the program will go to those who most need it, while at the same time providing enough flexibility in the program to accommodate the needs of families who live in areas of extremely high construction costs.

Fourth. Title 4 of the bill includes a new program for assisting the families of new communities. The title will provide guarantees for financing new communities. It also provides a program of supplemental grants for local public works projects constructed pursuant to the plan for the new communities. The committee approved an amendment which I offered which conditions such grants upon the construction of a substantial number of housing units for low and moderate income persons. If we are to assist in the planning and establishment of new communities and new towns we must strive to insure that the plan provides for low and moderate income housing as well as upper income housing.

Fifth. Last year in considering S. 2700, the committee approved an amendment I offered which permits the Secretary to waive existing FHA requirements in declining urban neighborhoods, if such waiver is needed to provide adequate housing for low and moderate income families. For many years FHA has concentrated in the suburbs while permitting mortgage credit in the central city to dry up. FHA is not to be entirely blamed since the law now requires that the FHA cannot insure in neighborhoods unless it makes a finding that such neighborhoods are economically sound. Under this legal restriction, FHA has concluded that it lacks the necessary authority to insure mortgages on a substantial scale in declining urban neighborhoods. By removing this legal restriction, we will insure that the program serves the needs of the poor as well as the needs of the middle class. I am delighted that the administration has endorsed this proposal and has included it in the legislation recommended to the Congress for 1968. The provision is embodied in the bill now before us.

Sixth. Senator PERCY and I introduced an amendment, accepted by the committee, which requires that to the greatest extent feasible opportunities for employment arising in connection with the construction or rehabilitation of housing existing under the low and moderate income housing programs should be given to lower income persons residing in the area of such housing. I believe this provision will serve to reduce the high rate of unemployment in the ghetto which is currently two or three times higher than the national average rate of unemployment.

I believe that these six provisions, taken as a whole, will substantially reorient and reduce the housing and urban development programs to better serve the needs of the poor.

I also want to mention, Mr. President, an amendment I introduced to the national riot insurance program which would extend the existing Federal disaster relief programs to riots and civil disorders as well as natural disasters. This would permit the President to declare a local riot-stricken community eligible for Federal disaster relief aid including emergency debris clearance, temporary housing and shelter, and the replacement of essential public facilities. In addition, the Small Business Administration would be permitted to make 30-year 3-percent loans to homeowners and businessmen affected by the riot.

In addition, if the President declared the area a disaster under the Federal Disaster Relief Act, the Small Business Administration could make loans for working capital purposes as well as to replace damaged plant and equipment.

Also, Mr. President, the Housing and Urban Development Act of 1968 contains a provision which I cosponsored with Senator JAVITS to reduce the pressure on the college housing program. Under the terms of the existing program the Secretary of Housing and Urban Development can make 3 percent direct loans to colleges and universities for the purpose of constructing college housing. The demand for 3-percent loans far exceeds the available supply with a result that many colleges have delayed their housing construction plans in hopes of eventually obtaining a more favorable 3-percent loan. Senator JAVITS and I have offered an alternative approach. It would permit the colleges and universities to obtain financing on the private market. The Department of Housing and Urban Development would be enabled to make annual interest repayments representing the differences between the market rate of interest and 3 percent. This will permit the Department to assist in the financing of several hundred million dollars of college housing while paying only the interest subsidy cost of $10 million a year. The alternative approach thus substantially reduces the impact of the program on the Federal budget.

By substantial, I mean the cut is by one-thirtieth of what it otherwise would be—even less than that.

Finally, Mr. President, I intend to offer an amendment to provide for a large scale program of experimental housing. The necessity for expanding the experimental housing program was presented to the committee in testimony from former Senator Paul H. Douglas, who is now the Chairman of the President's Commission on Urban Problems. In his testimony, Senator Douglas indicated that if we are to meet our goals of constructing adequate numbers of low income housing units we must achieve substantial technological breakthroughs. Only by lowering the cost of housing can we be sure that those with low incomes will be able to afford decent housing.

This Government cannot afford and will not pay for housing at the enormous cost which is now developing. The only way we can solve it is to effect technological breakthroughs which are practical and positive, and thus save literally billions of dollars in housing legislation in the future.

The amendment, therefore, would permit the Department of Housing and Urban Development to utilize its existing low and moderate income housing programs for experimental purposes. The Secretary would have authority to construct a thousand units a year to develop new housing technology. The housing would be constructed on Federal land or on land in which the laws of the local community permit the construction of experimental housing.

Mr. President, I believe that this bill is a most significant attack on poverty and when enacted will be the most far-reaching achievement of the 90th Congress.

I mean that. It will be the most far-reaching achievement the 90th Congress will have made—although it has made many already.

I am hopeful that following debate it will receive the support of the entire Senate. I want to especially compliment the able leadership of Senator SPARKMAN, the chairman of the committee, in bringing this legislation to the floor. Every member of the committee had a hand in shaping the bill. Senator PERCY, of Illinois, is to be particularly commended for his constructive participation. More than any other individual he was responsible for emphasizing the importance of homeownership on the part of the low and moderate income families. I also believe that Senator MONDALE played a most useful role in developing this important legislation. Through the long executive sessions, he has developed a unique grasp of our housing problems and is responsible for many effective provisions in the bill. In fact, the entire Committee on Banking and Currency is to be congratulated for its achievement on this legislation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. The Senate is now considering what I am sure is probably the most comprehensive housing bill ever put before it. I ask the Senator from Wisconsin, who has been in the Senate and a member of the Committee on Banking and Currency longer than I have, is that not a fact?

Mr. PROXMIRE. I would agree wholeheartedly that this is the most comprehensive housing bill which the Senate has considered since I came to the Senate. It is not only comprehensive, as the Senator has indicated, but as he knows so well, also breaks new ground.

Let me say to the Senator from New Jersey that there is no more innovative pioneer than the Senator from New Jersey. The remarkable contribution he has made in the area of mass transportation, in open spaces, and in the whole area of housing, has been one in which his inventive mind has been most helpful in committee and, I think, most important for the country.

Mr. WILLIAMS of New Jersey. I appreciate that, but I did not ask the Senator from Wisconsin that question in order to provoke such very kind comments. I certainly appreciate them.

As comprehensive as is the pending bill, it has worked through the committee process of hearings, discussion, debate, and change, most thoughtfully and without acrimony, with our wise and beloved chairman, the Senator from Alabama [Mr. SPARKMAN], at the tiller. We have run the course to final consideration of this most necessary legislation. I do not know of any area of housing which has not been dealt with. We have dealt with the whole matrix of community living, rural, suburban, and city.

As the Senator from Wisconsin mentioned, I have, over the years, been working on some of the programs that can make for a more livable community. We have done so through the committee, in urban transportation, in open space programs, and in others. I shall mention two or three others in a moment, as we can be brief today, while probably there will be additional debate when the bill again comes before the Senate on Monday next.

Mr. President, in its recent report on civil disorders, the Kerner Commission recommended that the Federal Government "bring within the reach of low- and moderate-income families within the next 5 years 6 million new and existing units of decent housing, beginning with 600,000 units in the next year"

Secretary Weaver, in testifying before the Banking and Currency Committee on the administration's housing bill, reiterated this need. The Secretary, however, proposed a 10-year housing program rather than the 5 years recommended by the Kerner Commission and asked for additional authorization of $662,500,000 for fiscal 1969.

I, for one, prefer the approach recommended by the Kerner Commission. The authorization asked for in S. 3497 provides a bare minimum authorization to carry out the most pressing need for adequate low-income housing and to rebuild our Nation's ghettos. Any further cuts in the authorization would wipe out the recommendations of the Kerner report.

As a member of the Senate Committee on Banking and Currency, and its Subcommittee on Housing, I serve in a dual capacity. I find myself interested in the overall question of housing policy and the need for adequate housing for all of our people. And, as chairman of the Senate Special Committee on Aging, I share an interest in the housing problems of older Americans. The bill before us makes a number of new approaches to elderly housing, and I would like to comment briefly on these and other aspects of the pending bill.

Section 106 of the bill provides for assistance to nonprofit sponsors of low- and moderate-income housing by making available technical information in the planning stages. Experience has shown that many of the nonprofit sponsors do not have the background or the working knowledge required for adequate planning of their projects.

I am delighted that this provision for assistance has been included in this legislation. It should point the way to greater participation on the part of the nonprofit sponsors of elderly housing in meeting the great need for such housing that now exists.

Turning now to the established housing programs that benefit the elderly, the bill creates a new section 236 under the National Housing Act. This section provides for interest rate subsidies to the buyer. The reliance of the old programs on direct Federal loans has been a restrictive force in the view of the Department of Housing and Urban Development, necessarily limiting the number of projects that become available. I am confident that the new section will go far toward correcting this inadequacy.

For the rent supplement program, the bill provides $40 million in added contract authority.

In its annual report, the Senate Special Committee on Aging commented on the status of the rent supplement program:

> The experimental provision of the Act allows five per cent of the program funds to be used to assist low-income elderly or handicapped occupants under the Section 202 and 231 programs. At year's end, $1.7 million of the $2.1 million available under these programs had been allocated. These commitments covered 124 projects containing 2,800 units, out of an over-all project total of 15,000 units.

I am pleased that the contract authority of this vital program is being increased.

I am also pleased that increases have been provided for the low-rent public housing program. These increases would include $100 million when this bill becomes law.

One of the longfelt needs of public housing management, Mr. President, concerns providing adequate tenant services to low-income tenants.

A need for upgrading management practices in public housing has also been indicated. Under the terms of the bill, local housing authorities may make application to the Secretary of the Department of Housing and Urban Development to receive assistance on a case-by-case basis. This attempt to provide the means to improve the economic and social condition of tenants in need of assistance would bring the most efficient use of available resources.

An interesting part of the bill, dealing with low-rent public housing, permits tenants of such housing to purchase any unit found to be suitable for individual ownership. Mr. President, this extension of the principle of homeownership can have a salutary effect on tenants of public housing. It could bring them a sense of personal involvement and an increased feeling of security.

Before leaving the area of public housing, I would like to mention the provision in the bill for the public housing on Indian reservations. Under existing law, public housing is not permitted to be located on a farm or an extension of a farm site. I hope this will meet part of the difficulty which Indian housing has faced for some time.

The model cities program is now entering its operational phase, and it will begin to make its major contribution to the transformation of America's cities. The bill provides $12 million in planning grants and technical assistance for fiscal year 1969. In addition, an appropriation authorization of $1 billion for fiscal 1970 is included.

URBAN MASS TRANSPORTATION

When you look around cities such as Washington, Newark, and New York, you see huge building programs with the buildings going up, and up, and up—buildings being built primarily for office space. You then go out into the countryside surrounding these metropolitan centers and you see massive building programs designed to house people. Unfortunately, our means of getting these people from the homes to the buildings where they work, and back home again, has not kept pace with the building of the buildings.

In 1961 we were successful in getting an amendment to the Housing Act which provided the beginning of a mass transit program. Subsequently that program was improved upon, and in 1964 we enacted the Urban Mass Transportation Act. In the bill we have before us I am happy to say that we are continuing to improve upon this program in several ways. For instance, we increase the authorization for grants by $190 million for fiscal year 1970. This remains but a token effort of the need, when you consider that a 10-year projection of 11 major metropolitan areas shows that $10.9 billion in capital financing is needed.

The bill also extends the emergency provisions of the program until July 1, 1970. Under these provisions, Federal grants up to 50 percent for mass transportation facilities and equipment is provided for areas not yet able to meet full areawide comprehensive planning and program requirements.

Another provision included in the bill which is sorely needed would allow the private transit company to put up the local share of the money for expanding the local mass transit program. At the present time, the local share must come from public sources, which discriminates against metropolitan centers which have private, as contrasted to public, transportation systems. It forces the already overburdened city to expend its revenues when the private transit company is usually in a better position to finance the necessary outlay. This amendment would allow any public or private transit company to provide as much as 50 percent of the local share. In a situation where the city can demonstrate that it is fiscally unable to put up any portion of the local share, then the private transit company would be allowed to put up the entire share.

As I said earlier, Mr. President, I believe that these amendments constitute widely needed improvements for our continuing Federal urban mass transportation program.

RURAL HOUSING

The rural housing section of the President's Commission on Rural Poverty Report emphasizes the shocking and immediate necessity for housing improvements:

> Decent housing is an urgent need of the rural poor. They live in dilapidated, drafty, ramshackle houses that are cold and wet in the winter, leaky and steaming in the summer. Running water, inside toilets, and screened windows are the exception rather than the rule.

The report recognized that solutions for the housing crisis were particularly complicated by the special problems of migrant workers and Spanish-Americans. Migratory farmworkers will be a primary beneficiary of title 10 provisions for direct and insured loans for construction of low rent and cooperative housing. Only in isolated instances has housing been constructed to meet minimum standards of health, safety, and sanitation.

NATIONAL FLOOD INSURANCE ACT—TITLE XII

This title represents a joint effort by both the Federal Government and the private property insurance industry to make available a program of flood insurance to occupants of flood-prone areas.

Damages caused by severe floods have been steadily rising in recent years in spite of protective measures taken by the Federal Government. Existing Federal disaster relief programs have been inadequate to deal effectively with the problems encountered by the property owner following severe floods. Subsidized loans from SBA or the Farmers Home Administration, as helpful as they may be, must still be repaid by the borrower. Loans do not compensate the victim as fully as would an insurance program.

The program authorized under this title would be administered by the Department of Housing and Urban Development, but other Government agencies would participate in providing data upon which premium rates would be based. Initially, coverage would only be available for certain residential properties, but later the Secretary could extend coverage to include business and other types of properties.

The facilities of the private insurance industry would be used to the maximum extent practicable to sell and service flood insurance policies, and they will also commit risk capital to an industry pool which would be used to absorb a share of the losses of the program in heavy flood years. The Federal Government would assist the program by providing premium subsidies to the pool and also by providing reinsurance coverage for losses above a certain point. The insurance companies in the pool would pay a premium to the Government for this reinsurance coverage in years of low-flood losses. Other nonrisk-bearing insurance companies could participate in the program as fiscal agents of the Government.

This title is identical to the flood insurance legislation (S. 1985) that was passed by the Senate on September 14, 1967. This legislation was subsequently amended and passed by the House on November 1, 1967. Both the House and the Senate insisted upon their versions of the legislation, and conferees were appointed by both Houses. A conference committee meeting between the two Houses on the legislation was not scheduled.

I believe that this program will fill a serious gap in insurance protection for residents of flood-prone areas. Only under such a program will it be possible for victims of flood disasters to fully recover from the losses which they now incur.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

Over the past decade, the interstate sale of undeveloped land has grown to where its annual volume is estimated by some authorities at over $1 billion. A great number of these sales are made via long-distance telephone conversations or by personal solicitations. In many instances, the purchaser never sees the land he is buying and relies only on the salesman's oral representations. The purchase price may consist of only a small downpayment with monthly installments being as low as $10 a month. In this manner, many of our citizens, especially the elderly, have pledged millions of dollars for the purchase of land for retirement, investment, or in some instances for sheer speculation. From 1962 though 1966, 481 cases of mail fraud involving the interstate sale of land have been investigated by Federal authorities. As a result of these investigations, it has been estimated that unscrupulous land promoters have caused our citizens to lose approximately $50 million.

The proposed Interstate Land Sales Full Disclosure Act cosponsored by Senators BIBLE, MONDALE, MOSS, and MUSKIE, which has been developed as the result of 2 years of intensive hearings and consultations with all interested parties, will in my opinion provide this most needed consumer protection. The bill—proposed title XIII of the National Housing Act of 1968—merely requires that where a subdivision of 50 or more lots of undeveloped land is sold pursuant to a common promotional plan, the seller disclose to the buyer full and accurate information. Surely, no one here today would deny such information to purchasers of real estate, many of whom are senior citizens seeking retirement homesites.

Facts are needed in order to make sound business judgments. This bill will help to provide them. That is its only intention. It is not a regulatory statute which will permit the Federal Government to pass upon such questions as land value, its selling price, land use, or zoning. The only purpose of this legislation is to give the purchaser the necessary information upon which he can make his own investment decision.

CONCLUSION

Mr. President, in closing I would like to point out that this bill goes a considerable way toward fulfilling the words of President Johnson when he said:

> The only genuine, long-range solution for what has happened lies in an attack—mounted at every level—upon the conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions—not because we are frightened by conflict, but because we are fired by conscience.

Mr. SPARKMAN. I commend the distinguished Senator from New Jersey for his very clear presentation of a number of the provisions in the bill. He has been, throughout, one of the most helpful members of the committee.

The distinguished Senator from Virginia [Mr. SPONG], who has been presiding over the Senate this afternoon, likewise has been most helpful, as a member of the Committee on Banking and Currency, in shaping the housing legislation. I commend him publicly for the fine contribution he has made to the cause of better housing.

Mr. President, no other Senators desire to speak on the bill this afternoon.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 43 minutes p.m.) the Senate adjourned until Monday, May 27, 1968, at 12 noon.

NOMINATION

Executive nomination received by the Senate May 24, 1968:

PUBLIC SERVICE COMMISSION

George A. Avery, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1971. (Reappointment)

EXTENSIONS OF REMARKS

AWARENESS OF NATION'S CRITICAL WATER NEEDS

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. MOSS. Mr. President, it is encouraging to me, coming from an arid Western State, to see the growing awareness in this country of the critical water needs that face this Nation.

The future, not only of the arid West, but of the entire Nation and, indeed, the North American Continent, depends upon prompt, correct action which must begin soon.

Several plans for continentwide water development have been presented. One of the most promising is one called North American Water and Power Alliance—NAWAPA. This concept was developed by Ralph M. Parsons, of Los Angeles, Calif.

I was pleased to note that the April issue of the Elks magazine contains an extensive, well-written article on NAWAPA, written by John Clark Hunt. I congratulate the Elks for devoting important space in their magazine to report on water development, and I congratulate Mr. Hunt on a well-written article. I ask unanimous consent that the article, entitled, "Water for the Year 2000," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER FOR THE YEAR 2000

(By John Clark Hunt)

Probably the only way to comprehend fully what has happened to water in the United States and to understand why our water problems have mounted to a crisis is to read the books and the government reports on the subject, then travel the nation to see our increasing need for clean water and the condition of our streams, rivers, and lakes.

The observer will not need to be an expert in any of the physical sciences to realize that huge basins and large valleys with deep soil in the arid and semi-arid areas of the West are producing next to nothing because of little or no water. He will learn that agriculture is being, or already has been, abandoned in some places because pumping has exhausted the underground water. He will be aware, wherever he travels, that the "urban sprawl" is demanding enormous quantities of water for the increasing population. The observer cannot fail to notice that the number of industrial plants is keeping pace with the population.

The United States population increased by well over 2 million in 1967. A baby was born every 14 seconds in spite of some family planning and the pill. Population figures projected to the end of the century indicate that by then this country will have a population of between 300 and 340 million. That will be at least a 63 percent increase. The demand for water and the implications for control of water and air pollution have only begun to be understood.

The traveler who goes across and up and down broad, beautiful America is sure to see the pollution and filth that is destroying the quality of much of our water. If he does not see it he will smell it, for nearly all our rivers and most of our streams and lakes are now polluted. If he happens to visit our national capital, for instance, he will find the lower Potomac to be a vile smelling, slow-moving sewer.

Scientists now say that Lake Erie can be considered a dead lake. It is so completely polluted and destroyed that its center has become a stagnant pool of green scum and most of its beaches are cancerous places. Some of the same group of concerned scientists also are alarmed over the condition of both Lake Michigan and Lake Superior. If these lakes are to survive as bodies of live, fresh water, the massive dumping of pollutants will have to cease. This has caused Richard J. Daley, mayor of Chicago, to demand that positive action be taken *now* to protect Lake Michigan.

Although we have a critical shortage of clean water it is not because we do not receive enough on our portion of the continent. The U.S. Geological Survey says we are blessed with water compared with most countries of the world. The United States land area as a whole receives about 30 inches of precipitation annually. This means that 2½ feet of water falls on American earth each year. The paramount problem is that nature does not distribute it equally. Some places get too much and others next to none. A quick study of a national precipitation map will show that the area east of, approximately, the 95th meridian receives from 20 to 60 inches per year. Westward the situation is different. The Great Plains and the high plateau country have from 10 to 20 inches per year. Large areas get from 4 to 10 inches. And here evaporation is greater than anywhere else in the nation. Only the Pacific slope west of the Cascades in Oregon and Washington, and portions of northern California, have heavy precipitation.

What becomes of the 2½ feet of water that falls on the country?

The Geological Survey says that almost three-fourths of the total is returned to the atmosphere through evaporation and transpiration. The remaining one-fourth, or whatever the amount may be in a specified area, is runoff and ground storage water. It is from this one-fourth that water for all uses must be taken in any area of the nation—unless an additional amount is transported from another area or region.

We are told that theoretically there are 7,500 gallons of water per day for each person in the country if all the one-fourth could be utilized. That is why the Geological Survey tells us we are blessed with water. At present the consumption is about 150 gallons per day per city dweller. About 70 gallons of this are used by industry and commerce to produce the commodities and services the population requires. The per capita use of water has increased 30 percent in 40 years and is still increasing rapidly.

All of the Southwest is in a low to very low precipitation belt. The region cannot help this nor can it be blamed that the sun shines there about 300 days each year and that people like to live where the sun shines. The promoters can, however, be blamed for luring more people to the region than the water supply can sustain. The leaders of the region understand their growing predicament and the meaning of water shortages. They live with it year in and year out. New York and other areas which have suffered through periods of drought have an idea of its meaning. They have had to speed up expansion of their water facilities and institute restrictions until the rains came. But it is the Southwest, particularly southern California and Arizona, that have really tried to solve their water problems.

California has, in fact, done more to develop and conserve her water resources than any segment of government in history. She has harnessed her rivers in the north and taken the surplus water where it is most needed—to the south, to irrigate her extremely large and fabulously rich central valleys. She has spent, and is spending, billions of dollars to build the dams, aqueducts, canals, pipe lines, tunnels, power plants, pumping stations, and reservoirs necessary to transport rivers of clean water hundreds of miles in the greatest water system in the world.

The Colorado River was for a long time considered the key to water development plans for both southern California and Arizona because it is the only large river in the area. So its waters have been a matter of controversy for 50 years. The fight is still smoldering and locked in Congress. But when the seven states in the Colorado Basin complete their projects and some of those proposed there will be nothing more to fight over. The river will have nothing more to give and millions of acres will still be dry.

It is little wonder, then, that the Southwest desperately wants what it believes to be the surplus water from the Columbia River, from which approximately 160 million acre-feet empty into the Pacific Ocean each year and are wasted. (An acre-foot is the amount of water required to cover one acre one foot deep.) But the Northwest shouts back that it will not share a drop of its water, that it has no surplus water. Meanwhile the politicians, both north and south, know a good emotional issue. They beat their breasts and lead the shouting.

As to how much surplus water there is in the Northwest, and whether or not there will be a surplus at the mouth of the Columbia in the year 2000, no one knows. Some of the calm, collected citizens will tell you that probably all the water the Northwest has is needed to flush out pollution. The truth is that even the great Columbia with its massive volume cannot cleanse itself of the refuse from paper mills and numerous other industries and the sewage from cities and towns.

It has taken the nation a long time to become conscious of the blessing of pure water and clean air. About 75 years ago it started to learn that topsoil, forests, and wildlife were not inexhaustible. Now it is beginning to learn that neither usable water nor breathable air is inexhaustible.

Today the United States is using approximately 355 billion gallons of water per day. It has been estimated that the volume will rise to 600 billion gallons per day by 1980. This would be about 85 billion gallons per day more than we now have available from all sources.

That poses a problem that needs some thinking about, for 1980 is not very far away. It takes time to plan and build water resource facilities. Millions of people assume, however, that enormous desalination plants driven by nuclear energy will provide a considerable portion of the extra water needed by 1980. These people may be right. The exhaustive and costly experiments that have been conducted and the many small desalination plants operating successfully around the world indicate that the age old dream of fresh water from the sea, dating to efforts of the Greeks 2,300 years ago, has come true. It is a matter of cost, but still a much better bet than trying to find a successful rainmaker or following the serious recommendation made to southern California that icebergs be towed down from Arctic waters.

During 1967, Key West, Florida, a city of 56,000, located on a small island without a stream or lake, completed the largest desalting plant ever to be placed in operation.

The city now has a fresh water plant producing 2,620,000 gallons per day. But this is a tiny baby compared to the one that will rise on a 40-acre man-made island that is being built a half mile off Huntington Beach near Los Angeles. The plant will start producing in 1972, and, when completed in 1975, will deliver 150 million gallons of fresh water per day, enough for a popultaion of more than a half million. The nuclear energy used will also generate electric power for two million people. Fresh water at the plant will cost approximately 20 cents per 1,000 gallons. Pumping and distribution inland will increase the cost to users to about 40 to 45 cents per 1,000 gallons. This is compared to 10 cents per 1,000 gallons for Colorado River water delivered to the same area.

Home owners can pay the higher cost for water. They will, in fact, pay whatever they have to. But irrigation farmers and orchardists say they cannot, and will have to have water from a cheaper source than the desalination plants. This is a real problem because irrigation is consuming 46 percent of all the water used in the United States today and warm, dry California has more than one fourth of the nation's cropland under irrigation.

Even if California, in its favored position beside the Pacific Ocean, could be furnished with all the irrigation water it needs at a cost the farmers could pay, what about the other thirsty states? Nevada, Utah, Arizona, New Mexico, Colorado, and Texas are as dry or dryer than California and, with the exception of southeast Texas, they are a long way from the ocean.

There is another source of water which in some places is already adding to the supply. Geological Survey engineers report that modern water treatment plants are capable of cleaning sewage waste and most other impurities from polluted rivers and lakes and making the water safe for drinking.

Will the harnessing of all our rivers, the operation of hundreds of desalination plants and reuse of immense volumes of water guarantee enough for the future? Probably not, if huge areas of arid land are irrigated to feed a hungry, teeming world. But there is a way it can be done. There is a water miracle waiting to be developed.

It has been called "water for 100 years." Its official name is North American Water and Power Alliance. It would cost $100 billion and take 30 years to complete. About 20 percent of the water from the Copper, Tanana, and Susitana Rivers in Alaska, as well as the Yukon, Klondike, Stewart, and Pelly Rivers in Alaska, as well as the Yukon, Klondike, Stewart, and Pelly Rivers in the Yukon Territory of Canada, would be diverted from northward flow and turned south by dams, tunnels, gigantic pumps, reservoirs, and canals. As the diverted water flowed south and east it would be joined by portions of other Canadian rivers. The largest reservoir would be the Rocky Mountain Trench, stretching more than 500 miles on the east side of the Rockies in both Canada and the United States. Water from high precipitation areas now wasting into the sea would be distributed throughout the continent, wherever it was needed, generating power as it descended to the sea. NAWAPA would return the investment in approximately 50 years.

The Alliance would provide 22 million acre-feet for annual irrigation, industrial, and domestic use in seven provinces and one territory. It would generate 30 million kilowatts of power for outside sale and 30 million to be purchased by the Alliance for pumping. The estimated annual income for Canada from the sale of power and water and from barge and ship toll would be about $2 billion. During the construction period, from $2 to $3 billion would be spent in Canada annually. National income from agriculture, livestock, mining, manufacturing, and recreation would be increased by approximately $9 billion per year.

Probably the most spectacular development would be a navigable canal across Canada to Lake Superior, which would connect the Pacific and the Atlantic through the Great Lakes and the St. Lawrence Seaway, thus creating a man-made Northwest Passage. North and south the Great Lakes would be connected by large canals with Lake Winnipeg, Hudson Bay, and northeast Canada.

The real treasure would be 78 million acre-feet of pure, clear water for 33 states in the West and the Great Plains. Irrigated agriculture would be increased by 40 million acres as needed. The system would generate 38 million kilowatts of power for sale. The Great Lakes would be stabilized and, hopefully, saved from choking pollution by an inflow of 48 million acre-feet of clean water from the north. From $3 to $4 billion a year would be spent in the United States each year during the construction period as a boon to employment, industry, and services. The completed project would increase our national income from agriculture, livestock, manufacturing, mining, and water-based recreation by approximately $30 billion per year.

Northern Mexico is a dry region and desperately needs a new source of water. The NAWAPA project would deliver 20 million acre-feet of water annually to the region for its towns, cities, industries, and agriculture.

Who can create this North American miracle? The concept and plan has been laid out by a highly successful and hard-headed engineering firm with projects around the world—the Ralph M. Parsons Company, headquartered in Los Angeles. The company employs 3,000 scientists, engineers, and technicians. It has a force of 5,000 construction people in the field. A Senate subcommittee on western water development held hearings on Parson's North American Water and Power Alliance proposal. The committee, under the chairmanship of Sen. Frank M. Moss of Utah, issued a 56-page report of the hearings. The above description of benefits to Canada, the United States, and Mexico were taken, principally, from the report. Senator Moss has worked on and studied western water development for years. He recently wrote what is no doubt the definitive book on North American water problems. He appropriately titled it *The Water Crisis*.

Has anything been done to start the NAWAPA project? There have been no official talks reported between Canada and the United States on the subject, but there have been talks. Canada is listening. She needs everything the project has to offer, including irrigation water. She cooperated with the United States on the St. Lawrence Seaway and on Columbia River development. A joint commission of the two nations has functioned successfully since the Boundary Water Treaty of 1909.

Probably the most difficult problem would be to get agreement between the states and regions in the United States. States rights and water rights are heady, emotion-producing traditions. No one is really in control. It is an old Western habit to figuratively grab the trusty Winchester and guard the water hole when there is a proposal to transport water over a state line or from one river basin to another.

We need a national water commission composed of the most knowledgeable, unbiased, honest, courtageous, non-political men in the whole country, with authority provided by Congress to assign water surveys, direct long range planning, and make and enforce decisions based purely on what is best for the nation. When we have such a national commission we will be ready to lead the creation of a North American water system.

The indications are that it would take 10 years to write the detailed treaties with our northern and southern neighbors and complete the engineering surveys, then 20 years to construct the project. Perhaps we will get together on it after the Vietnam war is over. One thing is absolutely certain: a lot of clean water will have to come from somewhere between now and the year 2000.

LETTER TO A GRANDSON

HON. MELVIN R. LAIRD

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LAIRD. Mr. Speaker, a very interesting and appropriate column recently appeared in the Stevens Point Daily Journal in my congressional district. The column was written in the form of a letter to his first grandson by our State's foremost political reporter and columnist, John Wyngaard.

Its content and its message should be of interest to every American and, under unanimous consent, I place the full text of "Letter to a Grandson" by John Wyngaard in the Record at this point.

The article referred to follows:

Letter to a Grandson

(By John Wyngaard)

Madison.

Dear Pete: Many years from now you will understand why this letter is written. Then you will probably know out of your own experience what an important event in a man's life is the arrival of his first grandson. There is deep within every man the hope for the continuation of his family, and especially in the male line. You now give me the assurance that I had vaguely known I wanted but knew more positively when your father and mother informed me of your birth recently.

You have entered an uncertain and troubled world. Although when you become a little older and attend school in your historic New England City you will appreciate the providential circumstance that you were born a citizen of the United States, your parents and your grandparents today are deeply concerned about unfortunate and dangerous trends and conditions in the country.

We have poverty in the midst of plenty. We are embroiled in a hard war at the end of the earth that we are evidently unable to win and afraid to lose. Our citizen generation of college age is the most restless and rebellious, perhaps, in the history of the country. The tactics of anarchy are being applied by student rebels on some of the most distinguished campuses of the nation. Race conflict has a revolutionary tone.

No doubt your dad and mother observed recently the grim and drawn face of President Grayson Kirk of Columbia University, as the press reported the disruption of the operation of that historic and distinguished institution in New York. As it happens, Dr. Kirk is an old friend of mine and formerly worked as a teacher at the University of Wisconsin. I could understand the shock and incredulity with which he observed the rampage among his students and the virtual destruction of his own private office as a consequence of the ferocity of the rebellion of some of them.

I wondered when I read the press accounts whether he remembered the days in Madison when he was a young and underpaid instructor. Each morning he faced a big class of poorly clothed and underfed students from the farm and the towns of Wisconsin during the darkest days of the depression of the 1930's. I would venture that up to half of those students missed meals for reasons of sheer lack of money. But they did not rebel. Most of them were grateful that they were able to get into college. The alternative for many of them was to stand at the end of the line of the unemployed at the factory gates.

I mention these things because I want you to know, whatever your experiences as you grow up, that this is a strong and good country. It has weathered many other storms. Doubtless it will endure others in an uncertain and unsettled and dangerous world in which leadership and responsibility have been thrust upon it.

Sometimes I wonder what the country and the world will be like when you reach manhood, as I contemplate the breathtaking pace of change in every aspect of human life, science, technology and every one of mankind's infinite variety and number of enterprises. In my own lifetime history has been compressed almost unbelievably. In material progress, at least, there has been as much change since the day of my birth as there probably was in several preceding centuries.

Your father, I am proud to say, will be involved in many of the exciting changes to come. As a professional scientist, he is entering the elite of the productive generation of this era. As a son, you will learn to admire him. His long and hard training was largely the result of his own energy and resourcefulness. If when your time comes, dear boy, to go to college and prepare for your life work and can match his thrift and self-reliance and sense of responsibility, I will be a very proud ancestor, indeed.

YOUR GRANDFATHER.

WOMEN MARINES AND THE MARINE CORPS LEGEND OF DEDICATION AND SERVICE

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. TOWER. Mr. President, in its creation, preservation, and growth the Nation has been and still is fundamentally dependent upon dedicated, selfless men and women who interpret freedom as obligation, and commitment as service. Such is the case with the Women Marine Corps.

A resolution of the Continental Congress on November 10, 1775, created the U.S. Marine Corps. Since that time the Marines have served honorably and bravely in more than a dozen major wars and engagements, ranging from the undeclared war with France in 1798 to World War II, and from the War of 1812 to Vietnam. The fighting ability of the marines and their deeds of valor have of course become legendary.

Within this legend of dedication and service, there is, however, a major chapter that is sometimes overlooked. This chapter has its origins in World War I. It began not with a resolution of Congress but with a service directive. This chapter concerns the magnificent tradition of our women marines.

During World War I, when he saw the British utilization of women in military components to handle noncombat tasks, General Perishing asked for units of women in the U.S. Army. In that the existing laws concerning Army enlistment were restricted to men, his request was denied, although he did obtain women telephone operators, but under contract. The Navy discovered, however, that there existed a "permissive persons clause" by which the Navy authorized the service of "persons" without a specification of sex. Taking advantage of this clause, the Marine Corps enrolled a total of 305 female reservists known as "Marinettes." These women efficiently and tirelessly performed clerical jobs relieving the men in these billets for combat duty. With the conclusion of the First World War, all were separated from the Reserve, receiving honorable discharges and a commendation of "well done." By 1922 all "Marinettes" had returned to civilian life, although many of them became civil service appointees at the headquarters of the Marine Corps.

Thus, in word and deed, the women marines ceased to exist—that is, until the advent of World War II. Two years into the most terrible and demanding war of our history, the World War I experience was remembered, and this Nation again called upon womenpower to meet our desperately urgent needs for uniformed personnel. The formation of the U.S. Marine Corps Women's Reserve was approved by the wartime Commandant of the Marine Corps, Gen. Thomas Holcomb, and this year marks the 25th anniversary of the official activation of this Reserve.

Some 18,000 enlisted women and 800 officers of the women marines performed over 200 different types of duty during World War II. Indeed, fulfilling their recruiting slogan of "Free a Marine To Fight," every major Marine Corps post and station in the continental United States, as well as all recruiting districts, had contingents of valiant women serving their Nation. Following the war, a nucleus of well-trained women remained on duty despite rapid demobilization. With the passage of the Women's Armed Services Integration Act of June 12, 1948, the acceptance of women into the Regular Marine Corps was authorized.

In the Korean war, it was therefore not necessary to restructure a core of well-trained women, and for the first time in American history, women Reserves were mobilized as the Marine Corps Reserve was called to active duty. Fulfilling and surpassing the tradition of efficiency and competence they had achieved in the previous two wars, the women marines again served their country and again freed manpower for combat duty.

With the Vietnam war, we again see our women marines serving nobly and well in both stateside jobs and overseas assignments. Indeed, on March 18, 1967, M. Sgt. Barbara Dulinsky, who had volunteered for Vietnam duty, reported to the Military Assistance Command in Saigon as the first woman marine ordered to a combat zone.

According to legend, General Holcomb was once asked why the women marines did not have an acronym such as the Navy's "WAVES." His reply was in the form of a rather sharp retort:

> Hell, they're Marines; call them Marines.

This rejoinder is eminently acceptable to the women marines who have constantly striven to do their job well and with dispatch, while simultaneously adding a woman's touch and efficiency to the very serious business of defense preparedness. In fact, the first Director of the Marine Corps Women's Reserve, Mrs. Ruth Cheney Streeter, retired colonel and Legion of Merit winner, has been quoted as saying:

> We're proud to be called just Marines. They gave us no fancy name, which pleased us very much.

Performing 80 occupational specialties in more than 20 different fields, from data processing to personnel administration, the 2,700 women marines now in the corps—and the 40,000 who have served since February of 1943—deserve our praise and commendation. I salute this outstanding group of women who go to boot camp but do not carry guns and packs, who have all the spit and polish of the male Marines, but with a feminine style, who are not found in the frontlines of battle, but who can be found almost everywhere else doing just about everything that marines are called upon to do. These enlisted women and officers, efficient professionalists and sophisticated ladies, are performing an extremely valuable service to our Nation, a service that we are perhaps unaware of or tend to forget. It is primarily for this reason that I call to the attention of Senators and fellow Americans the chapter women Marines have played in Marine Corps tradition and history.

AVERELL HARRIMAN, NEGOTIATOR FOR WHOM?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, many Americans recalling the miserable blunders of past peace talks pose the question why Averell Harriman was selected to represent the United States in Paris.

Perhaps the question is the answer. To the Communists, peace talks are but a strategic part of the war itself.

The Communists were agreeable to meeting with a man they were confident they could outnegotiate.

To the Communist, "negotiate" means how much more of what you have are you going to give me without a struggle.

Ho Chi Minh's band thinks they have a patsy. Especially with Cyrus Vance on the inside.

Mr. Speaker, Father Daniel Lyons, S.J., in the Twin Circle, the national Catholic press, for May 26, 1968, furnishes background on Mr. Harriman in his article, "Why Harriman?"

Father Lyons' article follows:

WHY HARRIMAN?

(By Daniel Lyons, S.J.)

I met the Presidential delegation from Saigon for lunch at the New York Hilton last week. Despite the many questions in my mind, they asked the first: "President Johnson has been strong militarily on the war. Why did he send W. Averell Harriman to negotiate in Paris?"

I was accompanied by Father Raymond de Jaegher, whom I first met in Saigon shortly after the coup that overthrew Diem. We all knew that Averell Harriman had been one of the strongest influences in that overthrow. We were all aware of his long list of blunders before, during, and after the Yalta Conference.

Harriman had told Father de Jaegher in 1962 how we should force Laos to put Communists into its government, and he did. He then removed Laos from the protection of the SEATO Treaty, and left Laos unprotected by withdrawing our troops and "neutralizing" that poor country. Even Dean Rusk commented later that the treaty negotiated by Harriman over Laos in 1962 was "a dismal failure."

Harriman has always been regarded as a little slow: too little and too late. Now 77, he has been hard of hearing for 15 years. (Cf. "Harriman on Toast," by Wm. F. Buckley, in this week's issue.) "Why did President Johnson send Harriman to negotiate for him?" Why, indeed! "In our country," said Father Luan, "Harriman is regarded as a Leftist."

I have often pointed out that Hanoi wants to undermine the government of South Vietnam through her propaganda in the United States, just as she did with the government of Saigon in 1963. I have also pointed out that we should play the role of an ally in this war, and not pretend to be the government of South Vietnam. "We think it is a big mistake that our country is not represented at the discussions," said the delegation. "Hanoi is doing this to undermine the government of South Vietnam." The Thieu-Ky regime is the first stable government Saigon has had since Diem was overthrown It has taken ten interim governments to achieve stability.

Our President is not the President of South Vietnam. We have no right to speak for that beleaguered country. "Our Government will not be bound by any agreement made between Hanoi and Washington," the delegates pointed out. "No one can negotiate for us."

I posed another question. "The American press was very concerned about the immediate execution of a Viet Cong terrorist a few weeks ago by the Chief of Police in Saigon," I said. They pointed out: "People who fight out of uniform are not to be considered prisoners of war according to the Geneva Convention. They are simply outlaws. If they would fight according to the Geneva rules, so could we."

I posed another: "Is it true, as we are told in this country, that the Vietnamese people would not want Chinese soldiers from Formosa to fight in Vietnam?" "That is not true," the delegates said. "It is your government that will not permit them. It is your State Department."

"What about a coalition government?" I asked. "The vast majority of South Vietnamese do not favor a coalition government because they fear it would be tantamount to a Communist takeover. We would like to have an honorable peace as soon as possible. But we are determined that all of the sacrifices that have been made should not have been made in vain. We want a long-lasting peace in Vietnam and in Southeast Asia. We do not want to settle for peace at any price."

"What do you think should be done to end the war?" I asked. Said Ambassador Chi for the delegation: "We should close Haiphong harbor. We should seal off the Cambodian border. We should attack the Ho Chi Minh Trail in Laos. This would force peace quickly, if Washington would just permit it. I have advocated these steps for many months."

"So have I," I said, "so have I."

The whole idea that Ho Chi Minh will give up at the negotiation table is too naive to contemplate. Yet that idea is what our government has been counting on all along.

William F. Buckley, Jr.: On the Right

Averell Harriman has received considerable if not considered publicity in recent days as our emissary to Paris where we are to discuss with the North Vietnamese the future of South Vietnam. On a number of points there is general agreement, namely that Mr. Harriman is a stouthearted gentleman bred in the Yankee tradition, who knows how to bargain tenaciously. The legendary Harriman sleeps little, remembers everything, and comes home to Washington with the bacon. Unfortunately, as the spoil-sports say, there is the record.

It is rather dismal. Harriman is rightly credited as the first among the front-ranking diplomats of the late-war period who caught on to what Joseph Stalin was all about. Granted, the understanding of Stalin wasn't immediate. Harriman had been appointed ambassador to Russia in October 1943, and his communications to President Roosevelt shortly after arriving in Moscow were glowing with optimism. But by April of 1945, the month that Truman replaced FDR, the illusions were gone. "We must realize," he cabled the State Department, "that the Soviet program is the establishment of totalitarianism, ending liberty and democracy as we know and respect it."

Considering that penetration, one might have hoped for a better performance when Harriman met in Moscow with Molotov and British Ambassador Kerr on the matter of contriving a provisional government for Poland, as it was agreed at Yalta a few months earlier should be done. The ironic drag of that particular conference was very heavy, inasmuch as it was of course recognized that England had declared the Second World War in protest against the Nazification of Poland by Hitler. The idea was that Harriman should ensure free elections in Poland.

It is of course substantially unfortunate that the provisional government evolved into a puppet-Communist government, whose dynastic grandson, Gomulka, continues in iron control of the country. It is symbolically disappointing that Yankee Trader Harriman appeared, by the end of June, 1945, well pleased with himself and with the concessions he thought to have wrested from Moscow. Indeed, he threw a cocktail party at his Moscow residence to celebrate the achievement. Two months after all those toasts and all those happy grins, Poland had moved solidly into the Communist orbit.

Time passes, President John F. Kennedy nominates Harriman as our man to negotiate a nuclear test-ban treaty in Moscow, and away he goes. The government of the United States began by insisting on unlimited on-site inspection, for the very obvious reason that you don't, in a nuclear age, deal in the honor system.

Russia balked. So that, in February of 1963, we reduced our demands to seven sites. Russia balked again—but hinted that it might go along on two, maybe even three inspection sites. Harriman went to work. On Aug. 6, the Nuclear Test-Ban Treaty was signed. One of the provisions: No (n-o) inspections.

And then there was Laos. The problem was pretty hairy. But sure enough, we dispatched Mr. Harriman there, and presumably the idea was to contrive things so as at least to neutralize Laos, rather than to create within it great four-lane highways for the use of North Vietnam's war against South Vietnam. To recapture the thinking of the day, here is Mr. Jacques Nevard of the New York Times, writing on May 27, 1962: ". . . (There are those who) insist that if Laos is given to the Communists, the defense of South Vietnam and Thailand will be made much more difficult and costly . . . They ask, why give the Communists a corridor (the Ho Chi Minh Trail) through which they can supply their troops without making them fight for that, too?"

So Harriman concluded an arrangement for neutralization, which lasted approximately as long as it took Harriman to return to Washington to report his tidings gladly. Hostilities instantly broke out, with the Communists, taking advantage of the postures instituted by the treaty, getting the upper hand. Poor Mr. Harriman went once again to Moscow and was greeted cooly.

But, never say die, Boola Boola Harriman reported at the airport that he "had no reason to doubt Premier Khrushchev would fulfill his agreement with President Kennedy to establish a neutral and independent Laos."

Said neutral and independent Laos is, as we know to our great cost, a principal thoroughfare for the Communist aggression on South Vietnam. The point is: Ave is something less than Talleyrand, so don't be too disappointed. And if you're South Vietnamese, batten down the hatches.

THE "PEACE TALK" FARCE

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. HANSEN. Mr. President, all of us are filled with real anxiety about how things are progressing in Paris between representatives of our Government and those of North Vietnam.

We all share the very real hope that significant progress can be made and that matters can be so resolved that we can have a durable peace, with honor, as soon as possible.

But in our desire for an honorable peace, we will have to be most careful not to allow our attention to be completely diverted from the ominous activities of the U.S.S.R. in other strategic areas.

With that in mind, Managing Editor James Flinchum's editorial published recently in the Wyoming State Tribune spells out possible problems of the future for our country as it relates to a confrontation with Russia—not in Southeast Asia, but in India. He points out that we may be in for a rude awakening—and soon—in our dealings with India and the Soviet Union.

I ask unanimous consent that his informative editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The "Peace Talk" Farce

If we accept the thesis advanced by Dr. Robert Strausz-Hupe, director of the Foreign Policy Research Institute, that the war in Vietnam is a "crucial contest in the global protracted conflict between the United States and the Soviet Union," then the peace talks in Paris are a farce.

The worst thing, though, is that this farce is one of the Communists' own making, and that its goal is the political defeat of the United States in a war that it has so far won militarily, and could conclude on that basis if it were willing to do so, but obviously is not.

In Paris, we have the United States talking not with the main force behind the war, but a secondary participant, the Hanoi regime of Ho Chi Minh. While the Johnson Administration continues to behave in a cautious manner in the war because of the fear of intervention on the part of Communist Red China, it is Moscow who has really stolen the show in the Asian confrontation between the Free World and Communism by assuming the principal underwriting of the Communist military effort there.

Late in March, Reporter magazine noted that the Soviet Union already had spent more on the Vietnam conflict than it did on the Korean war; its expenditure for Vietnam alone now is running from five to eight billion rubles a year (a ruble at the official exchange rate is pegged at $1.11).

"Why have the Soviets become too deeply involved in Vietnam since 1964?" asked Alfred L. Weeks in his article, "The Other Side of Coexistence." Was it mere cause and effect, with U.S. bombing in February, 1965, causing an automatic Soviet stepped-up response?"

Indeed not, says Mr. Weeks in answering his own question; the Soviet escalation preceded the U.S. bombing by four months and can be traced to the same forces that brought about the ouster of Khrushchev and resulted in a hardening of the USSR's attitude toward the U.S.

Weeks writes that "of course the Soviets counted on strictly limited and 'rational' mutual escalation with the United States," meaning that neither side would get too rash. This is what we presume our own Senator McGee has in mind when he says the United States has acted with "restraint" in Vietnam. Both sides have played out a rather grisly Alphonse-and-Gaston act in this war and as the ritual was prolonged the only sufferers have been American troops. The Soviets, Weeks pointedly notes, were not disappointed in what they expected this country to do as far as the "limited" escalation was concerned.

In that article, Mr. Weeks observed nearly two months ago that the Soviets were "manifestly uninterested in seeking an end to the conflict" in Vietnam, saying it serves Moscow with some "very pivotal military and political interests."

In his article "On the Southeast Asia Confrontation" appearing in the current issue of Air Force and Space Digest Magazine, Dr. Strausz-Hupe points out the Cuban crisis was a strategic contest between the United States and the Soviet Union over the strategic dominance of a specific area; and as far as the United States is concerned, the results for this country in that struggle were not as "conclusive as they are made out to be in our national mythology."

Similarly, he points out, the Vietnam war is a strategic contest between the United States and the Soviet Union over another world area, Southeast Asia. Dr. Strausz-Hupe says that only by abandoning the idea of a grand alliance with the two great nuclear powers can the United States rid itself of "the pernicious preconceptions" that have hampered its operations in Southeast Asia and thrown the American public into confusion.

In other words, the United States must stop thinking it can make an alliance with Moscow which is at the bottom of its troubles in Asia and elsewhere in the first place. This is supported by an alarming disclosure made this week by the Washington Report of the American Security Council. While the rest of the world has had its attention fixed on Vietnam, Moscow has been quietly preparing a political coup in India, the second most populous nation. India has become a front for Communist expansion, with that country aided by the customary influx of Soviet technicians and industrial experts—already having established plants for assembling MIG–21 and HF–21 fighters; industrial complexes at Nasik, Koraput and Hyderabad for manufacturing aircraft engines, frames and electronic equipment; an air-to-air missile production center at Hyderabad; a plant for turning out 360 tanks a year in Madras state; a shipbuilding complex near Bombay and enough small arms plants to provide India with export capability in this field.

Last February the USSR signed a contract to purchase 600,000 tons of steel from a Soviet-built plant in India; and at the very time when the United States was rushing between 16 and 17,000,000 tons of food to famine-stricken India, the Indian government had made a deal with Moscow to buy $600,000,000 worth of new planes for the Indian Air Force. Early this year 127 new Soviet-made SU–7 fighter-bombers arrived in India from Russia, and India announced it had obtained four submarines, 400 tanks, long-range artillery and short-range SAM-type missiles from the Soviets.

While the Soviets steal a march on us to assure its domination over Southeast Asia far from fields of conflict in Vietnam, the U.S. goes on with its empty ritual of "peace talks" in Paris, in a show rigged, and with the script written for their North Vietnamese stooges in Moscow.

ILLINOIS' GOVERNOR SHAPIRO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, history was written in Springfield yesterday when a truly impressive son of Illinois, Lt. Gov. Samuel H. Shapiro, was sworn into office as the 34th Governor of the State of Illinois.

In an impressive ceremony Governor Shapiro took the oath of office for the unexpired term of Otto Kerner, who has resigned to accept a Federal judgeship.

Samuel Shapiro is a man without an enemy in the State of Illinois. His deep devotion to human dignity and his dedication to the highest ideals of public service qualify him for the role of Governor more than any other son of Illinois.

While we all have the highest respect for the leadership that Governor Kerner brought to Illinois, we know that if there ever was an individual competent and capable to not only carry on that leadership, but to bring a vista of new ideals to meet the challenge of our time, that man is Sam Shapiro.

Illinois can well be proud of the leadership we anticipate through the offices of Governor Shapiro, and his continued dedication to this great State is an asset to all the people of Illinois who applaud good government.

Mr. Speaker, I would like to include at this point in the RECORD, the remarks delivered by Governor Shapiro at the swearing-in ceremonies held in Springfield yesterday:

The text of Gov. Shapiro's inaugural speech:

"Father O'Connor, elected state officials, leaders of the General Assembly, my fellow citizens:

"To Gov. Kerner—he shall always be known by that name to the grateful citizens of Illinois—I am deeply appreciative that he should return to the Capitol to administer this solemn oath. He honors me as he has honored me thruout our association with his trust and friendship. His presence symbolizes the strength of that association, the bond of our friendship. In a greater sense, it symoblizes the validity and the vigor of our democracy in which peaceful and orderly change is willed by the people thru their constitution. I stand reminded, too, of another day when rather than preparing to fix different courses, we embarked together on a great journey.

"MOVE FORWARD

"Almost eight years ago, we assumed state office together with our elected colleagues, eager to move Illinois forward in new directions and, in harmony with new national leadership, scale new heights toward fulfilment of the American dream, contributing to the pursuit of national goals for the good of all Americans.

"Together with a vibrant man from Massachusetts we had taken our ideas and ideals to the people of Illinois, and we believed deeply as John F. Kennedy told all Americans later when we prepared to govern that 'the energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world.'

"ATTACK NEGLECTED PROBLEMS

"Under the leadership of President Kennedy and President Lyndon B. Johnson, the glow from that fire lighted our nation and, under the leadership of Gov. Kerner, truly lighted Illinois. Problems long neglected were attacked boldly—education, civil rights, public aid, the economy itself, and many others not the least of which was mental health, a field in which I had engaged myself for 14 years in this very House seeking to bring compassion and aid to thousands of our fellow Illinoisans.

"The progress recorded in these seven and a half years, the heights we have climbed, the energy, the faith, the devotion—the dignity—all of this has marked the Kerner years. It has been a glorious chapter in Illinois history.

"WILL BE NO RETREAT

"There will be no retreat from these commitments and moreover, there will be no retreat from the promise of those commitments. I do not envision my administration merely as a holding action seeking only to preserve our gains against any force of retrenchment. We must move on. We must broaden our gains. A writer once said, 'Life is a wave which in no two consecutive moments of its existence is composed of the same particles.'

"This moment signifies a new wave born of the sea of success. What we will seek now are new advances in a great tradition.

"There is the opportunity yet this year for the General Assembly to join in achieving new advances, to resolve pending problems. By its decision not to adjourn sine die after regular session, by its desire to return in session, the leadership of the assembly has indicated it stands ready to solve any problem, meet any challenge, take any opportunity to serve the people of Illinois. I am preparing to meet with the assembly when it returns and help point the way.

"URGES RESPONSIBILITY

"Legislative responsibility of the highest order is imperative particularly in the vital field of revenue because, as you know, the administration's plan gave way to the program of the General Assembly which now has been declared unconstitutional by the Illinois Supreme court.

"The members of the General Assembly, I am sure, will assume fully their responsibilities in this matter and join with me in righting this situation, not as Democrats, not as Republicans, but as Illinoisans concerned with solving the state's problems.

"I believe deeply in the validity of the legislative process of which I have been so long a part as I believe deeply in the truth of democracy itself. I believe, too, in creative government, not a government of caretakers.

"MUST TREAT RETARDED

"I believe it is our mission not just to take custody of the mentally ill and retarded, but to take them on the road of treatment eventually leading to a decent and meaningful life in the community.

"I believe we are not here just to dole out relief checks but rather to provide the opportunities thru training and education so that those of our fellow citizens dependent upon us can become productive members of our society.

"I believe in schools and colleges that are not just institutions for those who can afford to pay. I believe in a growing educational system, wide and varied, that reaches out to touch as many of our young people as possible, in many ways.

"MANY HAVE TOO LITTLE

"I believe in the words of Franklin Roosevelt that 'The test of our progress is not whether we add more to the abundance of those who have much: it is whether we provide enough for those who have too little.' There are too many who have too little. There are too many who have been left out of the affluence of America.

"MUST END VIOLENCE

"I believe Illinois must push ahead and not leave to the federal government the great civil rights legislation of our time. Our task at the state and national level has been chartered for us by the National Advisory Commission on Civil Disorders—the Kerner report. We need a massive commitment on the part of state and national governments, on the part of all Americans: 'New attitudes, new understanding, and, above all, new will.'

"Let us heed as well these further words of the Kerner report: 'Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot—it will not—tolerate coercion and mob rule. Violence and destruction must be ended. . . .'

"Abraham Lincoln phrased it another way: 'Let reverence for the laws . . . become the political religion of the nation.'

"Reverence for the laws—I pledge it as my political religion as I have pledged it thruout my life; as I pledged it 21 years ago in this House where I began my service to the state of Illinois.

"I ask each of my fellow citizens that reverence for the laws be your political religion so that we can devote all our energies to the struggles ahead, the work of democracy that calls upon each of us to add to the greatness of Illinois and America.

"It is to that greatness that I vow my full commitment—that I ask you to commit yourself, taking as our expression of faith to each other, our mutual mission, the words of the constitution of Illinois: '. . . Grateful to almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generation . . .'

"We will succeed because our heritage and destiny as Americans insures it."

PUBLIC EMPLOYEE STRIKES

HON. PHILIP A. HART

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record a timely article entitled "Right of Public Employees To Strike," which was published in the 1967 fall issue of the De Paul Law Review. The article was written by Herb Hoffman, an associate editor of the De Paul Law Review, and now a member of the Justice Department's honors program.

Mr. President, to those interested in a perceptive analysis of the delicate issues involved in public employee strikes, I commend Mr. Hoffman's penetrating article.

There being no objection, the article was ordered to be printed in the Record, as follows:

Right of Public Employees To Strike

In the last thirty years there has been an explosive increase in the number of public employees and today they constitute almost seventeen per cent of the nation's working force.[1] With public employment continually increasing[2] there has been substantial development in public employee unionism,[3] and in the future there may be a greater number of labor disputes and consequently a rise in the number of public employee strikes.[4] These statistics and predictions emphasize the need to determine the precise legal status of the right to strike in public employment. It will be the subject of this comment to discuss the nature and validity of the theories used to prohibit or permit such strikes. While this article will be concerned with public employees in general, it will focus its attention to actual strikes by public school teachers, since it is felt by leading commentators that, because of their successes in the past, classroom teachers will take the lead as public employees in using the strike to gain their objective.[5]

Court decisions almost uniformly deny public employees the right to strike.[6] They support this position with the theory that a strike by public employees would, in effect, be a strike against the government itself.[7] This could only lead to anarchy and chaos. As stated by President Franklin D. Roosevelt:

> Militant tactics have no place in the functions of any organization of Government employees. [A] strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of Government until their demands are satisfied. Such action, looking toward the paralysis of Government by those who have sworn to support it, is unthinkable and intolerable.[8]

In *Norwalk Teachers Ass'n. v. Board of Educ.*,[9] the court, in denying Norwalk teachers the right to engage in a strike or work stoppage, quoted Roosevelt's statement as having come to be regarded as gospel by the executive heads of state and nation.[10] The court also relied upon President Calvin Coolidge's comment on the Boston Police Strike, that "there is no right to strike against public safety by anybody anywhere at any time."[11]

In addition to judicial decisions denying the right of public employees to strike, state legislatures are tending to specifically prohibit strikes.[12] Congress also has specifically prohibited employees of the United States government from participating in a Strike.[13]

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[1] In 1930, public employees constituted only about six percent of the civilian labor force. Smith & McLaughlin, *Public Employment: A Neglected Area of Research and Training in Labor Relations*, 16 Ind. & Lab. Rel. Rev. 30, 31 (1962). "Population growth, war and national defense, economic crises, technology, and the desire for additional services have been responsible in the last 25 years for a phenomenal rise in employment in public service." Seligson, *A New Look at Employee Relations in Public and Private Service*, 15 Lab. L.J. 287, 298 (1964).

[2] "It is estimated that by 1970, for every five employed persons there will be one government employee; by 1980 the ratio will have increased to 1 out of 4." Weisenfeld, *Public Employees—First or Second Class Citizens*, 16 Lab. L.J. 685, 687, (1965).

[3] *Id.* at 687. For statistics see, Brinker, *Recent Trends in Labor Unions in Government* 12 Lab. L.J. 13, 14–18 (1961).

[4] Anderson, *Disputes Affecting Government Employees*, 10 Lab. L.J. 707 (1969).

[5] *Supra* note 2, at 697. Radke, *Real Significance of Collective Bargaining for Teachers*, 15 Lab. L.J. 795 798 (1964). Wollett, *The Public Employee at the Bargaining Table: Promise or Illusion?*, 15 Lab. L.J. 8 (1964).

[6] Although there have been many strikes by public employees, very few of them have reached the courts of last resort, and consequently there are few reported cases. But see: City of Los Angeles v. Los Angeles Bldg. & Constr. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (2d Dist. 1949); Norwalk Teachers Ass'n v. Board of Educ., 138 Conn. 269, 83 A.2d 482 (1951); Board of Educ. v. Redding, 32 Ill. 2d 567, 207 N.E. 2d 427 (1965); City of Detroit v. Division 26 of the Amalgamated Ass'n. of St. Employees, 332 Mich. 237, 51 N.W.2d 228 (1952); Goodfellow v. Civil Serv. Comm'n., 312 Mich. 226, 20 N.W.2d 170 (1945); City of Manchester v. Manchester Teachers' Guild, 100 N.H. 507, 131 A.2d 59 (1957); City of Cleveland v. Division 268, Amalgamated Assn. of St. Employees, 85 Ohio App. 153, 90 N.E.2d 711 (1949); Local 976, Int'l. Bhd. of Elec. Workers v. Grand River Dam Authority, 292 P.2d 1018 (Okla. 1956); City of Pawtucket v. Pawtucket Teachers' Alliance, 87 R.I. 364, 141 A.2d 624 (1958); Port of Seattle v. International Longshoremen's Union, 52 Wash. 2d 317, 324 P.2d 1099 (1958). *Contra*, Local 266, Int'l Bhd. of Elec. Workers v. Salt River Project, 78 Ariz. 30, 275 P.2d 393 (1954); Board of Trustees v. Now, 9 L.R.R.M. 789 (Ohio C.P. 1941). For cases permitting a strike of public employees by statutory construction, see Los Angeles Metropolitan Transit Authority v. Brotherhood of R.R. Trainmen, 54 Cal. 2d 684, 335 P.2d 905 (1960), 59 Mich. L. Rev. 1260 (1961), 47 Va. L. Rev. 338 (1961), 18 Wash & Lee L. Rev. 297 (1961) (right to strike implied by statute giving transit authority employees the right to engage in "concerted activities"). See also, Note 75 Harv. L. Rev. 391, 407–408 (1961).

[7] Spero, Government as Employer 15 (1948).

[8] Letter from President Franklin D. Roosevelt to L. C. Stewart, President, National Fed'n. of Fed. Employees, Aug. 16, 1937, in Rhyne, Power of Municipalities to Enter into Labor Contracts 24 (1941).

[9] 138 Conn. 269, 83 A.2d 482 (1951).

[10] *Id.* at 273, 83 A.2d at 484.

[11] *Ibid.* See also Message to Legislature 36, Jan. 4, 1961, where Governor Nelson A. Rockefeller of New York has recently said, "A strike or threat of a strike by public employees is wrong in principle and utterly inconsistent with their special responsibilities as public servants."

[12] At least twelve states prohibit strikes of public employees by legislation: Fla. Stat. § 839.221 (1963); Hawaii Rev. Laws § 5–8 (1955); Mich. Stat. Ann. § 17.455 (2) (1960); Minn. Stat. Ann § 179.51 (Supp. 1964); Neb. Rev. Stat. § 48–821 (1943); N.Y. Civ. Serv. § 108; Ohio Rev. Code Ann. § 4117.02 (Anderson 1965); Ore. Rev. Stat. § 243–760 (1963); Pa. Stat. Ann. tit. 43, § 215.2 (1964); Tex. Rev. Civ. Stat. art. 5154–c (Supp. 1964); Va. Code Ann. § 40–65 (Supp. 1964); Wis. Stat. § 111.70 (4) (1) (1963). See also Pruzan v. Board of Education of City of New York, 25 Misc. 2d 945, 209 N.Y.S. 2d 966 (1960) holding an anti-strike law constitutional *Contra*, a number of bills have been introduced in state legislatures which would grant the right to strike to all or at least in some areas of public employment, but none has yet been enacted. Zander, *Trends in Labor Legislation for Public Employees*, 83 Monthly Labor Rev. 1293, 1296 (1960).

[13] Federal law declares that employees of the United States Government may not participate in any strike, assert the right to strike against the Government, or knowingly belong to an organization of government employees that asserts such a right 69 Stat. 624 (1955), 5 U.S.C. § 118–p–r (1964). For a discussion of other foreign countries' laws on the legality of strikes by government employees, see Brinker, *Recent Trends of Labor Unions in Government*, 12 L.J. 13 (1961).

The reason given for the passage of anti-strike laws, instead of relying on protection fashioned by the courts, is that occasional threats of organized public employees and actual strikes by them cause embarrassment not only to public officials but to leaders of employee organizations, as well as tax the patience of the public.[14]

The major theory advanced against public employees' strikes is the sovereignty of the governmental employer.[15] This theory argues that the people are the ultimate repository of authority. However, they can only act through the sovereign state, which is the embodiment of the will of the people. The state's employees are the means by which the will of the people is effectuated, and herein they differ from private employees. The government employee owes unquestioning loyalty and obedience to the state, for to disobey the state is to disobey the will of the people.[16] A strike against a governmental body is often thought of as equivalent to a revolt against governmental authority,[17] or tantamount to treason itself.[18]

The sovereignty theory, however, has been called a fiction.[19] The chief fallacy lies in its failure to differentiate the government as a sovereign and as an employer. In its latter capacity the government merely hires people to perform services.[20] In the normal course of events disputes arise which are settled by negotiation, conciliation or arbitration. But these methods may be insufficient, and employees may resort to a strike in an attempt to enforce their position. This pattern in labor relations is not altered by the fact that the employer involved is some unit or agency of the government.[21]

Another basis for denying the right to strike is that the authority of the state depends in a large measure on its prestige. Therefore, public policy cannot tolerate a strike which would inevitably weaken the state's prestige.[22] However, this argument has been criticized:

> It is doubtful that the loss of a strike would cause such a loss of prestige as to cause a breakdown of the state's authority. A greater loss might occur by the resort to repressive labor policies. In any event no strike by government employees has yet had the effect of causing a breakdown of the state's authority.[23]

Furthermore, it is unlikely that such strikes would dampen the state's prestige, since they have no political motive and are not aimed at the function of government itself. They are aimed at particular politicians or administrators and in that respect are exactly like strikes in private industry.[24]

Some authorities feel that since the profit motive is lacking in government, there can be no conflict between the employer and employees for a greater share of the profits as there is in private industry.[25] However, the absence of a profit motive is often compensated for by the constant pressures for governmental economy.[26] Also, government officials, strongly motivated by a desire for advancement or for the added personal prestige which results from outstanding agency records, often behave in much the same fashion as do private employers.[27]

Yet, a fundamental difference exists between employment in private industry and employment in public industry, which renders strikes and unionism inappropriate. The management of a governmental enterprise is responsible to the body politic for the performance of the enterprise and provisions of law often limit the management in many matters which in private industry would be subject to the decision of the employer or collective bargaining.[28] In *City of Springfield v. Clouse*,[29] the plaintiff sought a declaratory judgment to determine the right of the city to enter into collective bargaining contracts with city employee labor unions. The court, in holding that the collective bargaining contracts concerning wages, hours, collection of union dues and working conditions were void, said that:

> Although executive and administrative officers may be vested with a certain amount of discretion and may be authorized to act or make regulations in accordance with certain fixed standards, nevertheless the matter of making such standards involves the exercise of legislative powers. Thus qualifications, tenure, compensation and working conditions of public officers and employees are wholly matters of lawmaking and cannot be the subject of bargaining or contract. . . .[30]

Nevertheless, it is asserted that administrative officers frequently have wide discretionary powers over working conditions[31] and many strikes have been effective in improving working conditions.[32]

It is contended that government employees are responsible for the public welfare[33] and are obligated to remain at their jobs.[34] For example, the right to strike would seem completely incongruous and improper for employees directly concerned with the public safety and preservation of order.[35] However, the state's interest in avoiding work stoppages is not the same in all areas of public service.[36] Few persons would argue that the practical effect of a strike by the employees of the city municipal golf course would be as threatening to the public health and safety as a strike among employees of a private hospital. And a strike by employees of a private contractor at Cape Kennedy would obviously have a potentially more serious effect upon the public than a dispute among the employees of a public school system.[37] Rather than classify all public employees together some courts apply a distinction based upon whether the service performed is governmental or proprietary in nature.[38] These courts find it incongruous to say that if a utility worker is working for a non-public employer he has the right to strike and perhaps imperil the welfare and safety of the public, whereas the same man, working for a government-operated utility, would not have the right to strike.[39] Thus, these courts allow strikes by public employees engaged in operations similar to activities in the private sphere.[40]

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[14] Kaplan, The Law of Civil Service, 325 (1958).

[15] For discussions of the sovereignty argument see, Comm. on Employee Relations in Public Service, Employee Relations in the Public Service 57 (1942); Spero, *Collective Bargaining in the Public Service*, 248 Annals 146 (1946); Agger, *The Government and its Employees*, 47 Yale L. J. 1109 (1938); Watt, *The Divine Right of Government by Judiciary*, 14 U. Chi. L. Rev. 409, 453 (1947).

[16] The theory of sovereignty forms the basis of certain arguments by analogy. The right to strike, it is argued, is analogous to the right to sue the state; unless the sovereign permits, it cannot be done. Kaplan, *Have Public Employees the Right to Strike? No*, 30 Nat'l. Munic. *Rev.* 518, 520 (1941). Some go as far as to compare all government workers to the military forces and argue that the sovereign demands the same loyalty and obedience from both. Agger, *Supra* note 15 citing from Spero, The Labor Movement in a Government Industry 17–20 (1927).

[17] "In the American System, sovereignty is inherent in the people. They can delegate it to a government which they create and operate by law. They can give to that government the power and authority to perform certain duties and furnish certain services. The government so created and empowered must employ people to carry on its task. Those people are agents of the government. They exercise some part of the sovereignty entrusted to it. They occupy a status entirely different from those who carry on a private enterprise. They serve the public welfare and not a private purpose. To say that they can strike is the equivalent of saying that they can deny the authority of government and contravene the public welfare." *Supra* note 9, 276, 83 A.2d at 485.

[18] See City of Cleveland v. Division 268, Amalgamated Ass'n. of St. Employees, *supra* note 6; see *supra* note 2, at 686.

[19] Sovereignty theory has been criticized in other areas of the law. "It would seem somewhat anomalous that American courts should have adopted the sovereign-immunity theory in the first place since it was based upon the divine right of Kings." Holytz v. City of Milwaukee, 17 Wis. 2d 26, 30–31, 115 N.W. 2d 618, 620 (1961) (abrogating the doctrine of governmental immunity from tort claims). See generally City of West Frankfort v. United Ass'n. of Journeymen, 53 Ill. App. 2d 207, 202 N.E. 2d 649 (1964).

[20] Agger, *supra* note 15.

[21] "Government employees like their counterparts in private enterprise are subject to the same vicissitudes of insecurity of employment, rising prices, accident, illness and old age. Everywhere, from the remotest corners of the earth to the most sophisticated, people seek to assert a measure of control over the conditions under which they live. The public employee, no less than his private counterpart, labors under the same apprehensions and frustrations and seeks the same measure of fulfillment from his daily chores." Weisenfeld, *supra* note 2, at 688. "Strikes in government employment have had the same causes as those in private employment." Note, 2 Vand. L. Rev. 414, 445 (1949) citing Ziskind, One Thousand Strikes of Government Employees, 187 (1940).

[22] Note, *supra* note 21 at 446.

[23] Ziskind, *supra* note 21 at 191, 249.

[24] Baldwin, *Have Public Employees the Right to Strike?—Yes*, 30 Nat'l. Munic. Rev. 515, 516 (1960).

[25] Sullivan, *Labor Problems in Public Employment*, 41 Ill. B.J. 432 (1957). See also, Board of Education v. Redding, 32 Ill. 2d 567, 207 N.E.2d 427 (1965); City of Manchester v. Manchester Teachers Guild, 100 N.H. 507, 131 A.2d 59 (1959).

[26] Rains, *Collective Bargaining in Public Employment*, 8 Lab. L.J. 548, 549 (1957).

[27] Agger, *supra* note 15, at 1110; Baldwin, *supra* note 24.

[28] "For example, the following matters may be erased from the bargaining table by law: (a) recruitment and promotions because they are governed by civil service regulations; (b) retirement and pension programs because for financial and actuarial reasons, they have been fixed by state law; (c) if an increase in teachers' salaries depends upon expansion of the revenues available for the school district, the procedures of collective bargaining are useless." Wollett, *The Public Employee at the Bargaining Table: Promise or Illusion?*, 15 Lab. L.J. 8, 10 (1964). See also Radke, *Real Significance of Collective Bargaining for Teachers*, 15 Lab. L.J. 795 (1964).

[29] 356 Mo. 1239, 206 S.W. 2d 539 (1947).

[30] *Id.* at 1251, 206 S.W.2d at 543.

[31] "In public education, however, 54 per cent of the local school boards are fiscally independent and they, therefore, determine their own budgets. For the other 46 per cent of the school districts, which are fiscally dependent, a reviewing agency must give approval to the school board's budget." Moskow, *Collective Bargaining for Public School Teachers*, 15 Lab. L.J. 787, 792 (1964).

[32] Ziskind, *supra* note 21, at 254.

[33] Rains, *supra* note 26, at 549.

[34] This notion appears to stem from an 1892 decision of the Supreme Judicial Court of Massachusetts involving the right of cities to restrict political activities of policemen. The Court, by Mr. Justice Holmes, said: "There are few employments for hire in which the servant does not agree to suspend his constitutional right of free speech . . . by the implied terms of his contract. The servant cannot complain, as he takes the employment on the terms which are offered him. On the same principle, the city may impose any reasonable condition upon holding offices within its control." McAuliffe v. New Bedford, 155 Mass. 216, 220, 29 N.E. 517, 518 (1892).

[35] The city is certainly justified in placing certain restrictions on employees entrusted with public health safety and welfare. This class would include policemen, firemen, health officers and others similarly situated. Note 4, Duquesne U.L. Rev. 137, 138 (1965).

[36] See, e.g., Rains, *supra* note 26, Weisenfeld, *supra* note 2, at 702.

ALTERNATIVES TO THE PUBLIC EMPLOYEE STRIKE

In light of the sentiment against public employee strikes, some authorities feel that the public employee should only have recourse to other methods to settle their disputes.[41] The primary alternatives to the strike which are available to public employees are political persuasion and pressure, mediation, compulsory arbitration, picketing and strike threats.

Political persuasion and pressure by public employee groups is said to be the best substitute for economic pressure.[42] Lobbying and political pressures, brought upon those in authority,[43] are tactics natural to government and are better understood by the legislature and executive than the traditional theories of collective bargaining.[44] Well organized legislative and political programs by powerful public employee unions can result in new laws providing for increases in wages and may suggest new sources of revenue which can be used to give increased benefits.[45] Even so, there has been a considerable difference of opinion as to whether or not political pressures should be employed by public servants. In 1960, when President Eisenhower vetoed a bill granting a pay raise to postal employees, he openly criticized the concealed pressures asserted on members of Congress.[46] Some courts have gone further than criticism and have placed restrictions on the right of public employees to organize or participate actively in politics. They have, in effect, prevented them from crystallizing public opinion so as to change the employment practices of their employer.[47]

A few states, in an effort to avoid strikes by public employees, have provided for mediation wherein a neutral third party is employed to help the parties reach a voluntary agreement.[48] Though neither party is compelled to accept the recommendations of the mediator, the mediation process is still valuable for it may remove the emotional walls separating the parties and improve the communication lines between them.[49] Nevertheless, it is still questionable whether mediation is an adequate substitute for the right to strike because in most instances public employees are denied access to the various arbitration and mediation boards set up under federal and state labor relation acts.[50]

A third alternative to the strike is compulsory arbitration, which has occasionally been authorized by statute or municipal charter.[51] Legislation providing for arbitration is based on the view that uninterrupted public service is absolutely essential.[52] In the absence of such legislation courts tend to consider any arbitration agreement entered into as an unlawful delegation of governmental authority.[53] Even where compulsory arbitration is authorized problems exist which discourage its use as a strike alternative. In most areas of public employment, collective bargaining is new and undeveloped, thus, inexperienced bargainers tend to rely on arbitration to settle every major disagreement and are confronted with an uncontrollable work load.[54]

Picketing can also be used as a legitimate tactic by public employees. Although picketing was once held to fall "within that area of free discussion that is guaranteed by the Constitution,"[55] the Supreme Court has since declared that "picketing by an organized group is more than free speech"[56] and it has been held constitutional for a state to enjoin peaceful picketing which is "aimed at preventing effectuation [of] some public policy, whether of its criminal or its civil law, and whether announced by its legislature or its courts."[57] This rule has been applied to uphold the granting of injunctions to prohibit picketing by public employees.[58] However, in these cases the picketing was carried on in conjunction with a strike or had the immediate purpose of a work stoppage.[59] Nevertheless, when picketing does fall within the constitutionally protected area established by the Supreme Court,[60] it alone will not suffice to ensure the equitable resolution of labor-management disputes. When picketing is employed against the Government while the Government continues to be judge and jury, the bargaining process strains the principle of good faith to the utmost.[61]

Some labor practitioners agree that the threat to strike may be a more effective weapon than the strike itself, for it may not turn out to be as hard to live with as feared. Also, a prolonged strike inflicts serious harm on the strikers and the danger of a break in ranks. By instilling fear in the community and mobilizing pressure on the management of the enterprise the union can have its demands answered without reverting to the actual strike.[62] But it remains doubtful whether strike threats will be genuinely effective for they tend to alienate the public opinion and support which is needed in order to finance improvements in the economic welfare and work situation of public employees.[63] The alternatives to the strike previously discussed are limited tools, but public employees consider it important that they be provided with a substitute for the strike weapon and have even struck to achieve such a substitute.[64]

The American Bar Association at its 1955 meeting recognized the urgent need for some type of system whereby public employees could settle their grievances. Commenting on the dichotomy of Government's encouraging full freedom of association and bargaining rights to employees in private industry, but denying similar rights to its own employees, the ABA said:

Government which denies to its employees the right to strike against the people, no matter how just might be the grievances, owes to its public servants an obligation to provide working conditions and standards of management-employee relationships which would make unnecessary and unwarranted any need for such employees to resort to stoppage of public business. It is too idealistic to depend solely on a hoped-for beneficent attitude of public administrators. Promises of well-meaning public officials imbued with a sense of high authority who resort to the pretense of alleged limitations on their powers to avoid dealing forthrightly with representatives of their subordinate employees only aggravate grievances. Some practical machinery for handling grievances, fancied or real, needs to be provided to insure to employees that public management is concerned with their just complaints.

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[37] Anderson, *supra* note 4, at 708; for other similar comparisons of the gravity of the consequences involved in strikes by public and private employees, see Keyes, *Right to Strike by Employees*, 31 Dicta 267–275 (1954); Agger, *supra* note 15, at 1130.

[38] *E.g.*, International Bhd. of Elec. Workers v. Salt River Project, 78 Ariz. 30, 275 P.2d 393 (1954); Board of Trustees v. Now, 9 L.R.R.M. 789 (Ohio C.P. 1941). This distinction has been rejected by the majority of courts, *e.g.*, City of Los Angeles v. Los Angeles Bldg. & Constr. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (2d Dist. 1949); Port of Seattle v. International Longshoremen's Union, 52 Wash. 2d 317, 324 P.2d 1099 (1958).

[39] Rains, *supra* note 26, at 549.

[40] *Supra* note 37.

[41] Note, 54 Harv. L. Rev. 1360, 1365 (1940).

[42] Anderson, *supra* note 4, at 709.

[43] "The process is not unlike the pressures developed in major private disputes when the parties seek the help of the executive to bring about the settlement of a dispute by exerting some form of pressure upon the parties to the dispute." *Id.* at 709–710. The recent air-lines strike is an example where we have seen requests for executive help.

[44] The postal employees are a good example of public employee groups which traditionally apply strong and effective political pressures to achieve their legislative goals. Smith and McLaughlin, *supra* note 1, at 37 n. 29.

[45] Wortman, *Collective Bargaining Strategies and Tactics in the Federal Civil Service*, 15 Lab. L.J. 482, 489–490 (1964).

[46] Smith & McLaughlin, *supra* note 1, at 37 n. 29.

[47] For examples of restrictions on the organization of public employees, see cases: Perez v. Bd. of Police Commissioners 75 Cal. App. 2d 368, 178 P. 2d 537 (1947); CIO v. Dallas, 198 S.W.2d 143 (Tex. Civ. App. 1946); Seattle High School v. Sharples, 159 Wash. 424, 293 Pac. 994 (1930). For examples of restrictions on political activities, see cases: Oklahoma v. U.S. Civil Service Commission, 330 U.S. 127 (1947); U.S. Public Workers v. Mitchell, 330 U.S. U.S. 75 (1947).

[48] See Ore. Rev. Stat. §§ 243.750, 662.435 (Supp. 1963); Wis. Stat. § 111.70(4)(b) (1963); of particular interest in Mich. Stat. Ann. §§ 17.45(1)–(8) (Supp. 1963).

[49] For full discussion of the mediation process in the area of public employment, see Moskowitz, *Mediation of Public Employee Disputes*, 12 Lab. L.J. 54 (1961); Chisholm, *Mediating The Public Employee Dispute*, 12 Lab. L.J. 56 (1961).

[50] *E.g.*, Tex. Rev. Civ. Stat. art 5154c (Supp. 1964): "It is declared to be against the public policy of the State of Texas for any official or group of officials to recognize a labor organization as the bargaining agent for any group of public employees." See also Westwood, *The Right of an Employee of the United States Against Arbitrary Discharge*, 7 Geo. Wash. L. Rev. 212 (1938).

[51] *E.g.*, 92 Neb. Rev. Stat. §§ 48–801–823 (Supp. 1964); R.I. Gen. Laws. Ann. §§ 28–9.1–1–9.2–14 (Supp. 1964) Sometimes such arbitration is limited to disputes arising under an existing labor contract See Conn. Gen. Stat. Rev. § 7–422 (1958).

[52] One union executive notes that there is little that can be done if the governmental employer does not grant the union requests: "For this reason . . . there should be some form of compulsory arbitration machinery in lieu of the right to strike." Wortman, *supra* note 45, at 490.

[53] *E.g.*, Everett Fire Fighters v. Johnson, 46 Wash. 2d 114, 278 P. 2d 662 (1955).

[54] Herrick, Unions for Government Employees—Their Implications, N.Y.U. Fifteenth Ann. Conf. on Lab. Law. 129, 135 (1962).

[55] Thornhill v. Alabama, 310 U.S. 88, 102 (1940). See also, Comment, 15 DePaul L. Rev. 331 (1966).

[56] International Bhd. of Teamsters v. Vogt, Inc., 354 U.S. 284, 289 (1957).

[57] *Id.* at 293.

[58] See, *e.g.*, City of Los Angeles v. Los Angeles Blg. Trades Council, 94 Cal. App. 2d 36, 210 P.2d 305 (Dist. Ct. App. 1949); Bd. of Educ. v. Redding, 32 Ill. 2d 567, 207 N.E. 2d 427 (1965).

[59] *Ibid.*

[60] For example, the parade of the members of the Chicago Teachers Union on the Board of Education offices in January, 1961, Chicago Sun Times, Jan. 11, 1961, p. 1, col. 1 (final turf ed.).

[61] Note, 75 Harv. L. Rev. 391, 412 (1961), citing ABA Labor Relations Law, Proceedings 90 (1959).

[62] For a full discussion of the strike threat alternative and its actual use see, Wollett, *supra* note 28, at 12–13.

[63] *Ibid.*

[64] The recent strike of social workers in New York City involved among other things, such an issue. See, Address by Al Bilik, President, Cincinnati AFL–CIO, University of Chicago Conference on Public Employment and Collective Bargaining, Feb. 5, 1965.

Every public jurisdiction should carefully review its laws pertaining to the conditions of service of public employees to be sure they meet present day concepts of sound employee relationships.[65]

INEFFECTIVENESS OF ANTI-STRIKE LEGISLATION

Regardless of the legal status of public employee strikes as determined by statute or case decisions, the fact remains that public employees do have disputes with their employers and do engage in strikes.[66] As with so many other problems in law and morals, merely stating thou shall not does not automatically prevent lawbreaking.[67] In light of the actual public employee strikes contrary to law there has been much criticism of anti-strike legislation, especially where the recorded penalties are severe. While violation of the federal government's no strike law is a criminal offense,[68] state statutory provisions do not generally contain criminal sanctions. Instead they call for the dismissal of public employees engaging in strikes.[69] Although some states do permit the reinstatement of striking employees under certain conditions [70] most statutes calling for dismissal are inflexible.[71] They offer the public administrator no choice of alternatives, such as fines or suspension, which could be based on the facts and circumstances of the individual case.

The effectiveness of harsh penalties such as discharge or imprisonment has been negligible for several reasons. First, severe penalties are rarely a deterrent to a strike by public employees who believe present conditions are intolerable and no other practical alternatives to the strike exist.[72] Secondly, even when the statute gives a public official discretion to invoke certain penalties against striking employees, the penalties are rarely invoked when strikes do occur. Public officials in metropolitan communities which employ a large number of workers and where organized labor has great political strength are reluctant to seek injunctive relief because of possible political repercussions.[73] The principal concern of the public official is to see that services are resumed as promptly as possible. Obviously, the best way to accomplish this is to induce the employees to return to work.[74] Where the statute provides no discretion a similar result is also reached since strikers may refuse to return to work until they receive guarantees of immunity from the statutory penalties. Moreover, in many cases, it is physically impossible to resume services unless they are rehired.[75]

In a recent New York case,[76] a group of school teachers sought to have the Condon-Waldin Act declared unconstitutional.[77] The Act provided that public employees absenting themselves from their positions in an effort to change conditions of employment or compensation shall terminate their employment.[78] Though the court upheld the Act, it spoke out against its harsh penalties.

A word may not be amiss, at this juncture, about the desirability that the Condon-Waldin Act be clarified as to some features. . . . It is thought by some that at least one reason for the general reluctance of public officials to invoke the Act is the severity of some of its provisions. . . . Leading newspaper editorials and many magazine articles have urged revision of the Condon-Waldin Act by easing penalties and providing state machinery for giving the fullest and most considerate hearing to grievances of public employees.[79]

Legislation which provides for inflexible and harsh penalties to be invoked against striking employees, without providing them with alternatives to voice their grievances, is correctly criticized as being unduly negative.[80]

ILLEGAL STRIKE BY PUBLIC SCHOOL TEACHERS

In recent years, the teaching profession has erupted with demands for consideration of its views. Still making obeisance to their professional status, teacher organizations behave like trade unions as they discuss mutual problems with their respective Boards of Education.[81] From 1940 through 1965 public school teachers were involved in 107 actual work stoppages,[82] and school board members are deeply concerned that teacher militancy will increase in the future.[83] Some reasons for this growing militancy by teachers are: (1) the steady growth in the size of school districts making the personal relationships which once existed in many districts more difficult to achieve, (2) frequently teachers salaries are not equal to those in other professions or to wages paid for jobs of less importance and requiring less training and skill , (3) the male percentage of the teaching force is increasing and the turnover in the teaching profession has declined, (4) the interest of labor unions in attracting teachers to memberships, and (5) the success of strikes conducted by teachers elsewhere.[84] In recent years, teachers have struck or threatened strikes in defiance of anti-strike laws. The result in almost every instance was an accomplishment of some, if not all, of the desired objectives, without penalty.

In September of 1961 Utah teachers called off their threatened close-down of the schools in all 40 districts after reaching an agreement with the Governor on a procedure for determining how additional revenue for public education would be appropriated.[85] Teachers in Hamtramck, Michigan, conducted a four day union meeting until the school board agreed to terms and signed the first contract in any Michigan school district.[86] In South Bend, Indiana, after teachers struck for four days and 65 Notre Dame faculty members signed a petition supporting their demands for a higher salary schedule, the striking teachers received telegrams to return to work or be fired. Only after the firing threat was rescinded and an agreement for an orderly discussion of the grievances was reached did the teachers return to work.[87] One of several successful strikes called by teachers in 1966 [88] was held in Plainview, Long Island. There the school board and the state commissioner of education called in strikebreakers and threatened the loss of teaching certificates. After the threat was rescinded, the teachers returned to work with a comprehensive contract including a salary increase and improved working conditions.[89]

CONCLUSION

From these successful strikes it is apparent that public school teachers have been willing to disregard statutory prohibitions against strikes in an effort to better their positions. It seems no less likely that public employees in other areas will follow this lead and resort to strikes, if necessary, to accomplish their goals. Flatly prohibiting public employees the right to strike [90] is clearly not the answer to the problem. To continue to deny grievance procedures or not to provide alternative solutions to public employee disputes can only lead to more serious disputes. This will result in a lower level of morale among public employees and a lower standard of public service.

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[65] Cornell, *Collective Bargaining by Public Employee Groups,* 107 U. Pa. L. Rev. 43, 56 (1958) citing American Bar Association, Second Report of the Committee on Labor Relations of Governmental Employees (1955).

[66] From 1947 through 1959 more than 450 strikes were called by public employees. Note, 75 Harv. L. Rev. 391, 407 (1961). A recent study illustrates the failure of anti-strike legislation; in New York the average annual number of public employee strikes increased after the passage of a no-strike law. Krislov, *Work Stoppages of Government Employees, 1942–59,* I.Q. Rev. of Economics & Bus. 87 (1961).

[67] Anderson, *supra* note 4, at 707.

[68] 69 Stat. 624 (1955), 5 U.S.C. §§ 118–p–r (1964). Violation of the act is a felony; it is punishable by a fine up to $1,000, imprisonment of up to one year and a day, or both. *Supra* note 13.

[69] *E.g.,* Tex. Rev. Civ. Stat. art. 5154–c(3) (Supp. 1964): "Any such (public) employee who participates in such a strike shall forfeit all civil service rights, re-employment rights and any other rights, benefits, or privileges which he enjoys as a result of his employment or prior employment."

[70] See, *e.g.,* Pa. Stat. Ann. tit. 43 § 215.3 (Supp. 1964).

[71] *Supra* note 69.

[72] "The recent strikes of teachers and welfare workers in New York City was in direct violation of law and resulted in the case of the latter dispute in the jailing of the strike leaders for criminal and civil contempt. . . ." Weisenfeld, *Public Employees—First or Second Class Citizens,* 16 Lab. L. J. 685, 695 (1965).

[73] Moberly, *The Strike and Its Alternatives in Public Employment,* 1966 Wis. L. Rev. 549, 551 (1966).

[74] In 1957, motormen and other employees of the New York City Transit Authority engaged in an illegal strike. When asked why the strict statutory penalties provided by the state of New York for engaging in an illegal strike were not invoked, the chief administrator replied: "We'd never have got the subways running." N.Y. Times, Dec. 29, 1957, § 4, p. 4, col. 4.

[75] See Note, *Union Activity in Public Employment,* 55 Colum. L. Rev. 343, 360–61 (1955).

[76] Pruzan v. Bd. of Educ. of City of New York, 25 Misc. 2d 945, 209 N.Y.S.2d 966 (1960).

[77] N.Y. Civ. Serv. Law § 108 (1963).

[78] *Ibid.*

[79] *Supra* note 76, at 956, N.Y.S.2d at 977–978.

[80] Note, *Labor Relations in the Public Service,* 75 Harv. L. Rev. 391, 410 (1961).

[81] *Supra* note 7, at 694.

[82] U.S. Dept. of Labor, Bureau of Labor Statistics, March, 1966. For an understanding of the extent and duration of past and present strikes see Schnaufer, The Uses of Teacher Power 28–30 (1966).

[83] A National School Board Survey conducted in 1964 found that 34 state school board associations believed the number of board-teacher disputes would increase in number and significance in their own state. Radke, *Real Significance of Collective Bargaining for Teachers,* 15 La. L.J. 707, 798 (1959).

[84] *Id.* at 779–800.

[85] Moskow, *supra* note 31, at 793.

[86] *Supra* note 72, at 694; also AFL–CIO News, May 22, 1965.

[87] *Ibid.*

[88] See also, Detroit Free Press, June 3, 1966, p. 1, col. 2 (strikes held in four suburban Detroit, Michigan, school districts).

[89] Schnaufer, *supra* note 82, at 11.

[90] *E.g.,* Norwalk Teachers Ass'n v. Bd. of Educ., 138 Conn. 269, 83 A.2d 482 (1951); Board of Educ. v. Redding 32 Ill. 2d 567, 207 N.E.2d 427 (1965); City of Manchester v. Manchester Teachers' Guild, 100 N.H. 507, 131 A.2d 59 (1957); City of Pawtucket v. Pawtucket Teachers' Alliance, 87 R.I. 364, 141 A.2d 624 (1958). *Contra, e.g.,* Fla. Stat. § 839.221 (1963); Hawaii Rev. Laws §§ 5–6 (1955); Mich. Stat. Ann. § 17.455(2) (1960); Minn. Stat. Ann. § 179.51 (Supp. 1964); Neb. Rev. Stat. § 48–821 (1943).

The use of a Public Employees' Act which denies the right to strike to all public employees[91] is no more equitable than a criminal law statute which calls for the same punishment irrespective of the crime committed. Different areas of public employment should be classified into categories which establish or deny the right to strike according to the nature of the employment. A test which can be employed to categorize areas of employment is, "the nature and gravity of the consequences involved in a strike by that area of employment."[92] Using this test three categories may be arrived at. First, as to those areas of public employment controlling public health and safety,[93] the right to strike against the government should be denied. However, other means of mediation and arbitration should be opened. Secondly, in areas which do not directly affect public health and safety but are practically indispensable to society's everyday functioning,[94] the right to strike should be granted subject to provisions reminiscent of the Emergency Dispute procedures of the Taft-Hartley Acts[95] where the governor of each state is given authority to invoke an 80-day cooling-off period. Finally, in those areas of public employment where a strike against the government would present no threat to public health or safety, nor inconvenience the functioning of everyday society,[96] the right to strike should be same as in private industry.

In private industry it is government itself, in its role as lawmaker, which has granted and protected the rights of employees and unions. Extending such protection to its own employees will not result in any breakdown of government. On the contrary, granting the public employee a voice in the determination of the conditions under which he works will promote better managerial techniques and make for more, not less, efficient government.

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[91] *Supra* note 69.

[92] Each area is categorized by viewing the potential injury to a particular state by a strike in that section of government employment.

[93] This category would include policemen, firemen, health officials, and other similarly situated.

[94] This class would include teachers, transit workers, welfare workers, sanitation workers and others similarly situated.

[95] 61 Stat. 155 (1947), as amended, 29 U.S.C. §§ 176–180 (1958).

[96] This class would include, for example, employees of a state owned liquor store, employees of municipal golf courses and others similarly situated.

ORDER OF AHEPA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. DERWINSKI. Mr. Speaker, during the last 14 months, there has been a great deal of debate in the United States over the merits of the present Greek Government and the policy that the United States should follow in dealing with that Government. It has been my personal opinion during this debate that the Greek Government deserves the continued support of the U.S. Government.

However, a very significant interest in the situation in Greece has naturally been maintained by Americans of Greek descent. One of the major organizations serving the Greek-American community is the Order of AHEPA—American Hellenic Educational Progressive Association. Therefore, Mr. Speaker, I feel it very timely to insert into the Record a letter I received today from Mr. Andrew Fasseas, supreme president of the Order of AHEPA, along with a statement originally issued on October 17, 1967. The two items speak for themselves:

Order of Ahepa,
Washington, D.C., May 21, 1968.

Hon. Edward J. Derwinski,
House of Representatives,
Washington, D.C.

Dear Congressman Derwinski: In October of last year in Chicago, I met with the Supreme Lodge, Past Supreme Presidents and other leaders of the Ahepa, from all over the United States to discuss, among other things, the policy that the Americans of Greek descent should take in reference to the situation in Greece.

It is needless for me to tell you that, by the very nature of things, we follow the events in Greece more closely than most of our fellow-Americans.

After three days of deliberations, we drafted the enclosed statement which was adopted unanimously, and I was authorized to issue it as the official policy of the Order of Ahepa.

Nothing has happened since last October to require a change in that policy. In fact, I am more than ever convinced that this policy is in the best interest of the United States and NATO and I sincerely urge you to support it.

I shall be glad to hear your comments on this matter.

Most sincerely yours,
Andrew Fasseas,
Supreme President, Order of Ahepa.

AHEPA Urges United States Continue Military and Economic Aid and Assistance to Greece

Chicago, Ill.—Andrew Fasseas of Chicago, Ill., Supreme President of the Order of Ahepa (American Hellenic Educational Progressive Association) today issued the following statement:

"The Order of AHEPA is composed, in great part, of Americans of Greek descent. It is non-sectarian in religion and non-partisan in politics.

"Ahepa's members are proud and happy that our country and Greece always have been allies and friends. As an historic fact, there were many Americans, including Samuel Gridley Howe, George Jarvis, and many others who fought in the Greek War of Independence of 1821. The United States, by Presidential action and Congressional Resolution, wholeheartedly supported the people of Greece in that great struggle.

"During World War I, the United States and Greece fought side by side.

"In World War II, Greece was again a valued and fruitful ally of our country. In that war its small but brave little army won the first victories against the Axis powers.

"After World War II, while other peoples and nations were busy rebuilding and recovering from war's devastation, the Greek people were called upon to fight yet another enemy—Communism.

"With American help, under the great Truman Doctrine, the people of Greece were the first nation that stopped the communist aggression. It is noteworthy that not a single American soldier shed his blood or lost his life in that great struggle of the Greek people.

"Since World War II, Greece has been a faithful ally of the United States. She is a valued and loyal member of NATO. Greece supplies the bases in the Middle East for the United States 6th Fleet and other American forces required in that part of the world in order to contain Communism.

"The best interests of our country require that Greece become and remain economically sound, and militarily strong.

"In the recent Israel-Arab war, Turkey, the other leg of the eastern anchor of NATO, declared that she would not allow the United States to use the NATO bases in Turkey. That left Greece as the only base of the United States in the Eastern Mediterranean. That proved once more that Greece is, as she has always been, a loyal and reliable friend and ally of our country.

"The Order of Ahepa therefore urges that the United States continue its military and economic aid and assistance to Greece.

"Many of our officers and members have recently visited Greece. They have found that law and order prevail and that conditions for visitors and tourists are most pleasant.

"If a European came to the United States and told the American people what type of government we should have, or whom to elect as our President, we would rightfully reject it as an unwarranted interference with our internal politics.

"The members of the Order of Ahepa feel that the type of government in Greece is a matter that concerns the Greek people only.

"As Americans, our only concern is that whatever Greek government Greece has should keep Greece as a member of NATO and a faithful ally of the United States."

THE ADMINISTRATION'S MARITIME PROPOSALS

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, May 24, 1968

Mr. TOWER. Mr. President, a few days ago, Secretary of Transportation Boyd unveiled the administration's maritime proposals. I am rather disappointed, as are a number of other Senators, with this approach. It is certainly my hope that the administration will reassess its position on this important matter and see fit to support S. 2650, of which I am a cosponsor. In contrast to the administration's proposals, this bill, I believe, provides a more positive plan for America's merchant marine.

In continuing our discussion of the great need for a new maritime program, I ask unanimous consent to have printed in the Record an editorial entitled "U.S. Maritime Needs," published in the Wichita Falls Record News of May 17, 1968. I believe that everyone will benefit from the reasoning which it presents.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

U.S. Maritime Needs

It wasn't so many years ago that the U.S. might well have been called a coastal nation. Its inhabitants lived largely near the sea. They built ships and sailed them. The people understood ships, they were proud of them, knew them by name and where they went throughout the world. Young men followed the sea. The U.S. Clipper ships were known around the world. They became central characters in fact and fiction. They were spoken of with pride by our citizens. Today, it is a safe bet that you couldn't name a U.S. ship.

As a nation that depends on ships to move its products of farm and factory to countries around the world, we are largely dependent on foreign vessels. Since we are a maritime nation, this is sheer folly in peacetime and holds the seeds of disaster in a military emergency. High military and civilian officials are calling on Congress for a strengthening of the U.S. Merchant Marine in the most forceful language they can command.

Leading steamship line officials, most notably those from a group of 13 companies operating 270 regularly-scheduled ships in U.S. foreign trade from all coasts, are doing one of the most important selling jobs in this country's history. They are working to show that we are a maritime nation. They travel from city to city showing different regions, with cold figures, their dependence upon foreign trade. They have developed a Trade Expansion Program tailor-made to national needs at a time when increased exports have become a necessity. They are working to reawaken pride in the U.S. maritime tradition. The Clipper ships have passed into history, but underestimation of our maritime needs could be the Achilles heel of U.S. security.

THE HUMANISTIC HEARTBEAT HAS FAILED

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. PUCINSKI. Mr. Speaker, Life magazine, in its current edition, has performed a most impressive public service by placing into sharp focus one of the main reasons for the current unrest on American campuses.

Dr. James H. Billington, professor of history at Princeton University, who also teaches at the Woodrow Wilson School of Public and International Affairs, has done an outstanding job in spelling out why the universities of this Nation are failing to meet their challenge.

Humanities is the keystone of an educational system in a democracy.

We will always need the scientist, the mathematician, the engineer, and all the other professionals to provide an orderly development for our society. But it is the humanities that should provide the real depth of understanding to comprehend the full forces of freedom in a society such as ours.

I was particularly pleased to read Mr. Billington's excellent analysis, because some time ago I told this House that I feared America's institution of higher learning was sacrificing the humanities for more materialistic goals.

It is my hope that Dr. Billington's provocative article will start a significant dialog in this Nation among those responsible for the management of our universities and perhaps lead to a revival of those deep-rooted traditions in the humanities that have played such a key role in the early development of our Nation.

I hope young scholars will also recognize the need for revision and will press for it in an orderly manner befitting the decorum which should identify our college students.

Those young people who have contributed to turmoil and irresponsible behavior on our campuses should know that they are weakening the entire fabric of educational pursuit and are creating a disillusionment among American citizens who heretofore had viewed our institutions of higher learning as citadels of reverence for the intellect and the pursuit of truth.

Aristotle quite properly stated:

> The human race lives . . . by art and reasonings.

Dr. Billington has captured the spirit of Aristotle in this excellent article. I am including this article in the RECORD today because I want future historians who will try to understand the turmoil on our university campuses today to be able to have the value of Dr. Billington's excellent interpretation.

Mr. Speaker, the Life magazine article written by Dr. James H. Billington follows:

IN U.S. UNIVERSITIES: "THE HUMANISTIC HEARTBEAT HAS FAILED"

(By James H. Billington)

The American version of the international student upheaval demands not just a new structure, as in Paris, and new politics, as in Prague, but new substance in higher education itself. Our collegiate discontent arises largely among well-fed students in the humanities and the social sciences and is the consequence of a spiritual poverty in academia that, in some ways, is as explosive as the material poverty in the ghetto. Rebels in the cities have kept "soul" alive; the modern American university seems to have lost its soul amidst unprecedented material growth. The university, as the center of rational criticism in our civilization, has an obligation to become its own most searching critic. It should not leave the job by default to the demagogic anti-intellectualism of either reactionary politicians or revolutionary students.

"If you don't know where you are, you're in the right place," read the hand-painted sign at Columbia University, the last of 20 university campuses I recently visited. It was the first day of classes after 10 days of upheaval; and I was given a flood of word pictures of the university in turmoil: "New York's newest form of zoo" (my disgusted cab driver); "a battlefield rather than a university" (a young teaching assistant in politics); "a beautiful happening that has drawn us all way out in left field" (a leader of the student strike rushing off to a "liberation class").

It was not the chaos at Columbia that depressed me but the lack of constructive ideas for the future. It corresponded with the poverty of educational thinking that I found almost everywhere. Universities which presume to analyze everything else in our society have failed to take serious stock of themselves.

The blunt fact is that liberal education is largely dead. Its humanistic heartbeat has failed, and rigor mortis is setting in throughout the giant higher educational system. The humanistic ideal of involving the whole man in the quest for order and beauty through the ennobling exposure to other men's accomplishments has been mostly replaced by the training of task-oriented technicians.

The trouble begins in the large universities, on which American higher education principally depends for leadership and ideas. They have been called multiversities, megaversities and a good deal else. But the false impression has been created that there is some kind of enriching variety built into all this gigantomania. The sad fact is that each is just another branch factory of a nationwide knowledge industry. Faculty and administration shuffle from one branch to another—interchangeable parts in a highly mobile market. Students are a standardized, subsidiary by-product of an assembly line whose main product is publications. Thus, after mastering the three "r's" in elementary school, young America must now face the three "c's" of higher education: commercialization, competition and compartmentalization.

In its relentless search for money, the modern university has let concern for "image" replace aspiration for an ideal. Public relations with the outside world has often become more important than human relations within the university itself. Plato deliberately left the marketplace of ancient Athens to set up his academy; modern America has thrust its academicians back into the commercial arena. Marketability—not truth—has become the criterion of intellectual value. Almost no one in the status-conscious education industry has seriously challenged Clark Kerr's view (*The Uses of the University*, 1963) that the "really modern university" is simply "a mechanism . . . held together by administrative rules and powered by money"; that academic subjects will ultimately survive only if they earn their own money; and that "it only pays to produce knowledge if through production it can be put into use better and faster."

Competitiveness is the corrosive consequence of commercialization. "Admission to Amherst College is competitive," begins a typical college catalogue, and the elbowing continues all the way up the Byzantine staircase that leads to the ivory tower.

Instead of sharing knowledge, graduate students often seek to hoard it. When I once accidentally came across a dozen books in English literature oddly placed in the Baltic periodicals section of Widener Library, a Harvard graduate student explained that I had stumbled on someone's "secret stockpile of reserve ammunition" designed to "shoot down the opposition and impress the professor in one of those dog-eat-dog, first-year graduate seminars."

Competitiveness gets worse as the young scholar moves into the academic "job market." Since modern college administrators more easily recognize market values than intellectual ones, "making it" in the race for advancement almost invariably involves blackmailing administrators by threatening to take outside offers. Thus, university presidents are repeatedly in the position of systematically rewarding *dis*loyalty to their own institutions.

Compartmentalization further cuts down the possibilities of human communication—let alone human community—in the modern university. Departments, which largely control the higher educational process, have only an incidental interest in the intellectual lives of any students not fully apprenticed to their narrow guild. There is a lack of dialogue not only among students, faculty and administration but also within faculties, and even within the different sections of individual departments. The faculty meeting of Columbia during the recent student unrest was the first in living memory to bring together in one place all faculties located in the Morningside Heights area.

We are producing a generation of scholars who prefer to provide definitive answers to small questions rather than tentative answers to important ones. In the process, the undergraduate, hemmed in everywhere by narrow compartments, feels fragmented and frustrated. "We were all divided up into punches on an IBM card," a Berkeley student told me. "We decided to punch back in the riots of 1964, but the *real* revolution around here will come when we decide to burn computer cards as well as draft cards."

"We have just not been given any passionate sense of the excitement of intellectual life around here," said the editor of the Columbia *Spectator*.

A student columnist in the Michigan *Daily* wrote, "This institution has dismally failed to inculcate, in most of its undergraduates at least, anything approaching an intellectual appetite." He spoke of the drift "towards something worse than mediocrity—and that is absolute indifference. An indifference towards perhaps even life itself."

This truly is a "sickness unto death"; for humanistic education is nothing if not a continuing celebration of life. Both the subject and object of humanistic study are the whole man—where mind and passion meet, where creativity and criticism interact. Humanistic studies—history and philosophy, arts and letters—directly involve men in the anguish, achievements and aspirations of other people, and in enduring human questions of artistic form, moral value and personal belief. These questions, dealing with the quality of life, are relevant to everyone—and not merely to departmental specialists.

Since the "output" of the humanities is the enrichment of individual lives rather than the corporate economy, their study languishes in the "marketversity." "We have more information and less understanding than at any time in history," warns Robert Hutchins. But the "great books" and "great ideas" around which he built a humanistic curriculum at the University of Chicago a generation ago have been largely replaced by narrow monographs and methodologies even at Chicago.

"At least we feel badly about it," one Chicago student wistfully said. Only occasionally does someone publicly protest in the manner of the Dartmouth student at the end of a "Great Issues" conference a few years ago: "In the course of all these meetings," he said, "I have never heard anyone mention the word God. Isn't that a great issue?"

In the monetary language which the marketversity best understands, one should perhaps divide the blame for the present bankruptcy among the stockholders (alumni), the management (administration), the professional staff (faculty) and the consumers (students).

The alumni have helped kill off humanistic education in America by not insisting that it be kept alive. This was, after all, the only kind of education most college students receive in the essentially prescientific era prior to World War II. But rather than concern themselves with the *educational* life of their alma maters, these old graduates are inclined to confine their criticisms to the political views of the faculty and the sexual views of the students.

The alumni are perhaps easiest to forgive, since they do support higher education, financially at least, and are legitimately preoccupied with other things. But it does seem ironic that self-styled "defenders of hallowed custom" will go to battle for just about every college tradition except the one which brought colleges into being in the first place: the ideal of a liberal education.

The administrators bear special guilt—not for their apparently inescapable preoccupation with fund-raising and coordinating, but for their lack of intellectual acumen and moral passion in diagnosing the ills of their own institutions.

"We are hedged in by prima donna professors, feudal departments that do the hiring and a professorial union that won't let me fire anyone on tenure," one college president complained. But his tone of weary resignation provided another reminder that university presidents with the stature and authority of a Woodrow Wilson or a Nicholas Murray Butler are a thing of the past.

Constantly preoccupied with short-term crises and outside economic pressures, the typical college administrator has an almost neurotic need to reassure himself with familiar platitudes. Thus, there has come into being a kind of "rhetoric gap" between the oratory and the reality of higher education. On the commencement platform, the university spokesman celebrates the values of liberal education; but back at the office he has no time to discuss the essence of it with those most intimately involved: students and faculty. The report of a committee to investigate student life at Columbia was not made public by the president until one week before the recent upheaval, when the students themselves threatened to release it—eight months after it had been submitted, two years and four months after the committee had been formed.

The university administrator senses that the humanities are in trouble, but he consoles himself with the thought that the English department is "as big as ever," as a western college administrator told me. "We do better than most with the humanities," a Harvard professor said, "but attention here is focused on a $50 million college fund drive exclusively for the sciences."

The faculty bears a deep responsibility for the death of the humanities. It is not simply a case of scholarship at the expense of teaching, but a neglect of both in favor of committee rituals, cocktail parties and a subtle corruption of humanistic scholarship. A variety of faculty foibles and failings have contributed.

There are, first of all, the pipepuffing Platonists, who identify the humanities inextricably with the ideal of a natural and remote aristocracy. At its best, this tradition was rich and liberating—in the famous Harvard philosophy department of James and Santayana; at Princeton in Whitney Oates' pioneering cross-departmental Special Program in the Humanities; or in the humane study of literature at Yale under figures like the still-active Maynard Mack.

But if the humanists previously were too isolated in Platonic academies, they now seem too anxious at times to imitate Aristotle as counselor to Alexander the Great. This new cult of perpetual political involvement has created a breed within the academies who are variously known as "action intellectuals," "in-and-outers" and "voyeurs of power." Honest criticism and honorable consultation are the obligations of citizenship, but there is real danger today that the humanist, exploited for his articulateness, may become little more than a make-up man tidying up some public figure's image or activist's program for public presentation.

The heaviest death blow to the humanities, however, has come from the sycophants of science. They have spread within the traditional humanities a crippling inferiority complex that has led to a loss of confidence in dealing with qualitative problems of value, taste and belief. The advent of the computer has often encouraged the trivialization of scholarship and the belief that the things that count are those that can be counted. The largest of the humanistic guilds, the mammoth 25,000-member Modern Language Association, has computers in its headquarters but few readable articles in its publications.

"Not only are there no real men *teaching* history," one Ivy League undergraduate complained, "but there is a resentment against those real men who *made* history. The lecturer in our course on modern European history discussed every social class and psychological complex known—but never even mentioned the name of Napoleon."

The problem is emphatically not a simple case of the "two cultures"—scientific and humanistic—warring against each other. Scientists such as J. Robert Oppenheimer, the late director of the Institute for Advanced Study, have often been the most passionate patrons of pure humanistic scholarship. Moreover, humanistic interest in the sciences has produced some stimulating new intellectual activity in the history of science, linguistics, anthropology, etc.

The most important problem arises within the humanities themselves, and among the more aggresive promoters of new methodologies in the neighboring social sciences.

Accepting a naive, positivist view of science which is largely rejected by modern scientists themselves, the behaviorists have largely taken over the academic study of politics. One no longer reads the works of great political theorists in "professional" political science, any more than one reads noncontemporary philosophers in "professional" philosophy.

"As intellect and reason become increasingly identified only with science," warns Sheldon Wolin of the Berkeley political science department, "too many people feel driven either to private irrational withdrawal or to purposeless, irrational violence." Anxious to keep alive an awareness of past political thinkers, Wolin has sought (unsuccessfully so far) to set up a separate Department of Political and Social Thought at Berkeley and has collaborated with other theorists in founding a new learned society to overcome their feeling of isolation within the primarily behaviorist American Political Science Association.

A paltry one out of every thousand dollars of government funds given for basic research in 1966 went to the humanities. The much smaller amount given by private foundations to support research and teaching was some 23 times greater in the sciences than in the humanities. The federal government has recently shown an indifference bordering on contempt for humanistic scholarship: first in the original Selective Service recommendation that humanistic but not scientific graduate students were to lose draft deferments; second, in the decision of the House to cut sharply the already small authorization of the National Foundation on the Arts and Humanities to about one fifth the amount recommended by congressional committees.

Princeton originated an interdepartmental Council on the Humanities 15 years ago and sponsored publication of 11 volumes surveying the state of the humanities in America which pointed to many critical needs. However, Princeton's new $92 million academic development campaign is devoted exclusively to five "key interdepartmental areas" of "critical national importance"—none of which (except, in part, the library) are in the humanities.

The continued acceptance of giant scientific grants tends to cannibalize other university funds rather than "free them for those subjects that don't pay their own way," as one college dean put it. Another Ivy League university which has accepted much government money for the sciences in recent years but is also strong in the humanities will spend this year $38.50 of its own funds to support scientific research for every dollar spent in support of humanistic research.

What difference does the death of the humanities really make? It means, first of all, that we are feeding our best young people what former Secretary of Health, Education and Welfare John Gardner has called the "anti-leadership vaccine." By learning to "factor" every human problem into technological sub-problems, the student may never be encouraged to see the big picture in perspective.

"As a civilization, we no longer know how to do anything," comments Jacques Barzun, former provost at Columbia. "We can meet no situation, pursue no purpose, without stopping work and studying." The situation might be described as paralysis through overanalysis; and, as Barzun puts it, "Turning the academic experts loose on the so-called problems of society tends toward the general paralysis."

Consider, for instance, the two greatest practical problems America faces today: Southeast Asia and our cities: It is tragic for us all that—with pitifully few exceptions—academic discussion has been uninformed by any deep historical perspective based on firsthand human knowledge of the life and culture of either Vietnam or the ghetto.

"Where are our Vietnamese experts?" plaintively asked John Fairbank, president of the American Historical Association, at a congress of Orientalists last year. Although the United States has been deeply involved in Vietnam for nearly 15 years now, we still have no one in a high policy-making position with any deep knowledge of Vietnamese culture. Instead, we have the optimistic faith in scientific predictability and cultural uniformity voiced by Presidential Assistant (and former M.I.T. professor) Walt Rostow that "all peoples of the globe . . . sail the same voyage, are bound to the same destination."

Nor has the behaviorist establishment equipped us very well to anticipate the great problems of the cities. The ghetto riots and breakdowns of confidence in recent years call into legitimate question the optimistic assumptions of the fashionable "community power studies" that conflicts would be resolved through democratic processes. The archetype of this genre, a study of New Haven by Robert Dahl of Yale in 1961, conveyed little sense of the uniqueness of the Negroes' plight in the cities.

We seem able fully to grasp national and racial feelings only when they translate themselves into violent movements with an "output" of destruction that can be recorded on our sociological seismographs. Had we seriously encountered earlier, through literature and history, the moral issues and human passions involved, bloodshed might have been prevented—and at least some imaginative resources stored up for creative rather than repressive responses to crises.

Can the humanities be revived to play a role in healing some of the ills of our civilization? There is a glimmer of hope.

The current student ferment is in many ways a cry for the renewal of humanistic education in America. To be sure, it is sometimes hard to see anything more than symptoms of a declining civilization in a student generation that enjoys unprecedented subsidies and liberties yet often seeks to demean, if not destroy, the universities that shelter them. Some have turned their backs altogether on the great tradition of rational discourse within an atmosphere of mutual trust which, after all, is the lifeblood of any university. Some are loudly proclaiming (with characteristic disregard for rational argument) that it is already 1984 and they are Che Guevara or Ho Chi Minh. But many of the most sensitive students simply feel spiritually starved; they protest against the failure of the arid classroom to provide the humanizing education that the college catalogue had promised. In their often clumsy way, they are trying to bridge the rhetoric gap—but they see no hands extended from the other side.

Thus, the tuned-out student generation has joined (or merely identified with) the two heavily publicized young people's revolts of the mid-sixties; the hippies, with their passionate belief in instant esthetics and salvation-through-hallucination; and the New Left, with its equally passionate commitment to instant morality and salvation-through-confrontation. Both groups are purer than their detractors contend. They generate an authentic feeling of human community; and they are trying to put esthetic and moral questions back onto the intellectual agenda of the Machine Age.

But while the hippies and the New Left are raising many of the classic questions, they offer few real answers. Their undisciplined emotionalism and blind totalism would prevent them from working within almost any conceivable academic framework. Intellectual activity itself could hardly thrive, and might not even survive, the total mystical withdrawal or the total revolutionary upheaval which appear to be the ultimate ideals of the hippies and the New Left, respectively.

On balance, however, both groups represent a deserved rebuke to the modern university. For behind the affront to tradition lies the reprimand which one of their culture heroes delivered more than a century ago to Emerson, who was boasting that Harvard now taught all branches of human learning. "Yes," said Thoreau, "all the branches, but none of the roots."

Only if we admit that the humanities really are very nearly dead is there much chance of pruning away old branches to make room for new growth. Even at the University of Chicago, where there are many cross-departmental programs, a semi-secret recent study by a faculty member concluded that a *real* regeneration of the humanities would require the liquidation of almost all the traditional departments. The future may lie with those who are less encumbered by inherited structures and vanities: the unified humanities department at M.I.T., which has devised a new set of courses for its scientific elite; the effort to define a new core curriculum at Upsala College in New Jersey; or the proposal of Daniel Bell of Columbia that undergraduate specialization be completed before a final senior year of broad general education.

Whatever the redefined curriculum, meaningful humanistic education will have to be conducted in smaller, less impersonal human communities. Hopeful models are the cluster colleges of California—privately supported at Claremont and publicly supported at Santa Cruz—which combine the overall curricular diversity and resources of a large university with the living and working scale of the college. Smaller colleges in the Midwest are gaining outreach by following the lead of Antioch and Beloit in regularly sending students out for work or community service in a totally different environment before bringing them back for their final years of study. There is a growing realization that the small college has a humanizing role to play educationally if it can survive economically; that there is much stimulus in experimental colleges within larger universities (such as those at Fordham, Chicago, Michigan State); and that new structures for shared "living-learning" experience can enrich even relatively small collegiate communities (Wesleyan, Bowdoin).

There is a danger, however, with experimental programs of producing conscience-salving tokenism rather than opening a continuing process of radical innovation. The option introduced at Princeton, of taking some courses with no grade except Pass or Fail, seems still in the realm of such tokenism. Though the "pass-fail" program has encouraged many students to venture outside their specialty, it usually serves to intensify the amount of neurotic student concentration on the "real" courses from which the all-important grades and class ratings are derived. Far more effective would be a program that devoted an entire term or year to pass-fail courses—or one that liberated the last two years from courses and grades altogether for tutorial, seminar and independent work with one continuing supervisor.

Our universities will best meet the overall need for renewal of society if they begin with their own self-renewal. People at all levels in Swarthmore told me that the atmosphere on that campus was never better—in both intellectual and human terms—than during the week last fall when all classes were called off and the entire community engaged in systematic small group discussion devoted to a long critique of the college by a commission appointed by President Courtney Smith. An institution that was more entitled than most to self-congratulation was dipping into the more rewarding realm of self-renewal.

The gradual disappearance of teachers dedicated to making humane learning relevant to students in all fields has led many to look beyond the faculty for gurus. Maharishi Mahesh Yogi last winter filled Harvard's Sanders Theatre in a way no professor could have done. Yale's William Coffin evoked an unprecedented and sustained student ovation in a packed Princeton chapel after a recent speech on radical Christian protest against current American policies; the most popular adult at Stanford seems to be Dean of the Chapel, D. Davie Napier, who regularly attracts capacity crowds to "Mem Chu" (Memorial Church) to hear his unorthodox sermons often based on texts from folk songs.

It may even be that just as the original humanists in the Renaissance formed an alliance with science against a dogmatic, scholastic theology, so now humanists may have to form links with a liberalized religion in order to combat the intolerant scientism of the modern marketversity. President Frank Haig of small, Jesuit Wheeling College in West Virginia points out that theology—wherever it has ceased being taught exclusively by priests out of rote duty—has tended to become one of the most lively and popular subjects in Catholic Colleges. Comparative religion is a rapidly growing field in larger universities and Oriental religions in "free universities."

"The rich but empty educational establishment may even have to reexamine its condescending attitude toward the denominational college," observed a Protestant minister who graduated from one in the Midwest. Certainly many in this student generation are anxious to be confronted with living traditions of value and belief, along with the intellectual techniques of analysis and expression.

For the larger university the hope is that one can re-create for the good of our entire civilization what the marketversity is not producing: the free, unselfish and joyful pursuit of wisdom within an atmosphere of mutual respect and ideological diversity. We will need to give authority to men with ideas—administrators willing to hire teachers outside regular departments and even outside the academic profession. We will need leaders to help overcome by example rather than rhetoric what the student-faculty report at Berkeley has called the "lack of intellectual fellowship"—the sterile opposition between the "passionless mind" of the formal curriculum and the "mindless passion" of student rebellion. One can hail the work of Clark Kerr in diversifying and enriching the state system of education at California, yet still question his image of the college president as a man "in the control tower helping the real pilots make their landings without crashes even in the fog." A new generation of students wants to know where and why the pilots are flying, what the purpose is of using a foggy airfield, and what the plane is carrying.

These restless students have begun the needed work of regenerating the American university by confronting it with the need for more commitment, not just more committees. The university is committed only to scholarship, people and the free and ennobling interaction between the two. If it is to survive, the university cannot accept the extremists' commitment to hallucinogenic drugs or hallucinatory politics. But if it is to revive, it must find radically new approaches that will in their own way expand the consciousness of a complacent America and lift its imagination beyond the supermarket pushcart. There may be a groping for greater sense of community even in the bizarre courses listed by the "Mid-Peninsula Free University" near San Francisco on "advanced group loving" and "people heaps"; a call for a richer, more diversified creative arts curriculum in the flowering of creative crafts at Penland, North Carolina, or even of such experimental art forms as the "guerrilla theater" and nude body-painting sessions in Southern California.

Student turmoil in America offers no inevitabilities and has produced too many pretentious prophecies. The "handwriting on the wall" is mostly adolescent graffiti. My only message is that humanistic scholarship is fun. Joy in posing and solving questions for oneself may help one create fewer problems for others. Indeed, the real argument for reviving the humanities may well be that they provide useful occupational therapy for a disturbed humanity that has been showing some suicidal tendencies.

Within and beyond our academies, we still have a chance to create a civilization that could surpass all others—even the Greeks, for theirs was built on slavery. We now have machines to do the work—unless they in turn have enslaved us. But our relatively young, sometimes arrogant civilization desperately needs a deeper sense of both the grandeur and the evil in humanity. Man is a fallen angel as well as a naked ape.

WASHINGTON, D.C.—A U.N. HUMAN RIGHTS PROJECT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RARICK. Mr. Speaker, who and what are the guiding hands behind the Poor People's Campaign in Washington, D.C.?

Many concerned citizens the country over express indignation and disgust at the flagrant efforts of a few to disgrace our Nation's Capital—to torment any image of respect for America, the world image of America—for dramatizing the negative.

Congress finds itself hamstrung to take any postive action as representatives of the majority of the American people—in the traditional role of a government of laws promulgated by the people.

Law and order likewise find themselves handcuffed. It seems to many as if some unseen gigantic power has ordered that the occupation must be suffered and that no American—official, or otherwise—is to be permitted to interfere.

Similar demonstrations, pockets of violence, party line gobbledygook, racist smears, and like charges occur in other countries such as France, England, Panama, Greece, and Africa.

Is there a correlation between what is transpiring in South Vietnam, South Africa, Rhodesia, and other free countries with the mess in Washington, D.C.?

In every other country experiencing similar attack, we have no trouble in identifying the cause and labeling it Communist-controlled and inspired—although the sinister action readily reverts back to the Red-black power bloc of the United Nations. Compare the limited force orders of the military in South Vietnam to the same orders against our police in the District of Columbia. Law and order are not to be permitted to give anyone safety.

The patron saint of the billionaire's subsidized project in the District of Columbia—the poor people's infestation—the control and intellectual mechanism can be identified as that great unapportioned body, the United Nations.

Black-Red power have combined to smite the United States of America to its knees—hiding behind the sympathetic label of helping "poor people"—feeling content that none dare raise a voice to warn the poor involved, or the citizens for that matter, that all are being exploited to promote the new one world order. The Poor People's Campaign assumes part of an international movement to subvert established authority. Involved here are the same faces, same programs, same double-talk, same demands, same threats against individual freedoms and national sovereignty as called for in the U.N. Declaration of Human Rights.

Why the instigated attacks against America—movements to promote un-American ideals and solutions?

Can it be because we Americans still have too much individual freedom—we pose a threat to all tyranny?

Must we be equalized by being reduced to the world equal standards—our progress retarded and controlled to permit socialist governments to catch up?

The socialist line "to take from those who have and give to those who have not" is to be now expanded on a worldwide basis, and we Americans are to be the goat? For all must admit that the poorest of the poor in the United States of America are far better off than the poor in the majority of the U.N. nations.

The year 1968 has been proclaimed as the International Year of Human Rights by the United Nations organization. All member states must comply. Somehow responsible American leaders feel these orders from the United Nations are controlling and that the wishes of the American people must be ignored. See my remarks, "Target Date for Subjugation: 1968," daily CONGRESSIONAL RECORD, March 20, 1967, page A1386. I also ask our colleagues study in depth U.N. Resolution 2217 (XXI) dated December 19, 1966.

It would be interesting to learn the true extent of the United Nations participation in the Washington battleground—merely as an international tribute so the United Nations can commemorate 1968, as its theoretical International Year of Human Rights.

The need exists for legislation calling for the appointment of a select committee to investigate the U.N. participation in the so-called Poor People's Campaign and to report to the Congress and the American people who and what are in control or estopping control of our governmental functions in the United States.

Mr. Speaker, I place the article "The International Year of Human Rights," by David Mends; U.N. Resolution 1904 (XVIII) "Declaration on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 1905, (XVIII) "Publicity To Be Given the United Nations Declaration on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 1906, (XVIII) "Preparation of a Draft Convention on the Elimination of All Forms of Racial Discrimination," November 20, 1963; U.N. Resolution 2017 (XX) "Measures To Implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination," November 1, 1965; and U.N. Resolution 2217, (XXI) "International Year for Human Rights," December 19, 1966; and H.R. 6954 and H.R. 11465 at this point in my remarks:

[From the Rhodesia and World Report, March 1968]

THE INTERNATIONAL YEAR OF HUMAN RIGHTS

(By David Mends)

Since the days of Cleopatra, everyone has known that vipers are bad for bosoms, but it seems that the United States has clasped the most monstrous viper the world has ever known, i.e., the United Nations, to its bosom. Some bosom, some viper!

In 1963 this nest of vipers declared that 1968 would be known as the "International Year of Human Rights", and on December 20, 1965, this Resolution was adopted unanimously in the UN General Assembly. As a result of our having placed virtually every aspect of our Government under the U.N., admittedly as a result of some very dubious pseudo-legal syllogisms, we are bound by law to implement the terms of this Resolution, presumably by the end of 1968. The Resolution itself, which is couched in the usual UN double-talk that is deliberately designed to mean everything and nothing, starts off like a record with a stuck needle, saying, "Abolish Apartheid, Abolish Apartheid, Abolish Apartheid", and so on ad infinitum. According to the Declaration, the whole world is supposed to implement in practice the "principles of the protection of human rights laid down in the UN Charter, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and People and the Declaration on the Elimination of All Forms of Racial Discrimination". They hope to abolish apartheid (for some obscure reason the UN always prints the word "apartheid" in italics, no doubt because it is a dirty word), implement a number of International Labour Organisation Conventions on Abolition of Forced Labour, Discrimination in Employment, Equal Remuneration for Men and Women, etc., and the Convention on the Prevention and Punishment of the Crime of Genocide, and many other Conventions of this ilk. On the face of it, all this sounds absolutely wonderful to the casual observer, but if one takes the trouble to delve deeply into the subject, one can see that this is just the bait in a gigantic beartrap. So let us now delve into this "International Year of Human Rights" a little bit deeper.

THE GENOCIDE CONVENTION

The Genocide Convention, for instance, sounds like a really good thing. Genocide means mass killing, which is universally condemned, and if the Genocide Convention were confined to prevention of mass killing, few could oppose it. But when the definition of genocide is extended to cover persons causing "serious mental harm" to national, ethnical, racial or religious groups, and permits trial of an individual before an "international penal tribunal", then truly a Pandora's box of incalculable trouble is opened.

The Genocide Convention was actually signed on behalf of the United States on December 11, 1948, just two days after it was adopted unanimously by the UN General Assembly. Should the Senate ratify the Genocide Convention as a treaty, American people would be liable to possible arrest, extradition, and trial before an international tribunal if accused of the poorly defined crime of genocide. There is absolutely no mention in the Genocide Convention of trial by jury, such trial might not even be conducted in English, and obviously there could not be any appeal of the sentence, since an international tribunal would presumably be the highest court in the world. If the treaty were ratified, who would determine when "mental harm" is "serious"? And what is the definition of "incitement to genocide", which Article III of the Convention makes punishable? Pursuing this argument to the absurd limit, a person might write a letter to the Editor of a newspaper today, which some member of a religious or racial group felt had caused them "severe mental harm". The author is not a Philadelphia lawyer, but it seems to him that since the Nuremberg Trials the principle of *ex post facto* has been abolished as regards dealings of the United States with the UN, as a result of treaties signed at that time. Some months or years late, if the Senate ratifies the Genocide Convention, the writer of that letter could be arrested, extradited and tried without a jury in a world court with no right of appeal.

The crowning folly of the Genocide Convention is that it makes no mention of persecution of political groups. Thus, totalitarian countries can commit inhuman acts against "enemies of the state" with impunity and without fear of being accused of the crime of genocide. Even assuming the unlikely situation where the Soviet Union actually decided to honour such a Genocide Treaty (it would be quite a turn-up for the book if they ever honoured any treaty), they could still gaily carry on performing mass executions with gay abandon!

HUMAN RIGHTS

The UN Universal Declaration of Human Rights is also replete with high-sounding phrases, and also sounds pretty good. Section 25 provides that everyone has the right to "food, clothing, housing and medical care and necessary social services, and the right of security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

Let's take a good close look at this. First of all there is no provision in the Declaration that everyone shall work for such benefits, or help establish a fund to finance them. How does one define "old age"? The life expectancy of the inhabitants of the backward nations is probably not much more than 40 years, and by that age most of them are too old and feeble to work, mainly as a result of disease and dietary deficiencies. Obviously the Western nations are expected to finance all of this, so does this mean that an American or Britisher must work to the age of 65 to provide old-age pensions for 40-year-old retired Africans or Asians? Where are all the social workers, nurses and doctors going to come from to implement this Declaration?

Doctors in particular are a vanishing breed as more and more nations introduce socialised medicine which results in less and less students studying medicine. One simple way out of the dilemma might be to adopt the Red Chinese system of medical training. Apparently all one has to do there is to clasp the "Thoughts of Chairman Mao" firmly in one hand, and declare in ringing tones, "I have been so inspired by the Thoughts of Chairman Mao that I now feel competent to practise medicine. Please pass honourable scalpel". This may be a good way of making "instant doctors", but in the long run the old way of training doctors will probably turn out to be the best way.

Is a wandering nomad from the Sahara Desert who has never worked a day in his life, but has merely followed a flock of goats in their quest for vegetation on which to graze, also entitled to unemployment compensation? Is he entitled to housing when he has spent all his life in a tent? With a little imagination one could think up dozens of questions of this nature.

ANTICOLONIALISM

The Declaration on the Granting of Independence to Colonial Countries and People also means a lot more than it says. The deliberate plan by the United States to dismember the British Empire, hatched out in the early thirties, has almost been consummated, about the only British "possession" of any importance is Rhodesia, who has declared her independence from Britain. Even remote Pacific islands such as Fiji and Nauru are in the throes of "Uhuru" now. Needless to say, without the system of Imperial Preference, the abolition of which was a *sine qua non* of Lend-Lease from America, the days of Britain as a nation was numbered. In UN language, however "colonialism" means much more than the dictionary says it does.

The Southern States in the United States are also considered to be an area where colonialism exists, so if colonialism is to be abolished all over the world, the Negroes in the South will have to be allowed to secede from the Union and form a separate Negro Soviet State. Also United States military bases are also considered to be a form of colonialism, so we will probably have to abandon the Panama Canal, and the Guantanamo Naval Base in Cuba, etc. White rule in Rhodesia, South Africa and the Portuguese colonies is also a form of "colonialism", and this, too, will have to be abolished. In order to "safeguard Human Rights", the UN will undobutedly try to order the United States into a war against Southern Africa to "liberate the Negros from brutal white oppression". As a gesture of support they will probably offer to hold our coats while the United States (possibly with our "friends" in the Soviet Union as allies) engages in a war that will destroy both South Africa by devastation, and the United States by destroying her currency by cutting off the source of its gold backing.

RACIAL DISCRIMINATION

The Declaration on the Elimination of All Forms of Racial Discrimination is by far the most potentially devastating of all the UN Declarations. It means exactly what it says, *all forms* of racial discrimination must disappear, and the ultimate form of racial discrimination is discrimination in sex and marriage. The International Year for Human Rights Resolution states that discrimination between race and sex must be eliminated, along with other forms of discrimination. A barrage of propaganda has been let loose about the ideal UN "brown man" as the ultimate form of humanity, and a bevy of so-called anthropologists have set forth to prove, by the technique of discarding all data that fails to support their theory, and using only data that does, that racial intermarriage is highly desirable. To the best of the author's knowledge, none of these "experts" ever married anyone but white people, which proves something.

We are told *ad nauseam* that heredity means nothing, and that environment alone determines what a person becomes, so all that has to be done is to spend lots of money to provide a perfect environment, and mankind will be perfect. A spaniel puppy raised in a litter of police dogs will grow up to be a spaniel, or a thistle growing in a field of wheat will still be a thistle at harvest-time; but for some miraculous reason a human imbecile, of whatever race, if placed in the right environment will somehow grow up to be a pillar of society. The author is not an anthropoligist, but it seems that those guys ought to go back to their anthropology school and get their money back. They were robbed!

The argument of the liberals is that wars are caused by nationalism, poverty and racial hatred (while in actual fact they are caused by wealthy bankers and armament manufacturers conspiring to produce wars), so all that is needed to end wars is to interbreed all the races so that all of mankind will be of one polyglot race and one polyglot nationality. Of course this is only a *theory* with no facts to back it up, while a host of facts exist to disprove the theory; but nevertheless these characters propose to encourage racial intermarriage so that in the course of a few generations the white race will cease to exist.

Nobody knows for sure what will happen as a result of mixing up the races, but it is a "noble experiment", and therefore it has to be tried. Unfortunately, just as a scrambled egg cannot be unscrambled if the cook decides he wanted his eggs poached after all, if the result of interbreeding all the races of mankind into the ideal UN "brown man" is to convert all of humanity into imbeciles, who would be left with enough intelligence to figure out how to unscramble that gigantic egg?

[From the CONGRESSIONAL RECORD, Mar. 20, 1967]

TARGET DATE FOR SUBJUGATION: 1968

Mr. RARICK. Mr. Speaker, many taxpayers, constituents, puzzled businessmen, and concerned parents are writing inquiries as to why all the emphasis is being placed on 1968 as the must year for forceful compliance with every guideline, edit, and program to regulate our lives, our businesses, our unions, and our childrens' futures, our manner of worship in this country.

So that all may know and remember the source of the pressure and the cause, I am asking that the international blueprint, that is, the U.N. resolution—"International Year for Human Rights," designating the year 1968 as the International Year—be printed en toto in the RECORD, with this question: Must the Governments of South Rhodesia and South Africa be overthrown before the end of 1968?

The resolution follows:

"TEXT OF RESOLUTION ON INTERNATIONAL YEAR FOR HUMAN RIGHTS

"Date adopted: December 20, 1965.

"Vote: Adopted unanimously.

"Document numbers: Committee report to Assembly: Third Committee Report A/6184; Resolution as adopted by Assembly: 2081 (XX).

"*The General Assembly, Recalling* its resolution 1961 (XVIII) of 12 December 1963 designating the year 1968 as International Year for Human Rights.

"*Considering* that the Universal Declaration of Human Rights[1] has been an instrument of the highest importance for the protection and promotion of the rights of individuals and the furtherance of peace and stability,

"*Convinced* that its role in the future will be of equal significance,

"*Considering* that the further promotion and development of respect for human rights and fundamental freedoms contributes to the strengthening of peace throughout the world and to friendship between peoples,

"*Considering* that racial discrimination and in particular the policy of *apartheid* constitutes one of the most flagrant abuses of human rights and fundamental freedoms and that persistent and intense efforts must be made to secure its abandonment,

"*Reaffirming* the belief that the cause of human rights will be well served by an increasing awareness of the extent of the progress made, and the conviction that the year 1968 should be devoted to intensified national and international efforts and undertakings in the field of human rights and also to an international review of the achievements in this field,

"*Stressing* the importance of further development and implementation in practice of the principles of the protection of human rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and People[2] and the Declaration on the Elimination of All Forms of Racial Discrimination,[3]

"*Convinced* that an intensification of efforts in the intervening years will heighten the progress that can be made by 1968,

"*Convinced further* that the proposed international review of progress in the field of

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"[1] General Assembly resolution 217 (A) (III) of 10 December 1948.

"[2] General Assembly resolution 1514 (XV) of 14 December 1960.

"[3] General Assembly resolution 1904 (XVIII) of 20 November 1963.

human rights can advantageously be carried out by means of an international conference,

"*Noting* the interim programme of measures and activities to be undertaken in connection with the International Year for Human Rights and in celebration of the twentieth anniversary of the Universal Declaration of Human Rights, recommended by the Commission on Human Rights and set out in the interim programme annexed to the present resolution,

"*Noting further* that the Commission on Human Rights is continuing the preparation of a programme of observances, measures and activities to be undertaken in 1968,

"1. *Calls upon* States Members of the United Nations and members of the specialized agencies, regional inter-governmental organizations, the specialized agencies, and the national and international organizations concerned, to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including an international review of achievements in this field;

"2. *Urges* Member States to take appropriate measures in preparation for the International Year for Human Rights, and in particular to emphasize the urgent need to eliminate discrimination and other violations of human dignity, with special attention to the abolition of racial discrimination and in particular the policy of *apartheid*;

"3. *Invites* all Member States to ratify before 1968 the Conventions already concluded in the field of human rights, and in particular the following:

"Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery; [4]

"International Labour Organisation Convention concerning the Abolition of Forced Labour;[5]

"International Labour Organisation Convention concerning Discrimination in Respect of Employment and Occupation;[6]

"International Labour Organisation Convention converning Equal Remuneration for Men and Women Workers for Work of Equal Value;[7]

"International Labour Organisation Convention concerning Freedom of Assocation and Protection of the Right to Organize; [8]

"United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education;[9]

"Convention on the Prevention and Punishment of the Crime of Genocide;[10]

"Convention on the Political Rights of Women; [11]

"International Convention on the Elimination of All Forms of Racial Discrimination;[12]

"4. *Decides* to hasten the conclusion of the following draft conventions so that they may be open for ratification and accession if possible before 1968;

"Draft Covenant on civil and political rights;

"Draft Covenant on economic, social and cultural rights;

"Draft International Convention on the Elimination of All Forms of Religious Intolerance;

"Draft Convention on Freedom of Information.

"5. *Decides* to complete by 1968 the consideration and preparation of the draft declarations which have approved by the Commission on Human Rights and by the Commission on the Status of Women;

"6. *Approves* the interim programme of measures and activities envisaged for the United Nations annexed to the present resolution and requests the Secretary-General to proceed with the arrangements for the measures to be undertaken by the United Nations set out in the annex;

"7. *Invites* Member States to consider, in connexion with the International Year for Human Rights, the possible adanvtage of undertaking, on a regional basis, common studies in order to establish more effective protection of human rights.

"8. *Invites* regional inter-governmental organizations with competence in the field to provide the international conference envisaged for 1968 with full information on their accomplishments, programmes and other measures to realize protection of human rights;

"9. *Invites* the Commission of the Status of Women to participate and co-operate at every stage in the preparatory work for the International Year for Human Rights;

"10. *Requests* the Secretary-General to transmit the present resolution and the interim programme annexed thereto to States Members of the United Nations and members of the specialized agencies, regional inter-governmental organizations, the specialized agencies, and the interested international organizations;

"11. *Recommends* that, in view of the historic importance of the observances of the International Year for Human Rights, the United Nations Educational, Scientific and Cultural Organization should be urged to mobilize the finest resources of culture and art in order to lend the International Year for Human Rights, through literature, music, dance, cinema, television and all other forms and media of communication, a truly universal character;

"12. *Commends* to the States, regional inter-governmental organizations, agencies and organizations mentioned in paragraph 10 above the programme of measures and activities set out in the annex and invites their co-operation and participation in this programme with a view to making the celebrations successful and meaningful;

"13. *Decides* that, in order to promote further the principles contained in the Universal Declaration of Human Rights, to develop and guarantee political, civil, economic, social and cultural rights and to end all discrimination and denial of human rights and fundamental freedom on grounds of race, colour, sex, language, or religion, and in particular to permit the elimination of *apartheid*; an international conference on human rights should be convened during 1968 in order to:

"(*a*) Review the progress which has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights;

"(*b*) Evaluate the effectiveness of the methods used by the United Nations in the field of human rights, especially with respect to the elimination of all forms of racial discrimination and the practice of the policy of *apartheid*;

"(*c*) Formulate and prepare a programme of further measures to be taken subsequent to the celebrations of the International Year for Human Rights;

"14. *Decides* to establish a Preparatory Committee, in consultation with the Commission on Human Rights, consisting of seventeen members to compelte the preparation for the International Conference on Human Rights in 1968 and in particular to make proposals for the consideration of the General Assembly regarding the agenda, duration and venue of the Conference and the means of defraying the expenses of the Conference, and to organize and direct the preparation of the necessary evaluation studies and other documentation;

"15. *Requests* the President of the General Assembly to appoint the States to the Preparatory Committee, eight of which shall be States represented on the Commission on Human Rights and two of which shall be States represented on the Commission on the Status of Women;

"16. *Requests* the Secretary-General to appoint an Executive Secretary for the Conference from within the Secretariat and to provide the Preparatory Committee with all necessary assistance;

"17. *Requests* the Preparatory Committee to report on the progress of the preparation in order that such reports might be considered by the General Assembly at its twenty-first and twenty-second sessions."

"ANNEX: INTERNATIONAL YEAR FOR HUMAN RIGHTS: INTERIM PROGRAMME

"I. The theme of ceremonies, activities and celebrations [13]

"It recommended that the programme of measures and activities to be undertaken throughout the International Year for Human Rights should be calculated to encourage, on as wide a basis as possible, both nationally and internationally, the protection of human rights and fundamental freedoms and to bring home to all the people the breadth of the concept of human rights and fundamental freedoms in all its aspects. The theme of the ceremonies, activities and celebrations should be: 'Greater recognition and full enjoyment of the fundamental freedoms of the individual and of human rights everywhere'. The aim should be to dramatize universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

"II. A year of activities [14]

"It is agreed that all the participants in the celebrations should be invited to devote the year 1968 as a whole to activities, ceremonies and observances relating to the question of human rights. International or regional seminars, national conferences, lectures and discussions on the Universal Declaration of Human Rights, and on other declarations and instruments of the United Nations relating to human rights, may be organized throughout the year. Some countries will wish to stress the entire content of the Declaration, as further elaborated in later United Nations human rights programmes. Some participating countries may wish to emphasize, during particular periods of the International Year for Human Rights, rights and freedoms in connexion with which they have faced special problems. During each such period the Governments would review, against the standards set by the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights, their domestic legislation and the practices within their society in respect of the particular right or freedom which is the subject of that period's observances. They would assess the extent to which the right had been effectively secured and would give publicity to it and make special efforts to promote among their citizens a basic understanding of its nature and significance so that the gain already made might not easily be lost in the future. To the extent that the right or freedom had not yet been effectively secured, every effort would be made during the period towards its achievement. In the choice of subjects, priority could of course be given to those rights of a civil and political character and those of an economic, social and cultural character.

"[4] United Nations, *Treaty Series*, vol. 266 (1956)), No. 3822.

"[5] *Ibid.*, vol. 32 (1959), No. 4648.

"[6] *Ibid.*, vol. 362 (1960), No. 5181.

"[7] *Ibid.*, vol. 165 (1953), No. 2181.

"[8] *Ibid.*, vol. 68 (1950), No. 881.

"[9] *Ibid.*, vol. 429 (1962), No. 6193.

"[10] *Ibid.*, vol. 78 (1951), No. 1021.

"[11] *Ibid.*, vol. 193 (1954), No. 2613.

"[12] General Assembly resolution 2106 (XX) of 21 December 1965.

"[13] See E/CN.4/886, paras. 46–52, and recommendation I (para. 52).

"[14] *Ibid.*, paras. 53–58, and recommendation II (para. 58)."

"A. Measures to be Undertaken by the United Nations in the Period Prior to the Beginning of the International Year for Human Rights

"1. Elimination of certain practices [15]

"Believing that certain practices which constitute some of the grosser form of the denial of human rights still persist within the territories of some Member States, the Commission on Human Rights recommends that the United Nations adopt and set before the Member States as a target to be achieved by the end of 1968 the complete elimination of the following violations of human rights:

"(*a*) Slavery, the slave trade, institutions and practices similar to slavery, and forced labour;

"(*b*) All forms of discrimination based upon race, sex, language, religion, political or other opinion, national or social or ethnic origin, property, birth or other status;

"(*c*) Colonialism and the denial of freedom and independence.

"2. International measures for the protection and guarantee of human rights [16]

"Measures for the effective implementation of the rights and freedoms set forth in the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights have been under consideration in the United Nations for many years. The Commission on Human Rights is confident that action on the draft Covenant on civil and political rights and the draft Covenant on economic, social and cultural rights, and measures of implementation, and on the other conventions or international agreements in the field of human rights listed in the draft resolution prepared by the Commission in 1964 for consideration by the General Assembly, will be completed before the beginning of the International Year for Human Rights. If, however, by the beginning of 1968, international machinery for the effective implementation of these covenants and conventions or international agreements does not form part of the instruments adopted, international measures for the guarantee or protection of human rights should be a subject of serious study during the International Year for Human Rights.

"B. Measures to be undertaken by member states in the period prior to the beginning of the International Year for Human Rights

"3. Review of national legislation [17]

"Governments are invited to review their national legislation against the standards of the Universal Declaration of Human Rights and other declarations and instruments of the United Nations relating to human rights, and consider the enactment of new or the amending of existing laws to bring their legislation into conformity with the principles of the Declaration and other declarations and instruments of the United Nations relating to human rights.

"4. Machinery for implementation on the national level [18]

"All Member States are invited, as one of the measures they will undertake in connexion with the International Year for Human Rights, to establish or refine, if necessary by the end of 1968, their national machinery for giving effect to the fundamental rights and freedoms. If, for example, within any Member States, arrangements do not exist which will enable individual persons or groups of persons to bring before independent national tribunals or authorities any complaints they may have concerning the violation of their human rights and obtain effective remedies, the Member States should be invited to undertake that such arrangements will be introduced. If such arrangements already exist, the Member States should be invited to undertake to refine and improve them. This is not a recommendation that any particular improvement in machinery should be introduced. In one set of circumstances what may be needed is the establishment of a special court; in another the appointment of an Ombudsman or Procurator-General or similar official; in another simply the setting up of offices to which individual citizens may bring their complains. The determination as to what machinery or improvement in machinery is required for giving effect to the fundamental rights and freedoms would be within the sole discretion of the Government concerned.

"5. National Programme of Education on Human Rights [19]

"Believing that there are limits to the effectiveness of laws in making the enjoyment of human rights and fundamental freedoms a reality, the Commission is convinced that a concentration of effort on legal and institutional guarantees of human rights, although it will go far towards the achievement of objectives we seek, will not go all the way. Attention needs to be concentrated, in addition, on means of changing some old ways of thinking on these subjects, and of rooting out deep-seated prejudicies in regard to race, colour, sex, religion and so on. In short, it is necessary to embark upon a complementary programme of education, including both adult and child education designed to produce new thinking on the part of many people in regard to human rights. Accordingly, it is recommended that an integral part of any programme of intensification of effort to be undertaken in the next three years should be a world-wide educational programme in human rights. Such an educational programme would be consistent with the objectives of the United Nations Development Decade and also with the objectives in the field of human rights the proposed United Nations Training and Research Institute. This programme should aim at mobilizing some of the energies and resources of:

"(*a*) Universities, colleges and other institutions of higher learning, private and public within Member States;

"(*b*) The teaching staff of primary and secondary schools;

"(*c*) Foundations and charitable, scientific and research institutions;

"(*d*) Media of information and mass communication, including the Press, radio and television;

"(*e*) Interested non-governmental organizations;

towards the education of the people, adults and children, about the state of human rights in their communities and elsewhere, and about the further steps which need to be taken to secure the fullest and most effective realization of these rights. Member States with federal systems of government are called upon to encourage the activities in the field of human rights of local and state educational institutions.

"It would guarantee the success of this educational effort if the national leaders within Member States would give it every encouragement. Within this effort Governments would organize conferences of universities and other institutions of higher learning within their territories and invite them to consider how the curricula and their teaching programmes can be utilized to improve the awareness in the student population of the fundamental questions of human rights, how their research programmes might be directed to this end, and how they can co-operate with the other interested organizations, through extra-mural and other programmes, in furthering the aims of adult education in human rights. In this context, studies of local customs and traditions could be undertaken by national authorities with a view to examining to what extent they might be fostering and encouraging attitudes or values contrary to the principles of the Universal Declaration of Human Rights and how these customs and traditions can be eventually eliminated. Charitable and philanthropic foundations might be invited to consider making grants for programmes of research and study in this field and to make bursaries and fellowships available for research in human rights. Responsible authorities of colleges, and of elementary and secondary schools, could be invited to review their curricula and textbooks in order to eradicate bias, intentional and unintentional, towards the preservation of ideas and concepts contrary to the principles of the Universal Declaration of Human Rights, and to introduce courses of study which positively promote respect for human rights and fundamental freedoms.

"It has been noticed with appreciation that certain universities have already included in their curricula courses in the international protection of human rights, other universities could be guided by such programmes and benefit by those experiences. Attention is also called to the UNESCO Associated Schools Project in Education for International Understanding.

"Governments might also convene, or give encouragement to the convening of, conferences amongst the radio and television broadcasting services within their territories, inviting them to consider how their facilities might most usefully co-operate with other organizations within the country, and with international agencies, in advancing the effort to educate the people into greater respect for individual rights and fundamental freedoms.

"The specialized agencies of the United Nations, especially the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, can make a particularly valuable contribution towards the intensification of the educational effort with the co-operation of United Nations regional institutes, bearing in mind Economic and Social Council resolution 958 D I (XXXVI of 12 July 1963. It is recommended that they should be invited to do so.

"[On 21 December, the President of the General Assembly, in pursuance of the above resolution, appointed the following 17 States to the Preparatory Committee for the International Conference on Human Rights: Canada, France, India, Iran, Italy, Jamaica, New Zealand, Nigeria, Philippines, Poland, Somalia, Tunisia, Union of Soviet Socialist Republics, United Kingdom, Uruguay, United States and Yugoslavia.]

TEXT OF RESOLUTIONS ON INTERNATIONAL YEAR FOR HUMAN RIGHTS

Date adopted: *19, December 1966.*

Votes: Resolution A: *108 in favour, none against, with 2 abstentions;* Resolution B: *91 in favour, none against, with 17 abstentions;* Resolution A: *Adopted unanimously;* Resolution D: *103 in favor, none against, with 9 abstentions.*

Document numbers: Committee report to assembly: *Third Committee Report A/6619;* resolutions as adopted by assembly: *2217 (XXI).*

The General Assembly, Recalling its resolutions 1961 (XVIII) of 12 December 1963 and 2081 (XX) of 20 December 1965 on the International Year for Human Rights,

1. *Approves* the further programme of measures and activities envisaged for Mem-

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[15] *Ibid.*, paras. 73–67, and recommendation V (Para. 77), as well as paras. 424–425.

[16] *Ibid.*, paras. 93–99, and recommendation VI (para. 99).

[17] *Ibid.*, paras. 116–120, and recommendation XI (para. 120).

[18] *Ibid.*, paras. 121–129, and recommendation XII (para. 129).

[19] *Ibid.*, para. 130, and recommendation XIII in the same paragraph.

ber States, the United Nations, the specialized agencies and national and other international organizations, which has been recommended by the Commission on Human Rights and is set out in the annex to the present resolution;

2. *Invites* Member States, the specialized agencies, regional intergovernmental organizations, and the national and international organizations concerned to devote the year 1968 to intensified efforts and undertakings in the field of human rights, including the measures set out in the above-mentioned programme, and to keep the Secretary-General informed of their plans and preparations;

3. *Invites* the Secretary-General to make any necessary arrangements to facilitate the co-operation of competent regional intergovernmental organizations in observing 1968 as International Human Rights Year, as provided in General Assembly resolution 2081 (XX);

4. *Requests* the Secretary-General to coordinate the measures and activities undertaken by Member States, the United Nations, the specialized agencies, regional organizations and the national and international organizations concerned, and in particular to collect and disseminate at regular intervals information on activities contemplated or undertaken by them in connexion with the International Year for Human Rights;

5. *Further requests* the Secretary-General to submit an interim report on the plans, preparations, arrangements, measures and activities referred to in paragraphs 2, 3 and 4 above to the General Assembly at its twenty-second session.

1904 (XVIII). UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world continues none the less to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, *inter alia*, or *apartheid*, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. *Solemnly affirms* the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;

2. *Solemnly affirms* the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;

3. *Proclaims* this Declaration:

ARTICLE 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

ARTICLE 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.

2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

ARTICLE 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

ARTICLE 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

ARTICLE 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies.

ARTICLE 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

ARTICLE 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

ARTICLE 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

ARTICLE 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.

2. All incitements to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offense against society and punishable under law.

3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

ARTICLE 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

ARTICLE 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

1261st plenary meeting,
November 20, 1963.

1905 (XVIII). Publicity To Be Given to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination provides that the United Nations, the specialized agencies, States and non-governmental organizations should do all in their power to ensure the abolition of all forms of discrimination based on race, colour or ethnic origin,

Considering the great importance of the speedy implementation of that Declaration in order to liquidate all forms of racial discrimination as soon as possible,

Considering it essential that, as a step towards the elimination of all forms of racial discrimination, the Declaration should be made known throughout the world,

1. *Requests* that all States shall undertake all necessary measures in order to implement fully, faithfully and without delay the principles contained in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

2. *Requests* the Governments of States and non-governmental organizations to publicize the text of the Declaration as widely as possible, using every means at their disposal, including all the appropriate media of communication;

3. *Requests* the Secretary-General and the specialized agencies to ensure the immediate and large-scale circulation of the Declaration, and to that end to publish and distribute texts in all languages possible;

4. *Invites* the Governments of Member States, the specialized agencies and the non-governmental organizations concerned to inform the Secretary-General of action taken by them in compliance with the Declaration, and requests the Secretary-General to submit a report on this matter, which will be considered by the General Assembly at its nineteenth session as a separate agenda item.

1261st plenary meeting,
November 20, 1963.

1906 (XVII). Preparation of a Draft International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Having adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,[1]

Considering that that Declaration is an important step towards the elimination of all forms of racial discrimination,

Deeply disturbed by the manifestations of discrimination based on differences of race, colour or ethnic origin still in evidence throughout the world,

Convinced therefore of the necessity of taking further action towards the elimination of racial discrimination,

Emphasizing in this connexion the importance of the speedy preparation and adoption of an international convention, as envisaged in General Assembly resolution 1780 (XVII) of 7 December 1962,

1. *Requests* the Economic and Social Council to invite the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on this matter that may be submitted by the Governments of Member States and any international instruments already adopted in this field, to give absolute priority to the preparation of a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the Assembly for consideration at its nineteenth session;

2. *Requests* the Secretary-General to include in the provisional agenda of the nineteenth session of the General Assembly an item entitled "Draft International Convention on the Elimination of All Forms of Racial Discrimination".

1261st plenary meeting,
November 20, 1963.

Text of Resolution on Measures To Implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination

Date adopted: *1 November 1965.*

Vote: *Adopted unanimously.*

Document numbers: Committee Report to Assembly: *Third Committee Report A/6046;* Resolution as adopted by Assembly: *2017 (XX).*

The General Assembly, Having considered the question of the implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination contained in General Assembly resolution 1904 (XVIII) of 20 November 1963,

Noting that racial discrimination continues to exist in some countries in spite of the decisive condemnation of it by the United Nations,

Noting with satisfaction Economic and Social Council resolution 1076 (XXXIX) of 28 July 1965, and in particular the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, in the light of the Declaration, a special study of racial discrimination in the political, economic, social and cultural spheres,

Recognizing that, in order to put into effect the purposes and principles of the Declaration, all States should take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin,

1. *Calls upon* all States in which racial discrimination is practised to take urgent effective steps, including legislative measures, to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

2. *Requests* the States where organizations are promoting, or inciting to, racial discrimination to take all necessary measures to prosecute and/or outlaw such organizations;

3. *Requests* the States which have not yet done so to inform the Secretary General without delay of the measures they have taken to implement the Declaration;

4. *Requests* the Secretary-General to submit to the General Assembly, in time for consideration at its twenty-first session, a report on the progress made in the implementation of the Declaration;

5. *Requests* the Economic and Social Council to invite the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to recommend, in the light of the special study of racial discrimination in the political, economic, social and cultural fields envisaged in Council resolution 1076 (XXXIX), any further measures which could be undertaken by the appropriate United Nations bodies with a view to eliminating all forms of racial discriminaton, and to submit these recommendations to the General Assembly;

6. *Recommends* that a seminar on the question of the elimination of all forms of racial discrimination should be held under the programme of advisory services in the field of human rights and in the context of the programme for the International Year for Human Rights.

H.R. 6954

A bill to amend section 242 of title 18, United States Code, to prohibit deprivation of rights under color of any statute, treaty, order, rule, or regulation implementing decisions of the United Nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 242 of title 18, United States Code, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, treaty, ordinance, regulation, or custom (including any order, rule, or regulation issued by the President to apply measures which the Security Council or General Assembly has decided, or may decide, pursuant to chapter 41, or any other chapter, of the Charter of the United Nations, are to be employed to give effect to its decisions or resolutions under such charter, or otherwise), willfully subjects any inhabitant of any State, District, Commonwealth, territory, or possession of the United States to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

H.R. 11465

A bill to repeal the United Nations participation Act of 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United Nations Participation Act of 1945 is hereby repealed.

THE HONORABLE JOSEPH W. MARTIN, JR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. ROYBAL. Mr. Speaker, I want to join with my fellow Members of the House in offering tribute to the memory of the late Joseph W. Martin, Jr., former Speaker of the House of Representatives, and a Member of Congress from the State of Massachusetts for 42 years.

Joe Martin, as he was affectionately known by his many friends throughout the country, was a gentlemen in the truest sense of that word, and history will record him as a real statesman and great patriot.

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[1] See resolution 1904 (XVIII), p. 35.

He was particularly helpful to younger Members of the House, and shared with us all his deep respect for the traditions of democracy and freedom of expression that have made the Congress the essential institution in America's revolutionary experiment in government of the people, by the people, and for the people.

I consider it an honor to have had the privilege of serving in the House with the late Speaker Martin, and I extend my sincere sympathy to his loved ones and to his many friends.

A PROGRAM TO MEET THE CRISES

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. COLLIER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the "Program To Meet the National and International Economic Crises," which has just been released by the National Tax Reform Committee. This program is based on a study made for the committee by the distinguished economist, Dr. Emerson P. Schmidt. While I do not necessarily subscribe to every jot and title of the program, I believe the Members of the House will benefit from a perusal of it.

Among the members of the board of sponsors of the National Tax Reform Committee is our former colleague, Hon. Donald C. Bruce, who served an Indiana district with distinction, from 1961 to 1965. Another member is one of my constituents, Dale S. May, the president of Electrodatic Controls International Co., Park Ridge, Ill.

The program follows:

FIFTEEN-POINT PROGRAM TO MEET NATIONAL AND INTERNATIONAL ECONOMIC CRISES

(By the National Tax Reform Committee—A summary based on a study made for it by Dr. Emerson P. Schmidt, Economic Consultant)

1. In a budget of about $190 billion for fiscal 1969 the central government should eliminate 10%, or close to $20 billion, and could do so given the will, determination and the incentive.

2. Over 10% of the unexpended authorizations ($222.3 Billions), from previous years, including foreign aid, should be rescinded.

3. Each proposal for the authorization of new programs, and appropriation requests for old ones should be tested against at least two questions:

a. Should the central government be engaged in this activity at all? and

b. Can the problem actually be solved thru central government action and spending?

4. All spending authorizations should be accompanied by a ceiling on outlays and estimated annual requirements for each of the next four years following the year of originating or renewal authorizations. The Bureau of the Budget should be required to release adequate annual information on the performance of the government under these guidelines.

5. Government expenditures financed by tax dollars, always in competition with private savings, investments and expenditure, should be made only when and where a careful weighing of the use of the funds reveals a return to the taxpayers at least equal to what they could have earned in the private sector.

6. Cost-benefit analysis, cost-effectiveness studies and careful Planning-Programing-Budgeting Systems (PPBS) should precede every new program and be applied to existing programs in order to determine their survival merits, if any.

7. Forthright and determined application of the foregoing principles will make it unnecessary to raise tax rates or levy surtaxes on existing income taxes.

8. Our heavy reliance on income taxation (much greater than in most modern industrial countries) should be corrected by greater dependence on indirect and value-added types of taxes, in order to reduce disincentives to save and invest.

9. Consideration should be given at an early date to the replacement of our graduated income tax by a proportional tax on incomes.

10. In foreign affairs we must reduce by a wide margin our military and economic aid, reduce drastically our armed forces in Europe, yet fully support our troops in southeast Asia, but without waste.

11. The imbalance (deficit) in our international payments should be corrected by drastic reductions in overseas government expenditures, mentioned above. Existing restrictions on foreign travel, foreign lending and investing should be abolished concurrently.

12. Import and export quotas and other barriers to trade, travel and investment should be removed, thereby providing the entire free world with a greatly improved international division of labor, and making the need for any foreign economic aid obsolete.

13. Our monetary authority should stabilize changes in the rate of increases in the money supply, at a non-inflationary level, and thereby avoid the go-stop-jerky impact on our economy.

14. The Congress and the Administration should combine forces to enable the Congress to eliminate the fragmentation of responsibility in the area of taxation, spending authorizations and spending appropriations.

15. All Congressional Committees should have adequate and competent professional staffs to make independent investigations, studies and evaluations of all proposals coming from government agencies, the White House, and the Bureau of the Budget. This significant step would help regain for the Congress its power and control over expenditures.

DISTRICT YOUTHS HONORED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ROSENTHAL. Mr. Speaker, a number of young residents of our district earned high honors in recent months. Three of the top 10 winners in the Westinghouse National Science Talent Search were from Forest Hills, and students of the Forest Hills High School. They were John Goldsmith, John Gomori, and Perrin White. I had the pleasure of joining with these young men at the awards dinner in Washington. We all have every reason to be proud of them.

Competition was severe, as usual, for attendance at the service academies. The successful candidates this year were: Paul B. Gabelia of College Point and Michael Sawicki of Flushing for West Point; Jeffrey R. Visconti of College Point for Annapolis; and Louis Buttino, Jr. and Richard P. Solana, both of Whitestone, for the Air Force Academy.

Soon to join the Washington scene are: S. Elliott Cohan of Kew Garden Hills, who will be with the Securities and Exchange Commission as an attorney, and Howard Perlstein of Forest Hills, who will work as a member of the staff of the Chairman of the National Labor Relations Board.

Joining our Washington staff for this summer will be: Dennis B. Drapkin of Bayside; Kenneth S. Geller of Rego Park; and Mark Helfat of Douglaston.

VETERANS' ADMINISTRATION HOSPITALS THREATENED WITH CLOSING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the recent actions by the Congress have emphasized the seriousness of the financial crisis which is facing our Nation at this time. For many years I have been an advocate of more economy in Government, and have voted consistently to cut expenditures within the realm of necessity and reason. I have contended consistently that we cannot survive as a nation if we continue to spend more than we take in. I realize that our problems are compounded by the Vietnam war, and there is no question that these expenditures are necessary for the preservation of our freedom.

As chairman of the Veterans' Affairs Committee I have held what could be considered "tight strings" on all expenditures involving our veterans, but at the same time we have been able to provide needed benefits and medical care of outstanding quality to all of our veterans. I feel that we have continued to fulfill our obligation to those men who have served our Nation. At the same time, I feel that we have not wasted any money nor have we been extravagant in our provisions. I know that the House has agreed with me and shares this same belief, for it has approved the legislation which the committee has presented as required and equitable.

We have all agreed that we must take actions to curtail the spending by the Federal Government and make adjustments to restore and preserve our economic system. This does not mean that these actions must be taken through arbitrary and unwise formula that will wreck the benefit programs of the Veterans' Administration.

The conference report on H.R. 15414 calls for reductions which, in my opinion, are completely unrealistic. Very shortly we will be called upon to act on the report. I believe in all fairness, because of the intense interest of every Member of this body in all veterans' affairs, that you should be acquainted with the consequences if the personnel formula and cut formula recommended are adhered to.

The exact reductions should be outlined before we take any action on this measure. To blindly accept the reductions without first knowing where and what they entail is pure lunacy. I have been endeavoring to pin down some specifics ever since information on the conference report was made available. Within the last few days I have been able to ascertain, at least in a speculative manner, just what these proposed cut-backs must be in order to comply with the provisions of the law.

I am convinced that if the personnel reduction requirements are allowed to stand as are now in the report, the operation of the Veterans' Administration would be practically paralyzed. The greatest disservice to our veterans would come about through the reduction of medical services.

We are all in agreement that budget cuts—realistic budget cuts—are a prerequisite if we are to maintain the economic stability of our Nation. And, though it is regrettable, there can be no respector of agencies or departments when these cuts are imposed, other than the operation of the war. Consequently, the Veterans' Administration and the Veterans' Affairs Committee realize that certain economies must also be placed on the operation of the Veterans' Administration. Naturally, we are hopeful that whatever cuts are imposed will not substantially reduce the service or benefits now provided for our veterans. But, in all fairness, I must sound a note of warning to you that should the fund limitations and personnel limitations be allowed to stand as written, the veterans of this Nation will suffer severely from such action.

Specifically, I refer to the provisions of the conference report relating to employee limitation. Realizing the gravity of the national situation, the Veterans' Administration can and will perform its duties to our veterans as long as personnel are available. But catastrophic consequences will come about if the conference report is accepted as it is now written. Let me quote; the conference report says:

> It was agreed that with respect to permanent full-time civilian employees in the executive branch one vacancy in four in each department or agency is not to be filled until such time as the overall number of employees reaches the level of June 30, 1966.

Because of the uniqueness of the employment situation in the Veterans' Administration and the steady turnover in personnel in the hospitals all across our Nation, the VA would, through attrition, reach its own June 30, 1966, level through the cutback of 3,000 employees in a period of 4 months. However, it is estimated that for all agencies—as required in the conference report—to reach their June 30, 1966, level would require 37 months. In other words, for 33 months after the VA had reached its employment level of June 30, 1966, further reductions of personnel would continue to take place until all agencies of the Federal Government had reached the June 30, 1966, level. Within a 37-month period, the Veterans' Administration would lose over 25,000 employees. Since 90 percent of all VA employees are engaged in medical programs of some nature, the brunt of employee losses would be absorbed in the Department of Medicine and Surgery. The conference report gives the Bureau of the Budget some latitude in distributing the cut of personnel, but I have been able to gain no assurance that the Veterans' Administration will be given any special treatment. In response to my inquiry, the Bureau of the Budget has informed me that such a personnel reduction, required by the conference report, would be so drastic as to completely cripple, if not destroy, the present medical system of the Veterans' Administration.

The interpretation of the provision is quite clear. No department or agency will be permitted to fill more than three out of four vacancies until such time as the total Government employment reaches the June 30, 1966, rate. Because the VA—and especially the medical system—is in a unique category, the provision would ultimately destroy the entire program.

I ask you to envision exactly what the loss of 25,000 employees, mostly in VA hospitals, would do to the Veterans' Administration. The on-duty employment in permanent positions at the end of May 1968 of 150,462 would be reduced in total by 25,466 to a level of 124,996 in 3 years. The reductions in terms of employees would be largely in the medical programs, since they comprise 90 percent of the total decrease in employment. In addition, the reduction would be very severe in regional office programs where employment would be reduced by 1,100 in fiscal year 1969, 2,200 by the end of 1970, and 3,200 by the end of 1971. With such a reduction, the regional offices' ability to process workloads and render service would be severely impaired. Over this same period, workloads will substantially increase because of veterans returning from service in Vietnam.

The Administrator of Veterans' Affairs has outlined some of the drastic reductions in the hospital services that would be necessitated by these actions. Primarily, the quality of service would gradually degenerate. By reprograming, decreasing selected workloads, and realining staff assignments, the VA medical programs could live with the impact of the first few months of employee reductions required by the attrition formula of only filling three in every four vacancies.

The situation would shortly become traumatic. A great consolidation of services to save on manpower would inevitably take place. Staffing of hospitals, clinics, domiciliary and restoration center staffs would be inadequate to serve those veterans needing medical care. Mere closing of hospital wards—or even a few hospitals—would not solve the problems incurred by such drastic personnel losses.

Three years ago we went through a very unpleasant episode in this Nation when some Veterans' Administration hospitals were closed. That unpleasant circumstance would be repeated many times over if the personnel cuts are put into effect as now prescribed in the conference report. Here are but a few of the things that will be necessary:

First. Approximately 24,000 hospital beds would be eliminated from the system.

Second. The number of patients to be treated by the VA would be decreased by more than 200,000, or 29 percent of the level funded in the 1969 budget. This, of course, would deprive veterans of benefits which they require and have been guaranteed by both the Congress and the executive.

Third. And this is truly most serious. In order to maintain the reduction of 25,000 employees required by the formula, the equivalent of about 30 hospitals would have to be closed.

As I mentioned previously, the facts concerning the exact details and consequences have been hard to come by. But the whole pattern is beginning to emerge, and the facts of the situation are shocking. I do not believe that the Members of this body would ever condone such drastic actions as are inherent in the adoption of a $6 billion budget reduction for fiscal year 1969, and agreeing to the demands imposed in the personnel reduction clauses.

I have endeavored to ascertain exactly what the budget cuts would amount to for the Veterans' Administration. At this time, no exact figure can be set, but it is presumed that the minimum required in the 1969 budget would be $100,000,000. This is, as I say, a minimum, for some estimates range as high as twice that amount.

Based on the very minimum estimate, I asked the Administrator of Veterans' Affairs what would be the result of a $100,000,000 reduction in expenditures brought about by an overall budget reduction of $6 billion, if the full reduction were applied to operating appropriations.

Because the medical benefits are the largest part of the operating expenses of the VA, where the cuts would have to be made, $86.3 million would have to be withdrawn from the medical budget. The impact of such a large reduction in this appropriation would result in these program deletions, curtailments or deferrals—

First. A daily average of 5,325 veterans would be denied care in VA facilities: 1,870 general medical and surgical patients; 3,300 nursing home patients; and 155 restorees in the rehabilitation/outplacement program.

Second. A total of 52 general hospital wards of 40 beds each would not be operated, with a resultant loss in available beds of 2,080 and the inability to treat 22,360 patients in those beds over a period of a year.

Third. The average employment level would be reduced 3,709 below the budgeted level, which would result in further depressing an already low ratio of employees to patients and permit no expansion of critically needed programs for training of health service personnel.

Fourth. The activation of additional new medical services throughout the system would not be possible, services such as: hemodialysis, pulmonary emphysema treatment, radioisotope, open heart surgery, organ transplant and intensive coronary care, to name a few.

Fifth. The replacement of obsolete and wornout hospital and medical equipment would be deferred, resulting in further increase in the backlog of requirements—to a year-end level of $72.7 million.

Sixth. The acquisition of new and additional equipment would have to be reduced by 50 percent, with direct impact on both the type and quality of care which could be rendered.

Highlighted in a different manner, the reduction of $86.3 million would require program reductions in the "Medical care" appropriation, which would be equivalent to the closing of 10 hospitals with a total of 5,700 beds.

If the reduction were to be met by closing entire hospitals rather than cutting back severely in all, then it would be necessary to select the hospitals to be closed.

A reduction in the magnitude of $100 million would also require a minimum reduction of $6 million in the general operating expenses appropriation which supports the regional office activities. This would mean fewer employees to provide services to an increasing veteran population. Employment would be reduced by 1,100 in 1969, with progressive reductions to 3,200 in 1971. Such a reduction at a time when the number of veterans has reached an alltime high and Vietnam veterans are returning at the rate of 70,000 each month, would make it impossible to render timely services in compensation, pensions, education, and housing credit assistance programs. During the first year, significant backlogs in adjudication actions would develop and by the third year the quality of service would have fallen far below tolerable limits.

I think it is also important that we take a look at the specific new medical services that were originally planned for activation in the fiscal year 1969 that would have to be canceled if the $6 billion budget cut is put into effect, or if the personnel reductions are left at the conference report requirements. Activations of new and replacement hospital beds will have to be canceled, programs that have already been instituted but which require specialized personnel and equipment will have to be abandoned.

Here is a list of items which will have to be stricken from the programs of the VA to comply with the proposed reductions:

NEW MEDICAL SERVICES ORIGINALLY PLANNED FOR ACTIVATION IN FISCAL YEAR 1969 WHICH WILL BE CANCELED

[Hospital and cost]

1. Psychiatric medically infirm (care for patients with psychiatric disorders who are also medically infirm).

Knoxville, Iowa	$63, 000
Los Angeles, Calif	63, 000
Louisville, Ky	63, 000
Murfreesboro, Tenn	63, 000
North Little Rock, Ark	63, 000
Northport, N.Y	63, 000
Salem, Va	63, 000
St. Cloud, Minn	63, 000
Total	504, 000

2. Pulmonary emphysema (improved care for veterans with emphysema to give an extension of useful life and reduction in period of hospitalization).

Allen Park, Mich	$36, 273
Atlanta, Ga	36, 273
Castle Point, N.Y	36, 273
Des Moines, Iowa	36, 273
Gainesville, Fla	36, 273
Knoxville, Iowa	36, 273
Miami, Fla	36, 273
Muskogee, Okla	36, 273
Seattle, Wash	36, 273
Temple, Tex	36, 273
Wadsworth, Kans	36, 273
Total	399, 003

3. Speech pathology program (treats veterans with seriously impaired speech and language usually resulting from a stroke, brain damage, or loss of voice following surgery of the larynx).

Albany, N.Y	$15, 000
Alexandria, La	15, 000
Columbia, S.C	15, 000
Hines, Ill	15, 000
Lake City, Fla	15, 000
Martinez, Calif	15, 000
Oteen, N.C	15, 000
Providence, R.I	15, 000
Shreveport, La	15, 000
Total	135, 000

4. Foster home care (provides a home where former patient can live as a member of a family and receive supervision by foster parents in cooperation with the VA physician and social worker).

Bedford, Mass	$8, 429
Danville, Ill	8, 429
Gulfport, Miss	8, 429
Los Angeles, Calif	8, 429
Perry Point, Md	8, 429
Tomah, Wis	8, 429
Waco, Tex	8, 429
Total	59, 003

5. Supervoltage therapy (treatment of patients with cancer by supervoltage Units such as cobalt, betatron, and linear accelerators).

Boston, Mass	$73, 667
Denver, Colo	73, 667
Houston, Tex	73, 667
Total	221, 001

6. Prosthetics treatment centers (coordinates in one installation all facets of treatment required for veterans needing an artificial limb or other body part).

Boston, Mass	$53, 500
San Francisco, Calif	53, 500
Total	107, 000

7. Pulmonary function units (measures the efficiency of the lungs at rest and under stress of measured exercise which results in accurate diagnoses of lung diseases).

Alexandria, La	$21, 334
Charleston, S.C	21, 334
Gainesville, Fla	21, 334
Louisville, Ky	21, 334
Miami, Fla	21, 334
Montgomery, Ala	21, 334
Muskogee, Okla	$21, 334
Sioux Falls, S. Dak	21, 334
Vancouver, Wash	21, 334
Total	192, 006

8. Intensive/coronary care unit (a specially constructed and equipped area for treatment of acute coronary occlusion or other types of heart diseases).

Albuquerque, N. Mex	$116, 080
Allen Park, Mich	243, 770
Ann Arbor, Mich	127, 690
Baltimore, Md	92, 870
Bay Pines, Fla	139, 300
Buffalo, N.Y	185, 730
Charleston, S.C	69, 650
Cheyenne, Wyo	92, 870
Chicago (WS), Ill	162, 510
Chicago (Res.), Ill	162, 510
Clarksburg, W. Va	92, 860
Dallas, Tex	174, 120
Denver, Colo	116, 080
Gainesville, Fla	301, 800
Hines, Ill	139, 300
Houston, Tex	46, 430
Indianapolis, Ind	243, 770
Iowa City, Iowa	162, 510
Iron Mountain, Mich	116, 080
Jackson, Miss	174, 120
Kansas City, Mo	116, 080
Little Rock, Ark	185, 730
Livermore, Calif	127, 690
Madison, Wis	92, 860
Miami, Fla	92, 860
Nashville, Tenn	255, 380
New York, N.Y	46, 430
Oklahoma City, Okla	185, 730
Oteen, N.C	197, 340
Palo Alto, Calif	46, 430
Philadelphia, Pa	139, 300
Phoenix, Ariz	116, 080
Providence, R.I	116, 080
Reno, Nev	46, 430
Salt Lake City, Utah	92, 860
Sepulveda, Calif	104, 470
St. Louis, Mo	58, 040
Syracuse, N.Y	116, 080
Temple, Tex	92, 860
Tucson, Ariz	46, 430
West Haven, Conn	162, 510
White River Junction, Vt	92, 860
Wichita, Kans	81, 260
Wilmington, Del	139, 300
Wood, Wis	92, 860
Total	5, 804, 000

9. Clinical radioisotope (the use of highly sophisticated laboratory facilities and electronic equipment in clinical diagnosis and treatment of patients, particularly those with cancer).

Bedford, Mass	$155, 667
Gainesville, Fla	155, 667
Temple, Tex	155, 667
Total	467, 001

10. Cardiac catheterization (a procedure for discovering if a person has a certain type of heart or lung trouble and the extent of damage that has resulted).

Augusta, Ga	$89, 000
Boston, Mass	89, 000
Total	178, 000

11. Blind clinics (to treat psychiatrically ill blind patients, particularly those too ill to go to regular blind centers).

Northampton, Mass	$26, 000

12. Stereotactic brain surgery (the application of intensively cold freezing temperatures to localized areas deep in the brain. Used in treatment of painful conditions aris-

ing from injured nerves, strokes, or involuntary motor disorders).

Bronx, N.Y.	$159, 000
Durham, N.C.	159, 000
Long Beach, Calif.	159, 000
Total	477, 000

13. Organ transplantation (primarily kidney transplants which can result in longer life span of patients).

Denver, Colo.	$148, 000
Durham, N.C.	148, 000
Los Angeles, Calif.	148, 000
Nashville, Tenn.	148, 000
Syracuse, N.Y.	148, 000
Total	740, 000

14. Epilepsy centers (provides specialized service to veterans with uncontrolled epilepsy).

West Haven, Conn.	$31, 000

15. Day hospital treatment (permits patients to live at home by providing care and special treatment at the hospital during the day).

Boston, Mass.	$54, 200
Chicago (WS), Ill.	54, 200
Coral Gables, Fla.	54, 200
Durham, N.C.	54, 200
Gainesville, Fla.	54, 200
Kansas City, Mo.	54, 200
Salt Lake City, Utah	54, 200
Seattle, Wash.	54, 200
St. Louis, Mo.	$54, 200
Topeka, Kans.	54, 200
Total	542, 000

16. Electron microscopy (an instrument used in better delineation of renal diseases leading to improved therapy and more precise classification of certain cancers and sometimes detection of viruses).

Allen Park, Mich.	$84, 667
Hines, Ill.	84, 667
Long Beach, Calif.	84, 667
New Orleans, La.	84, 667
Salt Lake City, Utah	84, 667
Washington, D.C.	84, 667
Total	508, 002

17. Reference laboratories (new and highly specialized procedures such as the determination of adrenal hormones, thyroid hormones or genetic abnormalities will be performed in these laboratories).

Denver, Colo.	$39, 000
Hines, Ill.	39, 000
Memphis, Tenn.	39, 000
San Francisco, Calif.	39, 000
Washington, D.C.	39, 000
Total	195, 000

18. Hemodialysis units (this is the artificial kidney machine used for purifying blood).

Dallas, Tex.	$194, 333
Jackson, Miss.	194, 333
Miami, Fla.	194, 333
Total	582, 999

19. Alcohol treatment unit (a separately located unit for treatment and rehabilitation of the alcoholic patient).

Brockton, Mass.	$72, 500
East Orange, N.J.	72, 500
Indianapolis, Ind.	72, 500
Lincoln, Nebr.	72, 500
Los Angeles, Calif.	72, 500
Lyons, N.J.	72, 500
Minneapolis, Minn.	72, 500
Nashville, Tenn.	72, 500
Northampton, Mass.	72, 500
Salem, Va.	72, 500
Total	725, 000
Grand total	11, 893, 015

PLANNED ACTIVATION OF NEW AND REPLACEMENT HOSPITAL BEDS, FISCAL YEAR 1969, WHICH WILL BE CANCELED

Hospital	Operating beds		Increase in—	
	Capacity	To be activated	Patients	Funds
Complete:				
Charleston, S.C.	498	110	95	$230, 000
Gainesville, Fla.	480	276	257	2, 230, 000
Miami, Fla.	1, 056	565	548	5, 103, 000
Under construction:				
Long Beach, Calif.	920			[1] 975, 000
San Juan, P.R.	720	202	178	4, 025, 000
Total	3, 674	1, 093	1, 078	12, 563, 000

[1] Initial activation cost of 920-bed replacement hospital and additional employees required for the increase in number of ward units from 39 to 46.

POTENTIAL BED REDUCTION IN HOSPITALS OPERATING AT 80 PERCENT OF CAPACITY, AS OF MAR. 31, 1968

	March 1968 ADPL	Operating beds, as of Mar. 31, 1968	Beds in excess of ADPL	Potential fund "reduction"
Sheridan, Wyo. (NP)	438	575	137	$425, 000
Altoona, Pa. (G.M. & S.)	158	200	42	218, 000
Amarillo, Tex.	122	156	34	195, 000
Ann Arbor, Mich.	385	486	101	504, 000
Birmingham, Ala.	381	479	98	461, 000
Bronx, N.Y.	976	1, 324	348	1, 774, 000
Des Moines, Iowa	308	386	78	426, 000
Grand Island, Nebr.	149	201	52	243, 000
Iron Mountain, Mich.	197	269	72	293, 000
Madison, Wis.	365	475	110	501, 000
Newington, Conn.	199	250	51	$241, 000
Reno, Nev.	153	202	49	236, 000
Tucson, Ariz.	309	402	93	459, 000
Vancouver, Wash.	340	430	90	451, 000
Walla Walla, Wash.	187	275	88	446, 000
Wichita, Kans.	186	252	66	278, 000
Wilmington, Del.	237	300	63	271, 000
Wood, Wis.	756	1, 020	264	1, 338, 000
Total	5, 846	7, 682	1, 836	8, 760, 000

ESTIMATED CONSTRUCTION OBLIGATIONS FOR FISCAL YEAR 1969

	Estimated obligations		Expenditure estimate in fiscal year 1969 budget (thousands)
	Amount (thousands)	Date	
TO BE DEFERRED			
Design Contracts			
Replacement hospitals:			
San Francisco, Calif.: 540 beds	$675	June 15, 1969	$210
Seattle, Wash.: 250-bed addition	700	Feb. 1, 1969	170
Modernization:			
Indianapolis, Ind.: A/C cl., research	597	Oct. 30, 1968	450
Louisville, Ky.: Cl., A/C, research	239	Feb. 28, 1969	200
Muskogee, Okla.: Gen. mod., A/C	113	Oct. 1, 1968	0
Research:			
Chicago, Ill. (WS): Research addition	32	May 1, 1969	25
Cincinnati, Ohio: Research wing	55	(1)	40
Iowa City, Iowa: Research alteration	16	(1)	10
Minneapolis, Minn.: Research addition	11	Dec. 1, 1968	10
Oklahoma City, Okla.: Research addition	75	July 30, 1968	70
TO BE DEFERRED—Continued			
Design Contracts—Continued			
Other improvements:			
Murfreesboro, Tenn.: M.S. & N	$20	Mar. 1, 1969	$70
St. Louis, Mo.: Cl. consolidation	149	(1)	60
Total, design	2, 682		1, 315
SUBJECT TO DEFERRAL			
Construction Contracts			
Replacement hospitals:			
Lexington, Ky.: 370-bed hospital	11, 800	June 30, 1969	250
San Diego, Calif.: 811-bed hospital	29, 100	Feb. 6, 1969	6, 400
Tampa, Fla.: 720-bed hospital	19, 700	(1)	4, 000
Modernization:			
Des Moines, Iowa.: Chapel, etc.	368	(1)	275
Marion, Ill.: Modernization	2, 422	(1)	200

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[1] No schedule.

CONSTRUCTION CONTRACTS—ESTIMATED OBLIGATIONS

[In thousands of dollars]

	Amount	Date	Expenditure estimate in fiscal year 1969 budget
OTHER IMPROVEMENTS			
Alexandria, La.: Sewage connection	$269	(1)	100
Allen Park, Mich.: Cobalt unit	90	Aug. 15, 1968	90
Ann Arbor, Mich.: Fire sprinklers	86	(1)	86
Bath, N.Y.: Sewage plant	174	(1)	50
Biloxi, Miss. (Gulfport): M.S. & N. unit	170	(1)	150
Birmingham, Ala.: MICU, SICU, CCU	328	Nov. 15, 1968	199
Bronx, N.Y.: Hemodialysis	165	Dec. 15, 1968	70
Bronx, N.Y.: Betatron	44	Aug. 20, 1968	19
Brooklyn, N.Y.: Cobalt	121	June 30, 1969	128
Castle Point, N.Y.: Sewage plant	162	(1)	190
Cheyenne, Wyo.: Surgical suite	139	Jan. 15, 1969	120
Chillicothe, Ohio: Boiler plant	865	Mar. 31, 1969	250
Cincinnati, Ohio: Air jets	25	(1)	25
Columbia, S.C.: Cardio. pul. unit	166	May 30, 1969	50
Denver, Colo: Cobalt	76	(1)	20
Downey, Ill.: Additional electrical work	49	Aug. 31, 1968	49
Durham, N.C.: Surg. int. care	74	July 31, 1968	74
East Orange, N.J.: Central oxygen system	80	Sept. 30, 1968	86
East Orange, N.J.: Cobalt therapy	119	Dec. 31, 1968	75
Fort Wayne, Ind.: Air conditioning	991	(1)	30
Hampton, Va.: Sprinklers	99	(1)	90
Houston, Tex.: SICU	91	Oct. 15, 1968	100
Houston, Tex.: MTCU	72	do	92
Houston, Tex.: CCU	64	do	84
Iowa City, Iowa: Laboratory addition	188	Mar. 31, 1969	150
Iron Mountain, Mich.: Recovery room	35	(1)	35
Kansas City, Mo.: Audiology cl	56	Nov. 1, 1968	19
Long Beach, Calif.: Intensive care	90	July 20, 1968	90
Los Angeles, Calif.: Smoke barriers	92	(1)	87
Los Angeles, Calif.: Electron micro	55	Oct. 30, 1968	55
Lyons, N.J.: Air conditioning, M.S. & N. unit	140	Sept. 30, 1968	110
Madison, Wis.: Card. cath. unit	89	Apr. 29, 1969	40
Marion, Ind.: Sewage plant	197	(1)	50
Minneapolis, Minn.: Chem. laboratory	85	Apr. 30, 1969	40
New Orleans, La.: Tray service	59	July 26, 1968	39
OTHER IMPROVEMENTS—Continued			
New Orleans, La.: Hemo. unit	110	Aug. 22, 1968	98
New Orleans, La.: SICU	105	Oct. 25, 1968	100
New Orleans, La.: MICU	104	Oct. 25, 1968	99
New Orleans, La.: CCU	78	Oct. 25, 1968	74
Oklahoma City, Okla.: Card. cath. unit	61	Aug. 17, 1968	61
Oklahoma City, Okla.: SICU	124	Oct. 15, 1968	124
Oklahoma City, Okla.: MICU and CCU	93	July 30, 1968	93
Palo Alto, Calif.: Incinerator	58	(1)	5
Philadelphia, Pa.: Cobalt	66	Nov. 30, 1968	49
Pittsburgh, Pa.: ICU	27	Dec. 31, 1968	27
Pittsburgh, Pa.: Central tray service	80	May 31, 1969	5
Portland, Oreg.: CCU	78	Dec. 31, 1968	60
Providence, R.I.: Consol. OP cl	127	Jan. 8, 1969	50
San Francisco, Calif.: Storm sewer	195	May 31, 1969	0
West Haven, Conn.: Cl. consol	186	Apr. 15, 1969	165
White River Junction, Vt.: Elec. Ser	48	Sept. 1, 1968	25
Wood, Wisc.: SCI	104	Feb. 28, 1969	60
Hemodialysis: Various	85		3,650
Intensive care: Various	5,465		70
RESEARCH			
Boston, Mass.: Research additior	1,162	Apr. 24, 1969	250
Brooklyn, N.Y.: Research addition	148	Aug. 31, 1968	70
Chicago, Ill,. (Res.): Research addition	1,085	Mar. 31, 1969	400
Cincinnati, Ohio: Research wing	1,115	(1)	810
Iowa City, Iowa: Research alterations	290	(1)	176
Madison, Wis.: Research addition	931	Feb. 28, 1969	600
Oklahoma City, Okla.: Animal laboratory addition	156	(1)	79
Philadelphia, Pa.: Research alterations	110	Oct. 31, 1968	88
Washington, D.C.: Research addition	1,315	Mar. 28, 1969	100
Total construction	84,169		21,536

[1] No schedule.

Now, if the conference report should be accepted and the $6 billion cut made by the law, and if the personnel requirements of the report are not corrected, then I am going to face the issue squarely. I will not condone the lessening of the quality of the medical services rendered to our veterans. I will not stand by and see the bleeding of the hospitals in the system to try to keep all of them open. We will do what we must to maintain the quality of patient care that has been established over the years, and reluctantly close whatever hospitals that must be sacrificed to maintain this level. To absorb a reduction in employment of such magnitude as prescribed in the conference report, plus a $6 billion reduction resulting in $100 million or more from the operating appropriation of VA budget, would require closure of hospitals in order to utilize the remaining staff in administering quality care.

Therefore, I am making an earnest appeal to you that every effort be made to amend the conference report; that the personnel formulas as set forth be amended to allow each agency to reach its reduction of personnel through attrition to the levels of June 30, 1966, but that the prerequisite that such attrition continue until all agencies have reached this level be stricken from the provisions.

INFANT MALNUTRITION AND ADULT LEARNING

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. GOODELL. Mr. Speaker, as the House Education and Labor Committee is presently conducting hearings to establish a Commission on Hunger, revelations about hunger are coming from private studies and witnesses. It is difficult for me to comprehend why, in an affluent society such as ours, there are starving Americans and that existing Federal programs are not reaching them. Evidence would indicate that malnourished children whose diets are inadequate may suffer irreparable damage and never attain full mental or social development.

To illustrate the implications of malnutrition I am inserting into the RECORD, today, an article by Nevin S. Scrimshaw, head of the Department of Nutrition and Food Science, Massachusetts Institute of Technology, which appeared in the Saturday Review on March 16, 1968.

The article follows:

INFANT MALNUTRITION AND ADULT LEARNING

(By Nevin S. Scrimshaw)

Two-thirds of the world's children live in the developing countries of the world, and for most of them malnutrition during their early years is a fact of existence. The consequent retardation in physical growth and development is reflected in the almost universally smaller body size of members of low-income populations in these countries. Genetic differences are a minor factor. Many underprivileged children among poor families in the industrialized countries are also malnourished at an early age.

Attention was focused until recently mainly on the high mortality of malnourished infants and preschool children of developing countries, with no particular concern for the smaller body size of the survivors. In the 1920s, experiments with rats began to show that nutritional deficiencies not only retarded physical growth and development but affected the central nervous system as well. In recent decades, early malnutrition sufficient to impair growth in experimental animals has repeatedly and conclusively demonstrated its effect on their subsequent learning, memory, and adaptive behavior. This has led to the stunning implication that infants and young children whose physical growth is stunted by malnutrition may also be prevented from attaining their full mental capacity and social development.

At an International Conference on Malnutrition, Learning, and Behavior at MIT last March, more than 500 medical, biological, and school scientists from thirty-seven countries reviewed the evidence and emphasized the urgent need for better understanding of consequences of early malnutrition in man. Investigations are now required in a variety of cultural situations, taking into account not only malnutrition, but also infectious disease and the social, psychological and educational influences in the young child's life.

Although the conditions under which malnutrition exerts a permanent influence on learning and behavior need to be defined further and the effects measured with greater precision, present knowledge impels public concern and action. Aid programs for industrialization and for the development of material resources are of limited value if essential human resources are neglected and inadequate. Even in advanced countries, remedial programs for underprivileged school children come too late when children have already suffered permanent physical and psychological damage.

In the rat, 80 per cent of brain growth occurs by four weeks of age; in the pig, by eight to ten weeks. The total body weight of both at these ages is less than 20 per cent of their usual weight at maturity. Rats which are underfed in the first few weeks after weaning and then placed on an adequate diet have smaller brains at maturity than control animals. Since the brain is growing so much faster than the rest of the body during these early weeks, the result of early undernutrition is a brain which is abnormally large for the body weight but small for the age of the animal. Recently, Dr. John Dobbing, Dr. A. A. McCance, and Dr. Elsie Widdowson, in the department of experimental medicine, University of Cambridge, England, have demonstrated more marked postnatal retardation of brain growth of infant rats by having a single mother suckle fifteen to twenty young. In this way undernutrition was made to coincide with the period when the brain was growing most rapidly.

Beyond about three weeks of age for the rat and five weeks of age for the pig, the effect on brain size of short periods of undernutrition becomes progressively less pronounced. The adult brain is remarkably resistant to changes in weight, even during severe starvation, provided it is able to grow normally to a mature size before the starvation begins. Prisoners of war and concentration camp internees in World War II who survived long periods of severe food restriction showed no loss of intelligence after rehabilitation.

Food restriction in animals simulates the form of undernutrition in young children known as marasmus. Marasmus is particularly common in children less than one year of age, when the rate of postnatal brain growth is at its peak. It occurs because, under conditions of poverty and ignorance, children who are weaned early in the first year of life are likely to be given substitutes for breast milk which are inadequate in both calories and protein. Marasmus is found with growing frequency in the mushrooming cities of the developing countries, because recent arrivals imitate the early weaning practices of the middle- and upper-income groups without either the knowledge or the resources to provide a proper substitute for mother's milk.

Children who are not weaned until the second or third year of life—until recently, the common practice in nearly all unsophisticated societies—are likely to receive sufficient calories but inadequate dietary protein. The type of malnutrition which then results is called kwashiorkor, a dramatically acute and often fatal disease which is due primarily to protein deficiency.

In experimental animals, central-nervous-system damage is still more pronounced on a diet deficient in protein but adequate in calories. When Dr. R. J. C. Stewart, Dr. B. F. Platt, and collaborators at the Human Nutrition Research Unit of the National Institute for Medical Research, Mill Hill, in London, fed diets severely deficient to protein though adequate in calories to weanling rats, piglets, and puppies born of well nourished mothers, the animals exhibited signs of central nervous-system damage. Electroencephalograms showed diminution of rhythmic activity, and degenerative changes were found postmortem in the nerve cells and neuroglial cells, of the spinal cord and brain medulla.

Similarly depleted animals were subsequently fed a high-protein diet for one to three months, and their clinical condition improved promptly, but again, when these animals were examined postmortem cells in the central nervous system were still obviously damaged. The severity of such changes was increased by lowering the age at which the deficiency was established, by further reducing the protein value of the diet, or by increasing the duration of the deficient diet.

Dr. Richard Barnes and his colleagues at Cornell University have observed rats deprived of adequate food from the second to the twenty-first day of life. The animals were foster-nursed in large litters of fourteen to sixteen and further deprived on a low-protein diet for eight weeks after weaning. Five to nine months after rehabilitation on an adequate diet the rats still showed significantly poorer learning performance in a Y-shaped water maze. The Cornell observers concluded from these and other studies that, in rats and swine, simple undernutrition induced by general food restriction during the nursing period produces behavioral changes but has little effect upon the animals' ability to learn to solve complex problems. Severe protein deficiency in early life, however, causes not only the behavioral changes seen in food-restricted groups but also impairs the capacity to perform well in tests requiring the animals to learn from multiple trials.

In the studies of the Mill Hill group, in which the diets of the animals during pregnancy were deficient in protein and the animals' offspring were fed deficient diets after weaning, the effects were similar but even more pronounced. Dr. Bacon Chow at Johns Hopkins University and Dr. Sanford Miller at MIT have observed that young rats born of malnourished mothers show behavioral changes when they continue to be fed by their mothers. Dr. Miller has demonstrated that these effects can be avoided if the young are transferred at birth and suckled by a well nourished mother.

At the University of Aberdeen in Scotland, Dr. John Cowley found that a low-protein diet fed in unrestricted amounts to rats after weaning had no effect on their problem-solving ability in a maze. But the progeny of these rats, also maintained on such a diet, showed markedly reduced intelligence by the same test, as did second- and third-generation rats continued on this protein-deficient diet.

In the child, the brain achieves 80 per cent of its adult weight by age three, while the body reaches little more than 20 per cent of adult weight. The child's first three years of development are thus comparable to the first four weeks in the life of a rat or eight to ten weeks for the pig. At birth the human brain is gaining weight at a rate of one to two milligrams per minute. It could be expected, therefore, that protein deficiency serious enough to limit gain in height and weight during the first two to three years of life can also limit brain growth. While head circumference is of no value in predicting normal variations in intellectual capacity, it is a useful—if not absolute—indicator of brain size. When children are undernourished at an early age, their brain growth, as judged by head circumference, is significantly poorer than that of matched children who are well fed.

Dr. Mavis B. Stoch and Dr. P. M. Smythe in Capetown, South Africa, have followed twenty grossly undernourished infants, first examined in 1955–60, and compared their gain in weight and head circumference with a matched control group of the same racial background which was considered adequately nourished. When the measurements were last made in 1967, the head circumferences of the control group were within normal limits for the United States children of the same age, while those undernourished as infants averaged a full inch smaller. Similar differences in the head circumference of individuals of comparable genetic background but different nutritional histories have been reported by other observers.

To the extent that brain growth is impaired concurrently with early retardation in linear growth, more than 300 million children are in jeopardy today. Dr. Moisés Béhar, director of the Institute of Nutrition of Central America and Panama (INCAP), bases this calculation on the almost universal finding that the great majority of young children in the lower socioeconomic groups of developing countries show a decreasing growth rate after the first few months of life. This is true whether they are compared with children of the same ages in North America and Europe or with those of middle- and upper-income groups in their own countries.

Speakers at last year's MIT conference and at an international meeting held in Washington, D.C., in 1964 on Preschool Child Malnutrition presented data from more than forty developing countries, illustrating widespread growth failure among young children. Characteristically, growth retardation begins after the first four to six months of life and becomes progressively worse until the child passes the critical weaning period or succumbs to kwashiorkor or an infectious disease. Poor growth is associated with the inadequacy of breast milk as the sole source of protein after a child is six months old. This inadequacy is serious because the supplementary foods offered during the generally prolonged period of breast feeding also are often insufficient. One result is a mortality rate for children one to four years of age in developing countries which is twenty to forty times higher than that in North America and Europe. Too, average height and weight for children of developing countries are well below the fifteenth percentile of children in the industrialized countries.

Genetic differences appear to be of minor importance in accounting for these findings, for children of middle- and upper-income families who are well fed in the developing countries generally share the growth patterns of children in Europe and North America. Whether the racial composition of the more privileged groups within a country differs from that of lower-income groups or is identical, the less privileged children fail to grow as well. Countries in which retardation in growth and maturation due to malnutrition is common among preschool children include nearly all of those considered to be technically underdeveloped. Some particularly underprivileged groups in industrially advanced countries would be included as well.

The most serious complication in designing field studies of these problems is the fact that social and psychological factors may independently have the same adverse effects as malnutrition on learning and behavior and on the anatomical and biochemical development of the brain. Studies with rats, kittens, and monkeys have clearly indicated that animals which are protected from stimulation and prevented from exploring their environments have not only smaller brains with fewer nerve cells but also develop functional impairment of the central nervous system.

Similarly, institutionalized children, well fed and genetically normal, but deprived of affection and stimulation at an early age, may show marked mental impairment. The many kinds of psychological and social deprivation common among malnourished children can exert a direct effect on intellectual performance. Unstimulating home environment, poor educational facilities, isolation resulting from illness, limited recreational opportunities, and lack of incentive due to repeated discouragement are examples of such deprivations.

In industrialized countries, inadequate intellectual or social performance in a child is more likely to be the result of a complex interaction over a period of time between genetic variables and primarily non-nutritional factors in the social or cultural environment than a consequence of malnutrition. In the rural areas of many developing countries, however, and often in city slums and ghettos, variations from family to family in education, economic status, and cultural practices may be relatively slight. In such populations, deficiencies in intellectual performance due to malnutrition and its synergism with infection may be detectable. While genetic factors are important determinants of individual potential, they do not account for most differences between privileged and underprivileged populations.

Very few long-term field studies in human learning and behavior have been completed, and most have failed to separate adequately the effects of malnutrition from those of other environmental factors. In the Capetown study, a series of intelligence tests revealed consistently lower scores in malnourished children when compared with the control group's scores over a period of approximately ten years. The disparity in living conditions between the two groups, however, was equally marked. Wretched housing with no sanitary facilities, alcoholism, unemployment, illegitimacy, and broken homes were the rule for the initially malnourished group. By contrast, the families of the control group lived in clean brick houses with running water and flush toilets; the children were legitimate and their parents employed.

The Capetown observers believe that the smaller body size and brain size in the malnourished group, as well as an increased frequency of abnormal brain waves and impaired visual perception, indicate organic brain damage. Despite this there is no way to separate the nutritional from other environmental influences in evaluating performance on various intelligence tests. Unfortunately, this was also the case in a number of studies of Serbian, American, and Indian children.

Dr. Fernando Mönckeberg of the University of Chile has reported a more critical study of the same type. Fourteen children with severe marasmus diagnosed at ages one month to five months were treated for long periods, discharged, and observed during visits to the outpatient department. As each child was discharged from the hospital, the mother was given 20 liters of free milk per month for each preschool child in her family. Three to six years later the children were clinically normal and some had weight-to-height ratios above normal. Their height, head circumference, and intelligence quotients, however, were significantly lower than in Chilean children of the same age without a history of clinical malnutrition. Significantly, language skill was the most retarded.

The information gathered in the town of Tlaltizapán, Mexico, by Dr. Joaquin Cravioto, Dr. Rafael Ramos-Galván, and their collaborators, is the outstanding pioneering effort in this field. Their studies have played the major role in attracting attention to the association of nutritional retardation of growth and development with performance on tests of learning and behavior. Because the economic, educational, and social status of families in Tlaltizapán was very uniform, these factor were judged to influence the variation within the study population to a lesser degree than the differences in nutritional status.

Retardation in physical growth and development was found to depend upon family dietary practices and on the occurrence of infectious diseases. It was not related to differences in housing facilities, personal hygiene, proportion of total income spent on food, or other indicators of social and economic status. Under these circumstances, the investigators found test performance of preschool and school children to be positively correlated with body weight and height.

In order to extend these studies to another population and also to make more prolonged observations, Dr. Cravioto and several members of his team joined forces with INCAP in Guatemala. They selected school-age children living in Magdalena Milpas Altas, Guatemala—a predominantly Mayan Indian village of 1,600. More than 10 per cent of the children born in this village died in their first year, and mortality in the one-to-four-year age group was more than forty-five times higher than in North America and Western Europe.

Variations in height and weight among the children of this community were not related to height of the parents or to the minor differences in economic and social status among families. The major reason for short stature was malnutrition at an early age. Two years of intensive work in this village showed once again that retardation in height for age relative to other children in the village was accompanied by poorer performance on psychological tests.

A growing body of evidence indicates that primary learning and the development of adaptive capacity is based on the development of interrelation among the separate senses. During ages six to twelve years, intersensory relationships follow a well defined growth pattern in normal children. Dr. Cravioto gave principal emphasis, therefore, to tests of intersensory integration. The tests involved manipulating eight differently shaped wooden blocks. The examiner determined visual integration by asking the child to put the blocks into their corresponding holes as rapidly as possible. The integration of visual stimuli with the complex sensory input required by active manual manipulation of a test object was judged by asking the child whether a block placed in his hand behind a screen was the same or different from one in front. Kinesthetic-visual integration was measured by moving the child's hand behind the screen to trace a shape which he had to judge to be the same or different than that of a block in front of him.

Each of these types of intersensory relationship improved with the age of the child. This was true for both children of the study village and those from middle- and upper-income families in Guatemala City. The rural children clearly lagged in the development of intersensory competence when compared with the privileged urban children. Of even more significance, the relationship between poorer test performance and shorter physical stature in the rural village did not apply to the well nourished urban children. Among the urban children there was no correlation between the height of the child for age and test performance.

Dr. Gravioto returned to Mexico and obtained similar information or intersensory integration among school children in Tlaltizapán. He found that there as in Guatemala, the smallest children in the village show poorer intersensory integration for their age than those who are tallest. Among children of upper income families in Mexico City, no such correlation exists. Clearly, where the child is more nearly able to realize his genetic potential for growth, differences in height lose their nutritional and social significance.

The most comprehensive and well controlled study to date is now underway in Guatemala under the direction of Dr. Cipriano Canosa of INCAP. Children in three villages are being given adequate supplementary food from an early age. An extensive battery of psychological tests is being used to compare their performance over the next seven years with that of children in three control villages.

There are circumstances in which the effects of early malnutrition on mental development are firmly established. A number of hereditary diseases induce a nutritional deficiency through an inborn error of metabolism. The resulting impairment of brain development is so disastrous that it illustrates dramatically the way in which nutritional factors can influence development and function of the central nervous system if operative at an early postnatal age. These inherited nutritional defects should dispel any doubt that nutritional deficiency, if sufficiently early and severe, can have profound and permanently detrimental consequences for the learning and behavior of children.

It is clear that under circumstances common to developing countries, malnutrition can interact with infection, heredity, and social factors to bring about physical and mental impairment. The social factors responsible are multiple and difficult to correct, but the elimination of malnutrition and infection among underprivileged populations is a feasible goal. For each child in the world, of any race or heritage, of any social or economic background, the events of early childhood determine whether he will suffer some degree of permanent physical and mental impairment. Every child should have the opportunity to attain his full potential. Measures to ensure the maximum mental development and optimum learning and behavior of children deserve a high priority. Among these the prevention of malnutrition is of fundamental importance.

WHERE IS CONGRESS' POWER?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. SIKES. Mr. Speaker, the Commercial Appeal, a distinguished Memphis newspaper, has editoralized in a constructive and useful vein on our distinguished colleague from Mississippi, the Honorable JAMIE L. WHITTEN. I am pleased indeed to submit this fine editorial for reprinting in the RECORD:

WHERE IS CONGRESS' POWER?

Representative Jamie L. Whitten (D-Miss.) is deeply and rightly bothered about encroachment upon congressional prerogatives and powers by the executive and judicial arms of federal government.

The three constitutional branches of government should, of course, provide a balance. What Representative Whitten regrets with strong objections is the failure of Congress to hold up its end of the scale.

Point one: The federal budget. Congress, asked by the White House to impose a 10 per cent surtax on income taxes this year, has demanded a six-billion-dollar reduction in the administration's budget in return for such action. The Senate followed a package plan which included a six-billion cut. But, says Mr. Whitten, "it did not point out a single, solitary place." Moreover, he says (in the text of a House Appropriations Committee hearing), "The next day we met in conference on the supplemental and they (Senate) added millions of dollars over the budget, and would not yield an inch, and the conference is still pending."

Speaking to Henry H. Fowler, secretary of the Treasury, and William McChesney Martin Jr., chairman of the Federal Reserve Board, Mr. Whitten said: "They are disturbed (about the economy), but they have not pointed their finger to a single place to cut."

What Mr. Whitten wants from the administration is an amended Budget Bureau recommendation. "Get busy and send us an amended budget down so we could see where you want to apply the cuts, and then the Appropriations Committee and the Congress could decide. . . . You ask us to repeal numerous acts, without a word of counsel and advice as to where."

Mr. Whitten's concern is well placed. A package cut without specifications may instruct the administration as to how much to trim, but not where. If the White House and its agencies will not say where, then Congress must specify the exact locations of the cuts it wants, and must allow no more money than it intends to be spent. It would be a surrender of power for Congress to approve a budget cut and let the White House then decide how available funds could be manipulated from one area to another for political purposes.

Point two: The Supreme Court, Mr. Whitten has introduced in the House a resolution providing for a standing committee on the Constitution. "Most Americans are good citizens," he said in an April 9 speech, "but this Supreme Court has repeatedly acted to release—on technicalities—agitators, rapists, murderers and revolutionists upon innocent members of the general public. . . . We must stop the Supreme Court from its actions of setting itself up as a 'supreme department'."

Such a committee as Mr. Whitten proposes could call Supreme Court justices to testify on matters where the two branches are at odds. This would be no different than the occasional call on administration executives to explain and uphold their actions and policies.

The aim in both prongs of this Whitten attack is to preserve a single standard of government for the nation as a whole, and to prevent the usurping of congressional power. Mr. Whitten's major obstacle is the Congress itself, which has become more inclined to pass the buck to the court and the White House.

APOLOGIES TO THE SOIL CONSERVATION SERVICE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. WYATT. Mr. Speaker, on May 21 I placed in the RECORD an editorial from the Capital Journal titled "Uncuttable Federal Budget?" In part the editorial read:

> And few persons could believe that the government will go to pieces with $6 billion in cuts, as Congress is proposing now.
>
> Just a quick scanning of the budget shows these vulnerable programs:
>
> Space programs, $4.1 billion.
>
> Highways, $4.1 billion.
>
> Farm price supports, $3 billion.
>
> Development of a supersonic airplane, $230 million.
>
> Soil Conservation Service projects—$710 million.
>
> "Pork barrel" public works, about $1 billion.
>
> Surely many of these products could be reduced, and partially delayed, without damaging the country's long-range interests.

I wish to call attention to the reference to the statement. "Soil Conservation Service projects—$710 million." This is obviously a gross error because it is about three times greater than the total annual appropriation for the Soil Conservation Service. The House on May 1 passed H.R. 16913 making appropriations for the Department of Agriculture and related agencies in which $228 million was provided for the several activities administered by the Soil Conservation Service.

The Soil Conservation Service, in my judgment, is one of the finest of our Federal agencies which is composed of highly dedicated personnel who perform outstanding service in the field of soil conservation. Money appropriated for the Soil Conservation Service is really an excellent capital investment which is returned many times by the highly efficient programs devised and operated by the Service.

I deeply regret the error in the editorial and apologize to the fine Conservation Service and to all who were misled by the reference to the Soil Conservation Service.

The only mitigating factor I can suggest is the fact that the editorial as printed in the Capital Journal actually read "Soil, Conservation Service projects—$710 million." As printed in the RECORD the comma after the word "Soil" was omitted. It is possible the author of the editorial did not mean to attribute all of the $710 million to the Soil Conservation Service and was including funds for programs not under the Soil Conservation Service.

MATCHING PEOPLE TO JOBS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. RUMSFELD. Mr. Speaker, the May 21 edition of Chicago's American carried an article by Mr. Don Harris which observed that there are enough jobs in the Chicago area for every unemployed person, but the difficulty is in developing worker skills to match the available jobs.

This problem of structural unemployment continues as one of the major causes of unrest in our Nation. The unskilled and semiskilled worker sees job openings all around him, but he is unable to qualify to fill those jobs. The result is frustration and, oftentimes, hostility toward society as a whole.

Along with a number of my colleagues, I have introduced measures which, if enacted into law, could help to alleviate this most vexing problem. Such measures include the National Manpower Act of 1968, H.R. 16304; the Employment Incentive Act of 1968, H.R. 16620; and the Human Investment Act, H.R. 4664. I am hopeful that the House will seriously consider these measures at the earliest possible time.

I offer the American article by Mr. Harris for the RECORD, as follows:

PEGS TOO SQUARE: JOBS FOR ALL (WHO QUALIFY)

(By Don Harris)

There are enough jobs in the Chicago area to take care of every unemployed person here—but the big job is matching them.

Statistics show 86,000 persons out of work and looking for jobs here. An equal number of positions are waiting.

In addition, business and industry are opening up new jobs for the so-called "hard core unemployed". Some labor experts estimate 80,000 persons are in this category.

This means most jobless persons in this area are not working simply because they don't have the skills to hold a job.

Various private and governmental programs seek to train these people to get and hold jobs.

At the same time, Mayor Daley's Summer Jobs for Youth program has enlisted the Chicago Junior Association of Commerce to find 20,000 temporary positions for youngsters 16 to 21.

What all this adds up to is an all-out drive to put people to work in meaningful jobs so they can improve their own standards of living.

Here are some examples of the job openings known to the Illinois labor department's bureau of employment security:

Machinist: 94 openings; $2.35 to $4.20 an hour; 35 applicants.

Master tailor: 131 openings; $2.50 an hour; 1 applicant.

Bus driver: 57 openings; $3.26 an hour; 25 applicants.

Civil engineer: 74 openings, $600 to $1,000 a month; 10 applicants.

Secretary: 107 openings; $80 to $100 a week; 104 applicants.

Licensed practical nurse: 106 openings; $325 to $500 a month, 4 applicants.

Bindery worker: 6 openings; $1.60 to $2 an hour; 257 applicants.

The list goes on and on—laborers, auto mechanics, college professors, truck drivers, chemists, clerks, cooks, elevator operators, maids, phone operators, and sales managers.

But the jobs stay open because applicants lack necessary experience, reject offered wages, don't have necessary tools, are too old, or can't get transportation to the job.

Perhaps the most frequent reason given is lack of experience. In the bindery worker category, all 257 applicants for the 6 available jobs were turned down because they didn't have the needed skills.

In some cases, job seekers are rejected because of a language barrier. This is particularly true of Spanish-speaking Chicagoans.

Many find the jobs for which they might qualify for are disappearing.

John E. Cullerton, state director of labor, said that from March, 1967, to March, 1968, Illinois lost 44,000 manufacturing jobs.

Even with the Chicago area's low unemployment rate of 2.8 per cent in March, growth in both the work force and total employment is slowing.

In the six-county Chicago metropolitan area, the civilian work force totals 3,213,500, while employment is 3,124,200.

FREEDOM FROM FEAR

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. QUILLEN. Mr. Speaker, "Freedom From Fear" is an editorial which everyone should read. It was written by the eminent and well-known editor of the Knoxville Journal, Guy L. Smith, and appears in the May 22 issue.

The editorial follows:

FREEDOM FROM FEAR

No one's crystal ball can accurately foretell what this country's loss of the war in South Vietnam would cost us in years to come even though we can now tally it up in terms of American lives and treasure expended to date. However, if we do lose it at the negotiating table in Paris—this has been the history of previous wars in which we have engaged in this century—our nation can continue to survive. This is taking the least hopeful view of the possible outcome of the South Vietnam conflict.

It is no accident, though, that the Vietnam war has now taken second place in the minds of most American citizens and that domestic peace and tranquillity have become the number one concern. Sensible people recognize that if our own society proves incapable of preserving law and order, then what happens to us elsewhere in the world becomes of minor importance. Continued inability or unwillingness on the part of officials—the courts and politicians generally—to enforce our laws and to preserve peace for our citizens in the streets and in their homes will pave the way toward this country's fading from the scene as a world power just as did Rome and many other nations in the past.

No candidate for the Presidency has more clearly recognized the necessity for freeing the nation's society from criminal elements or has spoken out on it so forthrightly as former Vice President Richard M. Nixon. In a speech earlier this year under the title of "Toward Freedom From Fear," Nixon bore down upon this issue which promises to be overriding in the contest for the Presidency. It is worthy of note that this will be the first time in the history of this country in which the preservation of law and order, the preservation of peace in the streets and in our homes, will have been the principal issue.

We quote here some introductory passages from the Nixon speech.

Pointing out that in the past seven years crime has increased almost nine times as rapidly as the population, Nixon properly concedes that the prime responsibility for dealing with crime rests with local and state governments.

"We want no centralized federal police force in this country. But crime has become a first priority domestic crisis, a distinct threat to the social order, and it should be a matter of the highest federal urgency. That urgency has not been reflected in this administration's actions or recommendations.

"The administration in Washington seems to have neither an understanding of the crisis which confronts us nor a recognition of its severity. As a result, neither the leadership nor the necessary tools have been provided to date to enable society's peace forces to regain the upper hand over the criminal forces in this country."

Other excerpts from Nixon's remarks follow:

"In the last seven years while the population of this country was rising some 10 percent, crime in the United States rose a staggering 88 percent. If the present rate of new crime continues, the number of rapes and robberies and assaults and thefts in the United States will double—by the end of 1972.

"That is a prospect America cannot accept. If we allow it to happen, then the city jungle will cease to be a metaphor. It will become a barbaric reality, and the brutal society that now flourishes in the core cities of America will annex the affluent suburbs. This nation will then be what it is fast becoming—an armed camp of 200,000,000 Americans living in fear.

"But, to stop the rising crime rate and to reduce the incidence of crime in America, we must first speak with a new candor about its causes and cures.

"We cannot explain away crime in this country by charging it off to poverty—and we would not rid ourselves of the crime problem even if we succeed overnight in lifting everyone above the poverty level. The role of poverty as a cause of the crime upsurge in America has been grossly exaggerated—and the incumbent administration bears major responsibility for perpetuation of the myth.

"On October 16, 1964, the President said that, 'The war on poverty which I started—is a war against crime and a war against disorder.' If the President genuinely accepted that proposition, the near 50 percent increase in the crime rate since 1964 would be adequate proof of the utter failure of the government's war on poverty.

"But the war on poverty is not a war on crime; and it is no substitute for a war on crime. It is certainly true that rising prosperity will gradually reduce the number of those below the poverty level, and eliminate many of the conditions in which crime is likely to flourish.

"But poverty cannot begin to explain the explosion of crime in America. In recent years, this nation has grown wealthier and its riches have been more widely distributed than in any other country in the world. And yet crime has been going up about three times as rapidly as the GNP.

"And poverty tells us nothing about the enormous increase in juvenile crime and drug abuse by teenagers in the affluent suburbs of America.

"The success of criminals in this country plays a far greater role in the rising crime rate than any consideration of poverty. Today, an estimated one-in-eight crimes result in conviction and punishment.

"If the conviction rate were doubled in this country, it would do more to eliminate crime in the future, than a quadrupling of the funds for any governmental war on poverty.

"In short, crime creates crime—because crime rewards the criminal. And we will reduce crime as we reduce the profits of criminals.

"There is another attitude that must be discarded if we are to wage an effective national war against this enemy within. That attitude is the socially suicidal tendency—on the part of many public men—to excuse crime and sympathize with criminals because of past grievances the criminal may have against society. By now Americans, I believe, have learned the hard way that a society that is lenient and permissive for criminals is a society that is neither safe nor secure for innocent men and women."

TWO FROM STATE DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. John L. Wojcicky and Pfc. Richard K. Morrison, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memories by including the following article in the RECORD:

TWO FROM STATE DIE IN VIETNAM: SOLDIER, MARINE ARE KILLED IN RECENT FIGHTING

An Army private from South Baltimore, who wrote his wife that he was "living in hell," was one of the two Maryland servicemen listed by the Defense Department yesterday as Vietnam war casualties.

The dead sevicemen were identified as Pfc. John L. Wojcicky, husband of Mrs. Mary E. Wojcicky, of the 500 block East Fort avenue, and Marine Pfc. Richard K. Morrison, son of Mrs. Dorothy J. Morrison, of the 8700 block Bradford road, Silver Springs.

Private Wojcicky, a 25-year-old infantryman, died May 13 of wounds received in combat in the Bien Hoa area, near Saigon, according to his wife.

LISTED AS MISSING

Mrs. Wojcicky said that notification of his death came two days after military authorities had alerted her that her husband was missing in action.

Born in Baltimore, Private Wojcicky grew up in the Curtis Bay area. He attended Francis Scott Key Elementary and Junior High School.

For six years before he was drafted into the Army last October he had been a chemical operator for the Davison Chemical Division of W. R. Grace & Co.

Private Wojcicky left for South Vietnam from Seattle March 17. He underwent basic training at Fort Bragg, N.C., and advanced training at Fort Polk, La.

MARRIED A YEAR

Mrs. Wojcicky, who married the soldier in March, 1967, said that her husband "wrote almost every day."

"He said he didn't like it there. He said he was tired of it. He said he was living in hell," she stated yesterday.

Surviving, besides his wife, are his parents, Mr. and Mrs. Leon Wojcicky, of Solley road, Anne Arundel county, and a brother, Joseph Wojcicky, a member of the Navy stationed in Seattle.

THE "NEW LEFT": NUISANCE OR MENACE?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. ASHBROOK. Mr. Speaker, the advent of the "new left" in this country poses a problem which is more serious than many citizens realize. The role of the Students for a Democratic Society which is raising such havoc at Columbia University is an excellent case in point. Through their use of force, a major center of education has been severely affected in performing its basic function. The overwhelming majority of its students, unassociated with the SDS campaign, have been made to suffer as the result of the efforts of a small and extremist coterie.

The Washington Report of the American Security Council, in its May 20, 1968, issue deals with this issue of the "new left" both here and abroad. Written by Dr. Kurt Glaser, professor of government at Southern Illinois University, it provides a fine explanation of the motivations behind this new collection of radicals. Dr. Glaser is the author of "Czecho-Slovakia: A Critical History," and was a Fulbright lecturer at the University of Kiel in West Germany during the 1966–67 academic year.

I include the above-mentioned report, by Dr. Kurt Glaser, from the ASC's Washington Report of May 20 in the RECORD at this point:

THE "NEW LEFT": NUISANCE OR MENACE?

(By Dr. Kurt Glaser)

The "New Left," which achieved notoriety in the United States through the Berkeley riots of 1964, and in West Germany with student demonstrations against the Shah of Iran and protest marches after the killing of an "innocent bystander" named Benno Ohnesorg in June, 1967, has burst into print again this spring. In the siege of Columbia University and in the blockading of the Springer newspapers in Berlin and major West German cities, it has flatly challenged the authority of constitutional democracy. In Frankfurt on Holy Saturday, April 13, 1968, a spokesman of the *Sozialistischer Deutscher Studentenbund* called for "smashing the institutions of the state." Four policemen and 20 students were injured in the ensuing brawl. By Easter Monday, when the count had reached 100 serious injuries and 500 arrests, the Frankfurt SDS called time out for "revolutionary self-criticism," as had the comrades in Berlin two days earlier.

The political styles of the "New Left" range from the free-swinging absurdity of Amsterdam's Provos and the sheer animal violence of British "New Left" students to the almost incomprehensible sociological jargon of Germany's Rudi Dutschke, whose speeches abound in words like "subsumption," "abtraction," "transformation," and "reproduction." It is loosely organized—often disorganized—and lacks anything that could be called an International. Yet the contours of the movement are already clear enough to permit at least a provisional diagnosis. The shaping of reasoned and consistent policies for dealing with the "New Left" has by now become a matter of urgency, not only for university administrators, but also for presidents, prime ministers, and political candidates. Campus radicals have already disposed of at least one mayor of West Berlin, have spearheaded a wave of anti-Americanism in Europe and in the United States as well, and have become a factor in both Western and Eastern tactical thinking.

On the whole, the "New Left" has not grown and it's not likely to grow beyond the academic community where it started. Its theoreticians, organizers, and shock troops are for the most part students, professors and instructors, and "intellectuals" (such as publishers of little magazines) who cater to the university trade. Its continuity is provided by campus-based organizations, among them the Students for a Democratic Society in this country, its German counterpart, the *Sozialistischer Deutscher Studentenbund* (significantly, both use the abbreviation SDS) and the Radical Students' Alliance of England. While the "New Left" sympathizes with the Black militants, and its American members participate in many of their demonstrations and marches, the Black Power group—the only sector of the "New Left" with an important off-campus base—has begun to assume goals, attitudes, and a *mystique* that Whites cannot share. According to a California "New Left" source, the growing separation has deprived the rest of the movement of a direction it had when civil rights were the main issue: a Berkeley strike in 1966 collapsed because it lacked thought-out bases and long-term purposes. The German "New Left," on the other hand, benefits from several local issues: a long-standing need for basic reform of university organization and curricula, the lack of an effective opposition since the Social Democrats joined the Christian Democrats in the "great coalition," and some cases of excessive zeal on the part of the German police in dealing with demonstrators and suspected demonstrators.

The adoption of Moscow's line on Vietnam without significant change, the adulation of Fidel Castro and Che Guevara, and the rhythmic chanting of "Ho, Ho, Ho Chi-minh!" by German marchers suggest that the "New Left" may be nothing more than Communism in its latest disguise. This judgment, while natural, is wrong and bars the way to an effective policy for dealing with student radicalism. There is no doubt that the Communists profit greatly from the activities of the "New Left," and that they infiltrate and control it where they can. The British Communist Party has openly admitted its alliance with the Radical Students' Union in recent disturbances. Yet the ideology expressed by "New Leftists" differs from Communism in major respects: orthodox Marxists have criticized the German SDS as a group of "anarcho-syndicalists and petty-bourgeois deviationists." Anarchist ideas likewise pervade the program of the American SDS while German Leftists are supporting the demonstrations of Polish and Czech students against Communist governments.

Insofar as the "New Left" has a central idea, it is that of revolt against an industrial society that is experienced as "repressive"—the same society that conservatives decry as too permissive. Paradoxically enough, however, the statements that modern society is too repressive and too permissive may *both* be true in certain respects. The breakdown of traditional norms of behavior and family controls combined with the denigration of the ethics of self-reliance constitutes a permissiveness that dissolves the individual's systems of internal guidance, thus weakening his inner freedom and his power of personal decision. At the same time, the pressures of a corporate society tending toward bigger and bigger units impose the "other-directed-ness" David Riesman has so aptly described. "Freed" from the demands of the market economy, the individual becomes a client of the state, which "owes" him a living. Economic freedom, as the Leftist philosopher Herbert Marcuse understands it, is freedom from having to earn a living; freedom to enjoy a guaranteed annual income—which someone else must be compelled to donate through taxation.

Prof. Lieber of Berlin, rector during the last year's anti-Shah riots, defines the "New Left" as a more or less world-wide protest movement against society, authorities, and the powerful. Its German leader, Rudi Dutschke, has been called "the spokesman for a sector of youth in a state of moral secession from the conformity and all subjections of industrial society." Dutschke himself, his disciples and critics agree, has built his influence on a combination of personal charisma and dialectical fluence. "If I did not use foreign words," he once admitted. "I'd be rejected as unscholarly." His speeches, in which he is often carried away by his own oratory and by audience response, emphasize the need far "overcoming manipulation," "achieving consciousness," and "revolutionizing the revolutionaries." Attempts to have him define an ideal society, however, draw the cryptic reply: "A Dutschke gives no answers." Dutschke, and with him much of the "New Left," is entirely concerned with the *process* of revolution: the classless society, once achieved, would be static and boring. Since the industrial workers, the revolutionaries of classical Marxism, have been corrupted by the high standard of living modern capitalism affords, it is necessary to create a new revolutionary class, which will find out its goals in the process of struggle.

Having no positive program other than planks borrowed from the Communists—mainly proposals to resolve international quarrels on Moscow's or Peking's terms—the "New Left" indulges in repeated provocations designed to shock the bourgeois. Typical of these are placards with four-letter words and demands for legalized narcotics in the United States and disturbances of academic ceremonies and church services in Germany. The most extreme case to date is that of the leaflets issued by Communie I in Berlin, one of which praised the Brussels department store fire of May 22, 1967, as a realistic representation of the battles in Vietnam and suggesting that similar fires would be desirable in Berlin. Its authors, students Teufel and Langhans, were arrested and charged with incitement to arson. They were finally acquitted on the strength of a memorandum by four professors, who declared that the Commune's productions were clearly "surrealist documents," to be compared with the bloodthirsty manifestos of the early surrealists in Paris. Although couched in deadly seriousness, the surrealist threats to destroy society were held to be denials of reality and not calls to action. The court deferred to the professors on what appeared to it to be a matter of artistic style.

The thesis that surrealism cannot be a basis for action was disproved in April, 1968, however, when fires *were* set in two Frankfurt department stores. Although SDS officials denied any knowledge of the matter, three of four arrested suspects—Berlin students—were identified by Commune members as participants in SDS meetings and demonstrations. No such connection has yet been made in the department store fires set in Chicago and New York this Spring.

Unlike Communists, who aspire to a scientific society, modern nihilists—for such are the "New Leftists" or surrealists in politics—believe that science has now collapsed, as metaphysics did in the face of the scientific revolution. Science, authority, and logic are thrown overboard as instruments of the establishment. As Mayor Schutz of Berlin observed:

"The nuclei of these groups are not mainly concerned with whatever theme is in the foreground of agitation: be it press concentration, Vietnam, or general democratization. Their sole concern is to paralyze the liberal constitutional state."

Finally, however, the ideals collapse. The surrealists of the 1920s became Communists (Aragon, Breton) or admirers of fascist dictators (Dali), while the anti-authoritarianism of today's "New Left" is stifled by spreading organization and conformity. In both cases, unbridled freedom leads to self-enslavement.

Of some 300,000 West German students, only 3 percent belong to political clubs, and only a part of these are Leftists. The SDS has about 2,000 members in local chapters that manage their own affairs with some ideological guidance from the national leaders. Percentages of American, British, and French students who are active Leftists are probably about the same. Yet these small minorities have brought the educational process to a standstill, they have intimidated administrators, and in some cases they have plunged metropolitan cities into uproar and confusion. At times, the German Leftists have managed to get almost one-third of the student body out on the streets, and those in Paris have produced crowds estimated at 10,000.

On April 11, 1968, Rudi Dutschke was shot and critically wounded by a lone assailant who later told police he "thought Dutschke was a Communist." This provided the "New Left" with a pretext for staging a major action against Axel Springer's newspapers, which the Left detests because of their "reactionary" policies. The day after the shooting, students besieged the Springer House in Berlin, broke most of the windows on lower floors, burned delivery trucks, and blocked access routes with cars, building materials, and rubbish. The police responded by setting up a barbed wire barrier manned with submachine guns and clearing a path for newspaper deliveries. Similar blockades resulted in pitched battles with police and hundreds of injuries and arrests in six West German cities. After Chancellor Kiesinger and Vice-Chancellor Brandt made clear that all necessary force would be used to uphold law and order, the SDS suspended further direct action and called for meetings to consider the situation, including the matter of creating a link with industrial workers. In the meantime, the Federal Ministry of the Interior has compiled evidence to support a suit asking the Constitutional Court to ban the SDS as a totalitarian organization, if the radical students do not mend their ways.

Further experience with the "New Left" in Germany and recent experience in the United States, Great Britain, and France—is familiar to any reader of a daily newspaper—suggest the following conclusions: the "New Left" is not a movement of the underprivileged; it is drawn from the upper middle class and the parlor radicals of Havard, Wisconsin, and Berkeley. It will never achieve mass support among trade unionists, who have less to revolt about than anyone in our society. It is, nevertheless, a menace rather than a nuisance. It has shown itself capable of disrupting the functions of universities, which are *and should be* pillars of the existing political order. A complex industrial society, which aspires to remain an open society and does not want its schools, offices, factories, and public utilities bristling with armed guards, cannot tolerate a group that preaches and practices violence. Nor can it tolerate the distortion of the intellectual climate that occurs when a minority imposes its dictates by force—a distortion that diminishes the freedom of others, *including the freedom of national governments to conduct foreign policies in their countries' interest.*

Effective policy for dealing with the "New Left" must begin with absolute firmness. University administrators have an obligation to protect the freedom of all, including the freedom of the student majority to pursue their studies, the freedom of faculty to serve their government, and the university's freedom to extend its courtesies to recruiters, guest speakers, and other visitors with legal missions—as well as to bar those whose purpose is to disrupt and incite to violence. The university should call on government for whatever force is necessary to fulfill this obligation, and it should deal promptly and severely with faculty members who aid and abet disorder.

But firmness does not mean obduracy or insensitivity. Administrators should keep channels of free discussion open, and should enlist the cooperation of students in developing reforms and improvements—without, however, abdicating their basic authority and responsibility.

The psychological root of the "New Left" is that of protest against meaningless affluence: against the materialism which, it must be admitted, besets modern capitalists as well as socialist society. It is, indeed, a frantic search for values worth fighting for. This is what distinguishes the "New Left" from Communism, and what poses an opportunity and a challenge to libertarians and moderates. While certain leaders of the "New Left" may be too far corrupted by collectivist ideas to be reasoned with, or may even be Communists on "detached service," this is not true of the rank and file, who are floundering in their search for personal identity.

There *are* values worth fighting for. These values are in the American tradition, and the Western tradition of freedom and individualism. The proper answer to the "New Left" is a militant reassertion of these traditions.

TRIBUTE TO THE LATE JOSEPH W. MARTIN

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **KUPFERMAN**. Mr. Speaker, my first memory of Joe Martin was gaveling at the Republican National Convention in Philadelphia, Pa., in 1940.

I had just graduated from college and was acting as an usher at the convention, and I appreciated the opportunity of observing him in action.

Some 26 years later in the 89th Congress when I took my seat as a Congressman from the 17th District of New York on February 23, 1966, to complete the unexpired term of John V. Lindsay who had been elected mayor of New York City, Joe Martin welcomed me.

As I sat next to him on the House floor and reminisced on the conventions of 1940, 1944, 1948, 1952, and 1956 about which I knew, and in which he played a major role, it was as if history were being replayed.

Joe Martin did not come back to us in the 90th Congress, but there was no longer any point to it. He had made his mark in many years of service to his country and party. He had been Speaker during the 80th Congress and 83d Congress, a time when he was third in line in succession to the Presidency. He had, as minority leader in the House, helped shape national Republican policy for the loyal opposition.

In his older age, as a senior citizen and statesman, the routine of quorum calls could only be an echo of this former glory.

As a stalwart of the Republican Party in good and bad times, we salute Joe Martin and wish for him that he preside with equal diligence and dedication on the right hand of the Almighty.

AIR POLLUTION IS GOOD FOR YOU

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. **OTTINGER**. Mr. Speaker, on April 15, New York magazine published an article describing in reasonably restrained words, the unseen and unappreciated beauties of air pollution. The article, while not serious in tone, does have great relevance to the problems confronting the urban dweller today, and I commend it to the attention of my colleagues.

I am, in all honesty, compelled to admit that the pictures accompanying the article were in fact beautiful, and if anyone can argue today that air pollution has any benefits whatever, these would be principal witnesses in support of the argument.

It is unnecessary for me to say that the problem of air pollution is one of the major problems that we face in our efforts to recreate a decent environment. One of the major villains in the story is our old friend and standby, the internal combustion engine. I expect to appear before joint Senate committee sessions next week which will be held to look into the present state of technology and development of the steam car, which is suddenly assuming new significance as a realistic and nonpolluting alternative to the gasoline-powered automobile.

If the steam car or the electric car become a real choice to the commuter and the city dweller, it is possible that pictures such as appeared in New York magazine may no longer be seen. Esthetics aside, we will not mourn their passing.

The article follows:

THE BEAUTY OF POLLUTION: WHAT'S NEW IN FUME CITY?

(By Dick Schaap)

Every body picks on polluted air. Get one speck of dirt behind your contact lenses, and the air gets blamed. Sneeze once when you don't have the flu, and the air gets blamed. Every crime from mental illness to sooty drapes gets pinned on the poor air. Polluted air is the greatest scapegoat in New York City since George Whitmore, the young man who, under questioning by the Brooklyn District Attorney's office, confessed that he had killed Judge Crater, Cock Robin and the Broadway theater.

Nobody ever sees the good side of dirty air. (I suppose you think that's the dirty air's own fault.) But now an enterprising photographer named Ryszard Horowitz has done for polluted air what F. Lee Bailey did for Carl Coppolino. Horowitz has cleared the air, at least of one charge: Polluted air doesn't have to be ugly. "I felt I had an obligation to the air," Horowitz explains.

In his pictures on the followings pages, photographer Horowitz has composed a rhapsody in gray, a paean to pollution, an ode to Fume City, a visual treat every bit as lovely as Marlboro Country. He has caught the wonders of the city by utilizing the wonders of the city. In so many cities, photographers would have to smear Vaseline on their lenses to create a dreamy, hazy effect, but not in New York. In so many cities, photographers would have to move their cameras slightly to create a wistful, blurry effect, but not in New York. Only in New York can a gifted photographer, armed simply with tearing eyes and wracking cough, capture the essential glory of air pollution.

Beyond its natural loveliness, pollution serves the City of New York in so many ways. It helps keep the city from becoming overpopulated; it ensures that only the fittest survive, and that the rest move to the suburbs. It helps keep the city from becoming overgrown with foliage; it kills roses and tulips and other harmful weeds. It provides employment for windowwashers and carwashers and eager little shoeshine boys. And it saves money; it provides all the joys of cigarette smoking without any of the expense.

The beauty part of air pollution is that it is for all the people. It does not discriminate by race or religion, age or sex, rich or poor. The air in New York provides each individual New Yorker with 730 pounds of pollution each year, his own 730 pounds, whether he votes Republican or Democrat, whether he favors the war in Vietnam or fights it. It is his inalienable right; it is, like a good view of a good mugging, one of the fringe benefits of city living.

Hardly anyone fully appreciates the amount of effort that goes into providing New York with its hallowed air. Out of its smokestacks and its furnaces, out of its exhaust pipes and its incinerators, out of the jets of planes and the cigars of men pour 230,000 tons a year of soot and flyash, 597,000 tons a year of sulphur dioxide, 298,000 tons a year of nitrogen oxides, 567,000 tons a year of hydrocarbons and, last but certainly not least, 1,536,000 tons a year of carbon monoxide, which is, of course, colorless, odorless and tasteless and, therefore, does not really add to the visual appeal of air pollution. Consolidated Edison alone, at last count by the Mayor's Task Force on Air Pollution, has to operate 116 boilers and 49 smokestacks in order to give New Yorkers the distinct flavor of the air they breathe.

Most of the charges against air pollution, of course, have been grossly exaggerated, perhaps because nobody lobbies for air pollution. The critics of air pollution, men grievously lacking in a sense of beauty, sound like hawks discussing the Viet Cong. They claim that dirty air, for instance, creates a safety problem for airplanes. But, really, how many times a year do planes collide over New York because they can't see each other? Not very often, you can bet. The critics harp, too, upon the health hazards of air pollution; they like to point at the disaster that swept Donora, Pennsylvania, in 1948, when 17 persons died, and at the one that swept London in 1952, when 4,000 people died. Nothing like that has ever happened in New York; no one has ever proved conclusively that the 330 New York deaths attributed to air pollution in 1963 actually were caused by the shimmering haze.

Yet, because of the persistence of the critics and because of the unflattering myths that surround dirty air, the people of New York are actually in danger of losing their precious and picturesque pollution. Not all of it, naturally, but a decent share of it. A nonprofit group called Citizens for Clean Air Inc. admits in its literature that one of its aims is to eliminate air pollution. The city's own Department of Air Pollution Control, under Commissioner Austin Heller, has persuaded apartment-house owners to upgrade their incinerators and Consolidated Edison to burn cleaner fuel. People everywhere are uniting to battle air pollution; it is the same sort of misguided civic spirit that has already robbed the City of New York of some of its grandest monuments—the Third Avenue El, Stillman's Gym and countless old-law tenements.

The thought of New York without its scenic flying filth is terrifying. Can you imagine men coming home from work with their collars white? Can you imagine automobiles without corroded metal trim? Can you imagine the financial damage to cough-medicine companies and eye-drop firms? It would take away so much of the excitement of living in New York; the next thing you know people will expect trees and clean streets and all the other decadent signs of comfortable living.

It is not too late to save air pollution: Refuse to put control devices on your cars. Burn garbage in the streets and in open lots. Use low-grade heating fuels in your homes. Keep New York beautifully hazy.

Remember: Beauty is in the eye of the beholder—and it stings.

JOHN KENNETH GALBRAITH—POLITICS IN 1968

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1968

Mr. EDWARDS of California. Mr. Speaker, the outstanding Harvard economist and former Ambassador to India, John Kenneth Galbraith, was unanimously reelected national chairman of the Americans for Democratic Action for the coming year. I had the honor to have preceded Mr. Galbraith as chairman of ADA.

In its 21 years of existence ADA has had many distinguished Americans serve on the executive board and as officers, but never have we had a chairman who speaks and writes with such elegance, wit, and clarity. His keynote address to the ADA convention held last weekend is a prime example of his ability as a wordsmith, but he is a man of action as well. Chairman Galbraith was one of those who pushed for ADA endorsement of EUGENE McCARTHY at a time when his cause looked hopeless. ADA now can rightfully claim, along with Senator McCARTHY, a share in the tremendous enlargement in the prospect ahead for a more decent and humane and rational America.

Mr. Speaker, I would urge my colleagues to pay particular attention to Professor Galbraith's thesis that our foreign and defense policymakers are prime culprits in the domestic crisis we face at home.

Professor Galbraith's address follows:

POLITICS IN 1968 AND THE LIBERAL RESPONSE

(Address by John Kenneth Galbraith, national chairman of Americans for Democratic Action, at the 21st annual convention of ADA in the Shoreham Hotel on May 17, 1968)

My friends: When you elected me a year ago as National Chairman of ADA I confess that, like others, I was puzzled by your choice. I know now that you looked ahead last March and saw, politically speaking, that it would be a somewhat complicated year. Thus, the extreme response. May I be the first, possibly the only one, this evening to congratulate you on your prescience.

In these remarks this evening I intend, of course, to look ahead. That is a liberal imperative. Not since Bellamy has anyone of our political faith admitted to looking backwards. And my intentions are by no means rhetorical; what I urge this evening I have every hope we can make happen. But first of all, let me reflect for a moment on the events of this remarkable year. And let us not sacrifice truth to modesty. In the not unduly self-effacing mood in which I initiated these remarks, let us have our moment of self-congratulation.

This has been a year of marked personality. It will have standing in history, with 1933 and 1945, as a time when change came swift and welcome—when the molds were broken. Or to change the metaphor, it is a time when many faces in the United States we had thought were ikons turned out to be only empty spaces on the wall.

Change is never an easy companion, even for liberals. We have had violence and tragedy these last months. We find no pleasure in lawlessness. And we have lost the gentlest and the most naturally eloquent of our citizens. But, the comfortable to the contrary, historians will celebrate these last months as a time of brilliant change. They will say, I think, that there was some kind of revolt toward rationality.

When we met a year ago we seemed irrevocably committed to an endless war—a war which even the defenders increasingly conceded was the result of a hideous miscalculation. It was begun by men who believed they were fighting world communism. It had become, all could see, a battle with a relentless, but passionate, nationalism. On our side, the defenders of the war had once spoken of the forces of freedom. Increasingly they had come to concede, privately if not publicly, that they supported one of the greatest convocations of minor despots and major larcenists in what the Secretary of State called the free world. It was a government held together and held in power only by the force of our diplomacy supported by the force of our arms. And we looked forward to an election year in which Lyndon Johnson would be the Democratic candidate and Richard Nixon would be the Republican.

We do not forget the applause we once accorded Lyndon Johnson for the legislation he won on civil rights, for the laws he passed on housing, education, poverty and the other unfinished tasks of a compassionate society. And we remember without difficulty that Richard Nixon stands for nothing at all. (One notices, characteristically, that he expelled the dissenting students from Columbia yesterday not in a speech on Morningside Heights but in Eugene, Oregon.) But, on Vietnam, both candidates would have been united in an effort to gild what all with access to information knew to be a national disaster. Discussion of the greatest issue of our time would have remained outside the main current of politics. It would have been an issue not of politics but of dissent. People would continue to wonder if, in reacting to reason, they weren't being unpatriotic or if they weren't committing that even more serious sin of these last two decades, of being soft on communism.

Now all has been changed. Error has been implicitly acknowledged. The goal of military victory in Vietnam has been abandoned. The central thrust of our policy has been reversed; only a few of the architects of the old policy seem not to have got the message. We are not yet home. Though we are not negotiating ourselves out of a defeat, we are negotiating ourselves out of a terrible mistake. That, some have yet to realize. And there is no possibility, of course, that we can get out of South Vietnam without conceding to the opposition, the most vital force in the country, a role in the government. Anything else is a dream. But, clearly, American commonsense is again asserting its considerably authority.

The A.D.A. has had a leading role in converting dissent from the war into political opposition. Nothing we have ever done has been so important. We have shown that on great public issues there can still be persuasion. We have helped to show that on such issues people can still speak with authority to Washington. We have helped to show that even the most profound dissent is not an excuse for violence—that it can still succeed in democratic debate.

We learned one other thing. Once opposition to the war was brought out of the streets and into the political arena, public support evaporated. Support for the old goal of military victory in Vietnam was reduced to what historians, no doubt, will one day define as the Rostow-Alsop-Aesop axis.

But let us not be too exclusive in our award of credit for our achievement. Clergymen, liberal labor leaders, concerned businessmen, students, teachers, scientists all shared or led in the effort. It was a formidable mobilization. Not even the State Department will soon again regard the opinion of such people with quite the same contempt.

And the undisputed hero of this effort is the man who last autumn came forward against all advice to take the war into the political arena. That was Eugene McCarthy. He then turned out against all expectation, all prediction, to be the political phenomenon of the season. In the chronicle of these times he will, indeed, be part of the main text.

I say that Gene McCarthy has succeeded against all expectation. Naturally, we in A.D.A. were not surprised. After all, we endorsed him.

The political experts are always astonished when the American people come out on the side of liberalism, intelligence, sanity and a sense of political adventure. One wonders why. Certainly they could improve their score by being better guided by A.D.A. For, sooner or later, it is our candidates who come to office. Sooner or later it is our program that gets enacted. I plead with the experts to be guided by these useful facts.

More than support of the Vietnam war has been a casualty of this season of discontent. The mood of questioning has been worldwide. Perhaps not since 1848 has there been anything so universal. It extends from New York to Paris and on to Rome, Berlin, Prague, Warsaw and Moscow. No industrial community is exempt. Let us not suppose because goals are confused or reactions extreme that nothing is wrong. The labor movement was born out of the confessed objectives of anarchists, socialists and reformist trade unions. It was not thus without reason for existence.

I would sense that there is a revolt against conformity—against the comfortable men of well-padded mind for whom truth is what they wish to believe. It is a revolt against what may one day be called the politics of convenience—a revolt against the belief that the proper remedy for man's problems is whatever does not cause too much trouble.

Certainly here in the United States we have gone far in these last years to exploit the politics of convenience. We have come to expect all domestic problems to be solved painlessly by increasing production. From this bounty we offer a little more for the poor, a little more for the Negroes, a little more for the cities. We conbine this with a great deal of oratory about the depth of our commitment to compassion. We have been confident that people would be endlessly patient. Sooner or later the disturbing voices would see the higher advantages of contentment. Certainly nothing need be done to disturb the equanimity of the contented or the incomes of the rich.

And all these tasks were subordinate to our international mission which was to oppose communism and defend the free world. And in accordance with the politics of convenience we avoided too many questions about the freedom of the people we defended. Greek colonels, Argentine generals, Saigon profiteers were all, as necessary, promoted to be honorary exponents of freedom.

I overstate matters a little but not much. Even liberals have been lulled at times. Is it surprising that there has been a reaction? I think not. And I for one strongly welcome it. We have often told ourselves that liberalism is not a safe and comfortable faith. Let us believe it. We do not know where all the ideas now in dispute will carry us. But let us not shy away from the journey. Wherever the comfortable men are to be found, liberals are not.

Let me turn to the tasks ahead and to the alternatives to convenience. Again let me say that I do this in no permissive spirit. These are things I really want you to do.

This autumn, let us face the fact, all of us here will be supporting one or another of the three Democratic candidates for President. The possibility that A.D.A. might become an arm of a rejuvenated Republicanism, I think we may say, has receded. The Republicans are acting in the great tradition of competitive democracy. Having heard that the Democrats are having trouble with a credibility gap, they are planning to come up with a man you can really mistrust. That, of course, is Nixon. But even should they nominate Rockefeller, we would find ourselves reflecting on the kind of Congress he would bring out from under the stones and the moss. That also would force us to rise above nonpartisanship.

Like all others here I have my preferences as between the three Democrats. Like almost everyone here and millions throughout the country, I consider the war an overriding issue. Let us all be completely clear on that. We are certainly not fighting this election campaign to perpetuate the policies or the people or the mode of thought that were responsible for this disaster. With our fellow-citizens we have a right to expect all candidates to reject these past errors and reassure us as to the future.

But this vital point settled, I would urge that we do not let our preferences get the better of our judgment. We liberals have had our big battle for this year; its outcome has been better than any of us could have imagined. Let us so conduct ourselves now, and in the months ahead, so that we choose one of the three Democrats without opening any wounds that might endanger his election. Let the candidates too, without exception, avoid opening such wounds.

It is more important that we keep plainly before our candidates the things for which, as liberals, we urge and indeed rightly expect them to stand.

Foreign policy, we have not learned, is the ambush of American liberalism. And it is a matter, we must face it, that is as much of men as of policies. For a liberal policy, we know, men of liberal thought must be in charge at Labor, Agriculture, H.U.D., H.E.W. Only for foreign policy in these last decades have conservatives or the bloodless experts been thought better. We have now seen what they do.

There is, in fact, no practical difference between the conservative reaction in foreign policy and reactionary conservatism in domestic policy. We must never again be confused by matters of style—or false pleas for bipartisanship. In both domestic and foreign policy conservatives operate under a conspiracy theory of history. It is not social grievance but Communist agitators who are the source of disorder. This is so whether it be in an American ghetto or an Asian jungle. Both kinds of conservatives have unlimited faith in firepower. In case of trouble abroad as at home, both ask to send in the troops. For both the United States is a police force. Both kinds of conservatives have an overpowering commitment to authority. Both, accordingly, expect public support for any constituted authority, however unpopular or corrupt. Both kinds of conservatives cry appeasement if there is negotiation or compromise with those in revolt. Both end up in disaster for neither, either by instinct or compassion, can understand how people are moved.

But conservatives are ultimately far more dangerous in the field of foreign affairs. The weapons on which they place their faith are ultimately more lethal than riot guns or Mace. And ultimately this conservatism does more damage to liberalism here at home. When, in the years ahead, prizes are awarded to those who, in our time, have done the most to arrest social progress in the United States in these last years, I naturally hope that Wilbur Mills and his allies in the Confederate-Republican coalition will be duly celebrated. Their insistence that the Vietnam war cannot be paid for except by drastic sacrifices by the American poor, while taxation of the affluent is postponed, will stand as a small classic of well-considered reaction. But the biggest place in this pantheon must, in all fairness, go to the men who made our Asia policy. They preempted the billions that could have saved our own society from despair. They put all our domestic efforts on a standby basis. They made the response to the Kerner Commission a bitter joke. We now know what foreign policy by conservatives can cost us. It would have been better had we learned sooner.

Our concern for the role of conservatives in foreign and military policy is not confined to Vietnam. As liberals let us ask all candidates for public office to face up fully to the role of the military in our society and to the role of military operations in our economic life. Let there be no evasion of this issue. I do not hold with those who think that to be a soldier is to be any less a citizen. Our tradition of civilian control of military policy is not a figment of our oratory. It is the sound instinct of most of our military men to accept civilian leadership and eschew politics. In these last years civilian attitudes on military policy have been far firmer in the Defense Department than in the State Department. But the military establishment must be wholly the servant, and never the master, of our society. And so especially must be the vast industries which serve the defense establishment. The next President must show us that this is true in all aspects of his administration. The production of arms is not an industrial convenience or an interesting way of underwriting research and industrial risk, or a safe and agreeable way of piling up profits. Any new administration must assert itself effectively on these matters. We must show that we are as willing to accept the risks of negotiated disarmament as those of an enduring arms race.

I come now to the agonizing problem of race and the urban crisis. I do not offer a full revelation on this; were I to do so you would be right to inquire as to its source. But as the election approaches I would like to urge that all liberals and all liberal candidates keep their eyes firmly on two fundamentals. One of these is that income is an unquestioned antidote for poverty. Let us cease evading issues and recognize this single fact. Let us set for all Americans a generous minimum. There is no more plausible response to the Poor People's March. There is no better way of removing from the cities some part of the welfare burden under which they now struggle. There is no better way of slowing down the pace of urbanization with which our cities contend. For grim as may be the life in the ghetto, it is often more compassionate than in the rural areas whence its inhabitants have come.

Second, let us be aware that much of our urban problem more I believe than we imagine, is the result of the simple financial starvation of our cities. It is the result of the unwillingness of rich and contented people to pay taxes. It is the result of a simple evasion of financial responsibility.

The modern city, if it is to be agreeable and not merely tolerable, is an incredibly expensive thing. That fact we continue to evade. In consequence, and in contrast with the suburbs, everything about it is negelected, cheap and nasty. Housing, schools, parks, police, sanitation, health and recreation are all on short rations. And the burden of this neglect falls not on the whites, who have escaped from the central city. It falls on the blacks for many of whom the city has been an escape from something yet worse.

I am sure there is both white and black racism in our society. It would be wrong to be blind to the fact. But I am sure there is a great deal more old-fashioned unintegrated selfishness. It remains, I believe, the greater menace.

Even if it is not, it is the thing on which we can act. Maybe attractive, well-maintained houses, really good schools, equality of opportunity for higher education, clean streets, good health care, sound law enforcement, a good basic income for all will not eliminate the problem of the ghetto. But we will never know until we try.

One of the reasons for the starvation of the public services is that public employees, unlike those in industry, are weakly organized. So their pay is inadequate, so, accordingly, is the drawing power for talent. As liberals we must, in the future, come strongly to the support of organization by public employees. Let there be no doubt. In A.D.A. we remain irrevocably committed to the liberal-trade union coalition.

We hear much in these days of the wickedness of violence. It could not fall on more open ears than mine. Except in the vehemence of my political exhortation, I am the least violent of men. But, alas, in our day, the exhortations to avoid violence come mostly from men who happily use its absence as a sanction for inaction. We can condemn violence only if we are willing to act in its absence. This plainly, has yet to be proven.

Let me in conclusion revert to the revolution which I mentioned at the outset of my remarks. It will lead us, as liberals, into new areas of activity. Let us welcome the opportunity. Let us, above all, not be frightened by novelty—or the respectable reaction that novelty, inevitably, provokes.

The stirring in the universities must concern us as an organization—as it does so many of our members. In universities as elsewhere effective government is a requisite of freedom. But that does not mean that present forms of university government are immutable. There is no case for university government by boards of fat cats or superannuated businessmen or even by excellent and conservative laymen whose only qualification is respectability and an inbuilt aversion to change. If we have faith in self-government we cannot indefinitely avoid a responsible application of it to our university life.

We must bring our moral and intellectual convictions far more strongly to bear on civil liberty. It is intolerable that the State Department, at a time when it is led by distinguished jurists, should be denying visas to peripatetic poets and mathematicians who wish to come to the United States because they have been sharp or even uncouth in their criticism of our Vietnam policy.

We must seize upon every opportunity to enlarge artistic and aesthetic experience in our society. We must wage a much more relentless battle against the encroachments on our environment of a commercial and industrial squalor. The day of bread-and-butter liberals is not past—and certainly not for those who lack bread. But it no longer defines the whole of the liberal task or even the most of it.

Because the revolution of which I speak is against the cliches and platitudes of our time and for the intellectual and artistic spirit of our time, we must express our solidarity with all who see it in these terms. No one should doubt our admiration, unmarred by any exercise in Cold War tactics, for the progress being made toward greater intellectual and artistic freedom in Czechoslovakia. None should doubt our regret over its loss in Greece, Argentina or its repression in the Portuguese colonies and Rhodesia. There were rumors last week that our ambassador in Greece has been assuring the colonels there that there is a great continuity in American foreign policy—and that after the election their despotism will have our military support as before. Let all candidates say he is wrong. Let us applaud especially the clear stand that Senator Kennedy has taken to the contrary. Let us also applaud Senator Kennedy for his plain talk on the scandal of the present tax laws and the imperatives of reform. I trust that too will be an example to all.

So now to our tasks. Once more the country is turning our way. Once more we are realizing that, neither at home or abroad, is there any alternative to the adventure of change. Once again they are realizing that political struggle must be welcomed not avoided and that the politics of convenience will not do. This is fine with us.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. SCHERLE. Mr. Speaker, this is the 123d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

ADA'S ROAD DOWNHILL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. WYMAN. Mr. Speaker, it may be a sign of the times or even a portent of the future, but it is certainly an indication of the choice for Americans this fall, that the Americans for Democratic Action have now come out openly for pot, homosexuality, and abortion. The story in the Washington Sunday Star of May 19 by Robert Walters merits the attention of all Americans as they prepare to go to the polls in November.

Such a road for America leads only downhill. Such a call for pot, homosexuality, and abortion at will is proof that liberality has become confused with license. These things are not the stuff from which a strong America may yet emerge, and those who advocate these things as the rule for America ought to be roundly defeated at the polls—at which Americans still have a free choice.

The article follows:

NO DISSENT, EITHER: ADA FOR POT, SEX, ABORTION

(By Robert Walters)

Americans for Democratic Action, that bastion of "establishment liberals," has suddenly turned into something of a swinging organization.

After regaling one another for years with detailed—and often boring—analyses of virtually very possible danger faced by mankind, the ADA members this year celebrated their 21st birthday by joining hands with youthful advocates of the "new politics."

With barely a murmur of dissent, the more than 500 delegates opened their ADA convention session yesterday by quickly approving a trio of resolutions which:

Said that the personal use and possession of marijuana should not be a crime and the unlicensed sale of "pot" should be no more than a misdemeanor.

Called for legalized abortion, stating that any woman has the right to such an operation as part of her sex's new-found emancipation.

Said, with no further comment: "The sexual activity of consenting adults when conducted in private is not an appropriate matter for criminal or other governmental sanctions."

The theme for the day's activities may have been sounded by a guest speaker, former Rep. John J. Gilligan, who recently scored an upset victory over Sen. Frank Lausche in Ohio's Democratic senatorial primary.

"The people of this nation are beginning to question their faith in the free institutions of this country, in our ability to govern ourselves and solve our own problems," Gilligan said.

"This is a time when all of us either get into the act or become part of the problem that the rest of the people of this country will have to try to solve. The times call for a new and unprecedented effort at every level of our society."

GUARANTEED INCOME PUSHED

Following that address, the delegates plunged into consideration of a far-reaching "income distribution" resolution, drafted by several of the organization's younger and more radical members.

The resolution, approved by an overwhelming show of hands, proposed to end virtually all poverty in the country through these steps:

1—"Our government should make a firm commitment to reduce our unemployment rate to 3 percent before the end of 1968, to 2 percent before the end of 1969 and never again permit it to rise above the 2 percent level."

2—Further, the government should assure employment opportunities to the chronically unemployed and under-employed through job creation and special programs and should raise the federal minimum wage "as soon as possible to at least $2.50 per hour."

3—"The federal government should provide a guaranteed annual wage to workers now seasonally or intermittently unemployed," and should abolish the current welfare system, replacing it with automatic federal payments in the form of child allowances and a negative income tax.

The delegates then took a brief recess from their policy-making to hear a succession of Negro and white students from Ohio State University describe their takeover of the college's administration building several weeks ago. One girl said university officials had no cause for complaint "because we warned them ahead of time that we were going to take over the building at 1 p.m."

A CHANGE

Delegates and observers who have attended past ADA conventions agreed that the organization was considered quite radical in the post-World War II years following its founding, but in recent years has tended to rely on traditional concepts, rather than breaking new ground.

Many of the ADA members believe the change displayed during the current three-day convention can be traced back to the organization's endorsement last February of Sen. Eugene J. McCarthy, thus breaking a two-decade-long tradition of standing behind an incumbent Democratic president.

After that vote, a number of ADA's older and more tradition bound members angrily resigned from the organization, opening the way for younger members who have sought to reshape the organization in recent years.

One sign of that change came late yesterday when ADA's nominating committee submitted a proposed list of board members to serve during the current year. Included on the list were several younger Negro leaders, who will sit beside the white middle class suburbanites who long have dominated the ADA leadership.

Among those additions are Rep. John Conyers Jr., D-Mich.; A. June Franklin, a member of the Iowa state legislature; Clarence Mitchell III, a Maryland state legislator from Baltimore, and Marian Wright, a young civil rights attorney.

PROPOSED CENSUS REFORM

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. COLLIER. Mr. Speaker, as we prepare for the enormous task of taking the Nineteenth Decennial Census of Population in 1970, serious questions are raised with regard to the extent of the project.

On November 15, 1967, I introduced a companion bill to that of my colleague, Representative JACKSON BETTS, of Ohio, which, if enacted into law, would limit the categories of questions to the following: name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in home at the time of census. Answers to these questions would be required under penalty of law. Replies to other categories of questions could be furnished voluntarily.

The taking of a census of population is one of the activities of the National Government that is specifically provided for by the Constitution of the United States, in fact, it is mandatory, inasmuch as the apportionment of the House of Representatives is based on the census.

The third clause of section 2 of article I of the Constitution provided:

> Representatives . . . shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

The first sentence of this clause was superseded by section 2 of Amendment No. XIV:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

During the almost two centuries that have elapsed since the first census was conducted in 1790, the Congress has from time to time enacted legislation whereby the Bureau of the Census is authorized to require everyone over 18 years of age to respond to queries concerning this personal and economic affairs. This, of course, goes beyond the constitutional requirements, however, it is justified as a means of obtaining information that assists the Congress in legislating intelligently. Unfortunately, the list of interrogatories has become longer and longer as the decades have gone by.

The census that will be taken in 1970 will be the first one to be conducted primarily by mail. The forms to be used ought, for that reason, to be as uncomplicated as it is reasonably possible to make them. To the contrary, each family will receive a 20-page form, each page of which measures 12 inches by 11 inches. A family of seven persons will be required to fill out every page of this form. Where a household consists of but one person, that individual would have to fill out eight pages. A man and wife, a widow and one child, two brothers, or any other combination of two individuals, would be required to fill out 10 pages. Any family of three would have to fill out 12 pages, a family of four would complete 14 and so forth.

What are some of the questions that will be asked and to which someone in the family will have to respond? Besides the obvious ones relating to name, sex, color or race, date of birth, and marital status, other questions concern the number of rooms in the family's living quarters, whether it owns or rents them, and the value of the property; if the family owns it, or is buying it, or how much rent it pays otherwise. Still other questions cover such subjects as telephones, the kinds of kitchens and bathrooms in the living quarters, whether heat, hot water, gas, electricity, air conditioning, furniture, off-street parking, or a swimming pool are included in the rent payments, whether or not the family shares bathroom facilities with one or more families, whether or not it has such items as a clothes washing machine, a clothes dryer, a dishwasher, a television set, a radio, an automobile, et cetera. Yet other questions cover such subjects as employment, means of transportation to work, earnings, education, marital history, military service, et cetera.

Altogether, a person who fills out this form for himself, his wife, and two children would have to reply to over 100 questions, some of which have several parts. For example; in question 26, an individual is asked if he worked at any time during the previous week. If he answers in the affirmative, he is then required to respond to three other queries. He must tell how many hours he worked, where he worked, and how he got to work—he is not asked how he returned from work.

The Members of the House are doubtless familiar with the forms that were used by the enumerators who took the 14th census of population back in 1920. While the form contained numerous questions, it actually was fairly easy to fill out.

For example, an enumerator would use four lines to record the data for Mr. and Mrs. John Doe and their son and daughter. Some of the data could be filled in without asking questions, such as that pertaining to sex and color. If the enumerator already knew the Does or if introductions were exchanged, he could fill in the question about their marital status without further ado. Obviosuly he would know that a babe in arms did not attend school and could neither read nor write. Questions such as those about homeownership would be asked only once—not four times.

Today the amount of data that was required for the 1920 census could be put on one side of a card and used for a census to be conducted by mail.

Mr. Speaker, I object to the size and scope of the form that is to be used for the 1970 census. I object because of the invasion of the privacy of the citizens who will be forced to answer personal questions. I object because of the extra expense to the taxpayers who will be forced to pay for the extra printing and tabulation.

In these days we hear a great deal about the constitutional rights of individuals. In all too many instances the concern is about the rights of the individual murderer, the individual rapist, or the individual traitor. There is a tendency to forget about the rights of the ordinary individual who goes about his daily tasks and never commits such a serious crime that attention becomes focussed on his rights. The decent, law-abiding individuals who make up almost all of the population also have constitutional rights. Among them is the right to be let alone as far as that is reasonably possible, consistent with the maintenance of law and order.

If a person who is suspected of being a criminal or subversive has a constitutional right to refuse to answer routine questions about his date of birth, his residence, and so forth, the answers to which could not possibly incriminate him, then certainly an individual against whom no suspicion is directed has a similar constitutional right to refuse to tell the Bureau of the Census whether or not he has a flush toilet in his living quarters.

If he does not have one, he may be reluctant to admit it, just as another person may hesitate to confess to nonownership of an automobile or television set. He may resent having to tell how much rent he pays. The fact that he—or his wife—has been married more than once may have been the cause of difficulties between them and therefore something that they do not want to bring up, even on a census form.

While we could permit respondents to ignore objectionable questions, this would cause a distortion of the resulting statistical data. I suggest, therefore, that personal questions be eliminated.

The form for the 1970 census, as I mentioned earlier, consists of 20 pages, of which a family of four would have to fill out 14. Mr. Speaker, you and the other distinguished Members of this great body would have little or no difficulty in filling out this form, except that you might have better uses for your time. Personally, I feel confident that I could fill it out with a minimum expenditure of effort.

Unfortunately, among the 50,000,000 families that will receive this form in 1970 there will be many individuals with limited ability to read and understand the questions that are included in the form and with even less ability to fill it out properly. Many persons who have graduated from grade school or even high school will experience trouble in answering more than 100 questions, while many who have had little or no schooling will not even attempt to make replies to them.

The cost of printing such a lengthy form will be tremendous. Later will come the cost of mailing it; the fact that the 50,000,000 forms will be mailed out under governmental franks does not mean that there will be no expense involved in such a huge mailing. Eventually the forms will be returned for tabulation and for publication of the resulting statistical data.

Today we are worried about the recordbreaking deficits in the National Government's budgets for fiscal 1968 and fiscal 1969. Perhaps the budget for fiscal

1970, which will be over soon after the completion of the 1970 census, will be balanced, but we will undoubtedly still be plagued with fiscal problems, including a public debt of approximately $350,000,000,000. The savings of even a few million dollars must be encouraged and the Bureau of the Census is an excellent place to engage in some budget cutting.

I would like to offer, in two stages, a solution to the problem that confronts us. I will demonstrate how the number of questions can be greatly reduced and the form streamlined while the desired information will still be available.

I am confident that the people who are in charge of the Bureau of the Census are not interested in whether or not CLARENCE BROWN, KENNETH GRAY, WILLIAM GREEN, or RICHARD WHITE have color television sets, or whether ALPHONZO BELL has a telephone, or whether GERALD FORD owns an automobile, or how JAMES KEE enters his living quarters, or the month in which CATHERINE MAY was born. What it is really interested in is the number of color television sets, telephones, and automobiles in the United States, the number of people who are engaged in agriculture, industry, commerce, skilled trades, and so forth, with the various data broken down by States, counties, and other geographical areas.

Mr. Speaker, a great deal of this information is already available on a current or nearly current basis. If the Bureau of the Census wants to know how many telephones there are in a particular area, it can consult the local telephone company and get the information without asking 50,000,000 families whether they have telephones. If an automobile manufacturer wants to know how many automobiles there are in a certain county, he can communicate with the proper automobile registration office at the particular county seat or State capital. A plumbing supply house that has a need for data about the number of homes without bathtubs in a certain urban area can probably obtain the needed information from the local board of health or the water company. Data pertaining to homeownership can be secured from the real estate records that are available at county courthouses.

Much of the information that is asked for on the proposed census forms is probably already available, as the Bureau of the Census from time to time has taken or will take several other censuses besides the census of population. Finally, if desired information is not immediately and conveniently available anywhere, it is seldom the obligation of the Government to provide it.

Suppose a manufacturer of watches wants information regarding the number of wristwatches in use throughout the United States, with the data broken down by States and counties, by men and women owners, and by other desired categories? Granted, this information would be of immense benefit to the manufacturer, his employees, and the community where his manufacturing facilities are located. Then let him gather and compile the information at his own expense and not at the expense of his fellow taxpayers. For the Government to gather and compile data for a particular business or industry is to subsidize that business or industry at other people's expense.

Mr. Speaker, you and our colleagues are familiar with the various questionnaries that Members of the House of Representatives send out to their constituents from time to time. Some of them fill both sides of a legal-sized sheet of paper, while others are confined to little cards that have questions on one side and the address of the Member on the reverse side. A constituent can spend a lot of time responding to a lengthy and detailed questionnaire or he can spend just a few minutes checking small spaces on a little card or punching them out. The cards are much easier to tabulate, as they can be handled with greater facility than cumbersome legal-sized sheets; some cards can be fed into machines and tabulated electronically.

Surely the Bureau of the Census can, by eliminating extraneous questions and through other streamlining processes, reduce the contemplated 20-page booklet to a form that would fill but one side of a modest-sized card. By putting the Bureau's address on the other side for return mailing, there would be a saving of 50 million large envelopes, besides the expense of opening them.

I want to emphasize, Mr. Speaker, that I do not believe employees of the Bureau of the Census are going to tell employees of the Internal Revenue Service how much money John Doe, of Oconomowoc, Wis., received last year, nor do I believe they will divulge to Mr. Doe's neighbors that he has an ex-wife of whom they may not have heard. On the other hand, there is always the danger that confidential information can fall into the wrong hands through accident, without any wrongdoing on the part of Government employees. Then, too, there is always a potential danger in having too much information of a personal nature concentrated in the National Capital. With the invention of electronic monsters that can swallow, digest, and expel millions of facts in a moment of time, an unscrupulous politician or bureaucrat would have an immense power that would not necessarily be used for the good of the Nation and its people. In the hands of a malevolent big brother type of official, a dossier of information on a particular individual or family could be used to his or their destruction.

Mr. Speaker, I urge this body to give serious and careful consideration to the suggestions that I have made, as well as to the suggestions offered by our esteemed colleague from Ohio.

BROADCAST MUSIC, INC., (BMI) PRESENTS PRIZES TO STUDENT COMPOSERS

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. KUPFERMAN. Mr. Speaker, one of the outstanding music organizations in my district is Broadcast Music Inc.—BMI.

As an inducement to musical creation, BMI gives annual cash prizes to student composers under the age of 26.

I know that my colleagues will be interested in the announcement of this year's awards and especially in their constituents who are recipients.

The announcement follows:

14 Student Composers Awarded $10,000—BMI Presents Prizes for 16th Year

Fourteen young composers will share a total of $10,600 in the 16th annual Student Composers Awards (SCA) competition, which is sponsored annually by Broadcast Music, Inc. (BMI), an organization which licenses the performing rights of music. The award recipients range from 14 to 25 years of age. This year's awards, BMI president Edward Cramer announced, bring to 130 the number of talented young people in the Western Hemisphere who have been presented with SCA prizes to be applied toward their musical education.

1967 Student Composers Awards are being made to the following:

Richard S. Ames, age 24, of Princeton, N.J., a student at Princeton University;

Stephen S. Dankner, age 23, of Bayside, N.Y., a student at Queens College;

Stephen Dickman, age 24, of Glencoe, Ill., a student at Brandeis University;

Primous Fountain III, age 18, of Chicago, Ill., a student at DePaul University School of Music;

Harley Gaber, age 24, of New York, N.Y., studying privately with William Sydeman;

Dennis Kam, age 25, of Honolulu, Hawaii, a student at the University of Illinois;

Howard Lubin, age 14, of Merrick, N.Y., a student at the Juilliard School of Music;

William David Noon, age 21, of Pomona, Calif., a student at Pomona College;

Eugene O'Brien, age 22, of Lincoln, Nebr., a student at the University of Nebraska;

Dennis Riley, age 24, of Urbana, Ill., a student at the University of Illinois;

Joseph C. Schwantner, age 24, of Evanston, Ill., a student at Northwestern University;

Daria Semegen, age 21, of Rochester, N.Y., a student at the Eastman School of Music;

Kathleen Solose, age 16, of Niagara Falls, Ont., a student at the Royal Conservatory of Music, University of Toronto;

Greg A. Steinke, age 25, of Moscow, Idaho, a student at Michigan State University.

Established in 1951 by Broadcast Music, Inc., in cooperation with music educators and composers, the SCA project annually gives cash prizes to encourage the creation of concert music by student composers (under the age of 26) of the Western Hemisphere and to aid them in financing their musical education. All awards are made on the basis of creative talent evidenced by original manuscripts which are submitted and judged under pseudonyms.

the categories of questions to the following: name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in home at the time of census. Answers to these questions would be required under penalty of law. Replies to other categories of questions could be furnished voluntarily.

The taking of a census of population is one of the activities of the National Government that is specifically provided for by the Constitution of the United States, in fact, it is mandatory, inasmuch as the apportionment of the House of Representatives is based on the census.

The third clause of section 2 of article I of the Constitution provided:

> Representatives . . . shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

The first sentence of this clause was superseded by section 2 of Amendment No. XIV:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

During the almost two centuries that have elapsed since the first census was conducted in 1790, the Congress has from time to time enacted legislation whereby the Bureau of the Census is authorized to require everyone over 18 years of age to respond to queries concerning this personal and economic affairs. This, of course, goes beyond the constitutional requirements, however, it is justified as a means of obtaining information that assists the Congress in legislating intelligently. Unfortunately, the list of interrogatories has become longer and longer as the decades have gone by.

The census that will be taken in 1970 will be the first one to be conducted primarily by mail. The forms to be used ought, for that reason, to be as uncomplicated as it is reasonably possible to make them. To the contrary, each family will receive a 20-page form, each page of which measures 12 inches by 11 inches. A family of seven persons will be required to fill out every page of this form. Where a household consists of but one person, that individual would have to fill out eight pages. A man and wife, a widow and one child, two brothers, or any other combination of two individuals, would be required to fill out 10 pages. Any family of three would have to fill out 12 pages, a family of four would complete 14 and so forth.

What are some of the questions that will be asked and to which someone in the family will have to respond? Besides the obvious ones relating to name, sex, color or race, date of birth, and marital status, other questions concern the number of rooms in the family's living quarters, whether it owns or rents them, and the value of the property; if the family owns it, or is buying it, or how much rent it pays otherwise. Still other questions cover such subjects as telephones, the kinds of kitchens and bathrooms in the living quarters, whether heat, hot water, gas, electricity, air conditioning, furniture, off-street parking, or a swimming pool are included in the rent payments, whether or not the family shares bathroom facilities with one or more families, whether or not it has such items as a clothes washing machine, a clothes dryer, a dishwasher, a television set, a radio, an automobile, et cetera. Yet other questions cover such subjects as employment, means of transportation to work, earnings, education, marital history, military service, et cetera.

Altogether, a person who fills out this form for himself, his wife, and two children would have to reply to over 100 questions, some of which have several parts. For example; in question 26, an individual is asked if he worked at any time during the previous week. If he answers in the affirmative, he is then required to respond to three other queries. He must tell how many hours he worked, where he worked, and how he got to work—he is not asked how he returned from work.

The Members of the House are doubtless familiar with the forms that were used by the enumerators who took the 14th census of population back in 1920. While the form contained numerous questions, it actually was fairly easy to fill out.

For example, an enumerator would use four lines to record the data for Mr. and Mrs. John Doe and their son and daughter. Some of the data could be filled in without asking questions, such as that pertaining to sex and color. If the enumerator already knew the Does or if introductions were exchanged, he could fill in the question about their marital status without further ado. Obviosuly he would know that a babe in arms did not attend school and could neither read nor write. Questions such as those about homeownership would be asked only once—not four times.

Today the amount of data that was required for the 1920 census could be put on one side of a card and used for a census to be conducted by mail.

Mr. Speaker, I object to the size and scope of the form that is to be used for the 1970 census. I object because of the invasion of the privacy of the citizens who will be forced to answer personal questions. I object because of the extra expense to the taxpayers who will be forced to pay for the extra printing and tabulation.

In these days we hear a great deal about the constitutional rights of individuals. In all too many instances the concern is about the rights of the individual murderer, the individual rapist, or the individual traitor. There is a tendency to forget about the rights of the ordinary individual who goes about his daily tasks and never commits such a serious crime that attention becomes focussed on his rights. The decent, law-abiding individuals who make up almost all of the population also have constitutional rights. Among them is the right to be let alone as far as that is reasonably possible, consistent with the maintenance of law and order.

If a person who is suspected of being a criminal or subversive has a constitutional right to refuse to answer routine questions about his date of birth, his residence, and so forth, the answers to which could not possibly incriminate him, then certainly an individual against whom no suspicion is directed has a similar constitutional right to refuse to tell the Bureau of the Census whether or not he has a flush toilet in his living quarters.

If he does not have one, he may be reluctant to admit it, just as another person may hesitate to confess to nonownership of an automobile or television set. He may resent having to tell how much rent he pays. The fact that he—or his wife—has been married more than once may have been the cause of difficulties between them and therefore something that they do not want to bring up, even on a census form.

While we could permit respondents to ignore objectionable questions, this would cause a distortion of the resulting statistical data. I suggest, therefore, that personal questions be eliminated.

The form for the 1970 census, as I mentioned earlier, consists of 20 pages, of which a family of four would have to fill out 14. Mr. Speaker, you and the other distinguished Members of this great body would have little or no difficulty in filling out this form, except that you might have better uses for your time. Personally, I feel confident that I could fill it out with a minimum expenditure of effort.

Unfortunately, among the 50,000,000 families that will receive this form in 1970 there will be many individuals with limited ability to read and understand the questions that are included in the form and with even less ability to fill it out properly. Many persons who have graduated from grade school or even high school will experience trouble in answering more than 100 questions, while many who have had little or no schooling will not even attempt to make replies to them.

The cost of printing such a lengthy form will be tremendous. Later will come the cost of mailing it; the fact that the 50,000,000 forms will be mailed out under governmental franks does not mean that there will be no expense involved in such a huge mailing. Eventually the forms will be returned for tabulation and for publication of the resulting statistical data.

Today we are worried about the recordbreaking deficits in the National Government's budgets for fiscal 1968 and fiscal 1969. Perhaps the budget for fiscal

1970, which will be over soon after the completion of the 1970 census, will be balanced, but we will undoubtedly still be plagued with fiscal problems, including a public debt of approximately $350,000,000,000. The savings of even a few million dollars must be encouraged and the Bureau of the Census is an excellent place to engage in some budget cutting.

I would like to offer, in two stages, a solution to the problem that confronts us. I will demonstrate how the number of questions can be greatly reduced and the form streamlined while the desired information will still be available.

I am confident that the people who are in charge of the Bureau of the Census are not interested in whether or not CLARENCE BROWN, KENNETH GRAY, WILLIAM GREEN, or RICHARD WHITE have color television sets, or whether ALPHONZO BELL has a telephone, or whether GERALD FORD owns an automobile, or how JAMES KEE enters his living quarters, or the month in which CATHERINE MAY was born. What it is really interested in is the number of color television sets, telephones, and automobiles in the United States, the number of people who are engaged in agriculture, industry, commerce, skilled trades, and so forth, with the various data broken down by States, counties, and other geographical areas.

Mr. Speaker, a great deal of this information is already available on a current or nearly current basis. If the Bureau of the Census wants to know how many telephones there are in a particular area, it can consult the local telephone company and get the information without asking 50,000,000 families whether they have telephones. If an automobile manufacturer wants to know how many automobiles there are in a certain county, he can communicate with the proper automobile registration office at the particular county seat or State capital. A plumbing supply house that has a need for data about the number of homes without bathtubs in a certain urban area can probably obtain the needed information from the local board of health or the water company. Data pertaining to homeownership can be secured from the real estate records that are available at county courthouses.

Much of the information that is asked for on the proposed census forms is probably already available, as the Bureau of the Census from time to time has taken or will take several other censuses besides the census of population. Finally, if desired information is not immediately and conveniently available anywhere, it is seldom the obligation of the Government to provide it.

Suppose a manufacturer of watches wants information regarding the number of wristwatches in use throughout the United States, with the data broken down by States and counties, by men and women owners, and by other desired categories? Granted, this information would be of immense benefit to the manufacturer, his employees, and the community where his manufacturing facilities are located. Then let him gather and compile the information at his own expense and not at the expense of his fellow taxpayers. For the Government to gather and compile data for a particular business or industry is to subsidize that business or industry at other people's expense.

Mr. Speaker, you and our colleagues are familiar with the various questionnaries that Members of the House of Representatives send out to their constituents from time to time. Some of them fill both sides of a legal-sized sheet of paper, while others are confined to little cards that have questions on one side and the address of the Member on the reverse side. A constituent can spend a lot of time responding to a lengthy and detailed questionnaire or he can spend just a few minutes checking small spaces on a little card or punching them out. The cards are much easier to tabulate, as they can be handled with greater facility than cumbersome legal-sized sheets; some cards can be fed into machines and tabulated electronically.

Surely the Bureau of the Census can, by eliminating extraneous questions and through other streamlining processes, reduce the contemplated 20-page booklet to a form that would fill but one side of a modest-sized card. By putting the Bureau's address on the other side for return mailing, there would be a saving of 50 million large envelopes, besides the expense of opening them.

I want to emphasize, Mr. Speaker, that I do not believe employees of the Bureau of the Census are going to tell employees of the Internal Revenue Service how much money John Doe, of Oconomowoc, Wis., received last year, nor do I believe they will divulge to Mr. Doe's neighbors that he has an ex-wife of whom they may not have heard. On the other hand, there is always the danger that confidential information can fall into the wrong hands through accident, without any wrongdoing on the part of Government employees. Then, too, there is always a potential danger in having too much information of a personal nature concentrated in the National Capital. With the invention of electronic monsters that can swallow, digest, and expel millions of facts in a moment of time, an unscrupulous politician or bureaucrat would have an immense power that would not necessarily be used for the good of the Nation and its people. In the hands of a malevolent big brother type of official, a dossier of information on a particular individual or family could be used to his or their destruction.

Mr. Speaker, I urge this body to give serious and careful consideration to the suggestions that I have made, as well as to the suggestions offered by our esteemed colleague from Ohio.

BROADCAST MUSIC, INC., (BMI) PRESENTS PRIZES TO STUDENT COMPOSERS

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 24, 1968

Mr. KUPFERMAN. Mr. Speaker, one of the outstanding music organizations in my district is Broadcast Music Inc.—BMI.

As an inducement to musical creation, BMI gives annual cash prizes to student composers under the age of 26.

I know that my colleagues will be interested in the announcement of this year's awards and especially in their constituents who are recipients.

The announcement follows:

14 STUDENT COMPOSERS AWARDED $10,000—BMI PRESENTS PRIZES FOR 16TH YEAR

Fourteen young composers will share a total of $10,600 in the 16th annual Student Composers Awards (SCA) competition, which is sponsored annually by Broadcast Music, Inc. (BMI), an organization which licenses the performing rights of music. The award recipients range from 14 to 25 years of age. This year's awards, BMI president Edward Cramer announced, bring to 130 the number of talented young people in the Western Hemisphere who have been presented with SCA prizes to be applied toward their musical education.

1967 Student Composers Awards are being made to the following:

Richard S. Ames, age 24, of Princeton, N.J., a student at Princeton University;

Stephen S. Dankner, age 23, of Bayside, N.Y., a student at Queens College;

Stephen Dickman, age 24, of Glencoe, Ill., a student at Brandeis University;

Primous Fountain III, age 18, of Chicago, Ill., a student at DePaul University School of Music;

Harley Gaber, age 24, of New York, N.Y., studying privately with William Sydeman;

Dennis Kam, age 25, of Honolulu, Hawaii, a student at the University of Illinois;

Howard Lubin, age 14, of Merrick, N.Y., a student at the Juilliard School of Music;

William David Noon, age 21, of Pomona, Calif., a student at Pomona College;

Eugene O'Brien, age 22, of Lincoln, Nebr., a student at the University of Nebraska;

Dennis Riley, age 24, of Urbana, Ill., a student at the University of Illinois;

Joseph C. Schwantner, age 24, of Evanston, Ill., a student at Northwestern University;

Daria Semegen, age 21, of Rochester, N.Y., a student at the Eastman School of Music;

Kathleen Solose, age 16, of Niagara Falls, Ont., a student at the Royal Conservatory of Music, University of Toronto;

Greg A. Steinke, age 25, of Moscow, Idaho, a student at Michigan State University.

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BMI annually makes the sum of $7,500 available to the National Judging Panel, in addition to all monies not previously distributed. Prizes ranging from $250 to $2,000 are awarded at the discretion of the judges, who have the right to determine the amount and number of all awards. Next year, the panel will have a total of $11,200 available for distribution. This includes $3,700 which the judges chose not to present previously.

The permanent chairman of the judging panel for Student Composers Awards is William Schuman, president of Lincoln Center for the Performing Arts.

Others who served as judges in the 1967 competition were composers Norman Dello Joio, Charles Dodge, Alberto Ginastera, Udo Kasemets, Ulysses Kay, Carlos Surinach, Alexander Tcherepnin, Francis Thorne, Lester Trimble and Frank Wigglesworth; Serge Fournier, conductor of the Toledo (Ohio) Symphony Orchestra; Donald Harris, assistant to the president for academic affairs at the New England Conservatory of Music, and Oleg Kovalenko, conductor of the Green Bay (Wis.) Symphony Orchestra.

The 1968 Student Composers Awards competition will be announced in the fall, at the beginning of the next school year. Inquiries regarding rules and official entry blanks should be addressed to Oliver Daniel, Director, SCA Project, Broadcast Music, Inc., 589 Fifth Avenue, New York, N.Y. 10017.